

PIN: 07-01-08-412-001

ADDRESS:

**BOUNDED BY 248TH AVENUE ON THE EAST SIDE,
103RD STREET ON THE SOUTH SIDE, NANNYBERRY
STREET ON THE WEST SIDE AND ASHWOOD ROAD
ON THE NORTH SIDE**

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 #22-1-002

ORDINANCE NO. 22 -

**AN ORDINANCE APPROVING THE PRELIMINARY/FINAL
PLAT OF SUBDIVISION FOR ASHWOOD HEIGHTS UNIT 2**

RECITALS

1. **WHEREAS**, the Roman Catholic Diocese of Joliet Trust, 16555 South Weber Road, Crest Hill, IL, 60403, is the owner ("**Owner**") of real property bounded by 248th Avenue on the east side, 103rd Street on the south side, Nannyberry Street on the west side, and Ashwood Road on the north side, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, Silverthorne Development Company, 1827 E. Lincoln Highway, Suite 1, DeKalb, IL 60115, ("**Petitioner**") is the contract purchaser of the Subject Property and has petitioned the City of Naperville ("**City**") for the Third Amendment to the Annexation Agreement for Ashwood Park (A/K/A 248th ASSEMBLAGE CENTER)

and a preliminary/final plat of subdivision for the Subject Property and has been authorized by the Owner to submit the subject petition; and

3. **WHEREAS**, the Subject Property is currently zoned R1A (Low Density Single-Family Residence District) and is currently vacant land; and
4. **WHEREAS**, Petitioner requested approval of the Preliminary/Final Plat of Subdivision for Ashwood Heights Unit 2 in order to subdivide the Subject Property into nine (9) lots to construct nine (9) single-family residences; and
5. **WHEREAS**, the Preliminary/Final Plat of Subdivision for Ashwood Heights complies with the requirements of Title 6 (Zoning Regulations) and Title 7 (Subdivision Regulations); and
6. **WHEREAS**, Petitioner has requested that the City approve this ordinance ("**Ordinance**") along with an ordinance approving a Third Amendment to the Annexation Agreement for Ashwood Park (a/k/a 248th Assemblage Center), (hereinafter cumulatively referenced herein as the "**Ashwood Heights Unit 2 Ordinances**"); and
7. **WHEREAS**, Petitioner has requested that the City delay recordation of Ashwood Heights Unit 2 Ordinances with the Will County Recorder for a period of time not to exceed three hundred and sixty-five (365) calendar days after their passage in order to allow Petitioner to finalize the purchase and sale agreement for the Subject Property and to transfer ownership of the Subject Property to Petitioner; and
8. **WHEREAS**, subject to approval of the Ashwood Heights Unit 2 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 Ashwood Heights Unit 2

Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the Ashwood Heights Unit 2 Ordinances, including but not limited to this Ordinance, shall not become effective, shall not be recorded; and shall be deemed to be automatically null and void with no further action being taken by the City or Petitioner.

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 Ashwood Heights Unit 2 Ordinances, including but not limited to this Ordinance, does not occur within three hundred and sixty-five (365) calendar days after passage of the Ashwood Heights Unit 2 Ordinances as provided herein, 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 or Petitioner. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Ashwood Heights Unit 2 Ordinances are not recorded within the three hundred and sixty-five (365) calendar day timeframe described herein.

SECTION 3: Subject to approval, execution, and recordation of the Ashwood Heights Unit 2 Ordinances, the Preliminary/Final Plat of Subdivision for Ashwood Heights Unit 2 Ordinances, Naperville, Illinois, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

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 the Ashwood Heights Unit 2 Ordinances, together with their exhibits, with the Will County Recorder, or to allow recordation as may otherwise be approved by the City Attorney.

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, resolution, or provision of the Naperville Municipal Code.

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

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.

City Clerk