

VILLAGE OF DOWNERS GROVE
Report for the Village
11/1/2022

SUBJECT:	SUBMITTED BY:
Establish SSA #13 - Kapovich Subdivision - 7135 Dunham Road	Stan Popovich, AICP Director of Community Development

SYNOPSIS

An ordinance has been prepared to establish 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**UPDATE & RECOMMENDATION**

This item was discussed at the October 18, 2022 Village Council meeting. Staff recommends approval on the November 1, 2022 Active Agenda.

BACKGROUND

This ordinance is the last step in the process to establish Special Service Area (SSA) #13 for the Kapovich Subdivision. On June 14, 2022 the Village Council approved an ordinance proposing to establish this SSA. The required public hearing was held on August 16, 2022. There were no objections to the creation of the SSA.

The SSA will serve as a safeguard in the event that the homeowners association cannot or does not maintain the subdivision's stormwater management facilities. 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 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.

ATTACHMENTS

Ordinance

Aerial Map

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney DATE: November 1, 2022
(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 13 IN THE VILLAGE OF DOWNERS GROVE, ILLINOIS", as presented.

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SUMMARY OF ITEM:

Adoption of this ordinance shall establish SSA #13 for the Kapovich Subdivision.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE ESTABLISHING
SPECIAL SERVICE AREA NUMBER 13
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 13 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 13 in the Village of Downers Grove, Illinois and Providing For a Public Hearing and other Procedures in Connection Therewith", adopted June 14, 2022, and considered pursuant to a public hearing held on August 16, 2022, by the Village Council, pursuant to Notice duly published on July 29, 2022 in The Daily Herald, 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 August 16, 2022. All interested persons were given an opportunity to be heard on the question of the creation of Downers Grove Special Service Area Number 13. 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 7:35 p.m. on August 16, 2022.
- 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 13

that said Special Service Area, as hereinafter described, be established.

- E. That said area is compact and contiguous and constitutes a planned development 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 13 Established.

A Special Service Area to be known and designated as "Village of Downers Grove Special Service Area Number 13" is hereby established and shall consist of the following described territory:

LOT 9 IN PINE HILLS UNIT 1 BEING A SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SECTION 29, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 14, 1949 AS DOCUMENT 569748, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 7135 Dunham Road, Downers Grove, IL 60516
 UNDERLYING PIN: 09-29-100-004
 PINs 09-29-116-017, -018, -019, -020, -021
 09-29-117-003 and -004

Section 4. Purpose of Area.

Downers Grove Special Service Area Number 13 is established to provide special municipal services to said area in addition to services provided to the Village generally. Included in said purposes, but not by way of limitation, 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 Bridgepoint Downers Grove, 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.

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, 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 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.

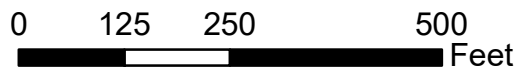
Section 8. That the Village Clerk shall record this Ordinance with the DuPage County Recorder's Office.

Mayor

Passed:

Published:

Attest: _____
Village Clerk



7135 Dunham Road - Location Map



-  Subject Property
-  Project Location

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 Director of Community Development for the Village of Downers Grove, Illinois.
2. On August 3, 2022, 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 13 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 August 16, 2022, being the time set for the public hearing on proposed Special Service Area Number 13 of the Village of Downers Grove.

Further Affiant Sayeth Not. _____

STAN POPOVICH

SUBSCRIBED and SWORN to before
me this 3 day of August 2022.

NOTARY PUBLIC

