

ORDINANCE NO. F-1202
AN ORDINANCE VACATING A
PORTION OF GARY COURT /GARY & HOPE AHLBERG

WHEREAS, a written petition has been filed by Gary & Hope Ahlberg, owners of 1104 Gary Court, Wheaton (“Petitioner”), requesting the vacation of a portion of a certain right-of-way commonly known as Gary Court, located east of and adjacent to property located at 1104 Gary Court; 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 August 14, 2006, 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 Gary Court lying east of and adjacent to the property located at 1104 Gary Court:

THAT PART OF 66-FOOT WIDE GARY COURT, AS DEDICATED BY THE PLAT OF WEBER’S SECOND ADDITION TO WHEATON, WHICH LIES NORTH OF THE NORTH LINE OF OAK AVENUE AND SOUTH OF THAT PORTION OF GARY COURT VACATED BY DOCUMENT R64-22780, (EXCEPTING THEREFROM THE EAST 20 FEET OF SAID 66-FOOT WIDE GARY COURT) ALL IN THE SOUTHEAST QUARTER OF SECTION 8, 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 1104 Gary Court, PPI 05-08-414-026.

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 Thirty-four Thousand Dollars (\$34,000) which represents the fair market value of that portion of Gary Court which is vacated pursuant to the provisions of this ordinance.

B) Petitioner shall provide letters from all franchised utility companies, including Commonwealth Edison, Northern Illinois Gas, AT&T and ComCast Cable indicating they have no interest or objection to the proposed Gary Court right-of-way vacation.

C) Petitioner shall also pay all costs associated with the public hearing as provided for by Chapter 58, Article IV Wheaton City Code, which include the cost reporter and recording fees prior to recording the vacation plats.


D) The City shall retain an easement over the subject property to be vacated in order for the City to continue to maintain its sanitary sewer located within the subject property.

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 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.

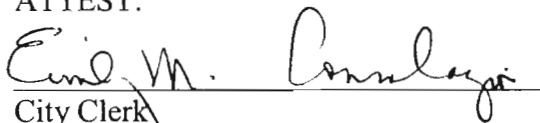
Section 5: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 6: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Mayor

ATTEST:



City Clerk

Ayes: Roll Call Vote:
 Councilman Mouhelis
 Councilman Sues
 Councilman Bolds
 Councilwoman Corry
 Mayor Pro Tem Johnson
 Councilman Levine

Nays: None
Absent: Mayor Carr

Motion Carried Unanimously

Passed: August 21, 2006
Published: August 22, 2006