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## VILLAGE OF SUGAR GROVE BOARD REPORT

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** ORDINANCE: ESTABLISHING A BACK-UP SPECIAL SERVICE AREA NO. 29 FOR PRAIRIE GROVE COMMONS SUBDIVISION  
**AGENDA:** MARCH 21, 2023 VILLAGE BOARD MEETING  
**DATE:** MARCH 1, 2023

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### ISSUE

Shall the Village Board approve an Ordinance establishing a back-up Special Service Area No. 29 for Prairie Grove Commons Subdivision.

### DISCUSSION

The recently approved Prairie Grove Commons Annexation Agreement Amendment requires creation and establishment of a back-up special service area (SSA) for maintenance of the storm water management facilities (per the Kane County Storm Water Ordinance) and maintenance and repair of sidewalks and street improvements on Lot 7 in the subdivision. The SSA will apply to the recently approved Unit 2 as well as the remainder of the property yet to be developed. Unit 1 (Walgreen's) is not included in the SSA.

The SSA No. 29 will remain dormant until such time the property owners failed to perform their function maintaining the storm water management facilities and sidewalk and road improvements on Lot 7 in the subdivision.

After due notice, the Board held the requisite public hearing on January 17, 2023.

### COSTS

The cost to establish the SSA are limited to publication, recording and Village Attorney fees which are borne by the developer.

### ATTACHMENTS

- Ordinance establishing a back-up SSA No. 29 for Prairie Grove Commons Subdivision

### RECOMMENDATION

That the Village Board approve an Ordinance establishing a back-up SSA No. 29 for Prairie Grove Commons Subdivision.



**VILLAGE OF SUGAR GROVE  
KANE COUNTY, ILLINOIS**

**Ordinance No. 2023-0321\_**

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**AN ORDINANCE ESTABLISHING A SPECIAL SERVICE AREA NO. 29 FOR  
PRAIRIE GROVE COMMONS SUBDIVISION IN THE VILLAGE OF SUGAR GROVE, ILLINOIS**

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Adopted by the Board of Trustees of the Village of Sugar Grove this 21<sup>st</sup> day of March 2023

Published in pamphlet form by authority of the  
Board of Trustees of the Village of Sugar Grove, Illinois this 21<sup>st</sup> day of March 2023

**Ordinance No. 2023-0321\_**

**AN ORDINANCE ESTABLISHING A SPECIAL SERVICE AREA NO. 29 FOR  
PRAIRIE GROVE COMMONS SUBDIVISION IN THE VILLAGE OF SUGAR GROVE, ILLINOIS**

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**WHEREAS**, the Village of Sugar Grove is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution, and accordingly, seeks to act pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

**WHEREAS**, pursuant to the provisions of the 1970 Constitution of the State of Illinois (the “Constitution”), the Village of Sugar Grove, Kane County, Illinois (the “Village”), is authorized to create special service areas in and for the Village; and,

**WHEREAS**, special service areas are established by non-home rule units pursuant to Section 7(6) of Article VII of the Constitution, which provides that;

Municipalities...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 payment of debt incurred in order to provide those special services;

And are established “in the manner provided by law” pursuant to the provisions of “AN ACT to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties,” approved September 21, 1973, as amended, and pursuant to the Revenue Act of 1939 of the State of Illinois, as amended; and,

**WHEREAS**, it is in the public interest that the area hereinafter described in Exhibit “A” attached hereto as a special service area for the purposes set forth herein and to be designated as the Prairie Grove Commons Subdivision Special Service Area No. 29 of the Village (the “Area”), be established, and,

**WHEREAS**, the area is compact and contiguous, totally within the corporate limits of the Village; and,

**WHEREAS**, the Area will benefit specially from the municipal services to be provided by the Village (the “Services”), and the Services are unique and in addition to the services provided to the Village as a whole, and it is, therefore, in the best interests of the Village that the establishment of the Area be considered; and,

**WHEREAS**, it is in the public interest that the levy of a direct annual *ad valorem* tax upon all taxable property within the Area be considered for the purpose of paying the cost of providing the Services; and,

**WHEREAS**, the revenue from such tax shall be used solely and only for Services for which the Village is authorized under the provisions of the Illinois Municipal Code, as amended, to levy taxes or special assessments or to appropriate the funds of the Village, all of the Services to be in and for the Area, and all of the necessary construction and maintenance to be on the property now owned or to be acquired by the Village, or property in which the Village will obtain an interest sufficient for the provision of the services; and,

**WHEREAS**, a public hearing was held at 6:00 p.m. on the 17<sup>th</sup> day of January 2023 in the Municipal Building, 10 Municipal Drive, Sugar Grove, Illinois (the “Hearing”), to consider the establishment of the Area for the purpose of providing the Services and the levy of an additional direct annual *ad valorem* tax for the purpose of paying the cost thereof, all as described in the Notice of Public Hearing attached hereto as Exhibit “B: (the “Notice”) and no objectors were present; and,

**WHEREAS**, the Notice has been given by publication and mailing. Notice by publication was given by publication on a date, such date being no less than 15 days prior to the hearing, in a newspaper of general circulation within the Village, there being no newspaper published therein. Notice by mailing was 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 Area. The Notice was mailed not less than 10 days prior to the time set for the Hearing. In the event taxes for the last preceding year were not paid, the Notice was sent to the person last listed on the tax rolls prior to that year as the owner of said property.

**NOW THEREFORE BE IT ORDAINED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows;

#### **SECTION ONE: INCORPORATION OF PREAMBLES**

The preambles of this ordinance are hereby incorporated into this text as if set out herein in full.

#### **SECTION TWO: ESTABLISHMENT OF SSA**

(a) That it is in the public interest that the territory hereinafter described in the Notice referred to in Section One hereof be established as the the Prairie Grove Commons Subdivision Special Service Area No. 29 for the purposes set forth herein. An accurate map of said territory is attached hereto as Exhibit “C.” The permanent index number(s) for the parcel(s) located within the territory are attached hereto as Exhibit “D.”

(b) That said Area is compact and contiguous.

(c) That said Area is zoned for commercial purposes and will benefit specially from the municipal services which may be provided and that said municipal services are unique and in addition to municipal services provided by the Village of Sugar Grove as a whole; and that it is, therefore, in the best interest of said Area and the Village of Sugar Grove as a whole that special taxes be levied against said Area for the services to be provided.

(d) That the Prairie Grove Commons Subdivision Special Service Area No. 29 be and is hereby established for and with regard to the aforesaid territory.

#### **SECTION THREE: PURPOSE OF SSA AND MAXIMUM LEVY**

The purpose of the formation of Special Service Area No. 29 in general is to provide for the maintenance, preservation, and upkeep of certain storm water management facilities, and private road and sidewalk improvements on Lot 7 located on the Prairie Grove Commons Subdivision, in the event that the individual property owners of said property fails to do so, and the proposed municipal services are unique and in addition to the improvements provided and/or maintained by the Village generally.

At the hearing, all persons affected were given an opportunity to be heard. Annual taxes shall be assessed and levied for said special municipal services in said Area, on the property in said Area in

addition to all other municipal taxes; provided that the special annual tax shall be levied upon the equalized assessed value of the property in said Area in an amount not to exceed an annual rate of one hundred and ten one-hundredths percent (1.1% being 110¢ per \$100) of the equalized assessed valuation thereof. This tax shall be levied for an indefinite period of time commencing during and in the years subsequent to the date of this Ordinance, as hereinafter provided. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. The Village may annually levy hereunder up to the maximum rate specified herein for the cost of for the said services, as said services become necessary and are provided for.

Notwithstanding the foregoing, the Village shall not levy taxes hereunder, nor shall the Village exercise its authority hereunder with respect to the maintenance, preservation and upkeep within said Area, unless the applicable property owners of said subdivision fails to maintain, preserve, and upkeep the aforesaid storm water management facilities and private sidewalks and roadways on Lot 7 and fails to undertake to cure such failure within thirty (30) calendar days after written notice from the Village to the owner(s) of the land within the boundaries of the Area, and the Village chooses to assume some or all of said responsibilities. Absent the occurrence of the aforementioned default by the property owners of said subdivision, this Ordinance shall otherwise remain “dormant.”

#### **SECTION FOUR: EFFECTIVE DATE**

This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

#### **SECTION FIVE: REPEALER**

All ordinances or portions thereof in conflict therewith are hereby repealed to the extent of any such conflict.

