FILED FOR RECORD
KANE COUNTY, ILL.

2002K116418

2002 SEP 19 PM 3:30

Sandy Wegman
RECORDER

MAP ATTACHED

VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS

ORDINANCE NO. 2002-0903C

An Ordinance Establishing a
Special Service Area No. 7 for
The Rolling Oaks Subdivision in
the Village of Sugar Grove, Illinois

Adopted by the
Board of Trustees and President
of the Village of Sugar Grove
this 3rd day of September, 2002.

Published in Pamphlet Form
by authority of the Board of Trustees
of the Village of Sugar Grove, Kane County,
Illinois, this 3rd day of September, 2002.

ROLOAKS /*

Prepared by: Steven A. Andersson
Mickey, Wilson, Weiler & Renzi, P.C.
2111 W. Plum Street, Suite 201
Aurora, IL 60506

Return to:
Village Clerk
Village of Sugar Grove
P. O. Box 49
Sugar Grove, IL 60554

Chg 40.00

(9)

ORDINANCE NO. 2002-0903C

AN ORDINANCE ESTABLISHING A SPECIAL SERVICE AREA NO. 7 FOR THE ROLLING OAKS SUBDIVISION 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 Sugar Grove Special Service Area No. 7, 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, or for a portion of the detention utilized by 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 18th day of June, 2002,

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 Special Service Area No. 7 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. 7 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. 7 is to authorize the proportionate share (34%) of the maintenance, repair and replacement of storm water detention basins serving the Area, and the maintenance, repair and replacement of landscape buffers, common areas, subdivision monumentation, private roads, signage and any common areas of the Rolling Oaks Subdivision (both as depicted on Exhibit "A-1"), 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 and the detention basin, 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 and five tenths percent (1.50%, 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 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. Further, notwithstanding the foregoing, the amount of any such annual assessment attributable to maintenance, repair and replacement of the storm water detention basin shall not exceed that dollar figure equaling a levy rate of five tenths of one percent (.5%) of the equalized assessed value

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 3rd day of September, 2002.

P. Sam Michel
President of the Board of Trustees of the Village of Sugar Grove, Kane County, Illinois.

ATTEST: Cynd L Welsch
Acting Clerk, Village of Sugar Grove

	Aye	Nay	Absent
Bohler	✓		
Renk	✓		
Clark	✓		
Johnson	✓		
Williams	✓		
Geary	✓		

EXHIBIT A
SSA 7
ROLLING OAKS SUBDIVISION
LEGAL DESCRIPTION

THAT PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 181 OF APEX DEVELOPMENT CORPORATION'S MALLARD POINT SUBDIVISION UNIT 2; THENCE S 89 DEGREES 43'12" W ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 181, 1092.86 FEET TO A POINT ON THE EAST LINE OF IL ROUTE 47 AS DEDICATED BY DOCUMENT 354814; THENCE N 0 DEGREES 03'01" E ALONG SAID EAST LINE OF ROUTE 47, 646.12 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED AS PARCEL 3 IN DOCUMENT 98K042974; THENCE N 89 DEGREES 42'50" E ALONG THE SOUTH LINE OF SAID PARCEL 3, 936.05 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE N 0 DEGREES 05'03" W ALONG THE EAST LINE OF SAID PARCEL 3, 503.15 FEET TO THE SOUTHWEST CORNER OF MALLARD PARK SUBDIVISION, THENCE N 89 DEGREES 54'57" E ALONG THE SOUTH LINE OF SAID MALLARD PARK SUBDIVISION, 230.08 FEET TO THE SOUTHEAST CORNER THEREOF, BEING ALSO THE WEST CORNER COMMON TO LOTS 179 AND 181 OF SAID MALLARD POINT SUBDIVISION UNIT 2; THENCE S 0 DEGREES 04'20" W ALONG THE WEST LINE OF SAID LOT 181, 80.73 FEET; THENCE SOUTHERLY ALONG SAID WEST LINE, BEING A CIRCULAR CURVE HAVING A RADIUS OF 627.38 FEET CONCAVE TO THE EAST, THE CHORD OF WHICH BEARS S 0 DEGREES 55'49" E, 131.46 FEET; THENCE S 11 DEGREES 55'59" E ALONG SAID WEST LINE, 41.46 FEET; THENCE SOUTHWESTERLY ALONG SAID WEST LINE, BEING A CIRCULAR CURVE HAVING A RADIUS OF 408.00 FEET CONCAVE TO THE WEST, THE CHORD OF WHICH BEARS S 15 DEGREES 55'05" W, 396.65 FEET; THENCE S 46 DEGREES 13'55" E ALONG SAID WEST LINE, 58.49 FEET; THENCE S 23 DEGREES 08'06" E ALONG SAID WEST LINE, 312.26 FEET; THENCE S 37 DEGREES 27'44" W ALONG SAID WEST LINE, 255.65 FEET TO THE POINT OF BEGINNING IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS.

EXHIBIT A-1
SSA 7
ROLLING OAKS SUBDIVISION
LOCATION MAP

EXHIBIT B
SSA 7
ROLLING OAKS SUBDIVISION
NOTICE OF HEARING

NOTICE OF HEARING
VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS
SPECIAL SERVICE AREA NO. 7
ROLLING OAKS CLUB SUBDIVISION
(KANE COUNTY)

NOTICE IS HEREBY GIVEN that on the 18th day of June, 2002, 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:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 181 OF APEX DEVELOPMENT CORPORATION'S MALLARD POINT SUBDIVISION UNIT 2; THENCE S 89 DEGREES 43'12" W ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 181, 1092.86 FEET TO A POINT ON THE EAST LINE OF IL ROUTE 47 AS DEDICATED BY DOCUMENT 354814; THENCE N 0 DEGREES 03'01" E ALONG SAID EAST LINE OF ROUTE 47, 646.12 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED AS PARCEL 3 IN DOCUMENT 98K042974; THENCE N 89 DEGREES 42'50" E ALONG THE SOUTH LINE OF SAID PARCEL 3, 936.05 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE N 0 DEGREES 05'03" W ALONG THE EAST LINE OF SAID PARCEL 3, 503.15 FEET TO THE SOUTHWEST CORNER OF MALLARD PARK SUBDIVISION, THENCE N 89 DEGREES 54'57" E ALONG THE SOUTH LINE OF SAID MALLARD PARK SUBDIVISION, 230.08 FEET TO THE SOUTHEAST CORNER THEREOF, BEING ALSO THE WEST CORNER COMMON TO LOTS 179 AND 181 OF SAID MALLARD POINT SUBDIVISION UNIT 2; THENCE S 0 DEGREES 04'20" W ALONG THE WEST LINE OF SAID LOT 181, 80.73 FEET; THENCE SOUTHERLY ALONG SAID WEST LINE, BEING A CIRCULAR CURVE HAVING A RADIUS OF 627.38 FEET CONCAVE TO THE EAST, THE CHORD OF WHICH BEARS S 0 DEGREES 55'49" E, 131.46 FEET; THENCE S 11 DEGREES 55'59" E ALONG SAID WEST LINE, 41.46 FEET; THENCE SOUTHWESTERLY ALONG SAID WEST LINE, BEING A CIRCULAR CURVE HAVING A RADIUS OF 408.00 FEET CONCAVE TO THE WEST, THE CHORD OF WHICH BEARS S 15 DEGREES 55'05" W, 396.65 FEET; THENCE S 46 DEGREES 13'55" E ALONG SAID WEST LINE, 58.49 FEET; THENCE S 23 DEGREES 08'06" E ALONG SAID WEST LINE, 312.26 FEET; THENCE S 37 DEGREES 27'44" W ALONG SAID WEST LINE, 255.65 FEET TO THE POINT OF BEGINNING IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS.

The approximate location is bounded by IL Route 47 to the west, and the Mallard Point Subdivision to the east and is located south of Prairie Street, 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. 7 in general is to authorize the maintenance, repair and replacement of storm water detention basins, landscape buffers, maintenance, common areas, subdivision monumentation, private roads, signage and any common areas of the Area of the Subdivision 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 five tenths percent (1.50%, being $1.50 per $100) of the equalized assessed value of the property in the proposed Special Service Area No. 7, 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. 7 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 16th day of May, 2002.

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Steven A. Andersson, Village Attorney
for the Village of Sugar Grove