



Rep. Daniel J. Burke

Filed: 11/17/2008

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1 AMENDMENT TO SENATE BILL 826

2 AMENDMENT NO. _____. Amend Senate Bill 826 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-74.4-4 as follows:

6 (65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)

7 Sec. 11-74.4-4. Municipal powers and duties; redevelopment
8 project areas. A municipality may:

9 (a) The changes made by this amendatory Act of the 91st
10 General Assembly do not apply to a municipality that, (i)
11 before the effective date of this amendatory Act of the 91st
12 General Assembly, has adopted an ordinance or resolution fixing
13 a time and place for a public hearing under Section 11-74.4-5
14 or (ii) before July 1, 1999, has adopted an ordinance or
15 resolution providing for a feasibility study under Section
16 11-74.4-4.1, but has not yet adopted an ordinance approving

1 redevelopment plans and redevelopment projects or designating
2 redevelopment project areas under this Section, until after
3 that municipality adopts an ordinance approving redevelopment
4 plans and redevelopment projects or designating redevelopment
5 project areas under this Section; thereafter the changes made
6 by this amendatory Act of the 91st General Assembly apply to
7 the same extent that they apply to redevelopment plans and
8 redevelopment projects that were approved and redevelopment
9 projects that were designated before the effective date of this
10 amendatory Act of the 91st General Assembly.

11 By ordinance introduced in the governing body of the
12 municipality within 14 to 90 days from the completion of the
13 hearing specified in Section 11-74.4-5 approve redevelopment
14 plans and redevelopment projects, and designate redevelopment
15 project areas pursuant to notice and hearing required by this
16 Act. No redevelopment project area shall be designated unless a
17 plan and project are approved prior to the designation of such
18 area and such area shall include only those contiguous parcels
19 of real property and improvements thereon substantially
20 benefited by the proposed redevelopment project improvements.
21 Upon adoption of the ordinances, the municipality shall
22 forthwith transmit to the county clerk of the county or
23 counties within which the redevelopment project area is located
24 a certified copy of the ordinances, a legal description of the
25 redevelopment project area, a map of the redevelopment project
26 area, identification of the year that the county clerk shall

1 use for determining the total initial equalized assessed value
2 of the redevelopment project area consistent with subsection
3 (a) of Section 11-74.4-9, and a list of the parcel or tax
4 identification number of each parcel of property included in
5 the redevelopment project area.

6 (b) Make and enter into all contracts with property owners,
7 developers, tenants, overlapping taxing bodies, and others
8 necessary or incidental to the implementation and furtherance
9 of its redevelopment plan and project. Contract provisions
10 concerning loan repayment obligations in contracts entered
11 into on or after the effective date of this amendatory Act of
12 the 93rd General Assembly shall terminate no later than the
13 last to occur of the estimated dates of completion of the
14 redevelopment project and retirement of the obligations issued
15 to finance redevelopment project costs as required by item (3)
16 of subsection (n) of Section 11-74.4-3. Payments received under
17 contracts entered into by the municipality prior to the
18 effective date of this amendatory Act of the 93rd General
19 Assembly that are received after the redevelopment project area
20 has been terminated by municipal ordinance shall be deposited
21 into a special fund of the municipality to be used for other
22 community redevelopment needs within the redevelopment project
23 area.

24 (c) Within a redevelopment project area, acquire by
25 purchase, donation, lease or eminent domain; own, convey,
26 lease, mortgage or dispose of land and other property, real or

1 personal, or rights or interests therein, and grant or acquire
2 licenses, easements and options with respect thereto, all in
3 the manner and at such price the municipality determines is
4 reasonably necessary to achieve the objectives of the
5 redevelopment plan and project. No conveyance, lease,
6 mortgage, disposition of land or other property owned by a
7 municipality, or agreement relating to the development of such
8 municipal property shall be made except upon the adoption of an
9 ordinance by the corporate authorities of the municipality.
10 Furthermore, no conveyance, lease, mortgage, or other
11 disposition of land owned by a municipality or agreement
12 relating to the development of such municipal property shall be
13 made without making public disclosure of the terms of the
14 disposition and all bids and proposals made in response to the
15 municipality's request. The procedures for obtaining such bids
16 and proposals shall provide reasonable opportunity for any
17 person to submit alternative proposals or bids.

18 (d) Within a redevelopment project area, clear any area by
19 demolition or removal of any existing buildings and structures.

20 (e) Within a redevelopment project area, renovate or
21 rehabilitate or construct any structure or building, as
22 permitted under this Act.

23 (f) Install, repair, construct, reconstruct or relocate
24 streets, utilities and site improvements essential to the
25 preparation of the redevelopment area for use in accordance
26 with a redevelopment plan.

1 (g) Within a redevelopment project area, fix, charge and
2 collect fees, rents and charges for the use of any building or
3 property owned or leased by it or any part thereof, or facility
4 therein.

5 (h) Accept grants, guarantees and donations of property,
6 labor, or other things of value from a public or private source
7 for use within a project redevelopment area.

8 (i) Acquire and construct public facilities within a
9 redevelopment project area, as permitted under this Act.

10 (j) Incur project redevelopment costs and reimburse
11 developers who incur redevelopment project costs authorized by
12 a redevelopment agreement; provided, however, that on and after
13 the effective date of this amendatory Act of the 91st General
14 Assembly, no municipality shall incur redevelopment project
15 costs (except for planning costs and any other eligible costs
16 authorized by municipal ordinance or resolution that are
17 subsequently included in the redevelopment plan for the area
18 and are incurred by the municipality after the ordinance or
19 resolution is adopted) that are not consistent with the program
20 for accomplishing the objectives of the redevelopment plan as
21 included in that plan and approved by the municipality until
22 the municipality has amended the redevelopment plan as provided
23 elsewhere in this Act.

24 (k) Create a commission of not less than 5 or more than 15
25 persons to be appointed by the mayor or president of the
26 municipality with the consent of the majority of the governing

1 board of the municipality. Members of a commission appointed
2 after the effective date of this amendatory Act of 1987 shall
3 be appointed for initial terms of 1, 2, 3, 4 and 5 years,
4 respectively, in such numbers as to provide that the terms of
5 not more than 1/3 of all such members shall expire in any one
6 year. Their successors shall be appointed for a term of 5
7 years. The commission, subject to approval of the corporate
8 authorities may exercise the powers enumerated in this Section.
9 The commission shall also have the power to hold the public
10 hearings required by this division and make recommendations to
11 the corporate authorities concerning the adoption of
12 redevelopment plans, redevelopment projects and designation of
13 redevelopment project areas.

14 (l) Make payment in lieu of taxes or a portion thereof to
15 taxing districts. If payments in lieu of taxes or a portion
16 thereof are made to taxing districts, those payments shall be
17 made to all districts within a project redevelopment area on a
18 basis which is proportional to the current collections of
19 revenue which each taxing district receives from real property
20 in the redevelopment project area.

21 (m) Exercise any and all other powers necessary to
22 effectuate the purposes of this Act.

23 (n) If any member of the corporate authority, a member of a
24 commission established pursuant to Section 11-74.4-4(k) of
25 this Act, or an employee or consultant of the municipality
26 involved in the planning and preparation of a redevelopment

1 plan, or project for a redevelopment project area or proposed
2 redevelopment project area, as defined in Sections
3 11-74.4-3(i) through (k) of this Act, owns or controls an
4 interest, direct or indirect, in any property included in any
5 redevelopment area, or proposed redevelopment area, he or she
6 shall disclose the same in writing to the clerk of the
7 municipality, and shall also so disclose the dates and terms
8 and conditions of any disposition of any such interest, which
9 disclosures shall be acknowledged by the corporate authorities
10 and entered upon the minute books of the corporate authorities.
11 If an individual holds such an interest then that individual
12 shall refrain from any further official involvement in regard
13 to such redevelopment plan, project or area, from voting on any
14 matter pertaining to such redevelopment plan, project or area,
15 or communicating with other members concerning corporate
16 authorities, commission or employees concerning any matter
17 pertaining to said redevelopment plan, project or area.
18 Furthermore, no such member or employee shall acquire of any
19 interest direct, or indirect, in any property in a
20 redevelopment area or proposed redevelopment area after either
21 (a) such individual obtains knowledge of such plan, project or
22 area or (b) first public notice of such plan, project or area
23 pursuant to Section 11-74.4-6 of this Division, whichever
24 occurs first. For the purposes of this subsection, a property
25 interest acquired in a single parcel of property by a member of
26 the corporate authority, which property is used exclusively as

1 the member's primary residence, shall not be deemed to
2 constitute an interest in any property included in a
3 redevelopment area or proposed redevelopment area that was
4 established before December 31, 1989, but the member must
5 disclose the acquisition to the municipal clerk under the
6 provisions of this subsection. A single property interest
7 acquired within one year after the effective date of this
8 amendatory Act of the 94th General Assembly or 2 years after
9 the effective date of this amendatory Act of the 95th General
10 Assembly by a member of the corporate authority does not
11 constitute an interest in any property included in any
12 redevelopment area or proposed redevelopment area, regardless
13 of when the redevelopment area was established, if (i) the
14 property is used exclusively as the member's primary residence,
15 (ii) the member discloses the acquisition to the municipal
16 clerk under the provisions of this subsection, (iii) the
17 acquisition is for fair market value, (iv) the member acquires
18 the property as a result of the property being publicly
19 advertised for sale, and (v) the member refrains from voting
20 on, and communicating with other members concerning, any matter
21 when the benefits to the redevelopment project or area would be
22 significantly greater than the benefits to the municipality as
23 a whole. For the purposes of this subsection, a month-to-month
24 leasehold interest in a single parcel of property by a member
25 of the corporate authority shall not be deemed to constitute an
26 interest in any property included in any redevelopment area or

1 proposed redevelopment area, but the member must disclose the
2 interest to the municipal clerk under the provisions of this
3 subsection.

4 (o) Create a Tax Increment Economic Development Advisory
5 Committee to be appointed by the Mayor or President of the
6 municipality with the consent of the majority of the governing
7 board of the municipality, the members of which Committee shall
8 be appointed for initial terms of 1, 2, 3, 4 and 5 years
9 respectively, in such numbers as to provide that the terms of
10 not more than 1/3 of all such members shall expire in any one
11 year. Their successors shall be appointed for a term of 5
12 years. The Committee shall have none of the powers enumerated
13 in this Section. The Committee shall serve in an advisory
14 capacity only. The Committee may advise the governing Board of
15 the municipality and other municipal officials regarding
16 development issues and opportunities within the redevelopment
17 project area or the area within the State Sales Tax Boundary.
18 The Committee may also promote and publicize development
19 opportunities in the redevelopment project area or the area
20 within the State Sales Tax Boundary.

21 (p) Municipalities may jointly undertake and perform
22 redevelopment plans and projects and utilize the provisions of
23 the Act wherever they have contiguous redevelopment project
24 areas or they determine to adopt tax increment financing with
25 respect to a redevelopment project area which includes
26 contiguous real property within the boundaries of the

1 municipalities, and in doing so, they may, by agreement between
2 municipalities, issue obligations, separately or jointly, and
3 expend revenues received under the Act for eligible expenses
4 anywhere within contiguous redevelopment project areas or as
5 otherwise permitted in the Act.

6 (q) Utilize revenues, other than State sales tax increment
7 revenues, received under this Act from one redevelopment
8 project area for eligible costs in another redevelopment
9 project area that is:

10 (i) contiguous to the redevelopment project area from
11 which the revenues are received;

12 (ii) separated only by a public right of way from the
13 redevelopment project area from which the revenues are
14 received; or

15 (iii) separated only by forest preserve property from
16 the redevelopment project area from which the revenues are
17 received if the closest boundaries of the redevelopment
18 project areas that are separated by the forest preserve
19 property are less than one mile apart.

20 Utilize tax increment revenues for eligible costs that are
21 received from a redevelopment project area created under the
22 Industrial Jobs Recovery Law that is either contiguous to, or
23 is separated only by a public right of way from, the
24 redevelopment project area created under this Act which
25 initially receives these revenues. Utilize revenues, other
26 than State sales tax increment revenues, by transferring or

1 loaning such revenues to a redevelopment project area created
2 under the Industrial Jobs Recovery Law that is either
3 contiguous to, or separated only by a public right of way from
4 the redevelopment project area that initially produced and
5 received those revenues; and, if the redevelopment project area
6 (i) was established before the effective date of this
7 amendatory Act of the 91st General Assembly and (ii) is located
8 within a municipality with a population of more than 100,000,
9 utilize revenues or proceeds of obligations authorized by
10 Section 11-74.4-7 of this Act, other than use or occupation tax
11 revenues, to pay for any redevelopment project costs as defined
12 by subsection (q) of Section 11-74.4-3 to the extent that the
13 redevelopment project costs involve public property that is
14 either contiguous to, or separated only by a public right of
15 way from, a redevelopment project area whether or not
16 redevelopment project costs or the source of payment for the
17 costs are specifically set forth in the redevelopment plan for
18 the redevelopment project area.

19 (r) If no redevelopment project has been initiated in a
20 redevelopment project area within 7 years after the area was
21 designated by ordinance under subsection (a), the municipality
22 shall adopt an ordinance repealing the area's designation as a
23 redevelopment project area; provided, however, that if an area
24 received its designation more than 3 years before the effective
25 date of this amendatory Act of 1994 and no redevelopment
26 project has been initiated within 4 years after the effective

1 date of this amendatory Act of 1994, the municipality shall
2 adopt an ordinance repealing its designation as a redevelopment
3 project area. Initiation of a redevelopment project shall be
4 evidenced by either a signed redevelopment agreement or
5 expenditures on eligible redevelopment project costs
6 associated with a redevelopment project.

7 (Source: P.A. 93-298, eff. 7-23-03; 93-961, eff. 1-1-05;
8 93-1098, eff. 1-1-06; 94-1013, eff. 1-1-07.)".