

# CITY OF BATAVIA

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**DATE:** November 7, 2019  
**TO:** Committee of the Whole-CD  
**FROM:** Scott Buening, Community Development Director  
**SUBJECT:** Approval of an Ordinance 19-80 Proposing the Establishment of Special Service Area 42 for the Nagel Industrial Park PUD/Farmstead III (Fabyan Parkway and Nagel Boulevard)

- 1. Summary:** Should the City establish Special Service Area Number 42 for the Nagel Industrial Park PUD/Farmstead III (Fabyan Parkway and Nagel Boulevard).
- 2. Background:** The City originally proposed Special Service Area (SSA) 42 in early 2000 by Ordinance 00-04, and was established by Ordinance 00-05. However, this Ordinance was never recorded, and therefore lapsed after 60 days. Staff has had discussions with the original developer about re-establishing the SSA as a way to partially fund the detention pond maintenance at the south end of the development. Per the property Declaration, the Association is required to collect funds amounting to 45% of the detention maintenance costs the City incurs for this pond. The developer and staff felt that the best way to fund this was by re-establishing an active SSA to pay for these costs as the Association is not active. The City would continue to maintain the pond as it has, however we would use the SSA levy to help offset our maintenance costs.

The attached Ordinance would start the process to create the SSA and establish a Public Hearing date of January 20, 2020. The SSA would be an active SSA and we would levy at an amount to cover 45% of the City's maintenance costs. On average this annual maintenance amount is anticipated to be around \$9,000, so we would levy to generate \$4,050 based on this amount. This would result in a levy of about \$0.10 per \$100.00 of EAV based on the current EAV values. This levy amount may be assessed at a higher or lower rate if the 45% of City maintenance costs differ, subject to the maximum levy of \$0.50 as proposed in the Ordinance. Staff supports the establishment of an active SSA with the maximum \$0.50 levy.

Staff would like direction from the Committee to begin the process of establishing what would be SSA 42 for the Nagel Industrial Park PUD/Farmstead III development, with a \$0.50 levy. If this is acceptable, staff would publish a notice to start the process, with an anticipated public hearing date of January 20, 2020. The earliest the SSA could be established would be March 20, 2020, which would create a levy for the following tax year.

- 3. Alternatives, including no action if viable:**
  - Establish SSA 42 with an active levy
  - Establish SSA 42 with a dormant levy
  - Do not establish SSA 42

- **Budget Impact:** The proposed SSA would reduce the City's reliance on the general fund to pay for detention maintenance costs by levying a special tax in this development to pay a portion of our maintenance costs. Annual maintenance costs have been estimated at \$9,000 on average; the actual amounts will be evaluated and assessed each year.
  - **Staffing Impact:** There is no need for additional staff for this initiative.
4. **Timeline for actions:** If the Ordinance is passed to start the SSA process, we would follow the attached timeline. The public hearing would be on January 20, 2020, and passage of the SSA could occur on that same date. It would not become effective until March 20, 2020 which would be the final date to file objections to the creation of the SSA.
5. **Staff recommendation:** Staff recommends approval of Ordinance 19-80 Proposing the Establishment of Special Service Area 42 for the Nagel Industrial Park PUD/Farmstead III (Fabyan Parkway and Nagel Boulevard), subject to a levy of up to \$0.50.

**Attachments:**

1. Draft Ordinance 19-80 Proposing the Establishment of Special Service Area 42 for the Nagel Industrial Park PUD/Farmstead III (Fabyan Parkway and Nagel Boulevard).
2. SSA 42 Map.
3. SSA 42 schedule.
4. Prior SSA 42 Ordinance 00-04.

**CITY OF BATAVIA**

**ORDINANCE 19-80**

**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL  
SERVICE AREA NUMBER 42 IN THE CITY OF BATAVIA AND PROVIDING  
FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONJUNCTION  
WITH THE NAGEL INDUSTRIAL PARK PUD/FARMSTEAD III  
DEVELOPMENT**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
OF THE  
CITY OF BATAVIA  
THIS \_\_\_ DAY OF \_\_\_, 2019**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the  
City of Batavia,  
Kane County, Illinois, this  
\_\_\_ day of \_\_\_\_\_, 2019

**ORDINANCE 19-80**

**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE AREA NUMBER 42 IN THE CITY OF BATAVIA AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONJUNCTION WITH THE NAGEL INDUSTRIAL PARK PUD/FARMSTEAD III DEVELOPMENT**

**WHEREAS**, the City of Batavia is an Illinois home rule municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution, 1970, and as such may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax; and

**WHEREAS**, Sections 200/27-5, et seq. of Chapter 35 of the Illinois Compiled Statutes set forth procedures by which Special Service Areas may be established and taxes levied; and

**WHEREAS**, this ordinance is to propose the establishment of Special Service Area Number 60 providing a tax associated with the provision of special services to the area be levied; and

**WHEREAS**, the establishment of Special Service Area Number 42 and the levy of a special tax against the real estate within the Special Service Area pertains to the government and affairs of the City of Batavia; and is located in the Nagel Industrial Park PUD/Farmstead III Development; and

**WHEREAS**, Special Service Area Number 42 is currently legally described as follows, within the City of Batavia, (hereinafter the "Property"):

THAT PART OF THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY ILLINOIS, BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF FABYAN PARKWAY; ON THE SOUTH BY THE NORTH LINE OF NAGEL FARMSTEAD SUBDIVISION UNIT 7B; ON THE WEST BY THE EAST LINE OF BATAVIA HIGHLANDS UNITS 2, 3, AND 4; AND ON THE WEST BY THE WEST LINE OF LOT 47 IN THE BATAVIA INDUSTRIAL CENTER UNIT 4, AND BY THE WEST LINE OF LOTS 4 AND 6 THROUGH 14 (INCLUSIVE) OF THE BATAVIA INDUSTRIAL CENTER SUBDIVISION UNIT 2, ALL IN THE CITY OF BATAVIA, GENEVA TOWNSHIP, KANE COUNTY, ILLINOIS; AND

**WHEREAS**, it is in the best interests of the City of Batavia that Special Service Area Number 42 be established.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Batavia, Illinois pursuant to its home rule powers as follows:

CITY OF BATAVIA, ILLINOIS ORDINANCE 19-80

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SECTION 1 - Authority to Establish Special Service Area: The City of Batavia is authorized to establish Special Service Area Number 42 pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and further pursuant to the provisions of the Illinois Special Service Area Tax Law (Illinois Compiled Statutes, Chapter 35, Paragraph 200/27-5, et seq.).

SECTION 2 - Findings: The City of Batavia Finds as follows:

A. It is in the public interest that the creation of Special Service Area Number 42 as described in this Ordinance for the purposes set forth in this Ordinance be considered.

B. Special Service Area Number 42 is located in the northeast quadrant of the City, south of Fabyan Parkway and west of Raddant Road. Special Service Area Number 42 covers approximately 35.6 acres. The permanent tax index numbers of the proposed Special Service Area Number 42 are 12-14-100-004, 12-14-100-007 (now 12-14-107-001 and 12-14-107-002), 12-14-100-009, 12-14-100-011, 12-14-100-012, 12-14-100-013, 12-14-100-014, 12-14-153-010, 12-14-153-011, 12-14-153-012, 12-14-153-013, 12-14-176-036, 12-14-176-037, 12-14-176-038, 12-14-176-039, 12-14-176-044 and 12-14-176-045 commonly known as all properties located on Nagel Boulevard and 600 through 710 (even) Fabyan Parkway.

C. That the area of the special service area is so situated that it will receive specific and unique benefit to the owners of property within, namely the maintenance of certain improvements, including but not limited to maintenance and landscaping of the detention areas immediately south of Lot 4 in Farmstead III Unit 1, and the west landscape buffer along the western edge of the proposed Special Service Area. Such levy shall be a maximum of 45% of the City's maintenance costs so incurred for these improvements.

SECTION 3 - Public Hearing: Tax Rate: A public hearing shall be conducted on the 20th day of January, 2020, at 7:35 pm in the City Council Chambers of the City of Batavia, 100 North Island Avenue, Batavia, Illinois, to consider the establishment of Special Service Area Number 42 of the City of Batavia, Illinois, in the territory described in the Notice set forth in Section 4 of this Ordinance. At the hearing, there shall be considered the levy of an annual tax of not to exceed an annual rate of Fifty Cents (\$0.50) per \$100 of assessed valuation, as equalized, of the property in the Special Service Area. The Special Service Area taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Special Service Area Tax Law (35 ILCS 200/27-5 et. Seq.).

SECTION 4 - Notice of Hearing: A notice of hearing shall be published at least once, not less than fifteen (15) days prior to the public hearing in the Daily Herald newspaper. Additionally, notice shall be provided by United States 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 proposed Special Service Area Number 42. The notice shall be mailed not less than ten (10) days prior to the date set for

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the public hearing. In the event taxes for the last preceding year were not paid, 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 substantial conformance with the following form:

**NOTICE OF HEARING - CITY OF BATAVIA**  
**SPECIAL SERVICE AREA NUMBER 42**

NOTICE is given that on the 20th day of January, 2020 at 7:35 p.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 42) consisting of certain portions of the City of Batavia, Kane County, Illinois.

The area is generally located in the northeast quadrant of the City, located south of Fabyan Parkway and west of Raddant Road

The property is legally described as follows:

THAT PART OF THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY ILLINOIS, BOUNDED ON THE NORTH BY THE SOUTH RIGHT-OF-WAY LINE OF FABYAN PARKWAY; ON THE SOUTH BY THE NORTH LINE OF NAGEL FARMSTEAD SUBDIVISION UNIT 7B; ON THE WEST BY THE EAST LINE OF BATAVIA HIGHLANDS UNITS 2, 3, AND 4; AND ON THE WEST BY THE WEST LINE OF LOT 47 IN THE BATAVIA INDUSTRIAL CENTER UNIT 4, AND BY THE WEST LINE OF LOTS 4 AND 6 THROUGH 14 (INCLUSIVE) OF THE BATAVIA INDUSTRIAL CENTER SUBDIVISION UNIT 2, ALL IN THE CITY OF BATAVIA, GENEVA TOWNSHIP, KANE COUNTY, ILLINOIS; AND

The permanent tax index numbers of the proposed Special Service Area Number 42 are 12-14-100-004, 12-14-100-007 (now 12-14-107-001 and 12-14-107-002), 12-14-100-009, 12-14-100-011, 12-14-100-012, 12-14-100-013, 12-14-100-014, 12-14-153-010, 12-14-153-011, 12-14-153-012, 12-14-153-013, 12-14-176-036, 12-14-176-037, 12-14-176-038, 12-14-176-039, 12-14-176-044 and 12-14-176-045 commonly known as all properties located on Nagel Boulevard and 600 through 710 (even) Fabyan Parkway.

All interested parties will be given an opportunity to be heard regarding the formation of, and the boundaries of, proposed SSA 42 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 42 in general is to provide special municipal services to the area including the maintenance of certain improvements, including but not limited to maintenance and landscaping of the detention areas immediately south of Lot 4 in Farmstead III Unit 1, and the west landscape buffer along the western edge of the proposed Special Service Area. Such levy shall be a maximum of 45% of the City's maintenance costs so incurred for these improvements.

CITY OF BATAVIA, ILLINOIS ORDINANCE 19-80

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The special tax levied shall not exceed a rate of Fifty Cents (\$0.50) 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 42 **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 42 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 \_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
Scott Buening  
Community Development Director

SECTION 5 - Effective Date: This ordinance shall become effective from and after its passage, approval and publication in pamphlet form in the manner prescribed by law.

**PRESENTED** to the City Council of the City of Batavia, Illinois, this \_\_\_ day of \_\_\_\_\_, 2019.

**PASSED** by the City Council of the City of Batavia, Illinois, this \_\_\_ day of \_\_\_\_\_, 2019.

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**APPROVED** by me as Mayor of said City of Batavia, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Salvati				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										
<b>VOTE:</b>		Ayes	Nays	Absent	Abstention(s)					
Total holding office: Mayor and 14 aldermen										

ATTEST:

\_\_\_\_\_  
Ellen Posledni, City Clerk





IDField	PIN	TOTASS17
1	1214100004	0
2	1214100007	799
3	1214100009	1049
4	1214100011	14718
5	1214100012	17
6	1214100013	342
7	1214100014	777
8	1214153010	291875
9	1214153011	408789
10	1214153012	353750
11	1214153013	1672222
12	1214176036	271661
13	1214176037	483270
14	1214176038	253590
15	1214176039	326043
16	1214176044	98
17	1214176045	225

FOREST AVE  
N

SSA 42 (Nagel Industrial Detention) Schedule-(10/9/2019)

November 12, 2019 (Tue)	COW Meeting to Discuss proposal
November 18 (Mon)	CC Ordinance Proposing (amended) SSA 42, establish PH date of January 20, 2020 (60 days after Proposing Ordinance)
December 30 (MON <del>Tues</del> )	Notice to newspaper advertising Public Hearing (4 <del>3</del> days prior to publish date)
January 3, 2020 (Fri)	Notice Published for Public Hearing (15 days prior to PH not including Sat or Sun publish)
January 9 (Thurs)	Deadline to mail letters to property owners (10 days prior to PH)
January 14 (Tue)	COW to discuss Establishing Ordinance
January 17 (Fri)	Lapse of minimum of 60 days from Proposing Ordinance to Public Hearing
January 20 (Mon)	CC Public Hearing (assuming no continuance), CC to Pass Establishing Ordinance
March 20 (Friday)	Deadline to submit petitions objecting to SSA (60 days after PH close)
March 20 (Friday)	Final Deadline to Record Ordinance (for 2020 levy) (within 60 days of passing establishing ordinance)

**CITY OF BATAVIA**

**ORDINANCE 00-04**

**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE  
AREA NUMBER 42 IN THE CITY OF BATAVIA AND PROVIDING FOR A  
PUBLIC HEARING AND OTHER PROCEDURES IN CONJUNCTION  
THEREWITH - (NAGEL) FARMSTEAD III, UNIT 1**

**ADOPTED BY THE**

**MAYOR AND CITY COUNCIL  
OF THE  
CITY OF BATAVIA**

**THIS 17 DAY OF Jan., 1999**

Published in pamphlet form  
by authority of the Mayor  
and City Council of the  
City of Batavia,  
Kane County, Illinois, this  
18 day of January, 2000

**ORDINANCE 00-04**

**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE AREA NUMBER 42 IN THE CITY OF BATAVIA AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONJUNCTION THEREWITH - (NAGEL) FARMSTEAD III, UNIT 1**

WHEREAS, the City of Batavia is an Illinois non-home rule municipality pursuant to the provisions of Article VII, Section 6, of the Illinois Constitution, 1970, and as such may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax; and

WHEREAS, Sections 200/27-5, et seq. of Chapter 35 of the Illinois Compiled Statutes set forth procedures by which special service areas may be established and taxes levied; and

WHEREAS, this ordinance is to create Special Service Area Number 42 providing a tax associated with the establishment of the special service area be levied; and

WHEREAS, the establishment of Special Service Area Number 42 and the levy of a special tax against the real estate within the special service area pertains to the government and affairs of the City of Batavia; and is to be platted as Farmstead III, Unit 1 Subdivision in the future, and

WHEREAS, Special Service Area Number 42 is comprised of the property legally described as Lots 1, 2, 3, 4, 5, 6 and 7 in Unit 1, Farmstead III Subdivision within the City of Batavia, (hereinafter the "Property") and

WHEREAS, it is in the best interests of the City of Batavia that Special Service Area Number 42 be established.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Batavia, Illinois, pursuant to its non-home rule powers as follows:

SECTION 1 - Authority to Establish Special Service Area: The City of Batavia is authorized to establish Special Service Area Number 42 pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and further pursuant to the provisions of the Illinois Special Service Areas Act (35 ILCS 200/27-5, et seq)

SECTION 2 - Findings: The City of Batavia finds as follows:

A. It is in the public interest that the creation of Special Service Area Number 42 as described in this Ordinance for the purposes set forth in this Ordinance be considered.

B. Special Service Area Number 42 is located in the Northeast quadrant of the City, is approximately located north of Maves Drive, south of Fabyan Parkway, East off Surry Road

and west of Raddant Road, and consists of 16.11 acres platted and is legally described as Lots 1-7 of the Farmstead III, Unit I, Subdivision.

C. That the area of the special service area is so situated that it will provide specific and unique benefit to the owners of property within, namely the maintenance of certain improvements, including but not limited to ordinary and extraordinary maintenance of the detention area immediately south of Lot 4, and maintenance of the landscape buffer along the west edge of the Property.

SECTION 3 - Public Hearing; Tax Rate: A public hearing shall be conducted on the 7<sup>th</sup> day of February 2000, at 7:40 p.m. in the City Council Chambers of the City of Batavia, 100 North Island Avenue, Batavia, Illinois, to consider the establishment of Special Service Area Number 42 of the City of Batavia, Illinois, in the territory described in the Notice set forth in Section 4 of this ordinance. At the hearing, there shall be considered the levy of an annual tax of not to exceed an annual rate of 50 cents (\$0.50) per \$100 of assessed valuation, as equalized, of the property in the special service area. The special service area taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Illinois Revenue Act, 1939, as amended.

SECTION 4 - Notice of Hearing: A notice of hearing shall be published at least once, not less than fifteen (15) days prior to the public hearing, in a paper legally qualified to publish notices for formations of special service areas. Said notice shall also be mailed not less than ten (10) days prior to the date set for the public hearing, via United States 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 proposed Special Service Area Number 42. In the event taxes for the last preceding year were not paid, 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 substantial conformance with the following form:

**NOTICE OF HEARING - CITY OF BATAVIA**  
**SPECIAL SERVICE AREA NUMBER 42**

NOTICE is given that on the 7<sup>th</sup> day of February, 2000, at 7:40 p.m. in the City Council Chambers of the Batavia City Hall, 100 North Island Avenue, Batavia, Illinois, a hearing will be held by the City Council to consider the establishment of a Special Service Area consisting of the territory described as Lots 1, 2, 3, 4, 5, 6, and 7 Unit I, Farmstead III Subdivision, Batavia, Kane County, Illinois.

The area is a 16.11 acre tract located in the northeast quadrant of Batavia, approximately located north of Maves Drive, south of Fabyan Parkway, east of Surrey Road and west of Raddant Road.

All interested parties affected by the formation of City of Batavia Special Service Area Number 42 will be given an opportunity to be heard regarding the formation of, the boundaries

of, the special service area and may object to the formation of the area and the levy of taxes affecting the area.

The purpose of the formation of the City of Batavia Special Service Area Number 42, in general, is to provide special municipal services to the area including the maintenance of certain improvements, including but not limited to ordinary and extraordinary maintenance of the detention area immediately south of Lot 4, and maintenance of the landscape buffer along the west edge of the Property.

There will be considered at the public hearing a special tax to be levied against the real property included within the Special Service Area. The special tax shall be levied and shall not exceed a rate of 50 cents (\$0.50) per \$100 of assessed valuation, as equalized, of the real property included in the special service area.

At the hearing, all persons affected 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 residing within the Special Service Area Number 42 and by at least 51% of the owners of record of the land included within the boundaries of Special Service Area Number 42 is filed with the City Clerk within sixty (60) days following the final adjournment of the public hearing, objecting to the formation of the special service area, the levy or imposition of a tax or the provision of the special services to the area, no such district will be created and no such tax will be imposed.

Dated this 17th day of January, 2000.

  
\_\_\_\_\_  
City Clerk

SECTION 5: All ordinances or parts or ordinances in conflict with these provisions are repealed.

SECTION 6: This ordinance shall become effective from and after its passage, approval and publication in pamphlet form in the manner prescribed by law.

PRESENTED to the City Council of the City of Batavia, Illinois, on the 17th day of January, 2000.

PASSED by the City Council of the City of Batavia, Illinois, on the 17th day of January, 2000.

APPROVED by me as Mayor of said City of Batavia, Illinois, on the 17th day of January, 2000.

Jeffery D. Schielke  
Mayor

Attest:

Penelope L. Tracy  
City Clerk

Ayes 14

Nays 0

Absent 0

Abstentions (counted as ayes/nays) 0

Total Holding Office 14