

ORDINANCE NO. F-1159

**AN ORDINANCE ALLOWING DEMOLITION, SUBDIVISION, CITY CODE VARIATION
AND VACATION OF RIGHT OF WAY ON PROPERTY COMMONLY KNOWN AS 1345
SOUTH CAMPBELL AVENUE-MCMASTER CUSTOM HOMES**

WHEREAS, written application has been made for the following permission and relief: (i) demolition of the existing home located on the property commonly known as 1345 S. Campbell Avenue, Wheaton, IL ("subject property"); (ii) resubdivision of the subject property, along with 33 feet of the adjacent unimproved Lowden Avenue right of way, into two single-family lots; and (iii) a variation from the provisions of Section 62-212 of the Wheaton City Code to allow Lot 1 to have a lot size of 9,812 square feet in lieu of the required 10,000 square feet; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on March 28, 2006 to consider the subdivision and variation requests. The Planning and Zoning Board unanimously recommended approval of the requests.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers, as follows:

Section 1: Pursuant to the Findings of Fact made and determined by the Planning and Zoning Board, a resubdivision of the property legally described in Section 2 of this ordinance is granted in order to build single family homes on newly created Lots 1 and 2 and the Mayor is authorized to sign the plat of subdivision entitled "*Campbell Avenue II Resubdivision*," prepared by *Engineering Resource Associates, Inc.*, dated January 23, 2006 and the City Clerk is authorized to attest to the signature of the Mayor.

Section 2: Pursuant to the Findings of Fact made and determined by the Planning and Zoning Board, a lot size variation is granted from the provisions of Section 62-212 of the Wheaton City Code to allow Lot 1 to have a lot size of 9,812 square feet in lieu of the required 10,000 square feet:

LOTS 12 AND 13 OF GREEN VALLEY ADDITION TO WHEATON, BEING A SUBDIVISION IN THE SOUTH HALF OF THE NORTH HALF OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN AND, IN DUPAGE COUNTY, ILLINOIS.

AND

THAT PART OF LOWDEN AVENUE IN GREEN VALLEY ADDITION TO WHEATON, ILLINOIS BEING A SUBDIVISION IN THE SOUTH HALF OF THE NORTH HALF OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON NOVEMBER 5, 1926 IN BOOK 16 OF PLATS ON PAGE 66 AND 67 AS DOCUMENT 224415, IN DUPAGE COUNTY, ILLINOIS, LYING EAST OF THE WEST LINE OF LOT 12 IN BLOCK 12 OF SAID GREEN VALLEY ADDITION EXTENDED SOUTHERLY TO THE SOUTH RIGHT OF WAY OF SAID LOWDEN AVENUE, AND WEST OF THE EAST LINE OF SAID LOT 12 EXTENDED SOUTHERLY TO THE SOUTH RIGHT OF WAY OF SAID LOWDEN AVENUE, AND WEST OF THE EAST LINE OF SAID LOT 12 EXTENDED SOUTHERLY TO THE SOUTH RIGHT OF WAY OF SAID LOWDEN AVENUE CONTAINING 4,754.89 SQUARE FEET, MORE OR LESS.

P.I.N. 05-21-215-010, 05-21-215-011

L2006-058493

The subject property is commonly known as 1345 S. Campbell Avenue and Lowden Avenue lying south of and adjacent to 1345 Campbell Avenue, Wheaton, IL 60187.

Section 3: The existing single family home presently located on the subject property may be demolished, all in accordance with the provisions of the City Code, and one single family home may be constructed on each of the lots recited in Section 1 of this Ordinance, subject to the following additional conditions, restrictions and requirements:

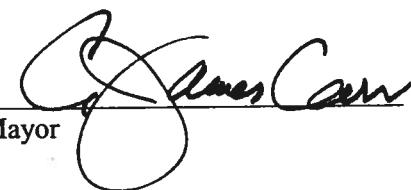
- A. Variances from the City Code pertaining to the public street improvements to Campbell Avenue (curb and gutter street edging, street width, and street lights) need not be constructed due to the small size of the subject subdivision; and
- B. The Owner/developer shall construct a cul-de-sac terminus at the south end of Campbell Avenue; and
- C. The Owner/developer shall pay and contribute to the City, the statutory monetary sum to the City sidewalk fund in accordance with the City Code.

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

Section 5: This ordinance shall become effective following payment to the City of the sum of money recited in Section 3 of this Ordinance and following the passage, approval, and publication of this Ordinance in pamphlet form in the manner prescribed by law.

