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Sandy Wegman

RECORDER - KANE COUNTY, IL



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

ORDINANCE NO. 1985

AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA NO. 42

(RICKY ROCKETS SUBDIVISION)

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 14TH DAY OF NOVEMBER 2022.

PUBLISHED IN PAMPHLET FORM BY AUTHORITY
OF THE PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS,
THIS 14TH DAY OF NOVEMBER, 2022.

RETURN TO AND PREPARED BY:
VILLAGE OF MONTGOMERY
200 N. RIVER STREET
MONTGOMERY, ILLINOIS 60538

52

ORDINANCE NO. 1985

AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA NO. 42
(RICKY ROCKETS SUBDIVISION)
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 ("Village") is not a home rule municipality within Article VII, Section 6A of the 1970 Constitution of the State of Illinois ("Illinois Constitution"), and accordingly, acts pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.* and the laws of the State of Illinois; and,

WHEREAS, in accordance with the provisions of the Illinois Constitution, and the Special Service Area Tax Law, 35 ILCS 200/27 *et seq.*, 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 in pertinent part-

[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;

WHEREAS, special service areas 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, the Area, as hereinafter defined in and depicted in Section 2(a), is compact and contiguous, and located entirely within the corporate limits of the Village, in accordance with Section 27-5 of the Act (35 ILCS 200/27-5); 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 Village President and Board of Trustees ("Corporate Authorities") establish the Area as a special service area for the purposes set forth herein, with said Area to be designated as Special Service Area No. 42 (Ricky Rockets Subdivision); 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 12th day of September, 2022, in the Village Hall, 200 N. River Street, Kane and Kendall Counties, Illinois ("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 and incorporated herein as Exhibit B ("Notice"); and

WHEREAS, Notice has been given by publication and mailing, in accordance with Section 27-30 of the Act (35 ILCS 200/27-30). Notice by publication was given by publication on August 23, 2022, 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 ten (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 as though fully set forth herein.

SECTION TWO: ESTABLISHMENT OF SSA

- (a) That it is in the public interest that the Area be established as Special Service Area No. 42 for the purposes set forth herein. A legal description of the Area is attached hereto and incorporated herein as Exhibit A and an accurate map of the Area is attached hereto and incorporated herein as Exhibit A-1.
- (b) That said Area is compact and contiguous.

- (c) That said Area is zoned *B-2 Regional Business 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. 42 be and is hereby established for and with regard to the aforesaid Area.

SECTION THREE: PURPOSE OF SSA AND MAXIMUM LEVY

The purpose of the establishment of the Area is to provide the following special services (“Services”) to the Area: the operation, maintenance, repair, rehabilitation, replacement, and reconstruction of any storm water site runoff storage area, drainageway, ditch, swale, storm sewer, or other stormwater facility; costs of design, engineering, and other consulting services, surveying and permits, public liability insurance, and all administrative, legal, or other costs or expenses incurrant in connection therewith and with the administration of the Area, including the repayment of any loan or debt incurred for the provision of any such Services, all of the Services to be in and for the Area. This authorization for maintenance, repair and replacement shall extend to storm water detention basins, Special Management Areas, storm sewer, and related areas and appurtenances, both on and off site.

In addition, the Services shall include 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 Area. 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 the annual rate of one-hundred and ten one-hundredths (1.1%, being \$1.10 per \$100.00) of the equalized assessed valuation thereof. This tax should 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 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 owners fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some or 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 of said services, as said services become necessary and are provided for.

SECTION FOUR: MISCELLANEOUS PROVISIONS

The Village agrees to produce or file such forms, statements, proceedings and supporting documents as may be required and in a timely manner in order to establish the Area and levy the taxes and, if deemed necessary or advisable by its officers, to employ and pay fiscal agents, financial advisors, attorneys and other persons to assist the Village in these endeavors.

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

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.

SECTION FIVE: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

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

PASSED AND APPROVED by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, this 14th day of November, 2022.



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

ATTEST:


Debbie Buchanan
Clerk of the Village of Montgomery.

	Aye	Nay	Absent	Abstain
Trustee Matt Bauman	✓	---	---	---
Trustee Tom Betsinger	---	---	✗	---
Trustee Dan Gier	✓	---	---	---
Trustee Steve Jungermann	✓	---	---	---
Trustee Doug Marecek	✓	---	---	---
Trustee Theresa Sperling	✓	---	---	---
Village President Matthew Brolley	NO VOTE CAST	---	---	---

EXHIBIT A
SSA 42
RICKY ROCKET'S SUBDIVISION

LOTS 1 THROUGH 5 IN RICKY RICKETS SUBDIVISION, BEING A SUBDIVISION OF
PART OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH,
RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS

EXHIBIT A-2
SSA 42
RICKY ROCKET'S SUBDIVISION
LOCATION MAP

EXHIBIT A
SSA MAP
SPECIAL SERVICE AREA # 42

LOTS 1 THROUGH 5 IN RICKY ROCKETS SUBDIVISION, BEING A SUBDIVISION OF
PART OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH,
RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS.

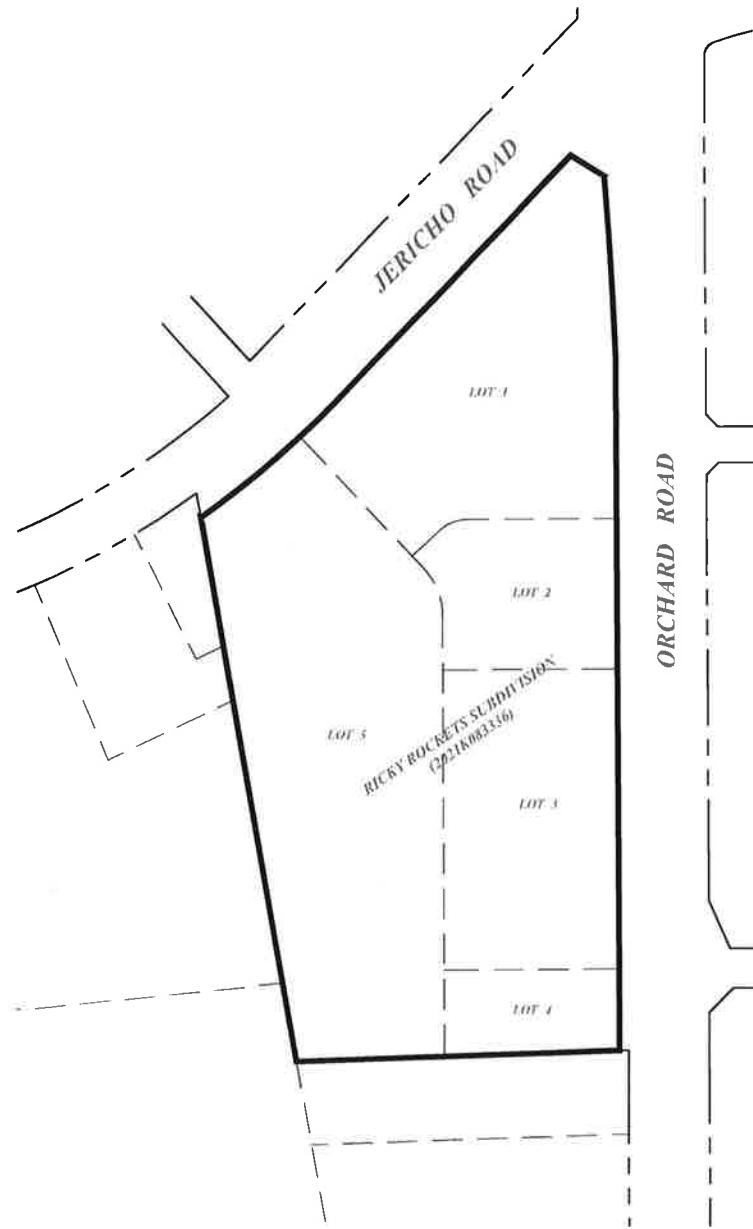


EXHIBIT B
SSA 42
RICKY ROCKET'S SUBDIVISION
NOTICE OF HEARING

NOTICE OF HEARING

VILLAGE OF MONTGOMERY, KANE AND KENDALL COUNTIES, ILLINOIS
SPECIAL SERVICE AREA NO. 42
RICKY ROCKETS SUBDIVISION
(KANE COUNTY)

NOTICE IS HEREBY GIVEN that on the 12th day of September, 2022 at 7:00 p.m., in the Village Hall, 200 N. River Street, 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 ("Area") consisting of the following described territory:

Legal Description:

LOTS 1 THROUGH 5 IN RICKY ROCKETS SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS.

The approximate location of the Area is the Southwest corner of Orchard Road and Jericho Road, Montgomery, Illinois 60538.

Permanent Real Estate Index Numbers:

14-25-430-001
14-25-430-002
14-25-430-003
14-25-430-004
14-25-430-005
14-25-430-006
14-25-430-006

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 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 establishment of the Area is to provide the following special services ("Services") to the Area: the operation, maintenance, repair, rehabilitation, replacement, and reconstruction of any storm water site runoff storage area, drainageway, ditch, swale, storm sewer, or other stormwater

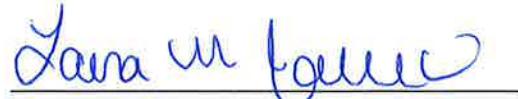
facility; costs of design, engineering, and other consulting services, surveying and permits, public liability insurance, and all administrative, legal, or other costs or expenses incurred in connection therewith and with the administration of the Area, including the repayment of any loan or debt incurred for the provision of any such Services, all of the Services to be in and for the Area. This authorization for maintenance, repair and replacement shall extend to storm water detention basins, Special Management Areas, storm sewer, and related areas and appurtenances, both on and off site.

In addition, the Services shall include 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 Area. 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.

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 Area, 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 Corporate Authorities 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 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, 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 14 day of NOVEMBER, 2022.



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