

PIN:
08-05-302-023

ADDRESS:
1200 E. DIEHL ROAD
NAPERVILLE, IL 60563

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 # DEV-0030-2025

ORDINANCE NO. 25 - ____

AN ORDINANCE APPROVING THE FINAL PLAT OF SUBDIVISION
AND THE OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE FOR
HINES DIEHL ROAD RESUBDIVISION

[HINES DIEHL ROAD RESUBDIVISION]

RECITALS

1. **WHEREAS**, Adtalem Global Education, Inc., 233 S. Wacker Drive, Suite 800, Chicago, IL 60606 , is the owner ("**Owner**") of approximately 9.59 acres of real property located at 1200 E. Diehl Road, Naperville, Illinois, legally described on Exhibit A and depicted on Exhibit B ("**Subject Property**").
2. **WHEREAS**, the Owner has authorized Hines Acquisitions, LLC, a Delaware Limited Liability Company, 444 W. Lake St., Suite 2400, Chicago, IL 60606, the contract purchaser of the Subject Property ("**Petitioner**"), to seek entitlements to allow construction of a mixed-use development on the Subject Property with 306 multi-family dwelling units, two commercial buildings, and a surface parking lot, in

addition to retention of an existing parking structure (the “**Hines Diehl Road Resubdivision**”).

3. **WHEREAS**, the Petitioner has petitioned the City of Naperville for approval of a Final Plat of Subdivision of Hines Diehl Road Resubdivision to re-subdivide the Subject Property into five lots.
4. **WHEREAS**, on November 5, 2024, the City Council passed the following ordinances: Ordinance 24-119, approving rezoning 1200 E. Diehl from ORI (Office, Research and Light Industry District) to OCI (Office, Commercial, and Institutional); Ordinance 24-120, approving a Preliminary Plat of Subdivision of Hines Diehl Road Resubdivision for 1200 E. Diehl Road; and, Ordinance 24-121, approving a conditional use for a Planned Unit Development (PUD) and a Preliminary PUD Plat of Hines Diehl Road Resubdivision with various zoning deviations and conditional uses for retail, restaurants, residential, and parking as a principal use (together hereinafter referenced as the “**Hines Diehl Road Resubdivision Preliminary Ordinances**”).
5. **WHEREAS**, the Final Plat of Subdivision of Hines Diehl Road Resubdivision is in substantial conformance with the Preliminary Plat of Subdivision of Hines Diehl Road Resubdivision approved through Ordinance 24-120.
6. **WHEREAS**, the City and the Owner have negotiated an Owner’s And Developer’s Acknowledgement and Acceptance Agreement for the Hines Diehl Road Resubdivision attached hereto as **Exhibit C**.
7. **WHEREAS**, subject to development of the Hines Diehl Road Resubdivision in the manner described in the Owner’s and Developer’s Acknowledgement and

Acceptance Agreement, the City Council of the City of Naperville has determined that the Petitioner's requests should be granted as provided herein.

8. **WHEREAS**, subject to development of the Subject Property in the manner described in the Owner's and Developer's Acknowledgement and Acceptance Agreement, the City Council of the City of Naperville has determined that the Final Plat of Subdivision of Hines Diehl Road Resubdivision 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 of Hines Diehl Road Resubdivision, attached to this Ordinance as **Exhibit B**, is hereby approved.

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

SECTION 4: The approvals granted herein are subject to development of the Hines Diehl Road Resubdivision in the manner described in the Owner's and Developer's Acknowledgement and Acceptance Agreement attached hereto as **Exhibit C**.

SECTION 5: Upon acquisition of ownership of the Subject Property, the Petitioner (referenced and synonymous with the defined term "DEVELOPER" in the Owner's and Developer's Acknowledgement and Acceptance Agreement for the Hines Diehl Road Resubdivision) shall have the joint obligations of OWNER and DEVELOPER and thereafter said obligations of OWNER and DEVELOPER shall not be separated.

SECTION 6: If development of the Subject Property does not commence within two (2) years of the date of approval of this Ordinance and the Owner's and Developer's Acknowledgment and Acceptance Agreement attached as **Exhibit C** hereto, the City of Naperville shall have the right, but not the obligation, at its sole discretion, to revoke the Hines Diehl Road Entitlements described and referenced in the Owner's and Developer's Acknowledgment and Acceptance Agreement other than the rezoning of the Subject Property approved by Ordinance 24-119. Notwithstanding the foregoing, if Petitioner acquires title to the Subject Property within two (2) years from the date of approval of this Ordinance, the City shall no longer have said right of revocation (but shall retain the right of revocation specified in Subsection 3.1 of the Owner's and Developer's Acknowledgment and Acceptance Agreement).

SECTION 7: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 8: The City Clerk is authorized and directed to record this Ordinance, the Final Plat of Subdivision of Hines Diehl Road Resubdivision, and the Owners Acknowledgement and Acceptance, approved by this Ordinance, with the DuPage County Recorder.

SECTION 9: 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 10: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk