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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** AN ORDINANCE ESTABLISHING A BACK-UP SPECIAL SERVICE AREA NO. 26 FOR HEARTLAND RESUBDIVISION  
**AGENDA:** JULY 24, 2018 MEETING  
**DATE:** JULY 20, 2018

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**ISSUE**

Should the Village Board approve an Ordinance establishing a back-up special service area #26 for Heartland Resubdivision.

**DISCUSSION**

The Board previously held a public hearing on March 15, 2018. No objectors were present.

The need for SSA 26 is to respond to the need for a back-up financing mechanism for repairs or maintenance to the storm water management facilities on the Heartland Resubdivision (in accordance with the Kane County Storm Water Ordinance) in the event the property owner fails to do so.

It is important to keep in mind the proposed SSA No. 26 for the Heartland Resubdivision is intended to be a back-up SSA and will remain dormant until such time the property owner fails to perform its obligations of maintaining the high quality appearance and the functionality of the storm water management facilities on the Heartland Resubdivision property.

A public hearing for establishing the SSA No. 26 was duly noticed and held. No objectors were present.

**COSTS**

The cost to establish the SSA are limited to publication and recording costs and Village Attorney fees.

**ATTACHMENTS**

- Ordinance establishing a back-up SSA No. 26 for Heartland Resubdivision
- Location map

**RECOMMENDATION**

The Board should approve the Ordinance establishing a back-up SSA No. 26 for Heartland Resubdivision, subject to Attorney's review.



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

**Ordinance No. 2018-0724D**

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**An Ordinance Establishing a Special Service Area No. 26 for  
Heartland Subdivision in the Village of Sugar Grove, Kane County, Illinois  
(Quantum Sign)**

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Adopted by the Board of Trustees of the Village of Sugar Grove this 24<sup>th</sup> day of July, 2018

Published in pamphlet form by authority of the  
Board of Trustees of the Village of Sugar Grove, Illinois this 24<sup>th</sup> day of May, 2018

**Ordinance No. 2018-0724A**

**An Ordinance Establishing a Special Service Area No. 26 for  
Heartland Subdivision in the Village of Sugar Grove, Illinois  
(Quantum Sign)**

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**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 accordingly, seeks to act 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 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 in Exhibit “A” attached hereto as a special service area for the purposes set forth herein and to be designated as the Heartland Subdivision Special Service Area No. 26 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 the 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 15<sup>th</sup> day of May 2018 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 no objectors were present; and,

**WHEREAS**, the Notice has been given by publication and mailing. Notice by publication was given by publication on a date, such date being no 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 were 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 Heartland Subdivision Special Service Area No. 26 for the purposes set forth herein. An accurate map of said territory is attached hereto as Exhibit “C.” The permanent index number(s) for the parcel(s) located within the territory are attached hereto as Exhibit “D.”

(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 municipal services are unique and in addition to municipal services provided by the Village of Sugar Grove as a whole; and that 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 Heartland Subdivision Special Service Area No. 26 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. 26 in general is to provide for the maintenance, preservation, and upkeep of certain storm water management facilities located on Heartland Subdivision, in the event that the individual property owners of said subdivision fails to do so, and the

proposed municipal services are unique and 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 the 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 ten one-hundredths percent (1.1% being 110¢ 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. The Village may annually levy hereunder up to the maximum rate specified herein for the cost of for the said services, as said services become necessary and are provided for.

Notwithstanding the foregoing, the Village shall not levy taxes hereunder, nor shall the Village exercise its authority hereunder with respect to the maintenance, preservation and upkeep within said Area, unless the applicable property owners of said subdivision fails to maintain, preserve, and upkeep the aforesaid storm water management facilities and fails to undertake to cure such failure within thirty (30) calendar days after written notice from the Village to the owner(s) of the land within the boundaries of the Area, and the Village chooses to assume some or all of said responsibilities. Absent the occurrence of the aforementioned default by the property owners of said subdivision, this Ordinance shall otherwise remain “dormant.”

**SECTION FOUR: EFFECTIVE DATE**

This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

**SECTION FIVE: REPEALER**

All ordinances or portions thereof in conflict therewith are hereby repealed to the extent of any such conflict.

**SECTION SIX: SEVERABILITY**

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 24<sup>th</sup> day of July 2018.

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P. Sean Michels,  
Village President

ATTEST: \_\_\_\_\_  
Cynthia L. Galbreath,  
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Mari Johnson	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Ted Koch	___	___	___	___
Trustee Heidi Lendi	___	___	___	___
Trustee Rick Montalto	___	___	___	___
Trustee David Paluch	___	___	___	___

**Exhibit "A"**

*(Legal Description)*

HEARTLAND DEVELOPMENT CONSOLIDATION OF LOT 37 AND 38, BEING A CONSOLIDATION PLAT OF LOT 37 AND 38 IN HEARTLAND DEVELOPMENT RESUBDIVISION OF LOT 8 OF SUGAR GROVE RESEARCH PARK IN THE EAST HALF OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS ACCORDING TO A PLAT THEREOF RECORDED AS DOCUMENT NO. 2017K015807 IN THE KANE COUNTY RECORDERS OFFICE.

The property is commonly known as 693 Heartland Drive.

**Exhibit "B"**

*(Notice of Hearing)*

**HEARTLAND RESUBDIVISION SPECIAL SERVICE AREA  
NOTICE OF HEARING  
VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS  
SPECIAL SERVICE AREA NO. 26**

NOTICE IS HEREBY GIVEN that on the 15th day of May, 2018, 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:

HEARTLAND DEVELOPMENT CONSOLIDATION OF LOT 37 AND 38, BEING A CONSOLIDATION PLAT OF LOT 37 AND 38 IN HEARTLAND DEVELOPMENT RESUBDIVISION OF LOT 8 OF SUGAR GROVE RESEARCH PARK IN THE EAST HALF OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS ACCORDING TO A PLAT THEREOF RECORDED AS DOCUMENT NO. 2017K015807 IN THE KANE COUNTY RECORDERS OFFICE.

The approximate location is: 693 Heartland Drive.

The permanent index number (PINs) for the parcel located within the proposed area is:

14-08-253-008      14-08-253-009

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. 26 in general is to provide for the maintenance, preservation, and upkeep of certain storm water management facilities located on the premises of Heartland Resubdivision, in the event the individual property owner of said property fails to do so, 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-hundred and ten one-hundredths percent (1.1%, being 110¢ per \$100) of the equalized assessed value of the property in the proposed Special Service Area No. 26, 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 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 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. 26 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 28<sup>th</sup> day of February 2018.

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

**Exhibit “C”**

*(SSA Map)*

**Exhibit “D”**

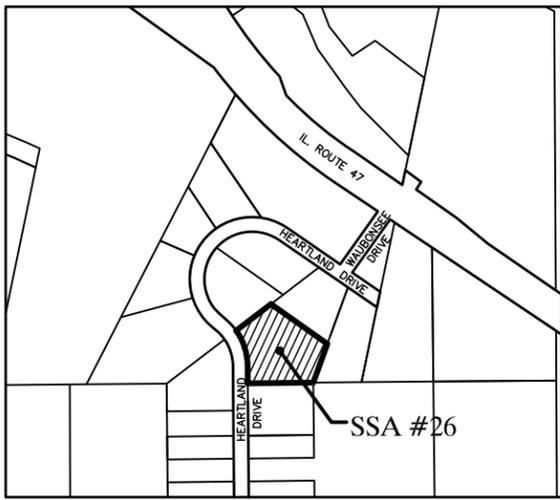
*(Parcel Identification Numbers)*

The permanent index number (PINs) for the parcel located within the proposed area is:

14-08-253-008    14-08-253-009

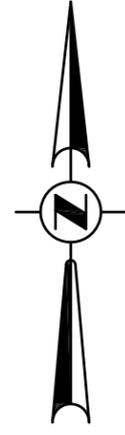
EXHIBIT

LOCATION MAP



# SSA MAP

SPECIAL SERVICE AREA #26



SSA#26

LEGAL DESCRIPTION:

LOT 1 IN HEARTLAND DEVELOPMENT CONSOLIDATION OF LOT 37 AND 38, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS.



**Engineering Enterprises, Inc.**

**CONSULTING ENGINEERS**

52 Wheeler Road  
 Sugar Grove, Illinois 60554  
 630.466.6700 / www.eeiweb.com

PROJECT NO: SG1618  
 FILE NO: SG1618-SSA26