

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on December 05, 2006 at 7:00 p.m. after a 6:30 p.m. caucus session.

Mayor White presiding.

Mayor White led the Pledge of Alliance.

The following members of the Council answered roll call: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White. All Council members attended in person.

Also in attendance were City personnel: City Administrator Alan Gilmore, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Water Department Superintendent Jim Lang, Fire Chief Michael Chism, Assistant Fire Chief Andy Adair, Police Chief Larry Metzelaars, Community Development Coordinator Kyle Gill, and City Clerk Susan O'Brien.

CONSENT AGENDA:

Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.

Mayor White seconded by Commissioner Schilling moved to approve the consent agenda as follows: minutes of the regular meeting November 21, 2006 and payroll and bills for the last half of November.

Bills and Payroll for the last half of November, 2006

General Fund

Payroll		\$ 298,176.80
Bills		\$ 257,851.83
	Total	\$ 556,028.63

Hotel Tax Fund

Payroll		\$ 1,706.54
Bills		\$ 762.34
	Total	\$ 2,468.88

Festival Management Fund

Bills		\$ 3,554.69
	Total	\$ 3,554.69

Midtown TIF Fund

Bills		\$ 488.25
	Total	\$ 488.25

Capital Project Fund

Bills		\$ 30,311.34
	Total	\$ 30,311.34

Water Fund

Payroll		\$ 27,129.34
Bills		\$ 549,907.57
	Total	\$ 577,036.91

Sewer Fund

Payroll		\$ 22,663.60
Bills		\$ 55,957.96
	Total	\$ 78,621.56

Cemetery Fund

Payroll		\$	3,037.18
Bills		\$	<u>2,204.00</u>
	Total	\$	5,241.18
	<u>Motor Fuel Tax Fund</u>		
Bills		\$	<u>72,567.19</u>
	Total	\$	72,567.19
	<u>Health Insurance</u>		
Bills		\$	<u>63,780.94</u>
	Total	\$	63,780.94

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

Commissioner Ervin presented the top three entries in the Christmas Parade certificates and a monetary awards as follows: 3rd Place – Girl Scout Unit 2-1 (\$50.00); 2nd Place – Subway & Circle K (\$75.00); and 1st Place – Broadway Christian Church (\$100.00).

Commissioner Ervin opened discussion by updating the public on the need for ambulance coverage. Commissioner Ervin described scenarios calling for the need for an additional ambulance; mutual aid with Charleston; Dr. Burton of SBLHC felt there was a “dodging of bullets” for some time; gaps in coverage occurring 34-35 times a year; and announced a committee formed to research the best way to bridge gaps and provide coverage with a possible option of the Fire Department purchasing/servicing an ambulance during the gap times. Questions were taken from the public. Mr. Herb Meeker of the Journal Gazette inquired as to the gaps in coverage. Commissioner Ervin responded with Charleston’s ambulance actually responded and transported individuals, adding there was no criticism of Mitchell-Jerdan Ambulance Service. Mr. Jerry Groniger inquired as to the 80 calls Charleston had refused to answer. Attorney/Treasurer Owen responded with Charleston only provides emergency care, not transfers from one facility to another. Other incidents were discussed by attendees. Next, Commissioner Ervin requested the Council to consider a visual reminder representing the Mattoon National Guard troops in Iraq. Council discussed the other representations throughout the City.

Commissioner Schilling commented on the Library Board meeting of December 4, 2006 with regard to the debate over the type of flagpole to erect outside of the Library, adding a good explanation for the choice and that funds were raised privately, not with public funds. Further, Commissioner Schilling commended the City employees, Director Wortman and Tourism Director Burgett, for answering with facts to the comments posted on the Journal Gazette’s website, involving City matters.

Clerk O’Brien read the proclamation declaring December 2006 as National Drunk & Drugged Driving (3D) Prevention Month.

NEW BUSINESS

Commissioner Schilling seconded by Commissioner Cline moved to adopt Special Ordinance 2006-1186, authorizing the sale of surplus real estate owned by the municipality at Lake Mattoon to Gary Swearingen and Tim Buford.

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2006-1186

AN ORDINANCE AUTHORIZING SALE OF SURPLUS REAL ESTATE OWNED BY THE MUNICIPALITY AT LAKE MATTOON TO GARY SWEARINGEN AND TIM BUFORD

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2671, adopted November 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS Gary Swearingen and Tim Buford have made an offer to purchase the property for \$3,655; and

WHEREAS, Gary Swearingen and Tim Buford own the adjacent property and their property is capable of providing the best access to property being sold; and

WHEREAS, Robert D. Becker of Corrie Appraisal & Consulting, Inc. determined \$3,655 was the fair market value of the real estate as of October 16, 2006.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Gary Swearingen and Tim Buford, subject to a payment in the amount of \$3,655. The purchase price will be due at closing. Gary Swearingen and Tim Buford shall assume financial responsibility for the costs of the final search, policy fee and a \$3,655 title insurance policy issued by Wetzel Land Title Services, Inc. that insures Buyer that the municipality has sufficient title to sell this real property. The City of Mattoon will pay for the preliminary title search completed by Wetzel Land Title Services, Inc., and;

Section 2. The real estate to be conveyed pursuant to this ordinance is legally described as:

A part of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section Thirty-Six (36), Township Eleven (11) North, Range Six (6) East of the Third Principal Meridian being more particularly described as follows:

Commencing at the northwest corner of the of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section Thirty-Six (36), Township Eleven (11) North, Range Six (6) East of the Third Principal Meridian; thence South 89 degrees 33 minutes 36 seconds East (based on previous local surveys) a distance of 462.00 feet; thence South 0 degrees 00 minutes 36 seconds East a distance of 880.68 feet to the place of beginning; thence North 83 degrees 03 minutes 19 seconds East a distance of 20.78 feet; thence South 81 degrees 13 minutes 10 seconds East a distance of 18.43 feet; thence South 43 degrees 37 minutes 10 seconds East a distance of 15.39 feet; thence South 16 degrees 58 minutes 19 seconds East a distance of 39.20 feet, thence South 28 degrees 19 minutes 17 seconds East a distance of 69.40 feet, thence North 89 degrees 33 minutes 43 seconds West a distance of 93.81 feet, thence North 0 degrees 00 minutes 36 seconds West a distance of 109.31 feet to the place of beginning; situated in Ash Grove Township, Shelby County, Illinois and containing 7310 square feet (.168 acres) more or less.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Cline, adopted this 5th day of December 2006, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Cline, Commissioner Ervin, Schilling,</u>	<u>Commissioner McKenzie, Commissioner Mayor White</u>
NAYS (Names):	<u>None</u>	
ABSENT (Names):	<u>None</u>	

Approved this 5th day of December, 2006.

/s/ Charles E. White
Charles E.

White, Mayor

City of Mattoon,

BE IT FURTHER RESOLVED,

1. That the proposed improvement shall consist of Lake Land Blvd(US Rt. 45) and Marshall Avenue - traffic
signal update

_____ and shall be constructed _____ wide
and be designated as Section D7Signal Mod.2007-1 (City 06-00153-00TL)

2. That there is hereby appropriated the (additional Yes No) sum of five thousand seven hundred and
fifty dollars Dollars (\$5,750.00) for the
improvement of said section from the municipality's allotment of Motor Fuel Tax funds.

3. That work shall be done by Contract No. 74025; and,
Specify Contract or Day Labor

BE IT FURTHER RESOLVED, that the Clerk is hereby directed to transmit two certified copies of this resolution to the district office of the Department of Transportation.

Authorized MFT Expenditure	I, <u>Susan J. O'Brien</u> Clerk in and for the
Date	City _____ of <u>Mattoon</u> City, Town or Village _____ County of <u>Coles</u> , hereby certify the
Department of Transportation	foregoing to be a true, perfect and complete copy of a resolution adopted by the <u>Council</u> <u>Council or President and Board of Trustees</u>
Regional Engineer	at a meeting on <u>December 5, 2006</u> Date _____ IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this <u>6th</u> day of <u>December, 2006</u> (SEAL) /s/ Susan J. O'Brien _____ City, Town, or Village Clerk

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner McKenzie seconded by Commissioner Cline moved to approve Council Decision Request 2006-686, authorizing the Mayor to sign the IDOT agreement for federal participation in the 2007 Local Agency Pavement Preservation (LAPP) Project (Rudy Avenue, S. 14th Street, and S. 19th Street).

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling and YEA Mayor White.

Authorized MFT Expenditure

Date

Department of Transportation

Regional Engineer

I, Susan J. O'Brien Clerk in and for the

City of Mattoon

City, Town or Village

County of Coles, hereby certify the

foregoing to be a true, perfect and complete copy of a resolution adopted

by the Council

Council or President and Board of Trustees

at a meeting on December 5, 2006

Date

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this

6th day of December, 2006

(SEAL)

/s/ Susan J. O'Brien

Clerk

City, Town, or Village Clerk

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling and YEA Mayor White.

Commissioner McKenzie seconded by Commissioner Ervin moved to approve Council Decision Request 2006-687, approving the bid document and specifications for the 2007 Motor Fuel Tax Street Maintenance Program.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling and YEA Mayor White.

Mayor White seconded by Commissioner Cline moved to approve Council Decision Request 2006-688, authorizing the Police Chief to purchase 25 mobile radios including removal/installation from Roy Walker Communications, Inc., Effingham, IL for the amount of \$35,155.00 to be paid from Federal Sharing Funds (Omega Account).

Mayor White declared the motion carried: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Schilling moved to approve Council Decision Request 2006-689, appointing Julie Wilkerson and Janahn Kolden, and re-appointing Scott Claypool and Beth Hildebrandt to the Mattoon Arts Council for two-year terms expiring on September 30, 2008.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner McKenzie moved to adopt Resolution 2006-2675, authorizing an amendment to the agreement with CCRP-DC for GIS Support Services by extending the agreement to April 30, 2007.

**CITY OF MATTOON, ILLINOIS
RESOLUTION NO. 2006-2675**

**A RESOLUTION AUTHORIZING AN AMENDMENT TO THE AGREEMENT WITH THE COLES COUNTY
REGIONAL PLANNING AND DEVELOPMENT COMMISSION FOR GEOGRAPHIC INFORMATION SYSTEM
(GIS) SUPPORT SERVICES**

WHEREAS, the City of Mattoon has an agreement with Coles County Regional Planning and Development Commission to provide technical staff in updating its road, water and sewer utility system maps and records in a geographical information system for preparation of its Comprehensive Plan and Capital Improvement Program; and

WHEREAS, the term of this agreement ends November 30, 2006 and after negotiating with Coles County Regional Planning and Development Commission and the City’s departments, both have agreed to extend the agreement to align with the City’s fiscal year, ending April 30, 2007.

BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS that the mayor is authorized on behalf of the City Council, to sign an “*Amendment #1 To 2005 - 2006 Geographic Information System (GIS) Support Services Agreement between the City of Mattoon and the Coles County Regional Planning & Development Commission*”, a copy of which is attached and incorporated herein by reference.

Upon motion by Mayor White, seconded by Commissioner McKenzie, adopted this 5th day of December, 2006, by a roll call vote, as follows:

AYES (Names):	<u>Commissioner Cline, Commissioner Ervin,</u>	<u>Commissioner McKenzie, Commissioner</u>
		<u>Mayor White</u>
<u>Schilling</u>		
NAYS (Names):	<u>None</u>	
ABSENT (Names):	<u>None</u>	

Approved this 5th day of December, 2006.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

<u>/s/ Susan J. O’Brien</u> Susan J. O’Brien, City Clerk	<u>/s/ J. Preston Owen</u> J. Preston Owen, City Attorney
---	--

Recorded in the Municipality’s Records on December 6th, 2006.

Amendment #1 To 2005 - 2006 Geographic Information System (GIS) Support Services Agreement between the City of Mattoon and the Coles County Regional Planning & Development Commission:

Extension of Services Agreement Ending Date

In consideration of continued support services provided under the above referenced 2005 - 2006 Geographic Information System (GIS) Support Services Agreement, the ending date of November 30, 2006 in said Agreement is hereby extended to April 30, 2007. All other contract agreement provisions remain unchanged and in effect. Approved by the City of Mattoon, Illinois City Council on December 5, 2006.

FOR THE CITY:

FOR THE COMMISSION:

Mayor

CCRP & DC Commission Chairman

City Clerk

CCRP & DC Executive Director

(SEAL)

(SEAL)

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to adopt Resolution 2006-2676, authorizing a \$20,000 maximum agreement with the Coles County Regional Planning & Development Commission for Technical Assistance for services to be rendered from December 1, 2006 to November 30, 2007 on a time and expense basis.

CITY OF MATTOON

RESOLUTION NO. 2006-2676

**RESOLUTION TO ENTER INTO CONTRACTUAL AGREEMENT FOR
TECHNICAL ASSISTANCE SERVICES WITH THE COLES COUNTY REGIONAL PLANNING AND
DEVELOPMENT COMMISSION**

WHEREAS, the **City of Mattoon** has selected the Coles County Regional Planning and Development Commission to provide certain Technical Assistance Services to the **City**; and

WHEREAS, the **City Council** has examined the proposed contract agreement a copy of which is attached hereto and incorporated by reference and entitled "Technical Assistance Agreement" Between the **City of Mattoon IL** and the Coles County Regional Planning and Development Commission," and finds said contract agreement to be acceptable,

NOW, THEREFORE, BE IT RESOLVED by the **City Council** of the **City of Mattoon**, Illinois, that the **City** enter into and execute said Contract Agreement with the Coles County Regional Planning and Development Commission. The **Mayor** is authorized to execute said Agreement.

Presented, Passed and Adopted at a regular meeting of the **Mattoon City Council** this 5th day of December, 2006.

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mayor: Charles White	X		
City Council			
David Cline	X		
Randy Ervin	X		
Joseph McKenzie		X	
David Schilling	X		

ATTEST: APPROVED:

/s/ Susan J. O'Brien
City Clerk

/s/ Charles E. White
Mayor

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to adopt Resolution 2006-2677, authorizing a \$2,100 agreement with the Coles County Regional Planning & Development Commission for administration of the Mattoon Revolving Loan Fund for services to be rendered from December 1, 2006 to November 30, 2007 on a time and expense basis.

CITY OF MATTOON

RESOLUTION NO.2006-2677

**RESOLUTION TO ENTER INTO CONTRACTUAL AGREEMENT
FOR REVOLVING LOAN FUND ADMINISTRATION & COORDINATION SERVICES WITH THE COLES
COUNTY REGIONAL PLANNING & DEVELOPMENT COMMISSION**

WHEREAS, the **City of Mattoon** operates a State of Illinois capitalized Revolving Loan Fund, and;

WHEREAS, the Coles County Regional Planning and Development Commission has been deemed by the **City Council** as qualified to administer said Revolving Loan Fund, said Commission furnishing a proposed contract agreement for Revolving Loan Fund administration services to the **City**, and

WHEREAS, The **City Council** has examined the proposed contract agreement, entitled "Contract Agreement for Administration

notice is attached hereto as Exhibit C.

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

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 5th day of December, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline Commissioner Ervin,
Commissioner McKenzie, Commissioner Schilling
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 5th day of December, 2006.

/s/ Charles E. White

Charlie E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 6th, 2006.

Exhibit A
Legal Description of
I-57 Redevelopment Project Area
LEGAL DESCRIPTION

That part of the North ½, of Section 16, Township 12 North, Range 8 East of the Third Principal Meridian, Coles County, Illinois, described as follows:

Commencing at the Intersection of the East line of the Northwest 1/4, of the Northeast ¼, of said Section 16 with the southerly right of way line of the former C.C.C. & St. Louis Railroad; thence S 81°04'20"W. – 61.66 feet along said southerly right of way line to the point of beginning; thence S 0°42'25"E. – 505.80 feet along the West right of way line of the Lerna Road; thence N 89°17'35"E. – 5.00 feet along said right of way; thence S 0°42'25"E. – 400.00 feet along said right of way line; thence N 89°17'35"E. – 10.00 feet along said right of way line; thence S 0°42'25"E. – 1386.34 feet along said right of way line to a point on the northerly right of way line of Illinois Route 16; thence S 89°27'50"W. – 2782.89 feet along said northerly right of way line to a point on the easterly right of way line of F.A. Interstate 57; thence N 50°41'55"W. – 275.40 feet along said right of way line; thence N 24°36'46"W. – 315.60 feet along said right of way line; thence N 53°41'46"W. – 192.09 feet along said right of way line; thence N 68°39'12"W. – 223.89 feet along said right of way line; thence N. 30°32'03"W. – 158.83 feet along said right of way line; thence N 2°57'02"W. – 319.26 feet along said right of way line to a point on the north line of the South ½, of the Northwest ¼, of said Section 16; thence N 87°49'29"E. – 1499.28 feet along said North line; thence N 2°39'58"W. – 822.10 feet to a point on the southerly right of way line of the former C.C.C. & St. Louis Railroad; thence N 81°04'20"E. – 2110.11 feet along said southerly right of way line to the point of beginning, containing 133.51 acres, more or less.

AND ALSO

Commencing at the Northeast Corner of the Southeast Quarter (SE ¼) of said Section Sixteen (16); thence south 0°17'32" West [bearings based on F.A.I Route 04 (I-57) R.O.W. plat] a distance of 1331.09 feet along the East line of said Section Sixteen (16); thence South 88°16'20" West a distance of 1329.10 feet to a point in the West right of way line of Lerna Road and the point of beginning; thence continue South 88°16'20" West, a distance of 3580.55 feet to a point in the East right of way line of F.A.I. Route 04 (I-57); thence north 04°25'49" East along said right of way line, a distance of 234.86 feet; thence North 17°12'02" East along said right of way line, a distance of 317.84 feet; thence North 47°55'25" East along said right of way line, a distance of 404.60 feet; thence North 23°17'43" East along said right of way line, a distance of 352.33 feet; thence North 73°03'10" East along the South right of way line at F.A. Rt. 17 (IL Rt. 16), a distance of 286.40 feet; thence North 86°24'38" East along said right of way line, a distance of 500.62 feet; thence North 85°50'22" East along said right of way line, a distance of 250.45 feet; thence North 89°16'21" East along said right of way line, a distance of 1923.01 feet; thence South 32°09'38" East along said right of way line, a distance of 152.36 feet; thence South 00°29'12" East along the West right of way of Lerna Road, a distance of 317.39 feet; thence South 02°22'33" West along said right of way a distance of 200.25 feet; thence South 00°29'12" East along said right of way line a distance of 300.00 feet; thence South 05°13'26" West along said right of way line, a distance of 100.50 feet; thence South 05°03'38" East along said right of way line, a distance of 136.00 feet to the point of beginning, containing 91.531 acres more or less.

AND ALSO

The Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) and a part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) and a part of the Southeast (SE ¼) of the Southwest Quarter (SW ¼) all in Section 16 (16), Township Twelve (12) North, Range Eight (8) East of the Third Principal Meridian, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter (SE ¼) of said Section Sixteen (16); thence South 0°17'32" West [bearings based on F.A.I. Route 04 (I-57) R.O.W. plat] a distance of 1331.09 feet along the East line of said Section Sixteen (16); thence South 88°16'20" West a distance of 1329.10 feet to a point in the West right of way line of Lerna Road and the point of beginning; thence South 05°03'38" East along said West right of way line of Lerna Road, a distance of 114.80 feet; thence South 00°29'12" East along said West right of way line of Lerna Road, 1218.21 feet to a point on the South line of said Section 16; thence South 88°09'57" West along said South line of Section 16, a distance of 1875.50 feet; thence North 00°11'59" West a distance of 1336.49 feet; thence North 88°16'20" East a distance of 1859.57 feet to the point of beginning, containing 58.503 acres more or less.

AND ALSO

Including the northeast and southeast interchange between Interstate 57 and State Route 16 and State Route 16 and its rights-of way between Interstate 57 and the Lerna Road, containing 37.42 acres more or less.

These tracts of land contain a total of 320.964 acres, more or less.

Exhibit B
Legal Description of
I-57 Redevelopment Project Area
LEGAL DESCRIPTION

That part of the North ½, of Section 16, Township 12 North, Range 8 East of the Third Principal Meridian, Coles County, Illinois, described as follows:

Commencing at the Intersection of the East line of the Northwest 1/4, of the Northeast ¼, of said Section 16 with the southerly right of way line of the former C.C.C. & St. Louis Railroad; thence S 81°04'20"W. – 61.66 feet along said southerly right of way line to the point of beginning; thence S 0°42'25"E. – 505.80 feet along the West right of way line of the Lerna Road; thence N 89°17'35"E. – 5.00 feet along said right of way; thence S 0°42'25"E. – 400.00 feet along said right of way line; thence N 89°17'35"E. – 10.00 feet along said right of way line; thence S 0°42'25"E. – 1386.34 feet along said right of way line to a point on the northerly right of way line of Illinois Route 16; thence S 89°27'50"W. – 2782.89 feet along said northerly right of way line to a point on the easterly right of way line of F.A. Interstate 57; thence N 50°41'55"W. – 275.40 feet along said right of way line; thence N 24°36'46"W. – 315.60 feet along said right of way line; thence N 53°41'46"W. – 192.09 feet along said right of way line; thence N 68°39'12"W. – 223.89 feet along said right of way line; thence N. 30°32'03"W. – 158.83 feet along said right of way line; thence N 2°57'02"W. – 319.26 feet along said right of way line to a point on the north line of the South ½, of the Northwest ¼, of said Section 16; thence N 87°49'29"E. – 1499.28 feet along said North line; thence N 2°39'58"W. – 822.10 feet to a point on the southerly right of way line of the former C.C.C. & St. Louis Railroad; thence N 81°04'20"E. – 2110.11 feet along said southerly right of way line to the point of beginning, containing 133.51 acres, more or less.

AND ALSO

Commencing at the Northeast Corner of the Southeast Quarter (SE ¼) of said Section Sixteen (16); thence south 0°17'32" West [bearings based on F.A.I Route 04 (I-57) R.O.W. plat] a distance of 1331.09 feet along the East line of said Section Sixteen (16); thence South 88°16'20" West a distance of 1329.10 feet to a point in the West right of way line of Lerna Road and the point of beginning; thence continue South 88°16'20" West, a distance of 3580.55 feet to a point in the East right of way line of F.A.I. Route 04 (I-57); thence north 04°25'49" East along said right of way line, a distance of 234.86 feet; thence North 17°12'02" East along said right of way line, a distance of 317.84 feet; thence North 47°55'25" East along said right of way line, a distance of 404.60 feet; thence North 23°17'43" East along said right of way line, a distance of 352.33 feet; thence North 73°03'10" East along the South right of way line at F.A. Rt. 17 (IL Rt. 16), a distance of 286.40 feet; thence North 86°24'38" East along said right of way line, a distance of 500.62 feet; thence North 85°50'22" East along said right of way line, a distance of 250.45 feet; thence North 89°16'21" East along said right of way line, a distance of 1923.01 feet; thence South 32°09'38" East along said right of way line, a distance of 152.36 feet; thence South 00°29'12" East along the West right of way of Lerna Road, a distance of 317.39 feet; thence South 02°22'33" West along said right of way a distance of 200.25 feet; thence South 00°29'12" East along said right of way line a distance of 300.00 feet; thence South 05°13'26" West along said right of way line, a distance of 100.50 feet; thence South 05°03'38" East along said right of way line, a distance of 136.00 feet to the point of beginning, containing 91.531 acres more or less.

AND ALSO

Part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) and a part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) a part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) all in Section Sixteen (16), Township Twelve (12) North, Range Eight (8) East of the Third Principal Meridian, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter (SE ¼) of said Section Sixteen (16); thence South 00°17'32" West [bearings based on F.A.I Route 04 (I-57) R.O.W. plat] a distance of 1331.09 feet along the East line of said Section Sixteen (16); thence South 88°16'20" West a distance of 1329.10 feet to a point in the former West right of way line of Lerna Road and the point of beginning; thence South 05°03'38" East along said former West right of way line of Lerna Road, a distance of 114.80 feet; thence South 00°29'12" East along said West right of way line of Lerna Road, 185.20 feet; thence North 80°30'00" West a distance of 700.00 feet; thence South 44°27'16" West a distance of 540.00 feet; thence South 77°08'02" West a distance of 820.00 feet; thence North 00°11'59" a distance of 696.00 feet; thence North 88°16'20" East a distance of 1859.57 feet to the point of beginning, containing 18.035 acres more

or less.

AND ALSO

Including the northeast and southeast interchange between Interstate 57 and State Route 16 and State Route 16 and its rights-of way between Interstate 57 and the Lerna Road, containing 37.42 acres more or less.

These tracts of land contain a total of 280.496 acres, more or less.

Exhibit C

***Form of Notice of Minor Changes to the I-57 East Redevelopment
Project Area Redevelopment Plan and Project – For mailing of Notice***

PLEASE TAKE NOTICE that on December 5, 2006, the City Council of the City of Mattoon, Illinois adopted Ordinance No. 2006-5222, entitled “An Ordinance Approving Minor Changes to the Proposed I-57 East Redevelopment Project Area Redevelopment Plan and Project.” In said Ordinance, the City Council found and determined that it is appropriate and desirable to modify the proposed I-57 East Redevelopment Project Area by reducing the amount of the territory contained therein. The City Council further found and determined that said modification does not 1) add parcels of property to the proposed redevelopment project area, 2) substantially affect the general land uses proposed in the Redevelopment Plan and Project, 3) substantially change the nature of or extend life of Redevelopment Plan and Project, or 4) increase the number of inhabited residential units to be displaced from the Redevelopment Project Area as measured from the time of creation of the redevelopment project area, to a total of more than 10.

Notice is further given that the legal description of the proposed I-57 East Redevelopment Project Area, as originally submitted to the City and as set forth in Exhibit A to this Notice, was modified by the City in Ordinance No. 2006-5222, and as set forth in the legal description attached to said Ordinance and to this Notice as Exhibit B. A copy of Ordinance No. 2006-5222 is enclosed with this Notice and incorporated into this Notice by this reference. Copies of the following ordinances, which were adopted by the City Council on December 5, 2006 and which also pertain to the I-57 East Redevelopment Project Area, are also on file and available for public inspection at the office of the City Clerk, 208 N. 19th Street, Mattoon, Illinois.: Ordinance No 2006-5223, entitled “An Ordinance Approving A Redevelopment Plan and Project for the I-57 East Redevelopment Project Area in the City of Mattoon, Coles County, Illinois,” Ordinance 2006-5224, entitled “An Ordinance Designating the I-57 East Redevelopment Project Area for the City of Mattoon, Coles County, Illinois,” and Ordinance No. 2006-5225 entitled “An Ordinance Adopting Tax Increment Allocation Financing within the I-57 East Redevelopment Project Area.”

Dated: December 5, 2006

/s/ Susan J. O'Brien
City Clerk

Exhibit C - Continued

***Form of Notice of Minor Changes to the I-57 East Redevelopment
Project Area Redevelopment Plan and Project- For Publication***

PLEASE TAKE NOTICE that on December 5, 2006, the City Council of the City of Mattoon, Illinois adopted Ordinance No. 2006-5222, entitled “An Ordinance Approving Minor Changes to the Proposed I-57 East Redevelopment Project Area Redevelopment Plan and Project.” In said Ordinance, the City Council found and determined that it is appropriate and desirable to modify the proposed I-57 East Redevelopment Project Area by reducing the amount of the territory contained therein. The City Council further found and determined that said modification does not 1) add parcels of property to the proposed redevelopment project area, 2) substantially affect the general land uses proposed in the Redevelopment Plan and Project, 3) substantially change the nature of or extend life of Redevelopment Plan and Project, or 4) increase the number of inhabited residential units to be displaced from the Redevelopment Project Area as measured from the time of creation of the redevelopment project area, to a total of more than 10.

Notice is further given that the legal description of the proposed I-57 East Redevelopment Project Area, as originally submitted to the City and as set forth in Exhibit A to this Notice, was modified by the City in Ordinance No. 2006-5222, and as set forth in the legal description attached to said Ordinance and to this Notice as Exhibit B. A copy of Ordinance No. 2006-5222 is on file and available for public inspection at the office of the City Clerk, 208 N. 19th Street, Mattoon, Illinois. Copies of the following ordinances, which were adopted by the City Council on December 5, 2006 and which also pertain to the I-57 East Redevelopment Project Area, are also on file and available for public inspection at the office of the City Clerk, 208 N. 19th Street, Mattoon, Illinois: Ordinance No. 2006-5223, entitled “An Ordinance Approving A Redevelopment Plan and Project for the I-57 East Redevelopment Project Area in the City of Mattoon, Coles County, Illinois,” Ordinance 2006-5224, entitled “An Ordinance Designating the I-57 East Redevelopment Project Area for the City of Mattoon, Coles County, Illinois,” and Ordinance No. 2006-5225 entitled “An Ordinance Adopting Tax Increment Allocation Financing within the I-57 East Redevelopment Project Area.”

Dated: December 5, 2006

/s/ Susan J. O'Brien
City Clerk

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to adopt Ordinance 2006-5223, approving a Redevelopment Plan and Project for the I-57 East Redevelopment Project Area in the City of Mattoon, Coles County, Illinois.

City of Mattoon, Illinois
Ordinance No. 2006 – 5223

*An Ordinance Approving a Redevelopment
Plan and Project for the
I-57 East Redevelopment Project Area in the City of
Mattoon, Coles County, Illinois*

Be it Ordained by the City Council of the City of Mattoon, Coles County, Illinois, as Follows:

Section 1. Authority. This Ordinance is adopted pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.*, as amended (the “Act”).

Section 2. Recitals.

(a) The City of Mattoon, Coles County, Illinois (the “City”) is a duly constituted, organized and validly existing municipality within the meaning of Section 1 of Article VII of the 1970 Constitution of the State of Illinois, and is operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, as amended.

(b) The City desires to implement tax increment allocation financing pursuant to the Act for a proposed redevelopment project located within the corporate limits of the City and within the proposed I-57 East Redevelopment Project Area legally described in **Exhibit A** to this Ordinance (the “**Redevelopment Project Area**”). The proposed Redevelopment Project Area contains approximately 280.496 acres and is generally located within the following boundaries of the City: Starting at the intersection of the south line of Section 16, Township 12 North, Range 8 East, and Lerna Road and proceeding north along Lerna Road 1,033.01 feet to the point of beginning; then north 80 degrees 30 minutes 00 seconds west a distance of 700.00 feet, then south 44 degrees 27 minutes 16 seconds west a distance of 540.00 feet, then south 77 degrees 08 minutes 02 seconds west a distance of 820.00 feet, then north 0 degrees 11 minutes 59 seconds west a distance of 696.00 feet, then west to the east right-of-way line of Interstate 57, then north along the east right-of-way line of Interstate 57 passing and including its southeast and northeast interchange with State Route 16 to the northwestern property line of property identified as “Topa Farms, Inc./Ashbrook Subdivision”, then following the north and northwest property lines of the “Topa Farms, Inc./Ashbrook Subdivision” to the Lerna Road, then along the east side of Lerna Road south across Route 16 to a point 1,033.01 feet north of the intersection of Section 16, Township 12 North, Range 8 East, and Lerna Road then west across Lerna Road to the point of beginning. A map of the boundaries of the Redevelopment Project Area is attached as **Exhibit B**.

(c) The proposed plan and project are fully described in the document entitled “Tax Increment Finance City of Mattoon, Coles County, I-57 East Redevelopment Project Area” dated September 2006, prepared by Ehlers & Associates Inc. (the “**Plan Consultant**”), a copy of which is attached to this Ordinance as **Exhibit C** and made a part of this Ordinance (the “**Redevelopment Project and Plan**”).

(d) Pursuant to Section 11-74.4-5(b) of the Act, on October 12, 2006, the City convened a joint review board (the “Joint Review Board”) to consider the proposal for the Redevelopment Project and Plan. The Joint Review Board consisted of a representative of the City, representatives of Lake Land Community College District, Coles County, Mattoon Community Unit School District #2, Coles County Airport Authority and a “public member” selected by a majority vote of the other members of the Joint Review Board at its initial meeting. Neither the Illinois Department of Commerce and Community Affairs (“DCCA”) nor any of the other taxing districts having territory within the Redevelopment Project Area sent representatives to the meeting. The initial and only meeting of the Joint Review Board was held on October 12, 2006, pursuant to notice mailed to DCCA and the applicable taxing districts by certified mail on September 28, 2006, in substantially the form attached to this Ordinance as **Exhibit D** and made a part of this Ordinance. The Joint Review Board reviewed the public record, the various planning documents (including drafts of the Redevelopment Project and Plan and the Eligibility Report mentioned below) and the proposed ordinance approving the Redevelopment Project and Plan to be adopted by the City Council of the City. At its meeting on October 12, 2006, the Joint Review Board voted (by a vote of six in favor and none against) to approve the Redevelopment Project and Plan based on its finding that the Redevelopment Project Area satisfies the eligibility criteria set forth in the Act.

(e) Pursuant to Section 11-74.4-5(a) of the Act, the City Council caused a public hearing to be held relative to the proposed Redevelopment Project and Plan and the designation of the proposed Redevelopment Project Area commencing at 7:00 p.m. on November 21, 2006, at the City Council Chambers, City Hall, 208 N. 19th Street, Mattoon, Illinois 61938-2836. At the public hearing, all interested persons and affected taxing districts were able to file written objections to, and were heard orally in respect to, any issues embodied in the notice of the public hearing mentioned in paragraph (f) below. At or prior to the public hearing, no protests and objections were filed with the City.

(f) Due notice of such public hearing was given pursuant to Section 11-74.4-6 of the Act, said notice being given to taxing districts by certified mail on September 28, 2006, and to DCCA by certified mail on September 28, 2006, in substantially the form attached to this Ordinance as **Exhibit D**, to taxpayers by certified mail on October 5, 2006, in substantially the form attached to this Ordinance as

Exhibit E, and by publication on October 27, 2006 and November 3, 2006, of a notice of public hearing in the prescribed form in the *Journal Gazette*. A publisher's affidavit with newspaper clipping attached evidencing such publication is attached to this Ordinance as **Exhibit F**. Public notice of the public hearing in the form attached as **Exhibit E** was mailed on October 5, 2006, by first class mail, addressed to (i) each resident within 750 feet of the boundaries of the proposed Redevelopment Project Area and (ii) each City resident and organization that has properly registered in the Interested Parties Registry of the City established for the proposed Redevelopment Project Area.

(g) The proposed Redevelopment Project and Plan sets forth the conditions in the proposed Redevelopment Project Area qualifying the area as a "conservation area" or a "blighted area," as defined in the Act, and the City Council has reviewed and is familiar with the proposed Redevelopment Project Area and Redevelopment Project and Plan. The City Council also carefully reviewed a report entitled "Tax Increment Finance Program City of Mattoon, Coles County, Illinois I-57 East Redevelopment Project Area Eligibility Report" prepared by the Plan Consultant, dated September, 2006, a copy of which is attached to this Ordinance as **Exhibit G** and made a part of this Ordinance (the "**Eligibility Study**").

(h) The City Council has reviewed the conditions pertaining to lack of private investment in the proposed Redevelopment Project Area, to determine whether private development would take place in the proposed Redevelopment Project Area as a whole without the adoption of the proposed Redevelopment Project and Plan, in a manner which will alleviate, in whole or in part, the condition of blight as set forth below.

(i) The City Council has reviewed the conditions pertaining to real property in the proposed Redevelopment Project Area to determine whether contiguous parcels of real property and improvements on such parcels in the proposed Redevelopment Project Area would be substantially benefited by the proposed Redevelopment Project and Plan improvements.

(j) The City Council has reviewed all documents and materials relating to the development of the City as a whole, including the City Comprehensive Plan, to determine whether the proposed Redevelopment Project and Plan conform to such documents.

(k) The City Council has reviewed the conditions pertaining to the use of the real property within the proposed Redevelopment Project Area to determine whether and to what extent the program of improvements in the Redevelopment Project and Plan will displace residents of inhabited residential units within the proposed Redevelopment Project Area.

(l) The Redevelopment Project and Plan sets forth an assessment of any financial impact of the proposed Redevelopment Project and Plan on or any increased demand for services from any taxing district affected by the proposed Redevelopment Project and Plan and any program to address such financial impact or increased demand.

(m) The City Council, by ordinance adopted on November 19, 2002, established an "interested parties" registry for each redevelopment project area created under the Act and not terminated by the City, whether then existing or created after the date of the adoption of that ordinance, including the proposed Redevelopment Project Area, and adopted registration rules for such registries, all as required by the Act. The City Council by ordinance adopted on August 15, 2006, amended the registration rules and created an interested parties registry for the proposed Redevelopment Project Area. The City Administrator of the City, acting as the delegate of the Mayor pursuant to the August 15, 2006 ordinance, established an interested parties registry for the proposed Redevelopment Project Area and caused notice of the establishment of that registry and of the registration rules to be published one time in the *Journal Gazette* on August 18, 2006. A publisher's affidavit with newspaper clipping attached evidencing such publication is attached to this Ordinance as **Exhibit H**.

(n) That on December 5, 2006, the City Council of the City of Mattoon, Illinois adopted Ordinance No. 2006-5222, entitled "An Ordinance Approving Minor Changes to the Proposed I-57 East Redevelopment Project Area Redevelopment Plan and Project." In said Ordinance, the City Council found and determined that it is appropriate and desirable to modify the proposed I-57 East Redevelopment Project Area by reducing the amount of the territory contained therein. The City Council further found and determined that said modification does not 1) add parcels of property to the proposed redevelopment project area, 2) substantially affect the general land uses proposed in the Redevelopment Plan and Project, 3) substantially change the nature of or extend life of Redevelopment Plan and Project, or 4) increase the number of inhabited residential units to be displaced from the Redevelopment Project Area as measured from the time of creation of the redevelopment project area, to a total of more than 10.

Section 3. Findings. The City Council finds and determines as follows:

(a) There exist conditions which cause the area proposed to be designated as the I-57 East Redevelopment Project Area to be classified as a "blighted area" as defined in Section 11-74.4-3(a) of the Act. The Redevelopment Project Area is a "vacant" area (as that term is used in Section 11-74.4-3(a)(3) of the Act). The area, prior to its designation, is subject to surface water that discharges from all or part of the area and contributes to flooding within the same watershed. The factor and condition described above is present and that presence has been documented to a meaningful extent in the hydrological study entitled "Mattoon Proposed I-57 East TIF District Storm Water Analysis, Christopher B. Burke Engineering, Ltd." This factor is clearly present within the intent of the Act, and is reasonably distributed throughout the proposed Redevelopment Project Area. The existence of this factor within the proposed Redevelopment Project Area is detrimental to the public safety, health, welfare and morals. The proposed I-57 East Redevelopment Project and Plan provides for facilities and improvements to contribute to the alleviation of all or part of the flooding. The land in the proposed I-57 East Redevelopment Project Area has been used for commercial agricultural purposes within the last five years, but was subdivided in 2005 in accordance with the provisions of the Plat Act. Accordingly, the I-57 East Redevelopment Project Area meets the definition for eligible vacant land according to the Act.

(b) The proposed Redevelopment Project Area on the whole has for many years not been subject to growth and redevelopment through investment by private enterprise in a manner which would alleviate, in whole or in part, downstream flooding in the watershed, and

is not reasonably anticipated to be developed in a manner which would alleviate, in whole or in part, such condition without the adoption of the proposed Redevelopment Project and Plan.

Private investment and redevelopment has not occurred to the extent necessary to eliminate the blighting influence (flooding in the watershed) that currently exists. The applicable ordinances of the City do not require development of the proposed Redevelopment Project Area in a manner which would alleviate, in whole or in part, the downstream flooding. Normal development will not solve the drainage problems in the watershed, including most especially the Loxa community. The Redevelopment Project is not reasonably expected to be developed without the efforts and leadership of the City, including the adoption of the proposed Redevelopment Project and Plan and the creation of incremental property taxes under the Act. But for the adoption of the proposed Redevelopment Plan, the Redevelopment Project Area is not reasonably expected to be redeveloped by private enterprise in a manner which will alleviate, in whole or in part, flooding in the watershed. In the absence of City-sponsored redevelopment initiatives the blighting condition (flooding in the watershed) will continue to exist.

Based on the current vacant land, lack of private investment without assistance, and the documented problems in the Redevelopment Project Area, the City finds that the Redevelopment Project Area, with its accompanying flood reduction infrastructure and facilities would not reasonably be developed without the use of incremental tax revenue.

Without private investment and the presence of tax increment financing, the community will not have funds to provide the infrastructure necessary for the containment of runoff in the Redevelopment Project Area. Flooding created by the Redevelopment Project Area will continue.

(c) The proposed Redevelopment Project and Plan conform to the comprehensive plan for the development of the City as a whole.

(d) The proposed Redevelopment Project Area is not less in the aggregate than 1-1/2 acres and includes only those contiguous parcels of real property and improvements which will be substantially benefited by the proposed Redevelopment Project and Plan improvements, and which will alleviate the condition of flooding in the watershed.

(e) The Redevelopment Project and Plan will not result in the displacement of residents from 10 or more inhabited residential units. There are no residential units in the Redevelopment Project Area.

(f) As set forth in the Redevelopment Project and Plan and in the testimony at the public hearing, the Redevelopment Project and Plan establishes the estimated dates for final completion of the redevelopment project described in the Redevelopment Project and Plan and retirement of obligations issued to finance redevelopment project costs, which dates are not later than December 31 of the year in which the payment to the City Treasurer under Section 11-74.4-8(b) of the Act is to be made with respect to *ad valorem* taxes levied in the 23rd calendar year after the date of the adoption of this Ordinance, *provided* that no such obligations may mature later than twenty (20) years from their date of issuance.

(g) The estimated date for final completion of the projects and activities set forth in the proposed Redevelopment Project and Plan is not later than December 31, 2029.

(h) The estimated date for retirement of obligations, if any, incurred to finance redevelopment project costs is not later than December 31, 2030.

(i) The findings set forth in the Redevelopment Project and Plan are incorporated herein as if fully set forth.

Section 4. Approval of Redevelopment Project and Plan. The Redevelopment Project and Plan, as modified by Ordinance 2006-5222 on December 5, 2006, which was the subject matter of the hearing held November 21, 2006, is approved.

Section 5. Filing with County Clerk. The City Clerk is directed to file a certified copy of this Ordinance with the County Clerk of Coles County as soon as possible after the adoption and approval of this Ordinance.

Section 6. Invalid Portions are Severable. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section 7. Superceder. All ordinances, resolutions, motions and orders in conflict with this Ordinance are repealed to the extent of such conflict.

Section 8. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage and approval, as provided by law

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 5th day of December, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin
Commissioner McKenzie, Commissioner Schilling
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 5th day of December, 2006.

/s/ Charles E. White
Charlie E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 6, 2006.

Exhibit A
to
Ordinance No. 2006 - 5223

Legal Description of
I-57 East Redevelopment Project Area

Exhibit A
Legal Description of
I-57 Redevelopment Project Area

LEGAL DESCRIPTION

That part of the North ½, of Section 16, Township 12 North, Range 8 East of the Third Principal Meridian, Coles County, Illinois, described as follows:

Commencing at the Intersection of the East line of the Northwest ¼, of the Northeast ¼, of said Section 16 with the southerly right of way line of the former C.C.C. & St. Louis Railroad; thence S 81°04'20"W. – 61.66 feet along said southerly right of way line to the point of beginning; thence S 0°42'25"E. – 505.80 feet along the West right of way line of the Lerna Road; thence N 89°17'35"E. – 5.00 feet along said right of way; thence S 0°42'25"E. – 400.00 feet along said right of way line; thence N 89°17'35"E. – 10.00 feet along said right of way line; thence S 0°42'25"E. – 1386.34 feet along said right of way line to a point on the northerly right of way line of Illinois Route 16; thence S 89°27'50"W. – 2782.89 feet along said northerly right of way line to a point on the easterly right of way line of F.A. Interstate 57; thence N 50°41'55"W. – 275.40 feet along said right of way line; thence N 24°36'46"W. – 315.60 feet along said right of way line; thence N 53°41'46"W. – 192.09 feet along said right of way line; thence N 68°39'12"W. – 223.89 feet along said right of way line; thence N. 30°32'03"W. – 158.83 feet along said right of way line; thence N 2°57'02"W. – 319.26 feet along said right of way line to a point on the north line of the South ½, of the Northwest ¼, of said Section 16; thence N 87°49'29"E. – 1499.28 feet along said North line; thence N 2°39'58"W. – 822.10 feet to a point on the southerly right of way line of the former C.C.C. & St. Louis Railroad; thence N 81°04'20"E. – 2110.11 feet along said southerly right of way line to the point of beginning, containing 133.51 acres, more or less.

AND ALSO

Commencing at the Northeast Corner of the Southeast Quarter (SE ¼) of said Section Sixteen (16); thence south 0°17'32" West [bearings based on F.A.I Route 04 (I-57) R.O.W. plat] a distance of 1331.09 feet along the East line of said Section Sixteen (16); thence South 88°16'20" West a distance of 1329.10 feet to a point in the West right of way line of Lerna Road and the point of beginning; thence continue South 88°16'20" West, a distance of 3580.55 feet to a point in the East right of way line of F.A.I. Route 04 (I-57); thence north 04°25'49" East along said right of way line, a distance of 234.86 feet; thence North 17°12'02" East along said right of way line, a distance of 317.84 feet; thence North 47°55'25" East along said right of way line, a distance of 404.60 feet; thence North 23°17'43" East along said right of way line, a distance of 352.33 feet; thence North 73°03'10" East along the South right of way line at F.A. Rt. 17 (IL Rt. 16), a distance of 286.40 feet; thence North 86°24'38" East along said right of way line, a distance of 500.62 feet; thence North 85°50'22" East along said right of way line, a distance of 250.45 feet; thence North 89°16'21" East along said right of way line, a distance of 1923.01 feet; thence South 32°09'38" East along said right of way line, a distance of 152.36 feet; thence South 00°29'12" East along the West right of way of Lerna Road, a distance of 317.39 feet; thence South 02°22'33" West along said right of way a distance of 200.25 feet; thence South 00°29'12" East along said right of way line a distance of 300.00 feet; thence South 05°13'26" West along said right of way line, a distance of 100.50 feet; thence South 05°03'38" East along said right of way line, a distance of 136.00 feet to the point of beginning, containing 91.531 acres more or less.

AND ALSO

Part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) and a part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) a part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) all in Section Sixteen (16), Township Twelve (12) North, Range Eight (8) East of the Third Principal Meridian, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter (SE ¼) of said Section Sixteen (16); thence South 00°17'32" West

[bearings based on F.A.I Route 04 (I-57) R.O.W. plat] a distance of 1331.09 feet along the East line of said Section Sixteen (16); thence South 88°16'20" West a distance of 1329.10 feet to a point in the former West right of way line of Lerna Road and the point of beginning; thence South 05°03'38" East along said former West right of way line of Lerna Road, a distance of 114.80 feet; thence South 00°29'12" East along said West right of way line of Lerna Road, 185.20 feet; thence North 80°30'00" West a distance of 700.00 feet; thence South 44°27'16" West a distance of 540.00 feet; thence South 77°08'02" West a distance of 820.00 feet; thence North 00°11'59" a distance of 696.00 feet; thence North 88°16'20" East a distance of 1859.57 feet to the point of beginning, containing 18.035 acres more or less.

AND ALSO

Including the northeast and southeast interchange between Interstate 57 and State Route 16 and State Route 16 and its rights-of way between Interstate 57 and the Lerna Road, containing 37.42 acres more or less.

These tracts of land contain a total of 280.496 acres, more or less.

**Exhibit B
to
Ordinance No. 2006 - 5223**

Map of I-57 East Redevelopment Project Area Boundaries

[See Attached]

**Exhibit C
to
Ordinance No. 2006 - 5223**

Redevelopment Project And Plan

[See Attached]

**Exhibit D
to
Ordinance No. 2006 - 5223**

Form of Public Notice Mailed to Taxing Districts and DCCA

[See Attached]

**Exhibit E
to
Ordinance No. 2006 - 5223**

Form of Public Notice Mailed to Taxpayers and Residents

[See Attached]

**Exhibit F
to
Ordinance No. 2006 - 5223**

Publisher's Affidavit Evidencing Published Notice of Public Hearing

[See Attached]

Exhibit G
to
Ordinance No. 2006 - 5223

The Eligibility Study is included as Exhibit II to the Redevelopment Project and Plan attached as *Exhibit C* to this Ordinance.

Exhibit H
to
Ordinance No. 2006 - 5223

Publisher's Affidavit Evidencing Published Notice of Interested Parties Registry

[See Attached]

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YE A Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to adopt Ordinance 2006-5224, designating the I-57 East Redevelopment Project Area for the City of Mattoon, Coles County, Illinois.

City Of Mattoon, Illinois
Ordinance No. 2006 - 5224

*An Ordinance Designating the
I-57 East Redevelopment Project Area for the City
of Mattoon, Coles County, Illinois*

Be it Ordained by the City Council of the City of Mattoon, Coles County, Illinois, as Follows:

Section 9. Authority. This Ordinance is adopted pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.*, as amended (the “**Act**”).

Section 10. Recitals.

(a) The City of Mattoon, Coles County, Illinois (the “**City**”) is a duly constituted, organized and validly existing municipality within the meaning of Section 1 of Article VII of the 1970 Constitution of the State of Illinois, and is operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et seq.*, as amended.

(b) The City Council of the City previously adopted and approved, by Ordinance No. 2006 - 5223, a Redevelopment Plan and Project for the I-57 East Redevelopment Project Area with respect to which a public hearing was held on November 21, 2006 (the “**Redevelopment Project and Plan**”).

(c) The City Council, pursuant to Ordinance No. 2006 - 5223, made findings of the existence of conditions which cause the area legally described in *Exhibit A* to this Ordinance to be classified as a “blighted area” and a “Redevelopment Project Area” pursuant to the Act.

(d) It is now necessary and desirable to designate the area referred to in the Redevelopment Project and Plan as a “Redevelopment Project Area” pursuant to the Act.

Section 11. Designation of Redevelopment Project Area. The area legally described in *Exhibit A* to this Ordinance is designated as the “I-57 East Redevelopment Project Area,” pursuant to Section 11-74.4-4 of the Act. The I-57 East Redevelopment Project Area contains approximately 280.496 acres and is generally located within the following boundaries of the City: Starting at the intersection of the south line of Section 16, Township 12 North, Range 8 East, and Lerna Road and proceeding north along Lerna Road 1,033.01 feet to the point of beginning; then north 80 degrees 30 minutes 00 seconds west a distance of 700.00 feet, then south 44 degrees 27 minutes 16 seconds west a distance of 540.00 feet, then south 77 degrees 08 minutes 02 seconds west a distance of 820.00 feet, then north 0 degrees 11 minutes 59 seconds west a distance of 696.00 feet, then west to the east right-of-way line of Interstate 57, then north along the east right-

of-way line of Interstate 57 passing and including its southeast and northeast interchange with State Route 16 to the northwestern property line of property identified as "Topa Farms, Inc./Ashbrook Subdivision", then following the north and northwest property lines of the "Topa Farms, Inc./Ashbrook Subdivision" to the Lerna Road, then along the east side of Lerna Road south across Route 16 to a point 1,033.01 feet north of the intersection of Section 16, Township 12 North, Range 8 East, and Lerna Road then west across Lerna Road to the point of beginning. A map of the boundaries of the I-57 East Redevelopment Project Area is attached as **Exhibit B**.

Section 12. Filing With County Clerk. The City Clerk is directed to file a certified copy of this Ordinance with the County Clerk of Coles County as soon as possible after the adoption and approval of this Ordinance.

Section 13. Invalid Portions are Severable. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect the validity or enforceability of any of the remaining provisions of this Ordinance.

Section 14. Supreceder. All ordinances, resolutions, motions and orders in conflict with this Ordinance are repealed to the extent of such conflict.

Section 15. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage and approval, as provided by law.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 5th day of December, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin
Commissioner McKenzie, Commissioner Schilling
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 5th day of December, 2006.

/s/ Charles E. White

Charlie E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 6, 2006.

Exhibit A
to
Ordinance No. 2006 - 5224

Legal Description of
I-57 East Redevelopment Project Area

Exhibit A
Legal Description of
I-57 Redevelopment Project Area

LEGAL DESCRIPTION

That part of the North 1/2, of Section 16, Township 12 North, Range 8 East of the Third Principal Meridian, Coles County, Illinois, described as follows:

Commencing at the Intersection of the East line of the Northwest 1/4, of the Northeast 1/4, of said Section 16 with the southerly right of

way line of the former C.C.C. & St. Louis Railroad; thence S 81°04'20"W. – 61.66 feet along said southerly right of way line to the point of beginning; thence S 0°42'25"E. – 505.80 feet along the West right of way line of the Lerna Road; thence N 89°17'35"E. – 5.00 feet along said right of way; thence S 0°42'25"E. – 400.00 feet along said right of way line; thence N 89°17'35"E. – 10.00 feet along said right of way line; thence S 0°42'25"E. – 1386.34 feet along said right of way line to a point on the northerly right of way line of Illinois Route 16; thence S 89°27'50"W. – 2782.89 feet along said northerly right of way line to a point on the easterly right of way line of F.A. Interstate 57; thence N 50°41'55"W. – 275.40 feet along said right of way line; thence N 24°36'46"W. – 315.60 feet along said right of way line; thence N 53°41'46"W. – 192.09 feet along said right of way line; thence N 68°39'12"W. – 223.89 feet along said right of way line; thence N. 30°32'03"W. – 158.83 feet along said right of way line; thence N 2°57'02"W. – 319.26 feet along said right of way line to a point on the north line of the South ½, of the Northwest ¼, of said Section 16; thence N 87°49'29"E. – 1499.28 feet along said North line; thence N 2°39'58"W. – 822.10 feet to a point on the southerly right of way line of the former C.C.C. & St. Louis Railroad; thence N 81°04'20"E. – 2110.11 feet along said southerly right of way line to the point of beginning, containing 133.51 acres, more or less.

AND ALSO

Commencing at the Northeast Corner of the Southeast Quarter (SE ¼) of said Section Sixteen (16); thence south 0°17'32" West [bearings based on F.A.I Route 04 (I-57) R.O.W. plat] a distance of 1331.09 feet along the East line of said Section Sixteen (16); thence South 88°16'20" West a distance of 1329.10 feet to a point in the West right of way line of Lerna Road and the point of beginning; thence continue South 88°16'20" West, a distance of 3580.55 feet to a point in the East right of way line of F.A.I. Route 04 (I-57); thence north 04°25'49" East along said right of way line, a distance of 234.86 feet; thence North 17°12'02" East along said right of way line, a distance of 317.84 feet; thence North 47°55'25" East along said right of way line, a distance of 404.60 feet; thence North 23°17'43" East along said right of way line, a distance of 352.33 feet; thence North 73°03'10" East along the South right of way line at F.A. Rt. 17 (IL Rt. 16), a distance of 286.40 feet; thence North 86°24'38" East along said right of way line, a distance of 500.62 feet; thence North 85°50'22" East along said right of way line, a distance of 250.45 feet; thence North 89°16'21" East along said right of way line, a distance of 1923.01 feet; thence South 32°09'38" East along said right of way line, a distance of 152.36 feet; thence South 00°29'12" East along the West right of way of Lerna Road, a distance of 317.39 feet; thence South 02°22'33" West along said right of way a distance of 200.25 feet; thence South 00°29'12" East along said right of way line a distance of 300.00 feet; thence South 05°13'26" West along said right of way line, a distance of 100.50 feet; thence South 05°03'38" East along said right of way line, a distance of 136.00 feet to the point of beginning, containing 91.531 acres more or less.

AND ALSO

Part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) and a part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) a part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) all in Section Sixteen (16), Township Twelve (12) North, Range Eight (8) East of the Third Principal Meridian, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter (SE ¼) of said Section Sixteen (16); thence South 00°17'32" West [bearings based on F.A.I Route 04 (I-57) R.O.W. plat] a distance of 1331.09 feet along the East line of said Section Sixteen (16); thence South 88°16'20" West a distance of 1329.10 feet to a point in the former West right of way line of Lerna Road and the point of beginning; thence South 05°03'38" East along said former West right of way line of Lerna Road, a distance of 114.80 feet; thence South 00°29'12" East along said West right of way line of Lerna Road, 185.20 feet; thence North 80°30'00" West a distance of 700.00 feet; thence South 44°27'16" West a distance of 540.00 feet; thence South 77°08'02" West a distance of 820.00 feet; thence North 00°11'59" a distance of 696.00 feet; thence North 88°16'20" East a distance of 1859.57 feet to the point of beginning, containing 18.035 acres more or less.

AND ALSO

Including the northeast and southeast interchange between Interstate 57 and State Route 16 and State Route 16 and its rights-of way between Interstate 57 and the Lerna Road, containing 37.42 acres more or less.

These tracts of land contain a total of 280.496 acres, more or less.

Exhibit B
to
Ordinance No. 2006 - 5224

Map of
I-57 East Redevelopment Project Area Boundaries

(See Attached)

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cline moved to adopt Ordinance 2006-5225, adopting Tax Increment Allocation Financing within the I-57 East Redevelopment Project Area.

City of Mattoon, Illinois

Ordinance No. 2006 – 5225

*An Ordinance Adopting Tax Increment
Allocation Financing Within the
I-57 East Redevelopment Project Area*

Be it Ordained by the City Council of the City of Mattoon, Coles County, Illinois as Follows:

Section 16. Authority. This Ordinance is adopted pursuant to the Tax Increment Allocation Redevelopment Act, 65 ILCS 5/11-74.4-1 *et seq.*, as amended (the “Act”).

Section 17. Recitals.

(a) The City of Mattoon, Coles County, Illinois (the “City”) is a duly constituted, organized and validly existing municipality within the meaning of Section 1 of Article VII of the 1970 Constitution of the State of Illinois, and is operating under the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*, as amended.

(b) The City Council previously adopted Ordinance No. 2006 - 5223 and Ordinance No. 2006 - 5224 approving a “redevelopment plan and project” and designating a “redevelopment project area” pursuant to the provisions of the Act with respect to the I-57 East Redevelopment Project Area and has otherwise complied with all other conditions precedent required by the Act.

Section 18. Adoption of Tax Increment Allocation Financing. Tax increment allocation financing, as that concept is defined and set out in the Act, is adopted with respect to the I-57 East Redevelopment Plan and Project adopted and approved pursuant to Ordinance No. 2006 - 5223 (the “**Redevelopment Plan and Project**”) with respect to the I-57 East Redevelopment Project Area described in *Exhibit A* to this Ordinance, which was designated pursuant to Ordinance No. 2006 - 5224 (the “**Redevelopment Project Area**”), for the purpose of (i) paying “redevelopment project costs” (as defined in the Act) with respect to the Redevelopment Project Area as described in the Redevelopment Project and Plan and (ii) paying debt service on obligations of the City issued under the Act for the purpose of paying such redevelopment project costs. The proposed Redevelopment Project Area contains approximately 280.496 acres and is generally located within the following boundaries in the City: Starting at the intersection of the south line of Section 16, Township 12 North, Range 8 East, and Lerna Road and proceeding north along Lerna Road 1,033.01 feet to the point of beginning; then north 80 degrees 30 minutes 00 seconds west a distance of 700.00 feet, then south 44 degrees 27 minutes 16 seconds west a distance of 540.00 feet, then south 77 degrees 08 minutes 02 seconds west a distance of 820.00 feet, then north 0 degrees 11 minutes 59 seconds west a distance of 696.00 feet, then west to the east right-of-way line of Interstate 57, then north along the east right-of-way line of Interstate 57 passing and including its southeast and northeast interchange with State Route 16 to the northwestern property line of property identified as “Topa Farms, Inc./Ashbrook Subdivision”, then following the north and northwest property lines of the “Topa Farms, Inc./Ashbrook Subdivision” to the Lerna Road, then along the east side of Lerna Road south across Route 16 to a point 1,033.01 feet north of the intersection of Section 16, Township 12 North, Range 8 East, and Lerna Road then west across Lerna Road to the point of beginning. A map of the boundaries of the Redevelopment Project Area is attached as *Exhibit B*.

Section 19. Division of Ad Valorem Taxes. The *ad valorem* taxes, if any, arising from the levies upon taxable real property in the Redevelopment Project Area by taxing districts and tax rates determined in the manner provided in paragraph (c) of Section 11-74.4-9 of the Act each year after the effective date of this Ordinance until redevelopment project costs and all obligations of the City issued to finance redevelopment project costs have been paid, shall be divided as follows:

(a) That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of (i) the current equalized assessed value, or (ii) the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the Redevelopment Project Area shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

(b) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each lot, block, tract or parcel of real property in the Redevelopment Project Area, over and above the initial equalized assessed value of each lot, block, tract or parcel of real property in the Redevelopment Project Area, shall be allocated to and when

collected shall be paid to the City Treasurer who shall deposit such funds in the special fund created in Section 5 below and called "The Special Tax Allocation Fund for the City of Mattoon I-57 East Redevelopment Project Area" for the purposes set forth in the Redevelopment Project and Plan, including paying "redevelopment project costs" as defined in Section 11-74.4-3 of the Act and "obligations" (as defined in Section 11-74.4-3 of the Act) incurred in the payment thereof.

Section 20. Establishment of Special Tax Allocation Fund. Pursuant to the provisions of Section 11-74.4-8 of the Act, there is established a special fund of the City called "The Special Tax Allocation Fund for the City of Mattoon I-57 East Redevelopment Project Area."

Section 21. Filing of Ordinance. A certified copy of this Ordinance shall be filed with the County Clerk of Coles County, Illinois (the "County Clerk") as soon as possible after the adoption and approval of this Ordinance.

Section 22. Determination and Certification of Total Initial Equalized Assessed Value.

(a) As provided in Section 11-74.4-9 of the Act, the County Clerk is requested to determine, as of the date of adoption of this ordinance, (1) the most recently ascertained equalized assessed value of each lot, block, tract or parcel of real property within the Redevelopment Project Area from which shall be deducted the homestead exemptions provided by Sections 19.23-1 and 19.23-1a of the Revenue Act of 1939, which value shall be the "initial equalized assessed value" of each such piece of property, and (2) the total equalized assessed value of all taxable real property within the Redevelopment Project Area, by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract or parcel of real property within the Redevelopment Project Area, from which shall be deducted the homestead exemptions provided by Section 19.23-1 and 19.23-1a of the Revenue Act of 1939, which amount shall be the "total initial equalized assessed value" of the taxable real property within the Redevelopment Project Area. The equalized assessed values for Assessment Year 2005 shall be used in determining the foregoing.

(b) The County Clerk is requested to certify the amount determined pursuant to Section 7(a)(2) of this Ordinance as the "initial equalized assessed value" of the taxable real property within the Redevelopment Project Area and to notify the City of the amount so determined and certified as soon after such determination and certification have been made as is convenient.

Section 23. Invalid Portions are Severable. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section 24. Superceder. All ordinances, resolutions, motions and orders in conflict with this Ordinance are repealed to the extent of such conflict.

Section 25. Effective Date. This Ordinance shall be in full force and effect immediately upon its passage and approval, as provided by law.

Upon motion by Mayor White, seconded by Commissioner Cline, adopted this 5th day of December, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin
Commissioner McKenzie, Commissioner Schilling
Mayor White
NAYS (Names): None
ABSENT (Names): None

Approved this 5th day of December, 2006.

/s/ Charles E. White
Charlie E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 6th, 2006.

Exhibit A
to

Ordinance No. 2006 - 5225

***Legal Description of
I-57 East Redevelopment Project Area***

Exhibit A

**Legal Description of
I-57 Redevelopment Project Area**

LEGAL DESCRIPTION

That part of the North ½, of Section 16, Township 12 North, Range 8 East of the Third Principal Meridian, Coles County, Illinois, described as follows:

Commencing at the Intersection of the East line of the Northwest ¼, of the Northeast ¼, of said Section 16 with the southerly right of way line of the former C.C.C. & St. Louis Railroad; thence S 81°04'20"W. – 61.66 feet along said southerly right of way line to the point of beginning; thence S 0°42'25"E. – 505.80 feet along the West right of way line of the Lerna Road; thence N 89°17'35"E. – 5.00 feet along said right of way; thence S 0°42'25"E. – 400.00 feet along said right of way line; thence N 89°17'35"E. – 10.00 feet along said right of way line; thence S 0°42'25"E. – 1386.34 feet along said right of way line to a point on the northerly right of way line of Illinois Route 16; thence S 89°27'50"W. – 2782.89 feet along said northerly right of way line to a point on the easterly right of way line of F.A. Interstate 57; thence N 50°41'55"W. – 275.40 feet along said right of way line; thence N 24°36'46"W. – 315.60 feet along said right of way line; thence N 53°41'46"W. – 192.09 feet along said right of way line; thence N 68°39'12"W. – 223.89 feet along said right of way line; thence N. 30°32'03"W. – 158.83 feet along said right of way line; thence N 2°57'02"W. – 319.26 feet along said right of way line to a point on the north line of the South ½, of the Northwest ¼, of said Section 16; thence N 87°49'29"E. – 1499.28 feet along said North line; thence N 2°39'58"W. – 822.10 feet to a point on the southerly right of way line of the former C.C.C. & St. Louis Railroad; thence N 81°04'20"E. – 2110.11 feet along said southerly right of way line to the point of beginning, containing 133.51 acres, more or less.

AND ALSO

Commencing at the Northeast Corner of the Southeast Quarter (SE ¼) of said Section Sixteen (16); thence south 0°17'32" West [bearings based on F.A.I Route 04 (I-57) R.O.W. plat] a distance of 1331.09 feet along the East line of said Section Sixteen (16); thence South 88°16'20" West a distance of 1329.10 feet to a point in the West right of way line of Lerna Road and the point of beginning; thence continue South 88°16'20" West, a distance of 3580.55 feet to a point in the East right of way line of F.A.I. Route 04 (I-57); thence north 04°25'49" East along said right of way line, a distance of 234.86 feet; thence North 17°12'02" East along said right of way line, a distance of 317.84 feet; thence North 47°55'25" East along said right of way line, a distance of 404.60 feet; thence North 23°17'43" East along said right of way line, a distance of 352.33 feet; thence North 73°03'10" East along the South right of way line at F.A. Rt. 17 (IL Rt. 16), a distance of 286.40 feet; thence North 86°24'38" East along said right of way line, a distance of 500.62 feet; thence North 85°50'22" East along said right of way line, a distance of 250.45 feet; thence North 89°16'21" East along said right of way line, a distance of 1923.01 feet; thence South 32°09'38" East along said right of way line, a distance of 152.36 feet; thence South 00°29'12" East along the West right of way of Lerna Road, a distance of 317.39 feet; thence South 02°22'33" West along said right of way a distance of 200.25 feet; thence South 00°29'12" East along said right of way line a distance of 300.00 feet; thence South 05°13'26" West along said right of way line, a distance of 100.50 feet; thence South 05°03'38" East along said right of way line, a distance of 136.00 feet to the point of beginning, containing 91.531 acres more or less.

AND ALSO

Part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) and a part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) a part of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) all in Section Sixteen (16), Township Twelve (12) North, Range Eight (8) East of the Third Principal Meridian, more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter (SE ¼) of said Section Sixteen (16); thence South 00°17'32" West [bearings based on F.A.I Route 04 (I-57) R.O.W. plat] a distance of 1331.09 feet along the East line of said Section Sixteen (16); thence South 88°16'20" West a distance of 1329.10 feet to a point in the former West right of way line of Lerna Road and the point of beginning; thence South 05°03'38" East along said former West right of way line of Lerna Road, a distance of 114.80 feet; thence South 00°29'12" East along said West right of way line of Lerna Road, 185.20 feet; thence North 80°30'00" West a distance of 700.00 feet; thence South 44°27'16" West a distance of 540.00 feet; thence South 77°08'02" West a distance of 820.00 feet; thence North 00°11'59" a distance of 696.00 feet; thence North 88°16'20" East a distance of 1859.57 feet to the point of beginning, containing 18.035 acres more or less.

AND ALSO

Including the northeast and southeast interchange between Interstate 57 and State Route 16 and State Route 16 and its rights-of way between Interstate 57 and the Lerna Road, containing 37.42 acres more or less.

These tracts of land contain a total of 280.496 acres, more or less.

Exhibit B
to
Ordinance No. 2006 - 5225
Map of
I-57 East Redevelopment Project Area Boundaries
(See Attached)

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Schilling moved to adopt Ordinance 2006-5226, amending certain chapters of the City of Mattoon codification to increase the maximum amount of a purchase exempt from formal bidding procedures from \$10,000 to \$20,000.

CITY OF MATTOON, ILLINOIS

ORDINANCE NO. 2006-5226

AN ORDINANCE AMENDING SECTIONS § 35.15 – § 35.17 OF THE MATTOON CODE OF ORDINANCES TO PRESCRIBE PROCUREMENT PROCEDURES

WHEREAS, it's been discovered that Mattoon's Code of Ordinances regarding procurement procedures are inconsistent with procedures mandated by 65 ILCS 5/4-5-11 and 65 ILCS 5/8-9, the governing state statutes; and

WHEREAS, the local code should conform to the state statutes to mitigate risk of having contracts declared null and void.

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

Section 1. Section §35.15 of Chapter 35 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

§ 35.15 COST ESTIMATES; SPECIFICATIONS

(A) Except as otherwise provided in this Chapter, all contracts, of whatever character, pertaining to public improvement, or the maintenance of the public property of the municipality involving an outlay of \$1,500 or more, shall be based upon cost estimates and specifications to be approved by the council. When cost estimates exceed \$20,000, contracts shall be awarded by procedures specified by Section §35.16 of this Chapter. This Section applies to expenditures for which shall be payable out of the governmental, enterprise and internal service funds of the municipality or any special funds under the control of any board of managers, board of trustees or directors appointed by general law or ordinances of the municipality.

(B) "Public improvement, or the maintenance of the public property" for the purposes of this Chapter means any permanent improvement upon real property owned by the municipality.

Section 2. Section §35.16 of Chapter 35 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

§ 35.16 PROCUREMENT PROCEDURES

Any work or other public improvement which is not to be paid for in whole or in part by special assessment or special taxation, when the expense thereof will exceed \$20,000, shall be procured as follows:

(A) If a construction contract:

(1) By a contract let to the lowest responsible bidder after advertising for bids, in the manner provided by Section §35.17 of this Chapter, except that any construction contract may be entered into by the proper officers without advertising for bids, if authorized by a vote of 4 of the 5 council members elected; or

(2) If authorized by a vote of 4 of the 5 council members elected: the Commissioner of Public Works or other proper officers to be designated by ordinance, may superintend and cause to be carried out the construction of the work or other public improvement by employing exclusively for the performance of all manual labor thereon, laborers and artisans whom the city shall

pay by the day or hour, but all material of the value of \$20,000 and upward used in the construction of the work or other public improvement, shall be purchased by contract let to lowest responsible bidder in the manner prescribed by Section §35.17 this Chapter.

(B) Except as otherwise provided by this Section, supplies, equipment and services needed by the municipality valued at \$20,000 and upward shall generally be procured by contract let to the lowest responsible bidder after advertising for bids. Supplies, equipment and services needed by the municipality may be procured without advertising for bids upon a finding that it is in the best interest of the municipality, if authorized by a vote of 4 of the 5 council members elected.

(C) A contract for architectural, engineering or land surveying services shall be awarded without competitive bids in the manner and according to qualifications based selection procedures prescribed by state statute (50 ILCS 510/0.01-510/7).

(D) Departmental Commissioners have delegate authority to approve procurements valued less than \$20,000 without advertising for competitive bids.

(E) Breaking up procurements into smaller increments to avoid threshold amounts on advertising and bidding requirements is prohibited.

(F) Nothing in this Section shall apply to any contract by the municipality with the United States of America, the State of Illinois or any political subdivision of the state. Contracts with these entities may be entered into by the proper officers without advertising for bids, if authorized by a vote of 3 of the 5 council members elected.

(G) Where procedures applicable to expenditure of grant funds are prescribed by rules of the state or federal government or procedures applicable to the expenditure of motor fuel tax funds are prescribed by the Illinois Department of Transportation that may be more prescriptive than procedures defined in this Section, the most prescriptive procedures shall control.

Section 3. Section §35.17 of Chapter 35 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

§ 35.17 ADVERTISING FOR BIDS

(A) Except as provided in Section §35.16 of this Chapter, the City Clerk shall advertise procurement contracts for bid at least once in at least one newspaper of general circulation within the municipality. Such notice shall contain a statement of the nature, character and extent of the procurement, referring to specifications on file, at the City Clerk's office, and the time and place of the bid opening.

(B) The right to reject any or all bids received and the right to award the procurement to the bidder determined most advantageous to the municipality shall be contained in the bidding specifications and published with the advertisement for bids.

(C) Bids may be advertised in other forms of vendor communication devoted to such services and/or sent to vendors who have registered for providing services and/or commodities to the municipality at the discretion of Departmental Directors.

(D) Advertising of procurements shall NOT be required when services and commodities are acquired pursuant to joint purchasing agreements with other entities that advertise and seek competitive bids on behalf the municipality.

Section 4. Section §33.082 of Chapter 33 of the Code of Ordinances of the City of Mattoon is hereby repealed and reenacted as follows:

§ 33.082 DUTIES AND RESPONSIBILITIES.

(A) The Board provides recommendations to the Public Works Director and the City Council on policy matters pertaining to the activities and functions of the several units of the Public Works Department including but not limited to: the Water, Sewer, Street, Drainage and Park Systems, Buildings and Grounds, Street Lighting, Sidewalk, Parking Lot and Equipment Maintenance.

(B) The Board is enabled at its discretion to explore alternative methods for the delivery of services rendered by the Department. The results of any such findings and/or recommendations will be referred to the City Council whose members collectively have the sole authority to change or implement such findings and/or recommendations.

(C) The Board shall establish procedures to provide the public with the opportunity to provide input on policies and development plans for the Public Works Department.

(D) In reviewing planning, development and operation policies for the Public Works Department, the Board shall be guided by, and its recommendations shall be in conformity with applicable state and federal laws and regulations, as they may be amended from time to time.

(E) Board recommendations for changes to the municipal code or prior resolutions of the City Council may only be placed into effect by an ordinance or resolution duly considered and adopted by the City Council.

(F) The Board shall review the Public Works Director's requests for updates to the City's Capital Improvement Plan, Operating and Capital Budgets and make a report thereon to the City Council.

(G) The Board shall review the Public Works Director's request for changes to user charges and shall strive to maintain a fee and rental structure for facilities and services to make the Department's operating budgets as self-sustaining as possible.

(H) The Board shall review proposals and bids received for departmental procurements and capital improvement projects valued over \$20,000 and offer its recommendations to the City Council for the award of such procurements.

Section 5. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 6. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Mayor White, seconded by Commissioner Schilling, adopted this 5th day of December, 2006, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Commissioner Schilling,
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 5th day of December, 2006.

/s/ Charles E. White

Charlie E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on December 6th, 2006.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to recess at 7:32 p.m. to closed session pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)); the price for sale or lease of property (5 ILCS 120(2)(c)(6)); the purchase or lease of real property (5 ILCS 120(2)(c)(5)); and litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11)).

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Council reconvened at 8:11 p.m.

Mayor White seconded by Commissioner Schilling moved to adjourned at 8:12 p.m.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. OBrien
City Clerk