

RESOLUTION NO. 25 –

A RESOLUTION ACCEPTING LAND CASH PROPERTIES KNOWN AS OUTLOTS E AND F IN THE NAPERVILLE POLO CLUB DEVELOPMENT AND AUTHORIZING CONVEYANCE OF SAID PROPERTIES TO THE NAPERVILLE PARK DISTRICT

- 1. WHEREAS**, Section 7-3-5 of the Naperville Municipal Code 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**, by the terms of the Annexation Agreement for the Naperville Polo Club Development passed by City of Naperville Ordinance No. 23-024 and the Owner's Acknowledgement and Acceptance Agreements for Phase 1 and Phase 2 of the Naperville Polo Club Development passed by City of Naperville Ordinances Nos. 23-097 and 23-098, including the negotiated agreement between the Developer and the Park District, Pulte Home Company, LLC, a Michigan limited liability company, (hereinafter "**Developer**"), was required to donate Outlot E and Outlot F (hereinafter "**Outlot E**" and "**Outlot F**") in the Naperville Polo Club Development to the City of Naperville (hereinafter "**City**") for conveyance thereof to the Naperville Park District (hereinafter "**Park District**"), which properties are described as follows:

Fairlane Farms Park:

OUTLOT E IN NAPERVILLE POLO CLUB PHASE 1 SUBDIVISION, BEING A PART OF THE SOUTH HALF OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 18, 2023 AS DOCUMENT NUMBER R2023-042569 IN WILL COUNTY, ILLINOIS.

PIN: 07-01-22-410-004-0000

Address: 5904 Book Road, Naperville, Illinois, 60564

and

Polo Club Park:

OUTLOT F IN NAPERVILLE POLO CLUB PHASE 1 SUBDIVISION, BEING A PART OF THE SOUTH HALF OF SECTION 22, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 18, 2023, AS DOCUMENT NUMBER R2023-042569 IN WILL COUNTY, ILLINOIS.

PIN: 07-01-22-413-001-0000

Address: 5828 Hawkweed Drive, Naperville, Illinois, 60564

3. WHEREAS, the City and the Park District are municipalities as defined in Section 1(c) of the Local Government Property Transfer Act, 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 then holding office (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, the Park District has declared, by passage of Ordinance No. 1072, that it is necessary or convenient for it to use, occupy or improve the Subject Property, a copy of which Ordinance is attached hereto and made part hereof as **Exhibit A**; and

7. WHEREAS, the City’s acceptance and transfer of Outlot E and Outlot F as described herein is also taken by the City pursuant to its authority as a home rule unit of local government under the Constitution and statutes of the State of Illinois.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule authority as follows:

SECTION 1: The above Recitals are hereby incorporated herein as if fully set forth in their entirety in this Section 1.

SECTION 2: The City hereby accepts conveyance of Outlot E and Outlot F from the Developer by acceptance of the Warranty Deeds attached hereto and made part hereof as **Exhibit B** (for Outlot E) and **Exhibit C** (for Outlot F).

SECTION 3: The City hereby approves conveyance of Outlot E from the City to the Naperville Park District, and the City Manager and City Clerk are hereby authorized and directed to execute the Special Warranty Deed conveying Outlot E to the Naperville Park District which is attached hereto and made part hereof as **Exhibit D**.

SECTION 4: The City hereby approves conveyance of Outlot F from the City to the Naperville Park District, and the City Manager and City Clerk are hereby authorized and directed to execute the Special Warranty Deed conveying Outlot F to the Naperville Park District which is attached hereto and made part hereof as **Exhibit E**.

SECTION 5: The City Manager, City Clerk, and City Attorney, or their designees, are directed to execute any other necessary documents to effectuate the acceptance and transfer of the Subject Property as described herein.

SECTION 6: The City Clerk is directed to record the deeds described in Sections 2 and 3 above with the DuPage County Recorder.

SECTION 7: If any section, paragraph, or provision of this Resolution 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

Resolution 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 Resolution and to exhibits referenced herein prior to execution.

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

ADOPTED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk