

ORDINANCE NO. O-2023-15

AN ORDINANCE DENYING CALC HOLDING LLC'S APPLICATION FOR RECAPTURE OF COSTS FOR PUBLIC IMPROVEMENTS INSTALLED IN CONNECTION WITH THE SUMMIT STREET SUBDIVISION

WHEREAS, the City of Wheaton, Illinois, ("City") is an Illinois Home Rule Municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution of 1970; and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, CALC Holding LLC ("Developer") developed Summit Street Subdivision, which is located along the east side of Summit Street north of Harwarden Avenue and south of Avery Avenue; and

WHEREAS, as part of the development, Developer was required to install certain public improvements (street, curb and gutter, sidewalks, storm sewer, sanitary sewer and water main) required by Article IV, Chapter 62 of the Wheaton City Code ("Code"); and

WHEREAS, in accordance with Article VI, Chapter 62 of the Code, Developer applied to the City to enter into a recapture agreement to recover the pro rata share of the costs for the public improvements from properties located at 214 N. Summit Street and 203 N. Blanchard Street; and

WHEREAS, Section 62-352 of the Code states that the City may enter into a reimbursement contract with a developer of a subdivision for reimbursement of costs that benefit other properties; and

WHEREAS, pursuant to notice as required by Section 62-354 of the Code, a public hearing was conducted by the Wheaton City Council on April 24, 2023, to consider Developer's application for recapture costs; and

WHEREAS, the City Council finds that a recapture is not suitable for the public improvements adjoining the properties at 214 N. Summit Street and 203 N. Blanchard Street.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, Du Page County, Illinois, pursuant to its home rule powers and Article VI, Chapter 62 of the Wheaton City Code, as follows:

Section 1: CALC Holding LLC's application to recapture certain costs related to its installation of public improvement for the Summit Street Subdivision from the properties at 214 N. Summit Street and 203 N. Blanchard Street is hereby denied.

Section 2: All ordinances or parts of ordinances in conflict with these provisions are repealed.



Philip J. Buer
Mayor

ATTEST:



Andrea Rosedale

City Clerk

Roll Call Vote

Ayes: Councilwoman Bray-Parker
Councilman Brown
Mayor Suess
Councilman Clousing
Councilwoman Robbins
Councilman Weller
Councilman Barbier

Nays: None

Absent: None

Passed: May 1, 2023
Published: May 2, 2023