
ORDINANCE NO. 15-16-10

**AN ORDINANCE PROPOSING THE ESTABLISHMENT
OF SPECIAL SERVICE AREA NUMBER 32
(WASTEWATER TREATMENT FACILITY AND
COLLECTION SYSTEM PROJECT) IN THE
VILLAGE OF JOHNSBURG, SETTING PUBLIC HEARING DATE
AND PROVIDING FOR OTHER PROCEDURES IN CONNECTION THEREWITH**



AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG

AT A SPECIAL MEETING ON OCTOBER 20, 2015

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
John Huemann
Mary Lou Hutchinson
Greg Klemstein
Kevin McEvoy

Village Administrator

Claudett E. Peters

ORDINANCE NO. 15-16-10

AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE AREA NUMBER 32 (WASTEWATER TREATMENT FACILITY AND COLLECTION SYSTEM PROJECT) IN THE VILLAGE OF JOHNSBURG, SETTING PUBLIC HEARING DATE AND PROVIDING FOR OTHER PROCEDURES IN CONNECTION THEREWITH

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF JOHNSBURG, MCHENRY COUNTY, ILLINOIS AS FOLLOWS:

Section 1. **Authority to Establish Special Service Areas.** The Village of Johnsburg, an Illinois municipal corporation located in McHenry County, Illinois (the "Village") is authorized pursuant to Article VII, Section 7(6) of the Constitution of the State of Illinois, and pursuant to the provisions of the Illinois Special Service Area Tax Law, 35 ILCS 200/27-5 *et seq.* (the "SSA Law"), which provides, inter alia, the manner of levying or imposing taxes and issuing bonds for the provision of special services to areas within the boundaries of municipalities and counties.

Section 2. **Findings.** The President and Board of Trustees of the Village (together, the "Corporate Authorities") find and determine as follows:

a. That portion of the Village described in Exhibit A attached hereto and made a part hereof (the "Area") would benefit from the construction, acquisition and installation of wastewater treatment facilities and related improvements as further described herein and the reservation of wastewater treatment capacity; and

b. It is in the public interest that the Corporate Authorities consider the creation of a special service area for the Area; and

c. The special service area proposed for consideration for the Area is contiguous; and

d. The proposed special service area will benefit specially from the special services to be provided to the Area. These proposed special services are in addition to municipal services generally provided to the Village as a whole.

Section 3. **Proposal.** The Corporate Authorities propose the establishment of Village of Johnsburg Special Service Area Number 32 for the construction, acquisition and installation of wastewater treatment facilities, collection system and related improvements and the reservation of wastewater treatment capacity to serve the Area.

Section 4. **Public Hearing.** A public hearing shall be held on 22nd day of December, 2015, at 7:00 p.m., at the Village of Johnsburg Village Hall, 1515 Channel Beach Drive, Johnsburg, Illinois 60051, to consider the creation and establishment of the Village of Johnsburg Special Service Area Number 32 for the Area.

At the public hearing, the following method of financing improvements for the proposed special service area and the reservation of wastewater treatment capacity will be considered: the borrowing of an amount not to exceed an aggregate principal amount of \$750,000 to be

evidenced by special tax bonds (including bonds issued to refund such bonds) of such Area (the "Bonds"), the proceeds of which shall be used to pay the cost of providing special services to the proposed special service area, to fund certain reserves for, and interest on, the Bonds and initial administrative expenses relating to the proposed special service area, and to pay the cost of issuing the Bonds and to re-pay the principal associated with the Bonds. Thus, the maximum amount of the bonds proposed to be issued would be \$750,000. The special services to be provided to the proposed special service area will include the reservation of capacity for the Area at a wastewater treatment facility, as well as collection system infrastructure to include but not be limited to lift stations, force and gravity mains, manholes, grinder pumps and related engineering, surveying, construction observation, soil testing and appurtenant work, mass grading and demolition, site clearing and tree removal, final restoration and paving and the equipment and materials necessary for same, and other associated costs including those of consultants (collectively, the "Special Services"). The Bonds shall be retired over a period not to exceed twenty-five (25) years from the date of their issuance and shall bear interest at a rate not to exceed seven and one half percent (7.5%) per annum and which would be the maximum interest rate the Bonds will bear. Thus, twenty five years would be the maximum period of time over which the Bonds would be retired. The collective total maximum rate of special service area taxes to be extended within the entire special service area in any year would be **\$67,283** and the maximum number of years taxes would be levied for the proposed special service area would be 25 years. The Bonds shall be retired by the levy of an annual special tax levied against each taxable parcel of property within the special service area to pay the interest on the Bonds as it falls due and to discharge the principal thereof at maturity and to pay the costs of administration for the special service area. This tax is to be levied upon all taxable property within the proposed special service area.

For each taxable parcel within the proposed Special Service Area 32 for which one residential customer equivalent of wastewater treatment capacity would be reserved, the special service area tax shall be a flat rate not to exceed **\$2,038.88** on an annual basis. This would be the maximum rate of special service area taxes to be extended within the proposed special service area in any year as to the taxable parcels described in this subparagraph.

The nature of the Special Services to the Area are for construction and the reservation of capacity at a wastewater treatment facility as more fully described above.


Section 5. **Notice of Public Hearing.** Notice of the public hearing shall be published at least once not less than fifteen (15) days prior to the public hearing specified in Section 4 above, in a newspaper of general circulation in the Village. In addition, notice 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 lot, block, tract or parcel of land lying within the proposed special service area. This notice shall be mailed not less than fifteen (15) 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 record of the property. The notice shall be in substantially the form set forth in Exhibit B to this Ordinance.

Section 6. **Supersede Conflicting Ordinances.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 7. **Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED by the Corporate Authorities this 20th day of October 2015.

Voting Aye: Trustees Klemstein, McEvoy, Curry, Huemann, Frost and Hutchinson
Voting Nay: None
Abstaining: None
Absent: None



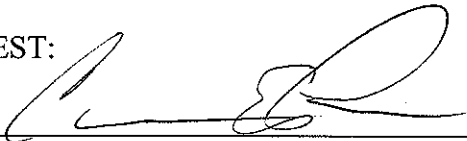
Claudett Peters, Village Clerk

SIGNED by the President this 20th day of October, 2015.



Edwin Hettermann, Village President

ATTEST:



Claudett Peters, Village Clerk

Published in pamphlet form October 20, 2015.

Exhibit A

Legal description of the Area, street addresses within the Area as well as permanent tax index numbers of parcels within the Area

The legal description of the Area is as follows:

