

PIN: 07-12-211-012

ADDRESS:
27W130 BAUER 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 #21-1-063

ORDINANCE NO. 21 -

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN
ANNEXATION AGREEMENT FOR THE REAL PROPERTY
LOCATED AT ADLER POINT (27W130 BAUER ROAD)**

RECITALS

1. **WHEREAS**, Scott M. Barenbrugge, 2704 San Luis Court, Naperville, IL 60565, is the owner and petitioner (“**Owner** and **Petitioner**”) of real property located at 27W130 Bauer Road, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, Petitioner has petitioned the City of Naperville (“**City**”) for annexation, approval of an annexation agreement, rezoning, and a preliminary/final plat of subdivision for Adler Point to allow for the subject property to be subdivided into three lots; and
3. **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; and

4. **WHEREAS**, Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving a preliminary/final plat of subdivision, approving annexation of the Subject Property, and approving rezoning of the Subject Property (hereinafter cumulatively referenced as the “**Adler Point Ordinances**”); and
5. **WHEREAS**, 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; 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 Adler Point attached hereto as **Exhibit C**.

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

SECTION 4: If recordation of the Adler Point Ordinances, including but not limited to this Ordinance, does not occur within one (1) year of their approval by the Naperville

City Council, 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 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 _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk