

PINS:

07-01-10-300-002-0000

07-01-10-300-028-0000

07-01-10-300-029-0000

ADDRESS:

**NORTHEAST CORNER OF ROUTE 59
AND 103RD STREET, NAPERVILLE, IL**

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 #18-1-087

ORDINANCE NO. 19 - _____

**ORDINANCE ANNEXING CERTAIN PROPERTY LOCATED AT
THE NORTHEAST CORNER OF ROUTE 59 AND 103RD STREET (WAGNER FARMS)**

WHEREAS, The Wagner Limited Partnership, 9937 South Route 59, Naperville, Illinois, 60564 is the owner ("Owner") of real property located at the northeast corner of IL Route 59 and 103rd Street, Naperville, Illinois, which is legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, Pulte Home Company, LLC, 1900 East Golf Road, Suite 300, Schaumburg, Illinois, 60173 ("Petitioner") is the contract purchaser of the Subject Property; and

WHEREAS, The Owner has petitioned the City of Naperville ("City") for annexation of the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**; 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 Council of the City of Naperville has determined that annexation of the Subject Property should be approved as provided herein; and

WHEREAS, the Petitioner has requested that the City approve this ordinance (“Ordinance”) along with ordinances approving an annexation agreement for the Subject Property, rezoning a portion of the Subject Property to OCl and a portion of the Subject Property to R2, approving a variance to Section 6-16-4 of the Naperville Municipal Code (Signs on Residential Property) for the Subject Property, and approving a preliminary plat of subdivision for the Subject Property (hereinafter cumulatively referenced herein as the “Wagner Farms Ordinances”) to allow for the development of a religious institution and single-family homes; 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 Wagner Farms Ordinances does not occur within twelve (12) months after their passage and approval, 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 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 this Ordinance, including the Exhibits attached hereto, is not recorded within the timeframe described herein.

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

SECTION 4: Subject to approval, execution, and recordation of the Wagner Farms Ordinances 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, or to cause this Ordinance to be recorded, 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 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 Wheatland Township Board of Trustees, Tax Assessor, and Tax Collector; the Wheatland Township Highway Commissioner; and, the Plainfield Fire Protection District on January 22, 2019, 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