



Office of Chicago City Clerk



O2011-4543

Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date:	6/8/2011
Sponsor(s):	Mayor Emanuel, Rahm
Type:	Ordinance
Title:	Acquisition of property at 7516 N. Ashland Ave. and 7531-33 N. Ashland Ave.
Committee(s) Assignment:	Committee on Housing and Real Estate



1759

OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

June 8, 2011

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Housing and Economic Development, I transmit herewith ordinances authorizing the acquisition of property.

Your favorable consideration of these ordinances will be appreciated.

Very truly yours,


Mayor

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 ordinance adopted by the City Council of the City of Chicago ("City Council") on October 14, 1988 and published at pages 18196-18224 of the Journal of the Proceedings of the City Council ("Journal of Proceedings") of such date, a certain redevelopment plan and project (as amended, the "Plan") for the Howard/Paulina Tax Increment Financing Redevelopment Project Area (as amended, the "Area") was approved pursuant to the Illinois Tax Increment Allocation Redevelopment Act, as amended (currently codified at 65 ILCS 5/11-74.4-1 et seq. ("Act")); and

WHEREAS, pursuant to an ordinance adopted by the City Council on October 14, 1988 and published at pages 18221 and 18225-18227 of the Journal of Proceedings of such date, the Area was designated as a "blighted area" redevelopment project area pursuant to the Act; and

WHEREAS, pursuant to an ordinance adopted by the City Council on October 14, 1988, and published at pages 18228-18231 of the Journal of Proceedings 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, pursuant to an ordinance adopted by the City Council on December 11, 1996 and published at pages 35510 and 35512-35652 of the Journal of Proceedings of such date, a certain amended and restated redevelopment plan and project for the Howard/Paulina Amended and Restated Redevelopment Project Area Number 1 was approved pursuant to the Act, which amendment and restatement, among other things, expanded the boundaries of the Area (such expanded area, the "Expanded Area"); and

WHEREAS, pursuant to an ordinance adopted by the City Council on December 11, 1996 and published at pages 35653-35658 of the Journal of Proceedings of such date, the Expanded Area was designated as a "blighted area" redevelopment project area pursuant to the Act; and

WHEREAS, pursuant to an ordinance adopted by the City Council on December 11, 1996, and published at pages 35657 and 35659-35664 of the Journal of the Proceedings of such date, tax increment allocation financing was adopted pursuant to the Act with respect to the Expanded Area as a means of financing certain 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 support new growth through leveraging private investment, and helping to finance land acquisition, demolition, remediation, site preparation and infrastructure for new development in the Expanded Area; and

WHEREAS, the Department of Housing and Economic Development ("HED") has determined that it is necessary to acquire one or both of the parcels of property located in the Area listed on Exhibit A to this ordinance (the "Acquisition Parcels") in order to achieve the goals and

objectives of the Plan, including, without limitation: eliminating the influences and manifestations of physical and economic blight; providing sound economic development; revitalizing the Expanded Area; contributing to the health, safety and general welfare of the City; encouraging the assembly of land into parcels functionally adaptable for redevelopment; and providing needed incentives to encourage a broad range of improvements in both rehabilitation and new development; and

WHEREAS, the City shall seek to acquire the Acquisition Parcels through a voluntary, negotiated acquisition of such parcels, but if such voluntary transaction(s) cannot be consummated, shall also have the authority to exercise its power of eminent domain as to one or both of such Acquisition Parcels; and

WHEREAS, by Resolution No. 11-CDC- 29, adopted by the Community Development Commission of the City of Chicago ("Commission") on May 10, 2011, the Commission recommended the acquisition of the Acquisition Parcels; and

WHEREAS, the City Council finds such acquisition to be for the same purposes as those set forth in Divisions 74.2, 74.3 and 74.4 of the Illinois Municipal Code; and

WHEREAS, the City Council further finds that such acquisitions and the exercise of the City's power of eminent domain as to the Acquisition Parcels shall be in furtherance of the Plan, which was first adopted in 1988 in accordance with the Act, as recited above, and was in existence prior to April 15, 2006; and

WHEREAS, the City Council further finds that prior to April 15, 2006, the Plan included an estimated \$4,500,000 in property assembly costs as a budget line item in Table 1 to the Plan (as amended), and also described property assembly as a part of the redevelopment project for the Expanded Area, including in Sections III.B, IV.A.1 and IV.D.2 of the Plan (as amended); and

WHEREAS, the City Council further finds that the Acquisition Parcels were included in the Expanded Area prior to April 15, 2006, that there has been no extension in the completion date of the Plan and that the Acquisition Parcels are not located in an industrial park conservation area; 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 of Chicago acquire the Acquisition Parcels for public purpose and for purposes of implementing the objectives of the Plan.

SECTION 3. The Corporation Counsel is authorized to negotiate with the owners of the Acquisition Parcels for the purchase of the Acquisition Parcels. If the Corporation Counsel and the owner of an Acquisition Parcel 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 of an Acquisition Parcel on the terms of the purchase, or if the owner is incapable of entering into such a transaction with the City, or if

the owner 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(s) under the City's power of eminent domain. Such acquisition efforts shall commence within ten years of the date of the publication of this ordinance as to the Acquisition Parcels. Commencement shall be deemed to have occurred within such period upon the City's delivery of an offer letter to the owner(s) of an Acquisition Parcel.

SECTION 4. The Commissioner of the Department of HED, or such Commissioner's designee, 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 repealed to the extent of such conflict.

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

EXHIBIT A

Acquisition Parcels

(Subject to Final Title Commitment and Survey)

Address

Tax PIN

7519 N. Ashland Avenue, Chicago

11-30-405-009-0000

7531-33 N. Ashland Avenue, Chicago

11-30-405-001-0000