

STATE OF ILLINOIS        )  
  )  
COUNTY OF DUPAGE        )ss.  
  )  
CITY OF NAPERVILLE     )

**PETITION TO THE NAPERVILLE CITY COUNCIL AND PLAN COMMISSION FOR ENTITLEMENTS REGARDING 419-423 SOUTH WASHINGTON STREET AND 400 SOUTH MAIN STREET**

THE UNDERSIGNED Petitioner, Willoway LLC (hereinafter “the Petitioner”), respectfully petitions the City of Naperville to approve the following: (a) a Map Amendment to rezone the Subject Property from B5 (“Secondary Downtown District”) to B4 (“Downtown Core District”); (b) a Sign Variance to allow for the relocation of a monument sign at a height of twelve feet (12’) at the location shown on the survey submitted with this petition; and (d) a Resolution by the City Council affirming the following: (i) recognition that the nonconforming uses and conditions on the property will be allowed until such time as the property is redeveloped; (ii) that the Subject Property is exempt from provisions of the Naperville Municipal Code (hereinafter the “Code”) regarding off-street parking pursuant to Section 6-9-1:1.6; (ii) that the Petitioner may install angled parking spaces along Washington Street with a zero foot (0’) setback and allow a one-way drive aisle of 14.7 feet in width or install parallel parking spaces along Washington Street with a zero foot (0’) setback and allow a two-way drive aisle of 20’5 feet in width even if it is not in compliance with the Code; and (e) such other variances, departures or deviations as may be necessary to develop the property legally described on **Exhibit A** (“Subject Property”), and as depicted on the survey submitted herewith pursuant to the appropriate provisions of the Code, as amended. Petitioner anticipates the proposed zoning approvals will occur prior to the City of Naperville’s acquisition of the portions of the Subject Property on Washington Street.

In support of this Petition, the Petitioner represents to the City of Naperville (“City”) as follows:

1. The Petitioner is an Illinois limited liability company with a registered address at 1021 Aurora Avenue, Naperville, Illinois 60540.

2. The Subject Property has a common address of 400 S. Main Street (Parcel A) and 419-423 S. Washington Street (Parcel B), consists of approximately 2.13 acres, and is located on the northwest corner of Washington Street and Aurora Avenue, in the City and DuPage County.

3. Petitioner is the master limited liability company of the owners of the Subject Property, Willoway LLC Series 2-400 S Main (Parcel A owner), and Willoway LLC Series 4-419 South Washington (Parcel B owner), Illinois limited liability companies.

4. The Subject Property has been improved with buildings and parking lots for decades, with the buildings being enhanced since that time.

5. Parcel A is currently improved with a two-story commercial building of approximately 20,900 square feet on the corner of Main Street and Aurora Avenue with tenants, Bond Drug Company of Illinois, LLC (Walgreens) and Hot Yoga Naperville, and associated parking. Parcel B of the Subject Property is currently improved with a one-story commercial building of approximately 11,500 square feet on the corner of Washington Street and Aurora Avenue, currently with tenants, Naperville Cellular, Ltd. (AT&T) and JC Licht, LLC, and associated parking.

6. The existing land uses surrounding the Subject Property are as follows:

- a. North: B4 and B5: West Branch of the DuPage River, restaurants and commercial uses;
- b. East: B5: Restaurant, DuPage River, and North Central College parking

lot;

- c. South: OCI and R2: Bank and residential uses;
- d. West: R2, B4 and B5: Offices, bank, restaurant, hotel uses, public parking garage, and vacant land.

### **SUMMARY OF DEVELOPMENT**

The Subject Property is located on the northwest corner of the intersection of Washington Street and Aurora Avenue. It consists of approximately 2.13 acres and is currently improved with two commercial buildings, a one-story building with approximately 11,500 square feet and a two-story building with approximately 20,900 square feet and associated parking lots. The Subject Property is bounded on the north by the west branch of the DuPage River, commercial uses, and restaurants; the south by a bank and residential uses; the east by the DuPage River, restaurant, and park uses; and the west by office, bank, hotel, parking and restaurant uses.

The City is proposing to improve the Washington Street Bridge and Washington Street adjoining the Subject Property (City Improvements). As part of the construction project, the City will be adding a right-turn lane off Washington Street to Aurora Avenue and widening the sidewalk. In order to add the right lane, the City needs to acquire a portion of the Subject Property and will be utilizing the Subject Property for construction. During construction, the City will close the access to the Subject Property on Washington Street. The City's acquisition will consist of a portion of the Subject Property containing parking spaces utilized by customers of the commercial uses on the Subject Property, and the portion of the Subject Property containing the monument development sign for Parcel B. The existing parking lots and monument signs are currently non-conforming conditions/uses on the Subject Property. The elimination of parking spaces and relocation of one of the monument signs necessitate certain

variances and affirmation of the continuing nonconformities on the Subject Property. The City and the Petitioner have been working together to determine the best way to move forward with the acquisition of property for the City Improvements while preserving Petitioners' property rights.

As part of the entitlement process, Petitioner is seeking to rezone the Subject Property to B4 Downtown Core District. The rezoning of the Subject Property to B4 Downtown Core District is consistent with the B4 District zoning anticipated for the Subject Property in the Naperville Downtown 2030 Future Land Use Plan (2030 Plan).

The existing monument sign on Washington Street is a nonconforming use in the B4 and B5 Districts since monument signs are not permitted in the Downtown Districts. The sign will need to be removed when the City widens Washington Street to include a right turn lane. Petitioner is seeking a sign variance to allow the existing twelve foot (12') sign to be relocated on Washington Street at the location shown on the survey.

Section 6-9-7:3.7 of the Code provides that those properties in the Downtown Core District that are part of the Special Service Area number 5 (now known as SSA #33) are exempt from the Off-Street Parking Chapter of the Code. The Subject Property is within SSA #33. Petitioner is seeking confirmation from City Council that even though it has provided parking, it is not required to meet the Off-Street Parking Code requirements in Section 6-9-3:4.

In order to assist with the loss of nine (9) parking spaces on Parcel B, Petitioner and City staff have agreed upon two (2) possible plans to add some spaces back to Parcel B. Petitioner will work with the tenants and its engineers to determine which plan will work best for Petitioner, its tenants, and their customers. With a one-way drive heading from north to south, six (6) angled parking spaces can be added with a drive aisle of 14.7 feet. With a two-way drive

aisle, four (4) parallel parking spaces can be added with a drive aisle of 20.5 feet. Both plans have been approved by the City's Fire Department and Transportation, Engineering and Development Department (TED). Petitioner is seeking confirmation from City Council that both parking plans are permitted and that Petitioner may choose either parking plan after the City Improvements are completed.

Finally, during construction, the main entrance to the commercial center off Washington Street will be closed for a lengthy period of time to complete the City Improvements, causing major disruptions to the tenants with businesses located on the Subject Property. The City is also looking to utilize a portion of the Subject Property for its construction activity. Utility service outages during the construction process are also anticipated, causing disruptions to the commercial tenants on the Subject Property. Petitioner is working with the City to assist with the acquisition of portions of the Subject Property for the City Improvements, and as such, Petitioner is seeking the City's approvals of the requests in this Petition to allow the existing improvements on the property to remain even if they do not conform to the Code.

The existing commercial center has been in existence in the City for decades, at which time the existing nonconformities were likely allowed under the Code. The City Improvements have necessitated some of the requested development approvals for the Subject Property, which approvals have not been created by any actions taken by Petitioner. As the City undertakes its Washington Street Bridge and turn lane improvements, which affect the Subject Property, Petitioner is using this opportunity to seek the above-listed entitlements.

## ZONING REQUESTS

1. **Rezoning of the Subject Property from B5, Secondary Downtown District to B4, Downtown Core District.**

The 2030 Plan designated the Subject Property as Downtown Core District, and, rather than rezoning those properties at the adoption of the 2030 Plan, the 2030 Plan anticipated that as properties developed, they would be rezoned to regulate future development. Therefore, Petitioner is seeking to rezone the Subject Property to B4 as is contemplated in the 2030 Plan.

The Subject Property, as it exists, meets many of the fundamental goals and themes of the 2030 Plan by providing a mix of uses; providing building design at a pedestrian scale; providing parking on-site and near a free public parking garage; and providing for pedestrian comfort and safety in and around the downtown area. The Subject Property currently offers a unique and diverse variety of uses, catering to a wide audience in the Downtown Core, including the sale of communications equipment, home improvements, retail, health, and pharmaceutical products, and recreational uses. Located on the Riverwalk, the access points to and from the Subject Property to the Riverwalk will contribute to the ease of pedestrian traffic in and around the Downtown Core District. The Plan also called for stepdown intensity from the intense core with consolidated parking to moderate uses which provide on-site parking, which is available on the Subject Property. Pedestrian connectivity between the downtown and surrounding areas is accomplished with the Riverwalk and sidewalks surrounding the Subject Property. Traffic signals at Washington Street and Aurora Avenue and Aurora Avenue and Main Street allow for pedestrian crossing and access from the surrounding neighborhoods. Therefore, the Subject Property meets the goals of the 2030 Plan and should be rezoned to B4 as contemplated therein.

The standards for a map amendment will be addressed in Exhibit 4, Standards for Granting a Map Amendment (Rezoning), attached hereto and incorporated herein.

2. **Sign Variance to Locate a Monument Sign in the B4 Downtown Core District with a height of 12' at the Location Shown on the Survey.**

As part of the City's acquisition of portions of the Subject Property and its improvements to Washington Street, the existing monument sign on Washington Street will have to be removed and relocated. Relocation of the existing monument sign on Parcel B would be prohibited as monument signs are not permitted in the "Downtown Central Business District" pursuant to the 6-16-6:3. Petitioner is seeking a variance from the Code to allow a monument sign as a development identification sign, specifically to allow the existing monument sign to be removed and relocated outside of the City's acquisition parcel. Unfortunately, for Petitioner, the City's Washington Street improvements necessitate the removal and relocation of the monument sign. Therefore, Petitioner is seeking a variance to remove and relocate the twelve foot (12') monument sign on the Subject Property at the location shown on the Survey. The sign variance is a direct result of the City Improvements, which eliminated the sign location, and are not a result of any actions taken by Petitioner to relocate the sign.

The sign variance standards will be addressed in Exhibit 7, Sign Variance Standards, attached hereto and incorporated herein.

3. **Resolution Affirming that the Parking Lots Are Exempt From Providing the Required Number of Parking Spaces for the Commercial Uses on the Subject Property.**

As a result of the City's acquisition of portions of the Subject Property for City Improvements, Petitioner is seeking confirmation that the parking lots on Parcel A and Parcel B are exempt from providing the required number of parking spaces pursuant to Section 6-9-3:4, and the lots are in compliance with Section 6-9-1:1.6 of the Code. The Subject Property is subject to SSA #33, and has always had sufficient parking on site, due in large part to the walkability of the Downtown Core, on-street parking, the close proximity of the Subject Property

to the parking garage to the west, and the drive-through lanes for pharmacy pick up which reduces the number of cars using parking spaces. Further, any reduction in parking spaces on Parcel B is a direct result of the City's acquisition of portions of the Subject Property and not the result of any actions taken by Petitioner to reduce parking on the Subject Property. Petitioner is seeking affirmation from the City Council that the parking lots are in compliance with the parking requirements of Chapter 9, entitled Off-Street Parking, of the Code.

