

ORDINANCE NO. 2020-02

AN ORDINANCE ANNEXING CERTAIN TERRITORY
PURSUANT TO 70 ILCS 705/3.3
(Duncan parcel)

WHEREAS, the East Dundee & Countryside Fire Protection District, Kane and Cook Counties, Illinois (the "District") is a fire protection district duly organized under the laws of the State of Illinois; and

WHEREAS, the Board of Trustees (the "Board") of the District has full power to pass all necessary ordinances and rules for the proper management and conduct of District business pursuant to 70 ILCS 705/6; and

WHEREAS, the Illinois General Assembly has passed legislation permitting a board of trustees of a fire protection district to annex properties for which the district is currently providing coverage, after giving notice to the affected property owners [70 ILCS 705/3.3]; and

WHEREAS, the Board finds that the property identified in **EXHIBIT A**, depicted in **EXHIBIT B**, and commonly known as the Duncan parcel is currently located within Kane County and not within the boundaries of any fire protection district; and

WHEREAS, the District currently provides coverage to the property referred to as the Duncan parcel, pursuant to the direction of the Kane County Emergency Telephone System Board and dispatched by QuadCom 911, all in accordance with Section 10.2 of the Emergency Telephone System Act, as evidenced by the affidavit of Beth Heitkamp, which is attached hereto as **EXHIBIT C**; and

WHEREAS, the Board has provided notice of the intended annexation, a copy of which is attached hereto as **EXHIBIT D**; and

WHEREAS, the Board finds good and ample cause exists to annex by ordinance the property commonly referred to as the Duncan parcel, Dundee, Kane County, Illinois and legally described in the attached **EXHIBIT A**.

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the East Dundee & Countryside Fire Protection District, Kane and Cook Counties, Illinois as follows:

Section One: The Board of Trustees of the District hereby finds that the property commonly known as the Duncan parcel, Dundee, Kane County, Illinois, and legally described in **EXHIBIT A**, and depicted in **EXHIBIT B**, attached hereto (the "Subject Property"), meets the qualifications of 70 ILCS 705/3.3, in that the District is providing coverage to this property, pursuant to the direction of the Kane County Emergency Telephone System Board and dispatched by QuadCom 911, all in accordance with Section 10.2 of the Emergency Telephone System Act, as evidenced by the affidavit of Beth Heitkamp, attached hereto as **EXHIBIT C**.

Section Two: The Board of Trustees of the District, after giving the property owner proper notice and an opportunity to be heard, hereby annexes the Subject Property legally described in **EXHIBIT A** hereto into the District.

Section Three: The Fire Chief and District attorney are authorized and directed to file a certified copy of this ordinance with the Kane County Clerk and the State Fire Marshal, and to send a certified copy of this ordinance to the owner of the Subject Property.

Section Four: The provisions of this Ordinance shall be in full force and effect upon the adoption and signing of the Ordinance.

Section Five: This Ordinance shall supersede any ordinances, resolutions, motions, or parts of ordinances, resolutions, or motions in conflict with any part herein, and any such ordinance, resolution or motion or parts thereof, are hereby repealed to the extent of any conflict.

Section Six: If any section, paragraph or provision of this Ordinance shall be held invalid or unenforceable for any reason, such invalidity or inability to enforce any portion shall not affect any of the remaining provisions of this Ordinance.

ADOPTED this 21st day of April, 2020, by a roll call vote as follows:

AYES: _____ 3 _____

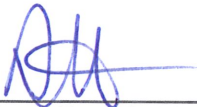
NAYS: _____ 0

ABSENT: _____ 0



President, Board of Trustees
East Dundee & Countryside Fire Protection District

ATTEST:



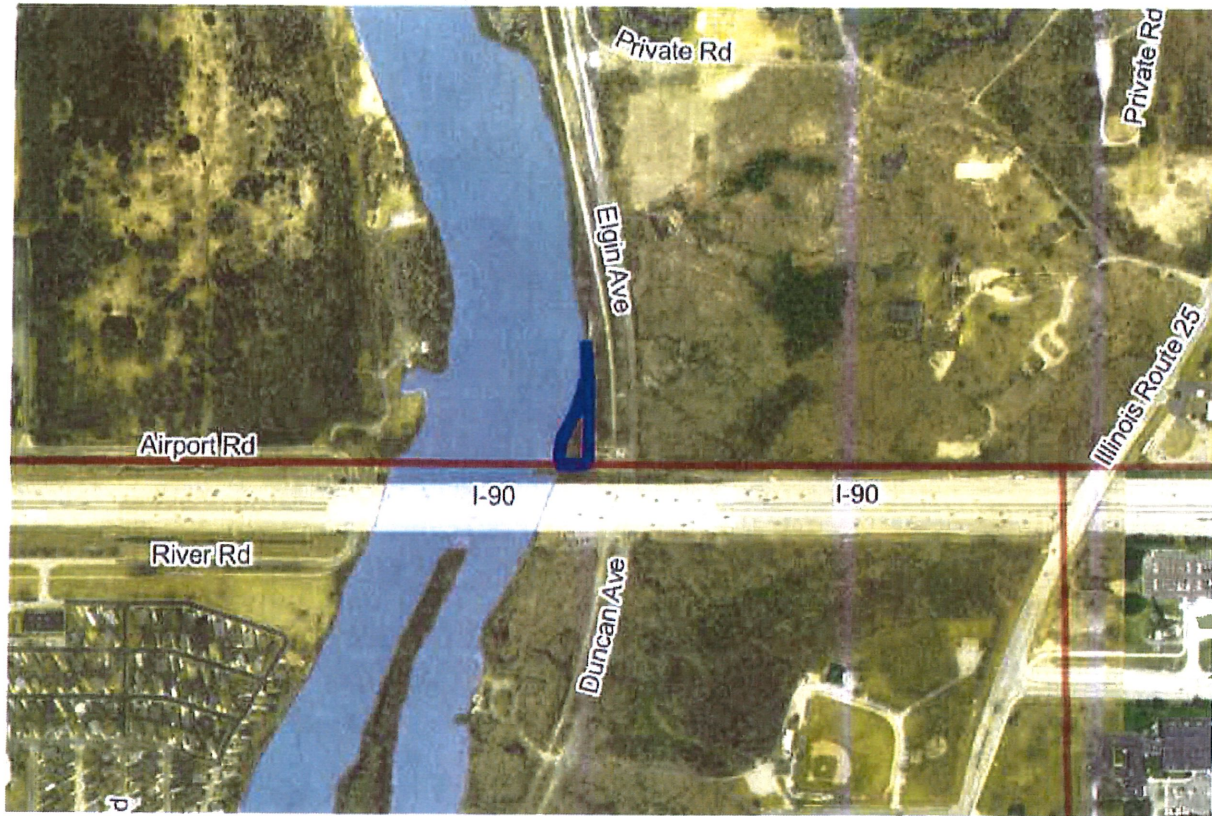
Secretary, Board of Trustees
East Dundee & Countryside Fire Protection District

EXHIBIT A

Address: Duncan Avenue, Elgin, Illinois 60120
PIN: 03-35-300-017

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTHWEST ON THE TOWNSHIP LINE BETWEEN SECTIONS 1 AND 35 TO A POINT ON THE EASTERN BANK OF THE FOX RIVER, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH ALONG THE EASTERN BANK OF THE FOX RIVER TO A POINT ON THE WESTERLY LINE OF THE RIGHT OF WAY OF THE FOX RIVER VALLEY RAILROAD; THENCE SOUTH ALONG SAID WESTERLY LINE TO A POINT ON THE SOUTHERLY LINE OF SAID QUARTER SECTION; THENCE WEST ALONG SAID SOUTHERLY LINE TO THE POINT OF BEGINNING; SAID AREA BEING DESCRIBED AS THE TRIANGULAR PIECE OF LAND IN BOOK 710, PAGE 249, EXCEPT AS DIVIDED FOR TAX CODE CHANGE; IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS.

EXHIBIT B



AFFIDAVIT OF BETH HEITKAMP

I, Beth Heitkamp, being first duly sworn under oath, state that I have personal knowledge of the following facts and, if called upon as a witness at trial, could competently testify as follows:

1. I am currently over the age of 18 and am in all ways competent to make this Affidavit.

2. I am the Director of QuadCom 911 ("QuadCom").


3. In that capacity, I have personal knowledge of the agencies providing emergency services within the jurisdiction of QuadCom.

4. I also have personal knowledge of the Kane County Emergency Telephone System Board ("ETSB"), which is in charge of planning and implementing the 9-1-1 emergency telephone system for the Kane County 9-1-1 service area.

5. The East Dundee and Countryside Fire Protection District is one of the agencies QuadCom dispatches within its jurisdiction.

6. In the event of an emergency at a property along the Fox River Trail, immediately north of I-90, between the Fox River and Elgin Avenue (Property Index Number (P.I.N.) 03-35-300-017), QuadCom would dispatch the East Dundee and Countryside Fire Protection District to provide emergency services at that location, as assigned by the Kane County ETSB.

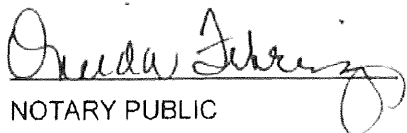
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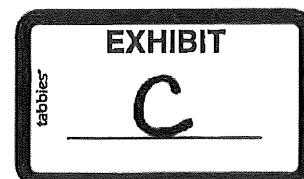
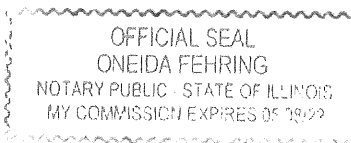
Beth Heitkamp, Director

QuadCom 911

Subscribed and sworn to before me
this 6 day of November, 2019.



NOTARY PUBLIC



To: Forest Preserve District of Kane County
1996 S. Kirk Rd., Ste. 320
Geneva, IL, 60134-4118

NOTICE OF PROPOSED ANNEXATION

NOTICE IS HEREBY GIVEN pursuant to 70 ILCS 705/3.3, that at 1:00 p.m. on April 21, 2020, a meeting will be held before the Board of Trustees of the East Dundee and Countryside Fire Protection District, 401 Dundee Avenue, East Dundee, Illinois, for the purpose of determining whether certain property, known as the Duncan parcel, should be annexed into the East Dundee and Countryside Fire Protection District.

The meeting will allow for public comment and provide affected property owners with an opportunity to be heard. It is the intention of the East Dundee and Countryside Fire Protection District that an ordinance be adopted at this meeting reflecting the annexation into the East Dundee and Countryside Fire Protection District.

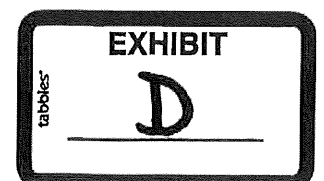
The Duncan parcel sought to be annexed into the East Dundee and Countryside Fire Protection District, pursuant to 70 ILCS 705/3.3, is legally described as follows, with the corresponding Permanent Index Number:

PIN: 03-35-300-017

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTHWEST ON THE TOWNSHIP LINE BETWEEN SECTIONS 1 AND 35 TO A POINT ON THE EASTERN BANK OF THE FOX RIVER, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH ALONG THE EASTERN BANK OF THE FOX RIVER TO A POINT ON THE WESTERLY LINE OF THE RIGHT OF WAY OF THE FOX RIVER VALLEY RAILROAD; THENCE SOUTH ALONG SAID WESTERLY LINE TO A POINT ON THE SOUTHERLY LINE OF SAID QUARTER SECTION; THENCE WEST ALONG SAID SOUTHERLY LINE TO THE POINT OF BEGINNING; SAID AREA BEING DESCRIBED AS THE TRIANGULAR PIECE OF LAND IN BOOK 710, PAGE 249, EXCEPT AS DIVIDED FOR TAX CODE CHANGE; IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS.

The annexation is proposed because the East Dundee and Countryside Fire Protection District currently provides coverage to the Duncan parcel, pursuant to the direction from the Kane County Emergency Telephone System Board and dispatched by QuadCom 911, all in accordance with Section 10.2 of the Emergency Telephone System Act. The proposed annexation will not result in a disruption of services. The proposed effective date of the annexation by the East Dundee and Countryside Fire Protection District is April 21, 2020.

[Enclosed – ordinance with map of affected area]



STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

SECRETARY'S CERTIFICATE

I, Doug Hoyt, the duly qualified and acting Secretary of the Board of Trustees of the East Dundee & Countryside Fire Protection District, Kane and Cook Counties, Illinois, do hereby certify that attached hereto is a true and correct copy of an Ordinance entitled:

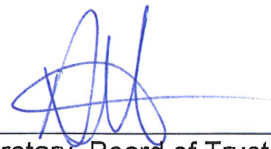
ORDINANCE NO. 2020-02

**AN ORDINANCE ANNEXING CERTAIN TERRITORY
PURSUANT TO 70 ILCS 705/3.3
(Duncan parcel)**

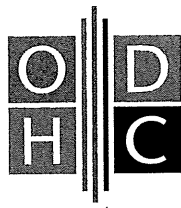
which Ordinance was duly adopted by said Board of Trustees at a regular meeting held on the 21st day of April, 2020.

I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board of Trustees complied with all the requirements of the Illinois Open Meetings Act. I do further certify that a public hearing was held in advance of adoption of this Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of April, 2020.



Secretary, Board of Trustees
East Dundee & Countryside Fire Protection District



Ottosen DiNolfo
Hasenbalg & Castaldo, Ltd.

1804 North Naper Boulevard, Suite 350, Naperville, IL 60563
Phone 630.682.0085 ♦ Fax 630.682.0788 ♦ www.ottosenlaw.com

November 30, 2020

Kane County Clerk's Office
719 S. Batavia Ave., Bldg. B
Geneva, IL 60134

Re: East Dundee and Countryside FPD, Kane County, Illinois

Dear Mr. Cunningham:

Our office represents the East Dundee and Countryside Fire Protection District, Kane County, Illinois. Pursuant to Section 3.3 of the Fire Protection District Act, 70 ILCS 705/3.3, I am submitting a certified copy of an annexation ordinance adopted by the East Dundee and Countryside Fire Protection District on April 21, 2020. The result of this ordinance is that the property described in Exhibit A to this ordinance is legally annexed into the East Dundee and Countryside Fire Protection District effective April 21, 2020. We are requesting confirmation from your office that you will transfer these properties into the Fire District as required by law.

Please contact me should you have any questions concerning this transfer of territory.

Sincerely,

OTTOSEN DINOLFO HASENBALG & CASTALDO, LTD.

Ryan R. Morton

Encl.

cc: Deputy Fire Chief Parthun, East Dundee FPD (without enclosures)