

*Ordinance No 15-29*

**AN ORDINANCE OF THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS, TO SET A DATE FOR, AND TO APPROVE A PUBLIC NOTICE OF A PUBLIC HEARING FOR THE SPRING HILL MALL REDEVELOPMENT PROJECT AREA**

**WHEREAS**, the Village of West Dundee (the "*Village*") is a municipal corporation and political subdivision of the State of Illinois and as such is reviewing the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.* (the "*Act*") for purposes of designating the Spring Hill Mall Redevelopment Project Area; and

**WHEREAS**, pursuant to the Act, the Village is required to adopt an ordinance fixing the time and place for a public hearing on the proposed Spring Hill Mall Redevelopment Project Area; and

**WHEREAS**, the Village desires to adopt this Ordinance in order to comply with the requirements of the TIF Act.

**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.** The above recitals are incorporated herein and made a part hereof.

**Section 2.** It is necessary and in the best interests of the Village that a public hearing be held prior to the consideration of the adoption by the President and Board of Trustees of the Village (the "*Corporate Authorities*") of an ordinance or ordinances approving the Spring Hill Mall TIF Redevelopment Plan (the "*Plan*"), designating the Spring Hill Mall TIF Redevelopment Project Area (the "*Project Area*") and adopting tax increment allocation financing, and accordingly, it is necessary that a date for such public hearing be established and notice thereof be given, all in accordance with the provisions of the Act.

**Section 3.** It is hereby determined that a public hearing (the "*Hearing*") on the proposed Spring Hill Mall Redevelopment Plan for the proposed Project Area, as legally described in *Exhibit A*, attached hereto and made a part hereof this Ordinance, shall be held on

the 18<sup>th</sup> day of January, 2016, at 7:30 p.m., at West Dundee Village Hall, 102 South Second Street, West Dundee, Illinois.

**Section 4.** Within a reasonable time after the adoption of this ordinance, the Redevelopment Plan along with the name of the contact person at the Village shall be sent to the affected taxing districts by certified mail.

**Section 5.** Notice of the Hearing is hereby authorized to be given by publication and mailing, said notice by publication to be given at least twice, the first publication to be not more than thirty (30) nor less than ten (10) days prior to the Hearing in the *Daily Herald*, being a newspaper of general circulation within the taxing districts in the Project Area, and notice by mailing to be given by depositing such notice in the United States mail by certified mail 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 Project Area and to each residential address located with the Project Area, not less than ten (10) days prior to the date set for the Hearing. In the event taxes for the last preceding year were not paid, notice shall also be sent to the persons last listed on the tax rolls within the preceding three (3) years as owner(s) of such property.

**Section 6.** Notice of the Hearing is hereby directed to be in substantially the following form:

**NOTICE OF PUBLIC HEARING**  
**VILLAGE OF WEST DUNDEE, KANE COUNTY,**  
**ILLINOIS, PROPOSED APPROVAL OF THE SPRING HILL MALL**  
**REDEVELOPMENT PROJECT AND AREA**

Notice is hereby given that on the 18th day of January, 2016 at 7:30 p.m., at the West Dundee Village Hall, 102 South Second Street, West Dundee, Illinois, a public hearing (the "*Hearing*") will be held to consider the approval of the proposed Spring Hill Mall Redevelopment Plan (the "*Plan*"), the designation of the Spring Hill Mall Redevelopment Project Area (the "*Project Area*") and the

adoption of tax increment financing therefore. The Project Area consists of the territory legally described on Exhibit A and general described as follows:

The proposed TIF District consists of approximately 5 tax parcels, and is generally bounded by Springhill Ring Road to the west, West Main Street (IL 72) to the south, Western Avenue (IL 31) to the east, and Village of West Dundee boundary to the north. The proposed Redevelopment Project Area is approximately 56.7 acres of Spring Hill Mall's total 207 acres.

The Redevelopment Plan objectives are to reduce or eliminate blighting conditions, to enhance the real estate and sales tax base of the Village and other affected taxing districts by encouraging private investment in commercial, industrial, and recreational development within the Project Area, and to preserve and enhance the value of properties therein, all in accordance with the provisions of the "Tax Increment Allocation Redevelopment Act," effective January 10, 1977, as from time to time amended (the "*Act*"). The Village may issue obligations to finance project costs in accordance with the Redevelopment Plan, which obligations may also be secured by the special tax allocation fund and other available funds, if any, as now or hereafter permitted by law, and which also may be secured by the full faith and credit of the municipality.

At the Hearing, approval of the Redevelopment Plan, designation of the Project Area, and the adoption of tax increment allocation financing for the Project Area will be considered. The Redevelopment Plan is on file and available for public inspection at the office of the Village Clerk at Village Hall, 102 South Second Street, West Dundee, Illinois.

Pursuant to the proposed Redevelopment Plan, the Village proposes to facilitate the redevelopment of the Project Area by incurring or reimbursing eligible redevelopment project costs, which may include, but shall not be limited to, studies, surveys, professional fees, property assembly costs, construction of public improvements and facilities, building and fixture rehabilitation, reconstruction, renovation and repair, financing costs, and interest costs, all as authorized under the Act. The Redevelopment Plan proposes to provide assistance by paying or reimbursing costs related to site assembly, analysis, professional services and administrative activities, public improvements and facilities, including new streets, water, sewer, street lighting, and landscaping improvements, the execution of one or more redevelopment agreements, and the payment of financing and interest costs.

Tax increment financing is a public financing tool that does not raise property taxes but is used to assist economic development projects by capturing the projected increase in the property tax revenue stream to be created by the increase of the assessed value of the development or development area and investing those funds in improvements associated with the project.

At the Hearing, all interested persons or affected taxing districts may file written objections with the Village Clerk and may be heard orally with respect to any issues regarding the approval of the proposed Redevelopment Plan, designation of the Project Area, and adoption of tax increment allocation financing therefore.

The Hearing may be adjourned by the President and Board of Trustees of the Village 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.

For additional information about the proposed Redevelopment Plan and to file comments or suggestions prior to the hearing contact Village Manager Joseph Cavallaro, Village of West Dundee, 102 South Second Street, West Dundee Illinois 60118 (847)551-3800.

By Order of the Village President and Board of Trustees of the Village of West Dundee this 16th day of November, 2015.

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Barbara Traver, Village Clerk

**Section 7.** The above notice is hereby directed to be given by mail, not less than forty-five (45) days prior to the date set for the Hearing, to all taxing districts of which taxable property is included in the proposed Project Area and to the Illinois Department of Commerce and Economic Opportunity (“DCEO”). Notice shall include an invitation to each taxing district and DCEO to submit written comments to the Village, in care of the Village Clerk of the Village of West Dundee, Village Hall, 102 South Second Street, West Dundee, Illinois 60118, concerning the subject matter of the Hearing prior to the date of the Hearing.

**Section 8.** It is hereby ordered that a Joint Review Board (the “Board”) shall be convened on the 7<sup>th</sup> of December, at 12:00 p.m., at Village Hall, 102 South Second Street, West Dundee, Illinois which is not sooner than fourteen (14) days nor later than twenty-eight (28) days following the notice to be given to all taxing districts, as provided in Section 7 above, to review the public record, planning documents and the proposed ordinances approving the Redevelopment Plan, designating the Project Area and adopting the Act as applicable to the Project Area. The Joint Review Board shall consist of a representative selected by the community college district, the local community unit school district, the park district, the library district, the township, the fire protection district, and the county that has authority to directly levy taxes on the property in the proposed Project Area, a representative selected by the Village, and a

public member to be selected by a majority of other Board members, and shall act in accordance with the applicable provisions of the Act.

**Section 9.** The document entitled *Village of West Dundee TIF Redevelopment Project Spring Hall Mall TIF District* been available for inspection and review commencing the 2<sup>nd</sup> day of November, 2015, which is more than 10 days prior to the adoption of this Ordinance at the office of the Village Clerk at Village Hall, 102 South Second Street, West Dundee, Illinois, during regular office hours.

**Section 10.** Notice of the establishment of an interested parties' registry which entitles all registrants to receive information on activities related to the proposed designation of a redevelopment project area and the preparation of a redevelopment plan and project is hereby authorized.

**Section 11.** If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

**Section 12.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 13.** This Ordinance shall be in full force and effect immediately upon its passage.

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PASSED THIS 16<sup>th</sup> day of November, 2015, pursuant to a roll call vote as follows:

AYES: Trustees Kembitzky, Price, Hanley, Yuscka, Pflanz and Wilbrandt

NAYS: None

ABSENT: None

APPROVED THIS 16<sup>th</sup> day of November, 2015.



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Christopher Nelson, Village President

ATTEST:

  
Barbara Traver, Village Clerk

STATE OF ILLINOIS        )  
                                  )  
COUNTY OF COOK        )        SS.

CERTIFICATE

I, Barbara Traver, Village Clerk of the Village of West Dundee, County of Kane and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 15-29:

**“AN ORDINANCE OF THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS, TO SET A DATE FOR, AND TO APPROVE A PUBLIC NOTICE OF A PUBLIC HEARING FOR THE SPRING HILL MALL REDEVELOPMENT PROJECT,”**

which was adopted by the President and Board of Trustees of the Village of West Dundee on the 16<sup>th</sup> day of November, 2015 .

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of West Dundee this 16<sup>th</sup> day of November, 2015.

Barbara Traver  
Barbara Traver, Village Clerk

*Exhibit A*

*Legal Description*

*Spring Hill Mall Redevelopment Project Area*