

**ORDINANCE NO. F-1738**

**AN ORDINANCE VACATING CHASE STREET/WHEATON COLLEGE**

**WHEREAS**, written petition has been filed with the City of Wheaton, Illinois (“City”) by Wheaton College (“Petitioner”) requesting the vacation of the Chase Street right-of-way lying between College Avenue and the Union Pacific Railroad legally described herein; and

**WHEREAS**, the vacation petition has been filed pursuant to the provisions of Chapter 58, Article IV of the Wheaton City Code; thereafter, pursuant to notice as required by the City Code, a public hearing was conducted by the City Council on September 23, 2013 to consider the vacation; and

**WHEREAS**, the City Council 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 Chase Street right-of-way (Subject Property) shall be vacated:

THAT PART OF THE CHASE STREET RIGHT-OF-WAY LYING IN THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED AS FOLLOWS: THAT PART OF SAID RIGHT-OF-WAY LYING NORTH OF THE NORTH RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILWAY AND LYING SOUTH OF A LINE WHICH RUNS FROM THE SOUTHEAST CORNER OF PARCEL 1 OF LAND DEDICATED FOR SEMINARY AVENUE (NOW KNOWN AS COLLEGE AVENUE) PER DOCUMENT R87-89017 TO THE SOUTHWEST CORNER OF PARCEL 2 OF LAND DEDICATED FOR SEMINARY AVENUE (NOW KNOWN AS COLLEGE AVENUE) PER DOCUMENT R87-89017, IN DUPAGE COUNTY, ILLINOIS.

The Subject Property shall be vacated to 500 East College Avenue, Wheaton, Illinois, Property Identification Number 05-16-222-069.

**Section 2:** The vacation of the Subject Property provided for in this ordinance shall be subject to the following conditions and requirements:

- A. Vacation of the Subject Property legally described herein shall be at no cost to the Petitioner. The determination to not require compensation for the vacated right-of-way is found to be consistent with Section 58-138(3) of the Wheaton City Code: “No fair and just compensation shall be required for public ways that necessitate a permanent easement over the entire public way land area.”
- B. The Petitioner shall establish a permanent easement to the benefit of the City over the entire vacated right-of-way for utilities and drainage.
- C. The Petitioner shall establish permanent easements on the vacated right-of-way and adjacent property owned by the Petitioner to the benefit of the City and the Union Pacific Railroad for public ingress and egress, storm water compensatory storage, utilities, and

future maintenance, repair and reconstruction of the Pedestrian Path stairways, walking surface, and retaining walls as part of the development of the Chase Street Pedestrian Underpass Project as set forth in the Plat of Easement Grant prepared by Webster, McGrath and Ahlberg, Ltd., dated October 17, 2013 attached hereto as Exhibit A and made a part hereof.

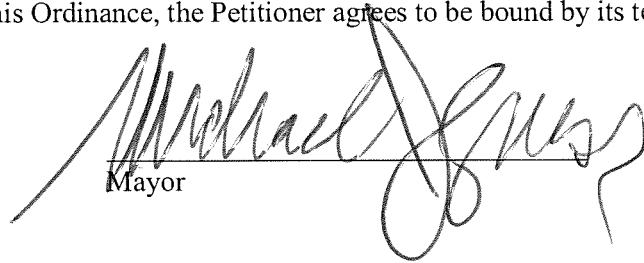
- D. The Petitioner shall maintain the Pedestrian Path and Pedestrian Underpass by keeping the areas free of debris, leaves, and snow.
- E. The Petitioner shall pay all fees associated with the vacation as provided for by Section 58-143 of the Wheaton City Code.

**Section 3:** The Mayor is authorized to execute the plat of vacation prepared by Webster, McGrath & Ahlberg, Ltd., dated September 13, 2013; and the City Clerk is directed to attest to the signature of the Mayor. The plat of vacation shall be recorded in the Office of the DuPage County Recorder along with a certified copy of this ordinance.

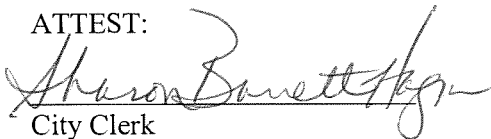
**Section 4:** All ordinances or parts of ordinances in conflict with the provisions of this ordinance shall be repealed.

**Section 5:** This ordinance shall become effective from and after its passage, approval and publication in pamphlet form in the manner prescribed by law.

**Section 6:** That by executing this Ordinance, the Petitioner agrees to be bound by its terms and conditions.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Ayes:	<u>Roll Call Vote:</u> Councilwoman Pacino Sanguinetti Councilman Scalzo Councilman Suess Councilman Prendiville Councilman Rutledge Councilman Saline Mayor Gresk
Nays:	None
Absent:	None

Motion Carried Unanimously

Passed: November 4, 2013  
Published: November 5, 2013

WHEATON COLLEGE (Petitioner)

By: [Signature]

Its: VP for Finance & Treasurer

STATE OF IL )  
 )  
COUNTY OF DuPage ) SS:

I, the undersigned, a Notary Public in and for said county, in the State aforesaid, **do hereby certify**, that Dale Kemp, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he/she signed, sealed and delivered the said instrument as his/her free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right to homestead.

GIVEN, under my hand and official seal, this 6<sup>th</sup> day of November, 2013.

[Signature]  
Notary Public

Commission Expires: 7-16-16

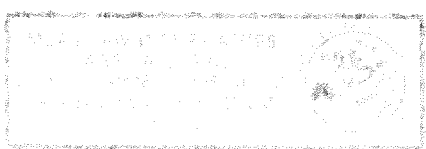


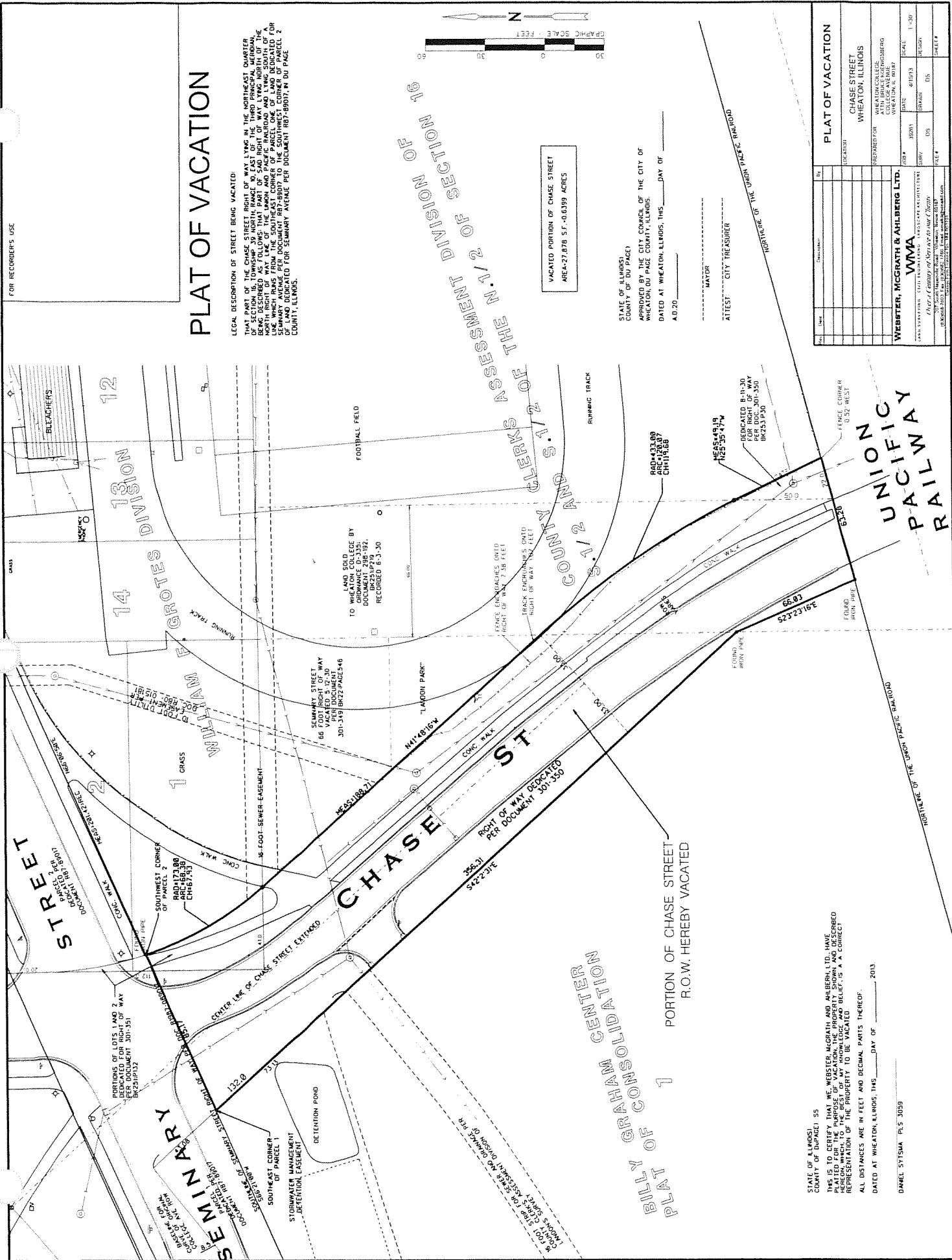
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STATE OF ILLINOIS  
 COUNTY OF DU PAGE) 55  
 THIS IS TO CERTIFY THAT WE, WEBSTER, MCGRATH AND AHLBERG, LTD., HAVE  
 HEREBY AND TO THE BEST OF OUR KNOWLEDGE AND BELIEF, A CORRECT  
 REPRESENTATION OF THE PROPERTY TO BE VACATED.  
 ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF.  
 DATED AT WHEATON, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

**BILLY OF GRAHAM CONSOLIDATION**  
**PLAT OF CHASE STREET**  
 PORTION OF CHASE STREET  
 R.O.W. HEREBY VACATED

