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SANDY WEGMAN
RECORDER - KANE COUNTY, IL

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Village of Montgomery
200 N. River St.
Montgomery, IL 60538
630-896-8080

STATE OF ILLINOIS)
COUNTIES OF KANE AND KENDALL)
VILLAGE OF MONTGOMERY)

I, Debra Buchanan, Deputy Village Clerk of the Village of Montgomery, Kane and Kendall Counties, Illinois, do hereby certify that the foregoing is a true and correct copy of

Ordinance No. 1823 Establishing Special Service Area No. 41 (Aurora University

Spartan Athletic Complex) Village of Montgomery, Illinois, Kane and Kendall

Counties

Approved on the 26th day of November, 2018 by the Village Board of the Village of Montgomery, Kane and Kendall Counties, Illinois, which is my duty to maintain. The original is now on file in my office.

I do further certify that I am the legal custodian of all papers, contracts, documents, bonds, and records of the Village of Montgomery.

WITNESS: My hand and the official seal of the Village of Montgomery this 17th day of December A.D., 2018.



Debra Buchanan
Debra Buchanan
Deputy Village Clerk



VILLAGE OF MONTGOMERY

ORDINANCE NO. 1823

**AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA No. 41
(AURORA UNIVERSITY SPARTAN ATHLETIC COMPLEX)
VILLAGE OF MONTGOMERY
KANE AND KENDALL COUNTIES, ILLINOIS**

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
THIS 26TH DAY OF NOVEMBER 2018.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS,
THIS 26TH DAY OF NOVEMBER, 2018.

Prepared by:
Laura Julien
Mickey, Wilson, Weiler, Renzi & Anderson, PC
1408. Municipal Dr
Sugar Grove, IL 60554

Return to:
Village of Montgomery
200 N. River St.
Montgomery, IL 60538
JWB

ORDINANCE NO. 1823

**AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA No. 41
(AURORA UNIVERSITY SPARTAN ATHLETIC COMPLEX)
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 accordingly, acts 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 ("Constitution"), and the Special Service Area Tax Law, 35 ILCS 200/27 *et seq.*, the Village of Montgomery, Kane and Kendall Counties, Illinois ("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 Special Service Area No. 41 (Aurora University Spartan Athletic Complex), of the Village ("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 ("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 *non-ad valorem* tax upon all 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 24th day of September, 2018, in the Village Hall for the Village of Montgomery, Kane County, Illinois ("Hearing"), to consider the establishment of the Area for the purpose of providing the Services and the levy of an additional direct annual *non-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 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. 41 for the purposes set forth herein. A legal description of said territory is attached hereto as Exhibit A and 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 *R-3 Traditional Neighborhood Residence District* 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. 41 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 Special Service Area No. 41 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, field tiles, drainage swales, 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 amount to be levied on the property described in Exhibit A shall be no more than \$45,000.00 on a **non-ad valorem basis** annually. Said amount may be increased by up to 5% per annum. Said tax may 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 Village may annually levy hereunder up to the maximum rate specified herein for the cost of said services, as said services become necessary and are provided for.

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 26th day of November, 2018.


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



ATTEST:


Penny FitzPatrick
Clerk of the Village of Montgomery

	Aye	Nay	Absent	Abstain
Trustee Stan Bond			✓	
Trustee Doug Marecek	✓			
Trustee Peter Heinz			✓	
Trustee Steve Jungermann	✓			
Trustee Dennis Lee	✓			
Trustee Theresa Sperling			✓	
Village President Matt Brolley	✓			

EXHIBIT A
SSA 41
AURORA UNIVERSITY SPARTAN ATHLETIC COMPLEX
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE SOUTH 00 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 45.01 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES 41 MINUTES 29 SECONDS EAST, 66.01 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 53 SECONDS WEST, 5.00 FEET; THENCE NORTH 88 DEGREES 41 MINUTES 29 SECONDS EAST, 661.90 FEET TO THE NORTHWEST CORNER OF LOT 1 IN NICKELS COUNTRY SUBDIVISION; THENCE SOUTH 00 DEGREES 00 MINUTES 15 SECONDS EAST, ALONG THE WEST LINE OF SAID SUBDIVISION, 189.54 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE NORTH 88 DEGREES 41 MINUTES 29 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SUBDIVISION AND SAID SUBDIVISION EXTENDED, 595.37 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 53 SECONDS EAST, PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER, 2411.22 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 88 DEGREES 41 MINUTES 51 SECONDS WEST, ALONG SAID SOUTH LINE, 1321.95 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 20 MINUTES 53 SECONDS WEST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 2595.58 FEET TO THE POINT OF BEGINNING. ALSO, LOTS 1, 2 AND 3 IN NICKELS COUNTRY SUBDIVISION, ALL IN THE VILLAGE OF MONTGOMERY, KANE COUNTY, ILLINOIS.

The approximate location is: The area South and East of the intersection of Jericho Road and Edgelawn Drive in Kane County, Illinois.

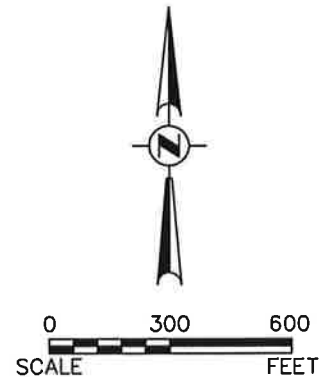
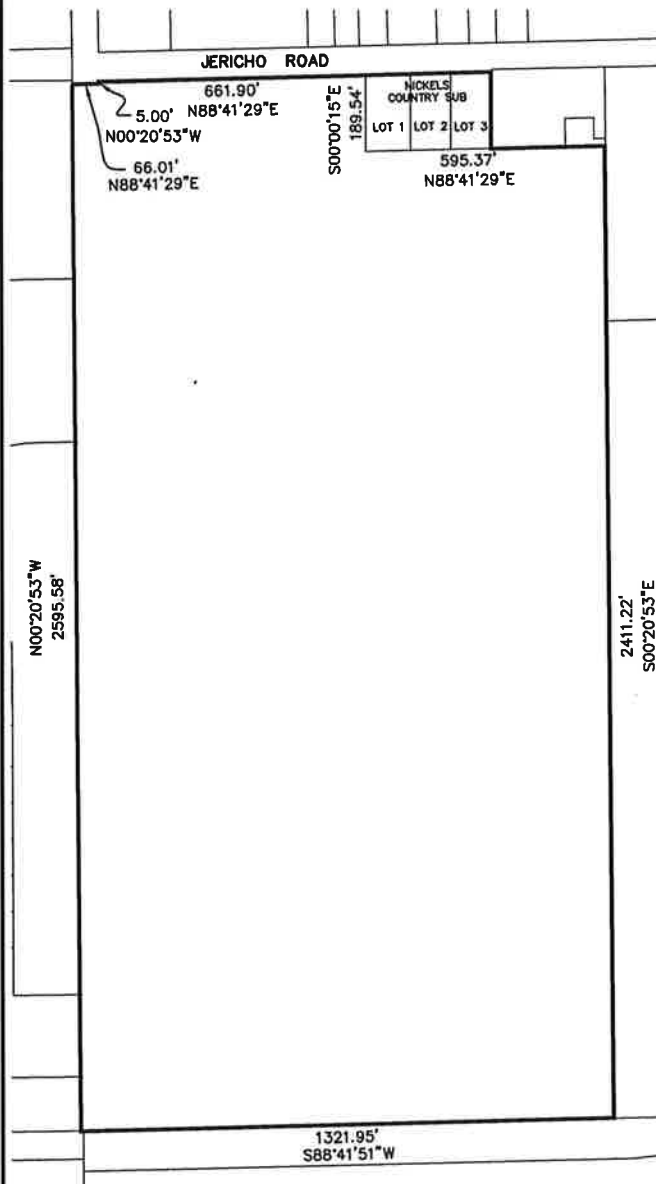
The Permanent Index Numbers of the properties located within the Area are as follows:

15-29-300-002
15-29-300-003
15-29-300-004
15-29-300-005
15-29-300-027
15-29-300-028
15-29-300-029
15-29-300-030

EXHIBIT A-1
SSA 41
AURORA UNIVERSITY SPARTAN ATHLETIC COMPLEX
LOCATION MAP

EXHIBIT A-1/
SSA MAP
 SPECIAL SERVICE
 AREA #41

LOCATION MAP
 N.T.S.



