

PIN:

01-15-101-044 [part of]

PROPERTY ADDRESS:

Vacant real property located
at the southeast corner of
IL Route 59 and 103rd Street

PREPARED BY:

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

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

**AN ORDINANCE APPROVING A PLAT OF VACATION OF CERTAIN
EASEMENTS AND SETBACK LINES ON THE PRELIMINARY/FINAL PLAT OF
SUBDIVISION NAPERVILLE -SOUTH FORTY SUBDIVISON**

1. **WHEREAS**, a Preliminary/Final Plat of Subdivision – South Forty Subdivision was approved by the Naperville City Council for property generally located at the southeast corner of Illinois Route 59 and 103rd Street in the City of Naperville, Will County Illinois and recorded with the Office of the Will County Recorder on September 4, 2007 as Document R2007-132356 and re-recorded November 16, 2007 as Document R2007-166808 (the “**South Forty Subdivision Plat**”).
2. **WHEREAS**, the resubdivision of Lots 4, 5, 6 and 7 of the South Forty Subdivision Plat has been proposed by LTF Real Estate, Inc., a Minnesota corporation (the “**Petitioner**”) and is the subject of a separate ordinance entitled “An Ordinance approving the Final Plat of Naperville-South Forty Lots 4, 5, 6 and 7 Resubdivision and Owners’ Acknowledgement and Acceptance Agreements for Life Time and

Tower Court Residences” (herein “**An Ordinance Approving a Plat of Resubdivision**”).

3. **WHEREAS**, in order to proceed with the proposed resubdivision of a portion of the real property which was the subject of the South Forty Subdivision Plat, Petitioner has requested that certain setback lines and easements which were established on the South Forty Subdivision Plat be vacated as set forth on the plat of vacation (“**Plat of Vacation**”) attached hereto as **Exhibit A**.
4. **WHEREAS**, subject to City Council approval of An Ordinance Approving A Plat of Resubdivision, the City has determined that the public interest will be served by vacation of the setback lines and utility easements as set forth on the attached Plat of Vacation.

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. The Plat of Vacation attached as **Exhibit A** to this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 3: Subject to City Council approval of An Ordinance Approving the Final Plat of Naperville-South Forty Lots 4, 5, 6 and 7 Resubdivision and Owners’ Acknowledgement and Acceptance Agreements for Life Time and Tower Court Residences, and upon direction from the City Attorney, the City Clerk is authorized and

directed to record this Ordinance and the Plat of Vacation attached hereto as **Exhibit A** with the Office of the Will County Recorder, or to deposit the same in a closing escrow account to be recorded with the Office of the Will County Recorder.

SECTION 4: 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 Office of the Will County Recorder.

SECTION 5: This Ordinance shall be in full force and effect upon its recordation with the Office of the Will County Recorder.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk

