

ADDRESS:

Right-of-Way along Naperville-Wheaton Road [part of]
East of PIN 08-08-12-005
Naperville, IL 60563

PREPARED BY:

City of Naperville
Legal Department
630/420-4170

ORDINANCE NO. 18 - _____

**AN ORDINANCE GRANTING AN EXTENSION TO THE
DEADLINE FOR IMPROVEMENTS SPECIFIED IN ORDINANCE 17-113**

WHEREAS, Ordinance 17-113 (An Ordinance Vacating a Portion of the Right-of-Way on Naperville-Wheaton Road) was approved by the City Council on July 18, 2017; and

WHEREAS, per Ordinance 17-113, Naper-Olds Associates, L.P. was required to undertake certain improvements to its property at 1210 E. Ogden Avenue in consideration of the vacation of said right-of-way; and

WHEREAS, Ordinance 17-113 specified that if said improvements were not completed and approved by July 19, 2018, Ordinance 17-113 would be null and void without further action of the City or Petitioner, and would not be recorded; and

WHEREAS, Naper-Olds Associates, L.P. has completed the installation of the required landscaping improvements and building upgrades, but has not completed the required corner entryway feature at the request of the City while potential streetscape designs were being considered for east Ogden Avenue; and

WHEREAS, the City Council approved said streetscape designs on April 16, 2018; however, Naper-Olds Associates, L.P. did not have time to complete their sign designs, permitting, and construction in accordance with the July 19, 2018 deadline; and

WHEREAS, Naper-Olds Associates, L.P. has requested an extension to the deadline to install the required improvements set forth in Ordinance 17-113; and

WHEREAS, the City Council agrees that the requested extension is reasonable subject to the conditions provided herein, and that Ordinance 17-113 shall not become null and void due to delay in completion of the required improvements on or before the original deadline of July 19, 2018 as set forth above.

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 herein as though fully set forth in this Section 1.

SECTION 2: The deadline for Naper-Olds Associates, L.P. to install the required improvements described in Ordinance 17-113 is hereby extended to January 19, 2019. The City Manager shall have the authority to grant additional extensions to this deadline if needed.

SECTION 3: All other provisions of Ordinance 17-113 shall remain in full force and effect.

SECTION 4: The City Clerk is authorized and directed to record a copy of this Ordinance, and Ordinance 17-113 along the exhibits attached thereto, with the DuPage County Recorder upon confirmation from the City's Director of Transportation, Engineering and Development and the City Attorney that the terms and conditions set forth or referenced herein have been fulfilled.

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 or resolution.

SECTION 6: This Ordinance shall be 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