




VILLAGE OF OAK PARK
LAW DEPARTMENT

MEMORANDUM

To: Honorable Mayor Anan Abu-Taleb and Board of Trustees
cc: Cara Pavlicek, Village Manager
From: Paul L. Stephanides, Village Attorney 
Date: March 13, 2018
Re: Establishment of Special Service Area Number 8

INTRODUCTION

The purpose of this memorandum is to review the legal framework necessary to establish Special Service Area Number 8 to pay for the installation of speed tables on the 1200 blocks of North East, Columbian and Euclid Avenues ("Project") by the Village of Oak Park ("Village").

BACKGROUND

The establishment of a special service area is controlled by the Illinois Special Service Area Tax Law, 35 ILCS 200/27-5 *et seq.* ("SSA Law"). A special service area is defined as "a contiguous area within a municipality or county in which special governmental services are provided in addition to those services provided generally throughout the municipality or county, the cost of the special services to be paid from revenues collected from taxes levied or imposed upon property within that area." 35 ILCS 200/27-5. Property may be considered contiguous even though "certain completely surrounded portions of the territory are excluded from the special service area." *Id.* The services that may be provided include all forms of services pertaining to the government and affairs of the Village. *Id.* This would include a special service area established for the Project.

DISCUSSION

I. Proposing Ordinance

The first step to establish a special service area is for the Village to adopt an ordinance proposing the special service area. 35 ILCS 200/27-30. The proposing ordinance for the Project was adopted on January 16, 2018 as Ordinance Number 18-329. The public hearing must be held not less than 60 days of adoption of the proposing ordinance. *Id.* The public hearing in this case is scheduled as part of the Board's March 19, 2018 meeting agenda.

II. Notice of Hearing

Notice of the public hearing is provided in two ways. First, the notice is published in a local newspaper at least 15 days prior to the public hearing. 35 ILCS 200/27-30. In this case, notice was published in the *Wednesday Journal* on January 31, 2018.

Second, notice must be mailed by regular United States mail not less than 10 days prior to the hearing addressed "to the person or persons in whose name the general taxes for the last preceding year were paid on each property lying within the special service area." *Id.* As such, the notice is mailed to the last known taxpayer as reflected in the Cook County Treasurer's records. Notices were sent to the taxpayers of record also on February 28, 2018.

III. Public Hearing

At the public hearing, all interested persons may file written objections with the Village Clerk and may speak at the hearing with regard to the special service area's establishment. 35 ILCS 200/27-35. The Board may adjourn the meeting to another date without further notice by motion fixing the time and place to reconvene. *Id.* At the public hearing or the first regular board meeting thereafter, the Village may delete territory from the special service area, but the area must still remain contiguous. *Id.*

IV. Objection Petition

The Village's action in passing the ordinance proposing the special service area is subject to an "objection petition" that may be filed to defeat or veto the establishment of the area. 35 ILCS 200/27-55. The petition must be filed with the village clerk within 60 days following the final adjournment of the public hearing. It must be signed by at least 51% of the "electors [registered voters] residing within the special service area" and at least 51% of the "owners of record of the land included within the boundaries of the special service area." *Id.* Significantly, those who may speak at the public hearing on a special service area proposal includes "any interested person," while those persons who may sign a petition only include electors and owners of record.

"Registered voters" are defined as "those registered to vote at the time of the public hearing held with regard to the special service area as reflected in the applicable county's records." *Id.* "Owners of record" are defined as "[e]ach person in whose name legal title to land included within the boundaries of the special service area is held according to the records of the county in which the land is located" at the time of the public hearing. *Id.* "Land owned in the name of a land trust, corporation, estate or partnership shall be considered to have a single owner of record." *Id.* The "owner of record" of these entities is the person or entity permitted to sign the objection petition (i.e., a bank for a trust). *Ciacco v. City of Elgin*, 85 Ill.App.3d 507, 515 (2nd Dist. 1980). For property owned by married couples or groups of individuals in their own names, "each owner" receives an objection vote. Owners of property who own more than one parcel of

property within the boundaries of the proposed special service area that sign the objection petition have their vote counted only once.

If a petition is filed that does not meet the statutory requirements set forth above, as determined by the Village, the petition fails unless a lawsuit is filed to challenge the determination. If a petition does meet the statutory requirements, the special service area cannot be proposed again for a period of two years. 35 ILCS 200/27-55.

V. Ordinance Establishing the SSA

After the time has run to file an objection petition, the Village's next and final step is to adopt the ordinance establishing the special service area. That ordinance must contain the following: (1) boundaries of the special service area; (2) the legal description of the territory of the area; (3) the permanent tax index numbers of the parcels located within the area; (4) an accurate map of the territory; (5) a copy of the notice of the public hearing; and (6) a description of the special services to be provided. 35 ILCS 200/27-40. The ordinance must be recorded with the Cook County Recorder of Deeds no later than 60 days after the date the ordinance was adopted. *Id.*

RECOMMENDATION

I recommend that this memorandum be distributed as part of the public hearing agenda item. Please let me know if there are any questions.