

FILED

DEC 08 2010

RESOLUTION NO. 2010-1

HANCOCK COUNTY CLERK
HANCOCK COUNTY, ILLINOIS

**A RESOLUTION TO SUBMIT TO REFERENDUM THE QUESTION OF
IMPOSING A MUNICIPAL REAL ESTATE TRANSFER FEE**

WHEREAS, since 2003, the City of Nauvoo ("the City") is a home rule municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, pursuant to Article VII, Section 6, of the Illinois Constitution, the City has the power and authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare of its citizens; to license; to tax; and to incur debt; and

WHEREAS, the Home Rule Real Estate Transfer Tax Act, 65 ILCS 5/8-3-19, is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution, and a home rule municipality may not impose real estate transfer taxes other than as authorized by Section 8-3-19; and

WHEREAS, pursuant to Section 8-3-19, a home rule municipality may impose a tax or other fee on the privilege of transferring title to real estate, on the privilege of transferring a "beneficial interest" in real property, and on the privilege of transferring a "controlling interest" in a "real estate entity" (as those terms are defined in Article 31 of the Property Tax Code), if certain procedures are followed; and

WHEREAS, pursuant to Section 8-3-19, a municipality shall, by resolution, provide for submission of the proposition for imposing a real estate transfer tax or fee to the voters; and

WHEREAS, it is the intent of the City of Nauvoo to submit the following question to referendum:

Shall the City of Nauvoo impose a real estate transfer tax at a rate of 0.3% per \$1,000, or fraction thereof, of property value transferred (or some other rate) to be paid by the buyer (or seller) of the real estate transferred, with the revenue of the proposed transfer tax to be used for capital improvements, including infrastructure (i.e. sewer, curb, water, street) improvements?

WHEREAS, Section 8-3-19 requires a municipality – before adoption of said resolution – to give public notice of, and hold a public hearing on, the intent to submit the question to referendum and to allow the public to inspect the proposed ordinance before the public hearing; those requirements have been met.

NOW, THEREFORE, BE IT RESOLVED by the City of Nauvoo, as follows:

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WHEREAS, the Home Rule Real Estate Transfer Tax Act, 65 ILCS 5/8-3-19, is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution, and a home rule municipality may not impose real estate transfer taxes other than as authorized by Section 8-3-19; and

WHEREAS, pursuant to Section 8-3-19, a home rule municipality may impose a tax or other fee on the privilege of transferring title to real estate, on the privilege of transferring a "beneficial interest" in real property, and on the privilege of transferring a "controlling interest" in a "real estate entity" (as those terms are defined in Article 31 of the Property Tax Code), if certain procedures are followed; and

WHEREAS, pursuant to Section 8-3-19, a municipality shall, by resolution, provide for submission of the proposition for imposing a real estate transfer tax or fee to the voters; and

WHEREAS, it is the intent of the City of Nauvoo to submit the following question to referendum:

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WHEREAS, Section 8-3-19 requires a municipality – before adoption of said resolution – to give public notice of, and hold a public hearing on, the intent to submit the question to referendum and to allow the public to inspect the proposed ordinance before the public hearing; those requirements have been met.

NOW, THEREFORE, BE IT RESOLVED by the City of Nauvoo, as follows:

That the City of Nauvoo shall, in accordance with the provisions of 65 ILCS 5/8-3-19 and in accordance with the general election law, submit the following proposition to the voters of the City of Nauvoo:

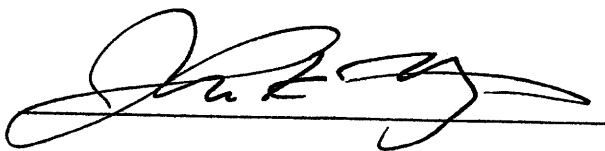
Shall the City of Nauvoo impose a real estate transfer tax at a rate of 0.3% per \$1,000, or fraction thereof, of property value transferred (or some other rate) to be paid by the buyer (or seller) of the real estate transferred, with the revenue of the proposed transfer tax to be used for capital improvements, including infrastructure (i.e. sewer, curb, water, street) improvements?

APPROVED AND ADOPTED by the Nauvoo City Council on Oct 26, 2010.

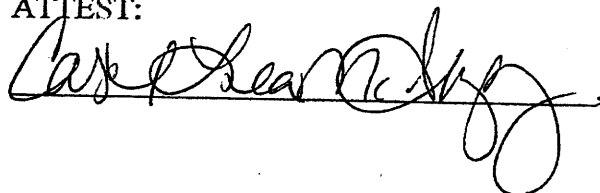
AYES: 5

NAYES: 0

ABSENT: 1

 , Mayor

ATTEST:

 , City Clerk