

2006K019459

SANDY WEGMAN
RECORDER - KANE COUNTY, IL

RECORDED: 02/22/2006 10:12AM
REC FEE: 33.00 RHSPS FEE:
PAGES: 12



VILLAGE OF MONTGOMERY

ORDINANCE NO. 1198

**AN ORDINANCE ESTABLISHING VILLAGE OF MONTGOMERY
SPECIAL SERVICE AREA NUMBER SEVENTEEN**

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
THIS 13th DAY OF February, 2006.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES,
ILLINOIS, THIS 13th DAY OF February, 2006.

ORDINANCE NO. 1198

**AN ORDINANCE ESTABLISHING
VILLAGE OF MONTGOMERY
SPECIAL SERVICE AREA NUMBER SEVENTEEN**

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS, AS FOLLOWS:

Section 1. Authority. The Village of Montgomery (the "Village") is authorized, pursuant to Article VII, Section 7(6) of the Constitution of the State of Illinois, and pursuant to the provisions of the Illinois Special Service Area Tax Law, 35 ILCS 200/27-5 et seq. (the "Act"), to establish special service areas for the provision of special governmental services in portions of the Village and to levy or impose a special tax and to issue bonds for the provision of such special services.

Section 2. Findings. (a) The question of establishment of the area hereinafter described as a special service area (the "Special Service Area") was considered by the President and Board of Trustees of the Village pursuant to "An Ordinance Proposing the Establishment of Special Service Area Number Seventeen in the Village of Montgomery and Providing for Other Procedures in Connection Therewith," being Ordinance No. 1197, adopted on July 25, 2005. The establishment of the Area was considered at a public hearing commenced on August 16, 2005 (the "Public Hearing"). The Public Hearing was held pursuant to notice duly published in the Beacon News, a newspaper of general circulation within the Village, on July 29, 2005, which was at least fifteen (15) days prior to the Public Hearing, and also pursuant to notice by 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. Said notice by mail was given by depositing said notice in the United States mail not less than ten (10) days prior to the date set for the Public Hearing. In the event taxes for the last preceding year were not paid, said notice was sent to the person last listed on the tax rolls prior to that year as the owner of said property. A certificate of publication of notice and evidence of mailing of notice are attached to this Ordinance as Exhibit A and Exhibit B, respectively. Said notices conform in all respects to the requirements of the Act.

(b) At the Public Hearing, all interested persons were given an opportunity to be heard on the question of the issuance of bonds to finance a part of the cost of engineering, soil testing and appurtenant work, mass grading and demolition, storm water management facilities, storm drainage systems and storm sewers, site clearing and tree removal, public water facilities, sanitary sewer facilities, erosion control measures, roads, streets, curbs, gutters, street lighting, traffic controls, sidewalks, landscaping, wetland mitigation and tree installation and other eligible costs (collectively, the "Improvements"), on the question of the conditions for participating in the Special Service Area as more particularly set forth herein, and on the question of the retirement of said bonds as due from time to time by a levy of a tax on real property within the Area.

(c) After considering the data as presented to the President and Board of Trustees of the Village and at the Public Hearing, the President and Board of Trustees of the Village find that it is in the best interests of the Village and of the residents and property owners of the Village of Montgomery Special Service Area Number Seventeen that the Special Service Area, as hereinafter described, be established.

(d) More than 60 days have elapsed since the final adjournment of the Public Hearing. No owners of record of the taxable property lying within the Special Service Area or electors residing within the Special Service Area have filed a petition with the Village Clerk objecting to the creation of the Special Service Area, the levy of the Special Tax as described herein or the issuance of bonds to finance the Improvements.

(e) The Special Service Area is compact and contiguous as required by the Act.

(f) An annual special tax based upon a special tax roll levied against each residential lot and each parcel in the Special Service Area as herein described does not exceed the tax rate or method proposed in the notice of public hearing referred to herein and such special tax, taking into account the direct and indirect special service benefits to current and future owners of property within the Special Service Area, bears a rational relationship between the amount of tax levied against each lot, block, tract and parcel of land in the Special Service Area and the special service benefit conferred.

(g) It is in the best interests of the Village that the Special Service Area be created for the financing of the Improvements within the Special Service Area, that the Improvements be financed by the sale of bonds, and that taxes be levied on real property within the Special Service Area to retire the bonds and to cover costs and expenses connected with the financing of the Improvements within the Special Service Area.

(h) It is in the best interests of the Village of Montgomery Special Service Area Number Seventeen that the furnishing of the Improvements proposed be considered for the common interests of the Special Service Area and that the Special Service Area will benefit specially from the Improvements.

