

CITY OF BATAVIA

DATE: March 14, 2019
TO: Committee of the Whole – CD
FROM: Joel Strassman, Planning and Zoning Officer
SUBJECT: **Ordinance 19-02:** Establishing Special Service Area Number 65 for Barkei Farms P.D. Subdivision (Phases I, II, & III)

Summary: Ordinance 19-02 (attached) would establish a back-up Special Service Area (SSA) for all phases of the Barkei Farms P.D. Subdivision. A public hearing for establishing the SSA is scheduled for the April 1 City Council meeting.

Background: Representatives of the Barkei Farms Homeowner Association (HOA) requested the City establish an SSA to facilitate their installing a subdivision entry monument sign at the corner of Fox Trail Drive and Hart Road. The effective annexation agreement for Barkei Farms contemplates an entry monument sign and the establishment of an SSA. On January 22, the City Council approved [Ordinance 19-01](#) to propose establishing SSA 65. As of the writing of this memo, the City has not received a petition in opposition to establishing SSA 65.

SSA 65 would be a back-up SSA, remaining dormant and appear on a tax bill with a tax rate of zero. If the HOA fails in its obligation to maintain its common facilities like the sign and stormwater management/open spaces and the City were to incur an expense to maintain one or more of these facilities, a public hearing would be held to activate the SSA imposing a maximum tax levy of fifty cents (\$0.50) per \$100 of equalized assessed valuation of each tax parcel as specified in the annexation agreement and Ordinance 19-02.

Alternatives: The COW can recommend approval of Ordinance 19-02 as presented or with specified revisions, continue its consideration to review requested revisions, or recommend denial.

- **Pros:** Approval will create a back-up SSA as contemplated in the annexation agreement, allowing for the entry monument sign also contemplated in the agreement.
- **Cons:** Staff has not identified any negatives with the establishment of a back-up SSA.
- **Budget Impact:** Staff time would be minimal, essentially to finalize the Ordinance and to record it. In addition to the HOA reimbursing the City for its direct costs for notification, the HOA will reimburse to record the Ordinance.
- **Timeline for Action:** COW recommendation will allow the already noticed public hearing to be held at the April 1 City Council meeting. The Council may adopt the Ordinance at that meeting.

Staff Recommendation: Staff recommends approval of Ordinance 19-02 as presented.

Attachment: Ordinance 19-02

c Mayor and City Council
Department Heads
Richard J. Kirnbauer, VP, Barkei Farms HOA

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-02**

**AN ORDINANCE ESTABLISHING
SPECIAL SERVICE AREA NUMBER 65
BARKEI FARMS P.D. SUBDIVISION
(PHASES I, II, AND III)**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 1ST DAY OF APRIL, 2019**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 2nd day April, 2019

Prepared by and mail to:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 19-02**

**AN ORDINANCE ESTABLISHING
SPECIAL SERVICE AREA NUMBER 65
BARKEI FARMS P.D. SUBDIVISION
(PHASES I, II, AND III)**

BE IT HEREBY ORDAINED by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1 - Authority to Establish Special Service Area: Special Service Areas are established by the City pursuant to Article VII, Section 6, of the Constitution of the State of Illinois, which provides that home rule units have the power 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 pursuant to the Special Service Area Tax Law (35 ILCS 200/27-5, et seq.) which sets forth procedures by which Special Service Areas may be established and taxes levied.

SECTION 2 – Findings:

- A. The question of the establishment of the Area hereinafter described as a Special Service Area is considered by the City Council pursuant to Ordinance 19-01 entitled, “An Ordinance Proposing the Establishment of Special Service Area Number 65 in the City of Batavia and Providing for a Public Hearing and Other Procedures in Conjunction with the Barkei Farms. P.D. Subdivision (Phases I, II, and III),” adopted January 22, 2019, and is considered pursuant to a Hearing held on April 1, 2019, by the City Council, pursuant to Notice duly published in the Daily Herald, a newspaper published in the City of Batavia, at least fifteen (15) days prior to the Hearing, and pursuant to Notice by mail addressed to the person or persons or trustee 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 Public Hearing. A Certificate of Publication of said Notice is attached to this Ordinance as EXHIBIT 1.
- B. A Public Hearing on the questions set forth in the Notice was held on April 1, 2019. All interested persons were given an opportunity to be heard on the question of an annual tax for maintenance and landscaping of detention, signs and common areas, as set forth in the Notice. The Public Hearing was closed on April 1, 2019.
- C. Petitions objecting to the formation of Special Service Area Number 65 were not filed by at least 51% of the electors residing within the proposed Special Service Area Number 65 and by at least 51% of the owners of record of the land included within the boundaries of the proposed Special Service Area 65 within sixty (60) days of the closing of the public hearing.

CITY OF BATAVIA ORDINANCE 19-02

- D. After considering the information, as presented at the Public Hearing, the City finds that it is in the public interest and in the interest of the City of Batavia Special Service Area Number 65 that said Special Service Area, as hereinafter described, be established.
- E. Said Area is compact and contiguous and constitutes a unique area of Batavia.
- F. It is in the best interests of said Special Service Area that the furnishing of the municipal services proposed be provided. The proposed municipal services are unique and in addition to the municipal services provided to the City of Batavia as a whole.

SECTION 3 - The City of Batavia Special Service Area Number 65 Established: A Special Service Area to be known and designated as "City of Batavia Special Service Area Number 65" is hereby established and shall consist of the territory legally described on Exhibit 2 and map of territory depicted on Exhibit 3 and attached hereto.

SECTION 4 – Purpose of Area: City of Batavia Special Service Area Number 65 is established to provide special municipal services to the Area in addition to services provided to the City generally. The purpose of the formation of the City of Batavia Special Service Area Number 65 in general is to provide special municipal services to the area including, but not limited to the Management Facilities, Preserved Wetlands, Wetland Buffers and other common area improvements such as landscaping, common element features, benches, hardscape, fences, and signs. Such actions are only as a back-up in the event that the Owners Association dissolves or otherwise fails to maintain said improvements.

Annual taxes may be levied for the special services enumerated herein, on property in said Special Service Area Number 65, for said Special Service Area, in addition to all other City taxes; provided, that the special annual taxes shall be limited so that the total of said tax does not exceed an annual amount of one dollar (\$0.50) per \$100.00 of assessed value, as equalized, to be levied against the property included in Special Service Area Number 65. An initial levy shall be set at zero dollars and zero cents (\$0.00) per \$100.00 of assessed value, as equalized.

SECTION 5 – Effective Date: This Ordinance 19-02 shall be in full force and effect upon its presentation, passage and publication according to the law.

CITY OF BATAVIA ORDINANCE 19-02

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 1st day of April, 2019.

APPROVED by me as Mayor of said City of Batavia, Illinois, this this 1st day of April, 2019.

Jeffery D. Schielke, Mayor

ATTEST:

Ellen Posledni, City Clerk

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Stark				
5	Uher					Atac				
6	Cerone					Russotto				
7	McFadden					Brown				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office:		Mayor and 14 Aldermen								

CITY OF BATAVIA ORDINANCE 19-02

EXHIBIT 1: CERTIFICATE OF PUBLICATION

NOTICE OF HEARING - CITY OF BATAVIA
SPECIAL SERVICE AREA NUMBER 65

NOTICE is given that on the 1st day of April, 2019 at 7:35 a.m. in the City Council Chambers of the Batavia City Hall, 100 North Island Avenue, Batavia, Illinois, a Public Hearing will be held by the City Council to consider the establishment of a Special Service Area (SSA 65) consisting of certain portions of the City of Batavia, Kane County, Illinois.

The area is located in the southeast quadrant of the City, generally south of the Prairie Path and east of Hart Road. The property is legally described as follows:

Barkel Farms P.D. Phase One, being a Subdivision of part of the southwest quarter of Section 36, Township 39, Range 8, East of the Third Principal Meridian, Kane County, Illinois; together with
Barkel Farms P.D. Phase Two, being a Subdivision of part of the southwest quarter of Section 36, Township 39, Range 8, East of the Third Principal Meridian, Kane County, Illinois; together with
Barkel Farms P.D. Phase Three, being a Subdivision of part of the southwest quarter of Section 36, Township 39, Range 8, East of the Third Principal Meridian, Kane County, Illinois; and

The permanent tax Index numbers that comprise Special Service Area Number 65 are:

Table with 4 columns of tax index numbers: 1226357001, 1226358012, 1226380002, 1226383001, 1226357002, 1226358013, 1226380003, 1226383002, 1226357003, 1226359001, 1226380004, 1226383003, 1226357004, 1226359002, 1226380005, 1226383004, 1226357005, 1226359003, 1226380006, 1226383005, 1226357006, 1226359004, 1226381001, 1226383006, 1226358001, 1226359005, 1226381002, 1226383007, 1226358002, 1226374004, 1226381003, 1226383008, 1226358003, 1226374005, 1226381004, 1226383009, 1226358004, 1226374006, 1226382001, 1226383010, 1226358005, 1226376007, 1226382002, 1226384001, 1226358006, 1226374008, 1226382003, 1226384002, 1226358007, 1226377010, 1226382004, 1226384003, 1226358008, 1226377011, 1226382005, 1226384004, 1226358009, 1226377012, 1226382006, 1226384005, 1226358010, 1226377013, 1226382007, 1226384006, 1226358011, 1226380001, 1226382008

All interested parties will be given an opportunity to be heard regarding the formation of, and the boundaries of, proposed SSA 65 and may object to the formation of the area and the levy of taxes affecting the area. The purpose of the formation of the SSA 65 in general is to provide special municipal services to the area including but not limited to maintenance of stormwater management facilities, preserved wetlands, wetland buffers and other common area improvements such as landscaping, private open space, common element features, benches, pergolas, pavers, bar grills, fences and signs. Such actions are only as a back-up in the event that the Homeowners Association, dissolves or otherwise fails to maintain said improvements.

There will be considered at the public hearing a special tax to be levied only if necessary, against the real property included within the special service area. The tax will be levied only in the event the Home Owners Association, dissolves or otherwise fails to maintain said improvements.

The special tax levied shall not exceed a rate of fifty cents (\$0.50) per \$100 of assessed valuation, as equalized, of the real property included in the Special Service Area. The initial proposed levy shall be an annual rate of zero dollars (\$0.00) per \$100 of assessed valuation, as equalized, of the property in the Special Service Area.

At the hearing, all persons will be given an opportunity to be heard. The hearing may be adjourned by the City Council to another date without further notice other than a motion to be entered upon the minutes affixing the date and place of its adjournment.

If a petition signed by at least 51% of the electors (registered voters) residing within the proposed Special Service Area Number 65 and a petition by at least 51% of the owners of record of the land included within the boundaries of the proposed Special Service Area Number 65 are filed with the City Clerk no later than sixty (60) days following the final adjournment of the Public Hearing, which petitions object to the formation of the SSA, the levy or imposition of a tax or the provision of the special services to the area, no such district may be created or tax may be imposed.

Dated this 11 day of March, 2019
/s/ Ellen Postedni
City Clerk

Published in Daily Herald March 11, 2019 (4520073)

CERTIFICATE OF PUBLICATION

Paddock Publications, Inc.

Fox Valley
Daily Herald

Corporation organized and existing under and by virtue of the laws of the State of Illinois, DOES HEREBY CERTIFY that it is the publisher of the Fox Valley DAILY HERALD. That said Fox Valley DAILY HERALD is a secular newspaper, published in Elgin and has been circulated daily in the Village(s) of:

Aurora, Batavia, Burlington, Carpentersville, East Dundee, Elgin, Elburn, Geneva, Gilberts, Hampshire, Montgomery, North Aurora, Sleepy Hollow, Saint Charles, South Elgin, Sugar Grove, Wayne, West Dundee

County(ies) of Kane
and State of Illinois, continuously for more than one year prior to the date of the first publication of the notice hereinafter referred to and is of general circulation throughout said Village(s), County(ies) and State.

I further certify that the Fox Valley DAILY HERALD is a newspaper as defined in "an Act to revise the law in relation to notices" as amended in 1992 Illinois Compiled Statutes, Chapter 715, Act 5, Section 1 and 5. That a notice of which the annexed printed slip is a true copy, was published 3/11/19 in said Fox Valley DAILY HERALD.

IN WITNESS WHEREOF, the undersigned, the said PADDOCK PUBLICATIONS, Inc., has caused this certificate to be signed by, this authorized agent, at Arlington Heights, Illinois.

PADDOCK PUBLICATIONS, INC.
DAILY HERALD NEWSPAPERS

BY Daula Baltz
Designee of the Publisher and Officer of the Daily Herald

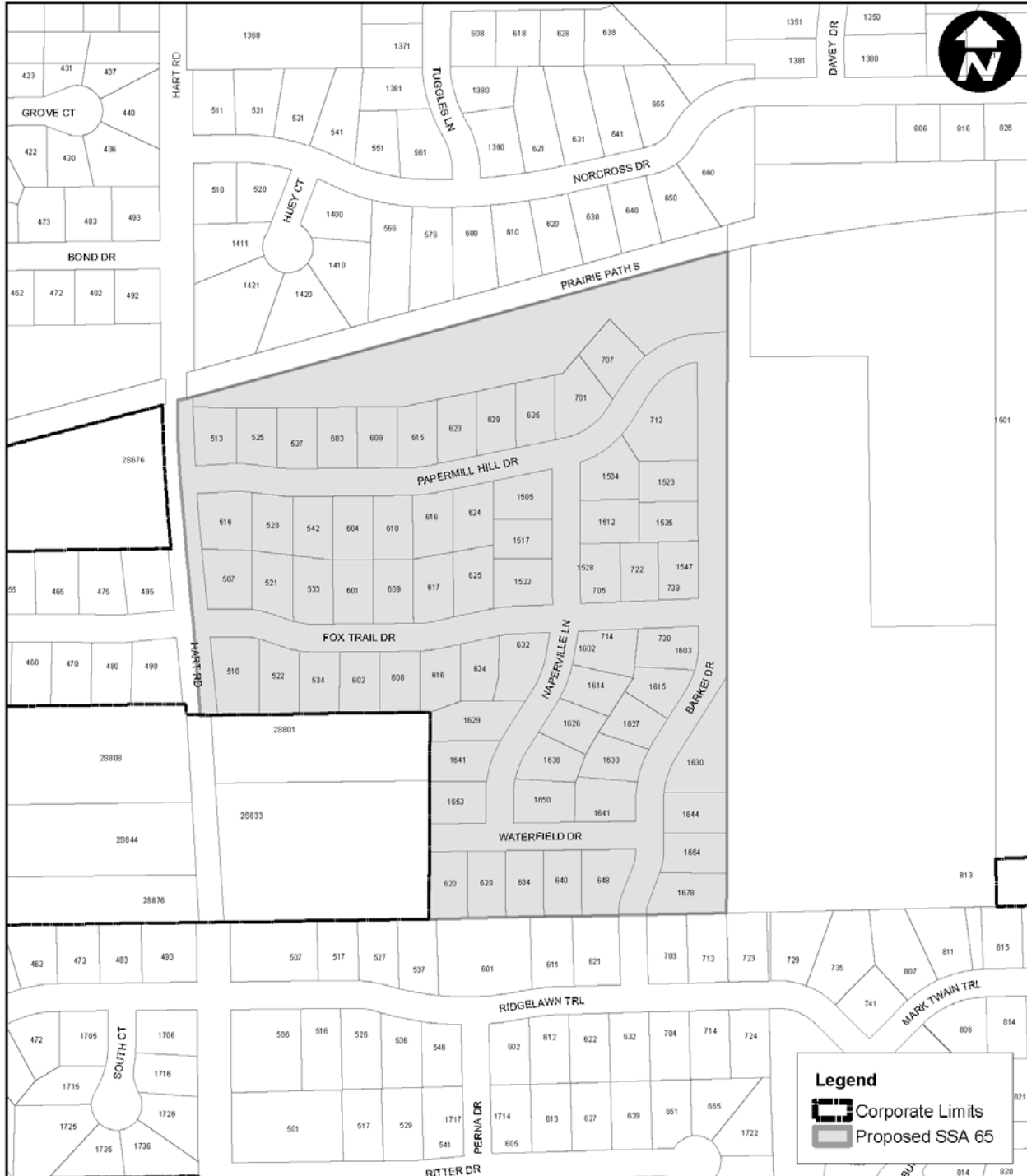
EXHIBIT 2: LEGAL DESCRIPTION

Barkei Farms P.D. Phase One, being a Subdivision of part of the southwest quarter of Section 26, Township 39, Range 8, East of the Third Principal Meridian, Kane County, Illinois; together with

Barkei Farms P.D. Phase Two, being a Subdivision of part of the southwest quarter of Section 26, Township 39, Range 8, East of the Third Principal Meridian, Kane County, Illinois; together with

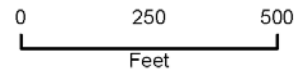
Barkei Farms P.D. Phase Three, being a Subdivision of part of the southwest quarter of Section 26, Township 39, Range 8, East of the Third Principal Meridian, Kane County, Illinois.

EXHIBIT 3: MAP OF SPECIAL SERVICE AREA



Maps and data provided by the City of Batavia are not intended to have, nor do they have, the accuracy of surveys or legal descriptions of land areas. GIS data obtained from the City of Batavia is intended for representational use only. Reliance on such maps and data is at the risk of the recipient. This information, in either electronic or map form, is provided "as is." No warranty expressed or implied is made regarding the accuracy, timeliness, or completeness of the data, nor shall the act of distribution constitute any such warranty. This disclaimer applies both to individual use of the data and aggregate use with other data.

**Proposed SSA 65 - Barkei Farms PD
Subdivision Phases I, II, III**



SOURCE: BATGIS, KANEGIS

DATE: 1/3/2019