

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. 24 -

**AN ORDINANCE GRANTING A SIX-MONTH EXTENSION TO THE
TEMPORARY USE AND AN ADDENDUM TO THE AMENDED OWNER'S
ACKNOWLEDGEMENT AND ACCEPTANCE AGREEMENT
FOR 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 granting a temporary use and approving an Owner's Acknowledgement and Acceptance Agreement, Landscaping Plan and Building Elevation for the Subject Property; and
3. **WHEREAS**, Ordinance 17-059 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, as a temporary use (“**Temporary Use**”) on the Subject Property through April 18, 2021, subject to the terms and conditions outlined in an Owner’s Acknowledgement and Acceptance Agreement; and

4. **WHEREAS**, by Ordinance No. 21-038, the City Council granted a 4-year extension to the Temporary Use and approved an Amended Owner’s Acknowledgement and Acceptance Agreement (“**Amended OAA**”) to allow Paul Davis Restoration to continue operating at the Subject Property until April 18, 2025; and
5. **WHEREAS**, Owner and Petitioner is now requesting a six-month extension of the Temporary Use currently set to expire on April 18, 2025 and agrees that no further extensions of the Temporary Use will be sought; and
6. **WHEREAS**, the City Council of the City of Naperville has determined that the requested six-month extension of the Temporary Use should be granted as set forth herein and in the Addendum 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 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: Pursuant to Section 6-2-11 of the Naperville Municipal Code (Temporary Buildings, Structures, and Uses of Land), and subject to Owner and Petitioner’s compliance with the terms and conditions of the Addendum to the Amended Owner’s Acknowledgement and Acceptance attached hereto as **Exhibit C**, the Temporary Use described herein is hereby extended to Owner and Petitioner for an additional six (6) months, through October 18, 2025.

SECTION 3: The Addendum to the Amended Owner's Acknowledgement and Acceptance attached to this Ordinance as **Exhibit C** is hereby approved. Except for the extension of the period of the Temporary Use as permitted herein and in said Addendum, Ordinance 21-038 and the terms of the Amended OAA shall remain in full force and effect.

SECTION 4: The City Manager is authorized and directed to execute, and the City Clerk is authorized and directed to attest, the Addendum to the Amended Owner's Acknowledgement and Acceptance Agreement attached to this Ordinance as **Exhibit C**.

SECTION 5: The City Clerk is authorized and directed to record this Ordinance and all exhibits attached hereto with the DuPage County Recorder.

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

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk