

PINS:
07-13-442-024
07-13-440-007

ADDRESSES:
120 Water Street
123 Water Street

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

ORDINANCE NO. 22 -

**AN ORDINANCE APPROVING A RIGHT-OF-WAY
ENCROACHMENT LICENSE AGREEMENT FOR
STRING LIGHTS IN PORTIONS OF THE
WATER STREET RIGHT-OF-WAY ADJACENT TO
120 AND 123 WATER STREET**

RECITALS

1. **WHEREAS**, Water Street Property Owner, LLC, 401 South Main Street, Suite 300, Naperville, Illinois (“**Petitioner**”), is the owner of real property legally described on **Exhibit A** at 120 AND 123 Water Street (“**Subject Properties**”) located in the City of Naperville (“**City**”); and
2. **WHEREAS**, the Subject Properties are currently zoned B4 (Downtown Core); and
3. **WHEREAS**, Owner and Petitioner has petitioned the City for approval of a right-of-way encroachment license agreement (“**Encroachment License Agreement**”) to install and maintain LED string lights over the Water Street Right-of-Way at a height no less than 14’ 9” (equal to or greater than the lowest point of the pedestrian bridge). Said lights will be connected to the exterior street facing walls of the Subject Properties.

4. **WHEREAS**, the City Council has determined that the requested Encroachment License Agreement should be granted subject to the terms and conditions set forth and referenced herein

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 powers, 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 Encroachment License Agreement between the City of Naperville and the Owner and Petitioner attached to this Ordinance as **Exhibit B** is hereby approved subject to the terms and conditions set forth and referenced herein.

SECTION 3: The City Manager is hereby authorized to sign, and the City Clerk to attest, said Encroachment License Agreement.

SECTION 4: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 5: 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 6: The City Clerk is authorized and direct to record this Ordinance with the DuPage County Recorder.

SECTION 7: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk