

3/16/2012

**34-O-12**

**AN ORDINANCE**

**Designating, Proposing Approval of a Redevelopment Plan and Project,  
Adopting Tax Increment Allocation Financing,  
Convening a Joint Review Board, and  
Calling a Public Hearing Regarding  
the Proposed Dempster/Dodge Redevelopment Area**

WHEREAS, pursuant to the Tax Increment Allocation Redevelopment Act, as supplemented and amended (65 ILCS 5/11-74.4-1, et seq., the "TIF Act"), the Mayor and City Council (the "Corporate Authorities") of the City of Evanston, Cook County, Illinois (the "Municipality"), have determined that it is advisable and in the best interests of the Municipality and certain affected taxing districts that the Municipality designate a proposed redevelopment project area to be known as Dempster/Dodge Redevelopment Project Area (the "Redevelopment Project Area") as further described in Exhibit A, attached hereto and incorporated herein by reference, approve a proposed redevelopment plan (the "Redevelopment Plan") and project (the "Project") for the Redevelopment Project Area, and that the Municipality adopt tax increment allocation financing for the proposed Redevelopment Project Area; and

WHEREAS, pursuant to Section 11-74.4-4.2 of the TIF Act, the Municipality has created an interested parties registry for activities related to the proposed Redevelopment Project Area, to adopt reasonable registration rules, and to prescribe requisite registration forms for residents and organizations active within the Municipality that seek to be placed on said interested parties registry, and the Corporate Authorities have determined that the Municipality has created such registry, adopted

such registration rules and prescribed such requisite registration forms and will give public notice thereof; and

**WHEREAS**, the TIF Act requires the Municipality also to convene a joint review board and conduct a public hearing prior to the adoption of ordinance(s) approving a redevelopment plan and project, designating a redevelopment project area, and adopting tax increment allocation financing for the proposed Redevelopment Project Area, at which hearing any interested person or affected taxing district may file with the City Clerk written objections to and may be heard orally with respect to the proposed Redevelopment Plan and Project; and

**WHEREAS**, the TIF Act further requires that such joint review board consist of a representative selected by each community college district, local elementary school district and high school district or each local community unit school district, park district, library district, township, fire protection district and county that will have authority to directly levy taxes on the property within the proposed Redevelopment Project Area at the time that the proposed Redevelopment Project Area is approved, a representative selected by the Municipality and a public member to consider the subject matter of the public hearing; and

**WHEREAS**, the TIF Act further requires that the time and place of such public hearing be fixed by ordinance or resolution adopted by the Corporate Authorities; and

**WHEREAS**, the TIF Act further requires that not less than ten (10) days prior to adopting such ordinance or resolution fixing the time and place of a public hearing, the Municipality must make available for public inspection a redevelopment

plan or a separate report that provides in reasonable detail the basis for the proposed Redevelopment Project Area's qualifying as a "redevelopment project area" under the Act; and

**WHEREAS**, the firm of Kane, McKenna & Associates, Inc., has conducted an eligibility survey of the proposed Redevelopment Project Area and has prepared its report (the "Report") that said proposed area qualifies as a "redevelopment project area" as defined in the TIF Act, which survey and findings have been presented to the Corporate Authorities and are now on file in the official files and records of the Municipality; and

**WHEREAS**, the Report has heretofore been on file and available for public inspection for at least ten (10) days in the offices of the City Clerk as required under the TIF Act; and

**WHEREAS**, the TIF Act requires that notice of the public hearing be given by publication and mailing; and

**WHEREAS**, the Corporate Authorities have determined that it is advisable to convene a joint review board and hold a public hearing to consider the approval of the proposed Plan and Project; and

**WHEREAS**, the Corporate Authorities have expressly found that the Redevelopment Plan and Project will not displace residents from ten (10) or more inhabited residential units,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

**SECTION 1:** The foregoing recitals are hereby found as fact and incorporated herein by reference.

**SECTION 2:** *Redevelopment Plan and Project Proposed.* The Corporate Authorities hereby propose approval of the Redevelopment Plan and Project, the designation of the Redevelopment Project Area and the adoption of tax increment allocation financing for the Redevelopment Project Area

**SECTION 3:** *Interested Persons Registry Previously Created.* The Corporate Authorities hereby create an interested persons registry (the "Registry") for the proposed Redevelopment Project Area. The City Clerk is hereby expressly authorized and directed to maintain the Registry for the proposed Redevelopment Project Area.

**SECTION 4:** *Publication of Notice of Availability of Registry Authorized.* Notice of the availability of the Registry, substantially in the form attached hereto as Exhibit B (the "Registry Notice"), shall be published a newspaper of general circulation within the Municipality.

**SECTION 5:** *Joint Review Board Convened.* A joint review board as set forth in the TIF Act is hereby convened and the board shall meet, review such documents and issue such report as set forth in the TIF Act. The first meeting of said joint review board shall be held at 3:00 P.M. on the 12<sup>th</sup> day of April, 2012, at the Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Evanston, Illinois. The Municipality hereby expressly finds and determines that said date is at least fourteen (14) days but not more than twenty-eight (28) days after the notice to affected taxing districts hereinafter authorized in Section 8 of this ordinance will be mailed.

**SECTION 6:** *Time and Place of Public Hearing Fixed.* A public hearing (the "Hearing") shall be held by the Mayor and City Council of the Municipality at 7:15 o'clock P.M. on the 14<sup>th</sup> of May, 2012 at the Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Evanston, Illinois, for the purpose of hearing from any interested persons or affected taxing districts regarding the proposed approval of the Redevelopment Plan and Project, designation of the Redevelopment Project Area, and adoption of tax increment allocation financing for the proposed Redevelopment Project Area.

**SECTION 7:** *Publication of Notice of Hearing and Joint Review Board Authorized.* Notice of the Hearing, substantially in the form attached hereto as Exhibit C, shall be published at least twice, the first publication to be not more than thirty (30) nor less than ten (10) days prior to the Hearing, in a newspaper of general circulation within the taxing districts having property in the proposed Redevelopment Project Area.

**SECTION 8:** *Mailing of Notice of Hearing Authorized.* (a) Notice shall be mailed by certified mail not less than ten (10) days prior to the date set for the Hearing, addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the proposed Redevelopment Project Area. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding three years as the owners of such property. Notice shall also be given within a reasonable time after the adoption of this ordinance by first class mail to all residential addresses located outside the proposed Redevelopment Project Area and within seven hundred fifty feet (750') of the boundaries of the proposed Redevelopment

Project Area and to those organizations and residents that have registered with the Municipality for that information in accordance with the registration guidelines herein established by the Municipality. Notice shall also be given by certified mail to all taxing districts of which taxable property is included in the proposed Redevelopment Project Area and to the Illinois Department of Commerce and Economic Opportunity not less than forty-five (45) days prior to the Hearing, and such notice (i) shall advise the taxing bodies represented on the joint review board of the time and place of the first meeting of the joint review board and (ii) shall also include an invitation to each taxing district and the Illinois Department of Commerce and Economic Opportunity to submit written comments prior to the date of the Hearing to the City, to the attention of the City Clerk, City of Evanston, 2100 Ridge Avenue, Evanston, Illinois 60201, concerning the subject matter of the Hearing. Each such mailed notice shall include a copy of the Report, the name of an appropriate person to contact for additional information, and a copy of the proposed Redevelopment Plan.

**SECTION 9:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 10:** If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid application of this ordinance is severable.

**SECTION 11:** This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**SECTION 12:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Ayes: 9

Nays: 0

Introduced: March 26, 2012


Adopted: March 26, 2012

Approved:

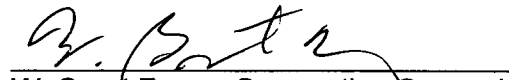
March 28, 2012

  
Elizabeth B. Tisdahl, Mayor

Attest:

  
Rodney Greene, City Clerk

Approved as to form:

  
W. Grant Farrar, Corporation Counsel

## EXHIBIT A

### LEGAL DESCRIPTION OF REDEVELOPMENT PROJECT AREA

THAT PART OF THE NORTH HALF OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN BANBURY THIRD CONSOLIDATION, BEING A PLAT IN THAT PART OF THE NORTHWEST QUARTER OF SAID SECTION 24, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 27, 1987 AS DOCUMENT NO. 87162463; THENCE SOUTHWESTERLY, WESTERLY, SOUTHWESTERLY, SOUTHEASTERLY AND SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID LOT 1 TO A POINT THAT IS 241.64 FEET NORTHWESTERLY OF THE MOST SOUTHWESTERLY CORNER OF SAID LOT 1 AS MEASURED ALONG SAID NORTHWESTERLY LINE; THENCE SOUTHEASTERLY AT A RIGHT ANGLE TO SAID NORTHWESTERLY LINE 5.00 FEET; THENCE SOUTHWESTERLY ALONG A LINE 5.00 FEET SOUTHEASTERLY OF AND PARALLEL TO SAID NORTHWESTERLY LINE TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF GREENLEAF STREET; THENCE EASTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE OF GREENLEAF STREET TO THE SOUTHWEST CORNER OF LOT 1 IN ARENS CONTROLS, INC. CONSOLIDATION, BEING A PART OF THE NORTHWEST QUARTER OF SAID SECTION 24, ACCORDING TO THE PLAT THEREOF RECORDED MAY 20, 1992 AS DOCUMENT NO. 92349794; THENCE NORTHEASTERLY ALONG THE WESTERLY LINE OF SAID LOT 1 IN ARENS CONTROLS, INC. CONSOLIDATION TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1 TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG SAID CURVE HAVING A RADIUS OF 40.00 FEET, AN ARC LENGTH OF 64.45 FEET TO A POINT OF TANGENCY ON THE EAST LINE OF SAID LOT 1; THENCE SOUTHERLY ALONG SAID EAST LINE TO A CORNER POINT FOR LOT 1 IN SAID BANBURY THIRD CONSOLIDATION; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 1 IN BANBURY THIRD CONSOLIDATION TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF BROWN AVENUE; THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE OF BROWN AVENUE TO A POINT ON THE SOUTH LINE OF SAID LOT 1 IN BANBURY THIRD CONSOLIDATION; THENCE EASTERLY ALONG SAID SOUTH LINE OF LOT 1 AND THE EASTERLY EXTENSION THEREOF TO THE EAST RIGHT-OF-WAY LINE OF DODGE AVENUE; THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE TO THE NORTHWEST CORNER OF LOT 1 IN KEAT'S RESUBDIVISION, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SAID SECTION 24, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 28, 1989 AS DOCUMENT NO. 89458950; THENCE WESTERLY ALONG THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 1 TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID DODGE AVENUE; THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF DEMPSTER STREET; THENCE WESTERLY, NORTHERLY AND WESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.




**EXHIBIT B**

**FORM OF NOTICE OF AVAILABILITY OF INTERESTED PARTIES REGISTRY**

NOTICE AVAILABILITY OF INTERESTED PARTIES REGISTRY

CITY OF EVANSTON, COOK COUNTY, ILLINOIS  
PROPOSED DEMPSTER/DODGE REDEVELOPMENT PROJECT AREA

Notice is hereby given that the Mayor and the City Council of the City of Evanston, Cook County, Illinois, has created an interested parties registry (the "Registry") for the proposed Dempster/Dodge Redevelopment Project Area. The Registry, together with the rules and regulations heretofore approved by the City for the Registry (the "Rules and Regulations"), is on file and available for public inspection during normal business hours at the office of the City Clerk at 2100 Ridge Avenue, Evanston, Illinois. All interested persons may register with the City on the Registry as provided in the Rules and Regulations in order to receive information on the designation of the proposed Redevelopment Project Area or the approval of a proposed redevelopment plan and project therefor.

  
\_\_\_\_\_  
City Clerk  
City of Evanston, Cook County,  
Illinois

## EXHIBIT C

### FORM OF NOTICE OF PUBLIC HEARING

#### NOTICE OF PUBLIC HEARING

CITY OF EVANSTON, COOK COUNTY, ILLINOIS  
PROPOSED DEMPSTER/DODGE REDEVELOPMENT PROJECT AREA

Notice is hereby given that on the 14<sup>th</sup> day of May, 2012, at 7:15 P.M. at the Council Chambers, Lorraine H. Morton Civic Center, 2100 Ridge Avenue, Evanston, Illinois, a public hearing will be held to consider the approval of the proposed redevelopment plan (the "*Redevelopment Plan*") and the designation of that certain proposed redevelopment project area to be known as the Dempster/Dodge Redevelopment Project Area (the "*Redevelopment Project Area*"). The Redevelopment Project Area consists of the territory legally described as in Exhibit 1 attached and generally described below:

The proposed Redevelopment Project Area consists primarily of retail/commercial parcels southwest of the intersection of Dempster Street and Dodge Avenue.

There will be considered at the hearing approval of the Redevelopment Plan and Project for and the designation of the proposed Redevelopment Project Area and adoption of tax increment allocation financing therefor. The proposed Redevelopment Plan and Project is on file and available for public inspection at the office of the City Clerk, City Hall, 2100 Ridge Avenue, Evanston, Illinois. Pursuant to the Redevelopment Plan and Project the City proposes to alleviate conservation area conditions in the Redevelopment Project Area and to enhance the tax base of the City and the taxing districts having taxable property within the Redevelopment Project Area by utilizing tax increment financing to fund various eligible project costs to stimulate private investment within the Redevelopment Project Area. These eligible project costs may include, but may not be limited to, studies, surveys, professional fees, property assembly costs, construction of public improvements and infrastructure, renovation, reconstruction, rehabilitation and repair of existing buildings, financing, administrative and other professional costs, all as authorized under the Tax Increment Allocation Redevelopment Act, as amended.

Alderman Grover moved and Alderman Wilson seconded the motion that said ordinance as presented and read by the City Clerk be adopted.

