

PIN: 08-19-401-005

ADDRESS:
836 SOUTH 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 #21-1-029

ORDINANCE NO. 21 -

**AN ORDINANCE REZONING THE REAL PROPERTY
LOCATED AT 836 SOUTH JULIAN STREET TO
R1A (LOW DENSITY SINGLE-FAMILY RESIDENCE DISTRICT)**

RECITALS

1. **WHEREAS**, Madonna E. Gannon, 836 S. Julian Street, Naperville, IL 60540, is the owner ("**Owner**") of real property located at 836 S. Julian Street, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Mathieson House, LLC d/b/a M House, 710 East Ogden Avenue, #250, Naperville, IL 60563, ("**Petitioner**") is the contract purchaser of the Subject Property and has been authorized by the Owner to submit the subject petition; and
3. **WHEREAS**, the Subject Property is presently zoned R-4 in unincorporated DuPage County and improved with a single-family residence; and
4. **WHEREAS**, Petitioner plans to demolish the single-family residence after annexation and split the parcel into two lots; and
5. **WHEREAS**, Petitioner has petitioned the City of Naperville for annexation of the Subject Property into the City of Naperville and zoning the Subject Property to R1A

(Low Density Single-Family Residence District) upon annexation in order construct two single-family residences on separate lots; and

6. **WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and
7. **WHEREAS**, Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving a preliminary/final plat of subdivision, an annexation agreement, and approving annexation of the Subject Property (hereinafter cumulatively referenced herein as the “**836 S. Julian Street Ordinances**”); and
8. **WHEREAS**, Petitioner has requested that the City delay recordation of the 836 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 Petitioner to finalize the purchase and sale agreement for the Subject Property and to transfer ownership of the Subject Property to Petitioner; and
9. **WHEREAS**, subject to approval of the 836 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 836 S. Julian Street Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the 836 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 null and void with no further action being taken by the City or Petitioner.

10. **WHEREAS**, on May 5, 2021, the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of Petitioner's request; and

11. **WHEREAS**, the City Council of the City of Naperville has determined that 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: The Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to R1A (Low Density Single-Family Residence District) upon annexation in the City of Naperville.

SECTION 3: The Zoning Map of the City of Naperville is hereby amended in accordance with this Ordinance.

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: Upon confirmation from the City, the City Clerk is authorized and directed to record the 836 S. Julian Street Ordinances, together with their exhibits, with the DuPage County Recorder, or to allow recordation as may otherwise be approved by the City Attorney.

SECTION 6: If recordation of the 836 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 of the 836 S. Julian Street Ordinances as provided herein, 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 836 S. Julian Street Ordinances are not recorded within the three hundred and sixty-five (365) calendar day timeframe described herein.

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 _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk