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DEC 27 2011

Paul Palazzolo  
SANGAMON COUNTY AUDITOR

SANGAMON COUNTY  
ORDINANCE NO. 12-1

FILED

JAN 11 2012

Joe Aiello  
Sangamon County Clerk

**AN ORDINANCE AMENDING ORDINANCES WHICH ESTABLISHED AN ENTERPRISE ZONE ENCOMPASSING CONTIGUOUS PORTIONS OF THE CITY OF LINCOLN, THE COUNTY OF LOGAN, THE COUNTY OF SANGAMON, THE COUNTY OF DEWITT, THE VILLAGE OF ELKHART, THE VILLAGE OF HARTSBURG, THE CITY OF ATLANTA AND THE VILLAGE OF NEW HOLLAND (AND ALL AMENDATORY ORDINANCES THERETO)**

**WHEREAS**, The City of Lincoln adopted Ordinances establishing and designating an Enterprise Zone in conjunction with Logan County, Illinois (the "Enterprise Zone") pursuant to the Illinois Enterprise Zone Act ("the Act"), Chapter 20, Sec. 655/1 et. seq., Ill. Compiled Statutes, (20 ILCS 655/1 et seq.). Such Enterprise Zone was thereafter certified as an "enterprise zone" by the State of Illinois;

**WHEREAS**, Sangamon County has subsequently adopted amendatory ordinances relative to the Enterprise Zone, which amendments *inter alia*, expanded and deleted the territory of the Enterprise Zone, extended the initial termination date of the Enterprise Zone, and added governmental units to the Enterprise Zone. Such amendatory ordinances regarding the Enterprise Zone, being herein collectively referred to as, the "Enterprise Zone Ordinance";

**WHEREAS**, the City of Lincoln and Logan County amended a certain Enterprise Zone Intergovernmental Agreement, adding the Village of Elkhart, Illinois, the County of Sangamon, Illinois the County of DeWitt, Illinois, the Village of Hartsburg, Illinois, the City of Atlanta, Illinois and the Village of New Holland, Illinois in which the Intergovernmental Agreement had been subsequently amended each time the enterprise zone was amended, and from time to time, all of which are referred to as "Intergovernmental Agreement";

**WHEREAS**, the Enterprise Zone now encompasses approximately 10.9 square miles and the Act allows the zone to encompass up to 15 square miles;

**WHEREAS**, it has been determined that deletion of territory within the incorporated areas of Sangamon County, Illinois, all contiguous to the existing Enterprise Zone and totaling up to 0.50 square miles would be benefited by being deleted from the boundaries of said Enterprise Zone, and it would be in the best interests of the citizens of Logan County, Illinois, the City of Lincoln, Illinois, the Village of Elkhart, Illinois, the County of Sangamon, Illinois, the County of DeWitt, Illinois, the Village of Hartsburg, Illinois, the City of Atlanta, Illinois, and the Village of New Holland, Illinois, that said additional territory be deleted from the Enterprise Zone;

**WHEREAS**, the Sangamon County now desires to enact a certain amendment to the Enterprise Zone;

**WHEREAS**, a public hearing regarding such amendments has been held as provided by the Act.

**NOW, THEREFORE BE IT ORDAINED BY SANGAMON COUNTY, ILLINOIS AS FOLLOWS:**

**SECTION ONE:** The Enterprise Zone Ordinance is hereby amended to delete territory in Sangamon County described on Exhibit A as "Territory to be Deleted," all of which is attached hereto and made a part hereof by reference (and which is further depicted in the map attached hereto as Exhibit B and which is made part hereof by this reference) (the "Amended Territory"); and that the "Territory to be Deleted" is hereby designated as no longer part of the Enterprise Zone pursuant to and in accordance with the Act;

**SECTION TWO:** That the County Board Chairman of Sangamon County shall have, and is hereby granted, the authority to execute that certain "Amendment to Enterprise Zone Intergovernmental Agreement Between Logan County, the City of Lincoln, the County of Sangamon, the Village of Elkhart, the County of DeWitt, the Village of Hartsburg, the City of Atlanta, and the Village of New Holland, a copy of which is attached hereto as Exhibit C.

**SECTION THREE:** That, except to the extent amended hereby, all provisions, agreements, stipulations, rights, obligations and duties set forth in the Enterprise Zone Ordinance, as previously amended shall remain in full force and effect. Any ordinance or parts of any ordinance in conflict herewith are hereby repealed. In confirmation and furtherance thereof, in the event of any conflict or inconsistency between the terms and provisions of this Ordinance and the Enterprise Zone Ordinance (without giving effect to this Amendment), the terms and provisions of this Ordinance shall govern and control and the conflicting and inconsistent terms and provisions of the Enterprise Zone Ordinance (without giving effect to this Amendment) shall no longer have any force or effect.

**SECTION FOUR:** That this Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law, and from and after its approval by the Illinois Department of Commerce and Economic Opportunity.

**SECTION FIVE:** That this Ordinance, and every provision hereof, shall be considered separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

**SECTION SIX:** That the Clerk is hereby directed and authorized to publish this Ordinance in pamphlet form as required by law and forward a certified copy of this Ordinance with the County Clerk for Logan County, the County Clerk for Sangamon County, the Village Clerk for the Village of Elkhart, the County Clerk for DeWitt County, the Village Clerk for the Village of Hartsburg, the City Clerk for the City of Atlanta and the Village Clerk for the Village of New Holland.

**SECTION SEVEN:** That the Zone Administrator is hereby authorized and directed to cause an application to be submitted to the State of Illinois pursuant to the Act in relation to the amendments contained in this Ordinance.

AYES: \_\_\_\_\_ NAYS: \_\_\_\_\_ ABSENT: \_\_\_\_\_

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
SANGAMON COUNTY

\_\_\_\_\_  
CLERK, SANGAMON COUNTY

Published in pamphlet form by authority of Sangamon County, Illinois this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 2011.

\_\_\_\_\_  
CLERK, SANGAMON COUNTY

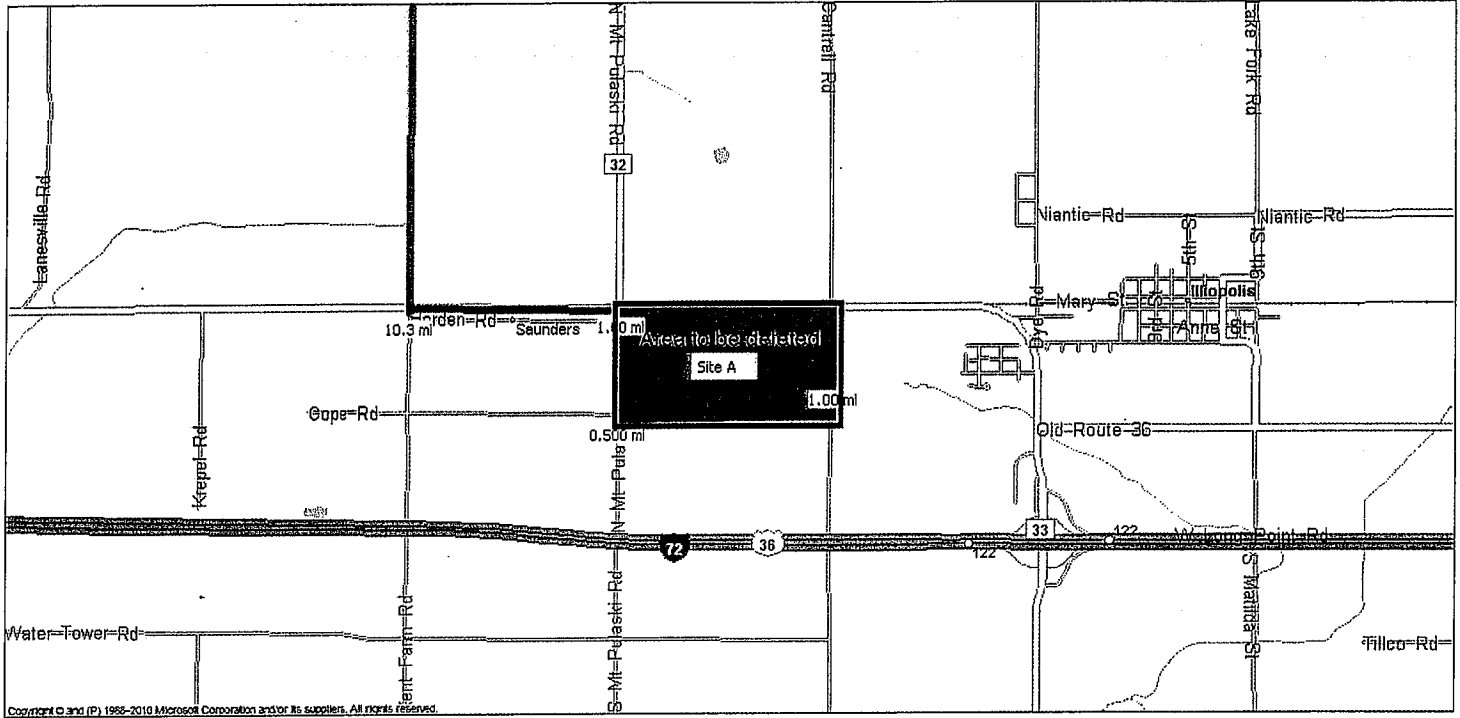
## Attachment - A

### Description of Territory to be Deleted

*Beginning at the intersection of Mt. Pulaski Road and Old Route 36 in Sangamon County, Illinois, thence south along Mt. Pulaski Road to Cope Road, thence east along Cope Road to Cantrall Road, thence north along Cantrell Road to Old Route 36, thence west on Old Rout 36 to the point of beginning.*

# Attachment - B

## Map of the Enterprise Zone Area to be Deleted



# Attachment - C

## Amendment to Intergovernmental Agreement

**AMENDMENT TO THAT CERTAIN 1986, 1987 ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT BETWEEN LOGAN COUNTY, THE CITY OF LINCOLN, SANGAMON COUNTY, VILLAGE OF ELKHART, DEWITT COUNTY, VILLAGE OF HARTSBURG, CITY OF ATLANTA, VILLAGE OF NEW HOLLAND**

THIS AMENDMENT TO ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT (this "Amendment") is entered into by and between the City of Lincoln, Illinois, the County of Logan, Illinois, the Village of Elkhart, Illinois, the County of Sangamon, Illinois, the County of DeWitt, Illinois, the Village of Hartsburg, Illinois, the City of Atlanta, Illinois and the Village of New Holland, the ("Units of Government").

**WITNESSETH:**

**WHEREAS**, Units of Government each adopted respective ordinances, as amended, establishing and designating an Enterprise Zone encompassing contiguous portions of the Units of Government (such zone, as amended, being the "Enterprise Zone");

**WHEREAS**, Lincoln adopted Ordinances approving the execution by Lincoln and Logan of the "Enterprise Zone Intergovernmental Agreement" establishing the Enterprise Zone. Such Enterprise Zone Intergovernmental Agreement was amended in order to, among other things, add the government units of the County of Sangamon, the Village of Elkhart, the County of DeWitt, the Village of Hartsburg, the City of Atlanta and the Village of New Holland in order to, among other things, from time to time to add and delete territory to the Enterprise Zone (such Enterprise Zone Intergovernmental Agreement and all other amendments, modifications or agreements relate thereto, being herein collectively referred to as, the "Intergovernmental Agreement").

**WHEREAS**, the Units of Government have reviewed documentation demonstrating that the proposed area to be deleted from the Enterprise Zone does not meet the qualifying criteria; and

**WHEREAS**, it would be in the best interest of the citizens of the Units of Government for the aforementioned property to be deleted from the Enterprise Zone.

**NOW, THEREFORE**, in consideration of the mutual covenants and promises herein provided, the parties hereby agree as follows:

**SECTION ONE:** The Intergovernmental Agreement is hereby amended such that the real property which comprises the Enterprise Zone shall delete that certain real property (the "Amended Territory") legally described on Exhibit A attached hereto and made a part hereof (which real property is also depicted on that certain map attached hereto and made a part hereof as Exhibit B); and that the Amended Territory is hereby designated to be deleted from the Enterprise Zone pursuant to and in accordance with the Illinois Enterprise Zone Act. (20 ILCS 655/1 et seq.).

**SECTION TWO:** The Intergovernmental Agreement is hereby further amended to reflect the City of Lincoln Ordinance attached hereto and made a part hereof as Exhibit D, Logan County Ordinance attached hereto and made a part hereof as Exhibit E, Sangamon County Ordinance attached hereto and made a part hereof as Exhibit F and the Village of Elkhart Ordinance attached hereto and made a part hereof as Exhibit G and the County of DeWitt Ordinance attached hereto and made part hereof as Exhibit H and the Village of Hartsburg Ordinance attached hereto and made part hereof as Exhibit I and the City of Atlanta Ordinance attached hereto and made part hereof as Exhibit J and the Village of New Holland Ordinance attached hereto and made part hereof as Exhibit K (collectively, the "Ordinances"). In confirmation and furtherance thereof, in the event of any conflict or inconsistency between the term and provisions of the Ordinances and the Intergovernmental Agreement (without giving effect to this Amendment), the terms and provisions of the Ordinances shall govern and control and the conflicting and



inconsistent terms and provisions of the Intergovernmental Agreement (without giving effect to this Amendment) shall no longer have any force or effect.

**SECTION THREE:** Except as otherwise amended or provided in this Amendment, the Original Intergovernmental Agreement attached hereto and made part of hereof as Exhibit L, shall remain in full force and effect.

**SECTION FOUR:** This agreement may be amended from time to time only by written agreement of the parties, provided, however, that the City of Lincoln and Logan County may seek to amend the boundaries of the Enterprise Zone within their own boundaries, add additional territory and units of government or delete enterprise zone territory in the Village of Elkhart, County of Sangamon, County of DeWitt, Village of Hartsburg, City of Atlanta and Village of New Holland providing they receive approval of the State Agency in charge of such approval, without the need to further amend this Agreement; and further, by execution of this agreement the Village of Elkhart, County of Sangamon, County of DeWitt, Village of Hartsburg, City of Atlanta and Village of New Holland consent to such changes by the City of Lincoln and County of Logan. If requested by the City of Lincoln or County of Logan, the Corporate Authorities of the Village of Elkhart, County of Sangamon, County of DeWitt, Village of Hartsburg, City of Atlanta and Village of New Holland shall enact ordinances acknowledging this limited consent to such boundary change(s).

IN WITNESS WHEREOF, on behalf of the units of government, the Mayor of the City of Lincoln, Illinois, the Chairman of the County of Logan, Illinois, the Village President of the Village of Elkhart, Illinois, the Chairman of the County of Sangamon, Illinois, the Chairman of the County of DeWitt, Illinois, the Village President of the Village of Hartsburg, Illinois, the Mayor of the City of Atlanta, Illinois and the Village President of the Village of New Holland, respectively, approve, accept and execute this Amendment this \_\_\_\_ day of \_\_\_\_ 2011.

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Mayor, City of Lincoln

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Chairman, Logan County

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President, Village of Elkhart

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Chairman, Sangamon County

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Chairman, DeWitt County

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President, Village of Hartsburg

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Mayor, City of Atlanta

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President, Village of New Holland

