

P.I.N.s: 07-23-110-017
07-23-110-020

PREPARED BY:

JENNY ROETHER
ATC GROUP SERVICES LLC
1305 REMINGTON ROAD, SUITE A
SCHAUMBURG, IL 60173

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 19 - _____

**AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER
AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER
SUPPLY WELLS OR BY ANY OTHER METHOD WITHIN SPECIFIED LIMITS ON
PROPERTIES LOCATED AT 1712 WEST OGDEN AVENUE, 1508 AURORA AVENUE, AND
1532 AURORA AVENUE, NAPERVILLE, ILLINOIS, INCLUDING POINTS OF
WITHDRAWAL BY THE CITY OF NAPERVILLE**

WHEREAS, certain properties in the City of Naperville, Illinois have been used over a period of time for commercial or industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the City of Naperville may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the City of Naperville desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

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 that:

SECTION 1: Recitals Incorporated. The foregoing Recitals are substantive and are incorporated in this Section 1 as though fully set forth.

SECTION 2: Use of groundwater as a potable water supply prohibited. Except for such uses or methods in existence before the effective date of this ordinance, the use of, or attempt to use of, groundwater from within the corporate limits of the City of Naperville in that area of the City of Naperville as legally described and depicted on Exhibit "A" attached hereto, as a potable water supply, by the installation or drilling of wells or by any other method, is hereby prohibited. This prohibition expressly includes the City of Naperville.

SECTION 3: Penalties. Any person violating the provisions of this ordinance shall be subject to a fine of up to \$500.00 for each violation, and each day a violation continues shall constitute a separate offense.

SECTION 4: Definitions. "Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION 5: Repealer. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

SECTION 6: Severability. If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

SECTION 7: Recording. This Ordinance, along with Exhibit A attached hereto, and an instrument from the IEPA memorializing IEPA's determination of "NFR" as to the property located at 1712 West Ogden Avenue, Naperville, IL 60540 as described on Exhibit A, shall be recorded with the Office of the DuPage County Recorder within forty-five (45) days of receipt of a determination of "NFR" by the IEPA, and a copy of such recorded documents shall further be submitted to the Environmental Health Services Division of the DuPage County Health Department and with the IEPA within thirty (30) days after said recording.

SECTION 8: Effective date. This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

EXHIBIT A

City of Naperville
Limited Area Ordinance Area and Description

PROPERTY DESCRIPTION

**1508, 1532 Aurora Avenue
Naperville, IL 60540
PIN 07-23-110-020**

LOT 1 OF STANDARD MARKET OF NAPERVILLE SUBDIVISION, BEING A SUBDIVISION IN PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED AS DOCUMENT NUMBER R2012-097437, ALL IN DUPAGE COUNTY, ILLINOIS.

AND ALSO:

**1712 West Ogden Avenue
Naperville, IL 60540
PIN 07-23-110-017**

LOT 1 OF DWIGHT'S SUBDIVISION, BEING A SUBDIVISION IN PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AS PLATTED AND RECORDED AS DOCUMENT NUMBER R1986-107802, ALL IN DUPAGE COUNTY, ILLINOIS.



PIN # 07-23-110-017
1712 WEST OGDEN AVE.
NAPERVILLE, IL 60540

PIN # 07-23-110-020
1508, 1532 AURORA AVENUE
NAPERVILLE, IL 60540



*EXTENT OF LIMITED AREA
GROUNDWATER ORDINANCE*

| ATC GROUP SERVICES LLC | | | | |
|--|----------|---|---------|--------|
| 1305 Remington Road, Suite A Schaumburg, Illinois 60173 | | Phone 847.518.3430 Fax 847.518.3431 | | |
| PROPOSED LIMITED GROUNDWATER ORDINANCE AREA | | SPEEDWAY LLC NO. 7439 1712 WEST OGDEN AVENUE NAPERVILLE, ILLINOIS | | |
| DATE | SCALE | REVIEWED | DWN. BY | FIGURE |
| 12/21/2018 | AS SHOWN | WES | JLB | 1 |