

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 AUTHORIZING THE EXECUTION OF AN
ANNEXATION AGREEMENT FOR THE REAL PROPERTY
LOCATED AT 836 SOUTH JULIAN STREET**

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 petitioned the City of Naperville ("**City**") for annexation, approval of an annexation agreement, rezoning, and a preliminary/final plat of subdivision for the Subject Property and has been authorized by the Owner to submit the subject petition; and
3. **WHEREAS**, upon acquisition of the Subject Property, 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 “**836 S. Julian Street Ordinances**”); and
5. **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
6. **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 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; and
7. **WHEREAS**, Petitioner and City of Naperville have fully complied with the statutory and Code provisions required for the approval and execution of an annexation agreement; and

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**.

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 from the City Attorney that the terms and conditions set forth or referenced herein have been fulfilled, 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 836 S. Julian Street Ordinances, including their Exhibits, with the DuPage County Recorder, or to provide for recordation as may otherwise be approved by the City Attorney.

SECTION 3: 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 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: 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