

ORDINANCE NO. F-1669

**AN ORDINANCE VACATING A PORTION OF THE GABLES BOULEVARD RIGHT-OF-WAY
ADJACENT TO 1425 SOUTH GABLES BOULEVARD – ST. MATTHEW UNITED CHURCH
OF CHRIST**

WHEREAS, a written petition has been filed by St. Matthew United Church of Christ (“Petitioner”), requesting the vacation of a certain right-of-way commonly known as a portion of the Gables Boulevard right-of-way adjacent to 1425 S. Gables Boulevard; 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 23, 2012 and continued to June 11, 2012 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 right-of-way commonly known as a portion of the Gables Boulevard right-of-way adjacent to 1425 S. Gables Boulevard is hereby vacated:

LEGAL DESCRIPTION FOR PARCEL TO BE VACATED TO SAINT MATTHEW CHURCH: PART OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS. DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF TRACT 1 IN MAPLE KNOLL ACRES ASSESSMENT PLAT: THENCE EASTERLY ALONG AN IRREGULAR CURVE, CONCAVE TO THE NORTH, OF RADIUS 959.43 FEET (RECORD 218.0 FEET) FOR A DISTANCE OF 60.64 FEET TO THE POINT OF BEGINNING, SAID CURVE HAVING A CHORD BEARING OF SOUTH 72 DEGREES 9 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 60.63 FEET; THENCE CONTINUING ALONG SAID CURVE FOR A DISTANCE OF 158.57 FEET, HAVING A CHORD BEARING OF SOUTH 78 DEGREES 42 MINUTES 6 SECONDS EAST FOR A DISTANCE OF 158.39 FEET; THENCE NORTH 68 DEGREES 52 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 64.20 FEET; THENCE SOUTH 47 DEGREES 15 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 22.26 FEET; THENCE SOUTH 54 DEGREES 28 MINUTES 58 SECONDS FOR A DISTANCE OF 123.19 FEET; THENCE WESTERLY ALONG AN IRREGULAR CURVE, CONCAVE TO THE NORTH, OF RADIUS 1025.12 FEET FOR A DISTANCE OF 185.79 FEET, HAVING A CHORD OF BEARING NORTH 77 DEGREES 19 MINUTES 0 SECONDS WEST FOR A DISTANCE OF 185.54 FEET; THENCE NORTH 42 DEGREES 44 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 73.29 FEET TO THE POINT OF BEGINNING. CONTAINING 14,332 S.F. (0.329 ACRES) ±

LEGAL DESCRIPTION FOR PARCEL TO BE VACATED TO WHEATON SANITARY DISTRICT: PART OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS. DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF TRACT 1 IN MAPLE KNOLL ACRES ASSESSMENT PLAT: THENCE EASTERLY ALONG AN IRREGULAR CURVE, CONCAVE TO THE NORTH, OF RADIUS 959.43 FEET (RECORD 218.0 FEET) FOR A DISTANCE OF 60.64 FEET HAVING A CHORD OF BEARING SOUTH 72 DEGREES

9 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 60.63 FEET; THENCE CONTINUING ALONG SAID CURVE FOR A DISTANCE OF 158.57 FEET, HAVING A CHORD BEARING OF SOUTH 78 DEGREES 42 MINUTES 6 SECONDS EAST FOR A DISTANCE OF 158.39 FEET; THENCE NORTH 68 DEGREES 52 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 64.20 FEET TO THE POINT OF BEGINNING; THENCE NORTH 68 DEGREES 52 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 87.70; THENCE SOUTH 54 DEGREES 28 MINUTES 58 SECONDS WEST FOR A DISTANCE OF 80.42 FEET; THENCE NORTH 47 DEGREES 15 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 22.26 FEET TO THE POINT OF BEGINNING. CONTAINING 877 S.F. (0.020 ACRES±)

(HEREAFTER REFERRED TO AS THE "Vacated Area".)

The Vacated Area shall be vacated to 1420 and 1425 S. Gables Boulevard; 05-20-400-013, 05-20-400-014 and 05-20-401-002.

Section 2: It shall be a condition precedent to the effectiveness of this Ordinance and the recording and filing of the Plat of Vacation attached hereto as Exhibit "A" ("Plat of Vacation") as provided for in Section 4, that the conditions contained in Section 3 of this Ordinance be satisfied and that the annexation of 1425 S. Gables Boulevard is approved.

Section 3: The vacation provided for in this Ordinance is also subject to the following conditions and requirements:

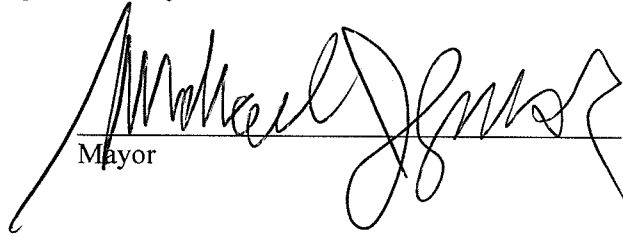
- A. Reservation for the benefit of the City of a perpetual, non-exclusive easement for pedestrian and bicycle ingress and egress to and from the DuPage Prairie Path pursuant to the terms and provisions establishing the same contained on the Plat of Vacation ("Access Easement"), over, across and upon that portion of the Vacated Area consisting of (i) the entirety of that portion of the Vacated Area vacated to Petitioner as identified on the Plat of Vacation until the Easement Improvements, as defined in the Easement, are constructed in conformity with the terms and provisions of the Easement and (ii) following the construction of the Easement Improvements in conformity with the Easement, the Easement Premises shall automatically and without further action of the City or Petitioner be reduced to that certain strip of land being twelve (12) feet in width as identified and provided for in the Easement.
- B. Petitioner shall be obligated to compensate the City for the Vacated Area in the amount of \$27,000.00 ("Vacation Compensation"). The Vacation Compensation shall be paid in full by Petitioner prior to the recordation of the Plat of Vacation.
- C. Petitioner shall provide letters from all franchised utility companies, including Commonwealth Edison, Northern Illinois Gas, SBC/Ameritech and ComCast Cable indicating they have no interest or objection to the right-of-way vacation.
- D. By accepting title to any portion of the Vacated Area and the benefits of this Ordinance, Petitioner, its successors, assigns and grantees hereby agrees to all provisions of this Ordinance and further agrees to fully comply with the terms of this Ordinance.

Section 4: The Mayor is authorized and directed to execute the Plat of Vacation prepared by Dave Johnson and Associates, dated October 15, 2012; 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, at the expense of the petitioner, and shall also be filed in the office of the DuPage County Clerk, DuPage County, Illinois. The

terms and provisions of this Ordinance shall be considered to be real covenants running with and binding the Vacated Area, in perpetuity.

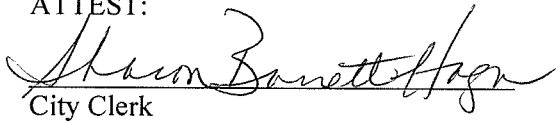
Section 5: All Ordinances or parts of Ordinances in conflict with these provisions are repealed.

Section 6: 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:

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| Ayes: | Councilman Mouhelis Councilman Rutledge Mayor Gresk Councilwoman Pacino Sanguinetti Councilman Scalzo Councilman Suess |
| Nays: | Councilwoman Ives |
| Absent: | None |

Motion Carried 6-1

Passed: October 15, 2012
Published: October 16, 2012

Exhibit "A"