ATTEST:

Carolyn M. Connelly
City Clerk



Mayor

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

FINAL PLAT OF SUBDIVISION

CAMPBELL AVENUE II RESUBDIVISION

OF LOTS 12 AND 13 OF GREEN VALLEY ADDITION TO WHEATON, BEING A SUBDIVISION IN THE SOUTH HALF OF THE NORTH HALF OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

RECORDER OF DEED'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE)
SS

THIS INSTRUMENT WAS FILED FOR RECORD IN THE DAY OF 20 AD. AT O'CLOCK M.

DU PAGE COUNTY RECORDER OF DEEDS

DIRECTOR OF ENGINEERING CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE)
I, DIRECTOR OF ENGINEERING FOR THE CITY OF WHEATON, ILLINOIS, DO HEREBY CERTIFY THAT THE PLAT AS APPENDED HERETO IS IN ACCORDANCE WITH THE REQUIREMENTS AND THE PLANS AND SPECIFICATIONS OF THE WHEATON CITY CODE AND HAS BEEN APPROVED BY ALL PUBLIC AUTHORITIES.

DATED AT WHEATON ILLINOIS THIS DAY OF 20

DIRECTOR OF ENGINEERING

CITY COLLECTOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE)
I, CITY COLLECTOR FOR THE CITY OF WHEATON, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE BEEN APPORTIONED AGAINST THE TRACT OF LAND DESCRIBED IN THIS PLAT.

DATED AT WHEATON, ILLINOIS, THIS DAY OF 20

CITY COLLECTOR

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE)
APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WHEATON, DUPAGE COUNTY, ILLINOIS, THIS DAY OF 20

ATTEST: CITY CLERK MAYOR, CITY OF WHEATON

COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE)
I, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY, THAT I FIND NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT GENERAL TAXES, NO UNPAID FORFEITED TAXES, NO DELINQUENT OR UNPAID SPECIAL ASSESSMENTS, NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND SHOWN ON THIS PLAT.

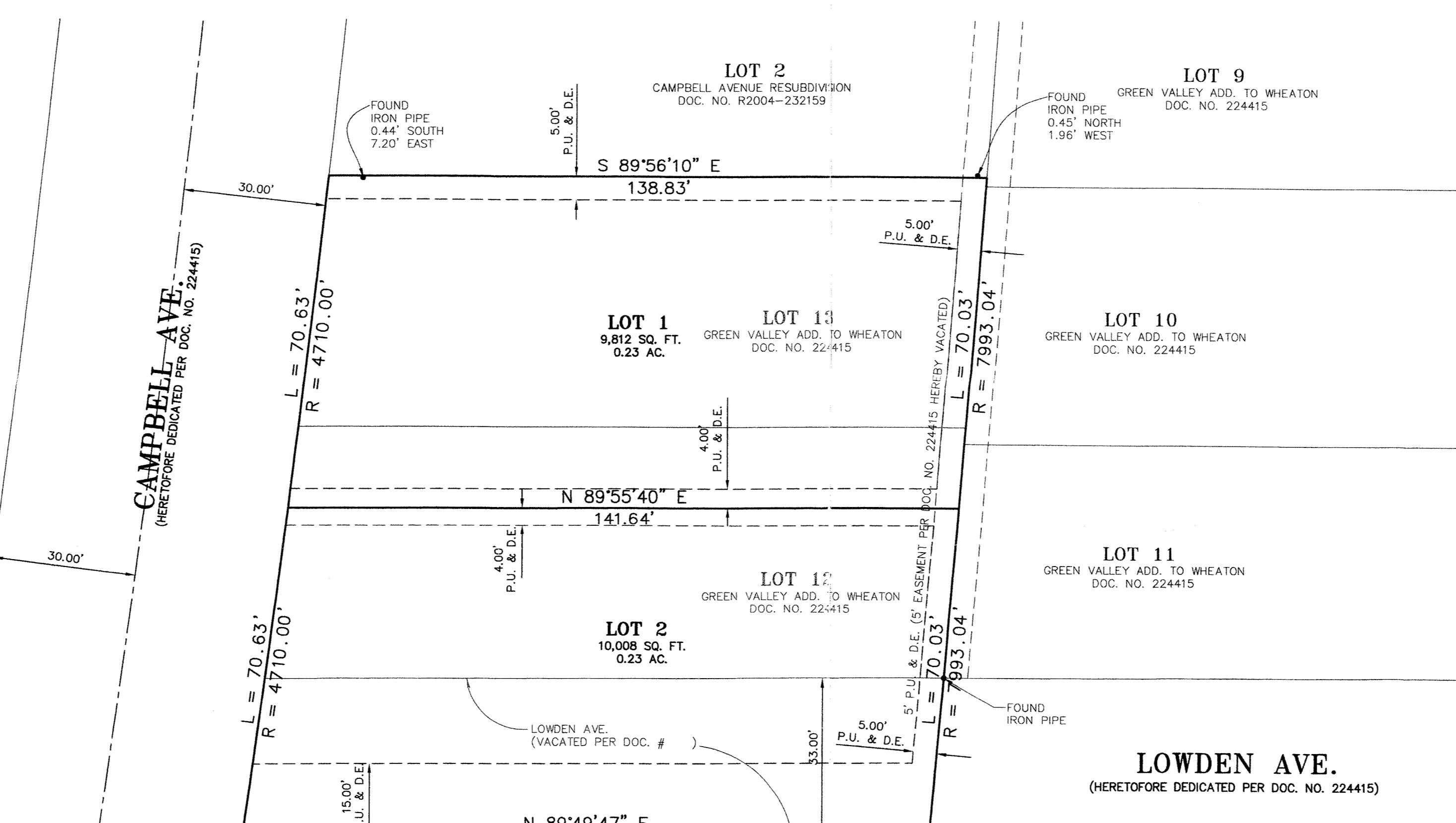
GIVEN UNDER MY HAND AND SEAL THIS DAY OF 20

