

ORDINANCE NO. F-1194

AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF WHEATON, ILLINOIS - 2 S 426 ORCHARD ROAD WHEATON DEVELOPMENT GROUP, LLC.

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 June 26, 2006, to consider the terms and conditions of the proposed Annexation Agreement; and

WHEREAS, an Annexation Agreement dated August 21, 2006, among the City and Wheaton Development Group, LLC ("Developer") ("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:

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, (EXCEPTING THEREFROM THE SOUTH 120.0 FEET AND ALSO EXCEPT THEREFROM THE WEST 501.54 FEET) TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, LESS AND EXCLUDING THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 29, SAID LINE ALSO KNOWN AS THE EAST LINE OF ORCHARD ROAD AS OCCUPIED, A DISTANCE OF 422.10 FEET TO A POINT; THENCE WEST, A DISTANCE OF 836.52 FEET TO A POINT ON THE EAST LINE OF THE WEST 501.54 FEET OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, SAID POINT BEGINNING 410.92 FEET SOUTH, AS MEASURED ALONG SAID EAST LINE OF THE WEST 501.54 FEET THEREOF, OF THE NORTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE

NORTH ALONG SAID EAST LINE 410.92 FEET TO THE NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 29; THENCE EAST ALONG SAID NORTH LINE, A DISTANCE OF 836.82 FEET TO A POINT ON THE EAST LINE OF SAID ORCHARD ROAD AS OCCUPIED AND TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-29-300-022

The subject property is commonly known as 2 S 426 Orchard Road, Wheaton, IL 60187.

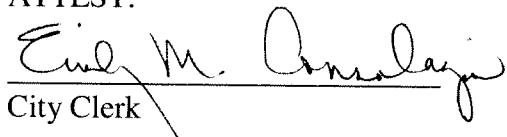
Section 3: The City Clerk is authorized and directed to record with the Office of the Recorder of Deeds, DuPage County, Illinois, and to file with the Office of the County Clerk, DuPage County, Illinois, a certified copy of this ordinance together with the accurate map of the subject property appended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

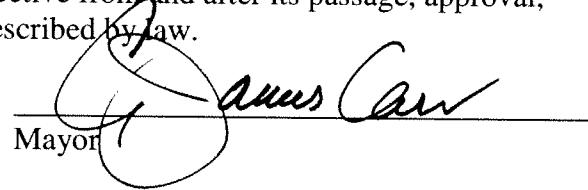
Section 4: The annexation approved in this ordinance shall be null and void and of no further effect, without further action by the City Council, if the Owner and Developer do not execute and return the Annexation Agreement to the City Clerk within sixty (60) days of the date this Ordinance was passed.

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.

ATTEST:


Emily M. Annalage
City Clerk


James Carr
Mayor

Roll Call Vote

Ayes: Councilman Mouhelis
Councilman Suess
Councilman Bolds
Councilwoman Corry
Mayor Pro Tem Johnson
Councilman Levine

Nays: None

Absent: Mayor Carr

Motion Carried Unanimously

Passed: August 21, 2006
Published: August 22, 2006