

VILLAGE OF MONTGOMERY

ORDINANCE NO. 1056

**AN ORDINANCE ESTABLISHING
SPECIAL SERVICE AREA No. 7
BLACKBERRY CROSSINGS SUBDIVISION (KENDALL COUNTY)
IN THE VILLAGE OF
MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS**

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 Exhibit A, attached hereto and by reference incorporated herein (the "Area"), be established as Special Service Area No. 7 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. 7 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. 7 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 Blackberry Crossings Subdivision (the "Implementation Date"). On and after the Implementation Date said levies are intended to produce sufficient funds 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 28th day of April, 2003, 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. 7 for the territory described in Exhibit A. 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 14th day of April, 2003, 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. 7, and the owners of record. Said notice was mailed on or before the 14th day of April, 2003, 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 27th day of May, 2003.

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

ATTEST Jannette Herbord
Clerk, Village of Montgomery

AYES: 6
NAYS: 0
ABSENT: 0



EXHIBIT A

**SSA No. 7
BLACKBERRY CROSSINGS SUBDIVISION
LEGAL DESCRIPTION**

PARCEL ONE:

THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF MONTGOMERY, KENDALL COUNTY, ILLINOIS.

PARCEL TWO:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, 544.50 FEET; THENCE SOUTHEASTERLY, 588.33 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER WHICH IS 228.36 FEET (as measured along said South line) EASTERLY OF THE POINT OF BEGINNING; THENCE WESTERLY, ALONG SAID SOUTH LINE, 228.36 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF MONTGOMERY, KENDALL COUNTY, ILLINOIS.

PARCEL THREE:

THAT PART OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, 467.69 FEET TO THE NORTHEASTERLY CORNER OF THE "AMENDED PLAT, UNIT TWO, WILLOWBROOK"; THENCE SOUTHEASTERLY, ALONG THE EASTERLY LINE OF SAID UNIT TWO, 771.50 FEET TO THE EASTERNMOST CORNER OF LOT 39 OF SAID UNIT TWO, ALSO BEING THE EASTERLY LINE OF LOT 13 OF PURCELL'S THIRD SUBDIVISION; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 13 AND SAID LINE EXTENDED, 662.05 FEET TO THE CENTER LINE OF GALENA ROAD; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, 76.71 FEET TO THE MONUMENTED WESTERLY LINE OF A TRACT DESCRIBED IN A WARRANTY DEED TO JAMES A. THOM RECORDED AS DOCUMENT NO. 864458 ON OCTOBER 23, 1986; THENCE NORTHWESTERLY ALONG SAID WESTERLY LINE, 700.30 FEET TO AN IRON PIPE ON A LINE 1.0 FEET SOUTHEASTERLY OF AN EXISTING WIRE FENCE; THENCE NORTHEASTERLY ALONG A LINE 1.0 FOOT SOUTHEASTERLY OF SAID FENCE, 549.93 FEET TO AN IRON PIPE; THENCE NORTHWESTERLY 222.18 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11 WHICH IS 228.36 FEET (measured along said North line) EASTERLY OF THE POINT OF BEGINNING; THENCE WESTERLY, ALONG SAID NORTH LINE, 228.36 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF MONTGOMERY, KENDALL COUNTY, ILLINOIS.

PARCEL FOUR:

THAT PART OF THE NORTH HALF OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE NORTH 88 DEGREES 07 MINUTES 09 SECONDS EAST, ALONG THE NORTHERLY LINE OF SAID NORTHEAST QUARTER, 228.36 FEET; THENCE SOUTH 24 DEGREES 06 MINUTES 50 SECONDS EAST, 222.29 FEET; THENCE SOUTH 46 DEGREES 25 MINUTES 13 SECONDS WEST, 549.86 FEET; THENCE SOUTH 28 DEGREES 26 MINUTES 38 SECONDS EAST, 447.87 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 28 DEGREES 26 MINUTES 38 SECONDS EAST, 252.38 FEET TO THE CENTER LINE OF GALENA ROAD (being State Aid Route 10 and previously known as Cannonball Trail); THENCE NORTH 49 DEGREES 28 MINUTES 34 SECONDS EAST, ALONG SAID CENTER LINE, 65.00 FEET; THENCE NORTH 43 DEGREES 20 MINUTES 59 SECONDS WEST, 247.09 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

EXHIBIT B

**NOTICE OF HEARING
VILLAGE OF MONTGOMERY, KANE and KENDALL COUNTIES, ILLINOIS
SPECIAL SERVICE AREA NO. 7
BLACKBERRY CROSSING SUBDIVISION
(KENDALL COUNTY)**

NOTICE IS HEREBY GIVEN that on the 28th day of April, 2003, at 7:00 p.m., in the Montgomery Village Hall, 1300 S. Broadway, Montgomery, 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:

**SSA #7
BLACKBERRY CROSSINGS SUBDIVISION
LEGAL DESCRIPTION**

PARCEL ONE:

THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF MONTGOMERY, KENDALL COUNTY, ILLINOIS.

PARCEL TWO:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, 544.50 FEET; THENCE SOUTHEASTERLY, 588.33 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER WHICH IS 228.36 FEET (as measured along said South line) EASTERLY OF THE POINT OF BEGINNING; THENCE WESTERLY, ALONG SAID SOUTH LINE, 228.36 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF MONTGOMERY, KENDALL COUNTY, ILLINOIS.

PARCEL THREE:

THAT PART OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, 467.69 FEET TO THE NORTHEASTERLY CORNER OF THE "AMENDED PLAT, UNIT TWO, WILLOWBROOK"; THENCE SOUTHEASTERLY, ALONG THE EASTERLY LINE OF SAID UNIT TWO, 771.50 FEET TO THE EASTERNMOST CORNER OF LOT 39 OF SAID UNIT TWO, ALSO BEING THE EASTERLY LINE OF LOT 13 OF PURCELL'S THIRD SUBDIVISION; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF SAID LOT 13 AND SAID LINE EXTENDED, 662.05 FEET TO THE CENTER LINE OF GALENA ROAD; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, 76.71 FEET TO THE MONUMENTED WESTERLY LINE OF A TRACT DESCRIBED IN A WARRANTY DEED TO JAMES A. THOM RECORDED AS DOCUMENT NO. 864458 ON OCTOBER 23, 1986; THENCE NORTHWESTERLY ALONG SAID WESTERLY LINE, 700.30 FEET TO AN IRON PIPE ON A LINE 1.0 FEET SOUTHEASTERLY OF AN EXISTING WIRE FENCE; THENCE NORTHEASTERLY ALONG A LINE 1.0 FOOT SOUTHEASTERLY OF SAID FENCE, 549.93 FEET TO AN IRON PIPE; THENCE NORTHWESTERLY 222.18 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11 WHICH IS 228.36 FEET (measured along said North line) EASTERLY OF THE POINT OF BEGINNING; THENCE WESTERLY, ALONG SAID NORTH LINE, 228.36 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF MONTGOMERY, KENDALL COUNTY, ILLINOIS.

PARCEL FOUR:

THAT PART OF THE NORTH HALF OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE NORTH 88 DEGREES 07 MINUTES 09 SECONDS EAST, ALONG THE NORTHERLY LINE OF SAID NORTHEAST QUARTER, 228.36 FEET; THENCE SOUTH 24 DEGREES 06 MINUTES 50 SECONDS EAST, 222.29 FEET; THENCE SOUTH 46 DEGREES 25 MINUTES 13 SECONDS WEST, 549.86 FEET; THENCE SOUTH 28 DEGREES 26 MINUTES 38 SECONDS EAST, 447.87 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 28 DEGREES 26 MINUTES 38 SECONDS EAST, 252.38 FEET TO THE CENTER LINE OF GALENA ROAD (being State Aid Route 10 and previously known as Cannonball Trail); THENCE NORTH 49 DEGREES 28 MINUTES 34 SECONDS EAST, ALONG SAID CENTER LINE, 65.00 FEET; THENCE NORTH 43 DEGREES 20 MINUTES 59 SECONDS WEST, 247.09 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

The approximate location is west of Orchard Road and north of Galena Road, in the Village of Montgomery, Kendall 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 Village of Montgomery Special Service Area No.7 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 sufficient funds 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.

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 Dollar and ten cents (\$1.10) 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. 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.

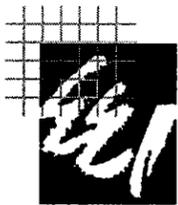
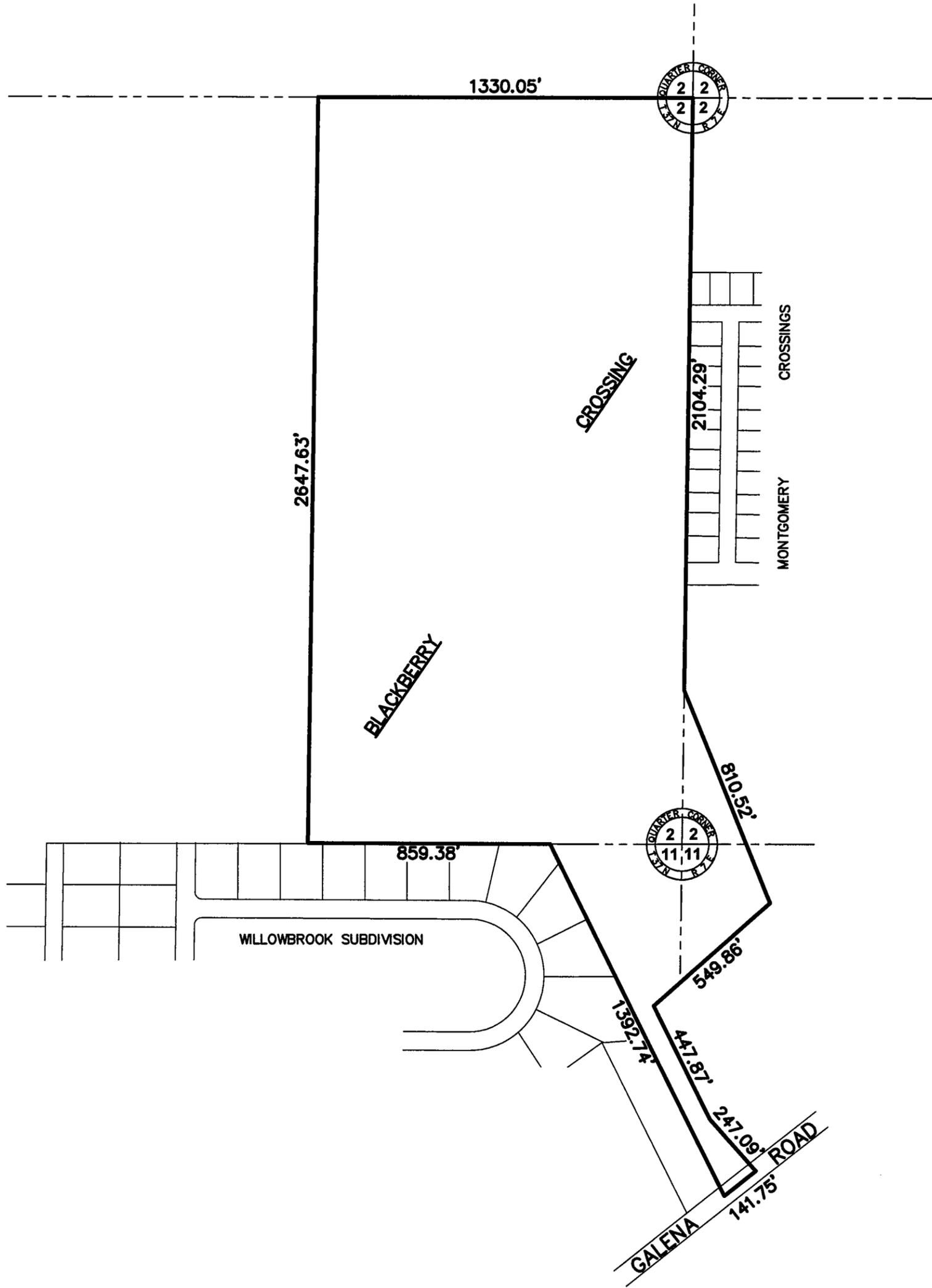
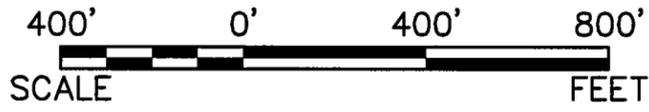
If a petition signed by at least fifty-one percent (51%) of the electors residing within the proposed Special Service Area No. 7 and by at least fifty-one (51%) of the owners of record of the land included within the boundaries of the proposed Area is filed with the Village Clerk within sixty (60) days 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 ____ day of _____, 2003.

Peter K. Wilson, Jr., Village Attorney
for the Village of Montgomery, Illinois

EXHIBIT SSA MAP



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

NOVEMBER 17, 2005
 PROJ. M0003303