

City of St. Charles, Illinois

Ordinance No. 2013-M-6

**Ordinance Proposing the Enlargement of Special
Service Area No. 1B in the City of St. Charles, Kane and
DuPage Counties, Illinois, and Providing for a Public
Hearing and Other Procedures in connection Therewith
(304 Cedar Avenue)**

**Adopted by the
City Council
of the
City of St. Charles
January 22, 2013**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, January 25, 2013**

City Clerk

(S E A L)

City of St. Charles
Ordinance No. 2013-M-_____

6

**An Ordinance Proposing the Enlargement of
Special Service Area No. 1B in the City of St. Charles, Kane and
DuPage Counties, Illinois, and Providing for a Public Hearing and
Other Procedures in Connection Therewith
(304 Cedar Avenue)**

BE IT ORDAINED BY THE 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. 1B by Ordinance No. 1993-M-63, as amended by Ordinances No. 1995-M-40, 2000-M-54, 2003-M-34, 2004-M-37, and 2008-M-61.
- B. It is in the public interest that the Special Service Area No. 1B which has been previously created be considered for enlargement to contain the area hereinafter described for the purposes set forth herein.
- C. That said area as enlarged is compact and contiguous and constitutes a commercial area in the City of St. Charles.
- D. 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 \$39,056,186.00 and the area to be added having a current assessed value of \$0.00).
- E. That the area as enlarged, including the property being added, is generally zoned for business and all of said area including the property being added will

benefit specially from the municipal services to be provided, and that the proposed municipal services are unique and in addition to 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: Public Hearing – Tax Rate. That a public hearing shall be held on the 1st day of April, 2013, at 6:55 p.m., in the City Council Chambers, 2 East Main Street, St. Charles, Illinois, to consider enlarging Special Service Area No. 1B of the City of St. Charles by adding the territory described in the notice set forth in Section 4 hereof. At the hearing there will also be considered a levy of an annual tax of not to exceed an annual rate of 0.9% (or \$.90 per \$100.00) of the assessed value, as equalized, of the taxable real property in the territory to be added to the territory of Special Service Area No. 1B, said tax to be in addition to all other taxes provided by law.

Section 4: Notice of Hearing. Notice of the hearing shall be published at least once not less than fifteen (15) days prior to the public hearing in one or more newspapers of general circulation in the City of St. Charles. In addition, notice by mailing shall be given by depositing said notice in the United States Mail addressed to the person or persons whose names the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the territory proposed to be added to the territory of Special Service Area No. 1B. Said notice shall be mailed not less than ten (10) days prior to the time set for public hearing. In the event taxes for the last preceding year were not paid, the notice shall be sent to the person or persons last listed on the tax rolls prior to that year as the owner(s) of said property. The notice shall be substantially in the following form:

CITY OF ST. CHARLES
PUBLIC HEARING NOTICE
ENLARGEMENT OF SPECIAL SERVICE AREA NO. 1B

NOTICE IS HEREBY GIVEN that on the 1st day of April, 2013, at 6:55 P.M., in the City Council Chambers of City Hall, 2 East Main Street, St. Charles, Illinois, a public hearing will be held by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, to consider enlarging Special Service Area No. 1B by adding the following described territory:

Legal Description:

That part of the Southeast and Southwest Quarter of Section 27, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the intersection of the centerlines of Cedar Avenue and North Third Avenue; thence northerly a distance of 155.0 feet along the centerline of North Third Avenue; thence easterly a distance of 130.0 feet along a line parallel to the centerline of Cedar Avenue to the east line of Lot 3 in Block 22 of the Original Town of St. Charles; thence southerly a distance of 25 feet along the east line of said Lot 3 to the northeast corner of Lot 6 in said Block 22; thence continuing southerly a distance of 130 feet along the east line and east line extended of said Lot 6 to the centerline of Cedar Avenue; thence westerly a distance of 130 feet along the centerline of Cedar Avenue to the point of beginning, in the City of St. Charles, Kane County, Illinois.

The common address of the territory to be added being: 304 Cedar Avenue, St. Charles, Illinois.

The current boundaries of Special Service Area No. 1B are legally described on Exhibit "A" attached hereto and incorporated herein, and are generally described as follows:

The Chicago Great Western Railway Company tracks on the North, Fifth Avenue on the East; Prairie Street on the South; and Fifth Streets on the West.

The permanent tax index number of each parcel located within Special Service Area No. 1B is set forth in Exhibit "B" attached hereto and incorporated herein. The permanent tax index number for the parcel proposed to be added is: 09-27-454-002.

A map of the proposed territory to be added as well as the original Special Service Area No. 1B is appended hereto as Exhibit "C" and is on file in the Office of the City Clerk and available.

The purpose of the City of St. Charles Special Service Area No. 1B, as enlarged, is to provide the area with special municipal services in the nature of developing and

managing a “Business Retention and Recruitment Plan”; developing and coordinating downtown promotional activities; developing and coordinating a façade enhancement and similar business and development incentive programs; implementing educational workshops beneficial to downtown merchants, property owners and the general public; developing plans for capital improvement projects and submitting them for funding consideration on an annual basis to the City Council; purchasing, constructing, maintaining and enhancing public improvements; and maintaining and staffing a full service office concerned solely with downtown revitalization.

At the hearing, all interested persons, including all persons owning taxable real property located within the area, will be given an opportunity to be heard regarding the enlargement of the area and the amount of the tax levy and an opportunity to file objections thereto. The hearing may be adjourned by the City Council without further notice to another date and without further notice other than a motion to be entered upon the minutes of its meeting, fixing the time and place of its adjournment.

The proposed amount of the tax levy for special services for Special Service Area No. 1B for 2013 is approximately \$300,000. The maximum rate of taxes to be extended within the area in any year is 0.9% (or \$.90 per \$100.00) of the assessed value, as equalized, of the taxable real property in the area. Said tax shall be in addition to all other taxes provided by law.

If a petition signed by at least 51% of the electors residing within the territory proposed to be added to Special Service Area No. 1B and by at least 51% of the owners of record of the land included within the boundaries of the territory proposed to be added to Special Service Area No. 1B is filed with the City Clerk within sixty (60) days following the final adjournment of the public hearing objecting to the enlargement of the Special Service Area No. 1B, or the levy or imposition of a tax for the provision of special services to the area, no such area may be so enlarged or tax levied or imposed.

DATED this _____ day of _____, 2013.

/s/ _____

City Clerk for the City of St. Charles, Kane and DuPage Counties,
Illinois

Section 5: Map. A map of the proposed territory to be added as well as the current Special Service Area No. 1B is appended hereto and is on file in the Office of the City Clerk and available for public inspection.

Section 6. That this Ordinance shall become effective from passage, approval and publication in pamphlet form as provided by law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this ____ day of _____, 2013.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this ____ day of _____, 2013.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this ____ day of _____, 2013.

Donald P. DeWitte, Mayor

Attest:

City Clerk

COUNCIL VOTE:

- Ayes:
- Nays:
- Absent:
- Abstain:

APPROVED AS TO FORM:

City Attorney

DATE: _____, 2013

Exhibit A

Legal Description of Original SSA 1B:

All that part of the City of St. Charles, lying within those portions of Sections 27 and 34, Township 40 North, Range 8 East of the Third Principal Meridian bounded and described as follows: Beginning at the point of intersection of the westerly line extended northerly of Third Street North and the northerly line of State Street; thence southerly along said westerly line extended to the center line of said State Street; thence westerly along said center line to the westerly line extended of Lot 3 in Block 47 and the Original Town of St. Charles; thence southerly along the westerly line extended and said westerly line of Lot 3 in said Block 47 to the southwest corner of said Lot 3; thence westerly along the northerly line and northerly line extended of Lots 6 and 5 in said Block 47 to the center line of Fourth Street North; thence southerly along the center line of said Fourth Street North to the center line of Main Street; thence westerly along the center line of said Main Street to the center line of Fifth Street South; Thence southerly along the center line of said Fifth Street South to the center line of Walnut Street; thence easterly along the center line of said Walnut Street to the Center line of Fourth Street South; thence southerly along the center line of said Fourth Street South to the southerly line extended westerly of Lot 1 in Block 50 of said Original Town of St. Charles; thence easterly along said southerly line extended and the southerly line of Lots 1 and 2 in said Block 50 to the southeast corner of said Lot 2; thence southerly along the westerly line and westerly line extended of Lot 7 in said Block 50 to the center line of said Illinois Street; thence westerly along the center line of said Illinois Street to the westerly line extended of Lot 2 in Block 51 of said Original town of St. Charles; thence southerly along the westerly line extended and the westerly line of Lot 2 in said Block 51 to the southwest corner thereof; thence easterly along the southerly line of Lot 2 in said Block 51 to the northwest corner of Lot 7 in said Block 51; thence southerly along the westerly line and westerly line extended of Lot 7 in said Block 51 to the center line of Indiana Street; thence easterly along the center line of said Indiana Street to a line drawn parallel with and 132.0 feet easterly of the easterly line of Third Street South (measured along the center line of said Indiana Street); thence southerly along said parallel line to a point that is 394.30 feet southerly of the southerly line of said Indiana Street (measured along the easterly line of said Third Street South); thence westerly parallel with the center line of said Indiana Street to the center line of Third Street South to the center line of Prairie Street; thence easterly along the center line of said Prairie Street to the center line of Geneva Road (Illinois State Route No. 31); thence southeasterly along the center line of said Geneva Road to the southeasterly line extended southwest of Lot 5 in the Piano Factory of St. Charles, St. Charles, Kane County, Illinois; thence northeasterly along said southeasterly line extended and said southeasterly line to the easterly corner of Lot 5 in said the Piano Factory of St. Charles, being also on the southerly line of said Prairie Street; thence easterly along the southerly line of said Prairie Street to the westerly bank of the Fox River; thence northerly to the point of intersection of the center line extended of Indiana Avenue and the easterly bank of said Fox River; thence easterly along the center line extended and the center line of said Indian Avenue to the center line of Second Ave

South; thence northerly along the center line of said Second Avenue South to the southerly line extended of Lot 4 in Block 16 of said Original Town of ST. Charles; thence easterly along the southerly line extended and the southerly line of Lot 4, in said Block 16 to the southeast corner thereof; thence northerly along the easterly line and easterly line extended of Lot 4 in said Block 16 to the center line of Illinois Avenue; thence easterly along the center line of said Illinois Avenue to the easterly line extended southerly of Lot 6 in Block 11 of said Original Town of St. Charles; thence northerly along the easterly line extended and the easterly line extended and the easterly line of Lot 6 in said Block 11 to the southwesterly corner of Lot 2 in said Block 11; thence easterly along the southerly line and southerly line extended of Lots 2 and 1 in said Block 11 to the center line of Third Avenue South; thence northerly along the center line of said Third Avenue South to the center line of Walnut Avenue; thence easterly along the center line of said Walnut Avenue to the center line of Fifth Avenue South; thence northerly along the center line of East Main Street; thence westerly along the center line of said East Main Street to the center line of said Third Avenue North; thence northerly along the center line of said Third Avenue North to the center line of Chestnut Avenue; thence westerly along the center line of said Chestnut Avenue to the center line of Second Avenue North; thence northerly along the center line of said Second Avenue North to the southerly right of way line of the Chicago and Northwestern Transportation Company; thence westerly along said southerly right of way line to a line drawn parallel with and 132.0 feet easterly of the easterly line of said Fourth Street North (measured along the north line of said State Street); thence southerly parallel with the easterly line of said Fourth Street North to a point that is 400.0 feet northerly of the southerly line of said State Street (measured along the easterly line of said Fourth Street North); thence easterly parallel with the northerly line of said State Street 18.0 feet; thence southerly parallel with the easterly line of said Fourth Street North to a point that is 198.0 feet northerly of the northerly line of said State Street; thence easterly parallel with the northerly line of said State Street to the westerly line extended to the point of beginning, all in the City of St. Charles, Kane County, Illinois

Properties Added:

603 Geneva Road

Of that part of the East half of the Northwest Quarter of Section 34, Township 40 North, Range 8, East of the Third Principal Meridian, described as follows: Beginning at the intersection of the southerly line of Prairie Street with the westerly line of Geneva Road; thence southerly along said westerly line 75.0 feet; thence westerly 138.61 feet to a point in the easterly line of Second Street that is 103.70 feet southerly (measured along said Easterly line) from the southerly line of Prairie Street; thence northerly along said easterly line 103.70 feet to the southerly line of Prairie Street; thence easterly along said southerly line 104.41 feet to the place of beginning, being situated in the City of St. Charles, Kane County, Illinois.

116 E. State Avenue:

Lots 7 and 8 and that part of Lots 1 and 2 in Block 26 of the Original Town of St. Charles, on the east side of the Fox River, described as follows: Beginning at the south east corner of said Lot 1; thence northerly along the easterly line of said Lot 1, 3.5 feet; thence westerly parallel with the southerly line of Lot 1, 48 feet; thence northwesterly to a point 9 feet westerly of the easterly line of said Lot 2, measured along a line drawn parallel with and 13.5 feet northerly of the southerly line of said Lot 2; thence westerly parallel with the southerly line of said Lot 2, 41 feet to the westerly line of said Lot 2; thence southerly along said westerly line 13.5 feet to the south west corner of said Lot 2; thence easterly along the southerly line of said Lot 2 and commonly known as 116 E. State Avenue, St. Charles, Illinois.

108 E. State Avenue

That part of the Southwest Quarter of Section 27, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the intersection of the centerlines of State Avenue and Second Avenue; thence southerly along the said centerline of said Second Avenue to the south line extended easterly of Lot 1 in Block 20 of the Original Town of St. Charles; thence westerly along the said south line extended to the southeast corner of said Lot 1; thence northerly along the east line of said Lot 1 to the northeast corner thereof; thence westerly along the north line of said Lot 1 to the northwest corner thereof; thence northerly along the west line extended northerly of said Lot 1 to the centerline of said State Avenue; thence westerly along the said centerline of State Avenue to the west line extended southerly of Lot 6 in Block 26 of the said Original Town of St. Charles; thence northerly along the said west line extended and the west line of said Lot 6 to the northwest corner thereof; thence easterly along the north line of said Lot 6 to the northeast corner thereof; thence southerly along the east line of said Lot 6 to the southeast corner thereof; thence easterly along the south line of Lots 7 and 8 in said Block 26 to the southeast corner of said Lot 8; thence northerly along the east line of said Lot 8 a distance of 103.5 feet; thence easterly along a line parallel to the north line of said Lot 8 to the centerline of said Second Avenue; thence south along the said centerline of Second Avenue to the point of beginning, in the City of St. Charles, Kane County, Illinois.

311 E. Walnut Avenue:

That part of the Southeast Quarter of Section 27, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the southeast corner of Lot 3 in Block 12 of the Original Town of St. Charles; thence westerly along the south line of said Lot 3 to the intersection of the west line of the easterly 12.5 feet of said Lot 3; thence northerly along the west line and the west line extended of the said easterly 12.5 feet of Lot 3 to the centerline of Walnut Avenue; thence easterly along the said centerline of Walnut Avenue to the east line extended of the westerly half of Lot 2 in said Block 12; thence southerly along the extended east line and the east line of the said westerly half of

Lot 2 to the south line of said Lot 2; thence westerly along the south line of said Lot 2 to the point of beginning, in the City of St. Charles, Kane County, Illinois.

104 South Second Avenue:

That part of Section 27, Township 40 North, Range 8, East of the Third Principal Meridian, described as follows: Beginning at the southeast corner of Lot 4 in Block 11 of the Original Town of St. Charles; thence westerly along the south line and south line extended westerly of said Lot 4 to the centerline of Second Avenue; thence northerly along the centerline of said Second Avenue to the centerline of Walnut Avenue; thence easterly along the centerline of said Walnut Avenue to the east line and east line extended northerly of said Lot 4; thence south along said east line and east line extended to the Point of Beginning, in the City of St. Charles, Kane County, Illinois.

First Street PUD:

THE SOUTHERLY 50 FEET OF LOT 9 OF THE PHASE 1 FIRST STREET REDEVELOPMENT SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 27 AND THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION THIRTY-FOUR, TOWNSHIP FORTY NORTH, RANGE EIGHT EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN KANE COUNTY, ILLINOIS.

The approximate street location is the Area bounded by:

The Chicago Great Western Railway Company tracks on the North, Fifth Avenue on the East; Prairie Street on the South; and Fifth Street on the West.

Exhibit B

Parcel Identification Numbers (PIN) in SSA 1B

927335001	927361011	927364003	927377021	927383007
927335010	927361015	927364004	927377022	927383016
927335011	927361016	927364006	927377023	927384007
927353008	927361017	927364007	927377024	927384008
927353009	927361018	927364008	927377028	927384009
927353010	927361021	927364009	927377029	927384010
927353011	927361022	927364010	927378006	927384011
927353012	927361023	927364011	927378007	927385002
927353013	927361024	927364012	927378007	927385003
927353018	927361026	927364013	927378008	927385005
927353019	927361027	927364014	927378009	927385008
927353020	927361028	927364016	927378010	927385009
927353021	927362002	927364017	927378011	927385010
927353027	927362003	927376002	927378012	927385011
927353031	927362004	927376004	927379006	927386001
927353032	927362006	927376005	927379007	927386002
927354005	927362007	927377002	927379008	927386003
927354006	927362008	927377004	927379009	927386004
927357003	927362010	927377006	927379010	927386005
927357005	927362121	927377007	927380002	927386008
927357006	927362122	927377012	927380005	927386009
927358001	927363001	927377016	927380006	927386010
927358002	927363002	927377017	927380008	927386011
927358003	927363003	927377018	927382003	927386013
927361006	927364001	927377019	927382004	927386014
927361007	927364002	927377020	927383006	927386015

927387001	927391004	934109004	934129002	934177001
927387005	927391005	934109005	934129003	934177002
927387006	927391006	934109006	934130004	934177007
927387007	927392005	934109007	934130005	934177010
927388001	927392006	934109008	934130006	934177012
927388002	927464003	934113002	934131009	934177014
927388003	927465004	934113003	934131010	934182012
927388004	934103006	934113004	934131015	934201001
927388005	934104003	934114001	934131017	934126027
927389003	934104004	934114002	934131019	934126028
927389005	934104008	934114003	934132007	934126033
927389006	934104009	934114006	934132009	934126034
927389007	934104010	934114010	934132010	934126035
927389008	934104011	934114011	934132011	934126032
927389009	934104012	934126011	934132016	934126036
927389010	934104013	934127002	934132017	934126029
927389011	934108006	934127003	934132018	934126030
927390003	934108010	934127004	934132019	934126031
927390004	934108011	934127005	934132020	927464008
927390005	934108012	934127006	934132021	927464009
927390006	934108014	934128001	934132023	927362036
927390007	934108015	934128002	934132026	927362041
927390008	934108016	934128004	934133037	927362042
927391001	934108018	934128011	934133044	927362043
927391002	934108019	934128012	934133045	927362044
927391003	934109003	934129001	934176001	927362050

927362115	927362059	927362057	927362034	934132027
927362116	927362060	927362063	927362035	934132028
927362079	927362061	927362064	927362118	934132029
927362080	927362066	927362065	927362119	934132030
927362082	927362017	927362048	927362015	934133031
927362083	927362020	927362023	927362018	934133016
927362097	927362106	927362030	927362024	934137003
927362107	927362112	927362032	927362021	934137004
927362013	927362113	927362037	927362103	934137005
927362016	927362038	927362049	927362108	934137006
927362029	927362114	927362014	927362109	934137007
927362039	927362031	927362019	927362110	934137008
927362056	927362090	927362040	927362111	934137009
927362062	927362096	927362045	927362117	934137010
927362088	927362098	927362046	927362085	934137011
927362091	927362099	927362047	927362086	934137012
927362092	927362104	927362051	927362094	934137013
927362093	927362105	927362052	927362100	934137014
927362095	927362071	927362053	927362101	934137015
927362120	927362073	927362058	927362102	934137016
927362025	927362074	927362011	927362067	934137017
927362028	927362081	927362012	927362069	934137018
927362068	927362087	927362022	927362070	934137019
927362072	927362089	927362026	927362075	934137020
927362076	927362054	927362027	927362078	934137021
927362077	927362055	927362033	927362084	934137022

934137023

934137024

934137025

934137026

934137027

934137028

934177015

934134002

934134003

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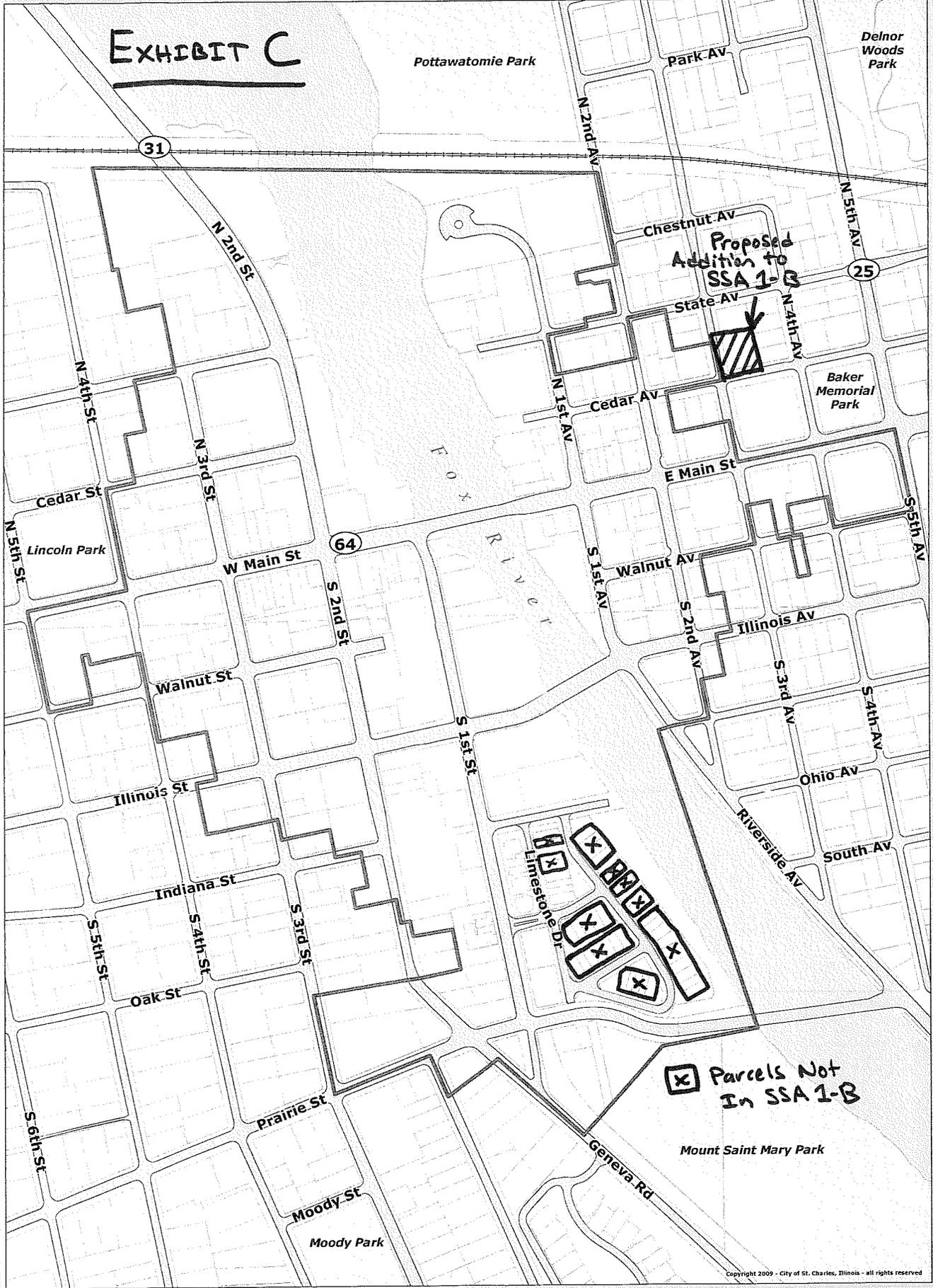
934138014

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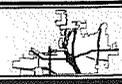
934138018



EXHIBIT C



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SSA 1B Boundary
 City of St. Charles
 Parcel

Parks
 Railroads
 Water Bodies
 Creeks

0 75 150 300 Feet

This map was created for planning purposes only. It is not intended to be used for legal purposes. The information contained herein is for informational purposes only and does not constitute an offer of insurance or any other financial product. The information contained herein is not intended to be used for any other purpose. The City of St. Charles, Illinois, is not responsible for any errors or omissions in this map. The City of St. Charles, Illinois, is not responsible for any damages or losses resulting from the use of this map.

State of Illinois)
)
Counties of Kane and DuPage) ss.

Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on January 22, 2013, the Corporate Authorities of such municipality passed and approved Ordinance No. 2013-M-6, entitled

"Ordinance Proposing the Enlargement of Special Service Area No. 1B in the City of St. Charles, Kane and DuPage Counties, Illinois, and Providing for a Public Hearing and Other Procedures in connection Therewith (304 Cedar Avenue),"

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2013-M-6, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on January 25, 2013, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this _____ day of January 2013.

Municipal Clerk

(S E A L)