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ORDINANCE NO. F-0806

**AN ORDINANCE ANNEXING CERTAIN TERRITORY
TO THE CITY OF WHEATON, ILLINOIS
VACANT PROPERTY NORTH OF 1945 DARLING STREET
KELLY CUSTOM HOMES, INC.**

WHEREAS, a written petition has been filed with the City Clerk of Wheaton, Illinois, requesting the annexation to the City of Wheaton, Illinois ("City"), of certain territory contiguous to the boundaries of the City and not within the corporate boundaries of any other municipality, pursuant to a proposed annexation agreement which sets forth the terms and conditions under which annexation shall take place; and

WHEREAS, pursuant to notice, a public hearing was conducted by the City Council on April 14, 2003, to consider the terms and conditions of the proposed annexation agreement; and

WHEREAS, an annexation agreement dated April 21, 2003, among the City and Kevin Kelly, Kelly Custom Homes, Inc. ("Owners") ("Annexation Agreement"), is the direct result of deliberations on the proposed Annexation Agreement pursuant to the public hearing and other meetings before the City Council and City Staff.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: The terms, conditions, provisions, and obligations contained in the Annexation Agreement are incorporated into this annexation ordinance by this reference as though fully set forth herein. A copy of the Annexation Agreement is on file in the Office of the City Clerk.

Section 2: The following described territory is hereby annexed to the City:

LOTS 26 AND 27 IN WHEATON PARK TERRACE, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 9, 1929 AS DOCUMENT 287630, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 05-08-208-003 05-08-208-004

This property is commonly known as the vacant property north of 1945 Darling Street, Wheaton, Illinois.

Section 3: The City Clerk is authorized and directed to record with the Office of the Recorder of Deeds, DuPage County, Illinois, and to file with the Office of the County Clerk, DuPage County, Illinois, a certified copy of this ordinance together with the accurate map of the subject property appended to this ordinance.

Section 4: The annexation approved in this ordinance shall be null and void and of no further effect, without further action by the City Council, if the Owner and Developer do not execute and return the Annexation Agreement to the City Clerk within sixty (60) days of the date this Ordinance was passed.

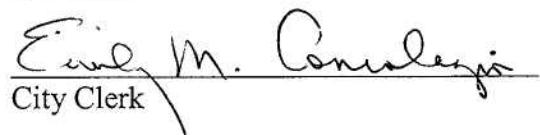
Section 5: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 6: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor Carr

ATTEST:



Emily M. Conuley
City Clerk

Roll Call Vote

Ayes: Councilwoman Johnson
Mayor Carr
Councilman Mork
Councilman Tamm
Councilman Johnson

Nays: None

Absent: Councilman Gresk
Councilman Mouhelis

Motion Carried Unanimously

Passed: April 21, 2003
Published: April 22, 2003