

DISTRIBUTION

Agenda Item #

44

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STATE OF ILLINOIS)
) SS
 COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS

ADJOURNED REGULAR SEPTEMBER A.D., 2006 SESSION

MARCH 13, A.D., 2007

MADAM CHAIR AND MEMBERS OF THE COUNTY BOARD:

Your Public Works and Transportation Committee and Financial and Administrative Committee present herewith an Ordinance proposing the enlargement of the Northeast Lake FPA Special Service Area (Pedersen Farm Property), providing for a Public Hearing and other procedures in connection therewith; and request its adoption.

Respectfully submitted,

<i>Deana O'Kelly</i>	Aye	Nay
CHAIR	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Paul S.</i>		
VICE CHAIR		
<i>Ann B. Haire</i>		
<i>Donna How</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Michael A. Calvert</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Verese Long</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

<i>[Signature]</i>	Aye	Nay
CHAIR	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Ann Haire</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VICE CHAIR		
<i>David</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>William</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Deana O'Kelly</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Carol</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PUBLIC WORKS AND TRANSPORTATION COMMITTEE

FINANCIAL AND ADMINISTRATIVE COMMITTEE

**AN ORDINANCE PROPOSING THE
ENLARGEMENT OF THE NORTHEAST
LAKE FPA SPECIAL SERVICE AREA
AND PROVIDING FOR A PUBLIC HEARING
AND OTHER PROCEDURES IN CONNECTION THEREWITH**
(Pedersen Property)

WHEREAS, the County Board of Lake County, State of Illinois (the "County Board"), has created Lake County Special Service Area No. 9, being the Northeast Lake Facilities Planning Area Special Service Area (the "NEFPA SSA"), to provide special sanitary sewerage services pursuant to Section 7(6) of Article VII of the Illinois Constitution of 1970; Section 5-15010 of the Counties Code, 55 ILCS 5/1-1001 et seq.; the provisions of 35 ILCS 200/27-5 et seq. (the "Special Service Area Act"); and the Lake County Ordinance approved on December 2, 1994, entitled "An Ordinance Establishing the Northeast Lake FPA Special Service Area" (the "Establishing Ordinance"); and

WHEREAS, the record and/or beneficial owner (the "Applicant") of the real property legally described in Exhibit A attached hereto and by this reference incorporated herein and made a part hereof (the "Annexation Tract"), has requested that the Annexation Tract be annexed to the NEFPA SSA in order to receive sanitary sewer service from Lake County; and

WHEREAS, the Annexation Tract lies within the corporate limits of the Village of Antioch, and the corporate authorities in such Village did consent to the annexation of the Annexation Tract into the NEFPA SSA pursuant to Village of Antioch Resolution No. 07-05 adopted on 5 February 2007; and

WHEREAS, the Annexation Tract is contiguous to the territory of the NEFPA SSA, and has an equalized assessed valuation ("EAV") that is less than 5% of the EAV of the existing territory within the NEFPA SSA; and

WHEREAS, in response to Applicant's request, the County Board has determined that it is necessary to conduct a public hearing pursuant to 35 ILCS 200/27-5 et seq. to consider the enlargement of the NEFPA SSA by the annexation of the Annexation Tract for the purpose of providing sanitary sewer services therein; and

WHEREAS, in furtherance of the Applicant's request and the Special Service Area Act, a public notice shall be both published and mailed to the Applicant and the last taxpayers of record for the Annexation Tract regarding such public hearing on the requested annexation to the NEFPA SSA; and

WHEREAS, adoption of this Ordinance shall in no way represent a determination that the Annexation Tract should be annexed to the NEFPA SSA, but shall merely initiate the required steps to permit consideration of whether such annexation is desirable and appropriate;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF LAKE COUNTY, ILLINOIS, as follows:

SECTION ONE: Recitals. The foregoing recitals are hereby incorporated into and made a part of this Ordinance as if fully set forth.

SECTION TWO: Enlargement of the NEFPA SSA. In response to Applicant's request for annexation of the Annexation Tract to the NEFPA SSA, the County Board hereby proposes the enlargement of NEFPA SSA by annexation of the Annexation Tract.

SECTION THREE: Public Hearing. Pursuant to 35 ILCS 200/27-5 et seq., a public hearing shall be held at 9:00 a.m. on 10 April 2007 at the County Board Room, Lake County Building, 10th Floor, Waukegan, Illinois to consider enlarging NEFPA SSA by the annexation of the Annexation Tract.

SECTION FOUR: Notice of Hearing. Pursuant to the Special Service Area Act, the County Board hereby directs that a notice of such public hearing be published in the *Waukegan News-Sun*, a newspaper of general circulation within the County of Lake (the "Notice"). Such Notice shall be published at least 15 days prior to the date scheduled for the commencement of the public hearing. In addition, the County Board directs that the Notice be sent via the United States mail not less than 10 days prior to the time set for public hearing, addressed to the Applicant and the person or persons in whose name the general taxes for each parcel within the Annexation Tract were paid during the last preceding year. In the event taxes for the last preceding year were not paid, said notice was sent to the person last listed on the tax rolls prior to that year as the owner of said property. The Notice shall be in substantially the following form:

NOTICE OF HEARING
COUNTY OF LAKE
ENLARGEMENT OF NORTHEAST
LAKE FPA SPECIAL SERVICE AREA

Notice is hereby given that on 10 April 2007 at 9:00 a.m. at the Lake County Board Room, Lake County Building, 10th Floor, 18 N. County Street, Waukegan, Illinois, a hearing will be held by the County Board of Lake County, Illinois, to consider the enlargement of the Northeast Lake FPA Special Service Area (the "NEFPA SSA") by the annexation of the following described territory:

Legal Description of the Annexation Tract

PARCEL 1:

GOVERNMENT LOT 2 IN THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 46 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE SOUTH 500.00 FEET OF THE EAST 100.00 FEET THEREOF, AND ALSO EXCEPT THE WEST 161.58 FEET THEREOF) DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 18, THENCE SOUTH 89 DEGREES, 12 MINUTES 56 SECONDS EAST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER SECTION, 162.55 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 11 MINUTES 28 SECONDS EAST, 2615.67 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER SECTION; THENCE SOUTH 89 DEGREES 22 MINUTES 55 SECONDS EAST ALONG SAID NORTH LINE, 1633.07 FEET TO THE NORTHEAST CORNER OF GOVERNMENT LOT 2; THENCE SOUTH 00 DEGREES 11 MINUTES 28 SECONDS WEST, A DISTANCE OF 2120.38 FEET, TO THE NORTH LINE OF SAID SOUTH 500.00 FEET; THENCE NORTH 89 DEGREES 12 MINUTES 56 SECONDS WEST ALONG THE NORTH LINE OF SAID SOUTH 500.00 FEET, 100.01 FEET TO THE WEST LINE OF SAID EAST 100.00 FEET; THENCE SOUTH 00 DEGREES 11 MINUTES 28 SECONDS WEST ALONG THE WEST LINE OF SAID EAST 100.00 FEET, 500.03 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 89 DEGREES 12 MINUTES 56 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER SECTION, 1533.11 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 46 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 46 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 18; THENCE SOUTH 89 DEGREES 12 MINUTES 56 SECONDS EAST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER SECTION, 162.55 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 28 SECONDS EAST, 1411.20 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 48 MINUTES 11 SECONDS WEST, 1584.57 FEET TO THE CENTERLINE OF NORTH MILL CREEK; THENCE NORTHWESTERLY ALONG THE CENTERLINE OF NORTH MILL CREEK TO A POINT 802.61 FEET SOUTH OF THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 13 AND 327.20 FEET WEST OF THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE DEPARTING SAID CENTERLINE, NORTH 00 DEGREES 07 MINUTES 33 SECONDS EAST, 802.61 FEET, TO THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 45 MINUTES 00 SECONDS EAST ALONG SAID NORTH LINE 1654.77 FEET TO THE NORTHEAST CORNER OF SAID SECTION 13; THENCE SOUTH 00 DEGREES 14 MINUTES 00 SECONDS WEST 45.94 FEET TO THE NORTHWEST CORNER OF SAID SECTION 18; THENCE SOUTH 89 DEGREES 22 MINUTES 55 SECONDS EAST, 160.62 FEET, ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 18; THENCE SOUTH 00 DEGREES 11 MINUTES 28 SECONDS WEST, 1204.47 FEET TO THE POINT OF BEGINNING;

PARCEL 3:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 13 TOWNSHIP 46 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 46 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 13. THENCE NORTH 89 DEGREES 48 MINUTES 11 SECONDS WEST, 1540.12 FEET TO THE CENTERLINE OF NORTH MILL CREEK; THENCE NORTHERLY, NORTHEASTERLY AND NORTHWESTERLY ALONG THE CENTERLINE OF NORTH MILL CREEK TO A POINT 74.38 FEET NORTH OF NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13 AND 97.50 FEET WEST OF THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 13; THENCE DEPARTING SAID CENTERLINE, SOUTH 89 DEGREES 48 MINUTES 11 SECONDS EAST, 1584.57 FEET, THENCE SOUTH 00 DEGREES 11 MINUTES 28 SECONDS WEST 1411.20 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 89 DEGREES 12 MINUTES 56 SECONDS WEST, ALONG SAID SOUTH LINE, 162.55 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 18; THENCE NORTH 00 DEGREES 27 MINUTES 09 SECONDS EAST, 7.85 FEET TO THE POINT OF BEGINNING.

PIN Nos.:

02-13-200-005 (partial)
02-13-200-002 (partial)
02-13-200-003 (partial)
03-18-100-001
03-18-100-002

Which parcels being referred to as P.I.N.s 02-13-200-002, 02-13-200-003, 02-13-200-005, 03-18-100-001, and 03-18-100-002 (or portions thereof) all in Lake County, Illinois (the "Annexation Tract"). The Annexation Tract is located along the north right-of-way line of Illinois Route 173 and east of U.S. Route 45 and is sometimes identified as 18850, 18984, 19040, 19250, and 19300 East Illinois Route 173, Antioch, Illinois.

The purpose of the public hearing is to consider enlarging the NEFPA SSA to provide special services in the nature of sanitary sewer service to the Annexation Tract.

Pursuant to Subsection 6.D of an "Ordinance Establishing the Northeast Lake FPA Special Service Area" (the "Establishing Ordinance"), newly annexed tracts or parcels shall be assigned a zero share of the Special Tax Rolls, (as defined in Section 5 of the Establishing Ordinance), and the addition of such newly annexed tracts or parcels to the NEFPA SSA shall not reduce the amount of SSA Taxes to be levied and extended against the Original SSA Tracts (as defined in Section 5 of the Establishing Ordinance). The Annexation Tract will, however, be subject to the payment of an annexation fee and other costs pursuant to Section 11.A of the Establishing Ordinance.

All interested persons owning taxable property located within the NEFPA SSA affected by the proposed annexation of the Annexation Tract to the NEFPA SSA will be given an opportunity to be heard, and to file objections, regarding the annexation of such area to the NEFPA SSA, and

the NEFPA SSA's boundaries, as enlarged, and the taxes to be levied upon the Annexation Tract. Those persons wishing to be heard at the hearing should contact the Lake County Administrator's Office, 18 N. County Street, Waukegan, Illinois 60085 (847-377-2250), to schedule such presentations. Those persons unable to attend the hearing may file written presentations with the County Clerk, 18 N. County Street, Waukegan, Illinois 60085, by the close of business on 9 April 2007 for entry upon the hearing minutes. The hearing may be adjourned by the Board to another date without further notice other than a motion to be entered upon the minutes of said meeting fixing the time and place of its adjournment.

If a petition signed by at least 51% of the electors residing within the NEFPA SSA and by at least 51% of the owners of record of the land included within the boundaries of the NEFPA SSA, or by at least 51% of the electors residing within the Annexation Tract and by at least 51% of the owners of record of the land included within the boundaries of the Annexation Tract is filed with the County Clerk within 60 days following the final adjournment of the public hearing, objecting to the enlargement of the NEFPA SSA by the annexation of the Annexation Tract, then no such enlargement of the NEFPA SSA shall occur.

DATED: This ___th day of _____, 2007.

Willard Helander
County Clerk
Lake County, Illinois

SECTION FIVE: Objections. If a petition signed by at least 51% of the electors residing within the NEFPA SSA and at least 51% of the owners of record of properties in the NEFPA SSA, or by at least 51% of the electors residing within the Annexation Tract and at least 51% of the owners of record of properties in the Annexation Tract, is filed with the County Clerk within sixty (60) days following the final adjournment of the 10 April 2007 public hearing, objecting to the enlargement of the NEFPA SSA described in this Ordinance, then the NEFPA SSA shall not be enlarged by the annexation of the Annexation Tract.

SECTION SIX: Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

ADOPTED THIS 13TH DAY OF MARCH, 2007.

AYES:

NAYS:

ABSENT:

APPROVED THIS 13TH DAY OF MARCH, 2007.

Chairman, Lake County Board

ATTEST:

County Clerk

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