

DISTRIBUTION
County Board
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Tax Extension
Public Works

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

COUNTY BOARD, LAKE COUNTY, ILLINOIS
ADJOURNED REGULAR JUNE A.D., 2007 SESSION
JULY 10, 2007 A.D., MEETING

MADAM CHAIR AND MEMBERS OF THE COUNTY BOARD:

Your Public Works & Transportation Committee and Financial & Administrative Committees present herewith an Ordinance proposing that Lake County Special Service Area No. Thirteen (13) be established; providing for a Public Hearing and setting forth other procedures in connection therewith, and request its adoption.

Respectfully submitted,

<u>Allyson O'Kelly</u>	Aye	Nay
CHAIR		
<u>David S. [Signature]</u>		
VICE-CHAIR		
<u>Michael P. Abbott</u>		
<u>Ann B. Maise</u>	✓	
<u>Justin Douglas</u>	✓	
<u>Donna [Signature]</u>		✓

	Aye	Nay
CHAIR		
<u>Ann Flanagan</u>	✓	
VICE-CHAIR		
<u>David [Signature]</u>		✓
<u>Stephan [Signature]</u>		X
<u>Allyson O'Kelly</u>	✓	

PUBLIC WORKS AND TRANSPORTATION COMMITTEE

FINANCIAL AND ADMINISTRATIVE COMMITTEE

**AN ORDINANCE PROPOSING LAKE COUNTY SPECIAL SERVICE AREA
NUMBER THIRTEEN AND PROVIDING FOR A PUBLIC HEARING AND
OTHER PROCEDURES IN CONNECTION THEREWITH**

WHEREAS, the provisions of 55 ILCS 5/5-15010 (1994) confer the power to construct sanitary sewer systems in areas where such service does not exist for the unincorporated area of Lake County and any part thereof; and

WHEREAS, Section 7(6) of Article VII of the 1970 Constitution of the State of Illinois and the Special Service Area Tax Law, Chapter 35, Section 200, Article 27 of the Illinois Compiled Statutes authorize the establishment of Special Service Areas in order to provide special governmental services to certain areas within the County and authorize the imposition of a tax to pay for the providing of such special services and the issuance of bonds for providing such special services.

NOW, THEREFORE, BE IT ORDAINED by the County Board of Lake County, State of Illinois, as follows:

Section One: The County Board of Lake County, Illinois finds as follows:

1. That it is in the public interest to propose that a Special Service Area be established in the territory described in Exhibit A and depicted in Exhibit B, both attached hereto and made part hereof, and that a Public Hearing thereon shall be held as hereinafter set forth.
2. That said territory is a contiguous area within Lake County, Illinois and complies with the terms of Chapter 35, Section 200, Article 27, et seq., of the Illinois Compiled Statutes.
3. That the provision of regional sanitary sewer service within said area is in addition to the services provided within the unincorporated area of Lake County as a whole and that said area will benefit specially from the service to

be provided and it is, therefore in the best interests of the County of Lake to consider whether the construction of facilities therefore be paid for by the sale of bonds to be retired by the levy of a special tax against all taxable property within said area.

4. That it is proposed to provide funding for: (1) removal of existing septic systems; (2) construction and installation of a sanitary sewer collection system; and (3) restoration work within said area and that said area will benefit specially from the services to be provided and that the proposed services are in addition to the services provided within the unincorporated area of Lake County as a whole and it is, therefore in the best interests of Lake County to consider whether said service should be provided and the construction and restoration therefore be paid for by the levy of a direct annual tax against all taxable property within said area, and said taxes shall be in addition to any other taxes provided by law.
5. That the Department of Public Works shall coordinate all proposed work within the proposed Special Service Area with the Village of Wauconda, and that the Village shall thereafter own and operate the sanitary sewer collection system.

Section Two: Pursuant to authority granted by the Illinois Constitution and the Illinois Compiled Statutes, the County Board of Lake County, Illinois, hereby proposes the establishment of Lake County Special Service Area No. Thirteen for the purpose of removing existing septic systems, constructing and installing a sanitary sewer system, and providing restoration work within the described contiguous territory.

Section Three: A public hearing shall be held by the Lake County Board on August 1, 2007 to consider the creation of Lake County Special Service Area No. Thirteen in Lake County, Illinois, for the territory described in Exhibit A and depicted in Exhibit B. At the Hearing there shall be considered a proposal for the purpose of removing existing septic systems, constructing and installing a sanitary sewer system, and providing restoration work within the described contiguous territory within said territory and the following:

1. The levy of a direct tax within the proposed Special Service Area No. Thirteen, as described and depicted sufficient to produce \$260,000 annually. Said taxes are to be levied upon all taxable property within the proposed Lake County Special Service Area No. Thirteen, as described and depicted, and said taxes shall be in addition to any other taxes provided by law.
2. Bonds in the principal amount not to exceed \$3,275,000 are proposed to be issued and retired over a period not to exceed 20 years and to bear interest at the rate not to exceed the greater of 5.50% per annum or 125% of the rate for the most recent date shown in the G.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York, at the time the contract is made for the sale of the bonds. A contract is made with respect to bonds when the public corporation is contractually obligated to issue bonds to a purchaser who is contractually obligated to purchase them.
3. Bonds, if issued, shall be retired by the levy of a direct annual tax unlimited as to rate or amount sufficient to pay interest on said bonds as it falls due and to

discharge the principal thereof at maturity. Said taxes are to be levied upon all taxable property within the proposed Lake County Special Service Area No. Thirteen, as described, and said taxes shall be in addition to any other taxes provided by law.

Section Four: Notice of the public hearing shall be published at least once not less than 15 days prior to the public hearing in the News-Sun and the Daily Herald, newspapers of general circulation within Lake County. In addition, notice by mailing shall be given by depositing said notice in the United States mails, not less than 10 days prior to the time set for public hearing, addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the proposed Special Service Area. In the event taxes for the last preceding year were not paid, the notice shall be 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 PUBLIC HEARING

COUNTY OF LAKE

ESTABLISHMENT OF SPECIAL SERVICE AREA NUMBER THIRTEEN (13)

Notice is hereby given that on August 1, 2007 at 7:00 PM at the Wauconda Township Hall, 505 W. Bonner Road, Wauconda, IL 60084, a hearing will be held by the County Board of Lake County, Illinois, to consider forming Lake County Special Service Area No. Thirteen consisting of the following described territory:

LEGAL DESCRIPTION OF SPECIAL SERVICE AREA NO. THIRTEEN

(SPENCER HIGHLANDS / ELMCREST SUBDIVISIONS)

Spencer's Highlands, a community subdivision, being the South 690 feet of the West 420 feet of the Southeast quarter of the Southwest quarter of Section 24, together with that part of the Northeast quarter of the Northwest quarter of Section 25 lying Northwest of Bangs Lake, all in Township 44 North, Range 9, East of the Third Principal Meridian according to the plat thereof, recorded August 31, 1920, as Document 195601 in book "K" of plats page 44, Lake County, Illinois. (Except that part falling in the East half of the Northeast quarter of the Northwest quarter of Section 25 Township 44 North, Range 9 East of the Third Principal Meridian in Lake County, Illinois.) also (Except Beginning at the Northeast Corner of the West half of Lot 5 in said Spencer's Highlands Subdivision, thence East Along the South Line of Hickory Lane to the West line of said East half of the Northeast quarter of the Northwest quarter of Section 25, thence South along said West line 150 feet to the South line of said lot 5 extended East, thence West to the Southeast corner of said West half of said lot 5, thence North to the point of beginning)

Groves 1st Addition to Spencer's Highlands, a subdivision of North 200 feet of the South 890 feet of the West 420 feet in the Southeast quarter of the Southwest quarter of Section 24, Township 44 North, Range 9 East of the Third Principal Meridian, according to the plat thereof recorded June 9, 1922, as Document 212597 in Lake County, Illinois.

Groves 2nd Addition to Spencer's Highlands, a subdivision of the South 278 ½ feet of the East quarter of the Southwest quarter of the Southwest quarter of Section 24, Township 44 North, Range 9 East of the Third Principal Meridian, according to the plat thereof, recorded May 4, 1923 as Document 223551 in Lake County, Illinois.

(Unrecorded Orchard Addition to Spencer's Highlands) That part of the East 330.0 feet of the Southwest Quarter of the Southwest Quarter, also known as the East quarter of said Southwest Quarter of the Southwest Quarter also the West 16.5 feet of the North 132.0 feet of the East 346.5 feet of said Southwest Quarter of the Southwest Quarter of Section 24, Township 44 North, Range 9 East of the Third Principal Meridian, in Lake County, Illinois, (Excepting that part falling within Grove's Second Addition to Spencer's Highlands, being a subdivision of part of the East Quarter of said Southwest Quarter of the Southwest Quarter of Section 24, according to the plat thereof recorded May 4, 1923 as Document 223551 in Lake County, Illinois) also (Excepting the North 25.0 feet of said East 330.0 feet of the Southwest Quarter of the Southwest Quarter) also (Except any portion lying Northerly of the Southerly right of way of roadway commonly known as Lake Drive [formerly Spencer's Highlands Road] connecting from Garland Road [formerly known as Glynch Road] to Spencer's Highlands Subdivision), in Lake County, Illinois.

Elmcrest, being Cook and Paddock's Bangs Lake Subdivision, being a subdivision of parts of Sections 23, 25, and 26, in Township 44 North, Range 9, East of the Third Principal Meridian,

according to the plat thereof recorded October 1, 1923 as Document 230331, in Book "M" of Plats, Page 18, in Lake County, Illinois

The purpose of the public hearing is:

- (1) To consider establishing Special Service Area No. Thirteen to provide special services to remove existing septic systems, construct and install a sanitary sewer system, and provide restoration work within the described contiguous territory in said area; and
- (2) Bonds in the principal amount not to exceed \$3,275,000 are proposed to be issued and retired over a period not to exceed 20 years and to bear interest at the rate not to exceed the greater of 5.50% per annum or 125% of the rate for the most recent date shown in the G.O. Bonds Index of average municipal bond yields as published in the most recent edition of The Bond Buyer, published in New York, New York, at the time the contract is made for the sale of the bonds. A contract is made with respect to bonds when the public corporation is contractually obligated to issue bonds to a purchaser who is contractually obligated to purchase them.
- (3) To consider the levy of a direct annual tax within the proposed Special Service Area No. Thirteen, as described sufficient to produce \$260,000 annually. Said taxes are to be levied pursuant to a special tax roll upon all lots and parcels within the proposed Lake County Special Service Area No. Thirteen, as herein described, and said taxes shall be in addition to any other taxes provided by law, with a maximum annual special tax of not more than \$2,300.00 per lot or parcel.

All interested persons owning taxable property located within the proposed special service area, affected by the formation of Lake County Special Service Area No. Thirteen, will be given the opportunity to be heard at the hearing regarding the formation of such area, its boundaries, and the taxes to be levied, and will be given an opportunity to file objections to the formation of such area, its boundaries, and the taxes to be levied. Those persons wishing to be heard at the hearing should contact the Lake County Administrator's Office, 18 N. County Street, Waukegan, IL 60085 (phone 847-377-2250), to schedule such presentations before the close of business on July 31, 2007. Those persons unable to attend the hearing, may file written presentations with the County Clerk, 18 N. County Street, Waukegan, IL 60085, by the close of business on July 31, 2007 for entry upon hearing minutes. The hearing may be adjourned by the County 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 proposed special service area and by at least 51% of the owners of record of the land included within the boundaries of the proposed special service area is filed with the County Clerk within 60 days following the final adjournment of the public hearing, objecting to the creation of the proposed special service area, or the levy or imposition of a tax for the provision of special services to the area, no such area may be created, nor tax levied or imposed.

DATED: This 10th day of July, 2007.

Willard R. Helander, County Clerk
Lake County, Illinois

Section Five: This ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

ADOPTED this 10th day of July, 2007 pursuant to a roll call vote as follows:

AYES:

NAYS:

ABSENT:

Suzi Schmidt, Chairman
Lake County Board

ATTEST:

Willard R. Helander, County Clerk

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY IN THE PROPOSED SPECIAL SERVICE AREA

Spencer's Highlands, a community subdivision, being the South 690 feet of the West 420 feet of the Southeast quarter of the Southwest quarter of Section 24, together with that part of the Northeast quarter of the Northwest quarter of Section 25 lying Northwest of Bangs Lake, all in Township 44 North, Range 9, East of the Third Principal Meridian according to the plat thereof, recorded August 31, 1920, as Document 195601 in book "K" of plats page 44, Lake County, Illinois. (Except that part falling in the East half of the Northeast quarter of the Northwest quarter of Section 25 Township 44 North, Range 9 East of the Third Principal Meridian in Lake County, Illinois.) also (Except Beginning at the Northeast Corner of the West half of Lot 5 in said Spencer's Highlands Subdivision, thence East Along the South Line of Hickory Lane to the West line of said East half of the Northeast quarter of the Northwest quarter of Section 25, thence South along said West line 150 feet to the South line of said lot 5 extended East, thence West to the Southeast corner of said West half of said lot 5, thence North to the point of beginning)

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EXHIBIT B

Wauconda Township

