

**ORDINANCE NO. O-2019-44**

**AN ORDINANCE VACATING A PUBLIC ALLEY RIGHT-OF-WAY  
COLLEGE CHURCH**

**WHEREAS**, written petition has been filed with the City of Wheaton, Illinois ("City") by College Church in Wheaton ("Petitioner") requesting the vacation of a public alley right-of-way running east from Scott Street, parallel to and lying between Seminary Avenue to the north and Wesley Street to the south 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 9, 2019 to consider the vacation; and

**WHEREAS**, the City Council has determined that the vacation of the public alley 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 public alley right-of-way (Subject Property) is hereby vacated in conformance with the Plat of Vacation prepared by Carradus Land Survey Inc. dated November 5, 2018 and bearing revision dates of May 20, 2019 and June 19, 2019 attached hereto as Exhibit A, and made a part hereof (hereinafter "Plat").

ALL OF THAT PART OF THE 20 FOOT ALLEY LYING NORTH OF AND ADJACENT TO THE FOLLOWING DESCRIBED PROPERTIES: THE NORTH HALF OF LOT 7 IN BLOCK 1 IN THE ORIGINAL PLAT OF THE TOWN OF WHEATON, BEING A SUBDIVISION IN SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 20, 1853 AS DOCUMENT NUMBER 7256, IN DUPAGE COUNTY, ILLINOIS,

AND ALSO;

LOTS 1 AND 2 OF THE PLAT OF MILO BUTTERFIELD HOMESTEAD, BEING A SUBDIVISION OF PART OF THE ORIGINAL PLAT OF THE TOWN OF WHEATON IN THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID MILO BUTTERFIELD HOMESTEAD RECORDED MARCH 31, 1949 AS DOCUMENT 565280, AND CERTIFICATE OF CORRECTION RECORDED NOVEMBER 8, 1955 AS DOCUMENT NUMBER 780046, IN DUPAGE COUNTY, ILLINOIS,

AND ALSO;

LOT 1 IN GARY WHEATON BANK'S WESLEY STREET CONSOLIDATION OF LOT 10 (EXCEPT THE WEST 45.00 FEET THEREOF) AND THE WEST HALF OF LOT 11 IN BLOCK 1 IN THE ORIGINAL PLAT OF THE TOWN OF WHEATON; AND LOT 3 OF THE PLAT OF MILO BUTTERFIELD HOMESTEAD, BEING A DIVISION OF LOTS 8 AND 9 AND THE WEST 45.00 OF LOT 10, IN BLOCK 1 IN THE ORIGINAL PLAT OF THE TOWN OF WHEATON BEING SUBDIVISIONS OF PART OF THE WEST HALF OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID GARY WHEATON BANK'S WESLEY STREET CONSOLIDATION RECORDED DECEMBER 19, 1990 AS DOCUMENT NUMBER R90-172405, IN DUPAGE COUNTY, ILLINOIS.

The Subject Property described above is hereby vacated for the full benefit of the petitioner whose address is 332 E. Seminary Avenue, 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."
- B. The Petitioner shall pay all fees associated with the vacation as provided for by Section 58-143 of the Wheaton City Code.
- C. The Petitioner shall establish a permanent easement to the benefit of the City and other utilities over the entire vacated right-of-way for utilities and drainage.

**Section 3:** The Mayor is authorized to execute the Plat, 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

Roll Call Vote

Ayes: Councilman Barbier  
 Councilwoman Bray-Parker  
 Councilwoman Fitch  
 Mayor Pro Tem Rutledge  
 Councilman Zaruba

Nays: None

Absent: Mayor Sues  
Councilwoman Robbins

Motion Carried Unanimously

Passed: September 16, 2019  
Published: September 17, 2019



**PLAT OF VACATION**  
WITHIN THE CITY OF WHEATON

ALL OF THAT PART OF THE 30 FOOT ALLEY (AND ADJACENT TO THE FOLLOWING DESCRIBED PROPERTIES) BEING THE NORTH HALF OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS, ACCORDING TO THE PLAT NUMBERED JUNE 20, 1885 AS DOCUMENT NUMBER 7254, IN DEKALB COUNTY, ILLINOIS.

AND ALSO:

LOTS 1 AND 2 OF THE PLAT OF WILD BUTTERFIELD HOMESTEAD, BEING A SUBMISSION OF PART OF THE ORIGINAL PLAT OF THE TOWN OF WHEATON, ILLINOIS, ACCORDING TO THE PLAT OF SAID WILD BUTTERFIELD HOMESTEAD RECORDED AND SET ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF DEKALB COUNTY, ILLINOIS, AS DOCUMENT NUMBER 7254, IN DEKALB COUNTY, ILLINOIS.

AND ALSO:

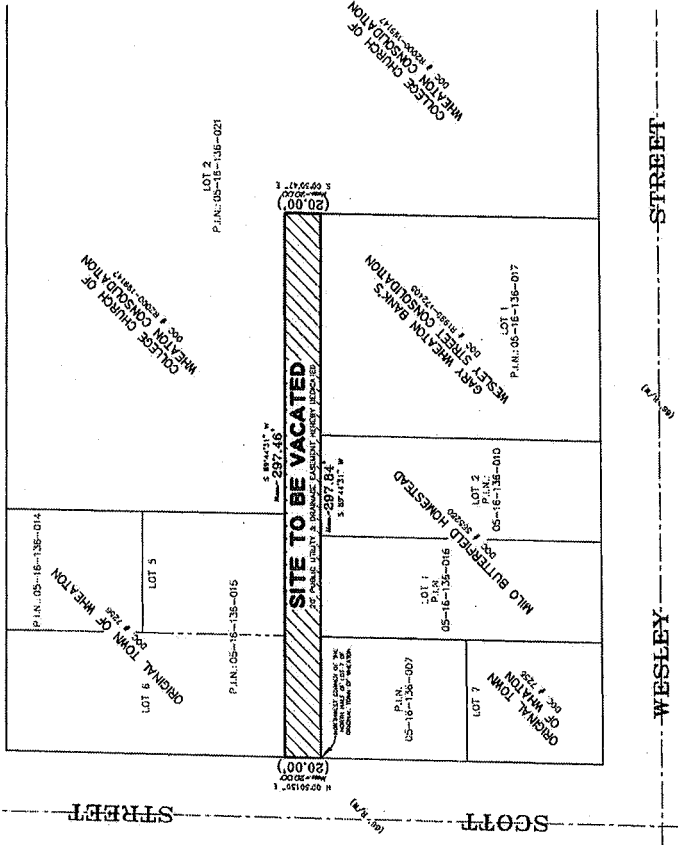
LOT 1 IN GARY WHEATON BANKS WESLEY STREET CONSIDERATION OF LOT 1 IN BLOCK 1 OF THE PLAT OF SAID WESLEY STREET CONSIDERATION, ACCORDING TO THE ORIGINAL PLAT OF SAID WESLEY STREET CONSIDERATION, BEING A SUBMISSION OF PART OF THE ORIGINAL PLAT OF THE TOWN OF WHEATON, ILLINOIS, ACCORDING TO THE PLAT OF SAID WESLEY STREET CONSIDERATION RECORDED AND SET ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF DEKALB COUNTY, ILLINOIS, AS DOCUMENT NUMBER 7254, IN DEKALB COUNTY, ILLINOIS.

THE ABOVE DESCRIBED ALLEY AND ADJACENT TO THE FOLLOWING DESCRIBED PROPERTIES: COLLEGE CHURCH OF WHEATON, DEKALB COUNTY, ILLINOIS, ACCORDING TO THE PLAT OF SAID COLLEGE CHURCH OF WHEATON RECORDED AND SET ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF DEKALB COUNTY, ILLINOIS, AS DOCUMENT NUMBER 7254, IN DEKALB COUNTY, ILLINOIS.

AND ALSO:

LOT 1 IN GARY WHEATON BANKS WESLEY STREET CONSIDERATION OF LOT 1 IN BLOCK 1 OF THE PLAT OF SAID WESLEY STREET CONSIDERATION, ACCORDING TO THE ORIGINAL PLAT OF SAID WESLEY STREET CONSIDERATION, BEING A SUBMISSION OF PART OF THE ORIGINAL PLAT OF THE TOWN OF WHEATON, ILLINOIS, ACCORDING TO THE PLAT OF SAID WESLEY STREET CONSIDERATION RECORDED AND SET ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF DEKALB COUNTY, ILLINOIS, AS DOCUMENT NUMBER 7254, IN DEKALB COUNTY, ILLINOIS.

SEMINARY AVENUE



- 1. The plat is subject to all laws, ordinances, rules and regulations of the City of Wheaton, Illinois, and the State of Illinois.
- 2. The plat is subject to all laws, ordinances, rules and regulations of the State of Illinois.
- 3. The plat is subject to all laws, ordinances, rules and regulations of the United States of America.
- 4. The plat is subject to all laws, ordinances, rules and regulations of the City of Wheaton, Illinois, and the State of Illinois.
- 5. The plat is subject to all laws, ordinances, rules and regulations of the State of Illinois.
- 6. The plat is subject to all laws, ordinances, rules and regulations of the United States of America.

**NOTICE TO THE PUBLIC**

THE CITY OF WHEATON, ILLINOIS, HAS RECEIVED FROM THE DEKALB COUNTY CLERK, ILLINOIS, A COPY OF THE PLAT OF VACATION OF THE 30 FOOT ALLEY (AND ADJACENT TO THE FOLLOWING DESCRIBED PROPERTIES) BEING THE NORTH HALF OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS, ACCORDING TO THE PLAT NUMBERED JUNE 20, 1885 AS DOCUMENT NUMBER 7254, IN DEKALB COUNTY, ILLINOIS.

AND ALSO:

LOTS 1 AND 2 OF THE PLAT OF WILD BUTTERFIELD HOMESTEAD, BEING A SUBMISSION OF PART OF THE ORIGINAL PLAT OF THE TOWN OF WHEATON, ILLINOIS, ACCORDING TO THE PLAT OF SAID WILD BUTTERFIELD HOMESTEAD RECORDED AND SET ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF DEKALB COUNTY, ILLINOIS, AS DOCUMENT NUMBER 7254, IN DEKALB COUNTY, ILLINOIS.

AND ALSO:

LOT 1 IN GARY WHEATON BANKS WESLEY STREET CONSIDERATION OF LOT 1 IN BLOCK 1 OF THE PLAT OF SAID WESLEY STREET CONSIDERATION, ACCORDING TO THE ORIGINAL PLAT OF SAID WESLEY STREET CONSIDERATION, BEING A SUBMISSION OF PART OF THE ORIGINAL PLAT OF THE TOWN OF WHEATON, ILLINOIS, ACCORDING TO THE PLAT OF SAID WESLEY STREET CONSIDERATION RECORDED AND SET ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF DEKALB COUNTY, ILLINOIS, AS DOCUMENT NUMBER 7254, IN DEKALB COUNTY, ILLINOIS.

**PLAT OF VACATION**

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CITY OF WHEATON }  
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ILLINOIS }

PREPARED FOR:  
CITY OF WHEATON  
225 W. WASHINGTON, SUITE 1010  
CHICAGO, ILL. 60606

DATE	11/02/18	BY	DAVID J. WESLEY
FILED	11/02/18	BY	DAVID J. WESLEY
RECORDED	11/02/18	BY	DAVID J. WESLEY
INDEXED	11/02/18	BY	DAVID J. WESLEY
SERIALIZED	11/02/18	BY	DAVID J. WESLEY
FILED	11/02/18	BY	DAVID J. WESLEY
CITY CLERK			
CITY OF WHEATON			
ILLINOIS			

PLAT OF VACATION  
TO THE CITY OF WHEATON, ILLINOIS

DAVID J. WESLEY  
225 W. WASHINGTON, SUITE 1010  
CHICAGO, ILL. 60606

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