

ORDINANCE NO. F-1051

**AN ORDINANCE ANNEXING CERTAIN TERRITORY
TO THE CITY OF WHEATON, ILLINOIS -
ON625, ON645, ON659, ON689 GARY AVENUE
ARMBRUST PROPERTIES, LLC & GARY AVENUE MEDICAL, 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 April 11, 2005, to consider the terms and conditions of the proposed Annexation Agreement; and

WHEREAS, an Annexation Agreement dated June 6, 2005 among the City and Armbrust Properties, LLC and Gary Avenue Medical, LLC ("Developers") ("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 NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 8 AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 8, 1092.2 FEET FOR A PLACE OF BEGINNING; THENCE CONTINUING SOUTH ALONG SAID LINE 178.3 FEET TO A POINT 33 FEET SOUTH OF THE NORTH LINE OF JEROME AVENUE EXTENDED; THENCE EAST PARALLEL WITH AND 33 FEET SOUTH OF THE NORTH LINE OF JEROME AVENUE EXTENDED 339.5 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF WHEATON PARK TERRACE, 178.3 FEET; THENCE WEST 330.75 FEET TO THE PLACE OF BEGINNING IN DUPAGE COUNTY, ILLINOIS.

THAT PART OF THE NORTHEAST QUARTER OF SECTION 8 TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 8 AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID NORTHEAST QUARTER,

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665.7 FEET FOR A PLACE OF BEGINNING; THENCE EASTERLY PARALLEL WITH THE SOUTH LINE OF THE TRACT CONVEYED BY DOCUMENT 315804, 339.75 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, 128.3 FEET; THENCE WESTERLY PARALLEL WITH THE SAID SOUTH LINE OF THE PROPERTY CONVEYED BY DOCUMENT 315804, 339.75 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH ALONG SAID WEST LINE, 128.3 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

LOTS 1 AND 2 OF JOSEPH DIETER'S FIRST PLAT OF SURVEY OF PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, REFERENCE BEING HAD TO THE RECORDING OF SAID PLAT ON MAY 3, 1950 AS DOCUMENT 591964, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-08-200-002, 05-08-200-004, 05-08-200-005, 05-08-200-006

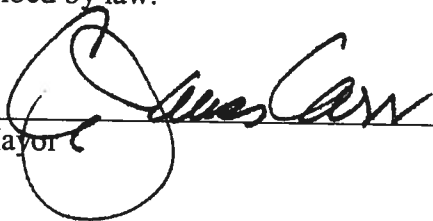
The subject property is commonly known as 0N625, 0N645, 0N659 & 0N689 Gary Avenue, Wheaton, IL 60187.

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.

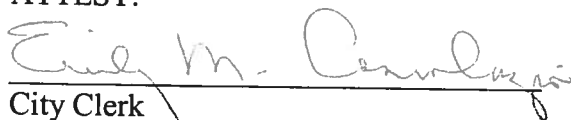
Section 4: The annexation approved in this ordinance shall be null and void and of no further effect, without further action by the City Council, if the Owner and Developer do not execute and return the Annexation Agreement to the City Clerk within sixty (60) days of the date this Ordinance was passed.

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

ATTEST:


City Clerk

Roll Call Vote

Ayes:

Councilman Mouhelis
Councilman Seuss
Councilman Bolds
Councilwoman Corry

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Nays: Councilman Johnson
Mayor Carr
Councilman Levine
None

Absent: None

Motion Carried Unanimously

Passed: June 6, 2005
Published: June 7, 2005

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