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ORDINANCE 48.00
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VILLAGE OF MONTGOMERY
KANE AND KENDALL COUNTIES, ILLINOIS

ORDINANCE NO. 1248

An Ordinance Establishing a
Backup Special Service Area No. 28 for
Blackberry Crossings West (Backup) in
the Village of Montgomery, Illinois

Adopted by the
Board of Trustees and President
of the Village of Montgomery
this 4 day of Aug, 2006.

Published in Pamphlet Form
by authority of the Board of Trustees
of the Village of Montgomery, Kane and Kendall Counties,
Illinois, this 4th day of August, 2006.

ORDINANCE NO. 1248

**AN ORDINANCE ESTABLISHING A
BACKUP SPECIAL SERVICE AREA NO. 28 FOR
BLACKBERRY CROSSINGS WEST (BACKUP) 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 Crossings West Backup Special Service Area No. 28, 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 26^h day of June, 2006, 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, (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. 28 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. 28 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. 28 in general is to authorize the maintenance, repair and replacement of storm water detention basins, storm sewers and related areas and appurtenances, landscape buffers, maintenance, common areas, subdivision monumentation, private roads, signage and any common areas of the Area of the Subdivision 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. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be "dormant", and shall take effect only if the applicable required owners association or property owner fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some or all of said responsibilities. 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.

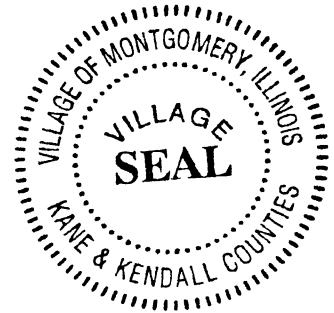
SECTION SIX:

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 14th day of August, 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	✓	—	—	—
Trustee Peter Heinz	✓	—	—	—
Trustee William Keck	✓	—	—	—
Trustee Dennis Lee	—	—	✓	—
Trustee Lloyd Mattingly	✓	—	—	—
Trustee Robert Watermann	✓	—	—	—
Village President Marilyn Michelini	✓	—	—	—
	No VOTE CAST			

EXHIBIT A
SSA 28
BLACKBERRY CROSSINGS WEST (BACKUP) SSA
LEGAL DESCRIPTION

THAT PART OF THE EAST HALF SECTION 3 AND THE WEST HALF OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 3; THENCE NORTHERLY, 657.97 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 03 MINUTES 21 SECONDS WEST (BEARINGS ASSUMED FOR DESCRIPTION PURPOSES ONLY) 3982.32 FEET ALONG SAID WEST LINE AND ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 3; THENCE NORTH 89 DEGREES 56 MINUTES 39 SECONDS EAST, 535.00 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 21 SECONDS EAST 190.00 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 39 SECONDS EAST, 165.00 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 38 SECONDS EAST, 690.30 FEET TO THE SOUTH LINE OF COMMONWEALTH EDISON RIGHT OF WAY PER DOCUMENT 72-4621; THENCE NORTH 89 DEGREES 56 MINUTES 23 SECONDS EAST, 1810.53 FEET ALONG SAID SOUTH LINE; THENCE NORTH 00 DEGREES 00 MINUTES 13 SECONDS EAST, 1064.90 FEET; THENCE NORTHERLY, 27.07 FEET ALONG A CURVE CONCAVE TO THE WEST, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 940.00 FEET, THE CHORD OF SAID CURVE BEARING NORTH 00 DEGREES 49 MINUTES 18 SECONDS WEST; THENCE NORTH 01 DEGREES 38 MINUTES 48 SECONDS WEST, 424.69 FEET; THENCE NORTHERLY, 39.84 FEET ALONG A CURVE CONCAVE TO THE EAST, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 1060.00 FEET, THE CHORD OF SAID CURVE BEARING NORTH 00 DEGREES 34 MINUTES 12 SECONDS WEST; THENCE NORTH 00 DEGREES 30 MINUTES 25 SECONDS EAST, 180.55 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 30 PER DOCUMENTS 116444 AND 116443; THENCE SOUTH 89 DEGREES 29 MINUTES 55 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 145.00 FEET; THENCE SOUTH 45 DEGREES 30 MINUTES 15 SECONDS WEST, 35.36 FEET; THENCE SOUTH 00 DEGREES 30 MINUTES 25 SECONDS WEST, 155.56 FEET; THENCE SOUTHERLY, 35.33 FEET ALONG A CURVE CONCAVE TO THE EAST, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 940.00 FEET, THE CHORD OF SAID CURVE BEARING SOUTH 00 DEGREES 34 MINUTES 12 SECONDS EAST; THENCE SOUTH 01 DEGREES 38 MINUTES 48 SECONDS EAST, 263.27 FEET TANGENT TO THE LAST DESCRIBED COURSE; THENCE SOUTH 89 DEGREES 55 MINUTES 59 SECONDS EAST, 1220.62 FEET TO THE WEST LINE OF LAKEWOOD CREEK WEST – UNIT 2; THENCE SOUTH 00 DEGREES 04 MINUTES 01 SECONDS WEST, 2329.67 FEET ALONG SAID WEST LINE AND ALONG THE WEST LINE OF LAKEWOOD CREEK WEST – UNIT 1 TO THE SOUTH LINE OF SAID UNIT 1; THENCE NORTH 89 DEGREES 27 MINUTES 57 SECONDS EAST, 142.14 FEET ALONG SAID SOUTH LINE TO THE NORTHWEST CORNER OF BLACKBERRY CROSSING; THENCE SOUTH 00 DEGREES 04 MINUTES 23 SECONDS WEST 1985.88 FEET ALONG THE WEST LINE OF SAID BLACKBERRY CROSSING TO THE NORTH LINE OF HUNTINGTON CHASE; THENCE SOUTH 89 DEGREES 20 MINUTES 31 SECONDS WEST, 3980.33 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART LYING IN COMMONWEALTH EDISON RIGHT OF WAY AS PER DOCUMENTS 72-4621 AND 72-6562 AND ALSO EXCEPTING THEREFROM THE NORTHERLY 305 FEET OF THE WESTERLY 285.66 FEET, AS MEASURED ALONG THE NORTH AND WEST LINES, OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 3, IN KENDALL COUNTY, ILLINOIS. (319.93 ACRES, MORE OR LESS)

EXHIBIT B
SSA 28
NOTICE OF HEARING
VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
SPECIAL SERVICE AREA NO. 28
BLACKBERRY CROSSINGS WEST BACKUP SSA
(KENDALL COUNTY)

NOTICE IS HEREBY GIVEN that on the 26th day of June, 2006, 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, 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 SECTION 3 AND THE WEST HALF OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 3; THENCE NORTHERLY, 657.97 FEET ALONG THE WEST LINE OF SAID QUARTER SECTION TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 03 MINUTES 21 SECONDS WEST (BEARINGS ASSUMED FOR DESCRIPTION PURPOSES ONLY) 3982.32 FEET ALONG SAID WEST LINE AND ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 3; THENCE NORTH 89 DEGREES 56 MINUTES 39 SECONDS EAST, 535.00 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 21 SECONDS EAST 190.00 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 39 SECONDS EAST, 165.00 FEET; THENCE SOUTH 00 DEGREES 03 MINUTES 38 SECONDS EAST, 690.30 FEET TO THE SOUTH LINE OF COMMONWEALTH EDISON RIGHT OF WAY PER DOCUMENT 72-4621; THENCE NORTH 89 DEGREES 56 MINUTES 23 SECONDS EAST, 1810.53 FEET ALONG SAID SOUTH LINE; THENCE NORTH 00 DEGREES 00 MINUTES 13 SECONDS EAST, 1064.90 FEET; THENCE NORTHERLY, 27.07 FEET ALONG A CURVE CONCAVE TO THE WEST, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 940.00 FEET, THE CHORD OF SAID CURVE BEARING NORTH 00 DEGREES 49 MINUTES 18 SECONDS WEST; THENCE NORTH 01 DEGREES 38 MINUTES 48 SECONDS WEST, 424.69 FEET; THENCE NORTHERLY, 39.84 FEET ALONG A CURVE CONCAVE TO THE EAST, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 1060.00 FEET, THE CHORD OF SAID CURVE BEARING NORTH 00 DEGREES 34 MINUTES 12 SECONDS WEST; THENCE NORTH 00 DEGREES 30 MINUTES 25 SECONDS EAST, 180.55 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. ROUTE 30 PER DOCUMENTS 116444 AND 116443; THENCE SOUTH 89 DEGREES 29 MINUTES 55 SECONDS EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 145.00 FEET; THENCE SOUTH 45 DEGREES 30 MINUTES 15 SECONDS WEST, 35.36 FEET; THENCE SOUTH 00 DEGREES 30 MINUTES 25 SECONDS WEST, 155.56 FEET; THENCE SOUTHERLY, 35.33 FEET ALONG A CURVE CONCAVE TO THE EAST, TANGENT TO THE LAST DESCRIBED COURSE, HAVING A RADIUS OF 940.00 FEET, THE CHORD OF SAID CURVE BEARING SOUTH 00 DEGREES 34 MINUTES 12 SECONDS EAST; THENCE SOUTH 01 DEGREES 38 MINUTES 48 SECONDS EAST, 263.27 FEET TANGENT TO THE LAST DESCRIBED COURSE; THENCE SOUTH 89 DEGREES 55 MINUTES 59 SECONDS EAST, 1220.62 FEET TO THE WEST LINE OF LAKEWOOD CREEK WEST - UNIT 2; THENCE SOUTH 00 DEGREES 04 MINUTES 01 SECONDS WEST, 2329.67 FEET ALONG SAID WEST LINE AND ALONG THE WEST LINE OF LAKEWOOD CREEK WEST - UNIT 1 TO THE SOUTH LINE OF SAID UNIT 1; THENCE NORTH 89 DEGREES 27 MINUTES 57 SECONDS EAST, 142.14 FEET ALONG SAID SOUTH LINE TO THE NORTHWEST CORNER OF BLACKBERRY CROSSING; THENCE SOUTH 00 DEGREES 04 MINUTES 23 SECONDS WEST 1985.88 FEET ALONG THE WEST LINE OF SAID BLACKBERRY CROSSING TO THE NORTH LINE OF HUNTINGTON CHASE; THENCE SOUTH 89 DEGREES 20 MINUTES 31 SECONDS WEST, 3980.33 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART LYING IN COMMONWEALTH EDISON RIGHT OF WAY AS PER DOCUMENTS 72-4621 AND 72-6562 AND ALSO EXCEPTING THEREFROM THE NORTHERLY 305 FEET OF THE WESTERLY 285.66 FEET, AS MEASURED ALONG THE NORTH AND WEST LINES, OF THE NORTH HALF OF

THE SOUTHEAST QUARTER OF SAID SECTION 3, IN KENDALL COUNTY, ILLINOIS. (319.93 ACRES, MORE OR LESS).

Parcel Identification Numbers:

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02-03-261-020	02-03-264-007	02-03-277-021	02-03-470-001	02-03-477-005
02-03-261-021	02-03-264-008	02-03-277-022	02-03-471-001	02-03-477-006
02-03-261-022	02-03-264-009	02-03-277-023	02-03-471-002	02-03-477-007
02-03-262-001	02-03-264-010	02-03-277-024	02-03-472-001	02-03-477-008
02-03-262-002	02-03-264-011	02-03-278-001	02-03-472-002	02-03-477-009
02-03-262-003	02-03-264-012	02-03-278-002	02-03-472-003	02-03-477-010
02-03-262-004	02-03-264-013	02-03-278-003	02-03-472-004	02-03-477-011
02-03-262-005	02-03-264-014	02-03-278-004	02-03-472-005	02-03-477-012
02-03-262-006	02-03-264-015	02-03-278-005	02-03-472-006	02-03-477-013
02-03-262-007	02-03-264-016	02-03-278-006	02-03-472-007	02-03-477-014
02-03-262-008	02-03-264-017	02-03-278-007	02-03-472-008	02-03-477-015
02-03-262-009	02-03-264-018	02-03-278-008	02-03-472-009	02-03-478-001
02-03-262-010	02-03-264-019	02-03-278-009	02-03-473-001	02-03-478-002
02-03-262-011	02-03-264-020	02-03-278-010	02-03-473-002	02-03-478-003
02-03-262-012	02-03-265-001	02-03-278-011	02-03-473-003	02-03-478-004
02-03-262-013	02-03-265-002	02-03-278-012	02-03-473-004	02-03-478-005
02-03-262-014	02-03-265-003	02-03-278-013	02-03-473-005	02-03-478-006
02-03-262-015	02-03-265-004	02-03-278-014	02-03-473-006	02-03-478-007
02-03-262-016	02-03-276-001	02-03-279-001	02-03-473-007	02-03-478-008
02-03-262-017	02-03-276-002	02-03-279-002	02-03-475-001	02-03-479-001
02-03-262-018	02-03-276-003	02-03-279-003	02-03-475-002	02-03-479-002
02-03-262-019	02-03-276-004	02-03-279-004	02-03-475-003	02-03-479-003
02-03-262-020	02-03-276-005	02-03-279-005	02-03-475-004	02-03-479-004
02-03-262-021	02-03-276-006	02-03-279-006	02-03-475-005	02-03-479-005
02-03-262-022	02-03-276-007	02-03-279-007	02-03-475-006	02-03-479-006
02-03-262-023	02-03-276-008	02-03-279-008	02-03-475-007	02-03-479-007
02-03-263-001	02-03-276-009	02-03-279-009	02-03-475-008	02-03-479-008
02-03-263-002	02-03-276-010	02-03-279-010	02-03-475-009	02-03-479-009
02-03-263-003	02-03-276-011	02-03-279-011	02-03-475-010	02-03-480-017

02-03-484-001	02-03-484-018	02-03-488-001	02-03-497-008	02-03-499-001
02-03-484-002	02-03-484-019	02-03-495-001	02-03-497-009	02-03-499-002
02-03-484-003	02-03-485-001	02-03-495-002	02-03-497-010	02-03-499-003
02-03-484-004	02-03-485-002	02-03-495-003	02-03-497-011	02-03-499-004
02-03-484-005	02-03-485-003	02-03-495-004	02-03-498-001	02-03-499-005
02-03-484-006	02-03-486-001	02-03-496-001	02-03-498-002	02-03-499-006
02-03-484-007	02-03-486-002	02-03-496-002	02-03-498-003	02-03-499-007
02-03-484-008	02-03-486-003	02-03-496-003	02-03-498-004	02-03-499-008
02-03-484-009	02-03-486-004	02-03-496-004	02-03-498-005	02-03-499-009
02-03-484-010	02-03-486-005	02-03-496-005	02-03-498-006	02-03-499-010
02-03-484-011	02-03-486-006	02-03-497-001	02-03-498-007	02-03-499-011
02-03-484-012	02-03-486-007	02-03-497-002	02-03-498-008	02-03-499-012
02-03-484-013	02-03-486-008	02-03-497-003	02-03-498-009	02-03-499-013
02-03-484-014	02-03-486-009	02-03-497-004	02-03-498-010	02-03-499-014
02-03-484-015	02-03-486-010	02-03-497-005	02-03-498-011	02-03-499-015
02-03-484-016	02-03-486-011	02-03-497-006	02-03-498-012	
02-03-484-017	02-03-486-012	02-03-497-007	02-03-498-013	

The approximate location is bounded by US Route 30 to the North, Lakewood Creek and Blackberry Crossings Subdivisions to the East, Huntington Chase Subdivision to the South and Dickson Road to the West 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. 28 in general is to authorize the maintenance, repair and replacement of storm water detention basins, storm sewers and related areas and appurtenances, landscape buffers, maintenance, common areas, subdivision monumentation, private roads, signage and any common areas of the Area of the Subdivision 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. 28, 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. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be "dormant", and shall take effect only if the applicable required owners association or property owner fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some or all of said responsibilities. 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. 28 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 __th day of _____, 2006.

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