

P.I.N.S

**07-01-22-300-015
07-01-22-400-007
07-01-22-400-008
07-01-22-400-009
07-01-22-400-010
07-01-22-400-011
07-01-22-400-012
07-01-22-400-013
07-01-22-400-014**

CURRENT ADDRESS:

**23450 AND 23700 W 119TH STREET
PLAINFIELD, ILLINOIS 60585**

PREPARED BY:

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

RETURN TO:

**CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

PZC Case #23-1-037

ORDINANCE NO. 23 - _____

**AN ORDINANCE APPROVING A FINAL PUD PLAT FOR
NAPERVILLE POLO CLUB**

RECITALS

1. **WHEREAS**, on March 7, 2023 the Naperville City Council considered a request to annex approximately 110 acres of real property located at the northwest corner of 119th Street and Book Road in unincorporated Will County, legally described in **Exhibit A** and depicted on **Exhibit B**, (hereinafter the “**Subject Property**”) in addition to various other entitlements in order to allow construction of 136 single-family attached dwellings and 261 single-family detached dwellings for a planned unit development to be known as “**Naperville Polo Club**”; and

2. **WHEREAS**, on March 7, 2023 the following approvals were granted by the Naperville City Council for development of the Subject Property as the Naperville Polo Club: (i) Ordinance 23-024 approving an annexation agreement; (ii) Ordinance 23-025 annexing the Subject Property; (iii) Ordinance 23-026 rezoning the Subject Property to R2; (iv) Ordinance 23-027 approving a preliminary subdivision plat; (v) Ordinance 23-028 approving a conditional use for a preliminary PUD plat with deviations; (vi) Ordinance 23-029 approving a conditional use to permit single-family attached dwelling units in the R2 district; (vii) Ordinance 23-030 approving a variance to the exterior wall construction requirements of the Naperville Municipal Code; (viii) Ordinance 23-031 approving a temporary use for a marketing signage plan; and (ix) Ordinance 23-032 approving a temporary use to allow for the use of the soccer fields and parking lot through March 7, 2028. The foregoing ordinances are together hereinafter referenced as the **“Initial Polo Club Ordinances”**; and
3. **WHEREAS**, the petition seeking the entitlements approved by the Polo Club Ordinances was brought by Pulte Home Company, LLC, a Michigan limited liability company with offices at 1900 E. Golf Road, Suite 300, Schaumburg, IL 60173 (**“Pulte”**) as contract purchaser of the Subject Property, and by Chicago Title Land Trust Company, as Trustee under Trust Agreement dated November 1, 1987 and known as Trust Number 1090871, an owner of a portion of the Subject Property (hereinafter **“Trust”**). Further, the petition was authorized by the other owners (**“Owners”**) of the Subject Property listed on **Exhibit C**; and
4. **WHEREAS**, in approving the Initial Polo Club Ordinances the City Council also approved a time period not to exceed nine (9) months after their passage (or by

December 7, 2023) before the Initial Polo Club Ordinances would be required to be recorded with the Office of the Will County Recorder in order to provide time for Pulte to acquire fee simple title to a portion of the Subject Property (the “**Recording Timeframe**”); and

5. **WHEREAS**, in preparation for development of the Subject Property, and with the authorization of the Owners, Pulte and the Trust (together referenced herein as the “**Petitioner**”) have requested approval of the Final Plat of Planned Unit Development for Naperville Polo Club pursuant to 6-4-4:3 of the Naperville Municipal Code (Planned Unit Development: Final Plats); and
6. **WHEREAS**, as required by Section 6-4-4:3.2 of the Naperville Municipal Code, the Final Plat of Planned Unit Development attached hereto as **Exhibit B** is in substantial conformance with the Preliminary Plat of Planned Unit Development for the Naperville Polo Club development approved by Ordinance 23-028; and
7. **WHEREAS**, Petitioner also seeks approval of a Final Landscape Plan attached hereto as **Exhibit D**, a Final Garbage Exhibit attached hereto as **Exhibit E**, and a Final Open Space Plan attached hereto as **Exhibit F** for the Naperville Polo Club development, which plans and exhibits City staff have reviewed and recommend for approval; and
8. **WHEREAS**, in addition to this ordinance (“**Ordinance**”), Petitioner has also requested that the City pass an ordinance approving the Final Plat of Subdivision for Naperville Polo Club Phase 1, the Final Plat of Subdivision for Naperville Polo Club Phase 2, and an Ordinance Approving an Agreement Regarding Improvements to the Old Book Road Culvert and Drainage Channel (which ordinances, together with the Initial Polo Club Ordinances are hereinafter together referenced as the “**Polo Club Ordinances**”); and

9. **WHEREAS**, Petitioner has requested that recordation of this Ordinance, the Final Plat of Subdivision for Naperville Polo Club Phase 1, the Final Plat of Subdivision for Naperville Polo Club Phase 2, and an Ordinance Approving an Agreement Regarding Improvements to the Old Book Road Culvert and Drainage Channel with the Will County Recorder's Office be recorded within the same Recording Timeframe described in Recital 4 herein in order to allow Petitioner to obtain title to a portion of the Subject Property; and
10. **WHEREAS**, subject to approval of this Ordinance approving the Final Plat of Planned Unit Development for the Subject Property, the Ordinance approving the Final Plat of Subdivision for Naperville Polo Club Phase 1, the Ordinance approving the Final Plat of Subdivision for Naperville Polo Club Phase 2, and the Ordinance approving an Agreement Regarding Improvements to the Old Book Road Culvert and Drainage Channel, the City has agreed to the Recording Timeframe as described in Recital 4 and for recordation of the Polo Club Ordinances with the Will County Recorder as set forth herein. If the Polo Club Ordinances, including all exhibits thereto, and including the fully executed Owner's Acknowledgement and Acceptance Agreement for Naperville Polo Club, are not recorded within the Recording Timeframe described in Recital 4, the City, the Petitioner, and the Owners agree that the Polo Club Ordinances, including but not limited to this Ordinance, 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, Owners, or the Petitioner.
11. **WHEREAS**, the City Council has determined that Petitioner's requests should be granted 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 herein and made part hereof.

SECTION 2: The Final Plat of Planned Unit Development for Naperville Polo Club, attached to this Ordinance as **Exhibit D** is hereby approved.

SECTION 3: The Final Landscape Plan for Naperville Polo Club, attached to this Ordinance as **Exhibit E**, is hereby approved.

SECTION 4: The Final Garbage Exhibit for Naperville Polo Club, attached to this Ordinance as **Exhibit F** is hereby approved.

SECTION 5: The Final Open Space Exhibit for Naperville Polo Club, attached to this Ordinance as **Exhibit G** is hereby approved.

SECTION 6: If recordation of the Polo Club Ordinances does not occur within the Recording Timeframe specified in Recital 4 above, then said Ordinances shall be deemed to be automatically void without any further action being required by the City Petitioner, or Owners. Petitioner and Owners have acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Polo Club Ordinances are not recorded within the Recording Timeframe set forth in Recital 4.

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: 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 Will County Recorder.

SECTION 9: Upon direction from the City Attorney, the City Clerk is authorized and directed to record this Ordinance and its exhibits with the Will County Recorder.

SECTION 10: This Ordinance shall be in full force and effect upon its recordation with the Will County Recorder as provided herein.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrli
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk