

PIN:
01-15-200-012-0010

ADDRESS:
NEAR THE SOUTHWEST CORNER OF
BOOK ROAD AND 103RD STREET

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 #17-1-129

ORDINANCE NO. 18 - ____

**ORDINANCE ANNEXING CERTAIN PROPERTY LOCATED NEAR
THE SOUTHWEST CORNER OF 103RD STREET AND BOOK ROAD
(AKA CLOW CREEK FARM ADDITION)**

WHEREAS, Nick Stanitz ("Petitioner") has petitioned the City of Naperville ("City") for annexation of the real property located near the southwest corner of 103rd Street and Book Road, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, the owner of the Subject Property is Julianne E. Clow-Baltz, Declaration of Trust; and

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; and

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; and

WHEREAS, the City Council of the City of Naperville has determined that annexation of the Subject Property should be approved as provided herein; and

WHEREAS, Petitioner has requested that the City approve this ordinance (“Ordinance”) along with ordinances authorizing the execution of an annexation agreement including the Subject Property, approving rezoning of the Subject Property, revoking a portion of the Clow Creek Farm Planned Unit Development (PUD) as it relates to the Clow Creek Farm Addition, approving a preliminary plat of subdivision, and approving a conditional use to allow for the establishment of a PUD within the R1A zoning district with deviations to Section 6-6A-5 (Area Requirements) and Section 6-6A-7 (Yard Requirements) of the Naperville Municipal Code (hereinafter cumulatively referenced herein as the “Clow Creek Farm Addition Ordinances”); and

WHEREAS, Petitioner has requested that the City delay recordation of the Clow Creek Farm Addition Ordinances with the Will County Recorder for a period of time not to exceed twelve (12) months after their passage in order to allow the Petitioner to finalize the purchase and sale agreement for the Subject Property and acquire ownership of the Subject Property; and

WHEREAS, subject to approval of the Clow Creek Farm Addition Ordinances, the City has agreed to the proposed timeframe for their recordation with the Will County Recorder as set forth herein. In the event that all of the Clow Creek Farm Addition Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the Clow Creek Farm Addition Ordinances 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; and

WHEREAS, the Petitioner and the City have fully complied with the statutory and Naperville Municipal Code requirements required for approval of the requested annexation.

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 Clow Creek Farm Addition Ordinances does not occur within twelve (12) months after their passage and approval, 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 Clow Creek Farm Addition Ordinances are not recorded within the timeframe described herein.

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

SECTION 4: Subject to approval, execution, and recordation of the Clow Creek Farm Addition Ordinances 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 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 or resolution.

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

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

ATTEST:

Steve Chirico
Mayor

Pam Gallahue, Ph.D.
City Clerk

STATE OF ILLINOIS)
) SS
WILL 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. 18 - _____, duly enacted by the City Council of the City of Naperville at a regular meeting thereof on the _____ day of _____, 2018, 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 Lisle Township Board of Auditors – Trustees and Clerk, and the Lisle Township Highway Commissioner 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 _____, 2018.

City Clerk

The above and foregoing certificate
was subscribed and sworn to before
me this ____ day of _____, 2018.

Notary Public