

**ORDINANCE AUTHORIZING A LEASE AGREEMENT WITH THE KENDALL COUNTY PUBLIC BUILDING COMMISSION AND PROVIDING FOR THE LEVY OF TAXES FOR THE PAYMENT OF RENT THEREUNDER**

**BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF KENDALL, ILLINOIS, AS FOLLOWS:**

**Section 1.** This ordinance is adopted to provide a method for the financing by the Kendall County Public Building Commission (the "Commission") of costs of public buildings and related equipment and furnishings for use by The County of Kendall, Illinois, not otherwise financed from the proceeds of the Commission's Public Building Revenue Bonds, Series 1993B.

**Section 2.** Pursuant to the provisions of Section 14 of the Public Building Commission Act, 50 Illinois Compiled Statutes 20/14, the County did heretofore approve the selection by the Commission of land located in the City of Yorkville, Illinois, as a site for a project of said Commission to construct, equip and furnish County buildings for use by the County. Said land is more particularly described as follows:

That part of the North West ¼ of Section 29, Township 37 North, range 7 East of the third principal meridian, described as follows: Commencing at the North west corner of said North West ¼; thence South 00 degrees, 39 minutes, 10 seconds East along the West line of said North West ¼, 429.15 feet to the center line of U.S. Route 34 for a point of beginning; thence South 84 degrees, 57 minutes, 39 seconds East along said center line, 1628.05 feet; thence South 05 degrees, 02 minutes, 21 seconds West, 1320.13 feet to the line of a fence now monumenting the South line of property once owned by T. Spencer; thence South 89 degrees, 05 degrees, 0 seconds West along said fence line, 1489.11 feet to said West line; thence North 00 degrees, 39 minutes, 10 seconds West along said West line, 1481.95 feet to the point of beginning, in Bristol Township, Kendall County, Illinois.

**Section 3.** The County did heretofore determine to lease the facilities constituting the new County office building and court room complex, together with

all necessary equipment and furnishings, in accordance with 55 Illinois Compiled Statutes 5/5-1105, and does determine to pay additional rent therefor pursuant to the Lease Agreement, dated as of December 1, 1995, by and between the County and the Commission, which is hereby approved in the form presented at this meeting. The Chairman of the County Board and the County Clerk are hereby authorized and directed to execute and deliver said Lease Agreement on behalf of the County; subject to changes as may be needed to reflect the details of the Commission's Public Building Revenue Bonds, Series 1995.

**Section 4.** Pursuant to Section 18 of the Public Building Commission Act, there is hereby levied a direct annual tax upon all the taxable property in The County of Kendall, Illinois, for the purpose of paying annual lease rental payments to become due pursuant to the Lease Agreement. As provided in the Lease Agreement such annual lease rental payments will become due on November 1 of each year as follows:

<u>Tax Levy</u> <u>Year</u>	<u>Rental</u> <u>Year</u>	<u>Amount</u>	<u>Tax Levy</u> <u>Year</u>	<u>Rental</u> <u>Year</u>	<u>Amount</u>
1995	1996		2005	2006	
1996	1997		2006	2007	
1997	1998		2007	2008	
1998	1999		2008	2009	
1999	2000		2009	2010	
2000	2001		2010	2011	
2001	2002		2011	2012	
2002	2003		2012	2013	
2003	2004		2013	2014	
2004	2005		2014	2015	

In the event that the annual lease rental payments due under the Lease Agreement are reduced to reflect the debt service payments on the Commission's Public Building Revenue Bonds, Series 1995, then the County Treasurer is authorized and directed to file with the County Clerk a certificate directing the partial reduction

of the annual taxes levied pursuant to this section corresponding to the reduction in annual lease rental payments.

**Section 5.** As provided in Section 18 of the Public Building Commission Act, the County Clerk of the County is hereby authorized and directed to extend annually the tax provided for in Section 4 of this ordinance to provide funds for the payment of the aforesaid annual lease rental payments as and when the same shall become due and payable and for said purpose to ascertain the rate percent which, when levied against all taxable property in the County, will produce the amounts annually required for the timely payment of such amounts.

**Section 6.** Pursuant to Section 148(f)(4)(D)(iv) of the Internal Revenue Code of 1986 and for the year 1995, the County hereby irrevocably allocates \$ \_\_\_\_\_ of its \$5,000,000 annual exception from the rebate requirement of Section 148(f) of the Code to the Commission with respect to the Commission's \$ \_\_\_\_\_ Public Building Revenue Bonds, Series 1995, issued to finance the completion of the new County office building and court room complex.

**Section 7.** A certified copy of this ordinance and of said Lease Agreement shall be filed in the office of the County Clerk and in the office of the Secretary of the Commission.

**Section 8.** This ordinance shall be effective immediately.

**Adopted this 21st day of November, 1995, by the following roll call vote:**

**VOTING AYE:**

**VOTING NAY:**

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**Chairman, County Board**

**Attest:**

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**County Clerk**

**CERTIFICATE OF COUNTY CLERK**

I, Paul P. Anderson, County Clerk of The County of Kendall, Illinois, hereby certify that the foregoing ordinance entitled: "Ordinance Authorizing a Lease Agreement with the Kendall County Public Building Commission and Providing for the Levy of Taxes for the Payment of Rent Thereunder," is a true copy of an original ordinance, which was duly adopted by the recorded affirmative votes of a majority of the members of the County Board of the County at a meeting thereof which was duly called and held on November 21, 1995, and at which a quorum was present and acting throughout, and that said copy has been compared by me with the original ordinance signed by the Chairman of the County Board and recorded in the records of the County and that it is a correct transcript thereof and of the whole of said ordinance, and that said ordinance has not been altered, amended, repealed or revoked, but is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County, this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
County Clerk

(SEAL)