

ORDINANCE NO. CO-2019-20

AN ORDINANCE APPROVING AND AUTHORIZING THE TRANSFER OF FUNDS FROM THE MADISON STREET / FIFTH AVENUE TAX INCREMENT FINANCING REDEVELOPMENT PROJECT AREA FUND TO CHICAGO TITLE INSURANCE COMPANY JOINT ORDER CONSTRUCTION ESCROW NO. 18016783LPC ESTABLISHED TO HOLD FUNDS TO PAY THE ACTUAL, INCURRED PROJECT COSTS FOR THE EISENHOWER EMERGENCY COMMUNICATION CENTER ("IKE 911 CENTER") AND APPROVING THE EXPENDITURE OF SUCH FUNDS TO PAY THE VILLAGE OF MAYWOOD'S ALLOCATED PORTION OF THE IKE 911 CENTER PROJECT (Amount: \$287,347.95)

WHEREAS, the President and Board of Trustees (the "Corporate Authorities") of the Village of Maywood, Cook County, Illinois ("Maywood"), in an effort to revitalize Maywood's local economy and provide for the comprehensive and coordinated development of an underutilized and blighted area within Maywood, adopted a redevelopment plan and project, designated a redevelopment project area, and adopted the use of tax increment financing ("TIF") relative to a designated area tax increment financing district known as the "Madison Street / Fifth Avenue Tax Increment Financing District" (the "Madison Street / Fifth Avenue 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 Madison Street / Fifth Avenue Tax Increment Financing Redevelopment Project Area (the "Project Area"); and

WHEREAS, the Corporate Authorities have determined that, in order to encourage private investment and restore and enhance the tax base of Maywood and 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; and

WHEREAS, the removal of blight and adverse conditions, the completion of infrastructure improvements and the redevelopment of the Project Area require the expenditure of redevelopment project costs as defined in the Act, as summarized in the Madison Street / Fifth Avenue Tax Increment Financing Redevelopment Project and Plan (the "Plan") by Maywood; and

WHEREAS, under Ordinance No. CO-2013-12, approved at a public meeting on March 13, 2013, the Corporate Authorities extended the estimated date of completion of the Original Plan and Project, and the estimated date of the retirement of all obligations incurred to finance redevelopment project costs as defined by the Original Plan and Project, to December 31, 2020, subject to receipt of year 2020 incremental real estate tax revenues during calendar year 2021; and

WHEREAS, under Resolution No. 2018-11 dated April 3, 2018, the Corporate Authorities approved an agreement entitled "Intergovernmental Agreement Establishing The IKE Joint Emergency Telephone System Board And Providing For The Consolidation Of And Operation Of

Certain Public Safety Answering Points And The Eisenhower Emergency Communication Center (“IKE 911 Center”) (“IGA”) between Maywood and the Village of Broadview (“Broadview”) in order to comply with the 911 emergency dispatch consolidation regulations and to provide for the build-out and operation of the IKE 911 Center (the “Project” or “Infrastructure Improvement Project”) as required by order of the Illinois Department of State Police (“IDSP”) and the applicable State law (Emergency Telephone System Act (50 ILCS 750/1 *et seq.*)). The estimated cost of building out and equipping the IKE 911 Center is **\$3,208,799.00 (the “Project Costs”)**, with Maywood and Broadview equally sharing those costs (\$1,604,399.50 per village), as set forth in the Final Budget (Phase I) for IKE 911 Center dated December 4, 2018 and prepared by FGM Architects, a copy of which is attached as **Exhibit “A”** and made a part hereof. The IKE 911 Center is located in Broadview, but it becomes the primary replacement for Maywood’s 911 Center, which shall remain at 125 South Fifth Avenue, Maywood and exist as an operational emergency back-up 911 Center; and

WHEREAS, the 2018/2019 Annual Budget for Maywood identifies the following fund sources to pay Maywood’s share of the Project Costs as set forth in the Conceptual Budget for the IKE 911 Center: (a) General Fund contribution of \$400,000.00; (b) Madison Street / Fifth Avenue TIF District Fund contribution of \$600,000.00; and (c) Roosevelt Road TIF District Fund contribution of \$600,000.00; and

WHEREAS, pursuant to Ordinance No. CO-2018-54 adopted on December 19, 2018, the Corporate Authorities approved the use of a portion of the Madison Street / Fifth Avenue TIF Funds, after declaring such funds as surplus, to pay an allocated portion of the IKE 911 Center Project Costs in an amount equal to \$580,000.00, as such costs were necessary in order to stimulate reinvestment in the Project Area and to pay a “fair share” of the IKE 911 Center Project Costs, which Project Area will receive 911 dispatch services from the IKE 911 Center. Ordinance No. CO-2018-54 also approved the use of an escrow at Chicago Title Insurance Company to hold and pay out the Village’s funds and Broadview’s funds to pay for the cost of the IKE 911 Center (the “Escrow”); and

WHEREAS, based on the surpluses declared by the Village pursuant to Ordinance CO-2018-54 (Madison Street / Fifth Avenue TIF District), along with Ordinance CO-2018-55 (St. Charles Road TIF District) and Ordinance CO-2018-56 (Roosevelt Road TIF District), the Village was only able to fund \$842,742.88 into the Escrow due to the way surplus funds are re-allocated to various Village accounts due to automatic funding ordinances (e.g., bond escrow, police pension fund, firefighter pension fund, etc.); and

WHEREAS, as a result of the shortfall in the amount generated from the surpluses declared by the Village pursuant to Ordinance No. CO-2018-54, along with Ordinance No. CO-2018-55 (St. Charles Road TIF District) and Ordinance No. CO-2018-56 (Roosevelt Road TIF District) the Village agrees to use additional TIF Funds from the Madison Street / Fifth Avenue TIF District, the Roosevelt Road TIF District and the General Fund in the amount equal to \$761,656.62 in order to fully fund the Escrow to pay for its share of the Project; and

WHEREAS, the Corporate Authorities further find that in order to adequately protect the health, welfare and public safety of Maywood and its employees, residents, property owners, businesses and the public, it is necessary and prudent to approve the use of an allocated portion of the Madison Street / Fifth Avenue TIF Funds in an amount equal to **\$287,347.95** to pay an allocated portion of the IKE 911 Center Project Costs to allow for the continuation of 911 dispatch services and the dispatched delivery of police and fire protection and emergency medical services from a state-of-the-art IKE 911 Center to (a) Maywood residents, property owners, businesses and the public within the Project Area and Maywood at-large, (b) private structures and buildings and private personal property located within the Project Area and Maywood at-large, and (c) public structures and buildings, public personal property and public infrastructure improvements located within the Project Area and Maywood at-large; and

WHEREAS, the Corporate Authorities further approve the expenditure and release of such Maywood funds from the Escrow to pay the actual, incurred IKE 911 Center Project Costs (the "Expenditures"), in accordance with the provisions of the IGA and Maywood-approved Escrow instructions, in order to complete the Project; and

WHEREAS, the Corporate Authorities of the Village of Maywood, a home rule Illinois municipality, are authorized to approve this Ordinance pursuant to Article VII, Section 10 of the Illinois Constitution of 1970, the Illinois Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*), and the applicable provisions of the Illinois Municipal Code, including the Illinois Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.4-1 *et seq.*).

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

SECTION 1: Recitals. Each of the above Whereas paragraphs of this Ordinance are incorporated by reference into this Section 1 as if fully set forth herein and are approved as part of this Ordinance.

SECTION 2: Authority.

- (a) Maywood 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: Estimate of Expenditures.

- (a) Maywood intends to incur the following Expenditures in connection with the

Project, including, but not limited to, the following:

1. Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings and fixtures," which are eligible TIF costs. 65 ILCS 5/11-74.4-3(q)(3).
2. Costs for contractor services and labor and any professional services related to the Project, including but not limited to 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) An Estimate of Expenditures to be incurred and reimbursed, in connection with the Project, is as follows: The estimated cost of building out and equipping the IKE 911 Center is \$3,208,799.00 (the "Project Costs"), with Maywood and Broadview equally sharing those costs (\$1,604,399.50 per village), as set forth in the Final Budget (Phase I) for IKE 911 Center dated December 4, 2018 and prepared by FGM Architects, a copy of which is attached as Exhibit "A" and made a part hereof.

SECTION 4: Authorization of Transfer TIF Funds to the Project Escrow. The transfer of funds from the TIF Fund equal to Two Hundred Eighty Seven Thousand Three Hundred Forty Seven and 95/100 Dollars (\$287,347.95), or such additional amounts necessary to complete any of the specified projects as subsequently approved or authorized by the Corporate Authorities.

SECTION 5: Authorization of Expenditures; Release of Escrow Funds. The Corporate Authorities authorize the expenditure and release of such Maywood funds from the Escrow to pay the actual, incurred IKE 911 Center Project Costs (the "Expenditures"), in accordance with the provisions of the IGA and the Escrow, in order to complete the Project, or such additional amounts of Maywood funds necessary to complete any additional work related to the Project as subsequently approved or authorized by the Corporate Authorities.

SECTION 6: Repealer. All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 7: 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 8: Ratification. All actions of the Corporate Authorities, agents and employees of the Village of Maywood 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 9: 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 7th day of May, 2019, pursuant to a roll call vote as follows:

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

NAYS: None

ABSENT: Trustee Rivers

APPROVED by me as Village President, and attested to by the Village Clerk, on the 8th day of May, 2019.

Edwenna Perkins, Village President

ATTEST:

Viola Mims, Village Clerk

Published by me in pamphlet form this 8th day of May, 2019.

Viola Mims, Village Clerk

Exhibit "A"

**Final Budget (Phase I) for IKE 911 Center
dated December 4, 2018
and prepared by FGM Architects**

(attached)

**PHASE 1: 911
Center**

Item	Construction Cost
A.	
New Addition	
Sitework	\$ 52,000.00
New Addition	\$ 858,000.00
Remodeled Areas	
Demolition	\$ 7,600.00
Remodeling Work	\$ 258,400.00
Clean Agent Fire Protection	
Sub-Total	\$ 1,176,000.00
Electrical Service	
Remodeled Areas	\$ 17,000.00
New Electrical Service and Generator	\$ 230,000.00
Sub-Total	\$ 247,000.00
911 Center + Electrical Service Sub-Total	\$ 1,423,000.00
General Conditions (10%)	\$ 142,300.00
General Contractor Overhead and Profit (6%)	\$ 93,918.00
TOTAL CONSTRUCTION COST	\$ 1,659,218.00
Design and Construction Contingency (10%)	\$ 165,921.80
TOTAL CONSTRUCTION BUDGET	\$ 1,825,139.80
B. Allowances for Items to be Purchased by the Village	
Furniture and Equipment	
Office Furniture, Files	\$ 20,000
Dispatch Furniture	\$ 161,000
Computer Systems	\$ -
Dispatch and Radio Equipment	\$ 1,000,000
Maintenance/Janitorial Equipment	\$ -
Telephone System	\$ -
Wireless Telephone Boosters/Amplifiers	\$ 15,000
Miscellaneous Equipment and Furnishings	\$ 5,000
Total Allowances for Items to be Purchased by the Village	\$ 1,201,000
C. Allowances for Items Fees and Soft Costs 23.4% of costs	
Architectural and Engineering Fees (8.5%)	\$ 136,324

Furnishings Design Fee	\$	5,850
Surveys & Soil Investigations	\$	3,510
Material Testing During Construction	\$	3,510
Building Commissioning	\$	7,020
Printing Costs	\$	1,170
Utility Company Charges (Electric, Gas, Telephone)	\$	1,170
Moving Costs	\$	-
Total Allowances for Fees and Soft Costs	\$	158,554
D. Owner's Contingency (23.4% of costs)	\$	24,085
E. TOTAL PHASE I BUDGET	\$	3,208,779

50/50 Split \$ 1,604,389.50

The budget for the IKE 911 Center set forth above reflects a reasonable budget for the (shared) expenditures, pursuant to the terms of the IKE 911 Center IGA, for the build-out of the interior building addition (based on the current construction costs as of today's date) and the acquisition of the IKE 911 Center Equipment. This is a conservative budget based on expenditures "coming in at" costs lower than expected. Notwithstanding the foregoing, this budget should be re-evaluated after the shared expenditures are made and a "true-up" is completed to ensure that there are no windfalls or shortfalls. As such, the above is the best budget that can be completed as of today's date but remains subject to adjustments as outstanding costs are finalized.

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

CLERK’S CERTIFICATE

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

ORDINANCE NO. CO-2019-20

**AN ORDINANCE APPROVING AND AUTHORIZING THE TRANSFER OF FUNDS FROM THE MADISON STREET / FIFTH AVENUE TAX INCREMENT FINANCING REDEVELOPMENT PROJECT AREA FUND TO CHICAGO TITLE INSURANCE COMPANY JOINT ORDER CONSTRUCTION ESCROW NO. 18016783LPC ESTABLISHED TO HOLD FUNDS TO PAY THE ACTUAL, INCURRED PROJECT COSTS FOR THE EISENHOWER EMERGENCY COMMUNICATION CENTER (“IKE 911 CENTER”) AND APPROVING THE EXPENDITURE OF SUCH FUNDS TO PAY THE VILLAGE OF MAYWOOD’S ALLOCATED PORTION OF THE IKE 911 CENTER PROJECT
(Amount: \$287,347.95)**

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 7th day of May, 2019, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 7th day of May, 2019.

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 and M. Lightford

NAYS: None

ABSENT: Trustee Rivers

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 8^h day of May, 2019.

SEAL

Viola Mims, Village Clerk