

ORDINANCE NO. F-0883

AN ORDINANCE VACATING A PORTION OF
WILLISTON STREET

WHEREAS, written petitions have been filed by Mark and Marilyn Holysz, 1303 South Williston Street; Art and Kathy Eichenberger, 1304 South Williston Street; Wesley and Lyudmila Ferrari, 1121 East Lowden Avenue; and Kevin and Lori Figiel, 1203 East Lowden Avenue with the City of Wheaton, Illinois ("City"), requesting the vacation of a portion of a certain right-of-way commonly known Williston Street lying between Dawes Avenue and Lowden Avenue; and

WHEREAS, the vacation petitions have 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 January 26, 2004, 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 Williston Street lying between Dawes Avenue and Lowden Avenue is vacated:

OF THE WEST 33.00 FEET AND OF THE EAST 23.00 FEET OF THAT PART OF WILLISTON STREET LYING NORTH OF THE NORTH LINE OF LOWDEN AVENUE AND LYING SOUTH OF THE SOUTH LINE OF DAWES AVENUE, ALL IN WHEATON ESTATES, BEING A SUBDIVISION OF PART OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 26, 1924 AS DOCUMENT 179450, IN DUPAGE COUNTY, ILLINOIS. (Hereafter referred to as the "Subject Property".)

The northwest 33.00 feet by 150.00 feet of the Subject Property shall be vacated to 1304 South Williston Street (PPI 05-22-124-012), the northeast 23.00 feet by 150.00 feet of the Subject Property shall be vacated to 1303 South Williston Street (PPI 05-22-125-001), the southwest 33.00 feet by 150.00 feet of the Subject Property shall be vacated to 1121 East

Lowden Avenue (PPI 05-22-124-024), and the southeast 23.00 feet by 150.00 feet of the Subject Property shall be vacated to 1203 East Lowden Avenue (PPI 05-22-125-012).

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

- A. The Petitioners shall file with the Director of Engineering a site plan illustrating the removal and construction of a sidewalk to be located within the remaining 10.00 foot right-of-way. The removal of the existing sidewalk and construction of the new sidewalk shall be as directed by the Director of Engineering and be in compliance with all provisions of the City Code of the City. The Plat of Vacation shall be recorded only after the Petitioners complete to the satisfaction of the Director of Engineering the removal of the existing sidewalk and construction of the new sidewalk.
- B. Due to the combined drainage and utility easements retained over the Subject Property and the expense to remove the existing sidewalk and construction of a new sidewalk, it has been determined that the Subject Property has no fair market value and is vacated pursuant to the provisions of this ordinance. Petitioners shall pay all other fees associated with the vacation as provided for by Chapter 58, Article IV Wheaton City Code.

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.

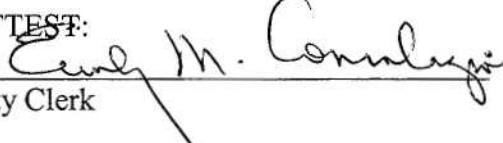
Section 4: The Mayor is authorized and directed to execute the Plat of Vacation, dated December 5, 2003, prepared by Harold F. Steinbrecher, Jr., Steinbrecher Land Surveyors, Inc., West Chicago, Illinois and the City Clerk is authorized and directed to attest to the signature of the Mayor. The Plat of 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 petitioners, 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

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

Nays: None
Absent: None

Motion Carried Unanimously

Passed: February 2, 2004
Published: February 3, 2004