CITY OF DEKALB
DEKALB COUNTY, ILLINOIS

ORDINANCE NO. 2013-05

An Ordinance Proposing the Establishment of an
Active Special Service Area No. 14 for
Heartland Fields Subdivision in
the City of DeKalb, Illinois

Adopted by the
City Council and Mayor
of the City of DeKalb
this 14th day of January, 2013.

Published in Pamphlet Form
by authority of the City Council
of the City of DeKalb, DeKalb County,
Illinois, this 15th day of January, 2013.
ORDINANCE NO. 2013-05

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Active Special Service Area No. 14 for
Heartland Fields Subdivision in
the City of DeKalb, Illinois

BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows;

WHEREAS, the City of DeKalb is a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 et seq.; and,

WHEREAS, pursuant to the provisions of the 1970 Constitution of the State of Illinois (the “Constitution”), the City of DeKalb, DeKalb County, Illinois (the “City”), is authorized to create special service areas in and for the City; and

WHEREAS, special service areas are established by non-home rule units pursuant to Section 6(1) of Article VII of the Constitution, which provides that home rule municipalities have the power to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas; and,

WHEREAS, such special services areas may be established “in the manner provided by law” pursuant to the provisions of “AN ACT to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties,” approved September 21, 1973, as amended, and pursuant to the Revenue Act of 1939 of the State of Illinois, as amended; and

WHEREAS, it is in the public interest that the establishment of the area hereinafter described as a special service area for the purposes set forth herein and to be designated as the Heartland Fields Special Service Area No. 14, of the City (the “Area”), be considered; and

WHEREAS, the Area is compact and contiguous, totally within the corporate limits of the City; and,

WHEREAS, the Area will benefit specially from the municipal services to be provided by the City (the “Services”), and the Services are unique and in addition to the services provided
to the City as a whole, and it is, therefore, in the best interests of the City that the establishment of the area be considered; and

WHEREAS, it is in the public interest that the levy of a direct annual *ad valorem* tax upon all taxable property within the Area be considered for the purpose of paying the cost of providing the Services; and

WHEREAS, the revenue from such tax shall be used solely and only for Services for which the City is authorized under the provisions of the Illinois Municipal Code, as amended, to levy taxes or special assessments or to appropriate the funds of the City, all of the Services to be in and for the Area and all of the necessary construction and maintenance to be on property now owned or to be acquired by the City, or property in which the City will obtain an interest sufficient for the provision of the services; and

WHEREAS, a public hearing is being held at a date and time to be ascertained in the City Hall, 200 S. 4th Street, DeKalb, Illinois (the “Hearing”), to consider the establishment of the Area for the purpose of providing the Services and the levy of an additional direct annual *ad valorem* tax for the purpose of paying the cost thereof, all as described in the Notice of Public Hearing set forth in Section Two hereof (the “Notice”); and

WHEREAS, the Notice shall be given by publication and mailing. Notice by publication shall be given by publication on a date, such date being not less than 15 days prior to the Hearing, in a newspaper of general circulation within the City, there being no newspaper published therein. Notice by mailing shall be given by depositing the Notice in the United States 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 the Area. The Notice shall be mailed not less than 10 days prior to the time set for the Hearing. In the event taxes for the last preceding year 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.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

SECTION ONE: INCORPORATION OF PREAMBLES

The preambles of this ordinance are hereby incorporated into this text as if set out herein in full.

SECTION TWO: NOTICE

The Mayor and City Council determine that the Notice is in the proper statutory form as set forth as follows:
NOTICE OF HEARING
CITY OF DEKALB, DEKALB COUNTY, ILLINOIS
ACTIVE SPECIAL SERVICE AREA NO. 14
HEARTLAND FIELDS SUBDIVISION

NOTICE IS HEREBY GIVEN that on the ___ day of ________, 2013, at 7:00 p.m., in the City Hall, 200 S. 4th Street, DeKalb, Illinois a hearing will be held by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, to consider the establishment of a Special Service Area consisting of the following described territory:

Parcel Identification Numbers:
810451001         815132008         815130004
810451002         815132009         815130005
810451003         815132010         815130006
810451004         815131001         815130007
810451005         815131002         815130008
810451006         815131003         815129003
810451007         815131004         815129004
810453001         815131008         815129005
815132001         815131007         815129006
815132002         815131005         810452001
815132003         815131006         810452002
815132005         815130001         815129007
815132006         815130002         810452003
815132007         815130003         815132004

Legal Description:

Heartland Fields, a subdivision of part of the northwest quarter of Section 15 and part of the southwest quarter of Section 10, Township 40 North, Range 4 East of the Third principal meridian, in the City of DeKalb, DeKalb County, Illinois.

The approximate location is in the City of DeKalb, Illinois, east of Normal Road, north of Ridge Drive and south of Dresser Road, more specifically extending 485 feet east of Normal Road centerline, and extending 1122.37 feet north of Ridge Drive centerline, and is hereafter referred to as “the Property” or “the Area”.

All interested persons, including all persons owning taxable real property located within the Special Service Area, will be given an opportunity to be heard at the hearing regarding 1) the tax levy and an opportunity to file objections to the amount of the levy, 2) formation of the boundaries of the Area and may object to the formation of the Area and 3) the levy of taxes affecting said Area.

The purpose of the formation of Special Service Area No. 14 in general is to authorize the maintenance, repair, regular care, renewal and replacement of the Common Facilities
including, without limitation, the mowing and fertilizing of grass, pruning and trimming of trees and bushes, removal and replacement of diseased or dead landscape materials, aeration of stormwater basins, the repair and replacement of monument signs, storm water detention basins, storm sewers and related areas and appurtenances, culverts, drains, ditches and tiles, landscape buffers and related areas and appurtenances, in the Special Service Area, as well as to authorize the implementation and continuation of a mosquito abatement program in the Special Service Area, as well as the provision of snow removal services on public sidewalks along Lot 101 of the Heartland Fields Subdivision (or in such other areas as the City shall determine, within the Area) all in accordance with the final engineering plan and final plat of subdivision for the Area, and the proposed municipal services are unique and are in addition to the improvements 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 of not to exceed an annual rate of one hundred-hundredths percent (1.0%, being 100¢ per $100) of the equalized assessed value of the property in the proposed Special Service Area No. 14, 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. The City may levy taxes at any time under the Special Service Area, and may choose to offer none, some or all of the enumerated special services. Proceeds raised by the levy shall only be used as permitted by law. The hearing may be adjourned by the Mayor and 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.

Pursuant to 35 ILCS 200/27-25(d-5), the proposed amount of the tax levy for special services for the initial year for which taxes will be levied within the special service area shall be $10,000.00 in the aggregate, for the entirety of the special service area.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the proposed Special Service Area No. 14 and by at least fifty-one (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.

Dated this _______ day of ________, 2013.

_________________________________
Dean M. Frieders, City Attorney
for the City of DeKalb
SECTION THREE: MISCELLANEOUS

The City agrees to produce or file such forms, statements, proceedings and supporting documents as may be required and in a timely manner in order to establish the Area and levy the taxes and, if deemed necessary or advisable by its officers, to employ and pay fiscal agents, financial advisors, attorneys and other persons to assist the City in these endeavors.

The City hereby formally proposes the establishment of the above-described special service area, pursuant to the Special Service Area law.

SECTION FOUR: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.


ATTEST:

DIANE K. WRIGHT, Deputy City Clerk

KRIS POVLSEN, Mayor