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**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

ORDINANCE NO.

**An Ordinance Proposing the Establishment of a
Special Service Area No. 16 for
Mallard Point/Rolling Oaks Subdivision in
the Village of Sugar Grove, Illinois**

Adopted by the
Board of Trustees and President
of the Village of Sugar Grove
this - day of -, 2009.

Published in Pamphlet Form
by authority of the Board of Trustees
of the Village of Sugar Grove, Kane County,
Illinois, this - day of -, 2009.

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**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF A
SPECIAL SERVICE AREA NO. 16 FOR
MALLARD POINT/ROLLING OAKS SUBDIVISION IN
THE VILLAGE OF SUGAR GROVE, ILLINOIS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

WHEREAS, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, pursuant to the provisions of the 1970 Constitution of the State of Illinois (the "Constitution"), the Village of Sugar Grove, Kane County, Illinois (the "Village"), is authorized to create special service areas in and for the Village; and

WHEREAS, special service areas are established by non-home rule units pursuant to Section 7(6) of Article VII of the Constitution, which provides that;

Municipalities...which are not home rule units shall have...powers...to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services;

and are established "in the manner provided by law" pursuant to the provisions of "AN ACT to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties," approved September 21, 1973, as amended, and pursuant to the Revenue Act of 1939 of the State of Illinois, as amended; and

WHEREAS, it is in the public interest that the establishment of the area hereinafter described as a special service area for the purposes set forth herein and to be designated as the Mallard Point/Rolling Oaks Special Service Area No. 16, of the Village (the "Area"), be considered; and

WHEREAS, the Area is compact and contiguous, totally within the corporate limits of the Village; and

WHEREAS, the Area will benefit specially from the municipal services to be provided by the Village (the "Services"), and the Services are unique and in addition to the services provided to the Village as a whole, and it is, therefore, in the best interests of the Village that the establishment of the area be considered; and

WHEREAS, it is in the public interest that the levy of a direct annual *ad valorem* tax upon all taxable property within the Area be considered for the purpose of paying the cost of providing the Services; and

WHEREAS, the revenue from such tax shall be used solely and only for Services for which the Village is authorized under the provisions of the Illinois Municipal Code, as amended, to levy taxes or special assessments or to appropriate the funds of the Village, all of the Services to be in and for the Area and all of the necessary construction and maintenance to be on property now owned or to be acquired by

the Village, or property in which the Village will obtain an interest sufficient for the provision of the services; and

WHEREAS, a public hearing is being held at 6:00 p.m., on the 1st day of September, 2009, in the Municipal Building, 10 Municipal Drive, Sugar Grove, Illinois (the "Hearing"), to consider the establishment of the Area for the purpose of providing the Services and the levy of an additional direct annual *ad valorem* tax for the purpose of paying the cost thereof, all as described in the Notice of Public Hearing set forth in Section Two hereof (the "Notice"); and

WHEREAS, the Notice has been given by publication and mailing. Notice by publication was given by publication on a date, such date being not less than 15 days prior to the Hearing, in a newspaper of general circulation within the Village, there being no newspaper published therein. Notice by mailing was given by depositing the Notice in the United States 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 the Area. The Notice was mailed not less than 10 days prior to the time set for the Hearing. In the event taxes for the last preceding year 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.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

SECTION ONE: INCORPORATION OF PREAMBLES

The preambles of this ordinance are hereby incorporated into this text as if set out herein in full.

SECTION TWO: NOTICE

The President and Board of Trustees determine that the Notice is in the proper statutory form as set forth as follows:

**NOTICE OF HEARING
VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS
SPECIAL SERVICE AREA NO. 16
MALLARD POINT/ROLLING OAKS**

NOTICE IS HEREBY GIVEN that on the 1st day of September at 6:00 p.m., in the Municipal Building, 10 Municipal Drive, Sugar Grove, Illinois a hearing will be held by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, to consider the establishment of a Special Service Area consisting of the following described territory:

Parcel Identification Numbers

1421482012, 1421482013, 1421482014, 1421482015, 1421483001, 1421476002, 1421476003, 1421476004, 1421476005, 1421476006, 1421476007, 1421476008, 1421476009, 1421476010, 1421476011, 1421476012, 1421482008, 1421482009, 1421482010, 1421482011, 1421453007, 1421453008, 1421453009, 1421453010, 1421400011, 1421453001, 1421453002, 1421453003, 1421453004, 1421453005, 1421453006, 1421453011, 1421453012, 1421454001, 1421454002, 1421454003, 1421454004, 1421454005, 1421454006, 1421454007, 1421454008, 1421455001,

1421455002, 1421455003, 1421455004, 1421455005, 1421455006, 1421458001, 1421458002, 1421458003, 1421458004, 1421458005, 1421458006, 1421458007, 1421476001, 1421476013, 1421476014, 1421476015, 1421476016, 1421476017, 1421476018, 1421476019, 1421476020, 1421476021, 1421476022, 1421476023, 1421476024, 1421476025, 1421476026, 1421476027, 1421476028, 1421476029, 1421477001, 1421477002, 1421477003, 1421477004, 1421477005, 1421477006, 1421477007, 1421477008, 1421477009, 1421477010, 1421477011, 1421477012, 1421477013, 1421477014, 1421477015, 1421477016, 1421477017, 1421477018, 1421477019, 1421478001, 1421480001, 1421480002, 1421480003, 1421480004, 1421480005, 1421480006, 1421480007, 1421480008, 1421480009, 1421480010, 1421480011, 1421480012, 1421480013, 1421480014, 1421480015, 1421480016, 1421481001, 1421481002, 1421481003, 1421481004, 1421481005, 1421481006, 1421481007, 1421481008, 1421481009, 1421481010, 1421481011, 1421481012, 1421482001, 1421482002, 1421482003, 1421482004, 1421482005, 1421482006, 1421482007, 1421483002, 1421483003, 1421483004, 1421483005, 1421483006, 1421483007, 1421483008, 1421484001, 1421484002, 1421484003, 1421484004, 1421484005, 1428226009, 1428226010, 1428226011, 1428226012, 1428226013, 1428227001, 1428227002, 1428227003, 1428227004, 1428228001, 1428228002, 1428228003, 1428208020, 1428208021, 1428208023, 1428208024, 1428208025, 1428208026, 1428208027, 1428208028, 1428208030, 1428206005, 1428206007, 1428206008, 1428206009, 1428206011, 1428206013, 1428206015, 1428206016, 1428206017, 1428206018, 1428206020, 1428206021, 1428206022, 1428207006, 1428207008, 1428207010, 1428207012, 1428207013, 1428207014, 1428207015, 1428207016, 1428207017, 1428207021, 1428207022, 1428207023, 1428207025, 1428207026, 1428207027, 1428208009, 1428208010, 1428208012, 1428208014, 1428208016, 1428208018, 1428208019, 1428208031, 1428208032, 1428208034, 1428208036, 1428208037, 1428208038, 1428208040, 1428208041, 1428208042, 1428208043, 1428208044, 1428208045, 1428208046, 1428209001, 1428209007, 1428209008, 1428209009, 1428209012, 1428209013, 1428209014, 1428209016, 1428209018, 1428209019, 1428209020, 1428209022, 1428209024, 1428209025, 1428209026, 1428209028, 1428209029, 1428209030, 1428209031, 1428209033, 1428209035, 1428209036, 1428209038, 1428209039, 1428209040, 1428209046, 1428209048, 1428209053, 1428209054, 1428209055, 1428209057, 1428209058, 1428209059, 1428209060, 1428209061, 1428209062, 1428226001, 1428226002, 1428226003, 1428226004, 1428226005, 1428226006, 1428226007, 1428226008, 1428228004, 1428228005, 1428228006, 1428228007, 1428228008, 1428228009, 1428228010, 1428229001, 1428229002, 1428230001, 1428230002

Legal Description:

That part of the Southeast $\frac{1}{4}$ of Section 21, and the Northeast $\frac{1}{4}$ of Section 28, Township 38 North, Range 7 East of the Third Principal Meridian more particularly described as follows: Beginning at the Northeast corner of the Northeast $\frac{1}{4}$ of Section 28 aforesaid; thence South 00 degrees 01 minutes 02 seconds West along the East line of said Northeast $\frac{1}{4}$ 1324.36 feet to the Southeast corner of the North $\frac{1}{2}$ of said Northeast $\frac{1}{4}$ of Section 28; thence South 89 degrees 42 minutes 50 seconds West along the South line of said North $\frac{1}{2}$ 2,623.39 feet to the East right of way line of Illinois Route 47 per plat of dedication recorded March 11, 1932 as Document No. 354814, in the Office of the Recorder of Deeds of Kane County; thence North 00 degrees 03 minutes 01 seconds East along said East line 646.11 feet; thence North 89 degrees 42 minutes 50 seconds East 935.85 feet; thence North 00 degrees 05 minutes 03 seconds West and parallel with the West line of said Northeast $\frac{1}{4}$ of Section 28, 683.84 feet to a point on the North line of said Northeast $\frac{1}{4}$ of Section 28; thence North 00 degrees 04 minutes 20 seconds East and parallel with the West line of the East $\frac{1}{2}$ of Section 21 aforesaid 1,395.39 feet to the center line of Prairie Road; thence North 82 degrees 59 minutes 41 seconds East along said center line 1,594.92 feet; thence South 00 degrees 09 minutes 19 seconds East and parallel with the East line of the Southeast $\frac{1}{4}$ of said

Section 21, 199.73 feet; thence North 82 degrees 59 minutes 41 seconds East 100.00 feet to the East line of said Southeast ¼ of Section 21; thence South 00 degrees 09 minutes 19 seconds East along said East line 1,399.55 feet to the point of beginning, said parcel containing 122.773 acres, all in the Township of Sugar Grove, Kane County, Illinois.

The approximate location is bounded by Illinois Route 47 to the West (with a farmland gap in between Route 47 and parts of the territory), Prairie Avenue to the North, the Settler's Ridge/Kimball Hill subdivision to the East and the Sauer Farm to the South in Kane County, Illinois.

All interested persons, including all persons owning taxable real property located within the Special Service Area, will be given an opportunity to be heard at the hearing regarding 1) the tax levy and an opportunity to file objections to the amount of the levy, 2) formation of the boundaries of the Area and may object to the formation of the Area and 3) the levy of taxes affecting said Area.

The purpose of the formation of Special Service Area No. 16 in general is to authorize the improvement, expansion, maintenance, repair and replacement of wetlands, storm water detention basins, storm sewers and related areas and appurtenances, culverts, drains, ditches and tiles of the Area of the Special Service 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. Annual taxes shall be assessed and levied for said special municipal services in said Area, 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 annual rate of one hundred and fifty one-hundredths percent (1.5%, being \$1.50 per \$100) of the 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, as hereinafter provided. 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. 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.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the proposed Special Service Area No. 16 and by at least fifty-one (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 11th day of August, 2009.

Steven A. Andersson, Village Attorney
for the Village of Sugar Grove

SECTION THREE: MISCELLANEOUS

The Village agrees to produce or file such forms, statements, proceedings and supporting documents as may be required and in a timely manner in order to establish the Area and levy the taxes and, if deemed necessary or advisable by its officers, to employ and pay fiscal agents, financial advisors, attorneys and other persons to assist the Village in these endeavors.

SECTION FOUR: EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this - day of -, 2009.

P. Sean Michels
President of the Board of Trustees of the Village
of Sugar Grove, Kane County, Illinois

	Aye	Nay	Absent	Abstain
Trustee Mari Johnson	___	___	___	___
Trustee Thomas Renk	___	___	___	___
Trustee Rick Montalto	___	___	___	___
Trustee Robert E. Bohler	___	___	___	___
Trustee Melisa Taylor	___	___	___	___
Trustee Kevin M. Geary	___	___	___	___

ATTEST: _____
Cynthia L. Galbreath
Clerk, Village of Sugar Grove