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07-01-22-400-010
07-01-22-400-011
07-01-22-400-012
07-01-22-400-013
07-01-22-400-014

CURRENT ADDRESS:

23450 AND 23700 W 119TH STREET
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
CITY CLERK/COMMUNITY SERVICES OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #23-1-037

ORDINANCE NO. 24 - _____

**AN ORDINANCE AFFIRMING FINAL APPROVALS FOR POLO CLUB AND
AMENDING ORDINANCE NUMBERS 23-097, 23-098, and 23-099
FOR NAPERVILLE POLO CLUB**

RECITALS

1. **WHEREAS**, on March 7, 2023 the Naperville City Council considered a request to annex approximately 110 acres of real property located at the northwest corner of 119th Street and Book Road in unincorporated Will County, legally described in **Exhibit A** and depicted on **Exhibit B**, (hereinafter the “**Subject Property**”) in addition to various other entitlements in order to allow construction of 136 single-

family attached dwellings and 261 single-family detached dwellings for a planned unit development to be known as “**Naperville Polo Club**”; and

2. **WHEREAS**, on March 7, 2023 the following approvals were granted by the Naperville City Council for development of the Subject Property as the Naperville Polo Club: (i) Ordinance 23-024 approving an annexation agreement; (ii) Ordinance 23-025 annexing the Subject Property; (iii) Ordinance 23-026 rezoning the Subject Property to R2; (iv) Ordinance 23-027 approving a preliminary subdivision plat; (v) Ordinance 23-028 approving a conditional use for a preliminary PUD plat with deviations; (vi) Ordinance 23-029 approving a conditional use to permit single-family attached dwelling units in the R2 district; (vii) Ordinance 23-030 approving a variance to the exterior wall construction requirements of the Naperville Municipal Code; (viii) Ordinance 23-031 approving a temporary use for a marketing signage plan; and (ix) Ordinance 23-032 approving a temporary use to allow for the use of the soccer fields and parking lot through March 7, 2028. The foregoing ordinances are together hereinafter referenced as the “**Initial Polo Club Ordinances**”; and
3. **WHEREAS**, on July 18, 2023, the Naperville City Council passed: (i) Ordinance No. 23-097 approving the Final Plat of Subdivision for Naperville Polo Club Phase 1 (“**Phase 1 Ordinance**”); (ii) Ordinance No. 23-098 approving the Final Plat of Subdivision for Naperville Polo Club Phase 2 (“**Phase 2 Ordinance**”); (iii) Ordinance No.23-099 approving the Final Plat of PUD for Naperville Polo Club (“**Final PUD Ordinance**”); and (iv) Ordinance No. 23-100 approving the agreement regarding improvements to the Old Book Road Culvert and Drainage Channel

(“**OBR Culvert Agreement Ordinance**”). The Phase 1 Ordinance, Phase 2 Ordinance, Final PUD Ordinance, and OBR Culvert Agreement Ordinance shall be collectively referred to as the “**Final Polo Club Ordinances**”; and

4. **WHEREAS**, The Phase 1 Ordinance, Final PUD Ordinance, and the OBR Culvert Agreement Ordinance were recorded with the Will County Recorder as follows (“**Recorded Final Ordinances**”):

- a. Phase 1 Ordinance was recorded on August 17, 2023 as Document No. R2023-042448
- b. Final PUD Ordinance was recorded on August 17, 2023 as Document No. R2023-042446
- c. OBR Culvert Agreement Ordinance was recorded on August 18, 2023 as Document No. R2023-042570

5. **WHEREAS**, the Final Polo Club Ordinances provided for a Recording Timeframe of December 7, 2023; and

6. **WHEREAS**, the City Council has determined that the Final Polo Club Ordinances should be amended by affirming a Recording Timeframe of December 7, 2023 for Ordinance 23-097 (Approving a Final Plat of Subdivision and Owner’s Acknowledgement and Acceptance Agreement for Polo Club - Phase 1) and Ordinance 23-099 (Approving a Final PUD Plat for Naperville Polo Club), and by reflecting a revised Recording Timeframe for Ordinance 23-098 (Approving a Final Plat of Subdivision and OAA for Polo Club-Phase 2) to require recording thereof on or before December 31, 2024.

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.

SECTION 2: Ordinance 23-097 (Approving a Final Plat of Subdivision and Owner's Acknowledgement and Acceptance Agreement for Polo Club - Phase 1), Ordinance 23-098 (Approving a Final Plat of Subdivision and Owner's Acknowledgement and Acceptance Agreement for Polo Club - Phase 2), and Ordinance 23-099 (Approving a Final PUD Plat for Naperville Polo Club) are hereby amended by affirming the Recording Timeframe of December 7, 2023 for Ordinances 23-097 and 23-099 and revising the Recording Timeframe for Ordinance 23-098 (the Phase 2 Ordinance) to require recording thereof with the Will County Recorder on or before December 31, 2024. If recordation of the Phase 2 Ordinance does not occur on or before December 31, 2024, unless that timeframe is amended with approval of the City Council, then said Ordinance shall be deemed to be automatically void without any further action being required by the City or the Petitioner. Petitioner and Owners have acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Phase 2 Ordinance is not recorded on or before December 31, 2024.

SECTION 3: The City Council hereby affirms the validity of the Initial Polo Club Ordinances and the Final Polo Club Ordinances (including but not limited to the Recorded Final Ordinances) which shall not be deemed null and void as a result of the revised Recording Timeframe provided herein for the Phase 2 Ordinance, and further affirms the

effective date of said Recorded Final Ordinances as the date upon which they were recorded with the Will County Recorder.

SECTION 4: The Final Polo Club Ordinances and this Ordinance shall be read together. In the event there are inconsistencies between this Ordinance and the Final Polo Club Ordinances, the terms of this Ordinance shall prevail.

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 Recorder in which the Subject Property is located within.

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

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk