

ORDINANCE NO. 23 -

**AN ORDINANCE AUTHORIZING THE EXECUTION OF
A BOUNDARY LINE AGREEMENT BETWEEN
THE VILLAGE OF PLAINFIELD AND THE CITY OF NAPERVILLE**

RECITALS

1. **WHEREAS**, the City of Naperville and the Village of Plainfield are both home rule units of local government under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970.
2. **WHEREAS**, a home rule unit of government may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare.
3. **WHEREAS**, the Illinois Municipal Code, 65 Illinois Compiled Statutes Section 5/11-12-9, provides that if unincorporated territory is within one and one-half miles of the boundaries of two or more corporate authorities that have adopted official plans, the corporate authorities involved may agree upon a line which shall mark the boundaries of the jurisdiction of each of the corporate authorities who have adopted such agreement.
4. **WHEREAS**, there is unincorporated territory that lies within one and one-half miles of the boundaries of the Village of Plainfield and the City of Naperville.
5. **WHEREAS**, the corporate authorities of the Village of Plainfield and the City of Naperville (together, the "**Parties**") have each adopted official plans.
6. **WHEREAS**, the previous boundary agreement between the Village of Plainfield and the City of Naperville expired on February 18, 2017.
7. **WHEREAS**, the Village of Plainfield and the City of Naperville desire to enter into the new jurisdictional boundary line agreement entitled "Intergovernmental Agreement

Between the Village of Plainfield and the City of Naperville to Establish a Boundary Line” attached hereto and made part hereof as **Exhibit A** (hereinafter the “**Boundary Line Agreement**”) in the interests of: (i) the orderly and regular development of their respective communities; (ii) encouraging and aiding the development of the unincorporated areas lying between their municipalities; and (iii) continuing a spirit of cooperation which will be in the best interests of both communities.

8. **WHEREAS**, notice that the proposed Boundary Line Agreement will be considered by the Naperville City Council on March 7, 2023 was published on January 29, 2023 in the Naperville Sun (a newspaper of general circulation within the territory that is subject of the proposed Boundary Agreement) and was also posted at the Naperville Municipal Center on January 27, 2023 for not less than fifteen (15) consecutive days as required by the provisions of the Illinois Municipal Code, 65 ILCS 5/11-12-9.

9. **WHEREAS**, pursuant to Article VII, Section 10, of the Illinois Constitution of 1970, the Parties desire to include in said Boundary Line Agreement additional provisions, including but not limited to provisions pertaining to roadwork, utility interconnection, and issuance of utility permits.

10. **WHEREAS**, it is in the best interests of the City of Naperville to enter into the Boundary Line Agreement with the Village of Plainfield as provided herein.

11. **WHEREAS**, the City Council of the City of Naperville, after due investigation and consideration, has determined that entering into the Boundary Line Agreement with the Village of Plainfield will serve the public good, benefit the City of Naperville, and be compatible with the future development of the City of Naperville.

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 Naperville City Council hereby finds as fact the Recitals set forth above. Said Recitals are incorporated herein as though fully set forth in this Section 1.

SECTION 2: The Mayor is hereby authorized and directed to execute, and the City Clerk is hereby directed to attest, the “Intergovernmental Agreement Between the Village of Plainfield and the City of Naperville to Establish a Boundary Line” attached hereto as **Exhibit A.**

SECTION 3: This Ordinance is adopted pursuant to the provisions set forth herein provided, however, that pursuant to Article VII, Section 6, of the Illinois Constitution of 1970, any limitation or provision of said statutory provision which is in conflict with this Ordinance, or in conflict with the provisions of the attached Boundary Line Agreement, is not applicable to said Ordinance or said Agreement to the extent of any such conflict and to the extent not otherwise preempted by law.

SECTION 4: Upon written direction from the City Attorney, the City Clerk is hereby directed to record a fully executed and certified copy of this Ordinance and the attached Boundary Line Agreement with Will County Recorder’s Office, and to make the same available for public inspection in the Community Services Office of the City of Naperville.

SECTION 5: All ordinances or parts thereof, and all Naperville Municipal Code provisions in conflict herewith, are hereby repealed to the extent of any such conflict.

SECTION 6: Any Section or provision of this Ordinance that is construed to be invalid or void shall not affect the remaining Sections or provisions which shall remain in full force and effect. Technical revisions as deemed acceptable to the City Attorney may be

made to this Ordinance and to the exhibits hereto prior to recordation with the Will County Recorder.

SECTION 7: This Ordinance with the Boundary Agreement attached hereto as **Exhibit A** shall be in full force and effect after a certified copy thereof has been recorded as provided for in Section 4 of this Ordinance and as further provided by law.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk