
ORDINANCE NO. 19-20-24

*An Ordinance Approving the Tax Increment Financing Eligibility Study and
Redevelopment Plan and Project for the Bush School Redevelopment Project Area*

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A REGULAR MEETING ON NOVEMBER 19, 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. 19-20-24

An Ordinance Approving the Tax Increment Financing Eligibility Study and Redevelopment Plan and Project for the Bush School Redevelopment Project Area

WHEREAS, pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.*, as amended (the “Act”), the Village of Johnsburg, McHenry County, Illinois (the “Village”), desires to implement tax increment financing for the development of certain property as a “redevelopment project area,” as that term is defined in the Act, said property being located wholly within the municipal boundaries of the Village and being legally and commonly described in Exhibit A, attached hereto and incorporated herein, and generally depicted on a boundary map attached hereto and incorporated herein as Exhibit B (the “Area”), which Area constitutes in the aggregate approximately 7.2 acres; and

WHEREAS, the written document attached hereto and incorporated herein as Exhibit C, which has been prepared by the Village’s consultant, S. B. Friedman & Company, constitutes a “redevelopment plan” and describes a “redevelopment project,” as those terms are defined in the Act, and is entitled the “Tax Increment Financing District Eligibility Study and Redevelopment Plan and Project for the Bush School Redevelopment Project Area” (the “Plan and Project”); and

WHEREAS, pursuant to the Act, the Plan and Project call for the use of tax increment financing to provide for the development or redevelopment of real estate by payment of “redevelopment project costs,” as that term is defined in the Act, which are intended to encourage development, growth and expansion of commercial businesses and residential property within the Village in order to reduce or eliminate those conditions the existence of which qualifies the redevelopment project area as a “conservation area” for such improved parcel under the Act and to enhance the tax bases of those taxing districts which encompass all or a part of the redevelopment project area; and

WHEREAS, the Plan and Project includes the redevelopment program to be undertaken to accomplish the objectives described above and the following redevelopment program details: (i) an itemized list of the redevelopment project costs; (ii) the sources of funds to pay such costs; (iii) the nature and term of any obligations to be issued by the Village to pay such costs; (iv) the most recent equalized assessed valuation of the Area; (v) evidence indicating that the Area on the whole has not been subject to growth and development through investment by private enterprise; (vi) an assessment of any financial impact of the Area on or any increased demand for services from any taxing district affected by the Plan and Project and any program to address such financial impact or increased demand; (vii) an estimate of the equalized assessed valuation of the Area after completion of the Plan and Project; (viii) a description of the general land uses to apply in the Area; and (ix) a commitment by the Village to fair employment practices and an affirmative action plan with respect to any redevelopment program to be undertaken by the Village; and

WHEREAS, on August 23, 2019, the Village made the Plan and Project available for public review and inspection during regular business hours at the offices of the Village Clerk; and

WHEREAS, on September 3, 2019, the President and Board of Trustees of the Village (collectively, the “Corporate Authorities”) adopted Ordinance No. 19-20-14 entitled “An Ordinance Fixing a Time and Place of a Public Hearing with Respect to the Redevelopment Plan

and Project for the Bush School Redevelopment Project Area” (“Ordinance No. 19-20-14”) and set the date for the public hearing as November 5, 2019, pursuant to the Section 11-74.4-5 of the Act; and

WHEREAS, on September 9, 2019, the Village provided notice of the availability of the Plan and Project and eligibility report, including how to obtain said information, to all residential addresses that, after a good faith effort, the Village determined are located inside the Area and outside the proposed Area and within 750 feet of the boundaries of the proposed Area; and

WHEREAS, in accordance with the Act, Ordinance No. 19-20-14 and all other applicable laws, the Village convened a “joint review board,” as that term is defined in the Act (the “JRB”); and

WHEREAS, in compliance with the Act, Ordinance No. 19-20-14 and all other applicable laws, written notice of the convening of the JRB was sent by certified mail on September 9, 2019, to all taxing districts of which taxable property is included in the Area, as well as to the Illinois Department of Commerce and Economic Opportunity (the “Department”); and

WHEREAS, pursuant to the Act, the JRB conducted a meeting on Tuesday, September 24, 2019, which was duly noticed pursuant to the Act and pursuant to the Illinois Open Meetings Act, 5 ILCS 120/1 et seq.; and

WHEREAS, at the JRB meeting, among other things, the JRB reviewed the public record, the Plan and Project and the Area and moved to recommend that the Village designate the Area as a “redevelopment project area” under the Act and that the Plan and Project and the Area fulfill the objectives of the Act, and said motion carried by a majority vote of those JRB members present and voting; and

WHEREAS, pursuant to Section 11-74.4-6 of the Act, Ordinance No. 19-20-14 and all other applicable laws, written notice of the public hearing (the “Hearing”) was published in the Northwest Herald on October 16, 2019 and October 25, 2019, said newspaper being a newspaper of general circulation within the taxing districts having property within the Area; and

WHEREAS, in compliance with Section 11-74.4-6 of the Act, Ordinance No. 19-20-14 and all other applicable laws, written notice of the Hearing was sent by certified mail on September 9, 2019, to all taxing districts having property within the Area and to the Department; and

WHEREAS, in compliance with Section 11-74.4-6 of the Act, Ordinance No. 19-20-14 and all other applicable laws, written notice of the Hearing was sent by certified mail on October 16, 2019, 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 Area or, in the event that any such taxes for the preceding year were not paid, to the persons last listed on the tax rolls within the preceding three (3) years as the owners of such property; and

WHEREAS, pursuant to Section 11-74.4-5 of the Act, the Corporate Authorities caused the Hearing to be held relative to the Plan and Project and the designation of the Area as a “redevelopment project area” under the Act on November 5, 2019, at the Johnsburg Village Hall, located at 1515 Channel Beach Drive, Johnsburg, Illinois 60051, to hear and determine all protests, objections and other comments to the proposed designation of the Area and adoption of the Plan and Project; and

WHEREAS, the Plan and Project sets forth the blighting factors in the Area, and the Corporate Authorities have considered analysis and evidence concerning the need to reduce or eliminate the blighting conditions and considered other information and is generally informed of the conditions in the proposed Area which qualify the Area as a “conservation area” for such improved parcel under the Act; and

WHEREAS, the Corporate Authorities have reviewed the conditions pertaining to the lack of private investment in the proposed Area to determine whether private development would take place in the proposed Area as a whole without the adoption of the proposed Plan and Project; and

WHEREAS, the Corporate Authorities have reviewed the conditions pertaining to real property in the proposed Area to determine whether contiguous parcels of real property and improvements thereon would be substantially benefited by the proposed redevelopment project improvements; and

WHEREAS, the Corporate Authorities have reviewed its proposed Plan and Project and the Comprehensive Plan for the development of the Village as a whole to determine whether the proposed Plan and Project conforms to the Comprehensive Plan of the Village.

NOW, THEREFORE, BE IT ORDAINED, BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF JOHNSBURG, ILLINOIS, as follows:

SECTION 1. 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. The Board of Trustees of the Village of Johnsburg hereby makes the following findings:

- a. The territory constituting the Area in the Village of Johnsburg, Illinois is described as follows: See Exhibit A, attached hereto and incorporated herein;
- b. The Redevelopment Project Area is 7.2 acres in size and thus satisfies the requirement that it be at least 1.5 acres;
- c. No private investment has occurred in the Bush School Redevelopment Project Area over the last five years;
- d. Without the support of public resources, the redevelopment objectives for the Redevelopment Project Area would most likely not be realized. Accordingly, “but for” the designation of a TIF district, these projects would be unlikely to occur on their own;
- e. The Bush School Redevelopment Project Area includes only one parcel of real property, which is expected to benefit substantially from the proposed Redevelopment Plan and Project;
- f. The Redevelopment Plan conforms to and proposes land uses that are consistent with the 2016 Downtown Master Plan, which serves as the Village’s official “Sub-Area Master Plan,” superseding the 2004 Village Comprehensive Plan;
- g. The Redevelopment Plan is estimated to be completed, and all obligations issued to finance redevelopment costs shall be retired, no later than December 31, 2043, if the

ordinances establishing the Redevelopment Project Area are adopted during 2019;

- h. There exist conditions which cause the Area to be designated as a “redevelopment project area” and classified as a “conservation area” for such improved parcel as that term is defined in Section 11-74.4-3 (b) of the Act; and
- i. The Area on the whole has not been subject to growth and development through investment by private enterprise and would not be reasonably anticipated to be developed without the adoption of the Plan and Project.

SECTION 3. The Tax Increment Financing District Eligibility Study and Redevelopment Plan and Project for the Bush School Redevelopment Project Area, also referred to herein as the Plan and Project, which was the subject matter of the Hearing held November 5, 2019, is hereby adopted and approved. A copy of the Plan and Project marked Exhibit C is attached to and made a part of this Ordinance.

SECTION 4. All ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith, are to the extent of such conflict hereby superseded.

SECTION 5. 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 and to transmit to the County Clerk of McHenry County a certified copy of this ordinance.

SECTION 6. 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 7. This Ordinance shall be in full force and effect from and after its passage and approval, and publication as required by law.

SECTION 8. The County Clerk shall utilize 2019 for determining the total initial equalized value of the Area consistent with subsection (a) of Section 11-74.4-9 of the Act.

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

Voting Nay: None

Abstain: None

Absent: Trustee McEvoy

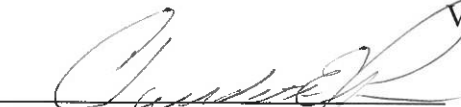
APPROVED:



Village President Edwin P. Hettermann

(SEAL)

ATTEST:



Village Clerk Claudett E. Peters

Passed: November 19, 2019

Approved: November 19, 2019

Published: November 19, 2019

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EXHIBIT A – LEGAL AND COMMON 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. (the "Area").

The Area is assigned property identification number 09-13-276-038, and a street address of 2117 W. Church Street. The Redevelopment Project Area is bounded by Church Street to the north and Johnsburg Road to the south and is west of North Prairie Avenue and east of St. Johns Avenue.

EXHIBIT B
Boundary Map of the Area

Map 2: Proposed RPA Boundary



Source: Esri, McHenry County, SB Friedman, Village of Johnsburg

EXHIBIT C

Copy of Tax Increment Financing Eligibility Study and Redevelopment Plan and Project
for the Bush School Redevelopment Project Area

CERTIFICATION

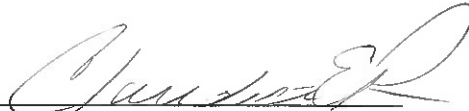
I, CLAUDETT E. PETERS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 19th day of November, 2019 the foregoing Ordinance entitled *An Ordinance Approving the Tax Increment Financing Eligibility Study and Redevelopment 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. 19-20-24, 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 19th day of November, 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 19th day of November, 2019.



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

(SEAL)