

ORDINANCE NO. O-2018-60
AN ORDINANCE VACATING LOWDEN AVENUE/JOHN AND SUSAN SEMINEW

WHEREAS, written petition has been filed with the City of Wheaton, Illinois ("City") by John and Susan Seminew ("Petitioner") 1345 S. Campbell Avenue requesting the vacation of a portion of the Lowden Avenue right-of-way lying south of 1345 S. Campbell Avenue; 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 October 22, 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 Lowden Avenue right-of-way (Subject Property) is hereby vacated in conformance with the Plat of Vacation and Public Utility and Drainage Easement Grant prepared by Carradus Land Survey, Inc., dated June 18, 2018 attached hereto as Exhibit A and made a part hereof (hereinafter "Plat").

THAT PART OF THE 33 FOOT LOWDEN AVENUE RIGHT OF WAY LYING NORTH OF AND ADJACENT TO LOT 1 OF BETHEL ORTHODOX PRESBYTERIAN CHURCH PLAT OF CONSOLIDATION, BEING A PART OF THE EAST HALF OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, THEREOF RECORDED APRIL 3, 1996 AS DOCUMENT R96-054039, AND SOUTH OF AND ADJACENT TO LOT 11 IN BLOCK 11 OF GREEN VALLEY ADDITION, BEING A SUBDIVISION IN PART OF THE EAST HALF OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, THEREOF RECORDED NOVEMBER 5, 1926 AS DOCUMENT 224415, ALL IN DUPAGE COUNTY, ILLINOIS, MORE PARTICULARLY BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1 OF BETHEL ORTHODOX PRESBYTERIAN CHURCH PLAT OF CONSOLIDATION, THENCE WEST ALONG THE NORTH LINE OF SAID LOT 1 A DISTANCE OF 220.36 TO AN ANGLE POINT ALONG THE NORTH LINE OF SAID LOT 1 FOR A POINT OF BEGINNING; THENCE NORTH ALONG AN EAST LINE OF SAID BETHEL ORTHODOX PRESBYTERIAN CHURCH PLAT OF CONSOLIDATION, AT AN ASSUMED BEARING OF NORTH 00 DEGREES 10 MINUTES 13 SECONDS WEST, A DISTANCE OF 33.00 FEET TO THE SOUTHWEST CORNER OF LOT 11 OF SAID GREEN VALLEY ADDITION SUBDIVISION, THENCE EAST ALONG THE SOUTH LINE OF LOT 11 OF SAID GREEN VALLEY ADDITION SUBDIVISION, AT A BEARING OF NORTH 89 DEGREES 49 MINUTES 47 SECONDS EAST, A DISTANCE OF 187.80, TO THE SOUTHEAST CORNER OF SAID LOT 11, THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHWEST, CONSISTING OF A RADIUS OF 15.05 FEET AND AN ARC LENGTH OF 25.09 FEET; THENCE NORTH 89 DEGREES 49 MINUTES 47 SECONDS EAST, A DISTANCE OF 13.54 FEET, ALONG THE CENTERLINE OF THE 33 FOOT LOWDEN AVENUE RIGHT OF WAY TO THE INTERSECTION WITH THE CENTERLINE OF THE 60 FOOT CAMPBELL AVENUE RIGHT OF WAY; THENCE SOUTH ALONG A CURVE CONCAVE TO THE EAST, CONSISTING OF A RADIUS OF 4,680 FEET AND AN ARC LENGTH OF 16.58 FEET TO THE NORTH LINE OF SAID LOT 1 OF BETHEL ORTHODOX PRESBYTERIAN CHURCH PLAT OF CONSOLIDATION, THENCE WEST ALONG THE NORTH LINE OF SAID LOT 1, AT A BEARING OF SOUTH 89 DEGREES 49 MINUTES 47 SECONDS WEST, A DISTANCE OF 214.65 FEET, TO THE POINT OF BEGINNING.

The Subject Property described above is hereby vacated for the full benefit of the petitioner whose address is 1345 S. Campbell Avenue, Wheaton, Illinois, 60189.

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 without direct cost to the Petitioner pursuant to Section 58-138 (a)(4) of the Wheaton City Code.
- B. The plat of vacation shall reserve a permanent easement on the vacated Subject Property for the benefit of the City for public ingress and egress by sidewalk, and shall not vacate existing easements for utilities, drainage, and future maintenance, as set forth in the Plat.
- C. The Petitioner shall pay \$5,800 to the City for future sidewalk installation prior to the plat of vacation becoming effective and before recording of the plat by the City Clerk. This amount equates to the cost of preparation and construction of the sidewalk on the Subject Property;
- D. The Subject Property shall be maintained by the Petitioner so as not to impede the sidewalk's use (fence or vegetation obstruction) by pedestrians using it, and that trees currently in the Subject Property should be reasonably maintained until they naturally die; and
- E. The Petitioner shall pay all fees associated with the vacation, as provided in the Wheaton City Code.

Section 3: The Mayor is authorized to execute the Plat of Vacation prepared by Carradus Land Survey, Inc., dated June 18, 2018; 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 by the City Clerk, along with a certified copy of this ordinance, upon the Mayor's execution and Petitioner's compliance with Section 3 C

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.



Mayor

ATTEST:



City Clerk

Ayes:	<u>Roll Call Vote:</u> Councilman Rutledge Councilman Scalzo Councilman Sues Councilwoman Fitch Councilman Prendiville Mayor Gresk
Nays:	None
Absent:	Councilman Barbier
	<u>Motion Carried Unanimously</u>

Passed: November 5, 2018
Published: November 6, 2018



