

Request for City Council Action

Date: December 18, 2012

Agenda Section: General Business No. 3	Originating Department: Finance/Legal
Item: Ordinance Establishing the 2012 Tax Levy for the Downtown Special Services Area Number One No. 3.3	Approved:

Background and Summary:

The City Council adopted Ordinance No. 2001-42 on October 2, 2001 which authorized the extension and expansion of the Downtown Special Service Area Number One in the City of Carbondale, Illinois. The Ordinance extended for another five (5) years the Special Service Area, which was established by the City Council's adoption of Ordinance No. 96-25 on March 19, 1996, and expanded the boundaries by adding several properties on North Illinois Avenue. Also, the Ordinance reduced the maximum tax levy rate from \$0.56 per \$100 of Equalized Assessed Valuation (as was set at the time the Downtown Special Service Area was established) to \$0.54 per \$100 of Equalized Assessed Valuation, and set a sunset provision for the SSA to cease on December 31, 2007.

On July 18, 2006, the City Council again authorized an extension and expansion of the Downtown Special Service Area Number One. With the adoption of Ordinance No. 2006-45, the Downtown Special Service Area Number One was extended for another five years, and its boundaries were expanded by adding properties on East Main Street. Also, the maximum tax levy rate was reduced from \$0.54 per \$100 to \$0.48 per \$100 of equalized assessed valuation.

On November 13, 2012, the City Council again authorized an extension of the Downtown Special Service Area Number One. With the adoption of Ordinance No. 2012-52, the Downtown Special Service Area Number One was extended for another five years. The maximum tax levy rate was left at \$0.48 per \$100 of equalized assessed valuation.

The Special Service area Number One Tax Levy Ordinance provides for the recommended amount of \$40,000 to be levied on the properties within the boundaries identified by the Ordinance.

Recommended Action:

The City Council is requested to approve the Ordinance adopting the 2012 Tax Levy in the amount of \$40,000 for the Downtown Special Service Area Number One.

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

CITY OF CARBONDALE, ILLINOIS

ORDINANCE NO. 2012-_____

**AN ORDINANCE ESTABLISHING THE 2012 TAX LEVY FOR THE DOWNTOWN
SPECIAL SERVICE AREA NUMBER ONE**

ADOPTED BY THE CITY COUNCIL

OF THE CITY OF CARBONDALE, ILLINOIS

THIS 18TH DAY OF DECEMBER, 2012

**Published in pamphlet form by authority of the City Council of the City of Carbondale,
Jackson County, Illinois, this 19th day of December, 2012.**

CERTIFICATE OF PUBLICATION

**I, Jennifer Sorrell, the duly qualified 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 19th day
of December, 2012.**

Jennifer Sorrell, Acting City Clerk

ORDINANCE NO. 2012-____

**AN ORDINANCE ESTABLISHING THE 2012 TAX LEVY FOR 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 City Council of the City of Carbondale adopted Ordinance No. 96-07 on January 30, 1996, which proposed the establishment of Downtown Special Service Area Number One and provided for a public hearing, the form of notice for the hearing, and related matters; and

WHEREAS, the City Council of the City of Carbondale in the County of Jackson and State of Illinois, did on the 19th day of March 1996, adopt Ordinance 96-25, an Ordinance Establishing Downtown Special Service Area Number One in the City of Carbondale, Illinois, in accordance with the provisions of the Special Service Area Tax Law, 35 ILCS 200/27-5 et seq., which provides for the creation of special service areas, the levying of a tax therefore and the notice of hearing; and

WHEREAS, the City Council of the City of Carbondale in the County of Jackson and State of Illinois, did on the 18th day of July 2006, adopt Ordinance No 2006-45, which authorized the extension of the Downtown Special Service Area Number One for an additional five (5) years, as well as authorized the expansion of the Downtown Special Service Area Number One to include several properties on North Illinois Avenue; and

WHEREAS, the City Council of the City of Carbondale in the County of Jackson and State of Illinois, did on the 13th day of November, 2012, adopt Ordinance No 2012-52, which authorized the extension of the Downtown Special Service Area Number One for an additional five (5) years, which said Special Service Area Number One shall cease to exist on December 31, 2017; and

WHEREAS, the Downtown Special Service Area Number One, as expanded, is compact and contiguous and is totally within the corporate limits of the City, and consists of the property described in Exhibit 1 attached hereto and made a part hereof; and

WHEREAS, the approximate location of the area is bounded by Grand Avenue on the south; the east right-of-way line of the Illinois Central Railroad, Washington Street, and Marion Street on the east; properties on the north side of Oak Street and some properties to the north of Oak Street on the North; and University Avenue and some properties west of University Avenue on the west. A map of said territory is attached hereto as Exhibit 2 and made a part hereof; and

WHEREAS, City of Carbondale Downtown Special Service Area Number One was established to provide special municipal services to said area in addition to services generally provided by the City, which included 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; and

WHEREAS, the City Council may annually levy a property tax at a rate not to exceed \$.48 per \$100 of equalized assessed valuation. The tax levy shall not exceed 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 for 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; and

WHEREAS, 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 are extended by the City Council. An extension may occur only after notice is given and a new public hearing is 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 initial five year extension period of levies; and

WHEREAS, the City has complied with the provisions of the Special Service Area Tax Law, 35 ILCS 200/27-5 seq.; and

WHEREAS, it is in the public interest that Downtown Special Service Area Number One taxes be levied for special services upon all taxable property 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 there be and is hereby levied upon all taxable property within the defined boundaries of the Downtown Special Service Area Number One of said City of

Carbondale, Illinois, subject to taxation for the 2012 tax year, the total sum of Forty Thousand Dollars (\$40,000.00) and that the rate per \$100 of equalized assessed valuation shall not exceed \$0.48 for the special purposes, to wit:

**DOWNTOWN SPECIAL SERVICE AREA NUMBER ONE
EXPENDABLE TRUST FUND:**

Expenses from the tax for downtown manager salary, promotional activities, targeted marketing and advertising campaigns, business recruitment and retention, design and beautification coordination, fund raising, coordination of volunteers and administration and management of the Main Street Organization: AMOUNT
LEVIED \$40,000.

SECTION 2. The City Clerk of the City of Carbondale is hereby directed to file with the County Clerk of Jackson County, Illinois, a duly certified copy of this Ordinance.

SECTION 3. That all ordinances and parts thereof in conflict herewith are expressly repealed and are of no other force and effect.

SECTION 4. That repeal of any ordinance by this Ordinance shall not affect any rights accrued or liability incurred under said repealed ordinance to the effective date hereof. The provisions of this Ordinance insofar as they are the same or substantially the same as those of any prior ordinance, shall be construed as a continuation of said prior ordinances.

SECTION 5. 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 6. 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 authorities granted it by State statutes and the Home Rule powers of the City of

Carbondale pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution.

SECTION 7. That this Ordinance shall be known as Ordinance No. 2012-_____ of the Ordinances of the City of Carbondale, Illinois, is of great public importance and urgency and that the terms of the Ordinance shall be in full force and effect immediately upon its passage and approval.

APPROVED: _____
Joel Fritzler, Mayor

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

ATTEST: _____
Jennifer Sorrell, Acting City Clerk

APPROVED AS TO LEGALITY AND FORM:

P. Michael Kimmel, City Attorney

DOWNTOWN SPECIAL SERVICE AREA NUMBER ONE

General

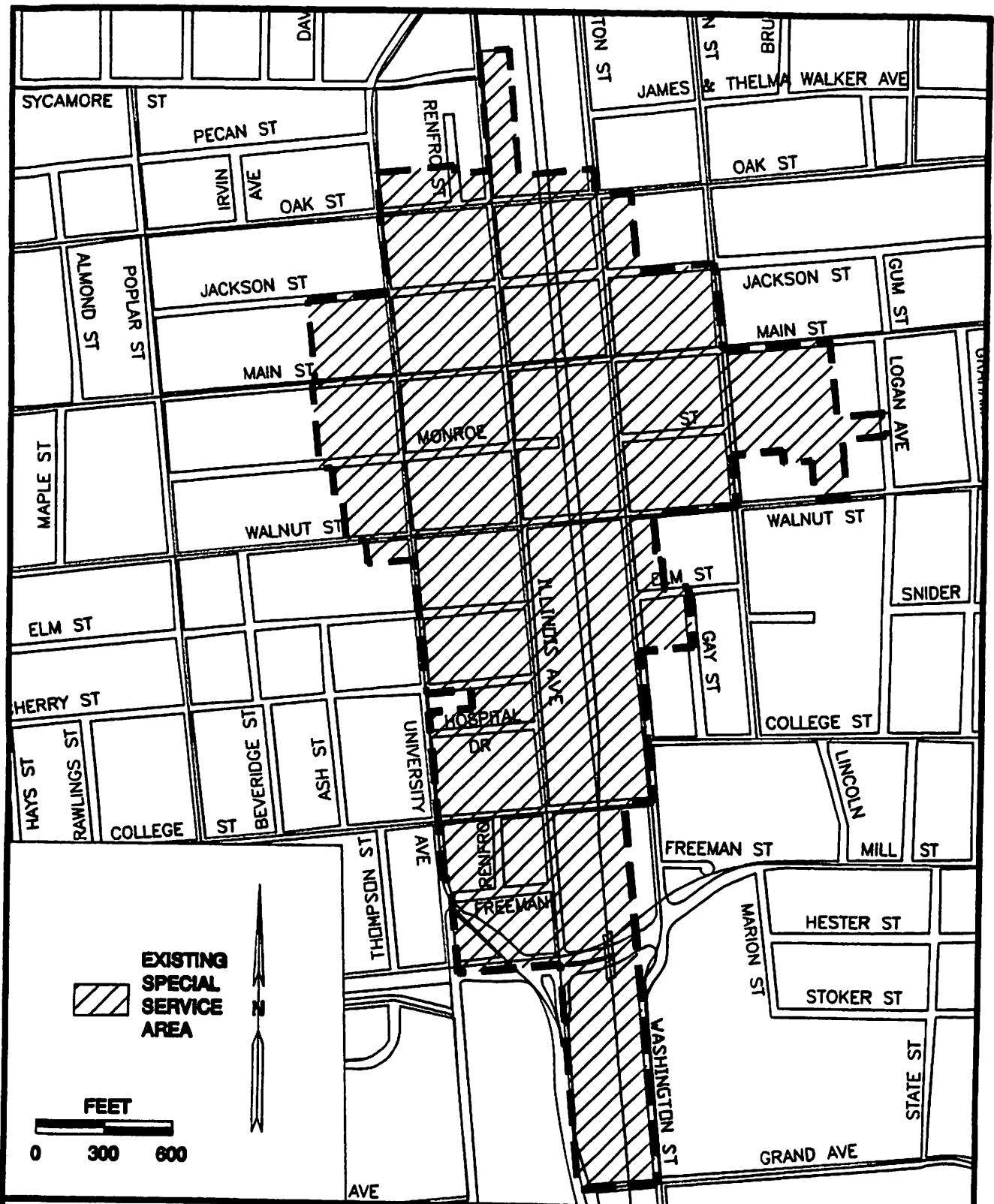
Part of Section 21, Township 9 South, Range 1 West of the 3rd Principal Meridian in the City of Carbondale, Jackson County, Illinois.

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.**

- 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.

- 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.



CITY OF CARBONDALE
ENGINEERING DEPARTMENT

LAYER STATE: ORIGINAL

DRAWN BY: STAFF DATE: 1/4/07

EXISTING AND PROPOSED DOWNTOWN SPECIAL SERVICE AREA

SCALE: 1/600 VIEW: SPL-SERVICES