

ORDINANCE NO. 7374-70

AN ORDINANCE CREATING THE URBANA BUSINESS DISTRICT DEVELOPMENT AND REDEVELOPMENT COMMISSION AND CITING CERTAIN FINDINGS AND POWERS OF THE CITY COUNCIL OF URBANA, ILLINOIS WITH RESPECT TO DOWNTOWN DEVELOPMENT.

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the City of Urbana, Champaign County, Illinois, with a population in excess of 25,000 is therefore a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, 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; and

WHEREAS, the City Council of the City of Urbana has heretofore by its Resolution No. 7374-R35 adopted the 11 day of February 1974, accepted a report of Arthur Rubloff & Company, dated January 28, 1974, entitled "A Feasibility Study of Downtown Development in Urbana, Illinois;" and

WHEREAS, the City Council of the City of Urbana has, by the aforesaid Resolution No. 7374-R35 authorized and directed the Mayor of the City of Urbana to prepare and submit to the City Council for its consideration a plan for the implementation of the said recommendations; and

WHEREAS, the Mayor of the City of Urbana has submitted the aforesaid plan of implementation together with a recommendation that the City Council of the City of Urbana adopt an ordinance providing for the development and redevelopment of business areas within the City of Urbana, particularly the Urbana Central Business District as delineated in the Comprehensive Plan of the City of Urbana heretofore adopted by the City Council of the City of Urbana on July 22, 1968 and amended on December 17, 1973; and

WHEREAS, the City Council of the City of Urbana has determined by reason of the findings hereinafter made, that the best interests of the residents of the City of Urbana will be served by providing for the development and redevelopment of business areas within the City of Urbana that may become blighted and deteriorated by reason of excessive vacancies, abandonments and the deterioration of structures, such as the Urbana Central Business District and such other business areas as the City Council may hereafter designate in the manner hereinafter provided;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA AS FOLLOWS:

SECTION ONE: The City Council of the City of Urbana does hereby find and declare that:

- (A) The construction of new retail shopping centers in previously undeveloped rural or semi-rural areas outside of the corporate limits of the City of Urbana has caused, and will continue to cause, businesses to remove from business areas and districts within the City of Urbana, particularly the Central Business District. As a result there has been an increasing amount of business and commercial space, especially in the Urbana Central Business District, that has become vacant and remained vacant. Such vacant business and commercial structures have become, and may in the future become, abandoned, deteriorated and blighted with the result that fire hazards and other dangers to health, safety, and welfare of the residents of the City of Urbana will be created and the tax

revenues received from such business areas will decline impairing the ability of the City of Urbana to provide essential public services.

- (B) There is a need for additional retail area and office space in the downtown Urbana area, and, in order for Urbana to maintain its share of retail sales in the relevant market area and of office space area, more intensive land use needs to be made of the land area in downtown Urbana, and in particular, there is an immediate need for an additional 200,000 square feet of department store and supporting retail space and 60,000 square feet of additional office space in the Urbana Central Business District.
- (C) Unless the stores and businesses in the Urbana Central Business District continue to receive their share of all retail sales in the relevant market area, and to maintain or improve existing sales productivities and sales penetration levels, businesses will remove from the Urbana Central Business District, stores will become vacant, properties in the Urbana Central Business District will decline in value, and structures in the Central Business District will deteriorate and become blighted and the public health, safety, and welfare of the residents of Urbana will be endangered.
- (D) It is essential to the economic and social welfare of the City of Urbana, and to the promotion and protection of the welfare of the residents of the City of Urbana, that business districts in Urbana be maintained

and revitalized by creating and assuring continuing opportunities for development and redevelopment and by attracting sound and stable commercial growth to the Urbana Central Business District.

(E) Any development or redevelopment of any business areas within the City of Urbana shall be in accordance with the principles and recommendations of the Urbana Comprehensive Plan.

(F) The powers of the City Council hereinafter authorized pertain to the government and affairs of the City of Urbana and are required for the promotion of the health, safety and welfare of the public, the prevention of abandoned, deteriorated and blighted business and commercial structures in the City of Urbana, and for the enhancement of the tax base of the business districts of the City of Urbana and the use of such powers for the development and redevelopment of the business districts in the City of Urbana in order to prevent or eliminate deteriorated or blighted business and commercial structures and areas is hereby declared to be a public use essential to the public interest.

SECTION TWO: The City Council may designate business districts within the City of Urbana for development and redevelopment whenever it shall find that the prevention or elimination of deteriorated or blighted business and commercial

structures and areas is required to promote and protect the health, safety and welfare of the public to secure the objectives hereinabove set forth. No such business district shall be designated by the City Council until the Plan Commission of the City of Urbana shall have reviewed the proposed boundaries of the business district, and the character of the structures and businesses located therein, and made findings and recommendations to the City Council with respect to the same and to the need for the development or redevelopment of the proposed business district pursuant to this ordinance. No business district shall be designated by the City Council pursuant to this ordinance until the City Council has held a public hearing on the creation of the proposed business district after giving the notice hereinafter specified.

SECTION THREE: The City Council may authorize the Mayor of the City of Urbana to direct and request the Champaign County Regional Planning Commission to prepare and to recommend to the City Council of the City of Urbana a development or redevelopment plan for any business district in the City of Urbana that has been created pursuant to the terms of this ordinance.

SECTION FOUR: Upon receiving the recommendations of the Regional Planning Commission with respect to a plan for the development or redevelopment of a business district within the City of Urbana, the City Council may adopt the same as recommended, or as amended or modified, or may reject the same; provided, however, no plan for the development or redevelopment of a business district in the City of Urbana shall be approved until: the proposed plan has been reviewed by the Plan Commission of the City of Urbana and its findings

and recommendations with respect to the same have been transmitted to the City Council; and the City Council shall have held a public hearing on the proposed plan of development and redevelopment after giving the notice hereinafter specified.

SECTION FIVE: In carrying out a plan for the development or redevelopment of a business district within the City of Urbana, the City Council of the City of Urbana hereby finds and determines, pursuant to the provisions of Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois that it is reasonably necessary and proper that it exercise, and the City Council does by this ordinance declare that it has, the power to do any one or more of the following things:

- (A) To approve all development and redevelopment proposals for business districts created in the City of Urbana pursuant to this ordinance.
- (B) To exercise the power of eminent domain for the acquisition of real and personal property for the purpose of implementing a development or redevelopment plan for such business district or a development or redevelopment project for which provision is made in such a plan.
- (C) To acquire, manage, convey or otherwise dispose of real and personal property acquired pursuant to the provisions of a development or redevelopment plan.
- (D) To apply for and accept capital grants and loans from the United States and the State of Illinois, or any instrumentality of the United States or the State, for business district development and redevelopment.

- (E) To borrow funds as it may be deemed necessary for the purpose of business district development and redevelopment, and in this connection issue such general obligation or revenue bonds as it shall be deemed necessary, subject to such limitations as the General Assembly of the State of Illinois may hereafter impose pursuant to Section 6(k) of Article VII of the 1970 Constitution of the State of Illinois.
- (F) To enter into contracts with any public or private agency or person for the purpose of business district development and redevelopment.
- (G) To sell, trade, or improve such real property as may be acquired in connection with business district development and redevelopment plans and to provide by ordinance for the procedures that shall be employed in the sale or trade of any such real estate.
- (H) To employ all such persons as may be necessary for the planning, administration and implementation of business district plans.
- (I) To expend such public funds as may be necessary for the planning, execution and implementation of the business district plans.
- (J) To establish by ordinance or resolution procedures for the planning, execution and implementation of business district plans.

SECTION SIX: Whenever any land is sold pursuant to a development or redevelopment plan approved and implemented pursuant to the authority conferred by this ordinance, then, if general obligation bonds of the City shall have been issued

- 8 -

to pay the cost of acquiring such land, the proceeds of such sale shall, to the extent possible, be deposited in the bond principal and interest account for the retirement of such bonds and the taxes levied to pay the principal and interest on such bonds shall be abated to that extent.

SECTION SEVEN: There is hereby created the Urbana Business District Development and Redevelopment Commission, hereinafter referred to as "the Commission." The Commission shall act as the agent of the City of Urbana for the purpose of developing and redeveloping business districts within the City and implementing and executing the ordinances and approved plans of the City with respect thereto. The Commission shall consist of the Mayor of the City of Urbana, who shall be the Chairman of the Commission, two citizens of the City of Urbana appointed by the Mayor with the advice and consent of the City Council, and two members of the City Council of the City of Urbana who shall be appointed by the Mayor with the advice and consent of the City Council and who shall serve ex officio. The citizen members of the Commission shall serve for a term of two years and of those first appointed one shall be appointed for a term of one year and one for a term of two years. The members of the City Council serving ex officio shall serve for a term of two years, or until their term as a Council member expires, whichever is sooner, and of those ex officio members first appointed, one shall be appointed for a term of one year and one for a term of two years. The Commission shall meet at the call of the Chairman and in any event, not less frequently than once each month. The Commission shall have the following power and authority:

- 9 -

- (A) To make recommendations to the City Council with respect to the selection of a developer for a business district in the City of Urbana and with respect to the methods by which such selection is to be made.
- (B) To review site plans and other plans and drawings with respect to proposed development and redevelopment plans and make recommendations to the City Council with respect to the same.
- (C) To make recommendations to the City Council with respect to parcels of land to be designated as tracts to be acquired and developed or redeveloped.
- (D) To make recommendations to the City Council of the City of Urbana on consultants to be retained to advise the City of Urbana with respect to the development and redevelopment of business districts, the preparation of plans for such development and redevelopment, the selection of developers and such other matters as may be pertinent to the proper and efficient implementation and execution of the powers conferred by this ordinance and the purposes hereinafter expressed.
- (E) To recommend to the City Council of the City of Urbana such plans, programs and projects as it may deem necessary or desirable to implement and promote the objectives and purposes expressed in this ordinance.
- (F) To secure appraisals of land to be acquired pursuant to development and redevelopment plans and to make recommendations to the City Council of the City of Urbana with

respect to the acquisition price thereof.

(G) To review and make estimates of the proposed cost of all proposed development and redevelopment plans and projects, to make recommendations to the City Council of the City of Urbana as to the portion thereof that it is reasonably necessary and desirable for the City of Urbana to assume, and to make recommendations to the City Council of the City of Urbana with respect to the method by which such costs are to be paid and financed.

(H) To adopt such rules and regulations as it may deem necessary for the conduct of its affairs.

SECTION EIGHT: Whenever a public hearing is required by the terms of this ordinance, public notice of the date, time and location of the said public hearing, and the matters to be considered at such hearing shall be given at least 15 but not more than 30 days before the date of such hearing by publishing a notice of the same in a newspaper of general circulation in the City of Urbana and by putting a copy of the said notice in a conspicuous place in the Urbana City Hall and in the Office of the City Clerk of the City of Urbana.

SECTION NINE: The several provisions of this ordinance are separable, and if any court of competent jurisdiction shall adjudge any provisions of this ordinance to be invalid, such judgment shall not affect the validity of any other provision of this ordinance not specifically included in said judgment.

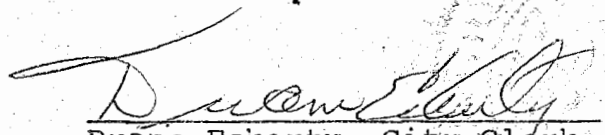
SECTION TEN: This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

PASSED by the City Council this 1 day of May, 1974.

AYES:

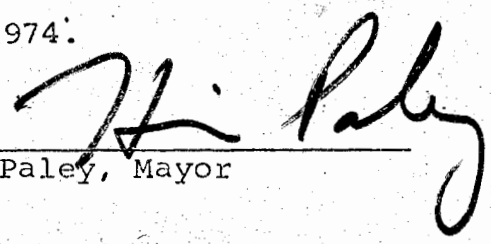
NAYS:

ASSENT:



Duane Eckerty, City Clerk

APPROVED by the Mayor this 2 day of May, 1974.



Hiram Paley, Mayor

PUBLISHED THIS 10th DAY OF May, 1974.

RECORDED THIS _____ DAY OF _____, 1974.

8456

COPY OF ADVERTISEMENT

Certificate of Publication

STATE OF ILLINOIS }
Champaign County } ss.

CHAMPAIGN-URBANA COURIER, Inc., a corporation, hereby certifies that it is the publisher of THE COURIER, a daily secular newspaper of general circulation in said County, printed and published in the City of Urbana, in said County and State, and that said newspaper is a newspaper as defined in "An Act to revise the law in relation to notices," approved February 13, 1874, as amended, and that the printed notice hereto annexed and hereby made a part of this certificate has been published in said newspaper at least once each week for

one successive weeks in each and every copy and impression

thereof; that the date of the first newspaper containing said publication was May

10th A.D. 19 74, and that the date of the last newspaper containing said

publication was _____ A.D. 19 _____; and that _____

Charles A. Shay by resolution of the Board of Directors of said CHAMPAIGN-URBANA COURIER, Inc., has been authorized to make this certificate.

IN TESTIMONY WHEREOF said CHAMPAIGN-URBANA COURIER, Inc., has caused this cer-

tificate to be executed in its name by said Charles A. Shay

this 10th day of May A.D. 19 74.

CHAMPAIGN-URBANA COURIER, Inc.

Publication Fee, \$ 62.16

By Charles A. Shay