Item #6:

Ordinance Designating & Approving IL 83 Business District

VILLAGE OF LONG GROVE

ORDINANCE NO. 2010-____

AN ORDINANCE DESIGNATING
THE IL RTE. 83 BUSINESS DISTRICT AND APPROVING A
BUSINESS DISTRICT DEVELOPMENT PLAN PURSUANT TO THE ILLINOIS
BUSINESS DISTRICT DEVELOPMENT AND REDEVELOPMENT ACT (PHASE I)

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this ___ day of March, 2010

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this ___ day of March, 2010

VILLAGE OF LONG GROVE

ORDINANCE NO. 2010-___

AN ORDINANCE DESIGNATING THE IL RTE. 83 BUSINESS DISTRICT AND APPROVING A BUSINESS DISTRICT DEVELOPMENT PLAN PURSUANT TO THE ILLINOIS BUSINESS DISTRICT DEVELOPMENT AND REDEVELOPMENT ACT (PHASE I)

WHEREAS, the Village of Long Grove (the "***Village***") depends heavily on the success and vibrancy of its commercial areas to maintain the fiscal integrity of the Village; and

WHEREAS, the ability of the Village to develop and expand its commercial base is hampered by the absence of adequate access, facilities, and infrastructure; and

WHEREAS, the properties located on the east side of IL Rte. 83, south of Aptakisic Road (the "***Development Project Area***") are appropriate for commercial development but are not reasonably anticipated to be developed without the Village's investment in infrastructure and other improvements adequate for commercial needs; and

WHEREAS, the Village has examined the conditions of the Development Project Area and other nearby areas that are appropriate for commercial development or redevelopment, which examinations have identified extensive improvements that are necessary or appropriate to sustain and enhance commercial development in the Village; and

WHEREAS, the Village desires to provide resources for the maintenance, development, and revitalization of the identified area and has explored various sources of revenue to pay for the expense of the improvements needed to permit, sustain, and preserve commercial development in the Development Project Area; and

WHEREAS, the Village has determined that public financial support for improvements to serve the Development Project Area will require a variety of economic development tools; and

WHEREAS, one such tool for raising sufficient revenue for necessary and appropriate improvements in the Development Project Area is the establishment of a business district as

authorized under the Illinois Business District Development and Redevelopment Act, 65 ILCS 5/11-74.3 *et seq.* (the "***Act***"); and

WHEREAS, the Act authorizes a municipality to designate business districts and to adopt business district plans to guide the maintenance, development, and redevelopment of those districts; and

WHEREAS, under the Act, a municipality is given significant powers within a business district, including, among other things, to approve development and redevelopment proposals for the district; to employ persons necessary for the planning, administration, and implementation of the district's plans; to borrow and loan money for purposes related to the district; to acquire, manage, and convey real and personal property within the district; to impose certain sales taxes in the district to pay for the planning, execution, and implementation of the district's plans and business district project costs; and to create a development and redevelopment commission for the district to act as an agent of the municipality; and

WHEREAS, the Village President and Board of Trustees ("***Corporate Authorities***") commissioned a study by Ehlers & Associates, Inc. ("***Ehlers***") to determine whether the Development Project Area meets the qualifications for establishing a Business District; and

WHEREAS, after extensive review of the Development Project Area and pursuant to discussions with Village officials and stakeholders in the Development Project Area, Ehlers did deliver to the Village on March 11, 2008 a report (attached hereto as ***Exhibit A-1***) in which Ehlers concludes that the Development Project Area qualifies as a business district under the Act and proposes a draft development plan for the Development Project Area ("***Ehler's Draft Plan***"); and

WHEREAS, due to the extent of improvements needed to serve the Development Project Area, the challenges of raising funds in the current economic climate, and the lack of immediate demand to pursue redevelopment projects throughout the Development Project

Area, the Village Board of Trustees has determined that it is in the best interests of the Village to establish the Business District within the Development Project Area in phases; and

WHEREAS, based on such phasing and various changes in circumstances since the Ehler's Draft Plan was prepared, the Village Board has determined that the Ehler's Draft Plan, as revised pursuant to the changes set forth in ***Exhibit A-2*** to this Ordinance, will serve as the development plan for the Development Project Area ("***Development Plan***") as required by Section 11-74.3-5 of the Act; and

WHEREAS, the Development Plan sets forth the qualification factors that make the Development Project Area eligible for consideration as a "blighted area" under Section 11-74.3-5 of the Act and describes the proposed projects, estimated costs, and sources of funding for the Development Project Area; and

WHEREAS, pursuant to Section 11-74.3-5(1) and notice duly published on January 25 and 26, 2010 in the *Daily Herald*, the Village held two public hearings relative to the Development Plan and Phase I of the Development Project Area (as further described below) to consider the establishment of a business district and the adoption of a development plan for the district, which hearings were held on February 9 and 23, 2010, pursuant to proper public notice; and

WHEREAS, pursuant to the findings and determinations as provided in this Ordinance, the Corporate Authorities hereby find that it is in the best interests of the Village and its residents to designate Phase I of the Development Project Area as a business district (the "***IL Rte. 83 Business District—Phase I***") pursuant to the Act and to approve the Development Plan for the district;

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Long Grove, County of Lake, State of Illinois, as follows:

SECTION ONE: Recitals. The foregoing recitals are by this reference incorporated into and made part of this Ordinance as if fully set forth.

SECTION TWO: Findings. The Corporate Authorities hereby make the following findings:

A. Phase I of the Development Project Area is legally described in ***Exhibit B***, attached to and, by this reference, made a part of this Ordinance. A map of Phase I of the Development Project Area is depicted in ***Exhibit C***, attached to and, by this reference, made a part of this Ordinance. This area is contiguous and contains only parcels of real property that will be directly and substantially benefited by the IL Rte. 83 Business District—Phase I.

B. There exist conditions that cause the Development Project Area, and particularly Phase I of the Development Area to be classified as a "blighted area" as defined in Section 11-74.3-5(3) of the Act, including, among other conditions, the predominance of improper subdivision or obsolete platting and defective or inadequate street layout.

C. The Development Project Area, as a whole and particularly with respect to Phase I, has not been subject to growth and development through investment by private enterprises or would not reasonably be anticipated to be developed without the adoption of the Development Plan.

D. All other findings set forth in the Development Plan are hereby adopted as findings and certifications of the Corporate Authorities as if fully set forth in this Ordinance.

SECTION THREE: Designation of the IL Rte. 83 Business District—Phase I. Phase I of the Development Project Area shall be, and is hereby, designated as a business district pursuant to Section 11-74.3-5 of the Act, and shall hereafter be known as the IL Rte. 83 Business District—Phase I.

SECTION FOUR: Approval of the Development Plan. The President and Board of Trustees hereby adopt and approve the Development Plan, as set forth in ***Exhibits A-1 and A-2***, which are attached hereto and, by this reference, made a part of this Ordinance.

SECTION FIVE: Authority. The IL Rte. 83 Business District—Phase I and Development Plan are established by this Ordinance pursuant to the Act and all other applicable law. The Corporate Authorities may exercise any and all lawful powers and authority to carry out the purposes of the IL Rte. 83 Business District—Phase I and Development Plan, including any and all of the powers and authority provided in the Act.

SECTION SIX: Effective Date. This Ordinance shall be in full force and effect after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED this ___ day of March, 2010.

AYES:

NAYS:

ABSENT:

APPROVED this ___ day of March, 2010.

_____
Village President

ATTEST:

_____
Village Clerk

EXHIBIT A

DEVELOPMENT PLAN

EXHIBIT A-1 EHLER'S DRAFT PLAN

EXHIBIT A-2 REVISIONS TO EHLER'S DRAFT PLAN

EXHIBIT A-1
EHLER'S DRAFT PLAN

[to be inserted by Staff]

EXHIBIT A-2

REVISIONS TO EHLER'S DRAFT PLAN

1. Page 1, Section I: The following paragraph will be added after the second paragraph of this section: "***After reviewing the Business District Plan, The Board of Trustees of the Village of Long Grove has determined that it is appropriate and desirable to create the Business District in phases. Phase I of the Business District is comprised of approximately the northerly 15 acres of the Business District, from Aptakisic Road to the south line of Parcel Number 1530200032. The Village Board has determined that the characteristics of the Business District as a whole (so described in this Business District Plan) are prevalent in the area comprising Phase I of the Business District as set forth more fully*** infra. ***As such, the Village Board has determined that Phase I of the Business District satisfies the standards of the Business District Act and that it is appropriate to establish the Business District described in the Business District Plan in phases, beginning with Phase I. The Business District will become effective upon the adoption of an ordinance by the Village Board adopting this Business District Plan and will expire ("***Business District Termination Date***") upon the earlier of: (1) 23 years from the date of the adoption of an ordinance approving this Business District Plan or as otherwise required by the Business District Act, or (2) upon adoption of an ordinance by the Village Board providing for termination of the Business District.***"

2. Page 3, Fourth Paragraph: The following language is hereby added to the beginning of this paragraph: "***Consistent with such redevelopment objectives, the Village has established a Tax Increment Financing District that includes the Business District. Phase I of the Business District has received approvals for redevelopment, but financial support for this redevelopment is dependent on the establishment of the Business District as contemplated in this Business District Plan.***"

3. Page 6, Section II, Third Paragraph: The following sentence is hereby added to the end of this paragraph: "***Phase I of the Business District is depicted in a map presented as Exhibit G and is legally described in Exhibit H.***"

4. Page 10 (following "Lack of Growth and Development in the District"): The following paragraph is hereby added following the first paragraph on this page: "***Since the Business District Plan was prepared, approvals have been granted for Phase I of the Business District for redevelopment activity that will begin to address the conditions of the Business District. Despite such approvals, redevelopment activities have been halting because of the need for greater public financial support. The redevelopment approvals for Phase I of the Business District contemplated the need to establish the Business District, and indeed redevelopment activities within Phase I of the Business District await the establishment of the Business District to put in place necessary elements to finance public improvements as part of the Phase I redevelopment that will serve the entire Business District.***"

5. Page 16, Table I: This table is hereby revised to read as follows:

(1)	The costs to acquire, manage, convey or otherwise dispose of real and personal property acquired pursuant to the provisions of a development or redevelopment plan	~~$20,000,00~~ ***20,000,000***
(2)	The cost of borrowing funds (interest costs are separate and are determined by market rates) as it may be deemed necessary for the purpose of business district development and redevelopment, and in this connection issue such obligations or revenue bonds as it shall be deemed necessary, subject to applicable statutory limitations.....	$3,000,000
(3)	Employment all such persons as may be necessary for the planning, administration and implementation of business district plans.....	$1,000,000
(4)	Public Improvements.....	$18,000,000
	TOTAL MAXIMUM PROJECT COSTS:	~~$42,000,000~~ ***42,000,000***

6. Page 17, Section VII, First Paragraph: The second sentence of this paragraph is hereby revised to read as follows: "The IL Rt. 83 Business District Sales Taxes will be imposed for the term of the IL Rt. 83 Business District (not to ~~exceed 23 years from the date of adoption of this~~ ***continue beyond the*** Business District ~~Plan~~ ***Termination Date***) to pay for business district project costs within the IL Rt. 83 Business District and obligations issued to pay those costs."

7. Page 18, Section VIII, Second Paragraph: The first sentence of this paragraph is hereby revised to read as follows: "All obligations issued by the Village pursuant to this Business District Plan and the Business District Act shall be retired ~~within twenty-three (23) years from the date of adoption of the ordinance approving this~~ ***no later than the*** Business District ~~Plan~~ ***Termination Date***."

8. Page 18, Section IX, First Paragraph: The following sentence is hereby added to the end of this paragraph: "***The Business District Plan may be implemented in phases, starting with Phase I of the Business District.***"

9. Page 19, Section IX, Second Paragraph: The second sentence of this paragraph is hereby revised to read as follows: "The Business District shall expire upon the termination of the imposition of the IL Rt. 83 Business District Sales Taxes and the final payout of the same from the IL Rt. 83 Business District Tax Allocation Fund, which shall be no later than ~~23 years from the date of adoption of the ordinance approving~~ ***the Business District Termination Date, as defined in Section I of*** this Business District Plan."

10. Insertion of Additional of Exhibits: The following exhibits are hereby added as Exhibit G and Exhibit H to the Business District Plan:

EXHIBIT G: MAP OF IL RT. 83 BUSINESS DISTRICT—PHASE I

Lake County Tax Parcel Map

LakeCounty
Geographic Information System

Lake County Department of
Information Technology
18 N County St
Waukegan IL 60085

Map Printed on 2/10/2010
Parcel 1530200030 is shaded.

N

Major Roads
Railroads
Major Water
Parcels
Municipalities

Disclaimer: This map is for general information purposes only. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.

EXHIBIT H: LEGAL DESCRIPTION OF IL RT. 83 BUSINESS DISTRICT—PHASE I

PARCEL 15-30-200-030:

THE SOUTH 389.18 FEET OF THE NORTH 718.31 FEET (AS MEASURED ON THE EAST AND WEST LINES THEREOF) OF THE NORTH HALF OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE EAST LINE OF ROUTE 83 (EXCEPT THAT PART TAKEN FOR ROAD PURPOSES IN CASE NUMBER 91 ED 43) IN LAKE COUNTY, ILLINOIS.

PARCEL 15-30-200-031:

THE SOUTH 389.17 FEET OF THE NORTH 1107.48 FEET (AS MEASURED ON THE EAST AND WEST LINES THEREOF) OF THAT PART OF THE NORTH HALF OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE EAST LINE OF ROUTE 83 (EXCEPT THAT PART TAKEN FOR ROAD PURPOSES IN CASE NUMBER 91 ED 42) IN LAKE COUNTY, ILLINOIS.

PARCEL 15-30-200-032:

THE WEST 2 1/2 ACRES OF THE NORTH 5 ACRES OF THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

EXHIBIT B

LEGAL DESCRIPTION OF THE IL RTE. 83 BUSINESS DISTRICT AREA—PHASE I

(PHASE I OF THE DEVELOPMENT PROJECT AREA)

PARCEL 15-30-200-030:

THE SOUTH 389.18 FEET OF THE NORTH 718.31 FEET (AS MEASURED ON THE EAST AND WEST LINES THEREOF) OF THE NORTH HALF OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE EAST LINE OF ROUTE 83 (EXCEPT THAT PART TAKEN FOR ROAD PURPOSES IN CASE NUMBER 91 ED 43) IN LAKE COUNTY, ILLINOIS.

PARCEL 15-30-200-031:

THE SOUTH 389.17 FEET OF THE NORTH 1107.48 FEET (AS MEASURED ON THE EAST AND WEST LINES THEREOF) OF THAT PART OF THE NORTH HALF OF THE WEST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING EAST OF THE EAST LINE OF ROUTE 83 (EXCEPT THAT PART TAKEN FOR ROAD PURPOSES IN CASE NUMBER 91 ED 42) IN LAKE COUNTY, ILLINOIS.

PARCEL 15-30-200-032:

THE WEST 2 1/2 ACRES OF THE NORTH 5 ACRES OF THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

EXHIBIT C

MAP OF IL RTE. 83 BUSINESS DISTRICT AREA—PHASE I

(PHASE I OF THE DEVELOPMENT PROJECT AREA)

Lake County Tax Parcel Map

LakeCounty
Geographic Information System

Lake County Department of
Information Technology
18 N County St
Waukegan IL 60085

Map Printed on 2/10/2010
Parcel 1530200030 is shaded.

N

Major Roads
Railroads
Major Water
Parcels
Municipalities

Disclaimer: This map is for general information purposes only. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.

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