

EXHIBIT B

ORDINANCE NO. 915

DECLARING NECESSITY OF USE AND AUTHORIZING THE TRANSFER OF PROPERTIES FOR THE BENEFIT OF THE NAPERVILLE PARK DISTRICT

WHEREAS, pursuant to the City Code of Ordinances, the City of Naperville (“City”) has approved that real estate development commonly known as the “Atwater Subdivision”; and

WHEREAS, pursuant to the City Code of Ordinances, the City required that the developer dedicate certain land within the subdivision for park and recreation purposes and convey title to the same to the City in anticipation of conveyance by the City to the Naperville Park District; and

WHEREAS, pursuant to the City Code of Ordinances and as part of the approved development of the Atwater Subdivision, the City has acquired or will acquire ownership of that parcel of real property commonly known as Outlot I in the Atwater Subdivision, said property being legally 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, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 28, 2016 AS DOCUMENT R2016-040514, IN DUPAGE COUNTY, ILLINOIS.

Permanent Real Estate Index Number of Real Estate: 07-09-111-004 (“Outlot I”); and

WHEREAS, the Naperville Park District (“District”) is an Illinois Park District and unit of local government that owns various properties throughout City of Naperville that it uses for various park and recreation purposes; and

WHEREAS, in furtherance of its obligations to the City, the developer has transferred or will transfer fee simple title to Outlot I to the City; and

WHEREAS, the City and the District are municipalities as defined in Section 1 (c) of “An Act in Relation To The Transfer Of Interests In Real Estate By Units Of Local Governments Or School Districts,” 50 ILCS 605/1(c) (hereinafter 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 vote of the corporate authorities of the transferor municipality (in this case, the City); and

WHEREAS, as a condition precedent to a conveyance under Section 2 of the Transfer Act, the transferee municipality (in this case, the 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; and

WHEREAS, in accordance with the requirements of Section 2 of the Transfer Act, the District, as transferee municipality, hereby declares that it is necessary or convenient for the District to use, occupy, or improve Outlot I.

NOW, THEREFORE, BE IT ORDAINED BY THE NAPERVILLE PARK DISTRICT BOARD OF PARK COMMISSIONERS, DUPAGE AND WILL COUNTIES, ILLINOIS, as follows:

1. Incorporation of Recitals. All recitals set forth in the preamble above are hereby fully incorporated in this ordinance as if set forth in their entirety in this Section 1.
2. Declaration of Necessity or Convenience. The District hereby declares that it is necessary or convenient for the District to use, occupy or improve Outlot I.
3. Approval of Documents. The President and Board Secretary of the Naperville Park District are hereby authorized and directed to execute such documents as necessary to accomplish the transfer of title to Outlot I to the District.
4. Effective Date. This Ordinance shall take full effect immediately upon its passage. All previous ordinances, resolutions, motions, and orders of the Naperville Park District Board of Park Commissioners in conflict herewith are hereby repealed to the extent of such conflict.
5. Severability. If any portion of this Ordinance shall be determined to be invalid by a court of competent jurisdiction in the State of Illinois, the remaining portions of this Ordinance shall remain full force and affect.

PASSES this 10TH day of AUGUST, 2017.

AYES: 7
NAYS: 0
ABSENT: 0

APPROVED this 10TH day of AUGUST, 2017.

[Signature]
President

ATTEST:

[Signature]
Secretary




STATE OF ILLINOIS)
) SS
COUNTY OF DUPAGE)

As secretary to the Board of Park Commissioners, Naperville Park District, in DuPage and Will Counties, Illinois, and keeper of the records and files thereof, I do hereby certify the foregoing to be a true and correct copy of Ordinance No. 915, Declaring Necessity of Use and Authorizing the Transfer of Properties for the Benefit of the Naperville Park District, adopted by the Board of Park Commissioners at their Regular Meeting held at the Naperville Municipal Center building in Naperville, Illinois on the 10TH day of August, 2017, with 7 () in favor and 0 (), and 0 () abstentions and 0 () absent.

All of which appears from the records and the proceedings of said Board of Park Commissioners now in my office remaining. Given under my hand and official seal in Naperville, Illinois, this 10TH day of August, 2017.

(SEAL)

By: 
Secretary
Naperville Board of Park Commissioners
Naperville Park District
DuPage and Will Counties
320 West Jackson Avenue
Naperville, Illinois 60540

