

**PIN:
07-01-16-400-004**

**ADDRESS:
3203 111TH STREET
3207 111TH STREET
3211 111TH STREET
3215 111TH STREET
3219 111TH STREET
3303 111TH STREET
3307 111TH STREET
3311 111TH STREET
3315 111TH STREET
3319 111TH STREET
3223 111TH STREET
NAPERVILLE, IL 60564**

**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 #22-1-100

ORDINANCE NO. 23 - _____

**AN ORDINANCE APPROVING THE FINAL PLAT OF SUBDIVISION
AND THE OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE FOR
THE BELVEDERE**

RECITALS

1. **WHEREAS**, BC Belvedere, LLC (“**Petitioner**” and “**Owner**”), is the owner of real property located on the northside of 111th Street, west of Route 59 in Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”); and

2. **WHEREAS**, the Petitioner has petitioned the City of Naperville for approval of a Final Plat of Subdivision for The Belvedere to allow for the development of 212 apartment units in ten (10) buildings on the Subject Property; and
3. **WHEREAS**, on August 16, 2022, the City Council of the City of Naperville approved the following ordinances: Ordinance 22-094, authorizing the execution of an Annexation Agreement for the Subject Property; Ordinance 22-095, annexing the Subject Property; Ordinance 22-096, rezoning the Subject Property to the OCI (Office, Commercial and Institutional) District); Ordinance 22-097, approving the Preliminary Plat of Subdivision for the Subject Property; and, Ordinance 22-098, approving a conditional use in the OCI zoning district to allow a multi-family residential development, a conditional use for a PUD, and a Preliminary Plat of Planned Unit Development for the Subject Property; and
4. **WHEREAS**, the Final Plat of Subdivision for The Belvedere is in substantial conformance with the Preliminary Plat of Subdivision for The Belvedere approved through Ordinance 22-097; and
5. **WHEREAS**, the City Council of the City of Naperville has determined that the Final Plat of Subdivision for The Belvedere 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 Final Plat of Subdivision for The Belvedere, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 3: The Owner's Acknowledgement and Acceptance, attached to this Ordinance as **Exhibit C**, is hereby approved.

SECTION 4: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 5: The City Clerk is authorized and directed to record this Ordinance, the Final Plat of Subdivision for The Belvedere, and the Owners Acknowledgement and Acceptance, approved by this Ordinance, with the Will County Recorder.

SECTION 6: If this Ordinance and Final Plat of Subdivision it approves are not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and passage by the Naperville City Council, this Ordinance and the Final Plat of Subdivision shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner and Owner shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

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 passage and approval.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk