

## Ordinance 2022-32

### AN ORDINANCE OF THE VILLAGE WEST DUNDEE, KANE COUNTY, ILLINOIS, TO SET A DATE FOR, AND TO APPROVE A PUBLIC NOTICE OF A PUBLIC HEARING ON THE PROPOSED VILLAGE OF WEST DUNDEE SPRING HILL MALL AREA TIF #5 TAX INCREMENT FINANCING REDEVELOPMENT PLAN AND PROJECT

**WHEREAS**, the Village of West Dundee, Kane County, Illinois (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 Area TIF #5 Tax Increment Financing Redevelopment Project Area (the “*Spring Hill Mall Area TIF #5*”); 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 Area TIF #5; and,

**WHEREAS**, the Village desires to adopt this Ordinance in order to comply with such requirements of the 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 Village of West Dundee Spring Hill Mall Area TIF #5 Tax Increment Financing Redevelopment Plan and Project (the “*Plan and Project*”), designating the Spring Hill Mall Area TIF #5 as a “Redevelopment Project Area” (the “*Project Area*”) under the Act 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 Plan and Project 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 9th day of January, 2023 at 7:30 p.m., at the Village of West Dundee Village Hall, 102 S. Second Street, West Dundee, Illinois.

**Section 4.** 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 a newspaper of general circulation within the taxing districts having property 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 within the Project Area, not less than ten (10) nor more than thirty (30) 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 5.** Notice of the Hearing is hereby directed to be in substantially the form found in *Exhibit B* which is attached hereto and made a part hereof.

**Section 6.** The notice provided for in Section 5 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 S. Second Street, West Dundee, Illinois 60118, concerning the subject matter of the Hearing prior to the date of the Hearing.

**Section 7.** It is hereby ordered that a Joint Review Board (the "Board") shall be convened on the 30<sup>th</sup> day of November, 2022 at 3:00 p.m., at Village Hall, 102 S. Second Street, West Dundee, Illinois 60118, 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 6 above, to review the public record, the proposed Plan and Project and the proposed ordinances approving the proposed Plan and Project. The Joint Review Board shall consist of a representative selected by the community college district, local community unit school district, park district, library district, township, 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 8.** The document entitled *Village of West Dundee Spring Hill Mall Area TIF #5 Tax Increment Financing Redevelopment Plan and Project* has been available for inspection and review commencing the 21st day of October, 2022, which is more than 10 days prior to the adoption of this Ordinance at the office of the Village Clerk at Village Hall, 102 S. Second Street, West Dundee, Illinois, during regular office hours.

**Section 9.** 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 10.** 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 11.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 12.** This Ordinance shall be in full force and effect immediately upon its passage.

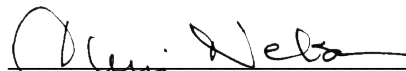
PASSED THIS 7th day of November, 2022, pursuant to a roll call vote as follows:

AYES: Trustees Haley, Alopogianis, Anderley, Wilbrandt and Price

NAYS: None

ABSENT: Trustee Yuscka

APPROVED THIS 7th day of November, 2022.

  
Village President

Attest:

  
Village Clerk

STATE OF ILLINOIS    )  
                                      )    SS.  
COUNTY OF KANE        )

CERTIFICATE

I, Mary Jo Pape, Village Clerk of the Village of West Dundee, Kane County and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2022-32:

**“AN ORDINANCE OF THE VILLAGE WEST DUNDEE, KANE COUNTY, ILLINOIS, TO SET A DATE FOR, AND TO APPROVE A PUBLIC NOTICE OF A PUBLIC HEARING ON THE VILLAGE OF WEST DUNDEE SPRING HILL MALL AREA TIF #5 TAX INCREMENT FINANCING REDEVELOPMENT PLAN AND PROJECT”**

which was adopted by the President and Board of Trustees of the Village of West Dundee on the 7<sup>th</sup> day of November, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of West Dundee this 8<sup>th</sup> day of November, 2022.

  
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Mary Jo Pape  
Village Clerk

*Exhibit A*  
*Legal Description*

*Exhibit B*

*Form of Notice of Public Hearing*

**NOTICE OF PUBLIC HEARING  
VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS, ON THE PROPOSED APPROVAL OF  
THE VILLAGE OF WEST DUNDEE SPRING HILL MALL AREA TIF #5  
TAX INCREMENT FINANCING REDEVELOPMENT PLAN AND PROJECT**

Notice is hereby given that on the 9<sup>th</sup> day of January, 2023 at 7:30 p.m., at the Village of West Dundee Village Hall, 102 S. Second Street, West Dundee, Illinois, a public hearing (the "*Hearing*") will be held to consider the approval of the proposed Village of West Dundee Spring Hill Mall Area TIF #5 Tax Increment Financing Redevelopment Plan and Project (the "*Plan and Project*"), the designation of the Spring Hill Mall Area TIF #5 Tax Increment Financing 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 generally described as the following area:

The southern portion of the Spring Hill Mall properties that are located within West Dundee's corporate limits, along with additional commercial parcels northwest of the mall south of Huntley Road and other commercial parcels south of the mall along West Main Street between Village Quarter Road and Locust Drive.

The Plan and Project objectives are to reduce or eliminate blighting conditions, to enhance the tax base of the Village and other affected taxing districts by encouraging private investment in retail, commercial, residential and mixed-use 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 amended (the "*Act*"). The Village may issue obligations to finance project costs in accordance with the Plan and Project, 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, there will be a discussion of the Plan and Project, designation of the Project Area, and the adoption of tax increment allocation financing for the Project Area. The Plan and Project is on file and available for public inspection at the office of the Village Clerk at Village Hall, 102 S. Second Street, West Dundee, Illinois.

Pursuant to the proposed Plan and Project, the Village proposes to facilitate 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 rehabilitation, reconstruction, renovation and repair, financing costs, and interest costs, all as authorized under the Act. The Plan and Project proposes to provide assistance by paying or reimbursing costs including, but not limited to, site assembly, analysis, professional services and administrative activities, public improvements and facilities, building rehabilitation, capital costs incurred by a taxing district as a direct result of a redevelopment project, the payment of financing and interest costs, and such other project costs as permitted by the Act pursuant to one or more redevelopment agreements.

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 Plan and Project, 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 Plan and Project and to file comments or suggestions prior to the hearing contact Timothy Scott, Director of Economic Development, Planning, Zoning and Urban Design of the Village of West Dundee, 102 S. Second Street, West Dundee, Illinois 60118, 847.551.3805.

By Order of the President and Board of Trustees of the Village of West Dundee this 7<sup>th</sup> day of November, 2022.

  
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Village Clerk