



CITY OF AURORA, ILLINOIS

RESOLUTION NO. R17-133  
DATE OF PASSAGE April 25, 2017

A Resolution Authorizing the Execution of an Amended and Restated Development Agreement Between the City of Aurora, The Aurora Metropolitan Exposition, Auditorium and Office Building Authority and Aurora Arts Center Developer LLC for the Properties Located at 5 East Galena Boulevard and 2-20 South Stolp Avenue - Aurora Arts Centre Commercial Project.

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, the Corporate Authorities of the City of Aurora, Kane, Kendall, Will and DuPage Counties, Illinois approved under Resolution R16-384, on December 13, 2016 a Development Agreement between the City of Aurora ("City"), the Aurora Metropolitan Exposition, Auditorium and Office Building Authority ("ACCA") and Aurora Arts Center Developer LLC (the "Developer") relative to the commercial portions of the Aurora Arts Centre Project, which concerns property at 5 East Galena Boulevard and 2-20 South Stolp Avenue, Aurora, Illinois; and

WHEREAS, the Developer is desirous to begin construction during the spring of 2017, in order to capture the maximum credit under Aurora's River Edge Redevelopment Zone State Historic Tax Credit prior to its sunset date of December 31, 2017, and to date has taken appropriate actions to further its commitment to the project, the scope of which has not substantially changed, and

WHEREAS, The City, ACCA and the Developer, since approval of R16-384, have continued to refine the development agreement, and make adjustments where necessary based upon more recently available and/or updated data; and

WHEREAS, the multiple funding sources approved as initially provided in R16-384 are revised, as well as more clearly defined in said Amended and Restated Agreement,

RESOLUTION NO. R17-133  
DATE OF PASSAGE April 25, 2017

including bridge loan sourcing, loan collateralization, guarantees, and repayment sources; and

WHEREAS, the Amended and Restated Development Agreement contemplates the provision by the City of up to \$5,930,000 in Section 108 funding, a bridge loan prior to Section 108 loan funding, Community Development Block Grant funding, a TIF grant, a Community Development Assistance Program Loan through Aurora Township, and a gaming Fund grant (collectively, the "City Facilitated Funds"), to be used in furtherance of the rehabilitation and development of the commercial portions of the Aurora Arts Centre Project, all subject to the terms and conditions as set forth in the Amended and Restated Development Agreement and various sub-agreements relative to the City Facilitated Funds to be entered into prior to disbursement of any particular portion of the City Facilitated Funds; and

WHEREAS, the City Facilitated Funds are more specifically contemplated to be comprised of \$3,800,000 in Section 108 funding (which includes \$800,000 interest), \$700,000 in Community Development Block Grant funding, a \$500,000 TIF grant, \$780,000 in repayment of an Community Development Assistance Program Loan through Aurora Township (which includes \$280,000 interest) and a \$150,000 grant from the Gaming Fund. As the section 108 funding may not occur prior to construction, a bridge loan by the City is contemplated to be made, which will be repaid by the Section 108 funding once it issues; and

WHEREAS, it is understood that the City continues to seek additional funding sources and that the sources and amounts set forth above may be revised prior to disbursement, but in no event shall the amount of City Facilitated Funds exceed Five Million Nine Hundred Thirty Thousand and No/100 Dollars (\$ 5,930,000.00) without further City Council approval; and

WHEREAS, the Corporate Authorities of the City of Aurora, Kane, Kendall, Will and DuPage Counties, Illinois, find and determine that it is in the best interests of the City of Aurora and its residents to approve the Amended and Restated Development Agreement, attached hereto and made a part thereof as Exhibit A, and further find that but for the provision of the City Facilitated Funds as provided therein, the property would not otherwise be developed in the manner as provided in the Amended and Restated Development Agreement. For clarity purposes, the aforementioned Amended and Restated Development Agreement shall wholly replace the development agreement previously approved as Resolution R16-384. )

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

Section 1 The Preambles hereto are hereby made a part of, and operative provisions of, the Resolution as fully as if completely repeated at length therein.

RESOLUTION NO. R17-133  
DATE OF PASSAGE APR 25, 2017

Section 2 The Mayor and City Council of the City of Aurora hereby find that it is in the best interests of the City of Aurora and its residents that the aforesaid Amended and Restated Development Agreement with ACCA and the Developer, and the various sub-agreements contemplated thereunder, be entered into by the City of Aurora, with said Development Agreement to be substantially in the form attached hereto and made a part hereof as EXHIBIT A. Any additional edits, revisions or amendments to the Development Agreement subsequent to this approval are subject to the approval of the City Attorney and the Mayor, and so long as the contemplated uses of the City Facilitated Funds in furtherance of the commercial portions of the Aurora Arts Centre Project remains the same, and the amount of City Facilitated Funds does not exceed Five Million Nine Hundred Thirty Thousand and No/100 Dollars (\$ 5,930,000.00).

Section 3 The Mayor and City Clerk of the City of Aurora, Kane, Kendall, Will and DuPage Counties, Illinois, are hereby authorized to execute for and on behalf of said City of Aurora, the aforesaid Amended and Restated Development Agreement, the sub-agreements contemplated thereunder, and all other documents necessary to facilitate the Amended and Restated Development Agreement and provision of the City Facilitated Funds for the uses specified in the Agreement.

Section 4 That the aforementioned Amended and Restated Development Agreement wholly replace the development agreement previously approved as Resolution R16-384.

Section 5 This Resolution shall take affect from and after its adoption and approval as required by law.



RESOLUTION NO. R17-133  
DATE OF PASSAGE April 25, 2017

PASSED AND APPROVED ON April 25, 2017

AYES 9 NAYS 1 NOT VOTING 1 ABSENT 0

Kristina Bohman  
Alderman Bohman, Ward 1

Alderman Mesiacos, Ward 3

Carl Franco  
Alderman Franco, Ward 5

Alderman Hart-Burns, Ward 7

Alderman Bugg, Ward 9  
Alderman Irvin, At Large

Wally Garza  
Alderman Garza, Ward 2

Wes Donnell  
Alderman Donnell, Ward 4

Michael P. Saville  
Alderman Saville, Ward 6

Paul Mervine  
Alderman Mervine, Ward 8

Alderman Johnson, Ward 10

Alderman O'Connor, At Large

ATTEST:

Sara Townsend  
Deputy City Clerk

Mayor  
Mayor