

## ORDINANCE NO. F-1113

### AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF WHEATON, ILLINOIS NORTHEAST CORNER OF GARY AVENUE AND GENEVA ROAD/ SDK MANAGEMENT, INC.

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 November 14, 2005, to consider the terms and conditions of the proposed annexation agreement; and

WHEREAS, an annexation agreement dated December 5, 2005, among the City and SDK Management, Inc. ("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:

PARCEL 1: LOTS 13, 14, 15, 16, 17 AND 18 IN BLOCK 24 IN GARY AVENUE GARDENS, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1927 AS DOCUMENT NUMBER 237266, IN DUPAGE COUNTY, ILLINOIS, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT THE SOUTHEAST CORNER OF LOT 13 AFORESAID; THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 51 MINUTES 26 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOTS 13 THROUGH 18, BOTH INCLUSIVE, 155.0 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18; THENCE NORTH 01 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE WEST LINE OF LOT 18 AFORESAID, A DISTANCE OF 3.00 FEET TO A POINT ON A LINE PARALLEL WITH AND 3.00 FEET (MEASURED PERPENDICULAR) NORTH OF THE SOUTH LINE OF SAID LOTS 13 TO 18, BOTH INCLUSIVE; THENCE SOUTH 89 DEGREES 51 MINUTES 26 SECONDS EAST, ALONG SAID 3.00 FOOT PARALLEL LINE, 155.0 FEET TO A POINT ON THE EAST LINE OF SAID LOT

13 AT 3.00 FEET NORTH OF THE POINT OF BEGINNING; THENCE SOUTH 01 DEGREES 20 MINUTES 54 SECONDS WEST, 3.00 FEET TO THE POINT OF BEGINNING.

PARCEL 2: LOTS 19, 20, 21 AND 22 IN BLOCK 24 IN GARY AVENUE GARDENS, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1927 AS DOCUMENT NUMBER 237266, IN DUPAGE COUNTY, ILLINOIS, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT THE SOUTHWEST CORNER OF LOT 22 AFORESAID; THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 51 MINUTES 26 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOTS 19, 20, 21 AND 22, A DISTANCE OF 105.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 19; THENCE NORTH 01 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 19, A DISTANCE OF 10.00 FEET; THENCE NORTH 89 DEGREES 51 MINUTES 26 SECONDS WEST, ALONG A LINE PARALLEL WITH AND 10.00 FEET (MEASURED PERPENDICULAR) NORTH OF SAID SOUTH LINE OF SAID LOTS 19, 20, 21 AND 22, A DISTANCE OF 90.08 FEET TO A POINT 15.00 FEET (MEASURED PERPENDICULAR) EAST OF THE WEST LINE OF SAID LOT 22; THENCE NORTH 44 DEGREES 29 MINUTES 54 SECONDS WEST, 21.08 FEET TO A POINT ON THE WEST LINE OF SAID LOT 22 WHICH IS 25.00 FEET NORTH OF THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 51 MINUTES 40 SECONDS WEST, 25.00 FEET TO THE POINT OF BEGINNING.

PARCEL 3: LOTS 23, 24, 25 AND 26 IN BLOCK 24 IN GARY AVENUE GARDENS, BEING A SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1927 AS DOCUMENT 237266, IN DUPAGE COUNTY, ILLINOIS.

PUBLIC ALLEY: BEGINNING AT THE SOUTHWEST CORNER OF LOT 23 IN BLOCK 24 IN GARY AVENUE GARDENS, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1927 AS DOCUMENT NUMBER 237266; THENCE SOUTH 89 DEGREES 39 MINUTES 53 SECONDS EAST ALONG THE NORTH LINE OF SAID PUBLIC ALLEY, 111.31 FEET; THENCE NORTH 01 DEGREES 28 MINUTES 50 SECONDS EAST ALONG THE WEST LINE OF SAID PUBLIC ALLEY, 107.9 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 48 SECONDS EAST, 20.00 FEET TO THE EAST LINE OF SAID PUBLIC ALLEY; THENCE SOUTH 01 DEGREES 28 MINUTES 50 SECONDS WEST ALONG SAID EAST LINE, 107.83 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 19 SECONDS EAST ALONG THE NORTH LINE OF SAID PUBLIC ALLEY, 130.06 FEET; THENCE SOUTH 01 DEGREES 36 MINUTES 17 SECONDS WEST, 20.01 FEET TO THE SOUTH LINE OF SAID PUBLIC ALLEY; THENCE NORTH 89 DEGREES 50 MINUTES 19 SECONDS WEST ALONG SAID SOUTH LINE, 261.16 FEET; THENCE NORTH 00 DEGREES 59 MINUTES 24 SECONDS EAST, 20.34 FEET TO THE POINT OF BEGINNING, DUPAGE COUNTY, ILLINOIS.

P.I.N.: 05-05-416-049, 05-05-416-048, 05-05-416-047, 05-05-416-046,  
05-05-416-045, 05-05-416-012, 05-05-416-039, 05-05-416-038,  
05-05-416-037

This property is commonly known as the Northeast Corner of Gary Avenue and Geneva Road, Carol Stream, Illinois.

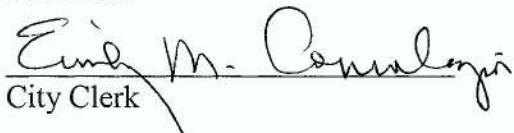
Section 3: The City Clerk is authorized and directed to record with the Office of the Recorder of Deeds, DuPage County, Illinois, and to file with the Office of the County Clerk, DuPage County, Illinois, a certified copy of this ordinance together with the accurate map of the subject property appended 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:

  
Emily M. Connelly  
City Clerk

  
James Carr  
Mayor

Roll Call Vote:  
Ayes: Councilman Mouhelis  
Councilman Seuss  
Councilman Bolds  
Councilwoman Corry  
Councilman Johnson  
Mayor Carr  
Councilman Levine

Nays: None

Absent: None

Motion Carried Unanimously

Passed: December 5, 2005  
Published: December 6, 2005