



<b>AGENDA ITEM EXECUTIVE SUMMARY</b>	
Title:	Recommend Approval of an Ordinance Proposing a Redevelopment Plan and Project for, and the designation of, the City of St. Charles Lexington Club Redevelopment Project Area, Convening a Joint Review Board and Calling a Public Hearing in Connection Therewith
Presenter:	Chris Aiston

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning and Development (12/12/11)		City Council

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

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**Executive Summary:**

Pursuant to Illinois State Statutes, the City must adopt an ordinance setting the date for the required public hearing in considering the proposed Lexington Club Redevelopment Project Area (Tax Increment Financing District). Further, state law requires that the City formally convene a Joint Review Board (comprised persons representing all affected taxing districts), in connection with the proposed Redevelopment Project Area, and call a public hearing of such Board. By approving the attached Ordinance, the City will comply with State Statutes with respect to the aforesaid requirements.

In approving the attached Ordinance, the City is simply following state law *to initiate its consideration* in designating the proposed TIF District. Again, state law requires a public hearing, consideration by the Joint Review Board, and other avenues for public notice and input before the City can formally consider the district designation, itself. This recommended action will simply initiate the process.

The Joint Review Board will convene on January 5, 2012 at 5:00 pm at City Hall. The public hearing date is set for February 6, 2012 at 7:00 pm before the City Council.

TIF Report is available for public inspection at:  
<http://www.stcharlesil.gov/docs/edd/lexington-tif-study-plan.pdf>

**Attachments:** *(please list)*

Ordinance
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**Recommendation / Suggested Action** *(briefly explain):*

Approve the Ordinance Proposing a Redevelopment Plan and Project for, and the designation of, the City of St. Charles Lexington Club Redevelopment Project Area, Convening a Joint Review Board and Calling a Public Hearing in Connection Therewith

<i>For office use only</i>	Agenda Item Number: 3b	
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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE PROPOSING A REDEVELOPMENT PLAN AND PROJECT FOR, AND THE DESIGNATION OF, THE CITY OF ST. CHARLES LEXINGTON CLUB 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 St. Charles, Kane and DuPage Counties, 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, a study has been conducted to determine the conditions in that part of the City legally described on Exhibit "A", attached hereto and made a part hereof, and located generally in the area bounded by the Union Pacific Railroad right-of-way on the north, 12<sup>th</sup> Street on the west, 5<sup>th</sup> Street on the east, and just north of Dean Street and State Street on the south, excluding all residential properties, within the City; and

WHEREAS, the City Council has determined that said territory would qualify as a "redevelopment project area" as defined in the Act and that said territory on the whole has not been subject to growth and development through private enterprise and would not reasonably be anticipated to be developed without the adoption of a redevelopment plan and the use of tax increment allocation financing as provided in the Act; and

WHEREAS, the City Council has heretofore and it hereby is determined that it is advisable that the City avail itself of the provisions of the Act and by ordinance approve a redevelopment plan (the "Plan") and project (the "Project") for, and designate said territory as legally described on said Exhibit A as a redevelopment project area to be known as the "City of St. Charles Lexington Club Redevelopment Project Area" (the "Redevelopment Project Area"), and also that the City by ordinance adopt tax increment allocation financing in order to pay redevelopment project costs for the Project in the Redevelopment Project Area, all as provided in the Act; and

WHEREAS, a draft of the Plan and Project, including the eligibility findings, 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 ordinances approving the Plan and the Project, designating the Redevelopment Project Area, and adopting tax increment allocation financing, 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 the proposed approval of the Plan and Project, designation of the Redevelopment Project Area and adoption of tax increment allocation financing therefor; 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 proposed Redevelopment Project 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 ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

**SECTION ONE:** That the approval of the Redevelopment Plan and Project, the designation of a Redevelopment Project Area, and the adoption of tax increment allocation financing therefor are hereby proposed.

**SECTION TWO:** That a public hearing shall be held by the City Council of the City at 7:00 P.M. on the 6<sup>th</sup> day of February, 2012, at City Hall, 2 East Main Street, St. Charles, Illinois 60174, for the purpose of hearing from any interested persons or affected taxing districts regarding the proposed approval of the Redevelopment Plan and Project, designation of the Redevelopment Project Area and adoption of tax increment allocation financing therefor.

