

6/14/2007

67-O-07

AN ORDINANCE

**Extending for an Additional Twelve Years, Four Months, and
Eighteen Days, until December 31, 2019,
Expanding the Territory, and
Providing Services for Special Service Area No. 4**

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 (hereinafter, the "City
Council") of the City of Evanston (hereinafter, 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 (hereinafter, 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 hereto and made a part of this Ordinance
(hereinafter, 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 was to terminate 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) additional years. By the terms of said Ordinance, Special Service Area No. 4 was to terminate on August 13, 1997.

(E) The City, on January 13, 1997, pursuant to Ordinance 116-O-96, did extend Evanston Special Service Area No. 4 in the Territory described in Exhibit A for a period of ten (10) additional years. By the terms of said Ordinance, Special Service Area No. 4 is to terminate on August 13, 2007.

(F) Pursuant to Ordinance 113-O-06, the City Council scheduled a public hearing on January 22, 2007, proposing the extension and expansion of Special Service Area No. 4.

(G) On January 22, 2007, the City Council did not conduct a formal public hearing on the extension of Special Service Area No. 4. Instead, the City Council took informal public comment concerning the expansion and extension of Special Service Area No. 4 and directed that a new ordinance and new hearing date be set pursuant to Illinois Compiled Statutes for the expansion and extension of Special Service Area No. 4.

(H) On February 22, 2007, the EvMark Board recommended that all residential property as defined herein be removed from the proposed Special Service Area No. 4.

(I) On February 28, 2007, the City of Evanston Economic Development Committee recommended that all residential property, as defined herein, be removed from proposed Special Service Area No. 4, and that a new ordinance excluding residential property, as defined herein, from Special Service Area No. 4 be submitted to the City Council.

(J) On February 28, 2007, the Economic Development Committee also recommended that the City of Evanston enter into a long-term contract with EvMark for the provision of certain services within Special Service Area No. 4.

(K) Evanston Special Service Area No. 4 was established to provide certain public services (hereinafter, 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 and increased custodial maintenance including, but not limited to, landscaping, together with any such other further services necessary and/or incidental to the accomplishment of the aforesaid improvement.

(L) It is in the public interest that Special Service Area No. 4 be expanded as described in Notice of Hearing Exhibits 1, 2, and 3 which are attached hereto and made a part of this Ordinance (hereinafter, the "Expanded Territory") and extended for twelve (12) years, four (4) months and eighteen (18) days, until December 31, 2019, from the date of proposed termination (August 13, 2007). The expanded and extended Special Service Area No. 4 shall not include any property which is Classified as residential property within the Cook County *Real Property Assessment Classification Ordinance*. In the event the Cook County Clerk is unable to determine the non-residential component of specific parcels based upon the permanent real estate index numbers provided to it by the County Assessor, the inclusion of the property in the Area shall be based on the major classification of such property under the County Classification Ordinance.

(M) 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 implementation agreement with EvMark (hereinafter, the "Agreement") to plan and manage the expanded Special Service Area No. 4 for the additional twelve (12) year, four (4) month, eighteen (18) day period, until December 31, 2019, as well as to fund certain additional necessary and routine maintenance services. The City agrees to provide funding to EvMark on an annual basis, subject to annual review, to finance the difference between EvMark's annual special service district levy and EvMark's annual budget. This amount may not exceed one hundred thirty-eight thousand dollars (\$138,000.00) annually.

The source of funding for the aforementioned not-to-exceed amount may be drawn from one or all of the below-described funds:

- the Washington National TIF District Special Tax Allocation Fund (STAF),
- the Downtown II TIF District STAF,
- the Economic Development Fund, and
- any other appropriate City Council-approved funding source.

EvMark shall submit an annual budget and performance report to the Economic Development Committee. Also included shall be an estimate of the

difference between the annual EvMark budget and the projected special service levy for the subject year. The Economic Development Committee will make a recommendation to City Council of the level and sources of City funding. The Agreement designates EvMark as the exclusive provider of certain services that the City is not available to perform for the Expanded Territory on as timely, economical, and efficient basis as an independent provider of such services, and to promote and advertise the Expanded Territory for the purpose of attracting businesses and consumers to the Expanded Territory.

(N) 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 Expanded Territory. The additional special services shall include:

Those management services needed to sustain successful revitalization efforts in downtown Evanston and to provide a collective benefit for all downtown property owners. These management services will be provided throughout the Expanded Territory. Such management services encompass current and enhanced maintenance services and current and enhanced marketing services. Maintenance services include, but may not be limited to, supplemental trash and litter removal, additional plantings, seasonal flowers, turf maintenance, additional sidewalk cleaning and pressure washing, expanded seasonal clean-ups, and additional sidewalk planters. Other maintenance-related activities will include additional holiday decorations, streetscape furniture, trash receptacles, and banners. Marketing services include additional downtown advertising, collateral printed materials, and image development activities. These services will expand location-based, print, radio, electronic, and trade-related media to downtown's target markets. Other marketing efforts will include expansion of the downtown dance series, special events, and updates of downtown market studies to refine ongoing and future marketing. Such services ensure that downtown Evanston remains a vibrant and attractive place for residents, businesses, property owners, visitors, and employers throughout the twelve (12) year, four (4) month, eighteen (18) day extension period, until December 31, 2019.

(O) The Question of the extension for twelve (12) years, four (4) months, and eighteen (18) days, until December 31, 2019, of Evanston Special Service Area No. 4 is considered by the City pursuant to Ordinance 15-O-07

entitled: "Proposing the Extension (Years) and Expansion (Area) of Special Service Area No. 4 for an Additional Twelve Years, Four Months, and Eighteen Days, until December 31, 2019, and Providing for a Public Hearing and other Procedures in Connection Therewith," adopted March 26, 2007, and is considered pursuant to a hearing held on April 23, 2007, by the City Council pursuant to Notice duly published in the *Evanston Review*, on April 5, 2007, a newspaper of general circulation within the City, at least fifteen (15) days prior to the hearing and pursuant to Notice by United States Postal Service 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 Expanded Territory. Said Notice was given by depositing said Notice in the United States Postal Service Mail 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 (Exhibit B) and an Affidavit of Mailing of said Notice (Exhibit C) are attached to this Ordinance and incorporated herein by reference. Said Notices conformed in all respects to the requirements of Chapter 120, Paragraphs 1304 and 1305 of the Illinois Compiled Statutes.

(P) That a public hearing on the question set forth in the Notice was held on April 23, 2007. All interested persons were given an opportunity to be heard on the question of extending and expanding Evanston Special Service Area No. 4. 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 Expanded Territory of Evanston Special Service Area No. 4 and by at least fifty-one percent (51%) of the owners of record of the land within the Expanded Territory of Evanston Special Service Area No. 4 is filed with the City Clerk within sixty (60) days following the final adjournment of the public hearing objecting to the extension and expansion of Evanston Special Service Area No. 4, the levy of imposition of a tax for the provision of Services to the Expanded Territory, no such extension or expansion may be created and no such tax may be levied or imposed. The public hearing was adjourned on April 23, 2007.

(Q) That sixty (60) days have elapsed since the public hearing to consider the extension and expansion of Evanston Special Service Area No. 4, and that no petition was filed opposing the extension and expansion of Evanston Special Service Area No. 4 pursuant to Chapter 120, Paragraph 1309 of the Illinois Compiled Statutes.

(R) 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 a whole, and will be for the common interest of and benefit specifically the Expanded Territory.

(S) It is in the public interest of the City that the Services to be provided to the Expanded Territory be paid for by the levy of a special tax against all non-residential property located within the Expanded Territory.

SECTION 2: Evanston Special Service Area No. 4 shall be extended and expanded. The special service area known and designated as "City of Evanston Special Service Area No. 4" is extended for twelve (12) years, four (4) months, and eighteen (18) days, until December 31, 2019, from the date of termination (August 13, 2007), and the area of Evanston Special Service Area No. 4 shall be expanded as shown in Notice of Hearing Exhibits 1, 2, and 3, attached.

SECTION 3: Evanston Special Service Area No. 4 term. Evanston Special Service Area No. 4 shall automatically terminate on December 31, 2019, 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 0.1464% of the assessed value, as equalized, of the property located within the Expanded Territory, except, that for the first year of the newly expanded and extended Special Service Area No. 4 the tax rate shall be adjusted so that the total levy is not less than \$370,000.00. The tax Rate 0.1464% of the assessed value, as equalized, as set forth hereinabove, shall

be the maximum tax rate throughout the remaining term of the Special Service Area. The tax will be levied annually by the City Council for a maximum of twelve (12) years, four (4) months, and eighteen (18) days, until December 31, 2019, from the date of the termination of Evanston Special Service Area No. 4 as set forth in Ordinance 116-O-96 (August 13, 2007) and pursuant to the provisions of the Revenue Act of 1939 upon all property located within the Expanded Territory, and said tax shall be in addition to any other annual tax presently levied by any taxing district within the Expanded Territory. The expanded and extended Evanston Special Service Area No. 4 shall not include any property which is Classified as residential property within the Cook County *Real Property Assessment Classification Ordinance*. In the event the Cook County Clerk is unable to determine the non-residential component of specific parcels based upon the permanent real estate index numbers provided to it by the County Assessor, the inclusion of the property in the Area shall be based on the major classification of such property under the County Classification Ordinance.

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 act and things as shall be necessary, convenient, or proper to extend, administer, and maintain Evanston Special Service Area No. 4.

SECTION 5: Effective Date: That all ordinances, resolutions and orders, or parts thereof, in conflict herewith, be and the same are hereby repealed and this Ordinance 67-O-07 shall be in full force and effect from and after its passage and approval and publication in the manner provided by law.

Introduced: June 25, 2007

Approved:

Adopted: July 9, 2007

July 12, 2007

Lorraine H. Morton
Lorraine H. Morton, Mayor

Attest:

Approved as to form:

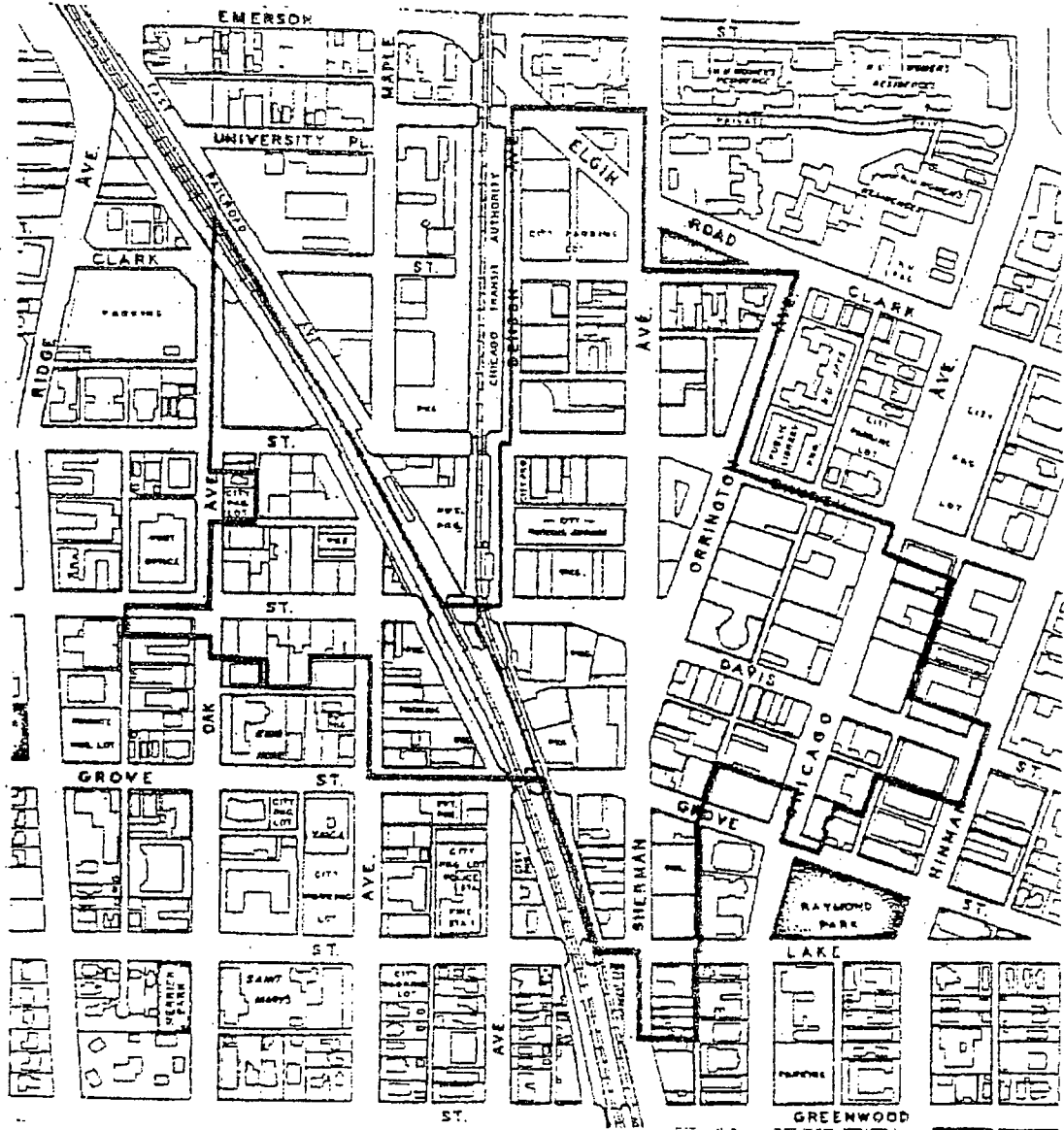
Mary P. Morris
Mary P. Morris, City Clerk

Herbert D. Hill
Herbert D. Hill
First Assistant Corporation Counsel

EXHIBIT A

ORDINANCE 46-O-87

EVANSTON SPECIAL SERVICE AREA NO. 4 TERRITORY



SPECIAL SERVICE DISTRICT NO. 4

Evanston---May 21, 1987

NOTICE OF HEARING EXHIBIT 1

SPECIAL SERVICE AREA NO. 4 EXPANDED TERRITORY LEGAL DESCRIPTION

That part of the southeast quarter, northwest quarter, southwest quarter, and northeast quarter 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 centerline of the north-south alley in Block 52 in the Village of Evanston in Section 18-41-14 and the south right of way line of Grove Street in said southwest quarter; thence westerly along the south right of way line of Grove Street to the west right of way line of Oak Avenue; thence northerly along the west right of way line of Oak Avenue to the south line of Lot 6 in Block 61 of said Village of Evanston; thence westerly along the south line of said Lot 6 to a point on the centerline of the north-south alley in said Block 61; thence northerly along the centerline of said alley to the south right of way line of Davis Street; thence northerly to a point of intersection of the centerline of the north-south alley of Block 68 in said Village of Evanston and the north right of way line of Davis Street; thence northerly along the centerline of said alley to the centerline of the east-west alley in said Block 68; thence easterly along the centerline of said alley to the west right of way line of Oak Street; thence northerly along the west right of way line of Oak Street to the south right of way line of Church Street; thence northerly to a point of intersection of the north right of way line of Church Street and the west right of way line of Oak Avenue in said northwest quarter; thence northerly along the west line of Oak Avenue to the south line of Lot 21 in Block 2 of the Pratt's Addition to Evanston, a subdivision of the southwest quarter of the northwest quarter of Section 18-41-14, east of Ridge Road and west of the C. & N.W. R.R. Document number 88317; thence northwesterly to a point of intersection of the centerline of Oak Avenue and the northeast right of way line of West Railroad Avenue; thence northerly along the north extension of the centerline of Oak Avenue to the southwest right of way line of East Railroad Avenue; thence northwesterly along the southwest right of way line of East Railroad Avenue to the extended north right of way line of Emerson Street; thence easterly along the north right of way line of Emerson Street to the extended west line of Lot 4 in Block 6 of the said Village of Evanston; thence southerly along the west line of said Lot 4 to the north line of the south half of said Lot 4; thence easterly along the north line of the south half of said Lot 4 to the east line of said Lot 4; thence southerly along the east line of said Lot 4 to the north right of way line of University Place; thence east along the north right of way line of University Place to the east right of way line of Sherman Avenue; thence southerly along the east right of way line of Sherman Avenue to the northeast right of way line of Elgin Road; thence southeasterly along the northeast right of way line of Elgin Road in said northwest quarter to a point of intersection with the centerline of Orrington Avenue; thence southwesterly along the centerline of Orrington Avenue to the northwest extension of the north line of lot 8 in Block 15 of said Village of Evanston; thence southeasterly along said north line of lot 8 to the southeast line of the northerly-southerly alley in said Block 15 in said southeast quarter; thence northeasterly along said southeast line of said northerly-southerly alley to a line eleven (11) feet northeast of and parallel with the northeast line of lot 14 of said Block 15 in said northeast quarter; thence southeasterly along said parallel line to the centerline of Chicago Avenue; thence southwesterly along the centerline of Chicago Avenue to an intersecting point with the extended line five feet south of the south line of lot 3 in block 20, in the Village of Evanston in said southeast

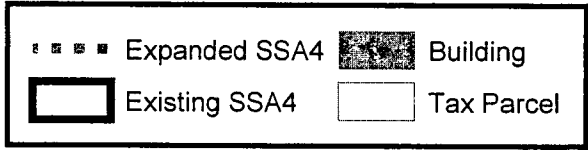
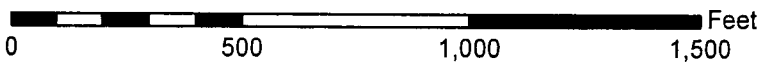
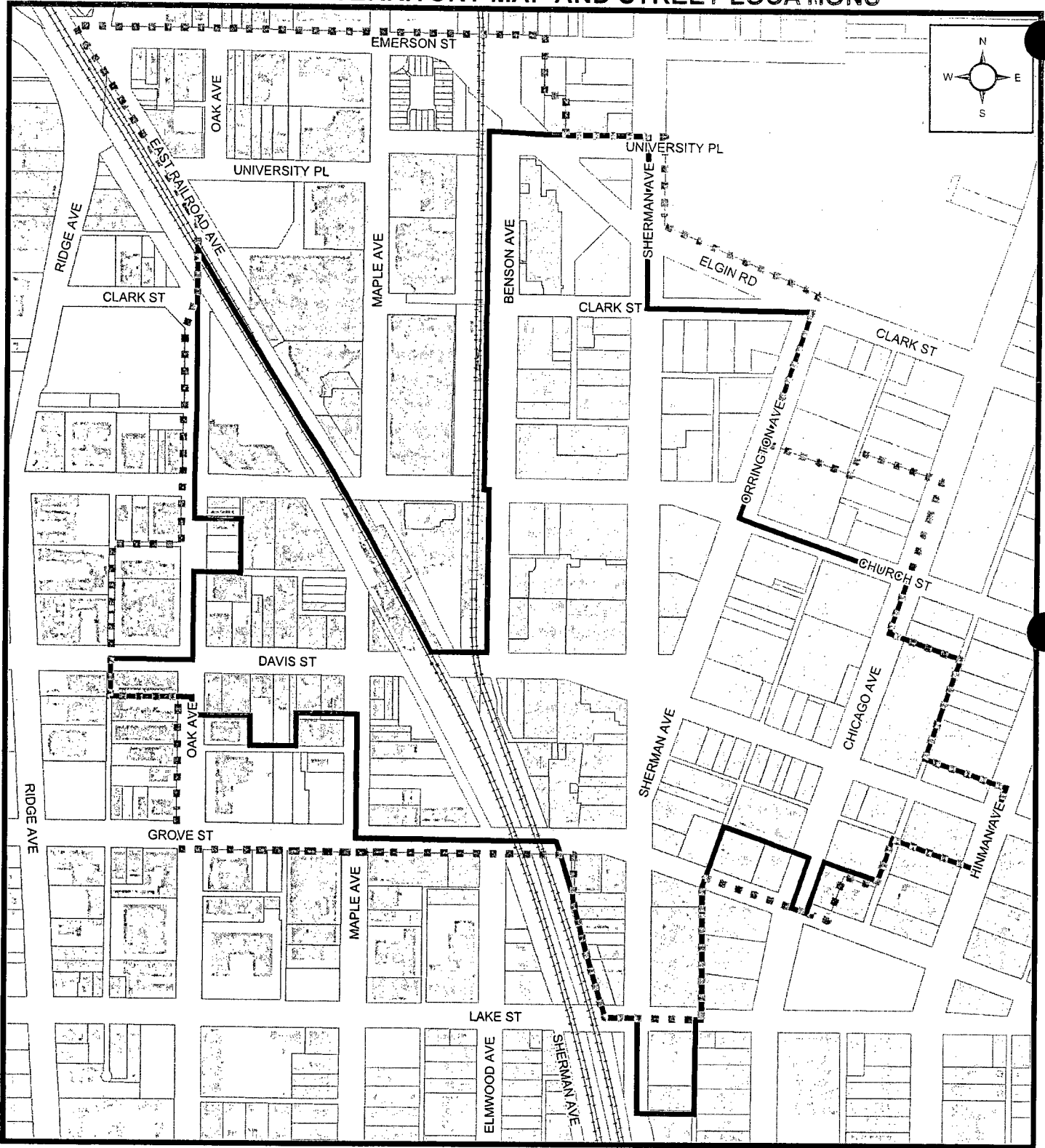
quarter; thence southeasterly along said line, five feet south of the south line of said lot 3 to a point on the centerline of the north-south alley in Block 20 in said Village of Evanston; thence southwesterly along said centerline of the north-south alley in said Block 20 to an intersecting point with the extended south line of Lot 11 in aforesaid Block 20; thence southeasterly along said south line of Lot 11 to the centerline of Hinman Avenue; thence southwesterly along the centerline 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 right of way line of alley in said Block 26 to the south line of Lot 9 in said Block 26, said south line of Lot 9 being the north line of Lot A of the plat of consolidation of Lots 7 and 8 in said Block 26 (commonly known as 519 Grove Street in the City of Evanston); thence continuing southwesterly along said west line of alley to a line 18 feet southwest of and parallel with said north line of Lot A; thence northwesterly along said line 18 feet southwest of and parallel with said north line of Lot A to a line 100 feet northwest of and parallel with said west line of alley; thence southwesterly along said line 100 feet northwest of and parallel with said west line of alley to the centerline of Grove Street; thence northwesterly along the centerline of Grove Street to a point of intersection of the north-south alley in Block 29 in said Village of Evanston; thence southerly along said centerline of alley in said Block 29 to the centerline of Lake Street; thence westerly along the centerline of Lake Street to the extended centerline of the north-south alley in Block 52 in said Village of Evanston; thence northerly along the centerline of the north-south alley in said Block 52 to the point of beginning.

State of Illinois }
 } S.S. Surveyor's Certificate
 County of Cook }

I, Craig T. Turner, an Illinois Professional Land Surveyor, hereby certify that I have created the above legal description. The purpose of the legal description is to delineate the boundary of the Special Service District No. 4 in the City of Evanston. The legal description was developed from an exhibit, SSA No. 4 Study-Version D, provided by the City of Evanston and county tax maps. No fieldwork was performed.

Craig T. Turner
 Illinois Professional Land Surveyor No. 035-003658
 Expires on 11/30/2008

NOTICE OF HEARING EXHIBIT 2
EVANSTON SPECIAL SERVICE AREA NO. 4
EXPANDED TERRITORY MAP AND STREET LOCATIONS



City of
Evanston
 Geographic Information
 System Division

NOTICE OF HEARING EXHIBIT 3

SPECIAL SERVICE AREA NO. 4 PERMANENT IDENTIFICATION NUMBERS (PINS)

11-18-118-009-8001	11-18-304-035-0000	11-18-309-032-0000
11-18-309-020-0000	11-18-304-034-0000	11-18-302-030-0000
11-18-208-014-0000	11-18-304-032-0000	11-18-126-020-0000
11-18-302-021-0000	11-18-304-031-0000	11-18-403-019-0000
11-18-126-002-0000	11-18-304-033-0000	11-18-408-002-0000
11-18-117-004-0000	11-18-304-030-0000	11-18-126-018-0000
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11-18-208-017-0000	11-18-304-029-0000	11-18-311-034-0000
11-18-309-019-0000	11-18-127-012-0000	11-18-306-035-0000
11-18-126-005-0000	11-18-302-024-0000	11-18-311-024-0000
11-18-302-023-0000	11-18-317-009-0000	11-18-311-010-0000
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11-18-208-016-0000	11-18-127-020-0000	11-18-310-025-0000
11-18-309-018-0000	11-18-127-005-0000	11-18-306-007-0000
11-18-501-005-0000	11-18-403-018-0000	11-18-114-001-0000
11-18-306-022-8001	11-18-126-007-0000	11-18-306-032-0000
11-18-117-008-0000	11-18-308-021-0000	11-18-318-015-0000
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11-18-500-015-0000	11-18-408-014-0000	11-18-306-037-0000
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11-18-112-039-0000	11-18-309-031-0000	11-18-306-005-0000
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11-18-127-003-0000	11-18-126-014-0000	11-18-119-038-8019
11-18-114-010-0000	11-18-303-014-0000	11-18-119-038-8002
11-18-302-001-0000	11-18-303-013-0000	11-18-119-038-8001
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11-18-127-004-0000	11-18-311-042-1004	11-18-119-038-8005
11-18-302-006-0000	11-18-311-042-1003	11-18-119-038-8003
11-18-309-027-0000	11-18-311-042-1002	11-18-119-038-8004
11-18-311-029-0000	11-18-311-042-1005	11-18-119-038-8014
11-18-306-021-0000	11-18-311-042-1001	11-18-119-038-8012
11-18-119-025-0000	11-18-312-019-0000	11-18-119-038-8010
11-18-312-016-0000	11-18-118-009-8009	11-18-119-038-8008

The expanded and extended Special Service Area No. 4 shall not include any property which is Classified as residential property within the Cook County *Real Property Assessment Classification Ordinance* which is on file with the Evanston City Clerk. In the event the Cook County Clerk is unable to determine the non-residential component of specific parcels based upon the permanent real estate index numbers provided to it by the County Assessor, the inclusion of the property in the Area shall be based on the major classification of such property under the County Classification Ordinance.

EXHIBIT B

Evanston SSA#4

AdOrderNumber: 0001420777

PONumber: 5097 000 OP

Amount: 1,170.00

Pioneer Press Certificate of Publication

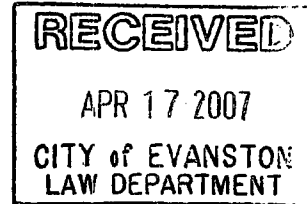
State of Illinois - County of Cook Kane Lake McHenry

Pioneer Press, does hereby certify it has published the attached advertisements in the following secular weekly newspapers. All newspapers meet Illinois Compiled Statute requirements for publication of Notices per Chapter 715 ILCS 5/0.01 et seq. R.S. 1874, P728 Sec 1, EFF. July 1, 1874. Amended By Laws 1959, PL494, EFF. July 17, 1959. Formerly Ill. Rev. Stat. 1991, CH100, Pl.

Note: Notice appeared in the following newspaper(s).

NEWSPAPER(S)	PUBLICATION DATE(S)	WEEK(S)
Evanston Review	04/05/2007 - 04/05/2007	1

Total Affidavits: 1



IN WITNESS WHEREOF, the undersigned, being duly authorized, has caused this Certificate to be signed and its official seal affixed at Glenview, Illinois 04/05/2007.

By *John G. Bieschke*

John G. Bieschke
Legal Advertising Manager (Official Title)

Subscribed and sworn to before me
This 5 Day of April A.D. , 2007

Diane E. Spenny
Notary Public

CITY OF EVANSTON
ACCOUNTS PAYABLE
2100 RIDGE AVE
EVANSTON, IL 60204

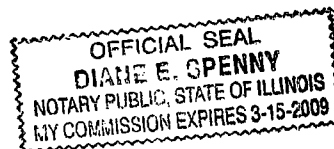



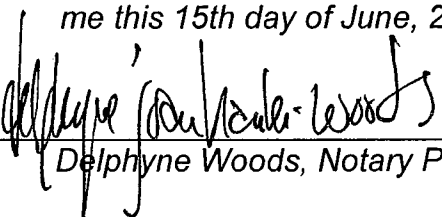
EXHIBIT C

AFFIDAVIT OF MAILING OF NOTICE

I, Leslie Murphy, a non-attorney, certify that I prepared the Notice of Hearing with respect to the extension and expansion of Evanston Special Service Area No. 4 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 Expanded Territory. Said Notice was given by depositing said Notice with sufficient postage prepaid into the United States Postal Service Mailbox located at 2100 Ridge Avenue in Evanston, Illinois, 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.

By 
Leslie Murphy

*Subscribed and sworn to before
me this 15th day of June, 2007.*


Delphyne Woods, Notary Public



