

## ORDINANCE

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

**WHEREAS**, pursuant to an ordinance adopted by the City Council of the City (the "City Council"), the City established the "47th/Ashland Redevelopment Project Area" in accordance with the Illinois Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et. seq.*, finding, among other things, that the Northwest Industrial Corridor Redevelopment Project Area is a depressed area; and

**WHEREAS**, certain real estate generally located at 5100 South Damen Avenue in the City, as more precisely described on Exhibit A attached hereto and hereby made a part hereof (the "Project Site"), is located within the boundaries of the 47th/Ashland Redevelopment Project Area; and

**WHEREAS**, 5100 S. Damen LLC, an Illinois limited liability company (the "Applicant"), has constructed a new building on the Project Site as the new headquarters and administrative offices of Diaz Group, LLC (the "Tenant"), who will be leasing the property from 5100 S. Damen LLC, as well as snow removal and landscaping services (the "Project"); and

**WHEREAS**, the Applicant purchased the Project Site for value; and

**WHEREAS**, the Project Site has been abandoned for over two years; and

**WHEREAS**, the Project will increase employment opportunities, economic activity in the area and growth in the real property tax base; and

**WHEREAS**, the redevelopment objectives of the City in connection with the Project Site are to: redevelop underutilized property, attract new businesses, retain and encourage the expansion of existing viable businesses, increase employment opportunities, increase economic activity in the area, increase growth in the real property tax base; and

**WHEREAS**, the intended use by the Applicant of the Project Site is as the new headquarters and administrative offices of the Tenant, as well as to provide landscaping and snow removal services; and

**WHEREAS**, Section 74-65(b) of the Cook County Tax Incentive Ordinance, Classification System for Assessment, as amended from time to time (the "County Ordinance"), provides that in connection with filing an eligibility application with the Office of the Assessor of Cook County, Illinois (the "Assessor"), an applicant for Class 7a classification must obtain an ordinance or resolution from the municipality in which the real estate is located expressly stating, among other things, that: (a) the municipality has determined that eligibility factors (1) through (5) under Section 74-65(a) of the County Ordinance are present, and (b) the municipality supports and consents to the Class 7a application to the Assessor; and

**WHEREAS**, the City's Department of Planning and Development has reviewed the proposed Project and has determined that it meets the necessary eligibility requirements for Class

7a designation, and hereby recommends to City Council that the City expressly determine, among other things, by ordinance that: (a) the required eligibility factors are present, and (b) the City supports and consents to the Class 7a application to the Assessor by the Applicant for the Project; now, therefore,

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

**SECTION 1.** The above recitals are hereby expressly incorporated as if fully set forth herein.

**SECTION 2.** The City hereby determines that the Project meets eligibility factor (1) under Section 74-65(a) of the County Ordinance in that the Project Site is located in an area in need of commercial development and designated by the City as the 47th/Ashland Redevelopment Project Area.

**SECTION 3.** The City hereby determines that the Project meets eligibility factor (2) under Section 74-65(a) of the County Ordinance in that real estate taxes in the area during the last six years have either declined, remained stagnant and/or potential real estate taxes are not being fully realized due to the depressed condition of the area, and/or the Project Site, or property values as determined by the assessed value ("AV") or equalized assessed value ("EAV") for the redevelopment area or the Project Site have declined over the last six years, or property values as determined by the AV or EAV are increasing at a rate that is less than the balance of the City's AV or EAV for the last six years; or property values as determined by the AV or EAV for the redevelopment area/Project Site are increasing at a rate that is less than Consumer Price Index ("CPI") for All Urban Consumers as published by the US Department of Labor for the last six years.

**SECTION 4.** The City hereby determines that the Project meets eligibility factor (3) under Section 74-65(a) of the County Ordinance in that there is a reasonable expectation that the Project is viable and likely to go forward on a reasonably timely basis if granted Class 7a designation and will therefore result in the economic enhancement of the area.

**SECTION 5.** The City hereby determines that the Project meets eligibility factor (4) under Section 74-65(a) of the County Ordinance in that certification of the Project for Class 7a designation will materially assist development, redevelopment or rehabilitation of the area and the Project would not go forward without the full incentive offered under Class 7a.

**SECTION 6.** The City hereby determines that the Project meets eligibility factor (5) under Section 74-65(a) of the County Ordinance in that certification of the Project for Class 7a designation is reasonably expected to ultimately result in an increase in real property tax revenue and employment opportunities within the area.

**SECTION 7.** The City hereby expressly determines that eligibility factors (1) through (5) under Section 74-65(a) of the County Ordinance are present for the Project, and hereby expressly supports and consents to the Class 7a application of the Applicant to the Assessor for Class 7a designation of the Project and the Project Site.

**SECTION 8.** The City has received and filed the Applicant's Economic Disclosure Statement, as defined in the County Ordinance.

**SECTION 9.** The Commissioner of Planning and Development (the "Commissioner"), or a designee of the Commissioner, are each hereby authorized to deliver a certified copy of this ordinance to the Assessor and to furnish such additional information as may be required in connection with the filing of the application by the Applicant with the Assessor for Class 7a designation of the Project.

**SECTION 10.** The Commissioner or a designee of the Commissioner are each hereby authorized, with the approval of the City's Corporation Counsel, to negotiate, execute and deliver a redevelopment agreement between the Applicant and the City substantially in the form attached hereto as Exhibit B and made a part hereof (the "Redevelopment Agreement"), and such other supporting documents as may be necessary to carry out and comply with the provisions of the Redevelopment Agreement, with such changes, deletions and insertions as shall be approved by the persons executing the Redevelopment Agreement.

**SECTION 11.** This ordinance shall be effective from and after its passage and approval.