

ORDINANCE NO. 24-_____

AN ORDINANCE
AUTHORIZING THE CITY OF NAPERVILLE TO
FURNISH POTABLE WATER SUPPLY TO NAPERVILLE COUNTRY CLUB
FOR DOMESTIC PURPOSES

RECITALS

1. **WHEREAS**, the Mayor and the City Council of the City of Naperville, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety and welfare of its citizens; and
2. **WHEREAS**, Naperville Country Club (“NCC”) was established in 1921 and is located at 25W570 Chicago Avenue, in unincorporated Naperville; and
3. **WHEREAS**, on June 17, 2024, NCC sent a letter to Naperville’s City Manager seeking permission of the City of Naperville (“City”) to utilize the existing City water service line serving the NCC clubhouse for domestic purposes. A copy of the letter is attached hereto as Exhibit A; and
4. **WHEREAS**, NCC’s domestic water supply is currently served by well and it states that the historical and continued use of well water continues to produce hard water buildup, which buildup inhibits the efficiency of and adversely affects NCC’s kitchen equipment; and
5. **WHEREAS**, as such, NCC’s requests permission to tap off the existing City water line inside the NCC clubhouse to provide drinking water to its members and supply the kitchen equipment. NCC has confirmed with both its plumber and fire suppression contractor that the City water line has sufficient capacity to provide for the requested use with minimal modifications; and
6. **WHEREAS**, generally, the City does not furnish its water supply to incorporated properties; and
7. **WHEREAS**, however, in 1961 the City Council approved allowing NCC to connect to the City’s sanitary sewer system and in 1982 the Naperville City Council approved a request from the NCC for the City to furnish a standby supply of water for the NCC clubhouse fire suppression system; and
8. **WHEREAS**, Section 8-2C-3:2 of the Naperville Municipal Code addresses the City furnishing its water supply to properties outside the City limits and states, “[t]he water charges for water furnished by the City by means of its water supply system to consumers located outside the corporate limits of the City shall be one hundred ten percent (110%) of the sum of the wholesale volume charge, retail water delivery volume

charge, monthly customer charge, and Fixed Monthly Water Capital Charge as set forth in Subsection 8-2C-3:1. of this Section.”; and

9. **WHEREAS**, if the City Council authorizes the furnishing of the City’s potable water supply to NCC for domestic purposes the billing arrangement between NCC and the City will be simple, as NCC is already connected to the City’s sanitary sewer system and has a water account with the City relative to its existing fire service; and
10. **WHEREAS**, the Corporate Authorities of the City deem it to be in the best interests of the City to authorize the furnishing of the City’s potable water supply to NCC for domestic purposes for use in its existing on-site clubhouse without requiring NCC to annex to the City; and
11. **WHEREAS**, the City is a home rule municipality in accordance with Article VII Section 6(a) of the Constitution of the State of Illinois of 1970, and is enacting this Ordinance pursuant to its home rule authority.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Recitals incorporated. The foregoing Recitals are hereby incorporated in this Section 1 as findings of the Corporate Authorities of the City as though fully set forth herein.

SECTION 2: Based on the foregoing and the totality of circumstances:

1. The Corporate Authorities of the City hereby authorize the furnishing of the City’s potable water supply to NCC for domestic purposes for use in its existing on-site clubhouse without requiring NCC to annex to the City.
2. Naperville’s City Manager is authorized to execute and manage the furnishing of said water with his or her discretion.
3. NCC shall be responsible for all the cost of any and all work the needs to be done to extend said service, including but not limited to applicable connection charges.

4. NCC water consumption shall be metered by the City and NCC shall pay the City for its water consumption according to the City's unincorporated commercial rate, which may be amended from time to time.
5. NCC shall be subject to and shall comply with all provisions of the Naperville Municipal Code and Naperville Water Department service requirements applicable to Naperville Water Department customers.
6. The City's furnishing of potable water supply to NCC is limited to NCC and may not be transferred or assigned to any successor property owners without the written approval of Naperville, which the City shall have sole discretion to determine.
7. The City's furnishing of potable water supply to NCC is limited to NCC's use in its existing on-site clubhouse. Any expanded use of the City's potable water supply is subject to the written approval of the City, which the City shall have sole discretion to determine.
8. The City may administratively terminate water service to NCC (1) at any time and in its sole discretion upon 90 days written notice; (2) upon 30 days written notice for uncured breach of any terms of this Ordinance; or (3) in accordance with any applicable provisions of the Naperville Municipal Code.

SECTION 3: Technical and minor substantive revisions, consistent with the intent of the authorization provided herein, as deemed applicable to Naperville's City Attorney, may be made to this Ordinance and the exhibits hereto prior to execution.

SECTION 4: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2024.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2024.

Scott A. Wehri, Mayor

ATTEST:

Dawn Portner, City Clerk

EXHIBIT A



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June 17, 2024

Douglas A. Krieger
City Manager, City of Naperville
400 S. Eagle Street
Naperville, Illinois 60540
VIA EMAIL: kriegerd@naperville.il.us

RE: Naperville Country Club – Municipal Water Supply.

Dear Mr. Krieger,

As a follow up to our recent discussion on May 22, 2024, the Naperville Country Club (“NCC”) is seeking the City of Naperville’s (“City”) permission to utilize the existing City water service line serving the NCC clubhouse for domestic purposes. The NCC clubhouse is unique in that its fire suppression system is already served by City water. Accordingly, there is a City water main leading to the clubhouse, a City hydrant located just outside the clubhouse, and City water internal to the clubhouse that feeds the fire suppression system.

While NCC’s fire suppression system is served by City water, NCC’s domestic water supply is served by well. The historical and continued use of well water continues to produce hard water buildup, which buildup inhibits the efficiency of and adversely affects NCC’s kitchen equipment. As such, NCC requests permission to tap off the existing City water line inside the NCC clubhouse to provide drinking water to its members and supply the kitchen equipment. NCC has confirmed with both its plumber and fire suppression contractor that the City water line has sufficient capacity to provide for the requested use with minimal modifications.

NCC agrees to pay the City’s prevailing water rate applicable to unincorporated properties. It is our understanding that the rate will be 10% higher than incorporated properties as is customarily charged to other unincorporated properties that are connected to the city’s water system. The billing arrangement will likely be simple, as NCC is already connected to the City’s sanitary sewer system and has a water account with the City relative to its existing fire service.



Established in 1921, NCC has operated for over 100 years and has every intention to remain a golf club for the indefinite future. There are no plans for redevelopment or use other than a golf club. Should the clubhouse or golf course be used for other purposes such as a residential use, NCC agrees to attach a condition to the use of City water for domestic purposes such that NCC would either have to (i) disconnect from domestic use of City water; or (ii) annex to the City of Naperville. This would guarantee that the City is only allowing use of the City's water for the clubhouse and not for other purposes.

In closing, we believe that NCC's ability to connect to City water for domestic use and paying the City's current water service rate for unincorporated properties is a mutually beneficial arrangement for all parties and NCC's agreement that any future non-golf use would require disconnection of the domestic water line or annexation to the City provides the City with the adequate protection. We respectfully request that this matter be placed on the next available City Council agenda for consideration.

Sincerely,

Vincent M. Rosanova

CC. Mike Briggs & Adam Macko – Naperville Country Club