



Legislation Details (With Text)

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File created: 12/11/2017 **In control:** City Council

On agenda: 12/19/2017 **Final action:**

Title: Adopt the Resolution Approving the Lease Agreement for the Safety Town Property Located at 1320 Aurora Avenue in Naperville (7 positive votes required)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Safety Town Lease Resolution, 2. Exhibit A - Safety Town Lease 2017

| Date | Ver. | Action By | Action | Result |
|------------|------|--------------|---------|--------|
| 12/19/2017 | 1 | City Council | adopted | Pass |

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Adopt the Resolution Approving the Lease Agreement for the Safety Town Property Located at 1320 Aurora Avenue in Naperville (7 positive votes required)

DEPARTMENT: Legal Department

SUBMITTED BY: Michael DiSanto, City Attorney

BOARD/COMMISSION REVIEW:

N/A

BACKGROUND:

In the 1990s, the City leased a portion of its land located on the southwest corner of Aurora Ave. and River Rd. to the Naperville Junior Women’s Club and the Naperville Safety Town Commission, a non-profit corporation, for the establishment of Safety Town. The original lease term was 20 years and the rent was \$1.00 annually.

Upon leasing the property, the Naperville Junior Women’s Club and the Naperville Safety Town Commission built the improvements on the site including the main building and the miniature town.

After expiration of the original lease, in 2016, Council agreed to extend the lease for one year so that, prior to entering a multi-year lease, staff could consider whether there was any other needed use for subject property.

Safety Town’s current lease is due to expire on January 31, 2018 and the Safety Town Commission has requested a ten-year lease under similar terms.

DISCUSSION:

Safety Town has operated as a non-profit benefitting local children for over 20 years. Safety Town's miniature town and classroom are used throughout the year for various safety and health related programs tailored to different age groups. Additionally, the police and fire departments regularly use Safety Town's classroom for CPR and first aid training and for community meetings with local boy and girl scout troops.

Per Council's direction, staff has considered potentially using the Safety Town location for administrative hearings, but have since decided against that use. It is notable that while the City owns the land, the Safety Town Commission owns the improvements on the land. The City's lease with Safety Town provides the City with free use of Safety Town's facilities provided said use does not interfere with Safety Town's programming. In fact, the City is currently working with Safety Town to determine whether Safety Town's main building may be used as a headquarters for the census from early January through March 2018.

Staff is recommending that the City and Safety Town enter into a ten (10) year lease under substantially the same terms as the prior leases, including the \$1.00 annual rent. Safety Town is responsible for maintaining the property and the improvements. Recently, Safety Town repaired its roofing, painted its interior and repaved its parking lot. Notably, a provision allowing either party to terminate the lease for no cause upon six months notice has been added to this proposed lease.

The Safety Town Commission recently voted to approve the lease. The Naperville Municipal Code requires a three-quarter (3/4) Council vote to lease property owned by the City for a term between two and 99 years, so seven positive Council member votes are required to approve this lease with Safety Town.

FISCAL IMPACT:

The City will receive a \$1.00 lease payment for each of the ten years of the lease term. The property will remain tax exempt.