

ORDINANCE NO. F-0668

AN ORDINANCE VACATING PORTION OF FISCHER STREET/CARROLL & RILEY

WHEREAS, written petition has been filed with the City of Wheaton, Illinois ("City"), requesting the vacation of a certain portion of the Fischer Street right-of-way; and

WHEREAS, vacation petitions have been filed by Christopher and Sharon Carroll, and Robert and Karen Riley ("Petitioners") pursuant to the provisions of Chapter 58, Article IV, of the City Code; thereafter, pursuant to notice as required by the City Code, a public hearing was conducted by the City Council on September 10, 2001, to consider the vacation; and

WHEREAS, the City 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 portion of right-of-way commonly known as Fischer Street is vacated:

OF THE WEST HALF OF FISCHER STREET LYING SOUTH OF THE NORTH LINE OF THE SOUTH HALF OF BLOCK 3 (EXTENDED EAST TO THE CENTER LINE OF SAID FISCHER STREET) OF COLLEGE ADDITION TO WHEATON, IN THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 27 OF DEEDS AS DOCUMENT 5369, AND LYING NORTH OF THE SOUTH LINE OF SAID BLOCK 3 (EXTENDED EAST TO SAID CENTER LINE), TOGETHER WITH THE EAST HALF OF FISCHER STREET LYING SOUTH OF THE NORTH LINE OF LOT 4 (EXTENDED WEST TO THE CENTER LINE OF SAID FISCHER STREET) IN STRATTON' S DIVISION OF THE WEST HALF OF BLOCK 2 IN COLLEGE ADDITION TO WHEATON, A SUBDIVISION IN THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 24, 1926 AS DOCUMENT 221950 AND LYING NORTH OF THE SOUTH LINE OF SAID LOT 4 (EXTENDED WEST TO THE CENTER LINE OF SAID FISCHER STREET), IN DUPAGE COUNTY, ILLINOIS.

Section 2: The vacation provided for in this ordinance is subject to the following conditions and requirements:

- A. Petitioners shall pay to the City the total sum of Twenty Thousand Dollars (\$20,000) which represents the value as determined by City Council of that portion of the Fischer Street right-of-way, total land area of 10,943 square feet, which is vacated pursuant to the provisions of this ordinance. The east half of the

Fischer Street right-of-way shall be vacated to Christopher and Sharon Carroll upon payment of \$10,000, the west half of the Fischer Street right-of-way shall be vacated to Robert and Karen Riley upon payment of \$10,000.

- B. Petitioners shall provide letters from Commonwealth Edison, Northern Illinois Gas, Ameritech and AT&T indicating they have no interest or object to the proposed right-of-way vacation.

Section 3: It shall be a condition precedent to the effectiveness of this ordinance and the recording and filing of the plat of vacation as provided for in Section 4 that the conditions contained in Section 2 of this ordinance be satisfied.

Section 4: The Mayor is authorized and directed to execute the plat of vacation, dated May 21, 2001, prepared by DJA Civil Engineers & Surveyors, Wheaton, Illinois; and the City Clerk is authorized and directed to attest to the signature of the Mayor. The plat of vacation shall be recorded in the Office of the Recorder of Deeds, DuPage County, Illinois, along with a certified copy of this ordinance, at the expense of the petitioner, and shall be filed in the office of the DuPage County Clerk, DuPage County, Illinois.

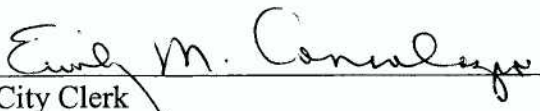
Section 5: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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



Mayor

Attest:



City Clerk

Ayes:

Roll Call Vote:

Councilman Eckhoff
Councilman Gresk
Mayor Carr
Councilwoman Johnson
Councilman Mouhelis

Nays:

Councilman Mork
Councilman Johnson

Absent:

Motion Carried

Passed: December 17, 2001
Published: December 18, 2001