

ORDINANCE NO. 012-058

AN ORDINANCE ESTABLISHING
CITY OF AURORA
SPECIAL SERVICE AREA NUMBER 164

BE IT ORDAINED by the Mayor and City Council of the City of Aurora, Kane, DuPage, Kendall and Will Counties, Illinois, as follows:

SECTION 1: AUTHORITY. City of Aurora Special Service Area Number 164 (hereinafter "Special Service Area Number 164") is established pursuant to the provisions of Article VII, Section 6 of the Constitution of the State of Illinois; and pursuant to the provisions of the Special Service Area Tax Law, 35 ILCS 200/27-5 *et seq.*

SECTION 2: FINDINGS.

- A. The question of the establishment of the area hereinafter described as Special Service Area Number 164 was considered by the Mayor and City Council (hereinafter the "City Council") of the City of Aurora (hereinafter the "City") pursuant to an Ordinance entitled: "An Ordinance Proposing the Establishment of a Special Service Area Number 164 in the City of Aurora and providing for a Public Hearing and Other Procedures in Connection Therewith," adopted May 8, 2012, and was considered at a public hearing held on June 12, 2012, by the City Council, pursuant to a newspaper notice duly published in the *Aurora Beacon-News*, a newspaper published in the City, at least fifteen (15) days prior to the public hearing, (hereinafter the "Newspaper Notice"), and pursuant to personal 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 proposed Special Service Area Number 164 (hereinafter the "Personal Notice"). Said Personal Notice by mail was given by depositing said Personal Notice in the United States mails 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 said Personal 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 Newspaper Notice and an Affidavit of Mailing of said Personal Notice are attached to this Ordinance as Exhibit 1 and Exhibit 2, respectively, and made part hereof. Said Newspaper Notice and Personal Notice conformed in all respects to the requirements of Section 27-25 of the Special Service Area Tax Law (35 ILCS 200/27-25).

- B. That a public hearing on the question set forth in the Newspaper Notice and Personal Notice was held on June 12, 2012. All interested persons were given an opportunity to be heard on the question of the creation of proposed Special Service Area Number 164, the issuance of bonds or other debt instruments or the making of a loan by the City, to finance the costs of the proposed special services (the repair of damaged curb and gutter, the repair of deteriorated binder course, the installation of sidewalk/detectable ramps, the installation of level binder, the installation of pavement markings, adjusting manhole lids, lowering fire hydrants, the installation of manhole steps, vacuum testing manholes, cleaning sewers, the prescribed burn on native plants, mowing, site cleanup, and record drawing completion relative to the Tanglewood Oaks Subdivision –

hereinafter the "Public Improvements"), the levy of an annual tax to pay the interest on such bonds, other debt instruments or loan and the principal thereof at maturity, as set forth in the Newspaper Notice and Personal Notice. The public hearing was opened at 6:54 p.m., with final adjournment thereof at 7:01 p.m., all on June 12, 2012.

- C. That more than sixty (60) days have passed since the public hearing, and no objections to the establishment of Special Service Area Number 164 have been filed with the City.
- D. That after considering the data, as presented at the public hearing, the City Council finds that it is in the public interest and in the interest of Special Service Area Number 164 that said Special Service Area Number 164, as hereinafter described, be established.
- E. Said Special Service Area Number 164 consists of a compact and contiguous area, and exists in a residential area within the City.
- F. It is in the best interest of said Special Service Area Number 164 that the furnishing of the municipal services proposed be considered for the common interests of the area comprising Special Service Area Number 164.
- G. The area comprising Special Service Area Number 164 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 City as a whole.
- H. That the equalized assessed value of the land in the proposed Special Service Area Number 164 is at least seventy-five percent (75%) of the

total of the whole equalized assessed value of property within the proposed Special Service Area Number 164.

SECTION 3: CITY OF AURORA SPECIAL SERVICE AREA NUMBER 164 ESTABLISHED.

A special service area to be known and designated as "City of Aurora Special Service Area Number 164" is hereby established and shall consist of the following described territory:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 44, 46, 47, 48, 49, 50 AND 51 IN TANGLEWOOD OAKS, BEING A SUBDIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 13 AND PART OF THE SOUTHEAST 1/4 OF SECTION 14, IN TOWNSHIP 38 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NUMBER 2005K089556, IN KANE COUNTY, ILLINOIS; ALONG WITH THOSE PORTIONS OF TRILLIUM COURT WEST, TRILLIUM COURT EAST AND BARNES ROAD LOCATED ADJACENT THERETO;

PIN Nos.: 14-13-360-001, 14-13-360-002, 14-13-360-003, 14-13-360-004, 14-13-360-005, 14-13-360-006, 14-13-360-008, 14-13-360-009, 14-13-360-025, 14-13-360-026, 14-13-360-027, 14-13-360-028, 14-13-360-029, 14-13-360-030, 14-13-360-031, 14-13-360-032, 14-13-360-033, 14-13-360-034, 14-13-360-035, 14-13-360-037, 14-13-360-038, 14-13-360-039, 14-13-360-040, 14-13-360-041, 14-13-360-042, 14-13-360-043, 14-13-360-044, 14-13-360-045, 14-13-360-046, 14-13-360-047, 14-13-361-001, 14-13-362-001, 14-13-363-001, 14-13-364-001;

COMMONLY KNOWN AS: Those parcels along Trillium Court East and Trillium Court West (exclusive of 2922, 2931, 2941, 2951, 2961, 2971, 2981, 2991, 3003, 3023 and 3033 Trillium Court East, and 3055, 3065, 3066, 3075, 3085 and 3117 Trillium Court West), Aurora, Illinois 60506.

An accurate map of the above-described territory is attached hereto as Exhibit 3, and made part hereof.

SECTION 4: PURPOSE OF AREA. Special Service Area Number 164 is established to provide special municipal services to said area in addition to services provided to the City generally. Included in said services shall be the Public Improvements. Special Service Area Number 164 is also created so that bonds or other debt instruments may be issued, or a City loan may be made, for the purposes aforesaid, payable from taxes levied on the value of the land only, without regard to improvements, of all taxable property in Special Service Area Number 164, in addition to all other City taxes so levied.

In the event that a loan from the City is used to finance the costs of said Public Improvements, the City shall levy a direct annual tax at a rate not to exceed \$260.00 per \$100.00 of equalized assessed value of the land in Special Service Area Number 164, without regard to improvements, said tax to be levied for a period of not to exceed five (5) years on the value of the land only, without regard to improvements, of all taxable property within Special Service Area Number 164. In the event that bonds or other debt instruments are used to finance the costs of said Public Improvements, the City shall issue bonds in an amount of not to exceed \$115,000.00, to be retired over not to exceed a five (5) year period and to bear interest at a rate of not to exceed three percent (3%) per annum. Said bonds or other debt instruments, if issued, shall be retired by the levy of a direct annual tax at a tax rate sufficient to pay the interest on such bonds or other debt instruments as it falls due and to discharge the principal thereof at maturity, with said tax to be levied upon the land value only of all taxable property within Special Service Area Number 164, without regard to improvements, at a maximum rate not to exceed the rate necessary to pay the debt service on the aforementioned bonds or other debt instruments.


The aforementioned 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 (35 ILCS 200/1-1 et seq.), as amended; however, the taxes to be extended shall be upon the equalized assessed value of the land in proposed Special Service Area Number 164, without regard to improvements.

SECTION 5: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its adoption and approval as required by law. The City Clerk is hereby directed and ordered to file a certified copy of this Ordinance with the Kane County Clerk, and record a certified copy of this Ordinance with the Kane County Recorder's Office, within sixty (60) days of the effective date hereof.

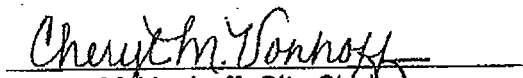
ADOPTED this 14th day of August, 2012, pursuant to a roll call vote as follows:

AYES: 11
NAYS: 0
ABSENT: 1

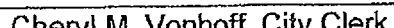
APPROVED by me this 14th day of August, 2012.


Thomas J. Weisner, Mayor

ATTEST:


Cheryl M. Vonhoff, City Clerk

Published by me in pamphlet form this 15th day of August, 2012.


Cheryl M. Vonhoff, City Clerk