

PIN:
07-01-16-400-004

ADDRESS:
24254 111th STREET
NAPERVILLE, IL 60564

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 #22-1-023

ORDINANCE NO. 22 -

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION
AGREEMENT FOR THE PROPERTY LOCATED AT 24254 111th STREET
(THE BELVEDERE)**

RECITALS

1. **WHEREAS**, BC Belvedere, LLC, an Illinois limited liability company, 336 Bon Air Center #351, Greenbrae, CA 94904, is the owner ("**Owner**") of real property located at 24254 111th Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Owner has petitioned the City of Naperville ("**City**") for: approval of an annexation agreement; annexation of the Subject Property; rezoning to OCI (Office, Commercial and Institutional District); a preliminary plat of subdivision; a conditional use for multi-family residential in the OCI zoning district, and a conditional use for a planned unit development (PUD) and preliminary PUD plat; and

3. **WHEREAS**, the Owner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving the following: annexation of the Subject Property; rezoning of the Subject Property to OCI (Office, Commercial and Institutional District) in the City of Naperville; a preliminary plat of subdivision; and, a conditional use for multi-family residential in the OCI zoning district and a conditional use for a planned unit development (PUD) and preliminary PUD plat (hereinafter cumulatively referenced herein as the “**The Belvedere Ordinances**”); and
4. **WHEREAS**, the Owner is ready, willing, and able to enter into an annexation agreement and to perform the obligations required herein and as set forth in the Naperville Municipal Code (“**Code**”), as amended from time to time; and
5. **WHEREAS**, the Owner and the City of Naperville have fully complied with the statutory and Code provisions required for the approval and execution of an annexation agreement; and
6. **WHEREAS**, the City Council of the City of Naperville has determined that it is in the best interests of the City of Naperville to enter into the Annexation Agreement attached hereto as **Exhibit C**.

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 authority, 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 Owner shall 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, the City Clerk is then authorized and directed to record The Belvedere Ordinances, including their Exhibits, with the Will County Recorder in the following order: (1) Annexation Agreement; (2) Annexation; (3) Rezoning; (4) Preliminary Plat of Subdivision; and (5) Conditional Use and Preliminary PUD.

SECTION 3: 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 4: This Ordinance shall take effect upon its recordation with the Will County Recorder.

SECTION 5: If this Ordinance is not recorded within one (1) year of the City Council approval of this Ordinance, this Ordinance shall be automatically null and void and all rights and obligations hereunder shall then terminate.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk