



City of Chicago



O2016-1599

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 3/16/2016

Sponsor(s): Emanuel (Mayor)

Type: Ordinance

Title: Amendment of Municipal Code Section 2-102-075 regarding exercise of home rule powers in relation to special assessment proceedings

Committee(s) Assignment: Committee on Finance

ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 2-102-075 of the Municipal Code of Chicago is hereby amended by deleting the language stricken and inserting the language underscored, as follows:

2-102-075 Exercise of home rule powers in relation to special assessment proceedings.

Pursuant to the City's home rule powers, as provided by Article VII, Section 6 of the 1970 Illinois Constitution, any proceeding under the provisions of the Local Improvement Act, 65 ILCS 5/9-2-1, et seq. and the Special Assessment Supplemental Bond and Procedures Act, 50 ILCS 460/1, et seq. may be initiated and may proceed in accordance with the following:

(a) Notwithstanding 65 ILCS 5/9-2-9, ~~as amended,~~ the following provisions shall apply to the proceeding:

"The proposed local improvement may consist of the acquisition of the necessary interests in real property and the construction of any public improvement or any combination of public improvements, including, but not limited to, streets, storm sewers, water mains, sanitary sewers, sidewalks, walkways, bike paths, parks, landscaping, recreation areas, lighting improvements, signage improvements, vehicular parking improvements, any additional improvements necessary to provide access to the public improvements and all necessary appurtenances, in a local contiguous area pursuant to a single special assessment project, provided that in assessing each lot, block, tract and parcel of property, the commissioner so assessing shall take into consideration whether each lot, block, tract or parcel is benefitted by all or only some of the improvements combined into the single special assessment project. For purposes hereof, a local contiguous area shall be defined as an area in which all of the lots, blocks, tracts or parcels located within the boundaries thereof will be benefitted by one or more of the proposed improvements. The fact that more than one improvement is being constructed as part of a single special assessment project shall not be grounds for an objection by an assessee to the special assessment proceeding in court."

For purposes of special assessment proceedings undertaken by the City, the term "local contiguous area," as used in this subsection and in the Local Improvement Act, shall include an area in which one or more portions thereof are connected to the other portion or portions thereof by the full width of, or half the width of, a dedicated right-of-way, provided said right-of-way will be improved as part of the special assessment.

(a-5) For purposes of special assessment proceedings undertaken by the City, the term "contiguous property," as used in the Local Improvement Act, shall include an area in which one or more portions thereof are connected to the other portion or portions thereof by the full width of, or half the width of, a dedicated right-of-way, provided said right-of-way will be improved as part of the special assessment.

(b) Notwithstanding 65 ILCS 5/9-2-62, ~~as amended,~~ the following provisions shall apply to the proceeding:

"No special assessment or special tax shall be levied for any local improvement until the City, or another unit of local government pursuant to an intergovernmental agreement between the City and said other unit of local government, has obtained, or has entered into a binding contractual agreement to obtain, an appropriate permanent interest in the land necessary therefor, as determined

by the City. An appropriate permanent interest in the land necessary for a local improvement shall include, but shall not be limited to, fee title, a permanent easement, an easement which converts to fee title after the passage of a specific period of time, a dedication, a limited dedication of air rights at a specific height above ground level, or any combination thereof."

(c) Notwithstanding 50 ILCS 460/55, as amended, the following provisions shall apply to the proceeding:

"In the event that the county clerk does not agree to mail such bills, or in the event that the City declines to request the county clerk to mail said bills, the City still may bill the annual amount due as of January 2nd in two even installments to become due on or about the due dates for the real estate tax bills issued by the county clerk during the year in which such January 2nd date occurs, thus deferring to later dates in said year the obligation to pay the assessment installment."

(d) The following provisions shall apply to special assessment proceedings undertaken by the City, as a substitute for and in lieu of the provisions of 65 ILCS 5/9-2-139:

"The estimate of cost of the improvement, and the ordinance providing for the prescribed assessment, may provide that a certain sum, not to exceed six percent (6%) of the amount of the assessment, shall be applied toward the payment of the specified and other costs of making, levying and collecting the assessment, and may also provide an item setting forth a reserve for deficiency in interest not to exceed six percent (6%) of the amount of the assessment. The foregoing limitation shall not apply to the costs of engineering, inspection and testing connected with any local improvement, but these costs, in their entirety, may be included in the estimate of cost of the improvement to be defrayed by the special assessment."

(d)(e) In addition, the City Council may on a case by case basis, provide for further amendments to the application of other provisions of the Local Improvement Act, 65 ILCS 5/9-2-1, et seq. and the Special Assessment Supplemental Bond and Procedures Act, 50 ILCS 460/1, et seq. to City proceedings that are necessary in order to facilitate a specific special assessment project. Any such further amendments shall be specifically set forth in the ordinance authorizing the specific special assessment project.

In the event of a conflict between the language of the Local Improvement Act, 65 ILCS 5/9-2-1, et seq. and/or the Special Assessment Supplemental Bond and Procedures Act, 50 ILCS 460/1, et seq. with the foregoing, the foregoing provisions shall prevail.

SECTION 2. This ordinance shall take effect upon passage and approval.

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CHICAGO April 13, 2016

To the President and Members of the City Council:

Your Committee on Finance having had under consideration

An ordinance concerning the authority to approve an amendment to Section 2-102-075 of the Municipal Code of Chicago regarding special assessment allowances.

O2016-1599

Having had the same under advisement, begs leave to report and recommend that your Honorable Body pass the proposed Ordinance Transmitted Herewith.

This recommendation was concurred in by _____ (a viva voce vote of members of the committee with _____ dissenting vote(s)).

Respectfully submitted

(signed) _____

Chairman



FIN.

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OFFICE OF THE MAYOR
CITY OF CHICAGO

RAHM EMANUEL
MAYOR

March 16, 2016

TO THE HONORABLE, THE CITY COUNCIL
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Transportation, I transmit herewith an ordinance amending Chapter 2-102 of the Municipal Code regarding special assessment allowances.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Rahm Emanuel".

Mayor

APPROVED

Robert R. Pitzer

CORPORATION COUNSEL

APPROVED

Fabian Emmanuel

Mayor

4/13/16