

ORDINANCE NO. O-2018-41
AN ORDINANCE VACATING ELMWOOD STREET/CUSD 200

WHEREAS, written petition has been filed with the City of Wheaton, Illinois ("City") by Community Unit School District 200 ("Petitioner") requesting the vacation of the Elmwood Street right-of-way lying west and adjacent to petitioner's property at 130 Hazelton Avenue (Jefferson School) legally described herein; and

WHEREAS, the vacation petition has been filed pursuant to the provisions of Chapter 58, Article IV of the Wheaton City Code; thereafter, pursuant to notice as required by the City Code, a public hearing was conducted by the City Council on July 23, 2018 to consider the vacation; and

WHEREAS, the City Council 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 Elmwood Street right-of-way (Subject Property) is hereby vacated in conformance with the Plat of Vacation and Public Utility and Drainage Easement Grant prepared by Wolf Pack Consulting, LLC, dated June 27, 2018 attached hereto as Exhibit A and made a part hereof (hereinafter "Plat").

That part of the east half of Elmwood street, lying west of and adjacent to lot 6 in block 1, lying west of and adjacent to the west line of lots 16 to 24 in block 1, lying west of and adjacent to the west line of lots 19 to 24 in block 2, lying west of and adjacent to the west line of vacated Charles Street (per document number 884438), in Wheaton Park Manor, being a subdivision of part of section 18, township 39 north, range 10, east of the third principal meridian, according to the plat thereof recorded June 26, 1924 as document number 179446, described as follows: beginning at the northwest corner of said lot 6 in block 1 in Wheaton Park Manor; thence S 00 degrees 27 minutes 31 seconds E along the west line of said blocks 1 and 2 in Wheaton Park Manor for a distance of 957.08 feet to the southwest corner of said lot 19 in block 2 in Wheaton Park Manor; thence S 85 degrees 17 minutes 04 seconds W along the westerly extension of the southerly line of said lot 19 in block 2 in Wheaton Park Manor for a distance of 33.09 feet to a point on a line being 33.00 feet west of and perpendicular to the west line of said blocks 1 and 2 in Wheaton Park Manor; thence N 00 degrees 27 minutes 31 seconds W along said line being 33.00 feet west of and perpendicular to the west line of said blocks 1 and 2 for a distance of 949.76 feet to a point on a line being the westerly extension of the northerly line of said lot 6 in block 1 in Wheaton Park Manor, said point also being the southerly right-of-way line of Manchester Road as dedicated per document number 179446; thence N 73 degrees 03 minutes 01 seconds E along said westerly extension of the northerly line of said lot 6 in block 1 in Wheaton Park Manor for a distance of 34.42 feet to the point of beginning, in DuPage County, Illinois.

The Subject Property described above is hereby vacated for the full benefit of the petitioner whose address is 130 W. Park Avenue, Wheaton, Illinois, 60189.

Section 2: The vacation of the Subject Property provided for in this ordinance shall be subject to the following conditions and requirements:

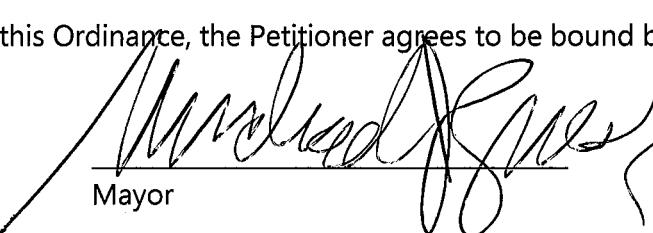
- A. Vacation of the Subject Property legally described herein shall be at no cost to the Petitioner. The determination to not require compensation for the vacated right-of-way is found to be consistent with Section 58-138 (a)(4) of the Wheaton City Code: "No fair and just compensation shall be required for public ways that necessitate a permanent easement over the entire public way land area."
- B. The Petitioner shall establish a permanent easement to the benefit of the City over the entire vacated right-of-way for utilities and drainage.
- C. The Petitioner shall establish permanent easements on the vacated right-of-way and adjacent property owned by the Petitioner to the benefit of the City for public ingress and egress, storm water compensatory storage, utilities, and future maintenance, as set forth in the Plat.
- D. There are no fees associated with the vacation as provided for by Section 58-143 of the Wheaton City Code.

Section 3: The Mayor is authorized to execute the Plat of Vacation prepared by Wolf Pack Consulting, LLC, dated January 26, 2018 and last revised on June 27, 2018; and the City Clerk is directed to attest to the signature of the Mayor. The Plat shall be recorded in the Office of the DuPage County Recorder along with a certified copy of this ordinance.

Section 4: All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be 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.

Section 6: That by executing this Ordinance, the Petitioner agrees to be bound by its terms and conditions.



Mayor

ATTEST:



Aaron Bennett Hagen
City Clerk

Roll Call Vote:

Ayes: Councilwoman Fitch
Councilman Prendiville
Mayor Pro Tem Scalzo
Councilman Rutledge
Councilman Barbier

Nays: None

Absent: Mayor Gresk
Councilman Suess

Motion Carried Unanimously

Passed: August 6, 2018
Published: August 7, 2018

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