

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 1S649 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.



Mayor

ATTEST:



City Clerk

Ayes:

Roll Call Vote:

Councilwoman Fitch
Councilwoman Robbins
Councilman Weller
Councilman Barbier
Councilwoman Bray-Parker
Councilman Brown
Mayor Sues

Nays:

None

Absent:

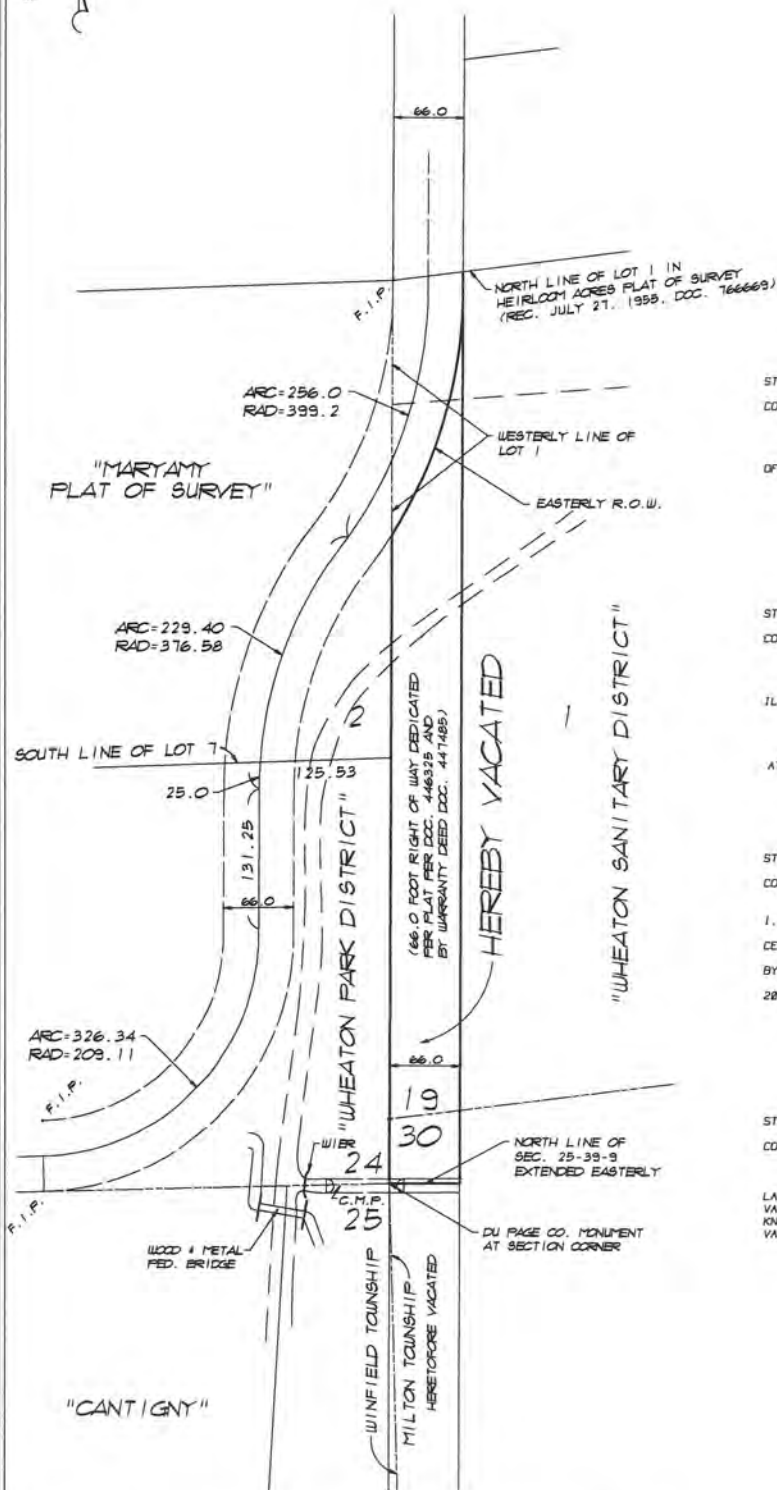
None

Motion Carried Unanimously

Passed: December 5, 2022

Published: December 6, 2022

OF THAT PART OF SCHAFFNER ROAD RIGHT OF WAY AS DEDICATED BY PLAT, DOCUMENT 446325 AND BY WARRANTY DEED DOCUMENT 447485, BEING A PART OF SECTIONS 19 AND 38, TOWNSHIP 39 NORTH, RANGE 18, EAST OF THE THIRD PRINCIPAL MERIDIAN LYING NORTH OF THE NORTH LINE AND 100.25 TOWNSHIP 39 NORTH, RANGE 18, EXTENDED EASTERLY AND LYING SOUTH OF THE NORTH LINE OF LOT 1 AND EASTERLY OF THE EASTERN 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, DU PAGE COUNTY, ILLINOIS.



West Chicago, Illinois, March 29, 2022

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



 Professional Land Surveying
Design Firm Corporation No. 184-003126
141 S. Neilnor Blvd., West Chicago, IL 60185-2844
(630) 293-8900 Fax 293-8902

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

