

116-O-96

AN ORDINANCE

Proposing the Extension of Special Service Area No. 4
for Ten Additional Years and Providing for a
Public Hearing and other Procedures
in Connection Therewith

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK
COUNTY, ILLINOIS, in the exercise of its home rule powers, as follows:

SECTION 1: Findings. The City Council (the "City Council") of the City of
Evanston (the "City") finds and declares as follows:

- (A) The City is, pursuant to Section 6(a) of Article VII of the 1970 constitution of the State of Illinois (the "Illinois Constitution"), a home rule unit and authorized to exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to tax.
- (B) The City, as a home rule unit, is authorized to establish special service areas in order to provide special services to certain areas within the City and to impose a tax for the provision of such services pursuant to Article VII, Section 6(1) of the Illinois Constitution and 35 ILCS 235/1 et seq.
- (C) The City on August 10, 1987 pursuant to ordinance 46-O-87 did establish "Evanston Special Service Area No. 4" in the territory described in Exhibit A, which is attached to and made a part of this Ordinance (the "Territory"). The Territory is compact and contiguous and constitutes a business and commercial area within the City. By the terms of said ordinance Special Service Area No. 4 terminates on the fifth anniversary date of the adoption of Ordinance 46-O-87.
- (D) The City, on June 22, 1992, pursuant to ordinance 47-O-92 did extend Evanston Special Service Area No. 4 in the territory described in Exhibit A for a period of Five (5) years. By the terms of said ordinance Special Service Area 4 terminates on August 13, 1997.
- (E) Evanston Special Service Area No. 4 was established to provide certain public services (the "Services") to supplement services currently or customarily provided by the City to the Territory, assist the promotion and advertisement of the Territory in order to attract businesses and consumers to the Territory, and provide any other public service to the Territory which the City may deem appropriate from time to time. Special services as they apply to said Special Service Area No. 4 have included

maintenance of public improvements, increased custodial maintenance including, but not limited to, sidewalk snow removal and landscaping, together with any such other further services necessary and/or incidental to the accomplishment of the aforesaid improvement.

- (F) It is in the public interest that Special Service Area No. 4 be extended for ten (10) years from the date of proposed termination (August 13, 1997).
- (G) EVMARK, an Illinois not-for-profit corporation, has participated in the management of Special Service Area No. 4, and the City intends to enter into an agreement with EVMARK (the "Agreement") to plan and manage Special Service Area No. 4 for the additional ten (10) year period. The Agreement designates EVMARK as the exclusive provider of certain services that the City is not available to perform for the Territory on as timely, economical and efficient basis as an independent provider of such services and to promote and advertise the Territory for the purpose of attracting businesses and consumers to the Territory.
- (H) The Services proposed in Evanston Special Service Area No. 4 are unique and in addition to the general municipal services provided to the City as a whole and will be for the common interests of and benefit specifically the Territory.

SECTION 2: Evanston Special Service Area Establishment and Term. Pursuant to authority granted by the Illinois Constitution and the Illinois Revised Compiled Statutes, the City proposes that the term of Special Service Area No. 4 be extended for ten (10) years from the date of termination (August 13, 1997). Upon such extension, the City proposes that it enter into the "Agreement". Evanston Special Service Area No. 4, if extended, shall terminate August 13, 2007, unless prior to such date the City enacts an ordinance extending the duration of proposed Evanston Special Service Area No. 4.

SECTION 3: Hearing. A public hearing shall be held on the 10th day of February, 1997, at 2100 Ridge Avenue, Evanston, Illinois, to consider the extension of Evanston Special Service Area No. 4 in the City of Evanston, Illinois. At the hearing, there shall be considered a proposal for the providing of the Services. At the hearing, there shall also be considered the levy for the purpose of paying for Evanston Special Service Area No. 4 of an

annual tax not to exceed the lesser of an annual rate of .30% of the assessed value, as equalized, of the property located within the Territory or \$250,000. Said tax will be levied for a maximum ten (10) years from the date of termination of ordinance 49-O-92 extending Evanston Special Service Area No. 4 through August 13, 2007. Said tax is to be levied pursuant to the provisions of the Revenue Act of 1939 upon all taxable property located within the Territory and said tax shall be in addition to any other annual tax presently levied by any taxing district within the Territory. With respect to any tax levied to pay for Evanston Special Service Area No. 4 not less than fifty percentage (50%) of the proceeds of any tax so levied shall be used to pay for those Services which will assist the promotion and advertisement of the Territory in order to attract businesses and consumers to the Territory. At the hearing, there shall also be considered the proposal that the City enter into the Agreement with Evmark.

SECTION 4: Notice. Notice of hearing shall be published at least once not less than fifteen (15) days prior to the public hearing in the Evanston Review, a newspaper of general circulation within the city. In addition, notice by mailing shall be given by depositing said Notice in the United States mails 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 Territory of the proposed Evanston Special Service Area No. 4. Said 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 said property. The Notice shall be in substantially the following form:

NOTICE OF HEARING

CITY OF EVANSTON
SPECIAL SERVICE AREA NO. 4
EXTENSION OF TERM FOR TEN ADDITIONAL YEARS

NOTICE IS HEREBY GIVEN that on February 10, 1997, at 6:30 P.M., at 2100 Ridge, Evanston, Illinois, a hearing will be held by the City of Evanston (the "City") to consider the extension for ten years of "Evanston Special Service Area No. 4" consisting of the territory (the "Territory") legally described in Exhibit A attached to this Notice.

The approximate street locations of the Territory of the Evanston Special Service Area No. 4 are shown on the map attached as Exhibit B to this Notice.

Evanston Special Service Area No. 4 is to be extended for ten (10) ten additional years in order to provide certain public services (the "Services") to the Territory which will supplement the Services currently or customarily provided by the City to the Territory, assist the promotion and advertisement of the Territory in order to attract businesses and consumers to the Territory, and provide any other public services to the Territory which the City may deem appropriate from time to time. The Services proposed to be provided are unique and in addition to the general municipal services provided to the City as a whole and will be for the common interests of and benefit specifically the Territory.

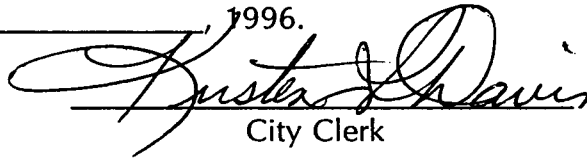
At the hearing, there shall also be considered the levy for the purpose of paying for Evanston Special Service Area No. 4 of an annual tax not to exceed the lesser of an annual rate of .30%, the assessed value, as equalized, of the property located within the Territory or \$250,000. Said tax will be levied for a maximum of ten (10) ten years from the date of the termination of Evanston Special Service Area No. 4 as set forth in ordinance 47-O-92 (August 13, 1997) and pursuant to the provisions of the Revenue Act of 1939 upon all taxable property located within the Territory, and said tax shall be in addition to any other annual tax presently levied by any taxing district within the Territory. With respect to any tax levied to pay for Evanston Special Service Area No. 4 not less than fifty percentage (50%) of the proceeds of any tax so levied shall be used to pay for those Services which will assist the promotion and advertisement of the Territory in order to attract businesses and consumers to the Territory.

EVMARK, an Illinois not-for-profit corporation, is to participate in the ten (10) year extension of Evanston Special Service Area No. 4, and the City intends to enter into an agreement with EVMARK ("Agreement") to plan and manage Evanston Special Service Area No. 4. The Agreement designates EVMARK as the exclusive provider of certain services that the City is not available to perform for the Territory on as timely, economical and efficient basis as an independent provider of such services, and to promote and advertise the Territory for the purpose of attracting businesses and consumers to the Territory.

All interested persons affected by the ten (10) year extension of Evanston Special Service Area No. 4, including all persons owning taxable real property located within the Territory, will be given an opportunity to be heard regarding the extension for ten (10) years of Evanston Special Service Area No. 4, the levy of taxes affecting proposed Evanston Special Service Area No. 4 and the Agreement; and will be given an opportunity to file objections to the extension of Evanston Special Service Area No. 4, the levy of taxes affecting Evanston Special Service Area No. 4 and the Agreement. The hearing may be adjourned by the City 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.

If a petition signed by at least 51% of the electors residing within the Territory of Evanston Special Service Area No. 4 and by at least 51% of the owners of record of the land located included within the Territory is filed with the City Clerk within sixty (60) days following the final adjournment of the public hearing objecting to the extension of Evanston Special Service Area No. 4 or the levy or imposition of a tax for the provision of Services to Evanston Special Service Area No. 4, no such area may be created and no such tax may be levied or imposed.

Dated this _____ day of _____, 1996.


City Clerk

SECTION 5: Effective Date: All ordinances, resolutions and orders, or parts thereof, in conflict herewith, be and the same are hereby repealed and this Ordinance shall be in full force and effected from and after its passage and approval and publication in the manner provided by law.

Introduced: December 6, 1996

Adopted: January 13, 1996

Approved: January 17, 1996

Lorraine H. Mott
Mayor

ATTEST:

Justin Davis
City Clerk

Approved as to form:

[Signature]
Corporation Counsel

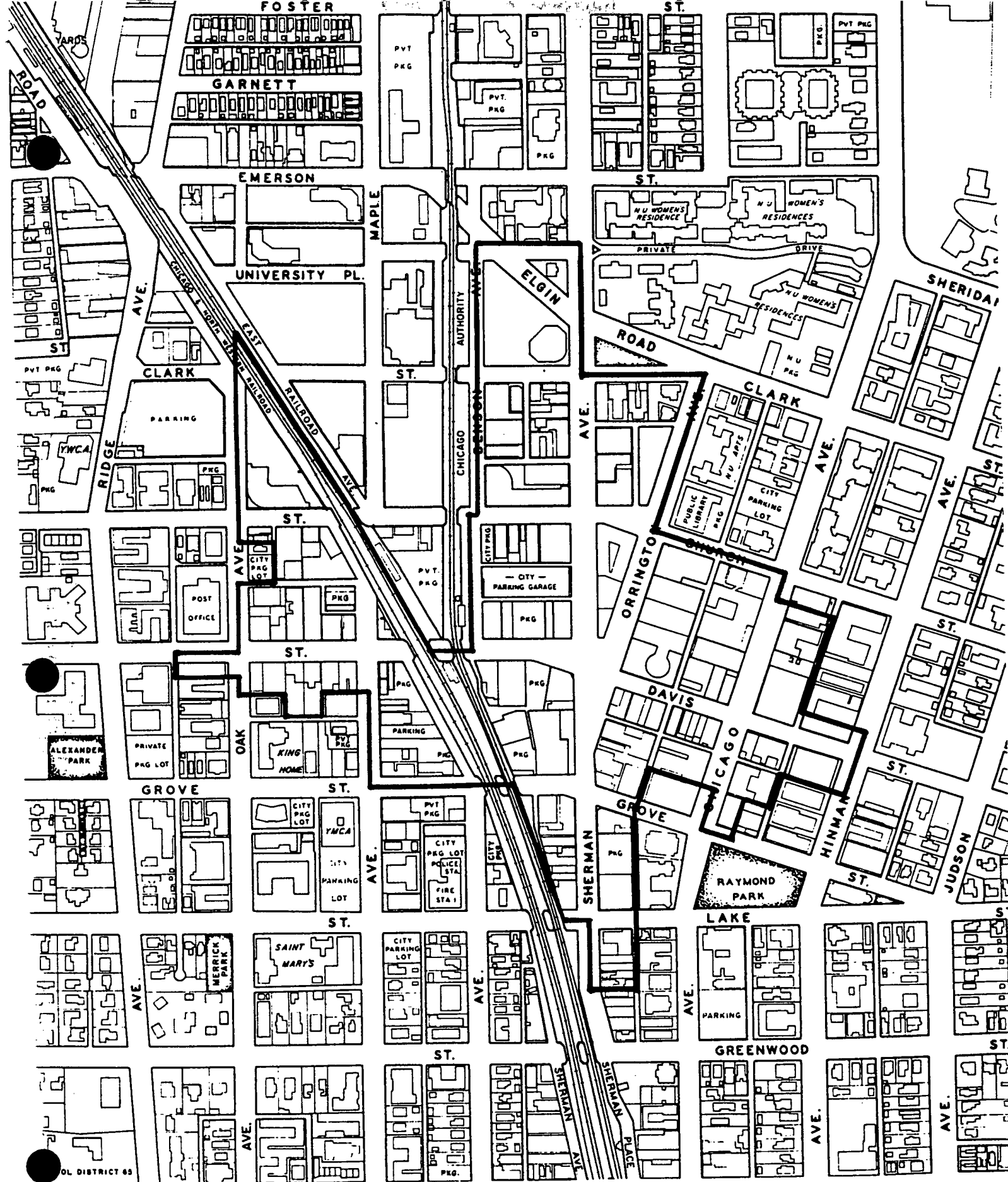
EXHIBIT A

LEGAL DESCRIPTION FOR SPECIAL SERVICE DISTRICT
NO. 4

That part of the southeast 1/4, northwest 1/4, southwest 1/4, and northeast 1/4 of Section 18, Township 41 north, Range 14 east of the Third Principal Meridian, bounded and described as follows:

Beginning at the point of intersection of the center line of Grove Street and center line of Maple Avenue in the southwest 1/4; thence northerly along the center line of Maple Avenue to a point 100 feet from the intersecting point of the center line of Maple Avenue and the extended north right of way line of the east-west alley in block 62 of the Village of Evanston, thence westerly parallel to the north line of aforesaid alley to a point in the east line of lot 3 in aforesaid block 62; thence southerly along the east line of aforesaid lot 3 to a point on the north right of way line of said east-west alley; thence westerly along the north line of said alley to the south-west corner of lot 4 in aforesaid block 62; thence northerly along the west line of said lot 4 for a distance of 90 feet; thence westerly along a line parallel to north line of block 62 to an intersecting point of the center line of Oak Avenue; thence northerly along the center line of Oak Avenue to an intersecting point of the extended south line of lot 6, block 61 in the Village of Evanston, thence westerly along the south line of said lot 6 to the point on the center line of the north-south alley in block 61, thence northerly along the center line of said alley to a point on the center line of Davis Street, thence easterly along the center line of Davis Street to an intersecting point on the center line of Oak Avenue, thence northerly along the center line of Oak Avenue to the intersecting point of the extended center line of the east-west alley in block 67 in the Village of Evanston; thence easterly along the center line of said alley to a point on the extended center line of the north-south alley in aforesaid block 67, thence northerly along the center line of aforesaid north-south alley to an intersecting point of the extended south line of lot 1 of G. W. Smith's subdivision of lot 6 and west 40 feet of lot 5 of said block 67, thence westerly along the south line of aforesaid lot 1 of G. W. Smith's subdivision to a point on the center line of Oak Avenue; thence northerly along the center line of Oak Avenue to a point on the center line of the Chicago and Northwestern Railroad right of way in the northwest 1/4; thence south easterly along said center line of the Chicago and Northwestern Railroad right of way to a point on the north line of Davis Street in the southwest 1/4; thence easterly along the north line of Davis Street to an intersecting point on the west right of way line of Benson Avenue in the southwest 1/4; thence northerly along the west right of way line of Benson Avenue to a point on the center line of Church Street in the southwest 1/4; thence easterly along said center line of Church Street to an intersecting point of west right of way line of Benson Avenue (north of Church Street in the northwest 1/4); thence northerly along said west line of Benson Avenue in the northwest 1/4 to a point on the north right of way line of University Place; thence easterly along the said north line of University Place to an intersecting point with the center line of Sherman Avenue; thence southerly along said center line of Sherman Avenue to a point on the center line of Clark Street; thence easterly along said center line of Clark Street to an intersecting point with

the extended west line of lot 11 of Block 16, in the Village of Evanston; thence southerly along said west line of lot 11 to the southwest corner of aforesaid lot 11; thence easterly along the south line of aforesaid lot 11 for a distance of 82 feet in said block 16; thence northerly parallel to the east line of said lot 11 in block 16 to a point on the center line of Clark Street; thence easterly along said center line of Clark Street to an intersecting point on the center line of Orrington Avenue in the northwest 1/4, thence southwesterly along the center line of Orrington Avenue to an intersecting point with the extended center line of Church Street in the southwest 1/4; thence southeasterly along the center line of Church Street to a point on the center line of Chicago Avenue in the southeast 1/4; thence southwesterly along the center line of Chicago Avenue to an intersecting point with the extended line 5 feet south of the south line of lot 3 in block 20, in the Village of Evanston; thence southeasterly along said line, 5 feet south of the south line of said lot 3 to a point on the center line of the north-south alley in block 20, thence southwesterly along said center line of alley to an intersecting point with the extended south line of lot 11 in aforesaid block 20, thence southeasterly along said south line of lot 11 to a point on the center line of Hinman Avenue; thence southwesterly along the center line of Hinman Avenue to an intersecting point with the extended south line of lot 2 of block 26 of the Village of Evanston, thence northwesterly along the south line of lot 2 in said block 26 to a point on the west right of way line of the northerly-southerly alley in said block 26; thence southwesterly along said west line of alley in block 26 to a point on the south line of lot 9 in said block 26; thence northwesterly along the north line of lot A of plat of consolidation of lots 7 and 8 in said block 26 (commonly known as 519 Grove Street in the City of Evanston); thence along the west line of aforesaid lot A to a point on the center line of Grove Street in the southeast 1/4; thence northwesterly along the center line of Grove Street to an intersecting point with the center line of Chicago Avenue in the northeast 1/4 of the southwest quarter; thence northeasterly along said center line of Chicago Avenue to an intersecting point with the extended north line of lot 5 in block 27 in the Village of Evanston, thence northwesterly along said north line of lot 5 to a point on the center line of the north-south alley in block 27; thence southwesterly along said center line of alley to a point on the center line of the north-south alley in block 29 in the Village of Evanston; thence southerly along said center line of alley in block 29 to an intersecting point on the center line of Lake Street; thence westerly along the center line of Lake Street to an intersecting point with the extended center line of the north-south alley in block 30 of the Village of Evanston, thence southerly along the center line of the alley in block 30 to the extended south line of lot 14 of aforesaid block 30, thence westerly along said south line of lot 14 to an intersecting point on the center line of Sherman Avenue; thence northerly along the center line of Sherman Avenue to a point on the center line of Lake Street; thence westerly along said center line of Lake Street to an intersecting point on the center line of the C.M. and St. P. R.R. right of way; thence northwesterly along said center line of the C.M. and St. P. R.R. right of way to an intersecting point on the center line of Grove Street; thence westerly along said center line of Grove Street to the point of beginning (center line of Maple Avenue).



SPECIAL SERVICE DISTRICT NO. 4

EXHIBIT B

