

PINS:

07-22-102-022-0000
07-22-102-029-0000
07-22-102-030-0000
07-22-102-031-0000
07-22-102-032-0000
07-22-102-033-0000
07-22-102-034-0000

ADDRESSES:

404 TO 484 ILLINOIS ROUTE 59
NAPERVILLE, IL 60564

204 TO 376 ILLINOIS ROUTE 59 (INCLUSIVE)
(EXCLUSIVE OF 264 AND 296 ILLINOIS ROUTE 59)
NAPERVILLE, IL 60564

2603 TO 2835 AURORA AVENUE (INCLUSIVE)
(EXCLUSIVE OF 2775 AND 2819 AURORA AVENUE)
NAPERVILLE, IL 60564

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 #22-1-038

ORDINANCE NO. 23 - _____

**AN ORDINANCE APPROVING A PRELIMINARY PLAT OF SUBDIVISION
FOR BLOCK 59**

RECITALS

1. **WHEREAS**, Brixmor Heritage Square LLC, 8700 West Bryn Mawr Avenue, Suite 1000-S, Chicago, IL 60631, is the owner (“**Owner 1**” and “**Petitioner**”) of real property located at 404 South Route 59, Naperville, Illinois, legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property A**”) and commonly known as Heritage Square; and

2. **WHEREAS**, Brixmor Holdings SPE 6, LLC, 8700 West Bryn Mawr Avenue, Suite 1000-S, Chicago, Illinois 60631, is the owner (“**Owner 2**”) of real property located at 404 South Route 59, Naperville, Illinois, legally described on **Exhibit C** and depicted on **Exhibit D** (“**Subject Property B**”) and commonly known as Westridge Court Shopping Center; and
3. **WHEREAS**, Brixmor Heritage Square, LLC (“**Owner 1**”) and Brixmor Holdings SPE 6, LLC (“**Owner 2**”) are both wholly owned subsidiaries of the publicly traded company, Brixmor Property Group; and
4. **WHEREAS**, Owner 1 has petitioned the City of Naperville (“**City**”) for approval of a Preliminary Plat of Subdivision for Block 59 in order to redevelop the Subject Property with a restaurant/entertainment/experiential development; and
5. **WHEREAS**, the Preliminary Plat of Subdivision reflects the following conveyances as depicted on **Exhibit E** (“**Land Conveyances**”):
 - a. Owner 1 will convey 27,766 sq. ft. of Subject Property A (commonly known as the Heritage Square property) to Owner 2 for consolidation with Subject Property B (commonly known as the Westridge Court Shopping Center);
and,
 - b. Owner 2 will convey 43,013 sq. ft. of Subject Property B (commonly known as the Westridge Court Shopping Center) to Owner 1 for consolidation with Subject Property A (commonly known as the Heritage Square property);
and

6. **WHEREAS**, following these conveyances, the Block 59 property, legally described on **Exhibit F** and depicted on **Exhibit G** (“**Block 59**”), will be approximately 16.48 acres in size; and
7. **WHEREAS**, the Preliminary Plat of Subdivision for Block 59, attached hereto as **Exhibit G**, complies with the underlying zoning requirements in the B2 (Community Shopping Center) zoning district; and
8. **WHEREAS**, Owner 1 has requested that the City approve this ordinance (“**Ordinance**”) along with ordinances approving the following: revocation of the Heritage Square planned unit development (PUD); and, a conditional use for the Block 59 planned unit development (PUD), a preliminary PUD plat, and associated deviations (hereinafter cumulatively referenced herein as the “**The Block 59 Ordinances**”); and
9. **WHEREAS**, the City Council of the City of Naperville has determined that the Preliminary Plat of Subdivision for Block 59 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 Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: Subject to approval, execution, and recordation of The Block 59 Ordinances, the Preliminary Plat of Subdivision for Block 59, attached to this Ordinance as **Exhibit G**, is hereby approved.

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: 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 Recorder in which the Subject Property is located within.

SECTION 5: If this Ordinance is not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their approval and passage by the Naperville City Council, this Ordinance shall be null and void without any further action by the City unless this Ordinance is amended by the City to extend such timeframe. The Petitioner shall defend, indemnify, and hold the City and its officers, agents and employees harmless if recordation does not occur within the original, or any extended, timeframe.

SECTION 6: The City Clerk is authorized and directed to record this Ordinance, along with The Block 59 Ordinances, with the DuPage County Recorder.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk