

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 -

**ORDINANCE ANNEXING CERTAIN 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 been authorized by the Owner to submit the subject petition; and
3. **WHEREAS**, the Subject Property is not within the corporate limits of any municipality, but is contiguous to the City of Naperville and eligible for annexation; and
4. **WHEREAS**, all notices provided for by the Naperville Municipal Code, and all legal requirements for annexation pursuant to the provisions of 65 Illinois Compiled Statutes 5/7-1-1 *et seq.*, have been fully complied with; and

5. **WHEREAS**, Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving a preliminary/final plat of subdivision, approving an annexation agreement, and approving rezoning of the Subject Property (hereinafter cumulatively referenced herein as the “**836 S. Julian Street Ordinances**”); and
6. **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
7. **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, including but not limited to this Ordinance, shall not become effective, shall not be recorded; and shall be deemed to be automatically null and void with no further action being taken by the City or Petitioner; and
8. **WHEREAS**, on May 18, 2021 the following ordinances were approved by the Naperville City Council pertaining to the Subject Property: Ordinance 21-052 Authorizing an Annexation Agreement; Ordinance 21-053 Annexing the Subject Property; Ordinance 21-054 Rezoning the Subject Property; and Ordinance 21-055 Approving the Preliminary/Final Plat of Subdivision for the Subject Property

(hereinafter also referenced as the “**May 18, 2021 Ordinances**”) which May 18, 2021 Ordinances were ineffective due to failure to provide required notice to Taxing Districts, and which are subject to revocation by separate ordinance; and

9. **WHEREAS**, the City Council of the City of Naperville has determined that annexation of the Subject Property should be approved 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 powers, 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: Subject to approval, execution, and recordation 836 S. Julian Street Ordinances as described herein, the Subject Property described on **Exhibit A** and depicted on **Exhibit B** is hereby annexed by the City of Naperville.

SECTION 3: The Plat of Annexation for 836 South Julian Street, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: 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 5: The City Clerk is authorized and directed to record the 836 S. Julian Street Ordinances, together with their exhibits, with the DuPage County Recorder, or to allow recordation as may otherwise be approved by the City Attorney. The 836 S. Julian Street Ordinances, and the ordinance revoking the May 18, 2021 Ordinances, shall be recorded with the DuPage County Recorder in the following order: (i) An Ordinance Revoking Ordinances 21-052, 21-053, 21-054, and 21-055 Pertaining to Real Property Located at 836 South Julian Street; (ii) An Ordinance Annexing Certain Property Located at 836 South Julian Street; (iii) An Ordinance Authorizing the Execution of an Annexation Agreement for the Property Located at 836 South Julian Street; (iv) An Ordinance Rezoning the Property Located at 836 South Julian Street to R1A; and (v) An Ordinance Approving the Preliminary/Final Plat of Subdivision for the Property Located at 836 South Julian Street.

SECTION 6: 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 7: 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

STATE OF ILLINOIS)
) SS
DUPAGE COUNTY)

The undersigned hereby certifies that she is the City Clerk of the City of Naperville, and that, as such, she is the custodian of the records of the municipality and keeper of the journal of proceedings of the City Council; and she further certifies that the foregoing is a true and correct copy of Ordinance No. 21 - _____, duly enacted by the City Council of the City of Naperville at a regular meeting thereof on the _____ day of _____, 2021, and passed on roll call vote as shown on the foregoing; that she further certifies that due notice, as provided by law, of the consideration of ordinance was given to the Trustees of the Naperville Fire Protection District, the Trustees of the Lisle Library District, the Lisle Township Highway Commissioner, the Lisle Township Board of Trustees, the Lisle Township Supervisor, the Lisle Township Assessor and the Lisle Township Clerk on _____, and she further certifies that there is no other public library district to which any notice is required to be given under the provisions of Section 5/7-1-8 of Chapter 65 of the Illinois Compiled Statutes.

DATED this _____ day of _____, 2021.

City Clerk

The above and foregoing certificate was subscribed and sworn to before me this ____ day of _____, 2021.

Notary Public