

STATE OF ILLINOIS        )  
                                      ) SS  
COUNTY OF KANE         )

**SECRETARY'S CERTIFICATE**

I, Thomas G. Mallon the duly qualified and acting Secretary of the Board of Trustees of Fox River and Countryside Fire Protection District, Kane County, Illinois, do hereby certify that attached hereto is a true and correct copy of an Ordinance entitled:

ORDINANCE NO. 2016-09 *jm*

**AN ORDINANCE DISCONNECTING CERTAIN TERRITORY  
PURSUANT TO 70 ILCS 705/16d  
(NW Stearns and Dunham corner)**

which Ordinance was duly adopted by said Board of Trustees at a meeting held on the 26<sup>th</sup> day of September, 2016.

I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board of Trustees complied with all the requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 26<sup>th</sup> day of September, 2016.

  
\_\_\_\_\_  
Secretary, Board of Trustees  
Fox River and Countryside Fire Protection District

ORDINANCE NO. 2016-09

**AN ORDINANCE DISCONNECTING CERTAIN TERRITORY  
PURSUANT TO 70 ILCS 705/16d  
(NW Stearns and Dunham corner)**

**WHEREAS**, the Fox River and Countryside Fire Protection District, Kane County, Illinois (the "District") is a fire protection district duly organized under the laws of the State of Illinois; and

**WHEREAS**, the Board of Trustees (the "Board") of the District has full power to pass all necessary ordinances and rules for the proper management and conduct of District business pursuant to 70 ILCS 705/6; and

**WHEREAS**, the Board finds that the property identified in Exhibit A and commonly known and referred to as the NW Stearns and Dunham corner is currently within the Fox River and Countryside Fire Protection District; and

**WHEREAS**, the property referred to as the NW Stearns and Dunham corner located in the Fox River and Countryside Fire Protection District is smaller than 60 acres; and

**WHEREAS**, the Illinois General Assembly has passed legislation permitting a board of trustees of a fire protection district to annex adjoining territory of no more than 60 acres by ordinance upon agreement of the adjoining fire protection district after advance notice to the affected property owners [70 ILCS 705/16d]; and

**WHEREAS**, the Board has identified certain territory that meets the qualifications set forth by 70 ILCS 705/16d to be disconnected from the District; and

**WHEREAS**, the Board has provided advance notice of the intended disconnection, a copy of which is attached hereto as EXHIBIT B.

**WHEREAS**, the Board finds good and ample cause exists to disconnect by ordinance the property commonly referred to as the NW Stearns and Dunham corner, South Elgin, Illinois and legally described in the attached EXHIBIT A.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Fox River and Countryside Fire Protection District, Kane County, Illinois as follows:

**Section One:** The Board of Trustees of the District hereby finds that the property commonly referred to as the NW Stearns and Dunham corner, South Elgin, Illinois and legally described in **EXHIBIT A** attached hereto (the "Subject Property") meets the qualifications of 70 ILCS 705/16d, in that the territory:

- A. Consists of unincorporated territory containing 60 acres or less; and
- B. Is adjacent to the South Elgin and Countryside Fire Protection District but contained wholly within the Fox River and Countryside Fire Protection District; and
- C. Would be better served by the South Elgin and Countryside Fire Protection District, because the territory is completely surrounded by the District, leading to faster response time and continuity of service.

**Section Two:** The Board, after giving the property owners proper notice and an opportunity to be heard, hereby disconnects the Subject Property legally described in **EXHIBIT A** hereto from the District.

**Section Three:** The Fire Chief and District attorney are authorized and directed to file a certified copy of this ordinance with the Kane County Clerk and the State Fire Marshal.

**Section Four:** The provisions of this Ordinance shall be in full force and effect upon the adoption and signing of the Ordinance.

**Section Five:** This Ordinance shall supersede any ordinances, resolutions, motions, or parts of ordinances, resolutions, or motions in conflict with any part herein, and any such ordinance, resolution or motion or parts thereof, are hereby repealed to the extent of any conflict.

**Section Six:** If any section, paragraph or provision of this Ordinance shall be held invalid or unenforceable for any reason, such invalidity or inability to enforce any portion shall not affect any of the remaining provisions of this Ordinance.

**ADOPTED** this 26<sup>th</sup> day of September, 2016, by a roll call vote as follows:

AYES: 3

NAYS: 0

ABSENT: 2

  
\_\_\_\_\_  
President, Board of Trustees  
Fox River and Countryside Fire Protection District

**ATTEST:**

  
\_\_\_\_\_  
Secretary, Board of Trustees  
Fox River and Countryside Fire Protection District

## EXHIBIT A

**PIN: 09-01-400-037**

That part of the East Half of Section 1, Township 40 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the northeast corner of the Southeast Quarter of said Section 1; thence South along the Section Line 7.67 chains; thence North 84 degrees 00 minutes West 1606.0 feet to the center line of the Elgin and St. Charles Road (also known as Dunham Road); thence North 34 degrees 19 minutes West along the tangent center line of said road and said center line extended 231.0 feet to the extended center line of Clintonville Road (now abandoned) for the point of beginning; thence North 86 degrees 35 minutes West along said center line 679.4 feet to the easterly right of way line of the Chicago, Aurora and Elgin Railway; thence northwesterly along said easterly right of way line 37.2 feet to the center line of the concrete pavement in State Route No. 25; thence northeasterly along said center line 1155.8 feet to its intersection with the center line of said Elgin and St. Charles (Dunham) Road; thence southerly and southeasterly along said last mentioned center line 888.5 feet to the extension of the center line of said Clintonville Road (now abandoned); thence North 86 degrees 35 minutes West along said extension 7.575 feet to the point of beginning, (except therefrom any part lying in the Northeast 1/4 of Section 1 aforesaid) in the Township of St. Charles, Kane County, Illinois.