

PINS:

08-08-106-041
08-08-106-042
08-08-202-065
08-08-202-066
08-08-202-067
08-08-202-068
08-08-202-069
08-08-400-003
08-08-400-008
08-08-400-009
08-08-400-010
08-08-202-032

PROPERTY ADDRESSES:

5S371 NAPERVILLE ROAD
5S351 TUTHILL ROAD
25W372 BURLINGTON AVE
25W354 BURLINGTON AVE
25W424 BURLINGTON AVE
25W344 PLANK RD
5S445 TUTHILL RD
5S321 TUTHILL RD
NAPERVILLE, IL 60563

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 #24-1-128/DEV-0035-2025

ORDINANCE NO. 25 -

**AN ORDINANCE AUTHORIZING THE EXECUTION OF
AN ANNEXATION AGREEMENT FOR THE PROPERTY LOCATED AT THE
INTERSECTIONS OF NAPER BOULEVARD, PLANK ROAD, TUTHILL ROAD,
BURLINGTON AVENUE, AND NAPERVILLE-WHEATON ROAD
(AKA THE RESIDENCES AT NAPER AND PLANK)**

RECITALS

1. **WHEREAS**, ROC/Plank Road, LLC, an Illinois limited liability company, 5514 Lincoln Ave., Suite 200, Lisle, Illinois 60532, Brian Jelinek, Independent Administrator of the Estate of Donald G. Jelinek, and Eric Jelinek, Independent Administrator of the Estate of Donald G. Jelinek, 1811 Mountain View, Prescott, Arizona 86301 are the owners (“**Owner**”) of various portions of the real property the real property legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”)
2. **WHEREAS**, Gen-Land LLC, a Texas limited liability company and wholly owned subsidiary of Lincoln Property Company Commercial LLC, a Texas Corporation limited liability company, 120 N. LaSalle Street, Suite 2900, Chicago, Illinois 60602 (“**Petitioner**”), with authorization of the Owner, has petitioned the City of Naperville (“**City**”) for annexation of the Subject Property.
3. **WHEREAS**, Petitioner has requested that the City approve this ordinance approving an annexation agreement for the Subject Property (“**Ordinance**”) along with ordinances approving annexation of the Subject Property, approving rezoning of the Subject Property, a conditional use for a planned unit development, a density deviation, a height deviation, a preliminary planned unit development plat, a preliminary plat of subdivision, and deviations from the City’s Design Manual for Public Improvements (hereinafter cumulatively referenced herein as the “**Residences at Naper and Plank Ordinances**”).
4. **WHEREAS**, Petitioner has requested that the City delay recordation of the Residences at Naper and Plank Ordinances with the DuPage County Recorder for a period of time not to exceed one hundred eighty three (183) calendar days after their

passage (the “**Recording Timeframe**”) in order to allow the Petitioner to finalize the purchase and sale agreement for the Subject Property and to transfer ownership of the Subject Property to the Petitioner.

5. **WHEREAS**, subject to approval of the Residences at Naper and Plank Ordinances, the City has agreed to the Recording Timeframe for their recordation with the DuPage County Recorder as set forth herein. In the event that all of the Residences at Naper and Plank Ordinances are not recorded within the Recording Timeframe, the City and Petitioner agree that the Residences at Naper and Plank Ordinances shall not be recorded and shall be deemed to be automatically null and void with no further action being taken by the City or the Petitioner.
6. **WHEREAS**, the Petitioner is 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.
7. **WHEREAS**, the Petitioner and the City of Naperville have fully complied with the statutory and Code provisions required for the approval and execution of an annexation agreement.
8. **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** (“**Annexation Agreement**”) 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 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: Petitioner shall provide evidence of ownership of the Subject Property to the satisfaction of the City Attorney and submit a properly executed Annexation Agreement to the City. The Mayor is then authorized and directed to execute, and the City Clerk is authorized and directed to attest, the Annexation Agreement for the Subject Property on behalf of the City. Upon confirmation that all required fees have been paid, and properly executed documents have been submitted, and subject to the provisions of Section 3 below, the City Clerk is then authorized and directed to record the Residences at Naper and Plank Ordinances, including their Exhibits, with the DuPage County Recorder in the following order: (1) Annexation; (2) Annexation Agreement; (3) Rezoning; (4) Preliminary Plat of Subdivision; (5) Conditional use, Deviations and Preliminary Planned Unit Development Plat; and (6) Deviations to the City's Design Manual for Public Improvements.

SECTION 3: If recordation of the Residences at Naper and Plank Ordinances does not occur within the Recording Timeframe provided for herein, then said Ordinances shall not be recorded and shall be deemed to be automatically null and void without any further action being required by the Petitioner or the City. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if this Ordinance, including the Exhibits attached hereto, is not recorded within the Recording Timeframe.

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 office of the DuPage County Recorder.

SECTION 5: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

ATTEST:

Scott A. Wehrli
Mayor

Dawn C. Portner
City Clerk