

**PIN:
07-13-412-004**

**ADDRESS:
24 N. WASHINGTON 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**

ORDINANCE NO. 20 -

**AN ORDINANCE ABROGATING THE DECLARATION OF RESTRICTIONS
PERTAINING TO REAL PROPERTY LOCATED AT
24 N. WASHINGTON STREET, NAPERVILLE IL**

RECITALS

1. **WHEREAS**, U.S. Bank National Association, a national banking association is the owner ("**Owner**") of real property located in the City of Naperville ("**Property**") described as follows:

LOTS 1, 2, 3, and 4 IN BLOCK 2 OF HOSMER'S ADDITION TO THE TOWN OF NAPERVILLE, A SUBDIVISION OF PART OF THE SOUTHEAST 1/4 OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE SOUTHWEST 1/4 OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED ON JANUARY 26, 1843 AS DOCUMENT 414, IN DUPAGE COUNTY, ILLINOIS.

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2. **WHEREAS**, certain covenants and restrictions were recorded against the Property pursuant to a Declaration of Restrictions dated May 9, 1963 and recorded with the DuPage County Recorder on May 27, 1963 as Document Number R63-16635 (“**Declaration of Restrictions**”), which Declaration of Restrictions is attached hereto as **Exhibit A**; and
3. **WHEREAS**, the Declaration of Restrictions established protective covenants restricting use of the Property to the following: (i) B1 uses as set forth in the City of Naperville Zoning Ordinance adopted November 4, 1940; (ii) a ten foot building setback line along Washington Street and Franklin Avenue; and (iii) a lot coverage maximum (35% for building purposes and the remaining 65% for off-street parking); and
4. **WHEREAS**, according to the terms of the Declaration of Restrictions, the City of Naperville (“**City**”) is the sole legal entity that may enforce the terms of Declaration of Restrictions or abrogate the Declaration of Restrictions; and
5. **WHEREAS**, the Owner has requested that the Declaration of Restrictions be abrogated by the City; and
6. **WHEREAS**, the City Council has determined that the Owner’s request should be granted since the additional regulations applicable to the Property as set forth in the Declaration of Restrictions are no longer necessary or appropriate since the character of the neighborhood in which the Property is located has changed in the 57 years since they were imposed; and

7. **WHEREAS**, the City of Naperville is a home rule unit of local government under the laws and Constitution of the State of Illinois and is exercising said authority herein; and
8. **WHEREAS**, the City Council of the City of Naperville has determined that it is appropriate to release all rights it has with respect to the Declaration of Restrictions.

NOW, THEREFORE, BE IT RESOLVED 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.

SECTION 2: The City hereby releases in full any right or interest it has with respect to the continued existence or enforcement of the Declaration of Restrictions dated May 9, 1963 and recorded with the DuPage County Recorder on May 27, 1963 as Document Number R63-16635, and to the full extent of the City's authority said Declaration of Restrictions is hereby released and abrogated in its entirety.

SECTION 3: Nothing herein shall affect the ongoing requirement that the Property comply with all applicable provisions of the Naperville Municipal Code, as amended from time to time, including but not limited to the provisions of Title 6 thereof ("Zoning Regulations") and Title 7 ("Subdivision Regulations") except where variances or deviations therefrom are approved by the City.

SECTION 4: 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 5: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

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

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk