

AN ORDINANCE APPROVING THE CITY OF ELMHURST,  
ILLINOIS TAX INCREMENT REDEVELOPMENT PLAN AND  
PROJECT FOR THE ROUTE 83 / ST. CHARLES ROAD  
REDEVELOPMENT PROJECT AREA.

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**WHEREAS**, the City of Elmhurst, DuPage County, Illinois (the "City") desires to implement tax increment financing pursuant to the Tax Increment Allocation Redevelopment Act of the State of Illinois, 65 ILCS 5/11-74.4-1 et. seq., as amended, (hereinafter referred to as the "Act") for the proposed City of Elmhurst, Illinois Rt. 83/St. Charles Road Tax Increment Redevelopment Area, described in Exhibit "A" of this ordinance and for the Redevelopment Plan and Project (the "Project") described in Exhibit "B" of this Ordinance, which area constitutes in the aggregate approximately 33.5 acres; and

**WHEREAS**, pursuant to Section 5 of the Act, the City Council caused a public hearing to be held relative to the Project and a designation of the Route 83/St. Charles Road Redevelopment Project Area, on September 30, 1996 at the City Hall of the City; and

**WHEREAS**, due notice in respect to such hearing was given pursuant to Sections 5 and 6 of the Act, said notice being given to taxing districts by certified mail on August 21, 1996, by publication on September 13, 1996 and September 20, 1996; and by certified mail to taxpayers on September 22, 1996; and

**WHEREAS**, the City has convened a Joint Review Board in accordance with Section 65 ILCS 5/11-74.4-5 of the Act and has considered the Joint Review Board's Resolution which unanimously found that the eligibility criteria defined in Section 11-74-4-3 of the Act have been met and satisfied, and recommended that the City Council of the City of Elmhurst adopt the Redevelopment Plan and Project and designate the Area.

**WHEREAS**, the Project and eligibility reports set forth the conditions in the proposed Route 83/St. Charles Road Redevelopment Project Area qualifying the area as a "a blighted improved area" as such term is defined in the Act, and the City Council has reviewed information concerning said conditions presented at the public hearing and Joint Review Board and this City Council and is generally informed of the conditions causing the proposed Route 83 - St. Charles Road Redevelopment Project Area to qualify as a blighted area detrimental to the public safety, health, morals or welfare as said term is defined in Section 11-74.4-3 of the Act; and

**WHEREAS**, the City Council has reviewed the evidence pertaining to lack of private investment in the Route 83/St. Charles Road Redevelopment Project Area to determine whether

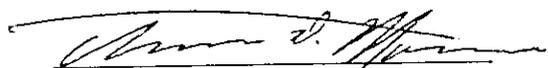
of this Ordinance. The City may issue general obligations or revenue bonds, the proceeds of which will be used for the Project and which shall be retired on or prior to October 21, 2019 and the maturity of such obligations shall not exceed 20 years.

Section 2. Plan and Project Approved. The Project which was the subject matter of the hearing held September 30, 1996 is hereby adopted and approved. A copy of said Redevelopment Plan and Project, is attached hereto as Exhibit "B" and made a part of this Ordinance.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with this ordinance are hereby amended to the extent of the conflict.

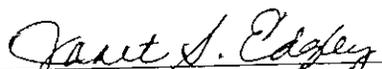
Section 4. Publication and Partial Invalidity. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law. A full, true and complete copy of this Ordinance shall be published within ten (10) days after passage in pamphlet form by authority of the City Council. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

Approved this 21<sup>st</sup> day of October, 1996.

  
Thomas D. Marcucci, Mayor

Passed this 21<sup>st</sup> day of October, 1996.

Ayes: 9 Nays: 4

  
Janet S. Edgley, City Clerk

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## LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 2 AND OF THE SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE CHICAGO CENTRAL & PACIFIC RAILROAD, & LYING NORTH OF THE SOUTH RIGHT-OF-WAY LINE OF ST. CHARLES ROAD, & LYING WEST OF THE EAST RIGHT-OF-WAY LINE OF WEST AVENUE, & LYING EAST OF THE EASTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE # 83, ALL IN DUPAGE COUNTY, ILLINOIS.

EXHIBIT "A" - LEGAL DESCRIPTION

CITY OF ELMHURST, ILLINOIS  
REDEVELOPMENT PLAN AND PROJECT  
ROUTE 83/ST. CHARLES ROAD TAX INCREMENT  
REDEVELOPMENT PROJECT AREA

August 20, 1996

Prepared by  
the City of Elmhurst, DuPage County, Illinois

EXHIBIT "B"

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## I. INTRODUCTION AND BACKGROUND

### The City of Elmhurst

The City of Elmhurst, Illinois is generally bordered by Interstate 294 on the East, Roosevelt Road on the South, Illinois State Route 83 on the West and Grand Avenue on the North. The City was founded 77 years ago.

As of the 1990 census, the City had a population of 42,029. Water is furnished from Lake Michigan and the City also maintains a sewage disposal system and a solid waste disposal.

The City is governed by a Mayor, alderman and a City Manager to run daily operations. Also, the City maintains a Police Department of approximately 63, a Fire Department of approximately 38 with two fire stations and a public library.

The City is located approximately 15 miles away from downtown Chicago and is accessible by Tri-State tollway 294/Interstate 290, Illinois State Route 83 & 64.

### The Redevelopment Project Area

The proposed Route 83/St. Charles Road Redevelopment Project Area (the "RPA") established pursuant to the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74, 4-1 et seq.) (the "Act") represents a significant opportunity for commercial development within the City. Covering approximately 33.5 acres within City boundaries, the Route 83/St. Charles Road Redevelopment Project Area will provide land for a number of commercial facilities engaged in distribution of a diverse range of goods. Located at approximately the northwest corner of St. Charles Road and West Street and adjacent to Route 83 on the west side, it has access to Route 83, and access to interstates.

The RPA is legally described in Exhibit A, attached and a part hereof. A boundary map is attached and made a part hereof as Exhibit B.

### Description of RPA

The proposed Route 83/St. Charles Road Redevelopment Project Area consists of an area within the boundaries of the City located generally north of St. Charles Road (south of the Right Of Way ("R.O.W.") line), east of State Route 83 (Robert Kingery Highway), south of the Chicago Central & Pacific railroad tracks and west of West Avenue (east R.O.W. line).

The RPA is greater than 1-1/2 acres. The total area of the RPA including the City of Elmhurst Public Works Facility ("Public Works Facility"), Shopping Center, West Avenue and St. Charles R.O.W. is: approximately 1,459,550 square feet or 33.5 acres. The Public Works Facility comprise approximately 11.9 acres, the Shopping Center 18.8 acres and R.O.W. 2.8 acres. The Public Works Facility have approximately 52,000 square feet of building and the Shopping Center has 309,400 square feet for a total building area of approximately 361,400 square feet.

Despite its favorable location, the development of commercial sites has been impaired.

The City plans to encourage a more comprehensive redevelopment of the RPA. In order to accomplish such redevelopment, the City has undertaken the designation of the RPA and begun to explore methods of providing the necessary improvements within the RPA. The relocation of the Public Works Facility will be required. Public assistance is required to promote redevelopment of the location of the Public Works Facility due to lack of suitable entry ways and properly sized lots and buildings. The City plans on demonstrating a positive marketplace signal through commercial redevelopment of the Public Works site. The scope of existing commercial development needs to be addressed by the City. It is important to future tenants/owners of property within the RPA that the marketplace perceives the property favorably.

The RPA on the whole has not been subject to growth and development through investment by private enterprise and it is not reasonably anticipated to be developed without the adoption of this Redevelopment Plan and Project. Evidence of this finding is manifest from the facts that the physical condition of privately owned real estate in the RPA has deteriorated to the point that it contains the various eligibility factors described in the eligibility study, which conditions have persisted for some time without correction and there has been no new investment in this part of the area for some time. The Public Works Facility site cannot be made available for private investment without the relocation funds provided by this Redevelopment Plan and Project. It is not reasonable to anticipate substantial positive reuse of the RPA without the adoption of a redevelopment plan and project that addresses the characteristics of the site and recent market trends, and provides a practical method for financing the redevelopment project. The City has prepared this redevelopment plan and project to address these needs and meet its redevelopment goals and objectives as they relate to the RPA through the use of tax increment financing.

The City is proposing a designation of the RPA as a blighted improved area as defined by the Act.

The City recognizes the need for implementation of various strategies to overcome blighted conditions. The needed public investment will be possible only if tax increment financing is adopted pursuant to the terms of the Act. Incremental real estate tax revenue generated by the RPA will play a decisive role in encouraging private development.

Blighted site conditions that have precluded intensive private investment in the past will be eliminated. Through this Redevelopment Plan and Project, the City will serve as the central force for marshalling the assets and energies of the private sector for a unified cooperative public-private redevelopment effort. Ultimately, the implementation of the Redevelopment Plan and Project will benefit the City and all the taxing districts which are included in the RPA in the form of a significant expansion of the real estate tax base and employment base. The Redevelopment Plan and Project will serve to create new jobs within the City and thereby reduce unemployment within taxing districts which cover all or part of the RPA.

The City Council has adopted a resolution indicating its intent to use Tax Increment Financing ("TIF") for the redevelopment of the area legally described herein in Exhibit A and outlined on the map in Exhibit B. Redevelopment of the RPA is tenable only if public expenditures are funded by TIF.

The adoption of this Redevelopment Plan and Project makes possible the implementation of a comprehensive program for the economic redevelopment of the proposed RPA. By means of public investment, the RPA will become an improved, more viable environment that will attract private investment. All of the parcels in the RPA will be benefitted. The public investment will set the stage for the redevelopment of the Area with private capital.

Pursuant to the requirements of the Act, the RPA includes only those contiguous parcels of real property and improvements thereon which are substantially benefitted by the Redevelopment Plan and Project. Also in accordance with the Act, the RPA is not less than 1 1/2 acres in the aggregate.

#### Redevelopment Plan Development and Employment Projections

The City has designated a commercial classification to private property located in the commercial site. The City is to adopt a commercial classification for the Public Works site. The existing land uses are set forth in Exhibit C which is attached to and made a part hereof. The proposed land uses for the Redevelopment Project Area are set forth in Exhibit D.

The City should retain flexibility so that the resources of this RPA and the City are most effectively utilized within the context of a changing economy. The City will encourage and consider proposals for commercial facilities and structures of all types and character provided that such proposals meet the zoning classification (as revised from time to time) and are consistent with other City ordinances and overall goals.

The City is open to the type and class of employees that are reasonably employed by the type and character of facilities that it ultimately approves. Based on the estimated timing and absorption projections, the City anticipates that on average, many new employees will be employed within the RPA.

The development team is anticipated to consist of the current and/or future landowners and the appropriate support professionals such as leasing brokers, architects and general contractors. The absorption rate is based upon the RPA designation and the estimate of marketplace acceptance of designated lots. The Elmhurst Economic Development Corporation will work with the City to ensure that appropriate, beneficial development occurs that is in conformance with market-driven realities.

Anticipated users include, but are not limited to, users that are engaged in distribution of a diverse range of goods. Facilities are anticipated to be modern quality structures that will

serve the needs of tenants/users in an efficient, cost effective manner that is in conformance with the economic development goals, objectives, and ordinances of the City.

## II. BLIGHTING CONDITIONS EXISTING IN THE REDEVELOPMENT PROJECT AREA

### Findings

The RPA was studied to determine its qualifications as a "blighted area" which is improved as such term is defined in the Act. The area as a whole qualifies as a blighted improved area.

### Eligibility Survey

The entire designated Redevelopment Project Area was evaluated for qualification by the City in the summer and fall of 1995. Eligibility studies have been prepared by Chicago Associates Planners and Architects and are available for inspection and review. Copies of the studies have been sent to the taxing districts having real property in the RPA and to DCCA. The criteria for qualification is attached to and made a part of this Redevelopment Plan and Project and marked Exhibit F. The eligibility factors that are present to a meaningful extent and reasonably distributed throughout the context of the RPA are:

1. Age
2. Obsolescence
3. Deleterious Layout
4. Depreciation of Physical Maintenance
5. Below Minimum Code
6. Deterioration
7. Inadequate Utilities
8. Lack of Community Planning

## III. REDEVELOPMENT PROJECT AREA GOALS AND OBJECTIVES

The following goals and objectives are presented for the RPA in accordance with the City's comprehensive plan and the current zoning and the zoning to be adopted to permit future use. The Redevelopment Plan and Project conforms to the Comprehensive Plan for the development of the City as a whole.

### General Goals of the City of Elmhurst Redevelopment Plan

- 1) Encourage development of the commercial uses through the attraction of commercial users that is conformance with the City zoning ordinance.
- 2) Create jobs within the RPA.

- 3) Provide suitable public infrastructure.
- 4) Diversify and strengthen the City's tax base with particular attention given to bolstering non-residential property taxes.

#### Specific Objectives of the City of Elmhurst Redevelopment Plan

- 1) Extend sewer and water lines, as needed, into the Redevelopment Project Area.
- 2) Build access driveways, as needed, within the Redevelopment Project Area.
- 3) Provide for street improvements, such as streetlighting and other related improvements.
- 4) Provide, if needed, on site storm water retention, site drainage and flood control drainage devices.
- 5) Allow for competitive and affordable commercial facilities that are available to users and tenants of the properties in the commercial area.
- 6) Enhance the absorption of new commercial property located within RPA and consequently, increase non-residential property taxes.
- 7) Relocate, by acquisition of a new site, the Public Works Facility to make available for commercial development the current Public Works Facility.

#### IV. REDEVELOPMENT PROJECT

##### A. City Redevelopment Plan and Project Objectives

The City proposes to realize its goals and objectives of encouraging development of the redevelopment project area through public finance techniques including, but not limited to, Tax Increment Financing.

The Redevelopment Plan and Project will be implemented as one overall Project with several phases. The Plan and Project would not take place but for the use of tax increment financing.

The overall Plan and Project will entail development of the RPA by rehabilitation and renovation of the existing shopping center located on the southern portion of the RPA. This phase will entail the acquisition of and demolition of certain buildings, and the building of some new retail facilities. The other phase entails the redevelopment of the City's Public Works site and facility. The City has entered into a contract for purchase of a new site on which a new Public Works facility will be located. When the new facility is built, it is the intention of the City to demolish the present Public Works Facility and develop the old site with retail uses.

The City may provide public improvements in the RPA to enhance the RPA as a whole, to support the Redevelopment Project Plan and Project, and to serve the needs of City residents. Appropriate public improvements may include, but are not limited to new construction and improvements of signalization, streets, and street intersections; improvement and extension of public utilities; beautification, lighting and signage of public properties; construction of new sewer and water mains and connections.

#### Acquisition and/or Clearance

The City may determine that to meet redevelopment objectives it may be necessary to acquire property within the RPA to assembly of parcels which may be utilized for commercial use. Assembly of such parcels may be undertaken by voluntary acquisition or Eminent Domain.

#### B. Estimated Redevelopment Project Costs

Redevelopment project costs mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to the Redevelopment Plan and Project. Eligible costs permitted by the Act pertinent to this Redevelopment Plan and Project are:

1. Costs of studies and surveys, development of plans and specifications, implementation and administration of the redevelopment plan, including, but not limited to, staff and professional service costs for architectural, engineering, legal, marketing, financial, planning or other services, provided, however, that no charges for professional services may be based on a percentage of the tax increment collected;
2. Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, and the clearing and grading of land;
3. Costs of rehabilitation, reconstruction or repair or remodeling of existing buildings and fixtures;
4. Costs of the construction of public works or improvements;
5. Financing costs including but not limited to, all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

6. Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law;

Estimated project costs are shown in Table 1. To the extent that the City has incurred redevelopment project costs prior to, but in anticipation of, the adoption of tax increment financing, the City may be reimbursed for such costs. Adjustments to the cost items listed in Table 1 among line items are anticipated and no amendment to the Redevelopment Plan will be required.

TABLE 1  
REDEVELOPMENT PROJECT - ESTIMATED PROJECT COSTS

<u>Program Action/Improvement</u>	<u>Estimated Cost(s)</u>
Public Infrastructure Improvements (public utilities, street construction, landscaping, lighting and other improvements)	\$562,000
Site Preparation and Clearance	
- Public Works Site	370,000
- Commercial Center Site	<u>200,000</u>
	570,000
Planning, Legal, Architectural, Engineering, Administrative, Financing and Other Professional Service Costs	200,000
Relocation Expense:	
- Moving Equipment from Public Work Facility	35,000
- Acquisition of New P.W. Site - Cantore	1,050,000
- Acquisition of New P.W. Site - Other	<u>950,000</u>
	2,035,000
Interest Expense - Land Purchase Agreement	315,000
Rt. 83/St. Charles Rd. Flood Protection	175,000
Contingencies	<u>200,000</u>
Total	\$4,057,000

(A) All cost estimates are in 1996 dollars and may be increased by an inflationary factor annually. In addition to the above stated costs, each issue of bonds issued to finance a phase of the project may include an amount of proceeds sufficient to pay customary and reasonable charges associated with the issuance of such obligations as well as capitalized interest. Adjustments to the estimated line item costs above are expected. Each individual project cost will be re-evaluated in light of projected private development and resulting incremental tax revenues as it is considered for public financing under the provisions of the Act. The totals of line items set forth above are not intended to place a total limit on the described expenditures. Adjustments may be made in line items within the total, either increasing or decreasing line item costs for redevelopment costs.

C. Sources of Funds to Pay Redevelopment Project Costs

Funds necessary to pay for redevelopment project costs are to be derived principally from real property tax incremental revenues and proceeds from any municipal obligations which may be retired primarily with tax increment revenues.

The tax increment revenues which will be used to directly pay for said costs or to pay debt service on any tax increment obligations issued the proceeds of which are used to pay redevelopment project costs shall be the incremental real property taxes attributable to the increase in the equalized assessed value of each taxable lot, block, tract or parcel of real property in the RPA over and above the initial equalized assessed value of each such lot, etc. in the RPA.

Other sources of funds which may be used to pay for redevelopment project costs and debt service on municipal obligations issued to finance project costs are: proceeds from the sale of real estate, real property tax receipts, certain municipal sale tax receipts, certain motor fuel tax revenues, certain land lease payments, certain state and federal grants, certain investment income, and such other sources of funds and revenues as the City may, from time to time, deem appropriate.

The City may use its general fund and utilize its taxing power to sustain redevelopment projects and pay debt service on obligations issued in connection therewith to be reimbursed, if possible, from tax increment financing revenues. The City may utilize special assessments for certain of the public improvements and may use tax incremental revenue to reimburse the payment of said special assessments in whole or in part.

D. Nature and Term of Obligations to be Issued

The City may issue revenue or general obligations secured by the tax increment special tax allocation fund established for the RPA pursuant to Section 11-74.4-7 of the Act or such other funds or security as are available to the City by virtue of its powers under the Act and as provided by the Constitution of the State of Illinois.

All obligations issued by the City pursuant to this Redevelopment Plan and Project and the Act shall be retired not more than twenty-three (23) years from the date of adoption of the ordinance approving the RPA. However, the final maturity date of any obligations issued pursuant to the Act may not be later than twenty (20) years from its respective date of issuance. One or more series of obligations may be issued from time to time in order to implement this Redevelopment Plan and Project. All obligations are to be covered after issuance by projected and actual tax increment, other tax revenue and by such debt service revenues and sinking funds as may be provided by ordinance. The total principal and interest payable in any year on all obligations shall not exceed the amounts available in that year, or projected to be available in that year, from tax increment revenues and from bond sinking funds, capitalized interest, debt service reserve funds and all other sources of funds as may be provided by ordinance.

Those revenues not required for principal and interest payments, required reserves, bond sinking funds, redevelopment project costs and reserves required to fund such costs, early retirement of outstanding securities, and to facilitate the economical issuance of additional bonds necessary to accomplish the redevelopment plan, may be declared surplus and shall then become available for distribution annually to taxing districts overlapping the RPA in the manner provided by the Act. It is the intent of the City to share a portion of the real estate tax increment due to inflation on old properties in the present shopping center with taxing districts.

Such securities may be issued on either a taxable or tax-exempt basis, with either fixed interest rates or floating interest rates; with or without capitalized interest; with or without deferred principal retirement; with or without interest rate limits, and with or without redemption provisions.

E. Most Recent Equalized Assessed Valuation of Properties in the Redevelopment Project Area

The total initial equalized assessed valuation for the RPA is approximately \$4,267,500. The Boundary Map, Exhibit B, shows the location of the RPA.

F. Anticipated Equalized Assessed Valuation

Upon completion of the anticipated private development, assuming a DuPage County, Illinois equalization factor (multiplier) of 1, it is estimated that the equalized assessed valuation of real property within the RPA will be approximately \$7,500,000.

V. COMMITMENT TO FAIR EMPLOYMENT PRACTICES AND AFFIRMATIVE ACTION

As part of any Redevelopment Agreement entered into by the City and any private developers, both will agree to establish and implement a goal oriented affirmative action program that serves appropriate sectors of the City.

With respect to the public/private development's internal operations, both entities will pursue employment practices which provide equal opportunity to all people regardless of sex, color, race or creed. Neither party will countenance discrimination against any employee or applicant because of sex, marital status, national origin, age, or the presence of physical handicaps. These nondiscriminatory practices will apply to all areas of employment, including: hiring, upgrading and promotions, terminations, compensation, benefit programs and education opportunities.

All those involved with employment activities will be responsible for conformance of this policy and the compliance requirements of applicable state and federal regulations.

The City and private developers will adopt a policy of equal employment opportunity and will include or require the inclusion of this statement in all contracts and subcontracts at any level. Additionally, any public/private entities will seek to ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which all employees are assigned to work. It shall be specifically ensured that all on-site supervisory personnel are aware of and carry out the obligations to maintain such working environment, with specific attention to minority and/or female individuals.

The affirmative action program seeks to provide that business opportunities are provided and that job applicants are employed and treated in a nondiscriminatory manner. Underlying this policy is the recognition by the entities that successful affirmative action programs are important to the continued growth and vitality of the community.

#### VI. IMPACT OF THE REDEVELOPMENT PLAN AND PROJECT ON TAXING DISTRICTS

Since residential development is not part of the RPA there will be no impact of the addition of school age children to the school system. There will be little or no negative impact on taxing districts since it is the intention of the City to distribute to taxing districts a portion of the real estate tax increment due to inflation on old properties in the present shopping center. The Public Works site which presently is not on the tax rolls will be offered for new commercial development. This will eventually benefit all taxing districts. The site proposed for a new public works facility will be removed from the tax rolls. This will have a minor impact on the real property tax revenue base on the various taxing districts which include this property in their real estate tax base. It does not appear that this Redevelopment Plan and Project would create an increased demand for services from any taxing district except the municipality which must provide municipal services from municipal funds.

VII. SCHEDULING OF THE REDEVELOPMENT PROJECT

Completion of Redevelopment Project and Retirement of Objections to Finance Redevelopment Costs

This Redevelopment Project will be completed on or before a date twenty-three (23) years from the adoption of an ordinance designating the RPA. The City thus expects that the Redevelopment Project will be completed sooner than the maximum time limit set by the Act. Actual public and/or private construction activities are anticipated to be completed within ten (10) years from the adoption of this Redevelopment Plan.

VIII. PROVISIONS FOR AMENDING THE TAX INCREMENT REDEVELOPMENT PLAN AND PROJECT

This Redevelopment Plan and Project may be amended pursuant to the provisions of the Act.