

**ORDINANCE NO. O-2018-42**  
**AN ORDINANCE VACATING MORSE 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 Morse Street right-of-way lying southwest of 590 Amy Lane and east of Wheaton North High School property 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 Morse Street right-of-way (Subject Property) is hereby vacated in conformance with Plat of Abrogation and Easement Reservation prepared by Manhard Consulting, LTD, dated June 27, 2018 attached hereto as Exhibit A and made a part hereof (hereinafter "Plat").

That part of Morse Street, being part of the northeast quarter of section 8, township 39 north, range 10 east, as dedicated per document R2015-052814 and as monumented and occupied, more particularly described as follows: beginning at the southwest corner of outlot A in the Northwoods of Wheaton subdivision according to the plat thereof recorded May 19, 2015 as document R2015-052814, being also the north line of lot 2 in Muehlfelt's first subdivision according to the plat thereof recorded November 12, 1947 as document 533909; thence south 88 degrees 14 minutes 34 seconds west along said north line of lot 2, a distance 66.01 feet to the west right-of-way line of Morse Street as monumented and occupied; thence north 00 degrees 40 minutes 27 seconds west along the west line of said Morse Street right-of-way, a distance of 233.59 feet; thence north 89 degrees 19 minutes 33 seconds east, a distance of 66.00 feet to the west line of said outlot A and the east right-of-way of said Morse Street; thence south 00 degrees 40 minutes 27 seconds east along said right-of-way, a distance of 232.34 feet to the point of beginning, in Milton township, DuPage County, Illinois.

The Subject Property bearing property identification number 05-08-200-028 is hereby vacated for the full benefit of the petitioner whose address is 130 W. Park Avenue, Wheaton, Illinois.

**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 Abrogation and Easement Reservation prepared by Manhard Consulting LTD, dated March 18, 2018 and last revised on June 27, 20018; 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.

ATTEST:

  
Aaron Bennett, Mayor  
City Clerk

**Roll Call Vote:**

Ayes:	Councilman Barbier Councilwoman Fitch Councilman Prendiville Mayor Pro Tem Scalzo Councilman Rutledge
Nays:	None

Absent: Mayor Gresk  
Councilman Suess

Motion Carried Unanimously

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

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