

RESOLUTION NO. 17 -

**A RESOLUTION AUTHORIZING ACCEPTANCE AND CONVEYANCE
OF LAND CASH PROPERTY KNOWN AS
OUTLOT I IN ATWATER SUBDIVISION PHASE 1**

WHEREAS, Section 7-3-5 of the Naperville Municipal Code requires a subdivider or developer to dedicate land, cash, or a combination thereof, for park and school sites as a condition of final plat of subdivision or a final plat of a planned unit development; and

WHEREAS, the Pulte Home Corporation (now Pulte Home Company, LLC, a Michigan limited liability company, successor by legal conversion to Pulte Home Corporation, hereinafter referenced as “Developer”) was the Developer of Atwater Subdivision Phase 1/Phase 1A; and

WHEREAS, the Developer entered into an Owner’s Acknowledgement and Acceptance Agreement (“OAA”) for Atwater Subdivision Phase 1/Phase 1A which was passed by Ordinance 16-010 and recorded with the DuPage County Recorder as R2016-040507. The OAA provided that for its park donation under 7-3-5 of the Naperville Municipal Code the Developer would donate Outlot I in Atwater Subdivision Phase 1 as well as Outlot E in Atwater Subdivision Phase 1A. Only Outlot I in Atwater Subdivision Phase 1 (hereinafter “Subject Property”) is being conveyed at this time, which Subject Property is depicted on **Exhibit “A”** attached hereto and made part hereof and described as follows:

Outlot I in the Atwater Subdivision Phase 1 being a part of the South Half Section of 4 and part of Section 9, Township 38 North, Range 9 East of the Third Principal Meridian, in DuPage County, Illinois.

Permanent Real Estate Index Number: 07-09-111-004

Common address of Subject Property: 1616 Capeside Drive, Naperville,
IL 60563

WHEREAS, the City and the Park District are municipalities as defined in Section 1(c) of the Local Government Property Transfer Act, 50 ILCS 605/1(c) (the “Transfer Act”); and

WHEREAS, Section 2 of the Transfer Act authorizes the conveyance of real property from one municipality to another municipality upon a two-thirds (2/3rds) vote of the corporate authorities of the transferor municipality then holding office (the City); and

WHEREAS, as a condition precedent to a conveyance under the Transfer Act, the transferee municipality (the Park District) must first declare by ordinance “that it is necessary or convenient for it to use, occupy or improve” the real estate held by the transferor municipality (the City); and

WHEREAS, in accordance with the requirements of Section 2 of the Transfer Act, the Park District has declared by ordinance that it is necessary or convenient for it to use, occupy or improve the Subject Property, a copy of which ordinance is attached hereto and made part hereof as **Exhibit “B”**; and

WHEREAS, the acceptance and transfer of the Subject Property as described herein is also taken by the City pursuant to its authority as a home rule unit of local government under the Constitution and statutes of the State of Illinois.

NOW, THEREFORE, BE IT RESOLVED 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 above Recitals are hereby incorporated herein as if fully set forth in their entirety in this Section 1.

SECTION 2: The City hereby accepts conveyance of the Subject Property from the Developer by acceptance of the Warranty Deed attached hereto and made part hereof as **Exhibit “C”**.

SECTION 3: The City hereby approves conveyance of the Subject Property from the City to the Naperville Park District, and the City Manager and City Clerk are hereby authorized and

directed to execute the Special Warranty Deed conveying the Subject Property to the Park District which is attached hereto and made part hereof as **Exhibit "D"**.

SECTION 4: The City Manager, City Clerk, and City Attorney, or their designees, are directed to execute any other necessary documents to effectuate the acceptance and transfer of the Subject Property as described herein.

SECTION 5: The City Clerk is directed to record the deeds described in Sections 2 and 3 above with the DuPage County Recorder.

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.

SECTION 7: This Resolution shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2017

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2017

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk