

ORDINANCE NO. F-1510

AN ORDINANCE VACATING WALK WAY BETWEEN BURNING TRAIL AND
LEABROOK LANE

WHEREAS, written Petitions have been filed with the City of Wheaton, Illinois ("City"), requesting the vacation of the walk way right-of-way lying between Burning Trail and Leabrook Lane legally described herein; and

WHEREAS, the vacation petitions have 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 23, 2010, 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 walk way right-of-way, be vacated:

THAT PART OF THE DEDICATED WALK WAY LYING EAST OF LEABROOK LANE, AND LYING WEST OF BURNING TRAIL LANE, AND LYING NORTH OF AND ADJOINING LOT 58 AND LOT 82, ALL IN SPRINGBROOK UNIT NO. 2, A SUBDIVISION OF PARTS OF SECTIONS 19 AND 20, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED MAY 26, 1967 AS DOCUMENT R67-16884 IN DUPAGE COUNTY, ILLINOIS. (Hereafter referred to as the "Subject Property".)

The east half of the Subject Property shall be vacated to 1556 Burning Trail, PPI 05-19-403-014 and the west half of the Subject Property shall be vacated to 1555 Leabrook Lane, PPI 05-19-403-001.

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 Petitioners. The determination not to require payment for the vacated right-of-way is based upon the Subject Property necessitating a permanent drainage and utility easement over the entire area, Section 58-138(3) of the Wheaton City Code providing that no fair and just compensation shall be required for a right-of-way that necessitates a permanent easement over the entire right-of-way, and the cost benefits derived to the City in the termination of its maintenance/liability obligations with respect to the Subject Property.

B. Petitioners 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 Steinbrecher Land Surveyors, Inc., dated July 15, 2010; 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 Prendiville Councilman Scalzo Councilman Sues Councilwoman Corry Mayor Gresk Councilman Mouhelis
Nays:	None
Absent:	Councilman Levine

Motion Carried Unanimously

Passed: September 7, 2010
Published: September 8, 2010