

CITY OF GENOA  
DEKALB COUNTY, ILLINOIS

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ORDINANCE NO. 2019-20

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ADOPTED BY  
THE MAYOR AND CITY COUNCIL  
OF THE  
CITY OF GENOA

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AN ORDINANCE PROPOSING THE ESTABLISHMENT OF  
RIVERBEND SPECIAL SERVICE AREA 3 WITHIN THE CITY OF GENOA  
AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN  
CONNECTION THEREWITH FOR THE PROPERTY COMMONLY KNOWN AS  
UNIT SIX OF THE RIVERBEND ADDITION TO GENOA

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Adopted July 16, 2019, by the Mayor and City Council of the City of Genoa  
DeKalb County, Illinois, and approved and published in pamphlet form  
this 16 day of July, 2019.

ORDINANCE NO. 2019 - 20

*An Ordinance Proposing the Establishment of Riverbend Special Service Area 3  
Within the City of Genoa and Providing for a Public Hearing  
and Other Procedures in Connection Therewith for the Property  
Commonly Known as Unit Six of the Riverbend Addition to Genoa*

BE IT ORDAINED by the Mayor and the City Council of the City of Genoa (together, the "Corporate Authorities"), an Illinois municipal corporation located in DeKalb County, Illinois (the "City"), as follows:

SECTION 1: Authority to Establish Special Service Areas. The constitutional authority for special service areas is set forth in Article VII, Section 7, of the Constitution of the State of Illinois in force July 1, 1971, which provides in relevant part as follows:

**§ 7. Counties and Municipalities Other Than Home Rule Units.**

Counties and municipalities which are not home rule units shall have only powers granted to them by law and the powers .... (6) 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.

Special service areas are established pursuant to the provisions of Public Act 88-455, the Special Service Area Tax Law, 35 ILCS 200/27-5 *et seq.*, which provides the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule municipalities and non-home rule municipalities and counties.

SECTION 2. Findings. This City's Corporate Authorities find that:

A. It is in the public interest that the creation of Riverbend Special Service Area 3, for the purposes set forth herein, be considered for the real property legally described as follows:

LOTS 450A AND 401-412 OF UNIT SIX OF THE RIVERBEND ADDITION TO GENOA, A SUBDIVISION LOCATED IN PART OF THE SE 1/4 OF SECTION 24 AND PART OF THE NE 1/4 OF SECTION 25, T42N, R4E OF THE 3RD. P.M., CITY OF GENOA, DEKALB COUNTY, ILLINOIS, and recorded as Document No. 2007012796.

The Area is located between the intersections of Riverbend Drive and Stearn Drive and Stearn Drive and Middleton Street along Stearn Drive in the City of Genoa and is commonly known as the Unit Six - Riverbend Addition to Genoa Subdivision (collectively, the "Area").

The property identification numbers assigned to the Area are 0225278024, 0225276013, 0225276014, 0225276015, 0225276016, 0225376017, 0225228008, 0225228009, 0225228010, 02258011, 0225228012, 0225228013, and 0225228014.

B. The Area is compact, contiguous and constitutes a separate and distinct subdivision and development within the City of Genoa; the Area will benefit specially from the

special services to be provided and as hereinafter described; the proposed special services are in addition to municipal services provided to the City of Genoa as a whole; and it is therefore in the best interests of the City that the levy of special taxes against the Area to finance the special services to be provided be considered. Such special services would include but not be limited to the following:

1. maintenance, restoration, preservation and replanting of vegetation in and around any of the detention or retention areas, or other common areas within the Area, which are not owned by the City, as deemed necessary and appropriate by the Corporate Authorities; and
2. maintenance, repair, restoration, dredging and removal of sediment or obstructions of and/or from any stormwater management lot or other common areas within the Area, which are not owned by the City, as well as any cutting of grass or replanting of vegetation in and upon such stormwater management lot as deemed necessary and appropriate by the Corporate Authorities; and
3. maintenance, repair, replacement, regrading and inspection of any private water main, sewer main, storm sewer and related facilities within the Area which directly or indirectly connect to their City counterparts, as well as any private driveways, parking areas and roadways within the Area, as well as restoration, regrading and landscaping of areas affected by such work, as deemed necessary and appropriate by the Corporate Authorities; and
4. maintenance, repair and restoration of the monument signs within or proximate to the Area as deemed necessary and appropriate by the Corporate Authorities; and
5. the establishment of a reserve, not to exceed \$360,000 to be increased annually by the Consumer Price Index Chicago-Naperville-Elgin IL-IN-WI (or its successor index published by the U.S. Bureau of Labor Statistics) for the previous 12 months beginning January 1, 2025 to pay for the Special Services, in addition to any ongoing costs of the Special Services as deemed necessary and appropriate by the Corporate Authorities; and
6. administrative, professionals', engineers', attorneys', consultants', auditors' and contractors' fees incurred by the City relative to the provision of any of the above described special services as deemed necessary and appropriate by the Corporate Authorities (collectively, the "Special Services").

However, under no circumstances shall the provision of such Special Services by the City or its contractors constitute an acceptance of any personal property or real property within the Area by the City.

The term of the proposed Special Service Area would be perpetual and the nature of the Special Services is new construction and maintenance within the Area; and

**SECTION 3. Public Hearing - Tax Rate.** A public hearing shall be held on Tuesday, the 17<sup>th</sup> day of September, 2019, at 7:00 p.m. at the Genoa City Hall, 333 E. First Street, Genoa, Illinois 60135, to consider the creation of Riverbend Special Service Area 3 of the City of Genoa

for the Area described in Section 2-A of this Ordinance. At the public hearing there will also be considered the levy of an annual tax not to exceed the annual rate of 1.2 percent of the assessed value, as equalized, of the taxable property within the Area, said tax to be levied annually from the date of the establishment of a special service area for the Area. Said 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. The proposed amount of such tax levy for the Special Services for the initial year for which taxes will be levied within the proposed special service area will not exceed \$60,000 but shall not exceed the annual rate of 1.2 percent of the assessed value, as equalized, of the taxable property within the Area.

SECTION 4. Notice of Public Hearing. Notice of the public hearing shall be published at least once not less than 15 days prior to the public hearing in one or more newspapers of general circulation in the City of Genoa, Illinois. In addition, notice by mailing shall be given by depositing said notice in the 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. Said notice shall be mailed not less than 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 Area. The notice shall be in substantially the following form:

**NOTICE OF PUBLIC HEARING ON THE PROPOSED  
CREATION OF RIVERBEND SPECIAL SERVICE AREA 3 FOR  
UNIT SIX – RIVERBEND ADDITION TO GENOA SUBDIVISION AND  
THE LEVY OF A SPECIAL TAX THEREFORE IN THE CITY OF GENOA**

NOTICE IS HEREBY GIVEN that on Tuesday, September 17, 2019, at 7:00 p.m. at the Genoa City Hall, 333 E. First Street, Genoa, Illinois 60135, a public hearing will be held by the Mayor and City Council of the City of Genoa, Illinois, to consider forming a Special Service Area consisting of the following described territory:

LOTS 450A AND 401-412 OF UNIT SIX OF THE RIVERBEND ADDITION TO GENOA, A SUBDIVISION LOCATED IN PART OF THE SE 1/4 OF SECTION 24 AND PART OF THE NE 1/4 OF SECTION 25, T42N, R4E OF THE 3RD. P.M., CITY OF GENOA, DEKALB COUNTY, ILLINOIS, and recorded as Document No. 2007012796.

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The property identification numbers assigned to the Area are 0225278024, 0225276013, 0225276014, 0225276015, 0225276016, 0225376017, 0225228008, 0225228009, 0225228010, 02258011, 0225228012, 0225228013, and 0225228014.

All persons affected by the proposed formation of the City of Genoa Riverbend Special Service Area 3 will be given an opportunity to be heard regarding the

formation of and the boundaries of the Special Service Area and may object to the formation of the Special Service Area and the levy of taxes against the Area.

The purpose of the formation of the City of Genoa Riverbend Special Service Area 3 in general is to provide special services to the Area, including, but not limited to:

1. maintenance, restoration, preservation and replanting of vegetation in and around any of the detention or retention areas, or other common areas within the Area, which are not owned by the City, as deemed necessary and appropriate by the Corporate Authorities; and
2. maintenance, repair, restoration, dredging and removal of sediment or obstructions of and/or from any stormwater management lot or other common areas within the Area, which are not owned by the City, as well as any cutting of grass or replanting of vegetation in and upon such stormwater management lot as deemed necessary and appropriate by the Corporate Authorities; and
3. maintenance, repair, replacement, regrading and inspection of any private water main, sewer main, storm sewer and related facilities within the Area which directly or indirectly connect to their City counterparts, as well as any private driveways, parking areas and roadways within the Area, as well as restoration, regrading and landscaping of areas affected by such work, as deemed necessary and appropriate by the Corporate Authorities; and
4. maintenance, repair and restoration of the monument signs within or proximate to the Area as deemed necessary and appropriate by the Corporate Authorities; and
5. the establishment of a reserve, not to exceed \$360,000 to be increased annually by the Consumer Price Index Chicago-Naperville-Elgin IL-IN-WI (or its successor index published by the U.S. Bureau of Labor Statistics) for the previous 12 months beginning January 1, 2025 to pay for the Special Services, in addition to any ongoing costs of the Special Services as deemed necessary and appropriate by the Corporate Authorities; and
6. administrative, professionals', engineers', attorneys', consultants', auditors', and contractors' fees incurred by the City relative to the provision of any of the above described special services as deemed necessary and appropriate by the Corporate Authorities (collectively, the "Special Services").

However, under no circumstances shall the provision of such Special Services by the City or its contractors constitute an acceptance of any personal property or real property within the Area by the City.

The term of the proposed Special Service Area would be perpetual and the nature of the Special Services is new construction and maintenance within the Area.

A special service area tax will be considered at the public hearing, to be levied annually and not exceed a rate of 1.2 percent per annum of assessed value, as equalized, to be levied against the real, taxable property included within the proposed Special Service Area. The proposed amount of such tax levy for the Special Services for the initial year for which taxes will be levied within the proposed special service area will not exceed \$60,000 but shall not exceed the annual rate of 1.2 percent of the assessed value, as equalized, of the taxable property within the Area.

At the public hearing, all interested persons affected by the formation of the proposed Special Service Area, including all persons owning taxable real estate therein and electors, will be given an opportunity to be heard. The hearing may be adjourned by the City Council of the City of Genoa without further notice to another date other than a motion to be entered upon the minutes of its meeting fixing the time and place of its adjournment.

If a petition signed by at least 51 percent of the electors residing within the Special Service Area and by at least 51 percent of the owners of record of the land included within the Area is filed with the City of Genoa City Clerk within 60 days following the final adjournment of the public hearing objecting to the creation of the Special Service Area, or the levy or imposition of a tax, no such special service area may be created or tax levied or imposed.

However, prior to the City providing any Special Services to the Area, to the extent that the City levies any SSA tax levy for purposes other than the reserve described above, the City shall provide 15 days written notice to the registered agent of the incorporated homeowners association, provided and contingent upon such homeowners association being in good standing with the Illinois Secretary of State and such Secretary of State's website identifying such registered agent, of the City's intention to provide the Special Services, unless, in the City's reasonable determination, the Special Services need to be provided immediately because of an emergency. Unless there is an emergency, the homeowners association shall have 15 days from the date of the City's notice, if required, regarding the work, repair, maintenance, restoration, replanting, landscaping, removal of dead landscaping, reconstruction, installation or grass cutting, as the case may be, prior to the City providing the Special Services to the Area. It is not the City's intention to provide such Special Services and to adopt a tax levy against the Area unless there is a need to provide such Special Services and then only after providing notice to the registered agent of the incorporated homeowner association as set forth above.

Dated this 16 day of July, 2019.

/s/ [Signature]  
City Clerk  
City of Genoa

333 E. First Street  
Genoa, IL 60135

SECTION 5: If the owner of any lot within the proposed special service area causes such lot to be subdivided or otherwise developed with more than one dwelling unit, in compliance with all applicable law, such owner is obligated to promptly notify the City Clerk of each new property identification number assigned to the lot which was subdivided or otherwise developed with more than one dwelling unit.

SECTION 6: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

SECTION 9: While reserving all rights to levy the special service area taxes as provided herein, the intention of the City is to only adopt those levies to the extent that the developer of the development within the Area or the homeowners association fails to establish necessary finance reserves as determined by the City in its sole discretion.

AYES: *6 - Carroll, DiGuido, Stevenson, Winter, Brust, Lang*

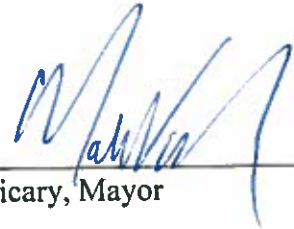
NAYES: *0*

ABSTAINED: *0*

ABSENT: *2 - Weener, Cravatta*

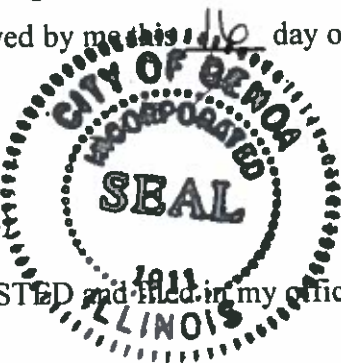
PASSED by the City Council of the City of Genoa, DeKalb County, Illinois this 16 day of July, 2019.

Approved by me this 16 day of July, 2019.

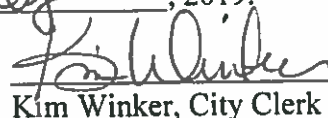


Mark Vicary, Mayor

(SEAL)



ATTESTED and filed in my office this 17 day of July, 2019.

  
Kim Winker, City Clerk

Prepared by:  
Kelly Cahill, Special City Counsel  
Zukowski, Rogers, Flood & McArdle

50 Virginia Street  
Crystal Lake, Illinois 60014