

PIN: See “Exhibit A”

**PROPERTY ADDRESSES:
See “Exhibit A”**

**PREPARED BY:
CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

**RETURN TO:
CITY OF NAPERVILLE
CITY CLERK/COMMUNITY SERVICES DEPT.
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540**

DEV-055-2025

ORDINANCE NO. 25 - ____

**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF
SPECIAL SERVICE AREA NO. 37 IN THE CITY OF NAPERVILLE FOR THE
NORTHWOODS OF NAPERVILLE PRIVATE IMPROVEMENTS AND
PROVIDING FOR A PUBLIC HEARING FOR ITS ESTABLISHMENT**

RECITALS

A. The City of Naperville is a home rule unit of local government under the laws and Constitution of the State of Illinois.

B. A home rule unit of local government may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare.

C. The City of Naperville (or “City”) has the authority under its home rule powers, pursuant to Article VII, Section 6(l) of the 1970 Constitution of the State of Illinois, and pursuant to the Special Service Area Tax Law, 35 ILCS 200/27-5 *et seq.*, to provide special services to contiguous areas within its corporate boundaries and to provide the manner of levying and imposing additional taxes to pay for the cost of such special services.

D. M/I Homes of Chicago, LLC is the owner (“**OWNER**”) of certain real property legally described on **Exhibit A** and depicted on **Exhibit B** (“**Subject Property**”).

E. On July 15, 2025, the Naperville City Council passed Ordinance No. 25-066 Approving a Final Plat of Subdivision and Owner’s Acknowledgement and Acceptance Agreement (the “**Northwoods OAA**”) approving a development proposed by the Owner for a residential development to be located on the Subject Property to be known as the Northwoods of Naperville. The Northwoods OAA was recorded as Document No. R2025-059396 with the DuPage County Recorder on September 22, 2025. Said Northwoods OAA is attached hereto and made part hereof as **Exhibit C**.

F. A special service area, to be titled “Special Service Area No. 37”, is considered to be created for the Special Service Area Services described in Recital G below. Special Service Area No. 37 shall encompass the entire Subject Property.

G. The purpose of Special Service Area No. 37 proposed herein is to provide special municipal services and improvements, if needed, to fully implement and carry out obligations and responsibilities pertaining to the operation, maintenance, repair and reconstruction of one or more of the Private Improvements (“**Private Improvements**”) as described in the OAA in the event that those responsibilities are not otherwise timely and adequately performed by the OWNER or the HOA as applicable, and to reimburse the City for administrative, legal, and other costs and expenses expended by the City in connection with Special Service Area No. 37 (together hereinafter “**Special Service Area Services**”). Said Private Improvements are described in the OAA and its exhibits, including but not limited to the Final Engineering plans prepared by Cage Civil Engineering last revised July 7, 2025.

H. Proposed Special Service Area No. 37 will benefit specially from the Special Service Area Services described herein and is contiguous and consists entirely of territory located within the corporate limits of the City of Naperville the County of DuPage, Illinois.

I. The OWNER of the Subject Property shall form The Northwoods of Naperville Townhome Association (referenced herein as the “**Northwoods HOA**”) in accordance with the OAA.

J. The OWNER shall be responsible for the timely and adequate provision and funding of the Private Improvements which are encompassed within the Special Service Area Services described and referenced herein until responsibility therefor is transferred to the Northwoods HOA as provided in the OAA at which time the Northwoods HOA shall be responsible therefor. If the Northwoods HOA is formed but disbanded or otherwise ceases to exist, all obligations attributable to the Northwoods HOA, including but not limited to the timely and adequate provision and funding of the Private Improvements encompassed within the Special Service Area Services described herein shall become the joint and several responsibility of each lot owner of the Subject Property.

K. It is in the public interest that the imposition and levy of a direct annual property tax upon the Subject Property be considered for the purpose of paying the costs of providing the Special Services Area Services, said tax to be levied for an indefinite period of time commencing only as provided herein and to be levied in accord with the provisions of the Illinois Property Tax Code, as amended from time to time.

L. The taxes provided for herein shall not be levied and said Special Service Area No. 37 shall remain “dormant” unless activated as provided herein and in accord with the OAA.

M. The City of Naperville shall have the right, but not the obligation, to activate Special Service Area No. 37 and extend taxes as provided herein at its sole discretion in the event that: (1) the City Manager determines that it is necessary and appropriate to do so; and/or (2) the City determines that one or more of the Private Improvements included within the Special Service Area Services described and referenced herein have not been adequately provided or funded. Prior to activating Special Service Area No. 37, the City shall give written notice as provided in the OAA to the OWNER, or to the Northwoods HOA, as applicable, or to individual lot owners of the Subject Property if the Northwoods HOA no longer exists.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers, as follows:

SECTION 1: The foregoing Recitals are incorporated as though fully set forth in this Section 1. All exhibits referenced in this Ordinance shall be deemed incorporated and made part hereof.

SECTION 2: The City of Naperville has the authority under its home rule powers pursuant to Article VII, Section 6(1) of the 1970 Constitution of the State of Illinois, and pursuant to the Special Service Area Tax Law, 35 ILCS 200/27-5 *et seq.*, to provide special services to contiguous areas within its corporate boundaries and to provide the manner of levying and imposing additional taxes to pay for the cost of such special services.

SECTION 3: The City Council of the City of Naperville makes the following findings of fact:

(a) It is in the public interest that a special service area, titled "Special Service Area No. 37", be proposed and considered for the area and purposes described herein,

and that the City Council conduct a public hearing as required by law to consider the establishment of Special Service Area No. 37 for the Subject Property legally described on **Exhibit A**, and as depicted on **Exhibit B**.

(b) Proposed Special Service Area No. 37 is compact and contiguous, and no part of the area lies within any incorporated municipality other than the City of Naperville, or within any unincorporated area.

(c) The property owners in proposed Special Service Area No. 37 will benefit specifically from the services proposed to be provided, and the proposed services are in addition to municipal services generally provided to the residents and businesses in the City of Naperville as a whole.

SECTION 4: A public hearing shall be held on January 20, 2026 at 7:00 p.m., or as soon thereafter as possible, in the City Council Chambers of the Naperville Municipal Center, 400 South Eagle Street, Naperville, Illinois, to consider the establishment of Special Service Area No. 37 described herein for the Subject Property legally described on **Exhibit A**, and as shown on **Exhibit B**. At the public hearing, the City Council will consider the following:

(a) The establishment of Special Service Area No. 37 to provide Special Service Area Services as described herein, which special service area shall remain “dormant” unless activated as provided or referenced herein.

(b) A special tax to be levied at a rate not to exceed seventy five (75) cents (\$0.75) per one hundred dollars (\$100.00) of equalized assessed value, as equalized against the property included in Special Service Area No. 37 for the Special Service Area Services described herein, except for the initial year for which taxes will be levied as set

forth in Subsection (c) below.

(c) The proposed amount of the tax levy for Special Service Area Services for the initial year for which taxes will be levied within Special Service Area No. 37 is ninety five (95) cents (\$0.95) per one hundred dollars (\$100) of equalized assessed valuation.

(d) Upon activation of Special Service Area No. 37, except as otherwise provided for the initial year of the levy in subsection (c) above, the City may annually levy hereunder up to the maximum rate set forth in Subsection (b) above for the cost of all or some part of the Special Service Area Services described herein, there being no limitation on the number of years said Special Service Area shall remain in effect.

SECTION 5: Notice of the public hearing for proposed establishment of Special Service Area No. 37 shall be published not less than fifteen (15) days prior to the public hearing to be held on January 20, 2026, in a newspaper of general circulation in the City of Naperville. In addition, notice by mailing shall be given by depositing the notice in the U.S. mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each property within the special service area. A list of the last known taxpayers is available for inspection and viewing at the office of the City Clerk. The notice shall be mailed not less than ten (10) days prior to the date set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall be sent to the person last listed on the tax rolls prior to that year as the owner of the property.

The notice shall include the following: the time and place of the public hearing; the boundaries of the area of proposed Special Service Area No. 37 by legal description, and by street location where possible; the permanent tax index number of each parcel located within the area; the nature of the proposed special services to be provided within the special

service area, and a statement as to whether the proposed special services are for new construction, maintenance, or other purposes; the proposed amount of the tax levy for special services for the initial year for which taxes will be levied within the special service area; a notification that all interested persons, including all persons owning taxable real property located within the special service area, will be given an opportunity to be heard at the hearing regarding the tax levy and an opportunity to file objections to the amount of the tax levied upon the property; and the maximum rate of taxes to be extended within the special service area in any year, the maximum number of years that taxes will be levied if a maximum number of years is to be established, and that funds received through the special service area will be used by the City, and/or its designees, to provide the Special Service Area Services described herein.

SECTION 6: The City Clerk is authorized and directed to record this Ordinance with the DuPage County Recorder.

SECTION 7: 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 or any other City ordinance, resolution, or provision of the Naperville Municipal Code. Technical and minor substantive revisions as deemed acceptable to the City Attorney may be made to this Ordinance and to the exhibits hereto prior to recordation with the office of the Recorder in which the Subject Property is located within.

SECTION 8: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2025.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2025.

Scott A. Wehrli
Mayor

ATTEST:

Dawn C. Portner
City Clerk