

ITEM ORD 2015-6073

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village Council Meeting**  
**4/14/2015**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Establish SSA #8 - Nelson Meadow	Stan Popovich, AICP Planning Manager

**SYNOPSIS**

An ordinance has been prepared to establish Special Service Area #8 for the Nelson Meadow 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 April 7 Village Council meeting. Staff recommends approval on the April 14, 2015 Active Agenda.

**BACKGROUND**

This ordinance is the last step in the process to establish Special Service Area (SSA) #8 for the Nelson Meadow Subdivision. On November 18, 2014 the Village Council approved an ordinance proposing to establish this SSA. The required public hearing was held on February 3, 2015. There were no objections to the creation of the SSA filed.

The SSA will serve as a safeguard in the event that the homeowners association cannot or does not maintain the subdivision's 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 Nelson Meadow Subdivision is located on the east side of Brookbank Road, north of Jefferson Avenue and west of Carpenter Street. The 11 lot subdivision was approved on February 20, 2006 and recorded on June 20, 2006. On November 18, 2014, a Subdivision Improvement Agreement was approved to reflect a new developer and minor site modifications. The subdivision consists of 10 single family residential lots with a stormwater management basin occupying Lot 8. The subdivision approval included the establishment of a homeowners' association to maintain the stormwater management facilities (including

but not limited to detention basin, inlet and out structures and connecting storm sewers) and associated landscaping, retaining walls and grass areas.

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

#### **ATTACHMENTS**

Ordinance  
Aerial Map

VILLAGE OF DOWNERS GROVE  
COUNCIL ACTION SUMMARY

INITIATED: Village Manager DATE: April 14, 2015  
(Name)

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

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA NUMBER 8 IN THE VILLAGE OF DOWNERS GROVE, ILLINOIS", as presented.



SUMMARY OF ITEM:

Adoption of this ordinance shall adopt SSA #8 for the Nelson Meadow Subdivision.

RECORD OF ACTION TAKEN:

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**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA  
NUMBER 8 IN THE VILLAGE OF DOWNERS GROVE, ILLINOIS**

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 Area Number 8 is established pursuant to Article VII, Section 6L of the Constitution of the State of Illinois and pursuant to “An Act to provide the manner of levying or imposing taxes for the provision of special service areas within the boundaries of home rule units and non-home rule municipalities and counties” (35 ILCS 200/27-5 et seq.).

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

- A. That the question of the establishment of the area hereinafter described as a special service area was considered by the Village Council pursuant to an Ordinance entitled, “An Ordinance Proposing the Establishment of Special Service Area Number 8 in the Village of Downers Grove, Illinois and Providing For a Public Hearing and other Procedures in Connection Therewith,” adopted November 18, 2014, and considered pursuant to a public hearing held on February 3, 2015, by the Village Council, pursuant to Notice duly published on January 14, 2015 in the Downers Grove Suburban Life, a newspaper published in the Village of Downers Grove, at least fifteen (15) days prior to the hearing and pursuant to Notice by 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 Special Service Area. Said notice was given by depositing said Notice in the United States mail not less than ten (10) days prior to the time set for the public hearing. In the event the taxes for the last preceding year were not paid, the said Notice was sent to the person last listed on the tax rolls prior to that year as the owner of said property. A Certificate of Publication of said Notice and an Affidavit of Mailing are attached to this Ordinance as Exhibits “1” and “2” respectively. Said Notices conform in all respects to the requirements of 35 ILCS 200/27-5, et. seq.
- B. That a public hearing on the question set forth in the Notice was held on February 3, 2015. All interested persons were given an opportunity to be heard on the question of the creation of Downers Grove Special Service Area Number 8. That general discussion was heard at the public hearing regarding the services and maintenance activities proposed to be undertaken and provided within the Special Service Area. No one attending the public hearing voiced objection to the creation of the Special Service Area or the method or rate of taxation to be levied against property within the Special Service Area. The public hearing was adjourned at 7:10 p.m. on February 3, 2015.
- C. That following the aforesaid public hearing, a period of sixty (60) days has been provided for the filing of any petition opposing the creation of the Special Service Area pursuant to 35 ILCS 200/27-55, and that during such period of time, no such petition has been filed.
- D. That after considering the data, as presented at the public hearing, the Village Council finds that it is in the public interest and in the interest of Downers Grove Special Service Area Number 8 that said Special Service Area, as hereinafter described, be established.
- E. That said area is compact and contiguous and constitutes a residential area, which is the sole area in the Village to be benefitted from the maintenance and operation of said improvements.

- F. It is in the best interest of said Special Service Area that the furnishing and maintenance of the municipal services proposed be considered for the common interests of said area.
- G. Said area is zoned for residential purposes and will benefit specially from municipal services proposed to be provided. The proposed municipal services are unique and in addition to the municipal services provided to the Village of Downers Grove as a whole.

**Section 3.** Village of Downers Grove Special Service Area Number 8 Established.

A Special Service Area to be known and designated as “Village of Downers Grove Special Service Area Number 8” is hereby established and shall consist of the following described territory:

Lots 1 through 11 both inclusive, in Nelson Meadow Subdivision, being a resubdivision of Lot 52 in Branigar Brothers in Downers Grove Farms, being a subdivision in Sections 17 and 18, Township 38 North, Range 11, East of the Third Principal Meridian, according to said Plat of Resubdivision recorded June 20, 2006 as Document R2006-117953, in DuPage County, Illinois.

PINs:

09-17-108-016 – 5733 Brookbank Rd  
 09-17-108-017 – 5735 Brookbank Rd  
 09-17-108-018 – 1140 Jefferson Ave  
 09-17-108-019 – 5742 Nelson Ct  
 09-17-108-020 – 5738 Nelson Ct  
 09-17-108-021 – 5731 Nelson Ct  
 09-17-108-022 – 5737 Nelson Ct  
 09-17-108-023 – 5743 Nelson Ct (Detention Facility)  
 09-17-108-024 – 5740 Carpenter St  
 09-17-108-025 – 5736 Carpenter St  
 09-17-108-026 – 5732 Carpenter St

The approximate street location for the area is the northeast corner of Brookbank Road and Jefferson Avenue.

**Section 4.** Purpose of Area.

Downers Grove Special Service Area Number 8 is established 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 Nelson Meadow Subdivision, including but not limited to real property and improvements thereto owned or maintained by the 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.

**Section 5.** Tax Levied.

A special 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 shall be levied against the subject property in addition to all other taxes provided 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 or property owner fails to maintain, repair or replace the Common Area and stormwater management facilities, as identified in Section 4 above, 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 6.** That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 7.** That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**Section 8.** That the Village Clerk shall record this Ordinance with the DuPage County Recorder's Office.

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Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk

Certificate of the Publisher

Downers Grove Suburban Life

VILLAGE OF DOWNERS GROVE  
ATTN: APRIL HOLDEN  
801 BURLINGTON  
DOWNERS GROVE IL 60515

Description: SPECIAL SERVICE  
DOWNERS GROVE 8855

Shaw Media certifies that it is the publisher of the Downers Grove Suburban Life. The Downers Grove Suburban Life is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the Village of Downers Grove, County of DuPage, 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 Downers Grove Suburban Life, namely one time per week for one successive week(s). Publication of the notice was made in the newspaper, dated and published on 01/14/2015

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 Karen Pletsch, its publisher, at Downers Grove, Illinois, on 14th day of January, A.D. 2015

Shaw Media By:   
Karen Pletsch, Publisher

Account Number 10074579  
Amount \$416.28

**LEGAL NOTICE/PUBLIC NOTICE****NOTICE OF HEARING  
VILLAGE OF DOWNERS GROVE  
SPECIAL SERVICE AREA NUMBER 8**

**NOTICE IS HEREBY GIVEN** that on February 3, 2015 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 11 both inclusive, in Nelson Meadow Subdivision, being a resubdivision of Lot 52 in Branigar Brothers in Downers Grove Farms, being a subdivision in Sections 17 and 18, Township 38 North, Range 11, East of the Third Principal Meridian, according to said Plat of Resubdivision recorded June 20, 2006 as Document R2006-117953, in DuPage County, Illinois.

**PINs:** 09-17-108-016 - 5733 Brookbank Rd  
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 09-17-108-023 - 5743 Nelson Ct (Detention Facility)  
 09-17-108-024 - 5740 Carpenter St  
 09-17-108-025 - 5736 Carpenter St  
 09-17-108-026 - 5732 Carpenter St

The approximate street location for the area is northeast corner of Brookbank Road and Jefferson Avenue. 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 8, 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 8 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 Downers Grove Estates Community Association, including but not limited to real property and improvements thereto owned or maintained by the 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.

April Holden, Village Clerk

January 14, 2015  
 Downers Grove Suburban Life 8855



## Exhibit 2

**AFFIDAVIT OF MAILING NOTICE**

I, Stan Popovich, being first duly sworn upon oath, do state and depose as follows:

1. I am the Planning Manager for the Village of Downers Grove, Illinois.
2. On January 21, 2015, I sent a copy of a Notice of Hearing by mail addressed to the owners of record for each parcel and/or to each 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 proposed Special Service Area Number 8 of the Village of Downers Grove, and that in the event taxes for the last preceding year were not paid, the Notice was sent to the person last listed on the tax rolls prior to that year as the owner of the property.
3. Said notice was given by depositing the Notice in the United States mail not less than ten (10) days prior to February 3, 2015, being the time set for the public hearing on proposed Special Service Area Number 8 of the Village of Downers Grove.

Further Affiant Sayeth Not.



STAN POPOVICH

SUBSCRIBED and SWORN to before

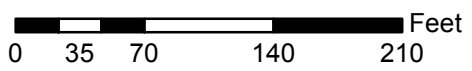
me this 21<sup>st</sup> day of January 2015.



NOTARY PUBLIC







**Nelson Meadow Subdivision - Location Map**

