

PIN:
07-01-20-200-006-0000

PROPERTY ADDRESS:
25013 & 20535 WEST 111TH STREET
NAPERVILLE, IL 60564

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 # DEV-0010-2025

ORDINANCE NO. 25 -

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT FOR THE PROPERTY LOCATED AT 25013 & 20535 WEST 111TH STREET (EVERLY TRACE SUBDIVISION)

RECITALS

1. **WHEREAS**, JMRV Naperville, LLC, an Illinois limited liability company, with a mailing address of 445 Jackson Avenue, Suite 200, Naperville, Illinois 60540 (“**Owner**” and “**Petitioner**”), owns real property located at 25013 & 20535 West 111th Street, Naperville, Illinois, 60564 and 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.
2. **WHEREAS**, the Petitioner has requested that the City approve this ordinance approving an annexation agreement for the Subject Property (“**Ordinance**”) along with ordinances approving annexation of the Subject Property, rezoning of the Subject Property to OCI (Office, Commercial, and Institutional District), a preliminary

plat of subdivision, and a conditional use for single-family attached dwellings and a variance to the corner side yard setback (“hereinafter cumulatively referenced herein as the **Everly Trace Ordinances**”).

3. **WHEREAS**, since the Subject Property is currently under lease to a tenant who uses the property as a landscape supply business, which is not a permitted use within the City’s OCI zoning district, the Petitioner has requested that the City delay recordation of the Everly Trace Ordinances with the Will County Recorder for a period of time not to exceed August 5, 2026 (the “**Recording Timeframe**”) in order to allow the tenant on the Subject Property to complete the duration of their lease period.
4. **WHEREAS**, subject to approval of the Everly Trace Ordinances, the City has agreed to the Recording Timeframe for their recordation with the Will County Recorder as set forth herein. In the event that all of the Everly Trace Ordinances are not recorded within the Recording Timeframe, the City and Petitioner agree that the Everly Trace Ordinances shall not become effective, shall not be recorded, and shall be deemed to be automatically void and of no force or effect with no further action being taken by the City or Petitioner.
5. **WHEREAS**, the Petitioner is ready, willing, and able to enter into an annexation agreement and to perform the obligations required herein and as set forth in the Naperville Municipal Code (“**Code**”), as amended from time to time.
6. **WHEREAS**, the Petitioner and the City of Naperville have fully complied with the statutory and Code provisions required for the approval and execution of an annexation agreement.

7. **WHEREAS**, the City Council of the City of Naperville has determined that it is in the best interests of the City of Naperville to enter into the Annexation Agreement attached hereto as **Exhibit C** ("**Annexation Agreement**") 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 authority, 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 Mayor is hereby authorized and directed to execute, and the City Clerk is authorized and directed to attest, the Annexation Agreement for the Subject Property attached hereto as **Exhibit C** on behalf of the City. Upon confirmation that all required fees have been paid, and properly executed documents have been submitted, and subject to the provisions of Section 3 below, the City Clerk is then authorized and directed to record the Everly Trace Ordinances, including their Exhibits, with the Will County Recorder in the following order: (1) Annexation; (2) Annexation Agreement; (3) Rezoning; (4) Preliminary Plat of Subdivision; (5) Conditional Use and Variance.

SECTION 3: If recordation of the Everly Trace Ordinances does not occur within the Recording Timeframe provided for herein, then said Ordinances shall not be recorded and shall be deemed to be automatically null and void without any further action being required by the Petitioner or the City. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if this Ordinance, including the Exhibits attached hereto, is not recorded within the Recording Timeframe.

SECTION 4: 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 Will County Recorder.

SECTION 5: This Ordinance shall be in full force and effect upon its recordation with the Will County Recorder.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk