

**ORDINANCE NO. F-1225**  
**AN ORDINANCE REPEALING ORDINANCE F-1158, "AN ORDINANCE VACATING**  
**A PORTION OF LOWDEN AVENUE/MCMASTER CUSTOM HOMES"**

WHEREAS, on April 17, 2006, the Corporate Authorities of the City of Wheaton passed Ordinance F-1158 vacating a portion of Lowden Avenue upon petition of McMaster Custom Homes (hereinafter the "Petitioner"); and

WHEREAS, the Ordinance was subject to various conditions including payment by the Petitioner of the sum of \$41,700.00 and the relocation of a water main; and

WHEREAS, the Petitioner, has notified the City that it no longer seeks the vacation of a portion of Lowden Avenue; and

WHEREAS, the Petitioner has not paid the City \$41,700.00 or relocated the water main; and

WHEREAS, Ordinance F-1158 and the plat of vacation described in Section 4 of Ordinance F-1158 have not been recorded; and

WHEREAS, the Corporate Authorities of the City of Wheaton have determined that repealing and rescinding Ordinance F-1158 is necessary and appropriate; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

**SECTION 1:** Ordinance F-1158 is hereby repealed and rescinded in its entirety.

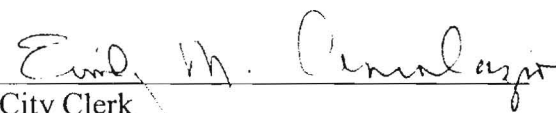
**SECTION 2:** That the right of way purportedly vacated by Ordinance F-1158 is hereby and shall be restored to its status as the right of way commonly known as Lowden Avenue, South of and adjacent to the property located at 1345 Campbell Avenue.

**SECTION 3:** All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4:** 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 Moulelis  
Councilman Suess  
Councilman Bolds  
Councilwoman Corry  
Councilman Johnson  
Mayor Carr  
Councilman Levine

Nays: None

Absent: None

Motion Carried Unanimously

Passed: November 20, 2006  
Published: November 21, 2006