

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
FEBRUARY 12, 2013 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Establishment of a Special Service Area (SSA) for Atwood Subdivision	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared to establish Special Service Area #5 for the Atwood Subdivision.

STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 identified *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the February 19, 2013 active agenda.

BACKGROUND

This ordinance is the last step in the process to establish Special Service Area (SSA) #5 for the Atwood Subdivision. On November 20, 2012, the Village Council approved an ordinance proposing to establish this SSA. The required public hearing was held on December 11, 2012. There were no objections to the creation of the SSA filed.

The SSA will serve as a safeguard in the event that the homeowners association cannot or does not maintain the common areas including the stormwater infrastructure and detention area. The SSA will allow the Village to levy a special tax on the property owners within the subdivision for the maintenance of the facilities. The tax would only be levied if the homeowner's association defaults and the Village is required to step in and maintain the common areas. The Village would then maintain the stormwater detention facilities.

The Atwood Subdivision is on Atwood Court, which is located on the west side of Fairview Avenue between 66th Street and 67th Court. The SSA would include 14 lots. The re-subdivision approval in September 2012 included the establishment of a homeowners association to maintain the common areas, which in this case is the stormwater infrastructure, detention area and landscaping. As part of the homeowners association, an SSA is being created.

The Village proposes a maximum annual rate not to exceed of 3% of the property's Equalized Assessed Value (EAV) as a tax levy.

ATTACHMENTS

- Aerial Map
- Ordinance

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA
NUMBER 5 IN THE VILLAGE OF DOWNERS GROVE**

BE IT ORDAINED by the Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

Section 1. Authority to Establish Special Service Area.

Special Service Area Number 5 is established pursuant to the Provisions of Article VII, Sections 6A and 6L of the Constitution of the State of Illinois and pursuant to “An Act to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties” (35 ILCS 200/27-5 et seq.).

Section 2. Findings. The Village Council finds:

- A. The question of the establishment of the area hereinafter described as a special service area was considered by the Village Council pursuant to an Ordinance entitled, “An Ordinance Proposing the Establishment of Special Service Area Number 5 in the Village of Downers Grove, Illinois and Providing For a Public Hearing and other Procedures in Connection Therewith,” adopted November 20, 2012, and considered pursuant to a public hearing held on December 11, 2012, by the Village Council, pursuant to Notice duly published on November 21, 2012 in the Downers Grove Reporter, a newspaper published in the Village of Downers Grove, at least fifteen (15) days prior to the hearing and pursuant to Notice by mail addressed 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 Area. Said notice was given by depositing said Notice in the United States mail not less than ten (10) days prior to the time set for the public hearing. In the event the taxes for the last preceding year were not paid, the said Notice was sent to the person last listed on the tax rolls prior to that year as the owner of said property. A Certificate of Publication of said Notice and an Affidavit of Mailing are attached to this Ordinance as Exhibits “1” and “2” respectively. Said Notices conform in all respects to the requirements of 35 ILCS 200/27-5, et. seq.
- B. That a public hearing on the question set forth in the Notice was held on December 11, 2012. All interested persons were given an opportunity to be heard on the question of the creation of Downers Grove Special Service Area Number 5. That general discussion was heard at the public hearing regarding the services and maintenance activities proposed to be undertaken and provided within the Special Service Area. No one attending the public hearing voiced objection to the creation of the Special Service Area or the method or rate of taxation to be levied against property within the Special Service Area. The public hearing was adjourned at 7:30 p.m. on December 11, 2012.
- C. That following the aforesaid public hearing, a period of sixty (60) days has been provided for the filing of any petition opposing the creation of the Special Service Area pursuant to 35

ILCS 200/27-55, and that during such period of time, no such petition has been filed.

- D. That after considering the data, as presented at the public hearing, the Village Council finds that it is in the public interest and in the interest of Downers Grove Special Service Area Number 5 that said Special Service Area, as hereinafter described, be established.
- E. That said area is compact and contiguous and constitutes a planned development residential area, which is the sole area in the Village to be benefitted from the maintenance and operation of said improvements.
- F. It is in the best interest of said Special Service Area that the furnishing and maintenance of the municipal services proposed be considered for the common interests of said area.
- G. Said area is zoned for residential purposes and will benefit specially from municipal services proposed to be provided. The proposed municipal services are unique and in addition to the municipal services provided to the Village of Downers Grove as a whole.

Section 3. Village of Downers Grove Special Service Area Number 5 Established.

A Special Service Area to be known and designated as “Village of Downers Grove Special Service Area Number 5” is hereby established and shall consist of the following described territory:

Lots 1 through 14 of the Atwood Resubdivision, being a part of northeast quarter and southeast quarter of Section 20, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded September 14, 2012 as Document Number R2012-127961 in DuPage County, Illinois.

P.I.N.s: 09-20-211-054; 09-20-211-055; 09-20-211-056; 09-20-211-057; 09-20-211-058; 09-20-211-059; 09-20-211-060; 09-20-211-061; 09-20-211-062; 09-20-408-022; 09-20-408-023; 09-20-408-024; 09-20-408-025; 09-20-408-026

The approximate street location for the area is Atwood Court, which is located on the west side of Fairview Avenue between 66th Street and 67th Court.

Section 4. Purpose of Area.

Downers Grove Special Service Area Number 5 is established to provide special municipal services to said area in addition to services provided to the Village generally. Included in said purposes, but not by way of limitation, municipal services in connection with the maintenance and operation of any “Common Area” of the subject property as defined in the Declaration of Covenants, Conditions, Easements and Restrictions for the Atwood Subdivision Homeowners Association, including but not limited to real property and improvements thereto owned or maintained by the Homeowners Association, and the stormwater management facilities (including, but not limited to, stormwater detention and retention basin areas, inlet and out structures, connection storm sewers, connecting surface drainage channels, subsurface drainage systems) and associated landscaping, retaining walls and grass areas located therein.

Section 5. Tax Levied.

A special annual tax not to exceed an annual rate of three percent (3%) of the assessed value, as equalized, of the property in the Special Service Area shall be levied against the subject property in addition to all other taxes provided by law. Notwithstanding the foregoing, taxes shall not be levied hereunder and said area shall be “dormant”, and shall take effect only if the applicable required owners association or property owner fails to maintain, repair or replace the Common Area, as hereinafter identified, and the Village chooses to assume some or all of said responsibilities. The Village may annually levy hereunder up to the maximum rate specified herein for the cost of said services, as said services become necessary and are provided for.

Section 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 7. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 8. That the Village Clerk shall record this Ordinance with the DuPage County Recorder’s Office.

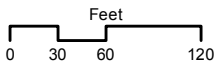
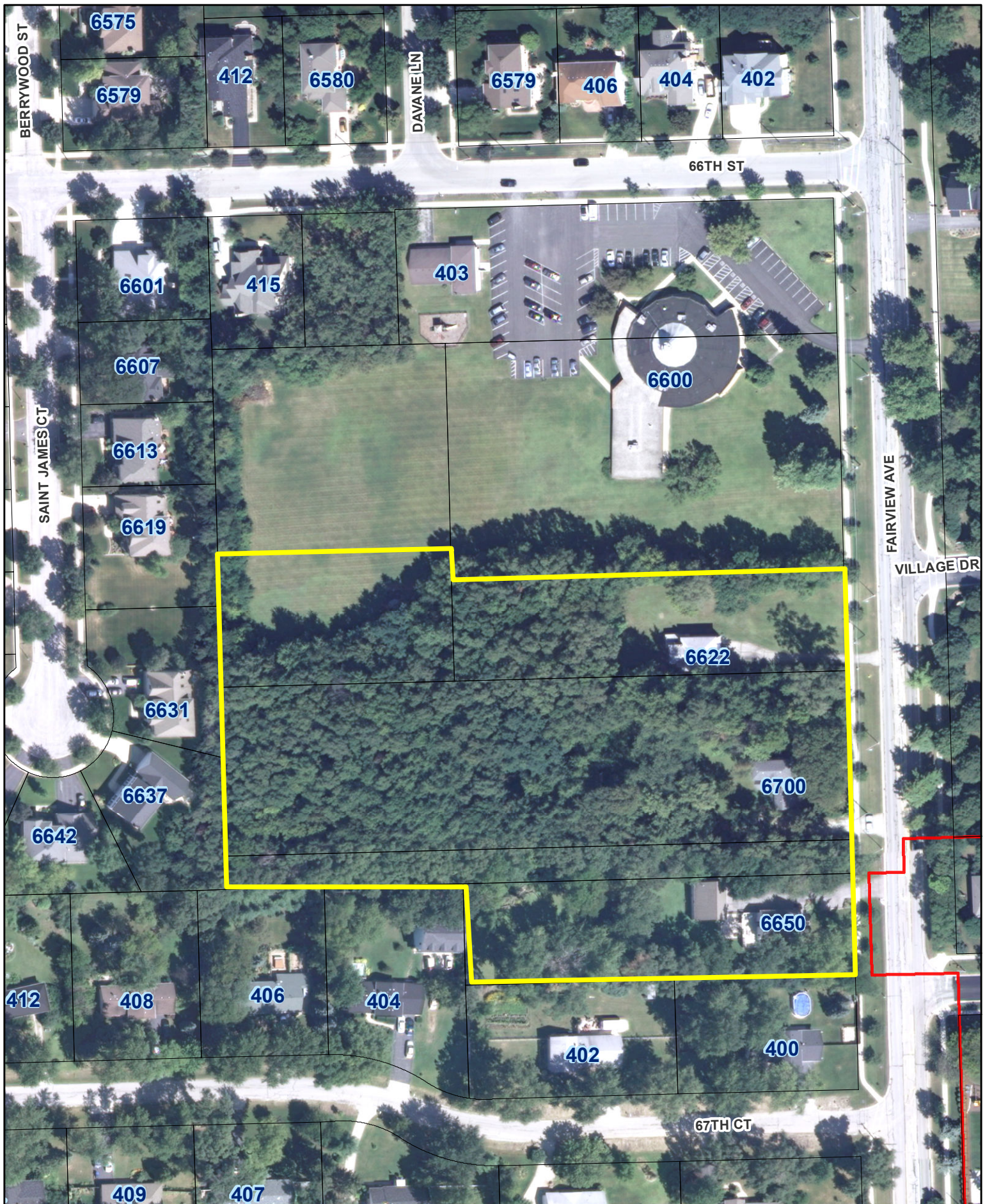
Mayor

Passed:

Published:

Attest: _____

Village Clerk



**6622 - 6650
Fairview Avenue**

Exhibit 1

Customer 8887
Reference 3804 SSA #5

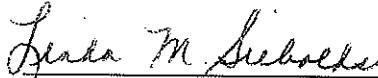
VILLAGE OF DOWNERS GROVE
CIVIC CENTER
801 BURLINGTON
DOWNERS GROVE, IL 60515

Linda M. Siebolds, agent of J. Tom Shaw, Publisher of the Downers Grove Reporter hereby certifies that s/he is Legal Advertising Manager of Downers Grove Reporter, that said Downers Grove Reporter is a secular newspaper and has been published weekly in the Village of Downers Grove, in the county of DuPage in the state of Illinois, continuously for more than 50 weeks prior to, on and since the date of the first publication of the notice hereinafter referred to and is of general circulation throughout the county and the state.

That said agent hereby certifies that Downers Grove Reporter is a newspaper as defined in Chapter 715 et seq. of the Illinois Revised Statutes.

That a notice, of which the annexed printed slip is a true copy, was published 1 (one) time in said Downers Grove Reporter namely, once each week for one successive week(s). The first publication of said notice as aforesaid was made in said newspaper dated and published on the 21st day of November A.D. 2012 and the last publication thereof was made in said newspaper dated and published on 21st day of November A.D. 2012.

IN WITNESS WHEREOF, the undersigned has caused this certification to be signed this 21st day of November A.D. 2012.



Linda M. Siebolds
Legal Advertising Manager
Authorized Agent

LEGAL NOTICE / PUBLIC NOTICE
NOTICE OF HEARING
VILLAGE OF DOWNERS GROVE
SPECIAL SERVICE AREA NUMBER 5

NOTICE IS HEREBY GIVEN that on December 11, 2012 at 7:00 p.m., in the Council Chambers of the Civic Center, 801 Burlington Avenue, Downers Grove, Illinois, a hearing will be held by the Village Council of the Village of Downers Grove, to consider forming a Special Service Area consisting of the following described territory:

Lots 1 through 14 of the Atwood Resubdivision, being a part of northeast quarter and southeast quarter of Section 20, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded September 14, 2012 as Document Number R2012-127961 in DuPage County, Illinois.

P.I.N.s: 09-20-211-054; 09-20-211-055; 09-20-211-056; 09-20-211-057; 09-20-211-058;
09-20-211-059; 09-20-211-060; 09-20-211-061; 09-20-211-062; 09-20-408-022;
09-20-408-023; 09-20-408-024; 09-20-408-025; 09-20-408-026

The approximate street location for the area is Atwood Court, which is located on the west side of Fairview Avenue between 66th Street and 67th Court. An accurate map of said territory is on file in the office of the Village Clerk and is available for public inspection.

All interested persons affected by the formation of Downers Grove Special Service Area Number 5, including all persons owning taxable real property within said special service area, will be given the opportunity to be heard regarding the formation and boundaries of the area and may object to the formation of the area and the levy of taxes affecting said area. The hearing may be adjourned by the Council to another date without further notice other than a Motion to be entered upon the minutes of its meeting fixing the time and place of its adjournment.

The purpose of the formation of Downers Grove Special Service Area Number 5 in general is to provide special municipal services to the area, including, but not limited to, municipal services in connection with the maintenance and operation of any "Common Area" of the subject property as defined in the Declaration of Covenants, Conditions, Easements and Restrictions for the Atwood Subdivision Homeowners Association, including but not limited to real property and improvements thereto owned or maintained by the Homeowners Association, and the stormwater management facilities (including, but not limited to, stormwater detention and retention basin areas, inlet and out structures, connection storm sewers, connecting surface drainage channels, subsurface drainage systems) and associated landscaping, retaining walls and grass areas located therein.

A special tax will be considered at the public hearing to be levied in an amount not to exceed an annual rate of three percent (3%) of the assessed value, as equalized to be levied against the real property included in the special service area. This tax may be levied for an indefinite period of time during and in the years subsequent to the date of this Ordinance.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the special service area and by at least fifty-one percent (51%) of the owners of record of the land included within the boundaries of the Special Service Area is filed with the Village clerk within sixty (60) days following the final adjournment of the public hearing objecting to the creation of the special service district, the enlargement thereof, the levy or imposition of a tax for the provision of special services to the area, or to a proposed increase in the tax, no such district shall be created or enlarged, or tax may be levied or imposed nor the rate increased.

April Holden
Village Clerk

Exhibit 2

AFFIDAVIT OF MAILING NOTICE

I, Dawn Didier, being first duly sworn upon oath, do state and depose as follows:

1. I am the Staff Attorney for the Village of Downers Grove, Illinois.
2. On November 21, 2012, I sent a copy of a Notice of Hearing by mail addressed to the owners of record for each parcel and/or to each 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 proposed Special Service Area Number 5 of the Village of Downers Grove, and that 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 as the owner of the property.
3. Said notice was given by depositing the Notice in the United State mail not less than ten (10) days prior to December 11, 2012, being the time set for the public hearing on proposed Special Service Area Number 5 of the Village of Downers Grove.

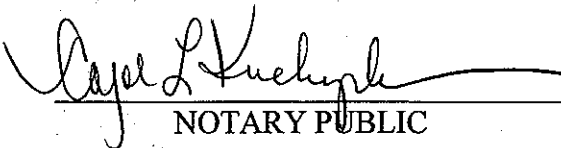
Further Affiant Sayeth Not.



DAWN DIDIER

SUBSCRIBED and SWORN to before

me this 7th day of February 2013.



NOTARY PUBLIC

