

PIN:  
08-19-400-010

ADDRESS:  
831 S. JULIAN STREET  
NAPERVILLE, IL 60540

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 #20-1-026

**ORDINANCE NO. 20 - \_\_\_\_\_**

**AN ORDINANCE REZONING CERTAIN PROPERTY  
LOCATED AT 831 S. JULIAN STREET (M. HOUSE CREEK ESTATES) TO  
R1A (LOW DENSITY SINGLE-FAMILY RESIDENCE DISTRICT)**

**RECITALS**

1. **WHEREAS**, Mathieson House, LLC d/b/a M. House ("**Petitioner**") has petitioned the City of Naperville ("**City**") for rezoning of real property located at 831 S. Julian Street, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Kyle and Joni Javes are the owners ("**Owners**") of the Subject Property;  
and
3. **WHEREAS**, the Subject Property is currently zoned R-4 Single-Family in unincorporated DuPage County and is vacant; and
4. **WHEREAS**, the Petitioner has petitioned the City of Naperville for annexation of the Subject Property into the City of Naperville and rezoning the Subject Property to R1A (Low Density Single-Family Residence District) upon annexation; and

5. **WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and
6. **WHEREAS**, on May 20, 2020, the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of the Petitioner's request; and
7. **WHEREAS**, Petitioner has requested that the City approve this ordinance ("**Ordinance**") along with ordinances approving an annexation agreement, approving annexation of the Subject Property, approving a preliminary plat of subdivision, and approving a height variance (hereinafter cumulatively referenced herein as the "**831 S. Julian Street Ordinances**"); and
8. **WHEREAS**, Petitioner has requested that the City delay recordation of the 831 S. Julian Street Ordinances with the DuPage County Recorder for a period of time not to exceed three hundred and sixty-five (365) calendar days after their passage 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; and
9. **WHEREAS**, subject to approval of the 831 S. Julian Street Ordinances, the City has agreed to the proposed timeframe for their recordation with the DuPage County Recorder as set forth herein. In the event that all of the 831 S. Julian Street Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the 831 S. Julian Street Ordinances, including but not limited to this Ordinance, shall not become effective, shall not be recorded, and shall be

deemed to be automatically void with no further action being taken by the City or Petitioner.

**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 831 S. Julian Street Ordinances, including but not limited to this Ordinance, does not occur within three hundred and sixty-five (365) calendar days after passage and approval then said Ordinances shall be deemed to be automatically null and void and of no force and effect without any further action being required by the City or Petitioner. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the 831 S. Julian Street Ordinances are not recorded within the three hundred and sixty-five (365) calendar day timeframe described herein.

**SECTION 3:** Subject to approval, execution, and recordation of the 831 S. Julian Street Ordinances, the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to R1A (Low Density Single-Family Residence District) in the City of Naperville.

**SECTION 4:** The Zoning Map of the City of Naperville is hereby amended in accordance with this Ordinance.

**SECTION 5:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 6:** 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 this Ordinance, together with the exhibits attached hereto, with the DuPage County Recorder.

**SECTION 7:** 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.

**SECTION 8:** This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph. D.  
City Clerk