

ORDINANCE NO. 569

AN ORDINANCE TO ADD TERRITORY TO THE CLARK COUNTY ENTERPRISE ZONE

WHEREAS, the City of Casey, Illinois (the "Authority") established an Enterprise Zone through designating Ordinance 460, passed on December 2, 2019, pursuant to authority granted it by the Illinois Enterprise Zone Act (The "Act"; P.A. 82-1019), as amended, subject to the approval of the Illinois Department of Commerce and Community Affairs (now the Illinois Department of Commerce and Economic Opportunity and hereinafter referred to as the "State"), and subject to provisions of the Act; and

WHEREAS, an Intergovernmental Agreement was entered into between the County of Clark, Illinois (hereinafter "County") and the Cities of Casey, Marshall and Martinsville and the Village of Westfield (hereinafter collectively "Cities"), through which the governments designated certain areas as an Enterprise Zone pursuant to and in accordance with the Act, subject to certification of the State as in the Act provided, and known as the Clark County Enterprise Zone; and

WHEREAS, the Clark County Enterprise Zone was approved by the State, effective January 1, 2021; and

WHEREAS, the County and Municipalities subsequently added territory and a unit of government to the zone to take advantage of certain private sector investments and economic development opportunities that would not occur but for the benefits that can only be extended through the Zone. Cumberland County was added to the Zone as a participating unit of government (hereinafter, Cumberland County and Clark County shall be collectively referred to as the "Counties"). To accomplish this, the Authority entered the First Agreement to Amend the Clark County Enterprise Zone (the "First Agreement to Amend the Zone") by passing ordinance 485 on October 19, 2020; and

WHEREAS, the Counties and Municipalities subsequently added territory to the zone to take advantage of certain private sector investments and economic development opportunities that would not occur but for the benefits that can only be extended through the Zone. To accomplish this, the Authority entered into the Second Agreement to Amend the Clark County Enterprise Zone (the "Second Agreement to Amend the Zone") by passing ordinance 529 on February 21, 2023; and

WHEREAS, the Counties and Municipalities subsequently added territory to the zone to take advantage of certain private sector investments and economic development opportunities that would not occur but for the benefits that can only be extended through the Zone. To accomplish this, the Authority entered into the Second Agreement to Amend the Clark County Enterprise Zone (the "Third Agreement to Amend the Zone") by passing ordinance 560 on June 3, 2024; and

WHEREAS, the Counties and Municipalities desire to add more territory to the boundaries of the Zone to take advantage of certain private sector investments and economic development opportunities that would not occur but for the benefits that can only be extended through the Zone, and

WHEREAS, a public hearing as required by the Illinois Enterprise Zone Act, was held on July 9, 2024 at 4:00 pm at City Hall located at 201 S Michigan Ave Marshall, IL 62441 within the Zone concerning the addition of territory to the Zone and notice of the hearing was published in a newspaper of general circulation on June 25, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE AUTHORITY AS FOLLOWS:

Section 1: That ordinance 460 was approved by the Authority on December 2, 2019, and was amended by ordinance 485 on October 19, 2020, ordinance 529 on February 21, 2023, and ordinance 560 on June 3, 2024 designating certain territory to be included in the zone is herein amended by adding the territory as depicted on the map as Exhibit A and legal description as Exhibit B.

Section 2: That said Fourth Agreement to Amend the Clark County Enterprise Zone Intergovernmental Agreement (the "Agreement") by and among the Joint Applicants, as defined the Agreement, a copy of which is attached hereto as Exhibit C and made a part hereof, is hereby accepted and approved by the Authority.

Section 3: That Authority does hereby authorize and direct a governing authority representative, signed and attested below, to execute and deliver the Agreement, in the form attached hereto, containing various provisions and agreements between the Authority and the Joint Applicants regarding the application of the Proposed Zone and, in the event the Enterprise Zone is designated as such by the State of Illinois, the operation of, and incentives provided in, the Proposed Zone. The Authority is hereby authorized and directed to attest the Agreement in the form attached and affix thereto the corporate seal of the Authority, without further action or approval by the Authority.

Section 4: That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

Section 5: The repeal of any ordinances by this ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this ordinance insofar as they are the same insofar as those of any prior ordinance shall be constructed as a continuation of said prior ordinances.


Section 6: That the Authority is hereby authorized and directed to provide a copy of this Ordinance to the Clark County Enterprise Zone Administrator which will serve as authority for the Authority to participate in the formal application to be prepared and filed with the Illinois Department of Commerce and Economic Opportunity for said amendment to the Clark County Enterprise Zone.

Section 7: That this ordinance shall be in full force and effect immediately after its passage, approval, recording and publication in the manner as prescribed by law.

Section 8: That the amendment to the Clark County Enterprise Zone is not effective until such time that it has been approved and certified by the Illinois Department of Commerce and Economic Opportunity.


PASSED THIS 5th DAY OF August 2024

APPROVED THIS 5th DAY OF August 2024



Mayor, City of Casey

ATTESTED



Clerk, City of Casey
8/5/24
Date

CERTIFICATION

STATE OF ILLINOIS)

COUNTY OF CLARK)

CITY OF Casey)

I, Jeremy, Clerk of the City of Casey, do hereby certify that as such officer, I am the Clerk of the City of Casey and keeper of the records of said City and that the attached document entitled "AN ORDINANCE TO ADD TERRITORY TO THE CLARK COUNTY ENTERPRISE ZONE" is a true and correct copy of the original Ordinance passed by the City Council of Casey, Illinois at its regular meeting held on 8/5, 2024, as said Ordinance appears in the records of my office.

IN TESTIMONY WHEREOF, I have hereunto, set my hand and affixed the corporate seal of said City of Casey this 5th day of August, 2024.


CITY CLERK

(SEAL)



EXHIBIT A: MAPS

CLARK COUNTY ENTERPRISE ZONE

Legend

Original Enterprise Zone

2021 Enterprise Zone

Existing Additions

2020

2023

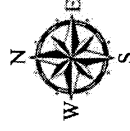
Existing Connector Additions

2020

2023

Proposed Additions

2024



0 4,500 9,000 18,000
Feet

SCALE: 1" = 9,000'



**CHASTAIN
& ASSOCIATES LLC**

CONSULTING ENGINEERS

SERVICE | SOLUTIONS | COMMITMENT

330 NORTH CENTRAL AVENUE

PARIS, ILLINOIS 61944

(217) 922-3421

PROJECT # M-196 / 7768 00

Date: 6/28/2024

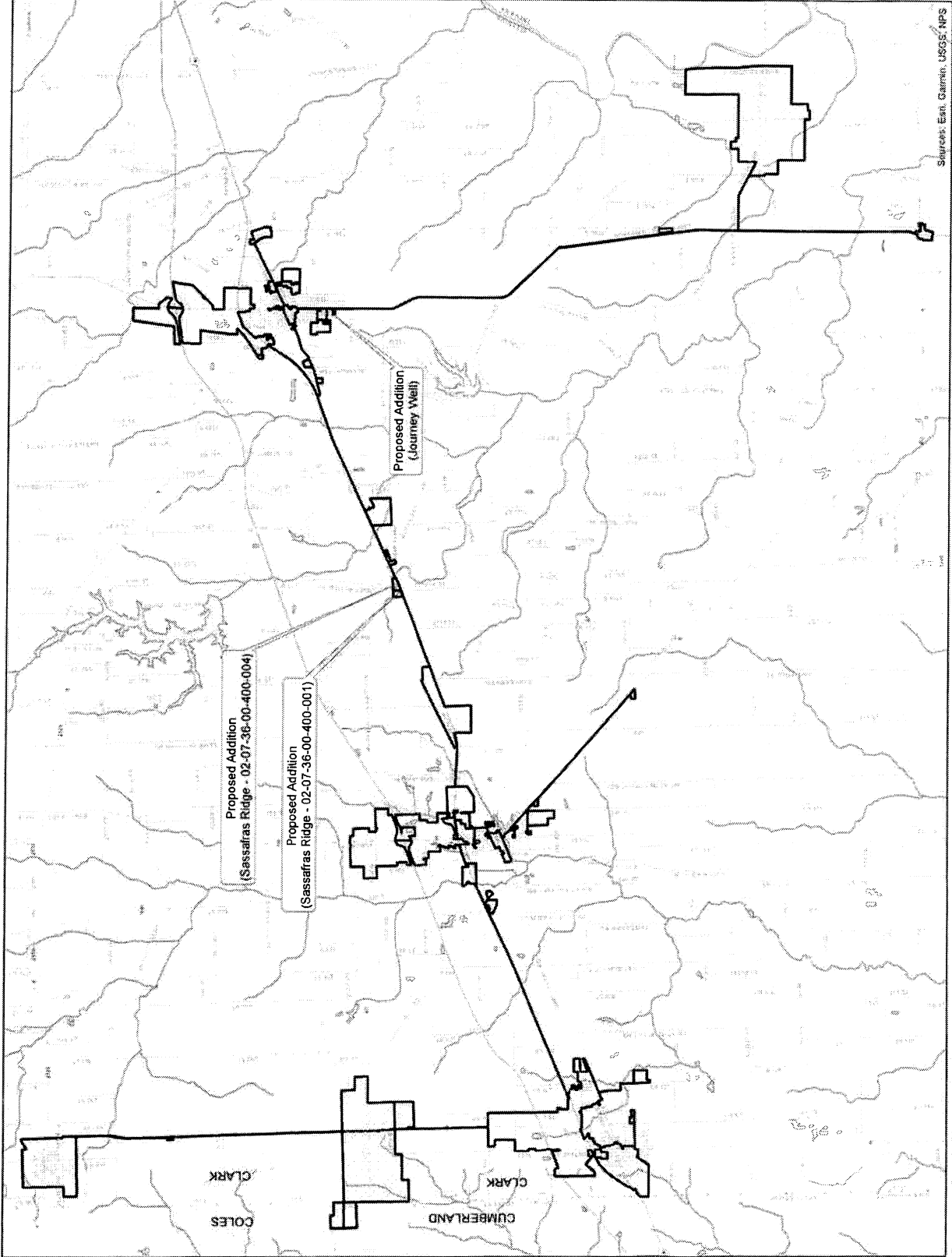


EXHIBIT B: LEGAL DESCRIPTION

**DEED PREPARED PER INSTRUCTIONS
AND WITHOUT BENEFIT OF TITLE
EXAMINATION BY:**


CARA C. SHOAFF
Shoaff Law, LLC
PO Box 67
Marshall, IL 62441

MAIL SUBSEQUENT TAX BILLS TO:

BRADLEY & VIRGINIA A. MCKILLOP
13702 E. 1130th Road
Marshall, IL 62441

REAL ESTATE TRANSFER TAX	
County:	\$70.00
Illinois:	\$140.00
Total:	\$210.00
Stamp No:	0-369-209-232
Declaration ID:	20220401295979
Instrument No:	2022-0000969
Date:	16-May-2022




Image# 000643690003 Type: WARR DE
Recorded: 05/16/2022 at 10:53:43 AM
Page 1 of 3
Fees: \$74.00 Tax: \$210.00
Clark County, IL
Laura H. Lee Clerk/Recorder
File# 2022-0000969
BK 319 PG 635-637

WARRANTY DEED -JOINT TENANCY

THE GRANTORS, STEPHEN SAPPINGTON and KIMBERLY S. SAPPINGTON, Husband and Wife, for and in consideration of --Ten and more--DOLLARS in hand paid, CONVEY AND WARRANT to THE GRANTEES, BRADLEY MCKILLOP and VIRGINIA A. MCKILLOP, Husband and Wife, not in tenancy in common but in *JOINT TENANCY* with right of survivorship, the following described real estate:

All part of the Northwest Quarter of the Southeast Quarter of Section 36, T11N, R13W of the 2nd P.M., Clark County, Illinois, lying North of the North right-of-way line of the National Road (U.S. Route 40) except the West 20 acres of the Northwest Quarter of the Southeast Quarter of said Section 36.

More particularly described as follows: Beginning at the Northeast corner of the Northwest Quarter of the Southeast Quarter of Section 36, T11N, R13W of the 2nd P.M., Clark County, Illinois; thence South 0 degrees, 42 minutes, 27 seconds West along the East line of the Northwest Quarter of the Southeast Quarter of said Section 36 for 676.23 feet; thence South 69 degrees, 57 minutes, 09 seconds West along the Northerly right-of-way line of National Road (U.S. Route 40) for 699.92 feet; thence North 0 degrees, 00 minutes, 03 seconds West along the East line of the West 20 acres of the Northwest Quarter of the Southeast Quarter of said Section 36, for 924.21 feet; thence South 89 degrees, 18 minutes, 09 seconds East, along the North line of the Northwest Quarter of the Southeast Quarter of said Section 36 for 665.93 feet to the place of beginning, containing 12.14 acres, m/o/l.

PIN: 02-07-36-00-400-004

ALSO

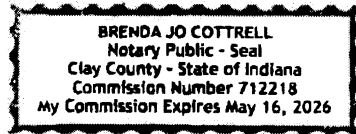
The South 20 acres of the South 44 acres of the following described tract, to-wit: The Southeast Quarter of the Northeast Quarter and all that part of the Northeast Quarter of the Southeast Quarter lying North of the National Road, all in Section 36, T11N, R13W of the 2nd P.M., EXCEPT 6.13 acres dedicated to the People of the State of Illinois for the purpose of a public highway as recorded in the County Recorder's Office at Marshall, Illinois, in Book 4 of Dedications of Right of Way on Page 225, EXCEPT all coal and all rights and easements in favor of said mineral estate.

PIN: 02-07-36-00-400-001

TOGETHER with all rights appurtenant thereto, of record or in use; and SUBJECT to: (1) Encroachments, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises; (2) Road rights of way, plats of survey, waterways, easements, reservations, severances, exceptions, restrictions and limitations in use, existence or of record, if any; and (3) Prior conveyances of oil, coal, gas hydrocarbons, and other minerals, if any.

Situated in the County of Clark, in the State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of this State.

Dated this 13 day of May, A.D. 2022.



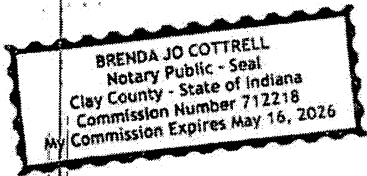
Stephen Sappington
Stephen Sappington

Kimberly S. Sappington
Kimberly S. Sappington

STATE OF INDIANA
COUNTY OF Clay) SS.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Stephen Sappington and Kimberly S. Sappington, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal, this 13 day of May, A.D. 2022.



Brenda Jo Cottrell (SEAL)
Notary Public
My Commission Expires: May 16, 2026

EXHIBIT C

**FOURTH AGREEMENT TO AMEND THE
CLARK COUNTY ENTERPRISE ZONE
INTERGOVERNMENTAL AGREEMENT**

WHEREAS, the Cities of Casey, Marshall, and Martinsville and the Village of Westfield (herein collectively referred to as the "Municipalities") and the Counties of Clark and Cumberland (herein referred to as the "Counties") previously entered into the Third Agreement to Amend the Clark County Enterprise Zone Intergovernmental Agreement; and

WHEREAS, The Municipalities and Counties desire to enter into a Fourth Agreement to Amend the Clark County Enterprise Intergovernmental Agreement, as amended.

NOW, THEREFORE, it is agreed by and between the Municipalities and Counties as follows:

**CLARK COUNTY ENTERPRISE ZONE
INTERGOVERNMENTAL AGREEMENT**

THIS AGREEMENT, effective on the last date signed by all parties, is made and entered into between Clark County, Cumberland County, City of Casey, City of Marshall, City of Martinsville, and Village of Westfield (the "Joint Applicants").

WHEREAS, the State of Illinois Enterprise Zone Act, as amended, 20 ILCS 655/1 *et. seq.* (the "Enterprise Zone Act" or the "Act") authorizes Illinois municipalities to designate, by ordinance, an area as an enterprise zone for the purposes of attracting private sector investment thereby stimulating business and industrial growth and stimulating neighborhood revitalization by means of relaxing government controls and tax incentives, subject to review by the Illinois State Enterprise Zone Board (the "Enterprise Zone Board"); and

WHEREAS, the area delineated on Exhibit A, attached hereto, is the proposed Clark County Enterprise Zone (the "Zone") as submitted to the Department of Commerce and Economic Opportunity (the "DCEO") for acceptance and review; and

WHEREAS, A precise legal description of the Zone is included in the formal application delivered to DCEO; and

WHEREAS, the Zone is located within parts of the jurisdictions of the Joint Applicants; and

WHEREAS, the Joint Applicants have adopted respective ordinances designating the Zone, pending review and approval by the Illinois Enterprise Zone Board; and

WHEREAS, development opportunities exist for the region that will require mutual cooperation by the Joint Applicants to develop such projects in the Zone; and

WHEREAS, the Intergovernmental Cooperation Act (PA 78-785) as enacted by the State of Illinois, provides that public agencies may jointly exercise powers, privileges, or authority, and;

WHEREAS, a Zone Administrator will be appointed in accordance, and in conformance with, the Act, this Agreement, and the requirements of the DCEO.

NOW, THEREFORE, IN CONSIDERATION OF THE RECITALS HEREINABOVE SET FORTH, IT IS HEREBY AGREED BETWEEN THE JOINT APPLICANTS, as follows:

- Section 1) The name of the Proposed Zone shall be the Clark County Enterprise Zone (the "Zone")
- Section 2) The area delineated on Exhibit A, attached hereto, and described in Exhibit B in the designating ordinances passed by the Joint Applicants is hereby affirmed as the Zone.
- Section 3) The Zone shall be effective for a period of fifteen (15) years as per the Act, and shall be subject to review by the Illinois Enterprise Zone Board after thirteen (13) years to be considered for an additional ten (10) year extension.
- Section 4) A five (6) member board to be known as the Clark County Enterprise Zone Board shall be created to perform the following functions with respect to the operation and management of the Zone.

- a) Establish policies and procedures for operation and management of the Clark County Enterprise Zone.
- b) The Supervisor of Assessments will provide the Clark County Enterprise Zone Board with an annual report of approved and abated Zone projects for the previous year no later than May 1st.
- c) Develop and implement a marketing program to inform local businesses and industries (as well as other potential private sector investors) about the Zone and its development incentives and inducements.
- d) Coordinate Zone programs and activities with the various other planning, economic development, and community development efforts present within our area.
- e) Provide the necessary Zone reporting data to DCEO
- f) Perform other functions and duties as may be stipulated by future amendments to this intergovernmental agreement.

Section 5) The Clark County Enterprise Zone Board will appoint the Zone Administrator and shall be comprised of the following members and serve without compensation:

- a) The Chairman of the Clark County Board or designee;
- b) The Mayor of Casey or designee;
- c) The Mayor of Marshall or designee;
- d) The Mayor of Martinsville or designee;
- e) The Mayor of Westfield or designee; and
- f) The Chairman of the Cumberland County Board or designee.

Section 6) The terms of the membership for the Clark County Enterprise Zone Board shall be for the duration that the individual holds the position of office.

Section 7) The Clark County Enterprise Zone Board shall hold elections on an annual basis to elect the following officers: Chairman, Vice Chairman, and Secretary. Each member shall have one vote for election purposes and all other matters upon which the membership must vote. A simple majority of the members present at any meeting shall be required for action upon any item brought before the Clark County Enterprise Zone Board for a vote.

Section 8) All meetings of the Clark County Enterprise Zone Board shall be open to the public except as allowed by the "Open Meetings Act".

Section 9) Expenses associated with the management and operation of the Zone are expected to be minimal and will generally be related to the following areas:

- a) Clerical, printing, copying and/or duplicating expenses associated with meeting and/or reporting functions.
- b) Expenses associated with the development of marketing materials or events used to advertise and promote the Zone.
- c) Travel and per diem expenses for the Clark County Enterprise Zone Board Chairman and the Zone Administrator associated with attendance of seminars, meetings, and training sessions for Enterprise Zone Administrators.

Section 10) The Zone Administrator and/or the Zone Chairman acting on behalf of the Clark County Enterprise Zone Board will prepare an annual Zone operation/management budget. The Clark County Enterprise Zone Board will review this budget

(incorporating any suggested modification which they may care to make) and will forward it to the Joint Applicants for consideration and inclusion in their respective budgets as may be required to coincide with fiscal budgetary needs.

Section 11) All expenses associated with the Clark County Enterprise Zone's operation shall be divided equally between the Cities of Casey, Marshall, Martinsville, the Village of Westfield, the Clark County Board and the Cumberland County Board.

Section 12) The position of Zone Administrator is hereby created to oversee the operations in the Zone and shall have the following responsibilities and powers:

- a) Act as advisor to the Clark County Enterprise Zone Board in order to assist its members in carrying out its delegated management functions and other stipulated responsibilities.
- b) Act as the liaison between the various Joint Applicants and the Enterprise Zone Board and/or the DCEO.
- c) Develop and recommend local incentives and programs to accomplish the objectives of the Zone and assist in the administration of Zone incentives.
- d) Act as program manager for the day-to-day operations of the Zone and appoint personnel as appropriate to assure efficient operation of activities in the Zone.
- e) Submit the necessary reports, as per the requirements of and in accordance with the Act.
- f) Promote and coordinate other relevant programs including, but not limited to, economic development and small business assistance within the Zone.
- g) Promote and coordinate specific commitments from public and private sectors to stimulate economic development in the Zone.
- h) Assist Zone businesses, entrepreneurs, and residents in securing Zone incentives and, if possible, leveraging said incentives to obtain greater funding from other sources.
- i) Advise Zone businesses and residents of available development resources.
- j) Direct marketing of the Zone and the marketing of incentives to potential new Zone businesses, existing Zone businesses, and existing Zone residents.
- k) Recommend necessary policy solutions to guide development in the Zone, including capital improvements.

Section 13) Pursuant to the Enterprise Zone Act, Zone Administrators may collect fees for sales tax abatement certificates that are issued to applicants within designated enterprise zones. The Act authorizes Zone Administrators to charge no more than 0.5% of the cost of building materials of any project associated with an Enterprise Zone, with a maximum fee of no more than \$50,000. The Zone Administrator of the Clark County Enterprise Zone shall charge a fee in the amount of \$100 or 0.5% of the cost of building materials, whichever is less, for a standard application and \$200 or 0.5% of the cost of building materials, whichever is less, for an application to add territory to the Zone. By April 1 of each year, the Zone Administrator shall file a copy of its fee schedule with the State of Illinois for review and approval.

Section 14) The Joint Applicants that provide incentives in the Zone are expected to adopt, by ordinance, certain tax abatements as outlined in Sections 7 and 8, below and as administered by the Agreement between Joint Applicants.

Section 15) The Joint Applicants hereby authorize and direct the county clerk to abate ad valorem taxes on real property located within an enterprise zone certified by The Enterprise Zone Board in accordance with The Enterprise Zone Act (20 ILCS 655) and the Property Tax Code (35 ILCS 200/18-170), subject to the following:

- a) The abatement shall only apply to real property taxes corresponding to an increase in assessed valuation on property in an enterprise zone, after improvements have been duly assessed;
- b) The abatement does not apply to areas of an enterprise zone that are contained within a Tax Increment Financing Redevelopment Area that has been established pursuant to 65 ILCS 5-11-74.4 (the "TIF Act");
- c) Said abatement shall not exceed the amount attributable to the construction of the improvements and the renovation or rehabilitation of existing improvements made on real property in an enterprise zone;
- d) If the jurisdiction in question has adopted a building permit system, said abatement is allowed only for improvements, the nature and scope of which building permits are required and obtained;
- e) The abatement shall be in effect commencing with the first tax year after the real property improvements have been assessed;
- f) Such abatement shall extend to real property improvements made by business establishments classified by the county assessor as industrial or commercial properties,
- g) Properties classified as industrial or commercial by the county assessor will be granted the following abatement schedule;

**Commercial and Industrial Class of Property
Real Property Tax Abatement Schedule**

Year 1-5	100.0%
Year 6	75.0%
Year 7	50.0%
Year 8	25.0%
Year 9 and Beyond	0.0%

- h) While the abatement is in effect, all public taxing authorities will continue to be paid all taxes corresponding to the equalized assessed valuation for the tax year immediately preceding commencement of the project.

Section 16) As indicated in the designation ordinance signed by the Joint Applicants, the Joint Applicants hereby authorize claims for point of sale exemption of sales tax by each retailer whose place of business is within their jurisdiction, and who makes a sale of building materials to be incorporated into real estate located in the Zone by remodeling, rehabilitation, or new construction, may deduct receipts from such sales when calculating the tax imposed pursuant to the "Municipal Retailers' Occupation Tax Act"; provided, however, that such remodeling, rehabilitation, or new construction is of the nature and scope for which a building permit is required and has been obtained. The incentive provided for by this Section shall commence the first day of

the calendar month following the month in which the Proposed Zone is designated and certified, and shall continue for the term of the Zone.

- Section 17) The Joint Applicants shall have full responsibility and final decision regarding the location of industrial and commercial prospects seeking locations within their respective jurisdictions. Nothing in this Agreement shall create an obligation for any party to approve any project that does not otherwise adhere to the jurisdictions building or subdivision codes, or other restrictions of the local governmental body. The Zone Administrator will keep the Joint Applicants aware of all relevant information regarding incoming industrial and commercial prospects in a timely manner.
- Section 18) The parties agree and understand that additional actions may be necessary from time to time from each governing body and that the parties will act expeditiously and in harmony when such actions are necessary. The parties also understand that all local legislation affecting the Zone must be essentially uniform in scope, content, and form.
- Section 19) Nothing in the performance of this Agreement shall impose any liability for claims against any party other than claims for which liability may be imposed by the Illinois Local Governmental and Governmental Employees Tort Immunity Act, 745 ILCS 10/1-101 *et seq.* Each party to this Agreement shall be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other parties.
- Section 20) Amendments to this Agreement shall be made in writing and signed by all parties before submission to DCEO for final approval.
- Section 21) By signing this agreement, the Joint Applicants acknowledge that the Proposed Zone meet the qualifications set for in Section 4 of the Act.
- Section 22) A certified original version of this agreement, once approved, shall be mailed to the City of Marshall at 201 S Michigan Marshall, IL 62441 to accompany the Enterprise Zone designation application to be submitted to DCEO.

This Agreement shall become effective on the last date signed by a party hereto and following certification of the Clark County Enterprise Zone by the DCEO.

City of Casey
Taxing District
Michael Nickel
Chief Elected Official
Signature
Mayor
Title
8/5/2024
Date

ATTEST:

Jerry Mumbler
Additional Governing Authority
Representative Signature
City Clerk
Title of Representative
8/5/2024
Date