

ORDINANCE NO. 22 –

AN ORDINANCE AUTHORIZING EXECUTION OF A PURCHASE AND SALE AGREEMENT, TEMPORARY CONSTRUCTION EASEMENT AGREEMENT, GRANT OF PERMANENT EASEMENT AGREEMENT, AND ENCROACHMENT LICENSE AGREEMENT PERTAINING TO PORTIONS OF REAL PROPERTY LOCATED AT 8 W. CHICAGO AVENUE, NAPERVILLE, ILLINOIS

1. **WHEREAS**, the City of Naperville (“**City**”) is undertaking reconstruction of the Washington Street Bridge located in the City’s downtown (the “**Project**”).

2. **WHEREAS**, John W. Feldott as Successor Trustee under Trust Agreement dated November 13, 1996, as restated June 28, 2016, and known as the Donald A. Feldott Trust, with offices located 2857 Bond Circle, Naperville, IL 60563 (the “**Property Owner**”), owns certain real property located at 8 W. Chicago Avenue depicted on **Exhibit A** and legally described on **Exhibit B** (the “**Property**”).

3. **WHEREAS**, in order to undertake the Project, it has been determined that it is necessary for the City to:
 - (1) purchase a portion of the Property for the purposes and subject to the terms and conditions generally set forth in the Purchase and Sale Agreement attached hereto as **Exhibit C**;

 - (2) acquire a temporary construction easement on a portion of the Property subject to the terms and conditions generally set forth in the Temporary Construction Easement Agreement attached hereto as **Exhibit D**;

 - (3) acquire permanent easement rights in a portion of the for the purposes and subject to the terms and conditions generally set forth in the Grant of Easement agreement attached hereto as **Exhibit E**; and

 - (4) enter into an encroachment license agreement for the purposes and subject to the terms and conditions generally set forth in the Encroachment License Agreement set forth in **Exhibit F**.

4. **WHEREAS**, the agreements described in Recital 3 above are hereinafter together referenced as the “**Agreements**” and all exhibits referenced in Recital 3 are deemed attached hereto and made part hereof.
5. **WHEREAS**, pursuant to its home rule powers under the laws and Constitution of the State of Illinois, and pursuant to 65 ILCS 5/2-2-12 of the Illinois Municipal Code, the City is authorized to acquire and own real property for corporate purposes.
6. **WHEREAS**, the City Council has determined that it is necessary and appropriate in furtherance of the Project for the City to enter in the Agreements with the Property Owner as set forth herein.

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

SECTION 1: The Recitals above are incorporated herein and made part hereof of this Section 1 as though fully set forth herein.

SECTION 2: The City Manager and the City Clerk of the City of Naperville are hereby authorized and directed to execute the Agreements attached hereto as **Exhibit C**, **Exhibit D**, **Exhibit E**, and **Exhibit F** 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 acquisition and grant of the property interests described in Recital 3 hereof.

SECTION 3: 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 4: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2022.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2022.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk