



Legislation Details (With Text)

**File #:** 17-716      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 9/11/2017      **In control:** City Council

**On agenda:** 9/19/2017      **Final action:** 9/19/2017

**Title:** Adopt the Resolution Accepting Land Cash Property known as Outlot I in Atwater Subdivision Phase 1 and Authorizing Conveyance of said Property to the Naperville Park District (Requires six positive votes)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1 (letter).pdf, 2. Resolution.pdf, 3. Exhibit A (map).pdf, 4. Exhibit B (Ordinance).pdf, 5. Exhibit C (Warranty Deed).pdf, 6. Exhibit D (Special Warranty Deed).pdf

| Date      | Ver. | Action By    | Action  | Result |
|-----------|------|--------------|---------|--------|
| 9/19/2017 | 1    | City Council | adopted |        |

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Adopt the Resolution Accepting Land Cash Property known as Outlot I in Atwater Subdivision Phase 1 and Authorizing Conveyance of said Property to the Naperville Park District (Requires six positive votes)

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** William Novack, Director of Transportation, Engineering, and Development; and Pat Lord, Senior Assistant City Attorney

**BOARD/COMMISSION REVIEW:**

N/A

**BACKGROUND:**

City Council approved the Owner’s Acknowledgement and Acceptance Agreement (OAA) for Atwater Subdivision Phase 1/Phase 1A on January 19, 2016 by Ordinance 16-010. According to the OAA, and pursuant to the provisions of Section 7-3-5 of the Naperville Municipal Code, the developer of Atwater Subdivision Phase 1/Phase 1A (Pulte Home Corporation) was required to make a park donation of Outlot I in Atwater Subdivision Phase 1 and Outlot E in Atwater Subdivision Phase 1A. At this time, only the Outlot I parcel in Atwater Subdivision Phase 1 (“Subject Property”) is being conveyed. The Subject Property consists of approximately 1.6 acres and is located east of Capeside Drive in-between Basin Trail Lane and Balsam Cove Road.

**DISCUSSION:**

The Naperville Park District has indicated its desire to accept Outlot I in Atwater Subdivision Phase 1 prior to the Subject Property being in a condition that would normally be accepted by the Park

District. See Attachment #1. The Park District will still work with the developer, Pulte Home Company, LLC, on attaining acceptable site conditions after the conveyance.

On August 10, 2017, the Naperville Park District passed Ordinance 915 declaring that it is necessary or convenient for the Park District to use, occupy, or improve the Subject Property. In turn, as required by City Code, state statute, and pursuant to its home rule authority, the City now needs to adopt a resolution authorizing the acceptance of the deed for the Subject Property from the developer and then authorizing conveyance of the Subject Property to the Naperville Park District.

Attached please find the Resolution Accepting Land Cash Property known as Outlot I in Atwater Subdivision Phase 1 and Authorizing Conveyance of said Property to the Naperville Park District.

**FISCAL IMPACT:**

N/A