

**PINs: 08-08-106-009, 08-08-106-010**

**ADDRESS:  
5S275 AND 5S311  
NAPERVILLE/WHEATON ROAD  
NAPERVILLE, IL 60563**

**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 #19-1-026**

**ORDINANCE NO. 19 - \_\_\_\_\_**

**AN ORDINANCE APPROVING THE FINAL PLAT OF SUBDIVISION AND  
THE OWNER'S ACKNOWLEDGEMENT AND ACCEPTANCE AGREEMENT (OAA)  
FOR LEIGH SUBDIVISION**

**WHEREAS**, Naperville Wheaton LLC ("Owner") is the owner of the real property located on the east side of Naperville/Wheaton Road, south of Ogden Avenue (Leigh Subdivision) which is legally described on **Exhibit A** and depicted on **Exhibit B** ("Subject Property"); and

**WHEREAS**, the Subject Property is currently zoned R3A (Medium Density Multiple-Family Residence District); and

**WHEREAS**, on February 5, 2019 the Naperville City Council passed Ordinance 19-019, approving the Preliminary Subdivision Plat for Leigh Subdivision in order to subdivide the Subject Property into four (4) buildable lots, and also passed ordinances approving an Annexation Agreement, annexing the Subject Property, and rezoning the Subject Property

to R3A (Medium Density Multiple-Family Residence District) (hereinafter “**Preliminary Ordinances**”) which Preliminary Ordinances have not yet been recorded with the DuPage County Recorder; and

**WHEREAS**, the Petitioner has requested approval of the Final Plat of Subdivision for Leigh Subdivision to allow for development of four (4) single-family homes on the Subject Property; and

**WHEREAS**, the Final Plat of Subdivision for Leigh Subdivision is in substantial conformance with the Preliminary Subdivision Plat for Leigh Subdivision approved by Ordinance 19-019 but not yet recorded; and

**WHEREAS**, the City Council of the City of Naperville has determined that the Final Plat of Subdivision for Leigh Subdivision should be approved subject to the terms and conditions set forth 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 in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** The Preliminary Ordinances, including but not limited to a fully executed Annexation Agreement, shall be recorded on or before February 5, 2020 or they shall automatically expire without further action of the City of Naperville or the Owner.

**SECTION 3:** Subject to the terms and conditions set forth herein, the Final Plat of Subdivision for Leigh Subdivision attached to this Ordinance as **Exhibit B** is hereby approved.

**SECTION 4:** Subject to the terms and conditions set forth herein, the Owner's Acknowledgement and Acceptance Agreement (OAA) for Leigh Subdivision, attached to this Ordinance as **Exhibit C**, is hereby approved.

**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.

**SECTION 7:** The City Clerk is directed to record this Ordinance and its Exhibits with the DuPage County Recorder upon confirmation by the City Attorney that the conditions set forth above have been met.

**SECTION 8:** This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph. D.  
City Clerk