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OFFICE OF THE MAYOR  
CITY OF CHICAGO

BRANDON JOHNSON  
MAYOR

November 15, 2023

TO THE HONORABLE, THE CITY COUNCIL  
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Planning and Development, I transmit herewith an ordinance authorizing a Class 6(b) tax incentive for a property located at 328 West 40<sup>th</sup> Place.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,



Mayor

## 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**, the Cook County Board of Commissioners has enacted the Cook County Tax Incentive Ordinance, Classification System for Assessment, as amended from time to time (the "County Ordinance"), which provides for, among other things, real estate tax incentives to property owners who build, rehabilitate, enhance and occupy property which is located within Cook County, Illinois and which is used primarily for industrial purposes; and

**WHEREAS**, the City consistent with the County Ordinance, wishes to induce industry to locate and expand in the City by supporting financial incentives in the form of property tax relief; and

**WHEREAS**, 328 W. 40<sup>th</sup> TMG, LLC, an Illinois limited liability company (the "Applicant"), is the contract purchaser of certain real estate located generally at 328 W. 40<sup>th</sup> Place, Chicago, Illinois 60609, as further described on Exhibit A hereto (the "Subject Property"); and

**WHEREAS**, the Applicant intends to construct an approximately 180,900 square foot industrial facility located on the Subject Property; and

**WHEREAS**, the redevelopment objective of the City in connection with the Subject Property is to return a vacant industrial site to productive use, retain and create new jobs, and increase the City's tax base through the construction and occupancy of a new industrial facility on the Subject Property; and

**WHEREAS**, it is intended that the Applicant will use the Subject Property to develop a state-of-the-art warehouse and distribution facility; and

**WHEREAS**, the Applicant has filed an eligibility application for a Class 6b tax incentive under the County Ordinance with the Office of the Assessor of Cook County (the "Assessor"); and

**WHEREAS**, the Subject Property is located within the City of Chicago Enterprise Zone No. 2 (created pursuant to the Illinois Enterprise Zone Act, 20 ILCS 665/1 et seq., as amended, and pursuant to an ordinance enacted by the City Council of the City, as amended), and the purposes of Enterprise Zones are also to provide certain incentives in order to stimulate economic activity and to revitalize depressed areas; and

**WHEREAS**, it is the responsibility of the Assessor to determine that an application for a Class 6b classification or renewal of a Class 6b classification is eligible pursuant to the County Ordinance; and

**WHEREAS**, the County Ordinance requires that, in connection with the filing of a Class 6b eligibility application with the Assessor, the applicant must obtain from the municipality in which such real estate that is proposed for Class 6b classification is located an ordinance expressly stating, among other things, that the municipality has determined that the incentive provided by

the Class 6b classification is necessary for development to occur on such real estate and that the municipality supports and consents to the Class 6b classification by the Assessor; and

**WHEREAS**, the intended use of the Subject Property will provide significant present and future employment; and

**WHEREAS**, notwithstanding the Class 6b classification of the Subject Property, the redevelopment and utilization thereof will generate significant new revenues to the City in the form of additional real estate taxes and other tax revenues; 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 incentive provided by the Class 6b classification is necessary for the development to occur on the Subject Property.

**SECTION 3:** The City supports and consents to the Class 6b classification by the Assessor with respect to the Subject Property.

**SECTION 4:** The Economic Disclosure Statement, as defined in the County Ordinance, has been received and filed by the City.

**SECTION 5:** The Clerk of the City of Chicago is authorized to and shall send a certified copy of this ordinance to the Assessor, and a certified copy of this ordinance may be included with the Class 6b eligibility application filed with the Assessor by the Applicant, as applicant, in accordance with the County Ordinance.

**SECTION 6:** The Commissioner of DPD (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 7:** This ordinance shall be effective immediately upon its passage and approval.