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

**ORDINANCE NO. 1324**

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**An Ordinance Establishing an  
Active Special Service Area No. 33 for  
Blackberry Pointe (Active) in  
the Village of Montgomery, Illinois**

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Adopted by the  
Board of Trustees and President  
of the Village of Montgomery  
this 13th day of November, 2007.

Published in Pamphlet Form  
by authority of the Board of Trustees  
of the Village of Montgomery, Kane and Kendall Counties,  
Illinois, this 13th day of November, 2007.

**ORDINANCE NO. 1324**

**AN ORDINANCE ESTABLISHING AN  
ACTIVE SPECIAL SERVICE AREA NO. 33 FOR  
BLACKBERRY POINTE (ACTIVE) 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 the Blackberry Pointe Active Special Service Area No. 33, 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 24<sup>th</sup> day of September, 2007, at 10 Civic Center Avenue, Montgomery, Illinois in the Meeting Room of the Village Police Department for the Village of Montgomery, Kane and Kendall Counties, Illinois, at 10 Civic Center Avenue, Montgomery, 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. 33 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. 33 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. 33 in general is to authorize the maintenance, repair, regular care, renewal and replacement of the Common Facilities including, without limitation, the mowing and fertilizing of grass, pruning and trimming of trees and bushes, removal and replacement of diseased or dead landscape materials, aeration of stormwater basins, the repair and replacement of monument signs, storm sewers and related areas and appurtenances, in the Special Service Area, 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 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. 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 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 13<sup>th</sup> day of November, 2007.

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	<u>/</u>	—	—	—
Trustee Peter Heinz	<u>/</u>	—	—	—
Trustee William Keck	<u>/</u>	—	—	—
Trustee Dennis Lee	<u>/</u>	—	—	—
Trustee Lloyd Mattingly	<u>/</u>	—	—	—
Trustee Robert Watermann	—	—	<u>/</u>	—
Village President Marilyn Michelini	—	—	—	—
	<u>NO VOTE LAST</u>			

**EXHIBIT A**  
**SSA 33**  
**BLACKBERRY POINTE (ACTIVE)**  
**LEGAL DESCRIPTION**

That part of the east half of section 10 and part of the northwest quarter of section 11, township 37 north, range 7 east of the third principal meridian, described as follows:

Beginning at the intersection of the westerly extension of the south line of Huntington Chase subdivision as per document 200400028796 and the west line of said east half of section 10 (said intersection being a point that is 858 feet south of the northwest corner of the northeast quarter of said section 10); thence north 87 degrees 55 minutes 41 seconds east, 2396.69 feet along said south line and westerly extensions thereof to the westerly line of unit three-Willowbrook subdivision per document 142104; thence south 01 degrees 13 minutes 20 seconds east, 707.26 feet along said westerly line to the southerly line of said unit three-Willowbrook subdivision; thence north 88 degrees 08 minutes 29 seconds east, 860.65 feet along said southerly line of unit three-Willowbrook subdivision; thence south 05 degrees 24 minutes 38 seconds west, 191.34 feet; thence south 46 degrees 08 minutes 44 seconds west, 196.88 feet; thence south 65 degrees 06 minutes 51 seconds west, 117.02 feet; thence north 89 degrees 10 minutes 59 seconds west, 203.38 feet; thence south 49 degrees 20 minutes 37 seconds west, 576.94 feet; thence south 87 degrees 09 minutes 24 seconds west, 116.89 feet; thence north 64 degrees 16 minutes 36 seconds west, 121.61 feet; thence south 73 degrees 35 minutes 52 seconds west, 175.14 feet; thence south 41 degrees 12 minutes 21 seconds west, 134.93 feet; thence south 06 degrees 55 minutes 33 seconds west, 191.83 feet; thence south 40 degrees 10 minutes 42 seconds west, 572.55 feet; thence south 61 degrees 57 minutes 57 seconds east, 54.00 feet; thence south 40 degrees 46 minutes 41 seconds west, 392.36 feet to the centerline of Galena Road per document 99627 (the following 2 courses are along said centerline); thence north 69 degrees 17 minutes 13 seconds west, 105.99 feet; thence westerly, tangent to the last described course, 258.27 feet along a curve concave to the north, having a radius of 49109.50 feet, the chord of said bearing north 69 degrees 08 minutes 11 seconds west to the easterly line of property conveyed per document 2000-11550; thence north 22 degrees 48 minutes 07 seconds east, 350.38 feet along said easterly line to the northerly line of said property; thence north 72 degrees 04 minutes 12 seconds west, 306.89 feet along said northerly line to the westerly line of said property; thence south 19 degrees 07 minutes 45 seconds west, 333.05 feet along said westerly line to aforementioned centerline of Galena Road (the following 2 courses are along said centerline); thence westerly, 257.15 feet along a curve concave to the north, having a radius of 49109.50 feet, the chord of said curve bearing, north 68 degrees 30 minutes 13 seconds west, thence north 68 degrees 21 minutes 13 seconds west, 425.76 feet, tangent to the last described course, to aforementioned west line of the east half of said section 10; thence north 01 degrees 08 minutes 24 seconds west, 1912.83 feet along said west line to the point of beginning, in Bristol Township, Kendall County, Illinois.

Parcel Identification Numbers: 02-10-251-003



**EXHIBIT B**  
**SSA 33**  
**NOTICE OF HEARING**  
**VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS**  
**SPECIAL SERVICE AREA NO. 33**  
**BLACKBERRY POINTE ACTIVE SSA**  
**(KENDALL COUNTY)**

NOTICE IS HEREBY GIVEN that on the 24<sup>th</sup> day of September, 2007, at 7:00 p.m., at 10 Civic Center Avenue, Montgomery, Illinois in the Meeting Room of the Village Police Department for the Village of Montgomery, Kane and Kendall Counties, Illinois, 10 Civic Center Avenue, 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:

That part of the east half of section 10 and part of the northwest quarter of section 11, township 37 north, range 7 east of the third principal meridian, described as follows:

Beginning at the intersection of the westerly extension of the south line of Huntington Chase subdivision as per document 200400028796 and the west line of said east half of section 10 (said intersection being a point that is 858 feet south of the northwest corner of the northeast quarter of said section 10); thence north 87 degrees 55 minutes 41 seconds east, 2396.69 feet along said south line and westerly extensions thereof to the westerly line of unit three-Willowbrook subdivision per document 142104; thence south 01 degrees 13 minutes 20 seconds east, 707.26 feet along said westerly line to the southerly line of said unit three-Willowbrook subdivision; thence north 88 degrees 08 minutes 29 seconds east, 860.65 feet along said southerly line of unit three-Willowbrook subdivision; thence south 05 degrees 24 minutes 38 seconds west, 191.34 feet; thence south 46 degrees 08 minutes 44 seconds west, 196.88 feet; thence south 65 degrees 06 minutes 51 seconds west, 117.02 feet; thence north 89 degrees 10 minutes 59 seconds west, 203.38 feet; thence south 49 degrees 20 minutes 37 seconds west, 576.94 feet; thence south 87 degrees 09 minutes 24 seconds west, 116.89 feet; thence north 64 degrees 16 minutes 36 seconds west, 121.61 feet; thence south 73 degrees 35 minutes 52 seconds west, 175.14 feet; thence south 41 degrees 12 minutes 21 seconds west, 134.93 feet; thence south 06 degrees 55 minutes 33 seconds west, 191.83 feet; thence south 40 degrees 10 minutes 42 seconds west, 572.55 feet; thence south 61 degrees 57 minutes 57 seconds east, 54.00 feet; thence south 40 degrees 46 minutes 41 seconds west, 392.36 feet to the centerline of Galena Road per document 99627 (the following 2 courses are along said centerline); thence north 69 degrees 17 minutes 13 seconds west, 105.99 feet; thence westerly, tangent to the last described course, 258.27 feet along a curve concave to the north, having a radius of 49109.50 feet, the chord of said bearing north 69 degrees 08 minutes 11 seconds west to the easterly line of property conveyed per document 2000-11550; thence north 22 degrees 48 minutes 07 seconds east, 350.38 feet along said easterly line to the northerly line of said property; thence north 72 degrees 04 minutes 12 seconds west, 306.89 feet along said northerly line to the westerly line of said property; thence south 19 degrees 07 minutes 45 seconds west, 333.05 feet along said westerly line to aforementioned centerline of Galena Road (the following 2 courses are along said centerline); thence westerly, 257.15 feet along a curve concave to the north, having a radius of 49109.50 feet, the chord of said curve bearing, north 68 degrees 30 minutes 13 seconds west, thence north 68 degrees 21 minutes 13 seconds west, 425.76 feet, tangent to the last described course, to aforementioned west line of the east half of said section 10; thence north 01 degrees 08 minutes 24 seconds west, 1912.83 feet along said west line to the point of beginning, in Bristol Township, Kendall County, Illinois.

Parcel Identification Numbers: 02-10-251-003

The approximate location is bounded by Dickson Road to the West, Galena Road to the South, and residential subdivisions to the North and East 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 formation of Special Service Area No. 33 in general is to authorize the maintenance, repair, regular care, renewal and replacement of the Common Facilities including, without limitation, the mowing and fertilizing of grass, pruning and trimming of trees and bushes, removal and replacement of diseased or dead landscape materials, aeration of stormwater basins, the repair and replacement of monument signs, storm sewers and related areas and appurtenances, in the Special Service Area, 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. 33, 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. 33 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 \_\_\_\_\_, 2007.

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Dean M. Frieders, Village Attorney  
for the Village of Montgomery