

R- 30-2013

**A RESOLUTION APPROVING AN INTERGOVERNMENTAL
AGREEMENT BY AND BETWEEN THE ELMHURST PARK DISTRICT AND
THE CITY OF ELMHURST, DUPAGE AND COOK COUNTIES, ILLINOIS
(NORTH YORK REDEVELOPMENT AREA TIF IV)**

WHEREAS, the City of Elmhurst ("City") and the Elmhurst Park District ("Park District") are units of local government within the meaning of the Illinois Intergovernmental Cooperation Act, as specified in 5 ILCS 220/1 *et seq.*, and the City and the Park District are authorized by Article VII, Section 10 of the 1970 Constitution of the State of Illinois to enter into intergovernmental agreements; and

WHEREAS, it is in the best interests of the City and the Park District to enter into an intergovernmental agreement concerning the North York Redevelopment Project Area (the "Intergovernmental Agreement").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Elmhurst, DuPage and Cook Counties, Illinois, as follows:

Section 1. That the Intergovernmental Agreement by and between the City and the Park District, a copy of which is attached hereto as Exhibit "A", is hereby approved.

Section 2. That the Mayor is hereby authorized to execute, and the City Clerk is authorized to attest, the Intergovernmental Agreement, in substantially the form attached hereto with such changes therein as may be approved by the officials executing the same, their execution thereof to constitute conclusive evidence of the approval of such changes.

Section 3. That the officials, officers, employees and agents of Elmhurst are authorized to take such actions and/or execute such documents as are necessary to carry out the purpose and intent of the Intergovernmental Agreement and this Resolution.

Section 4. This Resolution shall be in full force and effect from and after its passage and approval as required by law.

ADOPTED this 3rd day of June, 2013.


AYES: 12

NAYS: 0

ABSENT: 1

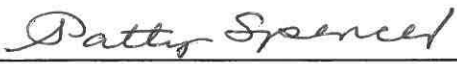
ABSTENTION: _____

APPROVED by me this 3rd day of June, 2013.



Steven M. Morley, Mayor of the City of
Elmhurst, DuPage and Cook Counties, Illinois

ATTESTED and filed in my office,
this 3 day of June, 2013.



Patty Spencer, Clerk of the City of Elmhurst,
DuPage and Cook Counties, Illinois

EXHIBIT "A"

**INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE ELMHURST PARK DISTRICT
AND THE CITY OF ELMHURST REGARDING THE NORTH YORK REDEVELOPMENT PROJECT AREA**

**INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN
THE CITY OF ELMHURST AND ELMHURST PARK
DISTRICT REGARDING THE NORTH YORK STREET
TAX INCREMENT FINANCING DISTRICT**

This Intergovernmental Agreement ("Agreement") is hereby made and entered into as of the 4th day of June, 2013, by and between the **CITY OF ELMHURST**, an Illinois municipal home rule corporation ("City") and the **ELMHURST PARK DISTRICT**, a park district organized and operating pursuant to the Park District Code, 70 ILCS 1205/1-1 *et seq.*; ("Park District").

WITNESSETH

WHEREAS, the City has established the North York Street Tax Increment Financing District ("North York TIF District") over the area generally bounded by the parcels of property on the east and west sides of York Street from the alley south of Hahn Street on the south to Grand Avenue on the north ("Redevelopment Project Area" or "RPA");

WHEREAS, the City recognizes the financial effects that tax increment-financing districts can have on overlapping taxing districts located within a tax increment-financing district;

WHEREAS, the City entered into an intergovernmental agreement with Elmhurst Community School District No. 205 dated April 2, 2013 (the "Intergovernmental Agreement") regarding the payout of surplus real estate tax increment from the North York TIF District to over-lapping taxing districts, including the Park District;

WHEREAS, in accordance with the provisions of the Illinois Tax Allocation Redevelopment Act (65 ILCS 5/11-74.4-1 *et seq.*, as amended) ("Act") provides that the City may enter into agreements with overlapping taxing bodies which are necessary or incidental to the implementation to and in furtherance of the goals of the North York TIF District;

WHEREAS, in accordance with the Act, the City adopted the required ordinances establishing the North York TIF District ("Ordinances") on 4th day of September, 2012; and

WHEREAS, the Park District recognizes the important role that tax increment financing districts play in the redevelopment of underdeveloped areas within the City.

NOW, THEREFORE, in consideration of the mutual benefits accruing to the parties hereto, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and the Park District do hereby agree as follows:

1. **DECLARATION OF SURPLUS:**

Pursuant to the Intergovernmental Agreement, effective in the eleventh (11th) year after the establishment of the North York TIF District, and for every year thereafter for which tax increment will be collected, the City shall cause its budget and pledges for the tax increment to be generated within the North York TIF District ("Tax Increment") to be a maximum of ninety percent (90%) of the Tax Increment collected for that year. The remaining ten percent (10%) of the Tax Increment shall be declared surplus tax increment ("Surplus Tax Increment") by the City and distributed on a yearly basis to each overlapping taxing district in accordance with the Act and each district's tax levy as reported to Cook County and DuPage County. The Surplus Tax Increment is in addition to and not included in the funds set forth in Paragraph 2, below.

2. **INITIAL PAYMENT:** Pursuant to the Intergovernmental Agreement, not more than one hundred twenty (120) days after the execution of this Agreement, the City shall declare a surplus of real estate tax increment in the Lake Street TIF District in an amount of One Million Five Hundred Thousand and 00/100 Dollars (\$1,500,000.00), which in accordance with the Act shall be remitted to DuPage County for distribution to the various taxing districts having taxing authority within the Lake Street TIF District, including the Park District.

3. **PROHIBITION OF PORTING TAX INCREMENT FUNDS FROM THE DOWNTOWN:** The City agrees that during the remainder of the term of the Downtown TIF District the City will not transfer or "port" any tax increment funds from the Downtown TIF District to any other tax increment district already established in the City or to any future tax increment districts which may be established by the City in the future without the consent of the Park District.

4. **COVENANT NOT TO SUE:** The Park District in entering into this Agreement agrees and covenants not to bring any action or participate in any action which will be or may be brought to challenge the formation of the North York TIF District.

This covenant does not prohibit the Park District from bringing an action in law or equity that it deems necessary in order to address any defaults by the City of the terms of this Agreement.

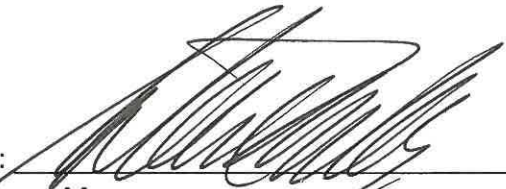
5. **TERM:** The term of this Agreement shall extend for the life of the North York TIF District, plus one year.

6. **APPROVAL AND EXECUTION OF THE AGREEMENT:** Each party warrants to the other that it is authorized to execute, deliver and perform the terms of this Agreement. Each party warrants to the other that execution, delivery and performance of the Agreement does not constitute a breach or violation of any agreement, undertaking, law or ordinance by which that party is bound. Each party has undertaken such actions as are required in order to approve and execute this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed and attested by their officials duly authorized and their official seals to be hereto affixed all as of the date first above written.


CITY OF ELMHURST, an Illinois municipal home rule corporation

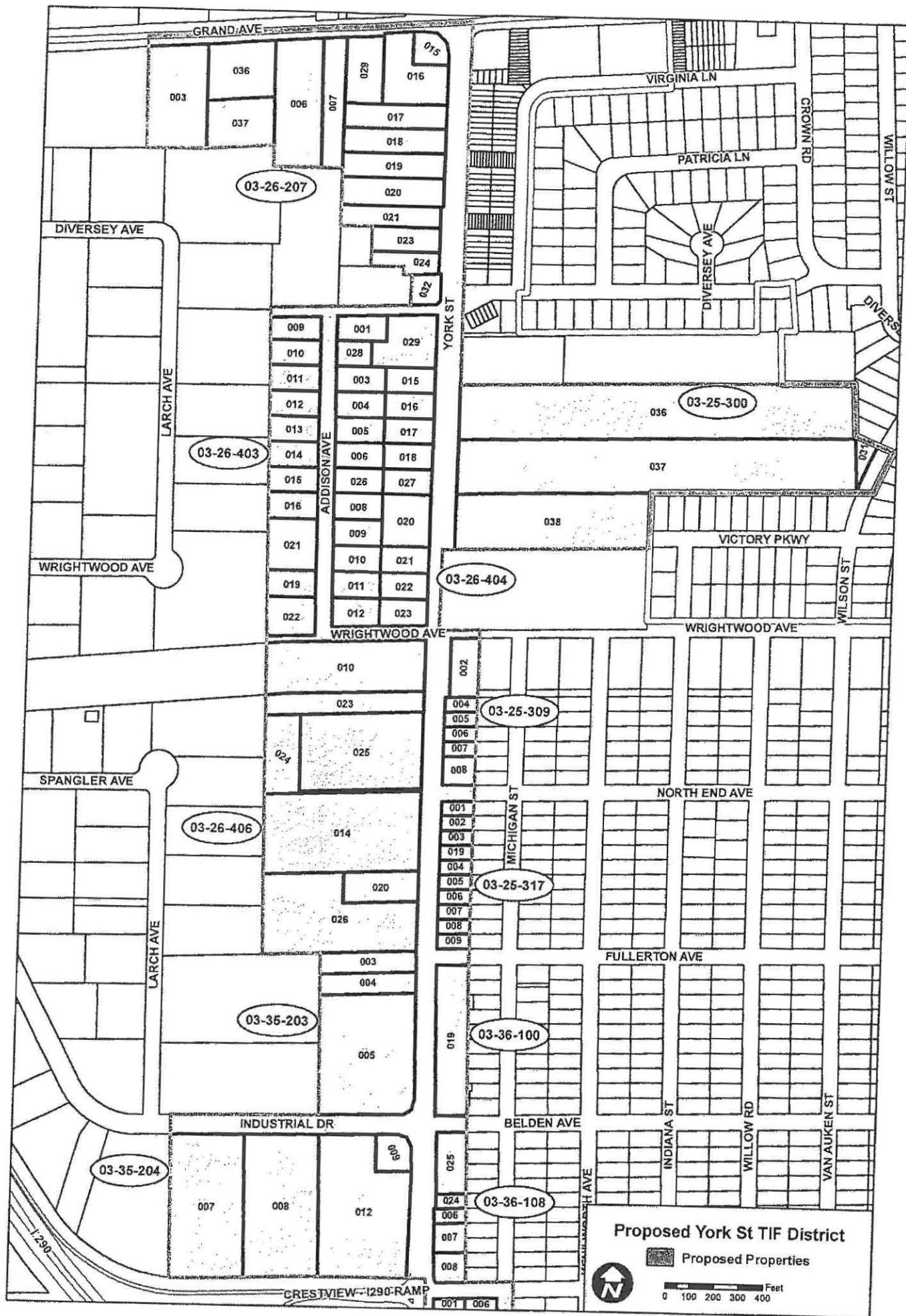
ELMHURST PARK DISTRICT, a park district organized and operating pursuant to the Park District Code, 70 ILCS 1205/1-1 *et seq.*

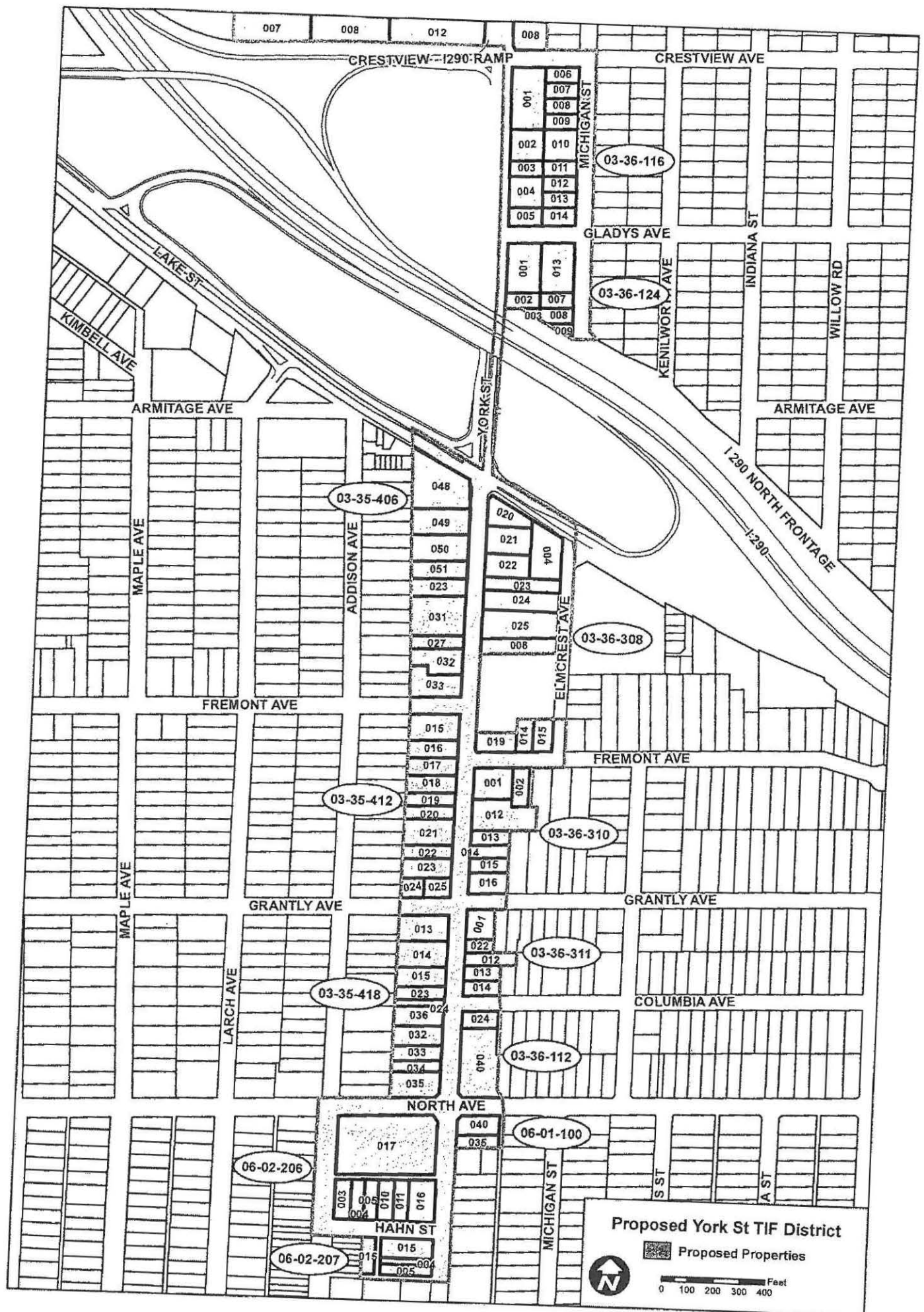
By: 
Its: Mayor

By: 
Its: President

ATTEST: 
City Clerk

ATTEST: 
Secretary





COUNCIL ACTION SUMMARY

SUBJECT: Resolution approving an Intergovernmental Agreement by and between THE Elmhurst Park District and the City

ORIGINATOR: City Manager

DESCRIPTION OF SUBJECT MATTER:

Attached is a resolution approving an intergovernmental agreement with the Elmhurst Park District concerning the North York Redevelopment Project Area.