

**ORDINANCE NO. 20 - \_\_\_\_**

**AN ORDINANCE ESTABLISHING SPECIAL SERVICE  
AREA NO. 33 (DOWNTOWN MAINTENANCE EXPENSES AND MARKETING COSTS)  
FOR A PERIOD NOT TO EXCEED FIVE YEARS**

**WHEREAS**, the City of Naperville has had a long history of providing special services to downtown area merchants and paying for those services with revenue collected from the property owners in the downtown area through a special service area tax; and

**WHEREAS**, Special Service Area No. 20, approved on October 3, 2000 by Ordinance No. 00-162, generated revenue to pay for a portion of special services which generally include the provision of parking operations and maintenance, sidewalk snowplowing and snow removal when snow accumulation exceeds two inches, maintenance of landscaping in public parking lots, holiday decorative lighting on parkway trees, and maintenance of the Washington Street parkway trees; and

**WHEREAS**, Special Service Area No. 20 expired and was replaced by Special Service Area No. 22 on July 5, 2005 by Ordinance No. 05-126; and Special Service Area No. 22 expired and replaced by Special Service Area No. 24 on August 17, 2010 by Ordinance No. 10-108; and Special Service Area No. 24 expired and was replaced by Special Service Area No. 26 on August 18, 2015 by Ordinance No. 15-173; and

**WHEREAS**, Special Service Area No. 26 expired August 18, 2020 and it is the City's intent to replace it with a new special service area to be known as Special Service Area No. 33; and

**WHEREAS**, on June 2, 2020, the Naperville City Council passed Ordinance 20-056 proposing the establishment of Special Service Area No. 33 in the City of Naperville and providing for a public hearing for its establishment to be held on August 18, 2020; and

**WHEREAS**, on August 18, 2020, the Naperville City Council conducted the public hearing regarding the proposed establishment of Special Service Area No. 33 and initiated a 60-day comment and objection period, during which no objection petition has been filed with the City Clerk's Office; and

**WHEREAS**, Special Service Area No. 26 shall remain in effect until its expiration.

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

**SECTION 1:** The foregoing recitals and findings of fact 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 under 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.

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

- (a) Ordinance No. 20-056, an Ordinance proposing the establishment of Special Service Area No. 33 was duly passed on June 2, 2020.
- (b) A public hearing regarding the proposed establishment of Special Service Area No. 33 was held on August 18, 2015 by the Naperville City Council pursuant to a notice published in the *Naperville Sun*, on August 2nd, 2020, a newspaper of general circulation in the City of Naperville, at least fifteen (15) days prior to the hearing. A certificate of publication for the notice has been made part of the official

- records of the City Clerk. The notice has been made part of the official record of the City Clerk, and a copy of the notice of public hearing is attached as Exhibit D.
- (c) All interested parties were given an opportunity to be heard at the public hearing on the question of establishing Special Service Area No. 33.
- (d) The notice of public hearing regarding the proposed establishment of Special Service Area No. 33 was also 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 Special Service Areas. The notice was given by depositing the notice in the United State mail (certified and regular) not less than ten (10) days prior to the time set for 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 has been made part of the official record of the City Clerk, and a copy of the notice of public hearing is attached as Exhibit E.
- (e) The public hearing on the establishment of Special Service Area No. 33 was adjourned on August 18, 2020.
- (f) Special Service Area No. 33 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, and the area meets the requirements of the Special Service Area Tax Law.
- (g) The property owners and businesses in Special Service Area No. 33 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 Special Service Area to be known and designated as City of Naperville Special Service Area No. 33 is hereby established and shall consist of the real property legally described on Exhibit A, as described by address and permanent index numbers on Exhibit B, and as shown on the map depicted on Exhibit C. (Exhibits A, B, and C are attached hereto and made part hereof.)

**SECTION 5:** Special Service Areas No. 33 is established to provide special municipal services to the designated area that include: parking lot operations and maintenance, maintenance of public parking garages, custodial services, sidewalk and parking lot snow removal, maintenance of landscaping, streetscape, and 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;

**SECTION 6:** A special tax shall be levied for a period not to exceed five (5) years which shall not exceed 2.5% per \$100.00 of equalized assessed value, as equalized against the property included in Special Service Area No. 33. The proceeds of the Special Service Area tax shall be used to pay for the special services described in Section 5. The proposed amount of the tax levy for special services for the initial year for which taxes will be levied

within Special Service Area No. 33 is \$1,146,702 in the aggregate for the entirety of said Special Service Area 33.

**SECTION 7:** The City Clerk is hereby authorized and directed to record a certified copy of this Ordinance establishing Special Service Area No. 33, including an accurate map of said Special Service Area, in the office of the DuPage County Recorder within sixty (60) days after its adoption and to file a certified copy of the same with the Office of the DuPage County Clerk.

**SECTION 8:** Special Service Area No. 26 shall remain in effect until its expiration.

**SECTION 9:** 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.

**SECTION 10:** This Ordinance shall be in full force and effect upon its passage, approval, and recordation accordingly to law.

PASSED this \_\_\_ day of \_\_\_\_\_, 2020

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_ day of \_\_\_\_\_, 2020

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk