

RESOLUTION NO. 06 - 2020

A RESOLUTION PROVIDING AN INDUCEMENT TO THE VILLAGE OF STICKNEY AND A DEVELOPER IN CONNECTION WITH THE REDEVELOPMENT OF CERTAIN REAL PROPERTY LOCATED IN THE VILLAGE OF STICKNEY FOR THE VILLAGE OF STICKNEY, COUNTY OF COOK, STATE OF ILLINOIS.

WHEREAS, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and resolutions and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, resolutions, rules and regulations; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed ensuring that areas located within the Village do not become blighted areas, that the stable economic and physical development of the Village is not endangered by blighting factors and that where blighting factors exist, the Village actively works to ameliorate blighting factors on such blighted property; and;

WHEREAS, blight may be manifested by and blighting factors found where there are, among other things: (1) progressive and advanced deterioration of structures; (2) the overuse of housing and other facilities; (3) a lack of physical maintenance of existing structures; (4) obsolete and inadequate community facilities; (5) a lack of sound community planning; (6) the existence of adverse environmental conditions; and (7) a combination of the abovementioned factors; and

WHEREAS, as a result of the existence of blighting factors, there is an excessive and disproportionate expenditure of public funds, inadequate public and private investment, unmarketability of property, increased delinquencies and crime, and housing and zoning law violations in such areas; and

WHEREAS, there exists a certain area within the corporate limits of the Village (the “Area”), which is blighted and, as proposed, is shown in the attached Exhibit A, a copy of which is attached hereto and incorporated herein; and

WHEREAS, if not addressed, the economic decline and distress in the Area may: (1) impair the value of private investments; (2) threaten the sound growth and the tax base of the Village as well as the taxing districts authorized to tax real property in the Area; and (3) threaten the health, safety, morals and welfare of the public; and

WHEREAS, to remove and alleviate the blight and to address the economic decline and distress affecting the Area, the Village has determined that it is in the Village’s best interests to commission and conduct a study to explore the possibility of establishing tax increment financing (“TIF”) and certifying a new redevelopment project area, which will encompass the Area (the “TIF District” or the “New TIF District”); and

WHEREAS, the New TIF District would be established pursuant to and in accordance with the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1, *et seq.*) (the “Act”); and

WHEREAS, if a New TIF District is established, the Village may negotiate and thereafter enter into a TIF “Redevelopment Agreement” with a developer (the “Developer”), whereby the Village may provide financial incentives, including, but not limited to, TIF to incentivize the Developer’s redevelopment of the Area; and

WHEREAS, the Developer is currently expending money with respect to project expenses associated with the redevelopment of the Area, including, but not limited to, site engineering, legal, design, remediation, and property acquisition expenses (the “Developer’s Potential Eligible Redevelopment Costs”) which could be reimbursed if a New TIF District is established; and

WHEREAS, the Village’s payment of Developer’s Potential Eligible Redevelopment Costs is contingent on the Village and the Developer entering into a Redevelopment Agreement, which shall require, among other things, the Developer to complete a project eligible for reimbursement under the TIF Act (the “Project”); and

WHEREAS, the Developer’s Potential Eligible Redevelopment Costs shall not exceed fifty million dollars (\$50,000,000.00) (the “Maximum Reimbursement Amount”) and the Village shall not reimburse the Developer for any expenditures in excess of the Maximum Reimbursement Amount; and

WHEREAS, the successful completion of the Project is contingent upon economic assistance from the Village and the taxing districts located within the Village, and but for said assistance, the Developer would not undertake the Project; and

WHEREAS, the Village further acknowledges that, but for the benefit of economic assistance from TIF, the Project could not proceed; and

WHEREAS, the Village acknowledges that the Developer will not be able to commence the Project, unless the expenditures the Developer incurs are reimbursable under the Act; and

WHEREAS, the Village acknowledges that a third party will not be able to complete the Project without economic assistance from the Village; and

WHEREAS, in an effort to encourage public and private investment in the Area, the Corporate Authorities do hereby agree to undertake, in good faith, an investigation into the appropriateness of allowing the Village to use TIF in connection with the Project; and

WHEREAS, the Village may make certain expenditures necessary to commence the Project on the basis that TIF may be used, entirely or in part, to finance the Project; and

WHEREAS, after adoption of this Resolution, the Village agrees to consider providing municipal and/or other governmental economic assistance including, but not limited to, TIF, through the establishment and/or expansion of a redevelopment project area, to the extent that such assistance may be lawfully and practically available and in the best interests of the Village; and

WHEREAS, notwithstanding the foregoing, this Resolution neither obligates the Village to establish or expand a TIF District nor enter into a Redevelopment Agreement with the Developer; rather it is intended to induce the Developer to pursue plans for the Project and provide for the potential reimbursement of the Developer's Potential Eligible Redevelopment Costs in the event the New TIF District is established and a Redevelopment Agreement is entered into between the Village and the Developer;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

SECTION 1: RECITALS. The facts and statements contained in the preamble to this Resolution are found to be true and correct and are hereby adopted as part of this Resolution.

SECTION 2: PURPOSE. The purpose of this Resolution is to induce the Village and the Developer to proceed with the potential redevelopment of the Area, to incur costs pending the possible approval of the New TIF District and the Redevelopment Agreement, and to further authorize the Mayor to take all steps necessary to carry out the terms of this Resolution and ratify any steps taken to effectuate those goals.

SECTION 3: AUTHORIZATION. The Board hereby authorizes and directs the President or his designee to commission and conduct a study and consider whether all or a portion of the Project is appropriate for participation in municipal and/or other governmental economic incentive program(s) including, but not limited to, TIF. If the Village determines that the Project is appropriate for such municipal and/or other governmental economic incentive program(s) including, but not limited to, TIF, and such costs are qualified costs under the Act, the Village may make certain TIF eligible expenditures to commence the Project and bargain in good faith with the Developer regarding the Project, including reimbursement for the expenditures so authorized, provided that such reimbursements are lawfully permitted and practically available. Accordingly, the Village and other third parties designated by the Village, including, but not limited to the Developer are hereby induced to make such reasonable expenditures in furtherance of the Project and the establishment of the New TIF District. The Village Board hereby authorizes and directs the Mayor and the Village Attorney (the "Attorney") to take all steps and incur all costs necessary to establish the redevelopment project area and to negotiate and draft agreements and other documents necessary to carry out the intent of this Resolution. After such agreements or documents are in a form satisfactory to the Village and the Attorney, said agreements or documents shall be presented to the Village Board for approval and passage, as provided by law. The Village Clerk is also authorized and directed to affix the Seal of the Village to such documentation as is deemed necessary.

The officers, agents and/or employees of the Village shall take all action necessary or reasonably required by the Village to carry out, give effect to and consummate the purpose of this Resolution and shall take all action necessary in conformity therewith. To the extent that any requirement of bidding would be applicable, the same is hereby waived. The authority of this Resolution also allows the Village to retain all professionals necessary to discharge the intent of this Resolution. Further, the Village is permitted to reimburse itself for eligible redevelopment project costs so incurred.

SECTION 4. HEADINGS. The headings of the articles, sections, paragraphs and subparagraphs of this Resolution are inserted solely for the convenience of reference and form no substantive part of this Resolution nor should they be used in any interpretation or construction of any substantive provision of this Resolution.

SECTION 5. SEVERABILITY. The provisions of this Resolution are hereby declared to be severable and should any provision of this Resolution be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER. All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION. A full, true and complete copy of this Resolution shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE. This Resolution shall be effective and in full force immediately upon passage and approval as provided by law.

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PASSED this 18th day of February, 2020.

AYES: Trustees Hrejsa, Kkapolnek, Milenkovic, Torres and White

NAYS: none

ABSENT: Trustee Savopoulos

ABSTENTION: none

APPROVED by me this 18th day of February, 2020.

Jeff Walik, President

ATTESTED AND FILED in my
office this 18th day of
February, 2020.

Audrey McAdams, Village Clerk

EXHIBIT A