

PIN:
01-15-101-044 [part of]

PROPERTY ADDRESS:
Vacant real property located
at the southeast corner of
IL Route 59 and 103rd Street

After Resubdivision:
4111 Tower Court, Naperville, IL, 60564 [Lot 1]
4243 Tower Court, Naperville, IL 60564 [Lot 2]
4231 Tower Court, Naperville, IL 60564 [Lot 3]
4119 Tower Court, Naperville, IL 60564 [Outlot A]

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540
630/420-4170

RETURN TO:
CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #24-1-092

ORDINANCE NO. 25 -

AN ORDINANCE APPROVING THE FINAL PLAT OF NAPERVILLE – SOUTH FORTY LOTS 4, 5, 6 AND 7 RESUBDIVISION AND OWNERS' ACKNOWLEDGEMENT AND ACCEPTANCE AGREEMENTS FOR LIFE TIME AND TOWER COURT RESIDENCES

RECITALS

1. **WHEREAS**, the City of Naperville, 400 S. Eagle Street, Naperville, IL 60540 (“**City**”), is the owner of approximately 23.432 acres of real property (the “**City Resubdivision Property**”) located at the southeast corner of IL Route 59 and 103rd Street which was originally part of a larger parcel of property commonly known as the “**South Forty**” property. The City Resubdivision Property is legally described on **Exhibit A** and depicted on **Exhibit B**.

2. **WHEREAS**, on May 21, 2024, at the request of LTF Real Estate, Inc. (“**Petitioner**” or “**LTF**”), the City Council approved Ordinance 24-047, approving the Preliminary Plat of Naperville – South Forty Lots 4, 5, 6 and 7 Resubdivision recorded as Doc. R2024036699 with the Office of the Will County Recorder (also referenced herein as the “**Preliminary Plat of Resubdivision**”). Said Preliminary Plat of Resubdivision reflected a Resubdivision of 23.432 acres of the South Forty property into four lots: LOT 1; LOT 2; LOT 3; AND OUTLOT A.
3. **WHEREAS**, pursuant to a Purchase Agreement for City Property approved by the City Council on March 7, 2023, as amended by the First Amendment thereto approved by the City Council on April 15, 2025, Petitioner is the contract purchaser of LOT 1 of the City Resubdivision Property and intends to develop LOT 1 thereof with a 105,000 square foot, two-story Life Time fitness facility.
4. **WHEREAS**, pursuant to a Purchase and Sale Agreement for City Property between the City and Tower Court Naperville, LLC (“**TCN**”) approved by the City Council on February 7, 2023, as amended by the First Amendment thereto approved by the City Council on April 15, 2025, TCN is the contract purchaser of LOT 3 of the City Resubdivision Property and intends to develop LOT 3 as a multi-family residential development to provide affordable housing for seniors and for individuals with intellectual disabilities and/or developmental disabilities for a minimum affordability period of ninety-nine (99) years.
5. **WHEREAS**, in order to provide off-site stormwater management for LOT 1, LOT 2, LOT 3, and for two properties owned by the City located on part of the original South Forty property to the east of the City Resubdivision Property at 2808 103rd Street,

Naperville, IL, and 2812 103rd Street, Naperville, as well as for on-site stormwater management for Outlot A, the City, LTF, and TCN have agreed to cooperate in the construction and operation of a stormwater management system located primarily on Outlot A of the City Resubdivision Property through a Site Development and Escrow Agreement and a Declaration of Covenants, Conditions, and Restrictions, which agreements will be the subject of separate City Council approvals.

6. **WHEREAS**, in addition to Ordinance 24-047 approving the Preliminary Plat of Resubdivision for the City Resubdivision Property on May 22, 2024, the City Council of the City of Naperville approved the following ordinances related to LOT 1 of the City Resubdivision Property: (i) Ordinance 24-048, rezoning Lot 1 of the South Forty Lots 4, 5, 6 and 7 Resubdivision recorded as Doc. R2024036700 with the Will County Recorder; and, (ii) Ordinance 24-049 granting a variance to Section 6-16-5:2.1 of the Naperville Municipal code recorded as Doc. R2024036701 with the Office of the Will County Recorder.
7. **WHEREAS**, on November 5, 2024, the City Council of the City of Naperville approved the following ordinances related to LOT 3 of the City Resubdivision Property: (i) Ordinance 24-110 approving the rezoning of Lot 3 from B-2 (Community Shopping Center District) to OCI (Office, Commercial and Institutional District) (Tower Court Residences recorded as Document No. R2025-002230 with the Office of the Will County Recorder and (ii) Ordinance 24-111 approving a conditional use for multi-family residential and a conditional use for a planned unit development (PUD), and a preliminary/final PUD plat of Lot 3 in Naperville – South Forty Lots 4, 5, 6 and 7

Resubdivision with various zoning deviations recorded as Doc. R2025002231 with the Office of the Will County Recorder.

8. **WHEREAS**, LTF has now petitioned the City of Naperville for approval of a Final Plat of Naperville – South Forty Lots 4, 5, 6 And 7 Resubdivision.
9. **WHEREAS**, the Final Plat of Naperville – South Forty Lots 4, 5, 6 And 7 Resubdivision attached hereto as **Exhibit B** is in substantial conformance with the Preliminary Plat of Naperville – South Forty Lots 4, 5, 6 and 7 Resubdivision approved by Ordinance 24-047.
10. **WHEREAS**, LTF has requested that the City approve this ordinance (“**Ordinance**”) approving the Final Plat of Resubdivision attached hereto as **Exhibit B** and the Owner’s Acknowledgement and Acceptance Agreement for Life Time (hereinafter the “**LTF OAA**”) attached hereto as **Exhibit C.**
11. **WHEREAS**, TCN has requested that the City approve the Owner’s Acknowledgement and Acceptance Agreement for Tower Court Naperville (hereinafter “**TCN OAA**”) attached hereto as **Exhibit D.**
12. **WHEREAS**, the City Council of the City of Naperville has determined that the Final Plat of Naperville – South Forty Lots 4, 5, 6 And 7 Resubdivision, the Life Time OAA, and the TCN OAA, should be approved subject to the terms and conditions set forth and referenced 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: The Final Plat of Naperville – South Forty Lots 4, 5, 6 And 7 Resubdivision attached hereto as **Exhibit B**, the LTF OAA attached hereto as **Exhibit C**, and the TCN OAA attached hereto as **Exhibit D** are 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: The City Manager is hereby authorized to execute, and the City Clerk is hereby authorized to attest, the Life Time OAA and the TCN OAA approved by this Ordinance as directed by the City Attorney.

SECTION 5: Upon direction from the City Attorney, the City Clerk is authorized and directed to record this Ordinance and its exhibits with the Office of the Will County Recorder, or to deposit the same in a closing escrow account to be recorded with the Office of the Will County Recorder at closing on either LOT 1 or LOT 3 of the City Resubdivision Property.

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 Will County Recorder.

SECTION 7: This Ordinance shall take effect and be in full force and effect upon
recording with the Office of the Will County Recorder.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk