

PINs:
08-18-309-002
08-18-422-001

ADDRESSES:
126, 140 AND 148 N. WRIGHT STREET
619 E. FRANKLIN AVENUE
147 N. COLUMBIA STREET
NAPERVILLE, IL 60540

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 #20-1-061

ORDINANCE NO. 20 -

**AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF SUBDIVISION
AND THE OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE FOR
THE HERITAGE PLACE DEVELOPMENT**

RECITALS

1. **WHEREAS**, RAM West Capital LLC ("**Petitioner**"), has petitioned the City of Naperville for approval of a preliminary plat of subdivision for Heritage Place to allow for the development of 41 residential units for the two-parcel property located at 126, 140 and 148 North Wright Street, 610 E. Franklin Avenue, and 147 N. Columbia Street, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, the owner of the Subject Property is Little Friends, Inc. ("**Owner**"); and

3. **WHEREAS**, the Petitioner is in the process of acquiring ownership of the Subject Property and will be both the owner and developer of the Subject Property prior to recordation of this ordinance as provided herein; and
4. **WHEREAS**, the City Council of the City of Naperville has determined that subject to the terms and conditions set forth and referenced herein, the Preliminary Plat of Subdivision for Heritage Place should be approved as provided herein; and
5. **WHEREAS**, Petitioner has requested that the City approve this ordinance along with an ordinance approving a conditional use and variances related to height and setback (hereinafter cumulatively referenced herein as the “**Heritage Place Ordinances**”); and
6. **WHEREAS**, Petitioner has requested that the City delay recordation of the Heritage Place Ordinances, along with the Ordinance Approving Certificate of Appropriateness #20-2321, with the DuPage County Recorder until no later than October 21, 2021 in order to allow the Petitioner to finalize the purchase and sale agreement for the Subject Property and to transfer ownership of the Subject Property to the Petitioner; and
7. **WHEREAS**, subject to approval of the Heritage Place Ordinances, and the Ordinance Approving Certificate of Appropriateness #20-2321 the City has agreed to the proposed timeframe for their recordation with the DuPage County Recorder as set forth herein. In the event that all said Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that said Ordinances shall not become effective, shall not be recorded; and shall be deemed to be automatically

null and void and of no force or effect with no further action being taken by the City or the Petitioner.

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 Heritage Place Ordinances and the Ordinance Approving Certificate of Appropriateness #20-2321 does not occur on or before October 21, 2021, then said Ordinances shall be deemed to be automatically void without any further action being required by the City or the Petitioner. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Heritage Place Ordinances and the Ordinance Approving Certificate of Appropriateness #20-2321 are not recorded on or before October 21, 2021.

SECTION 3: Subject to approval, execution, and recordation of the Heritage Place Ordinances, the Ordinance Approving Certificate of Appropriateness #20-2321, and completed execution of the Owner's Acknowledgement and Acceptance agreement described in Section 4 below, the Preliminary Plat of Subdivision for Heritage Place, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: Subject to the terms and conditions set forth and referenced herein, the Owner's Acknowledgement and Acceptance agreement, attached to this Ordinance as **Exhibit C**, is hereby approved.

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, together with the exhibits attached hereto, with the DuPage 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 DuPage County Recorder.

PASSED this _____ day of _____, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2020.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk

