

ORDINANCE NO. F-1278

**AN ORDINANCE AMENDING THE WHEATON ZONING MAP
ON A CERTAIN PIECE OF PROPERTY COMMONLY KNOWN AS
0 N 410 GARY AVENUE
PATRICK J. MURPHY BUILDERS**

WHEREAS, a written petition has been made to amend the Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois to rezone and reclassify certain property legally described herein within the city limits of Wheaton, Illinois ("City"), and located at 0N410 Gary Avenue, Wheaton, Illinois; and

WHEREAS, the zoning application is being requested pursuant to the terms and conditions of a certain Annexation Agreement dated April 16, 2007 ("Annexation Agreement"), among the City and Patrick J. Murphy Builders ("Developer"); and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Wheaton Zoning Ordinance, a public hearing was conducted by the Wheaton City Council, sitting as a special hearing body on March 12, 2007 to consider the requested zoning amendment.

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 Zoning map, which is attached to and forms a part of the Wheaton Zoning Ordinance, is amended by adding, including and classifying the following described property in the R-3 Single Family Residential Zoning District in conformance with the Annexation Agreement:

LOT 4 (EXCEPT THE NORTH 5 ACRES THEREOF) AND LOT 5 (EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE ON AN ASSUMED BEARING OF SOUTH 00 DEGREES 52 MINUTES 30 SECONDS WEST ALONG THE CENTER LINE OF GARY AVENUE AS ORIGINALLY LOCATED AND AS RELOCATED UNDER DESIGNATION OF STATE AID ROUTE 4 BY INSTRUMENT OF DEDICATION RECORDED JUNE 14, 1926 AS DOCUMENT NUMBER 215592 (SAID CENTER LINE BEING USED AS NORTH-SOUTH CENTER LINE OF SECTION 8 ACCORDING TO GRANGE PARK ADDITION TO WHEATON, A SUBDIVISION DATED SEPTEMBER 27, 1926 AND RECORDED AS DOCUMENT NUMBER 223492 AND ALSO USED AS COMMON LOT LINE BETWEEN LOTS 4-5 AND 6-7 OF COUNTY CLERKS DIVISION OF PART OF RUTLEDGE FARM RECORDED AUGUST 1925 AS DOCUMENT NUMBER 197519), A DISTANCE OF 1953.67 FEET TO A POINT OF TANGENT; THENCE SOUTHEASTERLY ALONG A TANGENTIAL CURVE CONCAVED TO THE EAST, RADIUS OF 6678.50 FEET, CENTRAL ANGLE 03 DEGREES 21 MINUTES 14 SECONDS, 390.94 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THE NORTH 5 ACRES OF LOT 4 OF SAID COUNTY CLERK'S DIVISION; THENCE NORTH 89 DEGREES 56 MINUTES 30 SECONDS WEST ALONG SAID SOUTH LINE OF THE NORTH 5 ACRES OF LOT 4, A DISTANCE OF 50.05 FEET TO A POINT ON A LINE CONCENTRIC AND 50.00 FEET, MEASURED RADIAL, WEST OF SAID 6678.50 FOOT RADIUS CENTERLINE OF GARY AVENUE FOR THE

POINT OF BEGINNING, FROM THE POINT OF BEGINNING, SAID POINT BEING ON A 6728.50 FOOT RADIUS CURVE, THE CENTER OF CIRCLE OF SAID CURVE BEARS NORTH 87 DEGREES 32 MINUTES 24 SECONDS EAST FROM SAID POINT; THENCE SOUTHERLY ALONG SAID CURVED LINE CONCENTRIC TO AND 50.00 FEET, MEASURED RADIAL, WEST OF THE CENTER LINE OF GARY AVENUE 336.37 FEET, CENTRAL ANGLE 02 DEGREES 51 MINUTES 52 SECONDS TO THE INTERSECTION WITH THE EAST-WEST CENTERLINE OF SECTION 8; THENCE SOUTH 89 DEGREES 53 MINUTES 06 SECONDS EAST ALONG SAID EAST-WEST CENTER LINE 80.46 FEET TO THE SOUTHEAST CORNER OF SAID LOT 5 IN SAID COUNTY CLERK'S DIVISION OF RUTLEDGE FARM RECORDED AS DOCUMENT NUMBER 197519; THENCE NORTH 20 DEGREES 19 MINUTES 20 SECONDS WEST ALONG THE EASTERLY LINE OF SAID LOT 5, A DISTANCE OF 359.42 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 00 DEGREES 52 MINUTES 30 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 5, A DISTANCE OF 17.92 FEET TO THE SOUTH LINE OF THE NORTH 5 ACRES OF LOT 4 OF SAID COUNTY CLERK'S DIVISION; THENCE NORTH 89 DEGREES 56 MINUTES, 30 SECONDS WEST ALONG, SAID SOUTH LINE 38.61 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 0.484 ACRES, MORE OR LESS, OF WHICH 0.353 ACRES, MORE OR LESS, WERE PREVIOUSLY DEDICATED OR USED FOR PUBLIC HIGHWAY PURPOSES) IN COUNTY CLERK'S DIVISION OF PART OF RUTLEDGE FARM SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 7, 1925 AS DOCUMENT NUMBER 197519, IN DUPAGE COUNTY. ILLINOIS.

P.I.N. 05-08-116-023

The subject property is commonly known as 0N410 Gary Avenue, Wheaton, IL 60187.

Section 2: The City Clerk is authorized and directed to record with the Office of the Recorder of Deeds, DuPage County, Illinois, and to file with the Office of the County Clerk, DuPage County, Illinois, a certified copy of this ordinance together with the accurate map of the subject property appended to this ordinance.

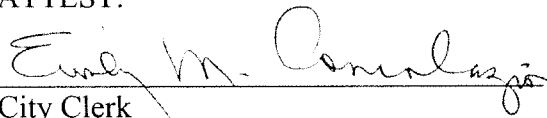
Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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

Roll Call Vote

Ayes: Councilman Mouhelis
Councilman Suess
Councilman Bolds
Councilwoman Corry
Councilman Johnson
Mayor Carr
Councilman Levine

Nays: None

Absent: None

Motion Carried Unanimously

Passed: April 16, 2007
Published: April 17, 2007