

ORDINANCE NO. 2018-05

**AN ORDINANCE AUTHORIZING CERTAIN EXPENDITURES
FROM CHICAGO TITLE INSURANCE COMPANY ESCROW NUMBERS 2, 4 AND 5
ESTABLISHED FOR THE ST. CHARLES ROAD TAX INCREMENT FINANCING
REDEVELOPMENT PROJECT AREA FUND
TO PAY FOR CERTAIN ELIGIBLE PROJECT EXPENSES
(Escrow Number 2: Train Station Project)
(Escrow Number 4: Village Projects)
(Escrow Number 5: Village Administration Costs)**

(Professional Engineering Services: Hancock Engineering Company)

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 Numbers 2, 4 and 5 were described and funded as follows:

- Escrow Number 2 (Escrow Account Number 201454330): Train Station Project (Project Costs and Professional Fees) (Escrow Deposit: \$1,049,000.00);
- 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);
- Escrow Number 5 (Escrow Account Number 201454333): Village Administration Costs / Audit Fees / Escrow Fees / Professional Fees Relating to Remaining TIF District Projects and Close Out Expenditures (Escrow Deposit: \$624,426.00); and

WHEREAS, the Corporate Authorities of the Village of Maywood desire to approve the Pay Request dated December 14, 2017 submitted by Hancock Engineering Company for the performance of certain professional engineering services (the “Contractor”) relative to various pending projects covered by the above-referenced Escrows. The total amount of professional fees performed, as set forth in the Pay Request dated December 14, 2017, equals Twenty-Six Thousand Four Hundred Forty-Four and 50/100 Dollars (\$26,444.50) (the “Pay Request”). A copy of the Pay Request is attached hereto as **Exhibit “1”** and made a part hereof; and

WHEREAS, the Corporate Authorities of the Village find that the performance of these professional engineer services were specifically included as one of the Village-approved “Remaining TIF District Projects and Close Out Expenditures”; 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 the Pay Request and to authorize the execution of the Pay Request for the Project and the payment of the Pay Request from the TIF Funds held in the above-referenced Escrows, which Expenditures will be paid to the Contractor upon submittal of the required proof of completion of the improvements, releases of lien, and Village inspection and approval of the Project 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 that are required for the completion of the Project.
- (b) Approve and authorize the execution and payment of the Pay Request submitted by Hancock Engineering Company (the "Contractor") for the performance of certain professional engineering services relative to various pending projects covered by Escrow Number 2: Train Station Project, Escrow Number 4: Village Projects, and Escrow Number 5: Village Administration Costs, in an amount equal to Twenty-Six Thousand Four Hundred Forty-Four and 50/100 Dollars (\$26,444.50) (the "Pay Request") (the Pay Request is attached hereto as **Exhibit "1"**).
- (c) Authorize the release and use of St. Charles Road TIF Funds held in Escrow Number 2 (Escrow Account Number 201454330), Escrow Number 4 (Escrow Account Number 201454332), and Escrow Number 5 (Escrow Account Number 201454333) to pay to the Contractor all of the amounts set forth in the Pay Request based on the line-item accounting and outstanding invoices allocated to each Escrow in the Pay Request.

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 20th day of February, 2018, pursuant to a roll call vote as follows:

AYES: Mayor Perkins, Trustee(s) H. Yarbrough, I. Brandon, A. Sanchez, K. Wellington,
M. Lightford and R. Rivers

NAYS: None

ABSENT: None

APPROVED by me as Village President, and attested to by the Village Clerk, on the 21st day of February, 2018.

Edwenna Perkins, Village President

ATTEST:

Viola Mims, Village Clerk

Published by me in pamphlet form this 21st day of February, 2018.

Viola Mims, Village Clerk

Exhibit "1"

**Pay Request dated December 14, 2017
submitted by Hancock Engineering Company**

(attached)

Village of Maywood
Interdepartmental Memorandum

TO: Village Mayor and Board of Trustees
FROM: Willie Norfleet, Village Manager
DATE: December 14, 2017
SUBJECT: Payment Approval, Hancock Engineering.

SPECIFIC ACTION REQUESTED: Payment approval of the attached invoices for engineering services rendered for the Village of Maywood Public Works Department.

<u>Invoice</u>	<u>Date</u>	<u>Amount</u>
17-176	04/14/17	\$512.00
17-239	05/05/17	\$1,035.00
17-323	06/16/17	\$3,202.50
17-324	06/16/17	\$325.00
17-326	06/16/17	\$1,690.00
17-328	06/16/17	\$2,210.00
17-405	07/18/17	\$6,295.00
17-406	07/18/17	\$455.00
17-407	07/18/17	\$1,040.00
17-409	07/18/17	\$1,170.00
17-466	08/24/17	\$2,400.00
17-468	08/24/17	\$585.00
17-469	08/24/17	\$2,080.00
17-471	08/24/17	\$3,445.00

RECOMMENDATION: It is recommendation that the total payment of \$26,444.50 be approved for payment. The expense account to be charged: Various Accounts.

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

CLERK’S CERTIFICATE

I, Viola Mims, Village Clerk of the Village of Maywood, Cook County, Illinois, certify that attached hereto is a true and correct copy of the Ordinance now on file in my office, entitled:

ORDINANCE NO. 2018-05

**AN ORDINANCE AUTHORIZING CERTAIN EXPENDITURES
FROM CHICAGO TITLE INSURANCE COMPANY ESCROW NUMBERS 2, 4, 5 AND 6
ESTABLISHED FOR THE ST. CHARLES ROAD TAX INCREMENT FINANCING
REDEVELOPMENT PROJECT AREA FUND
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(Professional Engineering Services: Hancock Engineering Company)

which was passed by the Board of Trustees of the Village of Maywood at a Regular Meeting of the Board of Trustees held on the 20th day of February, 2018, at which meeting a quorum was present, and approved by the President of Maywood on the 21st day of February, 2018.

I further certify that the vote on the question of the passage of the said Ordinance by the Board of Trustees of the Village of Maywood was taken by the Ayes and Nays and recorded in the Journal of Proceedings of the Board of Trustees of the Village of Maywood, and that the result of the vote was as follows, to wit:

AYES: Mayor Perkins, Trustee(s) H. Yarbrough, I. Brandon, A. Sanchez, K. Wellington,
M. Lightford and R. Rivers

NAYS: None

ABSENT: None

I do further certify that the original Ordinance, of which the attached is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 21st day of February, 2018.

By: _____
Viola Mims, Village Clerk

SEAL