Section 3. Village of Montgomery Special Service Area Number Seventeen Established. A special service area to be known and designated as "Village of Montgomery Special Service Area Number Seventeen" is hereby established and shall consist of the contiguous territory legally described in Exhibit C hereto, and outlined on the map of a portion of the Village attached as Exhibit D hereto, which description and map are by this reference incorporated herein and made a part hereof. The public streets and highways shown within Exhibit D are also included in the Special Service Area.

Section 4. Purpose of Area. Village of Montgomery Special Service Area Number Seventeen is established to provide special services to the Special Service Area in addition to services provided in the Village generally. Village of Montgomery Special Service Area Number Seventeen is also created so that bonds may be issued for the purposes aforesaid (the "Bonds"), payable from taxes levied on real property in the Special Service Area in accordance with the special tax roll established by this Ordinance. Such taxes shall be levied in addition to

all other Village taxes so levied, provided no Bonds shall be issued in excess of the principal amount of \$275,000 or at an interest rate to exceed the greater of nine percent (9%) per annum or 125% of the rate for the most recent date shown in the 20 G.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York, at the time the contract is made for the sale of the Bonds and the Bonds shall mature within not more than forty (40) years from their date.

Section 5. Special Tax Roll for Bond Retirement. In lieu of an ad valorem tax to be levied and extended for the payment of principal of and interest on any Bonds issued on behalf of the Special Service Area, a special tax roll is hereby established. Such special tax roll shall be used only for levying and extending taxes for the payment of principal of and interest on any Bonds issued for the purposes set forth in Section Four hereof and the administration and maintenance of the Special Service Area. The special tax roll shall be substantially in the form attached as Exhibit E hereto, which special tax roll is by this reference incorporated herein and made a part hereof.

Section 6. Supersede Conflicting Ordinance. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED by the President and Board of Trustees of the Village this February 13, 2006.

Voting Aye (list names): TRUSTEE BURRELL, LEE, HEINZ, FELTON, KECK, MATTINGLY
Voting Nay (list names): Ø
Abstaining (list names): Ø
Absent (list names): Ø

APPROVED:

Marilyn Micheli
Village President

ATTEST:

Joseph B. Wilton
Village Clerk



Published in pamphlet form February 13, 2006.

EXHIBIT A

Proof of Publication and Notice

Certificate of Publication in **The Beacon News**

STATE OF ILLINOIS }
COUNTY OF KANE } SS

FOX VALLEY PUBLICATIONS, DOES HEREBY CERTIFY:

That it is a corporation duly organized and existing under the laws of the State of Illinois;

That it is the publisher of The Beacon News, a secular daily newspaper published in the City of Aurora, in Kane County, Illinois, and of general circulation in said City, County and State; and in DuPage, Kendall, DeKalb Counties, and in other Cities in Kane County; and that it is a newspaper as defined in "An Act to Revise the Law in Relation to Notices"—Ill. Revised Statutes, Chap. 100, Sections 1, 5 and 10.

That a notice of which the annexed is a true copy has been regularly published in said newspaper *one* time each for

..... successive; that the first publication of said notice was on the ... *29th* ... day of ... *July* ... , 20 *05* and the last publication thereof was on the day of , 20 that the face of type in which each publication of said notice was printed was the same as the body of type used in the classified advertising in the newspaper in which said publication was made;

That said The Beacon News has been regularly published in said City, County and State for at least one year prior to the first publication of said notice.

In WITNESS WHEREOF, said Fox Valley Publications, publisher as aforesaid, has executed this Certificate of Publication by its Officer or Agent thereunto duly authorized this *2nd* day of ... *August* ... , 20 *05*

FOX VALLEY PUBLICATIONS

By ... *M. Melissa ...*

Printer's Fee \$ *520.02* Paid, 20

No. ... *1104168* Folio *600019123*

**NOTICE OF HEARING
VILLAGE OF MONTGOMERY
SPECIAL SERVICE AREA NUMBER SEVENTEEN**

NOTICE IS HEREBY GIVEN that on August 16, 2005, at 4:00 p.m., at the Montgomery Police Department, 10 Civic Center Drive, Montgomery, Illinois, a hearing will be held by the Village of Montgomery to consider forming a special service area to be called "Village of Montgomery Special Service Area Number Seventeen," consisting of the territory legally described in Exhibit 1 to this Notice:

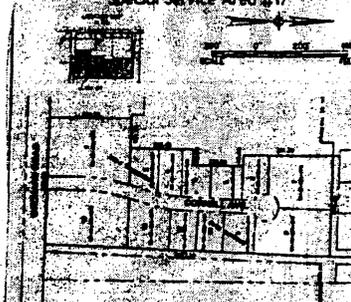
Exhibit 1

Legal description of property: All of Orchard Road Industrial Park, according to the Plat thereof recorded August 19th, 1988, as document number 192728, all in the Village of Montgomery, Kane County, Illinois.
PIN Numbers: 15-30-324-034; 15-30-324-037; 15-30-324-038; 15-30-324-039; 15-30-324-040; 15-30-324-041; 15-30-324-042; 15-30-324-043; 15-30-324-044; 15-30-324-045; 15-30-324-046; 15-30-324-047; 15-30-324-048.

The approximate street location is the area generally depicted on the map of a portion of the Village, which map is attached as Exhibit 2 to this Notice:

Exhibit 2

**SSA MAP
Special Service Area #17**



The general purpose of the formation of the Village of Montgomery Special Service Area Number Seventeen is to provide, through acquisition, construction and installation, special municipal services to the area which may include: engineering, soil testing and apparatus work, mass grading and demolition, storm water management facilities, storm drainage systems and storm sewers, site clearing and tree removal, public water facilities, sanitary sewer facilities, erosion control measures, roads, streets, curbs, gutters, street lighting, traffic control, sidewalks, landscaping, wellhead enclosure and tree installation and other suitable costs.

There will also be considered at the hearing the following method of financing improvements within the proposed special service area: the issuance of special tax bonds in an aggregate principal amount not to exceed \$27,000,000 at a fixed rate of 6.00% annual interest (interest nine percent (9%) per annum or 125% of the rate for the most recent date shown in the 20 G.O. Bonds Index of coverage municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York, at the time the contract is made for the sale of the bonds, and to mature within forty (40) years from the date of their issuance. The bonds shall be secured by the levy of an annual tax established pursuant to a special tax roll to pay the interest on such bonds as it falls due and to discharge the principal thereof at maturity, said tax to be levied upon all taxable property within the proposed special service area.

At the hearing, all interested persons affected by the formation of such special service area, including all persons owning taxable real estate therein, may file written objections to and be heard orally regarding the formation of and the boundaries of the special service area, the issuance of bonds and the levy of taxes affecting the area. The hearing may be adjourned by the Village Board without further notice other than a mention to be entered upon the minutes of its meeting fixing the time and place of its adjournment.

If a petition signed by at least 51% of the electors residing within the Village of Montgomery Special Service Area Number Seventeen and by at least 51% of the owners of record of the land included within the boundaries of the Village of Montgomery Special Service Area Number Seventeen is filed with the Village clerk of the Village of Montgomery within 30 days following the final adjournment of the public hearing objecting to the creation of the special service area, the issuance of bonds for the provision of special services to the area or the levy of taxes affecting the area, no such area may be created and no such bonds may be issued or taxes levied or imposed.

July 29, 2005

EXHIBIT B

Proof of Mailing and Notice

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Street, Apt. No. or PO Box No.: 2215 CORNELL AVENUE
City, State, ZIP+4: MONTGOMERY, IL 60538

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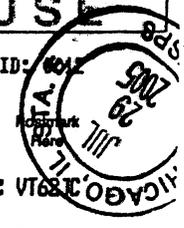
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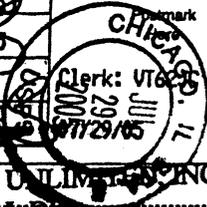
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City, State, ZIP+4: MONTGOMERY, IL 60558

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City, State, ZIP+4: SUGAR GROVE, IL 60554

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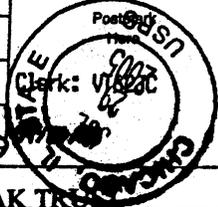
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UNIT ID: 0012	



Sent To
STANLEY L. ZEPOLAK TR
Street, Apt. No.,
or PO Box No. **8 BUCKINGHAM DR.**
City, State, Zip **AURORA, IL 60506**

EXHIBIT C

Legal Description of Property

ALL OF ORCHARD ROAD INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 19TH, 1988, AS DOCUMENT NUMBER 1927258; ALL IN THE VILLAGE OF MONTGOMERY, KANE COUNTY, ILLINOIS.

PIN Numbers:

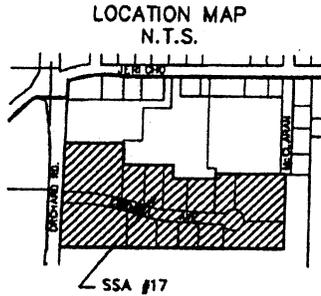
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15-30-326-048

EXHIBIT D

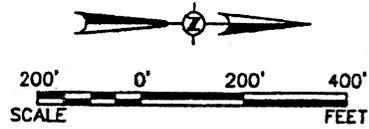
Map of Special Service Area Number Seventeen

EXHIBIT

SSA MAP

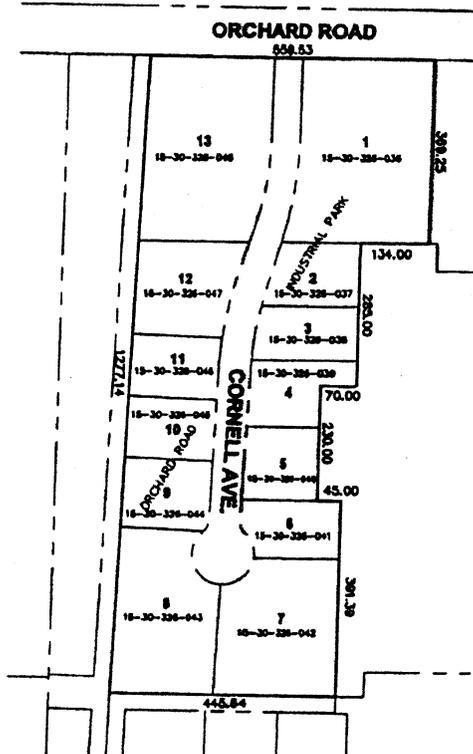


SPECIAL SERVICE
AREA #17



LEGAL DESCRIPTION:

ALL OF ORCHARD ROAD INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 18TH, 1988, AS DOCUMENT NUMBER 1927258; ALL IN THE VILLAGE OF MONTGOMERY, KANE COUNTY, ILLINOIS.



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

JULY 11, 2005
PROJ. MO032914

EXHIBIT E

Special Tax Roll

Village of Montgomery, Kane County, Illinois
Cornell Avenue SSA Information Table

Based on Projected Maximum Costs of \$275,000
Amortized @ 5.125% over 20 Years => Annual Cost \$ 23,201.09

<u>Property Address</u>	<u>Billing Information</u>	<u>PIN #</u>	<u>Lot Area (SF) % of Total</u>	<u>Area Lump Sum Share of Cost</u>	<u>Area Annual Cost 20-year Bond</u>
2274-94 Cornell	Zepelak, Stanley L, trust 28 Buckingham Dr Aurora, IL 60506	15-30-326-036	101,930 19.74%	\$ 54,284.76	\$ 4,579.87
2270-72 Cornell	Zepelak, Stanley L, trust 28 Buckingham Dr Aurora, IL 60506	15-30-326-037	22,651 4.39%	\$ 12,063.22	\$ 1,017.74
2260 Cornell	H & T Trust #89 P O Box 697 Lorida, FL 33857-0697	15-30-326-038	22,216 4.30%	\$ 11,831.55	\$ 998.20
2250-52 Cornell	Zepelak, Stanley L, trust 28 Buckingham Dr Aurora, IL 60506	15-30-326-039	20,909 4.05%	\$ 11,135.49	\$ 939.47
2230-32 Cornell	Old Second Nat. Bank of Aurora, Tr# 8298 904 Spruce Street Sugar Grove, IL 60554	15-30-326-040	21,780 4.22%	\$ 11,599.35	\$ 978.61
2220-22 Cornell	Thill, William J. 904 Spruce Street Sugar Grove, IL 60554	15-30-326-041	21,780 4.22%	\$ 11,599.35	\$ 978.61
2200-18 Cornell	Zepelak, Stanley L, trust 28 Buckingham Dr Aurora, IL 60506	15-30-326-042	62,291 12.06%	\$ 33,174.26	\$ 2,798.83
Cornell Av	Accessibility Unlimited, Inc 2215 Cornell Ave Montgomery, IL 60538	15-30-326-043	51,144 9.90%	\$ 27,237.71	\$ 2,297.98
2215 Cornell	Accessibility Unlimited, Inc. 1717 Industrial Dr Montgomery, IL 60538	15-30-326-044	24,394 4.72%	\$ 12,991.49	\$ 1,096.06
2235 Cornell	West Suburban Bank Tr#10762 2235 Cornell Ave Montgomery, IL 60538	15-30-326-045	21,780 4.22%	\$ 11,599.35	\$ 978.61
2251-55 Cornell	Old Second National Bank of Aurora, Trust#8298 Sugar Grove, IL 60554	15-30-326-046	21,780 4.22%	\$ 11,599.35	\$ 978.61
2271-75 Cornell	Thill, William J & Raine, Dennis 446 Shelburn Sugar Grove, IL 60554	15-30-326-047	37,897 7.34%	\$ 20,182.77	\$ 1,702.77
2277-99 Cornell	Zepelak, Stanley L, trust 28 Buckingham Dr Aurora, IL 60506	15-30-326-048	85,813 16.62%	\$ 45,701.34	\$ 3,855.71
Sum of parcel areas			516,366	\$ 275,000.00	\$ 23,201.09