

PIN: 07-13-430-012

**ADDRESS:
22, 24, and 26 W. Jefferson
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**

BRB Case #95

ORDINANCE NO. 18 - _____

**AN ORDINANCE APPROVING A FIRST AMENDED
FIRE SUPPRESSION SYSTEM INSTALLATION AGREEMENT FOR
22, 24, AND 26 W. JEFFERSON AVENUE – BRB CASE #95**

WHEREAS, Bruce G. Herkert (“Owner”) is the owner of real property located at 22, 24, and 26 W. Jefferson Avenue, Naperville, Illinois, legally described on **Exhibit A** (“Subject Properties”) and has petitioned the City of Naperville, along with Virginia Herkert (“Petitioners”) for an extension to the date by which the Subject Properties must be in compliance with fire suppression requirements established by City Code; and

WHEREAS, the Subject Properties are currently zoned B4 (Downtown Core District) and is improved with a multi-tenant commercial; and

WHEREAS, on April 14, 2009, a Fire Suppression System Installation Agreement was recorded against the Subject Properties as R2009-054299 (“Existing Fire Suppression System Installation Agreement”), attached as **Exhibit B**; and

WHEREAS, per the Existing Fire Suppression Agreement, on or before January 1, 2019, the Owner shall cause all portions of the structure on the Subject Properties to be

brought into compliance with the fire suppression requirements of the City Code then in effect (“Existing Fire Suppression Compliance Date”); and

WHEREAS, in September 2018, the Petitioners submitted a request to extend the Existing Fire Suppression Compliance Date based on the declining health of the Owner; and

WHEREAS, on October 17, 2018, the Building Review Board considered the requested extension to the Existing Fire Suppression Compliance Date and recommended an extension to January 1, 2021; and

WHEREAS, the City Council of the City of Naperville has determined that the Petitioner’s request should be granted 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 herein. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: The First Amended Fire Suppression System Installation Agreement (“First Amended Fire Suppression System Installation Agreement”) attached as **Exhibit C** which creates a new Fire Suppression Compliance Date (“First Amended Fire Suppression Compliance Date”) for the Subject Properties of January 1, 2021 is hereby approved. In accordance with the First Amended Fire Suppression System Installation Agreement, all portions of the structure on the Subject Properties shall be brought into compliance with the fire suppression requirements of the City Code then in effect by no later than January 1, 2021.

SECTION 3: The City Clerk is authorized and directed to record this Ordinance along with the First Amended Fire Suppression System Installation Agreement attached as **Exhibit C** with the DuPage County Recorder.

SECTION 4: Upon its recordation, the First Amended Fire Suppression System Installation Agreement attached as **Exhibit C** shall supersede the Existing Fire Suppression System Installation Agreement recorded against the property as R2009-054299.

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, resolution, or provision of the Naperville Municipal Code.

SECTION 6: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk