

**PINs:**  
07-13-216-011  
07-13-216-021  
07-13-216-022  
07-13-216-013  
07-13-216-014

**ADDRESS:**  
433-435 SPRING AVENUE  
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

**ORDINANCE NO. 21 -**

**AN ORDINANCE GRANTING A FOUR-YEAR EXTENSION TO THE TEMPORARY USE APPROVED THROUGH ORDINANCE 17-059 AND APPROVING AN AMENDED OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE AGREEMENT FOR THE PROPERTY LOCATED AT 433-435 SPRING AVENUE, NAPERVILLE**

1. **WHEREAS**, Kramer Restoration of DuPage County L.L.C. (hereinafter "Kramer Restoration" or "Owner and Petitioner") is the owner of real property located at 433-435 Spring Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and
2. **WHEREAS**, on April 18, 2017, City Council approved Ordinance 17-059 (Ordinance Granting a Temporary Use and Approving an Owner's Acknowledgement and Acceptance Agreement (OAA), Landscaping Plan and Building Elevation for Real Property Located at 433-435 Spring Avenue, Naperville), attached hereto as **Exhibit C**; and
3. **WHEREAS**, said Ordinance permitted Owner and Petitioner to operate Paul Davis Restoration Services of DuPage County (hereinafter "Paul Davis Restoration"), an

insurance contractor specializing in remediation and restoration of water and fire damage in residential and commercial structures, on the Subject Property through April 18, 2021, subject to the terms and conditions outlined in the OAA; and

4. **WHEREAS**, following approval of Ordinance 17-059, Owner and Petitioner substantially complied with all terms and conditions included in the OAA as further described in **Attachment 1 to Exhibit E**; and
5. **WHEREAS**, Owner and Petitioner is requesting a 4-year extension to the temporary use and OAA approved through Ordinance 17-059 for the Subject Property to allow Paul Davis Restoration to continue operating at the Subject Property until April 18, 2025 as set forth in **Exhibit D**; and
6. **WHEREAS**, the City of Naperville has not received any complaints regarding the Owner and Petitioner's use of the Subject Property for Paul Davis Restoration since approval of Ordinance 17-059; and
7. **WHEREAS**, compliance with the City of Naperville R2 zoning regulations on the Subject Property is currently impractical due to operation of a concrete plant on property directly adjacent to the Subject Property; and
8. **WHEREAS**, the requested temporary use provides an appropriate transition for the Subject Property while the concrete plant adjacent to the Subject Property continues to operate; and
9. **WHEREAS**, Owner and Petitioner provided notice of the request for a 4-year extension to the temporary use and OAA approved through Ordinance 17-059 to property owners located within 300' of the Subject Property; and
10. **WHEREAS**, the City Council of the City of Naperville has determined that the requested extension of the temporary use and OAA to allow the Subject Property to continue to be

used by Paul Davis Restoration to provide remediation and reparation of water and fire damage in residential and commercial structures should be granted subject to the terms and conditions set forth in this Ordinance and in the Owner's Acknowledgement and Acceptance Agreement attached hereto as **Exhibit E**.

**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 herein 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 Owner's Acknowledgement and Acceptance, attached to this Ordinance as **Exhibit E**, is hereby approved.

**SECTION 5:** The temporary use pursuant to Naperville Municipal Code Section 6-2-11 and Ordinance 17-059 is hereby extended to Owner and Petitioner to continue operation of Paul Davis Restoration on the Subject Property as described herein, subject to the terms and conditions of this Ordinance including each exhibit hereto. Said temporary use is granted solely for operation of Paul Davis Restoration and, in the absence of an amendment of this Ordinance, including but not limited to the Owner's Acknowledgement and Acceptance Agreement attached hereto as **Exhibit E**, no other entity, owner, lessee or tenant of the Subject Property shall be eligible for said temporary use.

**SECTION 6:** This Ordinance shall be subject to unilateral termination by action of the City Council: (1) for the reasons set forth in Sections 3 and 7 of the Owner's Acknowledgement and Acceptance Agreement attached hereto as **Exhibit E**; (2) if all terms and conditions of this Ordinance, including but not limited to each exhibit attached hereto,

are not strictly complied with; or (3) for failure of the temporary use granted herein to comply with the Naperville Municipal Code or other applicable laws, as amended from time to time.

**SECTION 7:** Upon submittal of a copy of **Exhibit E** (OAA) which has been executed by the Owner and Petitioner, the City Manager is authorized and directed to execute, and the City Clerk is authorized and directed to attest, the Owner's Acknowledgement and Acceptance Agreement.

**SECTION 8:** Upon written direction of the City Attorney, the City Clerk is authorized and directed to record this Ordinance and all exhibits attached hereto with the DuPage County Recorder and thereafter to separately record the fully executed OAA attached hereto as Exhibit E.

**SECTION 9:** This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk