

Section I. Introduction

On June 19, 1995, pursuant to Ordinance Numbers 1765, 1766, and 1767 (the "Original Establishing Ordinances"), the City of O'Fallon ("City") created the O'Fallon Redevelopment Project Area (the "Original Area") and Redevelopment Plan (the "Original Plan"). Currently, the City has initiated a feasibility study and the preparation of both an Eligibility Study and Plan as regards the Original Area with intent to amend said Area as is permitted and allowable within the Tax Increment Allocation Redevelopment Act (the "Act"; 65 ILCS 5/11-74.4-1 et. seq.). Such action was deemed desirable as part of the City's continuous effort to maximize the potential of the City while working to remedy existing conditions detrimental to development.

DMi Solutions ("DMi") presents to the City Council, this Amended Plan (the "Plan" or the "Plan as Amended"), within which is contained the Eligibility Study, for the area to be added by amendment (the "Area" or the "Additional Property"). The Eligibility Study outlined the qualifying findings, and DMi has continued in the process by completing this document, the Plan as Amended for the Area.

The City of O'Fallon intends to use tax increment financing ("TIF"), as well as other available financing programs and development tools, to ameliorate the conditions within the Additional Property and to stimulate private investment. The Area as a whole has not been subject to economic growth, and will not likely continue to develop without this amendment to the existing tax increment financing program.

The Plan as Amended outlines the anticipated project and includes the following activities.

- Area improvements, including land acquisition and assembly, grading and clearing of land, and necessary flood mitigation procedures including but not limited to storm and sanitary sewer system upgrading;
- Street construction, widening and repair, and the extension, updating, and/or repair of any inadequate utilities;
- Demolition costs for removal of deteriorated/dilapidated structures within the Area, or the rehabilitation, repair, or remodeling costs of existing public and/or private buildings.

Tax Increment Financing, and the ability to amend existing Districts, is permitted by the Illinois Tax Increment Allocation Redevelopment Act. The Act sets forth the requirements and procedures for establishing and/or amending Plans and Areas.

Purpose

The purpose of this plan is to provide a document which can be used to catalogue the eligibility for TIF of the respective portions of the City selected to be included in the Area, provide a plan of actions and activities to eradicate and/or ameliorate the conditions found in these portions of the City and to assist in the development of the Area. This Plan also identifies those activities, sources of funds, procedures and various other requirements necessary to implement Tax Increment Financing.

This Plan does not constitute a suggestion of every allocation of TIF Revenue, nor does it represent or constitute an inference as to the content of any "Redevelopment Agreement" that may be negotiated between the City and any developer.

The Area is identified on various exhibits and descriptions in the following sections. The Redevelopment Project and associated activities are also more clearly defined in the sections below.

Section II. Eligibility Findings for the Area

A. Introduction

In order to create a TIF plan, properties slated for inclusion in the TIF Area must be found to be eligible. The following subsections (B through E) report on the eligibility of these parcels.

B. Statutory Requirements

According to the Act, in order for a municipality to qualify properties for inclusion by amendment into an existing tax increment financing ("TIF") Area, a finding must be made that conditions exist which allow the Additional Property to be classified as a blighted area, a conservation area, a combination of both blighted and conservation areas, or an industrial park conservation area. These are the same conditions requisite of the Redevelopment Project Area as originally designated. DMi conducted an evaluation of the physical conditions in the Additional Property, and the findings of this evaluation are outlined below.

The Area referred to within the eligibility study is inclusive of only the sections being added to the original Redevelopment Project Area (the 'Additional Property') unless otherwise specified and is shown in **Exhibit A – Boundary Map**.

The definitions for qualifying an Area, as defined in the Act, are as follows:

"Blighted Area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where;

"...if improved, industrial, commercial and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act, and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

1. **Dilapidation** - An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a

- combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.
2. **Obsolescence** - The condition or process of falling into disuse. Structures have become ill-suited for the original use.
 3. **Deterioration** - With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.
 4. **Presence of structures below minimum code standards** - All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.
 5. **Illegal use of individual structures** - The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.
 6. **Excessive vacancies** - The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.
 7. **Lack of ventilation, light, or sanitary facilities** - The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. "Inadequate sanitary facilities" refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

8. **Inadequate Utilities** - Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.
9. **Excessive land coverage and overcrowding of structures and community facilities** - The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.
10. **Deleterious land use or layout** - The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.
11. **Lack of community planning** - The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.
12. **The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation** - costs for, or a study conducted by an independent consultant recognized as having expertise in

environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

13. **The total Equalized Assessed Value of the Proposed Redevelopment Project Area has declined for 3 of the last 5 calendar years** - prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated."

"...if vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

1. **Obsolete platting of vacant land** - that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-way for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.
2. **Diversity of ownership** - of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.
3. **Tax and special assessment delinquencies** - exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.
4. **Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.**

5. **The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation** - costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.
6. **The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years** - prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

C. Methodology

Various techniques and methods of research, in addition to field surveys, were utilized in determining the eligibility of the properties in question, including:

- On-site field examination of the Additional Property by experienced property inspectors on the staff of DMi. These personnel are trained in techniques and procedures of determining conditions of properties, buildings, streets, utilities, etc. and using this research to determine TIF eligibility.
- Contacts with City officials and other individuals knowledgeable about conditions and history in and of the Area, the age and condition of buildings and site improvements, development patterns, real estate matters, and related items. Ongoing development and redevelopment within the existing Area was also evaluated.
- Review of existing information related to flooding issues in the City, including applicable FEMA documentation.

- Discussions with parties interested in developing property in both the Original Area and the Additional Property.
- Examination of maps, aerial photographs, and historic data related to both the Original Area and the Additional Property.
- Adherence to basic findings of need as established by the Illinois General Assembly in establishing, or amending, tax increment financing, which became effective on January 10, 1977 and has been subsequently amended.

D. Eligibility Findings for the Area

In making the determination of eligibility for inclusion in an Area, it is not required that *each and every* property and/or building *individually* qualify, but it is the *Additional Property as a whole*, that must be determined to be eligible. An analysis of the physical conditions and presence of qualifying factors within the Area was performed. In addition to this analysis, an inventory of existing land use within the Additional Property was determined and outlined on the attached **Exhibit B – Existing Land Use**.

The findings, outlined below, demonstrate the Additional Property qualifies as a “blighted area” as defined in the Act.

Qualifications of the Developed Portion of the Additional Property

The Additional Property encompasses 17 parcels of developed property, rights-of-way, and undeveloped property in the City of O'Fallon totaling approximately 101 acres. There are four parcels which are currently shown to include residential uses, but the Additional Property only includes the southern 25 feet of those, which portion will be subdivided away from the main parcels.

The Area has as its far western edge the intersection of South Lincoln Avenue and the right of way of Interstate 64. It then follows I-64 easterly, being bounded on the north by the Southview Gardens and Timber Creek subdivisions, until I-64 crosses under North Main Street. At that point the Area follows North Main to parcel 04-33.0-100-065, which forms the bulk of the eastern boundary. The Area follows that same parcel north, crosses Highway 50 to take in the commercial properties on the north side of the highway (which form the northernmost boundary), then proceeds southerly to the edge of the Timber Creek

Subdivision which it follows back to South Lincoln. As mentioned earlier, the map showing the Additional Property is attached as **Exhibit A**.

The qualifying factors for developed land found in the Act were researched to determine eligibility for the developed properties. The following is the review of qualifying factors in the developed portion of the Additional Property. While the Area was reviewed for *all* of the qualifying factors listed above in **Section B**, the following summarizes only the factors *that exist* within the developed portions of the Area.

- **Age of Structures**

As is stated in the Act, 50% or more of the structures must have an age of 35 years or greater for a developed area to qualify as a "conservation area." City and County records, discussions with local realtors, photographs, and aerials were all used to document the presence of this factor. Additionally, field investigations were performed by DMi.

There are five (5) developed parcels in the Additional Property on which sit seven (7) structures, only three (3) of which are 35 years of age or greater (43%). Thus, the developed portion of the Area may not be reviewed for its compliance with the "conservation" criteria and must be reviewed for its meeting the more stringent "blighted area" criteria.

- **Obsolescence**

There are three buildings which meet this criterion (43%) within the developed portion of the Additional Property. These three structures are "ill suited to their original use" and two of the three are well on the way to being dilapidated.

However, while this is a concern within the Area, it is not predominant enough to allow it to qualify as regards this factor.

- **Deterioration**

Deteriorated conditions were evident in five of the seven structures in the Area (71%), and surface deterioration was found in all five of the developed parcels

(100%). The field survey of overall building conditions in the Area found several instances of defects in secondary structural components, including roofing (both damaged and rusting), siding (damaged and/or missing), damaged and broken windows, and cracked and crumbling foundations. There were also three structures exhibiting examples of poor fascia materials, and/or guttering.

In terms of surface improvements, the developed parcels all exhibit damaged parking areas. One of the lots is paved, but shows potholes, alligator cracking, and potholes. The other four parcels have unpaved parking areas with numerous potholes and ruts.

Overall, deteriorated conditions were present in all five developed parcels (100%), thereby exhibiting this factor to a qualifying degree.

- **Excessive Vacancies**

There is only one example of the excessive vacancy factor as used within the Act (14%), and that occurs due to the office space within the building on the far western edge of the Area's combination of vacancy and underutilization. While the entire building is not vacant, there is less than optimal occupancy, and the Act states that "underutilization" of a structure is indicative of this factor.

However, while always a concern, this is not predominant enough to qualify the Area as regards this factor.

- **Presence of Structures Below Minimum Code**

There are no structures officially meeting this criterion, although five of the structures and four of the properties appear to likely be in violation of local Ordinances. However, the Act states that this factor shall be met by "*....all structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but **not including housing and property maintenance codes** (boldface added for emphasis).*"

So, while some of the property could be found lacking, that alone is insufficient to qualify the developed portion of the Area for this factor.

- **Excessive Land Coverage and Overcrowding of Structures and Community Facilities**

Four of the parcels within the developed portion of the Area present the requisite conditions for qualification. There is significant crowding of structures on three of these, and land coverage issues on three as well (although not the same three). There are numerous sheds, outbuildings, and mobile homes stored on these properties, leading to the land coverage concern.

This issue is exhibited on 80% of the developed parcels which qualifies the Area as regards this factor.

- **Deleterious Land Use or Layout**

This factor is demonstrated by the same four parcels mentioned regarding the prior factor. The existence of, in this case, a single-family home, a four-unit multifamily structure, and a mobile home sales lot on four adjacent parcels which all are next to a well-established subdivision and a high quality commercial development are indicative of this improper mixed use.

This issue is also exhibited on 80% (four out of five) of the developed parcels which qualifies the Area as regards this factor.

- **Lack of Community Planning**

The majority of the developed portion of the Area developed either without the benefit of, or in a manner not compliant with, a community plan (adopted originally in 1969), and it is shown evidentially in large portions of the Area. The non-compliance with the comprehensive plan is shown by the improper access to a right of way of many of the interior parcels through the developed portion. Additionally, the incompatible land uses, structure locations, possible code violations, and excessive land coverage are also indicative of the lack of conformance with a comprehensive plan.

Overall, these issues affect all of the developed parcels, thereby qualifying the Area for this factor.

- **The total Equalized Assessed Value of the Proposed Redevelopment Project Area has declined for 3 of the last 5 calendar years prior to the year in which the Redevelopment Project Area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available...**

The equalized assessed valuation (EAV) information was reviewed by the staff of DMi to determine whether or not the developed portion of the Area qualifies for this factor.

The following list depicts annual growth rates for the developed portion of the Area, as compared to the balance of the City, dating back to assessment year 2004:

Equalized Assessed Value Change

From 2008 to 2009:	Developed Area:	3.95%	City:	N/A
From 2007 to 2008:	Developed Area:	-26.32%	City:	8.15%
From 2006 to 2007:	Developed Area:	5.65%	City:	12.82%
From 2005 to 2006:	Developed Area:	5.45%	City:	14.18%
From 2004 to 2005:	Developed Area:	7.51%	City:	11.86%

Demonstrating the lack of economic growth in the Area, this analysis shows that the developed parcels of the Area have a combined EAV that has increased at a rate less than that of the balance of the City for four of the last five years, exceeding the minimum requirement that the City's EAV increase at a greater rate than the developed portion of the Area in three of the last five years. While the 2009 final assessment numbers for the City are not out yet, they are unnecessary in any event. That fact notwithstanding, the Area does qualify for this blighting factor.

Qualifications of the Vacant Portion of the Area

In addition to the developed parcels, the qualifying factors for undeveloped land found in the Act were researched to determine eligibility for these properties. The following is the review of qualifying factors in the undeveloped portion of the Additional Property.

The first step towards establishing eligibility in an undeveloped portion of a municipality is to determine whether or not such undeveloped property is considered "vacant". "Vacant land" is defined in the Act (also Sec. 11-74.4-2) as follows:

"...any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950-1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designed redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For the purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality."

Once undeveloped property is found to be "vacant," such vacant area may be found to be a blighted area based on the factors described previously. The undeveloped portion of the Area, consisting of 12 parcels, is vacant due to the fact that the parcels within the Area have been subdivided. Researching various records at the Recorder of Deeds Office at St. Clair County, Illinois, showing the subdivision and parcelization of land, we have concluded that the undeveloped land has been subdivided and is found to be vacant.

Qualifications of the Vacant Portion of the Additional Property

The qualifying factors for undeveloped land found in the Act were researched to determine eligibility of the vacant portion of the Additional Property. Such property may qualify as

“blighted” if the sound growth of the taxing districts on such land is impaired by a combination of two (2) or more of the following factors.

- **Obsolete platting of vacant land**

There are several irregularly shaped parcels within the undeveloped portion of the Additional Property which might be difficult to develop, with three of them being unusually small, and an additional one being exceptionally narrow. Therefore this condition exists to a qualifying degree on four of the twelve undeveloped parcels (33%).

- **Diversity of ownership**

While there are nine different owners of the twelve properties, the necessary assembly would likely be unaffected; therefore this factor does not exist to a qualifying degree within the undeveloped portion of the Area.

- **Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.**

The deterioration of structures was evident during field investigations of the neighboring areas adjacent to the undeveloped properties in the proposed Area. In addition to the deteriorated conditions found within the developed portion of the Area itself (as cited above), other developed areas adjacent to the undeveloped portion of the Area are notably deteriorated. Deteriorated structures exist in the northern portion of the Area adjacent to the two undeveloped parcels in that portion. Additionally, all three of the undeveloped parcels adjacent to the Lincoln Avenue developed parcel containing its deteriorated structure and site improvements, would qualify, bringing the total qualifying parcels for this factor to five.

- **The total Equalized Assessed Value of the Proposed Redevelopment Project Area has declined for 3 of the last 5 calendar years prior to the year in which the Redevelopment Project Area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years....**

The equalized assessed valuation (EAV) information for the undeveloped properties

was reviewed by the staff of DMi to determine whether or not the Area qualifies for this factor.

The following list depicts annual growth rates for the undeveloped parcels as compared to the balance of the City dating back to assessment year 2004:

Equalized Assessed Value Change

From 2008 to 2009:	Undeveloped Area:	4.38%	City:	N/A
From 2007 to 2008:	Undeveloped Area:	8.03%	City:	8.13%
From 2006 to 2007:	Undeveloped Area:	6.44%	City:	12.81%
From 2005 to 2006:	Undeveloped Area:	1.93%	City:	14.18%
From 2004 to 2005:	Undeveloped Area:	12.08%	City:	11.86%

There is clear evidence showing the lack of economic growth in the undeveloped portion of the Area. Demonstrating that shortfall, this analysis shows that the undeveloped parcels of the Area have a combined EAV that has increased at a rate less than that of the balance of the City for three of the last five years, meeting the requirement that the City's EAV increase at a greater rate than the undeveloped portion of the Area in three of the last five years. The same note as earlier applies to the City's cumulative numbers.

Determination of "Stand Alone" Factors

Such vacant area may also be found "...to be "blighted" if the sound growth of such area is impaired by one or more of the following factors that is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of such area to which it pertains." Such factors include:

- **The area, prior to its designation, is subject to chronic flooding which adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency.**

Two of the twelve undeveloped parcels, which together represent over 50% of the vacant land, contribute to downstream flooding and suffer from chronic flooding. This has been certified by an Illinois registered professional engineer and is shown in **Appendix A – Flood Study**.

Conclusion

The developed portion of the Area is impacted by eight blighting factors. Five of those factors are reasonably distributed and present to a meaningful extent. As such, the developed portion of the Area is found to be a "blighted area".

The undeveloped portion of the Area is impacted by three of six blighting factors. At least two of those factors are present on 75% of the parcels within the undeveloped portion, are reasonably distributed, and present to a meaningful extent. Additionally, the majority of this portion of the Additional Property is impacted by one "stand alone" factor. As such, the undeveloped portion of the Area is also found to be a "blighted area".

The blighting factors are presented in tabular form within **Exhibit C - Blighting Factors Matrices**, following this page and **Exhibits A and B**.

Therefore, after a thorough review of the factors present, the conclusion of the Eligibility Study was that the Area qualified for tax increment financing and could, therefore, be added by Amendment to the existing Redevelopment Project Area.

Section III. Findings of Need for Tax Increment Financing

The above study determined that the Additional Property as a whole qualifies for tax increment financing as a "blighted area". In addition to this determination, the Act requires that additional requirements be met before adopting any Redevelopment Plan, including those being amended. These additional findings follow.

A. The Redevelopment Area Exceeds the Statutory Minimum Size

The Additional Property contains approximately 101 acres of developed property, undeveloped property, and existing rights-of-way. The City, therefore, meets this requirement, as the Area as Amended continues to contain more than the required 1 ½-acre minimum as defined in the Act.

B. The Redevelopment Project Area is Contiguous

The Area as Amended remains contiguous and contained within a single perimeter boundary. Therefore, the City meets this requirement. The Additional Property is fully described in the attached **Legal Description – Appendix B**. Additionally, the legal description for the Original Area has been attached as **Appendix C**.

C. All Properties Included will Substantially Benefit

The City believes that the implementation of tax increment financing will substantially benefit all properties included in Additional Property.

D. The Area, on the Whole, is not Subject to Growth

The Additional Property has generated very little growth in real property taxes and there has been insignificant private investment in the Area, as a whole, to enhance the tax base of the City or of the other affected taxing districts. These parcels cannot reasonably be anticipated to further redevelop without the adoption of tax increment financing. Therefore this requirement is met.

E. The TIF Plan and Project Conform with the City's Comprehensive Plan

The City has determined that this Redevelopment Plan is consistent with the goals and objectives of the Comprehensive Plan for the community as a whole.

The proposed Future Land Use Plan shown in **Exhibit D - Future Land Use Map** conforms to the Comprehensive Plan, and all future development in the Redevelopment Project Area as Amended will conform to applicable codes and ordinances as may be in effect at that time.

F. The Redevelopment Plan Meets the Statutory Timeframe

The estimated date for the completion of the Redevelopment Plan shall continue to be no later than twenty-three (23) years from the adoption of the Original Ordinances approving the Redevelopment Project Area by the City. If available and deemed appropriate by the City, obligations incurred to finance improvements in the Area will be repaid by incremental revenues, which may be supplemented with funds from other sources such as local taxes, State or Federal loans or grants.

G. The Area Would not be Developed But For Tax Increment Financing

The City finds that the Additional Property has not currently, nor would reasonably be, developed or further redeveloped without the use of tax increment revenues. The City pledges that such incremental revenues will be obligated for the development and revitalization of the Area as Amended as provided in the Act. The positions of those expressed in the private sector indicate that the activities outlined for the Additional Property cannot be expected to occur "but for" assistance from tax increment financing.

H. The Assessment of Financial Impacts on Taxing Districts is Outlined

The City of O'Fallon finds that the financial impact or increased demand for facilities or services resulting from the implementation of the Redevelopment Project on local taxing districts is insignificant. Potential negative impact upon local taxing districts due to the addition by amendment of the additional area is expected to be minimal since this Plan does not include high-service uses, and due to the fact that the Additional Property is not now creating significant incremental revenue compared to the City. The

developments implicit in this Amended Plan would, potentially, create jobs and sales tax and would contribute to the local economy in ways far beyond simple incremental increases.

Negative effects upon said districts will also be minimized through the inclusion of projects that will benefit them. Roadway and access improvements will be beneficial to emergency service providers, as well as the general public in and around the Redevelopment Project Area. Without development in the Area, which is currently minimal, local taxing districts fail to benefit from tax revenues generated by new development, or from any future redevelopment projects.

Once this Amended Plan and related projects have been implemented, and the anticipated commercial development has occurred, the resulting EAV increases will generate a far higher level of property tax revenues to the local taxing districts than would otherwise have occurred.

The City, to the extent that surplus revenues become available, will continue to distribute such revenues on a pro-rata basis to local taxing bodies whenever possible.

Section IV. Redevelopment Plan

A. Introduction

This section presents the Redevelopment Plan for the Additional Property to be added by amendment to the original O'Fallon Redevelopment Project Area. Pursuant to the Tax Increment Allocation Redevelopment Act, when the finding is made that an Area qualifies as either a conservation area, a blighted area, a combination of both conservation and blighted areas, or an industrial park conservation area, a Redevelopment Plan must be prepared. A Redevelopment Plan is defined in the Act in the following manner:

...the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a blighted area or conservation area or combination thereof or industrial park conservation area, and thereby to enhance the tax bases of the taxing districts which extend into the Redevelopment Project Area.

B. Future Land Use Plan

The Future Land Use Plan for the Additional Property to the original Redevelopment Project Area is shown in **Exhibit D**. Land uses projected within the original Redevelopment Project Area are considered to remain the same. All Redevelopment Projects shall be subject to the provisions of the City of O'Fallon's ordinances and other applicable codes as may be in existence and may be amended from time to time.

As can be seen in **Exhibit D**, office and service uses are recommended for the largest portion of the Additional Property. An office park development that would be situated between I-64 and the single-family neighborhood to the north has been proposed for the western portion of the Additional Area. Preliminary conceptual plans call for construction of an internal access road to serve one- and two-story office buildings. As part of the proposed development, a passive park and open space area have been proposed, which would separate the office park from the terminus of Edgewood Drive. A large wet detention pond created as part of the development would alleviate downstream flooding and provide an amenity for the surrounding area.

Office/service uses are also recommended for the approximately 34 acres of vacant land south of Highway 50 and west of North Main Street. General commercial use is recommended for the north side of Highway 50.

A key objective of this Plan is to encourage and facilitate high-quality commercial office park development. Office development will allow O'Fallon to continue to compete as a location for professional and service jobs that will serve the local and regional economy. This type of development is an ideal land use for the Area, which has good visibility from I-64 as well as access from arterial streets.

This Plan endorses selected, well-planned redevelopment in the Area that is consistent with the objectives of both the Original Plan and this Amended Plan. It is important to be flexible and able to take advantage of ever-changing market opportunities. This approach to land use planning is consistent with the City's broader community development objectives to induce investment by private enterprise and attract high-quality development. All redevelopment projects shall be subject to the provisions of the City of O'Fallon's zoning ordinances and other applicable codes as may be in existence and that may be amended from time-to-time.

C. Objectives

The objectives of the Redevelopment Plan are to:

1. Reduce or eliminate those conditions that qualify the Redevelopment Area as eligible for tax increment financing.
2. Prevent the recurrence of blighting conditions and those conditions precedent to blight.
3. Enhance the real estate tax base for the City of O'Fallon and all other taxing districts which extend into the Amended Area.
4. Encourage and assist private development within the Amended Area through the provision of financial assistance for new development as permitted by the Act. This will provide for expanded employment opportunities that will strengthen the economic base of the City and surrounding areas.

5. Complete all public and private actions required in this Amended Redevelopment Plan in an expeditious manner so as to maximize TIF opportunities.

D. Policies

Appropriate policies have been, or will be, developed by the City of O'Fallon in regards to the continuation of this Redevelopment Plan and Project. These policies include, but are not limited to, the following:

1. Use TIF-derived revenues to accomplish the specific public-side activities and actions outlined in the Implementation Strategy of the Plan.
2. Utilize City staff and consultants to undertake those actions necessary to accomplish the specific public-side activities as outlined in the Implementation Strategy of the Plan.
3. Actively market the Amended Redevelopment Project Area to developers.
4. Provide financial assistance, as permitted by the Act, to encourage private-side developers to complete those certain private actions and activities as outlined in the Plan.
5. Monitor the public and private actions and activities occurring within the Area.
6. Complete the specified actions and activities in an expeditious manner, striving to minimize the length of the existence of the Area.

These policies may be additionally amended from time to time as determined by the City.

E. Redevelopment Project

To achieve the objectives of the TIF project, a number of activities will need to be undertaken. An essential element of the Redevelopment Plan is a combination of private developments in conjunction with public investments and infrastructure

improvements. Improvements and activities necessary to implement the Redevelopment Plan may include, but are not limited to, the following:

1. Private Redevelopment Activities

The private activities that are proposed for the Area are for commercial uses and may include, but are not be limited to:

- Construction of a Class A office park and other commercial buildings at various locations within the Area.

2. Public Redevelopment Activities

Public improvements and support activities will be used to induce and complement private investment. These may include, but are not limited to:

- Street and sidewalk improvements;
- Land assembly, site preparation, and flood mitigation;
- Public utilities (e.g. water, sanitary and storm sewer facilities, traffic signalization);
- Marketing of properties, and;
- Relocation costs, as necessary or as required by law.

Section V. Implementation Strategy

A. Introduction

The development and follow-through of a well-devised implementation strategy is an essential element in the success of any Redevelopment Plan. In order to maximize program efficiency and to take advantage of current interest in the Area, and with full consideration of available funds, a phased implementation strategy will be employed. This will allow the City to better manage public expenditures within the Area used to spur development by addressing public concerns.

In order to maintain an appropriate balance between private investment and public improvements, the City will work to adopt the Amended Redevelopment Plan. Once the Plan is adopted, the City will negotiate redevelopment agreements with private developers who will propose the use of tax increment funds to facilitate a Redevelopment Project.

B. Estimated Redevelopment Project Costs

Costs that may be incurred by the City as a result of implementing or amending a Redevelopment Plan may include, without limitation, project costs and expenses and any other costs that are eligible under the Act. Such itemized costs include the following:

1. The costs of studies, surveys, development of plans, and specifications, implementation and administration of the Redevelopment Plan including but not limited to staff and professional service costs for planning, architectural, engineering, legal, financial, or other services.
2. The cost of marketing sites within the Redevelopment Project Area to prospective businesses, developers, and investors.
3. Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interest therein, demolition of buildings, site preparations, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land.

4. Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a Redevelopment Project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment.
5. Cost of construction of public works or improvements, not to include the cost of constructing a new municipal building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building unless the municipality makes a reasonable determination in the Redevelopment Plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the Redevelopment Plan.
6. Cost of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the Redevelopment Project Area.
7. Financing costs, including but not limited to, all necessary and incidental expenses related to the issuance of obligations, and which may include payment of interest on any obligations issued there under accruing during the estimated period of construction of any Redevelopment Project for which such obligations are issued and for not exceeding thirty-six (36) months thereafter, and including reasonable reserves related thereto.
8. To the extent the municipality by written agreement approves the same, all or a portion of a taxing district's capital costs resulting from the Redevelopment Project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the Redevelopment Plan and Project.
9. An elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the Area for which the developer or redeveloper receives financial assistance through an

agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing.

10. Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or state law.
11. Payments in lieu of taxes.
12. Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i.) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a Redevelopment Project Area; and (ii.) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of the School Code.
13. Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a Redevelopment Project provided that:
 - (A) Such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;
 - (B) Such payments in any one-year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the Redevelopment Project during that year;

- (C) If there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;
 - (D) The total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the Redevelopment Project plus (ii) Redevelopment Project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act;
 - (E) The cost limits set forth in subparagraphs (B) and (D) above are modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) above for these situations;
 - (F) The municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of the construction of those units may be derived from the proceeds of bonds issued by the municipality.
14. Unless explicitly stated within the Act, the cost of construction of new privately-owned buildings shall not be an eligible Redevelopment Project cost.
15. None of the Redevelopment Project costs enumerated above shall be eligible redevelopment costs if those costs would provide direct financial support to a retail entity initiating operations in the Redevelopment Project Area while terminating operations at another Illinois location within 10 miles of the Redevelopment Project Area but outside the boundaries of the Redevelopment Project Area municipality.

C. Estimated Budget for Redevelopment Project Costs

The estimated costs associated with the eligible public redevelopment activities are presented in **Exhibit E - Estimated Budget for Redevelopment Project (as Amended)**. This budget is for the entire Area as Amended and *includes the amounts from the original budget*, a copy of which is attached as **Exhibit F – Original Budget for Redevelopment Costs (1995)**.

This estimate includes reasonable and necessary costs incurred or estimated to be incurred during the implementation of the Plan. The estimated costs are in 2010 dollars and are subject to change as specific plans and designs are themselves subject to change.

The itemized list of project costs in **Exhibit E** include some of the same categories of estimated costs in the Original Plan, although some of the categories have been added and/or clarified to more accurately reflect the statutory definition and actual implementation experience.

D. Most Recent Equalized Assessed Valuation

The most recent total equalized assessed valuation for the Additional Property is \$634,281 (which represents 0.097% of the City's total EAV). The individual parcels which make up the Additional Property are shown in **Appendix D – Parcel ID List**. The County Clerk of St. Clair County will verify the Base EAV amount upon the adoption of the City ordinances: 1) approving the O'Fallon Redevelopment Plan and Project Amendment, 2) Amending the Redevelopment Project Area, and 3) approving tax increment financing for the Additional Property; and combine them with the original Redevelopment Project Area parcels, to create the base EAV amount, as amended.

E. Redevelopment Valuation

Contingent on the adoption of the Redevelopment Plan and Project Amendment, and commitment by the City to the Redevelopment Program, it is anticipated that major private developments and/or improvements will occur within the Redevelopment Project Area.

Private investment is expected to increase the equalized assessed valuation within the Additional Property by approximately \$5 to \$7 million dollars upon completion of the redevelopment projects within the Additional Property.

F. Source of Funds

The primary source of funds to pay for Redevelopment Project costs associated with implementing the Redevelopment Plan shall be funds collected pursuant to tax increment allocation financing to be adopted by the City. Under such financing, tax increment revenue, in the form of increases in the equalized assessed value (EAV) of property in the Additional Property, in conjunction with all revenues from the Original Redevelopment Project Area, shall be allocated to a special fund each year (the "Special Tax Allocation Fund"). The assets of the Special Tax Allocation Fund shall be used to pay Redevelopment Project Costs within the entire Area as Amended, and retire any obligations incurred to finance Redevelopment Project Costs.

In order to expedite the implementation of the Redevelopment Plan and construction of the public improvements, the City of O'Fallon, pursuant to the authority granted to it under the Act, may issue bonds or other obligations to pay for eligible Redevelopment Project Costs. These obligations may be secured by future revenues to be collected and allocated to the Special Tax Allocation Fund.

If available, revenues from other public and private economic development funding sources will be utilized. These may include state and federal programs, local retail sales tax, land disposition proceeds from the sale of land in the Area, and applicable revenues from any abutting tax increment financing areas in the City. In turn, this tax increment financing Area may also provide monies to abutting tax increment financing areas in the City.

G. Nature and Term of Obligation

The principal source of funding for the Redevelopment Project will be the deposits into the Special Tax Allocation Fund of monies received from taxes on the increased value of real property in the Area.

In order to expedite the implementation of the Plan as Amended, the City of O'Fallon, pursuant to the authority granted to it under the Act, may issue obligations to pay for

the Redevelopment Project Costs. These obligations may be secured by future amounts to be collected and allocated to the Special Allocation Fund. Such obligations may take the form of any loan instruments authorized by the Act. Such loans or obligations may be issued pursuant to this Redevelopment Plan, for a term not to exceed 20 years, bearing an annual interest rate as permitted by law.

Revenues received in excess of 100% of funds necessary for the payment of principal and interest on the obligations, and not earmarked for other Redevelopment Project Costs or early retirement of obligations, may be declared surplus and become available for pro rata distribution annually to the taxing bodies to the extent that this distribution of surplus does not impair the financial viability of the Redevelopment Project.

H. Fair Employment Practices and Affirmative Action

The City of O'Fallon will insure that all public and private redevelopment activities are constructed in accordance with fair employment practices and affirmative action. The City will additionally insure that all recipients of tax increment financing assistance adhere to these policies.

I. Certifications

The City of O'Fallon certifies that the Amended O'Fallon Redevelopment Plan and Project will not result in the displacement of residents from 10 or more inhabited residential units, nor does the Area as Amended include 75 or more inhabited residential units. The City therefore has determined that no Housing Impact Study is needed.

The City does not anticipate that this Plan will result in the removal of inhabited housing units which contain households of low-income or very low-income persons as these terms are defined in the Illinois Affordable Housing Act. If the removal of inhabited housing units which contain households of low-income or very low-income persons were to occur, the City would provide affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Act of 1970 and the regulations under the Act, including the eligibility criteria, as required by 65 ILCS 11-74.4-3(n) (7).

Section VI. Amending the TIF Plan

The Amended O'Fallon Redevelopment Plan and Project may be additionally amended in accordance with the provisions of the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1, et. seq.

Section VII. Reporting and Meeting

The City shall adhere to all reporting and meeting requirements as provided for in the Act.