

ORDINANCE NO. F- 1697

**AN ORDINANCE AMENDING THE WHEATON ZONING MAP
ON CERTAIN PROPERTY - WHEATON LOAN ACQUISITION LLC AND BRB
DEVELOPMENT LLC**

WHEREAS, a written petition has been made to amend the Zoning Map, which is attached to and forms a part of the Zoning Ordinance of Wheaton, Illinois to rezone and reclassify certain property legally described in Exhibit 'A' that lies within the city limits of Wheaton, Illinois ("City"); 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, pursuant to notice, a public hearing was conducted by the City Council on September 10, 2012; 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 Zoning map, which is attached to and forms a part of the Wheaton Zoning Ordinance, is amended by adding, including and classifying the following described property in the C-3 General Business District classification with a Special Use Permit for a Planned Unit Development and in conformance with the Annexation Agreement:

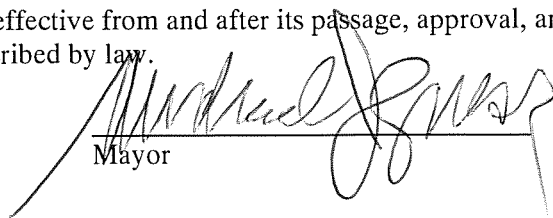
THE EAST 200.88 FEET OF THE WEST 401.75 FEET OF THE EAST 803.88 FEET OF THE NORTH 323 FEET OF THE SOUTH 540.8 FEET OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS. PIN: 05-04-304-017

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.

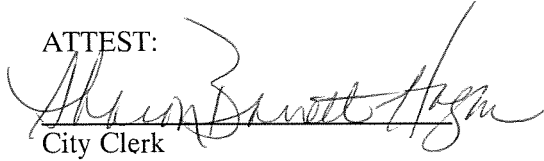
Section 2: The City Clerk is authorized and directed to record with the Office of the Recorder of Deeds, DuPage County, Illinois, and to file with the Office of the County Clerk, DuPage County, Illinois, a certified copy of this ordinance together with the accurate map of the subject property appended to this ordinance.

Section 3: All ordinances or parts of ordinances in conflict with these provisions are repealed.

Section 4: 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 Pacino Sanguinetti
Councilman Scalzo
Councilman Suess
Councilman Mouhelis
Councilman Rutledge
Mayor Gresk

Nays: None

Absent: None

Abstain: Councilman Saline

Motion Carried

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