

ORDINANCE NO. F-0922

AN ORDINANCE VACATING CROSS STREET/LIBRARY

WHEREAS, written Petition has been filed with the City of Wheaton, Illinois ("City"), requesting the vacation of the Cross Street right-of-way between Seminary Avenue and Wesley Street legally described herein; 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 June 28, 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 Cross Street right-of-way located between Seminary Avenue and Wesley Street, be vacated:

ALL THAT PART OF CROSS STREET LYING SOUTH OF THE SOUTH LINE OF SEMINARY AVENUE AND NORTH OF THE NORTH LINE OF WESLEY STREET IN THE ORIGINAL TOWN OF WHEATON, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 20, 1853, AS DOCUMENT 7256, IN DUPAGE COUNTY, ILLINOIS. (Hereafter referred to as the "Subject Property".)

The Subject Property shall be vacated to 225 North Cross Street, PPI 05-16-135-014 and shall be retained by the City for other municipal purposes.

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

- A. Vacation of the Subject Property legally described herein shall be at no cost to the City. The determination not to require payment for the vacated right-of-way is based upon the cost benefits derived to the City in the termination of its maintenance obligations with respect to the Subject Property and the public

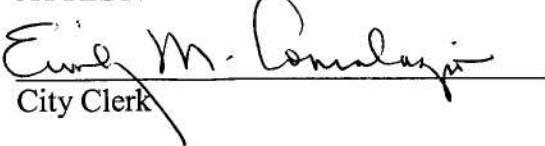
benefit derived by using the Subject Property to allow for an addition to the existing Library in an effort to better serve patrons of the City's Library.

Section 3: The Mayor is authorized and directed to execute the plat of vacation prepared by Webster, McGrath & Ahlberg, dated March 5, 2004; 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.

Section 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ATTEST:


Emily M. Conulayin
City Clerk



Mayor Carr

Ayes:

Roll Call Vote:

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

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: July 6, 2004

Published: July 7, 2004