

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

ORDINANCE NO. 20080205B

**An Ordinance Proposing the Establishment of a
Special Service Area No. 14 for
Prairie Glen Subdivision (Commercial) in
the Village of Sugar Grove, Illinois**

Adopted by the
Board of Trustees and President
of the Village of Sugar Grove
this 5th day of February, 2008.

Published in Pamphlet Form
by authority of the Board of Trustees
of the Village of Sugar Grove, Kane County,
Illinois, this 5th day of February, 2008.

ORDINANCE NO. 20080205B

AN ORDINANCE PROPOSING THE ESTABLISHMENT OF A
SPECIAL SERVICE AREA NO. 14 FOR
PRAIRIE GLEN SUBDIVISION (COMMERCIAL) 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 Prairie Glen Commercial Special Service Area No. 14, 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 5th day of February, 2008, 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:

**PRAIRIE GLEN SPECIAL SERVICE AREA
NOTICE OF HEARING
VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS
SPECIAL SERVICE AREA NO. 14**

NOTICE IS HEREBY GIVEN that on the 5th day of February, 2008, 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 NORTH 89

DEGREES 10 MINUTES 33 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 20, 397.47 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 27 SECONDS EAST, 49.30 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 12 MINUTES 28 SECONDS EAST, 912.52 FEET; THENCE SOUTH 00 DEGREES 47 MINUTES 54 SECONDS EAST, 81.00 FEET; THENCE NORTH 89 DEGREES 12 MINUTES 28 SECONDS EAST, 480.83 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 09 SECONDS EAST, 584.57 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 10 SECONDS EAST, 302.17 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 09 SECONDS EAST, 66.00 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 10 SECONDS EAST, 259.31 FEET TO THE WEST LINE OF SUGAR CREEK SUBDIVISION UNIT 1 PHASE 2; THENCE SOUTH 00 DEGREES 11 MINUTES 50 SECONDS EAST, 135.00 FEET TO THE SOUTH LINE OF SAID SUBDIVISION; THENCE NORTH 89 DEGREES 48 MINUTES 10 SECONDS EAST ALONG SAID SOUTH LINE, 76.52 FEET; THENCE SOUTH 00 DEGREES 31 MINUTES 28 SECONDS EAST, 366.83 FEET; THENCE SOUTH 89 DEGREES 28 MINUTES 32 SECONDS WEST, 421.89 FEET; THENCE NORTH 55 DEGREES 01 MINUTES 36 SECONDS WEST, 25.00 FEET; THENCE NORTH 69 DEGREES 31 MINUTES 52 SECONDS WEST, 103.29 FEET; THENCE NORTH 45 DEGREES 37 MINUTES 58 SECONDS WEST, 165.98 FEET; THENCE NORTH 00 DEGREES 41 MINUTES 09 SECONDS WEST, 356.65 FEET TO A NON-TANGENT LINE; THENCE NORTHERLY ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 275.00 FEET AND CHORD BEARING OF NORTH 38 DEGREES 53 MINUTES 11 SECONDS WEST, AN ARC LENGTH OF 321.78 FEET TO A POINT OF REVERSE CURVE; THENCE NORTHERLY ALONG A CURVE TO THE LEFT WITH A RADIUS OF 175.00 FEET AND CHORD BEARING NORTH 38 DEGREES 44 MINUTES 19 SECONDS WEST, AN ARC LENGTH OF 203.87 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 56 SECONDS WEST, 1337.29 FEET; THENCE SOUTH 01 DEGREES 39 MINUTES 16 SECONDS EAST, 80.54 FEET; THENCE SOUTH 88 DEGREES 20 MINUTES 44 SECONDS WEST, 680.61 FEET; THENCE SOUTH 60 DEGREES 01 MINUTES 31 SECONDS WEST, 193.99 FEET; THENCE NORTH 86 DEGREES 18 MINUTES 30 SECONDS WEST, 104.81 FEET; THENCE SOUTH 53 DEGREES 15 MINUTES 39 SECONDS WEST, 73.90 FEET; THENCE SOUTH 89 DEGREES 20 MINUTES 03 SECONDS WEST, 193.38 FEET TO THE EAST LINE OF THE WEST 1578.10 FEET OF THE NORTHWEST QUARTER OF SAID SECTION 20; THENCE NORTH 00 DEGREES 39 MINUTES 57 SECONDS WEST ALONG SAID EAST LINE, 476.24 FEET; THENCE EASTERLY ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 17138.80 FEET AND CHORD BEARING NORTH 86 DEGREES 44 MINUTES 14 SECONDS EAST, AN ARC LENGTH OF 1478.04 FEET, TO THE POINT OF BEGINNING. ALL IN KANE COUNTY, ILLINOIS.

Parcel Identification Numbers:

14-20-200-036	14-20-210-007	14-20-235-002	14-20-249-004	14-20-279-004
14-20-200-043	14-20-210-008	14-20-235-003	14-20-249-005	14-20-100-024
14-20-200-044	14-20-210-009	14-20-235-004	14-20-250-001	14-20-100-025
14-20-200-045	14-20-210-010	14-20-235-005	14-20-251-001	14-20-100-027
14-20-200-048	14-20-210-011	14-20-235-006	14-20-275-001	14-20-148-001
14-20-200-049	14-20-210-012	14-20-235-007	14-20-275-002	14-20-148-002
14-20-200-050	14-20-210-013	14-20-235-008	14-20-276-001	14-20-148-003
14-20-200-051	14-20-210-014	14-20-235-009	14-20-276-002	14-20-148-004
14-20-200-052	14-20-210-015	14-20-235-010	14-20-276-003	14-20-148-005
14-20-210-001	14-20-210-016	14-20-235-011	14-20-276-004	14-20-148-006
14-20-210-002	14-20-210-017	14-20-235-012	14-20-277-001	14-20-148-007
14-20-210-003	14-20-210-018	14-20-236-001	14-20-278-001	14-20-149-001
14-20-210-004	14-20-220-001	14-20-249-001	14-20-279-001	14-20-149-002
14-20-210-005	14-20-225-001	14-20-249-002	14-20-279-002	14-20-149-003
14-20-210-006	14-20-235-001	14-20-249-003	14-20-279-003	14-20-149-004

14-20-149-005	14-20-184-009	14-20-205-006	14-20-279-006	14-20-210-020
14-20-149-006	14-20-184-010	14-20-205-007	14-20-279-007	14-20-210-021
14-20-150-001	14-20-184-011	14-20-205-008	14-20-279-008	14-20-210-022
14-20-150-002	14-20-184-012	14-20-205-009	14-20-279-009	14-20-210-023
14-20-150-003	14-20-184-013	14-20-205-010	14-20-280-001	14-20-210-024
14-20-150-004	14-20-184-014	14-20-205-011	14-20-280-002	14-20-210-025
14-20-184-001	14-20-185-001	14-20-205-012	14-20-281-001	14-20-210-026
14-20-184-002	14-20-185-002	14-20-205-013	14-20-281-002	14-20-220-002
14-20-184-003	14-20-186-001	14-20-205-014	14-20-281-003	14-20-220-003
14-20-184-004	14-20-205-001	14-20-205-015	14-20-281-004	14-20-220-004
14-20-184-005	14-20-205-002	14-20-205-016	14-20-281-005	14-20-220-005
14-20-184-006	14-20-205-003	14-20-205-017	14-20-281-006	14-20-220-006
14-20-184-007	14-20-205-004	14-20-205-018	14-20-281-007	
14-20-184-008	14-20-205-005	14-20-279-005	14-20-210-019	

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.

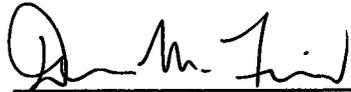
All interested persons, including all persons owning taxable real property located within the Special Service Area, will be given an opportunity to be heard at the hearing regarding 1) the tax levy and an opportunity to file objections to the amount of the levy, 2) formation of the boundaries of the 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. 14 in general is to authorize the maintenance, repair and replacement of storm water detention basins, prairie areas, landscape buffers, maintenance, commercial property monumentation, private parks, roads and curbs, driveways and drive aisles, open spaces, 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. 14, 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. 14 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 ___ day of January, 2008.



Dean M. Frieders, 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 5 day of FEBRUARY, 2008.

