

Council Bill/General Ordinance No. 3048-2022
Sponsor: _____

AN ORDINANCE

LEVYING a Special AD VALOREM TAX within the City of Moline, Illinois, Special Service Area #5, of the City of Moline, Illinois.

WHEREAS, on November 15, 2005, the City Council adopted Special Ordinance No. 4068-2005 establishing Special Service Area #5 (Bass Street Landing); and

WHEREAS, as provided by the Special Service Area Tax Law, the services for a Special Service Area are to be provided through a levy of an annual property tax; and

WHEREAS, for the tax levy year 2022, a levy of \$6,298 is required to fund the City's fiscal year 2023 budget for Special Service Area #5; and

WHEREAS, Special Service Area #5 is located, in whole or in part, within a Redevelopment Project Area established under the Tax Increment Allocation Redevelopment Act (the "Act"), and it is the intent of the City Council that any tax increment revenues derived from the tax imposed by this Ordinance pursuant to the Special Service Area Tax Law may be used within the Redevelopment Project Area for the purposes permitted by that Law as well as the purposes permitted by the Act.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, in the exercise of its Home Rule Powers, as follows:

Section 1 – Findings. The City Council of the City of Moline, Illinois (the "City"), finds and declares as follows:

(a) Pursuant to the provisions of the 1970 Constitution of the State of Illinois (the "Constitution"), the City of Moline, Illinois, is authorized to create special service areas in and for the City.

(b) Special Service Areas are established by home rule units pursuant to Section 6(1) of Article VII of the Constitution, which provides:

"The General Assembly may not deny or limit the power of Home Rule units...(2) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services; and, are established pursuant to the provision of the Special Service Area Tax Law of the State of Illinois, 35 ILCS 200/27-5 et seq., as amended (the "Law"), and pursuant to the Property Tax Code of the State of Illinois, 35 ILCS 200/1-1, as amended."

(c) At its regular meeting on November 15, 2005, the City Council adopted Special Ordinance No. 4068-2005 establishing Special Service Area #5.

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(d) The Special Service Area #5 will benefit from the municipal services to be provided including, without limitation: engineering, soil testing and appurtenant work, storm water management facilities, storm drainage systems and storm sewers, site clearing and tree removal, public water facilities, sanitary sewer facilities, erosion control measures, roads, streets, curbs, gutters, street lighting, traffic controls, parking lots, sidewalks, bike paths and related street improvements; and, equipment and materials necessary for the maintenance thereof, landscaping, tree installation, vegetation maintenance and control, costs for land and easement acquisitions relating to any of the foregoing improvements, required tap-on and related fees for water or sanitary sewer services and other eligible costs, snow removal, cul-de-sac creation and maintenance, public right-of-way creation and maintenance, public property maintenance to a higher standard than throughout the City generally, provision of amenities, (collectively, the “Services”).

(e) As provided in the Special Service Area Act, the Services are to be provided through the levy of a direct annual ad valorem tax (the “Taxes”) upon all taxable property within the territory; the maximum of such taxes to be extended in any year for special services within the proposed special service area shall not exceed the amount necessary to produce a maximum annual tax levy of \$250,000.

(f) The establishment of the Special Service Area #5 in the City is for the purpose of providing the Services within the Territory, and the levy of the Taxes for the purposes described in subsection (d) was considered at a public hearing held on December 6, 2005, by the City Council of the City.

(g) Notice of the hearing was given by publication on November 20, 2005, not less than 15 days prior to the public hearing, in the Dispatch, a newspaper qualified to carry legal notices, published in the City of Moline, Illinois, and having a general circulation within the City.

(h) Mailed notice of the hearing was given by depositing the notice in the United States first class mail, postage prepaid, not less than 10 days prior to the time set for the hearing, addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the Territory; and, in those cases where taxes for the last preceding year were not paid, the notice was sent to the person or persons last listed on the tax rolls prior to that year as the owner or owners of the property.

(i) The hearing notice complied with all of the applicable requirements of the Special Service Area Tax Law.

(j) No petition objecting to the establishment of the Special Service Area #5 or the levying of the Taxes, signed by at least 51% of the electors residing within the Territory and by at least 51% of the owners of record of the land included within the boundaries of the Territory, was filed with the City Clerk during the Petition Period.

(k) The City has satisfied all of the requirements of the Special Service Area Tax Law that are conditions to the establishment of the Special Service Area #5 and the levy of the Taxes.

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Section 2 – Levy of Tax. For the purpose of providing the Services within the Special Service Area #5 during the fiscal year of the City ending on December 31, 2023, pursuant to the Special Service Area Tax Law, there is levied an ad valorem tax (the “Tax”) against all of the taxable property in the Special Service Area #5 subject to taxation for the fiscal year ending on December 31, 2022, necessary to produce the sum of \$6,298. The Tax shall be in addition to all other taxes provided by law and shall be extended in the manner provided by the Property Tax Code, 35 ILCS 200/1-1 et seq.

Section 3 – Filing for Record with County Clerk; Deadline for Filing. As required by Section 27-75 of the Special Service Area Tax Law, the Finance Director is directed to file for record a certified copy of this Ordinance with the County Clerk of the County of Rock Island, Illinois, promptly following its adoption and approval and in any case not later than the last Tuesday of December, 2022.

Section 4 – Ratification of Proceedings. The City Council ratifies, confirms and approves (i) the public notice of the public hearings that were given by publication and by mail as described in Section 1 of this Ordinance, and (ii) all proceedings in connection with the establishment of Special Service Area #5 and the levy of the Taxes.

Section 5 – TIF District Administration. Special Service Area #5 is located, in whole or in part, within a Redevelopment Project Area established under the Tax Increment Allocation Redevelopment Act (the “Act”), and it is the intent of the City Council that any tax increment revenues derived from the tax imposed by this Ordinance pursuant to the Special Service Area Tax Law may be used within the Redevelopment Project Area for the purposes permitted by that Law as well as the purposes permitted by the Act.

Section 6 – Severability. If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision will not affect any of the other provisions of this Ordinance.

Section 7 – Supercede and Effective Date. All ordinances, resolutions and orders, or parts of ordinances, resolutions and orders, in conflict with this Ordinance are repealed and this Ordinance shall be in full force and effect from and after its adoption and approval as provided for by law.

CITY OF MOLINE, ILLINOIS

DocuSigned by:
Shayapete
Mayor

November 29, 2022
Date

Passed: November 29, 2022

Approved: December 6, 2022

Attest: *James L. ...*
City Clerk