

ORDINANCE NO. O-2024-39

AN ORDINANCE VACATING A PORTION OF CHARLES STREET RIGHT-OF-WAY

WHEREAS, written petition has been filed with the City of Wheaton, Illinois ("City") by Richard and Joanne Cortino ("Petitioner") requesting the vacation of a portion of Charles Street right-of-way, that the area 33' road right of way (formerly known as Charles Street) adjacent and south of 165 Page Street 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 December 9, 2024, 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 Charles Street right-of-way (Subject Property) is hereby vacated in conformance with the Plat of Vacation prepared by Steinbrecher Land Surveyors, Inc., dated August 15, 2024, attached hereto as Exhibit A, and made a part hereof (hereinafter "Plat").

THAT PORTION OF CHARLES STREET LYING SOUTH OF LOT 8 IN BLOCK 9 IN WHEATON PARK MANOR, BEING A SUBDIVISION IN SECTION 18, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8: THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 8: THENCE SOUTHERLY ALONG THE EASTERLY LINE OF LOT 8 AS EXTENDED 33.08 FEET TO THE SOUTH LINE OF THE NORTH HALF OF CHARLES STREET; THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTH HALF OF CHARLES STREET, 160.07 FEET; THENCE NORTHWESTERLY 45.02 FEET TO THE POINT OF BEGINNING, ALL IN SAID WHEATON PARK MANOR. ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT 179446, IN DUPAGE COUNTY, ILLINOIS

The Subject Property described above is hereby vacated for the full benefit of the petitioner whose address is 165 Page Street, 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 establish a permanent easement to the benefit of the City and other utilities over the entire vacated right-of-way for utilities and drainage.
- C. The Petitioner shall pay all fees associated with the vacation as provided for by Section 58-143 of the Wheaton City Code.

Section 3: The Mayor is authorized to execute the Plat of Vacation prepared by Steinbrecher Land Surveyors, Inc. dated August 15, 2024, 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.



Mayor

ATTEST:


City Clerk

Roll Call Vote:

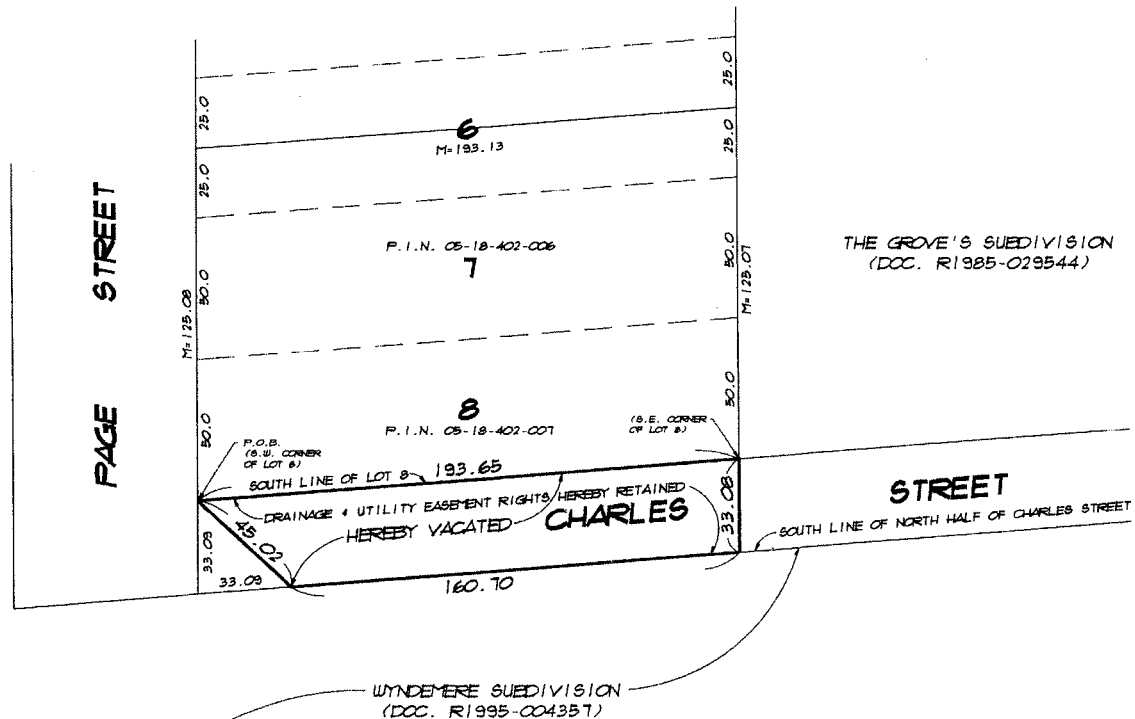
Ayes: Councilwoman Robbins
Councilman Weller
Councilwoman Bray-Parker
Councilman Brown
Mayor Suess
Councilman Clousing

Nays: None
Absent: Councilman Barbier
Motion Carried Unanimously

Passed: December 16, 2024

Published: December 17, 2024

OF THAT PORTION OF CHARLES STREET LYING SOUTH OF LOT 8 IN BLOCK 9 IN WHEATON PARK MANOR, BEING A SUBDIVISION IN SECTION 18, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE EASTERLY ALONG THE SOUTH LINE OF LOT 8, 193.65 FEET TO THE SOUTHEAST CORNER OF SAID LOT 8; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF LOT 8 AS EXTENDED SOUTH 39.00 FEET TO THE SOUTH LINE OF THE NORTH HALF OF CHARLES STREET, THENCE WESTERLY ALONG THE SOUTH LINE OF THE NORTH HALF OF CHARLES STREET, 160.07 FEET; THENCE NORTHWESTERLY 45.02 FEET TO THE POINT OF BEGINNING, ALL IN SAID WHEATON PARK MANOR, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT 179446, IN DU PAGE COUNTY, ILLINOIS.



COUNTY RECORDER'S CERTIFICATE

THIS INSTRUMENT, NO. _____, WAS FILED FOR RECORD IN THE
RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS, THIS ____ DAY OF
_____, 2024 AT ____ O'CLOCK __M., AND WAS RECORDED IN BOOK
____ OF PLATS ON PAGE ____.

COUNTY RECORDER

SURVEYOR'S CERTIFICATE


THIS IS TO CERTIFY THAT STEINBRECHER LAND SURVEYORS, INC., PROFESSIONAL LAND SURVEYING DESIGN FIRM CORPORATION NO. 184-083126, HAVE PLATTED FOR THE PURPOSES OF VACATING RIGHT OF WAYS AS SHOWN AND DESCRIBED ON THE ANNEXED PLAT, WHICH IS TO THE BEST OF MY KNOWLEDGE AND BELIEF A CORRECT REPRESENTATION THEREOF.

West Chicago, Illinois, August 15, 2024

2024

Rich Steinbrecher

Richard J. Steinbrecher
Professional Land Surveyor 3583
License expires Nov. 30, 2024



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

SUBMITTED BY AND RETURN TO:
CITY OF WHEATON
303 W. WESLEY STREET
WHEATON, IL. 60187

PREPARED FOR:
RICH CORTINO
165 N. PAGE STREET
WHEATON, IL.



