

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 APPROVING THE PRELIMINARY/FINAL
PLAT OF SUBDIVISION FOR REAL PROPERTY LOCATED AT
27W130 BAUER ROAD (ADLER POINT)**

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 approval of a preliminary/final plat of subdivision for Adler Point to subdivide the subject property into three lots; and
3. **WHEREAS**, Petitioner has requested that the City approve this ordinance ("**Ordinance**") along with ordinances approving an annexation agreement, approving

annexation of the Subject Property, and approving rezoning of the Subject Property (hereinafter cumulatively referenced herein as the “**Adler Point Ordinances**”); and

4. **WHEREAS**, the City Council of the City of Naperville has determined that the Final Plat of Subdivision for Adler Point 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 of the Adler Point Ordinances, the Preliminary/Final Plat of Subdivision for 27W130 Adler Point, Naperville, Illinois, attached to this Ordinance as **Exhibit B**, is hereby approved subject to the following condition:

- a. The Subject Property is currently improved with a single-family residential structure. Upon recordation of the Adler Point Ordinances, said existing residential structure located on Lot 1 of the Adler Point Subdivision, will not comply with the setback requirements of the R1A District (Low Density Single Family Residence District), rendering it an illegal non-conforming structure. The continuation of the illegal non-conforming structure and any illegal non-conforming accessory structures on the lot, are subject to the provisions of Section 6-2-19 (General Zoning Provisions: Existing Buildings and Structures) of the Naperville Municipal Code, as amended from time to time.

SECTION 3: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 4: Upon confirmation from the City Attorney that the terms and conditions set forth or referenced herein have been fulfilled, the City Clerk is authorized and directed to record the Adler Point Ordinances, together with their exhibits, with the DuPage County Recorder, or to allow recordation as may otherwise be approved by the City Attorney.

SECTION 5: 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 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