

PINs:

01-22-300-015
01-22-400-007
01-22-400-008
01-22-400-009
01-22-400-010
01-22-400-011
01-22-400-012
01-22-400-013
01-22-400-014

ADDRESS:

VACANT
23450 AND 23700 W 119TH STREET
PLAINFIELD, IL 60585

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 #18-1-022

ORDINANCE NO. 18 - _____

**AN ORDINANCE APPROVING
THE PRELIMINARY PLAT OF SUBDIVISION FOR POLO CLUB**

WHEREAS, D.R. Horton, Inc – Midwest (“Petitioner”) has petitioned the City of Naperville, on its own behalf and on behalf of Polo Club Multifamily LLC, for approval of a preliminary plat of subdivision for Polo Club, for real property located at the northwest corner of 119th Street and Book Road, commonly known as 23450 and 23700 W 119th Street, legally described on **Exhibit A** and depicted on **Exhibit B** (“Subject Property”), to allow for development of 126 single family detached homes, 221 single family attached homes, and 290 apartment homes, for a total of 637 dwelling units; and

WHEREAS, Chicago Title Land Trust Company, as Trustee, (“Owner”) is the Owner

of the Subject Property; and

WHEREAS, the City Council of the City of Naperville has determined the Preliminary Plat of Subdivision for Polo Club should be approved as provided herein; and

WHEREAS, Petitioner has requested the City approve this ordinance (“Ordinance”) along with ordinances approving an annexation agreement, approving annexation of the Subject Property, approving rezoning, and approving a preliminary planned unit development (PUD) and associated deviations (hereinafter cumulatively referenced herein as the “Polo Club Ordinances”); and

WHEREAS, Petitioner and Owner have requested the City delay recordation of the Polo Club Ordinances with the Will County Recorder for a period of time not to exceed three hundred and sixty-five (365) calendar days after their passage in order to allow the Petitioner to acquire title to the Subject Property-Horton, as that term is defined in the Annexation Agreement; and

WHEREAS, subject to approval of the Polo Club Ordinances, the City has agreed to the proposed timeframe for their recordation with the Will County Recorder as set forth herein. In the event all of the Polo Club Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the Polo Club Ordinances, including but not limited to this Ordinance, shall not become effective, shall not be recorded; and shall be deemed to be automatically null and void and of no force or effect with no further action being taken by the City, the Petitioner, or the Owner; and

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: If recordation of the Polo Club Ordinances, including but not limited to this Ordinance, does not occur within three hundred and sixty-five (365) calendar days after passage of the Polo Club Ordinances as provided herein, then said Ordinances shall be deemed to be automatically void without any further action being required by the City or the Petitioner. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Polo Club Ordinances are not recorded within the three hundred and sixty-five (365) calendar day timeframe described herein.

SECTION 3: Subject to approval, execution, and recordation of the Polo Club Ordinances, the Preliminary Plat of Subdivision for Polo Club, attached to this Ordinance as **Exhibit B**, is hereby approved.

SECTION 4: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 5: Upon confirmation from the City Attorney that the terms and conditions set forth or referenced herein have been fulfilled, and subject to the provisions set forth in Section 6 below, the City Clerk is authorized and directed to record this Ordinance, together with the exhibits attached hereto, with the Will County Recorder.

SECTION 6: The City of Naperville may, at its sole discretion, and without any claim of vested rights or damages to the Petitioner or the Owner, determine not to execute or record the Polo Club Ordinances if a boundary line agreement with the Village of Plainfield is not first recorded by both the City of Naperville and the Village of Plainfield.

SECTION 7: The City Council shall not consider or approve a final plat of

subdivision for any portion of the Subject Property until such time as Polo Club Ordinances have been recorded with the Office of the Will County Recorder.

SECTION 8: 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 9: This Ordinance shall be in full force and effect upon its recordation with the Will County Recorder.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph. D.
City Clerk