

## **Notice: Meeting Modification Due to COVID-19**

Pursuant to the Governor's Executive Orders, the Governor has made a disaster declaration in response to COVID-19. In accordance with 5 ILCS 120/7(e), it has been determined that an in-person meeting for the Public Hearing for the Proposed Prospect Pointe/Muir Park Tax Increment Financing District is not practical or prudent. The City's representative, Joe Wade, will attend in person at City Hall, 8 N. Elmhurst Road, Prospect Heights, IL 60070. The City Council, City officials and members of the public may continue to attend the meeting virtually via Zoom, as attendance in the Council room is not feasible. ***Zoom meeting participation instructions are available at the end of this agenda.*** Public testimony or comment may be emailed to Deputy Clerk Karen Schultheis [kschultheis@prospect-heights.org](mailto:kschultheis@prospect-heights.org) at least two hours prior to the scheduled meeting. Said testimony or comment will be read at said meeting or otherwise placed in the record.

The meeting will be recorded and available on the City's website. See below for Zoom meeting participation instructions.

Also included are expectations for the Public Hearing, the Resolution and Recommendation of the Joint Review Board, and the proposed TIF Ordinances. The proposed Ordinances are for informational purposes only. There will be no action taken on the ordinances during the Public Hearing.

### **Agenda**

#### **Resumed Public Hearing for Proposed**

#### **Prospect Pointe/Muir Park Tax Increment Financing District**

**April 19, 2021, 6:30 p.m.**

#### **Prospect Heights City Hall, 8 N. Elmhurst, Prospect Heights, IL**

1. Call to Order
  - a. This resumed public hearing is being held to review the proposed redevelopment plan and project for the Prospect Pointe/Muir Park Tax Increment Finance District. The City has made available for public inspection the redevelopment plan and report that provides in reasonable detail the basis for the eligibility of the redevelopment project area since December 4, 2020.
  - b. Members of the public are asked to keep any testimony and comments relevant to the matters discussed within the public hearing.
2. Roll Call
3. Motion to Resume Public Hearing
  - a. Review of Expectations for the Public Hearing
  - b. Summary of Public Notices and Conformance to TIF Act
    - i. Presentation by Dan Peterson

1. Opportunity for Public Cross-Examination
    2. City Council Comments and Questions
  - c. Report of Proposed Prospect Pointe/Muir Park TIF District
    - i. Presentation by Dan Peterson
      1. Opportunity for Public Cross-Examination
      2. City Council Comments and Questions
    - ii. Presentation by Johnson Research Group
      1. Opportunity for Public Cross-Examination
      2. City Council Comments and Questions
    - iii. Presentation by Mike Laube
      1. Opportunity for Public Cross-Examination
      2. City Council Comments and Questions
  - d. Report of the Resolution and Recommendation of the Joint Review Board
    - i. Presentation by Joe Wade
      1. Opportunity for Public Cross-Examination
      2. City Council Comments and Questions
  - e. Public Testimony and Comment
    - i. Acceptance of Written Testimony into the Record
    - ii. Oral Testimony
      1. Opportunity for Public Cross-Examination
      2. City Council Comments and Questions
4. Motion to Close of Public Hearing OR Motion to Continue to April 20, 2021 at 6:30 p.m.
5. Public Comment
6. Other Business
7. Motion to Adjourn

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**MEETING PARTICIPATION INSTRUCTIONS:**

Join by Cell Phone, Tablet, or Computer: <https://us02web.zoom.us/j/81685230246>

Meeting ID: **816 8523 0246**

Join by Phone: 1-312-626-6799

Meeting ID: **816 8523 0246**

Please use your legal name. Any use of inappropriate names may result in ejection from the meeting. The meeting will open 10 minutes before the posted start time. Please join the meeting at least 5 minutes prior to start of meeting. Participants are automatically muted. Members of the public wishing to speak during "Public Comment", will then be unmuted to speak. Items for Public Comment may also be emailed to [kschultheis@prospect-heights.org](mailto:kschultheis@prospect-heights.org) by 4:30pm on the day of the meeting to be read at the meeting.

## **Prospect Pointe/Muir Park Tax Increment Financing District**

### **Expectations for Public Hearing**

The following are expectations for participation in the public hearing:

1. The purpose of the expectations is to maintain order, decorum and to allow for all members of the public to have an opportunity to be heard. Attendees are to use language respectful of all participants.
2. Attendees should note that all video and audio meetings will be recorded.
3. When joining a meeting, all microphones should be on mute for members of the public. Microphones will be unmuted to allow for examination of witnesses, public testimony, and comment.
4. After a speaker is recognized by the Mayor or other presiding officer by name, the speaker should remain unmuted to speak. The speaker should begin their statement by stating their name for the record.
5. All persons offering testimony during the hearing should be sworn in and testify under oath. Each person should only testify once.
6. The Mayor or other presiding officer are to preserve order and decorum.
7. If a group of persons share a particular concern, the group will be encouraged, but not required, to appoint one or more spokespersons to speak on behalf of the group. Please try not to repeat comments or testimony that has already been made by others.
8. After the speaker has made his or her statement, he or she should mute their microphones.
9. Speakers should confine their remarks to the matter at hand and avoid personal remarks, the impugning of motives, and merely contentious statements.




# City of Prospect Heights

Department of Building & Zoning  
8 North Elmhurst Road, Prospect Heights Illinois, 60070-6070  
Office: 847/398-6070 x 211-FAX: 847/590-1854  
[www.prospect-heights.il.us](http://www.prospect-heights.il.us)

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## MEMORANDUM

Date: April 15, 2021  
To: Mayor Helmer and Alderman  
Cc: Joe Wade, City Administrator  
From: Daniel A. Peterson, Director of Building & Development   
Subject: Summary of the Prospect Pointe/Muir Park Tax Increment Financing District

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The following summary report provides a timeline of the Prospect Pointe/Muir Park Tax Increment Financing District.

### City Council Meeting and Actions

- November 11, 2019 – City Council Meeting, Agenda item 5-A. Lexington Homes introduces the concept plans for the redevelopment of the vacant Jolly Fun House Academy property and indicate their desire to seek TIF assistance.
- November 25, 2019 – City Council Meeting, Agenda item 5-D. Presentation of additional information related to the redevelopment plan of the vacant Jolly Fun House Academy property and TIF Assistance.
- December 9, 2019 – City Council Meeting. Agenda item 11-A. R-19-55 Resolution of Inducement Pertaining to the Acquisition and Redevelopment of Land for a Residential Development in Conjunction with the Establishment of a Tax Increment Financing District in the City of Prospect Heights, Cook County, Illinois. Approved 5-0
- January 13, 2020 – City Council Meeting, Agenda item 11-B. O-20-01 Staff Memo and Resolution Authorizing the City of Prospect Heights to Conduct a Tax Increment Financing Feasibility Study for the Former Jolly Fun House Academy Property, 1001 Oak Avenue. First Reading
- January 27, 2020 – City Council Meeting, Agenda item 11-A. O-20-01 Staff Memo and Resolution Authorizing the City of Prospect Heights to Conduct a Tax Increment Financing Feasibility Study for the Former Jolly Fun House Academy Property, 1001 Oak Avenue. Second Reading. Approved 5-0

- December 14, 2020 – City Council Meeting. Agenda item 8-C. R-20-33 Staff Memo and Resolution Authorizing the Establishment of Interested Parties Registry and Adopting Rules for Such Registry for Redevelopment Project Area of Prospect Point/Muir Park in the City of Prospect Heights. Approved 4-0
- December 14, 2020 – City Council Meeting. Agenda item 8-D. R-20-34 Staff Memo and Resolution Convening a Joint Review Board to Review the Public Record and Planning Documents Relating to the Proposed Prospect Pointe/Muir Park Tax Increment Financing District. Approved 3-1
- December 14, 2020 – City Council Meeting. Agenda item 8- E. R-20-35 Staff Memo and Resolution Fixing a Time and Place for the Public Hearing on the Prospect Pointe/Muir Park Redevelopment Plan and Project and Tax Increment Financing within the City of Prospect Heights, Cook County, Illinois. Approved 4-0
- February 10, 2021 – City Council Public hearing for Prospect Pointe/Muir Park TIF. Opened and Continued until March 23, 2021
- March 23, 2021 – City Council Public hearing for Prospect Pointe/Muir Park TIF. Opened and Continued until April 19, 2021

### **Joint Review Board Meeting**

- January 7, 2021 – Opened and continued to January 19, 2021.
- January 19, 2021 – Opened and continued to February 2, 2021.
- February 2, 2021 – Opened and continued to March 2, 2021
- March 2, 2021 – Opened and continued to March 23, 2021
- March 23, 2021 – Opened and continued to April 13, 2021.
- April 13, 2021 - Joint Review board approves Resolution Approving Joint Review Board Recommendation to the City of Prospect Heights City Council for Approval of Prospect Pointe/Muir Park Tax Increment Finance District. Vote 7-0.

### **TIF Plan and Eligibility Report, Notifications and Publication Dates**

- December 4, 2020 - Final TIF Documents on file and available for public inspection. Sec. 11-74.4-5(a)
  - Prospect Pointe/Muir Park Tax Increment Financing Redevelopment Area Plan & Project, prepared by Johnson Research Group, date. 12/4/20
  - Prospect Pointe/Muir Par Park Tax Increment Financing Eligibility Report, Prepared by Johnson Research Group, Dated December 4, 2020
- December 16, 2020 – Certified Mail to Taxing Districts and DCEO. Invitation to the Joint Review Board sent by the City of Prospect Heights. Sec. 11-74.4-6(c)
- December 18, 2020 – Publication of the Interested Parties Registry in Daily Herald. Sec. 11-74.4-5(a)
- December 28, 2020 – Notice of Availability of the Redevelopment Plan mailed to all addresses within the proposed TIF District, All residential addresses within 750’ of the proposed TIF boundary, residents on Interested Party Registry. Sec. 11-74.4-5(a)
- January 21, 2021 – Notice of Public hearing sent by certified mail. Sec. 11-74.4-6(a)

- January 22, 2021 – Publication of Public Hearing Notice #1. Sec. 11-74.4-6(a)
- January 27, 2021 – Publication of Public Hearing Notice #2. Sec. 11-74.4-6(a)

**Conclusion**

The summary of activities demonstrates that the City has provided an open and public process for the review of the Prospect Pointe/Muir Park TIF Redevelopment Plan. That City Council has approved all the required Resolutions and Ordinances authorizing the establishment of the plan, eligibility study, joint review board and interested party registration process as required by the TIF Act. Staff has ensured compliance with the notification and publication requirements of the TIF Act.

Respectfully Submitted.

**ORDINANCE No. O-21-03**

**AN ORDINANCE APPROVING A REDEVELOPMENT PLAN FOR THE PROSPECT  
POINTE/MUIR PARK REDEVELOPMENT AREA PLAN AND PROJECT WITHIN  
THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS**

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**WHEREAS**, the City of Prospect Heights, Cook County (the “City”) is an Illinois Municipal Corporation pursuant to the Illinois Constitution of 1970 and the Statutes of the State of Illinois; and

**WHEREAS**, it is desirable and in the best interest of the citizens of the City to implement tax increment allocation financing (“Tax Increment Allocation Financing”) pursuant to the Illinois Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et. seq.*, as amended (the “Act”), for a proposed redevelopment project area to be known as the Prospect Pointe/Muir Park Redevelopment Project Area (the “Area”) described in Section 2 of this Ordinance, to be redeveloped pursuant to a proposed redevelopment plan and project attached hereto as Exhibit A (the “Plan”); and

**WHEREAS**, by authority of the City Council and pursuant to Section 5/11-74.4-5(a) of the Act, the City established an Interested Parties Registry and, on December 18, 2020, published in a newspaper of general circulation within the City a notice that interested persons may register in order to receive information on the proposed designation of the Area or the approval of the Plan; and

**WHEREAS**, the Plan was made available for public inspection and review pursuant to Section 5/11-74.4-5(a) of the Act December 4, 2020, being a date not less than 10 days before the public meeting of the City Council, at which meeting the City Council adopted Resolution R-20-35 on December 14, 2020 fixing the time and place for a public hearing (“Hearing”), via Zoom conference; and

**WHEREAS**, pursuant to Section 5/11-74.4-5(a) of the Act, notice of the availability of the Plan (including the related eligibility report attached thereto) was sent by mail on December 28, 2020, which is within a reasonable time after the adoption by the City Council of Resolution R-20-35 to: (a) all residential addresses that, after a good faith effort, were determined to be (i) located within the Area and (ii) located within 750 feet of the boundaries of the Area; and (b) organizations and residents that were registered interested parties for such Area; and

**WHEREAS**, due notice of the Hearing was given pursuant to Section 5/11-74.4-6 of the Act, said notice being given to all taxing districts having property within the Area and to the Department of Commerce and Economic Opportunity of the State of Illinois by certified mail on December 16, 2020, by publication in the Daily Herald on January 22, 2021 and January 27, 2021, and by certified mail to taxpayers within the Area on January 21, 2021; and

**WHEREAS**, a meeting of the Joint Review Board (the "JRB") established pursuant to Section 5/11-74.4-5(b) of the Act was convened upon the provision of due notice on January 7, 2021 at 2:00 p.m., to review the matters properly coming before the JRB and to allow it to provide its advisory recommendation regarding the approval of the Plan, designation of the Area as a redevelopment project area pursuant to the Act and adoption of Tax Increment Allocation Financing within the Area, and other matters, if any, properly before it; and

**WHEREAS**, the JRB has forwarded to the City Council a copy of its recommendation attached hereto as Exhibit B, recommending to the City Council approval of the Plan, among other related matters; and

**WHEREAS**, pursuant to Sections 5/11-74.4-4 and 5/11-74.4-5 of the Act, the City Council held the Hearing concerning approval and adoption of the Plan, designation of the Area as a redevelopment project area pursuant to the Act and adoption of Tax Increment Allocation Financing within the Area pursuant to the Act on February 10, 2021; and



**WHEREAS**, the City Council has reviewed the Plan (including the related eligibility report attached thereto), testimony from the Public Hearing, the recommendation of the JRB, and such other matters or studies as the City Council have deemed necessary or appropriate to make the findings set forth herein, and are generally informed of the conditions existing in the Area; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS:**

**SECTION ONE.** The City Council hereby finds and determines that the facts and statements set forth in the above recitals are true and correct and are to be incorporated herein and made a part hereof.

**SECTION TWO.** The Area is legally described in Exhibit C attached hereto and incorporated herein. The street location (as near as practicable) for the Area is described in Exhibit D attached hereto and incorporated herein. A map of the Area boundary is depicted in Exhibit E attached hereto and incorporated herein.

**SECTION THREE.** The City Council hereby make the following findings as required pursuant to Section 5/11-74.4-3(n) of the Act:

- a) An itemized list of estimated redevelopment project costs as outlined within Exhibit A;
- b) The Area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be expected to be developed without the adoption of the Plan;
- c) An assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;
- d) The sources of funds to pay costs;

- e) The nature and term of the obligations to be issued;
- f) The most recent equalized assessed valuation of the redevelopment project area;
- g) An estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;
- h) A commitment to fair employment practices and an affirmative action plan;
- i) The Plan conforms to the comprehensive plan for the development of the City as a whole;
- j) The Plan meets all the requirement of a redevelopment plan as defined in the Act and, as set forth in the Plan, the estimated date of completion of the projects described therein and retirement of all obligations issued to finance redevelopment project costs is not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of the Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted, and, as required pursuant to Section 5/11-74.4-7 of the Act, no such obligation shall have a maturity date greater than 20 years;
- k) The Plan will not result in displacement of residents from inhabited units;
- l) The proposed Area would not reasonably be developed or redeveloped without the use of tax incremental revenues;
- m) The tax incremental revenues will be exclusively utilized for the development of the Area and otherwise to the extent allowed by the Act;
- n) All other findings and certifications set forth in the Plan are hereby adopted as the findings and certifications of the City Council as if fully set forth in this Ordinance.

**SECTION FOUR.** The City hereby approves the Plan pursuant to Section 5/11-74.4-4 of the Act.

**SECTION FIVE.** That if any part or parts of this Ordinance shall be held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity of the remaining parts of this Ordinance. The City Council hereby declare that they would have passed the remaining parts of this Ordinance if they had known that such part or parts thereof would be declared invalid or unenforceable.

**SECTION SIX.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION SEVEN.** The City Clerk of the City of Prospect Heights is directed hereby to publish this Ordinance in pamphlet form.

**SECTION EIGHT.** That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

List of Attachments

- Exhibit A: The Plan and Eligibility Report
- Exhibit B: Joint Review Board's recommendation to City Council to approve a redevelopment plan, designation of a development project area and adoption of a tax increment allocation financing
- Exhibit C: Legal description of the Area
- Exhibit D: Common boundary/street location of the Area
- Exhibit E: Map of the Area

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Nicholas J. Helmer, Mayor

ATTEST:

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City Clerk

**AYES:**

**NAYS:**

**ABSENT:**

Published in pamphlet form: \_\_\_\_\_, 2021

DRAFT

EXHIBIT A

The Plan and Eligibility Report

DRAFT

EXHIBIT B

JRB RESOLUTION RECOMMENDATION

DRAFT

EXHIBIT C

THAT PART OF THE WEST HALF OF THE NORTHEAST QUARTER AND WEST HALF OF THE SOUTHEAST QUARTER, ALL IN SECTION 15, TOWNSHIP 42, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF OAK AVENUE AND THE SOUTH LINE OF DRAKE'S FIRST ADDITION TO PROSPECT HEIGHTS, BEING A SUBDIVISION PER DOCUMENT 16245157; THENCE WEST ALONG SAID SOUTH LINE TO THE WEST LINE OF LOT 3 IN SAID DRAKE'S FIRST ADDITION TO PROSPECT HEIGHTS; THENCE NORTH ALONG SAID WEST LINE AND NORTHERLY EXTENSION THEREOF TO THE NORTH LINE OF DRAKE TERRACE; THENCE EAST ALONG SAID NORTH LINE TO THE WEST LINE AND EXTENSIONS THEREOF OF LOT 16 AND LOT 31 IN SAID DRAKE'S FIRST ADDITION TO PROSPECT HEIGHTS; THENCE NORTH ALONG SAID WEST LINE TO THE NORTH LINE OF PROSPECT DRIVE; THENCE EAST ALONG SAID NORTH LINE TO THE WEST LINES AND EXTENSIONS THEREOF OF LOTS 47 THRU 52 IN GLENDRAKE, BEING A SUBDIVISION PER DOCUMENT 16632601; THENCE NORTH ALONG SAID WEST LINE TO THE NORTH LINE OF ELEANOR DRIVE; THENCE EAST ALONG SAID NORTH LINE TO THE EAST LINE OF SAID WEST HALF OF NORTHEAST QUARTER; THENCE SOUTH ALONG SAID EAST LINE TO THE NORTH LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER; THENCE SOUTH ALONG THE EAST LINE OF SAID WEST HALF OF SAID SOUTHEAST QUARTER TO THE NORTH LINE OF POLO RUN UNIT TWO, BEING A SUBDIVISION PER DOCUMENT 86110531; THENCE WEST ALONG SAID NORTH LINE TO THE EAST LINE OF PLEASANT RUN SUBDIVISION, BEING A SUBDIVISION PER DOCUMENT 21809018; THENCE NORTHERLY AND WESTERLY ALONG SAID EAST LINE TO THE SOUTH LINE OF AFORESAID DRAKE'S FIRST ADDITION TO PROSPECT HEIGHTS AND POINT OF BEGINNING, ALL IN COOK COUNTY ILLINOIS.

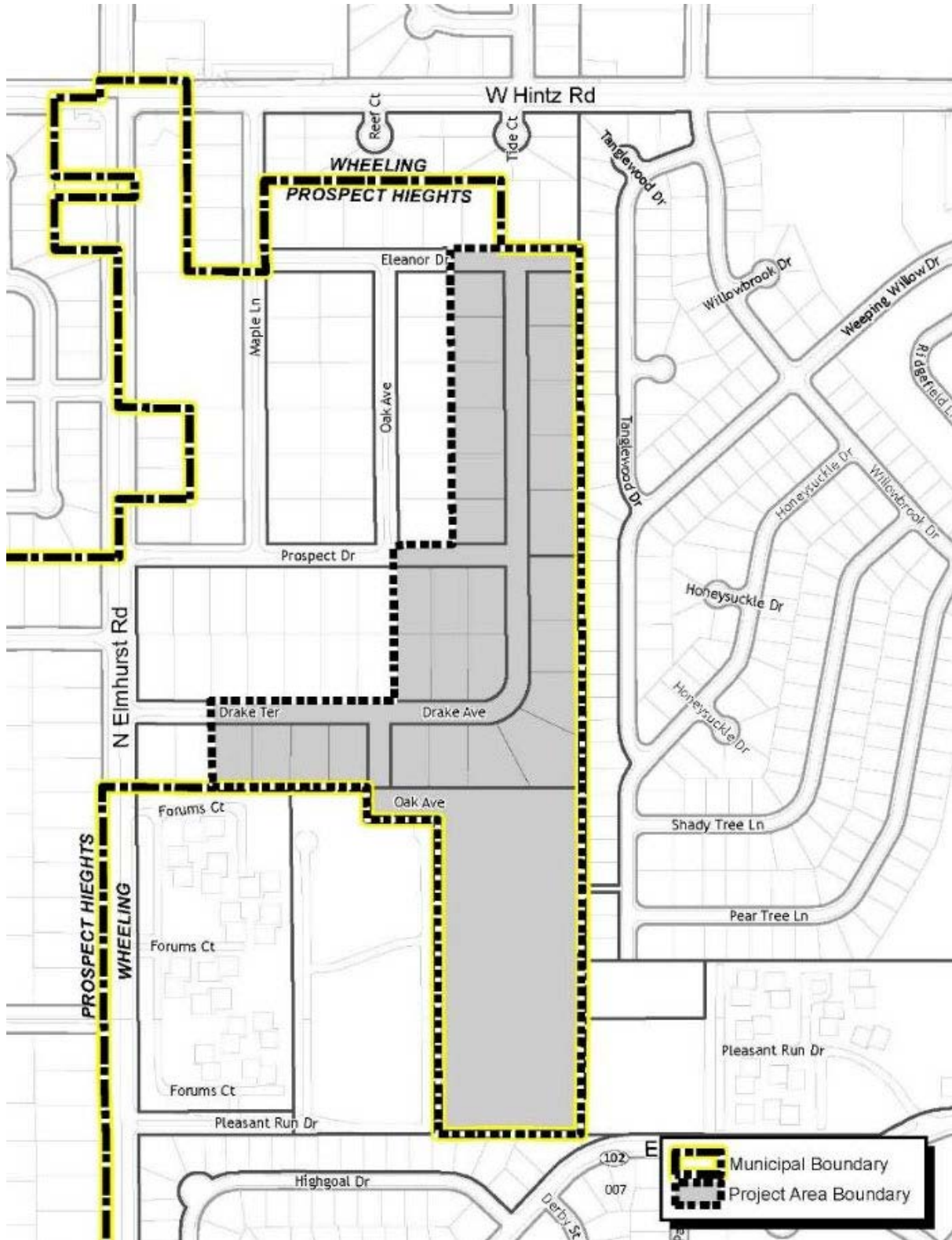
## EXHIBIT D

**COMMON BOUNDARY DESCRIPTION:** The Prospect Pointe/Muir Park Area is generally bounded by Eleanor Drive on the north, 100 feet east of Drake Terrace on the east, Oak Avenue and 210 feet east of Illinois Route 83/Elmhurst Road on the west, and the southern boundary of Muir Park on the south in Prospect Heights, Illinois.

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EXHIBIT E



**ORDINANCE No. O-21-04**

**AN ORDINANCE OF THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS, DESIGNATING THE PROSPECT POINTE/MUIR PARK PROJECT AREA AS A REDEVELOPMENT PROJECT AREA PURSUANT TO THE TAX INCREMENT ALLOCATION REDEVELOPMENT ACT**

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**WHEREAS**, the City of Prospect Heights, Cook County (the “City”) is an Illinois Municipal Corporation pursuant to the Illinois Constitution of 1970 and the Statutes of the State of Illinois; and

**WHEREAS**, it is desirable and in the best interest of the citizens of the City to implement tax increment allocation financing (“Tax Increment Allocation Financing”) pursuant to the Illinois Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et. seq.*, as amended (the "Act"), for a proposed redevelopment project area to be known as the Prospect Pointe/Muir Park Redevelopment Project Area (the "Area") described in Section 2 of this Ordinance, to be redeveloped pursuant to a proposed redevelopment plan and project (the "Plan"); and

**WHEREAS**, by authority of the City Council and pursuant to Section 5/11-74.4-5(a) of the Act, the City established an Interested Parties Registry and, on December 18, 2020, published in a newspaper of general circulation within the City a notice that interested persons may register in order to receive information on the proposed designation of the Area or the approval of the Plan; and

**WHEREAS**, the Plan (including the related eligibility report attached thereto) was made available for public inspection and review pursuant to Section 5/11-74.4-5(a) of the Act December 4, 2020, being a date not less than 10 days before the public meeting of the City Council, at which meeting the City Council adopted Resolution R-20-35 on December 14, 2020 fixing the time and place for a public hearing ("Hearing"), via Zoom conference; and

**WHEREAS**, pursuant to Section 5/11-74.4-5(a) of the Act, notice of the availability of the Plan (including the related eligibility report attached thereto) was sent by mail on December 28, 2020, which is within a reasonable time after the adoption by the City Council of Resolution R-20-35 to: (a) all residential addresses that, after a good faith effort, were determined to be (i) located within the Area and (ii) located within 750 feet of the boundaries of the Area; and (b) organizations and residents that were registered interested parties for such Area; and

**WHEREAS**, due notice of the Hearing was given pursuant to Section 5/11-74.4-6 of the Act, said notice being given to all taxing districts having property within the Area and to the Department of Commerce and Economic Opportunity of the State of Illinois by certified mail on December 16, 2020, by publication in the Daily Herald on January 22, 2021 and January 27, 2021, and by certified mail to taxpayers within the Area on January 21, 2021; and

**WHEREAS**, a meeting of the Joint Review Board (the "JRB") established pursuant to Section 5/11-74.4-5(b) of the Act was convened upon the provision of due notice on January 7, 2021 at 2:00 p.m., to review the matters properly coming before the JRB and to allow it to provide its advisory recommendation regarding the approval of the Plan, designation of the Area as a redevelopment project area pursuant to the Act and adoption of Tax Increment Allocation Financing within the Area, and other matters, if any, properly before it; and

**WHEREAS**, the JRB has forwarded to the City Council a copy of its recommendation, recommending to the City Council approval of the Plan, among other related matters; and

**WHEREAS**, pursuant to Sections 5/11-74.4-4 and 5/11-74.4-5 of the Act, the City Council held the Hearing concerning approval of the Plan, designation of the Area as a redevelopment project area pursuant to the Act and adoption of Tax Increment Allocation Financing within the Area pursuant to the Act on February 10, 2021; and

**WHEREAS**, the City Council has reviewed the Plan, testimony from the Public Hearing, the recommendation of the JRB, **if any**, and such other matters or studies as the City Council have deemed necessary or appropriate to make the findings set forth herein, and are generally informed of the conditions existing in the Area; and

**WHEREAS**, the City Council has heretofore approved the Plan, which was identified in **0-21-03** “AN ORDINANCE APPROVING A REDEVELOPMENT PLAN FOR THE PROSPECT POINTE/MUIR PARK REDEVELOPMENT AREA PLAN AND PROJECT WITHIN THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS”; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS:**

**SECTION ONE.** The City Council hereby finds and determines that the facts and statements set forth in the above recitals are true and correct and are to be incorporated herein and made a part hereof.

**SECTION TWO.** The Area is legally described in Exhibit A attached hereto and incorporated herein. The street location (as near as practicable) for the Area is described in Exhibit B attached hereto and incorporated herein. A map of the Area boundary is depicted in Exhibit C attached hereto and incorporated herein.

**SECTION THREE.** The City Council hereby make the following findings as required pursuant to Section 5/11-74.4-3(n) of the Act:

- a. The Area includes only those contiguous parcels of real property and improvements thereon that are to be substantially benefitted by proposed Plan improvements, as required pursuant to Section 5/11-74.4-4(a) of the Act;
- b. As required pursuant to Section 5/11-74.4-3(p) of the Act:
  - (i) The Area is not less, in the aggregate, than one and one-half acres in size; and
  - (ii) Conditions exist in the Area that cause the Area to qualify for designation as a

redevelopment project area and a conservation area as defined in the Act;

c. The Area is qualified as a "conservation area," with the combination of the factors necessary to qualify the Area as a redevelopment project area on that basis is detrimental to the public health, safety, morals or welfare, and the Area may become a blighted area.

**SECTION FOUR.** The Area is hereby designated as a redevelopment project area pursuant to Section 5/11-74.4-4 of the Act.

**SECTION FIVE.** That if any part or parts of this Ordinance shall be held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity of the remaining parts of this Ordinance. The City Council hereby declare that they would have passed the remaining parts of this Ordinance if they had known that such part of parts thereof would be declared invalid or unenforceable.

**SECTION SIX.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION SEVEN.** The City Clerk of the City of Prospect Heights is directed hereby to publish this Ordinance in pamphlet form.

**SECTION EIGHT.** That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

List of Attachments

- Exhibit A: Legal description of the Area
- Exhibit B: Common boundary/street location of the Area
- Exhibit C: Map of the Area

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021

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Nicholas J. Helmer, Mayor

ATTEST:

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City Clerk

**AYES:**

**NAYS:**

**ABSENT:**

Published in pamphlet form: \_\_\_\_\_, 2021

DRAFT

**EXHIBIT A**

Please ensure this legal description complies with the description in the most recent Plan on file with the Clerk

THAT PART OF THE WEST HALF OF THE NORTHEAST QUARTER AND WEST HALF OF THE SOUTHEAST QUARTER, ALL IN SECTION 15, TOWNSHIP 42, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF OAK AVENUE AND THE SOUTH LINE OF DRAKE'S FIRST ADDITION TO PROSPECT HEIGHTS, BEING A SUBDIVISION PER DOCUMENT 16245157; THENCE WEST ALONG SAID SOUTH LINE TO THE WEST LINE OF LOT 3 IN SAID DRAKE'S FIRST ADDITION TO PROSPECT HEIGHTS; THENCE NORTH ALONG SAID WEST LINE AND NORTHERLY EXTENSION THEREOF TO THE NORTH LINE OF DRAKE TERRACE; THENCE EAST ALONG SAID NORTH LINE TO THE WEST LINE AND EXTENSIONS THEREOF OF LOT 16 AND LOT 31 IN SAID DRAKE'S FIRST ADDITION TO PROSPECT HEIGHTS; THENCE NORTH ALONG SAID WEST LINE TO THE NORTH LINE OF PROSPECT DRIVE; THENCE EAST ALONG SAID NORTH LINE TO THE WEST LINES AND EXTENSIONS THEREOF OF LOTS 47 THRU 52 IN GLENDRAKE, BEING A SUBDIVISION PER DOCUMENT 16632601; THENCE NORTH ALONG SAID WEST LINE TO THE NORTH LINE OF ELEANOR DRIVE; THENCE EAST ALONG SAID NORTH LINE TO THE EAST LINE OF SAID WEST HALF OF NORTHEAST QUARTER; THENCE SOUTH ALONG SAID EAST LINE TO THE NORTH LINE OF SAID WEST HALF OF THE SOUTHEAST QUARTER; THENCE SOUTH ALONG THE EAST LINE OF SAID WEST HALF OF SAID SOUTHEAST QUARTER TO THE NORTH LINE OF POLO RUN UNIT TWO, BEING A SUBDIVISION PER DOCUMENT 86110531; THENCE WEST ALONG SAID NORTH LINE TO THE EAST LINE OF PLEASANT RUN SUBDIVISION, BEING A SUBDIVISION PER DOCUMENT 21809018; THENCE NORTHERLY AND WESTERLY ALONG SAID EAST LINE TO THE SOUTH LINE OF AFORESAID DRAKE'S FIRST ADDITION TO PROSPECT HEIGHTS AND POINT OF BEGINNING, ALL IN COOK COUNTY ILLINOIS.

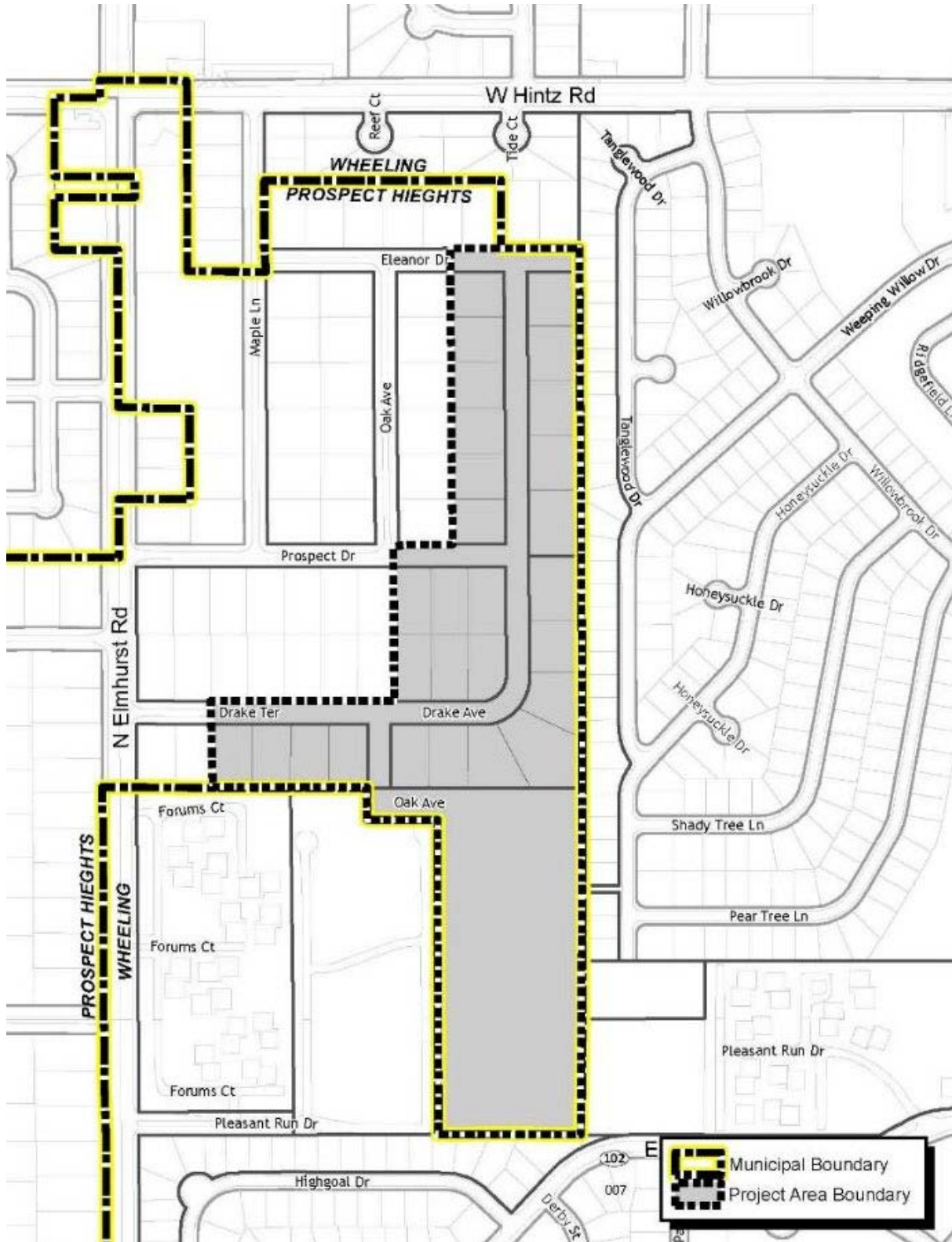
EXHIBIT B

**COMMON BOUNDARY DESCRIPTION:** The Prospect Pointe/Muir Park Area is generally bounded by Eleanor Drive on the north, 100 feet east of Drake Terrace on the east, Oak Avenue and 210 feet east of Illinois Route 83/Elmhurst Road on the west, and the southern boundary of Muir Park on the south in Prospect Heights, Illinois.

DRAFT



EXHIBIT C



**ORDINANCE No. O-21-05**

**AN ORDINANCE ADOPTING TAX INCREMENT ALLOCATION FINANCING FOR  
THE PROSPECT POINTE/MUIR PARK REDEVELOPMENT AREA WITHIN THE  
CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS**

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**WHEREAS**, the City of Prospect Heights, Cook County (the “City”) is an Illinois Municipal Corporation pursuant to the Illinois Constitution of 1970 and the Statutes of the State of Illinois; and

**WHEREAS**, it is desirable and in the best interest of the citizens of the City to implement tax increment allocation financing (“Tax Increment Allocation Financing”) pursuant to the Illinois Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et. seq.*, as amended (the “Act”), for a proposed redevelopment project area to be known as the Prospect Pointe/Muir Park Redevelopment Project Area (the “Area”) described in Section 2 of this Ordinance, to be redeveloped pursuant to a proposed redevelopment plan and (the “Plan”); and

**WHEREAS**, the Plan (including the related eligibility report attached thereto) was made available for public inspection and review pursuant to Section 5/11-74.4-5(a) of the Act December 4, 2020, being a date not less than 10 days before the public meeting of the City Council, at which meeting the City Council adopted Resolution R-20-35 on December 14, 2020 fixing the time and place for a public hearing (“Hearing”), via Zoom conference; and

**WHEREAS**, due notice of the Hearing was given pursuant to Section 5/11-74.4-6 of the Act, said notice being given to all taxing districts having property within the Area and to the Department of Commerce and Economic Opportunity of the State of Illinois by certified mail on December 16, 2020, by publication in the Daily Herald on January 22, 2021 and January 27, 2021, and by certified mail to taxpayers within the Area on January 21, 2021; and

**WHEREAS**, pursuant to Sections 5/11-74.4-4 and 5/11-74.4-5 of the Act, the City Council held the Hearing concerning approval of the Plan, designation of the Area as a

redevelopment project area pursuant to the Act and adoption of Tax Increment Allocation Financing within the Area pursuant to the Act on February 10, 2021; and

**WHEREAS**, as required by the Act, the City Council has heretofore approved the Plan, which was identified in **O-21-03** “AN ORDINANCE APPROVING A REDEVELOPMENT PLAN FOR THE PROSPECT POINTE/MUIR PARK REDEVELOPMENT AREA PLAN AND PROJECT WITHIN THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS,” and has heretofore designated the Area as a redevelopment project area by passage of **O-21-04** “AN ORDINANCE OF THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS, DESIGNATING THE PROSPECT POINTE/MUIR PARK PROJECT AREA AS A REDEVELOPMENT PROJECT AREA PURSUANT TO THE TAX INCREMENT ALLOCATION REDEVELOPMENT ACT” and has otherwise complied with all other conditions precedent required by the Act; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PROSPECT HEIGHTS, COOK COUNTY, ILLINOIS:**

**SECTION ONE.** The City Council hereby finds and determines that the facts and statements set forth in the above recitals are true and correct and are to be incorporated herein and made a part hereof.

**SECTION TWO.** Tax Increment Allocation Financing is hereby adopted pursuant to Section 5/11-74.4-8 of the Act to finance redevelopment project costs as defined in the Act and as set forth in the Plan within the Area legally described in Exhibit A attached hereto and incorporated herein. The street location (as near as practicable) for the Area is described in Exhibit B attached hereto and incorporated herein. The map of the Area is depicted in Exhibit C attached hereto and incorporated herein.

**SECTION THREE.** Pursuant to the Act, the ad valorem taxes, if any, arising from the levies upon taxable real property in the Area by taxing districts and tax rates determined in the

manner provided in Section 5/11-74.4-9(c) of the Act each year after the effective date of this ordinance until redevelopment project costs and all municipal obligations financing redevelopment project costs incurred under the Act have been paid, shall be divided as follows:

a. That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the Area shall be allocated to, and when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of Tax Increment Allocation Financing; and

b. That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the Area over and above the initial equalized assessed value of each property in the Area shall be allocated to, and when collected, shall be paid to the City Treasurer or their designee who shall deposit said taxes into a special fund, hereby created, and designated the "Prospect Pointe/Muir Park Tax Allocation Fund" of the City for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof.

**SECTION FOUR.** That the City shall obtain and utilize incremental taxes from the Redevelopment Project Area for the payment of redevelopment project costs and all City obligations financing redevelopment project costs in accordance with the provisions of the TIF Act and the Final TIF Plan.

**SECTION FIVE.** That if any part or parts of this Ordinance shall be held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity of the remaining parts of this Ordinance. The City Council hereby

declare that they would have passed the remaining parts of this Ordinance if they had known that such part of parts thereof would be declared invalid or unenforceable.

**SECTION FIVE.** All ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION SIX.** The City Clerk of the City of Prospect Heights is directed hereby to publish this Ordinance in pamphlet form.

**SECTION SEVEN.** That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

List of Attachments

- Exhibit A: Legal description of the Area
- Exhibit B: Common boundary/street location of the Area
- Exhibit C: Map of the Area

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021

**APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2021

\_\_\_\_\_  
Nicholas J. Helmer, Mayor

ATTEST:

\_\_\_\_\_

City Clerk

**AYES:**

**NAYS:**

**ABSENT:**

Published in pamphlet form: \_\_\_\_\_, 2021

**EXHIBIT A**

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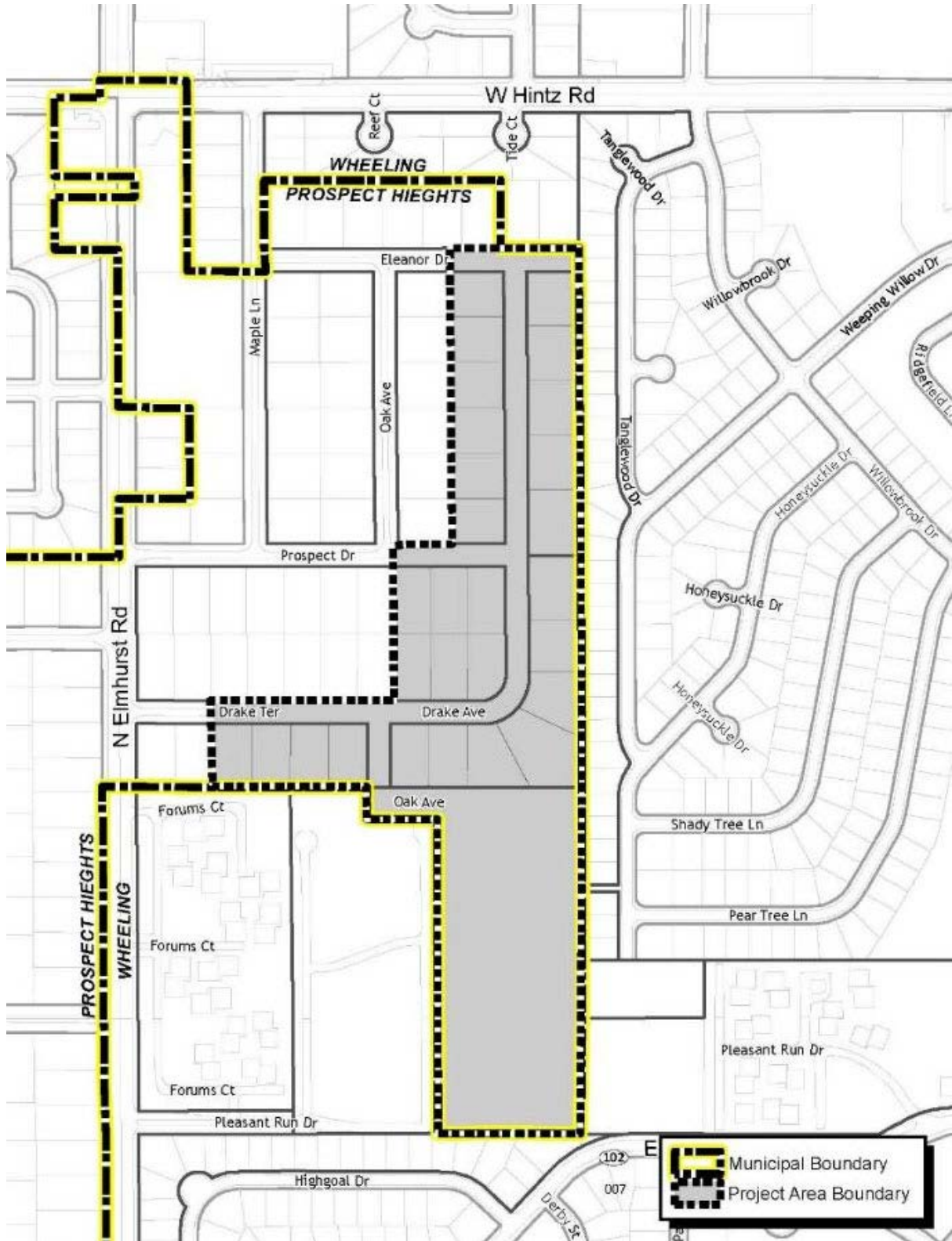
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DRAFT

**EXHIBIT C**





# **RESOLUTION AND RECOMMENDATION OF THE JOINT REVIEW BOARD**

## **CONCERNING THE PROPOSED PROSPECT POINTE/MUIR PARK TAX INCREMENT FINANCING DISTRICT**

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**WHEREAS**, the Joint Review Board convened via Zoom video conference on January 7, 2021 pursuant to the Tax Increment Allocation Redevelopment Act of the State of Illinois, 65 ILCS 5/11-74.4-1 *et seq.*, (the “TIF Act”), attended by and comprised of certain representatives of affected taxing jurisdictions within the proposed redevelopment project area, including a representative of the City of Prospect Heights (the “City”); and

**WHEREAS**, after due and proper notice the Joint Review Board’s initial meeting, was continued, with continued JRB meeting dates of January 19, 2021, February 10, 2021, March 2, 2021, March 23, 2021 and April 13, 2021 attended by and comprised of certain representatives of affected taxing jurisdictions within the proposed redevelopment project area, including a representative of the City of Prospect Heights, all of which were open to the public and provided a forum for public comment; and

**WHEREAS**, the TIF Act provides that those representatives of affected taxing jurisdictions in attendance shall constitute a quorum; and

**WHEREAS**, a public member and a chairperson were duly selected by the Joint Review Board pursuant to the TIF Act by majority vote of all other Joint Review Board members in attendance at the initial Joint Review Board meeting; and

**WHEREAS**, the Joint Review Board did carefully review and consider the public record, planning documents and proposed ordinances adopting the Muir Park/Prospect Pointe Redevelopment Plan and Project, and Tax Increment Financing to be adopted by the City; and

**WHEREAS**, the Joint Review Board also reviewed the proposed Muir Park/Prospect Pointe Redevelopment Plan and Project, including the qualification report generated by Johnson Research Group; and

**WHEREAS**, after consideration of all said matters, the Joint Review Board did agree by a vote of a majority of the members present that: (a) the proposed Muir Park/Prospect Pointe Redevelopment Plan and Project Area be approved; (b) the Muir Park/Prospect Pointe Redevelopment Plan and Project satisfies the eligibility criteria defined in the Act; and (c) the Muir

Park/Prospect Pointe Redevelopment Plan and Project Area qualifies as a conservation area as defined by the Act; and

**WHEREAS**, the Joint Review Board further finds that the Muir Park/Prospect Pointe Redevelopment Plan and Project as presented conforms to the requirements of the TIF Act; and

**WHEREAS**, as such, the majority of the Joint Review Board members present did direct the chairperson of the Joint Review Board to prepare and submit to the Mayor and City Council of the City of Prospect Heights, Illinois, its recommendation so finding.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

**SECTION 1: RECITALS.** The facts and statements contained in the preamble to this Resolution are found to be true and correct and are hereby adopted as part of this resolution.

**SECTION 2: RECOMMENDATION.** the Joint Review Board does hereby submit its advisory, non-binding recommendation to the City of Prospect Heights, Illinois, that the proposed Muir Park/Prospect Pointe Redevelopment Plan and Project be approved and that the Muir Park/Prospect Pointe Redevelopment Plan and Project satisfies the requirements of the Plan and fulfills the objectives of the Act.

**SECTION 3: SEVERABILITY.** If any provision of this Resolution or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Resolution shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Resolution to the greatest extent permitted by applicable law.

**SECTION 4: SUBMISSION TO CITY COUNCIL.** Upon the adoption of the Resolution by a majority vote of the members of this Joint Review Board, the Joint Review Board Clerk is directed to submit this Resolution and Recommendation of the Joint Review Board to the City Council of the City of Prospect Heights.

APPROVED this 13th day of April, 2021.

  
\_\_\_\_\_  
Joe Wade  
Chair of the Prospect Pointe/Muir Park JRB

AYES           Wade, McPartlin, Johnson, Elahi, Jones, Kearns, Ferraro  
NAYS           None

ATTEST:



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Deputy City Clerk Schultheis