

CITY OF WEST PEORIA

Resolution No. 2008-02

A Resolution Promoting Revitalization of Portions of Heading Avenue

WHEREAS, in order to promote the health, safety and welfare of the City of West Peoria, Illinois and its citizens, and recognizing the need to foster the development, expansion and revitalization of certain vacant and/or underutilized properties, the corporate authorities of the City of West Peoria have determined it is in the best interest of the City and its citizens to promote redevelopment of certain real estate located on or near Heading Avenue (the “Redevelopment Area”). The Redevelopment Area, including other parcels referenced below, are depicted on the Project Site Plan attached hereto as Exhibit A and incorporated herein; and

WHEREAS, to date, attempts by private parties to work with the City to achieve significant development in the Redevelopment Area have not been successful; and

WHEREAS, having determined certain incorporated parcels in the Redevelopment Area are currently vacant, blighted and/or underutilized, the City, to promote the health safety and welfare of the City, to eliminate blighting conditions, to enhance the quality of life in the City and to provide an economic stimulus is willing to provide certain incentives to promote development of the Redevelopment Area, including pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 through 65 ILCS 5/11-74.4-11 of the Illinois Compiled Statutes, as amended (the “TIF Act”); and

WHEREAS, Oxbow Holdings, LLC, an Iowa limited liability company, (the “Developer”), individually or through its affiliates, is the contract purchaser of certain parcels of real property located in the Redevelopment Area (the “Heading Parcels”). The Heading Parcels are depicted on the Project Site Plan; and

WHEREAS, in furtherance of the redevelopment of the Redevelopment Area, the Developer is proposing and will present a more formalized plan to the City (the “[Project](#)”) for the redevelopment of the Heading Parcels; and

WHEREAS, the initial Project includes plans for immediate demolition and remodeling of buildings and general renovation of the Heading Parcels, creation of utility infrastructure and possible further development of the Heading Parcels by Developer (all as determined through a planning process with the City), including, but not limited to development of an apartment complex with high end amenities and all related development; and

WHEREAS, the City has reviewed the Project and finds it consistent with goals and land uses the City has adopted or is willing to adopt and that it will promote the best interests of the City, including decreasing blight, promoting economic and real estate development, increasing the tax base and providing employment for citizens of the City; and

WHEREAS, pursuant to the powers of the City under Article VII of the Illinois Constitution of 1970 and various statutes, including the TIF Act, the City has the authority to provide incentives to promote development consistent with such goals; and

WHEREAS, Developer has demonstrated to the City’s satisfaction that the Developer has the experience and capacity to complete the Project; and

WHEREAS, the Developer and the City have determined that without the agreements and financial incentives contemplated by this Resolution the Project would not be feasible and the Heading Parcels may not be developed. The Developer has expressly conditioned the undertaking of the Project on the City's good faith actions consistent with this Resolution; and

WHEREAS, the City is in favor of the Project and intends in good faith to negotiate with Developer to provide all necessary enactments, authorizations and consents for implementation of the Project and to reimburse the Developer for all TIF eligible costs incurred in implementing the Project; and

WHEREAS, Developer intends in good faith to acquire the required real estate for the Project and cause the construction and subsequent operation of the Project; and

WHEREAS, this Resolution has been submitted to the City Council for consideration and review and the City Council has given all notices and taken all actions required to be taken prior to the adoption of this Resolution to make this Resolution effective.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WEST PEORIA, PEORIA COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The Recitals set forth above are accurate and complete and incorporated herein as findings of the City Council of the City of West Peoria.

SECTION 2: The City of West Peoria is in favor of the Project and desires to induce the Developer to continue the Project, including by offering tax increment financing and other incentives to be agreed upon.

SECTION 3: The intentions of the City of West Peoria regarding the Project, as described in the Recitals, are hereby approved; provided, however, that neither such intentions, affirmations, authorizations nor such recitals are binding on the City nor may same be relied upon to any person's or entity's detriment by such entity or person, whether third person or otherwise, in the event that the aforementioned intentions, affirmations authorizations or plans are not mutually attainable.

SECTION 4: The City of West Peoria shall proceed, using good faith efforts, to establish a Tax Increment Financing Plan, Redevelopment Project and Redevelopment Area in the Heading Avenue Redevelopment Area and incorporating, at minimum, the Heading Parcels.

SECTION 5: The City of West Peoria shall proceed, using good faith efforts, to negotiate with Developer the terms of a Predevelopment Agreement and Development Agreement for the Project, incorporating the terms of this Resolution and such other terms as mutually agreeable to the parties.

SECTION 6: The provisions of this Resolution shall be effective commencing with its adoption as provided by law.