

ORDINANCE NO. 23 - ____

**AN ORDINANCE
APPROVING THE BLOCK 59 BUSINESS DISTRICT REDEVELOPMENT
AGREEMENT BETWEEN BRIXMOR HERITAGE SQUARE, LLC AND
THE CITY OF NAPERVILLE**

RECITALS

1. **WHEREAS**, the City of Naperville (“City”), is a home rule municipality in accordance with Article VII Section 6(a) of the Constitution of the State of Illinois of 1970, and is enacting this Ordinance pursuant to its home rule authority and the Illinois Business District Redevelopment Act 65 ILCS 5/11-74.3-1, et seq. (the “Act”); and
2. **WHEREAS**, Section 11-74.3-1(1) of the Act allows a municipality to determine that it is essential to the economic and social welfare of the municipality that business districts be developed, redeveloped, improved, maintained, and revitalized, that jobs and opportunity for employment be created within the municipality, and that, if blighting conditions are present, blighting conditions be eradicated by assuring opportunities for development or redevelopment, encouraging private investment, and attracting sound and stable business and commercial growth; and
3. **WHEREAS**, on March 21, 2023, the Corporate Authorities of the City approved Ordinance 23-_____ and Ordinance 23-_____ establishing the Block 59 Business District in the City of Naperville and imposing a Business District Retailers’ Occupation and Service Occupation Tax on sales of general merchandise within the Business District; and
4. **WHEREAS**, Brixmor Heritage Square, LLC and the City have negotiated an agreement relative to the parties’ rights, responsibilities, and obligations related to the administration of the Block 59 Business District (“Block 59 Business District Redevelopment Agreement” attached hereto as **Exhibit A**); and
5. **WHEREAS**, the Corporate Authorities of the City hereby find and determine that it is in the best interest of the City of Naperville to enter into the Block 59 Business District Redevelopment Agreement with Brixmor Heritage Square, LLC, attached hereto as **Exhibit A**.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in
exercise of its home rule authority that:**

SECTION 1: The foregoing Recitals are substantive and incorporated herein as though fully set forth in this Section 1. **Exhibit A** referenced in this Ordinance, and all exhibits attached thereto, shall be deemed incorporated herein and made part hereof.

SECTION 2: The City Council approves the Block 59 Business District Redevelopment Agreement between Brixmor Heritage Square, LLC and the City of Naperville attached hereto as **Exhibit A**.

SECTION 3: The Mayor and the City Clerk of the City of Naperville are hereby authorized and directed to execute the Block 59 Business District Redevelopment Agreement attached hereto as **Exhibit A**, subject to such technical and minor substantive revisions thereto as may be deemed acceptable to the City Attorney, and to execute all other documents necessary to complete the establishment and execution of the Block 59 Business District and the Block 59 Business District Redevelopment Agreement described herein.

SECTION 4: If any section, paragraph or provision of this Ordinance is held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this ____ day of _____, 2023.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk