



**VILLAGE OF MONTGOMERY**

**ORDINANCE NO. 1737**

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**AN ORDINANCE AMENDING SPECIAL SERVICE AREA #34  
(MONTGOMERY BUSINESS CENTER)  
VILLAGE OF MONTGOMERY  
KANE AND KENDALL COUNTIES, ILLINOIS**

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PASSED BY THE PRESIDENT AND  
BOARD OF TRUSTEES  
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS  
THIS 22<sup>nd</sup> DAY OF August, 2016.

PUBLISHED IN PAMPHLET FORM  
BY AUTHORITY OF THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES,  
ILLINOIS, THIS 23<sup>rd</sup> DAY OF August, 2016.

**ORDINANCE NO. 1737**

**AN ORDINANCE AMENDING SPECIAL SERVICE AREA #34  
(MONTGOMERY BUSINESS CENTER)  
VILLAGE OF MONTGOMERY  
KANE AND KENDALL COUNTIES, 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 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 Illinois 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**, on September 22, 2008, the Village Board of the Village of Montgomery enacted An Ordinance Establishing a Backup Special Service Area No. 34 for Montgomery Business Center in the Village of Montgomery, Illinois; 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 designated as the Montgomery Business Center Special Service Area of the Village (the “Area”), be amended; 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 13th day of June, 2016, in the Village Hall for the Village of Montgomery, Kane County, 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 substantially 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 AND AMENDMENT 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. 12 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 manufacturing 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. 34 be and is hereby amended for and with regard to the aforesaid territory.

### **SECTION THREE: PURPOSE OF SSA AND MAXIMUM LEVY**

The purpose of the amendment to Special Service Area No. 34 in general is to authorize the maintenance, repair and replacement of all private roads, streets, parking lot areas, sidewalks, walkways, bike paths, curbing, lighting, neighborhood monument signage or similar markers, and any and all other open spaces within the designated area, as well as to authorize the implementation and continuation of a mosquito abatement program in the Special Service Area. This authorization for maintenance, repair and replacement shall also extend to storm water detention basins, Special Management Areas, storm sewer, and related areas and appurtenances, both on and off site.

It is further provided that all necessary landscaping, including, but not limited to, mowing, fertilizing, pruning and trimming of trees and bushes, maintenance (including removal and replacement), repair of any berm, and any and all other natural landscaping shall be encompassed within this purpose. The proposed municipal services herein are unique and are in addition to those provided by the Village generally. All actions performed pursuant to this provision shall be completed in accordance with the final engineering plan and final plat of subdivision for the Area, as well as any applicable Village Ordinance and/or State and Federal law.

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 owners association or property owner fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some of all of said responsibilities. The Village shall not activate the Special Service Area unless the Village has given the landowner 30 days prior written notice of the defects complained of (via certified mail) to the property address, and an additional 30 days has thereafter expired in which the responsibilities of the landowner have not been fulfilled (or substantial action has not been taken, if complete compliance would reasonably take more than 30 days). 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 FOUR:**

That this ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

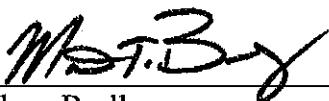
#### **SECTION FIVE:**

That all ordinances or parts of ordinances thereof in conflict therewith are hereby repealed to the extent of any such conflict.

#### **SECTION SIX:**

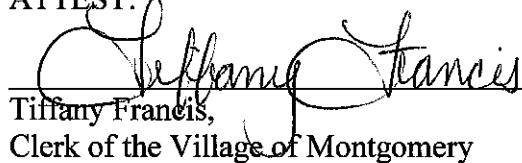
That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, this 22<sup>nd</sup> day of August, 2016.



Matthew Brolley,  
President of the Board of Trustees of the Village of Montgomery

ATTEST:

  
Tiffany Francis,  
Clerk of the Village of Montgomery

	Aye	Nay	Absent	Abstain
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Trustee Stan Bond	✓	—	—	—
Trustee Doug Marecek	✓	—	✓	—
Trustee Pete Heinz	—	—	✓	—
Trustee Steve Jungermann	✓	—	—	—
Trustee Denny Lee	✓	—	—	—
Trustee Theresa Sperling	✓	—	—	—
President Matthew Brolley	No	vote cast	—	—

**EXHIBIT A**  
**SSA 34**  
**MONTGOMERY BUSINESS CENTER**  
**LEGAL DESCRIPTION**

**Permanent Real Estate Index Numbers:**

15-31-200-024  
15-31-240-001  
15-31-240-002  
15-31-240-003  
15-31-240-004  
15-31-250-001  
15-31-250-002  
15-32-100-015  
15-32-100-016  
15-32-104-001

**Legal Description:**

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 31 AND THE NORTHWEST QUARTER OF SECTION 32, ALL IN TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT WEST QUARTER CORNER OF SAID SECTION 32 PER MONUMENT RECORDED MAY 15, 1997 AS DOCUMENT NUMBER 97K031239; THENCE SOUTH 88 DEGREES 56 MINUTES 40 SECONDS WEST (BEING AN ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER 1344.40 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 00 SECONDS EAST ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF ARMOUR AND COMPANY PER DOCUMENT NUMBER 986022 RECORDED SEPTEMBER 06, 1962, A DISTANCE OF 33.01 FEET TO A POINT ON A LINE 33.00 FEET NORTH OF AND PARALLEL WITH SAID SOUTH LINE; THENCE NORTH 88 DEGREES 56 MINUTES 40 SECONDS EAST ALONG SAID PARALLEL LINE 670.15 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE DIAL CORPORATION PER DOCUMENT NUMBER 96K069292 RECORDED SEPTEMBER 27, 1996; THENCE NORTH 00 DEGREES 11 MINUTES 00 SECONDS EAST ALONG LAST DESCRIBED LINE 1733.50 FEET TO A POINT ON A LINE 400.00 FEET NORTH OF AND PARALLEL WITH THE NORTH LINE OF ARMOUR AND COMPANY PER DOCUMENT NUMBER 986022 RECORDED SEPTEMBER 06, 1962; THENCE SOUTH 88 DEGREES 56 MINUTES 40 SECONDS WEST ALONG SAID PARALLEL LINE 868.83 FEET TO A POINT ON A LINE 15.00 FEET EAST OF AND PARALLEL WITH THE CENTERLINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S TRACK NUMBER 631 PER DOCUMENT NUMBER 1971543 RECORDED MAY 3, 1986; THENCE ALONG SAID PARALLEL LINE FOR THE NEXT 2 CALLS; (1) THENCE NORTH 01 DEGREES 06 MINUTES 33 SECONDS WEST 480.84 FEET TO A POINT OF CURVATURE; (2) THENCE NORTHEASTERLY 543.94 FEET ALONG THE

