

PINs: SEE EXHIBIT A

ADDRESS:
NWC OF 119TH ST & BOOK RD
NAPERVILLE, IL 60585

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
COMMUNITY SERVICES OFFICE/
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #22-1-056

ORDINANCE NO. 23 - _____

**AN ORDINANCE REZONING CERTAIN PROPERTY
LOCATED AT THE NORTHWEST CORNER
OF 119TH STREET AND BOOK ROAD (NAPERVILLE POLO CLUB) TO R2
(SINGLE FAMILY AND LOW DENSITY MULTIPLE-FAMILY RESIDENCE DISTRICT)**

RECITALS

1. **WHEREAS**, Pulte Home Company, LLC, 1900 East Golf Road, Suite 300, Schaumburg, Illinois, 60173 ("**Petitioner**") has petitioned the City of Naperville ("**City**") for annexation of an approximately one-hundred and ten (110) acre parcel of real property located at the northwest corner of 119th Street and Book Road in unincorporated Will County, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**") for a development comprised of 261 single family detached dwelling units and 136 single family attached dwelling units known as the Naperville Polo Club ("**Naperville Polo Club**").
2. **WHEREAS**, the current owners of the Subject Property are listed on **Exhibit C** ("**Owners**").

3. **WHEREAS**, the Subject Property is presently zoned A-1 (Agricultural District) in unincorporated Will County.
4. **WHEREAS**, with the authorization of the Owners, Petitioner has requested the City approve this ordinance (“**Ordinance**”) rezoning the Subject Property to R2 (Single Family and Low Density Multiple-Family Residence District) upon annexation, along with ordinances approving an annexation agreement, annexation, a preliminary plat of subdivision, a preliminary planned unit development (PUD) with associated deviations, a conditional use to permit single-family attached units, a variance to the exterior wall construction requirements, a temporary use for marketing signs, and a temporary use for soccer/recreational fields and associated parking lot located on the Subject Property (hereinafter together referenced as the “**Naperville Polo Club Ordinances**”).
5. **WHEREAS**, on September 21, 2022 the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of the Petitioner’s request.
6. **WHEREAS**, the requested rezoning of the Subject Property meets the Standards for Rezoning as provided in **Exhibit D** attached hereto.
7. **WHEREAS**, the City Council of the City of Naperville has determined that the Petitioner’s rezoning request should be granted as provided herein.
8. **WHEREAS**, Petitioner is under contract to purchase the Subject Property from the Owners in two stages.

9. **WHEREAS**, Petitioner has requested that the City delay recordation of the Naperville Polo Club Ordinances with the Will County Recorder for a period of time not to exceed nine (9) months after their passage (hereinafter the “**Recording Timeframe**”) in order to allow Petitioner to obtain title to a portion of the Subject Property.
10. **WHEREAS**, subject to approval of the Naperville Polo Club Ordinances, the City has agreed to the proposed timeframe for their recordation with the Will County Recorder as set forth herein. If all of the Naperville Polo Club Ordinances are not recorded within the Recording Timeframe, the City, Petitioner, and Owners agree that the Naperville Polo Club Ordinances, including but not limited to this Ordinance, 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, the Owners, or the Petitioner.
11. **WHEREAS**, the City Council of the City of Naperville has determined that, subject to the provisions and conditions set forth and referenced herein, Petitioner’s rezoning request should be granted as provided herein.
12. **WHEREAS**, the Subject Property is the subject of a jurisdictional boundary line agreement between the City of Naperville and the Village of Plainfield which has not yet been full executed or recorded (the “**Boundary Line Agreement**”).

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 Naperville Polo Club Ordinances, including but not limited to this Ordinance, does not occur within the Recording Timeframe, then said Ordinances shall be deemed to be automatically void without any further action being required by the City, the Owners, or the Petitioner. Petitioner and Owners have acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Naperville Polo Club Ordinances are not recorded within the Recording Timeframe.

SECTION 3: Subject to approval, execution, and recordation of the Naperville Polo Club Ordinances, the Subject Property, legally described on **Exhibit A** and depicted on **Exhibit B**, is hereby rezoned to R2 (Single Family and Low Density Multiple-Family Residence District) in the City of Naperville.

SECTION 4: Upon recordation of Naperville Polo Club Ordinances, the Zoning Map of the City of Naperville is hereby amended in accordance with this Ordinance.

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 the Naperville Polo Club Ordinances, together with their exhibits, with the Will County Recorder.

SECTION 7: The approvals contained in this Ordinance are subject to approval, execution, and recordation of a jurisdictional Boundary Line Agreement between the City of Naperville and the Village of Plainfield. If said Boundary Line Agreement has not been approved, executed and recorded prior to recordation of the Naperville Polo Club Ordinances, the Naperville Polo Club Ordinances, including this Ordinance, shall be deemed to be automatically null and void without any further action by the City, Petitioner, or Owners.

SECTION 8: 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 Will County Recorder.

SECTION 9: This Ordinance shall be in full force and effect upon its recordation with the Will County Recorder.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk