

11/14/17

ORDINANCE NO. CO-2017-21

**AN ORDINANCE AUTHORIZING CERTAIN EXPENDITURES
FROM CHICAGO TITLE INSURANCE COMPANY ESCROW NUMBER 4
(ESCROW ACCOUNT NUMBER 201454332) ESTABLISHED
FOR THE ST. CHARLES ROAD TAX INCREMENT FINANCING
REDEVELOPMENT PROJECT AREA FUND TO PAY
FOR THE VILLAGE'S 2016 ALLEY AND PARKING LOT
IMPROVEMENTS PROJECT**

(Escrow Number 4: Village Projects)

**(Soil Testing and Removal Costs for Alley #132:
Lake Street to Main Street, Between 8th Avenue and 9th Avenue)**

WHEREAS, pursuant to Ordinance No. PRO-90-5, adopted on August 23, 1990, the President and Board of Trustees (the "Corporate Authorities") of the Village of Maywood, Cook County, Illinois (the "Village"), in an effort to revitalize the Village's local economy and provide for the comprehensive and coordinated development of an underutilized and blighted area within the Village, adopted a redevelopment plan and project, designated a redevelopment project area, and adopted the use of tax increment financing relative to a designated area tax increment financing district known as the "St. Charles Road TIF District" (the "TIF District") in accordance with the Illinois Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.*, as amended (the "Act") for the St. Charles Road Tax Increment Financing Redevelopment Project Area (the "Project Area"). A copy of the Project Area Boundary Map is on file with the Village Clerk's Office and is incorporated by reference into this Ordinance; and

WHEREAS, pursuant to the Act, the Village established the St. Charles Road Special Tax Allocation Fund (the "TIF Fund") into which annual tax increment revenue from the Project Area have been deposited (the "TIF Funds") and from which expenditures have been and will continue to be made for eligible TIF redevelopment project costs, as authorized by the Act and in accordance with the Village-approved Redevelopment Plan and Budget for the Project Area (the "Plan"). The Corporate Authorities have determined that, in order to encourage private investment and restore and enhance the tax base of the Village and the affected taxing districts, certain blighting and adverse conditions within the Project Area must be removed, certain infrastructure improvements must be made, and the Project Area must be redeveloped. A copy of the Plan is on file with the Village Clerk's Office and is incorporated by reference into this Ordinance; and

WHEREAS, within Ordinance No. CO-2013-47, the Corporate Authorities identified and approved the completion of certain TIF improvement projects and TIF District related expenditures within the Project Area (collectively, the "TIF Improvement Projects") that were identified in a chart entitled "Updated St. Charles TIF Administration

and Projects Sheet for 2013 and 2014 / Remaining TIF District Projects and Close Out Expenditures.” The total estimated TIF Funds that were expected to be available to be contributed to the TIF Improvement Projects for calendar year 2014 was Six Million Eight Hundred Ten Thousand Three Hundred Twenty-Eight and No/100 Dollars (\$6,810,328.00); and

WHEREAS, under Ordinance No. CO-2014-47, the Corporate Authorities approved the establishment of construction escrows at Chicago Title Insurance Company for purposes of depositing TIF Funds to be used to pay for portions of the remaining TIF Improvement Projects, in whole or in part, that were deemed to be TIF-eligible expenses by the Corporate Authorities and other costs associated with the close out of the St. Charles TIF District and any related obligations (“Remaining TIF District Projects and Close Out Expenditures”). Based on the recommendation of Village staff and the Village Engineer, the Corporate Authorities approved the deposit of Seven Million One Hundred Sixty-Nine Thousand Nine Hundred Ninety and 12/100 Dollars (\$7,169,990.12), which constituted the Remaining TIF District Projects and Close Out Expenditures, into one or more construction escrows at Chicago Title Insurance Company. Of the six (6) escrows that were established and funded at Chicago Title Insurance Company, Escrow Number 4 was described and funded as follows:

Escrow Number 4 (Escrow Account Number 201454332): Village Projects (Project Costs and Architectural, Engineering and Other Professional Fees for Police Station Roof Repair; St. Charles / 5th Avenue Street Project; Lake Street ITEP Grant Share; 1st and Lake Environmental Remediation Work; Bataan Day – Memorial Park Landscape Improvements; Police Station Elevator Improvements; Police Station Lift Station Repair Work; Public Alley Improvements: Alley #136 (between 4th and 5th Avenues, Main Street to Lake Street), Alley #132 (between 8th and 9th Avenues, Main Street to Lake Street), Alley #135 (between 5th and 6th Avenues, Main Street to Lake Street); 1st and Ohio Environmental Remediation Work; 5th Avenue Parking Lot Pavement Work; Widows Home – Repair and Restoration Work (Portico Improvements); and Restoration of 11-13 South 5th Avenue) (Escrow Deposit: \$1,568,546.12); and

WHEREAS, in 2016, the Corporate Authorities of the Village of Maywood (the “Village”) approved a construction contract with Triggs Construction, Inc. (the “Contractor”) relative to the reconstruction of certain public alley improvements and parking lot improvements (the “2016 Alley and Parking Lot Improvements Project”): Alley #136 (between 4th and 5th Avenues, Main Street to Lake Street), Alley #132 (between 8th and 9th Avenues, Main Street to Lake Street), Alley #135 (between 5th and 6th Avenues, Main Street to Lake Street) (the “2016 Alley and Parking Lot Improvements Project”). The total project cost as set forth in the Construction Contract was Four Hundred Fifty-Six Thousand Seven Hundred Two and 80/100 Dollars (\$456,702.80) (the “Original Contract Price”) and the Construction Contract is incorporated herein by reference and made a part hereof; and

WHEREAS, in the course of the contractor performing work on Alley #132 (Lake to Main, between 8th and 9th Avenues), testing revealed that the Alley contained soil that was required to be removed and taken to a special waste facility. Costs incurred related to testing and removal included environmental testing fees in the amount of Seven Thousand Four Hundred and 00/100 Dollars (\$7,400.00), incurred by Peterson Environmental, Ltd., and dump fees and cartage fees in the amount of Thirty-One Thousand Seventy-Three and 61/100 Dollars (\$31,073.61) incurred by the Contractor (collectively, the "Soil Testing and Removal Costs"). Those additional Soil Testing and Removal Costs have been submitted to the Village President and Board of Trustees in combined form as Change Order Request No. 2 to the 2016 Alley and Parking Lot Improvements Project, in the amount of Thirty-Eight Thousand Four Hundred Seventy-Three and 61/100 Dollars (\$38,473.61); and

WHEREAS, the Village agrees to authorize and approve reimbursement of the Soil Testing and Removal Costs related to Alley #132 by adoption of Change Order Request No. 2 to the 2016 Alley and Parking Lot Improvements Project; and

WHEREAS, it is desirable and in the best interests of the residents, businesses and property owners of the Village for the Corporate Authorities to approve Change Order Request No. 2 to the 2016 Alley and Parking Lot Improvements Project and to authorize the payment of the Soil Testing and Removal Costs from the TIF Funds held in Escrow Number 4 (Escrow Account Number 201454332), which Expenditures will be paid to the Applicant upon submittal of the required proof of completion of the improvements, releases of lien, and Village inspection and approval of the improvements as being compliant with the applicable Village Code regulations.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: Recitals. The statements set forth in the preambles of this Ordinance are found to be true and correct and are adopted as part of this Ordinance.

SECTION 2: Authority.

- (a) The Village is a duly constituted and organized home rule municipality, as described in Division 6 of Article VII of the Illinois Constitution of 1970, and as such may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to tax and incur debt.
- (b) This Ordinance is adopted in connection with implementing the Plan in accordance with the Act.

SECTION 3: Approval of Application and Authorization of Expenditures.

The Corporate Authorities of the Village:

- (a) Approve any necessary, related professional services including legal, zoning, redevelopment, consulting, architectural and engineering services, landscape architectural services, design guidelines, appraisals, surveys, market studies, traffic studies, and environmental and geotechnical services.
- (b) Approve and authorize the Soil Testing and Removal work related to Alley #132 performed by Peterson Environmental, Ltd. and Contractor Triggs Construction, Inc. at a cost not to exceed Thirty-Eight Thousand Four Hundred Seventy-Three and 61/100 Dollars (\$38,473.61) as submitted to the Village as Change Order Request No. 2.
- (c) Authorize the use of St. Charles Road TIF Funds held in Escrow Number 4 (Escrow Account Number 201454332) to pay the Soil Testing and Removal Costs related to Alley #132.

SECTION 4: Public Inspection. This Ordinance shall be immediately available for inspection by the public at the office of the Village Clerk.

SECTION 5: Repealer. All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 6: Severability. Each section, paragraph, clause and provision of this Ordinance is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 7: Ratification. All actions of the Corporate Authorities, agents and employees of the Village that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption of this Ordinance, are ratified, confirmed and approved.

SECTION 8: Effective Date. This Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as required by law.

ADOPTED this 16th day of May, 2017, pursuant to a roll call vote as follows:

AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris, M. Rogers, M. Lightford and R. Rivers.

NAYS: None

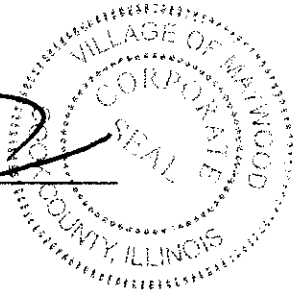
ABSENT: None

APPROVED by me as Village President, and attested to by the Village Clerk, on the 18th day of May, 2017.

ATTEST:



Village Clerk





Village President

Published by me in pamphlet form this 18th day of May, 2017.



Village Clerk

