

PIN:
07-03-402-027

ADDRESS:
1420 WEST DIEHL ROAD
NAPERVILLE, IL 60563

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 #19-1-138

ORDINANCE NO. 20 - _____

**AN ORDINANCE APPROVING A
PLAT OF VACATION AND PLATTED SETBACK DEVIATION
FOR MCDOWELL POINT**

RECITALS

1. **WHEREAS**, TWG Development, LLC, 333 Pennsylvania Street, Suite 100, Indianapolis, IN 46204 ("**Petitioner**") has petitioned the City of Naperville for approval of a Plat of Vacation and platted setback deviation for real property located at 1420 W. Diehl Road, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"), to allow for the development of an age-restricted, multi-family residential building; and
2. **WHEREAS**, AG Investors III, L.L.C., 1000 Devonshire Avenue, Naperville, Illinois ("**Owner**") is the owner of the Subject Property; and

3. **WHEREAS**, the Subject Property is currently zoned OCI (Office, Commercial and Institutional District) with a conditional use for the McDowell Point Planned Unit Development; and
4. **WHEREAS**, per recorded Document 2008-143214 with DuPage County, there are platted building and parking setback lines applicable to 1420 W. Diehl Road; and
5. **WHEREAS**, the Petitioner has petitioned the City of Naperville for approval of a Plat of Vacation to vacate various easements on the subject property and remove previously platted building and parking setback lines as depicted on **Exhibit C** (“**Plat of Vacation**”); and
6. **WHEREAS**, Section 7-2-5 (Administrative Plat Procedures) of the Naperville Municipal Code allows plats of vacation to be approved administratively; however, because the plat of vacation includes the removal of platted setback lines, it is subject to review and approval by City Council pursuant to Section 7-1-13 (Platted Setbacks and Building Lines) of the Naperville Municipal Code; and
7. **WHEREAS**, the Petitioner has petitioned the City of Naperville for approval of a platted setback deviation to vacate the platted building and parking setback lines established for 1420 W. Diehl in accordance with Doc. 2008-143214, as depicted on **Exhibit C**; and
8. **WHEREAS**, upon removal of the platted building and parking setback lines, development on the Subject Property will be required to adhere to the Subject Property’s underlying zoning district’s requirements; and

9. **WHEREAS**, the City Council finds that subject to the terms and conditions set forth and referenced herein, the requested platted setback deviation meets the Standards for Granting a Subdivision Deviation as provided in **Exhibit D** attached hereto; and
10. **WHEREAS**, the City Council of the City of Naperville has determined that the Plat of Vacation and platted setback deviation to vacate the platted building and parking setback lines established per Doc. 2008-143214, 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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: Subject to the terms and conditions set forth and referenced herein, and effective upon recordation of this Ordinance, the Plat of Vacation, attached to this Ordinance as **Exhibit C**, is hereby approved.

SECTION 3: Subject to the terms and conditions set forth and referenced herein, and effective upon recordation of this Ordinance, a platted setback deviation to vacate the platted building and parking setback lines established per Doc. 2008-143214, as depicted on **Exhibit C**, 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 and its exhibits with the DuPage County Recorder.

SECTION 6: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk