

ORDINANCE NO. F-0898
AN ORDINANCE VACATING A
PORTION OF FISCHER STREET

WHEREAS, a written petition has been filed by William and Lynette Ebel ("Petitioner" with the City of Wheaton, Illinois ("City"), requesting the vacation of a portion of a certain right-of-way commonly known as Fischer Street lying west of and adjacent to property located at 804 East Willow Avenue; and

WHEREAS, the vacation petition has been filed pursuant to the provisions of Chapter 58, Article IV, of the City Code; thereafter, pursuant to notice as required by the City Code, a public hearing was conducted by the City Council on March 22, 2004, to consider the vacation; and

WHEREAS, the City has determined that the vacation of the right-of-way legally described herein will promote the health, safety, and welfare of the City and its residents.

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 following described right-of-way commonly known as Fischer Street lying west of and adjacent to the property located at 804 East Willow Avenue is vacated

OF THE EAST 33 FEET OF FISCHER STREET LYING WEST OF LOT 3 IN STRATTON'S DIVISION OF THE WEST HALF OF BLOCK 2 OF COLLEGE ADDITION TO THE TOWN OF WHEATON, IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT OF SAID STRATTON'S RESUBDIVISION RECORDED SEPTEMBER 24, 1928 AS DOCUMENT 221930, IN DUPAGE COUNTY, ILLINOIS, AND CONSISTING OF 5,474 SQUARE FEET. (Hereafter referred to as the "Subject Property".)

The Subject Property shall be vacated to 804 East Willow Avenue, PPI 05-16-414-001.

Section 2: The vacation provided for in this ordinance is subject to the following conditions and requirements:

- A. Petitioner shall pay to the City the sum of Ten Thousand Dollars (\$10,000) which represents the fair market value of that portion of Fischer Street which is vacated pursuant to the provisions of this ordinance. Petitioner shall also pay all fees associated with the vacation as provided for by Chapter 58, Article IV Wheaton City Code.

- B. Petitioner shall provide letters from all franchised utility companies, including Commonwealth Edison, Northern Illinois Gas, SBC/Ameritech and ComCast Cable indicating they have no interest or objection to the proposed right-of-way vacation.
- C. Petitioner shall cause to have the Plat of Vacation dated February 11, 2004 modified to include a five (5) foot public utility easement over the southern most five (5) feet of the Subject Property.

Section 3: It shall be a condition precedent to the effectiveness of this ordinance and the recording and filing of the Plat of Vacation as provided for in Section 4 that the conditions contained in Section 2 of this ordinance be satisfied.

Section 4: The Mayor is authorized and directed to execute the Plat of Vacation, dated February 11, 2004, prepared by Norbert V. Lambert, Jr., Lambert & Associates, Wheaton, Illinois; and the City Clerk is authorized and directed to attest to the signature of the Mayor. The Plat of Vacation shall be recorded in the Office of the Recorder of Deeds, DuPage County, Illinois, along with a certified copy of this ordinance, at the expense of the petitioner, and shall also be filed in the office of the DuPage County Clerk, DuPage County, Illinois.

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.

ATTEST:
Cur
City Clerk

Aves:

Mayor

Roll Call Vote:
Councilman Mouhelis
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilwoman Johnson
Councilman Mork

Nays:
Absent:

None
Councilman Bolds

Motion Carried Unanimously

Passed: April 19, 2004
Published: April 20, 2004