

VILLAGE OF BRADLEY

RESOLUTION NO. R-06-23-03

A RESOLUTION PROVIDING AN INDUCEMENT TO THE VILLAGE OF BRADLEY AND A DEVELOPER IN CONNECTION WITH THE REDEVELOPMENT OF CERTAIN REAL PROPERTY LOCATED IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS

ADOPTED BY THE PRESIDENT
AND BOARD OF TRUSTEES
OF THE VILLAGE OF BRADLEY, ILLINOIS

ON

THIS 12th DAY OF June, 2023

Published in pamphlet form by authority of the Board of Trustees of the Village of Bradley, Kankakee County, Illinois this 12th day of June, 2023

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WHEREAS, the Village of Bradley, Kankakee County, Illinois (the “Village”) is a non-home rule municipality organized and operating under the Illinois Municipal Code (65 ILCS 5/1-1-1, *et seq.*); and

WHEREAS, the Village has the authority to adopt ordinances and resolutions and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety and welfare; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to stimulating and inducing development within the Village; and

WHEREAS, the Corporate Authorities are determined to ensuring that: (1) areas located within the Village do not become blighted areas; (2) the stable economic and physical development of the Village is not endangered by blighting factors; and (3) where blighting factors exist, the Village actively works to ameliorate those factors; and

WHEREAS, blighting factors found and blight may be manifested by, among other things: (1) progressive and advanced deterioration of structures or surface improvements; (2) the overuse of housing and other facilities; (3) a lack of physical maintenance of existing structures; (4) obsolete and inadequate community facilities; (5) a lack of sound community planning; (6) obsolete platting, (7) excessive tax and special assessment delinquencies; (8) the growth of a large surplus of workers who lack the skills to meet existing or potential employment opportunities; (9) the existence of adverse environmental conditions; and (10) a combination of the foregoing factors; and

WHEREAS, due to the existence of blighting factors, there is an excessive and disproportionate expenditure of public funds, inadequate public and private investment, unmarketability of property, increased delinquencies and crime, and housing and zoning law violations in such areas; and

WHEREAS, there exists a certain area within the corporate limits of the Village that has blighting factors (the “Project Area”), as described in Exhibit A, attached hereto and incorporated herein as more fully described below; and

WHEREAS, if not addressed, the economic decline and distress in the Area may: (1) impair the value of private investments; (2) threaten the sound growth and the tax base of the Village as well as the taxing districts authorized to tax real property in the Area; and (3) threaten the health, safety, morals and welfare of the public; and

WHEREAS, to remove and alleviate the blight and to address the economic decline and distress affecting the Area, the Village has determined that it is in the Village's best interests to commission and conduct a study to explore the possibility of adopting tax increment financing in connection with designating a new redevelopment project area in the Village as the project area; and

WHEREAS, the Project Area would be established pursuant to and in accordance with the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1, *et seq.*) (the "Act"); and

WHEREAS, if the Project Area is established, the Village may negotiate and thereafter enter into a redevelopment agreement with a developer (to wit: Sanjes Properties, LLC or its nominee") to incentivize the Developer's redevelopment of the Project Area; and

WHEREAS, the redevelopment agreement may provide for financial incentives to the Developer, which may include the Village paying or financing redevelopment project costs incurred within the Project Area as authorized by the Act; and

WHEREAS, the Developer is currently expending funds in connection with the redevelopment of the potential Project Area including, without limitation, costs for studies, surveys, development of plans, architectural, engineering, legal and design services, property assembly, remediation and construction (the "Developer's Potential Eligible Redevelopment Project Costs"), which could be reimbursed to the Developer if the Project Area is established; and

WHEREAS, the Village's payment of Developer's Potential Eligible Redevelopment Project Costs is contingent on the Village and the Developer entering into a redevelopment agreement, which shall require, among other things, the Developer to complete a project eligible for reimbursement under the Act (the "Project"); and

WHEREAS, the Village shall not be required to reimburse the Developer for any expenditures in excess of One Million and 00/100 U.S. dollars (\$1,000,000.00) in the aggregate of 10 years of when the occupancy permit is issued; and

WHEREAS, the successful completion of the Project is contingent upon economic assistance from the Village and the taxing districts located within the Village, and but for said assistance, the Developer would not undertake the Project; and

WHEREAS, the Village further acknowledges that, but for the benefit of economic assistance from tax increment financing, the Project could not proceed; and

WHEREAS, the Village acknowledges that the Developer will not be able to commence the Project, unless some of the expenditures the Developer incurs are reimbursable under the Act; and

WHEREAS, the Village acknowledges that a third party will not be able to complete the Project without economic assistance from the Village; and

WHEREAS, in an effort to encourage public and private investment in the Area, the Corporate Authorities do hereby agree to undertake, in good faith, an investigation into the appropriateness of allowing the Village to use tax increment financing in connection with the Project; and

WHEREAS, the Village may make certain expenditures necessary to commence the Project on the basis that tax increment financing may be used, entirely or in part, to finance the Project; and

WHEREAS, after adoption of this Resolution, the Corporate Authorities have determined that it is advisable, necessary and in the best interests of the Village and its residents to consider providing municipal and/or other governmental economic assistance to the Developer including, but not limited to, tax increment financing, through the establishment and/or expansion of a redevelopment project area, to the extent that such assistance may be lawfully and practically available and in the best interests of the Village; and

WHEREAS, notwithstanding the foregoing, this Resolution neither obligates the Village to establish a Project Area or expand a current redevelopment project area nor enter into a redevelopment agreement with the Developer; rather it is intended to induce the Developer to pursue plans for the Project and provide for the potential reimbursement of the Developer's Potential Eligible Redevelopment Project Costs in the event that the Project Area is established and a redevelopment agreement is entered into between the Village and the Developer;

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1. The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Resolution are full, true, and correct and do hereby, by reference, incorporate and make them part of this Resolution as legislative findings.

SECTION 2. The purpose of this Resolution is to induce the Village and the Developer to proceed with the potential designation of the Project Area, to incur costs pending the possible approval of the Project Area and the redevelopment agreement, and to further authorize the President to take all steps necessary to carry out the terms of this Resolution and ratify any steps taken to effectuate those goals, including the expenditure of all necessary funds.

SECTION 3. The Village Board hereby authorizes and directs the President or his designee to commission and conduct a study and consider whether all or a portion of the Project is appropriate for participation in municipal and/or other governmental economic incentive program(s) including, but not limited to, tax increment financing. If the Village determines that the Project is appropriate for such municipal and/or other governmental economic incentive program(s) and such costs qualify as eligible redevelopment project costs under the Act, the Village may make certain tax increment financing eligible expenditures to establish the Project Area, commence the Project and bargain in good faith with the Developer regarding a redevelopment agreement which may include reimbursement for the expenditures authorized under the Act, provided that such reimbursements are lawfully permitted and practically available. The Village and other third parties designated by the Village including, but not limited to, the Developer are hereby induced to make such reasonable expenditures in furtherance of the Project and the establishment of the Project Area. The Village Board hereby authorizes and directs the President and an attorney for the Village to take all steps and incur all costs necessary to establish the Project Area and to negotiate and draft agreements and other documents necessary to carry out the intent of this Resolution. After such agreements or documents are in a form satisfactory to the Village and an attorney for the

Village, said agreements or documents shall be presented to the Village Board for potential approval and passage, as provided by law. The Village Clerk is also authorized and directed to affix the Seal of the Village to such documentation as is deemed necessary. The officers, agents and/or employees of the Village shall take all action necessary or reasonably required by the Village to carry out, give effect to and consummate the purpose of this Resolution and shall take all action necessary in conformity therewith. To the extent that any requirement of bidding would be applicable, the same is hereby waived. The authority of this Resolution also allows the Village to retain all professionals necessary to discharge the intent of this Resolution. Further, the Village is permitted to reimburse itself for eligible redevelopment project costs is so incurred in accordance with the Act.

SECTION 4. That all past, present and future acts and doings of the officials of the Village that are in conformity with the purpose and intent of this Resolution are hereby, in all respects, ratified, approved, authorized and confirmed.

SECTION 5. In the event that any provision or provisions, portion or portions, or clause or clauses of this Resolution shall be declared to be invalid or unenforceable by a court of competent jurisdiction, such adjudication shall in no way effect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Resolution that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 6. All code provisions, ordinances, resolutions, rules, motions, and orders, or parts thereof, conflicting with any provision of this Resolution are hereby superseded to the extent of the conflict.

SECTION 7. The Village Clerk is hereby directed to publish a full, true, and complete copy of this Resolution book or pamphlet form or in a newspaper published and of general circulation within the Village if required by the Illinois Municipal Code, as amended.

SECTION 8. This Resolution shall be in full force and effect after its passage, approval, and publication in pamphlet form or as otherwise provided by applicable law.

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PASSED by the Village Board on a roll call vote on the 12th day of June, 2023.

TRUSTEES:

RYAN LEBRAN	Aye - <u>X</u>	Nay - _____	Absent - _____
BRIAN BILLINGSLEY	Aye - <u>X</u>	Nay - _____	Absent - _____
DARREN WESTPHAL	Aye - <u>X</u>	Nay - _____	Absent - _____
BRIAN TIERI	Aye - <u>X</u>	Nay - _____	Absent - _____
GRANT VANDENHOUT	Aye - <u>X</u>	Nay - _____	Absent - _____
GENE JORDAN	Aye - <u>X</u>	Nay - _____	Absent - _____

VILLAGE PRESIDENT:

MICHAEL WATSON Non-Voting - X Voting - _____ (Aye, Nay, Abstain)

TOTALS: Aye - 6 Nay - 0 Absent - _____

ATTEST:

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK (Deputy)

APPROVED this 12th day of June, 2023.

Michael Watson
MICHAEL WATSON, VILLAGE PRESIDENT

ATTEST:

Julie Tambling
JULIE TAMBLING, VILLAGE CLERK (Deputy)



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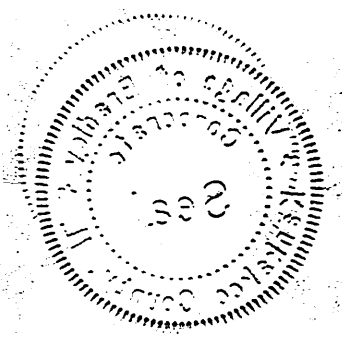
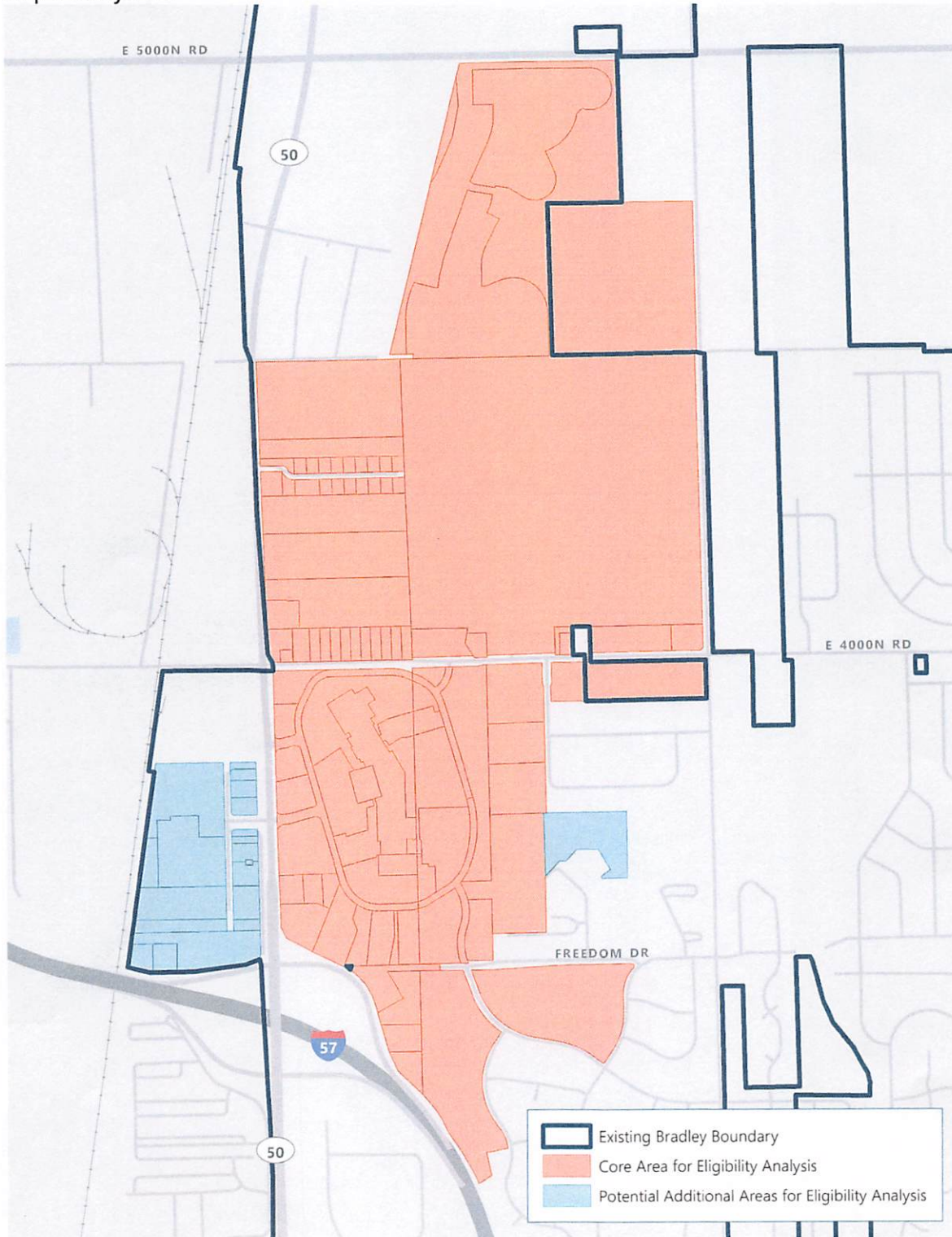


EXHIBIT A
(AREA DESCRIPTION)

Map 1. Study Area



STATE OF ILLINOIS)
)
COUNTY OF KANKAKEE)

SS

CLERK'S CERTIFICATE
(RESOLUTION)


I, Julie Tambling, certify that I am the duly appointed and acting Clerk of the Village of Bradley, County of Kankakee, State of Illinois, and I do hereby certify that I am currently the keeper of its books and records and that the attached hereto is a true and correct copy of a Resolution titled:

A RESOLUTION PROVIDING AN INDUCEMENT TO THE VILLAGE OF BRADLEY AND A DEVELOPER IN CONNECTION WITH THE REDEVELOPMENT OF CERTAIN REAL PROPERTY LOCATED IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS

which Resolution was duly adopted and passed by the Board of Trustees of the Village of Bradley (or the Corporate Authorities, if required by law) at a Village meeting held on the 12th day of June 2023, approved by the Village President on the 12th day of June 2023 and thereafter published in pamphlet form to the extent required by law.

I do further certify, in my official capacity, that a quorum of said Board of Trustees was present at said meeting and that the meeting was held in compliance with all requirements of the Open Meetings Act (5 ILCS 120/1, *et seq.*).

IN WITNESS WHEREOF, I have hereunto set my hand this 12 day of June 2023.



Julie Tambling, Village Clerk (Deputy)
Village of Bradley

(Seal)

