

RESOLUTION NO. 21-

A RESOLUTION ESTABLISHING A PROCESS FOR CONVEYANCE OF CITY PROPERTY TO FACILITATE DEVELOPMENT OF AFFORDABLE HOUSING FOR SENIORS AND INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES

RECITALS

1. **WHEREAS**, the City of Naperville (“**City**”) is an Illinois municipal corporation with home rule powers under the laws and the Constitution of the State of Illinois; and
2. **WHEREAS**, the City Council has determined that there is inadequate affordable housing within the City, including housing for seniors and individuals with intellectual and developmental disabilities (hereinafter together referenced as the “**Target Populations**”), as referenced in the 2020 Housing Needs Assessment for the City of Naperville prepared by SB Friedman; and
3. **WHEREAS**, the City owns an approximately 22.1 acre parcel of real property within the corporate limits of the City located south of 103rd Street and east of Illinois Route 59 which has a parcel identification number of 01-15-101-044 (hereinafter referenced as the “**South 40 Property**”); and
4. **WHEREAS**, the City may determine that a portion of the South 40 Property constitutes surplus real property (“**Surplus Property**”) within the meaning of Section 1-9B-9:4 of the Naperville Municipal Code; and
5. **WHEREAS**, in order to increase affordable housing within the City available for the Target Populations, the City will issue a request for proposals by which interested developers may seek to acquire a portion of the South 40 Property for the purpose of developing affordable housing for seniors and for non-school aged individuals with

intellectual and developmental disabilities (the “**Project**”). It is anticipated that the property to be conveyed will be approximately 6.1 acres in size and generally located 612 feet south of 103rd Street and 465 feet east of Illinois Route 59 as depicted on **Exhibit A** attached hereto and made part hereof. Notwithstanding the foregoing, the City Council reserves the right to increase or decrease the size and/or location of the property subject to conveyance for the Project in response to proposals submitted to the RFP which seek a different acreage for development of the Project. The real property conveyed pursuant to the RFP shall be the “**Project Property**”; and

6. **WHEREAS**, a final determination that the Project Property constitutes Surplus Property is discretionary and shall be made upon a determination of the City Council that affordable housing for the Target Populations described herein can reasonably be achieved on such Property for a significant period of time; and
7. **WHEREAS**, in the exercise of its home rule authority the City may determine the process (“**Process**”) by which the Project Property may be conveyed for the uses described herein subject to such conditions with respect to the development of the Project Property as the City Council may deem necessary, appropriate, or desirable to the public interest; and
8. **WHEREAS**, a Request for Proposals (“**RFP**”), in substantially the form attached hereto as **Exhibit B**, has been determined by the City Council to constitute an appropriate framework for the Process by which the Project Property may be conveyed at the discretion of the City for the purposes described herein.

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

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

SECTION 2: The Process for consideration of conveyance of the Project Property for the purpose of developing affordable housing for eligible seniors and individuals with intellectual and developmental disabilities (“**IDD**”) is set forth in the RFP attached hereto as **Exhibit B**. The definition of “affordable” with respect to the Project shall be proposed in response to the RFP and subject to approval by the City. For the purpose of the senior housing component of the Project, at least one resident of each unit shall be not less than 62 years of age. No school-aged individuals shall be permitted to occupy residential units in either the senior housing or IDD components of the Project.

SECTION 3: Conveyance of the Project Property shall be subject to a final determination by the City Council that such Property constitutes Surplus Property; approval of a development entity to proceed with the Project; approval of terms and conditions related to the Project as set forth in ordinances related to the Project Property and in an Owner’s Acknowledgement and Acceptance Agreement; and approval of a Conveyance Agreement by an ordinance or resolution authorizing such conveyance pursuant to the City’s home rule authority . Any entitlements which may be approved for the Project by City ordinance during the entitlement process shall provide that they shall not be effective or recorded until title to the Project Property has been conveyed and recorded.

SECTION 4: The City reserves the right to modify or terminate the Process as it deems necessary and appropriate. The City Council hereby delegates to the City

Manager the authority to revise or modify the Process if he determines that it is necessary or appropriate to do so. The City Manager shall notify the City Council of any significant revisions or modifications to the Process and notice shall also be given to active respondents to the RFP. Termination of the Process shall be subject to approval of the City Council.

SECTION 5: The City Manager, City Clerk, and City Attorney are hereby authorized and directed to execute such documents and take such steps as necessary to facilitate and implement the Process described herein, as may be modified, and to accomplish transfer of title of the Project Property subject to approval of the City Council and the terms and conditions set forth and referenced herein.

SECTION 6: This Resolution shall be in full force and effect from and after its passage and approval.

PASSED this _____ day of _____, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2021.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk