

Ordinance No. 2018-07

**AN ORDINANCE OF THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS,
APPROVING THE VILLAGE OF WEST DUNDEE MAIN STREET/ILLINOIS ROUTE 31 TIF
REDEVELOPMENT PLAN AND PROJECT**

WHEREAS, the President and Board of Trustees (collectively, the "*Corporate Authorities*") of the Village of West Dundee, Kane County, Illinois (the "*Village*"), have determined that the stable economic and physical development of the Village is endangered by the presence of blighting factors as often manifested by obsolete structures, deterioration of site improvements, lack of community planning, inadequate utilities, chronic flooding and by a decline in the equalized assessed value, all of which impair the value of private investments, threaten the sound growth and the tax base of the Village and the taxing districts having the power to tax real property in the Village (the "*Taxing Districts*"), and threaten the health, safety, morals, and welfare of the public; and,

WHEREAS, the Corporate Authorities have determined that in order to promote and protect the health, safety, morals, and welfare of the public, the blighting factors and conditions in certain parts of the Village need to be eradicated and redevelopment of the Village be undertaken in order to remove and alleviate adverse conditions, encourage private investment, and restore and enhance the tax base of the Village and the Taxing Districts; and,

WHEREAS, the Village has authorized an eligibility study to determine whether the proposed Main Street/Illinois Route 31 Redevelopment Project Area (the "*Project Area*") qualifies as a "redevelopment project area" pursuant to the Illinois Tax Increment Allocation Redevelopment Act (the "*TIF Act*") 65 ILCS 5/11-74.4-1, *et seq.*; and,

WHEREAS, the Village has heretofore evaluated various lawfully available programs to provide assistance in order to encourage private investment and has determined that the use of tax increment allocation financing is necessary to achieve the redevelopment goals of the Village for the Project Area; and,

WHEREAS, the Village has been advised by Kane, McKenna and Associates, Inc., in December of 2017, that the Project Area qualifies as a "redevelopment project area" as a "conservation area" for improved parcels and a "blighted area" for vacant parcels under Section 11-74.4-3 of the TIF Act; and,

WHEREAS, it is therefore concluded by the Corporate Authorities that the Project Area remains qualified as a “conservation area” for improved parcels and a “blighted area” for vacant under Section 11-74.4-3 of the TIF Act as of the date hereof; and,

WHEREAS, the Village has further caused the preparation of and made available for public inspection the Village of West Dundee Main Street/Illinois Route 31 TIF Redevelopment Plan and Project (the “*Plan*”); and,

WHEREAS, the Plan sets forth in writing the program to be undertaken to accomplish the objectives of the Village and includes estimated redevelopment project costs for the Project Area, evidence indicating that the Project Area on the whole has not been subject to growth and development through investment by private enterprise, an assessment of the financial impact of the Project Area on and the minimal demand, if any, for services from any taxing district affected by the Plan, the sources of funds to pay costs, the nature and term of any obligations to be issued, the most recent equalized assessed valuation of the Project Area, an estimate as to the equalized assessed valuation after redevelopment, the general land uses to apply in the Project Area, and a commitment to fair employment practices and an affirmative action plan, and the Plan accordingly complies in all respects with the requirements of the TIF Act; and,

WHEREAS, pursuant to Section 11-74.4-5 of the TIF Act, the Corporate Authorities by an Ordinance No. 2018-01 adopted on January 8, 2018, called a public hearing (the “*Hearing*”) relative to the Plan and the designation of the Project Area as a redevelopment project area under the TIF Act, and fixed the time and place for such Hearing for the 19th Day of March, 2018, at 7:30 p.m., at the Village of West Dundee Village Hall, 102 S. Second Street, West Dundee, Illinois; and,

WHEREAS, due notice in respect to such Hearing was given pursuant to Sections 11-74.4-5 and 11-74.4-6 of the TIF Act, said notice, together with a copy of the Plan, was sent to the Taxing Districts and to the Illinois Department of Commerce and Economic Opportunity of the State of Illinois by certified mail on January 24, 2018, and was published on February 19, 2018 and February 26, 2018; and,

WHEREAS, the Village has established and published an “interested parties registry” for the Project Area in compliance with the requirements of the TIF Act; and,

WHEREAS, the Village gave such notice to all persons and organizations who have registered for information with such registry, all in the manner and at the times as provided in the TIF Act; and,

WHEREAS, the Village gave due notice of the availability of the Plan to all residents within 750 feet of the boundaries of the Project Area, in compliance with the requirements of the TIF Act; and,

WHEREAS, the Village convened a Joint Review Board, as required by and in all respects in compliance with the provisions of the TIF Act; and,

WHEREAS, the Joint Review Board met at the time and as required by the TIF Act, and reviewed the public record, planning documents, and a form of a proposed ordinance approving the Plan; and,

WHEREAS, the Joint Review Board adopted by a majority vote an advisory, non-binding recommendation that the Village proceed to implement the Plan and designate the Project Area as a redevelopment project area under the TIF Act; and,

WHEREAS, the Joint Review Board based its decision on the basis of the Project Area satisfying the eligibility criteria defined in Section 11-74.4-3 of the TIF Act, and all as provided in Section 11-74.4-5(b) of the TIF Act; and,

WHEREAS, the Village held the Hearing on March 19th, 2018 at the Village of West Dundee Village Hall, 102 S. Second Street, West Dundee, Illinois at 7:30 p.m.; and,

WHEREAS, at the Hearing, any interested party or affected Taxing District was permitted to file with the Village Clerk written objections and was heard orally in respect to any issues embodied in the notice of said Hearing, and the Village heard and determined all protests and objections at the Hearing; and

WHEREAS, the Hearing was adjourned on the 19th day of March, 2018; and,

WHEREAS, the Plan sets forth the factors which cause the parcels in the Project Area to be in part a conservation area and in part a blighted area and the Corporate Authorities have reviewed the information concerning such factors presented at the Hearing and are generally informed of the conditions in the Project Area which could cause the Project Area to be a "conservation area" as to improved parcels and a "blighted area" as to vacant parcels as defined in the TIF Act; and,

WHEREAS, the Corporate Authorities have reviewed evidence indicating that the Project Area on the whole has not been subject to growth and development through investment by private enterprise, and have reviewed the conditions pertaining to lack of private investment in the Project Area to determine whether private development would take place in the Project Area as a whole without the adoption of the proposed Plan and assistance as authorized by the TIF Act; and,

WHEREAS, the Corporate Authorities have reviewed the conditions pertaining to real property in the Project Area to determine whether contiguous parcels of real property and improvements thereon in the Project Area would be substantially benefited by the proposed Project improvements; and,

WHEREAS, the Corporate Authorities have made an assessment of any financial impact of the Project Area on or the minimal demand, if any, for services from any Taxing District affected by the Plan and found that the redevelopment projects proposed by the Plan will not cause any significant financial impact or increased demand for facilities or services by any local taxing body; and,

WHEREAS, the Corporate Authorities have reviewed the proposed Plan and the existing comprehensive plan of the Village for development as a whole and finds that the proposed Plan conforms to the comprehensive plan of the Village.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of West Dundee, Kane County, Illinois, as follows:

Section 1: Findings. The Corporate Authorities hereby make the following findings:

- (a) The Project Area is legally described in *Exhibit A*, attached hereto and incorporated herein as if set out in full by this reference. The map of the Project Area showing the street location is depicted in *Exhibit B*, attached hereto and incorporated herein as if set out in full by this reference.
- (b) There exist conditions which cause the Project Area to be subject to designation as a redevelopment project area under the TIF Act and for each parcel included therein to be classified as either a conservation area or a blighted area, as defined in Section 11-74.4-3 of the TIF Act.
- (c) The Project Area on the whole has not been subject to growth and development through investment by private enterprise and would not be reasonably anticipated to be developed without the adoption of the Plan.
- (d) The Plan conforms to the comprehensive plan for the development of the Village as a whole.
- (e) As set forth in the Plan and in the testimony at the public hearing, the estimated date of completion of the Plan is December 31 of the year in which the payment to the municipal treasurer, as provided in subsection (b) of Section 11-74.4-8 of the TIF Act, is to be made with respect to ad valorem taxes levied in the 23rd calendar year after the year in which the ordinance approving the Project Area as a redevelopment project area under the TIF Act was adopted.
- (f) The parcels of real property in the Project Area are contiguous, and only those contiguous parcels of real property and improvements thereon which will be substantially benefited by the proposed Project improvements are included in the Project Area.

Section 2: Exhibits Incorporated by Reference. The Plan entitled, *Village of West Dundee Main Street/Illinois Route 31 TIF Redevelopment Plan and Project*, dated January 8, 2018, which was the subject matter of the public hearing held on the 19th day of March, 2018, is hereby adopted and approved. A copy of the Plan, which incorporates the eligibility findings is attached as *Exhibit C*, attached hereto and incorporated herein.

Section 3: Invalidity of Any Section. If any section, paragraph, or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 4: Superseder and Effective Date. All ordinances, resolutions, motions, or orders in conflict with this Ordinance are repealed to the extent of such conflict, and this Ordinance shall be in full force and effect immediately upon its passage by the Corporate Authorities and approval as provided by law.

Passed this 7th day of May, 2018.

AYES: Trustees Kembitzky, Price, Yuscka, Anderley and Wilbrandt

NAYS: None

ABSENT: Trustee Hanley

Approved this 7th day of May, 2018.



Christopher Nelson, Village President

Attest:



Barbara Traver, Village Clerk

Published in pamphlet form:

May 8, 2018

Exhibit A

Legal Description

Main Street/Illinois Route 31 Redevelopment Project Area

That part of Sections 22, 23, 27 and 34 in Township 42 North, Range 8 East of the Third Principal Meridian, described as follows: Beginning at the Southeast corner of Block 1 of the Original Town of West Dundee; thence Northwesterly along the East line thereof, also being the Westerly Bank of the Fox River, to the Northerly extension of the East line of Third Street; thence Southerly along said Easterly line to the Easterly extension of the North line of Lot 9 in Block 12 of said Original Town; thence West along said extended line and the North line of Lot 9 to the Northwest corner thereof; thence North along the West line of Lot 8 in said Block 12, 55.0 feet; thence West and parallel with the North line of said Block 12, 120.0 feet to the West line of Lot 4 in said Block 12; thence North along said West line to a line 90.0 feet South of and parallel with the North line of said Block 12; thence West along said parallel line and said line extended West to the East line of the Public Square in said Original Town; thence North along the East line thereof to the Northeast corner thereof; thence West along said North line to the Northwest corner thereof; thence South along the West line of said Public Square to the Easterly extension of the South line of Lot 4 in Block 11 of the Original Town; thence West along said line and the South line of said Lot 4 and said line extended West, 150.0 feet; thence South 15.0 feet; thence West along a line 135.0 feet South of and parallel with the North line of said Block 11, 150.0 feet to the West line of said Block; thence Westerly to the Southeast corner of lot 10 in Block 10 of the Original Town; thence West along the South line of Lots 10, 9, 8, 7 and 6 in said Block 10 and said line extended Westerly to the Southeast corner of Lot 10 in Block 9 of said Original Town; thence North along the East line of said Lot 10 to the Northeast corner thereof; thence West along the North line of said Block 9 to the Northwest corner of Lot 7 in said Block 9; thence South along the West line thereof to the Southwest corner thereof; thence West along the North line of Lot 5 in said Block to the Northwest corner thereof; thence South along the West line of said Lot 5 and said line extended Southerly to the South line of Main Street; thence West along said North line to the Easterly right of way line of State Route 31; thence Southerly along said East line to the Easterly extension of the North line of Lot 1 of Royal Acres Subdivision; thence West along said line and also the North line of said Lot 1 to the Northwest corner thereof; thence South along the West line of Lots 1 and 28 in said Royal Acres to the South line thereof; thence West to the East line of Old World Subdivision; thence South along

said East line to the North line of Lot 10 in said Subdivision; thence West along said North line of Lot 10 to the Southwest corner thereof; thence Northwesterly to the Northeast corner of Village Quarter Commercial Condominiums; thence Southwesterly along the Northerly line thereof and the Northerly line of Stone Ridge Office Condominiums to the most Northerly corner of lot 3 of Old World Subdivision; (the next 4 courses being along the Northerly and Westerly lines of Old World Subdivision); thence Southwesterly to an angle being in the Northwesterly line of Lot 4; thence Southwesterly to an angle point in the Northerly line of Lot 6; thence West along said Northerly line to the West line of said subdivision; thence South along the West line of said Old World Subdivision to the Northerly line of Sleepy Hollow Manor Unit No. 8 extended Easterly; thence Southeasterly along said Northerly line to the Northwest corner of a parcel, P.I.N. No. 03-27-176-006; thence Southerly along the West line thereof to the Southwest corner thereof; thence Easterly along the Northerly line of Willow Lane to the Northerly extension of the West line of Chateau West Subdivision; thence South along said extended line and the West line of Lot 1 in said Subdivision to a jog in said West line; thence West along said jog 70.01 feet to the West line of said Lot 1; thence South along said West line and the West line of Lot 2 to the North line of Chateau Bluff Unit 1; thence East along said North line to the Northwest corner of Lot 15 of said subdivision; thence South along said West line and said West line extended to the South line of Market Loop; thence East along said South line and said South line extended East to the West line of State Route 31; thence South along said West line to the Northeast corner of Lot 2 in Steeple Point at Canterfield Subdivision; thence West along the North line of Lots 2, 3 and 4 to the Northwest corner of Lot 4; thence South along the West line thereof to the North line of Angle Tarn; thence South along the East line of the Fairhills at Canterfield Phase 1 to the centerline of Boncosky Road, thence South 67 degrees 45 minutes 30 seconds West along said centerline 962.95 feet, thence continuing Southwesterly along said centerline, being on a curve to the right having a radius of 10,805.86 feet an arc distance of 35.32 feet; thence South 00 degrees 14 minutes West 874.28 feet; thence South 85 degrees 58 minutes 11 seconds East 3.44 feet; thence South 81 degrees 43 minutes 59 seconds East 60.84 feet; thence North 41 degrees 04 minutes 39 seconds East 157.08 feet; thence North 39 degrees 53 minutes 38 seconds East 95.96 feet; thence North 18 degrees 02 minutes 04 seconds East 42.62 feet; thence North 58 degrees 47 minutes 30 seconds East 260.28 feet ; thence North 03 degrees 10 minutes 00 seconds East 71.0 feet ; thence North 34 degrees 52 minutes 04 seconds East 73.84 feet ; thence North 56 degrees 02 minutes 56 seconds East 257.07 feet; thence North 54 degrees 15 minutes 31 seconds East 149.68 feet; thence North 58 degrees 32 minutes 12 seconds East 151.48; thence North 62 degrees 49 minutes 15 seconds East

