

DATE: February 28, 2022
TO: Committee of the Whole
FROM: Scott Buening, Community and Economic Development Director
SUBJECT: Ordinance 22-14: Terminating Special Service Area Number 61 for the One Washington Place Development

- 1. Summary:** Should the City approve of Ordinance 22-14 Terminating Special Service Area Number 61 for the One Washington Place Development.
- 2. Background:** The City Council approved of Ordinance 17-21 on March 20, 2017 which established Special Service Area Number 61 (SSA) for the One Washington Place development at North Washington Avenue and East Wilson Street. This was a back up SSA that would only have been activated in the event Tax Increment Financing (TIF) property taxes for the redevelopment project are insufficient to pay for the payment of school reimbursement payments, redevelopment bonds or required insurance premiums for the project. The SSA would have been terminated once all the bonds for the project have been paid off.

The developer terminated the Redevelopment Agreement that was approved for this project, and we recorded a Memorandum of Termination on February 25, 2022. Therefore, since the project is no longer moving forward, and since the SSA had provisions that were specifically attributable to this project only, there is no need to continue to keep this SSA in place. The attached Ordinance would terminate SSA Number 61, and it would be recorded once passed. Staff recommends approval of Ordinance 22-14 Terminating Special Service Area Number 61 for the One Washington Place Development.

- 3. Alternatives, including no action if viable:**
 - Approve of Ordinance 22-14 Terminating Special Service Area Number 61 for the One Washington Place Development
 - Do not approve of Ordinance 22-14 and keep the SSA in place
- 4. Budget Impact:** There would be minimal recording fees to record this Ordinance.
- 5. Staffing Impact:** There will be no staffing impact.
- 6. Timeline for actions:** There is no specific timeline, but keeping the SSA in place will create a “cloud” on the title of the land and make it harder for redevelopment in the future.

7. **Staff recommendation:** Staff recommends approval of Ordinance 22-14 Terminating Special Service Area Number 61 for the One Washington Place Development.

Attachments:

1. Ordinance 22-14 Terminating Special Service Area Number 61 for the One Washington Place Development
2. Ordinance 17-21 Establishing SSA 61.

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 22-14**

**TERMINATING SPECIAL SERVICE AREA NUMBER 61
FOR THE ONE WASHINGTON PLACE DEVELOPMENT
IN THE CITY OF BATAVIA**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
_____ DAY OF _____, 2022**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This ____ day of _____, 2022

Prepared by:
City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 22-14**

**TERMINATING SPECIAL SERVICE AREA NUMBER 61
FOR THE ONE WASHINGTON PLACE DEVELOPMENT
IN THE CITY OF BATAVIA**

WHEREAS, an ordinance establishing Special Service Area Number 61 for the One Washington Place Development in the City of Batavia (hereinafter “SSA #61”) was approved on March 20, 2017 by Ordinance 17-21 for funding differences in tax increment needed for bond payments, for shortfalls due to the school district by law, or funding of premiums for insurance on bond premiums; and,

WHEREAS, the property is now legally described as Lot 1 in the One North Washington Place Consolidation and all portions of North River Street, State Street, North Washington Avenue and East Wilson Street adjacent to said Lot, also known as PIN 12-22-276-025 and 12-22-276-026; and,

WHEREAS, the One Washington Place Project and Redevelopment Agreement was withdrawn by Memorandum recorded February 25, 2022 as document 2022K011068 and therefore there is no longer any public purpose, need or reason to be served by continuation of SSA #61;

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

SECTION 1. The Special Service Area established by Ordinance No. 17-21, being an Ordinance Establishing Special Service Area Number 61 for the One Washington Place Development is hereby terminated, and that SSA #61 shall be terminated as of the effective date of this Ordinance.

SECTION 2. If any unexpended funds remain from previous levies of Special Service Area taxes in SSA #61, the funds shall be refunded to the taxpayers of record for all parcels within SSA #61, as of the date the refund is declared, on a pro rata basis based upon each parcel's proportionate share of the total equalized assessed valuation of all parcels within the Special Service Area after payment of any expenses incurred in the process of terminating SSA #61. The refund shall be declared after the Finance Director determines the funds that remain after applying those funds to payment of the costs incurred to terminate the Special Service Area, if any, and notice of the declaration shall be made with the refund to each taxpayer.

SECTION 3. In processing the refund, the county or municipality may deduct not more than 5% of the amount declared to be refunded to cover its costs and expenses relative to declaring and making the refund.

CITY OF BATAVIA, ILLINOIS ORDINANCE 22-14

SECTION 4. The City Community and Economic Development Director or designee is hereby authorized and directed to record a copy of this Ordinance terminating SSA #61 at the Kane County Recorder of Deeds office and to send a copy of this Ordinance to the Kane County Supervisor of Assessments office.

SECTION 5. This Ordinance shall be in full force and effect upon its presentation, passage, approval and publication according to law.

PRESENTED to the City Council of the City of Batavia, Illinois, this ____ day of _____, 2022.

PASSED by the City Council of the City of Batavia, Illinois, this ____ day of _____, 2022.

APPROVED by me as Mayor of said City of Batavia, Illinois, this this ____ day of _____, 2022.

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					Connelly				
5	Uher					Beck				
6	Cerone					Russotto				
7	Vogelsinger					Miller				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Kate Garrett, City Clerk



2017K014486
SANDY WEGMAN
RECORDER - KANE COUNTY, IL

RECORDED: 3/22/2017 12:40 PM
REC FEE: 55.00
PAGES: 12

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 17-21**

**AN ORDINANCE ESTABLISHING
SPECIAL SERVICE AREA NUMBER 61
FOR THE ONE WASHINGTON PLACE
DEVELOPMENT**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 20TH DAY OF MARCH, 2017**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 20th day of March, 2017

Prepared by and mail to:

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

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 17-21**

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 61 is considered by the City Council pursuant to Ordinance 17-02 entitled, "An Ordinance Proposing Establishment of a Special Service Area Number 61 in the City of Batavia and Providing for a Public Hearing and Other Procedures in Connection With the One Washington Place Development" adopted January 17, 2017, and is considered pursuant to a Hearing held on March 20, 2017, 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 and Receipts of Mailing of said Notice are attached to this Ordinance as EXHIBITS 1 and 2.
- B. A Public Hearing on the questions set forth in the Notice was held on March 20, 2017. All interested persons were given an opportunity to be heard on the question of an annual tax for providing special municipal services to the area including payment of the difference between the tax increment generated from the Project described in that certain redevelopment agreement identified as the 1 North Washington Avenue Redevelopment Agreement, dated as of September 7, 2016, by and between the City of Batavia and 1 N. Washington, L.L.C. (hereinafter the "RDA") and the bond payments when those payments are due for the bonds issued to defray the costs of the Public Improvements described in the RDA, including any shortfall created by payments due the school district as required by law, and the funding of any premiums necessary to maintain insurance or bonding of the Private Improvements as described in RDA if the developer or condominium association fails to maintain the insurance or bonding, as set forth in the Notice. The Public Hearing was closed on March 20, 2017.

- C. Petitions objecting to the formation of Special Service Area Number 61 were not filed by at least 51% of the electors residing within the proposed Special Service Area Number 61 or by at least 51% of the owners of record of the land included within the boundaries of the proposed Special Service Area 61.
- 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 61 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 61 Established: A Special Service Area to be known and designated as “City of Batavia Special Service Area Number 61” is hereby established and shall consist of the territory legally described on Exhibit 3 and map of territory depicted on Exhibit 4 and attached hereto.

SECTION 4 – Purpose of Area: City of Batavia Special Service Area Number 61 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 SSA 61 in general is to provide special municipal services to the area including payment of the difference between the tax increment generated from the Project described in that certain redevelopment agreement identified as the 1 North Washington Avenue Redevelopment Agreement, dated as of September 7, 2016, by and between the City of Batavia and 1 N. Washington, L.L.C. (hereinafter the “RDA”) and the bond payments when those payments are due for the bonds issued to defray the costs of the Public Improvements described in the RDA, including any shortfall created by payments due the school district as required by law, and the funding of any premiums necessary to maintain insurance or bonding of the Private Improvements as described in RDA if the developer or condominium association fails to maintain the insurance or bonding. The Special Service Area is to act as a back-up in the event that these payments are not made.

Annual taxes may be levied for the special services enumerated herein, on property in said Special Service Area Number 61, 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 ten dollars (\$10.00) per \$100.00 of assessed value, as equalized, to be levied against the property included in Special Service Area Number 61. 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 17-21 shall be in full force and effect upon its presentation, passage and publication according to the law.


CITY OF BATAVIA ORDINANCE 17-21

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 20th day of March, 2017.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 20th day of March, 2017.


 Jeffrey D. Schielke, Mayor

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

ATTEST:


 Christine Simkins, Deputy City Clerk

EXHIBIT 1: CERTIFICATE OF PUBLICATION

NOTICE OF HEARING - CITY OF BATAVIA
SPECIAL SERVICE AREA NUMBER 61

NOTICE is given that on the 20th day of March, 2017 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 61) consisting of certain portions of the City of Batavia, Kane County, Illinois.

The area is generally located in the northeast quadrant of the City, North of E. Wilson Street and west of N. Washington Avenue

The property is legally described as follows:

THAT PART OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 IN BLOCK 9 OF THE ORIGINAL TOWN OF BATAVIA, KANE COUNTY, ILLINOIS; THENCE SOUTHERLY, ALONG THE EASTERLY LINE OF WASHINGTON AVENUE TO THE NORTHERLY LINE OF WILSON STREET; THENCE EASTERLY, ALONG SAID NORTHERLY LINE, TO A POINT ON THE NORTHERLY EXTENSION OF THE WEST LINE OF THE EAST 10 FEET OF LOT 3 IN BLOCK 1 OF WILSON'S ADDITION TO BATAVIA; THENCE SOUTHERLY, ALONG SAID EXTENSION AND WEST LINE TO THE SOUTH LINE OF THE NORTH 158 FEET OF SAID LOT 3; THENCE WESTERLY, ALONG SAID SOUTH LINE AND ITS WESTERLY EXTENSION TO THE WEST LINE OF WASHINGTON AVENUE; THENCE NORTHERLY, ON SAID WEST LINE TO THE SOUTH LINE OF SAID WILSON STREET; THENCE WESTERLY, ALONG SAID SOUTH LINE TO A POINT THAT IS SOUTHERLY OF THE SOUTHEAST CORNER OF LOT 3 IN BLOCK 7 OF SAID ORIGINAL TOWN OF BATAVIA, SAID POINT BEING ON A LINE DRAWN AT RIGHT ANGLE TO THE NORTHERLY LINE OF SAID WILSON STREET; THENCE NORTHERLY, ON SAID LINE TO SAID SOUTHEAST CORNER; THENCE NORTHERLY, ON THE EAST LINE OF SAID LOT 3 TO THE NORTHEAST CORNER THEREOF; THENCE NORTHERLY, PARALLEL WITH THE EAST LINE OF LOT 2 OF SAID BLOCK 7, A DISTANCE OF 10.0 FEET; THENCE WESTERLY, PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 2 TO THE WEST LINE THEREOF; THENCE CONTINUING WESTERLY, ON A LINE PERPENDICULAR TO SAID WEST LINE, TO THE WEST LINE OF RIVER STREET; THENCE NORTHERLY, ALONG SAID WEST LINE TO THE NORTH LINE OF STATE STREET EXTENDED WEST; THENCE EASTERLY, ALONG SAID EXTENSION AND SAID NORTH LINE TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART LOCATED SOUTHERLY OF THE SOUTH LINE OF WILSON STREET, ALL IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.

The permanent tax index numbers of the proposed Special Service Area Number 61 are 12-22-276-009, 12-22-276-010, 12-22-276-011, 12-22-276-012, 12-22-276-013, 12-22-276-014, 12-22-276-022 and 12-22-276-023.

All interested parties will be given an opportunity to be heard regarding the formation of, and the boundaries of, proposed SSA 61 and may object to the formation of the area and the levy of taxes affecting the area.

EXHIBIT 2: RECEIPT OF MAILING

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BATAVIA, IL 60510

Certified Mail Fee **\$3.35**

Extra Services & Fees (check box, add fee if selected)

Return Receipt (hardcopy) \$2.75

Return Receipt (electronic) \$0.00

Certified Mail Restricted Delivery \$0.00

Adult Signature Required \$0.00

Adult Signature Restricted Delivery \$0.00

Postage **\$0.49**

Total Postage and Fees **\$6.59**

Sent To **CITY OF BATAVIA**

Street and Apt. No. **100 North Island Avenue**

City, State, ZIP+4® **Batavia, IL 60510**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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EXHIBIT 3: LEGAL DESCRIPTION

THAT PART OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 IN BLOCK 9 OF THE ORIGINAL TOWN OF BATAVIA, KANE COUNTY, ILLINOIS; THENCE SOUTHERLY, ALONG THE EASTERLY LINE OF WASHINGTON AVENUE TO THE NORTHERLY LINE OF WILSON STREET; THENCE EASTERLY, ALONG SAID NORTHERLY LINE, TO A POINT ON THE NORTHERLY EXTENSION OF THE WEST LINE OF THE EAST 10 FEET OF LOT 3 IN BLOCK 1 OF WILSON'S ADDITION TO BATAVIA; THENCE SOUTHERLY, ALONG SAID EXTENSION AND WEST LINE TO THE SOUTH LINE OF THE NORTH 158 FEET OF SAID LOT 3; THENCE WESTERLY, ALONG SAID SOUTH LINE AND ITS WESTERLY EXTENSION TO THE WEST LINE OF WASHINGTON AVENUE; THENCE NORTHERLY, ON SAID WEST LINE TO THE SOUTH LINE OF SAID WILSON STREET; THENCE WESTERLY, ALONG SAID SOUTH LINE TO A POINT THAT IS SOUTHERLY OF THE SOUTHEAST CORNER OF LOT 3 IN BLOCK 7 OF SAID ORIGINAL TOWN OF BATAVIA, SAID POINT BEING ON A LINE DRAWN AT RIGHT ANGLE TO THE NORTHERLY LINE OF SAID WILSON STREET; THENCE NORTHERLY, ON SAID LINE TO SAID SOUTHEAST CORNER; THENCE NORTHERLY, ON THE EAST LINE OF SAID LOT 3 TO THE NORTHEAST CORNER THEREOF; THENCE NORTHERLY, PARALLEL WITH THE EAST LINE OF LOT 2 OF SAID BLOCK 7, A DISTANCE OF 10.0 FEET; THENCE WESTERLY, PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 2 TO THE WEST LINE THEREOF; THENCE CONTINUING WESTERLY, ON A LINE PERPENDICULAR TO SAID WEST LINE, TO THE WEST LINE OF RIVER STREET; THENCE NORTHERLY, ALONG SAID WEST LINE TO THE NORTH LINE OF STATE STREET EXTENDED WEST; THENCE EASTERLY, ALONG SAID EXTENSION AND SAID NORTH LINE TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART LOCATED SOUTHERLY OF THE SOUTH LINE OF WILSON STREET, ALL IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.

The permanent tax index numbers of the proposed Special Service Area Number 61 12-22-276-009, 12-22-276-010, 12-22-276-011, 12-22-276-012, 12-22-276-013, 12-22-276-014, 12-22-276-022 and 12-22-276-023.

EXHIBIT 4: MAP OF SPECIAL SERVICE AREA



NOT TO SCALE

N RIVER ST

STATE ST

N WASHINGTON AVE

E WILSON ST

S RIVER ST

S WASHINGTON AVE

PROPOSED SSA 61

PROPOSED AREA

 UNINCORPORATED