

STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, Lynn Curiale, City Clerk of Wood Dale, Illinois DO HEREBY CERTIFY that as such City Clerk and keeper of the records, that the foregoing is a true and correct copy of Resolution **#R-20-42 A RESOLUTION APPROVING THE TAX INCREMENT FINANCING TERMS FOR THE BRYN MAWR AVENUE ADDITION TO WOOD DALE** Passed by The City of Wood Dale, Du Page County, Illinois, IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the City of Wood Dale, this 18th day of June, 2020.



Lynn Curiale, City Clerk

SEAL



Resolution #R-20-42

**A RESOLUTION APPROVING THE TAX INCREMENT FINANCING TERMS
FOR THE BRYN MAWR AVENUE ADDITION TO WOOD DALE**

Passed: June 18, 2020
Published in Pamphlet Form: June 19, 2020

I, Lynn Curiale, as the City Clerk for the City of Wood Dale, hereby certify that the attached Resolution is a true and correct copy of **#R-20-42**

**A RESOLUTION APPROVING THE TAX INCREMENT FINANCING TERMS
FOR THE BRYN MAWR AVENUE ADDITION TO WOOD DALE**

Passed and approved by the City Council of the City of Wood Dale on June 18, 2020 and hereby published in pamphlet on June 19, 2020.



Lynn Curiale, City Clerk



RESOLUTION R-20-42

A RESOLUTION APPROVING THE TAX INCREMENT FINANCING TERMS FOR THE BRYN MAWR AVENUE ADDITION TO WOOD DALE

WHEREAS, the City of Wood Dale (hereinafter the "City") is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*; and

WHEREAS, the City possesses the authority, pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, to adopt ordinances pertaining to the public health, safety and welfare; and

WHEREAS, the City Council of the City (hereinafter referred to as the "City Council") is the corporate authority for the City and is authorized by law to exercise all powers and to control the affairs of the City; and

WHEREAS, the City Council possesses full power and authority to approve and pass all necessary ordinances, resolutions, rules and regulations necessary for carrying into effect the objects for which the City was formed, in accordance with the Illinois Municipal Code; and

WHEREAS, Nippon Express USA, Inc., is an Illinois corporation, organized and existing under the laws of the State of Illinois, with its principal place of business at 401 East Touhy Avenue, Des Plaines, Illinois (the "Owner"); and

WHEREAS, the Owner is the owner of record of certain real property located at 800 N. N. IL Route 83, Wood Dale, DuPage County, Illinois, known as the Bryn Mawr Avenue Addition to Wood Dale (the "Property"), the legal description of which is attached as Exhibit "A" hereto and made a part hereof; and

WHEREAS, the City has the authority, pursuant to the laws of the State of Illinois (the "State"), to promote the health, safety, and welfare of the City and its inhabitants, to eradicate blight, to encourage private development in order to enhance the local tax base, to increase additional tax revenues realized by the City, foster increased economic activity within the City, to increase employment opportunities within the City, and to enter into contractual agreements with third Parties for the purpose of achieving the aforesaid purposes, and otherwise take action in the best interests of the City; and

WHEREAS, the City is authorized under the provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.* (the "TIF Act"), to finance redevelopment in accordance with the conditions and requirements set forth in the TIF Act; and

WHEREAS, the City has identified the Bryn Mawr corridor as an appropriate area for redevelopment; and

WHEREAS, the Owner acquired certain land in the unincorporated area of the City and petitioned to annex said Property to the City. The City Council, after giving all notices required by law, and after conducting all public hearings required by law, the City Council adopted Ordinance No.: O-19-035, entitled, An Ordinance Annexing Subject Property Commonly Known as the Bryn Mawr Avenue Addition to Wood Dale, 800 N. IL Route 83, to the City of Wood Dale, Illinois, dated November 21, 2019; and

WHEREAS, the Parties entered into a certain Annexation Agreement for the Property. The City Council, after giving all notices required by law, and after conducting all public hearings required by law, the City Council approved Resolution No.: R-19-58, entitled, A Resolution Authorizing the Execution of an Annexation Agreement for Property Commonly Known as the Bryn Mawr Avenue Addition to Wood Dale, 800 N. IL Route 83, to the City of Wood Dale, Illinois, dated November 21, 2019; and

WHEREAS, the Owner Petitioned the City to rezone the land from R-1 Residential to I-1 Light Industrial, which rezoning was approved by the City Council, after giving all notices required by law, and after conducting all public hearings required by law, the City Council adopted Ordinance No. O-19-036, entitled, An Ordinance Rezoning Land from R-1 Estate Residential to I-1 Light Industrial on November 21, 2019; and

WHEREAS, the Owner applied to the City for a Special Use for a Planned Unit Development (PUD) on the Property which PUD was approved by the City Council, after giving all notices required by law, and after conducting all public hearings required by law, the City Council adopted Ordinance No. O-19-038, entitled, An Ordinance Approving a Special Use for a Planned Unit Development for the Bryn Mawr Avenue Addition to Wood Dale Property, on November 21, 2019; and

WHEREAS, the City Council, after giving all notices required by law, and after conducting all public hearings required by law, the City Council adopted Resolution No. R-19-59, entitled, A Resolution Approving the Final Plan of Subdivision to Consolidate Lots for Property Commonly Known as Bryn Mawr Avenue Addition to Wood Dale, on November 21, 2019; and

WHEREAS, the City, in an effort to assist in the redevelopment of said corridor and the adjacent area, undertook a study of the general area to determine whether it was appropriate for redevelopment, utilizing benefits available through tax increment financing; and

WHEREAS, the Study conducted of the area determined that said area satisfied the criteria to be eligible for a Tax Increment Financing District; and

WHEREAS, on April 16, 2015, the Mayor and City Council of the City, adopted Ordinance No. O-15-010, entitled, "An Ordinance Adopting Tax Increment Financing",

pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.*, as amended (the "Act"), which approved tax increment financing for the area commonly known as the Bryn Mawr and IL Route 83 Redevelopment Project Area (the "Project Area"); and

WHEREAS, the City is the Owner of certain real property located in the Project Area, which is commonly identified as 800 and 880 Edgewood Avenue, Wood Dale, Illinois; and

WHEREAS, Transwestern Development corporation, a corporate entity authorized and existing in accordance with the laws of the State of Illinois, with its principal place of business at 200 W. Madison Street, Suite 1200, Chicago, Illinois, (the "Developer"); and

WHEREAS, the Owner and the Developer have been working with the City on the redevelopment of the Project Area; and

WHEREAS, the City has the authority, pursuant to the laws of the State of Illinois (the "State"), to promote the health, safety, and welfare of the City and its inhabitants, to eradicate blight, to encourage private development in order to enhance the local tax base, to increase additional tax revenues realized by the City, foster increased economic activity within the City, to increase employment opportunities within the City, and to enter into contractual agreements with third parties for the purpose of achieving the aforesaid purposes, and otherwise take action in the best interests of the City; and

WHEREAS, the City is authorized under the provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, *et seq.* (the "TIF Act"), to finance redevelopment in accordance with the conditions and requirements set forth in the TIF Act; and

WHEREAS, in accordance with the TIF Act, the City (i) convened a Community Development Commission Meeting which performed all actions required under the TIF Act, and (ii) held and conducted a public hearing with respect to the Redevelopment Plan and the Area at a meeting of the City Council of the City, notice of such hearing having been given in accordance with the TIF Act; and

WHEREAS, a portion of the Property is within the Area and is eligible to participate in the benefits and burdens of the financing of the Project, as set forth more fully herein; and

WHEREAS, the City approves of the design of the Project, as presented in the Project description provided herein in Exhibit "B", attached hereto and believes the rezoning, permitting, and other required City actions to effectuate the Project will be approved in the regular course of considering such matters under the City Code; and

WHEREAS, the City strongly supports increased economic development to provide additional jobs for residents of the City, to expand retail business and commercial activity within the City, and to develop a healthy economy and stronger tax base. The City and Developer reasonably expect that completion of the Project will generate additional tax revenues and economic activity in furtherance of the goals of the Redevelopment; and

WHEREAS, it is necessary for the successful completion of the Project that the City delineate the TIF Benefits available for the redevelopment of the Area, thereby implementing the Redevelopment; and

WHEREAS, the Developer is unable and unwilling to undertake the redevelopment of the Area but for certain tax increment financing (“TIF”) incentives (the “TIF Benefit”) to be provided by the City in accordance with the TIF Act and the powers of the City, which the City is willing to provide under the terms and conditions contained herein. The Parties acknowledge and agree that but for the TIF Benefit to be provided by the City, Developer cannot successfully and economically develop the Area in a manner satisfactory to the City. The City has determined that it is desirable and in the City’s best interests to assist Developer in the manner set forth herein, as may be supplemented and amended; and

WHEREAS, the Developer proposes to construct improvements or Developer Improvements”) in connection with the Project and has demonstrated to the City’s satisfaction that Developer has the experience and capacity to complete the Development; and

WHEREAS, the City Council finds that the Project will significantly strengthen the commercial sector of the City; and

WHEREAS, the City wishes to support, encourage, and facilitate the Project by using a portion of the Incremental Property Taxes from the Area; and

WHEREAS, the City Council find that this Agreement is made in the best interests of the City and the health, safety, morals, and welfare of its residents and in accordance with the public purposes specified in the Redevelopment Plan; and

WHEREAS, pursuant to the provisions of the TIF Act, the City is authorized to enter into this Resolution outlining the City’s obligation to pay certain Developer’s development project costs incurred, and to pledge the Incremental Property Taxes to the payment of the Reimbursable Developer’s Development Project Costs (defined herein) to assist in financing of the Project; and

WHEREAS, the terms of the Development include the following:

1. Applications for Development and Construction. The Developer shall apply for City approval, as required by the City Code, to develop the Project on the

Property, consisting of certain roadway improvements of Bryn Mawr Avenue between Illinois Route 83 (Busse Road) and Pine Street, providing the extension of Bryn Mawr Avenue westward to connect to Edgewood Avenue, along with an approximately 300,000 square foot Corporate Headquarters and warehouse space for the Owner.

2. Construction Phases. The Project shall be constructed in Phases as follows:
 - A. Phase 1, consisting of the roadway improvements to Bryn Mawr Avenue are to be completed by June 1, 2021.
 - B. Phase 2, consisting of the construction of an approximately 300,000 square foot Corporate Headquarters and Warehouse Space for the Owner, is to be completed by June 1, 2021.
 1. The Public Hearing is to be completed by October 21, 2019.
 2. The City Council approval by November 7, 2019.
 3. The Site Permit to be issued by June 30, 2020.
3. Project Estimated Costs. The estimated Development Costs for Phase 1 total \$1.75 million. The estimated Development Costs for Phase 2 total \$45 million. The costs estimates for said Development Costs are set forth more fully herein in Exhibit "C", attached hereto and incorporated herein by reference.
4. TIF Benefit. In consideration of the Developer's substantial economic commitment to the redevelopment of the Property, and in recognition of the significant expenditures that Developer will incur to obtain all of the approvals contemplated, the City agrees to provide TIF Benefit to the Developer to reimburse the Developer for eligible expenditures (the "Reimbursable Developer's Development Project Costs") in connection with the Project, contingent upon fulfillment of the conditions set forth for the Development and not to exceed the \$1,350,000 TIF Benefit amount. Payments shall be made in increments as the TIF Eligible Expenses are incurred, as set forth in Exhibit "D" and as will be set forth more fully in a TIF Benefits Agreement by and between the Parties; and
5. Permit Refunds. In consideration of the Developer's substantial economic commitment to the redevelopment of the Property, and in recognition of the significant expenditures that Developer will incur to obtain all of the approvals contemplated, the City agrees to provide Permit Refunds in connection with the Project, contingent upon fulfillment of the conditions set forth for the Development and not to exceed the \$400,000; and

WHEREAS, the Mayor and the City Council have reviewed the terms of the Tax Increment Financing and have determined that the terms are in the best interests of the future development of the City and will be beneficial to the residents of the City of Wood Dale.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF WOOD DALE, DUPAGE COUNTY, AN ILLINOIS MUNICIPAL CORPORATION, as follows:

SECTION 1: The recitals set forth above are incorporated herein and made a part hereof.

SECTION 2: The Bryn Mawr Avenue Addition to Wood Dale Tax Increment Finance Benefits Terms, as set forth herein, and as may be finalized by the City Attorney, are approved and accepted by the City of Wood Dale.

SECTION 3: The Mayor, City Manager, Staff, and/or the City Attorney shall take all the steps necessary to carry out the terms set forth herein, including the approval of a TIF Benefits Agreement consisting of the terms substantially set forth herein.

SECTION 4: All ordinances and resolutions or parts thereof in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby repealed.

SECTION 5: This Resolution shall be in full force and effect from and after its adoption, approval, and publication in pamphlet form as provided by law.

PASSED this 18th day of June 2020

AYES: Alderman Catalano, Jakab, Messina, Sorrentino, Susmarski, E. Wesley, Woods

NAYS: None

ABSENT: R. Wesley

APPROVED this 18th day of June 2020

SIGNED: 
Annunziato Pulice, Mayor

ATTEST: 
Lynn Curiale, City Clerk

Exhibit A

Legal Description

BRYN MAWR AVENUE ADDITION TO WOOD DALE BEING A SUBDIVISION OF
PART OF THE SOUTHEAST ¼ OF SECTION 3-40-11 DUPAGE COUNTY, ILLINOIS.

Exhibit B

The Nippon Express Redevelopment Project (the "Project") consists of two components outlined below. A portion of the Project is located in the Wood Dale Tax Increment Finance District #1 Thorndale Corridor ("TIF District").

Component #1: The improvement of Bryn Mawr Avenue. Bryn Mawr Avenue will be completely rebuilt to a 66-foot right of way street that complies with City standards between IL Route 83 (Busse Road) and Pine Street. Bryn Mawr Avenue will be extended westward to connect to Edgewood Avenue. Water main to be looped.

Component #2: Corporate Headquarters. The redevelopment of 30-single-family residences into an approximately 300,000 square foot corporate headquarters and warehouse space ("Site") for Nippon Express USA, Inc. (the "Corporate Headquarters").

Exhibit C

Line Item	Total Cost	TIF Eligible Cost
Land Acquisition	0	YES
Hard Costs – Street Construction	1,579,000	YES
Hard Costs – Sewer and Water Extensions	78,000	YES
Contingency	93,000	YES
TOTAL	\$1,750,000	

EXHIBIT D

Any costs related to Component #1 not prohibited from reimbursement under Illinois statute shall be eligible for reimbursement under the terms of this agreement up and to the agreed upon reimbursement amount.