

PIN: 08-08-103-003  
08-08-103-004

ADDRESS:  
5S315 EAST AVE.  
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 #17-1-067

**ORDINANCE NO. 17 - \_\_\_\_**

**AN ORDINANCE APPROVING  
THE PRELIMINARY/FINAL PLAT OF SUBDIVISION, THE OWNER'S  
ACKNOWLEDGEMENT AND ACCEPTANCE (OAA), AND A DEVIATION TO SECTION  
7-3-5:5 (DEDICATION OF PARK LANDS AND SCHOOL SITES) FOR  
BAUER PLACE PHASE 3**

**WHEREAS**, Oak Creek Capital, LLC ("Petitioner") has petitioned the City of Naperville for approval of a Preliminary/Final Plat of Subdivision for Bauer Place Phase 3 in order to subdivide the Subject Property into three buildable lots and one outlot in order to construct 9 single-family attached residences at the real property located at the southwest corner of Bauer Road and East Avenue, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

**WHEREAS**, Chicago Title Land Trust No. 1092179 ("Owner") is the Owner of the Subject Property; and

**WHEREAS**, the Petitioner has requested approval of a variance to Section 7-3-5:5 (Dedication of Park Lands and School Sites or for Payments or Fees in Lieu of:

Procedures for Making Contributions) in order to pay the required school and park donation prior to issuance of a building permit for each unit; and

**WHEREAS**, the requested deviation meets the Standards for Granting a Subdivision Deviation as provided in **Exhibit C** attached hereto; and

**WHEREAS**, the City Council of the City of Naperville has determined that the Preliminary/Final Plat of Subdivision for Bauer Place Phase 3 and the request for a deviation in order to pay required school and park donation fees prior to the issuance of a building permit for each unit 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 here. All Exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** The Preliminary/Final Plat of Subdivision for Bauer Place Phase 3, attached to this Ordinance as **Exhibit B**, is hereby approved.

**SECTION 3:** A variance to Section 7-3-5:5 (Dedication of Park Lands and School Sites or for Payments or Fees in Lieu of: Procedures for Making Contributions) is hereby approved to permit required school and park donations to be paid prior to issuance of a building permit for each unit.

**SECTION 4:** The Owner's Acknowledgement and Acceptance (OAA) for Bauer Place Phase 3, attached to this Ordinance as **Exhibit D**, is hereby approved.

**SECTION 5:** The Final Landscape Plan for Bauer Place Phase 3, attached to this Ordinance as **Exhibit E**, is hereby approved.

**SECTION 6:** The Building Elevations for Bauer Place Phase 3, attached to this Ordinance as **Exhibit F**, is hereby approved.

**SECTION 7:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 8:** The City Clerk is authorized and directed to record this Ordinance and its Exhibits with the DuPage County Recorder.

**SECTION 9:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph. D.  
City Clerk