

## ORDINANCE NO. F-1115

AN ORDINANCE VACATING A PORTION OF  
AN ALLEY RIGHT-OF-WAY/SDK MANAGEMENT, INC.

WHEREAS, a written petition has been filed by SDK Management, Inc. ("Petitioner") with the City of Wheaton, Illinois ("City"), requesting the vacation of a portion of a certain right-of-way commonly known as an alley lying east of Gary Avenue, north of Geneva Road and adjacent to the property located at 977 W. Geneva Road; 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 November 14, 2005, 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 right-of-way, commonly known as an alley lying east of Gary Avenue, north of Geneva Road and adjacent to the property located at 25W360 Geneva Road, is hereby vacated:

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, AND CONSISTING OF 7,652 SQUARE FEET. (Hereafter referred to as the "subject property".)

The subject property shall be vacated to 977 W. Geneva Road; P.I.N. 05-05-416-045 thru 055 and 05-05-416-012, 037 thru 039.

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

- A. Petitioner shall pay to the City the sum of \$14.11 per square foot for a total of One Hundred and Ten Thousand Dollars (\$110,000), which represents the fair market value of that alley right-of-way which is vacated pursuant to the provisions of this ordinance. Petitioner shall also pay all fees associated with the vacation as provided for by Chapter 58, Article IV Wheaton City Code.
- B. Petitioner shall provide letters from Commonwealth Edison, Northern Illinois Gas, Ameritech and Comcast indicating they have no interest, objection, and/or require an easement relative to the proposed right-of-way vacation. Should any said utility companies require an easement, petitioners shall cause to have the plat of vacation modified accordingly.

Section 3: It shall be a condition precedent to the effectiveness of this ordinance and the recording and filing of the plat of vacation as provided for in Section 4 that the conditions contained in Section 2 of this ordinance be satisfied.

Section 4: The Mayor is authorized and directed to execute the plat of vacation, dated July 12, 2005, prepared by Marchris Engineering, Ltd. 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, at the expense of the petitioner, and shall also be filed in the office of the DuPage County Clerk, DuPage County, Illinois.

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.

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Mayor

ATTEST:

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City Clerk

Ayes:

Roll Call Vote:  
Councilman Mouhelis  
Councilman Seuss  
Councilman Bolds  
Councilwoman Corry

2279  
Councilman Johnson  
Mayor Carr  
Councilman Levine

Nays:           None

Absent:       None

Motion Carried Unanimously

Passed:       December 5, 2006  
Published:     December 6, 2006