

PIN: 07-13-426-009

ADDRESS:
415 JACKSON AVE
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 #22-1-094

ORDINANCE NO. 24 -

**AN ORDINANCE AMENDING ORDINANCE NUMBERS
23-45, 23-46, and 23-47 FOR RIVERWALK PLACE**

RECITALS

1. **WHEREAS**, Lee Mandel and Associates, Inc. is the owner ("**Owner**") of real property located at 415 Jackson Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (herein referenced as "**Subject Property**" or "**Riverwalk Place**"); and
2. **WHEREAS**, Randy Mueller of Mikols Construction ("**Petitioner**"), with the approval of the Owner, petitioned the City of Naperville for approval of ordinances seeking a preliminary/final plat of subdivision for the Subject Property, rezoning of the Subject Property, and for a setback variance for the Subject Property; and
3. **WHEREAS**, on April 5, 2023, the Naperville City Council approved Ordinance 23-45 Approving the Preliminary/Final Plat of Subdivision and the Owner's Acknowledgement and Acceptance for Riverwalk Place; Ordinance 23-46

Rezoning the Property Located at 415 Jackson Avenue to B5 (Secondary Downtown District); and Ordinance 23-47 Granting a Setback Variance from Section 6-7E-7 of the Naperville Municipal Code for Riverwalk Place (hereinafter referenced together as the “**Riverwalk Place Ordinances**”); and

4. **WHEREAS**, said Riverwalk Place Ordinances provided that they were to be recorded with the DuPage County Recorder within one (1) year of their approval and passage by the Naperville City Council unless said Ordinances were amended by the City Council to extend such timeframe; and
5. **WHEREAS**, the Owner and Petitioner have requested that the City Council amend the Riverwalk Place Ordinances to extend the recording timeframe referenced in Recital 4 above to January 8, 2025, and the City Council is willing to agree to said extension; and
6. **WHEREAS**, the City Council has determined that the Riverwalk Place Ordinances should be amended to provide for a revised recording timeframe as set forth 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: The recording timeframe for the Riverwalk Place Ordinances is hereby amended to require their recordation with the DuPage County Recorder on or before January 8, 2025 unless said timeframe is amended by the City Council. If recordation of

the Riverwalk Place Ordinances does not occur on or before January 8, 2025 then said Ordinances shall be deemed to be automatically void without any further action being required by the City, the Owner, or the Petitioner unless said recording timeframe is further extended by approval of City Council. Owner and Petitioner shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur as provided herein.

SECTION 3: The Riverwalk Place Ordinances and this Ordinance shall be read together. In the event there are inconsistencies between this Ordinance and Riverwalk Place Ordinances, the terms of this Ordinance shall prevail. Except as specifically amended herein, all provisions of the Riverwalk Place Ordinances shall remain in full force and effect.

SECTION 4: 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 DuPage County Recorder.

SECTION 5: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

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

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehli
Mayor

ATTEST:

Dawn C. Portner
City Clerk