

PROPERTY ADDRESS:
Wolf's Crossing Community Park
3252 Wolf's Crossing Road
Naperville, IL 60564

P.I.N.: 07-01-08-201-016-0000
County: Will
Township: Wheatland

Return to:
City Clerk
City of Naperville
400 South Eagle Street
Naperville, IL 60540

(for Recorder's use only)

LAND USE PERMIT
FROM THE NAPERVILLE PARK DISTRICT TO
THE CITY OF NAPERVILLE
FOR THE INSTALLATION OF WATER AND ELECTRIC FACILITIES
AT WOLF'S CROSSING COMMUNITY PARK

For and in consideration of the use of one dollar and other good and valuable considerations to it paid the Naperville Park District, DuPage and Will Counties, (hereinafter referred to as "District" or "Owner"), an Illinois unit of local government, does hereby permit the City of Naperville (hereinafter referred to as "City"), an Illinois municipal corporation and home rule unit of local government under the laws and Constitution of the State of Illinois, the non-exclusive right, permission and authority to survey, construct, reconstruct, use, operate, maintain, test, inspect, repair, replace, alter, remove or abandon in place, underground water main, including any and all related underground attachments and appurtenances thereto; and underground electric utility lines, including any and all related underground attachments, pad mounted equipment and appurtenances thereto (all collectively referred to as "Facilities"), and together with the right of access, thereto for said purposes, in, upon, under, along, and across property commonly known as Wolf's Crossing Community Park as depicted and legally described on **Exhibit "A"** attached hereto and made part hereof (hereinafter the "Premises"). The City shall not install the Facilities outside of the Premises without the specific written consent of the Park District.

The City covenants and agrees to obtain all permits and to provide the District with the reasonable opportunity to comment upon any plans or specifications for any work to be performed by City in the Premises.

The District agrees not to obstruct access to the Facilities and agrees to be financially responsible for any District initiated request for the relocation of said Facilities.

The City further covenants and agrees to defend, indemnify and save harmless the District for any and all claims, demands, and causes, or causes of action, loss or damage which may occur by reason of the construction, installation, operation, repair, and maintenance of the Facilities and all related or appurtenant equipment on the above-described Premises, excepting, however, any loss or damage arising out of negligence or willful acts on the part of the District, its successors and assigns, employees, and agents.

The right, permission, and authority is also given to City, to trim, cut down and/or remove trees and/or brush, where in the opinion of City said trees and/or brush interfere with the installation or maintenance of such Facilities or present a hazard to such Facilities, provided that the location and species of replacement trees shall be at the discretion of the District.

The City and its agents shall have the right to enter the Premises of the District for the purpose of exercising the rights herein acquired, but the City shall promptly restore the Premises of the District to the conditions existing prior to any entry by the City or its agents. The City shall be liable for making payment within of an invoice for damages, if any, to vegetation, turf, fences, parking lots, trails, walkways, signs, park improvements and any other fixtures owned by the District and caused by the acts of City, its agents or employees within forty-five (45) days of written acknowledgment by the City that such damages were the responsibility of the City upon agreement by the City that the invoiced amount is reasonable.

All notices to the District shall be sent by Certified Mail addressed to the Superintendent of Planning, Naperville Park District, 320 West Jackson Avenue, Naperville, Illinois 60540. All notices to the City shall be sent by Certified Mail addressed to the City Manager, City of Naperville, 400 S. Eagle Street, Naperville, Illinois, 60540.

Upon completion of installation of the Facilities, As-Built documentation relative to the location and construction of the Facilities shall be appended hereto and made part hereof as **Exhibit "B"**. This Land Use Permit shall be recorded in the Office of the Will County Recorder, and shall be binding upon and/or in use to the benefit of the District's successors and assigns but all rights granted to City by this permit are expressly non-transferable and shall not be assigned. This Land Use Permit shall terminate at the end of ninety-nine (99) years from the date of this agreement unless terminated earlier by the written mutual consent of both parties.

The Naperville Park District, under the laws of the State of Illinois, hereby certifies that it is the Owner of the Premises and that as such Owner hereby grants to the City, the Land Use Permit described hereon for the uses and purposes herein set forth as allowed and provided for by statutes and does hereby acknowledge and adopt the same under the style and title aforesaid.

Upon transfer of title of any part of the Premises included in the area encompassed by Exhibit B by the Naperville Park District to any entity other than the City of Naperville, this Permit shall immediately become a permanent non-exclusive easement in favor of the City of Naperville for all purposes set forth herein for the Permit, and all terms contained herein shall become the terms of such easement.

Approved by the President, Naperville Park District Board of Commissioners, Naperville, Illinois at a meeting held the ____ day of _____, 2019.

In witness whereof the said Naperville Park District has caused this Certificate to be executed by its duly authorized officers and its corporate seal to be affixed this ____ day of _____, 2019.

Naperville Park District, Owner

By: _____ Attest: _____
President Secretary

Date: _____

Accepted by the City of Naperville

By: _____
City Manager

ATTEST

By: _____
City Clerk

Date: _____

Prepared by:
Derke Price
Ancel Glink
1979 N. Mill Street
Naperville, IL 60563

[https://cityofnaperville-my.sharepoint.com/personal/lordp_naperville_il_us/Documents/Land Use Permits/Wolf's Crossing Community Park LUP draft May 2019 for Water and Electric FINAL.doc](https://cityofnaperville-my.sharepoint.com/personal/lordp_naperville_il_us/Documents/Land%20Use%20Permits/Wolf's%20Crossing%20Community%20Park%20LUP%20draft%20May%202019%20for%20Water%20and%20Electric%20FINAL.doc)