

MAP ATTACHED

2004K085648

SANDY WEGMAN  
RECORDER  
KANE COUNTY, IL

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06/29/2004 10:13AM

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PAGES: 9



VILLAGE OF MONTGOMERY  
KANE and KENDALL COUNTIES, ILLINOIS

ORDINANCE NO. 1122

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An Ordinance Establishing  
Special Service Area No. 9  
United Facilities Detention Area (Kane County)  
In The Village Of  
Montgomery, Kane And Kendall Counties, Illinois

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Adopted by the  
Board of Trustees and President  
of the Village of Montgomery  
this 10th day of May, 2004.

Published in Pamphlet Form  
by authority of the Board of Trustees  
of the Village of Montgomery, Kane and Kendall Counties,  
Illinois, this 10th day of May, 2004.

NE 31/38/8  
NW

CHG30

RETURN TO:  
VILLAGE OF MONTGOMERY  
1300 S. BROADWAY  
MONTGOMERY, IL. 60538

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**VILLAGE OF MONTGOMERY**

**ORDINANCE NO. 1122**

**AN ORDINANCE ESTABLISHING  
SPECIAL SERVICE AREA NO. 9  
UNITED FACILITIES DETENTION AREA (KANE 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. 9 for the purposes set forth herein.
- (b) That said Area is compact and contiguous.
- (c) That said Area is zoned for commercial and industrial 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. 9 be and is hereby established for and with regard to the aforesaid territory.

**SECTION TWO:**

The purpose of the Village of Montgomery Special Service Area No. 9 is to provide for the care, maintenance, renewal and replacement of the storm water detention, and adjacent grass or planting areas, including, without limitation, the mowing and fertilizing of grass, pruning and trimming of trees, removal and replacement of diseased or dead landscape material. 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 five-tenths percent (0.5%, being \$0.50 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 if the Owner of the Area fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some or all of said responsibilities. On and after such time 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. 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.

#### SECTION THREE:

That a public hearing has been held on the 27th day of October, 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. 9 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 13th day of October, 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. 9, and the owners of record. 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.

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. 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.

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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 10th day of May, 2004.

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

ATTEST: *Jannette Herbold*  
 Clerk, Village of Montgomery

	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Burrell	✓	—	—
Felten	✓	—	—
Heinz	✓	—	—
Keck	✓	—	—
Lee	✓	—	—
Waterman	✓	—	—
Michelini	—	—	—
	<u>NO VOTE CAST</u>		



**EXHIBIT A-1  
SSA 9  
UNITED FACILITIES  
LOCATION MAP**

**EXHIBIT A**  
**SSA# 9**  
**UNITED FACILITIES DETENTION AREA**  
**LEGAL DESCRIPTION**

That part of the North half of fractional Section 31, Township 38 North, Range 8 East of the Third Principal Meridian, Village of Montgomery, Kane County, Illinois, being described by commencing at the North 1/4 corner of said section; thence S 00°30'24" W, 53.25 feet along the North-South 1/4 line of said section; thence N 89°39'28" E, 86.78 feet to the Point of Beginning; thence continuing N 89°39'28" E, 929.52 feet; thence S 00°18'42" E, 554.72 feet; thence N 89°41'18" E, 44.00 feet; thence S 00°18'42" E, 283.87 feet; thence Southwesterly along a curve to the right, having a radius of 294.60 feet, a distance of 140.60 feet and whose chord bears S 21°18'39" W, 139.27 feet to a point; thence Southwesterly along a curve to the right, having a radius of 311.96 feet, a distance of 280.13 feet and whose chord bears S 65°57'05" W, 270.82 feet to a point; thence S 88°21'56" W, 183.84 feet; thence Southwesterly along a curve to the left, having a radius of 337.62 feet, a distance of 264.65 feet and whose chord bears S 66°24'39" W, 257.92 feet to a point; thence S 89°41'18" W, 1009.52 feet; thence N 00°18'42" W, 95.40 feet; thence N 89°41'18" E, 149.96 feet; thence N 00°14'34" W, 540.19 feet; thence N 89°29'21" E, 106.00 feet; thence N 00°14'34" W, 56.00 feet; thence N 89°29'21" E, 222.00 feet; thence N 00°14'34" W, 128.00 feet; thence S 89°29'21" W, 123.59 feet; thence N 00°14'34" W, 303.15 feet; thence N 89°39'28" E, 86.00 feet; thence N 75°40'38" E, 153.77 feet; thence N 82°05'26" E, 166.61 feet to the Point of Beginning.

**EXHIBIT B**

**NOTICE OF HEARING  
VILLAGE OF MONTGOMERY, KANE and KENDALL COUNTIES, ILLINOIS  
SPECIAL SERVICE AREA NO. 9  
UNITED FACILITIES DETENTION AREA  
(KANE COUNTY)**

NOTICE IS HEREBY GIVEN that on the 27th day of October, 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 # 9  
UNITED FACILITIES DETENTION AREA  
LEGAL DESCRIPTION**

That part of the North half of fractional Section 31, Township 38 North, Range 8 East of the Third Principal Meridian, Village of Montgomery, Kane County, Illinois, being described by commencing at the North 1/4 corner of said section; thence S 00°30'24" W, 53.25 feet along the North-South 1/4 line of said section; thence N 89°39'28" E, 86.78 feet to the Point of Beginning; thence continuing N 89°39'28" E, 929.52 feet; thence S 00°18'42" E, 554.72 feet; thence N 89°41'18" E, 44.00 feet; thence S 00°18'42" E, 283.87 feet; thence Southwesterly along a curve to the right, having a radius of 294.60 feet, a distance of 140.60 feet and whose chord bears S 21°18'39" W, 139.27 feet to a point; thence Southwesterly along a curve to the right, having a radius of 311.96 feet, a distance of 280.13 feet and whose chord bears S 65°57'05" W, 270.82 feet to a point; thence S 88°21'56" W, 183.84 feet; thence Southwesterly along a curve to the left, having a radius of 337.62 feet, a distance of 264.65 feet and whose chord bears S 66°24'39" W, 257.92 feet to a point; thence S 89°41'18" W, 1009.52 feet; thence N 00°18'42" W, 95.40 feet; thence N 89°41'18" E, 149.96 feet; thence N 00°14'34" W, 540.19 feet; thence N 89°29'21" E, 106.00 feet; thence N 00°14'34" W, 56.00 feet; thence N 89°29'21" E, 222.00 feet; thence N 00°14'34" W, 128.00 feet; thence S 89°29'21" W, 123.59 feet; thence N 00°14'34" W, 303.15 feet; thence N 89°39'28" E, 86.00 feet; thence N 75°40'38" E, 153.77 feet; thence N 82°05'26" E, 166.61 feet to the Point of Beginning.

The approximate location is west of Orchard Road and south of Jericho Road, 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 Village of Montgomery Special Service Area No.9 is to provide for the care, maintenance, renewal and replacement of the storm water detention, and adjacent grass or planting areas, including, without limitation, the mowing and fertilizing of grass, pruning and trimming of trees,

removal and replacement of diseased or dead landscape material. The proposed municipal services are unique and are in addition to the services provided by the Village generally.

At the hearing, all persons affected will be given an opportunity to be heard. There shall be considered the levy of annual taxes 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 five-tenths percent (0.5%, being \$0.50 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 if the Owner of the Area fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some or all of said responsibilities. On and after such time 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. 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. 9 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

