

**AN ORDINANCE ENLARGING THE NORTHEAST LAKE
FPA SPECIAL SERVICE AREA
(Galt Property)**

WHEREAS, the County Board of Lake County, State of Illinois (the "County Board"), has created 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, Tempel Smith, Jr. as Co-Trustee under the provisions of the "Trust under the Will of Tempel Smith for the Benefit of Tempel Smith, Jr." ("Smith"), and Henry J. Loos, as Co-Trustee under the provisions of the of the aforesaid trust ("Loos") (collectively Smith and Loos shall hereinafter be collectively referred to as the "Owner"), are the record and/or beneficial owners of a portion of the real property legally described in Exhibit A attached hereto and by this reference incorporated herein and made a part hereof (the "Galt Annexation Tract"); and

WHEREAS, the Owner plans to develop not more than 81 residential units on the Galt Annexation Tract that will require a maximum capacity of 284 Population Equivalents ("P.E.") for sanitary sewage disposal on the Galt Annexation Tract; and

WHEREAS, the Galt Annexation Tract lies within the unincorporated area of the County, 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, the Owner, pursuant to a written request, has requested that the Galt Annexation Tract be annexed to the NEFPA SSA in order to receive sanitary sewer service from Lake County; and

WHEREAS, in response to the Owner's requests, the County Board passed an ordinance entitled "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 (Galt Property)," (the "Galt Proposing Ordinance") on 13 June 2006; and

WHEREAS, pursuant to the Galt Proposing Ordinance, the County Board held a public hearing on the enlargement of the NEFPA SSA on August 1, 2006 as required by the Special Service Area Act. Said hearing was held pursuant to notice (i) duly published in the Waukegan News-Sun, a newspaper of general circulation within the NEFPA SSA and the Galt Annexation Tract on June 30, 2006, which was at least 15 days prior to the hearing, and (ii) by mail addressed to the person or persons in whose name the general taxes for the Galt 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. A Certificate of Publication of Notice and an Affidavit of Mailing of Notice are attached to this Ordinance as Exhibits B and C,

respectively. Said notices conform in all respects to the requirements of the Special Service Area Act; and

WHEREAS, the County Board has found and determined (a) that sufficient capacity exists or is programmed to become available in the Northeast Sewerage System to serve the Galt Annexation Tract, and (b) that it is in the best interests of the NEFPA SSA, that the NEFPA SSA be enlarged by annexing the Galt Annexation Tract thereto, subject to the conditions, restrictions, and provisions contained herein;

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

SECTION ONE: Recitals. The foregoing recitals are incorporated herein as if fully set forth.

SECTION TWO: Annexation. Subject to the conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, the Galt Annexation Tract is hereby annexed to the NEFPA SSA (the "Annexation"). An accurate map of the NEFPA SSA, as enlarged, is attached hereto and by this reference incorporated herein and made a part hereof as Exhibit D. A legal description of the NEFPA SSA, as enlarged, is attached hereto and by this reference incorporated herein and made a part hereof as Exhibit E. The Galt Annexation Tract shall hereafter be subject to the terms, provisions, and requirements of the Establishing Ordinance.

SECTION THREE: Amendment to Special Tax Rolls.

A. Pursuant to Subsection 6.D of the Establishing Ordinance, the Galt Annexation Tract shall be assigned a zero share of the Special Tax Rolls (as defined in Section 5 of the Establishing Ordinance), and the addition of the Galt Annexation Tract 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).

B. The Twenty-Year Special Tax Roll, as established pursuant to Subsection 5.C of the Establishing Ordinance, is hereby amended by the addition of the following in the appropriate numerical order:

<u>Tract</u>	<u>Amount of Annual Tax</u>
"Galt Annexation Tract	- 0 -"

In all other respects, said Subsection 5.C of the Establishing Ordinance, as amended from time-to-time, shall remain in full force and effect.

SECTION FOUR: Conditions on the Enlargement of the NEFPA SSA.

A. Execution of Annexation Agreement. The Owner shall sign and deliver to the County an "Agreement to Annex the Galt Annexation Tract to the NEFPA SSA," in substantially the form that is attached hereto as Exhibit F and made a part of this Ordinance (the "Annexation Agreement"). The County Board hereby approves the Annexation Agreement, and the County Board Chairman and County Clerk are hereby authorized and directed to execute and attest the Annexation Agreement on behalf of the County upon delivery of the signed

Annexation Agreement from the Owner; provided, however, that, if the Owner fails to sign and deliver the Annexation Agreement within 45 days after the date of this Ordinance, then this Ordinance shall be of no force or effect.

B. Payment of Annexation Fees and Costs. The Owner shall pay to the County the annexation fee set forth in the Annexation Agreement in accordance with Subsection 11.A of the Establishing Ordinance (the "Annexation Fee"), as well as all costs and expenses incurred in connection with, or arising from, the Annexation, including publication, administration, legal, and engineering costs (the "Costs"). All Annexation Fees and Costs shall be in addition to, and not in lieu of, the Standard Connection Fee described in Subsection 10.A of the Establishing Ordinance.

C. Absence of Protest. No valid protest has been filed with the County Clerk within 60 days after the close of the August 1, 2006 public hearing by 51% of the owners and 51% of the electors of NEFPA SSA.

SECTION FIVE: Recordation. The County Clerk is hereby authorized and directed to record certified copies of this Ordinance in the Office of the Lake County Recorder of Deeds and to file the same in the Office of the Lake County Clerk following payment of the Annexation Fee.

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.

PASSED THIS ____ DAY OF _____, 2006.

AYES:

NAYS:

ABSENT:

APPROVED THIS ____ DAY OF _____, 2006.

Chairman, Lake County Board

ATTEST:

County Clerk

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