



FRED BUCHOLZ  
DUPAGE COUNTY RECORDER  
NOV.24,2010 2:27 PM  
OTHER 85-16-137-001  
007 PAGES R2010-163814

## CITY OF WHEATON, ILLINOIS

60187

ORDINANCE NO. F- 1521

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PLANNED  
UNIT DEVELOPMENT FOR A RESIDENTIAL DEVELOPMENT ON A  
CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT 333 W. WESLEY  
STREET/WHEATON TOWNHOMES/CENTRUM PROPERTIES, INC

I HEREBY CERTIFY that I am the City Clerk of the City of Wheaton, DuPage County, Illinois, and that, as such City Clerk, I have the custody of the papers, entries, records and ordinances of said City.

I FURTHER CERTIFY that the attached is a true and correct copy of City of Wheaton Ordinance No. F- 1521 which was adopted by the Wheaton City Council on Monday, November 1, 2010.

I have hereunto set my hand and affixed the seal of said City this 2<sup>nd</sup> day of November, 2010.

  
Emily Consolazio  
City Clerk

## (PREPARED BY/RETURN TO)

Emily Consolazio, City Clerk  
City of Wheaton  
303 W. Wesley Street  
Wheaton, IL 60187

City of Wheaton 303 W. Wesley Street Box 727 Wheaton, IL 60189-0727  
630-260-2000 630-260-2017 FAX 630-260-8090 TDD www.wheaton.il.us

NOV 10 2010

ORDINANCE NO. F- 1521

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NOS. F-0256 and F-0397, "AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A PLANNED-UNIT DEVELOPMENT FOR A RESIDENTIAL DEVELOPMENT ON A CERTAIN PIECE OF PROPERTY COMMONLY LOCATED AT 333 W. WESLEY STREET/WHEATON TOWNHOMES/CENTRUM PROPERTIES, INC."**

**WHEREAS**, on July 6, 1998, the City of Wheaton, Illinois ("City"), enacted City Ordinance No. F-0256, recorded on July 31, 1998 as Document Number R98-154038 at the DuPage County Recorder of Deeds Office ("Original Ordinance"), authorizing the development of townhomes on the property legally described in Exhibit "A" attached hereto and commonly known as 329 to 375 W. Wesley Street, 207 to 265 N. West Street, and 326 to 374 W. Seminary Street, Wheaton, Illinois ("Subject Property"); and

**WHEREAS**, on October 18, 1999, the City, enacted City Ordinance No. F-0397 recorded on December 12, 1999, as Document No. R99-250155, at the DuPage County Recorder of Deeds Office ("Amended Ordinance"), which reduced amended the number of townhome units from 34 to 33, together with certain other architectural aesthetic modifications from the provisions recited in the Original Ordinance; and

**WHEREAS**, following the enactment of the Amended Ordinance, an application has been made by the Wesley Square Homeowner's Association ("Owner") to amend the site plan and landscaping plan referred to in the Original and Amended Ordinance to eliminate the solid wood fence along the east side of the Subject Property and replace the fence with landscape materials; a portion of which are to be located upon certain property owned by the City of Wheaton legally described in Exhibit "B" attached hereto and commonly known as 315 W. Wesley Street, Wheaton, Illinois ("City Property"); and the City has determined that the requested amendment is a minor amendment and may be implemented without public hearing, pursuant to the provisions of Section 5.10.6 of the Wheaton Zoning Ordinance.

