

Item #9:
Ordinance Adopting Amendments To IL 83 Water SSA #4

VILLAGE OF LONG GROVE

ORDINANCE NO. 2010-O-__

**AN ORDINANCE AMENDING ORDINANCE NO. 2008-O-15
ESTABLISHING VILLAGE OF LONG GROVE SPECIAL SERVICE AREA
FOR DEVELOPING A DEEP WELL WATER SUPPLY SYSTEM TO SERVE
VARIOUS PROPERTIES LOCATED WITHIN PORTIONS OF
THE B1-A PLANNING AREA (IL ROUTE 83 & IL ROUTE 53)**

WHEREAS, the Village of Long Grove ("**Village**") is an Illinois municipal corporation that is authorized to establish special service areas for the purpose of providing special services to designated areas within its boundaries pursuant to Article VII, Section 7 of the Illinois Constitution and 35 ILCS 200/27-5 *et seq.* ("**SSA Law**"); and

WHEREAS, on 8 July 2008, the Board of Trustees of the Village (the "**Village Board**") adopted Ordinance No. 2008-O-15 (the "**Establishing Ordinance**"), which established a special service area (the "**Water SSA**") pursuant to the SSA Law for the construction and maintenance of a deep-well water system (the "**Special Services**"); and

WHEREAS, the Village Board approved an initial levy of special taxes for the Water SSA pursuant to the special tax roll set forth in the Establishing Ordinance (the "**Initial Taxes**"); and

WHEREAS, the Village Board acknowledges that certain properties within the Water SSA have paid not only their Initial Taxes, but have also paid their Remaining Taxes (as hereinafter defined), to-wit: PINs 15-30-200-056, 15-30-200-057, and 15-30-205-019; and

WHEREAS, as of 1 September 2010, certain properties within the Water SSA have failed to pay in full the Initial Taxes of the Water SSA; and

WHEREAS, although the Village Board has directed that the unpaid Initial Taxes be the subject of a foreclosure action, the Village Board desires to reduce the costs and inconveniences arising from such foreclosure actions by amending the Establishing Ordinance to modify the special tax roll of the Water SSA and establish special terms and conditions for properties within the Water SSA that fail to pay the Initial Taxes by 1 January 2011 (the

"*Delinquent Parcels*") to receive the Special Services (collectively, the "*Proposed Changes*"); and

WHEREAS, the Proposed Changes were considered at a duly-noticed public hearing held on 26 October 2010, pursuant to Section 27-35 of the SSA Law; and

WHEREAS, the President and Village Board have determined that it is in the best interest of the Village and its residents, including the owners of properties within the Water SSA, to amend the Establishing Ordinance to modify the special tax roll, as described herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, COUNTY OF LAKE, AND STATE OF ILLINOIS, as follows:

SECTION ONE: Recitals. The foregoing recitals are incorporated herein as findings of the President and Board of Trustees.

SECTION TWO: Authority. The Water SSA was established and is hereby amended pursuant to the provisions of the SSA Law, 35 ILCS 200/27-5 *et seq.*

SECTION THREE: Findings.

(a) The Water SSA was established on 8 July 2008, pursuant to proper notice and public hearing, by the Establishing Ordinance. The Water SSA consists of the contiguous territory legally described in Exhibit A attached hereto and by this reference incorporated herein and made a part hereof. An accurate map of said territory is attached hereto and by this reference incorporated herein and made a part hereof as Exhibit B. The purpose of the Water SSA is to provide special municipal services to the territory within the boundaries of the Water SSA in the nature of constructing and maintaining a new deep-well water system (the "*Special Services*").

(b) The Proposed Changes were considered by the Village Board pursuant to "An Ordinance Proposing Amendments to Village of Long Grove Ordinance No. 2008-O-15 Establishing Village of Long Grove Special Service Area For Developing a Deep Well Water

Supply System to Serve Various Properties Located Within Portions of the B1-A Planning Area (IL Route 83 & IL Route 53)," being Ordinance No. 2010-O-29, adopted on 28 September 2010.

(c) The Proposed Changes were considered at a public hearing convened, held, and closed on 26 October 2010. Said hearing was held pursuant to notice duly published in the *Daily Herald*, a newspaper of general circulation within the Village of Long Grove, on 11 October 2010, which date was at least 15 days prior to the hearing, and also pursuant to notice by certified mail, return receipt requested, 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 Water SSA. Said notice was posted not less than 10 days prior to the date set for the public hearing. 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. A Certificate of Publication of Notice and an Affidavit of Mailing of Notice are attached hereto and by this reference incorporated herein and made a part hereof as Exhibits C and D, respectively. Said notices conform in all respects to the requirements of the SSA Law.

(d) At the public hearing on 26 October 2010, all interested persons were given an opportunity to be heard on the question of the Proposed Changes.

(e) Based upon their consideration of the data presented to the Board of Trustees and the testimony at the public hearing, the President and Board of Trustees hereby find that (i) no objection to the Proposed Changes has been filed by 51% of the owners of record of property within the Subject Territory and 51% of the electors residing within the Subject Territory, and (ii) it is in the best interest of the Village of Long Grove and of the residents, occupants, and property owners within the Water SSA to amend the Establishing Ordinance as herein described.

(f) The territory within the Water SSA is contiguous as required by the SSA Law. The Proposed Changes will not affect the boundaries or contiguity of the Water SSA.

(g) It is in the best interests of the Village that the Proposed Changes be implemented by amending the Establishing Ordinance as described herein.

(h) The Village Board of Trustees hereby determines that furnishing the Special Services in the Water SSA, as hereby amended and subject to the Proposed Changes, serves the common interests of the residents and owners within the Water SSA, which residents and owners will benefit specially.

SECTION FOUR: Amendment to the Special Tax Roll.

(a) The Establishing Ordinance authorizes the extension of taxes not to exceed \$510,000.00 annually for a period not to exceed 20 years ("**SSA Taxes**") and provides that the SSA Taxes are payable pursuant to a special tax roll (the "**Special Tax Roll**"). The Establishing Ordinance is hereby amended as to the Special Tax Roll set forth therein to reduce the future annual taxes due from any Delinquent Parcels to zero dollars and provide special terms and conditions for the Delinquent Parcels to receive the Special Services. The amended Special Tax Roll is more specifically set forth herein as Exhibit E, by this reference incorporated herein and made a part hereof. The Village Board has determined that the Special Tax Roll set forth in Exhibit E provides a rational relationship between the amount of taxes to be levied upon each lot, block, tract, or parcel of land within the Water SSA and the benefit to be rendered from the Special Services, while affording the Water SSA properties and the Village a reasonable means of financing the Special Services authorized under the Establishing Ordinance..

(b) To receive the Special Services, a Delinquent Parcel will be required to satisfy the following terms and conditions: (i) the payment of all delinquent Initial Taxes, including any interest and penalties; (ii) the payment of the balance of the maximum SSA Taxes allocable to the Delinquent Parcel, being the product of \$2,740,000.00 times the percentage attributable to the delinquent Parcel's P.I.N. as set forth in Column X of Exhibit E (the "**Remaining Taxes**"); (iii) interest on the Remaining Taxes at a rate of nine per cent (9%) per annum, which interest shall be calculated from 1 January 2011 until the Remaining Taxes are paid in full; and (iv) the

payment of the then-current connection fees associated with the receipt of water from the water system to be developed in connection with the Water SSA.

SECTION FIVE: Filing; Recordation. The Village Clerk is hereby directed and required to file and record this Ordinance and any other required materials with the Lake County Clerk or the Office of the Lake County Recorder.

SECTION SIX: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED THIS ___th DAY OF DECEMBER, 2010.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED THIS ___th DAY OF DECEMBER, 2010.

Village President

ATTEST:

Village Clerk

#9948850_v2

EXHIBIT A

LEGAL DESCRIPTION OF ROUTE 83 WATER SPECIAL SERVICE AREA

Beginning at a point being the southwest corner of the parcel identified as PIN No. 15-30-200-013 in the NE 1/4 of the NE 1/4 of Section 30, Township 43 North, Range 11 East of the 3d P.M. in Lake County, Illinois; thence easterly to the southeast corner of said parcel; thence northerly to the intersection of the northeast corner of said parcel and the southerly right-of-way line of Aptakisic Road; thence westerly along the southerly right-of-way line of Aptakisic Road to its intersection with the easterly right-of-way line of Illinois Route 83; thence southerly along the easterly right-of-way line of Illinois Route 83 to its intersection with the southerly right-of-way line of Robert Parker Coffin Road extended easterly; thence westerly along southerly right-of-way line of Robert Parker Coffin Road so extended to its intersection with the westerly right-of-way line of Illinois Route 83; thence southerly along the westerly right-of-way line of Illinois Route 83 to its intersection with the northeasterly corner of the parcel identified as PIN No. 15-30-205-019 located in the NE 1/4 of said Section 30; thence westerly to the northwesterly corner of said parcel; thence southerly along the westerly border of said parcel to the northerly right-of-way line of Old McHenry Road/Hicks Road; thence easterly along said right-of-way line to its intersection with the easterly right-of-way line of Illinois Route 83 and the southerly line of the parcel identified as PIN No. 15-30-200-027 located in the NE 1/4 of said Section 30; thence easterly along the southerly line of said parcel to its southeasterly corner; thence northerly along the east line extended of said parcel to the point of beginning; all in the NE 1/4 of Section 30, Township 43 North, Range 11 East of the 3d P.M. in Lake County, Illinois.

PIN Nos.	15-30-203-011
	15-30-203-012
	15-30-203-013
	15-30-203-014
	15-30-203-015
	15-30-203-016
	15-30-203-017
	15-30-203-018
	15-30-203-019
	15-30-200-058
	15-30-200-056
	15-30-200-057
	15-30-205-019
	15-30-200-022
	15-30-200-024
	15-30-200-027

EXHIBIT B

MAP OF ROUTE 83 WATER SPECIAL SERVICE AREA

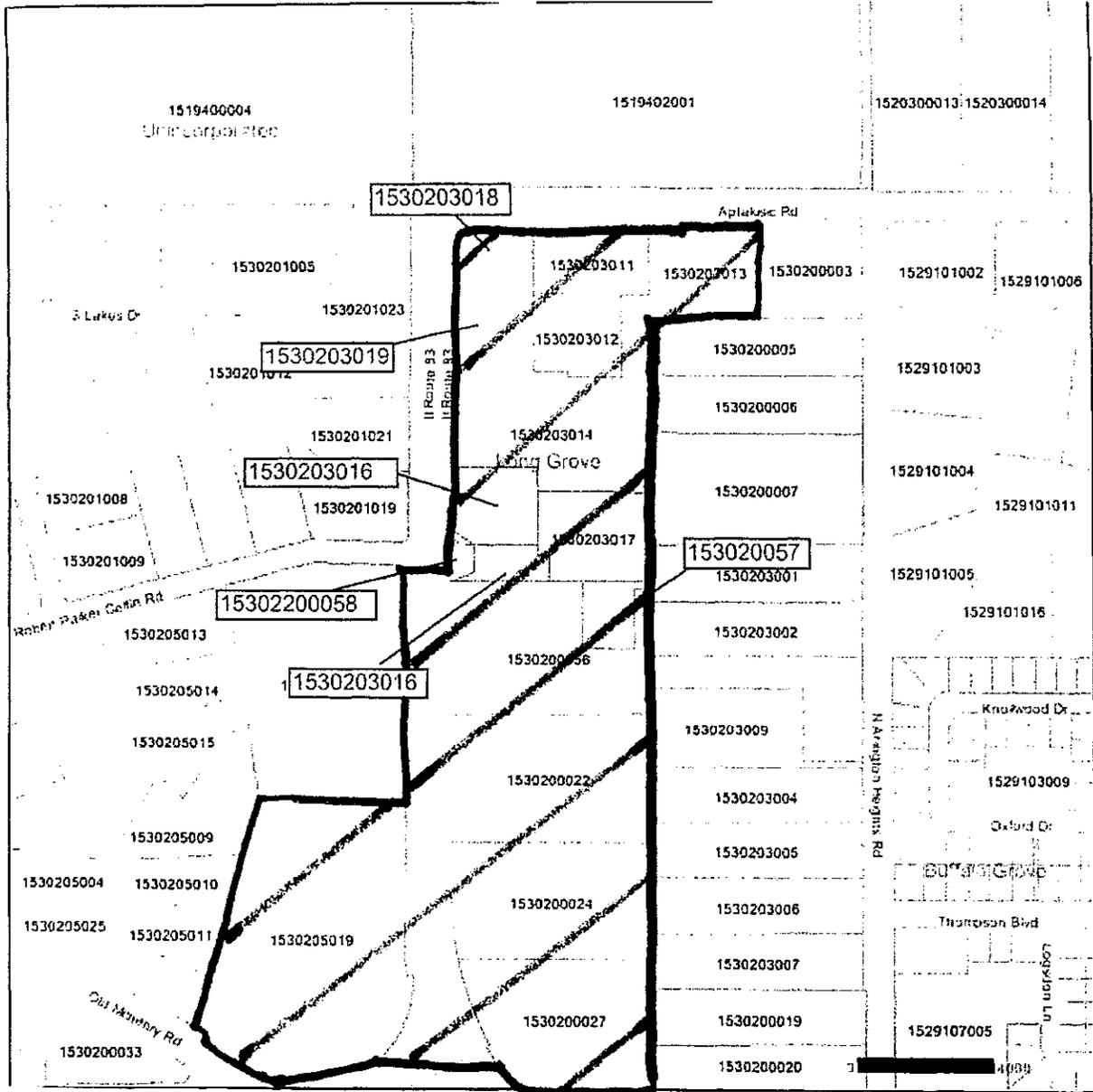


EXHIBIT C

CERTIFICATE OF PUBLICATION

EXHIBIT D

AFFIDAVIT OF MAILING

EXHIBIT E

SPECIAL TAX ROLL ALTERNATIVE METHOD

**WATER SYSTEM COST ALLOCATION
PROPERTIES WITHIN THE WATER SSA**

Property	Property Area (Acres)	Gross Building Area	Fire Flow Requirements			Water Supply & Treatment				PINS	COLUMN X Allocation of Remaining Taxes
			Largest Building (sq. ft.)	Construction Type (ICC Code)	Needed Fireflow (NFF) (gpm)	NFF (% of total)	Average Daily Water Use (gallons)	Max. Daily Water Use (gallons)	Water Use (% of total)		
A	16.46	112,000	48,371	IIB	1,187	30.16%	12,828	19,242	32.95%	1530203011- 1530203019, 1530200058	32.03%
B	5.7	39,000	14,350	IIB	625	15.88%	3,900	5,850	10.02%	1530200056, 1530200057	11.95%
C	9.72	85,000	41,500	IIB	1,062	26.98%	10,200	15,300	26.20%	1530205019	26.46%
D	15.02	120,000	40,000	IIB	1,062	26.98%	12,000	18,000	30.83%	1. 1530200022 2. 1530200024 3. 1530200027	10.53% 9.74% 9.29%
TOTAL	46.9	356,000	---	---	3,936	100.0%	38,928	58,392	100.00%	---	100.0%

Notes:

1. Total Cost Allocation is based on 1/3 of cost due to fire protection and 2/3 of cost due to water supply and treatment.
2. Average Daily Water Use is based on 0.035 gal/sf for retail uses, 0.13 gal/sf Sunset Foods (user supplied), 0.25 gal/sf Restaurant, 0.10 gal/sf Office, 0.12 gal/sf Medical Office.
3. Construction Type assumed to be non-combustible construction.
4. Needed Fire Flow based on International Fire Code Table B105 with a 75% reduction due to sprinkler system.
5. Property Area and PINs based on Lake County Tax Maps as of the date of this Ordinance.
6. Taxes within any of the Properties will be divided among the PINs comprising the specific Property based on Property Area.
7. To receive the Special Services provided within the Water SSA, delinquent parcels must satisfy the following terms and conditions: (i) the payment of all delinquent SSA Taxes, including any interest and penalties; (ii) the payment of the balance of the maximum SSA Taxes that were previously authorized to be levied upon the Delinquent Parcels, plus interest at the maximum authorized rate beginning as of 1 December 2010; (iii) the payment of the then-current connection fees associated with the receipt of water from the water system to be developed in connection with the Water SSA, and (iv) such other reasonable terms and conditions that the Village Board determines are necessary, desirable, or appropriate.

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THE B1-A PLANNING AREA (IL ROUTE 83 & IL ROUTE 53)**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this __th day of December, 2010

Published in pamphlet form by direction
and authority of the Village of Long Grove
Lake County, Illinois
this __th day of December, 2010