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ORDINANCE NO. 19-20-14

*An Ordinance Fixing a Time and Place of a Public Hearing With Respect to  
Tax Increment Financing Eligibility Study and Development Plan and  
Project for the Bush School Redevelopment Project Area*

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AN ORDINANCE PASSED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG

AT A REGULAR MEETING ON SEPTEMBER 3, 2019

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Tom Curry  
Beth Foreman  
Kyle Frost  
Josh Hagen  
Greg Klemstein  
Kevin McEvoy

Village Administrator

Claudett E. Peters

**ORDINANCE NO. 19-20-14**

***An Ordinance Fixing a Time and Place of a Public Hearing With Respect to  
Tax Increment Financing Eligibility Study and Development Plan and  
Project for the Bush School Redevelopment Project Area***

WHEREAS, the Village of Johnsborg, McHenry County, Illinois (the "Village") is a duly organized and existing municipality created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Illinois Municipal Code, and all laws amendatory thereof and supplementary thereto, with full powers to enact ordinances for the benefit of the residents of the Village; and

WHEREAS, pursuant to the provisions of the Illinois Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et seq. (the "Act"), the Village is considering the adoption of a redevelopment plan and redevelopment project, to be known as the Bush School Tax Increment Financing Eligibility Study and Redevelopment Plan and Project a copy of which is attached hereto and incorporated herein as Exhibit A (the "Plan and Project"), and the designation of certain property within the Village, which is legally described on Exhibit B, attached hereto and incorporated herein, and generally depicted on a boundary map attached hereto and incorporated herein as Exhibit C, as a redevelopment project area, to be known as the Bush School Redevelopment Project Area (the "Area"), for the purposes set forth in the Plan and Project; and

WHEREAS, the Act requires that the Village conduct a public hearing prior to the adoption of an ordinance providing for the Village's approval of the Plan and Project and the Village's designation of the Area as a redevelopment project area; and

WHEREAS, the Act further requires that notice of the public hearing be given by publication at least twice, the first publication to be not more than thirty (30) days nor less than ten (10) days prior to the public hearing in a newspaper of general circulation within the taxing districts having property in the proposed Area; and

WHEREAS, the Act further requires that notice of the public hearing be given by mail not less than ten (10) days prior to the date set for the public hearing by depositing such notice in the United States Postal Service by certified mail 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 proposed Area and 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 the property; and

WHEREAS, the Act further requires that, not less than forty-five (45) days prior to the date set for the public hearing, the Village shall give notice by mail by depositing such notice in the United States Postal Service by certified mail to all taxing districts of which taxable property is included in the proposed Area and to the Department of Commerce and Economic Opportunity (the "Department"), and such notice shall also include an invitation to the Department and each taxing district to submit comments to the Village concerning the subject matter of the public hearing prior to the date of the public hearing; and

WHEREAS, the Act further requires such notices to include the following information: the time and place of the public hearing, the boundaries of the proposed Area by legal description and street location where possible; a notification that all interested persons will be given an opportunity to be heard at the public hearing; a description of the Plan and Project or redevelopment project for the proposed Area if a plan or project is a subject matter of the public hearing; and such other matters as the Village may deem appropriate; and

WHEREAS, at the public hearing, any interested person, the Department or any affected taxing district may file written objections with the Village Clerk and may be heard orally with respect to any issues embodied in the notice; and

WHEREAS, the Act requires that the Village convene a joint review board not less than fourteen (14) days but not more than twenty-eight (28) days after the Village provides notice to the taxing districts and the Department pursuant to Section 11-74.4-6(c) of the Act; and

WHEREAS, the Act further requires that, not less than forty-five (45) days prior to the date fixed for the public hearing, the Village shall give notice by mailing to each affected taxing district having taxable property included in the proposed Area and to the Department, that such taxing district which is required to be invited to participate in a joint review board pursuant to the Act or the Department is invited to participate in a joint review board; and

WHEREAS, the Act further requires that such notice of the convening of the joint review board shall advise each taxing district and the Department of the date, time and place of the first meeting of such joint review board, and shall be given by depositing such notice in the United States Postal Service by certified mail; and

WHEREAS, the Village desires to set a time and place to consider the adoption of the Plan and Project and the designation of the Area as a "redevelopment project area," as such term is defined under the Act.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the VILLAGE OF JOHNSBURG, MCHENRY COUNTY, ILLINOIS, as follows:

SECTION 1. **Recitals.** The foregoing recitals as contained in the preambles to this Ordinance are true and correct and are hereby incorporated in this Ordinance as if set out in full by this reference.

SECTION 2. **Setting of a Public Hearing.** A public hearing shall be held by the President and Board of Trustees of the Village on Tuesday, November 5, 2019, at 7:00 P.M., at the Johnsburg Village Hall, located at 1515 Channel Beach Drive, Johnsburg, IL 60051 for the purpose of hearing any interested persons, the Department or any affected taxing districts with respect to the proposed designation of the Area and adoption of the Plan and Project.

SECTION 3. **Publication of Notice; Notice to Taxpayers.** Notice of the public hearing shall be published at least twice in the *Northwest Herald*, a newspaper of general circulation within the taxing districts having property in the proposed Area. The first publication shall be no more than thirty (30) nor less than ten (10) days prior to the public hearing. In addition, a notice of the

public hearing shall be mailed by certified mail not less than ten (10) days prior to the date set for the public 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 laying within the proposed 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 the property. The notice shall include such information as may be required by the Act.

**SECTION 4. Notice to Taxing Districts and the Department of Commerce and Economic Opportunity.** Notice of the public hearing shall be mailed by certified mail not less than forty-five (45) days prior to the public hearing, together with a copy of the proposed Plan and Project, to all taxing districts of which taxable property is included in the Area and to the Department. Such notice shall include an invitation to the Department and each taxing district to submit comments to the Village, to the attention of the Village Administrator, Office of the Village Clerk, 1515 Channel Beach Drive, Johnsburg, Illinois 60051 concerning the subject matter of the public hearing prior to the date of the public hearing. The notice shall include such information as may be required under the Act.

**SECTION 5. Joint Review Board.** Pursuant to the Act, a Joint Review Board (the "Review Board") shall be established and shall first meet on Tuesday, September 24, 2019, at 10:30 A.M. at Johnsburg Village Hall, located at 1515 Channel Beach Drive, Johnsburg, Illinois 60051, which date shall be at least fourteen (14) but not more than twenty-eight (28) days after the date of the mailing of notice by the Village to the taxing districts and the Department as required by Section 11-74.4-6(c) of the Act. Not less than forty-five (45) days prior to the date fixed for the public hearing, the Village shall give notice by mailing to each affected taxing district having taxable property included in the proposed Area that is required to be notified pursuant to the Act and to the Department, that such taxing district which is required to be invited to participate in a joint review board pursuant to the Act or the Department is invited to participate in a joint review board. Such notice shall advise each taxing district and the Department of the date, time and place of the first meeting of the Review Board and further that such taxing district or the Department is invited to submit comments to the Village concerning the subject matter of the public hearing prior to the date thereof. Said notice shall be given by depositing such notice in the United States Postal Service by certified mail.

At or prior to the first meeting of the Review Board, the Village shall furnish to any member of the Review Board copies of the proposed Plan and Project and any related documents which such member of the Review Board shall reasonably request. The Village shall provide such information and material promptly upon the request of the Review Board and may also provide administrative support and facilities as the Review Board may reasonably require.

**SECTION 6. Notice to Persons of Availability of Plan and Project.** The Village shall provide notice of the availability of the Plan and Project, including how to obtain a copy of the Plan and Project, by mail to all residential addresses that, after a good faith effort, the Village determines are located inside the Area and outside of the Area and within 750 feet of the boundaries of the Area.

The Village hereby creates an interested parties registry for activities related to the subject redevelopment project area. The Village shall also print in a newspaper of general circulation

within the Village a notice that interested persons may register with the Village in order to receive information on the proposed designation of the subject redevelopment project area and/or the approval of a redevelopment plan for the Area. The Village hereby adopts the rules for registration and registration forms for residents and organizations active within the Village that seek to be placed on the interested parties registry in the form attached hereto as Exhibit D that was created by ordinance on Tuesday, August 20, 2019.

SECTION 7. **Public Review.** A draft of the Plan and Project relating to the proposed Area has been placed on file at the office of the Village Clerk as of August 23, 2019, and has been made available for public review and inspection during regular business hours.

SECTION 8. **Severability.** The provisions and sections of this Ordinance shall be deemed to be separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

SECTION 9. **Superseder.** All ordinances, resolutions, rules, and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded.

SECTION 10. **Publication.** A full, true, and complete copy of this Ordinance shall be published in pamphlet form as provided by the Illinois Municipal Code, as amended. The Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 11. **Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval, and publication as required by law.


PASSED and APPROVED this 3<sup>rd</sup> day of September 2019.

Voting Aye: Trustees Foreman, McEvoy, Curry, Hagen, Frost and Klemstein

Voting Nay: None

Absent: None

Abstain: None

  
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Village President Edwin P. Hettermann

Passed and filed in my office this  
3<sup>rd</sup> day of September, 2019.

  
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Claudett Peters, Village Clerk



**Exhibit A**

**The Plan and Project**

## **Exhibit B**

### **Description of the Area**

That part of the Northeast Quarter of Section 13, Township 45 North, Range 8 East of the Third Principal Meridian, described as follows: Beginning at the southwest corner of Sub Lot 1 of Lot 18 of the County Clerk's Plat of Section 13, also known as Plat No. 3 McHenry according to the plat thereof recorded May 6, 1902 as Document No. 14079, said southwest corner being on the centerline of Johnsburg Road according to said County Clerk's Plat of Section 13; thence northerly along the west line of said Sub Lot 1 of Lot 18, to the north line of Church Street according to said County Clerk's Plat of Section 13; thence easterly along the north line of Church Street also being the southerly lines of parcels of land described in Document No's 1990R0015331, 2016R0029302, 1989R0002441, 2019R0005019, 2013R0008866, and 2005R0049281, to the northerly extension of the easterly line of the parcel of land described in Document No. 1949R0221808; thence southerly along said northerly extension and said easterly line, to the southeast corner of said parcel of land being on the centerline of said Johnsburg Road; thence southwesterly along said centerline, also being the southerly lines of parcels of land described in Document No's 1949R0221808, 1949R0221807, and 1949R0221809 to the said southwest corner of said Sub Lot 1 of Lot 18 and the Point of Beginning, in McHenry County, Illinois.

**Exhibit C**

**Map of Redevelopment Project Area**



## Exhibit D

### **TIF Interested Parties Registry Registration Rules**

- A. Definitions. As used in these Registration Rules, the following terms shall have the definitions set forth below.

“Act” shall mean the Illinois Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.*, as amended from time to time.

“Village” shall mean the Village of Johnsburg, Illinois.

“Interested Party(s)” shall mean (i) any organization(s) active within the Village, (ii) any resident(s) of the Village and (iii) any other entity or person otherwise entitled under the Act to register in a specific Registry who has registered in such Registry and whose registration has not been terminated in accordance with these Registration Rules.

“Redevelopment Project Area” shall mean a redevelopment project area that (i) is intended to qualify (or has subsequently qualified) as a “redevelopment project area” under the Act and (ii) is subject to the “interested parties” registry requirements of the Act.

“Registration Form” shall mean the form appended to these Registration Rules or such revised form as may be approved by the Village consistent with the requirements of the Act.

“Registry” shall mean each interested parties registry established by the Village pursuant to Section 11-74.4-4.2 of the Act for the Redevelopment Project Area.

- B. Establishment of Registry. The Village shall establish a separate interested parties registry for each Redevelopment Project Area, whether existing as of the date of the adoption of these Registration Rules or hereafter established. The Village shall establish a new registry whenever it has identified an area for study and possible designation as a Redevelopment Project Area. In any event, the process of establishing the new registry must be completed prior to the deadline for sending any of the notices required by Section J of these Registration Rules or any other notices required by the Act with respect to the proposed Redevelopment Project Area.
- C. Maintenance of Registry. The Registry shall be maintained by the Village Clerk.
- D. Registration by Residents. An individual seeking to register as an Interested Party with respect to a Redevelopment Project Area must complete and submit a Registration Form to the Village Clerk. Such individual must also submit a copy of a current driver’s license, lease, voter registration card, utility bill, financial statement or such other evidence as may be acceptable to the Village Clerk to establish the individual’s current residency in the Village.

- E. Registration by Organizations. An organization seeking to register as an Interested Party with respect to a Redevelopment Project Area must complete and submit a Registration Form to the Village Clerk. Such organization must also submit a one-page statement describing the organization's current operations in the Village.
- F. Determination of Eligibility. All individuals and organizations whose Registration Form and supporting documentation complies with these Registration Rules shall be registered in the applicable Registry within ten (10) business days of the Village Clerk's receipt of all required submissions. The Village Clerk shall provide written notice to the registrant confirming such registration. Upon registration, Interested Parties shall be entitled to receive all notices and documents required to be delivered under these Registration Rules or as otherwise required under the Act with respect to the applicable Redevelopment Project Area. If the Village Clerk determines that a registrant's Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, the Village Clerk shall give written notice to the registrant specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form and supporting documentation.
- G. Renewal and Termination. An Interested Party's registration shall remain effective for a period of three (3) years. At any time after such three (3) year period, the Village Clerk may provide written notice by regular mail to the Interested Party stating that such registration shall terminate unless the Interested Party renews such registration within thirty (30) days of the Village Clerk's mailing of written notice. To renew such registration, the Interested Party shall, within such thirty (30) day period, complete and submit the same Registration Form and supporting documentation then required of initial registrants in order to permit the Village Clerk to confirm such person's residency or such organization's operations in the Village. The registration of all individuals and organizations whose Registration Form and supporting documentation is submitted in a timely manner and complies with these Registration Rules shall be renewed for an additional, consecutive three (3) year period. If the Village Clerk determines that a registrant's renewal Registration Form and/or supporting documentation is incomplete or does not comply with these Registration Rules, the Village Clerk shall give written notice to the registrant at the address specified in the renewal Registration Form submitted by such registrant, specifying the defect(s). The registrant shall be entitled to correct any defects and resubmit a new Registration Form and supporting documentation within thirty (30) days of receipt of the Village Clerk's notice. If all defects are not corrected within thirty (30) days of the Interested Party's receipt of the Village Clerk's notice, the Interested Party's registration shall be terminated. Any Interested Party whose registration is terminated shall be entitled to register again as if a first-time registrant.
- H. Amendment to Registration. An Interested Party may amend its registration by giving written notice to the Village Clerk by certified mail or in person of any of the following: (i) a change in address for notice purposes; (ii) in the case of organizations, a change in the name of the contact person; and (iii) a termination of registration. Upon receipt of such notice, the Village Clerk shall revise the applicable Registry accordingly.

- I. Registry Available for Public Inspection. Each Registry shall be available for public inspection during normal Village business hours. The Registry shall include the name, address and telephone number of each Interested Party and, for organizations, the name and phone number of a designated contact person.
- J. Notices to be Sent to Interested Parties. Interested Parties shall be sent the following notices and any other notices required under the Act with respect to the applicable Redevelopment Project Area:
- (i) pursuant to sub-section 11-74.4-5(a) of the Act, notice of the availability of a proposed redevelopment plan and eligibility report, including how to obtain this information, shall be sent by mail within a reasonable period of time after the adoption of the ordinance fixing the public hearing for the proposed redevelopment plan;
  - (ii) pursuant to sub-section 11-74.4-5(a) of the Act, notice shall be sent by mail not later than ten (10) days following the Village's adoption by ordinance of changes to proposed redevelopment plans that do not (1) add additional parcels of property to the proposed redevelopment project area, (2) substantially affect the general land uses proposed in the redevelopment plan, (3) substantially change the nature of or extend the life of the redevelopment project or (4) increase the number of inhabited residential units to be displaced from the redevelopment project area, provided that as measured from the time of creation of the redevelopment project area, the total displacement of households will exceed ten (10);
  - (iii) pursuant to sub-section 11-74.4-5(c) of the Act, notice shall be sent by mail not later than ten (10) days following the Village's adoption by ordinance of amendments to previously approved redevelopment plans that do not (1) add additional parcels of property to the redevelopment project area, (2) substantially affect the general land uses in the redevelopment plan, (3) substantially change the nature of the redevelopment project, (4) increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the redevelopment plan was adopted, (5) add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan or (6) increase the number of inhabited residential units to be displaced from the redevelopment project area, provided that as measured from the time of creation of the redevelopment project area, the total displacement of households will exceed ten (10);
  - (iv) pursuant to sub-section 11-74.4-5(d)(9) of the Act, for redevelopment plans or projects that would result in the displacement of residents from ten (10) or more inhabited residential units or that contain seventy-five (75) or more inhabited residential units, notice of the availability of the annual report described by sub-section 11-74.4-5(d), including how to obtain the annual report, shall be sent by mail within a reasonable period of time after completion of the certified audit report;

- (v) pursuant to sub-section 11-74.4-6(e) of the Act, notice of the preliminary public meeting required under the Act for a proposed Redevelopment Project Area that will result in the displacement of ten (10) or more inhabited residential units or which will contain seventy-five (75) or more inhabited residential units shall be sent by certified mail not less than fifteen (15) days before the date of such preliminary public meeting; and
  - (vi) such other notices as required by the Act.
- K. Non-Interference. These Registration Rules shall not be used to prohibit or otherwise interfere with the ability of eligible organizations and individuals to register for receipt of information to which they are entitled under the Act or applicable law.
- L. Amendment of Registration Rules. These Registration Rules may be amended by the Village subject to and consistent with the requirements of the Act. These Registration Rules shall be the registration rules for each of the Village's Redevelopment Project Areas and shall replace any previously adopted registration rules.

## CERTIFICATION

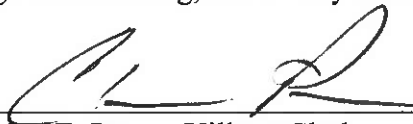
I, CLAUDETT E. PETERS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 4th day of September, 2019 the foregoing Ordinance *An Ordinance Fixing a Time and Place of a Public Hearing With Respect to Tax Increment Financing Eligibility Study and Development Plan and Project for the Bush School Redevelopment Project Area*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No.19-20-14, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 3rd day of September, 2019, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this 3<sup>rd</sup> day of September, 2019.

  
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Claudett E. Peters, Village Clerk  
Village of Johnsburg,  
McHenry County, Illinois

