

**ORDINANCE NO. 23 -**

**AN ORDINANCE APPROVING A PURCHASE AND  
SALE AGREEMENT FOR PROPERTY LOCATED AT  
636 4<sup>TH</sup> AVENUE, NAPERVILLE**

**RECITALS**

1. **WHEREAS**, pursuant to its home rule authority under the Constitution and laws of the State of Illinois, the City of Naperville ("**City**") has determined that continued ownership of approximately 8,951 square feet of vacant land located at 636 4<sup>th</sup> Avenue, Naperville, legally described on **Exhibit A** and depicted on **Exhibit B**, (the "**Subject Property**") is no longer necessary, appropriate, required for the use of, profitable to, or in the best interests of the City.

2. **WHEREAS**, conveyance of the Subject Property will relieve the City of all responsibility for its ongoing maintenance, repair, and reconstruction, and for liability associated with said property.

3. **WHEREAS**, the City has determined that it is in the best interests of the City to convey the Subject Property to Running Good, LLC subject to the provisions of the Purchase and Sale Agreement between the City of Naperville and Running Good, LLC attached hereto as **Exhibit B**.

**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 authority, as follows:**

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

**SECTION 2:** The City Council hereby agrees to convey the Subject Property to Running Good, LLC under the terms and conditions set forth and referenced herein.

**SECTION 3:** The City Manager and City Clerk of the City of Naperville are hereby authorized and directed to execute the Purchase and Sale Agreement between the City of Naperville and Running Good, LLC attached hereto and made part hereof as **Exhibit B**, 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 Subject Property described herein.

**SECTION 4:** 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 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.

By: \_\_\_\_\_  
Scott Wehrli  
Mayor

**ATTEST**

\_\_\_\_\_  
Pam Gallahue, Ph.D.  
City Clerk