

**PINS:
01-14-300-005
01-14-300-013**

ADDRESS:

**3.8 ACRES OF VACANT PROPERTY LOCATED
NORTH OF 11007 S. BOOK ROAD
NAPERVILLE, IL 60564**

**.7 ACRES OF VACANT PROPERTY LOCATED
IMMEDIATELY ADJACENT TO AND NORTH OF
11007 S. BOOK ROAD
NAPERVILLE, IL 60564**

**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 #19-1-09

ORDINANCE NO. 19 -

**AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY LOCATED NORTH
OF 11007 S. BOOK ROAD (THE ENCLAVE ON BOOK SUBDIVISION)**

WHEREAS, Zion Evangelical Lutheran Church, located at 11007 S. Book Road, is the owner of approximately 3.8 acres of vacant real property located on the east side of Book Road, north of Hassert Boulevard, legally described as Parcel A on **Exhibit A**, and having a parcel identification number of 01-14-300-005; and

WHEREAS, JHL Developments, LLC is the owner of approximately .7 acres of vacant real property located immediately adjacent to and south of Parcel A, legally described as Parcel B on **Exhibit A**, and having a parcel identification number of 01-14-300-013; and

WHEREAS, Parcel A and Parcel B are depicted on **Exhibit B** and are collectively referenced herein as “**Subject Property**”; and

WHEREAS, the owners of Parcel A and Parcel B are collectively referenced herein as “**Owners**”; and

WHEREAS, at the request of the Owners of the Subject Property, prior ordinances approving annexation and other entitlements for the Subject Property, brought pursuant to PZC 18-1-01 and approved by the City Council of the City of Naperville (“**City**”) on June 5, 2018, were revoked by the City on April 16, 2019; and

WHEREAS, with the approval and authorization of the Owners, McNaughton Development, Inc. (“**Petitioner**”), has petitioned the City for annexation of the Subject Property through PZC 19-1-09; and

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

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

WHEREAS, the City has determined that the requested annexation should be approved as provided herein; and

WHEREAS, Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving an Annexation Agreement, approving rezoning of the Subject Property, approving a preliminary/final plat of subdivision, and approving variances (hereinafter cumulatively referenced herein as “**The Enclave on Book Ordinances**”); and

WHEREAS, Petitioner has requested that the City delay recordation of The Enclave on Book Ordinances with the Will County Recorder until on or before July 31, 2019 in order to allow the Petitioner time to acquire fee simple ownership of the Subject Property; and

WHEREAS, subject to approval of The Enclave on Book Ordinances, the City has agreed to the proposed timeframe for their recordation with the Will County Recorder as set forth above. In the event that all of The Enclave on Book Ordinances, are not recorded on or before July 31, 2019, the City and Petitioner agree that The Enclave on Book Ordinances, including but not limited to this Ordinance, shall not become effective, shall not be recorded, and shall be deemed to be automatically void and of no force or effect with no further action being taken by the City or Petitioner; and

WHEREAS, the Petitioner and the City have fully complied with the statutory and Naperville Municipal Code requirements required for approval of the requested annexation.

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 Enclave on Book Ordinances, including but not limited to this Ordinance, does not occur on or before July 31, 2019, then said Ordinances shall be deemed to be automatically null and void and of no force or 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 Enclave on Book Ordinances are not recorded on or before July 31, 2019.

SECTION 3: Subject to approval, execution, and recordation of The Enclave on Book 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 certified copies of the Enclave on Book Ordinances, including this Ordinance, together with **Exhibit A** hereto, a legal description of the Subject Property, and **Exhibit B**, hereto, an accurate map of the territory annexed as depicted on the Plat of Annexation for the Subject Property, with the Will County Recorder and the Will 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 Will County Recorder.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

ATTEST:

Steve Chirico
Mayor

Pam Gallahue, Ph.D.
City Clerk

STATE OF ILLINOIS)
) SS
WILL 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. 19 - _____, duly enacted by the City Council of the City of Naperville at a regular meeting thereof on the _____ day of _____, 2019, 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 the Naperville Fire Protection District Trustees, the Plainfield Fire Protection District, the Wheatland Township Board of Auditors – Tax Assessor and Tax Collector, and the Wheatland Township Highway Commissioner 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 _____, 2019.

City Clerk

The above and foregoing certificate was subscribed and sworn to before me this ____ day of _____, 2019.

Notary Public

