

**Agreement for Technical Services and Assistance
Amendment to Area No. 1
Tax Increment Financing - City of O'Fallon, Illinois**

This Agreement, entered into this 16th day of February 2010 by and between the City of O'Fallon, Illinois, hereinafter referred to as the "City" and Development & Municipal Initiatives, LLC, hereinafter referred to as "DMI solutions".

Whereas, the City has a need for assistance in the review and analysis of an area in the City as this review and analysis pertains to the use of tax increment financing (TIF); and,

Whereas, DMI solutions is duly experienced in providing such assistance,

Now, therefore, the City and DMI solutions, for the considerations and under the conditions hereinafter set forth, do mutually agree as follows:

Scope of Services:

The following Scope of Services applies to portions of the City of O'Fallon along Interstate 64 between North Main Street and South Lincoln Avenue proposed for Tax Increment Financing.

Task 1 - Feasibility Study

The Feasibility Study will determine whether or not the properties proposed to be included are eligible for tax increment financing. The creation of this document will provide the City with the information it needs to conclude whether or not the creation of the amended Tax Increment Financing Plan (the "TIF Plan") is justified.

Step 1 - Determination of Area of Study

The City and DMI solutions will meet in order to determine what properties the City wishes to have reviewed for the purposes of determining their eligibility for tax increment financing.

Step 2 - Determination of Eligibility

DMI solutions will complete the field work necessary in order to make a determination as to whether or not the proposed properties are eligible for tax increment financing. In addition, DMI solutions will review other City and County plans and documents when necessary.

- a. DMI solutions will use the definitions and guidelines as provided in the Illinois Tax Increment Allocation Redevelopment Act (as amended) in making its determination as to the eligibility of the proposed Area.

- b. DMI solutions will collect the most recent equalized assessed valuation (EAV) of each parcel in the proposed area from the County Assessor's office, including the names and addresses of property owners. DMI solutions will also obtain the historical EAV for each parcel as needed.
- c. The City will make available to DMI solutions its legal counsel, engineer, City staff, and other professionals associated with the City's work (including mapping, municipal legislation, etc.) for the purposes of completing the Eligibility Study.
- d. DMI solutions will utilize its own GIS staff to produce all land use and boundary maps.

Step 3 - Presentation to the City Council

DMI solutions will present its findings to the City Council. This presentation will include an explanation as to whether or not, in the opinion of DMI solutions, the proposed properties were found to be eligible for tax increment financing, and DMI solutions' account as to the manner in which the properties to be included have been found to be eligible or ineligible.

The City Council will then determine whether to authorize the completion of the TIF Plan. If the Council decides to proceed, then, at the discretion of the Council, it will authorize DMI solutions to complete the TIF process.

Task 2 - TIF Process

Should the City Council determine to proceed, DMI solutions will prepare the TIF Plan to include the areas identified by the City Council.

Step 1 - Creation of the TIF Plan

The TIF Plan will include the following items:

- a. Description of tax increment financing as referenced by the Illinois Revised Statutes;
- b. Documentation necessary to demonstrate that real property to be included in the TIF Plan meets the qualifying factors to be eligible for tax increment financing;
- c. Objectives of the TIF Plan;
- d. Land use for the properties to be included in the TIF Plan;
- e. Description of projects and activities proposed within the properties to be included in the TIF Plan, both public and private;

- f. Implementation strategy;
- g. Estimated costs of the projects and activities proposed;
- h. Estimated TIF budget;
- i. Current and projected equalized assessed values for the properties to be included in the TIF Plan;
- j. Assessment of the impact of the proposed TIF Plan on applicable taxing districts;
- k. Boundary Map;
- l. General Land Use Plan for the Area;
- m. Eligibility Table showing the applicable factors present in the Area;
- n. Other items necessary to complete the TIF Plan pursuant to the Revised Statutes of the State of Illinois.

DMI solutions will also assist the City throughout the TIF process.

Step 2 - Presentation of the Amended TIF Plan

DMI solutions will present the TIF Plan to the City Council for its review and comment. DMI solutions will integrate the Council's comments, if applicable, into the final TIF document.

Task 3 - TIF Process Notifications and Assistance

DMI solutions will assist the City with matters of notification and distribution in accordance with the TIF Act. This includes providing draft documents of the interested parties registry and rules, notifications to taxing districts and property owners, newspaper publications and draft ordinances for legal review. DMI solutions will assist with the following;

- a. Interested parties registry;
- b. Preparation of a Request for Proposals;
- c. Distribution of the TIF Plan;
- d. Sending notices to affected taxing districts and affected property owners;
- e. Publication of notice in a paper of local circulation;

- f. Drafting of ordinances to approve the TIF Plan, TIF Process, and TIF Area;

Task 4 - Meetings

DMI solutions will conduct the following meetings:

- a. Joint Review Board
DMI solutions will attend and conduct the meetings of the Joint Review Board.
- b. Public Hearing
DMI solutions will attend and conduct the Public Hearing.
- c. Other Meetings
DMI solutions will attend other meetings as necessary and as directed by the City.

Information Provided by City

- a. Preparation of Legal Description of Redevelopment Area.
- b. DMI solutions will provide the names and addresses of affected property owners within the project area as well as those residential addresses that lie within 750 feet of the project area boundary. DMI solutions will also provide taxing district information. The City will make the required notifications, mailings, and distributions to those parties. DMI solutions will provide suggested forms for use by the City. These notifications are to take place under an agreed upon schedule for execution of the TIF Plan.
- c. Any amendments to the Comprehensive Plan if necessary.

Fee for Service – TIF Redevelopment Area

The total fee for the above outlined Feasibility Study and TIF Plan will be **\$23,000**, plus actual reimbursable expenses not to exceed \$2,000.

Reimbursable expenses will consist of reasonable expenses, local mileage, long distance telephone charges, express delivery charges, photographic expenses, the cost of printing or other reproduction of documents, fees or charges for documents owned by others, and other "out-of-pocket" expenses required to provide the services described. Such expenses will be billed at their direct cost to DMI solutions.

Upon signing of Agreement for Technical Services	\$2,000
Upon presentation of the Eligibility Study to the City Council.....	\$11,000
Upon presentation of the TIF Plan to the City Council	\$9,000

Upon the completion of the Public Hearing\$1,000

Termination of Agreement

If for whatever reason the City determines that the work should be terminated, the City will inform DMI solutions in writing that it wishes to terminate this agreement. The date of termination shall occur upon receipt of the written notice of termination by DMI solutions via the U.S. Postal Service or facsimile.

The City will pay DMI solutions an amount representing the work performed to the date of termination, plus any expenses which have been incurred by DMI solutions to that date.

Attorneys Fees

If either party incurs attorney fees, expenses or costs in enforcing this agreement or any action arising out of this agreement, the prevailing party shall be entitled to recover all such reasonable fees and expenses from the other party.

IN WITNESS WHEREOF, the parties have caused this Contract to be executed this 16th day of February 2010.

ATTEST:

City of O’Fallon

Philip A. Goodwin
City Clerk

Gary L. Graham
Mayor

ATTEST:

Development & Municipal
Initiatives, LLC

Eric White
Principal