

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT
KANE COUNTY, ILLINOIS

IN RE SPECIAL ASSESSMENT FOR)
THE VILLAGE OF SUGAR GROVE, A)
MUNICIPAL CORPORATION IN)
KANE COUNTY, ILLINOIS)
)

Case No: 2011 TX 183

NOTICE OF HEARING TO CONFIRM ASSESSMENT ROLL

Notice is hereby given to all persons interested that the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, having passed an ordinance authorizing improvements to the Mallard Point and Rolling Oaks Subdivisions, and having applied to the Sixteenth Judicial Circuit Court of Kane County for an assessment of the costs of the improvement, according to benefits, by filing with the Clerk of the Circuit Court in Kane County a Petition for said assessment on December 16, 2011, and an assessment therefor having been made and returned to and filed with that court on April 25, 2012, the hearing on the Confirmation of the Assessment Roll thereon will be had on the 29th day of May, 2012 at 1:30 P.M. in room 110 of the Kane County Courthouse, Geneva, IL 60134, or as soon thereafter as the business of the court will permit. All persons desiring may file objections in that court before that day and may appear at the hearing and make their defense. A detailed summary of the improvements, goals, benefits and cost allocations is attached hereto as Exhibit A.

Dated this 1st day of May, 2012.

Signed: P. Sean Michels
P. Sean Michels
President of the Village of Sugar
Grove

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EXHIBIT A
SUMMARY OF SPECIAL ASSESSMENT PROJECT, GOALS, BENEFITS AND COST
ALLOCATIONS

Description of the Area, History and need for the Improvement:

The area of the proposed special assessment is the Mallard Point and Rolling Oaks Subdivisions in the Village of Sugar Grove. The area comprises approximately 264 units (which are homes, common areas, parks, a Village lift station, and a few un-built vacant lots). The common areas include open space, woods, a detention pond and a wetland area.

The subdivisions began construction in the 1990's and were built out over time to their present state. The homes are either single family homes or townhomes. The subdivisions went through an insolvent period with the initial developer failing to complete the development. Subsequent developers or builders completed the subdivisions into their present condition.

Early on some complaints of excess groundwater were made. Certain houses appear to have had continuous problems with groundwater infiltration causing sump pumps to run continuously for years and significant mold and water related problems. Other homes have reported intermittent problems and yet other homes have reported no groundwater problems. In the last few years, conditions apparently became worse causing residents to petition the Village to correct the conditions in the subdivision.

The Village, in cooperation with the County of Kane and the Rob Roy Drainage District began investigating the problem and potential solutions. This involved extensive technical meetings with engineers from each entity participating in the discussions to identify the problem sources and the solutions.

Based on these investigations, the engineers agreed that the problem is due to excessive groundwater in the subdivisions that is unable to drain out of the subdivisions at a rate sufficient to lower the groundwater table to acceptable levels (so as to reduce the risk of flooding of basements in the subdivisions). Although not all homes in the subdivisions currently are the subjects of excessive groundwater, all homes in the subdivisions contribute to the situation by being part of the integrated stormwater detention areas. Also, all homes benefit from the existence of the basin (to detain their water runoff) and wetlands as without them, the homes could not have been constructed.

There is clearly a regional problem that if not addressed will continue to affect the lives of the residents of these subdivisions.

The Project:

The project is intended to lower the groundwater table within the Mallard Point and Rolling Oaks Subdivisions through gravity pipes and improve the performance of the pond/wetland. The project includes the routing of flows into a bypass tile to the South and pond/wetland maintenance. In order to install the bypass tile, easements will be needed from landowners to the

south of the subdivision. These easements have been obtained subject to the project being approved. The drain tile will connect from the southern areas of the subdivision all the way to Jericho Road to the South. The tile will discharge into the Rob Roy Drainage District. Additionally, pond and wetland Areas need maintenance. This includes excavation of pockets around pond inlets/outlets, removal of woody tree species and shrub species, prescribed burning of wetlands, and herbicides and planting in wetland areas. An Intergovernmental Agreement is in place allowing said connection with the Drainage District. The County of Kane has likewise approved this project and is (as shown below) participating financially in this project.

A map of the project is as follows:



The Costs:

The estimated costs of the project are \$2,254,500.24 (excluding interest). This will be further outlined, in detail, in Court.

Parties liable for the cost:

Village of Sugar Grove:	\$1,034,260.37
County of Kane:	\$171,524.71
Mallard Point & Rolling Oaks Residents:	\$1,048,715.16
Total:	\$2,254,500.24

Interest on the loan (at 3.77% percent) for the resident's portion is \$463,532.10. The resident portion shall be further broken down as shown on the assessment roll filed with the court as follows:

Mallard Point Unit \$394.10 per year for 20 years (which includes interest)

Rolling Oaks Unit \$120.29 per year for 20 years (which includes interest)

In the event of cost overruns, the Village of Sugar Grove agrees to be responsible for said amounts with the resident portion being capped as stated above.

Possible second assessment:

The engineers have also designed a second phase of the project in the event that Phase I (described above) does not fully address all the issues. This phase would solely benefit the Mallard Point portion of the Subdivisions and would be addressed in a supplemental Special Assessment proceeding. Approval for said Phase II costs is not sought herein.