

PINs: SEE EXHIBIT A

ADDRESS:
NWC OF 119th ST & BOOK RD
NAPERVILLE, IL 60564

PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170

RETURN TO:

CITY OF NAPERVILLE
COMMUNITY SERVICES OFFICE/
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60566-7020

PZC Case #22-1-056

ORDINANCE NO. 23 -

**AN ORDINANCE GRANTING A
TEMPORARY USE FOR SOCCER/RECREATIONAL FIELDS
AND ASSOCIATED PARKING LOT LOCATED
AT THE NWC OF 119TH STREET AND BOOK ROAD
(NAPERVILLE POLO CLUB)**

RECITALS

1. **WHEREAS**, Pulte Home Company, LLC, 1900 East Golf Road, Suite 300, Schaumburg, Illinois, 60173 ("**Petitioner**") has petitioned the City of Naperville ("**City**") for annexation of an approximately one-hundred and ten (110) acre parcel of real property located at the northwest corner of 119th Street and Book Road in unincorporated Will County, legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**") for a development comprised of 261 single family detached dwelling units and 136 single family attached dwelling units known as the Naperville Polo Club ("**Naperville Polo Club**").
2. **WHEREAS**, the current owners of the Subject Property are listed on **Exhibit C** ("**Owners**").

3. **WHEREAS**, Pulte Home Company, LLC (“**Petitioner**”), as authorized by the Owners, has requested that the City approve this Ordinance for a temporary use (“**Ordinance**”) along with ordinances approving annexation of the Subject Property, an annexation agreement, rezoning of the Subject Property, a preliminary plat of subdivision, a preliminary planned unit development (PUD) with associated deviations, a conditional use to permit single-family attached units, a variance to the exterior wall construction requirements, and a temporary use for a marketing signage plan for signs to be located on portions of the Subject Property (hereinafter together referenced as the “**Naperville Polo Club Ordinances**”).
4. **WHEREAS**, the Subject Property is currently zoned A1 (Agricultural District) in unincorporated Will County. Seventeen (17) soccer fields and an adjacent parking lot (“**Soccer Fields and Parking Lot**”) currently exist on a portion of the Subject Property as depicted on **Exhibit D** attached hereto,
5. **WHEREAS**, upon annexation into the City of Naperville and rezoning to the City’s R2 (Single-Family and Low Density Multiple-Family Residence) District, the Soccer Fields and Parking Lot will no longer be permitted uses on the Subject Property;
and
6. **WHEREAS**, upon annexation of the Petitioner is requesting approval of a temporary use through March 7, 2028 to allow retention and the current uses of the Soccer Fields and Parking Lot on the Subject Property.

7. **WHEREAS**, pursuant to Section 6-2-11, a temporary use may be approved for a period of time which exceeds six (6) months if the use does not have an adverse impact on the surrounding properties or public health, safety and general welfare.
8. **WHEREAS**, the City Council has determined that the temporary use of the Soccer Fields and Parking Lot will not have an adverse impact on surrounding properties or public health, safety and general welfare and subject to the terms and conditions set forth herein should be granted as provided herein until March 7, 2028.
9. **WHEREAS**, Petitioner is under contract to purchase the Subject Property from the Owners in two stages.
10. **WHEREAS**, Petitioner has requested that the City delay recordation of the Naperville Polo Club Ordinances with the Will County Recorder for a period of time not to exceed nine (9) months after their passage (hereinafter the “**Recording Timeframe**”) in order to allow Petitioner to obtain title to a portion of the Subject Property.
11. **WHEREAS**, subject to approval of the Naperville Polo Club Ordinances, the City has agreed to the proposed timeframe for their recordation with the Will County Recorder as set forth herein. If all of the Naperville Polo Club Ordinances are not recorded within the Recording Timeframe, the City, Petitioner, and Owners agree that the Naperville 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, Owners, or the Petitioner.

12. **WHEREAS**, the Subject Property is the subject of a jurisdictional boundary line agreement between the City of Naperville and the Village of Plainfield which has not yet been full executed or recorded (the “**Boundary Line Agreement**”).

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 compliance with the terms and conditions set forth and referenced herein, a temporary use to permit the continued existing use of the Soccer Fields and Parking Lot, as defined herein and as depicted on **Exhibit D**, through March 7, 2028, is hereby granted.

SECTION 3: Except as specifically provided herein, this Ordinance and the Soccer Fields and Parking Lot are subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 4: Upon confirmation from the City Attorney that the terms and conditions set forth or referenced herein have been fulfilled, the City Clerk is authorized and directed to record the Naperville Polo Club Ordinances, together with their exhibits, with the Will County Recorder.

SECTION 5: If this Ordinance is not recorded with the Will County Recorder within nine (9) months of its 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 and

Owners 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 approvals contained in this Ordinance are subject to approval, execution, and recordation of a jurisdictional Boundary Line Agreement between the City of Naperville and the Village of Plainfield. If said Boundary Line Agreement has not been approved, executed and recorded prior to recordation of this ordinance and the Naperville Polo Club Ordinances, this ordinance and the Naperville Polo Club Ordinances shall be deemed to be automatically null and void without any further action by the City, Petitioner, or Owners.

SECTION 7: 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 Will County Recorder.

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