

ORDINANCE

WHEREAS, the City of Chicago (the "City") is a home rule unit of local government pursuant to Article VII, Section 6 (a), of the 1970 Constitution of the State of Illinois and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the City Council of the City (the "City Council"), by ordinance first adopted on June 7, 1990, and published in the Journal of Proceedings of the City Council (the "Journal") for such date at pages 17038-17045, and most recently amended and restated on April 26, 2006, and published in the Journal for such date at pages 75201-75212, has established the New Homes for Chicago Program (as amended, the "New Homes Program") to assist with the construction of affordable, new, high-quality, owner-occupied housing; and

WHEREAS, pursuant to an ordinance the City Council adopted on September 5, 2007, and published in the Journal for such date at pages 6694-6744 (the "September 2007 Ordinance"), as amended by that certain ordinance the City Council adopted on November 7, 2007, and published in the Journal for such date at pages 13247-13251 (together, the "Project Ordinances"), the City Council previously approved the conveyance of those certain parcels owned by the City as of the "Effective Date" (as defined below) and which are identified in Exhibit A attached hereto and incorporated here (each parcel a "City Lot," and collectively, the "City Lots") to Bickerdike Redevelopment Corporation, an Illinois not-for-profit corporation (the "Developer"), for the construction of homes under the New Homes Program; and

WHEREAS, the City's conveyance of the City Lots was conditioned, in part, on the City and the Developer entering into a redevelopment agreement in substantially the form attached as Exhibit A to the September 2007 Ordinance; and

WHEREAS, the Developer and the City previously entered into that certain "Redevelopment Agreement – New Homes for Chicago Program – Bickerdike Redevelopment Corporation" (the "RDA"), dated as of November 30, 2007 ("Effective Date"), and recorded on December 4, 2007, with the Office of the Recorder of Deeds of Cook County, Illinois (the "Recorder's Office"), as document number 0733839091, pursuant to which the Developer was required (a) to construct up to thirty-two (32) single family homes, comprising eleven (11) detached single family homes and twenty-one (21) single family condominium units located in seven (7) three-flat buildings (each such home, a "Single Family Home" or "Home"), and (b) to sell the Homes to homebuyers meeting the income eligibility requirements of the New Homes Program for a base sales price not to exceed One Hundred Ninety-Five Thousand Dollars (\$195,000) (the "Project"); and

WHEREAS, pursuant to an ordinance the City Council adopted on May 12, 2010 (the "2010 Ordinance"), and published in the Journal for such date at pages 91230-91244, the Project Ordinances were amended to: (i) eliminate from the Project the four City Lots identified on Exhibit B attached hereto and incorporated here (the "Excluded City Lots"); (ii) reduce the size of the Project to the construction of up to sixteen (16) Single Family Homes in thirteen (13) detached single family homes and three (3) Single Family Home condominium units located in one (1)

three-flat building, with corresponding adjustments to the various subsidies offered by the City; and (iii) extend the City Lot conveyance and Project completion dates; and

WHEREAS, the City and the Developer previously entered into that certain “First Amendment to Redevelopment Agreement” (the “First Amendment”), dated as of June 7, 2010, and recorded on July 22, 2010, with the Recorder’s Office, as document number 1020331094, to implement the terms of the 2010 Ordinance (the RDA, as amended by the First Amendment, the “Amended RDA”); and

WHEREAS, the City has conveyed to the Developer all the City Lots, except the Excluded City Lots; and

WHEREAS, owing to the collapse of the housing market shortly after the City conveyed the City Lots to the Developer, the Developer determined that the construction of single family homes on the following City Lots was not financially feasible, and such parcels remain vacant: 1256 N. Artesian Ave. (Site 4), 1353 N. Maplewood Ave. (Site 3), 3301 W. Crystal St. (Site 1), 1020 N. Kedzie Ave. (Site 15) and 1728 N. Drake Ave. (Site 10) (collectively, the “Vacant Parcels”); and

WHEREAS, the Vacant Parcels, other than 1728 N. Drake Ave. (Site 10) (the Vacant Parcels, excluding 1728 N. Drake Ave., are referred to as the “IHDA Encumbered Parcels”), are encumbered by that certain Illinois Affordable Housing Tax Credit Regulatory Agreement (“Regulatory Agreement”), dated as of November 30, 2007, and entered into by and between the Illinois Housing Development Authority (the “Authority”) and the Developer; and

WHEREAS, the Developer has proposed to reconvey the Vacant Parcels to the City, subject to the Developer’s obtaining, at the time of the reconveyance or such other time as is acceptable to the City, the Authority’s release of the Regulatory Agreement from the IHDA Encumbered Parcels, and further subject to the City’s satisfaction with the condition of title for each of the Vacant Parcels and the City’s determination that the environmental condition of the Vacant Parcels is acceptable; and

WHEREAS, the City’s Department of Housing (including any successor department thereto, “DOH”) has determined that it is in the City’s best interests to reacquire the Vacant Parcels; and

WHEREAS, the Developer has partially developed a 3-flat building on the City Lot at 3047 W. Wabansia Ave. (Site 16), which City Lot is encumbered by the Amended RDA and the Regulatory Agreement; and

WHEREAS, the Developer has proposed that the City release the City Lot at 3047 W. Wabansia Ave. (Site 16) from the Amended RDA because the building on that City Lot has been partially constructed and vacant since 2008 and could not be completed under the terms of the Amended RDA; and

WHEREAS, the City's releasing the City Lot at 3047 W. Wabansia Ave. (Site 16) from the Amended RDA will allow the Developer to complete the construction of the building and to rent the units in it at an affordable price; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The foregoing recitals are hereby adopted as the findings of the City Council.

SECTION 2. The Commissioner of DOH (the "Commissioner"), or any designee of the Commissioner, subject to the approval of the Corporation Counsel as to form and legality, is authorized to accept one or more special warranty deeds from the Developer that conveys the Vacant Lots to the City. The Commissioner, or a designee of the Commissioner, is each hereby authorized to negotiate, execute and deliver such supporting documents as may be necessary or appropriate to carry out the reconveyances. The Commissioner, or a designee of the Commissioner, subject to the approval of the Corporation Counsel as to form and legality, is authorized to negotiate, execute and deliver a release of the City Lot at 3047 W. Wabansia Ave. (Site 16) from the Amended RDA.

SECTION 3. If any provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such provision shall not affect any of the other provisions of this ordinance.

SECTION 4. All ordinances, resolutions, motions or orders in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall take effect immediately upon its passage and approval.