Beginning at the Southeast corner of Lot 24 in Niesen's Subdivision, according to the plat thereof recorded November 10, 1923, as Document No. 61123, in Book 5 of plats, page 1, lying Northwesterly of the Fox River; thence Southwesterly along the Southeasterly line of Lots 24 through 11 in said Niesen's Subdivision to the most Southerly corner of said Lot 11; thence Northwesterly along the Westerly line of said Lot 11 to the most Westerly corner thereof, being a point in the Easterly Right-of-Way line of Sunnyside Beach Drive; thence Southwesterly along said Easterly line to the most northerly corner of Lot 9 in said Niesen's Subdivision; thence Southeasterly along the Northerly line of said Lot 9 to the most Easterly corner thereof; Thence Southwesterly along the Southeasterly line of Lots 9 through 1 in said Niesen's Subdivision to the most Easterly corner of a parcel of land described in Trustee's Deed recorded September 26, 1997 as Document No. 97R047140, lying Northwesterly of the Fox River; thence Southwesterly along the Southeasterly line of said parcel of land to the most Easterly corner of a parcel of land described in Warranty Deed recorded April 24, 2002 as Document No. 2002R0037349, lying Northwesterly of the Fox River; thence Southwesterly along the Southeasterly line of said parcel of land to the Northeast corner of a parcel of land described in Warranty Deed recorded July 1, 2014 as Document No. 2014R0021411, lying Northwesterly of the Fox River; thence Southwesterly along the Southeasterly line of said parcel to the most Southerly corner thereof, being a point on the Northeasterly Right-of-Way line of Chapel Hill Road (County Highway 22); thence Northwesterly along the Southwesterly line of said parcel to the most Westerly corner thereof, being a point at the intersection of the Northeasterly Right-of-Way line of Chapel Hill Road (County Highway 22) and the Southeasterly Right-of-Way line of Fairview Avenue; thence Northeasterly along said Southeasterly line to the most Northerly corner of said parcel of land per Document No. 97R047140; thence Northeasterly along the Northwesterly line of lots 1 through 5 in said Niesen's Subdivision and the Southeasterly Right-of-Way line of Sunnyside Beach Drive to the most Northerly corner of said Lot 5; thence Northwesterly to the most Southerly corner of Lot 41 in Niesen's Sunrise View Subdivision, according to the plat thereof recorded July 11, 1925 as Document No. 68989, in Book 5 of Plats, page 34; thence Northwesterly along the Southwesterly line of said Lot 41 to the most Westerly corner thereof; thence Northeasterly along the Northwesterly line of lots 41 and 38 in said Niesen's Sunrise View Subdivision to the most Northerly corner of said Lot 38; thence Southeasterly along the Northeasterly line of said Lot 38 to the most Easterly corner thereof said point being on the Northwesterly Right-of-Way line of said Sunnyside Beach Drive; thence Northeasterly along said Northwesterly line to the most Southerly corner of Lot 32 in said Niesen's Sunrise View Subdivision; thence Northwesterly along the Southwesterly line of said Lot 32 to the most Westerly corner thereof; thence Northeasterly along the Northwesterly line of said Lot 32 to the most Northerly corner thereof said point being on the Westerly Right-of-Way line of Long Avenue; thence Southeasterly to the most Westerly corner of Lot 31 in said Niesen's Sunrise View Subdivision said point being on the Easterly Right-of-Way line of said Long Avenue; thence Northeasterly along the Northwesterly line of Lots 31 and 18 in Niesen's Sunrise View Subdivision to the most Northerly corner of said Lot 18 said point being on the Westerly Right-of-Way line of Middle Avenue; thence Northeasterly to the most Westerly corner of Lot 17 in said Niesen's Sunrise View Subdivision said point being on the Easterly Right-of-Way line of said Middle Avenue; thence Northeasterly along the Northwesterly line of Lots 17 and 6 in Niesen's Sunrise View Subdivision to the most Northerly corner of said Lot 6 said point being on the Westerly Right-of-Way line of Stubby Avenue; thence Northeasterly to the most Westerly

corner of Lot 5 in said Niesen's Sunrise View Subdivision said point being on the Easterly Right-of-Way line of said Stubby Avenue; thence Northeasterly along the Northwesterly line of Lots 5 and 4 in said Niesen's Sunrise View Subdivision to the most Northerly corner of said Lot 4; thence Southeasterly along the Northeasterly line of said Lot 4 to the most Easterly corner thereof said point being on the Northwesterly Right-of-Way line of said Sunnyside Beach Drive; thence Southeasterly to the Most Westerly corner of Lot 22 in said Niesen's Subdivision said point being on the Southeasterly Right-of-Way line of said Sunnyside Beach Drive; thence Northeasterly along the Northwesterly line of Lots 22 through 24 in said Niesen's Subdivision to the most Northerly corner of said Lot 24; thence Southeasterly along the Northeasterly line of said Lot 24 to the Point of Beginning, all in the Village of Johnsburg, McHenry, County, Illinois. The boundaries of the Area by street location generally consist of both sides of the above legally described section of Sunnyside Beach Drive.

The parcels within the Area by Permanent Tax Index Numbers and street location are as follows:

