

PINS: 08-17-303-022, 08-17-303-025

**ADDRESSES:
See Exhibit A**

**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 #23-1-111

ORDINANCE NO. 24 -

**AN ORDINANCE REVOKING ORDINANCE NO. 72-052
APPLICABLE TO THE PROPERTIES LOCATED AT
1244 E. CHICAGO AVENUE & 1296 E. CHICAGO AVENUE**

1. **WHEREAS**, Heinen's, Inc., 4540 Richmond Road, Warrensville Heights, Ohio, 44128 ("**Petitioner**" or "**Owner-Heinen's**"), is the owner of real property legally described on **Exhibit A** and depicted on **Exhibit B** having current common street addresses of 1256, 1260, 1262, 1266, 1268, 1270, 1272, 1274, 1276, 1280, 1284, and 1290 E. Chicago Avenue, Naperville, IL 60540, with a proposed new common street address of 1244 E. Chicago Avenue, Naperville, IL 60540.
2. **WHEREAS**, Raj Patel, 1208 Samuel Court, Naperville, Illinois, 60540, is the owner of real property legally described on **Exhibit A** and depicted on **Exhibit C** having a common street address of 1296 E. Chicago Avenue, Naperville, IL 60540 and hereinafter referred to as "**Owner-McAlister's**".

3. **WHEREAS**, the properties described in Recital 1 and Recital 2 above are herein referenced as the “**Subject Properties**”.
4. **WHEREAS**, on September 11, 1972, the City Council of the City of Naperville passed Ordinance No. 72-052 “Amending the Zoning Ordinance of the City of Naperville” by rezoning certain properties, including the Subject Properties, 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.
5. **WHEREAS**, Petitioner (Owner-Heinen’s), with the authorization of Owner-McAlister’s, has petitioned the City of Naperville for revocation of Ordinance No. 72-052.
6. **WHEREAS**, subject to approval of rezoning and conditional use ordinances applicable to the real property owned by Petitioner, the City Council of the City of Naperville concurs that it is appropriate to revoke Ordinance 72-052.

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. 72-52 recorded with the DuPage County Recorder as Document No. R72-72321, “Amending the Zoning Ordinance 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 its recordation with the DuPage County Recorder.

SECTION 4: The City Clerk is authorized and directed to record this Ordinance, including its exhibits, 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 _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk