



AGENDA
COMMUNITY DEVELOPMENT COMMITTEE
Monday, April 27, 2015

6:00 PM

**Public Safety Building
285 North Seven Hills Road**

I) Roll Call

II) Approval of Minutes – April 13, 2015

III) Items Requiring Council Action – Monday, May 4, 2015

- A. Four Points Center – Business District (1st Readings)
- B. Right-of-Way Maintenance – Text Amendment (1st Reading)
- C. SEPA – Keller Farms (Motion)
- D. SEPA – O'Fallon Grand Prix (Motion)
- E. Green Mount Professional Building – Planned Use (2nd Reading) – No Change

IV) Other Business: None

NEXT MEETING: Monday, May 11, 2015 – 6:00 P.M. – Public Safety Building

General Citizen Comments: The City of O'Fallon welcomes comments from our citizens. The Illinois Open Meetings Act provides an opportunity for citizens to speak at all committee and Board meetings. However, 5 ILCS 120/1 mandates that NO action shall be taken on matters not listed on the agenda. Please submit your name to the chairman and limit your comments so that anyone present has the opportunity to speak.



MINUTES
COMMUNITY DEVELOPMENT COMMITTEE
5:30 PM Monday, April 13, 2015

Minutes of a regular meeting of the Community Development Committee of the City of O'Fallon, held at the Public Safety Building, 285 N. Seven Hills Road, O'Fallon, Illinois.

CALL TO ORDER: 6:00 PM

- I) **Roll Call** – *Committee members:* David Cozad, Ray Holden, Harlan Gerrish, and Jerry Mouser. *Other Elected Officials Present:* Ed True, Mike Bennett, Courtney Cardona, Herb Roach, Kevin Hagarty, and John Drolet. *Staff:* Walter Denton, Pam Funk, Ted Shekell, Jeff Stehman, Jim Cavins and Justin Randall. *Visitors:* Matt Smallheer, Fred Bock, Bob Kueker, Charlie Pitts, Vern Malare, Stu Kastens, Teresa Watson, Denny Blumberg, Dennis Cowden, Rachele Lengermann, Scott Plocher, and Justin Venvertloh.
- II) **Approval of Minutes from Previous Meeting** – All ayes. Motion carried.
- III) **Items Requiring Council Action**
- A. Green Mount Professional Building – Planned Use (1st Reading) – Justin Randall provided the committee with an overview of the Green Mount Professional Building development. Randall gave a brief presentation on the zoning component of the Green Mount Professional Building, including land use, parking, utilities and signage. Randall also presented the requested variances. Ted Shekell informed the committee the developer was available for any questions and mentioned the developer believes they are over parked based on their tenant mix. Scott Plocher informed the committee most of the tenants were part of the development team and all are comfortable with their parking counts. The committee discussed the project and improvements necessary as a part of the development. The committee recommended moving the planned use forward with a vote of 4-0.
- B. Right-of-Way Maintenance – Text Amendment (1st Reading) – Justin Randall provided the committee with an overview of proposed text amendment that would add language that requires a property owner to maintain the right-of-way along their property. Randall explained there would be exceptions based on topography, limited access and floodplain/riparian areas, as well as an appeal process for the property owner. Jeff Stehman added that a number of other communities in the state have similar ordinances and the one presented was modeled after those existing ordinances. The committee discussed the proposed text amendment and questioned whether this would create an issue of liability for the City. Shekell said prior to the Council meeting, staff would have the City's attorney review the language to ensure there would not be a liability issue. The committee recommended moving the planned use forward with a vote of 4-0.
- C. SEPA – Happy Day Tropical Sno (Motions) – Justin Randall gave an overview of the Special Event Permit for Happy Day Tropical Sno. Randall indicated the event was consistent with last year's event. Dennis Cowden asked the committee for relief on the requirement to tie down the building. Jeff Stehman indicated that it is a requirement of the building code and there had already been a variance hearing denied previous on this topic and would recommend the condition remain. The committee discussed the event and recommended moving it forward with a vote of 4-0, with all conditions recommended by staff.
- D. SEPA – Global Brew (Motion) – Justin Randall gave a brief overview of the event for Global Brew. Randall indicated the Crawfish Boil was original approved for June 20th, but Global Brew had requested to move the date to June 27th. The Big Woody Comes to Town event was consistent with previous

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events, in that the events would take place in the building and in an area behind the building with alcohol and live music. The committee recommended approval of the Special Event Permits with a vote of 4-0.

- E. SEPA – Soul to Sole 5K (Motion) – Justin Randall gave a brief overview of the proposed 5K run/walk and indicated this was going to City Council because the event had requested PD support with traffic at the beginning of the race. Randall also informed the committee of discussions with the Public Safety Department and applicant indicated after the start of the race, the crowd would thin out and runners would be able to use the shoulder and the assistances from PD would not be needed after the start of the race. The committee recommended approval of the Special Event Permit with a vote of 4-0.
- F. Enjoy Church Alternative Parking Plan (Motion) – Justin Randall reported to the committee that an alternative parking plan was being request by Enjoy Church to allow off-site parking at the Green Mount Corporate Center for Sunday morning services. Randall indicated when the planned use was approved for the church, there was a condition on the approval that capped the occupancy of the building based on the amount of parking available. Ted Shekell commented that staff anticipated something like this would occur, mentioning the condition that no off-site parking would occur without City approval. Randall indicated the building could have occupancy of 642 currently, with the parking agreement in place occupancy could be increased to 1,192 people. However, to increase the occupancy over 999 people an emergency voice/alarm communication system would be required to be installed. The committee recommended approval of the Alternative Parking Plan with a vote of 4-0.
- G. Reserves of Timber Ridge (Multiple Action Items) – Justin Randall gave a brief overview of the Annexation Agreements for the Reserves of Timber Ridge subdivision located off of Simmons Road, north of Kyle Road. Randall informed the committee the developer was able to work out an option that would allow Caseyville Township to provide sanitary sewer service. Randall indicated the rest of the agreement would be the standard language for an annexation agreement, including the annexation fee and park fees. Denny Blumberg provided the committee with additional information on the subdivision. The committee discussed the annexation agreements and recommended moving them forward with a vote of 4-0.
- H. Four Points Center – Planned Use (2nd Reading) – Justin Randall indicated there were no changes to the Planned Use and other action items. Ted Shekell mentioned there would be a change to the redevelopment agreement based on a recent legal option that would require the city to add a section on prevailling wages. The committee discussed the planned use approve and recommended moving it forward with a vote of 4-0.
- I. Gateway Classic Cars – Planned Use (2nd Reading) – Justin Randall indicated there were no changes to the Planned Use. The committee discussed the planned use approve and recommended moving it forward with a vote of 4-0.

IV) Other Business - None

MEETING ADJOURNED: 6:30 PM

NEXT MEETING: April 13, 2015 – Public Safety Building

Prepared by: Justin Randall, Senior City Planner



MEMORANDUM

TO: Community Development Committee
FROM: Justin Randall, Senior City Planner
THROUGH: Ted Shekell, Director of Community Development
DATE: April 27, 2015
SUBJECT: P2014-10 & S15-01: McKendree Rec Plex / Four Points Center
Business District (1st Reading)

Recommendations

Staff recommends approval of the following ordinances:

1. Ordinance Establishing and Designating the Route 50 / Scott-Troy Road Business District and Approving the Route 50 / Scott-Troy Road District Plan
2. Ordinance Establishing and Imposing certain Business District Taxes in the Route 50 / Scott-Troy Road Business District

Route 50 / Scott-Troy Road Business District

The petitioner has requested the creation of a Business District, which will allow the developer to collect up to an additional one-percent (1%) sales tax within the development. This is an additional tax on retail goods above and beyond what is current collected in the City of O'Fallon. This is not a sales tax rebate. Attached is the Draft Business District Plan and Ordinances to establish the Business District. There will be a Public Hearing on May 4, 2015 and the state Statutes allow for the 1st Reading of the Ordinances to occur on the same meeting.

Attachments:

1. Ordinance Establishing and Designating the Route 50 / Scott-Troy Road Business District and Approving the Route 50 / Scott-Troy Road District Plan
 - a. Exhibit A: Legal Description
 - b. Business District Plan (omitted from paper copy, available online at www.ofallon.org)
2. Ordinance Establishing and Imposing certain Business District Taxes in the Route 50 / Scott-Troy Road Business District

Community Development Department

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ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING
AND DESIGNATING THE ROUTE
50/SCOTT-TROY ROAD BUSINESS
DISTRICT AND APPROVING THE
ROUTE 50/SCOTT-TROY ROAD
DISTRICT PLAN WITHIN THE CITY
OF O’FALLON, ILLINOIS**

WHEREAS, the City of O’Fallon, St. Clair County, Illinois (the “**City**”), is authorized under and pursuant to Division 74.3, the Business District Development and Redevelopment Law, 65 ILCS 5-11-74.3-1 through 3-7 (“the Business District Law”), to establish a business district to be named the “**Route 50/Scott-Troy Road Business District**” (the “**Business District**”) and adopt and approve the related business district plan for said Business District (the “**Route 50/Scott-Troy Road Business District Plan**”); and

WHEREAS, the purpose of the Route 50/Scott-Troy Road Business District Plan and the designation of the Business District is to eradicate the blighting conditions that exist and to assure opportunities for development, encouraging private investment, and attracting sound and stable business and commercial growth to the Business District; and

WHEREAS, on April 22 and April 29, 2015 notice of a public hearing to consider the establishment of the Route 50/Scott-Troy Road Business District and adoption of the Route 50/Scott-Troy Road Business District Plan, dated March 19, 2015 were published in the O’Fallon Progress; and

WHEREAS, the City conducted a Public Hearing on May 4, 2015. At the Public Hearing all interested persons were given the opportunity to be heard with respect to the subject matter of the Public Hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O’FALLON, ST. CLAIR COUNTY, ILLINOIS, as follows:

Section 1. The City Council of the City of O’Fallon makes the following additional findings:

- a. That the Route 50/Scott-Troy Road Business District on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed or redeveloped without the adoption of the Route 50/Scott-Troy Road Business District Plan.

- b. That the Route 50/Scott-Troy Road Business District Plan conforms to the comprehensive plan for the development of the City of O'Fallon as a whole.
- c. There exist conditions that cause the area located within the Route 50/Scott-Troy Road Business District to be classified as a "blighted area" as defined in Section 11-74.3-5 of the Business District Law.
- d. The Route 50/Scott-Troy Road Business District is a contiguous area and includes only parcels of real property directly and substantially benefited by the proposed Route 50/Scott-Troy Road Business District Plan.

Section 2. The City hereby designates the area described in the attached **Exhibit A** as the **Route 50/Scott-Troy Road Business District**.

Section 3. The City hereby adopts and approves the **Business District Plan for the Route 50/Scott-Troy Road Business District**, dated March 19, 2014, attached hereto as **Exhibit B**.

Section 4. The City Clerk shall file a certified copy of this ordinance and attached exhibits with the Illinois Department of Revenue (the "IDOR").

Section 5. Each year hereafter and for so long as the Business District remains in effect, the City Clerk shall file with the IDOR, before April 1 and before October 1, an updated list of addresses for the businesses located within the Business District.

Section 6. If any portion of this ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect the remaining portions of this ordinance.

Section 7. This ordinance shall be in full force and effect immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED this ____ day of _____, 2015.

ATTEST: Approved by the Mayor this ____ day
(seal) of _____ 2015.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

| | | | | | | | | |
|-------------------|----------|-------|------|----------|--------|---------|------------|-------------------|
| ROLL CALL: | McCoskey | Meile | True | Albrecht | Mouser | Hagarty | Drolet, J. | SUB TOTALS |
| Aye | | | | | | | | |
| Nay | | | | | | | | |
| Absent | | | | | | | | |

| | | | | | | | | | |
|-------------------|-------|---------|---------|--------|--------|-------|---------|-------------------|----------------------|
| ROLL CALL: | Roach | Bennett | Cardona | Hursey | Holden | Cozad | Gerrish | SUB TOTALS | SUM OF TOTALS |
| Aye | | | | | | | | | |
| Nay | | | | | | | | | |
| Absent | | | | | | | | | |

Attachments:

Exhibit A: Boundary Description of Route 50/Scott-Troy Road Business District

Exhibit B: Business District Plan, Route 50/Scott-Troy Road Business District, March 19, 2015

Exhibit A
Boundary Description of Route 50/Scott-Troy Road Business District

A TRACT OF LAND BEING PART OF THE SOUTHEAST QUARTER OF SECTION 28 AND PART OF THE NORTHEAST QUARTER OF SECTION 33 ALL IN TOWNSHIP 2 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN AS SHOWN ON THE PLAT THEREOF RECORDED IN PLAT BOOK "A" ON PAGE 263 IN THE RECORDER OF DEED'S OFFICE OF ST. CLAIR COUNTY, ILLINOIS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON ROD ON THE EASTERLY LINE OF "LAKEPOINTE CENTRE PROFESSIONAL PARK" AS SHOWN ON THE PLAT THEREOF RECORDED IN PLAT BOOK "95" ON PAGE 18 IN SAID RECORDER OF DEED'S OFFICE, FROM WHICH A CONCRETE R/W MONUMENT MARKING THE SOUTHEAST CORNER OF SAID "LAKEPOINTE CENTRE PROFESSIONAL PARK", BEARS SOUTH 00 DEGREES 01 MINUTES 22 SECONDS EAST, 107.52 FEET; THENCE, NORTH 00 DEGREES 01 MINUTES 22 SECONDS WEST ON SAID EASTERLY LINE AND ITS EXTENSION, 1449.55 FEET TO A CONCRETE MONUMENT WHICH MARKS THE NORTHEAST CORNER OF "THE VILLAS AT LAKEPOINTE" AS SHOWN ON THE PLAT THEREOF RECORDED IN PLAT BOOK "97" ON PAGE 9 IN SAID RECORDER OF DEED'S OFFICE, SAID CONCRETE MONUMENT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO VICTORY FREE WILL BAPTIST CHURCH BY DOCUMENT NUMBER A02143243 IN SAID RECORDER OF DEED'S OFFICE; THENCE, NORTH 71 DEGREES 49 MINUTES 19 SECONDS EAST ON THE SOUTHEASTERLY LINE OF SAID VICTORY FREE WILL BAPTIST CHURCH TRACT OF LAND, 248.61 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE, CONTINUING NORTH 71 DEGREES 49 MINUTES 19 SECONDS EAST ON SAID SOUTHEASTERLY LINE, 418.69 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO WESTMORE DEVELOPMENT IN DEED BOOK 3083 ON PAGE 1042 IN SAID RECORDER OF DEED'S OFFICE; THENCE, NORTH 71 DEGREES 54 MINUTES 27 SECONDS EAST, 441.64 FEET; THENCE, SOUTH 89 DEGREES 31 MINUTES 17 SECONDS EAST, 599.83 FEET TO THE WEST R.O.W. LINE OF SCOTT-TROY ROAD; THENCE, CONTINUING SOUTH 89 DEGREES 31 MINUTES 17 SECONDS EAST, 120.00 FEET TO THE EAST R.O.W. LINE OF SCOTT-TROY ROAD; THENCE, SOUTHERLY FOLLOWING THE EAST R.O.W. LINE OF SCOTT-TROY ROAD TO WHERE IT INTERSECTS THE NORTH R.O.W. LINE OF U.S. ROUTE 50; THENCE, SOUTHERLY CROSSING U.S. ROUTE 50, 123.27 FEET TO THE SOUTH R.O.W. LINE OF U.S. ROUTE 50; THENCE, SOUTHWESTERLY CROSSING SCOTT-TROY ROAD, 524.90 FEET TO THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 50; THENCE, CONTINUING SOUTHWESTLY ALONG THE SOUTH R.O.W. LINE OF U.S. ROUTE 50, 741.69 FEET TO A POINT ON THE SOUTH R.O.W. LINE OF U.S. ROUTE 50; THENCE, NORTHERLY ALONG THE SOUTH R.O.W. LINE OF U.S. ROUTE 50, 37.39 FEET TO A POINT ON THE SOUTH R.O.W. LINE OF U.S. ROUTE 50; THENCE, SOUTHWESTERLY ALONG THE SOUTH R.O.W. LINE OF U.S. ROUTE 50, ALONG A CURVE, TO THE EAST R.O.W. LINE OF ARBOR PARKWAY; THENCE, CONTINUING SOUTHWESTERLY ALONG THE SOUTH R.O.W. LINE OF U.S. ROUTE 50, CROSSING ARBOR PARKWAY, TO THE WEST R.O.W. LINE OF ARBOR PARKWAY; THENCE, NORTHERLY CROSSING U.S. ROUTE 50 TO A POINT ON THE NORTH R.O.W. LINE OF U.S. ROUTE 50, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A 0.67 ACRE TRACT CONVEYED TO THE STATE OF ILLINOIS IN DEED BOOK 2680 ON PAGE 1156 IN SAID RECORDER OF DEED'S OFFICE; THENCE, CONTINUING NORTHERLY ALONG THE WEST LINE OF 0.67 ACRE TRACT, 110 FEET; THENCE, NORTH 00 DEGREES 38 MINUTES 08 SECONDS EAST, 666.02 FEET; THENCE, SOUTH 85 DEGREES 33 MINUTES 41 SECONDS EAST, 230.00 FEET; THENCE, NORTH 33 DEGREES 19 MINUTES 27 SECONDS WEST, 425.00 FEET; THENCE, NORTH 00 DEGREES 20 MINUTES 45 SECONDS WEST, 476.32 FEET TO THE POINT OF BEGINNING.

Exhibit B

**Business District Plan
Route 50/Scott-Troy Road Business District**

Business District Plan

Route 50/Scott-Troy Road Business District

Prepare for

City of O'Fallon, Illinois

Prepared by

PGAV  **PLANNERS**

March 19, 2015

CITY OF O'FALLON, ILLINOIS

MAYOR

Gary L. Graham

CITY COUNCIL

Gene McCoskey, Ward 1
Richie Meile, Ward 1
Ed True, Ward 2
Jerry Albrecht, Ward 2
Jerry Mouser, Ward 3
Kevin Hagarty, Ward 3
John Drolet, Ward 4

Herb Roach, Ward 4
Michael Bennett, Ward 5
Courtney Cardona, Ward 5
Jim Hursey, Ward 6
Ray Holden, Ward 6
David Cozad, Ward 7
Harlan Gerrish, Ward 7

CITY CLERK

Phil Goodwin

CITY ADMINISTRATOR

Walter Denton

COMMUNITY DEVELOPMENT DIRECTOR

Ted Shekell

FINANCE DIRECTOR

Sandy Evans

CITY ATTORNEY

Dale Funk

SPECIAL TIF COUNSEL

Terry Bruckert

TABLE OF CONTENTS

| | |
|--|-----------|
| SECTION 1 – INTRODUCTION | 1 |
| Background..... | 1 |
| Area Boundary and Need for the Business District | 1 |
| Municipal Authority | 2 |
| Additional Statutory Provisions..... | 5 |
| | |
| SECTION 2 – ANALYSIS OF BLIGHTING FACTORS | 7 |
| Qualifications Analysis for the Business District | 7 |
| Qualification Summary and Findings | 8 |
| | |
| SECTION 3 – BUSINESS DISTRICT PLAN | 10 |
| Description of the Business District | 10 |
| Purpose of the Plan..... | 10 |
| Business District Objectives | 10 |
| General Description and Location of Proposed Projects | 12 |
| Business District Policies..... | 12 |
| Business District Project Costs..... | 15 |
| Sources of Funds to Pay Business District Project Costs..... | 17 |
| | |
| SECTION 4 – FINDINGS AND AMENDMENTS TO THE BUSINESS DISTRICT PLAN | 20 |
| Establishment and Term of the Business District | 20 |
| Findings of the Plan..... | 20 |
| Plan Amendments | 21 |
| | |
| <u>EXHIBITS</u> | |
| | |
| A Boundary Map - Route 50/Scott-Troy Road Business District..... | 2 |
| B General Land Use Plan..... | 13 |
| C Estimated Business District Project Costs | 17 |

APPENDIX

Route 50/Scott-Troy Road Business District Boundary Description

SECTION 1

INTRODUCTION

BACKGROUND

The City recognizes that its long-term viability depends, in part, on strengthening its tax base by diversifying its economic base. The City has determined that it is essential to its economic and social welfare to identify and promote opportunities for development and private investment in order to attract sound and stable commercial growth.

The purpose of this document is to set forth a plan to induce the commercial development of approximately 44 acres located northwest of the intersection of U.S. Route 50 and Scott-Troy Road. This will include the financial assistance to help offset some of the costs associated with the construction of necessary public streets and utilities to support such development. Recently, the City has been approached by a developer wishing to build a multi-function recreation complex (the "Rec-Plex") featuring ice hockey and competitive swimming. In addition, the developer anticipates attracting the development of two hotels, retail/restaurant space, office and other commercial uses in a business park setting. However, the developer will not proceed with the project absent financial incentives to help offset development costs.

The City has determined that the Business District Development and Redevelopment Law (65 ILCS 5/11-74.3-1, et. seq.) (the "Law") is an appropriate vehicle, in addition to tax increment financing ("TIF"), to be used as an inducement for funding a portion of the costs associated with providing the necessary street improvements, water and sewer lines, and storm water handling facilities that are required to serve this property. Designating the area as a Business District will advance the City's goal of strengthening its commercial base, including increasing overnight stays by visitors to O'Fallon. This will, in turn, bolster the tax base of the City.

AREA BOUNDARY AND NEED FOR THE BUSINESS DISTRICT

The boundaries of the area to be addressed in this Plan are delineated on **Exhibit A, Boundary Map - Route 50/Scott-Troy Road Business District** and a boundary description is located in the **Appendix** of this Plan. The business district will be named the **Route 50/Scott-Troy Road Business District** and is referred to herein as "the Business District". The Business District contains approximately 51.8 acres of land, including highway and road rights-of-way (44 net acres).

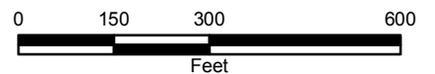
Exhibit A Boundary Map

Route 50 / Scott-Troy Road Business District



Legend

 Route 50/Scott-Troy Road Business District Boundary



The purpose of the Business District is to induce the commercial development of the Business District with the initial development being the Rec-Plex on approximately 8.8 acres of the 44 net acres by S.I. Strategy, LLC (hereafter referred to as the "Developer").

In order to construct the proposed improvements, certain public improvements costing approximately \$4.2 million have to be constructed in order to serve the Rec-Plex, but will also serve other future development sites. These improvements include:

- Construction of public streets, including dedicating rights-of-way for such; and
- Installation of water mains, natural gas, sanitary sewer, and storm sewer facilities to serve the Rec-Plex and future development.
- Upgrades to the intersection of U.S. Route 50 and Scott-Troy Road.

The Developer has demonstrated to the City satisfaction that the total of the costs associated with the developing the 44 acres will make the Rex-Plex and future development projects economically infeasible. When the level of costs required to develop an area equals or exceeds the income potential, the developer's ability to make a profit is reduced (or eliminated) and therefore the development does not occur.

The only development that has occurred in the Business District is the construction contractor facilities located on a four acre parcel. The building on this parcel was originally built in the mid 1960's. In spite of the fact that the City and County have promoted this general location for development for years and that the subject properties were included in a TIF district established in 1995, the Business District on whole has not been subject to growth and development through investment by private enterprise.

MUNICIPAL AUTHORITY

The Business District Law authorizes Illinois municipalities to designate an area within the municipality as a business district. A business district must be established in conformance with a specific plan officially approved by the corporate authorities of the municipality after a public hearing. A business district must also conform to the municipality's comprehensive plan.

The exercise of the powers provided for in the Business District Law is dedicated to the promotion of the public interest and to the enhancement of the tax base of business districts. The use of such powers for the development and redevelopment of business districts is a public use essential to the public interest. In accordance with the Business District Law, the City may exercise the following powers:

- “(1) To make and enter into all contracts necessary or incidental to the implementation and furtherance of a business district plan. A contract by and between the municipality and any developer or other nongovernmental person to pay or reimburse said developer or other nongovernmental person for business district project costs incurred or to be incurred by said developer or other nongovernmental person shall not be deemed an economic incentive agreement under Section 8-11-20, notwithstanding the fact that such contract provides for the sharing, rebate, or payment of retailers' occupation taxes or service occupation taxes (including, without limitation, taxes imposed pursuant to subsection 10) the municipality receives from the development or redevelopment of properties in the business district. Contracts entered into pursuant to this subsection shall be binding upon successor corporate authorities of the municipality and any party to such contract may seek to enforce and compel performance of the contract by civil action, mandamus, injunction, or other proceeding.*
- (2) Within a business district, to acquire by purchase, donation, or lease, and to own, convey, lease, mortgage, or dispose of land and other real or personal property or rights or interests therein; and to grant or acquire licenses, easements, and options with respect thereto, all in the manner and at such price authorized by law. No conveyance, lease, mortgage, disposition of land or other property acquired by the municipality or agreement relating to the development of property, shall be made or executed except pursuant to prior official action of the municipality. No conveyance, lease, mortgage, or other disposition of land owned by the municipality, and no agreement relating to the development of property, within a business district shall be made without making public disclosure of the terms and disposition of all bids and proposals submitted to the municipality in connection therewith.*
- (2.5) To acquire property by eminent domain in accordance with the Eminent Domain Act.*
- (3) To clear any area within a business district by demolition or removal of any existing buildings, structures, fixtures, utilities, or improvements, and to clear and grade land.*
- (4) To install, repair, construct, reconstruct, or relocate public streets, public utilities, and other public site improvements within or without a business district which are essential to the preparation of a business district for use in accordance with a business district plan.*
- (5) To renovate, rehabilitate, reconstruct, relocate, repair, or remodel any existing buildings, structures, works, utilities, or fixtures within any business district.*
- (6) To construct public improvements, including but not limited to buildings, structures, works, utilities, or fixtures within any business district.*

- (7) *To fix, charge, and collect fees, rents, and charges for the use of any building, facility, or property or any portion thereof owned or leased by the municipality within a business district.*
- (8) *To pay or cause to be paid business district project costs. Any payments to be made by the municipality to developers or other nongovernmental persons for business district project costs incurred by such developer or other nongovernmental person shall be made only pursuant to the prior official action of the municipality evidencing an intent to pay or cause to be paid such business district project costs. A municipality is not required to obtain any right, title, or interest in any real or personal property in order to pay business district project costs associated with such property. The municipality shall adopt such accounting procedures as shall be necessary to determine that such business district project costs are properly paid.*
- (9) *To apply for and accept grants, guarantees, donations of property or labor or any other thing of value for use in connection with a business district project.*
- (10) *If the municipality has by ordinance found and determined that the business district is a blighted area under this Law, to impose a retailers' occupation tax and a service occupation tax in the business district for the planning, execution, and implementation of business district plans and to pay for business district project costs as set forth in the business district plan approved by the municipality.*
- (11) *If the municipality has by ordinance found and determined that the business district is a blighted area under this Law, to impose a hotel operators' occupation tax in the business district for the planning, execution, and implementation of business district plans and to pay for the business district project costs as set forth in the business district plan approved by the municipality."*

ADDITIONAL STATUTORY PROVISIONS

In accord with the provisions of the Business District Law stated above, a municipality may enter into contracts necessary or incidental to the implementation and furtherance of a business district plan. This contracting power includes entering into an agreement with a developer or other nongovernmental person that provides for the sharing, rebate, or payment of retailers' occupation taxes or service occupation taxes the municipality receives from the development or redevelopment of properties in the business district.

Also, the corporate authorities of a municipality may impose a retailers' occupation tax, service occupation tax, or hotel operators' occupation tax by ordinance pursuant to subsection (10) or (11) of Section 11-74.3-3 of the Business District Law. However, in order to establish such tax-

es, the business district area must qualify as a “blighted area” as that term is defined in Section 11-74.3-5 of said law, to wit:

*“**Blighted area**” means an area that is a blighted area which, by reason of the predominance of defective, non-existent, or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire or other causes, or any combination of those factors, retards the provision of housing accommodations or constitutes an economic or social liability, an economic underutilization of the area, or a menace to the public health, safety, morals, or welfare.”*

Furthermore, a business district plan shall be prepared. As defined in Section 11-74.3-5 of the Business District Law, a “business district plan” is the written plan for the development or re-development of the area identified as the district and must contain the following information:

- “(i) a specific description of the boundaries of the proposed business district, including a map illustrating the boundaries;*
- (ii) a general description of each project proposed to be undertaken within the business district, including a description of the approximate location of each project and a description of any developer, user, or tenant of any property to be located or improved within the proposed business district;*
- (iii) the name of the proposed business district;*
- (iv) the estimated business district project costs;*
- (v) the anticipated source of funds to pay business district project costs;*
- (vi) the anticipated type and terms of any obligations to be issued; and*
- (vii) the rate of any tax to be imposed pursuant to subsection (10) or (11) of Section 11-74.3-3 and the period of time for which the tax shall be imposed.”*

This document constitutes the Route 50/Scott-Troy Road Business District Plan. It sets forth the necessity for the designation of the Business District, the qualifications of the Business District as a “blighted area”, a statement of objectives and policies to achieve these objectives, and a description of proposed projects for the Business District.

SECTION 2

ANALYSIS OF BLIGHTING FACTORS

QUALIFICATIONS ANALYSIS FOR THE BUSINESS DISTRICT

Because the City intends to implement an additional retailers' occupation tax, service occupation tax, and hotel operators' tax of up to 1% in accord with the provisions of the Business District Law, an evaluation of the conditions within the Business District was conducted. Information gathered for this analysis was derived from research of St. Clair County property assessment records, including tax mapping showing the existing platting of the Business District, and information provided by the City. The following discussion in this section of the Plan summarizes the existing conditions within the Business District that allow it to qualify as a "blighted area" as defined by the Business District Law.

Non-Existent or Inadequate Street Layout

In order to develop the Business District properly, it will be necessary to build an internal street system. Currently no such streets exist. As part of phase 1 of the proposed development, the Developer will construct a new collector street connecting Route 50 and Scott-Troy Road. This street will open up access to future subdivided lots including the initial 8.8 acre parcel where the Rec-Plex will be built. The Developer anticipates additional streets will be built to serve the balance of the Business District, but their alignments are to be determined based on size and location of future platted lots.

Economic Liability and Economic Underutilization

Currently, the 44 acres of private properties located within the proposed Business District generate relatively little in real property taxes. The aggregate real property tax generated by these properties for the 2013 tax year was \$3,650. The assessed value of the entire Area for the 2013 tax year was only \$45,519, which translates to a market value of approximately \$136,600 (about \$3,100 per acre). By way of comparison, the median value of an owner-occupied housing unit in O'Fallon was \$197,900.¹ Given its location at the intersection of Route 50 and

¹ Source: 2009-2013 American Community Survey, published by the United States Census Bureau.

<http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>

Scott-Troy Road, it is clear that these properties represent an economic liability and economic underutilization.

The overall goal of the City is for the Business District to develop into a commercial development anchored by the Rec-Plex facility. This Rec-Plex is expected to host both collegiate and private club hockey tournaments and aquatic competitions that will draw from the Midwest and beyond. Through financial incentives, including those authorized under the Business District Law, the City expects to be able to induce private investment that will result in the Rec-Plex construction and follow-up development. In addition to property tax revenues, some of the commercial uses will generate sales-taxes as well. The City also relies on a hotel operators' occupation tax to promote tourism or otherwise increase overnight stays by visitors. The Developer anticipates that the Rec-Plex will generate additional demand for overnight stays and is planning for two new hotels within the Business District. These projects are predicated on the Business District being established, along with other incentives to be provided by the City.

Social Liability

By reason of the of lack of streets and utilities, the Business District constitutes a social liability to the City and the taxing districts that collect certain taxes generated on properties within the Business District. The City, which is entrusted with providing police protection, fire and rescue, snow removal, and other public services, is constantly faced with fiscal challenges to provide such services. The lack of tax revenue from the Business District presents lost opportunity for additional operating revenue for the City. Also, other units of government provide public services that are an integral part of the quality of life in a community. Without action on the part of the City to induce investment, these districts will lose out on the opportunity for property tax revenue increases that would be generated by commercial development in the Business District. In this way, the economic underutilization of the properties located within the Business District constitutes a social liability.

QUALIFICATION SUMMARY AND FINDINGS

Based on the "blighted area" definition outlined in the Business District Law, there are sufficient conditions that represent the required qualifications. These include:

- Non-existent streets and utilities.

- The properties within the Business District produce relatively little property taxes and have the potential to generate considerably more. This constitutes an economic underutilization of the properties within the Business District and thus creates an economic and social liability to the City and the taxing districts.

Therefore the Business District meets the standards as a “blighted area” per Section 11-74.3-5(3) of the Business District Law for designation as a “Business District” for purposes of imposing a tax pursuant to subsections (10) or (11) of Section 11-74.3-3 of the Business District Law. The Business District represents an area of the City, which by reason of the lack of streets constitutes an economic or social liability and an economic underutilization of the area.

SECTION 3

BUSINESS DISTRICT PLAN

DESCRIPTION OF THE BUSINESS DISTRICT

As stated in Section 1 of this Plan, the Route 50/Scott-Troy Road Business District consists of approximately 44 acres of private property. The boundaries of the Business District are delineated on **Exhibit A – Proposed Route 50/Scott-Troy Road Business District**, and a boundary description is attached in the **Appendix as Attachment A**. Included within the boundaries are the adjoining rights-of-way of U.S. Route 50 and Scott-Troy Road.

PURPOSE OF THE PLAN

The purpose of establishing the Business District Plan (the “Plan”) is to induce private investment in construction of buildings and site improvements. The Plan establishes the objectives and policies for development of the Business District.

Under the provision of the Illinois Business District Development and Redevelopment Law, the City intends to adopt each of the eligible Business District sales taxes (retailers’, service, and hotel operators’ occupation sales taxes) as provided for in Section 11-74.3-3 (10) and (11) of the Law at the maximum level of 1%. The Plan also describes the proposed uses of the revenue to be generated by the Business District tax and lays out policies for using Business District tax revenue to provide incentives to achieve the City’s objectives for the Business District.

BUSINESS DISTRICT OBJECTIVES

It is the overall objective of this Plan to induce the development of the Rec-Plex, hotels, retail, restaurant, office and other suitable commercial uses within the Business District. The Plan envisions the development of hotel and retail businesses oriented to Route 50 traffic. More specifically the objectives include:

Objective #1: Expansion of O'Fallon's economic base.

To use incentives to enhance the City’s commercial base by bringing the Rec-Plex, new retail, hotel and other businesses to an area that is economically underperforming. It is expected that tournaments at the Rec-Plex will bring additional overnight visitors to O'Fallon and will spend money at existing restaurants, hotels and other businesses in the community.

Objective #2: Encourage investment and growth in areas outside the District.

The location of the District is at the eastern growth zone of the community that has experienced some residential development over that past decade. Additional commercial and office development that offer goods and services and employment opportunities at this location may serve as a catalyst for additional residential growth. Another key component of this objective is to improve the prospects of redeveloping the now vacant Rock Springs mobile home park located across Scott-Troy Road from the Business District.

Objective #3: Remedy blighted conditions.

To provide for the construction of streets and installation of utilities that will eliminate the conditions that caused the Business District to qualify as a blighted area as defined in Business District Law.

The initial project proposed in this Business District will entail development of the Rec-Plex by a development entity known as S.I. Strategy, LLC (hereafter referred to as the "Developer"). This entity will have control of the entire 44 acres of private property within the Business District.

It is anticipated that this initial Rec-Plex development will induce the development of the other property that is located within the Business District. Development of these other lots may be undertaken by the same developer or other developer(s).

The Plan envisions that the Rec-Plex will be constructed as the initial phase of plan implementation. At this time it is assumed that development of the balance of the Business District will occur in multiple phases. However, it should not be construed that this Plan is intended to dictate the actual timing of the construction of the various infrastructure and building components. Instead, it is the intent of this Plan to provide option of multiple Business District projects to occur throughout the life of the Business District. This Plan also provides for the Business District revenues that might be used to fund additional streets and other public infrastructure extensions to serve other lots. Thus, in the context of this Plan, "Projects" may entail any of these activities and "Developer" may mean the developer named herein, the City, other developer(s), or any combination of these entities.

GENERAL DESCRIPTION AND LOCATION OF PROPOSED PROJECTS

Exhibit B – General Land Use Plan depicts the approximate location of development projects within the District. Below is a general description of the proposed projects:

- Construction of a new collector street (general alignment shown on Exhibit B)
- 130,000+ square foot indoor Rec-Plex containing:
 - Two sheets of NHL regulation ice & spectator seating
 - Olympic size swimming pool and diving boards/platform
 - Half basketball court
 - Locker rooms
- Commercial sites for:
 - Restaurants
 - Retail
 - Services
 - Office
- Hotel sites

It should be noted that the arrangement of the various development projects may vary from that shown on Exhibit B. The needs of specific end users will ultimately dictate specific locations of the above identified uses.

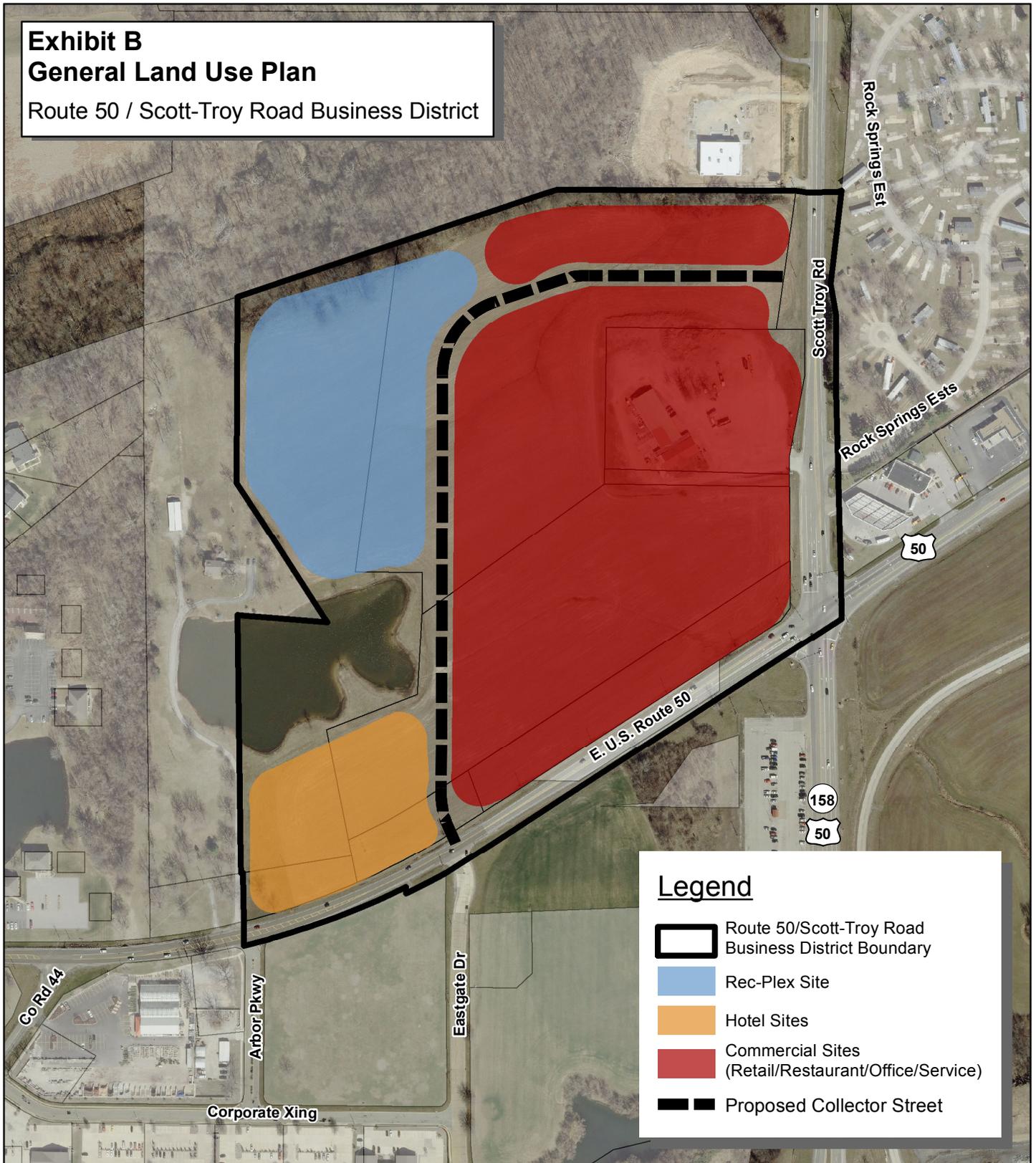
BUSINESS DISTRICT POLICIES

It is the intent of this Plan to foster development within the Business District in a manner that is consistent with good urban planning practices, the City's economic development goals and objectives, and all applicable codes and ordinances. The policies as set forth below are established to promote these objectives.

Development Agreements or Other Such Instruments

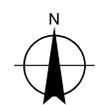
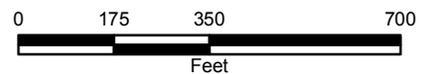
In order to ensure that development occurs in a manner consistent with this Plan, the City and the Developer are expected to enter into a development agreement or other such instrument that will establish the terms and conditions under which Business District financial incentives are to be provided. Such instruments may establish, among other things:

Exhibit B
General Land Use Plan
 Route 50 / Scott-Troy Road Business District



Legend

-  Route 50/Scott-Troy Road Business District Boundary
-  Rec-Plex Site
-  Hotel Sites
-  Commercial Sites (Retail/Restaurant/Office/Service)
-  Proposed Collector Street



- the development entity to receive the incentives;
- the public and/or private improvements to be built, and
- identification of the type and amount of project costs to be reimbursed from Business District sales taxes.

It should be noted that the City may enter into multiple development agreements or other such instruments with other developers in order to implement the Business District Plan.

Development Policies

Development within the Business District should occur in a planned fashion. To this end, this Plan provides the following policy guidelines:

- Development should take place in a planned scheme that allows for the proper access and circulation within the initial development and remaining development sites.
- To the extent vehicular traffic generated by development projects within the Business District impacts Route 50, Scott-Troy Road and the intersection thereof, provide for the necessary improvements thereto to adequately mitigate such impacts.
- Development should conform to contemporary development standards such as provision of adequate off-street parking and appropriate site landscaping and buffer zones between properties in the Business District and adjoining residentially zoned areas.

Economic Incentives Policies

In order to induce private investment in the Business District, the City may provide certain economic incentives to private parties. In providing such incentives, it is not the policy or intent of the City to create an unfair advantage of one business over a like-kind business. Instead, incentives will be used to help make projects feasible by helping to offset extraordinary project costs that may include any costs as permitted in the Law and as cited earlier in this Section.

Additional policy guidelines and requirements include the following:

1. The project is consistent with the City's Zoning Ordinance and Comprehensive Plan.
2. All work performed on the subject property shall be in accordance with City codes, and any other applicable State or Federal regulations.

3. At the time of application for economic incentives, all taxes, applicable fees or other debts owed to the State or City by the developer, property owners or tenants are paid up-to-date.
4. Application for economic incentives may only be made by a person or persons having an actual interest in the subject property. This includes the owner of record, beneficial owner of a trust, or a person having made a land purchase offer, which offer has been accepted.
5. Except as may be waived by the City, all economic incentives will be based on a “pay-as-you-go” basis. In other words economic incentives will not be provided up front, but instead, on a reimbursement basis from Business District sales tax revenues generated by the applicable businesses on an annual basis.
6. The economic incentives provided for in this Plan are not an entitlement, nor are they to be applied retroactively to development or redevelopment projects undertaken by private parties. The amount and terms of any economic incentives to be provided are determined on a case-by-case basis and shall be subject to an agreement between the City and the private party to be the beneficiary of such economic incentives.

BUSINESS DISTRICT PROJECT COSTS

The following costs are anticipated to be incurred in implementing the Route 50/Scott-Troy Road Business District. The Business District projects described above may entail a range of public and private activities and associated costs as provided for in Section 11-74.3-5 of the Business District Law, including without limitation the following:

- “(1) costs of studies, surveys, development of plans and specifications, implementation and administration of a business district plan, and personnel and professional service costs including architectural, engineering, legal, marketing, financial, planning, or other professional services, provided that no charges for professional services may be based on a percentage of tax revenues received by the municipality;*
- (2) property assembly costs, including but not limited to, acquisition of land and other real or personal property or rights or interests therein, and specifically including payments to developers or other nongovernmental persons as reimbursement for property assembly costs incurred by that developer or other nongovernmental person;*
- (3) site preparation costs, including but not limited to clearance, demolition or removal of any existing buildings, structures, fixtures, utilities, and improvements and clearing and grading of land;*

- (4) *costs of installation, repair, construction, reconstruction, extension, or relocation of public streets, public utilities, and other public site improvements within or without the business district which are essential to the preparation of the business district for use in accordance with the business district plan, and specifically including payments to developers or other nongovernmental persons as reimbursement for site preparation costs incurred by the developer or nongovernmental person;*
- (5) *costs of renovation, rehabilitation, reconstruction, relocation, repair, or remodeling of any existing buildings, improvements, and fixtures within the business district, and specifically including payments to developers or other nongovernmental persons as reimbursement for costs incurred by those developers or nongovernmental persons;*
- (6) *costs of installation or construction within the business district of buildings, structures, works, streets, improvements, equipment, utilities, or fixtures, and specifically including payments to developers or other nongovernmental persons as reimbursements for such costs incurred by such developer or nongovernmental person;*
- (7) *financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations, payment of any interest on any obligations issued under this Law that accrues during the estimated period of construction of any development or redevelopment project for which those obligations are issued and for not exceeding 36 months thereafter, and any reasonable reserves related to the issuance of those obligations; and*
- (8) *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."*

The City intends to provide limited economic development assistance through the funding of certain development costs to be incurred by the Developer, future developer(s), property owner, or business under the terms and conditions of separate development agreements in furtherance of the objectives of this Plan. Economic development assistance may include expenditures for public and private improvements as estimated on **Exhibit C, Estimated Business District Project Costs** below.

Exhibit C should not be construed to limit the ability of the City to enter into development agreements, which provide for other costs, additional costs, or a different distribution of these costs among the various line items. Specific limitations on such cost items and any distribution between them will be specified in development agreements by and between the City and any developer(s), property owner, or business tenant.

SOURCES OF FUNDS TO PAY BUSINESS DISTRICT PROJECT COSTS

A portion of the funds necessary to pay for Business District project costs are to be derived from the following Business District Sales Taxes in accordance with Section 11-74.3-3 (10) and (11) of the Business District Law:

“...retailers' occupation tax and a service occupation tax in the business district for the planning, execution, and implementation of business district plans and to pay for business district project costs...” and “...a hotel operators' occupation tax in the business district for the planning, execution, and implementation of business district plans and to pay for the business district project costs...”

Exhibit C

ESTIMATED BUSINESS DISTRICT PROJECT COSTS

Route 50/Scott-Troy Road Business District
City of O'Fallon, Illinois

| Description | Estimated Cost |
|--|---------------------|
| A. Public Works <i>(Construction of streets, utilities, and other public improvements)</i> | \$6,000,000 |
| B. Property Assembly <i>(Acquisition of land and other real and personal property)</i> | \$2,000,000 |
| C. Site Preparation | \$725,000 |
| D. Construction of Buildings & Other Site Improvements | \$1,500,000 |
| E. Planning, Legal & Professional Services | \$300,000 |
| F. General Administration | \$350,000 |
| G. Relocation Costs | \$200,000 |
| H. Financing Costs | See Note 3 |
| I. Contingency | \$1,090,000 |
| Total Estimated Costs | \$12,165,000 |

Notes:

- All costs shown are in 2015 dollars.
- Adjustments may be made among line items within the budget to reflect program implementation experience.
- Municipal financing costs such as interest expense, capitalized interest and cost of issuance of obligations are not quantified herein. These costs are subject to prevailing market conditions and will be considered part of the total business district
- Private redevelopment costs and investment are in addition to the above.
- The total estimated business district project costs shall not be increased by more than 5% after adjustment for inflation from the date of the Business District Plan was approved, per subsection 11-74.3-2 (f) of the Business District Law.

These taxes are to be imposed at the rate of 1% and are defined in Section 11-74.3-6 as follows:

“(b) ...a Business District Retailers' Occupation Tax levied upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, and at retail in the business district at a rate of 1.0% of the gross receipts from the sales made in the course of such business... The tax may not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.”

“(c) ...a Business District Service Occupation Tax shall also be imposed upon all persons engaged, in the business district, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the business district, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax shall be imposed at the same rate as the Business District Retailers' Occupation Tax, a rate of 1.0% of the selling price of tangible personal property so transferred within the business district,... The tax may not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.”

“(d) ...an occupation tax upon all persons engaged in the business district in the business of renting, leasing, or letting rooms in a hotel, as defined in the Hotel Operators' Occupation Tax Act, at a rate not to exceed 1% of the gross rental receipts from the renting, leasing, or letting of hotel rooms within the business district,...excluding, however, from gross rental receipts the proceeds of renting, leasing, or letting to permanent residents of a hotel, as defined in the Hotel Operators' Occupation Tax Act, and proceeds from the tax imposed under subsection (c) of Section 13 of the Metropolitan Pier and Exposition Authority Act.”

The City shall deposit the proceeds of the above described taxes imposed into a special fund of the City named the **“Route 50/Scott-Troy Road Business District Tax Allocation Fund”**.

Other sources of funds that may be used to pay the costs of implementation of the Business District objectives include:

- Private capital which is available to the Developer through its own cash reserves or financing entities;
- Improvements funded by third party tenants; and
- Other sources of public financing that may be identified at such time in the future to fund project costs.

The City may issue obligations secured by the Business District Tax Allocation Fund to provide for the payment of Business District project costs. Those obligations, if so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of those obligations and shall be for a term not later than 20 years after the date of issue or the dissolution date of the Business District, whichever is earlier.

SECTION 4

FINDINGS AND AMENDMENTS TO THE BUSINESS DISTRICT PLAN

ESTABLISHMENT AND TERM OF THE BUSINESS DISTRICT

The establishment of the Business District shall become effective upon adoption of an ordinance by the City Council adopting this Plan. The Business District shall expire in accordance with the provisions of the Business District Law in Section 11-74.3-6 (f) that states:

“When business district project costs, including, without limitation, all obligations paying or reimbursing business district project costs have been paid, any surplus funds then remaining in the Business District Tax Allocation Fund shall be distributed to the municipal treasurer for deposit into the general corporate fund of the municipality. Upon payment of all business district project costs and retirement of all obligations paying or reimbursing business district project costs, but in no event more than 23 years after the date of adoption of the ordinance imposing taxes pursuant to subsection (10) or (11) of Section 11-74.3-3, the municipality shall adopt an ordinance immediately rescinding the taxes imposed pursuant to subsection (10) or (11) of Section 11-74.3-3.”

FINDINGS OF THE PLAN

The City hereby finds and determines as follows:

1. This Plan constitutes a specific plan for a business district named the Route 50/Scott-Troy Road Business District in the City of O'Fallon, St. Clair County, Illinois.
2. The designation of the Business District as identified in this Plan and the boundaries thereof delineated on **Exhibit A – Route 50/Scott-Troy Road Business District**, and as described the boundary description contained in the **Appendix**, will assure opportunities for development and attraction of quality commercial growth to the City.
3. The Business District is contiguous and includes only parcels of real property directly and substantially benefited by this Plan.
4. The City's exercise of the powers provided in the Business District Law is dedicated to the promotion of the public interest and to the enhancement of the tax base of the Business District, and the use of the powers for the development and redevelopment of the Business

District as provided in this Plan is declared to be a public use essential to the public interest of the residents of the City of O'Fallon, St. Clair County, Illinois.

5. The Business District qualifies as a blighted area because the District represents a portion of the City, which by reason of the lack of streets constitutes an economic liability and an economic underutilization of the area.
6. The Business District on the whole has not been subject to growth and development through investment by private enterprises and would not reasonably be anticipated to be developed or redeveloped without the adoption of this Business District Plan. The Developer has stated that the projects will not take place absent the establishment of the Business District and using Business District sales tax revenue to reimburse the Developer for certain Business District project costs.
7. The Business District Plan conforms to the City of O'Fallon's 2006 Comprehensive Plan, which proposes "Regional Commercial" use for the land located within the District.

PLAN AMENDMENTS

The procedure for amending this Plan shall also be in conformance with the provisions of the Business District Law.

APPENDIX

BOUNDARY DESCRIPTION**ROUTE 50/SCOTT-TROY ROAD BUSINESS DISTRICT**

A TRACT OF LAND BEING PART OF THE SOUTHEAST QUARTER OF SECTION 28 AND PART OF THE NORTHEAST QUARTER OF SECTION 33 ALL IN TOWNSHIP 2 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN AS SHOWN ON THE PLAT THEREOF RECORDED IN PLAT BOOK "A" ON PAGE 263 IN THE RECORDER OF DEED'S OFFICE OF ST. CLAIR COUNTY, ILLINOIS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON ROD ON THE EASTERLY LINE OF "LAKEPOINTE CENTRE PROFESSIONAL PARK" AS SHOWN ON THE PLAT THEREOF RECORDED IN PLAT BOOK "95" ON PAGE 18 IN SAID RECORDER OF DEED'S OFFICE, FROM WHICH A CONCRETE R/W MONUMENT MARKING THE SOUTHEAST CORNER OF SAID "LAKEPOINTE CENTRE PROFESSIONAL PARK", BEARS SOUTH 00 DEGREES 01 MINUTES 22 SECONDS EAST, 107.52 FEET; THENCE, NORTH 00 DEGREES 01 MINUTES 22 SECONDS WEST ON SAID EASTERLY LINE AND ITS EXTENSION, 1449.55 FEET TO A CONCRETE MONUMENT WHICH MARKS THE NORTHEAST CORNER OF "THE VILLAS AT LAKEPOINTE" AS SHOWN ON THE PLAT THEREOF RECORDED IN PLAT BOOK "97" ON PAGE 9 IN SAID RECORDER OF DEED'S OFFICE, SAID CONCRETE MONUMENT ALSO BEING THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO VICTORY FREE WILL BAPTIST CHURCH BY DOCUMENT NUMBER A02143243 IN SAID RECORDER OF DEED'S OFFICE; THENCE, NORTH 71 DEGREES 49 MINUTES 19 SECONDS EAST ON THE SOUTHEASTERLY LINE OF SAID VICTORY FREE WILL BAPTIST CHURCH TRACT OF LAND, 248.61 FEET TO THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE, CONTINUING NORTH 71 DEGREES 49 MINUTES 19 SECONDS EAST ON SAID SOUTHEASTERLY LINE, 418.69 FEET TO THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO WESTMORE DEVELOPMENT IN DEED BOOK 3083 ON PAGE 1042 IN SAID RECORDER OF DEED'S OFFICE; THENCE, NORTH 71 DEGREES 54 MINUTES 27 SECONDS EAST, 441.64 FEET; THENCE, SOUTH 89 DEGREES 31 MINUTES 17 SECONDS EAST, 599.83 FEET TO THE WEST R.O.W. LINE OF SCOTT-TROY ROAD; THENCE, CONTINUING SOUTH 89 DEGREES 31 MINUTES 17 SECONDS EAST, 120.00 FEET TO THE EAST R.O.W. LINE OF SCOTT-TROY ROAD; THENCE, SOUTHERLY FOLLOWING THE EAST R.O.W. LINE OF SCOTT-TROY ROAD TO WHERE IT INTERSECTS THE NORTH R.O.W. LINE OF U.S. ROUTE 50; THENCE, SOUTHERLY CROSSING U.S. ROUTE 50, 123.27 FEET TO THE SOUTH R.O.W. LINE OF U.S. ROUTE 50; THENCE, SOUTHWESTERLY CROSSING SCOTT-TROY ROAD, 524.90 FEET TO THE SOUTH RIGHT OF WAY LINE OF U.S. ROUTE 50; THENCE, CONTINUING SOUTHWESTLY ALONG THE SOUTH R.O.W. LINE OF U.S. ROUTE 50, 741.69 FEET TO A POINT ON THE SOUTH R.O.W. LINE OF U.S. ROUTE 50; THENCE, NORTHERLY ALONG THE SOUTH R.O.W. LINE OF U.S. ROUTE 50, 37.39 FEET TO A POINT ON THE SOUTH R.O.W. LINE OF U.S. ROUTE 50; THENCE, SOUTHWESTERLY ALONG THE SOUTH R.O.W. LINE OF U.S. ROUTE 50, ALONG A CURVE, TO THE EAST R.O.W. LINE OF ARBOR PARKWAY; THENCE, CONTINUING SOUTHWESTERLY ALONG THE SOUTH R.O.W. LINE OF U.S. ROUTE 50, CROSSING ARBOR PARKWAY, TO THE WEST R.O.W. LINE OF ARBOR PARKWAY; THENCE, NORTHERLY CROSSING U.S. ROUTE 50 TO A POINT ON THE NORTH R.O.W. LINE OF U.S. ROUTE 50, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF A 0.67 ACRE TRACT CONVEYED TO THE

STATE OF ILLINOIS IN DEED BOOK 2680 ON PAGE 1156 IN SAID RECORDER OF DEED'S OFFICE; THENCE, CONTINUING NORTHERLY ALONG THE WEST LINE OF 0.67 ACRE TRACT, 110 FEET; THENCE, NORTH 00 DEGREES 38 MINUTES 08 SECONDS EAST, 666.02 FEET; THENCE, SOUTH 85 DEGREES 33 MINUTES 41 SECONDS EAST, 230.00 FEET; THENCE, NORTH 33 DEGREES 19 MINUTES 27 SECONDS WEST, 425.00 FEET; THENCE, NORTH 00 DEGREES 20 MINUTES 45 SECONDS WEST, 476.32 FEET TO THE POINT OF BEGINNING.

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING
AND IMPOSING CERTAIN BUSINESS
DISTRICT TAXES IN THE
ROUTE 50/SCOTT-TROY ROAD
BUSINESS DISTRICT**

WHEREAS, the City of O’Fallon passed **Ordinance No. _____** Establishing and Designating the Route 50/Scott-Troy Road Business District and Approving the Route 50/Scott-Troy Road Business District Plan within the City of O’Fallon, Illinois in accordance with the Business District Development and Redevelopment Law, 65 ILCS 5/11-74.3-1 through 11-74.3-7 (the “Business District Law”); and

WHEREAS, as part of **Ordinance No. _____**, the Corporate Authorities of the City made the requisite findings that the Route 50/Scott-Troy Road Business District qualified as a “blighted area” as defined in Section 11-74.3-5 of the Business District Law; and

WHEREAS, in furtherance of the Route 50/Scott-Troy Road Business District, the Corporate Authorities of the City desire to establish and impose a Business District Retailers’ Occupation Tax, a Business District Service Occupation Tax, and a Hotel Operators’ Occupation Tax pursuant to Section 11-74.3-3 (10) and (11) of the Business District Law; and

WHEREAS, the City intends to use said tax to fund certain improvements within the Business District in accordance with the Business District Law and as set forth in the Route 50/Scott-Troy Road Business District Plan; and

WHEREAS, the Corporate Authorities of the City find and determine that it is in the best interests of the City and its residents to establish the taxes as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O’FALLON, ST. CLAIR COUNTY, ILLINOIS, as follows:

Section 1. The above stated recitals are incorporated by this reference.

Section 2. **Business District Retailers’ Occupation Tax.** A tax is hereby imposed to be known as the “Business District Retailers’ Occupation Tax” upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this state’s government, at retail within the boundaries of the Route 50/Scott-Troy Road Business District at the rate of one percent (1.0%) of the gross receipts from such sales made in the course of such

business while this ordinance is in effect. This “Business District Retailers’ Occupation Tax” shall not be applicable to the sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes and needles used by diabetics, for human use.

Section 3. **Business District Service Occupation Tax.** A tax is hereby imposed to be known as the “Business District Service Occupation Tax” upon all persons engaged, in the Route 50/Scott-Troy Road Business District, in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the business district, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax shall be imposed at the same rate as the tax imposed in Section 2 above and shall not exceed 1% of the selling price of tangible personal property so transferred within the business district. The tax may not be imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.

Section 4. **Business District Hotel Operators’ Occupation Tax.** A tax is hereby imposed to be known as the “Business District Hotel Operators’ Occupation Tax” upon all persons engaged within the Route 50/Scott-Troy Road Business District in the business of renting, leasing or letting of rooms in a hotel, as defined in the Hotel Retailers’ Occupation Tax Act, 35 ILCS 145/1, et seq., within the Route 50/Scott-Troy Road Business District, at the rate of one percent (1%). This Business District Hotel Operators’ Occupation Tax shall not be applicable to the proceeds of renting, leasing, or letting to permanent residents of a hotel, as defined in the Hotel Operators’ Occupation Tax Act, 35 ILCS 145/1 et seq.

Section 5. **Notice to Illinois Department of Revenue.** On or before, October 1, 2015, the City Clerk and other appropriate City staff are directed to provide the Illinois Department of Revenue (the “Department”) with a certified copy of this Ordinance and such other information required by the Department so that the Business District Retailers’ Occupation Tax provided for in Section 2 above, and the Business District Service Occupation Tax provided for in Section 3 above may be administered and

enforced by the Department, beginning on January 1, 2016. Thereafter, the appropriate City staff are directed to provide any address change, addition, or deletion of businesses located within the Business District to the Department on or before April 1 for administration and enforcement by the Department of the change beginning on the following July 1 and on or before October 1 for administration and enforcement by the Department of the change beginning on the following January 1.

Section 6. **Route 50/Scott-Troy Road Business District Tax Allocation Fund.** All proceeds of the taxes imposed, civil penalties, and interest, which accrues from the Business District Taxes imposed hereby, shall be deposited into a special fund of the City called the “Route 50/Scott-Troy Road Business District Tax Allocation Fund” in accordance with the Business District Law.

Section 7. **Enforcement.** The Illinois Department of Revenue shall have the authority of administer and enforce the Business District Retailers’ Occupation Tax and the Business District Service Occupation Tax imposed under Sections 2 and 3 of this Ordinance, and the City shall have the authority to administer and enforce the Business District Hotel Operators’ Occupation Tax under Section 4 of this Ordinance.

Section 8. **Rescinding of Business District Taxes and Business District Dissolution Date.** When business district project costs, including, without limitation, all obligations paying or reimbursing business district project costs have been paid, any surplus funds then remaining in the Route 50/Scott-Troy Road Business District Tax Allocation Fund shall be distributed to the municipal treasurer for deposit into the general corporate fund of the City. Upon payment of all business district project costs and retirement of all obligations paying or reimbursing business district project costs, but in no event more than 23 years after the date of adoption of this Ordinance imposing the taxes pursuant to the Business District Law, the City shall adopt an ordinance immediately rescinding the taxes imposed. The dissolution date of the Route 50/Scott-Troy Road Business District shall be not later than 270 days following payment to the City of the last distribution of taxes as provided in Section 11-74.3-6 of the Business District Law.

Section 8. If any portion of this ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such invalidity or unenforceability shall not affect the remaining portions of this ordinance.

Section 9. This ordinance shall be in full force and effect immediately upon its passage, approval and publication as provided by law.



M E M O R A N D U M

TO: Community Development Committee
FROM: Justin Randall, Senior City Planner
THRU: Ted Shekell, Community Development Director
DATE: April 27, 2015
SUBJECT: Text Amendment – Right of Way Maintenance Provisions (1st Reading)

Update

The Community Development Committee reviewed the proposed text amendment and discussed the whether the text amendment would create an issue of liability for the City. The City's attorney review the language to ensure there would not be a liability issue. Dale Funk provide the following legal opinion on the proposed text amendment and attached ordinance:

In researching the question presented to you by the members of the Community Development Committee as per your email of April 14, 2015, I wish to advise the Municipal Code does not address the issue. The Municipal Code does allow a City to require property owners to provide routine maintenance (removal of snow, etc.), from sidewalks abutting their property. However the Municipal Code does not address the issue of green space or parkways.

Since the Municipal Code does not address the issue and since the City of O'Fallon is a Home Ruled Municipality, the City has the authority to require a property owner to maintain the "green space" on the City right-a-way which abuts the owner's property. It is further my opinion that such a requirement would not create a liability for the City.

Implementing such an Ordinance would be a valid exercise of police power since the Ordinance simply requires mowing or trimming grass or shrubbery in the City's right-a-way and keep the area free of rubbish and trash.

I have attached a proposed draft of an Ordinance providing for the Amendment.

As noted, the Ordinance mentions the City would benefit from a landowner maintaining the green space (which is obvious). The reason for the language is that some Appellate Courts have held that if the purpose of the Ordinance is not for the benefit of the City and therefore is for the benefit of the public, then the Ordinance could create a liability for the landowner should someone suffer injury or damage resulting from the landowner's failure to abide by the Ordinance. Therefore we need to state in the Ordinance, the requirement is for the benefit of the City.

Current Issues

1. Maintenance of the right-of-way
 - Every growing season begins the discussion and issue of property owners maintaining the right-of-way.
 - Last year's prime example was At Home on Central Park Drive.

Community Development Department
255 South Lincoln Avenue • O'Fallon, IL • 62269 ♦ P: 618.624.4500 x 4 ♦ F:618.624.4534

2. Current Codes
 - There is a lack of language that addresses uncut weeds and grasses in the right-of-way in Chapter 94: Nuisances of the Code of Ordinances and Chapter 3: General Requirements of the International Property Maintenance Code
3. Writing new codes to address right-of-way maintenance:
 - There are areas in the city, where private property adjoins right-of-way that could prove difficult for a homeowner or property owner to maintain. Properties could include:
 - Properties adjacent to limited access right-of-ways;
 - Properties adjacent to right-of-ways with steep slopes;

Remedying the Issues

1. Rockford, IL
 - The City of Rockford has made a local amendment to the 2009 International Property Maintenance Code:
 - The City of Rockford also have a provision in the Nuisances Ordinance:
 - There is a provision for an exemption based on arterial streets mowed by the city.
2. Champaign, IL
 - The City of Champaign has a provision in the Nuisances Ordinance
3. Carbondale, IL
 - The City of Carbondale has a detailed section on controlling weeds.
 - The code does provide for exemptions based on land use and zoning.

Recommendation

The recommendation below will be to address the right-of-way maintenance issue in the Nuisance section of the Code of Ordinances. The recommendation will expand the language on property owner responsibility to include the right-of-way and clarification of when weeds/grass becomes a nuisance. The recommendation also provides a list of exemptions to maintaining the right-of-way, including slopes, retention of water and agricultural land used for agricultural uses. Finally, the recommendation does provide for an appeal process, if it is deemed necessary.

§ 94.03 UNCUT WEEDS AND THE LIKE; ABATEMENT; COSTS.

- (A) *Uncut weeds and the like.* All weeds, high grass or shrubbery growing on or standing uncut or otherwise uncontrolled on any premises in the city is hereby declared a nuisance.
- (B) *Obstruction of view; eyesores.* No owner or tenant of any property within the city shall allow weeds, grass or shrubbery to grow on his or her property where such weeds, grass or shrubbery obstructs the vision of users of any street, road, highway, driveway or alley within the city or where such weeds, grass or shrubbery tends to detract from the beauty or esthetics of the surrounding properties.
- (C) *Maintenance of the public right-of-way.* The owner or tenant of any property within the city abutting a public street or alley shall maintain the vegetation in the abutting public right-of-way or parkway in the same manner as is required for the owner's or tenant's property by the City of O'Fallon Property Maintenance Code including but not limited to weeds, high grasses and rubbish.
- (1) *Exemptions:* The following are generally exempted from the provisions of this section:
- (a) Lands zoned Agriculture as designated in Title XV, Chapter 158, Article 2 of this code and shown on the official zoning map of the city unless used for nonagricultural purpose (for example, church school, house). For purposes of this subsection "agricultural use" shall be construed to mean vacant land or the production of products such as field crops, livestock, fowl and other conventional agricultural pursuits;
 - (b) The right-of-way is inaccessible, including but not limited to interstate right-of-way;
 - (c) The depth or slope of the roadway ditch makes maintenance hazardous, generally any slopes steeper than three feet horizontal to one foot vertical (3:1);
 - (d) In a floodplain area designated on the FEMA Flood Insurance Rate Maps;
 - (e) Within a natural drainage way or riparian zones, generally saturated or filled with water.

(2) Appeal and Clarification: A written request of an appeal to a notice to abate must be submitted to the City Administrator within five (5) days of the owner of the property receiving the notice. The owner must provide a hardship claim based on the list of exemption provisions of division (C) above. The appeal must be reviewed and approved by the Director of Community Development or his/her designee. Affected property owners may seek clarification for specific properties through the Community Development Department.

~~(B)~~(D) Notice to abate. In the event weeds, grass or shrubbery is permitted to grow and to obstruct the vision of users of any street, road, highway, driveway or alley within the city or to detract from the beauty or aesthetics of the surrounding properties, it shall be the duty of the Code Enforcement Officer to give the owner and/or tenant of such property a written notice to abate the nuisance. The notice shall designate the property and describe the nuisance and shall direct the owner and/or tenant to abate the nuisance within ten days from the date of delivery of the notice. The notice shall be delivered to the owner of the property by certified mail at the address of the property if the owner occupies the property or, if it is determined the owner does not occupy the property, notice shall be sent by certified mail to the owner's reasonably ascertainable address, or if none, to the person to whom was sent the tax bill for the general taxes on the property as then shown on the records of the Treasurer of the county. Notice shall be sent to the tenant by certified mail at the address of the property if occupied by the tenant, otherwise, to the reasonably ascertainable address of the tenant. If the address of the owner or tenant cannot be reasonably ascertained, notice may be posted upon the property.

~~(C)~~(E) Abatement by city. In the event the owner and/or tenant fails to abate the nuisance within ten days from the date of service of the notice to abate, the Code Enforcement Officer or other person acting under his or her direction may enter upon the property to abate the nuisance by causing all weeds, grass or uncontrolled shrubbery to be cut, sprayed or otherwise removed or abated.

~~(D)~~(F) Lien for costs.

(1) The reasonable cost of cutting or spraying of the weeds, grass or uncontrolled shrubbery or otherwise abating the nuisance shall be a lien upon the owner's premises superior to all other liens and encumbrances except tax liens; provided, within 60 days after such cost and expenses are incurred by the city or the person or entity performing the service by authority of the city, the city files a notice of lien in the office of the Recorder of Deeds of the county, with said notice to consist of a sworn statement setting out:

- (a) A description of the real estate sufficient for identification thereof;
- (b) The amount of money representing the cost and expense incurred or payable by the city; and
- (c) The date or dates when such cost and expense was incurred by the city.

(2) The cost of abating the nuisance shall, however, not be a lien on the property unless a written notice is personally served on, or sent by certified mail to, the person to whom was sent the tax bill for the general taxes on the property for the last preceding year. The notice shall state the substance of ILCS Ch. 65, Act 5, § 11-20-7, and of this section, and further shall identify the property by common description and the location of the nuisance abated.

(3) Further, the lien of the city shall not be valid as to any purchaser whose rights in and to such real estate have arisen subsequent to the nuisance abatement and prior to the filing of such notice, and the lien of the city shall not be valid as to any mortgagee, judgment creditor or other lienor whose rights in and to such real estate arise prior to the filing of such notice. Upon payment of the cost and expense by the owner or persons interested in such property after notice of lien has been filed, the lien shall be released by the city and the release may be filed of record as in the case of the filing of the notice of lien.

(G) -Violations. In addition to the enforcement provisions of division ~~(E)~~ above, any owner or tenant of the premises who fails to abate any nuisance in the notice to abate within the time prescribed in the second notice shall be subject to a fine upon conviction of violating this section as provided in § [94.99](#).

ORDINANCE NO.

**AN ORDINANCE AMENDING
SECTION 94.03 OF CHAPTER
94 OF THE CITY CODE OF
ORDINANCES**

WHEREAS, Section 94.03 of Chapter 94 of the City Code of Ordinances currently provides for the maintenance of weeds, grass and shrubbery on private property; and

WHEREAS, throughout the City there are areas of “green space” on municipal right-a-ways typically located between a City sidewalk and City street; and

WHEREAS, it is a monumental and expensive task for the City to mow and trim the vegetation within the green space of the municipal right-a-way; and

WHEREAS, the City of O’Fallon, being a Home Rule Municipality, may enact legislation requiring the landowner abutting the City right-a-way to maintain the “green space” on the portion of the City right-a-way which abuts the land of the private landowner; and

WHEREAS, having the landowner maintain the green space will provide a benefit to the City.

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

Section 1. The forgoing recitals are incorporated herein as findings of the City Council.

Section 2. Section 94.03 of Chapter 94 of the O’Fallon Code of Ordinances is amended by way of addition of the following:

(C) Maintenance of the public right-of-way. The owner or tenant of any property within the city abutting a public street or alley shall maintain the vegetation in the abutting public right-of-way or parkway in the same manner as is required for the owner's or tenant's property by the City of O'Fallon Property Maintenance Code including but not limited to weeds, high grasses and rubbish.

(1) *Exemptions:* The following are generally exempted from the provisions of this section:

- (a) Lands zoned Agriculture as designated in Title XV, Chapter 158, Article 2 of this code and shown on the official zoning map of the city unless used for nonagricultural purpose (for example, church school, house). For purposes of this subsection "agricultural use" shall be construed to mean vacant land or the production of products such as field crops, livestock, fowl and other conventional agricultural pursuits;
- (b) The right-of-way is inaccessible, including but not limited to interstate right-of-way;
- (c) The depth or slope of the roadway ditch makes maintenance hazardous, generally any slopes steeper than three feet horizontal to one foot vertical (3:1);
- (d) In a floodplain area designated on the FEMA Flood Insurance Rate Maps;
- (e) Within a natural drainage way or riparian zones, generally saturated or filled with water.

(2) *Appeal and Clarification:* A written request of an appeal to a notice to abate must be submitted to the City Administrator within five (5) days of the owner of the property receiving the notice. The owner must provide a hardship claim based on the list of exemption provisions of division (C) above. The appeal must be reviewed and approved by the Director of Community Development or his/her designee. Affected property owners may seek clarification for specific properties through the Community Development Department.

The current sub paragraphs C, D, E and F of Section 94.03 are re-lettered as sub paragraphs D, E, F and G accordingly.

This Ordinance shall be in full force affect, from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this ____ day of _____, 2015, pursuant to a roll call vote as follows:

APPROVED by me this ____ day of _____ 2015.

 Gary L. Graham, Mayor

ATTESTED

 Philip A. Goodwin, City Clerk

| ROLL CALL: | McCoskey | Meile | True | Albrecht | Mouser | Hagarty | Drolet | SUB TOTALS |
|-------------------|----------|-------|------|----------|--------|---------|--------|-------------------|
| Aye | | | | | | | | |
| Nay | | | | | | | | |
| Absent | | | | | | | | |

| ROLL CALL: | Roach | Bennett | Cardona | Hursey | Holden | Cozad | Gerrish | SUB TOTALS | SUM OF TOTALS |
|-------------------|-------|---------|---------|--------|--------|-------|---------|-------------------|----------------------|
| Aye | | | | | | | | | |
| Nay | | | | | | | | | |
| Absent | | | | | | | | | |



M E M O R A N D U M

TO: Community Development Committee
FROM: Justin Randall Senior City Planner
THRU: Ted Shekell, Community Development Director
DATE: April 27, 2015
SUBJECT: Special Event Permit – Keller Farms, Inc. “Sweet Corn Stand” at 1790 W. Highway 50

Project Summary

- Applicant: Lindsey Keller for Keller Farms, Inc.
- Special Event Permit for a sweet corn stand from approximately June 15th to August 20th, 2015.
- Stand will be located at 1790 W. Highway 50 in front of the Metro-East Christian Fellowship Church as in previous years.
- Event will occur from 9:00 am to 6:00 pm daily.
- Customers will park on the designated parking area as shown on the attached site plan. No driveways will be blocked.
- Two “v-shaped” banners mounted on stakes will be placed near the front of the property as shown on the attached site plan. Dimensions are 3 ft x 8 ft.
- The applicant has not requested any special consideration from the City for this event.

Staff Recommendation: This request is consistent with previous year approvals by the Council for Keller Farms Sweet Corn Stand. Fire and Police Departments approved the request. Therefore, staff recommends approval of the Special Event Permit as proposed.



APR 13 2015

PAID

Attach proof of not-for-profit status with application

OR

Provide \$50.00 application fee with application

PD ole
FD ole

COMMUNITY DEVELOPMENT DEPARTMENT
 255 S. Lincoln Avenue, 2nd Floor
 O'Fallon, IL 62269
 Ph: (618) 624-4500 x4
 Fax: (618) 624-4534

APPLICATION FOR A SPECIAL EVENT PERMIT

Event Name: Keller Farms, Inc.

Location of Event: 1790 West Highway 50

Name of Event Organization: Keller Farms Sweet Corn Stand

Name of person in charge of event (applicant) and mailing address: Lindsey Keller
435 South Bluff Road, Collinsville, IL 62234

Phone: 618-344-8623 E-Mail: Lindsey@kellerfarmsinc.com

Secondary Contact Person: Craig Keller

Phone: 618-344-8623 E-Mail: Craig@kellerfarmsinc.com

Beginning Date / Times: Approx. 6/15/15 Ending Date / Times: Approx. 8/20/15

THE FOLLOWING INFORMATION (WHERE APPLICABLE) MUST BE PROVIDED IN WRITTEN FORM BEFORE APPLICATION WILL BE PROCESSED.

1. **NARRATIVE** (Including hours of operation; activities provided; signage including dimensions, quantity, location, etc...; traffic/parking plan; contingency plans for rain; plans for toilet facilities; security plan; expected attendance; etc...)
 ATTACHED
2. Sketch plan of site.
 ATTACHED
3. Permission letter from property owner, if applicant is not the property owner.
 ATTACHED NOT APPLICABLE
4. Proof of not-for-profit status (so that application fee can be waived.)
 ATTACHED NOT APPLICABLE
5. Proof of Liability Insurance should be provided and if event is held City property, **City of O'Fallon**, should be named as an additional insured in the amount of One Million Dollars (\$1,000,000).
 ATTACHED NOT APPLICABLE
6. Damage bonds or cash deposit to protect City facilities (this would be mainly for out-of-town sponsors) in the amount of \$300,000. PAID NOT APPLICABLE

7. Liquor license information for beer sales (including hours of sale): Not Applicable
(Attach release/indemnification forms and a copy of the liquor license and certificate of liquor liability)

8. List for profit vendors and sales tax numbers (to verify that sales tax is collected and remitted) to be provided prior to event: _____

1656-7196

9. Special consideration requests such, as City provided assistance. (Fees may be charged for these Services.) **Please include specific considerations requested in narrative or as an attachment.**

NONE REQUESTED

Street Department, IDOT (for street closings, signalization, and detour routes)

Parks Department

Police Department

Fire and EMS Department

10. Coordinate all food concessions with St. Clair County Health Department at (618)233-7769.

PERMIT REQUIRED (please attach copy)

NOT APPLICABLE

11. American Disability Compliance

ATTACHED

NOT APPLICABLE

As part of the approval of this Special Event Permit, temporary signs for said Special Event shall be permitted as provided for in the City Sign Ordinance or as otherwise approved by the City Council.

Electrical inspections are required for all new exterior electrical connections. The City electrical inspector must be contacted a minimum of twenty-four (24) hours prior to inspection.

Lindsey M Keller
Signature of Applicant/ person in charge of event

04/10/2015
Date of Submission

FOR OFFICE USE ONLY

ELIGIBLE FOR ADMINISTRATIVE APPROVAL? () YES (X) NO

Just to be safe 4/10/15

ADMINISTRATIVE APPROVAL CONDITIONS:

APPROVED BY COMMUNITY DEVELOPMENT DIRECTOR & DATE _____

All other requests for "Special Events Permits" not approved by the Community Development Director shall go before the Community Development Committee and the City Council for their approval.

APPROVED: CITY COUNCIL _____ (DATE)

Narrative, including hours of operation.

Keller Farms sweet corn stand at this location is open 7 days a week from 9:00 a.m. to 6 p.m. The estimated time period would be mid to late June thru mid August.

Parking

The parking spot for the location is written in red on the sketch of plan site, this is a designated rocked area, and no streets will be blocked.

1790 West Hwy 50, O'Fallon, IL

↑ NORTH

Metro East
Christian Fellowship
Church

Church Parking

Portable
Restroom



Keller Farms Sweet
Corn Stand

Banners/
Flags



Parking

Rothman Furniture

W Highway 50

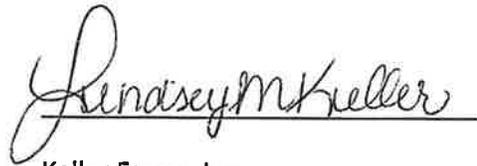


2015 Lease Agreement

Metro East Christian Fellowship, of O'Fallon, IL gives permission to Keller Farms, Inc. of Collinsville, IL to use the property as they have in the past at 1790 West Highway 50 for the 2015 sweet corn season.



Metro East Christian Fellowship



Keller Farms, Inc.

2-17-15

Date

02/10/2015

Date

Jessica Warden

From: Eric Van Hook
Sent: Tuesday, April 14, 2015 1:13 PM
To: Jessica Warden; Brent Saunders
Cc: Craig Koch; Justin Randall; Ted Shekell
Subject: RE: Keller Farm Sweet Corn Stand SEPA

Chief Eric Van Hook
O'Fallon Police Department
285 North Seven Hills Road
O'Fallon, Illinois 62269

618-624-4545 (Work)
618-363-2142 (Mobile)

From: Jessica Warden
Sent: Tuesday, April 14, 2015 8:55 AM
To: Eric Van Hook; Brent Saunders
Cc: Craig Koch; Justin Randall; Ted Shekell
Subject: Keller Farm Sweet Corn Stand SEPA

Good morning,

Please see the attached SEPA and reply back to me.

Approved: _____ EVH _____

Denied: _____

Comments: _____

This will need to go to City Council.

Thanks!
Jessica Warden

Administrative Assistant
Community Development
City of O'Fallon
Ph: (618) 624-4500 ext. 4
Fax: (618) 624-4534
jwarden@ofallon.org

Jessica Warden

From: Brent Saunders
Sent: Tuesday, April 14, 2015 1:06 PM
To: Jessica Warden; Eric Van Hook
Cc: Craig Koch; Justin Randall; Ted Shekell
Subject: RE: Keller Farm Sweet Corn Stand SEPA

See below

Brent Saunders

Fire Chief
City of O'Fallon
Office 618-624-9452
bsaunders@ofallon.org

From: Jessica Warden
Sent: Tuesday, April 14, 2015 8:55 AM
To: Eric Van Hook; Brent Saunders
Cc: Craig Koch; Justin Randall; Ted Shekell
Subject: Keller Farm Sweet Corn Stand SEPA

Good morning,

Please see the attached SEPA and reply back to me.

Approved: B Saunders

Denied: _____

Comments: _____

This will need to go to City Council.

Thanks!
Jessica Warden

Administrative Assistant
Community Development
City of O'Fallon
Ph: (618) 624-4500 ext. 4
Fax: (618) 624-4534
jwarden@ofallon.org



MEMORANDUM

TO: Community Development Committee
FROM: Justin Randall, Senior City Planner
THRU: Ted Shekell, Community Development Director
DATE: April 27, 2015
SUBJECT: Special Event Permit – O'Fallon Grand Prix Bicycle Road Race (Motion)

Project Summary

- Applicant: Tom Jackson for Metro East Cycling
- Special Event Permit for a Bicycle Road Race
- Saturday, June 20, 2015
- 6:00 AM to 4:00 PM
- Starts and finishes around the 200 block of Kyle Rd
- 20 mile loop, mostly on county and township roads
- Minimum of 5 paid USA Cycling officials on staff
- Metro East Cycling will have more than 100 volunteers on hand.
- Request for intermittent closure of Kyle Rd from Simmons to Lincoln from 8:00am to 4:00pm.
 - Road would be open only for bicycles and support vehicles for the race, emergency vehicles, and residents whose only access is from Kyle Road. MEC staff will contact affected residents and the North Parc Grove development.
- Parking will be provided at Fulton Jr. High and on-street parking (Illini, Tazewell, and Vermillion)
- Permission has been granted by Fulton Junior High School to use their property.
- Special signage will be provided to direct attendees to race start and parking areas, to route traffic around Kyle Rd, and into the school.
- Anticipated attendance: 200 to 400 racers plus spectators.
- Insurance will be provided under USA Cycling.
- A list of profit vendors and their sales tax numbers shall be provided prior to the event.
- Portable toilet facilities will be provided.
- Event will be held rain or shine. In the event of rain, tents will be used for registration.
- Request for assistance from Streets, Police, Fire and EMS.

Staff Recommendation: The Fire and Police and Public Works Departments have approved the special event. The Police Department noted the PD will be sending an invoice for the requested assistance. Staff recommends approval of the Special Event Permit with the following conditions:

1. The City of O'Fallon must be listed as an additional insured for the race at least 30 days prior to the event.
2. The applicant is required to pay the City of O'Fallon to cover personnel costs for the event.
3. The applicant must meet with appropriate police department personnel to plan for the road closures.
4. The applicant is responsible for providing any traffic control devices (barricades, pylons, signs etc.) necessary to safely stage the event. On the day of the race, the police department will oversee the placement of those items consistent with the plan(s) developed.
5. Proof of written permission must be provided from affected road entities – townships, counties, IDOT.
6. Applicant must notify all affected residents and North Parc Grove development of Kyle Road closure.



Attach proof of not-for-profit status with application

OR

Provide \$50.00 application fee with application

RECEIVED MAR 30 2015

COMMUNITY DEVELOPMENT DEPARTMENT
 255 S. Lincoln Avenue, 2nd Floor
 O'Fallon, IL 62269
 Ph: (618) 624-4500 x4
 Fax: (618) 624-4534

PD —
 FD —
 PW —

APPLICATION FOR A SPECIAL EVENT PERMIT

Event Name: O'Fallon Grand Prix Road Race

Location of Event: Kyle Road - Fulton Junior High

Name of Event Organization: Metro East Cycling

Name of person in charge of event (applicant) and mailing address: Tom Jackson
P.O. Box 126, O'fallon, IL 62269

Phone: (618) 530-2648 E-Mail: director@ofallongrandprix.com

Secondary Contact Person: Brady Jordan

Phone: (618) 541-9309 E-Mail: director@ofallongrandprix.com

Beginning Date / Times: June 20, 2015, 8:00am Ending Date / Times June 20, 2015, 3:30pm

THE FOLLOWING INFORMATION (WHERE APPLICABLE) MUST BE PROVIDED IN WRITTEN FORM BEFORE APPLICATION WILL BE PROCESSED.

1. NARRATIVE (Including hours of operation; activities provided; signage including dimensions, quantity, location, etc...; traffic/parking plan; contingency plans for rain; plans for toilet facilities; security plan; expected attendance; etc...)
 ATTACHED
2. Sketch plan of site.
 ATTACHED
3. Permission letter from property owner, if applicant is not the property owner.
 ATTACHED NOT APPLICABLE
4. Proof of not-for-profit status (so that application fee can be waived.)
 ATTACHED NOT APPLICABLE
5. Proof of Liability Insurance should be provided and if event is held City property, City of O'Fallon, should be named as an additional insured in the amount of One Million Dollars (\$1,000,000).
 ATTACHED NOT APPLICABLE -Permit applied for with USA Cycling. T]
6. Damage bonds or cash deposit to protect City facilities (this would be mainly for out-of-town sponsors) in the amount of \$300,000. PAID NOT APPLICABLE

7. Liquor license information for beer sales (including hours of sale): N/A
(Attach release/indemnification forms and a copy of the liquor license and certificate of liquor liability)

8. List for profit vendors and sales tax numbers (to verify that sales tax is collected and remitted) to be provided prior to event: N/A

9. Special consideration requests such, as City provided assistance. (Fees may be charged for these Services.) **Please include specific considerations requested in narrative or as an attachment.**

NONE REQUESTED

Street Department, IDOT (for street closings, signalization, and detour routes)

Parks Department

Police Department

Fire and EMS Department

10. Coordinate all food concessions with St. Clair County Health Department at (618)233-7769.

PERMIT REQUIRED (please attach copy)

NOT APPLICABLE

11. American Disability Compliance

ATTACHED

NOT APPLICABLE

As part of the approval of this Special Event Permit, temporary signs for said Special Event shall be permitted as provided for in the City Sign Ordinance or as otherwise approved by the City Council.

Electrical inspections are required for all new exterior electrical connections. The City electrical inspector must be contacted a minimum of twenty-four (24) hours prior to inspection.

JACKSON.THOMAS.PAT
RICK.1090432210

Digitally signed by JACKSON.THOMAS.PATRICK.1090432210
DN: cn=US, ou=U.S. Government, ou=DoD, ou=PW, ou=USAF,
cn=JACKSON.THOMAS.PATRICK.1090432210
Date: 2015.03.27 12:47:42 -0500

Signature of Applicant/ person in charge of event

Mar 27, 2015

Date of Submission

FOR OFFICE USE ONLY

ELIGIBLE FOR ADMINISTRATIVE APPROVAL? () YES

NO

Justin R. Randall 4/1/15

ADMINISTRATIVE APPROVAL CONDITIONS:

APPROVED BY COMMUNITY DEVELOPMENT DIRECTOR & DATE _____

All other requests for "Special Events Permits" not approved by the Community Development Director shall go before the Community Development Committee and the City Council for their approval.

APPROVED: CITY COUNCIL _____ (DATE)

MULTI-JURISDICTIONAL APPLICATION

1. Business Name _____
2. Business Address _____
3. Location of Sale _____
4. Are you registered as a multi-jurisdictional business? Yes No
5. Have you notified the Illinois Department of Revenue Central Registry to inform them that you have a temporary location in O'Fallon? Yes No
(call 217.785.2889)
6. Will you report O'Fallon sales on *Illinois State Sales Tax Form ST-2 (attach to ST-1)?
Yes No

***Form ST-2, Multiple Site Form**

Note: If you make sales from door to door or from changing locations (such as fairs or flea markets), you must combine and report your sales for each local taxing jurisdiction (i.e., city or county)

This form is distributed to registered businesses. For a pre-printed form, call the Central Registry at the number above to obtain a form and register.

Failure to register your business and name the City of O'Fallon as the city to receive taxes will penalize you from conducting business in the future.



Metro East Cycling

O'FALLON GRAND PRIX

Description

Metro East Cycling (MEC) requests permission to hold a bicycle road race starting and finishing around the 200 block of Kyle Road in the city of O'Fallon on Saturday, June 20, 2015. Activities relating to the race will begin at approximately 6:00 a.m. and end approximately 4:00 p.m. This event is defined as a Road Race by the bicycle racing sanctioning body, USA Cycling, which MEC is a member. The race is an approximately 20-mile loop with all but three miles on township and county roads. Depending on the class of rider, the loop will be completed anywhere from one to four times during the day. This race is sanctioned by USA Cycling and will have a minimum of five paid officials on staff. MEC will have in excess of 100 volunteers on hand as Course Marshals, Registrars, and in other functions.

Special Request

MEC requests the closure of Kyle Road to vehicular traffic from the corner of Simmons Road on the west and the corner of Lincoln on the east from the hours of 8:00 a.m. until 4:00 p.m. on race day. This would make Kyle available only to bicycles and support vehicles in the race, residents whose only access to their homes is on Kyle Road and emergency/police/fire vehicles. MEC will notify the homeowners on Kyle Road as to this request and arrange to allow the homeowners' unlimited access to their homes as the need arises.

Parking and Staging

MEC is using, with permission, the parking facilities of E.A. Fulton Junior High. Fulton has approximately 150 parking places. The race start/finish line will be on Kyle Road in front of Fulton Junior High school. Other parking areas will be located along Ilini, Tazewell and Vermillion Drives. Special signs will be placed to direct race attendees to the race start and the parking areas. Additional signs will be made to route traffic around Kyle Road. We also have volunteers directing traffic into the school. MEC anticipates 200 to 400 racers and an additional number of spectators.

Contingency

This race will be held rain or shine. In the event of severe weather, Fulton JH will be used as the shelter.

Insurance

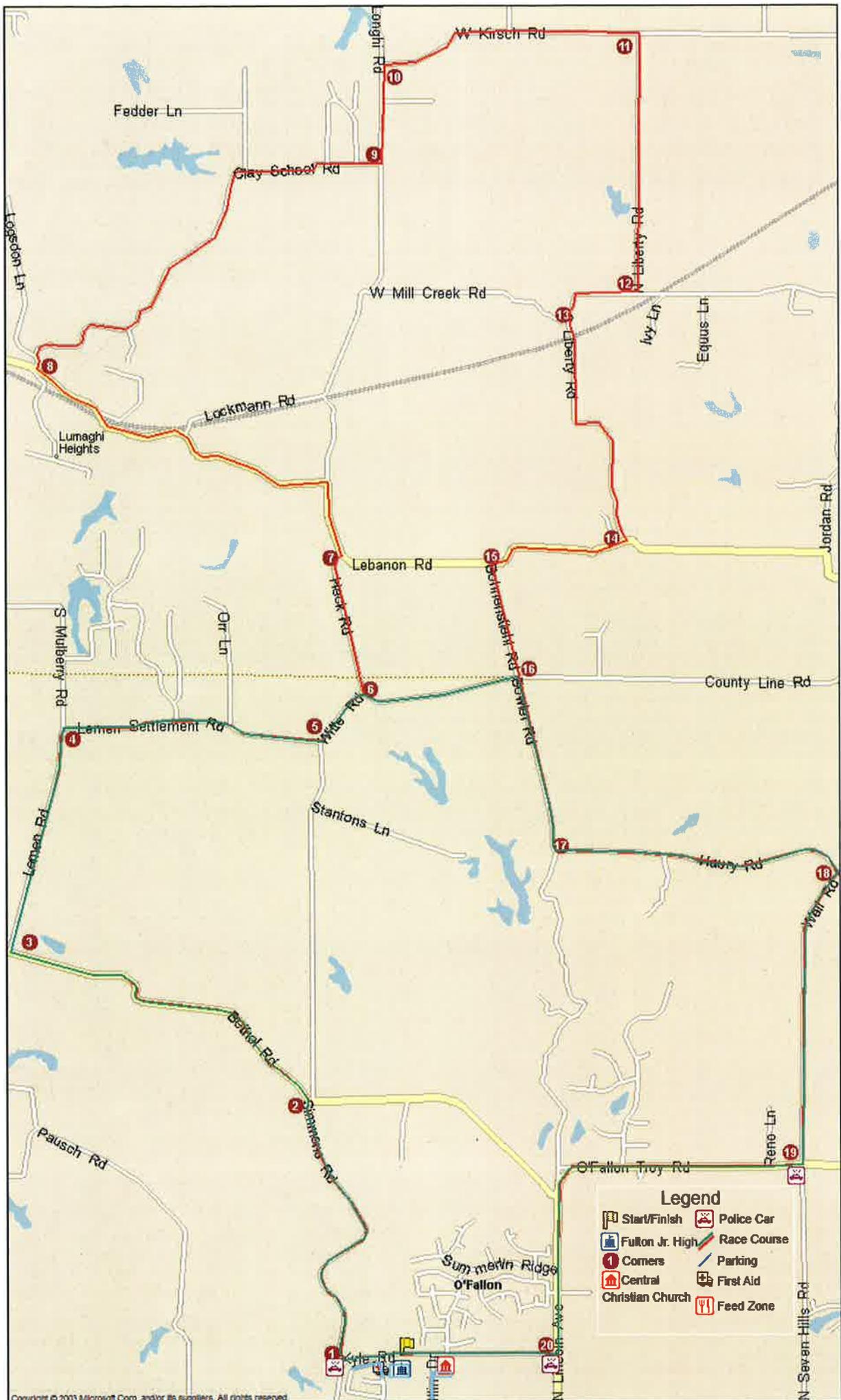
Insurance is required and issued under the auspices of USA Cycling and will be provided as soon as it is received from them via the approved event permit.

Special Requests

Request barriers to be used for road closures of Kyle Rd. These barriers would be placed at the corner of each intersection on Kyle Rd. the day before the event. On event day, event personnel will set up and take down the barriers and place them back at the corner where they were dropped off. Also request event notification on the electronic sign across Lincoln Ave from City Hall. Event notification would read; "O'fallon Grand Prix Bicycle Race on June 20th. Start and Finish at Fulton Junior High." This notification should begin no later than 7 days prior to the event, or June 13th.

O'Fallon Grand Prix Facilities Map





ARTICLES OF ORGANIZATION FOR METRO EAST CYCLING

Articles of Incorporation of the undersigned, a majority of whom are citizens of the United States, desiring to form a Non-Profit Corporation under the Non-Profit Corporation Law of the State of Illinois, do hereby certify:

First: The name of the Corporation shall be Metro East Cycling

Second: The place in this state where the principal office of the Corporation is to be located is the City of O'Fallon, St Clair County.

Third: Said Corporation is organized exclusively for charitable, religious, educational, and scientific purposes, including, for such purposes, the making of distributions to organizations that qualify as exempt organizations under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code. Metro East Cycling seeks to encourage cycling skill development and growth, to improve the health and fitness of members, and to work in cooperation to increase cycling awareness. The primary and overarching purpose of Metro East Cycling is to foster amateur bicycling competition, and to support and develop amateur athletes as a qualified amateur sports organization within the meaning of section 501(c)(3) of the Internal Revenue Code.

Fourth: The names and addresses of the persons who are the initial trustees of the corporation are as follows:

Name: Robert W. Norman
Address: 1021 Woodleaf Drive, O'Fallon, IL 62269

Name: Fredric Wipperman
Address: 3651 Willoughby Circle, Belleville, IL 62221

Name: Steven J. Schmidt
Address: 204 Monroe Circle, O'Fallon, IL 62269

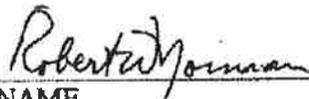
Name: John T. Baynes, Jr.
Address: 1212 Seward Drive, O'Fallon, IL 62269

Fifth: No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article Third hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, this Corporation shall not, except to an insubstantial degree, engage in any activities or

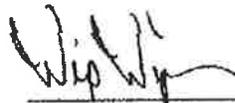
exercise any powers that are not in furtherance of the purposes of this Corporation.

Sixth: Upon the dissolution of the Corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by a Court of Competent Jurisdiction of the county in which the principal office of the Corporation is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

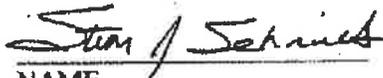
In witness whereof, we have hereunto subscribed our names this 18th day of June 2007.



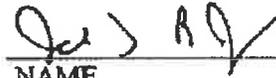
NAME
President, Metro East Cycling



NAME
Vice-President, Metro East Cycling



NAME
Secretary, Metro East Cycling



NAME
Treasurer, Metro East Cycling



Fallon Grand Prix

OGP Event Director
P.O. Box 126
O'Fallon, Illinois, 62269
618-530-2648
director@ofallongrandprix.com

Dear Homeowner,

On Saturday, June 20, 2015, Metro East Cycling is hosting a bicycle race in your area. This year is the eighth annual O'Fallon Grand Prix, a two-day event throughout the O'Fallon area which will draw cyclists from throughout the region.

We are asking for your cooperation to help make travelling safe and easier for everyone. This letter is to provide you advance notice of increased bicycle traffic on the roads that make up the race course. You are receiving this letter because you are either on, or near, the race course. Cyclists will start in two waves (8:30 am will have 4 separate groups and 11:30am will have 7 separate groups, each group leaving in 5 minute increments). Each group of cyclists has a lead pace car and a follow truck in the rear. The individual groups will contain 20-100 cyclists. You can expect to encounter a cycling group at any time between the first start at 8:30 am until 3:00 p.m.

Kyle Road will be closed for a portion of the day. Although the other roads on the race course will remain open, it will be monitored by course marshals and police officers. You may be asked to stop your vehicle to allow for a group of cyclists to safely pass. If you should encounter a group of cyclists, and need to pass, please pass when it is safe to go around the entire group, as well as the lead and follow vehicles. For the safety of the cyclists and dogs residing on the course, we request all dog owners please keep their pets in the house or leashed. If you should have any concerns on race day, law enforcement officers will be around the course and can be of assistance.

In addition, we ask that you exercise extra vigilance in the race area before and during the race weekend. The course will be monitored by municipal and county police before and during the race. Should you observe any suspicious activity, please contact us at the number below or your local law enforcement office.

The O'Fallon Grand Prix is a festive and enjoyable race for fans and participants. By providing this notice, it is our intention to make your Saturday travel plans manageable and pleasant. For some added entertainment, you may want to put out a chair and cheer the racers as they pass. In addition to the adult race, there is also a kids' bike race along with other fun activities. We would like to invite you and your family to participate in one or more of these events. The community is welcome and encouraged to participate. For more information, please visit our website www.ofallongrandprix.com. Thank you for your help in making the O'Fallon Grand Prix a first class event!

If you have any questions please do not hesitate to contact me.

Sincerely,

Tom Jackson

Race Director, O'Fallon Grand Prix

618.530.2648; director@ofallongrandprix.com



Fallon Grand Prix

OGP Event Director
P.O. Box 126
O'Fallon, Illinois, 62269
618-530-2648
director@ofallongrandprix.com

Things to remember for the O'Fallon Grand Prix Saturday, June 20TH

- 🚲 Race time is between 8:30 a.m. until 3:00 p.m.
- 🚲 Use caution when driving near your home and at intersections along the course.
- 🚲 Be prepared to stop and/or slow down when you encounter a single cyclist or group of cyclists. Please pass when it is safe to pass the entire group.
- 🚲 Please keep your dogs leashed.
- 🚲 Join in the fun! Participate in one or more of the day's events. We will be having a FREE kids race at Fulton Jr. High at 11:00am
- 🚲 Watch the race as it passes your home.



Fallon Grand Prix

Omnium

19-21 June 2015

The eighth Annual O'Fallon Grand Prix once again brings 3 days of racing excitement to southwestern Illinois. The festivities begin Friday evening June 19th and will continue through the afternoon of Sunday June 21st, 2015.

\$7000+ in Cash and Prizes awarded over the weekend. Stay tuned to social media and race day announcements for [all the race prize details!](#)

EVENT SCHEDULE

Friday Night—Racers will test themselves against the clock during the 13.1 mile Time Trial located at McKendree University in Lebanon, Illinois. Rolling hills, good pavement, and fast times.

Saturday—The OGP road race is a winding and challenging course through the rural areas north of O'Fallon, IL, starting and finishing at Edward A. Fulton Jr. High School. There will also be a kids race so ensure you pack up your kids bike and helmets to have them share in the fun.

Sunday—The SWIC Criterium will be held Southwestern Illinois College. A super-fast and exciting 1.3 mile loop with smooth roads and 5 turns will allow for tremendous spectator viewing and the fastest finish around. Along with great competition there will be family entertainment and a kids race for a day of family fun.

OMNIUM

Omnium categories are Pro/1/2, Cat. 3, Masters 40+ Cat. 1/2/3, Masters 50+ Cat. 1/2/3, Cat. 4, Women's Cat. Pro/1/2, Women's Cat 3/4, Cat. 5, Masters 30+ Cat. 4/5, Juniors 9-14 Boys/Girls and Juniors 15-18 Boys/Girls. For full details, see [Omnium details](#) page within this document.

To be eligible for Omnium prizes, racers must start all three events.

You DO NOT need to be registered in the Omnium to be eligible for the individual race day prizes.

USA CYCLING LICENSE

All Racers must possess a valid USA Cycling license. A one-day license may be purchased for \$10 on-site for Cat 5 Men and Cat 4 Women for each day of participation, or an annual license for \$70. Juniors may purchase an annual license for \$30.

ONLINE REGISTRATION

Riders are encouraged to pre-register online at www.bikereg.com. **No additional fee for online registration.** Riders who register for the Omnium online will receive a \$5 discount. Online registration will close on Wednesday, June 17th at 10:00 p.m. CST.

ON-SITE REGISTRATION

See individual race pages for full on-site registration information.





Fallon Grand Prix

Omnium

Friday, June 19, 2015

TIME TRIAL

Total Payout = \$1070

| CATEGORY | DISTANCE | START GROUP | EARLY BIRD | PRE-REG | RACE DAY | PRIZES |
|-------------------------|------------|-------------|------------|---------|----------|---------------------------|
| Juniors 15-18/9-14 | 13.1 Miles | 1 | \$10 | \$15 | \$20 | Medals |
| Category 5 | 13.1 Miles | 2 | \$25 | \$30 | \$35 | Medals |
| Women Cat 3/4 | 13.1 Miles | 3 | \$25 | \$30 | \$35 | \$40,\$30,\$20 |
| Masters 50+ Cat1/2/3 | 13.1 Miles | 4 | \$25 | \$30 | \$35 | \$50,\$30,\$20 |
| Women Pro/1/2 | 13.1 Miles | 5 | \$25 | \$30 | \$35 | \$80,\$60,\$40 |
| Masters 30+ Cat4/5 | 13.1 Miles | 6 | \$25 | \$30 | \$35 | Medals |
| Category 4 | 13.1 Miles | 7 | \$25 | \$30 | \$35 | \$40,\$30,\$20 |
| Masters 40+ Cat1/2/3 | 13.1 Miles | 8 | \$25 | \$30 | \$35 | \$50,\$30,\$20 |
| Category 3 | 13.1 Miles | 9 | \$25 | \$30 | \$35 | \$80,\$60,\$40, \$20 |
| Pro 1/2 | 13.1 Miles | 10 | \$25 | \$30 | \$35 | \$100,\$80,\$60,\$40,\$30 |

Details

A 13.1 mile time trial starting at McKendree University in Historic Lebanon IL. Lebanon IL is located on IL Route 4, just north of Exit 23 along Interstate 64. The TT course is a rolling course with no significant climbs. Course map is available on the race website.

*Start Times:

Riders will start by Start Group, in order of registration, beginning with Start Group 1 @ 5:30 p.m. Subsequent Start Groups will follow in numerical order. Riders will start in 60 second intervals. Start times will be emailed to those who pre-register and will be posted on www.ofallongrandprix.com on Thursday 6/18/2015.

It is HIGHLY encouraged that you pre-register for the TT. There will be a few open slots available for each start group for those who prefer race day registration. However, the best way to guarantee you have a time slot is to pre-register!

Riders must arrive at the staging area no later than 5 minutes prior to their scheduled start time.

All races are part of MOBAR competition. Masters points (M40+/M50+) will be awarded based on overall time.

More race details at www.ofallongrandprix.com

Registration

Pre-register at www.bikereg.com. No additional fee to register on-line. Pre-registration closes on Wednesday—6/17/2015 at 10:00 p.m.

Race day registration is located within the McKendree University fitness center, located along N. Alton Street, Lebanon IL. Race day registration opens at 4:30 pm and closes at 7:20. No additional fee for race day registration.

General Rules

All 2015 USAC rules are in effect.

A current USAC license must be presented at registration. Juniors 9-14 are restricted to mass start bicycles. Events will be held rain or shine.



USA Cycling Permit 2015-XXX



@OFallonGrandPri
#OGP15



Metro East Cycling

METRO EAST ST. LOUIS' 1ST CYCLING CLUB





Fallon Grand Prix

Omnium

Saturday, June 20, 2015

ROAD RACE

Total Payout = \$3000

| CATEGORY | DISTANCE | START TIME | EARLY BIRD | PRE-REG | RACE DAY | FIELD LIMIT | PRIZES |
|-------------------------|----------|------------|------------|---------|----------|-------------|---|
| Women Cat 3/4 | 31 Miles | 8:30 AM | \$35 | \$40 | \$45 | 75 | \$60,\$50,\$40,\$30,\$20 |
| Category 5 | 31 Miles | 8:45 AM | \$35 | \$40 | \$45 | 75 | Medals |
| Juniors 15-18 | 20 Miles | 8:50 AM | \$15 | \$20 | \$25 | 75 | \$30,\$20,\$10 |
| Juniors 9-14 | 11 Miles | 8:55 AM | \$15 | \$20 | \$25 | 75 | Medals |
| Kids Race | Sprint | 11:00 AM | FREE | FREE | FREE | | Medals |
| Pro 1/2 | 80 Miles | 11:30 AM | \$35 | \$40 | \$45 | 100 | \$205,\$150,\$130,\$100, \$80,\$70,\$60,\$50,\$40, \$30 |
| Category 3 | 71 Miles | 11:35 AM | \$35 | \$40 | \$45 | 100 | \$150,\$100,\$75,\$45,\$30 |
| Masters 30+ Cat4/5 | 40 Miles | 11:40 AM | \$35 | \$40 | \$45 | 75 | \$50,\$40,\$30,\$20 |
| Category 4 | 60 Miles | 11:45 AM | \$35 | \$40 | \$45 | 75 | \$100,\$75,\$50,\$40,\$30 |
| Masters 40+ Cat1/2/3 | 60 Miles | 11:50 AM | \$35 | \$40 | \$45 | 100 | \$100,\$75,\$50,\$40,\$30 |
| Masters 50+ Cat1/2/3 | 60 Miles | 11:55 AM | \$35 | \$40 | \$45 | 100 | \$100,\$75,\$50,\$40,\$30 |
| Women Pro/1/2 | 60 Miles | 12:00 PM | \$35 | \$40 | \$45 | 75 | \$150,\$100,\$75,\$45,\$30 |

Details

All races are part of MOBAR competition except there will be no Masters 40+ points awarded.

Kids' races are free to enter but each child must register and wear an approved helmet.

Registration

Pre-register at www.bikereg.com. No additional fee to register on-line. Pre-registration closes on Wednesday—6/17/2015 at 10:00 p.m.

Race day registration and staging will take place at Fulton Jr. High, 307 Kyle Rd, O'Fallon, IL. Race day registration opens at 7:00 am and closes 30 minutes prior to each event. There is a \$5 surcharge for race day registration.

General Rules

All 2015 USAC rules are in effect.

A current USAC license must be presented at registration.

Events will be held rain or shine.

Helmets must be worn on the bike at all times.

Junior riders must use gearing as per USAC regulations.

The yellow line rule will be strictly enforced.

A feed zone will be located along Kyle Road.

Corner marshals will be on the course, but ultimately, it is the riders' responsibility to know the course!

Wheel vehicles are provided (wheels in, wheels out).

Wheels can be picked up at the finish area after the race.



USA Cycling Permit 2015-XXX



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#OGP15



Metro East Cycling

METRO EAST ST. LOUIS' 1ST CYCLING CLUB





Fallon Grand Prix

Omnium

Sunday, June 21, 2015

| SWIC Criterium | | | | | | | Total Payout = \$2580 |
|-------------------------|------------|------------|------------|---------|----------|-------------|---|
| CATEGORY | DISTANCE | START TIME | EARLY BIRD | PRE-REG | RACE DAY | FIELD LIMIT | PRIZES |
| Juniors 15-18 (B/G) | 20 mins | 8:00 AM | \$15 | \$20 | \$20 | 75 | \$25, \$15, \$10 |
| Juniors 9-14 (B/G) | 20 mins | 8:00 AM | \$15 | \$20 | \$20 | 75 | Medals |
| Cat 5 | 30 minutes | 8:30 AM | \$25 | \$30 | \$35 | 75 | Medals |
| Women Cat 3/4 | 30 minutes | 9:10 AM | \$25 | \$30 | \$40 | 75 | \$40, \$30, \$20, \$10 |
| Masters 30+ Cat 4/5 | 40 minutes | 9:50 AM | \$25 | \$30 | \$40 | 75 | \$50, \$30, \$20, \$10 |
| Masters 40+ Cat 1/2/3** | 50 minutes | 10:40 AM | \$25 | \$30 | \$40 | 100 | \$100, \$70, \$50, \$40, \$30 |
| Masters 50+ Cat 1/2/3** | 50 minutes | 10:40 AM | \$25 | \$30 | \$40 | 100 | \$100, \$70, \$50, \$40, \$30 |
| Cat 4 | 40 minutes | 11:40 AM | \$25 | \$30 | \$40 | 100 | \$100, \$70, \$50, \$40, \$30 |
| Cat 3 | 50 minutes | 12:30 PM | \$25 | \$30 | \$40 | 75 | \$100, \$70, \$50, \$40, \$30 |
| Kids Race | SPRINT | 1:30 PM | FREE | FREE | FREE | | Medals |
| Women Pro/1/2 | 40 minutes | 2:10 PM | \$25 | \$30 | \$40 | 75 | \$100, \$75, \$50, \$40, \$30 |
| Pro 1/2 | 70 minutes | 3:00 PM | \$25 | \$30 | \$40 | 100 | \$120, \$90, \$80, \$70, \$60, \$50, \$40, \$30, \$20, \$10 |

Details

All races are part of MOBAR competition.

Second race is only \$15.

Kids' races are free to enter but each child must register and wear an approved helmet.

**Masters races will be run together, but will be scored and paid separately.

More race details at www.ofallongrandprix.com

Registration

Pre-register at www.bikereg.com. No additional fee to register on-line. Pre-registration closes on Wednesday—6/17/2015 at 10:00 p.m.

Race day registration is located at the SWIC Campus, Belleville, IL. Registration opens at 7:00 a.m. and closes 30 minutes prior to each race. No additional fee for race day registration.

General Rules

All 2015 USAC rules are in effect.

A current USAC license must be presented at registration. Events will be held rain or shine.

Helmets must be worn on the bike at all times.

Junior riders must use gearing as per USAC regulations.

Races may be shortened at the discretion of the Chief Referee



USA Cycling Permit 2015-XXX



@OFallonGrandPri
#OGP15



Metro East Cycling



Fallon Grand Prix

19-21 June 2015

OMNIUM DETAILS

Points will be awarded to the top ten finishers in each category for each race. Omnium points may also be awarded as primes in the road race and criterium. The Omnium categories, payouts and point award schedule are shown below. In order to qualify for an Omnium payout, each athlete must **start** each race. If there is a tie, the tiebreaker will be broken in favor of the racer with the most 1st place finishes.

| OMNIUM CATEGORY | PURSE | PAYOUT |
|---------------------------|--------|--------------------------------|
| Pro/1/2 | \$400 | \$150, \$100, \$75, \$50, \$25 |
| Category 3 | \$200 | \$80, \$60, \$40, \$20 |
| Masters 40+ Cat. 1/2/3 | \$150 | \$75, \$50, \$25 |
| Masters 50+ Cat. 1/2/3 | \$150 | \$75, \$50, \$25 |
| Women Pro/1/2 | \$200 | \$80, \$60, \$40, \$20 |
| Women Cat. 3/4 | \$100 | \$50, \$30, \$20 |
| Category 4 | \$100 | \$50, \$30, \$20 |
| Masters 30+ Cat. 4/5 | Medals | 1st, 2nd, 3rd |
| Category 5 | Medals | 1st, 2nd, 3rd |
| Juniors 9-14 Boys/Girls* | Medals | 1st, 2nd, 3rd |
| Juniors 15-18 Boys/Girls* | Medals | 1st, 2nd, 3rd |

* Omnium medals will be awarded to both Boys and Girls in these categories.

OMNIUM POINTS

| RACE | PLACE | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|-----------|-------|----|----|----|---|---|---|---|---|---|----|
| TT | | 15 | 13 | 11 | 9 | 7 | 5 | 4 | 3 | 2 | 1 |
| Road Race | | 15 | 13 | 11 | 9 | 7 | 5 | 4 | 3 | 2 | 1 |
| Criterium | | 15 | 13 | 11 | 9 | 7 | 5 | 4 | 3 | 2 | 1 |



USA Cycling Permit 201-XXX



@OFallonGrandPri
#OGP15



Metro East Cycling

METRO EAST ST. LOUIS' 1ST CYCLING CLUB





Fallon Grand Prix

WOULD LIKE TO THANK ALL OF OUR SPONSORS



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**BIKE
SURGEON**

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Ken Nettleton
V.P. Investments, O'Fallon Illinois



Metro East Cycling

METRO EAST ST. LOUIS' 1ST CYCLING CLUB

**APPLICATION AND AGREEMENT FOR USE OF
O'FALLON COMMUNITY CONSOLIDATED SCHOOL DISTRICT 90 FACILITIES**

REQUESTOR: Tom JACKSON DATE: 18 MAR 2015

Facility Requested: Building (rest rooms, Multi purpose room, BAND room) at Fulton JR. High School.

Event: Type of Program: O'FALLON GRAND PRIX - Bicycle RACE

Date(s) of Facility Usage: SATURDAY, June 20, 2015

Time of Usage: From: 0600 6 AM To: 1600 4pm pm 10hr

Number of People Expected to Attend: 600 Admission: \$ 25-35 for RACERS, Free for Spectators

Planned Use of Funds: Personal _____ Civic _____

Applicant: Metro EAST Cycling (Print)

Address: P.O. Box 126 O'FALLON, IL 62269

Phone: 618-530-2648

RECEIVED MAR 19 2015

Charge(s) for Facility: \$ 300.⁰⁰ Charge for Custodial: \$ 370.⁰⁰

Total charges due prior to event: \$ 670.⁰⁰ Certificate of Insurance attached: yes (no) (being worked with USA cycling)

This figure represents the contracted charge and will be the same unless additional custodial service or school equipment is needed. In the event that equipment or building is damaged during the event, you will be billed for the actual cost of repairs or replacement at the discretion of the Board of Education. Permission for the use of school facilities is automatically cancelled on those days when school has been cancelled due to weather conditions. District 90 will not be responsible for the upkeep of the athletic fields.

In consideration of being provided access to property and facilities of O'Fallon Community Consolidated School District No. 90, in connection with the activities or events described herein, ***I waive any claim or right of recovery against O'Fallon Community Consolidated School District No. 90***, as well as any of its officers, agents, employees or school board members (referred to hereinafter as "School District"), whether for personal injury, property damage or other loss of any kind.

I understand that my use of the school facilities is a non-school sponsored event, and is not organized, operated, regulated, supervised or insured by the School District, and that I participate in such activity at my own and sole risk. For example, the School District provides no first aid, emergency services, transportation, supervision or security for non-school sponsored events and activities.

Revised 1/2014

Multi purpose room \$250.
Band room \$50.
\$300.

Custodial: 10hrs X \$37 = \$370.

If I damage any building, facility, equipment or other property of the School District or others during or related to my use of school property or facilities, I understand I am personally financially responsible therefor. I will save the School District harmless from any claims arising out of my participation in the activity or event.

I understand that this document applies to each and every time I use the school facilities or school property as described herein. I understand that no one is authorized to change the terms of this document, and any purported changes or alterations are of no effect, except as authorized by the Superintendent of O'Fallon Community Consolidated School District No. 90 in writing.

I hereby declare the facts in the foregoing application are true of my own knowledge and that I have read and agreed to the regulations and fees listed in the attached documents. This statement is made under penalties of perjury.

Applicant's Signature: Tom Jones Date: 18 MAR 2015

Principal's Signature: Joe H. Wells Date: 3/18/15

Permission for Use Granted: JAW Date: 3-19-15

NOTICE OF EMERGENCY PLAN

O'Fallon School District No. 90 has adopted and implemented a Medical Emergency Procedure which encompasses the use of an Automated External Defibrillator or "AED". A copy of the District's Medical Emergency Procedure may be obtained by contacting the District Office at (618)632-3666.

There is one AED at the District Office on the wall outside the Conference Room.

There is one AED located at each school building:

- Amelia Carriel Junior High School 451 N. Seven Hills Road
Hallway between gymnasium and locker rooms.
- Delores Moyer Elementary School 1010 Moyer School Road
North hallway between cafeteria and gymnasium
- E.A. Fulton Junior High School 305 Kyle Road
North wall in the main lobby, to the right of the Boy's Bathroom
- Estelle Kampmeyer Elementary School 707 N. Smiley Street
Main hallway, south of the cafeteria, across from Nurse's Office
- J.E. Hinchcliffe Elementary School 1050 Ogle Road
Southeast corner of Multi-purpose Room
- LaVerna Evans Elementary School 802 Dartmouth Drive
Southeast wall of cafeteria/gymnasium
- Marie Schaefer Elementary School 505 S. Cherry

Additionally, there are portable AEDs located at the following school buildings:

- Amelia Carriel Junior High School (2)
- EA Fulton Junior High School (2)

In the event that a medical emergency occurs, please make sure that 9-1-1 is called immediately. In addition, please have the Custodian contact the building Principal.

O'Fallon School District 90 assumes no liability for loss or damages incurred as the result of the negligent use or failure to use the AED or allegedly resulting from the adoption or implementation of the Medical Emergency Procedure. Additionally, the organization is responsible for the cost of the AED if not returned in good working order or if not returned at all; that cost is \$3,500.

By signing this Notice, the undersigned acknowledges that they agree with the terms of this Notice acknowledges that they have received a copy of the Notice, and acknowledges that it is their responsibility to have a trained AED user present while the facility is being used. O'Fallon School District 90 will not provide a trained AED user for non-school functions.

Applicant's Signature: 

Date: 18 MAR 2015

Outside organizations shall make their written request for use of school facilities to the Principal of the facility requested who in turn will submit the request to the Superintendent or the Secretary of the Board of Education of District No. 90. The request will be signed by an officer of the organization requesting the facility.

If the use conforms to the policies of the school district, the Superintendent or the Secretary of the Board of Education of District 90 shall grant the use of the desired facility upon execution of the accompanying agreement, provided the date does not conflict with a school function. School sponsored activities will receive first priority for use of school facilities and equipment.