

**PINs:**  
**08-19-219-003**  
**08-19-219-004**

**ADDRESS:**  
**7S345 COLUMBIA 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 #21-1-119**

**ORDINANCE NO. 22 -**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION  
AGREEMENT FOR THE PROPERTY LOCATED AT 7S345 COLUMBIA STREET  
(ROCAS HILL SUBDIVISION)**

**RECITALS**

1. **WHEREAS**, Pradip Shah, Sandhya Shah, Nimisha Pavone, and Anthony Pavone, 1048 Whitewater Lane, Naperville, IL 60540, are the owners ("**Owners**") of real property located at 7S345 Columbia Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Owners have petitioned the City of Naperville ("**City**") for annexation, approval of an annexation agreement, rezoning, a preliminary/final plat of subdivision, and a deviation to the ninety percent (90%) rule for lot size in order to subdivide the Subject Property from one (1) lot into two (2) lots in order to construct two (2) new single-family residences; and

3. **WHEREAS**, the Owners have requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving annexation of the Subject Property, approving rezoning of the Subject Property, and approving a preliminary/final plat of subdivision with a deviation to the ninety percent (90%) rule (hereinafter cumulatively referenced herein as the “**Rocas Hill Subdivision Ordinances**”); and
4. **WHEREAS**, the Owners have requested that the City delay recordation of the Rocas Hill Subdivision Ordinances with the DuPage County Recorder until on or before September 2, 2022 to allow the Owners to demolish the existing single-family residence on the Subject Property prior to annexation of the Subject Property to the City; and
5. **WHEREAS**, subject to approval of the Rocas Hill Subdivision, 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 Rocas Hill Subdivision Ordinances are not recorded on or before September 2, 2022, the City and Owners agree that the Rocas Hill Subdivision Ordinances, including but not limited to this Ordinance, 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 Owners; and
6. **WHEREAS**, the Owners are 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
7. **WHEREAS**, the Owners 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

8. **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 Owners shall provide written confirmation of demolition of the existing home on the Subject Property to the Zoning Administrator and submit a properly executed Annexation Agreement to the City. The Mayor is then authorized and directed to execute, and the City Clerk is authorized and directed to attest, the Annexation Agreement for the Subject Property on behalf of the City. Upon confirmation that all required fees have been paid, and properly executed documents have been submitted, and subject to the provisions of Section 3 below, the City Clerk is then authorized and directed to record the Rocas Hill Subdivision Ordinances, including their Exhibits, with the DuPage County Recorder in the following order: (1) Annexation; (2) Annexation Agreement; (3) Rezoning; and (4) Preliminary/Final Plat of Subdivision and Deviation.

**SECTION 3:** If recordation of the Rocas Hill Subdivision Ordinances does not occur on or before September 2, 2022, then said Ordinances shall not be recorded and shall be deemed to be automatically null and void without any further action being required by the Owners or the City. The Owners have acknowledged that in no event shall the City be liable

or responsible in any manner or for any claim if this Ordinance, including the Exhibits attached hereto, is not recorded on or before September 2, 2022.

**SECTION 4:** 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 5:** This Ordinance shall take effect upon its recordation with the DuPage County Recorder.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

\_\_\_\_\_  
Steve Chirico  
Mayor

\_\_\_\_\_  
Pam Gallahue, Ph.D.  
City Clerk