

ORDINANCE NO. O-2025-36

**AN ORDINANCE VACATING OF A PORTION OF THE WILLOW AVENUE PUBLIC RIGHT-OF-WAY
ST. MICHAEL CATHOLIC CHURCH**

WHEREAS, written petition has been filed with the City of Wheaton, Illinois ("City") by St. Michael Catholic Church, 310 S. Wheaton Avenue, Wheaton, IL 60187, on behalf of the property owner, Diocese of Joliet, 1655 Weber Road, Crest Hill, IL 60403 ("Petitioner") requesting the vacation of the public right-of-way commonly known as that part of Willow Avenue lying east of West Street and west of Wheaton Avenue (formerly Bird Street) all legally described herein (the "Property"); and

WHEREAS, an appraisal to determine fair and just compensation was completed by Polach Appraisal Group, Inc. pursuant to Section 58-138 of the Wheaton City Code (the "Code"); and

WHEREAS, Polach Appraisal Group, Inc. determined the fair market value of the Property is two hundred thousand dollars (\$200,000.00); and

WHEREAS, due to the presence of multiple utilities within the right-of-way, a permanent easement shall be retained over the entire area proposed for vacation; and

WHEREAS, Section 58-138(4) of the Code states that, "No compensation shall be required for public ways that necessitate a permanent easement over the entire public way land area"; and

WHEREAS, Section 58-139 of the Code provides a formula exception, recognizing that certain unique circumstances may create an inequity for either the City or the Petitioner if the standard compensation approach is applied; and

WHEREAS, this request is a unique circumstance in which the proposed vacation offers significant benefit to the Petitioner, granting access to over half an acre of public land; and

WHEREAS, without the vacation, Petitioner would be unable to fully achieve its vision of a unified campus environment; and

WHEREAS, given the substantial public asset involved, the City Council determined it fair and reasonable to require compensation in the amount of \$200,000 with said funds to be reinvested into infrastructure improvements within the vacated area, with a specific focus on upgrading the existing water and sewer mains that will continue to serve both the Petitioner's facilities and the surrounding community; and

WHEREAS, the vacation petition has been filed pursuant to the provisions of Chapter 58, Article IV of the Code; thereafter, pursuant to notice as required by the 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 public 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, Du Page County, Illinois, pursuant to its home rule powers, as follows:

Section 1: The following described public right-of-way is hereby vacated in conformance with the Plat of Vacation prepared by Engineering Resource Associates, dated September 30, 2024 and revised July 1, 2025 attached hereto as Exhibit 1 and made a part hereof (hereinafter "Plat").

The Property is legally described as:

THAT PART OF WILLOW AVENUE LYING EAST OF WEST STREET AND WEST OF WHEATON AVENUE (FORMERLY BIRD STREET) AS DEDICATED BY THE PLAT OF J.C. WHEATON'S ADDITION TO THE TOWN OF WHEATON, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO SAID PLAT OF J.C. WHEATON'S ADDITION TO THE TOWN OF WHEATON RECORDED JULY 7, 1855 AS DOCUMENT 9567, IN DUPAGE COUNTY, ILLINOIS.

The Property is commonly known as that portion of Willow Avenue lying east of West Street and west of Wheaton Avenue (formerly Bird Street), Wheaton, IL 60187.

Section 2: The vacation of the Property provided for in this Ordinance shall be subject to the following conditions and requirements:

- A. Within ninety (90) days following the passage of this Ordinance, the Petitioner shall remit fair and just compensation to the City in the amount of two hundred thousand dollars (\$200,000), as established by the appraisal conducted by Polach Appraisal Group, Inc., in accordance with Section 58-138 of the Code. Should the private improvements in conformance with Ordinance No. 2025-31 not be completed on the vacated right-of-way, the Petitioner shall reimburse the City for all costs incurred by the City for the design and bidding of the replacement of certain public improvements, as set forth in Section C, with the remainder of the \$200,000 being remitted back to the Petitioner.
- B. Within thirty (30) days following the passage of this Ordinance, the Petitioner shall pay all fees associated with the vacation pursuant to Section 58-143 of the Code.
- C. The City shall coordinate construction schedules with the Petitioner, and shall provide all engineering and construction of the following public improvements within the right-of-way which shall commence on or about the last day of the Petitioner's school year immediately prior to commencement of Petitioner's private improvements:
 - a. The 12-inch cast iron water main shall be replaced with a new 12" water main. The City shall connect the services from existing facilities to the new 12" water main.
 - b. The 6-inch cast iron water main shall be abandoned in place.
 - c. The clay sanitary sewer main shall be replaced with a new SDR26 sanitary sewer main. The City will connect the services from existing facilities to the new sanitary sewer main.
 - d. Removal of eight (8) existing streetlamps.
- D. Completion of the private improvements on the vacated right-of-way are to conform to Ordinance No. O-2025-31.

E. The Plat and this Ordinance shall not be recorded until the following occurs:

a. The Petitioner submits to the City:

- i. Evidence of duly executed contract(s) for the private improvements to be constructed in accordance with Ordinance No. 2025-31;
- ii. Approved permits required for the construction of those private improvements; and
- iii. A plat of consolidation as required by section 3.4B(7), Wheaton Zoning Ordinance.

b. The City has completed the public improvements as outlined in Section 2.C.

F. The Petitioner shall establish a permanent easement to the benefit of the City over the entire vacated right-of-way for utilities and drainage.

G. The Petitioner shall establish a permanent easement to the benefit of the utility companies who have rights in the right-of-way (Commonwealth Edison, Northern Illinois Gas, AT&T and Comcast) unless said utility company indicates by way of letter they have no interest in the right-of-way.

Section 3: Upon satisfaction of the conditions set forth in Section 2 of this Ordinance, the Mayor is authorized to execute the Plat, 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 in accordance with Section 2.

Section 4: Upon completion of all the requirements of this Ordinance, title to the Property shall be held by the Petitioner in the same manner as the current Petitioner's property and zoned I-2 Institutional District.

Section 5: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 6: This Ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

ATTEST:


Andrea Rosedale

City Clerk


Philip J. Sauer

Mayor

Roll Call Vote:

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

Nays: None

Absent: None

Motion Carried Unanimously

Passed: July 21, 2025

Published: July 22, 2025