

ORDINANCE NO. 1762-17

AN ORDINANCE PROPOSING ESTABLISHMENT OF “BACKUP SPECIAL SERVICE AREA #6” FOR THE STONEBRIDGE SUBDIVISION AND SETTING A PUBLIC HEARING AND OTHER PROCEDURES IN CONNECTION THEREWITH

WHEREAS, on or about August 24, 2015, the Village of Hawthorn Woods granted HDP Stonebridge LLC approval of a special use permit, among other related approvals, for the development of the Stonebridge Subdivision, including acceptance of the Declaration of Covenants for the Stonebridge Homeowners’ Association; and

WHEREAS, the Declaration of Covenants for Stonebridge, Lake County Recorder number 7299693, page 18 of 36, Section 7.09 Backup SSA, states the Municipality may establish a “Special Service Area” to serve as what is commonly referred to as a “Backup Special Service Area” to give the Municipality the power to levy taxes to pay the cost of maintaining the areas required to be maintained by the Association if the Association fails to perform such maintenance and the Municipality chooses to furnish such fees or services.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, that the Mayor and Village Clerk be, and the same are, are hereby authorized to establish a Backup Special Service Area Number 6 for the Stonebridge Subdivision, and by the reference, made a part hereof, as follows:

SECTION ONE: The statutory authority for special service areas is set forth in the Special Service Area Tax Law, 35 Illinois Compiled Statutes 200/27, which provides the manner of levying or imposing taxes for the provisions of special services to areas within the boundaries of municipalities.

SECTION TWO: The Village and Board of Trustees find that:

- A. It is in the public interest that the creation of “Backup Special Service Area Number 6”, for the purposes set forth herein, be considered for the approximately 59.18-acre parcel generally located south of the intersection of Old McHenry Road and Hubbard Lane and legally described on Exhibit “A” attached hereto and incorporated herein (the “SUBJECT REALTY”);
- B. The Village of Hawthorn Woods, Illinois (the “Village”), hereby proposes the establishment of a “Backup Special Service Area Number 6” for the SUBJECT REALTY;
- C. An accurate map of the SUBJECT REALTY is on file in the office of the Village Clerk and is available for public inspection. The establishment of a special service area in the above-described SUBJECT REALTY has not been proposed during the two years preceding the adoption of this Ordinance.

SECTION THREE: The SUBJECT REALTY is compact, contiguous and constitutes a separate and distinct subdivision within the Village; the SUBJECT REALTY will benefit specially from a backup special service area and from the special municipal services to be provided on a backup basis as hereinafter described; the proposed special municipal services are in addition to municipal services provided to the Village as a whole; and it is therefore in the best interest of the Village that the levy of special taxes against the SUBJECT REALTY to finance the special municipal services on a backup basis be considered. In the event the homeowners’ association fails to perform the proper maintenance of the matters described below, the Village would provide municipal services on a backup basis that would include:

- A. Maintenance and repair of the bike paths, sidewalks and pedestrian ways, stormwater management facilities including retention and detention facilities, channels, swales,

drainage facilities, and landscaping as deemed necessary and appropriate by the Village;
and

- B. Surface water detention consisting of mowing, erosion, nuisance and sedimentation control, sediment removal, structural maintenance and replacement, regrading, reseeding, replanting and removal of debris, as deemed necessary and appropriate by the Village;
and
- C. Open space/natural areas maintenance consisting of mowing, reseeding, replanting, landscaping, removal of debris, and cleanup, as deemed necessary and appropriate by the Village; and
- D. Landscaped islands and medians consisting of replanting, landscaping, removal of debris, and cleanup and maintenance of monument signs, as deemed necessary and appropriate by the Village; and
- E. Administration and inspection of items A through D above (collectively the “Special Services”).

The proposed term of the “Backup Special Service Area Number 6” would be perpetual and the nature of the Special Service is backup maintenance.

However, under no circumstances shall the provision of such Special Services by the Village or its contractors constitute an acceptance of any personal property or real property within the SUBJECT REALTY by the Village.

SECTION FOUR: A public hearing shall be held on June 26, 2017 at 7:00 p.m. at the Hawthorn Woods Village Hall located at 2 Lagoon Drive in the Village of Hawthorn Woods being the time and place of a meeting of the Village Board of Trustees to consider the establishment of “Backup Special Service Area Number 6” for the SUBJECT PROPERTY legally described and

commonly described in Section 2(A) of this Ordinance. At the hearing, there shall also be considered the levy of an annual tax not to exceed the annual rate of \$0.0598 per hundred dollars of the assessed value, as equalized, of the taxable property within the SUBJECT REALTY, said tax only to be levied annually in the event the homeowners' association for the subdivision fails to perform its maintenance responsibilities set forth in the Declaration of Covenants of Record for the Stonebridge Subdivision, from the date of the establishment of a special service area for the SUBJECT REALTY. Said taxes, if levied, shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Special Service Tax Law.

SECTION FIVE: The Village Clerk shall give notice of such hearing in the following manner: Notice of such hearing shall be published at least once, not less than fifteen days prior to the date set for the public hearing in the Daily Herald, which is a newspaper of general circulation in the Village. In addition, notice by mailing shall be given by depositing said notice in the United States mail 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 "Backup Special Service Area Number 6". Said notice shall be mailed not less than fifteen days prior to the date set for the public 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. The notice shall be in substantially the following form:

NOTICE OF PUBLIC HEARING OF THE PROPOSED ESTABLISHMENT OF "BACKUP SPECIAL SERVICE AREA NUMBER 6" AND THE LEVY OF A SPECIAL TAX THEREFORE FOR THE STONEBRIDGE SUBDIVISION IN THE VILLAGE OF HAWTHORN WOODS

NOTICE IS HEREBY GIVEN that the Village Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, shall conduct a Public Hearing on Monday, June 26, 2017, at 7:00 p.m., at the Village Hall, 2 Lagoon Drive, Hawthorn Woods, Illinois 60047, to consider forming a "Backup Special Service Area Number 6" constituting that contiguous area of the Village which is generally described as the approximately 59.18-acre parcel generally located south of the intersection of Old McHenry Road and Hubbard Lane. More specifically, the "Backup Special Service Area Number 6" includes all of the parcels in the Stonebridge Subdivision:

PARCEL 1: THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (EXCEPT THEREFROM THE SOUTH 970.0 FEET THEREOF), PART OF THE EAST HALF OF THE NORTHWEST QUARTER (EXCEPT THEREFROM THE SOUTH 970.0 FEET THEREOF) AND PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS, TO WIT; COMMENCING AT A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 8, 39.40 FEET SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH ALONG AFORESAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 8, 1647.70 FEET TO A POINT 970 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE EAST ALONG A LINE 970.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 8, 895.50 FEET TO A POINT 580 FEET WEST OF THE EAST LINE OF THE WEST 1/8 OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE NORTH EASTERLY ALONG A LINE FORMING AN ANGLE OF 69 DEGREES

40 MINUTES WITH THE LAST DESCRIBED COURSE EXTENDED (MEASURED FROM EAST TO NORTH) FOR A DISTANCE OF 857.00 FEET TO A POINT IN THE CENTER OF THE PUBLIC HIGHWAY DESIGNATED AS STATE AID ROUTE 32, (PLAT OF SAID HIGHWAY BEING RECORDED UNDER DOCUMENT 524177 IN SAID COUNTY); THENCE NORTHWESTERLY ALONG THE CENTERLINE OF SAID PUBLIC HIGHWAY, 1473.5 FEET TO THE POINT OF BEGINNING, LYING SOUTH OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHWEST CORNER OF SAID EAST HALF OF THE NORTHWEST QUARTER, SAID CORNER ALSO BEING A CORNER IN LAKEWOOD ESTATES OF HAWTHORN WOODS PHASE II RECORDED AS DOCUMENT NO. 2899205; THENCE SOUTH 00 DEGREES 15 MINUTES 42 SECONDS EAST ALONG THE WEST LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER, SAID WEST LINE ALSO BEING AN EAST LINE OF SAID LAKEWOOD ESTATES OF HAWTHORN WOODS PHASE II, 773.82 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES 44 MINUTES 50 SECONDS EAST, 156.86 FEET; THENCE SOUTH 86 DEGREES 30 MINUTES 18 SECONDS EAST, 85.08 FEET; THENCE NORTH 85 DEGREES 51 MINUTES 56 SECONDS EAST, 101.85 FEET; THENCE SOUTH 86 DEGREES 25 MINUTES 39 SECONDS EAST, 112.34 FEET; THENCE NORTH 86 DEGREES 53 MINUTES 40 SECONDS EAST, 84.95 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 32 SECONDS EAST, 72.85 FEET; THENCE NORTH 86 DEGREES 10 MINUTES 58 SECONDS EAST, 63.22 FEET; THENCE SOUTH 77 DEGREES 15 MINUTES 31 SECONDS EAST, 39.42 FEET; THENCE SOUTH 53 DEGREES 35 MINUTES 59 SECONDS EAST, 56.31 FEET; THENCE SOUTH 57 DEGREES 57 MINUTES 47 SECONDS EAST, 93.17 FEET; THENCE SOUTH 69 DEGREES 42 MINUTES 34 SECONDS

EAST, 57.31 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 35 SECONDS EAST, 59.82 FEET; THENCE NORTH 74 DEGREES 50 MINUTES 11 SECONDS EAST, 114.83 FEET; THENCE NORTH 68 DEGREES 09 MINUTES 21 SECONDS EAST, 134.59 FEET; THENCE NORTH 57 DEGREES 19 MINUTES 51 SECONDS EAST, 54.00 FEET; THENCE NORTH 82 DEGREES 04 MINUTES 01 SECONDS EAST, 85.93 FEET; THENCE NORTH 84 DEGREES 34 MINUTES 51 SECONDS EAST, 124.04 FEET; THENCE NORTH 88 DEGREES 11 MINUTES 20 SECONDS EAST, 65.91 FEET; THENCE SOUTH 64 DEGREES 25 MINUTES 56 SECONDS EAST, 32.84 FEET; THENCE NORTH 86 DEGREES 47 MINUTES 30 SECONDS EAST, 53.60 FEET; THENCE SOUTH 89 DEGREES 51 MINUTES 34 SECONDS EAST, 201.66 FEET; THENCE NORTH 71 DEGREES 07 MINUTES 47 SECONDS EAST, 46.15 FEET; THENCE SOUTH 85 DEGREES 34 MINUTES 49 SECONDS EAST, 84.54 FEET; THENCE SOUTH 64 DEGREES 14 MINUTES 14 SECONDS EAST, 77.97 FEET; THENCE SOUTH 79 DEGREES 47 MINUTES 07 SECONDS EAST, 85.23 FEET; THENCE NORTH 79 DEGREES 03 MINUTES 23 SECONDS EAST, 56.79 FEET; THENCE NORTH 77 DEGREES 05 MINUTES 50 SECONDS EAST, 47.79 FEET; THENCE NORTH 69 DEGREES 38 MINUTES 07 SECONDS EAST, 97.46 FEET TO THE WESTERLY LINE OF SAID PUBLIC HIGHWAY; THENCE NORTH 37 DEGREES 03 MINUTES 27 SECONDS EAST, 40.00 FEET TO THE TERMINUS OF SAID LINE, EXCEPT THAT PART OF OLD MCHENRY ROAD PER DOCUMENT 4963521, IN LAKE COUNTY, ILLINOIS.

PARCEL 2: NON-EXCLUSIVE, PERPETUAL EASEMENTS FOR THE BENEFIT OF PARCEL 1 AS GRANTED IN THE DECLARATION OF EASEMENTS BY THE BOARD OF EDUCATION OF COMMUNITY UNIT SCHOOL DISTRICT 95, LAKE COUNTY,

ILLINOIS, RECORDED FEBRUARY 16, 2007 AS DOCUMENT 6139625, FOR AN ACCESS AND PUBLIC UTILITIES EASEMENT, UTILITY EASEMENT, PEDESTRIAN ACCESS EASEMENT, WETLANDS ACCESS AND MAINTENANCE EASEMENT, AND A TEMPORARY CONSTRUCTION EASEMENT OVER PORTIONS OF THE LAND MORE PARTICULARLY DEPICTED ON THE PLAT ATTACHED THERETO, AND THE TERMS, PROVISIONS AND CONDITIONS SET FORTH THEREIN.

An accurate map of said territory is on file in the office of the Village Clerk and is available for public inspection.

The purpose of the public hearing is to consider a proposal for the establishment of a “Backup Special Service Area Number 6” for:

- A. Maintenance and repair of the bike paths, sidewalks and pedestrian ways, stormwater management facilities including retention and detention facilities, channels, swales, drainage facilities, and landscaping as deemed necessary and appropriate by the Village; and
- B. Surface water detention consisting of mowing, erosion, nuisance and sedimentation control, sediment removal, structural maintenance and replacement, regrading, reseeding, replanting and removal of debris, as deemed necessary and appropriate by the Village; and
- C. Open space/natural areas maintenance consisting of mowing, reseeding, replanting, landscaping, removal of debris, and cleanup, as deemed necessary and appropriate by the Village; and

- D. Landscaped islands and medians consisting of replanting, landscaping, removal of debris, and cleanup and maintenance of monument signs, as deemed necessary and appropriate by the Village; and
- E. Administration and inspection of items A through D above (collectively the “Special Services”).

However, under no circumstances would the provision of such Special Services by the Village or its contractors, which may be undertaken by the Village in its discretion without any obligation to do so, constitute an acceptance of any personal property or real property within the SUBJECT REALTY by the Village.

The proposed term of the “Backup Special Service Area Number 6” would be perpetual and the nature of the Special Service is backup maintenance.

All interested persons including all persons owning taxable real property located within such area may file written objections with the Village Clerk and may be heard orally and may object to the formation and boundaries of said “Backup Special Service Area Number 6”, the levy or imposition of the taxes or the provision of special services to said SUBJECT REALTY. The hearing may be adjourned by the Village Board 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 percent of the electors residing within said Special Area Number 6 and by at least 51 percent of the owners of record of the land included within the boundaries of said Special Service Area Number 6 is filed with the Village Clerk within sixty days following the final adjournment of the public hearing objecting to the creation of said “Backup Special Service Area Number 6”, no such SUBJECT REALTY may be created.

A copy of this public notice shall be filed with the Lake County Clerk's Office and recorded with the Lake County Recorder's Office.

PUBLISHED THIS 5th day of June, 2017.

Donna Lobaito

Donna Lobaito, Village Clerk

SECTION SIX: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION SEVEN: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, superseded by this Ordinance.

SECTION EIGHT: That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication in pamphlet form as provided by law.

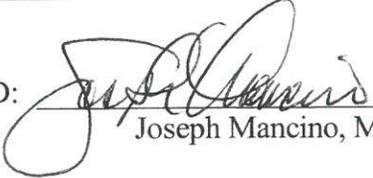
The foregoing Ordinance was passed by a roll call vote as follows:

AYES: ROPIK, RUSS, CORRIGAN, DIMAGGIO, DAVID

NAYS: 0

ABSTENTIONS: 0

ABSENT: 0

APPROVED: 
Joseph Mancino, Mayor

ATTEST: 
Donna Lobaito, Village Clerk

PASSED: June 26, 2017

APPROVED: June 26, 2017

EXHIBIT "A"

LEGAL DESCRIPTION OF SUBJECT REALTY

STONEBRIDGE SUBDIVISION

PARCEL 1: THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (EXCEPT THEREFROM THE SOUTH 970.0 FEET THEREOF), PART OF THE EAST HALF OF THE NORTHWEST QUARTER (EXCEPT THEREFROM THE SOUTH 970.0 FEET THEREOF) AND PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS, TO WIT; COMMENCING AT A POINT ON THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 8, 39.40 FEET SOUTH OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH ALONG AFORESAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 8, 1647.70 FEET TO A POINT 970 FEET NORTH OF THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE EAST ALONG A LINE 970.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 8, 895.50 FEET TO A POINT 580 FEET WEST OF THE EAST LINE OF THE WEST 1/8 OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE NORTH EASTERLY ALONG A LINE FORMING AN ANGLE OF 69 DEGREES 40 MINUTES WITH THE LAST DESCRIBED COURSE EXTENDED (MEASURED FROM EAST TO NORTH) FOR A DISTANCE OF 857.00 FEET TO A POINT IN THE CENTER OF THE PUBLIC HIGHWAY DESIGNATED AS STATE AID ROUTE 32, (PLAT OF SAID HIGHWAY BEING RECORDED UNDER DOCUMENT 524177 IN SAID COUNTY); THENCE NORTHWESTERLY ALONG THE CENTERLINE OF SAID PUBLIC HIGHWAY, 1473.5 FEET TO THE POINT OF BEGINNING, LYING SOUTH OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE NORTHWEST CORNER OF SAID EAST HALF OF THE NORTHWEST QUARTER, SAID CORNER ALSO BEING A CORNER IN LAKEWOOD ESTATES OF HAWTHORN WOODS PHASE II RECORDED AS DOCUMENT NO. 2899205; THENCE SOUTH 00 DEGREES 15 MINUTES 42 SECONDS EAST ALONG THE WEST LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER, SAID WEST LINE ALSO BEING AN EAST LINE OF SAID LAKEWOOD ESTATES OF HAWTHORN WOODS PHASE II, 773.82 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES 44 MINUTES 50 SECONDS EAST, 156.86 FEET; THENCE SOUTH 86 DEGREES 30 MINUTES 18 SECONDS EAST, 85.08 FEET; THENCE NORTH 85 DEGREES 51 MINUTES 56 SECONDS EAST, 101.85 FEET; THENCE SOUTH 86 DEGREES 25 MINUTES 39 SECONDS EAST, 112.34 FEET; THENCE NORTH 86 DEGREES 53 MINUTES 40 SECONDS EAST, 84.95 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 32 SECONDS EAST, 72.85 FEET; THENCE NORTH 86 DEGREES 10 MINUTES 58 SECONDS EAST, 63.22 FEET; THENCE SOUTH 77 DEGREES 15 MINUTES 31 SECONDS EAST, 39.42 FEET; THENCE SOUTH 53 DEGREES 35 MINUTES

59 SECONDS EAST, 56.31 FEET; THENCE SOUTH 57 DEGREES 57 MINUTES 47 SECONDS EAST, 93.17 FEET; THENCE SOUTH 69 DEGREES 42 MINUTES 34 SECONDS EAST, 57.31 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 35 SECONDS EAST, 59.82 FEET; THENCE NORTH 74 DEGREES 50 MINUTES 11 SECONDS EAST, 114.83 FEET; THENCE NORTH 68 DEGREES 09 MINUTES 21 SECONDS EAST, 134.59 FEET; THENCE NORTH 57 DEGREES 19 MINUTES 51 SECONDS EAST, 54.00 FEET; THENCE NORTH 82 DEGREES 04 MINUTES 01 SECONDS EAST, 85.93 FEET; THENCE NORTH 84 DEGREES 34 MINUTES 51 SECONDS EAST, 124.04 FEET; THENCE NORTH 88 DEGREES 11 MINUTES 20 SECONDS EAST, 65.91 FEET; THENCE SOUTH 64 DEGREES 25 MINUTES 56 SECONDS EAST, 32.84 FEET; THENCE NORTH 86 DEGREES 47 MINUTES 30 SECONDS EAST, 53.60 FEET; THENCE SOUTH 89 DEGREES 51 MINUTES 34 SECONDS EAST, 201.66 FEET; THENCE NORTH 71 DEGREES 07 MINUTES 47 SECONDS EAST, 46.15 FEET; THENCE SOUTH 85 DEGREES 34 MINUTES 49 SECONDS EAST, 84.54 FEET; THENCE SOUTH 64 DEGREES 14 MINUTES 14 SECONDS EAST, 77.97 FEET; THENCE SOUTH 79 DEGREES 47 MINUTES 07 SECONDS EAST, 85.23 FEET; THENCE NORTH 79 DEGREES 03 MINUTES 23 SECONDS EAST, 56.79 FEET; THENCE NORTH 77 DEGREES 05 MINUTES 50 SECONDS EAST, 47.79 FEET; THENCE NORTH 69 DEGREES 38 MINUTES 07 SECONDS EAST, 97.46 FEET TO THE WESTERLY LINE OF SAID PUBLIC HIGHWAY; THENCE NORTH 37 DEGREES 03 MINUTES 27 SECONDS EAST, 40.00 FEET TO THE TERMINUS OF SAID LINE, EXCEPT THAT PART OF OLD MCHENRY ROAD PER DOCUMENT 4963521, IN LAKE COUNTY, ILLINOIS.

PARCEL 2: NON-EXCLUSIVE, PERPETUAL EASEMENTS FOR THE BENEFIT OF PARCEL 1 AS GRANTED IN THE DECLARATION OF EASEMENTS BY THE BOARD OF EDUCATION OF COMMUNITY UNIT SCHOOL DISTRICT 95, LAKE COUNTY, ILLINOIS, RECORDED FEBRUARY 16, 2007 AS DOCUMENT 6139625, FOR AN ACCESS AND PUBLIC UTILITIES EASEMENT, UTILITY EASEMENT, PEDESTRIAN ACCESS EASEMENT, WETLANDS ACCESS AND MAINTENANCE EASEMENT, AND A TEMPORARY CONSTRUCTION EASEMENT OVER PORTIONS OF THE LAND MORE PARTICULARLY DEPICTED ON THE PLAT ATTACHED THERETO, AND THE TERMS, PROVISIONS AND CONDITIONS SET FORTH THEREIN.