

PINs:
07-12-226-002
07-12-209-022

ADDRESS:
27W280 BAUER ROAD
NAPERVILLE, IL 60563

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #23-1-006

ORDINANCE NO. 23 - _____

**ORDINANCE ANNEXING CERTAIN PROPERTY COMMONLY KNOWN AS
27W280 BAUER ROAD (MILL AND BAUER TOWHOMES)**

RECITALS

1. **WHEREAS**, Mill and Bauer, LLC (“**Owner** and **Petitioner**”) is the owner of real property located on the east side of Mill Street, north of Bauer Road, commonly known as 27W280 Bauer Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”) and has petitioned the City of Naperville (“**City**”) for annexation of the Subject Property; and
2. **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

3. **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
4. **WHEREAS**, Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving an annexation agreement, rezoning of the Subject Property to the TU zoning district, a preliminary/final subdivision plat, and a variance to the area requirements per the TU zoning regulations (hereinafter cumulatively referenced herein as the “**Mill and Bauer Townhome Ordinances**”); and
5. **WHEREAS**, annexation of the Subject Property is contingent upon approval and recordation of an annexation agreement pertaining to the Subject Property; and
6. **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 of an annexation agreement pertaining to the Subject Property, 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 Mill and Bauer Townhomes, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: Subsequent to recordation of an annexation agreement as referenced herein, the City Clerk is authorized and directed to record this Ordinance, together with an accurate map of the territory annexed as depicted on the Plat of Annexation for Mill and Bauer Townhomes, attached to this Ordinance as **Exhibit B**, with the DuPage County Recorder and the DuPage County Clerk.

SECTION 5: The City Clerk is authorized and directed to record the Mill and Bauer Townhome Ordinances, together with their exhibits, with the DuPage County Recorder, or to allow recordation as may otherwise be approved by the City Attorney. The Mill and Bauer Townhome Ordinances shall be recorded with the DuPage County Recorder in the following order: (i) An Ordinance Annexing Certain Property Located at 27W280 Bauer Road; (ii) An Ordinance Authorizing the Execution of an Annexation Agreement for the Property Located at 27W280 Bauer Road; (iii) An Ordinance Rezoning the Property Located at 27W280 Bauer Road to TU; and (iv) An Ordinance Approving a variance to Section 6-71-5:2 ((Transitional Use District: Area Requirements) to allow for the construction of ten (10) single family attached dwelling units.

SECTION 6: If this Ordinance and the Annexation it approves are not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and their passage by the Naperville City Council, this Ordinance and the Annexation shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner 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 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

SECTION 8: This Ordinance shall be in full force and effect after an annexation agreement for the Subject Property is executed and recorded.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
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. 23 - _____, duly enacted by the City Council of the City of Naperville at a regular meeting thereof on the _____ day of _____, 2023, 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 Naperville Fire Protection District Trustees, the Naperville Library District Board of Trustees, the Naperville Township Highway Commissioner, the Naperville Township Board of Trustees, the Naperville Township Supervisor, the Naperville Township Assessor and the Naperville Township Clerk, and IDOT 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 _____, 2023.

City Clerk

The above and foregoing certificate was subscribed and sworn to before me this ____ day of _____, 2023.

Notary Public