

ORDINANCE NO. F-1604

AN ORDINANCE AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO A CERTAIN ANNEXATION AGREEMENT DATED AUGUST 21, 2006- (AMBERWOOD ESTATES SUBDIVISION)

WHEREAS, the City of Wheaton, Illinois ("City"), and Wheaton Development Group, LLC, ("Original Owner/Developer") has previously entered into an annexation agreement dated August 21, 2006 ("Annexation Agreement"); the subject matter of the Annexation Agreement is the property legally described in Exhibit "A" of the Annexation Agreement ("Subject Property"); and

WHEREAS, Keim Amberwood, L.L.C., an Illinois limited liability company ("Current Owner/Developer"), is the successor in interest of Original Owner/Developer of twenty-four lots of the Subject Property; and

WHEREAS, Current Owner/Developer has authorization to act as agent for the other nine lot owners with respect to seeing an amendment to Annexation Agreement; and

WHEREAS, Current Owner/Developer is now requesting an amendment to allow for the application of a uniform minimum front-yard setback of thirty (30) feet for all buildable lots within the subdivision; and a uniform side-yard width for all buildable lots within the subject property as follows: (a) The minimum side-yard for structures or parts of structures which do not exceed one and one-half (1 1/2) stories, shall be the lesser of eight percent (8%) of the lot width or ten feet (10'); (b) The minimum side-yard for structures or parts of structures in excess of one and one-half (1 1/2) stories, but not more than thirty-five feet (35') in height, shall be the lesser of fourteen percent (14%) of the lot width or fifteen feet (15'); and

WHEREAS, the City, pursuant to Section 18-8(1) of the Wheaton City Code, conducted a public hearing on the proposed amendment.

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 Annexation Agreement is amended by adding the attached Exhibit "B" to paragraph 25 of the Annexation Agreement.

Section 2: A copy of this Ordinance shall be recorded in the office of the Recorder of Deeds, DuPage County, Illinois, at the expense of Current Owner/Developer.

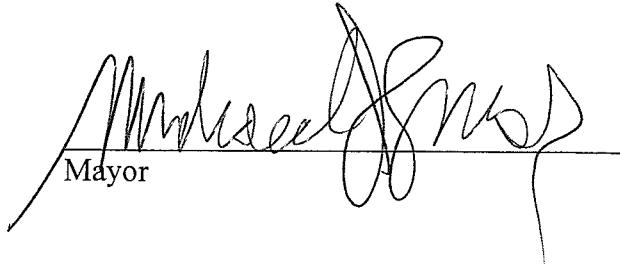
Section 3: The terms and conditions of the Annexation Agreement are ratified and remain in full force and effect.

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.

Sharon Barnett Flynn

City Clerk


Mayor

Roll Call Vote:

Ayes: Councilwoman Ives
Councilman Mouhelis
Councilman Rutledge
Mayor Gresk
Councilwoman Pacino Sanguinetti
Councilman Scalzo
Councilman Suess

Nays: None

Absent:None

Motion Carried Unanimously

Passed: December 5, 2011

Published: December 6, 2011

EXHIBIT "A"

The property is legally described as:

LOTS 1 THROUGH 34, INCLUSIVE, IN AMBERWOOD ESTATES
SUBDIVISION, OF PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4
OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD
PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED
JULY 12, 2007 AS DOCUMENT R2007-129173 AND CERTIFICATE OF
CORRECTION RECORDED APRIL 8, 2009 AS DOCUMENT NUMBER R2009-
051003, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. #: 05-29-300-025 through 05-29-300-045

P.I.N. #: 05-29-317-001 through 05-29-317-012

The properties are commonly known as 1, 2, 6, 7, 10, 11, 16, 17, 20, 21, 27, 31, 35, 39,
40, 43, 47, 53, 57, 60, 63, 65, 67, 70, 71, 75, 76, 81, 82, 85, 90, 91, 97, 98 Landon
Circle and 1904, 1930, 1940, 1952 Orchard Road, Wheaton, IL 60189.

EXHIBIT "B"

1. The provisions of footnote to Section 9.2.5 of the Wheaton Zoning Ordinance to the contrary notwithstanding, the Annexation Agreement for the Subject Property is hereby amended to allow a uniform minimum thirty (30) foot front yard setback for all buildable lots.
2. The provisions of Sections 3.4.A.5 of Chapter III of the Wheaton Zoning Ordinance to the contrary notwithstanding, the Annexation Agreement for the Subject Property is hereby amended to allow uniform minimum side yards as follows:
 - (A) The minimum side yard for structures or parts of structures which do not exceed 1 ½ stories, shall be the lesser of 8% of the lot width or 10 feet;
 - (B) The minimum side yard for structures or parts of structures in excess of 1 ½ stories, but not more than 35 feet in height, shall be the lesser of 14% of the lot width or 15 feet;
 - (C) The minimum side yard width for a side yard adjoining a public street shall be 20 feet, but shall be only 12 feet if there are no more than two lots in the block with lot lines facing said public street. Provided, however, that no side yard adjoining a public street shall be less than the side yard required by (a) and (b), above;