

**32-R-13**

**A RESOLUTION**

**Deeming Certain Funds in the Special Tax Allocation Fund for the Howard Hartrey Tax Increment Redevelopment Project Area as "Surplus" Funds and Directing the Payment and Distribution Thereof (2013) by the City of Evanston, Cook County, Illinois**

**WHEREAS**, the City of Evanston, Cook County, Illinois (the "City"), is a home-rule municipality pursuant to Article VII of the Illinois Constitution of 1970; and

**WHEREAS**, pursuant to Ordinances 8-O-92, 09-O-92, and 10-O-92, adopted April 27, 1992 in connection with the Howard Hartrey Tax Increment Redevelopment Project Area (the "Redevelopment Project Area"), the City Council of the City Evanston (the "Corporate Authorities") adopted the Howard Hartrey Tax Increment Area Redevelopment Plan and related Redevelopment Projects, designated the Redevelopment Project Area, and authorized tax increment finance pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et seq., as supplemented and amended, including the predecessor Act thereof (the "TIF Act"); and

**WHEREAS**, the City is required by Sections 11-74.4-5(d)(5)(D) and 11-74.4-8 of the TIF Act to annually designate all funds deposited into the special tax allocation fund established pursuant to the TIF ordinances that are not identified as being required, pledged, earmarked or otherwise designated for payment of or securing of obligations or anticipated redevelopment project costs as "surplus" funds; and

**WHEREAS**, the City must cause the distribution thereof by paying the same to the taxing districts in the Redevelopment Project Area, the Illinois Department of Revenue, and the City, in direct proportion to the amount of funds received from the collection of real estate taxes and from the State of Illinois and deposited into such special tax allocation fund, such amount to the taxing districts in the Redevelopment Project Area to be in the same manner and proportion as the most recent distribution by the County Clerk of Cook County, Illinois to the affected taxing districts of real property taxes from real property in the Redevelopment Project Area,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

**SECTION 1:** Findings: The Corporate Authorities find, determine, and declare that the amount of funds deposited in the special tax allocation fund for the Redevelopment Project Area that is not required, pledged, earmarked or otherwise designated for payment of or securing of obligations or anticipated redevelopment project costs is one million dollars (\$1,000,000.00), such amount having been calculated and now deemed to be "surplus" funds for the year 2012 pursuant to Sections 1-74.4-5(d) and 11-74.4-8 of the TIF Act.

**SECTION 2:** Direction: The City Treasurer is hereby authorized and directed to cause the payment and distribution of all such "surplus" funds in the manner and proportion as specified in Sections 11-74.4-5(d) and 11-74.4-8 of the TIF Act.

**SECTION 3:** Actions: All actions of the officers, agents, and employees of the City that are in conformity with the purposes and intent of this Resolution 32-R-

13, whether taken before or after the adoption hereof, are hereby ratified, confirmed, and adopted.

**SECTION 4:** Severability: If any section, paragraph, or provision of this Resolution 32-R-13 shall be 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 portions of this resolution.

**SECTION 5:** This Resolution 32-R-13 supersedes all resolutions or orders or parts thereof in conflict herewith, and this resolution shall be in full force and effect upon its adoption.

  
Elizabeth B. Tisdahl, Mayor

Attest:

  
Rodney Greene, City Clerk

Adopted: May 13, 2013