

P.I.N.s:
01-15-101-044 (part of)

PROPERTY ADDRESSES:

4111 Tower Ct., Naperville, IL 60564 [Lot 1]
4243 Tower Ct., Naperville, IL 60564 [Lot 2]
4231 Tower Ct., Naperville, IL 60564 [Lot 3]
4119 Tower Ct., Naperville, IL 60564 [Outlot A]

RETURN TO/PREPARED BY:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE/
COMMUNITY SERVICES DEPARTMENT
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 25 -

**AN ORDINANCE APPROVING A DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR THE SOUTH FORTY LOTS ASSOCIATION**

RECITALS

1. **WHEREAS**, pursuant to the Ordinance Approving the Final Plat of Naperville-South Forty Lots 4, 5, 6 and 7 Resubdivision (the "**Final Resubdivision Plat**" approved by the Naperville City Council on April 15, 2025 and subsequently recorded with the Office of the Will County Recorder, a portion of property owned by the City, commonly known as the "**South Forty Property**" was resubdivided into LOT 1, LOT 2, LOT 3, and OUTLOT A (the "**Resubdivision Property**").
2. **WHEREAS**, in order to provide off-site stormwater management for LOT 1, LOT 2, LOT 3, and for two properties owned by the City located on part of the original South Forty property to the east of the City Resubdivision Property at 2808 103rd Street, Naperville, IL, and 2812 103rd Street, Naperville, as well as for on-site stormwater management for Outlot A, the City and LTF Real Estate, Inc. ("**LTF**") contract

purchaser of LOT 1 of the Resubdivision Property agreed to cooperate in the construction of a stormwater management system located primarily on OUTLOT A through a Site Development and Escrow Agreement (“**SDA**”) which Agreement is binding on other future owners of the Resubdivision Property and is the subject of a separate ordinance.

3. **WHEREAS**, pursuant to the provisions of the SDA, upon completion of the work to be performed thereunder and satisfaction of other conditions set forth therein, the City is obligated to convey OUTLOT A to the South Forty Lots Association for the purpose of said Association providing for the ongoing maintenance, repair, reconstruction, and operation of the stormwater management system primarily existing on OUTLOT A.
4. **WHEREAS**, the Declaration of Covenants, Conditions, and Restrictions for the South Forty Lots Association (“**Declaration**”) attached hereto as **Exhibit A** will govern the rights and obligations of the owners of LOT 1, LOT 2, and LOT 3 of the South Forty Resubdivision Property.
5. **WHEREAS**, the properties owned by the City located on part of the original South Forty property to the east of the City Resubdivision Property, at 2808 103rd Street, Naperville, IL, and 2812 103rd Street, Naperville, shall not be subject to the Declaration and shall not be liable for any maintenance costs as provided therein, but shall be entitled to easement rights in the stormwater management system granted on the Final Resubdivision Plat.
6. **WHEREAS**, the City Council of the City of Naperville has determined that its participation in the South Forty Lots Association as set forth in the Declaration is

in the best interest of the City and should be approved subject to the terms and conditions set forth and referenced 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 and made part hereof.

SECTION 2: The Declaration of Covenants, Conditions, and Restrictions for the South Forty Lots Association attached hereto as **Exhibit A** is hereby approved.

SECTION 3: The City Manager is hereby authorized to execute, and the City Clerk is hereby authorized to attest, the Declaration of Covenants, Conditions, and Restrictions for the South Forty Lots Association attached hereto as **Exhibit A** as directed by the City Attorney.

SECTION 4: Upon direction from the City Attorney, the City Clerk is authorized and directed to record this Ordinance and its exhibits with the Office of the Will County Recorder, or to deposit the same in a closing escrow account to be recorded with the Office of the Will County Recorder at closing on either LOT 1 or LOT 3 of the City Resubdivision Property .

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: 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 Office of the Will County Recorder.

SECTION 7: This Ordinance shall take effect and be in full force and effect upon recordation with the Office of the Will County Recorder.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk