

ORDINANCE NO. 18 -

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

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; and

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; and

WHEREAS, the Illinois Municipal Code, 65 Illinois Compiled Statutes 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; and

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; and

WHEREAS, the corporate authorities of the Village of Plainfield and the City of Naperville (collectively, the "Parties") have each adopted official plans; and

WHEREAS, the previous boundary agreement between the Village of Plainfield and the City of Naperville expired on February 18, 2017; and

WHEREAS, the Village of Plainfield and the City of Naperville desire to enter into a new jurisdictional boundary line agreement ("Boundary Agreement") in the interest of

the orderly and regular development of their respective communities, in the interest of encouraging and aiding the development of the unincorporated areas lying between their municipalities, and in the interest of continuing a spirit of cooperation which will be in the best interests of both communities; and

WHEREAS, notice of consideration of the proposed Boundary Agreement on September 4, 2018 was published on Sunday, August 5, 2018 in the Daily Herald (a newspaper of general circulation within the territory that is subject of the proposed Boundary Agreement), was published in the Herald News on August 17, 2018, and was also posted at the Naperville Municipal Center, as required by the provisions of the Illinois Municipal Code, 65 ILCS 5/11-12-9; and

WHEREAS, on September 4, 2018 consideration of the proposed Boundary Agreement was continued by the corporate authorities of the City of Naperville to November 7, 2018; and

WHEREAS, the City Council of the City of Naperville, after due investigation and consideration, has determined that entering into the 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 City Council hereby finds as fact all of the recitals contained in the preamble of this Ordinance.

SECTION 2: The Mayor is hereby authorized and directed to execute, and the City Clerk is hereby directed to attest, the "Boundary Line Agreement between the

Village of Plainfield and the City of Naperville”, a copy of which is attached hereto and made a part hereof.

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 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: The City Clerk is hereby directed to file a certified copy of this Ordinance and attached Agreement, after execution by both Parties, with the Recorder’s Office in Will County, and to make available for public inspection in the City Clerk’s office three (3) copies of the executed Agreement.

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.

SECTION 7: This Ordinance and the attached Agreement shall be in full force and effect after certified copies of this Ordinance and Agreement have been filed for record as provided for in Section Four of this Ordinance and as further provided by law.

PASSED this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2018.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk