

**PINS:  
08-08-202-028  
08-08-202-052**

**ADDRESS:  
5S241 AND 5S255 TUTHILL 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 #18-1-101**

**ORDINANCE NO. 19 - \_\_\_\_\_**

**AN ORDINANCE APPROVING THE PRELIMINARY/FINAL PLAT OF SUBDIVISION  
AND A PLATTED SETBACK DEVIATION FOR KLA SCHOOLS**

**WHEREAS**, SAR Estate, Inc., 3644 White Eagle Drive, Naperville, Illinois, 60564 (“Petitioner”) has petitioned the City of Naperville for approval of a Preliminary/Final Plat of Subdivision for real property located at 5S241 and 5S255 Tuthill Road, legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”), to allow for development of a daycare facility; and

**WHEREAS**, per recorded Document R1938-390671 with DuPage County, there is a thirty foot building line applicable to 5S241 and 5S255 Tuthill Road; and

**WHEREAS**, in conjunction with the requested approval of a preliminary/final plat of subdivision, the Petitioner has petitioned the City of Naperville for approval of a platted setback deviation to allow a parking lot to be located within the platted building line

setback established for 5S241 and 5S255 Tuthill Road in accordance with Doc. R1938-390671, as depicted on **Exhibit C** (“Site Plan”); and

**WHEREAS**, on December 19, 2018, the Planning and Zoning Commission conducted a public hearing concerning PZC 18-1-101 to consider the Petitioner’s requests for the Subject Property, and recommended approval of the Petitioner’s requests; and

**WHEREAS**, the City Council of the City of Naperville has determined that the Preliminary/Final Plat of Subdivision for SAR Estate Subdivision and platted setback deviation to allow encroachment of the thirty foot building line established per Doc. R1938-390671, should be approved as provided herein; and

**WHEREAS**, Petitioner has requested that the City approve this ordinance (“Ordinance”) along with ordinances authorizing the execution of an annexation agreement of the Subject Property, annexing the Subject Property, rezoning the Subject Property to OCI, and approving a variance to Section 6-9-2:4 (Off Street Parking Facilities) of the Naperville Municipal Code (hereinafter cumulatively referenced herein as the “KLA Schools Ordinances”); and

**WHEREAS**, Petitioner has requested that the City delay recordation of the KLA Schools 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 acquire ownership of the Subject Property; and

**WHEREAS**, subject to approval of the KLA Schools 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 KLA Schools Ordinances are not recorded within the

timeframe described above, the City and Petitioner agree that the KLA Schools Ordinances shall not be recorded and shall be deemed to be automatically null and void with no further action being taken by the City or the Petitioner.

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

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

**SECTION 4:** Subject to approval, execution, and recordation of the KLA Schools Ordinances, a platted setback deviation to allow a parking lot to be located within the thirty foot platted building line setback established per Doc. R1938-390671, as depicted on **Exhibit C**, 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 \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph. D.  
City Clerk