

ORDINANCE NO. 22-_____

**AN ORDINANCE
PROPOSING THE DESIGNATION OF A BUSINESS
DISTRICT IN THE CITY OF NAPERVILLE, DUPAGE COUNTY, ILLINOIS,
AND THE SCHEDULING OF A PUBLIC HEARING IN CONNECTION
THEREWITH FOR THE PROPOSED HEINEN BUSINESS DISTRICT**

WHEREAS, the City of Naperville ("City"), as 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 Law 65 ILCS 5/11-74.3-1, *et seq.* (the "Law"); and

WHEREAS, Section 11-74.3-1(1) of the Law 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

WHEREAS, it is in the public interest that the area legally described on **Exhibit A** attached hereto and made part hereof, and depicted on the map attached hereto as **Exhibit B** and made a part hereof (the "Proposed Business District"), in the City be considered for designation as a business district pursuant to the terms of the Law; and

WHEREAS, on August 16, 2022, the Mayor and City Council of the City ("City Council") approved Resolution 22-22, entitled *A Resolution Expressing The City Of Naperville's Intent To Consider Designation Of A Business District On Property Within The City, To Impose Business District Sales Taxes, And To Induce Development Interest Within Such District Proposed at 1256 Through 1290 East Chicago Avenue* within the area designated in Resolution 22-22.

WHEREAS, a draft business district plan has been prepared by Kane McKenna and Associates, Inc. dated September 1, 2022 entitled "City of Naperville, City of

Naperville Heinen Business District Plan” (the “Business District Plan”) which sets forth a plan for the redevelopment of an area at 1256 through 1290 East Chicago Avenue of Naperville, Illinois; and

WHEREAS, it is in the public interest that the City consider the designation of the Proposed Business District as a business district with a finding and determination that the Proposed Business District is a blighted area, pursuant to the terms of the Law; and

WHEREAS, notice of a public hearing thereon shall be published substantially in the form and manner required by the Law on September 21, 2022 and September 23, 2022 notifying the general public of the Public Hearing (See, **Exhibit C** attached hereto and made a part hereof); and

WHEREAS, the Proposed Business District is entirely within the corporate limits of the City.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Naperville, DuPage and Will Counties, Illinois as follows:

SECTION 1: The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: That a public hearing shall be held at 7:00 p.m. on October 4, 2022, at the Naperville Municipal Center Council Chambers, 400 S. Eagle, Naperville, Illinois (the “Hearing”), to consider whether to approve a business district plan for the Proposed Business District, as set forth in the Law, and whether to designate the Proposed Business District as a business district with a finding and determination that the Proposed Business District is a blighted area, as set forth in the Law.

SECTION 3: That notice of the Hearing shall be given by publication at least twice, not more than thirty (30) nor less than ten (10) days prior to the Hearing, in a newspaper

of general circulation within the City, in substantially the form as set forth in Exhibit C attached hereto and made a part hereof.

SECTION 4: That all ordinances, orders and resolutions and parts thereof in conflict herewith shall be and the same are hereby repealed.

SECTION 5: If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance or their application if they can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision is severable, unless otherwise provided by this Ordinance.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

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PASSED by the Mayor and City Council of the City of Naperville, DuPage and Will Counties, Illinois, this 4th day of October 2022.

AYES:

NAYS:

ABSENT:

Pam Gallahue
City Clerk

APPROVED this 4th day of October 2022.

Steve Chirico
Mayor

PUBLISHED by me this 4th day of October 2022 in pamphlet form.

Pam Gallahue
City Clerk

