

200100012409  
Filed for Record in  
KENDALL COUNTY, ILLINOIS  
PAUL ANDERSON  
07-13-2001 At 09:19 am.  
ORDINANCE 22.00

**VILLAGE OF MONTGOMERY**

**ORDINANCE NO. 959**

**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF  
A SPECIAL SERVICE AREA 3  
MONTGOMERY CROSSINGS SUBDIVISION (KENDALL COUNTY)  
IN THE VILLAGE OF  
MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS  
FOLLOWING NOTICE AND  
PUBLIC HEARING IN CONNECTION THEREWITH**

**WHEREAS**, the Village of Montgomery 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 Montgomery 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 Montgomery, Kane and Kendall Counties, 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 and as legally described in Exhibit A, attached hereto and by reference incorporated herein (the "Area"), be established as Special Service Area No. 3 for the purposes set forth herein.
- (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 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) That the Village of Montgomery Special Service Area No. 3 be and is hereby established for and with regard to the aforesaid territory.

## SECTION TWO:

That the purpose of the Village of Montgomery Special Service Area No.3 is to provide for the care, maintenance, renewal and replacement of the Common Facilities (being landscape islands and buffers, subdivision entry monument signs and surrounding landscape treatments, and storm water retention/detention facilities in 50' wide buffers as identified on the final plat of the subdivision), including, without limitation, the mowing and fertilizing of grass, pruning and trimming of trees, removal and replacement of diseased or dead landscape material, and the repair and replacement of monument signs. 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 (which such services shall include both the cost thereof and administrative costs) 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 one and one-tenth percent (1.1%, being \$1.10 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 upon the issuance of occupancy permits for 85% of the dwelling units planned and platted for the Montgomery Crossings Subdivision (the "Implementation Date"). On and after the Implementation Date said levies are intended to produce approximately \$125,000.00 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 25th day of June 2001, at 7:00 p.m. in the Montgomery Village Hall, 1300 S. Broadway, Montgomery, Illinois, 60538 with regard to the establishment of Village of Montgomery Special Service Area No. 3 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 25th day of May, 2001, 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 No. 3, and the owners of record. Said notice was mailed on or before the 25th day of May, 2001, 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 substantially 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 Montgomery, Kane and Kendall Counties, Illinois, on the 9th day of July, 2001.

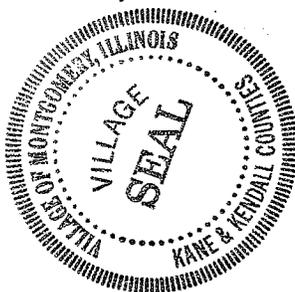
Marilyn Micheline  
President of the Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois

ATTEST: Barbara Pigo  
Clerk, Village of Montgomery

AYES: 6

NAYS: 0

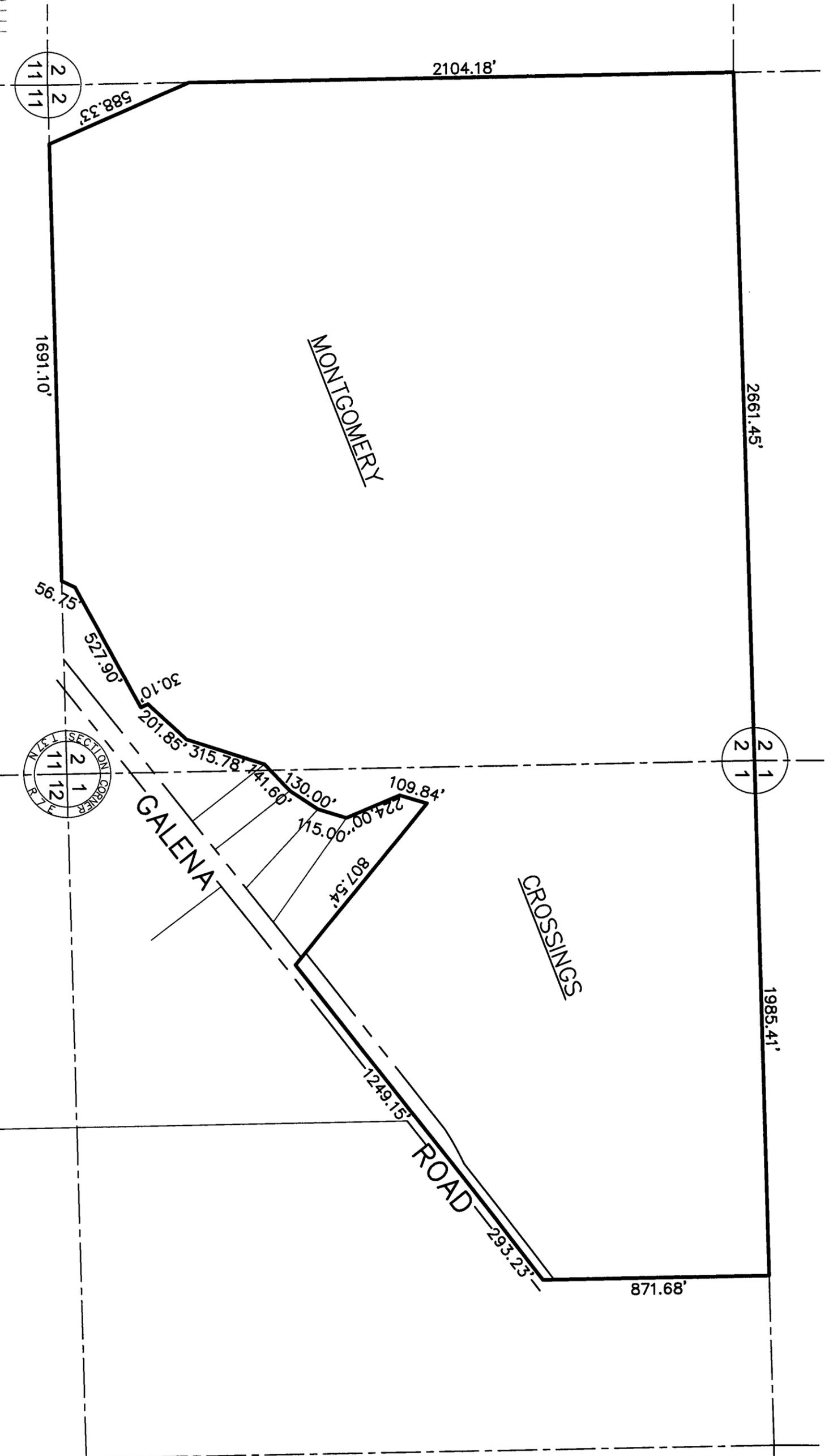
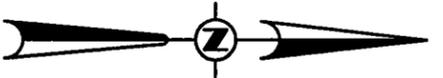
ABSENT: 0



## EXHIBIT A

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 1 AND THAT PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, 1700.61 FEET TO THE MONUMENTED EASTERLY LINE OF A TRACT CONVEYED TO JOHN AND ALYCE HATTERSLEY BY WARRANTY DEED RECORDED MARCH 8, 1956 IN BOOK 117 AT PAGE 86 FOR THE POINT OF BEGINNING; THENCE EASTERLY ALONG SAID SOUTH LINE 954.80 FEET; THENCE NORTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 117 DEGREES 00 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 56.75 FEET; THENCE NORTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 215 DEGREES 53 MINUTES 25 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 527.90 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 94 DEGREES 36 MINUTES 52 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 30.10 FEET TO THE CENTERLINE OF BLACKBERRY CREEK; THENCE NORTHEASTERLY ALONG SAID CENTERLINE 517.63 FEET TO THE NORTHWEST CORNER OF LOT 1 OF "PROBST SUBDIVISION, BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS" THENCE GENERALLY NORTHERLY, ALONG THE NORTHWESTERLY LINE OF SAID PROBST SUBDIVISION, 720.44 FEET TO THE MOST NORTHERLY CORNER OF LOT 4 OF SAID PROBST SUBDIVISION; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 4 AND SAID LINE EXTENDED, 807.54 FEET TO THE CENTERLINE OF GALENA ROAD; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE OF GALENA ROAD, 1542.38 FEET TO THE WESTERLY LINE OF THE EASTERLY 658.68 FEET, AS MEASURED ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, THENCE NORTHERLY ALONG SAID WESTERLY LINE 871.67 FEET TO THE NORTH LINE OF SAID SOUTHWESTERN QUARTER, THENCE WESTERLY ALONG SAID NORTH LINE 1985.41 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWESTERN QUARTER; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, 2104.18 FEET TO A POINT ON SAID WEST LINE WHICH IS 544.50 FEET, MEASURED ALONG SAID WEST LINE, NORTHERLY OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTHEASTERLY 588.33 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER WHICH IS 228.36 FEET, MEASURED ALONG SAID SOUTH LINE, EASTERLY OF THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE EASTERLY, ALONG SAID SOUTH LINE, 736.30 FEET TO THE POINT OF BEGINNING IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

# EXHIBIT SSA MAP



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

NOVEMBER 16, 2005  
 PROJ. MO002305