

ORDINANCE NO. F-1372

**AN ORDINANCE AMENDING CITY OF WHEATON ORDINANCE NO. F-1338
“AN ORDINANCE AMENDING THE WHEATON ZONING MAP
BY GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT-
926 E. ROOSEVELT ROAD/MALLON II, LLC”**

WHEREAS, The City of Wheaton, Illinois, (“City”), has previously enacted City Ordinance Nos. F-1338 (“ORIGINAL ORDINANCE”) recorded on June 3, 2008 as Document No. R2008-89941 in the Office of the DuPage County Recorder which granted a special use permit for a planned unit development to allow the construction and use of a 5,600 square foot retail building with a single drive-thru lane and twenty-five parking spaces on the subject property described in the Original Ordinance; and

WHEREAS, application has now been made to amend the special use permit for planned unit development approved in the ORIGINAL ORDINANCE in order to provide the owners of 916 E. Roosevelt Road (the adjacent commercial building to the west of the subject property) with an access easement which would allow customers of the adjacent property a safe route to exit onto President Street; and the City has determined that the requested amendment is a minor amendment and may be implemented without public hearing, pursuant to the provisions of Section 5.10.6 of the Wheaton Zoning Ordinance.

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 property (“subject property” has been, and continues to be, zoned and classified in the C-3 General Commercial District:

THE NORTH 177 FEET OF LOT 1 (EXCEPT THE NORTH 6 FEET AND EXCEPT THE EAST 5 FEET THEREOF CONVEYED TO THE CITY OF WHEATON BY DOCUMENT R66-45890 AND EXCEPT THAT PART THEREOF BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTH ½ OF THE NORTH ½ OF SECTION 21 AS MONUMENTED AND OCCUPIED: THENCE ON AN ASSUMED BEARING OF SOUTH 88 DEGREES 42 MINUTES 11 SECONDS WEST 37.71 FEET ALONG THE NORTH LINE OF SAID SECTION 21; THENCE SOUTH 00 DEGREES 04 MINUTES 47 SECONDS EAST 39.28 FEET TO A POINT ON THE INTERSECTION OF THE EXISTING SOUTHERLY RIGHT OF WAY LINE OF ROOSEVELT ROAD (ILLINOIS ROUTE 38) AS WIDENED, AND THE EXISTING WESTERLY RIGHT OF WAY LINE OF PRESIDENT STREET AS WIDENED, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SAME BEARING OF 00 DEGREES 04 MINUTES 47 SECONDS EAST 15.00 FEET ALONG SAID EXISTING WESTERLY RIGHT OF WAY LINE OF PRESIDENT STREET AS WIDENED TO A POINT, SAID POINT BEING 21.00 FEET TO A POINT ON SAID EXISTING SOUTHERLY RIGHT OF WAY LINE OF ROOSEVELT ROAD AS WIDENED, SAID POINT BEING MONUMENTED BY AN ILLINOIS DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS SURVEY MARKER; THENCE NORTH 88 DEGREES 46 MINUTES 16 SECONDS EAST 15.00 FEET ALONG SAID

R2008-144957

EXISTING SOUTHERLY RIGHT OF WAY LINE OF ROOSEVELT ROAD AS WIDENED TO THE POINT OF BEGINNING IN ROOSEVELT HEIGHTS, BEING A SUBDIVISION OF PART OF THE NORTH ½ OF NORTH ½ OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO

THE PLAT THEREOF RECORDED SEPTEMBER 12, 1919 AS DOCUMENT 138250, IN DUPAGE COUNTY, ILLINOIS.

PIN: 05-21-201-047; 05-21-201-063

The subject property is commonly known as 926 East Roosevelt Road, Wheaton, IL 60187.

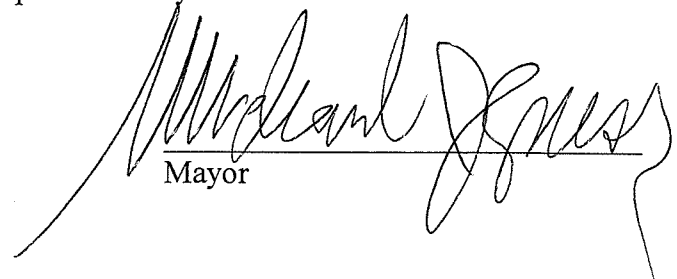
Section 2: An amendment to the ORIGINAL ORDINANCE is granted in order to allow the reconfiguration of the site plan to accommodate said access easement, in full compliance with the plans entitled "Wheaton Center Project" prepared by Atwell-Hicks dated August 5, 2008, a copy of which is attached hereto and incorporated herein as if fully set forth as Exhibit A, and subject to the following condition and requirement:

- A. Prior to the issuance of an occupancy permit, the owner shall have recorded a cross access easement on the Subject Property. Said easement shall be in a form approved by the City Attorney

Section 3: In all other respects, the terms and conditions of the original ordinance are ratified and remain in full force and effect.

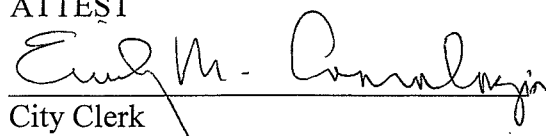
Section 4: All ordinances or parts of ordinances in conflict with these provisions are repealed.

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: Councilwoman Corry
Councilman Johnson
Councilman Levine
Mayor Gresk
Councilman Mouhelis
Councilman Prendiville
Councilman Suess

Nays: None

Absent: None

Motion Carried Unanimously

Passed: August 18, 2008
Published: August 19, 20089

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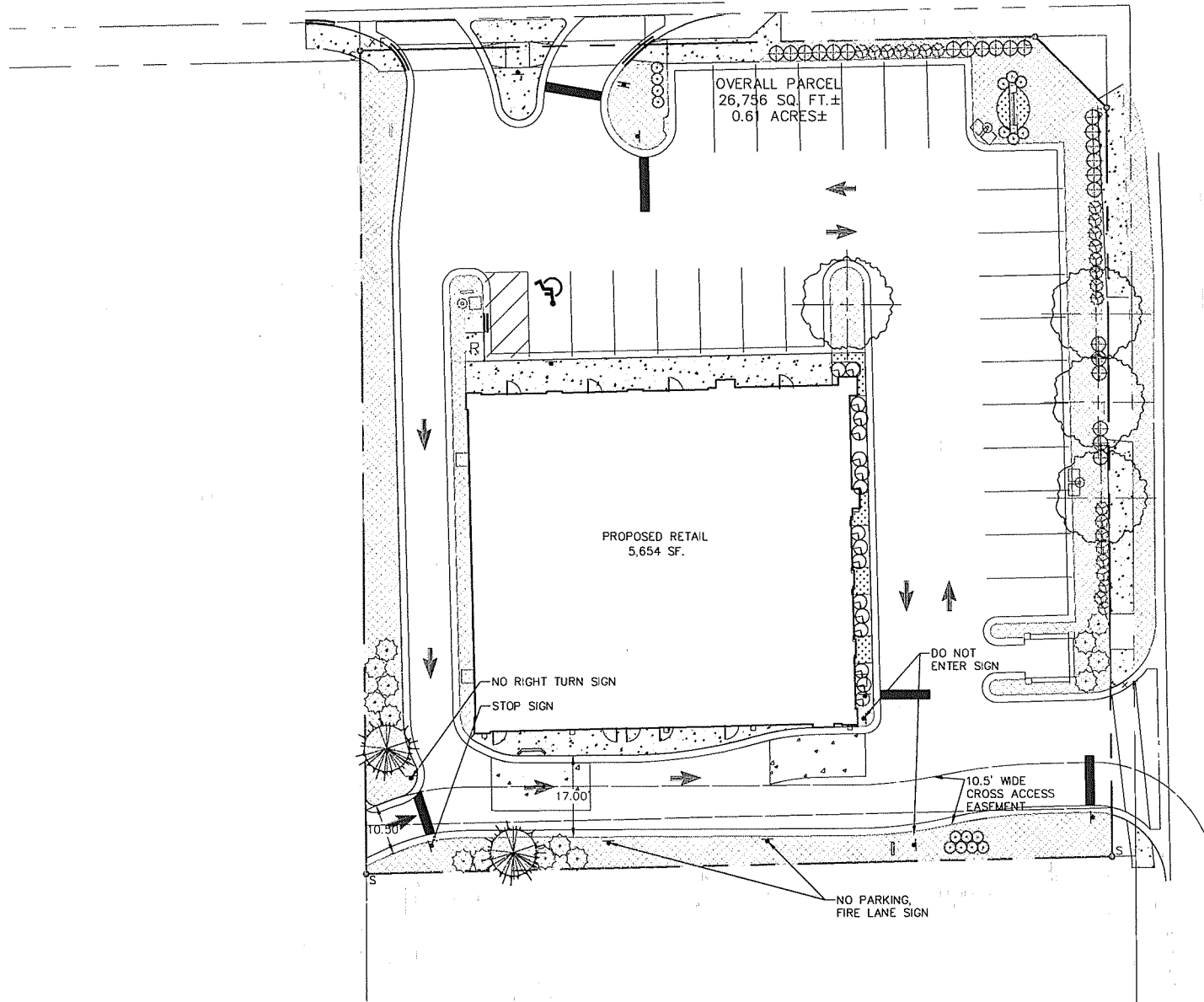


THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROPRIATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MAY BE OCCURRED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

NOTICE:

CONSTRUCTION SITE SAFETY IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR. NEITHER THE OWNER NOR THE ENGINEER SHALL BE HELD LIABLE TO ASSUME ANY RESPONSIBILITY FOR SAFETY OF THE WORK OF PERSONS ENGAGED IN THE WORK OF ANY NEARBY STRUCTURES, OR OF ANY OTHER PERSONS.

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ATWELL-HICKS



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Company Form #AH-0033

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|---------------------------|------|-------------|------|
| SECTION | TOWN | NORTH RANGE | EAST |
| | | TOWNSHIP | |
| CLIENT | | | |
| WHEATON CENTER PROJECT | | | |
| WHEATON, IL | | | |
| FINAL ENGINEERING EXHIBIT | | | |
| SOUTHERN CROSS ACCESS | | | |

| | |
|-----------|--------------|
| DATE | AUG 05, 2008 |
| NO. | |
| REVISIONS | |

AH

SCALE 0 5 10
1" = 10 FEET

DR. CLS. DR. JPC
P.L. CRABBE
BOOK
CAD FILE: 050000115EX13
JOB
PLZ CODE
SHEET NO.
EX-13