

THE VILLAGE OF NORTH AURORA

ORDINANCE NO. 10-10-18-01

**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF
SPECIAL SERVICE AREA NO. 39 IN THE VILLAGE OF NORTH AURORA
(RANDALL SQUARE)**

WHEREAS, the property legally described in the document attached hereto and referenced herein as Exhibit "A" (hereinafter the "Property") was annexed pursuant to a pre-annexation agreement between the Village and Mark E. Sorrentino, Trustee of The Mark E. Sorrentino Trust No. 1 Dated October 14, 1996 and Progressive Concepts, LLC (hereinafter the "Annexation Agreement") and zoned for a B-2 general commercial use planned use development known as the Randall Square development (hereinafter the "Development"); and

WHEREAS, a Declaration of Covenants, Conditions and Restrictions for the Development and an Operating Agreement have been or will be executed and recorded and will bind future owners within the Development in compliance with the development agreement (hereinafter "Declarations"); and

WHEREAS, the Annexation Agreement and preliminary and final plats identify certain special improvements for the Development to be funded by a back up special service area including, but not necessarily limited to, the following: stormwater control areas and related landscaping and the landscaping and any monument signage designated to be collective for the entire Development (hereinafter the "Common Facilities"); and

WHEREAS, the Owners association to be established by the developer shall be primarily responsible for the maintenance, repair, replacements, (dredging if necessary) taxes, administration and operation of the portion of the Common Facilities according to the benefits provided for the Development; and

WHEREAS, it is proper and necessary that a Special Service Area be established as a backup source of funding for purposes of maintenance, repair (dredging if necessary) and replacement of the Common Facilities as provided in the Development agreement and the administration and operation of the Special Service Area; and

WHEREAS, the proposed Ordinance will create Special Service Area No. 39 (Randall Square) providing a tax associated with the establishment of the service area to be levied to fund the special services as needed; and

WHEREAS, the services to be provided are special and unique to the Development and are in addition to services generally provided throughout the Village of North Aurora; and

WHEREAS, the Village has the authority to levy and impose taxes on property in special service areas to cover the cost of the special services to be provided pursuant to Article VII, Section 7, Part (6) of the 1970 Illinois constitution and 35 ILCS 200/27-5 et. seq. of the Illinois Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of North Aurora as follows:

1. The corporate authorities find as a fact the recitals set forth above.

2. That a Special Service Area is hereby proposed for the Randall Square development as a backup source of funding to pay the expense of mowing, maintenance, repair, replacement, (dredging if necessary), operation, and administration of the Common Facilities of the Randall Square B-2 General Commercial Planned Unit Development as more fully described above, and including the accrual of interest at the rate of eight percent (8%) per annum from the date of any expenditure until the date of collection by the Village of the special service area taxes to reimburse the expenditure and a ten percent (10%) administrative fee.

3. That the time and place for a hearing on the proposed Special Service Area for Randall Square shall be fixed within sixty (60) days after the adoption of this Ordinance and shall be subject to publication and mailing of required notices and any and all requirements imposed by law.

4. That the Special Service Area tax shall be imposed at a rate or amounts sufficient to produce revenues required to provide the special services, but in no event more than fifty cents (\$0.50) per one hundred dollars (\$100.00) of assessed valuation, as equalized, of the taxable property, excluding all taxable personal property, per year located in the proposed Special Service Area for Randall Square.

5. This Ordinance shall be in full force and effect from and after its passage and approval by the President and passage of time as provided by law.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 18TH day of OCTOBER, 2010, A.D.

18TH Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this day of OCTOBER, 2010, A.D.

Chris Faber
Mark Gaffino
Mark Guethle

yes
yes
yes

Michael Herlihy III
Vince Mancini
Robert Strusz

yes
yes
yes

Approved and signed by me as President of the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 18TH day of OCTOBER 2010, A.D.

