

ORDINANCE NO. 15-35
AN ORDINANCE ESTABLISHING A DATE, TIME AND PLACE FOR A PUBLIC HEARING PERTAINING TO THE WEST TOWN TAX INCREMENT FINANCING DISTRICT

WHEREAS, the City of Batavia is a home rule municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, pursuant to 65 ILCS 5/11-74.4-5(a) of the Tax Increment Allocation Redevelopment Act (“TIF Act”), the City of Batavia is required to fix a time and place for a public hearing prior to proposing designation of a redevelopment project area or approving adoption of any ordinance designating any redevelopment project area pursuant to 65 ILCS 5/11-74.4-4; and

WHEREAS, pursuant to 65 ILCS 5/11-74.4-5 and 65 ILCS 5/11-74.4-6 of the TIF Act, the City must comply with certain notice requirements prior to this public hearing; and

WHEREAS, at least ten (10) days prior to this day, the City of Batavia has made available for public inspection a TIF Act Redevelopment Plan and Program; and

WHEREAS, pursuant to 65 ILCS 5/11-74.4-5(b) of the TIF Act, prior to holding a public hearing, the City must convene a Joint Review Board (“JRB”) in order to consider a proposed redevelopment project area and redevelopment plan; and

WHEREAS, the City Council of the City of Batavia desires to conduct a public hearing and to convene a JRB described above in order to comply with the requirements of the TIF Act; and

NOW THEREFORE, be it hereby ordained by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1: The above recitals are incorporated herein and made a part hereof.

SECTION 2: The Mayor and City Council of the City of Batavia hereby fix the date of November 3, 2015 at the hour of 7:30 p.m. at the City Council Chambers, Batavia City Hall, 100 N. Island Avenue, Batavia, Illinois 60510, for the purpose of conducting a public hearing to hear from any interested persons, taxpayers, or affected tax districts regarding the proposed redevelopment project area and redevelopment plan for the area generally described and actually depicted on Exhibit A, attached hereto and incorporated herein by reference. The public hearing shall be conducted in accordance with the TIF Act. A copy of the proposed redevelopment plan and project area shall be on file in the Community Development Department of the City of Batavia and shall be available for public inspection during regular business hours.

SECTION 3: Notice of the public hearing described in Section 2, above, shall be provided through publication and mailing as required by the TIF Act. The notice shall be

substantially in the form attached hereto as Exhibit B. The City Attorney and TIF Consultant, or designees, are authorized and directed to take all actions necessary to provide such notice in accordance with the TIF Act and all other notices necessary to achieve compliance with the TIF Act.

SECTION 4. At the public hearing described in Section 2, above, any interested person, taxpayer, or affected taxing district may file with the City, written comments and/or objections to, and may be heard orally with respect to any issues embodied in the notice given for the public hearing.

Section 5. A Joint Review Board (“JRB”) shall be established for the purposes set forth in the TIF Act. The JRB shall consist of one representative selected by each community college district, high school district, elementary school district, park district, library district, township, county and county forest preserve that has authority to directly levy taxes on the property within the redevelopment project area; a representative selected by the City, and a public member. The public member and the JRB’s chairperson shall be selected by a majority of the other members of the JRB. The JRB shall meet October 8, 2015 at 10:30 a.m. in the Second Floor (“Great Room”) Conference Room, Batavia City Hall, 100 N. Island Avenue, Batavia Illinois, 60510.

SECTION 6. The JRB shall act in accordance with the TIF Act. Its actions shall include, but not be limited to the following:

- a. The JRB shall decide whether to recommend that the City approve or deny the proposed redevelopment plan and project area;
- b. In making its decision, the JRB shall review the public record, planning documents, and proposed ordinances approving the redevelopment plan and project area to be adopted by the City before concluding its deliberations.
- c. As part of its deliberations, the JRB may hold additional hearings on the proposed redevelopment plan and project area.
- d. The JRB shall make its decision to recommend approval or denial of the redevelopment plan and project area on the basis of whether or not the area at issue in the redevelopment plan and project satisfy the eligibility criteria defined in 65 ILCS 5/11-74.4-3 of the TIF Act.
- e. The JRB’s recommendation shall be adopted by a majority vote.
- f. The JRB’s recommendation shall be an advisory, non-binding recommendation.
- g. The JRB’s recommendation shall be reduced to a written report.
- h. This report shall be submitted to the City a maximum of thirty (30) days after the convening of the JRB. Failure of the JRB to submit its report on a timely basis shall not be cause to delay the public hearing described in Section 2, above, nor any other step in the process of creation of a redevelopment project area contemplated by this ordinance. In the event the JRB does not file its report/recommendation, it shall be presumed that the taxing bodies represented on the JRB find the redevelopment project area to satisfy the eligibility criteria defined in the TIF Act.
- i. If the JRB recommends rejection of the matters before it, the City will have thirty (30) days within which to resubmit the plan or project area. During this period,

City of Batavia Ordinance No. 15-35

the City will meet and confer with the JRB and attempt to resolve those issues set forth in the JRB's written report that led to the rejection of the plan or area.

SECTION 7: The City's representative on the JRB shall be the Mayor or his designee.

SECTION 8: If any section, paragraph, clause or provision of this Ordinance shall be held invalid by a Court of competent jurisdiction, the invalidity thereof shall not affect any other provision of this Ordinance.

SECTION 9: This Ordinance shall be in full force and effect upon its presentation and passage.

PRESENTED to the City Council of the City of Batavia, Illinois, on the 17th day of August, 2015.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Fischer				
2	Callahan					Wolff				
3	Hohmann					Chanzit				
4	Mueller					Stark				
5	Botterman					Thelin Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent		Abstentions				
Total holding office:		Mayor and 14 Aldermen								

ATTEST:

Heidi Wetzel, City Clerk

EXHIBIT "A"
GENERAL DESCRIPTION AND MAP
OF THE AREA

The Project Area, alternatively called hereafter, "West Town", is generally located between Walnut and Main Streets and between Harrison Street and a westerly boundary that includes South Van Nortwick Avenue, Whipple Avenue and a former railroad right-of-way strip.



EXHIBIT “B”
FORM OF PUBLIC NOTICE

NOTICE OF PUBLIC HEARING

**CITY OF BATAVIA, KANE AND DUPAGE COUNTIES, ILLINOIS, PROPOSED
APPROVAL OF THE WEST TOWN REDEVELOPMENT PROJECT AREA**

Notice is hereby given that on the 3rd day of November 2015, at 7:30 p.m., at Batavia City Hall, 100 N. Island Avenue, City Council Chambers, Batavia, Illinois, a public hearing (the “*Hearing*”) will be held to consider the approval of the proposed West Town Tax Increment Financing Redevelopment Plan and Project (the “*Redevelopment Plan*”) for, and the designation of the West Town Tax Increment Financing Redevelopment Project Area (the “*Project Area*”) legally described as follows:

WEST TOWN TIF DISTRICT LEGAL DESCRIPTION:

THAT PART OF THE EAST HALF OF SECTION 21 AND THE WEST HALF OF SECTION 22, ALL IN TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1 IN BLOCK 13 OF JOHN VAN NORTWICK’S SECOND ADDITION TO BATAVIA; THENCE NORTH, ALONG THE EAST LINE OF SAID BLOCK 13 TO THE NORTHEAST CORNER THEREOF; THENCE EAST, ALONG THE SOUTH LINE OF LOT 4 IN BLOCK VI OF WM. M. AND J.S. VAN NORTWICK’S ADDITION TO BATAVIA TO THE SOUTHEAST CORNER OF SAID LOT 4; THENCE NORTH, ALONG THE EAST LINE OF SAID LOT 4, TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE EAST, ALONG THE SOUTH LINE OF WILSON STREET TO THE NORTHWEST CORNER OF LOT 2 IN BLOCK 5 IN JOHN VAN NORTWICK’S THIRD ADDITION TO BATAVIA; THENCE SOUTH, ALONG THE WEST LINE OF LOTS 2 AND 1 IN SAID BLOCK 5 TO THE SOUTHWEST CORNER OF LOT 1 IN SAID BLOCK 5; THENCE EAST, ALONG THE SOUTH LINE OF SAID LOT 1 TO THE NORTHWEST CORNER OF BLOCK 11 OF JOHN W. NORTWICK’S SECOND ADDITION TO BATAVIA; THENCE SOUTH, ALONG THE WEST LINE OF SAID BLOCK 11, TO THE SOUTHWEST CORNER OF SAID BLOCK 11; THENCE EAST, ALONG THE SOUTH LINE OF SAID BLOCK 11 TO THE NORTHERLY LINE OF LOT 1 IN BLOCK VIII OF WM. AND J.S. VAN NORTWICK’S ADDITION TO BATAVIA; THENCE EASTERLY, ALONG THE NORTHERLY LINE OF SAID LOT 1 AND SAID NORTHERLY LINE EXTENDED, TO THE EASTERLY RIGHT OF WAY LINE OF HARRISON STREET; THENCE SOUTHERLY, ALONG SAID EASTERLY RIGHT OF WAY LINE, TO THE SOUTHERLY RIGHT OF WAY LINE OF FIRST STREET; THENCE WESTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, TO THE NORTHEAST CORNER OF BLOCK IX OF SAID WM. & J.S. VAN NORTWICK’S ADDITION; THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID BLOCK IX TO A POINT THAT IS 10 FEET SOUTHERLY OF THE SOUTHEAST CORNER OF SAID BLOCK IX; THENCE EASTERLY, ALONG A LINE THAT IS 10 FEET SOUTHERLY OF AND PARALLEL WITH THE SOUTHERLY LINE OF SAID BLOCK IX TO THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF LOT 4 IN A. BENSON AND SON’S RESUBDIVISION; THENCE SOUTHERLY, ALONG SAID NORTHERLY EXTENSION AND ALONG THE

EASTERLY LINE OF SAID LOT 4 AND ITS SOUTHERLY EXTENSION, TO THE SOUTHERLY RIGHT OF WAY LINE OF MAIN STREET; THENCE WESTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE EASTERLY RIGHT OF WAY LINE OF S. HARRISON STREET; THENCE SOUTHERLY, ALONG SAID EASTERLY RIGHT OF WAY LINE TO THE SOUTHERLY RIGHT OF WAY LINE OF WALNUT STREET; THENCE WESTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE INTERSECTION OF SAID SOUTHERLY RIGHT OF WAY LINE WITH THE FORMER CENTER LINE OF THE CHICAGO, BURLINGTON AND QUINCY RAILROAD COMPANY; THENCE NORTHEASTERLY, ALONG SAID FORMER CENTER LINE, TO THE EAST LINE OF SAID SECTION 21; THENCE NORTHERLY, ALONG SAID EAST LINE TO THE NORTH LINE OF LOT 16 OF WHIPPLE SUBDIVISION; THENCE WESTERLY, ALONG SAID NORTH LINE TO A SOUTHEAST LARSON COMMONS, P.U.D.; THENCE NORTHEASTERLY, ALONG A SOUTHEASTERLY LINE OF SAID P.U.D., TO THE EAST LINE OF SAID, P.U.D; THENCE NORTHERLY, ALONG THE EAST LINE OF SAID P.U.D. TO THE NORTHEAST CORNER SAID P.U.D.; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID P.U.D., TO THE NORTHWEST CORNER OF LOT 12 OF SAID P.U.D.; THENCE NORTHERLY, ALONG THE EAST LINE OF BLOCK 1 OF J.H. WHIPPLE ADDITION TO BATAVIA TO THE SOUTHWEST CORNER OF LOT 1 OF SAID BLOCK 1; THENCE WESTERLY, ALONG THE SOUTH LINE OF LOTS 1 AND 2 OF SAID BLOCK 1 AND THEIR WESTERLY EXTENSION TO THE WESTERLY RIGHT OF WAY LINE OF WHIPPLE ROAD; THENCE NORTHERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE NORTHERLY RIGHT OF WAY LINE OF SAID MAIN STREET; THENCE EASTERLY, ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE WESTERLY RIGHT OF WAY LINE OF S. VAN NORTWICK AVENUE; THENCE NORTHERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE NORTHERLY RIGHT OF WAY LINE OF FIRST STREET; THENCE EASTERLY, ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE WESTERLY RIGHT OF WAY LINE OF S. MALLORY AVENUE; THENCE NORTHERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE TO THE WESTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 1 IN BLOCK 13 IN JOHN VAN NORTWICK'S SECOND ADDITION; THENCE EASTERLY, ALONG SAID WESTERLY EXTENSION AND SAID NORTHERLY LINE, TO THE POINT OF BEGINNING, ALL IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.

The proposed Project Area is generally located between Walnut and Main Streets and between Harrison Street and a westerly boundary that includes South Van Nortwick Avenue, Whipple Avenue and a former railroad right-of-way strip consists of a mixture of residential, commercial, and mixed land uses.

The Redevelopment Plan objectives are to reduce or eliminate adverse conditions, to enhance the real estate and sales tax base of the City and other affected taxing districts by encouraging private investment in commercial, residential, and mixed use development within the Project Area, and to preserve and enhance the value of properties therein, all in accordance with the provisions of the "Tax Increment Allocation Redevelopment Act," effective January 10, 1977, as amended (the "Act"). The City may issue obligations to finance project costs in accordance with the Redevelopment Plan, which obligations may also be secured by the special tax allocation fund and other available funds, if any, as now or hereafter permitted by law and which also may be secured by the full faith and credit of the municipality.

There will be discussed at the Hearing approval of the Redevelopment Plan, designation of the Project Area, and the adoption of tax increment allocation financing therefore. The Redevelopment Plan is on

City of Batavia Ordinance No. 15-35

file and available for public inspection at the Offices of the Community Development Department, Batavia City Hall, 100 N. Island Avenue, Batavia, Illinois 60510. Pursuant to the proposed Redevelopment Plan, the City proposes to facilitate redevelopment of the Project Area by incurring or reimbursing eligible redevelopment project costs, which may include, but shall not be limited to, studies, surveys, professional fees, property assembly costs, construction of public improvements and facilities, building and fixture rehabilitation, reconstruction, renovation and repair, financing costs, and interest costs, all as authorized under the Act. The Redevelopment Plan proposes to provide assistance by paying or reimbursing costs related to site assembly, analysis, professional services and administrative activities, public improvements and facilities, including new streets, water, sewer, street lighting, and landscaping improvements, the execution of one or more redevelopment agreements, and the payment of financing and interest costs.

Prior to the date of the Hearing, each taxing district having property in the proposed Project Area and the Illinois Department of Commerce and Economic Opportunity may submit written comments to the City, to the attention of the Director of Community Development, 100 N. Island Avenue, Batavia, Illinois 60510.

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 issues regarding the approval of the proposed Redevelopment Plan, designation of the Project Area, and adoption of tax increment allocation financing therefore.

The hearing may be adjourned by the Mayor and 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 Order of the Mayor and City Council of the City of Batavia this 17th day of August 2015.

/s/ Heidi Wetzel, City Clerk