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**VILLAGE OF WINNETKA
ORDINANCE NO. M-14-2011**

**AN ORDINANCE
ESTABLISHING WINNETKA SPECIAL SERVICE AREA NO. 5
IN THE VILLAGE OF WINNETKA, ILLINOIS
(Rosewood-Glendale-Elm-Oak Alley Improvements)**

Property of Cook County Clerk's Office

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**AN ORDINANCE
ESTABLISHING WINNETKA SPECIAL SERVICE AREA NO. 5
IN THE VILLAGE OF WINNETKA, ILLINOIS
(Rosewood-Glendale-Elm-Oak Alley Improvements)**

WHEREAS, the Village of Winnetka (“Village”) is a home rule municipality in accordance with Article VII, Section 6 of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the public health, safety and welfare of its citizens; and

WHEREAS, it is in the public interest that the area described in Exhibit A and depicted on the map in Exhibit B (the “Territory”), which exhibits are attached to and made a part of this Ordinance, be established as Winnetka Special Service Area No. 5 for the purposes set forth herein; and

WHEREAS, the Territory is a single family residential area consisting of properties bounded by Elm Street, Oak Street, Rosewood Avenue and Glendale Avenue, which Territory constitutes a compact and contiguous residential territory; and

WHEREAS, the owners of the properties in the Territory have requested that the corporate authorities (the “Village Council”) give consideration to the establishment of a special service area in order to provide for the construction of a storm sewer and a new concrete alley, and the construction of related appurtenances to the Territory (the “Services”); and

WHEREAS, the Services proposed to be provided to Winnetka Special Service Area No. 5 will supplement services currently or customarily provided by the Village to the Territory, in particular in connection with the alley and storm drainage infrastructure, in that the proposed Winnetka Special Service Area No. 5 is intended to improve stormwater drainage to the Territory and to construct a new concrete public alley to Village standards; and

WHEREAS, the Services proposed to be provided in Winnetka Special Service Area No. 5 are unique and in addition to the general municipal services provided to the Village as a whole and will be for the common interests and specific benefit of the Territory; and

WHEREAS, a special service area has been proposed so that bonds or other duly authorized financing instrument may be issued to meet the costs of the Services for the Territory,

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said bonds or financing instrument to be payable from taxes levied on all taxable property within the Territory, in addition to all other Village taxes so levied; and

WHEREAS, the bonds or other duly authorized financing instrument proposed to be issued for the purpose of paying the cost of providing the Services (“Bonds”) shall be in an amount not to exceed One Hundred Sixty-One Thousand, Two Hundred Fifty Dollars (\$161,250.00), which equals 125% of the estimated cost of the Services and shall be secured by the full faith and credit of the Territory; and

WHEREAS, the Bonds are to mature over a period of not to exceed 5 years from the issuance thereof and shall bear interest at a rate or rates not to exceed five per cent (5%) per annum or the maximum rate then permitted by law; and

WHEREAS, the Bonds are to be retired by the levy of a direct annual tax, sufficient to pay the interest and principal on the Bonds as the same come due, upon all taxable property within the Territory for a period of not to exceed five (5) years, and the tax levied for the retirement of the Bonds shall be unlimited as to the rate or amount in addition to all other taxes permitted by law; and

WHEREAS, the establishment of the proposed special service area was proposed by the Village Council pursuant to Ordinance M-3-2011, “An Ordinance Proposing the Establishment of the Village of Winnetka Special Service Area No. 5 in the Village of Winnetka and Providing for a Public Hearing and Other Procedures in Connection Therewith,” which was enacted on April 26, 2011, and was considered at a public hearing (“Hearing”) held by the Village Council on June 7, 2011; and

WHEREAS, the Hearing was held pursuant to a Notice of Hearing which was attached to Ordinance M-2-2011 and is attached hereto as Exhibit C and made a part of this Ordinance (“Notice of Hearing”); and

WHEREAS, the territory proposed to be included in the proposed special service area consisted of nineteen (19) parcels of property on the block bounded by Elm Street, Oak Street, Rosewood Avenue and Glendale Avenue, which properties were identified and described in Ordinance M-3-2011 and the exhibits thereto, including the Notice of Hearing (“Proposed Territory”); and

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WHEREAS, the Notice of Hearing was duly published at least fifteen (15) days prior to the Hearing in the *Winnetka Talk*, a newspaper published in the Winnetka area and being in general circulation in the Village of Winnetka, and pursuant to notice by mail; and

WHEREAS, mailed notice of the Hearing was given by depositing a copy of the Notice of Hearing 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 Proposed Territory not less than ten (10) days prior to the time set for the Hearing and, in the event taxes for the last preceding year were not paid, said Notice of Hearing was sent to the person or persons last listed on the tax rolls prior to that year as the owner or owners of said property; and

WHEREAS, said notices conformed in all respects to the requirements of the Special Service Area Tax Law, 35 ILCS 200/27-5, *et seq.*; and

WHEREAS, at the Hearing, all interested persons, including all persons owning taxable property within the Proposed Territory, were given an opportunity to be heard on the question of the creation of the special service area, the levy or imposition of a tax in the Proposed Territory and the issuance of bonds providing for special services, as set forth in the Notice of the Hearing; and

WHEREAS, at the Hearing, the owners of certain properties at the edge of the Proposed Territory requested that they be excluded from Special Service Area No. 5 because they do not use the alley for access; and

WHEREAS, at the close of the hearing on June 7, 2011, the Village Council determined that it would consider amending the boundaries of proposed Special Service Area No. 5, provided the owners of the properties seeking to be excluded agreed to pay, in full, one-half of the amount identified in Ordinance M-3-2011 as their share of the project costs, and provided that the removal of the properties did not affect the contiguity of the proposed Special Service Area No. 5; and

WHEREAS, in accordance with Section 27-35 of the Special Service Area Tax Law, 35 ILCS 200/27-35, the Village Council enacted Ordinance M-10-2011 on June 21, 2011, the date of its first regular meeting after the public hearing, which Ordinance amended the Territory by deleting the parcels of property commonly known as 1110 Elm Street, and 1111 Oak Street in

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the Village of Winnetka, Illinois (“Deleted Parcels”), from proposed Special Service Area No. 5; and

WHEREAS, the removal of the Deleted Parcels from Special Service Area No. 5 does not affect the contiguity of the Territory; and

WHEREAS, no petition that objects to the establishment of the proposed special service area, the enlargement thereof, the levy or imposition of a tax or the issuance of the Bonds for the provision of the Services to the Territory, or to a proposed increase in the tax rate and that is signed (i) by at least 51% of the electors residing within the Territory and also (ii) by at least 51% of the owners of record of the land included within the Territory, has been filed with the Village Clerk within 60 days following the final adjournment of the Hearing; and

WHEREAS, it is in the public interest of the Village of Winnetka that Winnetka Special Service Area No. 5 be established in the Territory and that the Services to be provided to the Territory be paid for by the issuance of the Bonds and the related levy of a special tax against all property located within the Territory; and

WHEREAS, the Village Council, having given consideration to the proposal, deem it advisable to initiate proceedings under the applicable laws of the State of Illinois in connection with such proposal; and

WHEREAS, Article VII, Section 6(i) of the Illinois Constitution provides, in pertinent part, that “the General Assembly may not deny or limit the power of home rule units . . . 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.”

NOW, THEREFORE, the Council of the Village of Winnetka do ordain as follows:

SECTION 1: That the facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby incorporated into this Ordinance by reference as the findings of the Council of the Village of Winnetka (“Village Council”), as if fully set forth herein.

SECTION 2: That the public hearing on the proposed special service area was adjourned on June 7, 2011.

SECTION 3: That no petition that objects to the establishment of the proposed Winnetka Special Service Area No. 5, the enlargement thereof, the levy or imposition of a tax or

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the issuance of the Bonds for the provision of the Services to the Territory, or to a proposed increase in the tax rate and that is signed (i) by at least 51% of the electors residing within the Territory and also (ii) by at least 51% of the owners of record of the land included within the Territory, has been filed with the Village Clerk within 60 days following the final adjournment of the public hearing.

SECTION 4: That after considering the data, as presented at the public hearing, the Village Council find that it is in the public interest and in the interest of the Territory, that Village of Winnetka Special Service Area No. 5, as hereinafter described, be established.

SECTION 5: That a special service area to be known and designated as "Village of Winnetka Special Service Area No. 5" ("SSA No. 5") is hereby established and shall consist of the territory legally described in Exhibit A, a copy of which is attached hereto and is made a part of this Ordinance.

SECTION 6: That the territory of SSA No. 5 consists of the properties lying within the block bounded by Elm Street on the north, Oak Street on the south, Rosewood Avenue on the east and Glendale Avenue on the west, and consists of seventeen (17) properties, which properties are known by the following permanent property index numbers ("PIN") and the approximate common street locations described below:

P.I.N.	STREET ADDRESS
05-20-109-002	1108 Elm
05-20-109-003	1106 Elm
05-20-109-025	1096 Elm
05-20-109-027	1086 Elm
05-20-109-007	1082 Elm
05-20-109-008	1078 Elm
05-20-109-009	1072 Elm
05-20-109-024	518 Rosewood
05-20-109-014	1107 Oak
05-20-109-015	1101 Oak
05-20-109-028	1097 Oak
05-20-109-017	1087 Oak
05-20-109-018	1083 Oak
05-20-109-019	1077 Oak
05-20-109-020	1073 Oak
05-20-109-021	1067 Oak
05-20-109-022	1063 Oak

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SECTION 7: That the purpose of the establishment of SSA No. 5 is to provide for the construction of a storm sewer, a new concrete alley, and the furnishing of all necessary labor and materials in connection therewith, and any other similar types of amenities and improvements that shall be compatible with the proposed improved plan for the Territory (the "Services"). All of the Services will supplement services currently or customarily provided by the Village to the Territory, in that SSA No. 5 is intended to improve stormwater drainage and access to the properties in the Territory by constructing a new storm sewer and a concrete alley to Village standards.

SECTION 8: That SSA No. 5 is also created so that bonds or such other financing instrument as may be authorized by law may be issued to meet the costs of the Services for SSA No. 5 and for the purposes aforesaid, said bonds or financing instrument (the "Bonds") to be payable from taxes levied on the property in the Territory, in addition to all other Village taxes so levied; provided, that the Bonds shall not be issued in excess of the principal amount of One Hundred Sixty-One Thousand, Two Hundred Fifty Dollars (\$161,250.00), and provided, that the Bonds shall be at an interest rate not to exceed five per cent (5.00%) per annum and shall be retired over a period not to exceed five (5) years. The Bonds, if issued, shall be retired by the levy of a direct tax on all taxable real property within the Territory to discharge the principal as it matures and the interest thereon as it comes due, and said tax shall be in addition to all other taxes presently levied by any taxing district within the Territory.

SECTION 9: That SSA No. 5 shall terminate not later than the fifth anniversary of the issuance of the Bonds, unless prior to such date the Village enacts an ordinance extending the duration of SSA Area No. 5.

SECTION 10: That the Village Clerk is hereby directed to file a certified copy of this Ordinance creating SSA No. 5, including Exhibits A, B and C, along with an accurate map of the Territory, with the County Clerk of Cook County no later than 60 days after the passage and approval of this Ordinance.

SECTION 11: That this Ordinance is passed by the Council of the Village of Winnetka in the exercise of its home rule powers pursuant to Section 6 of Article VII of the Illinois Constitution of 1970.

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SECTION 12: That this Ordinance shall take effect immediately upon its passage, approval and posting as provided by law.

PASSED this 6th day of September, 2011, pursuant to the following roll call vote:

AYES: Trustees Braun, Greable, Johnson, Kates, Rintz, Spinney

NAYS: None

ABSENT: None

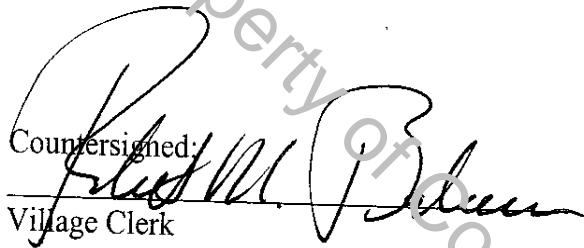
APPROVED this 6th day of September, 2011.

Signed



Village President

Countersigned:



Village Clerk

Introduced: August 16, 2011

Posted: August 17, 2011

Passed and Approved: September 6, 2011

Posted: September 7, 2011

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Exhibit A
WINNETKA SPECIAL SERVICE AREA NO. 5
Elm-Oak-Locust-Rosewood Alley Improvements

Legal Description.

Lots 3, 4, 5, 6, 7, 8, 9, 10 (except the westerly 50 feet thereof), 12, 15, 16, 17, 18, 19 and 20, in Block 6 of Groveland Addition to Winnetka in Section 20, Township 42 North, Range 13 East of the third Principal Meridian, in the Village of Winnetka, Cook County, Illinois;

and

The east 30 feet of Lot 14, and the east ½ of lot 11, in Block 6 of Groveland Addition to Winnetka in Section 20, Township 42 North, Range 13 East of the third Principal Meridian, in the Village of Winnetka, Cook County, Illinois;

and

The south 77 feet of Lots 1 and 2 in Block 6 of Groveland Addition to Winnetka in Section 20, Township 42 North, Range 13 East of the third Principal Meridian, in the Village of Winnetka, Cook County, Illinois;

and

Lot 1 of Cross' Consolidation of all of Lot 13 and Lot 14 except the east 30 feet thereof in Block 6 of the Groveland Addition to Winnetka; all Section 20, Township 42 North, Range 13 East of the third Principal Meridian, in the Village of Winnetka, Cook County, Illinois.

Common Description.

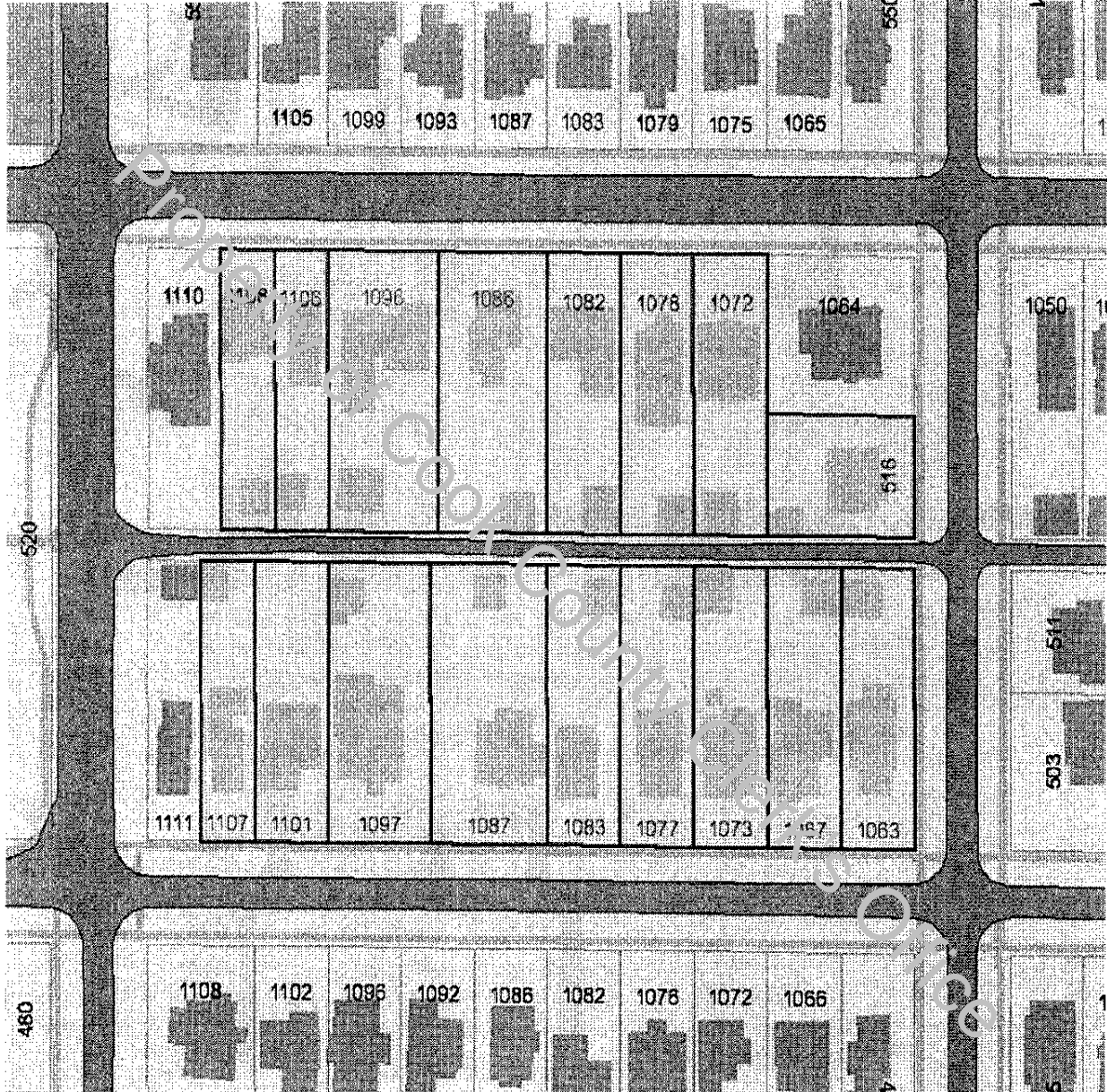
Said territory is bounded by Elm Street on the north, Oak Street on the south, Glendale Avenue on the west, and Rosewood Avenue on the east, and consists of seventeen (17) properties which have the following common addresses:

P.I.N.	STREET ADDRESS
05-20-109-002	1108 Elm
05-20-109-003	1106 Elm
05-20-109-025	1096 Elm
05-20-109-027	1086 Elm
05-20-109-007	1082 Elm
05-20-109-008	1078 Elm
05-20-109-009	1072 Elm
05-20-109-024	518 Rosewood
05-20-109-014	1107 Oak
05-20-109-015	1101 Oak
05-20-109-028	1097 Oak
05-20-109-017	1087 Oak
05-20-109-018	1083 Oak
05-20-109-019	1077 Oak
05-20-109-020	1073 Oak
05-20-109-021	1067 Oak
05-20-109-022	1063 Oak

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EXHIBIT B

Project Location Map



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Exhibit C

**NOTICE OF PUBLIC HEARING
VILLAGE OF WINNETKA
PROPOSED SPECIAL SERVICE AREA NUMBER 5
Elm-Oak-Glendale-Rosewood Alley Improvements**

NOTICE IS HEREBY GIVEN that on June 7, 2011, at 7:30 p.m. in the Winnetka Village Hall, 510 Green Bay Road, Winnetka, Illinois, a public hearing will be held by the Village of Winnetka ("Village") to consider forming a special service area (the "Winnetka Special Service Area No. 5") consisting of the real property known by the property index numbers and the approximate common street addresses described below (hereinafter collectively referred to as the "Territory"):

P.I.N.	STREET ADDRESS
05-20-109-001	1110 Elm
05-20-109-002	1108 Elm
05-20-109-003	1106 Elm
05-20-109-025	1096 Elm
05-20-109-027	1086 Elm
05-20-109-007	1092 Elm
05-20-109-008	1078 Elm
05-20-109-009	1072 Elm
05-20-109-024	518 Rosewood
05-20-109-013	1111 Oak
05-20-109-014	1107 Oak
05-20-109-015	1101 Oak
05-20-109-028	1097 Oak
05-20-109-017	1087 Oak
05-20-109-018	1083 Oak
05-20-109-019	1077 Oak
05-20-109-020	1073 Oak
05-20-109-021	1067 Oak
05-20-109-022	1063 Oak

Winnetka Special Service Area No. 5 is to be established to provide certain public services (the "Services") to the Territory that will supplement the services currently or customarily provided by the Village to the Territory, in particular the for the construction of a storm sewer, a new concrete alley, and the furnishing of all necessary labor and materials in connection therewith, and any other similar types of amenities and improvements that shall be compatible with the proposed improved plan for the Territory. The proposed Winnetka Special Service Area No. 5 is intended to improve stormwater drainage to the Territory and construct a new concrete alley to Village standards. The Services proposed to be provided in Winnetka Special Service Area

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No. 5 are unique and in addition to the general municipal services provided to the Village as a whole and will be for the common interests and specific benefit of the Territory.

At the hearing, consideration shall also be given to financing an amount not to exceed \$161,250.00 (125% of the engineer's estimate of project costs), (the "Financing"). The proceeds of the Financing shall be used to pay part of the costs of the proposed Winnetka Special Service Area No. 5. The Financing is to be retired over a period not to exceed 5 years and are to bear interest at a rate not to exceed 5.00% per annum or the maximum rate permitted by law. The Financing, if issued, shall be retired by the levy of a direct tax on all taxable real property within the Territory for a maximum period of 5 years, to discharge the principal as it matures and the interest thereon, and said tax shall be in addition to all other taxes presently levied by any taxing district within the Territory.

All interested persons affected by the formation of the Winnetka Special Service Area No. 5, including, but not limited to, all persons owning taxable real property located within the Territory, will be given an opportunity to be heard regarding the formation and the boundaries of the proposed Winnetka Special Service Area No. 5, and will be given an opportunity to file objections to the formation of Winnetka Special Service Area No. 5, the issuance of Financing, and the related levy of taxes affecting the Winnetka Special Service Area No. 5.

The public hearing may be adjourned by the Village to another date without further notice other than a motion to be entered upon the minutes of its meeting fixing the time and place of its adjournment.

If a petition signed by at least 51 % of the electors residing within the Territory and by at least 51% of the owners of record of the land included within the Territory is filed with the Village Clerk within 60 days following the final adjournment of the public hearing objecting to the establishment of the proposed Winnetka Special Service Area No. 5, the enlargement thereof, the levy or imposition of a tax or the issuance of the Bonds for the provision of the Services to the Area, or to a proposed increase in the tax rate, then the proposed Winnetka Special Service Area No. 5 may not be created or enlarged, nor the tax levied or imposed, nor the rate increased, and the Financing may not be issued.

Dated this 5th day of May, 2011.

Robert M. Bahan, Village Clerk
Village of Winnetka, Cook County, Illinois

