

ORDINANCE NO. F-1348

AN ORDINANCE VACATING WASHINGTON STREET/WHEATON COLLEGE

WHEREAS, written Petition has been filed with the City of Wheaton, Illinois ("City"), requesting the vacation of the Washington Street right-of-way lying east of the intersection of Washington Street and Lincoln Avenue legally described herein; 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 April 14, 2008, 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 Washington Street right-of-way, be vacated:

*THAT PART OF WASHINGTON STREET AND LINCOLN AVENUE DESCRIBED BY COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF JEFFERSON AVENUE WITH THE EAST LINE OF WASHINGTON STREET, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 47 IN THE COUNTY CLERK'S ASSESSMENT DIVISION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED SEPTEMBER 4, 1912, AS DOCUMENT 109216; THENCE SOUTH 00 DEGREES 29 MINUTES 40 SECONDS EAST, ON THE EAST LINE OF WASHINGTON STREET, 124.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 29 MINUTES 40 SECONDS EAST, ON SAID EAST LINE, 223.95 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF LINCOLN AVENUE; THENCE SOUTH 88 DEGREES 26 MINUTES 32 SECONDS WEST, ON SAID SOUTH LINE AND ITS EXTENSION, 61.58 FEET TO A NON-TANGENT CURVE; THENCE NORTHEASTERLY, ON A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 371.12 FEET AND A CHORD BEARING NORTH 25 DEGREES 32 MINUTES 20 SECONDS EAST, AN ARC DISTANCE OF 1.13 FEET TO A POINT OF TANGENCY; THENCE NORTH 25 DEGREES 36 MINUTES 32 SECONDS EAST, 39.18 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY, ON A CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF 428.89 FEET AND A CHORD BEARING NORTH 12 DEGREES 34 MINUTES 06 SECONDS EAST, AN ARC DISTANCE OF 195.61 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS. (Hereafter referred to as the "Subject Property").*

The Subject Property shall be vacated to 401 E Franklin Street, PPI 05-16-207-024 and 05-16-207-026.

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

- A. Vacation of the Subject Property legally described herein shall be at no cost to the Petitioner. The determination not to require payment for the vacated right-of-way (in accordance with Section 58-139, Formula exception, Wheaton City Code) is based upon the City Council's recognition of the unique relationship between the City and Wheaton College established in part by an agreement entered into in 1987 which provided for portions of right-of-ways in and around the Wheaton College campus to be vacated at no cost to Wheaton College in recognition of Wheaton College assuming the expense of improving those right-of-ways and continuing to maintain those right-of-ways. The City Council also recognized the Subject Property should have been considered as part of a 1989 joint effort by Wheaton College and the City wherein the City vacated a portion of Lincoln Avenue and Wheaton College dedicated certain land areas in order to realign Washington Street.
- B. Petitioner shall also pay all fees associated with the vacation as provided for by Section 58-143, Costs, Wheaton City Code.

Section 3: The Mayor is authorized and directed to execute the plat of vacation prepared by Webster, McGrath & Ahlberg, Ltd., dated January 15, 2008 with a revision date of March 17, 2008; 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.

Section 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ATTEST:

Mayor

ATTEST:  
Emil M. Consalvo,  
City Clerk

**Roll Call Vote:**

Ayes:

Councilman Mouhelis  
Councilman Prendiville  
Councilman Suess  
Councilwoman Corry  
Councilman Johnson  
Councilman Levine  
Mayor Gresk

Nays:            None  
Absent:          None

Motion Carried Unanimously

Passed: April 21, 2008  
Published: April 22, 2008

Ord. F 1349

JEFFERSON AVENUE

STATE OF WYOMING  
COUNTY OF SONOMA  
A PART OF THE CITY OF WYOMING ORDNANCE NO. 11 DAY OF 1 1911 1904  
BY THE CITY OF WYOMING THIS 11 DAY OF 1 1911 1904

## PLAT OF VACATION

STATE OF ILLINOIS  
COUNTY OF DUPAGE  
THIS IS TO CERTIFY THAT THE WESTERN MIGRATOR AND AMERICA, LTD HAVE PLATED  
REMANUFACTURED THE ABOVE DESCRIBED PROPERTY WHICH IS A TRUE AND CORRECT  
REPRESENTATION OF THE ORIGINAL PROPERTY.  
ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.  
GIVEN UNDER MY HAND AND SEA THIS 1<sup>ST</sup> DAY OF APRIL A.D. 2011