

CITY OF DES PLAINES

ORDINANCE M - __ - 24

AN ORDINANCE EXTENDING THE TERM AND APPROVING AN AMENDED TAX INCREMENT REDEVELOPMENT PLAN AND PROJECT FOR THE HIGGINS ROAD/MANNHEIM ROAD REDEVELOPMENT PROJECT AREA NO. 6

WHEREAS, on October 15, 2001, the City Council of the City of Des Plaines (“*Corporate Authorities*”) passed Ordinances No. M-57-01, M-58-01 and M-59-01 approving: (i) a tax increment redevelopment plan and project for the Higgins Road/Mannheim Road Redevelopment Project Area (“*Redevelopment Plan and Project*”) for an area generally bounded by Mannheim Road to the west, Higgins Road to the south, and railroad right-of-way to the east (“*Redevelopment Project Area*”); (ii) designating the Redevelopment Project Area as a redevelopment project area; and (iii) adopting tax increment allocation financing (“*TIF*”) for the Redevelopment Plan and Project, all pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.* (“*TIF Act*”); and

WHEREAS, on October 20, 2014, the Corporate Authorities passed Ordinance No. M-38-14 (Ordinances M-57-01, M-58-01, M-59-01, and M-38-14 are collectively referred to as the “*TIF Ordinances*”) approving the First Amendment to the Redevelopment Plan and Project and an amended Redevelopment Project Area (the Redevelopment Plan and Project and First Amendment to the Redevelopment Plan and Project are collectively referred to as the “*Redevelopment Plan and Project*” and the amended Redevelopment Project Area is referred to as the “*Amended Redevelopment Project Area*”); and

WHEREAS, the TIF was created with a 23-year term, as permitted by the TIF Act; and

WHEREAS, extension of the TIF term to 35 years was approved in Public Act 103-1016 on August 9, 2024, by adding Section 11-74.4-3.5(c)(274) to the TIF Act; and

WHEREAS, in order to implement the extension of the TIF term, it is necessary for the City Council to amend the Redevelopment Plan and Project to reflect the new 35-year term and estimated termination date of December 31, 2037 (“*Second Amendment to Redevelopment Plan and Project*”); and

WHEREAS, the Second Amendment to Redevelopment Plan and Project has been on file and available at City Hall since August 20, 2024; and

WHEREAS, pursuant to Section 11-74.4-5 of the TIF Act and Resolution R-152-24 adopted by the Corporate Authorities on September 3, 2024, the Corporate Authorities convened a meeting of the Joint Review Board for the Amended Redevelopment Project Area on September 20, 2024; and

WHEREAS, at its meeting on September 20, 2024, the Joint Review Board: (i) reviewed the public record, planning documents, and proposed ordinance approving the Second Amendment to Redevelopment Plan and Project; and (ii) approved a resolution recommending to the Corporate Authorities the approval of the Second Amendment to Redevelopment Plan and Project (“*JRB Resolution*”); and

WHEREAS, pursuant to Section 11-74.4-5 of the TIF Act, the Corporate Authorities held a public hearing relative to the Redevelopment Plan and Project on October 21, 2024 (“*Public Hearing*”), at which hearing the Corporate Authorities: (i) reviewed the Second Amendment to Redevelopment Plan and Project and the JRB Resolution; (ii) heard testimony and received written information concerning the Second Amendment to Redevelopment Plan and Project; and (iii) reviewed other information, documentation, and studies so as to be generally informed about the conditions of the Amended Redevelopment Project Area; and

WHEREAS, the Corporate Authorities have reviewed the proposed Second Amendment to Redevelopment Plan and Project and the existing comprehensive planning process for development of the City as a whole and have determined that the proposed Second Amendment to Redevelopment Plan and Project conforms to the existing comprehensive planning process of the City; and

WHEREAS, all notices required pursuant to the TIF Act were provided in accordance with the TIF Act; and

WHEREAS, pursuant to the findings and determinations as provided in this Ordinance, the Corporate Authorities have determined that it is desirable and in the best interest of the public and the City to approve the Second Amendment to Redevelopment Plan and Project;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers as follows:

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

SECTION 2: FINDINGS. The Corporate Authorities hereby find:

- A. The Second Amendment to Redevelopment Plan and Project conforms to the existing comprehensive planning process for the development of the City as a whole.
- B. As set forth in the Second Amendment to Redevelopment Plan and Project, it is anticipated that all obligations incurred to finance redevelopment project costs, if any, as defined in the Redevelopment Plan and Project, will be retired no later than December 31st of the year in which the payment to the City Treasurer, pursuant to the TIF Act, is to be made with respect to the ad valorem taxes levied in the thirty-fifth calendar year after the Amended Redevelopment Project Area was initially designated.

- C. All other findings and certifications set forth in the Second Amendment to Redevelopment Plan and Project are hereby adopted as the findings and certifications of the Corporate Authorities as if fully set forth in this Ordinance.

SECTION 3: ADOPTION OF SECOND AMENDMENT TO REDEVELOPMENT PLAN AND PROJECT. The Corporate Authorities hereby adopt and approve the Second Amendment to Redevelopment Plan and Project. A copy of the Second Amendment to Redevelopment Plan and Project is set forth in **Exhibit A** attached to and, by this reference, made a part of this Ordinance.

SECTION 4: AMENDMENTS TO TIF ORDINANCES. The TIF Ordinances are amended as follows:

Amendment One. Section 1(e) of Ordinance No. M-57-01 is hereby amended in its entirety to read as follows:

As set forth in the Plan and in the data presented at the public hearing, the estimated date of completion of the Project is not later than December 31, 2037, and the estimated date of the retirement of all obligations incurred to finance redevelopment project costs as defined in the Plan is not later than December 31, 2037.

Amendment Two. Section 2(E) of Ordinance No. M-38-14 is hereby amended in its entirety to read as follows:

As set forth in the Amended Redevelopment Plan and Project, it is anticipated that all obligations incurred to finance redevelopment project costs, if any, as defined in the Amended Redevelopment Plan and Project, will be retired no later than December 31st of the year in which the payment to the City Treasurer, pursuant to the TIF Act, is to be made with respect to the ad valorem taxes levied in the thirty-fifth calendar year after the Redevelopment Project Area was initially designated.

SECTION 5: AFFIRMATION OF PROJECT AREA DESIGNATION. The Corporate Authorities hereby affirm that the Amended Redevelopment Project Area remains designated as a redevelopment project area pursuant to Section 11-74.4-4 of the TIF Act and will continue to be known as the Higgins Road/Mannheim Road Redevelopment Project Area.

SECTION 6: AFFIRMATION OF TAX INCREMENT FINANCING. The Corporate Authorities hereby affirm that tax increment allocation financing remains adopted and effective to pay for redevelopment project costs, as defined in the TIF Act and as set forth in the Redevelopment Plan and Project, within the Amended Redevelopment Project Area.

SECTION 7: AUTHORIZATION FOR TRANSMITTALS AND OTHER ACTION. The Corporate Authorities hereby authorize and direct the City Manager to take any and all statutorily required steps in connection with the approval of the Second Amendment to

Redevelopment Plan and Project, including, without limitation, the transmission of a certified copy of this Ordinance to the County Clerk of Cook County, Illinois.

SECTION 8: SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and are to be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 9: EFFECTIVE DATE. This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED this ____ day of _____, 2024.

APPROVED this ____ day of _____, 2024.

VOTE: AYES ____ NAYS ____ ABSENT ____

MAYOR

ATTEST:

Approved as to form:

CITY CLERK

Peter M. Friedman, General Counsel

EXHIBIT A

SECOND AMENDMENT TO REDEVELOPMENT PLAN AND PROJECT