

**PIN:  
07-13-424-006**

**ADDRESS:  
110 S. WASHINGTON STREET  
NAPERVILLE, ILLINOIS 60540**

**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 #18-1-077**

**ORDINANCE NO. 20 -**

**AN ORDINANCE APPROVING THE VERTICAL SUBDIVISION PLAT  
CENTRAL PARK PLACE COMMERCIAL SUBDIVISION (110 S. WASHINGTON-  
FORMERLY KNOWN AS NICHOLS PLACE)**

**RECITALS**

1. **WHEREAS**, on March 19, 2019 City Council passed Ordinance 19-036 approving the Preliminary/Final Plat of Subdivision and the Owner's Acknowledgement and Acceptance Agreement for Nichols Place located on the east side of Washington Street at 110 S. Washington Street, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"), to allow for the development of a four-story mixed used building with basement level parking, 11,828 square feet of retail on the first floor, and seventeen (17) residential condominiums on the second, third, and fourth floors; and
2. **WHEREAS**, in accordance with the vertical subdivision requirements set forth in Section 7-2-6 of the Naperville Municipal Code, Great Central Properties III, LLC

(“**Owner**” or “**Petitioner**”), has petitioned for approval of a vertical subdivision plat to delineate the commercial property located on the first floor of the building located on the Subject Property from the residential components of the building; and

3. **WHEREAS**, an ordinance approving a Condominium Plat of Subdivision will be separately considered for approval by the City Council to delineate the residential portions of the building to be located on the Subject Property; and
4. **WHEREAS**, the Petitioner had a professional land surveyor prepare the vertical subdivision plat entitled “Preliminary/Final Plat of Subdivision - Central Park Place Commercial Subdivision” which plat is attached hereto and made part hereof as **Exhibit B** (“**Subject Property**”); and
5. **WHEREAS**, a Master Declaration of Easements, Covenants and Restrictions for Central Park Place will establish relations between the commercial property and the condominium units for purposes of structural obligations, ingress, egress, and/or access easements, pursuant to the requirements of Section 7-2-6; and
6. **WHEREAS**, the City Council of the City of Naperville has determined that the vertical subdivision for Central Park Place Commercial Subdivision should be approved as provided herein.
7. **WHEREAS**, upon completion of construction of the building on the Subject Property, an amended vertical subdivision plat will be submitted to the City’s Zoning Administrator based on as-built measurements; upon administrative approval of the amended vertical subdivision plat by the City’s Zoning Administrator, the petitioner shall record the amended plat with the DuPage County Recorder and provide a copy of the recorded amended plat to the City.

**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 vertical subdivision plat “Preliminary/Final Plat of Subdivision - Central Park Place Commercial Subdivision”, attached to this Ordinance as **Exhibit B**, is hereby approved subject to inclusion of revised notes thereon approved by the City Attorney.

**SECTION 3:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**SECTION 4:** The City Clerk is authorized and directed to record this Ordinance approving the Preliminary/Final Plat of Subdivision - Central Park Place Commercial Subdivision with the DuPage County Recorder.

**SECTION 5:** Upon completion of construction of the building on the Subject Property, an amended vertical subdivision plat will be submitted to the City’s Zoning Administrator for administrative approval based on as-built measurements. Upon receipt of said approval the Petitioner shall record the amended vertical subdivision plat with the DuPage County Recorder and provide a copy of the recorded amended plat to the City.

**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.

**SECTION 7:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph. D.  
City Clerk