



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 019.014
DATE OF PASSAGE March 26, 2019

An Ordinance Proposing the Establishment of a Special Service Area Number #197, Aurora University 2nd Resubdivision, (347 S. Gladstone Avenue) Aurora, Illinois, Kane County and providing for a public hearing and other procedures in connection therewith.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, WHEREAS, special service areas are established pursuant to subsection (1) of Section 6 of Article VII of the Illinois Constitution of 1970, and the Special Service Area Tax Law (35 ILCS 200/27-5 et seq) and the Property Tax Code (35 ILCS 200/1-1 et seq); and

WHEREAS, it is in the public interest that the Area described in the Notice set forth in paragraph 2 Section One hereof be established as a Special Service Area for the purposes set forth herein, an accurate map of said territory being attached hereto as Exhibit "A-1"; and

WHEREAS, said Area is compact and contiguous and constitutes a principal commercial area of the City; and

WHEREAS, said Area is zoned R-1(S) One Family Dwelling District with a Special Use Planned Development, and will benefit specially from the municipal services to be provided which include the maintenance and repair of the onsite stormwater retention, detention and drainage controls and common areas, all in accordance with the final plat of subdivision or final approved engineering plans for the Area; and the proposed municipal services are unique and in addition to municipal services provided to the City of Aurora as a whole, and it is, therefore, in the best interests of said Area and the City of Aurora as a whole, that the levy of special taxes against said Area for the services to be provided be considered.

ORDINANCE NO. 019-014
DATE OF PASSAGE MARCH 26, 2019

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

SECTION ONE:

(a) That a public hearing shall be held on the 28th day of May, 2019, at 6:00 p.m. in the City Council Chambers of the City Hall, 44 East Downer Place, Aurora, Illinois to consider the creation of SPECIAL SERVICE AREA NUMBER 197 of the City of Aurora, in the territory described in the Notice set forth in Paragraph 2 hereof. At the hearing, there will be considered the levy of an annual tax on property by the City of Aurora at a rate or amount of tax sufficient to produce revenue required to provide the special services in the proposed SPECIAL SERVICE AREA NUMBER 197. Said tax to be levied for an indefinite period of time from and after the date of the Ordinance establishing said Area. Said tax to be levied at a maximum rate of \$1.10 (one hundred and ten cents per one-hundred dollar valuation). Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Said levies are intended to produce an amount annually to pay for the cost for said special services. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be "dormant," and shall take effect only if the owner fails to maintain or repair the aforesaid required items and the City is forced to assume said responsibilities.

(b) The Notice of hearing was published at least once not less than fifteen (15) days prior to the public hearing in a newspaper in general circulation in the City of Aurora. In addition, notice by mailing was given by depositing said Notice in the U.S. Mails 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 proposed Special Service Area 197. Said Notice was mailed 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 as the owner of said property. The Notice shall be substantially the following form:

NOTICE OF HEARING
CITY OF AURORA
SPECIAL SERVICE AREA NUMBER 197
AURORA UNIVERSITY 2nd RESUBDIVISION
347 S. GLADSTONE AVENUE, AURORA, ILLINOIS
KANE COUNTY

NOTICE IS HEREBY GIVEN that on the 28th day of May, 2019 at 6:00 p.m., in the City Council Chambers of the City Hall, 44 East Downer Place, Aurora, Illinois, a hearing will be held by the City Council of the City of Aurora to consider the establishment of a Special Service Area consisting of the following described territory:

SEE ATTACHED EXHIBIT "A"

ORDINANCE NO. 019-014
DATE OF PASSAGE March 26, 2019

SECTION TWO:

The purpose of the formation of SPECIAL SERVICE AREA NUMBER 197 in general is to provide for the maintenance and repair of the onsite stormwater retention, detention and drainage controls and common areas, in said Area, all in accordance with the final plat of subdivision or final approved engineering plans for the Area, and the proposed municipal services are unique and are in addition to the improvements and services provided and/or maintained by the City generally. It is hereby determined by the City Council that the establishment of said special service area is desirable and necessary to provide the special services to the said area.

SECTION THREE:

At the hearing, all persons affected will be given an opportunity to be heard. At the hearing, there will be considered the levy of an annual tax in the proposed SPECIAL SERVICE AREA NUMBER 197 by the City of Aurora of not to exceed an annual rate of 1.10 one-hundredths percent (\$1.10 being 110 cents per \$100.00 of the equalized assessed value of the property) sufficient to produce revenues to provide the special services. Said tax to be levied for an indefinite period of time from and after the date of the Ordinance establishing said Area. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Said levies are intended to produce an amount annually to pay for the cost for said special services. 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 owner as the case may be) fails to maintain or repair the aforesaid required items or provide said special services and the City is forced to assume said responsibilities. The hearing may be adjourned by the City 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.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the proposed SPECIAL SERVICE AREA NUMBER 197 and by at least fifty-one percent (51%) of the owners of record of the land included within the boundaries of the proposed Area is filed with the City Clerk within sixty (60) days following the final adjournment of the public hearing objecting to the establishment of the Area, the enlargement thereof, or the levy or imposition of a tax for the provision of special services to the Area, no such Area may be established or enlarged, or tax levied or imposed.

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DATE OF PASSAGE MARCH 26, 2019

SECTION FOUR:

The approximate location is 347 S. Gladstone Avenue, Aurora, Illinois 60506

An accurate map of said territory is on file in the Office of the City Clerk and available for public inspection, and legal description is attached hereto as Exhibit "A-1".

All interested persons affected by the formation of SPECIAL SERVICE AREA NUMBER 197 will be given an opportunity to be heard regarding the formation of the boundaries of the Area and may object to the formation of the Area and the levy of taxes affecting said Area.

SECTION FIVE:

That this ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

SECTION SIX:

That all ordinances or parts of ordinances thereof in conflict therewith are hereby repealed to the extent of any such conflict.

SECTION SEVEN:

That any Section or provisions of this Ordinance that is construed to be invalid or void shall not affect the remaining Sections or provisions which shall remain in full force and effect thereafter.

PASSED by the City Council of the City of Aurora, Illinois on this 26th day of March, 2019

Prepared by:
Richard J. Veenstra
Corporation Counsel
City of Aurora Law Department
44 East Downer Place
Aurora, IL 60507

ORDINANCE NO. 019.014
DATE OF PASSAGE March 26, 2019

Exhibits Attached:

Time Line

A-1 Cover Page & Site Map

A-Legal Description

B-Legal Notice of Hearing

C-Affidavit of Notice of Service

D-Waiver of Objection

E-Aerial Map of Site Location

ORDINANCE NO. 019-014
DATE OF PASSAGE March 26, 2019

PASSED AND APPROVED ON March 26, 2019

AYES 11 NAYS 0 NOT VOTING 0 ABSENT 1

ATTEST:

Wendy M. Lambides
City Clerk

[Signature]
Mayor

19-0189

RECOMMENDATION

TO: THE COMMITTEE OF THE WHOLE

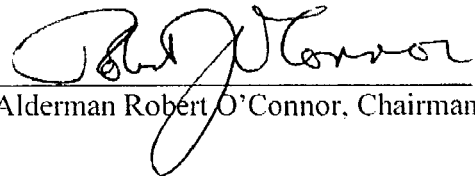
FROM: THE FINANCE COMMITTEE

The Finance Committee at the regular scheduled meeting on **Tuesday, March 12, 2019**

Recommended **APPROVAL** of an Ordinance Proposing the Establishment of a Special Service Area Number #197, Aurora University 2nd Resubdivision, (347 S. Gladstone Avenue) Aurora, Illinois, Kane County and providing for a public hearing and other procedures in connection therewith.

Vote 3-0

Submitted By


Alderman Robert O'Connor, Chairman

Alderman Ted Mesiacos


Alderman Edward Bugg

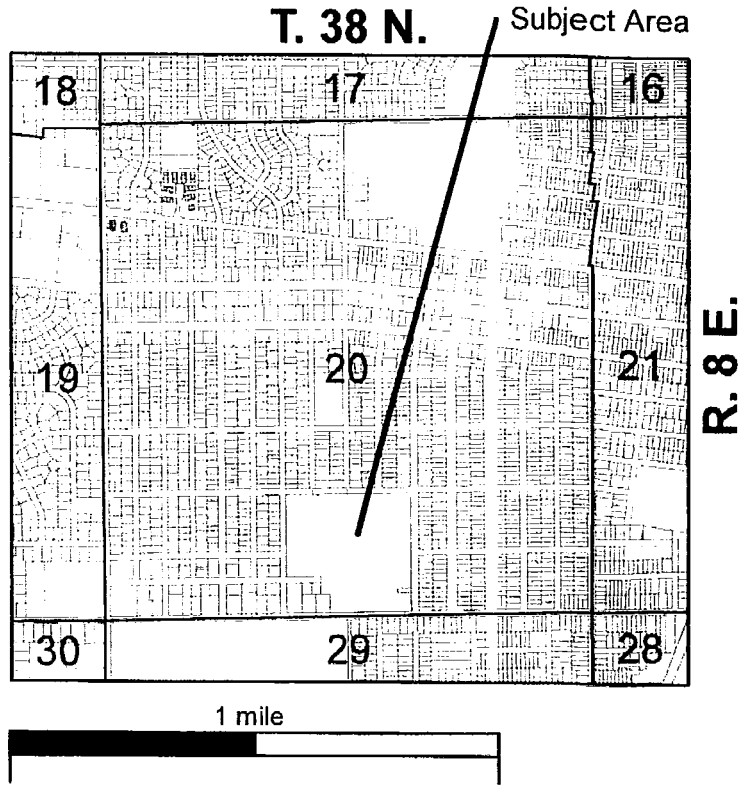

Alderman Rick Mervine, alternate

Dated this 12th day of March, 2019

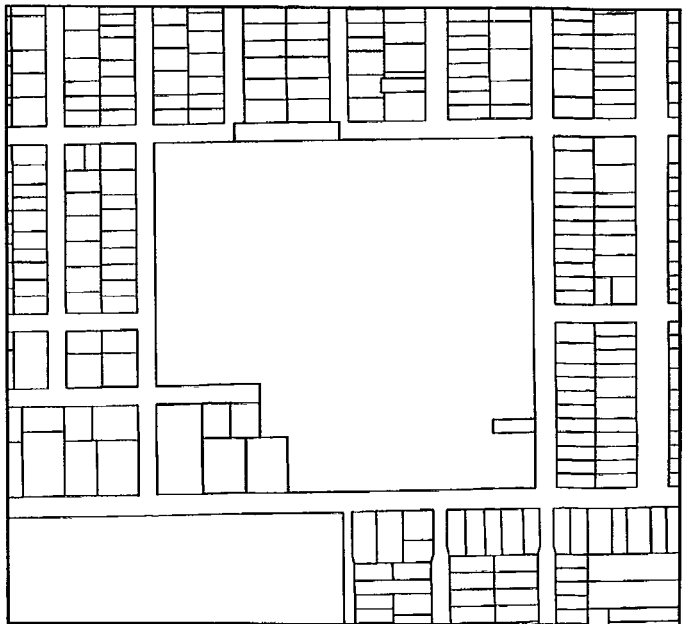
Legal Description

Lot 1 in Aurora University 2nd Resubdivision,
City of Aurora, Kane County, Illinois,
as recorded in Kane County as
Document Number 2019K005781.

Locator Map



Actual Area



PIN(s)

- 15-20-382-006
- 15-20-382-011
- 15-20-382-012
- 15-20-382-020
- 15-20-451-006
- 15-20-454-019

Common Address

347 S. Gladstone Av.



EXHIBIT "A"
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LEGAL DESCRIPTION

AURORA UNIVERSITY

LOT 1 IN AURORA UNIVERSITY 2ND RESUBDIVISION, CITY OF AURORA,
KANE COUNTY, ILLINOIS AS RECORDED IN KANE COUNTY AS DOCUMENT
NUMBER 2019K005781.

PIN: 15-20-382-006; 15-20-382-011; 15-20-382-012; 15-20-382-020; 15-20-451-006;
AND 15-20-454-019

PROPERTY ADDRESS: 347 S. Gladstone Avenue, Aurora, Illinois

City Clerk
City of Aurora
44 East Downer Place
Aurora, Illinois 60507
(630) 256-3070

EXHIBIT "B"

**NOTICE OF HEARING
CITY OF AURORA
SPECIAL SERVICE AREA NUMBER 197
AURORA UNIVERSITY 2ND RESUBDIVISION
347 S. GLADSTONE AVENUE, AURORA, ILLINOIS
KANE COUNTY**

NOTICE IS HEREBY GIVEN that on the 28th day of May, 2019 at 6:00 p.m., in the City Council Chambers of the City Hall, 44 East Downer Place, Aurora, Illinois, a hearing will be held by the City Council of the City of Aurora to consider the establishment of a Special Service Area consisting of the following described territory:

SEE ATTACHED EXHIBIT "A"

SECTION TWO:

The purpose of the formation of SPECIAL SERVICE AREA NUMBER 197 in general is to provide for the maintenance and repair of the onsite stormwater retention, detention and drainage controls and common areas, in said Area, all in accordance with the final plat of subdivision or final approved engineering plans for the Area, and the proposed municipal services are unique and are in addition to the improvements and services provided and/or maintained by the City generally. It is hereby determined by the City Council that the establishment of said special service area is desirable and necessary to provide the special services to the said area.

SECTION THREE:

At the hearing, all persons affected will be given an opportunity to be heard. At the hearing, there will be considered the levy of an annual tax in the proposed SPECIAL SERVICE AREA NUMBER 197 by the City of Aurora of not to exceed an annual rate of 1.10 one-hundredths percent (\$1.10 being 110 cents per \$100.00 of the equalized assessed value of the property) sufficient to produce revenues to provide the special services. Said tax to be levied for an indefinite period of time from and after the date of the Ordinance establishing said Area. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Said levies are intended to produce an amount annually to pay for the cost for said special services. 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 owner as the case may be) fails to maintain or repair the aforesaid required items or provide said special services and the City is forced to assume said responsibilities. The hearing may be adjourned by the City 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.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the proposed SPECIAL SERVICE AREA NUMBER 197 and by at least fifty-one percent (51%) of the owners of record of the land included within the boundaries of the proposed Area is filed with the City Clerk within sixty (60) days following the final adjournment of the public hearing objecting to the establishment of the Area, the enlargement thereof, or the levy or imposition of a tax for the provision of special services to the Area, no such Area may be established or enlarged, or tax levied or imposed.

EXHIBIT "A"
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LEGAL DESCRIPTION

AURORA UNIVERSITY

LOT 1 IN AURORA UNIVERSITY 2ND RESUBDIVISION, CITY OF AURORA,
KANE COUNTY, ILLINOIS AS RECORDED IN KANE COUNTY AS DOCUMENT
NUMBER 2019K005781.

PIN: 15-20-382-006; 15-20-382-011; 15-20-382-012; 15-20-382-020; 15-20-451-006;
AND 15-20-454-019

PROPERTY ADDRESS: 347 S. Gladstone Avenue, Aurora, Illinois

City Clerk
City of Aurora
44 East Downer Place
Aurora, Illinois 60507
(630) 256-3070

EXHIBIT "C"

AFFIDAVIT OF SERVICE OF NOTICE

Laura Schindel, after first being sworn under oath, states and deposes that she caused a copy of the within Notice of Hearing for Special Service Area No. 197 to be duly sent by mail, proper postage prepaid on or before May 13, 2019, to the person or persons, or his/her authorized Power of Attorney, 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 proposed Special Service Area 197. In the event that taxes for the last preceding year were not paid, notice was sent to the person or persons last listed on the tax rolls prior to that year as the owner of said property, for the property described in said Notice to wit:

Dated this 13th day of May, 2019.

Laura Schindel

Subscribed and sworn to before me
this 13th day of May, 2019.

Notary Public

LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 1 IN AURORA UNIVERSITY 2ND RESUBDIVISION, CITY OF AURORA,
KANE COUNTY, ILLINOIS AS RECORDED IN KANE COUNTY AS DOCUMENT
NUMBER 2019K005781.

PIN: 15-20-382-006; 15-20-382-011; 15-20-382-012; 15-20-382-020; 15-20-451-006;
AND 15-20-454-019

PROPERTY ADDRESS: 347 S. Gladstone Avenue, Aurora, Illinois

EXHIBIT "D"

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

WAIVER OF OBJECTION SSA #197

**SPECIAL SERVICE AREA NUMBER #197
AURORA UNIVERSITY 2nd RESUBDIVISION
347 S. Gladstone, Aurora, Illinois 60506**

Aurora University, an Illinois not-for-profit corporation, the owner of record of the property, which is legally described in the attached, Exhibit "A", consents to the establishment of SPECIAL SERVICE AREA #197, and waives any right of objection it may have to the creation of this Special Service Area pursuant to 35 ILCS 200/27-55.

Upon passage of SPECIAL SERVICE AREA #197, the previous Ordinance creating SPECIAL SERVICE AREA #172 (O14-005 2/25/14) will be rescinded.

Aurora University, an Illinois not-for-profit corporation

Signature: _____

Print: _____

Title: _____

SUBSCRIBED and SWORN
to before me this ____th day of
March, 2019.

Notary Public

LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 1 IN AURORA UNIVERSITY 2ND RESUBDIVISION, CITY OF AURORA,
KANE COUNTY, ILLINOIS AS RECORDED IN KANE COUNTY AS DOCUMENT
NUMBER 2019K005781.

PIN: 15-20-382-006; 15-20-382-011; 15-20-382-012; 15-20-382-020; 15-20-451-006;
AND 15-20-454-019

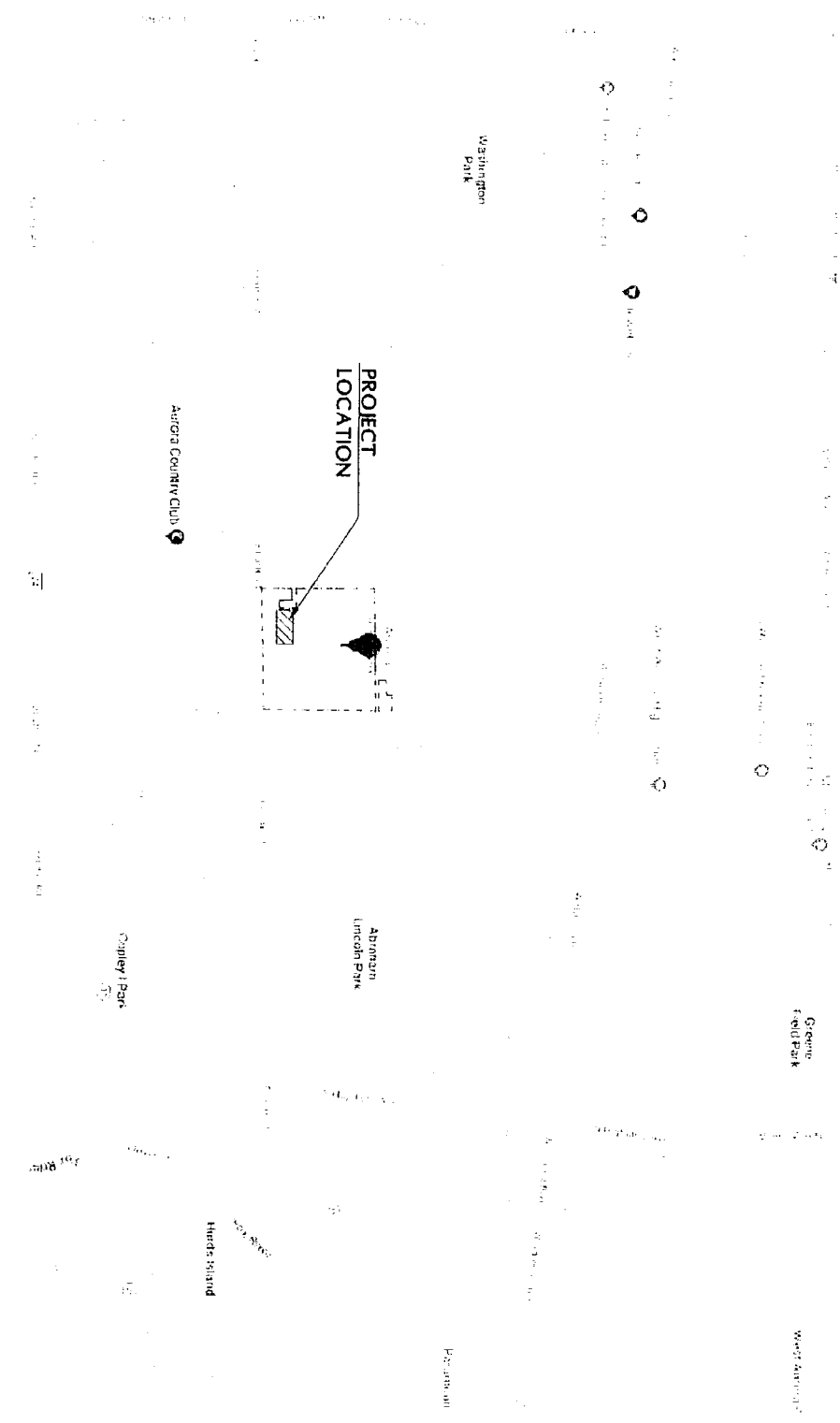
PROPERTY ADDRESS: 347 S. Gladstone Avenue, Aurora, Illinois

NORTH



LOCATION MAP

SCALE: NTS



AURORA UNIVERSITY - SOUTHLAWN PARKING DECK		PROJECT NUMBER	18-302
CORDOGAN, CLARK & ASSOCIATES, INC. ARCHITECTS · ENGINEERS		DATE	10.15.2018
960 RIDGEWAY AVENUE · AURORA, ILLINOIS 60506	716 NORTH WELLS STREET · CHICAGO, ILLINOIS 60610	SHEET	MAP 01