

ORDINANCE NO. F- 0924

AN ORDINANCE REGARDING CERTAIN AMENDMENTS TO THE REDEVELOPMENT
PLAN AND PROJECT FOR THE CITY OF WHEATON MAIN STREET REDEVELOPMENT
PROJECT AREA, CONVENING A JOINT REVIEW BOARD AND CALLING A PUBLIC
HEARING IN CONNECTION THEREWITH

WHEREAS, pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.*, as supplemented and amended (the "Act"), the City of Wheaton, DuPage County, Illinois (the "City"), is authorized to approve a redevelopment plan for and to designate redevelopment project areas and adopt tax increment allocation financing therefor; and,

WHEREAS, the corporate authorities (the "Corporate Authorities") of 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 and project (the "Plan"), designated a redevelopment project area (the "Area") for that portion of the City known as the City of Wheaton Main Street Redevelopment Project Area, legally described on Exhibit "A" attached hereto, and adopted tax increment allocation financing for the Area, all as authorized by the Act; and

WHEREAS, the Corporate Authorities have previously made certain amendments to the Plan; and

WHEREAS, the Corporate Authorities now desire to make additional amendments to the Plan (the "Amended Plan"); and

WHEREAS, the Amended Plan was placed on file with the City Clerk and made available for public inspection at least ten (10) days prior to the date of passage of this Ordinance; and

WHEREAS, the Act requires the City to conduct a public hearing prior to the passage of an ordinance approving the Amended Plan, at which hearing any interested person or affected taxing district may file with the City Clerk written objections to and may be heard orally with respect to such amendments; and,

WHEREAS, the Act further requires that the City convene a joint review board consisting of a representative selected by each community college district, local elementary school district and high school district or each local community unit school district, park district, library district, township, fire protection district and county that has authority to directly levy taxes on the property within the Area, a representative selected by the City, and a public member to consider the subject matter of the public hearing; and,

WHEREAS, the Act requires that notice of the public hearing be given by publication and mailing.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton,

DuPage County, Illinois, as follows:

Section 1. That a public hearing shall be held by the City Council of the City at 7:00 P.M. on the 23rd day of August, 2004 at City Hall, 303 W. Wesley Street, Wheaton, Illinois 60187, for the purpose of hearing from any interested persons or affected taxing districts regarding the approval of the Amended Plan.

Section 2. Notice of the hearing, substantially in the form attached hereto as Exhibit "B", shall be published 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 Area. In addition, notice shall be mailed by certified mail not less than ten (10) days prior to the date set for the hearing, 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 Area. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding three (3) years as the owners of such property. In addition, notice shall be mailed to each residential address located within the Area.

Section 3. Notice shall also be given by certified mail to all taxing districts in which taxable property is included in the Area and to the Illinois Department of Commerce and Community Affairs not less than forty-five (45) days prior to the hearing, and such notice shall also include an invitation to each taxing district and the Illinois Department of Commerce and Community Affairs to submit written comments prior to the date of the hearing to the City, to the attention of the City Clerk, 303 W. Wesley, Wheaton, Illinois 60187, concerning the subject matter of the hearing. Each mailed notice shall advise the taxing bodies represented on the joint review board of the time and place of the first meeting of such board.

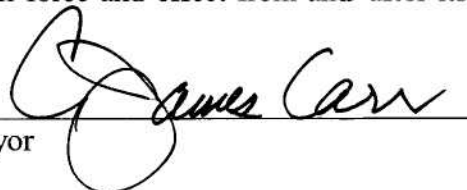
Section 4. A draft of the proposed Amended Plan is on file at the offices of the City and is available for public inspection.

Section 5. Notice of the availability of the Amended Plan, including how to obtain a copy of the Amended Plan, shall be mailed, within a reasonable time after the passage of this Ordinance, to all residential addresses that, after a good faith effort, the City determines are located outside the Area and within 750' of the boundaries of the Area.

Section 6. The joint review board as set forth in the Act is hereby convened and the board shall meet, review such documents, and issue its report as set forth in the Act. The first meeting of the joint review board shall be held at 8:00 A.M. on the 23rd day of July, 2004, at City Hall, 303 W. Wesley Street, Wheaton, Illinois 60187.

Section 7. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Mayor

A handwritten signature in black ink, appearing to read "James Carr", is written over a horizontal line. The signature is stylized with a large, looping initial "C".

ATTEST:

Emily M. Conzelmann
City Clerk

ROLL CALL VOTE:

Ayes:

- Councilwoman Johnson
- Councilman Mork
- Councilman Mouhelis
- Councilman Bolds
- Councilwoman Corry
- Councilman Johnson
- Mayor Carr

Nays:

None

Absent:

None

Motion Carried Unanimously

Passed: July 6, 2004

Published: July 7, 2004

EXHIBIT A

LEGAL DESCRIPTION
FOR MAIN STREET REDEVELOPMENT PROJECT AREA

IN PART OF SECTION 16, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED BY BEGINNING AT A POINT ON THE EASTERLY SIDE OF HALE STREET THAT IS 165.0 FEET NORTH OF THE NORTH RIGHT-OF-WAY LINE OF WESLEY STREET; THENCE EAST 165 FEET; THENCE SOUTH 35.0 FEET; THENCE EAST 264 FEET TO THE EAST RIGHT-OF-WAY LINE OF MAIN STREET; THENCE SOUTH ALONG SAID EAST RIGHT-OF-WAY LINE TO THE NORTH RIGHT-OF-WAY LINE OF WESLEY STREET; THENCE EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF WESLEY STREET TO WEST RIGHT-OF-WAY LINE OF WASHINGTON STREET; THENCE SOUTH ALONG THE WEST RIGHT-OF-WAY LINE OF WASHINGTON STREET TO THE NORTH RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY (CHICAGO & NORTHWESTERN RAILROAD RIGHT-OF-WAY); THENCE SOUTHWESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID RAILWAY TO THE EAST RIGHT-OF-WAY LINE OF CROSS STREET; THENCE SOUTH ALONG THE EAST RIGHT-OF-WAY LINE OF CROSS STREET TO THE NORTH RIGHT-OF-WAY LINE OF WILLOW AVENUE; THENCE SOUTHWESTERLY TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WILLOW AVENUE AND THE CENTERLINE OF VACATED CROSS STREET AS VACATED ON MAY 20, 1963 AS DOCUMENT NO. R63-41806; THENCE SOUTHERLY ON THE CENTERLINE OF SAID VACATED CROSS STREET TO THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS STREET; THENCE WESTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF ILLINOIS STREET TO THE INTERSECTION OF THE WEST LINE OF THE MAIN STREET SQUARE SUBDIVISION, EXTENDED; THENCE NORTH ALONG SAID EXTENSION AND WEST LINE OF THE MAIN STREET SQUARE SUBDIVISION TO THE SOUTH RIGHT-OF-WAY LINE OF THE EAST/WEST ALLEYWAY IN BLOCK 8, OF J. C. WHEATON'S ADDITION; THENCE WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID ALLEYWAY TO THE WEST RIGHT-OF-WAY LINE OF HALE STREET; THENCE NORTH ALONG SAID WEST RIGHT-OF-WAY LINE OF HALE STREET TO THE SOUTH RIGHT-OF-WAY LINE OF WILLOW AVENUE; THENCE WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID WILLOW AVENUE 128 FEET TO THE EXTENSION OF THE WEST LINE OF LOT 1 IN FARRAR'S ASSESSMENT PLAT; THENCE NORTH ALONG SAID EXTENSION AND WEST LINE OF SAID LOT 1 IN FARRAR'S ASSESSMENT PLAT TO A POINT 49.5 FEET NORTH, OF THE NORTH RIGHT-OF-WAY LINE OF THE EAST/WEST ALLEYWAY IN BLOCK 4 OF J. C. WHEATON'S ADDITION; THENCE EAST 78 FEET TO A POINT 50.7 FEET WEST OF THE WEST RIGHT-OF-WAY LINE OF HALE STREET AND 49.5 FEET NORTH OF THE NORTH RIGHT-OF-WAY LINE OF SAID EAST/WEST ALLEYWAY, IN BLOCK 4 OF SAID J. C. WHEATON'S ADDITION; THENCE NORTH TO THE NORTH RIGHT-OF-WAY

LINE OF LIBERTY DRIVE; THENCE EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID LIBERTY DRIVE TO THE WEST RIGHT-OF-WAY LINE OF HALE STREET; THENCE NORTH ALONG THE WEST RIGHT-OF-WAY LINE OF HALE STREET TO THE NORTH RIGHT-OF-WAY LINE TO UNION PACIFIC RAILROAD (CHICAGO AND NORTHWESTERN RAILROAD); THENCE WEST ALONG SAID NORTH RAILROAD RIGHT-OF-WAY LINE 76.5 FEET; THENCE NORTH ALONG A LINE THAT IS 76.5 FEET WEST OF THE WEST RIGHT-OF-WAY LINE OF HALE STREET AND ITS EXTENSION TO THE NORTH RIGHT-OF-WAY LINE OF FRONT STREET; THENCE EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF FRONT STREET TO THE WEST RIGHT-OF-WAY LINE OF HALE STREET; THENCE NORTH ALONG SAID WEST RIGHT-OF-WAY LINE OF HALE STREET TO THE NORTH LINE OF LOT 11 IN BLOCK 8 OF THE ORIGINAL TOWN OF WHEATON; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 11 IN BLOCK 8 TO THE EASTERN LINE OF THE NORTH/SOUTH ALLEY; THENCE NORTH ALONG THE NORTH/SOUTH ALLEY TO THE SOUTH RIGHT-OF-WAY LINE OF WESLEY STREET; THENCE EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID WESLEY STREET TO THE EAST RIGHT-OF-WAY LINE OF HALE STREET; THENCE NORTH ALONG EAST RIGHT-OF-WAY LINE OF HALE STREET TO THE POINT OF BEGINNING.

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EXHIBIT A

STREET DESCRIPTION

The area bounded by Wesley Street on the north, Washington Street on the east, Illinois Street on the south, and Hale Street on the west.

EXHIBIT "B"

NOTICE OF PUBLIC HEARING
CITY OF WHEATON MAIN STREET REDEVELOPMENT PROJECT AREA

NOTICE is hereby given as follows: The City of Wheaton (the "City") has previously designated the City of Wheaton Main Street Redevelopment Project Area (the "Area") as a redevelopment project area pursuant to the Tax Increment Allocation Redevelopment Act, as amended (the "Act") and has approved a redevelopment plan and project (the "Plan") for the Area. The City Council of the City is considering the approval of certain amendments to the Plan (the "Amended Plan") and, pursuant to the Act, will conduct a hearing on August 23, 2004, at 7:00 P.M., at City Hall, 303 W. Wesley Street, Wheaton, Illinois, regarding the approval of the Amended Plan. The Area consists of a territory legally described on Exhibit "A" attached hereto and made a part hereof.

The approximate street location and description of the Area is as follows:

Generally bounded by Wesley Street on the north, Washington/Cross Street on the east, Illinois Street on the south and Hale Street on the west.

There will be considered at the hearing the proposed Amended Plan for the Area. The proposed Amended Plan is on file and available for public inspection at the office of the City Clerk at 303 W. Wesley, Wheaton, Illinois 60187. The proposed Amended Plan includes the provisions set forth in the Plan, with certain amendments regarding the alternatives for development on Blocks 316 and 304 and other matters.

Prior to the date of the hearing, each taxing district having property in the Area and the Illinois Department of Commerce and Community Affairs may submit written comments concerning the subject matter of the hearing to the City, to the attention of the City Clerk, 303 W. Wesley, Wheaton, Illinois 60187.

There is hereby convened a joint review board consisting of a representative from DuPage County, College of DuPage-Community College District 502, Wheaton Warrenville-Community Unit School District 200, Wheaton Park District, Milton Township, a representative selected by the City, and a public member. The first meeting of such joint review board will be held at 8:00 o'clock A.M. on the 23rd day of July, 2004, at City Hall, 303 W. Wesley Street, Wheaton, Illinois 60187.

At the hearing, all interested persons or affected taxing districts may file written objections with the City Clerk and may be heard orally with respect to any issue regarding the approval of the Amended Plan. The hearing may be adjourned by the City Council of the City 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.

By: _____

Emily M. Consolazio
City Clerk
City of Wheaton
DuPage County, Illinois