

ORDINANCE NUMBER 17-5

AN ORDINANCE APPROVING PETITIONS TO DISCONNECT CERTAIN TERRITORIES FROM THE COLLINSVILLE AREA RECREATION DISTRICT, SUBMITTED TO THE BOARD ON AUGUST 15, 2017.

WHEREAS the Collinsville Area Recreation District, Madison and St. Clair Counties Illinois, Illinois ("CARD"), is a duly organized and existing park district created under the provisions of the laws of the State of Illinois, and is now operating under the provisions of the Park District Code of the State of Illinois; and

WHEREAS the Park District Code, under Article Three, "Annexation and Disconnection," provides as follows:

Any territory, within any park district, which (1) is upon the border of the park district, and (2) if disconnected from the park district would not separate any part of the park district from any other part, may be disconnected from the park district, in the discretion of its corporate authorities as follows:

A written petition, signed by the majority of the owners of record of land and the owners of record of more than one-half of the area of land in the territory described in the petition, shall be filed with the secretary of the governing board of the park district, requesting that the specified territory be disconnected from the park district. The petition shall be filed at least 30 days before it is considered by the corporate authorities. The petition shall be accompanied with the certificate of the proper county clerk, or county clerks as the case may be, showing that all park district assessments due up to the time of presenting the petition are fully paid. The corporate authorities may, in their discretion, disconnect the territory from the park district by an ordinance passed by a majority of the members of the governing board.

(Park District Code, "Article Three. Annexation – Disconnection," 70 ILCS 1205/3-6.); and

WHEREAS, the Park District Code, under Article Three, "Annexation and Disconnection," further provides as follows:

The disconnection of any territory from a park district shall not exempt it from taxation for the purpose of paying any indebtedness contracted by the corporate authorities of the park district prior to the filing of the petition for disconnection. On the contrary, the territory shall be assessed and taxed to pay such indebtedness until this indebtedness is completely paid, the same as though the territory had not been disconnected. Except for this purpose, no county clerk shall include disconnected territory within the limits of the park district from which the territory has been disconnected.

(Park District Code, "Article Three. Annexation – Disconnection," 70 ILCS 1205/3-7.); and

WHEREAS on August 15, 2017, two petitions, entitled "Petition for Disconnection of Territory From the Collinsville Area Recreational District Pursuant to 70 ILCS 1205/3-6," were filed with the Board of Park Commissioners for Collinsville Area Recreation District (hereinafter "the Board"); and

WHEREAS the various Petitioners have requested that Board approve and pass an ordinance granting the petitions, and disconnecting the described territories from the CARD as provided by 70 ILCS 1205/3-6; and

WHEREAS the Board has determined that each Petition is signed by a majority of the owners of record of the land in the territory described in each Petition; and

WHEREAS the Board has determined that each Petition is signed by the owners of record of more than one-half the area of land in the territory described in each Petition; and

WHEREAS the Board has determined that the territories described in each of the Petitions are upon the border of the CARD; and

WHEREAS the Board has determined that the territories described in each of the Petitions, if disconnected from the CARD, would not separate any part of CARD from any other part; and

WHEREAS the Board has determined that each Petition was filed with the Board at least 30 days before it was considered by the Board; and

WHEREAS the Board has determined that each Petition is accompanied by a certificate from the proper county clerk, showing that all park district assessments due up to the time of presenting the petition were fully paid; and

WHEREAS a majority of the Board has considered and passed this Ordinance, exercising the Board's discretion to disconnect the territories described in each of the three Petitions;

NOW THEREFORE Be it Ordained by the President and Board of Park Commissioners of the Collinsville Area Recreation District, Madison and St. Clair Counties, Illinois, as follows:

Section 1. *Incorporation of Preambles. The Board hereby finds that all of the recitals contained in the preambles to this Ordinance are full, true and correct, and does incorporate them into this Ordinance by this reference.*

Section 2. *Authority. It is hereby found and determined that the Board has the discretionary authority, under the Illinois Park District Code, 70 ILCS 1205/3-6, to disconnect the territories in each of the six Petitions, from the CARD by an ordinance passed by a majority of the Board members.*

Section 3. *Disconnection of a Certain Parcel. Parcel ID # 13-2-21-02-03-301-012.001, at 2919 N. Center St., Maryville, IL, in Madison County, Illinois, is disconnected from the Collinsville Area Recreation District, effective upon the date of adoption of this Ordinance.*

Section 4. *Disconnection of a Certain Parcel. Parcel ID # 13-2-21-02-03-301-015, with the address of 2901 N. Center Street, Maryville, IL, in Madison County, Illinois, is disconnected from the Collinsville Area Recreation District, effective upon the date of adoption of this Ordinance.*

Section 5. *Prior Indebtedness Unaffected. The disconnected parcels, described in Sections 3 and 4, above, are not exempt from taxation for the purpose of paying any indebtedness contracted by the Collinsville Area Recreation District prior to the filing of the respective Petitions for Disconnection. Those parcels shall be assessed and taxed to pay such indebtedness until this indebtedness is completely paid, the same as though the territory had not been disconnected. Because they have been disconnected from the CARD, the parcels described in Sections 3 and 4, above (hereinafter the "Disconnected Parcels"), shall not be assessed and taxed to pay any indebtedness contracted by the CARD subsequent to the passage of this Ordinance.*

Section 6. *Instructions to County. Consistent with Section 9 above, the county clerk(s) and treasurer of the county(ies) in which the Disconnected Parcels are located, will be instructed by the CARD as follows:*


(a) *The Disconnected Parcels will be subject to taxation for all CARD levies issued from a CARD ordinance adopted prior to August 15, 2017, and taxes for those levies will appear on the Disconnected Parcels' tax bills. The Disconnected Parcels are not subject to, and future tax bills should not reflect, CARD levies issued from a CARD ordinance adopted on or after August 15, 2017.*

(b) *The Disconnected Parcels will be subject to taxation for all CARD Bond Orders filed with the county clerk prior to August 17, 2017, and the Disconnected Parcels' future tax bills will reflect those taxes. The Disconnected Parcels are not subject to, and future tax bills should not reflect, taxation for CARD Bond Orders (if any) filed with the county clerk on or after August 17, 2017.*

Section 11. Severability. *If any section, paragraph, clause or provision of this Ordinance shall be held invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any remaining provisions of this Ordinance.*


PASSED, and ADOPTED this 19th of September, 2017.

BOARD OF PARK COMMISSIONERS
COLLINSVILLE AREA RECREATION DISTRICT



Ron Jedda, Board President

ATTEST:

 9-19-17
Board Secretary Date