2006K077897

State of Illinois)
) SS
County of Kane)

Prepared by:
Village of Sugar Grove
10 Municipal Drive
Sugar Grove, IL 60554

Return to:
Cynthia L. Welsch
Village Clerk
Sugar Grove, IL 60554

2006K077897
SANDY WEGMAN
RECORDER - KANE COUNTY, IL
RECORDED:07/20/2006 09:02AM
REC FEE: 30.00 RHSPS FEE:
PAGES: 9

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SGRC (*)

VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS

Ordinance No. 2006-0620A

An Ordinance
Establishing a Backup
Special Service Area No. 10 for
Sugar Grove Center
In the Village of Sugar Grove, Illinois

Adopted by the
Board of Trustees and President
of the Village of Sugar Grove
the 20th day of June 2006

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ORDINANCE NO. 2006-0620A

AN ORDINANCE ESTABLISHING A BACKUP SPECIAL SERVICE AREA NO. 10 FOR SUGAR GROVE CENTER 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–

> [M]unicipalities...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 backup special service area for the purposes set forth herein and to be designated as the Village of Sugar Grove Backup Special Service Area No. 10, of the Village for the area legally described in the Notice of Hearing contained herein, be established; 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 as defined in Section 3 of this ordinance (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

WHEREAS, a public hearing was held at 6:00 p.m., on the 16th day of May, 2006, in the Municipal Building, 10 Municipal Drive, Sugar Grove, Illinois (the "Hearing"), to consider the proposal 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 attached hereto as Exhibit "C" (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: ESTABLISHMENT OF SSA

(a) That it is in the public interest that the Area described in the Notice referred to in Section One hereof be established as Special Service Area No. 10 for the purposes set forth herein. The said Area is legally described in the attached Exhibit "A" and an accurate map of said Area is attached hereto as Exhibit "B".

(b) That said Area is compact and contiguous.

(c) That said Area is zoned for commercial purposes and will benefit specially from the Services which may be provided and that said proposed Services are unique and in addition to municipal services provided by the Village of Sugar Grove as a whole; and it is, therefore, in the best interest of said Area and the Village of Sugar Grove as a whole that special taxes be levied against said Area if the Village provides such Services in accordance with this Ordinance.

(d) That the Village of Sugar Grove Backup Special Service Area No. 10 be and is hereby established for and with regard to the aforesaid territory.

SECTION THREE: PURPOSE OF SSA AND MAXIMUM LEVY

The purpose of the formation of Special Service Area No. 10 in general is to authorize the maintenance, repair and replacement of storm water detention basins as well as to authorize the implementation and continuation of a Mosquito Abatement program in the Special Service Area all in accordance with the final engineering plan, planned unit development ordinance 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. Mosquito Abatement shall be defined herein as elimination/minimization of standing water, seasonal spraying of catch basins with insecticide/larvicide's (Altosid-Briquets) and stocking of water with top feeding minnows.

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 an annual rate of one half percent (0.5%, being $.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. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Backup Special Service Area shall be "dormant", and shall take effect only in the event the owner of such storm water detention basins fails (after mailing notice pursuant to the provisions of the this paragraph and a period of 90 days has expired, after mailing of said notice, without said failure having been corrected or cured) to properly operate and maintain said stormwater facilities to the satisfaction of the Village Department of Public Works. Notice by mailing shall be given by depositing the notice in the United States mails addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each detention basin lying within the Area. Additionally, the Village shall use reasonable efforts to provide notice via US Mail, postage prepaid, of any proposed change in the status of the Special Service Area from dormant to active to all current taxpayers of record owning property within the above described-territory, as shown on the most recent ascertainable records of the Kane County Collector's office. However, 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 in accordance with this Ordinance.

SECTION FOUR:

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

SECTION FIVE:

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

SECTION SIX:

That any section or provision 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 Sugar Grove, Kane County, Illinois, this 20th day of June, 2006.

P. Sean Michels

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

	Aye	Nay	Absent	Abstain
Trustee Mary Heineman	✓			
Trustee Thomas Renk	✓			
Trustee Mari Johnson			✓	
Trustee Robert E. Bohler	✓			
Trustee Joseph Wolf	✓			
Trustee Kevin M. Geary	✓			
President P. Sean Michels	✓			

ATTEST: Cynthia L. Welsch

Cynthia L. Welsch
Clerk, Village of Sugar Grove

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EXHIBIT A
SSA NO. 10
SUGAR GROVE CENTER
LEGAL DESCRIPTION

LOTS 1 THROUGH 15, SUGAR GROVE CENTER, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 4, 2005 AS DOCUMENT NUMBER 2005K014439, IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS.

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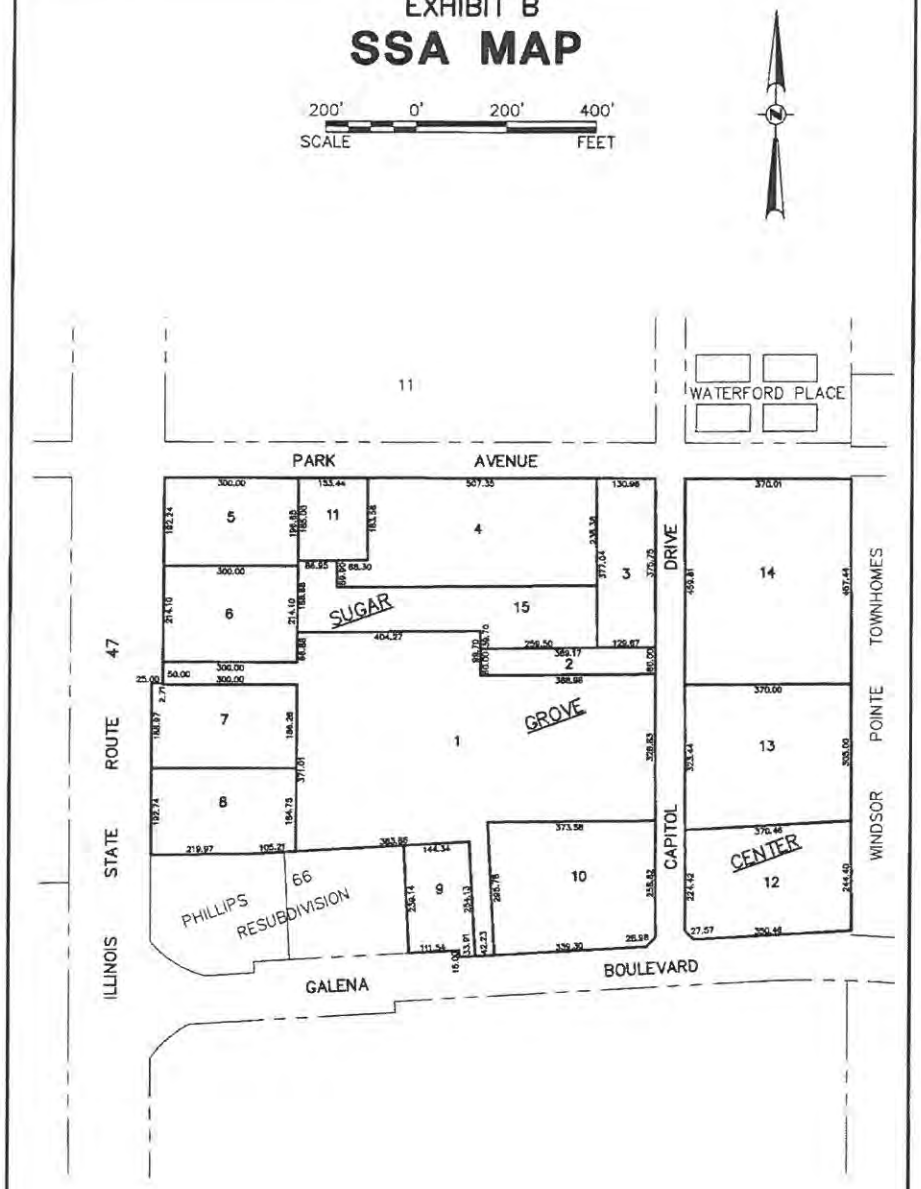
EXHIBIT B

SSA MAP



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

REVISED FEB. 8, 2006
PROJ. SG023802

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Recorder Not Responsible
For Reproductions

EXHIBIT C
SSA No. 10
SUGAR GROVE CENTER
NOTICE OF HEARING

NOTICE OF HEARING
VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS
BACKUP SPECIAL SERVICE AREA NO. 10
SUGAR GROVE CENTER

NOTICE IS HEREBY GIVEN that on the 16th day of May, 2006, 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 Backup Special Service Area consisting of the following described territory:

LOTS 1 THROUGH 15, SUGAR GROVE CENTER, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 4, 2005 AS DOCUMENT NUMBER 2005K014439, IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS.

The approximate location is bounded by Illinois Route 47 to the West and Galena Boulevard to the South in the Village of Sugar Grove, 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. 10 in general is to authorize the maintenance, repair and replacement of storm water detention basins as well as to authorize the implementation and continuation of a Mosquito Abatement program in the Special Service Area all in accordance with the final engineering plan, planned unit development ordinance 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. Mosquito Abatement shall be defined herein as, elimination/minimization of standing water, seasonal spraying of catch basins with insecticide/larvicide's (Altosid-Briquets) and stocking of water with top feeding minnows.

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 half percent (0.5%, being $0.50 per $100) of the equalized assessed value of the property in the proposed Special Service Area No. 10, 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. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Backup Special Service Area shall be "dormant", and shall take effect only in the event the owner of such storm water detention basins fails (after mailing notice pursuant to the provisions of the this paragraph and a period of 90 days has expired, after mailing of said notice, without said failure having been corrected or cured) to properly operate and maintain said stormwater facilities to the satisfaction of the Village Department of Public Works. Notice by mailing shall be given by depositing the notice in the United States mails addressed to the person or persons in whose name the

general taxes for the last preceding year were paid on each detention basin lying within the Area. Additionally, the Village shall use reasonable efforts to provide notice via US Mail, postage prepaid, of any proposed change in the status of the Special Service Area from dormant to active to all current taxpayers of record owning property within the above described territory, as shown on the most recent ascertainable records of the Kane County Collector's office. However, 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 in accordance with this Ordinance.

The hearing may be adjourned by the President and Board of Trustees 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 No. 10 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 20th day of June, 2006.

Dean M. Frieders, Village Attorney
for the Village of Sugar Grove

KANE COUNTY CLERK
TAX EXTENSION DEPARTMENT
FILING RECEIPT
630/232-5965

July 20, 2006

)VERNMENT: Village of Sugar Grove

ING: Scott Bunning

following named item(s) is hereby acknowledged:

Ordinance Establishing SSA 10.

EPUTY CLERK

KANE COUNTY CLERK

APR 25 2006

Certificate of Publication in **The Beacon News**

STATE OF ILLINOIS
COUNTY OF KANE } ss

FOX VALLEY PUBLICATIONS, DOES HEREBY CERTIFY:

That it is a corporation duly organized and existing under the laws of the State of Illinois;

That it is the publisher of The Beacon News, a secular daily newspaper published in the City of Aurora, in Kane County, Illinois, and of general circulation in said City, County and State; and in DuPage, Kendall, DeKalb Counties, and in other Cities in Kane County; and that it is a newspaper as defined in "An Act to Revise the Law in Relation to Notices"–Ill. Revised Statutes, Chap. 100, Sections 1, 5 and 10.

That a notice of which the annexed is a true copy has been regularly published in said newspaper ....M.... time .... each .... for .... successive ....; that the first publication of said notice was on the ....20th.... day of ....April...., 20....06.... and the last publication thereof was on the .... day of ...., 20.... that the face of type in which each publication of said notice was printed was the same as the body of type used in the classified advertising in the newspaper in which said publication was made;

That said The Beacon News has been regularly published in said City, County and State for at least one year prior to the first publication of said notice.

In WITNESS WHEREOF, said Fox Valley Publications, publisher as aforesaid, has executed this Certificate of Publication by its Officer or Agent thereunto duly authorized this ....20th.... day of ....April...., 20....06....

FOX VALLEY PUBLICATIONS

By ....Melissa Terraza....

....

Printer's Fee $ ....406.64.... Paid ...., 20....

No. ....207815.... Folio ....520054770....

EXHIBIT A
SSA NO. 10
SUGAR GROVE CENTER
NOTICE OF HEARING
NOTICE OF HEARING
VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS
BACKUP SPECIAL SERVICE AREA NO. 10
SUGAR GROVE CENTER

NOTICE IS HEREBY GIVEN that on the 16th day of May, 2006, at 6:00 p.m., in the Municipal Building, 10 Municipal Drive, Sugar Grove, Illinois, a hearing will b e held by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, to consider the establishment of a Backup Special Service Area consisting of the following described territory:

LOTS 1 THROUGH 15, SUGAR GROVE CENTER, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 4, 2005 AS DOCUMENT NUMBER 2005K014429, IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS.

The approximate location is bounded by Illinois Route 47 to the West and Galena Boulevard to the South in the Village of Sugar Grove, Kane County, Illinois.

vided for in accordance with this Ordinance.

The hearing may be adjourned by the President and Board of Trustees 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 No. 10 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 20th day of April, 2006.

Dean M. Frieders, Village Attorney for the Village of Sugar Grove

Pub: Apr. 20, 2006

0000207815-01

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