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SANDY WEGMAN
RECORDER - KANE COUNTY, IL

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VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS

ORDINANCE NO. 007-015 B

An Ordinance Establishing a
Special Service Area No. 13 for
Prairie Glen Subdivision (Residential) in
the Village of Sugar Grove, Illinois

Adopted by the
Board of Trustees and President
of the Village of Sugar Grove
this 15 day of May, 2007.

Published in Pamphlet Form
by authority of the Board of Trustees
of the Village of Sugar Grove, Kane County,
Illinois, this 15 day of May, 2007.

Unofficial

Received by and Return to:
Village Clerk
Village of Sugar Grove
Municipal Dr.
Sugar Grove, IL 60554

chj

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ORDINANCE NO. 20070515B

AN ORDINANCE ESTABLISHING A
SPECIAL SERVICE AREA NO. 13 FOR
PRAIRIE GLEN SUBDIVISION (RESIDENTIAL) 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 area hereinafter described as a special service area for the purposes set forth herein and to be designated as the Prairie Glen Special Service Area No. 13 of the Village (the "Area"), 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 (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 was held at 6:00 p.m., on the 17th day of April, 2007, 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 "B" (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 and.

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 territory hereinafter described in the Notice referred to in Section One hereof be established as Special Service Area No. 13 for the purposes set forth herein. An accurate map of said territory is attached hereto as Exhibit "A-1".
- (b) That said Area is compact and contiguous.
- (c) That said Area is zoned for residential purposes and will benefit specially from the municipal services which may be provided and that said proposed municipal 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 for the services to be provided.
- (d) That the Village of Sugar Grove Special Service Area No. 13 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. 13 in general is to authorize the maintenance, repair and replacement of storm water detention basins, prairie areas, landscape buffers, maintenance, subdivision monumentation, private parks and roads, open spaces, expanded Right of Way for the extension of Municipal Drive south of Maple Street, signage and any common areas (including islands) of the Area of the Subdivision in the Special Service Area, 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 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.

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-hundred and twenty one-hundredths percent (1.2%, being \$1.20 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 Area shall be "dormant", and shall take effect only if the applicable Homeowners Association fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some of all of said responsibilities. 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.

SECTION FOUR:

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

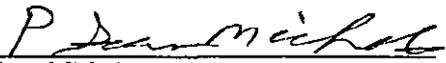
SECTION FIVE:

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

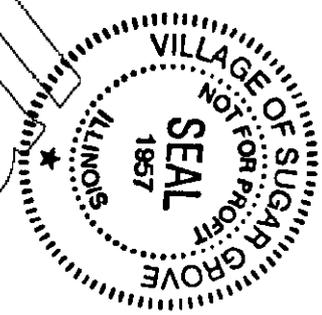
SECTION SIX:

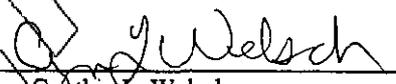
That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 15 day of May, 2007.


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
Clerk, Village of Sugar Grove

Unofficial

EXHIBIT A
SSA NO. 13
PRAIRIE GLEN SUBDIVISION
LEGAL DESCRIPTION

That part of Section 20, Township 38 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast Quarter of the Northwest Quarter of said Section 20; thence South 00 Degrees 28 Minutes 27 Seconds East along the East line the Northwest Quarter of said Section 20, 451.39 feet for the point of beginning; thence North 88 Degrees 20 Minutes 44 Seconds East, 130.35 feet; thence North 01 Degrees 39 Minutes 16 Seconds West, 80.54 feet; thence North 89 Degrees 14 Minutes 56 Seconds East, 1337.29 feet to a point on a non-tangent curve; thence Southeasterly along a curve to the right with a radius of 175.00 feet and chord bearing South 38 Degrees 44 Minutes 19 Seconds East, an arc length of 203.87 feet to a point of reverse curve; thence Southeasterly along a curve to the left with a radius of 275.00 feet and chord bearing of South 38 Degrees 53 Minutes 11 Seconds East, an arc length of 321.78 feet; thence South 00 Degrees 41 Minutes 09 Seconds East, 356.65 feet; thence South 45 Degrees 37 Minutes 58 Seconds East, 165.98 feet; thence South 69 Degrees 31 Minutes 52 Seconds East, 103.29 feet; thence South 55 Degrees 01 Minutes 36 Seconds East, 25.00 feet; thence North 89 Degrees 28 Minutes 32 Seconds East, 421.89 feet; thence North 00 Degrees 31 Minutes 28 Seconds West, 366.83 feet to the South line of Sugar Creek Subdivision Unit 1 Phase 2; thence North 89 Degrees 48 Minutes 10 Seconds East along said South line, 227.00 feet to the West line of Ridgewest Subdivision; thence South 00 Degrees 31 Minutes 28 Seconds East along said West line, 1669.22 feet to the North line of the Burlington Northern Railroad property; thence South 88 Degrees 56 Minutes 15 Seconds West along said North line, 2659.79 feet; thence North 82 Degrees 52 Minutes 54 Seconds West along said North line, 999.32 feet; thence North 77 Degrees 47 Minutes 57 Seconds West along said North line, 81.79 feet to the East line of the West 1576.10 feet of the Northwest Quarter of said Section 20; thence North 00 Degrees 39 Minutes 57 Seconds West along said East line, 1861.45 feet; thence North 89 Degrees 20 Minutes 03 Seconds East, 193.38 feet; thence North 53 Degrees 15 Minutes 39 Seconds East, 73.90 feet; thence South 86 Degrees 18 Minutes 30 Seconds East, 104.81 feet; thence North 60 Degrees 01 Minutes 31 Seconds East, 193.99 feet; thence North 88 Degrees 20 Minutes 44 Seconds East, 550.26 feet to the point of beginning, all in Kane County, Illinois.

Parcel Identification Numbers:

14-20-200-022
14-20-200-033
14-20-200-032
14-20-200-034
14-20-200-028
14-20-200-026
14-20-200-024
14-20-200-025
14-20-200-027
14-20-100-013
14-20-100-018
14-20-100-017
14-20-100-019

EXHIBIT B
PRAIRIE GLEN SPECIAL SERVICE AREA
NOTICE OF HEARING
VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS
SPECIAL SERVICE AREA NO. 13

NOTICE IS HEREBY GIVEN that on the 17th day of April, 2007, 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:

LEGAL DESCRIPTION:

That part of Section 20, Township 38 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northeast Quarter of the Northwest Quarter of said Section 20, thence South 00 Degrees 28 Minutes 27 Seconds East along the East line the Northwest Quarter of said Section 20, 451.39 feet for the point of beginning; thence North 88 Degrees 20 Minutes 44 Seconds East, 130.35 feet; thence North 01 Degrees 39 Minutes 16 Seconds West, 80.54 feet; thence North 89 Degrees 14 Minutes 56 Seconds East, 1337.29 feet to a point on a non-tangent curve; thence Southeasterly along a curve to the right with a radius of 175.00 feet and chord bearing South 38 Degrees 44 Minutes 19 Seconds East, an arc length of 203.87 feet to a point of reverse curve; thence Southeasterly along a curve to the left with a radius of 275.00 feet and chord bearing of South 38 Degrees 53 Minutes 11 Seconds East, an arc length of 321.78 feet; thence South 00 Degrees 41 Minutes 09 Seconds East, 356.65 feet; thence South 45 Degrees 37 Minutes 58 Seconds East, 165.98 feet; thence South 69 Degrees 31 Minutes 52 Seconds East, 103.29 feet; thence South 55 Degrees 01 Minutes 36 Seconds East, 25.00 feet; thence North 89 Degrees 28 Minutes 32 Seconds East, 421.89 feet; thence North 00 Degrees 31 Minutes 28 Seconds West, 366.83 feet to the South line of Sugar Creek Subdivision Unit 1 Phase 2; thence North 89 Degrees 48 Minutes 10 Seconds East along said South line, 227.00 feet to the West line of Ridgewest Subdivision; thence South 00 Degrees 31 Minutes 28 Seconds East along said West line, 1669.22 feet to the North line of the Burlington Northern Railroad property; thence South 88 Degrees 56 Minutes 15 Seconds West along said North line, 2659.79 feet; thence North 82 Degrees 52 Minutes 54 Seconds West along said North line, 999.32 feet; thence North 77 Degrees 47 Minutes 57 Seconds West along said North line, 81.79 feet to the East line of the West 1576.10 feet of the Northwest Quarter of said Section 20; thence North 00 Degrees 39 Minutes 57 Seconds West along said East line, 1861.45 feet; thence North 89 Degrees 20 Minutes 03 Seconds East, 193.38 feet; thence North 53 Degrees 15 Minutes 39 Seconds East, 73.90 feet; thence South 86 Degrees 18 Minutes 30 Seconds East, 104.81 feet; thence North 60 Degrees 01 Minutes 31 Seconds East, 193.99 feet; thence North 88 Degrees 20 Minutes 44 Seconds East, 550.26 feet to the point of beginning, all in Kane County, Illinois.

Parcel Identification Numbers:

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14-20-200-024
14-20-200-025
14-20-200-027
14-20-100-013
14-20-100-018
14-20-100-017
14-20-100-019

The approximate location is bounded by US Route 30 to the North, undeveloped farmland to the

West, the Burlington Northern Santa Fe railroad track right of way to the South, and existing Village of Sugar Grove residential housing and the Sugar Grove Fire Protection District property to the East, in the Village of Sugar Grove, Kane County, Illinois.

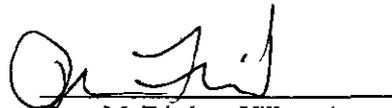
All interested persons, including all persons owning taxable real property located within the Special Service Area, will be given an opportunity to be heard at the hearing regarding 1) the tax levy and an opportunity to file objections to the amount of the levy, 2) formation of the boundaries of the 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. 13 in general is to authorize the maintenance, repair and replacement of storm water detention basins, prairie areas, landscape buffers, maintenance, subdivision monumentation, private parks and roads, open spaces, expanded Right of Way for the extension of Municipal Drive south of Maple Street, signage and any common areas (including islands) of the Area of the Subdivision in the Special Service Area, 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 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.

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 and two tenths percent (1.20%, being \$1.20 per \$100) of the equalized assessed value of the property in the proposed Special Service Area No. 13, 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 Area shall be "dormant" and shall take effect only if the applicable required Homeowners Association fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some or all of said responsibilities. 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. 13 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 th day of , 2007.


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

STATE OF ILLINOIS)
) SS.
COUNTY OF KANE)

Waiver of Objection to Special Service Area No. 13

NOW COMES the affiant The Old Second Nat. Bank Trust 9752, by and through its Trust Officer,
and for its LANDOWNER WAIVER OF OBJECTION TO CREATION OF SSA, states as follows:

1. That it has received the Notice of Hearing, a copy of which is attached hereto as Exhibit A, on or before the 7th day of April, 2007.
2. That it is aware the Board of Trustees of the Village of Sugar Grove is considering the creation of a backup Special Service Area, designated as Prairie Glen Subdivision SSA No. 13, for the purposes described on the attached Exhibit A, and further that the Board of Trustees of the Village of Sugar Grove are holding a public hearing on April 17, 2007 for the purpose of discussing the said proposed backup Special Service Area.
3. That it is the owner of the property legally described in the attached Exhibit B as the territory subject to the backup Special Service Area No. 13.
4. That, having been ably represented by its own counsel and having been fully apprised of its right and ability to object to the creation of the backup Special Service Area No. 13, it seeks to formally waive any such objection to the creation and imposition of the backup Special Service Area No. 13, according to the terms and purposes announced in the attached Exhibit A, and further affirmatively indicate its consent to those terms and any other reasonable terms which may be required to create and implement the backup Special Service Area No. 13.
5. That it has submitted this Landowner Waiver of Objection to Creation of SSA to the Board of Trustees of the Village of Sugar Grove, by and through one of their attorneys, Dean M. Frieders, for the purpose of waiving any objection it, as the sole landowner of the properties described in the attached Exhibit B which shall be subject to the Special Service Area No. 13 upon creation, may otherwise have.

FURTHER, AFFIANT SAYETH NAUGHT

By: Christina A. King

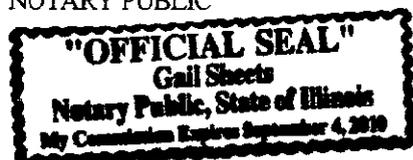
Its: Trust Officer

SUBSCRIBED AND SWORN

to before me this 16 day of
March, 2007

Gail Sheets

NOTARY PUBLIC



This instrument is executed by THE OLD SECOND NATIONAL BANK of Aurora, Illinois, not personally but solely as Trustee, as aforesaid. All the covenants and conditions to be performed hereunder by THE OLD SECOND NATIONAL BANK are undertaken by it solely as Trustee, as aforesaid and not individually, and no personal liability shall be assessed or be enforced against THE OLD SECOND NATIONAL BANK by reason of any of the covenants, statements or representations contained in the instrument.