

RESOLUTION NO. 21-

A RESOLUTION AUTHORIZING THE CONVEYANCE OF REAL PROPERTY ON MILL STREET TO THE NAPERVILLE PARK DISTRICT

RECITALS

1. **WHEREAS**, the City of Naperville (“**City**”) is an Illinois municipal corporation with home rule powers under the laws and the Constitution of the State of Illinois and owns certain real property adjacent to Mill Street in the City of Naperville as legally described on Exhibit A and depicted on Exhibit B (hereinafter the “**Subject Property**”); and
2. **WHEREAS**, the Naperville Park District (“**Park District**”) is an Illinois Park District and unit of local government that owns various properties that it uses for various park and recreation purposes, including the property upon which the Park District has located its “**North Maintenance Facility**”; and
3. **WHEREAS**, the Subject Property is adjacent to the North Maintenance Facility and lies between Mill Street and the Park District property on a portion of 219 S. Mill Street; and
4. **WHEREAS**, the North Maintenance Facility is close to the Naperville Riverwalk and is essential to provide maintenance services in an efficient and cost effective manner for the Naperville Riverwalk; and
5. **WHEREAS**, the Park District desires to acquire the Subject Property from the City to secure the use of the North Maintenance Facility in its present location and thereby continue to serve the Naperville Riverwalk and also continue the cost savings and efficiencies enjoyed by all residents; and

6. **WHEREAS**, the City and the Park District are municipalities as defined in Section 1(c) of the Illinois Local Government Property Transfer Act 50 ILCS 605/1(c) (hereinafter the “**Transfer Act**”); and
7. **WHEREAS**, Section 2 of the Transfer Act authorizes the conveyance of real property from one municipality to another municipality upon a two-thirds (2/3) vote of the corporate authorities of the transferor municipality (in this case, the City) which action is to be taken by resolution; and
8. **WHEREAS**, as a condition precedent to a conveyance under Section 2 of the Transfer Act, the transferee municipality (in this case, 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 (in this case, the City); and
9. **WHEREAS**, by Ordinance No. 1004 passed by the Naperville Park District on July 22, 2021, the Naperville Park District has declared that it is necessary or convenient for the Park District to use, occupy or improve the Subject Property.
10. **WHEREAS**, the City finds that it is appropriate to transfer all of the right, title, and interest held by it in the Subject Property as of the effective date of this Resolution to the Park District at no charge to the Park District.

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

SECTION 1: The foregoing Recitals are incorporated as though fully set forth in this Section 1. All exhibits referenced in this Resolution shall be deemed incorporated and made part hereof.

SECTION 2: The City hereby finds that it is appropriate to transfer all of the right, title, and interest held by it in the Subject Property as of the effective date of this Resolution to the Park District to the Park District as provided herein.

SECTION 3: The City Manager, City Clerk, and City Attorney are hereby authorized and directed to execute such documents and take such steps as necessary to accomplish transfer of title of the Subject Property to the Naperville Park District.

SECTION 4: If any portion of this Resolution shall be determined to be invalid or unenforceable by a court of competent jurisdiction in the State of Illinois, the remaining portions of this Resolution shall remain full force and effect.

SECTION 5: This Resolution shall be in full force and effect from and after its passage and approval.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk