

ORDINANCE NO. F-1348

AN ORDINANCE VACATING WASHINGTON STREET/WHEATON COLLEGE

WHEREAS, written Petition has been filed with the City of Wheaton, Illinois ("City"), requesting the vacation of the Washington Street right-of-way lying east of the intersection of Washington Street and Lincoln Avenue legally described herein; 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 April 14, 2008, 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 Washington Street right-of-way, be vacated:

THAT PART OF WASHINGTON STREET AND LINCOLN AVENUE DESCRIBED BY COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF JEFFERSON AVENUE WITH THE EAST LINE OF WASHINGTON STREET, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 47 IN THE COUNTY CLERK'S ASSESSMENT DIVISION OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED SEPTEMBER 4, 1912, AS DOCUMENT 109216; THENCE SOUTH 00 DEGREES 29 MINUTES 40 SECONDS EAST, ON THE EAST LINE OF WASHINGTON STREET, 124.05 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 29 MINUTES 40 SECONDS EAST, ON SAID EAST LINE, 223.95 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE SOUTH LINE OF LINCOLN AVENUE; THENCE SOUTH 88 DEGREES 26 MINUTES 32 SECONDS WEST, ON SAID SOUTH LINE AND ITS EXTENSION, 61.58 FEET TO A NON-TANGENT CURVE; THENCE NORTHEASTERLY, ON A CURVE CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 371.12 FEET AND A CHORD BEARING NORTH 25 DEGREES 32 MINUTES 20 SECONDS EAST, AN ARC DISTANCE OF 1.13 FEET TO A POINT OF TANGENCY; THENCE NORTH 25 DEGREES 36 MINUTES 32 SECONDS EAST, 39.18 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY, ON A CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF 428.89 FEET AND A CHORD BEARING NORTH 12 DEGREES 34 MINUTES 06 SECONDS EAST, AN ARC DISTANCE OF 195.61 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS. (Hereafter referred to as the "Subject Property".)

The Subject Property shall be vacated to 401 E Franklin Street, PPI 05-16-207-024 and 05-16-207-026.

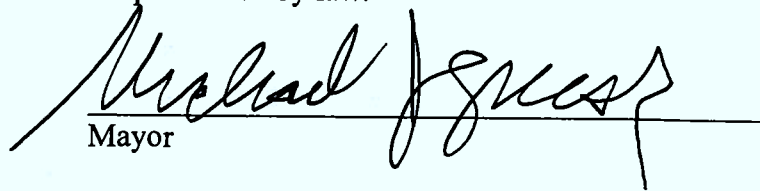
Section 2: The vacation provided for in this ordinance is subject to the following conditions and requirements:

- A. Vacation of the Subject Property legally described herein shall be at no cost to the Petitioner. The determination not to require payment for the vacated right-of-way (in accordance with Section 58-139, Formula exception, Wheaton City Code) is based upon the City Council's recognition of the unique relationship between the City and Wheaton College established in part by an agreement entered into in 1987 which provided for portions of right-of-ways in and around the Wheaton College campus to be vacated at no cost to Wheaton College in recognition of Wheaton College assuming the expense of improving those right-of-ways and continuing to maintain those right-of-ways. The City Council also recognized the Subject Property should have been considered as part of a 1989 joint effort by Wheaton College and the City wherein the City vacated a portion of Lincoln Avenue and Wheaton College dedicated certain land areas in order to realign Washington Street.
- B. Petitioner shall also pay all fees associated with the vacation as provided for by Section 58-143, Costs, Wheaton City Code.


Section 3: The Mayor is authorized and directed to execute the plat of vacation prepared by Webster, McGrath & Ahlberg, Ltd., dated January 15, 2008 with a revision date of March 17, 2008; 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.

Section 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 5: 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 Prendiville
 - Councilman Sues
 - Councilwoman Corry
 - Councilman Johnson
 - Councilman Levine
 - Mayor Gressk

Nays: None
Absent: None

Motion Carried Unanimously

Passed: April 21, 2008
Published: April 22, 2008

CITY OF LINCOLN
COUNTY OF ILLINOIS

THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD
IN THE RECORDER'S OFFICE OF SAID COUNTY, ILLINOIS, ON
THIS _____ DAY OF _____, A.D. 20 __, AT
_____ O'CLOCK P.M.

RECORDED BY _____

CITY OF LINCOLN
COUNTY OF ILLINOIS

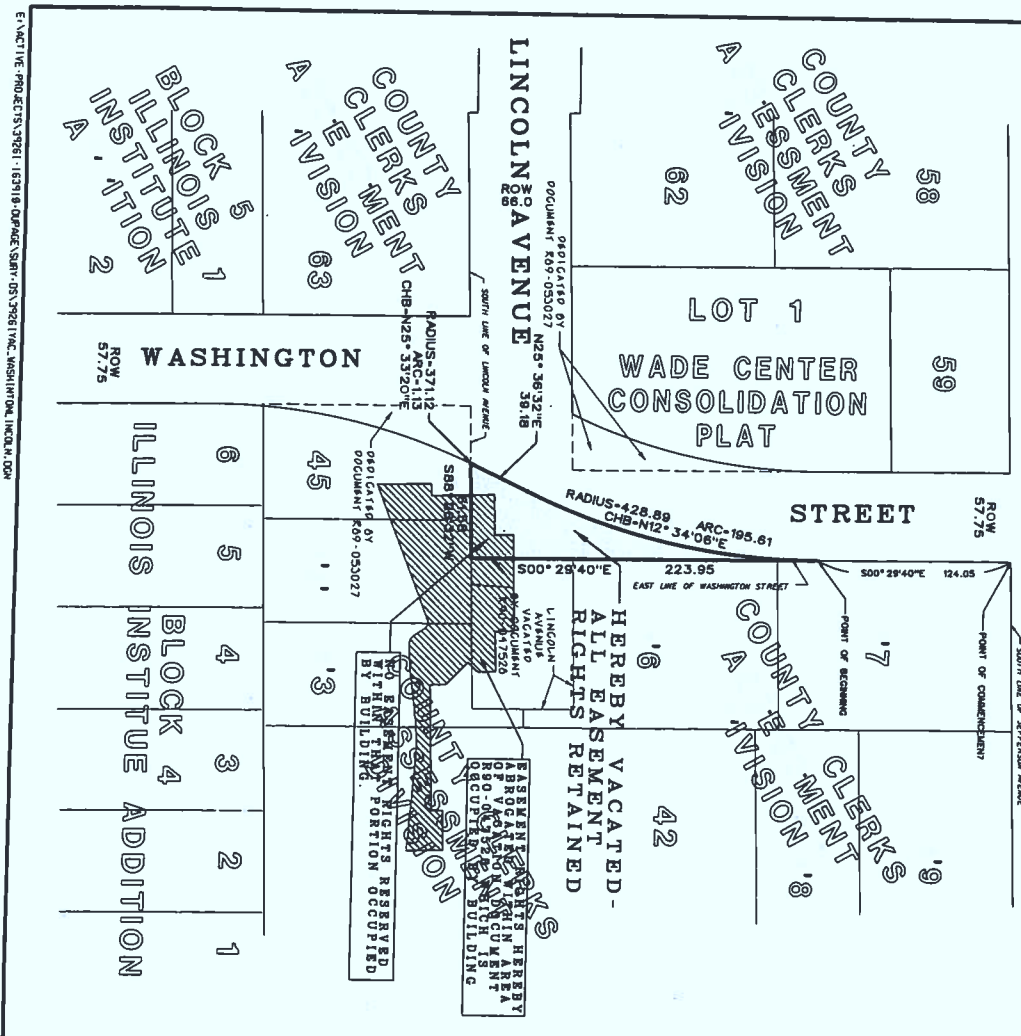
THE TRACED PLAT OF VACATION IS DEPICTED AS THAT INCORPORATED INTO AND MADE
A PART OF THE CITY OF WASHINGTON CHARTER NO. _____ ADOPTED
BY THE CITY OF WASHINGTON THIS _____ DAY OF _____, A.D. 20 __.

BY _____

THESE BEING THE TERMS AND CONDITIONS OF THE VACATION AS SET FORTH IN SAID CHARTER.

PLAT OF VACATION

THAT PART OF WASHINGTON STREET AND LINCOLN AVENUE DESCRIBED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1887, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1904, AND AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1911, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1918, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1925, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1932, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1939, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1946, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1953, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1960, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1967, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1974, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1981, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1988, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1995, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 2002, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 2009, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 2016, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 2023.



UTILITY AND DRAINAGE EXISTENT THEREON

ALL EASEMENTS SPECIFIED AS PUBLIC UTILITY AND/OR DRAINAGE AND UTILITY EASEMENTS, PUBLIC UTILITY EASEMENTS AND/OR DRAINAGE EASEMENTS AND/OR UTILITY EASEMENTS, IN THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1887, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1904, AND AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1911, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1918, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1925, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1932, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1939, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1946, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1953, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1960, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1967, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1974, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1981, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1988, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 1995, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 2002, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 2009, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 2016, AS AMENDED BY THE CHARTER OF THE CITY OF WASHINGTON, ILLINOIS, OF THE 15TH DAY OF MARCH, A.D. 2023.

STATE OF ILLINOIS

THIS IS TO CERTIFY THAT THE FOREGOING MAP AND INSTRUMENT HAS BEEN FILED FOR RECORD IN THE RECORDER'S OFFICE OF SAID COUNTY, ILLINOIS, ON THIS _____ DAY OF _____, A.D. 20 __, AT _____ O'CLOCK P.M., AND THAT THE SAID INSTRUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED.

BY _____

RECORDED BY _____

NO.	DATE	REVISION	BY
1	12/17/24	REVISED PER REVIEW	AS

PLAT OF VACATION WHEELON COLLEGE PURCHASING 501 EAST COLLEGE AVENUE WHEELON, ILLINOIS 62451-2229		DATE: 1-15-08 SCALE: 1" = 30' DRAWN BY: JMK CHECKED BY: JMK
Webster, McGrath & Ahlberg Ltd. Land Surveyors 207 South Westside Blvd. Wheelon, Illinois 62451		JOB: 38281 DATE: 1-15-08 DRAWN BY: JMK CHECKED BY: JMK

PLAT OF VACATION
 WASHINGTON STREET
 LINCOLN AVENUE
 BLOCK 3 ILLINOIS INSTITUTE 1
 BLOCK 4 ILLINOIS INSTITUTE 4 ADDITION
 COUNTY CLERK'S DIVISION
 WADE CENTER CONSOLIDATION PLAT
 LOT 1
 STREET
 RADIUS=428.89 ARC=195.61 CHS=N12° 34' 06" E
 500° 29' 40" E 124.05'
 223.95'
 POINT OF BEGINNING
 HEREBY VACATED - ALL EASEMENT RIGHTS RETAINED
 EASEMENT RIGHTS HEREBY VACATED IN THE AREA SHOWN BY THE SHADING
 EASEMENT RIGHTS RESERVED BY THE BUILDING OCCUPANTS
 3/18/2009 10:28:12 AM