

PINs: SEE EXHIBIT A

ADDRESS:
NWC OF 119TH ST & BOOK RD
NAPERVILLE, IL 60585

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 60540

PZC Case #22-1-056

ORDINANCE NO. 23 - _____

AN ORDINANCE AUTHORIZING THE EXECUTION OF
AN ANNEXATION AGREEMENT FOR THE PROPERTY LOCATED AT THE
NORTHWEST CORNER OF 119TH STREET AND BOOK ROAD
COMMONLY KNOWN AS 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**, with the authorization of the Owners, Petitioner has requested the City approve this ordinance approving an annexation agreement for the Subject Property (“**Ordinance**”) along with ordinances approving annexation of the Subject Property, 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 on a portion of the Subject Property, a variance to the exterior wall construction requirements on a portion of the Subject Property, a temporary use for marketing signs, and a temporary use for soccer/recreational fields and associated parking lot located on the Subject Property (hereinafter together referenced as the “**Naperville Polo Club Ordinances**”).
4. **WHEREAS**, Petitioner is under contract to purchase the Subject Property from the Owners in two stages.
5. **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.
6. **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.

7. **WHEREAS**, the Petitioner is ready, willing, and able to enter into an annexation agreement and to perform the obligations required herein and as set forth in the Naperville Municipal Code ("**Code**"), as amended from time to time.
8. **WHEREAS**, the Petitioner and the City of Naperville have fully complied with the statutory and Code provisions required for the approval and execution of an annexation agreement.
9. **WHEREAS**, subject to the terms and conditions set forth and referenced herein, the City Council of the City of Naperville has determined that it is in the best interests of the City of Naperville to enter into the Annexation Agreement attached hereto as **Exhibit D**.
10. **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 authority, 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: Prior to recordation of the Naperville Polo Club Ordinances, Petitioner shall provide evidence of ownership of a portion of the Subject Property to the satisfaction of the City Attorney and submit a properly executed Annexation Agreement to the City.

SECTION 3: Upon direction of the City Attorney, the Mayor is then authorized and directed to execute, and the City Clerk is authorized and directed to attest, the Annexation Agreement for the Subject Property on behalf of the City. Upon confirmation that all required fees have been paid, and properly executed documents have been submitted, and subject to the provisions of Section 3 below, the City Clerk is then authorized and directed to record the Naperville Polo Club Ordinances, including their Exhibits, with the Will County Recorder in the following order: (1) an Ordinance Approving an Intergovernmental Agreement between the Village of Plainfield and the City of Naperville to establish a Boundary Line; (2) an Ordinance Approving an Annexation Agreement for the Subject Property; (3) an Ordinance approving Annexation of the Subject Property; (4) an Ordinance approving Rezoning of the Subject Property; (5) an Ordinance approving a Preliminary Plat of Subdivision for the Subject Property; (6) an Ordinance approving a Preliminary Plat of Planned Unit Development for the Subject Property with associated deviations; (7) an Ordinance Approving a Conditional Use to permit single-family attached units on a portion of the Subject Property; (8) an Ordinance approving a Variance to exterior wall construction requirements for a portion of the Subject Property; (9) an Ordinance granting a Temporary Use for a portion of the Subject Property for marketing signs; and (10) an Ordinance granting a Temporary Use for soccer/recreational fields and associated parking lot located on a portion of the Subject Property.

SECTION 4: If recordation of the Naperville Polo Club Ordinances, including but not limited to this Ordinance, does not occur within the Recording Timeframe, then said Ordinances shall be deemed to be automatically void without any further action being required by the City or the Petitioner. Petitioner and Owners have acknowledged that in no

event shall the City be liable or responsible in any manner or for any claim if the Naperville Polo Club Ordinances are not recorded within the Recording Timeframe.

SECTION 5: 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 the Naperville Polo Club Ordinances, the Naperville Polo Club Ordinances, including this Ordinance, shall be deemed to be automatically null and void without any further action by the City, Petitioner, or Owners.

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 Will County Recorder.

SECTION 7: 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