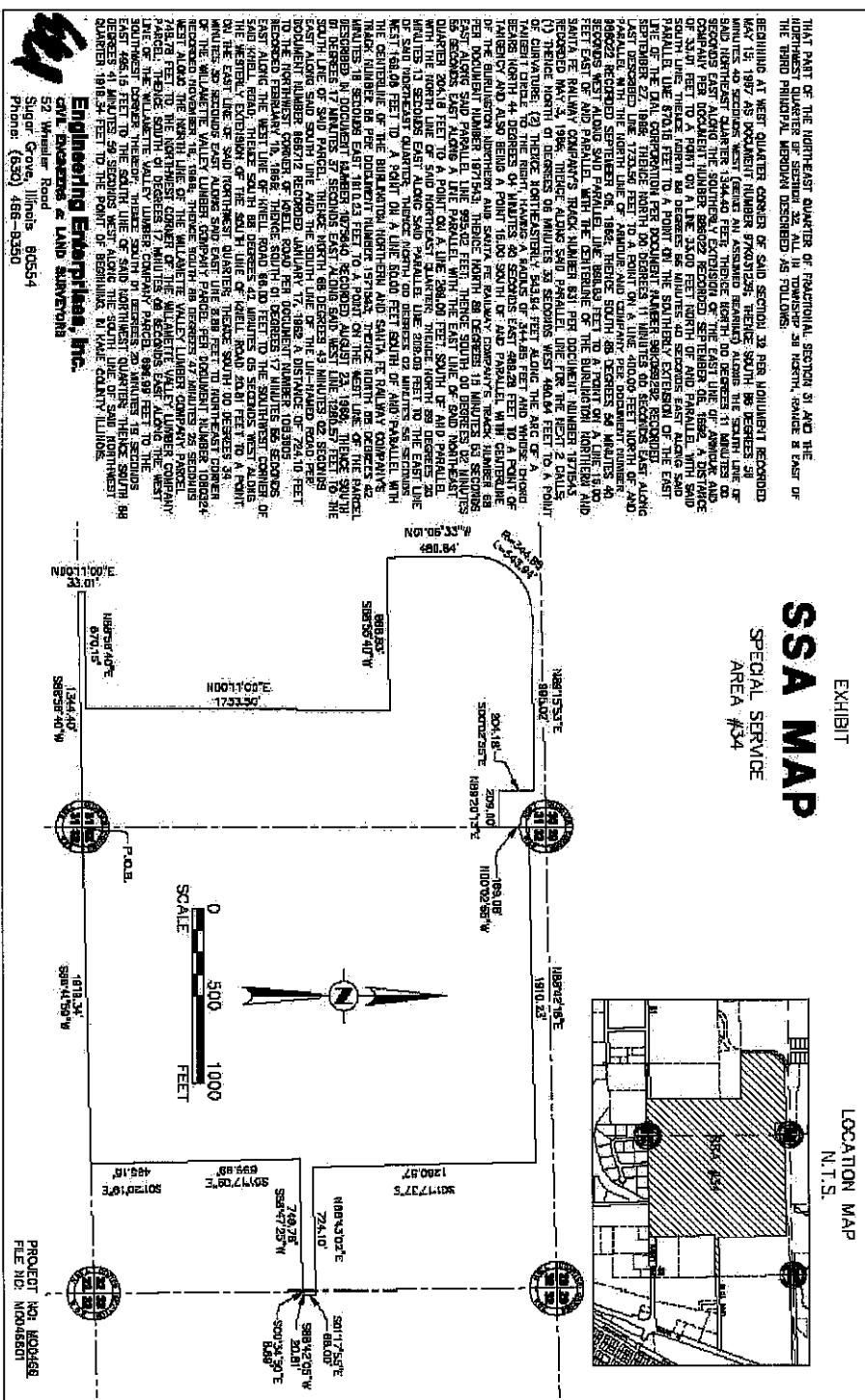
ARC OF A TANGENT CIRCLE TO THE RIGHT, HAVING A RADIUS OF 344.85 FEET AND WHOSE CHORD BEARS NORTH 44 DEGREES 04 MINUTES 40 SECONDS EAST 489.28 FEET TO A POINT OF TANGENCY AND ALSO BEING A POINT 15.00 SOUTH OF AND PARALLEL WITH CENTERLINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S TRACK NUMBER 68 PER DOCUMENT NUMBER 1971543; THENCE NORTH 89 DEGREES 15 MINUTES 53 SECONDS EAST ALONG SAID PARALLEL LINE 995.02 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 55 SECONDS EAST ALONG A LINE PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER 204.18 FEET TO A POINT ON A LINE 269.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 20 MINUTES 13 SECONDS EAST ALONG SAID PARALLEL LINE 209.00 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 02 MINUTES 55 SECONDS WEST 169.08 FEET TO A POINT ON A LINE 50.00 FEET SOUTH OF AND PARALLEL WITH THE CENTERLINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S TRACK NUMBER 68 PER DOCUMENT NUMBER 1971543; THENCE NORTH 88 DEGREES 42 MINUTES 18 SECONDS EAST 1910.23 FEET TO A POINT ON THE WEST LINE OF THE PARCEL DESCRIBED IN DOCUMENT NUMBER 1075640 RECORDED AUGUST 23, 1966; THENCE SOUTH 01 DEGREES 17 MINUTES 37 SECONDS EAST ALONG SAID WEST LINE 1280.57 FEET TO THE SOUTH LINE OF SAID PARCEL; THENCE NORTH 88 DEGREES 43 MINUTES 02 SECONDS EAST ALONG SAID SOUTH LINE AND THE SOUTH LINE OF THE UN-NAMED ROAD PER DOCUMENT NUMBER 968712 RECORDED JANUARY 17, 1962 A DISTANCE OF 724.10 FEET TO THE NORTHWEST CORNER OF KNELL ROAD PER DOCUMENT NUMBER 1063605 RECORDED FEBRUARY 10, 1966; THENCE SOUTH 01 DEGREES 17 MINUTES 55 SECONDS EAST ALONG THE WEST LINE OF KNELL ROAD 66.00 FEET TO THE SOUTHWEST CORNER OF SAID KNELL ROAD; THENCE SOUTH 88 DEGREES 42 MINUTES 05 SECONDS WEST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF KNELL ROAD 20.81 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 00 DEGREES 34 MINUTES 50 SECONDS EAST ALONG SAID EAST LINE 8.89 FEET TO NORTHEAST CORNER OF THE WILLAMETTE VALLEY LUMBER COMPANY PARCEL PER DOCUMENT NUMBER 1080324 RECORDED NOVEMBER 16, 1966; THENCE SOUTH 88 DEGREES 47 MINUTES 25 SECONDS WEST ALONG THE NORTH LINE OF THE WILLAMETTE VALLEY LUMBER COMPANY PARCEL 749.78 FEET TO THE NORTHWEST CORNER OF THE WILLAMETTE VALLEY LUMBER COMPANY PARCEL; THENCE SOUTH 01 DEGREES 17 MINUTES 09 SECONDS EAST ALONG THE WEST LINE OF THE WILLAMETTE VALLEY LUMBER COMPANY PARCEL 699.99 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 01 DEGREES 20 MINUTES 19 SECONDS EAST 495.15 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 41 MINUTES 59 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER 1919.34 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY ILLINOIS.

**EXHIBIT A-1**

**SSA 34**  
**MONTGOMERY BUSINESS CENTER**  
**LOCATION MAP**

**[MAP ON FOLLOWING PAGE]**

**EXHIBIT A-1**  
**SSA 34**  
**MONTGOMERY BUSINESS CENTER**  
**LOCATION MAP**



**EXHIBIT B**  
**SSA 34**  
**MONTGOMERY BUSINESS CENTER**  
**NOTICE OF HEARING**

**NOTICE OF HEARING**  
**VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS**  
**PROPOSED AMENDMENT TO SPECIAL SERVICE AREA NO. 34**  
**MONTGOMERY BUSINESS CENTER**  
**(KANE COUNTY)**

NOTICE IS HEREBY GIVEN that on the 13th day of June, 2016, at 7:00 p.m., in the Village Hall 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 an amendment to Special Service Area No. 34 ("the Area") consisting of the following described territory:

**LEGAL DESCRIPTION:**

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 31 AND THE NORTHWEST QUARTER OF SECTION 32, ALL IN TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

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The approximate location is: North of Aucutt Road and West of the current terminus of Knell Road in Kane County, Illinois.

The Permanent Index Numbers of the properties located within the Area are as follows:

15-31-200-024  
15-31-240-001  
15-31-240-002  
15-31-240-003  
15-31-240-004  
15-31-250-001  
15-31-250-002  
15-32-100-015  
15-32-100-016  
15-32-104-001

All interested persons, including all persons owning taxable real property located within the Area, will be given an opportunity to be heard at the hearing regarding the establishment of the Area.

The purpose of the amendment to Special Service Area No. 34 in general is to authorize the maintenance, repair and replacement of all private roads, streets, parking lot areas, sidewalks, walkways, bike paths, curbing, lighting, neighborhood monument signage or similar markers, and any and all other open spaces within the designated area, as well as to authorize the implementation and continuation of a mosquito abatement program in the Special Service Area. This authorization for maintenance, repair and replacement shall also extend to storm water detention basins, Special Management Areas, storm sewer, and related areas and appurtenances, both on and off site.

It is further provided that all necessary landscaping, including, but not limited to, mowing, fertilizing, pruning and trimming of trees and bushes, maintenance (including removal and replacement), repair of any berm, and any and all other natural landscaping shall be encompassed within this purpose. The proposed municipal services herein are unique and are in addition to those provided by the Village generally. All actions performed pursuant to this provision shall be completed in accordance with the final engineering plan and final plat of subdivision for the Area, as well as any applicable Village Ordinance and/or State and Federal law.

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 shall be imposed on the proposed Area, with said tax to be levied on the Area 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.

At the public hearing, any interested person, including all persons owning taxable property located within the proposed Area, may file with the municipal clerk or county clerk, as

the case may be, written objections to and may be heard orally in respect to any issues embodied in this notice. The municipality or county shall hear and determine all protests and objections at the hearing and the hearing may be adjourned to another date without further notice other than a motion to be entered upon the minutes fixing the time and place it will reconvene.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the proposed Area 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, no such Area may be established.

Dated: this \_\_\_\_ day of \_\_\_\_\_, 2016.

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Laura M. Julien,  
Village Attorney for the Village of  
Montgomery