

PIN: 07-16-201-016

ADDRESS:
1911 CONTINENTAL AVENUE
NAPERVILLE, IL 60563

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 #17-1-092

ORDINANCE NO. 17 - ____

**AN ORDINANCE APPROVING THE PRELIMINARY/FINAL PLAT OF SUBDIVISION,
THE OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE (OAA),
AND A DEVIATION TO SECTION 7-3-5:5 (DEDICATION OF PARK LANDS AND
SCHOOL SITES) FOR RAILWAY PLAZA COMMERCIAL RESUBDIVISION OF LOT 1
(METRO WEST)**

WHEREAS, M/I Homes ("Petitioner") has petitioned the City of Naperville for approval of a Preliminary/Final Plat of Subdivision for Railway Plaza Commercial Resubdivision of Lot 1 in order to subdivide the Subject Property into 19 individual lots for each townhome and one outlot in order to construct 19 single-family attached residences at the real property located at the southeast corner of North Aurora Road and Fairway Drive, commonly known as 1911 Continental Drive, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, the Petitioner has requested approval of a deviation to Section 7-3-5:5 (Dedication of Park Lands and School Sites or for Payments or Fees in Lieu of: Procedures for Making Contributions) in order to pay the required school and park donation prior to issuance of a building permit for each unit; and

WHEREAS, the requested deviation meets the Standards for Granting a Subdivision Deviation as provided in **Exhibit C** attached hereto; and

WHEREAS, a non-exclusive public utility and drainage easement was granted to the City pursuant to Ordinance No. 98-117 which approved a Final Plat of Planned Unit Development and Subdivision for the property commonly known as Railway Plaza Commercial (hereinafter "Railway Plaza Commercial Plat"), which plat was recorded with the DuPage County Recorder as R98-164293; and

WHEREAS, a revised non-exclusive public utility and drainage easement is granted to the City on the Preliminary/Final Plat of Subdivision for Railway Plaza Commercial Resubdivision of Lot 1 attached hereto which aligns with the proposed revised use of Lot 1 (hereinafter "Revised Lot 1 Non-Exclusive Public Utility and Drainage Easement"); and

WHEREAS, the Revised Lot 1 Non-Exclusive Public Utility and Drainage Easement applies only to Lot 1 and does not affect the remainder of the public utility and drainage easement granted by virtue of the Railway Plaza Commercial Plat, nor does it affect the exclusive special utility, drainage and sidewalk easement granted on the Railway Plaza Commercial Plat; and

WHEREAS, by approval of this Ordinance the non-exclusive public utility and drainage easement granted pursuant to the Railway Plaza Commercial Plat shall be vacated only as to Lot 1 thereof and replaced by the Revised Lot 1 Non-Exclusive Public Utility and Drainage Easement granted on the attached Preliminary/Final Plat of Subdivision for Railway Plaza Commercial Resubdivision of Lot 1; and

WHEREAS, the City Council of the City of Naperville has determined that the Preliminary/Final Plat of Subdivision for Railway Plaza Commercial Resubdivision of Lot 1 and the request for a deviation in order to pay required school and park donation fees prior to the issuance of a building permit for each unit 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 here. All Exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: The Preliminary/Final Plat of Subdivision for Railway Plaza Commercial Resubdivision Lot 1, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 3: A deviation to Section 7-3-5:5 (Dedication of Park Lands and School Sites or for Payments or Fees in Lieu of: Procedures for Making Contributions) is hereby approved to permit required school and park donations to be paid prior to issuance of a building permit for each unit.

SECTION 4: The Owner's Acknowledgement and Acceptance (OAA) for Metro West, attached to this Ordinance as **Exhibit D**, 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 and its Exhibits 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.

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

PASSED this _____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk