

Affidavits and Certifications

City of Chicago
Richard M. Daley, Mayor

Department of Planning and Development
J. F. Boyle, Jr., Commissioner

8000313

DEPARTMENT OF PLANNING AND DEVELOPMENT
121 NORTH LASALLE STREET, ROOM 1000
CHICAGO, IL 60602
(312) 744-9220

PRELIMINARY APPLICATION
AND
ECONOMIC DISCLOSURE STATEMENT

Pursuant to Chapter 26.1 of the Municipal Code, the following information is required to be disclosed prior to any City Agency, Department or City Council action. Please fill out the statement completely, with all information current as of the attestation date. Every question must be answered. If a question is not applicable, answer with "N.A."

An incomplete or improperly attested Disclosure Statement will be returned and any anticipated City action shall be interrupted.

I. GENERAL INFORMATION

A. Applicant: Home Depot, U.S.A., Inc.

B. City Agency Receiving Application: Dept. of Planning & Development

C. Type of Action Requested: Tax Increment Financing

D. Project Location: W.W.C, 87th St. & Wentworth Ave.

E. Brief Project Description: Demolition of vacant existing 200,000 sf structure. Construction of single story building approximately 130,000 sf as a retail home improvement center. An area of approximately 120,000 sf will remain to be developed as compatible retail space.

F. Total Project Cost: \$13,747,902

G. Loan Amount/Grant Amount/Level of Assistance Requested: \$2,250,000

H. Purpose of Loan/Grant Assistance: Help defray extra ordinary cost
which include environmental remediation, demolition, off site
improvements and much higher than normal construction costs due
to removal of unsuitable soils and subsurface structured drainage
requirements.

II. **APPLICANT INFORMATION**

- A. The Applicant is a(n):
- 1. Individual _____
 - 2. Corporation X
 - 3. General Partnerships _____
 - 4. Limited Partnership _____
 - 5. Association, Joint or Common Venture _____
 - 6. Land Trust, Business Trust, Estate _____

B. **FOR A CORPORATION, CORPORATE PARTNER, CORPORATE SHAREHOLDER OR CORPORATE BENEFICIARY:**

1. If the applicant is a corporation having fewer than 100 shareholders indicate or attach hereto a list of the names and addresses of all shareholders and the percentage of interest of each therein; identify the officers and the directors of such corporation.

N/A

2. If the applicant is a corporation having 100 shareholders or more indicate or attach hereto a list of the names and addresses of all shareholders owning shares equal to or in excess of 3% of the proportionate ownership interest and the percentage of interest of each therein; identify the officers and the directors of such corporation.

N/A

3. The applicant is incorporated under the laws of the state of Delaware and authorized to do business in the state of Illinois. Its principal office is located at 2727 Paces Ferry Road, Atlanta, Georgia 30339.

Note: Any corporation required by law to file a statement providing substantially the information required above, with any other governmental agency may, in lieu of the above, file

a duplicate of such statement or sufficient parts thereof to provide the required information, with the approval of the Corporation Counsel.

C. FOR A PARTNERSHIP, ASSOCIATION, JOINT OR COMMON VENTURE:

- 1. If the applicant is a partnership, association or joint or common venture, indicate below the name and address of each such partner, associate, or person and the percentage of interest of each therein.

N/A

D. FOR A LAND TRUST, BUSINESS TRUST, ESTATE OR OTHER:

- 1. If the applicant is a land trust, business trust, estate or other similar commercial or legal entity, identify any representative, person or entity holding legal title as well as each beneficiary in whose behalf title is held, including the name, address and percentage of interest of each beneficiary.

N/A

Note: Whenever a stock or beneficial interest is held by a corporation or other legal entity, such share-holder or beneficiary shall also make disclosure as required above for corporations or other legal entities. Attach any additional information required to this statement.

III. OTHER PROJECT INFORMATION

- A. Title to the subject property is presently held by:

Home Depot, U.S.A., Inc.

(Name and address)

If title held in a land trust, list below the name, address and percentage of interest of each beneficiary:

Real Estate Tax Index Number(s):

B. Applicant Attorney:

Name: Jack George, Daley and George

Address: 100 W. Monroe, Suite 500, Chicago, Illinois

Telephone: 312/ 726-8797

C. Bond Counsel:

Name: N/A

Address: _____

Telephone: _____

D. Primary Permanent Lender:

Name: Internal Funding by Home Depot, Inc.

Address: _____

Contact Person: _____

Telephone: _____

E. Loan Participant or Additional Lender (if any):

Name: N/A

Address: _____

Contact Person: _____

Telephone: _____

F. Interim/Construction Lender:

Name: Internal Funding by Home Depot, Inc.

Address: _____

Contact Person: _____

Telephone: _____

G. Architect:

Name: Robert Parisi - Greenberg Farrow
Address: 3927 Peachtree Road, N.E., Atlanta, GA 30319
Telephone: 404/237-5297

H. General Contractor:

Name: The Walsh Companies
Address: 929 Adams Street, Chicago, Illinois
Telephone: _____

I. Surety, Letter of Credit or Credit Instrument Obligor:

Name: N/A
Address: _____
Contact Person: _____
Telephone: _____

J. Consultant:

Name: Louik/Schneider & Associates, Inc.
Address: 54 W. Hubbard, Suite 100, Chicago, Illinois 60610
Contact Person: Myron Louik
Telephone: 312/828-9222
Role in Project: TIF Consultant

IV. ADDITIONAL APPLICANT INFORMATION

- A. Has the applicant or a member of the applicant
- a. ever been a defendant in any suits or legal actions? Yes X No
 - b. ever had any debts discharged, satisfied or settled under the Bankruptcy Act? Yes No X
 - c. ever had a judgment against him? Yes X* No
 - d. ever been a party to a foreclosure, a deed in lieu of foreclosure, a loan default or loan "workout" situation? Yes No X

Note: If the answer to any of the above questions is "Yes" please attach a separate schedule explaining the circumstances, parties involved and resolution or status.

***Only judgments in the ordinary course of business - non-material.**

B. Applicant Credit References

Please list below the names of banks, finance companies or other creditors where credit has been obtained.

See attached Financial and Annual Report

Name	Address	Contact Person

V. ADDITIONAL SCHEDULES REQUIRED TO BE ATTACHED OF THIS STATEMENT.

- A. Proposed Project Budget
- B. Proposed Sources and Uses of Funds
- C. Applicant's Track Record With Same or Similar Projects *
- D. Applicant's Corporate and ~~Personal Financial Statements~~ as Applicable

Note: Pursuant to section 26.1-3 of the Municipal Code of the City of Chicago, the Corporation Counsel of the City of Chicago may require any such additional information from any applicant to achieve full disclosure relevant to the request for action by the City Council or other City agency. Pursuant to Section 26.1-2 of the Municipal Code of the City of Chicago any material change in the information required above must be provided by supplementing this statement at any time up to the time the City Council or other City agency takes action on the application.

***Applicant developed and completed 50 new stores for year end January 30, 1994**

SWORN STATEMENT AND ATTESTATION

State of Georgia)
County of Cobb) SS:

The undersigned, having been duly sworn, states that (he) (she) is authorized to make this affidavit in behalf of the applicant, that the information disclosed in this preliminary application and economic disclosure statement and any accompanying schedules is true and complete to the best of (his) (her) knowledge, and that the applicant has withheld no disclosure as to economic interest in the undertaking for which this application is made, nor reserved any information, date or plan as to the intended use or purpose for which it seeks action by the City Council or pertinent City agency.

L.A. Smith
Signature of Person Making Statement

Name: Lawrence A. Smith

Address: 2727 Paces Ferry Road, Atlanta, GA
30339

Telephone: 404/433-8211

Relationship to Applicant: Vice President-Legal

Subscribed before me this 8th day of March A.D. 1996

Viola Hester-Cherry
Notary Public

Notary Public, Cobb County, Georgia
Commission Expires: My Commission Expires February 21, 1997



AFFIDAVIT

State of Illinois)
) SS
County of Cook)

The undersigned affiant, being first duly sworn, on oath says, and also covenants with and warrants to the City of Chicago.

That this instrument is made to induce, and in consideration of the City of Chicago's consummation of a business loan to affiant.

That all water taxes, property taxes and sales taxes, except the current bill, have been paid in reference to the premises which is the subject matter of the application and agreement.

That affiant is not in default or in the arrears on any outstanding commercial loans or water taxes, property taxes, sales taxes or assessments owed to the City of Chicago personally or by any partnership, corporation, joint venture, or land trust in which the affiant has at least a 5% beneficial interest.

That since the initial date of application, affiant has not done or suffered to be done anything that could in any way affect the title to the premises which is the subject of the application and no proceedings have been filed by or against affiant, nor has any judgment or decree been rendered against affiant, nor is there any judgment note or other instrument that can result in a judgment or decree against affiant within the five days from the date hereof.

That in the event of breach of any of the covenants or warranties stated herein, the entire loan balance shall become immediately due and payable to the City of Chicago.

BY: Home Depot, U.S.A., Inc.

BY: _____

[Signature]
(Type Name) 100

(Type Name)

ATTEST:

(Company Name)

BY: [Signature]

BY: _____

ITS: SHERYL M. MOUSO
ASSISTANT SECRETARY

ITS: _____

Subscribed and sworn to before me this 8th day of March, 1996

[Signature] My Commission Expires February 21, 1996
(Notary)

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an Officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Organization: _____

Date: _____

Representative: _____

Title: _____

Notary: _____

Expiration Date: _____

ETHICS CERTIFICATION

State of Illinois)
) SS
County of Cook)

This certificate, dated _____, is being delivered by _____, both individually and on behalf of _____ (collectively referred to as "Borrower"), to the City of Chicago ("City") in connection with City approval of a \$ _____ loan to Borrower through the City's _____ Program.

The Borrower hereby certifies as follows:

1. Neither the Borrower or any official, agent or employee of the Borrower in the last three (3) years has: (a) been convicted of bribery or attempting to bribe a public officer or employee of the City, the State of Illinois or any agency of the federal government or of any state or local government in the United States, in that officer's or employee's official capacity; or (b) been convicted of agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid a fixed price, or otherwise; or (c) made an admission of guilt of such conduct described in (a) or (b) above which is a matter of record, but has not been prosecuted for such conduct.
2. The Borrower shall comply with the applicable requirements of the Governmental Ethics Ordinance of the City, Chapter 2-156 of the Municipal Code of the City.
3. The Borrower is not delinquent in any tax administered by the Illinois Department of Revenue or, if delinquent, the Borrower is contesting liability for any such tax in compliance with an agreement with the Department of Revenue for the payment of any such tax.
4. The Borrower understands and will comply with all the provisions of Chapter 2-56 of the Municipal Code of the City (Office of the Inspector General).

BY: _____

BY: _____

(Type Name)

(Type Name)

ATTEST:

(Company Name)

BY: _____

BY: _____

ITS: _____

ITS: _____

Subscribed and sworn to before me this _____ day of _____ 19____

(Notary) My Commission Expires _____ 19____