

PIN: 08-29-104-014

ADDRESS:
25W462 75TH STREET
NAPERVILLE, IL 60565

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540
630/420-4170

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

PZC Case #23-1-007

ORDINANCE NO. 23 - _____

**AN ORDINANCE AUTHORIZING THE EXECUTION OF
AN ANNEXATION AGREEMENT FOR THE PROPERTY LOCATED AT
25W462 75TH STREET AND COMMONLY KNOWN AS FOREST MEADOWS**

RECITALS

1. **WHEREAS**, Greene Valley 75, LLC, an Illinois limited liability company, 8S330 College Road, Naperville, Illinois, 60540 (referenced herein as "**Owner/Petitioner**") has petitioned the City of Naperville ("**City**") for annexation of an approximately 1.53 acre parcel of real property located at 25W462 75th Street in unincorporated DuPage County, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**") for a development comprised of thirty-eight (38) multi-family dwelling units to be known as Forest Meadows ("**Forest Meadows**").
2. **WHEREAS**, the Owner/Petitioner has requested the City approve this ordinance approving an annexation agreement for the Subject Property ("**Ordinance**") along with ordinances approving annexation of the Subject Property, rezoning of the

Subject Property to OCI (Office, Commercial and Institutional District) following annexation, and a conditional use for multi-family residential and variances to increase permissible building height and residential density for the Subject Property (hereinafter together referenced as the “**Forest Meadows Ordinances**”).

3. **WHEREAS**, the Owner/Petitioner is ready, willing, and able to enter into an annexation agreement and to perform the obligations required herein and as set forth in the Naperville Municipal Code (“**Code**”), as amended from time to time.
4. **WHEREAS**, the Owner/Petitioner and the City of Naperville have fully complied with the statutory and Code provisions required for the approval and execution of an annexation agreement.
5. **WHEREAS**, subject to the terms and conditions set forth and referenced herein, the City Council of the City of Naperville has determined that it is in the best interests of the City of Naperville to enter into the Annexation Agreement attached hereto as **Exhibit C**.

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 authority, 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: Prior to recordation of the Forest Meadows Ordinances, Owner/Petitioner shall submit a properly executed Annexation Agreement to the City. The Mayor is then authorized and directed to execute, and the City Clerk is authorized and directed to attest, the Annexation Agreement for the Subject Property on behalf of the City.

Upon confirmation that all required fees have been paid, and properly executed documents have been submitted, and subject to the provisions of Section 3 below, the City Clerk is then authorized and directed to record the Forest Meadows Ordinances, including their Exhibits, with the DuPage County Recorder in the following order: (1) an Ordinance Approving an Annexation Agreement for the Subject Property; (2) an Ordinance approving Annexation of the Subject Property; (3) an Ordinance approving Rezoning of the Subject Property; and, (4) an Ordinance Approving a Conditional Use for Multi-family Residential and Variances for building height and residential density.

SECTION 3: 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 DuPage County Recorder.

SECTION 4: This Ordinance shall be in full force and effect upon its recordation with the DuPage County Recorder.

SECTION 5: If this Ordinance is not recorded within one (1) year of the City Council approval of this Ordinance, this Ordinance shall be automatically null and void and all rights and obligations hereunder shall then terminate

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrli
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk