

ORDINANCE NO. F-1190

AN ORDINANCE REGARDING CERTAIN AMENDMENTS TO THE REDEVELOPMENT PLAN AND PROJECT FOR THE DOWNTOWN WHEATON REDEVELOPMENT PROJECT AREA, CONVENING A JOINT REVIEW BOARD AND CALLING A PUBLIC HEARING IN CONNECTION THEREWITH

WHEREAS, pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, et seq., as supplemented and amended (the "Act"), the City of Wheaton, DuPage County, Illinois (the "City"), is authorized to approve a redevelopment plan for and to designate redevelopment project areas and adopt tax increment allocation financing therefor; and,

WHEREAS, the corporate authorities (the "Corporate Authorities") of the City have heretofore determined that it is necessary and advisable for the public health, safety, welfare and convenience of residents of the City that the City undertake a redevelopment project and have heretofore approved a redevelopment plan and project (the "Plan"), designated a redevelopment project area (the "Area") for that portion of the City known as the Downtown Wheaton Redevelopment Project Area, legally described on Exhibit "A" attached hereto, and adopted tax increment allocation financing for the Area, all as authorized by the Act; and

WHEREAS, the Corporate Authorities now desire to make certain amendments to the Plan (the "Amendment"); and

WHEREAS, the Amendment was placed on file with the City Clerk and made available for public inspection at least ten (10) days prior to the date of passage of this Ordinance; and

WHEREAS, the Act requires the City to conduct a public hearing prior to the passage of an ordinance approving the Amendment, at which hearing any interested person or affected taxing district may file with the City Clerk written objections to and may be heard orally with respect to such Amendment; and,

WHEREAS, the Act further requires that the City convene a joint review board consisting of a representative selected by each community college district, local elementary school district and high school district or each local community unit school district, park district, library district, township, fire protection district and county that has authority to directly levy taxes on the property within the Area, a representative selected by the City, and a public member to consider the subject matter of the public hearing; and,

WHEREAS, the Act requires that notice of the public hearing be given by publication and mailing.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, as follows:

Section 1. That a public hearing shall be held by the City Council of the City at 7:00 P.M. on the 11th day of September, 2006 at City Hall, 303 W. Wesley Street, Wheaton, Illinois 60187, for the purpose of hearing from any interested persons or affected taxing districts regarding the approval of the Amendment.

Section 2. Notice of the hearing, substantially in the form attached hereto as Exhibit "B", shall be published at least twice, the first publication to be not more than thirty (30) nor less than ten (10) days prior to the hearing, in a newspaper of general circulation within the taxing districts having property in the Area. In addition, notice shall be mailed by certified mail not less than ten (10) days prior to the date set for the 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 lying within the 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 such property. In addition, notice shall be mailed to each residential address located within the Area.


Section 3. Notice shall also be given by certified mail to all taxing districts in which taxable property is included in the Area and to the Illinois Department of Commerce and Community Affairs not less than forty-five (45) days prior to the hearing, and such notice shall also include an invitation to each taxing district and the Illinois Department of Commerce and Community Affairs to submit written comments prior to the date of the hearing to the City, to the attention of the City Clerk, 303 W. Wesley, Wheaton, Illinois 60187, concerning the subject matter of the hearing. Each mailed notice shall advise the taxing bodies represented on the joint review board of the time and place of the first meeting of such board.

Section 4. A draft of the proposed Amendment is on file at the offices of the City and is available for public inspection.

Section 5. Notice of the availability of the Amendment, including how to obtain a copy of the Amendment, shall be mailed, within a reasonable time after the passage of this Ordinance, to all residential addresses that, after a good faith effort, the City determines are located outside the Area and within 750' of the boundaries of the Area.


Section 6. The joint review board as set forth in the Act is hereby convened and the board shall meet, review such documents, and issue its report as set forth in the Act. The first meeting of the joint review board shall be held at 8:00 A.M. on the 11th day of August, 2006, at City Hall, 303 W. Wesley Street, Wheaton, Illinois 60187.

Section 7. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.



Mayor

ATTEST:



City Clerk

Ayes: ROLL CALL VOTE:
 Councilman Johnson
 Mayor Carr
 Councilman Levine
 Councilman Mouhelis
 Councilman Bolds
 Councilwoman Corry

Nays: Councilman Sues

Absent: None

Motion Carried

Passed: July 17,2006 - -
Published: July 18,2006

EXHIBIT "A"

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR THE TAX INCREMENT FINANCING DISTRICT IN SECTIONS 16 AND 17, TOWNSHIP 39 NORTH RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF THE WESLEY STREET RIGHT-OF-WAY WITH THE NORTHERLY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY, IN THE NORTHEAST QUARTER OF SAID SECTION 17,

THENCE EASTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF WESLEY STREET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF THE EAST 186 FEET OF LOT 4 OF COUNTY CLERKS ASSESSMENT DIVISION OF LOT 4, IN THE SOUTHEAST QUARTER OF SAID SECTION 17,

THENCE SOUTHERLY ALONG THE NORTHERLY EXTENSION OF SAID WEST LINE OF THE EAST 186 FEET OF SAID LOT 4, TO THE NORTHERLY RIGHT-OF-WAY LINE OF FRONT STREET,

THENCE SOUTHEASTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF FRONT STREET TO THE SOUTHEASTERLY CORNER OF LOT 15 IN A.T. MACINTOSH & COMPANY'S FRONT STREET ADDITION BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SAID SECTION 17,

THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 15 TO THE NORTHEAST CORNER THEREOF SAID POINT BEING ALONG THE SOUTHERLY LINE OF LOT 3 IN SAID A.T. MACINTOSH & COMPANY'S FRONT STREET ADDITION,

THENCE EASTERLY ALONG THE SOUTHERLY LINE OF LOTS 3, 2, AND 1 AND THE EXTENSION THEREOF IN SAID SUBDIVISION TO THE WEST RIGHT-OF-WAY LINE OF GARY AVENUE,

THENCE NORTHERLY ALONG THE WEST RIGHT-OF-WAY LINE OF GARY AVENUE TO THE NORTH RIGHT-OF-WAY LINE OF WESLEY STREET,

THENCE EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF WESLEY STREET TO THE WEST RIGHT-OF-WAY LINE OF WEST STREET,

THENCE NORTHERLY ALONG THE WEST RIGHT-OF-WAY LINE OF WEST STREET TO THE NORTH RIGHT-OF-WAY LINE OF SEMINARY AVENUE,

THENCE EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF SEMINARY AVENUE TO THE EAST RIGHT-OF-WAY LINE OF WHEATON AVENUE,

THENCE SOUTHERLY ALONG THE EAST RIGHT-OF-WAY LINE OF WHEATON AVENUE TO THE NORTH RIGHT-OF-WAY LINE OF WESLEY STREET, THENCE EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF WESLEY STREET TO THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF LOTS 1, 9, AND 10 IN BLOCK 8 OF THE ORIGINAL TOWN OF WHEATON,

THENCE SOUTHERLY ALONG THE EXTENSION OF SAID WESTERLY LINE OF LOTS 1, 9, AND 10 IN BLOCK 8 TO THE SOUTHWESTERLY CORNER OF LOT 10 IN SAID BLOCK 8 OF THE ORIGINAL TOWN OF WHEATON,

THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 10 TO THE WEST RIGHT-OF-WAY LINE OF HALE STREET,

THENCE SOUTHERLY ALONG THE WEST RIGHT-OF-WAY LINE OF HALE STREET TO THE NORTH RIGHT-OF-WAY LINE OF FRONT STREET,

THENCE WESTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF FRONT STREET TO THE NORTHERLY EXTENSION OF A LINE THAT IS 10.5 FEET WEST OF THE WEST LINE OF LOT 2 IN THE COUNTY CLERKS ASSESSMENT DIVISION IN THE SOUTH HALF AND THE SOUTH HALF OF THE NORTH HALF OF SAID SECTION 16,

THENCE SOUTHERLY ALONG THE EXTENSION OF SAID LINE THAT IS 10.5 FEET WEST OF THE WEST LINE OF SAID LOT 2 TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY,

THENCE EASTERLY AND NORTHEASTERLY ALONG SAID NORTH RAILROAD RIGHT-OF-WAY LINE TO A POINT THAT IS 395 FEET WEST OF THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 16, AS MEASURED ALONG THE CENTER LINE OF SAID RAILROAD RIGHT-OF-WAY,

THENCE SOUTHERLY 100 FEET PARALLEL WITH SAID QUARTER SECTION LINE TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY,

THENCE SOUTHWESTERLY AND WESTERLY ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY TO ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF WHEATON AVENUE,

THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF WHEATON AVENUE, TO THE SOUTHERLY

RIGHT-OF-WAY LINE OF WILLOW STREET,

THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF WILLOW STREET TO THE WESTERLY RIGHT-OF-WAY LINE OF WEST STREET,

THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF WEST STREET TO A POINT 305 2 FEET NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF CHILDS STREET,

THENCE WESTERLY 165 0 FEET, THENCE NORTHERLY 139 3 FEET, THENCE EASTERLY 165 0 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID WEST STREET,

THENCE NORTHERLY TO THE SOUTHERLY RIGHT-OF-WAY LINE OF LIBERTY DRIVE,

THENCE SOUTH 89 DEGREES, 30 MINUTES WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LIBERTY DRIVE 256 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY LINE,

THENCE SOUTH 82 DEGREES, 59 MINUTES WEST 200 FEET TO AN ANGLE POINT IN SAID RIGHT-OF-WAY LINE,

THENCE SOUTH 89 DEGREES, 53 MINUTES WEST 780 27 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF CARLTON AVENUE,

THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF CARLTON AVENUE TO THE NORTHERLY RIGHT-OF-WAY LINE OF CHILDS STREET,

THENCE WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF CHILDS STREET TO THE WESTERLY RIGHT-OF-WAY LINE OF CARLTON AVENUE,

THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF CARLTON AVENUE 200 1 FEET TO A JOG IN SAID RIGHT-OF-WAY LINE,

THENCE WESTERLY 4 6 FEET TO THE CONTINUATION OF THE WESTERLY RIGHT-OF-WAY LINE OF CARLTON AVENUE,

THENCE NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF CARLTON AVENUE TO THE NORTHERLY RIGHT-OF-WAY LINE OF LIBERTY DRIVE, SAID POINT ALSO BEING THE SOUTH-EASTERLY CORNER OF LOT 5 IN THE SOUTH RAILROAD STREET SUBDIVISION,

THENCE NORTHERLY AND NORTHWESTERLY ALONG THE WESTERN RIGHT-OF-WAY LINE OF THE OLD CHICAGO AURORA AND ELGIN RAILROAD RIGHT-OF-WAY, BEING THE EASTERLY LINE OF SAID SOUTH RAILROAD STREET SUBDIVISION TO ITS INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY,

THENCE NORTHWESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY TO ITS INTERSECTION WITH THE CENTERLINE OF BRIDGE STREET EXTENDED NORTHERLY,

THENCE SOUTHERLY ALONG THE EXTENSION OF SAID CENTERLINE OF BRIDGE STREET TO THE SOUTHERLY RIGHT-OF-WAY OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF MANCHESTER ROAD,

THENCE NORTHWESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY OF SAID CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY TO ITS INTERSECTION WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17,

THENCE EASTERLY ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17 TO THE NORTH RIGHT-OF-WAY LINE OF SAID CHICAGO AND NORTHWESTERN RAILROAD RIGHT-OF-WAY,

THENCE NORTHWESTERLY ALONG SAID NORTH RAILROAD RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, ALL BEING IN SECTIONS 16 AND 17, TOWNSHIP 39 NORTH RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF WHEATON, DU PAGE COUNTY, ILLINOIS

PIN NOS: 05-16-131-012, 05-16-131-018, 05-16-137-011 THRU 033, 05-16-300-001 THRU 009, 05-16-300-012, 15-16-300-016 THRU 020, 05-16-301-025 THRU 026, 05-16-301-031 THRU 035, 05-16-301-041 THRU 043, 05-16-301-055 THRU 059, 05-16-301-061 THRU 063, 05-16-306-003 THRU 005, 05-06-307-001 THRU 004, 05-16-313-001, 05-16-313-005, 05-16-313-009 THRU 011, 05-16-313-013, 05-16-313-015 THRU 016, 05-16-340-001 THRU 103, 05-17-404-001 THRU 005, 05-17-405-002, 05-17-407-001, 05-17-407-002, 05-17-407-005, 05-17-408-002, 05-17-411-004, 05-17-411-005, 05-17-411-006, 05-17-411-018, 15-17-431-001 THRU 110

EXHIBIT "B"

NOTICE OF PUBLIC HEARING DOWNTOWN WHEATON REDEVELOPMENT PROJECT AREA

NOTICE is hereby given as follows: The City of Wheaton (the "City") has previously designated the Downtown Wheaton Redevelopment Project Area (the "Area") as a redevelopment project area pursuant to the Tax Increment Allocation Redevelopment Act, as amended (the "Act") and has approved a redevelopment plan and project (the "Plan") for the Area. The City Council of the City is considering the approval of certain amendments to the Plan (the "Amendment") and, pursuant to the Act, will conduct a hearing on September 11, 2006, at 7:00 P.M., at City Hall, 303 W. Wesley Street, Wheaton, Illinois, regarding the approval of the Amendment. The Area consists of a territory legally described on Exhibit "A" attached hereto and made a part hereof.

The approximate street location and description of the Area is as follows:

Generally bounded by Seminary Street on the north, Willow Street on the south, Gary Avenue on the west and Hale Street on the east. A map of the Area is included in the Plan and is on file in the office of the City Clerk.

There will be considered at the hearing the proposed Amendment for the Area. The proposed Amendment is on file and available for public inspection at the office of the City Clerk at 303 W. Wesley, Wheaton, Illinois 60187. The proposed Amendment includes the provisions set forth in the Plan, with certain amendments regarding the budget, the use of revenue from the Area for costs incurred in contiguous redevelopment project areas and other matters.

Prior to the date of the hearing, each taxing district having property in the Area and the Illinois Department of Commerce and Community Affairs may submit written comments concerning the subject matter of the hearing to the City, to the attention of the City Clerk, 303 W. Wesley, Wheaton, Illinois 60187.

There is hereby convened a joint review board consisting of a representative from DuPage County, College of DuPage-Community College District 502, Wheaton Warrenville-Community Unit School District 200, Wheaton Park District, Milton Township, a representative selected by the City, and a public member. The first meeting of such joint review board will be held at 8:00 o'clock A.M. on the 11th day of August, 2006, at City Hall, 303 W. Wesley Street, Wheaton, Illinois 60187.

At the hearing, all interested persons or affected taxing districts may file written objections with the City Clerk and may be heard orally with respect to any issue regarding the approval of the Amendment. The hearing may be adjourned by the City Council of the City without further notice other than a motion to be entered upon the minutes of the hearing fixing the time and place of the subsequent hearing.

By: _____

Emily M. Consolazio
City Clerk
City of Wheaton
DuPage County, Illinois

