

ORDINANCE NO. F- 1438

**AN ORDINANCE PROPOSING
THE ESTABLISHMENT OF A SPECIAL SERVICE AREA #7
IN THE CITY OF WHEATON
AND PROVIDING FOR A PUBLIC HEARING AND OTHER
PROCEDURES IN CONNECTION THEREWITH**

BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, and ("City") as follows:

SECTION 1: *Authority to Establish Special Service Areas.* The special service area proposed in this Ordinance is established pursuant to Article VII, Section 6(1) of the Constitution of the State of Illinois in force July 1, 1971, which provides:

"The General Assembly may not deny or limit the power of home rule units (1) to make local improvements by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution unless that power is subsequently denied by law to any such other units of local government or (2) 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 for the payment of debt incurred in order to provide those special services."

and further pursuant to the provisions of the Special Service Area Tax Act which provides the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of the City and pursuant to the Revenue Act of 1939, as amended.

SECTION 2: *Findings of the City Council:*

A. It is in the public interest that the creation of a special service area as described and for the purposes set forth in this Ordinance be considered.

B. The proposed special service area is located within the City limits of the City and is compact and contiguous; the proposed municipal services are unique and in addition to the municipal services provided to the City as a whole. Therefore, it is in the best interest of the City to consider the levy of special taxes against the area for the services to be provided.

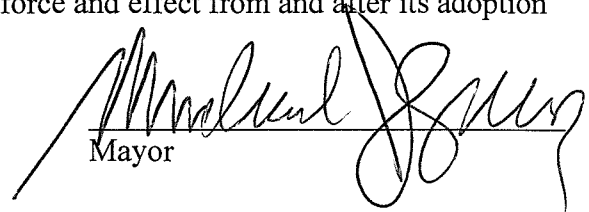
C. The proposed special service area is primarily zoned for commercial use and will benefit specially from the services to be provided.

SECTION 3: *Public Hearing - Tax Rates* - A public hearing shall be held on the 27th day of July, 2009, at 7:00 p.m., in the City Council Chambers of the City, 303 West Wesley Street, Wheaton, Illinois, to consider the creation of Special Service Area Number 7 of the City of Wheaton, in the territory described in the Notice attached to this Ordinance and incorporated

herein as if fully set forth as Exhibit 1. At the hearing, there will be considered the levy of an annual tax in an amount not to exceed an annual rate of ninety-five hundredths of one percent (.95%) of the assessed value, as equalized, of the property in the Special Service Area; the tax to be levied for a maximum of twenty (20) years from the date of the establishing Ordinance. The taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Revenue Act of 1939, as amended.

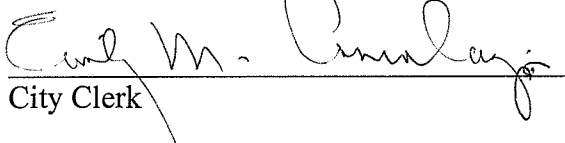
SECTION 4: Notice of Hearing. Notice of hearing shall be published at least once not less than fifteen (15) days prior to the public hearing in one or more newspapers in general circulation in the City. In addition, notice by mailing shall be given by depositing the notice in the U.S. mail addressed 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. The Notice shall be mailed not less than ten (10) days prior to the time set for the public hearing. In the event taxes for the last preceding year were not paid, the 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 substantially the same as in Exhibit 1 attached hereto to this Ordinance.

SECTION 5: This Ordinance shall be in full force and effect from and after its adoption and approval as provided by law.



Mayor

ATTEST



City Clerk

Roll Call Vote

Ayes: Councilman Prendiville
Councilman Scalzo
Councilman Sues
Councilwoman Corry
Councilman Levine
Councilman Mouhelis
Mayor Gresk

Nays: None

Absent: None

Motion Carried Unanimously

Passed: July 6, 2007
Published: July 7, 2009

Exhibit 1

NOTICE OF HEARING CITY OF WHEATON SPECIAL SERVICE AREA NUMBER SEVEN

NOTICE IS HEREBY GIVEN that on 27th day of July, 2009, at 7:00 p.m., in the Council Chambers of the City of Wheaton, Illinois, 303 West Wesley Street, Wheaton, Illinois, a hearing will be held by the Mayor and City Council of the City of Wheaton to consider forming a special service area consisting of the described territory as attached hereto and incorporated herein as if fully set forth as Notice Exhibit A.

All interested parties, including all persons owning taxable real property located within the proposed special service area, will be given an opportunity to file written objections and to be orally heard regarding the formation of and the boundaries of the special service area and may object to the formation of the special service area, the boundaries of the special service area, and the levy of taxes affecting said area.

The purpose for the formation of Wheaton Special Service Area Number Seven in general is to provide special services to the area, including, but not limited to: the maintenance and upkeep of public areas; the promotion of business within the area by means of advertising and other marketing activities; the management of the special service area; and to provide financial assistance for debt obligations of the Wheaton Park District for the Wheaton Grand Theater if the revenues the Park District needs for that theater's rehabilitation and operation costs are insufficient.

At the hearing, there will be considered a levy for a period not to exceed twenty (20) years of a special tax up to a maximum of ninety-five hundredth of one percent (.95%) per annum of assessed value, as equalized, to be levied against the real property included in the special service area. Said tax would be levied upon all taxable property within the proposed special service area and said tax would be in addition to the annual real estate tax and all other taxes provided by law and shall be levied pursuant to the provisions of the Revenue Act of 1939.

The hearing may be adjourned by the Council without further notice to another date without further notice other than a motion to be entered upon the minutes of its meeting fixing the time and place of its adjournment. At the public hearing, or the first regular meeting of the corporate authorities thereafter, the City may delete area from the special service area.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the special service area and by at least fifty-one percent (51%) of the owners of record of land included within the boundaries of the special service area is filed with the municipal clerk within 60 days following the final adjournment of the public hearing objecting to the creation of the special service area, the enlargement thereof, the levy or imposition of a tax or to the proposed increase

in the tax rate, no such district may be created or enlarged, or tax may be levied or imposed nor the rate increased, except as otherwise permitted by law.

Dated this 6th day of July, 2009.

Emily Consolazio
City Clerk

Notice Exhibit "A"

CITY OF WHEATON
SPECIAL SERVICE AREA NUMBER SEVEN
LEGAL DESCRIPTION

DESCRIBED BY BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF WEST STREET AND THE CENTERLINE OF WESLEY STREET,

THENCE, EAST, ALONG THE CENTERLINE OF WESLEY STREET TO THE CENTERLINE OF WHEATON AVENUE,

THENCE, SOUTH, ALONG THE CENTERLINE OF WHEATON AVENUE TO THE SOUTH LINE OF LOT 1 IN THE WHEATON PLACE CONDOMINIUM SUBDIVISION EXTENDED,

THENCE EAST ALONG SAID SOUTH LINE OF LOT 1 EXTENDED TO THE SOUTHEAST CORNER OF SAID LOT 1, SAID CORNER ALSO BEING THE WEST LINE OF WHEATON PLACE 2ND RESUBDIVISION,

THENCE NORTH ALONG THE EAST LINE OF SAID LOT 1 IN WHEATON PLACE CONDOMINIUM SUBDIVISION,

THENCE EASTERLY FOLLOWING THE LINE BETWEEN WHEATON PLACE CONDOMINIUM DEVELOPMENT AND LINE BETWEEN WHEATON PLACE 2ND RESUBDIVISION TO THE CENTER LINE OF THE NORTH SOUTH ALLEY THAT IS 149 FEET WEST OF THE WEST LINE OF HALE STREET,

THENCE NORTH ALONG THE CENTERLINE OF SAID NORTH SOUTH ALLEY TO THE CENTERLINE OF WESLEY STREET,

THENCE WEST ALONG THE CENTERLINE OF WESLEY STREET TO THE CENTERLINE OF WHEATON AVENUE,

THENCE NORTH ALONG THE CENTERLINE OF WHEATON AVENUE TO THE CENTERLINE OF KARLSKOGA AVENUE (SEMINARY AVENUE),

THENCE, EAST, ALONG THE CENTERLINE OF KARLSKOGA AVENUE (SEMINARY AVENUE) TO THE CENTERLINE OF HALE STREET,

THENCE, SOUTH, ALONG THE CENTERLINE OF HALE STREET TO THE SOUTH LINE OF GARY MEMORIAL CONSOLIDATION PLAT EXTENDED SAID LINE LYING 165 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT-OF-WAY LINE OF WESLEY STREET,

THENCE, EAST, ALONG SAID LINE OF GARY MEMORIAL CONSOLIDATION PLAT 200.56 FEET,

THENCE, SOUTH, 35.0 FEET, FOLLOWING THE BOUNDARY OF GARY MEMORIAL CONSOLIDATION PLAT TO A LINE 130 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT-OF-WAY LINE OF WESLEY STREET,

THENCE, EAST, ALONG THE MOST SOUTHERLY LINE OF GARY MEMORIAL CONSOLIDATION PLAT, SAID LINE LYING 130 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT-OF-WAY LINE OF WESLEY STREET, 231.0 FEET, TO THE CENTERLINE OF MAIN STREET,

THENCE, SOUTH, ALONG THE CENTERLINE OF MAIN STREET, TO THE CENTERLINE OF WESLEY STREET,

THENCE, EAST, ALONG THE CENTERLINE OF WESLEY STREET, TO THE CENTERLINE OF WASHINGTON STREET,
THENCE SOUTH ALONG THE CENTERLINE OF WASHINGTON STREET TO THE CENTERLINE OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY,

THENCE, WEST, ALONG THE CENTERLINE OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY, TO THE CENTERLINE OF REBER STREET EXTENDED NORTH,

THENCE SOUTH ALONG THE CENTERLINE OF REBER STREET TO THE CENTERLINE OF WILLOW AVENUE,

THENCE EAST ALONG THE CENTERLINE OF WILLOW AVENUE TO THE CENTERLINE OF NAPERVILLE ROAD,

THENCE SOUTH ALONG THE CENTERLINE OF NAPERVILLE ROAD TO THE CENTERLINE OF ILLINOIS STREET,

THENCE WEST ALONG THE CENTERLINE OF ILLINOIS STREET TO THE CENTERLINE OF MAIN STREET,

THENCE SOUTH ALONG THE CENTERLINE OF MAIN STREET TO THE CENTERLINE OF INDIANA STREET

THENCE WEST ALONG THE CENTERLINE OF INDIANA STREET 99 FEET TO THE WEST LINE EXTENDED OF THE EAST 66 FEET OF LOTS 3 AND 4 AND PART OF LOT 2 IN BLOCK 1 W.I. & F.E. WHEATON'S RESUBDIVISION,

THENCE NORTH 176.7 FEET ALONG THE WEST LINE OF SAID EAST 66 FEET OF SAID LOTS 3 AND 4 AND PART OF LOT 2 TO AN EAST WEST LINE THAT IS 143.7 FEET NORTH OF THE NORTH LINE OF INDIANA STREET,

THENCE WEST 66 FEET ALONG SAID LINE THAT IS 143.7 FEET NORTH OF THE NORTH LINE OF INDIANA STREET TO THE EAST LINE OF LOT 5 IN SAID BLOCK 1,

THENCE NORTH 85 FEET ALONG THE EAST LINE OF SAID LOT 5 IN BLOCK 1, TO THE SOUTH LINE OF LOT 1 IN BLOCK 1 OF J.C. WHEATON'S 2ND ADDITION,

THENCE EAST 74 FEET MORE OR LESS TO A NORTH SOUTH LINE THAT IS 58 FEET WEST OF THE WEST LINE OF MAIN STREET,

THENCE NORTH ON SAID NORTH SOUTH LINE, IN LOT 1--BLOCK 1, THAT IS 58 FEET WEST OF THE WEST LINE OF MAIN STREET TO THE CENTERLINE OF ILLINOIS STREET,

THENCE, WEST, ALONG THE CENTERLINE OF ILLINOIS STREET, TO THE EXTENSION OF THE WEST LINE OF LOT 5, IN THE MAIN STREET SQUARE SUBDIVISION,

THENCE, NORTH, ALONG THE WEST LINE OF SAID LOT 5 TO THE CENTERLINE OF THE ALLEY IN BLOCKS 7 AND 8 OF J.C. WHEATON'S ADDITION TO THE TOWN OF WHEATON,

THENCE, WEST, ALONG THE CENTERLINE OF SAID ALLEY IN BLOCKS 7 AND 8, OF J.C. WHEATON'S ADDITION TO THE CENTERLINE OF WHEATON AVENUE,

THENCE, NORTH, ALONG THE CENTERLINE OF WHEATON AVENUE TO THE CENTERLINE OF WILLOW AVENUE,

THENCE, WEST, ALONG THE CENTERLINE OF WILLOW AVENUE TO THE CENTERLINE OF WEST STREET,

THENCE, SOUTH, ALONG THE CENTERLINE OF WEST STREET TO THE CENTERLINE OF CHILDS STREET,

THENCE, WEST, ALONG THE CENTERLINE OF CHILDS STREET TO THE EXTENSION OF THE WEST LINE OF LOT 9 IN COUNTY CLERK'S ASSESSMENT DIVISION OF THE SOUTH HALF OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE NORTH 181.2 FEET TO THE NORTHWEST CORNER OF SAID LOT 9,

THENCE, EAST, 13.2 FEET TO A LINE THAT IS 165 FEET WEST OF AND PARALLEL WITH WEST STREET,

THENCE, NORTH, ON SAID PARALLEL LINE TO THE CENTERLINE OF LIBERTY DRIVE,

THENCE, WEST, ALONG THE CENTERLINE OF LIBERTY DRIVE, TO A NORTH SOUTH LINE LYING 515 FEET EAST OF THE WEST RIGHT-OF-WAY LINE OF CARLTON AVENUE,

THENCE, NORTH, OF SAID NORTH SOUTH LINE 102.5 FEET,

THENCE, NORTH WESTERLY 103.9 FEET,

THENCE, NORTH, TO A POINT 30 FEET SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD,

THENCE, WEST, PARALLEL WITH SAID SOUTH RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD TO THE EAST RIGHT-OF-WAY LINE OF THE CHICAGO/AURORA & ELGIN RAILROAD RIGHT-OF-WAY (ILLINOIS PRAIRIE PATH),

THENCE, NORTH, TO THE SOUTH RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD.

THENCE, EAST, ALONG THE SOUTH RAILROAD RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD TO THE CENTERLINE OF WEST STREET,

THENCE, NORTH, ALONG THE CENTERLINE OF WEST STREET TO THE POINT OF BEGINNING, ALL IN THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION 16, AND THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF WHEATON, DUPAGE COUNTY, ILLINOIS.

Special Service Area 7

