

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

SECRETARY'S CERTIFICATE

I, Thomas C. Maitland 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. 26/6-10

**AN ORDINANCE DISCONNECTING CERTAIN TERRITORY
PURSUANT TO 70 ILCS 705/16d
(Right of Way parcels)**

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



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

ORDINANCE NO. 2016-10

**AN ORDINANCE DISCONNECTING CERTAIN TERRITORY
PURSUANT TO 70 ILCS 705/16d
(Right of Way parcels)**

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 properties identified in Exhibit A and commonly known and referred to as the Right of Way parcels are currently within the Fox River and Countryside Fire Protection District; and

WHEREAS, the properties referred to as the Right of Way parcels located in the Fox River and Countryside Fire Protection District are collectively 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 properties commonly referred to as the Right of Way parcels, 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 properties commonly referred to as the Right of Way parcels, South Elgin, Illinois and legally described in **EXHIBIT A** attached hereto (the "Subject Properties") meet 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 parcels are 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 Properties 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 26th 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: 09-02-504-003 & 09-02-504-004

Chicago / Northwestern / Union Pacific RR

Description: That part of Section 2, Township 40 North, Range 8, East of the Third Principal Meridian, described as follows: Commencing at the point where the Union Pacific Railroad crosses the East side of the Fox River; thence North 74 degrees East, 10 feet, said point being the point of beginning; thence in a northeasterly direction along the Fox River on a curve bearing to the left and having a radius of 187 feet, a distance of 61 feet; thence South 2 degrees 30 minutes East, 829 feet; thence South 0 degrees 30 minutes West, 863 feet, to the point of beginning, in St. Charles Township, Kane County, Illinois.

PIN: 09-02-502-002

Chicago / Northwestern / Union Pacific RR

Description: That part of the Northeast Quarter of Section 2, Township 40 North, Range 8, East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Section 2; thence West along the North line of said Section 2, 892 feet, said point being the point of beginning; thence South 27 degrees 28 minutes 30 seconds East, 706 feet running parallel to Gilbert Street to a point of curvature; thence in a southeasterly direction along the West side of Gilbert Street on a curve bearing to the left and having a radius of 5209 feet, a distance of 1004 feet to the East line of said Section 2; thence South along the East line of said Section 2, 154 feet; thence in a northwesterly direction on a curve bearing to the right and having a radius of 5363 feet, a distance of 493 feet; thence West 90 degrees, 61 feet; thence in a northwesterly direction on a curve bearing to the right and having a radius of 5363 feet, a distance of 241 feet; thence North 35 degrees East, 50 feet; thence in a northwesterly direction on a curve bearing to the right and having a radius of 5364 feet, a distance of 410 feet; thence North 62 degrees 32 minutes 30 seconds West to the North line of said Section 2, 793 feet; thence East along the North line of said Section 2, 113 feet, to the point of beginning, in St. Charles Township, Kane County, Illinois.

PINS: 09-01-502-007, 09-01-100-012, & 09-01-100-013

Description: That part of the West Half of Section 1, Township 40 North, Range 8, East of the Third Principal Meridian, described as follows: Commencing at the west quarter corner of said Section 1; thence on an assumed bearing of North 88 degrees 18 minutes East along the North line of the Southwest Quarter of said Section 1, a distance of 982 feet to a point on the existing southwesterly right of way line of the Union Pacific Railroad; thence North 45 degrees 45 minutes West along said right of way line, 48 feet to a point being the point of beginning; thence South 88 degrees 18 minutes East, 150 feet to the existing northeasterly right of way line of said Railroad; thence North 45 degrees 45 minutes West along said right of way line, 963 feet; thence northwesterly 622 feet along said right of way line on a curve to the right having a radius of 5242 feet to the West line of the Northwest Quarter of said Section 1; thence South 0 degrees 25 minutes East along said West line, 232 feet; thence southeasterly 800 feet on a curve to the left having a radius of 6,160 feet; thence South 45 degrees East, 405 feet; thence South 88 degrees 18 minutes East, 76 feet to the point of beginning in St. Charles Township, Kane County, Illinois.

PINS: 09-02-277-009

Address: 900 Center Drive, S. Elgin, IL

Description: That part of the East half of the Northeast Quarter of Section 2, Township 40 North, Range 8, East of the Third Principal Meridian, Bounded as follows: On the Southwest by a line parallel with and distant 100 feet Southwesterly measured radially, from the center line of the main track of the Galena and Chicago Union Railroad (now the Chicago and Northwestern Transportation Co.), as said main track center line was originally located and established across Section 2; on the East by the East line of said Section 2; on the Northeast by a line parallel with

and distant 50 feet Southwesterly, measured radially, from the center line of the main track of the Chicago and Northwestern Transportation Co., as said main track is now located; and on the North by the Easterly extension of the South line of Center Drive, in Kane County, Illinois.