

PIN: 08-19-401-005

ADDRESS:
836 SOUTH JULIAN STREET
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 #21-1-029

ORDINANCE NO. 21 - _____

AN ORDINANCE APPROVING THE PRELIMINARY/FINAL
PLAT OF SUBDIVISION FOR REAL PROPERTY LOCATED AT
836 SOUTH JULIAN STREET

RECITALS

1. **WHEREAS**, Madonna E. Gannon, 836 S. Julian Street, Naperville, IL 60540, is the owner ("**Owner**") of real property located at 836 S. Julian Street, legally described on Exhibit A and depicted on Exhibit B ("**Subject Property**"); and
2. **WHEREAS**, Mathieson House, LLC d/b/a M House, 710 East Ogden Avenue, #250, Naperville, IL 60563, ("**Petitioner**") is the contract purchaser of the Subject Property and has been authorized by the Owner to submit the subject petition; and
3. **WHEREAS**, Petitioner intends to subdivide the Subject Property from one lot into two lots in order to construct two single-family residences; and
4. **WHEREAS**, Petitioner has requested that the City approve this ordinance ("**Ordinance**") along with ordinances approving an annexation agreement, approving

annexation of the Subject Property, and approving rezoning of the Subject Property (hereinafter cumulatively referenced herein as the “**836 S. Julian Street Ordinances**”); and

5. **WHEREAS**, Petitioner has requested that the City delay recordation of the 836 S. Julian Street Ordinances with the DuPage County Recorder for a period of time not to exceed three hundred and sixty-five (365) calendar days after their passage in order to allow Petitioner to finalize the purchase and sale agreement for the Subject Property and to transfer ownership of the Subject Property to Petitioner; and
6. **WHEREAS**, subject to approval of the 836 S. Julian Street 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 836 S. Julian Street Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the 836 S. Julian Street Ordinances, including but not limited to this Ordinance, shall not become effective, shall not be recorded; and shall be deemed to be automatically null and void with no further action being taken by the City or 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 836 S. Julian Street Ordinances, including but not limited to this Ordinance, does not occur within three hundred and sixty-five (365) calendar

days after passage of the 836 S. Julian Street Ordinances as provided herein, then said Ordinances shall be deemed to be automatically null and void and of no force and effect 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 836 S. Julian Street Ordinances are not recorded within the three hundred and sixty-five (365) calendar day timeframe described herein.

SECTION 3: Subject to approval, execution, and recordation of the 836 S. Julian Street Ordinances, the Preliminary/Final Plat of Subdivision for 836 South Julian Street, Naperville, Illinois, attached to this Ordinance as **Exhibit B**, is hereby approved subject to the following conditions:

- a. The Subject Property is currently improved with a single-family residential structure and a detached garage. Upon recordation of the 836 S. Julian Street Ordinances, said existing residential structure will not comply with the setback requirements of the R1A District (Low Density Single Family Residence District), rendering it an illegal non-conforming structure. Owner and Developer shall demolish all existing structures located on the Subject Property, including the illegal non-conforming residential structure and the garage, no later than ninety (90) days after the recordation of the Agreement and the Subdivision Plat (“**Demolition Timeframe**”) unless a different timeframe is agreed to in writing by the City Zoning Administrator. The Owner and Developer shall apply for and obtain a demolition permit from the City of Naperville prior to commencement of any demolition work. Owner and Developer shall provide

written notice to the City Zoning Administrator (which may be submitted by email) within seven (7) days of completion of the demolition.

- b. If demolition is not accomplished within the Demolition Timeframe, or any extension thereof approved in writing by the City Zoning Administrator, the Owner and Developer shall be charged a fine of \$100 for each day exceeding the Demolition Timeframe. Said fine shall be paid in full prior to issuance of any building permit for the Subject Property. In addition, the existing structures on the Subject Property shall not be occupied after the expiration of the Demolition Timeframe, or any extension thereof approved in writing by the Zoning Administrator, until Owner and Developer causes City of Naperville inspections of all structures on the Subject Property to occur, and within sixty (60) days after expiration of the Demolition Timeframe, have said structures brought into conformity with all then applicable City of Naperville Building, Fire, or Life Safety Codes or regulations.

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 the 836 S. Julian Street Ordinances, together with their exhibits, with the DuPage County Recorder, or to allow recordation as may otherwise be approved by the City Attorney.

SECTION 6: 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 7: 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