

VILLAGE OF BENSENVILLE TAX INCREMENT FINANCING DISTRICT #6

AN ORDINANCE of the Village of Bensenville, DuPage and Cook Counties, Illinois, approving certain changes to the proposed Tax Increment Redevelopment Plan and Redevelopment Project for the Route 83/Thorndale Avenue Redevelopment Project Area

WHEREAS, the President and Board of Trustees (the "Corporate Authorities") of the Village of Bensenville, DuPage and Cook Counties, Illinois (the "Municipality"), have heretofore determined that the stable economic and physical development of the Municipality is endangered by the presence of blighting factors as manifested by obsolescence, deterioration, excessive vacancies, inadequate utilities, excessive land coverage and overcrowding of structures and community facilities, lack of community planning, stagnant or declining equalized assessed value, presence of structures below minimum code standards, obsolete platting, deterioration of structures or site improvements in areas adjacent to vacant land, declining or stagnant equalized assessed value, with a resulting decline of the Municipality which impairs the value of private investments and threatens the sound growth and the tax base of the Municipality and the taxing district having the power to tax real property in the Municipality (the "Taxing Districts ") and threatens the health, safety, morals and welfare of the public; and

WHEREAS, the Corporate Authorities have heretofore determined that in order to promote and protect the health, safety, morals and welfare of the public that blighted conditions in the Municipality need to be eradicated and that redevelopment of the Municipality be undertaken and that to remove and alleviate adverse conditions in the Municipality it is necessary to encourage private investment and restore and enhance the tax base of the Municipality and the Taxing Districts by such redevelopment; and

WHEREAS, the Municipality has heretofore caused to be conducted an eligibility study to determine whether the proposed Route 83/Thorndale Avenue Redevelopment Project Area (the "Proposed Area") qualifies as a "redevelopment project area" pursuant to the TIF Act, which study was conducted by Camiros, Ltd., Chicago, Illinois ("Camiros"); and

WHEREAS, Camiros is a planning and financial services firm having a national reputation for expertise in tax increment allocation and redevelopment financing in the State of Illinois; and

WHEREAS, Camiros has heretofore concluded and has advised the Municipality that the Proposed Area qualifies as a "redevelopment project area" under Section 11-74.4-3 of the TIF Act; and

WHEREAS, the Municipality has further caused the preparation of and made available for public inspection a proposed redevelopment plan and project for the Proposed Area (the "Plan" and "Project "); and

WHEREAS, the Plan and Project sets forth in writing the program to be undertaken to accomplish the objectives of the Municipality and includes estimated redevelopment project costs proposed for the Proposed Area, evidence indicating that the Proposed Area on the whole has not been subject to growth and development through investment by private enterprise, an assessment of the financial impact of the Area on or any increased demand for services from any taxing district affected by the Plan and any program to address such financial impact or increased demand, the sources of funds to pay costs, the nature and term of the obligations to be issued, the most recent equalized assessed valuation of the Area, an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the Area, and a commitment to fair employment practices and an affirmative action plan, and the Plan and Project accordingly complies in all respects with the requirements of the TIF Act; and

WHEREAS, pursuant to Section 11-74.4-5 of the Act, the Corporate Authorities by ordinance called a public hearing (the "Hearing") relative to the Plan and Project and the designation of the Proposed Area as a redevelopment project area under the TIF Act; and

WHEREAS, the Municipality has heretofore convened a joint review board as required by and in all respects in compliance with the provisions of the TIF Act; and

WHEREAS, the joint review board has met at the times and as required by the TIF Act and has reviewed the public record, planning documents and a form of proposed ordinance approving the Plan and Project; and

WHEREAS, the joint review board has adopted by a majority vote an advisory, non-binding recommendation that the Municipality proceed to implement the Plan and Project and to designate the Proposed Area as a redevelopment project area under the TIF Act; and

WHEREAS, the Municipality held the Hearing on February 6, 2001 at the Bensenville Village Hall, 700 West Irving Park Road, Bensenville, Illinois; and

WHEREAS, the Hearing was finally adjourned on the 6th day of February, 2001; and

WHEREAS, as of the approval and adoption of this ordinance, the municipality has not yet adopted an ordinance approving a redevelopment plan for the Redevelopment Project Area; and

WHEREAS, as provided in Section 11-74.4-5 of the TIF Act, it is hereby determined to be necessary that certain changes be made to the proposed tax increment financing plan and project for the Route 83/Thorndale Avenue Redevelopment Project Area. In this regard, two changes are being made pursuant to the requirement of DuPage County concerning the name of the TIF district and references to be included in the legal description. The final change responds to a statutory limitation on the use of funds for day care as an eligible project cost by municipalities with a population of less than 100,000. Funds originally allocated to this line item have been reallocated to the eligible interest cost line item. These changes are specifically described in the attached Exhibit A: Notice of Change attached hereto and specifically made a part hereof by this reference; and

WHEREAS, these changes 1) do not add additional parcels of property to the proposed redevelopment project area, 2) do not substantially affect the general land uses proposed in the redevelopment plan, 3) do not substantially change the nature of or extend the life of the redevelopment project, or 4) do not increase the number of low or very low income households to be displaced from the redevelopment project area, these changes may be made without further hearing provided that the municipality give notice 1) by mail to each affected taxing district and registrant on the interested parties registry, and 2) by publication in a newspaper of general circulation within the affected taxing district. Such notice by mail and by publication shall each occur not later than 10 days following adoption by ordinance of such changes.

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois as follows:

*SECTION 1. Findings.* The Corporate Authorities hereby incorporate by reference the foregoing recitals as their findings herein.

*SECTION 2. Adoption of Changes.* Those changes to the redevelopment plan as specifically described in the attached Exhibit A: Notice of Change attached hereto and specifically made a part hereof by this reference are hereby approved and adopted.

*SECTION 3. Notice of Changes.* Notice of the changes approved and adopted

herein shall be given 1) by mail to each affected taxing district and registrant on the interested parties registry, and 2) by publication in a newspaper of general circulation within the affected taxing district. Such notice by mail and by publication shall each occur not later than 10 days following adoption of this ordinance.

*Section 4. Invalidity of Any Section.* If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

*Section 5. Superseder and Effective Date.* All ordinances, resolution, motions or orders in conflict herewith be, and the same hereby are, repealed to the extent of such conflict, and this ordinance shall be in full force and effect immediately upon its passage by the Corporate Authorities and approval as provided by law.

Passed this 20 th day of February, 2001.

Approved this 20 th day of February, 2001.

  
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John C. Geils, Village President

ATTEST:

  
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Dianne I. Matusiak, Village Clerk

AYES: Basso, Kervin, Strandt, Walberg

NAYS: None

ABSENT: Tralewski, Wanzung

Recorded in Municipal Records:

February 20, 2001.

EXHIBIT A  
Notice of Changes

SEE NOTICE OF CHANGES ATTACHED

**Notice of Change  
Village of Bensenville  
Proposed Route 83/Thorndale Avenue TIF**

As provided in Section 11-74.4.5 (a) of the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1 et seq), certain changes are being made to the proposed tax increment financing plan and project for the Route 83/Thorndale Avenue Redevelopment Project Area. Two changes are being made pursuant to requirements of DuPage County concerning the name of the TIF district and references to be included in the legal description. The final change responds to a statutory limitation on the use of funds for day care as an eligible project cost by municipalities with a population of less than 100,000. Funds originally allocated to this line item have been reallocated to the eligible interest cost line item. These changes are specifically described below:

Cover Page: The following is added to the name of the district: "Village of Bensenville Tax Increment Financing District #6." The date of the changes and corrections is February 5, 2001.

Page 17: The interest costs included in item 8 is changed from \$3,500,000 to \$3,750,000. Item 9 which describes the cost of eligible day care services is deleted from the plan.

Page 18: In Table 2, Estimated Redevelopment Project Costs the Interest Cost line item is changed from \$3,500,000 to \$3,750,000. Day Care Services is deleted as a line item.

Appendix A: The point of beginning of the legal description contained in Appendix B has been added as a reference to Figure 1 Boundary Map, Figure 2 Existing Land Use and Figure 3 General Land Use Plan. Additionally, all maps now include TIF #6 in their title blocks.

Appendix B: The legal description included in the document dated 12/18/00 is deleted and replaced with a new legal description that conforms to the requirements of the DuPage County Clerk. There are no changes to the boundaries of the proposed tax increment financing district.

Appendix C: The point of beginning of the legal description contained in Appendix B has been added as a reference to Figure A (p. C-2) and Figure B (p. C-7). Additionally, all maps now include TIF #6 in their title blocks.

Because these changes do not 1) add additional parcels of property to the proposed redevelopment project area, 2) substantially affect the general land uses proposed in the redevelopment plan, 3) substantially change the nature of or extend the life of the

redevelopment project, or 4) increase the number of low or very low income households to be displaced from the redevelopment project area, may be made without further hearing provided that the municipality gives notice to 1) each affected taxing district and registrant on the interested parties registry and 2) by publication in a newspaper of general circulation within the affected taxing district.