

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

ADDRESS:

235 W. JEFFERSON AVE.
NAPERVILLE, 60540

PREPARED BY:

CITY OF NAPERVILLE
LEGAL DEPARTMENT
630/420-417

RETURN TO:

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

ORDINANCE NO. 23-__

**AN ORDINANCE PROPOSING THE ENLARGEMENT OF SPECIAL
SERVICE AREA NO. 33 IN THE CITY OF NAPERVILLE
TO INCLUDE 235 W. JEFFERSON AVENUE
AND PROVIDING FOR A PUBLIC HEARING THEREFOR**

1. **WHEREAS**, 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.*, the City of Naperville ("**City**") has the authority to create special service areas and to enlarge their boundaries in order 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 costs thereof.
2. **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.

3. **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**"), has requested that Special Service Area No. 33 be expanded to include the Subject Property.
4. **WHEREAS**, the City Council of the City of Naperville desires to enlarge the boundaries of Special Service Area Number No. 33 to include the Subject Property as provided 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. All exhibits referenced herein shall be deemed incorporated herein and made part hereof.

SECTION 2: Upon enlargement of Special Service Area No. 33 to include the Subject Property, 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.

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

- (a) It is in the public interest that Special Service Area No. 33 be enlarged to include the Subject Property legally described on **Exhibit A** and depicted on **Exhibit B**.
- (b) Special Service Area No. 33, as proposed to be enlarged by the Subject Property, is compact and contiguous, and no part thereof lies within any incorporated municipality other than the City of Naperville or within any unincorporated area.
- (c) The services provided pursuant to Special Service Area No. 33 as set forth herein and in Ordinance No. 20-106 are in addition to municipal services generally provided to the residents and businesses in the City of Naperville as a whole. The Subject Property will benefit specially from the municipal services provided in accordance with the provisions of Ordinance No. 20-106 for Special Service Area No. 33.

- (d) The legal description of Special Service Area No. 33, expanded to include the Subject Property, is set forth on **Exhibit C** and a map of Special Service Area No. 33, expanded to include the Subject Property (denoting the Subject Property by hatch-marks) is attached as **Exhibit B**.
- (e) The City Council shall conduct a public hearing as required by law to consider the enlargement of Special Service Area No. 33 to include the Subject Property.

SECTION 5: A public hearing shall be held at 7:00 p.m. on June 6, 2023 at the regularly scheduled City Council meeting held in the City Council Chambers of the Naperville Municipal Center, 400 S. Eagle Street, Naperville, Illinois, to consider the enlargement of Special Service Area No. 33 to include the Subject Property.

SECTION 6: 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, Section 27-50 of the Special Service Area Tax Law requires that personal notice be given only to the area proposed to be added to the Special Service Area.

SECTION 7: 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 8: Not less than fifteen (15) days in advance of the public hearing provided for in Section 5 above, a notice of public hearing shall be published in a newspaper of general circulation in the City of Naperville. In addition, notice of same shall be sent by mail 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 the Subject Property proposed to be added to Special Service Area No. 33. The notice shall be mailed not less than ten (10) days prior to the date set for the public hearing. If the taxes for the preceding year were not paid on the Subject Property, the notice shall be sent to the person last listed on the tax rolls prior to that year as the owner of said property. The notice shall be in substantially the form set forth on **Exhibit D.**

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.

Steve Chirico
Mayor

ATTEST:

Pam Gallahue, Ph.D.
City Clerk