

**ORDINANCE NO. 2021-O-03**

**AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR  
THE ABATEMENT OF CERTAIN PROPERTIES BY  
THE WEST CHICAGO FIRE PROTECTION DISTRICT**

**WHEREAS**, the West Chicago Fire Protection District, DuPage County, Illinois (“the District”) is a fire protection district and unit of local government duly organized under the Constitution and laws of the State of Illinois, including but not limited to the Illinois Fire Protection District Act (the “Act,” 70 ILCS 705/0.01 *et seq.*); and

**WHEREAS**, the Board of Trustees of the District has power pursuant to Section 6(i) of the Act (70 ILCS 705/6(i)) to pass all necessary ordinances and rules and regulations for the proper management and conduct of the business of the Board of Trustees of the District for carrying into effect the objects for which the District was formed; and

**WHEREAS**, Article VII, Section 10 of the Illinois Constitution of 1970 authorizes units of local government “to obtain or share services and to exercise, combine, or transfer any power or function, in any manner not prohibited by law or ordinance”; and

**WHEREAS**, the Intergovernmental Cooperation Act, 5 ILCS 220/3 (1996), provides that any power or powers, privilege, or authority exercised or which may be exercised by public agency may be exercised and enjoyed jointly with any other public agency of the State; and

**WHEREAS**, the District, the City of West Chicago, the DuPage Airport Authority, West Chicago Library District, West Chicago Elementary District 33 and Community High School District 94 are units of local government and public agencies as defined by the Illinois Constitution and statute; and

**WHEREAS**, the Illinois Property Tax Code, 35 ILCS 200/18-165, authorizes any taxing district to abate its taxes in relation to a specific property; and

**WHEREAS**, the Board of Trustees has determined it is in the best interest of the District to enter into an Intergovernmental Agreement with the City of West Chicago, DuPage Airport Authority, West Chicago Library District, West Chicago Elementary School District 33, Community High School District 94 and OSI Industries, LLC in regard to a property tax abatement relative to the development of a Subject Property legally described in the Intergovernmental Agreement attached as **Exhibit 1**, in order to encourage a commercial firm to redevelop the Subject Property; and

**WHEREAS**, the Board of Trustees finds that such abatement of taxes as deemed in the Intergovernmental Agreement to be in the best interests of its tax payers in order to encourage the development of the Subject Property, increase the tax base, and increase employment opportunities.

**NOW, THEREFORE**, Be It Ordained by the Board of Trustees of the West Chicago Fire Protection District, DuPage County, Illinois, as follows:

**Section 1.** The Board of Trustees of the West Chicago Fire Protection District hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct and does now incorporate the same herein by reference.

**Section 2:** The President and Secretary of the District's Board of Trustees are authorized to enter into the intergovernmental agreement in substantially the same form as the Agreement attached hereto and made a part hereof as **Exhibit 1**.

**Section 3:** The County Clerk of DuPage County, Illinois is hereby ordered to abate the real estate taxes to be extended on the Subject Property, on behalf of the West Chicago Fire Protection District according to the rate set forth in Section 3 below but excluding any levy or levies for debt service ("Abatement Rate"), commencing at the start of the next calendar year after the year in which this Ordinance is passed. However, in no event shall the aggregate abatement of real estate taxes levied against the Subject Property by the West Chicago Fire Protection District together with real

estate taxes levied against the Subject Property and abated in previous and future years by all other taxing districts, exceed the total of Four Million and No/100 Dollars (\$4,000,000.00).

**Section 4.** The Abatement Rate shall be limited to Forty Percent (40%) of the real estate taxes to be extended on the Subject Property on behalf of the West Chicago Fire Protection District

**Section 5.** The President and Secretary of the Board of Trustees are hereby authorized and directed to execute this Ordinance and cause a certified copy of the same to be filed with the County Clerk of DuPage County, Illinois.

**Section 6.** This Ordinance shall be in full force and effect upon its adoption and publication.

ADOPTED this 25th day of February, 2021, by the following roll call vote.

AYES: 4 - Beatchea, Gagliardi, Campos, Usedom

NAYS: 0 - NONE

ABSENT: 1 - Gruber

Charles Beatchea  
President, Board of Trustees

ATTEST:

Anthony P. Gagliardi  
Secretary, Board of Trustees

STATE OF ILLINOIS        )  
  )  
COUNTY OF DUPAGE        )        SS

**SECRETARY'S CERTIFICATE**

I, **James Grobe**, the duly qualified and acting Secretary of the Board of Trustees of the West Chicago Fire Protection District, DuPage County, Illinois, do hereby certify that attached hereto is a true and correct copy of a Ordinance entitled:

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which Ordinance was duly adopted and approved by the Board of Trustees of the West Chicago Fire Protection District at a meeting held on the 25th day of February, 2021.

I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board complied with all requirements of the Illinois Open Meetings Act.

I do further certify that the Ordinance of which the foregoing is a true and correct copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of said West Chicago Fire Protection District this 25th day of February, 2021.

  
\_\_\_\_\_  
Secretary, Board of Trustees  
West Chicago Fire Protection District

**EXHIBIT 1**

**INTERGOVERNMENTAL AGREEMENT**