

ORDINANCE NO. F- 1696

**AN ORDINANCE ANNEXING CERTAIN TERRITORY
TO THE CITY OF WHEATON, ILLINOIS - WHEATON LOAN ACQUISITION LLC AND BRB
DEVELOPMENT LLC**

WHEREAS, a written petition has been filed with the City Clerk of Wheaton, Illinois, requesting the annexation to the City of Wheaton, Illinois ("City"), of certain territory contiguous to the boundaries of the City and not within the corporate boundaries of any other municipality, pursuant to a proposed annexation agreement ("Annexation Agreement") which sets forth the terms and conditions under which annexation shall take place; and

WHEREAS, pursuant to notice, a public hearing was conducted by the City Council on September 10, 2012 to consider the terms and conditions of the proposed Annexation Agreement; and

WHEREAS, an annexation agreement dated December 17, 2012, among the City and the Wheaton Loan Acquisition LLC ("Owner") and BRB Development LLC ("Developer"), is the direct result of deliberations on the proposed Annexation Agreement pursuant to the public hearing and other meetings before the City Council and City Staff; and

WHEREAS, on December 17, 2012, the Mayor and City Council approved Ordinance No. F-1694 ("Ordinance") which authorized the signing of the Annexation Agreement; and

WHEREAS, the Annexation Agreement contained a provision which stated that if the Developer does not acquire title to the property within ninety days of the passage of the Ordinance approving the Annexation Agreement, the Annexation Agreement and the Ordinance approving the Annexation Agreement shall, without further action of the City Council, become null, void and of no effect; and

WHEREAS, the Developer acquired title to the property on January 14, 2013 and has provided the City with a copy in accordance with the Annexation Agreement.

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 terms, conditions, provisions, and obligations contained in the Annexation Agreement are incorporated into this annexation ordinance by this reference as though fully set forth herein. A copy of the Annexation Agreement is on file in the Office of the City Clerk.

Section 2: The following described territory is hereby annexed to the City:

THE EAST 200.88 FEET OF THE WEST 401.75 FEET OF THE EAST 803.88 FEET OF THE NORTH 323 FEET OF THE SOUTH 540.8 FEET OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS. PIN: 05-04-304-017

The subject property is commonly known as the vacant 1.49 acre parcel of land located immediately northwest of the Main Street Market Place at 101 - 115 West Geneva Road and 2202 - 2212 North Main Street and the National City Bank at 127 West Geneva Road, Wheaton, IL 60187.

Section 3: The City Clerk is authorized and directed to record with the Office of the Recorder of Deeds, DuPage County, Illinois, and to file with the Office of the County Clerk, DuPage County, Illinois,

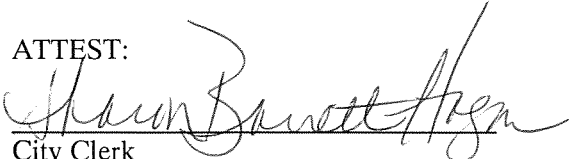
a certified copy of this ordinance together with the accurate map of the subject property appended to this ordinance.

Section 4: The annexation approved in this ordinance shall be null and void and of no further effect, without further action by the City Council, if the Owner and Developer do not execute and return the Annexation Agreement to the City Clerk within ninety (90) days of the date this Ordinance was passed.

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.

ATTEST:



City Clerk



Mayor

Roll Call Vote

Ayes: Councilman Rutledge
Councilman Saline
Mayor Gresk
Councilwoman Pacino Sanguinetti
Councilman Scalzo
Councilman Sues
Councilman Mouhelis

Nays: None

Absent: None

Motion Carried Unanimously

Passed: February 4, 2013
Published: February 5, 2013