

ORDINANCE NO. O-2025-30
AN ORDINANCE VACATING A PORTION OF WILSON AVENUE RIGHT-OF-WAY

WHEREAS, written petition has been filed with the City of Wheaton, Illinois ("City") by 1000 S Lorraine Condominiums ("Petitioner") requesting the vacation of the Wilson Avenue right-of-way 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 June 9, 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 Wilson right-of-way (Subject Property) is hereby vacated in conformance with the Plat of Vacation prepared by Polena Engineering LLC, dated March 17, 2025, attached hereto as Exhibit A and made a part hereof (hereinafter "Plat").

That part of Wilson Avenue described as follows: commencing at the southeast corner of Lot 1 in Pershing townhomes P.U.D., being a subdivision in the Northwest $\frac{1}{4}$ of Section 22, Township 35 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded April 1, 2002 as Document No. R2002-088223, in DuPage County, Illinois; thence north along the east line of said Lot 1, also being the west right of way line of Lorraine Road, north 00 degrees 12 minutes 15 seconds west, 50.00 feet; thence continuing along Wilson Avenue north 00 degrees 15 seconds west, 55.00 feet; thence north 88 degrees 31 minutes 35 seconds east, 50.00 feet, to the southwest corner of lot 24 in Wheaton Estates; thence north 53 degrees 56' minutes 52 seconds east along the north line of Wilson Avenue 61.66 feet to a point on the west line of Lorraine Road; thence south 00 degrees 12 minutes, 15 seconds east along the west line of Lorraine Road. 55.03 feet to the point of beginning, in DuPage County, Illinois

The Subject Property described above is hereby vacated for the full benefit of the Petitioner, subject to the utility easement reservations described herein, whose address is 1000 S. Lorraine Road.

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

C. All costs incurred by the City associated with the consideration of the vacation of the Wilson Avenue right-of-way shall be borne by the Petitioner 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 Plat of Vacation prepared by Polena Engineering LLC, dated March 17, 2025, attached hereto as Exhibit A, 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.



Philip J. Suess

Mayor

ATTEST:



Andrea Rose Dale

City Clerk

Roll Call Vote:

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

Nays: None
Absent: Councilman Clousing
Motion Carried Unanimously

Passed: June 16, 2025
Published: June 17, 2025