

VILLAGE OF SUGAR GROVE  
KANE COUNTY, ILLINOIS

ORDINANCE NO. 2003-1021A

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An Ordinance Proposing the Establishment of a  
Special Service Area No. 8 for  
Windsor West Subdivision in  
the Village of Sugar Grove, Illinois

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Adopted by the  
Board of Trustees and President  
of the Village of Sugar Grove  
this 21 day of Oct., 2003.

Published in Pamphlet Form  
by authority of the Board of Trustees  
of the Village of Sugar Grove, Kane County,  
Illinois, this 21 day of Oct., 2003.

ORDINANCE NO. 2003-1021A

AN ORDINANCE PROPOSING THE ESTABLISHMENT OF A  
SPECIAL SERVICE AREA NO. 8 FOR  
WINDSOR WEST SUBDIVISION IN  
THE VILLAGE OF SUGAR GROVE, ILLINOIS

**BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

**WHEREAS**, the Village of Sugar Grove 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 Sugar Grove, Kane County, 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;

Municipalities...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 establishment of the area hereinafter described as a special service area for the purposes set forth herein and to be designated as the Village of Sugar Grove Special Service Area No. 8, of the Village (the "Area"), be considered; 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, or for a portion of the detention utilized by 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 is being held at 6:00 p.m., on the 21st day of October, 2003, in the Municipal Building, 10 Municipal Drive, Sugar Grove, 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 set forth in Section Two hereof (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 Sugar Grove, Kane County, 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: NOTICE**

The President and Board of Trustees determine that the Notice is in the proper statutory form as set forth as follows:

**NOTICE OF HEARING  
VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS  
SPECIAL SERVICE AREA NO. 8  
WINDSOR WEST SUBDIVISION  
(KANE COUNTY)**

NOTICE IS HEREBY GIVEN that on the 21st day of October, 2003, at 6:00 p.m., in the Municipal Building, 10 Municipal Drive, Sugar Grove, Illinois, a hearing will be held by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, to consider the establishment of a Special Service Area consisting of the following described territory:

That part of the Northwest Quarter of Section 16, Township 38 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northwest Corner of said Section 16; thence along the West line of said Northwest Quarter, South 00 degrees 54 minutes 02 seconds West, a distance of 240.00 feet for the point of beginning of the parcel to be described; thence continuing along said West line, South 00 degrees 54 minutes 02 seconds West, a distance of 1726.58 feet to a point which is 687.73 feet North of the Southwest Corner of said Northwest Quarter (as measured along the West line thereof); thence North 89 degrees 03 minutes 02 seconds East, a distance of 34.90 feet; thence 78.51 feet along a curve to the right, having a radius

of 1533.00 feet, the chord of which bears South 89 degrees 28 minutes 56 seconds East, a chord distance of 78.50 feet; thence North 00 degrees 56 minutes 58 seconds West, a distance of 174.72 feet; thence South 85 degrees 58 minutes 56 seconds East, a distance of 124.97 feet; thence South 83 degrees 44 minutes 19 seconds East, a distance of 111.38 feet; thence South 84 degrees 30 minutes 13 seconds East, a distance of 161.23 feet; thence North 89 degrees 03 minutes 02 seconds East, a distance of 173.53 feet; thence South 00 degrees 54 minutes 02 seconds East, a distance of 278.00 feet; thence 39.29 feet along a curve to the left, having a radius of 25.00 feet, the chord of which bears South 45 degrees 55 minutes 30 seconds East, a chord distance of 35.37 feet; thence North 89 degrees 03 minutes 02 seconds East, a distance of 261.48 feet; thence North 00 degrees 56 minutes 58 seconds West, a distance of 164.00 feet; thence North 89 degrees 03 minutes 02 seconds East, a distance of 453.39 feet; thence North 69 degrees 37 minutes 53 seconds East, a distance of 92.52 feet; thence North 44 degrees 13 minutes 44 seconds East, a distance of 219.90 feet; thence South 45 degrees 46 minutes 16 seconds East, a distance of 149.00 feet; thence North 44 degrees 13 minutes 44 seconds East, a distance of 10.94 feet; thence 213.49 feet along a curve to the right, having a radius of 267.00 feet, the chord of which bears North 67 degrees 08 minutes 06 seconds East, a chord distance of 207.85 feet; thence South 89 degrees 57 minutes 31 seconds East, a distance of 31.12 feet to the intersection of the West line of lands formerly owned by S.G. Paull (said line being the West line of the West 50.00 feet of the East 9.62 chains of the Northwest Quarter of said Section 16) with the South Right-of-Way of Park Avenue, as dedicated by Document No. 93K28864; thence along said West line of said S.G. Paull lands, North 00 degrees 11 minutes 44 seconds West, a distance of 80.00 feet to the North Right-of-Way line of said Park Avenue; thence along said North Right-of-Way line, South 89 degrees 57 minutes 31 seconds East, a distance of 50.00 feet to the intersection of said North Right-of-Way line with the West line of said Sugar Grove Corporate Center Unit 2; thence along said West line of Sugar Grove Corporate Center Unit 2, North 00 degrees 11 minutes 44 seconds West, a distance of 1561.19 feet to the intersection of said West line with the southerly right-of-way line Wheeler Road, according to Document No. 1178703 recorded December 4, 1970; thence along said southerly right-of-way line, 173.84 feet along the arc of a curve to the left, having a radius of 427.46 feet, the chord of which bears North 78 degrees 59 minutes 31 seconds West, a chord distance of 172.64 feet; thence continuing along said southerly right-of-way line, North 89 degrees 21 minutes 28 seconds West, a distance of 46.51 feet to the end of dedication per said Document 1178703; thence along the westerly line of said dedication, North 00 degrees 38 minutes 32 seconds East, a distance of 50.00 feet to the intersection of said westerly line with the North line of said Northeast Quarter; thence along said North line, South 89 degrees 21 minutes 26 seconds West, a distance of 882.83 feet to Northeast corner of Hillside Country Subdivision, according to the plat thereof recorded as Document No. 1062368; thence South 00 degrees 38 minutes 34 seconds East, a distance of 240.00 feet to the Southeast corner of said Hillside Country Subdivision; thence along a line parallel with the North line of said Northwest Quarter, South 89 degrees 21 minutes 26 seconds West, a distance of 1036.85 feet to the point of beginning, and, that part of the Northwest Quarter of Section 16, Township 38 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northwest Corner of said Section 16; thence along the West line of said Northwest Quarter, South 00 degrees 54 minutes 02 seconds West, a distance of 1966.58 feet to a point which is 687.73 feet North of the Southwest Corner of said Northwest Quarter (as measured along the West line thereof) for a point of beginning of the parcel to be described; thence North 89 degrees 03 minutes 02 seconds East, a distance of 34.90 feet; thence 78.51 feet along a curve to the right, having a radius of 1533.00 feet, the chord of which bears South 89 degrees 28 minutes 56 seconds East, a chord distance of 78.50 feet; thence North 00 degrees 56 minutes 58 seconds West, a distance of 174.72 feet; thence South 85 degrees 58 minutes 56 seconds East, a distance of 124.97 feet; thence South 83 degrees 44 minutes 19 seconds East, a distance of 111.38 feet; thence South 84 degrees 30 minutes 13 seconds East, a distance of 161.23 feet; thence North 89 degrees 03 minutes 02

seconds East, a distance of 173.53 feet; thence South 00 degrees 54 minutes 02 seconds East, a distance of 278.00 feet; thence 39.29 feet along a curve to the left, having a radius of 25.00 feet, the chord of which bears South 45 degrees 55 minutes 30 seconds East, a chord distance of 35.37 feet; thence North 89 degrees 03 minutes 02 seconds East, a distance of 261.48 feet; thence North 00 degrees 56 minutes 58 seconds West, a distance of 164.00 feet; thence North 89 degrees 03 minutes 02 seconds East, a distance of 453.39 feet; thence North 69 degrees 37 minutes 53 seconds East, a distance of 92.52 feet; thence North 44 degrees 13 minutes 44 seconds East, a distance of 219.90 feet; thence South 45 degrees 46 minutes 16 seconds East, a distance of 149.00 feet; thence North 44 degrees 13 minutes 44 seconds East, a distance of 10.94 feet; thence 213.49 feet along a curve to the right, having a radius of 267.00 feet, the chord of which bears North 67 degrees 08 minutes 06 seconds East, a chord distance of 207.85 feet; thence South 89 degrees 57 minutes 31 seconds East, a distance of 31.12 feet to the intersection of the West line of lands formerly owned by S.G. Paull (said line being the West line of the West 50.00 feet of the East 9.62 chains of the Northwest Quarter of said Section 16) with the South Right-of-Way of Park Avenue, as dedicated by Document No. 93K28864; thence along said South Right-of-Way line, South 89 degrees 57 minutes 31 seconds East, a distance of 50.00 feet to the intersection of said South Right-of-Way line with the West line of said Sugar Grove Corporate Center Unit 2; thence along the West line of said Sugar Grove Corporate Center Unit 2, South 00 degrees 11 minutes 44 seconds East, a distance of 917.04 feet to the intersection of said West line with the South line of said Northeast Quarter; thence along said South line, South 89 degrees 03 minutes 02 seconds West, a distance of 2154.48 feet to the Southwest corner of said Northwest Quarter; thence along the West line thereof, North 00 degrees 54 minutes 02 seconds West, a distance of 687.73 feet to the point of beginning, (excepting therefrom that part of the Northwest Quarter of said Section 16, described as follows: Beginning at the Southwest Corner of said Northwest Quarter; Thence North 00 degrees 54 minutes 02 seconds West, 423.54 feet; Thence North 89 degrees 03 minutes 02 seconds East, parallel with the South line of said Northwest Quarter, 2059.69 feet to a point on the West line of said lands formerly owned by S.G. Paull; Thence South 00 degrees 11 minutes 44 seconds East, along said West line, 423.57 feet to the South line of the Northwest Quarter of said section 16; Thence South 89 degrees 03 minutes 02 seconds West, along said South line, 2054.48 feet to the point of beginning) all in the Village of Sugar Grove, Kane County, Illinois.

Commonly known as the 119 acres south of and adjacent to Wheeler Road and west of and adjacent to the Sugar Grove Corporate Center, Sugar Grove, 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. 8 in general is to authorize the maintenance, repair and replacement of storm water detention basins serving the Area, the provision of mosquito abatement services, and the maintenance, repair and replacement of landscape buffers, common areas, subdivision monumentation, private roads, signage, playground equipment and other park improvements, and any common areas of the Windsor West 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 and one tenths percent (1.10%, being \$1.10 per \$100) of the equalized assessed value of the property in the proposed Special

Service Area No. 8, 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 Homeowners Association 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. 8 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 \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
 Steven A. Andersson, Village Attorney  
 for the Village of Sugar Grove

**SECTION THREE: MISCELLANEOUS**

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.

**SECTION FOUR: EFFECTIVE DATE**

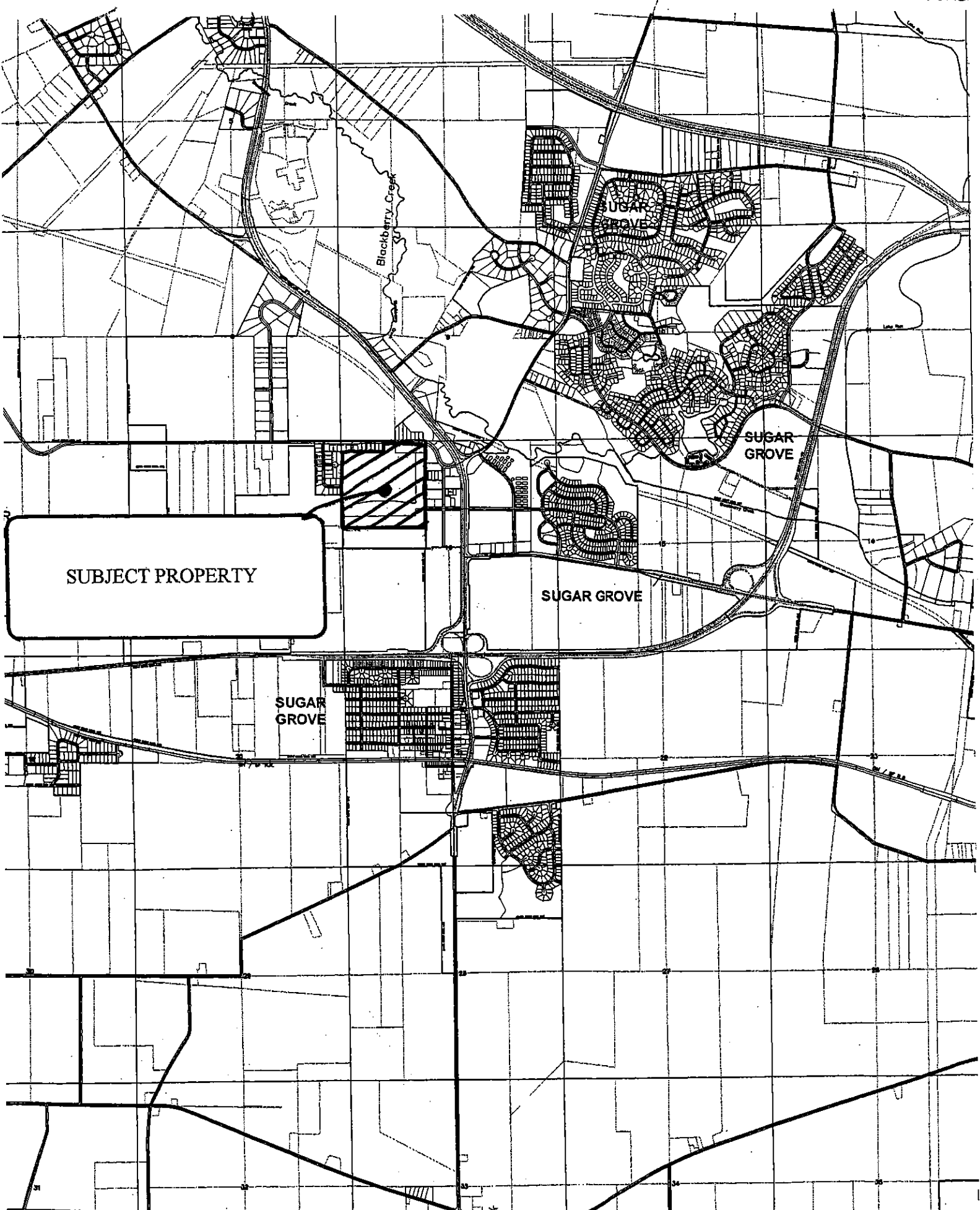
This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this \_\_\_ day of \_\_\_\_\_, 2003.

P. Sean Michels  
 P. Sean Michels  
 President of the Board of Trustees of the Village  
 of Sugar Grove, Kane County, Illinois

	Aye	Nay	Absent
Bohler	<u>✓</u>	_____	_____
Renk	<u>✓</u>	_____	_____
Clark	<u>✓</u>	_____	_____
Johnson	<u>✓</u>	_____	_____
Williams	<u>✓</u>	_____	_____
Geary	<u>✓</u>	_____	_____

ATTEST: Cynthia L. Welsch  
Cynthia L. Welsch  
Clerk, Village of Sugar Grove



SUBJECT PROPERTY

Blackberry Creek

SUGAR GROVE

SUGAR GROVE

SUGAR GROVE

