

**PINs:**  
07-12-226-002  
07-12-209-022

**ADDRESS:**  
27W280 BAUER ROAD  
NAPERVILLE, IL 60563

**PREPARED BY:**  
CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
630/420-4170  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

**RETURN TO:**  
CITY OF NAPERVILLE  
CITY CLERK/COMMUNITY SERVICES DEPT.  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

PZC Case #23-1-006

**ORDINANCE NO. 23 -**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN  
ANNEXATION AGREEMENT FOR THE PROPERTY COMMONLY KNOWN AS  
27W280 BAUER ROAD (MILL AND BAUER TOWHOMES)**

**RECITALS**

1. **WHEREAS**, Mill and Bauer, LLC (“**Owner** and **Petitioner**”) is the owner of real property located on the east side of Mill Street, north of Bauer Road, commonly known as 27W280 Bauer Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, Petitioner has petitioned the City of Naperville (“**City**”) for annexation, approval of an annexation agreement, rezoning, and a variance to the area requirements per the TU zoning district regulations to allow for construction of 10 single family attached dwelling units; and

3. **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
4. **WHEREAS**, Petitioner has requested that the City approve this ordinance ("**Ordinance**") along with ordinances approving annexation of the Subject Property, rezoning of the Subject Property, a preliminary/final subdivision plat, and a variance to the area requirements per the TU zoning regulations (hereinafter cumulatively referenced as the "**Mill and Bauer Townhome Ordinances**"); and
5. **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
6. **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 Mill and Bauer Townhomes attached hereto as **Exhibit C**.

**SECTION 3:** The City Clerk is authorized and directed to record this Ordinance and the Annexation Agreement for Mill and Bauer Townhomes, and its exhibits, with the DuPage County Recorder upon completed execution thereof.

**SECTION 4:** If recordation of the Mill and Bauer Townhome Ordinances, including but not limited to this Ordinance, does not occur within one (1) year of their approval by the Naperville City Council, then said Ordinances shall be deemed to be automatically null and void and of no force and effect without any further action being required 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 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

**SECTION 6:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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Scott A. Wehrli  
Mayor

ATTEST:

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Dawn C. Portner  
City Clerk