

PIN: 07-27-103-008

ADDRESS:
2939 AUDREY 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 #22-1-112

ORDINANCE NO. 23 - _____

**AN ORDINANCE APPROVING THE PRELIMINARY/FINAL PLAT OF SUBDIVISION
AND THE OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE FOR
AUDREY SENIOR LIVING SUBDIVISION**

RECITALS

1. **WHEREAS**, Chicago Title Land Trust Company, as Successor Trustee to North Star Trust Company, as Trustee under a certain trust agreement dated May 26, 2011 and known as Trust Number 11-12331, 10 S. LaSalle St., Suite 2750, Chicago, IL 60603 is the owner ("**Owner**") of real property located at 2939 Audrey Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**" or "**Audrey Senior Living Subdivision**"); and
2. **WHEREAS**, with the authorization of the Owner, Ryan Companies US, Inc., a Minnesota corporation, 700 Oakmont Lane, Suite 100, Westmont, IL 60559 ("**Petitioner**") has petitioned the City of Naperville for approval of a preliminary/final plat of subdivision of the Subject Property ("**Preliminary/Final Plat of Subdivision**") to subdivide one lot into two lots ("**Lot 1**" and "**Lot 2**"); and

3. **WHEREAS**, Petitioner seeks approval for Lot 1 of the Subject Property to be developed as convalescent home with a single structure which will contain 170 dwelling units; and
4. **WHEREAS**, Lot 1 shall be subject to an age restriction covenant ("**Age Restriction Covenant**") as set forth on Exhibit C to the OAA; and
5. **WHEREAS**, Lot 2 of the Subject Property shall remain undeveloped at this time; and
6. **WHEREAS**, the Petitioner has requested that the City approve this ordinance ("**Ordinance**"), along with an ordinance rezoning Lot 1 of the Subject Property from B-2 (Community Shopping Center District) to OCI (Office, Commercial and Institutional District), and an ordinance approving a conditional use for a convalescent home in the OCI zoning district, and associated variances for Lot 1 of the Subject Property; and
7. **WHEREAS**, an Owner's Acknowledgement and Acceptance Agreement ("**OAA**") relative to development of the Audrey Senior Living Subdivision is attached hereto as **Exhibit C**; and
8. **WHEREAS**, the City Council of the City of Naperville has determined that the Preliminary/Final Plat of Subdivision for the Audrey Senior Living Subdivision attached hereto as **Exhibit B**, and the OAA attached hereto as **Exhibit C**, 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 Audrey Senior Living Subdivision attached hereto as **Exhibit B**, and the Owner's Acknowledgement and Acceptance Agreement attached hereto as **Exhibit C**, are hereby approved.

SECTION 3: The Mayor is hereby authorized and direct to execute, and the City Clerk is hereby authorized to attest, the Preliminary/Final Plat of Subdivision attached hereto as **Exhibit B**.

SECTION 4: The City Manager is hereby authorized and direct to execute, and the City Clerk is hereby authorized to attest, the Owner's Acknowledgement and Acceptance Agreement attached hereto as **Exhibit C**.

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: Upon completed execution of the Owner's Acknowledgement and Acceptance Agreement, and upon completed execution of the Preliminary/Final Plat of Subdivision, the City Clerk is authorized and directed to record this Ordinance, the Preliminary/Final Plat of Subdivision for the Audrey Senior Living Subdivision, and the Owner's Acknowledgement and Acceptance agreement, with the DuPage County Recorder.

SECTION 7: 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 office of the Recorder in which the Subject Property is located within.

SECTION 8: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrli
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk