

52-O-97

AN ORDINANCE

Extending City of Evanston Special Service Area
No. 4 of the City of Evanston, Cook County, Illinois
for a Period of Ten Years

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 the Evanston 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.
- (I) The question of the extension for ten (10) years of Evanston Special Service Area No. 4 is considered by the City pursuant to an ordinance entitled: "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," adopted January 13, 1997, and is considered pursuant to a hearing held on February 10, 1997, by the City Council pursuant to Notice duly published in the Evanston Review, a newspaper of general circulation within the City, at least fifteen (15) days prior to the hearing and pursuant to Notice by 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 Territory. 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 the public hearing. In the event taxes for the last preceding year were not paid, the Notice was sent to the person last listed on the tax rolls prior to that year as the owner of said property. A Certificate of Publication of said Notice and an Affidavit of Mailing of said Notice are attached to this Ordinance as Exhibits B and C. Said Notices conformed in all respects to the requirements of 35ILCS 235/4 and 235/5.
- (J) That a public hearing on the question set forth in the Notice was held on February 10, 1997. All interested persons were given an opportunity to be heard on the question of extending Evanston Special Service Area No. 4 and that no one spoke in opposition to Evanston Special Service Area No. 4 and that no one requested that Evanston Special Service Area No. 4 not be extended. That at said public hearing it was specifically stated that if a petition signed by at least fifty-one percent (51%) of the electors residing within the Territory of Evanston Special Service Area No. 4 and by at least fifty-one (51%) of the owners of record of the land 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, the levy of imposition of a tax for the provision of Services to the Territory, no such extension may be created and no such tax may be levied or

imposed. The public hearing was adjourned on February 10, 1997 .

- (K) That Sixty (60) days have elapsed since the public hearing to consider the extension of Evanston Special Service Area No. 4 and that no petition was filed opposing the extension of the Evanston Special Service Area No. 4 pursuant to Chapter 120, Paragraph 1309 of the Illinois Revised Statutes.
- (L) The Services proposed to be provided in Evanston special Service Area No. 4 are unique and in addition to the general municipal services provided to the City as whole and will be for the common interest of and benefit specifically the Territory.
- (M) It is in the public interest of the City that the Services to be provided to the Territory be paid for by the levy of a special tax against all property located within the Territory.

SECTION 2: The Evanston Special Service Area No. 4 be extended for 10 years. The special service area known and designated as "City of Evanston Special Service Area No. 4" is extended for ten additional years.

SECTION 3: Evanston Special Service Area No. 4 Term. Evanston Special Service Area No. 4 will automatically terminate on August 13, 2007, unless prior to such date the City Council enacts an ordinance extending the duration of Special Service Area No. 4.

SECTION 4: Tax Levy. The City Council shall levy for the purpose of paying for Evanston Special Service Area No. 4 an annual tax not to exceed the lesser of an annual rate of % of the assessed value of property located within the Territory or \$250,000.00. Said annual tax will be levied for a maximum of ten (10) years. Said tax is to be levied pursuant to the provisions of the Revenue Act of 1939 upon all taxable property within Evanston Special Service Area No. 4, as legally described, and said tax shall be in addition to any other annual tax presently levied by any taxing district within Evanston Special Service Area No. 4. 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.

SECTION 5: Administration Agreement. The City shall enter into the Agreement with EVMARK, and the City Manager of the City of Evanston is hereby authorized and directed, in the name of the City, to execute and deliver the Administration Agreement, and to do and perform such other acts and things as shall be necessary, convenient or proper to extend, administer and maintain Evanston Special Service Area No. 4.

SECTION 6: Effective Date. That 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: April 28, 1997

Adopted: May 5, 1997

Approved: May 6, 1997

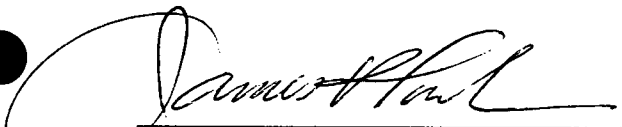
Lorraine H. Norton
Mayor

ATTEST:

Mary D. Morris
City Clerk

Approved as to form:
[Signature]
Corporation Counsel

I hereby certify that all Public Hearing Notices concerning Special Service Area No. 4 to consider extension for ten years were mailed on January 27, 1997. The Public Hearing for this is scheduled for February 10, 1997 at 6:30 p.m., local time, at 2100 Ridge Avenue, Evanston Illinois.



James S. Tonkinson
City Engineer



Max Rubin
Director Facilities Management

1/27/97
Date

1/27/97
Date

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

PIONEER PRESS

YOUR LOCAL SOURCE

CERTIFICATE OF PUBLICATION

STATE OF ILLINOIS

COUNTY OF COOK KANE LAKE McHENRY

PIONEER PRESS, does hereby certify it has published the attached advertisement in the following secular weekly newspapers. All newspapers meet Illinois Revised Statutes requirements for publication of legal notices.

NOTE: Legal notice appeared in the following checked publications.

WEDNESDAY PUBLICATIONS:

(WEST)

- | | |
|---|---|
| <input type="checkbox"/> Elm Leaves | <input type="checkbox"/> Northlake Herald-Journal |
| <input type="checkbox"/> Forest Leaves | <input type="checkbox"/> Oak Leaves |
| <input type="checkbox"/> Franklin Park Herald-Journal | <input type="checkbox"/> River Grove Messenger |
| <input type="checkbox"/> Maywood Herald | <input type="checkbox"/> Westchester Herald |
| <input type="checkbox"/> Melrose Park Herald | <input type="checkbox"/> West Proviso Herald |

THURSDAY PUBLICATIONS:

(NORTH SHORE)

- Evanston Review
- Glencoe News
- Glenview Announcements
- Northbrook Star
- Wilmette Life
- Winnetka Talk

(LAKE SHORE)

- Deerfield Review
- Grayslake Review
- Gurnee Review
- Highland Park News
- Lake Forester
- Libertyville Review
- Mundelein Review
- The Review of Lake Villa and Lindenhurst
- Vernon Hills Review

(CENTRAL)

- Des Plaines Times
- Edgebrook Times Review
- Edison-Norwood Times Review
- Harwood Heights-Norridge News
- Lincolnwood Review
- Morton Grove Champion
- Mount Prospect Times
- Niles Herald-Spectator
- Park Ridge Herald-Advocate
- Rosemont Times
- Skokie Review

(NORTHWEST)

- Algonquin Countryside
- Barrington Courier Review
- Buffalo Grove Countryside
- Cary Grove Countryside
- Elk Grove Times
- Hoffman Estates Review
- Lake Zurich Courier
- Palatine Countryside
- Rolling Meadows Review
- Schaumburg Review
- Wheeling Countryside

And that the date(s) of publication(s) was(were):

1-23-97

being 1 consecutive weeks.

IN WITNESS WHEREOF, the undersigned, being duly authorized, has caused this Certificate to be signed and its official seal affixed at Glenview, Illinois this 23rd day of January, A.D. 1997.

By

John P. Pieschke

Legal Advertising Manager
(official title)

C 522266
403.65

FEB 7 REC'D

CITY OF EVANSTON
SPECIAL SERVICE AREA NO. 4
EXENSION 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.

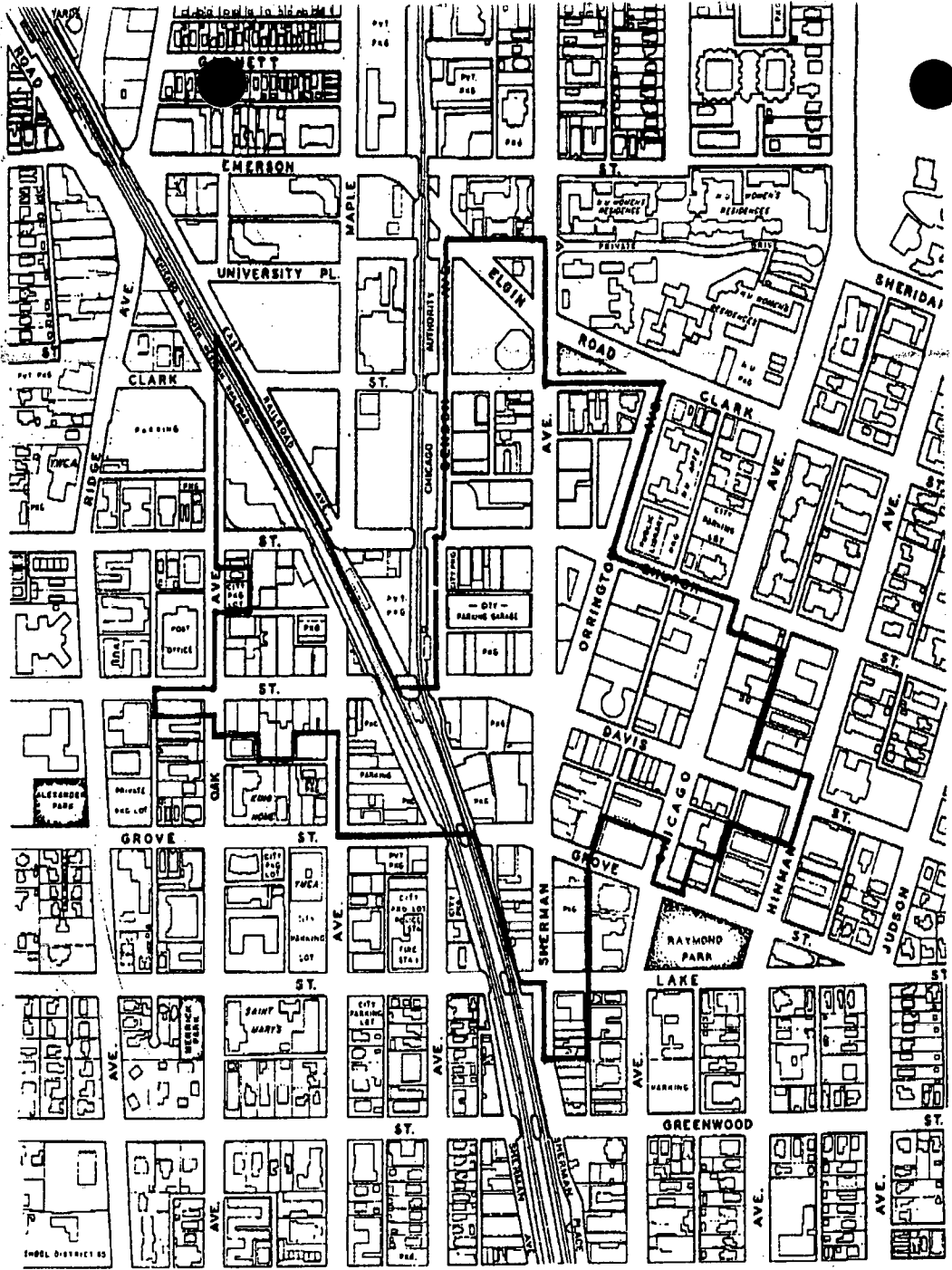
Evanston Special Service Area No. 4 is to be extended for ten (10) ten additional years in order to provide certain public services (the "Services") to the Territory which will supplement the Services currently or customarily provided by the City to the Territory, assist the promotion and advertisement 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 16th day of January, 1997.

Hester Davis
City Clerk

SPECIAL SERVICE DISTRICT NO. 4