

**City of Carbondale
Jackson County**

**Oakland-Sycamore
Redevelopment Project Area #3**



**Eligibility Report
October 2012**

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**City of Carbondale
Oakland-Sycamore Redevelopment Project Area #3**

Eligibility Report

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Executive Summary

This City of Carbondale Oakland-Sycamore Redevelopment Project Area #3 Eligibility Report (the “**Eligibility Report**”), dated **October** 2012, among other things, documents the eligibility and qualifications of the proposed Oakland-Sycamore Redevelopment Project Area #3 (the “**Redevelopment Project Area**”) in the City of Carbondale, Illinois (the “**City**”) for designation as a “blighted area” pursuant to the definitions contained in the Illinois Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et seq. (the “**Act**”).

As set forth in the **Act**, the term “**Redevelopment Project Area**” means an area designated by a municipality, which is not less in the aggregate than 1½ acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as “an industrial park conservation area” (an “**Industrial Park Conservation Area**”) or a blighted area (“**Blighted Area**”) or a conservation area (“**Conservation Area**”), or a combination of both **Blighted Areas and Conservations Areas**. The definitions of each of these terms are in *Appendix B: Definitions*.

Blighted Area provisions apply to the **Improved Land** in the **Redevelopment Project Area**. There is no vacant land. This Eligibility Report documents the relevant statutory requirements and how the **Redevelopment Project Area** meets the eligibility factors.

I. BASIS FOR REDEVELOPMENT PROJECT AREA ELIGIBILITY

A. Statutorily Required Findings

The Illinois General Assembly made three key findings in adopting the **Act**. The statutory findings are summarized below:

1. That there exists in many municipalities within the State blighted and conservation areas,
2. That the eradication of blighted areas and the treatment and improvement of conservation areas by redevelopment projects are essential to the public interest,
3. That the use of the tax increment revenues in the **Redevelopment Project Area** is of benefit to taxing districts and that taxing districts would not derive the benefits of an increased assessment base without the benefits of tax increment financing:

Full text of the statutory findings is found in *Appendix A: Findings*.

These findings were made on the basis that the presence of blight, or of conditions that lead to blight, is detrimental to the safety, health, welfare and morals of the public.

B. Eligibility

To ensure that the exercise of these powers is proper and in the public interest, the **Act** also specifies certain requirements, which must be met before a municipality can proceed with implementing a redevelopment project. One of these requirements is that the municipality must demonstrate that each prospective **Redevelopment Project Area** qualifies either as a **Blighted Area** or as a **Conservation Area** or a combination of **Blighted and Conservation Area** or an **Industrial Park Conservation Area** within the definitions set forth in the **Act**. The definition of each of these terms is found in *Appendix B: Definitions*.

The factors for each of these requirements are listed in *Appendix C: Eligibility Factors*.

C. Conclusions and Findings

1. There are three categories under which an area can be determined to meet the eligibility factors. The area must meet the factors under one of these categories if it is determined to be blighted. One set of the factors for both the **Blighted Area** and **Conservation Area** designation deals with **Improved Land**. Two sets within the blighted designation deal with **Vacant Land**. The minimum number of factors must be present in one of these categories and the presence of each must be documented; **Vacant Land** factors are not applicable
2. Each factor to be claimed must be distributed throughout the **Redevelopment Project Area** and should be present to a meaningful extent so that a local governing body may reasonably find that the factor is clearly present within the intent of the **Act**;
3. The property must equal or exceed 1½ acres; and

4. The **Redevelopment Project Area** must meet the “but for” requirements in that development and redevelopment would not occur without financial assistance and intervention by the municipality.

Eligibility Findings

This report concludes that the Oakland-Sycamore Redevelopment Project Area #3 is eligible for Tax Increment Finance (“TIF”) designation as a **Blighted Area** for **Improved Land**. There is no **Vacant Land** in the Redevelopment **Project Area**. The **Redevelopment Project Area** will not be reviewed for eligibility under the **Conservation Area** or **Industrial Conservation Area** factors. However, it is expected that it would qualify as a **Conservation Area** for **Improved Land** if documentation of age of structure had been undertaken. Because of the number of factors qualifying the **Redevelopment Project Area** as a **Blighted Area**, this documentation was not undertaken.

II. THE REDEVELOPMENT PROJECT AREA

The **Redevelopment Project Area** contains commercial, residential, and governmental properties. A generic description of the boundaries of **Redevelopment Project Area** is as follows:

The **Redevelopment Project Area** begins at the corner of N. Springer St. and W. High Street. It proceeds north 2 parcels then turns west to parcel 15-21-104-021. It turns north to alley then turns west to parcel 15-21-104-001. It turns north crossing W. Pecan St to the northeast corner of parcel 15-21-101-006. It turns east to southeast corner of parcel 15-21-101-005 then turns north 2 parcels. It turns east to southeast corner of parcel 15-21-101-003 then turns north crossing W. Sycamore St. to the northeast corner of parcel 15-16-355-019. It turns west to N. Oakland St. then turns north to northeast corner of parcel 15-17-481-024. It turns west to northwest corner of parcel 15-17-480-005 then turns south 2 parcels before turning east to N. Helen St. It turns south to W. Sycamore then turns east to N. Oakland. It follows N. Oakland south to W. High St. then runs W. High street east to the beginning.

The exact boundaries of the **Redevelopment Project Area** are described in the Legal Description and are shown on the **TIF** Map that are Attachment One and Two and are made part of this **Eligibility Report** by reference hereto.

The term Vacant Land ("**Vacant Land**") is defined in the **Act**. This definition is found in *Appendix B: Definitions*. There is no **Vacant Land** in the **Redevelopment Project Area**.

The term Improved Land ("**Improved Land**") is defined in the **Act**. The definition is found in *Appendix B: Definitions*. All of the land in the **Redevelopment Project Area** is **Improved Land**.

Uses in the redevelopment area include residential, commercial, and governmental. Zoning is PUD and residential.

Attachment 1 is the Legal Description of the **Redevelopment Project Area**. Attachment 2 is the Map of the **Redevelopment Project Area**. Both are made part of this document by reference hereto.

III. ANALYSIS OF CONDITIONS IN THE REDEVELOPMENT PROJECT AREA

In determining whether or not the proposed **Redevelopment Project Area** meets the eligibility requirements of the **Act**, at the **City's** direction, Ruyle Hullinger & Associates (the "**Consultant**") conducted research and field surveys.

A survey and analysis of existing conditions within the **Redevelopment Project Area** were completed in **October** 2012 by the **Consultant** to document the extent to which each blight factor is present within the **Redevelopment Project Area**. In addition, Bing Maps and Google Maps were used to view each parcel in both the bird's eye and aerial view of each property. Various research and field surveys were undertaken including:

1. Exterior survey of the condition and use of each building;
2. Field survey and viewing of photos of environmental conditions covering street, sidewalks, lighting, traffic, parking facilities, landscaping, fences and walls, and general property maintenance;
3. Analysis of existing uses and their relationships;
4. Analysis of tax maps to ascertain platting;
5. Review of previously prepared plats, plans, and studies;
6. Review of Federal Emergency Management Agency (FEMA) flood maps;
7. Review of Environmental Protection Agency (EPA) and Illinois Environmental Protection Agency (IEPA) compliance lists;
8. Analysis of water, sewer, gas utilities, etc.;
9. Contacts with **City** officials, county officials, and private parties knowledgeable as to area conditions, history, age of buildings and site improvements, real estate matters and related items, as well as examination of existing information related to the **Redevelopment Project Area**; and
10. County and Township Tax Records.

A. Eligibility Survey and Analysis

1. Building Components Evaluation

During the field survey, each component of a subject building was examined to determine whether it was in sound condition or had minor, major, or critical defects. Building components examined were of two types:

a. Primary Structure

These components are the basic structural elements of any building, including foundation walls, load-bearing walls and columns, roof structure, and roof.

b. Secondary Structure

These components are generally added to the primary structural components and are necessary parts of the building, including porches and steps, windows and window units, doors and door units, chimneys, gutters and down spouts, parking, and fences.

2. Building Categorization

After completing the review of the exterior building condition survey, each individual building was placed in one of three categories based on the combination of defects found in various primary and secondary building components.

a. Sound Structures

Sound buildings kept in a standard condition, requiring no maintenance at present. These buildings so classified have defects as minor as to not impact the area.

b. Deteriorated

Buildings where factors were present from a major to extreme extent. Usually these buildings contain defects that are not easily correctable through normal maintenance. They require contracted skills to accomplish the level of improvements as part of maintenance or correction of defects. These buildings are noted as being deteriorated on the survey.

c. Dilapidated

Buildings appear to be so severely defective as to need demolition. Structural integrity, however, was not documented. While these factors were reviewed, the **Consultant** did not conduct a documented building condition analysis to reveal major structural problems, as these findings were not necessary for the qualification of the **Redevelopment Project Area**.

B. Presence of Eligibility Factors

Summarized below are the conclusions of the surveys and analyses completed for each eligibility factor based on existing conditions within the **Redevelopment Project Area**. In order to qualify the **Redevelopment Project Area** for Tax Increment Finance (“TIF”), the **Redevelopment Project Area** must meet criteria set forth in the **Act**. The specific criteria as defined by the **Act** precede each finding. The conclusions indicate whether the factor is found to be present within the **Redevelopment Project Area** and the relative extent to which the factor is present.

C. Eligibility of Improved Land as Blighted

These factors are distributed throughout the **Improved Land**.

Five factors must be met for **Blighted Area** designation for **Improved Land**. Seven are present.

1. **If improved**, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of five (5) or more of the following factors each of which is (i) present, with that presence documented, to a meaningful extent, so that a municipality may reasonably find that the factor is clearly present within the intent of the **Act**, and (ii) reasonably distributed throughout the improved part of the Redevelopment Project Area:

- (a) **Dilapidation**. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings, or improvements in such a combination that

a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

*This factor will not be applied. Buildings associated with the armory were noted that would appear to meet this requirement. However, a structural analysis was not done and this factor will not be used to determine eligibility of the **Redevelopment Project Area**.*

- (b) **Obsolescence.** The condition or process of falling into disuse. Structures have become ill-suited for the original use.

*A number of the buildings in the **Redevelopment Project Area** meet these requirements. There are buildings that have become ill suited for their original use. Many of the residential units would not meet modern building and residential standards.*

The armory and its buildings and the school are no longer inhabited and are ill-suited for their original use. These are the largest improved lands within the redevelopment project area constituting 6 of sixteen acres.

Table 2: Rating Survey, documents blocks with these conditions.

- (c) **Deterioration.** With respect to building defects, including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters, and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

There are major defects in the secondary building components including doors, windows, gutters, downspouts and fascia. There were also buildings whose roofs were deteriorated.

*Parking lot deterioration was observed throughout the improved portion of the **Redevelopment Project Area**. Where paved, drives exhibited surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.*

Table 2: Rating Survey, documents blocks with these conditions.

- (d) **Presence of structures below minimum code standards.** All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

Many structures would not meet current standards of zoning, building, and other accepted government codes such as 2003 ICC Construction Codes applicable to property in the City of Carbondale. Housing and property maintenance codes were not used in determining this factor.

Table 2: Rating Survey, documents blocks with these conditions.

- (e) **Illegal use of individual structures.** The use of structures in violation of applicable Federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

This factor does not apply.

- (f) **Excessive vacancies.** The presence of buildings that are uninhabited or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

*There were vacancies in the **Redevelopment Project Area**. The armory and the school were vacant. They constitute the largest areas of the **Redevelopment Project Area**. They constitute 6 of the 16 acres in the **Redevelopment Project Area**. There was a visible vacancy in one residential property.*

Table 2: Rating Survey, documents blocks with observed vacant structures.

- (g) **Lack of ventilation, light, or sanitary facilities.** The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refer to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

This factor does not apply.

- (h) **Inadequate utilities.** Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the Redevelopment Project Area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the Redevelopment Project Area.

*Utilities are deteriorated, antiquated, obsolete and in disrepair in the **Redevelopment Project Area**. According to the City, in general most of the storm, water, and sanitary systems in the **Redevelopment Project Area** need updating. Repairs and emergencies are ongoing. Significant rains usually result in overflow problems throughout downtown. These problems are throughout the entire **Redevelopment Project Area**.*

- (i) **Deleterious land use or layout.** The existence of incompatible land-use relationships, buildings inhabited by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

*There are residential uses adjacent to the Public Works Building, Armory, School, and commercial building both in and bordering the **Redevelopment Project Area**. No buffering stands between uses. These uses are unsuitable uses for the surrounding residential area, especially without buffering.*

Table 2: Rating Survey, documents blocks with these conditions.

- (k) **Lack of community planning.** The proposed Redevelopment Project Area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan, or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence.

Development occurred prior to the adoption of the municipality of a comprehensive plan. There are incompatible land use relationships which residential next to commercial and military without buffering. The armory and its out buildings along with the public works facility sit within a residential area. There are parcels of inadequate shape and size to meet contemporary development standards. The school and the other institutional uses are not buffered from adjacent residential properties.

Table 2: Rating Survey, documents blocks that evidence these conditions.

- (l) **Environmental clean-up.** The proposed Redevelopment Project Area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the Redevelopment Project Area.

Though no parcels have been identified by the Environmental Protection Agency as having a need for cleanup of hazardous waste or hazardous substances. The armory and its buildings are likely to need this type of environmental clean-up. The school may need asbestos clean-up. Development of these parcels may require that these problems be addressed.

- (m) **The total equalized assessed value of the proposed Redevelopment Project Area has declined for three (3) of the last five (5) calendar years** prior to the year in which the **Redevelopment Project Area** is designated, or is increasing at an annual rate that is less than the balance of the municipality for three (3) of the last five (5) calendar years for which information is available, or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for three (3) of the last five (5) calendar years prior to the year in which the Redevelopment Project Area is designated.

The chart below indicates that the **Redevelopment Project Area** did not meet this factor. Neither did the **EAV of the Redevelopment Project Area** decrease three of last five years nor was the rate of increase of the **EAV in the Redevelopment Project Area** was less than that of the balance of the **City's** for three of the last five years for which information is available. Part of the reason for this is that a large number of the parcels were already tax exempt and recorded at with an EAV of \$0.

RPA EAV	\$ 318,614	\$ 323,403	\$ 321,153	\$ 305,733	\$ 291,676	\$ 272,373	\$ 261,894
% Change	-1%	1%	5%	5%	7%	4%	
Citywide EAV		\$ 318,510,411	\$ 323,356,989	\$ 319,297,876	\$ 310,042,883	\$ 288,434,283	\$ 261,607,094
% Change		-1%	1%	3%	7%	10%	
City-RPA EAV		\$ 318,187,008	\$ 323,035,836	\$ 318,992,143	\$ 309,751,207	\$ 288,161,910	\$ 261,345,200
% Change		-2%	1%	3%	7%	10%	

The review of the Improved Land in the Redevelopment Project Area, according to the thirteen factors applicable to Improved Land, shows that it qualifies as a Blighted Area having met seven of the thirteen factors, which are present to a meaningful extent. Five are required. The factors are also reasonably present and distributed throughout the Improved Land in the Redevelopment Project Area.

D. Eligibility of a Blighted Area for Vacant Land

There is no Vacant Land in the Redevelopment Project Area. Therefore, this section does not apply.

E. Eligibility of a Conservation Area for Improved Land

Improved Land must meet the factors for Conservation Area. Three factors plus a requirement that 50% or more of structures must be 35 years of age or older must be met for Conservation Area designation to determine that these factors are detrimental to the public safety, health, morals or welfare, and such an area may become a Blighted Area. In this case data were not available to document the age of structures on the Improved Land within the Redevelopment Project Area. Therefore, the Redevelopment Project Area will not be qualified based on the Conservation designation. Based on visual analysis it would qualify for this designation.

F. Eligibility of an Industrial Park Conservation Area

“Industrial Park Conservation Area” means an area within the boundaries of a Redevelopment Project Area located within the territorial limits of a municipality that is a labor surplus municipality or within 1½ miles of the territorial limits of a municipality that is a labor surplus area if the area is annexed to the municipality; which area is zoned industrial no later than at the time the municipality by ordinance designates the Redevelopment Project Area, and which area

includes both **Vacant Land** suitable for use as an industrial park and a blighted area or conservation area contiguous to such **Vacant Land**.

The **Redevelopment Project Area** is not being qualified as an **Industrial Park Conservation Area**.

IV. ELIGIBILITY CONCLUSIONS

This report concludes that the Oakland-Sycamore Redevelopment Project Area #3 is eligible for Tax Increment Finance (“TIF”) designation as a **Blighted Area Improved Land**.

Analysis of Factors for Designation as a “TIF”

Blighted Area

The **Redevelopment Project Area** meets the requirements of the **Act** for designation of **Improved Land** as a **Blighted Area**.

Improved Land

The **Redevelopment Project Area** meets the requirements of Section 11-74.4-3 (a) (1), (B), (C), (D), (F), (H), (J), and (L) of the **Act** for designation of **Improved Land** as a **Blighted Area**.

For designation as a **Blighted Area** for **Improved Land**, five or more of thirteen factors must be met. The following seven factors are present in the **Improved Land**:

- Obsolescence
- Deterioration
- Below Minimum Code
- Deleterious Land Use or Layout
- Excessive Vacancies
- Inadequate utilities
- Community Planning

Analysis of Factors Presence and Distribution

There must be a reasonable presence of and distribution of these factors in the **Redevelopment Project Area**, as stated in the **Act**. The factors presented are reasonably present and distributed in the **Improved Land** in the **Redevelopment Project Area**.

Analysis of Size Requirements

The **Redevelopment Project Area** includes approximately 16.25 acres, in excess of the minimum 1½ acres required by the **Act**.

Analysis of Evidence Lack of Development by Private Enterprise

There are excessive vacancies.

The largest parcels in the **Redevelopment Project Area** are tax exempt and, therefore, have no Equalized Assessed Valuation (“EAV”).

The **City** has pursued developers, but without financial incentives, has been unable to attract developers to the **Redevelopment Project Area**. The obsolete and deteriorated nature of residential and governmental properties has resulted in little development in these areas as compared to other projects in the Enterprise Zone and existing downtown **TIF**.

Some buildings must now be demolished and redeveloped to code standards. Many buildings need to be rehabilitated and redeveloped to meet code standards to the extent possible.

Property throughout the **Redevelopment Project Area** lacks adequate drainage, making development cost prohibitive.

This land has costly development challenges and will not develop or redevelop without assistance as found in this Redevelopment Plan

This compares to the \$ 21,655,000 of development in the nearby TIF and the Enterprise Zones which have been able to address some of these factors.

Determination that TIF Funds are Financially Necessary for Private Investment

The **Redevelopment Project Area** as a whole is adversely impacted by the presence of **Blighted Area** factors and these factors are reasonably distributed throughout the **Redevelopment Project Area**. These factors go beyond normal development needs and **TIF** funds will be necessary to finance redevelopment activities.

Improved Land will need public improvements. Drainage especially needs to be addressed.

Some building will need to be demolished as they do not meet modern day standards. This is especially true on the armory outbuildings and some demolition may be needed on the school site. Where possible, code compliance will need to be addressed making the expense of redevelopment well beyond normal.

EPA remediation will need to be addressed on the armory site if problems area identified. These will present extraordinary costs. Asbestos removal, if found in the school, will need to be addressed.

Analysis of Inhabited and Demolition of Residential Units

The **City** determined that there are 6 inhabited residential units (7 total residential units) within the **Redevelopment Project Area**. This is less than seventy five inhabited residential units and ten demolitions (less than ten housing units) that require special notification of residents and a housing impact study.

The City, based on the Consultant's analysis of the above factors and recommendation, concludes that the Redevelopment Project Area qualifies as a Blighted Area for Improved Land as defined in State statute and is in need of revitalization and guided growth to ensure that it will contribute to the long-term physical, economic, and social well-being of the City.

TABLES

Table 1: Parcel Number and Five-Year EAV History

OAKLAND-SYCAMORE REDEVELOPMENT PROJECT AREA #3

PIN #	TOTAL EAV						
	2012	2011	2010	2009	2008	2007	2006
15-16-355-019	17621	17886	17762	16956	16176	14656	14093
15-17-478-040	27060	27467	27276	26040	24843	22182	21329
15-17-480-005	0	0	0	0	0	0	0
15-17-480-006	0	0	0	0	0	0	0
15-17-480-007	43182	43831	43526	41553	39642	39642	38117
15-17-481-022	30581	31041	30825	29427	28074	24175	23245
15-17-481-024	0	0	0	0	0	0	0
15-21-101-001	23601	23956	23789	22711	21667	21667	20833
15-21-101-002	14317	14532	14431	13776	13143	15879	15268
15-21-101-003	22159	22492	22336	21323	20343	17190	16529
15-21-101-004	18406	18683	18553	17712	16898	15072	14492
15-21-101-005	19989	20289	20147	19233	18349	17276	16611
15-21-101-006	33235	33734	33499	31980	30509	25858	24863
15-21-101-007	22798	23141	22980	21938	20929	18914	18186
15-21-101-008	23153	23501	23338	22280	21255	21536	20707
15-21-104-001	22512	22850	22691	20804	19848	18326	17621
15-21-104-021	0	0	0	0	0	0	0
15-21-104-024	0	0	0	0	0	0	0
15-21-104-026	0	0	0	0	0	0	0
15-21-110-001	0	0	0	0	0	0	0
15-21-110-002	0	0	0	0	0	0	0
15-21-110-003	0	0	0	0	0	0	0

Table 2: Block Survey Improved Land

OAKLAND-SYCAMORE REDEVELOPMENT PROJECT AREA #3

BLOCKS			Below	Excessive	Lack of	Land	Inadequate	Deleterious	Community
	Obsolescence	Deterioration	Code	Vacancy	Ventilation	Coverage	Utilities	Land Use	Planning
15-17-480	x	x	x				x	x	x
15-17-481	x	x	x	x			x	x	x
15-16-355	x	x	x				x	x	x
15-21-101	x	x	x				x	x	x
15-21-104	x	x	x	x			x	x	x
15-21-110	x	x	x	x			x		x

ATTACHMENTS

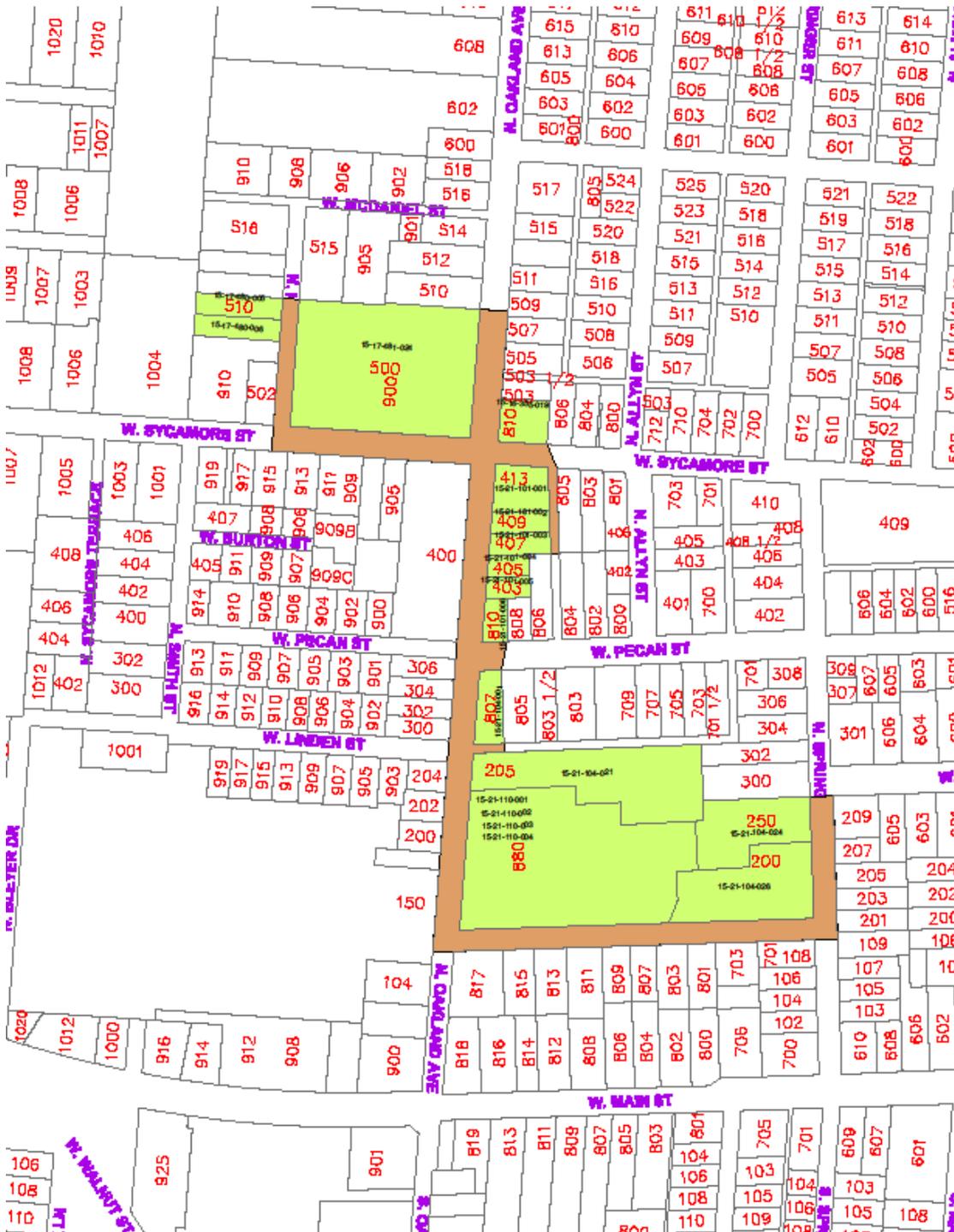
Attachment 1: Legal Description

Legal Description for City of Carbondale Oakland-Sycamore Redevelopment Project Area #3

Beginning at the northwest corner of Lot 9 in William C. Etherton's Subdivision the City of Carbondale, Jackson County, Illinois;
thence easterly along the North line of said Lot 9 to the northeast corner thereof;
thence easterly to the northwest corner of Lot 16 in said William C. Atherton's Subdivision;
thence easterly to the northeast corner of said Lot 16;
thence northerly along the east line of said Lot 16 to the southwest corner of Tax Parcel Number 15-17-481-018;
thence easterly along the south line of said Tax Parcel Number 15-17-481-018 to the southeast corner thereof;
thence easterly along the easterly projection of the South line of said Tax Parcel Number 15-17-481-018 to the East right of way line of Oakland Avenue;
thence southerly along the East right of way line of Oakland Avenue and its prolongations to a point lying 100 feet North of the southwest corner of Lot 133 in Oakland Heights Addition to the City of Carbondale, Jackson County, Illinois;
thence easterly along a line parallel with the North right of way line of Sycamore Street to the East line of Lot 134 in said Oakland Heights Addition;
thence southerly along the East line of said Lot 134 to the southeast corner thereof;
thence southeasterly to the northwest corner of Lot 812 in McGuire and Lauder's Addition to the City of Carbondale, Jackson County, Illinois;
thence southerly along the West lines of Lots 812 through 815 in said McGuire and Lauder's Addition to the southwest corner of said Lot 815;
thence westerly to the southeast corner of Lot 831 in said McGuire and Lauder's Addition;
thence westerly along the South line of said Lot 831 to the northeast corner of Tax Parcel Number 15-21-101-004;
thence southerly along the East line of Tax Parcel Numbers 15-21-101-004 and 15-21-101-005 to the southeast corner of said Tax Parcel Number 15-21-101-005;
thence westerly along the south line of said Tax Parcel Number 15-21-101-005 to the northeast corner of Tax Parcel Number 15-21-101-006;
thence southerly along the East line of said Tax Parcel Number 15-21-101-006 to the southeast corner thereof;
thence southerly to the northeast corner of Lot 826 in said McGuire and Lauder's Addition;
thence southerly along the East line of said Lot 826 and its southerly prolongation to the common line between said McGuire and Lauder's Addition and Carbondale Community High School Central Campus Subdivision (Second Plat);
thence easterly along said common line, also being the South line of a public alley and the North line of Lot 1A in Carbondale Community High School Central Campus Subdivision (Second Plat) to the northeast corner of said Lot 1A;
thence southerly along the East line of said Lot 1A to the southwest corner of Lot 1B in said Carbondale Community High School Central Campus Subdivision (Second Plat) to the southeast corner of said Lot 1B;

thence easterly along the North line of said Lot 1B to the northeast corner thereof;
thence easterly to the intersection of the South right of way line of Oak Street with the East right of way line of Springer Street;
thence southerly along the East right of way line of Springer Street to its intersection with the easterly prolongation of the south right of way line of High Street;
thence westerly along said easterly prolongation and the South right of way line of High Street to the West right of way line of Oakland Avenue;
thence northerly along the West right of way line of Oakland Avenue and its prolongations to the intersection with the South right of way line of Sycamore Street;
thence westerly along the South right of way line of Sycamore Street to its intersection with the southerly prolongation of the West right of way line of Helen Street;
thence northerly along said southerly prolongation and the West right of way line of Helen Street to the southeast corner of Lot 8 in William C. Etherton's Subdivision;
thence westerly along the South line of said Lot 8 to the southwest corner thereof;
thence northerly along the West line of said William C. Etherton's Subdivision to the point of beginning.

Attachment 3: Map



Attachment 3: Photos

The following photos are examples of conditions within the **Redevelopment Project Area**:



School Deterioration



School Deterioration, Obsolescence



Housing Deterioration



Housing Deterioration



Building Deterioration



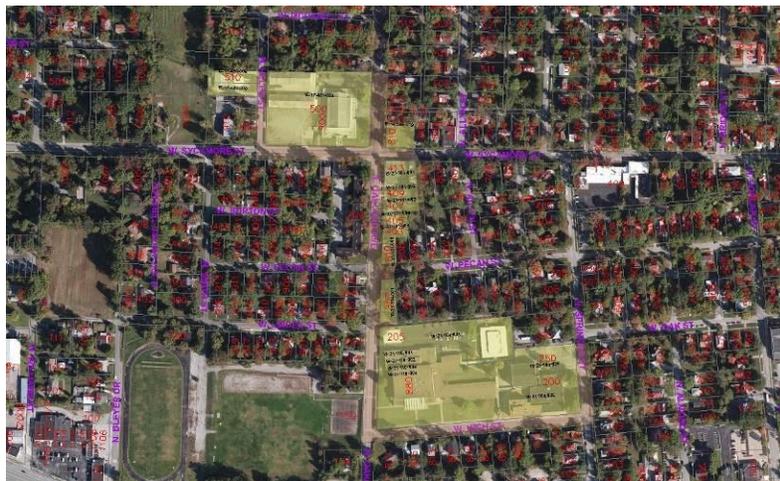
Armory Deterioration, Possible Environmental Contamination



Armory Deterioration, Obsolescence



Public Works Building Deterioration



Armory and Public Works At One End, School Campus At Other
With No Buffering Uses From Housing

APPENDIX

Appendix A: Findings

(65 ILCS 5/11-74.4-2) (from Ch. 24, par. 11-74.4-2)

Sec. 11-74.4-2. (a) It is hereby found and declared that there exist in many municipalities within this State blighted conservation and industrial park conservation areas, as defined herein; that the conservation areas are rapidly deteriorating and declining and may soon become blighted areas if their decline is not checked; that the stable economic and physical development of the blighted areas, conservation areas and industrial park conservation areas is endangered by the presence of blighting factors as manifested by progressive and advanced deterioration of structures, by the reuse of housing and other facilities, by a lack of physical maintenance of existing structures, by obsolete and inadequate community facilities and a lack of sound community planning, by obsolete platting, diversity of ownership, excessive tax and special assessment delinquencies, by the growth of a large surplus of workers who lack the skills to meet existing or potential employment opportunities or by a combination of these factors; that as a result of the existence of blighted areas and areas requiring conservation, there is an excessive and disproportionate expenditure of public funds, inadequate public and private investment, unmarketability of property, growth in delinquencies and crime, and housing and zoning law violations in such areas together with an abnormal exodus of families and businesses so that the decline of these areas impairs the value of private investments and threatens the sound growth and the tax base of taxing districts in such areas, and threatens the health, safety, morals, and welfare of the public and that the industrial park conservation areas include under-utilized areas which, if developed as industrial parks, will promote industrial and transportation activities, thereby reducing the evils attendant upon involuntary unemployment and enhancing the public health and welfare of this State.

(b) It is hereby found and declared that in order to promote and protect the health, safety, morals, and welfare of the public, that blighted conditions need to be eradicated and conservation measures instituted, and that redevelopment of such areas be undertaken; that to remove and alleviate adverse conditions it is necessary to encourage private investment and restore and enhance the tax base of the taxing districts in such areas by the development or redevelopment of project areas. The eradication of blighted areas and treatment and improvement of conservation areas and industrial park conservation areas by redevelopment projects is hereby declared to be essential to the public interest.

(c) It is found and declared that the use of incremental tax revenues derived from the tax rates of various taxing districts in redevelopment project areas for the payment of redevelopment project costs is of benefit to said taxing districts for the reasons that taxing districts located in redevelopment project areas would not derive the benefits of an increased assessment base without the benefits of tax increment financing, all surplus tax revenues are turned over to the taxing districts in redevelopment project areas and all said districts benefit from the removal of blighted conditions, the eradication of conditions requiring conservation measures, and the development of industrial parks.

(Source: P.A. 84-1090.)

Appendix B: Definitions

As defined in the Act, blighted area means any improved or vacant area within the boundaries of a Redevelopment Project Area located within the territorial limits of the municipality where, if improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health or welfare based on the documented presence of five of thirteen specific factors that are reasonably distributed throughout the improved part of the Redevelopment Project Area and where if vacant, the sound growth of the redevelopment project area is impaired by a combination of two(2) or more of six specific factors in one criterion or one (1) or more of six specific factors in a second criterion with documented presence and that the factors are reasonably distributed throughout the Redevelopment Project Area.

As defined in the Act, conservation area means any improved area within the boundaries of a Redevelopment Project Area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of the documented presence of three (3) or more of the specific factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area.

As defined in the Act, industrial park conservation area means an area within the boundaries of a Redevelopment Project Area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 ½ miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the Redevelopment Project Area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

As defined in the Act, vacant land means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

Appendix C: Eligibility Definitions

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are uninhabited or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate.

Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land use relationships, buildings inhabited by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other

public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land. (E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or City center by ordinance or comprehensive plan adopted prior to September 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have

an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are uninhabited or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings inhabited by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, or facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.