



2019001466

DOUGLAS J. JOHNSON  
RECORDER - DEKALB COUNTY, IL

RECORDED: 3/4/2019 03:09 PM  
REC FEE: 75.00

STATE OF ILLINOIS )  
COUNTY OF DEKALB ) SS  
CITY OF DEKALB )

PAGES: 11

I, **LYNN A. FAZEKAS**, do hereby certify that I am the duly appointed City Clerk of the City of DeKalb, DeKalb County, Illinois, and as such officer, I am the keeper of the records and files of the City Council of said City.

I do further certify that the attached is a true and correct copy of:

**ORDINANCE 2019-008**

**ESTABLISHING A BACKUP SPECIAL SERVICE AREA NO.  
15 FOR FATTY'S AND CULVER'S.**

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, on the 25<sup>th</sup> day of February 2019. The original will be kept on file at the City of DeKalb Municipal Building.

**WITNESS** my hand and the official seal of said City this 1<sup>st</sup> day of March 2019.



  
\_\_\_\_\_  
**LYNN A. FAZEKAS**, City Clerk

**Prepared by and Return to:**

City of DeKalb  
City Clerk's Office  
200 S. Fourth Street  
DeKalb, Illinois 60115

**ORDINANCE 2019-008**

**PASSED: FEBRUARY 25, 2019**

**ESTABLISHING A BACKUP SPECIAL SERVICE AREA NO. 15 FOR  
FATTY'S AND CULVER'S.**

**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(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 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 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 was held at 6:00 p.m., on the 10<sup>th</sup> day of December, 2018 in the City Hall, 200 S. 4<sup>th</sup> 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 of the public hearing was provided by publication and mailing. Notice by publication was 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 was 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 was 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 was sent to the person last listed on the tax rolls prior to that year as the owner of said property.

**WHEREAS**, the City has not received a legally valid petition to terminate the establishment of the Area.

**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. ESTABLISHMENT OF SSA**

- (a) That it is in the public interest that the territory hereinafter described in the Notice referred to in Section One hereof be established as Special Service Area No. 15 for the purposes set forth herein. An accurate map of said territory is attached hereto as Exhibit "A-1".
- (b) That said Area is compact and contiguous.

- (c) That said Area is zoned for commercial purposes and will benefit specially from the municipal services which may be provided and that said proposed municipal services are unique and in addition to municipal services provided by the City of DeKalb as a whole; and it is, therefore, in the best interest of said Area and the City of DeKalb as a whole that special taxes be levied against said Area for the services to be provided.
- (d) That the City of DeKalb Special Service Area No. 15 be and is hereby established for and with regard to the aforesaid territory.

### **SECTION 3. PURPOSE OF SSA AND MAXIMUM LEVY**

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 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.

Annual taxes may be levied in an amount 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.

Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be "dormant" and shall take effect only if the applicable required owners association, condominium association or property owner fails to maintain, repair or replace the aforesaid required items and the City chooses to assume some or all of said responsibilities. However, 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.

**SECTION 4.** That this ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

**SECTION 5.** That all ordinances or parts of ordinances thereof in conflict therewith are hereby repealed to the extent of any such conflict.

**SECTION 6.** That any section or provision 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.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 25<sup>th</sup> day of February 2019 and approved by me as Mayor on the same day. First Reading passed on February 11, 2019 by an 8-0 roll call vote. Aye: Jacobson, Finucane, Stuepegia, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Second Reading passed by a 7-0-1 roll call vote. Aye: Jacobson, Finucane, Stuepegia, Fagan, Verbic, Faivre, Smith. Nay: None. Absent: Noreiko.

**ATTEST:**

  
LYNN A. FAZEKAS, City Clerk



  
JERRY SMITH, Mayor

**EXHIBIT A  
BACKUP SSA 15  
FATTY'S AND CULVER'S  
LEGAL DESCRIPTION**

Parcel Identification Numbers:

0821252006

0821277014

0821277015

Legal Description:

Fatty's:

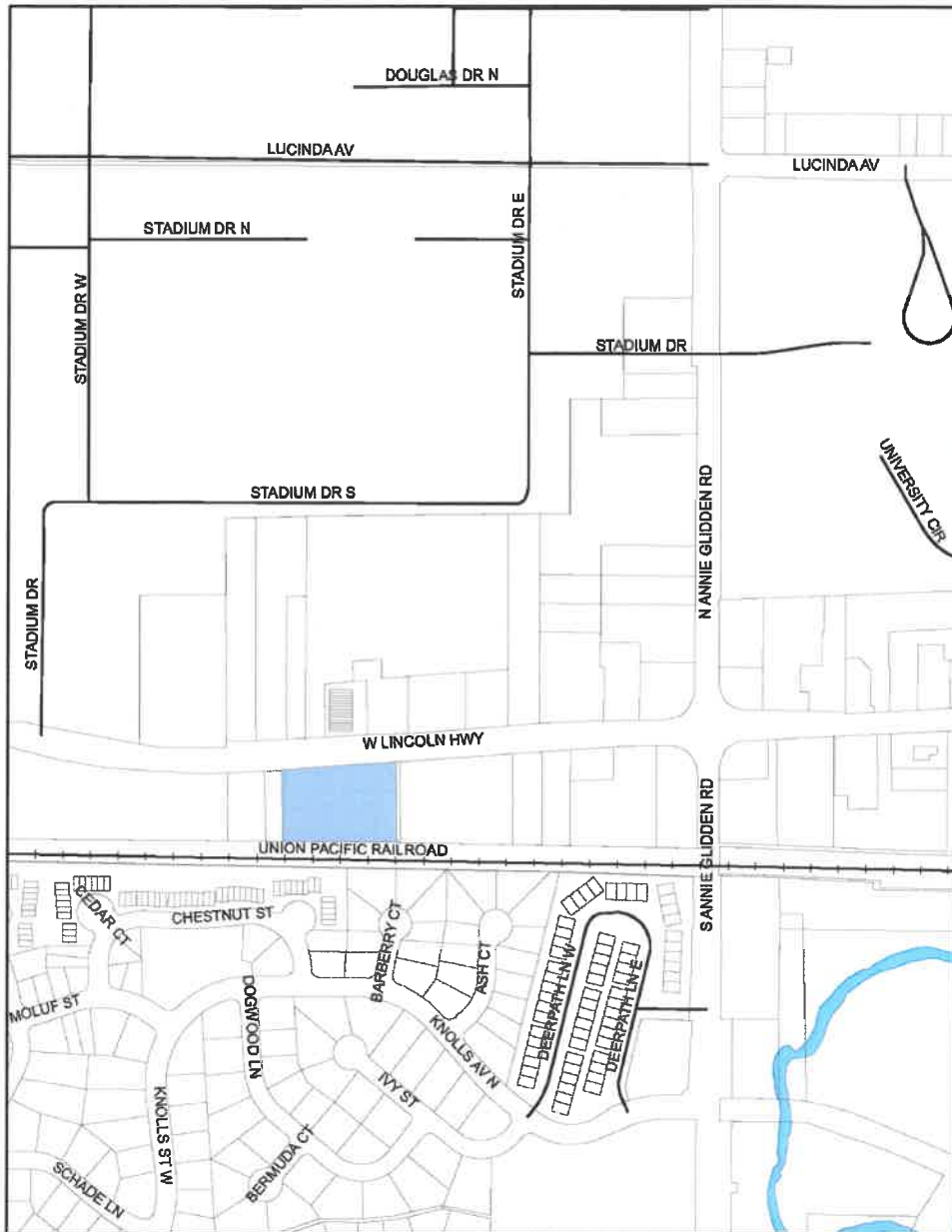
That part of the north 1/2 of the Northeast 1/4 of section 21, Township 40 north, Range 4 East of the Third Principal Meridian, DeKalb County, Illinois, described as follows: all that part of the following described premises lying westerly of a line running parallel to and 120 feet easterly of the westerly 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.

### EXHIBIT A-1 BACKUP SSA 15 FATTY'S AND CULVER'S LOCATION MAP

#### Proposed SSA - Fatty's & Culver's



File: LegalProposed SSAs.mxd  
Created: 8/25/2015 DJE  
Last Updated: 11/8/2016 DJE

**EXHIBIT B**

**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 10<sup>th</sup> day of December 2018, at 6:00 p.m., in the City Hall, 200 S. 4<sup>th</sup> 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 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 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, 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 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:

Proposed SSA - Fatty's & Culver's



Dated this 26<sup>th</sup> 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 ILCS 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 ILCS 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*

Laura Shaw, Publisher

Account Number 40609

Amount \$262.26

(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 of an angle of 91 degrees 24 minutes measured counter-clockwise from the last described course, a distance of 304.5 feet to the center line of the public highway as shown on 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 1080' 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 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 of 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 engagement 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.  
(Published in the Daily Chronicle, November 1, 2018.) 1589970

**PUBLIC NOTICE**  
**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 8:00 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:  
0821262008  
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

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 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