

## ORDINANCE NO. F- 1217

### AN ORDINANCE AMENDING THE WHEATON ZONING MAP ON CERTAIN PROPERTY COMMONLY KNOWN AS 25W411 W. GENEVA ROAD GANNETT CAPITAL, INC.

WHEREAS, a written petition has been made to amend the Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois to rezone and reclassify certain property legally described herein within the City limits of Wheaton, Illinois ("City"), and located at 25W411 W. Geneva Road, Wheaton, IL; and

WHEREAS, the zoning application is being requested pursuant to the terms and conditions of a certain Annexation Agreement dated October 16, 2006 ("Annexation Agreement"), among the Gannett Capital, Inc. ("Developer"); 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 City Council, sitting as a special hearing body on August 14, 2006 to consider the requested zoning amendment.

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 Zoning map, which is attached to and forms a part of the Wheaton Zoning Ordinance, is amended by adding, including and classifying the following described property in the C-5 Planned Commercial Zoning District with a Special Use Permit for a Planned Unit Development with a drive-thru lane in conformance with the Annexation Agreement:

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 2: 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.

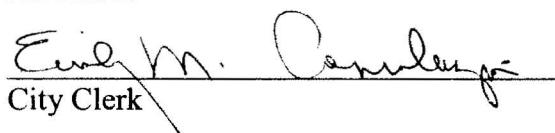
Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 4: 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. Conley  
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