

**PIN: 08-08-303-010**

**ADDRESS:  
5S578 TUTHILL ROAD  
NAPERVILLE, IL 60563**

**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 #22-1-025**

**ORDINANCE NO. 22 -**

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN  
ANNEXATION AGREEMENT FOR THE REAL PROPERTY  
LOCATED AT 5S578 TUTHILL ROAD**

**RECITALS**

1. **WHEREAS**, Kevin E. Madden and Catherine S. Madden, are the owners ("**Owners**" and "**Petitioners**") of real property located at 5S578 Tuthill Road, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Petitioners have petitioned the City of Naperville ("**City**") for annexation, approval of an annexation agreement, and rezoning for the Subject Property; and
3. **WHEREAS**, the Owners are ready, willing, and able to enter into an annexation agreement and to perform the obligations required herein and as set forth in the Naperville Municipal Code ("**Code**"), as amended from time to time; and

4. **WHEREAS**, the Owners have requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving annexation of the Subject Property and rezoning of the Subject Property (hereinafter cumulatively referenced as the “**5S578 Tuthill Road Ordinances**”); and
5. **WHEREAS**, Petitioner and City of Naperville have fully complied with the statutory and Code provisions required for the approval and execution of an annexation agreement; and
6. **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 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 is authorized and directed to execute, and the City Clerk is authorized and directed to attest, the Annexation Agreement for 5S578 Tuthill Road attached hereto as **Exhibit C**.

**SECTION 3:** The City Clerk is authorized and directed to record this Ordinance and the Annexation Agreement for 5S578 Tuthill Road, and its exhibits, with the DuPage County Recorder upon completed execution thereof.

**SECTION 4:** If this Ordinance and the Annexation Agreement it approves are not recorded with the office of the Recorder in which the Subject Property is located within

one (1) year of their approval and passage by the Naperville City Council, this Ordinance and the Annexation Agreement shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Owner and Developer shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

**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 recordation with the DuPage County Recorder.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph.D.  
City Clerk

