

## ORDINANCE NO. F- 1218

### AN ORDINANCE VACATING A PORTION OF AN ALLEY ADJACENT TO THE SOUTHWEST CORNER OF GARY AVENUE AND GENEVA ROAD/GANNETT CAPITAL, INC.

WHEREAS, a written petition has been filed by Gannett Capital, Inc. ("Petitioner"), requesting the vacation of a portion of a certain right-of-way commonly known as the 20 foot wide alley right-of-way lying west and south of the property at 25W411 W. Geneva Road; and

WHEREAS, the vacation petition has been filed pursuant to the provisions of Chapter 58, Article IV, of the City Code; thereafter, pursuant to notice as required by the City Code, a public hearing was conducted by the City Council on October 9, 2006, to consider the vacation; and

WHEREAS, the City has determined that the vacation of the right-of-way legally described herein will promote the health, safety, and welfare of the City and its residents.

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 following described right-of-way commonly known as the 20 foot wide alley right-of-way lying west and south of the property at 25W411 W. Geneva Road.

That part of the East-West 20 foot Alley lying North of and Adjacent to Lot 34, and being South of and Adjacent to Lots 1, 2, 3, 4, 5, (and the Easterly extension thereof). Also Vacating that part of the North-South 20 foot Alley being East of and adjacent to Lot 34, and being West of and adjacent to Lots 11 & 12, and part of Lot 10 lying South of a point on the West Line of Lot 10 being an intersection with the extension Easterly of the South Line of Lots 1, 2, 3, 4, and 5, all in Block 1 in Grange Park Addition to Wheaton, being a subdivision of part of the Northwest Quarter 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 Du Page County, Illinois.

(Hereafter referred to as the "Subject Property".)

The Subject Property shall be vacated to 25W411 W. Geneva Road, PIN 05-08-103-029, 05-08-103-035.

Section 2: The vacation provided for in this ordinance is subject to the following conditions and requirements:

- A. Petitioner shall pay to the City the sum of Forty-five Thousand Dollars (\$45,000) which represents the fair market value of that portion of the alley right-of-way which is vacated pursuant to the provisions of this ordinance. Petitioner shall also pay all fees associated with the vacation as provided for by Chapter 58, Article IV Wheaton City Code, including the cost of the appraisal report.

- B. Petitioner shall provide letters from all franchised utility companies, including Commonwealth Edison, Northern Illinois Gas, SBC/Ameritech and ComCast Cable indicating they have no interest or objection to the right-of-way vacation.
- C. The Petitioner shall relocate the sanitary sewer main existing within the right-of-way, subject to the approval of the Wheaton Sanitary District. The Petitioner shall pay any and all costs associated with the relocation of the sanitary sewer main, obtain necessary permits, and provide a ten (10) foot utility easement over the relocated Sanitary sewer main sufficient to allow the District to maintain said sanitary sewer main within the Subject Property.

Section 3: It shall be a condition precedent to the effectiveness of this ordinance and the recording and filing of the Plat of Vacation as provided for in Section 4, that the conditions contained in Section 2 of this ordinance be satisfied.

Section 4: The Mayor is authorized and directed to execute the Plat of Vacation prepared by Thomas E. Cichowski; and the City Clerk is authorized and directed to attest to the signature of the Mayor. The Plat of Vacation shall be recorded in the Office of the Recorder of Deeds, DuPage County, Illinois, along with a certified copy of this ordinance, at the expense of the petitioner, and shall also be filed in the office of the DuPage County Clerk, DuPage County, Illinois.

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:

Mayor

City Clerk

## Roll Call Vote

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

Nays:            None

Absent:        Councilman Levine

Motion Carried Unanimously

Passed: October 16, 2006

Published: October 17, 2006