

ORDINANCE NO. O-2022-33

**AN ORDINANCE VACATING A PUBLIC ALLEY RIGHT-OF-WAY AND ABROGATING EXISTING EASEMENTS  
WILLOW AVENUE APARTMENTS LLC**

**WHEREAS**, written petition has been filed with the City of Wheaton, Illinois ("City") by Willow Avenue Apartments LLC ("Petitioner") requesting the vacation of the public alley commonly known as the 16.5 foot public alley (6,532 square feet) that runs east-west between Wheaton Avenue and Hale Street and two street light easements; the north easement being 1,330 square feet and the south easement being 270 square feet all legally described herein (the "Property"); and

**WHEREAS**, an appraisal to determine fair and just compensation was completed by Polach Appraisal Group, Inc. pursuant to Sec 58-138 of the Wheaton City Code; and

**WHEREAS**, the Polach Appraisal Group, Inc. determined the fair market value of the Property is two hundred fifty thousand dollars (\$250,000.00); 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 June 27, 2022 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, Du Page County, Illinois, pursuant to its home rule powers, as follows:

**Section 1:** The following described public alley right-of-way (Property) is hereby vacated in conformance with the Plat of Vacation prepared by CAGE Engineering, dated March 29, 2022 attached hereto as Exhibit 1 and made a part hereof (hereinafter "Plat").

ALL OF THE 16.5 FOOT EAST-WEST ALLEY AS DEDICATED AND RUNNING THROUGH THE CENTER OF BLOCK 4 IN J.C. WHEATON'S ADDITION TO THE TOWN OF WHEATON, BEING A SUBDIVISION IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 7, 1855 AS DOCUMENT NUMBER 9567, IN DUPAGE COUNTY, ILLINOIS AND, AS DESCRIBED IN DOCUMENT NUMBER R1855-009567, AND AS FURTHER AFFECTED BY THE NORTH 5 FOOT STREET LIGHT EASEMENT (1,330 SQUARE FEET) AND THE SOUTH 5 FOOT STREET LIGHT EASEMENT (270 SQUARE FEET) AS DESCRIBED IN DOCUMENT NUMBER R2009-114990.

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

- A. The Petitioner shall pay fair and just compensation as determined by the appraisal completed by Polach Appraisal Group, Inc. pursuant to Section 58-138 of the Wheaton City Code.
- B. The Petitioner shall pay all fees associated with the vacation pursuant to Section 58-143 of the Wheaton City Code.
- c. The Petitioner shall secure its demolition permits from the City, and not close the alley, for

public use until the demolition commences. The closing of the alley shall be coordinated with the City Engineer.

**Section 3:** Upon satisfaction of the conditions set forth in Section 2 of this ordinance, the Mayor is authorized to execute the Plat, 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:** Upon completion of all the requirements of this Ordinance title to the Property shall be held by the Petitioner and zoned C-4 Perimeter Commercial District.

**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.



Philip J. Suess  
\_\_\_\_\_  
Mayor

ATTEST:



Andrea Rosedale  
\_\_\_\_\_  
City Clerk

Ayes:

Roll Call Vote

Councilwoman Fitch  
Councilman Weller  
Councilman Barbier  
Councilwoman Bray-Parker  
Councilman Brown  
Mayor Suess

Nays:

Councilwoman Robbins

Absent:

None

Motion Carried

Passed: August 1, 2022

Published: August 2, 2022

## Exhibit 1

