

ORDINANCE NO. F-0368

AN ORDINANCE OF THE CITY OF WHEATON, DU PAGE COUNTY, ILLINOIS,
AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CERTAIN
AMENDMENT TO REDEVELOPMENT AGREEMENT REGARDING THE DOWNTOWN
WHEATON REDEVELOPMENT PROJECT AREA

WHEREAS, the Mayor and City Council (the "CORPORATE AUTHORITIES") of the City of Wheaton, DuPage County, Illinois (the "CITY"), have heretofore determined that it is necessary and advisable for the public health, safety, welfare and convenience of residents of the CITY that the CITY undertake a redevelopment project and have heretofore approved a redevelopment plan (the "PLAN") and designated a redevelopment project area (the "PROJECT AREA") for that portion of the CITY known as the Downtown Wheaton Redevelopment Project Area, all as authorized by the Tax Increment Allocation Redevelopment Act, as amended (the "ACT"); and,

WHEREAS, the CITY has previously entered into a Redevelopment Agreement (the "AGREEMENT") dated January 5, 1996 with R. FRANCZAK & ASSOCIATES, INC. (the "DEVELOPER") regarding a portion of said PROJECT AREA; and;

WHEREAS, the CITY and the DEVELOPER desire to amend the AGREEMENT;

WHEREAS, the Amendment to Redevelopment Agreement is on file with the City Clerk of the CITY and available for public inspection.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, a home rule municipality in the exercise of its home rule powers, as follows:

Section 1. That the Mayor and City Clerk be and the same are hereby authorized to execute the Amendment to Redevelopment Agreement between the CITY and the DEVELOPER, in substantially the form attached hereto as Exhibit "A", and, by this reference, incorporated herein.

Section 2. That all ordinances and resolutions, or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

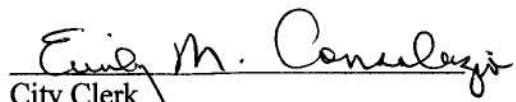
Section 3. That this Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED by and the Mayor and City Council of the City of Wheaton, Illinois, this 19th day of July, 1999.



Mayor

ATTEST:



Emily M. Connelly
City Clerk

Roll Call Vote:

Ayes: Councilwoman Davenport
Councilman Gresk
Mayor Carr
Councilman Johnson
Councilman Mork

Nays: None

Absent: Councilman Eckhoff
Councilman Johnson

Motion Carried Unanimously

Passed: July 19, 1999

Published: July 20, 1999

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AMENDMENT TO REDEVELOPMENT AGREEMENT BETWEEN
THE CITY OF WHEATON AND R. FRANCZAK & ASSOCIATES, INC.

WHEREAS, R. FRANCZAK & ASSOCIATES, INC. (hereinafter referred to as Developer), and the CITY OF WHEATON (hereinafter referred to as City), entered into a Redevelopment Agreement dated January 5, 1996; and

WHEREAS, Article II, Section 2.2 (a) (1) recites:

"Developer will pay the cost of the following items:

(1) All of the costs incurred in constructing the Public Improvements as set forth in Exhibit E"; and

WHEREAS, Article II, Section 2.2 (b) recites:

"Developer shall be reimbursed by the City for advancing all funds necessary to pay all costs set forth in Section 2.2 (a)

(1) above and Section 7.1 (a) below"; and

WHEREAS, Article VII, Section 7.1 (a) recites:

"(a) Reimbursement of Certain Costs Incurred by Developer:

Subject to the terms and conditions of this Agreement (including, without limitation, the provisions concerning the utilization of TIF) and the Act, the City shall reimburse Developer for all City approved costs Developer has incurred or will incur in constructing the Public Improvements as set forth in Exhibit E as Exhibit E may be amended in writing by the agreement of both City and Developer and shall not be delayed due to receipt of tax increments to the fullest extent such costs qualify as TIF Eligible Costs and to the

extent monies are available for such purposes from the TIF Funds or proceeds from any TIF obligations. Reimbursement to the Developer for the costs of reconstruction of the Trinity Court alley as set forth in Exhibit E and Appendix I shall be limited to one-half of the total cost of reconstruction. All reimbursements to Developer shall be paid immediately upon approval by both City and Developer from the proceeds of a bond sale (whether prior or past closing).

WHEREAS, Exhibit E sets forth the anticipated Public Improvements and the cost thereof; and

WHEREAS, there have been changes both in the anticipated Public Improvements and the cost thereof as set forth in amended Exhibit E attached hereto and made a part hereof; and

WHEREAS, Developer wishes to be reimbursed for the additional costs Developer incurred in constructing the Public Improvements; and

WHEREAS, the City wishes to reimburse the Developer for the additional costs Developer incurred in constructing the Public Improvements; and

WHEREAS, it is necessary to amend Exhibit E in order for payment to be made.

NOW THEREFORE, the parties hereby agree as follow:

1. Exhibit E is hereby amended and revised Exhibit E is hereby made a part of the Redevelopment Agreement in place of former Exhibit E.
2. City shall take any and all actions required by law to formally approve this Amendment and to approve revised Exhibit E.

3. City agrees to reimburse Developer for the funds advanced by Developer to construct the Public Improvements.
4. In all other respects, the Redevelopment Agreement is reconfirmed and unchanged.

IN WITNESS WHEREOF, the City has caused this Amendment to be executed in its name and on its behalf by the Mayor and attested by the City Clerk of the City of Wheaton, and the Developer has signed the same as of the date and year written below.

Dated: July 19, 1999.

CITY:

CITY OF WHEATON

By: James Carr

Mayor

DEVELOPER:

R. FRANCAZAK & ASSOCIATES, INC.

By: Raymond Franczak

President

ATTEST:

BY: Emily M. Condega
City Clerk

STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, do hereby certify RAYMOND FRANCZAK personally known to me to be the President of the R. Franczak & Associates, Inc., an Illinois corporation, and ROBERT LEWANDOWSKI, Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged as such President and Secretary, they signed and delivered the said instrument and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation, as their free and voluntary act, and as the free and voluntary act and deed of said corporation for the uses and purposes therein set forth.

Given under my hand and official seal,
this _____ day of _____, 1999.

Notary Public

Commission expires _____

This instrument was prepared by:

Barry G. Collins
Tuttle, Vedral & Collins, P.C.
733 Lee Street, Suite 210
Des Plaines, IL 60016

STATE OF ILLINOIS)

)

COUNTY OF COOK)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, do hereby certify, _____ personally known to me to be the Mayor of the City of Wheaton, and _____ personally known to me to be the City clerk of said City, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged as such Mayor and City Clerk, they signed and delivered the said instrument and caused the municipal seal of said City to be affixed thereto, pursuant to authority given by the City Council of said City, as their free and voluntary act, and as the free and voluntary act and deed of said City, for the uses and purposes therein set forth.

Given under my hand and official seal
this _____ day of _____, 1999.

Notary Public

Commission expires _____

This instrument was prepared by:

Barry G. Collins
Tuttle, Vedral & Collins, P.C.
733 Lee Street, Suite 210
Des Plaines, IL 60016

SPACECO, INC.
 9575 W. Higgins Road, Suite 700
 Rosemont, Illinois 60018
 (847) 696-4060

Revised Exhibit E

Front Street Condominiums
 revised 5-28-99 to reflect final costs

Pavement

Accu-Paving items	QTY	Unit	Unit Price	Amount
Comb. Conc. Curb & Gutter	85	L.F.	\$12.00	\$1,020.00
Depressed concrete curb	32	L.F.	\$12.00	\$384.00
Remove/replace existing curb and gutter	224	L.F.	\$15.00	\$3,360.00
1.5" Bit.Conc surf course, TY.2, Mix D, Cl 1	353	S.Y.	\$4.00	\$1,412.00
1.5" Bit conc bind, course, TY.2 Class 1	178	S.Y.	\$3.80	\$676.40
10" Crushed agg. Base course, type B	353	S.Y.	\$7.40	\$2,612.20
P.C.C. pavement, 8"	197	S.Y.	\$45.50	\$8,963.50
4" crushed aggregate base course, type B	197	S.Y.	\$4.00	\$788.00
Remove existing Bituminous pavement	353	S.Y.	\$7.35	\$2,594.55
P.C.C. sidewalk	3857	S.Y.	\$3.00	\$11,571.00
Fine grade sub-base	353	S.Y.	\$0.40	\$141.20
Alt. 2.5" binder in lieu of 1.5"	175	S.Y.	\$5.75	\$1,006.25
Loader/Backhoe with Operator	11	hours	\$120.00	\$1,320.00
JD Loader with Operator	6	hours	\$20.00	\$120.00
Laborer	7	hours	\$37.50	\$262.50
<u>Public Work 5-4-98 and 5-5-98</u>				
Caterpillar with operator	2	hours	\$145.00	\$290.00
John Deere Combo with operator	11.5	hours	\$120.00	\$1,380.00
John Deere 944 loader with operator	5	hours	\$120.00	\$600.00
Laborer	10	hours	\$38.50	\$385.00
Semi-Dump	24	hours	\$65.00	\$1,560.00
Dump Fees	10	each	\$50.00	\$500.00
Superintendent	10	hours	\$40.00	\$400.00
CA-1 Stone	24	tons	\$13.00	\$312.00
<u>Public Work 5-6-98</u>				
John Deere Combo with operator	3.5	hours	\$120.00	\$420.00
John Deere 944 loader with operator	2	hours	\$120.00	\$240.00
Laborer	3.5	hours	\$38.50	\$134.75
Structure adjustments	2	each	\$200.00	\$400.00
Superintendent	4	hours	\$40.00	\$160.00
<u>Miscellaneous costs</u>				
High early concrete	13	C.Y.	\$15.00	\$195.00
			TOTAL:	\$43,208.35

Elliot Construction Items	QTY	Unit	Unit Price	Amount
<u>Gary Avenue</u>				
1.5" Bit. Conc. Surf. Cse, TY 2, mix D CL1	1,730	S.Y.	\$5.00	\$8,650.00
1.5" Bit. Conc. Bind Cse, TY 2, CL1	1,730	S.Y.	\$4.50	\$7,785.00
6" Bituminous base course	1,730	S.Y.	\$17.00	\$29,410.00
4" Crushed agg. Sub-base type B	1,730	S.Y.	\$4.10	\$7,093.00
Comb. Conc. Curb & gutter, type B-6.12	970	L.F.	\$16.00	\$15,520.00
Remove ex. Curb & gutter, haul offsite	910	L.F.	\$4.00	\$3,640.00
Remove ex. Bit. Pvt. & haul offsite	1,520	S.Y.	\$9.00	\$13,680.00
<u>Front Street</u>				
Comb. Conc. Curb & gutter, type B-6.12	457	L.F.	\$16.00	\$7,312.00
Saw cut, full depth	495	S.F.	\$5.00	\$2,475.00
Remove existing curb and gutter	415	L.F.	\$4.00	\$1,660.00
Remove existing bituminous pavement	460	S.Y.	\$10.00	\$4,600.00
PCC sidewalk	1,037	S.F.	\$3.20	\$3,318.40
<u>Time and Materials</u>				
Undercut curb, fill and compact granular	5	C.Y.		\$225.00
Excavate for temporary gravel base at pavement, fill with gravel, place gravel for temp. walk.				
Backhoe	4	hours		\$400.00
Truck	4	hours		\$200.00
Gravel	5	C.Y.		\$100.00
Labor	1	hours		\$48.00
Undercut roadway including curb and gutter	353	C.Y.	\$15.00	\$5,295.00
Fabric	236	S.Y.	\$1.15	\$271.40
Granular fill undercut 9"	1,541	S.Y.	\$9.00	\$13,869.00
Concrete sidewalk removal	892	S.F.	\$1.00	\$892.00
Saw cut butt joint	155	L.F.	\$5.00	\$775.00
6" concrete approach and sidewalk	407	S.F.	\$3.60	\$1,465.20
Lower catch basins, furnish and install adjusting rings, & reform curb & gutter to revised elevations.				
Foreman	2.5	hours		\$150.00
Labor	5.5	hours		\$264.00
Material- rings and mortar				\$80.00
Remove steel plates, excavate and remove gravel, furnish and place concrete base, replace plates.				
Foreman	4	hours		\$240.00
Labor	7	hours		\$340.00
Ready Mixed Concrete	12	C.Y.		\$960.00
Backhoe	3.5	hours		\$350.00
Truck	1	hours		\$50.00
Remove steel plates, trim asphalt edges, furnish and place asphalt.				
Backhoe	1	hours		\$100.00
Saw and operator	1	hours		\$80.00
Asphalt installed				\$976.00
Remove granular base, prepare base and place temp asphalt on Front Street and walks				
Skid steer	2	hours		\$160.00
Asphalt installed	2	hours		\$983.00
Remove concrete pavement under curb and gutter				
Backhoe with breaker	4.5	hours	\$110.00	\$495.00
Tractor with loader	3.5	hours	\$90.00	\$315.00
Truck time hauling	4	hours	\$50.00	\$200.00

Dump charge				\$60.00
Granular fill under curb and gutter	10	C.Y.		\$250.00
Pavement patching Gary Avenue				\$4,880.00
Pavement patching Trinity and Gary				\$500.00
Pavement patching Trinity and West				\$250.00
Pavement patching West Street Trench				\$2,220.00
Pavement patching West St. & Alley				<u>\$4,090.00</u>
			TOTAL:	\$146,677.00

Street Lighting

Item	QTY	Unit	Unit Price	Amount
Installed concrete bases & spliced wire	2	each	\$1,025.00	\$2,050.00
Spliced wires on existing concrete bases	10	each	\$102.50	\$1,025.00
4" PVC pipe in trench	45	L.F.	\$9.50	\$427.50
Connect pipe & wire into existing handhole	1	L.S.	\$240.00	\$240.00
Trench & backfill W/2" PVC & 7 #6 wires	260	L.F.	\$7.95	\$2,067.00
Pulled wires into previously installed PVC	820	L.F.	\$3.00	\$2,460.00
Street light complete 90%	10	each	\$922.50	\$9,225.00
4" PVC pipe in trench	45	L.F.	\$9.50	\$427.50
Dig up existing 4" PVC sleeves	5	each	\$75.00	\$375.00
Trench & backfill W/2" PVC only	820	L.F.	\$4.95	\$4,059.00
			TOTAL:	\$22,356.00

Water

Item	QTY	Unit	Unit Price	Amount
Connection to existing 4" watermain	1	each	\$1,200.00	\$1,200.00
6" x 6" pressure connection with box	1	each	\$2,600.00	\$2,600.00
12" x 12" pressure connection with box	1	each	\$4,000.00	\$4,000.00
12" CL 52 with Poly Bag	1000	L.F.	\$43.00	\$43,000.00
12" valve and box	3	each	\$1,400.00	\$4,200.00
12" x 1" tap complete	1	each	\$750.00	\$750.00
1" type K water service	5	L.F.	\$16.00	\$80.00
Fire hydrant with auxiliary valve	4	each	\$1,850.00	\$7,400.00
Trench backfill	530	C.Y.	\$21.00	\$11,130.00
Spoils removed	825	C.Y.	\$12.50	\$10,312.50
Pavement removal	1	L.s.	\$3,400.00	\$3,400.00
Traffic control	1	L.s.	\$3,900.00	\$3,900.00
12" 45 deg. Bends at West Street offset	2	each	\$620.00	\$1,240.00
12" solid sleeve at West St.	1	each	\$290.00	\$290.00
6" CL 53 at Wesley Street	40	L.F.	\$40.00	\$1,600.00
Trench backfill at Front Street	90	C.Y.	\$12.50	\$1,890.00
12" x 4" connection offset at Front Street	1	L.s.	\$1,850.00	<u>\$1,850.00</u>
			TOTAL:	\$98,842.50

Storm

Item	QTY	Unit	Unit Price	Amount
12" RCP O ring	123	L.F.	\$23.00	\$2,829.00
18" RCP	361	L.F.	\$32.00	\$11,552.00
48" Catchbasin	3	each	\$1,600.00	\$4,800.00
Trench Backfill	695	C.Y.	\$21.00	\$14,595.00
Spoils removed	1,380	C.Y.	\$12.50	\$17,250.00
Pavement, removal only	1	Ls.	\$2,600.00	\$2,600.00
Traffic control	1	Ls.	\$1,200.00	\$1,200.00
<i>Total cost to be split 50/50</i>			SUBTOTAL:	\$54,826.00
<i>(amount paid by each)</i>			SUBTOTAL/2:	\$27,413.00
Inlet R & R	4	each	\$900.00	\$3,600.00
Connection to Ex MH	4	each	\$900.00	\$3,600.00
			TOTAL:	\$34,613.00

Landscaping

Item	QTY	Unit	Unit Price	Amount
Autumn White Ash	2	each	\$470.00	\$940.00
Read Oak	5	each	\$395.00	\$4,345.00
Maple Trees	11	each	\$462.00	\$5,082.00
Restoration work on Gary Ave.				\$2,100.00
Sod	900	S.Y.	\$4.00	\$3,600.00
Supply topsoil add grade				\$2,000.00
			TOTAL:	\$18,067.00

Alley Electric

Item	QTY	Unit	Unit Price	Amount
Lid Electric				\$35,620.00
				\$780.00
			SUBTOTAL:	\$36,400.00
ComEd				\$18,000.00
Ameritech				\$1,000.00
City Contractor				\$10,000.00
			TOTAL:	\$65,400.00

Engineering Services

Item	QTY	Unit	Unit Price	Amount
Spaceco				\$12,000.00

GRAND TOTAL: \$441,163.85