

**ORDINANCE NO. 11-12**  
*An Ordinance Proposing the Establishment of Special  
Service Area Number 8 within the Village  
of West Dundee and Providing for a Public  
Hearing and Other Procedures in Connection Therewith*

WHEREAS, the Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of the Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the VILLAGE OF WEST DUNDEE, Kane County, Illinois, as follows:

SECTION 1: Authority to Establish Special Service Areas. Special Service Areas are established pursuant to Article VII, Section (6) of the Constitution of the State of Illinois which provides:

**“§ 6. Powers of Home Rule Units**

- (1) 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”

and are established pursuant to the provisions of 35ILCS200/27-5 et sequitur 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.

Section 2: Findings. This Village Board finds:

- A. It is in the public interest that the creation of Special Service Area Number 8 for the purposes set forth herein be considered for the property legally described as follows:

Lots 1-11 in the Final Plat of Carrington Crossing being a Re-subdivision of Lot “F” in the Timbers and Valleys at Carrington Reserve, being a subdivision of part of the South Half of Section 20, Township 42 North, Range 8 East of the Third Principal Meridian, in the Village of West Dundee, Kane County, Illinois.

- B. That such area is compact and contiguous and constitutes a separate distinct subdivision of the Village of West Dundee, that the said area will benefit specially from the municipal services to be provided; that the proposed 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 of West Dundee that

the levy of special taxes against said area for services to be provided be considered.

SECTION 3: Public Hearing – Tax Rates. That a public hearing shall be held on the 7<sup>th</sup> day of November, 2011 at 7:30 p.m. in the West Dundee Village Hall Board Room 102 S. Second Street, West Dundee, to consider the creation of a Special Service Area No. 8 of the Village of West Dundee in the territory described in Section 2 of this Ordinance at the hearing there will be considered the levy of an annual tax not to exceed 0.2 percent per annum of assessed value as equalized for the property in the Special Service Area, said tax to be levied annually from the date of this Ordinance. It is anticipated that said levy shall be for 30 years. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Revenue Act of 1939.

SECTION 4: Notice of hearing. Notice of hearing shall be published at least once not less than 15 days prior to the public hearing in one of more newspapers in general circulation in the Village of West Dundee, Illinois. In addition notice by mailing shall be given to 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. 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 property. The Notice shall be in substantially the following form:

NOTICE OF HEARING

VILLAGE OF WEST DUNDEE  
SPECIAL SERVICE AREA NUMBER 8

NOTICE IS HEREBY GIVEN that on November 7, 2011, at 7:30 p.m. in the West Dundee Village Hall Board Room, 102 S. Second Street, West Dundee, IL 60118, a hearing will be held by the President and Board of Trustees of the Village of West Dundee, Illinois, to consider forming a Special Service Area consisting of the following described territory:

Lots 1-11 in the Final Plat of Carrington Crossing being a Re-subdivision of Lot "F" in the Timbers and Valleys at Carrington Reserve, being a subdivision of part of the South Half of Section 20, Township 42 North, Range 8 East of the Third Principal Meridian, in the Village of West Dundee, Kane County, Illinois.

Parcel Identification numbers 03-20-351-003,004,005,006,007,008,009, 010, 011, and 012. Street addresses not yet assigned – undeveloped property at southeast corner of Randall Road and Carrington Drive, West Dundee, Illinois, commonly known as the Carrington Crossing Subdivision .

All interested persons including all persons owning taxable real property located within West Dundee Special Service Area No. 8 will be given an opportunity to be heard at the hearing regarding the tax levy and an opportunity to file objections to the amount of the tax levy if the tax is a tax upon property; and

The purposes of the formation of the Village of West Dundee Special Service Area No. 8 in general is to provide special municipal services to the area including, but not limited to:

1. Maintenance, repair, replacement and operation of the Conservancy Area open space with the Carrington crossing Subdivision designated as Lots 10, 11 and the noted portions of Lots 4, 6 and 9 on the Final Plat of Subdivision of the Carrington Crossing Commercial Subdivision and as formerly designated as Lot 4 on the Final Plat of Subdivision of the Timbers and Valleys at Carrington Reserve and;
2. All legal, administration and professional fees related to the operation of Special Service Area No.8.

A special tax will be considered at the public hearing, to be levied annually and not to exceed 0.2 percent per annum as equalized, to be levied against the property included in the Special Service Area. It is anticipated that said levy shall be for 30 years.

At the hearing all interested persons affected by the formation of such Special Service Area, including all persons owning taxable real estate therein, will be given an opportunity to be heard. The hearing may be adjourned by the Board without further notice 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 51 percent of the electors residing within the Special Service Area and by at least 51 percent of the owners of record of the land included within the boundaries of the Special Service Area is filed with the municipal Clerk within 60 days following the final adjournment of the public hearing objecting to the creation of the Special Service Area, the enlargement thereof, the levy or imposition of a tax, or to a proposed increase in the tax rate, no such district may be created or enlarged, nor tax levied or imposed, nor the rate increased.

Dated this 3<sup>rd</sup> day of October, 2011.

Barbara Traver Village Clerk

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.

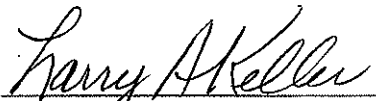
SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: This Ordinance shall be in full force and effect 65 days after the public hearing is adjourned. Publication in pamphlet form is hereby authorized as provided by law.

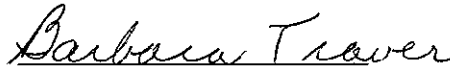
AYES: Trustees Voss, Gillam, Price, Osth, Hanley and Yuscka

NAYS: None

APPROVED:

  
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Larry Keller  
Village President

(SEAL)

ATTEST:   
Barbara Traver  
Village Clerk

Passed: October 3, 2011

Approved: October 3, 2011

Published: October 4, 2011

Prepared by/Mail to:

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

CERTIFICATION

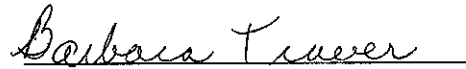
I, Barbara Traver do hereby certify that I am the duly appointed and qualified Clerk of the Village of West Dundee, Kane County, Illinois, and that as such Clerk, I am the keeper of the ordinances, records, corporate seal and proceedings of the President and Board of Trustees of said Village of West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

I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of West Dundee, held on the October 3, 2011 the foregoing Ordinance entitled *An Ordinance Proposing the Establishment of Special Service Area Number 8 Within the Village of West Dundee and Providing for a Public Hearing and Other Procedures in Connection Therewith* was duly passed and approved by the President and Board of Trustees of the Village of West Dundee.

The pamphlet form of Ordinance No. 11-12 including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 4<sup>th</sup> 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.

IN WITNESS WHEREOF, I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto this 3<sup>rd</sup> day of October 2011

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

(VILLAGE SEAL)