



Legislation Details (With Text)

**File #:** 23-0749      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 6/12/2023      **In control:** City Council

**On agenda:** 6/20/2023      **Final action:** 6/20/2023

**Title:** Pass the ordinance approving acceptance of Outlot H of Naper Commons and conveying Outlot H of Naper Commons to the Naperville Park District

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance Accepting and Conveying land-cash property (Outlot H Naper Commons), 2. Group Exhibit A (Park District transmittal letter and Ordinance Declaring Necessity of the Transfer), 3. Exhibit B (Deed from developer to the City), 4. Exhibit C (Deed from the City to the Park District)

Date	Ver.	Action By	Action	Result
6/20/2023	1	City Council	passed	Pass

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance approving acceptance of Outlot H of Naper Commons and conveying Outlot H of Naper Commons to the Naperville Park District

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Allison Laff, Deputy Director

**BOARD/COMMISSION REVIEW:**

N/A

**BACKGROUND:**

Section 7-3-5 of the Naperville Municipal Code sets forth requirements commonly referenced as the City’s land-cash provisions. Specifically, the provisions detail that the donation of land and/or money in-lieu of land are required to be made to an affected school district and to the Naperville Park District when a developer constructs residential development within the City.

Naper Commons, a development in the City approved by the City Council primarily in 2021, includes residential development and is therefore subject to the City’s land-cash requirements.

**DISCUSSION:**

Provision was made in Section 4 of the Naper Commons Owner’s Acknowledgement and Acceptance Agreement, recorded with the DuPage County Recorder on April 20, 2021, for approximately 2.06 acres of real property to be conveyed to the Park District for a linear park by Pulte Home Company, LLC, the developer of Naper Commons.

The real property to be conveyed is Outlot H of Naper Commons (originally referenced as Outlot D). In addition, the Park District and developer came to agreement regarding how the improvements would be constructed on Outlot H of the Naper Commons subdivision and when the Park District would accept conveyance. A letter to the City from the Park District dated May 11, 2023 indicates the Park District's willingness to accept conveyance of Outlot H at this time.

In addition, as required by state statute when properties are transferred between certain public bodies, the Park Board approved an ordinance seeking said conveyance and finding it to be necessary and convenient (see Group Exhibit A to the attached ordinance). In turn, the attached ordinance provides for conveyance of the Subject Property to the Park District.

**FISCAL IMPACT:**

N/A