

ORDINANCE NO. 2023-O-02

**AN ORDINANCE ANNEXING CERTAIN TERRITORY
PURSUANT TO 70 ILCS 705/3.2
(*"Beverly-Kane County Parcels"*)**

WHEREAS, the East Dundee & Countryside Fire Protection District, Cook and Kane 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 Board finds that the properties legally described in **EXHIBIT A**, depicted in **EXHIBIT B**, and identified by PINs 03-36-400-003 and 03-36-400-004 (the "Beverly-Kane County Parcels"), are surrounded unincorporated territories bounded by one or more fire protection districts or municipalities that provide fire service, including the East Dundee & Countryside Fire Protection District; and

WHEREAS, the Beverly-Kane County Parcels identified in **EXHIBIT A** and depicted in **EXHIBIT B**, as a whole consist of an area of fewer than sixty (60) acres; and

WHEREAS, a board of trustees of a fire protection district is authorized by law to annex by ordinance territory of no more than 60 acres, where such territory is unincorporated and surrounded entirely by one or more fire protection districts or municipalities (70 ILCS 705/3.2); and

WHEREAS, the Board has found that the Beverly-Kane County Parcels identified in **EXHIBIT A** meet the qualifications set forth by 70 ILCS 705/3.2 to be annexed by the District; and

WHEREAS, the Board has provided advance notice by publication of the intended annexation of the Beverly-Kane County Parcels, consistent with 70 ILCS 705/3.2, a copy of said notice being attached hereto as **EXHIBIT C**; and

WHEREAS, the Board finds good and ample cause exists to annex the Beverly-Kane County Parcels identified and legally described in the attached **EXHIBIT A** by ordinance in full compliance with 70 ILCS 705/3.2.

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

Section One: The Board of Trustees of the District hereby finds that the Beverly-Kane County Parcels, identified and legally described in **EXHIBIT A** and depicted in **EXHIBIT B** attached hereto, meet the qualifications of 70 ILCS 705/3.2, in that the Beverly-Kane County Parcels:

- A. Consist of unincorporated territory containing 60 acres or less; and
- B. Are wholly bounded by one or more fire protection districts or municipalities.

Section Two: The Board of Trustees, having already published sufficient notice of the proposed annexation in a newspaper of general circulation within the District, hereby annexes into the District the Beverly-Kane County Parcels legally described in **EXHIBIT A**.

Section Three: The Fire Chief and District attorney are authorized and directed to file a certified copy of this Ordinance and the exhibits hereto with the Kane County Clerk and the Office of the Illinois State Fire Marshall and to record this Ordinance with the Kane County Recorder.

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 16 day of May, 2023, by a roll call vote as follows:

AYES: 2

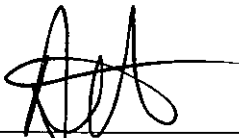
NAYS: 0

ABSENT: 1



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

ATTEST:



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

EXHIBIT A

PINs: 03-36-400-003 & 03-36-400-004

THE SOUTH EAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 36, TOWNSHIP 42 NORTH,
RANGE 8 EAST OF THE THIRD PINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS.

EXHIBIT B

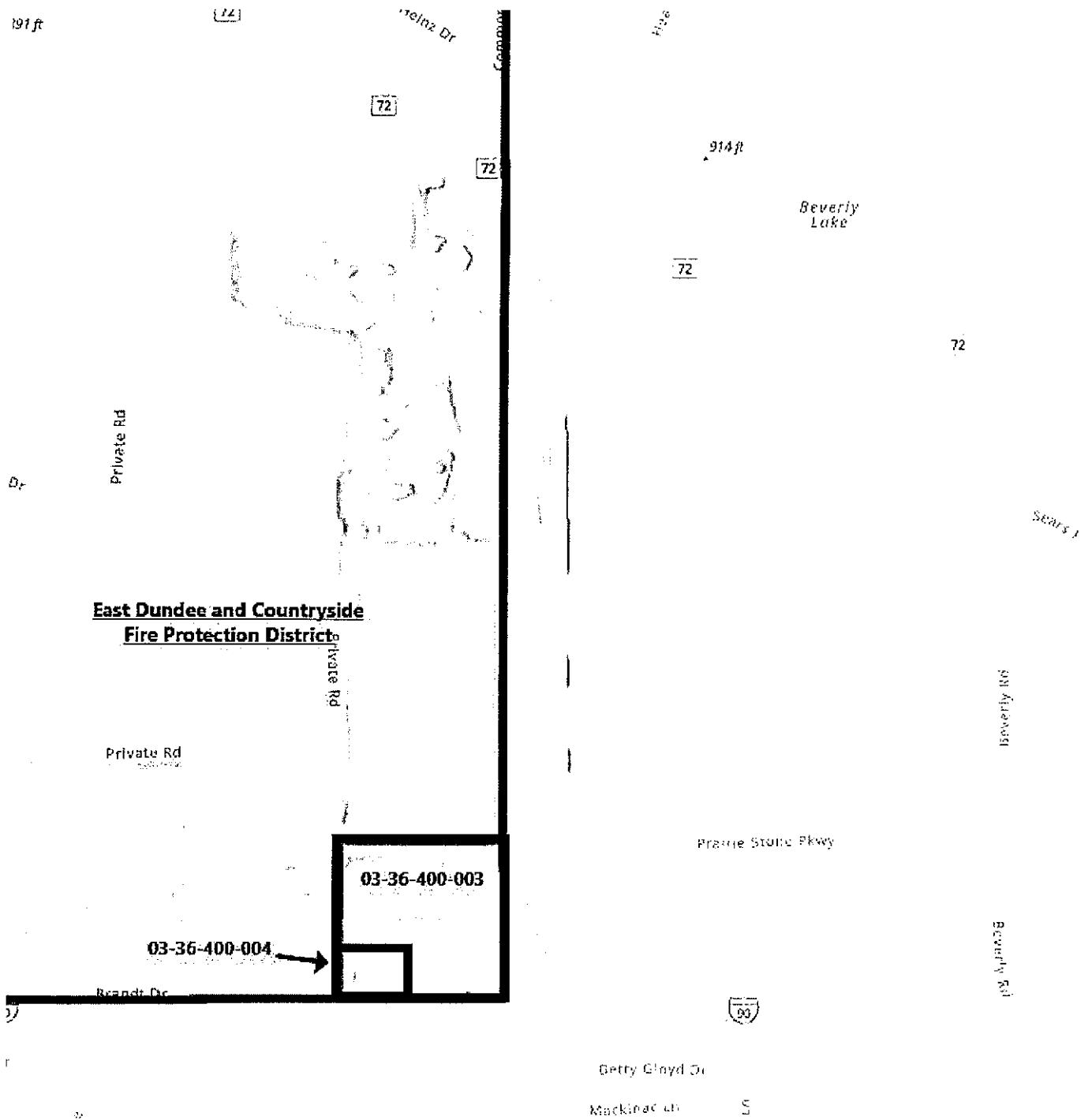


EXHIBIT C

NOTICE OF PROPOSED ANNEXATION

NOTICE IS HEREBY GIVEN pursuant to 70 ILCS 705/3.2, that at 1:00 p.m. on May 16, 2023, a meeting will be held before the Board of Trustees of the East Dundee Fire Protection District, at 401 Dundee Avenue, East Dundee, Illinois 60118, for the purpose of determining whether certain properties should be annexed into the East Dundee 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 Fire Protection District that an ordinance will be adopted at this meeting reflecting the annexation of these lands into the District. The properties are not paying taxes to any fire protection district or municipality, and are completely surrounded by municipal and East Dundee Fire Protection District corporate boundaries.

The two parcels sought to be annexed into the East Dundee Fire Protection District, pursuant to 70 ILCS 705/3.2, are legally described below, with the corresponding Permanent Index Numbers ("PINs").

PINs: 03-36-400-003, 03-36-400-004

THE SOUTH EAST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 36, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PINCIPAL MERIDIAN, KANE COUNTY, ILLINOIS