

ORDINANCE NO. 2020- O- 01

An Ordinance Ratifying the Establishment of Special Service Area Number 3 Within the Village of Algonquin for the Property Commonly Known as Spectrum Senior Living PUD

BE IT ORDAINED by the President and Board of Trustees of the Village of Algonquin (the “Village”), McHenry and Kane Counties, Illinois is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village’s home rule powers and functions as granted in the Constitution of the State of Illinois, as follows:

WHEREAS, the constitutional authority for special service areas is set forth in Article VII, Section 6 of the Constitution of the State of Illinois in force July 1, 1971, which provides in relevant part as follows:

§ 6 Powers of Home Rule Units

1. The General Assembly may not deny or limit the power of home rule units
(2) 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 to provide those special services.

Special service areas are statutorily authorized pursuant to the provisions of Public Act 88-455 and the Special Service Area Tax Law, 35 ILCS 200/27-5 *et seq* (the “Law”), 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 as well as the establishment of special service areas;

WHEREAS, the Village’s President and Board of Trustees (together, the “Corporate Authorities”) have found that it is in the public interest that Special Service Area No. 3, for the purposes set forth herein, be established for the real property legally and commonly described in Exhibit A attached hereto and incorporated herein by this reference (the “Area”). A map of the Area is attached hereto as exhibit B and incorporated herein by this reference.

The Area, generally, is commonly known as the Spectrum Senior Living PUD.

The Area is located at the southwest quadrant of Harnish Drive and Randall Road, north of Millbrook Townhomes, in the Village of Algonquin. The property identification number assigned to the Area is 19-31-400-025.

WHEREAS, the Area is compact, contiguous and constitutes a separate and distinct development within the Village of Algonquin; the Area will benefit specially from the special services to be provided and as hereinafter described; the special services are in addition to municipal services provided to the Village of Algonquin as a whole; and it is therefore in the best interests of the Village as well as the Area itself that the levy of special taxes against the Area to

finance the special services to be provided be considered. Such special services would include but not be limited to the following:

1. Maintenance, repair and replacement of stormwater detention, retention and other stormwater management areas and related facilities including, transmission lines, retaining walls, weirs and plantings within the Area, as deemed necessary and appropriate by the Corporate Authorities (“Services”); and
2. Administrative, professionals’, engineers’, attorneys’, consultants’ and contractors’ fees incurred by the Village relative to the provision of any of the above-described special services within the Area as deemed appropriate by the Corporate Authorities (collectively, the “Special Services”).

However, under no circumstances shall the provision of such Special Services by the Village or its consultants constitute an acceptance of any personal property or real property within the Area by the Village.

The term of the Special Service Area would be perpetual and the nature of the Special Services is maintenance and new construction within the Area; and

WHEREAS, a public hearing was held on Tuesday, the 19th day of November, 2019, at 7:25 p.m. in the Algonquin Village Hall, 2200 Harnish Drive, Algonquin 60102, to consider the creation of Special Service Area No. 3 for the Area;

WHEREAS, at the public hearing there was also considered the levy of an annual tax not to exceed the annual rate of .600 percent of the assessed value, as equalized, to be levied against the real, taxable property included within Special Service Area No. 3. There is no maximum number of years taxes will be levied because the term of this Special Service Area is perpetual. The proposed amount of such tax levy for the Special Services for the initial year for which taxes will be levied within Special Service Area No. 3 is \$2,500, but shall not exceed the annual rate of .600 percent of the assessed value, as equalized, of the taxable property within 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.

WHEREAS, notice of the public hearing was 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 Algonquin, Illinois, specifically the *Northwest Herald*, as set forth in Exhibit C hereto. In addition, notice by mailing was 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 Special Service Area No. 3, among others, in the manner set forth in Exhibit D hereto. Said notice was mailed not less than 10 days prior to the time and date set for the public hearing. The public hearing was adjourned by the President and Board of Trustees of the Village of Algonquin after the denial of several objections to the establishment or creation of Special Service Area No. 3 for the Area or the imposition or levy of taxes to finance the provision of Special Services to the Special Service Area;

WHEREAS, no petition containing the signatures of at least 51 percent of the electors residing within the Area and by at least 51 percent of the owners of record of the land included within the Area was filed with the Village of Algonquin Village Clerk within 60 days following the final adjournment of the public hearing which objected to the creation of the Special Service Area No. 3, or the levy or imposition of a tax thereon to finance the provision of Special Services to Special Service Area No. 3; and

WHEREAS, all persons affected by the proposed formation of the Village of Algonquin Special Service Area No. 3 were given the opportunity to be heard regarding the proposed formation of and the boundaries of the Special Service Area No. 3 and were given the right to object to the formation, establishment and creation of Special Service Area No. 3, the boundaries of Special Service Area No. 3 and/or the levy of an annual tax sufficient to pay for the Special Services to the Special Service Area not to exceed the maximum rate set forth herein.

BE IT ORDAINED by the President and Board of Trustees of the Village of Algonquin, an Illinois municipal corporation located in McHenry and Kane Counties, Illinois, as follows:

SECTION 1: The recitals and findings set forth above are hereby incorporated into this Ordinance by this reference as if fully set forth herein by this reference. All defined terms herein shall have the same meaning and definition as those defined terms set forth above in the recitals.

SECTION 2: That Special Service Area No. 3 is hereby established and consists of the Area. The term of Special Service Area No. 3 would be perpetual and the nature of the Special Services is maintenance and new construction within the Area.

SECTION 3: The provision of the Special Services, as determined by the Village in its sole discretion, and as defined above, to the Area shall be financed by the levy of an annual tax not to exceed the annual rate of .600 percent of the assessed value, as equalized, to be levied against the real, taxable property included within Special Service Area No. 3. The proposed amount of such tax levy for the Special Services for the initial year for which taxes will be levied within Special Service Area No. 3 is \$2,500, but shall not exceed the annual rate of .600 percent of the assessed value, as equalized, of the real, taxable property within the Area. There is no maximum number of years taxes will be levied because the term of this Special Service Area is perpetual. 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. Funds received from Special Service Area No. 3 may be used by the Village and/or consultant or contractor chosen by the Village.

SECTION 4: 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 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form, which is hereby authorized in accordance with and as provided by law.

SECTION 7: The Village Clerk and Village Attorney are directed to file a certified copy of this Ordinance with the McHenry County Clerk and to record a certified copy of this Ordinance with the McHenry County Recorder's office.

Voting Aye: Spella, Brehmer, Sosine, Glogowski, Jasper, Steigert

Voting Nay: None

Abstain: None

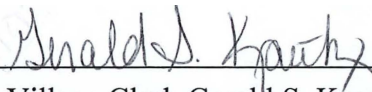
Absent: None

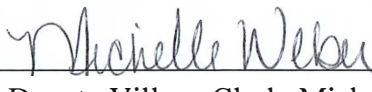
APPROVED:



Village President John C. Schmitt

(SEAL)

ATTEST: 
Village Clerk Gerald S. Kautz

by: 
Deputy Village Clerk, Michelle Weber

Passed: January 21, 2020

Approved: January 21, 2020

Published: January 22, 2020

Exhibit List

- Exhibit A: Legal and common description and permanent tax index number of the Area
- Exhibit B: Map of the Area including a depiction of Spectrum Senior Living PUD
- Exhibit C: Form of notice of public hearing published in newspaper and certificate of publication
- Exhibit D: Form of notice mailed to taxpayers within Special Service Area No. 3 and service lists and affidavits

After recording mail to:

Michael J. Smoron

Zukowski, Rogers, Flood & McArdle

50 N. Virginia Street

Crystal Lake, IL 60014

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