# Legislation Details (With Text)

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| **File #:** | O2022-415 | | |
| **Type:** | Ordinance | **Status:** | Passed |
| **File created:** | 1/26/2022 | **In control:** | City Council |
| | | **Final action:** | 2/23/2022 |
| **Title:** | First amendment to intergovernmental agreement with Chicago Park District to increase provision of tax increment financing (TIF) assistance and to reallocate developer contributions for renovation of fieldhouse at Clarendon Park, 4532 - 4534 N Clarendon Ave and 4538 N Clarendon Ave | | |
| **Sponsors:** | Lightfoot, Lori E. | | |
| **Indexes:** | Intergovernmental | | |
| **Attachments:** | 1. O2022-415.pdf | | |

| Date | Ver. | Action By | Action | Result |
|---|---|---|---|---|
| 2/23/2022 | 1 | City Council | Passed | Pass |
| 2/17/2022 | 1 | Committee on Finance | Recommended to Pass | |
| 1/26/2022 | 1 | City Council | Referred | |

OFFICE OF THE MAYOR

CITY OF CHICAGO

LORI E. LIGHT! OO P

MAYOR

January 26, 2022

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

Ladies and Gentlemen:

At the request of the Commissioner of Planning and Development, I transmit herewith ordinances authorizing the execution of intergovernmental agreements with thc Chicago Park District to provide TIF funding for improvements at various parks.

Your favorable consideration of these ordinances will be appreciated.

ORDINANCE

WHEREAS, the City of Chicago (the "City"), is a home rule unit of government under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Chicago Park District (the "Park District"), is an Illinois municipal corporation and a unit of local government under Article VII, Section 1 ofthe 1970 Constitution of the State of Illinois, and as such is authorized to exercise control over and supervise the operation of all parks within the corporate limits of the City; and

WHEREAS, in accordance with the provisions of the Act, and pursuant to ordinances adopted on June 30, 2010 and published in the Journal ofthe Proceedings ofthe City Council of the City (the "Journal") for said date at pages 94602 to 94666, the City Council: (i) approved and adopted a redevelopment plan and project (the "Plan") for a portion of the City known as the "Montrose/Clarendon Redevelopment Project Area" (the "Area"); (ii) designated the Area as a "redevelopment project area"; and (iii) adopted tax increment allocation financing for the Area; and

WHEREAS, under 65 ILCS 5/11-74.4-3(q)(7), such incremental ad valorem taxes which pursuant to the Act have been collected and are allocated to pay redevelopment project costs and obligations incurred in the payment thereof (the "Increment") may be used to pay all or a portion of a taxing district's capital costs resulting from a redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs (Increment collected from the Area shall be known as the "Montrose/Clarendon Increment"); and

WHEREAS, in an ordinance adopted on May 20, 2020 and published at pages 16810 to 16829 of the Journal for that date, the City Council authorized the City's Department of Planning and Development ("DPD") to use a portion of the Montrose/Clarendon Increment in an amount not to exceed $6,900,000 for the purpose renovating a fieldhouse at Clarendon Park, which is generally located at 4532-34 and 4538 North Clarendon Avenue, Chicago, Illinois (the "Project") in the Area, and authorized the making of an intergovernmental agreement; and

WHEREAS, on December 10, 2020, the City and the Park District entered into an intergovernmental agreement (the "Agreement") whereby the City agreed to pay for or reimburse the Park District for a portion of the Project costs; and

WHEREAS, pursuant to the Agreement, the City, Park District, and Montrose Clarendon Partners LLC, an Illinois limited liability company (the "Developer"), were each expected to provide funding to support completion ofthe Project; and

WHEREAS, in order to more efficiently allocate the available Montrose/Clarendon Increment, DPD desires to reallocate to the Park District an additional amount not to exceed $3,460,000 from the Montrose/Clarendon Increment, resulting in a corresponding decrease ofthe Developer's contribution to the Project although the total amount of funds provided by the City and Developer remains the same; and

WHEREAS, the City and the Park District desire to enter into an amendment to the



Agreement in substantially the form attached as Exhibit A (the "First Amendment") whereby the City shall increase the amount of its assistance by an amount not to exceed $3,460,000, creating a revised total of up to $10,360,000 in Montrose/Clarendon Increment available for the completion of the Project: now therefore,



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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO-SECTION 1. The above recitals are expressly incorporated in and made a part of this ordinance as though fully set forth herein.

SECTION 2. The Commissioner of DPD or a designee of the Commissioner of DPD are each hereby authorized, subject to the approval ofthe Corporation Counsel, to negotiate, execute and deliver the First Amendment in substantially the form attached hereto as Exhibit A and made a part hereof and such other documents as may be necessary to carry out and comply with the provisions of the First Amendment, with such changes, deletions and insertions as shall be approved by the persons executing the First Amendment on behalf of the City.

SECTION 3. To the extent that any ordinance, resolution, rule, order or provision of the Municipal Code of Chicago, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall control. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provisions of this ordinance.

SECTION 4. This ordinance shall be in full force and effect from and after the date of its passage and approval.



**EXHIBIT A**

**FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT**

This amendment (the "First Amendment") to that certain Intergovernmental Agreement by and between the City of Chicago ("City"), an Illinois municipal corporation, by and through its



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Department of Planning and Development ("DPD"), and the Chicago Park District (the "Park District"), a body politic and corporate, dated as of December 10, 2020 (the "Agreement"), is made and entered into as of , 2022, by and between the City and the Park District.

**RECITALS**

WHEREAS, an ordinance adopted by the City Council of the City (the "City Council") on May 20, 2020, and published at pages 16810 to 16829 ofthe Journal ofthe Proceedings ofthe City Council of the City of Chicago (the "Journal") for that date, authorized the Commissioner of DPD, to negotiate, execute and deliver, subject to the approval ofthe Corporation Counsel ofthe City, an intergovernmental agreement with the Park District, for the purpose renovating a fieldhouse at Clarendon Park (the "Project"), generally located at 4532-34 and 4538 North Clarendon Avenue, Chicago, Illinois (the "Property"), as legally described in Exhibit A of the Agreement; and

WHEREAS, the City is authorized under the provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et seq., as amended from time to time (the "Act"), to finance projects that eradicate blighted conditions and conservation area factors through the use of tax increment allocation financing for redevelopment projects; and

WHEREAS, in accordance with the provisions of the Act, and pursuant to ordinances adopted on June 30, 2010 and published in the Journal for said date at pages 94602 to 94666, the City Council: (i) approved and adopted a redevelopment plan and project (the "Plan") for a portion of the City known as the "Montrose/Clarendon Redevelopment Project Area" (the "Area"); (ii) designated the Area as a "redevelopment project area"; and (iii) adopted tax increment allocation financing for the Area; and

WHEREAS, under 65 ILCS 5/11-74.4-3(q)(7), such incremental ad valorem taxes which pursuant to the Act have been collected and are allocated to pay redevelopment project costs and obligations incurred in the payment thereof (the "Increment") may be used to pay all or a portion of a taxing district's capital costs resulting from a redevelopment project necessarily incurred or to be incurred in furtherance of the objectives of the redevelopment plan and project, to the extent the municipality by written agreement accepts and approves such costs (Increment collected from the Area shall be known as the "Montrose/Clarendon Increment"), and

WHEREAS, pursuant to the Agreement and in accordance with the Act, DPD agreed to provide to the Park District a portion of the Montrose/Clarendon Increment in an amount not to exceed $6,900,000 for the purpose of funding certain Project costs to the extent and in the manner provided in the Agreement, and



WHEREAS, DPD has determined that it is in the best interests of the City to provide additional financing to the Project in order to more efficiently allocate the available Montrose/Clarendon Increment; and

WHEREAS, the City desires to make available to the Park District an additional portion of the Montrose/Clarendon Increment in an amount not to exceed $3,460,000 for the purpose of funding the Project, resulting in a corresponding decrease of the Developer's contribution to the Project although the total amount of funds provided by the City and Developer remains the same; and

WHEREAS, the City and the Park District desire to amend the Agreement to increase the amount of the Montrose/Clarendon Increment for the Project from an amount not to exceed $6,900,000 to an amount not to exceed $10,360,000; and

WHEREAS, on 202_, the Park District's Board of Commissioners (the



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"Board") adopted a resolution authorizing the execution of the Agreement and of this Amendment; and

WHEREAS, on , 2022, the City Council approved an ordinance which is published at pages to of the Journal that authorized the making of this First Amendment; and

NOW, THEREFORE, in consideration ofthe mutual covenants and agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

**ARTICLE I. RECITALS**

The foregoing recitals are hereby incorporated into this Amendment by reference. All capitalized terms not defined herein shall have the meaning as set forth in the Agreement.

**ARTICLE II. AMENDMENTS TO THE AGREEMENT**

a) Recital J ofthe Agreement is hereby amended by deleting the TIF Assistance amount of $6,900,000 and replacing it with the amount of $10,360,000.

b) In Section 2 of the Agreement entitled "Funding," a new paragraph 2.10 is hereby added, stating as follows:

2 10 The Parties hereby agree that the sources of funds described in Exhibit C will be expended or disbursed in the following order:

1 City of Chicago (Montrose/Clarendon TIF) - $3,460,000
2 Developer Contribution (Montrose Clarendon Partners LLC) - $ 1,140,000 3. Chicago Park District Funds - $1,500,000
4 City of Chicago (Montrose/Clarendon TIF) - $6,900,000

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(c) Exhibit C of the Agreement, entitled "Project Budget" is hereby amended by deleting it in its entirety and replacing it with the following:

**EXHIBIT C PROJECT BUDGET**

The total cost ofthe Project is $13,000,000. In no event, however, shall funding from the Montrose/Clarendon TIF Fund exceed $10,360,000.

| Sources: | Amount |
|---|---|
| City of Chicago (Montrose/Clarendon TIF) | $10,360,000(*) |
| Developer Contribution (Montrose Clarendon Partners LLC) | $ 1,140,000(**) |
| Chicago Park District | $ 1,500,000 |

**Total Sources $13,000,000**

(*) These funds shall be expended or disbursed per Section 2.10.


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(**) Pursuant to the TIF redevelopment agreement, Developer will contribute $1,140,000 into escrow for the Project.

Uses: Amount
Building Core: Masonry, concrete, foundation,
ADA access and restrooms, new roof, mechanical,
new elevator $6,500,000
Interior: Interior remodel and required mechanical,
electrical, and plumbing $6,500,000

**Total Uses $13,000,000**

The Commissioner may approve changes to this preliminary budget.

d) If any of the provisions of the Agreement conflict with the provisions of this First Amendment, the provisions of this First Amendment shall prevail.

e) Except as modified by this First Amendment, the Agreement shall remain in full force and effect

*[Remainder of page intentionally left blank; signature page follows]*

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IN WITNESS WHEREOF, the parties hereto have caused this First Amendment to be executed and delivered as of the date first above written.

**CITY OF CHICAGO**

By:

Name: Maurice D. Cox Its:
Commissioner
Department of Planning Development

**CHICAGO PARK DISTRICT**

By:

Name: Rosa Escarefio
Its: Interim General Superintendent and CEO

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