

**PINS:
SEE EXHIBIT A**

**ADDRESS:
VACANT PROPERTY
SWC OF DIEHL RD & MILL ST
NAPERVILLE, IL 6056**

**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 #23-1-119

ORDINANCE NO. 24 - ____

**AN ORDINANCE APPROVING THE FINAL PLAT OF SUBDIVISION
AND THE OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE FOR
THE PROSPERITA & ORION STEM SCHOOL**

RECITALS

1. **WHEREAS**, Vrutthi LLC and V Estate LLC, 3644 White Eagle Drive, Naperville, IL 60564 ("**Petitioner**" and "**Owner**"), is the owner of an approximately 12.35 acres of real property located at the southwest corner of Diehl Road and Mill Street in Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**").
2. **WHEREAS**, the Petitioner has petitioned the City of Naperville for approval of a Final Plat of Subdivision for The Prosperita & Orion Stem School to allow for the development 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**”).

3. **WHEREAS**, on July 18, 2023, the City Council of the City of Naperville approved the following ordinances: Ordinance 23-103, authorizing the execution of an Annexation Agreement for the Subject Property; Ordinance 23-104, annexing the Subject Property; Ordinance 23-105, rezoning the Subject Property to OCI; Ordinance 23-106, approving a preliminary plat of subdivision for The Prosperita & Orion Stem School; Ordinance 23-107, approving a conditional use in the OCI zoning district for single-family attached dwelling units; Ordinance 23-108, approving a variance to Section 5-2C-3 (Exterior Wall Construction) of the Naperville Municipal Code; and, Ordinance 23-109, approving variances from Section 6-16-3:7 (Prohibited Signs) and Section 5-10-3:3.2 (Landscaping and Screening) of the Naperville Municipal Code.
4. **WHEREAS**, the Final Plat of Subdivision for The Prosperita & Orion Stem School is in substantial conformance with the Preliminary Plat of Subdivision for The Prosperita & Orion Stem School approved through Ordinance 23-106.
5. **WHEREAS**, the City Council of the City of Naperville has determined that the Final Plat of Subdivision for The Prosperita & Orion Stem School 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 Final Plat of Subdivision for The Prosperita & Orion Stem School, attached to this Ordinance as **Exhibit B**, is hereby approved subject to the following condition:

- (i) The landscape plan attached to this Ordinance as **Exhibit C** is being attached for reference and will not receive final approval until said plan is in compliance with all Department of Public Utilities-Electric regulations. The landscape plan must be submitted and approved prior to the issuance of the site permit.

SECTION 3: The Owner's Acknowledgement and Acceptance, attached to this Ordinance as **Exhibit D**, is hereby approved.

SECTION 4: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 5: The City Clerk is authorized and directed to record this Ordinance, the Final Plat of Subdivision for The Prosperita & Orion Stem School, and the Owners Acknowledgement and Acceptance, approved by this Ordinance, with the DuPage County Recorder.

SECTION 6: If this Ordinance and Final Plat of Subdivision it approves are not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and passage by the Naperville City Council, this Ordinance and the Final Plat of Subdivision shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner and Owner shall defend, indemnify, and hold the City and its officers, agents

and employees harmless if recordation does not occur within the original, or any extended, timeframe.

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 _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk