

PINS:
08-08-202-028
08-08-202-052

ADDRESS:
5S241 AND 5S255 TUTHILL 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 #18-1-101

ORDINANCE NO. 19 - _____

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT
5S241 AND 5S255 TUTHILL ROAD (AKA KLA SCHOOLS) TO
OCI (OFFICE, COMMERCIAL, AND INSTITUTIONAL DISTRICT)**

WHEREAS, SAR Estate, Inc., 3644 White Eagle Drive, Naperville, Illinois, 60564 (“Petitioner”) has petitioned the City of Naperville for rezoning of the approximately 1.2 acres of real property located at 5S241 and 5S255 Tuthill Road, legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”) to OCI (Office, Commercial, and Institutional) upon annexation; and

WHEREAS, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and

WHEREAS, on December 19, 2018, the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of the Petitioner’s request; and

WHEREAS, the City Council of the City of Naperville has determined that the Petitioner’s request should be granted as provided herein; and

WHEREAS, Petitioner has requested that the City approve this ordinance (“Ordinance”) along with ordinances authorizing the execution of an annexation agreement for the Subject Property, annexing the Subject Property, approving a preliminary/final plat of subdivision and a platted setback deviation, and approving a variance to Section 6-9-2:4 (Off Street Parking Facilities) of the Naperville Municipal Code (hereinafter cumulatively referenced herein as the “KLA Schools Ordinances”); and

WHEREAS, Petitioner has requested that the City delay recordation of the KLA Schools Ordinances with the DuPage County Recorder for a period of time not to exceed twelve (12) months after their passage in order to allow the Petitioner to finalize the purchase and sale agreement for the Subject Property and to acquire ownership of the Subject Property; and

WHEREAS, subject to approval of the KLA Schools 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 KLA Schools Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the KLA Schools 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.

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: If recordation of the KLA Schools Ordinances does not occur within twelve (12) months after passage of the KLA Schools Ordinances as provided herein, then said Ordinances shall be deemed to be automatically void 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 KLA Schools Ordinances are not recorded within the timeframe described herein.

SECTION 3: Subject to approval, execution, and recordation of the KLA Schools Ordinances, the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to OCI (Office, Commercial, and Institutional District) in the City of Naperville.

SECTION 4: The Zoning Map of the City of Naperville shall be amended in accordance with this Ordinance upon its recordation.

SECTION 5: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 6: 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 this Ordinance, together with the exhibits attached hereto, with the DuPage County Recorder.

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: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk