

PINs:
08-32-105-001
08-32-117-029

ADDRESS:
9S364 NAPER BOULEVARD
NAPERVILLE, IL 60565

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 #17-1-101

ORDINANCE NO. 18 - _____

**AN ORDINANCE APPROVING A DEVIATION TO MUNICIPAL CODE SECTION 7-3-5
AND THE PRELIMINARY/FINAL PLAT OF SUBDIVISION FOR AUBURN MANOR**

WHEREAS, DRH Cambridge Homes, Inc. ("Petitioner") has petitioned the City of Naperville for approval of a preliminary/final plat of subdivision for Auburn Manor, real property located at the southwest corner of Naper Boulevard and Ursuline Avenue, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"), to allow for development of 8 townhome units; and

WHEREAS, the Petitioner has requested approval of a variance to Section 7-3-5:5 (Dedication of Park Lands and School Sites or for Payments or Fees in Lieu of: Procedures for Making Contributions) in order to pay the required school and park donation prior to issuance of a building permit for each unit; and

WHEREAS, the requested deviation meets the Standards for Granting a Subdivision Deviation as provided in **Exhibit C** attached hereto; and

WHEREAS, the City Council of the City of Naperville has determined that the deviation to Section 7-3-5 of the Municipal Code and the Preliminary/Final Plat of Subdivision for Auburn Manor should be approved as provided herein; and

WHEREAS, Petitioner has requested that the City approve this ordinance (“Ordinance”) along with ordinances approving an annexation agreement, approving annexation of the Subject Property, and approving rezoning (hereinafter cumulatively referenced herein as the “Auburn Manor Ordinances”); and

WHEREAS, Petitioner has requested that the City delay recordation of the Auburn Manor Ordinances with the DuPage County Recorder for a period of time not to exceed twelve (12) months 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 Auburn Manor Ordinances the City has agreed to the proposed timeframe for their recordation with the DuPage County Recorder as set forth herein. In the event that all of the Auburn Manor Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the Auburn Manor Ordinances 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

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 Auburn Manor Ordinances does not occur within twelve (12) months after passage of the Auburn Manor 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 Auburn Manor Ordinances are not recorded within the timeframe described herein.

SECTION 3: Subject to approval, execution, and recordation of the Auburn Manor Ordinances, the Preliminary/Final Plat of Subdivision for Auburn Manor, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: Subject to approval, execution, and recordation of the Auburn Manor Ordinances the deviation to Municipal Code Section 7-3-5 (Dedication of Park Lands and School Sites or for Payments or Fees in Lieu Of) to permit required school and park donations to be paid prior to issuance of a building permit for each unit 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 DuPage 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 in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk