

ORDINANCE NO. O-2019-12
AN ORDINANCE VACATING A PORTION OF THE SHAFFNER ROAD RIGHT-OF-WAY

WHEREAS, written petition has been filed with the City of Wheaton, Illinois ("City") by Wheaton Park District ("Petitioner") requesting the vacation of a portion of Shaffner Road right-of-way known as Atten Park lying north and west of Warrenville Road and Wiesbrook Road respectively 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 January 14, 2019 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 Shaffner Road right-of-way (Subject Property) is hereby vacated in conformance with the Plat of Vacation prepared by Webster, McGrath and Ahlberg, Ltd. dated March 7, 2019, attached hereto as Exhibit B, and made a part hereof (hereinafter "Plat").

THAT PART OF THE SHEFFNER ROAD RIGHT OF WAY AS DEDICATED BY PLAT DOCUMENT 446325 AND BY WARRANTY DEED DOCUMENT 447485 BEING PART OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 9, EAST AND SECTION 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE NORTH LINE OF SAID SECTION 25 EXTENDED EASTERLY AND LYING NORTH OF THE NORTH LINE OF A.T. MCINTOSH AND COMPANY'S WIESBROOK ROAD SUBDIVISION PER DOCUMENT R1925-194383, IN DUPAGE COUNTY, ILLINOIS.

The Subject Property described above is hereby vacated for the full benefit of the petitioner whose address is 102 E Wesley Street, Wheaton, Illinois, 60187.

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." The Petitioner shall reimburse the City for all expenses associated with the vacation.
- B. The Petitioner shall establish a permanent easement to the benefit of the City, Wheaton Sanitary District and other utilities over the entire vacated right-of-way for utilities and drainage.
- C. The Petitioner shall establish permanent easements on the vacated right-of-way 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. The Petitioner shall construct a sidewalk connecting the curb cut on the north side of Park View Court with the Petitioner's asphalt pathway in Atten Park. This work shall be completed in 2019.

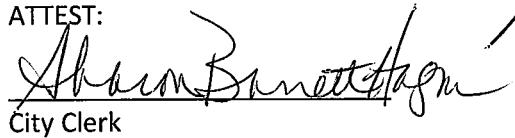
Section 3: The Mayor is authorized to execute the Plat of Vacation prepared by Webster, McGrath and Ahlberg, Ltd., dated March 7, 2019, in conformance with the conditions set forth in this ordinance, and the City Clerk is directed to attest to the signature of the Mayor. The Plat shall be recorded in 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:


Sharon Bennett Hagan
City Clerk

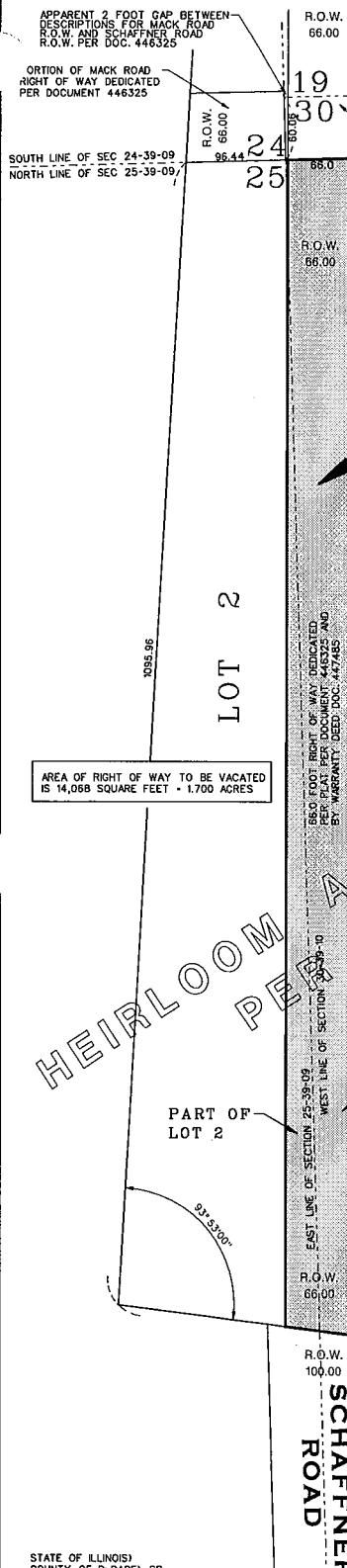
Roll Call Vote:

Ayes:	Councilman Barbier Councilman Prendiville Mayor Gresk Councilman Rutledge Councilman Suess
Nays:	None
Absent:	Councilwoman Fitch Councilman Scalzo

Passed: March 18, 2019

Published: March 19, 2019

PLAT OF VACATION



LEGAL DESCRIPTION OF SCHAFFNER ROAD R.O.W. BEING VACATED:
THAT PART OF THE SCHAFFNER ROAD RIGHT OF WAY AS DEDICATED BY
PLAT DOCUMENT 446325 AND BY WARRANTY DEED DOCUMENT 447485
BEING A PART OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 9, EAST
AND SECTION 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD
PRINCIPAL MERIDIAN, Lying SOUTH OF THE NORTH LINE OF SECTION
25 EXTENDED EASTERLY AND LYING NORTH OF THE NORTH LINE OF
AT. MCINTOSH & COMPANY'S WIESBROOK ROAD SUBDIVISION PER DOCUMENT
R1925-194363, IN DU PAGE COUNTY, ILLINOIS.

EXHIBIT B

8:17:47 AM

3/6/2019

RESERVED FOR COUNTY RECORDER

STATE OF ILLINOIS
COUNTY OF DU PAGE) SS

THIS INSTRUMENT NO. _____ WAS FILED FOR
RECORD IN THE RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS, AFORESAID,
ON THE _____ DAY OF _____, A.D. 20____, AT
_____ O'CLOCK _____ M., AND WAS RECORDED IN BOOK _____ OF
PLATS ON PAGE _____

COUNTY RECORDER

STATE OF ILLINOIS
COUNTY OF DU PAGE)

APPROVED BY THE PRESIDENT AND CITY COUNCIL OF THE CITY OF WHEATON,
DU PAGE COUNTY, ILLINOIS, THIS _____ DAY OF _____
A.D. 20____

SIGNED: _____
MAYOR

ATTEST: _____
CITY CLERK

STATE OF ILLINOIS
COUNTY OF DU PAGE)

_____, CITY CLERK OF THE CITY OF WHEATON, ILLINOIS, DO HEREBY
CERTIFY THAT THE ANNEXED PLAT WAS PRESENTED TO AND BY ORDINANCE DULY APPROVED BY THE
CITY COUNCIL OF THE CITY OF WHEATON, AT ITS MEETING HELD ON _____
AD. 20____, IN WITNESS WHEREOF I HAVE HEREONTO SET THE SEAL OF THE CITY OF WHEATON, ILLINOIS.

CITY CLERK

PUBLIC UTILITY AND DRAINAGE EASEMENT PROVISIONS
FOR RETAINED EASEMENT RIGHTS WITHIN THE VACATED RIGHT OF WAY

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF WHEATON, ILLINOIS,
ILLINOIS BELL dba AT&T, AN ILLINOIS CORPORATION, COMMONWEALTH EDISON COMPANY, NICOR,
THE CABLE TELEVISION COMPANY OPERATING UNDER FRANCHISE FROM THE CITY OF WHEATON,
AND OTHER RESPECTIVE SUCCESSORS AND ASSIGNS WITHIN THE AREA SHOWN ON THE HERON
DRIVE PLAT, AS MARKED THEREIN, THE RIGHT TO CUT, TRIM, REMOVE, RELOCATE, RELOCATE, RELOCATE,
RENEW, OPERATE, MAINTAIN, RELOCATE AND EXTEND SANITARY SEWERS, STORM SEWERS, DRAIN
TILES, SURFACE DRAINAGE COURSES, STORM WATER MANAGEMENT FACILITIES, WATER MAINS
MANHOLES, INLETS, VAULTS, GAS MAINS, COMMUNICATION, VIDEO AND/OR INFORMATION SERVICES
AND/OR OTHER SERVICES, T.V. CABLES, ELECTRICAL CONDUITS, CABLE WIRES, PEDESTALS,
POWER TRANSFORMERS AND OTHER EQUIPMENT, AND TO USE THE SAME FOR THE PURPOSE
OF SERVING THE SUBDIVISION AND ADJACENT PROPERTY WITH SANITARY SEWERS, WATER, GAS,
COMMUNICATION, VIDEO, AND/OR INFORMATION SERVICES AND/OR ANY OTHER SERVICES, CABLE, T.V.,
DRAINAGE AND ELECTRICAL SERVICE. THE RIGHT IS GRANTED TO CUT, TRIM, OR REMOVE TREES,
BUSHES, FENCES AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHT HEREIN GIVEN, AND
THE RIGHT TO USE THE EASEMENT FOR THE PURPOSES STATED HEREIN. NO
PERMANENT BUILDINGS SHALL BE PLACED ON said EASEMENT. NO NAME MAY BE USED
FOR GARDENS, SHRUBS, LANDSCAPING, FENCING AND OTHER PURPOSES THAT DO NOT THEN OR
LATER INTERFERE WITH THE AFORESAID USES OR THE RIGHTS HEREIN GRANTED.

RIGHT OF WAY HEREBY VACATED EASEMENT RIGHTS TO BE RETAINED

ATTEN PARK

PART OF
LOT 1

PART OF
LOT 2

R.O.W.
100.00
SCHAFFNER
ROAD

NORTH LINE OF MCINTOSH'S WIESBROOK ROAD SUBDIVISION
953.241

Note:
Wheaton Sanitary District, via a Plat of Easement Grant
(R2019-016699) approved by the City of Wheaton, has a sanitary
sewer easement on the vacated right of way!

WIESBROOK
ROAD

Rev	Date	Description	By
2	3/1/19	ADD NOTE FOR SAN SEWER	DS
1	11/30/18	REVISED PER REVIEW	DS
WEBSTER, MCGRATH & AHLBERG LTD.			
WMA LAND SURVEYING - CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE Over a Century of Service to our Clients 207 South Naperville Road Wheaton, Illinois 60187 ph: 830/668-7603 web: www.wmatal.com Design Firm License No. 184-000310			
PLAT OF VACATION			
LOCATION: SCHAFFNER ROAD RIGHT OF WAY IN SECTION 30-39-10			
PREPARED FOR: WHEATON PARK DISTRICT ATTN: DONALD J. LOCHER 100 N. McINTOSH ROAD WHEATON, IL 60187			
JOB #:	44156	DATE: 11/12/18	SCALE: 1"=50'
DS	DS	DRAWN: DS	DESIGN: DS
DS	DS	FILE #: D-22709-VACATION	SHEET #: 1 of 1

EXACT PROJECTS 14156-303910-DUP-PLAT SURV-0394156-Vacation Plat

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