

**AN ORDINANCE DESIGNATING  
VILLAGE OF EAST DUNDEE  
ILLINOIS ROUTE 72 AND ILLINOIS ROUTE 25 BUSINESS DISTRICT  
AND IMPOSING A RETAILERS' OCCUPATION TAX  
AND SERVICE OCCUPATION TAX THEREIN**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

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

Section 2. *Findings.* (a) The designation of the area hereinafter described as the Illinois Route 72 and Illinois Route 25 Business District (the "*Business District*") was considered at public hearings held on September 15, 2008 and September 22, 2008 (the "*Public Hearings*"). The Public Hearings were held pursuant to notices duly published in *The Courier News*, a newspaper of general circulation within the Village, on August 31, 2008 and September 6, 2008. Certificates of publication of notice are attached to this Ordinance as *Exhibit A* and *Exhibit B*, respectively. Said notices conform in all respects to the requirements of the Act.

(b) At the Public Hearings, all interested persons were given an opportunity to be heard on the question of the designation of the Business District, the approval of a business district development plan for the Business District, the imposition of a retailers' occupation tax and a service occupation tax in the Business District for the planning, execution and implementation of the business district development plan and for the payment of business district project costs as set forth in such plan, and the issuance of obligations by the Village to provide for the payment of business district project costs secured by the business district tax allocation fund established pursuant to the Act.

(c) After considering the data as presented to the President and Board of Trustees of the Village (the "*Corporate Authorities*") and at the Public Hearings, the Corporate Authorities of the Village find that it is in the best interests of the Village and of the residents and property owners of the Business District that the Business District be designated.

(d) The Business District is contiguous and includes only parcels of real property directly and substantially benefited by the proposed business district development plan as required by the Act.

(e) The Business District is a blighted area by reason of defective or inadequate street layout, unsanitary and unsafe conditions, deterioration of site improvements, obsolete platting and the existence of conditions which endanger life or property by fire or other causes, all as set forth in the Eligibility Report prepared by Vanderwalle & Associates of Madison, Wisconsin. Due to such conditions, the Business District constitutes an economic liability to the public health, safety, morals or welfare in its current condition.

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

(g) It is in the best interests of the Village that the Business District be designated for the financing of the Business District project costs as set forth in the Business District Plan hereinafter described, that a retailers' occupation tax and a service occupation tax be imposed in the Business District for the planning, execution, and implementation of the Business District Plan and for the payment of Business District Project costs as set forth in the Business District Plan, and that obligations by the Village be issued to provide for the payment of Business District project costs secured by the Illinois Route 72 and Illinois Route 25 Business District Tax Allocation Fund established pursuant to the Act and hereinafter described.

Section 3. *Designation of Village of East Dundee Illinois Route 72 and Illinois Route 25 Business District.* A business district to be known and designated as "Village of East Dundee Illinois Route 72 and Illinois Route 25 Business District" is hereby designated and shall consist of the contiguous territory legally described in *Exhibit C* hereto, and outlined on the map of a portion of the Village attached as *Exhibit D* hereto, which description and map are by this reference incorporated herein and made a part hereof.

Section 4. *Approval of Village of East Dundee Illinois Route 72 and Illinois Route 25 Business District Development Plan.* There has heretofore been presented to the Corporate Authorities and considered at the Public Hearings a plan for the development of the Business District (the "*Business District Plan*"), attached as *Exhibit E* hereto and by this reference incorporated herein and made a part hereof. The Business District Plan is found to conform to the requirements of the Business District Act and to promote the public interest. The Business District Plan is hereby approved.

Section 5. *Imposition of Tax, Creation of Illinois Route 72 and Illinois Route 25 Business District Tax Allocation Fund.* Pursuant to the Business District Act, there is hereby imposed a retailers' occupation tax and a service occupation tax in the Business District at the rate of one-half of one percent (0.50 %) for the planning, execution and implementation of the Business District Plan, the payment of Business District project costs as set forth in the Business District Plan and the payment of obligations of the Village issued to provide for the payment of Business District project costs. Such tax shall be collected and enforced by the Department of Revenue in and the same manner as all retailers' occupation taxes and service occupation taxes imposed in the Village. The proceeds of such tax shall be deposited into a special fund of the Village which is hereby created and designated the "Illinois Route 72 and Illinois Route 25 Business District Tax Allocation Fund."

Section 6. *Filing.* A certified copy of this Ordinance, together with a description of the boundaries of the Business District, shall be filed with the Department of Revenue on or before October 1, 2008.

Section 7. *Supersede Conflicting Ordinance.* All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 8. *Effective Date.* This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS this 29<sup>th</sup> day of September, 2008.

VOTING AYE:	<u>Ruffalo, Carlini, Lynam, Cichowski;</u>
VOTING NAY:	<u>Mahony, Pres. O'Leary</u>
ABSENT:	<u>Gorman</u>

APPROVED:  
Daniel O'Leary  
Mayor

ATTEST:  
[Signature]  
Village Clerk

