

EXHIP.I.N.S  
07-01-22-400-012  
07-01-22-400-013  
07-01-22-400-014

CURRENT ADDRESS:  
VACANT LAND  
NWC OF BOOK RD & 119<sup>TH</sup> ST  
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  
COMMUNITY SERVICES OFFICE  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540

## ORDINANCE NO. 23 -

### AN ORDINANCE APPROVING AN AGREEMENT REGARDING IMPROVEMENTS TO THE OLD BOOK ROAD CULVERT AND DRAINAGE CHANNEL

#### RECITALS

1. **WHEREAS**, on March 7, 2023 the Naperville City Council approved Ordinance 23-025 and Ordinance 23-024 approving Annexation and an Annexation Agreement for approximately 110 acres of real property ("**Property**") located at the northwest corner of 119<sup>th</sup> Street and Book Road in unincorporated Will County, legally described on **Exhibit A** and depicted on **Exhibit B** for the Naperville Polo Club Development which development will be comprised of 136 single-family attached dwellings and 261 single-family detached dwellings; and
2. **WHEREAS**, Pulte Home Company, LLC ("**Pulte**") and the City ("**City**"), along with other owners of the Property are parties to the Annexation Agreement. In addition, the Forest Preserve District of Will County ("**FPD**") is a limited party to the

Annexation Agreement for the limited purpose of the provisions set forth in Section 21 of the Annexation Agreement, including but not limited to provisions related certain property to be conveyed by Pulte to the FPD as provided therein.

3. **WHEREAS**, pursuant to Section 21.4 of the Annexation Agreement, PULTE agreed to investigate the condition of the Old Book Road Culvert ("**OBR Culvert**") and the existing drainage channel from Old Book Road to the DuPage River ("**Drainage Channel**") and complete any improvements as required by the City Engineer; and
4. **WHEREAS**, on April 12, 2023, the CITY, FPD, and Pulte met on the Subject Property to investigate the condition of the OBR Culvert and Drainage Channel and collectively determined a solution was required to replace the existing OBR Culvert; and
5. **WHEREAS**, City, FPD, and Pulte have arrived at an agreement regarding the improvements to be made by Pulte to the Old Book Road Culvert and Drainage Channel, as set forth in the agreement attached hereto as **Exhibit C** (the "**Agreement**"); and
6. **WHEREAS**, the fully executed Agreement will be recorded on or before December 7, 2023 in conjunction with the ordinances approving the Annexation and Annexation Agreement for the Property in addition to other ordinances pertaining to the development of the Property.
7. **WHEREAS**, the City Council has determined that the attached Agreement 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 in this Section 1. All exhibits referenced in this Resolution shall be deemed incorporated and made part hereof.

**SECTION 2:** The Agreement Regarding Improvements to the Old Book Road Culvert and Drainage Channel, attached to this Resolution as **Exhibit C**, is hereby approved.

**SECTION 3:** If recordation of the Agreement does not occur on or before December 7, 2023, this Ordinance and the Agreement it approves shall be automatically void without any further action being required by the City, Pulte, or the FPD.

**SECTION 4:** 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 Agreement prior to recordation with the Will County Recorder.

**SECTION 5:** 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 and to separately record the fully executed Agreement approved herein.

**SECTION 6:** 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