

**ORDINANCE NUMBER 13-0647**

AN ORDINANCE proposing the establishment of Special Service Area Number 16 of The County of Lake, Illinois, and the issuance of bonds in an amount not to exceed \$46,000,000 for the purpose of paying the cost of providing special services in and for such Area.

**• PREAMBLES •**

WHEREAS

A. Pursuant to the provisions of Section 7 of Article VII of the Constitution of the State of Illinois (the "*Constitution*"), The County of Lake, State of Illinois (the "*County*"), is authorized to create special service areas in and for the County.

B. Special service areas are established by non-home rule units pursuant to Section 7(6) of Article VII of the Constitution, which provides:

Counties and municipalities which are not home rule units shall have only the powers granted to them by law and the powers ... to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services.

and are established as required "in the manner provided by law" pursuant to the provisions of the Special Service Area Tax Law, as amended, and pursuant to the other provisions of the Property Tax Code, as amended (together, the "*SSA Law*").

C. It is in the public interest that the establishment of the area hereinafter described as a special service area for the purposes set forth herein and to be designated as Special Service Area Number 16 of the County (the "*Area*") be considered.

D. The Area is contiguous, consists entirely of territory within the corporate limits of the County, and consists of territories within the Village of Lake Villa, Lake County, Illinois (the "*Village of Lake Villa*"), the Village of Lindenhurst, Lake County, Illinois (the "*Village of*

*Lindenhurst*”), and the water service areas of the County known as Grandwood Park, Lake County, Illinois, and Fox Lake Hills, Lake County, Illinois.

E. No petition objecting to the creation of a special service area for the purpose of providing the hereinafter defined Services in the territory hereinafter described has been filed during the two (2) years preceding the adoption of this Ordinance.

F. The Area will benefit specially from the municipal services to be provided, namely, the following: improvements and extensions to the existing water supply system to provide access to Lake Michigan water through the existing system of the Central Lake County Joint Action Water Agency, Lake County, Illinois (the “*Services*”), all of the Services to be beneficial to the Area and all of the Services to be located on property now owned or to be acquired, or property in which an interest sufficient for the provision of the Services will be obtained, by the County or another unit of local government acting pursuant to an intergovernmental agreement in accordance with Section 10 of Article VII of the Constitution and the Intergovernmental Cooperation Act, as amended, and the Services are unique and in addition to municipal services provided to the County as a whole and it is, therefore, in the best interests of the County that establishment of the Area be considered.

G. It is hereby estimated that the cost of providing the Services will not be more than \$46,000,000.

H. It is in the public interest that bonds (the “*Bonds*”) in an amount not to exceed \$46,000,000 in one or more series be issued for the purpose of paying the cost of providing the Services.

I. The Bonds shall be retired over a period not to exceed 30 years from the issuance thereof and shall bear interest at an interest rate or rates not exceeding the greater of 7% per annum or 125% of the rate for the most recent date shown in the 20 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.

J. The Bonds shall be retired by the levy or levies of direct annual taxes on all property subject to taxation for the Services located within the Area sufficient to pay the interest on the Bonds as the same becomes due and to discharge the principal thereof at maturity.

K. Said direct annual taxes shall be levied upon all taxable property within the Area for the entire period that the Bonds (or bonds to refund Bonds) shall be outstanding and shall be unlimited as to rate or amount and in addition to all other taxes permitted by law.

L. Said direct annual taxes shall be exempt from the provisions of the Property Tax Extension Limitation Law, as amended.

M. The Village of Lake Villa and the Village of Lindenhurst have each taken action to indicate approval of the provision of the Services; the final establishment of the Area will be subject to consent by the Village of Lake Villa and the Village of Lindenhurst pursuant to the SSA Law.

NOW THEREFORE It Is Hereby Ordained by the County Board of The County of Lake, Illinois, as follows:

*Section 1. Incorporation of Preambles.* The County Board of the County (the “County Board”) hereby finds that all of the recitals contained in the preambles to this ordinance (“Ordinance”) are true, correct and complete and does incorporate them into this Ordinance by this reference.

*Section 2. Hearing.* A public hearing shall be held at 6:00 p.m., on the 13th day of August, 2013, at the Lehmann Mansion, 485 North Milwaukee Avenue, Lake Villa, Illinois (the “Hearing”), to consider the establishment of the Area in the territory, and for the purpose of providing the Services, as fully described in the Notice of Public Hearing set forth in Section 4 hereof (the “Notice”), and to consider the issuance of the Bonds described in the Notice.

*Section 3. Notice.* Notice of the Hearing shall be given by publication and mailing. Notice by publication shall be given by publication at least once not less than fifteen (15) days prior to the Hearing in the *News-Sun*, being a newspaper of general circulation in the County. Notice by mailing shall be given by depositing the Notice in the United States mails 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 Area. The Notice shall be mailed not less than ten (10) days prior to the time set for the Hearing. 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.

*Section 4. Form of Notice.* The Notice shall be in substantially the following form:

**NOTICE OF PUBLIC HEARING  
THE COUNTY OF LAKE, ILLINOIS  
SPECIAL SERVICE AREA NUMBER 16**

NOTICE IS HEREBY GIVEN that at 6:00 p.m., on the 13th day of August, 2013, at the Lehmann Mansion, 485 North Milwaukee Avenue, Lake Villa, Illinois, a hearing (the "*Hearing*") will be held by the County Board (the "*County Board*") of The County of Lake, Illinois (the "*County*"), to consider the establishment of Special Service Area Number 16 of the County consisting of the following described territory (the "*Area*"): **See Exhibit "A" Attached Hereto and Incorporated Herewith.**

The approximate boundaries of the Area by street location are: Grass Lake Road (north), Hunt Club Road (east), Rollins Road/Grand Avenue (south), and Illinois Route 59 (west). The permanent tax index number of each parcel located in the Area is as follows: **See Exhibit "B" Attached Hereto and Incorporated Herewith.**

An accurate map of said territory is on file in the office of the County Clerk of the County (the "*County Clerk*"), is available for public inspection and is shown as follows: **See Exhibit "C" Attached Hereto and Incorporated Herewith.**

The purpose of the establishment of the Area is to provide special municipal services (the "*Services*") to the Area, namely, the following: improvements and extensions to the existing water supply system to provide access to Lake Michigan water through the existing system of the Central Lake County Joint Action Water Agency, Lake County, Illinois, all of the Services to be beneficial to the Area and all of the Services to be located on property now owned or to be acquired, or property in which an interest sufficient for the provision of the Services will be obtained, by the County or another unit of local government acting pursuant to an intergovernmental agreement in accordance with Section 10 of Article VII of the Constitution of the State of Illinois and the Intergovernmental Cooperation Act, as amended (a "*Governmental Unit*"). All of the Services are being undertaken in connection with new construction.

The Services are to be maintained either by the County or a Governmental Unit during or after the life of the Bonds.

The County shall issue bonds (the "*Bonds*") in amount not to exceed \$46,000,000, in one or more series, which includes costs of issuance, and secured by the full faith and credit of the Area for the purpose of paying the cost of providing the Services. The Bonds shall be retired over a period not to exceed 30 years from the issuance thereof and shall bear at an interest rate or rates not exceeding 7% per annum or 125% of the rate for the most recent date shown in the 20 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.

The Bonds shall be retired by the levy or levies of direct annual taxes on all property subject to taxation for the Services located within the Area sufficient to pay the interest on the Bonds as the same becomes due and to discharge the principal thereof at maturity. Said direct annual taxes shall be levied upon all taxable property within the Area for the entire period that the Bonds (or bonds to refund Bonds) shall be outstanding and shall be unlimited as to rate or amount and in addition to other taxes permitted by law. Said direct annual taxes are exempt from the provisions of the Property Tax Extension Limitation Law, as amended.

All interested persons affected by the establishment of the Area or the issuance of the Bonds, including all owners of real estate located within the Area, will be given an opportunity to be heard at the Hearing regarding the establishment of the Area and the issuance of the Bonds and an opportunity to file objections to the establishment of the Area or the issuance of the Bonds.

At the Hearing, any interested persons affected by the Area may file with the County Clerk written objections to and may be heard orally, pursuant to rules of procedure as may be provided, in respect to any issues embodied in this notice. The County Board shall hear and determine all protests and objections at the Hearing, and the Hearing may be adjourned to another date without

further notice other than a motion to be entered upon the minutes fixing the time and place of its adjournment.

If a petition signed by at least 51% of the electors residing within the Area and by at least 51% of the owners of record of the land included within the boundaries of the Area is filed with the County Clerk within 60 days following the final adjournment of the Hearing objecting to the creation of the Area or the issuance of the Bonds for the provision of the Services to the Area, no such Area may be created and no such Bonds may be issued.

By order of the County Board of The County of Lake, Illinois.

DATED this 11th day of June, 2013.

/s/ Willard R. Helander  
\_\_\_\_\_  
County Clerk  
The County of Lake, Illinois

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Note upon publication: Please be certain that this notice appears above the name of the County Clerk. At this place, there must be inserted the Exhibits to which reference has been made in the above text.

*Section 5. Rules of Procedures for the Hearing.* The rules of procedure for the Hearing are as follows:

a). Any interested person wishing to speak at the public hearing shall complete and submit to the Chairman of the County Board (the "*Chairman*") a completed speaking request form which shall be made available at the start of the public hearing.

b). Each individual may speak only once and shall be limited to seven (7) minutes.

c). Individuals with similar interests and concerns are encouraged to coordinate their participation at the hearing so as to avoid repetitive or redundant statements.

d). The Chairman may appoint a parliamentarian to manage the public statement/comment portion of the hearing.

*Section 6. Severability.* If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.



*Section 7. Superseder and Effective Date.* All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of such conflict hereby superseded, and this Ordinance shall be in full force and effect forthwith upon its adoption as provided by law.

Adopted by the County Board on June 11, 2013.

Signed June 11, 2013.

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County Board Chair  
The County of Lake, Illinois

ATTEST:

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County Clerk  
The County of Lake, Illinois

[SEAL]

AYES: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

RECORDED in the County Records on June \_\_, 2013.

**EXHIBIT A**

**LEGAL DESCRIPTION OF  
SPECIAL SERVICE AREA NUMBER 16**

**EXHIBIT B**

**PERMANENT TAX INDEX NUMBERS  
SPECIAL SERVICE AREA NUMBER 16**

**EXHIBIT C**  
**MAP OF**  
**SPECIAL SERVICE AREA NUMBER 16**

MINUTES of a regular public meeting of the County Board of The County of Lake, Illinois, held in the County Board Chambers, County Building, 18 North County Street, Waukegan, Illinois, in said County at 9:00 a.m., on the 11th day of June 2013.

\* \* \*

The meeting was called to order by the Chair, and upon the roll being called, Aaron Lawlor, the Chair, and the following members of the County Board answered present:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The following County Board Members were allowed by a majority of the County Board in accordance with and to the extent allowed by rules adopted by the County Board to attend the meeting by video or audio conference: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

No Member was denied permission to attend the meeting by video or audio conference.

The following County Board Members were absent and did not participate in the meeting in any manner or to any extent whatsoever: \_\_\_\_\_

\_\_\_\_\_

There being a quorum present, the County Board conducted various business.

\* \* \* \* \*

The Chair announced that the next item for consideration on the agenda was the establishment of Special Service Area Number 16 and the issuance of bonds for the purpose of improving and extending the existing water supply system to provide access to Lake Michigan water and that the County Board would consider the adoption of an ordinance for such purpose.

Whereupon \_\_\_\_\_, the \_\_\_\_\_, presented and explained an ordinance which was before the County Board and entitled:

AN ORDINANCE proposing the establishment of Special Service Area Number 16 of The County of Lake, Illinois, and the issuance of bonds in an amount not to exceed \$46,000,000 for the purpose of paying the cost of providing special services in and for such Area.

County Board Member \_\_\_\_\_ moved and County Board Member \_\_\_\_\_ seconded the motion that said ordinance as presented be adopted.

After a full discussion thereof, in the presence of a quorum at all times, including a public recital of the nature of the matter being considered and such other information as would advise the public of the business being conducted, the Chair directed that the roll be called for a vote upon the motion to adopt said ordinance as read.

Upon the roll being called, the following Members voted

AYE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAY: \_\_\_\_\_

Whereupon the Chair declared the motion carried and said ordinance adopted and directed the County Clerk to record the same in the records of the County Board of The County of Lake, Illinois, which was done.

\* \* \*

Upon motion duly made, seconded and carried, the meeting was adjourned.

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County Clerk

STATE OF ILLINOIS    )  
                                  ) SS  
COUNTY OF LAKE     )

**CERTIFICATION OF AGENDA, ORDINANCE AND MINUTES**

I, the undersigned, do hereby certify that I am the duly qualified and acting County Clerk of The County of Lake, Illinois (the “*County*”), and as such officer I am the keeper of the books, records, files, and journal of proceedings of the County and of the County Board (the “*County Board*”) thereof.

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the legally convened meeting (the “*Meeting*”) of the County Board held on the 11th day of June 2013 insofar as same relates to the adoption of an ordinance numbered \_\_\_\_\_ and entitled:

AN ORDINANCE proposing the establishment of Special Service Area Number 16 of The County of Lake, Illinois, and the issuance of bonds in an amount not to exceed \$46,000,000 for the purpose of paying the cost of providing special services in and for such Area.

(the “*Ordinance*”) a true, correct and complete copy of which Ordinance as adopted at the Meeting appears in the foregoing transcript of the minutes of the Meeting.

I do further certify that the deliberations of the County Board on the adoption of the Ordinance were taken openly; that the vote on the adoption of the Ordinance was taken openly; that the Meeting was held at a specified time and place convenient to the public; that notice of the Meeting was duly given to all of the news media requesting notice of the Meeting; that an agenda (the “*Agenda*”) for the Meeting was posted at the location where the Meeting was held and at the principal office of the County Board at least 96 hours in advance of the holding of the Meeting, remained continuously posted until after the adjournment of the Meeting; that at least one copy of the Agenda was continuously available for public review during the entire 96-hour period



preceding said meeting; that the Agenda contained a separate specific item concerning the proposed adoption of the Ordinance; that a true, correct and complete copy of the Agenda is attached hereto as *Exhibit A*; that the Meeting was called and held in strict accordance with the provisions of the Counties Code of the State of Illinois, as amended, the Open Meetings Act of the State of Illinois, as amended, and the Special Service Area Tax Law, as amended; and that the County Board has complied with all of the applicable provisions of said Code, Act and Law and its own procedural rules in the adoption of the Ordinance.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and the seal of the County this 11th day of June 2013.

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County Clerk  
The County of Lake, Illinois

[SEAL]