

PINs:

07-01-04-410-066

07-01-04-410-064

07-01-04-410-076

ADDRESS:

VACANT

LOTS 9 AND 21 OF NAPERVILLE CROSSINGS

NAPERVILLE, IL 60564

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 #19-1-068

ORDINANCE NO. 19 - _____

**AN ORDINANCE APPROVING THE PRELIMINARY/FINAL PLAT OF SUBDIVISION
AND OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE (OAA) FOR
NAPERVILLE CROSSINGS COMMUNITY**

WHEREAS, First National Bank of Brookfield ("Owner") is the owner of the real property located north of Anna Marie Lane, west of Showplace Drive, known as Lots 9 and 21 of Naperville Crossings and legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, CalAtlantic Group, Inc. ("Petitioner") is the contract purchaser of the Subject Property; and

WHEREAS, Petitioner has petitioned the City of Naperville ("City") for approval of a Preliminary/Final Plat of Subdivision and an Owner's Acknowledgement and Acceptance (OAA) for Naperville Crossings Community to allow the development of 55 single-family attached residences; and

WHEREAS, Petitioner has requested that the City approve this ordinance (“Ordinance”) along with an ordinance approving a major change to the Naperville Crossings PUD and a Final PUD Plat for the Naperville Crossings Community (hereinafter referenced as the “Naperville Crossings Ordinances”); and

WHEREAS, Petitioner has requested that the City delay recordation of the Naperville Crossing 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 the Petitioner to finalize the purchase and sale agreement for the Subject Property and to transfer ownership of the Subject Property to the Petitioner; and

WHEREAS, subject to approval of the Naperville Crossings 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 Naperville Crossings Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the Naperville Crossings 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 or the Petitioner; and

WHEREAS, the City Council of the City of Naperville has determined that, subject to the terms and conditions set forth or referenced in the Naperville Crossings Ordinances, it is in the best interests of the City of Naperville to approve the Preliminary/Final Plat of Subdivision attached hereto as **Exhibit B** and the Owner’s Acknowledgement and Acceptance (OAA) attached hereto as **Exhibit C**.

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 Naperville Crossings Ordinances, including but not limited to this Ordinance, does not occur within three hundred and sixty-five (365) calendar days after passage of the Naperville Crossings Ordinances as provided herein, then said Ordinances shall be deemed to be automatically void without any further action being required by the City or the Petitioner. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Naperville Crossings 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 Naperville Crossings Ordinances, the Preliminary/Final Plat of Subdivision for Naperville Crossings Community, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: Subject to approval, execution, and recordation of the Naperville Crossings Ordinances, the Owner's Acknowledgment and Acceptance (OAA) for Naperville Crossings Community, attached to this Ordinance as **Exhibit C**, 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: 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 this Ordinance, together with the exhibits attached hereto, with the Will 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 deemed passed upon approval of the City Council and shall be in full force and effect upon its recordation with the Will County Recorder.

PASSED this _____ day of _____, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2019.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk