

PIN:

07-01-15-101-044 [part of]

Common Address:

4231 Tower Court
Naperville, IL 60564

Approximately 4.8 acres of
vacant land located South of
Illinois Route 59 and East of E of 103rd Street
on Tower Court

PREPARED BY:

City of Naperville Legal Department

RETURN TO:

City of Naperville
Community Services Department
400 South Eagle Street
Naperville, IL 60540

ORDINANCE NO. 23 - ____

**AN ORDINANCE APPROVING A PURCHASE AND
SALE AGREEMENT BETWEEN THE CITY OF NAPERVILLE
AND TOWER COURT NAPERVILLE, LLC**

RECITALS

1. **WHEREAS**, pursuant to its home rule authority under the Constitution and laws of the State of Illinois, and pursuant to the surplus property provisions set forth in Section 1-9B-9:4 of the Naperville Municipal Code, the City of Naperville ("**City**") has determined, that continued ownership of approximately 4.68 acres of vacant land located southeast of 103rd Street and Illinois Route 59 on Tower Court, Naperville, IL, legally described on **Exhibit A** and depicted on **Exhibit B** (the "**Project Property**") is no longer necessary, appropriate, required for the use of, profitable to, or in the best interests of the City.
2. **WHEREAS**, on September 21, 2021, by Resolution 21-024, the Naperville City Council issued RFP 21-315 seeking to sell certain real property owned by the City,

including the Project Property, to a developer who could provide affordable housing for seniors and individuals with intellectual and/or developmental disabilities and needs.

3. **WHEREAS**, Tower Court Naperville, LLC, a wholly owned subsidiary of Gorman & Company, LLC, and the City have negotiated the terms of a purchase and sale agreement for the Project Property attached hereto as **Exhibit C** (the “**Purchase and Sale Agreement**”).
4. **WHEREAS**, Tower Court Naperville, LLC and the City have also negotiated major business terms (“**Major Business Terms**”) relative to the affordable housing development to be constructed and operated on the Project Property for seniors over the age of sixty-two (62) and for individuals with intellectual disabilities and/or developmental disabilities over the age of eighteen (18), which Major Business Terms are attached as Exhibit C to the Purchase and Sale Agreement.

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

SECTION 1: The foregoing Recitals are substantive and incorporated herein as though fully set forth in this Section 1. **Exhibit A**, **Exhibit B**, and **Exhibit C** referenced in this Ordinance, and all exhibits attached thereto, shall be deemed incorporated herein and made part hereof.

SECTION 2: The City Council approves the sale of the Project Property pursuant to the Purchase and Sale Agreement with Tower Court Naperville, LLC attached hereto as **Exhibit C**, including but not limited to the Major Business Terms attached thereto.

SECTION 3: The City Manager and the City Clerk of the City of Naperville are hereby authorized and directed to execute the Purchase and Sale Agreement attached hereto as **Exhibit C**, and the Major Business Terms attached as Exhibit C to the Purchase and Sale Agreement, subject to such technical and minor substantive revisions thereto as may be deemed acceptable to the City Attorney, and to execute all other documents necessary to complete the sale of the Project Property described herein.

SECTION 4: If any section, paragraph or provision of this Ordinance is 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.

SECTION 5: 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.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk