

ORDINANCE NO. 23- \_\_\_\_\_

**AN ORDINANCE ACCEPTING CONVEYANCE OF OUTLOTS B AND C OF HERITAGE PLACE SUBDIVISION AND CONVEYING OUTLOTS B AND C OF HERITAGE PLACE SUBDIVISION TO THE NAPERVILLE PARK DISTRICT**

**RECITALS**

1. **WHEREAS**, Section 7-3-5 of the Naperville Municipal Code, commonly referenced as the City of Naperville’s land-cash provisions, requires a subdivider or developer to dedicate land, cash, or a combination thereof, for park and school sites as a condition of final plat of subdivision or a final plat of a planned unit development; and
2. **WHEREAS**, as provided in Section 5 of the Owner’s Acknowledgement and Acceptance Agreement for Heritage Place Subdivision recorded with the DuPage County Recorder as Document No. R2020-139534, and in accord with the land-cash provisions set forth in the Naperville Municipal Code, RAM West, LLC, (hereinafter the “**Developer**”), was required to donate Lots B and C of the Heritage Place Subdivision to the City of Naperville (hereinafter “**City**”) for conveyance thereof to the Naperville Park District (hereinafter “**Park District**”), which property (“**Subject Property**”) is depicted on **Exhibit A** attached hereto and described as follows:

-Permanent Real Estate Index Numbers: 08-18-309-024 & 08-18-309-028

-Common Addresses:

Common address for 08-18-309-024: 130 N. Wright Street, Naperville, Illinois, 60540

Common address for 08-18-309-028: 131 N. Columbia Street, Naperville, Illinois, 60540

-Legal Description:

OUTLOT B AND OUTLOT C AS SHOWN ON THE FINAL PLAT OF SUBDIVISION FOR HERITAGE PLACE IN HISTORIC NAPERVILLE, BEING A SUBDIVISION OF PART OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS, PURSUANT TO THE PLAT THEREOF RECORDED IN DUPAGE COUNTY, ILLINOIS ON DECEMBER 16, 2021, AS DOCUMENT NUMBER R2021-179546.

3. **WHEREAS**, the City and the Park District are municipalities as defined in Section 1(c) of “An Act in Relation To The Transfer Of Interests In Real Estate By Units Of Local Governments Or School Districts,” 50 ILCS 605/1(c) (hereinafter the “**Transfer Act**”); and
4. **WHEREAS**, Section 2 of the Transfer Act authorizes the conveyance of real property from one municipality to another municipality upon a two-thirds (2/3rds) vote of the corporate authorities of the transferor municipality (the City); and
5. **WHEREAS**, as a condition precedent to a conveyance under the Transfer Act, the transferee municipality (the Park District) must first declare by ordinance “that it is necessary or convenient for it to use, occupy or improve” the real estate held by the transferor municipality (the City); and
6. **WHEREAS**, in accordance with the requirements of Section 2 of the Transfer Act, by passage of Ordinance No. 1039 passed by the Park District on July 27, 2023, the Park District has declared that it is necessary or convenient for it to use, occupy or improve the Subject Property, a copy of which Ordinance and transmittal letter are attached hereto as **Exhibit B**.
7. **WHEREAS**, the Developer has submitted a Warranty Deed, attached hereto as **Exhibit C**, conveying the Subject Property to the City; and

8. **WHEREAS**, the City is prepared to convey the Subject Property to the Park District by Special Warranty Deed attached hereto as **Exhibit D**.

**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 above Recitals are hereby incorporated herein as if fully set forth in their entirety in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

**SECTION 2:** The City hereby accepts conveyance of the Subject Property from the Developer by acceptance of the Warranty Deed attached hereto and made part hereof as **Exhibit C**.

**SECTION 3:** The City Manager and City Clerk are hereby authorized and directed to execute the Special Warranty Deed conveying the Subject Property to the Naperville Park District which is attached hereto and made part hereof as **Exhibit D**.

**SECTION 4:** The City Manager, City Clerk, and City Attorney are directed to execute any other necessary documents to effectuate the acceptance and transfer of the Subject Property as provided herein.

**SECTION 5:** 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 DuPage County Recorder.

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

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023

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Scott A. Wehrli  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk