

P.I.N.s:

07-01-15-101-050-0000 [Wheatland Twp.]

01-15-101-044 [part of] [City of Naperville]

PROPERTY ADDRESSES:

4232 Tower Court, Naperville, IL 60564

4231 Tower Court, Naperville, IL 60564

RETURN TO/PREPARED BY:

CITY OF NAPERVILLE

CITY CLERK'S OFFICE/

COMMUNITY SERVICES DEPARTMENT

400 SOUTH EAGLE STREET

NAPERVILLE, IL 60540

ORDINANCE NO. 25 -

AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF NAPERVILLE, WHEATLAND TOWNSHIP, AND THE WHEATLAND TOWNSHIP ROAD DISTRICT FOR A STORMWATER MANAGEMENT EASEMENT AGREEMENT

RECITALS

1. **WHEREAS**, on April 15, 2026 the Naperville City Council (the “**City**”) approved “An Ordinance approving the Final Plat of Naperville-South Forty Lots 4, 5, 6 and 7 Resubdivision and Owners’ Acknowledgement and Acceptance Agreements for Life Time and Tower Court Residences” which resubdivided a portion of property commonly referenced as the South Forty into LOT 1, LOT 2, LOT 3, and OUTLOT A (the “**Resubdivision Property**”) as depicted on said resubdivision plat attached hereto as **Exhibit A**.
2. **WHEREAS**, Wheatland Township and the Wheatland Township Road District (together referenced herein as “**Wheatland Township**”) jointly own real property located at 4232 Tower Court, Naperville which is used for Wheatland Township and Wheatland Township Road District offices (the “**Wheatland Township Property**”).

3. **WHEREAS**, Article 7, Section 10 of the Constitution of the State of Illinois of 1970 and the Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*) authorize units of local government to contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance.
4. **WHEREAS**, the City of Naperville and Wheatland Township are public agencies as that term is defined in the Intergovernmental Cooperation Act, and are municipal corporations or political subdivisions within the meaning of the Local Governmental Property Transfer Act.
5. **WHEREAS**, the City is a home rule unit of local government pursuant to the Constitution and laws of the State of Illinois, and is exercising its powers as such in the actions authorized hereunder.
6. **WHEREAS**, LOT 3 of the Resubdivision Property is located immediately adjacent to and west of the Wheatland Township Property.
7. **WHEREAS**, a stormwater detention area currently exists on the Southeastern portion of the City Lot 3 Property and on a portion of the western perimeter of the Wheatland Township Property as depicted on page 2 of **Exhibit A** (hereinafter the “**Southeastern Stormwater Management Facility**”) which serves the Wheatland Township Property and to a lesser extent the LOT 3 property.
8. **WHEREAS**, in order to provide for the continued use of the Southeastern Stormwater Management Facility by Wheatland Township, the City of Naperville and Wheatland Township have determined it to be in their respective best interests to enter into the Stormwater Management Easement Agreement attached hereto as **Exhibit B**.

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 as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: The Stormwater Management Agreement attached hereto as **Exhibit B** is hereby approved.

SECTION 3: The City Manager is hereby authorized to execute, and the City Clerk is hereby authorized to attest, the Stormwater Management Agreement attached hereto as **Exhibit B**.

SECTION 4: This Ordinance is subject to all conditions and requirements set forth in the Naperville Municipal Code, as amended from time to time.

SECTION 5: Upon direction from the City Attorney, the City Clerk is authorized and directed to record this Ordinance and its exhibits with the Office of the Will County Recorder, or to deposit the same in a closing escrow account to be recorded with the Office of the Will County Recorder at closing on either LOT 1 or LOT 3 of the City Resubdivision Property .

SECTION 6: 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. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the Office of the Will County Recorder.

SECTION 7: This Ordinance shall take effect and be in full force and effect upon recordation with the Office of the Will County Recorder.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk