

ORIGINAL

**CITY OF AURORA
ORDINANCE NO. 099-47
AN ORDINANCE FOR THE ESTABLISHMENT OF
A SPECIAL SERVICE AREA NUMBER 34D
(MISTY CREEK)
(KENDALL COUNTY)
IN THE CITY OF AURORA
FOLLOWING NOTICE AND
PUBLIC HEARING IN CONNECTION THEREWITH**

WHEREAS, the City of Aurora is 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, the City of Aurora desires to establish such an area as hereinafter described; and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Aurora, 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 Special Service Area Number 34D for the purposes set forth herein. An accurate map of said territory is included in the Notice attached hereto as group Exhibit A and incorporated herein..
- (b) That said Area is compact and contiguous.
- (C) That said Area is zoned for single and multi-family residential purposes and will benefit specifically from the municipal services to be provided and that said 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.
- (d) Therefore, that City of Aurora Special Service Area Number 34D be and is hereby established for and with regard to the aforesaid territory.

SECTION TWO:

That the purpose of City of Aurora Special Service Area Number 34D is to provide special municipal improvements to said area which include reimbursement for the cost of constructing and financing a new elementary school (the "School Cost Reimbursement"), all as set forth in the School District and Fire Department Contribution Agreement attached hereto as Exhibit C and the proposed municipal services are unique and 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 not to exceed an annual rate of One Dollar (\$1.00) per One Hundred Dollars (\$1.00) of the equalized assessed valuation thereof. This tax shall be levied from and after the date of this Ordinance establishing said Area and until the School Cost Reimbursement is completed as hereinabove specified. 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. The City may annually levy hereunder up to the maximum rate specified herein for the cost for the said services, as said services become necessary and are provided for. The adoption of an Oswego School District 308 referendum could reduce the School Cost Reimbursement.

SECTION THREE:

That a public hearing has been held on June 22, 1999, at 7:00 p.m., in the City 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 34D 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 June 7, 1999, 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. 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 proposed Special Service Area Number 34D. Said notice was mailed as required by statute on or before June 11, 1999, 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 provided for 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 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 affect thereafter.

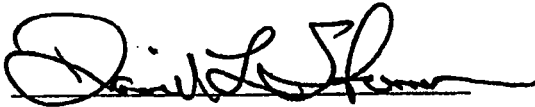
PASSED by the City Council of the City of Aurora, Illinois on June 22, 1999

AYES 10

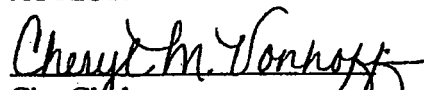
Nays 0

NOT VOTING 0

APPROVED AND SIGNED by the Mayor of the City of Aurora, Illinois on June 22, 1999.


MAYOR

ATTEST:


City Clerk

THIS DOCUMENT PREPARED BY:

Ronald O. Roeser
ROESER & VUCHA
Attorneys At Law
920 Davis Road
Elgin, Illinois 60123

AFTER RECORDING:

PLEASE RETURN TO
CITY CLERK'S OFFICE
44 East Downer Place
Aurora, IL 60507