

**ORDINANCE NO. 19 -**

**AN ORDINANCE ESTABLISHING CITY OF NAPERVILLE  
SPECIAL SERVICE AREA NO. 31 FOR STREETSCAPE IMPROVEMENTS  
NEAR THE SOUTHWEST PORTION OF BLOCK 423 IN THE  
DOWNTOWN AREA OF THE CITY OF NAPERVILLE**

**WHEREAS**, on December 18, 2018, 2018 the City Council of the City of Naperville passed Ordinance 18-157, “An Ordinance Proposing and Setting a Public Hearing for the Establishment of Special Service Area No. 31 for Streetscape Improvements Near the Southwest Portion of Block 423 in the Downtown Area of the City of Naperville”; and

**WHEREAS**, as described in Ordinance 18-157, Special Service Area No. 31 is to consist of the real property depicted on the map attached to this Ordinance as **Exhibit A** and legally described on **Exhibit B**.

**WHEREAS**, on February 19, 2019 a public hearing was held by the Naperville City Council regarding the proposed establishment of Special Service Area No. 31 (also referenced herein as “**Special Service Area**”); and

**WHEREAS**, the purpose of Special Service Area No. 31 is to levy a special ad valorem tax against the property included in Special Service Area No. 31 for a period not to exceed fifteen (15) years and not to exceed fourteen dollars and ninety-five cents (\$14.95) per annum per one hundred dollars (\$100) of assessed value, as equalized, and to levy an amount not to exceed twenty-seven thousand dollars (\$27,000) in the initial year for which taxes will be levied, in order to provide special services related to the Special Service Area Improvements described in Ordinance No. 18-157, including the design, construction, construction management, engineering, legal fees, capitalized interest, and other costs uniquely attributable to said Special Service Area, including but not limited to design and

new construction of wider sidewalks, carriage walks, benches, built-in seating, raised planters, curb, pavers, and decorative lighting as generally depicted on Exhibit C of Ordinance No. 18-157, and to pay for legal fees and costs for mailing, publication, recording, and other necessary and incidental expenses incurred in establishing the Special Service Area; and

**WHEREAS**, pursuant to Ordinance 18-157, a public hearing was held by the Naperville City Council on Tuesday, February 19, 2019 to consider the establishment of Special Service Area No. 31 which public hearing was also adjourned on February 19, 2019; and

**WHEREAS**, no petition objecting to the formation of Special Service Area No. 31, as provided for by Section 27-55 of the Special Service Tax Law, was filed with the City within sixty (60) days of the adjournment of the public hearing on the proposed Special Service Area conducted and adjourned on February 19, 2019; and

**WHEREAS**, the City Council has determined that there is a need to provide special services within the Special Service Area as described and referenced herein.

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

- (a) Ordinance No. 18-157, An Ordinance Proposing and Setting a Public Hearing for the Establishment of Special Service Area No. 31 for Streetscape Improvements Near the Southwest Portion of Block 423 in the Downtown Area of the City of Naperville, was duly passed by the Naperville City Council on December 18, 2018.
- (b) A public hearing to consider establishment of Special Service Area No. 31 was conducted by the Naperville City Council on February 19, 2019, not less than sixty (60) days after the adoption of the ordinance proposing the establishment of Special Service Area No. 31. All interested persons were given an opportunity to be heard on the question of the proposed establishment of Special Service Area No. 31.
- (c) Notice of the public hearing regarding the proposed establishment of Special Service Area No. 31 was given by publication on February 3, 2019 in the Naperville Sun, a newspaper of general circulation in the City of Naperville, at least fifteen (15) days prior to the hearing. Notice of the public hearing was also addressed and mailed to the person, persons, or entity 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 Area. The notice was given by depositing the notice in the United States mail not less than ten (10) days prior to the time 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. An Affidavit of Compliance with Notice Requirements for Special Service Area No. 31 ("Affidavit") is attached hereto and made part hereof as **Exhibit C**. Attachment #1 to the Affidavit is the notice of public hearing and certificate of publication in the Naperville Sun described above. Attachment #2 to the Affidavit is a copy of the notice mailed to the person, persons, or entities to whom individual notice was mailed.
- (d) The public hearing on the establishment of Special Service Area No. 31 was conducted and adjourned on February 19, 2019.
- (e) After considering the evidence presented at the public hearing and other relevant information, the City Council finds that it is in the public interest and in the interest of the City of Naperville that Special Service Area No. 31 be established.

- (f) Special Service Area No. 31 is compact and contiguous, no part of the Special Service Area 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.
- (g) Special Service Area No. 31 will benefit specially from the services to be provided and the proposed services are in addition to municipal services provided to the City of Naperville as a whole.
- (h) No petition objecting to the formation of Special Service Area No. 31, as provided for by Section 27-55 of the Special Service Tax Law, has been filed with the City within sixty (60) days of the adjournment of the public hearing on the proposed Special Service Area conducted on February 19, 2019.

**SECTION 4:** A Special Service Area to be known and designated as “City of Naperville Special Service Area No. 31” is hereby established and shall consist of the real property depicted on the map attached to this Ordinance as **Exhibit A** and legally described on **Exhibit B**. The common address and permanent tax index number of the parcel located within Special Service Area No. 31 is set forth on **Exhibit B**.

**SECTION 5:** Special Service Area No. 31 is hereby established to provide special municipal services, in addition to services provided to the City generally, relating to streetscape improvements near the southwest portion of Block 423 in the downtown area of the City of Naperville as described and referenced herein.

**SECTION 6:** A special tax shall be levied against the property included in Special Service Area No. 31 for a period not to exceed fifteen (15) years at a rate not to exceed fourteen dollars and ninety-five cents (\$14.95) per annum per one hundred dollars (\$100) of assessed value of the property located in Special Service Area No. 31, as equalized, and not to exceed twenty-seven thousand dollars (\$27,000) in the initial year for which taxes will be levied, as provided herein. The proceeds of the Special Service Area tax shall be used to pay for the special services described and referenced herein.

**SECTION 7:** The City Clerk is hereby authorized and directed to record a certified copy of this Ordinance, including an accurate map of Special Service Area No. 31, with the Office of the DuPage County Recorder within sixty (60) days of adoption of this Ordinance, and to file a certified copy of this Ordinance, including an accurate map of Special Service Area No. 31, with the Office of the DuPage County Clerk.

**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.

**SECTION 9:** This Ordinance shall be in full force and effect upon its passage and approval according to law.

PASSED this \_\_\_\_ day of \_\_\_\_\_, 2019

AYES:

NAYS:

ABSENT:

APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2019

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Steve Chirico  
Mayor

ATTEST:

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Pam Gallahue, Ph.D.  
City Clerk