

**PIN:  
08-07-411-019**

**ADDRESS:  
850 E. Ogden Avenue  
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**

**ORDINANCE NO. 20 -**

**AN ORDINANCE RELEASING OBLIGATIONS AND COVENANTS  
IN AN AGREEMENT AFFECTING REAL PROPERTY LOCATED AT  
850 E. OGDEN AVENUE, NAPERVILLE IL**

**RECITALS**

1. **WHEREAS**, real property located at 850 E. Ogden Avenue, Naperville, Illinois, legally described below ("Subject Property"), is subject to the terms of an agreement ("Agreement") entered into between the City of Naperville ("City") and then owner Pillsbury Realty Holding Company dated March 31, 1975 and recorded with the DuPage County Recorder as Document No. R76-20287:

The Northeasterly 165.0 feet (as measured along the Northwesterly line thereof), being the Southeasterly line of Ogden Avenue, as per Document No 537937) of the Northwesterly 245.0 feet (as measured along the Northeasterly line thereof) of Lot 1 of Brummel's Subdivision of part of the South East quarter of Section 7, Township 38 North, Range 10, East of the Third Principal Meridian: in the Township of Lisle, DuPage County, Illinois.

Also described as: That part of Lots 1-1, 1-2, and 1-5, taken as a tract, of Kathy's Plat of Resubdivision, as per Document No. R75-54482, lying within the Northeasterly 165.0 feet (as measured along the Northwesterly line of Lot 1, being the Southeasterly line of Ogden Avenue, of Brummel's Subdivision of part of the South East quarter of Section 7, Township 38 North, Range 10, East of the Third Principal Meridian, according to the Plat thereof recorded January 19, 1948 as Document No. 537937) of the Northwesterly 245.0 feet thereof (as measured along the Northeasterly line of Lot 1 of Brummel's Subdivision, aforesaid): all in the Township of Lisle, DuPage County, Illinois.

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2. **WHEREAS**, the Agreement imposed certain obligations upon the owner of the Subject Property, and upon successors in title, including but not limited to construction of an approved parking lot, paving of Ogden Avenue along the north line of the Subject Property, and installing sidewalk, curb and gutter, street lighting and storm sewer along the north line of the Subject Property ("Owner's Obligations").
3. **WHEREAS**, under the terms of the Agreement, Owner's Obligations constituted covenants running with the land; and
4. **WHEREAS**, Owner's Obligations under the Agreement have been fulfilled and the current owner of the Subject Property has requested that the City release its rights thereunder and record said release with the DuPage County Recorder; and
5. **WHEREAS**, the City Council of the City of Naperville has determined that it is appropriate to release the Subject Property from the obligations and covenants owed to the City as set forth in the Agreement; and.

6. **WHEREAS**, the City of Naperville is a home rule unit of local government under the laws and Constitution of the State of Illinois and is exercising said authority 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.

**SECTION 2:** Having determined that the Owner's Obligations under the Agreement dated March 31, 1975 and recorded with the DuPage County Recorder as Document No. R76-20287 have been fulfilled, the City hereby releases in full any rights and interests it has with respect to the Agreement and to Owner's Obligations as set forth therein.

**SECTION 3:** Nothing herein shall affect the ongoing requirement that the Subject Property comply with all applicable provisions of the Naperville Municipal Code, as amended from time to time.

**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.

**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 \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk