

ORDINANCE NO. F-1349

AN ORDINANCE VACATING FARNHAM LANE/1506 WADSWORTH ROAD/KOLODY

WHEREAS, written Petition has been filed with the City of Wheaton, Illinois ("City"), requesting the vacation of the Farnham Lane right-of-way lying west of the intersection of Farnham Lane and Wadsworth Road 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 March 10, 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 Farnham Lane right-of-way, be vacated:

*BEGINNING AT THE NORTHWEST CORNER OF LOT 116 IN FARNHAM UNIT #3, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPLE MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 15, 1967 AS DOCUMENT R67-51152, IN DUPAGE COUNTY, IL; SAID CORNER ALSO BEING ON THE CENTER LINE OF THE UNION DRAINAGE DITCH AS PLATTED; THENCE SOUTH 73 DEGREES 27 MINUTES 50 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 116, SAID NORTH LINE OF LOT 116 ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF FARNHAM LANE, A DISTANCE OF 116.64 FEET TO THE NORTHEAST CORNER OF SAID LOT 116; THENCE NORTH 16 DEGREES 32 MINUTES 01 SECOND EAST, AT RIGHT ANGLE WITH THE SOUTH LINE OF FARNHAM LANE, A DISTANCE OF 66.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF FARNHAM LANE, SAID NORTH RIGHT-OF-WAY LINE ALSO BEING THE SOUTH LINE OF LOT 45 IN FAIRWAY ESTATES, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPLE MERIDIAN, AS RECORDED NOVEMBER 21, 1957 AS DOCUMENT NUMBER 863827, IN DUPAGE COUNTY, IL; THENCE NORTH 73 DEGREES 27 MINUTES 59 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 83.21 FEET TO CENTER LINE OF UNION DRAINAGE DITCH, AS PLATTED BY AFORE SAID FARNHAM UNIT #3; THENCE SOUTH 43 DEGREES 23 MINUTES 54 SECONDS WEST, ALONG SAID CENTER LINE OF UNION DRAINAGE DITCH, A DISTANCE OF 73.98 FEET OT THE POINT OF BEGINNING, CONTAINING 0.15 ACRES IN DUPAGE COUNTY, IL. (Hereafter referred to as the "Subject Property".)*

The Subject Property shall be vacated to 1506 Wadsworth Road, PPI 05-21-302-025.

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

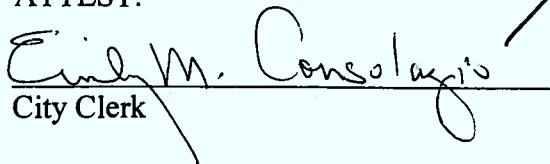
- A. Vacation of the Subject Property legally described herein shall be at no cost to the Petitioner. The determination not to require payment for the vacated right-of-way is based upon the Subject Property necessitating a permanent easement over the entire area, Section 58-138(3) of the Wheaton City Code providing that no fair and just compensation shall be required for a right-of-way that necessitates a permanent easement over the entire right-of-way, and the cost benefits derived to the City in the termination of its maintenance/liability obligations with respect to the Subject Property.
- B. The Petitioner shall construct a sidewalk from the existing sidewalk terminus at 121 Farnham Lane to the existing sidewalk located at 1506 Wadsworth Road (approximately 100 lineal feet). The design and layout of said sidewalk shall be approved by the City Engineer. In lieu of the design and construction of said sidewalk by the Petitioner, the Petitioner may pay to the City \$3,200. The City shall place the \$3,200 in an escrow account which will be used by the City at a future date to design and construct the sidewalk. Should the actual cost of the sidewalk be less than \$3,200, the City shall refund the difference to the Petitioner. This Ordinance shall be recorded upon construction of said sidewalk by the Petitioner or payment of \$3,200 by the Petitioner to the City.
- C. Petitioner shall also pay all fees associated with the vacation as provided for by Section 58-143, Costs, Wheaton City Code.

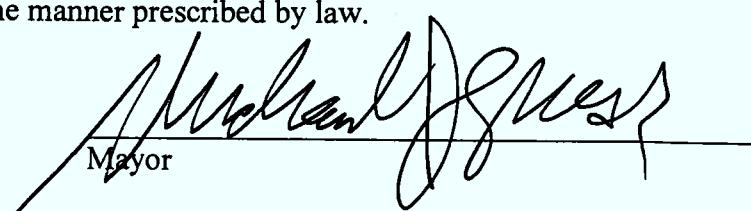
Section 3: The Mayor is authorized and directed to execute the plat of vacation prepared by Allen D. Carradus, dated February 21, 2008; and the City Clerk is authorized and directed to attest to the signature of the Mayor. The plat of vacation shall be recorded in the Office of the Recorder of Deeds, 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:

  
Cindy M. Consolazio  
City Clerk

  
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Mayor

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

