

ORDINANCE NO. O-2019-44

AN ORDINANCE VACATING A PUBLIC ALLEY RIGHT-OF-WAY
COLLEGE CHURCH

WHEREAS, written petition has been filed with the City of Wheaton, Illinois ("City") by College Church in Wheaton ("Petitioner") requesting the vacation of a public alley right-of-way running east from Scott Street, parallel to and lying between Seminary Avenue to the north and Wesley Street to the south 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 September 9, 2019 to consider the vacation; and

WHEREAS, the City Council has determined that the vacation of the public alley 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 public alley right-of-way (Subject Property) is hereby vacated in conformance with the Plat of Vacation prepared by Carradus Land Survey Inc. dated November 5, 2018 and bearing revision dates of May 20, 2019 and June 19, 2019 attached hereto as Exhibit A, and made a part hereof (hereinafter "Plat").

ALL OF THAT PART OF THE 20 FOOT ALLEY LYING NORTH OF AND ADJACENT TO THE FOLLOWING DESCRIBED PROPERTIES: THE NORTH HALF OF LOT 7 IN BLOCK 1 IN THE ORIGINAL PLAT OF THE TOWN OF WHEATON, BEING A SUBDIVISION IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 20, 1853 AS DOCUMENT NUMBER 7256, IN DUPAGE COUNTY, ILLINOIS,

AND ALSO;

LOTS 1 AND 2 OF THE PLAT OF MILO BUTTERFIELD HOMESTEAD, BEING A SUBDIVISION OF PART OF THE ORIGINAL PLAT OF THE TOWN OF WHEATON IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID MILO BUTTERFIELD HOMESTEAD RECORDED MARCH 31, 1949 AS DOCUMENT 565280, AND CERTIFICATE OF CORRECTION RECORDED NOVEMBER 8, 1955 AS DOCUMENT NUMBER 780046, IN DUPAGE COUNTY, ILLINOIS,

AND ALSO;

LOT 1 IN GARY WHEATON BANK'S WESLEY STREET CONSOLIDATION OF LOT 10 (EXCEPT THE WEST 45.00 FEET THEREOF) AND THE WEST HALF OF LOT 11 IN BLOCK 1 IN THE ORIGINAL PLAT OF THE TOWN OF WHEATON; AND LOT 3 OF THE PLAT OF MILO BUTTERFIELD HOMESTEAD, BEING A DIVISION OF LOTS 8 AND 9 AND THE WEST 45.00 OF LOT 10, IN BLOCK 1 IN THE ORIGINAL PLAT OF THE TOWN OF WHEATON BEING SUBDIVISIONS OF PART OF THE WEST HALF OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID GARY WHEATON BANK'S WESLEY STREET CONSOLIDATION RECORDED DECEMBER 19, 1990 AS DOCUMENT NUMBER R90-172405, IN DUPAGE COUNTY, ILLINOIS.

The Subject Property described above is hereby vacated for the full benefit of the petitioner whose address is 332 E. Seminary Avenue, 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."
- B. The Petitioner shall pay all fees associated with the vacation as provided for by Section 58-143 of the Wheaton City Code.
- C. The Petitioner shall establish a permanent easement to the benefit of the City and other utilities over the entire vacated right-of-way for utilities and drainage.

Section 3: The Mayor is authorized to execute the Plat, 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.



Philip J. Sauer
Mayor

ATTEST:



Karen Bennett Hogan
City Clerk

Roll Call Vote

Ayes:	Councilman Barbier Councilwoman Bray-Parker Councilwoman Fitch Mayor Pro Tem Rutledge Councilman Zaruba
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Nays:	None
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Absent: Mayor Suess
Councilwoman Robbins

Motion Carried Unanimously

Passed: September 16, 2019
Published: September 17, 2019

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