**SECTION SIX: SEVERABILITY**

That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 21<sup>st</sup> day of March 2023.

ATTEST:

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Jennifer Konen,  
President of the Board of Trustees

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Alison Murphy,  
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Heidi Lendi	___	___	___	___
Trustee Michael Schomas	___	___	___	___
Trustee Ryan Walter	___	___	___	___
Trustee James White	___	___	___	___

**Exhibit "A"**

*(Legal Description)*

THAT PART OF THE SOUTH 1/2 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING IN THE CENTER OF THE AURORA AND DIXON ROAD 9.62 CHAINS WEST OF THE EAST LINE OF SAID SECTION; THENCE SOUTH TO THE SOUTH LINE OF SAID SECTION 16; THENCE WEST ALONG SAID SOUTH LINE TO THE CENTER LINE OF STATE ROUTE NO. 47; THENCE NORTH ALONG SAID CENTER LINE 395 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 551.4 FEET; THENCE SOUTH PARALLEL WITH THE CENTER LINE OF STATE ROUTE 47, 395 FEET TO THE SOUTH LINE OF SAID SECTION; THENCE WEST ALONG SAID SOUTH LINE TO A POINT 9.62 CHAINS WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE NORTH 40 CHAINS TO THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION; THENCE EAST ALONG SAID NORTH LINE TO THE CENTER LINE OF SAID STATE ROUTE 47; THENCE SOUTH ALONG SAID CENTER LINE TO THE CENTER LINE OF THE AURORA AND DIXON ROAD AFORESAID; THENCE EASTERLY ALONG THE CENTER LINE OF SAID AURORA AND DIXON ROAD TO THE POINT OF BEGINNING (EXCEPT THAT PART CONVEYED TO THE STATE OF ILLINOIS BY WARRANTY DEED RECORDED AUGUST 18, 1959 AS DOCUMENT 897944 AND ALSO EXCEPT THAT PART LYING EASTERLY OF SAID CENTER LINE OF STATE ROUTE 47 AND ALSO EXCEPTING THAT PART THEREOF FALLING IN LOT 1 IN PRAIRIE GROVE COMMONS UNIT ONE, RECORDED SEPTEMBER 15, 2010 AS DOCUMENT NUMBER 2010K060656 AND ALSO EXCEPT THAT PART DEDICATED FOR DIVISION DRIVE (66.0 FEET WIDE) ON SAID PLAT OF PRAIRIE GROVE COMMONS UNIT ONE, AND ALSO EXCEPT THAT PART OF THE LAND DEDICATED FOR ROADWAY AND UTILITY PURPOSES TO THE VILLAGE OF SUGAR GROVE RECORDED AS DOCUMENT 2008K039972 IN THE TOWNSHIP OF SUGAR GROVE, KANE COUNTY, ILLINOIS.

The approximate location is generally at the southwest corner of State Route 47 and Galena Boulevard, and property west of State Route 47 and north of Galena Boulevard. The property is commonly known as Prairie Grove Commons Subdivision

**Exhibit “B”**

**SUBDIVISION SPECIAL SERVICE AREA  
NOTICE OF HEARING  
VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS  
SPECIAL SERVICE AREA NO. 29**

**NOTICE IS HEREBY GIVEN** that on the 17th day of January 2023, at 6:00 p.m., in the Municipal Building, 10 Municipal Drive, Sugar Grove, Illinois, a hearing will be held by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, to consider the establishment of an *ad valorem* Special Service Area consisting of the following described territory:

THAT PART OF THE SOUTH 1/2 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING IN THE CENTER OF THE AURORA AND DIXON ROAD 9.62 CHAINS WEST OF THE EAST LINE OF SAID SECTION; THENCE SOUTH TO THE SOUTH LINE OF SAID SECTION 16; THENCE WEST ALONG SAID SOUTH LINE TO THE CENTER LINE OF STATE ROUTE NO. 47; THENCE NORTH ALONG SAID CENTER LINE 395 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 551.4 FEET; THENCE SOUTH PARALLEL WITH THE CENTER LINE OF STATE ROUTE 47, 395 FEET TO THE SOUTH LINE OF SAID SECTION; THENCE WEST ALONG SAID SOUTH LINE TO A POINT 9.62 CHAINS WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE NORTH 40 CHAINS TO THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION; THENCE EAST ALONG SAID NORTH LINE TO THE CENTER LINE OF SAID STATE ROUTE 47; THENCE SOUTH ALONG SAID CENTER LINE TO THE CENTER LINE OF THE AURORA AND DIXON ROAD AFORESAID; THENCE EASTERLY ALONG THE CENTER LINE OF SAID AURORA AND DIXON ROAD TO THE POINT OF BEGINNING (EXCEPT THAT PART CONVEYED TO THE STATE OF ILLINOIS BY WARRANTY DEED RECORDED AUGUST 18, 1959 AS DOCUMENT 897944 AND ALSO EXCEPT THAT PART LYING EASTERLY OF SAID CENTER LINE OF STATE ROUTE 47 AND ALSO EXCEPTING THAT PART THEREOF FALLING IN LOT 1 IN PRAIRIE GROVE COMMONS UNIT ONE, RECORDED SEPTEMBER 15, 2010 AS DOCUMENT NUMBER 2010K060656 AND ALSO EXCEPT THAT PART DEDICATED FOR DIVISION DRIVE (66.0 FEET WIDE) ON SAID PLAT OF PRAIRIE GROVE COMMONS UNIT ONE, AND ALSO EXCEPT THAT PART OF THE LAND DEDICATED FOR ROADWAY AND UTILITY PURPOSES TO THE VILLAGE OF SUGAR GROVE RECORDED AS DOCUMENT 2008K039972 IN THE TOWNSHIP OF SUGAR GROVE, KANE COUNTY, ILLINOIS.

The approximate location is the southwest corner of State Route 47 and Galena Boulevard, and property west of State Route 47 and north of Galena Boulevard.

The permanent index numbers (PINs) for each parcel located within the proposed area are:

14-16-400-016 & 14-16-300-012



All interested persons, including all persons owning taxable real property located within the Special Service Area, will be given an opportunity to be heard at the hearing regarding 1) the tax levy and an opportunity to file objections to the amount of the levy, 2) formation of the boundaries of the Area and may object to the formation of the Area and 3) the levy of taxes affecting said Area.

The purpose of the formation of Special Service Area No. 29 in general is to provide for the maintenance, preservation, and upkeep of certain storm water management facilities and the private drive on Lot 7 located in Prairie Grove Commons in the event the individual property owners of said subdivision fails to do so, and the proposed municipal services are unique and are in addition to the improvements provided and/or maintained by the Village generally.

At the hearing, all persons affected will be given an opportunity to be heard. At the hearing, there will be considered the levy of an annual tax of not to exceed an annual rate of one-hundred and ten one-hundredths percent (1.1%, being 110¢ per \$100) of the equalized assessed value of the property in the proposed Special Service Area No. 29, said tax to be levied for an indefinite period of time from and after the date of the Ordinance establishing said Area. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be “dormant”, and shall take effect only if the applicable required owners association or property owner fails to maintain, repair or replace the stormwater management facilities and the Village chooses to assume some or all of said responsibilities. 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 its adjournment.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the proposed Special Service Area No. 29 and by at least fifty-one (51%) of the owners of record of the land included within the boundaries of the proposed Area is filed with the Village Clerk within sixty (60) days following the final adjournment of the public hearing objecting to the establishment of the Area, the enlargement thereof, or the levy or imposition of a tax for the provision of special services to the Area, no such Area may be established or enlarged, or tax levied or imposed.

Dated: this 1st day of November 2022.

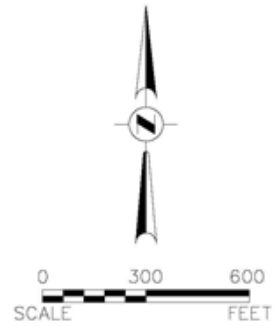
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Laura Julien, Village Attorney  
for the Village of Sugar Grove

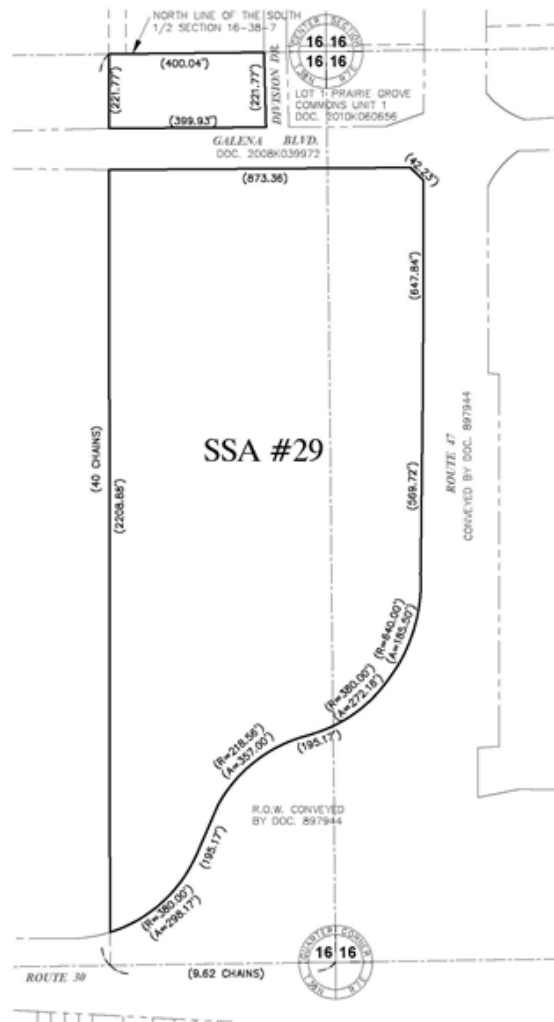
EXHIBIT

**SSA MAP**

SPECIAL SERVICE AREA #29



THAT PART OF THE SOUTH 1/2 OF SECTION 16 TOWNSHIP 38 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING IN THE CENTER OF THE AURORA AND DIXON ROAD 9.62 CHAINS WEST OF THE EAST LINE OF SAID SECTION; THENCE SOUTH TO THE SOUTH LINE OF SAID SECTION 16; THENCE WEST ALONG SAID SOUTH LINE TO THE CENTER LINE OF STATE ROUTE NO. 47; THENCE NORTH ALONG SAID CENTER LINE 395 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF SAID SECTION 551.4 FEET; THENCE SOUTH PARALLEL WITH THE CENTER LINE OF STATE ROUTE 47, 395 FEET TO THE SOUTH LINE OF SAID SECTION; THENCE WEST ALONG SAID SOUTH LINE TO A POINT 9.62 CHAINS WEST OF THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE NORTH 40 CHAINS TO THE NORTH LINE OF THE SOUTH 1/2 OF SAID SECTION; THENCE EAST ALONG SAID NORTH LINE TO THE CENTER LINE OF SAID SECTION 47; THENCE SOUTH ALONG SAID CENTER LINE TO THE CENTER OF THE AURORA AND DIXON ROAD AFORESAID; THENCE EASTERLY ALONG THE CENTER LINE OF SAID AURORA AND DIXON ROAD TO THE POINT OF BEGINNING (EXCEPT THAT PART CONVEYED TO THE STATE OF ILLINOIS BY WARRANTY DEED RECORDED AUGUST 18, 1959 AS DOCUMENT 897944 AND ALSO EXCEPT THAT PART LYING EASTERLY OF SAID CENTER LINE OF STATE ROUTE 47 AND ALSO EXCEPTING THAT PART THEREOF FALLING IN LOT 1 IN PRAIRIE GROVE COMMONS UNIT ONE, RECORDED SEPTEMBER 15, 2010 AS DOCUMENT NUMBER 2010K060856 AND ALSO EXCEPT THAT PART DEDICATED FOR DIVISION DRIVE (66.0 FEET WIDE) ON SAID PLAT OF PRAIRIE GROVE COMMONS UNIT ONE, AND ALSO EXCEPT THAT PART OF THE LAND DEDICATED FOR ROADWAY AND UTILITY PURPOSES TO THE VILLAGE OF SUGAR GROVE RECORDED AS DOCUMENT 2008K039972 IN THE TOWNSHIP OF SUGAR GROVE, KANE COUNTY, ILLINOIS.



PROJECT NO: SG2028  
FILE NO: SG2028-SSA 29

**Exhibit “D”**

*(Parcel Identification Numbers)*

The permanent index numbers (PINs) for each parcel located within the proposed area are:

14-16-400-016 & 14-16-300-012