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PAUL ANDERSON
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ORDINANCE 38.00



VILLAGE OF MONTGOMERY

ORDINANCE NO. 1002

AN ORDINANCE FOR THE ESTABLISHMENT OF
A SPECIAL SERVICE AREA NUMBER 4
(LAKEWOOD CREEK)(KENDALL COUNTY)
IN THE VILLAGE OF MONTGOMERY

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
THIS 3rd DAY OF April, 2002.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES,
ILLINOIS, THIS 3rd DAY OF April, 2002.

ORDINANCE NO. 1002

**AN ORDINANCE FOR THE ESTABLISHMENT OF
A SPECIAL SERVICE AREA NUMBER 4
(LAKEWOOD CREEK)(KENDALL COUNTY)
IN THE VILLAGE OF MONTGOMERY**

BE IT ORDAINED by the Board of Trustees of the Village of Montgomery, Kane and Kendall Counties County, Illinois as follows:

WHEREAS, the Village of Montgomery is not a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, special service areas are established pursuant to subsection (1) of Section 6 of Article VII of the Illinois Constitution of 1970, and the Special Service Area Tax Law (35 ILCS 200/27-5 et seq) and the Property Tax Code (35 ILCS 200/1-1 et seq); and

WHEREAS, the Village of Montgomery desires to establish such an area as hereinafter described;

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows:

SECTION ONE.

- (a) That it is in the public interest that the territory hereinafter described in the Notice referred to in Section Four hereof be established as Special Service Area Number 4 for the purposes set forth herein. An accurate map of said territory is attached hereto as Exhibit "A-1".
- (b) That said Area is compact and contiguous.
- (c) That said Area is zoned for residential purposes and will benefit specially from the municipal services to be provided and that said proposed municipal services are unique and in addition to municipal services provided to the Village of Montgomery as a whole; and it is, therefore, in the best interest of said Area and the Village of Montgomery as a whole that special taxes be levied against said Area for the services to be provided.
- (d) Therefore, that Village of Montgomery Special Service Area Number 4 be and is hereby established for and with regard to the aforesaid territory.

SECTION TWO:

That the purpose of Village of Montgomery Special Service Area Number 4 is to provide special municipal improvements to said Area which include the maintenance, repair and

replacement of certain entry monuments, landscaped easements and storm water retention areas within the Area, all in accordance with the final landscape and engineering plan and final plats of subdivision for the Area; and the proposed municipal services are unique and are in addition to the services provided by the Village generally. Annual taxes shall be assessed and levied for said special municipal services in said Area (such services shall include the cost thereof and administrative costs associated therewith), on property in said Area in addition to all other municipal taxes; provided that the special annual tax shall be levied upon the equalized assessed value of the property in said Area in an amount not to exceed an annual rate of one and ten one-hundredths percent (1.10%, being 110 cents per \$100) of equalized assessed valuation thereof. This tax shall be levied for an indefinite period of time commencing during and in the years subsequent to the date of this Ordinance. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be "dormant", and shall take effect only if the applicable Homeowners' Association fails to maintain, repair or replace the aforesaid required items and the Village is forced to assume said responsibilities ("Implementation Date"). The Village may annually levy hereunder up to the maximum rate specified herein for the cost for the said services, as said services become necessary and are provided for.

SECTION THREE:

That a public hearing has been held on the 14th day of January, 2002, at 7:00 p.m., in the Village Board Chambers of the Village Hall, 1300 South Broadway Avenue, Montgomery, Illinois with regard to the establishment of Village of Montgomery Special Service Area Number 4 for the territory described in the Notice referred to in Section Four hereof. At the hearing, there was considered the levy of an annual tax as described and limited in Section Two hereof.

SECTION FOUR:

That notice of hearing was published on the 29th day of December, 2001, being not less than fifteen (15) days prior to the public hearing, in the Beacon News, a newspaper in general circulation in the Village of Montgomery. In addition, notice by mailing was given by depositing said notice in the U.S. Mail 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 proposed Special Service Area Number 4. Said notice was mailed on or before the 27th day of December, 2001, being not less than ten (10) days prior to the public hearing.

In the event taxes for the last preceding year were not paid, the Notice was sent to the person last listed on the tax rolls prior to that year as the owner of said property. Notice was provided for in the form described by Exhibit "B" attached hereto.

SECTION FIVE:

That this ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

SECTION SIX:

That all ordinances or parts of ordinances thereof in conflict therewith are hereby repealed to the extent of any such conflict.

SECTION SEVEN:

That any Section or provisions of this Ordinance that is construed to be invalid or void shall not affect the remaining Sections or provisions which shall remain in full force and effect thereafter.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois this 2nd day of April, 2002.

Marilyn Michelini
Marilyn Michelini, President of the Board of Trustees
of the Village of Montgomery



ATTEST:

Barbara Argo
Barbara Argo, Clerk of the Village of Montgomery

Aye Nay Absent Abstain

	<u> </u>	<u>-NO</u>	<u>VOTE</u>	<u>CAST-</u>
Village President Marilyn Michelini	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Trustee Roger Burrell	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Peter Heinz	<u> </u>	<u> </u>	<u>✓</u>	<u> </u>
Trustee William Keck	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Dennis Lee	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Rob Watermann	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Cyndy York	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

THIS DOCUMENT PREPARED BY:

Vincent A. Tessitore
Rooks, Pitts and Poust
4200 Commerce Ct., Suite 300
Lisle, IL 60532

AFTER RECORDING:
PLEASE RETURN TO:

Village Clerk's Office
Village of Montgomery
1300 South Broadway Avenue
Montgomery, IL

EXHIBIT A
SSA 4
LEGAL DESCRIPTION
(LAKEWOOD CREEK)

Exhibit "A"
LEGAL DESCRIPTION

Garbe Property

THAT PART OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 2, SAID NORTHWEST CORNER BEING ON THE CENTER LINE OF U.S. ROUTE 30, THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 2, SAID NORTH LINE ALSO BEING THE CENTER LINE OF U.S. ROUTE 30, A DISTANCE OF 4256.3 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING EASTERLY ALONG SAID NORTH LINE AND CENTER LINE 485.80 FEET, THENCE SOUTHERLY PERPENDICULAR TO THE LAST DESCRIBED COURSE 448.33 FEET, THENCE WESTERLY PARALLEL WITH SAID NORTH LINE AND CENTER LINE 485.80 FEET, THENCE NORTHERLY PERPENDICULAR TO THE LAST DESCRIBED COURSE 448.33 FEET TO THE POINT OF BEGINNING; EXCEPT ALL THAT PART, IF ANY, LYING EAST OF THE FENCE RUNNING ALONG THE EAST LINE OF THE ABOVE DESCRIBED TRACT OF LAND, BEING NOT IN EXCESS OF 2.8 FEET AS SHOWN ON SURVEY BY KEN SMITH, DATED OCTOBER 11, 1979, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

Griffin Farm

Parcel One:

THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 1 AND THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN EXCEPT THAT PART OF THE NORTHEAST QUARTER OF SAID SECTION 2 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 2; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 2 A DISTANCE OF 4256.3 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING EASTERLY ALONG SAID NORTH LINE 485.80 FEET; THENCE SOUTHERLY PERPENDICULAR TO THE LAST DESCRIBED COURSE, 448.80 FEET; THENCE WESTERLY PARALLEL WITH SAID NORTH LINE, 485.80 FEET; THENCE NORTHERLY PERPENDICULAR TO THE LAST DESCRIBED COURSE, 448.33 FEET TO THE POINT OF BEGINNING, ALSO EXCEPT THAT PART OF SAID NORTHEAST QUARTER OF SECTION 2 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 05 MINUTES 50

SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER 438.56 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 40 SECONDS EAST 1734.12 FEET TO THE INTERSECTION WITH A STRAIGHT LINE EXTENDING EAST FROM A POINT ON THE WEST LINE OF SAID SECTION 2 WHICH POINT IS 1791.85 FEET SOUTH OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 2 AND PASSING THROUGH A POINT ON THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 2 WHICH LAST MENTIONED POINT IS 1742.40 FEET SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF SECTION 2; THENCE SOUTH 88 DEGREES 17 MINUTES 07 SECONDS WEST LONG SAID STRAIGHT LINE 411.58 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 01 DEGREES 14 MINUTES 05 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER 1742.40 FEET TO THE POINT OF BEGINNING IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 233.730 ACRES.

Parcel Two:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 2; THENCE NORTH 89 DEGREES 05 MINUTES 50 SECONDS EAST ALONG THE NORTH LINE, SAID NORTHEAST QUARTER 233.56 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 40 SECONDS EAST A DISTANCE OF 1533.19 FEET TO THE INTERSECTION WITH A STRAIGHT LINE EXTENDING EAST FROM A POINT ON THE WEST LINE OF SAID SECTION 2 WHICH POINT IS 1586.85 FEET SOUTH OF THE WEST CORNER, THE NORTHWEST QUARTER OF SAID SECTION 2 AND PASSING THROUGH A POINT ON THE NORTH AND SOUTH CENTER LINE OF SAID SECTION 2, WHICH LAST MENTIONED POINT IS 1537.40 FEET SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER OF SECTION 2; THENCE WESTERLY ON THE LAST DESCRIBED STRAIGHT LINE A DISTANCE OF 209.70 FEET TO THE INTERSECTION WITH THE WEST LINE OF SAID NORTHEAST QUARTER OF SECTION 2; THENCE NORTH 01 DEGREES 14 MINUTES 05 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHEAST QUARTER A DISTANCE OF 1537.40 FEET TO THE POINT OF BEGINNING IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 7.810 ACRES.

**EXHIBIT A-1
SSA 4
(LAKEWOOD CREEK)
LOCATION MAP**

EXHIBIT B

**NOTICE OF HEARING
VILLAGE OF MONTGOMERY
SPECIAL SERVICE AREA NO. 4
(LAKEWOOD CREEK)**

NOTICE IS HEREBY GIVEN that on the 14th day of January, 2002, at 7:00 p.m., in the Montgomery Village Hall, 1300 South Broadway, Montgomery, Illinois a hearing will be held by the Village Board of Trustees for the Village of Montgomery to consider the establishment of a Special Service Area consisting of the following described territory:

SEE ATTACHED EXHIBIT "A"

The approximate location is south of Route 30 and west of Griffin Drive in the Village of Montgomery, Kendall County, Illinois.

An accurate map of said territory is on file in the Office of the Village Clerk and available for public inspection.

All interested persons affected by the formation of Special Service Area No. 4 will be given an opportunity to be heard regarding the formation of the boundaries of the Area and may object to the formation of the Area and the levy of taxes affecting said Area.

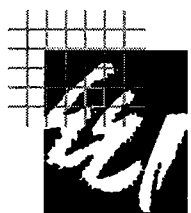
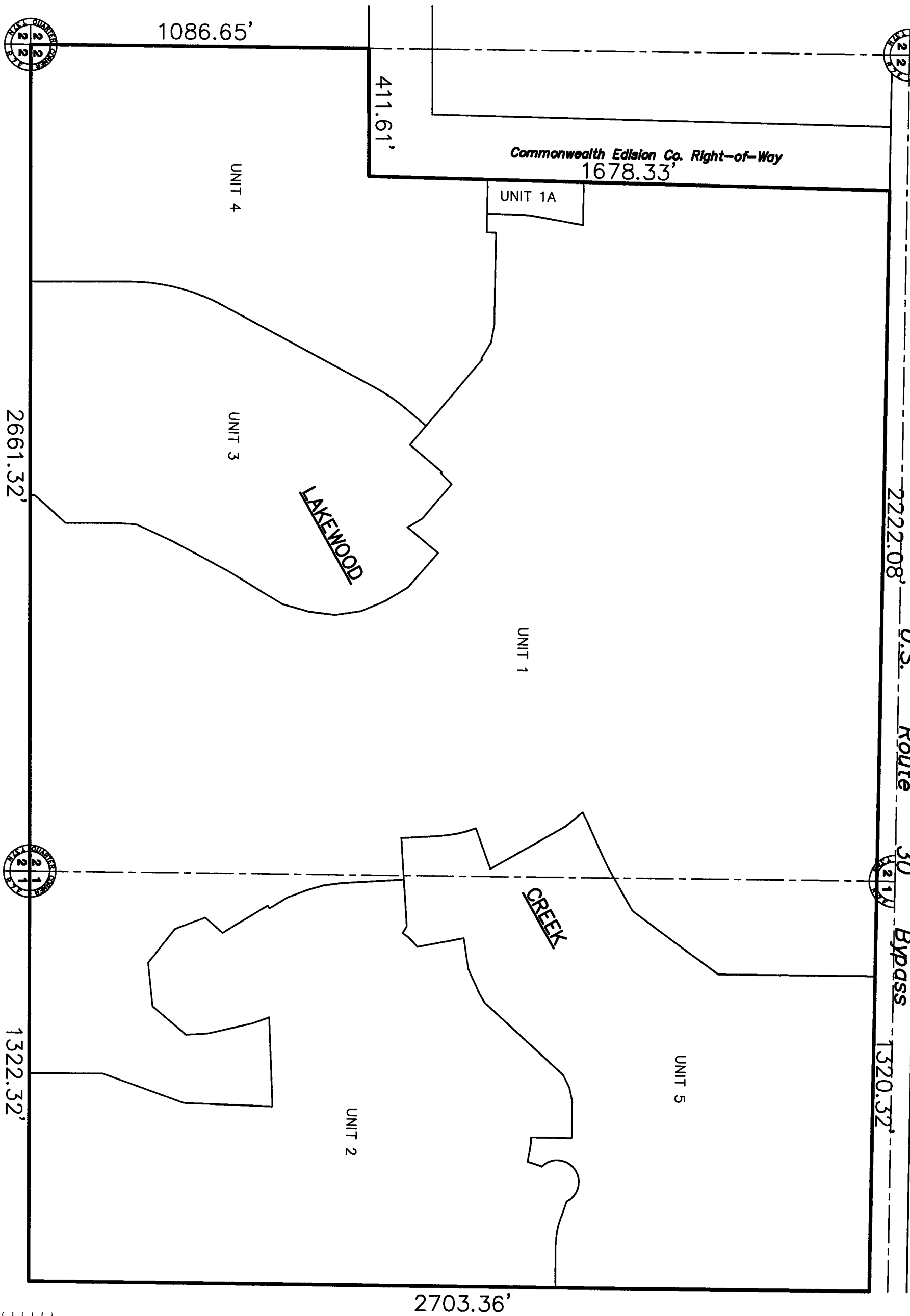
The purpose of the formation of Special Service Area No. 4 in general is to provide for the maintenance, repair and replacement of certain entry monuments, landscaped easements and storm water retention areas in said Area, all in accordance with the final landscape and engineering plan and final plat of subdivision for the Area, and the proposed municipal services are unique and are in addition to the improvements provided and/or maintained by the Village generally.

At the hearing, all persons affected will be given an opportunity to be heard. At the hearing, there will be considered the levy of an annual tax of not to exceed an annual rate of one and ten one-hundredths percent (1.10%, being 110 cents per \$100) of the equalized assessed value of the property in the proposed Special Service Area Number 4, said tax to be levied for an indefinite period of time from and after the date of the Ordinance establishing said Area. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Said levies are intended to produce approximately \$69,000.00 annually for the cost of the said services. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be "dormant", and shall take effect only if the applicable required Homeowner's Association fails to maintain, repair or replace the aforesaid required items and the Village is forced to assume said responsibilities. The hearing may be adjourned by the Village Board to another date without further notice other than a motion to be entered upon the minutes of its meeting fixing the time and place of its adjournment.

If a petition signed by at least fifty-one percent (51 %) of the electors residing within the proposed Special Service Area Number 4 and by at least fifty-one percent (51 %) of the owners of record of the land included within the boundaries of the proposed Area is filed with the Village Clerk within sixty (60) days following the final adjournment of the public hearing objecting to the establishment of the Area, the enlargement thereof, or the levy or imposition of a tax for the provision of special services to the Area, no such Area may be established or enlarged, or tax levied or imposed.

Dated this _____ day of _____, 2001.

EXHIBIT SSA MAP



Engineering Enterprises, Inc.
 Civil Engineers & Land Surveyors
 52 Wheeler Road
 Sugar Grove, Illinois 60554 630/466-9350



NOVEMBER 16, 2005
 PROJ. MO001306