

PIN:
07-01-20-200-006-0000

PROPERTY ADDRESS:
25013 & 20535 WEST 111TH STREET
NAPERVILLE, IL 60564

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

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case # DEV-0010-2025

ORDINANCE NO. 25 - ____

ORDINANCE ANNEXING CERTAIN PROPERTY LOCATED AT
25013 & 20535 WEST 111TH STREET
(EVERLY TRACE SUBDIVISION)

RECITALS

1. **WHEREAS**, JMRV Naperville, LLC, an Illinois limited liability company, with a mailing address of 445 Jackson Avenue, Suite 200, Naperville, Illinois 60540 (“**Owner**” and “**Petitioner**”), owns real property located at 25013 & 20535 West 111th Street, Naperville, Illinois, 60564 and legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”), and has petitioned the City of Naperville (“**City**”) for annexation of the Subject Property.
2. **WHEREAS**, the Subject Property is not within the corporate limits of any municipality but is contiguous to the City of Naperville and eligible for annexation.

3. **WHEREAS**, all notices provided for by the Naperville Municipal Code, and all legal requirements for annexation pursuant to the provisions of 65 Illinois Compiled Statutes 5/7-1-1 *et seq.*, have been fully complied with.
4. **WHEREAS**, the Petitioner has requested that the City approve this ordinance approving annexation for the Subject Property ("**Ordinance**") along with ordinances approving an annexation agreement for the Subject Property, rezoning of the Subject Property to OCI (Office, Commercial, and Institutional District), a preliminary plat of subdivision, and a conditional use for single-family attached dwellings and a variance to the corner side yard setback (hereinafter cumulatively referenced herein as the "**Everly Trace Ordinances**").
5. **WHEREAS**, since the Subject Property is currently under lease to a tenant who uses the property as a landscape supply business which is not a permitted use within the City's OCI zoning district, the Petitioner has requested that the City delay recordation of the Everly Trace Ordinances with the Will County Recorder for a period of time not to exceed August 5, 2026 (the "**Recording Timeframe**") in order to allow the tenant on the Subject Property to complete the duration of their lease period.
6. **WHEREAS**, subject to approval of the Everly Trace Ordinances, the City has agreed to the Recording Timeframe for their recordation with the Will County Recorder as set forth herein. In the event that all of the Everly Trace Ordinances are not recorded within the Recording Timeframe, the City and Petitioner agree that the Everly Trace Ordinances shall not become effective, shall not be recorded, and shall be deemed automatically void and of no force or effect with no further action being taken by the City or Petitioner.

7. **WHEREAS**, the Petitioner and the City have fully complied with the statutory and Naperville Municipal Code requirements required for approval of the requested annexation.
8. **WHEREAS**, the City Council of the City of Naperville has determined that it is in the best interests of the City of Naperville to annex the Subject Property to the City of Naperville as provided herein.
9. **WHEREAS**, the City Council of the City of Naperville has determined that annexation of the Subject Property should be approved as provided herein.

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 Everly Trace Ordinances, including but not limited to this Ordinance, does not occur within the Recording Timeframe provided for herein, then said Ordinances shall be deemed to be automatically null and void and of no force or effect without any further action being required by the Petitioner or the City. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Everly Trace Ordinances are not recorded within the Recording Timeframe.

SECTION 3: Subject to approval, execution, and recordation of the Everly Trace Ordinances, the Subject Property described on **Exhibit A** and depicted on **Exhibit B** is hereby annexed by the City of Naperville.

SECTION 4: The Plat of Annexation for the Subject Property, attached to this Ordinance as **Exhibit B**, is hereby approved.

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 a certified copy of this Ordinance, together with an accurate map of the territory annexed as depicted on the Plat of Annexation for the Subject Property, attached to this Ordinance as **Exhibit B**, with the Will County Recorder and the Will County Clerk.

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 Will County Recorder.

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

STATE OF ILLINOIS)
) SS
DUPAGE COUNTY)

The undersigned hereby certifies that she is the City Clerk of the City of Naperville, and that, as such, she is the custodian of the records of the municipality and keeper of the journal of proceedings of the City Council; and she further certifies that the foregoing is a true and correct copy of Ordinance No. 25 - _____, duly enacted by the City Council of the City of Naperville at a regular meeting thereof on the _____ day of _____, 2025, and passed on roll call vote as shown on the foregoing; that she further certifies that due notice, as provided by law, of the consideration of ordinance was given to the Naperville Fire Protection District Trustees, the Plainfield Fire Protection District, the Plainfield Public Library District, the Wheatland Township Highway Commissioner, the Wheatland Township Board of Trustees, the Wheatland Township Tax Assessor, the Wheatland Township Tax Collector, and the Illinois Department of Transportation (IDOT) on _____, and she further certifies that there is no other public library district to which any notice is required to be given under the provisions of Section 5/7-1-8 of Chapter 65 of the Illinois Compiled Statutes.

DATED this _____ day of _____, 2025.

City Clerk

The above and foregoing certificate
was subscribed and sworn to before
me this ____ day of _____, 2025.

Notary Public