

PIN: 08-17-303-025

**ADDRESS:
1296 E. CHICAGO AVE.
NAPERVILLE, IL 60540**

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

**RETURN TO:
CITY OF NAPERVILLE
COMMUNITY SERVICES OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

PZC Case #22-1-095

ORDINANCE NO. 23 -

**AN ORDINANCE REVOKING ORDINANCE NO. 76-137
APPLICABLE TO PROPERTY LOCATED AT
1296 E. CHICAGO AVENUE**

1. **WHEREAS**, Old Second National Bank, 333 W. Wacker Drive, Suite 1010, Chicago, IL 60606, is the owner (“**Owner**”) of real property located at 1296 E. Chicago Avenue, Naperville, IL 60540, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and
2. **WHEREAS**, on September 11, 1972, the City Council of the City of Naperville passed Ordinance No. 72-52 “Amending the Zoning Ordinance of the City of Naperville” by rezoning certain properties, including the Subject Property, from R-3 District (Multiple Family Residence) to B-1 District (Retail Business), and including in said Ordinance specified use classifications and restrictions, limitations, regulations, and conditions; and

3. **WHEREAS**, on December 20, 1976, the City Council of the City of Naperville passed Ordinance No. 76-137 “Amending Ordinance No. 72-52 of the City of Naperville” further limiting the uses for which the Subject Property could be used; and
4. **WHEREAS**, Hari Group, Inc., 1208 Samuel Court, Naperville, IL 60540 (“**Petitioner**”), with the authorization of the Owner of the Subject Property, has petitioned the City of Naperville for revocation of Ordinance No. 76-137; and
5. **WHEREAS**, upon revocation of Ordinance 76-137, Ordinance No. 72-52 will remain in effect as to certain properties including the Subject Property; and
6. **WHEREAS**, the City Council of the City of Naperville has determined that it is desirable to revoke Ordinance 76-137 as requested by Petitioner since the limitations set forth therein are no longer necessary or appropriate.

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.

SECTION 2: City of Naperville Ordinance No. 76-137, approving an Ordinance Amending Ordinance No. 72-52 of the City of Naperville, is hereby revoked.

SECTION 3: 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 or resolution. 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 4: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 5: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrli
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk