

ORDINANCE NO. F-2004

AN ORDINANCE GRANTING REZONING, PLANNED UNIT DEVELOPMENT AND
SUBDIVISION APPROVAL OF THE PROPERTY LOCATED AT 616 CHILDS STREET - 616
CHILDS PROPERTY LLC

WHEREAS, written application has been made requesting rezoning, planned unit development and subdivision approval of the property located at 616 Childs Street, Wheaton, IL ("Subject Property") into two lots; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton Planning and Zoning Board on January 24, 2017 and February 14, 2017 to consider the rezoning, planned unit development and subdivision request.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers, as follows:

Section 1: Proposed lot 1 of the following described property shall be rezoned and reclassified from the M-1 Manufacturing District to the C-3 Commercial District zoning classification with a special use permit for a planned unit development with proposed lot 2 remaining as two separate zoning classifications, with the M-1 Manufacturing portion of proposed lot 2 as a special use permit for a planned unit development and the R-4 Residential portion of proposed lot 2 excluded from the planned unit development:

THE WEST 90.0 FEET OF THE EAST 475.00 FEET (EXCEPT THE NORTH 181.0 FEET) OF LOT 14 IN COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 27, 1890 AS DOCUMENT 43592, AND ALSO THE WEST 84.42 FEET (EXCEPT THE SOUTH 26.0 FEET) OF LOT 3 IN BLOCK 1 IN BARQ'S ADDITION TO WHEATON, IN SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 15, 1925 AS DOCUMENT 191311, IN DU PAGE COUNTY, ILLINOIS.

P.I.N.: 05-17-418-001, 05-17-418-039

The subject property is commonly known as 616 Childs Street, Wheaton, IL 60187.

Section 2: The Plat of Subdivision for 616 Childs Street, as prepared by Warren D. Johnson, an Illinois Professional Land Surveyor, and dated February 27, 2016 is hereby approved, subject to the following conditions and requirements.

- a. The subject plat shall be revised to show all necessary dedication and abrogation of public utility easements as determined by the Director of Engineering.

The Mayor is authorized to sign the approval form and the City Clerk is authorized and directed to attest to the signature of the Mayor on the Plat of Subdivision for 616 Childs Street.

Section 3: Pursuant to the Findings of Fact made and determined by the Mayor and City Council, rezoning, planned unit development and subdivision approval is hereby issued on the subject property allowing all buildings, parking areas and landscape areas to remain subject to the conditions contained on

the following plan: "Combined Preliminary and Final P.U.D. Site Plan", prepared by Dave Johnson and Associates, Wheaton, IL, sheet 1 of 3, dated February 27, 2017, subject to the following conditions:

1. The Owner of Lot 2 shall remove any remaining waste and refuse from Lot 2 not later than April 1, 2017; and
2. By June 1, 2017, the Lot 2 owner shall retain an exterminating or animal control service to remove any natural home for rodents or animals; and
3. Storage of recreational vehicles on the site shall be prohibited; and
4. If the "metal frame building" remains on the site, it shall be painted by October 1, 2017.

Section 4: The Owner of the subject property shall submit a \$15,000 cash bond or letter of credit upon submittal of a building permit application as security for the performance of obligations at 616 Childs Street subject to the reasonable approval of the City Attorney, attached as Exhibit A.

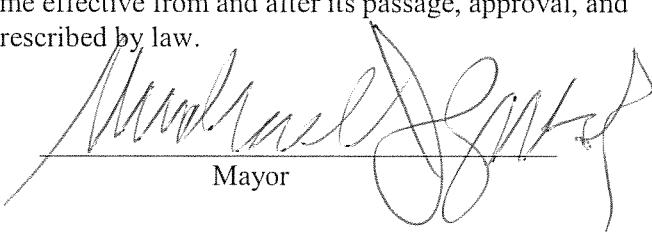
Section 5: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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

ATTEST:



Alan Bennett, Mayor



Mayor

City Clerk

Roll Call Vote

Ayes: Councilman Prendiville
Mayor Gresk
Councilman Saline
Councilman Scalzo
Councilwoman Fitch

Nays: None

Absent: Councilman Rutledge
Councilman Suess

Motion Carried Unanimously

Passed: March 6, 2017
Published: March 7, 2017

Exhibit A

CASH BOND UPON BUILDING PERMIT APPLICATION

616 CHILDS PROPERTY, LLC, an Illinois limited liability company, (hereinafter "Owner") hereby deposits with the CITY OF WHEATON, an Illinois home rule municipality, a cash bond or letter of credit in the amount of Fifteen Thousand Dollars and 00/100ths (\$15,000.00) as security for the performance of obligations at 616 Childs Street, Wheaton, DuPage County, Illinois. The CITY may perform or have performed (by others) (a) the installation of shrubs to screen truck/SUV headlights at the north end of the east property line, (b) removal of the south west gate components and (c) installation of the Lot 2 board on board fence (hereinafter the "Work") if 616 CHILDS PROPERTY LLC fails to do so by June 1, 2017. The entirety of the cash bond shall be applicable to any of the above tasks. The CITY shall return the cash bond to 616 CHILDS PROPERTY LLC within 30 days following performance of the tasks. If the CITY performs any of the tasks it may immediately access the cash bond, but it shall return any remaining balance by January 1, 2018. The bond shall not earn interest and it may be deposited in to any account at the City's reasonable, sole discretion. Accessing this cash bond as security does not serve as an election of the CITY'S remedies or to otherwise limit the CITY in its handling of a violation of any conditions, ordinances or site plans applicable to Lot 1, Lot 2 or both. If the cash bond is inadequate to pay for the Work the Owner shall pay the City within fourteen (14) days of written demand that reasonable amount the City invoices to the Owner to complete the Work.

616 CHILDS PROPERTY, LLC

By: _____

Its Manager

Accepted: CITY OF WHEATON

By: _____

City Manager/Asst. City Manager

COMBINED PRELIMINARY AND FINAL P.U.D.

SITE PLAN

FOR

616 CHILDS STREET, WHEATON, ILLINOIS

OF THE WEST 90 FEET OF THE EAST 475 FEET (EXCEPT THE NORTH 180 FEET) OF LOT 14 IN COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 27, 1890 AS DOCUMENT 43592, AND ALSO THE WEST 84.42 FEET (EXCEPT THE SOUTH 26 FEET) OF LOT 3 IN BLOCK 1 IN BARO'S ADDITION TO WHEATON, IN SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 15, 1925 AS DOCUMENT 191311, IN DU PAGE COUNTY, ILLINOIS. THIS PROPERTY KNOWN AS: 616 CHILD'S STREET
WHEATON, ILLINOIS

THIS PLAT HAS BEEN SUBMITTED FOR
RECORDING BY AND RETURN TO:
NAME: CITY OF WHEATON
ADDRESS: 303 W. WESLEY STREET
P.O. BOX 727
WHEATON, ILLINOIS 60187
PHONE: 630-260-2000
FAX: 630-260-2012



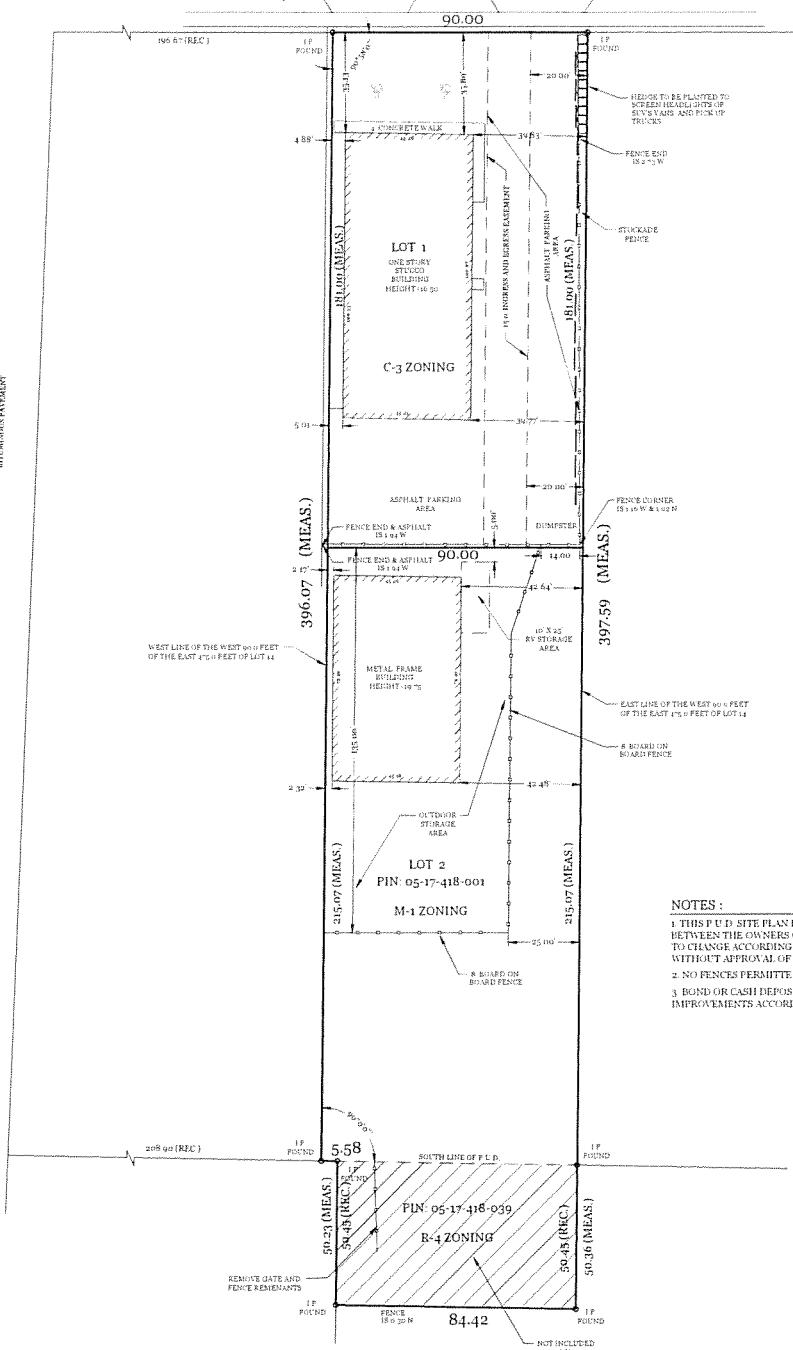
NORTI



CHILD'S STREET

BITUMINOUS PAVEMENT

CARLETON AVENUE
BITUMEN PAVER



LEGAL DESCRIPTION FOR INGRESS AND EGRESS EASEMENT:

THE WEST 15.0 FEET OF THE EAST 35.0 FEET OF THE NORTH 141.00 FEET OF THE WEST 90.0 FEET OF THE EAST 475.0 FEET OF LOT 14 IN COUNTY CLERK'S ASSESSMENT DIVISION OF THEIR SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 30 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 27, 1980 AS DOCUMENT 43592, IN DU PAGE COUNTY, ILLINOIS.

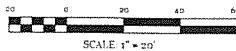
**COMBINED PRELIMINARY AND FINAL
PLAT OF SUBDIVISION
FOR
616 CHILDS STREET, WHEATON, ILLINOIS**

THIS PLAT HAS BEEN SUBMITTED FOR
RECORDING BY AND RETURN TO:
NAME: CITY OF WHEATON
ADDRESS: 393 W. WESLEY STREET
P.O. BOX 777
WHEATON, ILLINOIS 60187-0777
PHONE: 630-560-2000
FAX: 630-560-5017

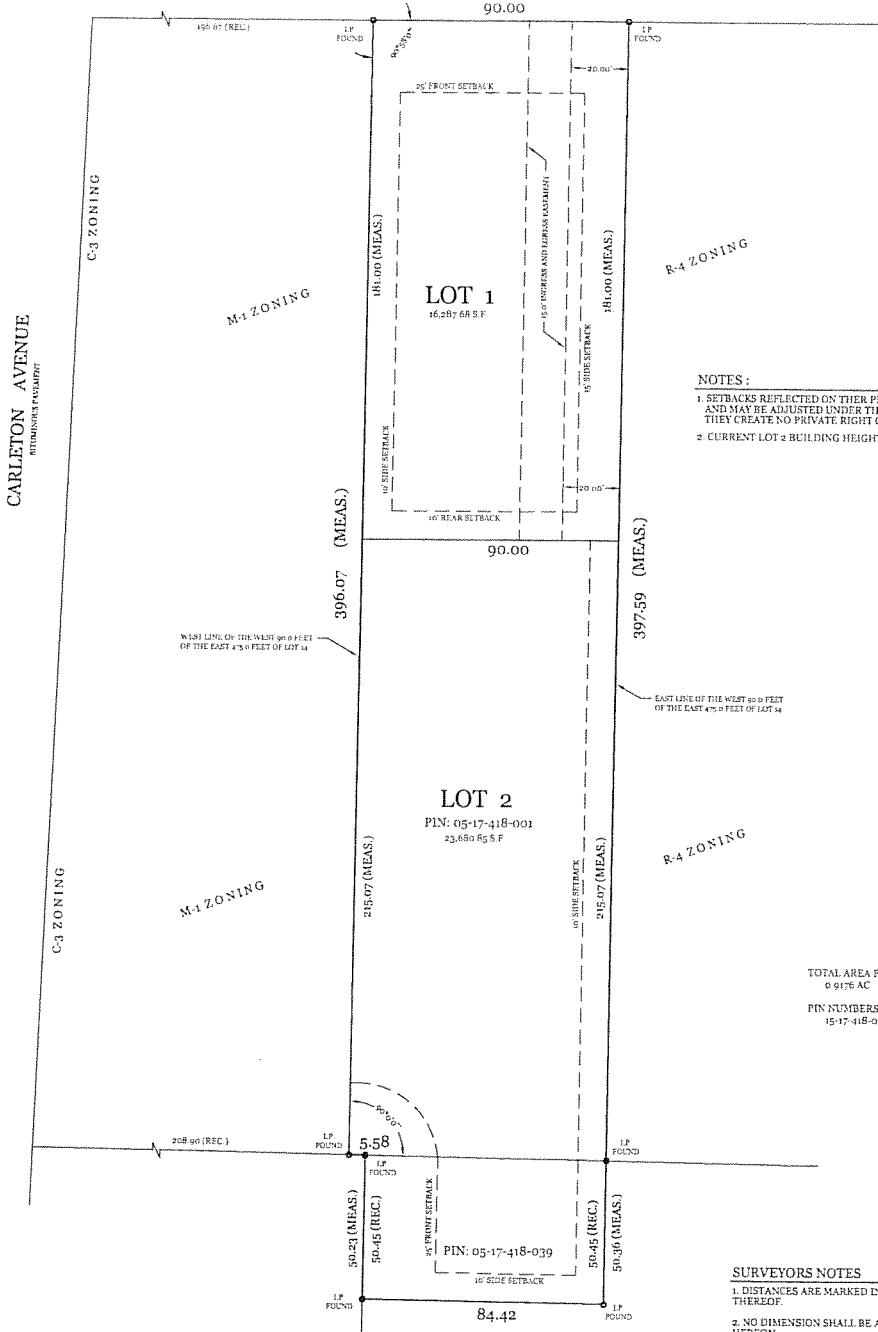
OF THE WEST 90.0 FEET OF THE EAST 475.0 FEET (EXCEPT THE NORTH 15.0 FEET) OF LOT 14 IN COUNTY CLERK'S ASSESSMENT
DIVISION OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN
ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 27, 1980 AS DOCUMENT 43592, AND ALSO THE WEST 84.42 FEET (EXCEPT
THE SOUTH 26.0 FEET) OF LOT 3 IN BLOCK 1 IN BARO'S ADDITION TO WHEATON, IN SECTION 17, TOWNSHIP 39 NORTH, RANGE 10
EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 15, 1925 AS DOCUMENT 191311,
IN DU PAGE COUNTY, ILLINOIS. THIS PROPERTY KNOWN AS: 616 CHILDS STREET
WHEATON, ILLINOIS



NORTH



CHILDS STREET
STRONGWALL PAVEMENT



LEGAL DESCRIPTION FOR INGRESS AND EGRESS EASEMENT:

THE WEST 15.0 FEET OF THE EAST 35.0 FEET OF THE NORTH 15.0 FEET OF THE
WEST 90.0 FEET OF THE EAST 475.0 FEET OF LOT 14 IN COUNTY CLERK'S ASSESSMENT
DIVISION OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH,
RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT
THEREOF RECORDED NOVEMBER 27, 1980 AS DOCUMENT 43592, IN DU PAGE
COUNTY, ILLINOIS.

PLAT OF SUBDIVISION

FOR

616 CHILDS STREET, WHEATON, ILLINOIS

OF THE WEST 90.0 FEET OF THE EAST 475.0 FEET (EXCEPT THE NORTH 151.0 FEET) OF LOT 14 IN COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 27, 1990 AS DOCUMENT #3592, AND ALSO THE WEST 84.42 FEET (EXCEPT THE SOUTH 26.0 FEET) OF LOT 3 IN BLOCK 1 IN BARQ'S ADDITION TO WHEATON, IN SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 15, 1925 AS DOCUMENT #191311, IN DU PAGE COUNTY, ILLINOIS.

THIS PROPERTY KNOWN AS: 616 CHILDS STREET
WHEATON, ILLINOIS

THIS PLAT HAS BEEN SUBMITTED FOR
RECORDING BY AND RETURN TO:
NAME: CITY OF WHEATON
ADDRESS: 303 W. WESLEY STREET
P.O. BOX 727
WHEATON, ILLINOIS 60187
PHONE: 847-260-2900
FAX: 847-260-2011

SURFACE WATER CERTIFICATION

STATE OF ILLINOIS
COUNTY OF DU PAGE \$5.

THIS IS TO CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE DRAINSAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART THEREOF OR THAT SUCH SURFACE WATER DRAINSAGE WILL BE CHANGED, ADEQUATE PROVIDED HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS, AND THAT THE DRAINSAGE WHICH IS CHANGED WILL NOT BE A HAZARD TO USE, AND THAT SUCH WATERS WILL NOT BE DISPOSED ON THE PROPERTY OF ADJOINING LAND OWNERS IN SUCH CONCENTRATIONS AS MAY CAUSE DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION

DATED THIS _____ DAY OF _____ 2016

WARREN D. JOHNSON, ILLINOIS PROFESSIONAL ENGINEER

OWNER OR ATTORNEY

SURVEYOR

STATE OF ILLINOIS
COUNTY OF DU PAGE \$5

THIS IS TO CERTIFY THAT I, WARREN D. JOHNSON, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND SUBDIVIDED THE PROPERTY DESCRIBED IN THE PLAT SUBMITTED BY THE ANNEXED PLAT WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.

I FURTHER CERTIFY THAT ALL REGULATIONS ENACTED BY THE CITY COUNCIL RELATING TO PLAT RECORDING AND RECORDING OF RECORDS MADE WITHIN THE PREPARATION OF THIS PLAT, THE PROPERTY SHOWN THEREIN, ARE HEREBY APPROVED AS THE CORRECT CORPORATE LIMITS OF THE CITY OF WHEATON WHICH I HAVE ADOPTED A COMPREHENSIVE PLAN FOR WHICH IS PATRIMONIAL THE SPECIAL POWERS AUTHORIZED BY STATE OF ILLINOIS ACCORDING TO THE CITY OF WHEATON, ILLINOIS, FORMERLY KNOWN AS ENCLAVE 12 OF ARTICLE 1 OF THE ILLINOIS MUNICIPAL CODE.)

I FURTHER CERTIFY THAT THE PARCELS INCLUDED IN THIS PLAT ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY ACCORDING TO THE FLOOD RATE MAP, PANEL NUMBER 1709970000, DATED JULY 1, 2004.

GIVEN UNDER MY HAND AND SEAL AT WHEATON, ILLINOIS THIS _____ DAY OF _____ AD 2016

WARREN D. JOHNSON, ILLINOIS PROFESSIONAL LAND SURVEYOR #2971

DIRECTOR OF ENGINEERING

STATE OF ILLINOIS
COUNTY OF DU PAGE \$5

I, WARREN D. JOHNSON, DIRECTOR OF ENGINEERING FOR THE CITY OF WHEATON, ILLINOIS, DO HEREBY CERTIFY THAT THE PLAT AS APPENDED HERETO MEETS WITH THE REQUIREMENTS AND STANDARDS OF THE ENGINEERING SECTION OF THE CITY OF WHEATON CITY CODE AND HAS BEEN APPROVED BY ALL PUBLIC AUTHORITIES.

DATED AT WHEATON, ILLINOIS THIS _____ DAY OF _____ 2016

DIRECTOR OF ENGINEERING

COUNTY CLERK

STATE OF ILLINOIS
COUNTY OF DU PAGE \$5

COUNTY CLERK OF DU PAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT TAXES, NO UNPAID FORECLOSED TAXES AND NO REDEMINABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE DU PAGE COUNTY CLERK AT WHEATON, ILLINOIS.

THIS _____ DAY OF _____ AD 2016

DU PAGE COUNTY CLERK

CITY COUNCIL

STATE OF ILLINOIS
COUNTY OF DU PAGE \$5

APPROVED AND ACCEPTED THIS _____ DAY OF _____ AD 2016

CITY COUNCIL OF WHEATON, ILLINOIS

MAYOR

ATTEST: CITY CLERK

DUPAGE COUNTY RECORDER

STATE OF ILLINOIS
COUNTY OF DU PAGE \$5

THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD IN THE

RECORDER'S OFFICE OF DU PAGE COUNTY AFORESAID ON THE _____ DAY OF _____

AD 2016, AT _____ O'CLOCK _____ M

DUPAGE COUNTY RECORDER

OWNER

STATE OF ILLINOIS
COUNTY OF DU PAGE \$5

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF THE LAND DESCRIBED IN THE ANNEXED PLAT, AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED, AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE SEAL AND ATTACHED HERETO INDICATED.

IN ADDITION, THE UNDERSIGNED, AS OWNER OF THE PROPERTY DESCRIBED HEREIN AND LEGALLY DESCRIBED ON THE PLAT, HAVE DETERMINED TO THE BEST OF MY KNOWLEDGE, THE SCHOOL IN WHICH EACH OF THE SUBJECT LOTS IS WHOLLY WITHIN COMMUNITY UNIT SCHOOL DISTRICT 209.

DATED THIS _____ DAY OF _____ AD 2016

BY _____

ATTEST: _____

NOTARY

STATE OF ILLINOIS
COUNTY OF DU PAGE \$5

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT _____, PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FORGOING INSTRUMENT AS SUCH OWNER, DIED, PRESENTLY LIVES, OR IS OTHERWISE LOCATED, AND THAT HE SHE IS ALIVE AND OF FULL AGE, BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE SHE SIGNED THE ANNEXED PLAT AS OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____ 2016

NOTARY PUBLIC

PUBLIC UTILITY AND DRAINAGE EASEMENT PROVISIONS

ALL EASEMENTS FOR SAVING THE EMBODIMENT AND OTHER PROPERTY INDICATED AS EASEMENTS, UTILITY EASEMENTS OR COMBINED DRAINAGE AND UTILITY EASEMENTS ON THIS PLAT ARE HEREBY RESERVED AND GRANTED BY THE UNDERSIGNED TO THE CITY OF WHEATON, AND TO AMERITECH COMPANY, INCOR. COMED, AND THE CABLE TV VENDOR, AND THEIR SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY TO INSTALL, OPERATE, MAINTAIN, REMOVE, RELOCATE AND REMOVE, FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, GAS, WATER, TELEPHONE, TELEGRAPH, AND OTHER SUBSTRATE, SANITARY SEWER, AND ANY OTHER FACILITIES USED IN THE TRANSMISSION, DISTRIBUTION, OR TRANSPORTATION OF ANY COMMODITY IN A LIQUID OR GASEOUS STATE, IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE LINES ON THE PLAT MARKED "EASEMENT", AND THE PROPERTY DESIGNATED FOR STREETS AND OTHER PURPOSES AS EASEMENTS, AND TO INSTALL REQUIRED SERVICES, CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT TO THE PUBLIC UTILITY EASEMENTS, AND TO THE PROPERTY OWNED BY THE UNDERSIGNED OR BY THE PROPRIETORS OF BUSINESSES AND ROOFS AS SOON AS REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREBE GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEES FACILITIES OR IN, UPON, OR OVER THE PROPERTY WITHIN THE LINE MARKED "EASEMENT" WITHOUT THE PRIOR WRITTEN CONSENT OF THE UNDERSIGNED. AFTER THE GRANTING OF ANY EASEMENT, THE GRADE OF THE SUBJECT PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER MAINTENANCE THEREOF. THE ABOVE EASEMENT PROVISION ALSO APPLIES TO THOSE PUBLIC COMMUNICATIONS SYSTEMS UNDER FRANCHISE TO THE CITY OF WHEATON.

EASEMENTS INDICATED ARE "HEREBY DEDICATED"