

ORDINANCE F-0816

AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP AND GRANTING A SPECIAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A TEEN PARK ON THE DUPAGE COUNTY PRAIRIE PATH BETWEEN WASHINGTON STREET AND CROSS STREET – WHEATON PARK DISTRICT

WHEREAS, written application has been made to amend the Zoning Map, which is attached to and forms the part of the Zoning Ordinance of Wheaton, Illinois and for the issuance of a special use permit to allow the construction of a Teen Park on the DuPage County Prairie Path, between Washington Street and Cross Street; and

WHEREAS, pursuant to the 1998 Intergovernmental Agreement between the Wheaton Park District and the City of Wheaton, a public hearing was conducted by the Wheaton City Council on May 12, 2003 to consider the zoning request.

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:

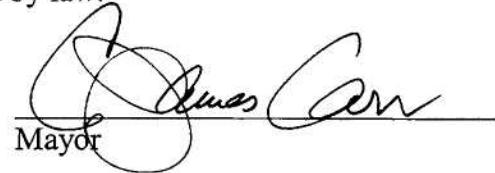
Section 1: The Zoning Map, which is attached to and forms a part of the City's Zoning Ordinance, is hereby amended by including the following described property with a special use permit. The property is commonly known as the DuPage County Prairie Path, Wheaton, Illinois.

Section 2: A Special Use Permit is hereby issued and granted to allow the construction of a Teen Park which would include a miniature golf facility, skateboard facility, concession and restroom building, and picnic area, in substantial conformance with the following plans entitled: "Proposed Preliminary Site Plan/ proposed Wheaton Teen Park" Sheets 1 and 2, prepared by Engineering Resource Associates, 214 W. Willow Avenue, Wheaton, dated December 2002 and with the following conditions, restrictions and requirements:

- A. Prior to the issuance of any site development or building permit, the Park District and City shall enter into a License Agreement for any construction occurring on the City's right-of-way.
- B. This special use permit, and the conditions, restrictions, and requirements recited herein, shall be considered a declaration of restrictive covenants and shall be binding upon the Subject Property and its owners, its successors, assigns and grantees; this ordinance shall be recorded in the office of J.P. Carney, Recorder of Deeds, DuPage County, Illinois by application for, and receipt of any site development or building permit and the commencement of any improvements on the Subject Property, Owner for himself/itself, its successors, assigns, grantees, thereby agrees to all the terms and conditions of this Ordinance and declares this Ordinance to constitute a covenant running with and binding the Subject Property in perpetuity.

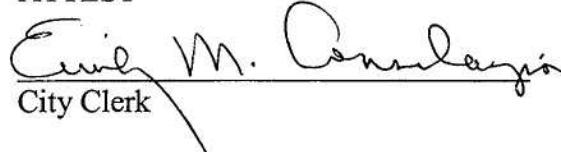
Section 3: All ordinances or parts of ordinances in conflict with these provisions are hereby repealed.

Section 4: This ordinance shall become affective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



James Carr
Mayor

ATTEST



Emily M. Hernandez
City Clerk

Roll Call Vote

Ayes: Councilman Mork
Councilman Mouhelis
Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilwoman Johnson

Nays: None

Absent: None

Motion Carried Unanimously

Passed: May 19, 2003
Published: May 20, 2003