

**DEVON/ROHLWING  
REDEVELOPMENT PROJECT AREA**

**REDEVELOPMENT PLAN AND PROJECT**

***DRAFT***

**Prepared for:  
Elk Grove Village**

**By:  
Camiros, Ltd.**

**September, 1999**

**This plan is subject to review and may be revised after comment and public hearing**

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## 1. INTRODUCTION

This document presents a Tax Increment Financing Redevelopment Plan and Project (hereinafter referred to as the "Plan") pursuant to the Tax Increment Allocation Redevelopment Act (65 ILCS 5/11-74.1 *et seq.*), as amended (the "Act") for the Devon/Rohlwing Redevelopment Area in Elk Grove Village, Illinois (the "Village"). The Redevelopment Project Area (the "Area") includes three commercial parcels located on the north side of Devon Avenue between Nerge Road and Rohlwing Road. The Plan responds to problem conditions within the Area and reflects a commitment by the Village to revitalize the Area.

This Plan presents research and analysis undertaken to document the eligibility of the Area for designation as a "blighted area" tax increment financing district. The need for public intervention, goals and objectives, land use policies and other policy materials are presented in this Plan. The results of a study documenting the eligibility of the Area as a blighted area are presented in Appendix B, Eligibility Report, (the "Study").

### **Tax Increment Financing**

In adopting the Act, the Illinois State Legislature found at 5/11-74.4-2(a) 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...

and at 5/11-74.4-2(b) 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... 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.

In order to use the tax increment financing technique, a municipality must first establish that the proposed redevelopment project area meets the statutory criteria for designation as a "blighted area," a "conservation area" or an "industrial park conservation area." A redevelopment plan must then be prepared which describes the development or redevelopment program intended to be undertaken to reduce or eliminate those conditions which qualified the redevelopment project

area as a “blighted area,” “conservation area,” or combination thereof, or “industrial park conservation area,” and thereby enhance the tax bases of the taxing districts which extend into the redevelopment project area. The statutory requirements are set out at 65 Sec 5/11-74.4-3, et seq.

The Act provides that, in order to be adopted, a Plan must meet the following conditions under 74.4-3(n):

(1) ... the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not be reasonably anticipated to be developed without the adoption of the redevelopment plan, (2) ... the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality, (3) the redevelopment plan establishes the estimated dates [which shall not be more than 23 years from the adoption of the ordinance approving the redevelopment project area] of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs, (4) in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area, and (5) if any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986 the municipality finds (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

Redevelopment projects are defined as any public or private development projects undertaken in furtherance of the objectives of the redevelopment plan.

The Village authorized an evaluation of whether a portion of the Village known as the Devon/Rohlwing Redevelopment Area, qualifies for designation as a “conservation area,” pursuant to the provisions contained in the Act. If the area so qualified, the Village requested the preparation of a redevelopment plan for the redevelopment project area in accordance with the requirements of the Act.

### **Redevelopment Project Area Overview**

The Area includes two neighborhood shopping centers and one outlot located on the north side of Devon Avenue between Nerge Road and Rohlwing Road. The Area has suffered from a lack of private investment in property improvement as evidenced by deteriorated buildings and parking lots, code violations and functionally obsolete commercial buildings, excessive vacancies and inappropriate commercial uses.

The Area, as a whole, has not been subject to growth and development by private enterprise and is not reasonably anticipated to be developed without the adoption of the Plan. The study, attached hereto as Appendix B, concluded that property in the Area suffers obsolescence, which in turn has led to deterioration, excessive vacancies, declining or stagnant equalized assessed valuations, and other negative conditions.

The purpose of this Plan is to provide the stimulus needed to revitalize the Area. To accomplish that, the Plan will create a mechanism to:

1. Replace obsolete and underutilized commercial buildings with viable commercial uses.
2. Improve the Redevelopment Project Area's physical environment and infrastructure.
3. Expand the tax base of the Area.

### **Summary of Findings**

The Area is appropriate for designation as a "blighted area" in accordance with the Act. Based on the following summary of findings:

- 1) The Area has not been subject to growth and development through private enterprise.
- 2) The continued lack of growth and development will exacerbate conditions of obsolescence and blight, causing further disinvestment.
- 3) The Area is not reasonably anticipated to be developed by private enterprise without public intervention and the adoption of this Plan.
- 4) The Area meets the requirements for designation as a "blighted area" under both the current eligibility requirements and the recently enacted amendment to the Act because five or more of the required eligibility criteria conditions are present including:
  - Depreciation of physical maintenance
  - Deterioration
  - Deleterious land use or layout
  - Excessive vacancies
  - Lack of ventilation, light or sanitary facilities
  - Obsolescence
  - Stagnant or declining equalized assessed valuation
- 5) The conditions outlined above are distributed throughout the Area.

The Plan has been formulated in accordance with the provisions of the Act. This document is a guide to all proposed public and private actions in the Area.

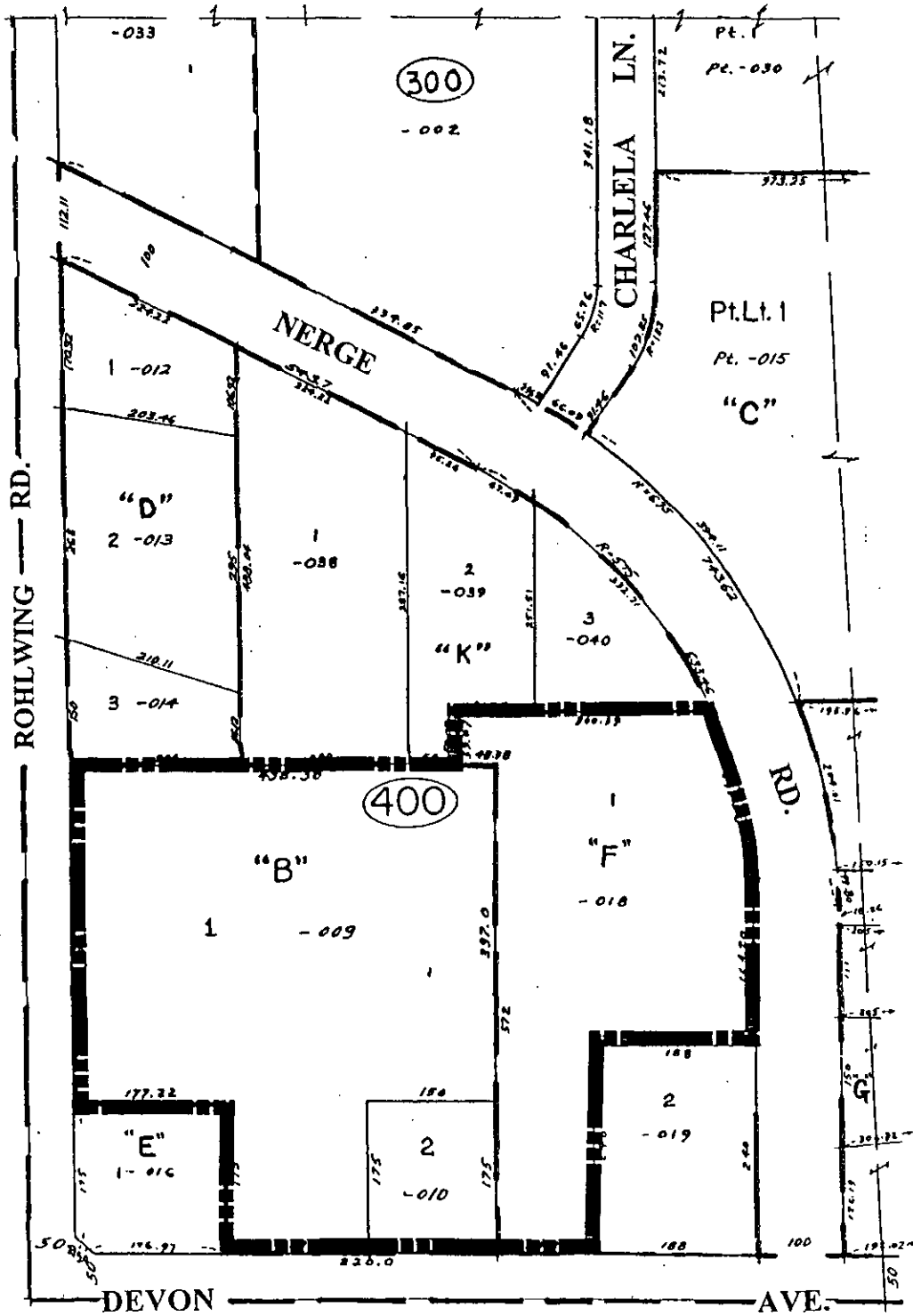
## 2. PROJECT AREA DESCRIPTION

The land to be designated as the Devon/ Rohlwing Redevelopment Project Area is shown in Figure 1, Boundary Map. The Area is approximately 9.15 acres in size. A legal description of the Area is included as Appendix A of this document. The proposed Area includes only those contiguous parcels, which are anticipated to be substantially benefited by the proposed redevelopment project improvements and qualifies for designation as a “blighted area.”

Existing land use within the Area consists of a two shopping centers under separate ownership and one commercial outlot, as shown in Figure 2, These centers which date from the mid-1970s are located between Rohlwing Road and Nerge Road on the north side of Devon Avenue. The outlot contains a fast food restaurant and a billiard parlor.

The larger of the two shopping centers has access from Rohlwing Road and Devon Avenue. This center includes a restaurant, several smaller businesses and three vacant storefronts. The space originally occupied by a grocery store which left the center a number of years ago, is now occupied by an antique mall that rents booth space to a number of small dealers. This use has also expanded into the second largest space in the center. However, there has been no attempt to connect these spaces with an interior opening between the two adjacent spaces. As a result customers must exit the space and enter the next from the exterior of the building to visit all of the booths that make up the antique mart.

The main anchor of the second shopping center, which can be accessed from either Devon Avenue or Nerge Road, is a sports bar. The eastern portion of this center contains second story office space. This center also is occupied by a number of marginal uses and vacant storefronts. Much of the second-story office space also appears to be vacant.

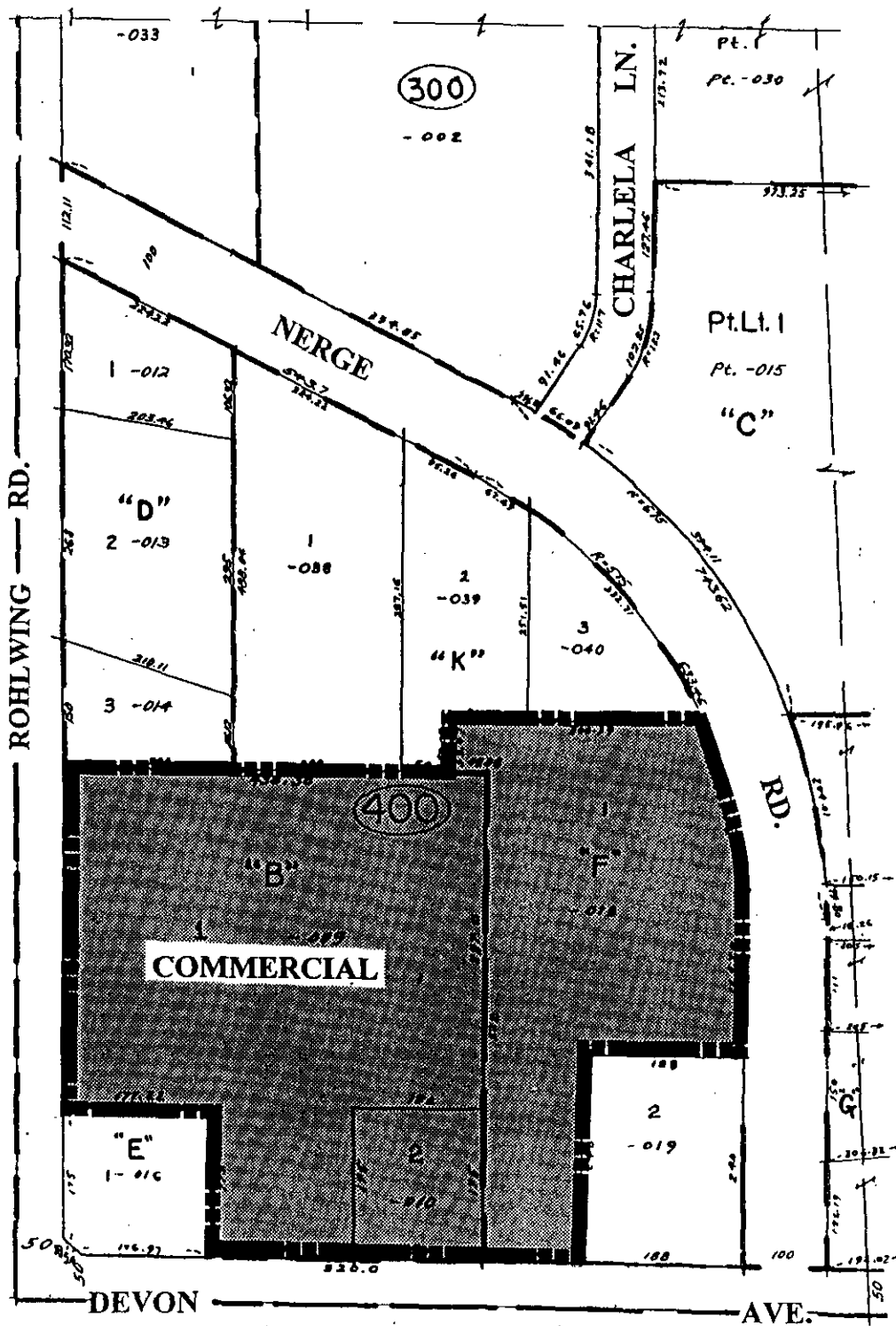


NORTH

DEVON/ROHLWIN  
REDEVELOPMENT  
PROJECT AREA

FIGURE 1  
BOUNDARY MAP





**FIGURE 2  
EXISTING LAND USE**

### **3. ELIGIBILITY OF THE REDEVELOPMENT PROJECT AREA FOR DESIGNATION AS A CONSERVATION AREA**

The Area has declined significantly in recent years and will not regain long-term viability without the adoption of this Plan. The commercial uses within the Area have become increasingly obsolete.

In August and September 1999, a study was undertaken by Camiros, Ltd. to determine whether the proposed Area is eligible for designation as a blighted area in accordance with the requirements of the Act. This analysis concluded that the Area so qualifies.

In order to qualify as blighted, the presence of five conditions listed in the Act is required for designation of improved property as a blighted area. Because this Redevelopment Plan and Project is being considered during the transition from the current set of eligibility factors to a new set of criteria as contained in recent amendments to the Act, both sets of eligibility factors were considered during in the eligibility study. Under either set of criteria for improved property, six factors are present within the Redevelopment Project Area.

The following factors were found to be present to a major extent:

- Depreciation of physical maintenance
- Deterioration
- Deleterious land use or layout
- Excessive vacancies
- Lack of light ventilation or sanitary facilities
- Obsolescence
- Stagnant or declining equalized assessed valuation

For more detail on the basis for eligibility, refer to the study in Appendix B.

#### **Need for Public Intervention**

The Area on the whole has not been subject to significant growth and development through investment by private enterprise. Based on present conditions and the fact that the property is owned by several different parties, the Area is not likely to be developed without the adoption of the Plan. Further decline in the Area will occur in the absence of private-sector investment, and blight within the Area will eventually have a blighting effect on adjacent residential areas.

#### **4. REDEVELOPMENT PLAN GOALS AND OBJECTIVES**

The proposed Devon/Rohlwing Redevelopment Plan is consistent with the Elk Grove Village Comprehensive Plan and zoning for the Area.

The following community goals and redevelopment objectives serve as the policy framework for this Redevelopment Plan.

##### **Community Goals:**

- Reduce deleterious conditions present within the Area.
- Outline a pattern for future land use and development that will enhance the Village's commercial base.
- Promote job creation and local employment.
- Enhance the tax base of the Redevelopment Project Area.

##### **Redevelopment Objectives:**

- Encourage private investment in the Redevelopment Project Area.
- Provide opportunities for commercial development where there is demonstrated market support.

## **5. REDEVELOPMENT PLAN**

The Village proposes to achieve the Plan's goals and through the use of public financing techniques, including tax increment financing, and by undertaking some or all of the following actions:

### **Property Assembly and Site Preparation**

To meet the goals and objectives of this Plan, the Village may acquire and assemble property throughout the Area. Land assemblage by the Village may be by purchase, exchange, donation, lease or eminent domain and may be for the purpose of (a) sale, lease or conveyance to private developers, or (b) sale, lease, conveyance or dedication for the construction of public improvements or facilities. Furthermore, the Village may require written redevelopment agreements with developers before acquiring any properties.

### **Redevelopment Agreements**

The Village may enter into redevelopment agreements with private entities to construct, rehabilitate, renovate or restore private or public improvements on one or several parcels (collectively referred to as the "Redevelopment Project").

Terms of redevelopment as part of this redevelopment project may be incorporated in appropriate redevelopment agreements. For example, the Village may agree to reimburse a redeveloper for incurring certain eligible redevelopment project costs under the Act. Such agreements may contain specific development controls as allowed by the Act.

### **Analysis, Professional Services and Administrative Activities**

The Village may undertake or engage professional consultants, engineers, architects, attorneys, and others to conduct various analyses, studies, administrative or legal services to establish, implement and manage this Redevelopment Plan.

### **Interest Costs Pursuant to the Act**

Pursuant to the Act, the City may allocate a portion of the incremental tax revenues to pay or reimburse redevelopers for interest costs incurred in connection with redevelopment activities in order to enhance the redevelopment potential of the Redevelopment Project Area.

## **6. REDEVELOPMENT PROJECT DESCRIPTION**

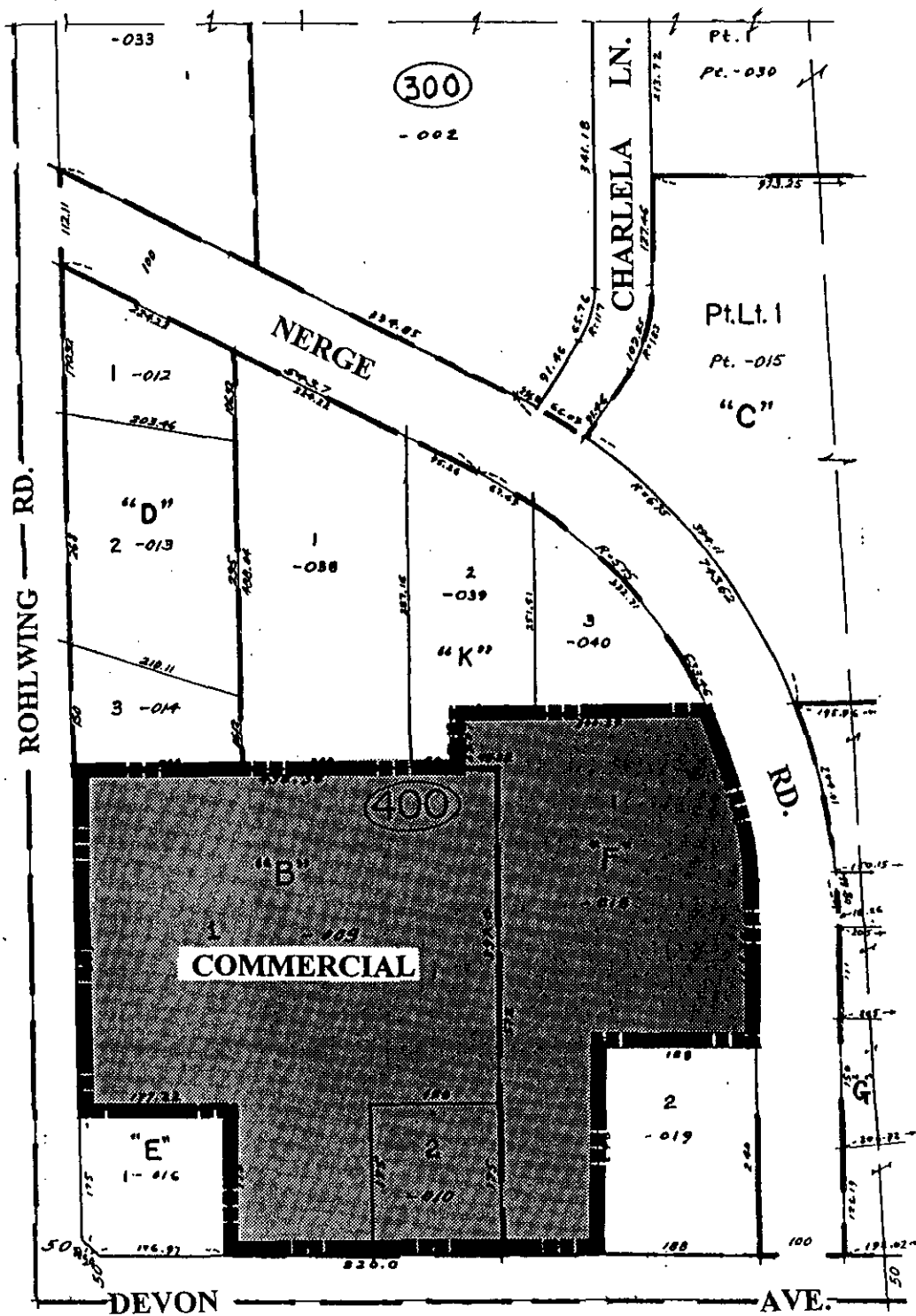
The Plan seeks to create a strong retail center and eliminate blighted conditions present in the Area. This Plan recognizes that new investment in commercial property is needed to achieve revitalization. Property within the Area has not received the kind of reinvestment needed to keep the Area well-maintained and prevent the Area from becoming blighted. Improvements to public infrastructure and facilities may be needed to complement and attract private sector investment. However, the main focus of this Plan is expected to involve assembly of property to allow private sector redevelopment of the Redevelopment Project Area to be undertaken.

## **7. GENERAL LAND USE PLAN AND MAP**

The land uses proposed in the Area are consistent with the Elk Grove Village Comprehensive Plan and current zoning. Figure 3, General Land Use Plan, identifies land uses expected to result from implementation of the Plan in the Area. The entire Area is expected to be redeveloped for modern commercial use.

The land use strategies formulated are intended to direct development toward the most appropriate land use pattern in each area and enhance the overall development of the Area in accordance with the goals and objectives of the Plan.

The Area is entirely commercial and does not contain any residential units. Therefore, no households will be displaced, which would trigger a required housing impact study. This plan contains a certification in anticipation of the effective date of recent amendments to the Act that there are no residential units and that as a result displacement will not occur.



NORTH

**DEVON/ROHLWIN  
REDEVELOPMENT  
PROJECT AREA**

**FIGURE 3  
GENERAL LAND USE PLAN**

## **8. REDEVELOPMENT PLAN FINANCING**

Tax increment financing is an economic development tool designed to facilitate the redevelopment of blighted areas and to arrest decline in areas that may become blighted without public intervention. It is expected that tax increment financing will be an important means, although not necessarily the only means, of financing improvements and providing development incentives in the Area throughout its twenty-three year life.

Tax increment financing can only be used when private investment would not reasonably be expected to occur without public assistance. The Act sets forth the range of public assistance that may be provided.

It is anticipated that expenditures for redevelopment project costs will be carefully staged in a reasonable and proportional basis to coincide with expenditures for redevelopment by private developers and the projected availability of tax increment revenues.

### **Eligible Project Costs**

Redevelopment project costs include the sum total of all reasonable, or necessary, costs incurred, or estimated to be incurred, and any such costs incidental to this Plan. Eligible costs may include, without limitation, the following:

1. Professional services including: costs of studies and surveys, development plans and specifications, implementation and administration of the Plan including, but not limited to, staff and professional service costs, and including, but not limited to, architectural, engineering, legal, marketing, financial, planning or other special services, provided however, that no charges for professional services may be based on a percentage of the tax increment collected.
2. Property assembly costs, including, but not limited to, acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, reimbursement of acquisition costs incurred by private developers, and the clearing and grading of land and environmental remediation.
3. Costs of rehabilitation, reconstruction, repair or remodeling of existing public or private buildings and fixtures.
4. Costs of the construction of public works or improvements.



5. Costs of job training and retraining projects, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts as provided in the Act.
6. Financing costs, including, but not limited to, all necessary and incidental expenses related to the issuance of obligations and, which may include payment of interest on any obligations issued under the Act, accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and not exceeding 36 months thereafter and including reasonable reserves related thereto.
7. All, or a portion, of a taxing district's costs as defined in the Act, resulting from the Redevelopment Project necessarily incurred, or to be incurred, in furtherance of the Plan, to the extent the City, by written agreement, accepts and approves such costs.
8. Relocation costs, to the extent that the City determines that relocation costs shall be paid, or that the City is required to make payment of relocation costs by state or federal law.
9. Payment in lieu of taxes.
10. Interest costs incurred by a developer related to site-specific redevelopment, as provided in the Act.

The cost of constructing new privately-owned buildings is not an eligible redevelopment project cost, unless specifically authorized by the Act.

### **Estimated Project Costs**

A range of activities and improvements may be required to implement the Plan. The proposed eligible activities and their estimated costs over the course of the twenty-three year life of the Area are briefly described below and also shown in Table 1.

1. Professional services including planning, legal, surveys, fees and other related development costs. This budget element provides for studies and survey costs for planning and implementation of the project, including planning and legal fees, architectural and engineering, marketing, financial and special service costs. (*Estimated cost: \$200,000*)
2. Property assembly costs, including acquisition of land and other property, real or personal, or rights or interests therein, and other appropriate and eligible costs needed to prepare the property for redevelopment. These costs may include the reimbursement of acquisition costs incurred by private developers. Land acquisition may include acquisition of both improved and vacant property in order to create development sites, accommodate public rights-of-way or to provide other public facilities needed to achieve the goals and objectives of this redevelopment plan. Property assembly costs also include: demolition of existing improvements, including clearance of blighted properties or clearance required to prepare sites for new development, site preparation, including grading, and other appropriate and eligible site activities needed to facilitate new construction, and environmental remediation costs associated with property assembly

which are required to render the property suitable for redevelopment. (*Estimated cost: \$6,500,000*)

3. Interest costs associated with redevelopment project financing, pursuant to the provisions of the Act. (*Estimated cost: \$1,000,000*)

**Table 1**

**ESTIMATED REDEVELOPMENT PROJECT COSTS**

<b>Program Action/Improvement</b>	<b>Budget</b>
Planning, Legal, Surveys and Related Development Costs	\$ 200,000
Property Assembly and Site Preparation	\$6,500,000
Interest Costs	\$1,000,000
<b>TOTAL</b>	<b>\$7,700,000 (1) (2) (3)</b>

- (1) *The total Estimated Redevelopment Project Costs exclude any additional financing costs, including any interest expense, capitalized interest and costs associated with optional redemptions. These costs are subject to prevailing market conditions and are in addition to Total Project Costs.*
- (2) *The total Estimated Redevelopment Project Costs provides an upper limit on expenditures and adjustments may be made in line items without amendment to this Plan.*
- (3) *The inclusion of these costs in no way obligates the Village to expend the full amount of the budget.*

The estimated gross eligible project cost is \$7,700,000. All project cost estimates are in 1999 dollars. The foregoing simply describes the eligible costs of the project. At this time, the maximum amount of eligible project costs to be paid by the Village through incremental tax revenues is expected to be between \$3 and \$4 million.

Any bonds issued to finance portions of the redevelopment project may include an amount of proceeds sufficient to pay customary and reasonable charges associated with issuance of such obligations, as well as to provide for capitalized interest and reasonably required reserves. The total project cost figure excludes any costs for the issuance of bonds. Adjustments to estimated line items, which are upper estimates for these costs, are expected and may be made without amendment to this Plan.

**Sources of Funds**

Funds necessary to pay for redevelopment project costs and municipal obligations, which have been issued to pay for such costs, are to be derived principally from tax increment revenues and proceeds from municipal obligations, which have as their source of payment tax increment revenue. To secure the issuance of these obligations, the Village may permit the utilization of guarantees, deposits and other forms of security made available by private sector developers.

The tax increment revenue, which will be used to fund tax increment obligations and redevelopment project costs, shall be the incremental real property taxes. Incremental real property tax revenue is attributable to the increase in the current equalized assessed value of each

taxable lot, block, tract or parcel of real property in the Area over and above the initial equalized assessed value of each such property in the Area. Other sources of funds, which may be used to pay for redevelopment costs and obligations issued, the proceeds of which are used to pay for such costs, are land disposition proceeds, state and federal grants, investment income, and such other sources of funds and revenues as the Village may, from time to time, deem appropriate. The Village may incur Redevelopment Project Costs which are paid for from funds of the Village other than incremental taxes, and the Village may then be reimbursed for such costs from incremental taxes.

Development of the Area would not be reasonably expected to occur without the use of the incremental revenues provided by the Act. Redevelopment project costs include those eligible project costs set forth in the Act. Tax increment financing or other public sources will be used only to the extent needed to secure commitments for private redevelopment activity.

### **Nature and Term of Obligations to be Issued**

The Village may issue obligations secured by the tax increment special tax allocation fund, established for the Area, pursuant to the Act or such other funds or security as are available to the Village by virtue of its powers, available under the Act, pursuant to the Illinois State Constitution.

All obligations issued by the Village in order to implement this Plan shall be retired within twenty-three (23) years from the adoption of the ordinance approving the original Area. The final maturity date of any such obligations which are issued may not be later than twenty (20) years from their respective dates of issuance. One or more series of obligations may be sold at one or more times in order to implement this Plan. The Village may also issue obligations to a developer as reimbursement for project costs incurred by the developer on behalf of the Village.

Revenues shall be used for the scheduled and/or early retirement of obligations, and for reserves, bond sinking funds and redevelopment project costs, and, to the extent that the real property tax increment is not used for such purposes, shall be declared surplus and shall then become available for distribution annually to taxing districts in the Area in the manner provided by the Act.

### **Most Recent Equalized Assessed Valuation**

The purpose of identifying the most recent equalized assessed valuation ("EAV") of the Area is to provide an estimate of the initial EAV, which the Cook County Clerk will certify for the purpose of annually calculating the incremental EAV and incremental property taxes of the Area. The 1997 EAV of all taxable parcels in the Area \$2,818,637. The EAV is subject to verification by the Cook County Clerk. After verification, the final figure shall be certified by the Cook County Clerk, and shall become the Certified Initial EAV from which all incremental property taxes in the Area will be calculated by Cook County.

This Plan has utilized EAV values for the 1997 tax year. If the 1998 EAV becomes available prior to the date of the adoption of this Plan by the Elk Grove Village Board, the Village may update the Plan by replacing the 1997 EAV with the 1998 EAV without further Village action.

### **Anticipated Equalized Assessed Valuation**

Once the redevelopment project has been completed and the property is fully assessed, the equalized assessed valuation of real property within the Area is estimated at \$7.5 million. This estimate has been calculated assuming that the Area will be developed in accordance with Figure 4, General Land Use Plan, of this Plan.

The estimated EAV assumes that the assessed value of property within Area will increase substantially as a result of new development and public improvements within the Area.

Calculation of the estimated EAV is based on several assumptions, including: 1) redevelopment of the Devon/Rohlwing Redevelopment Project Area will occur in a timely manner; 2) the application of a State Multiplier of 2.1437 to the projected assessed value of property within the Redevelopment Project Area; and 3) an annual inflation factor of 2.5%. The projected State Multiplier was calculated by averaging the State Multipliers for Cook County for the most recent five year period (1994-1998).

### **Financial Impact on Taxing Districts**

the Act requires an assessment of any financial impact of the Area on, or any increased demand for services from, any taxing district affected by the Plan and a description of any program to address such financial impacts or increased demand. The Village intends to monitor development in the Area and with the cooperation of the other affected taxing districts will attempt to ensure that any increased needs are addressed in connection with any particular development.

The proposed revitalization of Area will not create residential development that would increase demand for schools, parks and other population-based services. Similarly, commercial redevelopment is expected to result in the replacement of obsolete buildings rather than an increase in commercial floor area. Thus, no new demand on services provided by any taxing district is expected. Upon completion of the Plan, all taxing districts are expected to share the benefits of a substantially improved tax base.

It is expected that any increase in demand for the services and programs of the taxing districts, associated with the Area, can be adequately handled by the existing services and programs maintained by these taxing districts. Therefore, at this time, no special programs are proposed for these taxing districts. Should demand increase so that it exceeds existing service and program capabilities, the Village will work with the affected taxing districts to determine what, if any, program is necessary to provide adequate services.

Real estate tax revenues resulting from increases in the equalized assessed value, over and above the certified initial EAV established with the adoption of this Plan, will be used to pay eligible redevelopment costs in the Area. At the end of such period, the real estate tax revenues,

attributable to the increase in the equalized assessed value over the certified initial EAV, will be distributed to all taxing districts levying taxes against property located in the Area. Successful implementation of this Redevelopment Plan is expected to result in new development and private investment on a scale sufficient to overcome blighted conditions and substantially improve the long-term economic value of the Redevelopment Project Area.

#### **Completion of the Redevelopment Project and Retirement of Obligations to Finance Redevelopment Project Costs**

This Plan will be completed, including the retirement of any obligations issued to finance improvements, not later than December 31<sup>st</sup> of the twenty-third year from the adoption of the ordinance designating the Area. Improvements will be phased and scheduled to facilitate redevelopment of the Area, in accordance with the Redevelopment Plan.

## **9. PROVISIONS FOR AMENDING THE REDEVELOPMENT PLAN**

This Plan may be amended pursuant to the provisions of the Act.

## **10. ELK GROVE VILLAGE COMMITMENT TO FAIR EMPLOYMENT PRACTICES AND AFFIRMATIVE ACTION**

As part of any Redevelopment Agreement entered into by the Village and the private developer, both will agree to establish and implement an affirmative action program that serves appropriate sectors of the Village. With respect to this Plan, the Village is committed to and will affirmatively implement the assurance of equal opportunity in all personnel and employment actions, including, but not limited to, hiring, training, transfer, promotion, discipline, fringe benefits, salary, employment working conditions, termination, etc., without regard to race, color, religion, sex, age, handicapped status, national origin, creed or ancestry.

Anyone involved with employment or contracting activities in connection with this Plan will be responsible for conformance with this policy and the compliance requirements of applicable state and federal regulations.

The Village and the private developers involved in the implementation of this Plan will adopt a policy of equal employment opportunity and will include or require the inclusion of this statement in all contracts and subcontracts at any level for the project being undertaken in the Area. Any public/private partnership established for the development project in the Area will seek to ensure and maintain a working environment free of harassment, intimidation, and coercion at all sites, and in all facilities at which employees are assigned to work. It shall be specifically ensured that all on-site supervisory personnel are aware of and carry out the obligation to maintain such a working environment, with specific attention to minority and/or female individuals. The partnership will utilize affirmative action to ensure that business opportunities are provided and that job applicants are employed and treated in a nondiscriminatory manner.

## APPENDIX A

### DEVON/ROHLWING REDEVELOPMENT PROJECT AREA

#### LEGAL DESCRIPTION

LOTS 1 AND 2 IN ROHLWING GROVE UNIT NO. 1, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED OCTOBER 16, 1975, AS LR2835195, AND LOT 1 IN ROHLWING GROVE UNIT NO. 1-A, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED FEBRUARY 23, 1978, AS LR3000930 IN COOK COUNTY, ILLINOIS, CONTAINING 9.150 ACRES, MORE OR LESS.

The above tract of land generally located at the northeast corner of Devon Avenue and Rohlwing Road, and fully describing the following tax parcels which are fully included in the Redevelopment Project Area:

08-31-400-009  
08-31-400-010  
08-31-400-018



## **DEVON/ROHLWING REDEVELOPMENT PROJECT AREA**

### **ELIGIBILITY REPORT**

The purpose of this analysis is to determine whether a portion of the City identified as the Devon/Rohlwing Redevelopment Project Area qualifies for designation as a tax increment financing district pursuant to the "Tax Increment Allocation Redevelopment Act" (65 ILCS 5/11-74.1 *et seq.*), as amended (the "Act"). This legislation focuses on the elimination of blight or rapid deterioration through the implementation of a redevelopment plan. The Act authorizes the use of tax increment revenues derived in a Redevelopment Project Area for the payment or reimbursement of eligible redevelopment project costs.

The area proposed for designation as the Devon/Rohlwing Redevelopment Project Area is hereinafter referred to as the "Study Area" and is shown in Figure A.

The Study Area is approximately 9.15 acres in size and includes three tax parcels and adjacent public right-of-way. All of the parcels are improved. The Study Area includes only contiguous parcels.

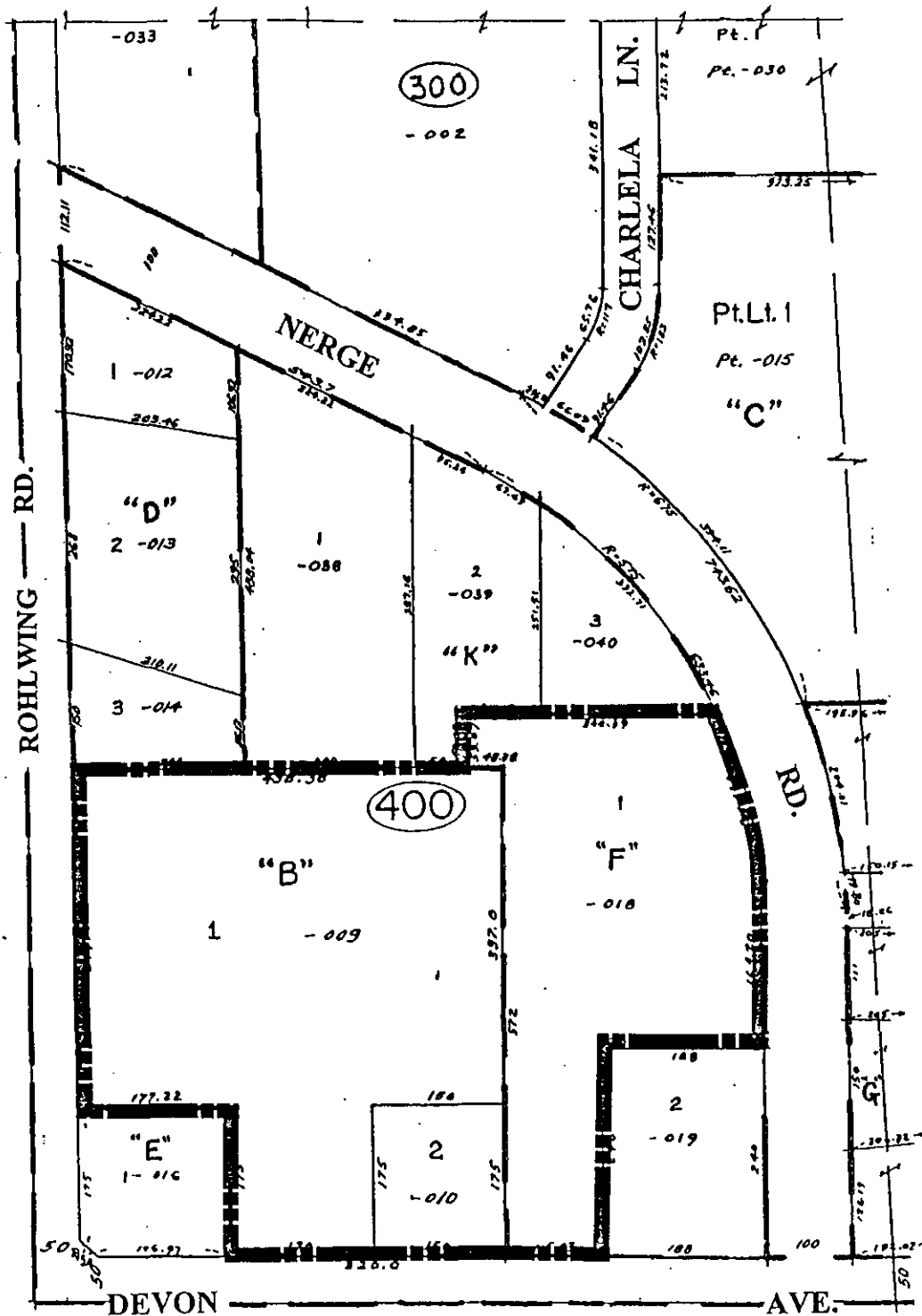


FIGURE A  
STUDY AREA BOUNDARY MAP

## 1. INTRODUCTION

The Tax Increment Allocation Redevelopment Act permits municipalities to induce redevelopment of eligible "blighted," "conservation" or "industrial park conservation areas" in accordance with an adopted redevelopment plan. The Act stipulates specific procedures which must be adhered to in designating a redevelopment project area. One of those procedures is the determination that the area meets the statutory eligibility requirements. At 65 Sec 5/11-74.4-3(p), the Act defines a "redevelopment project area" as:

... an area designated by the municipality, which is not less in the aggregate than 1-1/2 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 or a blighted area or a conservation area, or combination of both blighted areas and conservation areas.

In adopting the Act, the Illinois General Assembly found:

1. (at 65 Sec 5/11-74.4-2(a)) That there exists in many municipalities within the State blighted and conservation areas...; and
2. (at 65 Sec 5/11-74.4-2(b)) That the eradication of blighted areas and the treatment and improvement of conservation areas by redevelopment projects is hereby declared to be essential to the public interest.

The legislative findings were made on the basis that the presence of blight, or conditions which lead to blight, is detrimental to the safety, health, welfare and morals of the public. The Act specifies certain requirements which must be met before a municipality may proceed with implementing a redevelopment project in order to ensure that the exercise of these powers is proper and in the public interest.

Before the tax increment financing technique can be used, the municipality must first determine that the proposed redevelopment area qualifies for designation as a blighted area, conservation area, or an industrial park conservation area. Based on the conditions present, this eligibility report finds that the Study Area qualifies for designation as a "blighted area."

Although the Act defines conservation areas, it does not define when the factors present qualify an area for such designation. Therefore, it is necessary to establish reasonable and defensible criteria to support each local finding that serves to qualify an area as a conservation area.

The presence and documentation of the minimum number of factors may be sufficient to establish eligibility for designation as a blighted area. However, this evaluation was made on the basis that such factors should be present to an extent which would lead reasonable persons to conclude that public intervention is appropriate, or necessary, in the Study Area. In other words, each factor identified should be present to a meaningful degree so that a local governing body may reasonably find that the factor is clearly present within the intent of the Act. Similarly, factors should be reasonably distributed throughout the Study Area so that areas largely free of blighting conditions are not arbitrarily found to be eligible because of their proximity to areas which are eligible.

The test of eligibility of the Study Area is based on the conditions of the area as a whole. The Act does not require that eligibility be established for each and every property in the Study Area.

## 2. ELIGIBILITY STUDIES AND ANALYSIS

An analysis was undertaken to determine whether any or all of the blighting factors listed in the Act are present in the Study Area and, if so, to what extent and in which locations.

In order to accomplish this evaluation, the following tasks were undertaken:

1. Exterior survey of the condition and use of each building.
2. Field survey of environmental conditions involving parking facilities, public infrastructure, site access, fences and general property maintenance.
3. Analysis of existing land uses and their relationships.
4. Comparison of surveyed buildings to zoning regulations.
5. Analysis of the current platting, building size and layout.
6. Analysis of building floor area and site coverage.
7. Review of previously prepared plans, studies, inspection reports and other data.
8. Analysis of real estate assessment data.

Review of available Village records pertaining to the property.

An exterior building conditions survey, and a site conditions survey of the area, was undertaken in August and September 1999.

Where a factor is described as being present to a *major extent*, the factor is present throughout major portions of the Study Area. The presence of such conditions have a major adverse impact or influence on adjacent and nearby development. A factor described as being present to a *minor extent* indicates that the factor is present, but that the distribution or impact of the condition is limited. A statement that a factor is *not present* indicates that either no information was available or that no evidence was documented as a result of the various surveys and analyses. Factors whose presence could not be determined with certainty were not considered in establishing eligibility.

Each factor identified in the Act for determining whether an area qualifies as a blighted area is discussed below and a conclusion is presented as to whether or not the factor is present in the Study Area to a degree sufficient to warrant its inclusion in establishing the eligibility of the area as a "conservation area" under the Act. These findings describe the conditions that exist and the extent to which each factor is present.

### 3. PRESENCE AND DISTRIBUTION OF ELIGIBILITY FACTORS

Within the Study Area, all of the parcels were defined as improved. Improved property includes parcels that contain buildings, structures, parking or other physical improvements. Improved property may also include single parcels, or multiple parcels, under a single or common ownership. Landscaped yards, open space or other accessory functions may also be classified as improved property for the purposes of the eligibility analysis, if they are an obvious part of adjacent buildings.

In order to establish the eligibility of a Redevelopment Project Area under the "blighted area" criteria established in the Act, at least five eligibility factors listed in the Act must be present and reasonably distributed throughout the Study Area. Six of the conditions cited in the Act are present within the Study Area. The following conditions are present to a *major* extent: depreciation of physical maintenance, deterioration, obsolescence, deleterious land use or layout, excessive vacancies and presence of structures below minimum code standards. Lack of ventilation light, or sanitary facilities is also present, but affects only one of the three tax parcels. In addition, one of the new eligibility factors included in recent amendments to the Act (stagnant or declining equalized assessed valuation) is present to a major extent within the Study Area.

The presence and distribution of all eligibility factors are discussed below.

#### *Age*

The age of a structure is often a key indicator of the relative usefulness of a piece of property. Older structures frequently require extensive maintenance in order to maintain mechanical systems or maintain structural integrity. The costs involved in maintaining and upgrading aging buildings often create adverse impacts on existing users and create impediments to the marketability and reuse of industrial or commercial structures.

*This factor is not present in the Area.* The existing shopping center developments date from the mid-1970s and are less than 25 years old.

#### *Dilapidation*

Dilapidation is defined as an advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements to a degree that major repair is

required or the defects are so serious and extensive that buildings must be removed. This factor reflects a substandard condition of a building's foundation, wall or roof elements where deterioration has occurred to such an extent that rehabilitation is not practical or economically feasible. Such structures typically exhibit major structural fatigue, such as leaning or warped walls, bowed or sagging roofs, or cracked or missing foundation walls.

*This factor is not present within the Study Area.* While deterioration is clearly present with respect to both buildings and site improvements, this deterioration has not progressed to the point where buildings should be replaced due to safety concerns.

### ***Obsolescence***

Obsolescence refers to the condition or process of falling into disuse as evidenced by structures that have become ill-suited for their original use.

Functional obsolescence is characterized by buildings designed for a single, or specific, purpose or use, buildings of inadequate size to accommodate alternative uses, or buildings using a type of construction which limits long term use and marketability. Site improvements such as water and sewer lines, public utility lines, roadways, parking areas, parking structures, sidewalks, curbs and gutters, and lighting may be inadequate or obsolete in relation to contemporary standards for such improvements. Functional obsolescence includes poor design or layout, improper orientation of the building on the site, inadequate loading facilities, height, or other factors which detract from the overall usefulness or desirability of the property. As an inherent deficiency, functional obsolescence results in a loss in property value.

Economic obsolescence may be evidenced by a variety of factors including deterioration of the physical environment, streets of inadequate width, or parcels of inadequate size or irregular shape which prevent reasonable development. This condition is often a result of adverse conditions, which cause some degree of market rejection and, therefore, a depreciation of market values.

*This factor is present to a major extent as evidenced by declining assessed values, vacancies and lack of maintenance.* The assessed value (AV) of parcel 08-31-400-018 (which contains a bar as its major tenant) has declined from an AV of \$547,997 in 1994 to a 1997 AV of \$410,467. Similarly, the AV of parcel 08-31-400-010 declined from a high of \$139,180 in 1995 to a 1997 AV of \$119,797.

While the AV of parcel 08-31-400-009 experienced modest growth from \$761,995 in 1992 to \$781,401 in 1997, this center is characterized by vacant storefronts and underutilized commercial space. The major tenant of one of the two large shopping centers is an antique mart that occupies the two largest tenant spaces. This type of use typically requires low-rent space and generates little in the way of sales tax revenue for the Village.

### ***Deterioration***

This condition is present when there are physical deficiencies in buildings or site improvements requiring treatment or repair. With respect to buildings such deficiencies include, but are not limited to, major defects in the secondary building components such as doors, windows, porches, gutters, downspouts and fascia. With respect to surface improvements, the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking and surface storage areas may evidence deterioration by the presence of surface cracking, crumbling potholes, depressions, loose paving material and weeds protruding through paved surfaces.

Deterioration may be present in basically sound buildings that contain defects that can be corrected. Deterioration that is not easily correctable, and cannot be accomplished during the course of normal maintenance, may also be evident. Examples of conditions that indicate deterioration include loose or missing materials, major cracks in masonry walls, rusted support beams and columns, and deteriorated roofs requiring replacement or major repair. Such defects may involve either primary building components (foundations, walls, roofs) or secondary building components (doors, windows, porches, fascia materials, gutters and downspouts).

*Deterioration is present within the Study Area to a major extent with respect to buildings and site improvements.* The buildings on the two largest tax parcels are both deteriorated as evidenced by cracks in the rear walls of both shopping centers and deteriorated loading dock areas. The interior of the Antiques Mart space was visually inspected and extensive water damage was noted indicating serious deterioration with respect to the roof of this building. Parking lots associated with all three parcels were severely deteriorated, indicating a chronic lack of maintenance. Although portions of the parking for parcel 08-31-400-018 appears to have recently been seal-coated and re-stripped, major cracks are still visible, reflecting underlying structural weaknesses.

### ***Presence of Structures Below Minimum Code Standards***

This factor is present when structures do not conform with local standards of zoning, subdivision, building, fire or other governmental codes applicable to the property, but not including housing and property maintenance codes. The principal purposes of such codes are to require that buildings be constructed in such a way that they can sustain the loads expected from the type of occupancy and are safe for occupancy against fire and similar hazards, and/or to establish minimum standards for safe and sanitary habitation. Buildings below minimum code are characterized by defects or deficiencies which threaten health and safety.

Because these shopping centers have not been the subject of recent inspections primarily because of their low occupancy, current information is not available with respect to the presence of building or fire code violations. In view of the lack of investment and maintenance with respect to the properties, it is likely that such violations are present. However, these could not be documented through a review of Village records. *Therefore, this factor was not used to establish eligibility of the Study Area as a blighted area.*



### ***Illegal Use of Individual Structures***

Illegal use of individual structures refers to the presence of uses or activities which are not permitted by law. This condition also exists when the use of a structure does not conform to the requirements of the existing housing code, including the presence of illegal dwelling units.

While a review of police reports indicates that illegal activity has occurred in the area such as drug and liquor-related violations, such activity is more associated with the patrons of the various business establishments rather than with individual buildings. *Thus, this condition does not appear to be present within the Study Area.*

### ***Excessive Vacancies***

This condition is present when buildings are unoccupied or under-utilized. The presence of such buildings or sites represents an adverse influence on the area because of the frequency, extent or duration of the vacancies. Excessive vacancies include abandoned properties which evidence no apparent effort directed toward their occupancy or utilization.

*This factor is present to a major extent within the Study Area. Only the small outlot, which contains a billiard parlor and a fast food restaurant does not suffer from this condition. In the two larger shopping centers, vacant storefronts and office space are significant problems. Parcel 08-31-400-009 contains three vacant storefronts (38%); as noted earlier, the majority of the available space in this center is underutilized, occupied by an antiques mart. Three of eight storefronts are also vacant on parcel 08-31-400-108; six of eleven offices on the second floor of this building are also vacant (an overall vacancy rate of 47%)*

### ***Lack of Ventilation, Light, or Sanitary Facilities***

This factor refers to the absence of adequate ventilation for light or 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. Conditions, such as lack of indoor plumbing, lack of adequate windows, or other means of providing ventilation or light, can negatively influence the health and welfare of a building's residents or users.

This factor was found to be present with respect to the garbage storage facilities on parcel (08-31-400-010), which are not adequately screened. The resulting impact has resulted in deleterious visual conditions that adversely impact the entire Study Area.

### ***Inadequate Utilities***

This condition is present when underground and overhead utilities such as storm sewers and storm drainage, water lines, and gas, telephone and electrical services are shown to be inadequate because they are deteriorated, antiquated, obsolete or in disrepair. This factor exists in the absence of one or more of the following utilities serving the site: gas, electricity, water, sanitary sewer or storm sewer. This factor is also present when the existing utilities are of insufficient capacity to serve existing uses in the redevelopment project area or to accommodate the level of development permitted under current zoning, or envisioned under the comprehensive plan or adopted redevelopment plan for the area.

All properties within the Study Area since all property are presently served by the appropriate utilities, and nearly all properties are in active use. *This factor is not present in the Study Area.*

### ***Excessive Land Coverage***

This factor refers to the over-intensive use of property and the crowding of buildings and accessory facilities onto a site. This condition is present when buildings occupy all, or most, of the lot, leaving little or no space for off-street parking, off-street loading and open space amenities. Problem conditions include buildings that are improperly situated on the parcel, the presence of multiple buildings on a single parcel, or buildings that are located on parcels of inadequate size and shape in relation to contemporary standards of development, health or safety. For there to be a finding of excessive land coverage, parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of the spread of fires due to the close proximity of nearby 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. Excessive land coverage frequently has an adverse or blighting influence on nearby development.

The shopping centers included in the Study Area were developed at densities typical of suburban shopping centers, with adequate parking. Especially, given the low present occupancy of these centers, ample parking is available to serve current uses. *This condition is not present in the Study Area.*

### ***Overcrowding of Structures and Community Facilities***

This condition exists when a structure or community facility has reached a level of use beyond a designed or legally permitted level. Overcrowding is often found in buildings originally designed for a specific use and later converted to accommodate a more intensive use without adequately meeting requirements for minimum floor area, privacy, ingress and egress, loading and services, or the capacity of building systems. Evidence of this condition may include the outside storage of materials that cannot be contained in enclosed buildings, or vehicles that cannot be stored in buildings or enclosed storage yards. The presence of this condition with respect to residential buildings may be documented when levels of occupancy exceed that of the municipality overall.

This factor may also be demonstrated when community facilities such as parks, schools and on-street parking resources are over-used and cannot adequately meet appropriate service standards.

*This factor is not present within the Study Area.* Because of the excessive vacancies present in the Study Area, overcrowding of facilities is not an issue.

### ***Deleterious Land Use or Layout***

Deleterious land uses include instances of incompatible land use relationships, buildings occupied by inappropriate mixed uses, or uses which may be considered noxious, offensive, or environmentally unsuitable.

This condition also exists if any of the following are present:

- Platting does not conform to current development codes with respect to lot size, configuration and public access.
- Parcels are of inadequate size or shape for contemporary development.
- Land uses are non-conforming with respect to current zoning.
- There are land use conflicts with adjacent land uses.
- Single purpose buildings have been converted to accommodate another activity, or buildings are occupied by inappropriate mixed uses.
- Residential uses front on, or near, heavily traveled streets, thus causing susceptibility to noise, fumes and glare.
- Structures are located in a 100 year flood plain.
- Environmental contamination is present, which hampers reuse.

*This factor is present to a major extent within the Study Area.* Although the two shopping centers were built in accordance with Village standards and are typical of suburban shopping center developments, marginal uses including the antique mart, sports bar and billiard parlor have come to dominate the land use mix. Such uses have a deleterious impact on efforts to attract strong retail anchors to the Study Area. A review of police beat reports for the area indicate recent drug violation arrests, and a number of other violations that adversely impact the Study Area. While the available data is not parcel specific, according to Village officials, the deleterious conditions resulting from current uses affect the entire Study Area.

### ***Lack of Community Planning***

This factor is present if the proposed redevelopment project area developed prior to, or without the benefit and guidance of a community plan. This means that the area was developed prior to the adoption of a comprehensive or other community plan by the municipality or that the plan was not followed at the time of the area's development. The presence of this condition 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.

Conditions resulting from a lack of community planning include the existence of incompatible land uses, the lack of proper development of vacant or improved sites, and the presence of inconsistent platting, including parcels of small or irregular shapes, the presence of nonconforming uses with respect to zoning, inadequate street layout or improper subdivision.

This factor is also indicated when there are inadequate public utilities, or plans for utility improvements, that would allow the property to be developed in accordance with the intensity of use identified in the municipality's comprehensive plan or zoning ordinance or other economic development plans for the area. This factor is also present if public improvements serving the site, including streets, streetlights and other utility systems, do not meet current municipal standards. Similarly, lack of community planning is indicated if private improvements, including parking lots, screening and organization of buildings within the site, do not meet accepted community development standards.

The Study Area was developed in accordance with the Elk Grove Village Comprehensive Plan. *Consequently, this factor is not present in the Study Area.*

### ***Depreciation of Physical Maintenance***

This factor refers to the effects of deferred maintenance or lack of maintenance of buildings, improvements and grounds. This condition is present where buildings have unpainted or unfinished surfaces, peeling paint, limited amounts of loose, or missing, materials, broken windows, deteriorated gutters and downspouts, or are in need of minor tuck pointing. Deterioration of streetlights, sidewalks, curbs and gutters adjacent to the building, the presence of construction debris, deteriorated parking areas or parking areas that exhibit an accumulation of trash or debris also are indicative of depreciation of physical maintenance.

*Depreciation of Physical Maintenance was found to be a significant blighting factor. All of the parcels in the Study Area evidenced this condition.* As noted under the discussion of Deterioration, all parcels suffer from deteriorated site improvements, also evidence of depreciation of physical maintenance. Lack of maintenance with respect to buildings is readily apparent. All of the buildings contain rusted structural components or mechanical systems, Peeling paint, water damaged ceilings and walls, and deteriorated flooring were also visible from the limited visual inspection of interior spaces. There was also a considerable amount of junk that appeared to have been discarded at the rear of parcel 08-31-400-009

### ***Environmental Contamination***

This factor is considered present when property has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for the clean-up of hazardous waste, hazardous substances or underground storage tanks required by state or federal

law, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for such clean-up. In order for this eligibility factor to apply, the remediation costs must constitute a material impediment to the development or redevelopment of the redevelopment project area.

No information was found documenting the presence of contaminated soils or other environmental contamination. *Therefore, this factor was not found to be present within the Study Area.*

### *Declining or Stagnant Equalized Assessed Value*

This factor is present when the total equalized assessed value of the proposed redevelopment project area has declined for three of the last five calendar years for which information is available, is increasing at an annual rate that is less than the balance of the municipality for three of the last five years, or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published for three of the last five calendar years for which information is available. This condition relates to the lack of growth and private investment in an area resulting in economic and physical decline.

*This factor is present to a major extent with respect to the Study Area.* Because the 1998 equalized assessed value information for the property within the Study was not available at the time of this analysis, the evaluation considered the annual rate of growth for the five year period beginning in 1992. Table A shows that the EAV for the Study Area has grown at a slower rate than the balance of Elk Grove Village's total EAV for each of the last five years.

**Table A**  
**EAV GROWTH 1992-1997**

<b>Tax Year</b>	<b>Study Area Total EAV</b>	<b>% Change from Prior Year (Study Area)</b>	<b>% Change from Prior Year (Balance of Elk Grove Village)</b>
1992	\$2,900,527	-	-
1993	\$2,667,590	-8.0%	3.2%
1994	\$2,916,865	9.3%	-0.4%
1995	\$2,680,008	-8.1%	6.3%
1996	\$2,694,496	0.5%	2.4%
1997	\$2,818,637	4.6%	0.1%