

PIN: 08-29-104-014

CURRENT ADDRESS:
25W462 75th STREET
NAPERVILLE, IL 60565

ADDRESS AFTER RECORDATION:
975 E. 75th STREET
NAPERVILLE, IL 60565

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

PZC Case #24-1-012

ORDINANCE NO. 24 -

**AN ORDINANCE AUTHORIZING THE FIRST AMENDMENT TO THE
ANNEXATION AGREEMENT FOR FOREST MEADOWS APARTMENTS AND
AUTHORIZING EXECUTION AND RECORDATION OF ORDINANCES AND A PLAT
OF EASEMENT FOR THE FOREST MEADOWS PROPERTY**

RECITALS

1. **WHEREAS**, Greene Valley 75, LLC, an Illinois limited liability company, 8S330 College Road, Naperville, Illinois, 60540 (referenced herein as "**OWNER AND DEVELOPER**") is the owner of real property located at 975 E. 75th Street, Naperville, Illinois, 60565 legally described on **Exhibit A** and depicted on **Exhibit B** (the "**Subject Property**").
2. **WHEREAS**, on July 18, 2023, City Council passed Ordinance 23-110, authorizing the execution of an annexation agreement (the "**Original Annexation Agreement**") for the Subject Property, commonly known as Forest Meadows Apartments. In addition the

following Ordinances were approved for the Subject Property: Ordinance No. 23-111 authorizing annexation of the Subject Property and approving a plat of annexation; Ordinance No. 23-112 rezoning the Subject Property to the OCI [Office, Commercial, and Institutional Zoning District] (“OCI”); and Ordinance No. 23-113 authorizing a conditional use for multi-family in the OCI zoning district and approving variances to building height and minimum lot area for the Subject Property. Said Ordinances and the Annexation Agreement have not yet been recorded with the DuPage Recorder and are required to be recorded within one year of July 18, 2023.

3. **WHEREAS**, OWNER AND DEVELOPER has petitioned the City of Naperville (“**City**”) for approval of the First Amendment to the Annexation Agreement for Forest Meadows Apartments in order to revise the emergency access provisions set forth in Section S6.0 of the Annexation Agreement, and to revise the driveway and parking lot configuration to allow convenient and accessible ingress and egress of emergency vehicles to the Subject Property by: a) creating a new fire lane area in the northeast corner of the site; b) moving the electric transformer to the west from its former location to provide additional paved area for the movement of emergency vehicles; c) the paved areas referenced in a) and b) herein will be defined by depressed curbing (as depicted in the City of Naperville’s Standard Detail B6.12 “Barrier Curb & Gutter” on the approved Final Engineering Plans), will be striped, and will be clearly posted with signs to designate these areas as “fire lane only” areas, and will be designed and constructed to support the City’s emergency vehicles; d) the drive aisle along the northern portion of the Subject Property will extend approximately 8’ 3” from the west property line to facilitate a possible cross access easement in the future if and when that connection

becomes feasible; and e) the monument island at the front entrance of the Subject Property has been reduced by forty-four percent (44%) to allow additional room for the movement of emergency vehicles. Further, emergency access from the property located to the west of the Subject Property through the Subject Property shall be included on a plat of easement (“**Plat of Easement**”) to be separately recorded as provided herein. The First Amendment to the Annexation Agreement for Forest Meadows Apartments further reflects updated surety amounts and plan revision dates.

4. **WHEREAS**, OWNER AND DEVELOPER has requested that the City approve this ordinance (“Ordinance”) but delay recording of this Ordinance and the Ordinances described in Recital 2 above until on or before July 18, 2024 in order to finalize all documentation and pay all required fees and costs; and
5. **WHEREAS**, if this Ordinance, the Plat of Easement, and the Ordinances described in Recital 2 above are not recorded on or before July 18, 2024, the City and OWNER AND DEVELOPER agree that all said Ordinances shall not become effective, shall not be recorded and shall be deemed to be automatically null and void with no further action being taken by the City or OWNER AND DEVELOPER; and
6. **WHEREAS**, the City Council of the City of Naperville has determined that it is in the best interests of the City of Naperville to execute and record the Original Annexation Agreement for Forest Meadows Apartments and the First Amendment to the Annexation Agreement for Forest Meadows Apartments attached hereto as **Exhibit C**, as well as the Ordinances described in Recital 2 hereof subject to the terms and conditions set forth 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 authority, 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 Mayor and the City Clerk are authorized and directed to execute the First Amendment to the Annexation Agreement for Forest Meadows Apartments attached to this Ordinance as **Exhibit C** on behalf of the City. All other provisions of the Annexation Agreement not modified by the First Amendment to the Annexation Agreement for Forest Meadows Apartments shall remain in full force and effect.

SECTION 3: Upon completed execution of the Annexation Agreement for Forest Meadows Apartments and the First Amendment to the Annexation Agreement for Forest Meadows Apartments, and the Plat of Easement referenced herein, and upon submission of all required documentation and payment of all required fees and costs by the OWNER AND DEVELOPER as verified by the Zoning Administrator, the Mayor and City Clerk are authorized to execute the following ordinances and all necessary documents to effectuate annexation of the Subject Property, and the City Clerk is authorized and directed to record, in the following order: (i) Ordinance No. 23-111 authorizing annexation and approving a plat of annexation for the Subject Property; (ii) Ordinance No. 23-110 authorizing the Annexation Agreement for Forest Meadows Apartments; (iii) Ordinance No. 23-112 rezoning the Subject Property to the OCI [Office, Commercial, and Institutional] zoning district; (iv) Ordinance No. 23-113 authorizing a conditional use for multi-family in the OCI zoning district and approving variances to building height and minimum lot area for the Subject Property; (v) this

Ordinance approving the First Amendment to the Annexation Agreement for Forest Meadows Apartments; and (vi) the Plat of Easement.

SECTION 4: If recordation as set forth in Section 3 above does not occur on or before July 18, 2024, this Ordinance and the Ordinances described in Recital 2 hereof shall be null and void without any further action by the City or OWNER AND DEVELOPER. OWNER AND DEVELOPER has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if recordation does not occur on or before July 18, 2024.

SECTION 5: 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 or resolution.

SECTION 6: This Ordinance, and all ordinances referenced herein, shall be in full force and effect upon recordation with the DuPage County Recorder as provided herein.

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

ATTEST:

Scott A. Wehrli
Mayor

Dawn C. Portner
City Clerk