

**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 - \_\_\_\_\_**

**ORDINANCE ANNEXING CERTAIN PROPERTY LOCATED AT  
7S345 COLUMBIA STREET**

**(ROCAS HILLS 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 of the Subject Property into the City of Naperville in order to subdivide the Subject Property from one (1) lot into two (2) lots and construct two (2) single-family residences; and
3. **WHEREAS**, the Owners have requested that the City approve this ordinance ("**Ordinance**") along with ordinances approving an annexation agreement, 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 and the City have fully complied with the statutory and Naperville Municipal Code requirements required for approval of the requested annexation; and
7. **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
8. **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

9. **WHEREAS**, the City Council of the City of Naperville has determined that annexation of the Subject Property should be approved as provided herein.

**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 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 Rocas Hill Subdivision Ordinances, including but not limited to this Ordinance, does not occur on or before September 2, 2022, 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 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 the Rocas Hill Subdivision Ordinances are not recorded on or before September 2, 2022.

**SECTION 3:** Subject to approval, execution, and recordation of the Rocas Hill Subdivision 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:** 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. The City Clerk is also authorized and directed to record this Ordinance, 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 DuPage County Recorder and the DuPage 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 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

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Pam Gallahue, Ph.D.  
City Clerk

STATE OF ILLINOIS    )  
                                  ) SS  
DUPAGE 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. 22 - \_\_\_\_\_, duly enacted by the City Council of the City of Naperville at a regular meeting thereof on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, 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, the Lisle Library Board of Trustees, the Lisle Township Highway Commissioner, the Lisle Township Board of Trustees, the Lisle Township Supervisor, the Lisle Township Assessor and the Lisle Township Clerk on February 7, 2022, 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
City Clerk

The above and foregoing certificate was subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public