

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING A PRE-DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF O’FALLON, ILLINOIS AND TISH ENTERPRISES, LLC *et al.* IN CONNECTION WITH A PROPOSED SPECIAL SERVICE AREA NUMBER FIVE (SUBARU OF O’FALLON)**

WHEREAS, Tish Enterprises, LLC, John \_\_\_\_ Hanna and \_\_\_\_\_ (collectively, the “**Developer**”) has submitted a proposal and request to the City of O’Fallon, Illinois (the “**Municipality**”) for development within the Municipality of an expanded motor vehicle dealership (including any other related commercial development, the “**Private Development**”) and the related establishment of a proposed Special Service Area Number Five (Subaru of O’Fallon) (howsoever finally styled, the “**Special Service Area**”); and, thereafter, the Municipality and the Developer have engaged in negotiations related to a Pre-Development Agreement (including all exhibits and attachments in connection therewith, the “**Agreement**”) concerning the provisions of special services within the Special Service Area.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O’FALLON, ILLINOIS,** as follows:

**Section 1. Approval.** The Agreement, in substantially the form thereof presented before the meeting of the Corporate Authorities at which this ordinance is adopted, shall be and is hereby ratified, confirmed and approved, and the Mayor and City Clerk are authorized to execute and deliver the Agreement for and on behalf of the Municipality; and upon the execution thereof by the Municipality and the Developer, the appropriate officers, agents, attorneys and employees of the Municipality, at the Developer’s sole cost and expense, are authorized to take all supplemental actions, including the execution and delivery of related supplemental opinions, certificates, agreements and instruments not inconsistent with the Agreement, desirable or necessary to implement and otherwise give full effect to the Agreement. Upon full execution thereof, the Agreement shall be attached to this ordinance as an exhibit, provided that any failure to so attach shall not abrogate diminish or impair the effectiveness of such Agreement.

**Section 2. Bid / Prevailing Wages.** The Developer shall be responsible for compliance with applicable law related to the Agreement, including without limitation the Prevailing Wage Act. The Municipality hereby waives the bidding requirement of Section 8-9-1 of the Illinois Municipal Code.

**Section 3. Effective.** This ordinance shall be in full force and effect in the manner provided by law.

Upon motion by Alderman \_\_\_\_\_, seconded by  
Alderman \_\_\_\_\_, adopted this \_\_\_\_ day of \_\_\_\_\_, 2006, by roll  
call vote, as follows:

AYES (Names): \_\_\_\_\_  
\_\_\_\_\_

NAYS (Names): \_\_\_\_\_

ABSENT (Names): \_\_\_\_\_

Approved this \_\_\_\_ day of \_\_\_\_\_, 2006.

(SEAL)

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
City Clerk

STATE OF ILLINOIS )  
COUNTY OF ST. CLAIR ) SS.  
CITY OF O'FALLON )

**CERTIFICATION OF ORDINANCE**

I, the undersigned, do hereby certify that I am the duly selected, qualified and acting City Clerk of the City of O'Fallon, Illinois (the "**Municipality**"), and as such official I am the keeper of the records and files of the Municipality and of its City Council (the "**Corporate Authorities**").

I do further certify that the attached ordinance constitutes a full, true and correct excerpt from the proceedings of the Municipality's Corporate Authorities held on \_\_\_\_\_, 2006, insofar as same relates to the adoption of Ordinance No. \_\_\_\_\_, entitled:

**AN ORDINANCE APPROVING A PRE-DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF O'FALLON, ILLINOIS AND TISH ENTERPRISES, LLC *et al.* IN CONNECTION WITH A PROPOSED SPECIAL SERVICE AREA NUMBER FIVE (SUBARU OF O'FALLON)**

a true, correct and complete copy of which ordinance as adopted at such meeting appears in the minutes of such meeting and is hereto attached. Such ordinance was adopted and approved on the date thereon set forth by not less than a affirmative vote of a majority of the Corporate Authorities and approved by the President on the date indicated thereon.

I do further certify that the deliberations of the Corporate Authorities on the adoption of the above ordinance were taken openly, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that the meeting agenda was duly posted at the City Clerk's offices at least 48 hours before the meeting, that the agenda for such meeting was duly posted at City Hall at least 48 hours before the meeting, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such laws and such Code and their procedural rules in the adoption of such ordinance.

**IN WITNESS WHEREOF**, I hereunto affix my official signature and the seal of the City of O'Fallon, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2006.

(SEAL)

\_\_\_\_\_  
City Clerk