

**VILLAGE OF JOHNSBURG  
MCHENRY COUNTY, ILLINOIS**

**ORDINANCE NO. 20-21-33**

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**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF A  
SPECIAL SERVICE AREA (SPECIAL SERVICE AREA NO. 33) IN THE VILLAGE OF  
JOHNSBURG AND PROVIDING FOR A PUBLIC HEARING AND OTHER  
PROCEDURES**

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**ADOPTED BY THE PRESIDENT AND  
BOARD OF TRUSTEES OF THE  
VILLAGE OF JOHNSBURG  
THIS 15TH DAY OF DECEMBER, 2020**

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Published in pamphlet form  
by authority of the President  
and Board of Trustees of the  
Village of Johnsburg, McHenry  
County, Illinois this 15th day  
of December, 2020.

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**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF A  
SPECIAL SERVICE AREA (SPECIAL SERVICE AREA NO. 33) IN THE VILLAGE OF  
JOHNSBURG AND PROVIDING FOR A PUBLIC HEARING AND OTHER  
PROCEDURES**

WHEREAS, the President and Board of Trustees (the "Corporate Authorities") of the Village of Johnsburg, McHenry County, Illinois (the "Village"), deem it in the best interest of the Village to hold a public hearing as to whether a Special Service Area shall be created on the property legally described in the body of this Ordinance; and the Corporate Authorities find that conditions for passage of this Ordinance have been satisfied as required by the Special Service Area Tax Law, 35 ILCS 200/27-5, *et seq.*, as amended (the "Act");

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois as follows:

SECTION 1. On December 15, 2020, Herbert Hellstrom filed an application to propose the establishment of a Special Service Area with the Corporate Authorities pursuant to the Act.

SECTION 2. The Village is authorized by the Act to establish a Special Service Area and to issue bonds payable from taxes for the purpose of financing certain capital improvements in the Special Service Area and certain other related costs.

SECTION 3. The Corporate Authorities find as follows:

- A. It is in the public interest that a hearing be held on the creation of the Special Service Area and that notice be given of such hearing.
- B. That the area is compact and contiguous and has been annexed to the Village.
- C. That said area will benefit specially from the municipal services to be provided.
- D. Conditions for the passage of this Ordinance have been satisfied as required by the Act.

SECTION 4. That a public hearing shall be held on the 16th day of February, 2021 at the Village Hall of the Village of Johnsburg, 1515 Channel Beach Avenue, Johnsburg, Illinois at 7:00 p.m. to consider the creation of Special Service Area No. 33 of the Village in the territory described in the notice set forth herein.

At the hearing, there will be considered whether a Special Service Area shall be established; the boundaries of the Special Service Area; the special services to be provided; the estimated amount of funding required; as well as whether there shall be issued Special Service Area bonds in an amount not to exceed \$1,200,000 payable over a maximum period of 25 years

and bearing interest at a maximum rate of 5.50% per annum with the maximum rate of taxes to be extended in any year for special services under this Ordinance within the proposed Special Service Area to not exceed the amount necessary to produce a maximum annual tax levy of \$110,000. The bonds, if issued, shall be retired by the levy of an annual special tax established pursuant to a special tax roll to pay the interest on such bonds as it falls due and to discharge the principal thereof at maturity and to pay the costs of administration and maintenance of the Special Service Area, said special tax to be levied upon all taxable property within the proposed Special Service Area.

The Special Service Area shall be created to provide services in addition to those services provided generally throughout the municipality and which may include the improvement, installation and reconstruction of approximately 3450 lineal feet of road consisting of an aggregate base course and asphalt binder and surface for the road commonly known as Sunnyside Beach Drive in May's, Elam's Four Mile Water, Thelen's Lake View, and Sunnyside Beach subdivisions. The special services will also include related drainage improvements, storm water infrastructure, acquisition right of way and temporary and permanent easements (if required), engineering, surveying, construction observation, soil testing and appurtenant work, mass grading and demolition, site clearing and tree removal, final restoration and the labor, equipment and materials necessary for the construction and maintenance thereof, and other associated costs including those of consultants, and all other improvements permitted to be financed through a Special Service Area.