393.64 feet; thence North 79 degrees 31 minutes 14 seconds East 72.54 feet; thence North 85 degrees 31 minutes 08 seconds East 87.92 feet; thence North 89 degrees 52 minutes 21 seconds East 70.97 feet to the present Westerly right of way line of State Route 31; thence Southerly along the Westerly right of way of State Route 31 to the Easterly extension of the North line of Lot 1 in Tradition at Canterfield; thence Westerly along said North line to a jog in said lot; thence Southerly along a Westerly line of said Lot to a jog in said lot; thence West along a North line of said Lot to a jog in said Lot; thence Southerly along the West line of said lot to the Southwest corner thereof; thence East along the South line of said Lot and said line extended Easterly to the East line of State Route 31; thence Southerly along said East line to the Northerly line of Dun-El Airport Road and Route 31 Subdivision; thence Southeasterly along the Southerly line thereof to a jog in said Southerly line; thence East along the South line of said subdivision to the Westerly Bank of the Fox River; thence Northwesterly, Northerly, Northeasterly and Easterly along said River to Southerly extension of the West line of First Street in West Dundee; thence North along said extended line and also the West line of First Street to the South line of Dunning Avenue; thence West along said South line to the East line of Third Street; thence South along said East line to the South line of the Northeast Quarter of Section 27 aforesaid; thence West along said South line to the Southwest corner of Lot 62 in Dundee Highlands Subdivision Unit No. 8; thence Northeasterly along the West line thereof to the Northwest corner thereof; thence Northeasterly to the Southwest corner of Lot G of Dundee Highlands Unit No. 7 Resubdivision of Lots 12 through 26; thence North along the West line of said subdivision to the Northwest corner of Lot A in said subdivision; thence Northeasterly along the Northwesterly line thereof to the Westerly line of Eichler Drive; thence Northwesterly and Northerly and Westerly along said Westerly line to the Southerly extension of the East line of Lot 1 in Dundee Highlands Subdivision Unit No. 7; thence Northerly along said extended line and also the East line of said Lot to the Northeast corner thereof; thence West along the North line of said Lot to the Southeast corner of Lot 4 in Dundee Highlands Subdivision 6th Addition; thence North along the East line of said Lot to the Northeast corner thereof; thence Northerly to the Southeast corner of Lot 3 in said subdivision; thence North along the East line of said Lot to the Northeast corner thereof; thence West along the North line of said Lot to the Southeast corner of Lot 25 in Route 31-South Street, Hillside First Addition; thence North along the East line of said Lot to the Northeast corner thereof; thence North along the last described line extended Northerly to the North line of Oregon Street; thence East along said North line to the Southeast corner of Lot 6 in Block 8 of the Original Town aforesaid; thence North along the West line of Lot 6 to the Northwest corner thereof; thence East along the North line of Lots 6

through 10 in said Block 8 and said line extended Easterly to the Southwest corner of Lot 5 in Block 7 of the Original Town; thence East along the South line of Lots 5 through 1 in said Block 7 and said Lot extended Easterly to Southwest corner of Lot 5 in Block 6 of said Original Town; thence East along the South line of Lots 5 through 1 in said Block 6 and said line extended Easterly to the West line of Block 5 in Original Town; thence South along the East line of 5th Street, 15.0 feet; thence East parallel with the South line of said Block 5 a distance of 90.0 feet; thence South and parallel with the East line of 5th Street, 135.0 feet to the North line of Oregon Street; thence East to the West line of 4th Street; thence North along said West line to the Southeast corner of said Block 5; thence East to the Southwest corner of Lot 5 in Block 4 in the Original Town; thence East along the South line of Lots 5 through 3 of said Block 4 to the Southeast corner of Lot 3; thence North along the East line thereof to the Southwest corner of Lot 2 of Erwin Schmidt Subdivision; thence East along the south line thereof and said line extended East to the West line of Block 3 in the Original Town; thence East along the South line of Block 3 to the Southeast corner thereof; thence East along the South line of said Block and said line extended Easterly, to the West line of Block 2 of the Original Town; thence South along the East line of Second Street to the North line of Oregon Street; thence East along said North line to the West line of First Street; thence North along said West line to the North line of Main Street; thence East along said North line to the Point of Beginning, and also all that part of the streets and highways lying contiguous to the above described property, in the Village of West Dundee, Kane County, Illinois.

Exhibit C

Village of West Dundee Main Street/Illinois Route 31 TIF Redevelopment Plan and Project

