

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 17-07**

**AN ORDINANCE AMENDING ORDINANCE 04-09 ELIMINATING PROPERTY
FROM THE DOWNTOWN REDEVELOPMENT AREA TAX INCREMENT
FINANCING DISTRICT (TIF #3)**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
17TH DAY OF JANUARY, 2017**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 17th day of January, 2017

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

ORDINANCE NO. 17-07

AN ORDINANCE AMENDING ORDINANCE 04-09 ELIMINATING PROPERTY FROM THE DOWNTOWN REDEVELOPMENT AREA TAX INCREMENT FINANCING DISTRICT (TIF #3)

WHEREAS, the City Council adopted the following three (3) Ordinances on March 15, 2004:

- Ordinance No. 04-08, being an Ordinance Approving the Downtown Tax Increment Finance District #3 Redevelopment Plan and Project;
- Ordinance No. 04-09, being an Ordinance Approving the Downtown Tax Increment Finance District #3 Redevelopment Project Area; and
- Ordinance No. 04-10, being an Ordinance Adopting Tax Increment Financing for the City of Batavia, Kane and DuPage Counties, Illinois, In Conjunction with the Designation of the Downtown Tax Increment Finance District #3.

WHEREAS, the three (3) Ordinances establish the Downtown TIF District #3; and

WHEREAS, the Downtown TIF District #3 was extended pursuant to the authority of Subsection (c)(113) of Section 11-74.4-3.5 of the tax increment allocation and redevelopment act (ILCS 65/11-74.4-811-74.4-3.5(c)(113)); and

WHEREAS, it is now desirable and in the best interest of the citizens of the City of Batavia to amend the area boundaries by removing certain property and street rights-of-way from the Downtown redevelopment area tax increment financing district (TIF #3) in order to establish a new TIF redevelopment project area to be identified as the Washington Street redevelopment project area; and

WHEREAS, the City of Batavia also desires to amend the plan to allow for the Downtown redevelopment area tax increment financing district (TIF #3) to receive revenue from adjoining TIF redevelopment project areas as may be established in the future as permitted by subsection 11-74.4-4(q) of the Act; and

WHEREAS, subsection 11-74.4-5(c) of the Act provides that a redevelopment plan and redevelopment project area may be amended without further public hearing and related notices and procedures, including the reconvening of the joint review board, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested parties registry, and provided further that publication be made in a newspaper of general circulation within the affected taxing districts within ten (10) days following the adoption of an Ordinance approving such changes, provided that changes do not 1) add additional parcels of property to the proposed redevelopment project area; 2) substantially affect the general land uses proposed in the redevelopment plan; 3) substantially change the nature of the redevelopment projects; 4) increase the total estimated redevelopment project costs

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set out in the redevelopment plan by more than five (5%) percent after adjustment for inflation from the date the plan was adopted; 5) add additional redevelopment project costs to the itemized list of redevelopment project costs set out in the redevelopment plan; or 6) increase the number of inhabited residential units to be displaced from the redevelopment project area, as measured from the time of creation of the redevelopment project area, to a total of more than ten (10); and

WHEREAS, the change to the Downtown redevelopment area tax increment financing district (TIF #3) boundary involves the removal of property, and not the addition of property or any other changes identified above, and therefore may be made without further hearing and related notices and procedures.

NOW THEREFORE, be it hereby ordained by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1: The recitals set forth above are incorporated herein as material findings of the Mayor and the City Council.

SECTION 2: The area legally described in the document attached hereto and referenced herein as Exhibit "A" is hereby removed from the Downtown redevelopment area tax increment financing district (TIF #3).

SECTION 3: The City Clerk is hereby directed to file a certified copy of this Ordinance with the Kane County Clerk and Kane County Recorder's Office immediately following the passage and approval of this Ordinance.

SECTION 4. The City Clerk is hereby directed, within ten (10) days from the date of passage and approval of this Ordinance, to give passage of this Ordinance by mail to each affected taxing district and registrant on the interested parties' registry and publish said notice in a newspaper of general circulation within the affecting tax districts.

SECTION 5. That all Ordinances and parties of Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

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

City of Batavia Ordinance No. 17-07

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 17th day of January, 2017.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 17th day of January, 2017.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Mueller					Stark				
5	Botterman					Theelin Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstentions					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

Christine Simkins, Deputy City Clerk

EXHIBIT A

LEGAL DESCRIPTION

EXTRACTION FROM TIF #3:

THAT PART OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 IN BLOCK 9 OF THE ORIGINAL TOWN OF BATAVIA, KANE COUNTY, ILLINOIS; THENCE SOUTHERLY, ALONG THE EASTERLY LINE OF WASHINGTON AVENUE TO THE NORTHERLY LINE OF WILSON STREET; THENCE EASTERLY, ALONG SAID NORTHERLY LINE, TO A POINT ON THE NORTHERLY EXTENSION OF THE WEST LINE OF THE EAST 10 FEET OF LOT 3 IN BLOCK 1 OF WILSON'S ADDITION TO BATAVIA; THENCE SOUTHERLY, ALONG SAID EXTENSION AND WEST LINE TO THE SOUTH LINE OF THE NORTH 158 FEET OF SAID LOT 3; THENCE WESTERLY, ALONG SAID SOUTH LINE AND ITS WESTERLY EXTENSION TO THE WEST LINE OF WASHINGTON AVENUE; THENCE NORTHERLY, ON SAID WEST LINE TO THE SOUTH LINE OF SAID WILSON STREET; THENCE WESTERLY, ALONG SAID SOUTH LINE TO A POINT SOUTHERLY OF A POINT ON THE NORTH LINE OF WILSON STREET THAT IS 31 FEET EAST OF THE SOUTHWEST CORNER OF LOT 5 IN BLOCK 7 OF SAID ORIGINAL TOWN, AS MEASURED AT RIGHT ANGLE TO SAID NORTH LINE; THENCE NORTH, AT RIGHT ANGLE TO SAID NORTH LINE, TO SAID NORTH LINE; THENCE NORTHERLY, PARALLEL WITH THE WEST LINE OF SAID LOT 5, A DISTANCE OF 118.0 FEET; THENCE WESTERLY, PARALLEL WITH SAID NORTH LINE, 31 FEET TO THE WEST LINE OF SAID LOT 5; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID LOT 5 AND THE WEST LINE OF LOT 7 IN SAID BLOCK 7 AND ITS NORTHERLY EXTENSION, TO THE NORTHERLY LINE OF STATE STREET; THENCE EASTERLY, ALONG SAID NORTHERLY LINE TO THE POINT OF BEGINNING, ALL IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.