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Sandy Wegman

RECORDER - KANE COUNTY, IL

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

ORDINANCE NO. 2049

An Ordinance Establishing
Special Service Area No. 47
(Orchard 30 Special Service Area)
in the Village of Montgomery, Kane and Kendall Counties, Illinois

Adopted by the
Village President and Board of Trustees
of the Village of Montgomery, Kane and Kendall Counties, Illinois,
this 27th day of November 2023.

Published in Pamphlet Form by Authority of the
Village President and Board of Trustees
of the Village of Montgomery, Kane and Kendall Counties, Illinois,
this 27th day of November 2023.

Prepared by & Return to:
VILLAGE OF MONTGOMERY
300 W. RIVER ST.
MONTGOMERY, IL 60538
Chg

ORDINANCE NO. 2049

An Ordinance Establishing
Special Service Area No. 47 for the
(Orchard 30 Special Service Area)
in the Village of Montgomery, Kane and Kendall Counties, Illinois

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, 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 1970 Constitution of the State of Illinois and the Special Service Area Tax Law, 35 ILCS 200/27 *et seq.* ("Act"), 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 of government pursuant to Section 7(6) of Article VII of the 1970 Constitution of the State of Illinois, 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; and,

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 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, in accordance with Section 27-5 of the Act (35 ILCS 200/27-5); and,

WHEREAS, it is in the public interest that Village President and Board of Trustees ("Corporate Authorities") consider the establishment of the area designated as the Orchard 30 Special Service Area No. 47 ("Area"), more specifically depicted on Exhibit A, attached hereto and incorporated herein by reference; 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 25th day of September, 2023, in the Village Hall, 200 N. River Street, Village of Montgomery, 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 described in the Notice of Public Hearing set forth in Section Two hereof ("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 on September 5, 2023, 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 Village 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. 47 for the purposes set forth herein. A legal description and an accurate map of the Area is attached hereto and incorporated herein as Exhibit A.

(b) That said Area is compact and contiguous.

(c) That said Area is zoned B-2/PUD, M-1/PUD, and M-2/PUD 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. 47 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, Creek, 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 sewers, 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, removal of any obstructions, stabilization of banks, control of erosion, and any and all other natural landscaping shall be encompassed within this purpose. The proposed municipal services herein are unique and 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 Village President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, this 27th day of November 2023.



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

ATTEST:



Debbie Buchanan,
Clerk of the Village of Montgomery

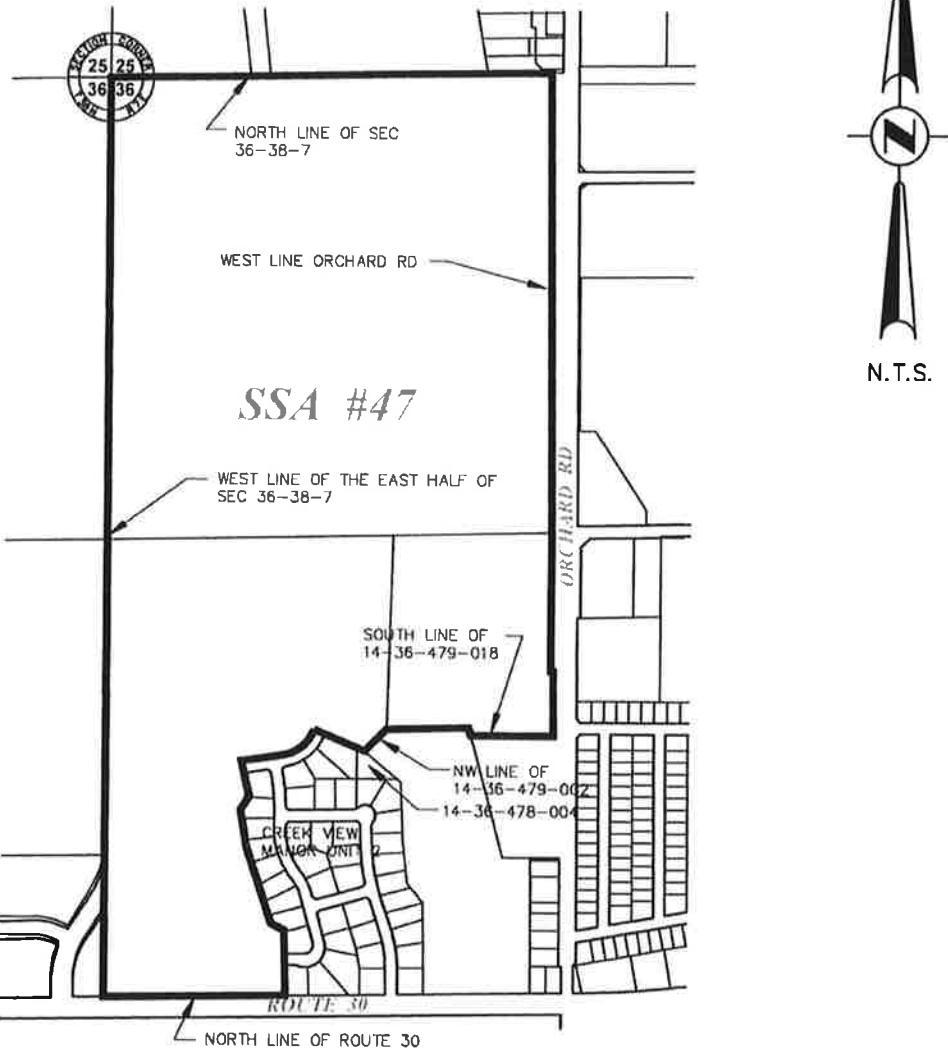


	Aye	Nay	Absent	Abstain
Trustee Matt Bauman	✓	—	—	—
Trustee Tom Betsinger	✓	—	—	—
Trustee Dan Gier	✓	—	—	—
Trustee Steve Jungermann	✓	—	—	—
Trustee Doug Marecek	✓	—	—	—
Trustee Theresa Sperling	✓	—	—	—
Village President Matthew Brolley	NO	VOTE CAST		

EXHIBIT A

SSA MAP

SPECIAL SERVICE AREA #47



THAT PART OF THE EAST HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID EAST HALF; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 36 TO THE WEST LINE OF ORCHARD ROAD; THENCE SOUTH ALONG SAID WEST LINE TO THE SOUTH LINE OF A PARCEL WITH A P.I.N. OF 14-36-479-018; THENCE WESTERLY ALONG SAID SOUTH LINE TO THE NORTHWESTERLY MOST CORNER OF A PARCEL HAVING A P.I.N. OF 14-36-479-002; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID PARCEL TO THE NORTHEASTERLY CORNER OF A PARCEL WITH A P.I.N. OF 14-36-478-004; THENCE NORTHWESTERLY ALONG NORTHEASTERLY LINE OF SAID PARCEL TO THE NORTHEAST CORNER OF LOT 4 IN CREEK VIEW MANOR UNIT 2; THENCE NORTHERLY, WESTERLY AND SOUTHERLY, ALONG THE BOUNDARY OF SAID SUBDIVISION TO THE NORTH LINE OF ROUTE 30; THENCE WEST ALONG SAID NORTH LINE TO THE WEST LINE OF THE EAST HALF OF SAID SECTION 36 THENCE NORTH ALONG SAID WEST LINE TO THE POINT OF BEGINNING, ALL IN KANE COUNTY, ILLINOIS.

KANE COUNTY CLERK

719 S. Batavia Ave., Bldg B
Geneva, IL 60134

630/232-5964

DATE:

12.4.23

UNIT OF GOVERNMENT:

PERSON FILING:

Ordinance establishing Special Service Area #47
for the Township 30 Special Service Area
Ordinance # 2649
Approved December 27 2023

AC

DEPUTY CLERK

KANE COUNTY CLERK