THAT PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE SOUTH 00 DEGREES 20 MINUTES 53 SECONDS EAST,
 ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 45.01 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES 41 MINUTES 29 SECONDS EAST,
 66.01 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 53 SECONDS WEST, 5.00 FEET; THENCE NORTH 88 DEGREES 41 MINUTES 29 SECONDS EAST, 661.90 FEET
 TO THE NORTHWEST CORNER OF LOT 1 IN NICKELS COUNTRY SUBDIVISION; THENCE SOUTH 00 DEGREES 00 MINUTES 15 SECONDS EAST, ALONG THE WEST LINE OF
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 SOUTH LINE OF SAID SUBDIVISION AND SAID SUBDIVISION EXTENDED, 595.37 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 53 SECONDS EAST, PARALLEL TO THE
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 SUBDIVISION, ALL IN THE VILLAGE OF MONTGOMERY, KANE COUNTY, ILLINOIS.



Engineering Enterprises, Inc.
 CONSULTING ENGINEERS
 52 Wheeler Road
 Sugar Grove, Illinois 60554
 630.466.6700 / www.eeiweb.com

PROJECT NO: **M01348**
 FILE NO: **M01403-SSA**

EXHIBIT B
SSA 41
AURORA UNIVERSITY SPARTAN ATHLETIC COMPLEX
NOTICE OF HEARING

NOTICE OF HEARING
VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
PROPOSED AMENDMENT TO SPECIAL SERVICE AREA NO. 41
AURORA UNIVERSITY SPARTAN ATHLETIC COMPLEX
(KANE COUNTY)

NOTICE IS HEREBY GIVEN that on the 24th day of September, 2018, 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 the establishment of a Special Service Area No. 41 ("the Area") consisting of the following described territory:

LEGAL DESCRIPTION:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 29; THENCE SOUTH 00 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 45.01 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES 41 MINUTES 29 SECONDS EAST, 66.01 FEET; THENCE NORTH 00 DEGREES 20 MINUTES 53 SECONDS WEST, 5.00 FEET; THENCE NORTH 88 DEGREES 41 MINUTES 29 SECONDS EAST, 661.90 FEET TO THE NORTHWEST CORNER OF LOT 1 IN NICKELS COUNTRY SUBDIVISION; THENCE SOUTH 00 DEGREES 00 MINUTES 15 SECONDS EAST, ALONG THE WEST LINE OF SAID SUBDIVISION, 189.54 FEET TO THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE NORTH 88 DEGREES 41 MINUTES 29 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SUBDIVISION AND SAID SUBDIVISION EXTENDED, 595.37 FEET; THENCE SOUTH 00 DEGREES 20 MINUTES 53 SECONDS EAST, PARALLEL TO THE WEST LINE OF SAID SOUTHWEST QUARTER, 2411.22 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 88 DEGREES 41 MINUTES 51 SECONDS WEST, ALONG SAID SOUTH LINE, 1321.95 FEET TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 20 MINUTES 53 SECONDS WEST, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 2595.58 FEET TO THE POINT OF BEGINNING. ALSO, LOTS 1, 2 AND 3 IN NICKELS COUNTRY SUBDIVISION, ALL IN THE VILLAGE OF MONTGOMERY, KANE COUNTY, ILLINOIS.

The approximate location is: The area South and East of the intersection of Jericho Road and Edgelawn Drive in Kane County, Illinois.

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

15-29-300-002
15-29-300-003
15-29-300-004
15-29-300-005
15-29-300-027
15-29-300-028
15-29-300-029
15-29-300-030

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 Special Service Area No. 41 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, field tiles, drainage swales, 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 amount to be levied on the property described in Exhibit A shall be no more than \$45,000.00 on a **non-ad valorem basis** annually. Said amount may be increased by up to 5% per annum. Said tax may 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 Village may annually levy hereunder up to the maximum rate specified herein for the cost of said services, as said services become necessary and are provided for.

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 6th day of September, 2018.

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