After a full discussion thereof including a public recital of the nature of the matter being considered and such other information as would inform the public of the nature of the business being conducted, the Mayor directed that the roll be called for a vote upon the motion to adopt said ordinance as read.

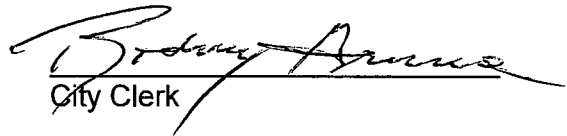
Upon the roll being called, the following Aldermen voted AYE: Aldermen Holmes, Tendam, Grover, Rainey, Burrus, Fiske, Braithwaite, Wynne, Wilson

The following Aldermen voted NAY: None

Whereupon the Mayor declared the motion carried and said ordinance adopted, approved and signed the same in open meeting and directed the City Clerk to record the same in full in the records of the Mayor and City Council of the City of Evanston, Cook County, Illinois, which was done.

Other business not pertinent to the adoption of said ordinance was duly transacted at the meeting.

Upon motion duly made, seconded and carried, the meeting was adjourned.


  
City Clerk

The Redevelopment Plan objectives include promoting and protecting the health, safety, morals and welfare of the public by establishing a public/private partnership, fostering economic growth, development and training in the City by working within the guidelines of the business attraction and retention strategies developed by the City, encouraging private investment while conforming with the City's comprehensive plan, restoring and enhancing the City's tax base, enhancing the value of the proposed Redevelopment Project Area, improving the environmental quality of the proposed Redevelopment Project Area and retaining and attracting employment opportunities within the proposed Redevelopment Project Area. To achieve these objectives, the Redevelopment Plan proposes to provide assistance by paying or reimbursing costs related to the acquisition, construction and installation of public facilities, property assembly, site preparation and improvement, environmental remediation, job training and other eligible redevelopment project costs, the execution of one or more redevelopment agreements, and the payment of financing, administrative and other professional costs.

Prior to the date of the hearing, each taxing district having property in the Redevelopment Project Area and the Illinois Department of Commerce and Economic Opportunity may submit written comments to the City, to the attention of the City Clerk, 2100 Ridge Avenue, Evanston, Illinois 60201.

There is hereby convened a joint review board to consider the proposed Redevelopment Plan and Project for and the designation of the proposed Redevelopment Project Area and the adoption of tax increment allocation financing therefor. The joint review board shall consist of a representative selected by each community college district, local elementary school district and high school district or each local community unit school district, park district, library district, township, fire protection district and county that will have the authority to directly levy taxes on the property within the Redevelopment Project Area at the time that the Redevelopment Project Area is approved, a representative selected by the City, and a public member. The first meeting of said joint review board shall be held at 3:00 pm. on the 12<sup>th</sup> day of April, 2012, at the Evanston City Hall, 2100 Ridge Avenue, Evanston, Illinois.

At the hearing, all interested persons or affected taxing districts may file written objections with the City Clerk and may be heard orally with respect to any issues regarding the approval of the Redevelopment Plan and Project for and the designation of the Redevelopment Project Area and the adoption of tax increment allocation financing therefor. The hearing may be adjourned by the Mayor and the City Council of the City without further notice other than a motion to be entered upon the minutes of the hearing fixing the time and place of the subsequent hearing.

  
City Clerk  
City of Evanston  
Cook County, Illinois

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF COOK        )

**CERTIFICATION OF ORDINANCE AND MINUTES**

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of Evanston, Cook County, Illinois (the "City"), and that as such official I am the keeper of the records and files of the Mayor and City Council of the City (the "Corporate Authorities").

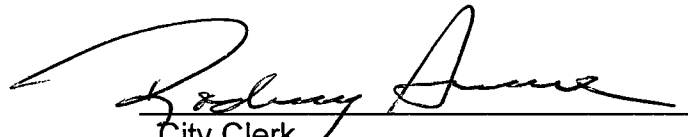
I do further certify that the foregoing is a full, true and complete transcript of that portion of the minutes of the meeting of the Corporate Authorities held on the 26<sup>th</sup> day of March, 2012, insofar as same relates to the adoption of an ordinance entitled:

Designating, Proposing Approval of a Redevelopment Plan and Project, Adopting Tax Increment Allocation Financing, Convening a Joint Review Board, and Calling a Public Hearing Regarding the Proposed Dempster/Dodge Redevelopment Area

a true, correct and complete copy of which said ordinance as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the Corporate Authorities on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice; that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Corporate Authorities at least 48 hours in advance of the holding of said meeting; that said agenda described or made specific reference to said ordinance; that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Corporate Authorities.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the City, this 30<sup>th</sup> day of March, 2012.

  
City Clerk

(Seal)