



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 019-015  
DATE OF PASSAGE MARCH 26, 2019

An Ordinance Proposing the Establishment of a Special Service Area Number #198, Butterfield Phase II, Unit 4B, Lots 19, 401, 403, (Vacant Lots: 2350 Frieder Lane) Aurora, Illinois, DuPage 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, 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 PPD (Planned Development District) 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. 019.015  
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 198 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 198. 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 198. 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 198  
Butterfield Phase II, Unit 4B, Lots 19, 401, 403  
(Vacant lots 2350 Frieder Lane)  
AURORA, ILLINOIS  
DuPAGE 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 198 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 198 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 198 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.

SECTION FOUR:

The approximate location is vacant lots 2350 Frieder Lane, Aurora, DuPage County, Illinois.

ORDINANCE NO. 019.015  
DATE OF PASSAGE March 26, 2019

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 198 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

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. 019-015  
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 Cambridge  
City Clerk

[Signature]  
Mayor

19-0190

**R E C O M M E N D A T I O N**

TO: THE COMMITTEE OF THE WHOLE

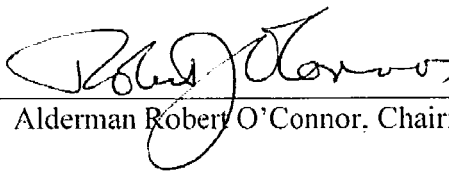
FROM: THE FINANCE COMMITTEE

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 #198, Butterfield Phase II, Unit 4B, Lots 19, 401, 403, (Vacant Lots: 2350 Frieder Lane) Aurora, Illinois, DuPage County and providing for a public hearing and other procedures in connection therewith.

Vote 3-0

Submitted By

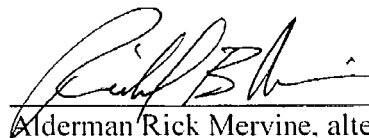


Alderman Robert O'Connor, Chairman

Alderman Ted Mesiacos



Alderman Edward Bugg



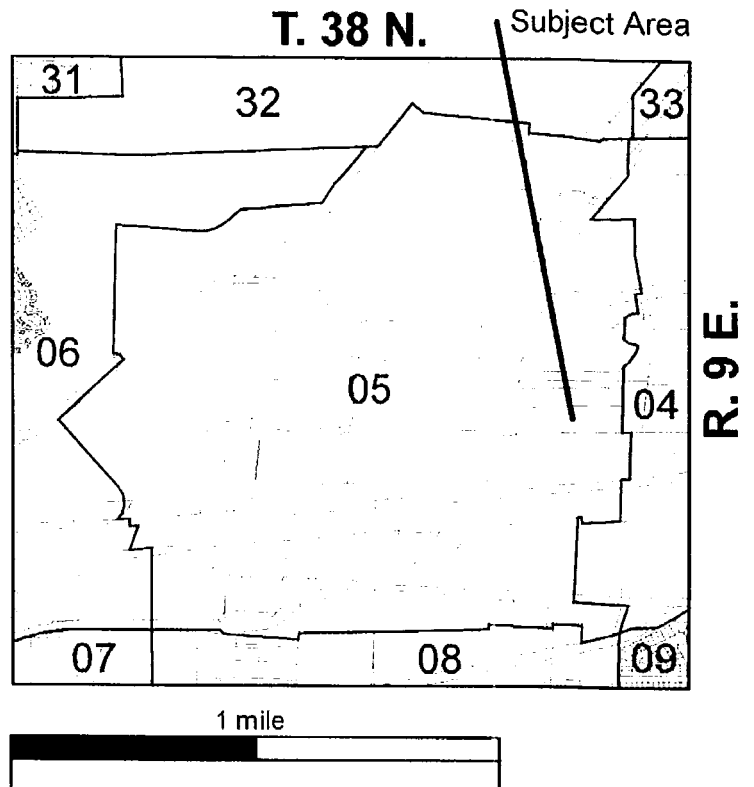
Alderman Rick Mervine, alternate

Dated this 12<sup>th</sup> day of March, 2019

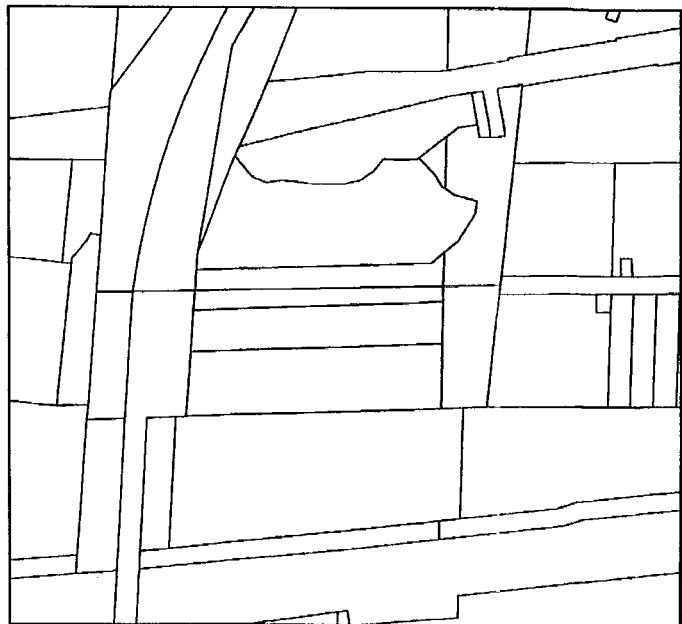
### Legal Description

LOTS 19, 401 AND 403 OF BUTTERFIELD PHASE II UNIT 4B, CITY OF AURORA, DUPAGE COUNTY, ILLINOIS, AS RECORDED IN DUPAGE COUNTY AS DOCUMENT NUMBER R2019-010583.

### Locator Map



### Actual Area



### PIN(s)

07-04-102-018 (part of)  
07-04-300-021  
07-05-203-007  
07-05-403-003  
07-05-403-008  
07-05-403-009  
07-05-403-010

### Common Address

2350 Frieder Ln.  
Vacant Lots



**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF SUBJECT PROPERTY**

**LEGAL DESCRIPTION**

LOTS 19, 401 AND 403 BUTTERFIELD PHASE II UNIT 4B, CITY OF AURORA,  
DUPAGE COUNTY, ILLINOIS, AS RECORDED IN DUPAGE COUNTY AS  
DOCUMENT R2019-010583.

PIN(S):

07-04-102-018 (Part of)  
07-04-300-021  
07-05-203-007  
07-05-403-009  
07-05-403-010  
07-05-493-008  
07-05-403-003

Common Address: Vacant lots - 2350 Frieder Lane, Aurora, IL



**EXHIBIT "B"**

**NOTICE OF HEARING  
CITY OF AURORA  
SPECIAL SERVICE AREA NUMBER 198  
BUTTERFIELD PHASE II, UNIT 4B  
LOTS 19, 401, 403  
(VACANT LOTS: 2350 FRIEDER LANE)  
DUPAGE COUNTY, AURORA, ILLINOIS**

**NOTICE IS HEREBY GIVEN** that on the 28<sup>th</sup> 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"**

The approximate location is vacant lots 2350 Frieder Lane, Aurora, DuPage County, Illinois 60563.

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

All interested persons affected by the formation of SPECIAL SERVICE AREA NUMBER 198 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.

The purpose of the formation of SPECIAL SERVICE AREA NUMBER 198 in general is to provide for the maintenance and repair of certain onsite stormwater detention, retention 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 are in addition to the improvements and services provided and/or maintained by the City generally.

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 198 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 198 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**  
**BUTTERFIELD PHASE II UNIT 4B**  
**LOTS 19, 401, 403**  
**(VACANT LOTS: 2350 FRIEDER LANE)**  
**AURORA, DUPAGE COUNTY, ILLINOIS**

**LEGAL DESCRIPTION**

LOTS 19, 401 AND 403 BUTTERFIELD PHASE II UNIT 4B, CITY OF AURORA, DUPAGE COUNTY, ILLINOIS, AS RECORDED IN DUPAGE COUNTY AS DOCUMENT R2019-010583.

PIN(S):

07-04-102-018 (Part of)  
07-04-300-021  
07-05-203-007  
07-05-403-009  
07-05-403-010  
07-05-493-008  
07-05-403-003

Common Address: Vacant lots - 2350 Frieder Lane, Aurora, IL

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



**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. 198 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 198. 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 13<sup>th</sup> day of May, 2019.

\_\_\_\_\_  
Laura Schindel

Subscribed and sworn to before me  
this 13<sup>th</sup> day of May, 2019.

\_\_\_\_\_  
Notary Public

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF SUBJECT PROPERTY**  
**BUTTERFIELD PHASE II UNIT 4B**  
**LOTS 19, 401, 403**  
**(VACANT LOTS: 2350 FRIEDER LANE)**  
**AURORA, DUPAGE COUNTY, ILLINOIS**

**LEGAL DESCRIPTION**

LOTS 19, 401 AND 403 BUTTERFIELD PHASE II UNIT 4B, CITY OF AURORA,  
DUPAGE COUNTY, ILLINOIS, AS RECORDED IN DUPAGE COUNTY AS  
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07-05-403-009  
07-05-403-010  
07-05-493-008  
07-05-403-003

Common Address: Vacant lots - 2350 Frieder Lane, Aurora, IL

**Exhibit "D"**

STATE OF ILLINOIS            )  
  ) SS  
COUNTY OF DUPAGE         )

**WAIVER OF OBJECTION SSA #198**

**SPECIAL SERVICE AREA NUMBER 198  
BUTTERFIELD PHASE II UNIT 4B  
LOTS 19, 401, 403  
(VACANT LOTS: 2350 FRIEDER LANE)  
AURORA, DUPAGE COUNTY, ILLINOIS**

Butterfield Lot 401 Owner LLC, a Delaware Limited Liability Company, the owner of record of the property, which is legally described in the attached, Exhibit "A", consents to the establishment of SPECIAL SERVICE AREA #198, and waives any right of objection it may have to the creation of this Special Service Area pursuant to 35 ILCS 200/27-55.

Butterfield Lot 401 Owner LLC, a Delaware  
Limited Liability Company

Signature: \_\_\_\_\_

Print: \_\_\_\_\_

Title: \_\_\_\_\_

SUBSCRIBED and SWORN  
to before me this \_\_\_\_<sup>th</sup> day of  
\_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public

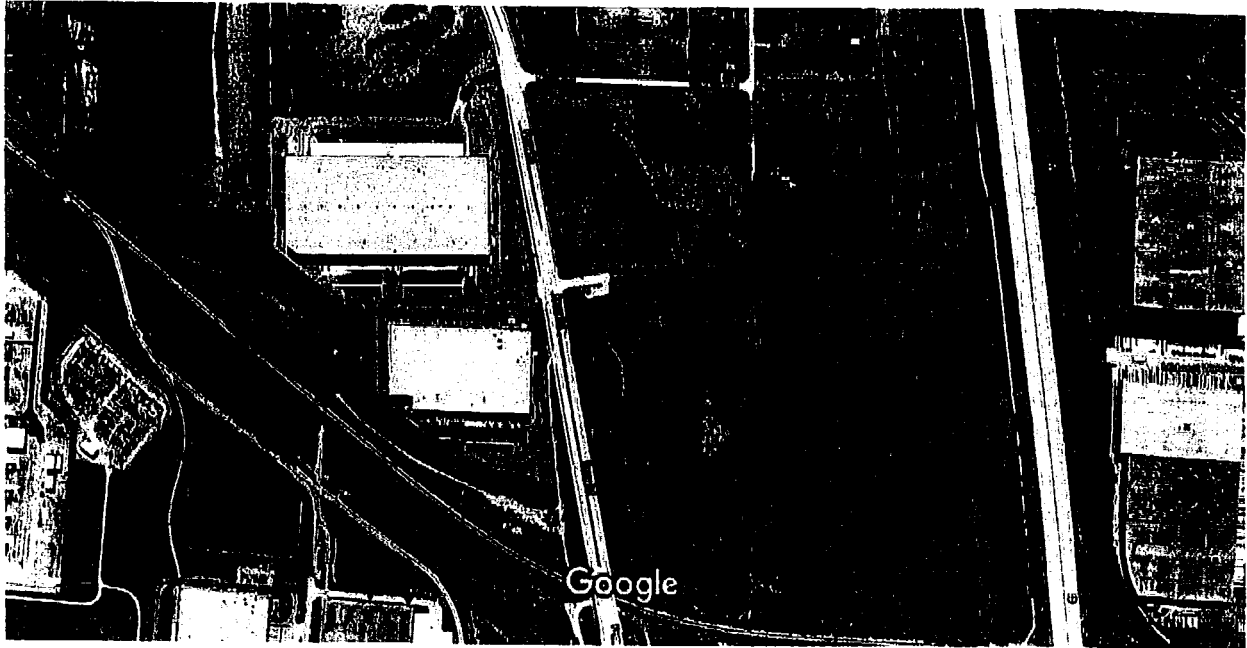
**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF SUBJECT PROPERTY**

LOTS 19, 401 AND 403 BUTTERFIELD PHASE II UNIT 4B, CITY OF AURORA,  
DUPAGE COUNTY, ILLINOIS, AS RECORDED IN DUPAGE COUNTY AS  
DOCUMENT R2019-010583.

PIN(S):

07-04-102-018 (Part of)  
07-04-300-021  
07-05-203-007  
07-05-403-009  
07-05-403-010  
07-05-493-008  
07-05-403-003

Common Address: Vacant lots - 2350 Frieder Lane, Aurora, IL



Imagery ©2019 Google, Map data ©2019 Google 200 ft