
THE VILLAGE OF BLOOMINGDALE

DUPAGE COUNTY, ILLINOIS

ORDINANCE

NUMBER 2022-38

**AN ORDINANCE
AUTHORIZING THE ACQUISITION OF
REAL ESTATE WITHIN
THE STRATFORD SQUARE MALL
TAX INCREMENT FINANCING DISTRICT**

FRANCO A. COLADIPIETRO, Village President
PAMELA S. HAGER, Village Clerk

VINCE ACKERMAN
WILLIAM BELMONTE
BILL BOLEN
FRANK BUCARO
PATRICK SHANNON
JUDI VON HUBEN

Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Bloomingdale
on this the 10th day of October 2022

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AUTHORIZING THE ACQUISITION OF
REAL ESTATE WITHIN
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WHEREAS, the Village of Bloomingdale, DuPage County, Illinois (hereinafter referred to as the "Village") is a home rule unit of local government, and as such may exercise any power and perform any function pertaining to its government and affairs, except as limited by Article VII, Section 6 of the 1970 Illinois Constitution;

WHEREAS, the Illinois Compiled Statutes (65 ILCS 5/11-61-3) provides that "the corporate authorities of each municipality having a population of less than 1,000,000 inhabitants shall have the express power to purchase or lease either real estate or personal property for public purposes through contracts which provide for the consideration for such purchase or lease to be paid through installments to be made at stated intervals during a certain period of time";

WHEREAS, pursuant to the Tax Increment Allocation Redevelopment Act of the State of Illinois, 65 ILCS 5/11-74.4-1, et seq., as from time to time amended (hereinafter referred to as the "TIF Act"), the President and Board of Trustees of the Village (hereinafter referred to as the "Corporate Authorities") are empowered to undertake the development or the redevelopment of a designated area within its municipal boundaries in which existing conditions permit such area to be classified as a "blighted area" or a "conservation area" as such terms are defined in the TIF Act;

WHEREAS, to stimulate and induce development and redevelopment pursuant to the TIF Act, the Village, after giving all required notices, conducting a public hearing and making all findings required by law, on the 25th day of March, 2019, pursuant to Ordinance Nos. 2019-14, 2019-15, and 2019-16 approved a Redevelopment Plan and Program (hereinafter referred to as the "Redevelopment Plan") for an area designated as the Stratford Square Mall Tax Increment Finance District (hereinafter referred to as the "Project Area") and adopted tax increment financing for the payment and financing of "Redevelopment Project Costs", as defined by the TIF Act, incurred within the Project Area as authorized by the TIF Act; (hereinafter referred to collectively, as the "TIF Ordinance");

WHEREAS, certain parcels of real estate identified as Property Identification Numbers 02-17-400-071 & 02-17-400-072 were among those that were included in the Redevelopment Plan and Project Area at the time the TIF Ordinance was adopted by the Village on March 25, 2019;

WHEREAS, after the Corporate Authorities approved the Redevelopment Plan, designated the Project Area, and adopted the TIF Ordinance on March 25, 2019, the owner of Stratford Square Mall subdivided and/or consolidated certain properties within the Project Area as further identified in the Final Plat of Subdivision ("Stratford Square Mall First Subdivision Plat") which was filed with the DuPage County Recorder's office on July 20, 2019, and identified as Document No. R2019-063660;

WHEREAS, as depicted by the Stratford Square Mall First Subdivision Plat PINs 02-17-400-071 & 02-17-400-072 were consolidated into one single parcel;

WHEREAS, the DuPage County Clerk's Office assigned the newly consolidated parcel Property Identification Number 02-17-400-101;

WHEREAS, the Village has determined that it is necessary to acquire parcels located in the Project Area in order to achieve the objectives of the Redevelopment Plan, which includes, reducing or eliminating conditions that qualify the Project Area as a redevelopment area and enhancing the business corridor on the adjacent major arterial roadways, providing a synergistic effect upon the surrounding businesses and, in addition, providing job opportunities for its citizens; and, therefore, is prepared to facilitate the development of certain properties, subject to the terms of the Illinois Municipal Code, the TIF Act, the Village Code, and all other applicable provisions of law;

WHEREAS, it is necessary to acquire the parcels of property located in the Project Area listed on the attached Exhibit A (the "TIF Acquisition Parcels"), which parcels also are located in the Project Area, in order to achieve the objectives of the Redevelopment Plan, which include, among other things: reducing or eliminating conditions that qualify the Project Area as a redevelopment area;

WHEREAS, the TIF Ordinance allows the Village upon approval of the corporate authorities to acquire real property situated in the Project Area by agreement, purchase, gift, lease or through the exercise of the Village's power of eminent domain;

WHEREAS, the Village finds such acquisitions of the TIF Acquisition Parcels to be for the same purposes as those set forth in the TIF Act;

WHEREAS, the Village finds further that such acquisitions and exercise of power of eminent domain shall be in furtherance of the Redevelopment Plan; and

WHEREAS, the Village of Bloomingdale Corporate Authorities have determined that it is in the best interests of the Village to acquire the TIF Acquisition Parcels identified on Exhibit A in furtherance of its Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED, in open meeting assembled, by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois pursuant to the Village of Bloomingdale's "Home Rule Powers" as follows:

Section One - Recitals

The Corporate Authorities hereby find that all the recitals hereinbefore stated as contained in the preamble to this ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this ordinance as legislative findings.

Section Two – Approval and Authorization to Acquire Real Estate

The Corporate Authorities of the Village of Bloomingdale hereby determines and declares that it is useful, desirable and necessary that it acquire the TIF Acquisition Parcels identified in Exhibit A for public purposes and for purposes of implementing the objectives of the Redevelopment Plan.

Section Three – Authorized Negotiation and Purchase

The Corporate Authorities authorize the Village Administrator with the advice of the Village Attorney to negotiate with the owner(s) for the purchase of the TIF Acquisition Parcels. If the Village Administrator with the advice of the Village Attorney and the owner(s) are able to agree on the terms of the purchase, the Village Attorney is authorized to purchase the TIF Acquisitions Parcels on behalf of the Village for the agreed price. If the Village Administrator and the Village Attorney are unable to agree with the owner(s) of the TIF Acquisition Parcels on the terms of the purchase, or if the owner(s) is (are) incapable of entering into such transaction with the Village, or if the owner(s) cannot be located, then the Village Attorney is authorized to institute and prosecute condemnation proceedings on behalf of the Village for the purpose of acquiring fee simple title to the TIF Acquisition Parcels, as applicable, under the Village's power of eminent domain. Such acquisition efforts shall commence with respect to the TIF Acquisition Parcels within 4 years of the date of the publication of this ordinance. For each TIF Acquisition Parcel, commencement shall be deemed to have occurred upon the Village's delivery of the offer letter and basis for computing total approved compensation to the owner(s) of such TIF Acquisition Parcel.

Section Four - Home Rule Powers

This ordinance represents the Village of Bloomingdale's exercise of its home rule powers pursuant to the Constitution of the State of Illinois to the extent that power preempts or conflicts with Illinois statute.

Section Five - Authorization of Expenditures

The Corporate Authorities hereby authorize and direct the expenditure of all costs related to the acquisition of said Real Estate including any and all court costs and attorney fees associated with the exercise of the Village's eminent domain power.

Section Six - Other Actions Authorized

The officers, employees and/or agents of the Village shall take all actions necessary or reasonably required to carry out and give effect to the intent of this ordinance and otherwise to consummate the transactions contemplated herein, and shall take all actions necessary in conformity therewith including, without limitation, the execution and delivery of all documents required to be delivered in connection with the transaction contemplated herein which shall include the execution of any and all closing documents including but not limited to the closing statement and related title documents.

Section Seven - Acts of Village Officials

That all past, present and future acts and doings of the officials of the Village that are in conformity with the purpose and intent of this ordinance are hereby, in all respects, ratified, approved, authorized and confirmed.

Section Eight - Conflict Clause

That all ordinances or parts of ordinances in conflict with the terms of this Ordinance shall be repealed to the extent of said conflict.

Section Nine - Passage Clause

That this ordinance shall take full force and effect from and after its passage, approval and publication as provided by law.

Section Ten – Saving Clause

If any section, paragraph, clause or provision of this ordinance is declared by a court of law to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity of the remaining provisions of the ordinance, which are hereby declared to be separable.


Section Eleven - Recording

This ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Bloomingdale.

DECIDED pursuant to a roll call vote as follows:


| | YES | NO | ABSENT | PRESENT |
|---|----------|----------|----------|---------|
| Vince Ackerman | X | | | |
| William Belmonte | X | | | |
| Bill Bolen | X | | | |
| Frank Bucaro | | | X | |
| Patrick Shannon | X | | | |
| Judi Von Huben | X | | | |
| Franco A. Coladipietro (only if necessary) | | | | |
| TOTAL | 5 | 0 | 1 | |

PASSED AND APPROVED by the Village of Bloomingdale Board of Trustees on the 10th day of October, 2022.



Franco A. Coladipietro
Village President

ATTEST:



Pamela S. Hager
Village Clerk

Exhibit A

TIF ACQUISITION PARCELS
Common Address

Property Identification Number
(PINs)

1) 2 Stratford Square
Bloomingdale, Illinois 60108

02-17-400-101
(previously 02-17-400-071 & -072)