

VILLAGE OF MONTGOMERY
ORDINANCE NO. 848
AN ORDINANCE FOR THE ESTABLISHMENT OF
A SPECIAL SERVICE AREA NUMBER # 2
(ARBOR RIDGE)
(KANE COUNTY)
IN THE VILLAGE OF MONTGOMERY
FOLLOWING NOTICE AND
PUBLIC HEARING IN CONNECTION THEREWITH

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 Montgomery desires to establish such an area as hereinafter described; and

NOW, THEREFORE, BE IT ORDAINED, by the Village Board of the Village of Montgomery, 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 Number # 2 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 to be provided and that said proposed municipal services are unique and in addition to municipal services provided to the Village of Montgomery as a whole; and it is, therefore, in the best interest of said Area and the Village of Montgomery as a whole that special taxes be levied against said Area for the services to be provided.
- (d) Therefore, that Village of Montgomery Special Service Area Number # 2 be and is hereby established for and with regard to the aforesaid territory.
- (e) That the Village of Montgomery and Arbor Ridge Venture L.L.C., (hereinafter "Developer") have agreed that Developer shall maintain, repair and replace certain entry monuments, landscaped easements and stormwater retention areas, all in accordance with the final landscape, engineering plan and final plat of subdivision for the Area, until such improvements are accepted by the Village of Montgomery.

- (f) That, in consideration of the Developer maintaining the improvements as specified in SECTION ONE (d) herein, the Village hereby agrees that the Village shall not levy pursuant to this Special Service Area until all the aforementioned improvements are accepted by the Village.

SECTION TWO:

That the purpose of Village of Montgomery Special Service Area Number # 2 is to provide special municipal improvements to said Area which include the maintenance, repair and replacement of certain entry monuments, landscaped easements and stormwater retention areas within the Area, all in accordance with the final landscape and 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 thirty one-hundredths percent (.30%, being 30¢ per \$100) of equalized assessed valuation thereof. This tax shall be levied for an indefinite period of time from the date all public improvements are accepted by the Village and in the years subsequent to the date of this Ordinance. 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. During the years of development in the Area and initially thereafter, said levies are intended to produce approximately \$15,000.00 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 22nd day of March, 1999, at 7:00 p.m., in the Montgomery Village Hall, 1300 Broadway Avenue, Montgomery, Illinois with regard to the establishment of Village of Montgomery Special Service Area Number # 2 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 notice of hearing was published on the 5th day of March, 1999, being not less than fifteen (15) days prior to the public hearing, in a newspaper in general circulation in the Village of Montgomery. 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 Number # 2. Said notice was mailed on or before the 1st

day of March, 1999, 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 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 provisions 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 by the Village Board of the Village of Montgomery, Illinois on the 26th day of April 1999.

AYES 6

NAYS 0

NOT VOTING

APPROVED AND SIGNED by the Mayor of the Village of Montgomery, Illinois on this 27th day of October, 1999.

*Ellis L. Dan M...
MAYOR*

ATTEST:

*Barbara P. ...
Village Clerk*



THIS DOCUMENT PREPARED BY:
Stephen J. Rhoades
Dommermuth, Brestal, Cobine & West, Ltd.
111 West Downer Place, Suite 300
Aurora, Illinois 60506

AFTER RECORDING:
PLEASE RETURN TO:
VILLAGE CLERK'S OFFICE
1300 Broadway Avenue
Montgomery, IL 60538

LEGAL DESCRIPTION
Arbor Ridge Subdivision, Montgomery, Illinois

Unit 1

THAT PART OF THE SOUTH HALF OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CENTERLINE OF THE CHICAGO AND OSWEGO HIGHWAY (MONTGOMERY ROAD), IN KANE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN WITH THE CENTERLINE OF MONTGOMERY ROAD (ALSO KNOWN AS THE CHICAGO AND OSWEGO HIGHWAY) HERETOFORE DEDICATED BY INSTRUMENT RECORDED APRIL 1, 1943 AS DOCUMENT NUMBER 499712; THENCE SOUTH 74°41'03" WEST, ALONG SAID CENTERLINE, A DISTANCE OF 940.82 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 74°41'03" WEST, ALONG SAID CENTERLINE, A DISTANCE OF 409.83 FEET; THENCE NORTH 1°05'43" EAST A DISTANCE OF 852.36 FEET; THENCE SOUTH 76°14'01" WEST, A DISTANCE OF 238.80 FEET; THENCE NORTH 1°07'38" EAST, A DISTANCE OF 379.95 FEET; THENCE NORTH 0°58'11" EAST, A DISTANCE OF 185.55 FEET; THENCE SOUTH 89°41'27" EAST, A DISTANCE OF 536.58 FEET TO THE WEST LINE OF THE EAST 15.03 CHAINS (991.98 FEET) OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE SOUTH 1°11'48" WEST, ALONG SAID WEST LINE, A DISTANCE OF 372.22 FEET; THENCE SOUTH 4°22'45" EAST, A DISTANCE OF 82.23 FEET; THENCE SOUTH 1°11'48" WEST, A DISTANCE OF 375.00 FEET; THENCE SOUTH 88°48'12" EAST, A DISTANCE OF 22.31 FEET; THENCE SOUTH 1°11'48" WEST, A DISTANCE OF 114.37 FEET; THENCE SOUTH 1°30'54" EAST, A DISTANCE OF 61.78 FEET; THENCE SOUTH 15°18'57" EAST, A DISTANCE OF 175.00 FEET, TO THE POINT OF BEGINNING, ALL IN KANE COUNTY, ILLINOIS AND CONTAINING 12.5709 ACRES, MORE OR LESS, OF WHICH 0.3068 ACRES, MORE OR LESS, ARE WITHIN THE PRESENT RIGHT-OF-WAY.

Unit 2

THAT PART OF THE EAST 15.03 CHAINS (991.98 FEET), MEASURED ON THE NORTH LINE, OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF THE CENTERLINE OF THE CHICAGO AND OSWEGO HIGHWAY (MONTGOMERY ROAD), ALL IN KANE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE

8 EAST OF THE THIRD PRINCIPAL MERIDIAN WITH THE CENTERLINE OF MONTGOMERY ROAD (ALSO KNOWN AS THE CHICAGO AND OSWEGO HIGHWAY) HERETOFORE DEDICATED BY INSTRUMENT RECORDED APRIL 1, 1943 AS DOCUMENT NUMBER 499712; THENCE SOUTH $74^{\circ}41'03''$ WEST, ALONG SAID CENTERLINE, A DISTANCE OF 715.82 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH $74^{\circ}41'03''$ WEST, ALONG SAID CENTERLINE, A DISTANCE OF 225.00 FEET; THENCE NORTH $15^{\circ}18'57''$ WEST, A DISTANCE OF 175.00 FEET; THENCE NORTH $1^{\circ}20'54''$ WEST, A DISTANCE OF 61.78 FEET; THENCE NORTH $1^{\circ}11'48''$ EAST, A DISTANCE OF 114.37 FEET; THENCE SOUTH $88^{\circ}48'12''$ WEST, A DISTANCE OF 22.31 FEET; THENCE NORTH $4^{\circ}01'18''$ WEST, A DISTANCE OF 75.31 FEET; THENCE NORTH $1^{\circ}11'48''$ EAST, A DISTANCE OF 375.00 FEET; THENCE NORTH $4^{\circ}22'45''$ WEST, A DISTANCE OF 82.23 FEET TO THE WEST LINE OF THE EAST 15.03 CHAINS (991.98 FEET) OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE NORTH $1^{\circ}11'48''$ EAST, ALONG SAID WEST LINE, A DISTANCE OF 188.52 FEET; THENCE SOUTH $89^{\circ}44'50''$ EAST, A DISTANCE OF 371.89 FEET; THENCE NORTH $1^{\circ}11'48''$ WEST, A DISTANCE OF 101.51 FEET; THENCE NORTH $0^{\circ}47'01''$ EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH $89^{\circ}44'50''$ EAST, A DISTANCE OF 132.30 FEET, THENCE NORTH $87^{\circ}57'20''$ EAST, A DISTANCE OF 60.85 FEET; THENCE SOUTH $88^{\circ}48'12''$ EAST, A DISTANCE OF 117.58 FEET; THENCE SOUTH $1^{\circ}11'48''$ WEST, A DISTANCE OF 720.00 FEET; THENCE SOUTH $84^{\circ}25'49''$ WEST, A DISTANCE OF 139.54 FEET; THENCE NORTH $82^{\circ}40'49''$ WEST, A DISTANCE OF 60.91 FEET; THENCE SOUTH $17^{\circ}13'11''$ WEST, A DISTANCE OF 10.24 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY, ALONG THE ARC OF A CIRCLE HAVING A RADIUS OF 180.00 FEET, WHOSE CENTER LIES EASTERLY, AN ARC DISTANCE OF 102.21 FEET, THE CHORD OF SAID ARC HAVING A BEARING OF SOUTH $0^{\circ}57'07''$ WEST AND LENGTH OF 100.85 FEET, TO A POINT OF TANGENCY; THENCE SOUTH $15^{\circ}18'57''$ EAST, A DISTANCE OF 50.00 FEET; THENCE SOUTH $74^{\circ}41'03''$ WEST, A DISTANCE OF 200.89 FEET; THENCE SOUTH $15^{\circ}18'57''$ EAST, A DISTANCE OF 60.00 FEET; THENCE NORTH $74^{\circ}41'03''$ EAST, A DISTANCE OF 19.11 FEET; THENCE SOUTH $15^{\circ}18'57''$ EAST, A DISTANCE OF 100.00 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY, ALONG THE ARC OF A CIRCLE HAVING A RADIUS OF 25.00 FEET; WHOSE CENTER LIES SOUTHWESTERLY, AN ARC DISTANCE OF 39.27 FEET, THE CHORD OF SAID ARC HAVING A BEARING OF SOUTH $29^{\circ}41'03''$ WEST AND LENGTH OF 35.36 FEET, TO A POINT OF TANGENCY; THENCE SOUTH $74^{\circ}41'03''$ WEST, A DISTANCE OF 60.00 FEET; THENCE SOUTH $15^{\circ}18'57''$ EAST, A DISTANCE OF 50.00 FEET, TO THE POINT OF BEGINNING, ALL IN KANE COUNTY, ILLINOIS AND CONTAINING 13.7299 ACRES, MORE OR LESS, OF WHICH 0.1705 ACRES, MORE OR LESS, ARE WITHIN THE PRESENT RIGHT-OF-WAY.

AND

THAT PART OF THE EAST 15.03 CHAINS (991.98 FEET), MEASURED ON THE NORTH LINE, OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTH OF

305621

GROUP EXHIBIT A

1999 K 112685

6

THE CENTERLINE OF THE CHICAGO AND OSWEGO HIGHWAY (MONTGOMERY ROAD), IN KANE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN WITH THE CENTERLINE OF MONTGOMERY ROAD (ALSO KNOWN AS THE CHICAGO AND OSWEGO HIGHWAY) HERETOFORE DEDICATED BY INSTRUMENT RECORDED APRIL 1, 1943 AS DOCUMENT NUMBER 499712; THENCE NORTH $1^{\circ}11'48''$ EAST, ALONG THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 1299.84 FEET TO THE SOUTH LINE, AS MONUMENTED AND OCCUPIED OF ALEX POCUS' ADDITION, ACCORDING TO THE PLAT THEREOF RECORDED MAY 4, 1953 AS DOCUMENT NUMBER 723122; THENCE NORTH $89^{\circ}44'50''$ WEST, ALONG THE SOUTH LINE, AS OCCUPIED AND MONUMENTED, OF SAID ALEX POCUS' ADDITION, A DISTANCE OF 991.97 FEET TO THE WEST LINE OF THE EAST 15.03 CHAINS (991.98 FEET), MEASURED ON THE NORTH LINE, OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 33; THENCE SOUTH $1^{\circ}11'48''$ WEST, ALONG THE WEST LINE OF THE EAST 15.03 CHAINS (991.98 FEET) OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 486.57 FEET; THENCE SOUTH $89^{\circ}44'50''$ EAST, A DISTANCE OF 371.89 FEET; THENCE NORTH $1^{\circ}11'48''$ WEST, A DISTANCE OF 101.51 FEET; THENCE NORTH $0^{\circ}47'01''$ EAST, A DISTANCE OF 75.00 FEET; THENCE SOUTH $89^{\circ}44'50''$ EAST, A DISTANCE OF 132.30 FEET, THENCE NORTH $87^{\circ}57'20''$ EAST, A DISTANCE OF 60.85 FEET; THENCE SOUTH $88^{\circ}48'12''$ EAST, A DISTANCE OF 117.58 FEET; THENCE SOUTH $1^{\circ}11'48''$ WEST, A DISTANCE OF 720.00 FEET; THENCE SOUTH $84^{\circ}25'49''$ WEST, A DISTANCE OF 139.54 FEET; THENCE NORTH $82^{\circ}40'49''$ WEST, A DISTANCE OF 60.91 FEET; THENCE SOUTH $17^{\circ}13'11''$ WEST, A DISTANCE OF 10.24 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY, ALONG THE ARC OF A CIRCLE OF HAVING A RADIUS OF 180.00 FEET, WHOSE CENTER LIES EASTERLY, AN ARC DISTANCE OF 102.21 FEET, THE CHORD OF SAID ARC HAVING A BEARING OF SOUTH $0^{\circ}57'07''$ WEST AND LENGTH OF 100.85 FEET, TO A POINT OF TANGENCY; THENCE SOUTH $15^{\circ}18'57''$ EAST, A DISTANCE OF 50.00 FEET; THENCE SOUTH $74^{\circ}41'03''$ WEST, A DISTANCE OF 200.89 FEET; THENCE SOUTH $15^{\circ}18'57''$ EAST, A DISTANCE OF 60.00 FEET; THENCE NORTH $74^{\circ}41'03''$ EAST, A DISTANCE OF 19.11 FEET; THENCE SOUTH $15^{\circ}18'57''$ EAST, A DISTANCE OF 100.00 FEET TO A POINT OF CURVATURE; THENCE SOUTHWESTERLY, ALONG THE ARC OF A CIRCLE HAVING A RADIUS OF 25.00 FEET, WHOSE CENTER LIES SOUTHWESTERLY, AN ARC DISTANCE OF 39.27 FEET, THE CHORD OF SAID ARC HAVING A BEARING OF SOUTH $29^{\circ}41'03''$ WEST AND LENGTH OF 35.36 FEET, TO A POINT OF TANGENCY; THENCE SOUTH $74^{\circ}41'03''$ WEST, A DISTANCE OF 60.00 FEET; THENCE SOUTH $15^{\circ}18'57''$ EAST, A DISTANCE OF 50.00 FEET TO THE CENTERLINE OF SAID MONTGOMERY ROAD; THENCE NORTH $74^{\circ}41'03''$ EAST, ALONG SAID CENTERLINE, A DISTANCE OF 715.82 FEET TO THE POINT OF BEGINNING; ALL IN KANE COUNTY, ILLINOIS AND CONTAINING 18.5022 ACRES, MORE OR LESS, OF WHICH 0.5460 ACRES, MORE OR LESS, ARE WITHIN THE PRESENT RIGHT-OF-WAY.

