

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL MEETING**  
**SEPTEMBER 18, 2012 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Establishment of a Special Service Area (SSA) for Green Acres Subdivision	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

**SYNOPSIS**

A public hearing has been noticed for September 18, 2012 as part of the regularly scheduled meeting of the Village Council regarding the establishment of a Special Service Area #4 for the Green Acres Subdivision.

**STRATEGIC PLAN ALIGNMENT**

The goals for 2011-2018 identified *Exceptional Municipal Services*.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Hold the public hearing as part of the of regularly scheduled meeting of the Village Council

**BACKGROUND**

The Village is proposing establishment of a Special Service Area (SSA) #4 for the Green Acres Subdivision, which will serve as a safeguard in the event that the homeowners association cannot or does not maintain the subdivision's detention area. The SSA will allow the Village to levy a special tax on the property owners for the maintenance of the facility. The tax would only be levied if the homeowner's association defaults and the Village is required to step in and maintain the common areas. The Village would then maintain the detention facilities.

The Green Acres Subdivision is located on the west side of Fairview Avenue just north of 66<sup>th</sup> Street and was originally approved in 2004. In April of 2012, the Village approved a re-subdivision of Lots 12, 13 and 14 to modify the detention area and create a new buildable lot. The SSA would include nine lots (6561, 6562, 6565 and 6566 Davane Lane and 401, 403, 404, 405 and 406 Lynn Gremer Court). The re-subdivision approval included the establishment of a homeowners association to maintain the common areas, which in this case is the detention area and its retaining wall, drainage pipes and landscaping. As part of the homeowners association, an SSA is being created.

The Village proposes a maximum annual rate not to exceed of 3% of the property's Equalized Assessed Value (EAV) as a tax levy.

Tonight's public hearing is a required component in the process of creating an SSA. Notice of the public hearing was published in the Downers Grove Reporter on August 29, 2012 and mailed to the affected

property owners as required by state statute. Following a 60 day objection period an ordinance approving the establishment of the SSA will be placed on a Council agenda.

**ATTACHMENTS**

Notice of Public Hearing

**PROCEDURES FOR PUBLIC HEARING  
PROPOSED SPECIAL SERVICE AREA #4**

**Mayor's Opening Statement:**

This public hearing will please come to order. This public hearing has been called by the Village Council to consider the formation of Special Service Area #4 and the levy of taxes affecting said area. The approximate street locations for the special service area are Davane Lane and Lynn Gremer Court. An accurate map of said territory is on file in the office of the Village Clerk and is available for public inspection.

Notice of this hearing was published in the Downers Grove Reporter and a certificate of publication is made a part of these proceedings.

I would like to summarize the procedures which we will follow for tonight's public hearing.

1. First, Dave Fieldman, Village Manager, will provide an overview of the proposed Special Service Area.
2. Next, there will be an opportunity for members of the Village Council to ask questions or make comments.
3. Next, there will then be an opportunity for members of the public to make statements or comments, or to submit written statements or comments for the record.
4. I will again ask if any member of the Council wishes to make a statement or ask a question.
5. Thereafter, I will ask for a motion to adjourn.

At this hearing, witnesses will not be sworn and a verbatim written transcript of the statements or testimony given at the hearing will not be prepared. However, a recording of the procedures will be made on Village equipment and retained until minutes of the hearing have been prepared and approved by the Village Council.

- 1. Staff Presentation.**
- 2. Questions or comments from the Village Council.**
- 3. Comments or statements from the public.**
- 4. Final questions or comments from the Village Council.**
- 5. Adjournment.**

## NOTICE OF HEARING

### **VILLAGE OF DOWNERS GROVE** **SPECIAL SERVICE AREA NUMBER 4**

**NOTICE IS HEREBY GIVEN** that on September 18, 2012 at 7:00 p.m., in the Council Chambers of the Civic Center, 801 Burlington Avenue, Downers Grove, Illinois, a hearing will be held by the Village Council of the Village of Downers Grove, to consider forming a Special Service Area consisting of the following described territory:

Lots 2, 3, 5, 6, 9, 10, 11, in Green Acres of Downers Grove Subdivision and Lots 1 and 2 in Green Acres of Downers Grove Resubdivision, being subdivisions in the northeast quarter of Section 20, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded June 1, 2004 as Document R2004-144920 and certificates of correction recorded May 27, 2005 as Document R2005-110474 and recorded February 2, 2006 as Document R2006-021295, in DuPage County, Illinois

P.I.Ns: 09-20-212-013; 09-20-212-014; 09-20-213-011; 09-20-213-010; 09-20-213-014; 09-20-213-015; 09-20-213-016; 09-20-213-020; 09-20-213-021

The approximate street locations for the area are Davane Lane and Lynn Gremer Court. An accurate map of said territory is on file in the office of the Village Clerk and is available for public inspection.

All interested persons affected by the formation of Downers Grove Special Service Area Number 4, including all persons owning taxable real property within said special service area, will be given the opportunity to be heard regarding the formation and boundaries of the area and may object to the formation of the area and the levy of taxes affecting said area. The hearing may be adjourned by the 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.

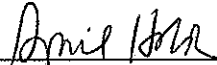
The purpose of the formation of Downers Grove Special Service Area Number 4 in general is to provide special municipal services to the area, including, but not limited to, municipal services in connection with the maintenance and operation of any "Common Area" of the subject property as defined in the Declaration of Covenants, Conditions, Easements and Restrictions for the Green Acres of Downers Grove Homeowners Association, including but not limited to real property and improvements thereto owned or maintained by the Homeowners Association, and the stormwater management facilities (including, but not limited to, stormwater detention and retention basin areas, inlet and out structures, connection storm sewers, connecting surface drainage channels, subsurface

drainage systems) and associated landscaping, retaining walls and grass areas located therein.

A special tax will be considered at the public hearing to be levied in an amount not to exceed an annual rate of three percent (3%) of the assessed value, as equalized, to be levied against the real property included in the special service area. This tax may be levied for an indefinite period of time during and in the years subsequent to the date of this Ordinance. 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 or property owner fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some or all of said responsibilities. The Village may annually levy hereunder up to the maximum rate specified herein for the cost of said services, as said services become necessary and are provided for.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the special service area and by at least fifty-one percent (51%) of the owners of record of the land included within the boundaries of the Special Service Area is filed with the Village clerk within sixty (60) days following the final adjournment of the public hearing objecting to the creation of the special service district, the enlargement thereof, the levy or imposition of a tax for the provision of special services to the area, or to a proposed increase in the tax, no such district shall be created or enlarged, or tax may be levied or imposed nor the rate increased.

Dated this 21<sup>st</sup> day of August 2012.

  
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April Holden, Village Clerk