

PIN: 08-18-328-021

ADDRESS:
424 EAST CHICAGO AVENUE
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 #20-1-093

ORDINANCE NO. 21 -

**AN ORDINANCE APPROVING A RIGHT-OF-WAY
ENCROACHMENT LICENSE AGREEMENT FOR
ACCESSORY STRUCTURES IN THE RIGHT-OF-WAY
ADJACENT TO LOT 2 OF THE C. COBB SUBDIVISION
(424 EAST CHICAGO AVENUE)**

RECITALS

1. **WHEREAS**, Christopher Cobb, ("**Owner** and **Petitioner**"), is the owner of real property legally described on Exhibit A and depicted on Exhibit B ("**Subject Property**") located in the City of Naperville ("**City**"); and
2. **WHEREAS**, the Subject Property is currently zoned R2 (Single-Family and Low Density Multiple-Family Residence District) in the City and is currently improved with a single-family residence, a detached garage, and the east half of the lot is comprised of accessory structures and open space; and
3. **WHEREAS**, the Owner and Petitioner has separately requested the City to approve an Ordinance Granting a Temporary Use Permit, and an Ordinance Approving a Preliminary/Final Plat of Subdivision and Owner's Acknowledgement and

Acceptance Agreement in order to subdivide the Subject Property into two (2) lots to allow for construction of a new single-family residence on the proposed Lot 2; and

4. **WHEREAS**, Owner and Petitioner has also petitioned the City for approval of a right-of-way encroachment license agreement (“**Encroachment License Agreement**”) to permit two pillars and a fence to remain along the eastern property line of proposed Lot 2 of the C. Cobb Subdivision; and
5. **WHEREAS**, the City Council has determined that the requested Encroachment License Agreement should be granted subject to the terms and conditions set forth and referenced herein; and
6. **WHEREAS**, this Ordinance shall be recorded with the DuPage County Recorder after the Ordinance Approving a Preliminary/Final Plat of Subdivision and Owner’s Acknowledgement and Acceptance Agreement for the Subject Property is recorded as provided therein.

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: The Encroachment License Agreement between the City of Naperville and the Owner and Petitioner attached to this Ordinance as **Exhibit C** is hereby approved subject to the terms and conditions set forth and referenced herein.

SECTION 3: The City Manager is hereby authorized to sign, and the City Clerk to attest, said Encroachment License Agreement.

SECTION 4: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

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: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder as set forth in Recital 6 herein.

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

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.

City Clerk