

PIN:
08-18-328-021

ADDRESS:
424 E. CHICAGO 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

PZC Case #20-1-093

ORDINANCE NO. 21 - _____

AN ORDINANCE AMENDING ORDINANCE 21-016 AND APPROVING THE FIRST AMENDMENT TO THE OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE AGREEMENT FOR THE C. COBB SUBDIVISION (424 E. CHICAGO AVENUE)

RECITALS

1. **WHEREAS**, Christopher Cobb, ("**Owner** and **Petitioner**"), is the owner of real property located at 424 E. Chicago Avenue in the City of Naperville ("**City**"), legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, on February 16, 2021, the City Council of the City of Naperville adopted Ordinance 21-016 approving a Preliminary/Final Plat of Subdivision and an Owner's Acknowledgement and Acceptance Agreement for the C. Cobb Subdivision for the Subject Property.
3. **WHEREAS**, on March 2, 2021, the City Council moved to reconsider Ordinance 21-016 in order to allow the Preliminary/Final Subdivision Plat for the C. Cobb Subdivision to be recorded prior to completion of the work specified in Section 3.2 of the Owner's Acknowledgement and Acceptance Agreement subject to provision of surety; and

4. **WHEREAS**, the City Council of the City of Naperville has determined that this Ordinance and the First Amendment to the Owner's Acknowledgement and Acceptance Agreement for the C. Cobb Subdivision attached hereto as **Exhibit C** 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 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: The First Amendment to the Owner's Acknowledgement and Acceptance Agreement, attached to this Ordinance as **Exhibit C**, is hereby approved.

SECTION 3: Section 4 of Ordinance 21-016 is hereby amended to provide that: "The Preliminary/Final Plat of Subdivision for the C. Cobb Subdivision shall not be recorded until financial surety as provided in Section 3.2.2 of the First Amendment to Owner's Acknowledgement and Acceptance Agreement has been provided for the Required Work described in Section 3.2 of the First Amendment to the Owner's Acknowledgement and Acceptance Agreement."

SECTION 4: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 5: Upon notice from the City Zoning Administrator that the conditions referenced in Section 3 above have been fulfilled, the City Clerk is authorized and directed to record the following documents with the DuPage County Recorder in the following order ("**Documents to be Recorded**"): 1) Ordinance 21-016 and its exhibits; 2) this Ordinance

and its exhibits, and 3) the fully executed First Amendment to the Owner's Acknowledgement and Acceptance Agreement.

SECTION 6: If the Documents to be Recorded are not fully executed by the Naperville City Council and recorded with the DuPage County Recorder on or before February 16, 2022, they shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend said timeframe. The Owner and Developer shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur as set forth above.

SECTION 7: 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, resolution, or provision of the Naperville Municipal Code.

SECTION 8: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk