

Request for City Council Action

Date: October 23, 2012

Agenda Section: Consent Agenda No. 4	Originating Department: Legal
Item: An Ordinance Authorizing the Extension of the Downtown Special Service Area Number One No. 4. 5	Approved:

Background and Summary:

The City Council adopted Ordinance No. 96-25 on March 19, 1996 which established the Downtown Special Service Area Number One. The City Council, by adoption of an Ordinance on October 2, 2001, extended and expanded the Downtown Special Service Area Number One for five years. On July 18, 2006, an Ordinance was adopted extending and expanding the Downtown Special Service Area through December 31, 2012.

Carbondale Main Street has requested the Downtown Special Service Area Number One to be extended for another five years, that its boundaries be retained, and that the maximum tax levy rate be set at \$.48 per \$100 of equalized assessed valuation.

Earlier this evening, the City Council conducted a public hearing, as is required by State Statute, prior to the passage of an Ordinance to extend the Downtown Special Service Area. During the public hearing, persons who wished to express comments in favor of and in opposition to the extension of the Special Service Area were provided an opportunity to do so.

Recommended Action:

The City Council is requested to adopt an ordinance authorizing the extension of the Downtown Special Service Area Number One.

Engineering Approval Obtained	Finance Approval Obtained	Legal Approval Obtained	Approval Obtained	Manager's Approval Obtained
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Council Action: Motion by _____ 2nd by _____ to _____

**CITY OF CARBONDALE, ILLINOIS
ORDINANCE NO. 2012-**

**AN ORDINANCE AUTHORIZING THE EXTENSION OF THE DOWNTOWN
SPECIAL SERVICE AREA NUMBER ONE**

**ADOPTED BY THE CITY COUNCIL
OF THE CITY OF CARBONDALE, ILLINOIS
THE 23RD DAY OF OCTOBER, 2012**

Published in pamphlet form by authority of the City Council of the City of Carbondale, Jackson County, Illinois, this 24th day of October, 2012.

CERTIFICATE OF PUBLICATION

I, Rachael E. Moore, the duly qualified and acting City Clerk of the City of Carbondale, Illinois, and the official custodian of the records of said City, do hereby certify that this Ordinance was published in pamphlet form by authority of the City Council on the 24th day of October, 2012.

Rachael E. Moore, City Clerk

ORDINANCE NO. 2012-

**AN ORDINANCE AUTHORIZING THE EXTENSION OF THE DOWNTOWN
SPECIAL SERVICE AREA NUMBER ONE**

WHEREAS, the City of Carbondale, Illinois is a home rule unit of local government under the Illinois Constitution, 1970, Article VII, Section 6; and

WHEREAS, pursuant to Article VII, Section 6(a), of the Illinois Constitution, 1970, the City of Carbondale may exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; and

WHEREAS, the Special Service Area Tax Law (35 ILCS 200/27-5 et. seq.) provides for the creation of special service areas, the levying of a tax therefore and the notice of hearing which must be provided thereon; and

WHEREAS, the City Council of the City of Carbondale adopted Ordinance No. 96-25 on March 19, 1996 which established the Downtown Special Service Area Number One, with a sunset date of December 31, 2001; and

WHEREAS, the City Council of the City of Carbondale adopted Ordinance No. 2001-42 on October 2, 2001 which extended and expanded the Downtown Special Service Area Number One for five years to December 31, 2007; and

WHEREAS, the City Council of the City of Carbondale adopted Ordinance No. 2006-45 on July 18, 2006 which extended and expanded the Downtown Special Service Area Number One for five years to December 31, 2012; and

WHEREAS, Carbondale Main Street has requested that the Downtown Special Service Area Number One to be extended for another 5 years, that its boundaries be retained, and that the maximum tax levy rate be set at \$.48 per \$100 of equalized assessed valuation; and

WHEREAS, the proposed Downtown Special Service Area Number One is compact and contiguous and is totally within the corporate limits of the City; and

WHEREAS, a notice of public hearing on the proposed extension of the Downtown Special Service Area Number One was published in the Southern Illinoisan newspaper on October 7, 2012; and

WHEREAS, a notice of public hearing was mailed not less than ten days before the hearing to the person in whose name the taxes on property within the proposed Downtown Special Service Area Number One were paid; and

WHEREAS, the public hearing on the question set forth in the Notice was held on October 23, 2012 in the City Council Chambers at 200 South Illinois Avenue. All interested persons were given an opportunity to be heard on the question of extension of the Downtown Special Service Area Number One and the levying of a tax to provide certain special services within the defined boundaries of the proposed special service area as set forth in the Notice. The City Council took testimony from persons who were present at the Public Hearing regarding the extension of the Special Service Area district and the tax levy. The Public Hearing was finally adjourned by the City Council on October 23, 2012; and

WHEREAS, after considering the information, as presented at the public hearing, the City Council finds that it is in the public interest and in the interest of the City of Carbondale, that the Downtown Special Service Area Number One, as hereinafter described, be extended and that taxes be levied for special services within the defined boundaries of said Area.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF CARBONDALE, ILLINOIS, AS FOLLOWS:**

SECTION 1. That the City of Carbondale Downtown Special Service Area Number One is hereby extended and shall consist of the property described on Exhibit A attached hereto and made a part hereof. A map of said territory is attached hereto as Exhibit B and made a part hereof.

SECTION 2. That the City of Carbondale Downtown Special Service Area Number One is to provide special municipal services to said area in addition to services provided to the City generally. Included in said purposes shall be the hiring of a downtown manager, coordination of promotional activities, targeted marketing and advertising campaigns, economic restructuring (business recruitment and retention), design and beautification coordination, fund raising, coordination of volunteers, and administration and management of a Main Street organization.

SECTION 3. That the City Council may annually levy a property tax at a rate not to exceed \$.48 per \$100 of equalized assessed valuation, and the tax levy shall extend for five years. Said tax levy shall be upon all taxable property within the City of Carbondale Downtown Special Service Area Number One. The tax shall not exceed a rate necessary to provide an annual sum of \$40,000 and additional funds in an amount not to exceed that necessary to keep up with inflation as measured by the Consumer Price Index from year to year for the duration of the Special Service Area. Provided, however, that the tax rate may be increased above \$.48 per \$100 of equalized assessed valuation and the area of the Special Service Area may be enlarged only if notice is given and a new public hearing held in accordance with the provisions of the Special Service Area Tax Law (35 ILCS 200/27-5 et. seq.) or the applicable law in effect at the time the proposed increase or expansion is considered.

SECTION 4. That the City of Carbondale Downtown Special Service Area Number One shall cease to exist on December 31, 2017 unless said Special Service Area and the property tax levy therefore are extended by the City Council after notice is given and a new public hearing conducted pursuant to the provisions of the Special Service Area Tax Law (35 ILCS 200/27 et. seq.) or the applicable law in effect at the time of the proposed continuation of the Special Service Area or the proposed extension of the tax levy beyond the five years of levy.

SECTION 5. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 6. That it is the intention of the City Council of the City of Carbondale that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 7. That the City Council of the City of Carbondale finds that the subject matter of this Ordinance pertains to the government and affairs of the City of Carbondale and is passed pursuant to the provisions of Article VII, Section 6(a) of the 1970 Illinois Constitution.

SECTION 8. That this Ordinance shall be known as Ordinance No. 2012- ____ of the City of Carbondale, Illinois, and shall be in full force and effect on October 24, 2012, or in the alternative, 60 days after the final adjournment of the public hearing and after its passage, approval, recording, and publication in pamphlet form in accordance with law; provided, however, that if a valid petition pursuant to 35 ILCS 200/27-55 objecting to the extension of the Special Service Area or the imposition of the Special Service Area tax is filed with the City Clerk within 60 days following the final adjournment of the public hearing conducted on October 23, 2012 and said petition is signed by at least 51% of the electors residing within the Special

Service Area and by at least 51% of the owners of record of the land included within the boundaries of the Special Service Area, then this Ordinance shall not go into effect and the Special Service Area shall not be created and the tax shall not be levied or imposed.

APPROVED: _____
Joel Fritzler, Mayor

FOR: _____
AGAINST: _____
PASSED: _____
APPROVED: _____
RECORDED: _____
PUBLISHED: _____

ATTEST: _____
Rachael E. Moore, City Clerk

APPROVED AS TO LEGALITY AND FORM:

Lenoard "Jamie" Snyder, Assistant City Attorney

EXHIBIT A TO ORD. No. 2012-
LEGAL DESCRIPTION
DOWNTOWN SPECIAL SERVICE AREA NUMBER ONE

General

Part of Section 21, Township 9 South, Range 1 West of the 3rd Principal Meridian
in the City of Carbondale, Jackson County, Illinois.

Detailed Description

- 1) Beginning at the intersection of the Centerline of Oak Street with the Centerline of Washington Street.
- 2) Thence North along the Centerline of Washington Street to its intersection with the Easterly extension of the South line of Lot 562 in Spiller's Subdivision as shown by the Recorded Plat thereof in Book S of Deeds on Page 637 in the Recorder's Office of Jackson County, Illinois.
- 3) Thence West along the said Easterly extension and the said South line of Lot 562 in Spiller's Subdivision and the Westerly extension of the said South line to its intersection with the West right-of-way of the Illinois Central Railroad Mainline Track.
- 4) Thence North along the said West right-of-way line of the Illinois Central Railroad also being the East line of Lots 174 through 179 in Carbough's Subdivision as shown by the Recorded Plat thereof in Book I of Deeds on Page 545 in the Recorder's Office of Jackson County, Illinois; and the East line of Lots 340 through 343 in Harry McCulloch's Subdivision of Outlot 6 in the City of Carbondale, Jackson County, Illinois, as shown by the Recorded Plat thereof in Book J of Deeds, on Page 365, in the Recorder's Office of Jackson County, Illinois; and the East line of Lots 220 through 223 in John Dougherty's Second Addition to the City of Carbondale, Illinois as shown by the Recorded Plat thereof in Book I of Deeds at Page 732 in the Recorder's Office of Jackson County, Illinois to a point ten feet south of the North line of Lot 220 in said John Dougherty's Second Addition.
- 5) Thence West along a line which lies ten feet south of the North line of said Lot 220 and its Westerly extension to its intersection with the Centerline of Illinois Avenue.
- 6) Thence South along the said Centerline of Illinois Avenue to its intersection with the Easterly extension of the South line of Lot 245 in Richart's Subdivision as shown by the Recorded Plat thereof in Book I of Deeds on Page 676 in the Recorder's Office of Jackson County, Illinois.
- 7) Thence West along the South line of Lot 245 and its Easterly and Westerly extension to its intersection with the Centerline of Renfro Street.
- 8) Thence North along the said Centerline of Renfro Street to its intersection with the Centerline of a 16.5 foot wide East-West alley lying to the North of and adjacent to Lots 249 through 253 in the said Richart's Subdivision.
- 9) Thence West along the said alley Centerline and its Westerly extension to its intersection with the Centerline of University Avenue.

- 10) Thence South along the said Centerline of University Avenue to its intersection with the Centerline of Jackson Street.
- 11) Thence West along the said Centerline of Jackson Street to its intersection with the Northerly extension of a line lying 13 feet Easterly of and parallel with the West line of Outlot 27.
- 12) Thence South along the said parallel line and its Northerly and Southerly extensions to its intersection with the Centerline of Main Street.
- 13) Thence Westerly along the said Centerline of Main Street to its intersection with the Northerly extension of the East line of Brush School Subdivision as shown by the Recorded Plat thereof in Cabinet 1 of Plats on Page 8A in the Recorder's Office of Jackson County, Illinois.
- 14) Thence South along the said East line of Brush School Subdivision and its Northerly and Southerly extension to its intersection with the South right-of-way line of Monroe Street.
- 15) Thence East along the said South right-of-way line of Monroe Street also being the North line of Lot 6 in J .M. Bridges Subdivision as shown by the Recorded Plat thereof in Book 3 of Plats on Page 6 in the Recorder's Office of Jackson County, Illinois, to the Northeast corner of said Lot 6.
- 16) Thence South along the East line of said Lot 6 and its Southerly extension to its intersection with the Centerline of a 16.5 foot wide East-West alley lying to the North of and adjacent to Lots 7 and 8 in the said J .M. Bridges Subdivision.
- 17) Thence East along the said Centerline to its intersection with the Northerly extension of the East line of the West Half of the said Lot 8 in J. M. Bridges Subdivision.
- 18) Thence South along the said East line of the West half of Lot 8 and its Northerly and Southerly extension to its intersection with the Centerline of Walnut Street.
- 19) Thence East along the said Centerline of Walnut Street to its intersection with the Centerline of a 16 foot wide North-South alley lying Westerly of and adjacent to Lot 180 in A. Singleton's Subdivision.
- 20) Thence Southerly along the said alley Centerline to its intersection with the Westerly extension of the South line of the North 100 feet of Lot 180 in the said A. Singleton Subdivision.
- 21) Thence East along the South line of the said North 100 feet of Lot 180 and its Westerly and Easterly extensions to its intersection with the Centerline of University Avenue.
- 22) Thence Southerly along the said Centerline of University Avenue to its intersection with the Centerline of Cherry Street. Thence East along the Centerline of Cherry Street to a point which lies 110 feet east of the west line of Lot 3 in W. J. Allen's Subdivision to the City of Carbondale, Illinois, as shown by the Recorded Plat thereof in Book 3 of Plats at Page 41 in the Recorder's Office of Jackson County, Illinois. Thence South parallel with the west line of the aforesaid Lot to the south line of Lot 3. Thence Westerly along the south line of the aforesaid Lot to the Centerline of University Avenue. Thence Southerly along the Centerline of University Avenue to its intersection with the Easterly extension of the North line of Outlot 114.

- 23) Thence continuing South along a line lying 33 feet Easterly of and parallel with the East line of Outlots 114 and 115 to its intersection with the Centerline of Mill Street.
- 24) Thence East along the Centerline of Mill Street to its intersection with the Centerline of Illinois Avenue.
- 25) Thence South along the Centerline of Illinois Avenue to its intersection with the Centerline of Grand Avenue.
- 26) Thence East along the Centerline of Grand Avenue to its intersection with the East right-of-way line of the Illinois Central Railroad Mainline Track.
- 27) Thence North along the said East Railroad right-of-way to its intersection with the Centerline of College Street.
- 28) Thence East along the said Centerline of College Street to its intersection with the Centerline of Washington Street.
- 29) Thence North along the Centerline of Washington Street to its intersection with the Westerly extension of the South line of Lot 512 in R. H. Marron Subdivision as shown by the Recorded Plat thereof in Book Y of Deeds on Page 180 in the Recorder's Office of Jackson County, Illinois.
- 30) Thence Easterly along the South line of the said Lot 512 and its Easterly and Westerly extension to its intersection with the Centerline of Gay Street.
- 31) Thence North along the Centerline of Gay Street to its intersection with the North right-of-way line of Elm Street.
- 32) Thence West along the North right-of-way line of Elm Street to its intersection with the East line of the West 140.25 feet of Lots 308 and 309 in Carbough and Atkins Subdivision as shown by the Recorded Plat thereof in Book J of Deeds on Page 331 in the Recorder's Office of Jackson County, Illinois.
- 33) Thence North along the said East line of the West 140.25 feet of Lots 308 and 309 in Carbough and Atkins Subdivision to the Northeast corner thereof, also being a point in the South line of Lot 307 in the said Carbough and Atkins Subdivision.
- 34) Thence West along the said South line of Lot 307 to its intersection with the East line of the West 100 feet of said Lot 307.
- 35) Thence North along the said East line of the West 100 feet of Lot 307 to the Northeast corner thereof also being a point in the South line of Lot 303 in the said Carbough and Atkins Subdivision.
- 36) Thence East along the said South line to its intersection with the West line of the East half of the East third of said Lot 303.
- 37) Thence North along the said West line of the East half of the East third of Lot 303 and its Northerly extension to a point in the Centerline of Walnut Street.

- 38) Thence East along the Centerline of Walnut Street to its intersection with the Centerline of Marion Street.
- 39) Thence North along the centerline of Marion Street to a point that lies 33 feet distant westerly from the Southwest corner of Lot 1 in First Southern Center Subdivision.
- 40) Thence East along a line normal to the East line of Marion Street 33 feet to a southwesterly corner of Lot 1 in First Southern Center Subdivision.
- 41) Thence East along a southerly line of Lot 1 in First Southern Center Subdivision 200.32 feet.
- 42) Thence South along a westerly line of Lot 1 in First Southern Center Subdivision 55.25 feet.
- 43) Thence East along a southerly line of Lot 1 in First Southern Center Subdivision 47.50 feet to a southwesterly corner of Lot 5 in First Southern Center Subdivision.
- 44) Thence East along a Southerly line of Lot 5 in First Southern Center Subdivision 74.52 feet to a southwesterly corner of Lot 5 in First Southern Center Subdivision.
- 45) Thence South along a westerly line of Lot 5 in First Southern Center Subdivision 140.16 feet to the North line of Walnut Street.
- 46) Thence South along a line normal to the North line of Walnut Street 37.125 feet to the centerline of Walnut Street.
- 47) Thence East along the centerline of Walnut Street 135.88 feet.
- 48) Thence North along a line normal to the North line of Walnut Street 37.125 feet to the North line of Walnut Street and the Southwest corner of Lot 5 in First Southern Center Subdivision.
- 49) Thence north along the East line of Lot 5 in First Southern Center Subdivision 140.00 feet.
- 50) Thence east along an offset in the East line of Lot 5 in First Southern Center Subdivision 2.50 feet.
- 51) Thence North along the East Line of Lot 5 in First Southern Center Subdivision 78.00 feet to the Southwest Corner of Lot 4 in First Southern Center Subdivision.
- 52) Thence East along the South line of Lot 4 in First Southern Center Subdivision 150.00 feet to the West line of Logan Street.
- 53) Thence East along a line normal to the West line of Logan Street 25 feet to the centerline of Logan Street.
- 54) Thence North along the Centerline of Logan Street 98.60 feet.
- 55) Thence West along a line normal to the West line of Logan Street 25 feet to the Northeast corner of Lot 4 in First Southern Center Subdivision.

- 56) Thence West along the North line of Lot 4 in First Southern Center Subdivision 150.00 feet to the Northwest corner of said Lot 4.
- 57) Thence West along the westerly projection of Lot 4 and a southerly line of Lot 3 in First Southern Center Subdivision 14.03 feet to an easterly line of Lot 3 in First Southern Center Subdivision.
- 58) Thence North along an easterly line of Lot 3 and the East line of Lot 2 in First Southern Center Subdivision 316.99 feet to the South line of Main Street.
- 59) Thence North along a line normal to the South line of Main Street 41.25 feet to the centerline of Main Street.
- 60) Thence West along the centerline of Main Street to its intersection with the centerline of Marion Street.
- 61) Thence North along the centerline of Marion Street to its intersection with the centerline of Jackson Street.
- 62) Thence West along the Centerline of Jackson Street to its intersection with the Centerline of a 16.5 foot wide North-South alley lying to the West of and adjacent to Lots 87 and 96 in the Town of Carbondale as shown by the Recorded Plat thereof in Book G of Deeds on Page 278 in the Recorder's Office of Jackson County, Illinois.
- 63) Thence North along the said alley Centerline to its intersection with the Centerline of Oak Street.
- 64) Thence West along the Centerline of Oak Street to its intersection with the Centerline of Washington Street and the point of beginning for this description.

EXCEPT:

The north half of Lot 2 in W. J. Allen's Subdivision in the City of Carbondale, Illinois, as shown by the Recorded Plat thereof in Book 3 of Plats at Page 41 in the Recorder's Office of Jackson County, Illinois AND the east half of the vacated alley lying west of and adjacent to the north half of said Lot 2.

EXHIBIT B

City of Carbondale

Special Service Area #1

