

ORDINANCE NO. F-1003
AN ORDINANCE VACATING A
PORTION OF AVERY AVENUE/DAVIS

WHEREAS, a written petition has been filed by Jeff and Ruth Davis ("Petitioner") with the City of Wheaton, Illinois ("City"), requesting the vacation of a portion of a certain right-of-way commonly known as Avery Avenue lying south of and adjacent to property located at 305 Wood 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 January 24, 2005, 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 Avery Avenue lying south of and adjacent to the property located at 305 Wood Street is vacated

THAT PART OF AVERY AVENUE LYING EAST OF THE EAST LINE OF WOOD STREET, NORTH OF THE NORTH LINE OF 2ND BAPTIST CHURCH 2ND CONSOLIDATION PLAT, SOUTH OF THE SOUTH LINE OF BLOCK 3 IN EAST WHEATON SUBDIVISION AND SAID SOUTH LINE EXTENDED EASTERLY, AND WEST OF THE WEST LINE OF BLOCK 5 IN ROBERTSON'S COLLEGE HILL ADDITION TO GLEN ELLYN, ALL LOCATED IN THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.
(Hereafter referred to as the "Subject Property".)

The Subject Property shall be vacated to 305 Wood Street, PPI 05-15-128-010.

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 Ten Thousand Dollars (\$10,000) which represents the fair market value of that portion of Avery Avenue 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 November 15, 2004, prepared by Webster, McGrath & Ahlberg, Ltd., 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 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


Mayor

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

Nays: None

Absent: Councilwoman Corry

Roll Call Vote:
Motion Carried Unanimously

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