
ORDINANCE NO. 14-15-09

*An Ordinance Proposing the Establishment of Special Service Area Number 29
Within the Village of Johnsburg and Providing for a Public Hearing
and Other Procedures in Connection Therewith for the
Property Commonly Known as Phases I, II and III of the Remington Grove Subdivision*

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AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT THEIR REGULAR MEETING ON AUGUST 5, 2014
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

John Huemann
Mary Lou Hutchinson
Rich Janusz
Greg Klemstein
Kevin McEvoy
Janice Sisk

Village Administrator

Claudett E. Peters

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Subdivision***

BE IT ORDAINED by the President and Board of Trustees (the "Corporate Authorities") of the Village of Johnsburg, an Illinois municipal corporation located in McHenry County, Illinois (the "Village"), as follows:

SECTION 1: Authority to Establish Special Service Areas. The constitutional authority for special service areas is set forth in Article VII, Section 7, of the Constitution of the State of Illinois in force July 1, 1971, which provides in relevant part as follows:

§ 7. Counties and Municipalities Other Than Home Rule Units.

Counties and municipalities which are not home rule units shall have only powers granted to them by law and the powers... (6) 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 established pursuant to the provisions of Public Act 88-455, the Special Service Area Tax Law, 35 ILCS 200/27-5 *et seq.*, which provides the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule municipalities and 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 29, for the purposes set forth herein, be considered for the real property legally described as follows:

I. **PHASE ONE PARCEL:** LOTS 1-71, BOTH INCLUSIVE, OUTLOTS A1, B, C, D AND E, IN REMINGTON GROVE OF JOHNSBURG-PHASE 1, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 15 AND PART OF THE SOUTHWEST QUARTER OF SECTION 14, ALL IN TOWNSHIP 45 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 28, 2006, AS DOCUMENT NO. 2006R0030343, IN MCHENRY COUNTY ILLINOIS; and

II. **PHASE TWO PARCEL:** THAT PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 14 AND PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 15, ALL IN TOWNSHIP 45 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN IN MCHENRY COUNTY, ILLINOIS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 15; THENCE SOUTH 89 DEGREES 10 MINUTES 14 SECONDS WEST, 1310.97 FEET ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER TO THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE SOUTH 00 DEGREES 10 MINUTES 22 SECONDS WEST, 1019.78 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF ALEXANDER DRIVE AS DEDICATED BY PLAT OF REMINGTON GROVE OF JOHNSBURG-PHASE 1, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING 4 COURSES; 1) THENCE SOUTH 89 DEGREES 49 MINUTES 38 SECONDS EAST, 10.00 FEET TO A POINT OF CURVATURE; 2) THENCE SOUTHEASTERLY 399.24 FEET ALONG THE ARC OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 401.00 FEET, A CHORD BEARING SOUTH 61 DEGREES 18 MINUTES 17 SECONDS EAST AND A CHORD DISTANCE OF 382.96 FEET TO A POINT OF REVERSE CURVATURE; 3) THENCE SOUTHEASTERLY 513.23 FEET ALONG THE ARC OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 471.00 FEET, A CHORD BEARING SOUTH 63 DEGREES 59 MINUTES 55 SECONDS EAST AND A CHORD DISTANCE OF 488.21; 4) THENCE NORTH 84 DEGREES 47 MINUTES 07 SECONDS EAST, 236.05 FEET TO A POINT ON THE WESTERLY LINE OF OUTLOT L IN REMINGTON GROVE OF JOHNSBURG-PHASE 3; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE FOR THE FOLLOWING 16 COURSES; 1) THENCE SOUTH 12 DEGREES 18 MINUTES 08 SECONDS EAST, 104.27 FEET; 2) THENCE SOUTH 47 DEGREES 27 MINUTES 55 SECONDS EAST, 157.33 FEET; 3) THENCE SOUTH 59 DEGREES 42 MINUTES 44 SECONDS EAST, 127.42 FEET; 4) THENCE SOUTH 65 DEGREES 42 MINUTES 13 SECONDS EAST,

115.32 FEET; 5) THENCE NORTH 69 DEGREES 18 MINUTES 20 SECONDS EAST, 33.39 FEET; 6) THENCE SOUTH 80 DEGREES 43 MINUTES 43 SECONDS EAST, 55.10 FEET; 7) THENCE SOUTH 61 DEGREES 56 MINUTES 45 SECONDS EAST, 113.06 FEET; 8) THENCE SOUTH 62 DEGREES 57 MINUTES 34 SECONDS EAST, 192.59 FEET; 9) THENCE SOUTH 00 DEGREES 55 MINUTES 58 SECONDS WEST, 42.82 FEET; 10) THENCE SOUTH 36 DEGREES 10 MINUTES 39 SECONDS EAST, 59.08 FEET; 11) THENCE SOUTH 60 DEGREES 04 MINUTES 40 SECONDS EAST, 42.40 FEET; 12) THENCE SOUTH 40 DEGREES 49 MINUTES 11 SECONDS EAST, 113.68 FEET; 13) THENCE SOUTH 25 DEGREES 08 MINUTES 00 SECONDS EAST, 66.07 FEET; 14) THENCE SOUTH 10 DEGREES 21 MINUTES 05 SECONDS EAST, 58.11 FEET; 15) THENCE SOUTH 41 DEGREES 51 MINUTES 28 SECONDS EAST, 31.15 FEET; 16) THENCE SOUTH 16 DEGREES 26 MINUTES 37 SECONDS EAST, 42.83 FEET TO THE SOUTHEAST CORNER OF SAID OUTLOT L AS DEDICATED BY PLAT OF REMINGTON GROVE OF JOHNSBURG-PHASE 3; THENCE NORTH 88 DEGREES 12 MINUTES 53 SECONDS EAST, 1,343.78 FEET TO A POINT OF CURVATURE ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE 31 AS DEDICATED BY DEED RECORDED AS DOCUMENT NUMBER 2006R0021674; THENCE SOUTHEASTERLY 351.60 FEET ALONG SAID WESTERLY RIGHT OF WAY LINE, BEING THE ARC OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 3,808.88 FEET, A CHORD BEARING SOUTH 07 DEGREES 15 MINUTES 48 SECONDS EAST AND A CHORD DISTANCE OF 351.47 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE SOUTH 88 DEGREES 13 MINUTES 31 SECONDS WEST, 2,036.92 FEET ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE SOUTH 89 DEGREES 00 MINUTES 38 SECONDS WEST, 1303.33 FEET ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 15 TO THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 15; THENCE NORTH 00 DEGREES 10 MINUTES 22 SECONDS EAST, 1,605.56 FEET TO THE POINT OF BEGINNING; and

- III. **PHASE THREE PARCEL:** LOTS 158-175, BOTH INCLUSIVE, IN REMINGTON GROVE OF JOHNSBURG-PHASE 3, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 14 AND PART OF THE SOUTHEAST QUARTER OF SECTION 15, ALL IN TOWNSHIP 45 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 31, 2007, AS DOCUMENT NO. 2007R0037770, IN MCHENRY COUNTY ILLINOIS (collectively, the "Area").

The Area consists of approximately 102 acres, is located, generally, southwesterly of the intersection of Route 31 and Johnsburg Road, immediately north and south of Alexander Drive and west of Route 31, in the Village of Johnsburg and is commonly known as Phases I (exclusive of Outlot A therein), II and III of the Remington Grove subdivision.

The permanent tax numbers assigned to the Area are:

09-15-426-001	09-15-429-014	09-15-430-007
09-15-428-001	09-15-429-013	09-15-430-008
09-15-426-021	09-15-429-012	09-15-430-009
09-15-426-022	09-15-429-011	09-15-430-010
09-14-326-001	09-15-429-010	09-15-430-011
09-15-426-020	09-15-429-009	09-15-430-012
09-15-426-019	09-15-429-008	09-15-430-013
09-15-426-018	09-15-429-007	09-15-430-014
09-15-426-017	09-15-429-006	09-15-430-015
09-15-426-016	09-15-429-005	09-15-430-016
09-15-426-015	09-15-429-004	09-14-351-008
09-15-426-014	09-15-429-003	09-14-352-008
09-15-426-013	09-15-429-002	09-15-476-001
09-15-426-012	09-15-427-001	09-15-476-002
09-15-426-011	09-15-427-002	09-14-352-001
09-15-426-010	09-15-427-003	09-14-352-002
09-15-426-009	09-15-427-004	09-14-352-003
09-15-426-008	09-15-427-005	09-14-352-004
09-15-426-007	09-15-427-006	09-14-352-005
09-15-426-006	09-15-427-007	09-14-352-006
09-15-426-005	09-15-427-008	09-14-352-007
09-15-426-004	09-15-427-009	09-14-351-007
09-15-426-003	09-15-427-010	09-14-351-006
09-15-426-002	09-15-427-011	09-14-351-005
09-15-429-001	09-15-427-012	09-14-351-004
09-15-429-022	09-15-427-013	09-14-351-003
09-15-429-021	09-15-427-014	09-14-351-002
09-15-429-020	09-15-430-001	09-14-351-001
09-15-429-019	09-15-430-002	09-14-300-039
09-15-429-018	09-15-430-003	19-14-300-040
09-15-429-017	09-15-430-004	09-15-400-012
09-15-429-016	09-15-430-005	09-15-400-017
09-15-429-015	09-15-430-006	09-15-400-018

B. The Area is compact, contiguous and constitutes a separate and distinct subdivision within the Village of Johnsburg; the Area will benefit specially from the special municipal services to be provided and as hereinafter described; the proposed special municipal services are in addition to municipal services provided to the Village of Johnsburg 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, replacement, reconstruction, repair and restoration of any entry monument or monument sign within the Area as deemed necessary and appropriate by the Corporate Authorities; and
2. Reseeding, replanting, landscaping, replacement of trees and other vegetation along or proximate to those portions of Alexander Drive proximate to the Area as deemed necessary and appropriate by the Corporate Authorities; and
3. Open space/natural areas maintenance consisting of mowing, reseeded, replanting, landscaping, replacement of trees and other vegetation, removal of debris, and cleanup of Outlot E within the Area as deemed necessary and appropriate by the Corporate Authorities; and
4. Wetland maintenance consisting of reseeded, replanting, replacement of vegetation and removal of non-natural vegetation as deemed necessary and appropriate by the Corporate Authorities; and
5. Administrative, professionals', engineers', attorneys', consultants' and contractors' fees (including but not limited to those of the Land Conservancy of McHenry County relative to the provision of any of the above described special services)(collectively, the "Special Services").

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

The term of the proposed Special Service Area 29 would be perpetual and the nature of the Special Services is maintenance as well as construction.

SECTION 3: Public Hearing - Tax Rate. A public hearing shall be held on Tuesday, the 2nd day of September, 2014, at 7:00 p.m. in the Johnsburg Village Hall, 1515 Channel Beach Road, Johnsburg, Illinois 60050, to consider the creation of Special Service Area No. 29 of the Village of Johnsburg for the Area described in Section 2(A) 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 .600 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 Special Service Area Tax 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 Johnsburg, 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. 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 29
FOR PHASES I, II and III OF THE REMINGTON GROVE SUBDIVISION
AND THE LEVY OF SPECIAL TAXES THEREFORE
IN THE VILLAGE OF JOHNSBURG**

NOTICE IS HEREBY GIVEN that on Tuesday, September 2nd 2014, at 7:00 p.m. in the Johnsburg Village Hall, 1515 Channel Beach Road, Johnsburg, Illinois 60050, a public hearing will be held by the President and Board of Trustees (the "Corporate Authorities") of the Village of Johnsburg, Illinois (the "Village"), to consider forming a Special Service Area consisting of the following described territory:

The Area consists of approximately 102 acres, is located, generally, southwesterly of the intersection of Route 31 and Johnsburg Road, immediately north and south of Alexander Drive and west of Route 31, in the Village of Johnsburg and is commonly known as Phases I (exclusive of Outlot A therein), II and III of the Remington Grove subdivision.

All persons affected by the proposed formation of the Village of Johnsburg Special Service Area No. 29 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 Special Service Area and the levy of taxes against the Area.

The purpose of the formation of the Village of Johnsburg Special Service Area No. 29 in general is to provide special municipal services to the Area, including, but not limited to:

1. Maintenance, replacement, reconstruction, repair and restoration of any entry monument or monument sign within the Area as deemed necessary and appropriate by the Corporate Authorities; and

2. Reseeding, replanting, landscaping, replacement of trees and other vegetation along or proximate to those portions of Alexander Drive proximate to the Area as deemed necessary and appropriate by the Corporate Authorities; and
3. Open space/natural areas maintenance consisting of mowing, reseeding, replanting, landscaping, replacement of trees and other vegetation, removal of debris, and cleanup of Outlot E within the Area as deemed necessary and appropriate by the Corporate Authorities; and
4. Wetland maintenance consisting of reseeding, replanting, replacement of vegetation and removal of non-natural vegetation as deemed necessary and appropriate by the Corporate Authorities; and
5. Administrative, professionals', engineers', attorneys', consultants' and contractors' fees (including but not limited to those of the Land Conservancy of McHenry County relative to the provision of any of the above described special services)(collectively the "Special Services").

The permanent tax numbers assigned to the Area are:

09-15-426-001	09-15-429-018	09-15-427-013
09-15-428-001	09-15-429-017	09-15-427-014
09-15-426-021	09-15-429-016	09-15-430-001
09-15-426-022	09-15-429-015	09-15-430-002
09-14-326-001	09-15-429-014	09-15-430-003
09-15-426-020	09-15-429-013	09-15-430-004
09-15-426-019	09-15-429-012	09-15-430-005
09-15-426-018	09-15-429-011	09-15-430-006
09-15-426-017	09-15-429-010	09-15-430-007
09-15-426-016	09-15-429-009	09-15-430-008
09-15-426-015	09-15-429-008	09-15-430-009
09-15-426-014	09-15-429-007	09-15-430-010
09-15-426-013	09-15-429-006	09-15-430-011
09-15-426-012	09-15-429-005	09-15-430-012
09-15-426-011	09-15-429-004	09-15-430-013
09-15-426-010	09-15-429-003	09-15-430-014
09-15-426-009	09-15-429-002	09-15-430-015
09-15-426-008	09-15-427-001	09-15-430-016
09-15-426-007	09-15-427-002	09-14-351-008
09-15-426-006	09-15-427-003	09-14-352-008
09-15-426-005	09-15-427-004	09-15-476-001
09-15-426-004	09-15-427-005	09-15-476-002
09-15-426-003	09-15-427-006	09-14-352-001
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09-15-429-019	09-15-427-012	09-14-352-007

09-14-351-007
09-14-351-006
09-14-351-005
09-14-351-004

09-14-351-003
09-14-351-002
09-14-351-001
09-14-300-039

19-14-300-040
09-15-400-012
09-15-400-017
09-15-400-018

The term of the proposed Special Service Area would be perpetual and the nature of the Special Services is maintenance as well as construction.

Under no circumstances shall the provision of such Special Services by the Village or its contractors, in the Village's sole discretion without the obligation to do so, constitute an acceptance of 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 .600 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 hearing may be adjourned by the Board of Trustees of the Village of Johnsburg 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 Special Service Area and by at least 51 percent of the owners of record of the land included within the Area is filed with the Village of Johnsburg 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 _____ day of _____ 2014.

/s/ Claudett E. Peters
Village Clerk
Village of Johnsburg

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. However, neither this ordinance itself or any provision herein shall be construed as to repeal or abrogate in any manner all or any portion of Village of Johnsburg Ordinance 05-06-33, *An Ordinance Ratifying the Establishment of Special Service Area Number 17 Within the Village of Johnsburg for the Property Commonly Known as the Remington Grove Subdivision of Johnsburg.*

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.

Voting Aye: President Ed Hettermann, Trustees Richard Janusz, Kevin McEvoy, Gregory Klemstein

Voting Nay: None

Absent: Trustees Janice Sisk, John Huemann, Mary Louise Hutchinson

Abstain: None

APPROVED:



President Edwin P. Hettermann

(SEAL)

ATTEST: 

Village Clerk Claudett E. Peters

Passed: August 5, 2014

Approved: August 5, 2014

Published: August 5, 2014

Prepared by:

Michael J. Smoron

Zukowski, Rogers, Flood & McArdle

50 Virginia Street

Crystal Lake, IL 60014

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CERTIFICATION

I, CLAUDETT E. PETERS, do hereby certify that I am the duly appointed, 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.

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 5th day of August, 2014, the foregoing Ordinance entitled *An Ordinance Proposing the Establishment of Special Service Area Number 29 in the Village of Johnsburg and Providing for a Public Hearing and Other Procedures in Connection Therewith for the Property Commonly Known as Phases I, II and III of the Remington Grove Subdivision* was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 14-15-09, 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 day of August, 2014, 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 5th day of August, 2014.



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

(SEAL)