

**FIRST AMENDMENT TO THE
INTERGOVERNMENTAL AGREEMENT BETWEEN
THE VILLAGE OF LOMBARD AND ALL THE TAXING DISTRICTS
AFFECTED BY THE LOMBARD DOWNTOWN TAX INCREMENT FINANCING DISTRICT**

This FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF LOMBARD AND ALL THE TAXING DISTRICTS AFFECTED BY THE LOMBARD DOWNTOWN TAX INCREMENT FINANCING DISTRICT (hereinafter referred to as the "First Amendment") is entered into this 21 day of June, 2012 between the VILLAGE OF LOMBARD, a municipal corporation (hereinafter referred to as "LOMBARD"), and COLLEGE OF DUPAGE COMMUNITY COLLEGE DISTRICT 502, HIGH SCHOOL DISTRICT 87, ELEMENTARY SCHOOL DISTRICT 44, DUPAGE COUNTY, THE DUPAGE COUNTY AIRPORT AUTHORITY, YORK TOWNSHIP, YORK TOWNSHIP ROAD AND BRIDGE, THE FOREST PRESERVE DISTRICT OF DUPAGE COUNTY, THE DUPAGE WATER COMMISSION, THE HELEN M. PLUM MEMORIAL PUBLIC LIBRARY DISTRICT (formerly the HELEN M. PLUM MEMORIAL LIBRARY) and THE LOMBARD PARK DISTRICT (hereinafter referred to individually by each's respective name, and collectively referred to as the "TAXING DISTRICTS").

RECITALS

WHEREAS, pursuant to Ordinance Numbers 3121, 3122 and 3123, adopted February 2, 1989, LOMBARD approved a tax increment redevelopment plan and project, designated the tax increment redevelopment project area and adopted tax increment financing relative to LOMBARD'S downtown area tax increment financing district (hereinafter referred to as the "DOWNTOWN TIF DISTRICT"); and

WHEREAS, pursuant to Section V(J) of Exhibit B to Ordinance Number 3121, as referenced above, the DOWNTOWN TIF DISTRICT was established as a sixteen (16) year tax increment financing district, with real estate taxes for 2004, as collected during 2005, being the

last year of real estate taxes subject to the DOWNTOWN TIF DISTRICT, notwithstanding the fact that the State statutes authorized up to a twenty-three (23) year life for tax increment financing districts; and

WHEREAS, pursuant to Ordinance Number 5145, adopted June 6, 2002, LOMBARD amended Ordinance Number 3121, and the redevelopment plan and project attached thereto, to extend the life of the DOWNTOWN TIF DISTRICT for an additional seven (7) years, so that the DOWNTOWN TIF DISTRICT would remain in full force and effect for the full State statute authorized period of twenty-three (23) years, with real estate taxes for 2011, as collected during 2012, being the last year of real estate taxes subject to the DOWNTOWN TIF DISTRICT; and

WHEREAS, pursuant to Public Act 94-0783, the State statutes were amended to allow the life of the DOWNTOWN TIF DISTRICT to be extended to thirty-five (35) years, with real estate taxes for 2023, as collected during 2024, being the last year of real estate taxes subject to the DOWNTOWN TIF DISTRICT; and

WHEREAS, pursuant to Ordinance Number 5981, adopted January 18, 2007, LOMBARD amended Ordinance Number 3121, and the redevelopment plan and project attached thereto, as amended by Ordinance Number 5145, adopted June 6, 2002, to further extend the life of the DOWNTOWN TIF DISTRICT for an additional twelve (12) years, so that the DOWNTOWN TIF DISTRICT would remain in full force and effect for the full period authorized by Public Act 94-0783; said full period being thirty-five (35) years, with real estate taxes for 2023, as collected during 2024, being the last year of real estate taxes subject to the DOWNTOWN TIF DISTRICT; and

WHEREAS, in relation to the extension of the life of the DOWNTOWN TIF DISTRICT to thirty-five (35) years, LOMBARD and COLLEGE OF DUPAGE COMMUNITY COLLEGE DISTRICT 502, HIGH SCHOOL DISTRICT 87, ELEMENTARY SCHOOL DISTRICT 44, THE DUPAGE COUNTY AIRPORT AUTHORITY, YORK TOWNSHIP ROAD AND BRIDGE and THE

HELEN M. PLUM MEMORIAL PUBLIC LIBRARY DISTRICT (formerly the HELEN M. PLUM MEMORIAL LIBRARY) (hereinafter referred to as the "SIGNATORY TAXING DISTRICTS") entered into "An Intergovernmental Agreement Between the Village of Lombard and All the Taxing Districts Affected by the Lombard Downtown Tax Increment Financing District," dated August 9, 2007, (hereinafter referred to as the "TAXING DISTRICT AGREEMENT"), which provided for a certain portion of the incremental real estate tax revenues generated by the DOWNTOWN TIF DISTRICT, beginning with the 2012 real estate taxes collected during 2013, to be declared surplus revenues, as defined in 65 ILCS 5/11-74.4-7; and

WHEREAS, given the change in economic conditions since the TAXING DISTRICT AGREEMENT was approved, the formula for determining the amount of surplus revenues, as set forth in Sections 3 and 4 of the TAXING DISTRICT AGREEMENT, needs to be revised; and

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government and school districts to contact or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

WHEREAS, the "Intergovernmental Cooperation Act," 5 ILCS 220/1 *et seq.*, provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government or school district may be exercised and enjoyed jointly with any other units of local government or school districts; and

WHEREAS, the Tax Increment Allocation Redevelopment Act (hereinafter referred to as the "TIF ACT"), 65 ILCS 5/11-74.4-1 *et seq.*, as amended from time to time, authorizes municipalities to enter into contracts necessary to implement or maintain a TIF redevelopment plan or project; and

WHEREAS, LOMBARD and the SIGNATORY TAXING DISTRICTS have determined that it is in their overall respective best interests to enter into this First Amendment;

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the VILLAGE, the SIGNATORY TAXING DISTRICTS, and those TAXING DISTRICTS, other than the SIGNATORY TAXING DISTRICTS, executing this First Amendment, the VILLAGE, the SIGNATORY TAXING DISTRICTS, and those TAXING DISTRICTS, other than the SIGNATORY TAXING DISTRICTS, executing this First Amendment agree as follows:

1. The preambles set forth above are hereby incorporated herein by reference as if fully set forth herein.

2. That Sections 3 and 4 of the TAXING DISTRICT AGREEMENT are amended to read in their entirety as follows:

"3. INTENTIONALLY LEFT BLANK.

4. Beginning with the 2012 real estate taxes collected during 2013, LOMBARD shall, annually during the remaining life of the DOWNTOWN TIF DISTRICT, upon receipt of the incremental real estate tax revenues generated by the DOWNTOWN TIF DISTRICT each year, declare a portion of said incremental real estate tax revenues as surplus, as defined in 65 ILCS 5/11-74.4-7, based on the following formula:

A. Ninety percent (90%) of the 2012 incremental real estate taxes received by the VILLAGE during 2013, relative to the DOWNTOWN TIF DISTRICT, exclusive of incremental real estate taxes generated from the DUPAGE THEATRE PROPERTY, shall be declared surplus revenues pursuant to 65 ILCS 5/11-74.4-7.

B. For each year of the life of the DOWNTOWN TIF DISTRICT after 2012, the VILLAGE shall declare ninety percent (90%) of the incremental real estate taxes received by the VILLAGE, relative to the DOWNTOWN TIF DISTRICT, exclusive of incremental real

estate taxes generated from the DUPAGE THEATRE PROPERTY, or the amount declared surplus revenues under subsection A. above, whichever is less, as surplus revenues pursuant to 65 ILCS 5/11-74.4-7.

(The amounts as determined under either A. or B. above being hereinafter referred to as "SURPLUS REVENUE.")

LOMBARD shall provide each of the TAXING DISTRICTS with the SURPLUS REVENUE amount and the calculations used to establish same on an annual basis."

3. That all other provisions of the TAXING DISTRICT AGREEMENT, not amended by this First Amendment, shall remain in full force and effect as if set forth herein.

4. That this First Amendment shall be executed in a sufficient number of counterparts so that each signatory hereto shall receive an original signature copy hereof.

IN WITNESS WHEREOF, the undersigned units of local government and school districts have caused this First Amendment to be duly executed by their authorized officials.

VILLAGE OF LOMBARD

By: 
Village President

Date: June 21, 2012

ATTEST: 
Village Clerk

HIGH SCHOOL DISTRICT 87

By: _____
President

Date: _____

ATTEST: _____
Secretary

**COLLEGE OF DUPAGE COMMUNITY
COLLEGE DISTRICT 502**

By: _____
President

Date: _____

ATTEST: _____
Secretary

ELEMENTARY SCHOOL DISTRICT 44

By: _____
President

Date: _____

ATTEST: _____
Secretary

estate taxes generated from the DUPAGE THEATRE PROPERTY, or the amount declared surplus revenues under subsection A. above, whichever is less, as surplus revenues pursuant to 65 ILCS 5/11-74.4-7.

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VILLAGE OF LOMBARD

By: _____
Village President

Date: _____

ATTEST:

Village Clerk

**COLLEGE OF DUPAGE COMMUNITY
COLLEGE DISTRICT 502**

By: _____
President

Date: _____

ATTEST:

Secretary

HIGH SCHOOL DISTRICT 87

By: Rubae H.
President

Date: 5-7-12

ATTEST:

[Signature]
Secretary

ELEMENTARY SCHOOL DISTRICT 44

By: _____
President

Date: _____

ATTEST:

Secretary

estate taxes generated from the DUPAGE THEATRE PROPERTY, or the amount declared surplus revenues under subsection A. above, whichever is less, as surplus revenues pursuant to 65 ILCS 5/11-74.4-7.

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VILLAGE OF LOMBARD

By: _____
Village President

Date: _____

ATTEST:

Village Clerk

**COLLEGE OF DUPAGE COMMUNITY
COLLEGE DISTRICT 502**

By: _____
President

Date: _____

ATTEST:

Secretary

HIGH SCHOOL DISTRICT 87

By: _____
President

Date: _____

ATTEST:

Secretary

ELEMENTARY SCHOOL DISTRICT 44

By: Becky Kirsch
President

Date: 3/20/12

ATTEST:

Mary Loman
Secretary

DUPAGE COUNTY

By: _____
President

Date: _____

ATTEST:

Clerk

**THE DUPAGE COUNTY
AIRPORT AUTHORITY**

By: _____
President

Date: _____

ATTEST:

Secretary

YORK TOWNSHIP

By: _____
Supervisor

Date: _____

ATTEST:

Secretary

YORK TOWNSHIP ROAD AND BRIDGE

By: _____
Road Commissioner

Date: _____

ATTEST:

Secretary

**THE FOREST PRESERVE DISTRICT
OF DUPAGE COUNTY**

By: _____
President

Date: _____

ATTEST:

Clerk

THE DUPAGE WATER COMMISSION

By: _____
President

Date: _____

ATTEST:

Secretary

**THE HELEN M. PLUM MEMORIAL
PUBLIC LIBRARY DISTRICT**

By: Virginia Carlson
President

Date: 3/13/12

ATTEST:

Susan Wigan
Secretary

THE LOMBARD PARK DISTRICT

By: _____
President

Date: _____

ATTEST:

Secretary

DUPAGE COUNTY

By: _____
President

Date: _____

ATTEST:

Clerk

**THE DUPAGE COUNTY
AIRPORT AUTHORITY**

By: _____
President

Date: _____

ATTEST:

Secretary

YORK TOWNSHIP

By: _____
Supervisor

Date: _____

ATTEST:

Secretary

YORK TOWNSHIP ROAD AND BRIDGE

By: *Dick Schaefer*
Road Commissioner

Date: 3/5/12

ATTEST: *Sharon Kuderna*
Secretary

**THE FOREST PRESERVE DISTRICT
OF DUPAGE COUNTY**

By: _____
President

Date: _____

ATTEST:

Clerk

THE DUPAGE WATER COMMISSION

By: _____
President

Date: _____

ATTEST:

Secretary

**THE HELEN M. PLUM MEMORIAL
PUBLIC LIBRARY DISTRICT**

By: _____
President

Date: _____

ATTEST:

Secretary

THE LOMBARD PARK DISTRICT

By: _____
President

Date: _____

ATTEST:

Secretary

DUPAGE COUNTY

By: _____
President

Date: _____

ATTEST:

Clerk

**THE DUPAGE COUNTY
AIRPORT AUTHORITY**

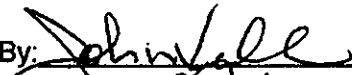
By: _____
President

Date: _____

ATTEST:

Secretary

YORK TOWNSHIP

By:  _____
Supervisor
Date: 3-13-12

ATTEST:  _____
Secretary

YORK TOWNSHIP ROAD AND BRIDGE

By: _____
Road Commissioner

Date: _____

ATTEST:

Secretary

**THE FOREST PRESERVE DISTRICT
OF DUPAGE COUNTY**

By: _____
President

Date: _____

ATTEST:

Clerk

THE DUPAGE WATER COMMISSION

By: _____
President

Date: _____

ATTEST:

Secretary

**THE HELEN M. PLUM MEMORIAL
PUBLIC LIBRARY DISTRICT**

By: _____
President

Date: _____

ATTEST:

Secretary

THE LOMBARD PARK DISTRICT

By: _____
President

Date: _____

ATTEST:

Secretary