

ORDINANCE NO. 11 -11

*An Ordinance Proposing the Establishment of Special Service Area Number 7
Within the Village of West Dundee and Providing for a Public Hearing
and Other Procedures in Connection Therewith for the
Property Commonly Known as Oakview Corporate Park*

BE IT ORDAINED by the President and Board of Trustees (together, the “Corporate Authorities”) of the Village of West Dundee, an Illinois municipal corporation located in Kane County, Illinois (the “Village”), as follows:

SECTION 1: Authority to Establish Special Service Areas. The constitutional authority for the establishment of special service areas is set forth in Article VII, Section 6, of the Constitution of the State of Illinois in force July 1, 1971, which provides in relevant part as follows:

§ 7. Powers of Home Rule Units.

The General Assembly may not deny or limit the power of home rule units (2) 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.

Special service areas are implemented pursuant to the provisions of Public Act 88-455, the Special Service Area Tax Law, 35 ILCS 200/27-5 *et seq.* (the “Law”), which provides the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule municipalities as well as non-home rule municipalities and counties.

SECTION 2: Findings. This Village's Corporate Authorities find that:

A. It is in the public interest that the creation of Special Service Area Number 7, for the purposes set forth herein, be considered for the real property legally described as follows:

OAKVIEW CORPORATE PARK BEING A SUBDIVISION OF THE
NORTHWEST FRACTIONAL QUARTER OF THE NORTHWEST
FRACTIONAL QUARTER AND THE EAST HALF OF THE
NORTHWEST FRACTIONAL QUARTER OF SECTION 19,
TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL
MERIDIAN AS RECORDED AS DOCUMENT NUMBER
2007K0099757 ON JANUARY 23, 2007, IN THE VILLAGE OF WEST
DUNDEE, KANE COUNTY, ILLINOIS (the “Area”).

The Area consists of approximately 120.55 acres, more or less, is situated 2,640 feet West of Randall Road and North of Illinois Route 72 and is known as the Oakview Corporate Park.

B. The Area is compact, contiguous and constitutes a separate and distinct subdivision within the Village of West Dundee; the Area will benefit specially from the special municipal services to be provided, in the Village's sole discretion without the obligation to do so, and as hereinafter described; the proposed special municipal services are in addition to municipal services provided to the Village of West Dundee as a whole; and it is therefore in the best interests of the Village that the levy of special taxes against the Area to finance the special municipal services to be provided be considered. Such special municipal services would include but not be limited to the following:

1. Maintenance, restoration and repair of retention and detention basins, areas and facilities, channels, swales, drainage facilities and easements, stormwater detention facilities, common facilities, outlots, trails and open space areas, as deemed necessary and appropriate by the Corporate Authorities; and
2. Surface water detention and drainage easement maintenance, restoration and repair consisting of mowing, erosion, nuisance and sedimentation control, sediment and obstruction removal, dredging, structural maintenance and replacement, regrading, reseeding, replanting and removal of debris, as deemed necessary and appropriate by the Corporate Authorities; and
3. Wetlands maintenance, planting, remediation and restoration, as deemed necessary and appropriate by the Corporate Authorities; and
4. Open space maintenance consisting of mowing, reseeding, replanting, landscaping, removal of debris, and cleanup, as deemed necessary and appropriate by the Corporate Authorities; and
5. Landscaping consisting of mowing, reseeding, replanting, mulching and cleanup, and replacement of trees and vegetation in the manner depicted on the landscaping plans for the Area on file with the Village, as deemed necessary and appropriate by the Corporate Authorities; and
6. Administration and inspection of items 1 through 5 (collectively, the "Special Services"). In the event that the Property Owners' Association fails to properly carry out the activities described in number 1 through 5 above, and if the Village deems it necessary and appropriate to do so to pay for the costs of the special services and in its discretion, without any obligation to do so.

However, under no circumstances shall the provision of such Special Services by the Village, its agents, employees, consultants or contractors, in the Village's sole discretion without the obligation to do so, constitute an acceptance of or assumption of responsibility for any personal property or real property within the Area by the Village.

SECTION 3: Public Hearing - Tax Rate: A public hearing shall be held on the 7th day of November, 2011, at 7:30 p.m. in the Village of West Dundee Village Hall, Village of West Dundee, 102 South Second Street, West Dundee, Illinois 60118, to consider the creation of Special Service Area No. 7 of the Village of West Dundee for the Area legally and commonly described in Section 2A of this Ordinance. At the public hearing there will also be considered the levy of an annual tax not to exceed the annual rate of 0.20 percent of the assessed value, as equalized, of the taxable property within the Area, said tax to be levied annually from the date of the establishment of a special service area for the Area. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Law.

SECTION 4: Notice of Public Hearing. Notice of the public hearing shall be published at least once not less than 15 days prior to the public hearing in one or more newspapers of general circulation in the Village of West Dundee, Illinois. In addition, notice by mailing shall be given by depositing said 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 proposed Special Service Area No.7. Said notice shall be mailed not less than 10 days prior to the time set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall be sent to the person last listed on the tax rolls prior to that year as the owner of the Area. The notice shall be in substantially the following form:

**NOTICE OF PUBLIC HEARING
ON THE PROPOSED CREATION OF SPECIAL SERVICE AREA NUMBER
7 AND THE LEVY OF SPECIAL TAXES THEREFORE FOR
THE OAKVIEW CORPORATE PARK DEVELOPMENT**

NOTICE IS HEREBY GIVEN that on November 7, 2011, at 7:30 p.m. in the Village of West Dundee Village Hall, 102 South Second Street, West Dundee, Illinois 60118, a public hearing will be held by the President and Board of Trustees (the "Corporate Authorities") of the Village of West Dundee, an Illinois municipal corporation located in Kane County, Illinois, to consider forming a Special Service Area consisting of the following legally described territory:

OAKVIEW CORPORATE PARK BEING A SUBDIVISION OF THE NORTHWEST FRACTIONAL QUARTER OF THE NORTHWEST FRACTIONAL QUARTER AND THE EAST HALF OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 19, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AS RECORDED AS DOCUMENT NUMBER 2007K0099757 ON JANUARY 23, 2007, IN THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS (the "Area).

Parcel Identification Numbers:03-19-120-001,

011,012,012,014,015,016,017,018, 03-19-130-001,03-19-176-001, 03-19-180-033, 034,035,036,037 all undeveloped parcels along Wesemann Drive, 03-19-120-019 – 1000 Wesemann Drive, 03-19-176-003 -4600 Main Street, 03-19-180-031 – 901-907 Wesemann Drive, 03-91-180-032 – 801 Wesemann Drive,

The Area consists of approximately 120.55 acres, more or less, is situated 2,640 feet West of Randall Road and North of Illinois Route 72 and is known as the Oakview Corporate Park subdivision.

All persons affected by the proposed formation of the Village of West Dundee Special Service Area No. 7 will be given an opportunity to be heard at the public hearing regarding the formation of and the boundaries of the proposed Special Service Area and may object to the formation of the Special Service Area and the levy of special taxes against the Area, including Owner of the Area and electors residing within the Area.

The purpose of the formation of the proposed Village of West Dundee Special Service Area No. 7 in general is to provide special municipal services to the Area, in the Village's discretion without the obligation to do so, including, but not limited to:

1. Maintenance, restoration and repair of retention and detention basins, areas and facilities, channels, swales, drainage facilities and easements, stormwater detention facilities, common facilities, outlots, trails and open space areas, as deemed necessary and appropriate by the Corporate Authorities; and
2. Surface water detention and drainage easement maintenance, restoration and repair consisting of mowing, erosion, nuisance and sedimentation control, sediment and obstruction removal, dredging, structural maintenance and replacement, regrading, reseedling, replanting and removal of debris, as deemed necessary and appropriate by the Corporate Authorities; and
3. Wetlands maintenance, planting, remediation and restoration, as deemed necessary and appropriate by the Corporate Authorities; and
4. Open space maintenance consisting of mowing, reseedling, replanting, landscaping, removal of debris, and cleanup, as deemed necessary and appropriate by the Corporate Authorities; and
5. Landscaping consisting of mowing, reseedling, replanting, mulching and cleanup, and replacement of trees and vegetation in the manner depicted on the landscaping plans for the Area on file

with the Village, as deemed necessary and appropriate by the Corporate Authorities; and

6. Administration and inspection of items 1 through 5 (collectively, the "Special Services").

However, under no circumstances shall the provision of such Special Services by the Village, its agents, employees, consultants or contractors, in the Village's sole discretion without the obligation to do so, constitute an acceptance of or assumption of responsibility for any personal property or real property within the Area by the Village.

A special service area tax will be considered at the public hearing, to be levied annually and not exceed a rate of 0.20 percent per annum of assessed value, as equalized, to be levied against the real, taxable property included within the proposed Special Service Area.

At the public hearing, all interested persons affected by the formation of the proposed Special Service Area, including all persons owning taxable real estate therein and electors, will be given an opportunity to be heard. The public hearing may be adjourned by the Village Board of the Village of West Dundee without further notice to another date 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 51 percent of the electors residing within the Area and by at least 51 percent of the Owner of record of the land included within the Area is filed with the Village of West Dundee Village Clerk within 60 days following the final adjournment of the public hearing objecting to the creation of the Special Service Area, or the levy or imposition of a tax, no such special service area may be created or tax levied or imposed.

Dated this 3rd day of October, 2011.

Barbara Traver
Village Clerk
Village of West Dundee

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

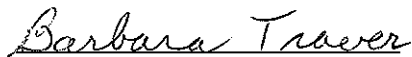
SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

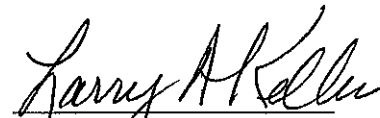
SECTION 7: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form, which is hereby authorized, as provided by law.

Ayes: Trustees Voss, Gillam, Price, Osth, Hanley and Yuscka

Nays:

ATTEST:


Barbara Traver
Village Clerk


Larry Keller
Village President

Village Seal:

Passed: October 3, 2011

Approved: October 3, 2011

Published: October 4, 2011

Prepared by and after recording mail to:

Jennifer Becker
Village of West Dundee
Community Development Department
100 Carrington Drive
West Dundee IL 60118

CERTIFICATION

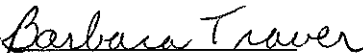
I, Barbara Traver, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of West Dundee, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Trustees of said Village.

I do hereby further certify that at a regular meeting of the West Dundee Village Board, held on the 3rd day of October, 2011 the foregoing Ordinance entitled *An Ordinance Proposing the Establishment of Special Service Area Number 7 Within the Village of West Dundee and Providing for a Public Hearing and Other Procedures in Connection Therewith for the Property Commonly Known as Oakview Corporate Park Development* was duly passed by said Village Board.

The pamphlet form of Ordinance No. 11-11 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on the 4th day of October 2011, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

GIVEN under my hand and seal of the Village of West Dundee this 3rd day of October, 2011.


Barbara Traver
Village Clerk
Village of West Dundee,
Kane County, Illinois

(SEAL)