

ORDINANCE NO. 25- _____

**AN ORDINANCE DECLARING NECESSITY OF USE
AND AUTHORIZING THE TRANSFER OF PROPERTY FOR
THE BENEFIT OF THE CITY OF NAPERVILLE**

1. **WHEREAS**, the Village of Plainfield (hereinafter “**Plainfield**”) owns certain real property located along the south side of 119th Street in part within unincorporated Will County and in part within the corporate limits of the City of Naperville (hereinafter also referenced herein as “**Naperville**”) as legally described on **Exhibit A** (hereinafter the “**Property**”); and

2. **WHEREAS**, because Naperville has jurisdiction over 119th Street adjacent to the Property, Plainfield is willing to convey, and the City of Naperville is willing to accept, fee simple title to approximately .459 acres of the Property to be used for right-of-way, and utility purposes, as needed, as legally described on **Exhibit A** and depicted on **Exhibit B** (hereinafter the “**ROW Property**”); and

3. **WHEREAS**, Naperville and Plainfield are municipalities as defined in Section 1(c) of “An Act in Relation To The Transfer Of Interests In Real Estate By Units Of Local Governments Or School Districts,” 50 ILCS 605/1(c) (hereinafter the “**Transfer Act**”) and are also home rule municipalities under the laws and Constitution and laws of the State of Illinois; 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 vote of the corporate authorities of the transferor municipality (Plainfield); and

5. **WHEREAS**, as a condition precedent to a conveyance under Section 2 of the Transfer Act, the transferee municipality (Naperville) 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 (Plainfield); and

6. **WHEREAS**, in accordance with the requirements of Section 2 of the Transfer Act, Naperville, as transferee municipality, hereby declares that it is necessary or convenient for Naperville to use, occupy or improve the ROW Property.

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 powers, as follows:

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

SECTION 2: Declaration of Necessity or Convenience. The City of Naperville hereby declares that it is necessary or convenient for it to use, occupy or improve the ROW Property.

SECTION 3: Approval of Documents. 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 ROW Property as described herein.

SECTION 4: Recordation. Upon receipt of a deed to the ROW Property from Plainfield in a form agreed upon by legal counsel for Plainfield and Naperville, the City Clerk is directed to record the following with the Will County Recorder: (i) this Ordinance (including exhibits hereto); (ii) the deed to the ROW Property; and (iii) Plainfield’s

ordinance approving the transfer of the ROW Property if it has not been separately recorded.

SECTION 5: Severability/Minor Revisions. 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Will County Recorder.

SECTION 6: Effective Date. This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk

