



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 019-058
DATE OF PASSAGE August 27, 2019

An Ordinance Imposing a Business District Retailers' Occupation Tax, a Business District Service Occupation Tax and a Hotel Operators' Occupation Tax Within the Boundaries of the Aurora Business District No. 1 (Pacifica Square Business District).

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, pursuant to its home rule authority and the Illinois Business District Development and Redevelopment Law, 65 ILCS 5/11-74.3-1, et seq., the City of Aurora has the authority to levy certain additional taxes within a business district, including the Aurora Business District No. 1 (Pacifica Square Business District);

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

SECTION 1: The Mayor and City Council find as follows:

A. That on July 23, 2019, August 13, 2019 and August 27, 2019, a public hearing was held by the Mayor and City Council relative to the designation of Aurora Business District No. 1; and

B. That notice of said public hearing was published in the Aurora Beacon News of the Chicago Tribune, on July 2, 2019 and July 9, 2019 (a copy of the Publisher's Certificate in regard to said publications is attached as Exhibit A and made part hereof); and

C. That at said public hearing, City staff and a representative of Kane, McKenna and Associates, Inc. made presentations in regard to the proposed Plan for Aurora Business District No. 1; a "blighted area" designation, pursuant to 65 ILCS 5/11

ORDINANCE NO. 019-058
DATE OF PASSAGE August 27, 2019

74.3 5, for Aurora Business District No. 1; and proposed redevelopment within Aurora Business District No. 1; and

D. That at said public hearing, all members of the public who desired to speak relative to the designation of proposed Aurora Business District No. 1, the "blighted area" designation in relation thereto, or the proposed Plan in relation thereto, were given an opportunity to speak; and

E. That the area legally described below is an area in need of commercial redevelopment so as to maintain and revitalize stable commercial growth within the City; and

F. That, for the reasons as more specifically set forth in the Plan, entitled "City of Aurora Pacifica Square Business District No. 1 Plan" and prepared by Kane, McKenna and Associates, Inc., attached hereto as Exhibit B and made part hereof:

- (1) the area legally described below on the whole has not been subject to growth and development by private enterprises or would not reasonably be anticipated to be developed or redeveloped without adoption of the Plan; and
- (2) the Plan confirms to the City's Comprehensive Plan for the development of the municipality as a whole; and
- (3) the area legally described below is qualified as defined in the Illinois Business District Development and Redevelopment Law, 65 ILCS 5/11-74.3-1, et seq., as amended ("Law"), by reason of the predominance of obsolete platting or subdivision, defective or inadequate street layout, and deterioration of site improvements; and
- (4) the area legally described below is a "blighted area," as defined in the Law; and
- (5) the area legally described below constitutes an economic liability to the City in its present condition and use; and
- (6) the area legally described below is a contiguous area.

G. That in light of Subsection F. above, the City should impose a Business District Retailers' Occupation Tax upon all persons engaged in the business of selling tangible personal property at retail within Aurora Business District No. 1 at the rate of one percent (1%) of the gross receipts of sales made in the course of said business, pursuant to and in accordance with 65 ILCS 5/11-74.3-6; and

H. That in light of Subsection F. above, the City should impose a Business District Service Occupation Tax upon all persons engaged in the business of making sales of service within Aurora Business District No. 1 who, as an incident to making those sales of service, transfer tangible personal property within Aurora Business District No. 1, either in the form of tangible personal property or real estate, as an

ORDINANCE NO. 019-058
DATE OF PASSAGE August 27, 2019

incident to a sale of service, at the rate of one percent (1%) of the selling price of tangible personal property so transferred, pursuant to and in accordance with 65 ILCS 5/11-74.3-6.

I. That in light of Subsection F. above, the City should impose a Hotel Operators' Occupation Tax upon all persons within Aurora Business District No. 1 engaged in the business of renting, leasing, or letting rooms in a hotel, as defined in the Illinois Hotel Operators' Occupation Tax Act, 35 ILCS 145/1, et seq., at the rate of one percent (1%) of the gross rental receipts from the renting, leasing, or letting of hotel rooms within the Aurora Business District No. 1, excluding, however, from gross rental receipts the proceeds of renting, leasing, or letting to permanent residents of a hotel, pursuant to and in accordance with 65 ILCS 5/11-74.3-6.

J. That pursuant to Ordinance No. _____, adopted on August 6, 2019, the following legally described area was designated as Aurora Business District No. 1:

LOT 1 AND PART OF LOT 2 OF YORKSHIRE PLAZA ASSESSMENT PLAT, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE DOCUMENT RECORDED NOVEMBER 9, 2000 AS DOCUMENT NO. R2000-176188 IN DUPAGE COUNTY, ILLINOIS, EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 06 DEGREES 46 MINUTES 02 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 2, 206.00 FEET; THENCE NORTH 83 DEGREES 12 MINUTES 38 SECONDS EAST, 347.61 FEET; THENCE NORTH 01 DEGREES 56 MINUTES 15 SECONDS WEST, 356.80 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 06 SECONDS EAST, 298.40 FEET; THENCE NORTH

45 DEGREES 23 MINUTES 14 SECONDS EAST, 47.81 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 04 SECONDS EAST, 944.47 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 50 SECONDS WEST, 233.82 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 10 SECONDS WEST, 265.35 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 35 SECONDS WEST, 462.03 FEET; THENCE SOUTH 44 DEGREES 38 MINUTES 25 SECONDS EAST TO THE SOUTHERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING THE SOUTH LINE OF LOT 6 OF YORKSHIRE PLAZA, BEING A SUBDIVISION RECORDED DECEMBER 13, 1985 AS DOCUMENT NO. R85- 109544; THENCE SOUTH 83 DEGREES 14 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND SAID LOT 6, TO THE SOUTHWEST CORNER OF SAID LOT 6, 64.08 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 35 SECONDS EAST, TO THE NORTHWEST CORNER OF SAID LOT 6, 219.32 FEET; THENCE SOUTH 83 DEGREES 11 MINUTES 19 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTH LINE OF LOT 5 OF SAID YORKSHIRE PLAZA SUBDIVISION TO THE NORTHEAST CORNER OF LOT 4 OF SAID YORKSHIRE PLAZA SUBDIVISION, 189.08 FEET; THENCE SOUTH 77 DEGREES 01 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTH LINES OF LOTS

ORDINANCE NO. 019-058
DATE OF PASSAGE August 27, 2019

3 AND 4 OF SAID YORKSHIRE PLAZA TO THE MOST NORTHERLY WEST CORNER OF SAID LOT 3, 406.05 FEET; THENCE SOUTH 24 DEGREES 00 MINUTES 00 SECONDS WEST

ALONG AN EASTERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING A WESTERLY LINE OF SAID LOT 3 OF SAID YORKSHIRE PLAZA SUBDIVISION, 28.89 FEET; THENCE SOUTH 06 DEGREES 46 MINUTES 39 SECONDS EAST ALONG AN EAST LINE OF SAID LOT 2, SAID LINE ALSO BEING THE WEST LINE OF LOT 3 OF SAID YORKSHIRE PLAZA SUBDIVISION TO THE MOST WESTERLY SOUTHWEST CORNER OF SAID LOT 6, SAID POINT IS ALSO THE NORTH LINE OF A PARCEL CONVEYED TO THE CITY OF AURORA PER DOCUMENT NO. R75-46135, 155.15 FEET; THENCE SOUTH 83 DEGREES 15 MINUTES 31 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE BEING THE NORTH LINE OF SAID PARCEL CONVEYED TO THE CITY OF AURORA, 79.86 FEET; THENCE SOUTH 25 DEGREES 50 MINUTES 57 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTHWESTERLY LINE OF SAID PARCEL CONVEYED TO THE CITY OF AURORA, 57.71 FEET; THENCE SOUTH 83 DEGREES 12 MINUTES 38 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 2, 329.00 FEET TO THE POINT OF BEGINNING; ALSO EXCEPTING THEREFROM THAT PART TAKEN FOR ROAD RIGHT OF WAY PER CASE NO. 12ED000073 AND RECORDED JULY 11, 2017 AS DOCUMENT NO. R2017-069088; AND

PART OF LOT 2 OF YORKSHIRE PLAZA ASSESSMENT PLAT, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE DOCUMENT RECORDED NOVEMBER 9, 2000 AS DOCUMENT NO. R2000- 176188 IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 06 DEGREES 46 MINUTES 02 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 2, 206.00 FEET; THENCE NORTH 83 DEGREES 12 MINUTES 38 SECONDS EAST, 347.61 FEET; THENCE NORTH 01 DEGREES 56 MINUTES 15 SECONDS WEST, 356.80 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 06 SECONDS EAST, 298.40 FEET; THENCE NORTH 45 DEGREES 23 MINUTES 14

SECONDS EAST, 47.81 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 04 SECONDS EAST, 944.47 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 50 SECONDS WEST, 233.82 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 10 SECONDS WEST, 265.35 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 35 SECONDS WEST, 462.03 FEET; THENCE SOUTH 44 DEGREES 38 MINUTES 25 SECONDS EAST TO THE SOUTHERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING THE SOUTH LINE OF LOT 6 OF YORKSHIRE PLAZA, BEING A SUBDIVISION RECORDED DECEMBER 13, 1985 AS DOCUMENT NO. R85-109544; THENCE SOUTH 83 DEGREES 14 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND SAID LOT 6, TO THE SOUTHWEST CORNER OF SAID LOT 6, 64.08 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 35

ORDINANCE NO. 019-058
DATE OF PASSAGE August 27, 2019

SECONDS EAST, TO THE NORTHWEST CORNER OF SAID LOT 6, 219.32 FEET; THENCE SOUTH 83 DEGREES 11MINUTES 19 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTH LINE OF LOT 5 OF SAID YORKSHIRE PLAZA SUBDIVISION TO THE NORTHEAST CORNER OF LOT 4 OF SAID YORKSHIRE PLAZA SUBDIVISION, 189.08 FEET; THENCE SOUTH 77 DEGREES 01 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTH LINES OF LOTS 3 AND 4 OF SAID YORKSHIRE PLAZA TO THE MOST NORTHERLY WEST CORNER OF SAID LOT 3,

406.05 FEET; THENCE SOUTH 24 DEGREES 00 MINUTES 00 SECONDS WEST ALONG AN EASTERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING A WESTERLY LINE OF SAID LOT 3 OF SAID YORKSHIRE PLAZA SUBDIVISION, 28.89 FEET; THENCE SOUTH 06 DEGREES 46 MINUTES 39 SECONDS EAST ALONG AN EAST LINE OF SAID LOT 2, SAID LINE ALSO BEING THE WEST LINE OF LOT 3 OF SAID YORKSHIRE PLAZA SUBDIVISION TO THE MOST WESTERLY SOUTHWEST CORNER OF SAID LOT 6, SAID POINT IS ALSO THE NORTH LINE OF A PARCEL CONVEYED TO THE CITY OF AURORA PER DOCUMENT NO. R75-46135,

155.15 FEET; THENCE SOUTH 83 DEGREES 15 MINUTES 31 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE BEING THE NORTH LINE OF SAID PARCEL CONVEYED TO THE CITY OF AURORA, 79.86 FEET; THENCE SOUTH 25 DEGREES 50 MINUTES 57 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTHWESTERLY LINE OF SAID PARCEL CONVEYED TO THE CITY OF AURORA, 57.71 FEET; THENCE SOUTH 83 DEGREES 12 MINUTES 38 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 2, 329.00 FEET TO THE POINT OF BEGINNING.

P.I.N.s: 07-21-200-050 and 07-21-200-049

with said property being more fully depicted on the map in Exhibit C attached hereto and made part hereof; commonly known as the Northwest corner of the intersection of New York Street and Route 59, excluding the outlots facing Route 59 and New York Street, Aurora, Illinois.

SECTION 2: That pursuant to 65 ILCS 5/11-74.3-6(b), a Business District Retailers' Occupation Tax is hereby imposed upon all persons engaged in the business of selling tangible personal property within Aurora Business District No. 1, other than an item of tangible personal property titled or registered with an agency of the State of Illinois, at retail within Aurora Business District No. 1 at the rate of one percent (1%) of the gross receipts from the sales made in the course of such business. The tax imposed herein shall be in addition to all other applicable taxes. Said tax may not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.

ORDINANCE NO. 019-058
DATE OF PASSAGE August 27, 2019

SECTION 3: That pursuant to 65 ILCS 5/11-74.3-6(c), a Business District Service Occupation Tax is hereby imposed upon all persons engaged in the business of making sales of service within Aurora Business District No. 1, who, as an incident to making those sales of service, transfer tangible personal property within Aurora Business District No. 1, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, at the rate of one percent (1%) of the selling price of tangible personal property so transferred within Aurora Business District No. 1. The tax imposed herein shall be in addition to all other applicable taxes. Said tax may not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.

SECTION 4: That pursuant to 65 ILCS 5/11-74.3-6(d), a Hotel Operators' Occupation Tax is hereby imposed upon all persons within Aurora Business District No. 1 engaged in the business of renting, leasing, or letting rooms in a hotel, as defined in the Illinois Hotel Operators' Occupation Tax Act, 35 ILCS 145/1, et seq., at the rate of one percent (1%) of the gross rental receipts from the renting, leasing, or letting of hotel rooms within the Aurora Business District No. 1, excluding, however, from gross rental receipts the proceeds of renting, leasing, or letting to permanent residents of a hotel, as defined in the Illinois Hotel Operators' Occupation Tax Act, 35 ILCS 145/1, et seq. The tax imposed herein shall be in addition to all other applicable taxes. The City of Aurora shall collect and distribute the taxes imposed pursuant to this Section in accordance with the terms, conditions and requirements set forth in 65 ILCS 5/11-74.3-6 and in accordance with the terms, conditions and requirements set forth in those provisions of Article IX of Chapter 44 of the City of Aurora Code of Ordinances not inconsistent with 65 ILCS 5/11-74.3-6.

SECTION 5: That the Illinois Department of Revenue shall collect and distribute the taxes imposed pursuant to Sections 2 and 3 above in accordance with the terms, conditions and requirements set forth in 65 ILCS 5/11-74.3-6.

SECTION 6: That there is hereby established a special fund, to be known as the Aurora Business District No. 1 Business District Tax Allocation Fund. The proceeds of the taxes imposed in Sections 2, 3 and 4 above, shall be deposited into said Aurora Business District No. 1 Business District Tax Allocation Fund, with said taxes to be used for the purpose of paying business district project costs and obligations incurred in the payment of those costs relative to Aurora Business District No. 1.

SECTION 7: That the City's Chief Financial Officer, or his or her designee, is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue, on or before October 1, 2016, along with such other additional information, as required by the Illinois Department of Revenue, to allow the Illinois Department of Revenue to determine, by the address of a business, whether said business is located within Aurora Business District No. 1.

SECTION 8: That the City's Chief Financial Officer, or his or her designee, is directed to submit, to the Illinois Department of Revenue, any other information as the

ORDINANCE NO. 019-058
DATE OF PASSAGE August 27, 2019

Illinois Department of Revenue may require for the administration and enforcement of the taxes imposed by Sections 2 and 3 above.

SECTION 9: That this Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

ADOPTED this 27th day of August, 2019 by the City Council, pursuant to a roll call vote as follows:

ORDINANCE NO. 019-058
DATE OF PASSAGE August 27, 2019

EXHIBIT A

PUBLISHER'S CERTIFICATE

(attached)

ORDINANCE NO. 019-058
DATE OF PASSAGE August 27, 2019

EXHIBIT B

PLAN

(attached)

ORDINANCE NO. 019-058
DATE OF PASSAGE August 27, 2019

EXHIBIT C

MAP


(attached)

ORDINANCE NO. 019-058
DATE OF PASSAGE August 27, 2019

PASSED AND APPROVED ON August 27, 2019

AYES 10 NAYS 0 NOT VOTING 0 ABSENT 1

ATTEST:



City Clerk



Mayor

RECOMMENDATION

TO: THE COMMITTEE OF THE WHOLE

FROM: THE FINANCE COMMITTEE

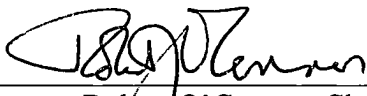
The Finance Committee at the regular scheduled meeting on **Thursday, July 25, 2019**

Recommended **APPROVAL** of an Ordinance Imposing a Business District Retailers'

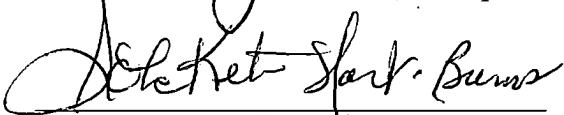
Occupation Tax, a Business District Service Occupation Tax and a Hotel Operators' Occupation Tax within the Boundaries of the Aurora Business District No. 1 (Pacifica Square Business District).

Vote 5-0

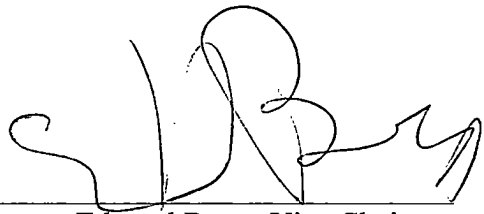
Submitted By:



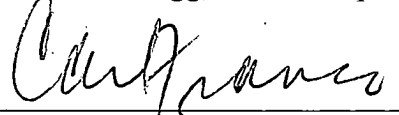
Alderman Robert O'Connor, Chairperson



Alderman Scheketa Hart-Burns


Alderman Emmanuel Llamas

Alderman Edward Bugg, Vice Chairperson



Alderman Carl Franco

Dated this 25th day of July, 2019

Chicago Tribune

Printed: 7/1/2019 2:09:53 PM

Page 1 of 4

Order ID: 6360918

* Agency Commission not included

GROSS PRICE * : **\$1,661.60**

PACKAGE NAME: IL Govt Legal Aurora Beacon

Order ID: 6360918

* Agency Commission not included

GROSS PRICE * : \$1,661.60**PACKAGE NAME:** IL Govt Legal Aurora Beacon**Product(s):** SubTrib_Aurora Beacon News, Publicnotices.com, classified.chicagotribune.com**AdSize(s):** 2 Column, 1 Column**Run Date(s):** Tuesday, July 02, 2019, Tuesday, July 09, 2019**Color Spec.** B/W

Preview

NOTICE OF PUBLIC HEARING

The Corporate Authorities of the City of Aurora ("City") will hold a public hearing on July 23, 2019 at 6:00 p.m., at the Aurora City Hall, Council Chambers, 44 East Downer Place, Aurora, Illinois 60507 ("Hearing"), to consider whether to designate the following described property ("Proposed Business District") as a business district with a finding and determination that the Proposed Business District is a blighted area as set forth in the Illinois Business District Development and Redevelopment Law, 65 ILCS 5/11-74.3-1, et seq. ("Law"), and whether to approve a business district plan for the Proposed Business District as set forth in the Law:

LEGAL DESCRIPTION OF LOT 1:

LOT 1 AND PART OF LOT 2 OF YORKSHIRE PLAZA ASSESSMENT PLAT, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE DOCUMENT RECORDED NOVEMBER 9, 2000 AS DOCUMENT NO. R2000-176188 IN DUPAGE COUNTY, ILLINOIS, EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 06 DEGREES 46 MINUTES 02 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 2, 206.00 FEET; THENCE NORTH 83 DEGREES 12 MINUTES 38 SECONDS EAST, 347.61 FEET; THENCE NORTH 01 DEGREES 56 MINUTES 15 SECONDS WEST, 356.80 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 06 SECONDS EAST, 298.40 FEET; THENCE NORTH 45 DEGREES 23 MINUTES 14 SECONDS EAST, 47.81 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 04 SECONDS EAST, 944.47 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 50 SECONDS WEST, 233.82 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 10 SECONDS WEST, 265.35 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 35 SECONDS WEST, 462.03 FEET; THENCE SOUTH 44 DEGREES 38 MINUTES 25 SECONDS EAST TO THE SOUTHERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING THE SOUTH LINE OF LOT 6 OF YORKSHIRE PLAZA, BEING A SUBDIVISION RECORDED DECEMBER 13, 1985 AS DOCUMENT NO. R85-109544; THENCE SOUTH 83 DEGREES 14 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND SAID LOT 6, TO THE SOUTHWEST CORNER OF SAID LOT 6, 64.08 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 35 SECONDS EAST, TO THE NORTHWEST CORNER OF SAID LOT 6, 219.32 FEET; THENCE SOUTH 83 DEGREES 11 MINUTES 19 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTH LINE OF LOT 5 OF SAID YORKSHIRE PLAZA SUBDIVISION TO THE NORTHEAST CORNER OF LOT 4 OF SAID YORKSHIRE PLAZA SUBDIVISION, 189.08 FEET; THENCE SOUTH 77 DEGREES 01 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTH LINES OF LOTS 3 AND 4 OF SAID YORKSHIRE PLAZA TO THE MOST NORTHERLY WEST CORNER OF SAID LOT 3, 406.05 FEET; THENCE SOUTH 24 DEGREES 00 MINUTES 00 SECONDS WEST ALONG AN EASTERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING A WESTERLY LINE OF SAID LOT 3 OF SAID YORKSHIRE PLAZA SUBDIVISION, 28.89 FEET; THENCE SOUTH 06 DEGREES 46 MINUTES 39 SECONDS EAST ALONG AN EAST LINE OF SAID LOT 2, SAID LINE ALSO BEING THE WEST LINE OF LOT 3 OF SAID YORKSHIRE PLAZA SUBDIVISION TO THE MOST WESTERLY SOUTHWEST CORNER OF SAID LOT 6, SAID POINT IS ALSO THE NORTH LINE OF A PARCEL CONVEYED TO THE CITY OF AURORA PER DOCUMENT NO. R75-46135, 155.15 FEET; THENCE SOUTH 83 DEGREES 15 MINUTES 31 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE BEING THE NORTH LINE OF SAID PARCEL CONVEYED TO THE CITY OF AURORA, 79.86 FEET; THENCE SOUTH 25 DEGREES 50 MINUTES 57 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTHWESTERLY LINE OF SAID PARCEL CONVEYED TO THE CITY OF AURORA, 57.71 FEET; THENCE SOUTH 83 DEGREES 12 MINUTES 38 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 2, 338.00 FEET TO THE POINT OF BEGINNING; ALSO EXCEPTING

Order ID: 6360918

* Agency Commission not included

GROSS PRICE * : \$1,661.60**PACKAGE NAME: IL Govt Legal Aurora Beacon**

LOT 2, 329.00 FEET TO THE POINT OF BEGINNING, ALSO EXCEPTING THEREFROM THAT PART TAKEN FOR ROAD RIGHT OF WAY PER CASE NO. 12ED000073 AND RECORDED JULY 11, 2017 AS DOCUMENT NO. R2017-069088; AND

LEGAL DESCRIPTION OF LOT 2:

PART OF LOT 2 OF YORKSHIRE PLAZA ASSESSMENT PLAT, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE DOCUMENT RECORDED NOVEMBER 9, 2000 AS DOCUMENT NO. R2000-176188 IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 06 DEGREES 46 MINUTES 02 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 2, 206.00 FEET; THENCE NORTH 83 DEGREES 12 MINUTES 38 SECONDS EAST, 347.61 FEET; THENCE NORTH 01 DEGREES 56 MINUTES 15 SECONDS WEST, 356.80 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 06 SECONDS EAST, 298.40 FEET; THENCE NORTH 45 DEGREES 23 MINUTES 14 SECONDS EAST, 47.81 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 04 SECONDS EAST, 944.47 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 50 SECONDS WEST, 233.82 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 10 SECONDS WEST, 265.35 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 35 SECONDS WEST, 462.03 FEET; THENCE SOUTH 44 DEGREES 38 MINUTES 25 SECONDS EAST TO THE SOUTHERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING THE SOUTH LINE OF LOT 6 OF YORKSHIRE PLAZA, BEING A SUBDIVISION RECORDED DECEMBER 13, 1985 AS DOCUMENT NO. R85-109544; THENCE SOUTH 83 DEGREES 14 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND SAID LOT 6, TO THE SOUTHWEST CORNER OF SAID LOT 6, 64.08 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 35 SECONDS EAST, TO THE NORTHWEST CORNER OF SAID LOT 6, 219.32 FEET; THENCE SOUTH 83 DEGREES 11 MINUTES 19 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTH LINE OF LOT 5 OF SAID YORKSHIRE PLAZA SUBDIVISION TO THE NORTHEAST CORNER OF LOT 4 OF SAID YORKSHIRE PLAZA SUBDIVISION, 189.08 FEET; THENCE SOUTH 77 DEGREES 01 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTH LINES OF LOTS 3 AND 4 OF SAID YORKSHIRE PLAZA TO THE MOST NORTHERLY WEST CORNER OF SAID LOT 3, 406.05 FEET; THENCE SOUTH 24 DEGREES 00 MINUTES 00 SECONDS WEST ALONG AN EASTERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING A WESTERLY LINE OF SAID LOT 3 OF SAID YORKSHIRE PLAZA SUBDIVISION, 28.89 FEET; THENCE SOUTH 06 DEGREES 46 MINUTES 39 SECONDS EAST ALONG AN EAST LINE OF SAID LOT 2, SAID LINE ALSO BEING THE WEST LINE OF LOT 3 OF SAID YORKSHIRE PLAZA SUBDIVISION TO THE MOST WESTERLY SOUTHWEST CORNER OF SAID LOT 6, SAID POINT IS ALSO THE NORTH LINE OF A PARCEL CONVEYED TO THE CITY OF AURORA PER DOCUMENT NO. R75-46135, 155.15 FEET; THENCE SOUTH 83 DEGREES 15 MINUTES 31 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE BEING THE NORTH LINE OF SAID PARCEL CONVEYED TO THE CITY OF AURORA, 79.86 FEET; THENCE SOUTH 25 DEGREES 50 MINUTES 57 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTHWESTERLY LINE OF SAID PARCEL CONVEYED TO THE CITY OF AURORA, 57.71 FEET; THENCE SOUTH 83 DEGREES 12 MINUTES 38 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 2, 329.00 FEET TO THE POINT OF BEGINNING.

07-21-200-050; 07-21-200-049

Street location of the Proposed Business District: the Northwest corner of the intersection of New York Street and Route 59, excluding the outlots facing Route 59 and New York Street, Aurora, Illinois

All interested persons will be given an opportunity to be heard at the Hearing. The business district plan for the Proposed Business District under consideration at the Hearing provides, generally, that the City may provide or enter into an agreement with developers or business owners and tenants to provide certain public and private improvements in the Proposed Business District to enhance the immediate area and to serve the needs of development and the interests of the City and its residents, and to eliminate the blighting conditions therein. The City intends to develop the Proposed Business District in accordance with the City's Comprehensive Plan, further contributing to the long-term economic health and vitality of the City. Proposed City projects in the Proposed Business District may include but shall not necessarily be limited to: improvement of public utilities including water mains, sewer related system improvements and storm water retention; property acquisition by contract or eminent domain; environmental remediation and site preparation; rehabilitation of building

Order ID: 6360918

* Agency Commission not included

GROSS PRICE * : \$1,661.60

PACKAGE NAME: IL Govt Legal Aurora Beacon

exterior and interior components; improvement of roadways, alleyways and sidewalks; beautification and installation of identification markers, landscaping/streetscaping; relocation and/or extension of utilities; and the elimination of blighting conditions. The City may impose a One Percent (1%) retailers' occupation tax, a One Percent (1%) service occupation tax and a One Percent (1%) hotel operators' occupation tax, as permitted by the Law, in the Proposed Business District for the planning, execution, and implementation of business district plan, and to pay for business district project costs as set forth in the business district plan.

A copy of the business district plan under consideration for the Proposed Business District is available at the Aurora City Hall, 44 East Downer Place, Aurora, Illinois 60507, for review. Any party interested in submitting an alternative proposal or bid for any proposed conveyance, lease, mortgage, or other disposition by the City of Aurora of land or rights in land owned by the City and located within the Proposed Business District, should contact Trevor Dick, Director of Development Strategy and Facilitation, at 5 South Broadway, Aurora, Illinois 60507. Any alternative proposals or bids must be addressed to and submitted to Trevor Dick, Director of Development Strategy and Facilitation, at 5 South Broadway, Aurora, Illinois 60507, no later than the Friday before the Hearing, on or before July 19, 2019, at 4:00 p.m.

City of Aurora

Wendy McCambridge, City Clerk
7/2, 7/9/2019 6360918

**CITY OF AURORA
PACIFICA SQUARE BUSINESS DISTRICT NO. 1
PLAN**

Prepared Jointly by:

Kane, McKenna, and Associates, Inc.

In Conjunction with the

City of Aurora

July, 2019

City of Aurora
Pacifica Square Business District No. 1
Table of Contents

<u>Section</u>		<u>Page</u>
I	INTRODUCTION	1
	A. Background	1
	B. Municipal Powers under the Act	3
	C. City Goals and Objectives	5
II	QUALIFICATION OF THE BUSINESS DISTRICT	6
III	BUSINESS DISTRICT DESCRIPTION	8
	A. General Description	8
	B. Legal Description	8
	C. Name of Proposed Business District	8
IV	BUSINESS DISTRICT REDEVELOPMENT	9
	A. Business District Policy Criteria	9
	B. Private Development Actions	9
	C. General Project Description	10
	D. Business District Project Costs	11
	E. Issuance of Obligations	14
V	CITY PUBLIC FINANCING ASSISTANCE	15
VI	SOURCES OF FUNDS TO PAY DEVELOPMENT PROJECT COSTS	17
VII	ESTABLISHMENT AND TERM OF THE BUSINESS DISTRICT	18
VIII	FORMAL FINDINGS	19
IX	PLAN AMENDMENTS	20

EXHIBITS

Exhibit A	-	Legal Description
Exhibit B	-	Business District Boundary Map

I. INTRODUCTION

A. Background

The City of Aurora (the "City") has identified the area located at the northwest corner of the intersection of Route 59 and New York Street (the "Business District") would benefit from the utilization of a business district designation as specifically provided for in 65 ILCS 5/11-74.3-1 et. seq., as amended (the "BD Act" or "Business District Act"). Kane, McKenna and Associates, Inc. ("KMA") has been retained to assist the City in determining the eligibility of the area in accordance with the BD Act and in preparing this Business District Plan.

The proposed Business District includes the shopping center and the office building to the south of the shopping center and identified in the Boundary Map attached on Exhibit A. Outlots facing New York Street and Route 59 are not included in the boundaries.

Recent trends within the economy will require the City to address certain redevelopment and public improvement costs or it is anticipated that current levels of occupancy and operation will continue to decline and new investment may be hampered, unless public assistance is forthcoming. The Business District designation is important to the redevelopment concepts envisioned by the City.

The City recognizes that economic development initiatives can offer communities the opportunity to accomplish various goals, including increased property and sales tax revenues, the capture of currently unrealized sales tax or hotel tax, and the attraction of users from the immediate area as well as neighboring areas. A diversified tax base, increased employment and services to local residents, and reductions in statutorily defined "blighted conditions" are also important to the City.

The Pacifica Square Business District No. 1 Plan (the "Plan") developed by the City is an initial step in an effort to maintain and strengthen City retail, commercial and mixed use redevelopment advantages, preserve area strengths, and to develop a flexible and workable approach in order to maintain retail and commercial uses within the City.

It is intended that the Plan's goals and objectives will be supplemented by ongoing efforts as well as integrated with new proposed efforts that take into account and attempt to balance both the marketplace and City planning preferences.

Due to the continued vacancy of the Yorkshire Plaza, and the loss of both sales and property taxes due to sustained vacancies, the City will coordinate redevelopment efforts in order to improve the overall condition of the properties and increase property values, taxes, and job opportunities within the Business District.

The Business District Act authorizes Illinois municipalities to designate an area within the municipality as a business district. A business district must be established in conformance with a specific plan officially approved by the City Council of the municipality after holding a public hearing on the proposed designation.

B. Municipal Powers under the Act

In accordance with the BD Act, the City may exercise the following powers in carrying out a business district development plan:

- (1) To make and enter into all contracts necessary or incidental to the implementation and furtherance of a business district plan. A contract by and between the municipality and any developer or other nongovernmental person to pay or reimburse said developer or other nongovernmental person for business district project costs incurred or to be incurred by said developer or other nongovernmental person shall not be deemed an economic incentive agreement under Section 8-11-20, notwithstanding the fact that such contract provides for the sharing, rebate, or payment of retailers' occupation taxes or service occupation taxes (including, without limitation, taxes imposed pursuant to subsection (11) the municipality receives from the development or redevelopment of properties in the business district. Contracts shall be binding upon successor corporate authorities of the municipality and any party to such contract may seek to enforce and compel performance of the contract by civil action, mandamus, injunction, or other proceeding.
- (2) Within a business district, to acquire by purchase, donation, or lease, and to own, convey, lease, mortgage, or dispose of land and other real or personal property or rights or interests therein; and to grant or acquire licenses, easements, and options with respect thereto, all in the manner and at such price authorized by law. No conveyance, lease, mortgage, disposition of land or other property acquired by the municipality or agreement relating to the development of property, shall be made or executed except pursuant to prior official action of the municipality. No conveyance, lease mortgage, or other disposition of land owned by the municipality, and no agreement relating to the development of property, within a business district shall be made without making public disclosure of the terms and disposition of all bids and proposals submitted to the municipality in connection therewith.
- (2.5) To acquire property by eminent domain in accordance with the Eminent Domain Act.
- (3) To clear any area within a business district by demolition or removal of any existing buildings, structures, fixtures, utilities, or improvements, and to clear and grade land.
- (4) To install, repair, construct, reconstruct, or relocate public streets, public utilities, and other public site improvements within or without a business district which are essential to the preparation of a business district for use in accordance with a business district plan.

- (5) To renovate, rehabilitate, reconstruct, relocate, repair, or remodel any existing buildings, structures, works, utilities, or fixtures within any business district.
- (6) To construct public improvements, including but not limited to buildings, structures, works, utilities, or fixtures within any business district.
- (7) To fix, charge, and collect fees, rents, and charges for the use of any building, facility, or property or any portion thereof owned or leased by the municipality within a business district.
- (8) To pay or cause to be paid business district project costs. Any payments to be made by the municipality to developers or other nongovernmental persons for business district project costs incurred by such developer or other nongovernmental person shall be made only pursuant to the prior official action of the municipality evidencing an intent to pay or cause to be paid such business district project costs. A municipality is not required to obtain any right, title, or interest in any real or personal property in order to pay business district project costs associated with such property. The municipality shall adopt such accounting procedures as shall be necessary to determine that such business district project costs are properly paid.
- (9) To apply for and accept grants, guarantees, donations of property or labor or any other thing of value for use in connection with a business district project.
- (10) If the municipality has by ordinance found and determined that the business district is a blighted area under this Law, to impose a retailers' occupation tax and a service occupation tax in the business district for the planning, execution, and implementation of business district plans and to pay for business district project costs as set forth in the business district plan approved by the municipality.
- (11) If the municipality has by ordinance found and determined that the business district is a blighted area under this Law, to impose a hotel operators' occupation tax in the business district for the planning, execution, and implementation of business district plans and to pay for the business district project costs as set forth in the Business District Act for the business district project costs.

Pursuant to the Business District Act, the service occupation and retailers' occupation taxes may be imposed at a rate not to exceed one percent (1%) of the gross receipts from sales of tangible personal property within the business district, and must be imposed in quarter percent (0.25%) increments. The taxes may not be imposed on "tangible personal property titled or registered with an agency of this State's government or food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purposes of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use." The hotel operators' occupation tax may be imposed at a rate of not to exceed one percent (1%) of the gross rental receipts from the rental leasing or letting of hotel rooms within the business

district (excluding, however, gross rental receipts from the rental leasing or letting of a hotel to permanent residents, as defined in the Hotel Operators' Occupation Tax Act), must be imposed in quarter percent (0.25%) increments.

Pursuant to the Business District Act, the business district tax allocation fund, in which the taxes described above are deposited, shall be dissolved no later than 270 days following payment of the last distribution of taxes that retire all Business District costs and obligations. These Service Occupation and Retailers Occupation taxes, if imposed, shall be collected by the Illinois Department of Revenue and then disbursed to the City. The Hotel Operators Occupation tax shall be administered and collected by the City.

In accordance with the Business District Act, the Plan sets forth the necessity for, the objectives of and the development program for the Business District in the City. All exhibits to this Plan are incorporated herein by this reference thereto.

C. City Goals and Objectives

The Business District Plan has been prepared in accordance with the provisions of the Business District Act and is intended to guide improvements, activities and projects within the Pacifica Square Business District in order to stimulate private investment in the City in conjunction with the Aurora Comprehensive Plan.

City Goals

- Provide a greater diversification of land uses to reduce reliance on any one business sector.
- Advance implementation policies that encourage development including business retention and introducing new businesses to the community
- Focus on improving internal accessibility by providing for necessary public transportation circulation.
- Ensure that each development opportunity will provide for new uses that support the needs of residents, including expanded tax base and job creation.

Sustained economic growth within the City is essential to the community's development. Economic growth is important since it both provides employment opportunities for residents and strengthens the City's tax base.

II. QUALIFICATION FOR THE BUSINESS DISTRICT

The Business District boundaries are generally described above and a map of the Business District boundaries is contained in Exhibit A.

Business District development and redevelopment is specifically provided for in 65 ILCS § 5/11-74.3-1 et seq. the “Act” or the “Business District Act”. Pursuant to the Act, the City may designate a specific area of the City as a Business District, with the authority to levy an additional Service Occupation and Retailers Occupation tax or Hotel Operations Occupation Tax therein, but only after the holding of a public hearing and the making of a formal finding as to the following:

“Blighted area” means an area that is a blighted area which, by reason of the predominance of defective, non-existent, or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire or other causes, or any combination of those factors, retards the provision of housing accommodations or constitutes an economic or social liability, an economic underutilization of the area or a menace to the public health, safety, morals, or welfare.

Pursuant to the Act, the City Council may designate a specific area of the City as a business district, with the authority to levy additional and special taxes therein, but only after the holding of a public hearing and the making of a formal finding as to the following the business district on the whole has not been subject to growth and development through investment by private enterprises or would not reasonably be anticipated to be developed or redeveloped without the adoption of the business district development or redevelopment plan;

- (i) the business district plan conforms to the comprehensive plan for the development of the municipality as a whole; and
- (ii) the business district qualifies pursuant to factors as defined by the Act.

The proposed site as it currently exists demonstrates several factors which present a concern for the public health, safety or welfare of the community and environment including defective or inadequate street layout, obsolete platting and deterioration of site improvements. The factors are summarized below:

1. **Obsolete Platting or Subdivision.** Much of the area has platting that fails to create right-of-ways for streets, alleys or other public right-of-ways and omits easements for public utilities. There are a number of platting deficiencies including integration with proposed uses. For example, the area lacks the appropriate right-of-ways for streets and public right-of-ways as mixed use options are to be considered within the BD. Additionally, it lacks easements for public roadways or utilities required for the proposed redevelopment. Infrastructure needs to be provided to accommodate future development. Parking layout is obsolete as it is “over parked” and the layout of handicapped spaces and routes are not conformant with modern standards.

The properties within the BD were initially annexed and platted in 1985. Subsequent to 1985, the outlots and adjacent properties on Route 59 and New York Street were developed. As a result, several development and design challenges occurred (including visibility of the shopping center and its tenants). Further redevelopment, including mixed uses, residential, commercial and retail will require the coordination of perimeter access, interior roadway layout, and access/egress via the arterial roads in order to accommodate proposed uses.

2. **Defective or inadequate street layout** – The southern entry into the BD, as well as transitions into parking aisles, creates safety concerns for pedestrians in the parking fields. Lack of pedestrian walkways and improvements are required. As part of revised platting or subdivision mentioned above, additional coordination and study of internal circulation patterns and arterial road access/egress/ entry points, will needed.
3. **Deterioration of site improvements** – The overall condition of front and rear parking lots is poor, evidencing cracked pavement, potholes, and potential areas. The lots are in need of resurfacing and the front parking fields are in need of restriping. Rear drives and lots are also found to be in poor condition. The parking fields are also cited as a City property maintenance violation.

The ongoing vacancy of the property contributes to its economic liability and economic underutilization. Obsolescence in building design and orientation, changing market trends, and declining physical conditions support this finding.

III. BUSINESS DISTRICT DESCRIPTION

A. General Description

The Business District is generally located at the northwest corner of the intersection of New York Street and Route 59, not including outlots facing Route 59 and New York Street.

B. Legal Description

The legal description of the Business District is included in Exhibit A. The Business District includes only parcels of real property that will be directly and substantially benefited by this Plan.

C. Name of Proposed Business District

The name of the Business District shall be the "The City of Aurora Pacifica Square Business District No. 1".

IV. BUSINESS DISTRICT REDEVELOPMENT

A. Business District Policy Criteria

The City will review the following policy criteria to guide development activities within the Business District:

- 1) Preserve and create an environment within the Business District which will promote the economic and social welfare of the City including opportunities for new retail/commercial growth.
- 2) Exercise powers provided for under the Business District Act in the promotion of the public interest and enhancement of the tax base and tax revenues to the City.
- 3) Enhance the economic well-being and strengthen the retail/commercial sector within the Business District by encouraging private investment and reinvestment through public financing vehicles, if necessary, to increase business activity, attract sound and stable commercial growth, create and retain job opportunities and enhance and diversify the tax base.
- 4) Address the need for economic feasibility, cost efficiency and economies of scale in development through encouragement of coordinated development of projects. The City will review projects on an individual basis in order to determine the need for assistance.
- 5) Provide necessary public infrastructure that enhances the Business District to create an attractive service and/or shopping environment to encourage and support private investment.
- 6) Establish adequate and safe vehicular and pedestrian circulation and provide adequate parking in locations easily accessible for patrons and other users of commercial activities.

B. Private Development Actions

The City is committed to being prudent regarding the use of public resources in the assistance of economic development activities. Accordingly, City assistance for economic development located within the Business District, as generally described below, will require thorough City review of the need for public assistance. The City Council will need to approve the terms of assistance in a development agreement with any developer or business proposals. Private development actions would be expected to conform to the City's Business District Policy Criteria set forth in Section IV. A. above.

Any developer will need to evidence capacity to implement the proposed project and it must conform to the appropriate City planning provisions. The City seeks to expand and diversify its economic and tax base. Accordingly, the project must serve to improve the economic tax base of the City.

C. General Project Description

The City may provide or enter into an agreement with the developer or other private sector interests to provide certain public and private improvements in the Business District to enhance the immediate area and to serve the needs of development and the interests of the City and its residents.

The City intends to develop the Business District in accordance with the City's Comprehensive Plan further contributing to the long-term economic health and vitality of the City.

Proposed City projects may include but shall not necessarily be limited to:

- Improvement of public utilities including provision of sewer related system improvements and storm water detention;
- Coordinate parking and traffic related improvements;
- Improvement of streets and roadways;
- Rehabilitation of building exterior and interior components;
- Improvement of entryway and signage related features;
- Beautification and installation of identification markers, landscaping/ streetscaping; and
- Relocation and/or extension of utilities.

To achieve the objectives of this Plan, the City may additionally enter into agreements with the developer or other private sector interests in order to implement the objectives of this Plan.

D. Business District Project Costs

Business district project costs mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, as provided in the BD Act, and any such costs incidental to this Business District Plan. Private investments, which supplement “Business District Project Costs”, are expected to substantially exceed such costs. Eligible costs permitted under the BD Act which may be pertinent to this Business District Plan include:

- 1) costs of studies, surveys, development of plans and specifications, implementation and administration of a business district plan, and personnel and professional service costs including architectural, engineering, legal, marketing, financial, planning, or other professional services, provided that no charges for professional services may be based on a percentage of tax revenues received by the municipality;
- 2) property assembly costs, including but not limited to, acquisition of land and other real or personal property or rights or interests therein, and specifically including payments to developers or other nongovernmental persons as reimbursement for property assembly costs incurred by that developer or other nongovernmental person;
- 3) site preparation costs, including but not limited to clearance, demolition or removal of any existing buildings, structures, fixtures, utilities, and improvements and clearing and grading of land.
- 4) costs of installation, repair, construction, reconstruction, extension, or relocation of public streets, public utilities, and other public site improvements within or without the business district which are essential to the preparation of the business district for use in accordance with the business district plan, and specifically including payments to developers or other nongovernmental persons as reimbursement for site preparation costs incurred by the developer or nongovernmental person;
- 5) costs of renovation, rehabilitation, reconstruction, relocation, repair, or remodeling of any existing buildings, improvements, and fixtures within the business district, and specifically including payments to developers or other nongovernmental persons as reimbursement for costs incurred by those developers or nongovernmental persons;
- 6) costs of installation or construction within the business district of buildings, structures, works, streets, improvements, equipment, utilities, or fixtures, and specifically including payments to developers or other nongovernmental persons as reimbursements for such costs incurred by such developer or nongovernmental person;
- 7) financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations, payment of any interest on any obligations issued under this law that accrues during the estimated period of construction of

any development or redevelopment project for which those obligations are issued and for not exceeding 36 months thereafter, and any reasonable reserves related to the issuance of those obligations; and

- 8) relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law.

“Business district tax allocation fund” means the special fund to be established by a municipality for a business district as provided in Section 11-74.3-6.

A list of the types of eligible project costs the City anticipates funding is summarized in the table on the following page. The exact amount of assistance the City will offer will be specifically set forth in the development agreement the City executes for this project.

The total amount shown for all line items in the following table is intended only as a maximum not to exceed limit for this Plan. It is not intended nor does it establish an entitlement to any of the line item amounts listed in the budget for the developer. Only the City Council in its sole discretion may establish the amount of public assistance provided to the developer through the adoption of a development agreement.

**City of Aurora
Pacifica Square Business District
Types of Business District Project Costs and
Estimated Budget Amounts**

Estimated costs are shown below. Adjustments to these cost items may be made without amendment to the Plan. **The costs represent estimated amounts and do not represent actual City commitments or expenditures. The Total Maximum Expenditure Amount set forth below shall constitute a ceiling on the aggregate amount of possible expenditures of funds in the Business District.**

(a)	Land Acquisition and Assembly	\$ 1,000,000
(b)	Business District Infrastructure (water and sewer Improvements, reconstruction of sidewalks, roadways, curb and gutter) and Traffic Signalization/Signage/ Right-of-Way Related Improvements and Other Public Improvements	\$ 2,500,000
(c)	Site Preparation (including parking improvements and lighting), demolition, grading and excavation	\$ 2,500,000
(d)	New Construction -- Including Parking Improvements (storm water detention, landscaping)	\$ 2,500,000
(e)	Rehabilitation of Structures/Site Improvements	\$ 5,000,000
(f)	Professional Costs (including but not limited to architect/engineering, consultant, and legal services)	<u>\$ 1,500,000</u>
	Total Maximum Expenditure Amount	\$ 15,000,000

*The Total Maximum Expenditure Amount does not include any costs associated with the issuance of debt obligations, if applicable.

All project cost estimates are in 2019 dollars and are subject to inflationary adjustments. In addition to the above stated costs, any bonds or debt obligations (including notes) issued by the City may include any required interest payments and an amount of proceeds sufficient to pay customary and reasonable charges associated with the issuance of such bonds or obligations as well as to provide for capitalized interest and reasonably required reserves. Adjustments between the estimated line item costs above are expected. The individual costs will be reevaluated in light of the nature of the private development and resulting tax revenues as the project is considered for public financing alternatives that the City may provide.

The amounts of the line items set forth above are not intended to place a specific limit on the described line item expenditures. Adjustments may be made in line items within the Total Maximum Expenditure Amount, either increasing or decreasing individual line item costs.

Adjustments to these cost items may be made without amendment to the Plan as long as the Total Maximum Expenditure Amount is not exceeded.

E. Issuance of Obligations

The City may issue obligations pursuant to the Business District Act in order to pay for business district project costs. The obligations may be secured by the Pacifica Square Business District Taxes and other sources the City deems appropriate.

One or more series of obligations may be issued from time to time in order to implement the Business District Plan. Obligations issued by the City pursuant to the Business District Plan and the Business District Act shall be retired pursuant to the requirements of said Act.

V. CITY PUBLIC FINANCING ASSISTANCE

City assistance will be limited to the amounts required to implement the proposed project in a feasible and fiscally prudent manner. Any proposed project must conform to applicable City codes and regulations and serve to provide an adequate return/benefit to the City. The extent of assistance, if any, shall be determined by the City Council upon a full review of the proposed project.

The City has an obligation to be prudent with the use of public resources in commercial development activities. For this reason it is very important that, whenever the use of public financing is at issue in relation to commercial redevelopment goals for a proposed project, the City have a process in place to govern conditions under which it will make private development incentives available.

That process must allow for adequate analysis of a request for public financial assistance and the evaluation of the project to determine if it meets the needs and objectives of the City. All this should be incorporated into a business development agreement which may only become effective with approval by the City Council. This process should include the following steps.

- 1) Developer approaches City for specific private development incentives assistance and presents a request to the City.
- 2) City will review request. If deemed a potentially viable and beneficial project, City will begin review of development project.
- 3) City will review and analyze information submitted by developer. Any additional information required by the City shall be submitted in a timely manner.
- 4) If request is deemed feasible, then the request may be processed by the City.
- 5) City attorney will initiate preparation and negotiation of a business district development agreement.
- 6) City staff will undertake negotiations regarding the proposed Development Project and business district development plan with developer.
- 7) The development project will then be presented with City staff recommendation for review and approval by the City Council.

Note: Many of the steps noted above may be consolidated depending upon the timetable and characteristics of the development project.

The City may issue obligations secured by the "Pacifica Square Business District Tax Allocation Fund" established for the Business District pursuant to the Business District Act and this Plan.

Any obligations issued by the City pursuant to this Plan and the Business District Act shall be retired pursuant to the Business District Act. One or more series of obligations may be issued from time to time in order to implement this Plan. The total principal and interest payable in any year on all obligations shall not exceed the amount available in that year or projected to be available in that year, may be payable from incremental sales tax revenues and from bond sinking funds, capitalized interest, debt service reserve funds, and all other sources of funds as may be provided by City ordinance.

Such securities may be issued on either a taxable or tax-exempt basis, as general obligation bonds, general obligation debt certificates, alternate bonds or revenue bonds, or other debt instruments, with either fixed rate or floating interest rates, with or without capitalized interest, with or without deferred principal retirement, with or without interest rate limits except as limited by law, and with or without redemption provisions, and on such other terms, all as the City may determine.

VI. SOURCES OF FUNDS TO PAY DEVELOPMENT PROJECT COSTS

Upon designation of the Business District by City ordinance, the City intends to impose the service occupation tax and the retailer's occupation tax provided for by the Business District Act, within the Business District, at a rate of up to 1.0% of gross sales for the term of the Business District as provided for in the Business District Act. In addition, up to a 1% hotel operators' occupation tax may be imposed upon the gross rental receipts from the letting or leasing of hotel rooms within the Business District. All of the taxes shall constitute the "Special Business District Taxes" as provided for in the Business District Act. Said Special Business District Taxes shall be a source of funding for paying Business District Project Costs within the Business District and any obligations incurred by the City to pay such Business District Project Costs.

A separate City ordinance shall also be adopted by the City Council that shall create a separate fund entitled the "Pacifica Square Business District Tax Allocation Fund" in order to receive the Special Business District Taxes from the Illinois Department of Revenue and the City's Business District Hotel Tax. Pursuant to the Business District Act, all Special Business District Taxes shall be deposited into this special fund.

VII. ESTABLISHMENT AND TERM OF THE BUSINESS DISTRICT

The establishment of the Business District shall become effective upon adoption of an ordinance by the City Council adopting this Plan and designating the Business District. In addition, the City shall adopt the necessary sales tax enabling ordinance to be filed with the State of Illinois following the establishment of the Business District. Development agreements between the City and any developer or other private party shall be consistent with the provisions of the Business District Act and this Plan.

The City shall adopt an ordinance immediately rescinding the Special Business District Taxes imposed pursuant to the Business District Act upon payment of all Business District Project Costs and the retirement of all Business District obligations, but in no event more than 270 days following the payment of the last distribution of sales taxes that retire of the Pacifica Square Business District obligations.

VIII. FORMAL FINDINGS

Based upon the information described in Section II, and the attached Exhibits, the City Council hereby finds and determines as follows:

- 1) The Business District on the whole has not been subject to growth and development by private enterprises or would not reasonably be anticipated to be developed or redeveloped without the adoption of this Plan;
- 2) The Business District Plan conforms to the City's Comprehensive Plan for the development of the municipality as a whole; and
- 3) The Business District is qualified as defined in the Business District Act by reason of the predominance of obsolete platting or subdivision and defective or inadequate street layout, and deterioration of site improvements.
- 4) The Business District is "blighted" as defined by the Act.
- 5) The Business District is a contiguous area.

IX. PLAN AMENDMENTS

The City Council may amend this Plan from time to time by adopting an ordinance providing for such amendment in accordance with the Business District Act.

EXHIBIT A
Legal Description

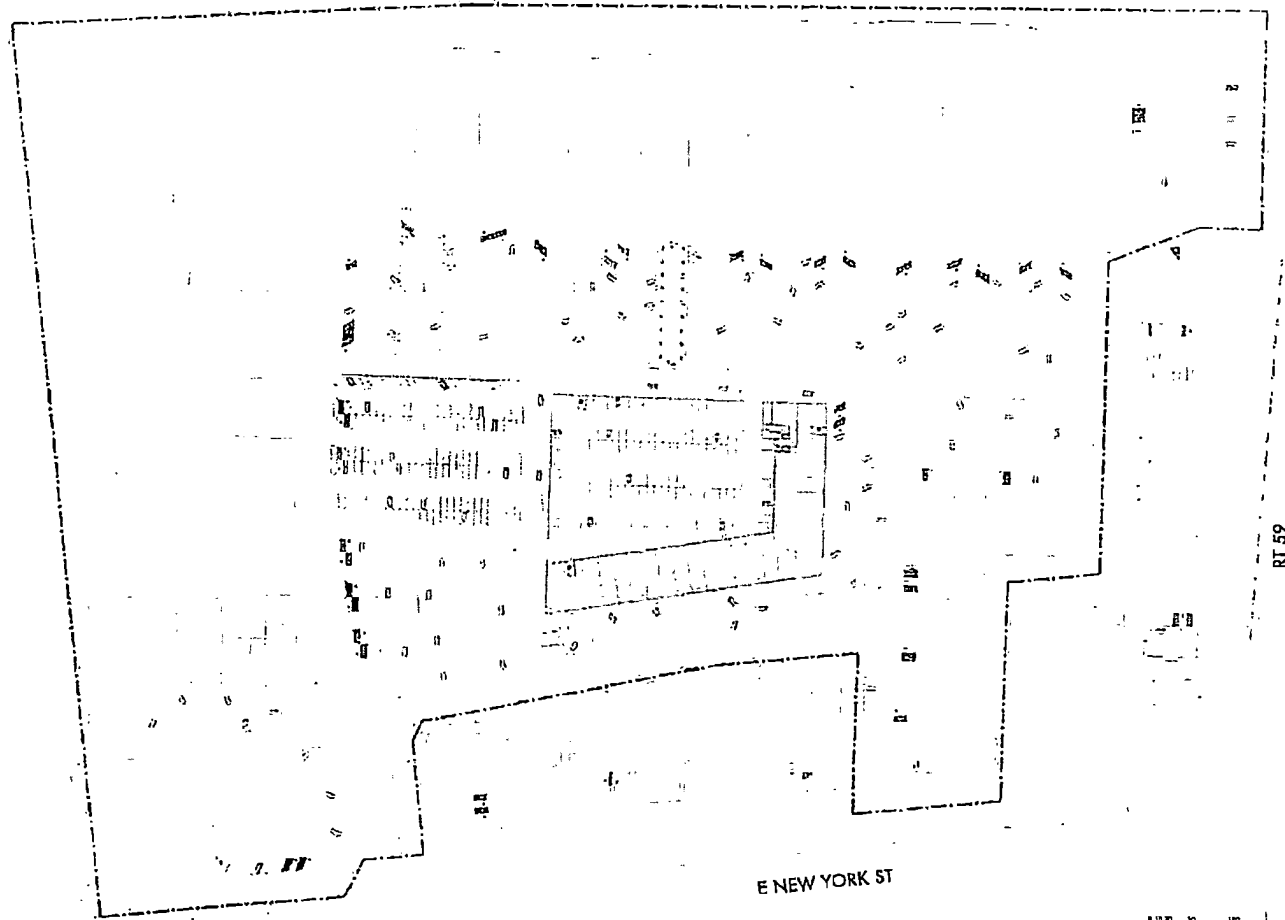
LEGAL DESCRIPTION OF LOT 1:

LOT 1 AND PART OF LOT 2 OF YORKSHIRE PLAZA ASSESSMENT PLAT, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE DOCUMENT RECORDED NOVEMBER 9, 2000 AS DOCUMENT NO. R2000-176188 IN DUPAGE COUNTY, ILLINOIS, EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 06 DEGREES 46 MINUTES 02 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 2, 206.00 FEET; THENCE NORTH 83 DEGREES 12 MINUTES 38 SECONDS EAST, 347.61 FEET; THENCE NORTH 01 DEGREES 56 MINUTES 15 SECONDS WEST, 356.80 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 06 SECONDS EAST, 298.40 FEET; THENCE NORTH 45 DEGREES 23 MINUTES 14 SECONDS EAST, 47.81 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 04 SECONDS EAST, 944.47 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 50 SECONDS WEST, 233.82 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 10 SECONDS WEST, 265.35 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 35 SECONDS WEST, 462.03 FEET; THENCE SOUTH 44 DEGREES 38 MINUTES 25 SECONDS EAST TO THE SOUTHERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING THE SOUTH LINE OF LOT 6 OF YORKSHIRE PLAZA, BEING A SUBDIVISION RECORDED DECEMBER 13, 1985 AS DOCUMENT NO. R85-109544; THENCE SOUTH 83 DEGREES 14 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND SAID LOT 6, TO THE SOUTHWEST CORNER OF SAID LOT 6, 64.08 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 35 SECONDS EAST, TO THE NORTHWEST CORNER OF SAID LOT 6, 219.32 FEET; THENCE SOUTH 83 DEGREES 11 MINUTES 19 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTH LINE OF LOT 5 OF SAID YORKSHIRE PLAZA SUBDIVISION TO THE NORTHEAST CORNER OF LOT 4 OF SAID YORKSHIRE PLAZA SUBDIVISION, 189.08 FEET; THENCE SOUTH 77 DEGREES 01 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTH LINES OF LOTS 3 AND 4 OF SAID YORKSHIRE PLAZA TO THE MOST NORTHERLY WEST CORNER OF SAID LOT 3, 406.05 FEET; THENCE SOUTH 24 DEGREES 00 MINUTES 00 SECONDS WEST ALONG AN EASTERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING A WESTERLY LINE OF SAID LOT 3 OF SAID YORKSHIRE PLAZA SUBDIVISION, 28.89 FEET; THENCE SOUTH 06 DEGREES 46 MINUTES 39 SECONDS EAST ALONG AN EAST LINE OF SAID LOT 2, SAID LINE ALSO BEING THE WEST LINE OF LOT 3 OF SAID YORKSHIRE PLAZA SUBDIVISION TO THE MOST WESTERLY SOUTHWEST CORNER OF SAID LOT 6, SAID POINT IS ALSO THE NORTH LINE OF A PARCEL CONVEYED TO THE CITY OF AURORA PER DOCUMENT NO. R75-46135, 155.15 FEET; THENCE SOUTH 83 DEGREES 15 MINUTES 31 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE BEING THE NORTH LINE OF SAID PARCEL CONVEYED TO THE CITY OF AURORA, 79.86 FEET; THENCE SOUTH 25 DEGREES 50 MINUTES 57 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTHWESTERLY LINE OF SAID PARCEL CONVEYED TO THE CITY OF AURORA, 57.71 FEET; THENCE SOUTH 83 DEGREES 12 MINUTES 38 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 2, 329.00 FEET TO THE POINT OF BEGINNING; ALSO EXCEPTING THEREFROM THAT PART TAKEN FOR ROAD RIGHT OF WAY PER CASE NO. 12ED000073 AND RECORDED JULY 11, 2017 AS DOCUMENT NO. R2017-069088; AND

LEGAL DESCRIPTION OF LOT 2:

PART OF LOT 2 OF YORKSHIRE PLAZA ASSESSMENT PLAT, BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE DOCUMENT RECORDED NOVEMBER 9, 2000 AS DOCUMENT NO. R2000-176188 IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 06 DEGREES 46 MINUTES 02 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 2, 206.00 FEET; THENCE NORTH 83 DEGREES 12 MINUTES 38 SECONDS EAST, 347.61 FEET; THENCE NORTH 01 DEGREES 56 MINUTES 15 SECONDS WEST, 356.80 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 06 SECONDS EAST, 298.40 FEET; THENCE NORTH 45 DEGREES 23 MINUTES 14 SECONDS EAST, 47.81 FEET; THENCE SOUTH 89 DEGREES 38 MINUTES 04 SECONDS EAST, 944.47 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 50 SECONDS WEST, 233.82 FEET; THENCE NORTH 89 DEGREES 41 MINUTES 10 SECONDS WEST, 265.35 FEET; THENCE SOUTH 00 DEGREES 21 MINUTES 35 SECONDS WEST, 462.03 FEET; THENCE SOUTH 44 DEGREES 38 MINUTES 25 SECONDS EAST TO THE SOUTHERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING THE SOUTH LINE OF LOT 6 OF YORKSHIRE PLAZA, BEING A SUBDIVISION RECORDED DECEMBER 13, 1985 AS DOCUMENT NO. R85-109544; THENCE SOUTH 83 DEGREES 14 MINUTES 57 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2 AND SAID LOT 6, TO THE SOUTHWEST CORNER OF SAID LOT 6, 64.08 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 35 SECONDS EAST, TO THE NORTHWEST CORNER OF SAID LOT 6, 219.32 FEET; THENCE SOUTH 83 DEGREES 11 MINUTES 19 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTH LINE OF LOT 5 OF SAID YORKSHIRE PLAZA SUBDIVISION TO THE NORTHEAST CORNER OF LOT 4 OF SAID YORKSHIRE PLAZA SUBDIVISION, 189.08 FEET; THENCE SOUTH 77 DEGREES 01 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTH LINES OF LOTS 3 AND 4 OF SAID YORKSHIRE PLAZA TO THE MOST NORTHERLY WEST CORNER OF SAID LOT 3, 406.05 FEET; THENCE SOUTH 24 DEGREES 00 MINUTES 00 SECONDS WEST ALONG AN EASTERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING A WESTERLY LINE OF SAID LOT 3 OF SAID YORKSHIRE PLAZA SUBDIVISION, 28.89 FEET; THENCE SOUTH 06 DEGREES 46 MINUTES 39 SECONDS EAST ALONG AN EAST LINE OF SAID LOT 2, SAID LINE ALSO BEING THE WEST LINE OF LOT 3 OF SAID YORKSHIRE PLAZA SUBDIVISION TO THE MOST WESTERLY SOUTHWEST CORNER OF SAID LOT 6, SAID POINT IS ALSO THE NORTH LINE OF A PARCEL CONVEYED TO THE CITY OF AURORA PER DOCUMENT NO. R75-46135, 155.15 FEET; THENCE SOUTH 83 DEGREES 15 MINUTES 31 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 2, SAID LINE BEING THE NORTH LINE OF SAID PARCEL CONVEYED TO THE CITY OF AURORA, 79.86 FEET; THENCE SOUTH 25 DEGREES 50 MINUTES 57 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID LOT 2, SAID LINE ALSO BEING THE NORTHWESTERLY LINE OF SAID PARCEL CONVEYED TO THE CITY OF AURORA, 57.71 FEET; THENCE SOUTH 83 DEGREES 12 MINUTES 38 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 2, 329.00 FEET TO THE POINT OF BEGINNING.

BUSINESS IMPROVEMENT DISTRICT



WITTE TRANSPORTATION CONSULTANTS, INC. archdmc

0 50 100

LEGEND
PROPOSED BUSINESS
IMPROVEMENT DISTRICT

BUSINESS IMPROVEMENT DISTRICT

