

ORDINANCE NO. F-1077

**AN ORDINANCE ANNEXING CERTAIN TERRITORY
TO THE CITY OF WHEATON, ILLINOIS
0N498 DARLING STREET - NICHOLAS**

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 August 22, 2005, to consider the terms and conditions of the proposed annexation agreement; and

WHEREAS, an annexation agreement dated September 6, 2005, among the City and Daniel T. Nicholas ("Owner") ("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:

LOTS 1, 2 AND 3 EXCEPT THE SOUTH 5.0 FEET THEREOF, IN BLOCK 1 IN PURNELL GARDENS, A SUBDIVISION OF PART OF THE EAST ½ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 7, 1985, AS DOCUMENT 197513, OF THE PUBLIC RECORDS OF DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-08-217-013

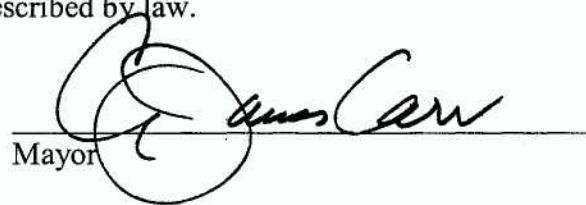
The subject property is commonly known 0N498 Darling Street, Wheaton, IL 60187.

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 Carr

ATTEST:



Emily M. Connell, aya
City Clerk

Ayes:

Roll Call Vote

Councilman Levine
Councilman Mouhelis
Councilman Seuss
Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr

Nays: None

Absent: None

Motion Carried Unanimously

Passed: September 6, 2005
Published: September 7, 2005