CITY OF GENOA
CITY COUNCIL MEETING AGENDA
JANUARY 21, 2020
7:00 P.M.

REGULAR CITY COUNCIL MEETING

I. CALL TO ORDER & ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. GUEST SPEAKER(S)

IV. APPROVAL OF MINUTES
   A) JANUARY 7, 2020 CITY COUNCIL MEETING

V. APPROVAL OF ACCOUNTS PAYABLE

VI. ITEMS FROM INDIVIDUALS IN ATTENDANCE*

VII. NEW BUSINESS

A) CONSIDER AN ORDINANCE REDUCING PERMIT FEES FOR NEW HOME CONSTRUCTION
   • MOTION TO APPROVE AN ORDINANCE PROVIDING A ONE YEAR EXTENSION OF THE LIMITED TEMPORARY REDUCTION IN CERTAIN FEES AS AN INCENTIVE FOR NEW HOME CONSTRUCTION IN 2020

B) CONSIDER AN ORDINANCE AMENDING BUILDING PERMIT FEES
   • MOTION TO APPROVE AN ORDINANCE AMENDING APPENDIX A OF THE MUNICIPAL CODE OF THE CITY OF GENOA

C) CONSIDER AMENDMENTS TO THE DEKalb COUNTY ENTERPRISE ZONE
   • MOTION TO APPROVE AN ORDINANCE AUTHORIZING BOUNDARY MODIFICATIONS TO THE AREA KNOWN AS THE DEKalb COUNTY ENTERPRISE ZONE – VACANT GROUND ADDITION
   • MOTION TO APPROVE AN ORDINANCE AUTHORIZING A SECOND AMENDMENT TO THE DEKalb COUNTY ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT
   • MOTION TO APPROVE AN ORDINANCE AMENDING THE PROPERTY TAX ABATEMENT QUALIFYING CRITERIA AND DEFINITIONS IN THE DEKalb COUNTY ENTERPRISE ZONE
   • MOTION TO APPROVE AN ORDINANCE AUTHORIZING A THIRD AMENDMENT TO THE DEKalb COUNTY ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT
D) DISCUSSION REGARDING 131 SOUTH SYCAMORE STREET AND CONSIDERATION OF DEMOLITION, NUISANCE ABATEMENT, AND/OR REPAIR

- PRESENTATION OF INSPECTION REPORT AND DISCUSSION
- MOTION TO AUTHORIZE THE CITY ATTORNEY AND MAYOR TO EXECUTE A CONTRACT WITH NORTHERN ILLINOIS SERVICE COMPANY FOR THE ASBESTOS REMOVAL AND DEMOLITION OF 131 SOUTH SYCAMORE STREET, NOT TO EXCEED $29,355.
- MOTION TO AUTHORIZE CHIEF OF POLICE TO ABATE NUISANCES AS DEFINED IN 4-1-5 OF THE MUNICIPAL CODE AT 131 SOUTH SYCAMORE STREET, NOT TO EXCEED $5,800
- MOTION TO DIRECT THE CITY ATTORNEY TO SEEK A REPAIR ORDER FOR THE PROPERTY AT 131 SOUTH SYCAMORE STREET

VIII. DEPARTMENT REPORTS

A) ADMINISTRATION
B) FINANCE
C) PUBLIC WORKS
D) POLICE
E) MAYOR

IX. MOTION TO ADJOURN

*To respect the agenda and flow of the meeting, the Mayor may limit audience participation to 5 minutes per speaker and/or a total of 30 minutes for this portion of the agenda.
<table>
<thead>
<tr>
<th>VENDOR</th>
<th>DESCRIPTION</th>
<th>AMOUNT</th>
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<tbody>
<tr>
<td>Amazon Capital Services</td>
<td>PD- New HP printer, duty holster</td>
<td>$460.91</td>
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<tr>
<td>Automatic Control Services</td>
<td>PW- Monthly phone service for wells/towers- December 2019</td>
<td>$120.00</td>
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<tr>
<td>Benzinger Printing</td>
<td>2020 Calendars- 3,000</td>
<td>$3,700.00</td>
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<td>Charter</td>
<td>Monthly internet service - January 2020</td>
<td>$204.98</td>
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<td>Culligan</td>
<td>Monthly rental- January 2020</td>
<td>$29.95</td>
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<tr>
<td>David E. Eterno</td>
<td>PD- Adjudication Judge professional services- December 2019</td>
<td>$218.75</td>
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<td>DeKalb Lawn</td>
<td>PW- Mower tire</td>
<td>$90.00</td>
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<td>Galls, LLC.</td>
<td>PD- Duty boots, parka</td>
<td>$274.44</td>
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<td>Genoa Chamber of Commerce</td>
<td>State of the City luncheon- 5</td>
<td>$75.00</td>
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<tr>
<td>Genoa Motors</td>
<td>PW- New tire for Dodge Durango</td>
<td>$226.28</td>
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<tr>
<td>Have a Great Day, Inc.</td>
<td>City Service recognition gifts</td>
<td>$312.50</td>
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<td>Intoximeters, Inc.</td>
<td>PD- Portable alcohol testers</td>
<td>$958.00</td>
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<tr>
<td>Kish-Rock Operators Assoc.</td>
<td>Annual Membership dues- 7</td>
<td>$70.00</td>
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<tr>
<td>Komline-Sanderson</td>
<td>PW- New air chambers for sludge pumps (See Purchase Requisition)</td>
<td>$3,028.00</td>
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<tr>
<td>LERMI</td>
<td>Law Enforcement Records Managers of Illinois annual dues</td>
<td>$25.00</td>
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<tr>
<td>Napa</td>
<td>PW- Diesel exhaust fluid, snow plow oil, hydraulic filter</td>
<td>$82.33</td>
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<tr>
<td>Neofunds by Neopost</td>
<td>Postage- 12/31/19</td>
<td>$1,000.00</td>
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<tr>
<td>Neopost</td>
<td>Quarterly postage meter maintenance fees- 2/3/20-5/2/20</td>
<td>$189.75</td>
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<tr>
<td>Quill</td>
<td>CH/PD- Coffee, lids, plastic bags, garbage bags, tape</td>
<td>$178.48</td>
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<td>Service Concepts, Inc.</td>
<td>Heating system repairs at Municipal Building</td>
<td>$1,969.76</td>
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<td>Shaw Media</td>
<td>Public Notice Published- Genoa Street water main replacement bid, Well No. 4</td>
<td>$1,267.80</td>
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<td>Tobinson’s</td>
<td>PW/PD- Levels, distilled water, adapter socket, bushing, teflon tape, foam brush,</td>
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<td>Quill</td>
<td>grade stakes, rebar, cement, concrete mix, elbows, pvc, tire foam, car wash,</td>
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<td>WD40, rust stop, scissors, fasteners, drill bits, pliers, rod thread</td>
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<td>Uniform Den East</td>
<td>PD- Duty boots</td>
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<td>Watchguard Video</td>
<td>PD- Squad camera repairs</td>
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<td>VENDOR</td>
<td>ACCOUNTS PAYABLE FOR JANUARY 15, 2020</td>
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<td>MANUALS FOR JANUARY 15, 2020</td>
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<td>TRANSFERS FOR JANUARY 15, 2020</td>
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<td>31</td>
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<td>32 Visa</td>
<td>All- Monthly teleconference fee, Spotify monthly service fee, city council refreshments,</td>
<td>$1,825.24</td>
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<td>33</td>
<td>lunch meetings, Christmas party invites, background check, Kane lodging,</td>
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<td>34</td>
<td>2 refurbished desktop computers, new HP laptop, 2 display receivers,</td>
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<td>35</td>
<td>Treasurer's seminar lodging</td>
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<td>36 Total</td>
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<td>40 Anderson Excavating</td>
<td>Sewer repair agreement- 206 N Hadsall St</td>
<td>$2,660.00</td>
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<td>41 Waste Management</td>
<td>Monthly refuse service - December 2019</td>
<td>$36,836.80</td>
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<td>45 Total</td>
<td>$56,366.75</td>
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MEMO

To: Mayor Vicary and the City Council
From: Alyssa Seguss, Administrative Director
Subject: School Impact Fee Waiver
Date: January 16, 2020

Due to a potential misunderstanding at the January 7, 2020 City Council meeting, Mr. Rick Hoffman has made a request to Mayor Vicary that a revised version of the impact fee waiver ordinance be placed on the City Council agenda.

The attached revised ordinance has removed the waiver for the park impact fees (at the Park District’s request), however, still includes the school impact fee waiver (which has been endorsed by the School District). This ordinance would waive the school impact fees for the first 10 new residential homes. As a reminder, this waiver would apply only to Derby Estates and Oak Creek Estates.

If you have any questions, please contact me.
CITY OF GENOA
DEKALB COUNTY, ILLINOIS

ORDINANCE NO. 2020-

ADOPTED BY
THE MAYOR AND
CITY COUNCIL
OF THE
CITY OF GENOA

AN ORDINANCE PROVIDING A ONE YEAR EXTENSION OF THE LIMITED TEMPORARY REDUCTION IN CERTAIN FEES AS AN INCENTIVE FOR NEW CONSTRUCTION

Adopted January 21, 2020, by the Mayor and City Council of the City of Genoa DeKalb County, Illinois, and approved and published in pamphlet form this 21st day of January 2020.
ORDINANCE NO. 2020-____
AN ORDINANCE PROVIDING A ONE YEAR EXTENSION OF THE LIMITED TEMPORARY REDUCTION IN CERTAIN FEES AS AN INCENTIVE FOR NEW CONSTRUCTION

WHEREAS, the Genoa-Kingston Unit School District No. 424 had previously endorsed eliminating School Impact fees for no more than 20 new residential housing starts for each year in 2009, and the program continued in 2010 through 2018 in order to provide new growth assessed valuation for operating income for School District services; and

WHEREAS, the City Council approved an ordinance in 2018 eliminating school and park impact fees for the first 15 new residential housing starts for the year 2019;

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

SECTION 1: That between January 21, 2020, which shall be the effective date of this ordinance after adoption and ending December 31, 2020, the City Building Inspector shall issue building permits for new single family residential dwelling units upon receipt of the first ten (10) properly completed applications therefore, under these terms.

Receipt by the Building Inspector of a written request by the applicant for a building permit that the applicant wishes to participate in the reduced fee option established under this ordinance;

Without requiring payment of the other applicable School Impact Fee previously established by ordinance;

Upon payment of all other fees previously established by ordinance, even if the applicant and the City had previously agreed that such fees be paid at a time other than prior to the issuance of a building permit.

In no case shall any refund of any previously paid fee be applicable under this program, and this program shall not apply to any contribution where a land dedication has previously been made to provide for the park impact requirement, and no refund or repayment of any kind for any land dedication shall apply to this program.

SECTION 2: That during calendar year 2020, the City Building Inspector shall issue building permits for new residential dwelling units upon receipt of the first 10 properly completed applications therefore, under the terms as set forth in Section 1 of the ordinance.

SECTION 3: That the City Building Inspector shall perform these following duties when administering the reduced fee option program established by this ordinance:
The Building Inspector shall consecutively number applications in the order received by him, and shall determine that the application is properly completed and the proper fees have been tendered, and issue or deny an application for a building permit under Section 1 or 2 of this ordinance, in such order.

The Building Inspector shall not refund any fee or dedication previously paid by an applicant for participation in this reduced fee program;

Should the Building Inspector determine that an application for a building permit under this program is not properly completed or that the proper fee has not been tendered, then he shall reject the application, and any subsequently submitted application for a building permit for the same location shall be considered a new application.

In no case shall any refund of any previously paid fee be applicable under this program, and this program shall not apply to any contribution where a land dedication has previously been made to provide for the park impact requirement, and no refund or repayment of any kind for any land dedication shall apply to this program.

SECTION 4: This program shall expire and this ordinance shall be repealed upon the first to occur of the issuance of the 10th permit under this program for a new residential dwelling in 2020, or December 31, 2020.

SECTION 5: This ordinance shall not apply for any property subject to an Annexation Agreement unless the Agreement provides for payment of all fees at the time of building permit and the payment of School Impact fees without limitation on amounts or increases, or if it is adopted as part of Annexation Agreement Amendment. Adoption of an amendment to an annexation agreement shall be only if all terms of the amendment are satisfactory to corporate authorities of the City of Genoa, and shall be at the sole discretion of the aforesaid corporate authorities. A permit application to be considered under the reduction program may be filed for a property where an Annexation Agreement amendment is required following adoption of this ordinance, but the applicability for the program for no more than 10 permits in 2020 shall not begin until the approval of an Annexation Agreement Amendment, if one is approved by the corporate authorities.

SECTION 6: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.
SECTION 8: This Ordinance shall be in full force and effect following its passage, as provided by law.

AYES:

NAYES:

ABSTAINED:

ABSENT:

PASSED by the City Council of the City of Genoa, DeKalb County, Illinois this _____ day of ____________, 2020.

Approved by me this _____ day of ________, 2020.

____________________________
Mark Vicary, Mayor

(SEAL)

ATTESTED and filed in my office this _____ day of ____________, 2020.

____________________________
Kim Winker, City Clerk
MEMO

To: Mayor Vicary and the City Council
From: Alyssa Seguss, Administrative Director and Jan Tures, Finance Office Manager
Subject: Building Permit Fee Amendment
Date: January 16, 2020

Attached to this memo is an ordinance that amends the building permit fees within Appendix A of the Municipal Code. Currently, the Municipal Code states that if the City must utilize consultants for plan reviews or inspections, then the applicant will be charged for the consultant’s services plus an administrative fee of 10%. This language was put into the Municipal Code in 2018 when the City contracted with B&F for inspection services. Staff would recommend keeping this language in the Municipal Code in the event that specialized review/inspection services or engineering are required for a large scale project or the City’s Building Inspector is unavailable.

With the hiring of the City’s new Building Inspector, plan reviews and inspections for new commercial, industrial, offices, and residential new construction, remodeling, additions and repairs are now being conducted by the City’s in-house Building Inspector rather than B&F. For this reason, there needs to be a fee structure created that can be charged for building permit services that are provided by an employee rather than a consultant.

Staff has developed the fee structure outlined in the attached ordinance. Staff feels that this is fair (and in many cases advantageous) for building permit applicants, providing a cost savings due to the City hiring a building inspector rather than paying a 3rd party inspection service. In example, using a recently received new home construction permit, the cost for a building permit based on B&F’s fees was $2,058.46. For this same home, under the proposed fee structure in the attached ordinance, the cost would be $1,420. Similarly, a 10,640 commercial building permit currently costs $5,098 whereas under the new fee structure, the cost would be $2,620.

If you have any questions, please contact Jan or Alyssa.
CITY OF GENOA
DEKALB COUNTY, ILLINOIS

ORDINANCE NO. 2020-

ADOPTED BY
THE MAYOR AND
CITY COUNCIL
OF THE
CITY OF GENOA

AN ORDINANCE AMENDING APPENDIX A OF THE CITY
CODE OF THE CITY OF GENOA

Adopted January 21, 2020, by the Mayor and City Council of the City of Genoa
DeKalb County, Illinois, and approved and published in pamphlet form
this 22nd day of January 2020.
ORDINANCE NO. 2020-____

AN ORDINANCE AMENDING APPENDIX A OF THE CITY CODE OF THE CITY OF GENOA

BE IT ORDAINED by the Mayor and City Council of the CITY OF GENOA, DeKalb County, Illinois, as follows:

WHEREAS, the City of Genoa has evaluated the costs for building review and inspection services and has deemed it appropriate to amend building fees;

WHEREAS, it is necessary to amend the Municipal Code from time to time;

NOW THEREFORE, the Municipal Code of the City of Genoa be amended as follows:

SECTION 1: That Appendix A be amended to include:

Title 9: Building

Commercial, Industrial, Offices, or Residential new construction, remodeling, additions, or repairs, plan reviews, evaluations, and/or inspections performed by the City’s Building Department will follow the following fee schedule:

Commercial, Industrial, Offices:
Plan Review
- $500.00 Up to 5,000 Square Feet
- $1,000.00 5,001 - 10,000 Square Feet
- $1,500.00 Over 10,000 Square Feet
Inspections
- $60.00 Per Hour for Required Inspections
  (Estimated at Plan Review)

Residential New Construction:
Plan Review
- $300.00 Single Family Detached Home
- $150.00 Per Unit - Multi-Family/Attached
Inspections
- $1,020.00 Single Family Detached Home (Includes 1 Re-Inspection)
- $850.00 Per Unit - Multi-Family/Attached

Residential Remodel, Additions, Repairs:
Plan Review
- $60.00 Per Hour Required to Complete Plan Review
Inspections
- $60.00 Per Hour for Required Inspections
  (Estimated at Plan Review)
SECTION 2: This ordinance shall be in full force and effect from and following its passage and approval.

AYES:

NAYES:

ABSTAINED:

ABSENT:

PASSED by the City Council of the City of Genoa, DeKalb County, Illinois this ____ day of ________________, 2020.

Approved by me this _____ day of ________________, 2020.

__________________________________________________________________________
Mark Vicary, Mayor

(SEAL)

ATTESTED and filed in my office this _____ day of ________________, 2020.

__________________________________________________________________________
Kim Winker, City Clerk
January 3, 2019

MEMORANDUM

TO: DeKalb County Enterprise Zone Partners

FROM: Paul J. Borek
Enterprise Zone Administrator

SUBJECT: DeKalb County Enterprise Zone Amendment II – Boundary Amendment-Option 2

The City of DeKalb has requested that the DeKalb County Enterprise Zone add approximately 500 acres located south of Gurler Road between Illinois Route 23 and a property line just east of Peace Road extended.

This proposed addition involves five separate parcels and is intended to allow the county to be able to more effectively compete for large scale projects. By having such a large acreage available in the Zone, DeKalb County will be able to be considered for large square footage facilities which can provide significant quality jobs and capital investment. Currently, we are at a disadvantage due to the lack of parcels which meet the needs of today’s high impact projects and development prospects. When we are contacted by prospects seeking such large acreage, one of the key questions we have been asked is about the availability of Enterprise Zone designation. Unfortunately, parcels like we are intending to add are not readily available in the Zone and we miss out on further discussions because clients are looking at large scale land sites in other communities that are already in an Enterprise Zone.

In order to accomplish this addition, we will be pursuing an Option 2 Boundary Amendment which is, by definition, designed to help eliminate impediments to economic development. Approval of this Boundary Amendment would enable the county to compete for developments like Project Ventus, a Confidential Knowledge-Based or Technology Industry Project.

The proposed Boundary Amendment site is located in DeKalb County (Afton Township), south of Gurler Road between Illinois Route 23 and the property line just east of Peace Road extended. It would be annexed to the City of DeKalb to provide for utilities and an upgrade of Gurler Road.

The DeKalb County Enterprise Zone has a maximum capacity of 15 square miles. Currently, territory totaling 13.1 square miles is included within the Zone, with capacity available for an additional 1,100 acres.

Current Enterprise Zone Participating Units of Government applicable to this site are the City of DeKalb, DeKalb County Government, DeKalb Park District, DeKalb Public Library, Kishwaukee Water Reclamation District, DeKalb School District #428 and Kishwaukee College.
This Boundary Amendment will require the following:

- Approval of a Add Territory Boundary Amendment to the Designating Ordinances by the Designating Units of Government; as well as an

- Amendment to the DeKalb County Enterprise Zone Intergovernmental Agreement between the Designating Units: DeKalb County, City of DeKalb, City of Genoa, City of Sandwich, City of Sycamore and the Town of Cortland and Village of Waterman; and

- Approval of an “Add Territory Boundary Amendment-Option 2” Application by the Illinois Department of Commerce and Economic Opportunity (DCEO).

On December 19, 2019 the Enterprise Zone Advisory Board approved recommending this Add Territory Boundary Amendment to the Designating Units of Government for approval.
CITY OF GENOA
DEKALB COUNTY, ILLINOIS

ORDINANCE NO. 2020 -

ADOPTED BY
THE MAYOR AND
CITY COUNCIL
OF THE
CITY OF GENOA

AN ORDINANCE AUTHORIZING BOUNDARY MODIFICATIONS TO THE
AREA KNOWN AS THE DEKALB COUNTY ENTERPRISE ZONE- VACANT
GROUND ADDITION

Adopted January 21, 2020, by the Mayor and City Council of the City of Genoa,
DeKalb County, Illinois, and approved and published in pamphlet form
this 21st day of January 2020.
ORDINANCE 2020-001               PASS A:

AN ORDINANCE AUTHORIZING BOUNDARY MODIFICATIONS TO THE AREA
KNOWN AS THE DEKALB COUNTY ENTERPRISE ZONE
- VACANT GROUND ADDITION – OPT 2 -

WHEREAS, on December 16, 2014, the corporate authorities of the City of Genoa
adopted Ordinance No. 2014-40 (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 City of DeKalb, the
City of Sandwich, the Village of Waterman, the City of Sycamore and the Town of Cortland
(collectively, with the City of Genoa, 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, the Designating Units of Government entered into an Intergovernmental
Agreement dated as of December 5, 2014 (the "Initial IGA") setting forth 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.), hereafter referred to as the "Act"; and,

WHEREAS, on October 15, 2019, the corporate authorities of the City of Genoa adopted
Ordinance No. 2019-28, amending the Initial Designating Ordinance to provide for certain
additional incentives for projects (the "First Amending Ordinance" and, together with the
Initial Designating Ordinance, the "Designating Ordinance"); and,

WHEREAS, the corporate authorities of each of the Designating Municipalities each
adopted resolutions or ordinances substantially identical to the First Amending Ordinance
(collectively, with the First Amending Ordinance, the "First Amending Ordinances" and,
together with the Initial Designating Ordinances, the "Designating Ordinances"),
amending the Initial Designating Ordinances; and,

WHEREAS, the Designating Units of Government entered into an amended version of
the Initial IGA, dated as of October 13, 2019 (together with the Initial IGA, the "IGA"),
agreeing to the terms of the incentives set forth in the First Amending Ordinances; and,

WHEREAS, the Designating Units of Government intend to file an application with the
DCEO to approve the First Amending Ordinances and to issue an amended certificate for
the Zone and the Designating Ordinances; and,
WHEREAS, the DeKalb County Enterprise Zone Board has determined that there is a need to amend the boundary of the DeKalb County Enterprise Zone to include the land legally described in Exhibit "A" and depicted on Exhibit "B" (the "Additional Area") attached to and hereby made a part of this Ordinance; and,

WHEREAS, the Additional Area is contiguous to the existing Zone boundaries; and,

WHEREAS, there is adequate available acreage in the Zone to amend the boundaries of the Zone to include the Additional Area (the "Boundary Amendment"); and,

WHEREAS, the Designating Units of Government held a duly noticed joint public hearing regarding the Boundary Amendment on January 2, 2020; and,

WHEREAS, the Designating Units of Government have determined that it is desirable and necessary to further amend the Designating Ordinances and the IGA to approve the Boundary Amendment and include the Additional Area within the boundaries of the Zone;

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

Section 1: Incorporation of Recitals. The foregoing recitals are hereby incorporated into and made a part of this Ordinance as if fully set forth herein.

Section 2: Approval of the Boundary Amendment. The corporate authorities of the City of Genoa hereby approve and concur with the Boundary Amendment. The corporate authorities of the City of Genoa hereby amend the Designating Ordinance to amend the boundaries of the DeKalb County Enterprise Zone to include the Additional Area. Specifically, Addendum "A" attached to the Designating Ordinance is hereby amended to include Exhibit "A" and Exhibit "B" attached to this Ordinance. Except as specifically amended by this Ordinance, the provisions of the Designating Ordinance shall remain in full force and effect.

Section 3: Effective Date. This Ordinance shall become effective upon the passage and approval of this Ordinance in accordance with law and the issuance by the DCEO of an amended certificate with respect to the Zone and the Designating Ordinances.

PASSED BY THE CITY COUNCIL of the City of Genoa, Illinois at a regular meeting thereof held on the ____ day of ________, 2020 and approved by me as Mayor on the same day.

ATTEST:

_________________________________________  MARK VICARY, Mayor
EXHIBIT “A”

The following parcels are requested 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 SIXY-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 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 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 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:

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.
AN ORDINANCE AUTHORIZING A SECOND AMENDMENT TO THE DEKALB COUNTY ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT

Adopted January 21, 2020, by the Mayor and City Council of the City of Genoa, DeKalb County, Illinois, and approved and published in pamphlet form this 21st day of January 2020.
ORDINANCE 2020-002

AN ORDINANCE APPROVING A SECOND AMENDMENT TO
THE DEKALB COUNTY ENTERPRIZE ZONE
INTERGOVERNMENTAL AGREEMENT

WHEREAS, on December 16, 2014, the corporate authorities of the City of Sandwich adopted Ordinance No. 2014-40 (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 City of DeKalb, the City of Sandwich, the Village of Waterman, the City of Sycamore and the Town of Cortland (collectively, with the City of Genoa, 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 Genoa adopted the following ordinances: (1) on October 15, 2019, Ordinance No. 2019-28 (the “First Amending Ordinance”), amending the Initial Designating Ordinance to provide for certain additional incentives (the “First Amending Ordinance”); and (2) on January 21, 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 City Council of the City of Genoa, 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 Genoa 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 Mayor or Clerk.

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 Genoa, 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.

PASSED BY THE CITY COUNCIL of the City of Genoa, Illinois at a regular meeting thereof held on the ____ day of ________, 2020 and approved by me as Mayor on the same day.

ATTEST:

_________________________________  MARK VICARY, 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 __ day of __________, 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

Page 1 of 9
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 of 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: ____________________________
   Mayor
ATTEST
By: ____________________________
   City Clerk

County of DeKalb
By: ____________________________
   County Board Chairman
ATTEST
By: ____________________________
   County Clerk

Town of Cortland
By: ____________________________
   Mayor
ATTEST
By: ____________________________
   Town Clerk

City of Genoa
By: ____________________________
   Mayor
ATTEST
By: ____________________________
   City Clerk

City of Sandwich
By: ____________________________
   Mayor
ATTEST
By: ____________________________
   City Clerk

City of Sycamore
By: ____________________________
   Mayor
ATTEST
By: ____________________________
   City Clerk

Village of Waterman
By: ____________________________
   Village President
ATTEST
By: ____________________________
   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 (W½) OF THE NORTHEAST QUARTER (NE ¼) 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.
January 3, 2019

MEMORANDUM

TO: DeKalb County Enterprise Zone Partners

FROM: Paul J. Borek
Enterprise Zone Administrator

SUBJECT: DeKalb County Enterprise Zone Amendment III – Incentive Modification Amendment

The City of DeKalb is working to attract two extraordinarily large development projects. All phases of development for each of these projects are projected to amount to 2 million square feet of development and more than $800,000,000 of investment.

Tax revenue generation for Project Hammer is estimated to amount to $69 million or more over 15 years. This amount nearly matches the revenue generated by a major portion of DeKalb’s industrial base - Nestle, Panduit, 3M, Goodyear and Target - during a 15-year period.

Project Hammer is a food processing company planning to develop 2.4 million square feet of new building space, 1.4 million of which would be manufacturing, with ample room for expansion. Job creation is estimated to be 1,000 permanent jobs and another 1,000 temporary construction jobs.

The second project, codenamed Project Ventus, is proposing to invest $800 million in the development of 900,000 square feet of space during Phase I. Project Ventus is planning to purchase a 500-acre site enabling development of one or additional identical phases during the near future (5 to 15 years)

In order to compete successfully for these projects, tax abatement terms of 15- to 20- years are required. The annual rate of tax abatement, or revenue-sharing agreement, would be 50% and 55%, respectively, each year throughout the term of the 15- or 20- year span of the agreement.

It is proposed that this Incentive Amendment would be limited to the Interstate Commerce Market (ICM) area of the DeKalb County Enterprise Zone, located within 3 ½ miles of the centerline of Interstate 88. This amendment would not impact the criteria, terms and conditions of the Countywide DeKalb County Enterprise Zone Property Tax Abatement Program.

In order to accommodate one of these projects, and address similar future projects, the following Enterprise Zone Property Tax Abatements are proposed:

- 15-years at 50% per year for projects with a minimum of $100 million of investment, 400 jobs and 900,000 square feet of development.
- 20-years at 55% per year for projects with a minimum of $800 million of investment, 50 jobs and 900,000 square feet of development.
The project will require the following:

- Approval of Amendments to the Designating Ordinances by the Designating Units of Government; as well as an
- Amendments to the DeKalb County Enterprise Zone Intergovernmental Agreement between the Designating Units: DeKalb County, City of DeKalb, City of Genoa, City of Sandwich, City of Sycamore and the Town of Cortland and Village of Waterman; and
- Approval of an Incentive Amendment Application by the Illinois Department of Commerce and Economic Opportunity (DCEO).

On December 19, 2019 the Enterprise Zone Advisory Board approved recommending these High Impact Project Incentive Amendments to the Designating Units and applicable Participating Taxing Bodies for approval.
AN ORDINANCE AMENDING THE PROPERTY TAX ABATEMENT QUALIFYING CRITERIA AND DEFINITIONS IN THE DEKALB COUNTY ENTERPRISE ZONE

Adopted January 21, 2020, by the Mayor and City Council of the City of Genoa, DeKalb County, Illinois, and approved and published in pamphlet form this 21st day of January 2020.
ORDINANCE 2020-003  PASSED:

AN ORDINANCE AMENDING THE PROPERTY TAX ABATEMENT QUALIFYING CRITERIA AND DEFINITIONS IN THE DEKALB COUNTY ENTERPRISE ZONE

WHEREAS, on December 16, 2014, the corporate authorities of the City of Genoa adopted Ordinance No. 2014-40 (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 City of DeKalb, the City of Sandwich, the Village of Waterman, the City of Sycamore and the Town of Cortland (collectively, with the City of Genoa, 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, the Designating Units of Government entered into an Intergovernmental Agreement dated as of December 5, 2014 (the “Initial IGA”) setting forth 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.), hereafter referred to as the “Act”; and,

WHEREAS, on October 15, 2019, the City of Genoa City Council adopted Ordinance No. 2019-28, amending the Initial Designating Ordinance to provide for certain additional incentives for projects (the “First Amending Ordinance”); and,

WHEREAS, the corporate authorities of each of the Designating Municipalities each adopted resolutions or ordinances substantially identical to the First Amending Ordinance (collectively, with the First Amending Ordinance, the “First Amending Ordinances”), amending the Initial Designating Ordinances; and,

WHEREAS, the Designating Units of Government entered into an amended version of the Initial IGA, dated as of October 13, 2019 (the “First Amended IGA”), agreeing to the terms of the incentives set forth in the First Amending Ordinances; and,

WHEREAS, on January 21, 2020, the corporate authorities of the City of Genoa adopted Ordinance No. 2020-02 (the “Second Amending Ordinance”), amending the Initial Designating Ordinance, as amended by the First Amending Ordinance (collectively, the Initial Designating Ordinance, the First Amending Ordinance, and the Second Amending Ordinance are the “Designating Ordinance”), to expand the boundaries of the Zone to include certain additional real property; and,
WHEREAS, the corporate authorities of the Designating Municipalities each adopted ordinances substantially identical to the Second Amending Ordinance (collectively, with the Second Amending Ordinance, the “Second Amending Ordinances”, and, with the Initial Designating Ordinances and the First Amending Ordinances, the “Designating Ordinances”); and,

WHEREAS, the Designating Units of Government intend to enter into a second amended version of the Initial IGA, as amended by the First Amended IGA (together with the Initial IGA and the First Amended IGA, the “IGA”); and,

WHEREAS, the Designating Units of Government intend to file an application with the DCEO to approve the First Amending Ordinances and the Second Amending Ordinances and to issue an amended certificate for the Zone and the Designating Ordinances; and,

WHEREAS, the DeKalb County Enterprise Zone Advisory Board recognizes a need to further adapt local incentives to meet the needs of existing employers and targeted investors and industry sectors in the region; and,

WHEREAS, the Designating Units of Government held a duly noticed joint public hearing regarding further amendments to the Designating Ordinances and the IGA to change the qualifying criteria for, and the terms of the property tax abatements available within, the Zone; and,

WHEREAS, the Designating Units of Government, have determined and concur that it is desirable and necessary to further amend the Designating Ordinances and to enter into a further amended IGA to change the qualifying criteria for, and the terms of the property tax abatements available within, the boundaries of the Zone to meet these needs and improve the competitiveness of the region; and,

WHEREAS, all local participating taxing bodies will be requested to make similar amendments to their respective property tax abatement policies; and,

WHEREAS, certain parts of the Zone lie within the boundaries of the City of Genoa;

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

Section 1: Incorporation of Recitals. The foregoing recitals are hereby incorporated into and made a part of this Ordinance as if fully set forth herein.

Section 2: Amendment of Designating Ordinance Property Tax Abatements. Section 2, Paragraph D of the Designating Ordinance, titled “Property Tax Abatement”, is hereby amended, and shall hereafter read as follows:

D) Job Creation – Outside the Interstate Commerce Market Area.
New Industrial or Logistic(s) Companies in areas outside of the Interstate Competition Market Area must create a minimum of 20 full-time permanent jobs. For Industrial and Logistic(s) Companies in areas outside of the Interstate Competition Market Area that are adding to the size of an existing building, as referenced in Section “2.B.1.” and “2.B.2” above, must create a minimum of 10 additional full-time permanent jobs. Industrial or Logistic(s) Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.

New or expanded Knowledge-based Companies in areas outside the Interstate Competition Market must create one job for every 350 square feet of office space created in conformance with Section “2.B.3.” above.

Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the abatement and said thresholds must be maintained over the life of the abatement and shall be defined in the MOU between the DeKalb County Enterprise Zone Administrator and the taxpayer.

Section 2, Paragraph G of the Designating Ordinance is hereby amended, and shall hereafter read as follows:

G) Entities meeting qualification criteria outlined in Sections “2.B.” through “2.L.” above must enter into a Memorandum of Understanding with the DeKalb County Enterprise Zone Administrator. The MOU must outline projected job creation and/or job retention, wage rates and capital investment for the eligible Industrial, Logistics and Knowledge-based projects as well as eligible High Impact ICM Manufacturing and Distribution and High Impact ICM Knowledge-based projects. The said Administrator is hereby authorized to enter such agreements on behalf of the DeKalb County Enterprise Zone.

1. Entities receiving property tax abatement for eligible Industrial, Logistics, Knowledge-based, NIU Research Park and High Impact ICM Manufacturing and Distribution and High Impact ICM Knowledge-based projects agree to maintain a minimum of 95% of the employment level at that location, as described in the Memorandum of Understanding, for the term of abatement.
Should employment levels drop to between 95% and 50% of the project employment level agreed to at that location as described in the Memorandum of Understanding, a pro-rata reduction of the applicable abatement will be implemented for the next tax year or until employment levels return to the levels agreed in the MOU.

Should employment levels drop below 50% of the project employment level agreed to at that location as described in the Memorandum of Understanding, abatement shall be terminated for that tax year or until employment levels return to the agreed levels in the MOU.

At the discretion of the Enterprise Zone Administrator, with the advice and consent of the Enterprise Zone Advisory Board, failure to maintain a minimum of 50% of the employment levels during the agreement period may result in the immediate termination of remaining abatement and/or the pro-rata repayment of previously abated real property taxes to the applicable taxing districts.

2. The Administrator of the DeKalb County Enterprise Zone will annually monitor the performance of the eligible recipients of property tax abatement in order to ensure that job, wage and investment projections outlined in the Memorandum of Understanding are being met.

3. The Administrator of the DeKalb County Enterprise Zone, with the advice and consent of the Enterprise Zone Advisory Board, may elect to waive enforcement of any performance measures outlined in the Memorandum of Understanding based on a finding that the waiver is necessary to avert an imminent, demonstrable, and material hardship to the entity that may result in such entity's insolvency or discharge of workers.

4. Upon the effective date of this ordinance, all incentives and benefits previously offered and in effect within the boundaries of the CITY OF GENOA shall continue for the term of the newly designated DeKalb County Enterprise Zone for the following groups:

a. Business enterprises which are receiving general property tax abatement benefits or incentives in the CITY OF GENOA on the effective date of this ordinance;

b. Business enterprises or expansions which are proposed or under development on the effective date of this designating ordinance, if the business enterprise demonstrates that the proposed business enterprise or expansion has been committed to locating or expanding in the Zone;

c. Substantial or binding financial obligations have been made; and such commitments have been made in reasonable reliance on the benefits
and programs which would have previously been available as described in Section 4.a. and 4.b. above."

Section 3: Effect of Amendments. Except as specifically amended by this Ordinance, the provisions of the Designating Ordinances shall remain in full force and effect.

Section 4: Severability. If any provisions of this Ordinance 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 Ordinance shall remain in full force and effect.

Section 5: Effective Date. The terms of this Ordinance shall become effective upon the passage and approval of this Ordinance in accordance with law and the issuance by the DCEO of an amended certificate with respect to the Zone and the Designating Ordinances.

PASSED BY THE CITY COUNCIL of the City of Genoa, Illinois at a regular meeting thereof held on the _____ day of ________, 2020 and approved by me as Mayor on the same day.

ATTEST:

__________________________________________

MARK VICARY, Mayor
CITY OF GENOA
DEKALB COUNTY, ILLINOIS

ORDINANCE NO. 2020 - 

ADOPTED BY
THE MAYOR AND
CITY COUNCIL
OF THE
CITY OF GENOA

AN ORDINANCE AUTHORIZING A THIRD AMENDMENT TO THE
DEKALB COUNTY ENTERPRISE ZONE INTERGOVERNMENTAL
AGREEMENT

Adopted January 21, 2020, by the Mayor and City Council of the City of Genoa,
DeKalb County, Illinois, and approved and published in pamphlet form
this 21st day of January 2020.
ORDINANCE 2020-004 PASSED:

AN ORDINANCE APPROVING A THIRD AMENDMENT TO THE DEKALB COUNTY ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT

WHEREAS, on December 16, 2014, the corporate authorities of the City of Genoa adopted Ordinance No. 2014-40 (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 City of DeKalb, the City of Sandwich, the Village of Waterman, the City of Sycamore and the Town of Cortland (collectively, with the City of Genoa, the "Designating Units of Government") each adopted ordinances substantially identical to the Initial Designing 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 Genoa adopted the following ordinances: (1) on October 15, 2019, Ordinance No. 2019-28 (the "First Amending Ordinance"), amending the Initial Designating Ordinance to provide for certain additional incentives for projects (the "First Amending Ordinance"); (2) on January 21, 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 (3) on January 21, 2020, Ordinance No. 2020-004 (the "Third Amending Ordinance"), further amending the Initial Designating Ordinance, as amended by the First Amending Ordinance and the Second Amending Ordinance (collectively, with the Third Amending Ordinance, the "Designating Ordinance"), to change the qualifying criteria for, and the terms of the property tax abatements available within, the Zone (the "Abatement Amendments"); 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"), the Second Amending Ordinance (collectively, the "Second Amending Ordinances"), and the Third Amending Ordinance (collectively, the "Third 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: (1) 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 (2) a second amendment (the "Second Amendment") to the Initial IGA, as amended by the First Amendment (collectively, with the Second Amendment, the "IGA"), agreeing to the amended boundaries of the Zone, as set forth in the Second 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 third amendment to the IGA (the "Third Amendment") to agree to the Abatement Amendments;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Genoa, 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 THIRD AMENDMENT TO THE IGA. The corporate authorities of the City of Genoa hereby approve the Third Amendment in substantially the form attached to this Ordinance as Exhibit A, and in a final form to be approved by the City Clerk.

SECTION 3: EXECUTION OF THIRD 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 Genoa, the Third Amendment.

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

PASSED BY THE CITY COUNCIL of the City of Genoa, Illinois at a regular meeting thereof held on the _____ day of ________, 2020 and approved by me as Mayor on the same day.

ATTEST:

________________________________________  MARK VICARY, Mayor
EXHIBIT A

THIRD AMENDMENT
THIRD AMENDMENT TO
DEKALB COUNTY ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT

THIS THIRD AMENDMENT TO DEKALB COUNTY ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT (this “Third Amendment”) is entered into this __ day of __________, 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; (2) in January 2020, an ordinance (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 (3) in January 2020, an ordinance (the “Third Amending Ordinance” and, together with the First Amending Ordinance and the Second Amending Ordinance, the “Amending Ordinances”) further amending the Initial Designating Ordinance, as amended by the First Amending Ordinance and the Second Amending Ordinance, to change the qualifying criteria for, and the terms of the property tax abatements available within, the Zone (the “Abatement Amendments”); 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: (1) a first amendment to the Initial IGA titled “DeKalb County Enterprise Zone Amended
Intergovernmental Agreement" (the "First Amendment"), agreeing to the terms of the incentives set forth in the First Amending Ordinances; and (2) that certain Second Amendment to DeKalb County Enterprise Zone Intergovernmental Agreement (the "Second Amendment" and, together with the Initial IGA and the First Amendment, the "IGA"), agreeing to the amended boundaries of the Zone, as set forth in the Second Amending Ordinances; and

WHEREAS, the Parties desire to enter into this Third Amendment to the IGA to agree upon the terms of the Abatement Amendments set forth in the Third Amending Ordinances; and

WHEREAS, upon the execution and delivery by all of the Parties of the First Amendment, the Second Amendment, and this Third 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 Third Amendment, the Parties hereby agree as follows:

Section 1: Incoporation of Recitals. The foregoing recitals are hereby incorporated into and made a part of this Third 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 Third Amendment have the meanings set forth in the various provisions of this Third Amendment. If a word or phrase is not specifically defined in this Third Amendment, it has the same meaning as in the IGA.

B. Rules of Construction. Except as specifically provided in this Third 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 Third Amendment, the text of this Third Amendment controls.
Section 4: Amendments.

A. Other Definitions. Section II of the IGA, titled "Other Definitions", is hereby amended further to read as follows:

"Section II – OTHER DEFINITIONS

* * *

C) “Knowledge-Based Companies” as defined herein are enterprises that are research oriented and that require a highly skilled workforce such as biotechnology, electronics and/or professional services such as engineering, architecture, finance, and law. “Knowledge-Based Companies” include companies that construct and/or operate data centers or similar operations involving the storage and distribution of data and related technology applications where data and electronic information is housed, distributed and/or manipulated to foster technology sector innovation, growth and development or other emerging technologies, and accessory uses. Technical training/vocational schools and telemarketing companies are excluded from this definition.

* * *

G) “High Impact ICM Manufacturing and Distribution Projects” are defined as projects located within the Interstate Competition Market (ICM) Area which involve the manufacturing and distribution of products with significant investment and job thresholds. Projects requesting DeKalb County Enterprise Zone property tax abatement under this definition must invest a minimum of $100 million resulting in the construction of at least 900,000 square feet of new building space and create a minimum of 400 new full-time jobs.

H) “High Impact ICM Knowledge-Based Companies” are defined as Knowledge-Based Companies that undertake projects within the Interstate Competition Market (ICM) Area that are capital and tax revenue intensive and result in high quality technology jobs. Companies requesting DeKalb County Enterprise Zone property tax abatement for projects under this definition must invest a minimum of $800 million resulting in the construction of at least
900,000 square feet of new building space and create a minimum of 50 new full-time jobs located on the property where project is located. Except as specifically set forth in this Third Amendment, the provisions, conditions, and requirements applicable to Knowledge-Based Companies do not apply to High Impact ICM Knowledge-Based Companies, which are subject only to the separate provisions, conditions, and requirements that specifically apply to High Impact ICM Knowledge-Based Companies set forth in this Intergovernmental Agreement.”

B. DESIGNATING UNITS’ OF GOVERNMENT PROPERTY TAX ABATEMENT, JOB CREATION AND WAGE POLICIES. Section III of the IGA, titled “Designating Units’ of Government Property Tax Abatement, Job Creation and Wage Policies”, is hereby amended further to read as set forth below, and the subsections of Section III of the IGA are hereby re-numbered as set forth below and in the table attached to and hereby made a part of this Third Amendment as Exhibit A.

“SECTION III — DESIGNATING UNITS’ OF GOVERNMENT PROPERTY TAX ABATEMENT, JOB CREATION AND WAGE POLICIES. Each designating unit of government for the DeKalb County Enterprise Zone shall have property tax abatement, job creation and wage policies specific to their unit of government. The terms for each are outlined below.

A. County of DeKalb — Taxes on real property levied by the County of DeKalb shall be abated on property located within the boundary of the Enterprise Zone, as certified by the Department, and upon which new improvements have been constructed as follows:

*   *   *

c. ICM Area Project Terms and Conditions. DeKalb County Enterprise Zone property tax abatement shall be available for companies meeting the following criteria in the ICM Area and according to the following terms and conditions.

*   *   *

v. High Impact ICM Manufacturing and Distribution Companies shall
construct a minimum of 900,000 square feet of new building space and must also invest at least a minimum of $100 million. Abatement shall only apply to the increased assessed valuation attributable to said new construction.

vi. High Impact ICM Knowledge-Based Companies shall construct a minimum of 900,000 square feet of new building space and must also invest at least a minimum of $800 million. Abatement shall only apply to the increased assessed valuation attributable to said new construction.

vii. The abatements outlined in Sections III.A.c.v and III.A.c.vi above are not subject to Section III.A.c.iv above and will be effective after new improvements, or phases of new improvements, have been constructed in whole or in part and the property upon which such improvements have been constructed has been reassessed to reflect the value of those improvements. Abatements are also contingent upon execution of a Memorandum of Understanding as described in Section III.H below.

* * *

h. Tax Abatement: High Impact ICM Manufacturing and Distribution Companies. The duration for tax abatement, as described in Section III.A.c.v above, shall be for 15 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone, whichever is sooner, according to the following schedule:
For taxes levied in the first through the fifteenth years of abatement: 50%.

**Tax Abatement: High Impact ICM Knowledge-Based Companies.** The duration for tax abatement, as described in Section III.A.c.vi above, shall be for 20 years for each phase of a project (each a “Phase”, as further defined in the Memorandum of Understanding with the DeKalb County Enterprise Zone Administrator required by Section III.H below) or until the expiration, termination or decertification of the DeKalb County Enterprise Zone, whichever is sooner (provided, however, that: (a) if the Enterprise Zone Board (created pursuant to Section 5.2.1 of the Enterprise Zone Act, 20 ILCS 655/5.2.1) extends the initial term of the DeKalb County Enterprise Zone by granting an additional 10-year designation pursuant to Section 5.3(c) of the Enterprise Zone Act, 20 ILCS 655/5.3(c), any 20-year tax abatement for a High Impact ICM Knowledge-Based Company that has not expired for any Phase shall remain in full force and effect until the sooner to occur of: (i) the expiration of the term of the 20-year tax abatement for that Phase; or (ii) the expiration of the term of the additional 10-year designation; and (b) if the term of the DeKalb County Enterprise Zone (whether or not the initial term is extended by the Enterprise Zone Board pursuant to Section 5.3(c) of the Enterprise Zone Act, 20 ILCS 655/5.3(c)) expires or terminates before the expiration of any 20-year tax abatement for a High Impact ICM Knowledge-Based Company for any Phase, and the City of DeKalb designates, alone or with other designating units of government, a new enterprise zone (the “New Zone”) pursuant to the Enterprise Zone Act that includes the land on which any Phase is located, the City of DeKalb will use all reasonable, good faith efforts to: (i) encourage the designating
ordinance of the New Zone to authorize an abatement for each Phase for a term equal to the number of years remaining in the term of the 20-year abatement for each respective Phase and in an annual percentage amount equal to the annual percentage amount of the 20-year abatement (the "True Up Abatement"); (ii) adopt an order granting, and take all other actions legally required to grant, the True Up Abatement with respect to each Phase; and (iii) encourage other taxing districts with jurisdiction over the property on which each Phase is located to honor the True Up Abatement with respect to each Phase) according to the following schedule:

j) For taxes levied in years 1 through 20 of abatement applicable to each phase of the project: 55%.

* * * *

k, m. Job Creation: New or expanded Knowledge-based Companies within the ICM Area. New or expanded Knowledge-based Companies in the ICM Area must create one job for every 350 square feet of office space created in conformance with the above. Said knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.

* * * *

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the abatement and said thresholds must be maintained over the life of the abatement and shall be defined in the MOU between the DeKalb County Enterprise Zone Administrator and the taxpayer.

q. **Job Creation: New High Impact ICM Knowledge-Based Companies within the ICM Area.** New High Impact ICM Knowledge-Based Companies in the Interstate Competition Market Area must create a minimum of 50 full-time, permanent jobs located on the property where the project is located.

The aforementioned employment thresholds shall be achieved within two years after the issuance of a certificate of occupancy by the City of DeKalb for the first phase of the project and said thresholds must be maintained over the life of the abatement and shall be further defined in the MOU between the DeKalb County Enterprise Zone Administrator and the taxpayer.

* * *

m. **Job Creation: New or expanded Knowledge-based Companies Outside of the ICM Area.**

New or expanded Knowledge-based Companies in areas outside the ICM Area must create one job for every 350 square feet of office space created in conformance with the above. Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.

* * *
Job Creation: New or expanded NIU Research Park Area Companies. New or expanded NIU Research Park Area based Companies must create one job for every 350 square feet of office space created in conformance with the above. Said NIU Research Park Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.

* * *

B. Town of Cortland – Taxes on real property levied by the Town of Cortland shall be abated on property located within the boundary of the Enterprise Zone, as certified by the Department, and upon which new improvements have been constructed as follows:

* * *

b. ICM Area Project Terms and Conditions. DeKalb County Enterprise Zone property tax abatement shall be available for companies meeting the following criteria in the ICM Area and according to the following terms and conditions.

* * *

v. High Impact ICM Manufacturing and Distribution Companies shall construct a minimum of 900,000 square feet of new building space and must also invest at least a minimum of $100 million. Abatement shall only apply to the increased assessed valuation attributable to said new construction.

vi. High Impact ICM Knowledge-Based Companies shall construct a minimum of 900,000 square feet of new building space and must also
invest at least a minimum of $800 million. Abatement shall only apply to the increased assessed valuation attributable to said new construction.

vii. The abatements outlined in Sections III.B.b.v and III.B.b.vi above are not subject to Section III.B.b.iv above and will be effective after new improvements, or phases of new improvements, have been constructed in whole or in part and the property upon which such improvements have been constructed has been reassessed to reflect the value of those improvements. Abatements are also contingent upon execution of a Memorandum of Understanding as described in Section III.H below.

* * *

g. **Tax Abatement: High Impact ICM Manufacturing and Distribution Companies.** The duration for tax abatement, as described in Section III.B.b.v above, shall be for 15 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone, whichever is sooner, according to the following schedule:

i. For taxes levied in the first through the fifteenth years of abatement: 50%.

h. **Tax Abatement: High Impact ICM Knowledge-Based Companies.** The duration for tax abatement, as described in Section III.B.b.vi above, shall be for 20 years for each phase of a project (each a “Phase”, as further defined in the Memorandum of Understanding with the DeKalb County Enterprise Zone Administrator required by Section III.H below) or until the expiration, termination or decertification of the DeKalb
County Enterprise Zone, whichever is sooner (provided, however, that: (a) if the Enterprise Zone Board (created pursuant to Section 5.2.1 of the Enterprise Zone Act, 20 ILCS 655/5.2.1) extends the initial term of the DeKalb County Enterprise Zone by granting an additional 10-year designation pursuant to Section 5.3(c) of the Enterprise Zone Act, 20 ILCS 655/5.3(c), any 20-year tax abatement for a High Impact ICM Knowledge-Based Company that has not expired for any Phase shall remain in full force and effect until the sooner to occur of: (i) the expiration of the term of the 20-year tax abatement for that Phase; or (ii) the expiration of the term of the additional 10-year designation; and (b) if the term of the DeKalb County Enterprise Zone (whether or not the initial term is extended by the Enterprise Zone Board pursuant to Section 5.3(c) of the Enterprise Zone Act, 20 ILCS 655/5.3(c)) expires or terminates before the expiration of any 20-year tax abatement for a High Impact ICM Knowledge-Based Company for any Phase, and the City of DeKalb designates, alone or with other designating units of government, a new enterprise zone (the “New Zone”) pursuant to the Enterprise Zone Act that includes the land on which any Phase is located, the City of DeKalb will use all reasonable, good faith efforts to: (i) encourage the designating ordinance of the New Zone to authorize an abatement for each Phase for a term equal to the number of years remaining in the term of the 20-year abatement for each respective Phase and in an annual percentage amount equal to the annual percentage amount of the 20-year abatement (the “True Up Abatement”); (ii) adopt an order granting, and take all other actions legally required to grant, the True Up Abatement with respect to each Phase; and (iii) encourage other taxing districts with jurisdiction over the property on which each Phase is located to honor the
True Up Abatement with respect to each Phase) according to the following schedule:

i. For taxes levied in years 1 through 20 of abatement applicable to each phase of the project: 55%.

* * *

i.k. Job Creation: New or expanded Knowledge-based Companies in the ICM Area. New or expanded Knowledge-based Companies in the ICM Area must create one job for every 350 square feet of office space created in conformance with the above. Said knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.

* * *

l. Job Creation: New High Impact Manufacturing and Distribution Companies within the ICM Area. New High Impact ICM Manufacturing and Distribution Companies in the Interstate Competition Market Area must create a minimum of 400 full-time, permanent jobs.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the abatement and said thresholds must be maintained over the life of the abatement and shall be defined in the MOU between the DeKalb County Enterprise Zone Administrator and the taxpayer.

m. Job Creation: New High Impact ICM Knowledge-Based Companies within the ICM Area. New High Impact ICM Knowledge-Based Companies in the Interstate
Competition Market Area must create a minimum of 50 full-time, permanent jobs located on the property where the project is located.

The aforementioned employment thresholds shall be achieved within two years after the issuance of a certificate of occupancy by the City of DeKalb for the first phase of the project - and said thresholds must be maintained over the life of the abatement and shall be further defined in the MOU between the DeKalb County Enterprise Zone Administrator and the taxpayer.

k. o. Job Creation: New or expanded Knowledge-based Companies Outside of the ICM Area. New or expanded Knowledge-based Companies in areas outside the ICM Area must create one job for every 350 square feet of office space created in conformance with the above. Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.

* * *

C. City of DeKalb -- Taxes on real property levied by the City of DeKalb shall be abated on property located within the boundary of the Enterprise Zone, as certified by the Department, and upon which new improvements have been constructed as follows:

* * *

b. ICM Area Project Terms and Conditions. DeKalb County Enterprise Zone property tax abatement shall be available for companies meeting the following criteria in the ICM Area and according to the following terms and conditions.
vi. High Impact ICM Manufacturing and Distribution Companies shall construct a minimum of 900,000 square feet of new building space and must also invest at least a minimum of $100 million. Abatement shall only apply to the increased assessed valuation attributable to said new construction.

vii. High Impact ICM Knowledge-Based Companies shall construct a minimum of 900,000 square feet of new building space and must also invest at least a minimum of $800 million. Abatement shall only apply to the increased assessed valuation attributable to said new construction.

viii. The abatements outlined in Sections III.C.b.vi and III.C.b.vii above are not subject to Section III.C.b.v above and will be effective after new improvements, or phases of new improvements, have been constructed in whole or in part and the property upon which such improvements have been constructed has been reassessed to reflect the value of those improvements. Abatements are also contingent upon execution of a Memorandum of Understanding as described in Section III.H below.

* * *

g. Tax Abatement: High Impact ICM Manufacturing and Distribution Companies. The duration for tax abatement, as described in Section III.C.b.vi above, shall be for 15 years or until the expiration, termination or decertification of the DeKalb County
Enterprise Zone, whichever is sooner, according to the following schedule:

i. For taxes levied in in the first through the fifteenth years of abatement: 50%.

h. **Tax Abatement: High Impact ICM Knowledge-Based Companies.** The duration for tax abatement, as described in Section III.C.b.vii above, shall be for 20 years for each phase of a project (each a “Phase”, as further defined in the Memorandum of Understanding with the DeKalb County Enterprise Zone Administrator required by Section III.H below) or until the expiration, termination or decertification of the DeKalb County Enterprise Zone, whichever is sooner (provided, however, that: (a) if the Enterprise Zone Board (created pursuant to Section 5.2.1 of the Enterprise Zone Act, 20 ILCS 655/5.2.1) extends the initial term of the DeKalb County Enterprise Zone by granting an additional 10-year designation pursuant to Section 5.3(c) of the Enterprise Zone Act, 20 ILCS 655/5.3(c), any 20-year tax abatement for a High Impact ICM Knowledge-Based Company that has not expired for any Phase shall remain in full force and effect until the sooner to occur of: (i) the expiration of the term of the 20-year tax abatement for that Phase; or (ii) the expiration of the term of the additional 10-year designation; and (b) if the term of the DeKalb County Enterprise Zone (whether or not the initial term is extended by the Enterprise Zone Board pursuant to Section 5.3(c) of the Enterprise Zone Act, 20 ILCS 655/5.3(c)) expires or terminates before the expiration of any 20-year tax abatement for a High Impact ICM Knowledge-Based Company for any Phase, and the City of DeKalb designates, alone or with other designating units of government, a new enterprise zone (the “New Zone”) pursuant to the Enterprise Zone Act that includes the
land on which any Phase is located, the City of DeKalb will use all reasonable, good faith efforts to: (i) encourage the designating ordinance of the New Zone to authorize an abatement for each Phase for a term equal to the number of years remaining in the term of the 20-year abatement for each respective Phase and in an annual percentage amount equal to the annual percentage amount of the 20-year abatement (the “True Up Abatement”); (ii) adopt an order granting, and take all other actions legally required to grant, the True Up Abatement with respect to each Phase; and (iii) encourage other taxing districts with jurisdiction over the property on which each Phase is located to honor the True Up Abatement with respect to each Phase) according to the following schedule:

For taxes levied in years 1 through 20 of abatement applicable to each phase of the project: 55%.

* * *

Job Creation: New or expanded Knowledge-based Companies in the ICM Area. New or expanded Knowledge-based Companies in the ICM Area must create one job for every 350 square feet of office space created in conformance with the above. Said knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.

* * *

Job Creation: New or expanded Knowledge-based Companies Outside of the ICM Area. New or expanded Knowledge-based Companies in areas outside the ICM Area must create one job for every 350 square feet of office
space created in conformance with the above. Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.

* * *

**m.o. Job Creation: New or expanded NIU Research Park Area Companies.** New or expanded NIU Research Park Area based Companies must create one job for every 350 square feet of office space created in conformance with the above. Said NIU Research Park Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.

* * *

**D. City of Genoa --** Taxes on real property levied by the City of Genoa shall be abated on property located within the boundary of the Enterprise Zone, as certified by the Department, and upon which new improvements have been constructed as follows:

* * *

**e. Job Creation: New or expanded Knowledge-based Companies Outside of the ICM Area.** New or expanded Knowledge-based Companies in areas outside the ICM Area must create one job for every 350 square feet of office space created in conformance with the above. Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.
E. City of Sandwich — Taxes on real property levied by the City of Sandwich shall be abated on property located within the boundary of the Enterprise Zone, as certified by the Department, and upon which new improvements have been constructed as follows:

* * *

e. **Job Creation: New or expanded Knowledge-based Companies Outside of the ICM Area.** New or expanded Knowledge-based Companies in areas outside the ICM Area must create one job for every 350 square feet of office space created in conformance with the above. Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.

* * *

F. City of Sycamore — Taxes on real property levied by the City of Sycamore shall be abated on property located within the boundary of the Enterprise Zone, as certified by the Department, and upon which new improvements have been constructed as follows:

* * *

e. **Job Creation: New or expanded Knowledge-based Companies Outside of the ICM Area.** New or expanded Knowledge-based Companies in areas outside the ICM Area must create one job for every 350 square feet of office space created in conformance with the above. Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.
G. Village of Waterman -- Taxes on real property levied by the Village of Waterman shall be abated on property located within the boundary of the Enterprise Zone, as certified by the Department, and upon which new improvements have been constructed as follows:

* * *

e. Job Creation: New or expanded Knowledge-based Companies Outside of the ICM Area. New or expanded Knowledge-based Companies in areas outside the ICM Area must create one job for every 350 square feet of office space created in conformance with the above. Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with the number of existing employees employed at the subject property and whether they are full or part time.

* * *

H. Abatement Performance Monitoring Process. Entities meeting abatement qualification criteria outlined above must enter into a Memorandum of Understanding with the DeKalb County Enterprise Zone Administrator. The MOU must outline projected square footage, job creation and/or job retention, wage rates and capital investment for the eligible Industrial, Logistics, Knowledge-based and NIU Research Park projects as well as eligible High Impact ICM Manufacturing and Distribution and High Impact ICM Knowledge-based projects. The said Administrator is hereby authorized to enter into such agreements on behalf of the DeKalb County Enterprise Zone and the participating taxing bodies.
a. Entities receiving property tax abatement for eligible Industrial, Logistics, Knowledge-based and NIU Research Park projects as described above and High Impact ICM Manufacturing and Distribution and High Impact ICM Knowledge-based projects agree to maintain a minimum of 95% of the employment level at that location, as described in the MOU, for the term of the abatement.

Should employment levels drop to between 95% and 50% of the project employment level agreed to at that location, as described in the MOU, a pro-rata reduction of the applicable abatement will be implemented for the next tax year or until employment levels return to the levels agreed to in the MOU.

* * *

**Section 5: Effective Date of Third Amendment.** This Third 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 Third 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 Third 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: ______________________
    Mayor

ATTEST
By: ______________________
    City Clerk

County of DeKalb
By: ______________________
    County Board Chairman

ATTEST
By: ______________________
    County Clerk

Town of Cortland
By: ______________________
    Mayor

ATTEST
By: ______________________
    Town Clerk

City of Genoa
By: ______________________
    Mayor

ATTEST
By: ______________________
    City Clerk

City of Sandwich
By: ______________________
    Mayor

ATTEST
By: ______________________
    City Clerk

City of Sycamore
By: ______________________
    Mayor

ATTEST
By: ______________________
    City Clerk

Village of Waterman
By: ______________________
    Village President

ATTEST
By: ______________________
    Village Clerk
### AMENDMENTS TO SECTION NUMBERS

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Please join us at the Genoa Area Community Food Hub in its newly constructed facility. This evening will include a first-hand opportunity to tour the new facility and explore its offerings.

Genoa Area Community Food Hub
415 W Main Street, Genoa
Thursday, January 30, 2020
6:45 - 8:30PM

Ribbon cutting will commence at 6:45PM.
Presentation will begin at 7:30PM.
Light fare & refreshments will be served.
MOVIE SHOWING AT CITY HALL
following the January 21st City Council Meeting

In 2012, Crundwell was arrested as the largest municipal fraud perpetrator in the nation's history, embezzling upwards of $50 million as the comptroller and treasurer of Dixon, a city in the heart of Illinois. Rita Crundwell became one of the nation's leading quarter horse breeders, traveled the world, and threw lavish parties, all while forcing staff cuts, police budget slashing, and leaving public infrastructure in disrepair. All the Queen's Horses aims to illuminate this landmark case and bring to light the blatant negligence of auditors and bankers the public relied on to keep their tax dollars safe.

This viewing was provided by the Illinois Municipal League.