

Request For Board Action

REFERRED TO BOARD: May 22, 2019

AGENDA ITEM NO: 1

ORIGINATING DEPARTMENT: Community Development

SUBJECT: Consideration of an ordinance authorizing the execution of a Development Agreement pertaining to the development and redevelopment of the Fischer Paper Redevelopment Project

SUMMARY AND BACKGROUND OF SUBJECT MATTER:

Over the past several months, Staff has been working on retaining Fischer Paper Company in the Village of Antioch. Fischer Paper Company has been in Antioch for three generations and employs approximately 100 employees. Fischer Paper has been working with Staff on a proposal of relocating their business which is currently located on Ida Avenue to a 16.0 acre site at the Antioch Corporate Center.

As the Village Board will recall, the Antioch Corporate Center is located within a tax increment finance district. Staff is taking this opportunity to enclose a Development Agreement with Fischer Paper related to their relocation to the Antioch Corporate Center and the construction of a new plant on the site. As outlined in the agreement the Village would provide Fischer with \$3,500,000.00 in incentives from the existing TIF to reimburse them for TIF eligible development costs to the subject site.

These incentives would reimburse Fischer Paper for some of their eligible development costs within this TIF. As reflected in the Development Agreement, these payments would be subordinate to the Handi-Foil Development Agreement. However, the tax increment resulting from the new development within the Antioch Corporate Center will provide enough revenue to provide the outlined incentives to Fischer Paper.

Enclosed

- 1) Ordinance
- 2) Development Agreement

Based on the foregoing analysis, Staff would recommend the following motion:

We move that the Village Board approve the herewith attached ordinance for approving the Development Agreement between the Village and Fischer Paper Company.

EXTRACT OF MINUTES of a special public meeting of the President and Board of Trustees of the Village of Antioch, Lake County, Illinois, held at the Board Room in the Village Hall, in said Village, at 847 Main Street, Antioch, Illinois 60002, on the 22nd day of May, 2019.

* * *

The President called the meeting to order and directed the Village Clerk to call the roll.

Upon the roll being called, the President and the following Trustees answered present: _____

The following were absent from the meeting: _____

The President and Board of Trustees then gave a public recital of the nature and purpose of the ordinance, which included a reading of the title aloud and an explanation that the ordinance authorizes the Village to enter into a Development Agreement Pertaining To The Development And Redevelopment Of The Fischer Paper Redevelopment Project In The Village Of Antioch, Lake County, Illinois (the “**Development Agreement**”), by and between the Village of Antioch, Lake County, Illinois, an Illinois municipal corporation and non-home rule unit, and the Developer named therein.

Trustee _____ then made a motion, which was seconded by Trustee _____ that the Development Agreement be approved:

AYE: _____

and the following Trustees voted **NAY:** _____

The President declared the motion carried, and upon further discussion, Trustee _____ presented to the Village Clerk the following ordinance, which was read to the Village Board as follows:

ORDINANCE NUMBER 2019-__ - __

AN ORDINANCE authorizing the execution of a Development Agreement Pertaining To The Development And Redevelopment Of The Fischer Paper Redevelopment Project In The Village Of Antioch, Lake County, Illinois by the Village of Antioch, a non-home rule unit of government.

Adopted by the President and Board of Trustees of the Village on the 22nd day of May, 2019.

Published in Pamphlet Form by Authority of said Corporate Authorities on the 23rd day of May, 2019

AN ORDINANCE authorizing the execution of a Development Agreement Pertaining To The Development And Redevelopment Of The Fischer Paper Redevelopment Project In The Village Of Antioch, Lake County, Illinois by the Village of Antioch, a non-home rule unit of government

* * *

WHEREAS, the Village of Antioch, Lake County, Illinois (the “**Village**”), a non-home rule unit of government has heretofore approved a redevelopment plan, as amended, for the Antioch Corporate Center Redevelopment Project Area (the “**Area**”), pursuant to the provisions of the Tax Increment Allocation Redevelopment Act, as supplemented and amended (the “**Act**”); and

WHEREAS, the Village has heretofore adopted tax increment allocation financing for the Area as provided in the Act; and

WHEREAS, the President and Board of Trustees of the Village (the “**Corporate Authorities**”) have heretofore, and it hereby is, determined that it is in the best interests of the Village that a Development Agreement Pertaining To The Development And Redevelopment Of The Fischer Paper Redevelopment Project In The Village Of Antioch, Lake County, Illinois (the “**Development Agreement**”) specifically pertaining to the Area, be executed by the Village; and

WHEREAS, the Corporate Authorities have heretofore, and it hereby is, determined that the proposal of Fischer Paper Products, Inc., an Illinois corporation (the “**Developer**”), for a portion of the Area, will be in accordance with the proposed redevelopment plan and project for the Area and it is in the best interests of the Village that the proposed Development Agreement by and between the Village and the Developer be executed; and

WHEREAS, the Development Agreement is on file and available to the general public in the office of the Village Clerk; and

WHEREAS, no person holding any office of the Village, either by election or appointment, is in any manner interested, either directly or indirectly, in his own name or in the name of any other person, association, trust or corporation, in said agreement authorized hereby; and

WHEREAS, pursuant to the Act, the Village shall make no agreement relating to the development of the property in the Area except upon the adoption of an ordinance by the Corporate Authorities:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Antioch, Lake County, Illinois, as follows:

Section 1. The preambles hereto be, and the same hereby are, incorporated herein by this reference as if set out in this section in full.

Section 2. The Development Agreement, in substantially the form presented to the President and Board of Trustees at this meeting and attached hereto as Exhibit A, and the same hereby is, approved, and the Village President and Village Clerk are hereby authorized and direct to execute the same, with such additions, completions, omissions, insertions or revisions as they shall, in their sole discretion and without further official action of the Corporate Authorities, determine. The Village President and Village Clerk as may be appropriate are hereby authorized and directed, upon the advice of the Village Attorney, to take such steps and execute and deliver such documents as may be necessary or advisable to accomplish the purposes of the Development Agreement.

Section 3. Repealer. That all Ordinances or parts of Ordinances in conflict herewith are expressly repealed.

Section 4. Savings Clause. That in the event any portion of this Ordinance is declared to be void, that such other parts or remainder of this Ordinance shall not be adversely affected and shall otherwise remain effective and valid.

Section 5. Publication of Ordinance. A full, true and complete copy of this Ordinance shall be published within ten (10) days after passage in pamphlet form by authority of the Corporate Authorities.

Section 6. Adoption Clause. That this Ordinance shall be in full force and effect from and after its approval, adoption and publication as required by law.

AYE: _____

NAY: _____

ABSENT: _____

ADOPTED: _____

APPROVED AND ADOPTED: May 22, 2019

Village President, Village of Antioch
Lake County, Illinois

Recorded in Village Records: May 22, 2019

Published in pamphlet form by authority of the President and Board of Trustees at the Antioch Village Hall on May 23, 2019.

Attest:

Village Clerk, Village of Antioch
Lake County, Illinois

Attach as: Exhibit A – Development Agreement Pertaining To The Development And Redevelopment Of The Fischer Paper Redevelopment Project In The Village Of Antioch, Lake County, Illinois

Trustee _____ moved and Trustee _____ seconded the motion that said ordinance as presented and read by the Village Clerk be adopted.

After a full and complete discussion thereof including a public recital of the nature of the matter being considered and such other information as would inform the public of the nature of the business being conducted, the Village President directed that the roll be called for a vote upon the motion to adopt the ordinance as read.

Upon the roll being called, the following Trustee voted

AYE: _____

NAY: _____

Whereupon the Village President declared the motion carried and the ordinance adopted, and henceforth did approve and sign the same in open meeting and did direct the Village Clerk to record the same in full in the records of the President and the Board of Trustees of the Village.

Other business not pertinent to the adoption of said ordinance was duly transacted at said meeting.

Upon motion duly made and seconded, the meeting was adjourned.

Village Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

SPECIAL MEETING CERTIFICATE

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Antioch, Lake County, Illinois (the “**Village**”), and as such official I do further certify as follows:

1. On the ____ day of May, 2019, a special meeting of the President and Board of Trustees of the Village (the “**Corporate Authorities**”) was called for the 22nd day of May, 2019 (the “**Meeting**”), by the Village President or by the otherwise lawfully required number of the members of the President and Board of Trustees by giving notice thereof in writing, stating the time, place and purpose of the Meeting, and including the agenda for the Meeting (the “**Board Notice**”).

2. The Board Notice and related agenda was served upon all of the members of the Corporate Authorities by personal service, the same being the manner in which the Board Notice was served (i.e., personal service, mail, etc.), not less than two days and zero hours before the Meeting.

3. Attached hereto as Exhibit 1 is a true, correct and complete copy of the Board Notice and the news media which have requested notice thereof are as follows: _____
_____.

4. On the ____ day of May, 2019, public notice of the Meeting, including the agenda for the Meeting, was posted at Village Hall, 847 Main Street, Antioch, Illinois 60002, the same being the principal office of the Corporate Authorities (the “**Public Notice**”).

5. On said day the Public Notice was also supplied to the news media listed in paragraph 3 hereof.

6. Attached hereto as Exhibit 2 is a true, correct and complete copy of the Board Notice, which includes an agenda for the meeting.

7. The meeting was duly called, noticed and held in strict compliance with all of the provisions of the Open Meetings Act of the State of Illinois, as amended, the Illinois Municipal Code, as amended, and the resolutions, rules, regulations and proceedings of the Corporate Authorities.

IN WITNESS WHEREOF, I hereunder affix my official signature and seal of said Village, this 22nd day of May, 2019.

Lori K. Romine, Village Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

**CERTIFICATION OF ORDINANCE AND MINUTES AND
PUBLICATION IN PAMPHLET FORM**

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Antioch, Lake County, Illinois (the “**Village**”), and as such officer I am the keeper of the books, records, files, and journal of proceedings of the Village and of the President and Board of Trustees (the “**Corporate Authorities**”) thereof.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the legally convened meeting of the Corporate Authorities held on the 22nd day of May, 2019, insofar as same relates to the adoption of an ordinance (the “**Ordinance**”) numbered 2019-__-__ and entitled:

AN ORDINANCE authorizing the execution of a Development Agreement Pertaining To The Development And Redevelopment Of The Fischer Paper Redevelopment Project In The Village Of Antioch, Lake County, Illinois by the Village of Antioch, a non-home rule unit of government

a true, correct and complete copy of which the Ordinance as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the Corporate Authorities on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Corporate Authorities at least 48 hours in advance of the holding of said meeting, that at least one copy of said agenda was continuously available for public review during the entire 48-hour period preceding said meeting, that a true, correct and complete copy of said agenda as so posted is attached hereto as Exhibit A, that notice of said meeting was duly given to all news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, The Municipal Code of the State of Illinois, as amended, and the Local Government Debt Reform Act of the State of Illinois, that the Board has complied with all of the provisions of said Acts and said Code and with all of the procedural rules of the Corporate Authorities in the passage of said ordinance.

I do further certify that the Ordinance was published by authority of the Corporate Authorities in pamphlet form on the 23rd day of May, 2019, and the Ordinance as so published was on said date readily available for public inspection and distribution, in sufficient number to meet the needs of the general public, at my office as Village Clerk located in the Village.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the seal of the Village, this 23rd day of May, 2019.

Village Clerk

(SEAL)

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