

**PIN:**  
**N/A**  
**(to the north and east of PIN 01-15-200-012-0010)**

**ADDRESS:**  
**SERVICE/UTILITY CORRIDOR**  
**ADJACENT TO THE SOUTHWEST**  
**CORNER OF 103RD STREET AND BOOK ROAD**

**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 #17-1-129**

**ORDINANCE NO. 18 - \_\_\_\_**

**AN ORDINANCE REVOKING A PORTION OF  
THE 1994 CLOW CREEK FARM PLANNED UNIT DEVELOPMENT  
AND SUBDIVISION PLAT**

**WHEREAS**, on September 20, 1994, the City Council of the City of Naperville passed Ordinance 94-184 which approved a preliminary planned unit development plat and subdivision plat for Clow Creek Farm as depicted on **Exhibit A** ("1994 Preliminary PUD and Subdivision Plat"); and

**WHEREAS**, Nick Stanitz ("Petitioner"), has petitioned the City of Naperville for revocation of a portion of 1994 Preliminary PUD and Subdivision Plat for property located within the service/utility corridor near the southwest corner of 103<sup>rd</sup> Street and Book Road, Naperville, Illinois, which property is legally described on **Exhibit B** and depicted on **Exhibit C** ("Subject Property"); and

**WHEREAS**, neither a final planned unit development plat or a final subdivision plat were ever sought or approved for the Subject Property; and

**WHEREAS**, the Subject Property is currently zoned R1A (Low Density Single-Family Residence District) with a conditional use for a PUD; and

**WHEREAS**, the owner of the Subject Property is Julianne E. Clow-Baltz, Declaration of Trust; and

**WHEREAS**, the Petitioner seeks to include the Subject Property as part of the Clow Creek Farm Addition Planned Unit Development and the preliminary plat of subdivision for Clow Creek Farm Addition as well as the remaining Clow Creek Farm Addition Ordinances described herein; and

**WHEREAS**, Petitioner has requested that the City approve this ordinance (“Ordinance”) along with ordinances authorizing the execution of an annexation agreement for the adjacent property, annexing the adjacent property, approving rezoning of the adjacent property to R1A, approving a preliminary plat of subdivision for the Clow Creek Farm Addition, and approving a conditional use to allow for the establishment of the Clow Creek Farm Addition PUD within the R1A zoning district with deviations to Section 6-6A-5 (Area Requirements) and Section 6-6A-7 (Yard Requirements) of the Naperville Municipal Code (hereinafter cumulatively referenced herein as the “Clow Creek Farm Addition Ordinances”); and

**WHEREAS**, Petitioner has requested that the City delay recordation of the Clow Creek Farm Addition Ordinances with the Will County Recorder for a period of time not to exceed twelve (12) months after their passage in order to allow the Petitioner to finalize the

purchase and sale agreement for the Subject Property and to acquire ownership of the Subject Property; and

**WHEREAS**, subject to approval of the Clow Creek Farm Addition Ordinances, the City has agreed to the proposed timeframe for their recordation with the Will County Recorder as set forth herein. In the event that all of the Clow Creek Farm Addition Ordinances are not recorded within the timeframe described above, the City and Petitioner agree that the Clow Creek Farm Addition Ordinances shall not be recorded and shall be deemed to be automatically null and void with no further action being taken by the City or the Petitioner; and

**WHEREAS**, the City Council of the City of Naperville has determined that the portion of the 1994 Preliminary PUD and Subdivision Plat which comprises the Subject Property does not further any of the stated purposes or goals of a PUD per the Naperville Municipal Code; and

**WHEREAS**, the City Council has determined that the Petitioner's request 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 here. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** The preliminary planned unit development plat and subdivision plat for Clow Creek Farm approved by Ordinance 94-184 is hereby revoked as to the Subject Property legally described on **Exhibit A** and depicted on **Exhibit B**; the remainder of the

planned unit development plat and subdivision plat for Clow Creek Farm approved by Ordinance 94-184, and any subsequent final plats and/or amendments thereto, shall remain in full force and effect.

**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:** 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.

**SECTION 5:** 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 this Ordinance, together with the exhibits attached hereto, with the Will County Recorder.

**SECTION 6:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

ATTEST:  
\_\_\_\_\_

Pam Gallahue, Ph. D.  
City Clerk