

ORDINANCE NO. F- 1216

**AN ORDINANCE ANNEXING CERTAIN TERRITORY TO THE CITY OF WHEATON
25W411 W. GENEVA ROAD
GANNETT CAPITAL, 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 August 14, 2006, to consider the terms and conditions of the proposed Annexation Agreement; and

WHEREAS, an Annexation Agreement dated October 16, 2006 among the City and Gannett Capital, Inc. ("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:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 AND 12 IN BLOCK 1 IN GRANGE PARK ADDITION TO WHEATON, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1926 AS DOCUMENT 223492, IN DUPAGE COUNTY, ILLINOIS, EXCEPT THAT PART OF LOT 6 IN BLOCK 1 IN GRANGE PARK ADDITION TO WHEATON, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1926 AS DOCUMENT NO. 223492 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 6; THENCE ON AN ASSUMED BEARING OF NORTH 90 DEGREES WEST ALONG THE NORTH LINE OF SAID LOT 6 A DISTANCE OF 15.00 FEET; THENCE SOUTH 44 DEGREES, 33 MINUTES 58 SECONDS EAST TO A POINT ON THE EAST LINE OF SAID LOT 6 THAT IS 15.00 FEET SOUTH OF THE POINT OF BEGINNING, THENCE NORTH 00 DEGREES 52 MINUTES 05 SECONDS EAST, 15.00 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

ALSO THAT PART LYING EASTERLY OF SAID LOT 5 VACATED BY THE PLAT OF VACATION IN THE TOWNSHIP OF MILTON DOCUMENT NO. UN-RECORDED/MISSING OR MORE ACCURATELY DESCRIBED AS FOLLOWS: THAT PART OF THE NORTH-SOUTH 20 FOOT ALLEY LYING WEST OF AND ADJACENT TO LOTS 6 THROUGH 10, BOTH INCLUSIVE, AND EAST OF AND ADJACENT TO THE WEST LINE OF LOT 5 IN BLOCK 1; LYING NORTH OF A LINE DRAWN FROM A POINT ON THE WEST LINE OF SAID LOT 10 (SAID POINT 10.00 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 10) TO THE SOUTHEAST CORNER OF LOT 5 IN BLOCK 1; AND LYING SOUTHERLY OF THE SOUTH LINE OF GENEVA ROAD; ALL IN GRANGE PARK ADDITION TO WHEATON, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1926 AS DOCUMENT 223492, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-08-103-029, 05-08-103-035

The subject property is commonly known as 25W411 W. Geneva 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.

Mayor



ATTEST:


City Clerk

Roll Call Vote

Ayes:

Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilman Mouhelis
Councilman Suess

Nays: None

Absent: Councilman Levine

Motion Carried Unanimously

Passed: October 16, 2006

Published: October 17, 2006