

ORDINANCE NO. O-2018-42
AN ORDINANCE VACATING MORSE STREET/CUSD 200

WHEREAS, written petition has been filed with the City of Wheaton, Illinois ("City") by Community Unit School District 200 ("Petitioner") requesting the vacation of the Morse Street right-of-way lying southwest of 590 Amy Lane and east of Wheaton North High School property 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 July 23, 2018 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 Morse Street right-of-way (Subject Property) is hereby vacated in conformance with Plat of Abrogation and Easement Reservation prepared by Manhard Consulting, LTD, dated June 27, 2018 attached hereto as Exhibit A and made a part hereof (hereinafter "Plat").

That part of Morse Street, being part of the northeast quarter of section 8, township 39 north, range 10 east, as dedicated per document R2015-052814 and as monumented and occupied, more particularly described as follows: beginning at the southwest corner of outlot A in the Northwoods of Wheaton subdivision according to the plat thereof recorded May 19, 2015 as document R2015-052814, being also the north line of lot 2 in Muehlfelt's first subdivision according to the plat thereof recorded November 12, 1947 as document 533909; thence south 88 degrees 14 minutes 34 seconds west along said north line of lot 2, a distance 66.01 feet to the west right-of-way line of Morse Street as monumented and occupied; thence north 00 degrees 40 minutes 27 seconds west along the west line of said Morse Street right-of-way, a distance of 233.59 feet; thence north 89 degrees 19 minutes 33 seconds east, a distance of 66.00 feet to the west line of said outlot A and the east right-of-way of said Morse Street; thence south 00 degrees 40 minutes 27 seconds east along said right-of-way, a distance of 232.34 feet to the point of beginning, in Milton township, DuPage County, Illinois.

The Subject Property bearing property identification number 05-08-200-028 is hereby vacated for the full benefit of the petitioner whose address is 130 W. Park Avenue, Wheaton, Illinois.

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

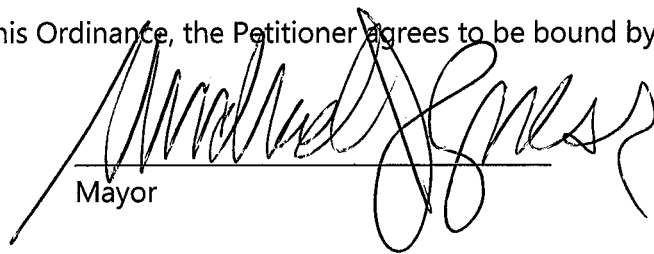
- A. Vacation of the Subject Property legally described herein shall be at no cost to the Petitioner. The determination to not require compensation for the vacated right-of-way is found to be consistent with Section 58-138 (a)(4) of the Wheaton City Code: "No fair and just compensation shall be required 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 for public ingress and egress, storm water compensatory storage, utilities, and future maintenance, as set forth in the Plat.
- D. There are no 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 Abrogation and Easement Reservation prepared by Manhard Consulting LTD, dated March 18, 2018 and last revised on June 27, 20018; and the City Clerk is directed to attest to the signature of the Mayor. The Plat 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.

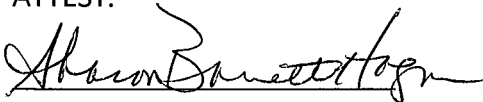
Section 5: This ordinance shall become effective from and after its passage, approval and publication in pamphlet form in the manner prescribed by law.

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



Mayor

ATTEST:



City Clerk

Roll Call Vote:

- | | |
|-------|---|
| Ayes: | Councilman Barbier
Councilwoman Fitch
Councilman Prendiville
Mayor Pro Tem Scalzo
Councilman Rutledge |
| Nays: | None |

Absent: Mayor Gresk
Councilman Suess

Motion Carried Unanimously

Passed: August 6, 2018
Published: August 7, 2018



OWNER

CITY OF WHEATON
303 W WESLEY STREET
WHEATON, ILLINOIS 60187

OWNER

COMMUNITY UNIT SCHOOL DISTRICT 200
130 WEST PARK AVENUE
WHEATON, ILLINOIS 60189

AREA OF ABRIGATION

15,376 S.F.
OR 0.353 AC±

AREA OF EASEMENT RESERVATION

15,376 S.F.
OR 0.353 AC±

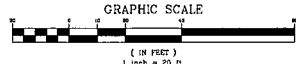
LEGEND

- P.U. & D.E. - PUBLIC UTILITY & DRAINAGE EASEMENT
- VACATED RIGHT-OF-WAY
- RESERVED PUBLIC UTILITY & DRAINAGE EASEMENT

PLAT OF ABRIGATION AND EASEMENT RESERVATION

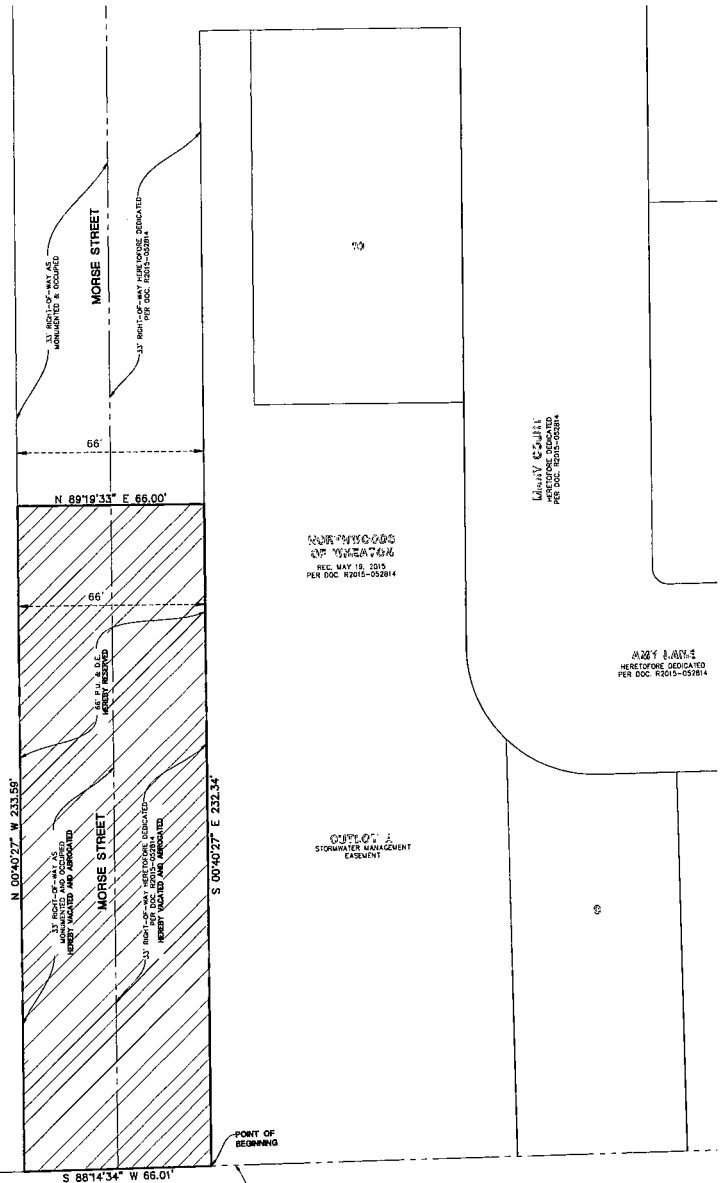
ABROGATION & EASEMENT RESERVATION LEGAL DESCRIPTION

THAT PART OF MORSE STREET, BEING PART OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 33 NORTH, RANGE 10 EAST, AS INDICATED PER DOCUMENT #2015-02814 AND AS UNIMPROVED AND OCCUPIED, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 IN THE NORTHWOODS OF WHEATON SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED MAY 19, 2015 AS DOCUMENT #2015-02814, BEING ALSO THE NORTH LINE OF LOT 3 IN WINDYFELT'S FIRST SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 17, 1947 AS DOCUMENT #33892, THENCE SOUTH 88 DEGREES 14 MINUTES 34 SECONDS WEST ALONG SAID NORTH LINE OF LOT 3, A DISTANCE OF 66.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF MORSE STREET AS UNIMPROVED AND OCCUPIED; THENCE NORTH 88 DEGREES 14 MINUTES 34 SECONDS WEST ALONG THE WEST LINE OF SAID MORSE STREET RIGHT-OF-WAY, A DISTANCE OF 133.58 FEET; THENCE NORTH 88 DEGREES 15 MINUTES 33 SECONDS EAST, A DISTANCE OF 66.00 FEET TO THE WEST LINE OF SAID OUTLOT A AND THE EAST RIGHT-OF-WAY OF SAID MORSE STREET; THENCE SOUTH 88 DEGREES 40 MINUTES 27 SECONDS EAST ALONG SAID EAST RIGHT-OF-WAY, A DISTANCE OF 232.34 FEET TO THE POINT OF BEGINNING, IN WELTON TOWNSHIP, DUPAGE COUNTY, ILLINOIS.