**SECTION THREE:** 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 Redevelopment Project 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 Redevelopment Project 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. Each mailed notice shall include a copy of the proposed Redevelopment Plan and Project.

**SECTION FOUR:** Notice shall also be given by certified mail to all taxing districts in which taxable property is included in the Redevelopment Project 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 Economic Opportunity to submit written comments prior to the date of the hearing to the City, to the attention of the City Clerk, 2 East Main Street, Illinois 60174, concerning the subject matter of the hearing. Each mailed notice shall include a copy of the proposed Redevelopment Plan and Project and shall also advise the taxing bodies represented on the joint review board of the time and place of the first meeting of such board.

**SECTION FIVE:** A draft of the proposed Redevelopment Plan and Project relating to the proposed Redevelopment Project Area is on file at the offices of the City and is available for public inspection.

**SECTION SIX:** The joint review board as set forth in the Act is hereby convened and the board shall meet, review such documents, and issue such report as set forth in the Act. The first meeting of the joint review board shall be held at 5:00 p.m. on the 5<sup>th</sup> day of January, 2012, at City Hall, 2 East Main Street, St. Charles, Illinois 60174.

**SECTION SEVEN:** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PRESENTED** to the City Council of the City of St. Charles, Illinois, this 19<sup>th</sup> day of December, 2011.

**PASSED** by the City Council of the City of St. Charles, Illinois, this 19<sup>th</sup> day of December, 2011.

**APPROVED** by the Mayor of the City of St. Charles, Illinois, this 19<sup>th</sup> day of December, 2011.

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Donald P. DeWitte, Mayor

**ATTEST:**

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City Clerk

**COUNCIL VOTE:**

Ayes:

Nays

Absent:

Abstain:

## EXHIBIT "A"

### LEGAL DESCRIPTION

#### TIF Description

Part of the Southwest Quarter of Section 27 and the Southeast Quarter of Section 28, Township 40 North, Range 8 East of the Third Principle Meridian, Kane County, Illinois, more particularly described as follows:

Beginning at the intersection of the centerline of Fifth Street as platted in the City of St. Charles with the South Line of a tract of land described in a warranty deed recorded June 4, 1886, in Book 243, Page 17; thence North  $89^{\circ}41'25''$  East 30.60 feet to the East Right of Way line of said street; thence South  $11^{\circ}41'01''$  East along said East Right of Way line 51.00 feet to the extended South Right of Way line of Mark Street; thence South  $89^{\circ}41'25''$  West along said South Right of Way line 331.48 feet to the intersection of said South Right of Way line and the East Right of Way line of Sixth Street; thence South  $11^{\circ}43'06''$  East along said East Right of Way line 383.57 feet; thence South  $78^{\circ}28'06''$  West 140.00 feet; thence South  $11^{\circ}43'06''$  East 19.85 feet, thence South  $78^{\circ}39'16''$  West 185.05 feet to the East Right of Way line of Seventh Street; thence South  $11^{\circ}33'41''$  East along said East Right of Way line 5.99 feet to the extended centerline of vacated Ryan Street recorded October 11, 1983 as Document 1648957; thence South  $78^{\circ}23'42''$  West along said extended centerline 242.00 feet to the West line of said vacated Ryan Street; thence South  $11^{\circ}33'41''$  East along said West line extended 160.00 feet; thence South  $78^{\circ}26'50''$  West 337.57 feet to the East Right of Way line of Ninth Street; thence South  $00^{\circ}55'11''$  East along said East Right of Way line 24.93 feet to the extended South line of Lot 16 of Millington's Third Addition to St. Charles recorded May 4, 1926 as Document 272865; thence South  $89^{\circ}41'25''$  West along said South line 192.01 feet to the Southwest corner of said Lot 16; thence South  $00^{\circ}55'11''$  East 8.82 feet, thence South  $82^{\circ}45'00''$  West 164.06 feet; thence North  $60^{\circ}19'00''$  West 332.49 feet; thence South  $01^{\circ}31'00''$  East 42.00 feet; thence North  $64^{\circ}34'00''$  West 370.90 feet; thence North  $00^{\circ}00'00''$  West 67.19 feet; thence South  $90^{\circ}00'00''$  West 175.00 feet; thence North  $66^{\circ}13'00''$  West 274.27 feet to the West Right of Way line of Twelfth Street; thence North  $00^{\circ}00'28''$  East along said West Right of Way line 512.12 feet to the South Right of Way line of the Chicago and Northwest Transportation Company, said line being coincident with the North line of Fox Meadow Estates recorded December 14, 1993 as Document 93K100653; thence North  $89^{\circ}11'00''$  West along said South Right of Way line 336.06 feet to the West line of said Southeast Quarter; thence North  $00^{\circ}00'28''$  East along said West line 100.01 feet to the North Right of Way line of the Chicago and Northwest Transportation Company, said line being coincident with the South line of Porter Business Park recorded September 25, 2006 as Document 2006K104660; thence South  $89^{\circ}11'00''$  East along said North Right of Way line 931.85 feet, thence North  $01^{\circ}07'05''$  West along said North Right of Way line 15.01 feet to a line coincident with Said North Right of Way line and the South line of Unit Number 1 Timbers recorded June 4, 1986 as Document 1774209; thence South  $89^{\circ}11'00''$  East along said North Right of Way line to the East line of Said Southeast Quarter; thence southerly along said East line to said South Right of Way line of the Chicago and Northwest Transportation Company said South Right of Way line being coincident with the North line of said tract; thence South

89°11'00" East along said South Right of Way line to the intersection of said South Right of Way line and the extended centerline of Fifth Street; thence South 11°41'01" East along said extended centerline 93.59 feet to the Point of Beginning.

Excepting therefrom the following described parcels:

Lots 12, 13, 14, and 15 of Block 5 of Millington's Third Addition to St. Charles, recorded May 4, 1926 as Document 272865, a subdivision being part of the Southwest Quarter of Section 27 and the Southeast Quarter of Section 28, Township 40 North, Range 8 East of the Third Principle Meridian, in the City of St. Charles, Kane County, Il.

Said excepted parcels contain 0.636 acres, more or less.

Said parcel without the excepted 0.636 acres contains 44.965 acres, more or less.

## EXHIBIT "B"

### NOTICE OF PUBLIC HEARING CITY OF ST. CHARLES LEXINGTON CLUB REDEVELOPMENT PROJECT AREA

NOTICE is hereby given that the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, will conduct a hearing on February 6, 2012, at 7:00 P.M., at City Hall, 2 East Main Street, St. Charles, Illinois, to consider the approval of a Redevelopment Plan (the "Redevelopment Plan") and Project (the "Project") for and the designation of a redevelopment project area to be called the City of St. Charles Lexington Club Redevelopment Project Area (the "Redevelopment Project Area") and the adoption of tax increment allocation financing therefor. The Redevelopment Project Area consists of a territory legally described on Exhibit "1" attached hereto and made a part hereof.

The approximate street location and description of the Redevelopment Project Area is as follows: Generally bounded by the Union Pacific Railroad right-of-way on the north, 12<sup>th</sup> Street on the west, 5<sup>th</sup> Street on the east, and just north of Dean Street and State Street on the south, excluding all residential properties.

There will be considered at the hearing the proposed Redevelopment Plan and Project for the Redevelopment Project Area. The Redevelopment Plan and Project is on file and available for public inspection at the office of the City Clerk at 2 East Main Street, St. Charles, Illinois 60174. The proposed Redevelopment Plan and Project provides for, among other things, use of public resources to facilitate demolition of buildings, site assembly, environmental remediation and site preparation, and related costs and expenses, for future private sector residential redevelopment, all as provided in the Tax Increment Allocation Redevelopment Act, as supplemented and amended.

Prior to the date of the hearing, each taxing district having property in the proposed Redevelopment Project Area and the Illinois Department of Commerce and Economic Opportunity may submit written comments to the City, to the attention of the City Clerk, 2 East Main Street, St. Charles, Illinois 60174.

There is hereby convened a joint review board consisting of a representative from Kane County, Elgin Community College District 509, St. Charles Community Unit School District 303, St. Charles Park District, St. Charles Township, St. Charles Library District, a representative selected by the City, and a public member. The first meeting of such joint review board will be held at 5:00 p.m. on the 5<sup>th</sup> day of January, 2012, at City Hall, 2 East Main Street, St. Charles, Illinois 60174.