30562/1

GROUP EXHIBIT A

1999 K 112685

7

NOTICE OF HEARING
VILLAGE OF MONTGOMERY
SPECIAL SERVICE AREA NUMBER # 2
(ARBOR RIDGE)

NOTICE IS HEREBY GIVEN that on the 22nd day of March, 1999, at 7:00 p.m., in the Montgomery Village Hall, 1300 Broadway Avenue, Montgomery, Illinois, a hearing will be held by the Village Board of the Village of Montgomery to consider the establishment of a Special Service Area consisting of the following described territory:

SEE ATTACHED EXHIBIT "A"

The approximate location is the 120 planned residential units lying on the north side of Montgomery Road and to the west of Douglas Road in the Village of Montgomery, 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 Number # 2 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 Number # 2 in general is to provide for the maintenance, repair and replacement of certain entry monuments, landscaped easements and stormwater retention areas in said Area, all in accordance with the final landscape and 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 thirty one-hundredths percent (.30%, being 30¢ per \$100) of the equalized assessed value of the property in the proposed Special Service Area Number # 2, said tax to be levied for for an indefinite period of time from the date all public improvements are accepted by the Village 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 \$15,000.00 annually for the cost of the said services. The hearing may be adjourned by the Village Board 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 Number # 2 and by at least fifty-one percent (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 25th day of February, 1999.

SIGNED BY:

/s/ Barbara J. Algo
Village Clerk

1999K112685

1999 NOV 24 AM 11:45

Lynda M. Quinn
RECORDER

pd
15.00

Village of Montgomery
1300 S. Broadway Ave.
Montgomery, IL 60538
630-896-8080

STATE OF ILLINOIS)
COUNTIES OF KANE AND KENDALL)
VILLAGE OF MONTGOMERY)

I, Helen Prester, Village Deputy Clerk of the Village of Montgomery, Kane and Kendall Counties, Illinois, do hereby certify that the foregoing is a true and correct copy of

Ordinance # 848 "AN ORDINANCE FOR THE ESTABLISHMENT OF A
SPECIAL SERVICE AREA NUMBER #2 (ARBOR RIDGE) (KANE COUNTY)
IN THE VILLAGE OF MONTGOMERY FOLLOWING NOTICE AND PUBLIC
HEARING IN CONNECTION THEREWITH

Approved on the 26th day of April, 1999 by the Village Board of the Village of Montgomery, Kane and Kendall Counties, Illinois which is my duty to maintain. The original is now on file in my office.

I do further certify that I am the legal custodian of all papers, contracts, documents, bonds, and records of the Village of Montgomery.

WITNESS: My hand and the official seal of the Village of Montgomery this 23rd day of November, A.D., 1999.



Helen Prester
Helen Prester
Village Deputy Clerk

POOR ORIGINAL
Recorder Not Responsible
For Reproductions

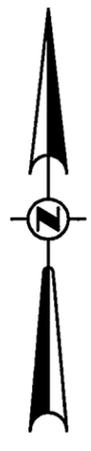
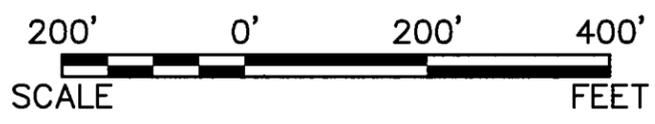
1999 K 112685

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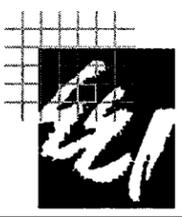
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EXHIBIT SSA MAP



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Engineering Enterprises, Inc.
Civil Engineers & Land Surveyors
 52 Wheeler Road
 Sugar Grove, Illinois 60554 630/466-9350

NOVEMBER 15, 2005
 PROJ. M0974001