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KANE COUNTY, ILL.

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Sandy Weyman
RECORDER

# VILLAGE OF SUGAR GROVE
# KANE COUNTY, ILLINOIS

# ORDINANCE NO. 774

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## AN ORDINANCE
## PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE AREA 4
## WINDSOR POINTE SUBDIVISION
## IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS

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**ADOPTED BY THE**
**BOARD OF TRUSTEES AND PRESIDENT**
**OF THE VILLAGE OF SUGAR GROVE, ILLINOIS**
**THIS 20TH DAY OF FEBRUARY, 2001.**

WSRPte-1

PUBLISHED IN PAMPHLET FORM
BY THE AUTHORITY OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF SUGAR GROVE,
KANE COUNTY, ILLINOIS
THIS 21ST DAY OF FEBRUARY, 2001

Chg 26

This Instrument Prepared by
The law firm of
Mickey, Wilson, Weiler and Renzi
2111 W. Plum Street
Aurora, Illinois 60506

Return to:
Village of Sugar Grove
10 Municipal Drive
PO Box 49
Sugar Grove, Illinois 60554

Document2

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**VILLAGE OF SUGAR GROVE**

**ORDINANCE NO. 774**
**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF**
**A SPECIAL SERVICE AREA 4**
**WINDSOR POINTE SUBDIVISION**
**(KANE COUNTY)**
**IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS**
**FOLLOWING NOTICE AND**
**PUBLIC HEARING IN CONNECTION THEREWITH**

**WHEREAS,** the Village of Sugar Grove is not a home rule unit under Subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

**WHEREAS,** special service areas are established pursuant to Subsection (1) of Section 6 of Article VII of the Illinois Constitution of 1970, and the Special Service Area Tax Law (35 ILCS 200/27-5, et seq.) and the Property Tax Code (35 ILCS 200/1-1, et seq.); and

**WHEREAS,** the Village of Sugar Grove desires to establish such an area as hereinafter described.

**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:

(a) That it is in the public interest that the territory hereinafter described in the Notice referred to in Section Four hereof be established as Special Service Area No. 4 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. 4 be and is hereby established for and with regard to the aforesaid territory.

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SECTION TWO:

That the purpose of the Village of Sugar Grove Special Service Area No. 4 is to authorize special municipal improvements to said Area which may include the maintenance, repair and replacement of the storm water detention basin, landscape buffers and/or entrance signage within the 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 services provided 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 twenty-five one-hundredths percent (.025%, being .25¢ per $100) of 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 or all of said responsibilities. During the years of development in the Area and initially thereafter, said levies are intended to produce approximately $36,000.00 annually for the cost for said services. 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 THREE:

That a public hearing has been held on the 14th day of November, 2000, at 6:30 p.m. in the Municipal Building, 10 Municipal Drive, Sugar Grove, Illinois, with regard to the establishment of Village of Sugar Grove Special Service Area No. 4 for the territory described in the Notice referred to in Section Four hereof. At the hearing, there was considered the levy of an annual tax as described and limited in Section Two hereof.

SECTION FOUR:

That the notice of hearing was published on the 29th day of October, 2000, being not less than fifteen (15) days prior to the public hearing, in a newspaper in general circulation in the Village of Sugar Grove. In addition, notice by mailing was given by depositing said notice in the U.S. 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 proposed Special Service Area No. 4. Said notice was mailed on or before the 3rd day of November, 2000, being not less than ten (10) days prior to the public hearing. In the event taxes for the last preceding year were not paid, the Notice was sent to the person last listed on the tax rolls



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prior to that year as the owner of said property. Notice was provided for in the form described by Exhibit "B" attached hereto.

SECTION FIVE:

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

SECTION SIX:

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

SECTION SEVEN:

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 20th day of February, 2001.

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

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

| | Aye | Nay | Absent |
|---|---|---|---|
| Bohler | X | | |
| Geary | X | | |
| Clark | X | | |
| Johnson | X | | |
| Michels | X | | |
| Renk | X | | |



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NOTICE OF HEARING
VILLAGE OF
SUGAR GROVE
KANE COUNTY, ILLINOIS
SPECIAL SERVICE AREA
NO. 4
WINDSOR POINTE
SUBDIVISION
(KANE COUNTY)

NOTICE IS HEREBY GIVEN that on the 14th day of November, 2000, 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:

EXHIBIT A
SSA 4

WINDSOR POINTE
SUBDIVISION
LEGAL DESCRIPTION
(PER PLAT OF SURVEY BY DONAHUE AND THORNHILL, INC. DATED DECEMBER 18, 1990)

That part of the West Half of Section 15, and part of the East Half of Section 16. Township 38 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the northwest corner of said Section 15; thence easterly along the north line of said Section 15.674.11 feet to a monumental limestone: thence southerly 5294.07 feet to a point on the south line of the Southwest Quarter of said Section 15 that is 573.20 feet (10.20 chains) easterly of the southwest corner of said Southwest Quarter; thence westerly along the south line of said Southwest Quarter and along the south line of the Southwest Quarter of said Section 16, 1308.12 feet (19.82 chains); thence northerly along the west line, as formerly monumented, of a tract of land conveyed to Harriette M. McVoy by Deed recorded as Document 1594484, 2445.87 feet to the center line of Galena Boulevard for a point of beginning; thence continuing northerly along the prolongation of the last described course 7.44 feet to the former location of a monumental limestone; thence continuing northerly along the west line, as formerly monumented of said McVoy tract forming an angle of 179'34'03 with the last described course (measured counter-clockwise therefrom) 2155.86 feet to the southerly line of a tract of land conveyed to Forest Preserve District of Kane County, thence northeasterly along said southerly line forming an angle of 123'14'50: with the last described course (measured counter clockwise therefrom) 450.12 feet to an angle in said southerly line; thence easterly along said southerly line forming an angle of 147'08'41' with the last described course (measured counter-clockwise therefrom) 933.20 feet to an angle in said southerly line; thence southeasterly along said southerly line forming an angle of 164'38'22' with the last described course (measured counter clockwise therefrom) 910.0 feet to an angle in said southerly line; thence southeasterly along said southerly line forming an angle of 135'28'40' with the last described course (measured counter-clockwise therefrom) 490.0 feet to an angle in said southerly line; thence easterly along said southerly line forming an angle of 227'15'47' with the last described course (measured counter clockwise therefrom ) 299.38 feet to a line drawn parallel with the east line of said Southewest Quarter from a point on the south line of said Southwest Quarter that is 577.50 feet (8.75 chains) westerly of the southeast corner of said Southwest Quarter; thence southerly parallel with said wast line 2108.55 feet to the center l ine of Galena Boulevard; thence westerly along said center line 2768.54 feet to the point of beginning, in Sugar Grove Township, Kane County, Illinois and containing 153.134 acres.

The approximate location is bounded by: Galena Boulevard to the South, Blackberry Creek to the North and Sugar Grove Corporate Center No. 2 to the West in the Village of Sugar Grove, Kane County, Illinois.

An accurate map of said territory is on file in the Office of the Village clerk and available for public inspection, and is attached hereto as Exhibit "A-1".

All interested persons affected by the formation of Special Service Area No. 4 will be given an opportunity to be heard regarding the formation of the boundaries of the Area and may object to the formation of the Area and the levy of taxes affecting said Area.

The purpose of the formation of Special Service Area No. 4 in general is to authorize the maintenance, repair and replacement of the storm water detention ponds, landscape buffers and entrance signage in said 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 twenty-five one-hundredths percent (.025%, being .25¢ per $100) of the equalized assessed value of the property in the proposed Special Service Area No. 4, 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 provision of the Property Tax Code. Said levies are intended to produce approximately $36,000.00 annually for the cost for said services. 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. 4 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 24th day of October, 2000.

Cynthia Welsh, Acting Village Clerk for the Village of Sugar Grove

*tificate of Publication in THE BEACON-NEWS*

OF ILLINOIS
OF KANE } SS

OPLEY PRESS, INC., 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 Aurora, in Kane County, Illinois, and of general circulation in said City, County and State; DuPage, Kendall, DeKalb Counties, and in other Cities in Kane County; and that it is a news- defined in "An Act to Revise the Law in Relation to Notices"–Ill. Revised Statutes, Chap. ctions 1, 5 and 10.

That a notice of which the annexed is a true copy has been regularly published in said per One ..... time ..... each Day ..... for ..... successive Day ..... ; that the blication of said notice was on the 29th day of October 2000

last publication thereof was on the ..... day of ....., 19 ..... face of type in which each publication of said notice was printed was the same as the body 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 east one year prior to the first publication of said notice.

In WITNESS WHEREOF, said The Copley Press, Inc., publisher as aforesaid, has d this Certificate of Publication by its officer or Agent thereunto duly authorized this 2nd day of November 2000

THE COPLEY PRESS, INC.

By ..... .....

's Fee $ 524.77 Paid ....., 19 .....

076003 ..... Folio 6000 26962

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# CERTIFICATE OF MAILING

## AFFIDAVIT

The undersigned, Alayne M. Weingartz, being first duly sworn on oath states as follows:

1. That she is the agent for Mickey, Wilson, Weiler & Renzi, Attorneys for the Village of Sugar Grove, which is the public entity before whom the Public Hearing will be held as specified in the attached Public Notice.

2. That the attached Public Notice, marked as Exhibit "A", was served on all of the parties whose names and addresses are identified on the attached Certificate of Mailing listing, marked as Exhibit "B", by mailing a copy of said Notice to all of the parties identified on Exhibit "B", at the addresses identified on Exhibit "B", by depositing said Notice in the United States Mail at Aurora, Illinois, with proper postage on the 3rd day of November, 2000.

Village of Sugar Grove
BY: Mickey, Wilson, Weiler & Renzi, its Attorneys

Alayne M. Weingartz

Subscribed and Sworn before me
this 3rd day of November, 2000.

Darlene M. Janulis
Notary Public

OFFICIAL SEAL
DARLENE M. JANULIS
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 4-3-2003

2001K032724

## EXHIBIT A

## NOTICE OF HEARING
## VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS
## SPECIAL SERVICE AREA NO. 4
## WINDSOR POINTE SUBDIVISION
## (KANE COUNTY)

NOTICE IS HEREBY GIVEN that on the 14th day of November, 2000, 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:

**SEE ATTACHED EXHIBIT "A"**

The approximate location is bounded by: Galena Boulevard to the South, Blackberry Creek to the North and Sugar Grove Corporate Center No. 2 to the West in the Village of Sugar Grove, Kane County, Illinois.

An accurate map of said territory is on file in the Office of the Village Clerk and available for public inspection, and is attached hereto as Exhibit "A-1".

All interested persons affected by the formation of Special Service Area No. 4 will be given an opportunity to be heard regarding the formation of the boundaries of the Area and may object to the formation of the Area and the levy of taxes affecting said Area.

The purpose of the formation of Special Service Area No. 4 in general is to authorize the maintenance, repair and replacement of the storm water detention basin, landscape buffers and entrance signage in said 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 twenty-five one-hundredths percent (.025%, being .25¢ per $100) of the equalized assessed value of the property in the proposed Special Service Area No. 4, 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. Said levies are intended to produce approximately $36,000.00 annually for the cost for said services. 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



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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. 4 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 24th day of October, 2000.

Cynthia L. Welsh

CYNTHIA WELSH, Acting Village Clerk
for the Village of Sugar Grove



2001K032724

# EXHIBIT A
# SSA 4
# WINDSOR POINTE SUBDIVISION
# LEGAL DESCRIPTION

(PER PLAT OF SURVEY BY DONAHUE AND THORNHILL, INC., DATED DECEMBER 18, 1990)

That part of the West Half of Section 15, and part of the East Half of Section 16, Township 38 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the northwest corner of said Section 15; thence easterly along the north line of said Section 15, 674.11 feet to a monumental limestone; thence southerly 5294.07 feet to a point on the south line of the Southwest Quarter of said Section 15 that is 673.20 feet (10.20 chains) easterly of the southwest corner of said Southwest Quarter; thence westerly along the south line of said Southwest Quarter and along the south line of the Southwest Quarter of said Section 16, 1308.12 feet (19.82 chains); thence northerly along the west line, as formerly monumented, of a tract of land conveyed to Harriette M. McVay by Deed recorded as Document 1594484, 2445.87 feet to the center line of Galena Boulevard for a point of beginning; thence continuing northerly along the prolongation of the last described course 7.44 feet to the former location of a monumental limestone; thence continuing northerly along the west line, as formerly monumented, of said McVay tract forming an angle of 179°34'03" with the last described course (measured counter-clockwise therefrom) 2155.86 feet to the southerly line of a tract of land conveyed to Forest Preserve District of Kane County by Document 1712244; thence northeasterly along said southerly line forming an angle of 123°14'50" with the last described course (measured counter clockwise therefrom) 450.12 feet to an angle in said southerly line; thence easterly along said southerly line forming an angle of 147°08'41" with the last described course (measured counter-clockwise therefrom) 933.20 feet to an angle in said southerly line; thence southeasterly along said southerly line forming an angle of 164°38'22" with the last described course (measured counter clockwise therefrom) 910.0 feet to an angle in said southerly line; thence southeasterly along said southerly line forming an angle of 135°28'40" with the last described course (measured counter-clockwise therefrom) 490.0 feet to an angle in said southerly line; thence easterly along said southerly line forming an angle of 227°15'47" with the last described course (measured counter clockwise therefrom) 299.38 feet to a line drawn parallel with the east line of said Southwest Quarter from a point on the south line of said Southwest Quarter that is 577.50 feet (8.75 chains) westerly of the southeast corner of said Southwest Quarter; thence southerly parallel with said east line 2108.55 feet to the center line of Galena Boulevard; thence westerly along said center line 2768.54 feet to the point of beginning, in Sugar Grove Township, Kane County, Illinois and containing 153.134 acres.

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EXHIBIT A-1
SSA 4
WINDSOR POINTE SUBDIVISION
LOCATION MAP

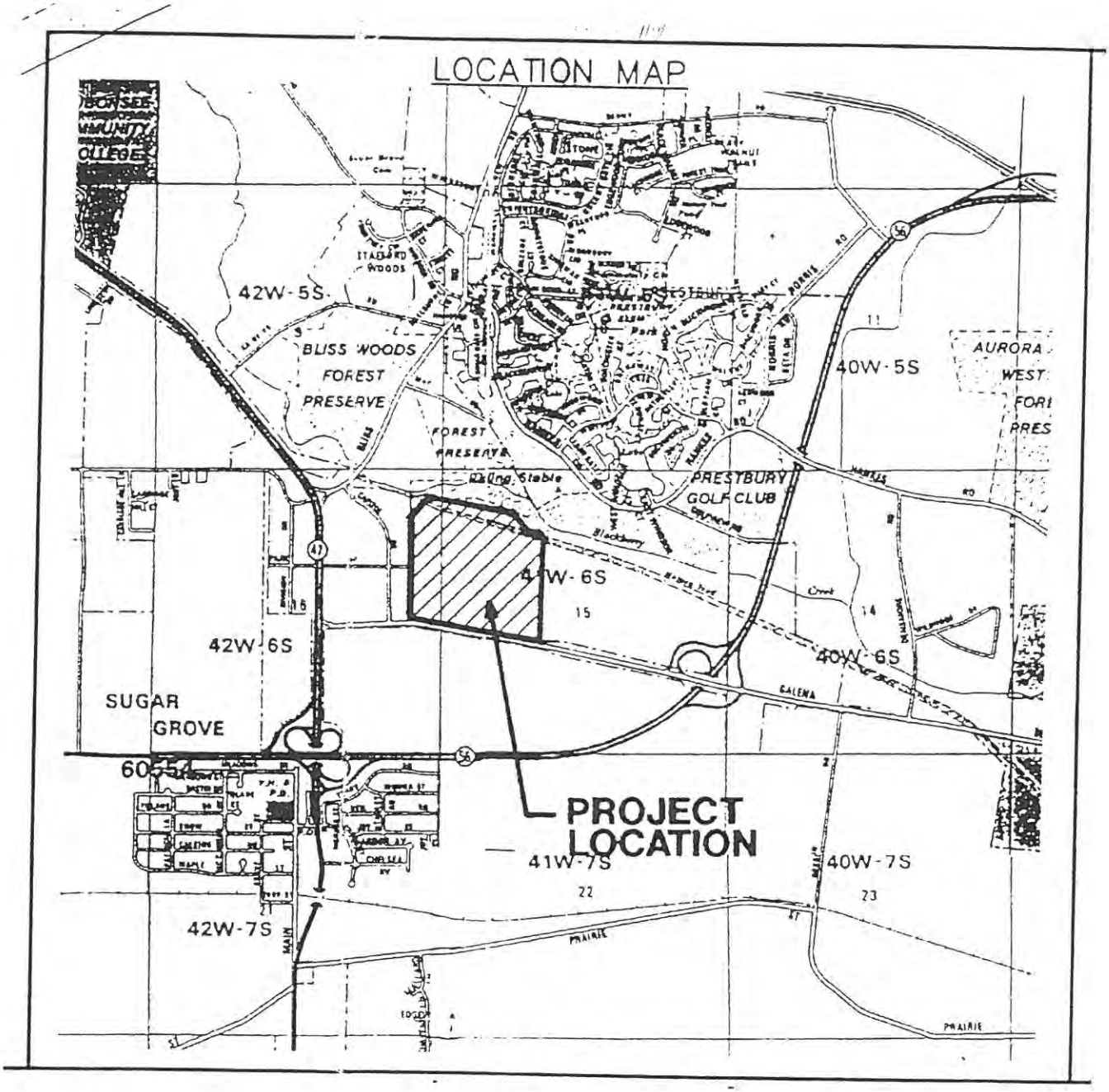


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**EXHIBIT B**

# CERTIFICATE OF MAILING

Wiseman Hughes Enterprises
975 East 22nd Street
Wheaton, Illinois 60187

2001K032724

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## CERTIFICATE

I, Cynthia L. Welsch, certify that I am the appointed Acting Municipal Clerk of the Village of Sugar Grove, Kane County, Illinois.

I further certify that on the 20th day of February, 2001 the President and Board of Trustees of the Village of Sugar Grove passed and approved Ordinance No. 774 Entitled An Ordinance Proposing the Establishiment of a Special Service Area 3, Windsor Pointe Subdivision in the Village of Sugar Grove, Kane County, Illinois

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Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 774 including the Ordinance and cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Municipal building, commencing on the 30th day of November, 2000 and continuing thru February 20th, 2001. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Sugar Grove, Illinois this 21st day of February, 2001.

Cynthia L. Welsch

Cynthia L. Welsch ,

Acting Village Clerk

2001K032724