

**ORDINANCE NO. O-2019-12**  
**AN ORDINANCE VACATING A PORTION OF THE SHAFFNER ROAD RIGHT-OF-WAY**

**WHEREAS**, written petition has been filed with the City of Wheaton, Illinois ("City") by Wheaton Park District ("Petitioner") requesting the vacation of a portion of Shaffner Road right-of-way known as Atten Park lying north and west of Warrenville Road and Wiesbrook Road respectively 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 January 14, 2019 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 Shaffner Road right-of-way (Subject Property) is hereby vacated in conformance with the Plat of Vacation prepared by Webster, McGrath and Ahlberg, Ltd. dated March 7, 2019, attached hereto as Exhibit B, and made a part hereof (hereinafter "Plat").

THAT PART OF THE SHEFFNER ROAD RIGHT OF WAY AS DEDICATED BY PLAT DOCUMENT 446325 AND BY WARRANTY DEED DOCUMENT 447485 BEING PART OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 9, EAST AND SECTION 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE NORTH LINE OF SAID SECTION 25 EXTENDED EASTERLY AND LYING NORTH OF THE NORTH LINE OF A.T. MCINTOSH AND COMPANY'S WIESBROOK ROAD SUBDIVISION PER DOCUMENT R1925-194383, IN DUPAGE COUNTY, ILLINOIS.

The Subject Property described above is hereby vacated for the full benefit of the petitioner whose address is 102 E Wesley Street, Wheaton, Illinois, 60187.

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

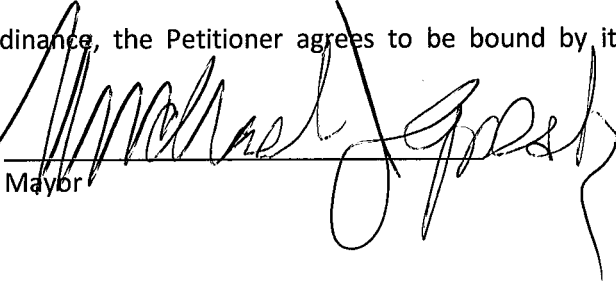
- A. Vacation of the Subject Property legally described herein shall be at no cost to the Petitioner. The determination to not require compensation for the vacated right-of-way is found to be consistent with Section 58-138 (a)(4) of the Wheaton City Code: "No fair and just compensation shall be required for public ways that necessitate a permanent easement over the entire public way land area." The Petitioner shall reimburse the City for all expenses associated with the vacation.
- B. The Petitioner shall establish a permanent easement to the benefit of the City, Wheaton Sanitary District and other utilities over the entire vacated right-of-way for utilities and drainage.
- C. The Petitioner shall establish permanent easements on the vacated right-of-way 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. The Petitioner shall construct a sidewalk connecting the curb cut on the north side of Park View Court with the Petitioner's asphalt pathway in Atten Park. This work shall be completed in 2019.

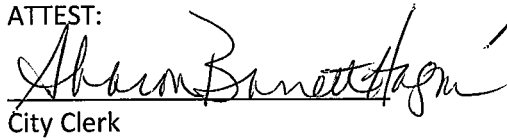
**Section 3:** The Mayor is authorized to execute the Plat of Vacation prepared by Webster, McGrath and Ahlberg, Ltd., dated March 7, 2019, in conformance with the conditions set forth in this ordinance, and the City Clerk is directed to attest to the signature of the Mayor. The Plat shall be recorded 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

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

Passed: March 18, 2019  
Published: March 19, 2019

# PLAT OF VACATION

# EXHIBIT B

LEGAL DESCRIPTION OF SCHAFFNER ROAD R.O.W. BEING VACATED:

THAT PART OF THE SCHAFFNER ROAD RIGHT OF WAY AS DEDICATED BY PLAT DOCUMENT 446325 AND BY WARRANTY DEED DOCUMENT 447485 BEING A PART OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 9, EAST AND SECTION 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE NORTH LINE OF SAID SECTION 25 EXTENDED EASTERLY AND LYING NORTH OF THE NORTH LINE OF A.T. McINTOSH & COMPANY'S WIESBROOK ROAD SUBDIVISION PER DOCUMENT R1925-1943B3, IN DU PAGE COUNTY, ILLINOIS.

66.0 FOOT RIGHT OF WAY DEDICATED PER PLAT PER DOCUMENT 446325 AND BY WARRANTY DEED DOC. 447485  
NORTH LINE OF SEC. 25-39-09 EXTENDED WESTERLY

P.I.N.'S  
04-25-200-004  
05-19-300-020  
05-30-100-005  
05-30-100-006

**RIGHT OF WAY  
HEREBY VACATED**  
EASEMENT RIGHTS TO BE RETAINED

RESERVED FOR COUNTY RECORDER

STATE OF ILLINOIS)  
COUNTY OF DU PAGE) SS

THIS INSTRUMENT NO. \_\_\_\_\_ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS, AFORESAID, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., AND WAS RECORDED IN BOOK \_\_\_\_\_ OF PLATS ON PAGE \_\_\_\_\_

\_\_\_\_\_  
COUNTY RECORDER

STATE OF ILLINOIS)  
COUNTY OF DU PAGE)

APPROVED BY THE PRESIDENT AND CITY COUNCIL OF THE CITY OF WHEATON, DU PAGE COUNTY, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

SIGNED \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

STATE OF ILLINOIS)  
COUNTY OF DU PAGE)

\_\_\_\_\_, CITY CLERK OF THE CITY OF WHEATON, ILLINOIS, DO HEREBY CERTIFY THAT THE ANNEXED PLAT WAS PRESENTED TO AND BY ORDINANCE DULY APPROVED BY THE CITY COUNCIL OF THE CITY OF WHEATON, AT ITS MEETING HELD ON \_\_\_\_\_, A.D. 20\_\_\_\_, IN WITNESS WHEREOF I HAVE HEREONTO SET THE SEAL OF THE CITY OF WHEATON, ILLINOIS.

\_\_\_\_\_  
CITY CLERK

PUBLIC UTILITY AND DRAINAGE EASEMENT PROVISIONS

FOR RETAINED EASEMENT RIGHTS WITHIN THE VACATED RIGHT OF WAY

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF WHEATON, ILLINOIS, ILLINOIS BELL AND AT&T, AN ILLINOIS CORPORATION, COMMONWEALTH EDISON COMPANY, NICOR, THE CABLE TELEVISION COMPANY OPERATING UNDER FRANCHISE FROM THE CITY OF WHEATON, AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS WITHIN THE AREA SHOWN ON THE HEREON DRAWN PLAT AND MARKED "PUBLIC UTILITY AND DRAINAGE EASEMENT" TO INSTALL, CONSTRUCT, RENEW, OPERATE, MAINTAIN, RELOCATE AND EXTEND SANITARY SEWERS, STORM SEWERS, DRAIN TILES, SURFACE DRAINAGE COURSES, STORM WATER MANAGEMENT FACILITIES, WATER MAINS, MANHOLES, INLETS, VAULTS, GAS MAINS, COMMUNICATION, VIDEO AND/OR INFORMATION SERVICES AND/OR ANY OTHER SERVICES, T.V. CABLES, ELECTRICAL CONDUITS, CABLE WIRES, PEDESTALS, POLES, TRANSFORMERS AND OTHER APPURTENANCES AND EQUIPMENT REQUIRED FOR THE PURPOSE OF SERVING THE SUBDIVISION AND ADJACENT PROPERTY WITH SANITARY SEWERS, WATER, GAS, COMMUNICATION, VIDEO AND/OR INFORMATION SERVICES AND/OR ANY OTHER SERVICES, CABLE T.V., DRAINAGE AND ELECTRICAL SERVICE. THE RIGHT IS GRANTED TO CUT, TRIM, OR REMOVE TREES, BUSHES, FENCES AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHT HEREIN GIVEN AND THE RIGHT TO ENTER UPON SAID PROPERTY FOR ALL SUCH PURPOSES STATED HEREIN. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENT. HOWEVER, THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, FENCING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR THE RIGHTS HEREIN GRANTED.

