

STATE OF ILLINOIS

COUNTY OF KANE

ORDINANCE NO. 12 - 301

**AN ORDINANCE ENLARGING THE MILL CREEK SPECIAL SERVICE AREA,
KANE COUNTY, ILLINOIS (FOURTH ADDITION)**

WHEREAS, pursuant to the provisions of the 1970 Constitution of the State of Illinois (the "Constitution"), Kane County, Illinois (the "County"), is authorized to create special service areas (SSAs) in and for the County; and

WHEREAS, SSAs are established by non-home rule units pursuant to Section 7(6) of Article VII of the Constitution, which provides that:

Counties... which are not home rule units shall have... powers... 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

WHEREAS, special service areas are established as required "in the manner provided by law" pursuant to the provisions the Special Service Area Tax Law, 35 ILCS 200/27-5 et seq. (the "Act"), and pursuant to the Property Tax Code of the State of Illinois, as amended, 35 ILCS 200/1-1 et seq.; and

WHEREAS, The Mill Creek Special Service Area (the "Original Area"), was established by the County by Ordinance No. 94-356 passed December 13, 1994 and was enlarged by Ordinance No. 97-271 passed October 14, 1997 (the "First Addition") and Ordinance No. 05-235 passed July 12, 2005 (the "Second Addition"), and Ordinance 08-344 passed November 12, 2008 (the "Third Addition"); and

WHEREAS, Ordinance Nos. 94-356, 97-251, 05-235, and 08-344 authorized the levy of a direct annual ad valorem tax upon all taxable property within the Original Area for an indefinite period of time beginning for the year 1994 at an annual rate not to exceed fifty cents per one hundred dollars of the assessed valuation of each tax parcel within the Original Area and further provided that such tax was to be in addition to all other taxes permitted by law; and

WHEREAS, said ordinances provided that the following SSA services be provided:

1. Village Center Roads

Reconstruction, maintenance, and repair of the Village Center Roads including snow removal, salt/sand spreading, street sweeping, repairs/replacement of curbs and blacktop, striping of roads and public parking spaces, repair and maintenance of traffic controls that are applicable to the roadways, and other related services.

2. Village Center Alleys

Reconstruction, maintenance, and repair of the Village Center Alleys and public parking spaces including snow removal, salt/sand spreading, alley sweeping, repairs/replacement of blacktop, traffic control repair and maintenance, and other related services.

3. All Other Roads
Street sweeping
4. Sidewalks and Trail Systems
Reconstruction, maintenance, repair, and other related services .
5. Street Lights
Maintenance, repairs, replacement, electric usage, additional provision of street lights as required for public safety and other related services.
6. Street Identification Signs
Repairs and replacement.
7. Village Center Traffic Controls for Internal Roads
Maintenance, repairs, replacement, electric usage, additional provision of traffic controls as required for the safety of the public, and other related services.
8. Right of Way Grass Ways Not Maintained by Mill Creek Water Reclamation District (MCWRD), Golf Course, Parks, Forest Preserve
Lawn maintenance, grass cutting, fertilization, shrubs, tree pruning, tree replacements, bedding mulch, insect/disease spraying, spring/fall cleanup, weed control, grass aeration.
9. Entries/Common Areas Not Maintained by MCWRD, Golf Course, Parks, Forest Preserve
Lawn maintenance, grass cutting, fertilization, shrubs, tree pruning, tree replacements, bedding mulch, insect/disease spraying, spring/fall cleanup, weed control, grass aeration.
10. Entry Lighting
Repair and replacement, electric usage.
11. Permanent Community Identification Signage
Repair and replacement, electrical usage.
12. Security (if required)
Private security service, personnel, vehicles, floor space, and equipment as required and with the advice and consent of the Kane County Sheriff.
13. Parking Lots in Village Center
Reconstruction, maintenance, and repair, of the public parking spaces including snow removal, sand/salt spreading, pavement sweeping, repairs/replacement of curbs and

blacktop, striping of parking spaces, lighting repairs/replacement, and other related services.

14. Fencing on Common Areas, in Entries or Public Areas

Installation, repairs, and replacement.

15. Liability Insurance (exclusive of areas maintained by Township)

Hazard/disaster and general liability insurance with Kane County to be an additional named insured.

16. Residential Trash Pickup, Yard Waste Removal, and Recycling

Special Service Area to contract with a hauler, system to be similar to that of the City of Geneva where homeowners pay based on usage. Not to include commercial waste generators.

17. Common Wetland Wild Grass Areas Not Maintained by the Parks, Forest Preserve or Golf Course

Maintenance, cutting, burning as necessary.

18. Street Furniture

Benches/newspaper boxes/trash cans and other street furniture in common area and village center.

19. Real Estate Taxes on Common Property (if any)

20. Special Service Area Office (when required)

Staffed by Kane County to oversee and direct all of the above, expenses for office, utilities, maintenance, supplies, etc.

21. County Expenses

Administrative services incurred by the County of Kane for management services and expenses in preparing the annual budget for the Special Services Area and supervising the operation of the Special Services Area. As Mill Creek is developed the Special Services Area may require a full or part-time employee of the County to be an on-site supervisor of the Special Services Area.

22. Sheriff Law Enforcement Services

Special Sheriff Law Enforcement Services which are in addition to those law enforcement services provided generally throughout the county may be provided within the Mill Creek Special Service Area. The cost of said special Sheriff Law Enforcement Services shall be paid from revenues allocated from taxes levied upon property within the Mill Creek Special Services Area. The Kane County Sheriff shall determine the need for additional special Sheriff Law Enforcement Services and submit a request to the Kane County Board for inclusion of special Sheriff Law Enforcement Services in the annual budget for the Mill Creek Special Services Area.

WHEREAS, it is in the public interest that the SSA area be further enlarged by the addition of the area hereinafter described (the "Fourth Addition"); and

WHEREAS, the SSA, as enlarged by the Fourth Addition, is compact and contiguous to the SSA and totally within the boundaries of the County, and no part of the SSA, as enlarged by the Fourth Addition, is within the boundaries of any municipality; and

WHEREAS, the SSA, as enlarged by the Fourth Addition, will benefit specially from the services provided by the County to the SSA (the "Services"); the services are unique and in addition to the services provided by the County as a whole; and it is in the best interests of the County that the SSA be enlarged by the addition of the Fourth Addition; and

WHEREAS, all taxable property within the SSA after Fourth Addition will become subject to the levy of the direct annual ad valorem tax authorized in Ordinance 94-356, Ordinance 97-271, Ordinance 05-235, and Ordinance 08-344 at an amount of fifty cents per one hundred dollars of assessed valuation; and

WHEREAS, a public hearing was held before the Kane County Board, at 9:45 a.m., on the 11th day of September, 2012, in the County Board Room, Kane County Government Center, Building "A," 719 Batavia Ave., Geneva, Illinois 60134 (the "Hearing"), at which time interested persons were permitted to file with the County Clerk written objections to and heard orally in respect to the proposed enlargement of the area and the levy of the annual ad valorem tax on property within the SSA area; and

WHEREAS, Kane County has found that the equalized assessed valuation of the territory to be added is \$8,765,411.00, and that the equalized assessed valuation of the entire existing SSA area is \$261,663,150.00; and that the equalized assessed valuation of the territory to be added equals 3.35% of the EAV of the entire existing SSA area. Pursuant to 35 ILCS 200/27-50, the territory proposed to be added represents less than 5% of the EAV of the entire existing SSA territory; and

WHEREAS, notice of said hearing was given by publication at least once not less than 15 days prior to the Hearing in the Kane County Chronicle, the same being a newspaper published in the County, and by personal delivery 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 Fourth Addition, not less than 15 days prior to the time set for the hearing, and in the event taxes for the last preceding year were not paid, the notice was delivered to the person or persons last listed on the tax rolls prior to that year as the owner or owners of said property; and said notice complied with all of the applicable provisions and requirements of the Act; and

WHEREAS, all interested persons affected by the proposed enlargement of the proposed amended SSA, including all owners of real estate located within the Fourth Addition, were given an opportunity to be heard at the hearing regarding the enlargement of the SSA and the levy of taxes therein, and an opportunity to file objections; and

WHEREAS, no one has filed a petition or objection to the enlargement of the SSA.

NOW, THEREFORE, BE IT ORDAINED by the Kane County Board, as follows:

§1. Incorporation of preambles

The recitals to this ordinance are hereby incorporated into this ordinance as if fully set forth herein.

§2. Enlargement

The Mill Creek Special Service Area is hereby enlarged by the Fourth Addition. The proposed additional territory consists of the following described territory:

South Half of the Southwest Quarter of Section 12, Township 39 North, Range 7 East of the Third Principal Meridian, excepting therefrom the easterly 990.0 feet (15.0 chains) thereof (measured along the south line of said Quarter), in Blackberry Township, Kane County, Illinois.

Said territory consists of approximately 51.48 acres lying in a neighborhood west of Mill Creek Subdivision in Kane County, Illinois. An accurate map of the Mill Creek Special Service Area is on file with the County Clerk as Exhibit "A" and made a part hereof.

§3. Purpose

The purpose of the SSA is to provide special services to the area, which services are unique and in addition to the services generally provided by the County. The list of services the SSA may provide from time to time include the following:

A. Village Center Roads

Reconstruction, maintenance, and repair of the Village Center Roads including snow removal, salt/sand spreading, street sweeping, repairs/replacement of curbs and blacktop, striping of roads and public parking spaces, repair and maintenance of traffic controls that are applicable to the roadways, and other related services.

B. Village Center Alleys

Reconstruction, maintenance, and repair of the Village Center Alleys and public parking spaces including snow removal, salt/sand spreading, alley sweeping, repairs/replacement of blacktop, traffic control repair and maintenance, and other related services.

C. All Other Roads

Street sweeping

D. Sidewalks and Trail Systems

Reconstruction, maintenance, repair, and other related services .

E. Street Lights

Maintenance, repairs, replacement, electric usage, additional provision of street lights as required for public safety and other related services.

F. Street Identification Signs

Repairs and replacement.

G. Village Center Traffic Controls for Internal Roads

Maintenance, repairs, replacement, electric usage, additional provision of traffic controls as required for the safety of the public, and other related services.

- H. Right of Way Grass Ways Not Maintained by Mill Creek Water Reclamation District (MCWRD), Golf Course, Parks, Forest Preserve
- Lawn maintenance, grass cutting, fertilization, shrubs, tree pruning, tree replacements, bedding mulch, insect/disease spraying, spring/fall cleanup, weed control, grass aeration.
- I. Entries/Common Areas Not Maintained by MCWRD, Golf Course, Parks, Forest Preserve
- Lawn maintenance, grass cutting, fertilization, shrubs, tree pruning, tree replacements, bedding mulch, insect/disease spraying, spring/fall cleanup, weed control, grass aeration.
- J. Entry Lighting
- Repair and replacement, electric usage.
- K. Permanent Community Identification Signage
- Repair and replacement, electrical usage.
- L. Security (if required)
- Private security service, personnel, vehicles, floor space, and equipment as required and with the advice and consent of the Kane County Sheriff.
- M. Parking Lots in Village Center
- Reconstruction, maintenance, and repair, of the public parking spaces including snow removal, sand/salt spreading, pavement sweeping, repairs/replacement of curbs and blacktop, striping of parking spaces, lighting repairs/replacement, and other related services.
- N. Fencing on Common Areas, in Entries or Public Areas
- Installation, repairs, and replacement.
- O. Liability Insurance (exclusive of areas maintained by Township)
- Hazard/disaster and general liability insurance with Kane County to be an additional named insured.
- P. Residential Trash Pickup, Yard Waste Removal, and Recycling
- Special Service Area to contract with a hauler, system to be similar to that of the City of Geneva where homeowners pay based on usage. Not to include commercial waste generators.
- Q. Common Wetland Wild Grass Areas Not Maintained by the Parks, Forest Preserve or Golf Course
- Maintenance, cutting, burning as necessary.

R. Street Furniture

Benches/newspaper boxes/trash cans and other street furniture in common area and village center.

S. Real Estate Taxes on Common Property (if any)

T. Special Service Area Office (when required)

Staffed by Kane County to oversee and direct all of the above, expenses for office, utilities, maintenance, supplies, etc.

U. County Expenses

Administrative services incurred by the County of Kane for management services and expenses in preparing the annual budget for the Special Services Area and supervising the operation of the Special Services Area. As Mill Creek is developed the Special Services Area may require a full or part-time employee of the County to be an on-site supervisor of the Special Services Area.

V. Sheriff Law Enforcement Services

Special Sheriff Law Enforcement Services which are in addition to those law enforcement services provided generally throughout the county may be provided within the Mill Creek Special Service Area. The cost of said special Sheriff Law Enforcement Services shall be paid from revenues allocated from taxes levied upon property within the Mill Creek Special Services Area. The Kane County Sheriff shall determine the need for additional special Sheriff Law Enforcement Services and submit a request to the Kane County Board for inclusion of special Sheriff Law Enforcement Services in the annual budget for the Mill Creek Special Services Area.

§4. Advisory Board

The Kane County Board Chairman, with the advice and consent of the Kane County Board, may appoint the Mill Creek Special Service Area Advisory Board. The membership of the Advisory Body shall be diversified and geographically distributed throughout the boundaries of the SSA to the extent practical. The duties and responsibilities of said Advisory Board shall be established and defined in bylaws which shall be consistent with this Ordinance and shall be drafted and approved by the Advisory Board. Said bylaws, after adoption or amendment by the Advisory Board, shall be presented to the Kane County Board Development Committee for ratification. The Development Committee may amend said bylaws from time to time as it sees fit. The Advisory Board shall recommend to the Development Committee services to be provided by the SSA, recommendations for the development of the annual budget for the SSA, including the tax levy, and other related matters. The Advisory Board shall review and provide comments on the annual SSA Budget prior to its approval by the Kane County Board. The Advisory Board shall not have the authority to expend SSA funds.

§5. Tax

The cost of the services for this SSA shall be paid for from the revenue from the levy of a direct annual *ad valorem* tax upon all taxable property within the SSA for an indefinite period of time. Said tax rate shall be at an amount not to exceed fifty cents per one hundred dollars assessed valuation of each tax parcel within the SSA. Said taxes are to be in addition to all other taxes permitted by law.

§6. Invalidity

That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

§7. Effective

That this ordinance shall be in full force and effect from and after its passage and approval

Passed by the Kane County Board on October 9, 2012.

John A. Cunningham
Clerk, County Board
Kane County, Illinois

Karen McConnaughay
Chairman, County Board
Kane County, Illinois

Vote:

Yes _____
No _____
Voice _____
Abstentions _____

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