

**PINs:
07-03-103-017
07-03-103-018**

**ADDRESS:
NEC OF WESTINGS AV. & CITYGATE LN.
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 #20-1-011

ORDINANCE NO. 20- ____

**AN ORDINANCE APPROVING AN AMENDED
OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE AGREEMENT
FOR LINCOLN AT CITYGATE CENTRE**

RECITALS

1. **WHEREAS**, CityGate Centre II, LLC ("**Owner**") owns certain property located at the northeast corner of Westings Avenue and CityGate Lane, Naperville, Illinois which property is legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, CityGate Centre Ventures, LLC ("**Petitioner**") petitioned the City of Naperville ("**City**") for approval of a Final Plat of Subdivision for the Resubdivision of Lots 2 & 3 of CityGate Centre Subdivision to combine Lot 2 and a portion of Lot 3 in order to construct an approximately 482,358 square foot, 5-story multi-family

residential apartment building including an approximately 38,000 square foot roof level event center and associated parking on the Subject Property; and

3. **WHEREAS**, on May 5, 2020, the Naperville City Council passed Ordinance 20-043, approving the Final Plat of Subdivision for the Resubdivision of Lots 2 & 3 of CityGate Centre Subdivision and the Owner's Acknowledgement and Acceptance Agreement for Lincoln at CityGate Centre in order to resubdivide the property to allow development of the apartment building and roof level event center; and
4. **WHEREAS**, the Petitioner has requested that the Owner's Acknowledgement and Acceptance Agreement be amended to add Calamos Property Holdings, LLC ("**Calamos**") as a party to the Agreement for the limited purpose of making the requirements of the Agreement pertaining to a future traffic signal at Ferry Road and Corporate Lane applicable to Calamos instead of the Petitioner; and
5. **WHEREAS**, the Amended Owner's Acknowledgement and Acceptance Agreement for Lincoln at CityGate Centre ("**Amended OAA for Lincoln at CityGate Centre**") shall replace the original Owner's Acknowledgement and Acceptance Agreement for Lincoln at CityGate Centre attached to City Ordinance 20-043 in its entirety; and
6. **WHEREAS**, the City Council of the City of Naperville has determined that the Amended OAA for Lincoln at CityGate Centre 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 Amended OAA for Lincoln at CityGate Centre attached to this Ordinance as **Exhibit C** is hereby approved subject to minor revisions as may be approved by the City Attorney.

SECTION 3: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 4: If any section, paragraph, or provision of this Ordinance is 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 5: The City Manager is hereby authorized to execute, and the City Clerk to attest, the Amended OAA for Lincoln at CityGate Centre on behalf of the City.

SECTION 6: The City Clerk is authorized and directed to record this Ordinance and its exhibits, including the fully executed Amended OAA for Lincoln at CityGate Centre, with the DuPage County Recorder.

SECTION 7: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk