

PINs: 08-19-217-013

ADDRESS:
850 E. HILLSIDE ROAD
NAPERVILLE, IL 60540

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #20-1-015

ORDINANCE NO. 20 -

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN
ANNEXATION AGREEMENT FOR THE PROPERTY
COMMONLY KNOWN AS DONOVAN SUBDIVISION (850 E. HILLSIDE ROAD)**

RECITALS

1. **WHEREAS**, Douglas L. Donovan and Molly J. Donovan ("**Owners and Petitioners**") are the owners of real property located on the south side of Hillside Road, just east of Julian Street, commonly known as 850 E. Hillside Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"), and have petitioned the City of Naperville ("**City**") for annexation and rezoning of the Subject Property; and
2. **WHEREAS**, the Petitioner is ready, willing, and able to enter into an annexation agreement and to perform the obligations required herein and as set forth in the Naperville Municipal Code ("**Code**"), as amended from time to time; and

3. **WHEREAS**, the Petitioner and the City of Naperville have fully complied with the statutory and Code provisions required for the approval and execution of an annexation agreement; and
4. **WHEREAS**, the City Council of the City of Naperville has determined that it is in the best interests of the City of Naperville to enter into the Annexation Agreement attached hereto as **Exhibit C**.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority, as follows:

SECTION 1: The foregoing recitals are incorporated as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: The Mayor is authorized and directed to execute, and the City Clerk is authorized and directed to attest, the Annexation Agreement for Donovan Subdivision (850 E. Hillside Road) attached hereto as **Exhibit C**.

SECTION 3: The City Clerk is authorized and directed to record this Ordinance and the Annexation Agreement for Donovan Subdivision (850 E. Hillside Road), and its exhibits, with the DuPage County Recorder upon completed execution thereof.

SECTION 4: If this Ordinance and the Annexation Agreement it approves are not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval by the Naperville City Council, this Ordinance and the Annexation Agreement approved herein shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Owner and Developer shall defend, indemnify, and hold the City and its officers, agents and

employees harmless if recordation does not occur within the original, or any extended, timeframe.

SECTION 4: If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision, shall not affect any of the remaining provisions of this Ordinance or any other City ordinance, resolution, or provision of the Naperville Municipal Code.

SECTION 5: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk