



Office of the Chicago City
Clerk



O2012-3104

Office of the City Clerk

City Council Document Tracking Sheet

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| Meeting Date: | 5/9/2012 |
| Sponsor(s): | Arena, John (45) |
| Type: | Ordinance |
| Title: | Acquisition Parcel for Portage Park Redevelopment Project Area Tax Increment Financing District |
| Committee(s) Assignment: | Committee on Housing and Real Estate |

ORDINANCE

WHEREAS, the City of Chicago ("City") is a home rule unit of government by virtue of the provisions of the Constitution of the State of Illinois of 1970, and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, pursuant to an ordinance adopted by the City Council of the City of Chicago ("City Council") on September 9, 1998, and published at pages 76079 - 76144 of the Journal of the Proceedings of the City Council ("Journal") of such date, a certain redevelopment plan and project (as amended, the "Plan") for the Portage Park Redevelopment Project Area Tax Increment Financing District (the "Area") was approved pursuant to the Illinois Tax Increment Allocation Redevelopment Act, as amended (65 ILCS 5/11-74.4-1 et seq.) ("Act"); and

WHEREAS, pursuant to an ordinance adopted by the City Council on September 9, 1998, and published at pages 76105 - 76117 of the Journal of such date, a portion of the Area was designated as a "conservation area" redevelopment project area pursuant to the Act; and

WHEREAS, pursuant to an ordinance adopted by the City Council on September 9, 1998, and published at pages 76156 and 76158-76169 of the Journal of such date, tax increment allocation financing was adopted pursuant to the Act as a means of financing certain Area redevelopment project costs (as defined in the Act) incurred pursuant to the Plan; and

WHEREAS, the Plan and the use of tax increment financing provide a mechanism to, among other things, rehabilitate and modernize existing architecturally and historically significant structures; enhance the tax base of the Area; promote new investment in the business district through the renovation and rehabilitation of existing property; and facilitate property assembly, as more fully described in the Plan; and

WHEREAS, it is necessary to acquire the parcel of property located in the Area listed on the attached Exhibit A (the "Acquisition Parcel") in order to achieve the objectives of the Plan; and

WHEREAS, if the City were not to acquire the Acquisition Parcel, the Acquisition Parcel would most likely be acquired and used for a private purpose that would severely impede the purposes and goals of the Plan and would destroy housing within the Area; and

WHEREAS, the Supreme Court of the United States in *Kelo v. City of New London*, 545 U.S. 469 (2005), held that the taking of property is for a public purpose when a municipality buys property from one private party with the purpose of deeding the property of another private entity who will put the property to higher economic use; and

WHEREAS, land within the Area is exempted from the requirements of 735 ILCS 30/5-5-5(b-f) by 735 ILCS 30/5-5-5(a-10); and

WHEREAS, the Acquisition Parcel has been granted preliminary landmark status by the Commission on Chicago Landmarks, and that commission is almost certain to recommend that the City Council designate the parcel a Chicago Landmark; and

WHEREAS, the City Council finds such acquisition to be for the same purposes as those set forth in Divisions 74.2 and 74.4 of the Illinois Municipal Code; and

WHEREAS, the City Council further finds that such acquisition shall be primarily for the benefit, use, or enjoyment of the public and shall either constitute the acquisition of property primarily for the purpose of the elimination of blight, or because the Acquisition Parcel and the improvements thereon are a landmark designated under a local ordinance that is being acquired for purposes of preservation and rehabilitation, or shall satisfy both such purposes; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. It is hereby determined and declared that it is useful, desirable and necessary that the City acquire the Acquisition Parcel for benefit, use or enjoyment of the public for the public purposes recited above, and for purposes of implementing the objectives of the Plan.

SECTION 3. The Corporation Counsel is authorized to negotiate with the owner(s) for the purchase of the Acquisition Parcel. If the Corporation Counsel and the owner(s) are able to agree on the terms of the purchase, the Corporation Counsel is authorized to purchase the Acquisition Parcel on behalf of the City for the agreed price. If the Corporation Counsel is unable to agree with the owner(s) of the Acquisition Parcel on the terms of the purchase, or if the owner(s) is (are) incapable of entering into such a transaction with the City, or if the owner(s) cannot be located, then the Corporation Counsel is authorized to institute and prosecute condemnation proceedings on behalf of the City for the purpose of acquiring fee simple title to the Acquisition Parcel under the City's power of eminent domain. Such acquisition efforts shall commence with respect to the Acquisition Parcel with 180 days of the date of publication of this ordinance. Commencement shall be deemed to have occurred within such period upon the City's delivery of an offer letter to the owner(s) of the Acquisition Parcel.

SECTION 4. The Commissioner of the Department of Housing and Economic Development is authorized to execute such documents as may be necessary to implement the provisions of this ordinance, subject to the approval of the Corporation Counsel.

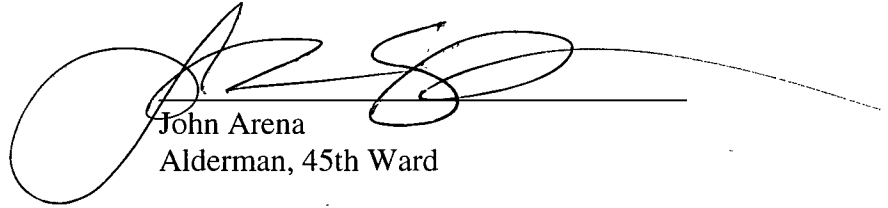
SECTION 5. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

SECTION 6. All ordinances, resolutions, motions or orders in conflict with this

ordinance are hereby amended or repealed to the extent of such conflict.

SECTION 7. This ordinance shall be effective upon its passage and approval.

Attachments: Exhibit A - Description of Acquisition Parcel.



John Arena
Alderman, 45th Ward

EXHIBIT A

Description of Acquisition Parcel

| Address | Property Identification Number (PIN) | Status |
|--|---|----------|
| 4042-60 N. Milwaukee Ave., 4905-15 W. Cuyler Ave. | 13-16-430-010-0000 | Improved |

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CHICAGO May 9, 2012

To the President and Members of the City Council:

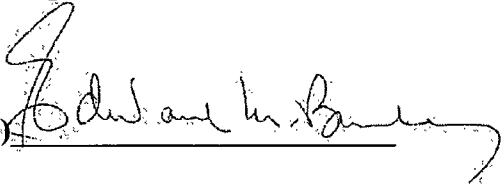
Your Committee on Finance having had under consideration one (1) ordinance concerning the authority to acquire a parcel of property located within the Portage Park Redevelopment Project Area.

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Having had the same under advisement, begs leave to report and recommend that your Honorable Body re-refer the ordinance transmitted herewith to the Committee on Housing and Real Estate.

This recommendation was concurred in by _____ (a viva voce vote) of members of the committee with _____ dissenting vote(s).

Respectfully submitted

(signed) 

Chairman