



## Legislation Text

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**File #:** 19-0631, **Version:** 1

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**TO:** Mayor Richard C. Irvin

**FROM:** Trevor Dick, AICP, LEED AP, Director of Development Strategy and Facilitation

**DATE:** July 18, 2019

**SUBJECT:**

An Ordinance Calling for a Public Hearing and a Joint Review Board Meeting to Consider the Designation of a Redevelopment Project Area and the Approval of a Redevelopment Plan and Project for the City of Aurora (River Benton Tax Increment Financing District).

**PURPOSE:**

The City is proceeding with the creation of additional "micro" TIF Districts in the downtown area. The Ordinance would start the process of creating another TIF District in the downtown area, to be known as the "River Benton TIF District." The Ordinance sets dates for a Joint Review Board meeting and a public hearing, and calls for the notices to be given in connection with the meeting and public hearing.

**BACKGROUND:**

Redevelopment of the City's downtown is a high priority. The City has aggressively pursued redevelopment in the downtown area, and an existing Downtown TIF District has been used to incentive redevelopment. The Downtown TIF District is nearing the end of its twenty-three (23) year term. Additional redevelopment opportunities have been secured for the downtown area that require assistance beyond the term of the Downtown TIF District. As such, the City has pursued the strategy of creating micro TIF Districts from properties within the existing Downtown TIF District, to support certain redevelopment opportunities that would otherwise not occur, but for the City's assistance with a new TIF District.

**DISCUSSION:**

The City approved a Redevelopment Agreement with 80 S. River LLC, calling for the redevelopment of property in the area of River Street and Benton Street, with market rate apartments and with offices and some auxiliary retail on the ground floor. The Redevelopment Agreement calls for the City to provide financial incentives to the redevelopment project, including:

- The sale of the building to 80 S. River LLC for \$1.00;
- A grant of \$850,000 to be paid to the developer in three installments (Certificate of Occupancy, rough in construction, final permits) and completion of Kluber commercial space.
- A "pay as you go" TIF divided 80% (developer) and 20% (City) will these percentages modified to 70%/30% upon the reaching of a threshold return for the developer.

The incentives are to be paid out of a new micro TIF District covering a small area, to be known as the River Benton TIF District.

In order to create the River Benton TIF District, the City Council must first approve the Ordinance, which begins the process. Steps in the process of creating the TIF District include:

1. Adopting the Ordinance
2. Send notices of the Joint Review Board meeting
3. Send notices of the availability of the Eligibility Study and Redevelopment Plan and Project for the TIF District
4. Hold the Joint Review Board meeting
5. Publish and mail notices of the public hearing
6. Hold the public hearing
7. Remove the property needed to create the TIF District from the Downtown TIF District
8. Approve the ordinances creating the TIF District

It is anticipated that the TIF District will be created in early 2020

**IMPACT STATEMENT :**

The Designation of a Redevelopment Project Area and the Approval of a Redevelopment Plan and Project for the City of Aurora (River Benton Tax Increment Financing District) would support the downtown core and, aligned with the Downtown Master Plan (O17-080), would "Maximize the rehabilitation of the existing downtown residential spaces through engagements, resources, and support."

**RECOMMENDATIONS:**

City staff recommends the Ordinance be approved, so that the creation of the River Benton TIF District moves forward.

**ATTACHMENTS:**

EXHIBIT A - Redevelopment Project Area Legal Description  
EXHIBIT B - Notice of the Availability of the Eligibility Report  
EXHIBIT C - Notice of Public Hearing and Joint Review Board Meeting  
Legal Description of the Proposed TIF  
EXHIBIT 1 - Common Boundaries-PINs  
EXHIBIT 2 - Street Location Map

cc: Alderman Robert O'Connor, Chairperson  
Alderman Edward J. Bugg, Vice Chairperson  
Alderman Carl Franco  
Alderman Scheketa Hart-Burns  
Alderman Emmanuel Llamas



CITY OF AURORA, ILLINOIS

ORDINANCE NO. \_\_\_\_\_  
DATE OF PASSAGE \_\_\_\_\_

An Ordinance Calling for a Public Hearing and a Joint Review Board Meeting to Consider the Designation of a Redevelopment Project Area and the Approval of a Redevelopment Plan and Project for the River Benton Tax Increment Financing 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, the City of Aurora ("City") is considering the designation of a redevelopment project area and the approval of a redevelopment plan and project within the corporate limits of the City, to be called the River Benton Tax Increment Financing District ("River Benton TIF District"), pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, et seq. ("TIF Act"), conditioned upon the removal of certain properties from the City's Downtown TIF District 1; and

WHEREAS, on May 14, 2019, the City Council of the City approved a motion authorizing Kane, McKenna & Associates, Inc. to prepare an eligibility study and report, and a redevelopment plan and project relative to the River Benton TIF District; and

WHEREAS, on July 22, 2019, the City published the Tax Increment Financing (TIF) Interested Parties Registry Notice, as required by Section 11-74.4-5(a) of the TIF Act, in the Daily Herald; and

WHEREAS, on July 23, 2019, the City announced the availability of the redevelopment plan and project for the proposed River Benton TIF District ("TIF Plan"), with said TIF Plan containing an eligibility report for the proposed River Benton TIF District ("Eligibility Report") addressing the tax increment financing eligibility of the area proposed for the redevelopment project area ("Redevelopment Project Area"), with said Redevelopment Project Area being legally described on Exhibit A attached hereto and made part hereof, and with the findings of the TIF Plan and Eligibility Report being conditioned upon the removal of certain properties from Downtown TIF District 1; and

WHEREAS, pursuant to the provisions of Section 11-74.4-5(c) of the TIF Act, prior to the adoption of the ordinance designating the Redevelopment Project Area and approving the TIF Plan for the proposed River Benton TIF District, the City must fix a time and place for a public hearing; and

WHEREAS, pursuant to the provisions of Section 11-74.4-5(b) of the TIF Act, prior to the adoption of the ordinance designating the Redevelopment Project Area and approving the TIF Plan for the proposed River Benton TIF District, the City must convene a meeting of the Joint Review Board ("JRB") to consider the proposal; and

WHEREAS, it is the desire of the City Council of the City to conduct such public hearing and to convene said meeting of the JRB;

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

SECTION 1: That, pursuant to the provisions of the TIF Act, the City Council hereby designates the date of Tuesday, October 8, 2019, at 6:00 p.m. at the Aurora City Hall, Council Chambers, 44 East Downer Place, Aurora, Illinois 60507, for the purpose of conducting a public hearing to hear from any interested persons, taxpayers or affected taxing districts regarding the Redevelopment Project Area and the TIF Plan for the proposed River Benton TIF District.

SECTION 2: That copies of the Eligibility Report and the TIF Plan for the proposed River Benton TIF District have been on file in the office of the City Clerk, and have been available for public inspection during regular City business hours, since July 23, 2019.

SECTION 3: That at the public hearing, any interested person, taxpayer or affected taxing district may file with the City Clerk written comments and/or objections to, and may be heard orally with respect to, any issues embodied in the notice of public hearing attached hereto.

SECTION 4: That the JRB for the proposed River Benton TIF District shall meet on Thursday, September 5, 2019, at 9:00 a.m. at City Hall, 44 East Downer Place, 5th Floor, Conference Room 5A, Aurora, Illinois 60507. The JRB shall review the public record, planning documents, Eligibility Report, Redevelopment Project Area and the TIF Plan for the proposed River Benton TIF District. The JRB shall make an advisory recommendation to the City within thirty (30) days after the convening of the JRB. A written report shall be issued by the JRB. The failure of the JRB to submit its report on a timely basis shall not be cause to delay the public hearing or any other step in the process of designating the Redevelopment Project Area and approving the TIF Plan for the proposed River Benton TIF District. In the event the JRB does not file a report, it shall be presumed that the JRB has approved the matters before it. Pursuant to the provisions of Section 11-74.4-5(b) of the TIF Act, the JRB shall consist of one (1) public member and one (1) representative from each of the following taxing districts: Kane County, Waubensee Community College No. 516, Aurora Township, Fox Valley Park District, West Aurora School District No. 129, and the City of Aurora.

SECTION 5: That the City of Aurora's representative on the JRB is hereby confirmed as the City's Chief Financial Officer, Martin Lyons, or his or her designee.

SECTION 6: That a notice setting forth the availability of the Eligibility Report and the TIF Plan for the proposed River Benton TIF District, and how to obtain a copy thereof, shall be sent by mail to all residential addresses within seven hundred fifty (750) feet of the boundaries of the proposed River Benton TIF District and to all persons who have registered on the City's TIF Interested Parties Registry, within a reasonable time after the adoption of this Ordinance, as required by Section 11-74.4-5(a) of the TIF Act, with said notice being substantially in the form attached hereto as Exhibit B and made part hereof.

SECTION 7: That a notice of the public hearing and the JRB meeting shall be sent by certified mail, return receipt requested, and a notice of the public hearing shall be given by publication, certified mail, return receipt requested, and by first class U.S. Mail, all as required by Sections 11-74.4-5(b) and 11-74.4-6(a), (b) and (c) of the TIF Act, with said notices being substantially in the form attached hereto as Exhibit C and made part hereof.

SECTION 8: That this Ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

ADOPTED this 13th day of August, 2019 by the City Council, pursuant to a roll call vote as follows:

AYES: \_\_\_\_\_  
NAYS: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

APPROVED by me this 13th day of August, 2019.

\_\_\_\_\_  
Richard Irvin, City Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
Wendy McCambridge, City Clerk

EXHIBIT A

**Redevelopment Project Area Legal Description**

(attached)

EXHIBIT B

**NOTICE OF THE AVAILABILITY OF  
THE ELIGIBILITY REPORT AND REDEVELOPMENT PLAN AND PROJECT RELATIVE TO THE PROPOSED RIVER  
BENTON  
TAX INCREMENT FINANCING DISTRICT**

(attached)

EXHIBIT C

**NOTICE OF PUBLIC HEARING AND JOINT REVIEW BOARD MEETING  
TO CONSIDER THE DESIGNATION OF THE REDEVELOPMENT PROJECT AREA  
FOR THE PROPOSED RIVER BENTON TAX INCREMENT FINANCING DISTRICT AND THE APPROVAL  
OF A REDEVELOPMENT PLAN AND PROJECT IN RELATION THERETO**

(attached)

**EXHIBIT 1**

**Common Boundaries, PINs, and Legal Description for the  
RIVER BENTON TAX INCREMENT FINANCING DISTRICT**

(attached)

**LEGAL DESCRIPTION OF THE PROPOSED  
River Benton Tax Increment Financing District**

(attached)

**EXHIBIT 2**

**Street Location Map for the  
River Benton Tax Increment Financing District**

(attached)