



2019001467

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 2019-009

**ESTABLISHING A BACKUP SPECIAL SERVICE AREA NO.
16 FOR POPEYE'S.**

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 25th 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 1st 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 2019-009

PASSED: FEBRUARY 25, 2019

ESTABLISHING A BACKUP SPECIAL SERVICE AREA NO. 16 FOR POPEYE'S.

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 Popeye's Special Service Area No. 16, 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 10th day of December, 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 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. 16 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. 16 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. 16 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 Popeye'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. 16, 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.

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 25th 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, Stupegia, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Second Reading passed by a 7-0-1 roll call vote. Aye: Jacobson, Finucane, Stupegia, Fagan, Verbic, Faivre, Smith. Nay: None. Absent: Noreiko.

ATTEST:


LYNN A. FAZEKAS, City Clerk


JERRY SMITH, Mayor

**EXHIBIT A
BACKUP SSA 16
POPEYE'S
LEGAL DESCRIPTION**

Parcel Identification Numbers:

0821276030

0821276031

0821276032

Legal Description:

Lots 1, 2, and 3 in the DeKalb Retail Development Subdivision, being a resubdivision of part of Lot 5 in Willard Orchard per the plat of said Willard Orchard recorded in Book "D" of Plats on page 41 in the Recorder's Office of DeKalb County, Illinois, being a part of the northeast quarter of Section 21, Township 40 North, Range 4 east of the Third Principal Meridian, according to the plat of said DeKalb Retail Development Subdivision recorded July 28th, 2016 as Document Number 2016007007 in DeKalb County, Illinois.

EXHIBIT B

**NOTICE OF HEARING
CITY OF DEKALB, DEKALB COUNTY, ILLINOIS
BACKUP SPECIAL SERVICE AREA NO. 16
POPEYE'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:

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The approximate location is in the City of DeKalb, Illinois between Lincoln Hwy and Stadium Drive, and approximately between 450' and 650' 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. 16 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 Popeye'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. 16, 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. 16 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.

Certificate of the Publisher

Daily Chronicle

Description: POPEYES LEGAL PUBLICATION
1590005

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, Publisher

Account Number 40609

Amount \$203.98

PUBLIC NOTICE

NOTICE OF HEARING
CITY OF DEKALB,
DEKALB COUNTY, ILLINOIS
BACKUP SPECIAL SERVICE
AREA NO. 16 POPEYE'S

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(Published in the Daily Chronicle, November 1, 2018.)1590005