



## Legislation Text

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**File #:** ORD18-1510, **Version:** 3

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### An Ordinance of the Village Of Romeoville, Will County, Illinois, Approving the First Amendment to a Tax Increment Redevelopment Plan and Redevelopment Project for the “Independence Boulevard” Redevelopment Project Area

WHEREAS, the President and Board of Trustees (the “Corporate Authorities”) of the Village of Romeoville, Will County, Illinois (the “Village”), have determined that “Blighted Vacant Areas” and “Blighted Improved Areas” as defined by the Tax Increment Allocation Finance Act (65 ILCS 5/11-74.4-1 *et seq.*) (the “TIF Act”) detract from the stable economic and physical development of those areas which are endangered by the presence of blighting factors as defined in the Act that prevent or threaten the healthy economic and physical development of properties in a manner that the Village deems essential to its overall economic health, that there is an excessive and disproportionate expenditure of public funds, inadequate public and private investment and unmarketability of property so that the deterioration of these areas impairs the value of private investments and threatens the sound growth and the tax base of the Village and the taxing districts having the power to tax real property in the Village (the “Taxing Districts”) and threatens the health, safety, morals and welfare of the public; and

WHEREAS, the Village has previously taken the following action with regard to the Independence Bluff TIF: i) by Ordinance No. 18-1454 approved a Redevelopment Plan and Project (collectively the “Plan”); ii) by Ordinance No. 18-1455 designated the Independence Boulevard TIF as a Redevelopment Project Area (the “Designation”); and iii) by Ordinance No. 18-1456 adopted Tax Increment Financing (the “TIF Financing”); and

WHEREAS, the Village has determined that it is in the best interest of the Village to make certain amendments to the Plan, the Designation, and the TIF Financing; and

WHEREAS, the Corporate Authorities have determined that in order to promote and protect the health, safety, morals and welfare of the public that the tax parcels set forth in Exhibit A hereto (the “Proposed Additional Area”) be added to the Independence Boulevard TIF to prevent, remove and alleviate adverse conditions and to in the Proposed Additional Area and that this addition will also serve to encourage private investment and restore and enhance the tax base of the Village and the Taxing Districts ; and

WHEREAS, the Village has heretofore evaluated various lawfully available programs to provide such assistance and has determined that the use of Tax Increment Allocation Financing pursuant to the TIF Act is necessary to achieve the redevelopment goals of the Village for the Independence Boulevard TIF and the Proposed Additional Area; and

WHEREAS, the Village has heretofore caused to be conducted Qualification study to determine whether the Proposed Additional Area qualifies as a “Redevelopment Project Area” pursuant to the TIF-Act, which study was conducted by Kane, McKenna and Associates, Inc. (“Kane McKenna”) and

WHEREAS, Kane McKenna has a national reputation for expertise in tax increment allocation and redevelopment financing in the State of Illinois; and

WHEREAS, Kane McKenna has heretofore concluded and has advised the Village by means of a written “Qualification Report” that the Proposed Additional Area qualifies as a combination “Blighted Vacant Area” and a “Blighted Improved Area” under Section 11-74.4-3 of the TIF Act; and

WHEREAS, the Qualification Report has been made available for public inspection and has been distributed in accordance with the TIF Act; and

WHEREAS, the Village has further caused Kane McKenna to prepare, and the Village has made available for public inspection and distribution, a proposed First Amendment to Redevelopment Plan and Project for the Independence Boulevard TIF (the “ First Amended Plan” and “Project”); and

WHEREAS, the First Amended Plan and Project sets forth in writing changes to the Legal Description, general land description, budget, and other matters amending the Plan and Project; and

WHEREAS, pursuant to Section 11-74.4-5 of the TIF Act, the Corporate Authorities by resolution called a public hearing (the “Hearing”) relative to the First Amended Plan and Project, the designation of the Proposed Additional Area as a redevelopment project area and the implementation of tax increment financing for the Proposed Additional Area under the TIF Act and fixed the date and place for such Hearing, being September 19, 2018 at 6:00 p.m., at the Romeoville Village Hall, Romeoville, Illinois; and

WHEREAS, due notice in respect to such Hearing was given pursuant to Section 11-74.4-6 of the TIF Act; said notice, together with a copy of the First Amended Plan and Project and the Qualification Report and the name of a person to contact for further information, being given to taxing districts and to the Department of Economic Opportunity of the State of Illinois by certified mail on July 20, 2018, by publication on August 31 and September 2, 2018, and on July 23, 2018 to residents within 750’ feet of the Proposed Area, and by mail to all persons whose name appears on the Interested Parties Register on August 28, 2018, if any; 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 the form of proposed ordinances approving the First Amended Plan and Project, designating the Proposed Additional Area as part of a Independence Boulevard redevelopment project area and adopting tax increment allocation financing to include the Proposed Additional Area; and

WHEREAS, the joint review board prepared their report dated August 7, 2018, and presented it to the Village; the joint review board report recommended adopting the First Amended Plan and Project, including the Proposed Additional Area as part of the Independence Boulevard TIF and adopting Tax Increment Allocations for that Proposed Additional Area ; and

