

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
8/16/2022

SUBJECT:	SUBMITTED BY:
Public Hearing SSA #13 (Kapovich Subdivision)	Stan Popovich Community Development Director

SYNOPSIS

A public hearing has been noticed for August 16, 2022 as part of the regularly scheduled meeting of the Village Council regarding the establishment of Special Service Area #13 for the Kapovich Subdivision at 7135 Dunham Road.

STRATEGIC PLAN ALIGNMENT

The goals for 2021-2023 identified *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

RECOMMENDATION

As required by statute, hold the public hearing as part of the regularly scheduled meeting of the Village Council.

BACKGROUND

The Village is proposing establishment of Special Service Area (SSA) #13 for the Kapovich Subdivision, which will serve as a safeguard in the event that the homeowners' association cannot or does not maintain the subdivision's common detention areas. The SSA will allow the Village to levy a special tax on the property owners for the maintenance of the common areas if the homeowners' association defaults and the Village is required to step in to provide such maintenance. The Village would then assume responsibility for maintaining the common areas.

The Kapovich Subdivision is located on the east side of Dunham Road, approximately 120 feet north of Crystal Avenue. The seven lot subdivision was approved on February 8, 2022 and recorded on May 26, 2022. The subdivision consists of six single family residential lots with a stormwater management basin on the outlot. The subdivision approval included the establishment of a homeowners' association to maintain the stormwater management facilities (including but not limited to the detention basin, inlet and out structures and connecting storm sewers) and associated landscaping, swales 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.

Tonight's public hearing is a required component in the process of creating an SSA. Notice of the public hearing was published in the Daily Herald on July 29, 2022 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 #13

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 #13 (Kapovich Subdivision) and the levying of taxes affecting said area. The special service area is located on the east side of Dunham Road, approximately 120 feet north of Crystal Avenue. 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 Daily Herald Newspaper on July 29, 2022 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, Village Staff 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 proceedings 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 13

NOTICE IS HEREBY GIVEN that on August 16, 2022 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, 2, 3, 4, 5, 6, AND OUTLOT A IN THE KAPOVICH SUBDIVISION BEING A RESUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED MAY 26, 2022 AS DOCUMENT R2022-051941, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 09-29-116-017, 09-29-116-018, 09-29-116-019, 09-29-116-020, 09-29-116-021, 09-29-117-003, and 09-29-117-004.

The approximate street location for the area is 7135 Dunham Road. 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 13, 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 13 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 Blanton's Landing Homeowners 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, swales, 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 29th day of July 2022.

Rosa Berardi, Village Clerk