ORDINANCE NO. 2021-29

AN ORDINANCE ESTABLISHING THE VILLAGE OF POPLAR GROVE SPECIAL SERVICE AREA NUMBER 1

BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF POPLAR GROVE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. Authority. The Village of Poplar Grove (the "Village") is authorized, pursuant to Article VII, Section 7(6) of the Constitution of the State of Illinois, and pursuant to the provisions of the Illinois Special Service Area Tax Law, 35 ILCS 200/27-5 et seq. (the "Act"), to establish special service areas for the provision of special governmental services in portions of the Village and to levy or impose a special tax for the provision of such special services.

Section 2. Findings. (a) The question of establishment of the area hereinafter described as a special service area (the "Special Service Area") was considered by the Village Board of the Village pursuant to "An Ordinance Proposing the Establishment of Special Service Area Number 1 in the Village of Poplar Grove and Providing for Other Procedures in Connection Therewith," being Ordinance No. 2020-16, adopted on May 20, 2020. The establishment of the Area was considered at a public hearing held on July 22, 2020 (the "Public Hearing"). The Public Hearing was held pursuant to notice duly published in the Boone County Journal, a newspaper of general circulation within the Village, on June 26, 2020, which publication was at least fifteen (15) days prior to the Public Hearing, and also pursuant to notice by 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. Said notice by mail was given by depositing said notice in the United States mail not less than ten (10) days prior to the date set for the Public Hearing. In the event taxes for the last preceding year were not paid, said notice was sent to the person last listed on the tax rolls prior to that year as the owner of said property. A certificate of publication of notice and evidence of mailing of notice are attached to this Ordinance as Exhibit A and Exhibit B, respectively. Said notices conform in all respects to the requirements of the Act.

(b) At the Public Hearing, all interested persons were given an opportunity to be heard on the question of the cost of construction, reconstruction and installation of sanitary sewer mains and laterals, related engineering, surveying, soil testing and appurtenant work, mass grading, site clearing, other related improvements and other eligible costs (collectively, the "Improvements"), on the question of the conditions for participating in the Special Service Area as more particularly set forth herein, and on the question of financing the eligible costs due from time to time by a levy of a special tax on real property within the Area.

(c) After considering the data as presented to the Corporate Authorities of the Village and at the Public Hearing, the President and Board of Trustees of the Village find that it is in the best interests of the Village and of the residents and property owners of the Village of Poplar Grove Special Service Area Number 1, as hereinafter described, be established.

(d) More than 60 days have elapsed since the final adjournment of the Public Hearing. No owners of record of the taxable property lying within the Special Service Area or electors residing within the Special Service Area have filed a petition with the Village Clerk

objecting to the creation of the Special Service Area, the levy of the Special Tax as described herein or the financing of the Improvements.

(e) The Special Service Area is compact and contiguous as required by the Act.

(f) An annual special tax based upon a special tax roll levied against each residential lot and each parcel in the Special Service Area as herein described does not exceed the tax rate or method proposed in the notice of public hearing referred to herein and such special tax, taking into account the direct and indirect special service benefits to current and future owners of property within the Special Service Area, bears a rational relationship between the amount of tax levied against each lot, block, tract and parcel of land in the Special Service Area and the special service benefit conferred.

(g) It is in the best interests of the Village that the Special Service Area be created for the financing of the Improvements within the Special Service Area, that the up-front financing of the Improvements' costs be advanced by the Village, and that taxes be levied on real property within the Special Service Area to repay the Village for such up-front financing and to cover costs and expenses connected with the financing of the Improvements within the Special Service Area.

(h) It is in the best interests of the Village of Poplar Grove Special Service Area Number 1 that the furnishing of the Improvements proposed be considered for the common interests of the Special Service Area and that the Special Service Area will benefit specially from the Improvements.

Section 3. Village of Poplar Grove Special Service Area Number 1 Established. A special service area to be known and designated as "Village of Poplar Grove Special Service Area Number 1" is hereby established and shall consist of the contiguous territory legally described in Exhibit C hereto, and outlined on the map of a portion of the Village attached as Exhibit D hereto, which description and map are by this reference incorporated herein and made a part hereof. The public streets and highways shown within Exhibit D are also included in the Special Service Area.

Section 4. Purpose of Area. Village of Poplar Grove Special Service Area Number 1 is established to provide special services to the Special Service Area in addition to services provided in the Village generally. Village of Poplar Grove Special Service Area Number 1 is also created so that the up-front financing of the Improvements by the Village may be payable from taxes levied on real property in the Special Service Area in accordance with the special tax roll established by this Ordinance for a period of three (3) years. Such taxes shall be levied in addition to all other Village taxes so levied, provided repayment shall not be in excess of the amount of $5,413.54 which includes administrative expenses relating to the proposed special service area.

Section 5. Special Tax Roll for Re-Payment. In lieu of an ad valorem tax to be levied and extended for the re-payment of principal of and interest advanced on behalf of the Special Service Area, a special tax roll is hereby established. Such special tax roll shall be used only for levying and extending taxes for the re-payment of the costs of the Improvements paid for in advance by the Village for the purposes set forth in Section Four hereof and the administration and maintenance expenses of the Special Service Area. The special tax roll shall be substantially in

the form attached as Exhibit E hereto, which special tax roll is by this reference incorporated herein and made a part hereof.

Section 6. Supersede Conflicting Ordinance. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED by the Corporate Authorities this _____, 2021.

Voting Aye (list names): _____
Voting Nay (list names): _____
Abstaining (list names): _____
Absent (list names): _____

SIGNED by the Village President this _____, 2021.

_____
Village President

ATTEST:

_____
Village Clerk

Published in pamphlet form _____, 2021.

EXHIBIT A

Proof of Publication and Notice

EXHIBIT

A

NOTICE IS HEREBY GIVEN that on July 22, 2020 at 7:00 p.m. at the Village of Poplar Grove Village Hall, 200 N. Hill Street, Poplar Grove IL 61065, a hearing will be held by the Village of Poplar Grove (the "Village") to consider forming a special service area, to be called "Village of Poplar Grove Special Service Area Number 1" consisting of the territory legally described in Exhibit 1 to this Notice.

The approximate location and boundaries of the proposed special service area is the parcel commonly known as: 206 S. State Street with PIN: 04-19-154-004 located in the Village of Poplar Grove, and is more fully described in Exhibit 1 of this Notice.

The general purpose of the formation of the Village of Poplar Grove Special Service Area Number 1 is to provide special municipal services to the area which include, but are not be limited to, sewer mains and/or laterals and related engineering, surveying, soil testing and appurtenant work, mass grading, site clearing and other eligible costs. The special services include new construction and maintenance and repair activities.

There will also be considered at the hearing the following method of financing improvements within the proposed special service area: the Village has provided the up-front financing for the costs associated with providing special municipal services to the proposed special service area and administrative expenses relating to the proposed special service area. The special municipal services to be provided to the proposed special service area will include sewer mains and/or laterals and related engineering, surveying, soil testing and appurtenant work, mass grading, site clearing and other eligible costs. The up-front payment of the costs associated with providing the special municipal services to the proposed special service area and administrative expenses relating to the proposed special service area have be advanced by the Village from legally available funds of the Village. Such costs are anticipated to be approximately $5,413.54. The Village will be repaid for such costs by and through the levy of an annual special tax levied against certain parcels of property within the special service area for a period of three (3) years. This tax is to be levied upon certain specific and identified taxable properties within the proposed special service area. The proposed amount of the tax levy for special services for the initial year for which taxes will be levied is anticipated to be $1,804.51.

At the hearing, all interested persons affected by the formation of such special service area, including all persons owning taxable real estate therein, may file written objections to and be heard orally regarding the formation of and the boundaries of the special service area and the levy of taxes affecting the area. The hearing may be adjourned by the Village Board 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 51% of the electors residing within the Village of Poplar Grove Special Service Area Number 1 and by at least 51% of the owners of record of the land included within the boundaries of the Village of Poplar Grove Special Service Area Number 1 is filed with the Village Clerk of the Village of Poplar Grove within 60 days following the final adjournment of the public hearing objecting to the creation of the special service area or the levy of taxes affecting the area, no such area may be created or taxes levied or imposed.

Members of the public are invited to attend this public hearing at which time an opportunity will be given to address the members of the Village Board of the Village of Poplar Grove.

Dated: June 23, 2020

/s/ Karri Anderberg, Village Clerk

Exhibit 1 to Notice

Boundaries of Special Service Area

Legal Description of Property

Beginning at the Southwest corner of the Northwest Quarter (1/4) of Section 19, Township 45 North, Range 4 East of the Third Principal Meridian; thence East along the South line of said Quarter (1/4) Section, 10 rods to an iron stake; thence North and parallel with the West line of said Quarter (1/4) Section, 7 rods to an iron stake; thence West and parallel with the said South Quarter (1/4) Section line 10 rods to a point in the West line of the Northwest Quarter (1/4) of said Section 19; thence South along said West Quarter (1/4) line, 7 rods to the place of beginning; situated in the County of Boone and State of Illinois.

Commonly known as 206 S. State Street, Poplar Grove, IL

PIN: 04-19-154-004

Published in the Boone County Journal on June 26, 2020.

JUL 08 2020

BY: .....

COUNTY OF BOONE)
STATE OF ILLINOIS) SS

CERTIFICATE OF PUBLICATION

David C. Larson being first duly sworn on his oath deposes and says that the BOONE COUNTY JOURNAL is a secular newspaper of general circulation published in the city of Belvidere, in the County of Boone and State of Illinois and printed elsewhere and that said newspaper has been so published and printed and of general circulation in said city and county for more than one year continuously last past.

Affiant further says that said newspaper is published by The Boone County Journal.

Affiant further says that he is empowered by said company, as proprietor, to make and execute Certificates of Publication as to and concerning notices and publications appearing or published in said newspaper required by law to be published or certified.

Affiant newspaper further says and certifies that the public notice of which the printed copy is attached to this certificate is true and correct copy, was duly published in one issue of said Boone County Journal beginning on the June 26, 2020 in conformity to the statute in such case made.

Publication fee to be invoiced

David C. Larson

David Larson, Publisher
The Boone County Journal

Dated June 26, 2020

EXHIBIT B

Proof of Mailing and Notice

PROOF OF SERVICE

The undersigned, being first duly sworn on oath deposes and states that a copy of the NOTICE OF HEARING – VILLAGE OF POPLAR GROVE SPECIAL SERVICE AREA NUMBER 1 was served upon:

Vincent Anderson
206 S. State Street
Poplar Grove, IL 61065

Abagail E. Hofbauer
206 S. State Street
Poplar Grove, IL 61065

by placing a true and correct copy of said documents in an envelope, addressed as is shown above; that I sealed said envelope and places sufficient U.S. postage on said envelope; that I deposited said envelope so sealed and stamped in the United States mail in Poplar Grove, Illinois on the 23rd day of June, 2020.

Karri Anderberg, Village Clerk

Subscribed and sworn to before me
this 23rd day of June, 2020.

Notary Public

"OFFICIAL SEAL"
KATELYN JASTER
Notary Public, State of Illinois
My Commission Expires 3/5/2022

EXHIBIT C

Legal Description of Special Service Area

Beginning at the Southwest corner of the Northwest Quarter (1/4) of Section 19, Township 45 North, Range 4 East of the Third Principal Meridian; thence East along the South line of said Quarter (1/4) Section, 10 rods to an iron stake; thence North and parallel with the West line of said Quarter (1/4) Section, 7 rods to an iron stake; thence West and parallel with the said South Quarter (1/4) Section line 10 rods to a point in the West line of the Northwest Quarter (1/4) of said Section 19; thence South along said West Quarter (1/4) line, 7 rods to the place of beginning; situated in the County of Boone and State of Illinois.

