

DATE: August 19, 2021
TO: Committee of the Whole-CD
FROM: Scott Buening, Community and Economic Development Director
SUBJECT: Approval of Ordinance 21-48 Proposing the Establishment of Special Service Area 56 for the Fox Valley Industrial Park and Fox Valley Business Park (East of S River Street and north of Prairie Path Bike Trail)

- 1. Summary:** Should the City establish Special Service Area Number 56 for the Fox Valley Industrial Park and Fox Valley Business Park.
- 2. Background:** The City originally proposed Special Service Area (SSA) 56 for the Fox Valley Business Park in late 2011 by Ordinance 11-34 and was established by Ordinance 12-10 in 2012. 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 backup for maintenance of detention and open space areas of the Planned Development. However, the originally proposed SSA only included the vacant properties that were resubdivided. Staff feels that since the entire development is served by these detention facilities, that the SSA should include all parts of the original Fox Valley Industrial Park and the Fox Valley Business Park resubdivision. The City would not maintain any of these facilities unless the property owners association fails to do so.

The attached Ordinance would start the process to create the SSA and establish a Public Hearing date of November 8, 2021. The SSA would be a dormant SSA and no tax would be levied (\$0.00 ley). The levy if activated would be up to \$1.00 per \$100.00 of Equalized Assessed Valuation (EAV). Staff supports the establishment of a dormant SSA with the maximum \$1.00 levy.

Staff would like direction from the Committee to begin the process of re-establishing what would be SSA 56 for the Fox Valley Industrial Park/Fox Valley Business Park resubdivision with the aforesaid \$1.00/\$100.00 EAV levy. If this is acceptable, staff would publish a notice to start the process, with an anticipated public hearing date of November 8, 2020, 2020. The earliest the SSA could be established would be January 7, 2022.

3. Alternatives, including no action if viable:

- Establish SSA 56 with a dormant levy
- Do not establish SSA 56

- **Budget Impact:** The proposed SSA would be dormant and not impose a levy unless the property owners association fails to maintain the common areas and detention. If that occurs we would activate the SSA and levy an amount to cover the City's costs of maintaining this area. The cost to establish this SSA is estimated to be around \$500.00.
- **Staffing Impact:** There is no need for additional staff for this initiative.

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 21-48**

**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL
SERVICE AREA NUMBER 56 IN THE CITY OF BATAVIA AND PROVIDING
FOR A PUBLIC HEARING AND OTHER PROCEDURES IN THE FOX
VALLEY INDUSTRIAL PARK SUBDIVISION AND FOX VALLEY BUSINESS
PARK RESUBDIVISION**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS ___ DAY OF _____, 2021**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
this ___ day of _____, 2021

Prepared by:

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

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 21-48**

**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL
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PARK RESUBDIVISION**

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 Statute 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 56 providing a tax associated with the provision of special services to the area be levied; and

WHEREAS, the establishment of Special Service Area Number 56 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 proposed Fox Valley Industrial Park Subdivision and the Fox Valley Business Park Resubdivision; and

WHEREAS, Special Service Area Number 56 is legally described as follows, within the City of Batavia, (hereinafter the "Property"):

LOTS 1, 2, 3, 4, 5, 6, 7, 13, 14, 19 AND 20, AND LOT 8 EXCEPTING THEREFROM THAT PORTION LOT 8 LOCATED EASTERLY OF A LINE THAT IS 30.5 FEET WESTERLY OF THE EASTERLY LINE OF SAID LOT 8, AS MEASURED ALONG THE NORTHERLY LINE THEREOF, AND EXTENDS SOUTHERLY TO THE SOUTHEAST CORNER OF LOT 8, AND ALL OF THE DEDICATED RIGHTS OF WAY OF BOND DRIVE, OSWALT AVENUE, BELLEVIEW LANE AND BEACH STREET WITHIN SAID SUBDIVISION, WITHIN THE FOX VALLEY INDUSTRIAL PARK SUBDIVISION, RECORDED DECEMBER 30, 1987 AS DOCUMENT 1885952, ALL IN THE CITY OF BATAVIA, BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS; AND

ALL OF THE FOX VALLEY BUSINESS PARK RESUBDIVISION, RECORDED FEBRUARY 7, 2012 AS DOCUMENT 2012K007824, ALL IN THE CITY OF BATAVIA, BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS; and

CITY OF BATAVIA, ILLINOIS, ORDINANCE 21-48

WHEREAS, it is in the best interests of the City of Batavia that Special Service Area Number 56 be established.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois pursuant to its 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 56 pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and further pursuant to the provisions of the Illinois Special Service Areas Act (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 56 as described in this Ordinance for the purposes set forth in this Ordinance be considered.

B. Special Service Area Number 56 is located in the southeast quadrant of the City, generally along Bond Drive, Belleview Lane, Oswalt Avenue, and Beach Street. Special Service Area Number 56 is located immediately northeast of the northeast corner of the intersection of the Burlington Northern Railroad right-of-way and the Illinois Prairie Path, east of South River Street (Illinois Route 25). Special Service Area Number 56 is immediately west of the adjacent Beechen & Dill's Fox Trail North, and the Judd Farm subdivisions. Special Service Area Number 56 covers approximately 35 acres and consists of the Fox Valley Industrial Park and the Fox Valley Business Park resubdivision which includes lots for stormwater management, with one of the lots containing a wetland, buffer, and conservation easement. The permanent tax index numbers of all parcels located in the area of the proposed Special Service Area Number 56 are as follows:

1227278011, 1227278012, 1227278013, 1227278014, 1227278016, 1227278017,
1227278001, 1227278019, 1227278021, 1227278022, 1227426003, 1227426004,
1227427001, 1227427002, 1227427007, 1227427008, 1227427020, 1227427021,
1227427022, 1227427023, 1227427024, 1227428014, 1227428015 and 1227428016

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 to provide special municipal services to the area including the maintenance of certain improvements, including but not limited detention areas, open space areas, the drainage, wetland, buffer, and conservation easement, inlet and outlet structures therein, including the structures and landscaping, and the services to establish the Special Service Area and to administrate it.

SECTION 3 - Public Hearing: Tax Rate: A public hearing shall be conducted on the 8th day of November, 2021, at 7:35 pm in the City Council Chambers of the City of

CITY OF BATAVIA, ILLINOIS, ORDINANCE 21-48

Batavia, 100 North Island Avenue, Batavia, Illinois, to consider the establishment of Special Service Area Number 56 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 one dollar (\$1.00) 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 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 56. The notice shall be mailed not less than ten (10) days prior to the date set for 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 56**

NOTICE is given that on the 8th day of November, 2021 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 56) consisting of certain portions of the City of Batavia, Kane County, Illinois.

The area is generally located in the southeast quadrant of the City, located east of S. River Street (IL Route 25) and west of Hart Road.

The property is legally described as follows: LOTS 1, 2, 3, 4, 5, 6, 7, 13, 14, 19 AND 20, AND LOT 8 EXCEPTING THEREFROM THAT PORTION LOT 8 LOCATED EASTERLY OF A LINE THAT IS 30.5 FEET WESTERLY OF THE EASTERLY LINE OF SAID LOT 8, AS MEASURED ALONG THE NORTHERLY LINE THEREOF, AND EXTENDS SOUTHERLY TO THE SOUTHEAST CORNER OF LOT 8, AND ALL OF THE DEDICATED RIGHTS OF WAY OF BOND DRIVE, OSWALT AVENUE, BELLEVIEW LANE AND BEACH STREET WITHIN SAID SUBDIVISION, WITHIN THE FOX VALLEY INDUSTRIAL PARK SUBDIVISION, RECORDED DECEMBER 30, 1987 AS DOCUMENT 1885952, ALL IN THE CITY OF BATAVIA, BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS; AND

ALL OF THE FOX VALLEY BUSINESS PARK RESUBDIVISION, RECORDED FEBRUARY 7, 2012 AS DOCUMENT 2012K007824, ALL IN THE CITY OF BATAVIA, BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS

CITY OF BATAVIA, ILLINOIS, ORDINANCE 21-48

The permanent tax index numbers of the proposed Special Service Area Number 56 are 1227278011, 1227278012, 1227278013, 1227278014, 1227278016, 1227278017, 1227278001, 1227278019, 1227278021, 1227278022, 1227426003, 1227426004, 1227427001, 1227427002, 1227427007, 1227427008, 1227427020, 1227427021, 1227427022, 1227427023, 1227427024, 1227428014, 1227428015 and 1227428016 commonly known as 150-335 Oswalt Avenue, 1400-1550 Beach Street, 100-115 Bond Drive, and 120-340 Belleview Lane.

All interested parties will be given an opportunity to be heard regarding the formation of, and the boundaries of, proposed SSA 56 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 56 in general is to provide special municipal services to the area including the maintenance of certain improvements, including but not limited to detention areas, open space areas, the drainage, wetland, buffer and conservation easement, inlet and outlet structures therein, including the structures and landscaping.

The special tax levied shall not exceed a rate of one dollar (\$1.00) 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 56 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 56 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 22nd day October, 2021

Scott Buening
Community and Economic Development Director

SECTION 5 - Administration Fee and Reimbursement of Attorney's Fees: In the event the City of Batavia must provide municipal services pursuant to the terms of Special Service Area Number 56, the City shall be entitled to impose an administrative fee not to exceed 10% of the cost to provide said services to be paid by the owners of record of the land included within the boundaries of Special Service Area Number 56. The City shall also be entitled to be reimbursed by the owners of record of the land included within the boundaries of Special Service Area Number 56 to recover its legal fees associated with the proposing and establishment of said Special Service Area Number 56, and enactment(s) of said Special Service Area Number 56.

CITY OF BATAVIA, ILLINOIS, ORDINANCE 21-48

SECTION 6 - 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 and **PASSED** by the City Council of the City of Batavia, Illinois, this ___ day of _____, 2021.

APPROVED by me as Mayor of said City of Batavia, Illinois, this ___ day of _____, 2021.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	Baerren					Solfa				
2	Leman					Wolff				
3	Ajazi					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	Vogelsinger					Miller				
Mayor Schielke										
VOTE:		14 Ayes	0 Nays	0 Absent	0 Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:



Kate Garrett, City Clerk

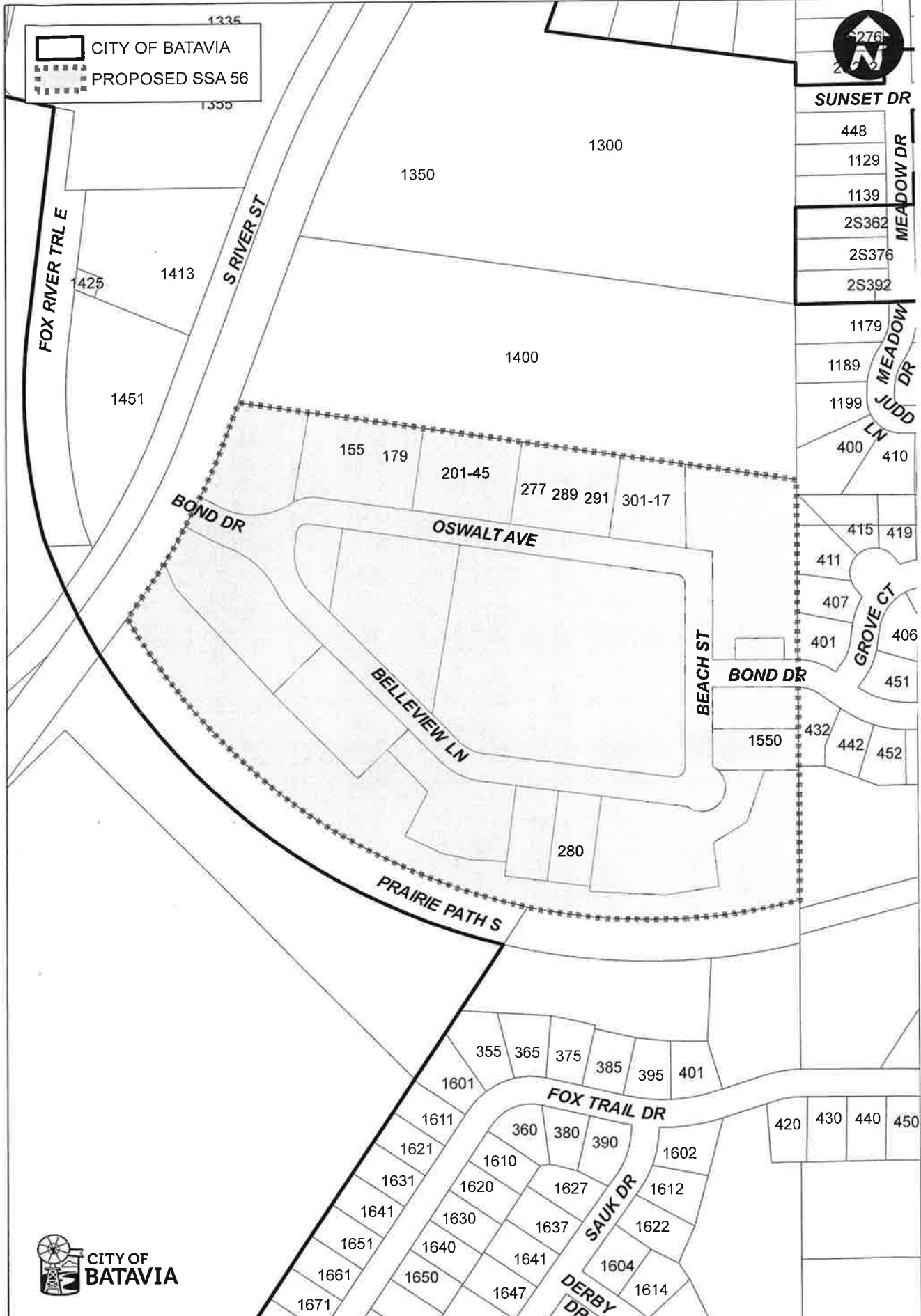
4. **Timeline for actions:** If the Ordinance is passed to start the SSA process, we would follow the attached timeline. The public hearing would be on November 8, 2021, and passage of the SSA could occur on that same date. It would not become effective until January 7, 2022 which would be the final date to file objections to the creation of the SSA.

5. **Staff recommendation:** Staff recommends approval of Ordinance 21-48 Proposing the Establishment of Special Service Area 56 for the Fox Valley Industrial Park and Fox Valley Business Park (East of S River Street and north of Prairie Path Bike Trail) subject to a levy of up to \$1.00/\$100.00 of EAV.

Attachments:

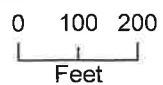
1. Ordinance 21-48 Proposing the Establishment of Special Service Area 56 for the Fox Valley Industrial Park and Fox Valley Business Park (East of S River Street and north of Prairie Path Bike Trail).
2. SSA 56 Map.
3. SSA 56 schedule.
4. Prior SSA 56 Ordinance 12-10.


CITY OF BATAVIA

PROPOSED SSA 56



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 56



SOURCE: BATGIS, KANEGIS

DATE: 7/20/202

SSA 56 (Fox Valley Business Park Detention) Schedule – (7/29/2021)

August 24, 2021 (Tue)	COW Meeting to Discuss proposal
September 7 (TUES)	CC Ordinance Proposing SSA 56, establish PH date of November 8, 2021 (60 days after Proposing Ordinance)
October 19 (Tuesday)	Notice to newspaper advertising Public Hearing (3 days prior to publish date)
October 22 (Friday)	Notice Published for Public Hearing (15 days prior to PH not including Sat or Sun publish)
October 29 (Fri)	Deadline to mail letters to property owners (10 days prior to PH)
October 26 (Tue)	COW to discuss Establishing Ordinance
November 6 (SAT)	Lapse of minimum of 60 days from Proposing Ordinance to Public Hearing
November 8 (Mon)	CC Public Hearing (assuming no continuance), CC to Pass Establishing Ordinance
January 7, 2022 (Friday)	Deadline to submit petitions objecting to SSA (60 days after PH close)
January 7, 2022 (Friday)	Final Deadline to Record Ordinance (for 2022 levy) (within 60 days of passing establishing ordinance)

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 12-10**

**AN ORDINANCE ESTABLISHING
SPECIAL SERVICE AREA NUMBER 56
FOX VALLEY BUSINESS PARK RESUBDIVISION**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 2ND DAY OF APRIL, 2012**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 3rd day of April, 2012

Prepared by:

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

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 12-10**

**AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA NUMBER 56
FOX VALLEY BUSINESS PARK RESUBDIVISION**

BE IT HEREBY ORDAINED by the 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 pursuant to Article VII, Section 6, of the Constitution of the State of Illinois, in force July 1, 1971, and by Sections 200/27-5, et seq. of Chapter 35 of the Illinois Compiled Statute that sets forth procedures by which Special Service Areas may be established and taxes levied and are established pursuant to the provisions of an Act to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of municipalities and counties and pursuant to the Revenue Act of 1939.

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 11-34 entitled, "An Ordinance Proposing Establishment of a Special Service Area Number 56 in the City of Batavia, Kane County, Illinois, and Providing for a Public Hearing and Other Procedures in Connection With the Proposed Fox Valley Business Park Resubdivision," adopted December 5, 2011, and is considered pursuant to a Hearing held on January 17, 2012, 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 Mails not less than ten (10) days prior to the time set for Public Hearing. A Certificate of Publication of said Notice and Receipts of Mailing of said Notice are attached to this Ordinance as Exhibits 1 and 2; said Notices conformed in all respects to the requirements of Section 5 of Public Act 78-901, aforesaid.

B. That a Public Hearing on the questions set forth in the Notice was held on January 17, 2012. All interested persons were given an opportunity to be heard on the question of an annual tax for maintenance of said basins, as set forth in the Notice. The Public Hearing was adjourned at 8:34 p.m. on January 17, 2012.

C. That 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 56 that said Special Service Area, as hereinafter described, be established.

D. Said Area is compact and contiguous and constitutes a unique industrial area of Batavia.

E. 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 56 Established: A Special Service Area to be known and designated as "City of Batavia Special Service Area Number 56" is hereby established and shall consist of the territory described on Exhibit 3 attached hereto.

SECTION 4 – Purpose of Area: City of Batavia Special Service Area Number 56 is established to provide special municipal services to said Area in addition to services provided to the City generally. The purpose of the formation of the City of Batavia Special Service Area Number 56 in general is to provide special municipal services to the Area in connection with the maintenance of certain improvements, including but not limited to detention areas, open space areas, the drainage, wetland, buffer, and conservation easement, inlet and outlet structures therein, including the structures and landscaping.

Annual taxes may be levied for the special services enumerated herein, on property in said Special Service Area Number 56, 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 (\$1.00) per \$100.00 of assessed value, as equalized, to be levied against the property included in Special Service Area Number 56.

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 and **PASSED** by the City Council of the City of Batavia, Illinois, this 2nd day of April, 2012.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien	x				Sparks	x			
2	Dietz	x				Wolff	x			
3	Jungels	x				Chanzit	x			
4	Volk	x				Stark	x			
5	Frydendall	x				Theilin Atac	x			
6	Liva	x				Clark	x			
7	Tenuta	x				Brown	x			
Mayor Schielke										
VOTE:		14 Ayes	0 Nays	0 Absent	Abstentions					
Total holding office:		Mayor and 14 aldermen								

ATTEST:

Heidi Wetzal, City Clerk