APPARENT 2 FOOT GAP BETWEEN DESCRIPTIONS FOR MACK ROAD R.O.W. AND SCHAFFNER ROAD R.O.W. PER DOC. 446325

PORTION OF MACK ROAD RIGHT OF WAY DEDICATED PER DOCUMENT 446325

SOUTH LINE OF SEC 24-39-09  
NORTH LINE OF SEC 25-39-09

R.O.W. 66.00

R.O.W. 66.00

R.O.W. 66.00

R.O.W. 66.00

R.O.W. 66.00

R.O.W. 66.00

R.O.W. 66.00

R.O.W. 66.00

R.O.W. 66.00

R.O.W. 66.00

R.O.W. 66.00

R.O.W. 66.00

R.O.W. 66.00

R.O.W. 100.00

R.O.W. 100.00

R.O.W. 100.00

R.O.W. 100.00

R.O.W. 100.00

AREA OF RIGHT OF WAY TO BE VACATED IS 14,068 SQUARE FEET - 1.700 ACRES

66.0 FOOT RIGHT OF WAY DEDICATED PER PLAT PER DOCUMENT 446325 AND BY WARRANTY DEED DOC. 447485

EAST LINE OF SECTION 25-39-09 WEST LINE OF SECTION 30-39-10

SCHAFFNER ROAD

LOT 2

LOT 1

PART OF LOT 2

PART OF LOT 1

ATTEN PARK

NORTH LINE OF McINTOSH'S WIESBROOK ROAD SUBDIVISION 953.241

WIESBROOK ROAD

HEIRLOOM PER ACRES PLAT OF SURVEY DOCUMENT 76669

Note:  
Wheaton Sanitary District, via a Plot of Easement Grant (R2019-016699) approved by the City of Wheaton, has a sanitary sewer easement on the vacated right of way.

STATE OF ILLINOIS)  
COUNTY OF DU PAGE) SS

THIS IS TO CERTIFY THAT WE, WEBSTER, McGRATH & AHLBERG, LTD., HAVE PLATTED FOR THE PURPOSE OF VACATION, THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH, TO THE BEST OF OUR KNOWLEDGE AND BELIEF, IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY TO BE VACATED.

ALL DISTANCES ARE IN FEET AND DECIMAL PARTS THEREOF.

DATED AT WHEATON, ILLINOIS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

DANIEL SYTMA PLS 3059

Rev	Date	Description	By	PLAT OF VACATION			
				LOCATION: SCHAFFNER ROAD RIGHT OF WAY IN SECTION 30-39-10			
				PREPARED FOR: WHEATON PARK DISTRICT ATTN: DONALD CUDOHIEE 1000 MANCHESTER ROAD WHEATON, IL 60187			
2	3/1/19	ADD NOTE FOR SAN SEWER	DS	JOB #	DATE	SCALE	1"=80'
1	11/30/18	REVISED PER REVIEW	DS	SURV.	DS	DRAWN	DS
WEBSTER, McGRATH & AHLBERG LTD.				FILE #	D-22709-VACATION		
V.M.A. LAND SURVEYING - CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE Over a Century of Service to our Clients 207 South Naperville Road Wheaton, Illinois 60187 ph: 630.968.7623 web: www.vmaill.com Design Firm License No. 164.003101				SHEET #	1 of 1		

3/20/19 8:17:47 AM EXHIBIT PROJECTS\24155-3035\10-DUPAGE\SURV\054165 Wheaton - Plats.dwg

