

PIN:
08-19-400-010

ADDRESS:
831 S. 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 #20-1-026

ORDINANCE NO. 20 - ____

**AN ORDINANCE APPROVING THE PRELIMINARY/FINAL PLAT OF SUBDIVISION
FOR THE SUBJECT PROPERTY LOCATED AT
831 S. JULIAN STREET (M. HOUSE CREEK ESTATES)**

RECITALS

1. **WHEREAS**, Mathieson House, LLC d/b/a M. House ("**Petitioner**") has petitioned the City of Naperville ("**City**") for approval of a preliminary/final plat of subdivision of real property located at 831 S. Julian Street, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Kyle and Joni Javes are the owners ("**Owners**") of the Subject Property;
and
3. **WHEREAS**, the 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, approving rezoning of the Subject Property, and approving a height variance (hereinafter cumulatively referenced herein as the “**831 S. Julian Street Ordinances**”); and
5. **WHEREAS**, Petitioner has requested that the City delay recordation of the 831 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 the Petitioner to finalize the purchase and sale agreement for the Subject Property and to transfer ownership of the Subject Property to the Petitioner; and
6. **WHEREAS**, subject to approval of the 831 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 831 S. Julian Street Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the 831 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 the 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 831 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 831 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 the Petitioner. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the 831 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 831 S. Julian Street Ordinances, the Preliminary/Final Plat of Subdivision for M. House Creek Estates, attached to this Ordinance as **Exhibit B**, is hereby approved.

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 this Ordinance, together with the exhibits attached hereto, with the DuPage County Recorder.

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 _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk