ORDINANCE NO. F-1654

AN ORDINANCE DECLARING A SURPLUS AND DIRECTING THE REFUND OF EXCESS REVENUES FROM SPECIAL SERVICE AREA #6

WHEREAS, on November 1, 2004 by Ordinance Number F-0960, the Corporate Authorities of the City of Wheaton approved a Special Service Area known as Special Service Area #6 ("SSA 6"); and

WHEREAS, SSA 6 was adopted pursuant to the provisions of 35 ILCS 200/27-5 et seq.; and

WHEREAS, the term of SSA 6 has expired; and

WHEREAS, the refunds of excess revenues upon the termination of a special service area are governed by 35 ILCS 200/27-93, which states:

> **Section 27-93 – Refunds: Special Service Area Funded.** If the corporate authorities determine that excess revenues exist in a special service area fund at the end of the life of the special service area and if the option to abate a portion of the final tax levy for the special service area is no longer available, then excess funds must be refunded to taxpayers of record for all parcels within the special service area, as of the date the refund is declared, on a pro rata basis based on each parcels proportion share of the total equalized assessed valuation of all parcels within special service area. In processing the refund, the county or municipality may deduct not more than five percent (5%) of the amount declared to be refunded to cover its costs and expenses relative to declaring and making the refund.

WHEREAS, the Corporate Authorities have determined that the excess revenues resulting from the imposition of taxes on real property within SSA 6 to be refunded is in the amount of Ninety-Four Thousand Four Hundred Eight Dollars ($94,408.00) ("Refund"); and

WHEREAS, the option to abate a portion of the final tax levy for SSA 6 is no longer available; and

WHEREAS, the Corporate Authorities of the City of Wheaton have determined that no fee will be charged to cover the City of Wheaton's costs and expenses related to declaring and making the Refund.

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, pursuant to the provisions of 35 ILCS 200/27-93 as follows:

SECTION 1: Excess Funds Determined: The Corporate Authorities of the City of Wheaton determined that the refundable excess revenues in SSA 6 are Ninety-Four Thousand Four Hundred Eight Dollars ($94,408.00).
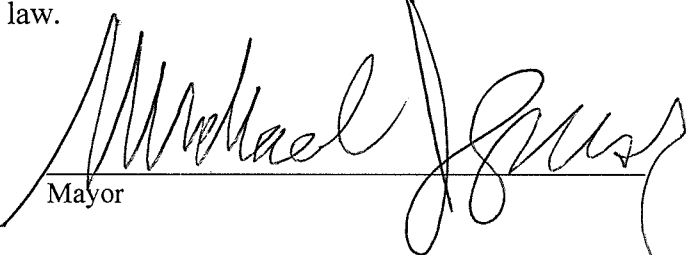
SECTION 2: City of Wheaton staff is hereby authorized and directed to distribute the excess revenues in conformance with 35 ILCS 200/27-93.

SECTION 3: That no administrative fee shall be imposed by the City of Wheaton in consequence of the costs and expenses incurred relative to declaring and making this Refund.
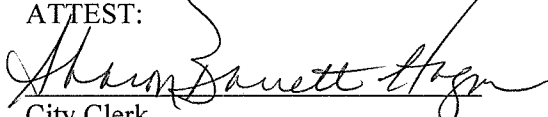
SECTION 4: That City of Wheaton staff shall process and distribute the Refund within a reasonable time after adoption of this Resolution based upon staff:

    a. identifying the taxpayers of record for all parcels within the SSA 6 as of the date of the adoption of this Ordinance; and

    b. computation of the amount refund to be made to those taxpayers on a pro rata basis based upon each parcel within SSA 6's proportionate share of the total equalized assessed valuation of all parcels within SSA 6.

SECTION 5: This Ordinance shall become effective immediately upon passage, execution by the Mayor and publication as required by law.

_____
Mayor

ATTEST:

_____
City Clerk

Roll Call Vote:

Ayes: Councilman Rutledge
Mayor Gresk
Councilwoman Pacino Sanguinetti
Councilman Scalzo
Councilman Suess
Councilwoman Ives
Councilman Mouhelis

Nays: None
Absent: None

Motion Carried Unanimously

Passed: August 6, 2012
Published: August 7, 2012