

**ORDINANCE NO. O-2022-55**  
**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 Sanitary District ("Petitioner") requesting the vacation of a portion of Shaffner Road right-of-way, that area lying north and east of Mack Road, east of the southern Shaffner Road extension and west of Wheaton Sanitary District 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 November 28, 2022 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 Steinbrecher Land Surveyors, Inc. dated March 29, 2022, attached hereto as Exhibit B, and made a part hereof (hereinafter "Plat").

THAT PART OF THE SHAFFNER ROAD RIGHT OF WAY AS DEDICATED BY PLAT DOCUMENT 446325 AND BY WARRANTY DEED DOCUMENT 447485, BEING PART OF SECTION 19 AND 30, TOWNSHIP 39 NORTH, RANGE 10. EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE NORTH LINE OF SECTION 25. TOWNSHIP 39 NORTH, RANGE 9. EXTENDED EASTERLY AND LYING SOUTH OF THE NORTH LINE OF LOT 1 AND EASTERLY OF THE EASTERLY RIGHT OF WAY FOR PUBLIC ROAD ON SAID LOT 1 IN HEIRLOOM ACRES PLAT OF SURVEY RECORDED JULY 27, 1955, AS DOCUMENT 766669. ALL IN MILTON TOWNSHIP, DUPAGE COUNTY, ILLINOIS.

The Subject Property described above is hereby vacated for the full benefit of the petitioner whose address is 15649 Shaffner Road, Wheaton, Illinois, 60189-0626.

**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 and other utilities over the entire vacated right-of-way for utilities and drainage.

**Section 3:** The Mayor is authorized to execute the Plat of Vacation prepared by Steinbrecher Land Surveyors, Inc. dated March 29, 2022, 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 Suess  
Mayor

ATTEST:

  
Andrea Rosedale  
City Clerk

Roll Call Vote:

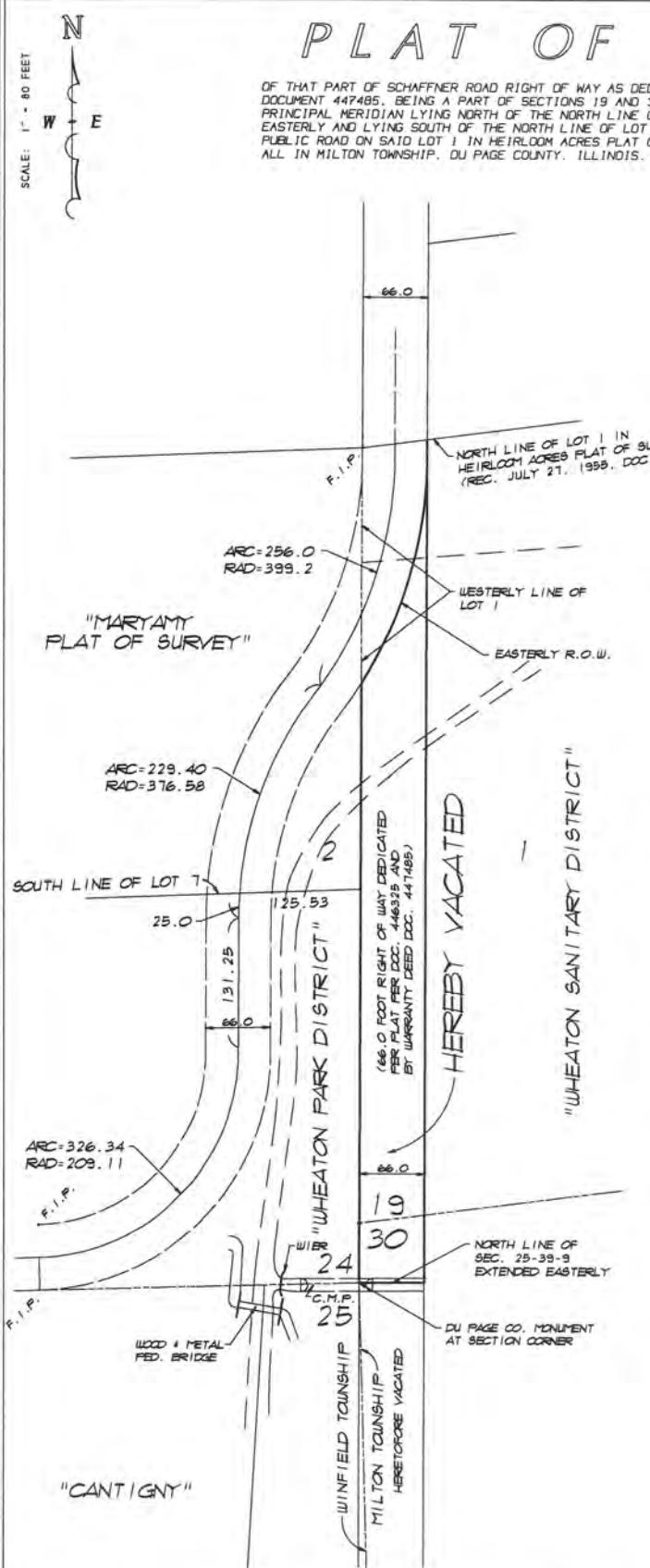
Ayes:	Councilwoman Fitch Councilwoman Robbins Councilman Weller Councilman Barbier Councilwoman Bray-Parker Councilman Brown Mayor Suess
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Nays:	None
Absent:	None

Motion Carried Unanimously

Passed: December 5, 2022

Published: December 6, 2022



SUBMITTED BY & RETURN TO:  
WHEATON SANITARY DISTRICT  
15649 SHAFFNER ROAD  
WHEATON, IL 60189-0626

DD1745: SHAFFVAC

A circular professional seal. The outer ring contains the text "RICHARD J. STEINBRENNER" at the top and "PROFESSIONAL LAND SURVEYOR" at the bottom. The inner circle contains the text "CERT. 3583" at the top and "WEST. CHICAGO. IL" at the bottom.

Richard Steinbrecher  
Professional Land Surveyor 3583  
License expires Nov. 30, 2022

THIS IS TO CERTIFY  
LAND SURVEYING DESIGN E.

VACATION. THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH, TO THE BEST OF OUR KNOWLEDGE AND BELIEF, IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY TO BE VACATED.

CITY CLERK

**SURVEYORS CERTIFICATE**

STATE OF ILLINOIS /  
I S.S.  
COUNTY OF DU PAGE /

THIS IS TO CERTIFY THAT WE, STEINBRECHER LAND SURVEYORS, INC. PROFESSIONAL LAND SURVEYING DESIGN FIRM NO. 184-003126, HAVE PLATTED FOR THE PURPOSE OF VACATION, THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH, TO THE BEST OF OUR KNOWLEDGE AND BELIEF, IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY TO BE VACATED.

West EnviroSci, LLC, March 25, 2022.

