

ORDINANCE NUMBER 17-7

AN ORDINANCE APPROVING PETITIONS TO DISCONNECT CERTAIN TERRITORIES FROM THE COLLINSVILLE AREA RECREATION DISTRICT, SUBMITTED TO THE BOARD ON SEPTEMBER 7, 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 September 7, 2017, eighteen (18) petitioners submitted forms entitled "Petition for Disconnection of Territory From the Collinsville Area Recreational District Pursuant to 70 ILCS 1205/3-6," with the Board of Park Commissioners for Collinsville Area Recreation District (hereinafter "the Board"); and

WHEREAS the Petitioners have collectively requested that Board approve and pass an ordinance granting their request relating to the 26 Parcels on Oak Lane and Birch Lane (collectively, the "Whispering Hills Estates Petition"), and disconnecting the described territory from the CARD as provided by 70 ILCS 1205/3-6; and

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

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

WHEREAS the Board has determined that the territory described in the Whispering Hills Estates Petition is upon the border of the CARD; and

WHEREAS the Board has determined that the territory described in the Whispering Hills Estates Petition, if disconnected from the CARD, would not separate any part of CARD from any other part; and

WHEREAS the Board has determined the Whispering Hills Estates Petition was filed with the Board at least 30 days before it was considered by the Board; and

WHEREAS the Board has determined that the Whispering Hills Estates 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 territory described in the Whispering Hills Estates Petition;

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 Territory in the Whispering Hills Estates Petition, from the CARD by an ordinance passed by a majority of the Board members.

Section 3. *Disconnection of a Certain Parcel.* The Parcel described in the legal description, and list of individual parcel numbers described on the attached Exhibit A, in Madison County, Illinois, are disconnected from the Collinsville Area Recreation District, effective upon the date of adoption of this Ordinance.

Section 4. *Prior Indebtedness Unaffected.* The disconnected parcels, described in Section 3, 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 Section 3, 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 5. *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 6. *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.*

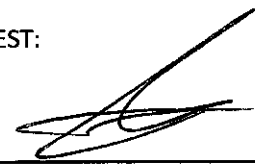
PASSED, and ADOPTED this 24th of October, 2017.

BOARD OF PARK COMMISSIONERS
COLLINSVILLE AREA RECREATION DISTRICT



Ron Jedda, Board President

ATTEST:



Board Secretary

Board Secretary

Board Counsel

10/24/17
Date

Exhibit A

Whispering Hills Estates Petition disconnected parcels and legal description.

Phillip M & Marcia A Wood	1105 Oak Ln	Maryville	IL	62062	13-2-21-10-02-201-045
John C & Pamela K Clements	1109 Oak Ln	Maryville	IL	62062	13-2-21-10-02-201-044
Kasey K & Wendy G Kapp	1113 Oak Ln	Maryville	IL	62062	13-2-21-10-02-201-043
Derrick K Cox	1117 Oak Ln	Maryville	IL	62062	13-2-21-10-02-201-042
Joseph J Mehalow	1121 Oak Ln	Maryville	IL	62062	13-2-21-10-02-201-041
Andrew F & Deanna Puzder	1125 Oak Ln	Maryville	IL	62062	13-2-21-10-02-201-040
Charles W & Margaret J Holten	1129 Oak Ln	Maryville	IL	62062	13-2-21-10-02-201-039
Edward Kostyshock & Ronald Lucas	1128 Oak Ln	Maryville	IL	62062	13-2-21-10-02-201-038
Jack W Howard Trust	1124 Oak Ln	Maryville	IL	62062	13-2-21-10-02-201-037
James H & Patricia A Spreter	1120 Oak Ln	Maryville	IL	62062	13-2-21-10-02-201-036
Muhamed Beluli	1116 Oak Ln	Maryville	IL	62062	13-2-21-10-02-201-035
Lance Spreter	1112 Oak Ln	Maryville	IL	62062	13-2-21-10-02-201-034
Marvin L & Mieke M Leach	1108 Oak Ln	Maryville	IL	62062	13-2-21-10-02-201-033
Gary L & Jan L Kee	1104 Oak Ln	Maryville	IL	62062	13-2-21-10-02-201-032
Norman W & Mary Jo Good	701 Birch Ln	Maryville	IL	62062	13-2-21-10-02-201-031
James L & Kathleen A Tutka	705 Birch Ln	Maryville	IL	62062	13-2-21-10-02-201-030
Ricky & Jan Fenton	709 Birch Ln	Maryville	IL	62062	13-2-21-10-02-201-029
Brian E & Jessica L Jones	713 Birch Ln	Maryville	IL	62062	13-2-21-10-02-201-028
Brian K & Rebecca L Childers	717 Birch Ln	Maryville	IL	62062	13-2-21-10-02-201-027
Edward Kostyshock & Ronald Lucas	721 Birch Ln	Maryville	IL	62062	13-2-21-10-02-201-026
Stephen & Betty Tomic	720 Birch Ln	Maryville	IL	62062	13-2-21-10-02-201-025
Edward & Rosalind R Kostyshock	716 Birch Ln	Maryville	IL	62062	13-2-21-10-02-201-024
Edward Kostyshock & Ronald Lucas	712 Birch Ln	Maryville	IL	62062	13-2-21-10-02-201-023
Michael & Carol Walther	708 Birch Ln	Maryville	IL	62062	13-2-21-10-02-201-022
Keith & Amy Abert	704 Birch Ln	Maryville	IL	62062	13-2-21-10-02-201-021
Stephen & Nancy Rydgig	700 Birch Ln	Maryville	IL	62062	13-2-21-10-02-201-020

Legal Description of Whispering Hills Estates 1st Addition

A tract of land in the Northeast Quarter of Section 10, Township 3 North, Range 8 West of the Third Principal Meridian, Madison County, Illinois, being more particularly described as follows:

Commencing at an old stone at the northeast corner of the Northeast Quarter of Section 10, Township 3 North, Range 8 West of the Third Principal Meridian, said point also being the Southeast corner of Borri's Subdivision, as recorded in Plat Book 36 on Page 5 of Madison County Records; thence South 87 degrees 10 minutes 30 seconds West, along the north line of the Northeast Quarter of said Section, and along the southerly line of said Borri's Subdivision, a distance of 294.90 feet to a concrete monument at the Point of Beginning of the tract herein described.

From said Point of Beginning; thence South 27 degrees 54 minutes 20 seconds East a distance of 147.31 feet to a concrete monument; thence South 12 degrees 08 minutes 20 seconds East a distance of 320.00 feet to a concrete monument; thence South 24 degrees 48 minutes 10 seconds East a distance of 85.00 feet to a concrete monument; thence South 65 degrees 39 minutes West a distance of 200.41 feet; thence around a curve to the left having a radius of 498.11 feet, through a central angle of 0 degrees 33 minutes 20 seconds, chord bearing South 29 degrees 55 minutes 38 seconds East, an arc distance of 4.82 feet; thence South 59 degrees 47 minutes 30 seconds West a distance of 68.22 feet to an iron pin; thence South 30 degrees 12 minutes 30 seconds East a distance of 25.00 feet to an iron pin; thence South 59 degrees 47 minutes 30 seconds West a distance of 76.14 feet to an iron pin; thence South 1 degree 36 minutes 50 seconds East, parallel with said East line of the Northeast Quarter of said Section 10, a distance of 295.55 feet to an iron pin; thence South 88 degrees 23 minutes 10 seconds West a distance of 633.60 feet to an iron pin on the west line of a tract described in deed recorded in Book 3633 on Page 661; thence North 1 degrees 30 minutes 10 seconds West, along said west line, a distance of 976.80 feet to an iron pin on the southerly line of Lot 38 of above-mentioned Borri's Subdivision; thence North 87 degrees 10 minutes 30 seconds East, along the southerly line of said Borri's Subdivision, a distance of 772.04 feet to the Point of Beginning, containing 17.50 acres.

The above legal description is based on record information and not the result of a field survey.