

ORDINANCE NO. F-1252

AN ORDINANCE VACATING THE WESTERN HALF OF SUMMIT STREET NORTH OF AVERY AVENUE/BLANCHARD COURT

WHEREAS, a written petition has been filed by Airhart Construction("Petitioner"), requesting the vacation of a certain right-of-way commonly known as the western half of Summit Street north of Avery Avenue; 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 January 22, 2007, 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 western half of Summit Street north of Avery Avenue.

All that part of the West Half of Summit Street lying North of, and Adjoining the Northerly line of Avery Avenue, and lying South of, and adjoining, the Easterly extension of the North Line of the South 134.0 feet of Block 2 in Jonathon Blanchard's Subdivision, being a subdivision of part of the Northwest Quarter of Section 15, Township 39 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded November 6, 1896, as Document 62738 in the City of Wheaton, DuPage County, Illinois.

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

The Subject Property shall be vacated to 1319 Avery Avenue, PIN 05-15-119-024 & 025.

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 Fifty Thousand Dollars (\$50,000) which represents the fair market value of that portion of the 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.

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 Jacob & Hefner Associates, P.C. dated 12/27/06; 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.

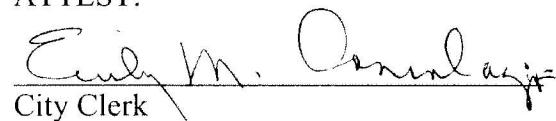
Section 5: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 6: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



James Carr
Mayor

ATTEST:



Emily M. Donnaly
City Clerk

Roll Call Vote

Ayes:	Councilman Bolds Councilwoman Corry Councilman Johnson Mayor Carr Councilman Levine Councilman Mouhelis Councilman Suess
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Nays:	None
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Absent:	None
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Motion Carried Unanimously

Passed: February 6, 2007
Published: February 7, 2007