SECTION 5. Notice of such public hearing shall be published at least once not less than fifteen (15) days prior to the public hearing in a newspaper of general circulation within the Village. In addition, notice by mailing shall be 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 property lying within the general Special Service Area. Such notice shall be mailed not less than ten (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 said property.

The notice shall be in substantially the following form:

#### **NOTICE OF HEARING**

#### **VILLAGE OF JOHNSBURG SPECIAL SERVICE AREA NO. 33**

NOTICE IS HEREBY GIVEN that on February 16, 2021, at 7:00 p.m. at the Village Hall of the Village of Johnsburg, 1515 Channel Beach Avenue, Johnsburg, Illinois, a hearing will be held by the President and the Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, to consider forming a special service area consisting of the territory legally described in Exhibit A to this notice.

The approximate street location of the area is generally described as: Sunnyside Beach Drive in May's, Elam's Four Mile Water, Thelen's Lake View, and Sunnyside Beach subdivisions, all in the Village of Johnsburg, Illinois, as further depicted on the map of a portion of the Village, which map is attached as Exhibit B to this Notice..

All interested persons, including all persons owning taxable real property located within the proposed Special Service Area No. 33, will be given an opportunity to be heard regarding the formation of and the boundaries of the Special Service Area and may object to the formation of the area, the issuance of bonds and the levy of taxes affecting said area.

The purpose of the formation of Special Service Area No. 33 is, in general, to provide special municipal services to the area, which will include the improvement, installation and reconstruction of approximately 3450 lineal feet of road consisting of an aggregate base course and asphalt binder and surface for the road commonly known as Sunnyside Beach Drive in May's, Elam's Four Mile Water, Thelen's Lake View, and Sunnyside Beach subdivisions. The special services will also include related drainage improvements, storm water infrastructure, acquisition right of way and temporary and permanent easements (if required), engineering, surveying, construction observation, soil testing and appurtenant work, mass grading and demolition, site clearing and tree removal, final restoration and the labor, equipment and materials necessary for the construction and maintenance thereof, and other associated costs including those of consultants, and other improvements as may be provided pursuant to the Special Service Area Tax Law, all to support new construction within the Special Service Area. The nature of the Special Services is to construct a road meeting Village standards and the acceptance of the road by the Village upon completion.

At the hearing, there will be considered whether a Special Service Area shall be established; the boundaries of the Special Service Area; the special services to be provided; the estimated amount of funding required; as well as whether there should be issued Special Service Area bonds in an amount not to exceed \$1,200,000 payable over a maximum period of 25 years and bearing interest at a maximum rate of 5.50% per annum with the maximum rate of taxes to be extended in any year for special services under this ordinance within the proposed Special Service Area to not exceed the amount necessary to produce a maximum annual tax levy of \$110,000. The bonds, if issued, shall be retired by the levy of an annual special tax established pursuant to a special tax roll to pay the interest on such bonds as it falls due and to discharge the principal thereof at maturity and to pay the costs of administration and maintenance of the Special Service Area, said special tax to be levied upon all taxable property within the proposed Special Service Area.

The proposed amount of the tax levy for the proposed special services to be provided for the initial year for which taxes will be levied within the proposed Special Service Area would not exceed \$110,000.

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 the adjourned meeting.

If a petition signed by at least 51% of the electors residing within the Special Service Area and by at least 51% of the owners of record of the land included within the boundaries of the Special Service Area is filed with the Village Clerk within 60 days following the final adjournment of the public hearing objecting to the creation of the Special Service Area, the levy or imposition of a tax or the issuance of bonds for the provision of special services to the area, no such district may be created and no such tax may be levied or imposed, and no such bonds may be issued.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_.

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Village Clerk

SECTION 6. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law. The Ordinance shall be published in pamphlet form.

ADOPTED this 15th day of December, 2020, pursuant to a roll call vote as follows:

AYES: Trustees Foreman, Curry, McEvoy, Hagen, Frost and Klemstein

NAYS: None

APPROVED this 15th day of December, 2020.



*Edwin P. Hetterman*  
\_\_\_\_\_  
President

ATTEST:  
*Christina Spindler*  
\_\_\_\_\_  
Village Clerk

## Exhibit A to Notice

### Legal Description of Property

#### Parcel 1

That part of Thelen's Lake View Subdivision, being a subdivision of part of the Northwest Quarter of Section 15, Township 45 North, Range 9 East of the Third Principal Meridian, according to the plat thereof recorded April 24, 1957 as Document No. 362262, described as follows:

Beginning at the Southwest corner of Lot 5 in said Thelen's Lake View Subdivision; thence Northerly along the West line of said Lot 5 to the Northwest corner thereof; thence Easterly along the North line of said Lot 5 and Lot 6 in said Thelen's Lake View Subdivision to the Northeast corner of said Lot 6; thence Southerly along the East line of said Lot 6 to the Southeast corner thereof; thence Westerly along the South line of said Lots 5 and 6 to the Point of Beginning, all in McHenry County, Illinois.

#### Parcel 2

That part of Thelen's Lake View Subdivision, being a subdivision of part of the Northwest Quarter of Section 15, Township 45 North, Range 9 East of the Third Principal Meridian, according to the plat thereof recorded April 24, 1957 as Document No. 362262, described as follows:

Beginning at the Northeast corner of Lot 9 in said Thelen's Lake View Subdivision; thence Southeasterly along the Easterly line of said Lot 9 to the Southeast corner thereof; thence Southwesterly along the Southerly line of said Lot 9 and Lot 8 in said Thelen's Lake View Subdivision to the Southwest corner of said Lot 8; thence Northerly along the West line of said Lot 8 to the Northwest corner thereof; thence Northeasterly along the Northerly line of said Lots 8 and 9 to the Point of Beginning, all in McHenry County, Illinois.

#### Parcel 3

That part of the Northeast and Northwest Quarter of Section 15, Township 45 North, Range 9 East of the Third Principal Meridian, described as follows:

Beginning at the Northwest corner of Lot 1 in May's Subdivision, being a subdivision of part of said Northeast Quarter of Section 15, according to the plat thereof recorded October 10, 1912 as Document No. 23500; thence Northerly along the Northwesterly line of Lots 1 thru 26 in said May's Subdivision to the most Northerly corner of said Lot 26; thence Southeasterly along the Northeasterly line and the Southeasterly extension thereof to the Northwesterly line of the Fox River; thence Southwesterly along said Northwesterly line to the Southerly extension of the West line of said Lot 1 in May's Subdivision, being also the Southerly extension of the East line of Lot 1 in Sunnyside Beach Subdivision, being a subdivision of part of said Northwest Quarter of Section 15, according to the plat thereof recorded October 2, 1916 as Document No. 36512;

thence continuing Southwesterly along the Northwest line of the Fox River to the Southeasterly extension of the Southwesterly line of Lot 9 in said Sunnyside Beach Subdivision; thence Northwesterly along said Southwesterly line to the Northwest corner thereof; thence Northeasterly along the Northwesterly line of Lots 9 thru 1 in said Sunnyside Beach Subdivision to the Northeast corner of said Lot 1; thence Southerly along the East line of said Lot 1 to the Point of Beginning, all in McHenry County, Illinois.

Parcel 4

That part of the Northwest Quarter of Section 15, Township 45 North, Range 9 East of the Third Principal Meridian, described as follows:

Beginning at the Northwest corner of Lot 1 in the First Addition to Elam's Four Mile Water, being a subdivision of part of said Northwest Quarter of Section 15, according to the plat thereof recorded July 31, 1924 as Document No. 64619; thence Easterly along the Northerly line of said Lot 1 and the Easterly extension thereof to the East corner of the land described as Parcel 2 per Document No. 94R002071; thence Southwesterly along the Southerly line of said Parcel 2 to the most Easterly corner of said Lot 1; thence Southeasterly and Southwesterly along the Southeasterly line of Lots 1 thru 9 in said First Addition to Elam's Four Mile Water to the Southwest corner of said Lot 9 and the Northeasterly line of a parcel of land described per Document No. 2018R0037378; thence Southeasterly along said Northeasterly line to the Northwesterly line of the Fox River; thence Southwesterly along said Northwesterly line to the Southwesterly line of said parcel; thence Northwesterly along said Southwesterly line to the Northwesterly line of vacated Sunnyside Beach Drive; thence Southwesterly along said Northwesterly line to the Northwesterly extension of the northeasterly line of Lot 12 in Elam's Four Mile Water, being a subdivision of part of said Northwest Quarter of Section 15, according to the plat thereof recorded August 27, 1920 as Document No. 48644; thence Southeasterly along said Northeasterly line to the Northwesterly line of the Fox River; thence Southwesterly along said Northwesterly line to the Southeasterly extension of the Southwesterly line of Lot 18 in said Elam's Four Mile Water; thence Northwesterly along said Southwesterly line to the Northeasterly extension of the Northwesterly line of Sunnyside Beach drive as shown per Niesen's Subdivision, being a subdivision of part of said Northwest Quarter of Section 15, according to the plat thereof recorded November 10, 1923 as Document No. 61123; thence Southwesterly along said Northwesterly line, 20.0 feet; thence Northerly, parallel with the Southwesterly line of said Lot 18, 10.0 feet to a line 30.0 feet Northwesterly of and parallel with the Northwesterly line of vacated Sunnyside Beach Drive; thence Northeasterly along said parallel line to the Southwesterly line of a parcel of land described per Document No. 2012R0060488; thence Northwesterly along said Southwesterly line to the Northwest corner of said parcel; thence Northeasterly along the Northwesterly line of said parcel to the Northwest corner of said parcel of land per Document No. 2018R0003738; thence Northeasterly along the Northwesterly line of said parcel to the Northeast corner thereof and the Northwest corner of Lot 9 in said First Addition to Elam's Four Mile Water; thence Northeasterly along the Northwesterly line of Lots 9 thru 2 in said Elam's Four Mile Water to the Point of Beginning, all in McHenry, County, Illinois.



Property Index Numbers:

10-18-126-017, 10-18-126-018, 10-18-126-032, 10-18-176-001, 10-18-176-002, 10-18-176-003,  
10-18-176-004, 10-18-176-005, 10-18-176-009, 10-18-176-010, 10-18-176-011, 10-18-177-019,  
10-18-177-020, 10-18-177-022, 10-18-177-023, 10-18-177-024, 10-18-177-025, 10-18-177-026,  
10-18-177-027, 10-18-177-028, 10-18-177-031, 10-18-177-041, 10-18-177-042, 10-18-177-043,  
10-18-177-044, 10-18-177-045, 10-18-177-046, 10-18-177-047, 10-18-177-048, 10-18-177-050,  
10-18-177-053, 10-18-205-001, 10-18-205-002, 10-18-205-003, 10-18-205-004, 10-18-205-005,  
10-18-205-006, 10-18-205-007, 10-18-205-008, 10-18-205-009, 10-18-205-010, 10-18-205-011,  
10-18-205-012, 10-18-205-013, 10-18-205-014, 10-18-205-015, 10-18-205-016, 10-18-205-017,  
10-18-205-018, 10-18-205-019, 10-18-205-020, 10-18-205-021, 10-18-205-022, 10-18-205-023,  
10-18-205-024, 10-18-205-025.

Exhibit B to Notice

Map of Proposed Special Service Area