

**ORDINANCE NO. F-1052**

**AN ORDINANCE AMENDING THE WHEATON ZONING MAP  
ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS  
ON625, ON645, ON659, ON689 AND 1975 GARY AVENUE  
ARMBRUST PROPERTIES, LLC & GARY AVENUE MEDICAL, LLC**

WHEREAS, a written petition has been made to amend the Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois to rezone and reclassify certain property legally described herein within the city limits of Wheaton, Illinois ("City"), and located at ON625, ON645, ON659 and ON689 and 1975 Gary Avenue, Wheaton, Illinois; and

WHEREAS, the zoning application is being requested pursuant to the terms and conditions of a certain Annexation Agreement dated June 6, 2005 ("Annexation Agreement"), among the City and Armbrust Properties, LLC and Gary Avenue Medical, LLC ("Developers"); and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton City Council, sitting as a special hearing body on April 11, 2005 to consider the requested zoning amendment.

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 Zoning map, which is attached to and forms a part of the Wheaton Zoning Ordinance, is amended by adding, including and classifying the following described property in the C-5 Planned Commercial District classification with a Special Use Permit for a Planned Unit Development and in conformance with the Annexation Agreement:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 8 AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 8, 1092.2 FEET FOR A PLACE OF BEGINNING; THENCE CONTINUING SOUTH ALONG SAID LINE 178.3 FEET TO A POINT 33 FEET SOUTH OF THE NORTH LINE OF JEROME AVENUE EXTENDED; THENCE EAST PARALLEL WITH AND 33 FEET SOUTH OF THE NORTH LINE OF JEROME AVENUE EXTENDED 339.5 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF WHEATON PARK TERRACE, 178.3 FEET; THENCE WEST 330.75 FEET TO THE PLACE OF BEGINNING IN DUPAGE COUNTY, ILLINOIS.

THAT PART OF THE NORTHEAST QUARTER OF SECTION 8 TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 8 AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 665.7 FEET FOR A PLACE OF BEGINNING; THENCE EASTERLY PARALLEL WITH THE SOUTH LINE OF THE TRACT CONVEYED BY DOCUMENT 315804, 339.75 FEET; THENCE

SOUTH PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, 128.3 FEET; THENCE WESTERLY PARALLEL WITH THE SAID SOUTH LINE OF THE PROPERTY CONVEYED BY DOCUMENT 315804, 339.75 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH ALONG SAID WEST LINE, 128.3 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

LOTS 1 AND 2 OF JOSEPH DIETER'S FIRST PLAT OF SURVEY OF PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, REFERENCE BEING HAD TO THE RECORDING OF SAID PLAT ON MAY 3, 1950 AS DOCUMENT 591964, IN DUPAGE COUNTY, ILLINOIS.

THAT PART OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 8 AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 794 FEET FOR A PLACE OF BEGINNING; THENCE EASTERLY 339.75 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER 128.3 FEET; THENCE WESTERLY, 339.75 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH ALONG SAID WEST LINE 128.3 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 05-08-200-002, 05-08-200-003, 05-08-200-004, 05-08-200-005,  
05-08-200-006

The subject property is commonly known as 0N625, 0N645, 0N659, 0N689 and 1975 Gary Avenue, Wheaton, IL 60187.

Section 2: The City Clerk is authorized and directed to record with the Office of the Recorder of Deeds, DuPage County, Illinois, and to file with the Office of the County Clerk, DuPage County, Illinois, a certified copy of this ordinance together with the accurate map of the subject property appended to this ordinance.

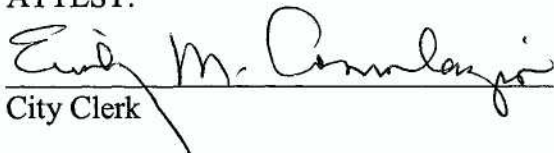
Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

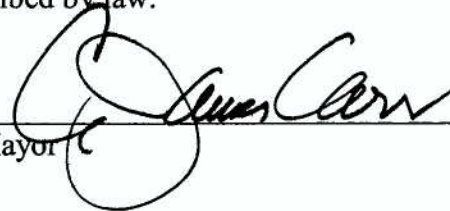
Section 4: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

Mayor

ATTEST:

City Clerk

  
Emily M. Connelley  
City Clerk

  
Mayor



Ayes: Roll Call Vote  
Councilman Mouhelis  
Councilman Seuss  
Councilman Bolds  
Councilwoman Corry  
Councilman Johnson  
Mayor Carr  
Councilman Levine

Nays: None

Absent: None

Motion Carried Unanimously

Passed: June 6, 2005  
Published: June 7, 2005