BASIS OF BEARINGS

BEARINGS ARE BASED UPON THE ILLINOIS STATE PLANE COORDINATE SYSTEM OF 1983, EAST ZONE, ADAPTED TO GROUND VALUES, AS ESTABLISHED BY REAL TIME KINEMATIC (RTK) GPS METHODS



CITY COUNCIL CERTIFICATE
 STATE OF ILLINOIS)
 COUNTY OF DUPAGE) SS
 APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WHEATON,
 DUPAGE COUNTY, ILLINOIS, THIS _____ DAY OF _____, A.D. 20____
 MAYOR, CITY OF WHEATON _____
 ATTEST: CITY CLERK _____

OWNER'S CONSENT
 STATE OF _____)
 COUNTY OF _____) SS
 THIS IS TO CERTIFY THAT _____ IS THE HOLDER OF THE
 TITLE OF ALL OF THE PROPERTY DESCRIBED HEREON AND THAT THEY HAVE CAUSED
 THE SAME TO BE PLATED FOR THE PURPOSES SHOWN HEREON.
 DATED THIS _____ DAY OF _____, A.D. 20____
 OWNER: _____
 SIGNED: _____

NOTARY PUBLIC
 STATE OF _____)
 COUNTY OF _____) SS
 I, _____ A
 NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY
 CERTIFY THAT _____ WHO IS PERSONALLY
 KNOWN TO ME TO BE THE SAME WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE
 FOREGOING CERTIFICATE, APPEARED BEFORE ME THIS DAY IN PERSON AND
 ACKNOWLEDGED THAT HE/SHE/HEY DID SO AND DELIVER THIS INSTRUMENT AS A
 FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.
 GIVEN UNDER MY HAND AND NOTORIAL SEAL THIS _____ DAY OF _____
 A.D. 20____

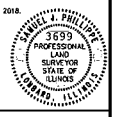
RECORDER'S CERTIFICATE
 STATE OF ILLINOIS)
 COUNTY OF DU PAGE) SS
 THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD IN
 THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS ON THE _____ DAY
 OF _____, A.D. 20____ AT _____ O'CLOCK _____
 RECORDER _____