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 Redevelopment Plan and Project, the designation of the Redevelopment Project Area and the adoption of tax increment allocation financing therefor. 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: \_\_\_\_\_  
Nancy Garrison, City Clerk  
City of St. Charles  
Kane and DuPage Counties, Illinois

## EXHIBIT "1"

### LEGAL DESCRIPTION

#### TIF Description

Part of the Southwest Quarter of Section 27 and the Southeast Quarter of Section 28, Township 40 North, Range 8 East of the Third Principle Meridian, Kane County, Illinois, more particularly described as follows:

Beginning at the intersection of the centerline of Fifth Street as platted in the City of St. Charles with the South Line of a tract of land described in a warranty deed recorded June 4, 1886, in Book 243, Page 17; thence North  $89^{\circ}41'25''$  East 30.60 feet to the East Right of Way line of said street; thence South  $11^{\circ}41'01''$  East along said East Right of Way line 51.00 feet to the extended South Right of Way line of Mark Street; thence South  $89^{\circ}41'25''$  West along said South Right of Way line 331.48 feet to the intersection of said South Right of Way line and the East Right of Way line of Sixth Street; thence South  $11^{\circ}43'06''$  East along said East Right of Way line 383.57 feet; thence South  $78^{\circ}28'06''$  West 140.00 feet; thence South  $11^{\circ}43'06''$  East 19.85 feet, thence South  $78^{\circ}39'16''$  West 185.05 feet to the East Right of Way line of Seventh Street; thence South  $11^{\circ}33'41''$  East along said East Right of Way line 5.99 feet to the extended centerline of vacated Ryan Street recorded October 11, 1983 as Document 1648957; thence South  $78^{\circ}23'42''$  West along said extended centerline 242.00 feet to the West line of said vacated Ryan Street; thence South  $11^{\circ}33'41''$  East along said West line extended 160.00 feet; thence South  $78^{\circ}26'50''$  West 337.57 feet to the East Right of Way line of Ninth Street; thence South  $00^{\circ}55'11''$  East along said East Right of Way line 24.93 feet to the extended South line of Lot 16 of Millington's Third Addition to St. Charles recorded May 4, 1926 as Document 272865; thence South  $89^{\circ}41'25''$  West along said South line 192.01 feet to the Southwest corner of said Lot 16; thence South  $00^{\circ}55'11''$  East 8.82 feet, thence South  $82^{\circ}45'00''$  West 164.06 feet; thence North  $60^{\circ}19'00''$  West 332.49 feet; thence South  $01^{\circ}31'00''$  East 42.00 feet; thence North  $64^{\circ}34'00''$  West 370.90 feet; thence North  $00^{\circ}00'00''$  West 67.19 feet; thence South  $90^{\circ}00'00''$  West 175.00 feet; thence North  $66^{\circ}13'00''$  West 274.27 feet to the West Right of Way line of Twelfth Street; thence North  $00^{\circ}00'28''$  East along said West Right of Way line 512.12 feet to the South Right of Way line of the Chicago and Northwest Transportation Company, said line being coincident with the North line of Fox Meadow Estates recorded December 14, 1993 as Document 93K100653; thence North  $89^{\circ}11'00''$  West along said South Right of Way line 336.06 feet to the West line of said Southeast Quarter; thence North  $00^{\circ}00'28''$  East along said West line 100.01 feet to the North Right of Way line of the Chicago and Northwest Transportation Company, said line being coincident with the South line of Porter Business Park recorded September 25, 2006 as Document 2006K104660; thence South  $89^{\circ}11'00''$  East along said North Right of Way line 931.85 feet, thence North  $01^{\circ}07'05''$  West along said North Right of Way line 15.01 feet to a line coincident with Said North Right of Way line and the South line of Unit Number 1 Timbers recorded June 4, 1986 as Document 1774209; thence South  $89^{\circ}11'00''$  East along said North Right of Way line to the East line of Said Southeast Quarter; thence southerly along said East line to said South Right of Way line of the Chicago and Northwest Transportation Company said South Right of Way line being coincident with the North line of said tract; thence South



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Said parcel without the excepted 0.636 acres contains 44.965 acres, more or less.