

ORDINANCE NO. 2501

STATE OF ILLINOIS
CITY OF COLUMBIA
FILED FOR RECORD

OCT 16 2006


City Clerk

AN ORDINANCE TO AUTHORIZE A FIRST AMENDMENT TO AN ECONOMIC DEVELOPMENT TAX INCREMENT FINANCING AGREEMENT BETWEEN THE CITY OF COLUMBIA, ILLINOIS, AS THE PARTY OF THE FIRST PART, AND ESEGAV LAND DEVELOPMENT, INC., D/B/A LIGHTHOUSE LEARNING CENTER, AS THE PARTY OF THE SECOND PART AND TO CONSENT TO THE ASSIGNMENT OF SAID AGREEMENT BY ESEGAV LAND DEVELOPMENT, INC. TO DORCHESTER LAND DEVELOPMENT, INC.

WHEREAS, the City of Columbia, Illinois (the "City") made and entered into an Economic Development Tax Increment Financing Agreement with ESEGAV Land Development, Inc., an Illinois corporation, ("ESEGAV"), dated the 8th day of January, 1997, for the furtherance of the development of land having the assigned address of 100 Southwoods Centre, in the City which belonged to ESEGAV and which is located in the Admiral Parkway Tax Increment Financing ("TIF") District in the City for the construction and operation of an adult/child day care center known as the Lighthouse Learning Center;

WHEREAS, ESEGAV has made all payments of its real estate taxes and has fully done and performed its obligations to date under the TIF Agreement;

WHEREAS, ESEGAV has transferred the legal title to the subject Lighthouse Learning Center property at 100 Southwoods Center to the Dorchester Land Development, Inc., an Illinois business corporation, ("Dorchester"), all of the capital stock of which corporation is owned by the owners of the capital stock of the ESEGAV;

WHEREAS, the shareholders of ESEGAV and Dorchester desire that the remaining interest and benefit due ESEGAV under the TIF Agreement be transferred and assigned to Dorchester since Dorchester now owns and operates the Lighthouse Learning Center at 100 Southwoods Center in the City;

WHEREAS, the TIF Agreement does not allow and provide for assignment and it is necessary for the Agreement to be amended in order to provide for the same; and,

WHEREAS, it is necessary and appropriate that the City Council of the City enact this Ordinance to authorize said First Amendment to the subject Economic Development Tax Increment Financing Agreement; approve of the form thereof; and consent to an assignment of said Agreement to Dorchester.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Columbia, Illinois, as follows:

Section 1. The recitals contained above in the preamble of this Ordinance are hereby incorporated herein by reference, the same as if set forth in this Section of this Ordinance verbatim, as findings of the City Council of the City of Columbia, Illinois.

Section 2. The City Council of the City of Columbia, Illinois hereby authorizes an amendment to the Economic Development Tax Increment Financing Agreement between the City and ESEGAV, dated January 8, 1997, to allow for an assignment of the interest of ESEGAV Land Development, Inc. to Dorchester Land Development, Inc., an Illinois corporation in good standing in the form attached hereto, which is hereby approved as to form; and the City Council does hereby authorize and direct the Mayor to execute and deliver said First Amendment to the Economic Development Tax Increment Financing Agreement, for and on behalf of the City, in as many counterparts as the Mayor shall determine and does hereby authorize and direct the City Clerk to attest the same and affix thereto the corporate seal of the City.

Section 3. The City Council of the City does hereby consent to an assignment by ESEGAV to Dorchester of its remaining interest and TIF benefits under the subject TIF agreement, with Dorchester to assume and agree to perform all of the remaining obligations of ESEGAV under the agreement and with Dorchester to be responsible to promptly do and perform the same or to be subject to such penalties as the agreement provides in the event of its failure to do and perform the same. The City Council of the City agrees to a release of ESEGAV from any further liability or responsibility under the agreement effective with the completion of the assignment of the agreement to Dorchester.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

Alderman Conrad moved the adoption of the above and foregoing Ordinance; the motion was seconded by Alderman Agne, and the roll call vote was as follows:

YEAS: Aldermen Conrad, Ebersohl, Agne, Niemietz, Unnerstall, Koesterer, Row, Huch and Mayor Hutchinson.

NAYS: None.

ABSENT: None.

ABSTENTIONS None.

PASSED by the City Council and APPROVED by the Mayor this 16th day of October, 2006.



KEVIN B. HUTCHINSON, Mayor

ATTEST:



WESLEY J. HOEFFKEN, City Clerk

(SEAL)

**FIRST AMENDMENT TO ECONOMIC DEVELOPMENT
TAX INCREMENT FINANCING AGREEMENT**

THIS FIRST AMENDMENT TO THE ECONOMIC DEVELOPMENT TAX INCREMENT FINANCING AGREEMENT between the CITY OF COLUMBIA, ILLINOIS, a Municipal corporation (the "City") as the Party of the First Part, and ESEGAV LAND DEVELOPMENT, INC., an Illinois business corporation, ("ESEGAV") as the Party of the Second Part, dated the 8th day of January, 1997, is made and entered into this _____ day of October, 2006, WITNESSETH:

WHEREAS, the City made and entered into an Economic Development Tax Increment Financing Agreement with ESEGAV, dated the 8th day of January, 1997, for the furtherance of the development of land having the assigned address of 100 Southwoods Centre, in the City which belonged to ESEGAV and which is located in the Admiral Parkway Tax Increment Financing ("TIF") District in the City for the construction and operation of an adult/child day care center known as the Lighthouse Learning Center;

WHEREAS, ESEGAV has made all payments of its real estate taxes and has fully done and performed its obligations to date under the TIF Agreement;

WHEREAS, ESEGAV has transferred the legal title to the subject Lighthouse Learning Center property at 100 Southwoods Center to the DORCHESTER LAND DEVELOPMENT, INC., an Illinois business corporation, ("Dorchester"), all of the capital stock of which corporation as owned by the owners of the capital stock of the ESEGAV;

WHEREAS, the shareholders of ESEGAV and Dorchester desire that the remaining interest and benefit due ESEGAV under the TIF Agreement be transferred and assigned to Dorchester since Dorchester now owns and operates the Lighthouse Learning Center at 100 Southwoods Center in the City; and,

WHEREAS, the TIF Agreement does not allow and provide for assignment and it is necessary for the Agreement to be amended in order to provide for the same.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES, the parties hereto stipulate and agree as follows:

I.

The Economic Development Tax Increment Financing Agreement of the parties dated the 8th day of January, 1997, is hereby changed and amended to add thereto "Section 16", to be entitled "ASSIGNMENT" and to read as follows:

"Section 16. ASSIGNMENT. This Agreement may be assignable by the Party of the Second Part, ESEGAV, with the written consent of the City and thereafter the same may be subsequently reassigned by the assignee and subsequent assignees, but only with the written consent of the City, all assignments to be on such terms as the City shall require, (which may include but shall not be limited to the obligation of the assignor to remain liable for the performance of the assignee's obligations under the agreement after the assignment, alone or jointly with the assignee)."

II.

The Economic Development Tax Increment Financing Agreement of the parties dated the 8th day of January 1997, shall continue to be and remain in full force and effect, as amended by this First Amendment thereto.

IN WITNESS WHEREOF, the parties hereto have made, executed and delivered the above and foregoing First Amendment to the Economic Development Tax Increment Financing Agreement to take effect on the date first written above, for the uses and purposes therein set forth.

CITY OF COLUMBIA, ILLINOIS, a Municipal corporation, the Party of the First Part

BY: _____
KEVIN B. HUTCHINSON, Mayor

ATTEST:

WESLEY J. HOEFFKEN, City Clerk

(SEAL)

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

The undersigned, a Notary Public in and for the County and State aforesaid, does hereby certify that KEVIN B. HUTCHINSON and WESLEY J. HOEFFKEN, personally known to me and known to me to be the Mayor and City Clerk, respectively, of the City of Columbia, Illinois, a Municipal corporation, appeared before me in person this date and acknowledged that they signed and delivered the above and foregoing document as their free and voluntary act and deed and as the free and voluntary act and deed of said City, pursuant to enabling ordinance of said City duly enacted, for the uses and purposes hereinabove set forth.

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, 2006.

Notary Public

ESEGAV LAND DEVELOPMENT, INC., an Illinois corporation, the Party of the Second Part

BY: _____
Mary Kay Prader, President

ATTEST:

David Prader, Secretary

STATE OF ILLINOIS)
) SS
COUNTY OF MONROE)

The undersigned, a Notary Public in and for the County and State aforesaid, does hereby certify that MARY KAY PRADER and DAVID PRADER, personally known to me and known to me to be the President and Secretary, respectively, of ESEGAV Land Development, Inc., an Illinois corporation, appeared before me in person this date and acknowledged that they signed and delivered the above and foregoing document as their free and voluntary act and deed and as the free and voluntary act and deed of the ESEGAV Land Development, Inc., corporation pursuant to duly enacted resolution of said Company's Board of Directors, for the uses and purposes hereinabove set forth.

Subscribed and sworn to before me, a Notary Public, this _____ day of _____, 2006.

Notary Public

THIS DOCUMENT PREPARED BY:

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