

**CITY OF FAIRVIEW HEIGHTS
CITY COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS
JULY 5, 2016
7:00 P.M.**

- A. Call to Order
- B. Pledge of Allegiance
- C. Invocation
- D. Roll Call
- E. Public Participation
- F. Consent Agenda:

City Council Minutes – June 21, 2016

Finance Director Report

- G. Committee Reports
- H. Communication from Mayor
- I. Communication from Elected Officials

J. UNFINISHED BUSINESS

None.

K. NEW BUSINESS

Proposed Ordinance No. 38-‘16, an Ordinance adopting Tax Increment Financing in the Ludwig Drive Tax Increment Financing Redevelopment Project Area. (Community Committee)

Proposed Ordinance No. 39-‘16, an Ordinance approving the Tax Increment Financing Redevelopment Plan and Redevelopment Project for the Ludwig Drive Tax Increment Financing Redevelopment Project Area. (Community Committee)

Proposed Ordinance No. 40-‘16, an Ordinance designating and approving the Ludwig Drive Tax Increment Financing Redevelopment Project Area. (Community Committee)

Proposed Ordinance No. 41-‘16, an Ordinance adopting Tax Increment Financing in the State Route 159 North Tax Increment Financing Redevelopment Project Area. (Community Committee)

Proposed Ordinance No. 42-‘16, an Ordinance approving the Tax Increment Financing Redevelopment Plan and Redevelopment Project for the State Route 159 North Tax Increment Financing Redevelopment Project Area. (Community Committee)

K. NEW BUSINESS - continued

Proposed Ordinance No. 43-'16, an Ordinance designating and approving the State Route 159 North Tax Increment Financing Redevelopment Project Area. (Community Committee)

Proposed Resolution No. 62-'16, a Resolution authorizing the City to utilize an Intergovernmental Agreement template when entering into a contract with all taxing districts in the Proposed Ludwig Drive TIF. (Community Committee)

Proposed Resolution No. 63-'16, a Resolution authorizing the City to utilize an Intergovernmental Agreement template when entering into a contract with all taxing districts in the Proposed State Route 159 North TIF. (Community Committee)

Propose Resolution No. 64-'16, a Resolution authorizing the City of Fairview Heights to apply for a grant with the St. Clair County Parks Grant Commission for funding to purchase and install a pavilion by the main playground area at Everett Moody Park. (Community Committee)

Move to go into Executive Session pursuant to 5 ILCS 120/2 (c) (11) – Litigation.

L. ADJOURNMENT

**CITY OF FAIRVIEW HEIGHTS
CITY COUNCIL MINUTES
JUNE 21, 2016**

The regular meeting of the Fairview Heights City Council was called to order at 7:00 P.M. by Mayor Mark T. Kupsky in the Municipal Complex, 10025 Bunkum Road, Fairview Heights, IL with the Invocation by City Clerk Karen J. Kaufhold and the Pledge of Allegiance by Mayor Kupsky.

ROLL CALL

Roll call of Aldermen present: Dennis Baricevic, Pat Baeske, Brenda Wagner, Harry Zimmerman, Pat Peck, Roger Lowry, Justin Gough, Bill Poletti and Frank Menn. Alderman Denise Williams was absent. Mayor Mark T. Kupsky, City Clerk Karen J. Kaufhold and City Attorney Kevin Hoerner were also present.

PUBLIC PARTICIPATION

None.

CONSENT AGENDA

Alderman Baeske moved to approve the June 7, 2016 regular session City Council minutes, Executive Session minutes and the bills and invoices as presented for payment in the amount of \$1,138,427.82. Seconded by Alderman Poletti.

Roll call on the Consent Agenda which includes corrections made by Alderman Peck showed Aldermen Baricevic, Baeske, Wagner, Zimmerman, Peck, Lowry, Gough, Poletti and Menn voting "Yea." Alderman Williams was absent. Motion passed on 9 yeas and 1 absent.

COMMITTEE REPORTS

Mayor Kupsky announced the Community Committee will meet June 22nd, 7:00 P.M.

COMMUNICATION FROM MAYOR

Mayor Kupsky requested a moment of silence for the three recent tragic events which happened in Orlando, FL; Mayor stated the "Yeah Festival" was held on June 18th and was a nice event for the community; Mayor announced three new businesses will be moving into Crossroads center, a grocery store, Outlet Max and Sky Zone.

COMMUNICATION FROM ELECTED OFFICIALS

Clerk Kaufhold announced on June 29th Jack Schmitt Cadillac will be hosting the Midwest Salute to the Arts Kickoff Event from 6:00 P.M. to 8:00 P.M. with music, food and art exhibits. The event is free and open to the public.

UNIFNISHED BUSINESS

Proposed Ordinance No. 37-'16, an Ordinance amending Ordinance No. 1646-2014, Ordinance No. 1647-2014 and Ordinance No. 1702-2015 regarding time to proceed with the development of Labors Local #100 Business Office within the Planned Professional Office District. Proposed Ordinance No. 37-'16 was read for the second time.

Proposed Ordinance No. 37-'16 passed on a voice vote.

Proposed Ordinance No. 37-'16 now becomes **ORDINANCE NO. 1753-2016**.

NEW BUSINESS

Proposed Resolution No. 52-'16, a Resolution amending Resolution No. 3858-2014, a Resolution adopting a complete and current City of Fairview Heights Personnel Code. Motion made by Alderman Zimmerman. Seconded by Alderman Lowry.

Roll call on Proposed Resolution No. 52-'16 showed Aldermen Baricevic, Baeske, Wagner, Zimmerman, Peck, Lowry, Gough, Poletti and Menn voting "Yea." Alderman Williams was absent. Proposed Resolution No. 52-'16 passed on 9 yeas and 1 absent.

Proposed Resolution No. 52-'16 now becomes **RESOLUTION NO. 4028-2016**.

Proposed Resolution No. 53-'16, a Resolution amending Resolution No. 3978-2016, passed January 21, 2016; a Resolution adopting a Capital Improvement Priority List. Motion made by Alderman Baricevic. Seconded by Alderman Poletti.

Roll call on Proposed Resolution No. 53-'16 showed Aldermen Baricevic, Baeske, Wagner, Zimmerman, Peck, Lowry, Gough, Poletti and Menn voting "Yea." Alderman Williams was absent. Proposed Resolution No. 53-'16 passed on 9 yeas and 1 absent.

Proposed Resolution No. 53-'16 now becomes **RESOLUTION NO. 4029-2016**.

Proposed Resolution No. 54-'16, a Resolution authorizing the Mayor to enter into an agreement with Pontiac William F. Holliday School District 105 for the construction of a sidewalk connecting Columbia and Traubel Drives. Motion made by Alderman Baricevic. Seconded by Alderman Wagner.

Roll call on Proposed Resolution No. 54-'16 showed Aldermen Baricevic, Baeske, Wagner, Zimmerman, Peck, Lowry, Gough, Poletti and Menn voting "Yea." Alderman Williams was absent. Proposed Resolution No. 54-'16 passed on 9 yeas and 1 absent.

Proposed Resolution No. 54-'16 now becomes **RESOLUTION NO. 4030-2016**.

Move to read under the Omnibus Reading Proposed Resolution No. 55-'16, Proposed Resolution No. 56-'16, Proposed Resolution No. 57-'16 and Proposed Resolution No. 58-'16. Motion made by Alderman Baeske. Seconded by Alderman Lowry.

Proposed Resolution No. 55-'16, a Resolution authorizing the Mayor to enter into a purchase agreement with Rush Truck Centers for a 2017 International 7400 SFA 6X4 truck for use by the Public Works Department;

Proposed Resolution No. 56-'16, a Resolution authorizing the Mayor to enter into a purchase agreement with Morrow Brothers for a 2016 Ford F250 4X4 truck for use by the Public Works Department;

NEW BUSINESS – continued – Omnibus Reading

Proposed Resolution No. 57-'16, a Resolution authorizing the Mayor to enter into a purchase agreement with Deere & Company for a John Deere 4066R Compact Tractor with mower and loader for us by the Parks Department; and

Proposed Resolution No. 58-'16, a Resolution authorizing the Mayor to enter into a purchase agreement with Landmark Ford Inc. for a 2016 Ford Taurus for use by the Land Use and Development Department.

Roll call on Proposed Resolution No. 55-'16, Proposed Resolution No. 56-'16, Proposed Resolution No. 57-'16 and Proposed Resolution No. 58-'16 showed Aldermen Baricevic, Baeske, Wagner, Zimmerman, Peck, Lowry, Gough, Poletti and Menn voting "Yea." Alderman Williams was absent. Proposed Resolution No. 55-'16, Proposed Resolution No. 56-'16, Proposed Resolution No. 57-'16 and Proposed Resolution No. 58-'16 passed on 9 yeas and 1 absent.

Proposed Resolution No. 55-'16 now becomes **RESOLUTION NO. 4031-2016**.

Proposed Resolution No. 56-'16 now becomes **RESOLUTION NO. 4032-2016**.

Proposed Resolution No. 57-'16 now becomes **RESOLUTION NO. 4033-2016**.

Proposed Resolution No. 58-'16 now becomes **RESOLUTION NO. 4034-2016**.

Move to read under the Omnibus Reading proposed Resolution No. 59-'16, Proposed Resolution No. 60-'16 and Proposed Resolution No. 61-'16. Motion made by Alderman Baricevic. Seconded by Alderman Lowry.

Proposed Resolution No. 59-'16, a Resolution authorizing the Mayor on behalf of the City to enter into an agreement with EWR Architects, Inc. to provide Professional Design Services for the tuck-pointing and re-roofing of the North Wing of the Municipal Building;

Proposed Resolution No. 60-'16, a Resolution authorizing the Mayor to enter into a contract on behalf of the City with D.E. Martin Roofing Company, Inc. to provide labor, materials and equipment for the re-roof of the Fairview Heights Municipal Building; and

Proposed Resolution No. 61-'16, a Resolution authorizing the Mayor to enter into a contract on behalf of the City with D.E. Martin Roofing Company, Inc. to provide labor, materials and equipment for roof replacement of the Library facility.

Roll call on Proposed Resolution No. 59-'16, Proposed Resolution No. 60-'16 and Proposed Resolution No. 61-'16 showed Aldermen Baricevic, Baeske, Wagner, Zimmerman, Peck, Lowry, Gough, Poletti and Menn voting "Yea." Alderman Williams was absent. Proposed Resolution No. 59-'16, Proposed Resolution No. 60-'16 and Proposed Resolution No. 61-'16 passed on 9 yeas and 1 absent.

Proposed Resolution No. 59-'16 now becomes **RESOLUTION NO. 4035-2016**.

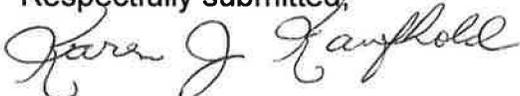
Proposed Resolution No. 60-'16 now becomes **RESOLUTION NO. 4036-2016**.

Proposed Resolution No. 61-'16 now becomes **RESOLUTION NO. 4037-2016**.

Alderman Gough moved to adjourn. Seconded by Alderman Poletti. Motion carried.

Meeting adjourned at 7:19 P.M.

Respectfully submitted,



KAREN J. KAUFHOLD
CITY CLERK

Memo

To: Mayor & City Council
From: Gina Rader - Director of Finance
CC: City Clerk & Directors
Date: June 30, 2016
Re: Finance Report – July 5, 2016 City Council Meeting

Sales Tax

Compared to May 2015, the Municipal 1% Sales Tax had an increase of 7.9%. We hope to see the upward trend in the upcoming months as well.

Please let me know if you have any questions.

Thanks,
Gina

**CITY OF FAIRVIEW HEIGHTS, IL
SALES TAX REPORT
State 1% Municipal Tax Portion**

DISTRIBUTION MONTH	MAY 2013 - APRIL 2014	MAY 2014 - APRIL 2015	MAY 2015 - APRIL 2016	MAY 2016 - APRIL 2017	% CHANGE	CHANGE IN DOLLARS
MAY	\$ 601,011.50	\$ 584,713.94	\$ 586,147.75	\$ 632,285.33	7.9%	\$ 46,137.58
JUN	655,667.46	647,401.33	708,268.15	-		
JUL	574,119.26	578,345.95	563,612.88	-		
AUG	586,795.92	593,876.18	607,839.70	-		
SEP	610,055.28	579,381.42	653,462.36	-		
OCT	554,178.50	550,782.54	573,059.41	-		
NOV	574,589.49	579,500.49	642,921.78	-		
DEC	468,313.25	588,998.17	626,164.49	-		
JAN	589,088.14	580,475.99	627,103.06	-		
FEB	687,960.48	680,833.91	695,015.32	-		
MAR	969,659.49	1,028,593.77	1,041,010.81	-		
APR	458,225.94	528,428.24	519,339.92	-		
YTD TOTAL	\$ 7,329,664.71	\$ 7,521,331.93	\$ 7,843,945.63	\$ 632,285.33		\$ 46,137.58
YTD CHANGE	-6.7%	2.6%	4.3%			
MONTHLY AVG	\$ 610,805.39	\$ 626,777.66	\$ 653,662.14	\$ 52,690.44		

6/30/2016

PROPOSED ORDINANCE NO. 38-'16

AN ORDINANCE ADOPTING TAX INCREMENT FINANCING IN THE LUDWIG DRIVE TAX INCREMENT FINANCING REDEVELOPMENT PROJECT AREA.

WHEREAS, the City of Fairview Heights, Illinois desires to implement tax increment financing pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et. seq., as amended (the "TIF Act"), for the Redevelopment Plan for the Ludwig Drive Tax Increment Financing Redevelopment Project Area (the "Redevelopment Plan") within the municipal boundaries of the City of Fairview Heights and within the Ludwig Drive Tax Increment Financing Redevelopment Project Area as described in Exhibit A attached to this Ordinance (the "Redevelopment Project Area"), which constitutes in the aggregate more than 1½ acres.

WHEREAS, the City Council has heretofore adopted Proposed Ordinance No. 39-'16 approving the Redevelopment Plan and Redevelopment Project as described therein (the "Redevelopment Project").

WHEREAS, the City Council has heretofore adopted Proposed Ordinance No. 40-'16 designating and approving the Ludwig Drive Tax Increment Financing Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS, AS FOLLOWS:

SECTION 1. Tax increment financing is hereby adopted to pay or reimburse redevelopment project costs pursuant to the TIF Act and the Redevelopment Plan for the Ludwig Drive Tax Increment Financing Redevelopment Project Area in the City of Fairview Heights, Illinois, as described in "EXHIBIT A." The maps of the Redevelopment Project Area are attached hereto as "EXHIBIT B" and made a part of this Ordinance.

SECTION 2. Pursuant to the TIF Act, the ad valorem taxes, if any, arising from the levies upon taxable real property in the Redevelopment Project Area by taxing districts and tax rates determined in the manner provided in Section 11-74.4-9(c) of the TIF Act each year after the effective dates of this ordinance until the Redevelopment Project Costs and all municipal obligations financing Redevelopment Project Costs incurred in respect thereto have been paid shall be divided as follows:

That portion of taxes levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the Redevelopment Project Area shall be allocated to and when collected shall be paid by the County Collector of St. Clair County to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the Redevelopment Project Area over and above the initial equalized assessed value of each property in the project area shall be allocated to and when collected shall be paid to the City Treasurer who shall deposit said taxes into a special fund called the special tax allocation fund of the City for the purpose of paying Redevelopment Project Costs and obligations incurred in the payment thereof.

SECTION 3. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

SECTION 5. The City Clerk shall forthwith transmit to the County Clerk of St. Clair County a certified copy of this Ordinance and Proposed Ordinance No. 39-'16 and Proposed Ordinance No. 40-'16, a legal description of the Redevelopment Project Area, a map of the Redevelopment Project Area, identification of the year 2014 as the year that the County Clerk shall use for determining the total initial equalized assessed value of the Redevelopment Project Area consistent with subsection (a) of Section 11-74.4-9 of the TIF Act, and a list of the parcel or tax identification number of each parcel of property included in the Redevelopment Project Area.

READ FIRST TIME:

READ SECOND TIME:

PASSED:

APPROVED:

MARK T. KUPSKY – MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD - CITY CLERK

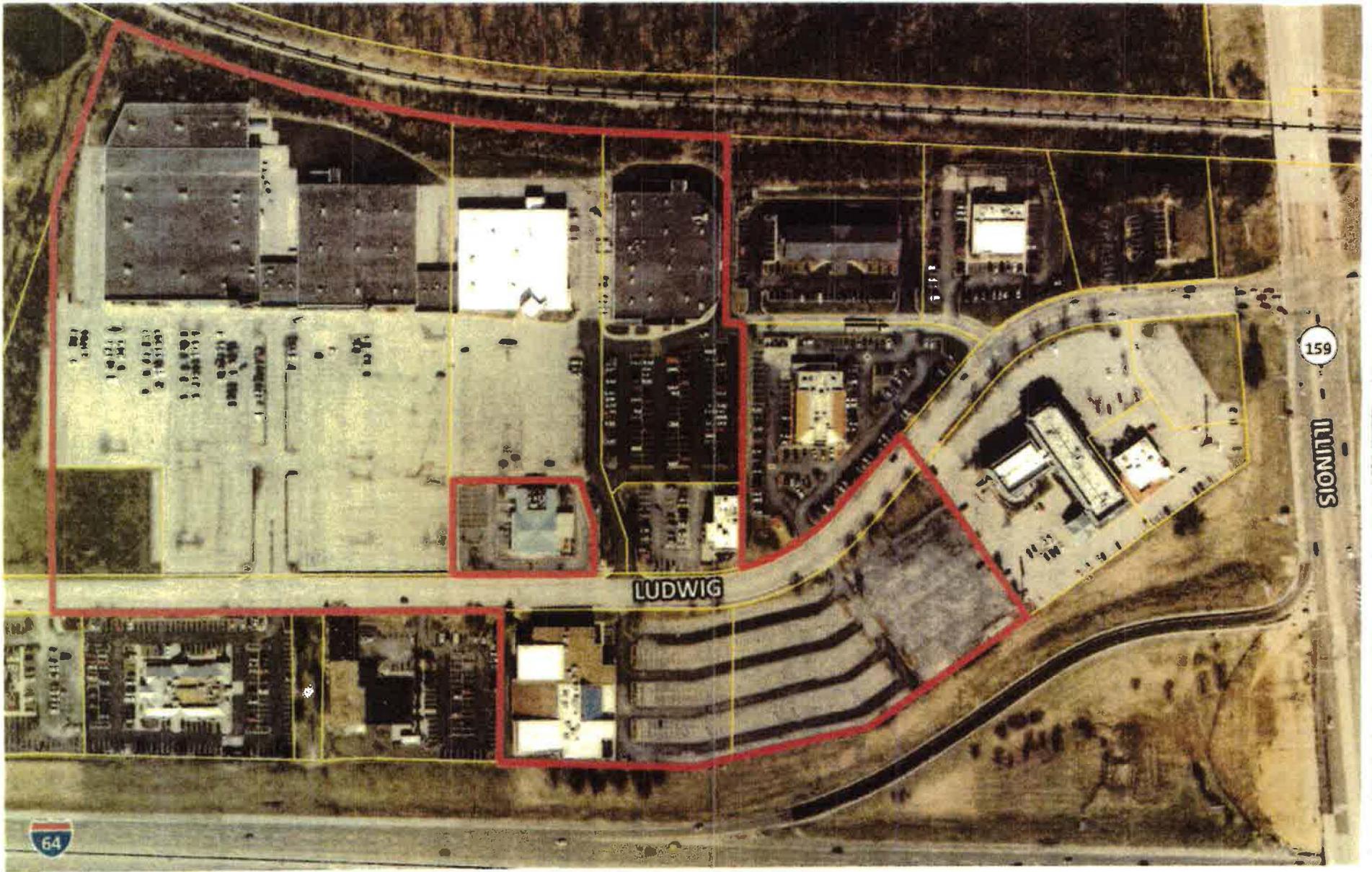
"EXHIBIT A"

LEGAL DESCRIPTION

PART OF US SURVEY 768, SECTIONS 21 AND 22, IN TOWNSHIP 2 NORTH, RANGE 8 WEST, OF THE THIRD PRINCIPAL MERIDIAN, CITY OF FAIRVIEW HEIGHTS, ST. CLAIR COUNTY, ILLINOIS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 9 OF 4TH ADDITION TO FAIRVIEW HEIGHTS OFFICE PARK SUBDIVISION REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN THE ST. CLAIR COUNTY RECORDER 'S OFFICE IN BOOK OF PLATS 89 ON PAGE 77, SAID BEGINNING POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE OF LUDWIG DRIVE; THENCE NORTH, ALONG THE WEST LINE OF SAID LOT 9, 180.00 FEET TO THE SOUTHWEST CORNER OF LOT 10 OF FAIRVIEW HEIGHTS PLAZA PHASE 1 SUBDIVISION; REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN SAID RECORDER'S OFFICE IN BOOK OF PLATS 90 ON PAGE 50; THENCE NORTH, ALONG THE WEST LINE OF SAID LOT 10, THE FOLLOWING DISTANCES, 436.82 FEET AND 323.52 FEET TO THE SOUTH LINE OF THE CSX RR; THENCE EASTERLY ALONG THE SOUTHERLY LINES OF SAID CSX RR, TO THE NORTHWEST CORNER OF LOT 3 OF 1ST ADDITION TO FAIRVIEW OFFICE PARK; REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN SAID RECORDER'S OFFICE IN BOOK OF PLATS 85 ON PAGE 58; THENCE SOUTH, ALONG THE WEST LINE OF SAID LOT 3 AND THE SOUTHERLY EXTENSION THEREOF TO THE SOUTHERLY LINE OF A 40.00 FOOT WIDE PRIVATE ROAD AND UTILITY EASEMENT; THENCE EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 29.00 FEET TO THE NORTHWEST CORNER OF LOT 4 OF SAID SUBDIVISION; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 4. A DISTANCE OF 388.7 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4 OF FAIRVIEW OFFICE PARK 1ST ADDITION, ALSO BEING THE NORTH RIGHT OF WAY LINE OF LUDWIG DRIVE; THENCE NORTHEASTERLY, ALONG SAID RIGHT OF WAY LINE, TO ITS INTERSECTION WITH THE NORTHWESTERLY EXTENSION OF THE SOUTHWESTERLY LINE OF LOT 1 OF DRURY SUBDIVISION NO. 1; THENCE LEAVING THE RIGHT OF WAY LINE AND CROSSING LUDWIG DRIVE TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF LUDWIG DRIVE, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 1 OF THE DRURY SUBDIVISION NO. 1; THENCE SOUTH, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1, A DISTANCE OF 311.99 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF I- ROUTE 64; THENCE WESTERLY, ALONG SAID RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF LOT 1 OF CELLULAR SITE SUBDIVISION; REFERENCE BEING HAD TO THE PLAT THEREOF IN THE ST. CLAIR COUNTY RECORDER'S OFFICE IN DOCUMENT NUMBER A02166126; THENCE NORTH, ALONG THE EAST LINE OF SAID LOT 1, 258.36 FEET TO THE SOUTH RIGHT OF WAY LINE OF LUDWIG DRIVE; THENCE WEST, ALONG SAID RIGHT OF WAY, 755.00 FEET MORE OR LESS TO THE SOUTHERLY EXTENSION OF SAID WESTERLY LINE OF LOT 4 OF FAIRVIEW HEIGHTS OFFICE PARK SUBDIVISION; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE, NORTH, 60.00 FEET, TO THE SOUTHWEST CORNER OF LOT 9 OF FAIRVIEW HEIGHTS OFFICE PARK 4TH ADDITION SUBDIVISION, SAID POINT BEING THE POINT OF BEGINNING.

EXCEPT LOT 8 OF FAIRVIEW HEIGHTS OFFICE PARK 4TH ADDITION; REFERENCE BEING HAD TO THE PLAT THEREOF IN THE ST. CLAIR COUNTY RECORDER'S OFFICE IN PLAT BOOK 89 PAGE 77.



Ludwig Drive Redevelopment Project Area
Tax Increment Financing Redevelopment Plan
City of Fairview Heights, Illinois

EDR
Economic Development Resources

 Area Boundary



"EXHIBIT B"

0 250 500
Feet

PROPOSED ORDINANCE NO. 39-'16

AN ORDINANCE APPROVING THE TAX INCREMENT FINANCING REDEVELOPMENT PLAN AND REDEVELOPMENT PROJECT FOR THE LUDWIG DRIVE TAX INCREMENT FINANCING REDEVELOPMENT PROJECT AREA.

WHEREAS, the City of Fairview Heights, Illinois desires to implement tax increment financing pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et. seq., as amended (the "TIF Act"), within the municipal boundaries of the City of Fairview Heights and within the proposed Ludwig Drive Tax Increment Financing Redevelopment Project Area (the "Redevelopment Project Area") as described in the proposed Redevelopment Plan (hereinafter defined), which constitutes in the aggregate more than 1½ acres.

WHEREAS, due notice in respect to the availability of the proposed Redevelopment Plan for the Ludwig Drive Tax Increment Financing Redevelopment Project Area (the "Redevelopment Plan") including a proposed Redevelopment Project (the "Redevelopment Project"), which contains an eligibility report, was given by mail on April 20, 2016, pursuant to Section 11-74.4-5 of the TIF Act, said notice being given to all interested parties that have registered with the City concerning the proposed Redevelopment Project Area.

WHEREAS, due notice in respect to the availability of the proposed Redevelopment Plan, which contains an eligibility report, was given by mail on April 20, 2016, pursuant to Section 11-74.4-5 of the TIF Act, said notice being given to all residential addresses that, after a good faith effort, the City determined are located outside of the proposed Redevelopment Project Area and within 750 feet of the boundaries of the proposed Redevelopment Project Area.

WHEREAS, pursuant to Section 11-74.4-5 of the TIF Act, the City Council caused a public hearing (the "Public Hearing") to be held relative to the proposed Redevelopment Plan and Redevelopment Project and the proposed designation of the Redevelopment Project Area on June 14, 2016, at Fairview Heights City Hall.

WHEREAS, due notice in respect to such hearing was given pursuant to Section 11-74.4-5 and 6 of the TIF Act, said notice being given to taxing districts and to the Department of Commerce and Economic Opportunity by certified mail on April 20, 2016, by publication on May 26, 2016, and June 2, 2016, and by regular mail to all residential addresses that, after a good faith effort, the City determined are located outside of the proposed Redevelopment Project Area and within 750 feet of the boundaries of the proposed Redevelopment Project Area on April 20, 2016, and by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the proposed Redevelopment Project Area on June 2, 2016.

WHEREAS, the City has established and convened a Joint Review Board on May 11, 2016, as required by and in all respects in compliance with the provisions of the TIF Act.

WHEREAS, the proposed Redevelopment Plan and Redevelopment Project set forth the factors constituting the need for abatement of conditions in the proposed Redevelopment Project Area that have led to its eligibility, and the City Council has reviewed testimony concerning such need presented at the public hearing and has reviewed the eligibility report and is generally informed of the conditions in the proposed Redevelopment Project Area as the term "blighted area" is defined in the TIF Act and as such term is applied to improved land.

WHEREAS, the City Council has reviewed the conditions pertaining to lack of private investment in the proposed Redevelopment Project Area to determine whether private development would take place in the proposed Redevelopment Project Area as a whole without the adoption of the proposed Redevelopment Plan for the proposed Redevelopment Project Area.

WHEREAS, the City Council has reviewed the conditions pertaining to real property in the proposed Redevelopment Project Area to determine whether contiguous parcels of real property and improvements thereon in the proposed Redevelopment Project Area would be substantially benefited by the proposed redevelopment project improvements.

WHEREAS, the City Council has reviewed the *City of Fairview Heights, 2012 Comprehensive Plan* for the development of the municipality as a whole to determine whether the proposed Redevelopment Plan and Redevelopment Project conform to the City's Comprehensive Plan.

WHEREAS, the City Council has reviewed the public input at the Public Hearing.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS, AS FOLLOWS:

SECTION 1. The City Council of the City of Fairview Heights hereby makes the following findings:

- a. The area constituting the Ludwig Drive Redevelopment Project Area in the City of Fairview Heights, Illinois is described in "EXHIBIT A", attached hereto and made part of this Ordinance, exceeds 1½ acres, and is located in its entirety within the City limits.
- b. There exist conditions which cause the proposed Redevelopment Project Area to be classified as a "blighted area" as such term is defined in Section 11-74.4-3 (a) of the TIF Act.

- c. The proposed Redevelopment Project Area, on the whole, has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the Redevelopment Plan.
- d. The Redevelopment Plan and Redevelopment Project conform to the City's Comprehensive Plan for the development of the municipality as a whole.
- e. The parcels of real property in the proposed Redevelopment Project Area are contiguous and only those contiguous parcels of real property (and improvements thereon), which will be substantially benefited by the proposed Redevelopment Project improvements, are included in the proposed Redevelopment Project Area.
- f. The estimated dates of completion of the Redevelopment Project and retirement of obligations issued to finance redevelopment project costs shall not be later than December 31 of the year in which payment to the City Treasurer is to be made with respect to ad valorem taxes levied in the 23rd calendar year after the year in which the ordinance approving the Redevelopment Project Area is adopted.

SECTION 2. The Redevelopment Plan and Redevelopment Project for the Ludwig Drive Redevelopment Project Area, marked as "EXHIBIT B" attached to and made a part of this Ordinance, is hereby approved.

SECTION 3. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

READ FIRST TIME:

READ SECOND TIME:

PASSED:

APPROVED:

ATTEST:

MARK T. KUPSKY – MAYOR
CITY OF FAIRVIEW HEIGHTS

KAREN J. KAUFHOLD - CITY CLERK

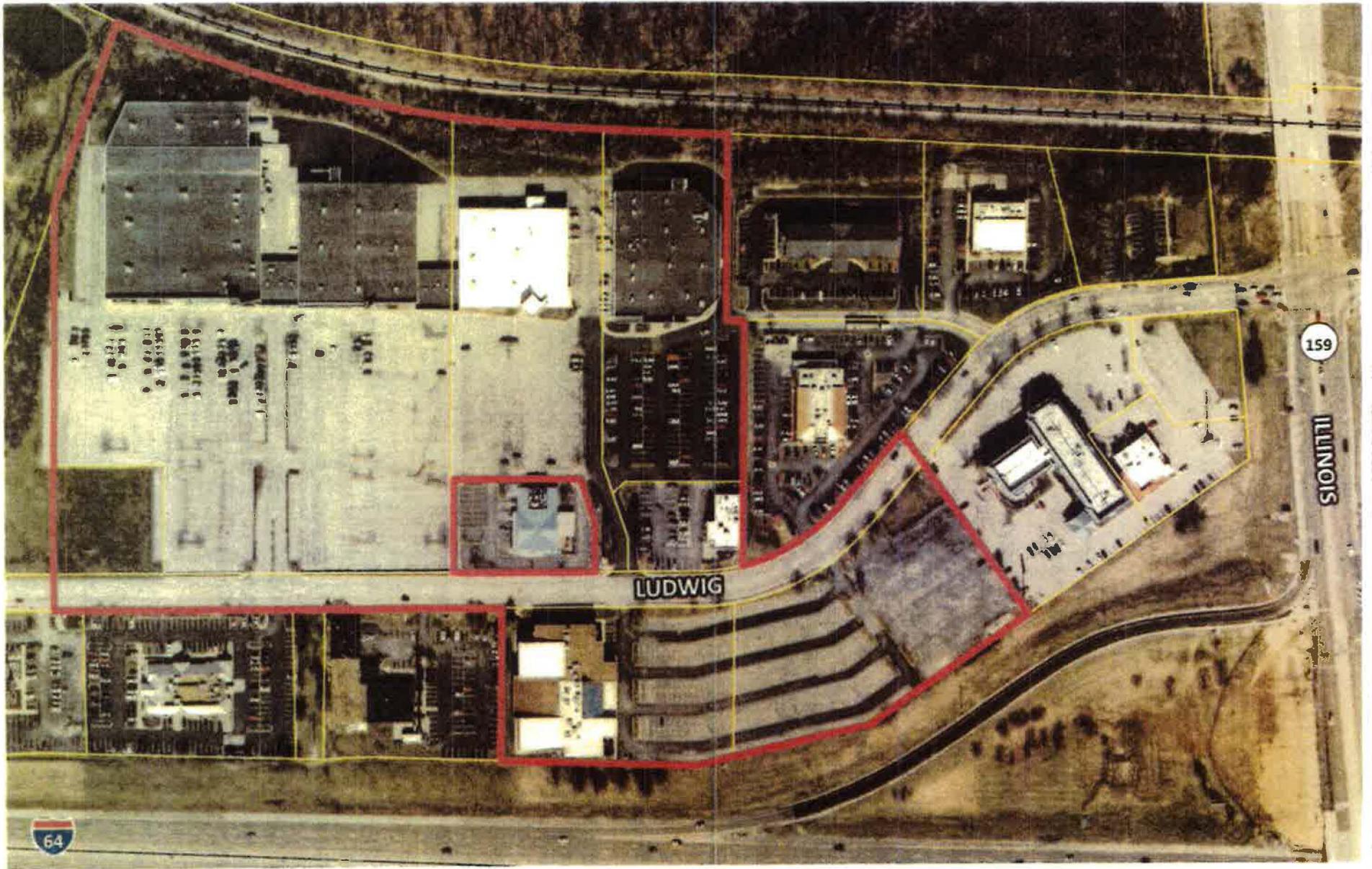
"EXHIBIT A"

LEGAL DESCRIPTION

PART OF US SURVEY 768, SECTIONS 21 AND 22, IN TOWNSHIP 2 NORTH, RANGE 8 WEST, OF THE THIRD PRINCIPAL MERIDIAN, CITY OF FAIRVIEW HEIGHTS, ST. CLAIR COUNTY, ILLINOIS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 9 OF 4TH ADDITION TO FAIRVIEW HEIGHTS OFFICE PARK SUBDIVISION REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN THE ST. CLAIR COUNTY RECORDER 'S OFFICE IN BOOK OF PLATS 89 ON PAGE 77, SAID BEGINNING POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE OF LUDWIG DRIVE; THENCE NORTH, ALONG THE WEST LINE OF SAID LOT 9, 180.00 FEET TO THE SOUTHWEST CORNER OF LOT 10 OF FAIRVIEW HEIGHTS PLAZA PHASE 1 SUBDIVISION; REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN SAID RECORDER'S OFFICE IN BOOK OF PLATS 90 ON PAGE 50; THENCE NORTH, ALONG THE WEST LINE OF SAID LOT 10, THE FOLLOWING DISTANCES, 436.82 FEET AND 323.52 FEET TO THE SOUTH LINE OF THE CSX RR; THENCE EASTERLY ALONG THE SOUTHERLY LINES OF SAID CSX RR, TO THE NORTHWEST CORNER OF LOT 3 OF 1ST ADDITION TO FAIRVIEW OFFICE PARK; REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN SAID RECORDER'S OFFICE IN BOOK OF PLATS 85 ON PAGE 58; THENCE SOUTH, ALONG THE WEST LINE OF SAID LOT 3 AND THE SOUTHERLY EXTENSION THEREOF TO THE SOUTHERLY LINE OF A 40.00 FOOT WIDE PRIVATE ROAD AND UTILITY EASEMENT; THENCE EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 29.00 FEET TO THE NORTHWEST CORNER OF LOT 4 OF SAID SUBDIVISION; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 4. A DISTANCE OF 388.7 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4 OF FAIRVIEW OFFICE PARK 1ST ADDITION, ALSO BEING THE NORTH RIGHT OF WAY LINE OF LUDWIG DRIVE; THENCE NORTHEASTERLY, ALONG SAID RIGHT OF WAY LINE, TO ITS INTERSECTION WITH THE NORTHWESTERLY EXTENSION OF THE SOUTHWESTERLY LINE OF LOT 1 OF DRURY SUBDIVISION NO. 1; THENCE LEAVING THE RIGHT OF WAY LINE AND CROSSING LUDWIG DRIVE TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF LUDWIG DRIVE, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 1 OF THE DRURY SUBDIVISION NO. 1; THENCE SOUTH, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1, A DISTANCE OF 311.99 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF I- ROUTE 64; THENCE WESTERLY, ALONG SAID RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF LOT 1 OF CELLULAR SITE SUBDIVISION; REFERENCE BEING HAD TO THE PLAT THEREOF IN THE ST. CLAIR COUNTY RECORDER'S OFFICE IN DOCUMENT NUMBER A02166126; THENCE NORTH, ALONG THE EAST LINE OF SAID LOT 1, 258.36 FEET TO THE SOUTH RIGHT OF WAY LINE OF LUDWIG DRIVE; THENCE WEST, ALONG SAID RIGHT OF WAY, 755.00 FEET MORE OR LESS TO THE SOUTHERLY EXTENSION OF SAID WESTERLY LINE OF LOT 4 OF FAIRVIEW HEIGHTS OFFICE PARK SUBDIVISION; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE, NORTH, 60.00 FEET, TO THE SOUTHWEST CORNER OF LOT 9 OF FAIRVIEW HEIGHTS OFFICE PARK 4TH ADDITION SUBDIVISION, SAID POINT BEING THE POINT OF BEGINNING.

EXCEPT LOT 8 OF FAIRVIEW HEIGHTS OFFICE PARK 4TH ADDITION; REFERENCE BEING HAD TO THE PLAT THEREOF IN THE ST. CLAIR COUNTY RECORDER'S OFFICE IN PLAT BOOK 89 PAGE 77.



Ludwig Drive Redevelopment Project Area
Tax Increment Financing Redevelopment Plan
City of Fairview Heights, Illinois

EDR
Economic Development Resources

 Area Boundary



"EXHIBIT B"

0 250 500
feet

PROPOSED ORDINANCE NO. 40-'16

**AN ORDINANCE DESIGNATING AND APPROVING
THE LUDWIG DRIVE TAX INCREMENT FINANCING
REDEVELOPMENT PROJECT AREA.**

WHEREAS, the City of Fairview Heights, Illinois desires to implement tax increment financing pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et. seq., as amended (the "TIF Act"), for the proposed Redevelopment Plan for the Ludwig Drive Tax Increment Financing Redevelopment Project Area (the "Redevelopment Plan") within the municipal boundaries of the City of Fairview Heights and within the Ludwig Drive Tax Increment financing Redevelopment Project Area as described in "EXHIBIT A" attached to this Ordinance (the "Redevelopment Project Area"), which constitutes in the aggregate more than 1½ acres; and,

WHEREAS, the City Council has heretofore adopted Proposed Ordinance No. 39-'16 approving the Redevelopment Plan and Redevelopment Project as described therein; and,

WHEREAS, due notice in respect to the availability of the Redevelopment Plan, which contains an eligibility report, was given by mail on April 20, 2016, pursuant to Section 11-74.4-5 of the TIF Act, said notice being given to all interested parties that have registered with the City concerning the proposed Redevelopment Project Area; and,

WHEREAS, due notice in respect to the availability of the Redevelopment Plan, which contains an eligibility report, was given by mail on April 20, 2016, pursuant to Section 11-74.4-5 of the TIF Act, said notice being given to all residential addresses that, after a good faith effort, the City determined are located within 750 feet of the boundaries of the Ludwig Drive Tax Increment Financing Redevelopment Project Area; and,

WHEREAS, pursuant to Section 11-74.4-5 of the TIF Act, the City Council caused a public hearing to be held relative to the Redevelopment Plan and Redevelopment Project and the proposed designation of the Redevelopment Project Area on June 14, 2016, at Fairview Heights City Hall; and,

WHEREAS, due notice in respect to such hearing was given pursuant to Section 11-74.4-5 and 6 of the TIF Act, said notice being given to taxing districts and to the Department of Commerce and Economic Opportunity by certified mail on April 20, 2016, by publication on May 26, 2016, and June 2, 2016, by regular mail to all residential addresses that, after a good faith effort, the City determined are located outside of the Redevelopment Project Area and within 750 feet of the boundaries of the Redevelopment Project Area on April 20, 2016, and by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the Redevelopment Project Area on June 2, 2016; and,

WHEREAS, the City has established and convened a Joint Review Board on May 11, 2016, as required by and in all respects in compliance with the provisions of the TIF Act; and,

WHEREAS, the Redevelopment Plan and Redevelopment Project set forth the factors constituting the need for abatement of conditions in the proposed Redevelopment Project Area that have led to its eligibility, and the City Council has reviewed testimony concerning such need presented at the public hearing and has reviewed the eligibility report and is generally informed of the conditions in the proposed Redevelopment Project Area as the term "blighted area" is defined in the TIF Act and as such term is applied to improved land; and,

WHEREAS, the City Council has reviewed the conditions pertaining to lack of private investment in the proposed Redevelopment Project Area to determine whether private development would take place in the proposed Redevelopment Project Area as a whole without the adoption of the Redevelopment Plan for the proposed Redevelopment Project Area; and,

WHEREAS, the City Council has reviewed the conditions pertaining to real property in the proposed Redevelopment Project Area to determine whether contiguous parcels of real property and improvements thereon in the proposed Redevelopment Project Area would be substantially benefited by the proposed redevelopment project improvements; and,

WHEREAS, the City Council has reviewed the *City of Fairview Heights, 2012 Comprehensive Plan* for the development of the municipality as a whole to determine whether the Redevelopment Plan and Redevelopment Project conform to the City's Comprehensive Plan; and,

WHEREAS, the City Council has reviewed the public input at the Public Hearing.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS, AS FOLLOWS:

SECTION 1. The area constituting the Ludwig Drive Tax Increment Financing Redevelopment Project Area in the City of Fairview Heights, Illinois, as described in "EXHIBIT A", attached hereto and made part of this Ordinance is hereby designated and approved as a Redevelopment Project Area pursuant to 11-74.4-4 of the TIF Act. The maps of the Redevelopment Project Area are attached hereto as "EXHIBIT B" and made a part of this Ordinance.

SECTION 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

READ FIRST TIME:

READ SECOND TIME:

PASSED:

APPROVED:

MARK T. KUPSKY – MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD - CITY CLERK

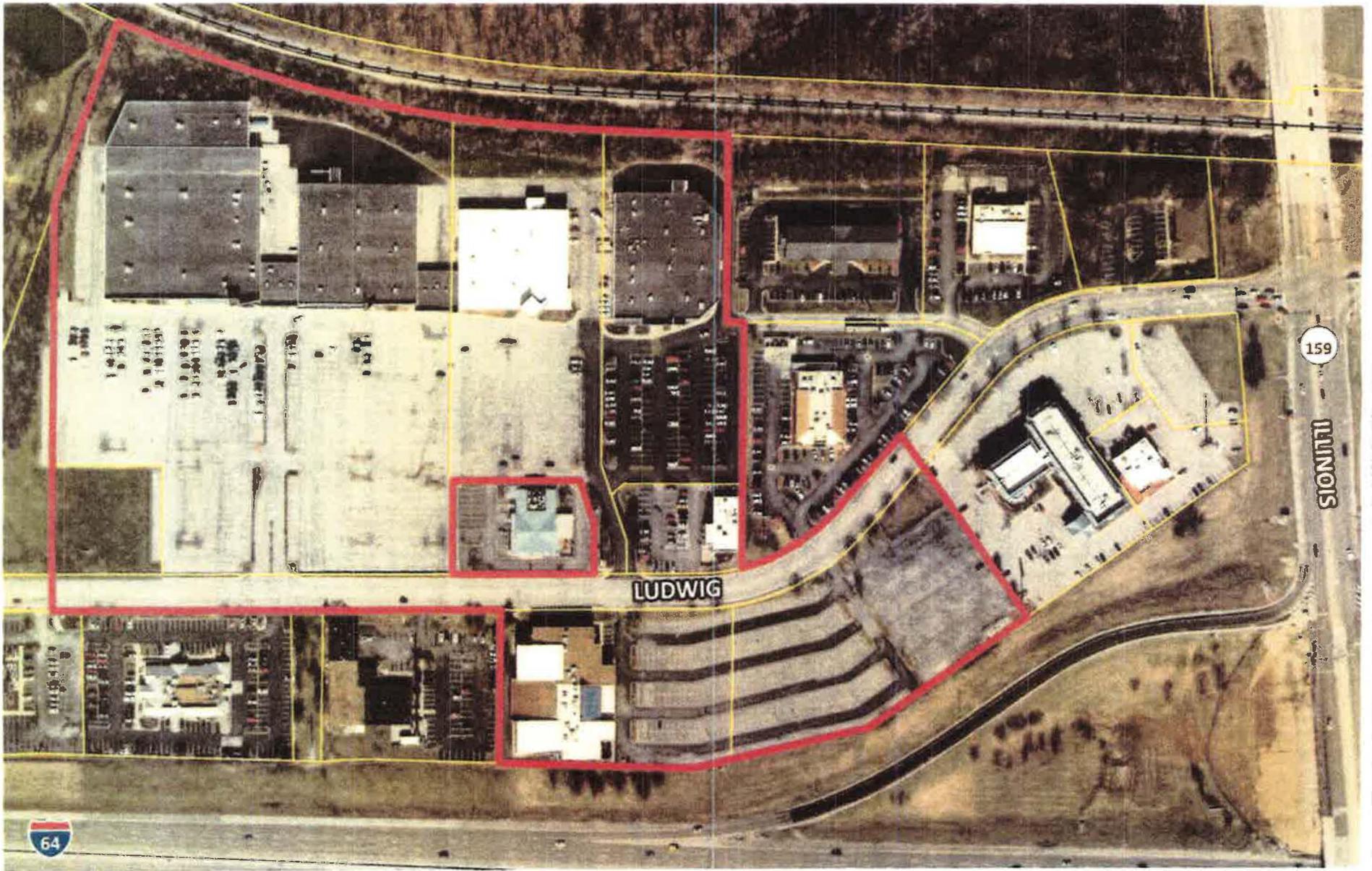
"EXHIBIT A"

LEGAL DESCRIPTION

PART OF US SURVEY 768, SECTIONS 21 AND 22, IN TOWNSHIP 2 NORTH, RANGE 8 WEST, OF THE THIRD PRINCIPAL MERIDIAN, CITY OF FAIRVIEW HEIGHTS, ST. CLAIR COUNTY, ILLINOIS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 9 OF 4TH ADDITION TO FAIRVIEW HEIGHTS OFFICE PARK SUBDIVISION REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN THE ST. CLAIR COUNTY RECORDER 'S OFFICE IN BOOK OF PLATS 89 ON PAGE 77, SAID BEGINNING POINT ALSO BEING ON THE NORTH RIGHT OF WAY LINE OF LUDWIG DRIVE; THENCE NORTH, ALONG THE WEST LINE OF SAID LOT 9, 180.00 FEET TO THE SOUTHWEST CORNER OF LOT 10 OF FAIRVIEW HEIGHTS PLAZA PHASE 1 SUBDIVISION; REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN SAID RECORDER'S OFFICE IN BOOK OF PLATS 90 ON PAGE 50; THENCE NORTH, ALONG THE WEST LINE OF SAID LOT 10, THE FOLLOWING DISTANCES, 436.82 FEET AND 323.52 FEET TO THE SOUTH LINE OF THE CSX RR; THENCE EASTERLY ALONG THE SOUTHERLY LINES OF SAID CSX RR, TO THE NORTHWEST CORNER OF LOT 3 OF 1ST ADDITION TO FAIRVIEW OFFICE PARK; REFERENCE BEING HAD TO THE PLAT THEREOF RECORDED IN SAID RECORDER'S OFFICE IN BOOK OF PLATS 85 ON PAGE 58; THENCE SOUTH, ALONG THE WEST LINE OF SAID LOT 3 AND THE SOUTHERLY EXTENSION THEREOF TO THE SOUTHERLY LINE OF A 40.00 FOOT WIDE PRIVATE ROAD AND UTILITY EASEMENT; THENCE EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 29.00 FEET TO THE NORTHWEST CORNER OF LOT 4 OF SAID SUBDIVISION; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 4. A DISTANCE OF 388.7 FEET TO THE SOUTHEAST CORNER OF SAID LOT 4 OF FAIRVIEW OFFICE PARK 1ST ADDITION, ALSO BEING THE NORTH RIGHT OF WAY LINE OF LUDWIG DRIVE; THENCE NORTHEASTERLY, ALONG SAID RIGHT OF WAY LINE, TO ITS INTERSECTION WITH THE NORTHWESTERLY EXTENSION OF THE SOUTHWESTERLY LINE OF LOT 1 OF DRURY SUBDIVISION NO. 1; THENCE LEAVING THE RIGHT OF WAY LINE AND CROSSING LUDWIG DRIVE TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF LUDWIG DRIVE, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 1 OF THE DRURY SUBDIVISION NO. 1; THENCE SOUTH, ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1, A DISTANCE OF 311.99 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1, ALSO BEING THE NORTHERLY RIGHT OF WAY LINE OF I- ROUTE 64; THENCE WESTERLY, ALONG SAID RIGHT OF WAY LINE TO THE SOUTHEAST CORNER OF LOT 1 OF CELLULAR SITE SUBDIVISION; REFERENCE BEING HAD TO THE PLAT THEREOF IN THE ST. CLAIR COUNTY RECORDER'S OFFICE IN DOCUMENT NUMBER A02166126; THENCE NORTH, ALONG THE EAST LINE OF SAID LOT 1, 258.36 FEET TO THE SOUTH RIGHT OF WAY LINE OF LUDWIG DRIVE; THENCE WEST, ALONG SAID RIGHT OF WAY, 755.00 FEET MORE OR LESS TO THE SOUTHERLY EXTENSION OF SAID WESTERLY LINE OF LOT 4 OF FAIRVIEW HEIGHTS OFFICE PARK SUBDIVISION; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE, NORTH, 60.00 FEET, TO THE SOUTHWEST CORNER OF LOT 9 OF FAIRVIEW HEIGHTS OFFICE PARK 4TH ADDITION SUBDIVISION, SAID POINT BEING THE POINT OF BEGINNING.

EXCEPT LOT 8 OF FAIRVIEW HEIGHTS OFFICE PARK 4TH ADDITION; REFERENCE BEING HAD TO THE PLAT THEREOF IN THE ST. CLAIR COUNTY RECORDER'S OFFICE IN PLAT BOOK 89 PAGE 77.



Ludwig Drive Redevelopment Project Area
Tax Increment Financing Redevelopment Plan
City of Fairview Heights, Illinois

EDR
Economic Development Resources

 Area Boundary



"EXHIBIT B"

0 250 500
Feet

PROPOSED ORDINANCE NO. 41-'16

AN ORDINANCE ADOPTING TAX INCREMENT FINANCING IN THE STATE ROUTE 159 NORTH TAX INCREMENT FINANCING REDEVELOPMENT PROJECT AREA.

WHEREAS, the City of Fairview Heights, Illinois desires to implement tax increment financing pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et. seq., as amended (the "TIF Act"), for the Redevelopment Plan for the State Route 159 North Tax Increment Financing Redevelopment Project Area (the "Redevelopment Plan") within the municipal boundaries of the City of Fairview Heights and within the State Route 159 North Tax Increment Financing Redevelopment Project Area as described in "EXHIBIT A" attached to this Ordinance (the "Redevelopment Project Area"), which constitutes in the aggregate more than 1½ acres.

WHEREAS, the City Council has heretofore adopted Proposed Ordinance No. 42-'16 approving the Redevelopment Plan and Redevelopment Project as described therein (the "Redevelopment Project").

WHEREAS, the City Council has heretofore adopted Proposed Ordinance No. 43-'16 designating and approving the State Route 159 North Tax Increment Financing Redevelopment Project Area.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS, AS FOLLOWS:

SECTION 1. Tax increment financing is hereby adopted to pay or reimburse redevelopment project costs pursuant to the TIF Act and the Redevelopment Plan for the State Route 159 North Tax Increment Financing Redevelopment Project Area in the City of Fairview Heights, Illinois, as described in "EXHIBIT A." The maps of the Redevelopment Project Area are attached hereto as "EXHIBIT B" and made a part of this Ordinance.

SECTION 2. Pursuant to the TIF Act, the ad valorem taxes, if any, arising from the levies upon taxable real property in the Redevelopment Project Area by taxing districts and tax rates determined in the manner provided in Section 11-74.4-9(c) of the TIF Act each year after the effective dates of this ordinance until the Redevelopment Project Costs and all municipal obligations financing Redevelopment Project Costs incurred in respect thereto have been paid shall be divided as follows:

That portion of taxes levied upon each taxable lot, block, tract, or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property in the Redevelopment Project Area shall be allocated to and when collected shall be paid by the County Collector of St. Clair County to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the Redevelopment Project Area over and above the initial equalized assessed value of each property in the project area shall be allocated to and when collected shall be paid to the City Treasurer who shall deposit said taxes into a special fund called the special tax allocation fund of the City for the purpose of paying Redevelopment Project Costs and obligations incurred in the payment thereof.

SECTION 3. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

SECTION 5. The City Clerk shall forthwith transmit to the County Clerk of St. Clair County a certified copy of this Ordinance and Proposed Ordinance No. 42-'16 and Proposed Ordinance No. 43-'16, a legal description of the Redevelopment Project Area, a map of the Redevelopment Project Area, identification of the year 2014 as the year that the County Clerk shall use for determining the total initial equalized assessed value of the Redevelopment Project Area consistent with subsection (a) of Section 11-74.4-9 of the TIF Act, and a list of the parcel or tax identification number of each parcel of property included in the Redevelopment Project Area.

READ FIRST TIME:

READ SECOND TIME:

PASSED:

APPROVED:

ATTEST:

MARK T. KUPSKY – MAYOR
CITY OF FAIRVIEW HEIGHTS

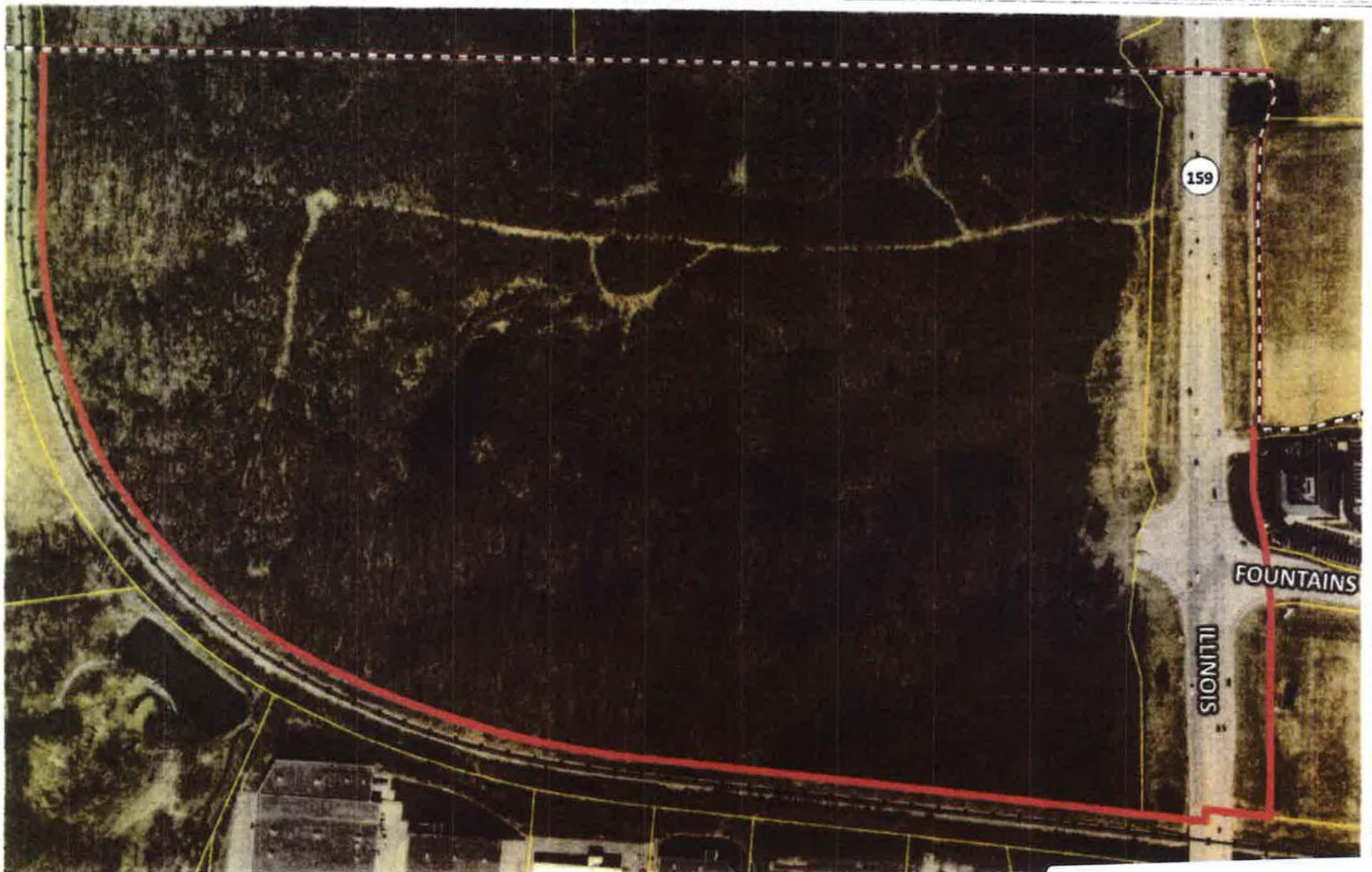
KAREN J. KAUFHOLD - CITY CLERK

"EXHIBIT A"

LEGAL DESCRIPTION

PART OF SECTIONS 21 AND 22, IN TOWNSHIP 2 NORTH, RANGE 8 WEST, OF THE THIRD PRINCIPAL MERIDIAN, CITY OF FAIRVIEW HEIGHTS, ST. CLAIR COUNTY, ILLINOIS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF THE CSX RR WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 21; THENCE EAST ALONG THE NORTH LINE AND THE EASTERLY EXTENSION THEREOF, OF A TRACT OF LAND RECORDED AS DOCUMENT NUMBER A01942366 IN THE ST. CLAIR COUNTY RECORDER'S OFFICE, A DISTANCE OF 2,675.00 FEET MORE OR LESS, TO THE EAST LINE OF ILLINOIS STATE ROUTE 159; THENCE SOUTH, ALONG THE EAST RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE 159 TO THE NORTH RIGHT OF WAY LINE OF CSX RR; THENCE WESTERLY AND NORTHERLY ALONG THE NORTHERLY AND EASTERLY RIGHT OF WAY LINE OF SAID RAILROAD TO THE POINT OF BEGINNING.

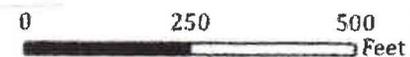


State Route 159 North Redevelopment Project Area
Tax Increment Financing Redevelopment Plan
City of Fairview Heights, Illinois

 Economic Development Resources

-  Municipal Boundary
-  Area Boundary

"EXHIBIT B"



PROPOSED ORDINANCE NO. 42-'16

AN ORDINANCE APPROVING THE TAX INCREMENT FINANCING REDEVELOPMENT PLAN AND REDEVELOPMENT PROJECT FOR THE STATE ROUTE 159 NORTH TAX INCREMENT FINANCING REDEVELOPMENT PROJECT AREA.

WHEREAS, the City of Fairview Heights, Illinois desires to implement tax increment financing pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et. seq., as amended (the "TIF Act"), within the municipal boundaries of the City of Fairview Heights and within the proposed State Route 159 North Tax Increment Financing Redevelopment Project Area (the "Redevelopment Project Area") as described in the proposed Redevelopment Plan (hereinafter defined), which constitutes in the aggregate more than 1½ acres.

WHEREAS, due notice in respect to the availability of the proposed Redevelopment Plan for the State Route 159 North Tax Increment Financing Redevelopment Project Area (the "Redevelopment Plan") including a proposed Redevelopment Project (the "Redevelopment Project"), which contains an eligibility report, was given by mail on April 20, 2016, pursuant to Section 11-74.4-5 of the TIF Act, said notice being given to all interested parties that have registered with the City concerning the proposed Redevelopment Project Area.

WHEREAS, due notice in respect to the availability of the proposed Redevelopment Plan, which contains an eligibility report, was given by mail on April 20, 2016, pursuant to Section 11-74.4-5 of the TIF Act, said notice being given to all residential addresses that, after a good faith effort, the City determined are located outside of the proposed Redevelopment Project Area and within 750 feet of the boundaries of the proposed Redevelopment Project Area.

WHEREAS, pursuant to Section 11-74.4-5 of the TIF Act, the City Council caused a public hearing (the "Public Hearing") to be held relative to the proposed Redevelopment Plan and Redevelopment Project and the proposed designation of the Redevelopment Project Area on June 14, 2016, at Fairview Heights City Hall.

WHEREAS, due notice in respect to such hearing was given pursuant to Section 11-74.4-5 and 6 of the TIF Act, said notice being given to taxing districts and to the Department of Commerce and Economic Opportunity by certified mail on April 20, 2016, by publication on May 26, 2016, and June 2, 2016, and by regular mail to all residential addresses that, after a good faith effort, the City determined are located outside of the proposed Redevelopment Project Area and within 750 feet of the boundaries of the proposed Redevelopment Project Area on April 20, 2016, and by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the proposed Redevelopment Project Area on June 2, 2016.

WHEREAS, the City has established and convened a Joint Review Board on May 11, 2016, as required by and in all respects in compliance with the provisions of the TIF Act.

WHEREAS, the proposed Redevelopment Plan and Redevelopment Project set forth the factors constituting the need for abatement of conditions in the proposed Redevelopment Project Area that have led to its eligibility, and the City Council has reviewed testimony concerning such need presented at the public hearing and has reviewed the eligibility report and is generally informed of the conditions in the proposed Redevelopment Project Area as the term "blighted area" is defined in the TIF Act and as such term is applied to vacant land.

WHEREAS, the City Council has reviewed the conditions pertaining to lack of private investment in the proposed Redevelopment Project Area to determine whether private development would take place in the proposed Redevelopment Project Area as a whole without the adoption of the proposed Redevelopment Plan for the proposed Redevelopment Project Area.

WHEREAS, the City Council has reviewed the conditions pertaining to real property in the proposed Redevelopment Project Area to determine whether contiguous parcels of real property and improvements thereon in the proposed Redevelopment Project Area would be substantially benefited by the proposed redevelopment project improvements.

WHEREAS, the City Council has reviewed the *City of Fairview Heights, 2012 Comprehensive Plan* for the development of the municipality as a whole to determine whether the proposed Redevelopment Plan and Redevelopment Project conform to the City's Comprehensive Plan.

WHEREAS, the City Council has reviewed the public input at the Public Hearing.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS, AS FOLLOWS:

SECTION 1. The City Council of the City of Fairview Heights hereby makes the following findings:

- a. The area constituting the State Route 159 North Redevelopment Project Area in the City of Fairview Heights, Illinois is described in "EXHIBIT A", attached hereto and made part of this Ordinance, exceeds 1½ acres, and is located in its entirety within the City limits.
- b. There exist conditions which cause the proposed Redevelopment Project Area to be classified as a "blighted area" as such term is defined in Section 11-74.4-3 (a) of the TIF Act.

- c. The proposed Redevelopment Project Area, on the whole, has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the Redevelopment Plan.
- d. The Redevelopment Plan and Redevelopment Project conform to the City's Comprehensive Plan for the development of the municipality as a whole.
- e. The parcels of real property in the proposed Redevelopment Project Area are contiguous and only those contiguous parcels of real property (and improvements thereon), which will be substantially benefited by the proposed Redevelopment Project improvements, are included in the proposed Redevelopment Project Area.
- f. The estimated dates of completion of the Redevelopment Project and retirement of obligations issued to finance redevelopment project costs shall not be later than December 31 of the year in which payment to the City Treasurer is to be made with respect to ad valorem taxes levied in the 23rd calendar year after the year in which the ordinance approving the Redevelopment Project Area is adopted.

SECTION 2. The Redevelopment Plan and Redevelopment Project for the State Route 159 North Redevelopment Project Area, marked as "EXHIBIT B" attached to and made a part of this Ordinance, is hereby approved.

SECTION 3. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

READ FIRST TIME:

READ SECOND TIME:

PASSED:

APPROVED:

ATTEST:

MARK T. KUPSKY – MAYOR
CITY OF FAIRVIEW HEIGHTS

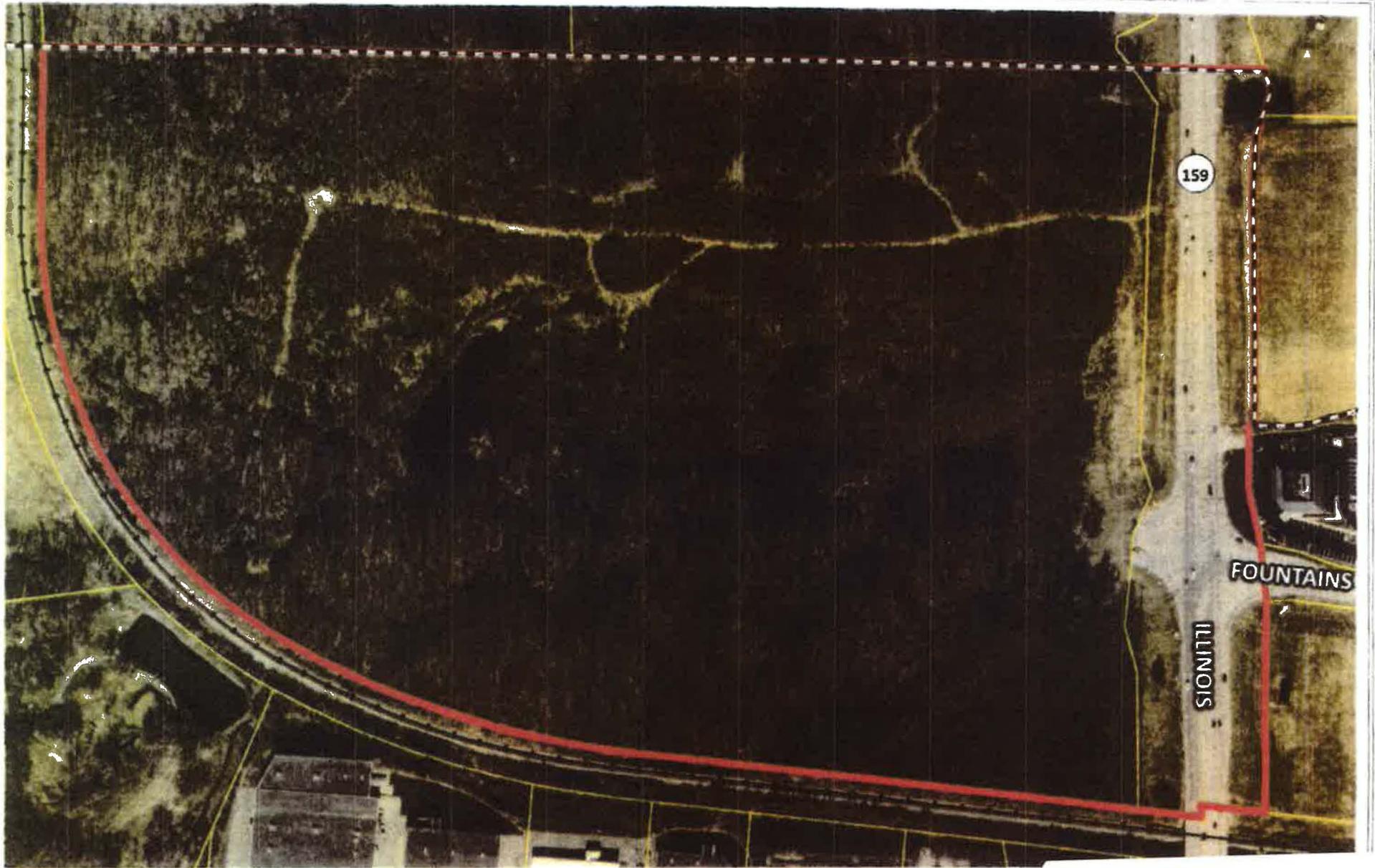
KAREN J. KAUFHOLD - CITY CLERK

"EXHIBIT A"

LEGAL DESCRIPTION

PART OF SECTIONS 21 AND 22, IN TOWNSHIP 2 NORTH, RANGE 8 WEST, OF THE THIRD PRINCIPAL MERIDIAN, CITY OF FAIRVIEW HEIGHTS, ST. CLAIR COUNTY, ILLINOIS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF THE CSX RR WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 21; THENCE EAST ALONG THE NORTH LINE AND THE EASTERLY EXTENSION THEREOF, OF A TRACT OF LAND RECORDED AS DOCUMENT NUMBER A01942366 IN THE ST. CLAIR COUNTY RECORDER'S OFFICE, A DISTANCE OF 2,675.00 FEET MORE OR LESS, TO THE EAST LINE OF ILLINOIS STATE ROUTE 159; THENCE SOUTH, ALONG THE EAST RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE 159 TO THE NORTH RIGHT OF WAY LINE OF CSX RR; THENCE WESTERLY AND NORTHERLY ALONG THE NORTHERLY AND EASTERLY RIGHT OF WAY LINE OF SAID RAILROAD TO THE POINT OF BEGINNING.



**State Route 159 North Redevelopment Project Area
Tax Increment Financing Redevelopment Plan
City of Fairview Heights, Illinois**

"EXHIBIT B"

-  Municipal Boundary
-  Area Boundary

PROPOSED ORDINANCE NO. 43-'16

**AN ORDINANCE DESIGNATING AND APPROVING
THE STATE ROUTE 159 NORTH TAX INCREMENT
FINANCING REDEVELOPMENT PROJECT AREA.**

WHEREAS, the City of Fairview Heights, Illinois desires to implement tax increment financing pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 et. seq., as amended (the "TIF Act"), for the proposed Redevelopment Plan for the State Route 159 North Tax Increment Financing Redevelopment Project Area (the "Redevelopment Plan") within the municipal boundaries of the City of Fairview Heights and within the State Route 159 North Tax Increment financing Redevelopment Project Area as described in Exhibit A attached to this Ordinance (the "Redevelopment Project Area"), which constitutes in the aggregate more than 1½ acres; and,

WHEREAS, the City Council has heretofore adopted Proposed Ordinance No. 42-'16 approving the Redevelopment Plan and Redevelopment Project as described therein; and,

WHEREAS, due notice in respect to the availability of the Redevelopment Plan, which contains an eligibility report, was given by mail on April 20, 2016, pursuant to Section 11-74.4-5 of the TIF Act, said notice being given to all interested parties that have registered with the City concerning the proposed Redevelopment Project Area; and,

WHEREAS, due notice in respect to the availability of the Redevelopment Plan, which contains an eligibility report, was given by mail on April 20, 2016, pursuant to Section 11-74.4-5 of the TIF Act, said notice being given to all residential addresses that, after a good faith effort, the City determined are located within 750 feet of the boundaries of the State Route 159 North Tax Increment Financing Redevelopment Project Area; and,

WHEREAS, pursuant to Section 11-74.4-5 of the TIF Act, the City Council caused a public hearing to be held relative to the Redevelopment Plan and Redevelopment Project and the proposed designation of the Redevelopment Project Area on June 14, 2016, at Fairview Heights City Hall; and,

WHEREAS, due notice in respect to such hearing was given pursuant to Section 11-74.4-5 and 6 of the TIF Act, said notice being given to taxing districts and to the Department of Commerce and Economic Opportunity by certified mail on April 20, 2016, by publication on May 26, 2016, and June 2, 2016, by regular mail to all residential addresses that, after a good faith effort, the City determined are located outside of the Redevelopment Project Area and within 750 feet of the boundaries of the Redevelopment Project Area on April 20, 2016, and by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the Redevelopment Project Area on June 2, 2016; and,

WHEREAS, the City has established and convened a Joint Review Board on May 11, 2016, as required by and in all respects in compliance with the provisions of the TIF Act; and,

WHEREAS, the Redevelopment Plan and Redevelopment Project set forth the factors constituting the need for abatement of conditions in the proposed Redevelopment Project Area that have led to its eligibility, and the City Council has reviewed testimony concerning such need presented at the public hearing and has reviewed the eligibility report and is generally informed of the conditions in the proposed Redevelopment Project Area as the term "blighted area" is defined in the TIF Act and as such term is applied to vacant land; and,

WHEREAS, the City Council has reviewed the conditions pertaining to lack of private investment in the proposed Redevelopment Project Area to determine whether private development would take place in the proposed Redevelopment Project Area as a whole without the adoption of the Redevelopment Plan for the proposed Redevelopment Project Area; and,

WHEREAS, the City Council has reviewed the conditions pertaining to real property in the proposed Redevelopment Project Area to determine whether contiguous parcels of real property and improvements thereon in the proposed Redevelopment Project Area would be substantially benefited by the proposed redevelopment project improvements; and,

WHEREAS, the City Council has reviewed the *City of Fairview Heights, 2012 Comprehensive Plan* for the development of the municipality as a whole to determine whether the Redevelopment Plan and Redevelopment Project conform to the City's Comprehensive Plan; and,

WHEREAS, the City Council has reviewed the public input at the Public Hearing.

NOW, THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS, AS FOLLOWS:

SECTION 1. The area constituting the State Route 159 North Tax Increment Financing Redevelopment Project Area in the City of Fairview Heights, Illinois, as described in "EXHIBIT A", attached hereto and made part of this Ordinance is hereby designated and approved as a Redevelopment Project Area pursuant to 11-74.4-4 of the TIF Act. The maps of the Redevelopment Project Area are attached hereto as "EXHIBIT B" and made a part of this Ordinance.

SECTION 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

READ FIRST TIME:

READ SECOND TIME:

PASSED:

APPROVED:

MARK T. KUPSKY – MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

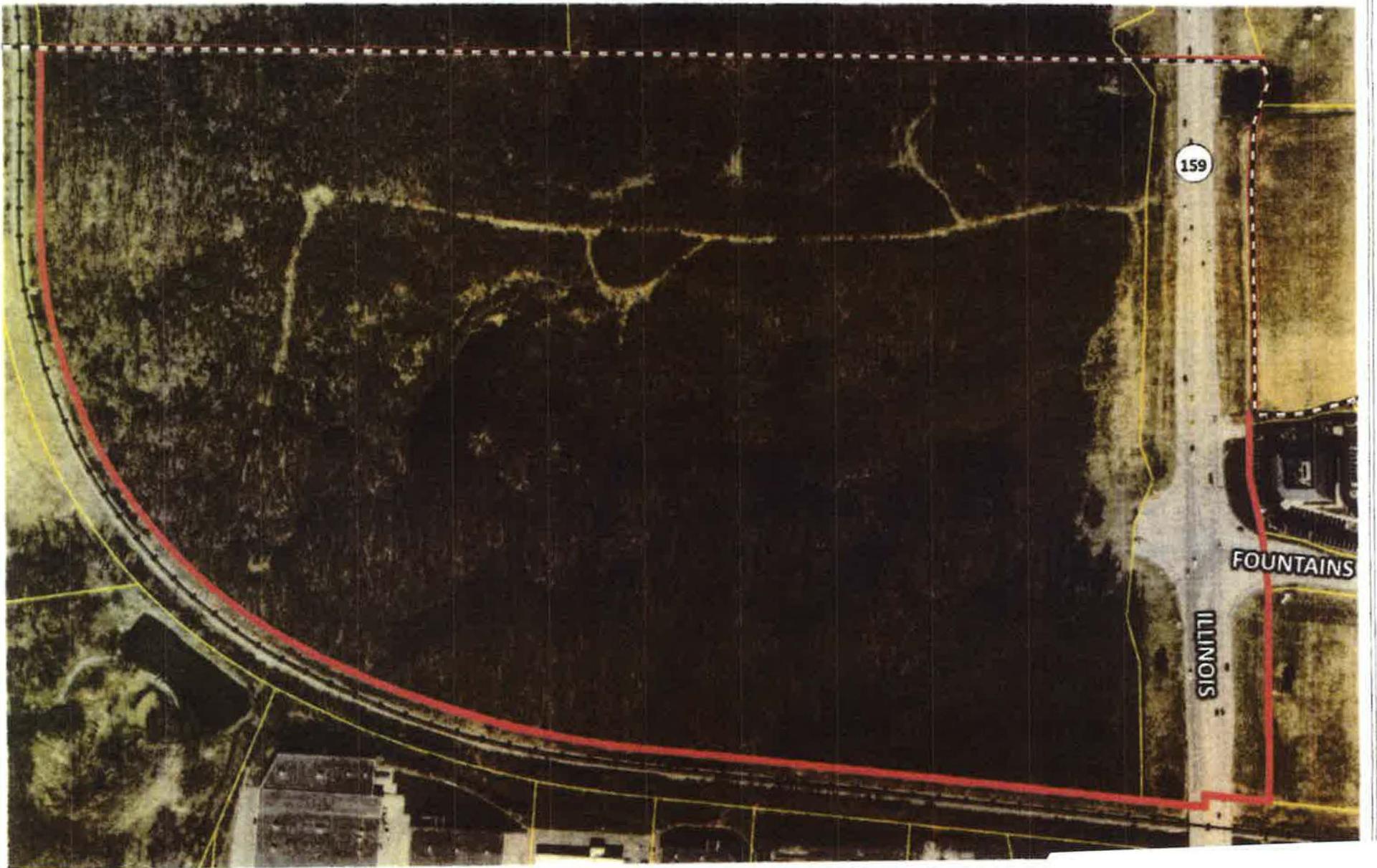
KAREN J. KAUFHOLD - CITY CLERK

"EXHIBIT A"

LEGAL DESCRIPTION

PART OF SECTIONS 21 AND 22, IN TOWNSHIP 2 NORTH, RANGE 8 WEST, OF THE THIRD PRINCIPAL MERIDIAN, CITY OF FAIRVIEW HEIGHTS, ST. CLAIR COUNTY, ILLINOIS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF THE CSX RR WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 21; THENCE EAST ALONG THE NORTH LINE AND THE EASTERLY EXTENSION THEREOF, OF A TRACT OF LAND RECORDED AS DOCUMENT NUMBER A01942366 IN THE ST. CLAIR COUNTY RECORDER'S OFFICE, A DISTANCE OF 2,675.00 FEET MORE OR LESS, TO THE EAST LINE OF ILLINOIS STATE ROUTE 159; THENCE SOUTH, ALONG THE EAST RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE 159 TO THE NORTH RIGHT OF WAY LINE OF CSX RR; THENCE WESTERLY AND NORTHERLY ALONG THE NORTHERLY AND EASTERLY RIGHT OF WAY LINE OF SAID RAILROAD TO THE POINT OF BEGINNING.

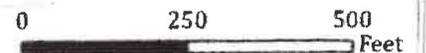


State Route 159 North Redevelopment Project Area
Tax Increment Financing Redevelopment Plan
City of Fairview Heights, Illinois

EDR
Economic Development Resources

-  Municipal Boundary
-  Area Boundary

"EXHIBIT B"



PROPOSED RESOLUTION NO. 62-'16

**A RESOLUTION AUTHORIZING THE CITY TO UTILIZE
AN INTERGOVERNMENTAL AGREEMENT TEMPLATE
WHEN ENTERING INTO A CONTRACT WITH ALL
TAXING DISTRICTS IN THE PROPOSED LUDWIG
DRIVE TIF.**

WHEREAS, the Community Committee on June 22, 2016 reviewed and recommended and as previously recommended by the Ludwig Drive TIF Joint Review Board, the Intergovernmental Agreement template be approved, which is attached hereto, made a part hereof and marked "EXHIBIT A."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS:

That the Mayor is hereby authorized to enter into Intergovernmental Agreements with all taxing districts in the Proposed Ludwig Drive TIF.

Any proposed amendments to the Intergovernmental Agreements as adopted shall require City Council action.

This Resolution shall be in force and effect from and after its passage and approval as provided by law.

PASSED:

APPROVED:

MARK T. KUPSKY – MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD - CITY CLERK

"EXHIBIT A"

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS
AND
TAXING DISTRICTS OF THE LUDWIG DRIVE TAX INCREMENT FINANCING
REDEVELOPMENT PROJECT AREA**

This Intergovernmental Agreement (the "Agreement") is entered into on _____, 2016, between the City of Fairview Heights, a Municipal Corporation (the "City"), and _____ (the "Taxing District").

WHEREAS, pursuant to the Illinois Tax Increment Allocation Redevelopment Act (65 ILCS 11-74.4-1 et seq., the "Act") the Council of the City adopted Ordinance ____-2016 approving the Ludwig Drive Tax Increment Financing Redevelopment Plan (the "Redevelopment Plan"), Ordinance ____-2016 designating the Ludwig Drive Tax Increment Redevelopment Area (the "TIF Area"), and Ordinance ____-2016 adopting real estate tax increment financing with respect to the Redevelopment Plan for the TIF Area (collectively, the "Ordinances"); and

WHEREAS, the purpose of the Redevelopment Plan is to encourage private development in the City, and enhance the tax base of the taxing districts within the TIF Area; and

WHEREAS, a portion of the Taxing District's territory is located within the boundaries of the TIF Area; and

WHEREAS, pursuant to Section 11-74.4-7 of the Act, the City may, annually, take actions to have certain money's in the TIF Area's special tax allocation fund (the "Special Fund") deemed as "Surplus Funds"; and

WHEREAS, pursuant to the Section 11-74.4-7 of the Act, all such "Surplus Funds" in the Special Fund shall be distributed annually within 180 days after the close of the City's fiscal year by being paid by the City Treasurer to the St. Clair County Collector (or the County office identified by the County to receive such payment), and the St. Clair County Collector (or the County office identified by the County to make such distribution) shall thereafter make distribution to the respective taxing districts, in the same manner and proportion as the most recent distribution by the appropriate County office to the respective districts, of real property taxes from real property in the TIF Area; and

WHEREAS, the City and other taxing districts are authorized and empowered by Article VII, Section 10 of the Constitution of the State of Illinois (1970) and 5 ILCS 220/1, et seq., to enter into intergovernmental agreements for any purpose not prohibited by law; and

WHEREAS, pursuant to Section 11-74.4-4 of the Act, the City is authorized to enter into all contracts necessary or incidental to the implementation and furtherance of the Redevelopment Plan; and

WHEREAS, the continued provision of quality services by the Taxing District is important to the City and the public welfare of its citizens and is critical in furthering economic development in the City.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth below, the City and the Taxing District do hereby agree as follows:

SECTION I

1.1 The above recitals are hereby incorporated into this Agreement as if fully set forth in this paragraph 1.1.

SECTION II

2.1 This Agreement shall become binding upon the City and the Taxing District upon approval of this Agreement by the City Council and the governing body of the Taxing District and the execution of this Agreement by each of their respective duly authorized agents.

2.2 This Agreement shall expire upon the earlier of the following: (a) December 31 of the year in which the payment to the City treasurer, as provided in Section 11-74.4-8 (b) of the Act, is to be made with respect to ad valorem taxes levied in the 23rd calendar year after the year in which the Ordinances were adopted; (b) any action by the City to terminate the tax increment allocation financing for the TIF Area; (c) by mutual agreement of the City and the Taxing District; and (d) any decree or judgment invalidating the ordinances listed in the preamble; provided, however, that the obligation of the City to make an annual payment which is due and owing to the Taxing District at the time of such expiration or termination shall survive such expiration or termination of this Agreement.

SECTION III **Duties of the City**

3.1 Commencing with tax year 2016 payable in calendar year 2017, the City hereby pledges and agrees to declare 33.3% of the incremental property tax revenues generated each year within the TIF Area and deposited in the Special Fund to be "Surplus Funds," and to take all actions required by Section 11-74.4-7 of the Act to declare such Surplus Funds. The remaining 66.7% of the incremental property tax revenues generated each year within the TIF Area will remain in the Special Fund for allocation by the City as it deems appropriate pursuant to the provisions of the Redevelopment Plan and the Act.

3.2 The Surplus Funds shall be distributed annually within 180 days after the close of the City's fiscal year by being paid to the St. Clair County Collector (or the County office identified by the County), as directed by Section 11-74.4-7 of the Act. The County Collector shall thereafter make distribution to the taxing districts which have taxable property within the TIF Area for the tax year for which such distribution is being made, in the same manner and proportion as the most recent distribution by the County Collector to the affected taxing districts of real property taxes from real property in the TIF Area.

SECTION IV
Duties of the Taxing District

4.1 In consideration of the City's duties set forth in Section III hereof, the Taxing District hereby agrees to waive its right to any other amounts from the Special Fund, including but not limited to "capital costs" and other redevelopment project costs as defined in the Act. The Taxing District shall reimburse the Special Fund if there is a judicial determination that the "Surplus Funds" were paid to the Taxing District incorrectly, or in error. The amount to be reimbursed will be equal to the amount of the payment judicially determined to have been paid incorrectly or in error. The reimbursement shall be made by the Taxing District within thirty (30) days of any such court order or judgment becoming final. Nothing within this Section shall require the Taxing District to reimburse any money it receives from the Special Fund that is not the subject of a judicial order or judgment.

SECTION V
Indemnity

5.1 The City covenants and agrees to defend, indemnify and hold the Taxing District and the Taxing District's officers, board members, attorneys, agents, employees and representatives harmless from all costs and expenses (including expert witness and attorneys' fees, and costs of investigations) of defending any claims or actions contesting the validity or legality of the Redevelopment Plan, the TIF Area, the adoption of tax increment financing with respect to the Redevelopment Plan for the TIF Area, or this Agreement.

SECTION VI
Defaults and Remedies

6.1 Neither the City nor the Taxing District shall be considered to be in breach of its obligations with respect to any delay in the performance of any duty or responsibility under this Agreement in the event that the delay in such performance is due to either: (a) the performance of any governmental agency or body not a party to this Agreement whose performance is necessary to the performance of any duty or responsibility of either the City or the Taxing District under this Agreement; or (b) unforeseen causes beyond the control and without such party's fault or negligence including, but not limited to, acts of God, acts of a public enemy, fires, floods, epidemics or other similar causes that disrupt the operations of the City and/or District. The time for performance of any duty or responsibility under this Agreement delayed as a result of any of the foregoing shall be extended for the period that the condition exists.

6.2 In the event of any default in or breach of any term or condition of this Agreement by either party, the defaulting or breaching party shall, upon written notice from the other party, proceed immediately to cure or remedy such default or breach, and shall, in any event, within 30 days after receipt of such notice, commence to cure or remedy such default. If such cure or remedy is not taken or not diligently pursued, or the default or breach shall not be cured or remedied within a reasonable time, the aggrieved party may institute such legal proceedings as may be necessary or desirable in its opinion to cure and remedy such default or breach, including, but not limited to, proceedings to compel specific performance by the defaulting or breaching party. Any legal action concerning this Agreement shall be brought in the Circuit Court for St. Clair County, Illinois. In any such legal proceedings, the prevailing party shall be entitled to an award of its reasonable attorneys' fees and litigation costs.

SECTION VII Miscellaneous Provisions

7.1 **Entire Agreement.** This Agreement contains the entire agreement between the City and the Taxing District regarding the City's declaring of certain moneys in the Special Fund as "Surplus Funds," and the distribution of such funds to the St. Clair County Collector (or the County office identified by the County to receive such payment); this Agreement supersedes all prior agreements, negotiations and discussions with respect thereto (if any), and shall not be modified, amended or changed in any manner whatsoever except by written agreement of the City and the Taxing District, where such agreement is duly approved by the City Council and the Taxing District's Board, except that no approval by the City Council or the Taxing District Board is required for any written agreement by the City and the Taxing District to modify the time of performance of any duty or responsibility under this Agreement.

7.2 **Assignability and Transfer.** The duties and responsibilities of the City and the Taxing District under this Agreement are not assignable or transferable.

7.3 **Limited Obligation.** The obligations of the City under this Agreement shall never constitute an indebtedness or a general obligation of the City within the meaning of the 1970 Constitution of the State of Illinois or any statutory provisions, and shall not give rise to any charge or lien against the City's general credit or taxing power.

7.4 **Notices.** Any notices to be served pursuant hereto shall be deemed properly delivered if delivered in writing by Federal Express or a comparable "over-night" courier service (which shall be deemed dated on the date of delivery thereof), or served by United States Postal Service, certified or registered mail, postage prepaid (which shall be deemed received on the third business day following the postmarked date thereof). Notices are to be directed to:

For the City:

**Hon. Mark Kupsy (or then serving Mayor)
10025 Bunkum Road
Fairview Heights, Illinois 62208**

**Mr. Kevin Hoerner (or then serving City Attorney)
Becker, Hoerner, Thompson & Ysursa PC
5111 W. Main Street
Belleville, Illinois 62220**

For the Taxing District:

7.5 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Illinois.

7.6 Counterparts. Any number of counterparts of this Agreement may be signed on behalf of the City and the Taxing District, which counterparts, when fully executed shall constitute but one and the same agreement.

7.7 Number of Pages. This Agreement consists of seven (7) pages, including any signature pages.

7.8 Severability. In the event that any term or provision of this Agreement is held to be unenforceable by a court of competent jurisdiction, the remainder shall continue in full force and effect, to the extent the remainder can be given effect without the invalid provision.

SECTION VIII
Representations and Warranties

8.1 The City represents and warrants that it has full constitutional, statutory and lawful right, power and authority, under current applicable law, to execute, deliver and perform the terms, duties and responsibilities of this Agreement and all of the foregoing has been duly and validly authorized by all necessary City proceedings and procedures and that this Agreement constitutes a legal, valid and binding Agreement.

8.2 The Taxing District represents and warrants that it has full constitutional, statutory and lawful right, power and authority, under current applicable law, to execute, deliver and perform the terms, duties and responsibilities of this Agreement and all of the foregoing has been duly and validly authorized by all necessary Taxing District proceedings and procedures and that this Agreement constitutes a legal, valid and binding Agreement.

SECTION IX
Covenant Not to Sue

9.1 The Taxing District does hereby covenant to not take any direct or indirect action, whether through litigation or other means, to object to, contest, or attempt to invalidate any action or proceeding pertaining to the Redevelopment Plan, Redevelopment Project, or TIF Area, and shall forever refrain and desist from instituting or asserting against the City, its successors, elected officials, officers, employees, agents, representatives and attorneys, any and all claims, demands, obligations or causes of action relating to, concerning or arising out of any of the following: (a) the designation of the TIF Area; (b) the adoption and implementation of the Redevelopment Plan; and (c) the adoption and implementation of tax increment financing in the TIF Area; provided, however, that this provision shall not be binding on the Taxing District if:

- 1) The City shall be in default under any term or condition of this Agreement and fails to cure same within the applicable cure period, in which case the Taxing District may institute legal proceedings pursuant to Section 6.2 hereof; or
- 2) This Agreement should be determined to be unlawful or unenforceable against the City by the final order of a court of law having jurisdiction of the parties.

SECTION X
Mutual Assistance

10.1 The parties agree to take such actions, including the execution and delivery of such documents, instruments, petitions and certifications supplemental hereto as may be necessary or appropriate to carry out the terms, provisions and intent of this Agreement.

IN WITNESS WHEREOF, the City and the Taxing District have caused their respective corporate names to be subscribed hereto by their respective undersigned authorized officers and caused their respective corporate seals to be affixed hereto, and attested, all on and as of the date first above written.

THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS

TAXING DISTRICT

By: _____
Mayor

By: _____

ATTEST _____

ATTEST _____

PROPOSED RESOLUTION NO. 63-'16

**A RESOLUTION AUTHORIZING THE CITY TO UTILIZE
AN INTERGOVERNMENTAL AGREEMENT TEMPLATE
WHEN ENTERING INTO A CONTRACT WITH ALL
TAXING DISTRICTS IN THE PROPOSED STATE
ROUTE 159 NORTH TIF.**

WHEREAS, the Community Committee on June 22, 2016 reviewed and recommended and as previously recommended by the Proposed State Route 159 North TIF Joint Review Board, the Intergovernmental Agreement template be approved, which is attached hereto, made a part hereof and marked "EXHIBIT A."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS:

That the Mayor is hereby authorized to enter into Intergovernmental Agreements with all taxing districts in the Proposed State Route North TIF.

Any proposed amendments to the Intergovernmental Agreements as adopted shall require City Council action.

This Resolution shall be in force and effect from and after its passage and approval as provided by law.

PASSED:

APPROVED:

MARK T. KUPSKY – MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD - CITY CLERK

"EXHIBIT A"

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS
AND
TAXING DISTRICTS OF THE STATE ROUTE 159 NORTH TAX INCREMENT FINANCING
REDEVELOPMENT PROJECT AREA**

This Intergovernmental Agreement (the "Agreement") is entered into on _____, 2016, between the City of Fairview Heights, a Municipal Corporation (the "City"), and _____ (the "Taxing District").

WHEREAS, pursuant to the Illinois Tax Increment Allocation Redevelopment Act (65 ILCS 11-74.4-1 et seq., the "Act") the Council of the City adopted Ordinance ____-2016 approving the State Route 159 North Tax Increment Financing Redevelopment Plan (the "Redevelopment Plan"), Ordinance ____-2016 designating the State Route 159 North Tax Increment Redevelopment Area (the "TIF Area"), and Ordinance ____-2016 adopting real estate tax increment financing with respect to the Redevelopment Plan for the TIF Area (collectively, the "Ordinances"); and

WHEREAS, the purpose of the Redevelopment Plan is to encourage private development in the City, and enhance the tax base of the taxing districts within the TIF Area; and

WHEREAS, a portion of the Taxing District's territory is located within the boundaries of the TIF Area; and

WHEREAS, pursuant to Section 11-74.4-7 of the Act, the City may, annually, take actions to have certain money's in the TIF Area's special tax allocation fund (the "Special Fund") deemed as "Surplus Funds"; and

WHEREAS, pursuant to the Section 11-74.4-7 of the Act, all such "Surplus Funds" in the Special Fund shall be distributed annually within 180 days after the close of the City's fiscal year by being paid by the City Treasurer to the St. Clair County Collector (or the County office identified by the County to receive such payment), and the St. Clair County Collector (or the County office identified by the County to make such distribution) shall thereafter make distribution to the respective taxing districts, in the same manner and proportion as the most recent distribution by the appropriate County office to the respective districts, of real property taxes from real property in the TIF Area; and

WHEREAS, the City and other taxing districts are authorized and empowered by Article VII, Section 10 of the Constitution of the State of Illinois (1970) and 5 ILCS 220/1, et seq., to enter into intergovernmental agreements for any purpose not prohibited by law; and

WHEREAS, pursuant to Section 11-74.4-4 of the Act, the City is authorized to enter into all contracts necessary or incidental to the implementation and furtherance of the Redevelopment Plan; and

WHEREAS, the continued provision of quality services by the Taxing District is important to the City and the public welfare of its citizens and is critical in furthering economic development in the City.

NOW THEREFORE, in consideration of the mutual promises and covenants set forth below, the City and the Taxing District do hereby agree as follows:

SECTION I

1.1 The above recitals are hereby incorporated into this Agreement as if fully set forth in this paragraph 1.1.

SECTION II

2.1 This Agreement shall become binding upon the City and the Taxing District upon approval of this Agreement by the City Council and the governing body of the Taxing District and the execution of this Agreement by each of their respective duly authorized agents.

2.2 This Agreement shall expire upon the earlier of the following: (a) December 31 of the year in which the payment to the City treasurer, as provided in Section 11-74.4-8 (b) of the Act, is to be made with respect to ad valorem taxes levied in the 23rd calendar year after the year in which the Ordinances were adopted; (b) any action by the City to terminate the tax increment allocation financing for the TIF Area; (c) by mutual agreement of the City and the Taxing District; and (d) any decree or judgment invalidating the ordinances listed in the preamble; provided, however, that the obligation of the City to make an annual payment which is due and owing to the Taxing District at the time of such expiration or termination shall survive such expiration or termination of this Agreement.

SECTION III **Duties of the City**

3.1 Commencing with tax year 2016 payable in calendar year 2017, the City hereby pledges and agrees to declare 33.3% of the incremental property tax revenues generated each year within the TIF Area and deposited in the Special Fund to be "Surplus Funds," and to take all actions required by Section 11-74.4-7 of the Act to declare such Surplus Funds. The remaining 66.7% of the incremental property tax revenues generated each year within the TIF Area will remain in the Special Fund for allocation by the City as it deems appropriate pursuant to the provisions of the Redevelopment Plan and the Act.

3.2 The Surplus Funds shall be distributed annually within 180 days after the close of the City's fiscal year by being paid to the St. Clair County Collector (or the County office identified by the County), as directed by Section 11-74.4-7 of the Act. The County Collector shall thereafter make distribution to the taxing districts which have taxable property within the TIF Area for the tax year for which such distribution is being made, in the same manner and proportion as the most recent distribution by the County Collector to the affected taxing districts of real property taxes from real property in the TIF Area.

**SECTION IV
Duties of the Taxing District**

4.1 In consideration of the City's duties set forth in Section III hereof, the Taxing District hereby agrees to waive its right to any other amounts from the Special Fund, including but not limited to "capital costs" and other redevelopment project costs as defined in the Act. The Taxing District shall reimburse the Special Fund if there is a judicial determination that the "Surplus Funds" were paid to the Taxing District incorrectly, or in error. The amount to be reimbursed will be equal to the amount of the payment judicially determined to have been paid incorrectly or in error. The reimbursement shall be made by the Taxing District within thirty (30) days of any such court order or judgment becoming final. Nothing within this Section shall require the Taxing District to reimburse any money it receives from the Special Fund that is not the subject of a judicial order or judgment.

**SECTION V
Indemnity**

5.1 The City covenants and agrees to defend, indemnify and hold the Taxing District and the Taxing District's officers, board members, attorneys, agents, employees and representatives harmless from all costs and expenses (including expert witness and attorneys' fees, and costs of investigations) of defending any claims or actions contesting the validity or legality of the Redevelopment Plan, the TIF Area, the adoption of tax increment financing with respect to the Redevelopment Plan for the TIF Area, or this Agreement.

**SECTION VI
Defaults and Remedies**

6.1 Neither the City nor the Taxing District shall be considered to be in breach of its obligations with respect to any delay in the performance of any duty or responsibility under this Agreement in the event that the delay in such performance is due to either: (a) the performance of any governmental agency or body not a party to this Agreement whose performance is necessary to the performance of any duty or responsibility of either the City or the Taxing District under this Agreement; or (b) unforeseen causes beyond the control and without such party's fault or negligence including, but not limited to, acts of God, acts of a public enemy, fires, floods, epidemics or other similar causes that disrupt the operations of the City and/or District. The time for performance of any duty or responsibility under this Agreement delayed as a result of any of the foregoing shall be extended for the period that the condition exists.

SECTION VIII
Representations and Warranties

8.1 The City represents and warrants that it will require the owner of the real estate in the TIF Area (Parcel No. 03-21-0-400-001; St. Clair County Identified Acreage: 71.89 Acres; TIF Area: 80.86 Acres) to re-zone the westerly portion of said property to B-3 zoning district, in order to be in compliance with the City's comprehensive plan, before any City incentives are received by the owner or developer for the development of said 72 acres. The City further represents and warrants that it has full constitutional, statutory and lawful right, power and authority, under current applicable law, to execute, deliver and perform the terms, duties and responsibilities of this Agreement and all of the foregoing has been duly and validly authorized by all necessary City proceedings and procedures and that this Agreement constitutes a legal, valid and binding Agreement.

8.2 The Taxing District represents and warrants that it has full constitutional, statutory and lawful right, power and authority, under current applicable law, to execute, deliver and perform the terms, duties and responsibilities of this Agreement and all of the foregoing has been duly and validly authorized by all necessary Taxing District proceedings and procedures and that this Agreement constitutes a legal, valid and binding Agreement.

SECTION IX
Covenant Not to Sue

9.1 The Taxing District does hereby covenant to not take any direct or indirect action, whether through litigation or other means, to object to, contest, or attempt to invalidate any action or proceeding pertaining to the Redevelopment Plan, Redevelopment Project, or TIF Area, and shall forever refrain and desist from instituting or asserting against the City, its successors, elected officials, officers, employees, agents, representatives and attorneys, any and all claims, demands, obligations or causes of action relating to, concerning or arising out of any of the following: (a) the designation of the TIF Area; (b) the adoption and implementation of the Redevelopment Plan; and (c) the adoption and implementation of tax increment financing in the TIF Area; provided, however, that this provision shall not be binding on the Taxing District if:

- 1) The City shall be in default under any term or condition of this Agreement and fails to cure same within the applicable cure period, in which case the Taxing District may institute legal proceedings pursuant to Section 6.2 hereof; or
- 2) The City, contrary to its representation and warranty in Section 8.1 hereof, provides incentives to the owner or developer of the real estate in the TIF Area before the westerly portion of said property has been re-zoned to B-3 zoning district, in which case the City shall be deemed to be in breach of a material term of this Agreement and the Taxing District may immediately institute legal proceedings pursuant to Section 6.2 hereof; or
- 3) This Agreement should be determined to be unlawful or unenforceable against the City by the final order of a court of law having jurisdiction of the parties.

**SECTION X
Mutual Assistance**

10.1 The parties agree to take such actions, including the execution and delivery of such documents, instruments, petitions and certifications supplemental hereto as may be necessary or appropriate to carry out the terms, provisions and intent of this Agreement.

IN WITNESS WHEREOF, the City and the Taxing District have caused their respective corporate names to be subscribed hereto by their respective undersigned authorized officers and caused their respective corporate seals to be affixed hereto, and attested, all on and as of the date first above written.

THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS

TAXING DISTRICT

By: _____
Mayor

By: _____

ATTEST _____

ATTEST _____

PROPOSED RESOLUTION NO. 64-'16

A RESOLUTION AUTHORIZING THE CITY OF FAIRVIEW HEIGHTS TO APPLY FOR A GRANT WITH THE ST. CLAIR COUNTY PARKS GRANT COMMISSION FOR FUNDING TO PURCHASE AND INSTALL A PAVILION BY THE MAIN PLAYGROUND AREA AT EVERETT MOODY PARK.

WHEREAS, the City of Fairview Heights wishes to purchase and install a pavilion by the main playground area at Everett Moody Park;

WHEREAS, the City Council hereby approves applying for a grant with the St. Clair County Parks Grant Commission for funding up to Thirty Thousand Dollars (\$30,000.00) to purchase and install a pavilion by the main playground area at Everett Moody Park;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ILLINOIS:

That the City of Fairview Heights is hereby authorized to apply for a grant with the St. Clair County Parks Grant Committee for funding to purchase and install a pavilion by the main playground area at Everett Moody Park.

This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED:

APPROVED:

ATTEST:

MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

KAREN J. KAUFHOLD - CITY CLERK