

PIN: 08-18-328-021

ADDRESS:  
424 EAST CHICAGO 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

PZC Case #20-1-093

**ORDINANCE NO. 21 -**

**AN ORDINANCE APPROVING A PRELIMINARY/FINAL  
PLAT OF SUBDIVISION AND OWNER'S ACKNOWLEDGEMENT  
AND ACCEPTANCE AGREEMENT FOR THE C. COBB SUBDIVISION  
(424 EAST CHICAGO AVENUE)**

**RECITALS**

1. **WHEREAS**, Christopher Cobb, ("**Owner** and **Petitioner**"), is the owner of real property located at 424 East Chicago Avenue in the City of Naperville ("**City**"), legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the Owner and Petitioner has petitioned the City of Naperville for approval of a Preliminary/Final Plat of Subdivision for the C. Cobb Subdivision in order to subdivide the Subject Property into two (2) lots to allow for construction of a new single family residence on the proposed Lot 2; and
3. **WHEREAS**, approval of the Preliminary/Final Plat of Subdivision is subject to the terms and conditions set forth in the Owner's Acknowledgement and Acceptance Agreement attached hereto as **Exhibit C**; and

4. **WHEREAS**, the Owner and Petitioner has separately requested that the City also approve an Ordinance Granting a Temporary Use and an Ordinance Approving an Encroachment License Agreement; and
5. **WHEREAS**, by Ordinance 21-\_\_\_\_\_the City granted approval of a temporary use of the Subject Property to allow existing improvements on proposed Lot 2 of the C. Cobb Subdivision to remain for a period of two (2) years subject to the terms and conditions set forth therein; and
6. **WHEREAS**, by Ordinance 21-\_\_\_\_\_the City granted approval of an Encroachment License Agreement to allow existing improvements in the right-of-way along the eastern property line of Lot 2 of the C. Cobb Subdivision to remain in place subject to the terms and conditions set forth therein; and
7. **WHEREAS**, the City Council of the City of Naperville has determined that the Preliminary/Final Plat of Subdivision for the C. Cobb Subdivision 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:** The Preliminary/Final Plat of Subdivision for the C. Cobb Subdivision attached to this Ordinance as **Exhibit B** is hereby approved.

**SECTION 3:** The Owner's Acknowledgement and Acceptance Agreement attached to this Ordinance as **Exhibit C** is hereby approved.

**SECTION 4:** The Preliminary/Final Plat of Subdivision for the C. Cobb Subdivision shall not be recorded until the “Required Work Outside of Lot 2” described in Section 3.2 of the Owner’s Acknowledgement and Acceptance Agreement has been completed.

**SECTION 5:** If this Ordinance along with the Preliminary/Final Plat of Subdivision and Owner’s Acknowledgement and Acceptance Agreement are not recorded with DuPage County Recorder within one (1) year of passage of this Ordinance by the Naperville City Council, they shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend said timeframe. The Owner and Developer shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur as set forth above.

**SECTION 6:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 7:** 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 8:** Upon notice from the City Zoning Administrator that the conditions referenced in Section 4 above have been fulfilled, the City Clerk is authorized and directed to record this Ordinance Approving a Preliminary/Final Plat of Subdivision and Owner’s Acceptance and Acknowledgement Agreement with the DuPage County Recorder. Subject to their approval by the City Council, the City Clerk is also authorized and directed to record the Ordinance Approving an Encroachment License Agreement and the Ordinance Granting

a Temporary Use for the Subject Property with the DuPage County Recorder subsequent to recordation of this Ordinance.

**SECTION 9:** 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