

PINS:
07-01-10-300-002-0000
07-01-10-300-028-0000
07-01-10-300-029-0000

ADDRESS:
NORTHEAST CORNER OF ROUTE 59
AND 103RD STREET, NAPERVILLE, IL

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 #20-1-006

ORDINANCE NO. 20 -

**AN ORDINANCE AUTHORIZING THE FIRST AMENDMENT TO THE
ANNEXATION AGREEMENT FOR THE PROPERTY LOCATED AT
THE NORTHEAST CORNER OF ROUTE 59 AND 103RD STREET (WAGNER FARMS)**

RECITALS

1. **WHEREAS**, Pulte Home Company LLC, 1900 East Golf Road, Suite 300, Schaumburg, IL 60173 is the owner ("**Petitioner**") of real property located at the northeast corner of IL Route 59 and 103rd Street, Naperville, Illinois, which is legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, on February 5, 2019, City Council passed Ordinance 19-020, authorizing the execution of an annexation agreement ("**Annexation Agreement**") for the Subject Property, commonly known as Wagner Farms; and
3. **WHEREAS**, the Petitioner has petitioned the City of Naperville ("**City**") for approval of the first amendment to the Annexation Agreement for Wagner Farms in order to revise certain dormant special service area provisions set forth in Section S10.1.3 of the

Annexation Agreement, and to replace a requirement for easements on the Connection Shared Use Paths and on a segment of sidewalk along Illinois Route 59 as described in Sections S9.0 and S10.0 of the Annexation Agreement with a Recreational Lease Agreement between the Naperville Park District and Commonwealth Edison; and

4. **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 first amendment to 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 Mayor and the City Clerk are authorized and directed to execute the first amendment to the Annexation Agreement for Wagner Farms attached to this Ordinance as **Exhibit C** on behalf of the City.

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 be in full force and effect upon its passage.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

ATTEST:

Steve Chirico
Mayor

Pam Gallahue, Ph.D.
City Clerk