

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL MEETING  
NOVEMBER 20, 2012 AGENDA**

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

**SYNOPSIS**

An ordinance has been prepared proposing the establishment of the Special Service Area #5 for the Atwood Subdivision.

**STRATEGIC PLAN ALIGNMENT**

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

**FISCAL IMPACT**

N/A.

**UPDATE & RECOMMENDATION**  
This item was discussed at the November 13, 2012 Village Council meeting. Staff recommends approval on the November 20, 2012 Active Agenda.

**BACKGROUND**

The Village is proposing establishment of a Special Service Area (SSA) #5 for the Atwood Subdivision, which will serve as a safeguard in the event that the homeowners association cannot, or does not, maintain the subdivision’s stormwater detention areas. 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 Atwood Subdivision is located on the west side of Fairview Avenue between 66<sup>th</sup> Street and 67<sup>th</sup> Court. The 14-lot subdivision was approved on April 10, 2012. There are 13 single family home lots and one storm water detention lot. The subdivision approval included the establishment of a homeowners association to maintain the common areas, which in this case is the detention area with associated stormwater improvements. As part of the homeowners association, an SSA is being created.

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

To establish the SSA the Village must first approve an ordinance proposing the establishment of the SSA. A public hearing must then be held at a Council meeting after notice is published in the paper and mailed to

those properties which would be included in the SSA. There is then a 60 day objection period following the public hearing. If 51% of the property owners and electors residing within the boundaries of the proposed SSA file an objection, then the SSA cannot be created. If this threshold is not met, then the Village can approve an ordinance establishing the SSA. Staff is not anticipating an objection as the entire subdivision is still owned by the developer, Greenscape Homes, and they are asking for the creation of the SSA.

**ATTACHMENTS**

Aerial Map

Ordinance

Plat of Survey dated 10/26/2011

Final Plat of Atwood Resubdivision

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** Village Manager **DATE:** November 20, 2012  
(Name)

**RECOMMENDATION FROM:** \_\_\_\_\_ **FILE REF:** \_\_\_\_\_  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt “AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE AREA NUMBER 5 IN THE VILLAGE OF DOWNERS GROVE, ILLINOIS AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONNECTION THEREWITH”, as presented.

**SUMMARY OF ITEM:**

Adoption of this ordinance shall propose establishment for SSA #5 for Attwood Court and provide for a public hearing and other procedures in connection therewith.

**RECORD OF ACTION TAKEN:**

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF  
SPECIAL SERVICE AREA NUMBER 5  
IN THE VILLAGE OF DOWNERS GROVE, ILLINOIS AND  
PROVIDING FOR A PUBLIC HEARING  
AND OTHER PROCEDURES IN CONNECTION THEREWITH**

BE IT ORDAINED by the Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

**Section 1.** Authority to Establish Special Service Area.

Special Service Areas are established pursuant to Article VII, Section 6L of the Constitution of the State of Illinois in force July 1, 1971, which provides:

The General Assembly may not deny or limit the power of home rule units (1) to make local improvement by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution, unless that power is subsequently denied by law to any such other local unit of government, or (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 the provision 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 pursuant to the Revenue Act of 1939.

**Section 2.** Findings. The Village Council finds:

- A. It is in the public interest that the creation of the area hereinafter described as a special service area for the purposes set forth herein be considered.
- B. That said area is compact and contiguous and constitutes the sole area to be benefitted from the maintenance and operation of said improvements.
- C. That said area is zoned for residential purposes and will benefit specially from the municipal services to be provided and that the proposed municipal services are in addition to municipal services provided to the Village of Downers Grove as a whole and it is, therefore, in the best interest of the Village of Downers Grove that the levy of special taxes against said area for the services to be provided be considered.

**Section 3.** Public Hearing – Tax Rates.

That a public hearing be held on December 11, 2012 at 7:00 p.m. in the Council Chambers of the Civic Center, 801 Burlington Avenue, Downers Grove, Illinois, to consider the creation of Special Service Area Number 5 of the Village of Downers Grove, in the territory described in the Notice set forth in Section 4 hereof. At the hearing, there will be considered the levy of an annual tax not to exceed an annual rate of three percent (3%) of the assessed value, as equalized, of the property in the Special Service Area. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Revenue Act of 1939. 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 Common Area, as hereinafter identified, 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.

**Section 4.** Notice of Hearing.

Notice of hearing shall be published at least once not less than fifteen (15) days prior to the public hearing in one or more newspapers in general circulation in the Village of Downers Grove. In addition, notice by mailing shall be given by depositing said notice in the U.S. Mail addressed to the person or persons in whose name the general taxes for the preceding year were paid on each lot, block, tract, or parcel of land lying within the proposed Special Service Area. Said notices shall be mailed not less than ten (10) days prior to the time set for the public hearing. In the event the taxes for last preceding year were not paid, the Notice shall be sent to the person last listed on the tax rolls prior to that year as the owner of the property. The Notice shall be in substantially the following form:

**NOTICE OF HEARING**  
**VILLAGE OF DOWNERS GROVE**  
**SPECIAL SERVICE AREA NUMBER 5**

**NOTICE IS HEREBY GIVEN** that on December 11, 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 1 through 14 of the Atwood Resubdivision, being a part of northeast quarter and southeast quarter of Section 20, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded September 14, 2012 as Document Number R2012-127961 in DuPage County, Illinois.

P.I.N.s: 09-20-211-054; 09-20-211-055; 09-20-211-056; 09-20-211-057; 09-20-211-058; 09-20-211-059; 09-20-211-060; 09-20-211-061; 09-20-211-062; 09-20-408-022; 09-20-408-023; 09-20-408-024; 09-20-408-025; 09-20-408-026

The approximate street location for the area is Atwood Court, which is located on the west side of Fairview Avenue between 66<sup>th</sup> Street and 67<sup>th</sup> 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 5, 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 5 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 Atwood Subdivision 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.

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 \_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
April Holden, Village Clerk

**Section 5.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 6.** That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

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Mayor

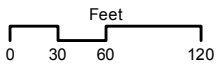
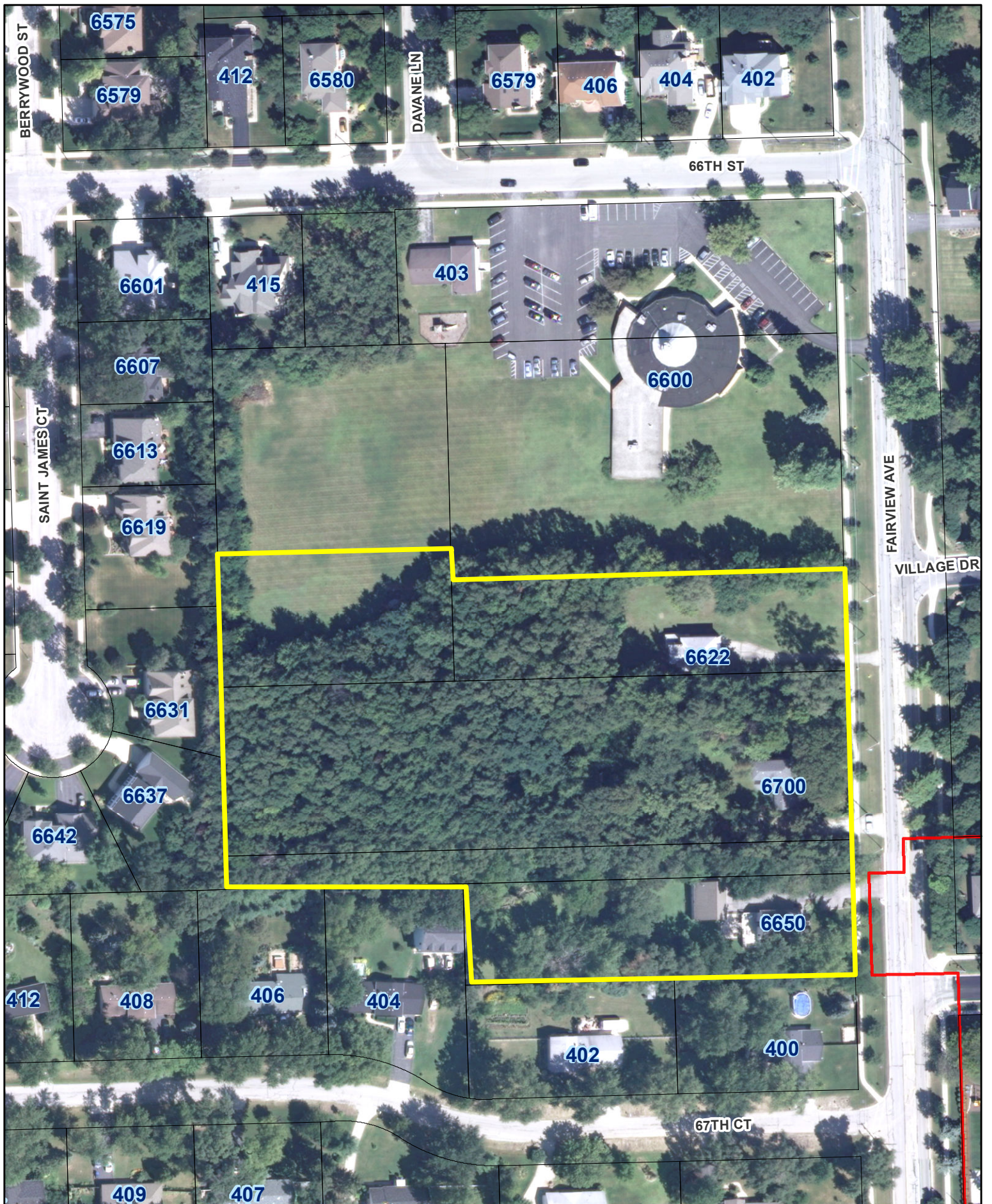
Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk

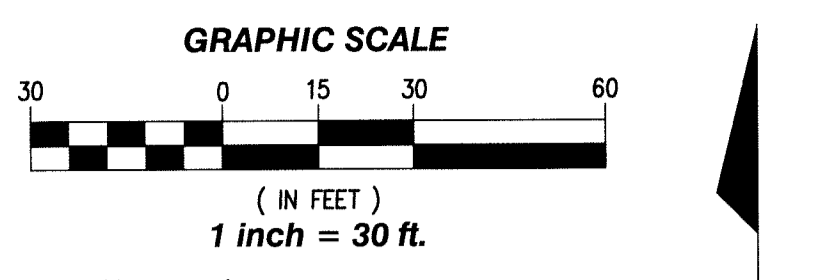
1\ord.12\SSA#5-est-Attwood



**6622 - 6650  
Fairview Avenue**



- LEGEND**
- 0.00' MEASURED DATA
  - (0.00') RECORD DATA
  - LIMIT OF SURVEY
  - SECTION LINE
  - EXISTING RIGHT-OF-WAY LINE
  - EXISTING EASEMENT LINE
  - EXISTING CONTOUR LINE
  - EXISTING UNDERGROUND SANITARY LINE
  - EXISTING UNDERGROUND STORM LINE
  - EXISTING UNDERGROUND WATER LINE
  - EXISTING MONUMENTATION
  - EXISTING CATCH BASIN
  - EXISTING FIRE HYDRANT
  - EXISTING GUY WIRE
  - EXISTING LIGHT STANDARD
  - EXISTING MAILBOX
  - EXISTING MANHOLE
  - EXISTING POWER POLE
  - EXISTING POWER POLE W/ TRANSFORMER
  - EXISTING TELEPHONE PEDESTAL
  - EXISTING WATER VALVE



# BOUNDARY & TOPOGRAPHIC SURVEY

**PARCEL 1:** THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTH 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 27, 1952 AS DOCUMENT 665991, IN DUPAGE COUNTY, ILLINOIS.

**PARCEL 2:** THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTH 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THE EASTERLY 50 FEET THEREOF, IN DUPAGE COUNTY, ILLINOIS.

**PARCEL 3:** THAT PART OF THE NORTH 1/2 OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EAST LINE OF SAID SOUTHWEST 1/4, WHICH IS 2 RODS SOUTH OF THE NORTHEAST CORNER OF SAID SOUTHWEST 1/4; THENCE SOUTHERLY ALONG SAID EAST LINE, A DISTANCE OF 100 FEET; THENCE WESTERLY ON A LINE PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 433 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 433 FEET; THENCE NORTHERLY ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 100 FEET TO THE SOUTHERLY LINE OF THE STRIP OF LAND DESCRIBED IN A WARRANTY DEED DATED JANUARY 1, 1866 AND RECORDED FEBRUARY 22, 1866 IN BOOK 30 OF DEEDS PAGE 453 TO HENRY LEHMAN AND JACOB VEITH; THENCE EASTERLY ALONG SAID SOUTHERLY LINE OF SAID STRIP OF LAND, A DISTANCE OF 433 FEET TO THE POINT OF BEGINNING, (EXCEPTING THEREFROM THE EASTERLY 50 FEET THEREOF CONVEYED TO THE VILLAGE OF DOWNERS GROVE BY WARRANTY DEED RECORDED MARCH 23, 1998 AS DOCUMENT R98-052174), IN DUPAGE COUNTY, ILLINOIS.

**PARCEL 4:** THAT PART OF THE NORTH 33 FEET OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, BEING SOUTH 89 DEGREES 56 MINUTES 44 SECONDS WEST.

**PARCEL 5:** THE SOUTH 130.00 FEET OF LOT 1 IN JANDA'S SUBDIVISION BEING A SUBDIVISION OF THE NORTH HALF OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER AND THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 27, 1952 AS DOCUMENT NUMBER 665991, IN DUPAGE COUNTY, ILLINOIS.

SAID PARCELS OF LAND CONTAINING 228,693 SQUARE FEET OR 5.250 ACRES, MORE OR LESS.

**SURVEYOR'S NOTES**

- DIMENSIONS SHOWN THUS: 50.25' ARE FEET AND DECIMAL PARTS THEREOF. ANGULAR DATA SHOWN THUS: 90°00'00" INDICATES DEGREES, MINUTES AND SECONDS.
- NORTH ARROW AND BEARINGS BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20-38-11 BEING SOUTH 89 DEGREES 56 MINUTES 44 SECONDS WEST.
- IMPROVEMENT LOCATIONS ARE BASED ON A FIELD SURVEY BY C.M. LAVOIE AND ASSOCIATES, INC. ON SEPTEMBER 2, 2011.
- COMPARE YOUR POINTS BEFORE USING SAME AND REPORT ANY DIFFERENCES IMMEDIATELY.
- CHECK LEGAL DESCRIPTION WITH DEED OR TITLE POLICY AND REPORT ANY DISCREPANCY IMMEDIATELY. BUILDING LINES AND EASEMENTS, IF ANY, SHOWN HEREON ARE AS SHOWN ON THE RECORDED SUBDIVISION OR AS INDICATED.
- THE LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND COMPILED FROM FIELD SURFACE OBSERVATIONS, UTILITY MARKINGS LOCATED IN THE FIELD AND UTILITY ATLASES. SOME OF THE PROVIDED ATLASES INDICATE LOCATIONS BY GRAPHIC REPRESENTATION ONLY AND THESE ARE SHOWN TO THE BEST OF OUR ABILITY. UNDERGROUND UTILITIES SHOWN ARE FOR INFORMATIONAL PURPOSES ONLY. ANY CONTRACTOR CONTEMPLATING WORK ON THIS SITE SHOULD CONFIRM THE LOCATION OF ALL UTILITIES PRIOR TO THE COMMENCEMENT OF EXCAVATION.

STATE OF ILLINOIS )  
 COUNTY OF KENDALL )

WE, C.M. LAVOIE AND ASSOCIATES, INC., ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-003041, HEREBY CERTIFY THAT THE PLAT DRAIN HEREON AND THE SURVEY THAT IT REPRESENTS, WERE PREPARED AND PERFORMED BY US, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

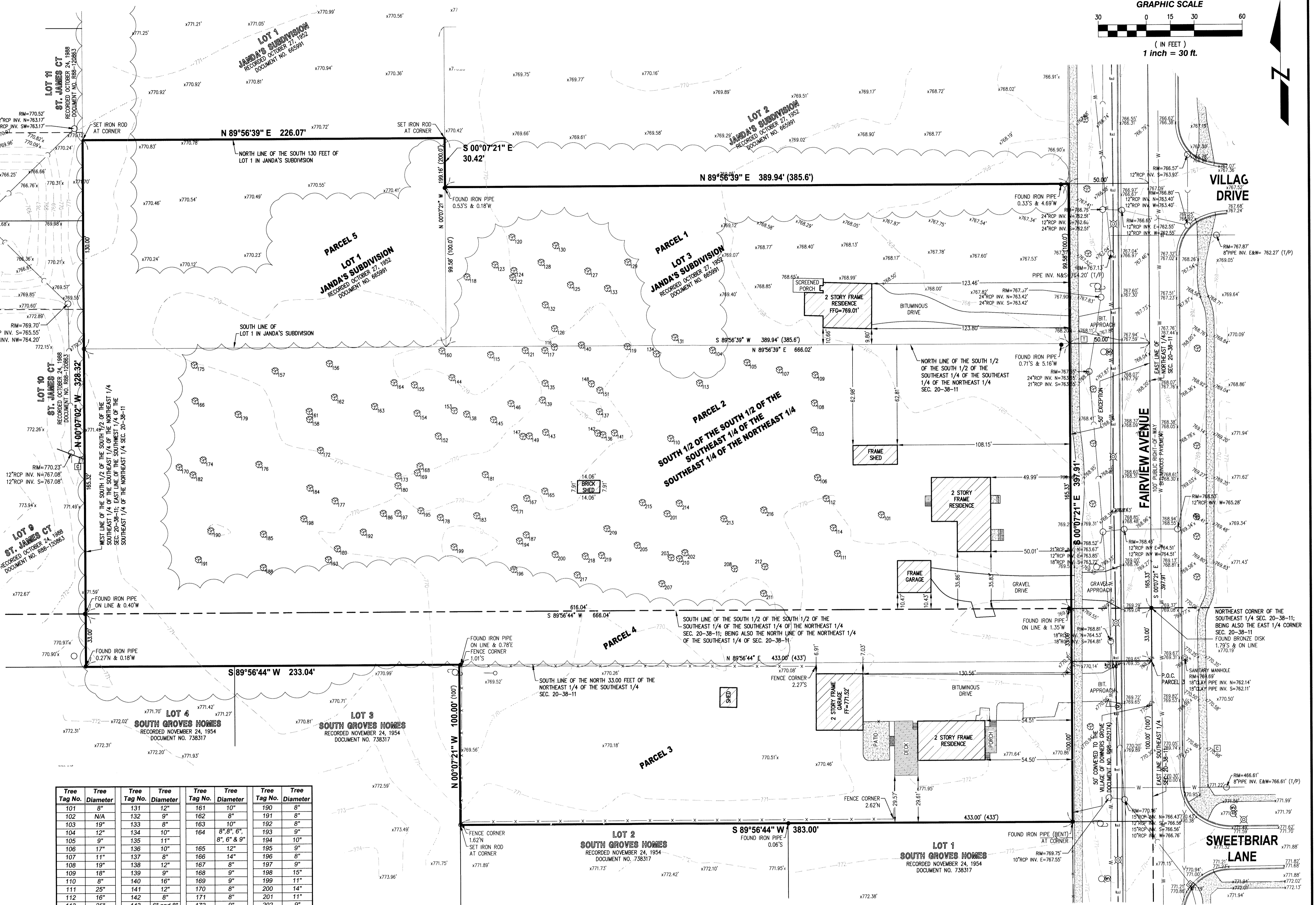
DATED AT DOWNERS GROVE, ILLINOIS THIS 17th DAY OF JANUARY, 2012.

*[Signature]*  
 KEITH E. BOLLINGER  
 PLAINFIELD, ILLINOIS  
 LICENSE EXPIRES 11-30-2012

PROFESSIONAL LAND SURVEYOR  
 No. 035-3592  
 KEITH E. BOLLINGER  
 PLAINFIELD, ILLINOIS  
 LICENSE EXPIRES 11-30-2012

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Tree Tag No.	Tree Diameter	Tree Tag No.	Tree Diameter	Tree Tag No.	Tree Diameter	Tree Tag No.	Tree Diameter
101	8"	131	12"	161	10"	190	8"
102	N/A	132	9"	162	8"	191	8"
103	19"	133	8"	163	10"	192	8"
104	12"	134	10"	164	8", 8", 6"	193	9"
105	9"	135	11"	165	8", 6" & 9"	194	10"
106	17"	136	10"	166	12"	195	9"
107	11"	137	8"	167	14"	196	8"
108	19"	138	12"	168	8"	197	9"
109	18"	139	9"	169	9"	198	15"
110	8"	140	16"	170	8"	199	11"
111	25"	141	12"	171	8"	200	14"
112	16"	142	8"	172	8"	201	11"
113	25"	143	6" and 8"	173	9"	202	9"
114	18"	144	8"	174	15"	203	8"
115	14"	145	15"	175	8"	204	N/A
116	8"	146	10"	176	8"	205	12"
117	13"	147	8"	177	8"	206	N/A
118	9"	148	10"	178	17"	207	9"
119	15"	149	11"	179	12"	208	8"
120	9"	150	N/A	180	8"	209	11"
121	8"	151	8"	181	8"	210	11"
122	8"	152	15"	182	10"	211	10"
123	8"	153	8"	183	10"	212	9"
124	8"	154	9"	184	11"	213	11"
125	8"	155	8"	185	8"	214	8"
126	9"	156	8"	186	10"	215	11"
127	9"	157	13"	187	9"	216	13"
128	8"	158	11"	188	15"	217	11"
129	8"	159	10"	189	8"	218	11"
130	9"	160	9"	190	8"	219	9"



**GREENSCAPE HOMES, LLC**  
 6618, 6622, 6650 AND 6700 FAIRVIEW AVENUE  
 DOWNERS GROVE, ILLINOIS

**BNDRY & TOPOGRAPHIC SURVEY**

DRAWN BY: TCB    CHECKED BY: KEB  
 SCALE: 1"=30'    DATE: 10/26/11  
 JOB NUMBER: 11-157    SHEET: 1 OF 1

Consulting Civil Engineering  
 Land Planning & Surveying  
 1050 State Route 126  
 Plainfield, Illinois 60544  
 voice 815-254-0505  
 fax 815-436-5158

**C.M. Lavoie & Associates, INC.**

#	DATE	DESCRIPTION
1		
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3		
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7		
8		

**BENCHMARKS**  
 DUPAGE COUNTY BENCHMARK:  
 DGN07001 - BRONZE DISK IN CONCRETE BASE OF TRAFFIC CONTROL BOX AT THE NORTHWEST CORNER OF MAPLE AVENUE AND 55TH STREET. ELEVATION...743.51' NGVD29



