

**ORDINANCE NO. F-1849**

**AN ORDINANCE AMENDING THE WHEATON ZONING MAP ON CERTAIN PROPERTY  
COMMONLY KNOWN AS - 0N536 GARY AVENUE - M/I HOMES OF CHICAGO, 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 January 26, 2015, among the City and Muehlfelt Land Partnership ("Owner") and M/I Homes of Chicago, 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 November 24, 2014; and

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 R-3 Residential zoning district:

LOT 1 IN MUEHLFELT LAND PARTNERSHIP ASSESSMENT PLAT, BEING PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 27, 2001 AS DOCUMENT NUMBER R2001-032701 (EXCEPT THE SOUTH 100.00 FEET OF THE NORTH 169.71 FEET OF THE WEST 15.00 FEET THEREOF), IN DUPAGE COUNTY, ILLINOIS, EXCEPTING THEREFROM THAT PART DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1, SAID POINT BEING COMMON WITH THE NORTHWEST CORNER OF LOT 2 IN SAID MUEHLFELT PLAT; THENCE SOUTH 00 DEGREES 49 MINUTES 29 SECONDS EAST, 46.54 FEET (46.0 FEET RECORD DISTANCE) ALONG THE EAST LINE OF SAID LOT 1 TO A JOG IN SAID EAST LINE; THENCE SOUTH 88 DEGREES 28 MINUTES 40 SECONDS WEST, 16.00 FEET ALONG SAID JOG TO ANOTHER JOG IN SAID EAST LINE; THENCE SOUTH 00 DEGREES 49 MINUTES 29 SECONDS EAST, 65.00 FEET ALONG SAID JOG TO ANOTHER JOG IN SAID EAST LINE; THENCE SOUTH 88 DEGREES 28 MINUTES 40 SECONDS WEST, 240.82 FEET TO AN INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 6 IN BLOCK 8 OF GRANGE PARK ADDITION TO WHEATON RECORDED OCTOBER 20, 1926 AS DOCUMENT NUMBER 223492; THENCE NORTH 00 DEGREES 45 MINUTES 53 SECONDS WEST, 111.46 FEET ALONG SAID SOUTHERLY EXTENSION TO THE NORTH LINE OF SAID LOT 1 IN MUEHLFELT LAND PARTNERSHIP ASSESSMENT PLAT; THENCE NORTH 88 DEGREES 30 MINUTES 09 SECONDS EAST, 256.71 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

P.I.N.: 05-08-116-034

The subject property is commonly known as 0N536 Gary Avenue, Wheaton, IL 60187.

Section 2: The City Clerk is 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 and execution by all the parties of the Annexation Agreement approved in conjunction with this rezoning as in the manner prescribed by law.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

Roll Call Vote

Ayes: Councilman Saline  
Mayor Gresk  
Councilman Scalzo  
Councilman Suess  
Councilman Prendiville  
Councilman Rutledge

Nays: None

Absent: None

Motion Carried Unanimously

Passed: January 26, 2015  
Published: January 27, 2015