

8/7/2013

96-O-13

AN ORDINANCE

Amending the Redevelopment Plan and Project and Redevelopment Project Area, Confirming Tax Increment Allocation Financing, Convening a Joint Review Board, and Calling a Public Hearing Regarding the Proposed First Amendment to the Howard Hartrey Redevelopment Project 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 amend the existing Howard Hartrey redevelopment project area (the "First Amendment to Howard Hartrey Redevelopment Project Area" as further described in Exhibit A, attached hereto and incorporated herein by reference, approve an amended redevelopment plan (the "Redevelopment Plan") and project (the "Project") for the First Amendment to the Howard Hartrey Redevelopment Project Area, amend the Howard Hartrey Redevelopment Project Area boundaries, and that the Municipality confirm tax increment allocation financing for the Howard Hartrey 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) amending a redevelopment plan and project, amending a redevelopment project area, and confirming tax increment allocation financing for the proposed First Amendment to the Howard Hartrey 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 amended 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 amended Redevelopment Project Area at the time that the proposed amendments to the 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 an amended redevelopment plan or a separate report that provides in reasonable detail the basis for the proposed amendments to the 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 amended Redevelopment Project Area and has prepared its report (the "Report") that said proposed amended 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: *Amended Redevelopment Plan and Project Proposed.* The Corporate Authorities hereby propose approval of the First Amendment to the Howard Hartrey Redevelopment Plan and Project, the amendment of the Redevelopment Project Area and the confirmation of tax increment allocation financing for the amended Redevelopment Project Area

SECTION 3: *Interested Persons Registry Previously Created.* The Corporate Authorities hereby created 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 September 12, 2013, 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 P.M. on October 28, 2013 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 amendment of the Redevelopment Plan and Project, amendment of the Redevelopment Project Area, and confirmation of tax increment allocation financing for the proposed First Amendment to the Howard Hartrey 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 amended 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 amended 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 amended Redevelopment Project Area and within seven hundred fifty feet (750') of the boundaries of the proposed amended 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 amended 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: 8

Nays: 0

Introduced: August 12, 2013

Adopted: August 12, 2013

Approved:

August 15, 2013

Elizabeth B Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Rodney Greene
Rodney Greene, City Clerk

Approved as to form:

Approved as to form:
W. Grant Farrar
Corporation Counsel

By: Michelle Masonup
W. Grant Farrar, Corporation Counsel Deputy City Attorney

EXHIBIT A

Legal Description of the Amended Redevelopment Project Area

LEGAL DESCRIPTION:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTHERLY ALONG THE WEST LINE OF SAID NORTHWEST QUARTER TO THE NORTHWEST CORNER OF LOT 9 IN HOWARD-HARTREY SUBDIVISION, BEING A SUBDIVISION IN SAID NORTHWEST QUARTER ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 1, 1993 AS DOCUMENT NO. 93696916; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 9 TO THE SOUTHWEST CORNER OF LOT 2 IN BRUMMEL PLACE SUBDIVISION, BEING A SUBDIVISION IN SAID NORTHWEST QUARTER ACCORDING TO THE PLAT THEREOF RECORDED JULY 26, 1956 AS DOCUMENT NO. 16650663; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 2 TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE EASTERLY ALONG THE NORTH LINE OF SAID BRUMMEL SUBDIVISION AND ALONG THE EASTERLY EXTENSION THEREOF TO A POINT ON THE EAST LINE OF THE WEST HALF OF SAID NORTHWEST QUARTER; THENCE SOUTHERLY ALONG SAID EAST LINE TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE CHICAGO NORTH SHORE AND MILWAUKEE RAILROAD; THENCE EASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF HARTREY AVENUE; THENCE SOUTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE AND SOUTHERLY EXTENSION THEREOF TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF SECTION 25; THENCE WESTERLY ALONG SAID SOUTH 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 FIRST AMENDMENT TO THE HOWARD HARTREY 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 First Amendment to the Howard Hartrey 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 amended Redevelopment Project Area or the approval of a proposed amended redevelopment plan and project therefor.

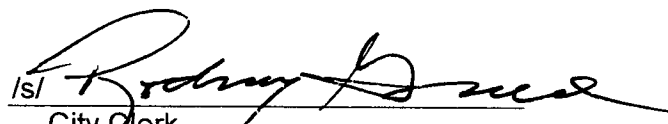

City Clerk
City of Evanston, Cook County,
Illinois

EXHIBIT C

Form of Notice of Public Hearing

NOTICE OF PUBLIC HEARING
CITY OF EVANSTON, COOK COUNTY, ILLINOIS
PROPOSED FIRST AMENDMENT TO THE HOWARD HARTREY REDEVELOPMENT PROJECT AREA

Notice is hereby given that on October 28, 2013, 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 amended redevelopment plan (the "*Redevelopment Plan*") and the amendment of that certain redevelopment project area known as the Howard Hartrey Redevelopment Project Area (the "*First Amendment to the Howard Hartrey Redevelopment Project Area*"). The Redevelopment Project Area as amended consists of the territory legally described as in Exhibit 1 attached and generally described below:

The proposed amendments to the Howard Hartrey Redevelopment Project Area consist primarily of vacant industrial property located to the north of the existing Howard Hartrey Redevelopment Project Area (and north of Brummel Place/Shure Drive) bounded by the shopping center and Howard Street on the south, Hartrey Avenue to the east, and the rail right of way to the north. The "Vineyard" property located to the west of the former Shure facility is not included.

There will be considered at the hearing approval of the amendments to the Howard Hartrey Redevelopment Plan and Project and the amendment of the Redevelopment Project Area and confirmation of tax increment allocation financing therefor. The proposed amended 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 First Amendment to the Howard Hartrey Redevelopment Plan and Project the City proposes to alleviate conservation area conditions in the amended Redevelopment Project Area and to enhance the tax base of the City and the taxing districts having taxable property within the amended 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.

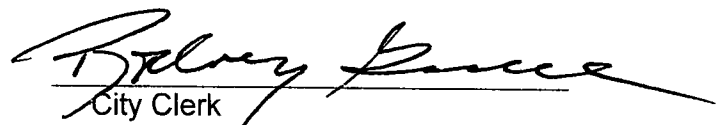
The amended Redevelopment Plan objectives include promoting and protecting the health, safety, morals and welfare of the public by establishing a public/private

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 amended Redevelopment Project Area, improving the environmental quality of the proposed amended Redevelopment Project Area and retaining and attracting employment opportunities within the proposed amended Redevelopment Project Area. To achieve these objectives, the amended 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 First Amendment to the Howard Hartrey 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 First Amendment to the Howard Hartrey Redevelopment Plan and Project for and the amendment of the Redevelopment Project Area and the confirmation 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 amended Redevelopment Project Area at the time that the amendment to 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 September 12, 2013, 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 amendment of the Redevelopment Plan and Project for and the amendment of the Redevelopment Project Area and the confirmation 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