

ADDRESSES:

White Oak Drive Right-of-Way between
Prairie Ave. and Hillside Rd.,
Naperville, IL 60540

930 Prairie Ave., Naperville, IL 60540

901 E. Hillside Rd., Naperville, IL 60540

870 Prairie Ave., Naperville, IL 60540

869 E. Hillside Rd., Naperville, IL 60540

PREPARED BY:

City of Naperville Legal Department

RETURN TO:

City of Naperville
City Clerk's Office
400 South Eagle Street
Naperville, IL 60540

DEV-0086-2025

ORDINANCE NO. 25 -

**AN ORDINANCE VACATING A PORTION OF THE
WHITE OAK DRIVE RIGHT-OF-WAY
BETWEEN PRAIRIE AVENUE AND HILLSIDE ROAD**

RECITALS

1. **WHEREAS**, the City of Naperville ("**City**") owns a sixty-six foot (66') wide by approximately 194.50' long strip of real property (hereinafter the "**Subject Right-of-Way**") located between Prairie Avenue and Hillside Road, directly west of 930 Prairie Avenue and 901 E. Hillside Road and directly east of 870 Prairie Avenue and 869 E. Hillside Road, all in Naperville, Illinois 60540, as described on **Exhibit A** and depicted on **Exhibit B**; and
2. **WHEREAS**, the Subject Right-of-Way was originally platted to provide future roadway connection from Porter Avenue south to Hillside Road as White Oak Drive; and

3. **WHEREAS**, while White Oak Drive was improved from Porter Avenue south to Prairie Avenue, the anticipated extension of White Oak Drive from Prairie Avenue to Hillside Road did not occur; and
4. **WHEREAS**, Michael R. Goworowski and Cynthia L. Goworowski, as co-trustees of the Michael R. Goworowski Trust under agreement dated October 4, 2019, are the owners of the real property located directly east of the Subject Right-of-Way at 930 E. Prairie Avenue, Naperville, Illinois 60540, having a Parcel Identification Number of 08-19-213-001, which property is legally described and depicted on **Exhibit B** (hereinafter known as the “**Goworowski Property**”); and
5. **WHEREAS**, Kenneth W. and Nancy J. Ross are the owners of the real property located directly east of the Subject Right-of-way at 901 E. Hillside Road, Naperville, Illinois 60540, having a Parcel Identification Number of 08-19-213-014, which property is legally described and depicted on **Exhibit B** (hereinafter known as the “**Ross Property**”); and
6. **WHEREAS**, Anthony F. Rizzo and Kimberly L. Rizzo are the owners of the real property located directly west of the Subject Right-of-Way at 870 Prairie Avenue, Naperville, Illinois 60540, having a Parcel Identification Number of 08-19-212-007, which property is legally described and depicted on **Exhibit B** (hereinafter known as the “**Rizzo Property**”); and
7. **WHEREAS**, Michael and Amanda Gilkes are the owners of the real property located directly west of the Subject Right-of-Way at 869 E. Hillside Road, Naperville, Illinois 60540, having a Parcel Identification Number of 08-19-212-014, which property is

legally described and depicted on **Exhibit B** (hereinafter known as the “**Gilkes Property**”); and

8. **WHEREAS**, the owners of the Goworowski Property, the Ross Property, the Rizzo Property, and the Gilkes Property (collectively known hereinafter as the “**Petitioners**”) have requested that the City vacate the Subject Right-of-Way as depicted and legally described on the Plat of Vacation and Plat of Easement attached hereto as **Exhibit B**, and for title thereto to vest in the owners of Petitioners’ respective properties as described herein; and
9. **WHEREAS**, subject to payment of compensation as set forth in Recitals 13 through 16 below, which the City has determined in its discretion to be adequate payment therefor, upon vacation of the Subject Right-of-Way: (i) title to the east portion of the Subject Right-of-Way immediately adjacent to the Goworowski Property as depicted on **Exhibit B** will vest in the owners of the Goworowski Property; (ii) title to the east portion of the of the Subject Right-of-Way immediately adjacent to the Ross Property as depicted on **Exhibit B** will vest in the owners of the Ross Property; (iii) title to the west portion of the Subject Right-of-Way immediately adjacent to the Rizzo Property as depicted on **Exhibit B** will vest in the owners of the Rizzo Property; and (iv) title to the west portion of the Subject Right-of-Way immediately adjacent to the Ross Property as depicted on **Exhibit B** will vest in the owners of the Ross Property.
10. **WHEREAS**, vacation of the Subject Right-of-Way and conveyance of the same to Petitioners as provided herein will return said property to the tax rolls, relieve the City of responsibility for its maintenance, repair, and reconstruction, and relieve the City of liability associated with the Subject Right-of-Way; and