WHEREAS, the Village held the Hearing on September 19, 2018, at the Romeoville Village Hall, Romeoville, Illinois and it was finally adjourned on that date; and

WHEREAS, prior to and at the Hearing any interested person and affected taxing district were permitted to file with the Village Clerk written objections and were heard orally in respect to any issues

embodied in the notice of said Hearing, and the Village Board heard all protests and objections at the Hearing; and

WHEREAS, the Plan and Project sets forth in writing the program to be undertaken to accomplish the objectives of the Village, and the Corporate Authorities have reviewed the information concerning such factors presented at the Hearing and have reviewed other studies and are generally informed of the conditions in the Proposed Additional Area which could cause the area to be a combination “Blighted Vacant Area” and “Blighted Improved Area” as defined in the TIF Act; and

WHEREAS, the Corporate Authorities have reviewed evidence indicating that the Proposed Additional Area on the whole has not been subject to growth and development through investment by private enterprise and have reviewed the conditions pertaining to lack of private investment in the Proposed Additional Area to determine whether the Proposed Area would reasonably be anticipated to be developed in accordance with public goals stated in the First Amended Plan and Project without the adoption of the proposed Plan and Project ; and

WHEREAS, the Corporate Authorities have reviewed the conditions pertaining to real property in the Proposed Additional Area to determine whether the Proposed Additional Area in conjunction with the Independence Boulevard TIF is contiguous and that there exist conditions that cause the Proposed Additional Area to be classified as a Redevelopment Project Area under the TIF Act; and

WHEREAS, the Corporate Authorities have made an assessment of any financial impact of the Proposed Additional Area on or any increased demand for services from any taxing district affected by the First Amended Plan and Project and any program to address such financial impact or increased demand; and

WHEREAS, the Corporate Authorities have reviewed the proposed First Amended Plan and Project and also the comprehensive plan for development of the Village as a whole to determine whether the proposed Plan and Project, as amended, conforms to the comprehensive plan of the Village; and

WHEREAS, the Corporate Authorities have heretofore, and it hereby expressly is, determined that the

Village has in all respects complied with the requirements of the TIF Act in such actions taken to date as hereinabove recited:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Romeoville, Will County, Illinois, in the exercise of its statutory, constitutional and home rule powers, as follows:

**Section 1:**     **Findings**

The Corporate Authorities hereby make the following findings:

- (1) The Proposed Additional Area as described by Permanent Index Numbers in Exhibit “A” attached hereto and incorporated herein as if set out in full by this reference. The street location (as near as practicable) for the Area is described in Exhibit “B” attached hereto and incorporated herein as if set out in full by this reference. The map of the Area is depicted on Exhibit “C” attached hereto and incorporated herein as if set out in full by this reference.
- (2) There exist conditions which cause the Proposed Additional Area to be subject to designation as a Redevelopment Project Area under the TIF Act and to be classified as a combination Blighted Vacant Area and Blighted Improved Area as defined by the TIF Act.
- (3) The Proposed Additional Area on the whole has not been subject to growth and development through investment by private enterprise and would not be reasonably anticipated to be developed in accordance with public goals stated in the Plan without the adoption of the First Amendment to the Plan and Project.
- (4) The Independence Boulevard TIF Plan and Project, as amended, conforms to the Village’s Comprehensive Plan (“The Comprehensive Plan”).
- (5) The parcels of real property in the Proposed Additional Area in conjunction with the Independence Boulevard TIF are contiguous, and the Proposed Area is not less in the aggregate than 1 and 1/2 acres.

(6) All other findings as set forth in the First Amended Plan and Project, as amended.

**Section 2: Exhibits Incorporated by Reference**

The First Amendment to the Plan and Project is hereby adopted and approved, a copy of which together with the Qualification Report are set forth in Exhibit “D” attached hereto and incorporated herein as if set out in full by this reference.

**Section 3: Continued Effect of Original Plan and Project**

Except as specifically set forth in the First Amendment to the Plan and Project, the Plan and Projected originally adopted for the Independence Boulevard TIF shall remain in full force and effect.

**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: Superceded and Effective Date**

All ordinances, resolutions, 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 upon its passage by the Corporate Authorities and its approval as provided by law and the annexation of the subject property.

**Section 6: Severability**

This Ordinance and every provision thereof, shall be considered severable. In the event that any court of competent jurisdiction may find and declare any word, phrase, clause, sentence, paragraph, provision or section or part of a phrase, clause, sentence, paragraph, provision or section of this Ordinance is void or unconstitutional, the remaining words, phrases, clauses, sentences, paragraphs and provisions and parts of phrases, clauses, sentences, paragraphs, provisions and sections not ruled void or unconstitutional shall continue in full force and effect.

**Section 6: Publication and Effective Date**

This Ordinance shall be published in pamphlet form, and shall be effective upon its passage and approval, as provided by law.