

PIN: 08-08-303-010

**ADDRESS:
5S578 TUTHILL ROAD
NAPERVILLE, IL 60563**

**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 #22-1-025

ORDINANCE NO. 22 -

**ORDINANCE ANNEXING CERTAIN REAL PROPERTY
LOCATED AT 5S578 TUTHILL ROAD**

RECITALS

1. **WHEREAS**, Kevin E. Madden and Catherine S. Madden, are the owners ("**Owners**" and "**Petitioners**") of real property located at 5S578 Tuthill Road, legally described on Exhibit A and depicted on Exhibit B ("**Subject Property**") and have submitted a petition for annexation of the Subject Property; and
2. **WHEREAS**, the Subject Property is not within the corporate limits of any municipality, but is contiguous to the City of Naperville and eligible for annexation; and
3. **WHEREAS**, all notices provided for by the Naperville Municipal Code, and all legal requirements for annexation pursuant to the provisions of 65 Illinois Compiled Statutes 5/7-1-1 *et seq.*, have been fully complied with; and

4. **WHEREAS**, Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving an annexation agreement and rezoning of the Subject Property (hereinafter cumulatively referenced herein as the “**5S578 Tuthill Road Ordinances**”); and
5. **WHEREAS**, annexation of the Subject Property is contingent upon approval and recordation of an annexation agreement pertaining to the Subject Property; and
6. **WHEREAS**, the City Council of the City of Naperville has determined that annexation of the Subject Property should be approved as provided 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: Subject to approval, execution, and recordation of an annexation agreement pertaining to the Subject Property, the Subject Property described on **Exhibit A** and depicted on **Exhibit B** is hereby annexed by the City of Naperville.

SECTION 3: The Plat of Annexation for 5S578 Tuthill Road, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: Subsequent to recordation of an annexation agreement as referenced herein, the City Clerk is authorized and directed to record this Ordinance, together with an accurate map of the territory annexed as depicted on the Plat of Annexation for 5S578 Tuthill Road, attached to this Ordinance as **Exhibit B**, with the DuPage County Recorder and the DuPage County Clerk.

SECTION 5: If this Ordinance and the Annexation 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 and passage by the Naperville City Council, this Ordinance and the Annexation 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 6: 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 7: This Ordinance shall be in full force and effect after an annexation agreement for the Subject Property is executed and recorded.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

STATE OF ILLINOIS)
) SS
DUPAGE COUNTY)

The undersigned hereby certifies that she is the City Clerk of the City of Naperville, and that, as such, she is the custodian of the records of the municipality and keeper of the journal of proceedings of the City Council; and she further certifies that the foregoing is a true and correct copy of Ordinance No. 22 - _____, duly enacted by the City Council of the City of Naperville at a regular meeting thereof on the _____ day of _____, 2022, and passed on roll call vote as shown on the foregoing; that she further certifies that due notice, as provided by law, of the consideration of ordinance was given to the Trustees of the Naperville Fire Protection District, the Trustees of the Lisle Library District, the Lisle Township Highway Commissioner, the Lisle Township Board of Trustees, the Lisle Township Supervisor, the Lisle Township Assessor and the Lisle Township Clerk on _____, and she further certifies that there is no other public library district to which any notice is required to be given under the provisions of Section 5/7-1-8 of Chapter 65 of the Illinois Compiled Statutes.

DATED this _____ day of _____, 2022.

City Clerk

The above and foregoing certificate was subscribed and sworn to before me this ____ day of _____, 2022.

Notary Public