

## ORDINANCE NO. F-0561

AN ORDINANCE OF THE CITY OF WHEATON, DU PAGE COUNTY, ILLINOIS,  
ESTABLISHING A RELOCATION POLICY FOR BUSINESS PROPERTIES LOCATED  
IN THE CITY OF WHEATON MAIN STREET REDEVELOPMENT PROJECT AREA

WHEREAS, the City Council of the City of Wheaton, DuPage County, Illinois (the "City"), has 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 has heretofore approved the Wheaton Main Street Redevelopment Area Project and Plan (the "Plan") and designated a redevelopment project area (the "Area") for that portion of the City known as the City of Wheaton Main Street Redevelopment Project Area, all as authorized by the Tax Increment Allocation Redevelopment Act, as amended, 65 ILCS 5/11-74.4-1, *et seq.*;

WHEREAS, the Plan includes, as eligible project costs, relocation costs to the extent that the City determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or state law;

WHEREAS, it is and has always been the intent of the City that relocation assistance be provided in accordance with all applicable federal and state laws;

WHEREAS, it is necessary and desirable that the City adopt a relocation policy consistent with applicable law.

NOW, THEREFORE, BE IT ORDAINED by the 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 City hereby adopts the "Business Relocation Assistance Policy of the City of Wheaton for the Properties Located Within the Main Street Redevelopment Project Area, Wheaton, Illinois" attached hereto as Exhibit "A" and incorporated herein. In the event any part or portion of said policy conflicts with any provision of applicable law, the provisions of such law shall prevail.

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or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.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 the City Council of the City of Wheaton, Illinois, this 20th day of February, 2001.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Roll Call Vote:

Ayes:

Councilwoman Davenport  
Councilman Eckhoff  
Councilman Gresk  
Mayor Carr  
Councilman Johnson  
Councilwoman Johnson  
Councilman Mork

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: February 20, 2001

Published: February 21, 2001

**BUSINESS RELOCATION ASSISTANCE POLICY**  
**OF THE CITY OF WHEATON**  
**FOR THE PROPERTIES LOCATED WITHIN THE MAIN STREET**  
**REDEVELOPMENT PROJECT AREA, WHEATON, ILLINOIS**

The City of Wheaton has established this policy to provide for reimbursement of reasonable displacement expenses to business owners or business tenants who will be displaced as a result of City-initiated projects in the Main Street Redevelopment Project Area.

This relocation assistance policy is intended to apply to negotiated settlements only. Relocation assistance will not be provided in addition to any jury award for just compensation for property acquired by the City of Wheaton. Payment of the relocation expenses will not be made prior to finalization of the negotiated acquisition of the property.

In order to qualify for relocation assistance, owners and/or tenants must have legally occupied the subject premises for not less than one hundred eighty (180) days prior to the initiation of negotiations for the acquisition of the subject property. Tenants must have a written lease for their occupancy of the property and the lease must have a remaining term of at least six (6) months as of the date of initiation of negotiations for the acquisition of the subject property. Tenants whose leases contain a condemnation clause that provides that the tenant shall receive a portion of any just compensation award are not eligible for relocation expenses in the event the City condemns the property.

In addition to the above, an owner/ tenant must relocate its business within the City of Wheaton to be eligible for relocation expenses.

The term displaced business may include, subject to the above qualifications, any business that moves from a single address of real estate located within the Main Street Redevelopment Project Area as a direct result of the acquisition of said real estate by the City or a party who has entered into a Development Agreement with the City for property that is located within the Main Street Redevelopment Project Area.

Each address or unit located within the Main Street Redevelopment Project Area may be entitled to relocation expenses per the attached summaries.

The term displaced business shall not include a business that has been determined to be, in the reasonable judgment of the City, either in unlawful occupancy of the real estate or to have occupied the real estate for the purpose of obtaining assistance under this policy.

The term business shall mean any lawful activity conducted primarily:

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- A. For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing or marketing of products commodities, or any other personal property; or
- B. For the sale of goods and services to the public (retail establishments); or
- C. By a non-profit organization.

The City of Wheaton has designated Director of Economic Development, Anne Wollensak, to provide information regarding the relocation assistance to be provided under this Policy. Anyone with questions regarding this Policy should contact Anne Wollensak at 630-260-2018.

The expenses that are subject to reimbursement are detailed in the attached Exhibits A and Exhibit B. In addition to the reimbursement of expenses as provided for herein, the City shall provide relocation assistance, advisory services, as described in 42 USCA Section 4625.

Exhibit C outlines the application and appeal process associated with this policy.

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**EXHIBIT A**  
**RELOCATION EXPENSES**

A displaced business located at a single business address eligible under this policy that is displaced and is eligible under criteria as established by the City of Wheaton, is eligible for relocation expenses, including but not limited to the following, that must be documented and authorized PRIOR to the move and PRIOR to actually incurring the expenses in order to claim reimbursement as relocation costs.

Please contact Director of Economic Development, Anne Wollensak, if you have any questions pertaining to the following items.

1. **Firm Moving Bids**. The City of Wheaton will obtain firm bids from two I.C.C. carriers upon receiving a list of inventory (personal property only) from the relocatee. Fees for obtaining such bids will be paid by the City of Wheaton.
2. **Types of Moves:**
  - A. **Actual Expenses:** Move is performed by the carrier who has submitted the lower bid.
  - B. **Self-Move:** Move is performed by relocatee, who is then paid the amount of the lower bid. Payment is not made until business has vacated the acquired property.
3. **Searching Fees:** Reimbursement for time spent in search of a new location. Persons conducting search may be paid up to \$15.00 per hour, but must be employees of the business. Maximum of \$1,000.00.
4. **Removal and Re-installation Expenses:** Costs for the removal and reinstallation of computers, fire/smoke detection systems, and telephone systems. Any up-grades of these systems are not reimbursable.
5. **Printed Materials:** Relocatee may be reimbursed for printed materials on-hand at the time of relocation. A sample of each item must accompany a paid receipt or estimate to replace from a printing company.

The reimbursement will reflect the printing of the remaining inventory. All additional quantities printed shall be borne by the business owner.

6. **Studies:** Costs Associated With Determining the Feasibility of a New Location (i.e. Phase I Environmental Audits, Market Studies, Soils Testing):

**684**  
Exhibit A (continued)

**OTHER COSTS:**

7. Fixture Removal and Re-Installation Costs
8. Storage Costs (Six (6) month maximum)

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**EXHIBIT B**  
**RE-ESTABLISHMENT EXPENSES**

**Re-establishment Expenses:** In addition to relocation expenses, a business may also be eligible to receive a payment, not to exceed \$15,000.00, for eligible, reasonable and necessary re-establishment expenses, as determined by the City of Wheaton.

**Eligible Expenses:** As stated, such re-establishment expenses must be reasonable and necessary, as determined by the City of Wheaton. They may include, but are not limited to, the following:

- A. Repairs or improvements to the replacement real property as required by Federal, State, or local law, code or ordinance.
- B. Modifications to the replacement real property to accommodate the business operation or to make replacement structures suitable for conducting the business.
- C. Construction and installation costs for exterior signing to advertise the business.
- D. Provision of utilities from the right of way to the improvements on the replacement site, i.e., from the road/street in to the building.
- E. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.
- F. Licenses, fees, and permits when not paid as part of moving expenses.
- G. Advertisement of replacement location when not paid as part of moving expenses.
- H. Professional services in connection with the purchase or lease of a replacement site.
- I. Increased costs of operation during the first two years at the replacement site for such items as:
  - (1) Lease or rental charges
  - (2) Personal or real property taxes
  - (3) Insurance premiums; and
  - (4) Utility charges, excluding impact fees (see also J)
- J. Impact fees or one-time assessments for anticipated heavy utility usage.

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Exhibit B (continued)

K. Other items that the City of Wheaton considers essential to the re-establishment of the business.

**Ineligible Expenses:** The following is a non-exclusive listing of re-establishment expenditures not considered to be reasonable, necessary or otherwise eligible:

- A. Purchase of capital assets, such as office furniture, filing cabinets, machinery or trade fixtures.
- B. Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- C. Interior or exterior refurbishment at the replacement site which are for aesthetic purposes rather than to replace soiled or worn surfaces.
- D. Interest on money borrowed to make the move or to purchase the replacement property.
- E. No re-establishment expense payment can be made to any part-time business which is conducted in the home when the business income generated does not contribute materially to the household income.
- F. No re-establishment expense payment can be made to a person whose sole business at a displacement dwelling is the rental of such dwelling to others.
- G. A re-establishment payment, as provided herein, cannot be made if a payment "in lieu of moving expenses" has been claimed and/or paid.

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**EXHIBIT C**

**APPLICATION AND APPEAL PROCESS**

- A. The City of Wheaton Economic Development Director, Anne Wollensak, is the individual responsible for administering the Business Relocation Assistance Policy. Each business shall identify one person to represent the business in the application process.
- B. Prior to any relocation, the business or individual seeking reimbursement under the Relocation Assistance Policy shall apply to the City of Wheaton for the assistance. The application shall provide an itemized listing of all relocation and re-establishment expenses being requested. These expenses will be reviewed by the Director of Economic Development for compliance with the Relocation Policy. The Director of Economic Development will notify the applicant of all approved expenses.
- C. The City of Wheaton will not reimburse any expenses incurred prior to their approval by the Director of Economic Development.
- D. The applicant for Relocation Expenses can appeal a denial of reimbursement expenses by the Director of Economic Development to the Wheaton City Manager. Upon appeal, the City Manager, or his designee, and two members of the Wheaton City Council will review the appeal and determine whether the disputed expenses should be reimbursed.

If the total amount of re-establishment expenses exceeds \$15,000, the applicant can request consideration for additional reimbursement from the Appeal Committee. In making this request, the applicant shall provide a detailed explanation of the hardship created by the \$15,000 limit and any other reasons the City should consider the request.

- E. If the Appeal Committee denies the reimbursement request, the applicant may appeal the Committee's decision to the full Wheaton City Council who will have the final determination as to whether or not the disputed expenses will be paid.