

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: IA

Title:

Motion to approve an Ordinance Amending Special Service Area No. 7 in the City of St. Charles, Kane and DuPage Counties, Illinois (510 S. Tyler Rd.)

Presenter:

Chris Bong, P.E.

Meeting: City Council

Date: October 17, 2016

Proposed Cost: \$0

Budgeted Amount: \$0

Not Budgeted: **Executive Summary** *(if not budgeted please explain):*

Ryder Truck Rental Inc. (Ryder) has applied for a building permit to construct a truck maintenance facility on the property at 510 S. Tyler Road. The site is comprised of 2 parcels under one common owner. The south parcel is included in Special Service Area No. 7 (SSA 7) and the north parcel is outside of SSA 7. The main function of SSA 7 is to fund the maintenance of the City-owned regional detention pond directly adjacent to the Ryder site. Properties within SSA 7 may utilize the regional detention pond to satisfy stormwater requirements. Ryder is willing to enlarge SSA 7 to include their entire parcel so they may utilize the regional detention pond. This proposal has been further reviewed by engineering staff and has been found to provide benefit to the Ryder site and surrounding area.

On June 6, 2016 the City Council approved Ordinance 2016-M-26 proposing the enlargement of SSA 7 to include the northern parcel of the Ryder property. The public hearing was then held and closed on August 15, 2016. No sooner than 60 days following this public hearing, the City Council may pass an ordinance formally enlarging the SSA. The 60 day period has now passed and City Council may adopt the ordinance.

Attachments *(please list):*

Ordinance
Exhibit A Published Notice
Exhibit B Map

Recommendation/Suggested Action *(briefly explain):*

Motion to approve an Ordinance Amending Special Service Area No. 7 in the City of St. Charles, Kane and DuPage Counties, Illinois (510 S. Tyler Rd.)

City of St. Charles, Illinois
Ordinance No. 2016-M-_____

**An Ordinance Amending Special Service Area No. 7 in the City of St. Charles,
Kane and DuPage Counties, Illinois, (510 S. Tyler Rd.)**

BE IT ORDAINED by the Mayor and City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

Section 1: Authority to Establish and Enlarge Special Service Area. Special Service Areas are established pursuant to Article VII, Section 6 of the Constitution of the State of Illinois, in force July 1, 1971, which provides:

"(1) The General Assembly may not deny or limit the power of home rule units** *
(2) 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 for the payment of debt incurred in order to provide those special services."

and are established pursuant to provisions of the "Special Service Area Tax Law", as amended (35 ILCS 200/27 *et seq.* (the "Act")). The boundaries of a special service area may be enlarged pursuant to the procedures set forth in Section 200/27-50 of the Act.

Section 2: Findings. This City Council finds:

A. That the City Council previously established a Special Service Area No. 7 by Ordinance No. 1990-M-1, as amended by Ordinances No. 1990-M-20.

B. That the question of the amendment of Special Service Area No. 7 has been considered by the City Council pursuant to an ordinance, Ordinance 2016-M-26, entitled: "An Ordinance Proposing the Enlargement of Special Service Area No. 7 in the City of St. Charles, Kane and DuPage Counties, Illinois, and Providing for a Public Hearing and Other Procedures in Connection Therewith (510 S. Tyler Rd.)", adopted, June 6, 2016 and was considered pursuant to a public hearing held at 6:45 P.M. on August 15, 2016 by the City Council pursuant to Notice duly published in the Daily Herald on July 29, 2016, a newspaper of general circulation in the City of St. Charles, at least fifteen days prior to the hearing. A Certificate of Publication of said Notice is attached to this Ordinance as Exhibit "A". Said Notice conforms in all respects to the requirements of Section 27-25 of the Act.

C. That a public hearing on the question set forth in the Notice was held on August 15, 2016. All interested persons were given an opportunity to be heard on the question of enlarging Special Service Area No. 7. Full opportunity was given for all persons to voice their opinions. The public hearing was adjourned at 6:50 P.M. on August 15, 2016. That after considering the data and other matters presented at the public hearing, the City Council finds that it is in the public interest that the Special Service Area No. 7 which has been previously created be enlarged to contain the area hereinafter described.

D. That said area as enlarged is compact and contiguous and constitutes a commercial area in the City of St. Charles.

E. That the area proposed to be added to the special service area represents less than 5% of the assessed valuation of the current area as determined by the Clerk of the County of Kane (the current area having a current assessed value of \$22,786,694 and the area to be added having a current assessed value of \$431,711).

F. That Special Service Area No. 7 as enlarged, including the property being added, is generally zoned for manufacturing and all of said area including the property being added will benefit specially from the municipal services to be provided in the nature of the maintenance of retention/ detention ponds by mowing, removal of debris and flotsam, maintenance of elevations and contours, removal of siltation and correction of erosion. The proposed municipal services are unique and in addition to the municipal services provided to the City of St. Charles as a whole, and it is, therefore, in the best interest of the City of St. Charles that the levy of special taxes against said area including the property being added for the services to be provided be considered.

Section 3: Enlargement of Special Service Area No. 7. The Special Service Area known and designated as the “City of St. Charles Special Service Area No. 7” is hereby amended to include the following legally described territory:

Legal Description

PARCEL 1:

THAT PART OF THE SOUTH 1/2 OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 26; THENCE SOUTH 89 DEGREES, 13 MINUTES, 48 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 215.11 FEET TO THE CENTER LINE OF TYLER ROAD; THENCE NORTH 8 DEGREES, 43 MINUTES, 0 SECONDS EAST ALONG SAID CENTER LINE 277.66 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 81 DEGREES, 17 MINUTES, 0 SECONDS EAST 563 FEET; THENCE NORTH 8 DEGREES, 43 MINUTES, 0 SECONDS EAST 349.22 FEET TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY (FORMERLY THE CHICAGO AND GREAT WESTERN RAILROAD COMPANY); THENCE NORTHWESTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE CENTER LINE OF SAID TYLER ROAD, THENCE SOUTHWESTERLY ALONG SAID CENTER LINE TO THE POINT OF BEGINNING (EXCEPT THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 26; THENCE ON AN ASSUMED BEARING OF SOUTH 88 DEGREES, 44 MINUTES, 02 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 214.98 FEET TO THE EXISTING CENTER LINE OF TYLER ROAD; THENCE NORTH 0 DEGREES, 14 MINUTES, 18 SECONDS EAST ALONG SAID CENTER LINE 277.27 FEET TO A POINT IN THE SOUTH LINE OF GRANTOR'S PROPERTY FOR THE POINT OF BEGINNING; THENCE SOUTH 81 DEGREES, 45 MINUTES, 05 SECONDS EAST ALONG THE SOUTH LINE OF GRANTOR'S PROPERTY 104.07 FEET TO A POINT ON A 1001.00 FOOT RADIUS CURVE, THE CENTER OF CIRCLE OF SAID CURVE BEARS NORTH 71 DEGREES, 58 MINUTES, 16 SECONDS EAST FROM SAID POINT; THENCE NORTHERLY ALONG SAID CURVE 229.46 FEET SUBTENDING A CENTRAL ANGLE OF 13 DEGREES, 08 MINUTES, 02 SECONDS; THENCE NORTH 4 DEGREES, 53 MINUTES, 42 SECONDS WEST ON A TANGENT 252.88 FEET TO A POINT IN THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY (FORMERLY THE CHICAGO AND GREAT WESTERN RAILROAD COMPANY) BEING A 2939.48 FOOT RADIUS CURVE THE CENTER OF CIRCLE OF SAID CURVE BEARS SOUTH 17 DEGREES, 45 MINUTES, 52 SECONDS WEST FROM SAID POINT; THENCE NORTHWESTERLY ALONG SAID CURVED RIGHT OF WAY LINE 36.80 FEET SUBTENDING A CENTRAL ANGLE OF 0 DEGREES, 43 MINUTES, 02 SECONDS TO THE EXISTING CENTER LINE OF TYLER ROAD; THENCE SOUTH 4 DEGREES, 53 MINUTES, 42 SECONDS EAST ALONG SAID CENTER LINE 294.41 FEET; THENCE SOUTH 8 DEGREES, 14 MINUTES, 18 SECONDS WEST ALONG THE CENTER LINE AFORESAID 180.95 FEET TO THE POINT OF BEGINNING), IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

Ordinance No.2016-M-

The common address of the territory to be added being: 510 S. Tyler Road, St. Charles, Illinois.

Permanent tax index number: 09-26-452-006

Section 4: Map. A map of the proposed territory to be added as well as the current Special Service Area No. 7 is attached to this Ordinance as Exhibit "B".

Section 5: Effective Date. This Ordinance shall be in full force and effect from and after its adoption and approval and publication as provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 17th day of October 2016.

PASSED by the City Council of the City of St. Charles, Illinois, this 17th day of October 2016.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 17th day of October 2016.

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the **DAILY HERALD**. That said **DAILY HERALD** is a secular newspaper and has been circulated daily in the Village(s) of Addison, Algonquin, Antioch, Arlington Heights, Aurora, Barrington, Barrington Hills, Bartlett, Batavia, Bensenville, Bloomingdale, Buffalo Grove, Burlington, Campton Hills, Carol Stream, Carpentersville, Cary, Deer Park, Des Plaines, East Dundee, Elburn, Elgin, Elk Grove Village, Elmhurst, Fox Lake, Fox River Grove, Geneva, Gilberts, Glen Ellyn, Glendale Heights, Glenview, Grayslake, Green Oaks, Gurnee, Hainesville, Hampshire, Hanover Park, Hawthorn Woods, Hoffman Estates, Huntley, Inverness, Island Lake, Itasca, Keeneyville, Kildeer, Lake Barrington, Lake Villa, Lake in the Hills, Lake Zurich, Libertyville, Lincolnshire, Lindenhurst, Lisle, Lombard, Long Grove, Medinah, Mt. Prospect, Mundelein, Naperville, North Aurora, North Barrington, Oakbrook, Oakbrook Terrace, Palatine, Prospect Heights, Rolling Meadows, Roselle, Schaumburg, Sleepy Hollow, South Barrington, South Elgin, St. Charles, Streamwood, Tower Lakes, Vernon Hills, Villa Park, Volo, Warrenville, Wauconda, Wayne, West Chicago, West Dundee, Wheaton, Wheeling, Wildwood, Winfield, Wood Dale, Round Lake Park, Pingree Grove County(ies) of Cook, DuPage, Kane, Lake, McHenry and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 7150, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published July 29, 2016 _____ in said DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY 
Authorized Agent

Control # 4447977

SSA Enlargement Exhibit "B"

