

RECEIVED

DEC 27 2011

Paul Palazzolo
SANGAMON COUNTY AUDITOR

SANGAMON COUNTY
ORDINANCE NO. 13-1

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 COUNTY, THE VILLAGE OF ELKHART, THE COUNTY OF DEWITT, THE VILLAGE OF HARTSBURG, THE CITY OF ATLANTA AND THE VILLAGE OF NEW HOLLAND.

WHEREAS, the City of Lincoln, Illinois, adopted Ordinance 219 on December 23, 1986 and Ordinance 222 on February 17, 1987 establishing an Enterprise Zone encompassing contiguous portions of the County of Logan and City of Lincoln, Illinois, pursuant to the Enterprise Zone Act (the "Act"), Chapter 20, Sec. 655/1 et. seq., Ill. Compiled Statutes, (20 ILCS 655/1 et. seq.), and was certified as an Enterprise Zone by the Department of Commerce and Economic Opportunity of the State of Illinois effective July 1, 1987, and

WHEREAS, said Enterprise Zone now encompasses approximately 10.97 square miles and the Act allows a Zone to encompass a minimum of one half square mile and the maximum of 15 square miles if the zone is a joint effort of four or more units of government.

WHEREAS, the Enterprise Zone was later amended to add Sangamon County.

WHEREAS, it is determined that it is in the best interests of the citizens of the County to allow additional types of businesses benefit from the Enterprise Zone;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF SANGAMON COUNTY, ILLINOIS, as follows, to-wit:

SECTION 1: Except to the extent amended hereby, all provisions, agreements, stipulations, rights, obligations and duties set forth in Enterprise Zone Ordinances

FILED

JAN 11 2012

Paal Diello
Sangamon County Clerk

adopted by the County are hereby ratified, confirmed and incorporated herein as fully as if set forth in their entirety and are hereby applied to the Amended Area of the Enterprise Zone completely.

SECTION 2: Qualifications. It is hereby declared and affirmed that the zone area is qualified for designation as an Enterprise Zone in accordance with the provisions of the Act and it is further affirmed that:

- (a) The zone area is a contiguous area;
 - (b) The zone area comprises a minimum of one-half square mile and not more than fifteen square miles;
 - (c) The zone area is a depressed area;
 - (d) The zone area satisfies any additional criteria established by regulation of the Illinois Department of Commerce and Economic Opportunity;
 - (e) On the 15th day of November 2011, a public hearing "as conducted within the zone area on the question of whether to delete certain area from the zone, what type of businesses should receive benefit from the zone, and that public notice of the hearing was given in at least one newspaper of general circulation within the zone area, not more than 20 days or less than 5 day's before the hearing";
- and

SECTION 3: Enterprise Zone Designation. The area described in Section 2 above is hereby designated as an Enterprise Zone, subject to the approval of Illinois Department of Commerce and Economic Opportunity.

SECTION 4: Term and Effect. This Ordinance shall be and become effective for a period ending on June 30, 2017, unless sooner rescinded or as otherwise amended, on

the date that the area described in Section 2, above, is designated an Enterprise Zone, in accordance with law.

SECTION 5: Sales Tax Credits. Each retailer who makes a sale of building materials to be incorporated into real estate located in the Enterprise Zone, as supplemented and amended, by remodeling, rehabilitation or new construction, may deduct receipts from such sales when calculating the tax imposed by the State of Illinois under and pursuant to Retailers' Occupation Tax Act (35 ILCS 120/1) the deduction allowed hereby shall be limited to and shall only apply to any remodeling, rehabilitation, or new construction of any qualified manufacturing operations including the assembly, fabrication, repair, restoration or creation of products, commercial storage, warehousing, distribution, telemarketing, phone order centers, agribusiness, mining, offices, health care facilities, retail projects, commercial enterprises defined as businesses whose principle revenue comes from on-premise sale of food, beverages, gasoline, durable goods or merchandise of any kind or the offering of services which the Enterprise Zone Administrator has issued a certificate of eligibility qualifying the construction, a copy of which is required to be provided to the applicable retailer at the time of sale and maintained by such retailer in its books and records for the purposes of documenting any such deduction.

SECTION 6: Property Tax Abatement and Waiver of Fees. The County authorizes and directs the Clerk of Sangamon County to abate ad valorem taxes imposed upon real property, located within the Enterprise Zone area, upon which new improvements are constructed or upon which existing improvements are renovated or rehabilitated, subject to the following conditions provided, however, that no such

abatement shall be applicable to any such improvement project within the boundaries of any Tax Increment Redevelopment Project Districts:

(a) The improvements or renovations are of the scope and nature for which a building permit has been obtained and has an estimated cost of at least \$5,000.00;

(b) Any abatement of taxes on any parcel shall not exceed the amount attributable to the construction of the improvements and the renovation or rehabilitation of existing improvements on such parcel;

(c) Such abatement shall be allowed only for manufacturing operations including the assembly, fabrication, repair, restoration or creation of products, commercial storage, warehousing, distribution, telemarketing, phone order centers, agribusiness, mining, offices, health care facilities, retail projects, commercial enterprises defined as businesses whose principle revenue comes from on-premise sale of food, beverages, gasoline, durable goods or merchandise of any kind or the offering of services property located within the zone area;

(d) Manufacturing operations including the assembly, fabrication, repair, restoration or creation of products, commercial storage, warehousing, distribution, telemarketing, phone order centers, agribusiness, mining, offices, health care facilities, retail projects, commercial enterprises defined as businesses whose principle revenue comes from on-premise sale of food, beverages, gasoline, durable goods or merchandise of any kind or the offering of services property only should be abated. Such abatement shall be at the rate of 100 percent of the value of the improvements, revitalization or renovation made in years one through five immediately following the year the improvements were made. Such

abatement shall be at the rate of 50 percent of the value of the improvements, revitalization or renovation made in years six through ten immediately following the year in which the assessment for the improvements is made. No residential property should be allowed an abatement;

(e) Such abatement shall continue and be in full force as set forth in this Section for any improvements, which are completed within the term of this Ordinance as specified in Section 5 hereof.

(f) Enterprise Zone benefits shall be extended to those projects involving manufacturing operations including the assembly, fabrication, repair, restoration or creation of products, commercial storage, warehousing, distribution, telemarketing, phone order centers, agribusiness, mining, offices, health care facilities, retail projects, commercial enterprises defined as businesses whose principle revenue comes from on-premise sale of food, beverages, gasoline, durable goods or merchandise of any kind or the offering of services. Residential projects are not eligible. The Zone Administrator shall be the judge of eligibility, but will report quarterly to the appropriate committees what has been approved and how it fits into the rules.

(g) Fifty percent of the building permit fees will be charged for improvements for which taxes are abated pursuant to this Section.

SECTION 7: Zone Administrator. It shall be the power and duty of the Zone Administrator to supervise the implementation of the provisions of this Resolution, the Intergovernmental Agreement and the law;

(a) Act as a liaison between the units of government and the Illinois Department

of Commerce and Economic Opportunity, and other State, Federal, and local agencies, whether public or private;

(b) Conduct an ongoing evaluation of the enterprise zone program and submit such evaluative reports on at least an annual basis to the appropriate City and County committees

(c) Promote the coordination of other relevant programs, including, but not limited to, housing, community and economic development, small business, financial assistance and employment training within the enterprise zone;

(d) Have other such duties as specified by the appropriate committees.

SECTION 8: Intergovernmental Agreement. The County Board Chairman of Sangamon County shall have, and is hereby given authority to execute an Amended Intergovernmental Agreement between the City of Lincoln, the County of Logan, the County of Sangamon, the Village of Elkhart, County of DeWitt, Village of Hartsburg, City of Atlanta and Village of New Holland which will indicate their willingness and desire to participate in the Amended Enterprise Zone Program and which will set out the criteria for cooperation, participation, management of the amended Enterprise Zone, a copy of which Amended Intergovernmental Agreement is attached hereto, incorporated herein as Exhibit "C".

SECTION 9: This Ordinance, and every provision hereof, shall be considered separable, and the invalidity of any portion of this not affects the validity of the remainder.

SECTION 10: This Ordinance shall take effect, as indicated above, following its passage, approval, and publication, as may be required, according to law

SECTION 11: Any ordinance or part thereof in conflict with the provisions of this ordinance, are hereby repealed.

SECTION 12: 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 corporate boundaries or delete enterprise zone territory in the Village of Elkhart, the County of Sangamon, the County of DeWitt, the Village of Hartsburg, the City of Atlanta and the Village of New Holland providing they receive the 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, the County of Sangamon, County of DeWitt, Village of Hartsburg, the City of Atlanta and the Village of New Holland consent to any such changes by the City of Lincoln and the County of Logan. If requested by the State Agency or the City of Lincoln or County of Logan, the Corporate Authorities of the Village of Elkhart, the County of Sangamon, the County of DeWitt, the Village of Hartsburg, the City of Atlanta and the Village of New Holland shall each enact ordinances acknowledging this limited consent to such boundary change(s).

AYES: _____

NAYS: _____

ABSENT: _____

PASSED AND APPROVED this _____ day of _____, A.D., 2011.

CHAIRMAN, SANGAMON COUNTY

CLERK, SANGAMON COUNTY

Published in pamphlet form by authority of the County Board of the Sangamon County, Illinois this ___ the day of _____ A. D. 2011.

CLERK, SANGAMON COUNTY

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 Ordinance No. 219 on December 23, 1986 and Ordinance No. 222 on February 17, 1987, and Logan adopted Ordinance No. 1986 on December 16, 1986, approving the execution by Lincoln and Logan of the "Enterprise Zone Intergovernmental Agreement" establishing the Enterprise Zone. Such Enterprise Zone Intergovernmental Agreement was amended by that certain "Amendment to the 1986, 1987 Enterprise Zone Intergovernmental Agreement," dated September 21, 2004 in order to, among other things, add the government units of the County of Sangamon and the Village of Elkhart to the Enterprise Zone. Such Enterprise Zone Intergovernmental Agreement was further amended by that certain "Amendment to the 1986, 1987

Enterprise Zone Intergovernmental Agreement,” dated July 7, 2008 in order to, among other things, add the government unit of DeWitt County to the Enterprise Zone and has been previously and subsequently amended, 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 City of Lincoln and the County of Logan 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.

Mayor, City of Lincoln

Chairman, Logan County

President, Village of Elkhart

Chairman, Sangamon County

Chairman, DeWitt County

President, Village of Hartsburg

Mayor, City of Atlanta

President, Village of New Holland