

PINs:
See "Exhibit A"

ADDRESS:
9S065, 9S080 AND 9S081 ROUTE 59
NAPERVILLE, IL 60564

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 #17-1-093

ORDINANCE NO. 18 -

**AN ORDINANCE ANNEXING CERTAIN PROPERTY
LOCATED AT 9S065, 9S080 AND 9S081 ROUTE 59
(MARTINEZ PROPERTY)**

WHEREAS, Cristina Martinez ("Petitioner") is the owner of real property located on the east side of Route 59, south of 79th Street, commonly known as 9S065, 9S080 and 9S081 Route 59, Naperville, Illinois, and legally described on Exhibit A and depicted on Exhibit B ("Subject Property"); and

WHEREAS, Petitioner has petitioned the City of Naperville ("City") for annexation of the Subject Property in addition to seeking ordinances approving an annexation agreement, rezoning of the Subject Property, and variances for the Subject Property (herein after referred to as the "Martinez Ordinances"); and

WHEREAS, the Subject Property is not within the corporate limits of any municipality, and upon annexation of adjacent property having a common address of 29W771 79th Street, Naperville, Illinois, shall be 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 Subject Property is improved with three residential structures and accessory structures; which shall be demolished prior to the recording of the Martinez Ordinances with the DuPage County Recorder; and

WHEREAS, the Martinez Ordinances shall not be recorded until such time as the ordinance annexing property located at 29W771 79th Street, Naperville, Illinois has been recorded; and

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: Subject to the provisions set forth herein, the Subject Property described on **Exhibit A** and depicted on **Exhibit B** is hereby annexed by the City of Naperville.

SECTION 3: The Plat of Annexation, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: The City Clerk is authorized and directed, as provided herein, to record this Ordinance, together with **Exhibit A**, a legal description of the Subject Property, and **Exhibit B**, an accurate map of the territory annexed, and the remaining Martinez Ordinances, with the DuPage County Recorder, and to provide this Ordinance, together with the exhibits attached hereto, to the DuPage County Clerk.

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 deemed passed upon approval of the City Council and in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
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. 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, the Naperville Library District, the Naperville Township Highway Commissioner, the Naperville Township Supervisor, the Naperville Township Board of Trustees, the Naperville Township Assessor and the Naperville Township Clerk 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