

ORDINANCE NO. 23 -

AN ORDINANCE PROPOSING AND SETTING A PUBLIC HEARING
FOR THE ESTABLISHMENT OF SPECIAL SERVICE AREA NO. 35
FOR STREETScape IMPROVEMENTS ON WASHINGTON STREET FROM BENTON
AVENUE TO CHICAGO AVENUE IN THE DOWNTOWN AREA IN THE
CITY OF NAPERVILLE

RECITALS

- A. The downtown area of the City of Naperville (“**Downtown**”) is a pedestrian-friendly, vibrant, mixed use area including primarily retail and restaurant uses which rely heavily on pedestrian traffic.
- B. The City of Naperville (or “**City**”) relies on the success of its businesses and the businesses rely on the safe, pedestrian-friendly nature of the Downtown to thrive.
- C. The economic vitality of the City and its Downtown is significantly dependent on the support of citizens, businesses, and consumers for the revitalization and continued liveliness of the area, which is a high priority for the City's plans to preserve and expand revenues.
- D. The City has a legitimate government interest in protecting its investment in the Downtown.
- E. The streetscape infrastructure in certain areas of the Downtown has deteriorated and is in need of rehabilitation, including streetscape located adjacent to real properties depicted on the map of the territory within proposed SSA No. 35 (as SSA No. 35 is described in Recital H hereof), which map is attached hereto as **Exhibit A**.
- F. Antiquated or deteriorating streetscaping on the public way in the Downtown hampers the economic vitality of the area, impairing the City's goals of attracting

citizens, businesses, and consumers to the Downtown, and interferes with the ability to maintain a pedestrian-friendly, vibrant, commercially viable Downtown.

- G. Pursuant to its home rule powers under Article VII, Section 6(l) of the 1970 Constitution of the State of Illinois and the Illinois Special Service Area Tax Law, 35 ILCS 200/27-5 *et seq.*, the City of Naperville has the authority 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 in order to promote the health, safety, and welfare of the City and its residents, to prevent the worsening of conditions detrimental to healthy economic development, to encourage private development in order to enhance the local tax base, and to enter into contractual agreements with developers, redevelopers, consultants, and other third-parties for the purpose of achieving such objectives.
- H. The City has been requested by the Downtown Naperville Alliance to establish a special service area to pay for certain streetscape improvements within the boundaries of the proposed special service area depicted on **Exhibit A** and legally described on **Exhibit B** attached hereto (hereinafter “**Special Service Area**” or “**Special Service Area No. 35**”). The permanent tax index numbers and common addresses of the properties within said proposed SSA No. 35 (“**Properties**”) are set forth on Exhibit B. Properties located within the proposed SSA No. 35 which are exempt from taxation as charitable, religious, or municipally owned properties under the Property Tax Code of the State of Illinois shall likewise be exempt from the SSA No. 35 tax.

- I. The proposed special services will provide structural, aesthetic, and safety improvements to the streetscape within the Special Service Area, such as the design and new construction of wider sidewalks, carriage walks, benches, built-in seating, raised planters, curb and railing, pavers, and decorative lighting, as generally depicted on **Exhibit C** (hereinafter “**Special Service Area Improvements**”). The Special Service Area Improvements will result in a more welcoming, beautiful, and functional streetscape pursuant to design guidelines and standards which meet the standard streetscape improvement design provisions provided for the downtown area as set forth in the Naperville Municipal Code, including but not limited to the 2016 Downtown Naperville Streetscape Standards. The permanent tax index numbers (“**PINs**”) and addresses of the Properties within the boundaries of proposed Special Service Area No. 35 are set forth on **Exhibit B**.
- J. The streetscape improvements which comprise the Special Service Area Improvements shall be constructed and installed upon City-owned property and will be available to the public throughout the term of Special Service Area No. 35.
- K. The Corporate Authorities of the City of Naperville, after due and careful consideration, have concluded that proposed Special Service Area No. 35 will enable the City to progress toward the goal of an improved streetscape in the Downtown and will serve the best interests of the City.
- L. A public hearing regarding the proposed creation of Special Service Area No. 35 as provided herein will be held by the Naperville City Council in City Council chambers located at the Naperville Municipal Center, 400 South Eagle Street, Naperville, IL at its regularly scheduled meeting on March 21, 2023 at 7 p.m., or

as soon thereafter as possible, and on such other dates as to which said hearing may be continued.

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 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 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 Council of the City of Naperville makes the following findings of fact:

- (a) Proposed Special Service Area No. 35 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;
- (b) The property owners within proposed Special Service Area No. 35 will benefit specifically from the proposed Special Service Area Improvements which constitute services in addition to municipal services generally provided to the residents and businesses in the City of Naperville as a whole;
- (c) The funds received through Special Service Area No. 35 will be used by a person or entity other than the City to implement the Special Service Area Improvements described herein;

- (d) The City will be responsible for maintenance of the Special Service Area Improvements, which maintenance will be partially funded by a separate special service area; and
- (e) It is in the public interest that a special service area, titled Special Service Area No. 35, be proposed and considered for the real property depicted on **Exhibit A** and legally described **on Exhibit B**, which will encompass the Properties described by PIN and by common address on Exhibit B, for the purpose of paying the costs of providing the Special Service Area Improvements within the Special Service Area (unless exempted from taxation as provided herein), which tax shall be levied as provided herein and in accord with the provisions set forth herein and in the Illinois Property Tax Code.

SECTION 4: A public hearing shall be held on March 21, 2023 at 7:00 p.m., or as soon thereafter as possible, and on such other dates as it may be continued to, in the City Council Chambers of the Naperville Municipal Center located at 400 S. Eagle Street, Naperville, Illinois, to consider the establishment of Special Service Area No. 35 of the City of Naperville for the Properties within the boundaries of the Special Service Area depicted on **Exhibit A** and legally described in **Exhibit B**. At the public hearing, the City Council will consider the following:

- (a) The establishment of Special Service Area No. 35 to provide for the Special Service Area Improvements described herein, as conceptually depicted on **Exhibit C**, including costs for construction, construction management, engineering, design, legal fees, capitalized interest, and other costs

uniquely attributable to the Special Service Area Improvements being provided;

- (b) A special ad valorem tax to be levied against non-exempt Properties included in Special Service Area No. 35, as provided herein, for the Special Service Area Improvements described herein for a period not to exceed fifteen (15) years and not to exceed the rate or amount necessary to produce total revenues of four million, five hundred thousand dollars (\$4,500,000.00);
- (c) Said special tax shall be levied at a rate not to exceed four dollars (\$4.00) per annum per one hundred dollars (\$100.00) of assessed value, as equalized, against the non-exempt Properties included in Special Service Area No. 34 as provided herein; and
- (d) The proposed amount of the tax levy for Special Service Area Improvements for the initial year for which taxes will be levied within Special Service Area No. 35 is three hundred thousand dollars (\$300,000.00).

SECTION 5: Notice of the public hearing for proposed Special Service Area No. 35 shall be published not less than fifteen (15) days prior to the public hearing 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 of the Properties 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 foregoing notices are hereinafter referenced cumulatively as "Notice".

The Notice shall include the following: the time and place of the public hearing, the boundaries of the area by legal description, the permanent tax index number of each parcel located within the Special Service Area, the nature of the proposed special services to be provided within the Special Service Area and a statement that the proposed special services are for new construction, a statement that funds received through the Special Service Area will be used by a person or entity other than the City to implement the proposed special services, 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, the maximum rate of taxes to be extended within the Special Service Area in any year and the maximum number of years taxes will be levied, and 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 orally at the public hearing, and/or may file written objections with the City Clerk, regarding the tax levy and with respect to any other issue embodied in the Notice, including but not limited to the amount of the tax levy, the maximum rate of taxes to be extended, and the maximum number of years that the taxes will be levied.

SECTION 6: 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 or resolution.

SECTION 7: All exhibits referenced herein are attached hereto and made part hereof.

SECTION 8: If established, Special Service Area No. 35 shall remain in effect until its expiration.

SECTION 9: This Ordinance shall be in full force and effect upon 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