

PINs: SEE EXHIBIT A

ADDRESS:  
VACANT PROPERTY  
SWC OF DIEHL RD & MILL ST  
NAPERVILLE, IL 60563

PREPARED BY:  
CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
630/420-4170

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

PZC Case #22-1-097

ORDINANCE NO. 23 - \_\_\_\_

AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF SUBDIVISION FOR  
THE ORION PROSPERITA DEVELOPMENT

RECITALS

1. **WHEREAS**, Vrutthi LLC and V Estate LLC, with offices at 3644 White Eagle Drive, Naperville, IL 60564 (together referenced herein as “**Petitioner**”) have petitioned the City of Naperville (“**City**”) for annexation of an approximately 12.35 acre parcel of real property located at the southwest corner of Diehl Road and Mill Street in unincorporated DuPage County, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”) for a development comprised of seventy-six (76) single family attached dwelling units and an approximately 44,000 square foot STEM school together to be known as the Orion Prosperita Development (“**Orion Prosperita Development**”).
2. **WHEREAS**, B.C.T. LLC, 101 Kenmare Drive, Burr Ridge, IL 60527, is the current owner (“**Owner**”) of the Subject Property.

3. **WHEREAS**, with the authorization of the Owner, Petitioner has requested that the City approve the ordinance approving the Preliminary Plat of Subdivision for the Orion Prosperita Development (“**Ordinance**”) in order to subdivide the Subject Property into 19 lots with one (1) lot to be utilized for an approximately 44,000 square foot STEM school, 17 lots to be utilized for 76 single-family attached dwelling units, and one (1) lot to be utilized as an outlot.
4. **WHEREAS**, in addition to the Ordinance approving the Preliminary Plat of Subdivision, and with the Owner’s approval, Petitioner also seeks City approval of ordinances approving an annexation agreement for the Subject Property, annexing the Subject Property, rezoning the Subject Property, a conditional use to permit single-family attached units on a portion of the Subject Property, a variance to the exterior wall construction requirements on a portion of the Subject Property, and variances for signage and landscaping (hereinafter together referenced as the “**Orion Prosperita Ordinances**”).
5. **WHEREAS**, Petitioner has requested that the City delay recordation of the Orion Prosperita Ordinances with the DuPage County Recorder for a period of time not to exceed nine (9) months after their passage (hereinafter the “**Recording Timeframe**”) in order to allow Petitioner to obtain title to the Subject Property.
6. **WHEREAS**, subject to approval of the Orion Prosperita Ordinances, the City has agreed to the proposed timeframe for their recordation with the DuPage County Recorder as set forth herein. If all of the Orion Prosperita Ordinances are not recorded within the Recording Timeframe, the City, Petitioner, and Owner agree that the Orion Prosperita 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 and of no force or effect with no further action being taken by the City, Owner, or the Petitioner.

7. **WHEREAS**, subject to the terms and conditions set forth and referenced herein, the City Council of the City of Naperville has determined that the Preliminary Plat of Subdivision for the Orion Prosperita Development 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:** 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 Orion Prosperita Ordinances, together with their exhibits, with the DuPage County Recorder.

**SECTION 3:** If recordation of the Orion Prosperita Ordinances, including but not limited to this Ordinance, does not occur within the Recording Timeframe, then said Ordinances shall be deemed to be automatically void without any further action being required by the City, Owner, or the Petitioner. Petitioner and Owner have acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Orion Prosperita Ordinances are not recorded within the Recording Timeframe.

**SECTION 4:** Subject to approval, execution, and recordation of the Orion Prosperita Ordinances, the Preliminary Plat of Subdivision for the Orion Prosperita Development, attached to this Ordinance as **Exhibit B**, 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:** 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the DuPage County Recorder.

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Scott A. Wehrli  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph.D.  
City Clerk