ORDINANCE 2018-052  PASSED: SEPTEMBER 24, 2018

PROPOSING THE ESTABLISHMENT OF A BACKUP
SPECIAL SERVICE AREA NO. 15 FOR FATTY’S AND
CULVER’S IN THE CITY OF DEKALB, ILLINOIS.

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 pursuant to Section 6(l) 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 Service 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 Areas for the purposes set forth herein and to be
designated as the Fatty’s and Culver’s Special Service Area No. 15, 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 6:00 p.m., on the 22nd day of October, 2018, 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 was 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 are 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 1. Incorporation of Preambles

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

Section 2. 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
BACKUP SPECIAL SERVICE AREA NO. 15
FATTY'S AND CULVER'S

NOTICE IS HEREBY GIVEN that on the 22nd day of October 2018, at 6:00 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:
Legal Description:

Fatty's:
That part of the north 1/2 of the Northeast 1/4 of section 21, Township 40
north, Range 4 East of the Third Principal Meridian, DeKalb County,
Illinois, described as follows: all that part of the following described
premises lying westerly of a line running parallel to and 120 feet easterly
of the westerly line of the premises hereinafter described (as measured
along the southerly line thereof), the same being a part of the South 1/2 of
the Northeast 1/4 of Section 21, Township 40 North Range 4, East of the
Third Principal Meridian, described as follows: commencing at a point on
the North Line of the right of way of the Chicago and Northwestern
Railway Company, said point being the southwest corner- of lot 33 in–
Joseph F. Glidden's subdivision of part of the Northwest 1/4 of section 22,
and part of the Northeast 1/4 of Section 21, Township- 40 North, Range 4,
East of the Third Principal Meridian, thence westerly along said North right
of way line, a distance of 278.6 feet for the point of beginning; thence
northerly at an angle of 91 degrees 24 minutes measured
clockwise from the last described course, a distance of 304.5 feet
to the center line of the public highway as shown as the plat of "Willard
Orchard", a subdivision of part of the Northeast 1/4 of said section 21;
thence westerly along the center line of said public highway, at an angle of
87 degrees 25 minutes measured clockwise from the last described
course, a distance of 120.08 feet; thence southerly at an angle of 92
degrees 35 minutes measured clockwise from the last described course, a
distance of 294.5 feet to the north right of way line of said railroad; thence
easterly along said north right of way line, a distance of 120.0 feet to the
point of beginning.

Culver's:
That part of the north 1/2 of the Northeast 1/4 of Section 21, Township 40
north, Range 4 East of the Third Principal Meridian, DeKalb County,
Illinois, described as follows: lots 1 & 2, LaSalle commercial sub., 1st
addition.

The approximate location is in the City of DeKalb, Illinois, between Lincoln Hwy and the
UP Railroad, and approximately between 1050' and 1450' west of Annie Glidden 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. 15 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 tile, 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 Lincoln Highway on the Fatty's and Culver's property (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 two hundred-thousandths percent (2.0%, being 200¢ per $100) of the equalized assessed value of the property in the proposed Special Service Area No. 15, 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.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the proposed Special Service Area No. 15 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 ________, 2018.

______________________________
Dean M. Frieders, City Attorney
for the City of DeKalb
Section 3. 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.

Section 4. 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:

LYNN A. FAZEKAS, City Clerk

JERRY SMITH, Mayor
NOTICE OF HEARING
CITY OF DEKALB, DEKALB COUNTY, ILLINOIS
BACKUP SPECIAL SERVICE AREA NO. 15
FATTY’S AND CULVER’S

NOTICE IS HEREBY GIVEN that on the 10th day of December 2018, at 6:00 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:

0821252006
0821277014
0821277015

Legal Description:

Fatty’s:

That part of the north 1/2 of the Northeast 1/4 of section 21, Township 40 north, Range 4 East of the Third Principal Meridian, DeKalb County, Illinois, described as follows: all that part of the following described premises lying westerly of a line running parallel to and 120 feet easterly of the westerly line of the premises hereinafter described (as measured along the southerly line thereof), the same being a part of the South 1/2 of the Northeast 1/4 of Section 21, Township 40 North Range 4, East of the Third Principal Meridian, described as follows: commencing at a point on the North Line of the right of way of the Chicago and Northwestern Railway Company, said point being the southwest corner of lot 33 in-- Joseph F. Glidden's subdivision of part of the Northwest ¼ of section 22, and part of the Northeast 1/4 of Section 21, Township- 40 North, Range 4, East of the Third Principal Meridian, thence westerly along said North right of way line, a distance of 278.6 feet for the point of beginning; thence northerly at an angle of 91 degrees 24 minutes measured counterclockwise from the last described course, a distance of 304.5 feet to the center line of the public highway as shown as the plat of "Willard Orchard", a subdivision of part of the Northeast 1/4 of said section 21; thence westerly along the center line of said public highway, at an angle of 87 degrees 25 minutes measured clockwise from the last described course, a distance of 120.08 feet; thence southerly at an angle of 92 degrees 35 minutes measured clockwise from the last described course, a distance of 294.5 feet to the north right of way line of said railroad; thence easterly along said north right of way line, a distance of 120.0 feet to the point of beginning.
Culver’s:

That part of the north 1/2 of the Northeast 1/4 of Section 21, Township 40 north, Range 4 East of the Third Principal Meridian, DeKalb County, Illinois, described as follows: lots 1 & 2, LaSalle commercial sub., 1st addition.

The approximate location is in the City of DeKalb, Illinois between Lincoln Hwy and the UP Railroad, and approximately between 1050’ and 1450’ west of Annie Glidden 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. 15 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, stormwater 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 Lincoln Highway on the Fatty’s and Culver’s property (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 two hundred-hundredths percent (2.0%, being 200¢ per $100) of the equalized assessed value of the property in the proposed Special Service Area No. 15, 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.
If a petition signed by at least fifty-one percent (51%) of the electors residing within the proposed Special Service Area No. 15 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.

Area Map:

Dated this 26th day of September 2018.

Dean M. Frieders, City Attorney
for the City of DeKalb
Certificate of the Publisher

Daily Chronicle

Description: FATTY’S AND CULVER’S
1589970

CITY OF DEKALB LEGAL DEPT.
ATTN: CARRI PARKER
200 S FOURTH ST
DEKALB IL 60115

Shaw Media certifies that it is the publisher of the Daily Chronicle. The Daily Chronicle is a secular newspaper, has been continuously published daily for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City of DeKalb, County of DeKalb, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ICS 5/5.

A notice, a true copy of which is attached, was published 1 time(s) in the Daily Chronicle, namely one time per week for one successive week(s). Publication of the notice was made in the newspaper, dated and published on 11/01/2018.

This notice was also placed on a statewide public notice website as required by 5 ICS 5/2.1.

In witness, Shaw Media has signed this certificate by Laura Shaw, its publisher, at DeKalb, Illinois, on 1st day of November, A.D. 2018.

Shaw Media By:

Laura Shaw, Publisher

Account Number 40609 Amount $262.26

(See above for full text)