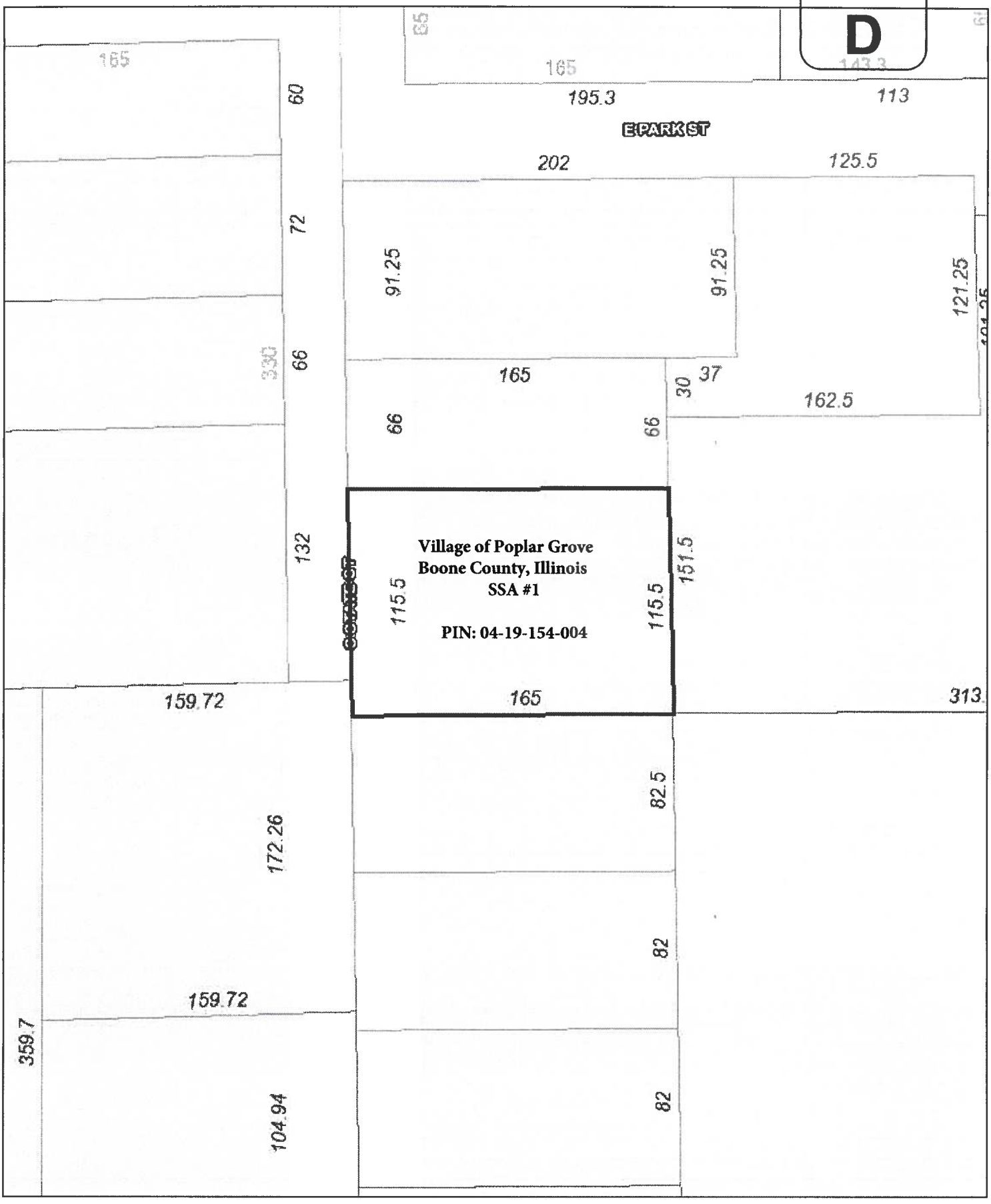
Commonly known as 206 S. State Street, Poplar Grove, IL
PIN: 04-19-154-004

EXHIBIT D

Map of Special Service Area

EXHIBIT

D



Map of Special Service Area

N
W E
S

0 65 130 Feet

SCALE: 1:788

WinGIS cannot and does not warrant the accuracy of: property and boundary lines, dimensions of parcels and lots, location of structures or improvements, and topographic or geologic features on the land. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy.

WIN GIS

Winnebago County Geographic Information System

EXHIBIT E

Special Tax Roll

EXHIBIT
E

VILLAGE OF POPLAR GROVE
SPECIAL SERVICE AREA NUMBER 1
TAX ROLL

PIN	PROPERTY OWNER	PROPERTY TAX PAYER	PROPERTY ADDRESS	TOTAL SSA TAX PER LOT	NUMBER OF INSTALLMENTS (YEARS)	ANNUAL SSA TAX PAYMENT AMOUNT
04-19-154-004	HOFBAUER, ABAGAIL E 206 S STATE ST POPLAR GROVE, IL, 61065	HOFBAUER, ABAGAIL E 206 S STATE ST POPLAR GROVE, IL, 61065	206 S. State Street, Poplar Grove, IL 61065	$5,413.54	3.00	$1,804.51

NOTE: The special services to be provided consist of the reconstruction of sanitary sewer lines and laterals and other related improvements which service the properties within the special service area. The special service area tax was spread across the above referenced lots based on the rational relationship between the amount of the tax levied and the special service benefit rendered and pursuant to this special tax roll. The total cost of the improvements along with the proportional share of administrative fees associated with the SSA totaled $5,413.54. These total costs were then divided bewteen the lots based on the actual costs of the improvements to each lot plus each lots proportional share of administrative fees to arrive at the total SSA tax per lot. The total SSA tax per lot was that divided by 3 to arrive at the annual SSA tax payment amount.

TAX LEVY SCHEDULE: The SSA tax should be levied for 3 years with the first annual SSA tax levy being for tax year 2021 (which is to be collected in 2022) and the last year that the SSA tax is levied being 2023 (which is to be collected in 2024).