

PIN: 08-19-218-022

ADDRESS:
1081 PARKSIDE ROAD
NAPERVILLE, IL 60540

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #24-1-047

ORDINANCE NO. 24 -

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN
ANNEXATION AGREEMENT FOR THE PROPERTY
LOCATED AT 1081 PARKSIDE ROAD**

RECITALS

1. **WHEREAS**, Daniel Popiela and Rachel Popiela, 2 Carr 459 KM 12.4 Bo Jobos, Isabela, PR 00662, are the owners (referenced herein as “**Owners/Petitioners**”) of real property located at 1081 Parkside Road, Naperville, Illinois 60540, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, the Owners/Petitioners has petitioned the City of Naperville (“**City**”) for annexation of an approximately 14,587 square foot parcel of real property located at 1081 Parkside Road, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”) to develop a single-family home; and
3. **WHEREAS**, the Owners/Petitioners have requested the City approve this ordinance approving an annexation agreement for the Subject Property (“**Ordinance**”) along

with ordinances approving annexation of the Subject Property and rezoning the Subject Property to R1A (Low Density Single-Family Residence District) following annexation (hereinafter together referred as “**1081 Parkside Road Ordinances**”); and

4. **WHEREAS**, the Owners/Petitioners 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
5. **WHEREAS**, the Owners/Petitioners and the 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 1081 Parkside Road attached hereto as **Exhibit C** on behalf of the City.

SECTION 3: The City Clerk is authorized and directed to record the 1081 Parkside Road Ordinances, including their Exhibits, with the DuPage County Recorder in the following

order: (1) an Ordinance approving an Annexation Agreement for the Subject Property; (2) an Ordinance approving Annexation of the Subject Property; and, (3) an Ordinance approving Rezoning of the Subject Property.

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 Owners/Petitioners 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. 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 office of the Recorder in which the Subject Property is located within.

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. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk