

**ORDINANCE 2020-002**

**PASSED: JANUARY 13, 2020**

**APPROVING A SECOND AMENDMENT TO THE DEKALB COUNTY  
ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT.**

**WHEREAS**, on December 8, 2014, the corporate authorities of the City of DeKalb adopted Ordinance No. 2014-049 (the “**Initial Designating Ordinance**”), designating an enterprise zone known as the “DeKalb County Enterprise Zone” (the “**Zone**”); and

**WHEREAS**, the corporate authorities of the County of DeKalb, the Town of Cortland, the City of Genoa, the City of Sandwich, the City of Sycamore and the Village of Waterman (collectively, with the City of DeKalb, the “**Designating Units of Government**”) each adopted ordinances substantially identical to the Initial Designating Ordinance (collectively, with the Initial Designating Ordinance, the “**Initial Designating Ordinances**”); and

**WHEREAS**, all of the Designating Units of Government entered into an Intergovernmental Agreement dated as of December 5, 2014 (the “**Initial IGA**”) setting forth, among other things, mutually-agreed property tax abatements available to certain types of businesses located within the Zone, as set forth in the Initial Designating Ordinances; and

**WHEREAS**, the Initial Designating Ordinances and the Zone were certified by the Illinois Department of Commerce and Economic Opportunity (the “**DCEO**”) to begin operations on January 1, 2016, in accordance with the Illinois Enterprise Zone Act, 20 ILCS 655/1, *et seq.*; and

**WHEREAS**, the corporate authorities of the City of DeKalb adopted the following ordinances: (1) on October 28, 2019, Resolution No. 2019-146 (the “**First Amending Ordinance**”), amending the Initial Designating Ordinance to provide for certain additional incentives for projects located within the Northern Illinois University Research Park (the “**First Amending Ordinance**”); and (2) on January 13, 2020, Ordinance No. 2020-002 (the “**Second Amending Ordinance**”), further amending the Initial Designating Ordinance, as amended by the First Amending Ordinance, to amend the boundaries of the Zone to include certain additional real property; and

**WHEREAS**, the corporate authorities of each of the other Designating Municipalities each have adopted or will adopt ordinances substantially identical to the First Amending Ordinance (collectively, the “**First Amending Ordinances**”) and the Second Amending Ordinance (collectively, the “**Second Amending Ordinances**”; and

**WHEREAS**, the corporate authorities of each of the Designating Units of Government have approved or will approve, and the authorized officials of each of the Designating Units of Government have executed or will execute a first amendment to the Initial IGA (the “**First Amendment**”), agreeing to the terms of the incentives set forth in the First Amending Ordinances; and

**WHEREAS**, the Designating Units of Government have determined and concur that it is desirable, necessary, and in the best interests of the Designating Units of Government to approve and enter into a second amendment to the IGA (the "**Second Amendment**") to agree to the amended boundaries of the Zone as set forth in the Second Amending Ordinances;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

**SECTION 1: RECITALS.** The foregoing recitals are incorporated into, and made a part of, this Ordinance as if fully set forth in this Section.

**SECTION 2: APPROVAL OF SECOND AMENDMENT TO THE IGA.** The corporate authorities of the City of DeKalb hereby approve the Second Amendment in substantially the form attached to this Ordinance as **Exhibit A**, and in a final form to be approved by the City Manager.

**SECTION 3: EXECUTION OF SECOND AMENDMENT TO THE IGA.** The Mayor and the City Clerk or Executive Assistant are hereby authorized and directed to execute and attest, on behalf of the City of DeKalb, the Second Amendment.

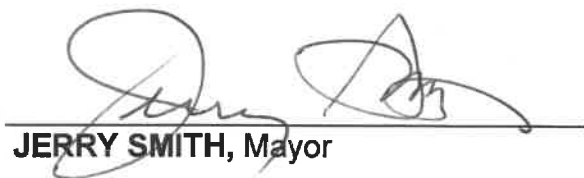
**SECTION 4: EFFECTIVE DATE.** This Ordinance will be in full force and effect upon its passage and approval in accordance with law.

**ADOPTED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 13<sup>th</sup> day of January 2020 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None.

**ATTEST:**



**RUTH A. SCOTT**  
Executive Assistant



**JERRY SMITH, Mayor**



**EXHIBIT A**  
**SECOND AMENDMENT**

**SECOND AMENDMENT TO  
DEKALB COUNTY ENTERPRISE ZONE  
INTERGOVERNMENTAL AGREEMENT**

**THIS SECOND AMENDMENT TO DEKALB COUNTY ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT** (this “**Second Amendment**”) is entered into this 13<sup>th</sup> day of January, 2020, by and between the County of DeKalb, the Town of Cortland, the City of DeKalb, the City of Genoa, the City of Sandwich, the City of Sycamore and the Village of Waterman (collectively, the “**Parties**”).

**WHEREAS**, in 2014 the corporate authorities of the Parties each adopted substantially identical ordinances (collectively, the “**Initial Designating Ordinances**”) designating an enterprise zone known as the “DeKalb County Enterprise Zone” (the “**Zone**”); and

**WHEREAS**, the Parties entered into that certain DeKalb County Enterprise Zone Intergovernmental Agreement dated as of December 5, 2014 (the “**Initial IGA**”), setting forth, among other things, mutually-agreed property tax abatements available to certain types of businesses located within the Zone, as set forth in the Initial Designating Ordinances; and

**WHEREAS**, the Initial Designating Ordinances and the DeKalb County Enterprise Zone were certified by the Illinois Department of Commerce and Economic Opportunity (the “**DCEO**”) to begin operations on January 1, 2016, in accordance with the Illinois Enterprise Zone Act, 20 ILCS 655/1 *et. seq.*; and

**WHEREAS**, the corporate authorities of each of the Designating Municipalities adopted the following substantially identical ordinances: (1) in 2019, an ordinance (the “**First Amending Ordinance**”) amending the Initial Designating Ordinance to provide for certain additional incentives for projects located within the Northern Illinois University Research Park and (2) in January 2020, an ordinance (the “**Second Amending Ordinance**” and, together with the First Amending Ordinance, the “**Amending Ordinances**”) further amending the Initial Designating Ordinance, as amended by the First Amending Ordinance, to amend the boundaries of the Zone to include certain additional real property (collectively, the Initial Designating Ordinance, as amended by the Amending Ordinances, is the “**Designating Ordinance**”); and

**WHEREAS**, the corporate authorities of each of the Parties have approved or will approve, and the authorized officials of each of the Parties have executed or will execute a first amendment to the Initial IGA titled “DeKalb County Enterprise Zone Amended Intergovernmental Agreement” (the “**First Amendment**” and, together with the Initial IGA, the “**IGA**”), agreeing to the terms of the incentives set forth in the First Amending Ordinance; and

**WHEREAS**, the Parties desire to enter into this Second Amendment to the IGA to agree to the amended boundaries of the Zone, as set forth in the Second Amending Ordinance; and

**WHEREAS**, upon the execution and delivery by all of the Parties of the First Amendment and this Second Amendment, the Parties intend to file an application with the DCEO for the approval of the Amending Ordinances and the issuance of an amended certificate for the Designating Ordinance and the Zone (the "**Amended Certificate**");

**NOW, THEREFORE, IN CONSIDERATION OF** the recitals and the mutual covenants and agreements set forth in this Second Amendment, the Parties hereby agree as follows:

**Section 1: Incorporation of Recitals.** The foregoing recitals are hereby incorporated into and made a part of this Second Amendment as if fully set forth in this section.

**Section 2: Clarification Regarding First Amendment.** The Parties hereby acknowledge, agree, and clarify that the First Amendment amended the Initial IGA by deleting all of the provisions of the Initial IGA and replacing them in their entirety with the text of the First Amendment. In the event of a conflict between the text of the Initial IGA and the text of the First Amendment, the text of the First Amendment shall control.

**Section 3: Definitions; Rules of Construction.**

**A. Definitions.** All initial-capitalized words and phrases used in this Second Amendment have the meanings set forth in the various provisions of this Second Amendment. If a word or phrase is not specifically defined in this Second Amendment, it has the same meaning as in the IGA.

**B. Rules of Construction.** Except as specifically provided in this Second Amendment, all terms, provisions, and requirements contained in the IGA remain unchanged and in full force and effect. In the event of a conflict between the text of the IGA and the text of this Second Amendment, the text of this Second Amendment controls.

**Section 4: Amendments.** The land located within the boundaries of the Zone, described in Exhibit A attached to the IGA, is hereby amended by adding the land legally described in **Exhibit A** and depicted on **Exhibit B** attached to, and hereby made a part of, this Second Amendment. For the sake of clarity, the land located within the boundaries of the Zone, as amended by this Second Amendment, includes the land described in Exhibit A attached to the IGA and the land described in **Exhibit A** and depicted on **Exhibit B** attached to this Second Amendment.

**Section 5: Effective Date of Second Amendment.** This Second Amendment shall be in full force and effect upon the date that the DCEO approves the Amending Ordinances and issues the Amended Certificate.

**Section 6: Severability.** If any provisions of this Second Amendment shall be held to be invalid by a court or other authority of competent jurisdiction, such provisions shall be disregarded and, to the fullest extent feasible and permitted under applicable law, the remaining provisions of this Second Amendment shall remain in full force and effect.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties have hereunto set their hands on the date first written above.

City of DeKalb

By: [Signature]  
Mayor

ATTEST

By: [Signature]  
~~City Clerk~~ Executive Assistant

County of DeKalb

By: [Signature]  
County Board Chairman

ATTEST

By: [Signature]  
County Clerk

Town of Cortland

By: [Signature]  
Mayor



ATTEST

By: [Signature]  
Town Clerk

City of Genoa

By: [Signature]  
Mayor

ATTEST

By: [Signature]  
City Clerk

City of Sandwich

By: [Signature]  
Mayor

ATTEST

By: [Signature]  
City Clerk



City of Sycamore

By: [Signature]  
Mayor

ATTEST

By: [Signature]  
City Clerk



Village of Waterman

By: [Signature]  
Village President

ATTEST

By: [Signature]  
Village Clerk



## EXHIBIT A

### LAND ADDED TO ZONE

The following parcels are to be added to the DeKalb County Enterprise Zone as the 1st Amendment to the Zone boundaries since its inception in 2016:

**Parcel 1**

**Parcel Number: 11-02-100-001 103.701 acres m/l**

**Legal Description:**

THE WEST EIGHTY-FIVE (85) ACRES OF THE NORTH ONE HUNDRED FIVE (105) ACRES OF THE NORTH WEST FRACTIONAL QUARTER (NW FR. 1/4) OF SECTION TWO (2); ALSO, THE FOLLOWING DESCRIBED REAL ESTATE, TO-WIT: COMMENCING AT THE NORTH EAST CORNER OF THE NORTH WEST QUARTER (NW 1/4) OF SECTION TWO (2), THENCE RUNNING SOUTH ON SURVEY LINE TWENTY-SIX (26) CHAINS AND TWENTY-FIVE (25) LINKS, THENCE WEST SEVEN (7) CHAINS AND SIXTY-TWO (62) LINKS, THENCE NORTH TWENTY-SIX (26) CHAINS AND TWENTY-FIVE (25) LINKS, THENCE EAST ON SURVEY LINE SEVEN (7) CHAINS SIXTY-TWO (62) LINKS, TO THE PLACE OF BEGINNING. ALL SITUATED IN TOWNSHIP THIRTY-NINE (39) NORTH, RANGE FOUR (4), EAST OF THE THIRD (3RD) PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS.

**LESS AND EXCEPT:**

THAT PART OF THE NORTH 105 ACRES OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 2, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 2 AN THENCE SOUTH 89 DEGREES 21 MINUTES EAST ALONG THE NORTH LINE OF SAID SECTION 2 (THE BEARING FOR THE SAID NORTH LINE OF SAID SECTION 2 BEING ESTABLISHED IN RELATION TO THE ASSUMED BEARING ASSIGNED TO THE CENTER LINE OF ILLINOIS ROUTE 23), A DISTANCE OF 34.82 FEET TO AN ANGLE POINT; THENCE CONTINUING SOUTH 89 DEGREES, 32 MINUTES EAST ALONG THE NORTH LINE OF SAID SECTION 2, FOR A DISTANCE OF 60.04 FEET TO A POINT, WHICH POINT IS 60.0 FEET RIGHT AS MEASURED AT RIGHT ANGLES FROM THE CENTER LINE FOR FEDERAL AID ROUTE 24; THENCE SOUTH 2 DEGREES, 34.5 MINUTES WEST PARALLEL TO THE SAID CENTER LINE OF FEDERAL AID ROUTE 24 AND THE TANGENT TO THE CURVE OF THE CENTER LINE OF FEDERAL AID ROUTE 24, FOR A DISTANCE OF 1,045.19 FEET TO AN ANGLE POINT; THENCE CONTINUING SOUTH 0 DEGREES, 51 MINUTES WEST TO THE SAID CENTER LINE OF FEDERAL AID ROUTE 24 AND THE TANGENT TO THE CURVE OF THE CENTER LINE OF FEDERAL AID ROUTE 24 FOR A DISTANCE OF 699.24 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 105 ACRES OF THE NORTHWEST FRACTIONAL QUARTER OF SAID SECTION 2, WHICH POINT IS 60.0 FEET RIGHT AS MEASURED AT RIGHT ANGLES FROM THE SAID CENTER LINE OF FEDERAL AID ROUTE 24; THENCE NORTH 89 DEGREES, 01 MINUTES WEST, FOR A DISTANCE OF 60.94 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 2; THENCE NORTH 0 DEGREES 46 MINUTES EAST ALONG THE WEST LINE OF SAID SECTION 2, A DISTANCE OF 1,743.18 FEET TO THE PLACE OF BEGINNING.



**Parcel 2**

**Parcel Number: 11-02-200-001 161.104 acres m/l**

**Legal Description:**

THE NORTH EAST FRACTIONAL QUARTER (NE FRL. 1/4) OF SECTION TWO (2) IN TOWNSHIP THIRTY-NINE (39) NORTH, RANGE FOUR (4), EAST OF THE THIRD (3RD) PRINCIPAL MERIDIAN, SITUATED IN THE COUNTY OF DEKALB, IN THE STATE OF ILLINOIS.

**Parcel 3**

**Parcel Number: 11-01-100-001 160.291 acres m/l**

**Legal Description:**

THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 1, THENCE SOUTH 89 DEGREES 42 MINUTES 19 SECONDS EAST, A DISTANCE OF 2639.61 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE SOUTH 0 DEGREES, 26 MINUTES, 33 SECONDS WEST, A DISTANCE OF 2637.31 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE NORTH 89 DEGREES 32 MINUTES 16 SECONDS WEST, A DISTANCE OF 2652.61 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE NORTH 0 DEGREES 31 MINUTES 28 SECONDS EAST, A DISTANCE OF 2629.56 FEET TO THE POINT OF BEGINNING.

**Parcel 4**

**Parcel Number: 11-01-200-002 79.164 acres m/l**

**Legal Description:**

THE WEST ONE-HALF (W 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION ONE (1), TOWNSHIP 39 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, DE KALB COUNTY, ILLINOIS EXCEPTING THEREFROM PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE EASTERLY ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID SECTION 1 A DISTANCE OF 337 FEET FOR THE PLACE OF BEGINNING; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 190 FEET; THENCE EASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 245 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 190 FEET TO THE NORTH LINE OF SAID SECTION 1; THENCE WESTERLY A DISTANCE OF 245 FEET TO THE PLACE OF BEGINNING, SITUATED IN THE COUNTY OF DE KALB AND STATE OF ILLINOIS.

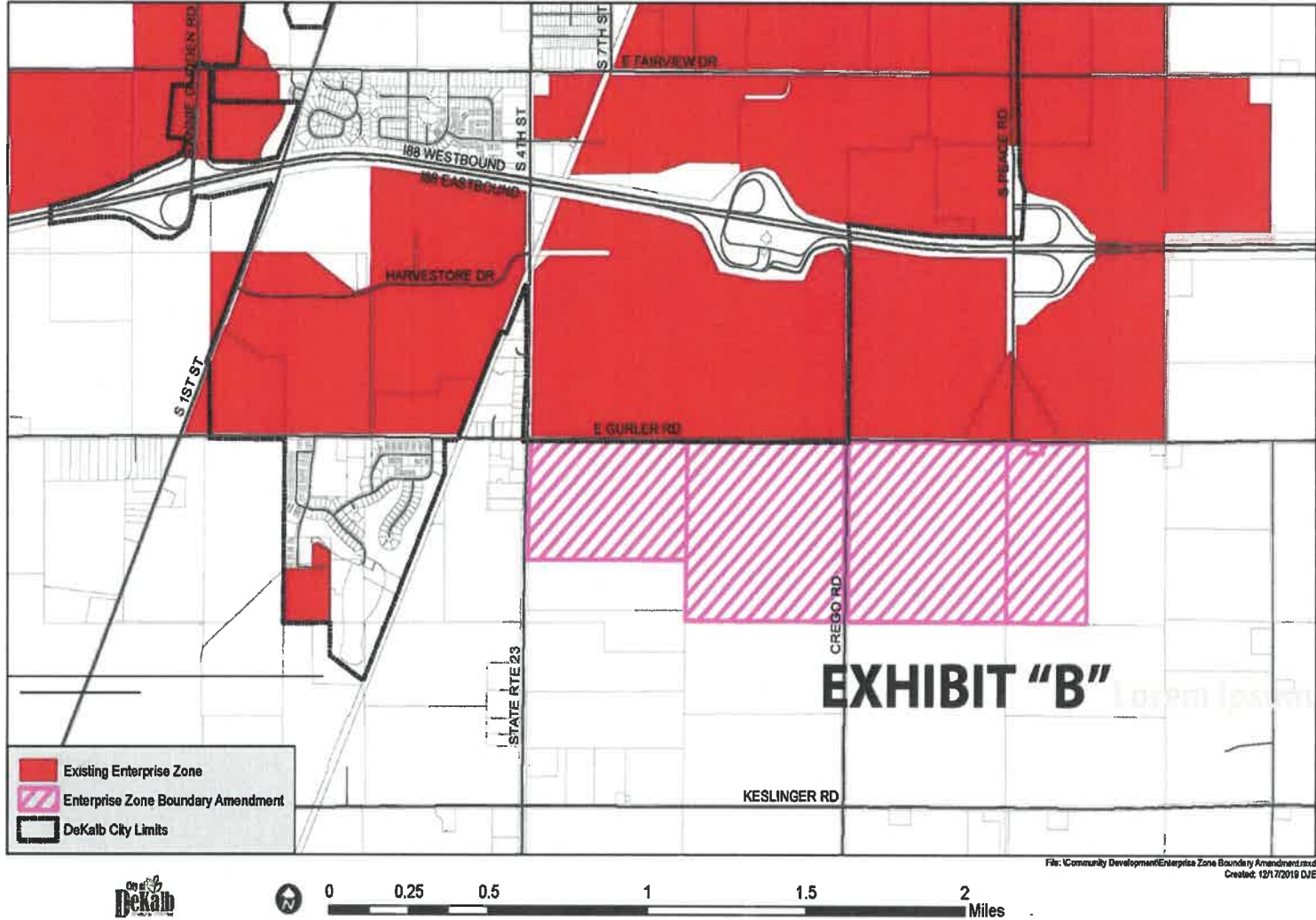
**Parcel 5**

**Parcel Number: 11-01-200-001 1.069 acres m/l**

**Legal Description**

PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE EASTERLY ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF SAID SECTION 1 A DISTANCE OF 337 FEET FOR THE PLACE OF BEGINNING; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 190 FEET; THENCE EASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 245 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE A DISTANCE OF 190 FEET TO THE NORTH LINE OF SAID SECTION 1; THENCE WESTERLY A DISTANCE OF 245 FEET TO THE PLACE OF BEGINNING, SITUATED IN THE COUNTY OF DE KALB AND STATE OF ILLINOIS.

# Enterprise Zone Boundary Amendment





**Illinois**  
**Department of Commerce**  
**& Economic Opportunity**  
JB Pritzker, Governor

**CERTIFICATION**

Pursuant to 20 ILCS 655/5.4 of the "Enterprise Zone Act", as amended; the Department of Commerce and Economic Opportunity hereby certifies the attached Ordinances that adds territory and provides modification and revision to the Property Tax Incentives of the Dekalb County Enterprise Zone.

This certification is effective on and after execution of this certification by the Director of the Department of Commerce and Economic Opportunity or designee.

ATTEST:

A handwritten signature in black ink, appearing to read "Erin B. Guthrie", written over a horizontal line.

Erin B. Guthrie  
Director  
Illinois Department of Commerce  
and Economic Opportunity

3/16/2020  
Date

DekalbCounty\_2020\_03\_08\_TA\_2138