

STATE OF ILLINOIS     )  
  )  
COUNTY OF DUPAGE     )  
  )  
CITY OF NAPERVILLE    )

**PETITION FOR ANNEXATION AND ZONING**

The undersigned Petitioners, being the owners of record in fee simple, respectfully petition the City of Naperville (a) to cause the real property legally described in **Exhibit A** and depicted on the Plat of Annexation marked **Exhibit B**, both exhibits being attached hereto and made a part hereof, (hereinafter referred to as the “Subject Property”), to be annexed to the City of Naperville, Counties of DuPage and Will, State of Illinois, subject to the Petitioners and the City entering into a mutually agreeable Annexation Agreement, (b) upon annexation, to zone the Subject Property R1 (Low Density Single Family Residence District), Section 6-6L of the Zoning Regulations of the Naperville Municipal Code, and (c) to grant any requisite zoning and/or subdivision deviations and/or variances associated with the requested rezoning and/or redevelopment of the Subject Property.

In support of this Petition, the Petitioners represent to the City of Naperville as follows:

1. That the legal title holders of the Subject Property are Kevin E. Madden and Catherine S. Madden, who reside at 1411 Larsen Lane, Naperville, Illinois 60563.
2. That the Developers of the Subject Property are Kevin E. Madden and Catherine S. Madden.
3. That there are no electors residing on the Subject Property.
4. That the Subject Property is not within the corporate limits of any municipality but is contiguous to the City of Naperville.

5. That the Subject Property consists of 31,314 square feet and is located on the west side of Tuthill Road, south of Plank Road, west of Naper Boulevard in DuPage County.

6. That the Subject Property is presently zoned R-3 (Single Family Residence) in the County of DuPage.

7. That the Subject Property is presently improved with a residence, was previously used as a residence, but is unoccupied.

8. That the existing land uses surrounding the Subject Property are as follows:

- North: single-family residential
- East: single-family residential
- South: single-family residential
- West: garden center.

9. That upon annexation of the Subject Property to the City of Naperville, the Petitioners request that the City amend the City of Naperville Zoning Regulations to reclassify and zone the Subject Property R1 (Low Density Single Family Residence District) pursuant to Section 6-6L of the Zoning Regulations of the Naperville Municipal Code

10. That the requested zoning would allow the use as described in said zoning classification to allow the Subject Property to be developed with one (1) single family residence. The requested zoning classification would allow the Petitioners to utilize the Subject Property in a manner which would be compatible with surrounding uses. Said zoning classification would also enable the Petitioners to use the Subject Property for its highest and best use of the real estate for the benefit of both the Petitioners and the neighboring community.

11. That the requested zoning of the Subject Property would allow the Subject Property to be developed with one (1) single family home which meets the requirements for zoning and is

appropriate based on the following factors:

- a. *The amendment promotes the public health, safety, comfort, convenience and general welfare and complies with the policies and Official Land Use Plan and other official plans of the City.*

The Petitioners propose to develop the Subject Property with one single-family residence. The Subject Property is surrounded by single-family residential subdivisions and a garden center which is zoned residential. The proposed zoning classification promotes the public health, safety, comfort, convenience, and general welfare. The requested zoning complies with the policies and plans of the City.

- b. *The trend of development in the area of the Subject Property is consistent with the requested amendment.*

This portion of the City has developed with low density single-family residential uses. All the properties surrounding the Subject Property are zoned residential. Therefore, the requested zoning classification is consistent with the development in that area.

- c. *The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification.*

The Subject Property is presently zoned for residential use and was used for a single-family detached home for many years. The Petitioners are requesting that the Subject Property be annexed to the City of Naperville and that a new single-family detached residence be constructed on the Subject Property. The requested zoning classification of R1 is appropriate based on the development in the area and the proposed use.

- d. *The Subject Property has been utilized under the existing zoning classification for a substantial period of time.*

The Subject Property was used for a single-family detached home for many years. However, the structure has been vacant for a substantial period of time and it has fallen into disrepair. The area in which the Subject Property is located is single-family detached residential with many new homes being or having been constructed in the area. The proposed R1 zoning classification is compatible with the trend of development in the area.

- e. *The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.*

This area of the City is developed with predominantly residential uses and the essential character is a single-family residential neighborhood. The

proposed use is consistent with the existing land uses. Therefore, the proposed zoning classification will not alter the essential character of the neighborhood nor be a substantial detriment to adjacent property.

WHEREFORE, the Petitioners respectfully request:

1. That the Subject Property legally described in **Exhibit A** and depicted on **Exhibit B** be annexed to the City of Naperville in accordance with the provisions of Section 5/7-1-8 of Chapter 65 of the Municipal Code of the State of Illinois, as amended, subject to the execution and the City's adoption by appropriate ordinances of an Annexation Agreement; said Agreement to be mutually agreed upon by the Petitioners and the City prior to annexation.

2. That upon annexation of the Subject Property legally described in **Exhibit A** and depicted on **Exhibit B**, said property be zoned by amending the City of Naperville Zoning Regulations to reclassify and zone the Subject Property R1 (Low Density Single Family Residence District)

3. That any requisite zoning and/or subdivision deviations and/or variances associated with the requested rezoning and/or redevelopment of the Subject Property be granted.

4. That such other action be taken as is appropriate in the premises.

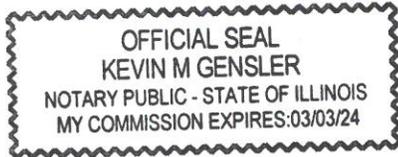
[SIGNATURE PAGE TO FOLLOW]

RESPECTFULLY SUBMITTED this 29 day of March, 2022.

OWNERS:

*Kevin E. Madden*  
KEVIN E. MADDEN

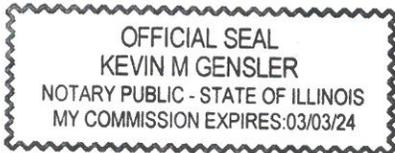
Given under my hand and official seal, this 29 day of March, 2022.



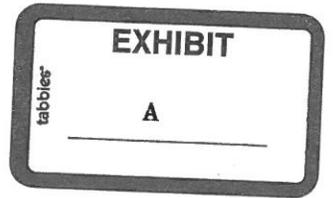
*Kevin M Gensler*  
Notary Public

*Catherine S. Madden*  
CATHERINE S. MADDEN

Given under my hand and official seal, this 29 day of March, 2022.



*Kevin M Gensler*  
Notary Public



**LEGAL DESCRIPTION**

LOT 6 IN FISCHER'S RESUBDIVISION NO. 2 OF PART OF BLOCK 5 IN ARTHUR T. MCINTOSH AND COMPANY'S EDGEWOOD, BEING A SUBDIVISION OF PART OF SECTIONS 8 AND 9, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF FISCHER'S RESUBDIVISION NO. 2, AFORESAID, RECORDED JULY 12, 1950 AS DOCUMENT 597984, IN DUPAGE COUNTY, ILLINOIS.

AND ALSO,

THAT PART OF TUTHILL ROAD HERETOFORE DEDICATED PER DOCUMENT 279197, RECORDED MAY 8, 1929, BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 6; THENCE N87°45'04"E, 79.03 FEET TO THE EASTERLY RIGHT OF WAY OF SAID TUTHILL ROAD; THENCE S02°14'56"E ALONG SAID RIGHT OF WAY LINE, 12.58 FEET; THENCE S87°48'40"W, 79.04 FEET TO THE WESTERLY RIGHT OF WAY OF SAID TUTHILL ROAD AND EAST LINE OF SAID LOT 6; THENCE N02°11'20"W, 12.50 FEET ALONG SAID LINE TO THE POINT OF BEGINNING.

ADDRESS: 5S578 TUTHILL ROAD, NAPERVILLE, ILLINOIS 60563

PIN: 08-08-303-010

