

ORDINANCE NO. O-2025-03

AN ORDINANCE VACATING A PORTION OF WILMETTE RIGHT-OF-WAY

WHEREAS, written petition has been filed with the City of Wheaton, Illinois ("City") by Syed and Haseeb Hussain and James and Susan Reehoff ("Petitioners") requesting the vacation of the Wilmette right-of-way west of 1602 Wakeman and east of 1520 Wakeman 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 January 13, 2025, 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 Wilmette right-of-way (Subject Property) is hereby vacated in conformance with the Plats of Vacation and Public Utility and Drainage Easement Grant prepared by Polena Engineering LLC, dated September 30, 2024, attached hereto as Exhibits A and B and made a part hereof (hereinafter "Plats").

The east 33.0 (except the west 12.0 feet thereof) feet of that part of Wilmette Street lying south of a line drawn between the northwest corner of Lot 9 in block 12 and the northeast corner of Lot 1 in block 13 and north of a line between the southwest corner of said lot 9 in block 12 and the southeast corner of said lot 1 in block 13, being a subdivision of part of the south $\frac{1}{2}$ of section 10, township 39 north, range 10 east of the third principal meridian, according to the plat thereof recorded February 27, 1925 as document 188951 and certificate of correction filed July 28, 1925 as document 196919, in DuPage County, Illinois.

The west 12.0 feet of the east 33 feet of that part of Wilmette Street lying south of a line drawn between the northwest corner of lot 9 in block 12 and the northeast corner of lot 1 in block 13 and north of a line between the southwest corner of said lot 9 in block 12 and the southeast corner of said boulevard subdivision, being a subdivision of part of the south $\frac{1}{2}$ of section 10, township 39 north, range 10 east of the third principal meridian, according to the plat thereof recorded February 27, 1925 as document 188951 and certificate of correction filed July 28, 1925 as document 196919, in DuPage County, Illinois.

The Subject Property described above is hereby vacated for the full benefit of the Petitioners, subject to the utility easement reservations described herein, whose addresses are 1602 Wakeman and 1520 Wakeman, 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 not require compensation. 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 Petitioners shall establish a permanent easement to the benefit of the City and utility companies over the entire vacated right-of-way for utilities and drainage.
- C. The Petitioners, at their sole cost and expense, shall remove the existing curb line ingress at Wilmette Street and replace with an extension of the Wakeman Avenue curb line across the right-of-way. Said work shall be performed to the city's satisfaction by November 1, 2025, and is subject to all applicable permitting requirements. In the event the Petitioners fail to complete said work to the city's satisfaction within this time frame, the city may complete said work at the Petitioners' expense. If Petitioners do not reimburse the city within 30 days of receipt of an invoice, the city may file liens against both properties.
- D. All costs incurred by the city associated with the consideration or the vacation of public ways shall be borne by the petitioners as provided for by Section 58-143 of the Wheaton City Code.

Section 3: Upon satisfaction of the conditions set forth in Section 2. C of this ordinance, the Mayor is authorized to execute the Plats of Vacation prepared by Polena Engineering LLC, dated September 30, 2024, attached hereto as Exhibits A and B, and the City Clerk is directed to attest to the signature of the Mayor. The Plats 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.



Philip J. Sauer

Mayor

ATTEST:



Andrea Rosedale

City Clerk

Roll Call Vote:

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

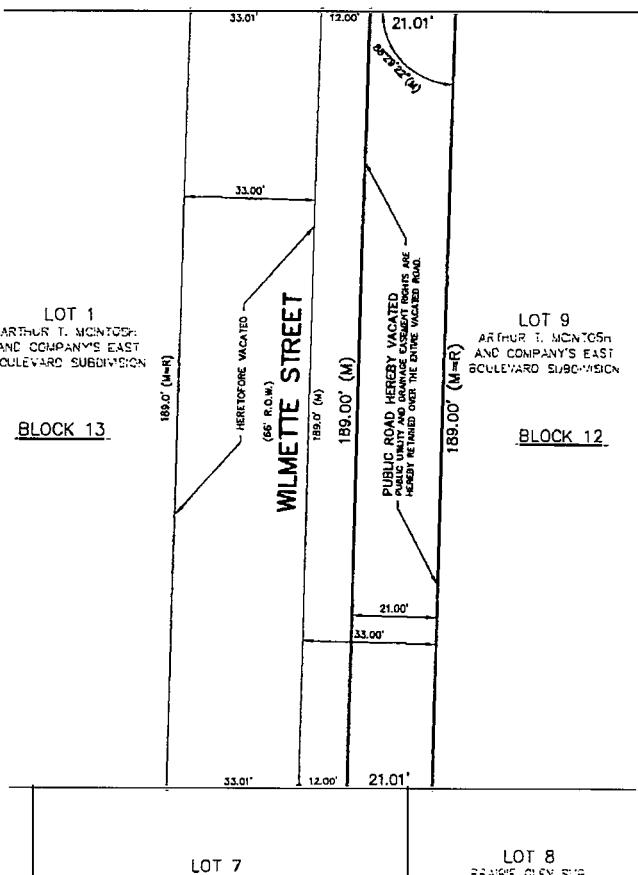
Nays: None
Absent: None
Motion Carried Unanimously

Passed: January 21, 2025
Published: January 22, 2025

PLAT OF VACATION OF PUBLIC ROAD IN THE CITY OF WHEATON

WAKEMAN AVENUE

(66' R.O.W.)



LOT 1
ARTHUR T. MONTOSH
AND COMPANY'S EAST
BOULEVARD SUBDIVISION

BLOCK 13

189.0' (M+R)

WILMETTE STREET

(66' R.O.W.)

PUBLIC ROAD HEREBY VACATED
PUBLIC UTILITY AND DRAINAGE EASEMENT RIGHTS ARE
HELD BY THE CITY OF WHEATON OVER THE ENTIRE VACATED ROAD.

LOT 9
ARTHUR T. MONTOSH
AND COMPANY'S EAST
BOULEVARD SUBDIVISION

BLOCK 12

189.0' (M+R)

LOT 7
PRAIRIE GLEN SUB.

LOT 8
PRAIRIE GLEN SUB.



LAND SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S.S.

THIS IS TO CERTIFY THAT I, BRUCE W. SHOULSKY, AN ILLINOIS LICENSED PROFESSIONAL
LAND SURVEYOR, HAVE PLATTED FOR THE PURPOSE OF VACATION, THE PROPERTY
SHOWN AND DESCRIBED HEREON, WHICH TO THE BEST OF MY KNOWLEDGE AND BELIEF,
A CORRECT REPRESENTATION OF PROPERTY TO BE VACATED.

J. DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF.
GIVEN UNDER MY HAND AND SEAL AT LAKE IN THE HILLS, ILLINOIS,
THIS 30TH DAY OF SEPTEMBER, A.D. 2024

ILLINOIS LAND SURVEYOR NO. 3251; LICENSE EXPIRES 11/30/24
ILLINOIS DESIGN FIRM NO. 184007280

LEGAL DESCRIPTION OF PUBLIC ROAD BEING VACATED

THE EAST 33.0 FEET (EXCEPT THE WEST 12.0 FEET THEREOF) OF THAT PART OF WILMETTE STREET LYING SOUTH OF A LINE DRAWN BETWEEN THE NORTHWEST CORNER OF LOT 9 IN BLOCK 12 AND THE NORTHEAST CORNER OF LOT 1 IN BLOCK 13 AND NORTH OF A LINE BETWEEN THE SOUTHWEST CORNER OF SAID LOT 9 IN BLOCK 12 AND THE SOUTHEAST CORNER OF SAID LOT 1 IN BLOCK 13, AS SHOWN ON ARTHUR T. MONTOSH AND COMPANY'S EAST BOULEVARD SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTH 1/2 OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 27, 1925 AS DOCUMENT 188951 AND CERTIFICATE OF CORRECTION FILED JULY 28, 1925 AS DOCUMENT 198919, IN DUPAGE COUNTY, ILLINOIS.

AREA OF PUBLIC ROAD BEING VACATED

3969 Sq.Ft. or 0.091 Acres±

PUBLIC UTILITY AND DRAINAGE EASEMENT PROVISIONS

ALL EASEMENTS INDICATED AS PUBLIC UTILITY AND/OR DRAINAGE AND UTILITY EASEMENTS ON THIS PLAT ARE RESERVED FOR AND GRANTED TO THE CITY OF WHEATON AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISE FROM THE CITY OF WHEATON INCLUDING, BUT NOT LIMITED TO, AT&T, NICOR GAS COMPANY, COMMONWEALTH EDISON COMPANY, COMCAST CABLE AND THEIR SUCCESSORS AND ASSIGNS (COLLECTIVELY GRANTEE) FOR THE PERPETUAL FREEHOLD PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, IMPROVE, MAINTAIN AND OPERATE PUBLIC UTILITY AND DRAINAGE STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID CITY OF WHEATON, UPON, ALONG, UNDER AND THROUGH SAID INDICATED EASEMENT, TOGETHER WITH RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY PERSONS AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE PUBLIC UTILITY. THE GRANTEE OR GRANTEE'S PERFORMING OR CAUSING TO BE PERFORMED ANY WORK, WHETHER SUCH WORK IS IN THE PUBLIC UTILITY OR DRAINAGE AREAS OR IN THE GENERAL CONDITION THEY EXISTED PRIOR TO THE WORK, NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS. ELEVATIONS OR GRADES SHALL NOT BE CHANGED WITHIN THE EASEMENT PREMISES WITHOUT THE WRITTEN APPROVAL OF THE CITY OF WHEATON.

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S.S.

ADOPTED BY MAYOR AND CITY COUNCIL OF THE CITY OF WHEATON, DUPAGE COUNTY, ILLINOIS

THIS ____ DAY OF _____ A.D. 20____

BY: _____

ATTEST: CITY CLERK

RECORDER'S CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF DUPAGE } S.S.

THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE

COUNTY, ILLINOIS, ON THE ____ DAY OF A.D. 20____ AT ____ O'CLOCK ____ M.

AS DOCUMENT NUMBER _____

COUNTY RECORDER

ORDERED BY: SUSAN BREWER FILE NO. 240288-01

• = FOUND IRON STAKE

○ = SET IRON STAKE

POLENA ENGINEERING LLC

WHEATON: 630-633-6331

LAKE IN THE HILLS: 815-363-9200

INFO@POLENA.COM

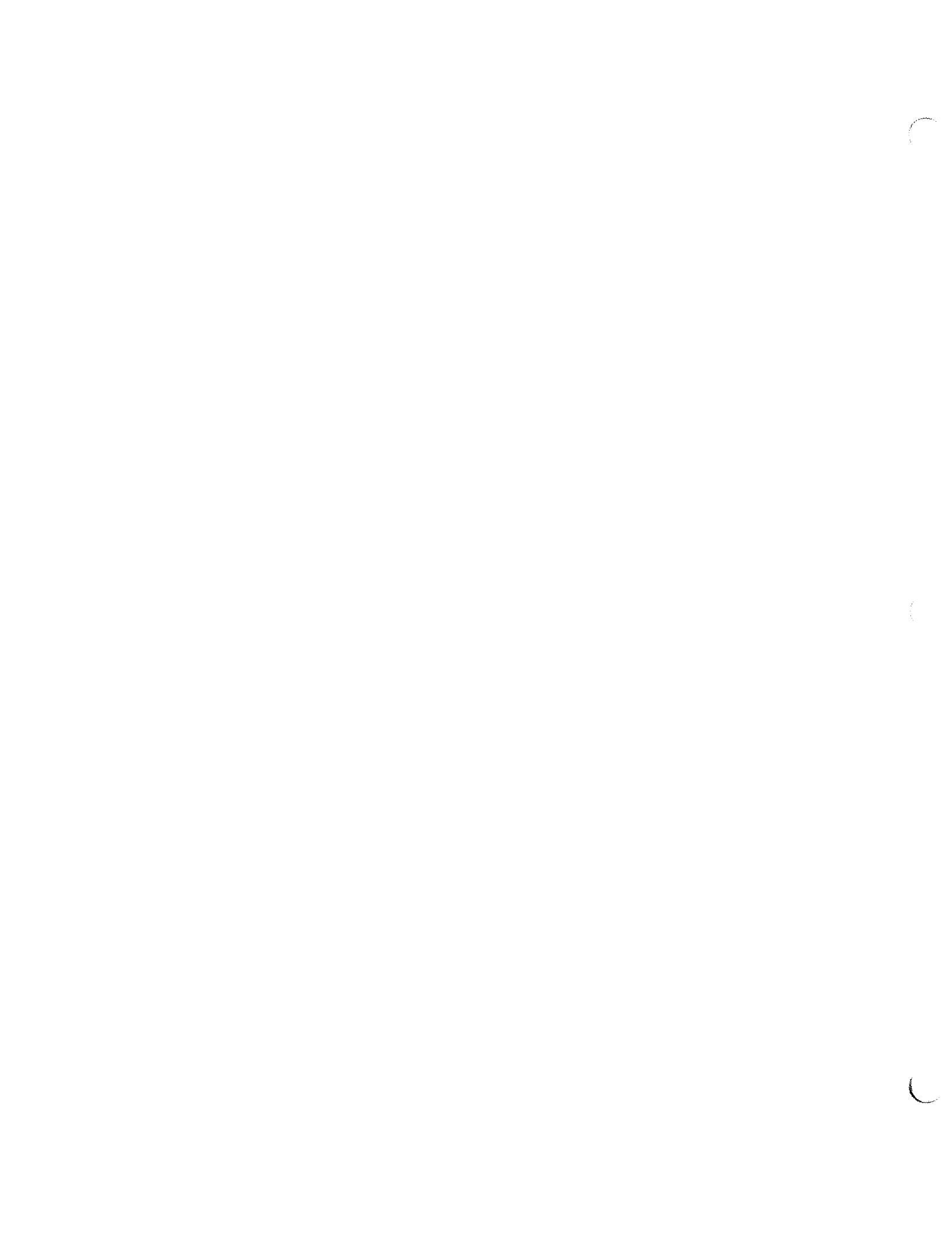
WWW.POLENA.COM

ILLINOIS PROFESSIONAL DESIGN FIRM No. 184-007260

POLENA COMPANIES INCLUDE LAND TECHNOLOGY, LAMBERT & ASSOCIATES, ALAN J. CULVILLO, HERITAGE LAND CONSULTANTS, PAF SEPTIC DESIGN, AND MHDNSK SURVEYING

THIS PLAT HAS BEEN SUBMITTED FOR
RECORDING BY AND RETURN TO:
CITY OF WHEATON
303 W. WESLEY STREET
WHEATON, IL 60187



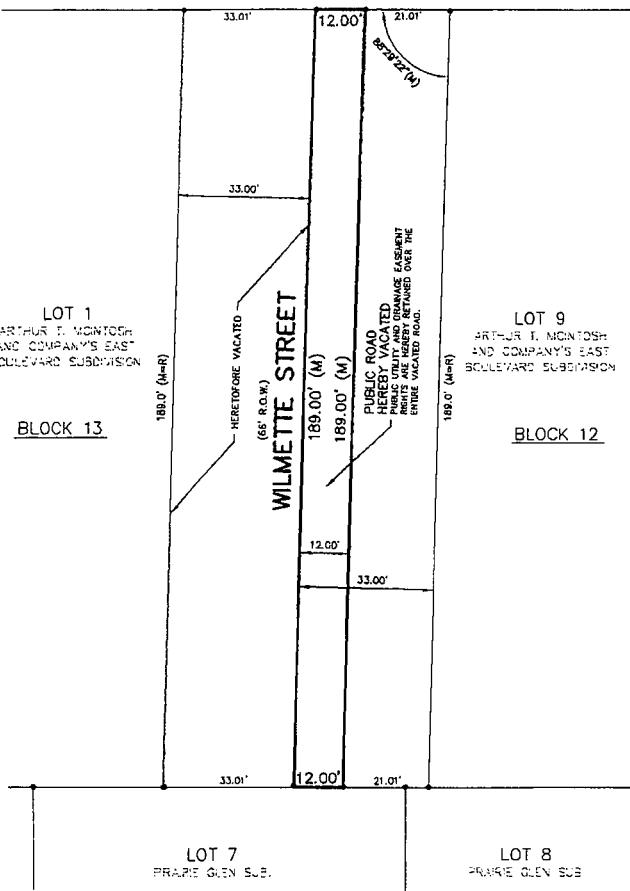


PLAT OF VACATION OF PUBLIC ROAD IN THE CITY OF WHEATON

SCALE 1:20
N

WAKEMAN AVENUE

(66' R.O.W.)



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AREA OF PUBLIC ROAD BEING VACATED

2268 Sq.Ft. or 0.052 Acres±

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CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) 55

ADOPTED BY MAYOR AND CITY COUNCIL OF THE CITY OF WHEATON, DUPAGE COUNTY, ILLINOIS

THIS ____ DAY OF _____ A.D. 20____

BY: _____
MAYOR

ATTEST: _____
CITY CLERK

RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) 55

THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE
COUNTY, ILLINOIS, ON THE ____ DAY OF A.D. 20____ AT ____ O'CLOCK ____ M.
AS DOCUMENT NUMBER _____

COUNTY RECORDER



LAND SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF DUPAGE 55
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SHOWN AND DESCRIBED HEREON, WHICH TO THE BEST OF MY KNOWLEDGE AND BELIEF,
IS A CORRECT REPRESENTATION OF PROPERTY TO BE VACATED.

ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF.
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ILLINOIS LAND SURVEYOR NO. 3251; LICENSE EXPIRES 11/30/24
ILLINOIS DESIGN FIRM NO. 154007260

THIS PLAT HAS BEEN SUBMITTED FOR
RECORDING BY AND RETURN TO:
CITY OF WHEATON
303 W. WESLEY STREET
WHEATON, IL 60187

ORDERED BY: SUSAN REEDORE FILE NO. 240298-01

• - FOUND IRON STAKE
○ - SET IRON STAKE



