

**PINS:**

08-08-106-041  
08-08-106-042  
08-08-202-065  
08-08-202-066  
08-08-202-067  
08-08-202-068  
08-08-202-069  
08-08-400-003  
08-08-400-008  
08-08-400-009  
08-08-400-010  
08-08-202-032

**PROPERTY ADDRESSES:**

5S371 NAPERVILLE ROAD  
5S351 TUTHILL ROAD  
25W372 BURLINGTON AVE  
25W354 BURLINGTON AVE  
25W424 BURLINGTON AVE  
25W344 PLANK RD  
5S445 TUTHILL RD  
5S321 TUTHILL RD  
NAPERVILLE, IL 60563

**PREPARED BY:**

CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
630/420-4170  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

**RETURN TO:**

CITY OF NAPERVILLE  
CITY CLERK/COMMUNITY SERVICES DEPT.  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

PZC Case #24-1-128/DEV-0035-2025

**ORDINANCE NO. 25 - \_\_\_\_**

**ORDINANCE ANNEXING CERTAIN PROPERTY LOCATED AT THE  
INTERSECTIONS OF NAPER BOULEVARD, PLANK ROAD, TUTHILL ROAD,  
BURLINGTON AVENUE, AND NAPERVILLE-WHEATON ROAD  
(AKA THE RESIDENCES AT NAPER AND PLANK)**

**RECITALS**

1. **WHEREAS**, ROC/Plank Road, LLC, an Illinois limited liability company, 5514 Lincoln Ave., Suite 200, Lisle, Illinois 60532, Brian Jelinek, Independent

Administrator of the Estate of Donald G. Jelinek, and Eric Jelinek, Independent Administrator of the Estate of Donald G. Jelinek, 1811 Mountain View, Prescott, Arizona 86301 are the owners (“**Owner**”) of various portions of the real property legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”).

2. **WHEREAS**, Gen-Land LLC, a Texas limited liability company and wholly owned subsidiary of Lincoln Property Company Commercial LLC, a Texas Corporation limited liability company, 120 N. LaSalle Street, Suite 2900, Chicago, Illinois 60602 (“**Petitioner**”), with authorization of the Owner, has petitioned the City of Naperville (“**City**”) for annexation of the Subject Property.
3. **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.
4. **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.
5. **WHEREAS**, the City Council of the City of Naperville has determined that annexation of the Subject Property should be approved as provided herein.
6. **WHEREAS**, Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving an annexation agreement, approving rezoning of the Subject Property, a conditional use for a planned unit development, a density deviation, a height deviation, a preliminary planned unit development plat, a preliminary plat of subdivision, and deviations from the City’s Design Manual for Public Improvements (hereinafter cumulatively referenced herein as the “**Residences at Naper and Plank Ordinances**”).

7. **WHEREAS**, Petitioner has requested that the City delay recordation of the Residences at Naper and Plank Ordinances with the DuPage County Recorder for a period of time not to exceed one hundred eighty three (183) calendar days after their passage (the “**Recording Timeframe**”) in order to allow the Petitioner to finalize the purchase and sale agreement for the Subject Property and to transfer ownership of the Subject Property to the Petitioner.
8. **WHEREAS**, subject to approval of the Residences at Naper and Plank Ordinances, the City has agreed to the Recording Timeframe for their recordation with the DuPage County Recorder as set forth herein. In the event that all of the Residences at Naper and Plank Ordinances are not recorded within the Recording Timeframe the City and Petitioner agree that the Residences at Naper and Plank Ordinances shall not become effective, shall not be recorded, and shall be deemed to be automatically void and of no force or effect with no further action being taken by the City or Petitioner.
9. **WHEREAS**, the Petitioner and the City have fully complied with the statutory and Naperville Municipal Code requirements required for approval of the requested annexation.
10. **WHEREAS**, the City Council of the City of Naperville has determined that it is in the best interests of the City of Naperville to annex the Subject Property to the City of Naperville 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:** If recordation of the Residences at Naper and Plank Ordinances, including but not limited to this Ordinance, does not occur within the Recording Timeframe provided for herein, then said Ordinances shall be deemed to be automatically null and void and of no force or effect without any further action being required by the Petitioner or the City. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Residences at Naper and Plank Ordinances are not recorded within the Recording Timeframe.

**SECTION 3:** Subject to approval, execution, and recordation of the Residences at Naper and Plank Ordinances, the Subject Property described on **Exhibit A** and depicted on **Exhibit B** is hereby annexed by the City of Naperville.

**SECTION 4:** The Plat of Annexation for the Subject Property, attached to this Ordinance as **Exhibit B**, is hereby approved.

**SECTION 5:** Upon confirmation from the City Attorney that the terms and conditions set forth or referenced herein have been fulfilled, the City Clerk is authorized and directed to record a certified copy of this Ordinance, together with an accurate map of the territory annexed as depicted on the Plat of Annexation for the Subject Property, attached to this Ordinance as **Exhibit B**, with the DuPage County Recorder and the DuPage County Clerk.

**SECTION 6:** 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the DuPage County Recorder.

**SECTION 7:** This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

\_\_\_\_\_  
Scott A. Wehrli  
Mayor

\_\_\_\_\_  
Dawn C. Portner  
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. 25 - \_\_\_\_\_, duly enacted by the City Council of the City of Naperville at a regular meeting thereof on the 15<sup>th</sup> day of July 2025, 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, Naperville Library District Board of Trustees, Lisle Township Board of Trustees, Lisle Township Highway Commissioner, Lisle Township Tax Assessor, Lisle -Woodridge Fire Protection District and Lisle Library District Board of Trustees on\_\_\_\_\_, 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 \_\_\_\_\_, 2025.

\_\_\_\_\_  
City Clerk

The above and foregoing certificate  
was subscribed and sworn to before  
me this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Notary Public