

Prepared by and after
recording, mail to:

John R. Zemenak
Rathje & Woodward, LLC
300 E. Roosevelt Road, Suite 300
Wheaton, IL 60187

FOR RECORDER'S USE

VILLAGE OF WESTMONT

ORDINANCE NO. 16-_____

**AN ORDINANCE ESTABLISHING THE SYCAMORE RUN SUBDIVISION
SPECIAL SERVICE AREA IN THE VILLAGE OF WESTMONT**

ADOPTED BY THE BOARD OF TRUSTEES
OF THE VILLAGE OF WESTMONT
THIS 8TH DAY OF DECEMBER, 2016

PUBLISHED IN PAMPHLET FORM BY THE AUTHORITY OF THE BOARD OF
TRUSTEES OF THE VILLAGE OF WESTMONT, DUPAGE COUNTY, ILLINOIS
THIS 8TH DAY OF DECEMBER, 2016

ORDINANCE NO. 16-_____

**AN ORDINANCE ESTABLISHING THE SYCAMORE RUN SUBDIVISION
SPECIAL SERVICE AREA IN THE VILLAGE OF WESTMONT**

WHEREAS, the Village of Westmont is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, certain properties within the Sycamore Run Subdivision of the Village of Westmont are located adjacent to St. Joseph Creek, a public waterway/watershed, and have experienced significant creek-bank erosion; and

WHEREAS, the Village of Westmont has undertaken or will undertake a public improvement project to stabilize the banks of St. Joseph Creek from erosion, and which will enable St. Joseph Creek to continue to serve as a valuable watershed and which will allow St. Joseph Creek to continue to receive stormwater runoff from surrounding properties; and

WHEREAS, this public improvement project will specifically benefit the properties identified herein; and

WHEREAS, in order to complete this project, the Village negotiated a settlement with the owner of real estate known as Lot 117, which lot ran adjacent to St. Joseph Creek and which was located in a portion of a residential subdivision known as Sycamore Run Subdivision; and

WHEREAS, as part of this settlement, individual identical agreements were signed between the Village of Westmont and nine (9) individual property owners entitled "Agreement Between the Village of Westmont and a Property Owner Whose Land is Adjacent to St. Joseph Creek" (each individual agreement is referred to as the "Agreement"; all nine (9) agreements are referred to as the "Agreements")(each of the nine (9) properties are referred to individually as the "Property"; all nine (9) properties are collectively referred to as the "Properties"); and

WHEREAS, as part of the aforementioned settlement and the Agreements, the owner of Lot 117 deeded portions of Lot 117 to nine (9) individual homeowners who owned Property adjacent to Lot 117; and

WHEREAS, all of Lot 117, prior to said transfer of ownership, contained a Perpetual Temporary Construction Easement granted to the Village of Westmont which would allow the Village of Westmont to perform the public improvement project to stabilize the banks of St. Joseph Creek; and

WHEREAS, as part of the settlement and as set forth in the Agreements, the Village of Westmont received \$80,000.00 from the owner of Lot 117, which money was to be placed into a special fund for the sole purpose of the above-described public improvement project to St. Joseph Creek; and

WHEREAS, as part of the settlement and as set forth in the Agreements, the Village of Westmont received title to a portion of Lot 117, which it had authority to subdivide and sell as a residential lot, with any proceeds from such sale to be deposited into the afore-described special fund; and

WHEREAS, the Agreements provide that consent is given for the Village of Westmont to create a special service area which comprises the nine (9) residential Properties that received a portion of Lot 117 and which abut St. Joseph Creek, for the purpose of performing the St. Joseph Creek bank stabilization project; and

WHEREAS, the Agreements provided that the special service area may generate a total real estate tax liability not to exceed \$10,000.00 per Property, which shall be payable in approximately equal amounts over a five (5) year period; and

WHEREAS, the Village of Westmont has determined that the afore-mentioned \$80,000.00 payment as part of the settlement and the proposed sale of the portion of Lot 117 conveyed to the Village are insufficient to pay for the costs of the St. Joseph Creek bank stabilization project; and

WHEREAS, as a result and in accordance with the Agreements, the Village of Westmont corporate authorities desire by this ordinance to establish a special service area pursuant to 35 ILCS 200/27-5, *et seq.* for the purpose of the St. Joseph Creek bank stabilization project, which project will uniquely benefit the nine (9) Property owners subject to the Agreements; and

WHEREAS, on January 21, 2016, the Village of Westmont adopted an ordinance entitled "An Ordinance Proposing the Establishment of a Special Service Area for a Portion of Sycamore Run Subdivision and Authorizing a Public Hearing," which set a public hearing on the issue of establishing this Special Service Area for March 31, 2016; and

WHEREAS, in accordance with State statute, the Village of Westmont mailed notice of the afore-said ordinance and public hearing to all persons within the proposed special service area in whose name the general taxes for the last preceding year were paid at least ten days prior to the date of the public hearing; and

WHEREAS, the Village of Westmont also published notice of this public hearing in a newspaper of general circulation within the Village of Westmont not less than fifteen days before the public hearing; and

WHEREAS, the afore-mentioned ordinance and notices stated that all interested persons will be given an opportunity to be heard at the public hearing regarding the tax levy and an opportunity to file objections to the amount of the tax levy; and

WHEREAS, the Village of Westmont conducted a public hearing on March 31, 2016;
and

WHEREAS, the Village of Westmont did not receive objections to the creation of this special service area by at least fifty-one percent of the property owners within the proposed special service area; and

WHEREAS, the Village of Westmont Board of Trustees finds that the proposed St. Joseph Creek stream bank and restoration project is for a public purpose and is special in that it constitutes an improvement project for a defined area versus services or improvements rendered generally throughout the Village; and

WHEREAS, the Village of Westmont proposes to levy special non-ad valorem taxes on the Properties as set forth herein to help pay for the design, construction and maintenance of the St. Joseph Creek stream bank stabilization and restoration project; and

WHEREAS, the Village of Westmont finds that this special service area is consistent with the Agreements and will serve a public purpose.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, as follows:

Section 1: The above-stated recitals are hereby restated and incorporated into this Section 1 as though fully set forth herein.

Section 2: The Village of Westmont hereby establishes the Sycamore Run Subdivision Special Service Area. The nine (9) properties within the Sycamore Run Subdivision Special Service Area are identified in **Exhibit "A"** attached hereto by legal description, P.I.N., and common street address. A map identifying the nine (9) properties which form the boundaries of the Sycamore Run Subdivision Special Service Area is attached hereto as **Exhibit "B."**

Section 3: The special services rendered or to be rendered within the Sycamore Run Subdivision Special Service Area are the design, construction and maintenance of the St. Joseph Creek stream bank and restoration project. This project constitutes a new construction project and a service which was not previously provided by the Village of Westmont to any of its residents.

Section 4: The Village of Westmont will levy non-ad valorem assessments (special taxes) against the properties within the Sycamore Run Subdivision Special Service Area. The annual amount of non-ad valorem assessments will be One Thousand Dollars (\$1,000.00) per year per property. The Village of Westmont will levy these assessments annually for a five (5) year period. Each property owner within the Sycamore Run Subdivision Special Service Area will pay a total of Five Thousand Dollars (\$5,000.00) over the life of the Special Service Area. The total amount of non-ad valorem assessments collected by the Village of Westmont from all properties over this five (5) year period will be Forty-Five Thousand Dollars (\$45,000.00).

Section 5: The Village of Westmont will levy the non-ad valorem assessments on the properties for a maximum period of five (5) years. The Village of Westmont shall approve a

stand-alone tax levy ordinance which authorizes the DuPage County Treasurer to collect said non-ad valorem assessments from the property owners of the properties.

Section 6: There are no proposed bonds to be issued by the Village of Westmont in conjunction with this special service area project.

Section 7: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 8: This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, this 8th day of December, 2016.

Ayes: _____ Nays: _____ Absent: _____

APPROVED:

Ronald J. Gunter, Mayor

ATTEST:

Virginia Szymiski, Village Clerk

EXHIBIT "A"

**LIST OF PROPERTIES WITHIN THE SYCAMORE RUN SUBDIVISION
SPECIAL SERVICE AREA**

(This Ordinance is to be Recorded Against Title to Each of These Properties)

PIN: 09-16-304-019-0000

Common Address: 303 Elwood Court

Legal: LOT 111 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-16-304-018-0000

Common Address: 305 Elwood Court

Legal: LOT 112 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-16-304-017-0000

Common Address: 306 Elwood Court

Legal: LOT 113 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-16-304-022-0000

Common Address: 302 Fernwood Court

Legal: LOT 108 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-16-304-023-0000

Common Address: 304 Fernwood Court

Legal: LOT 107 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-16-304-024-0000

Common Address: 305 Fernwood Court

Legal: LOT 106 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-16-304-031-0000

Common Address: 303 Beechwood Court

Legal: LOT 99 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-16-304-029-0000

Common Address: 304 Beechwood Court

Legal: LOT 101 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.

PIN: 09-16-304-030-0000

Common Address: 305 Beechwood Court

Legal: LOT 100 IN SYCAMORE RUN, A SUBDIVISION OF PART OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 26, 1977 AS DOCUMENT R77-40194, IN DUPAGE COUNTY, ILLINOIS.

EXHIBIT "B"

**MAP/BOUNDARIES OF SYCAMORE RUN SUBDIVISION
SPECIAL SERVICE AREA**

Boundary of Proposed Special Service Area:

The nine (9) properties located in Elwood Court, Fernwood Court and Beechwood Court whose land is adjacent to St. Joseph's Creek and which properties are described by legal description, Permanent Index Number and street address in Exhibit "A" of this ordinance, and which are shown in the attached map.

EXHIBIT "B"

**MAP/BOUNDARIES OF SYCAMORE RUN SUBDIVISION
SPECIAL SERVICE AREA**

Boundary of Proposed Special Service Area:

The nine (9) properties located in Elwood Court, Fernwood Court and Beechwood Court whose land is adjacent to St. Joseph's Creek and which properties are described by legal description, Permanent Index Number and street address in Exhibit "A" of this ordinance, and which are shown in the attached map.

**Eagle Creek
(St. Joseph's Creek)
Stabilization Project:
SSA Sycamore Run**



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA-USGS, AEX, Gattmapping, Aeromac, IGN, IGP, swisstopo, and the GIS User Community