

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 APPROVING THE PRELIMINARY/FINAL  
PLAT OF SUBDIVISION AND SUBDIVISION DEVIATION FOR REAL 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 been authorized by the Owners to submit the subject petition; and
3. **WHEREAS**, Petitioner intends to subdivide the Subject Property from one lot into two lots in order to construct one single-family residence on the new lot; and
4. **WHEREAS**, the Owners and Petitioner have also sought annexation, an annexation agreement, and rezoning 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

5. **WHEREAS**, per Municipal Code Section 7-4-4:2.2 (Residential Lot Width) lots shall be at a minimum 40ft wide at the right-of-way; and
6. **WHEREAS**, pursuant to Section 7-1-8:2.3 (Standards For Subdivision Deviations) of the Naperville Municipal Code, the Petitioner requests approval of a subdivision deviation from Municipal Code Section 7-4-4:2.2 (Residential Lot Width) to allow the subdivision resulting in two lots that are less than 40’ wide at the right-of-way; and
7. **WHEREAS**, the Petitioner intends to record a cross access easement along the driveway to provide right-of-way access to Lot 1, as shown in **Exhibit B**;
8. **WHEREAS**, the requested deviation meets the Standards for Granting a Subdivision Deviation as provided in **Exhibit C** attached hereto; and
9. **WHEREAS**, on December 15, 2021, the Planning and Zoning Commission considered the requested deviation and recommended approval of the Petitioner’s request; and
10. **WHEREAS**, the City Council of the City of Naperville has determined that the Final Plat of Subdivision and deviation for 8S201 College Road, Timec Resubdivision, 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:** Subject to approval, execution, and recordation of the 8S201 College Road Ordinances, the Preliminary/Final Plat of Subdivision and deviation for 8S201 College Road, Naperville, Illinois, attached to this Ordinance as **Exhibit B**, is hereby approved subject to the following conditions:

- a. The Subject Property is currently improved with a driveway leading to the residence. A cross access easement shall be granted over the driveway with the preliminary/final plat of subdivision and include a perpetual easement for vehicular and pedestrian access.
- b. The provisions of the cross access easement identified on the preliminary/final plat of subdivision shall not be modified or terminated without the prior written approval of the City Council of the City of Naperville.

**SECTION 3:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 4:** The deviation approved by this Ordinance shall expire within two (2) years from the effective date of this Ordinance if a building permit has not been obtained and the construction or alteration of the structure as specified in this Ordinance has not been started within that two (2) year period.

**SECTION 5:** This deviation shall be subject to revocation for failure to comply with all other applicable provisions set forth in the Naperville Municipal Code, as amended from time to time, and all other applicable laws.

**SECTION 6:** 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 the 8S201 College Road Ordinances in the following order: (1) Annexation Ordinance; (2) Annexation Agreement Ordinance; (3) Rezoning Ordinance; (4) Subdivision Deviation and Preliminary/Final Plat Ordinance, together with their exhibits, with the DuPage County Recorder, or to allow recordation as may otherwise be approved by the City Attorney.

**SECTION 7:** If recordation of the 8S201 College Road Ordinances, including but not limited to this Ordinance, does not occur within one (1) year of their approval by the Naperville City Council, 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 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 8:** 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 9:** 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