

PIN: 08-08-303-010

**ADDRESS:
5S578 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 #22-1-025

ORDINANCE NO. 22 -

**AN ORDINANCE REZONING THE REAL PROPERTY
LOCATED AT 5S578 TUTHILL ROAD TO
R1 (LOW DENSITY SINGLE-FAMILY RESIDENCE DISTRICT)**

RECITALS

1. **WHEREAS**, Kevin E. Madden and Catherine S. Madden, are the owners (“**Owners**” and “**Petitioners**”) of real property located at 5S578 Tuthill Road, legally described on Exhibit A and depicted on Exhibit B (“**Subject Property**”); and
2. **WHEREAS**, the Subject Property is presently zoned R-3 in unincorporated DuPage County and was previously improved with a single-family residence which has been demolished; and
3. **WHEREAS**, the Petitioner has petitioned the City of Naperville for annexation of the Subject Property into the City of Naperville and zoning the Subject Property to R1 (Low Density Single-Family Residence District) upon annexation in order construct a new single-family residence; and

4. **WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit C** attached hereto; and
5. **WHEREAS**, the Petitioner has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving an annexation agreement and annexation of the Subject Property (hereinafter cumulatively referenced herein as the “**5S578 Tuthill Road Ordinances**”); and
6. **WHEREAS**, on June 1, 2022, the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of Petitioner’s request; and
7. **WHEREAS**, the City Council of the City of Naperville has determined that Petitioner’s request should be granted 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 5S578 Tuthill Road Ordinances, the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to R1 (Low Density Single-Family Residence District) upon annexation in the City of Naperville.

SECTION 3: The Zoning Map of the City of Naperville is hereby amended in accordance with this Ordinance.

SECTION 4: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 5: 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 6: If this Ordinance and the Rezoning 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 passage by the Naperville City Council, this Ordinance and the Rezoning 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 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 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 _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk