

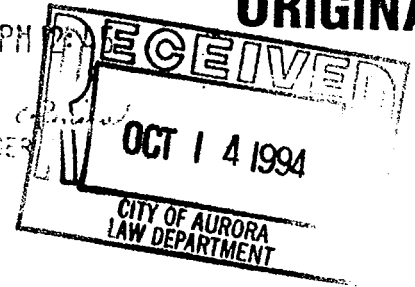
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05/24/94

Lynda M. [unclear]
RECORDED



CITY OF AURORA, ILLINOIS
ORDINANCE NO. 094-93
DATE OF PASSAGE SEPTEMBER 6, 1994

AN ORDINANCE TO ESTABLISH A SPECIAL SERVICE AREA NUMBER ONE
IN THE CITY OF AURORA FOLLOWING NOTICE
AND PUBLIC HEARING 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, 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 Act (35 ILCS235/1) and the Revenue Act of 1939 (35 ILCS205/1); and

WHEREAS, a former City of Aurora Special Service Area Number One was established by Ordinance No. 4579, adopted December 7, 1976, and reestablished as Special Service Area Number 1-A by Ordinance No. 079-4853, adopted November 27, 1979; and

WHEREAS, the City of Aurora desires to establish such an Area as hereinafter described;

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

Section One: (a) That it is in the public interest that the territory hereinafter described in the Notice referred to in Section Four hereof be established as a Special Service Area for the purposes set forth herein. An accurate map of said territory is attached hereto as Exhibit "A-1".

(b) That said Area is compact and contiguous and constitutes a principal commercial and residential area of the City of Aurora.

(c) That said Area is principally zoned for commercial and residential purposes and will benefit specially from the municipal services to be provided and that 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 interest of said Area and the City of Aurora as a whole that special taxes be levied against said Area for the services to be provided.

PREPARED BY:

AFTER RECORDING RETURN TO:
CITY CLERK'S OFFICE
44 EAST DOWNER PLACE
AURORA, IL 60507

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(C)

(d) Therefore, that City of Aurora Special Service Area Number One be and is hereby established for and with regard to the above said territory.

(e) Further, that City contracts with the hereinbelow described organization are hereby authorized from time to time for the purpose of achieving the goals hereinbelow delineated.

Section Two: That the purpose of City of Aurora Special Service Area Number One is to provide special municipal services for said Area to achieve the following goals:

- GOAL 1: Create, fund and staff a downtown management and development organization, which will be an Illinois not-for-profit corporation.
- GOAL 2: Assist business and property owners to enhance and maintain a safe, secure, clean and hospitable business environment.
- GOAL 3: Attract anchors and other complementary businesses to downtown.
- GOAL 4: Plan, coordinate and monitor capital improvement projects for downtown.
- GOAL 5: Identify and work with business and property owners to encourage business growth and property improvements.
- GOAL 6: Design and implement a unified marketing plan.
- GOAL 7: Create programs to facilitate the funding of projects important to downtown.
- GOAL 8: Such other programs and purposes as are related with and/or incidental to the previous goals.

These goals are in addition to the services provided by the City generally. Annual taxes shall be assessed and levied for said special municipal services in said Area, on property in said Area in addition to all other municipal taxes; provided that the special annual tax shall be levied upon the equalized assessed value of the property in said Area in an amount of not to exceed an annual rate of one percent (1%) of said value. This tax shall be levied for a period of eight (8) consecutive years commencing during and in the years subsequent to the date of this Ordinance. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Revenue Act of 1939.

However, any person or entity owning one or more parcels within such Area whose total annual tax liability for said tax hereunder exceeds \$15,000.00 shall be entitled to receive a rebate from the City in the amount of such excess, provided such person or entity shall annually apply for such excess rebate not later than the due date of the second property tax installment, with payment of the rebate to be within thirty (30) days thereafter. Such specified limiting amount of \$15,000.00 shall be annually adjusted in accordance with the Revised Consumer Price Index for Urban Wage Earners for Chicago issued by the Bureau of Labor Statistics of the U. S. Department of Labor, to be adjusted on each January 1st commencing January 1, 1995.

Additionally, the maximum annual levies for Special Service Area Numbers 15 and 16 shall each be hereafter limited by the City administratively, to a maximum rate of two percent (2%) from the commencement of the levies hereunder, for the duration of this Area or the respective established Areas, whichever earlier occurs.

Section Three: That a public hearing has been held on the 5th day of July, 1994, at 7:00 p.m. in the Council Chambers of the City Hall, 44 East Downer Place, Aurora, Illinois with regard to the establishment of City of Aurora Special Service Area Number One for the territory described in the Notice referred to in Section Four hereof. At the hearing, there was considered the levy of an annual tax as described and limited in Section Two hereof.

Section Four: That notice of hearing was published on the 20th day of June, 1994, being 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. Said Notice was mailed on June 24, 1994, being not less than ten (10) days prior to 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. Notice was published in the form described by Exhibit "B" attached hereto.

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

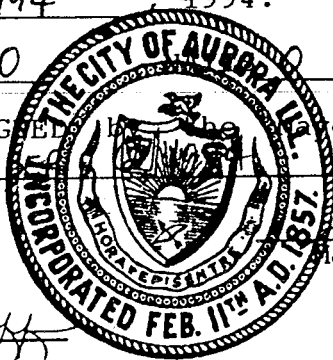
Section Six: That all ordinances or parts of ordinances thereof in conflict herewith are hereby repealed to the extent of any such conflict.

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 SEPTEMBER 6, 1994 1994.

AYES 10

APPROVED and SIGNED by _____ Mayor of the City of Aurora, Illinois, on SEPTEMBER 6, 1994.



Mayor David L. Pierce

ATTEST:

Christina Conroy

BOUNDARY DESCRIPTION

EXHIBIT " A "

PAGE 1 OF 2

BEGINNING AT THE CENTERLINE, CENTERLINE INTERSECTION OF SPRUCE ST. AND RIVER ST.; THENCE NORTHERLY ALONG THE CENTERLINE OF RIVER ST. TO THE CENTERLINE INTERSECTION OF CEDAR ST.; THENCE EASTERLY ALONG THE EASTERLY PROLONGATION OF SAID CEDAR ST. CENTERLINE TO THE CENTERLINE OF THE FOX RIVER; THENCE SOUTHERLY ALONG SAID CENTERLINE OF THE FOX RIVER TO A POINT OF INTERSECTION BETWEEN SAID CENTER LINE AND A LINE WHICH IS A PROLONGATION OF THE NORTHERLY LINE OF SPRING ST. EXTENDED WESTERLY; THENCE EASTERLY ALONG THE PREVIOUSLY DESCRIBED NORTHERLY LINE OF SPRING ST. TO THE CENTERLINE OF THE BURLINGTON NORTHERN RIGHT-OF-WAY; THENCE SOUTHERLY ALONG SAID CENTERLINE TO A POINT OF INTERSECTION WITH THE CENTERLINE OF EAST NEW YORK ST.; THENCE EASTERLY ALONG SAID CENTERLINE OF EAST NEW YORK ST. TO A POINT OF INTERSECTION WITH THE CENTERLINE OF LINCOLN AVE.; THENCE SOUTHERLY ALONG SAID CENTERLINE OF LINCOLN AVE. TO A POINT OF INTERSECTION WITH THE CENTERLINE OF CLARK ST.; THENCE WESTERLY ALONG SAID CENTERLINE OF CLARK ST. TO THE EAST BANK OF THE FOX RIVER; THENCE SOUTHERLY ALONG SAID EAST BANK TO A POINT OF INTERSECTION BETWEEN SAID EAST BANK AND A LINE WHICH IS A PROLONGATION OF THE SOUTHERLY LINE OF HOLBROOK'S ADDITION TO AURORA EXTENDED EASTERLY; THENCE WESTERLY ALONG THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF HOLBROOK'S ADDITION TO THE WEST BANK OF THE FOX RIVER; THENCE NORTHERLY ALONG SAID WEST BANK TO THE S.E. CORNER OF LOT 1 IN BLOCK 2 OF WEST AURORA; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 1 TO THE CENTERLINE OF RIVER ST.; THENCE SOUTHERLY ALONG SAID CENTERLINE TO A POINT OF INTERSECTION BETWEEN THE CENTERLINE OF RIVER ST. AND A LINE WHICH IS A PROLONGATION OF THE SOUTHERLY LINE OF LOT 3 IN BLOCK 3 OF WEST AURORA EXTENDED EASTERLY, SAID LINE TO BE HEREAFTER KNOWN AS LINE "A"; THENCE WESTERLY ALONG LINE A EXTENDED WESTERLY TO THE INTERSECTION OF THE CENTERLINE OF LAKE ST.; THENCE NORTHERLY ALONG SAID CENTERLINE TO THE S.E. CORNER OF ANNENBERG'S. J.D. SUB.; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SUBDIVISION TO THE S.W. CORNER OF LOT 10 IN SAID SUBDIVISION; THENCE NORTHERLY ALONG THE WEST LINE OF LOT 10 AND THE WEST LINE EXTENDED NORTHERLY TO THE CENTERLINE OF BENTON ST.; THENCE EASTERLY ALONG SAID CENTERLINE TO THE S.W. CORNER OF ASSESSOR'S SUB.; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID SUBDIVISION TO THE NORTH LINE OF BENTON ST.; THENCE EASTERLY ALONG THE NORTH LINE OF BENTON ST. TO A POINT THAT IS 160.0 FEET WESTERLY OF THE INTERSECTION OF THE NORTH LINE OF BENTON ST. AND THE WEST LINE OF LAKE ST.; THENCE NORTHERLY ALONG A LINE THAT IS 160.0 FEET WESTERLY OF AND PARALLEL WITH THE WEST LINE OF LAKE ST. 74.0 FEET; THENCE WESTERLY ALONG A LINE THAT IS 74.0 FEET NORTHERLY OF AND PARALLEL WITH THE NORTH LINE OF BENTON ST. TO THE WEST LINE OF ASSESSOR'S SUB.; THENCE NORTHERLY ALONG SAID WEST LINE TO THE N.W. CORNER OF SAID SUB.;

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EXHIBIT " A "

PAGE 2 OF 2

THENCE EASTERLY ALONG THE NORTH LINE OF SAID SUB. 62.7 FEET TO THE S.E. CORNER OF LOT 6 IN BLOCK 2 OF STOLP'S J.G. SUB OF BLOCK 8; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 6 TO THE N.W. CORNER OF LOT 4 IN BLOCK 9 OF STOLP'S J.G. SUB OF BLOCK 8; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 4, 67.0 FEET; THENCE NORTHERLY ALONG A LINE THAT IS 90.0 FEET WESTERLY OF AND PARALLEL WITH THE WEST LINE OF LAKE ST., 44.0 FEET; THENCE NORTHERLY TO A POINT ON THE SOUTH LINE OF DOWNER PLACE THAT IS 93.0 FEET EASTERLY OF THE N.E. CORNER OF LOT 6 IN BLOCK 2 OF STOLP'S J.G. SUB OF BLOCK 8; THENCE NORTHERLY TO A POINT ON THE NORTH LINE OF DOWNER PLACE THAT IS 90.0 FEET EASTERLY OF THE S.W. CORNER OF LOT 8 IN STOLP'S J.G. SUB OF BLOCK 8; THENCE NORTHERLY ALONG A LINE THAT IS PERPENDICULAR TO THE LAST DESCRIBED COURSE, 145.2 FEET, TO A POINT ON THE SOUTH LINE OF LOT 8 IN ASSESSOR'S SUB.; THENCE EASTERLY ALONG SAID SOUTH LINE TO THE S.E. CORNER OF SAID LOT 8; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 8 24.0 FEET; THENCE EASTERLY ALONG THE SOUTH LINE OF A PARCEL HAVING THE TAX I.D. NUMBER OF 1522303004 SAID PARCEL TO BE HEREAFTER KNOWN AS PARCEL "A", 36.0 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 13.0 FEET; THENCE EASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 7.0 FEET; THENCE NORTHERLY ALONG THE EAST LINE OF PARCEL A, TO A POINT ON THE SOUTH LINE OF LOT 7 IN STOLP'S J.G. SUB OF BLOCK 8; THENCE EASTERLY ALONG SAID SOUTH LINE TO THE S.E. CORNER OF SAID LOT; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 7 TO A POINT ON THE SOUTH LINE OF GALENA BLVD. THAT IS THE N.E. CORNER OF SAID LOT 7; THENCE NORTHEASTERLY TO A POINT ON THE NORTH LINE OF GALENA BLVD. THAT IS THE S.E. CORNER OF LOT 4 IN BLOCK 3 OF WILDER'S AMENDED ADD. COMPLETED, SAID ADD. TO HEREAFTER BE KNOWN AS ADD. "B"; THENCE NORTHERLY ALONG THE EAST LINE OF LOT 4 AND LOT 10 OF SAID ADD. B TO THE N.W. CORNER OF LOT 7 OF SAID ADD. B; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 7, 20.0 FEET TO THE S.W. CORNER OF LOT 8 IN SAID ADD. B; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 8 64.23 FEET; THENCE EASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 40.03; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 67.7 FEET TO A POINT ON THE SOUTH LINE OF WEST NEW YORK ST THAT IS 104.0 FEET WESTERLY OF THE POINT OF INTERSECTION OF SAID SOUTH LINE AND THE WEST LINE OF LAKE ST.; THENCE NORTHERLY TO A POINT ON THE NORTH LINE OF WEST NEW YORK ST. THAT IS THE S.W. CORNER OF LOT 1 IN BLOCK 5 OF ADD. B; THENCE NORTHERLY ALONG A LINE THAT IS 133.67 FEET WESTERLY OF AND PARALLEL WITH THE WEST LINE OF LAKE ST., 333.0 FEET TO A POINT ON THE CENTERLINE OF SPRUCE ST.; THENCE EASTERLY ALONG SAID CENTERLINE TO A POINT OF INTERSECTION BETWEEN THE CENTERLINE OF SPRUCE ST. AND THE CENTERLINE OF RIVER ST., SAID POINT OF INTERSECTION BEING THE POINT OF BEGINNING. ALL IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS.

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STATE OF ILLINOIS)
COUNTIES OF KANE AND DUPAGE)
CITY OF AURORA)

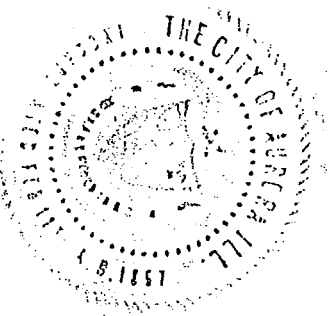
Lynda M. Rivera
RECORDER
OCT 31 1994

CERTIFICATE

I, Cheryl M. Vonhoff, DO HEREBY CERTIFY THAT I am the City Clerk of the City of Aurora, Kane and DuPage Counties, Illinois, and as such officer, have the lawful power and duty to keep an index and record of all proceedings of the City Council of said City, and of all Ordinances and Resolutions presented to or passed by said City Council.

I DO HEREBY FURTHER CERTIFY that the attached document is a true, correct and complete copy of a revised map for Special Service Area Number One as established by Ordinance No. 094-93, recorded in the office of the Kane County Recorder of Deeds on September 28, 1994, as Document No. 94K073885, and filed with the Kane County Clerk on said date, and that the proceedings by the City Council of said City in adopting said Ordinance at a meeting duly called and held on September 6, 1994, were in accordance with applicable law, at which a quorum was present and acting throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Aurora, in the State of Illinois, this 11th day of October, 1994.



Cheryl M. Vonhoff by
Cheryl M. Vonhoff, City Clerk
City of Aurora

Darlene R. Surman
Dep. City Clerk

Prepared by and return to:
Steven L. Kadden, Esq.
City of Aurora
Law Department
44 East Downer Place
Aurora, IL 60507-2067
(708) 844-3614

pd
1500

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EXHIBIT "A-1"

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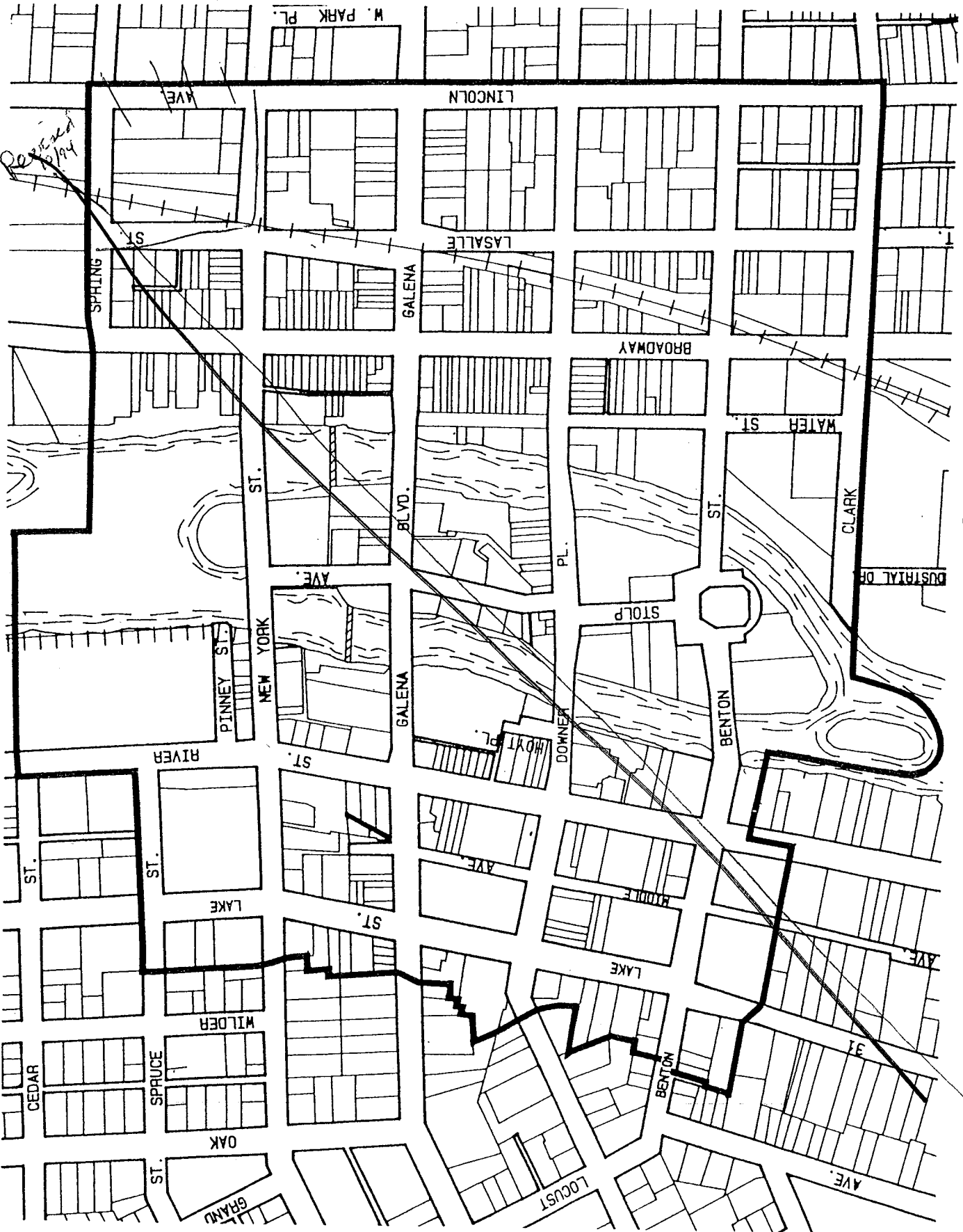
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Bring in

0702 0447

SPECIAL SERVICE AREA NUMBER ONE



PREPARED BY: PLANNING DIVISION, CITY OF AURORA, ILLINOIS, 1994.

EXHIBIT "B"

NOTICE OF HEARING
CITY OF AURORA
SPECIAL SERVICE AREA NUMBER ONE

NOTICE IS HEREBY GIVEN that on July 5, 1994, at 7:00 p.m., in the 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 Number One consisting of the following described territory:

SEE EXHIBIT "A"

The approximate street location is as follows:

All of that territory in and adjacent to the City's central business district which is bounded on the east by Lincoln Avenue south of New York Street and by the railroad tracks north to Spring Street; on the south by Clark Street east of the Fox River and by the properties on the south side of Benton Street west of the Fox River (including Island No. 138); on the west by the properties generally on the west side of Lake Street; and on the north by East New York Street east of the railroad tracks, by Spring Street, extended, west of the railroad tracks and east of the Fox River, by Cedar Street, extended, west of the Fox River to River Street, and by Spruce Street west of River Street.

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

All interested persons affected by the formation of Aurora Special Service Area Number One will be given an opportunity to be heard regarding the boundaries of said Area and may object to the formation of said Area and the levy of taxes affecting said Area.

The purpose of the formation of Aurora Special Service Area Number One in general is to provide for services to achieve the below designated goals in said Area in addition to the services provided and/or maintained by the City generally:

- GOAL 1: CREATE, FUND AND STAFF A DOWNTOWN MANAGEMENT AND DEVELOPMENT ORGANIZATION, WHICH WILL BE AN ILLINOIS NOT-FOR-PROFIT CORPORATION.
- GOAL 2: ASSIST BUSINESS AND PROPERTY OWNERS TO ENHANCE AND MAINTAIN A SAFE, SECURE, CLEAN AND HOSPITABLE BUSINESS ENVIRONMENT.
- GOAL 3: ATTRACT ANCHORS AND OTHER COMPLEMENTARY BUSINESSES TO DOWNTOWN.
- GOAL 4: PLAN, COORDINATE AND MONITOR CAPITAL IMPROVEMENT PROJECTS FOR DOWNTOWN.
- GOAL 5: IDENTIFY AND WORK WITH BUSINESS AND PROPERTY OWNERS TO ENCOURAGE BUSINESS GROWTH AND PROPERTY IMPROVEMENTS.

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- GOAL 6: DESIGN AND IMPLEMENT A UNIFIED MARKETING PLAN.
GOAL 7: CREATE PROGRAMS TO FACILITATE THE FUNDING OF
PROJECTS IMPORTANT TO DOWNTOWN.
GOAL 8: SUCH OTHER PROGRAMS AND PURPOSES AS ARE RELATED
WITH AND/OR INCIDENTAL TO THE PREVIOUS GOALS.

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 of not to exceed an annual rate of one percent (1%) of the equalized assessed value of the property in said Area, said taxes to be levied for a period of eight (8) consecutive years commencing from and pursuant to 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 Revenue Act of 1939. 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.

However, any person or entity owning one or more parcels within the proposed Area whose total annual tax liability for said tax hereunder exceeds \$15,000.00 shall be entitled to receive a rebate from the City in the amount of such excess, provided such person or entity shall annually apply for such excess rebate not later than the due date of the second property tax installment, with payment of the rebate to be within thirty (30) days thereafter. Such specified limiting amount of \$15,000.00 shall be annually adjusted in accordance with the Revised Consumer Price Index for Urban Wage Earners for Chicago issued by the Bureau of Labor Statistics of the U. S. Department of Labor, to be adjusted on each January 1st commencing January 1, 1995.

Additionally, the maximum annual levies for Special Service Area Numbers 15 and 16 shall each be hereafter limited to a maximum rate of two percent (2%) from the commencement of the levies hereunder, for the duration of this Area or the respective established Areas, whichever earlier terminates.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the proposed Area 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 thereof, or the levy or imposition of a tax for the provision of special services to the proposed Area, no such Area may be established, or tax levied or imposed.

Dated this 6TH day of SEPTEMBER, 1994.

SIGNED BY:

Cheryl M. Vankhoff
City Clerk

11962 0559



OFFICE OF THE MAYOR
CITY OF AURORA

DAVID L. PIERCE
MAYOR

September 6, 1994

Mr. Hal Beebee, Chairman
Aurora Downtown
40 West Downer Place
Aurora, Illinois 60506

Re: LETTER OF DESIGNATION AND INTENT

Dear Mr. Beebee:

This Letter of Designation and Intent is being directed to you on behalf of the Board of Directors of Aurora Downtown as successor not-for-profit corporation to the former Aurora Downtown Redevelopment Corporation.

The City concurrent herewith has passed and approved "An Ordinance to Establish a Special Service Area Number One in the City of Aurora Following Notice and Public Hearing in Connection Therewith". The purpose of this correspondence is to specifically designate Aurora Downtown as the organization described in Section 1(e) and Section 2 (Goal 1) of said Ordinance. It is our intent to finalize details of an agreement with Aurora Downtown for specific services and financial support thereof, at a mutually agreed upon future date.

At this time it is the intent of the parties that the City will transfer all amounts levied in SSA Number One during the eight (8) year tenure, to Aurora Downtown in order to achieve the goals and related purposes specified in Section 2 of the Ordinance, along with such other monies as may from time to time be coordinative therewith.

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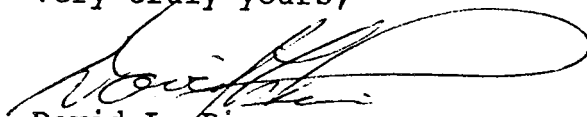
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Mr. Hal Beebee, Chairman
September 7, 1994
Page 2

It is understood that in the near future, the parties will continue to make final arrangements for the specific services of Aurora Downtown in relation to the purposes hereinabove described and for the funding details concerning those services. It is further understood that a starter loan from the City to Aurora Downtown with regard to said purposes, is being finalized through separate documentation.

Very truly yours,


David L. Pierce
Mayor

Accepted:

Aurora Downtown
An Illinois Not-For-Profit Corporation

By Hal Beebee II
Chairman

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