

Ordinance No. 13-05

**AN ORDINANCE APPROVING A SECOND AMENDMENT TO THE ILLINOIS ROUTE 72
AND ILLINOIS ROUTE 25 BUSINESS DEVELOPMENT DISTRICT DEVELOPMENT PLAN,
AS AMENDED, DESIGNATING EXPANDED BOUNDARIES AS A PART OF THE
ILLINOIS ROUTE 72 AND ILLINOIS ROUTE 25 BUSINESS DISTRICT, AS AMENDED,
AND IMPOSING A RETAILERS' OCCUPATION TAX
AND SERVICE OCCUPATION TAX THEREIN**

BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

Section 1. Authority. The Village of East Dundee, Cook and Kane Counties, Illinois (the "*Village*") is authorized, pursuant to the provisions of the Business District Development and Redevelopment Law, 65 ILCS 5/11-74.3, *et seq.* (the "*Act*"), to designate business districts to promote development or redevelopment in the Village and to impose a retailers' occupation tax and a service occupation tax therein and to issue bonds to provide for the payment of business district project costs.

Section 2. Business District Development Plan. On September 29, 2008, by Ordinance No. 08-57, the President and Board of Trustees of the Village of East Dundee (the "*Corporate Authorities*"), Kane and Cook Counties, Illinois (the "*Village*") designated the "Village of East Dundee Illinois Route 72 and Illinois Route 25 Business District" (the "*Original BD District*") and approved the Illinois Route 72 and Illinois Route 25 Business District Plan (the "*Original Plan*"), and imposed a one-half of one percent (1/2%) retailers' occupation tax and service occupation tax, after public hearings pursuant to notices, all as required by the Act in effect as of said date. On March 7, 2011, by Ordinance No. 11-12, the Corporate Authorities amended the Illinois Route 72 and Illinois Route 25 Business District by altering its exterior boundaries to include additional properties, and amended the Original Plan by changing land uses, changing the proposed developer or proposed tenants of properties therein, and establishing the estimated business district project costs (the "*Amended Plan*").

The Corporate Authorities have now requested and received another amendment to the Original Plan, as amended (the "*Second Amendment*") in order to include a development plan for include properties located in the Village's "downtown" district; and to further amend the Amended Plan to include new projects to further reduce the existence of blight in the Village's commercial areas to increase estimated project costs as mandated by the addition of new projects; and, to impose the one-half of one percent (1/2%) retailers' occupation tax and service occupation tax upon the businesses in the new expanded area.

Section 3. Findings.

(a) The designation of the additional area hereinafter described in the Second Amendment to the Illinois Route 72 and Illinois Route 25 Business District, as amended, as a part of the Original BD District (the "*Amended Business District*") was considered at a public

hearing held on March 18, 2013 (the "*Public Hearing*"), which was held pursuant to notices duly published in *The Courier News*, a newspaper of general circulation within the Village.

(b) At the Public Hearing, all interested persons were given an opportunity to be heard on the question of the designation of the Amended Business District, the approval of the Second Amendment, the imposition of a retailers' occupation tax and a service occupation tax in the Amended Business District for the planning, execution and implementation of the Second Amendment and for the payment of business district project costs as itemized in such Second Amendment, and the issuance of obligations by the Village to provide for the payment of the amended business district project costs secured by the Illinois Route 72 and Illinois Route 25 Business District Tax Allocation Fund heretofore established pursuant to the Act.

(c) After considering the data as presented at the Public Hearing, the Corporate Authorities find that it is in the best interests of the Village and of the residents and property owners within the Amended Business District that the Amended Business District be designated.

(d) The Amended Business District is contiguous and includes only parcels of real property directly and substantially benefited by the proposed Second Amendment as required by the Act.

(e) The Amended Business District is a blighted area that, by reason of defective, non-existent or inadequate street layout, deterioration of site improvements, improper subdivisions and obsolete platting, and the existence of conditions which endanger life or property by fire or other causes, all as set forth in the Second Amendment. Due to such conditions, the Amended Business District constitutes an economic liability upon the Village and its residents.

(f) The blighting factors as stated above are widely present throughout the Amended Business District and the presence of these conditions has hindered growth and development of this area.

(g) It is in the best interests of the Village that the Amended Business District be designated for the financing of the Amended Business District project costs as set forth in the Second Amendment; that a retailers' occupation tax and a service occupation tax be imposed in the Amended Business District for the planning, execution, and implementation of the Second Amendment and for the payment of the Amended Business District Project costs as set forth in the Second Amendment; and that obligations by the Village be issued to provide for the payment of the Amended Business District project costs secured by the Illinois Route 72 and Illinois Route 25 Business District Tax Allocation Fund established by Ordinance No. 08-57 on September 29, 2008, pursuant to the Act.

Section 4. Designation of the Amended Business District as identified in the Second Amendment of the Village of East Dundee, Illinois Route 72 and Illinois Route 25 Business District, as Amended. The Amended Business District is hereby designated as a business district, being a part of the "Village of East Dundee, Illinois, Route 72 and Illinois Route 25 Business District, as amended" and shall consist of the contiguous territory legally described in

Exhibit A hereto, and outlined on a map of a portion of the Village attached as *Exhibit B* hereto, which description and map are by this reference incorporated herein and made a part hereof.

Section 5. Approval of the Second Amendment of the Village of East Dundee, Cook and Kane Counties, Illinois, Illinois Route 72 and Illinois Route 25 Business District Development Plan. There has heretofore been presented to the Corporate Authorities and considered at the Public Hearing, a plan for the development of the Amended Business District, (the "*Second Amendment*") attached hereto as *Exhibit C*, and incorporated herein. The Second Amendment is found to conform to the requirements of the Act and to promote the public interest. The Second Amendment is hereby approved.

Section 6. Imposition of Tax. Pursuant to the Act, there is hereby imposed a retailers' occupation tax and a service occupation tax in the Amended Business District at the rate of one-half of one percent (1/2%) for the planning, execution and implementation of the Second Amendment, the payment of Business District project costs, as amended, as set forth in the Second Amendment and the payment of obligations of the Village issued to provide for the payment of Business District project costs, as amended. Such tax shall be collected and enforced by the Department of Revenue in the same manner as all retailers' occupation taxes and service occupation taxes imposed in the Village. The proceeds of such tax shall be deposited into a special fund of the Village which was heretofore created and designated the "Illinois Route 72 and Illinois Route 25 Business District Tax Allocation Fund."

Section 7. Filing. A certified copy of this Ordinance, together with a description of the boundaries of the Amended Business District, shall be filed with the Department of Revenue on or before April 1, 2013.

Section 8. Supersede Conflicting Ordinance. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 9. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

ADOPTED by this 18 day of March, 2013, pursuant to a roll call vote as follows:

AYES: Trustee Lynam, Miller, German, Skellicorn, VanOstenbodge and President Bartels

NAYS: 0

ABSENT: Trustee Ruffalo

APPROVED by me this 18 day of March, 2013.

Jerald Bart
Jerald Bartels, Village President

Attest:

Heather Maieritsch
Heather Maieritsch, Deputy Village Clerk

EXHIBIT A

Certificate of Publication

(see attached)

EXHIBIT B

Legal Description

THAT PART OF THE EAST HALF OF SECTION 22, THE WEST HALF OF SECTION 23, AND THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 2 IN DUNRIDGE SUBDIVISION, BEING A SUBDIVISION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 23, RECORDED AS DOCUMENT NO. 93K38569; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 2, TO THE SOUTHWESTERLY CORNER OF SAID LOT 2; THENCE SOUTHERLY PERPENDICULAR TO THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 72, TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 72; THENCE WESTERLY ALONG THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 72 TO THE WESTERLY LINE OF LOT 5 IN BLOCK 7 OF THE ORIGINAL TOWN OF EAST DUNDEE; THENCE SOUTHERLY ALONG THE WESTERLY LINES OF LOTS 5, 6, AND 15 IN SAID BLOCK 7 TO THE SOUTHWESTERLY CORNER OF SAID LOT 15; THENCE SOUTHERLY TO THE NORTHWESTERLY CORNER OF LOT 5 IN BLOCK 12 OF THE ORIGINAL TOWN OF EAST DUNDEE; THENCE WESTERLY TO THE NORTHEASTERLY CORNER OF LOT 1 IN BLOCK 11 OF THE ORIGINAL TOWN OF EAST DUNDEE; THENCE WESTERLY ALONG SAID NORTHERLY LINES OF LOTS 1 THROUGH 5 IN SAID BLOCK 11, TO THE NORTHWESTERLY CORNER OF LOT 5 IN SAID BLOCK 11; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 5 TO THE SOUTHWESTERLY CORNER OF SAID LOT 5; THENCE EASTERLY ALONG THE NORTHERLY LINES OF LOTS 6 THROUGH 10 IN SAID BLOCK 11 TO THE NORTHEASTERLY CORNER OF LOT 10 IN SAID BLOCK 11; THENCE EASTERLY TO THE NORTHWESTERLY CORNER OF LOT 6 IN BLOCK 12 OF THE ORIGINAL TOWN OF EAST DUNDEE, ALSO BEING A POINT ON THE EASTERLY RIGHT OF WAY LINE OF VAN BUREN STREET; THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE TO A POINT THAT INTERSECTS WITH THE SOUTHERLY RIGHT OF WAY LINE OF WILLIAMS PLACE, ALSO BEING THE NORTHEASTERLY CORNER OF LOT 1 OF PEARSON'S SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SAID SECTION 26, RECORDED AS DOCUMENT NO. 92K02940; THENCE WESTERLY ALONG THE SOUTHERLY RIGHT OF WAY LINE OF WILLIAM'S PLACE TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF ELGIN AVENUE; THENCE SOUTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE TO A POINT OF INTERSECTION WITH THE SOUTHERLY LINE OF THE TRACT OF LAND CONVEYED TO EDWARD WOLAVER BY DEED DATED MARCH 3. 1879, AND RECORDED MAY 17, 1880 AS DOCUMENT 11495 IN BOOK 188, THENCE WESTERLY TO THE NORTHEASTERLY CORNER OF LOT 1 OF RINGL'S RIVER GARDENS ADDITION, BEING A SUBDIVISION OF THE NORTHWEST QUARTER OF SAID SECTION 26, RECORDED AS DOCUMENT NO. 261876 IN PLAT BOOK 26 PAGE NO. 2; THENCE WESTERLY ALONG SAID NORTHERLY LINE TO THE NORTHWESTERLY CORNER OF SAID LOT 1, ALSO BEING A POINT ON THE EAST BANK OF THE FOX RIVER, THENCE NORTHERLY ALONG THE EAST BANK OF THE FOX RIVER TO A POINT OF INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF FRED ROEHL'S ADDITION TO EAST DUNDEE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SAID SECTION 22, RECORDED AS DOCUMENT NO. 30068 IN PLAT BOOK 7 PAGE NO. 76; THENCE

EASTERLY ALONG SAID WESTERLY EXTENSION TO THE NORTHWESTERLY CORNER OF LOT 1 IN BLOCK 2 OF SAID FRED ROEHL'S ADDITION TO EAST DUNDEE; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1 TO THE SOUTHWESTERLY CORNER OF SAID LOT 1; THENCE CONTINUING SOUTHEASTERLY TO THE NORTHWESTERLY CORNER OF LOT 10 IN BLOCK 1 OF SAID FRED ROEHL'S ADDITION TO EAST DUNDEE; THENCE CONTINUING SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID BLOCK 1 TO THE SOUTHWESTERLY CORNER OF LOT 1 IN SAID BLOCK 1; THENCE EASTERLY ALONG THE SOUTHERLY LINES OF LOTS 1 AND 2 IN SAID BLOCK 1 AND EXTENSION THEREOF TO THE WESTERLY RIGHT OF WAY LINE OF FIRST STREET; THENCE NORTHERLY ALONG SAID WESTERLY RIGHT OF WAY TO A POINT THAT IS ON SAID WESTERLY RIGHT OF WAY LINE AND 122.5 FEET SOUTHERLY, AS MEASURED ALONG SAID WESTERLY RIGHT OF WAY LINE, OF THE POINT OF INTERSECTION OF SAID WESTERLY LINE WITH THE SOUTHERLY RIGHT OF WAY LINE OF MICHIGAN AVENUE; THENCE EASTERLY TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF FIRST STREET THAT IS 121 FEET, AS MEASURED ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTHERLY OF THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF NORTH STREET AND THE SAID EASTERLY RIGHT OF WAY LINE; THENCE EASTERLY PERPENDICULAR TO THE FIRST STREET RIGHT OF WAY LINE TO A POINT ON THE WESTERLY LINE OF LOT 1 IN BLOCK 1 OF EATON WALKER'S ADDITION TO EAST DUNDEE, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SAID SECTION 22 AND PART OF THE WEST HALF OF SAID SECTION 23, RECORDED AS PLAT BOOK 6, PAGE NO. 31; THENCE NORTHERLY ALONG SAID WESTERLY LINE OF SAID LOT 1 TO A POINT 20 FEET SOUTHERLY OF THE NORTHWESTERLY CORNER OF SAID LOT 1; THENCE EASTERLY ALONG A LINE PARALLEL WITH AND 20 FEET SOUTHERLY OF THE NORTHERLY LINE OF LOTS 1 AND 2 IN SAID BLOCK 1 TO A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE NORTHEASTERLY TO A POINT THAT IS ON THE WESTERLY LOT LINE OF LOT 1 IN BLOCK 2 OF SAID EATON WALKER'S SUBDIVISION, AND 60 FEET SOUTHERLY OF THE NORTHWESTERLY CORNER OF SAID LOT 1; THENCE EASTERLY ALONG A LINE PARALLEL WITH AND 60 FEET SOUTHERLY OF THE NORTHERLY LINE OF LOTS 1 AND 2 IN SAID BLOCK 2, TO A POINT ON THE WESTERLY LINE OF LOT 27 IN SAID BLOCK 2; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 27 TO THE NORTHWESTERLY CORNER OF SAID LOT 27; THENCE EASTERLY ALONG THE NORTHERLY LINES OF LOTS 27 AND 28 IN SAID BLOCK 2, TO THE NORTHEASTERLY CORNER OF SAID LOT 28, THENCE NORTHERLY ALONG THE EASTERLY LINES OF LOTS 26 THROUGH 23 IN SAID BLOCK 2, TO THE NORTHEASTERLY CORNER OF SAID LOT 23; THENCE EASTERLY TO THE NORTHWESTERLY CORNER OF LOT 7 IN BLOCK 3 OF SAID

EATON WALKER'S ADDITION TO EAST DUNDEE; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 7 TO THE NORTHEASTERLY CORNER OF SAID LOT 7; THENCE EASTERLY TO A POINT OF INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF THIRD STREET AND THE SOUTHERLY LINE OF LOT 2 IN ALFRED EDWARDS' SUBDIVISION OF LOTS, BEING A SUBDIVISION OF PART OF THE SOUTHWEST AND NORTHWEST QUARTERS OF SAID SECTION 23, RECORDED AS PLAT BOOK 6, PAGE NO. 10; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 2 TO THE SOUTHEASTERLY CORNER OF SAID LOT 2; THENCE NORTHWESTERLY ALONG EASTERLY LINE OF SAID ALFRED EDWARDS' SUBDIVISION OF LOTS TO THE NORTHEASTERLY CORNER OF LOT 5 IN SAID ALFRED EDWARDS' SUBDIVISION OF LOTS, ALSO BEING A POINT ON THE NORTHERLY LINE OF THE CORPORATE LIMITS OF THE VILLAGE OF EAST DUNDEE AS LOCATED ON JULY 1, 1953; THENCE EASTERLY ALONG SAID CORPORATE LIMITS TO A POINT OF INTERSECTION WITH SAID CORPORATE LIMITS AND THE WESTERLY RIGHT OF WAY LINE OF VAN BUREN

STREET; THENCE SOUTHEASTERLY PERPENDICULAR TO THE NORTHWESTERLY LINE OF LOT 15 IN BLOCK 21 OF LAKEWOOD LODGE ESTATES, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SAID SECTION 23, RECORDED AS DOCUMENT NO. 305798 IN PLAT BOOK 26, PAGE NO. 19 TO A POINT ON SAID LOT 15; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF SAID BLOCK 21 TO A POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 5 IN BLOCK 20 OF SAID LAKEWOOD LODGE ESTATES; THENCE WESTERLY ALONG SAID EASTERLY EXTENSION OF THE NORTHERLY LINE OF SAID LOT 5, TO THE NORTHEASTERLY CORNER OF SAID LOT 5; THENCE CONTINUING WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 5, TO THE NORTHWESTERLY CORNER OF SAID LOT 5; THENCE SOUTHERLY ALONG THE WESTERLY LINES OF LOTS 5, 4, 3 AND 2 IN SAID BLOCK 20, TO THE SOUTHWESTERLY CORNER OF SAID LOT 2; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 2 TO THE NORTHWESTERLY CORNER OF LOT 1 IN SAID BLOCK 20; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 1 TO THE SOUTHWESTERLY CORNER OF SAID LOT 1, ALSO BEING THE SAME POINT AS THE NORTHWESTERLY CORNER OF LOT 9 IN BLOCK 10 OF EDWARD'S ADDITION TO DUNDEE, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SAID SECTION 22 AND PART OF THE SOUTHWEST QUARTER OF SAID SECTION 23, RECORDED AS PLAT BOOK 15, PAGE NO. 6; THENCE CONTINUING SOUTHERLY ALONG THE WESTERLY LINE OF SAID BLOCK 10 TO THE SOUTHWESTERLY CORNER OF LOT 1 IN SAID BLOCK 10; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 1, TO THE SOUTHEASTERLY CORNER OF SAID LOT 1; THENCE EASTERLY TO THE SOUTHWESTERLY CORNER OF LOT 1 IN BLOCK 15 OF SAID EDWARDS ADDITION TO DUNDEE; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 1, TO THE SOUTHEASTERLY CORNER OF SAID LOT 1, ALSO BEING THE SOUTHWESTERLY CORNER OF LOT 2 IN BLOCK 21 OF SAID LAKEWOOD LODGE ESTATES; THENCE CONTINUING EASTERLY ALONG THE SOUTHERLY LINE OF SAID BLOCK 21 TO A POINT OF INTERSECTION WITH THE SAID SOUTHERLY LINE AND THE NORTHERLY EXTENSION OF THE EASTERLY LINE OF LANDS CONVEYED TO BENAHAH CADY BY DEED DATED DECEMBER 14, 1858 AND RECORDED MAY 29, 1860 IN BOOK 57 OF PLATS, PAGE NO. 665; THENCE SOUTHERLY ALONG SAID NORTHERLY EXTENSION TO THE NORTHEASTERLY CORNER OF SAID LANDS CONVEYED TO BENAHAH CADY; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LANDS CONVEYED TO BENAHAH CADY TO THE SOUTHEASTERLY CORNER OF SAID LANDS CONVEYED TO BENAHAH CADY; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LANDS CONVEYED TO BENAHAH CADY TO THE SOUTHEASTERLY CORNER OF LOT 6 IN BLOCK 14 OF SAID EDWARD'S ADDITION TO DUNDEE; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 6 TO A POINT 105 FEET EASTERLY OF THE WESTERLY LINE OF SAID LOT 6; THENCE NORTHERLY ALONG A LINE PARALLEL WITH AND 105 FEET EASTERLY OF THE WESTERLY LINE OF SAID LOT 6, FOR A DISTANCE OF 60 FEET; THENCE WESTERLY ALONG A LINE PARALLEL WITH THE NORTHERLY LINE OF SAID LOT 8 IN SAID BLOCK 14 FOR A DISTANCE OF 105 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 8; THENCE SOUTHWESTERLY TO THE SOUTH EAST CORNER OF LOT 8 IN BLOCK 11 OF SAID EDWARD'S ADDITION TO DUNDEE; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID BLOCK 11, TO THE NORTHEASTERLY CORNER OF LOT 9 IN SAID BLOCK 11; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 9 TO A POINT ON SAID NORTHERLY LINE WHICH IS 60 FEET EASTERLY OF THE NORTHWESTERLY CORNER OF SAID LOT 9; THENCE SOUTHERLY PARALLEL WITH AND 60 FEET EASTERLY OF THE WESTERLY LINE OF SAID BLOCK 11 TO A POINT ON THE NORTHERLY LINE OF LOT 3 IN SAID BLOCK 11; THENCE WESTERLY ALONG SAID NORTHERLY LINE TO A POINT, WHICH IS 25 FEET EASTERLY OF THE WESTERLY LINE OF SAID BLOCK 11; THENCE SOUTHERLY PARALLEL WITH AND 25 FEET EASTERLY OF SAID BLOCK 11 TO A POINT

ON THE NORTHERLY LINE OF LOT 2 IN SAID BLOCK 11; THENCE WESTERLY ALONG SAID NORTHERLY LINE TO A POINT WHICH IS 20 FEET EASTERLY OF THE WESTERLY LINE OF SAID BLOCK 11; THENCE SOUTHERLY PARALLEL WITH AND 20 FEET EASTERLY OF THE WESTERLY LINE OF SAID BLOCK 11 TO A POINT ON THE SOUTHERN LINE OF LOT 1 IN SAID BLOCK 11; THENCE CONTINUING SOUTHERLY ALONG THE EXTENSION OF THE LAST DESCRIBED LINE TO A POINT ON THE NORTHERLY LINE OF LOT 11 IN BLOCK 12 OF SAID EDWARD'S ADDITION TO DUNDEE; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 11 TO THE NORTHWESTERLY CORNER OF SAID LOT 11; THENCE SOUTHERLY ALONG SAID BLOCK 12 TO THE SOUTHWESTERLY CORNER OF LOT 1 IN SAID BLOCK 12; THENCE SOUTHERLY TO THE NORTHWESTERLY CORNER OF LOT 2 IN BLOCK 2 OF THE ORIGINAL TOWN OF EAST DUNDEE; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 2 TO THE SOUTHWESTERLY CORNER OF SAID LOT 2, ALSO BEING THE NORTHEASTERLY CORNER OF LOT 8 IN SAID BLOCK 2; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 8 TO THE NORTHWESTERLY CORNER OF SAID LOT 8; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 8 TO THE SOUTHWESTERLY CORNER OF SAID LOT 8; THENCE SOUTHWESTERLY TO A POINT ON THE NORTHERLY LINE OF LOT 4 IN BLOCK 5 OF SAID ORIGINAL TOWN OF EAST DUNDEE, AND BEING 27 FEET WESTERLY OF THE NORTHEASTERLY CORNER OF SAID LOT 4, THENCE SOUTHERLY ALONG A LINE PARALLEL WITH AND 27 FEET WEST OF THE EASTERLY LINE OF SAID LOT 4, TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 4; THENCE EASTERLY ALONG THE SOUTHERLY LINES OF LOTS 4 THROUGH 1 IN SAID BLOCK 5, TO THE SOUTHEASTERLY CORNER OF LOT 1 IN SAID BLOCK 5; THENCE CONTINUING EASTERLY TO THE NORTHWESTERLY CORNER OF LOT 6 IN BLOCK 6 OF THE ORIGINAL TOWN OF EAST DUNDEE; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 6 TO A POINT WHICH IS 60 FEET FROM THE SOUTHWESTERLY CORNER OF SAID LOT 6; THENCE EASTERLY PARALLEL WITH AND 60 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID BLOCK 6 TO A POINT ON THE WESTERLY LINE OF LOT 8 IN SAID BLOCK 6; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 8 TO THE NORTHWESTERLY CORNER OF SAID LOT 8; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 8 TO THE NORTHEASTERLY CORNER OF SAID LOT 8, ALSO BEING THE SOUTHWESTERLY CORNER OF LOT 2 IN SAID BLOCK 6; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF ONE THIRD OF THE WESTERLY LINE OF SAID LOT 2; THENCE EASTERLY ALONG A LINE PARALLEL WITH AND A DISTANCE OF ONE THIRD OF THE WESTERLY LINE OF SAID LOT 2 EXTENDING EASTERLY TO A POINT ON THE EASTERLY LINE OF LOT 1 IN SAID BLOCK 6, ALSO BEING THE SOUTHWESTERLY CORNER OF LOT 1 OF SAID DUNRIDGE SUBDIVISION; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF LOT 1 OF SAID DUNRIDGE SUBDIVISION TO A POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF LOT 2 OF SAID DUNRIDGE SUBDIVISION, THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 1, TO THE PLACE OF BEGINNING, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

EXHIBIT C

Map of Business District

(see attached)

EXHIBIT D

Business District Plan

(see attached)

Storage

#1217: Sharon A Giannone
a.k.a Sharon Giannone

time of purchase.
Published in Daily Herald
Mar 1 & 7, 2013 (4331702).

presented to voters on April 9, 2013, to ask voters to authorize the Township of Palatine to negotiate for electric rates. The purpose of the hearing is to obtain input on the Electric Residential Aggregation Plan for residents and small businesses of the unincorporated sections of the Township of Palatine. A copy of the proposed "Plan of Operation and Governance" is available for review in the Township of Palatine offices during regular business hours, 8:30 a.m. to 4:00 p.m., Monday through Friday. Written and oral comments will be accepted. March 7, 2013
Lisa Moran
Township of Palatine Clerk
Published in Daily Herald March 7 & 12, 2013 (4332187)

TIREDD??

If you are tired of having a garage or basement full of junk, empty it FAST with an ACTION AD in the DAILY HERALD Classified.

SAID LOT 8; THENCE SOUTHWESTERLY TO A POINT ON THE NORTHERLY LINE OF LOT 4 IN BLOCK 5 OF SAID ORIGINAL TOWN OF EAST DUNDEE, AND BEING 27 FEET WESTERLY OF THE NORTHEASTERLY CORNER OF SAID LOT 4, THENCE SOUTHERLY ALONG A LINE STRAIGHT WITH AND 27 FEET WEST OF THE EASTERLY LINE OF SAID LOT 4, TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 4; THENCE EASTERLY ALONG THE SOUTHERLY LINES OF LOTS 4 THROUGH 1 IN SAID BLOCK 5, TO THE SOUTHEASTERLY CORNER OF LOT 1 IN SAID BLOCK 5; THENCE CONTINUING EASTERLY TO THE NORTHWESTERLY CORNER OF LOT 6 IN BLOCK 6 OF THE ORIGINAL TOWN OF EAST DUNDEE, THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 6 TO A POINT WHICH IS 60 FEET FROM THE SOUTHWESTERLY CORNER OF SAID LOT 6; THENCE EASTERLY PARALLEL WITH AND 60 FEET NORTHERLY OF THE SOUTHERLY LINE OF SAID BLOCK 6 TO A POINT ON THE WESTERLY LINE OF LOT 8 IN SAID BLOCK 6; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 8 TO THE NORTHWESTERLY CORNER OF SAID LOT 8; THENCE EASTERLY ALONG THE NORTHERLY LINE OF SAID LOT 8 TO THE NORTHEASTERLY CORNER OF SAID LOT 8, ALSO BEING THE SOUTHWESTERLY CORNER OF LOT 2 IN SAID BLOCK 6; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 2, A DISTANCE OF ONE THIRD OF THE WESTERLY LINE OF SAID LOT 2; THENCE EASTERLY ALONG A LINE PARALLEL WITH AND A DISTANCE OF ONE THIRD OF THE WESTERLY LINE OF SAID LOT 2 EXTENDING EASTERLY TO A POINT ON THE EASTERLY LINE OF LOT 1 IN SAID BLOCK 6, ALSO BEING THE SOUTHWESTERLY CORNER OF LOT 1 OF SAID DUNDRIDGE SUBDIVISION; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF LOT 1 OF SAID DUNDRIDGE SUBDIVISION TO A POINT OF INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF LOT 2 OF SAID DUNDRIDGE SUBDIVISION, THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 1, TO THE PLACE OF BEGINNING, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

The Amended Area is composed of approximately 84 acres located in the Village's "downtown" along Route 72 and adjacent to the Fox River. The proposed Amended Area is contiguous and includes only parcels of real property directly and substantially benefited by the proposed Second Amendment. The existing land uses in the Amended Area include retail, industrial and institutional uses.

The objectives of the Second Amendment are to reduce or eliminate blighting conditions and to enhance the tax base of the Village of East Dundee (the Village) by creating opportunities for development and other uses that will promote a sound and stable commercial growth, all in accordance with the provisions of the "Business District Development and Redevelopment Act," effective October 1, 1973, as amended.

The Village may impose a retailers' occupation tax and a service occupation tax in the Amended Area for the planning, execution, and implementation of the Second Amendment and to pay for project costs as set forth therein in an amount not to exceed one percent (1%). The Village has proposed the imposition of a retailers' occupation tax and a service occupation tax of one-half of one percent (1/2%). The Village may issue obligations to finance project costs in accordance with the Second Amendment, which obligations may be secured by the business district tax allocation fund.

At the hearing, the Second Amendment, designation of the Amended Area, and the imposition of a retailers' occupation tax and a service occupation tax in the Amended Area will be reviewed and discussed. All interested persons will be given an opportunity to be heard.

Copies of the Second Amendment to the Illinois Route 72 and Illinois Route 25 Business District Development Plan are available at the East Dundee Village Hall, 120 Barrington Avenue, East Dundee, Illinois.

Published in Daily Herald March 5 & 7, 2013 (4331953)

listed in order, and will begin at 8:30am or after on said date and will continue hour by hour until all units are sold.

Wednesday, March 20, 2013
Metro Self Storage - 953 S. State Rte 83, Elmhurst, IL 60126
Unit # 8102 Mike Cortese, Unit # 8218 Larina Anderson.
Metro Self Storage - 0 5 680 Route 83 Oakbrook Terrace, IL 60181
A40 Renato Postukh, A52 David Lipka, B49 David Thiess
Metro Self Storage - 1205 S. Neilson Blvd, West Chicago, IL 60185
Unit 2066 Monica Cantu, Unit 111 Mark Bradley, Unit 2159 Aaron Garcia, Unit 2159 Aaron Garcia Jr.
Metro Self Storage - 500 N. Kirk Rd. Batavia, IL 60510
Unit B-38: Robert J. Wood
The terms of the sale will be cash only and must be paid for at the time of sale. All goods are sold as is. Metro Self Storage reserves the right to withdraw any or all units from the sale at any time. All contents must be removed within 72 hours or sooner.
Published in Daily Herald Feb 28/Mar 7, 2013 (4331624)

#1130: Chicago Lighting, Inc. a.k.a. Chicago Lighting, Inc. Larry Bisailon a.k.a. Larry Bisailon a.k.a. L.R. Bisailon
#3404: Katherine A Czaplewski a.k.a. Kar Czaplewski
All purchases MUST be paid for with CASH and paid for at the time of the sale. All goods are sold as is and must be removed at the time of purchase.
Published in Daily Herald Mar 1 & 7, 2013 (4331704)

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**VILLAGE OF EAST DUNDEE
KANE AND COOK COUNTIES, ILLINOIS**

**SECOND AMENDMENT TO THE
ILLINOIS ROUTE 72 AND ILLINOIS ROUTE 25
BUSINESS DISTRICT DEVELOPMENT PLAN**

February 28, 2013

Prepared by:

*Kathleen Field Orr & Associates
53 West Jackson Blvd., Suite 935
Chicago, Illinois 60604*

**VILLAGE OF EAST DUNDEE
KANE AND COOK COUNTIES, ILLINOIS**

**SECOND AMENDMENT TO THE
ILLINOIS ROUTE 72 AND ILLINOIS ROUTE 25
BUSINESS DISTRICT DEVELOPMENT PLAN**

I. *Introduction.*

The Business District Development and Redevelopment Law enacted in 1973 has been significantly amended from time to time amended (65 ILCS 5/11-74.3-1 *et seq.*) (the “*BDD Act*”), to expand and enhance the powers of municipalities to revitalize and redevelop commercial areas. The BDD Act has been most successfully used in aging central downtown districts which lack the structures, parking and improvements mandated by modern retailing and business operations.

On September 29, 2008, by Ordinance No. 08-57, the Village of East Dundee, Kane and Cook Counties, Illinois (the “*Village*”) designated the “Village of East Dundee Illinois Route 72 and Illinois Route 25 Business District” (the “*Original BD District*”) and approved the Illinois Route 72 and Illinois Route 25 Business District Plan (the “*Original Plan*”), and imposed a one-half of one percent (1/2%) retailers’ occupation tax and service occupation tax, after public hearings pursuant to notices, all as required by the BDD Act in effect as of said date. On March 7, 2011, by Ordinance No. 11-12, the Corporate Authorities amended the Illinois Route 72 and Illinois Route 25 Business District by altering its exterior boundaries to include additional properties, and amended the Original Plan by changing land uses, changing the proposed developer or proposed tenants of properties therein, and establishing the estimated business district project costs (the “*Amended Plan*”). The Corporate Authorities have now determined that it is in the best interests of the Village to further alter the exterior boundaries of the Original BD District, as amended, to include properties located in the Village’s “downtown” district; and to further amend the Amended Plan to include new projects to further reduce the existence of blight in the Village’s commercial areas to increase estimated project costs as mandated by the addition of new projects, and to impose the one-half of one percent (1/2%) retailers’ occupation tax and service occupation tax upon the businesses in the new expanded area. In addition, the Corporate Authorities have determined that the Illinois Route 72 and Illinois Route 25 Business District Development Plan, as approved in 2008 and as amended in 2011, should be further amended to reflect the additional powers and duties of municipalities as expanded by amendments to the BDD Act since the passage of Ordinance 08-59 and to change the name of the Original BD District to better describe the area as expanded.

II. *Objectives.*

The objectives of the BDD Act are to attract sound and stable commercial growth; to reduce or eliminate blighting conditions in order to attract private investment; and, to assure opportunities for development and redevelopment thereby enhancing the tax base of the municipality and all affected taxing districts.

A. *Restatement of the Statutory Basis for a Business District.*

The BDD Act finds and declares:

1. It is essential to the economic and social welfare of each municipality that business districts be developed, redeveloped, improved, maintained, and revitalized, that jobs and opportunity for employment be created within the municipality, and that, if blighting conditions are present, blighting conditions be eradicated by assuring opportunities for development or redevelopment, encouraging private investment, and attracting sound and stable business and commercial growth. It is further found and determined that as a result of economic conditions unfavorable to the creation, development, improvement, maintenance, and redevelopment of certain business and commercial areas within municipalities opportunities for private investment and sound and stable commercial growth have been and will continue to be negatively impacted and business and commercial areas within many municipalities have deteriorated and will continue to deteriorate, thereby causing a serious menace to the health, safety, morals, and general welfare of the people of the entire state, unemployment, a decline in tax revenues, excessive and disproportionate expenditure of public funds, inadequate public and private investment, the unmarketability of property, and the growth of delinquencies and crime. In order to reduce threats to and to promote and protect the health, safety, morals, and welfare of the public and to provide incentives which will create employment and job opportunities, will retain commercial businesses in the state and related job opportunities and will eradicate blighting conditions if blighting conditions are present, and for the relief of unemployment and the maintenance of existing levels of employment, it is essential that plans for business districts be created and implemented and that business districts be created, developed, improved, maintained, and redeveloped.

2. The creation, development, improvement, maintenance, and redevelopment of business districts will stimulate economic activity in the state, create and maintain jobs, increase tax revenues, encourage the creation of new and lasting infrastructure, other improvements, and facilities, and cause the attraction and retention of businesses and commercial enterprises which generate economic activity and services and increase the general tax base, including, but not limited to, increased retail sales, hotel or restaurant sales, manufacturing sales, or entertainment industry sales, thereby increasing employment and economic growth.

3. It is hereby declared to be the policy of the state, in the interest of promoting the health, safety, morals, and general welfare of all the people of the state, to provide incentives which will create new job opportunities and retain existing commercial businesses within the state and related job opportunities, and it is further determined and declared that the relief of conditions of unemployment, the maintenance of existing levels of employment, the creation of new job opportunities, the retention of existing commercial businesses, the increase of industry and commerce within the state, the reduction of the evils attendant upon unemployment, and the increase and maintenance of the tax base of the state and its political subdivisions are public purposes and for the public safety, benefit, and welfare of the residents of this state.

4. The exercise of the powers provided in this Law is dedicated to the promotion of the public interest, to the enhancement of the tax base within business districts, municipalities, and the state and its political subdivisions, the creation of employment, and the eradication of blight, if present within the business district, and the use of such powers for the creation, development, improvement, maintenance, and redevelopment of business districts of a municipality is hereby declared to be for the public safety, benefit, and welfare of the residents of the state and essential to the public interest and declared to be for public purposes.

B. *Second Amendment to the Business District Plan.*

In order to assess the qualifications of the area to be added to the Original BD District pursuant to this Second Amendment, the Village engaged the services of Kathleen Field Orr & Associates, as legal counsel (hereafter "KFO") and as a result of the investigation by KFO, the Village has been advised that the area to be added (the "Amended Area") to the Original BD District qualifies as a "blighted area" under the BDD Act. The Amended Area includes all of the parcels as listed on *Exhibit A* attached hereto. In accordance with the BDD Act, the purpose of this document entitled "*Second Amendment to the Illinois Route 72 and Illinois Route 25 Business District Development Plan*" is to provide a redevelopment plan (the "*Second Amendment*") for the Amended Area, legally described on *Exhibit B* attached hereto and as depicted on a map thereof on *Exhibit C* attached hereto. The Amended Area includes approximately 84 acres (including roadway infrastructure) and 226 parcels located in the Village's "Downtown" along Route 72 and adjacent to the Fox River. Land uses in this Amended Area include retail, industrial, institutional and also include a few single-family homes for contiguity. There are also included a number of vacant parcels. Landmark structures and community buildings which are located in the Amended Area and include the Village Hall, the Summit School, the Anvil Club and Immanuel Lutheran Church. Prominent businesses such as Haegar Potteries, D'Angelo Water and the River Street business district are also found in the Amended Area.

As required by the BDD Act, this Second Amendment includes:

- A general description of each project proposed to be undertaken within the Amended Area, including a description of the approximate location of each project and a description of any developer user, user, or tenant of any property to be located or property to be improved;
- A re-naming of the amended Original BD District;
- The estimated amended Project Costs;
- The anticipated sources of funds to pay Business District Project Costs; as amended,
- The anticipated type and term of any obligations to be issued; and,
- The rate of any tax to be imposed in the Amended Area pursuant to subsection (10) as hereinafter set forth in (C) or Section 11-74.3-3 of the BDD Act and the period of time for which the tax shall be imposed.

C. Powers Conferred by Section 11-74.3-3 of the BDD Act.

The Village believes that the proposed Amended Area would benefit from the designation as a "business district" as such designation empowers the Corporate Authorities:

- (1) To make and enter into all contracts necessary or incidental to the implementation and furtherance of a business district plan. A contract by and between the municipality and any developer or other nongovernmental person to pay or reimburse said developer or other nongovernmental person for business district project costs incurred or to be incurred by said developer or other nongovernmental person shall not be deemed an economic incentive agreement under Section 8-11-20, notwithstanding the fact that such contract provides for the sharing, rebate, or payment of retailers' occupation taxes or service occupation taxes (including, without limitation, service occupation taxes (including, without limitation, taxes imposed pursuant to subsection (10)) the municipality receives from the development or redevelopment of properties in the business district. Contracts entered into pursuant to this subsection shall be binding upon successor corporate authorities of the municipality and any party to such contract may seek to enforce and compel performance of the contract by civil action, mandamus, injunction, or other proceeding.
- (2) Within a business district, to acquire by purchase, donation, or lease and to own, convey, lease, mortgage or dispose of land and other real or personal property or rights or interests therein; and to grant or acquire licenses, easements, and options with respect thereto, all in the manner and at such price authorized by law. No conveyance, lease, mortgage, disposition of land or other property acquired by the municipality or agreement relating to the development of property, shall be made or executed except pursuant to prior official action of the municipality. No conveyance, lease, mortgage, or other disposition of land owned by the municipality, and no agreement relating to the development of property, within a business district shall be made without making public disclosure of the terms and disposition of all bids and proposals submitted to the municipality in connection therewith.

- (2.5) To acquire property by eminent domain in accordance with the Eminent Domain Act.
- (3) To clear any area within a business district by demolition or removal of any existing buildings, structures, fixtures, utilities, or improvements, and to clear and grade land.
- (4) To install, repair, construct, reconstruct, or relocate public streets, public utilities, and other public site improvements within or without a business district which are essential to the preparation of a business district for use in accordance with a business district plan.
- (5) To renovate, rehabilitate, reconstruct, relocate, repair, or remodel any existing buildings, structures, works, utilities, or fixtures within a business district.
- (6) To construct public improvements, including but not limited to buildings, structures, works, utilities, or fixtures within any business district.
- (7) To fix, charge, and collect fees, rents, and charges for the use of any building, facility, or property or any portion thereof owned or leased by the municipality within a business district.
- (8) To pay or cause to be paid business district project costs. Any payments to be made by the municipality to developers or other nongovernmental persons for business district project costs incurred by such developer or other nongovernmental person shall be made only pursuant to the prior official action of the municipality evidencing an intent to pay or cause to be paid such business district project costs. A municipality is not required to obtain any right, title, or interest in any real or personal property in order to pay business district project costs associated with such property. A municipality shall adopt such accounting procedures as shall be necessary to determine that such business district project costs are properly paid.
- (9) To apply for and accept grants, guarantees, donations of property or labor or any other thing of value for use in connection with a business district project.
- (10) If the municipality has by ordinance found and determined that the amended business district is a blighted area under this Law, to impose a retailers' occupation tax and a service occupation tax in the business district for the planning, execution, and implementation of business district plans and to pay for amended business district project costs as set forth in the amended business district plan approved by the municipality.
- (11) If the municipality has by ordinance found and determined that the business district is a blighted area under this Law, to impose a hotel operators' occupation tax in the amended business district for the planning, execution, and implementation of business

district plans and to pay for the business district project costs as set forth in the amended business district plan approved by the municipality.

In order to impose a tax pursuant to item (11) or item (12) cited above, the Corporate Authorities shall undertake the following:

1. Hold a public hearing prior to designation of the Amended Area as a business district and approval of the Second Amendment to the Original BD Plan.
2. Affirm that the area proposed Amended Area to be designated as a business district is contiguous and includes such parcels of real property as shall be directly and substantially benefitted by the proposed development.
3. Shall find that the proposed Amended Area is a blighted area and has not been subject to growth and development through private investment and without a business district development plan is not reasonably anticipated to be developed.

Upon the finding that the proposed Downtown Amended Area is "blighted," as hereinafter defined, the Retailers' Occupation Tax may be imposed in quarter percent (.25%) increments at a total rate not to exceed one percent (1%) of the gross receipts from such sales made in the Amended Area in the course of selling tangible personal property, other than an item of tangible personal property titled and registered with an agency of the state's government. The Retailers' Occupation Tax may not be imposed for more than 23 years and may not be imposed on "food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and non-prescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics for human use. A Service Occupation Tax may be imposed in a quarter percent (.25%) increments at a total rate not to exceed one percent (1%) of the selling price of tangible personal property so within the Business District incident to making sales of service. The Retailer's Occupation Tax and Service Occupation Tax shall hereafter collectively be referred to as "Sales Taxes." Sales Taxes, if imposed, shall be collected by the Illinois Department of Revenue and then disbursed to the Village.

The BDD Act defines a "*blighted area*" as:

"Blighted area" means an area that is a blighted area which, by reason of the predominance of defective, non-existent, or inadequate street layout,

unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire or other causes, or any combination of those factors, retards the provision of housing accommodations or constitutes an economic or social liability, an economic underutilization of the area, or a menace to the public health, safety, morals, or welfare.”

Given the analysis as hereinafter set forth in Article III hereof the Amended Area is a blighted commercial area as defined by the BDD Act, and the Village desires to proceed with all other actions required under the BDD Act to impose such Sales Taxes as permitted thereby in order to implement this Second Amendment.

III. *Analysis of Blighting Conditions within the Amended Area.*

A. *Amended Area Boundaries.*

The Amended Area consists of 84 acres and 226 parcels most of which are improved with structures. The general boundaries are:

Generally bordered on the west by the Fox River, on the north by North Street, on the east by Van Buren Street and on the south by the Village's corporate border. In total contained 84 acres MOL.

B. *Analysis Methodology.*

In order to determine if the proposed Amended Area demonstrates those factors which constitute a "blighted area" are significantly present throughout the Amended Area, an investigation of the existing conditions was conducted, including:

- (a) a survey of the properties and use of the structures within the proposed Amended Area;
- (b) a survey of the adequacy of existing streets, the condition of the streets, traffic patterns, lighting and parking facilities;
- (c) survey of recorded plats and configuration of parcels;
- (d) review of county records as deemed necessary; and,
- (e) interviews with Village officials, and property owners to ascertain the existing conditions acting as hurdles to new development and improvements.

The BDD Act states that a blighted area includes the following negative factors:

- Predominance of defective, non-existent, or inadequate street layout.
- Unsanitary or unsafe conditions.
- Deterioration of site improvements.
- Improper subdivision or obsolete platting.
- Existence of conditions which endanger life or property by fire or other causes, or any combination of those factors.

The existence of the foregoing factors retards the provision of housing accommodations or constitutes an economic or social liability, an economic underutilization of the area, or a menace to the public health, safety, morals or welfare.

IV. *The Findings of Eligibility.*

1. *Obsolete Platting or Improper Subdivision; Inadequate Street Layout.*

Most of the properties in the downtown and riverfront areas developed prior to the adoption by the Village of a comprehensive plan or other community plan, which first occurred in 1973. Some of the parcels along Route 72 developed after the 1973 community plan, but did not develop according to the plan's recommendations. The plan calls for highway commercial uses to develop along the roadway with controlled access points and potentially a frontage road. Currently, the uses along the roadway include many industrial uses that have independent access points that cause traffic congestion and detract from the area's aesthetics and are therefore not in compliance with this plan recommendation.

Excessive land coverage and overcrowding of structures and community facilities is present within several blocks of the proposed Amended Area as indicated primarily by buildings that cover most or all of the parcels upon which they are situated, or have multiple buildings on a single tax parcel. The properties which are commercial and do not contain adequate setbacks, off-street parking space, access to public right-of-way and adequate loading and service areas.

Improper subdivision and obsolete platting is evidenced to a meaningful extent throughout the Amended Area.

2. *Unsafe and Unsanitary Conditions.*

A majority of the structures located in the Amended Area are below minimum code standards thereby creating unsafe and unsanitary conditions.

The principal purpose of governmental codes applicable to properties is to require buildings to be constructed in such a way as to sustain safety of loads expected from the type of occupancy; to be safe for occupancy against fire and similar hazards; and/or to establish minimum standards by prohibiting defects or deficiencies that threaten health and safety.

Approximately 46% of the improved parcels in the Amended Area are within the 100-year flood plain. These properties are located along the Fox River and McIntosh Creek which runs northeast between the Fox River, Village Hall, the former Dundee Lumber site and beyond. The Village's flood plain regulations require that development within the 100-year flood plain be protected against the 100-year flood with proper elevation and compensatory storage. Most of the improved parcels within the 100-year flood plain were developed prior to the 1968 National Flood Insurance Act and, therefore, are not likely to have been built with the proper flood protection. Visual inspection of the properties in the flood plain confirmed that the majority of these properties are likely not protected for this base flood. In fact, in 2007, a storm flooded a number of the parcels within the proposed Amended Area. The observed conditions within the Amended Area support a conclusion that the prevalence of structures are below minimum code standards.

V. ***Downtown Business District Goals.***

General goals for the Warren Downtown Business District include, but are not limited to, the following:

- \$ To create an environment that will contribute more positively to the health, safety and general welfare of the Village;
- \$ To improve the infrastructure through the construction and reconstruction of improvements to the water system and sewer system thereby providing a safe and a healthy environment, and construction of detention/retention areas to address stormwater needs;
- \$ To encourage new investment and development that will increase the value of properties within and adjacent to the Amended Area, improving the real estate and sales tax base;
- \$ To increase construction, part-time, and full-time employment opportunities for residents and non-residents of the Village;
- \$ To improve the roadway system in order to ensure safe and efficient ingress and egress to the businesses located in the district;
- \$ To maintain and enhance the viability of the Village's historic downtown as a commercial center and create and construct walkways to permit customer friendly access;
- \$ To eliminate the factors that qualified the Amended Area as a blighted area;
- \$ To provide a strong, positive visual image of the Amended Area through attractive and high-quality building design, site improvements, and landscaping;
- \$ To create a central park area for Village residents as a community gathering place and town center with Eco-friendly construction materials, lighting and water enhancements; and,
- \$ To develop a land use pattern which promotes the highest degrees of health, safety and the well-being of the community.

VI. ***Business District Projects.***

The Village proposes to achieve its development and redevelopment goals for the Amended Area through the use of public financing techniques and the imposition of Sales Taxes as authorized under the BDD Act to undertake the activities, improvements and projects described below. The Village also maintains the flexibility to undertake additional activities, improvements and projects authorized under the BDD Act and other applicable laws, if the need for activities, improvements and projects changes as redevelopment occurs in the Amended Area, including:

- Construct buildings and facilities;
- Revitalize and upgrade buildings through site planning, façade improvements, and construction methods that provide cohesive urban design features, provide focus to the streetscape and buildings in the Amended Area, and quality building materials;
- Improve streetscape design, pedestrian access, distinctive lighting, signage and landscaping, and other appropriate site amenities;
- Redesign sites to improve access, which may require the demolition and replacement of buildings;
- Provide and upgrade infrastructure to serve the development, including the construction of a sanitary sewer lift station and stormwater management infrastructure;
- Create convenient parking areas;
- Study of utility services and the reconfiguration of such utility services to sufficiently serve the developments;
- Construction of streetscape enhancements including new light poles; accent paving in crosswalks; street tree and ornamental vegetation plantings; and community banners and attractive features to attract pedestrian usage and provide increased safety for both pedestrians and motorists;
- Site clearance and site preparation, such as combing parcels for commercial use, to attract development; and,
- Make access improvements to provide safe, convenient, efficient and effective access to the businesses in the Business District for automobiles, trucks and delivery vehicles, public transportation, bicycles, and pedestrians.

VII. ***Business District Development Project Costs.***

A. *The BDD Act states:*

“Business district project costs” shall mean and include the sum total of all costs incurred by a municipality, other governmental entity, or nongovernmental person in connection with a business district, in the furtherance of a business district plan, including, without limitation, the following:

- (1) Costs of studies, surveys, development of plans and specifications, implementation and administration of a business district plan, and personnel and professional service costs including architectural, engineering, legal, marketing, financial, planning, or other professional services, provided that no charges for professional services may be based on a percentage of tax revenues received by the municipality;
- (2) Property assembly costs, including but not limited to, acquisition of land and other real or personal property or rights or interests therein, and specifically including payments to developers or other nongovernmental persons as reimbursement for property assembly costs incurred by that developer or other nongovernmental person;
- (3) Site preparation costs, including but not limited to clearance, demolition or removal of any existing buildings, structures, fixtures, utilities, and improvements and clearing and grading of land;
- (4) Costs of installation, repair, construction, reconstruction, extension, or relocation of public streets, public utilities, and other public site improvements within or without the business district which are essential to the preparation of the business district for use in accordance with the business district plan, and for use in accordance with the business district plan, and specifically including payments to developers or other nongovernmental persons as reimbursement for site preparation costs incurred by the developer or nongovernmental person;
- (5) Costs of renovation, rehabilitation, reconstruction, relocation, repair, or remodeling of any existing buildings, improvements, and fixtures within the business district, and specifically including payments to developers or other nongovernmental persons as reimbursement for costs incurred by those developers or nongovernmental persons;
- (6) Costs of installation or construction within the business district of buildings, structures, works, streets, improvements, equipment, utilities, or fixtures, and specifically including payments to developers or other nongovernmental persons as reimbursements for such costs incurred by such developer or nongovernmental person;

- (7) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations, payment of any interest on any obligations issued under this Law that accrues during the estimated period of construction of any development or redevelopment project for which those obligations are issued and for not exceeding 36 months thereafter, and any reasonable reserves related to the issuance of those obligations; and
- (8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law.

B. Total Estimated Project Costs, as Amended by this Second Amendment which included costs in the Amended Plan.

(1) Costs of studies, development plans engineering and professional services	\$ 2,000,000.00
(2) Land assembly	\$ 3,000,000.00
(3) Site preparation, including land clearance	\$ 2,000,000.00
(4) Repair and remodeling of existing buildings	\$ 6,000,000.00
(5) Improvements to public utilities and public infrastructure	\$ 4,000,000.00
(6) Streetscape improvements	\$ 3,000,000.00
(7) Construction of improvements public and private	\$ 5,000,000.00
(8) Interest costs and financing costs	\$ 1,000,000.00
(9) Relocation costs	<u>\$ 1,000,000.00</u>
	<u>\$27,000,000.00</u>

The Village reserves the right to exceed budgeted costs in particular estimated development project costs categories so long as the total estimated cost is not exceeded over the 23 year life of the Downtown Business District, unless otherwise amended.

VIII. ***Sources of Funds to Pay Development Project Costs.***

Upon designation of the Amended Area as a business district by Village ordinance, the Village intends to impose the retailers' occupation within the Amended Area, at a rate of one-half of one percent (1/2%) of the gross receipts from sales made in the course of any business within the Amended Area. Such tax shall not be applicable to the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics for human use.

The Village also intends to impose a service occupation tax upon all persons engaged within the boundaries of the Amended Area in the business of making sales of service at a rate one-half of one percent (1/2%) of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. Such tax may not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics for human use.

The retailers' occupation tax and the service occupation tax shall be collectively referred to as the "*Sales Taxes.*"

The proceeds of these Sales Taxes shall be used during the term of the designation of the Amended Area as a business district for the planning, execution and implementation of the Second Amendment, the payment of business district project costs as set forth in this Second Amendment and permitted by the BDD and the payment of obligations of the Village issued to provide for the payment of business district project costs.

A Village ordinance shall also be adopted by the Corporate Authorities to include in its fund entitled the "Illinois Route 72 and Illinois Route 25 Business District Tax Allocation Fund" the revenues generated by the Sales Taxes, as a result of adding the Amended Area. Pursuant to the BDD Act, all funds received from the Taxes must be deposited into this special fund.

Funds necessary to pay for business district project costs and to secure municipal obligations issued for such costs are to be derived primarily from the Sales Taxes. Other sources of funds which may be used to pay for business district project costs or to secure municipal obligations are state and federal grants, investment income, private financing and other legally permissible funds the Village may deem appropriate. All such funds shall be deposited in the Illinois Route 72 and Illinois Route 25 Business District Tax Allocation Fund.

IX. ***Issuance of Obligations.***

The Village may issue obligations pursuant to the BDD Act and other authorities in order to pay for business district project costs. The obligations may be secured by the Sales Taxes, and other sources that the Village may deem appropriate. Additionally, the Village may provide other legally permissible credit enhancements to any obligations issued pursuant to the BDD Act.

All obligations issued by the Village pursuant to this Second Amendment and the BDD Act shall be retired within twenty-three (23) years from the date of adoption of the ordinance approving the Original BD District. One or more series of obligations may be issued from time to time in order to implement this Second Amendment.

Obligations may be issued on either a taxable or tax-exempt basis, as general obligation bonds, general obligation debt certificates, alternate bonds or revenue bonds, or other debt instruments, with either fixed rate or floating interest rates; with or without capitalized interest; with or without deferred principal retirement; with or without interest rate limits except as limited by law; with or without redemption provisions, and on such other terms, all as the Village may determine and deem appropriate.

X. ***Establishment and Term of the Business District.***

The inclusion of this Amended Area to the Original BD District shall become effective upon adoption of an ordinance by the Corporate Authorities adopting this Second Amendment and designating the Amended Area as a business district. Development agreements between the Village and any developers or other private parties shall be consistent with the provisions of the BDD Act and this Second Amendment.

Pursuant to the BDD Act, the Sales Taxes described in Section VI may not be imposed for more than twenty-three (23) years pursuant to the provisions of the BDD Act from the date of the designation of the Original BD District. This Amended Area as a business district shall expire upon the termination of the imposition of Sales Taxes, which shall be no later than 23 years from the date of adoption of the ordinance approving the Original BD Plan or September 29, 2008.

XI. ***Formal Findings.***

Based upon the information described in the attached *Exhibit C*, the Corporate Authorities of the Village of East Dundee find and determine the following:

- (a) the Amended Area is a contiguous area and includes only parcels of real property directly and substantially benefitted by the proposed business district development or redevelopment plan;
- (b) the goals of this Second Amendment are consistent with the Village of East Dundee's Comprehensive Plan for the development of the Village as a whole;
- (c) the Amended Area is a blighted area as defined in the BDD Act by reason of obsolete platting or improper subdivision; inadequate street layout; unsafe and unsanitary conditions; and, deterioration of site improvements;
- (d) the Amended Area constitutes an economic liability to the Village in its present condition and use; and,
- (e) the Amended on the whole has not been subject to growth and development by private enterprises or would not reasonably be anticipated to be developed or redeveloped without the adoption of the business district development or redevelopment plan.

XII. ***Re-naming the District.***

Upon designation of the Amended Area as a business district and an extension of the Original BD District, the name of the Illinois Route 72 and Illinois Route 25 Business Development District shall be re-named to the Downtown and Dundee Crossing Business Development District.

XIII. ***Provisions for Amending the Business District Plan.***

The Corporate Authorities of the Village of East Dundee may amend the Original BD Plan, the Amended Plan and this Second Amendment from time to time by adopting an ordinance providing for such amendment.