

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2013-030

AN ORDINANCE APPROVING AN ECONOMIC INCENTIVE AGREEMENT FOR
PROPERTY COMMONLY KNOWN AS WESTFIELD HAWTHORN SHOPPING MALL
LOCATED GENERALLY AT THE NORTHWEST CORNER OF TOWNLINE ROAD
(ROUTE 60) AND MILWAUKEE AVENUE (ROUTE 21)

THE 4th DAY OF JUNE 2013

Published in pamphlet form by the Authority of the
President and Board of Trustees of the Village of
Vernon Hills, Lake County, Illinois, this 7th Day of
June 2013

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WHEREAS, the Village relies on sales tax as its main source of funding the Village's general financial obligations; and

WHEREAS, the current economic conditions have severely impacted the retail industry and therefore the Village's main source of funding has been substantially reduced; and

WHEREAS, the Village is concerned about maintaining the economic vitality of the Village's retail community; and

WHEREAS, Westfield Hawthorn Shopping Mall contains a significant number of vacant spaces throughout the in-line spaces; and

WHEREAS, the Westfield Hawthorn Shopping mall has struggled to produce stable sales tax revenue to the Village; and

WHEREAS, the owner of the Westfield Hawthorn Shopping Mall, Hawthorn PL, requested that the Village consider an economic incentive program to assist in remodeling and expanding portions of the Mall to bring AMC Theater and Dave & Busters, among other uses, to the Mall and

WHEREAS, the Village expressed its willingness to participate in an economic incentive program, pursuant to State Statute (65 ILCS 5/8-11-20), in order to enhance the economic viability of the Westfield Hawthorn Shopping Mall and maintain the flow of sales tax dollars to the Village; and

WHEREAS, without Village participation in the economic incentive program, the Westfield Hawthorn Shopping Mall would languish and struggle to maintain occupancy rates with permanent tenants, further exacerbating the present economic concerns of the owner as well as the Village; and

WHEREAS, State Statute 65 ILCS 5/8-11-20 authorizes the Village to enter into economic incentive agreements subject to the Village making certain findings of fact; and

WHEREAS, the Village has made the required findings of fact as set forth below.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: ECONOMIC INCENTIVE FINDINGS. Pursuant to 65 ILCS 5/8-11-20, the Village makes the following finding of facts:

1. The Westfield Hawthorn Shopping Mall is currently developed with a retail shopping center;
2. The Mall contains a number of vacant spaces located within the Westfield Hawthorn Shopping Mall;
3. A number of the in-line spaces have been vacant since the Spring of 2011 resulting in the property being underutilized for a period of at least one year;
4. The economic incentive program is expected to create and retain job opportunities within the municipality, by providing quality retailers in the Westfield Hawthorn Shopping Mall: AMC Theaters and Dave & Busters which will create job opportunities lost to the Village when the prior tenants closed their stores;
5. The economic incentive agreement will provide a number of solid anchor tenants, such as AMC Theater, in the Shopping Mall thereby serving to further the development of the Shopping Mall and adjacent retail shopping areas;
6. Without this economic incentive agreement, the owner has represented that it would not be able to attract AMC Theater or Dave & Busters as a tenant in the Westfield Hawthorn Shopping Mall;
7. Hawthorn PL, the owner of the Westfield Hawthorn Shopping Mall, meets high standards of creditworthiness and financial strength as demonstrated by specific evidence of equity financing for more than 10% of the total project costs;
8. Locating AMC Theaters and Dave & Busters in the Westfield Hawthorn Shopping Mall will strengthen the commercial sector of the Village, given the fact that the property is along Townline Road (Route 60), being the center of the retail shopping area in the Village;
9. Filling the existing vacant spaces with a high quality national tenant will enhance the tax base of the Village and will help to restore and maintain the financial base of the Village;
10. Entering into the economic incentive agreement is in the best interest of the Village as it is the only way to restore the economic viability of the Westfield Hawthorn Shopping Mall.

SECTION II. AUTHORIZATION TO EXECUTE AGREEMENT. At such time as the Village receives a copy of the fully executed for the AMC Theater and Dave

EXHIBIT A
ECONOMIC INCENTIVE AGREEMENT

EXHIBIT B

ELIGIBLE PROPERTY – SITE AND PRELIMINARY PLANS

& Busters, the Village hereby authorizes the Village President and Village Clerk to execute the Economic Incentive Agreement (attached hereto as Exhibit "A") with the owner of the Center, Hawthorn, LP for the expansion and remodeling of portions of the Westfield Hawthorn Shopping Mall property in a form substantially similar to the copy attached, as more clearly depicted on the site and preliminary plans of the property (attached hereto as Exhibit "B").

SECTION III. SEVERABILITY. In the event that any section, clause, provision or part of this Ordinance shall be found and finally determined to be invalid by a Court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION IV. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

SECTION V. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

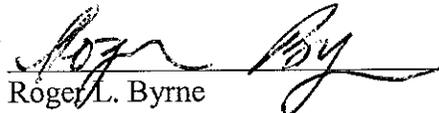
SECTION VI. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2013-030.

Adopted by roll call vote as follows:

AYES: 5 – Hebda, Koch, Marquardt, Schultz, Schwartz

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Williams



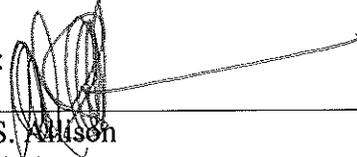
Roger L. Byrne
Village President

PASSED: 6/04/2013

APPROVED: 6/04/2013

PUBLISHED IN PAMPHLET FORM: 6/07/2013

ATTEST:

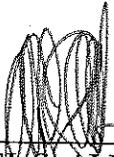


Michael S. Wilson
Village Clerk

AFFIDAVIT OF SERVICE

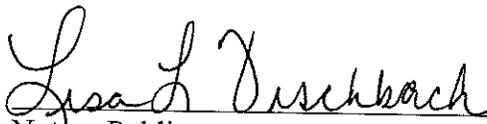
STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, MICHAEL S. ALLISON, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, HE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE 2013-030 AN ORDINANCE APPROVING AN ECONOMIC INCENTIVE AGREEMENT FOR PROPERTY COMMONLY KNOWN AS WESTFIELD HAWTHORN SHOPPING MALL LOCATED GENERALLY AT THE NORTHWEST CORNER OF TOWNLINE ROAD (ROUTE 60) AND MILWAUKEE AVENUE (ROUTE 21) TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM JUNE 7, 2013 TO JUNE 17, 2013.



MICHAEL S. ALLISON, VILLAGE CLERK

SUBSCRIBED AND SWORN TO
BEFORE ME THIS 7th DAY OF JUNE
2013.



Notary Public

