

**PINs:**  
**01-15-200-012-0010**  
**01-15-200-012-0020**

**ADDRESS:**  
**NEAR THE SOUTHWEST CORNER OF**  
**BOOK ROAD AND 103<sup>RD</sup> STREET**

**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 APPROVING THE PRELIMINARY PLAT OF SUBDIVISION  
FOR CLOW CREEK FARM ADDITION**

**WHEREAS**, Nick Stanitz ("Petitioner") has petitioned the City of Naperville for approval of a preliminary plat of subdivision for Clow Creek Farm Addition, real property located near the southwest corner of 103<sup>rd</sup> Street and Book Road, legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"), to allow for development of sixty-one (61) single family homes; and

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

**WHEREAS**, on January 17, 2018, the Planning and Zoning Commission conducted a public hearing to consider the requested Preliminary Plat of Subdivision for the Subject Property and recommended approval of the Petitioner's request; and

**WHEREAS**, the City Council of the City of Naperville has determined that the Preliminary Plat of Subdivision for Clow Creek Farm Addition should be approved as provided herein; and

**WHEREAS**, Petitioner has requested that the City approve this ordinance (“Ordinance”) along with ordinances authorizing the execution of an annexation agreement of the Subject Property, annexing a portion of the Subject Property, rezoning a portion of the Subject Property to R1A, revoking a portion of the Clow Creek Farm Planned Unit Development (PUD) as it relates to the Subject Property, and approving a conditional use to allow for the establishment of a 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.

**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:** If recordation of the Clow Creek Farm Addition Ordinances does not occur within twelve (12) months after passage of the Clow Creek Farm Addition Ordinances as provided herein, then said Ordinances shall be deemed to be automatically void without any further action being required by the City or the Petitioner. Petitioner has acknowledged that in no event shall the City be liable or responsible in any manner or for any claim if the Clow Creek Farm Addition Ordinances are not recorded within the timeframe described herein.

**SECTION 3:** Subject to approval, execution, and recordation of the Clow Creek Farm Addition Ordinances, the Preliminary Plat of Subdivision for Clow Creek Farm Addition, attached to this Ordinance as **Exhibit B**, is hereby approved.

**SECTION 4:** This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

**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:** 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 7:** This Ordinance shall be in full force and effect upon its recordation with the Will County Recorder.

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

AYES:

NAYS:

ABSENT:

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

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

ATTEST:

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