

PIN:
08-05-302-023

ADDRESS:
1200 E. DIEHL ROAD
NAPERVILLE, IL 60563

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 DEV-0030-2025

ORDINANCE NO. 25 - _____

**AN ORDINANCE APPROVING THE FIRST AMENDMENT TO THE OWNER AND
DEVELOPER'S ACKNOWLEDGEMENT AND ACCEPTANCE AGREEMENT FOR THE
HINES DIEHL ROAD RESUBDIVISION**

RECITALS

1. **WHEREAS**, Diehl Road Owner, LLC, ("**Owner** and **Petitioner**"), is the owner of real property located at 1200 E. Diehl Road in the City of Naperville ("**City**"), legally described on **Exhibit A** and depicted on **Exhibit B** ("**Subject Property**"); and
2. **WHEREAS**, on November 5, 2024, the City Council of the City of Naperville approved Ordinance 24-120, approving a Preliminary Plat of Subdivision for the Hines Diehl Road Resubdivision; and
3. **WHEREAS**, on June 17, 2025, the City Council approved Ordinance 25-061, approving a Final Plat of Subdivision and the Owner and Developer's Acknowledgement and Acceptance Agreement for Hines Diehl Road Resubdivision in order to subdivide the Subject Property into a mixed-use development on the Subject Property with 306 multi-family dwelling units, two commercial buildings, and a surface parking lot; and

4. **WHEREAS**, the Petitioner has requested to amend the Owner and Developer's Acknowledgement and Acceptance Agreement to remove the requirement for a management association; and
5. **WHEREAS**, the requirement for the formation of a management association has been removed subject to the addition of a parking allocation plan and additional parking enforcement mechanisms for the City; and
6. **WHEREAS**, the City Council of the City of Naperville has determined that the First Amendment to the Owner and Developer's Acknowledgement and Acceptance Agreement for the Hines Diehl Road Resubdivision attached hereto as **Exhibit C** 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: The First Amendment to the Owner and Developer's Acknowledgement and Acceptance Agreement, attached to this Ordinance as **Exhibit C**, 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: The City Clerk is authorized and directed to record this Ordinance, and the First Amendment to the Owner and Developer's Acknowledgement and Acceptance Agreement, approved by this Ordinance, with the DuPage County Recorder.

SECTION 5: 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 DuPage County Recorder.

SECTION 6: This Ordinance shall be in full force and effect upon its recordation with the DuPage 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