

**PIN: 07-01-08-200-008-0000 (part)**

**Address: Empress Drive &  
Heartleaf Lane (approximate)  
Naperville, IL 60564**

**PREPARED BY:  
CITY OF NAPERVILLE  
LEGAL DEPARTMENT  
630/420-4170**

**RETURN TO:  
CITY OF NAPERVILLE  
CITY CLERK'S OFFICE  
400 SOUTH EAGLE STREET  
NAPERVILLE, IL 60540**

**ORDINANCE NO. 21 -**

**AN ORDINANCE APPROVING ACCEPTANCE OF ASSIGNMENT OF A WATER  
EASEMENT AND A WATER EASEMENT AGREEMENT BETWEEN THE NAPERVILLE  
PARK DISTRICT AND COMMONWEALTH EDISON COMPANY**

**RECITALS**

1. **WHEREAS**, on October 10, 2019 the Naperville Park District (Park District) and Commonwealth Edison Company (ComEd) entered into a "Water Easement Agreement" granting a non-exclusive easement to allow the Park District to construct, maintain, repair, and reconstruct an eight-inch (8') water line in order to provide water service to Wolf's Crossing Community Park (f/k/a Southwest Community Park) as shown on the diagram attached as Exhibit B thereto; and
2. **WHEREAS**, the Park District has requested that the City of Naperville accept assignment of Water Easement Agreement as set forth in the Consent of Grantor to Assignment" (**Attachment #1** hereto) to which is attached an "Assignment to the City

of Naperville of an Easement Granted to the Naperville Park District by Commonwealth Edison Company” along with the Water Easement Agreement; and

3. **WHEREAS**, since the ongoing maintenance and operation of the water facilities to serve the City is part of DPU-W’s mission, DPU-W recommends that the City accept assignment of the Water Easement Agreement as provided herein; and
4. **WHEREAS**, the City finds that it is necessary and convenient it to accept assignment of the Water Easement Agreement subject to the terms and conditions set forth herein and in the Consent to Agreement; and
5. **WHEREAS**, ComEd is in agreement with assignment of the Water Easement Agreement to the City of Naperville subject to the provisions set forth in the Consent to the Assignment.

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

**SECTION 2:** The City hereby accepts assignment of the Water Easement Agreement between the Naperville Park District and Commonwealth Edison dated October 10, 2019 as set forth and referenced herein.

**SECTION 3:** The City Clerk is authorized and directed to record this Ordinance and its Exhibits with the Will County Recorder.

**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 from and after its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk