

**ORDINANCE NO. 16-\_\_\_\_\_**  
**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF A SPECIAL SERVICE**  
**AREA FOR A PORTION OF SYCAMORE RUN SUBDIVISION AND**  
**AUTHORIZING A PUBLIC HEARING**

WHEREAS, the Village of Westmont is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, the Village has undertaken or will undertake a public improvement project to stabilize the banks of St. Joseph Creek from erosion, and which will enable St. Joseph Creek to continue to serve as a valuable watershed and to continue to accept stormwater runoff from surrounding properties; and

WHEREAS, in order to complete this project, the Village negotiated a settlement with the owner of real estate known as Lot 117, which lot ran adjacent to St. Joseph Creek and which was located in a portion of a residential subdivision known as Sycamore Run Subdivision; and

WHEREAS, as part of this settlement, individual identical agreements were signed between the Village of Westmont and nine (9) individual property owners entitled "Agreement Between the Village of Westmont and a Property Owner Whose Land is Adjacent to St. Joseph Creek" (each individual agreement is referred to as the "Agreement"; all nine (9) agreements are referred to as the "Agreements")(each of the nine (9) properties are referred to individually as the "Property"; all nine (9) properties are collectively referred to as the "Properties"); and

WHEREAS, as part of the aforementioned settlement and the Agreements, the owner of Lot 117 deeded portions of Lot 117 to nine (9) individual homeowners who owned Property adjacent to Lot 117; and

WHEREAS, all of Lot 117, prior to said transfer of ownership, contained a Perpetual Temporary Construction Easement granted to the Village of Westmont which would allow the Village of Westmont to perform the public improvement project to stabilize the banks of St. Joseph Creek; and

WHEREAS, as part of the settlement and as set forth in the Agreements, the Village of Westmont received \$80,000.00 from the owner of Lot 117, which money was to be placed into a special fund for the sole purpose of the above-described public improvement project to St. Joseph Creek; and

WHEREAS, as part of the settlement and as set forth in the Agreements, the Village of Westmont received title to a portion of Lot 117, which it had authority to subdivide and sell as a residential lot, with any proceeds from such sale to be deposited into the afore-described special fund; and

WHEREAS, the Agreements provide that consent is given for the Village of Westmont to create a special service area which comprises the nine (9) residential Properties that received a

portion of Lot 117 and which abut St. Joseph Creek, for the purpose of performing the St. Joseph Creek bank stabilization project; and

WHEREAS, the Agreements provided that the special service area may generate a total real estate tax liability not to exceed \$10,000.00 per Property, which shall be payable in approximately equal amounts over a five (5) year period; and

WHEREAS, the Agreements also provide that although the Village of Westmont must conduct a public hearing prior to establishing the special service area, the owners of the nine (9) Properties subject to the Agreement waive their right to file objections to the creation of the special service area if the special service area is limited as set forth in the Agreements; and

WHEREAS, the Village of Westmont has determined that the afore-mentioned \$80,000.00 payment as part of the settlement and the proposed sale of the portion of Lot 117 conveyed to the Village are insufficient to pay for the costs of the St. Joseph Creek bank stabilization project; and

WHEREAS, as a result and in accordance with the Agreements, the Village of Westmont corporate authorities desire by this ordinance to propose the creation of a special service area pursuant to 35 ILCS 200/27-5, *et seq.* for the purpose of the St. Joseph Creek bank stabilization project, which project will uniquely benefit the nine (9) Property owners subject to the Agreements; and

WHEREAS, the Village of Westmont desires by this ordinance to set a public hearing on the issue of establishing this special service area as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, as follows:

Section 1: The above-stated recitals are hereby restated and incorporated into this Section 1 as though fully set forth herein.

Section 2: A public hearing on the issue of approving an ordinance for the establishment of a special service area for the Properties as defined above and located within the Sycamore Run Subdivision is scheduled for March 31, 2016, at 6:00 p.m., at the Village of Westmont Village Hall, 31 West Quincy Street, Westmont, IL 60559.

Section 3: The boundaries of the proposed special service area are identified in Exhibit "A" attached hereto (consisting of both a map and legal descriptions). A listing of the Properties located within the boundaries of the proposed special service area by permanent tax index number (P.I.N.) and street address is attached hereto as Exhibit "B." It is determined that the Properties within the boundaries will uniquely benefit from the special services identified in Section 4 below.

Section 4: The proposed special services rendered or to be rendered within the special service area by the Village of Westmont are the design and construction of a stream bank

improvement and restoration project for a portion of St. Joseph Creek (the "Improvements"). St. Joseph Creek is an existing stream that accepts stormwater runoff and which constitutes an important watershed within the Village, and this project is a new construction/improvement project. This project is for a public purpose and is special in that it constitutes an improvement project for a defined area versus services rendered generally throughout the Village. Ongoing maintenance of the St. Joseph Creek bank by the Village of Westmont is not a mandatory part of the proposed special services, but may such maintenance may be performed on a discretionary basis by the Village if special service area funds remain after completion of the Improvements.

**Section 5:** All of the owners of the Properties have previously signed identical Agreements entitled "Agreement Between the Village of Westmont and a Property Owner Whose Land is Adjacent to St. Joseph Creek" wherein said owners authorized the creation of this special service area for the Improvements. The Agreements provide that the special service area real estate tax liability may not exceed \$10,000.00 per lot, payable in approximately equal amounts over a five (5) year period. Although the Agreements require the Village to hold a public hearing, the Agreements also provide that the owners waive their right to file objections to the creation of the special service area, if said special service area is created in a manner consistent with the Agreements. The special service area proposed by this ordinance will be consistent with the Agreements.

**Section 6:** The proposed total assessment for each of the nine (9) Properties identified in Exhibit "B" is \$5,000.00 per Property, payable annually over a five (5) year period in equal installments. The proposed assessment will expire at the end of the fifth year. This is a non-ad valorem tax assessment as authorized by 35 ILCS 200/27-75.

The total levy for the first assessment year for all Properties shall be \$9,000.00. Each individual Property within the special service area shall be assessed \$1,000.00 in the first assessment year, and shall be assessed \$1,000.00 each year thereafter during the five (5) year period.

**Section 7:** There are no bonds to be issued by the Village of Westmont in conjunction with this public works project and in conjunction with this special service area.

**Section 8:** To the extent that the Village has completed the Improvements in anticipation of the creation of this special service area, the Village may use the special service area funds received to reimburse itself for its costs expended for the Improvements, including but not limited to, construction, engineering and legal costs.

**Section 9:** Notice of the adoption of this ordinance and of this public hearing shall be mailed to all persons within the proposed special service area in whose name the general taxes for the last preceding year were paid, and shall be mailed not less than ten (10) days before the time set for the public hearing. The notice shall include a statement that all interested persons will be given an opportunity to be heard at the public hearing regarding the tax levy and an opportunity to file objections to the amount of the tax levy. In addition, the Village shall publish notice of this public hearing in a newspaper of general circulation within the Village of Westmont not less than fifteen (15) days before the public hearing.

Section 10: All interested persons will be given an opportunity to be heard at this public hearing on the establishment of the proposed special service area. The corporate authorities may act to establish a special service area after conducting this public hearing and once the post-hearing objection period required by State statute has expired.

Section 11: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 12: This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, on this 21<sup>st</sup> day of January, 2016.

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Absent: \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Ronald J. Gunter, Mayor

ATTEST:

\_\_\_\_\_  
Virginia Szymiski, Village Clerk

**EXHIBIT "A"**

**MAP AND LEGAL DESCRIPTION OF BOUNDARIES OF PROPOSED  
SPECIAL SERVICE AREA**

**Boundary of Proposed Special Service Area:**

The nine (9) properties located in Elwood Court, Fernwood Court and Beechwood Court whose land is adjacent to St. Joseph's Creek and which properties are described by legal description, Permanent Index Number and street address as follows:

PIN: 09-16-304-019-0000

Common Address: 303 Elwood Court

Legal: LOT 111 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-16-304-017-0000

Common Address: 306 Elwood Court

Legal: LOT 113 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-16-304-022-0000

Common Address: 302 Fernwood Court

Legal: LOT 108 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-16-304-023-0000

Common Address: 304 Fernwood Court

Legal: LOT 107 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.

**PIN: 09-16-304-024-0000**

**Common Address: 305 Fernwood Court**

**Legal: LOT 106 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.**

**PIN: 09-16-304-031-0000**

**Common Address: 303 Beechwood Court**

**Legal: LOT 99 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.**

**PIN: 09-16-304-029-0000**

**Common Address: 304 Beechwood Court**

**Legal: LOT 101 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.**

**PIN: 09-16-304-030-000**

**Common Address: 305 Beechwood Court**

**Legal: LOT 100 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.**

**Eagle Creek  
(St. Joseph's Creek)  
Stabilization Project:  
SSA Sycamore Run**



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**EXHIBIT "B"**

**LIST OF PROPERTIES SUBJECT TO SPECIAL SERVICE AREA**

**PIN: 09-16-304-019-0000**

**Common Address: 303 Elwood Court**

**Legal: LOT 111 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.**

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