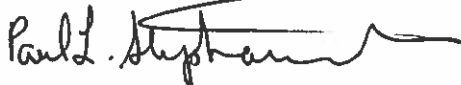




VILLAGE OF OAK PARK
LAW DEPARTMENT

MEMORANDUM

To: Honorable Mayor Anan Abu-Taleb and Board of Trustees
cc: Cara Pavlicek, Village Manager
From: Paul L. Stephanides, Village Attorney 
Date: October 2, 2019
Re: Legal Procedures to Establish a Special Service Area

INTRODUCTION

The purpose of this memorandum is to review the legal procedures necessary for the Village of Oak Park ("Village") to establish a special service area ("SSA") to install a brick street for traffic calming at the 500 and 600 blocks of North Euclid Avenue pursuant to the Transportation Commission's recommendation.

BACKGROUND

The establishment of a SSA is controlled by the Illinois Special Service Area Tax Law, 35 ILCS 200/27-5 et seq. ("SSA Law"). A SSA 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 SSA to install a brick street.

DISCUSSION

I. Ballot

Although not required by law, the Village typically has mailed ballots to the property owners in the proposed SSA to have the property owners vote on their willingness to have a SSA established to fund an improvement. Should the Village receive a response from more than fifty percent of the property owners in favor of establishing an SSA, staff would start the formal process for establishing a SSA as described below.

II. Proposing Ordinance

The first step to establish a SSA is for the Village to adopt an ordinance proposing the SSA. 35 ILCS 200/27-30. A public hearing must be held not less than sixty (60) days after adoption of the proposing ordinance pursuant to a notice of public hearing. *Id.*

III. Notice of Hearing

Notice of the public hearing is provided in two ways. First, the notice is published in a local newspaper at least fifteen (15) days prior to the public hearing. 35 ILCS 200/27-30. 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.

IV. 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 SSA'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 SSAs, but the area must still remain contiguous. *Id.*

V. Objection Petition

The Village's action in adopting a proposing ordinance proposing the SSA 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 SSA 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 SSA 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 SA that sign the objection petition have their vote counted only once.

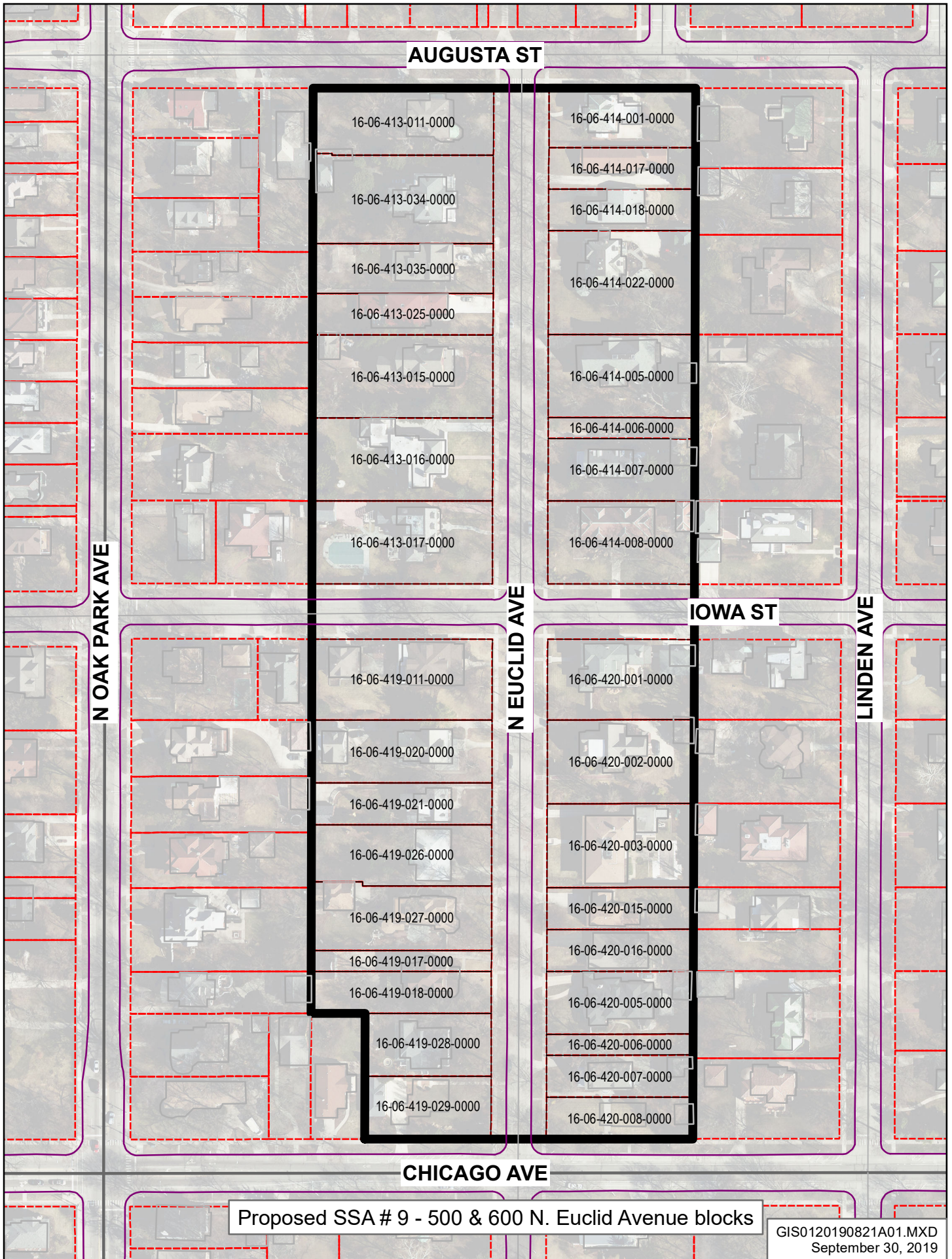
If a petition is filed that does not meet the statutory requirements set forth above, as determined by the Village, the petition fails unless a lawsuit is filed to challenge the determination. If a petition does meet the statutory requirements, the SSA cannot be proposed again for a period of two (2) years. 35 ILCS 200/27-55.

VI. 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 SSA. That ordinance must contain the following: (1) boundaries of the SSA; (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.*

CONCLUSION

The above describes the legal procedures necessary to establish a SSA. Please let me know if there are any questions.



500 N Euclid

Limits:

from north of Iowa stop bar to Augusta
edge of pavement

milling, patching base, leveling binder and surface course; frames adjustment; pavement markings, ADA corners at Augusta; parkway restoration

scope of work

1930 sqyd
150 sq yd
4
none
none

2000 sqyd
200 sq yd
3 + 1 ComEd
2 x 24" x 14'
10 x 12" x 6'

payitems

	cost
1,930	\$5,115
109	\$8,359
170	\$13,078
200	\$7,000
3	\$1,095
-	\$0
-	\$0
-	\$0
-	\$0
0.05	\$1,750
-	\$0
-	\$0
-	\$0

	cost
2,000	\$5,300
113	\$8,663
175	\$13,456
175	\$6,125
3	\$1,095
300	\$480
300	\$2,100
100	\$500
100	\$2,600
0.06	\$2,100
35	\$700
28	\$112
60	\$150

Subtotal	\$36,400	\$43,400
TOTAL COST	\$79,800	

500 and 600 N blocks of Euclid

Limits:

- pavement removal full depth (incl asphalt, stone base, concrete caps over utilities, etc.)

scope of work

- installation of 4" stone sub-base, asphalt base with weep holes
- installation of reclaimed brick pavers on sand setting bed
- sidewalk ramps upgrade at Augusta
- asphalt surface rem and replacement 2" at limits
- parkway restoration at Augusta
- pavement markings

38,900 sf = 4,325 sy
10 + 3 utilities
4 x 24" x 14'
(9+10) x 12" x 6'

payitems

\$18.00 /sy	4,325
\$8.00 /sy	4,325
\$75 /ton	1,216
\$15.00 /sf	38,900
\$365.00 /ea	10
\$1.60 /sf	300
\$7.00 /sf	300
\$5.00 /ft	100
\$26.00 /ft	100
\$200 /ton	10
\$2,000 /Lsum	1

cost	
	\$77,850
	\$34,600
	\$91,230
	\$583,500
	\$3,650
	\$480
	\$2,100
	\$500
	\$2,600
	\$2,000
	\$2,000

\$35,000 /Lsum	0.10
\$20 /sy	35
\$25.00 /ft	56
\$15.00 /ft	114

\$3,500
\$700
\$1,400
\$1,710

TOTAL COST	\$807,900
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Estimated Annual Tax Levy Spreadsheet for SSA #9 for Brick Streets on 500 & 600 N. Euclid
Costs are shown at residents' funding 100% of brick street construction at \$808,000 for 20 year period

SSA # 9 PIN's		2018 Board of Review Certified Total Assessed Value			Total Payment	Assumed Annual Interest Rate
						3.00%
			TY2018	EST TY2018		# of Years
	TaxParcel_Situsaddress		EAV FACTOR	EAV		20
		(a)	2.9109		(c)	Estimated Annual Tax Levy
16-06-420-007-0000	506 N EUCLID AVE				\$ 21,060.58	(\$1,415.60)
16-06-420-008-0000	500 N EUCLID AVE				\$ 2,544.71	(\$171.04)
16-06-419-028-0000	507 N EUCLID AVE				\$ 29,931.54	(\$2,011.87)
16-06-419-029-0000	700 CHICAGO AVE				\$ 4,133.01	(\$277.80)
16-06-420-005-0000	510 N EUCLID AVE				\$ 28,288.75	(\$1,901.45)
16-06-420-006-0000	508 N EUCLID AVE				\$ 1,272.35	(\$85.52)
16-06-419-017-0000	519 N EUCLID AVE				\$ 1,563.19	(\$105.07)
16-06-419-018-0000	517 N EUCLID AVE				\$ 28,030.05	(\$1,884.06)
16-06-420-016-0000	518 N EUCLID AVE				\$ 13,789.55	(\$926.87)
16-06-419-027-0000	521 N EUCLID AVE				\$ 30,255.14	(\$2,033.62)
16-06-420-015-0000	522 N EUCLID AVE				\$ 19,015.20	(\$1,278.12)
16-06-419-026-0000	529 N EUCLID AVE				\$ 14,114.06	(\$948.69)
16-06-420-003-0000	530 N EUCLID AVE				\$ 38,902.92	(\$2,614.89)
16-06-419-021-0000	535 N EUCLID AVE				\$ 25,989.57	(\$1,746.91)
16-06-419-020-0000	537 N EUCLID AVE				\$ 32,783.62	(\$2,203.57)
16-06-420-002-0000	538 N EUCLID AVE				\$ 29,039.12	(\$1,951.88)
16-06-420-001-0000	546 N EUCLID AVE				\$ 33,726.25	(\$2,266.93)
16-06-419-011-0000	547 N EUCLID AVE				\$ 37,754.25	(\$2,537.68)
16-06-414-008-0000	600 N EUCLID AVE				\$ 39,444.19	(\$2,651.27)
16-06-413-017-0000	601 N EUCLID AVE				\$ 38,461.76	(\$2,585.23)
16-06-414-006-0000	614 N EUCLID AVE				\$ 1,272.35	(\$85.52)
16-06-414-007-0000	610 N EUCLID AVE				\$ 29,954.50	(\$2,013.41)
16-06-413-016-0000	611 N EUCLID AVE				\$ 35,923.79	(\$2,414.64)
16-06-414-005-0000	620 N EUCLID AVE				\$ 58,947.08	(\$3,962.17)
16-06-413-015-0000	623 N EUCLID AVE				\$ 45,994.85	(\$3,091.58)
16-06-413-025-0000	625 N EUCLID AVE				\$ 3,126.39	(\$210.14)
16-06-414-018-0000	638 N EUCLID AVE				\$ 13,104.08	(\$880.80)
16-06-414-022-0000	630 N EUCLID AVE				\$ 33,077.83	(\$2,223.35)
16-06-413-035-0000	635 N EUCLID AVE				\$ 17,642.43	(\$1,185.85)
16-06-413-034-0000	637 N EUCLID AVE				\$ 33,303.77	(\$2,238.54)
16-06-414-017-0000	642 N EUCLID AVE				\$ 16,547.95	(\$1,112.28)
16-06-414-001-0000	646 N EUCLID AVE				\$ 21,055.68	(\$1,415.27)
16-06-413-011-0000	647 N EUCLID AVE				\$ 27,949.53	(\$1,878.65)
		\$ 2,639,241	Total Est EAV	\$ 7,682,566.63	\$ 808,000.00	(\$54,310.29)

ESTIMATED TOTAL LEVY REQUIRED	\$ 808,000
ESTIMATED ANNUAL TAX LEVY REQUIRED ASSUMING 20 YRS @ 3% INT	\$54,310.29
ANNUAL TAX RATE	0.707%

Estimated Annual Tax Levy Spreadsheet for SSA #9 for Brick Streets on 500 & 600 N. Euclid

Costs are shown at residents' funding increased costs above resurfacing for brick street construction at \$728,000 for 20 year period

SSA # 9 PIN's		2018 Board of Review Certified Total Assessed Value			Total Payment	Assumed Annual Interest Rate
						3.00%
			TY2018	EST TY2018		# of Years
	TaxParcel_Situsaddress		EAV FACTOR	EAV		20
		(a)	2.9109		(c)	Estimated Annual Tax Levy
16-06-420-007-0000	506 N EUCLID AVE				\$ 18,975.37	(\$1,275.44)
16-06-420-008-0000	500 N EUCLID AVE				\$ 2,292.76	(\$154.11)
16-06-419-028-0000	507 N EUCLID AVE				\$ 26,968.02	(\$1,812.67)
16-06-419-029-0000	700 CHICAGO AVE				\$ 3,723.80	(\$250.30)
16-06-420-005-0000	510 N EUCLID AVE				\$ 25,487.88	(\$1,713.19)
16-06-420-006-0000	508 N EUCLID AVE				\$ 1,146.38	(\$77.05)
16-06-419-017-0000	519 N EUCLID AVE				\$ 1,408.42	(\$94.67)
16-06-419-018-0000	517 N EUCLID AVE				\$ 25,254.80	(\$1,697.52)
16-06-420-016-0000	518 N EUCLID AVE				\$ 12,424.24	(\$835.10)
16-06-419-027-0000	521 N EUCLID AVE				\$ 27,259.58	(\$1,832.27)
16-06-420-015-0000	522 N EUCLID AVE				\$ 17,132.50	(\$1,151.57)
16-06-419-026-0000	529 N EUCLID AVE				\$ 12,716.63	(\$854.76)
16-06-420-003-0000	530 N EUCLID AVE				\$ 35,051.14	(\$2,355.99)
16-06-419-021-0000	535 N EUCLID AVE				\$ 23,416.34	(\$1,573.95)
16-06-419-020-0000	537 N EUCLID AVE				\$ 29,537.72	(\$1,985.40)
16-06-420-002-0000	538 N EUCLID AVE				\$ 26,163.96	(\$1,758.63)
16-06-420-001-0000	546 N EUCLID AVE				\$ 30,387.02	(\$2,042.48)
16-06-419-011-0000	547 N EUCLID AVE				\$ 34,016.20	(\$2,286.42)
16-06-414-008-0000	600 N EUCLID AVE				\$ 35,538.82	(\$2,388.77)
16-06-413-017-0000	601 N EUCLID AVE				\$ 34,653.66	(\$2,329.27)
16-06-414-006-0000	614 N EUCLID AVE				\$ 1,146.38	(\$77.05)
16-06-414-007-0000	610 N EUCLID AVE				\$ 26,988.71	(\$1,814.07)
16-06-413-016-0000	611 N EUCLID AVE				\$ 32,366.98	(\$2,175.57)
16-06-414-005-0000	620 N EUCLID AVE				\$ 53,110.74	(\$3,569.88)
16-06-413-015-0000	623 N EUCLID AVE				\$ 41,440.91	(\$2,785.48)
16-06-413-025-0000	625 N EUCLID AVE				\$ 2,816.85	(\$189.34)
16-06-414-018-0000	638 N EUCLID AVE				\$ 11,806.65	(\$793.59)
16-06-414-022-0000	630 N EUCLID AVE				\$ 29,802.80	(\$2,003.22)
16-06-413-035-0000	635 N EUCLID AVE				\$ 15,895.65	(\$1,068.44)
16-06-413-034-0000	637 N EUCLID AVE				\$ 30,006.36	(\$2,016.90)
16-06-414-017-0000	642 N EUCLID AVE				\$ 14,909.53	(\$1,002.15)
16-06-414-001-0000	646 N EUCLID AVE				\$ 18,970.96	(\$1,275.15)
16-06-413-011-0000	647 N EUCLID AVE				\$ 25,182.25	(\$1,692.64)
		\$ 2,639,241	Total Est EAV	\$ 7,682,566.63	\$ 728,000.00	(\$48,933.04)

ESTIMATED TOTAL LEVY REQUIRED	\$ 728,000
ESTIMATED ANNUAL TAX LEVY REQUIRED ASSUMING 20 YRS @ 3% INT	\$48,933.04
ANNUAL TAX RATE	0.637%