

PIN: 08-28-200-022

ADDRESS:
8S201 COLLEGE ROAD
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 #21-1-101

ORDINANCE NO. 22 -

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH CROSS-ACCESS EASEMENT REQUIREMENTS FOR THE PROPERTY LOCATED AT 8S201 COLLEGE ROAD (TIMEC RESUBDIVISION)

RECITALS

1. **WHEREAS**, Christopher B. Burke and Susan Burke, 8S201 College Road, Naperville, IL 60540, are the owners and developers (hereinafter "**Owners**") of real property located at 8S201 College Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Edmund Burke, 8S201 College Road, Naperville, IL 60540, ("**Petitioner**") has petitioned the City of Naperville ("**City**") for annexation, approval of an annexation agreement, rezoning, a preliminary/final plat of subdivision, and a subdivision deviation for the Subject Property and has been authorized by the Owners to submit the subject petition; and

3. **WHEREAS**, the Owners are ready, willing, and able to enter into an annexation agreement and to perform the obligations required herein and as set forth in the Naperville Municipal Code (“**Code**”), as amended from time to time; and
4. **WHEREAS**, the Petitioner and the City of Naperville have fully complied with the statutory and Code provisions required for the approval and execution of an annexation agreement; and
5. **WHEREAS**, the Owners and Petitioner have also sought annexation, rezoning, a preliminary/final plat of subdivision, and subdivision deviation for the Subject Property which are the subject of separate ordinances and together with this ordinance are collectively referenced as the “**8S201 College Road Ordinances**”; and
6. **WHEREAS**, the City Council of the City of Naperville has determined that it is in the best interests of the City of Naperville to enter into the Annexation Agreement attached hereto as **Exhibit C**.

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. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: The Mayor is authorized and directed to execute, and the City Clerk is authorized and directed to attest, the Annexation Agreement for 8S201 College Road attached hereto as **Exhibit C**. Said Annexation Agreement contains Cross-Access Easement benefits and obligations.

SECTION 3: The City Clerk is authorized and directed to record 8S201 College Road Street Ordinances, and their exhibits, with the DuPage County Recorder upon completed execution thereof in the following order: (1) Annexation Ordinance; (2) Annexation Agreement Ordinance; (3) Rezoning Ordinance; (4) Subdivision Deviation and Preliminary/Final Plat Ordinance.

SECTION 4: If recordation of the 8S201 College Road Ordinances, including but not limited to this Ordinance and the Annexation Agreement it approves are not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval by the Naperville City Council, this Ordinance and the Annexation Agreement shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Owners and Developers shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

SECTION 5: 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 6: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk