



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 020-035
DATE OF PASSAGE June 23, 2020

An Ordinance Proposing the Establishment of a Special Service Area Number #202 Mitchell Road Industrial Park (Vacant Lots 1, 2, 3, 4 and 5 northeast corner of I-88 and Mitchell Road) and calling for a Public Hearing on the proposed Special Service Area in the City of Aurora Kane County and providing for a Public Hearing and other procedures in connection therewith PIN(s): 15-02-302-001, 15-02-302-002, 15-02-302-003, 15-02-302-004, 15-02-351-001, 15-02-351-002.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, special service areas are established pursuant to subsection (1) of Section 6 of Article VII of the Illinois Constitution of 1970, and the Special Service Area Tax Law (35 ILCS 200/27-5 et seq) and the Property Tax Code (35 ILCS 200/1-1 et seq); and

WHEREAS, it is in the public interest that the Area described in the Notice set forth in paragraph 2 Section One hereof be established as a Special Service Area for the purposes set forth herein, an accurate map of said territory being attached hereto as Exhibit "A-1"; and

WHEREAS, said Area is compact and contiguous and constitutes a principal commercial area of the City; and

WHEREAS, said Area is zoned ORI(S) Office, Research, Light Industrial with a Special Use Planned Development, and will benefit specially from the municipal services to be provided which include the maintenance and repair of the onsite stormwater retention, detention and drainage controls and common areas, all in accordance with the final plat of subdivision or final approved engineering plans for the Area; and the proposed municipal services are unique and in addition to municipal services provided to the City of Aurora as a whole, and it is, therefore, in the best interests of said Area and the City

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of Aurora as a whole, that the levy of special taxes against said Area for the services to be provided be considered.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

SECTION ONE:

(a) That a public hearing shall be held on the 23rd day of June, 2020, at 6:00 p.m. in the City Council Chambers of the City Hall, 44 East Downer Place, Aurora, Illinois to consider the creation of SPECIAL SERVICE AREA NUMBER 202 of the City of Aurora, in the territory described in the Notice set forth in Paragraph 2 hereof. At the hearing, there will be considered the levy of an annual tax on property by the City of Aurora at a rate or amount of tax sufficient to produce revenue required to provide the special services in the proposed SPECIAL SERVICE AREA NUMBER 202. Said tax to be levied for an indefinite period of time from and after the date of the Ordinance establishing said Area. Said tax to be levied at a maximum rate of \$1.10 (one hundred and ten cents per one-hundred dollar valuation). Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Said levies are intended to produce an amount annually to pay for the cost for said special services. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be "dormant," and shall take effect only if the owner fails to maintain or repair the aforesaid required items and the City is forced to assume said responsibilities.

(b) The Notice of hearing was published at least once not less than fifteen (15) days prior to the public hearing in a newspaper in general circulation in the City of Aurora. In addition, notice by mailing was given by depositing said Notice in the U.S. 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 proposed Special Service Area 202. Said Notice was 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 was sent to the person last listed on the tax rolls prior to that year as the owner of said property. The Notice shall be substantially the following form:

NOTICE OF HEARING
CITY OF AURORA
SPECIAL SERVICE AREA NUMBER 202

Mitchell Road Industrial Park

Vacant Lots

Kane County

PINS: 15-02-302-001, 15-302-002, 15-02-302-003, 15-02-302-004, 15-02-351-001, 15-02-351-002

Common Addresses:

2355 Mitchell Road, Open Space, Open Space,
938 Corporate Blvd., 945 Corporate Blvd.

NOTICE IS HEREBY GIVEN that on the 23rd day of June, 2020 at 6:00 p.m., in the City Council Chambers of the City Hall, 44 East Downer Place, Aurora, Illinois, a hearing will be held by the City Council of the City of Aurora to consider the establishment of a Special Service Area consisting of the following described territory:

SEE ATTACHED EXHIBIT "A"

SECTION TWO:

The purpose of the formation of SPECIAL SERVICE AREA NUMBER 202 in general is to provide for the maintenance and repair of the onsite stormwater retention, detention and drainage controls and common areas, in said Area, all in accordance with the final plat of subdivision or final approved engineering plans for the Area, and the proposed municipal services are unique and are in addition to the improvements and services provided and/or maintained by the City generally. It is hereby determined by the City Council that the establishment of said special service area is desirable and necessary to provide the special services to the said area.

SECTION THREE:

At the hearing, all persons affected will be given an opportunity to be heard. At the hearing, there will be considered the levy of an annual tax in the proposed SPECIAL SERVICE AREA NUMBER 202 by the City of Aurora of not to exceed an annual rate of 1.10 one-hundredths percent (\$1.10 being 110 cents per \$100.00 of the equalized assessed value of the property) sufficient to produce revenues to provide the special services. Said tax to be levied for an indefinite period of time from and after the date of the Ordinance establishing said Area. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Said levies are intended to produce an amount annually to pay for the cost for said special services. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be "dormant," and shall take effect only if the applicable required Owners Association (or owner as the case may be) fails to maintain or repair the aforesaid required items or provide said special services and the City is forced to

ORDINANCE NO. 020-035
DATE OF PASSAGE June 23, 2020

assume said responsibilities. The hearing may be adjourned by the City Council 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 fifty-one percent (51%) of the electors residing within the proposed SPECIAL SERVICE AREA NUMBER 202 and by at least fifty-one percent (51%) of the owners of record of the land included within the boundaries of the proposed Area is filed with the City Clerk within sixty (60) days following the final adjournment of the public hearing objecting to the establishment of the Area, the enlargement thereof, or the levy or imposition of a tax for the provision of special services to the Area, no such Area may be established or enlarged, or tax levied or imposed.

SECTION FOUR:

The approximate location is vacant Lots 1, 2, 3, 4 and 5 northeast corner of I-88 and Mitchell Road Aurora, Illinois 60504.

An accurate map of said territory is on file in the Office of the City Clerk and available for public inspection, and legal description is attached hereto as Exhibit "A-1".

All interested persons affected by the formation of SPECIAL SERVICE AREA NUMBER 202 will be given an opportunity to be heard regarding the formation of the boundaries of the Area and may object to the formation of the Area and the levy of taxes affecting said Area.

SECTION FIVE:

That this ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

SECTION SIX:

That all ordinances or parts of ordinances thereof in conflict therewith are hereby repealed to the extent of any such conflict.

SECTION SEVEN:

That any Section or provisions of this Ordinance that is construed to be invalid or void shall not affect the remaining Sections or provisions which shall remain in full force and effect thereafter.

PASSED by the City Council of the City of Aurora, Illinois on this 14th day of April, 2020.

ORDINANCE NO. 020-035
DATE OF PASSAGE June 23, 2020

Prepared by:
Richard J. Veenstra
Corporation Counsel
City of Aurora Law Department
44 East Downer Place
Aurora, IL 60507

Exhibits Attached:
Time Line
A-1 Site Map
A-Legal Description
B-Legal Notice of Hearing
C-Affidavit of Notice of Service
D-Waiver of Objection
E-Aerial Map of Site Location

ORDINANCE NO. 020-035

PASSED AND APPROVED ON June 23, 2020

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Hart-Burns, Ward 7	yes
Alderman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderman Lofchie, Ward 10	yes
Alderman Jenkins, At Large	yes
Alderman O'Connor, At Large	yes

ATTEST:

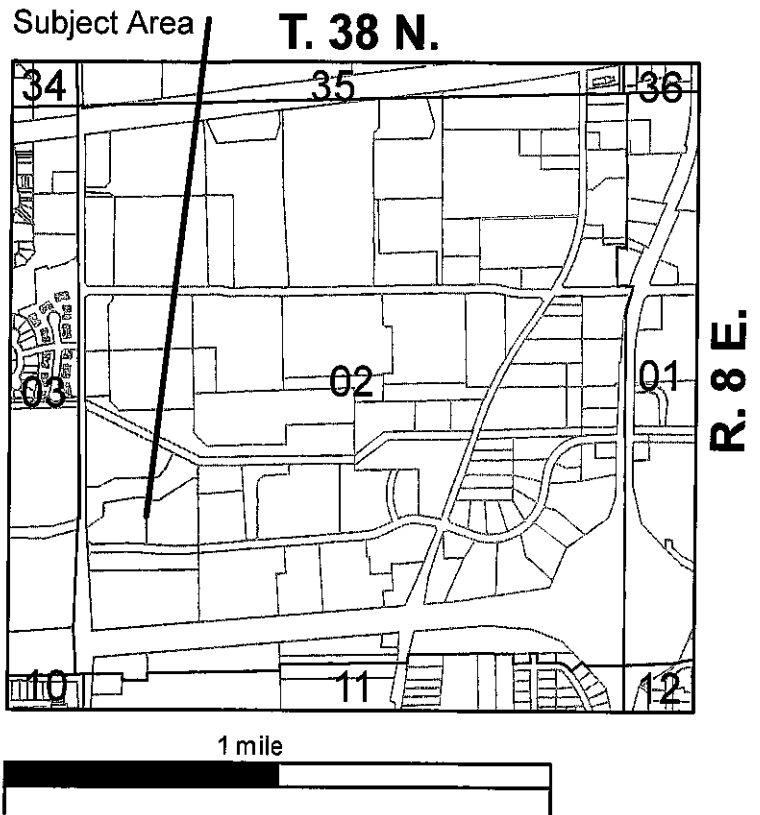

City Clerk


Mayor

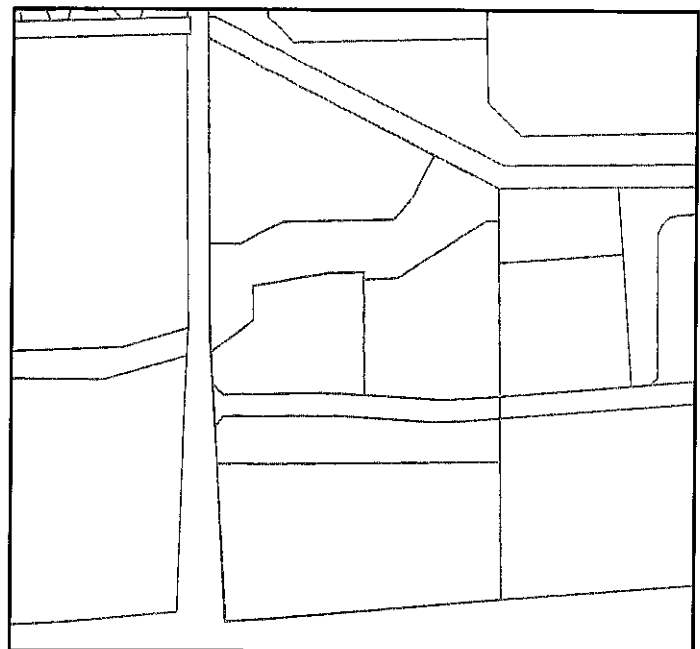
Legal Description

LOTS 1, 2, 3, 4, AND 5 IN FINAL PLAT OF SUBDIVISION OF MITCHELL ROAD INDUSTRIAL PARK SUBDIVISION IN SECTION 2, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 30, 2018, AS DOCUMENT NO. 2018K057727, IN KANE COUNTY, ILLINOIS.

Locator Map



Actual Area



PIN(s)

15-02-302-001
15-02-302-002
15-02-302-003
15-02-302-004
15-02-351-001
15-02-351-002

Common Address

2355 Mitchell Rd.
Open Space
Open Space
938 Corporate Bl
945 Corporate Bl



**LEGAL DESCRIPTION OF ENTIRE PARCEL OF
THE MITCHELL ROAD INDUSTRIAL PARK SUBDIVISION**

LOTS 1, 2, 3, 4, AND 5 IN FINAL PLAT OF SUBDIVISION OF MITCHELL ROAD INDUSTRIAL PARK SUBDIVISION IN SECTION 2, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 30, 2018, AS DOCUMENT NO. 2018K057727, IN KANE COUNTY, ILLINOIS.

P.I.Ns.: 15-02-302-001
15-02-302-002
15-02-302-003
15-02-302-004
15-02-351-001
15-02-351-002

PROPERTY ADDRESS: Vacant land (Lots 1, 2, 3, 4, and 5),
Northeast corner of I-88 and Mitchell Road
Aurora, Illinois 60504

Publish One Time June 5, 2020

NOTICE OF HEARING
CITY OF AURORA
NOTICE OF HEARING
CITY OF AURORA
SPECIAL SERVICE AREA NUMBER 202
Mitchell Road Industrial Park
Vacant Lots
Kane County

PINS: 15-02-302-001, 15-302-002, 15-02-302-003, 15-02-302-004,
15-02-351-001, 15-02-351-002

Common Addresses:

2355 Mitchell Road, Open Space, Open Space,
938 Corporate Blvd., 945 Corporate Blvd.

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SEE ATTACHED EXHIBIT "A"

SECTION TWO:

The purpose of the formation of SPECIAL SERVICE AREA NUMBER 202 in general is to provide for the maintenance and repair of the onsite stormwater retention, detention and drainage controls and common areas, in said Area, all in accordance with the final plat of subdivision or final approved engineering plans for the Area, and the proposed municipal services are unique and are in addition to the improvements and services provided and/or maintained by the City generally. It is hereby determined by the City Council that the establishment of said special service area is desirable and necessary to provide the special services to the said area.

SECTION THREE:

At the hearing, all persons affected will be given an opportunity to be heard. At the hearing, there will be considered the levy of an annual tax in the proposed SPECIAL SERVICE AREA NUMBER 202 by the City of Aurora of not to exceed an annual rate of 1.10 one-hundredths percent (\$1.10 being 110 cents per \$100.00 of the equalized assessed value of the property) sufficient to produce revenues to provide the special services. Said tax to be levied for an indefinite period of time from and after the date of the Ordinance establishing said Area. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Said levies are intended to produce an amount annually to pay for the cost for said special

services. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be "dormant," and shall take effect only if the applicable required Owners Association (or owner as the case may be) fails to maintain or repair the aforesaid required items or provide said special services and the City is forced to assume said responsibilities. The hearing may be adjourned by the City Council 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 fifty-one percent (51%) of the electors residing within the proposed SPECIAL SERVICE AREA NUMBER 202 and by at least fifty-one percent (51%) of the owners of record of the land included within the boundaries of the proposed Area is filed with the City Clerk within sixty (60) days following the final adjournment of the public hearing objecting to the establishment of the Area, the enlargement thereof, or the levy or imposition of a tax for the provision of special services to the Area, no such Area may be established or enlarged, or tax levied or imposed.

Common Addresses: 2355 Mitchell Road, Open Space, Open Space, 938 Corporate Blvd., 945 Corporate Blvd.

City Clerk
City of Aurora
44 East Downer Place
Aurora, IL 60507
(630) 256-3070

EXHIBIT "A"

LEGAL DESCRIPTION OF ENTIRE PARCEL OF THE MITCHELL ROAD INDUSTRIAL PARK SUBDIVISION

LOTS 1, 2, 3, 4, AND 5 IN FINAL PLAT OF SUBDIVISION OF MITCHELL ROAD INDUSTRIAL PARK SUBDIVISION IN SECTION 2, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 30, 2018, AS DOCUMENT NO. 2018K057727, IN KANE COUNTY, ILLINOIS.

P.I.Ns.: 15-02-302-001
15-02-302-002
15-02-302-003
15-02-302-004
15-02-351-001
15-02-351-002

PROPERTY ADDRESS: Vacant land (Lots 1, 2, 3, 4, and 5),
Northeast corner of I-88 and Mitchell Road
Aurora, Illinois 60504

EXHIBIT "C"

AFFIDAVIT OF SERVICE OF NOTICE

Laura Schindel, after first being sworn under oath, states and deposes that she caused a copy of the within Notice of Hearing for Special Service Area No. #202 to be duly sent by mail, proper postage prepaid on or before June 5, 2020, to the person or persons, or his/her authorized Power of Attorney, 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 202. In the event that taxes for the last preceding year were not paid, notice was sent to the person or persons last listed on the tax rolls prior to that year as the owner of said property, for the property described in said Notice to wit:

Dated this 5th day of June, 2020.

Laura Schindel

Subscribed and sworn to before me
this 5th day of June, 2020.

Notary Public

EXHIBIT "A"

**LEGAL DESCRIPTION OF ENTIRE PARCEL OF
THE MITCHELL ROAD INDUSTRIAL PARK SUBDIVISION**

LOTS 1, 2, 3, 4, AND 5 IN FINAL PLAT OF SUBDIVISION OF MITCHELL ROAD INDUSTRIAL PARK SUBDIVISION IN SECTION 2, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 30, 2018, AS DOCUMENT NO. 2018K057727, IN KANE COUNTY, ILLINOIS.

P.I.Ns.: 15-02-302-001
 15-02-302-002
 15-02-302-003
 15-02-302-004
 15-02-351-001
 15-02-351-002

PROPERTY ADDRESS: Vacant land (Lots 1, 2, 3, 4, and 5),
 Northeast corner of I-88 and Mitchell Road
 Aurora, Illinois 60504

Exhibit D

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

WAIVER OF OBJECTION SSA #202

**SPECIAL SERVICE AREA NUMBER 202
MITCHELL ROAD INDUSTRIAL PARK
VACANT LOT
PERMANENT INDEX NO(s): LOT 1
15-02-351-001
15-02-351-002
KANE COUNTY
IN THE CITY OF AURORA**

MITCHELL CORPORATE, LLC, the owner of record of the property, which is legally described in the attached, Exhibit "A", through his Power of Attorney, consents to the establishment of SPECIAL SERVICE AREA #202, and waives any right of objection it may have to the creation of this Special Service Area pursuant to 35 ILCS 200/27-55.

MITCHELL CORPORATE, LLC.

Signature: _____

Print: _____

Title: _____

SUBSCRIBED and SWORN
to before me this ____th day of
_____, 2020.

Notary Public

LEGAL DESCRIPTION LOT 1

LOT 1 IN FINAL PLAT OF SUBDIVISION OF MITCHELL ROAD INDUSTRIAL PARK SUBDIVISION IN SECTION 2, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 30, 2018, AS DOCUMENT NO. 2018K057727, IN KANE COUNTY, ILLINOIS.

P.I.Ns.: 15-02-302-001
 15-02-302-002

PROPERTY ADDRESS: Vacant land (Lot 1)
 Northeast corner of I-88 and Mitchell Road
 Aurora, Illinois 60504

Exhibit D

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

WAIVER OF OBJECTION SSA #202

**SPECIAL SERVICE AREA NUMBER 202
MITCHELL ROAD INDUSTRIAL PARK
VACANT LOT
PERMANENT INDEX NO(s): LOTS 2 & 3
15-02-302-004
15-02-301-001
KANE COUNTY
IN THE CITY OF AURORA**

OLD SECOND NATIONAL BANK OF AURORA, TRUST, #9199, the owner of record of the property, which is legally described in the attached, Exhibit "A", through his Power of Attorney, consents to the establishment of SPECIAL SERVICE AREA #202, and waives any right of objection it may have to the creation of this Special Service Area pursuant to 35 ILCS 200/27-55.

OLD SECOND NATIONAL BANK OF AURORA
TRUST #9199

Signature: _____

Print: _____

Title: _____

SUBSCRIBED and SWORN
to before me this ____th day of
_____, 2020.

Notary Public

LEGAL DESCRIPTION LOTS 2 & 3

LOTS 2 & 3 IN FINAL PLAT OF SUBDIVISION OF MITCHELL ROAD INDUSTRIAL PARK SUBDIVISION IN SECTION 2, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 30, 2018, AS DOCUMENT NO. 2018K057727, IN KANE COUNTY, ILLINOIS.

P.I.Ns.: 15-02-302-004
 15-02-302-001

PROPERTY ADDRESS: Vacant land (Lots 2 & 3)
 Northeast corner of I-88 and Mitchell Road
 Aurora, Illinois 60504

Exhibit D

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

WAIVER OF OBJECTION SSA #202

**SPECIAL SERVICE AREA NUMBER 202
MITCHELL ROAD INDUSTRIAL PARK
VACANT LOT
PERMANENT INDEX NO(s): LOT 4
15-02-302-003
KANE COUNTY
IN THE CITY OF AURORA**

PIZZUTI AURORA INDUSTRIAL TIF CORP., the owner of record of the property, which is legally described in the attached, Exhibit "A", through his Power of Attorney, consents to the establishment of SPECIAL SERVICE AREA #202, and waives any right of objection it may have to the creation of this Special Service Area pursuant to 35 ILCS 200/27-55.

PIZZUTI AURORA INDUSTRIAL TIF CORP.

Signature: _____

Print: _____

Title: _____

SUBSCRIBED and SWORN
to before me this ____th day of
_____, 2020.

Notary Public

LEGAL DESCRIPTION LOT 4

LOTS 4 IN FINAL PLAT OF SUBDIVISION OF MITCHELL ROAD INDUSTRIAL PARK SUBDIVISION IN SECTION 2, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 30, 2018, AS DOCUMENT NO. 2018K057727, IN KANE COUNTY, ILLINOIS.

P.I.Ns.: 15-02-302-003

PROPERTY ADDRESS: Vacant land (Lot 4)
Northeast corner of I-88 and Mitchell Road
Aurora, Illinois 60504

Exhibit D

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

WAIVER OF OBJECTION SSA #202

**SPECIAL SERVICE AREA NUMBER 202
MITCHELL ROAD INDUSTRIAL PARK
VACANT LOT
PERMANENT INDEX NO(s): LOT 5
15-02-302-002
KANE COUNTY
IN THE CITY OF AURORA**

PIZZUTI AURORA INDUSTRIAL, LLC, the owner of record of the property, which is legally described in the attached, Exhibit "A", through his Power of Attorney, consents to the establishment of SPECIAL SERVICE AREA #202, and waives any right of objection it may have to the creation of this Special Service Area pursuant to 35 ILCS 200/27-55.

PIZZUTI AURORA INDUSTRIAL LLC

Signature: _____

Print: _____

Title: _____

SUBSCRIBED and SWORN
to before me this ____th day of
_____, 2020.

Notary Public

LEGAL DESCRIPTION LOT 5

LOT 5 IN FINAL PLAT OF SUBDIVISION OF MITCHELL ROAD INDUSTRIAL PARK SUBDIVISION IN SECTION 2, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 30, 2018, AS DOCUMENT NO. 2018K057727, IN KANE COUNTY, ILLINOIS.

P.I.Ns.: 15-02-302-002

PROPERTY ADDRESS: Vacant land (Lot 5)
Northeast corner of I-88 and Mitchell Road
Aurora, Illinois 60504