

ORDINANCE NO. F-0979

**AN ORDINANCE ANNEXING CERTAIN TERRITORY
TO THE CITY OF WHEATON, ILLINOIS -
NORTHWEST CORNER OF ORCHARD & BUTTERFIELD ROADS
SOLARN VENTURES, LLC.**

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 October 11, 2004, to consider the terms and conditions of the proposed Annexation Agreement; and

WHEREAS, an Annexation Agreement dated November 10, 2004, among the City and Solarn Ventures, LLC ("Developer") ("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:

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF BUTTERFIELD ROAD AS DEDICATED BY DOCUMENT 396981 WITH THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER SECTION OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 10, AND RUNNING THENCE NORTHERLY ALONG THE EAST LINE 385.96 FEET, MORE OR LESS, TO THE SOUTH LINE OF ARROWHEAD EAST, UNIT NO. 5 (A SUBDIVISION RECORDED AS DOCUMENT R83-36649); THENCE WESTERLY ON SAID SOUTH LINE, 83.02 FEET TO A POINT ON A LINE 83.00 FEET WESTERLY AND PARALLEL WITH SAID EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 29; THENCE SOUTHERLY ALONG SAID LINE 83.00 FEET WESTERLY AND PARALLEL WITH THE EAST LINE OF THE SOUTHWEST QUARTER OF SECTION 29, 371.40 FEET TO THE NORTHERLY LINE OF BUTTERFIELD ROAD; THENCE WESTERLY ALONG THE NORTH LINE OF BUTTERFIELD ROAD 205.40; THENCE NORTHERLY ALONG A LINE MAKING A 80 DEGREES 29 MINUTE 45 SECOND ANGLE TO THE RIGHT

OF THE LAST DESCRIBED COURSE, DISTANCE OF 200.39 FEET; THENCE NORTHWESTERLY ALONG A LINE MAKING A 45 DEGREE 30 MINUTE 22 SECOND ANGLE TO THE LEFT OF THE LAST DESCRIBED COURSE, A DISTANCE OF 202.13 FEET TO THE SOUTH LINE OF SAID ARROWHEAD EAST UNIT 5; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF ARROWHEAD EAST UNIT 5, 344.37 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS, AND ALSO THAT PART OF BUTTERFIELD ROAD AS DESCRIBED BY DOCUMENT NUMBER 396981 LYING SOUTH OF THE ABOVE DESCRIBED PROPERTY AND WEST OF THE WEST LINE OF ORCHARD ROAD EXTENDED SOUTH TO THE SOUTH LINE OF SAID BUTTERFIELD ROAD.

P.I.N. 05-29-302-044

This property is commonly known as the Northwest Corner of Orchard and Butterfield Roads, 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.

ATTEST:

Mayo

Emily M. Consalvo
City Clerk

Ayes:

Roll Call Vote

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

Nays: None

Absent: None

Motion Carried Unanimously

Passed: November 15, 2004
Published: November 16, 2004