COUNTY CLERK, DUPAGE COUNTY, ILLINOIS

TOTAL AREA: 19,820 SQ. FT. (0.46 acres)

AFFECT'S PERMANENT IDENTIFICATION Nos.:
05-21-215-010
05-21-215-011

NOTES:
1. THE BEARINGS SHOWN ON THIS PLAT ARE NOT RELATED TO ANY SYSTEM BUT INDICATE PLAT ANGULAR RELATIONSHIPS.
2. 5/4" DIAMETER BY 24" LONG IRON PIPES WILL BE SET AT ALL LOT CORNERS UPON COMPLETION OF CONSTRUCTION.
3. ALL AREAS LISTED FOR INDIVIDUAL LOTS AND IN THE AREA SUMMARY TABLE ARE MORE OR LESS.



UTILITY AND DRAINAGE EASEMENT PROVISIONS

ALL EASEMENTS INDICATED AS "PUBLIC UTILITY/BRANPIPE" EASEMENTS (U.L. & B.L.) ON THIS PLAT ARE RESERVED FOR AN GRANTED TO THE CITY OF WHEATON, ITS SUCCESSORS AND ASSIGNS COLLECTIVELY "GRANTOR" FOR THE PERPETUAL RIGHT PROVIDED AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE THE PUBLIC UTILITY TOGETHER WITH ANY AND ALL NECESSARY MANHOLE, CATCH BASINS, CONNECTIONS, APPLIANCES AND OTHER STRUCTURES AND APPURTENANCES NECESSARY FOR THE OPERATION OF THE PUBLIC UTILITY. THE GRANTOR MAY PERMIT THE PERFORMANCE OF WORK UPON THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENT PREMISES IN ACCORDANCE WITH THE REQUIREMENTS OF THE PUBLIC UTILITY. THE GRANTOR MAY PERMIT THE USE OF MATERIALS BUT SHALL NOT BE LIABLE TO RESTORE ANY PAVEMENT, CURB AND GUTTER, SIDEWALKS OR LANDSCAPING DISTURBED IN THE PERFORMANCE OF THE WORK. THE GRANTOR SHALL NOT BE LIABLE FOR THE PERFORMANCE OF THE WORK UPON THE EASEMENT PREMISES. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFRORESAID USE OR RIGHTS. THE GRADES SHALL NOT BE CHANGED WITHIN THE EASEMENT PREMISES WITHOUT THE WRITTEN APPROVAL OF THE CITY OF WHEATON.

