

VILLAGE OF LILY LAKE

ORDINANCE NO. 2024-10

AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA NO. 7 – OASIS TRAVEL CENTER, OF THE VILLAGE OF LILY LAKE, ILLINOIS AND PROVIDING FOR THE LEVY OF TAXES FOR THE PURPOSE OF PAYING THE COST OF PROVIDING SPECIAL SERVICES IN AND FOR SUCH AREA

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF LILY LAKE

June 24, 2024

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Village of Lily Lake, Kane County, Illinois
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WHEREAS, pursuant to the provisions of the 1970 Constitution of the State of Illinois (the "Constitution"), the Village of Lily Lake, Kane County, Illinois (the "Village"), is authorized to create special service areas in and for the Village; and

WHEREAS, special service areas are established by non-home rule units pursuant to Section 7(6) of Article VII of the Constitution, which provides that—

municipalities...which are not home rule units shall have only the powers granted to them by law and the powers...(6) 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

WHEREAS, special service areas are established "in the manner provided by law" pursuant to the provisions of the Special Service Area Tax Law (35 ILCS 200/27-5 et seq.), as amended (the "Act"), and pursuant to the provisions of the Revenue Act of 1939 of the State of Illinois, as amended; and

WHEREAS, it is in the public interest that the area hereinafter described be established as Special Service Area No. 7 – Oasis Travel Center, of the Village for the purposes set forth herein (the "Area"); and

WHEREAS, the Area is compact and contiguous and totally within the boundaries of the Village; and

WHEREAS, the Area will benefit specially from the services to be provided by the Village (the "Services"), and the Services are unique and in addition to the services provided to the Village as a whole, and it is, therefore, in the best interests of the Village that the Area be established; and

WHEREAS, the cost of providing the Services will be paid by the levy of a direct annual *ad valorem* tax upon all taxable property within the Area; and

WHEREAS, the direct annual tax will be levied upon all taxable property within the Area for an indefinite period of time beginning for the year 2025 and may not exceed an annual rate of 0.020 (2.0%) of the assessed value of each tax parcel within the Area and will be in addition to all other taxes permitted by law; and

WHEREAS, the establishment of the Area was proposed by the Board of Trustees of the Village (the "Board") pursuant to Ordinance No. 2024-05, entitled:

AN ORDINANCE proposing the establishment of Special Service Area No. 7 – Oasis Travel Center of Lily Lake, Illinois, and the levy of taxes for the purpose of paying the cost of providing special services in and for such Area

(the "Proposing Ordinance"), duly adopted on May 20, 2024, and was considered at a public hearing (the "Hearing") held by the Board on June 24, 2024; and

WHEREAS, notice of the Hearing was given by publication at least once not less than 15 days prior to the Hearing in The Kane County Chronicle, the same being a newspaper of general circulation with the Village, there being no newspaper published therein; and

WHEREAS, mailed notice of the Hearing was given by depositing 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 not less than 10 days prior to the time set for the Hearing, and in the event taxes for the last preceding year were not paid, the notice 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, the notice complied with all of the applicable provisions and requirements of the Act; and

WHEREAS, all interested persons affected by the establishment of the Area or the levy of the tax to pay the cost of providing the Services, including all owners of real estate located within the Area, were given an opportunity to be heard at the Hearing regarding the establishment of the Area and the levy

of the tax and an opportunity to file objections to the establishment of the Area or the levy of the tax; and

WHEREAS, at the Hearing, all interested persons affected by the Area were permitted to file with the Village Clerk written objections to and to be heard orally in respect to any issue embodied in the notice given of the Hearing; and

WHEREAS, the Board has determined and does hereby determine that it is in the public interest and in the interest of the Village and the Area that the Area be established;

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Lily Lake, Kane County, Illinois, as follows:

§ 1. Incorporation of preambles

The preambles of this ordinance are hereby incorporated into this text as if set out herein in full.

§ 2. Final adjournment of Hearing

The Hearing was finally adjourned on June 24, 2024.

§ 3. Establishment of Area

(a) Special Service Area No. 7 – Oasis Travel Center, of the Village is hereby established in and for the Village and consists of the territory legally described in Exhibit A attached.

(b) The territory consists of approximately 14.34 acres on the northeast corner of the intersection of Illinois Routes 64 and 47 in the village. An accurate map of the Area is attached hereto and made a part hereof.

§ 4. Purpose of the establishing the Area

The purpose of the establishment of the Area is to provide special services (the "Services") to the Area, including, without limitation, the following:

(a) Maintenance of public rights-of-way and grassways, if any, to the extent not maintained by the developer, viz., cutting and fertilization of grassways, pruning, fertilization and replacement of trees and shrubs, replacement of bedding mulch, spraying for insects and disease, spring and fall cleanup, weed control, soil erosion restoration and stabilization;

(b) Maintenance of common wetland, grass areas and open space, if any, to the extent not maintained by the developer, viz., maintenance, cutting, burning as necessary; wetland reseeding and plant replacement;

(c) Administrative expenses, legal and other costs or expenses incurred by the Village for management services and expenses in preparing the annual budget for the area and supervising the operation of the area, including the repayment of any loan or debt incurred for the provision of any of the services;

(d) Maintenance of stormwater facilities to the extent not maintained by the developer, viz., operation, maintenance, repair, rehabilitation, replacement and reconstruction of any stormwater detention or retention area, underdrain or drain tile system, drainageway, ditch, swale, or storm sewer, soil erosion restoration, and bank or ditch stabilization; and

(e) Reasonable reserves against the need of the Village to provide any of the services in the future.

All of the Services are to be on property now owned or to be acquired by the Village, or property in which the Village will obtain an interest sufficient for the provision of the Services.

§ 5. Tax Levy

(a) The cost of the Services will be paid by the levy of a direct annual tax based upon all taxable property within the Area for an indefinite period of time beginning for the year 2025 and will not exceed an annual rate of 0.02 (2.0%) of the assessed valuation of each tax parcel within the Area and will be in addition to all other taxes permitted by law.

§ 6. Filing

The Village Clerk shall file a certified copy of this ordinance, including an accurate map of the Area, in the office of the Kane County Clerk and in the office of the Kane County Recorder forthwith after its adoption and approval.

§ 7. Repealer

All ordinances, orders and resolutions and parts thereof in conflict with this ordinance are, to the extent of the conflict, hereby repealed.

§ 8. Effective Date

This ordinance is fully effective upon its passage, approval and publication as provided by law.

Adopted on June 24, 2024 pursuant to a roll call vote as follows:

[Signature page follows.]

44W322 Highway 64

P.I.N 08-18-476-008

PARCEL ONE.

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTH EAST 1/4; THENCE NORTH 89 DEGREES, 35 MINUTES, 0 SECONDS WEST ALONG THE SOUTH LINE OF SAID QUARTER SECTION 1847.7 FEET TO THE CENTER LINE OF STATE ROUTE NO. 47; THENCE NORTH 1 DEGREES, 24 MINUTES, 0 SECONDS WEST ALONG SAID CENTER LINE 201.3 FEET TO THE CENTER LINE OF STATE ROUTE NO. 64 FOR THE POINT OF BEGINNING; THENCE NORTH 1 DEGREES, 24 MINUTES, 0 SECONDS WEST ALONG THE CENTER LINE OF SAID STATE ROUTE NO.47, 190.28 FEET; THENCE NORTH 89 DEGREES. 35 MINUTES, 0 SECONDS EAST 339.75 FEET: THENCE SOUTH 1 DEGREES, 24 MINUTES, 0 SECONDS EAST PARALLEL WITH THE CENTER LINE OF SAID STATE ROUTE NO. 47, 349.65 TO THE CENTER LINE OF SAID STATE ROUTE 64, THENCE NORTHWESTERLY ALONG SAID CENTER LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1637.28 FEET, A DISTANCE OF 378.58 FEET TO THE POINT OF BEGINNING. IN THE VILLAGE OF LILY LAKE, KANE COUNTY, ILLINOIS {ALSO EXCEPT PART CONVEYED TO PEOPLE OF THE STATE OF ILLINOIS PER DEED DOCUMENT 2011K048164} {ALSO EXCEPT PART TAKEN IN CASE 11ED 53 PER ORDER OF MARCH 14, 2012 DOCUMENT 2012K032334}

PARCEL TWO:

THAT PART OF THE SOUTH EAST 1/4 OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY LINE OF ROUTE 64 AND EASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF ROUTE 47: ALL IN THE VILLAGE OF LILY LAKE KANE COUNTY. ILLINOIS (ALSO EXCEPT PART CONVEYED TO PEOPLE OF THE STATE OF ILLINOIS PER DEED DOCUMENT 2011K048164) (ALSO EXCEPT PART TAKEN IN CASE 11ED 53 PER ORDER OF MARCH 14, 2012 DOCUMENT 2012K032334)

AREA OF PROPERTY:

PARCEL 1: 69,761 SQ. FT. 1.60 ACRES MORE OR LESS (NET AREA)
24,901 SQ. FT. 0.57 ACRES MORE OR LESS (RIGHT OF WAY)
94,662 SQ. FT. 2.17 ACRES MORE OR LESS (GROSS AREA)

PARCEL 2: 14,112 SQ.FT. OR 0.32 ACRES MORE OR LESS

EXHIBIT A

44W300 Highway 64

P. I. N. 08-18-476-007

PARCEL ONE.

THAT PART OF THE SOUTH WEST QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTH EAST QUARTER; THENCE WEST ALONG THE SOUTH LINE OF SAID QUARTER SECTION 656.2 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES, 35 MINUTES EAST 403.9 FEET TO A POINT 390.8 FEET NORTH OF THE NORTHERLY LINE OF STATE ROUTE NUMBER 64 (MEASURE ALONG THE LAST DESCRIBED LINE); THENCE NORTH 89 DEGREES 59 MINUTES WEST OF THE EAST LINE OF A TRACT OF LAND CONVEYED TO METROPOLITAN LIFE INSURANCE COMPANY BY DEED DATED NOVEMBER 1, 1957 AND RECORDED NOVEMBER 8, 1957 IN BOOK 1871, PAGE 122 AS DOCUMENT 848787; THENCE SOUTH 01 DEGREE 24 MINUTES EAST PARALLEL WITH THE CENTER LINE OF STATE ROUTE 47, 349.65 FEET TO THE CENTERLINE OF STATE ROUTE NUMBER 64; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE EAST ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF CAMPTON, KANE COUNTY ILLINOIS CONTAINING THEREIN 7.724 ACRES, MORE OR LESS, INCLUDING ALL BUILDINGS AND STRUCTURES THERETO BELONGING, EXCEPTING THEREFROM THE PARCELS CONVEYED TO THE STATE OF ILLINOIS FOR HIGHWAY PURPOSES BY DOCUMENT NUMBERS 323920 AND 2002K050295

AREA OF PROPERTY:

319,812 SQ. FT. 7.342 ACRES MORE OR LESS

Vacant Land

P. I. N. 08-18-476-001

THAT PART OF THE SOUTH EAST QUARTER OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTH EAST QUARTER OF SAID SECTION 18; THENCE NORTH 20 DEGREES 00 MINUTES EAST 462 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES EAST 665.6 FEET TO THE EAST LINE OF THE RIGHT OF WAY OF STATE BOND ISSUE ROUTE NO. 47 FOR A POINT OF BEGINNING; THENCE NORTH 0 DEGREES 47 MINUTES WEST ALONG SAID EAST LINE 434.9 FEET TO THE SOUTH LINE OF LANDS OF THE CHICAGO GREAT WESTERN RAILWAY COMPANY; THENCE SOUTH 59 DEGREES 59 MINUTES EAST ALONG SAID SOUTH LINE 440.1 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT ALONG SAID SOUTH LINE 344.4 FEET; THENCE NORTH 23 DEGREES 38 MINUTES EAST ALONG THE LINE OF LANDS OF SAID RAILWAY COMPANY 100 FEET; THENCE SOUTHEASTERLY ON A CURVE TO THE LEFT ALONG THE SOUTH LINE OF LANDS OF SAID RAILWAY COMPANY 437.6 FEET; THENCE SOUTH 0 DEGREES 35 MINUTES WEST 4.6 FEET; THENCE NORTH 89 DEGREES 59 MINUTES WEST 1165.9 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF CAMPTON, KANE COUNTY, ILLINOIS.

AREA OF PROPERTY:

196,401 SQ. FT. 4.509 ACRES MORE OR LESS

Trustee	Yes	No	Absent	Abstain
Anderson			✓	
Butler	✓			
Conn	✓			
Dell	✓			
Ormond	✓			
Parry			✓	
Diehl				
Totals	4	0	2	0

Approved June 24, 2024.



Kelly Diehl, Village President

Attested, Filed in my office, and published in pamphlet form on June 24, 2024.



Jesse Heffernan, Village Clerk