

**PINS:**  
**08-08-106-009**  
**08-08-106-010**

**ADDRESSES:**  
**5S275 AND 5S311 NAPERVILLE-WHEATON ROAD**  
**NAPERVILLE, IL 60563**

**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 #23-1-002**

**ORDINANCE NO. 23 - \_\_\_\_\_**

**AN ORDINANCE REVOKING ORDINANCE NO. 19-019 AND  
NO. 19-094 AS PREVIOUSLY APPROVED FOR THE PROPERTY  
LOCATED AT 5S275 AND 5S311 NAPERVILLE-WHEATON ROAD**

**RECITALS**

1. **WHEREAS**, on February 5, 2019, the City Council of the City of Naperville passed Ordinance No. 19-019 approving the Leigh Subdivision Preliminary Plat of Subdivision to subdivide the real property located at 5S275 and 5S311 Naperville-Wheaton Road, legally described on Exhibit A ("**Subject Property**"); and
2. **WHEREAS**, on February 5, 2019, the City Council also passed Ordinance No. 19-016 approving an annexation agreement for the Subject Property, Ordinance No. 19-017 approving annexation of the Subject Property into the City of Naperville corporate limits, and Ordinance No. 19-018 approving rezoning of the Subject Property to R3A upon annexation; and
3. **WHEREAS**, on July 16, 2019, the City Council passed Ordinance No. 19-094 approving the Final Plat of Subdivision for Leigh Subdivision; and

4. **WHEREAS**, the Subject Property is currently owned by Naperville Wheaton LLC (“**Owners**”); and
5. **WHEREAS**, Ordinance No. 19-094 was never recorded with the DuPage County Recorder and the Owners no longer wish to pursue development of the Subject Property in accordance with Ordinance No. 19-019 Preliminary Plat of Subdivision and Ordinance No. 19-094 Final Plat of Subdivision related to the Leigh Subdivision; and
6. **WHEREAS**, the Owners and Petitioners, Naperville Wheaton LLC, (“**Owners and Petitioners**”) have petitioned the City of Naperville (“**City**”) for development of the Subject Property known as Naperville-Wheaton Townhomes (Pearl Subdivision) PZC 23-1-002, which shall be subject to review and approval by the City; and
7. **WHEREAS**, the Petitioner has requested that the City approve this ordinance (“**Ordinance**”), along with an ordinance amending the Leigh Subdivision annexation agreement, an ordinance approving variances to allow for construction of nineteen (19) single family attached dwelling units and an associated surface parking lot, and an ordinance waiving the masonry requirements (hereinafter cumulatively referenced as the “**Naperville-Wheaton Townhome Ordinances**”); and
8. **WHEREAS**, the City Council has determined that it is desirable to revoke the Leigh Subdivision Approvals related to the Subject Property.

**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:** City of Naperville Ordinance 19-019 approving a preliminary plat of subdivision and Ordinance 19-094 approving a final plat of subdivision for the Subject Property are hereby revoked.

**SECTION 3:** This Ordinance shall be 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 the Naperville-Wheaton Townhome Ordinances, including their Exhibits, with the DuPage County Recorder.

**SECTION 5:** If this Ordinance is not recorded with the office of the Recorder in which the Subject Property is located within one (1) year of their 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 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:** 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 \_\_\_\_\_, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Steve Chirico  
Mayor

ATTEST:

\_\_\_\_\_  
Pam Gallahue, Ph.D.  
City Clerk