4. **Resolution Affirming that the Parking Plans Prepared by the City With 6 Angled Parking Spaces Allowing for a 14.7 Foot One-Way Drive Aisle or 4 Parallel Parking Spaces Allowing for a 20.5 Foot Two-Way Drive Aisle in the Parking Lot Said Spaces Located on the Parcel B Property Line are Approved.**

Due to the City's acquisition of a portion of the Subject Property, Petitioner will lose nine (9) parking spaces on Parcel B. The Petitioner has worked with City staff to add some spaces back to the parking lot on Parcel B. The addition of six (6) angled parking spaces will require a one-way drive from north to south with a width of 14.7 feet. Alternatively, the addition of four (4) parallel parking spaces will require a two-way drive aisle with a width of 20.5 feet. Petitioner will work with its tenants to determine the best alternative for the economic viability of the tenants. The parking spaces will be located on the property line without a five-foot (5') setback. Petitioner is seeking an affirmation by the City Council that the City Council is in agreement with the two plans provided by City staff with the reduced drive aisle widths and the location of parking spaces on the property line resulting from the loss of spaces due to the City's acquisition of property.

6. **Resolution Recognizing That There are Existing Nonconforming Uses and Conditions on the Subject Property and That these Nonconforming Uses and Conditions Will Be Allowed to Continue Until Such Time as the Subject Property Redevelops.**

Many of the existing conditions on the Subject Property are nonconforming conditions,



including the existing parking lots on both parcels, the drive-through lanes for the Pharmacy, the stacking lanes, and the monument signs on Parcel A. Petitioner is seeking a Resolution recognizing that there are existing nonconforming conditions on the Subject Property and that these nonconforming uses and conditions will be allowed to continue until such time as the Subject Property redevelops.

**EXHIBIT 4**  
**MAP AMENDMENT STANDARDS**

1. *The amendment promotes the public health, safety, comfort, convenience and general welfare and complies with the policies and official land use plan and other official plans of the City; and*

The City is improving the Washington Street Bridge and Washington Street abutting the Subject Property. As a result of the City Improvements, Petitioner is seeking zoning entitlements for the Subject Property.

The Naperville Downtown 2030 Plan anticipates the Subject Property as B4, Downtown Core District. When the Plan was enacted, it was determined that the properties not zoned B4 (Downtown Core) at that time, but designated in the Future Land Plan as Downtown Core, would be rezoned to B4, Downtown Core District, upon development. In this case, Petitioner is seeking development approvals, some of them resulting from the City Improvements. The 2030 Plan anticipates Naperville offering a mix of places to live, work and play, and the Subject Property assists in providing that variety of uses catering to a wide audience of consumers. The retail, home improvement, communication, pharmaceutical, and recreational uses on the Subject Property provide that mix of uses, promoting the public health, safety, comfort, convenience and general welfare.

Rezoning the Property from B5 Secondary Downtown District to B4 Downtown Core District will promote the public health, safety, comfort, convenience and general welfare and complies with the City's plans and policies.

2. *The trend of development in the area of the subject property is consistent with the requested amendment; and*

The 2030 Plan states, "In response to changing land use policies and market trend, several amendments are recommended to the zoning districts governing the Downtown Core,

Secondary Downtown, and Transitional Use areas.” As part of the 2030 Plan, the City determined not to initiate the rezoning of downtown properties to B4 to bring them into compliance with the Future Land Use Map, but determined to allow the map amendments as part of future development. As a result of the City Improvements, Petitioner is seeking development approvals for the Subject Property. The trend of development in the area is shopping, restaurants, residential, office, and recreation, guided by the private market forces, while preserving existing successes, and allowing for thoughtful future improvements. The requested map amendment is consistent with the Future Land Use Map for the Naperville Downtown 2030 Plan.

3. *The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification; and*

The retail, pharmacy, home improvements, and communication equipment sales are more intense retail uses, which uses are more suitable to the Downtown Core District than those uses in the Secondary Downtown District, which are less intense than and support those uses in the Downtown Core District. Again, the Future Land Use Plan of the Naperville Downtown 2030 Plan, contemplates the future zoning of the Subject Property as B4, Downtown Core District, upon development.

4. *The subject property has not been utilized under the existing zoning classification for a substantial period of time; and*

The Subject Property has been utilized under the existing B5 zoning classification, but the B4 Downtown Core is more appropriate to the existing uses on the Subject Property, is more conducive to the setbacks on the Subject Property resulting from the City Improvements, and is anticipated by and consistent with the Future Land Use Plan as part of the Naperville Downtown 2030 Plan.

5. *The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.*

The existing uses on the Subject Property will remain the same, and thus, the map amendment will not alter the essential character of the neighborhood nor be a substantial detriment to the adjacent properties. Upon future development of the Subject Property, the 2030 Plan anticipated the rezoning of the Subject Property to B4 Downtown Core District.

**EXHIBIT 7**  
**SIGN VARIANCE STANDARDS**

1. *The sign variance is in harmony with the general purpose and intent of this Title and the adopted comprehensive master plan; and*

The sign variance is being requested by Petitioner as a consequence of the City Improvements, which will result in the City acquiring the portion Parcel B of the Subject Property on which the development sign is currently located. This action by the City has instigated Petitioner's request for development approvals, and necessitated this sign variance request.

Pursuant to 6-16-6:3, a monument sign is not allowed in the Downtown Central Business District. Because Petitioner is seeking to rezone the Subject Property to B4, the existing twelve foot (12') monument sign cannot be relocated. Because of the City's acquisition of the portion of the Subject Property where the sign is currently located, Petitioner is seeking a sign variance to relocate the existing sign at its current height at the location shown on the survey.

A stated purpose of the Sign Code is to "advance the economy of the City by recognizing the need for adequate site identification through promoting the reasonable and objective display of signage, and to encourage effective communication between signs and the public." The Subject Property is located on the northwest corner of Washington St. and Aurora Avenue, which is a heavily traveled intersection located in Downtown Naperville in need of adequate signage.

As a consequence of the City Improvements, the existing monument sign will have to be relocated. Allowing the sign to be relocated on the Subject Property is in harmony with the general purpose and intent of the Code.

2. *Strict enforcement of this Title would result in practical difficulties or impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district; and*

As stated above, the sign variance is necessitated by the City Improvements, which will result in the City acquiring the portion of the Subject Property on which the monument development sign is located.

Strict enforcement of the Sign Code would result in practical difficulties and impose exceptional hardships due to special and unusual conditions which are not generally found on other properties in the same zoning district. The City's acquisition of the property on which the sign is located has necessitated this variance request, not any action of the Petitioner. Further, most of the properties located in the Downtown sector are not situated in the same manner as the Subject Property. Monument signs are generally not compatible with the layout of the more traditional properties developed in the B4 Downtown Core District, but the Subject Property is unique since its layout is similar to a retail center where monument signs are more commonly needed. Petitioner believes the existing sign serves a significant purpose and eliminating the monument sign would result in hardships involving proper identification of the Subject Property and the tenants on the Subject Property. Since there is an existing sign that likely dates back decades, Petitioner's request is to relocate the existing twelve foot (12') sign at the location shown on the survey as a result of the City's acquisition of the portion of the Subject Property on which the sign is located. The inability to relocate the sign could result in the loss of commercial tenants who rely on the customers' identification of the commercial center and tenants.

3. *The sign variance, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.*

The Subject Property has been improved with the existing uses for decades, and the sign has

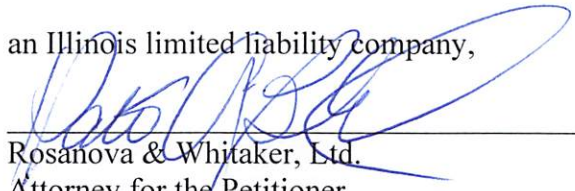
been existing on the Subject Property for many years. A variance allowing the relocation of the existing sign at its current height on the Subject Property at the location depicted will not alter the essential character of the neighborhood and will have no impact on the adjacent property.

**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner requests that the Plan Commission recommend approval and the City Council approve the following: : (a) a Map Amendment to rezone the Subject Property from B5 (“Secondary Downtown District”) to B4 (“Downtown Core District”); (b) a Sign Variance to allow for the relocation of a monument sign at a height of twelve feet (12’) at the location shown on the survey submitted with this petition; and (d) a Resolution by the City Council affirming the following: (i) recognition that the nonconforming uses and conditions on the property will be allowed until such time as the property is redeveloped; (ii) that the Subject Property is exempt from provisions of the Naperville Municipal Code (hereinafter the “Code”) regarding off-street parking pursuant to Section 6-9-1:1.6; (ii) that the Petitioner may install angled parking spaces along Washington Street with a zero foot (0’) setback and allow a one-way drive aisle of 14.7 feet in width or install parallel parking spaces along Washington Street with a zero foot (0’) setback and allow a two-way drive aisle of 20’5 feet in width even if it is not in compliance with the Code; and (e) such other variances, departures or deviations as may be necessary to develop the property legally described on **Exhibit A** and as depicted on the survey submitted herewith pursuant to the appropriate provisions of the Code.

RESPECTFULLY RESUBMITTED this 28<sup>th</sup> day of October, 2021.

**PETITIONER:  
WILLOWAY LLC**

an Illinois limited liability company,

  
\_\_\_\_\_  
Rosanova & Whitaker, Ltd.  
Attorney for the Petitioner



**EXHIBIT A  
LEGAL DESCRIPTION**

**PARCEL A**

**PARCEL 1:**

THAT PART OF LOT 3 IN BLOCK 5 OF MARTIN'S ADDITION TO NAPERVILLE, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 6, 1847 AS DOCUMENT 2584, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 3, THENCE EASTERLY ALONG THE SOUTH LINE OF LOT 3, 118.89 FEET; THENCE NORTHWESTERLY ALONG A LINE MAKING AN ANGLE OF 151 DEGREES 28 MINUTES 19 SECONDS TO THE LEFT OF THE LAST DESCRIBED COURSE, 74.37 FEET TO A POINT, SAID POINT BEING 11.00 FEET SOUTH OF THE NORTHERLY LINE OF SAID LOT 3; THENCE WESTERLY ALONG A LINE PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 3, 53.50 FEET TO THE WEST LINE OF SAID LOT 3; THENCE SOUTHERLY ALONG SAID LINE 35.52 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

**PARCEL 2:**

LOT 4 (EXCEPT THAT PART THEREOF FALLING WITHIN RIVERWALK ASSESSMENT PLAT RECORDED SEPTEMBER 21, 1987 AS DOCUMENT R87-138984), LOT 5, 6, 7, 8 AND 9 AND THAT PART OF SQUAW LANE (NOW VACATED BY ACT OF GENERAL ASSEMBLY OF ILLINOIS ON FEBRUARY 12, 1853) LYING BETWEEN SAID LOTS 6 AND 7 IN BLOCK 5 OF MARTIN'S ADDITION TO NAPERVILLE, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 6, 1847 AS DOCUMENT 2584, IN DUPAGE COUNTY, ILLINOIS.

**PARCEL 3:**

A NON-EXCLUSIVE EASEMENT FOR THE BENEFIT OF PARCELS 1 AND 2 AS CREATED BY CROSS EASEMENT AGREEMENT DATED OCTOBER 28, 1978 AND RECORDED APRIL 3, 1979 AS DOCUMENT R79-26279, BY AND BETWEEN LASALLE NATIONAL BANK, AS TRUSTEE UNDER TRUST AGREEMENT DATED FEBRUARY 8, 1960 AND KNOWN AS TRUST NUMBER 23993 AND WILLOWAY, INC., AND AMENDED AND RESTATED CROSS-EASEMENT AGREEMENT DATED OCTOBER 25, 1994 AND RECORDED NOVEMBER 21, 1994 AS DOCUMENT R94-224871, BY AND BETWEEN LASALLE NATIONAL TRUST, N.A., AS TRUSTEE UNDER TRUST AGREEMENT DATED FEBRUARY 8, 1960 AND KNOWN AS TRUST NUMBER 23993 AND JAMES D. POLIVKA, FOR THE PURPOSE OF ACCESS TO WASHINGTON STREET OVER EXISTING DRIVES AND DRIVEWAYS OVER LOTS 1, 10, 11 AND 12 IN BLOCK 5 IN MARTIN'S ADDITION TO NAPERVILLE IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THAT PART OF LOTS 11 AND 12, AFORESAID, DESCRIBED BY BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 12; THENCE NORTH 2 DEGREES 04 MINUTES EAST ALONG THE EAST LINE OF SAID LOT, 82.50 FEET; THENCE SOUTH 10 DEGREES 23 MINUTES WEST PARALLEL WITH THE CENTER LINE OF THE PROPOSED NEW BRIDGE OVER THE DUPAGE RIVER 4.80 FEET; THENCE ON A CURVE TO THE RIGHT (THE RADIUS OF WHICH IS 91.97 FEET) 131 FEET TO THE

SOUTH LINE OF SAID LOT 11; THENCE EAST ALONG THE SOUTH LINE OF SAID LOTS 11 AND 12, 91.70 FEET TO THE POINT OF BEGINNING, AND EXCEPTING THEREFROM THAT PART OF LOT 1 LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 1, 128.45 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 1; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE MAKING AN INCLUDED ANGLE OF 61 DEGREES 32 MINUTES 39 SECONDS TO THE WEST LINE OF SAID LOT 1, 99.72 FEET; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE MAKING AN ANGLE OF 10 DEGREES 29 MINUTES 04 SECONDS TO THE RIGHT OF THE LAST DESCRIBED COURSE 80.95 FEET TO A POINT IN THE EAST LINE SAID LOT 1, SAID POINT BEING 29.90 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 1, IN DUPAGE COUNTY, ILLINOIS.

**PIN: 07-13-443-009**

**ADDRESS: 400 SOUTH MAIN STREET**

**PARCEL B**

LOTS 1, 10, 11 AND 12 IN BLOCK 5, TOGETHER WITH THAT PART OF THE VACATED ALLEY LYING SOUTH OF AND ADJOINING TO SAID LOT 1, IN MARTIN'S ADDITION TO NAPERVILLE, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 6, 1847 AS DOCUMENT 2584 (EXCEPT THAT PART OF LOTS 11 AND 12, AFORESAID, DESCRIBED BY BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 12; THENCE NORTH 2 DEGREES 04 MINUTES EAST, ALONG THE EAST LINE OF SAID LOT, 82.50 FEET; THENCE SOUTH 10 DEGREES 23 MINUTES WEST, PARALLEL WITH THE CENTER LINE OF THE PROPOSED NEW BRIDGE OVER THE DUPAGE RIVER 4.80 FEET; THENCE ON A CURVE TO THE RIGHT (THE RADIUS OF WHICH IS 91.97 FEET) 131 FEET TO THE SOUTH LINE OF SAID LOT 11; THENCE EAST, ALONG THE SOUTH LINE OF SAID LOTS 11 AND 12, 91.70 FEET TO THE POINT OF BEGINNING)

AND EXCEPTING THEREFROM

THAT PART OF SAID LOT 1, LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE; BEGINNING AT A POINT ON THE WEST LINE OF SAID LOT 1, 128.45 FEET NORTH OF THE SOUTHWEST CORNER OF SAID LOT 1; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE MAKING AN INCLUDED ANGLE OF 61 DEGREES 32 MINUTES 39 SECONDS TO THE WEST LINE OF SAID LOT 1, 99.72 FEET; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE MAKING AN ANGLE OF 10 DEGREES 29 MINUTES 04 SECONDS TO THE RIGHT OF THE LAST DESCRIBED COURSE 80.95 FEET TO A POINT IN THE EAST LINE SAID LOT 1, SAID POINT BEING 29.90 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 1, IN DUPAGE COUNTY, ILLINOIS.

**PIN: 07-13-443-005; 07-13-443-010**

**ADDRESS: 419-23 S. WASHINGTON STREET**