Parcel Number	Site Address Street	Site Address City	
10-18-152-004	1904 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-152-005	1906 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-153-006	VERKUILEN LOT N MIDDLE AVE	JOHNSBURG, IL	60051
10-18-153-012	1914 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-154-015	3601 MIDDLE AVE	JOHNSBURG, IL	60051
10-18-154-019	3602 N LONG AVE	JOHNSBURG, IL	60051
10-18-155-004	3603 N LONG AVE	JOHNSBURG, IL	60051
10-18-155-009	2016 SUNNYSIDE BEACH RD	JOHNSBURG, IL	60051
10-18-177-002	2005 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-177-003	2003 W SUNNYSIDE BEACH	JOHNSBURG, IL	60051
10-18-177-004	2001 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-177-005	1921 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-177-006	1919 SUNNYSIDE BEACH	JOHNSBURG, IL	60051
10-18-177-007	1917 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-177-008	1915 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-177-009	1913 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-177-010	1911 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-177-011	1909 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-177-012	1907 W SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-177-015	1901 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-177-052	1905 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-301-002	2018 W SUNNYSIDE BEACH	JOHNSBURG, IL	60051
10-18-302-001	2011 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-302-002	2013 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-302-003	2015 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-302-004	2017 W SUNNYSIDE BEACH	JOHNSBURG, IL	60051
10-18-302-005	2019 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-302-006	2021 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-302-007	2023 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-302-011	3504 N FAIRVIEW AVE	JOHNSBURG, IL	60051
10-18-302-012	3502 FAIRVIEW AVE	JOHNSBURG, IL	60051
10-18-302-013	3500 FAIRVIEW AVE	JOHNSBURG, IL	60051
10-18-302-014	2027 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051

EXHIBIT B
NOTICE OF PUBLIC HEARING
ON THE PROPOSED VILLAGE OF JOHNSBURG
SPECIAL SERVICE AREA NUMBER 32 (WASTEWATER TREATMENT
FACILITY AND COLLECTION SYSTEM PROJECT)

NOTICE IS HEREBY GIVEN that on the 22nd day of December 2015 at 7:00 p.m. at the Village of Johnsburg Village Hall, 1515 Channel Beach Drive, Johnsburg, Illinois, a public hearing will be held by the Village of Johnsburg (the "Village") to consider forming a special service area, to be called the "Village of Johnsburg Special Service Area Number 32," consisting of the territory described in Exhibit 1 to this public notice (the "Area").

The general purpose of the formation of the proposed Village of Johnsburg Special Service Area Number 32 is to provide special services to the Area which will include reservation of capacity at a wastewater treatment facility and construction of collection system infrastructure to include but not be limited to lift stations, force and gravity mains, manholes, grinder pumps and related engineering, surveying, construction observation, soil testing and appurtenant work, mass grading and demolition, site clearing and tree removal, final restoration and paving and the equipment and materials necessary for the maintenance thereof, and other associated costs including those of consultants (collectively, the "Special Services"). The nature of the Special Services is construction and the reservation of wastewater treatment capacity.

There will also be considered at the public hearing the following method of financing improvements for the proposed special service area: the issuance of special tax bonds (including bonds issued to refund such bonds) in an aggregate principal amount not to exceed \$750,000 at an interest rate of not to exceed seven and one-half percent (7.5%) per annum ("the Bonds"), and which would be the maximum interest rate the Bonds will bear, to be retired and paid in full no later than twenty-five (25) years from the date of their issuance. Thus, the maximum amount of the Bonds proposed to be issued would be \$750,000. Twenty five years would be the maximum period of time over which the Bonds would be retired. The Bonds would be retired by the levy of an annual special service area tax levied against each parcel of property within the Area 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 the Special Services for the Area.

The collective total maximum rate of special service area taxes to be extended within the entire proposed special service area consisting of the Area in any year would be \$67,283 and the maximum number of years special service area taxes would be levied against the Area would be 25 years.

For each taxable parcel within the proposed Special Service Area 32 for which one residential customer equivalent of wastewater treatment capacity would be reserved, the special service area tax would be a flat rate not to exceed **\$2,038.88** on an annual basis. This would be the maximum rate of special service area taxes to be extended within the proposed special service area in any year as to the parcels in the Area.

The nature of the Special Services to the Area are for construction and the reservation of capacity at a wastewater treatment facility as more fully described above.

At the public hearing, all interested persons affected by the proposed formation of such special service area, including all persons owning taxable real property therein, may file written objections to and be heard orally regarding the formation of and the boundaries of the special service area, the issuance of Bonds and the levy of taxes affecting the Area. The public hearing may be adjourned by the President and Board of Trustees without further notice other than a motion to be entered upon the minutes of its meeting fixing the time and place of its adjournment. The question of the creation of the special service area for the Area, the levies or imposition of a tax against the special service area and the issuance of the Bonds for the provision of the Special Services proposed for the Area, will be considered at the public hearing.

If a petition signed by at least 51% of the electors residing within the proposed Village of Johnsburg Special Service Area Number 32 and by at least 51% of the owners of record of the land included within the boundaries of the proposed Village of Johnsburg Special Service Area Number 32 is filed with the Village Clerk of the Village of Johnsburg within 60 days following the final adjournment of the public hearing objecting to the creation of the special service area, the issuance of Bonds for the provision of Special Services to the Area or the levy or imposition of taxes affecting the Area, no such special service area for the Area may be created and no such bonds may be issued or taxes levied or imposed.

A map of the Area is on file at the Village of Johnsburg Village Hall at 1515 Channel Beach Drive and which may be viewed during its regular business hours.

/s/ Claudett Peters
Village Clerk and Village Administrator
Village of Johnsburg
1515 Channel Beach Drive
Johnsburg, Illinois 60051

Exhibit 1 to Notice
Legal description of the Area, street addresses within the Area as well as
permanent tax index numbers of parcels within the Area

The legal description of the Area is as follows:

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of-Way line of Middle Avenue; thence Northeasterly to the most Westerly corner of Lot 17 in said Niesen's Sunrise View Subdivision said point being on the Easterly Right-of-Way line of said Middle Avenue; thence Northeasterly along the Northwestern line of Lots 17 and 6 in Niesen's Sunrise View Subdivision to the most Northerly corner of said Lot 6 said point being on the Westerly Right-of-Way line of Stubby Avenue; thence Northeasterly to the most Westerly corner of Lot 5 in said Niesen's Sunrise View Subdivision said point being on the Easterly Right-of-Way line of said Stubby Avenue; thence Northeasterly along the Northwestern line of Lots 5 and 4 in said Niesen's Sunrise View Subdivision to the most Northerly corner of said Lot 4; thence Southeasterly along the Northeasterly line of said Lot 4 to the most Easterly corner thereof said point being on the Northwestern Right-of-Way line of said Sunnyside Beach Drive; thence Southeasterly to the Most Westerly corner of Lot 22 in said Niesen's Subdivision said point being on the Southeasterly Right-of-Way line of said Sunnyside Beach Drive; thence Northeasterly along the Northwestern line of Lots 22 through 24 in said Niesen's Subdivision to the most Northerly corner of said Lot 24; thence Southeasterly along the Northeasterly line of said Lot 24 to the Point of Beginning, all in the Village of Johnsburg, McHenry, County, Illinois.

The boundaries of the Area by Permanent Tax Index Numbers and street location are as follows:

Parcel Number	Site Address Street	Site Address City	
10-18-152-004	1904 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-152-005	1906 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-153-006	VERKUILEN N MIDDLE AVE	JOHNSBURG, IL	60051
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10-18-177-009	1913 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-177-010	1911 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-177-011	1909 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-177-012	1907 W SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-177-015	1901 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-177-052	1905 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-301-002	2018 W SUNNYSIDE BEACH	JOHNSBURG, IL	60051
10-18-302-001	2011 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-302-002	2013 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-302-003	2015 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-302-004	2017 W SUNNYSIDE BEACH	JOHNSBURG, IL	60051

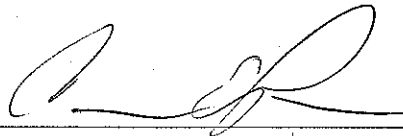
10-18-302-005	2019 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
10-18-302-006	2021 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051
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10-18-302-011	3504 N FAIRVIEW AVE	JOHNSBURG, IL	60051
10-18-302-012	3502 FAIRVIEW AVE	JOHNSBURG, IL	60051
10-18-302-013	3500 FAIRVIEW AVE	JOHNSBURG, IL	60051
10-18-302-014	2027 SUNNYSIDE BEACH DR	JOHNSBURG, IL	60051

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 the attached is a true and correct copy of Ordinance 15-16-10, *An Ordinance Proposing the Establishment of Special Service Area Number 32 (Wastewater Treatment Facility and Collection System Project)* in the Village of Johnsburg and Providing for other Procedures in Connection Therewith, passed by the Village Board on the 20th day of October, 2015.

Given under my hand and seal of the Village of Johnsburg, McHenry County, Illinois, this 20th day of October, 2015.



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

(SEAL)