PUBLIC UTILITY AND DRAINAGE EASEMENT (P.U. & D.E.) PROVISIONS

ALL EASEMENTS INDICATED AS PUBLIC UTILITY AND/OR DRAINAGE AND UTILITY EASEMENTS (P.U. & D.E.) ON THIS PLAT ARE HEREBY RESERVED FOR THE CITY OF WHEATON AND ALSO AS A NON-EXCLUSIVE EASEMENT TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISE FROM THE CITY OF WHEATON INCLUDING, BUT NOT LIMITED TO, WATER/SANITATION COMPANY, WASTE GAS COMPANY, COMMONWEALTH Edison COMPANY AND THEIR SUCCESSORS AND ASSIGNS (COLLECTIVELY "COMPANIES") FOR THE PERPETUAL RIGHT, POWER AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN AND OPERATE THE "PUBLIC UTILITY" TOGETHER WITH ANY AND ALL NECESSARY HANDHOUS, LATER BURNING, CONNECTIONS, APPURTEANCES AND OTHER STRUCTURES AND APPURTEANCES AS MAY BE DEEMED NECESSARY BY SAID CITY OF WHEATON, LOCAL, COUNTY, STATE AND FEDERAL AGENCIES AND INDICATED EASEMENT, TOGETHER WITH RIGHT OF ACCESS HERETO, THE PROPERTY FOR NECESSARY MEN AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO GO DOWN, UP OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE "PUBLIC UTILITY". THE GRANTEE OR GRANTEE'S PERFORMANCE OF WORKING TO BE PERFORMED BY SAID WORK SHALL BE RESPONSIBLE AT ITS OR THEIR EXPENSE TO BACKFILL ALL AREAS WITH APPROVED MATERIALS BUT SHALL NOT BE LIABLE TO REPAIR ANY DAMAGE, LOSS AND DUTTER, UNLESS OR UNLESS OTHERWISE SPECIFIED DURING MAINTENANCE. THE GRANTEE SHALL BE RESPONSIBLE FOR THE FULL AND COMPLETE RESERVATION OF THE EASEMENT PREMISES. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENTS, BUT SAME MAY BE USED FOR ASPHALT AND APPROVED MATERIALS NORMALLY FOUND IN A PARKING LOT SUCH AS LIGHT FIXTURES AND SIGN, GARDENS, SHRUBS, LANDSCAPING, AND OTHER PURPOSES THAT DO NOT THEM OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS. ELEVATION OR GRADES SHALL NOT BE CHANGED WITHIN THE EASEMENT PREMISES WITHOUT THE WRITTEN APPROVAL OF THE CITY OF WHEATON.

SURVIVORS CERTIFICATE
 STATE OF ILLINOIS)
 COUNTY OF DUPAGE) SS

I, DANIEL J. PHILLIPS, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE PREPARED THIS PLAT FROM EXISTING PLATS AND RECORDS FOR THE PURPOSE OF ABROGATING AND VACATING RIGHT-OF-WAY AND RESERVING EASEMENTS AS SHOWN HEREON.
 GIVEN UNDER MY HAND AND SEAL THIS _____ DAY OF _____, A.D. 20____
FOR REVIEW ONLY
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3279
 LICENSE EXPIRES NOVEMBER 30, 2018
 DESIGN FIRM LICENSE NO. 186003350
 LICENSE EXPIRES APRIL 30, 2019



- GENERAL NOTES:**
- DISTANCES ARE MARKED IN FEET AND DECIMAL PLACES THEREOF.
 - NO DIMENSION SHALL BE ASSUMED BY SCALE MEASUREMENT HEREON.
 - THERE MAY BE ADDITIONAL TERMS, POWERS, PROVISIONS AND LIMITATIONS CONTAINED IN AN ABSTRACT DEED, LOCAL ORDINANCES, DEEDS, TRUSTS, COVENANTS OR OTHER INSTRUMENTS OF RECORD.
 - COMPARE ALL POINTS BEFORE BUILDING BY SAME AND IMMEDIATELY REPORT ANY DISCREPANCIES TO THE SURVEYOR.
 - A PUBLIC UTILITY & DRAINAGE EASEMENT IS HEREBY RESERVED OVER THE RIGHT-OF-WAY BEING VACATED.

8224 JWP&P CONSULTING LTD. L.L. 828-913274

MORSE STREET
 CITY OF WHEATON, ILLINOIS
 PLAT OF ABRIGATION AND EASEMENT RESERVATION

Manhard CONSULTING LTD.
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 Civil Engineers • Surveyors • Water Resource Engineers • Water & Wastewater Engineers
 Construction Management • Environmental Scientists • Landscape Architects • Planners

