

**ORDINANCE NO. F-1155**  
**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. F-0828**  
**"AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP AND**  
**GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON A**  
**CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE**  
**NORTHEAST CORNER OF EAST LOOP ROAD AND BUTTERFIELD ROAD**  
**GRADY'S/COZYMEL'S RESTAURANTS"**

WHEREAS, on March 21, 1994, the City of Wheaton, Illinois ("City") enacted City Ordinance No. E-3972 recorded on May 2, 1994, as document No. R94-100840 in the Office of the DuPage County Recorder, "AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP AND GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHEAST CORNER OF EAST LOOP ROAD AND BUTTERFIELD ROAD/ GRADY'S/ COZYMEL'S RESTAURANTS" ("Original Ordinance"), authorizing the construction of a two restaurants; and

WHEREAS, on June 16, 2003, the City of Wheaton, Illinois ("City") enacted City Ordinance No. F-0828 recorded on July 31, 2003, as document No. R2003-296660 in the Office of the DuPage County Recorder, "AN ORDINANCE AMENDING ORDINANCE NO. E-3972, AN ORDINANCE AMENDING THE WHEATON ZONING ORDINANCE MAP AND GRANTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT THE NORTHEAST CORNER OF EAST LOOP ROAD AND BUTTERFIELD ROAD/ GRADY'S/ COZYMEL'S RESTAURANTS" ("First Amendment"), authorizing the alteration to one of the restaurant buildings; and

WHEREAS, application has been made to amend the First Amendment to add an outdoor dining area to one of the restaurant buildings.

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 property that is subject of the original ordinance and proposed amendment is legally described as:

**PARCEL 1:**

LOT 1 IN DANADA FARMS EAST UNIT 4, BEING A RESUBDIVISION OF LOT 11 IN DANADA FARMS EAST UNIT 1, BEING A SUBDIVISION OF PART OF SECTION 28 AND THE NORTH HALF OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 10, 1996 AS DOCUMENT R96-058160, IN DUPAGE COUNTY, ILLINOIS.

**PARCEL 2:**

NON-EXCLUSIVE, PERMANENT EASEMENTS FOR THE BENEFIT OF PARCEL 1 FOR RIGHT-OF-WAY, RIGHT OF USE OF ALL ACCESS AND ENTRANCE DRIVES AND OVERALL PARKING AREAS, PEDESTRIAN AND VEHICULAR INGRESS, EGRESS AND PARKING, AND FOR THE INSTALLATION USE, MAINTENANCE, REPAIR, REPLACEMENT AND RELOCATION FROM TIME TO TIME OF PIPES, WIRES, CONDUITS, FIBER OPTIC LINES, TRANSFORMERS AND OTHER SIMILAR OR RELATED FACILITIES FOR THE PROVISION OF ELECTRIC, TELEPHONE, GAS, WATER, SANITARY SEWER, STORM SEWER AND/OR STORM WATER DRAINAGE, SECURITY, CABLE TELEVISION OR ANY SIMILAR SERVICES, AND THE RIGHT TO TAP ONTO ANY PUBLICLY DEDICATED UTILITIES, AS CREATED BY MUTUAL EASEMENT AND USE AGREEMENT, DATED DECEMBER 21,

1995 AND RECORDED JUNE 21, 1996 AS DOCUMENT NUMBER R96-103888, BY AND BETWEEN PACIFIC INDUSTRIAL PROPERTIES HOLDINGS, INC., A TEXAS CORPORATION, AND GRADY'S AMERICAN GRILL RESTAURANT CORPORATION, AN INDIANA CORPORATION, ON ACROSS AND OVER THE FOLLOWING DESCRIBED PROPERTY:

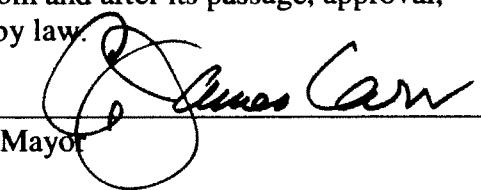
LOT 2 IN DANADA FARMS EAST UNIT 4, BEING A SUBDIVISION OF LOT 11 IN DANADA FARMS EAST UNIT 1, BEING A SUBDIVISION OF PART OF SECTION 28, AND THE NORTH ½ OF SECTION 33, IN TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 10, 1996 AS DOCUMENT R96-058160, IN DUPAGE COUNTY, ILLINOIS. P.I.N. 05-28-403-028, 029

Section 2: Section 2 of the First Amendment is hereby amended by including a reference to the plans entitled "Partial Site Plan, dated February 27, 2006 and March 3, 2006; Schematic Concept: Courtyard Dining Area, South and East Elevation, dated March 3, 2006; all prepared by Greene & Proppe Design Incorporated, Chicago, IL".

Section 3: In all other respects, the terms and conditions of the original ordinance are ratified and remain in full force and effect.

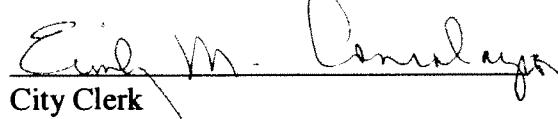
Section 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 5: 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. Donalayos  
City Clerk

Ayes:

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

Nays: None

Absent: None

Motion Carried Unanimously

Passed: April 17, 2006  
Published: April 18, 2006