

AUTHORIZING AN EFFECTIVE ELECTRICAL UTILITY TAX RATE FOR ELECTRICITY USED OR CONSUMED BY VENTUS TECH SERVICES, LLC (PROJECT VENTUS) IN THE CITY OF DEKALB, ILLINOIS.

WHEREAS, the City of DeKalb (the "City") is a home rule unit of local government which may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, the City imposes a tax upon the privilege of using or consuming electricity pursuant to 65 ILCS 5/8-11-2 and Chapter 63 of the City's Municipal Code (the "Electricity Tax"); and

WHEREAS, Ventus Tech Services LLC ("Ventus") is the owner of property legally described in Exhibit A attached hereto and incorporated herein (the "Property"); and

WHEREAS, the Property is located in an Enterprise Zone established pursuant to the Illinois Enterprise Zone Act, 20 ILCS 655/1, *et seq.*, that was certified by the Department of Commerce and Economic Opportunity on March 16, 2020; and

WHEREAS, on April 27, 2020, Ventus and the City entered into an Annexation and Development Agreement (the "Annexation Agreement") to develop the Property as a data center with accessory uses (the "Project"); and

WHEREAS, the Annexation Agreement requires that the City adopt an ordinance exempting a certain percentage of the electricity used or consumed by Ventus that is necessary to cause the effective Electricity Tax rate in each calendar year to equal \$0.00045 per kilowatt hour from the Electricity Tax for a period of 20 calendar years commencing in the first full calendar year that is two years after the date that the Project is fully energized, provided that Ventus shall pay the City at least \$125,000 per year during the period of the exemption (the "Electricity Tax Exemption"); and

WHEREAS, the City's corporate authorities have considered this Ordinance and have determined that approving this Ordinance is in the City's best interests and further promotes the public health, safety and welfare;

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 recitals to this Ordinance are true, material, adopted, and incorporated herein as Section 1 to this Ordinance.

SECTION 2: Electricity Tax Exemption Approved. Pursuant to 65 ILCS 5/8-11-2, 65 ILCS 5/11-15.1-2, 220 ILCS 5/9-222.1, and the City's home rule powers, the City's corporate authorities, by a majority vote, authorize and approve the Electricity Tax

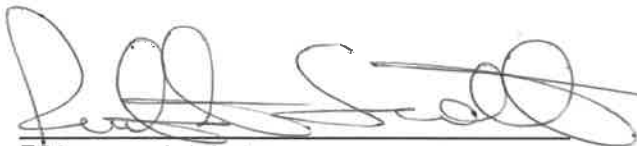
Exemption. Commencing in the first full calendar year that is two years after the date that the Project is fully energized, the City shall exempt from its Electricity Tax a certain percentage of the electricity used or consumed by Ventus Tech Services LLC that is necessary to cause the effective rate for the City's Electricity Tax in each calendar year to equal \$0.00045 per kilowatt hour for a period of 20 calendar years, provided that Ventus shall pay the City at least \$125,000 per year during the period of the Exemption and otherwise comply with the provisions of Article 5.5(a) of the Annexation Agreement. The City's corporate authorities further authorize and direct the City Clerk or Executive Assistant to transmit a copy of this Ordinance to the Department of Commerce and Economic Opportunity.

SECTION 3: Home Rule. This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of DeKalb that to the extent that the terms of this Ordinance should be inconsistent with any non-preemptive state law, that this Ordinance shall supersede state law in that regard within its jurisdiction.


SECTION 4: Effective Date. This Ordinance shall be in full force and effect upon its passage and approval and shall subsequently be published in pamphlet form as provided by law; however, the Exemption approved by this Ordinance shall not take effect until the first full calendar year that is two years after the date that the Project is fully energized.

ADOPTED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 11th day of May 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
(Legal Description of the Property)

THAT PART OF THE NORTH HALF OF SECTION 2 AND THAT PART OF THE NORTH HALF OF SECTION 1, ALL IN TOWNSHIP 39 NORTH, RANGE 4 EAST, OF THE THIRD PRINCIPAL MERIDIAN, LOCATED IN DEKALB COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND SURVEY NAIL REFERENCING THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 2, PER SURVEY MONUMENT RECORD RECORDED AS DOCUMENT NUMBER 2016-004286 IN THE OFFICE OF THE DEKALB COUNTY RECORDER; THENCE SOUTH 89 DEGREES 38 MINUTES 34 SECONDS EAST (BASIS OF BEARINGS – ILLINOIS STATE PLANE COORDINATES, EAST ZONE (NAD83)) ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2, A DISTANCE OF 49.06 FEET TO A FOUND ALUMINUM DISK REFERENCING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 40 NORTH, RANGE 4 EAST, OF THE THIRD PRINCIPAL MERIDIAN, PER SURVEY MONUMENT RECORD RECORDED AS DOCUMENT NUMBER 2016-004285 IN THE OFFICE OF THE DEKALB COUNTY RECORDER; THENCE SOUTH 89 DEGREES 51 MINUTES 16 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2 A DISTANCE OF 45.93 FEET TO THE EASTERN RIGHT OF WAY LINE OF ILLINOIS ROUTE 23, PER THAT TRUSTEES DEED RECORDED AS DOCUMENT NUMBER 1973-375200 IN THE OFFICE OF THE DEKALB COUNTY RECORDER, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 51 MINUTES 16 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2 AND ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2 A DISTANCE OF 2,599.89 FEET TO A FOUND 1 INCH IRON MATCHING THE TIES THAT REFERENCE THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 40 NORTH, RANGE 4 EAST, OF THE THIRD PRINCIPAL MERIDIAN, PER SURVEY MONUMENT RECORD RECORDED AS DOCUMENT NUMBER 2006-020095 IN THE OFFICE OF THE DEKALB COUNTY RECORDER; THENCE SOUTH 89 DEGREES 46 MINUTES 03 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2 AND ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1 A DISTANCE OF 2,646.05 FEET TO A FOUND MAGNAIL REFERENCING THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 4 EAST, OF THE THIRD PRINCIPAL MERIDIAN, PER SURVEY MONUMENT RECORD RECORDED AS DOCUMENT NUMBER 2006-012657 IN THE OFFICE OF THE DEKALB COUNTY RECORDER; THENCE SOUTH 89 DEGREES 42 MINUTES 19 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1 AND ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1 A DISTANCE OF 2,644.80 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 4 EAST, OF THE THIRD PRINCIPAL MERIDIAN;

THENCE SOUTH 89 DEGREES 41 MINUTES 46 SECONDS EAST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1 A DISTANCE OF 1,322.41 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 00 DEGREES 33 MINUTES 29 SECONDS WEST ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1 A DISTANCE OF 2,640.98 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE NORTH 89 DEGREES 32 MINUTES 16 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1 A DISTANCE OF 1,323.96 FEET TO A FOUND 1 INCH IRON PIPE AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1; THENCE CONTINUING NORTH 89 DEGREES 32 MINUTES 16 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 1 A DISTANCE OF 2,650.91 FEET TO A STONE AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 1 (REFERENCED BY A FOUND IRON PIPE 0.25 FEET WEST OF THE STONE), PER SURVEY MONUMENT RECORD RECORDED AS DOCUMENT NUMBER 1978-413834 IN THE OFFICE OF THE DEKALB COUNTY RECORDER; THENCE SOUTH 89 DEGREES 57 MINUTES 05 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 2 A DISTANCE OF 2,663.19 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE NORTH 00 DEGREES 33 MINUTES 43 SECONDS EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 2 A DISTANCE OF 907.55 FEET TO THE NORTHEASTERN CORNER OF THE SOUTHERN 55 RODS (907.5 FEET) OF THE NORTHWEST QUARTER OF SAID SECTION 2; THENCE SOUTH 89 DEGREES 57 MINUTES 05 SECONDS WEST ALONG THE NORTHERN LINE OF THE SOUTHERN 55 RODS OF THE NORTHWEST QUARTER OF SAID SECTION 2 A DISTANCE OF 2,606.19 FEET TO A POINT ON THE EASTERN RIGHT OF WAY LINE OF ILLINOIS ROUTE 23, PER THAT TRUSTEES DEED RECORDED AS DOCUMENT NUMBER 1973-375200 IN THE OFFICE OF THE DEKALB COUNTY RECORDER; THENCE NORTH 00 DEGREES 32 MINUTES 30 SECONDS EAST ALONG SAID EASTERN RIGHT OF WAY LINE 698.92 FEET; THENCE NORTH 02 DEGREES 15 MINUTES 43 SECONDS EAST ALONG SAID EASTERN RIGHT OF WAY LINE 1,045.63 FEET TO THE POINT OF BEGINNING, CONTAINING 505.329 ACRES, MORE OR LESS.

COPY

CERTIFICATION

I, **RUTH A. SCOTT**, am the duly qualified and appointed Executive Assistant of the City of DeKalb, DeKalb County, Illinois, as authorized by Local Ordinance 2019-059, and as such Executive Assistant, I maintain and am safe-keeper of the records and files of the Mayor and City Council of said City.

I do further certify that the attached is a true and correct copy of:

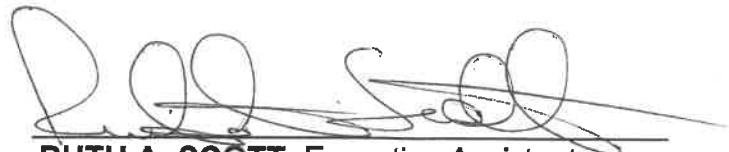
ORDINANCE 2020-031

AUTHORIZING AN EFFECTIVE ELECTRICAL UTILITY TAX RATE FOR ELECTRICITY USED OR CONSUMED BY VENTUS TECH SERVICES, LLC (PROJECT VENTUS) IN THE CITY OF DEKALB, ILLINOIS.

as approved and adopted by the City Council of the City of DeKalb at a Regular meeting held on the 11th day of May 2020, held in the Council Chambers located in the Municipal Building in the City of DeKalb, Illinois.

WITNESS my hand and the official seal of said City this 12th day of May 2019.




RUTH A. SCOTT, Executive Assistant



COPY

200 South Fourth Street
DeKalb, Illinois 60115
815.748.2000 • cityofdekalb.com

May 12, 2020

Illinois Department of Commerce and Economic Opportunity
Office of Community Development
500 E. Monroe Street
Springfield, Illinois 62701

To Whom It May Concern:

Enclosed please find a certified copy of Ordinance 2020-031, authorizing an effective electrical utility tax rate for electricity used or consumed by Ventus Tech Services, LLC (Project Ventus) in the City of DeKalb, Illinois.

Please feel free to contact me by phone at (815) 748-2090 or via email at ruth.scott@cityofdekalb.com should further information be required.

Sincerely,

Ruth A. Scott
Executive Assistant