OWNER'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DU PAGE)
SS

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS (ARE) THE LEGAL OWNER(S) OF THE LAND SHOWN AND DESCRIBED ON THE ANNEXED PLAT, AND HAS (HAVE) CAUSED THE SAME TO BE SURVEYED AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, TO THE BEST OF THE OWNER'S KNOWLEDGE, THE TRACT OF LAND DESCRIBED IN THE ATTACHED PLAT LIES IN THE FOLLOWING SCHOOL DISTRICT(S):

GRADE SCHOOL DISTRICT _____ ADDRESS: _____
HIGH SCHOOL DISTRICT _____ ADDRESS: _____
DATED THIS DAY OF 20

OWNER _____

NOTARY PUBLIC CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DU PAGE)
SS

I HEREBY CERTIFY THAT I HAVE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH LEGAL OWNER HAS APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SHE SIGN THE SAME AS A FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH, GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS DAY OF 20 A.D. 20

NOTARY PUBLIC _____
MY COMMISSION EXPIRES: _____

SURFACE WATER DRAINAGE CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE)
SS

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART THEREOF, OR IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, ADEQUATE PROVISION HAS BEEN MADE FOR THE COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS OR DRAINS WHICH THE SUBDIVIDER HAS THE RIGHT TO USE. THE SUBDIVIDER HAS BEEN ADVISED THAT THE CONSTRUCTION OF THIS SUBDIVISION MAY RESULT IN SUCH CONCENTRATIONS AS MAY CAUSE DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THIS SUBDIVISION.

PROFESSIONAL ENGINEER NO. 062-052108

OWNERS OR DULY AUTHORIZED ATTORNEY _____

CITY OF WHEATON PLAN COMMISSION APPROVAL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE)
SS

I, CHAIRMAN OF THE PLAN COMMISSION OF THE CITY OF WHEATON, COUNTY OF DUPAGE, ILLINOIS, HEREBY CERTIFY THAT THE PLAN COMMISSION HAS DULY RECOMMENDED APPROVAL OF THE FINAL PLAT OF SUBDIVISION ATTACHED HERETO ON THE DAY OF 200

CHAIRMAN _____

SURVEYOR'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE)
SS

This is to certify that I, Donald E. Rerick, an Illinois Registered Land Surveyor, have surveyed the following described property:

LOTS 12 AND 13 IN BLOCK 12 OF GREEN VALLEY ADDITION TO WHEATON ILLINOIS, BEING A SUBDIVISION IN THE SOUTH HALF OF THE NORTH HALF OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREON RECORDED ON NOVEMBER 20, 1928 IN BOOK 16 OF PLATS OF PAGES 66 AND 67 AS DOCUMENT 224415 IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS.

as shown by the attached plat, which is a correct representation of said survey and subdivision. All distances are shown in feet and decimal parts thereof. I certify that all regulations adopted by the city of Wheaton relative to plots and subdivisions have been complied with in the preparation of this plat and that said plat is located within the city of Wheaton, which has adopted a comprehensive plan and which is exercising the special powers authorized by Division 12 of Article 11 of the Illinois Municipal Code as amended. I further certify that the parcels included in this plat are located in areas of minimal flooding as identified by the Federal Emergency Management Agency according to the Flood Rate Map, Panel No. 170221 0058, dated June 15, 1979.

Note: This does not guarantee that the subject property will or will not flood.

Given under my hand and seal this Day of 20

Illinois Registered Surveyor
Registration Number 3465
All licenses expire November 30, 2006

RETURN TO:
McMASTER CUSTOM HOMES, LLC
200 W. 22ND STREET, SUITE 210
LOMBARD, IL 60148

PLAT SUBMITTED FOR RECORDING BY:
CITY OF WHEATON
303 W. WESLEY ST.
WHEATON, ILLINOIS. 60187

| REVISIONS: | | FIELD BOOK INFORMATION | | DRAWN BY: B.A.L. DATE: 01/23/06 | | CHECKED BY: J.P.G. DATE: 01/23/06 | | APPROVED BY: D.E.R. DATE: 01/23/06 | | ENGINEERING RESOURCE ASSOCIATES, INC. | | TITLE: CAMPBELL AVENUE II SUBDIVISION WHEATON, ILLINOIS | | SCALE: 1"=20' |
|------------|----|------------------------|------|---------------------------------|-------------|-----------------------------------|------------|------------------------------------|--------|--|--|---|---------------|---------------|
| DATE | BY | DESCRIPTION | DATE | BY | DESCRIPTION | BOOK NO: | BOOK NAME: | FILE#: | FILE#: | 400 SOUTH THIRD STREET GENEVA, ILLINOIS 60054 PHONE: (847) 265-9995 FAX (847) 265-9996 | 400 SOUTH THIRD STREET GENEVA, ILLINOIS 60054 PHONE: (847) 265-9995 FAX (847) 265-9996 | FINAL PLAT OF SUBDIVISION | SHEET: 1 OF 1 | |