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09300SB2158ham001

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1 AMENDMENT TO SENATE BILL 2158

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2158 as follows:

3 on page 1, by replacing line 5 with the following:

4 "changing Sections 11-74.4-3 and 11-74.4-4 as follows:"; and

5 on page 42, immediately below line 1, by inserting the  
6 following:

7 "(65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)

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

10 (a) The changes made by this amendatory Act of the 91st  
11 General Assembly do not apply to a municipality that, (i)  
12 before the effective date of this amendatory Act of the 91st  
13 General Assembly, has adopted an ordinance or resolution fixing  
14 a time and place for a public hearing under Section 11-74.4-5  
15 or (ii) before July 1, 1999, has adopted an ordinance or  
16 resolution providing for a feasibility study under Section  
17 11-74.4-4.1, but has not yet adopted an ordinance approving  
18 redevelopment plans and redevelopment projects or designating  
19 redevelopment project areas under this Section, until after  
20 that municipality adopts an ordinance approving redevelopment  
21 plans and redevelopment projects or designating redevelopment  
22 project areas under this Section; thereafter the changes made  
23 by this amendatory Act of the 91st General Assembly apply to

1 the same extent that they apply to redevelopment plans and  
2 redevelopment projects that were approved and redevelopment  
3 projects that were designated before the effective date of this  
4 amendatory Act of the 91st General Assembly.

5 By ordinance introduced in the governing body of the  
6 municipality within 14 to 90 days from the completion of the  
7 hearing specified in Section 11-74.4-5 approve redevelopment  
8 plans and redevelopment projects, and designate redevelopment  
9 project areas pursuant to notice and hearing required by this  
10 Act. No redevelopment project area shall be designated unless a  
11 plan and project are approved prior to the designation of such  
12 area and such area shall include only those contiguous parcels  
13 of real property and improvements thereon substantially  
14 benefited by the proposed redevelopment project improvements.  
15 Upon adoption of the ordinances, the municipality shall  
16 forthwith transmit to the county clerk of the county or  
17 counties within which the redevelopment project area is located  
18 a certified copy of the ordinances, a legal description of the  
19 redevelopment project area, a map of the redevelopment project  
20 area, identification of the year that the county clerk shall  
21 use for determining the total initial equalized assessed value  
22 of the redevelopment project area consistent with subsection  
23 (a) of Section 11-74.4-9, and a list of the parcel or tax  
24 identification number of each parcel of property included in  
25 the redevelopment project area.

26 (b) Make and enter into all contracts with property owners,  
27 developers, tenants, overlapping taxing bodies, and others  
28 necessary or incidental to the implementation and furtherance  
29 of its redevelopment plan and project. Contract provisions  
30 concerning loan repayment obligations in contracts ~~Contracts~~  
31 entered into on or after the effective date of this amendatory  
32 Act of the 93rd General Assembly shall terminate no later than  
33 the last to occur of the estimated dates of completion of the  
34 redevelopment project and retirement of the obligations issued

1 to finance redevelopment project costs as required by item (3)  
2 of subsection (n) of Section 11-74.4-3. Payments received under  
3 contracts entered into by the municipality prior to the  
4 effective date of this amendatory Act of the 93rd General  
5 Assembly that are received after the redevelopment project area  
6 has been terminated by municipal ordinance shall be deposited  
7 into a special fund of the municipality to be used for other  
8 community redevelopment needs within the redevelopment project  
9 area.

10 (c) Within a redevelopment project area, acquire by  
11 purchase, donation, lease or eminent domain; own, convey,  
12 lease, mortgage or dispose of land and other property, real or  
13 personal, or rights or interests therein, and grant or acquire  
14 licenses, easements and options with respect thereto, all in  
15 the manner and at such price the municipality determines is  
16 reasonably necessary to achieve the objectives of the  
17 redevelopment plan and project. No conveyance, lease,  
18 mortgage, disposition of land or other property owned by a  
19 municipality, or agreement relating to the development of such  
20 municipal property shall be made except upon the adoption of an  
21 ordinance by the corporate authorities of the municipality.  
22 Furthermore, no conveyance, lease, mortgage, or other  
23 disposition of land owned by a municipality or agreement  
24 relating to the development of such municipal property shall be  
25 made without making public disclosure of the terms of the  
26 disposition and all bids and proposals made in response to the  
27 municipality's request. The procedures for obtaining such bids  
28 and proposals shall provide reasonable opportunity for any  
29 person to submit alternative proposals or bids.

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

32 (e) Within a redevelopment project area, renovate or  
33 rehabilitate or construct any structure or building, as  
34 permitted under this Act.

1 (f) Install, repair, construct, reconstruct or relocate  
2 streets, utilities and site improvements essential to the  
3 preparation of the redevelopment area for use in accordance  
4 with a redevelopment plan.

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

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

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

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

28 (k) Create a commission of not less than 5 or more than 15  
29 persons to be appointed by the mayor or president of the  
30 municipality with the consent of the majority of the governing  
31 board of the municipality. Members of a commission appointed  
32 after the effective date of this amendatory Act of 1987 shall  
33 be appointed for initial terms of 1, 2, 3, 4 and 5 years,  
34 respectively, in such numbers as to provide that the terms of

1 not more than 1/3 of all such members shall expire in any one  
2 year. Their successors shall be appointed for a term of 5  
3 years. The commission, subject to approval of the corporate  
4 authorities may exercise the powers enumerated in this Section.  
5 The commission shall also have the power to hold the public  
6 hearings required by this division and make recommendations to  
7 the corporate authorities concerning the adoption of  
8 redevelopment plans, redevelopment projects and designation of  
9 redevelopment project areas.

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

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

19 (n) If any member of the corporate authority, a member of a  
20 commission established pursuant to Section 11-74.4-4(k) of  
21 this Act, or an employee or consultant of the municipality  
22 involved in the planning and preparation of a redevelopment  
23 plan, or project for a redevelopment project area or proposed  
24 redevelopment project area, as defined in Sections  
25 11-74.4-3(i) through (k) of this Act, owns or controls an  
26 interest, direct or indirect, in any property included in any  
27 redevelopment area, or proposed redevelopment area, he or she  
28 shall disclose the same in writing to the clerk of the  
29 municipality, and shall also so disclose the dates and terms  
30 and conditions of any disposition of any such interest, which  
31 disclosures shall be acknowledged by the corporate authorities  
32 and entered upon the minute books of the corporate authorities.  
33 If an individual holds such an interest then that individual  
34 shall refrain from any further official involvement in regard

1 to such redevelopment plan, project or area, from voting on any  
2 matter pertaining to such redevelopment plan, project or area,  
3 or communicating with other members concerning corporate  
4 authorities, commission or employees concerning any matter  
5 pertaining to said redevelopment plan, project or area.  
6 Furthermore, no such member or employee shall acquire of any  
7 interest direct, or indirect, in any property in a  
8 redevelopment area or proposed redevelopment area after either  
9 (a) such individual obtains knowledge of such plan, project or  
10 area or (b) first public notice of such plan, project or area  
11 pursuant to Section 11-74.4-6 of this Division, whichever  
12 occurs first. For the purposes of this subsection, a property  
13 interest acquired in a single parcel of property by a member of  
14 the corporate authority, which property is used exclusively as  
15 the member's primary residence, shall not be deemed to  
16 constitute an interest in any property included in a  
17 redevelopment area or proposed redevelopment area that was  
18 established before December 31, 1989, but the member must  
19 disclose the acquisition to the municipal clerk under the  
20 provisions of this subsection. For the purposes of this  
21 subsection, a month-to-month leasehold interest in a single  
22 parcel of property by a member of the corporate authority shall  
23 not be deemed to constitute an interest in any property  
24 included in any redevelopment area or proposed redevelopment  
25 area, but the member must disclose the interest to the  
26 municipal clerk under the provisions of this subsection.

27 (o) Create a Tax Increment Economic Development Advisory  
28 Committee to be appointed by the Mayor or President of the  
29 municipality with the consent of the majority of the governing  
30 board of the municipality, the members of which Committee shall  
31 be appointed for initial terms of 1, 2, 3, 4 and 5 years  
32 respectively, in such numbers as to provide that the terms of  
33 not more than 1/3 of all such members shall expire in any one  
34 year. Their successors shall be appointed for a term of 5

1 years. The Committee shall have none of the powers enumerated  
2 in this Section. The Committee shall serve in an advisory  
3 capacity only. The Committee may advise the governing Board of  
4 the municipality and other municipal officials regarding  
5 development issues and opportunities within the redevelopment  
6 project area or the area within the State Sales Tax Boundary.  
7 The Committee may also promote and publicize development  
8 opportunities in the redevelopment project area or the area  
9 within the State Sales Tax Boundary.

10 (p) Municipalities may jointly undertake and perform  
11 redevelopment plans and projects and utilize the provisions of  
12 the Act wherever they have contiguous redevelopment project  
13 areas or they determine to adopt tax increment financing with  
14 respect to a redevelopment project area which includes  
15 contiguous real property within the boundaries of the  
16 municipalities, and in doing so, they may, by agreement between  
17 municipalities, issue obligations, separately or jointly, and  
18 expend revenues received under the Act for eligible expenses  
19 anywhere within contiguous redevelopment project areas or as  
20 otherwise permitted in the Act.

21 (q) Utilize revenues, other than State sales tax increment  
22 revenues, received under this Act from one redevelopment  
23 project area for eligible costs in another redevelopment  
24 project area that is either contiguous to, or is separated only  
25 by a public right of way from, the redevelopment project area  
26 from which the revenues are received. Utilize tax increment  
27 revenues for eligible costs that are received from a  
28 redevelopment project area created under the Industrial Jobs  
29 Recovery Law that is either contiguous to, or is separated only  
30 by a public right of way from, the redevelopment project area  
31 created under this Act which initially receives these revenues.  
32 Utilize revenues, other than State sales tax increment  
33 revenues, by transferring or loaning such revenues to a  
34 redevelopment project area created under the Industrial Jobs

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

17 (r) If no redevelopment project has been initiated in a  
18 redevelopment project area within 7 years after the area was  
19 designated by ordinance under subsection (a), the municipality  
20 shall adopt an ordinance repealing the area's designation as a  
21 redevelopment project area; provided, however, that if an area  
22 received its designation more than 3 years before the effective  
23 date of this amendatory Act of 1994 and no redevelopment  
24 project has been initiated within 4 years after the effective  
25 date of this amendatory Act of 1994, the municipality shall  
26 adopt an ordinance repealing its designation as a redevelopment  
27 project area. Initiation of a redevelopment project shall be  
28 evidenced by either a signed redevelopment agreement or  
29 expenditures on eligible redevelopment project costs  
30 associated with a redevelopment project.

31 (Source: P.A. 92-16, eff. 6-28-01; 93-298, eff. 7-23-03.)".