

ORDINANCE NO. F-1002
AN ORDINANCE VACATING A
PORTION OF CHILDS STREET/S&K DEVELOPMENT

WHEREAS, a written petition has been filed by S & K Development, LLC, Yorkville, Illinois, owner of 410 South Knoll Street, Wheaton ("Petitioner") with the City of Wheaton, Illinois ("City"), requesting the vacation of a portion of a certain right-of-way commonly known as Childs Street, located north of and adjacent to property located at 410 South Knoll Street; 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 December 13, 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 Childs Street lying north of and adjacent to the property located at 410 South Knoll Street is vacated.

THAT PART OF SECTION 18, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

THAT PART OF CHILDS STREET ACCORDING TO THE PLAT OF 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 IN SECTION 18, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN; THEREOF RECORDED MAY 15, 1925 AS DOCUMENT 192981, DUPAGE COUNTY, ILLINOIS, AND LYING WEST OF KNOLL STREET, NORTH OF LOT 1 IN BLOCK 6 AND SOUTH OF LOT 21 IN BLOCK 7 ALL IN SAID FIRST ADDITION TO WHEATON PARK MANOR. BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 21 IN BLOCK 7, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 21, 140.00 FEET, THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET AND LENGTH OF 31.40 FEET AND BEING THE SOUTHEASTERLY LINE OF SAID LOT 21 TO A POINT ON THE EAST LINE OF SAID LOT 21, SAID POINT ALSO BEING ON THE WEST LINE OF SAID KNOLL STREET; THENCE SOUTH ALONG THE WEST LINE OF SAID KNOLL STREET 106.00 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1 BLOCK 6; THENCE NORTHWESTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 20.00 FEET AND LENGTH OF 31.40 FEET AND BEING THE NORTHEASTERLY LINE OF SAID LOT 1, TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 1, 140.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE NORTHERLY 66.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 21 AND ALL IN DUPAGE COUNTY, ILLINOIS

(Hereafter referred to as the "Subject Property".)

The Subject Property shall be vacated to 410 South Knoll Street, PPI 05-18-306-012.

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

- A. Petitioner shall pay to the City the sum of One Hundred and Five Thousand Dollars (\$105,000) which represents the fair market value of that portion of Childs Street which is vacated pursuant to the provisions of this ordinance. Petitioner shall also pay all fees associated with the vacation as provided for by Chapter 58, Article IV Wheaton City Code.
- B. 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 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.

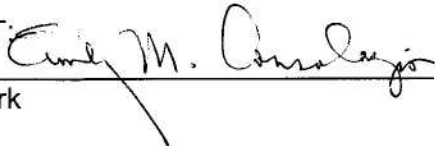
Section 4: The Mayor is authorized and directed to execute the Plat of Vacation, dated August 6, 2004, prepared by Cemcon, Ltd., Aurora, Illinois; and the City Clerk is authorized and directed to attest to the signature of the Mayor. The Plat of Vacation shall be recorded in the Office of the Recorder of Deeds, DuPage County, Illinois, along with a certified copy of this ordinance, at the expense of the petitioner, and shall 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.

ATTEST:

City Clerk



 City Clerk

Mayor



Ayes:

Roll Call Vote:

Councilman Johnson
 Mayor Carr
 Councilwoman Johnson
 Councilman Mork
 Councilman Mouhelis
 Councilman Bolds

Nays:

None

Absent:

Councilwoman Corry

Motion Carried Unanimously

Passed: February 22, 2005
 Published: February 23, 2005