

MEMORANDUM

November 12, 2021

TO: Mayor John P. Kahl and Members of the City Council

FROM: Scott A. Brunton, City Attorney

SUBJECT: Tax Levy for Special Service Area 2019A / Access Road 6 Improvements

DISCUSSION:

The City Council has previously approved the creation of Special Service Area 2019A for constructing the Access Road 6 road improvements and recently approved the Addendum for Special Service Area 2019A for the additional costs incurred for completing this road improvement project. Also, last year, the City Council approved a 10-year, \$400,000 loan for financing these Access Road 6 road improvement project costs under Special Service Area 2019A. As a reminder, under the Special Service Area process, a property tax is collected from the properties benefitted by the Special Service Area to pay for the debt incurred by the City for financing the Special Service Area project.

Recently, the City Council approved an Addendum to Special Service Area 2019A to pay the additional costs of \$70,250.50 incurred to complete these road improvements that exceeded the initial \$400,000 project cost. With the presentation of this Tax Levy Ordinance for SSA 2019A to the City Council, a loan for financing this additional cost across the remaining 9 years of Special Service Area 2019A is also being presented for approval.

Thus, at this time, the City needs to levy the 2021 special service area property tax against the properties in Special Service Area 2019A, which are the properties along the northern portion of Access Road 6 off of Illinois Route 116 (N. Main Street). When the property taxes are received by the City in 2022, these property tax revenues will be used to make the second annual debt payment (principal and interest) on the initial loan for Special Service Area 2019A and the first debt payment on the additional loan for the Addendum to Special Service Area 2019A.

RECOMMENDATION:

Approval of this Ordinance for the 2021 tax levy for Special Service Area 2019A.

ORDINANCE NO. 4614

**AN ORDINANCE ADOPTING A TAX LEVY FOR
CITY OF EAST PEORIA SPECIAL SERVICE AREA 2019A
(ACCESS ROAD 6 IMPROVEMENT)**

WHEREAS, the City of East Peoria is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, in September 2020, the City of East Peoria corporate authorities adopted an ordinance entitled “An Ordinance Establishing Special Service Area 2019A in the City of East Peoria and Approving Special Service Area 2019A Project to Improve Access Road 6, the Funding of Road Improvements to Access Road 6, and the Levying of Property Tax Against Those Properties Benefitted by the Road Improvements” (the “Establishing Ordinance”); and

WHEREAS, in compliance with the Special Service Area Tax Law (35 ILCS 200/27-5, *et seq.*), as supplemented and amended from time to time (the “SSA Act”), the Establishing Ordinance created Special Service Area 2019A for providing the special services consisting of repairing and improving Access Road 6 off of Illinois Route 116 (North Main Street) for the benefit of the properties located on Access Road 6 (the “SSA Project”); and

WHEREAS, as required under the SSA Act, City Officials recorded the Establishing Ordinance in the Office of the Tazewell County Recorder of Deeds and filed the Establishing Ordinance in the Tazewell County Clerk’s Office; and

WHEREAS, the City of East Peoria corporate authorities have adopted financing for completing the SSA Project (the “SSA Bond”); and

WHEREAS, on November 2, 2021, the City of East Peoria corporate authorities further adopted Ordinance No. 4609 approving the Addendum to Special Service Area 2019A for the SSA Project, which this Addendum ordinance was subsequently recorded in the Office of the Tazewell County Recorder of Deeds and filed the Tazewell County Clerk’s Office on November 8, 2021 (the “Addendum Ordinance”); and

WHEREAS, the City of East Peoria corporate authorities have also adopted financing for additional costs incurred pursuant to the Addendum Ordinance for the SSA Project (the “Addendum Bond”); and

WHEREAS, pursuant to the SSA Act and other applicable Illinois statutory authority, the City of East Peoria corporate authorities now seek to approve this Ordinance adopting a tax levy for the Special Service Area 2019A for Year 2021, with said levy appearing on property tax bills of the affected properties in Year 2022, as a

means to pay the principal and interest costs associated with the SSA Bond and the Addendum Bond; and

WHEREAS, the City of East Peoria corporate authorities find that this tax levy on the properties benefitted by the SSA Project is consistent with the Establishing Ordinance and the Addendum Ordinance for Special Service Area 2019A (Access Road 6 Improvement), and that the collection of these taxes will serve a public purpose;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, THAT:

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

Section 2. There is hereby levied on an ad valorem basis the total dollar amount of Fifty-Six Thousand Five Hundred Three Dollars and Seventy-Six Cents (\$56,503.76) for the 2021 tax year, as extended and payable in 2021. The Tazewell County Treasurer shall assess this sum on an ad valorem basis against the properties within the City of East Peoria Special Service Area 2019A and which are identified in Exhibit A, attached hereto and incorporated by reference.

Section 3. The money collected from such tax levy shall be spent by the City of East Peoria for paying the principal and interest costs associated with the SSA Bond as provided in the Establishing Ordinance and the Addendum Bond as provided in the Addendum Ordinance.

Section 4. The City of East Peoria intends to pass and approve tax levy ordinances in subsequent years for the remainder of the initial 10-year duration of the SSA Bond and the initial 9-year duration of the Addendum Bond against these properties within the City of East Peoria Special Service Area 2019A (Access Road 6 Improvement) to pay for the special services set forth in the Establishing Ordinance and the Addendum Ordinance.

Section 5. The East Peoria City Clerk is hereby directed to prepare a duly certified copy of this Ordinance and is further directed to file the duly certified copy of this Ordinance in the Office of the County Clerk for Tazewell County, State of Illinois, on or before the last Tuesday of December, 2021, and the Tazewell County Clerk is hereby authorized and directed to levy such tax for City of East Peoria Special Service Area 2019A on the properties identified herein in accordance with the laws of the State of Illinois.

Section 6. This Ordinance is hereby ordered to be published in pamphlet form by the East Peoria City Clerk and said Clerk is ordered to keep at least three (3) copies hereof available for public inspection in the future and in accordance with the Illinois Municipal Code.

Section 7. This Ordinance is in addition to all other ordinances on the subject and shall be construed therewith excepting as to that part in direct conflict with any other ordinance, and in the event of such conflict, the provisions hereof shall govern.

Section 8. This Ordinance shall be in full force and effect from and after its passage, approval and ten (10) day period of publication in the manner provided by law.

PASSED BY THE COUNCIL OF THE CITY OF EAST PEORIA, TAZEWELL COUNTY, ILLINOIS, IN REGULAR AND PUBLIC SESSION THIS _____ DAY OF _____, 2021.

APPROVED:

Mayor

ATTEST:

City Clerk

EXAMINED AND APPROVED:

Corporation Counsel

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTIES IN SSA 2019A

Property 1:

PIN 01-01-14-301-010

Street Address: 3700 N. Main Street, East Peoria, Illinois

Legal Description: A part of the South Half of Section 14, Township 26 North, Range 4 West of the Third Principal Meridian, more particularly described as follows: Commencing at the center of said Section 14; thence North 89°-28'-00" East along the North line of the Southeast Quarter of said Section 14, 20.39 feet to the point of intersection of said North line with the Easterly right-of-way line of S.B.I. Route 116; thence South 24°-03'-45" West along the Easterly right-of-way line of S.B.I. Route 116, 867.81 feet to the Point of Beginning of the tract to be described; thence South 65°-56'-15" East, 410.38 feet; thence South 69°-03'-45" West, 296.98 feet; thence North 65°-56'-15" West, 120.00 feet to the Easterly right-of-way line of said S.B.I. Route 116 (the following 3 courses are along said Easterly right-of-way line); thence North 24°-03'-45" East, 10.00 feet; thence North 04°-07'-31" West, 170.18 feet; thence North 24°-03'-45" East, 50.00 feet to the Point of Beginning; situate, lying and being in the County of Tazewell and State of Illinois.

Property 2:

PIN 01-01-14-400-011

Street Address: 3800 N. Main Street, East Peoria, Illinois

Legal Description: A part of the South Half of Section 14, Township 26 North, Range 4 West of the Third Principal Meridian, more particularly bounded and described as follows, to-wit: Commencing at the center of said Section 14; thence North 89 degrees 28 minutes East, along the North line of the Southeast Quarter of said Section 14, 20.39 feet to a pipe marking the Place of Beginning of the tract to be described; thence continuing North 89 degrees 28 minutes East, 567.04 feet; thence South 24 degrees 03 minutes 45 seconds West, 590 feet; thence North 65 degrees 56 minutes 15 seconds West, 520 feet to the Easterly right-of-way line of S.B.I. Route 116; thence North 24 degrees 03 minutes 45 seconds East, along said Easterly right-of-way line, 360 feet to the Place of Beginning; situated in Tazewell County, Illinois.

Property 3:

PIN 01-01-14-400-014

Street Address: 3840 N. Main Street, East Peoria, Illinois

Legal Description: Lot 3 of FINAL PLAT of "DAVE LAHOOD'S INDUSTRIAL PARK REVISED", being a Resubdivision of Lots 1 and 2 of "Dave LaHood's Industrial Park", as recorded in Plat Book "OO", pages 251-252 at the Tazewell County Recorder's office,

being part of the Southeast Quarter and Southwest Quarter of Section 14, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois, according to the plat thereof recorded July 23, 2003 as Document No. 200300026744 in Plat Book "XX", page 80.

Property 4:

PIN 01-01-14-400-015

Street Address: 3814 N. Main Street, East Peoria, Illinois

Legal Description: Lot 4 of FINAL PLAT of "DAVE LAHOOD'S INDUSTRIAL PARK REVISED", being a Resubdivision of Lots 1 and 2 of "Dave LaHood's Industrial Park", as recorded in Plat Book "OO", pages 251-252 at the Tazewell County Recorder's office, being part of the Southeast Quarter and Southwest Quarter of Section 14, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois, according to the plat thereof recorded July 23, 2003 as Document No. 200300026744 in Plat Book "XX", page 80.

Property 5:

PIN 01-01-14-400-016

Street Address: 3850 N. Main Street, East Peoria, Illinois

Legal Description: Lot 6 of FINAL PLAT of "DAVE LAHOOD'S INDUSTRIAL PARK REVISED", being a Resubdivision of Lots 1 and 2 of "Dave LaHood's Industrial Park", as recorded in Plat Book "OO", pages 251-252 at the Tazewell County Recorder's office, being part of the Southeast Quarter and Southwest Quarter of Section 14, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois, according to the plat thereof recorded July 23, 2003 as Document No. 200300026744 in Plat Book "XX", page 80.

Property 6:

PIN 01-01-14-400-017

Street Address: 3860-3880 N. Main Street, East Peoria, Illinois

Legal Description: Lot 5 of FINAL PLAT of "DAVE LAHOOD'S INDUSTRIAL PARK REVISED", being a Resubdivision of Lots 1 and 2 of "Dave LaHood's Industrial Park", as recorded in Plat Book "OO", pages 251-252 at the Tazewell County Recorder's office, being part of the Southeast Quarter and Southwest Quarter of Section 14, Township 26 North, Range 4 West of the Third Principal Meridian, Tazewell County, Illinois, according to the plat thereof recorded July 23, 2003 as Document No. 200300026744 in Plat Book "XX", page 80.

Property 7:

PIN 01-01-14-201-014

Street Address: 4000 N. Main Street, East Peoria, Illinois

Legal Description: LOT 74 and a part of the vacated frontage road extended in VILLENEUVE EXTENSION NO. ONE, a subdivision of part of the Northeast Quarter of Section 14, Township 26 North, Range 4 West of the Third Principal Meridian, as shown on the Final Plat thereof recorded in Plat Book "GGG", page 143, and being more particularly described as follows:

COMMENCING at the Southeast corner of said Lot 74 as the point of beginning of the tract to be described; thence North 00 degrees 58 minutes 12 seconds West, along the East line of said Lot 74, a distance of 188.93 feet; thence North 71 degrees 08 minutes 24 seconds West, along the Northeasterly line of said Lot 74 and the extension thereof, a distance of 213.14 feet; thence in a Southwesterly direction, along a curve to the left, having a radius of 650.41 feet, for an arc distance of 220.10 feet; thence South 52 degrees 40 minutes 37 seconds West, a distance of 41.67 feet to a point on the East right of way line of the frontage road extended; thence in a Southwesterly direction, along the East right of way line of the frontage road extended, along a curve to the right, having a radius of 55.00 feet, for an arc distance of 102.41 feet; thence in a Southwesterly direction, along the East right of way line of the frontage road extended, along a curve to the left, having a radius of 35.00 feet, for an arc distance of 41.42 feet; thence South 34 degrees 38 minutes 54 seconds West, along the East right of way line of the frontage road extended, a distance of 8.71 feet to a point on the Easterly right of way line of Illinois Route 116; thence South 23 degrees 39 minutes 02 seconds West, along the Easterly right of way line of Illinois Route 116, a distance of 66.97 feet to the Southwest corner of said Lot 74; thence North 89 degrees 01 minute 48 seconds East, along the South line of said Lot 74, a distance of 567.06 feet to the point of beginning, said tract being shown as "Tract 1" on the Tract Plat dated November 25, 2014, done by Zumwalt & Associates, Inc., and recorded in Plat Book LLL, page 112, as Document No. 201400019936; situated in TAZEWELL COUNTY, ILLINOIS.

Property 8:

PIN 01-01-14-201-015

Street Address: Illinois Route 116 (4000 N. Main Street), East Peoria, Illinois

Legal Description: LOT 75 and a part of the vacated frontage road extended in VILLENEUVE EXTENSION NO. ONE, a subdivision of part of the Northeast Quarter of Section 14, Township 26 North, Range 4 West of the Third Principal Meridian, as shown on the Final Plat thereof recorded in Plat Book "GGG", page 143, and being more particularly described as follows:

COMMENCING at the Southeast corner of said Lot 75 as the point of beginning of the tract to be described; thence South 89 degrees 01 minute 48 seconds West, along the

South line of said Lot 75, a distance of 1942.72 feet to the Southeast corner of Lot 74 of said Villeneuve Extension No. One; thence North 00 degrees 58 minutes 12 seconds West, along the East line of said Lot 74, a distance of 188.93 feet; thence North 71 degrees 08 minutes 24 seconds West, along the Northeasterly line of said Lot 74 and the extension thereof, a distance of 213.14 feet; thence in a Southwesterly direction, along a curve to the left, having a radius of 650.41 feet, for an arc distance of 220.10 feet; thence South 52 degrees 40 minutes 37 seconds West, a distance of 41.67 feet to a point on the East right of way line of the frontage road extended; thence in a Northwesterly direction, along the Easterly right of way line of the frontage road extended, along a curve to the left, having a radius of 55.00 feet, for an arc distance of 59.15 feet to a point on the Southeasterly right of way line of U.S. Route 24 and the Northwesterly line of said Villeneuve Extension No. One; thence North 53 degrees 49 minutes 01 second East, along the Southeasterly right of way of U.S. Route 24 and the Northwesterly line of said Villeneuve Extension No. One, a distance of 284.35 feet; thence North 82 degrees 40 minutes 05 seconds East, along the Southeasterly right of way line of U.S. Route 24 and the Northwesterly line of said Villeneuve Extension No. One, a distance of 364.68 feet; thence North 63 degrees 13 minutes 05 seconds East, along the Southeasterly right of way line of U.S. Route 24 and the Northwesterly line of said Villeneuve Extension No. One, a distance of 1029.36 feet to the most Northerly corner of said Lot 75; thence South 42 degrees 02 minutes 55 seconds East, along the Easterly line of said Lot 75, a distance of 470.76 feet; thence South 81 degrees 34 minutes 26 seconds East, along the Northeasterly line of said Lot 75, a distance of 755.00 feet; thence South 08 degrees 27 minutes 44 seconds West, along the Easterly line of said Lot 75, a distance of 285.00 feet to the point of beginning, said tract being shown as "Tract 2" on the Tract Plat dated November 25, 2014, done by Zumwalt & Associates, Inc., and recorded in Plat Book LLL, page 112, as Document No. 201400019936, situated in TAZEWELL COUNTY, ILLINOIS.

STATE OF ILLINOIS)
) SS
COUNTY OF TAZEWELL)

CLERK’S CERTIFICATE

I, Morgan R. Cadwalader, certify that I am the City Clerk of the City of East Peoria, Tazewell County, Illinois, and as such officer I am the keeper of the records, files and proceedings of the corporate authorities of said municipality.

I certify that:

ORDINANCE NO. 4614

**AN ORDINANCE ADOPTING A TAX LEVY FOR
CITY OF EAST PEORIA SPECIAL SERVICE AREA 2019A
(ACCESS ROAD 6 IMPROVEMENT)**

was adopted by the Mayor and City Council of the City of East Peoria at a meeting held on December ____, 2021. I do further certify that a quorum of said City Council was present at said meeting, and that the City Council complied with all the requirements of the Illinois Open Meetings Act.

I do further certify that the Ordinance, of which the attached is a true and correct copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and the seal of the municipality this _____ day of _____, 2021.

(SEAL)

Morgan R. Cadwalader, City Clerk
City of East Peoria, Illinois