

ORDINANCE NO. F-1655

AN ORDINANCE VACATING A PORTION OF THE KNOLL STREET RIGHT-OF-WAY ADJACENT TO 2191 WEST ROOSEVELT ROAD – NRG ROOSEVELT WHEATON, LLC

WHEREAS, a written petition has been filed by NRG Roosevelt Wheaton, LLC (“Petitioner”), requesting the vacation of a certain right-of-way commonly known as a portion of the Knoll Street right-of-way adjacent to 2191 West Roosevelt Road; and

WHEREAS, the vacation petition has been filed 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 July 23, 2012 and August 6, 2012 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 right-of-way commonly known as a portion of the Knoll Street right-of-way adjacent to 2191 West Roosevelt Road:

THAT PART OF KNOLL STREET (AKA KNOLLWOOD STREET) LYING SOUTHERLY OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 9, AND LYING NORTHERLY OF THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 9, AND LYING EASTERLY OF A LINE WHICH IS 38 FEET WESTERLY (AND PARALLEL THERETO) OF THE WEST LINE OF LOT 9 IN BLOCK 4 IN THE FIRST ADDITION TO WHEATON PARK MANOR, BEING A SUBDIVISION IN SECTION 13, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN AND SECTION 18, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 15, 1925 AS DOCUMENT 192981, IN DUPAGE COUNTY, ILLINOIS. (HEREAFTER REFERRED TO AS THE “SUBJECT PROPERTY”).

The Subject Property shall be vacated to 2191 West Roosevelt Road; 05-18-311-036 and 05-18-311-009.

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

- A. Petitioner shall provide all necessary public utility easements as directed by the Director of Engineering.
- B. Petitioner shall pay to the City the total sum of twenty-five thousand dollars (\$25,000) which represents the fair market value of the portion of the Knoll Street right-of-way adjacent to 2191 West Roosevelt Road, total land area of 3,263 square feet, which is vacated pursuant to the provisions of this Ordinance.
- C. Petitioner shall provide letters from all franchised utility companies, including Commonwealth Edison, Northern Illinois Gas, SBC/Ameritech and ComCast Cable indicating they have no interest or objection to the right-of-way vacation.

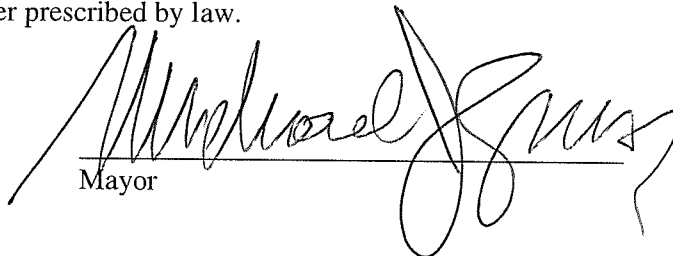
- D. By accepting title to any portion of the subject property and the benefits of this Ordinance, Petitioner, its successors, assigns and grantees hereby agrees to all provisions of this Ordinance and further agrees to fully comply with the terms of this Ordinance.
- E. This Ordinance shall be recorded in the office of the DuPage County Recorder of Deeds at the expense of Petitioner and the terms and provisions of this Ordinance shall be considered to be real covenants running with and binding the subject property, in perpetuity.

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.

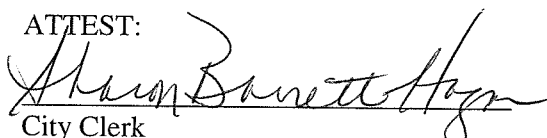
Section 4: The Mayor is authorized and directed to execute the Plat of Vacation prepared by Manhard Consulting, dated April 13, 2012; and the City Clerk is authorized and directed to attest to the signature of the Mayor. The Plat of Vacation shall be recorded in the Office of the Recorder of Deeds, DuPage County, Illinois, along with a certified copy of this Ordinance, at the expense of the petitioner, and shall also 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

Roll Call Vote:

Ayes: Councilman Suess
Councilwoman Ives
Councilman Mouhelis
Councilman Rutledge
Mayor Gresk
Councilwoman Pacino Sanguinetti
Councilman Scalzo

Nays: None

Absent: None

Motion Carried Unanimously

Passed: August 6, 2012
Published: August 7, 2012