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 Mari Johnson	<u>✓</u>	—	—	—
Trustee Thomas Renk	<u>✓</u>	—	—	—
Trustee Mary Heineman	<u>✓</u>	—	—	—
Trustee Robert E. Bohler	<u>✓</u>	—	—	—
Trustee Melisa Taylor	<u>✓</u>	—	—	—
Trustee Kevin M. Geary	—	—	—	<u>✓</u>
President P. Sean Michels	—	—	—	—

ATTEST: Cynthia L. Welsch
Cynthia L. Welsch
Clerk, Village of Sugar Grove



EXHIBIT A
SSA NO. 14
PRAIRIE GLEN COMMERCIAL SUBDIVISION
LEGAL DESCRIPTION

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 NORTH 89 DEGREES 10 MINUTES 33 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 20, 397.47 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 27 SECONDS EAST, 49.30 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 12 MINUTES 28 SECONDS EAST, 912.52 FEET; THENCE SOUTH 00 DEGREES 47 MINUTES 54 SECONDS EAST, 81.00 FEET; THENCE NORTH 89 DEGREES 12 MINUTES 28 SECONDS EAST, 480.83 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 09 SECONDS EAST, 584.57 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 10 SECONDS EAST, 302.17 FEET; THENCE SOUTH 00 DEGREES 41 MINUTES 09 SECONDS EAST, 66.00 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 10 SECONDS EAST, 259.31 FEET TO THE WEST LINE OF SUGAR CREEK SUBDIVISION UNIT 1 PHASE 2; THENCE SOUTH 00 DEGREES 11 MINUTES 50 SECONDS EAST, 135.00 FEET TO THE SOUTH LINE OF SAID SUBDIVISION; THENCE NORTH 89 DEGREES 48 MINUTES 10 SECONDS EAST ALONG SAID SOUTH LINE, 76.52 FEET; THENCE SOUTH 00 DEGREES 31 MINUTES 28 SECONDS EAST, 366.83 FEET; THENCE SOUTH 89 DEGREES 28 MINUTES 32 SECONDS WEST, 421.89 FEET; THENCE NORTH 55 DEGREES 01 MINUTES 36 SECONDS WEST, 25.00 FEET; THENCE NORTH 69 DEGREES 31 MINUTES 52 SECONDS WEST, 103.29 FEET; THENCE NORTH 45 DEGREES 37 MINUTES 58 SECONDS WEST, 165.98 FEET; THENCE NORTH 00 DEGREES 41 MINUTES 09 SECONDS WEST, 356.65 FEET TO A NON-TANGENT LINE; THENCE NORTHERLY ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 275.00 FEET AND CHORD BEARING OF NORTH 38 DEGREES 53 MINUTES 11 SECONDS WEST, AN ARC LENGTH OF 321.78 FEET TO A POINT OF REVERSE CURVE; THENCE NORTHERLY ALONG A CURVE TO THE LEFT WITH A RADIUS OF 175.00 FEET AND CHORD BEARING NORTH 38 DEGREES 44 MINUTES 19 SECONDS WEST, AN ARC LENGTH OF 203.87 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 56 SECONDS WEST, 1337.29 FEET; THENCE SOUTH 01 DEGREES 39 MINUTES 16 SECONDS EAST, 80.54 FEET; THENCE SOUTH 88 DEGREES 20 MINUTES 44 SECONDS WEST, 680.61 FEET; THENCE SOUTH 60 DEGREES 01 MINUTES 31 SECONDS WEST, 193.99 FEET; THENCE NORTH 86 DEGREES 18 MINUTES 30 SECONDS WEST, 104.81 FEET; THENCE SOUTH 53 DEGREES 15 MINUTES 39 SECONDS WEST, 73.90 FEET; THENCE SOUTH 89 DEGREES 20 MINUTES 03 SECONDS WEST, 193.38 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, 476.24 FEET; THENCE EASTERLY ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 17138.80 FEET AND CHORD BEARING NORTH 86 DEGREES 44 MINUTES 14 SECONDS EAST, AN ARC LENGTH OF 1478.04 FEET, TO THE POINT OF BEGINNING. ALL IN KANE COUNTY, ILLINOIS.

**EXHIBIT A-1
SSA NO. 14
PRAIRIE GLEN COMMERCIAL SUBDIVISION
LOCATION MAP**

