

FILED
McHENRY COUNTY, IL

DEC 21 2017

Mary E. McCallan
COUNTY CLERK

ORDINANCE NO. 2017-18-28

*An Ordinance Abating Taxes Levied to Pay
For Special Service Area Number 28 in the Village of Johnsburg for the 2017
Tax Year*

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A SPECIAL MEETING ON DECEMBER 12, 2017
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Tom Curry
Kyle Frost
Josh Hagen
Mary Lou Hutchinson
Greg Klemstein
Kevin McEvoy

Village Administrator

Claudett E. Peters

ORDINANCE NO. 2017-18-28

***An Ordinance Abating Taxes Levied to Pay
For Special Service Area Number 28 in the Village of Johnsburg for the 2017 Tax Year***

WHEREAS, the Village of Johnsburg, McHenry County, Illinois, passed Ordinance 10-11-25 on November 16, 2010, entitled *An Ordinance Concerning the Establishment of Special Service Area Number 28 of the Village of Johnsburg* (the "Ordinance"); and

WHEREAS, the Ordinance provided that the Village would issue bonds to pay for the cost of special services consisting of the acquisition, construction and installation of sewer extension facilities and improvements and capacity reservation/connection fees, including but not limited to design, engineering and construction, and related facilities, improvements and costs for Special Service Area Number 28 (the "SSA #28"); and

WHEREAS, pursuant to the Special Service Area Tax Law (35 ILCS 200/27-5 *et seq.*), a hearing was held on June 15, 2010, after notice of said hearing was published in the *Northwest Herald* on May 26, 2010, and a notice of said hearing was mailed to all property owners within the proposed boundaries of SSA #28, as legally described in Exhibit A, attached hereto, not less than 10 days prior to the hearing; and

WHEREAS, the Ordinance was passed after the deadline for property owners to submit petitions, signed by at least 50 percent of the electors residing within the boundaries of SSA #28 and by at least 50 percent of the owners of record of land included within the boundaries of SSA #28, objecting to the formation of SSA #28, and the Ordinance was recorded on November 22, 2010, as document number 2010R0053632 in the office of the McHenry County Recorder of Deeds; and

WHEREAS, after the passage of the Ordinance the Village passed Ordinance 2010-11-16, *An Ordinance Providing for the Issuance of Special Service Area Number 28 Special Ad Valorem Tax Bonds, Series 2010, of the Village of Johnsburg, McHenry County, Illinois, and Providing for the Levy of Direct Annual Taxes on Taxable Property in Such Special Service Area for the Payment of Principle of and Interest on those Bonds, and Related Matters*, which authorized the issuance of bonds to cover the cost of the special services in SSA #28 (the "Bond Ordinance").

WHEREAS, after the passage of the Ordinance the Village entered into a Real Estate Sales Agreement on April 26, 2017 in which the Village agreed to purchase a parcel of vacant land and abate the levies for SSA #28 for the years 2017 through 2021 in order to satisfy the remainder of the purchase price of the vacant land.

WHEREAS, it is necessary and in the best interest of the Issuer that the tax heretofore levied for the year 2017 to pay such debt service on the Bonds be abated.

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

SECTION 1: The Pledged Taxes heretofore levied in the Ordinance for 2017 shall be abated as follows:

<u>Year</u>	<u>Amount Levied</u>	<u>Amount to be Abated</u>	<u>Remainder of Tax to be Extended</u>
2017	\$18,575	\$18,575	\$-0-

SECTION 2: Except for the levy to pay the principal and interest on the bonds as described above, no other levy imposed by the Board is to be affected by this ordinance.

SECTION 3: Upon the passage of this ordinance, the Clerk shall file a certified copy of this ordinance with the McHenry County Clerk, and it shall be the duty of the McHenry County Clerk to abate said tax levied for the year 2017 in accordance with the provisions hereof.

SECTION 4: 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 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: Trustees Greg Klemstein, Josh Hagen, Tom Curry, Kyle Frost, Mary Lou Hutchinson and Kevin McEvoy

Voting Nay: None

Absent: None

Abstain: None

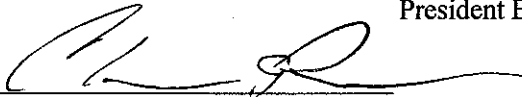
APPROVED:



President Edwin P. Hettermann

(SEAL)

ATTEST:



Village Clerk Claudett E. Peters

Passed: December 12, 2017

Approved: December 12, 2017

Published: December 12, 2017

Prepared by:

Claudett E. Peters

Village of Johnsburg

1515 Channel Beach Avenue

Johnsburg, IL 60051

EXHIBIT A

DESCRIPTION OF

**Special Service Area Number 28
of the Village of Johnsburg, McHenry County, Illinois**

General Description: The Area is that real estate located entirely within the Village's corporate boundaries, generally described by street or general location as: 2405 Johnsburg Road (PINs: 09-13-253-009 and 09-13-253-010), in Johnsburg, Illinois comprising approximately 2.5 acres.

Legal Description:

PIN 09-13-253-009

Part of Sub-Lot 2 of the County Clerk's Plat of Lot 30 of the Assessor's Plat of Section 13, Township 45 North, Range 8 East of the Third Principal Meridian, described as follows: The Westerly 100 feet of said Sub-Lot as measured along the North Line of said Sub-Lot 2, according to the County Clerk's Plat recorded in the Recorder's Office in Book 2 of Plats, Page 36, in McHenry County, Illinois.

PIN 09-13-253-010

Sub-Lot 2 of the County Clerk's Plat of Lot 30 of the Assessor's Plat of Section 13, Township 45 North, Range 8 East of the Third Principal Meridian, according to the County Clerk's Plat thereof recorded in the Recorder's Office in Book 2 of Plats, page 36 (Except therefrom the Westerly 100 feet, as measured along the North line thereof)

Also,

The Westerly 8 feet of sub-lot 1 in the County Clerk's Plats of Lot 30 of the Assessor's Plat of Section 13, Township 45 North, Range 8 East of the Third Principal Meridian, according to the County Clerk's Plat recorded in the Recorder's Office in Book 2 of Plats, page 36, in McHenry County, Illinois.

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CERTIFICATION

I, CLAUDETT E. PETERS, do hereby certify that I am the duly appointed, ^{acting and} ~~acting and~~ qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.

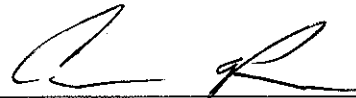
Mary E. McCallan

I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 12th day of December, 2017 the foregoing Ordinance entitled: "***An Ordinance Abating Taxes Levied to Pay For Special Service Area Number 28 in the Village of Johnsburg for the 2017 Tax Year***" was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 17-18-28, 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 12th day of December 2017, 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 the seal of the Village of Johnsburg, Illinois, this 12th day of December, 2017.



Claudett E. Peters, Village Clerk
Village of Johnsburg,
McHenry County, Illinois

(SEAL)