**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:** An amendment to the Original and Amended Ordinance is hereby granted to eliminate the solid wood fence along the east side of the Subject Property and replace the fence with landscape materials; a portion of which are to be located upon City Property in substantial compliance with the plans entitled "*Wheaton City Hall Annex - Wesley Square Landscaping*" dated 9/30/10 ("Approved Landscape Plan"); and in further compliance with the following conditions, restrictions, and requirements:

1. The Owner of the Subject Property, at its sole cost and expense, shall plant and maintain the landscaping it plants on City Property, in conformance with this Ordinance, so that the number, quality, and character of the landscaping shall not be less than that which is illustrated on the Approved Landscape Plan. Once installed, the landscaping shall be the property of the City, but shall continue to be the sole maintenance responsibility of the Owner as required herein. Should the City for any reason in its sole discretion, elect to require removal or remove any or all of the

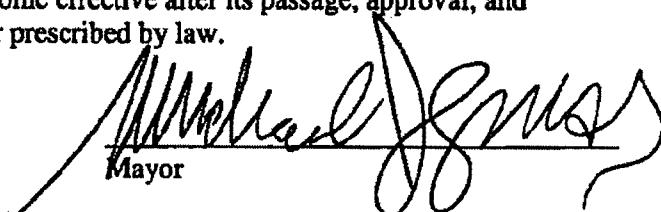
landscaping, and request its replacement, it shall be the duty of the Owner to replace, at its sole cost, in conformance with the requirements of the Approved Landscape Plan within a reasonable time after the request. Should the City be required to undertake any legal request or actions to enforce the requirements of this paragraph the Owner shall be liable to the City for its reasonable costs and expenses including legal fees.

2. Permission granted by this Ordinance to plant and maintain a portion of said landscape materials upon City Property as illustrated on the Approved Landscape Plan, shall not constitute an easement. Should a court of competent jurisdiction construe it as an easement, it shall be a temporary easement which shall expire 14 days after such construction.
3. To the greatest extent permitted under Illinois law, Owners shall defend, indemnify and hold the City harmless from any and all claims, actions, causes of action, costs, judgments, injuries, property damage, expenses (including reasonable attorney's and expert's fees) which arise or may be caused by the negligence of the Owners, or Owners' agents, as a result of the design, construction, and maintenance of the landscape materials as illustrated on the Approved Landscape Plan.
4. The Owner shall execute a copy of this Ordinance acknowledging and agreeing to its terms and conditions before it becomes effective.

Section 2: In all other respects, the terms and provisions of the Original Ordinance and Amended Ordinance are ratified and remain in full force and effect.

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

Section 4: This ordinance shall become effective after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Michael J. Morris  
Mayor

ATTEST:



Emily M. Donley  
City Clerk

UNOFFICIAL COPY

Ordinance F-1521  
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Roll Call Vote

Ayes: Councilman Mouhelis  
Mayor Gresk  
Councilman Prendiville  
Councilman Scalzo  
Councilman Suess  
Councilwoman Corry  
Councilman Levine

Nays: None

Absent: None

Motion Carried Unanimously

Passed: November 1, 2010

Published: November 2, 2010

Audrea Hoyt  
Owner by its authorized representative

Joanna Arrigo  
Notary: Subscribed and Sworn before me this 10<sup>th</sup> day of November, 2010.

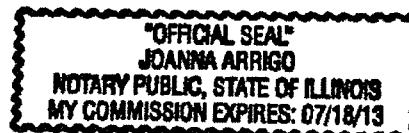


EXHIBIT "A"

LEGAL DESCRIPTION

All lots in Wesley Square Condominiums, being a part of Section 16, Township 39 North, Range 10, East of the Third Principal Meridian, According to the Plat Thereof Recorded March 8, 2001, as Document R2001-39002, in DuPage County, Illinois.

PIN Nos. 05-16-137-001 thru 05-16-137-033

The property is commonly known as 329 to 375 W. Wesley Street, 207 to 265 N. West Street, and 326 to 374 W. Seminary Street, Wheaton, Illinois 60187

Units 101 - 110

201 - 204

301 - 307

401 - 410<sup>4</sup>

501 - 508

EXHIBIT "B"

LEGAL DESCRIPTION

Lot 1

Wheaton City Hall Third Consolidation Plat in the Northwest Quarter of Section 16, Township 39 North, Range 10, East of the Third Principal Meridian in DuPage County, Illinois.

PIN Nos. ~~05-16-131-012, 05-16-131-018~~ 05-16-131-020

The property is commonly known as 315 W. Wesley Street, Wheaton, Illinois.

303/315

