

ORDINANCE 17,280

**AN ORDINANCE ESTABLISHING THE HOLIDAY INN PROPERTY TAX SPECIAL
SERVICE AREA
IN THE CITY OF PEORIA, ILLINOIS**

WHEREAS, the City of Peoria is a home rule unit authorized to establish a Special Service Area pursuant to Section 6(l) of Article VII of the Illinois Constitution of 1970 and by the Illinois Special Service Area Tax Law (35 ILCS 200/27-5 *et seq.*); and

WHEREAS, the question of establishing the **Holiday Inn Property Tax Special Service Area** (the "Special Service Area"), the question of maintaining tax levies on said Special Service Area, and the question of issuing bonds to pay for qualifying improvements within the Special Service Area were considered by the City Council of the City of Peoria, Illinois, pursuant to an ordinance proposing the creation of a Holiday Inn Property Tax Special Service Area in the City of Peoria, Illinois and providing for a public hearing and other procedures in connection therewith, which ordinance was passed by the City Council of the City of Peoria on February 11, 2014, confirming the City Council's intent to establish the Special Service Area, maintain tax levies, and issue bonds pursuant to a public hearing on April 22, 2014 by the City Council of the City of Peoria, Illinois, with notice thereof published in the *Peoria Journal Star* on April 7, 2014. Said newspaper was published in the City of Peoria, with said advertisement/notice published at least fifteen (15) days prior to the hearing, and notice having been mailed at least ten (10) days prior to the hearing to all persons in whose name the general taxes for the last preceding year were paid on each property lying within the Special Service Area, except for those persons who waived receipt of such notice. All notices conformed in all respects to the requirements of 35 ILCS 200/27-25, 27-30, and 27-35. A copy of said notice is attached hereto and incorporated herein as Exhibit A, (the "Notice"); and

WHEREAS, a public hearing on the question set forth in the Notice was held on April 22, 2014. All interested persons were given an opportunity to be heard on the question of establishing the Holiday Inn Property Tax Special Service Area, the question of levying taxes within such Special Service Area, and the question of issuing bonds to pay for qualifying improvements within the Special Service Area as set forth in the Notice. The public hearing was adjourned on April 22, 2014; and

WHEREAS, no petition was filed objecting to the creation of the Holiday Inn Hotel Tax Special Service Area within sixty (60) days of the adjournment of the public hearing; and

WHEREAS, the Special Service Area is to be established in accordance with the terms and conditions of a First Amendment to Annexation Agreement (Parcel 4), dated April 24, 2014, as amended by an Early Work Agreement, dated December 8, 2014,

and a First Addendum to Early Work Agreement, dated on or about the date hereof, as further amended from time to time ("Amended Annexation Agreement"); and

WHEREAS, the Amended Annexation Agreement contemplated the levy on an ad valorem basis on all taxable properties within the Special Service Area to fund annual debt service payments of the City on the City's \$2,000,000 Taxable General Obligation Bonds, Series 2015D, (the "Bonds"), with the proceeds of such Bonds used exclusively to fund to pay for qualifying improvements within the Special Service Area as defined in and provided in the Notice and the Amended Annexation Agreement; and

WHEREAS, after considering the public data as presented at the public hearing, the City Council for the City of Peoria finds that it is in the public interest and the interest of the property owners of the Special Service Area, hereinafter described, to establish the Special Service Area for a term of thirty (30) years, and to maintain tax levies on an ad valorem basis on all taxable properties within the Special Service Area and to use such tax levies to fund annual debt service payments of the City on the Bonds issued to pay for qualified improvements within the Special Service Area; and

WHEREAS, the City Council of the City of Peoria finds that said Special Service Area is contiguous and wholly within the City of Peoria. Services provided through the Special Service Area are in addition to those governmental services generally provided by the City of Peoria throughout the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Peoria, Illinois as follows:

Section 1. Findings

That the findings and recitations hereinabove set forth are adopted and found to be true.

Section 2. Special Service Area

The Special Service Area known and designated as the Holiday Inn Property Tax Special Service Area is hereby created for thirty (30) years, and shall consist of all taxable properties described in Exhibit B attached hereto and incorporated herein. A map further describing and establishing the boundaries of the Special Service Area is attached hereto and incorporated herein as Exhibit C. Taxes within the Special Service Area shall be levied for a maximum of thirty (30) years from the date hereof and shall be allocated and assessed on an ad valorem basis among all of the taxable properties within the Special Service Area, and shall be in addition to any and all other levies upon such taxable properties.

Section 3. Purpose of Special Service Area

The special services to be funded by this Special Services Area include without limitation the development of a hotel facility to be built upon parcel number 13-10-201-012 (more particularly described on Exhibit B), including, but not limited to, the initial


construction costs, and/or the maintenance, repair, or replacement of any capital improvement upon such parcel or any other property within the Special Service Area, subject to the provisions of the Amended Annexation Agreement. This Special Service Area will fund annual debt service payments of the City on the Bonds, with the proceeds of such Bonds used exclusively to pay for qualifying improvements within the Special Service Area.

Section 4. Effective Date

This ordinance shall be in full force and effect immediately after its passage.


PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this 27th day of October, 2015.

Approved:



Mayor

Attest:



City Clerk

Examined and Approved:



Corporation Counsel

FILED

NOV 02 2015

STEVE SONNEMAKER
PEORIA COUNTY CLERK

Exhibit A

(LEGAL NOTICES)

NOTICE OF PUBLIC HEARINGS**NOTICE 1:**

RE: PROPOSAL FOR FORMATION/ESTABLISHMENT OF SPECIAL SERVICE AREA ("SSA") BY THE CITY OF PEORIA, FOR LEVY/IMPOSITION OF SPECIAL SERVICE TAX , AND ISSUANCE OF BONDS TO PAY FOR QUALIFYING IMPROVEMENTS WITHIN THE SSA.

NOTICE is hereby given that, pursuant to 35 ILCS 200/27-25 and 35 ILCS 200/27-45, the City of Peoria shall conduct a public hearing in connection with the above Proposal, which hearing shall be conducted at the regularly scheduled meeting of the City Council of the City of Peoria on April 22, 2014 at 6:15p.m., in the City Council chambers (4th floor) of the City Hall located at 419 Fulton Street, Peoria, Illinois. In connection therewith:

- A. The Properties within the proposed SSA are described as follows:
SEE LEGAL DESCRIPTION BELOW.
- B. The proposed special services are to be for the development of a hotel facility to be built upon parcel number 13-10-201-012, including, but not limited to, initial construction costs, and/or the maintenance, repair, or replacement of any capital improvement upon such parcel;
- C. The proposed special services are estimated to cost (and shall not exceed) \$2,000,000.00;
- D. The proposed special services are to be paid by the issuance of general obligation bonds by the City of Peoria, to be repaid in part from the levy of an ad valorem real estate tax to be billed and collected at the same time (and with) the general real estate taxes for the properties within the SSA;
- E. The proposed tax rate for the SSA shall be up to (but not exceeding) \$40.00 per \$100.00 of assessed valuation, which rate shall be in addition to the aggregate tax rate otherwise currently applicable to the properties within the SSA;
- F. The proposed amount of the tax levy for special services for the initial year for which taxes will be levied is a maximum of \$200,000.00.
- G. The maximum number of years during which such SSA taxes shall be levied is thirty (30) years;
- H. The maximum amount of bonds proposed to be issued is \$2,000,000.00;
- I. The maximum period of time over which the bonds will be retired is thirty (30) years;
- J. The maximum interest rate the bonds will bear is 6.5%;
- K. At the public hearing, all interested persons, including all persons owning taxable real estate within the SSA, shall be given the opportunity to be heard regarding the tax levy and the issuance of bonds, and the opportunity to file objections to the amount of the levy and the issuance of bonds; and
- L. Upon the expiration of the life of the bonds and the completion of the special services, the improvements resulting therefrom shall be maintained by (and at the cost of) the owners of the properties within the SSA, and not the City of Peoria.

NOTICE 2:

RE: PROPOSAL FOR FORMATION/ESTABLISHMENT OF SPECIAL SERVICE AREA ("SSA") BY THE CITY OF PEORIA, FOR LEVY/IMPOSITION OF SPECIAL SERVICE TAX , AND ISSUANCE OF BONDS TO PAY FOR QUALIFYING IMPROVEMENTS WITHIN THE SSA.

Exhibit A

NOTICE is hereby given that, pursuant to 35 ILCS 200/27-25 and 35 ILCS 200/27-45, the City of Peoria shall conduct a public hearing in connection with the above Proposal, which hearing shall be conducted at the regularly scheduled meeting of the City Council of the City of Peoria on April 22, 2014 at 6:15p.m., in the City Council chambers (4th floor) of the City Hall located at 419 Fulton Street, Peoria, Illinois. In connection therewith:

- A. The Properties within the proposed SSA are described as follows:
SEE LEGAL DESCRIPTION BELOW.
- B. The proposed special services are to be for the development of a hotel facility to be built upon parcel number 13-10-201-012, including, but not limited to, initial construction costs, and/or the maintenance, repair, or replacement of any capital improvement upon such parcel;
- C. The proposed special services are estimated to cost (and shall not exceed) \$2,000,000.00;
- D. The proposed special services are to be paid by the issuance of general obligation bonds by the City of Peoria, to be repaid in part from a tax upon the use and privilege of renting a hotel or motel room;
- E. The proposed tax rate for the SSA shall be up to (but not exceeding) 3%, which shall be in addition (but otherwise identical) to such hotel/motel tax as is currently imposed under Article VII of Chapter 27 of the Code of Ordinances of the City of Peoria;
- F. The proposed amount of the tax levy for special services for the initial year for which taxes will be levied is a maximum of \$200,000.00.
- G. The maximum number of years during which such SSA taxes shall be levied is thirty (30) years;
- H. The maximum amount of bonds proposed to be issued is \$2,000,000.00.
- I. The maximum period of time over which the bonds will be retired is thirty (30) years.
- J. The maximum interest rate the bonds will bear is 6.5%.
- K. At the public hearing, all interested persons, including all persons owning taxable real estate within the SSA, shall be given the opportunity to be heard regarding the tax levy and the issuance of bonds, and the opportunity to file objections thereto; and
- L. Upon the expiration of the life of the bonds and the completion of the special services, the improvements resulting therefrom shall be maintained by (and at the cost of) the owners of the properties within the SSA, and not the City of Peoria.

NOTICE 3:

RE: PROPOSAL FOR FORMATION/ESTABLISHMENT OF SPECIAL SERVICE AREA ("SSA") BY THE CITY OF PEORIA, FOR LEVY/IMPOSITION OF SPECIAL SERVICE TAX , AND ISSUANCE OF BONDS TO PAY FOR QUALIFYING IMPROVEMENTS WITHIN THE SSA.

NOTICE is hereby given that, pursuant to 35 ILCS 200/27-25 and 35 ILCS 200/27-45, the City of Peoria shall conduct a public hearing in connection with the above Proposal, which hearing shall be conducted at the regularly scheduled meeting of the City Council of the City of Peoria on April 22, 2014 at 6:15p.m., in the City Council chambers (4th floor) of the City Hall located at 419 Fulton Street, Peoria, Illinois. In connection therewith:

- A. The Properties within the proposed SSA are described as follows:
SEE LEGAL DESCRIPTION BELOW.
- B. The proposed special services are to be for the development of a hotel facility to be built upon parcel number 13-10-201-012, including, but not limited to, initial construction costs, and/or the maintenance, repair, or replacement of any capital improvement upon such parcel;

Exhibit A

- C. The proposed special services are estimated to cost (and shall not exceed) \$2,000,000.00;
- D. The proposed special services are to be paid by the issuance of general obligation bonds by the City of Peoria, to be repaid in part by a tax upon the business of making sales of service or selling at retail of tangible personal property, other than an item of tangible personal property titled or registered with an agency of the government of the State of Illinois, within the boundaries of the SSA;
- E. The proposed tax rate for the SSA shall be up to (but not exceeding) 1%, which rate shall be in addition (but otherwise identical) to such tax as is imposed under Articles II and III of Chapter 27 of the Code of Ordinances of the City of Peoria;
- F. The proposed amount of the tax levy for special services for the initial year for which taxes will be levied is a maximum of \$200,000.00;
- G. The maximum number of years during which such SSA taxes shall be levied is thirty (30) years;
- H. The maximum amount of bonds proposed to be issued is \$2,000,000.00;
- I. The maximum period of time over which the bonds will be retired is thirty (30) years;
- J. The maximum interest rate the bonds will bear is 6.5%;
- K. At the public hearing, all interested persons, including all persons owning taxable real estate within the SSA, shall be given the opportunity to be heard regarding the tax levy and the issuance of bonds, and the opportunity to file objections thereto; and
- L. Upon the expiration of the life of the bonds and the completion of the special services, the improvements resulting therefrom shall be maintained by (and at the cost of) the owners of the properties within the SSA, and not the City of Peoria.

LEGAL DESCRIPTION

The property within the Special Services Areas set forth in the three legal notices above is proposed to include the following property, more particularly described as follows:

Lot 5 in Plaza West Phase 2, a Resubdivision of all of Lot 1 and 2 of Plaza West, a Subdivision of a part of the Northeast Quarter of Section 10, Township 9 North, Range 7 East of the Fourth Principal Meridian, Peoria County, Illinois, as shown on the Plat of Plaza West Phase 2 recorded September 17, 2007, as Document No. 07-30298, in Plat Book "11" at page 48, situated in Peoria County, Illinois.

Property Address: Orange Prairie Road, Peoria, Illinois

PIN: 13-10-201-012

For information regarding the above, contact:

Robert C. Hall, Attorney
 Miller, Hall & Triggs, LLC
 416 Main Street, Suite 1125
 Peoria, IL 61602
 Telephone No.: (309) 671-9600
 Or

Sonni Choi Williams, Corporation Counsel for the City of Peoria
 City Hall
 419 Fulton Street
 Peoria, IL 61602
 Telephone No.: (309) 494-8590

EXHIBIT B

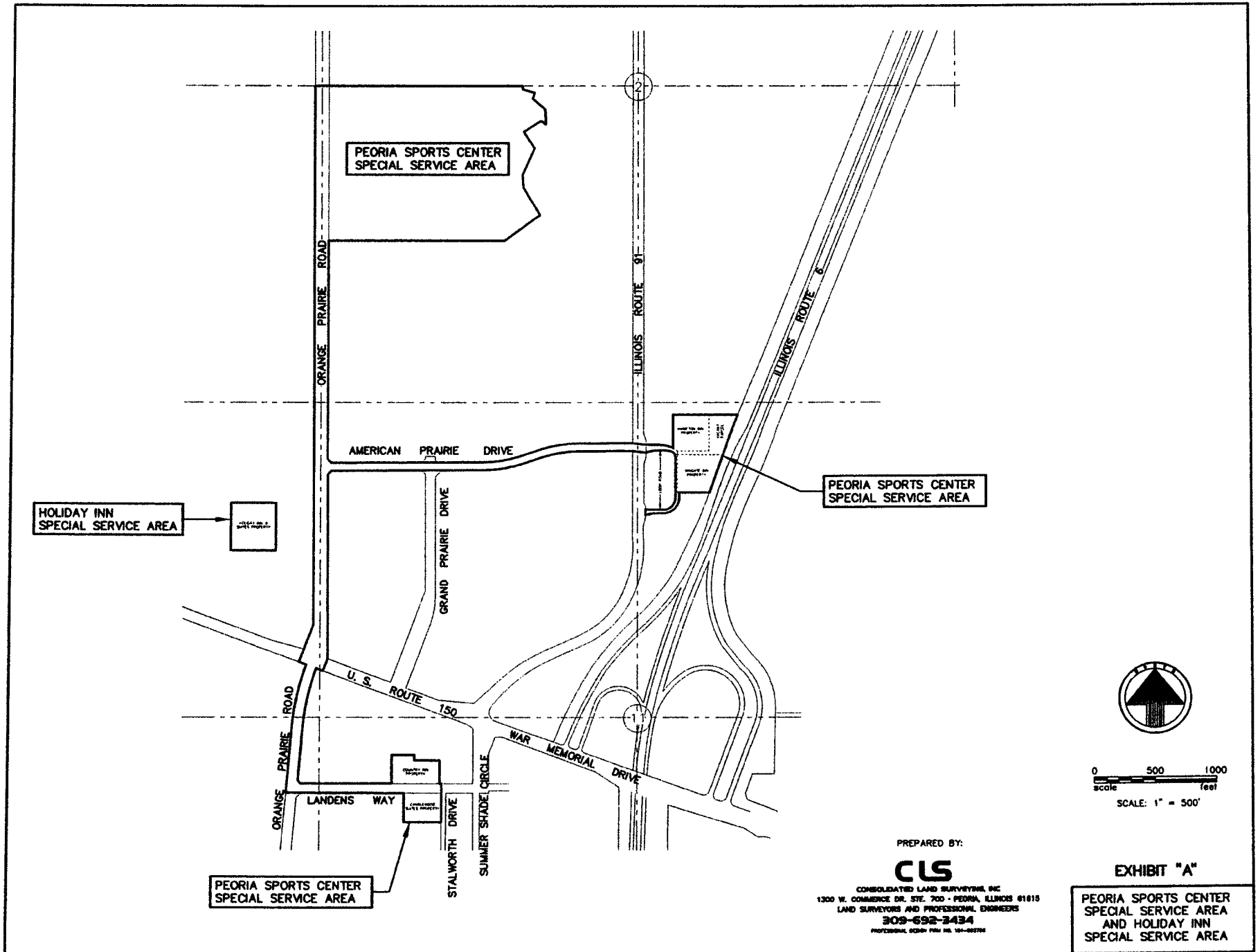
The property within the Special Services Area established by this ordinance includes the following property, more particularly described as follows:

Lot 5 in Plaza West Phase 2, a Resubdivision of all of Lot 1 and 2 of Plaza West, a Subdivision of a part of the Northeast Quarter of Section 10, Township 9 North, Range 7 East of the Fourth Principal Meridian, Peoria County, Illinois, as shown on the Plat of Plaza West Phase 2 recorded September 17, 2007, as Document No. 07-30298, in Plat Book "11" at page 48, situated in Peoria County, Illinois.

Property Address: Orange Prairie Road, Peoria, Illinois

PIN: 13-10-201-012

Exhibit C: Map of Special Service Area(s)



HOLIDAY INN
SPECIAL SERVICE AREA

PEORIA SPORTS CENTER
SPECIAL SERVICE AREA

PEORIA SPORTS CENTER
SPECIAL SERVICE AREA

PEORIA SPORTS CENTER
SPECIAL SERVICE AREA



0 500 1000
scale feet
SCALE: 1" = 500'

PREPARED BY:

CLS

CONSOLIDATED LAND SURVEYORS, INC.
1300 W. COMMERCE DR. STE. 700 - PEORIA, ILLINOIS 61615
LAND SURVEYORS AND PROFESSIONAL ENGINEERS
309-692-3434
PROFESSIONAL SC&M PLAN NO. 104-00254

EXHIBIT "A"

PEORIA SPORTS CENTER
SPECIAL SERVICE AREA
AND HOLIDAY INN
SPECIAL SERVICE AREA

ORDINANCE 17,280