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SANDY WEGMAN  
RECORDER - KANE COUNTY, IL

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**VILLAGE OF MONTGOMERY  
KANE AND KENDALL COUNTIES, ILLINOIS**

**ORDINANCE NO. 1253**

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**AN ORDINANCE ESTABLISHING A  
SPECIAL SERVICE AREA NO. 5A FOR  
FAIRFIELD WAY SUBDIVISION AND  
THE NAGEL ANNEXATION IN  
THE VILLAGE OF MONTGOMERY, ILLINOIS**

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Adopted by the  
Board of Trustees and President  
of the Village of Montgomery  
this 26th day of June, 2006.

Published in Pamphlet Form  
by authority of the Board of Trustees  
of the Village of Montgomery, Kane and Kendall Counties,  
Illinois, this 26th day of June, 2006.

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SPECIAL SERVICE AREA NO. 5A FOR  
FAIRFIELD WAY SUBDIVISION AND  
THE NAGEL ANNEXATION IN  
THE VILLAGE OF MONTGOMERY, ILLINOIS**

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, as follows;

**WHEREAS**, the Village of Montgomery 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 Montgomery, Kane and Kendall Counties, 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 Special Service Area No. 5A, 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 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 7:00 p.m., on the 24th day of April, 2006, in the Meeting Room of the Police Department for the Village of Montgomery, Kane County, 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 Montgomery, Kane and Kendall Counties, 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. 5A 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 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. 5A 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. 5A in general is to authorize the maintenance, repair and replacement of storm water detention, as well as to authorize the implementation and continuation of a mosquito abatement program 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.

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 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.

**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 Montgomery, Kane and Kendall Counties, Illinois, on the 26th day of June, 2006.

Marilyn Michelini  
 Marilyn Michelini,  
 President of the Board of Trustees of the Village of Montgomery

ATTEST: Barbara Argo  
 Barbara Argo, Clerk of the Village of Montgomery



	Aye	Nay	Absent	Abstain
Trustee Jeanne Felten	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Peter Heinz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee William Keck	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Dennis Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Lloyd Mattingly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Robert Watermann	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Village President Marilyn Michelini	<u>NO VOTE CAST</u>			

**EXHIBIT A**  
**SSA 5A**  
**FAIRFIELD WAY SUBDIVISION**  
**AND THE NAGEL ANNEXATION**  
**LEGAL DESCRIPTION**

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 34, AND PART OF THE SOUTHWEST QUARTER OF SECTION 35, ALL IN TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION ON THE NORTH LINE OF U.S. ROUTE 30 (A.K.A. BASELINE ROAD) AS PER DOCUMENT 823235 WITH THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 29 MINUTES 35 SECONDS WEST ALONG SAID NORTH LINE (BEARINGS ASSUMED FOR DESCRIPTION PURPOSES ONLY), 1044.82 FEET; THENCE NORTH 01 DEGREES 09 MINUTES 01 SECONDS EAST 343.24 FEET; THENCE NORTH 89 DEGREES 26 MINUTES 56 SECONDS WEST, 449.14 FEET TO THE WEST LINE OF THE EAST 1493.87 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE NORTH 01 DEGREES 09 MINUTES 01 SECONDS EAST ALONG SAID WEST LINE, 2238.65 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 23 MINUTES 22 SECONDS EAST ALONG SAID NORTH LINE, 1493.94 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE SOUTH 89 DEGREES 30 MINUTES 20 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 994.14 FEET TO THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE WEST HALF OF SAID SOUTHWEST QUARTER; TEHNCE SOUTH 01 DEGREES 03 MINUTES 04 SECONDS WEST ALONG SAID EAST LINE 2579.70 FEET TO THE NORTH LINE OF U.S. ROUTE 30, AFORESAID; THENCE NORTH 9 DEGREES 29 MINUTES 35 SECONDS WEST ALONG SAID NORTH LINE, 704.24 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 01 SECONDS EAST, 218.56 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 59 SECONDS WEST, 293.58 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 01 DEGREES 09 MINUTES 01 SECONDS WEST ALONG SAID WEST LINE, 221.44 FEET TO THE POINT OF BEGINNING (EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE INTERSECTION ON THE NORTH LINE OF U.S. ROUTE 30 (A.K.A. BASELINE ROAD) AS PER DOCUMENT 823235 WITH THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTHERLY, 221.44 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 18 MINUTES 01 SECONDS EAST, 62.74 FEET; THENCE NORTH 01 DEGREES 03 MINUTES 04 SECONDS EAST 454.90 FEET; THENCE SOUTH 87 DEGREES 52 MINUTES 26 SECONDS WEST 65.40 FEET; THENCE NORTHWESTERLY TANGENT TO THE LAST DESCRIBED COURSE, 580.93 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 530.00 FEET, THE CHORD OF SAID CURVE BEARING NORTH 60 DEGREES 43 MINUTES 32 SECONDS WEST; THENCE NORTH 29 DEGREES 19 MINUTES 30 SECONDS WEST TANGENT TO THE LAST DESCRIBED COURSE, 66.41 FEET; THENCE SOUTH 60 DEGREES 40 MINUTES 30 SECONDS WEST, 220.00 FEET; THENCE NORTH 29 DEGREES 19 MINUTES 30 SECONDS WEST, 120.75 FEET; THENCE NORTHWESTERLY TANGENT TO THE LAST DESCRIBED COURSE, 384.39 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 370.00 FEET THE CHORD OF SAID CURVE BEARING NORTH 59 DEGREES 05 MINUTES 14 SECONDS WEST; THENCE NORTH 88 DEGREES 50 MINUTES 59 SECONDS WEST TANGENT TO THE LAST DESCRIBED COURSE, 336.38 FEET; THENCE NORTH 01 DEGREES 09 MINUTES 01 SECONDS EAST, 300.00 FEET; THENCE SOUTH 88 DEGREES 50 MINUTES 59

SECONDS EAST, 336.38 FEET; THENCE SOUTHEASTERLY TANGENT TO THE LAST DESCRIBED COURSE, 515.61 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 670.00 FEET, THE CHORD OF SAID CURVE BEARING SOUTH 66 DEGREES 48 MINUTES 11 SECONDS EAST; THENCE NORTH 41 DEGREES 51 MINUTES 04 SECONDS EAST, 85.89 FEET; THENCE NORTH 21 DEGREES 56 MINUTES 28 SECONDS EAST 166.77 FEET; THENCE NORTH 41 DEGREES 07 MINUTES 05 SECONDS EAST, 105.35 FEET; THENCE NORTH 45 DEGREES 31 MINUTES 22 SECONDS EAST, 180.00 FEET; THENCE NORTH 55 DEGREES 59 MINUTES 49 SECONDS EAST, 37.72 FEET; THENCE NORTH 89 DEGREES 01 MINUTES 29 SECONDS EAST, 111.53 FEET; THENCE NORTH 00 DEGREES 58 MINUTES 31 SECONDS WEST, 120.00 FEET; THENCE SOUTH 89 DEGREES 01 MINUTES 29 SECONDS WEST 50.16 FEET; THENCE NORTH 00 DEGREES 36 MINUTES 38 SECONDS EAST, 663.44 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE SOUTH 89 DEGREES 23 MINUTES 22 SECONDS EAST ALONG SAID NORTH LINE; 301.08 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE SOUTH 89 DEGREES 30 MINUTES 20 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 994.14 FEET TO THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE WEST HALF OF SAID SOUTHWEST QUARTER; THENCE SOUTH 01 DEGREES 03 MINUTES 04 SECONDS WEST ALONG SAID EAST LINE, 2579.70 FEET TO THE NORTH LINE OF U.S. ROUTE 30, AFORESAID; THENCE NORTH 89 DEGREES 29 MINUTES 35 SECONDS WEST ALONG SAID NORTH LINE 704.24 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 01 SECONDS EAST, 218.56 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 59 SECONDS WEST, 293.58 FEET TO THE POINT OF BEGINNING), IN KANE COUNTY, ILLINOIS.

AND ALSO,

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF BASE LINE ROAD WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 35; THENCE NORTHERLY ALONG THE WEST LINE, A DISTANCE OF 221.44 FEET; THENCE EASTERLY ALONG A LINE THAT FORMS AN ANGLE OF 89 DEGREES 53 MINUTES TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 218.0 FEET TO THE NORTHERLY LINE OF BASE LINE ROAD; THENCE WESTERLY ALONG SAID NORTHERLY LINE, A DISTANCE OF 294.34 FEET TO THE PLACE OF BEGINNING, BEING SITUATED IN SUGAR GROVE TOWNSHIP, KANE COUNTY, ILLINOIS.



**EXHIBIT B**  
**SSA 5A**  
**FAIRFIELD WAY SUBDIVISION**  
**AND THE NAGEL ANNEXATION**  
**NOTICE OF HEARING**

**NOTICE OF HEARING**  
**VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS**  
**SPECIAL SERVICE AREA NO. 5A**  
**FAIRFIELD WAY SUBDIVISION**  
**NAGEL ANNEXATION**  
**(KANE COUNTY)**

NOTICE IS HEREBY GIVEN that on the 24th day of April, 2006, at 7:00 p.m., in the Meeting Room of the Police Department for the Village of Montgomery, Kane and Kendall Counties, Illinois, a hearing will be held by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, to consider the establishment of a Special Service Area consisting of the following described territory:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 34, AND PART OF THE SOUTHWEST QUARTER OF SECTION 35, ALL IN TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION ON THE NORTH LINE OF U.S. ROUTE 30 (A.K.A. BASELINE ROAD) AS PER DOCUMENT 823235 WITH THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 29 MINUTES 35 SECONDS WEST ALONG SAID NORTH LINE (BEARINGS ASSUMED FOR DESCRIPTION PURPOSES ONLY), 1044.82 FEET; THENCE NORTH 01 DEGREES 09 MINUTES 01 SECONDS EAST 343.24 FEET; THENCE NORTH 89 DEGREES 26 MINUTES 56 SECONDS WEST, 449.14 FEET TO THE WEST LINE OF THE EAST 1493.87 FEET OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE NORTH 01 DEGREES 09 MINUTES 01 SECONDS EAST ALONG SAID WEST LINE, 2238.65 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 23 MINUTES 22 SECONDS EAST ALONG SAID NORTH LINE, 1493.94 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 34; THENCE SOUTH 89 DEGREES 30 MINUTES 20 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35, A DISTANCE OF 994.14 FEET TO THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF THE WEST HALF OF SAID SOUTHWEST QUARTER; TEHNCE SOUTH 01 DEGREES 03 MINUTES 04 SECONDS WEST ALONG SAID EAST LINE 2579.70 FEET TO THE NORTH LINE OF U.S. ROUTE 30, AFORESAID; THENCE NORTH 9 DEGREES 29 MINUTES 35 SECONDS WEST ALONG SAID NORTH LINE, 704.24 FEET; THENCE NORTH 00 DEGREES 57 MINUTES 01 SECONDS EAST, 218.56 FEET; THENCE NORTH 88 DEGREES 55 MINUTES 59 SECONDS WEST, 293.58 FEET TO THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 35; THENCE SOUTH 01 DEGREES 09 MINUTES 01 SECONDS WEST ALONG SAID WEST LINE, 221.44 FEET TO THE POINT OF BEGINNING (EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE INTERSECTION ON THE NORTH LINE OF U.S. ROUTE 30 (A.K.A. BASELINE ROAD) AS PER DOCUMENT 823235 WITH THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTHERLY, 221.44 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 18 MINUTES 01 SECONDS EAST, 62.74 FEET; THENCE NORTH 01 DEGREES 03 MINUTES

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AND ALSO,

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PLACE OF BEGINNING, BEING SITUATED IN SUGAR GROVE TOWNSHIP, KANE COUNTY, ILLINOIS.

The approximate location is bounded by Route 30 to the South, Gordon Road to the East, Jericho Road to the north (with non-SSA levied property in between) and Bertram Road to the west (With non-SSA levied property in between), in the Village of Montgomery, 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. 5A in general is to authorize the maintenance, repair and replacement of storm water detention, as well as to authorize the implementation and continuation of a mosquito abatement program 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-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. 5A, 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. 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. 5A 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 28th day of March, 2006

Steven A. Andersson, Village Attorney  
for the Village of Montgomery