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07-01-22-400-007
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07-01-22-400-010
07-01-22-400-011
07-01-22-400-012
07-01-22-400-013
07-01-22-400-014

CURRENT ADDRESS:

23450 AND 23700 W 119TH STREET
PLAINFIELD, ILLINOIS 60585

PREPARED BY:

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

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

PZC Case #23-1-037

ORDINANCE NO. 23 - _____

**AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION AND OWNER'S
ACKNOWLEDGEMENT AND ACCEPTANCE AGREEMENT
FOR NAPERVILLE POLO CLUB - PHASE 2**

RECITALS

1. **WHEREAS**, on March 7, 2023 the Naperville City Council considered a request to annex approximately 110 acres of real property located at the northwest corner of 119th Street and Book Road in unincorporated Will County, legally described in **Exhibit A** and depicted on **Exhibit B**, (hereinafter the "**Subject Property**") in addition to various other entitlements in order to allow construction of 136 single-

family attached dwellings and 261 single-family detached dwellings for a planned unit development to be known as “**Naperville Polo Club**”; and

2. **WHEREAS**, on March 7, 2023 the following approvals were granted by the Naperville City Council for development of the Subject Property as the Naperville Polo Club: (i) Ordinance 23-024 approving an annexation agreement; (ii) Ordinance 23-025 annexing the Subject Property; (iii) Ordinance 23-026 rezoning the Subject Property to R2; (iv) Ordinance 23-027 approving a preliminary subdivision plat; (v) Ordinance 23-028 approving a conditional use for a preliminary PUD plat with deviations; (vi) Ordinance 23-029 approving a conditional use to permit single-family attached dwelling units in the R2 district; (vii) Ordinance 23-030 approving a variance to the exterior wall construction requirements of the Naperville Municipal Code; (viii) Ordinance 23-031 approving a temporary use for a marketing signage plan; and (ix) Ordinance 23-032 approving a temporary use to allow for the use of the soccer fields and parking lot through March 7, 2028. The foregoing ordinances are together hereinafter referenced as the “**Initial Polo Club Ordinances**”; and
3. **WHEREAS**, the petition seeking the entitlements approved by the Polo Club Ordinances was brought by Pulte Home Company, LLC, a Michigan limited liability company with offices at 1900 E. Golf Road, Suite 300, Schaumburg, IL 60173 (“**Pulte**”) as contract purchaser of the Subject Property, and by Chicago Title Land Trust Company, as Trustee under Trust Agreement dated November 1, 1987 and known as Trust Number 1090871, an owner of a portion of the Subject Property

(hereinafter “**Trust**”).Further, the petition was authorized by the other owners (“**Owners**”) of the Subject Property listed on **Exhibit C**; and

4. **WHEREAS**, in approving the Initial Polo Club Ordinances the City Council also approved a time period not to exceed nine (9) months after their passage (or by December 7, 2023) before the Initial Polo Club Ordinances would be required to be recorded with the Office of the Will County Recorder in order to provide time for Pulte to acquire fee simple title to a portion of the Subject Property (the “**Recording Timeframe**”); and
5. **WHEREAS**, in preparation for development of the Subject Property, and with the authorization of the Owners, Pulte and the Trust (together referenced herein as the “**Petitioner**”) have requested approval of the Final Plat of Subdivision for Naperville Polo Club Phase 2 pursuant to 7-2-2 of the Naperville Municipal Code (Subdivision Plat Procedures); and
6. **WHEREAS**, as required by Section 7-2-2:3 of the Naperville Municipal Code, the Final Plat of Subdivision for Naperville Polo Club Phase 2 attached hereto as **Exhibit D** is in substantial conformance with the Preliminary Plat of Subdivision for the Naperville Polo Club development approved by Ordinance 23-027; and
7. **WHEREAS**, in addition to this ordinance (“**Ordinance**”), Petitioner has also requested that the City pass an Ordinance approving the Final Plat of Subdivision for Naperville Polo Club Phase 1, an Ordinance approving the Final Plat of Planned Unit Development for Naperville Polo Club, and an Ordinance Approving an Agreement Regarding Improvements to the Old Book Road Culvert and Drainage

Channel (which ordinances, together with the Initial Polo Club Ordinances are hereinafter together referenced as the “**Polo Club Ordinances**”); and

8. **WHEREAS**, Petitioner has requested that recordation of this Ordinance, the Ordinance approving the Final Plat of Planned Unit Development for Naperville Polo Club, the Ordinance approving the Final Plat of Subdivision for Phase 1 of the Subject Property, and the Ordinance approving an Agreement Regarding Improvements to the Old Book Road Culvert and Drainage Channel be delayed for the same Recording Timeframe described in Recital 4 herein in order to allow Petitioner to obtain title to a portion of the Subject Property; and
9. **WHEREAS**, subject to approval of the ordinances described in Recital 4 above, the City has agreed to the proposed Recording Timeframe as described in Recital 4 for their recordation with the Will County Recorder as set forth herein. If the Polo Club Ordinances, including all exhibits thereto, and including the fully executed Owner’s Acknowledgement and Acceptance Agreement for Naperville Polo Club, are not recorded within the Recording Timeframe as described in Recital 4 hereof, the City, Petitioner, and Owners agree that the 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; and
10. **WHEREAS**, the City Council has determined that Petitioner’s requests should be granted 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 Final Plat of Subdivision for Naperville Polo Club Phase 2, attached to this Ordinance as **Exhibit D**, is hereby approved.

SECTION 3: The Owner's Acknowledgement and Acceptance Agreement for Naperville Polo Club, attached to this Ordinance as **Exhibit E**, is hereby approved.

SECTION 4: If recordation of the Polo Club Ordinances does not occur within the Recording Timeframe specified within Recital 4 above, 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 Polo Club Ordinances are not recorded within the Recording Timeframe specified in Recital 4.

SECTION 5: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

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 recordation with the Will County Recorder as provided herein.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrli
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk