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**SUMMONS**                        **ALIAS - SUMMONS**

(2-81) CCG-1A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, *Law* DIVISION

**COPY**

(Name all parties)

OAK PARK ELEMENTARY SCHOOL NO. 97,  
Plaintiff,

v.

VILLAGE OF OAK PARK,  
Defendant,

EDWARD J. ROSEWELL,  
Treasurer of Cook County, Illinois  
Defendant.

No. ....

8-1L51363

(Please see reverse side)

OAK PARK, ILLINOIS

MAR 14 P 2: 23

**SUMMONS**

To each defendant:

YOU ARE SUMMONED and required to file an answer in this case, or otherwise file your appearance in the office of the clerk of this court (located in the Richard J. Daley Center, Room \* 801 Chicago, Illinois 60602), within 30 days after service of this summons, not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT, A COPY OF WHICH IS HERETO ATTACHED.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so indorsed. This summons may not be served later than 30 days after its date.



WITNESS, ..... 19....

.....  
Clerk of court

Name                    Daniel M. Harris  
Attorney for            MAYER, BROWN & PLATT  
Address                231 S. LaSalle St.  
City                    Chicago IL 60604  
Telephone              (312) 782-0600

Date of service: ..... 19....  
(To be inserted by officer on copy left with  
defendant or other person)

MORGAN M. FINLEY, CLERK OF THE CIRCUIT COURT OF COOK COUNTY

\*Law Division Room 801  
Chancery-Divorce Division Room 802  
County Division Room 801  
Probate Division Room 1202

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION  
EXTRAORDINARY REMEDIES SECTION

CLERK OF COURT  
COURT HOUSE  
111 N. WASHINGTON ST.  
CHICAGO, ILL. 60602  
MAY 14 1984

OAK PARK ELEMENTARY )  
SCHOOL DISTRICT No. 97, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
VILLAGE OF OAK PARK, )  
 )  
Defendant, )  
 )  
EDWARD J. ROSEWELL, )  
Treasurer of Cook County, )  
Illinois, )  
 )  
Defendant. )

84L51363

COMPLAINT AT LAW  
FOR DECLARATORY JUDGMENT  
AND RELATED RELIEF

84 MAY 14 1984  
VILLAGE OF OAK PARK, ILLINOIS

NOW COMES Plaintiff OAK PARK ELEMENTARY SCHOOL DISTRICT NO. 97, by its undersigned attorneys, and states as its complaint for declaratory judgment against Defendant VILLAGE OF OAK PARK and Defendant EDWARD J. ROSEWELL, Treasurer of Cook County, Illinois, as follows:

1. Plaintiff Oak Park Elementary School District No. 97 (the "School District") is a School District in Oak Park, Illinois. Plaintiff derives a substantial portion of its revenues from the taxation of real property in Oak Park, Illinois.

MOTION FILED

2. Defendant Village of Oak Park (the "Village") is an Illinois municipal corporation.

3. Defendant Edward J. Rosewell is the Treasurer and Collector of Cook County, Illinois. He is responsible for the diversion of funds pursuant to the Real Property Tax Investment Allocation Redevelopment Act, (Ill. Rev. Stat. 1973, Ch. 24, Pars. 11-74, 4-1 through 11, 74.4-11) in Cook County, Illinois.

4. On December 12, 1983, the Village passed three ordinances, Oak Park Village Ordinance Numbers 1983-0-91, 1983-0-92 and 1983-0-93. Copies of these ordinances are attached to this Complaint as Exhibits A, B and C. The ordinances purported to establish a tax increment allocation financing district over an area comprising most of the Oak Park central business district (described in Exhibit D attached to this Complaint) (hereinafter "TIF District"), a redevelopment project, and a tax increment allocation financing plan (hereinafter "TIF plan" or "TIF proposal") pursuant to the Real Property Tax Increment Allocation Redevelopment Act, Division 74.4 of Article 11 of the Illinois Municipal Code, as amended (Ill. Rev. Stat. 1973, ch. 24, pars. 11-74.4-1 through 11.74.4-11).

5. Under the TIF proposal substantial property tax revenues would be diverted by Defendant Rosewell in his capacity as Cook County Collector from Oak Park Elementary

School District No. 97 to the Village of Oak Park, (hereinafter "TIF Revenues"), in accordance with a formula set forth in the Real Property Tax Increment Allocation Redevelopment Act (the "Act") (Ill. Rev. Stat. 1977, Ch. 24, Pars. 11-74.4-1 through 11-74.4-11). A copy of the Act is appended to this Complaint as Exhibit E. The Village of Oak Park plans to use these TIF Revenues to finance certain redevelopment projects within the TIF District. On information and belief the Village also plans to sell bonds secured in part by the TIF Revenues.

6. The Oak Park TIF proposal violates the Real Property Tax Increment Allocation Redevelopment Act in a number of respects, including, but not limited to, the following:

A. According to the official records of the Oak Park Township Assessor, property values within the proposed TIF District increased through private investment and development in the ten years prior to the adoption of the TIF plan. Under the Act, however, no TIF District may be created unless "the redevelopment project area on the whole has not been subject to growth and development through private enterprise ...." (Ill. Rev. Stat., ch. 24, ¶11-74.4-3(f))

B. Based on experience within the TIF District, property values within the proposed TIF District would continue to increase without the adoption of the

redevelopment plan. Under the Act, however, no TIF District may be created unless the TIF area "would not reasonably be anticipated to be developed without the adoption of the redevelopment plan ...." (Ill. Rev. Stat. ch. 24, §11-74.4-3(f))

C. On information and belief the proposed TIF District was drawn solely to maximize revenue for the Village and without regard to the historical and economic relationships between the various parcels of property within the proposed TIF District. Under the Act, however, no TIF plan may be adopted unless the plan conforms "to the comprehensive plan for the development of the municipality as a whole." (Ill. Rev. Stat. ch. 24, §11-74.4-3(f))

D. The proposed TIF District is overbroad in that it includes many parcels of real property and improvements thereon which will not be substantially benefited by the proposed redevelopment project improvements. Under the Act, however, "no redevelopment project area shall be designated unless ... such area shall include only those contiguous parcels of real property and improvements thereon substantially benefited by the proposed redevelopment project improvements." (Ill. Rev. Stat. ch. 24, §11-74.4-4(a))

7. If the proposed TIF District remains in effect Plaintiff Oak Park Elementary School District No. 97 will

lose substantial property tax revenues that it would have received but for the adoption of the TIF proposal. Loss of these revenues will cause the School District immediate and irreparable harm and impair its ability to provide quality education.

8. Representatives of the School District have explained to representatives of the Village that the proposed TIF District is illegal and harmful to the School District but the Village has persisted in its TIF plan.

9. There exists an actual controversy between the parties concerning the legality of the TIF plan, which this Court is requested to adjudicate pursuant to § 2-701 of the Illinois Code of Civil Procedure.

WHEREFORE, Plaintiff respectfully prays this Honorable Court to:

- (1) Enter a Declaratory Judgment, finding and determining that the TIF proposal is invalid and contrary to the Real Property Tax Increment Allocation Redevelopment Act.
- (2) Order and enjoin the Village of Oak Park from implementing the TIF proposal.
- (3) Order and enjoin the Village of Oak Park from issuing bonds pursuant to the TIF proposal.
- (4) Order and enjoin the Village of Oak Park from issuing bonds secured directly or indirectly in whole or in part by TIF revenues.

- (5) Order and enjoin Defendant Rosewell from diverting TIF revenues from Oak Park Elementary School District No. 97 to the Village of Oak Park.
- (6) Order and enjoin Defendant Rosewell to continue to disburse property tax revenues to the Oak Park Elementary School District No. 97 as if there were no TIF plan.
- (7) Order and enjoin the Village from awarding construction contracts or accepting bids with respect to redevelopment projects in the TIF District where the contracts are to be paid, directly or indirectly, from TIF Revenues or from the proceeds of bonds secured, directly or indirectly, in whole or in part, by TIF Revenues.
- (8) Enter such other further relief as may be necessary and appropriate.

Respectfully Submitted,

OAK PARK ELEMENTARY SCHOOL  
DISTRICT NO. 97,  
Plaintiff

By Daniel Harris  
One of Its Attorneys

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