11. **WHEREAS**, utility easements for the Subject Right-of-Way are granted on the Plat of Vacation and Plat of Easement attached hereto as **Exhibit B** and additional easements will also be granted on individual Preliminary/Final Plats of Subdivision approved by separate City ordinances for each of Petitioner's properties along with applicable Owner's Acknowledgement and Acceptance Agreements; and
12. **WHEREAS**, the City has determined that it has no further use or need for the Subject Right-of-Way and that the public interest will be served by its vacation as provided herein; and
13. **WHEREAS**, prior to recordation of the Plat of Vacation and Plat of Easement the owners of the Goworowski Property, who intend to subdivide said Property into two lots after vacation of the Subject Right-of-Way, will pay the City the sum of seventy-five thousand dollars (\$75,000.00) for their portion of the vacated Subject Right-of-Way ; and
14. **WHEREAS**, prior to recordation of the Plat of Vacation and Plat of Easement the owners of the Ross Property will pay the City the sum of ten thousand dollars (\$10,000.00) for vacation of their portion of the vacated Subject Right-of-Way with a balance of sixty-five thousand dollars (\$65,000) plus an annual escalator of one thousand dollars (\$1,000) which shall not begin to accrue until 2031, to be paid to the City in the event of a future subdivision of the Ross Property which creates a new buildable lot, which obligation shall be binding upon current and future owners of the Ross Property; and

15. **WHEREAS**, prior to recordation of the Plat of Vacation and Plat of Easement the owners of the Rizzo Property will pay the City the sum of ten thousand dollars (\$10,000.00) for their portion of the vacated Subject Right-of-Way; and
16. **WHEREAS**, prior to recordation of the Plat of Vacation and Plat of Easement the owners of the Gilkes Property will pay the City the sum of ten thousand dollars (\$10,000.00) for vacation for their portion of the vacated Subject Right-of-Way; and
17. **WHEREAS**, it is the judgment of the Mayor and City Council that the benefits that will accrue to the City as set forth in Recital 10 hereof, and the compensation to be paid by the Petitioners as set forth in Recitals 13 through 16 hereof, constitute fair consideration for the property to be acquired by Petitioners and for the benefits which will accrue to Petitioners by reason of the vacation of the Subject Right-of-Way; and
18. **WHEREAS**, as authorized by 65 ILCS 5/11-91-1, as well as by virtue of its home rule authority under the Constitution and laws of the State of Illinois, the Mayor and City Council find and hereby declare that, subject to the terms and conditions set forth herein, vacation of the Subject Right-of-Way and the vesting of title thereto as provided herein is in the public interest; and
19. **WHEREAS**, in addition to compliance with all notice requirements of the Illinois Open Meetings Act, notice of the proposed vacation of the Subject Right-of-Way was provided pursuant to the provisions of 65 ILCS 5/11-91-1 by publication in a newspaper of general circulation at least fifteen (15) days prior to December 2, 2025 on which date a public hearing was opened and held by the Naperville City Council regarding the proposed vacation of the Subject Right-of-Way; and

20. **WHEREAS**, an ordinance vacating property pursuant to 65 ILCS 5/11-91-1 may only be passed upon a vote of three-fourths of the City Council members then holding office, which three-fourths vote constitutes seven (7) votes; and all steps necessary to lawfully vacate the Subject Right-of-Way as described and referenced herein have been taken; and

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 are attached hereto and shall be deemed incorporated and made part hereof.

SECTION 2: Subject to the terms and conditions set forth and referenced herein, vacation of the Subject Right-of-Way legally described on **Exhibit A** and depicted on the Plat of Vacation and Plat of Easement attached hereto as **Exhibit B** is hereby approved.

SECTION 3: Notwithstanding the provisions of Section 2 above, this Ordinance shall not take effect, and shall not be recorded, until all Petitioners have paid the compensation for their portion of the Subject Right-of-Way as provided herein. Upon recordation of this Ordinance and its Exhibits with the DuPage County Recorder, the Subject Right-of-Way shall be vacated and title to thereto shall vest in the Petitioners in equal portions as depicted on **Exhibit B** and as described below:

- (i) title to the east portion of the Subject Right-of-Way immediately adjacent to the Goworowski Property as depicted on **Exhibit B** will vest in the owners of the Goworowski Property; (ii) title to the east portion of the of the Subject Right-of-Way immediately adjacent to the Ross Property as depicted on

Exhibit B will vest in the owners of the Ross Property; (iii) title to the west portion of the Subject Right-of-Way immediately adjacent to the Rizzo Property as depicted on **Exhibit B** will vest in the owners of the Rizzo Property; and (iv) title to the west portion of the Subject Right-of-Way immediately adjacent to the Ross Property as depicted on **Exhibit B** will vest in the owners of the Ross Property.

SECTION 4: Upon confirmation from the City Attorney that all Petitioners have paid the City the compensation described herein, the City Clerk is authorized and directed to record a certified copy of this Ordinance and the Exhibits attached hereto with the Office of the DuPage County Recorder, including but not limited to the Plat of Vacation and Plat of Easement approved herein.

SECTION 5: Upon vacation thereof, the Subject Right-of-Way shall conform to the provisions of the Naperville Municipal Code, as amended from time to time, including but not limited to the permitted uses and all other regulations of the R1A (Low Density Single-Family Residence) zoning district for the portions of the Subject Right-of-Way becoming part of the Goworowski Property and Ross Property and of the R1B (Medium Density Single-Family Residence) zoning district for the portions of the Subject Right-of-Way becoming part of the Rizzo Property and Gilkes Property.

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. 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 DuPage County Recorder.

SECTION 7: This Ordinance shall be in full force and effect upon its recordation with the Office of the DuPage 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