

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 - _____

**ORDINANCE ANNEXING CERTAIN 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 annexation of the Subject Property into the City of Naperville in order to redevelop the property with a multi-family residential development; and
3. **WHEREAS**, the Owner has requested that the City approve this ordinance ("**Ordinance**") along with ordinances approving the following: an annexation agreement; 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 and the City have fully complied with the statutory and Naperville Municipal Code requirements required for approval of the requested annexation; and
5. **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
6. **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
7. **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 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: Subject to approval, execution, and recordation of The Belvedere Ordinances, the Subject Property described on **Exhibit A** and depicted on **Exhibit B** is hereby annexed by the City of Naperville.

SECTION 3: The Plat of Annexation for the Subject Property, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: 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. This Ordinance, approving annexation of the Subject Property, referenced as number (2) above, shall be recorded with the Will County Recorder and the Will County Clerk together with an accurate map of the territory annexed as depicted on the Plat of Annexation for The Belvedere attached to this Ordinance as **Exhibit B**.

SECTION 5: 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 6: This Ordinance shall take effect upon its recordation with the Will County Recorder.

SECTION 7: 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.

ATTEST:

Steve Chirico
Mayor

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 Trustees, the Wheatland Township Board of Trustees; Tax Assessor; Tax Collector; the Wheatland Township Highway Commissioner; and, the Plainfield Fire Protection District on August 2, 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