

ORDINANCE NUMBER 17-9

AN ORDINANCE APPROVING PETITIONS TO DISCONNECT CERTAIN TERRITORIES FROM THE COLLINSVILLE AREA RECREATION DISTRICT, SUBMITTED TO THE BOARD ON OCTOBER 5, 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 October 5, 2017, a Petition to Disconnect three parcels from CARD was filed with the Board of Park Commissioners for Collinsville Area Recreation District (hereinafter "the Board"); and

WHEREAS certain Petitioners have collectively requested that Board approve and pass an ordinance granting their request relating to 3 Parcels at 214 Edwards Street, in Glen Carbon, Illinois; and disconnecting the described territory from the CARD as provided by 70 ILCS 1205/3-6; and

WHEREAS certain Petitioners have collectively requested that Board approve and pass an ordinance granting their request relating to 2 Parcels at 218 Edwards Street, in Glen Carbon, Illinois; and disconnecting the described territory from the CARD as provided by 70 ILCS 1205/3-6; and

WHEREAS certain Petitioners have collectively requested that Board approve and pass an ordinance granting their request relating to 1 Parcels at 222 Edwards Street, in Glen Carbon, Illinois; and disconnecting the described territory from the CARD as provided by 70 ILCS 1205/3-6; and

WHEREAS the Board has determined that each of the aforementioned Petitions 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 each of the aforementioned Petitions 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 each of the aforementioned Petitions is upon the border of the CARD; and

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

WHEREAS the Board has determined that each of the aforementioned Petitions 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 aforementioned 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 aforementioned Petitions, 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, and shown in Exhibit B, in Madison County, Illinois, are disconnected from the Collinsville Area Recreation District, effective upon the date of adoption of this Ordinance.

Section 4. Disconnection of a Certain Parcel. The Parcel described in the legal description, and list of individual parcel numbers described on the attached Exhibit C, and shown in Exhibit D, in Madison County, Illinois, are disconnected from the Collinsville Area Recreation District, effective upon the date of adoption of this Ordinance.

Section 5. Disconnection of a Certain Parcel. The Parcel described in the legal description, and list of individual parcel numbers described on the attached Exhibit E, and shown in Exhibit F, in Madison

County, Illinois, are disconnected from the Collinsville Area Recreation District, effective upon the date of adoption of this Ordinance.

Section 6. *Prior Indebtedness Unaffected.* The disconnected parcels, described in Sections 3-5, 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 3-5, 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 7. *Instructions to County.* Consistent with Section 6 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 November 11, 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 November 11, 2017.*
- (b) *The Disconnected Parcels will be subject to taxation for all CARD Bond Orders filed with the county clerk prior to November 11, 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 November 20, 2017.*

Section 8. 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 20th of ~~NOVEMBER~~ 2017.

BOARD OF PARK COMMISSIONERS
COLLINSVILLE AREA RECREATION DISTRICT



Ron Jedda, Board President

ATTEST:

Dmytro Kost 11-20-17
Board Secretary Date

Exhibit A

Petition disconnected parcels and legal description.

Parcels identified in the Petition:

- a) 13-2-21-04-07-202-026
- b) 13-2-21-04-07-202-021
- c) 13-2-21-04-07-202-024

Legal description for the parcels (a) and (b):

Lot 3 in Edwards Street Subdivision, being a Subdivision of part of U.S. Survey 510 Claim 338 situated in the Northeast Quarter of Section 4 Township 3 North, Range 8 West and the Southeast Quarter of Section 33, Township 4 North, Range 8 West of the Third Principal Meridian, Village of Glen Carbon, Madison County, reference being had to the plat thereof recorded November 18, 2015 as Document No. 2015R40201 in Plat Cabinet 65 Page 52 in the Recorder's Office of Madison County, Illinois.

EXCEPT coal, gas, and other mineral rights conveyed, excepted or reserved in prior conveyances.

Situated in the County of Madison and State of Illinois.

Permanent Parcel Number: 13-2-21-04-07-202-021 (N pt. Lot 3) and 13-2-21-04-07-202-026 (S pt. Lot 3)

Legal description for parcel (c):

OUTLOT A WITHIN LOT 3 OF THE FINAL PLAT OF EDWARDS STREET SUBDIVISION, PART OF THE U.S. SURVEY 510 CLAIM 338 SITUATED IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 3 NORTH, RANGE 8 WEST AND THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 4 NORTH, RANGE 8 WEST BOTH OF THE THIRD PRINCIPAL MERIDIAN, VILLAGE OF GLEN CARBON, COUNTY OF MADISON, STATE OF ILLINOIS. 66152

Permanent Parcel No. 13-2-21-04-07-202-024

Exhibit B

GIS Map of 3 Parcels in Ex. A, vis-à-vis CARD Boundary.

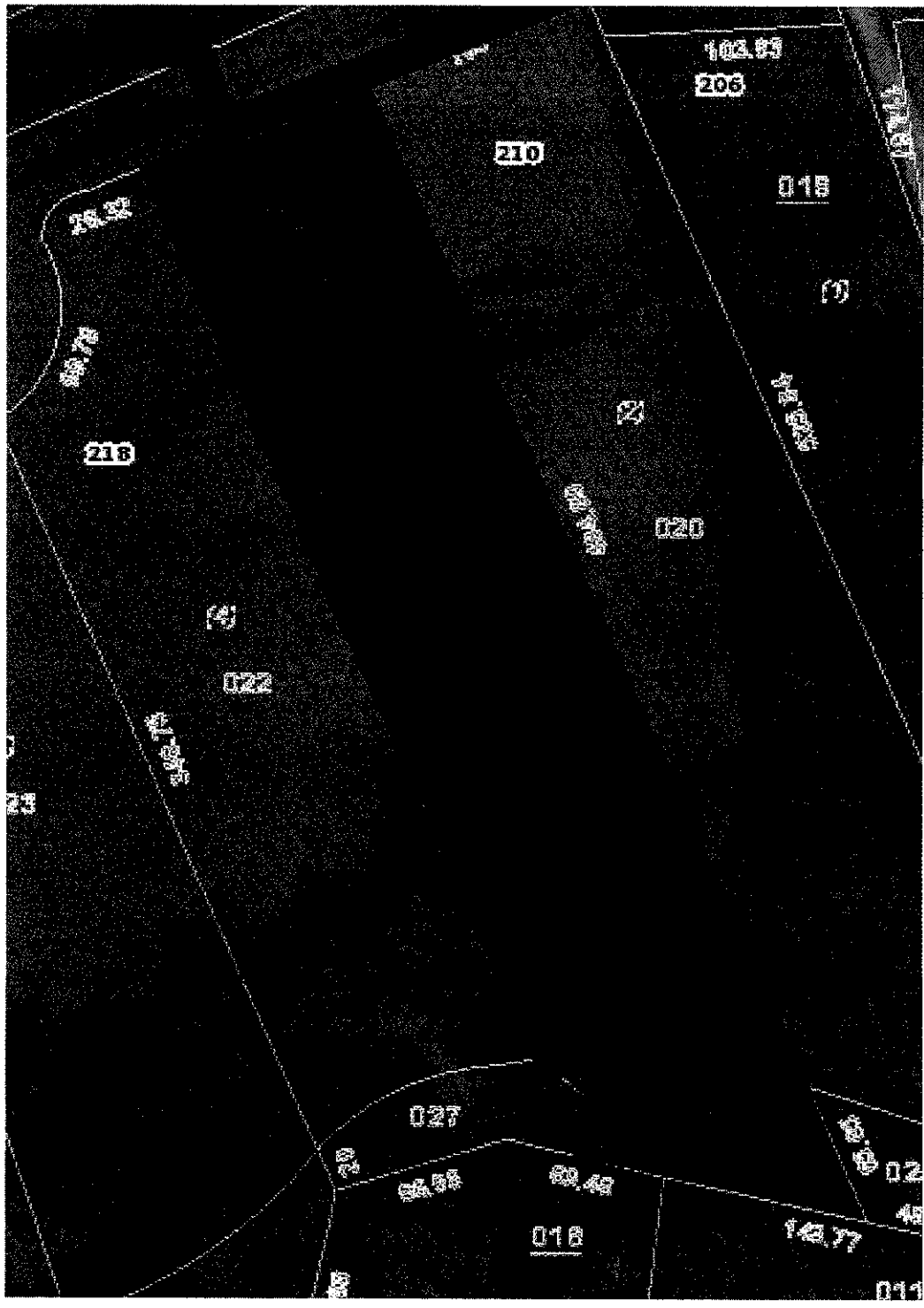


Exhibit C

Petition disconnected parcels and legal description.

Parcels identified in the Petition:

- a) 13-2-21-04-07-202-022
- b) 13-2-21-04-07-202-027

Legal Description for Parcels (a) and (b)

Legal Description

Lot 4 in Edwards Street Subdivision, being a Subdivision of part of U.S. Survey 510 Claim 338 situated in the Northeast Quarter of Section 4 Township 3 North, Range 8 West and the Southeast Quarter of Section 33, Township 4 North, Range 8 West of the Third Principal Meridian, Village of Glen Carbon, Madison County, reference being had to the plat thereof recorded November 18, 2015 as Document No. 2015R40201 in Plat Cabinet 66 Page 52 in the Recorder's Office of Madison County, Illinois.

Except coal, gas, and other mineral rights conveyed, excepted or reserved in prior conveyances.

Situated in the County of Madison, State of Illinois.

Permanent Parcel No.: 13-2-21-04-07-202-022 and 13-2-21-04-07-202-027

Exhibit D

GIS Map of 2 Parcels in Ex. C, vis-à-vis CARD Boundary.

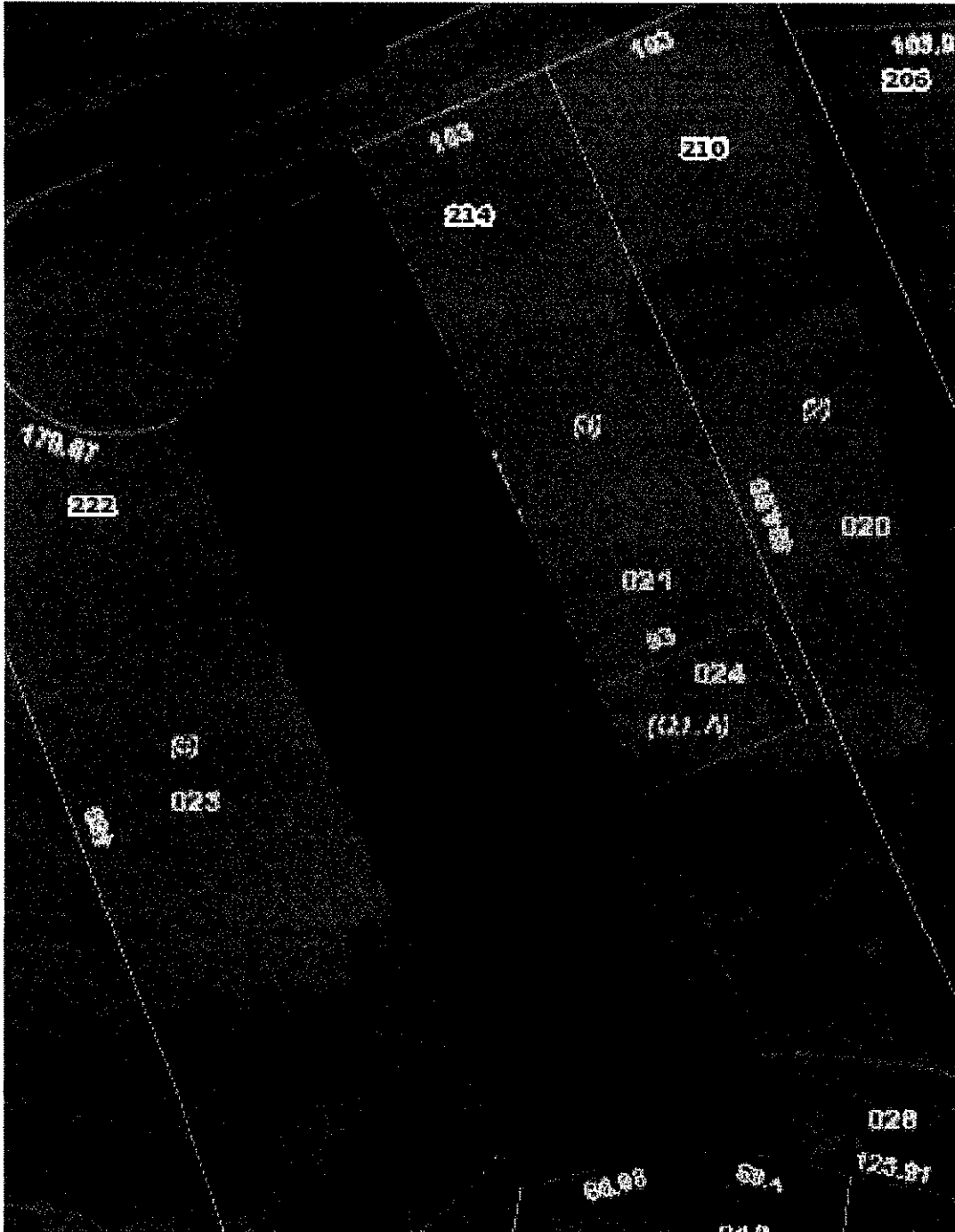


Exhibit E

Petition disconnected parcels and legal description.

Parcels identified in the Petition:

- a) 13-2-21-04-07-202-023
- b) 13-2-21-04-07-202-028

Legal Description for Parcels (a) and (b)

Legal Description of 222 Edwards St, Glen Carbon, IL 62034

Lot 5 in Edwards Street Subdivision, being a Subdivision of part of U. S. Survey 510 Claim 338 situated in the Northeast Quarter of Section 4 Township 3 North, Range 8 West and the Southeast Quarter of Section 33, Township 4 North, Range 8 West of the Third Principal Meridian, Village of Glen Carbon, Madison County, reference being had to the plat thereof recorded November 18, 2015 as Document No. 2015R0201 in Plat Cabinet 66 Page 52 in the Recorder's Office of Madison County, Illinois.

EXCEPT coal, gas, and other mineral rights conveyed, excepted or reserved in prior conveyances.

Situated in the County of Madison, State of Illinois.

Permanent Parcel No.: 13-2-21-04-07-202-023 and 13-2-21-04-07-202-028

Exhibit F

GIS Map of 2 Parcels in Ex. E, vis-à-vis CARD Boundary.

