

PIN:
08-19-400-010

ADDRESS:
831 S. JULIAN STREET
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 #20-1-026

ORDINANCE NO. 20 - ____

**ORDINANCE ANNEXING CERTAIN PROPERTY LOCATED AT
831 S. JULIAN STREET (M. HOUSE CREEK ESTATES)**

RECITALS

1. **WHEREAS**, Mathieson House, LLC d/b/a M. House ("**Petitioner**") has petitioned the City of Naperville ("**City**") for annexation of real property located at 831 S. Julian Street, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Kyle and Joni Javes are the owners ("**Owners**") of the Subject Property; and
3. **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
4. **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

5. **WHEREAS**, Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving an annexing agreement, approving rezoning of the Subject Property upon annexation, approving a preliminary/final plat of subdivision, and approving a height variance (hereinafter cumulatively referenced herein as the “**831 S. Julian Street Ordinances**”); and
6. **WHEREAS**, Petitioner has requested that the City delay recordation of the 831 S. Julian Street Ordinances with the DuPage County Recorder for a period of time not to exceed three hundred and sixty-five (365) calendar days after their passage in order to allow the Petitioner to finalize the purchase and sale agreement for the Subject Property and to transfer ownership of the Subject Property to the Petitioner; and
7. **WHEREAS**, subject to approval of the 831 S. Julian Street Ordinances, the City has agreed to the proposed timeframe for their recordation with the DuPage County Recorder as set forth herein. In the event that all of the 831 S. Julian Street Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the 831 S. Julian Street Ordinances, including but not limited to this Ordinance, shall not become effective, shall not be recorded and shall be deemed to be automatically null and void with no further action being taken by the City or the Petitioner; and
8. **WHEREAS**, the Petitioner and the City have fully complied with the statutory and Naperville Municipal Code requirements required for approval of the requested annexation; and

9. **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: If recordation of the 831 S. Julian Street Ordinances, including but not limited to this Ordinance, does not occur within three hundred and sixty-five (365) calendar days after their passage and approval, 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 Petitioner or the City. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the 831 S. Julian Street Ordinances are not recorded within the three hundred and sixty-five (365) calendar day timeframe described herein.

SECTION 3: Subject to approval, execution, and recordation of the 831 S. Julian Street Ordinances, the Subject Property described on **Exhibit A** and depicted on **Exhibit B** is hereby annexed by the City of Naperville.

SECTION 4: The Plat of Annexation for the Subject Property, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 5: Upon confirmation from the City Attorney that the terms and conditions set forth or referenced herein have been fulfilled, 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 the Subject Property, attached to this Ordinance as **Exhibit B**, with the DuPage County Recorder and the DuPage County Clerk.

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 or resolution.

SECTION 7: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

ATTEST:

Steve Chirico
Mayor

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. 20 - _____, duly enacted by the City Council of the City of Naperville at a regular meeting thereof on the _____ day of _____, 2020, 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 Naperville Fire Protection District Trustees, Lisle Township Board of Trustees, Clerk, Tax Assessor, Lisle Township Highway Commissioner and Lisle Library Board of Trustees 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 _____, 2020.

City Clerk

The above and foregoing certificate
was subscribed and sworn to before
me this ____ day of _____, 2020.

Notary Public