

PINs:
01-11-429-134 to 01-11-429-143
01-11-429-145 to 01-11-429-152

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 #17-1-038

ORDINANCE NO. 17 - _____

**AN ORDINANCE APPROVING AN AMENDED OWNER'S ACKNOWLEDGEMENT
AND ACCEPTANCE (OAA) FOR TRAMORE SUBDIVISION**

WHEREAS, K. Hovnanian T&C Homes at Illinois ("Petitioner"), has petitioned the City of Naperville for approval of an Amended Owner's Acknowledgment and Acceptance ("Amended OAA") for the approximately 5.4 acre property located west of Plainfield-Naperville Road, north of Saratoga Road, south of Hamlet Road, and legally described on **Exhibit A** and depicted on **Exhibit B**, commonly known as Tramore Subdivision ("Subject Property"); and

WHEREAS, the current owner of the Subject Property is Turning Pointe Autism Foundation; and

WHEREAS, in 2009 and 2010 the City approved certain entitlements with respect to a development petition filed by the Turning Pointe Autism Foundation; and

WHEREAS, prior to the Turning Pointe Autism Foundation owning the Subject Property, the Subject Property was annexed to the City by Ordinance No. 05-177, rezoned by Ordinance No. 05-179, and a Final Plat of Subdivision and an Owner's Acknowledgment

and Acceptance were approved for the Subject Property by Ordinance No. 05-202 for development of a thirty-two (32) unit residential development to be known as the Tramore Subdivision (hereinafter “2005 Tramore Ordinances”); and

WHEREAS, the 2005 Tramore Ordinances shall remain in full force and effect, except that the Owner’s Acknowledgement and Acceptance is amended as provided herein; and

WHEREAS, Petitioner has petitioned the City of Naperville to vacate the prior Turning Pointe Subdivision entitlements and seeks to develop the Subject Property in conformance with the 2005 Tramore Ordinances with the exception of a request for a variance from Naperville Municipal Code Section 5-2C-3 (Exterior Wall Construction) to waive the 50% masonry requirement for the remaining duplexes; and

WHEREAS, the City Council of the City of Naperville has determined that an amended Owner’s Acceptance and Acknowledgement (also referenced herein as “Amended OAA”) for Tramore Subdivision should be approved as provided herein; and

WHEREAS, this Ordinance and a fully executed Amended OAA for Tramore Subdivision shall be recorded with the Will County Recorder upon the Petitioner providing evidence to the satisfaction of the City Attorney that Petitioner is the fee simple owner of the Subject Property and providing a fully executed Amended OAA Agreement; if such evidence is not furnished and this Ordinance and a fully executed Amended OAA are not recorded within twelve (12) months of passage of this Ordinance, this Ordinance shall be null and void without any action being taken by the City.

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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: The Amended Owner’s Acknowledgement and Acceptance (Amended OAA) for Tramore Subdivision, attached to this Ordinance as **Exhibit C**, is hereby approved.

SECTION 3: This Ordinance and the Amended OAA are subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 4: Upon direction of the City Attorney, the City Clerk is authorized and directed to record this Ordinance and its Exhibits with the Will County Recorder as well as a fully executed Amended OAA. If this Ordinance and a fully executed OAA are not recorded within one year from the date of passage of this Ordinance, this Ordinance and the Amended OAA shall automatically be deemed to be null and void without further action of City Council.

SECTION 5: This Ordinance shall be in full force and effect upon its recordation with the Will County Recorder.

PASSED this _____ day of _____, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk