

ORDINANCE NO. F-1630

AN ORDINANCE CONVENING A JOINT REVIEW BOARD AND SETTING A PUBLIC HEARING DATE TO CONSIDER A PROPOSED AMENDMENT TO THE TAX INCREMENT FINANCING PLAN FOR THE COURTHOUSE SQUARE REDEVELOPMENT PROJECT

WHEREAS, the City of Wheaton approved a Tax Increment Financing Plan for the Courthouse Square Redevelopment Project Area and Plan (hereinafter the Plan) in March 2005; and

WHEREAS, 65 ILCS 5/11-74.4-1, et seq. of the Tax Increment Allocation Financing Act (hereinafter the "Act") establishes a procedure for convening a Joint Review Board and conducting a public hearing to consider proposed amendments to existing redevelopment plans when such hearings are required by the Act; and

WHEREAS, a proposal has been submitted by Courthouse Land Development LLC to construct senior citizen housing on a portion of the project area identified in the Plan (hereinafter the "Proposal") and to clarify or amend the Plan (hereinafter "Request") as described below; and

WHEREAS, it is unclear under 65 ILCS 5/11-74.4-5 "Public Hearings/Joint Review Board" and case law interpreting the Act, whether the Proposal requires an amendment to the Plan or does not require approval of an amendment; and

WHEREAS, however, the Corporate Authorities of the City of Wheaton, to insure compliance with the Act, have determined that it is appropriate to convene a Joint Review Board, and to conduct a public hearing to consider the proposed amendment to the Plan; and

WHEREAS, the Joint Review Board should evaluate the proposed amendment as required by the ACT and more specifically as described in 65 ILCS 5/11-74.5(b);

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule authority and the Act that:

- A. A Joint Review Board is hereby convened pursuant to the Act, and more specifically 65 ILCS 5/11-74.4-5, to consider the following proposed amendment to the REDEVELOPMENT GOALS AND OBJECTIVES section of the Plan, by the inclusion of an additional subsection at the end of the titled section:

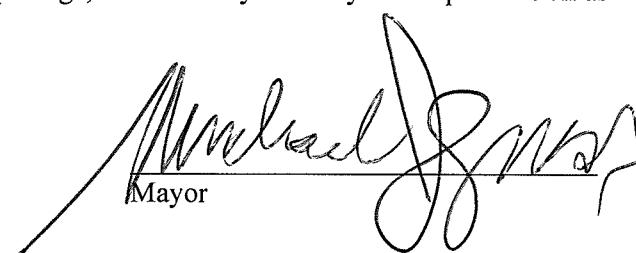
Implementation of Redevelopment Goals and Objectives

All and any of the goals and objectives set forth in this Section may be applied and implemented by the City within all or any part of the Project Area and any of the Blocks, sub-Blocks or parcels located therein, as from time to time determined by the City pursuant to applications pertaining thereto and applicable provisions of the Tax Increment Allocation Redevelopment Act (ACT) as may be amended from time to time. The provisions of this Section, and the goals, objectives and land uses set forth herein, shall be applicable to and considered under and as part of any and all of the Sections and paragraphs contained within this Redevelopment Plan, inclusively and not exclusively, in recognition of the fact that specific proposals, which represent evolving market and social conditions, may satisfy general goals and objectives of this Plan and Act. In furtherance of the

aforested intentions, non-defined terms contained in the Redevelopment Goals and Objectives serve as a general guide to redevelopment decisions within the Redevelopment Plan Area and any amendments to projects located therein as from time to time may be considered by the City where allowed by law. For example, but not meant as an exclusive example, the term "housing for senior citizens" as used in the goals and objectives is not intended as a narrow defined term but instead anticipates a potentially broad range of projects so long as the housing for senior citizens proposed satisfies the Goals and Objectives of this Plan and the applicable provisions of the Act.

- B. The Joint Review Board shall consider the proposed amendment as required by all applicable provisions of the Act;
- C. That the Joint Review Board shall first convene April 4, 2012 at 9:00 a.m. in the City Council Chambers of the Wheaton City Hall, 303 W. Wesley Street, Wheaton, Illinois, to consider the foregoing as required by the Tax Increment Financing Allocation Act;
- D. That S.B. Friedman Co is hereby retained by the City of Wheaton for an amount not to exceed \$10,000.00, subject to payment of additional fees and expenses only with the approval of the Corporate Authorities of the City of Wheaton, to prepare a report related to the question of whether the proposed amendment satisfies the requirements of the Act to amend the Plan;
- E. That City staff is hereby directed to issue all required notices for public hearing, as well as the Joint Review Board, and provide support to the Joint Review Board in conformance with the requirements of the Act;
- F. The public hearing to consider the proposed amendment to the Plan is hereby scheduled before the Wheaton City Council on May 14, 2012 at 7:00 p.m. in the City Council Chamber of the Wheaton City Hall, 303 W. Wesley Street, Wheaton, Illinois; and
- G. Interested persons are requested and encouraged to submit in writing to the Joint Review Board, care of the City Clerk, position papers with regard to whether the foregoing amendment complies with the provisions of Act controlling amendments to the TIF plans.

This Ordinance shall become effective upon passage, execution by the Mayor and publication as required by law.



Michael J. Morris
Mayor

ATTEST:



Mary Bennett Hagen
City Clerk

Ayes: Roll Call Vote:
Councilman Suess
Councilwoman Ives
Councilman Mouhelis
Councilman Rutledge
Mayor Gresk
Councilwoman Pacino Sanguinetti
Councilman Scalzo

Nays: None
Absent: None

Passed: March 19, 2012
Published: March 20, 2012

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