

PINs:

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

ADDRESS:

VACANT
23450 AND 23700 W 119TH STREET
PLAINFIELD, IL 60585

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 #18-1-022

ORDINANCE NO. 18 - _____

**ORDINANCE ANNEXING CERTAIN PROPERTY LOCATED AT THE
NORTHWEST CORNER OF 119TH STREET AND BOOK ROAD
(POLO CLUB)**

WHEREAS, D.R. Horton, Inc – Midwest (“Petitioner”) has petitioned the City of Naperville (“City”), on its own behalf and on behalf of Polo Club Multifamily LLC, for annexation of the real property located at the northwest corner of 119th Street and Book Road, commonly known as 23450 and 23700 W 119th Street, legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”); and

WHEREAS, Chicago Title Land Trust Company, as Trustee, (“Owner”) is the Owner of the Subject Property; and

WHEREAS, the Subject Property is not within the corporate limits of any municipality,

but is contiguous to the City of Naperville and eligible for annexation; and

WHEREAS, all notices provided for by the Naperville Municipal Code, and all legal requirements for annexation pursuant to the provisions of 65 Illinois Compiled Statutes 5/7-1-1 *et seq.*, have been fully complied with, including but not limited to notification of the proposed annexation to the Naperville Fire Protection District Trustees, the Plainfield Fire Protection District, the Wheatland Township Board of Auditors – Trustees and Clerk, and the Wheatland Township Highway Commissioner; and

WHEREAS, the City Council of the City of Naperville has determined that annexation of the Subject Property should be approved as provided herein; and

WHEREAS, Petitioner has requested the City approve this ordinance (“Ordinance”) along with ordinances approving an annexation agreement, approving rezoning of the Subject Property, approving a preliminary plat of subdivision, and approving a preliminary planned unit development (“PUD”) and associated deviations (hereinafter cumulatively referenced herein as the “Polo Club Ordinances”); and

WHEREAS, Petitioner and Owner have requested that the City delay recordation of the Polo Club Ordinances with the Will County Recorder for a period of time not to exceed three hundred and sixty-five (365) calendar days after their passage in order to allow the Petitioner to acquire title to the Subject Property – Horton, as that term is defined in the Annexation Agreement, for the Subject Property; and;

WHEREAS, subject to approval of the Polo Club Ordinances, the City has agreed to the proposed timeframe for their recordation with the Will County Recorder as set forth herein. In the event that all of the Polo Club Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the Polo Club Ordinances,

including but not limited to this Ordinance, shall not be recorded, and shall be deemed to be automatically void with no further action being taken by the City, the Petitioner, or the Owner; and

WHEREAS, the Petitioner and the City have fully complied with the statutory and Naperville Municipal Code requirements required for approval of the requested annexation.

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 Polo Club Ordinances, including but not limited to this Ordinance, does not occur within three hundred and sixty (365) calendar days after their passage and approval, then said Ordinances shall be deemed to be automatically null and void and of no force or effect without any further action being required by the Petitioner or the City. Petitioner and Owner 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 three hundred and sixty-five (365) calendar day timeframe described herein.

SECTION 3: Subject to approval, execution, and recordation of the Polo Club Ordinances, the Subject Property described on **Exhibit A** and depicted on **Exhibit B** is hereby annexed by the City of Naperville.

SECTION 4: The Plat of Annexation for the Subject Property, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 5: Upon confirmation from the City Attorney that the terms and conditions

set forth or referenced herein have been fulfilled, and subject to the provisions set forth in Section 2 and 6 hereof, the City Clerk is authorized and directed to record this Ordinance, together with an accurate map of the territory annexed as depicted on the Plat of Annexation for the Subject Property, attached to this Ordinance as **Exhibit B**, with the Will County Recorder and the Will County Clerk.

SECTION 6: The City of Naperville may, at its sole discretion, and without any claim of vested rights or damages to the Petitioner or the Owner, determine not to execute or record the Annexation Agreement, or execute or record any of the Polo Club Ordinances, if a boundary line agreement with the Village of Plainfield is not first recorded by both the City of Naperville and the Village of Plainfield.

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 or resolution.

SECTION 8: This Ordinance shall be in full force and effect upon its recordation with the Will County Recorder.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

ATTEST:

Steve Chirico
Mayor

Pam Gallahue, Ph.D.
City Clerk

STATE OF ILLINOIS)
) SS
WILL COUNTY)

The undersigned hereby certifies that she is the City Clerk of the City of Naperville, and that, as such, she is the custodian of the records of the municipality and keeper of the journal of proceedings of the City Council; and she further certifies that the foregoing is a true and correct copy of Ordinance No. 18 - _____, duly enacted by the City Council of the City of Naperville at a regular meeting thereof on the _____ day of _____, 2018, and passed on roll call vote as shown on the foregoing; that she further certifies that due notice, as provided by law, of the consideration of ordinance was given to the Naperville Fire Protection District Trustees, the Plainfield Fire Protection District Trustees, the Wheatland Township Board of Auditors – Trustees and Clerk, and the Wheatland Township Highway Commissioner on _____, and she further certifies that there is no other public library district to which any notice is required to be given under the provisions of Section 5/7-1-8 of Chapter 65 of the Illinois Compiled Statutes.

DATED this _____ day of _____, 2018.

City Clerk

The above and foregoing certificate was subscribed and sworn to before me this ___ day of _____, 2018.

Notary Public