

P.I.N: 07-13-421-011

ADDRESS:

235. W. Jefferson,
Naperville, IL 60540

PREPARED BY:

CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-4170

RETURN TO:

CITY OF NAPERVILLE
CITY CLERK'S OFFICE
400 SOUTH EAGLE STREET
NAPERVILLE, IL 60540

ORDINANCE NO. 23 - _____

**AN ORDINANCE ENLARGING SPECIAL SERVICE AREA NO. 33
IN THE CITY OF NAPERVILLE BY ADDING THERETO
THE PROPERTY COMMONLY KNOWN AS
235 W. JEFFERSON AVENUE**

1. **WHEREAS**, the City Council of the City of Naperville ("City") established Special Service Area No. 33 by Ordinance No. 20-106 to provide for payment of a portion of special services which generally include parking lot operations and maintenance, maintenance of public parking garages, custodial services, sidewalk and parking lot snow removal, maintenance of landscaping, streetscape, street lighting, holiday lighting on parkway trees and buildings, sidewalk maintenance including brick paver repair, special directional signage, public safety, capital improvements, efforts to market the downtown area to provide services that will promote business expansion and retention, and other special services as may be determined to be necessary to properly maintain the downtown area, together with the approved costs of engineering, construction, inspection,

legal fees, the City's mailing costs, publication, recording, and other necessary and incidental expenses incurred in establishing the special service area.

2. **WHEREAS**, the owner of certain real property located at 235 W. Jefferson Avenue, Naperville, IL 60540, which property is legally described on **Exhibit A** and denoted on **Exhibit B**, and which property is contiguous to Special Service Area No. 33 (the “**Subject Property**”), requested that Special Service Area No. 33 be expanded to include the Subject Property.

3. **WHEREAS**, on March 31, 2023, the City Council of the City of Naperville passed Ordinance 23-033 proposing the enlargement of Special Service Area No. 33 in the City of Naperville to include the Subject Property and establishing June 6, 2023 as the date of the public hearing for its establishment; and

4. **WHEREAS**, a public hearing was held by the City Council on June 6, 2023 to consider the enlargement of Special Service Area Number 33 and to provide interested parties the opportunity to be heard concerning the proposed enlargement of Special Service Area No. 33; and

5. **WHEREAS**, no objection to the enlargement of Special Service Area No. 33 has been made; and

6. **WHEREAS**, the City Council has determined that there is a need to enlarge Special Service Area No. 33 to provide special services within the Special Service Area as described herein to real property located at 235 W. Jefferson, Naperville, and that it is in the best interests of the City of Naperville to enlarge Special Service Area No. 33 as set forth herein.

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 a material part of this Ordinance and are incorporated in this Section 1 as though fully set forth herein.

SECTION 2: The City of Naperville has the authority pursuant to its home rule powers and pursuant to Article VII, Section 6(l) of the 1970 Constitution of the State of Illinois and 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 of Naperville has the authority to enlarge the boundaries of Special Service Area No. 33 and to levy taxes thereon pursuant to the Special Service Area Tax Law. Upon enlargement of Special Service Area No. 33, the Subject Property shall be subject to all taxes levied in Special Service Area No. 33 and shall become additional security for bonded indebtedness outstanding at the time the Subject Property is added thereto, if any.

SECTION 4: The City Council of the City of Naperville makes the following findings of fact:

- (a) Ordinance No. 23-033, an Ordinance proposing the enlargement of City of Naperville Special Service Area No. 33, was passed on March 31, 2023.
- (b) A public hearing regarding the proposed enlargement of Special Service Area No. 33 was held on June 6, 2023 by the Naperville City Council pursuant to a notice published in the Naperville Sun, a newspaper of general circulation in the City of Naperville, on May 19, 2023 at least 15 days prior to the public hearing as set forth in **Exhibit C**. All interested persons were given an opportunity to be heard at the public hearing on the question of the enlargement of the Special Service Area No. 33.
- (c) Since the assessed valuation of the Subject Property represents less than five percent (5%) of the assessed valuation of the entire area of Special Service Area No. 33 prior to the addition of the Subject Property, the notice of the public hearing regarding the proposed enlargement of Special Service Area No. 33 was addressed and mailed to the person or persons

in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the area proposed to be added to the Special Service Area. The notice was given by depositing the notice in the United States mail not less than ten (10) days prior to the date set of the public hearing. In the event taxes for the last preceding year were not paid, the notice was sent to the person last listed on the tax rolls prior to that year. The notice and the affidavit of mailing of the notice have been made part of the official records of the City Clerk.

- (d) The public hearing on the enlargement of the Special Service Area No. 33 was adjourned on June 6, 2023.
- (e) The Subject Property described in **Exhibit A**, and noted on the map attached as **Exhibit B**, is contiguous to Special Service Area No. 33 and no part of the Subject Property lies within any incorporated municipality other than the City of Naperville or within an unincorporated area, and the area meets the requirements of the Special Service Area Tax Law.
- (f) No objections to the enlargement of Special Service Area No. 33 as provided for by Section 27-55 of the Special Service Area Tax Law were filed with the City of Naperville within 60 days of the adjournment of the public hearing on June 6, 2023.
- (g) After considering the evidence presented at the public hearing and other relevant information, and no objection to the enlargement of Special Service Area No. 33 having been made, the City Council finds that it is in the best interests of Special Service Area No. 33 and the City of Naperville, that Special Service Area No. 33 be enlarged by the addition of the Subject Property.

SECTION 5: The Special Service Area known and designated as “City of Naperville Special Service Area No. 33” is hereby enlarged by the addition of the property commonly known as 235 W. Jefferson Avenue, Naperville, Illinois, legally described in **Exhibit A**, and noted on the map attached to this Ordinance as **Exhibit B**.

SECTION 6: The enlargement of Special Service Area No. 33 as provided herein shall not increase the annual tax levy provided in Ordinance No. 20-106, said Ordinance providing for the levy of an annual tax not to exceed the annual rate of 2.5% per \$100 of equalized assessed value as equalized against the property included in Special Service

Area No. 33 for a period not to exceed five (5) years from the effective date of Ordinance No. 20-106.

SECTION 7: The City Clerk is hereby authorized and directed to record a certified copy of this Ordinance enlarging Special Service Area No. 33, including an accurate map of said Special Service Area, as hereby enlarged, in the Office of the DuPage County Recorder and in the Office of the DuPage County Clerk within 60 days after its adoption.

SECTION 8: 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 DuPage County Recorder.

SECTION 9: This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED this _____ day of _____, 2023.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2023.

Scott A. Wehrl
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk

EXHIBIT A

SUBJECT PROPERTY

Legal Description/PIN/Common Address

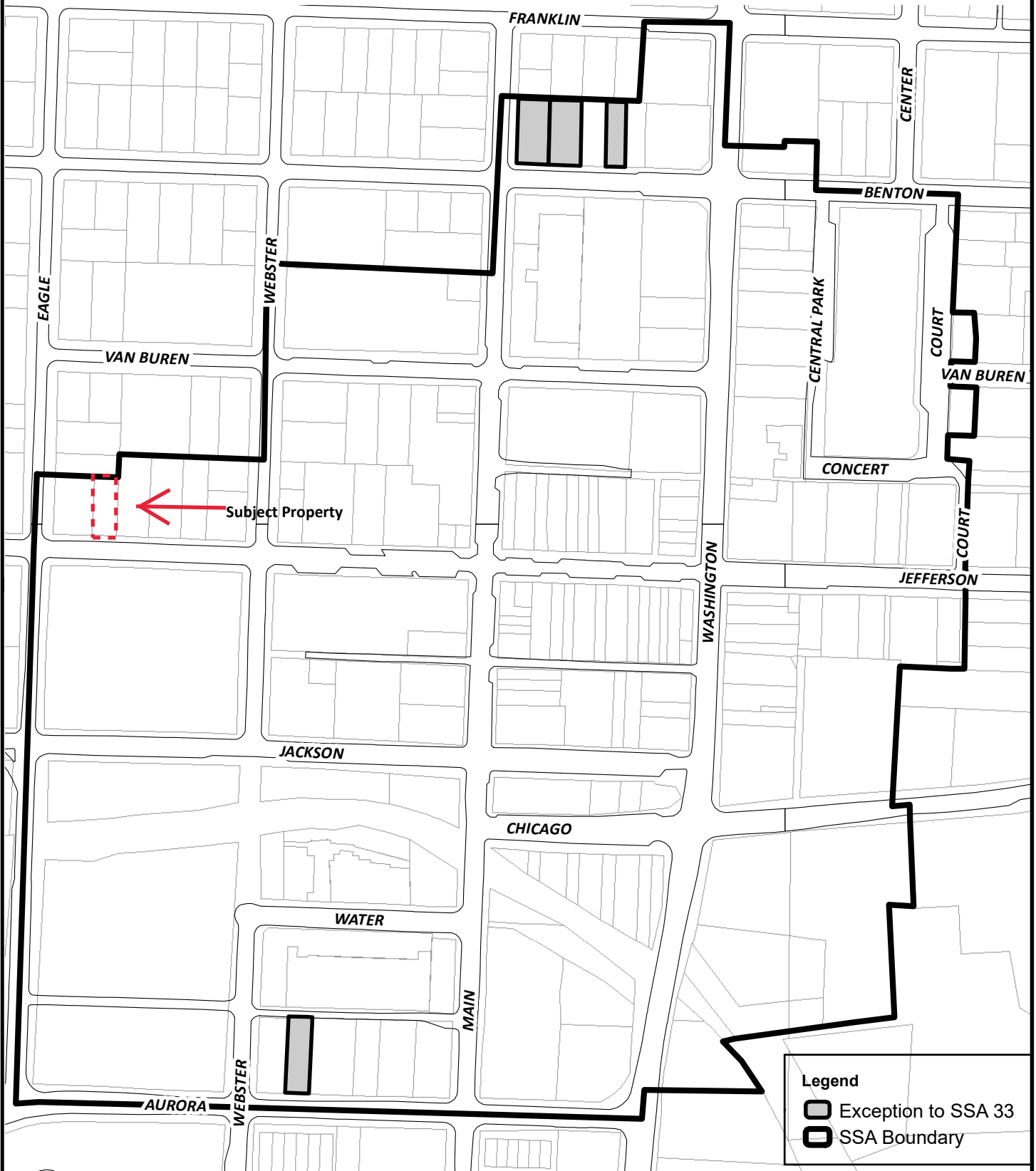
LOT 3 (EXCEPT THE NORTHERLY 45 FEET AND THE WESTERLY 16 FEET THEREOF) IN BLOCK 7 IN PLAT OF THE TOWN OF NAPERVILLE, BEING A SUBDIVISION IN THE SOUTH 1/2 OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 15, 1842 AS DOCUMENT 131, IN DU PAGE COUNTY, ILLINOIS.

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EXHIBIT B

City of Naperville SPECIAL SERVICE AREA 33



Department of Public Works
Strategic Services Division
www.naperville.il.us
12/7/2022



This map should be used for reference only.
The data is subject to change without notice.
City of Naperville assumes no liability in the use
or application of the data. Reproduction or redistribution is
forbidden without expressed written consent from the City of Naperville.

Sold To:
City of Naperville Finance Department - CU00437223
400 S Eagle St
Naperville, IL 60540-5279

Bill To:
City of Naperville Finance Department - CU00437223
400 S Eagle St
Naperville, IL 60540-5279

Certificate of Publication:

Order Number: 7436079
Purchase Order:

State of Illinois - DuPage

Chicago Tribune Media Group does hereby certify that it is the publisher of the Naperville Sun. The Naperville Sun is a secular newspaper, has been continuously published Daily for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City of Naperville, Township of Naperville, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 IL CS 5/5.

This is to certify that a notice, a true copy of which is attached, was published 1 time(s) in the Naperville Sun, namely one time per week or on 1 successive weeks. The first publication of the notice was made in the newspaper, dated and published on 5/19/2023, and the last publication of the notice was made in the newspaper dated and published on 5/19/2023.

This notice was also placed on a statewide public notice website as required by 715 ILCS 5/2. 1.

PUBLICATION DATES: **May 19, 2023.**

Naperville Sun

In witness, an authorized agent of The Chicago Tribune Media Group has signed this certificate executed in Chicago, Illinois on this

20th Day of May, 2023, by

Chicago Tribune Media Group



Jeremy Gates

**NOTICE OF PUBLIC HEARING
BEFORE THE CITY COUNCIL
OF THE CITY OF NAPERVILLE
FOR THE ENLARGEMENT OF
SPECIAL SERVICE AREA
NUMBER 33**

NOTICE IS HEREBY GIVEN that on June 6, 2023 at 7:00 p.m. in the City Council Chambers of the Naperville Municipal Center, 400 S. Eagle Street, Naperville, Illinois, a public hearing will be held by the City Council of the City of Naperville to consider the enlargement of Special Service Area Number 33 which enlargement is comprised of the following described territory commonly known as 235 W. Jefferson Avenue, Naperville, Illinois:

LOT 3 (EXCEPT THE NORTHERLY 45 FEET AND THE WESTERLY 16 FEET THEREOF) IN BLOCK 7 IN PLAT OF THE TOWN OF NAPERVILLE, BEING A SUBDIVISION IN THE SOUTH 1/2 OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 15, 1842 AS DOCUMENT 131, IN DU PAGE COUNTY, ILLINOIS.

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An accurate map of Special Service Area Number 33, delineating the property proposed to be added to it as described herein, is on file in the office of the City Clerk and available for inspection.

All interested persons, including all persons owning taxable real property located within the special service area, will be given an opportunity to be heard regarding the enlargement of the boundaries of Special Service Area Number 33 and may object to the enlargement of the area and the levy of taxes thereon, including filing with the City Clerk a written objection as provided by applicable law.

The purpose of the Special Service Area Number 33, which the Subject Property is proposed to become part of, is to generate additional revenue to assist in paying for downtown maintenance and upkeep. The City of Naperville pays for two-thirds while property owners cover the remaining one-third of maintenance and upkeep expenses. Additionally, revenues also support the marketing efforts of downtown business and events through a partnership with the Downtown Naperville Alliance. Property owners cover the full cost of this expense through Special Service Area Number 33.

If the enlargement of Special Service Area Number 33 is established, a special tax will be

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media group

levied on said property for a period not to exceed the 20-year timeframe specified for the entire Special Service Area in Ordinance 20-106 adopted in 2020 and not to exceed an amount of 2.5% per annum of assessed value, as equalized. The amount of the tax levy for special services, for Special Service Area 33, for the taxes levied in 2023 and payable in 2024 is proposed to be \$1,252,829.

The City Council shall hear and determine all protests and objections at the hearing and the hearing may be adjourned to another date without further notice on a motion to be entered into the minutes fixing the time and place of its adjournment. The City Council shall be authorized, but is not required, to adopt an ordinance establishing the enlargement of Special Service Area Number 33 as provided herein after final adjournment of the public hearing subject to consideration of an objection petition, if any, being filed within sixty (60) days following final adjournment of the public hearing. A certified copy of said ordinance shall be recorded with the DuPage County Recorder within sixty (60) days of the date such ordinance is passed.

5/19/2023 7436079