

**ORDINANCE NO. F-1651**

**AN ORDINANCE ABROGATING, VACATING, AND RELINQUISHING  
CERTAIN EASEMENT RIGHTS  
ON THE HUBBLE MIDDLE SCHOOL REDEVELOPMENT SITE**

**WHEREAS**, the Mayor and the City Council of the City of Wheaton, DuPage County, Illinois has granted a Special Use Permit for a Planned Unit Development for the property commonly referred to as the Hubble Middle School Redevelopment Site located at the northeast and northwest corners of Roosevelt Road and Main Street, by City Ordinance No. F-1631; and

**WHEREAS**, the Planned Unit Development requires the approval of a plat of resubdivision so that the property may be divided and sold to different entities for its development; and

**WHEREAS**, the plat of resubdivision identifies certain recorded easement rights that are no longer necessary for the re-development of the property; and

**WHEREAS**, it is the desire of the developer and the City to abrogate, vacate, and relinquish certain recorded easement rights for the purpose of clearing title of the property for the planned division and sale to different entities.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Wheaton that certain recorded easement rights are hereby abrogated, vacated, and relinquished as follows:

- A.)
1. That the Agreement dated June 25, 1970 and recorded June 29, 1970, as document R 70-21326, by and between the City of Wheaton and Wheaton Park District (the "Agreement") is hereby terminated and all covenants, conditions and restrictions therein are hereby released; and
  2. That the easements (collectively, "Easement 1") reserved in Special Warranty Deed recorded April 26, 1941, as document 422800 and in Warranty Deed recorded May 28, 1941, as document 424197 are hereby abrogated, vacated and relinquished; and
  3. That the Easement recorded August 25, 1964, as document R64-31343 ("Easement 2") is hereby abrogated, vacated and relinquished; and
  4. That the two Fire Lane Designation and Enforcement Agreements dated November 4, 2003, and recorded December 8, 2003, as documents R 2003-464084 and R 2003-464085, by and between the City of Wheaton and Community Unit School District 200 (collectively, the "Fire Lane Designations") are hereby terminated and released; and
- B.) That the City Clerk is directed to have a certified copy of this Ordinance recorded with the DuPage County Recorder of Deeds.
- C.) That the Mayor of the City of Wheaton is hereby authorized and directed to take such further actions and execute such further documentation as may be necessary or appropriate to release of record the foregoing recorded Agreement, Easement 1, Easement 2 and Fire Lane Designations.

- D.) That any and all ordinances or resolutions inconsistent with this Ordinance are repealed and rescinded to the extent of such inconsistency.
- E.) That this Ordinance shall become effective upon its passage, approval and publication as required by law.

**ADOPTED** this 16<sup>th</sup> day of July, 2012.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

	<u>Roll Call Vote:</u>
Ayes:	Councilman Scalzo
	Councilman Sues
	Councilwoman Ives
	Mayor Pro Tem Mouhelis
	Councilman Rutledge
	Councilwoman Pacino Sanguinetti
Nays:	None
Absent:	Mayor Gresk

Motion Carried Unanimously

Passed: July 16, 2012  
Published: July 17, 2012