

DEKALB COUNTY ENTERPRISE ZONE INTERGOVERNMENTAL AGREEMENT

This Agreement is made this 5th day of December, 2014, by and between the County of DeKalb, the Town of Cortland, the City of DeKalb, the City of Genoa, the City of Sandwich, the City of Sycamore and the Village of Waterman.

WHEREAS, the County of DeKalb, the Town of Cortland, the City of DeKalb, the City of Genoa, the City of Sandwich, the City of Sycamore and the Village of Waterman have adopted ordinances and resolutions establishing an Enterprise Zone, herein after collectively referred to as “the Ordinance,” subject to certification by the Department of Commerce and Economic Opportunity, herein after referred to as “the Department,” including unincorporated portions of the County of DeKalb, incorporated portions of the Town of Cortland, incorporated portions of the City of DeKalb, incorporated portions of the City of Genoa, incorporated portions of the City of Sandwich, incorporated portions of the City of Sycamore and incorporated portions of the Village of Waterman; and

WHEREAS, the Governor signed Senate Bill 3616, as amended, into law on August 7, 2012, thereby amending the “Illinois Enterprise Zone Act” (20 ILCS 655/1 et. seq.) under the provisions of Public Act 97-0905 outlining new application procedures and related changes to the Illinois Enterprise Zone Program; and

WHEREAS, the Ordinance is or will be part of the application to the Department or designation of and Enterprise Zone pursuant to 20 ILCS 655/1 et. Seq. and Section 18-170 of the Property Tax Code (35 ILCS 200-170) herein after referred to as “Act;” and

WHEREAS, the local units of government listed above desire to operate the Enterprise Zone in an efficient and effective manner in keeping with the terms of the Act and rules and regulations promulgated by the Department and the Illinois General Assembly for the operation of an Enterprise Zone; and

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises herein after recited, the County of DeKalb, the Town of Cortland, the City of DeKalb, the City of Genoa, the City of Sandwich, the City of Sycamore and the Village of Waterman agree that the following terms shall govern the operation and management of the Enterprise Zone.

SECTION 1 – GENERAL PROVISIONS

The name of the Enterprise Zone shall be the DeKalb County Enterprise Zone, herein after referred to as the “Zone.”

- A. Legal Description. The area as described in Exhibit A of this document and the Ordinance shall be designated as the DeKalb County Enterprise Zone, unless and until subsequently amended in accordance with the Act.

- B. Term. The term of the Zone will be for 15 years commencing on January 1, 2016, and ending at midnight on December 31, 2030 (unless extended), or until such time as the Zone has expired, been decertified by the Department or repealed by the General Assembly or by ordinance of the designating governmental entities, whichever is sooner. After the 13th year, the zone is subject to review by the state Enterprise Zone Board for consideration of an additional 10-year extension designation beginning on the expiration date of the enterprise zone. During the review process, the state Enterprise Zone Board shall consider the costs incurred by the state and units of local government as a result of tax benefits received by the enterprise zone before granting the extension. Upon approval of the state Enterprise Zone Board and certification by the Department, the Zone may further be in effect for an additional 10 years, beginning January 1, 2031.
- C. Zone Administration. The administration of the Enterprise Zone shall be under the jurisdiction of the DeKalb County Economic Development Corporation (EDC), and more specifically the Zone Administrator shall be the Executive Director of the EDC as outlined in Section IV below. The County and EDC shall adopt an Administration Agreement in the form attached hereto as Exhibit A. In the event that the County or EDC elect to terminate the Administration Agreement, the Parties shall cooperate in good faith to approve a new Zone Administrator and Administration Board that is acceptable to at least six out of seven of the Parties, to approve a new Administration Agreement that is acceptable to at least six out of seven of the Parties, and to approve an amendment to this Agreement consistent with the Parties' agreement.
- D. Administration Fees. As allowed by the Act, the Administrator of the DeKalb county Enterprise Zone is hereby authorized to collect an Administration Fee for the issuance of Sales Tax Exemption Certificates for Construction Materials from entities requesting said exemption, in order to offset the management and operational costs associated with the Administration of the Zone. Said fee shall be equal to .5 percent (1/2%) of the documented cost of building materials for each project up to a maximum of \$50,000 per Certificate (20 ILCS 655/8.2c). The Zone Administrator, with the advice and consent of the Enterprise Zone Advisory Board, may also elect to collect a processing fee for related Enterprise Zone activities such as boundary amendment applications, technical correction applications, and/or other applications resulting in an amendment to the zone or Zone operation procedures, which may change from time to time. At no time will all fees combined, which are related to a single project, exceed \$50,000 or such amount as may be stipulated in state statute. The Parties to this Agreement shall have no liability for payment of any fees under this Agreement, including but not limited to the Administration Fees contemplated in this subsection.
- E. Provisions for Tax Abatement. The Parties to this Agreement recognize the individual DeKalb County Enterprise Zone property tax abatement policies of the Designative Units of Government, set forth below. The Parties further agree that the taxpayer receiving eligible property tax abatement within the DeKalb County Enterprise Zone subject to certification and/or as certified by the Department, will be subject to certain terms and conditions in the Memorandum of Understanding between said taxpayer and the DeKalb County Enterprise Zone Administrator as also outlined below.

SECTION II – OTHER DEFINITIONS

- A. “Memorandum of Understanding” or “MOU” as defined herein is the written agreement between the DeKalb County Enterprise Zone Administrator, on behalf of the Taxing Bodies participating in the DeKalb county Enterprise Zone property tax abatement program, and the Applicant receiving tax abatement. The MOU defines the terms and conditions by which abatement of real estate property tax is authorized. The MOU shall be prepared on terms and conditions consistent with the terms of this Agreement and the initial form of the MOU, along with any amendments thereto, shall be subject to review and approval by each of the Parties, which approval shall not be unreasonably withheld or conditioned. Notwithstanding the foregoing, the approval of the Parties shall not be required for the execution of project-specific applications of the previously-approved form MOU.
- B. “Industrial Companies” as defined herein, are enterprise where the manufacturing or assembling of goods takes place.
- C. “Knowledge-Based Companies” as defined herein are enterprises that are research oriented and that require a highly skilled workforce such as biotechnology, electronic and/or professional services such as engineering, architecture, finance and law. Technical training/vocational schools and telemarketing companies are excluded from this definition.
- D. “Logistic(s) Companies” as defined herein, as warehousing and distribution businesses that are engaged in the storage and packaging of goods and the transfer of products from a point of origin to a point of consumption.
- E. “Interstate Competition Market,” hereafter known as ICM, is defined as the geographic area within the boundaries of the DeKalb County Enterprise Zone, located within 3.5 miles in either direction (north or south) of the center median of Interstate 88.

SECTION III – DESIGNATING UNITS’ OF GOVERNMENT PROPERTY TAX ABATEMENT, JOB CREATION AND WAGE POLICIES. Each designating unit of government for the DeKalb County Enterprise Zone shall have property tax abatement, job creation and wage policies specific to their unit of government. The terms for each are outlined below. The Enterprise Zone shall not include any incentive, change in standard or regulation, or other benefit or detriment to any of the Parties or any applicant seeking to develop property within the Enterprise Zone other than those expressly identified herein.

- A. **County of DeKalb** – That commencing on the effective date for any abatement approved for eligible property pursuant to the terms of this Agreement (which shall occur on during the term of this Agreement and no sooner than January 1, 2016), taxes on real property levied by the County of DeKalb shall be abated on property located within the boundary of the Enterprise Zone, as certified by the Department, and upon which new improvements have been constructed as follows:

- a. ***Property Tax Abatement Overall Condition.*** In no event shall any abatement of taxes on any parcel exceed the amount of property taxes specifically attributable to the new equalized assessed value generated by the construction of the improvements or the renovation or rehabilitation or existing improvements on such parcel.
- b. ***ICM Area Project Terms and Conditions.*** DeKalb County Enterprise Zone property tax abatement shall be available for companies meeting the following criteria in the **ICM Area** and according to the following terms and conditions.
- i. Logistics Companies shall construct a minimum of 100,000 square feet for new building construction or must add at least 50,000 square feet to the size of and existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
 - ii. Industrial Companies shall construct a minimum of 15,000 square feet for new building construction or must add at least 7,500 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
 - iii. Knowledge-based Companies shall construct a minimum of 10,000 square feet or new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
 - iv. The abatements outlined in the ICM area above will be effective after the said rehabilitation, expansion or new construction has been completed and will begin at a time consistent with the Effective Date defined below.
- c. ***Non-ICM Area Project Terms and Conditions.*** DeKalb County Enterprise Zone property tax abatement shall be available for companies meeting the following criteria in areas outside of the ICM Area according to the following terms and conditions.
- i. Logistics Companies shall construct a minimum of 10,000 square feet for new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
 - ii. Industrial Companies shall construct a minimum of 10,000 square feet for new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.

- iii. Knowledge-based Companies shall construct a minimum of 10,000 square feet of new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
 - iv. Effective date. The abatements outside the ICM will be effective after: 1) the abatement has been approved and an MOU has been executed and complied with; 2) the said rehabilitation, expansion or new construction has been completed; 3) the facility has been issued all required certificates of occupancy or permits and is operational in compliance herewith; 4) the new improvements have been fully assessed; and, 5) the recipient has satisfied all other applicable standards with regard to employment or other eligibility standards; but in no instance earlier than the first full tax year occurring after assessment of the new improvements. For any abatement to be effective, it must commence within two years of the date of execution of the MOU, unless such time period is extended by mutual agreement of the applicant, the Administrator (with the advice of the Advisory Board) and the Designating Units of Government within which the affected property is located; any abatement not taking effect within such period shall terminate.
- d. ***Tax Abatement: Logistics-based Companies within the ICM.*** The duration for tax abatement within the **ICM Area** described above shall be for 9 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone or the termination of the abatement based upon non-compliance with this Agreement or the MOU, whichever is sooner. The following abatement schedule shall be followed:
- i. For taxes levied in the first year of abatement: 90%
 - ii. For taxes levied in the second year of abatement: 80%
 - iii. For taxes levied in the third year of abatement: 50%
 - iv. For taxes levied in the fourth year of abatement: 50%
 - v. For taxes levied in the fifth year of abatement: 50%
 - vi. For taxes levied in the sixth year of abatement: 40%
 - vii. For taxes levied in the seventh year of abatement: 30%
 - viii. For taxes levied in the eighth year of abatement: 20%
 - ix. For taxes levied in the ninth year of abatement: 10%
 - x. For taxes levied in the tenth year of abatement: 0%
- e. ***Tax Abatement: Industrial companies within the ICM Area.*** The duration for tax abatement, within the **ICM Area** described above, shall be for 9 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone or the termination of the abatement based upon non-compliance with this Agreement or the MOU, whichever is sooner. The following abatement schedule shall be followed:

- i. For taxes levied in the first year of abatement: 90%
- ii. For taxes levied in the second year of abatement: 80%

- iii. For taxes levied in the third year of abatement: 70%
- iv. For taxes levied in the fourth year of abatement: 60%
- v. For taxes levied in the fifth year of abatement: 50%
- vi. For taxes levied in the sixth year of abatement: 40%
- vii. For taxes levied in the seventh year of abatement: 30%
- viii. For taxes levied in the eighth year of abatement: 20%
- ix. For taxes levied in the ninth year of abatement: 10%
- x. For taxes levied in the tenth year of abatement: 0%

- f. ***Tax Abatement: Knowledge-based Companies within the ICM Area.*** The duration for tax abatement, within the **ICM Area** described above, shall be for 10 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone or the termination of the abatement based upon non-compliance with this Agreement or the MOU, whichever is sooner. The following abatement schedule shall be followed:

- i. For taxes levied in the first year of abatement: 90%
- ii. For taxes levied in the second year of abatement: 90%
- iii. For taxes levied in the third year of abatement: 80%
- iv. For taxes levied in the fourth year of abatement: 70%
- v. For taxes levied in the fifth year of abatement: 60%
- vi. For taxes levied in the sixth year of abatement: 40%
- vii. For taxes levied in the seventh year of abatement: 30%
- viii. For taxes levied in the eighth year of abatement: 20%
- ix. For taxes levied in the ninth year of abatement: 10%
- x. For taxes levied in the tenth year of abatement: 5%

- g. ***Tax Abatement: Industrial, Logistic(s) and Knowledge-based Companies Outside the ICM Area.*** The duration for tax abatement, for projects described as *Outside the ICM Area* in the above, shall be for 5 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone or the termination of the abatement based upon non-compliance with this Agreement or the MOU, whichever is sooner. The following abatement schedule shall be followed:

- i. For taxes levied in the first year of abatement: 90%
- ii. For taxes levied in the second year of abatement: 80%
- iii. For taxes levied in the third year of abatement: 70%
- iv. For taxes levied in the fourth year of abatement: 60%
- v. For taxes levied in the fifth year of abatement: 50%

- h. ***Job Creation: New or expanded Industrial or Logistic(s) Companies within ICM Area.*** New Industrial or Logistic(s) Companies in the ICM Area must create a minimum of 20 full-time, permanent jobs. Industrial or Logistic(s) Companies in the **ICM Area** that are adding to the size of an existing building, as referenced above must create a minimum of 10 additional full-time permanent jobs. Industrial or Logistic(s) Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as

part of its abatement applications, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

i. ***Job Creation: New or expanded Knowledge-based Companies in the ICM Area.***

New or expanded Knowledge-based Companies in the **ICM Area** must create one job for every 250 square feet of office space created in conformance with the above. Said knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

j. ***Job Creation: New Industrial or Logistic(s) Companies Outside of the ICM Area.***

New Industrial or Logistic(s) Companies in areas outside of the ICM Area must create a minimum of 20 full-time permanent jobs. For Industrial and Logistic(s) Companies in areas outside of the ICM Area that are adding to the size of an existing building, as referenced above, must create a minimum of 10 additional full-time permanent jobs. Industrial or Logistic(s) Companies which are expanding shall provide the DeKalb county Enterprise Zone Administrator, as part of its abatement application, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

k. ***Job Creation: New or expanded Knowledge-based Companies Outside of the ICM Area.***

New or expanded Knowledge-based Companies in areas outside the ICM Area must create one job for every 250 square feet of office space created in conformance with the above. Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application,

with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

l. *Wage Rates: Industrial or Logistic(s) Companies Inside or Outside the ICM Area.*

Industrial or Logistic(s) Companies inside or outside of the ICM Area must pay an average of at least \$14 per hour at the subject property as a starting wage with no job paying less than \$11 per hour. The company shall maintain this wage rate for the duration of its Enterprise Zone property tax abatement.

m. *Wage Rates: Knowledge-based Companies Inside or Outside ICM Area.*

Knowledge-based Companies must pay an average wage of at least \$20 per hour at the subject property as a starting wage with no job paying less than \$11 per hour. The company shall maintain this wage rate for the duration of its Enterprise Zone property tax abatement.

B. Town of Cortland – That commencing on the effective date for any abatement approved for eligible property pursuant to the terms of this Agreement (which shall occur on during the term of this Agreement and no sooner than January 1, 2016), taxes on real property levied by the Town of Cortland shall be abated on property located within the boundary of the Enterprise Zone, as certified by the Department, and upon which new improvements have been constructed as follows:

a. *Property Tax Abatement Overall Condition.* In no event shall any abatement of taxes on any parcel exceed the amount of property taxes specifically attributable to the new equalized assessed value generated by the construction of the improvements or the renovation or rehabilitation or existing improvements on such parcel.

b. *ICM Area Project Terms and Conditions.* DeKalb County Enterprise Zone property tax abatement shall be available for companies meeting the following criteria in the **ICM Area** and according to the following terms and conditions.

i. Logistics Companies shall construct a minimum of 100,000 square feet for new building construction or must add at least 50,000 square feet to the size of and existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.

ii. Industrial Companies shall construct a minimum of 15,000 square feet for new building construction or must add at least 7,500 square feet to the size of an

existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.

- iii. Knowledge-based Companies shall construct a minimum of 10,000 square feet of new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
- iv. The abatements outlined in the ICM area above will be effective after the said rehabilitation, expansion or new construction has been completed and will begin at a time consistent with the Effective Date defined below

c. ***Non-ICM Area Project Terms and Conditions.*** DeKalb County Enterprise Zone property tax abatement shall be available for companies meeting the following criteria in areas outside of the ICM Area according to the following terms and conditions.

- i. Logistics Companies shall construct a minimum of 10,000 square feet for new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
- ii. Industrial Companies shall construct a minimum of 10,000 square feet for new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
- iii. Knowledge-based Companies shall construct a minimum of 10,000 square feet of new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
- iv. Effective date. The abatements outside the ICM will be effective after: 1) the abatement has been approved and an MOU has been executed and complied with; 2) the said rehabilitation, expansion or new construction has been completed; 3) the facility has been issued all required certificates of occupancy or permits and is operational in compliance herewith; 4) the new improvements have been fully assessed; and, 5) the recipient has satisfied all other applicable standards with regard to employment or other eligibility standards; but in no instance earlier than the first full tax year occurring after assessment of the new improvements. For any abatement to be effective, it must commence within two years of the date of execution of the MOU, unless such time period is extended by mutual agreement of the applicant, the Administrator (with the advice of the Advisory Board) and the Designating Units of Government within which the affected property is located; any abatement not taking effect within such period shall terminate.

- d. ***Tax Abatement: Logistics-based Companies within the ICM.*** The duration for tax abatement within the **ICM Area** described above shall be for 9 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone or the termination of the abatement based upon non-compliance with this Agreement or the MOU, whichever is sooner. The following abatement schedule shall be followed:

i. For taxes levied in the first year of abatement:	90%
ii. For taxes levied in the second year of abatement:	80%
iii. For taxes levied in the third year of abatement:	50%
iv. For taxes levied in the fourth year of abatement:	50%
v. For taxes levied in the fifth year of abatement:	50%
vi. For taxes levied in the sixth year of abatement:	40%
vii. For taxes levied in the seventh year of abatement:	30%
viii. For taxes levied in the eighth year of abatement:	20%
ix. For taxes levied in the ninth year of abatement:	10%
x. For taxes levied in the tenth year of abatement:	0%

- e. ***Tax Abatement: Industrial companies within the ICM Area.*** The duration for tax abatement, within the **ICM Area** described above, shall be for 9 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone or the termination of the abatement based upon non-compliance with this Agreement or the MOU, whichever is sooner. The following abatement schedule shall be followed:

i. For taxes levied in the first year of abatement:	90%
ii. For taxes levied in the second year of abatement:	80%
iii. For taxes levied in the third year of abatement:	70%
iv. For taxes levied in the fourth year of abatement:	60%
v. For taxes levied in the fifth year of abatement:	50%
vi. For taxes levied in the sixth year of abatement:	40%
vii. For taxes levied in the seventh year of abatement:	30%
viii. For taxes levied in the eighth year of abatement:	20%
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- v. For taxes levied in the fifth year of abatement: 60%
- vi. For taxes levied in the sixth year of abatement: 40%
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- viii. For taxes levied in the eighth year of abatement: 20%
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- g. ***Tax Abatement: Industrial, Logistic(s) and Knowledge-based Companies Outside the ICM Area.*** The duration for tax abatement, for projects described as *Outside the ICM Area* in the above, shall be for 5 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone or the termination of the abatement based upon non-compliance with this Agreement or the MOU, whichever is sooner. The following abatement schedule shall be followed:

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- h. ***Job Creation: New or expanded Industrial or Logistic(s) Companies within ICM Area.*** New Industrial or Logistic(s) Companies in the ICM Area must create a minimum of 20 full-time, permanent jobs. Industrial or Logistic(s) Companies in the **ICM Area** that are adding to the size of an existing building, as referenced above must create a minimum of 10 additional full-time permanent jobs. Industrial or Logistic(s) Companies which are expanding shall provide the DeKalb county Enterprise Zone Administrator, as part of its abatement applications, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

- i. ***Job Creation: New or expanded Knowledge-based Companies in the ICM Area.*** New or expanded Knowledge-based Companies in the **ICM Area** must create one job for every 250 square feet of office space created in conformance with the above. Said knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

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j. ***Job Creation: New Industrial or Logistic(s) Companies Outside of the ICM Area.***

New Industrial or Logistic(s) Companies in areas outside of the ICM Area must create a minimum of 20 full-time permanent jobs. For Industrial and Logistic(s) Companies in areas outside of the ICM Area that are adding to the size of an existing building, as referenced above, must create a minimum of 10 additional full-time permanent jobs. Industrial or Logistic(s) Companies which are expanding shall provide the DeKalb county Enterprise Zone Administrator, as part of its abatement application, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

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k. ***Job Creation: New or expanded Knowledge-based Companies Outside of the ICM Area.***

New or expanded Knowledge-based Companies in areas outside the ICM Area must create one job for every 250 square feet of office space created in conformance with the above. Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

l. ***Wage Rates: Industrial or Logistic(s) Companies Inside or Outside the ICM Area.***

Industrial or Logistic(s) Companies inside or outside of the ICM Area must pay an average of at least \$14 per hour at the subject property as a starting wage with no job paying less than \$11 per hour. The company shall maintain this wage rate for duration of its Enterprise Zone property tax abatement.

m. ***Wage Rates: Knowledge-based Companies Inside or Outside ICM Area.***

Knowledge-based Companies must pay an average wage of at least \$20 per hour at the subject property as a starting wage with no job paying less than \$11 per hour. The

company shall maintain this wage rate for the duration of its Enterprise Zone property tax abatement.

- C. **City of DeKalb** – That commencing on the effective date for any abatement approved for eligible property pursuant to the terms of this Agreement (which shall occur on during the term of this Agreement and no sooner than January 1, 2016), taxes on real property levied by the City of DeKalb shall be abated on property located within the boundary of the Enterprise Zone, as certified by the Department, and upon which new improvements have been constructed as follows:
- a. ***Property Tax Abatement Overall Condition.*** In no event shall any abatement of taxes on any parcel exceed the amount of property taxes specifically attributable to the new equalized assessed value generated by the construction of the improvements or the renovation or rehabilitation or existing improvements on such parcel.
 - b. ***ICM Area Project Terms and Conditions.*** DeKalb County Enterprise Zone property tax abatement shall be available for companies meeting the following criteria in the **ICM Area** and according to the following terms and conditions.
 - i. Logistics Companies shall construct a minimum of 100,000 square feet for new building construction or must add at least 50,000 square feet to the size of and existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
 - ii. Industrial Companies shall construct a minimum of 15,000 square feet for new building construction or must add at least 7,500 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
 - iii. Knowledge-based Companies shall construct a minimum of 10,000 square feet or new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
 - iv. The abatements outlined in the ICM area above will be effective after the said rehabilitation, expansion or new construction has been completed and will begin at a time consistent with the Effective Date defined below
 - c. ***Non-ICM Area Project Terms and Conditions.*** DeKalb County Enterprise Zone property tax abatement shall be available for companies meeting the following criteria in areas outside of the ICM Area according to the following terms and conditions.
 - i. Logistics Companies shall construct a minimum of 10,000 square feet for new building construction or must add at least 5,000 square feet to the size of an

existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.

- ii. Industrial Companies shall construct a minimum of 10,000 square feet for new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
 - iii. Knowledge-based Companies shall construct a minimum of 10,000 square feet of new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
 - iv. Effective date. The abatements outside the ICM will be effective after: 1) the abatement has been approved and an MOU has been executed and complied with; 2) the said rehabilitation, expansion or new construction has been completed; 3) the facility has been issued all required certificates of occupancy or permits and is operational in compliance herewith; 4) the new improvements have been fully assessed; and, 5) the recipient has satisfied all other applicable standards with regard to employment or other eligibility standards; but in no instance earlier than the first full tax year occurring after assessment of the new improvements. For any abatement to be effective, it must commence within two years of the date of execution of the MOU, unless such time period is extended by mutual agreement of the applicant, the Administrator (with the advice of the Advisory Board) and the Designating Units of Government within which the affected property is located; any abatement not taking effect within such period shall terminate.
- d. ***Tax Abatement: Logistics-based Companies within the ICM.*** The duration for tax abatement within the **ICM Area** described above shall be for 9 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone or the termination of the abatement based upon non-compliance with this Agreement or the MOU, whichever is sooner. The following abatement schedule shall be followed:

- i. For taxes levied in the first year of abatement: 90%
- ii. For taxes levied in the second year of abatement: 80%
- iii. For taxes levied in the third year of abatement: 50%
- iv. For taxes levied in the fourth year of abatement: 50%
- v. For taxes levied in the fifth year of abatement: 50%
- vi. For taxes levied in the sixth year of abatement: 40%
- vii. For taxes levied in the seventh year of abatement: 30%
- viii. For taxes levied in the eighth year of abatement: 20%
- ix. For taxes levied in the ninth year of abatement: 10%
- x. For taxes levied in the tenth year of abatement: 0%

e. ***Tax Abatement: Industrial companies within the ICM Area.*** The duration for tax abatement, within the **ICM Area** described above, shall be for 9 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone or the termination of the abatement based upon non-compliance with this Agreement or the MOU, whichever is sooner. The following abatement schedule shall be followed:

i. For taxes levied in the first year of abatement:	90%
ii. For taxes levied in the second year of abatement:	80%
iii. For taxes levied in the third year of abatement:	70%
iv. For taxes levied in the fourth year of abatement:	60%
v. For taxes levied in the fifth year of abatement:	50%
vi. For taxes levied in the sixth year of abatement:	40%
vii. For taxes levied in the seventh year of abatement:	30%
viii. For taxes levied in the eighth year of abatement:	20%
ix. For taxes levied in the ninth year of abatement:	10%
x. For taxes levied in the tenth year of abatement:	0%

f. ***Tax Abatement: Knowledge-based Companies within the ICM Area.*** The duration for tax abatement, within the **ICM Area** described above, shall be for 10 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone or the termination of the abatement based upon non-compliance with this Agreement or the MOU, whichever is sooner. The following abatement schedule shall be followed:

i. For taxes levied in the first year of abatement:	90%
ii. For taxes levied in the second year of abatement:	90%
iii. For taxes levied in the third year of abatement:	80%
iv. For taxes levied in the fourth year of abatement:	70%
v. For taxes levied in the fifth year of abatement:	60%
vi. For taxes levied in the sixth year of abatement:	40%
vii. For taxes levied in the seventh year of abatement:	30%
viii. For taxes levied in the eighth year of abatement:	20%
ix. For taxes levied in the ninth year of abatement:	10%
x. For taxes levied in the tenth year of abatement:	5%

g. ***Tax Abatement: Industrial, Logistic(s) and Knowledge-based Companies Outside the ICM Area.*** The duration for tax abatement, for projects described as *Outside the ICM Area* in the above, shall be for 5 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone or the termination of the abatement based upon non-compliance with this Agreement or the MOU, whichever is sooner. The following abatement schedule shall be followed:

i. For taxes levied in the first year of abatement:	90%
ii. For taxes levied in the second year of abatement:	80%
iii. For taxes levied in the third year of abatement:	70%
iv. For taxes levied in the fourth year of abatement:	60%

v. For taxes levied in the fifth year of abatement: 50%

- h. ***Job Creation: New or expanded Industrial or Logistic(s) Companies within ICM Area.*** New Industrial or Logistic(s) Companies in the ICM Area must create a minimum of 20 full-time, permanent jobs. Industrial or Logistic(s) Companies in the ICM Area that are adding to the size of an existing building, as referenced above must create a minimum of 10 additional full-time permanent jobs. Industrial or Logistic(s) Companies which are expanding shall provide the DeKalb county Enterprise Zone Administrator, as part of its abatement applications, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

- i. ***Job Creation: New or expanded Knowledge-based Companies in the ICM Area.*** New or expanded Knowledge-based Companies in the ICM Area must create one job for every 250 square feet of office space created in conformance with the above. Said knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

- j. ***Job Creation: New Industrial or Logistic(s) Companies Outside of the ICM Area.*** New Industrial or Logistic(s) Companies in areas outside of the ICM Area must create a minimum of 20 full-time permanent jobs. For Industrial and Logistic(s) Companies in areas outside of the ICM Area that are adding to the size of an existing building, as referenced above, must create a minimum of 10 additional full-time permanent jobs. Industrial or Logistic(s) Companies which are expanding shall provide the DeKalb county Enterprise Zone Administrator, as part of its abatement application, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life

of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

- k. ***Job Creation: New or expanded Knowledge-based Companies Outside of the ICM Area.*** New or expanded Knowledge-based Companies in areas outside the ICM Area must create one job for every 250 square feet of office space created in conformance with the above. Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

- l. ***Wage Rates: Industrial or Logistic(s) Companies Inside or Outside the ICM Area.*** Industrial or Logistic(s) Companies inside or outside of the ICM Area must pay an average of at least \$14 per hour at the subject property as a starting wage with no job paying less than \$11 per hour. The company shall maintain this wage rate for the duration of its Enterprise Zone property tax abatement.

- m. ***Wage Rates: Knowledge-based Companies Inside or Outside ICM Area.*** Knowledge-based Companies must pay an average wage of at least \$20 per hour at the subject property as a starting wage with no job paying less than \$11 per hour. The company shall maintain this wage rate for the duration of its Enterprise Zone property tax abatement.

- D. **City of Genoa** – That commencing on the effective date for any abatement approved for eligible property pursuant to the terms of this Agreement (which shall occur on during the term of this Agreement and no sooner than January 1, 2016), taxes on real property levied by the City of Genoa shall be abated on property located within the boundary of the Enterprise Zone, as certified by the Department, and upon which new improvements have been constructed as follows:

- a. ***Property Tax Abatement Overall Condition.*** In no event shall any abatement of taxes on any parcel exceed the amount of property taxes specifically attributable to the new equalized assessed value generated by the construction of the improvements or the renovation or rehabilitation or existing improvements on such parcel.
- b. ***Non-ICM Area Project Terms and Conditions, including the CITY OF GENOA.*** DeKalb County Enterprise Zone property tax abatement shall be available for companies meeting the following criteria in areas outside of the ICM Area according to the following terms and conditions.

- i. Logistics Companies shall construct a minimum of 10,000 square feet for new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
- ii. Industrial Companies shall construct a minimum of 10,000 square feet for new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
- iii. Knowledge-based Companies shall construct a minimum of 10,000 square feet of new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
- iv. Effective date. The abatements outside the ICM will be effective after the said rehabilitation, expansion or new construction has been completed and will begin at a time consistent with the Effective Date. The abatements will be effective after: 1) the abatement has been approved and an MOU has been executed and complied with; 2) the said rehabilitation, expansion or new construction has been completed; 3) the facility has been issued all required certificates of occupancy or permits and is operational in compliance herewith; 4) the new improvements have been fully assessed; and, 5) the recipient has satisfied all other applicable standards with regard to employment or other eligibility standards; but in no instance earlier than the first full tax year occurring after assessment of the new improvements. For any abatement to be effective, it must commence within two years of the date of execution of the MOU, unless such time period is extended by mutual agreement of the applicant, the Administrator (with the advice of the Advisory Board) and the Designating Units of Government within which the affected property is located; any abatement not taking effect within such period shall terminate.

c. ***Tax Abatement: Industrial, Logistic(s) and Knowledge-based Companies Outside the ICM Area, including the CITY OF GENOA.*** The duration for tax abatement, for projects described as *Outside the ICM Area* in the above, shall be for 5 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone or the termination of the abatement based upon non-compliance with this Agreement or the MOU, whichever is sooner. The following abatement schedule shall be followed:

- i. For taxes levied in the first year of abatement: 90%
- ii. For taxes levied in the second year of abatement: 80%
- iii. For taxes levied in the third year of abatement: 70%
- iv. For taxes levied in the fourth year of abatement: 60%
- v. For taxes levied in the fifth year of abatement: 50%

- d. ***Job Creation: New Industrial or Logistic(s) Companies Outside of the ICM Area, including the CITY OF GENOA.*** New Industrial or Logistic(s) Companies in areas outside of the ICM Area must create a minimum of 20 full-time permanent jobs. For Industrial and Logistic(s) Companies in areas outside of the ICM Area that are adding to the size of an existing building, as referenced above, must create a minimum of 10 additional full-time permanent jobs. Industrial or Logistic(s) Companies which are expanding shall provide the DeKalb county Enterprise Zone Administrator, as part of its abatement application, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

- e. ***Job Creation: New or expanded Knowledge-based Companies Outside of the ICM Area, including the CITY OF GENOA.*** New or expanded Knowledge-based Companies in areas outside the ICM Area must create one job for every 250 square feet of office space created in conformance with the above. Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

- f. ***Wage Rates: Industrial or Logistic(s) Companies Inside or Outside the ICM Area, including the CITY OF GENOA.*** Industrial or Logistic(s) Companies inside or outside of the ICM Area must pay an average of at least \$14 per hour at the subject property as a starting wage with no job paying less than \$11 per hour. The company shall maintain this wage rate for the duration of its Enterprise Zone property tax abatement.
- g. ***Wage Rates: Knowledge-based Companies Inside or Outside ICM Area, including the CITY OF GENOA.*** Knowledge-based Companies must pay an average wage of at least \$20 per hour at the subject property as a starting wage with no job paying less than \$11 per hour. The company shall maintain this wage rate for the duration of its Enterprise Zone property tax abatement.

E. **City of Sandwich** – That commencing on the effective date for any abatement approved for eligible property pursuant to the terms of this Agreement (which shall occur on during the term of this Agreement and no sooner than January 1, 2016), taxes on real property levied by the City of Sandwich shall be abated on property located within the boundary of the Enterprise Zone, as certified by the Department, and upon which new improvements have been constructed as follows:

- a. ***Property Tax Abatement Overall Condition.*** In no event shall any abatement of taxes on any parcel exceed the amount of property taxes specifically attributable to the new equalized assessed value generated by the construction of the improvements or the renovation or rehabilitation or existing improvements on such parcel.
- b. ***Non-ICM Area Project Terms and Conditions, including the CITY OF SANDWICH.*** DeKalb County Enterprise Zone property tax abatement shall be available for companies meeting the following criteria in areas outside of the ICM Area according to the following terms and conditions.
 - i. Logistics Companies shall construct a minimum of 10,000 square feet for new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
 - ii. Industrial Companies shall construct a minimum of 10,000 square feet for new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
 - iii. Knowledge-based Companies shall construct a minimum of 10,000 square feet of new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
 - iv. Effective date. The abatements outside the ICM will be effective after the said rehabilitation, expansion or new construction has been completed and will begin at a time consistent with the Effective Date. The abatements will be effective after: 1) the abatement has been approved and an MOU has been executed and complied with; 2) the said rehabilitation, expansion or new construction has been completed; 3) the facility has been issued all required certificates of occupancy or permits and is operational in compliance herewith; 4) the new improvements have been fully assessed; and, 5) the recipient has satisfied all other applicable standards with regard to employment or other eligibility standards; but in no instance earlier than the first full tax year occurring after assessment of the new improvements. For any abatement to be effective, it must commence within two years of the date of execution of the MOU, unless such time period is extended by mutual agreement of the applicant, the Administrator (with the advice of the

Advisory Board) and the Designating Units of Government within which the affected property is located; any abatement not taking effect within such period shall terminate.

- c. ***Tax Abatement: Industrial, Logistic(s) and Knowledge-based Companies Outside the ICM Area, including the CITY OF SANDWICH.*** The duration for tax abatement, for projects described as *Outside the ICM Area* in the above, shall be for 5 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone or the termination of the abatement based upon non-compliance with this Agreement or the MOU, whichever is sooner. The following abatement schedule shall be followed:

- | | |
|---|-----|
| i. For taxes levied in the first year of abatement: | 90% |
| ii. For taxes levied in the second year of abatement: | 80% |
| iii. For taxes levied in the third year of abatement: | 70% |
| iv. For taxes levied in the fourth year of abatement: | 60% |
| v. For taxes levied in the fifth year of abatement: | 50% |

- d. ***Job Creation: New Industrial or Logistic(s) Companies Outside of the ICM Area, including the CITY OF SANDWICH.*** New Industrial or Logistic(s) Companies in areas outside of the ICM Area must create a minimum of 20 full-time permanent jobs. For Industrial and Logistic(s) Companies in areas outside of the ICM Area that are adding to the size of an existing building, as referenced above, must create a minimum of 10 additional full-time permanent jobs. Industrial or Logistic(s) Companies which are expanding shall provide the DeKalb county Enterprise Zone Administrator, as part of its abatement application, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

- e. ***Job Creation: New or expanded Knowledge-based Companies Outside of the ICM Area, including the CITY OF SANDWICH.*** New or expanded Knowledge-based Companies in areas outside the ICM Area must create one job for every 250 square feet of office space created in conformance with the above. Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

- f. ***Wage Rates: Industrial or Logistic(s) Companies Inside or Outside the ICM Area, including the CITY OF SANDWICH.*** Industrial or Logistic(s) Companies inside or outside of the ICM Area must pay an average of at least \$14 per hour at the subject property as a starting wage with no job paying less than \$11 per hour. The company shall maintain this wage rate for the duration of its Enterprise Zone property tax abatement.
- g. ***Wage Rates: Knowledge-based Companies Inside or Outside ICM Area, including the CITY OF SANDWICH.*** Knowledge-based Companies must pay an average wage of at least \$20 per hour at the subject property as a starting wage with no job paying less than \$11 per hour. The company shall maintain this wage rate for the duration of its Enterprise Zone property tax abatement.

F. **City of Sycamore** – That commencing on the effective date for any abatement approved for eligible property pursuant to the terms of this Agreement (which shall occur on during the term of this Agreement and no sooner than January 1, 2016), taxes on real property levied by the City of Sycamore shall be abated on property located within the boundary of the Enterprise Zone, as certified by the Department, and upon which new improvements have been constructed as follows:

- a. ***Property Tax Abatement Overall Condition.*** In no event shall any abatement of taxes on any parcel exceed the amount of property taxes specifically attributable to the new equalized assessed value generated by the construction of the improvements or the renovation or rehabilitation or existing improvements on such parcel.
- b. ***Non-ICM Area Project Terms and Conditions, including the CITY OF SYCAMORE.*** DeKalb County Enterprise Zone property tax abatement shall be available for companies meeting the following criteria in areas outside of the ICM Area according to the following terms and conditions.
 - i. Logistics Companies shall construct a minimum of 10,000 square feet for new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
 - ii. Industrial Companies shall construct a minimum of 10,000 square feet for new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.

- iii. Knowledge-based Companies shall construct a minimum of 10,000 square feet of new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
 - iv. Effective date. The abatements outside the ICM will be effective after the said rehabilitation, expansion or new construction has been completed and will begin at a time consistent with the Effective Date. The abatements will be effective after: 1) the abatement has been approved and an MOU has been executed and complied with; 2) the said rehabilitation, expansion or new construction has been completed; 3) the facility has been issued all required certificates of occupancy or permits and is operational in compliance herewith; 4) the new improvements have been fully assessed; and, 5) the recipient has satisfied all other applicable standards with regard to employment or other eligibility standards; but in no instance earlier than the first full tax year occurring after assessment of the new improvements. For any abatement to be effective, it must commence within two years of the date of execution of the MOU, unless such time period is extended by mutual agreement of the applicant, the Administrator (with the advice of the Advisory Board) and the Designating Units of Government within which the affected property is located; any abatement not taking effect within such period shall terminate.
- c. ***Tax Abatement: Industrial, Logistic(s) and Knowledge-based Companies Outside the ICM Area, including the CITY OF SYCAMORE.*** The duration for tax abatement, for projects described as *Outside the ICM Area* in the above, shall be for 5 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone or the termination of the abatement based upon non-compliance with this Agreement or the MOU, whichever is sooner. The following abatement schedule shall be followed:
- i. For taxes levied in the first year of abatement: 90%
 - ii. For taxes levied in the second year of abatement: 80%
 - iii. For taxes levied in the third year of abatement: 70%
 - iv. For taxes levied in the fourth year of abatement: 60%
 - v. For taxes levied in the fifth year of abatement: 50%
- d. ***Job Creation: New Industrial or Logistic(s) Companies Outside of the ICM Area, including the CITY OF SYCAMORE.*** New Industrial or Logistic(s) Companies in areas outside of the ICM Area must create a minimum of 20 full-time permanent jobs. For Industrial and Logistic(s) Companies in areas outside of the ICM Area that are adding to the size of an existing building, as referenced above, must create a minimum of 10 additional full-time permanent jobs. Industrial or Logistic(s) Companies which are expanding shall provide the DeKalb county Enterprise Zone Administrator, as part of its abatement application, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject

property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

- e. ***Job Creation: New or expanded Knowledge-based Companies Outside of the ICM Area, including the CITY OF SYCAMORE.*** New or expanded Knowledge-based Companies in areas outside the ICM Area must create one job for every 250 square feet of office space created in conformance with the above. Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

- f. ***Wage Rates: Industrial or Logistic(s) Companies Inside or Outside the ICM Area, including the CITY OF SYCAMORE.*** Industrial or Logistic(s) Companies inside or outside of the ICM Area must pay an average of at least \$14 per hour at the subject property as a starting wage with no job paying less than \$11 per hour. The company shall maintain this wage rate for the duration of its Enterprise Zone property tax abatement.
- g. ***Wage Rates: Knowledge-based Companies Inside or Outside ICM Area, including the CITY OF SYCAMORE.*** Knowledge-based Companies must pay an average wage of at least \$20 per hour at the subject property as a starting wage with no job paying less than \$11 per hour. The company shall maintain this wage rate for the duration of its Enterprise Zone property tax abatement.

G. **Village of Waterman** – That commencing on the effective date for any abatement approved for eligible property pursuant to the terms of this Agreement (which shall occur on during the term of this Agreement and no sooner than January 1, 2016), taxes on real property levied by the Village of Waterman shall be abated on property located within the boundary of the Enterprise Zone, as certified by the Department, and upon which new improvements have been constructed as follows:

- a. ***Property Tax Abatement Overall Condition.*** In no event shall any abatement of taxes on any parcel exceed the amount of property taxes specifically attributable to the new

equalized assessed value generated by the construction of the improvements or the renovation or rehabilitation or existing improvements on such parcel.

b. ***Non-ICM Area Project Terms and Conditions, including the VILLAGE OF WATERMAN.*** DeKalb County Enterprise Zone property tax abatement shall be available for companies meeting the following criteria in areas outside of the ICM Area according to the following terms and conditions.

- i. Logistics Companies shall construct a minimum of 10,000 square feet for new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
- ii. Industrial Companies shall construct a minimum of 10,000 square feet for new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
- iii. Knowledge-based Companies shall construct a minimum of 10,000 square feet of new building construction or must add at least 5,000 square feet to the size of an existing building. Abatement shall only apply to the increased assessed valuation attributable to said new construction or to said addition.
- iv. Effective date. The abatements outside the ICM will be effective after the said rehabilitation, expansion or new construction has been completed and will begin at a time consistent with the Effective Date. The abatements will be effective after: 1) the abatement has been approved and an MOU has been executed and complied with; 2) the said rehabilitation, expansion or new construction has been completed; 3) the facility has been issued all required certificates of occupancy or permits and is operational in compliance herewith; 4) the new improvements have been fully assessed; and, 5) the recipient has satisfied all other applicable standards with regard to employment or other eligibility standards; but in no instance earlier than the first full tax year occurring after assessment of the new improvements. For any abatement to be effective, it must commence within two years of the date of execution of the MOU, unless such time period is extended by mutual agreement of the applicant, the Administrator (with the advice of the Advisory Board) and the Designating Units of Government within which the affected property is located; any abatement not taking effect within such period shall terminate.

c. ***Tax Abatement: Industrial, Logistic(s) and Knowledge-based Companies Outside the ICM Area, including the VILLAGE OF WATERMAN.*** The duration for tax abatement, for projects described as *Outside the ICM Area* in the above, shall be for 5 years or until the expiration, termination or decertification of the DeKalb County Enterprise Zone or the termination of the abatement based upon non-compliance with

this Agreement or the MOU, whichever is sooner. The following abatement schedule shall be followed:

- i. For taxes levied in the first year of abatement: 90%
- ii. For taxes levied in the second year of abatement: 80%
- iii. For taxes levied in the third year of abatement: 70%
- iv. For taxes levied in the fourth year of abatement: 60%
- v. For taxes levied in the fifth year of abatement: 50%

- d. **Job Creation: New Industrial or Logistic(s) Companies Outside of the ICM Area, including the VILLAGE OF WATERMAN.** New Industrial or Logistic(s) Companies in areas outside of the ICM Area must create a minimum of 20 full-time permanent jobs. For Industrial and Logistic(s) Companies in areas outside of the ICM Area that are adding to the size of an existing building, as referenced above, must create a minimum of 10 additional full-time permanent jobs. Industrial or Logistic(s) Companies which are expanding shall provide the DeKalb county Enterprise Zone Administrator, as part of its abatement application, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

- e. **Job Creation: New or expanded Knowledge-based Companies Outside of the ICM Area, including the VILLAGE OF WATERMAN.** New or expanded Knowledge-based Companies in areas outside the ICM Area must create one job for every 250 square feet of office space created in conformance with the above. Said Knowledge-based Companies which are expanding shall provide the DeKalb County Enterprise Zone Administrator, as part of its abatement application, with an affidavit in form and content acceptable to the Administrator delineating the number of existing employees employed at the subject property, whether they are full or part-time, and other information required in compliance with this Agreement or the Act.

The aforementioned employment thresholds shall be achieved within two years of the date of the execution of the MOU and said thresholds must be maintained over the life of the abatement, or the abatement shall be reduced, suspended or terminated in compliance herewith.

- f. **Wage Rates: Industrial or Logistic(s) Companies Inside or Outside the ICM Area, including the VILLAGE OF WATERMAN.** Industrial or Logistic(s) Companies inside or outside of the ICM Area must pay an average of at least \$14 per hour at the subject property as a starting wage with no job paying less than \$11 per hour. The company

shall maintain this wage rate for the duration of its Enterprise Zone property tax abatement.

- g. ***Wage Rates: Knowledge-based Companies Inside or Outside ICM Area, including the VILLAGE OF WATERMAN.*** Knowledge-based Companies must pay an average wage of at least \$20 per hour at the subject property as a starting wage with no job paying less than \$11 per hour. The company shall maintain this wage rate for the duration of its Enterprise Zone property tax abatement.

H. **State-Required Benefits.** Each of the Designating Taxing Districts shall also participate in the state-required waiver of state and local sales tax on construction materials for qualified Enterprise Zone projects.

- I. **Abatement Performance Monitoring Process.** Entities meeting abatement qualification criteria outlined above must enter into a Memorandum of Understanding with the DeKalb County Enterprise Zone Administrator. The MOU must outline projected job creation and/or job retention, wage rates and capital investment for the eligible Industrial, Logistics and Knowledge-based projects. The said Administrator is hereby authorized to enter into such agreements on behalf of the DeKalb County Enterprise Zone and the participating taxing bodies, consistent with the terms of this Agreement.

- a. Entities receiving property tax abatement for eligible Industrial, Logistics and Knowledge-based projects as described above agree to maintain a minimum of 95% of the employment level at that location, as described in the MOU, for the term of the abatement.

Should full-time permanent employment levels drop to between 95% and 50% of the project employment level agreed to at that location, as described in the MOU, a pro-rata reduction of the applicable abatement will be implemented for the next tax year, continuing until the first full tax year in which employment levels return to the levels agreed to in the MOU.

Should full-time permanent employment levels drop below 50 percent of the project employment level agreed to at that location, as described in the MOU, abatement shall be suspended for that tax year and subsequently until the first full tax year in which employment levels return to the agreed levels in the MOU. Such suspension of abatement benefits shall not toll the total abatement period or result in an extension of the abatement period contemplated herein.

At the discretion of the Enterprise Zone Administrator, with the advice and consent of the Enterprise Zone Advisory Board and the Parties to this Agreement within whose territory the abated property is located, failure to maintain a minimum of 50% of the employment levels during the agreement period may result in the immediate termination of remaining abatement and/or the pro-rata repayment of previously abated real property taxes to the applicable taxing districts.

- b. The Administrator of the DeKalb County Enterprise Zone will annually monitor the performance of the eligible recipients of property tax abatement in order to ensure that job, wage and investment projections outlined in the MOU are being met, and shall confirm such compliance through the use of annual affidavits in form and content acceptable to the Administrator, to be filed not later than September 1 of each year.
- c. The Administrator of the DeKalb County Enterprise Zone, with advice and consent of the Enterprise Zone Advisory Board and the Parties to this agreement within which an abated property is located, may elect to waive enforcement of any performance measures outlined in the MOU based on a finding that the waiver is necessary to avert an imminent, demonstrable and material hardship to the entity that may result in such entity's insolvency or discharge of workers.
- d. Upon the effective date of this ordinance, all incentives, general abatements and benefits previously offered and in effect within the boundaries of the County of DeKalb shall continue for the term of the newly designated DeKalb County Enterprise Zone for the following groups:
 - i. Business enterprises which are receiving general property tax abatement benefits or incentives within the jurisdictions of the parties to this agreement on the effective date of said Agreements;
 - ii. Business enterprises or expansions which are proposed or under development on the effective date of this Intergovernmental Agreement, if the business enterprise demonstrates that the proposed business enterprise or expansion has been committed to locating or expanding in the Zone;
 - iii. Substantial or binding financial obligations have been made, and such commitments have been made in reasonable reliance on the benefits and programs which would have previously been available as described in Sections d.i and d.ii above;
 - iv. Other projects for which a Party (or other affected governmental entity) elects to not terminate incentives or abatements, or other projects to which the Party or other governmental entity determines to extend other forms of incentives, abatements or benefits.

SECTION IV – ENTERPRISE ZONE ADVISORY BOARD

- A. Duties. The Enterprise Zone Advisory Board will perform the following duties with respect to the Enterprise Zone:

- a. Implement and monitor established goals and objectives, and recommend updates to goals and objectives for consideration and adoption by the Parties.
- b. Establish procedures for the operation and management of the Zone consistent with the terms of this Agreement, including appeals processes, and recommendations and advice on policies for the operation and management of the Zone and the administration and enforcement of the Ordinance, for consideration and adoption by the Parties, with such adoption requiring the consent of a majority of the Parties.
- c. Report to the County of DeKalb, the Town of Cortland, the City of DeKalb, the City of Genoa, the City of Sandwich, the City of Sycamore, the Village of Waterman and other participating taxing bodies, on an annual basis with respect to Zone activities, performance, policies and procedures.
- d. Prepare and distribute to the Cities, Town, Village, County and participating taxing bodies an annual report for the Zone.
- e. Develop and implement a marketing program to inform local businesses and industries, as well as out of town prospects, about the Zone and its incentive programs.
- f. Coordinate Enterprise Zone programs and activities with the various other planning, economic development and community development entities in the area.
- g. Provide the necessary reporting data to the Illinois Department of Commerce and Economic Opportunity and the Illinois Department of Revenue.
- h. Perform other functions and duties as may be stipulated by future amendments to the Agreement by the Parties above or by the Act, consistent with the terms and limitations of this Agreement.
- i. Perform all duties and obligations in a neutral fashion, based upon objective criteria uniformly applied to all properties and to all Parties or applicants.

B. Membership. The Enterprise Zone Advisory Board shall be comprised of the Executive Committee of the Board of Directors of the EDC and the Executive Director of the EDC in his capacity as DeKalb County Enterprise Zone Administrator. Representatives of the Designating Units of Government and Representatives of Taxing Bodies participating in the DeKalb County Enterprise Zone Property Tax Abatement Program who do not currently serve on the EDC Executive Committee will be ex-officio, non-voting member of the Advisory Board. In the event that the County or EDC elect to terminate the Administration Agreement, the Parties shall cooperate in good faith to approve a new Zone Administrator and Administration Board that is acceptable to at least six out of seven of the Parties, to approve a new Administration Agreement that is acceptable to at least six out of seven of the Parties, and to approve an amendment to this Agreement consistent with the Parties' agreement. The membership composition of the Advisory Board and the mechanism for selection of members of the

Advisory Board shall not change without the approval of at least six out of seven of the Parties to this Agreement.

- C. Terms of Membership. The terms of membership for Zone Advisory Board members shall be as follows.

DeKalb County Zone Advisory Board members shall serve during their respective terms on the EDC Board of Directors. In the case of elected officials, their term on the advisory Board will be the same as their respective term in office. In the case of Taxing Body Representatives, their term will be for the duration of their employment in their position at said Taxing Body or until their organization desires to replace them.

- D. Elections. The DeKalb County Enterprise Zone Advisory Board shall have the same officer designations as the Executive Committee of the Board of Directors of the EDC. These positions are elected on an annual basis during the EDC Annual meeting and are titled President, Vice President and Secretary/Treasurer. Each member shall have one vote for election purposes and for any and all matters upon which the board must vote, except the President, who shall only vote in the case of a ties. A simple majority of the membership of the DeKalb county Enterprise Zone Advisory Board present and accounted for at any meeting shall constitute a quorum. A simple majority of the voting members present at any meeting (assuming quorum is achieved) shall be required for action upon any item brought before the Board for a vote.
- E. Compensation. DeKalb County Enterprise Zone Advisory Board members shall serve without compensation.
- F. Staff. The DeKalb County Enterprise Zone Administrator shall serve as advisor and staff to the DeKalb County Enterprise Zone Advisory Board in order to assist in carrying out its functions and duties.
- G. Conflict of Interest. Any voting member of the Enterprise Zone Advisory Board who has a direct or an implied conflict of interest must refrain from discussion of such matters with members of the Advisory Board and must abstain from voting on matters before the Advisory Board and their abstention will be recorded in the minutes of the Board.

SECTION V: ENTERPRISE ZONE ADMINISTRATOR

- A. Zone Administrator: The parties to this Intergovernmental Agreement find and concur that the Executive Director of the DeKalb County Economic Development Corporation shall be the DeKalb County Enterprise Zone Administrator as previously agreed in the County of DeKalb Resolution regarding DeKalb County Enterprise Zone Administration.
- B. Duties and Responsibilities. The duties and responsibilities of the DeKalb County Enterprise Zone Administrator shall be as follows:

- a. Administration. The Zone Administrator shall administer and enforce the Ordinance, and operate and manage the Zone, consistent with the terms and limitations of this Agreement. All appeals from any decisions or determination of the Zone Administrator shall be taken to the Zone Advisory Board for final resolution.
- b. Records. The Zone Administrator shall maintain records associated with Zone activities and projects and necessary to the preparation of reports required by the State of Illinois and the state Zone Advisory Board. Such records shall be available for public inspection pursuant to applicable law, and shall be available for inspection and review by the Parties, in their entirety, upon request. A copy of any documents relating to an application for Enterprise Zone benefits or verification of eligibility for the same shall be provided to each Party to this Agreement within which a proposed or active incentive exists. Further, to the extent that any of the Parties to this Agreement are subject to Freedom of Information Act requests for documents which the Parties would be required to produce and which are in the custody of the Zone Administrator, the Zone Administrator shall provide such documentation to the Parties within a time period as to permit the Parties to comply with their obligations under that Act.
- c. Report Preparation. The Zone Administrator shall prepare all reports required by the State of Illinois and its affected agencies. A copy of all such reports shall be provided to each of the Parties.
- d. Advisor and Staff to the Enterprise Zone Advisory Board. The Zone Administrator shall serve as advisor and staff to the Zone Advisory Board and as advisor to the Parties to this Agreement.
- e. The Zone Administrator shall initiate and enforce all DeKalb County Enterprise Zone property tax abatement Memorandums of Understanding between eligible taxpayers and said Administrator as outlined above. Any of the Parties to this Agreement may also enforce the terms of an MOU for any property within their respective corporate limits, in the event that the Zone Administrator fails or refuses to do so.
- f. Perform all duties and obligations in a neutral fashion, based upon objective criteria uniformly applied to all properties and to all Parties or applicants.

SECTION VI – ZONE MANAGEMENT COSTS AND OPERATION

- A. Staff salary and fringe benefits of the Zone Administrator shall be determined and paid by the DeKalb County Economic Development Corporation as a part of his or her responsibilities as Executive Director.
- B. Operating expenses for the administration of the Zone shall be paid by the EDC out of EDC operating funds and/or administration charges imposed consistent with the terms of this

Agreement; the Parties shall have no obligation or liability to make further contributions to the EDC. Operating expenses for the administration of the Zone may include, but are not limited to:

- a. Expenses related to promoting the Zone, e.g. brochure production and dissemination, television and newspaper advertising or other electronic marketing, workshops, presentations and travel.
- b. Clerical, copying, printing, postage and minor equipment expenses associated with Zone Advisory Board meetings, activities of the Zone Advisory Board and reporting to the State of Illinois and the Parties.

SECTION VII – ADMINISTRATOR SUCCESSION PROCESS. The agreement between the County of DeKalb, on its own behalf and on behalf of the Designating Units of Governments, and the EDC, by which the EDC shall contract to act in the various capacities previously set forth herein, is expected to contain a provision authorizing the termination of said agreement, without cause, by either party upon notice to the other. In the event that the County of DeKalb or the EDC elects such a termination prior to the expiration of this Intergovernmental Agreement, said termination shall not under any circumstances be construed as terminating this agreement. The parties to the agreement expressly agree that in that circumstance, this agreement shall remain in full force and effect and the parties hereto agree that they shall, in that event, negotiate an amendment to this Agreement on terms and conditions acceptable to at least six out of seven of the Parties, identifying the entity anticipated to take over the duties of the EDC with regard to the Zone and creating a means or mechanism for the election of a Zone Advisory Board and a Zone Administrator.

SECTION VIII – NO TAX LEVY OBJECTION. Taxpayers receiving DeKalb County Enterprise Zone property tax abatement under the terms and conditions of above must agree that they shall not file an objection to the real estate property taxes levied on the Site and/or Facilities. In the event any real estate property tax protest or objection is filed for the subject property, the Enterprise Zone property tax abatement for the subject property shall automatically terminate. In the event a real estate property tax protest is successful relative to any tax year originally contemplated under the terms of the relevant MOU to be within the term of an approved abatement, the party pursuing such tax protest shall be responsible for a refund of all sums previously abated pursuant to the MOU.

SECTION IX – NO ASSIGNMENT OR TRANSFER. DeKalb County Enterprise zone property tax abatement shall be specifically granted to the applicant and may not be assigned to or transferred without the written consent of the DeKalb County enterprise Zone Administrator, with the advice and consent of the Enterprise Zone Advisory Board and the respective Parties to this Agreement within which the property subject to the abatement is located. In the event that the applicant desires to transfer or assign any or all of its ownership of the subject property where the business located thereon, the transferee shall submit a written request to the DeKalb County Enterprise Zone Administrator requesting transfer of the abatement to the new owner for the time remaining on the abatement.

The DeKalb County Enterprise Zone Administrator, with the advice and consent of the enterprise Zone Advisory Board and the respective Parties to this Agreement within which the property subject to the abatement is located, shall review the taxpayer's request to transfer said abatement, and determine the taxpayer's eligibility for such transfer, subject to the terms and conditions outlined above and the applicable MOU.

SECTION X – TAX INCREMENT FINANCING DISTRICT OR REDEVELOPMENT AREA

OVERLAY. In the event that a Tax Increment Financing (TIF) District or redevelopment district or project area (20 ILCS 655/5.4.1) is, will be, or has been created by a municipality under Division 74.4 of the Illinois Municipal Code, and said redevelopment project area contains property that is located in an enterprise zone, and the municipality adopts an enterprise zone designating ordinance pursuant to Section 5.4 of the Act specifically concerning the abatement of taxes on property, as above, located within a redevelopment project area created pursuant to Division 74.4 of the Illinois Municipal Code, and the Department certifies the Ordinance, then the property that is located in both the enterprise zone and the redevelopment project area shall not be eligible for the abatement of taxes under Section 18-170 of the Illinois Property Tax Code.

SECTION XI – LOCAL SOURCING STATEMENT. The Designating Units of Government encourage companies receiving Enterprise Zone benefits, as provided herein, to utilize local labor and to purchase building materials locally.

SECTION XII – EFFECTIVE DATE. This Agreement shall be in effect from the date of and after its passage, approval and recording and upon certification of the new Enterprise Zone designation by the Illinois Department of Commerce and Economic Opportunity, according to law. Failure to receive certification of the Zone by the Department will render this Agreement null and void.

SECTION XIII – COMPLIANCE WITH OTHER LAWS. Neither the passage of this Agreement nor the establishment of an Enterprise Zone shall excuse compliance with the then-current version of any other applicable laws, ordinances or regulations, unless expressly superseded by the Agreement or the Enterprise Zone Act. Any development undertaken pursuant to the creation of the Enterprise Zone shall be performed in full compliance with all applicable laws and processes. The Parties acknowledge that while the Act contemplates the potential for expansive Enterprise Zone incentives and benefits, the Parties have agreed to limit the scope of incentives available under this Agreement to those benefits which are expressly defined herein, subject to the restrictions contemplated herein, and further acknowledge that the Parties have not approved other incentives, relief from any applicable zoning processes or requirements, or waivers of other fees, charges or obligations; each of the Parties reserves all of its rights and authority under local or state law, unless expressly limited herein.

SECTION XIV – REASONABLE ACTION. For matters related to the operation, amendment or modification of the DeKalb County Enterprise Zone which will result in job creation, retention or capital investment within the boundaries or proposed boundaries of the Zone that, by statute, require the approval of the Designating Units of Government, the parties of this Intergovernmental Agreement stipulate and concur that said approval shall not be unreasonably withheld by any of said Designating Units of Government.

This agreement is made as of the year and day first above written.

City of DeKalb

By: John A. Bey
Mayor

County of DeKalb

By: Mr. R
County Board Chairman

Town of Cortland

By: David C. St
Mayor

City of Genoa

By: Mark Van A
Mayor

City of Sandwich

By: [Signature]
Mayor

City of Sycamore

By: Ken Munnely
Mayor

Village of Waterman

By: Thomas Zepke
Mayor