

STATE OF ILLINOIS)
)
COUNTY OF PEORIA)

CERTIFICATION OF ORDINANCE

I, Carol S. Howard, do hereby certify that I am the duly selected, qualified and acting clerk of the Village of Bellevue, Peoria County, Illinois ("Village") and, as such official, I am the keeper of the records and file of the Village.

I do further certify that the attached ordinance constitutes a full, true and correct excerpt from the minutes of the meeting of the Village Board of Trustees held on the date thereon indicated, insofar as same relates to the adoption of Ordinance No. 657, entitled:

AN ORDINANCE AMENDING THE ENTERPRISE ZONE WITHIN THE VILLAGE OF BARTONVILLE, THE VILLAGE OF BELLEVUE AND THE ADJACENT UNINCORPORATED AREA OF PEORIA COUNTY

Such ordinance was adopted and approved on the date thereon set forth by not less than an affirmative vote of a majority of the Village Board of Trustees.

IN WITNESS WHEREOF, I hereunto affix my official signature and seal of the Village this 25th day of July, 2011.



Carol S. Howard, Village Clerk

Affix
Corporate
Seal

ORDINANCE NO. 657

AN ORDINANCE AMENDING THE ENTERPRISE ZONE
WITHIN THE VILLAGE OF BARTONVILLE, THE VILLAGE OF BELLEVUE, THE CITY OF
ELMWOOD, THE CITY OF WEST PEORIA AND
THE ADJACENT UNINCORPORATED AREA OF PEORIA COUNTY

ORDINANCE

WHEREAS, the business climates of the Village of Bartonville, Illinois ("Bartonville"), the Village of Bellevue, Illinois ("Bellevue"), with Bartonville and Bellevue collectively referred to as the "Villages", the City of Elmwood, Illinois ("Elmwood"), the City of West Peoria, Illinois ("West Peoria"), with Elmwood and West Peoria collectively referred to as the "Cities", and the adjacent unincorporated areas in the County of Peoria, Illinois ("County"), are severely depressed; and

WHEREAS, the State of Illinois has enacted the Illinois Enterprise Zone Act, 20 ILCS 655/1, et seq. ("Act") to alleviate distressed economic conditions in certain depressed areas; and

WHEREAS, the Act authorizes a municipality or municipalities and a county to adopt an Ordinance designating an area within its jurisdiction as an Enterprise Zone, subject to certification by the Illinois Department of Commerce and Economic Opportunity ("DCEO"); and

WHEREAS, the health, safety and welfare of the residents of Bartonville, Bellevue Elmwood, West Peoria and the County are enhanced by healthy private business sectors in the Villages, Cities and County; and

WHEREAS, the development, growth and expansion of the private business sector is best achieved through the cooperative and continuous partnership between government and the private business sector; and

WHEREAS, there are certain areas within the Villages, the Cities and the County that need the particular attention of government, business and labor to attract private sector investment, as a healthy business climate in those areas will aid the entire County and the residents thereof; and

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

WHEREAS, the unemployment rates of the Cities and contiguous unincorporated County have increased significantly as a reaction to the depressed economic conditions in the Cities and the 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 Bellevue did previously make application to the State of Illinois for designation of certain territory in Bellevue 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 certain territory in Bellevue and the County as an Enterprise Zone pursuant to the Act; and

WHEREAS, the Enterprise Zone originally approved in 1986 was subsequently amended in 1988 and 1989 to add territory in Bellevue and the adjacent unincorporated County; and

WHEREAS, the County and the Villages amended the Ordinance in December 2006, as subsequently approval by DCEO in January 2007, to extend the life of the Enterprise Zone from 20 to 30 years to continue the economic development in progress; and

WHEREAS, the Enterprise Zone was subsequently amended in January 2011 to add territory in the Cities and the adjacent unincorporated County to the Enterprise Zone and to increase the maximum allowable area of the Enterprise Zone from twelve (12) to fifteen (15) square miles, pursuant to Section 4(b) of the Act; and

WHEREAS, in February 2011, the County, the Villages and the Cities amended the legal description of the Enterprise Zone to reflect a different route for the connector to Elmwood; and

WHEREAS, the Villages, Cities and County now recognize that additional territory in the City of Elmwood has development opportunity and should be included in the Enterprise Zone by again amending the boundaries of the Enterprise Zone; and

WHEREAS, by amending the Enterprise Zone to include the revised legal description in the attached **Exhibit 1**, the Villages, Cities and County will prevent adverse economic impacts on the additional territory and will further promote the elimination of adverse and distressed economic conditions; and

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

WHEREAS, the proposed amendment to the Enterprise Zone requires adoption of a new ordinance by the County which supersedes and replaces the Enterprise Zone Ordinance previously adopted by the County; and

WHEREAS, the proposed amendment to the Enterprise Zone also requires the approval of the attached Fifth Addendum to Enterprise Zone Intergovernmental Agreement marked as **Exhibit A** to replace the legal description of the Enterprise Zone Intergovernmental Agreement, originally entered into by the County and Villages in 1988, with the revised legal description in the attached **Exhibit 1**.

AGREEMENT

NOW THEREFORE, BE IT AND THE SAME IS HEREBY ORDAINED this 25th day of July 2011, by the President and Board of Trustees of the Village of Bellevue, Peoria County, Illinois, hereby designates an amended Enterprise Zone within the unincorporated area adjacent to and including certain areas of the Village of Bartonville, the Village of Bellevue, the City of Elmwood and the City of West Peoria, Illinois, as described in **Exhibit 1** attached hereto and incorporated by reference herein; and

Section 1 - Description: That the area more precisely described in the attached **Exhibit 1** and incorporated herein as if fully set forth, be and the same is hereby designated as an amended Enterprise Zone in accordance with the provisions of the Act, and further affirms that:

- A. The zone area is a contiguous area;
- B. The zone area comprises a minimum of (1/2) one-half square mile and not more than (15) fifteen square miles in total area;
- C. The zone area is a depressed area;
- D. The zone area satisfies any additional criteria established by the DCEO;
- E. On the 5th day of July 2011 at 9:00 am, a public hearing was conducted within the zone area on the questions of whether to amend the Enterprise Zone, what local plans, tax incentives and other programs should be established in connection with the amended zone, and what the boundaries of the amended zone should be. Public notice was given in at least one newspaper of general circulation within the zone area not more than (20) twenty days or less than (5) five days before the hearing.
- F. The zone area is entirely within the borders of Bartonville, Bellevue, Elmwood, West Peoria or the unincorporated of the County.

Section 2 - Enterprise Zone Designation: The area described in **Exhibit 1** is hereby designated as an Enterprise Zone as amended subject to the approval of DCEO, in accordance with the Act.

Section 3 - Term and Effect: The area described in **Exhibit 1** shall be designated as an Enterprise Zone for a period of thirty (30) calendar years, such designation shall commence on that date the original area described in **Exhibit 1** was certified as an Enterprise Zone by DCEO (October 29, 1986) and shall end on the earliest of the following occurrences:

- A. Midnight, December 31, 2016;
- B. This ordinance is rescinded by the Bellevue;
- C. A lesser number of years is specified by DCEO;
- D. This Ordinance is amended to include a lesser term;

E. DCEO decertifies the Enterprise Zone.

Section 4 - Sales Tax Deduction: The definitions as set forth in the Retailers' Occupation Tax Act, 35 ILCS 120/1 shall apply to Section 4 of this Ordinance.

During the period the Enterprise Zone is certified by DCEO each retailer who makes a sale of building materials to be incorporated into commercial or industrial real estate, located in the Enterprise Zone area established in the Villages, the Cities and/or the unincorporated area of the County, by remodeling, rehabilitation or new construction may deduct receipts from such sales when calculating the tax imposed in Bellevue pursuant to its authority to enact a "Retailers Occupation Tax" provided the commercial or industrial enterprise has obtained a Certificate of Eligibility for Sales Tax Exemption, or such form of verification of exemption as State law provides for industrial and commercial entitles in an enterprise zone.

The exemption provided for in this section shall apply only when such remodeling, rehabilitation or new construction for commercial or industrial enterprises is of the nature and scope for which a building permit is required by Chapter 24 of the Peoria County Code, entitled: "Zoning" or the Zoning Ordinance then in effect as adopted by the Villages or Cities.

The incentive provided by this Section shall commence on the first day of the calendar month following the month in which the Enterprise Zone is designated and certified by DCEO and shall continue for the term of the Enterprise Zone.

Section 5 - Property Tax Abatement: Bellevue authorizes and directs the County Clerk of Peoria to abate the ad valorem taxes levied by the County of Peoria and imposed upon the commercial and industrial real estate located in the amended Enterprise Zone of the Villages, the Cities and/or the County, upon which new improvements have been constructed or existing improvements which have been renovated or rehabilitated, subject to the following conditions:

- A. The improvements or renovations 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 Enterprise Zone area; 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 or Cities.
- C. Such abatement shall be an amount equal to one hundred percent (100%) of the increase in Bellevue's portion of the real property tax attributable solely to the increase in value to the property as a result of the construction, renovation or rehabilitation; however any abatement of real property taxes on any parcel 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 County's share of the real property taxes due for the assessment year the construction, remodeling or rehabilitation is made and for the (4) four assessment years immediately following the year in which the improvement is made.

- E. The abatement provided for in this Section 5 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 17-30 of the Property Tax Code, 35 ILCS 200/17-30, or for 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 (C) above.
- F. The abatement provided for in this Section 5 shall not apply to any improvement located within the boundaries of the Bartonville Industrial Park Tax Increment Redevelopment Project Areas established by Village of Bartonville Ordinance No. 706, adopted and approved, January 8, 1981, as amended; the Starr Lane Tax Increment Redevelopment Project Areas adopted and approved by the Village of Bellevue via Ordinances 308-310, on December 30, 1986, as amended; the Central Business District Redevelopment Project Area adopted and approved by the City of Elmwood on April 19, 2011 by Ordinances No. 2011-7 through 2011-9 and the TIF No. 1 Redevelopment Project Area adopted and approved by the City of Elmwood on June 28, 2004 by Ordinances No. 2004-7 through 2004-9, as amended on September 6, 2005 by Ordinance No. 2005-5 and as amended on April 19, 2011 by Ordinances No. 2011-4 through 2011-6; and the TIF District II Redevelopment Project Areas adopted and amended by the City of West Peoria on March 22, 2011 by Ordinances No. 2011-15 through 2011-17 and the TIF District I Redevelopment Project Area adopted and approved by the City of West Peoria on January 25, 2005 by Ordinances No. 2005-1 through 2005-3, as amended on December 13, 2005 by Ordinance No. 2005-18 and amended on March 22, 2011 by Ordinances No. 2011-12 through 2011-14.
- G. The abatement incentive provided for in this Section 5 shall continue and be in full force for any improvement which is completed within the term of the Enterprise Zone as specified in Section 3 of this ordinance.
- H. The abatement incentive provided for in this Section 5 shall continue for any improvement for no longer than a period of (5) five years from the date that the improvement is constructed or renovated, unless that period is extended by separate Ordinance of Bellevue, provided that no abatement incentive shall survive the end of the Enterprise Zone, as specified in Section 3.
- I. Any improvements which were granted five (5) year property tax abatements prior to the extension provided by the December 2006 Ordinance which would have exceeded the life of the Enterprise Zone before the extension provided by the December 2006 Ordinance shall be allowed the full five (5) year abatement of property taxes.

Section 6 - Permit and Fee Waivers: There will be no fee charged for building permits or zoning application fees for property with a commercial or industrial use with the Enterprise Zone for the term of the Enterprise Zone. All other terms of Bellevue's Zoning Ordinance shall apply, including but not limited to the necessity for a building permit, authorized land use, variances, special uses and flood plain regulations.

Section 7 - Expedited Procedures: Bellevue's Zoning Commission and Zoning Board of Appeals shall expedite the plan review process and the zoning, variance and special use process with respect to any improvements made upon commercial or industrial property within the Enterprise Zone for the term of the Enterprise Zone.

Section 8 - Zone Management Organization: Upon designation of the amended Enterprise Zone by DCEO, a Zone Management Organization will be formed. This organization shall be made up of representatives of the Bartonville Village Board, the Bellevue Village Board, the Elmwood City Council, the West Peoria City Council, and the Peoria County Board. The number of representatives from each body will be by agreement of the President and Chairman of the respective bodies. The Management Organization will be the advisory body to the Zone Administrator and will be responsible for all policy decisions within the Enterprise Zone. The Zone Administrator will be the individual responsible for the day-to-day implementations within the Enterprise Zone and will be the liaison between the Management Organization, the Village Boards, the City Councils, the County Board and DCEO.

Section 9 - Designated Zone Organization: The Zone Administrator shall recommend to the Enterprise Zone Management Organization, any organization that qualifies as a Designated Zone Organization (DZO) under 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 Enterprise Zone neighborhoods; volunteer day care centers; or, other types of public services as provided by ordinance or regulation;
- 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 Enterprise Zone; and
- E. Perform such other functions as the Management Organization may deem appropriate, not inconsistent with the Act.

Section 10 - Zone Administrator: The position of "Zone Administrator" is hereby created. The Zone Administrator shall be the current Peoria County Administrator who is an officer or employee of Peoria County. The duties of the Zone Administrator shall be performed in addition to the regular duties of the Peoria County Administrator. 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 liaison between the Bartonville, Bellevue, Elmwood, West Peoria, the County, and DCEO, 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 with the Enterprise Zone; and
- D. Recommend qualified DZO to the Management Organization.

The Zone Administrator through the appointment of an Assistant Zone Administrator will be responsible for the duties listed below. To accomplish these duties, the Zone Administrator will appoint an Assistant Zone Administrator who will be a current employee of the Economic Development Council, Inc., a professional organization having active and ongoing economic development programs within the Enterprise Zone.

Duties of Assistant Zone Administrator:

1. To develop and recommend a comprehensive planning program for the Enterprise Zone.
2. To serve as the primary technical/professional advisor to the Management Organization.
3. To examine and recommend local incentives, benefits and programs to accomplish stated objectives, to stimulate economic activity in the Enterprise Zone and to address impediments to capital investment.
4. To develop and analyze 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.
5. To recommend necessary legislative and administrative controls for guiding Enterprise Zone development, including planned capital improvement.
6. To review supportive planning studies and reports to insure technical proficiency.
7. To coordinate planning activities and program implementation with other County, City and/or Village programs.
8. To act as a liaison between the County, Bellevue, Bartonville, Elmwood, West Peoria, any designated zone organization, DCEO, Federal agencies and local planning groups in support of the Enterprise Zone program and plan.
9. To collect and analyze data and submit reports required by DCEO on a timely basis.
10. To conduct an ongoing evaluation of the Enterprise Zone program and submit evaluative reports on an annual basis to the Zone Management Organization.
11. To act as program manager responsible for the Enterprise Zone's day-to-day operations.

Section 11 – Addendum to Enterprise Zone Intergovernmental Agreement: The Bellevue President is hereby authorized to enter into the attached Fifth Addendum Agreement to modify the Enterprise Zone Intergovernmental Agreement in accordance with this Ordinance.

Section 12 - Validity of Ordinance: That this Ordinance and every provision hereof shall be considered separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder.

Section 13 - Conflict: That all ordinances and/or resolutions or parts thereof in conflict herewith are hereby repealed.

Section 14 - Effectiveness: That this Ordinance shall take effect, as indicated in Section 3, following passage, approval, recording, inspection and publication, as may be required by law.

Section 15 - Recording this Document: Upon certification of the amended Enterprise Zone, DCEO shall record the document with the Recorder of Deeds of Peoria County, in accordance with 20 ILCS 655/5.3(a).

PASSED AND APPROVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BELLEVUE ILLINOIS THIS 25th DAY OF JULY 2011.

AYES: 6

NAYS: 0

ABSENT: 0

VILLAGE OF BELLEVUE, ILLINOIS

BY: 

LARRY MERRIMAN, PRESIDENT

ATTEST: 

CAROL HOWARD, CLERK