

ENTERPRISE ZONE

INTERGOVERNMENTAL AGREEMENT

This Agreement entered into on this 14 day of June, 1988, by and between the County of Peoria, Illinois (hereinafter referred to as the "County"), and the Village of Bartonville, Illinois (hereinafter referred to as "Bartonville") and the Village of Bellevue, Illinois (hereinafter referred to as "Bellevue" with both Bellevue and Bartonville collectively referred to as the "Villages").

WHEREAS, the economies of the Bartonville, Bellevue and adjacent unincorporated areas located in the County are severely depressed; and

WHEREAS, the State of Illinois has enacted the Illinois Enterprise Zone Act (Ill. Rev. Stat. ch. 67 1/2, paras. 601-617 (1987)) (hereinafter referred to as the "Act") to alleviate distressed economic conditions in certain depressed areas; and

WHEREAS, the health, safety and welfare of the residents of the Villages and the County are dependent, in part, upon a healthy private sector of the Villages' and County's economy; and

WHEREAS, the development, growth and expansion of the private sector requires the cooperative and continuous partnership between government and the private sector; and

WHEREAS, there are certain areas within the Villages and the County that need the particular attention of government, business and labor to attract private sector investment and directly aid the entire County and the residents thereof; and

WHEREAS, the population of the Villages and surrounding area has been decreased severely, as a reaction to the depressed economic conditions in the Villages and surrounding area; and

WHEREAS, these economic conditions adversely impact upon the individual citizens, businesses and taxing authorities within the entire County; and

WHEREAS, to alleviate the aforesaid conditions the County and Bartonville did previously make application to the State of Illinois for designation of certain territory in Bartonville and certain adjacent unincorporated territory in the County; and

WHEREAS, the State of Illinois on October 29, 1986, did approve the above-noted request and designated the territory described in Exhibit A attached hereto, as an Enterprise Zone pursuant to the Act; and

WHEREAS, subsequent to said approval and designation, the County and the Villages recognized that additional territory had the same problems and attributes as the designated Enterprise Zone territory and should be included in the Enterprise Zone by amending the boundaries of the Enterprise Zone; and

WHEREAS, by amending the Enterprise Zone to include the proposed addition, the County and the Villages will prevent adverse economic impacts on the additional territory and will further promote the elimination of adverse and distressed economic conditions; and

WHEREAS, the County and the Villages recognize that the amendment to the Enterprise Zone and the inclusion of Bellevue as a participating municipality requires that a new

intergovernmental agreement be entered into by the Villages and the County to replace the Enterprise Zone Intergovernmental Agreement previously approved by the County on October 14, 1986, and Bartonville on October 16, 1986; and

WHEREAS, the duly constituted legislative bodies of the Villages and of the County are cognizant of the distressed conditions existing within the area as amended and are desirous of alleviating these distressed conditions; and

WHEREAS, the residents of the Villages and the County have indicated their willingness and desire to cooperate in designating a portion of their Villages as well as portions of the unincorporated areas of the County as an Enterprise Zone; and

WHEREAS, the Intergovernmental Cooperation Act, Section 3, Ill. Rev. Stat. ch. 127, para. 743 (1973), as enacted by the State of Illinois, provides as follows:

"Section 3 - Intergovernmental Agreement. Any power or powers, privileges or authority exercised or which may be exercised by a public agency of this State may be exercised and enjoyed jointly with any other public agency of this State and jointly with any public agency of any other state or of the United States to the extent that laws of such other state or of the United States do not prohibit joint exercise or enjoyment."

WHEREAS, the parties to this Agreement have had conferred upon them the authority to exercise the powers authorized by the Act.

NOW, THEREFORE, upon the consideration of the mutual promises contained herein and upon the further consideration of the recitals hereinabove set forth, it is hereby agreed between the County and the Villages, as follows:

Section 1 - Status: This Intergovernmental Agreement supersedes and replaces the Enterprise Zone Intergovernmental Agreement previously entered into by the County and Bartonville.

Section 2 - Qualifications: The County and the Villages hereby declare and affirm that the zone area as amended is qualified for designation as an Enterprise Zone in accordance with the provisions of the Act, and further affirm that:

- a. The zone area as amended is a contiguous area;
- b. The Zone area as amended comprises a minimum of one-half square mile and not more than twelve square miles in total area;
- c. The zone area as amended is a depressed area;
- d. The zone area as amended satisfies any additional criteria established by the Illinois Department of Commerce and Community Affairs;
- e. On the 2nd day of February, 1988, at 7:00 p.m., a public hearing was conducted within the zone area on the question of whether to amend the zone, what local plans, tax incentives and other programs should be established in connection with the zone amendment, and what the boundaries of the zone should be, and that public notices were given in at least one newspaper of general circulation within the zone area, not more than 20 days nor less than 5 days before the hearings; and
- f. It addresses a reasonable need to encompass portions of more than one Village and adjacent unincorporated areas of the County.

Section 3 - Enterprise Zone Designation: That the area described in Exhibit B attached hereto is hereby designated as an Enterprise Zone as amended, subject to the certification in accordance with law.

Section 4 - Term and Effect: This Agreement shall be effective for a period of twenty years beginning on October 29,

1986, the date that the area described in Exhibit A was designated an Enterprise Zone by Illinois Department of Commerce and Community Affairs ("IDCCA"), in accordance with the law.

Section 5 - Sales Tax Deduction: The parties agree to adopt the appropriate legislation to assure that each retailer whose place of business is within the corporate limits of the Villages or the unincorporated limits of Peoria County and who makes a sale of building materials to be incorporated into commercial or industrial real estate located in the Enterprise Zone area by renovation, rehabilitation or new construction, may deduct the receipts from such sales when calculating the tax imposed by the County or either of the Villages pursuant to their respective authority to enact a Retailers' Occupation Tax, provided that the renovation, rehabilitation or new construction is of the nature and scope for which a local building permit is required and has been obtained. The incentive provided by this Section shall commence the first day of the calendar month following the month in which the Enterprise Zone is designated and certified, and shall continue for the term of the Enterprise Zone.

Section 6 - Property Tax Abatement: The County and the Villages agree to adopt the appropriate legislation which authorizes and directs the County Clerk to abate ad valorem taxes levied by the Villages and the County imposed upon real property used for commercial or industrial purposes, located within the Enterprise Zone area, upon which new improvements have been constructed or upon which existing improvements have been

renovated or rehabilitated. The legislation shall contain the following conditions:

- a. The renovation, rehabilitation or new construction are of the scope and nature for which a building permit is required and has been obtained;
- b. Such abatement shall be allowed only for commercial or industrial property located within the zone area as amended, and which complies with the uses permitted under the then current Ordinance entitled "Zoning" adopted by the County and any comparable "Zoning" Ordinance adopted by the Villages;
- c. Such abatement shall be at the rate of one hundred percent (100%) of the increase in the portion of the real property tax attributable solely to the increase in value to the property as a result of the renovation, rehabilitation or new construction; however any abatement of real property taxes on any parcel issued by the appropriate local official shall not exceed the amount attributable to the cost of construction of the improvements and the renovation or rehabilitation of existing improvements on such parcel;
- d. The abatement shall apply to the share of the real property taxes due for the assessment year the renovation, rehabilitation or new construction is made and for the four assessment years immediately following the year in which the renovation, rehabilitation or new construction is made.
- e. The abatement provided for in this Section 6 shall not apply to an increase in the assessment/valuation in the Enterprise Zone which may result from the application of a "County wide

multiplier" certified to the Clerk of Peoria County under Section 151a of the Revenue Act of 1939 (Ill. Rev. Stat. ch. 120, para. 632a (1975)), or to a general increase in value of the property which is unrelated to the improvement. In such event, the abatement shall be calculated in accordance with sub-section (d) above;

- F. The abatement provided for in this Section 6 shall not apply to any such improvement located within the boundaries of the Tax Increment Redevelopment Project Areas established by Bartonville pursuant to Ordinance No. 706, adopted and approved, January 8, 1981, as amended, or as later amended, and the Starr Lane Tax Increment Project Area adopted by the Village of Bellevue; and
- G. The abatement incentive provided in this Section 6 shall continue and be in full force for any improvement which is completed within the term of the Enterprise Zone as specified in Section 4 of this enactment.

The parties agree to use their best efforts to persuade other taxing bodies located in the Enterprise Zone as amended to abate all or part of the taxes levied against commercial or industrial property located in the Enterprise Zone as amended in accordance with the provisions of this Section.

Section 7 - Permit and Fee Waivers: The Villages and the County agree to waive their respective charges for building permit fees or other zoning application fees for commercial or industrial property within the Enterprise Zone for the term of the Enterprise Zone. All of the other terms and conditions of

their respective Zoning Ordinances and regulations will otherwise continue to apply.

Section 8 - Expedited Procedures: The Parties agree to expedite the plan review process and the zoning, variance and special use processes under their control with respect to any improvements made upon commercial or industrial property within the Enterprise Zone as amended for the term of the Enterprise Zone as amended and to amend their respective Ordinance to accomplish the same, if necessary.

Section 9 - Zone Management Organization: Upon designation and certification of the amended Enterprise Zone by the IDCCA, a Zone Management Organization (Management Organization) shall be formed which shall replace the Zone Management Organization created pursuant to the Enterprise Zone Intergovernmental Agreement between the County and Bartonville. This Organization shall be comprised of representatives of the Village Boards of the Villages and representatives of the Peoria County Board. The number of representatives from each body shall be by agreement of the President or Chairman of the respective bodies. Each representative shall be a member of the respective body and shall be appointed for a term of two (2) years. The Management Organization shall be the advisory body to the Zone Administrator and shall be responsible for all policy decisions within the Zone; provided, however, the Management Organization shall not have the authority to amend or suspend the application of this Ordinance.

Section 10 - Designated Zone Organization: The parties agree that the Zone Administrator may recommend to the Management

Organization or any organization that qualifies as a Designated Zone Organization ("DZO") under the provisions of the Act. Upon approval by the Management Organization, for a term of years set by the Management Organization, the DZO may:

- A. Provide or contract for provisions of services including, but not limited to: crime watch patrols within zone neighborhoods; volunteer day care centers; or, other types of public services as provided by ordinance or regulations;
- B. Provide a forum for business, labor and government action on Enterprise Zone innovations;
- C. Receive title to publicly-owned land;
- D. Solicit and receive contributions to improve the quality of life in the zone area; and
- E. Perform such other functions as the Management Organization may deem appropriate, not inconsistent with the Act.

Section 11 - Zone Administrator: The parties agree that the position of "Zone Administrator" shall be created by Ordinance adopted by the parties. The Zone Administrator shall be the then current Peoria County Administrator who is officer or employee of Peoria County. It shall be the power and duty of the Zone Administrator to:

- A. Supervise the implementation of the provisions of this ordinance and the Act;
- B. Act as a liaison between the Villages, the Peoria County Board, the IDCCA, designated zone organization(s); and other state, federal and local agencies, whether public or private.
- 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 amended Enterprise Zone;
- D. Recommend qualified DZO to the Management Organization; and

- E. Appoint an Assistant Zone Administrator who will be affiliated with the Economic Development Council, Inc., a professional organization having active and ongoing economic development programs within the amended Enterprise Zone.

The duties of the Assistant Zone Administrator shall be:

- A. To develop and recommend a comprehensive planning program for the amended Enterprise Zone;
- B. To serve as the primary technical/professional advisor to the Management Organization;
- C. To examine and recommend local incentives, benefits and programs to accomplish stated objectives, to stimulate economic activity in the Enterprise Zone as amended and to address impediments to capital investment;
- D. To develop and analyze the social, physical and economic data regarding population trends; labor force; land use patterns; size, type and status of existing commercial, industrial and manufacturing facilities and capacity within the Enterprise Zone as amended; infrastructure availability and condition, and other factors pertaining to community planning; and to recommend appropriate actions; and
- E. To recommend necessary legislative and administrative controls for guiding the development of the Enterprise Zone as amended including planned capital improvement.

Section 12 - Coordination of Legislation - The parties agree and understand that additional Ordinances or resolutions may be necessary from time to time relative to the amended Enterprise Zone. The parties agree to take the steps necessary to implement such legislative action promptly. The parties further agree each body will conform such legislative action to that adopted by the other body to the extent possible under the law.

The undersigned parties have caused this Intergovernmental Agreement to be executed by their duly designated officials, as authorized by their respective governing bodies.

County of Peoria, Illinois

Village of Bartonville, Illinois

By: _____

By: _____

Title: _____

Date: _____

Acknowledged this _____ day of May, 1988.

Acknowledged this _____ day of May, 1988.

County Clerk of Peoria County

Clerk of the Village of Bartonville, Illinois

Village of Bellevue, Illinois

By: Gerry D. Buskirk
Title: _____

Date: _____

Acknowledged this 14 day of May, 1988.

Carol S. Howard
Clerk of the Village of Bellevue, Illinois

5A2/4-40.