Dale Berna
Village President

ATTEST:

Lonny Murray
Village Clerk

EXHIBIT A

to the

ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE AREA NO. 39 IN THE VILLAGE OF NORTH AURORA (RANDALL SQUARE)

LEGAL DESCRIPTION

That part of the Northwest Quarter of Section 5, Township 38 North, Range 8, East of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of said Northwest Quarter; thence North 89 degrees 12 minutes 00 seconds East along the South line of said Northwest Quarter 1,889.83 feet to the Southwest Corner of a tract of land conveyed to the Northern Illinois Gas Company by Document 913996; thence North 00 degrees 48 minutes 00 seconds West along the West line of said tract, 420 feet for the point of beginning; thence South 00 degrees 48 minutes 00 seconds East 354 feet; thence South 89 degrees 12 minutes 00 seconds West parallel with the South line of said Northwest Quarter 762.76 feet; thence North 00 degrees 58 minutes 20 seconds West 1,642.61 feet to the center line of Oak Street; thence North 88 degrees 29 minutes 30 seconds East along said center line 1,446.08 feet; thence South 02 degrees 23 minutes 00 seconds West of 323.07 feet to the Westerly right of way line of Randall Road; thence Southerly along said Westerly right of way line, being along a curve to the left having a radius of 5,829.66 feet, a distance of 750.37 feet; thence South 00 degrees 33 minutes 00 seconds West along said Westerly line 237.02 feet to a line drawn North 89 degrees 12 minutes 00 seconds East parallel with the South line of said Northwest Quarter from the point of beginning; thence South 89 degrees 12 minutes 00 seconds West along said line 588.90 feet to the point of beginning, in the Village of North Aurora, Kane County, Illinois.

EXCEPTING THEREFROM THE FOLLOWING:

That part of the Northwest Quarter of Section 5, Township 38 North, Range 8, East of the Third Principal Meridian, described as follows: Commencing at the Southwest corner of the Northwest Quarter of said Section 5; thence North 88 degrees 35 minutes 36 seconds East, along the South line of said Northwest Quarter a distance of 1,885.72 feet to the Southwest corner of the Northern Illinois Gas Company property as per Document No. 913996; thence North 01 degrees 24 minutes 24 seconds West, along the West line of said property, a distance of 66.00 feet to the point of beginning; thence South 88 degrees 35 minutes 36 seconds West, along the North line of the Northern Illinois Gas Company property as per Document No. 1042093, a distance of 762.49 feet to a point of intersection with the East line of said property; thence North 01 degrees 35 minutes 19 seconds West, along said East line, a distance of 1,607.57 feet to the Southerly right-of-way line of Oak Street, dedicated as per Document No. 692235; thence North 87 degrees 49 minutes 29 seconds East, along said Southerly right-of-way line, a distance of 754.48 feet; thence South 01 degrees 35 minutes 19 seconds East, a distance of 1,263.69 feet; thence North 88 degrees 35 minutes 36 seconds East, a distance of 9.18 feet to the West line of said Northern Illinois Gas Company property; thence South 01 degrees 24 minutes 24 seconds East, along said West line, a distance of 354.00 feet to the point of beginning, in Kane County, Illinois.

ALSO EXCEPTING THEREFROM:

That part of the subject property lying Northerly of the Southerly line of the premises conveyed to the People of the State of Illinois for the purpose of a public highway by instrument recorded February 18, 1952 as Document 692235, Kane County, Illinois.

ALSO EXEMPTING THEREFROM:

That part of the subject property lying on the premises convey to the County of Kane by instrument recorded December 22, 1966 as document 1082041.

**NOTICE OF PUBLIC HEARING REGARDING THE
ESTABLISHMENT OF SPECIAL SERVICE AREA NO. 39
IN THE VILLAGE OF NORTH AURORA (RANDALL SQUARE)**

Please be notified that the Village of North Aurora is proposing the amendment to and enlargement of the Special Service Area for the Randall Square Planned Unit Development which property is legally described as follows:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH 89 DEGREES 12 MINUTES 00 SECONDS EAST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER 1,889.83 FEET TO THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO THE NORTHERN ILLINOIS GAS COMPANY BY DOCUMENT 913996; THENCE NORTH 00 DEGREES 48 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT, 420 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 48 MINUTES 00 SECONDS EAST 354 FEET; THENCE SOUTH 89 DEGREES 12 MINUTES 00 SECONDS WEST PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER 762.76 FEET; THENCE NORTH 00 DEGREES 58 MINUTES 20 SECONDS WEST 1,642.61 FEET TO THE CENTER LINE OF OAK STREET; THENCE NORTH 88 DEGREES 29 MINUTES 30 SECONDS EAST ALONG SAID CENTER LINE 1,446.08 FEET; THENCE SOUTH 02 DEGREES 23 MINUTES 00 SECONDS WEST OF 323.07 FEET TO THE WESTERLY RIGHT OF WAY LINE OF RANDALL ROAD; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT OF WAY LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5,829.66 FEET, A DISTANCE OF 750.37 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 00 SECONDS WEST ALONG SAID WESTERLY LINE 237.02 FEET TO A LINE DRAWN NORTH 89 DEGREES 12 MINUTES 00 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER FROM THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 12 MINUTES 00 SECONDS WEST ALONG SAID LINE 588.90 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF NORTH AURORA, KANE COUNTY, ILLINOIS.

EXCEPTING THEREFROM THE FOLLOWING:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 5; THENCE NORTH 88 DEGREES 35 MINUTES 36 SECONDS EAST, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 1,885.72 FEET TO THE SOUTHWEST CORNER OF THE NORTHERN ILLINOIS GAS COMPANY PROPERTY AS PER DOCUMENT NO. 913996; THENCE NORTH 01 DEGREES 24 MINUTES 24 SECONDS WEST, ALONG THE WEST LINE OF SAID PROPERTY, A DISTANCE OF 66.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 35 MINUTES 36 SECONDS WEST, ALONG THE NORTH LINE OF THE

NORTHERN ILLINOIS GAS COMPANY PROPERTY AS PER DOCUMENT NO. 1042093, A DISTANCE OF 762.49 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF SAID PROPERTY; THENCE NORTH 01 DEGREES 35 MINUTES 19 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 1,607.57 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF OAK STREET, DEDICATED AS PER DOCUMENT NO. 692235; THENCE NORTH 87 DEGREES 49 MINUTES 29 SECONDS EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 754.48 FEET; THENCE SOUTH 01 DEGREES 35 MINUTES 19 SECONDS EAST, A DISTANCE OF 1,263.69 FEET; THENCE NORTH 88 DEGREES 35 MINUTES 36 SECONDS EAST, A DISTANCE OF 9.18 FEET TO THE WEST LINE OF SAID NORTHERN ILLINOIS GAS COMPANY PROPERTY; THENCE SOUTH 01 DEGREES 24 MINUTES 24 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 354.00 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

ALSO EXCEPTING THEREFROM:

THAT PART OF THE SUBJECT PROPERTY LYING NORTHERLY OF THE SOUTHERLY LINE OF THE PREMISES CONVEYED TO THE PEOPLE OF THE STATE OF ILLINOIS FOR THE PURPOSE OF A PUBLIC HIGHWAY BY INSTRUMENT RECORDED FEBRUARY 18, 1952 AS DOCUMENT 692235, KANE COUNTY, ILLINOIS.

ALSO EXEMPTING THEREFROM:

THAT PART OF THE SUBJECT PROPERTY LYING ON THE PREMISES CONVEY TO THE COUNTY OF KANE BY INSTRUMENT RECORDED DECEMBER 22, 1966 AS DOCUMENT 1082041.

15-05-180-003	15-05-180-004	15-05-180-005	15-05-180-006
15-05-180-007	15-05-180-008	15-05-180-009	15-05-180-010
15-05-180-011	15-05-180-012	15-05-180-013	

Property at the southwest corner of Oak Street and Randall Road in North Aurora.

The purpose of the Special Service Area is to provide a back-up source of funding for the maintenance and repairs of the stormwater control areas, entry monument signage and landscape area, and common area landscaping areas shown on the Final Plat for the Randall Square development, and the cost of amending the Special Service Area and typical administrative costs. The special service area is required as a condition of the Special Use/PUD Ordinance No. 06-04-24-02. The hearing will be held at the North Aurora Village Hall, 25 E. State Street, North Aurora, Illinois, at 7:00 p.m. on Monday October 18, 2010. The special annual taxes shall be limited so that the total of said taxes does not exceed an annual amount of fifty cents (\$0.50) per one hundred dollars (\$100.00) of equalized assessed valuation, to be levied against the property included in the proposed Special Service Area No. 39. The maximum period of tax levy will be indefinite.

All interested persons, including all persons owning taxable real property located within the proposed Special Service Area described above, will be given an opportunity to be heard at the public hearing and may file objections to the amendment of the Special Service Area and the amount of the levy.

DATED: September 23, 2010

By: /s/ Lori Murray
Village Clerk

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