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SUGAR GROVE
INCORPORATED 1957

VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS

ORDINANCE NO. 20090317B

An Ordinance Establishing a
Backup Special Service Area No. 15 for
The Landings in
the Village of Sugar Grove, Illinois

Adopted by the
Board of Trustees and President
of the Village of Sugar Grove
this 17th day of March, 2009.

Published in Pamphlet Form
by authority of the Board of Trustees
of the Village of Sugar Grove, Kane County, Illinois
this 17th day of March, 2009.

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ORDINANCE NO. 20090317B

AN ORDINANCE ESTABLISHING A BACKUP SPECIAL SERVICE AREA NO. 15 FOR THE LANDINGS 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 Landings Special Service Area No. 15 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 6th day of January, 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 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.

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 The Landings Special Service Area No. 15 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 commercial 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. 15 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. 15 in general is to authorize the maintenance, repair and replacement of storm water detention basins, storm sewers and related areas and appurtenances, culverts, drains, ditches and tiles, landscape buffers, maintenance, common areas, subdivision monumentation, landscaping, plants, trees and bushes, private roads and parking areas, signage and any common areas 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 were 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. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be "dormant", and shall take effect only if the applicable required owners association or property owner fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some or all of said responsibilities. 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, on the 17th day of March, 2009.

P. Sean Michels

P. Sean Michels
President of the Board of Trustees of the Village of Sugar Grove

ATTEST:

Cynthia L. Welsch

Cynthia L. Welsch, Clerk of the Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Mari Johnson	✓			
Trustee Thomas Renk	✓			
Trustee Mary Heineman	✓			
Trustee Robert E. Bohler	✓			
Trustee Melisa Taylor	✓			
Trustee Kevin M. Geary	✓			

EXHIBIT A
SSA 15
THE LANDINGS
LEGAL DESCRIPTION

Parcel Identification Number 14-16-251-001 and 14-16-176-001

LOT 4 AND LOT 5, EXCEPT THE SOUTH 18 FEET AS MEASURED PERPENDICULAR TO THE SOUTH LINE THEREOF SAID LOT 5, IN SUGAR GROVE CORPORATE CENTER UNIT 2, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 16, 1990 AS DOCUMENT 90K-60327, IN KANE COUNTY, ILLINOIS.

EXHIBIT A-1
SSA 15
THE LANDINGS
LOCATION MAP

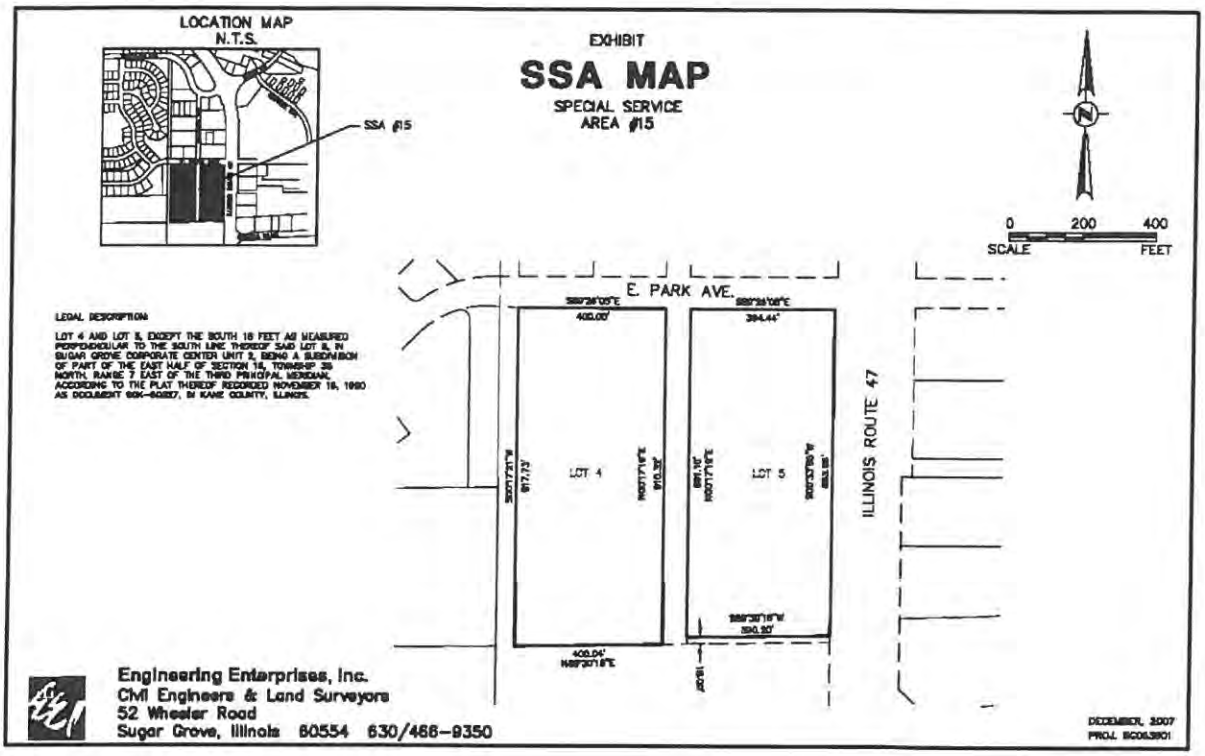

EXHIBIT B

NOTICE OF HEARING
VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS
BACKUP SPECIAL SERVICE AREA NO. 15
THE LANDINGS

NOTICE IS HEREBY GIVEN that on the 6th day of January, 2009 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 Number 14-16-251-001 and 14-16-176-001

LOT 4 AND LOT 5, EXCEPT THE SOUTH 18 FEET AS MEASURED PERPENDICULAR TO THE SOUTH LINE THEREOF SAID LOT 5, IN SUGAR GROVE CORPORATE CENTER UNIT 2, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 16, 1990 AS DOCUMENT 90K-60327, IN KANE COUNTY, ILLINOIS.

The approximate location is bounded by Illinois Route 47 to the east, E. Park Avenue to the North and the municipal drive extension to the west, 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. 15 in general is to authorize the maintenance, repair and replacement of storm water detention basins, storm sewers and related areas and appurtenances, culverts, drains, ditches and tiles, landscape buffers, maintenance, common areas, subdivision monumentation, landscaping, plants, trees and bushes, private roads and parking areas, signage and any common areas 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. 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. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be "dormant", and shall take effect only if the applicable required owners association or property owner fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some or all of said responsibilities. 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. 15 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 9th day of December, 2008.

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