

PINS: 07-24-100-015, 07-23-208-013

ADDRESS:
VACANT PROPERTY EAST OF
1155 AURORA AVENUE
NAPERVILLE, IL 60540

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case: DEV-0022-2025

ORDINANCE NO. 25 - _____

**AN ORDINANCE APPROVING THE PRELIMINARY/FINAL PLAT OF SUBDIVISION, A
DEVIATION TO SECTION 7-4-2 OF THE NAPERVILLE MUNICIPAL CODE,
AND THE OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE AGREEMENT FOR
CHARLESTON PLACE**

RECITALS

1. **WHEREAS**, Charleston Investments, LLC, an Illinois limited liability company, 933 E. Ogden Ave., Naperville, Illinois 60563 ("**Petitioner**"), has petitioned the City of Naperville for approval of a Preliminary/Final Plat of Subdivision, a deviation to Section 7-4-2 of the Naperville Municipal Code, and an Owner's Acknowledgement and Acceptance Agreement for the property located at 1103 Aurora Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, Ronald A. Hicks, Bishop of the Roman Catholic Diocese of Joliet, Illinois, successor Trustee, of Trust Agreement dated December 31, 1949, 16555

Weber Road, Crest Hill, Illinois 60403 (“**Owner**”) is the owner of the Subject Property.

3. **WHEREAS**, the Petitioner proposes to subdivide the Subject Property into 30 lots and one (1) outlot in order to construct new single-family residential homes (the “**Subdivision**”).
4. **WHEREAS**, the proposed Subdivision includes a u-shaped access road that will become a local street maintained by the City.
5. **WHEREAS**, Section 7-4-2 of the Naperville Municipal Code requires a right of way width of sixty six (66) feet for local streets.
6. **WHEREAS**, the Petitioner has requested a deviation to Section 7-4-2 of the Naperville Municipal Code to permit a right of way width of sixty (60) feet for the proposed street.
7. **WHEREAS**, the requested deviation meets the standards for subdivision deviations as provided on **Exhibit C** (“**Response to Standards**”).
8. **WHEREAS**, an Owner’s Acknowledgement and Acceptance (OAA) Agreement including provisions on park and school donations, utility installations, public road improvements, and financial surety is attached to this Ordinance.
9. **WHEREAS**, the Petitioner has requested that the City approve this ordinance (“**Ordinance**”) approving a Preliminary/Final Plat of Subdivision, a deviation to Section 7-4-2 of the Municipal Code, and an Owner’s Acknowledge and Acceptance Agreement along with an ordinance rezoning the subject property to TU (Transitional Use) (hereinafter cumulatively referenced herein as the (“**Charleston Place Ordinances**”).

10. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner's deviation request, the Preliminary/Final Plat of Subdivision for Charleston Place, and the Owner's Acknowledgement and Acceptance Agreement 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: The Preliminary/Final Plat of Subdivision for Charleston Place, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 3: A deviation to Section 7-4-2 of the Naperville Municipal Code to permit a right-of-way width of 60 feet, as depicted on the Site Plan attached on **Exhibit D**, is hereby approved.

SECTION 4: The Owner's Acknowledgement and Acceptance Agreement, attached to this Ordinance as **Exhibit E**, is hereby approved.

SECTION 5: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 6: The City Clerk is authorized and directed to record this Ordinance, the Preliminary/Final Plat of Subdivision for Charleston Place, and the Owners Acknowledgement and Acceptance, approved by this Ordinance, with the DuPage County Recorder.

SECTION 7: If this Ordinance and Preliminary/Final Plat of Subdivision it approves are not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and passage by the Naperville City Council, this Ordinance and the Preliminary/Final Plat of Subdivision shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner and Owner 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 _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk