

P.I.N.s:

01-15-101-044 (part of)

01-15-101-048-0000

01-15-101-049-0000

PROPERTY ADDRESSES:

4111 Tower Ct., Naperville, IL 60564 [Lot 1]

4243 Tower Ct., Naperville, IL 60564 [Lot 2]

4231 Tower Ct., Naperville, IL 60564 [Lot 3]

4119 Tower Ct., Naperville, IL 60564 [Outlot A]

2808 103rd St., Naperville, IL 60564

2812 103rd St., Naperville, IL 60564

RETURN TO/PREPARED BY:

CITY OF NAPERVILLE

CITY CLERK'S OFFICE/

COMMUNITY SERVICES DEPARTMENT

400 SOUTH EAGLE STREET

NAPERVILLE, IL 60540

ORDINANCE NO. 25 -

AN ORDINANCE APPROVING AN AMENDMENT TO THE SITE DEVELOPMENT AND ESCROW AGREEMENT FOR THE RESUBDIVIDED SOUTH FORTY PROPERTY

RECITALS

1. **WHEREAS**, the City of Naperville, 400 S. Eagle Street, Naperville, IL 60540 ("**City**"), is the owner of approximately 23.432 acres of real property located at the southeast corner of IL Route 59 and 103rd Street which was originally part of a larger parcel of property commonly known as the "**South Forty Property**".
2. **WHEREAS**, on April 15, 2025 the Naperville City Council passed Ordinance No. 25-034 Approving the Final Plat of Naperville-South Forty Lots 4, 5, 6 and 7 Resubdivision (the "**South Forty Final Resubdivision Plat**"). The City Resubdivision Property, upon recordation of the South Forty Final Resubdivision Plat, is legally described on **Exhibit A** and depicted on **Exhibit B**.

3. **WHEREAS**, upon recordation of said South Forty Final Resubdivision Plat, the property subject thereto will be resubdivided into LOT 1, LOT 2, LOT 3, and OUTLOT A (the “**Resubdivision Property**”).
4. **WHEREAS**, on April 15, 2025, the City Council also approved Ordinance 25-035, approving a Site Development and Escrow Agreement for the South Forty Property, setting forth the shared funding obligations of the owners of LOT 1, LOT 2, and LOT 3 for: mass grading of Lots 1, 2, and 3; construction of a shared stormwater pond and related facilities on Outlot A; installation of utilities, including a pump station; and construction of a north-south shared access drive from an access to be constructed from Illinois Route 59 on City Lot 2 along the western perimeter of Outlot A to the Lot 1 property.
5. **WHEREAS**, it has been identified that the shared design and construction costs outlined in Exhibit D of the Site Development and Escrow Agreement does not address all expenses necessary to complete the full scope of work for the stormwater management system.
6. **WHEREAS**, the parties have agreed to updated costs as reflected in Exhibits D1 and D2 attached hereto as **Exhibit C**.
7. **WHEREAS**, the City Council of the City of Naperville has determined that participation in the Amended Site Development and Escrow Agreement with updated Exhibits D1 and D2 attached is in the best interest of the City and should be approved subject to the terms and conditions set forth and referenced 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 Amended Site Development and Escrow Agreement Exhibits D1 and D2 attached hereto as **Exhibit C** are hereby approved.

SECTION 3: The City Manager is hereby authorized to execute, and the City Clerk is hereby authorized to attest, the Amended Site Development and Escrow Agreement attached hereto as **Exhibit C** as directed by the City Attorney.

SECTION 4: Upon direction from the City Attorney, the City Clerk is authorized and directed to record this Ordinance and its exhibits with the Office of the Will County Recorder, or to deposit the same in a closing escrow account to be recorded with the Office of the Will County Recorder at closing on either LOT 1 or LOT 3 of the City Resubdivision Property.

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: 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 Will County Recorder.

SECTION 7: This Ordinance shall take effect and be in full force and effect upon recordation with the Office of the Will County Recorder.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk