



## Legislation Details (With Text)

**File #:** 18-987      **Version:** 1

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

**File created:** 11/8/2018      **In control:** City Council

**On agenda:** 11/20/2018      **Final action:** 11/20/2018

**Title:** Adopt the resolution accepting land cash property known as Outlot E in Atwater subdivision phase 1A and authorizing conveyance of said property to the Naperville Park District (requires six positive votes).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution-Atwater, 2. Attachment 1

| Date       | Ver. | Action By    | Action  | Result |
|------------|------|--------------|---------|--------|
| 11/20/2018 | 1    | City Council | adopted | Pass   |

### CITY COUNCIL AGENDA ITEM

#### **ACTION REQUESTED:**

Adopt the resolution accepting land cash property known as Outlot E in Atwater subdivision phase 1A 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. Outlot I has previously been conveyed to the Park District. At this time Outlot E, which is approximately 5.72 acres and is adjacent to Country Lakes Park (depicted on [Attachment #1](#) hereto), is being accepted by the City and will be immediately conveyed to the Park District.

#### **DISCUSSION:**

On October 25, 2018, the Naperville Park District passed Ordinance No. 944 declaring that it is necessary or convenient for the Park District to use, occupy, or improve the Subject Property/Outlot

E. 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. A 2/3 vote (6 votes) of the City Council is required.

Attached is the resolution accepting land cash property known as Outlot E in Atwater subdivision phase 1A and authorizing conveyance of said property to the Naperville Park District.

**FISCAL IMPACT:**

N/A