

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION I. INTER-AGENCY REFERRAL ACT

WHEREAS, the City of Chicago ("City") is a home rule unit of government under Article VII, Section 6(a) of the 1970 Constitution of the State of Illinois and, as such, may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Section 7 of the Statute on Statutes, 5 ILCS 70/7, provides that laws passed after January 12, 1977, may only deny or limit home rule authority if there is specific language denying or limiting the authority and the language specifically sets forth in what manner and to what extent it is a denial or limitation on the authority of the home rule unit; and

WHEREAS, the Inter-Agency Referral Act, 65 ILCS 5/11-12-4.1, was last amended in 1980 and contains no home rule preemption language; and

WHEREAS, a reading of the Inter-Agency Referral Act's words reveals a plain meaning that indicates that it governs relationships between local governments and not within a local government; and

WHEREAS, the City's practice has been to bring acquisitions, dispositions, and change-in-use of City-owned land to the Chicago Plan Commission based on the Inter-Agency Referral Act, but that is not legally required; and

WHEREAS, given the divergence between practice and legal requirement, the City should clarify the City's responsibilities under the Inter-Agency Referral Act; and

WHEREAS, ending the unnecessary process of submitting acquisitions, dispositions, and change-in-use of City-owned land to the Chicago Plan Commission will streamline the process and reduce the time it takes to get projects done, making the City more efficient; now, therefore,

Article XI of Chapter 2-120 of the Municipal Code of Chicago is hereby amended by adding a new Section 2-120-395, as follows:

2-120-395 Inter-Agency Referral Act.

As the acquisition, disposition, and change-in-use of City-owned land are functions pertaining to the City's affairs and government, and as such are part of its home rule powers, City departments are not required to follow the requirements of the Inter-Agency Referral Act, codified at 65 ILCS 5/11-12-4.1, in exercising their powers and duties.

SECTION II. COMMUNITY DEVELOPMENT COMMISSION

Chapter 2-124 of the Municipal Code of Chicago, is hereby amended by deleting the struck-through language and inserting the underscored language, as follows:

(Omitted text is unaffected by this ordinance.)

2-124-030 Commission – Powers and duties.

(a) The ~~commission~~ Commission may recommend to the ~~city council~~ City Council that the ~~city~~ City:

(Omitted text is unaffected by this ordinance.)

(5) Sell, mortgage, or lease, or otherwise transfer or convey to a private developer any interest in real property acquired pursuant to this chapter or included in a redevelopment project for use in accordance with the redevelopment plan at such time as the ~~city~~ City may determine. The ~~commission~~ Commission shall recommend a selling price or lease rate for such property, which may be less than acquisition costs, that represents the highest reasonable value at which the property is likely to be purchased or leased for development or redevelopment in accordance with the redevelopment plan. However, no sale, mortgage or lease shall ever be made in such manner as to impair the rights or interests of the holder or holders of any bonds issued to finance the project costs of such project.

Any development project area may be sold either as an entirety or in such parcels as the ~~commission~~ Commission may select. It will not be necessary that title be acquired to all real property within the redevelopment area before the sale of a part thereof may be made as provided in this section;

~~(6) Convey any part of the redevelopment project area acquired pursuant to this chapter for use in accordance with the redevelopment plan to any public body, and the city may charge for such conveyance whatever price it and the public body receiving the land may agree upon;~~

~~(7) Resell real property for uses prescribed in the redevelopment plan;~~

~~(8)~~ 6 Engage in such relocation activities as are prescribed by the redevelopment plan;

~~(9)~~ 7 Enter into such cooperative agreements, with or without consideration, as the ~~commission~~ Commission shall deem appropriate to carry out the purposes of the redevelopment plan;

~~(10)~~ 8 Make loans and grants, or guarantee loans made by other institutions, public or private, to persons in the redevelopment project areas for the purposes of rehabilitating structures or constructing new structures in such areas;

~~(11)~~ 9 Borrow money, apply for and accept advances, loans, grants, contributions, gifts, services, or other financial assistance from the United States of America, or any agency or instrumentality thereof, the state, county or other public body, or from any source, public or private, for or in aid of any other purposes of the redevelopment plan or redevelopment project;

~~(12)~~ 10 Issue, to defray in whole or in part, redevelopment project costs of any one or more redevelopment projects, bonds or other obligations secured in whole or in part by income and revenues received with respect to the redevelopment projects, on such terms and conditions as the ~~city council~~ City Council may determine;

~~(13)~~ 11 Raise revenue by the adoption of such taxes and establishment of such special tax districts as are permitted under the constitution and the laws of the State of Illinois;

(44 ~~12~~) Exercise the power of eminent domain for the acquisition of any interest in real or personal property for the purposes of this chapter;

(45 ~~13~~) Exercise any one or more of the foregoing powers in any redevelopment project, and to exercise such other powers as shall be necessary to carry out the purposes of the redevelopment plan project;

(46 ~~14~~) Exercise the powers specified in Section 11-74.4-4(b) – (j) and (l) – (m) of the Tax Increment Allocation Redevelopment Act of the State of Illinois, 65 ILCS 5/11-74.4-1, *et seq.*, as amended, and in Section 11-74.6-15 (b) – (k) and (m) – (n) of the Industrial Jobs Recovery Law of the State of Illinois, 65 ILCS 5/11-74.6-1, *et seq.*, as amended.

(Omitted text is unaffected by this ordinance.)

(b) The ~~commission~~ Commission shall have and exercise the following powers with respect to the development and redevelopment of any area:

(Omitted text is unaffected by this ordinance.)

(3) Approve such agreements and undertakings in connection with the disposition of any interest in land to a private developer which will bind the purchaser to redevelop the area in accordance with the redevelopment plan and the objectives contained therein. The commission may approve proposals negotiated with any person by the commissioner of planning and development or his or her designee, or by the commissioner of housing or his or her designee, for the purchase, lease or other transfer of any real property acquired pursuant to this chapter or included in a redevelopment project ~~and shall consider all redevelopment and rehabilitation proposals submitted to it and the financial and legal ability of the persons making such proposals to carry them out.~~

(Omitted text is unaffected by this ordinance.)

(c) Pursuant to Section 11-74.4-4(k) of the Tax Increment Allocation Redevelopment Act of the State of Illinois, 65 ILCS 5/11-74.4-1, *et seq.*, as amended, and pursuant to Section 11-74.6-22 of the Industrial Jobs Recovery Law of the State of Illinois, 65 ILCS 5/11-74.6-1, *et seq.*, as amended, the ~~commission~~ Commission shall have the power to hold public hearings and make recommendations to the ~~city council~~ City Council of the City of Chicago concerning the adoption of redevelopment plans, redevelopment projects, and the designation of redevelopment project areas (including redevelopment planning areas), as those terms are defined in Section 11-74.4-3 of the Tax Increment Allocation Redevelopment Act and as those terms are defined in Section 11-74.6-10 of the Industrial Jobs Recovery Law.

(Omitted text is unaffected by this ordinance.)

2-124-050 Commission – Preparation of redevelopment plans.

The ~~commission~~ Commission shall cause to be prepared a redevelopment plan for each redevelopment area designated by the ~~commission~~ Commission. The ~~commission~~ Commission, upon its completion of the plan, shall submit to the ~~city council~~ City Council the plan, accompanied by a resolution of the ~~commission~~ Commission approving the plan by majority vote. The ~~city council~~ City Council shall by ordinance adopt or reject such plan. The ~~city~~ City may not sell or convey any property in a redevelopment area acquired pursuant to this chapter until a redevelopment plan has been approved by the ~~city council~~ City Council pursuant to this section.

(Omitted text is unaffected by this ordinance.)

SECTION III. EFFECTIVE DATE

This ordinance shall be in full force and effect following due passage and approval.