



## Legislation Text

---

**File #:** 23-0929, **Version:** 1

---

**TO:** Mayor Richard C. Irvin

**FROM:** City of Aurora Law Department

**DATE:** January 14, 2024

**SUBJECT:**

An ordinance proposing the establishment of a special service area for stormwater management purposes to be designated as SSA #218 related to real property commonly known as Fourteen Forty-Nine Senior Estates, 1449 Jericho Circle, Aurora, Illinois and calling for a Public Hearing and Other Procedures in Connection Therewith PINS:

Parcel A:

15-29-300-010;  
15-29-300-018;  
15-29-300-023;  
15-29-401-061; and  
(a portion of 15-29-300-022; 15-29-401-059; and 15-29-401-060)

Parcel B:

A portion of 15-29-300-022, 15-29-401-059, and 15-29-401-060

**PURPOSE:**

To establish a dormant Special Service Area in accordance with the City's stormwater control ordinance.

**BACKGROUND:**

The Kane County Stormwater Management Ordinance, which the City has adopted by reference, provides that public entities shall establish a special service area, in the manner set forth in Illinois law, to serve as a backup vehicle to fund the maintenance of stormwater drainage system or facilities required by law or ordinance, in the event that the property's owners fail to do so, as a condition for the issuance of a stormwater management permit. The proposed SSA is "dormant" in the sense that the City will not levy a tax in the SSA unless the owners of the property fail to maintain the stormwater facilities requiring the City to do so in their stead.

**DISCUSSION:**

Dormant SSA's are a mechanism for the City to tax owners of the property to pay the cost of the ongoing maintenance of stormwater control facilities in the event the owners fail to maintain the

facilities themselves. This backup funding mechanism is a prerequisite for stormwater permit issuance and the City does not levy taxes in the SSA except when required to maintain the facilities.

**IMPACT STATEMENT:**

There is no immediate impact to this action, however if the City fails to establish the SSA, it will have limited recourse against the developer (or a subsequent purchaser) in the event it fails to maintain and repair onsite stormwater retention, detention, drainage control systems and common area.

**RECOMMENDATIONS:**

Approve this Resolution and Set a Hearing for Establishing SSA #218 for Fourteen Forty-Nine Senior Estates, 1449 Jericho Circle, Aurora, Illinois and PINS:

Parcel A:

15-29-300-010;

15-29-300-018;

15-29-300-023;

15-29-401-061; and

(a portion of 15-29-300-022; 15-29-401-059; and 15-29-401-060)

Parcel B: A portion of 15-29-300-022, 15-29-401-059, and 15-29-401-060



CITY OF AURORA, ILLINOIS

ORDINANCE NO. \_\_\_\_\_

DATE OF PASSAGE \_\_\_\_\_

An Ordinance Proposing the Establishment of a Special Service Area for Stormwater Management Purposes to be Designated as SSA #218 Related to Real Property commonly known as Fourteen Forty-Nine Senior Estates, 1449 Jericho Circle, Aurora, Illinois and calling for a public hearing thereon PINS: Parcel A: 15-29-300-010; 15-29-300-018; 15-29-300-023; 15-29-401-061; and (a portion of 15-29-300-022; 15-29-401-059; and 15-29-401-060). Parcel B: A portion of 15-29-300-022, 15-29-401-059, and 15-29-401-060.

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, 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) authorizes the City to establish special services areas to provide

special governmental services to defined contiguous areas in addition to those provided generally throughout the City and to pay the cost of those services from revenues collected from taxes levied within such areas; and

WHEREAS, the City has adopted the Kane County Stormwater Management Ordinance for citywide application, and said Ordinance requires that the City, as a condition of approving an application for a Stormwater Management Permit thereunder shall require the applicant to acquiesce to the City's establishment of a special service area as a backup vehicle for maintaining stormwater systems to be constructed under said permit; and

WHEREAS, the City has received an application for a Stormwater Management Permit ("Permit") for the contiguous area (hereinafter the "Area") described in the Legal Description (Attached as Exhibit A) and as depicted in the site map attached hereto as Exhibit B; and

WHEREAS, the maintenance or repair of such stormwater management systems described in the Permit by the City are unique and would constitute a special governmental service benefiting and attributable only to the areas embraced by the permit application and would be in addition to those municipal services which the City provides to the whole of its territory; and

WHEREAS, it is in the best interests of the Area and the City as a whole, that a levy of special taxes against said Area for the provision of special services for the purposes described herein be considered;

WHEREAS, said Area is zoned R-4A Two Family Dwelling District, all in accordance with the final plat of subdivision or final approved engineering plans for the Area;

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

**SECTION ONE:**

That a public hearing shall be held on or after the 23rd day of April, 2024, 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 a special service area to be designated as SPECIAL SERVICE AREA NUMBER 218 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 218.

Said tax may be levied for an indefinite period of time from and after the date of the Ordinance establishing said Area. Said tax may 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, the City shall not levy said taxes hereunder and said special service area shall be regarded as "dormant," unless the owner fails maintain or repair the aforesaid required items and the City is forced to assume said responsibilities.

The City shall cause notice of hearing to be 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, the City cause the mailing of said notice 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 218. Said Notice shall be 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 shall be 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 218**

**Fourteen Forty-Nine Senior Estates**

**Kane County**

**PIN(s): Parcel A: 15-29-300-010; 15-29-300-018; 15-29-300-023; 15-29-401-061; and (a portion of 15-29-300-022; 15-29-401-059; and 15-29-401-060). Parcel B: A portion of 15-29-300-022, 15-29-401-059, and 15-29-401-060**

**Common Addresses: 1449 Jericho Circle, Aurora, Illinois.**

NOTICE IS HEREBY GIVEN that on or about the 23rd day of April, 2024 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, to be designated as Special Service Area #218, consisting of the following described territory:

SEE ATTACHED EXHIBIT "A"

**SECTION TWO:**

The Owner of the property described above ("Area") has applied to the City for a Stormwater Management Permit ("Permit"). Before it may issue a Permit, the City must require the Owner to construct and maintain onsite stormwater retention, detention drainage controls, and other common areas (collectively "Stormwater Management Facilities") which benefit the Area, consistent with the final plat of subdivision or final approved engineering plans for the Area.

The Kane County Stormwater Ordinance requires the City establish a special service area to act as a backup vehicle for maintaining stormwater systems to be constructed under said Permit in the event the owner fails to keep or otherwise maintain these facilities in good repair.

The City Council proposes the establishment of Special Service Area 218 to serve as a vehicle for the City to levy a tax against the property in the Area if, and only if, the City is forced to undertake the responsibility of the Owner in maintaining the Stormwater Management Facilities. Maintaining private Stormwater Management Facilities constitutes additional special services above those municipal services which the City generally provides to the throughout its territory. The City Council believes that the establishment of said special service area is desirable and necessary to provide the special services to the 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 218 by the City of Aurora of not to exceed an annual rate of 1.10 one-hundredths percent (\$1.10 being 1 10 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, the City shall not levy special taxes 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 218 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 1449 Jericho Circle, Aurora, Illinois 60505.

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

All interested persons affected by the formation of SPECIAL SERVICE AREA NUMBER 218 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.

Prepared by:

Peterson Johnson & Murray LLC  
200 West Adams St., Suite 2125

Chicago, IL 60606

Exhibits Attached:

A - Legal Description

B - Site Map

C - Legal Notices of Hearing

D - Aerial Map of Site Location