

Development

ORDINANCE

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

WHEREAS, the Cook County Board of Commissioners has enacted the Cook County Tax Incentive Ordinance, Classification System for Assessment, as amended from time to time (the "**County Ordinance**"), which provides for, among other things, real estate tax incentives to property owners who build, rehabilitate, enhance, and occupy property which is located within Cook County, and which is used primarily for industrial, manufacturing, or commercial purposes; and

WHEREAS, the City, consistent with the County Ordinance, wishes to induce industry and commercial businesses to locate, expand and remain in the City by supporting financial incentives in the form of property tax relief; and

WHEREAS, JARLA, LLC, an Illinois limited liability company (the "**Original Applicant**"), formerly owned the property generally described as 1825 West Webster Avenue, Chicago, Illinois 60614, and further described in Exhibit A hereto (the "**Subject Property**"); and

WHEREAS, STORE MASTER FUNDING XVII, LLC, a Delaware limited liability company (the "**Applicant**"), acquired the Subject Property from the Original Applicant on or about December 17, 2019; and

WHEREAS, Chicago Whirly, Inc., an Illinois corporation d/b/a WhirlyBall Chicago ("**CWI**"), has leased the Subject Property in its entirety from Original Applicant and then from Applicant; and

WHEREAS, the Subject Property underwent environmental testing and was found to contain certain adverse environmental conditions (the "**Contamination**"); and

WHEREAS, neither the Original Applicant, nor Applicant, nor CWI, nor any individual owners of the foregoing entities were directly or indirectly responsible for creating the Contamination; and

WHEREAS, the Original Applicant and CWI undertook environmental remediation at the Subject Property and received a No Further Remediation Letter from the Illinois Environmental Protection Agency's Site Remediation Program, dated June 4, 2015 (the "**NFR Letter**"); and

WHEREAS, the costs of remediating the Contamination exceeded \$100,000 in accordance with the eligibility requirements for Class C classification pursuant to the Classification Ordinance; and

WHEREAS, the Original Applicant and CWI constructed a development consisting of an approximately 50,467 square foot facility on the Subject Property (the "**Development**") to be used for commercial purposes in accordance with the eligibility requirements for Class C classification pursuant to the Classification Ordinance; and

WHEREAS, on October 5, 2016, the City Council of the City adopted an ordinance published at CJP 33001-33005 (the "**Original Ordinance**") supporting and consenting to the

Class C classification of the Subject Property by the Office of the Assessor of Cook County (the "**Assessor**"); and

WHEREAS, the Assessor granted the Class C tax incentive in connection with the Subject Property effective January 1, 2016; and

WHEREAS, CWI invested more than \$15 million in constructing and then later renovating the Development; CWI undertook the Development because CWI was displaced when the City acquired CWI's former location for the reconfiguration of the Damen-Elston-Fullerton intersection; since the completion of the Development, CWI has continuously occupied the Subject Property as its sole tenant and operated the Subject Property for the same commercial purposes contemplated in the Original Ordinance; CWI's operations have consistently provided 65 full-time and 20 part-time jobs; and CWI's operations at the Development and Subject Property continue to generate substantial economic activity and community benefits; and

WHEREAS, the Applicant, in conjunction with CWI, has filed, or intends to file, an application for renewal of the Class C classification with the Assessor pursuant to the County Ordinance; and

WHEREAS, it is the responsibility of the Assessor to determine that an application for a Class C classification or renewal of a Class C classification is eligible pursuant to the County Ordinance; and

WHEREAS, the County Ordinance requires that, in connection with the filing of a Class C renewal application with the Assessor, an applicant obtain from the municipality in which such real estate is located an ordinance or resolution expressly stating, among other things, that the municipality has determined that the use of the property is necessary and beneficial to the local economy and that the municipality supports and consents to the renewal of the Class C classification; now, therefore,

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

SECTION 1: The above recitals are hereby expressly incorporated as if fully set forth herein.

SECTION 2: The City hereby determines that the commercial purposes use of the Subject Property is necessary and beneficial to the local economy in which the Subject Property is located.

SECTION 3: The City supports and consents to the renewal of the Class C classification with respect to the Subject Property.

SECTION 4: The Economic Disclosure Statements, as defined in the County Ordinance, have been received and filed by the City.

SECTION 5: The Clerk of the City of Chicago is authorized to and shall send a certified copy of this ordinance to the Assessor, and a certified copy of this ordinance may be included with the Class C renewal application filed with the Assessor by the Applicant, as applicant, in accordance with the County Ordinance.

SECTION 6: This ordinance shall be effective immediately upon its passage and

approval.

Scott Wigney
Alderman 32nd