

PINS:

07-01-10-300-002-0000

07-01-10-300-028-0000

07-01-10-300-029-0000

ADDRESS:

**NORTHEAST CORNER OF ROUTE 59
AND 103RD STREET, NAPERVILLE, IL**

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 #18-1-087

ORDINANCE NO. 19 - _____

**AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT
THE NORTHEAST CORNER OF ROUTE 59 AND 103RD STREET (WAGNER FARMS)
TO OCI (OFFICE, COMMERCIAL, AND INSTITUTIONAL DISTRICT) AND R2
(SINGLE-FAMILY AND LOW DENSITY MULTIPLE FAMILY RESIDENCE DISTRICT)**

WHEREAS, The Wagner Limited Partnership, 9937 South Route 59, Naperville, Illinois, 60564 is the owner ("Owner") of real property located at the northeast corner of IL Route 59 and 103rd Street, Naperville, Illinois, which is legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

WHEREAS, the Owner has petitioned the City of Naperville ("City") for annexation of the Subject Property to the City of Naperville; and

WHEREAS, Pulte Home Company, LLC, 1900 East Golf Road, Suite 300, Schaumburg, Illinois, 60173 ("Petitioner") is the contract purchaser of the Subject Property; and

WHEREAS, the Petitioner is seeking to rezone approximately eight (8) acres located in the southwest corner of the Subject Property (“Church Property”) to OCI (Office, Commercial and Institutional District) and the remaining one hundred and five (105) acres of the Subject Property (“Residential Property”) to R2 (Single-Family and Low Density Multiple Family Residence District); and

WHEREAS, the Subject Property is presently zoned A-1 (Agricultural) in unincorporated Will County; and

WHEREAS, the requested rezoning of the Subject Property meets the Standards for Rezoning as set forth in **Exhibit C** attached hereto; and

WHEREAS, the Petitioner has requested that the City approve this ordinance (“Ordinance”) along with ordinances annexing the Subject Property, approving an annexation agreement for the Subject Property, approving a variance to Section 6-16-4 of the Naperville Municipal Code (Signs on Residential Property) for the Subject Property, and approving a preliminary plat of subdivision for the Subject Property (hereinafter cumulatively referenced herein as the “Wagner Farms Ordinances”) to allow for the development of a religious institution and single-family homes; and

WHEREAS, on December 5, 2018, the Planning and Zoning Commission conducted a public hearing to consider the rezoning request and recommended approval of the Petitioner’s request; and

WHEREAS, Petitioner and the Owner have requested that the City delay recordation of the Wagner Farms Ordinances with the Will 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 acquire ownership of the Subject Property; and

WHEREAS, subject to approval of the Wagner Farms Ordinances, the City has agreed to the proposed timeframe for their recordation with the Will County Recorder as set forth herein. In the event that all of the Wagner Farms Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the Wagner Farms 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; and

WHEREAS, the City Council of the City of Naperville has determined that the Petitioner's request should be granted 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: If recordation of the Wagner Farms Ordinances does not occur within twelve (12) months after their passage and approval, then said Ordinances shall not be recorded and shall be deemed to be automatically null and void without any further action being required by the Petitioner or the City. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if this Ordinance, including the Exhibits attached hereto, is not recorded within the timeframe described herein.

SECTION 3: Subject to approval, execution, and recordation of the Wagner Farms Ordinances, the Church Property, legally described on **Exhibit D** and depicted as Outlot M on **Exhibit E**, is hereby rezoned to OCI (Office, Commercial, and Institutional District) in the City of Naperville; and, the Residential Property, legally described on **Exhibit F** and

depicted as the Subject Property minus Outlot M on **Exhibit E**, is hereby rezoned to R2 (Single-Family and Low Density Multiple Family Residence District) in the City of Naperville.

SECTION 4: The Zoning Map of the City of Naperville shall be amended in accordance with this Ordinance upon its recordation.

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, or to cause this Ordinance to be recorded, together with the exhibits attached hereto, with the Will 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 Will 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