



*At the Heart of Community*

COMMUNITY DEVELOPMENT DEPARTMENT

505 Telsler Road  
Lake Zurich, Illinois 60047

Phone (847) 540-1696  
Fax (847) 726-2182  
LakeZurich.org

AGENDA ITEM

8B-8C

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MEMORANDUM

Date: July 20, 2020

To: Ray Keller, Village Manager *PK*

From: Sarosh Saher, Community Development Director

CC: Tim Verbeke, Planner  
Mary Meyer, Building Services Supervisor

Re: **Ordinance and Public Hearing Proposing  
Backup Special Service Area No. 17  
Canterbury Estates Subdivision - 80 Genesee Street (Block G)**

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**Issue**

An ordinance and Public Hearing proposing the establishment of a backup Special Service Area No 17 (SSA No. 17) for the maintenance, repair, reconstruction and/or replacement of the stormwater and detention management improvements and the private roadways located within the Canterbury Estates Subdivision (the "Subdivision").

SSA No. 17 is being set up as a backup SSA in the event that the owners of residential units, the homeowners association, or any future parties of interest in the area fail to maintain, repair, reconstruct and/or replace these stormwater management improvements and/or roadway improvements. No levy of taxes is proposed at this time.

**2014-2019 Strategic Plan:** This agenda item is consistent with the following objectives under Goal #2 – Development:

- Expand the Village's role as a major regional economic hub in Lake County
- Continue Route 22 Corridor Development
- Become more business friendly and customer oriented.

**Background:**

The backup SSA was required as a condition within the Development Agreement between the Village of Lake Zurich and developer, Mr. Gregory Schwermer of Jade Development for the redevelopment of the property.

Ryan Homes, represented by Mr. Scott Shelton and Jade Development, owned by Mr. Gregory Schwermer, plan to undertake a joint venture for the development of the Subject Property, wherein the land will be developed by Jade Development and include the private roadway, access to IL Route 22, installation of utilities and construction-ready building pads; and Ryan will complete the Development through the construction of the townhouse buildings on the pads. Staff is aware that the property owner, Mr. Schwermer is currently marketing his parcels for sale. In light of that, the backup SSA will include any future party of interest (developer) in the property, prior to it being sold to individual owners of townhouses.

The Subject Property comprises of land owned by Mr. Gregory Schwermer and one parcel owned by the Village of Lake Zurich. The PUD thus consists of the development combining these parcels. A Final Plat of Subdivision consolidating the parcels was approved by the Village on September 18, 2019 and recorded with the Lake County Recorder of Deeds on October 23, 2019 as document number 7602772. At this time, both the Village the current property owner agree to the establishment of the backup SSA.

**Analysis**

This SSA will allow the Village to assess a tax, in the future and only if necessary, on the property owners of the townhouses within that subdivision to pay for maintenance and repairs to the storm water management facilities and the private roadways, and only in the event the subdivision's Homeowners Association (HOA) is delinquent in fulfilling these obligations.

The intent is to provide the Village with a tool to make repairs to these facilities which are not functioning properly or damaged, before they cause further damage to property within the subdivision or downstream of the facility. The HOA will be given adequate notification and time to remedy the situation before the Village takes action and begins levying the tax.

Because taxes will not be levied until the Village actually takes action to remedy the HOA's obligations and expends funds for the implementation of these Special Services, it is currently unknown as to the actual amount of the taxes that will be levied for the initial year. The line item for the SSA will therefore show up on a property owner's tax bill with a tax rate of zero. In the event a tax is levied for work conducted by the village, any such initial tax levy shall not exceed a maximum tax rate of \$0.0875 per \$100 (of equalized assessed value of the property), for the year in which village expends funds to conduct the repairs/improvements. At that time, a public hearing will need to be conducted by the Village Board to activate the SSA and impose the tax levy.

A tax rate of \$0.0875 is estimated to generate approximately \$17,000 per year in maintenance costs to be shared by 38 single-family townhouses on the property with an average market value of \$300,000.

**Recommendation.**

Staff recommends that the Village Board approve the ordinance proposing the establishment of SSA No 17 and conduct the public hearing as required by statute.

The item for the public hearing is the next on the agenda.

**Next Steps**

State Statute requires a comment period of 60 days following the adjournment of the hearing. Within that period, the proposal for the SSA may be vetoed by a petition of 51 percent of electors and owners of record of the property. If vetoed, the proposal for the SSA may not be re-proposed by the municipality for two years.

If no such petition is filed, the Village Board will be required to adopt an “Establishing Ordinance” for the special service area. Such ordinance shall be adopted following a separate public hearing of the Village Board held at that time. After its adoption, the Establishing Ordinance will be filed with the Lake County Clerk’s Office, and the Lake County Recorder’s Office. The line item for the SSA will show up on a property owner’s tax bill with a tax rate of zero in the following tax year. It is likely that the status on the tax bill will continue as such (tax rate of zero) if the HOA meets its maintenance obligation in perpetuity.

Finally, in the future, if the Village is required to take action to remedy the HOA’s obligations and expend funds for the implementation of the Special Services within the subdivision, an appropriation ordinance will need to be adopted for those items to be financed out of the annual tax levy, and be published and considered through a separate public hearing of the Village Board.

**Attachments:**

- Ordinance proposing the establishment of backup SSA No. 17
- Notice of Public hearing
- Recorded Final Plat of Subdivision
- Map of the special service area
- Agenda and Procedure for Public hearing



**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF A SPECIAL SERVICE AREA NUMBER 17 IN THE VILLAGE OF LAKE ZURICH, AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONNECTION THEREWITH**  
***Canterbury Estates 80 Genesee Street - (Block G)***

BE IT ORDAINED by the President and Board of Trustees of the Village of Lake Zurich, Lake County, Illinois, as follows:

**SECTION 1: AUTHORITY TO ESTABLISH SPECIAL SERVICE AREAS.** Special Service Areas within home rule municipalities are established pursuant to Article VII, Section 7 of the Constitution of the State of Illinois, and pursuant to the provisions of the Special Service Area Tax Law, 35 ILCS 200/27-5 *et seq.*

**SECTION 2: FINDINGS.** The Village Board finds:

- A. It is in the public interest that the creation of the area hereinafter described as a special service area, for the purposes set forth herein, be considered.
- B. That the area hereinafter described is compact and contiguous, and said area lies within and is approved as a Planned Unit Development (PUD) for a Townhouse (single-family attached) development within the B-2 central business district and DR Downtown Redevelopment Overlay District, pursuant to the provisions of the R-6 Multiple Family Residential District in the Village of Lake Zurich (the "Village").
- C. That the area hereinafter described will benefit specifically from the municipal services to be provided, and that the proposed municipal services are unique and in addition to municipal services provided to the Village as a whole, and it is, therefore, in the best interests of the Village that the expenditure of funds by the Village, and the levy of special taxes against said area, for the services to be provided, be considered.
- D. That the special services to be provided by the Village shall consist of the maintenance, repair, reconstruction and/or replacement of the stormwater and detention management improvements and the private roadways located within the Canterbury Estates Subdivision (the "Subdivision") in the event that the owners of units or interests in the area described in Section 4 below, fail to maintain, repair, reconstruct and/or replace said stormwater management improvements and/or roadway improvements as required by:
  - (i) The Development Agreement entitled An Agreement By And Between The Village Of Lake Zurich, Ryan Homes, NVR, Inc., And Jade Development, Inc., Relating To The Development Of Canterbury Estates Subdivision (*80 Genesee Street (Block G)*), approved by Ordinance No. 2019-09-327;

- (ii) Village Ordinance No. 2019-09-326 granting a PUD and related zoning approvals for the Canterbury Estates Subdivision, approved by the Village on the 18th day of September, 2019.
- (iii) The Plat of Subdivision for Canterbury Estates Subdivision in Lake County, Illinois, approved by the Village on the 18th day of September, 2019 and recorded with the Lake County Recorder of Deeds on October 23, 2019 as document number 7602772; and

(hereinafter the “Special Services”).

**SECTION 3: PUBLIC HEARING - TAX RATES.**

- A. That a public hearing shall be held on the 20<sup>th</sup> day of July, 2020, at 7:00 p.m., in the Lake Zurich Village Hall, Board Room, 70 East Main Street, Lake Zurich, Illinois, to consider the creation of Special Service Area Number 17 of the Village in the area described in the notice of public hearing set forth in Section 4 hereof (hereinafter the “Public Hearing”).
- B. At said Public Hearing, the levy of a direct annual tax at a rate not to exceed [\$0.0875] per \$100.00 of equalized assessed value of the property in Special Service Area Number 17, for each year during which the Village is required to expend funds relative to said Special Services, so long as the stormwater management improvements and roadway improvements, as referenced above, exist, will be considered.
- C. As taxes will not be levied until such time, if any, as the Village actually expends funds for said Special Services, it is currently unknown as to the actual amount of the taxes that will be levied for the initial year, if any, for which taxes will be levied within Special Service Area Number 17; however, any such initial tax levy shall not exceed the maximum tax rate as set forth in B. above.
- D. The aforementioned taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Property Tax Code (35 ILCS 200/1-1 *et seq.*), as amended.

**SECTION 4: NOTICE OF PUBLIC HEARING.** Notice of the Public Hearing shall be published at least once not less than fifteen (15) days prior to the Public Hearing in one (1) or more newspapers of general circulation in the Village, and notice by mailing shall be given by depositing said notice in the U.S. 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 Special Service Area Number 17, with said notice by mailing being mailed not less than ten (10) days prior to the time set for the Public Hearing (hereinafter collectively the “Notice”). 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  
VILLAGE OF LAKE ZURICH  
SPECIAL SERVICE AREA NUMBER 17

NOTICE IS HEREBY GIVEN that on July 20, 2020, at 7:00 p.m. in the Lake Zurich Village Hall, Board Room, 70 East Main Street, Lake Zurich, Illinois, a public hearing will be held by the President and Board of Trustees of the Village of Lake Zurich to consider forming a special service area consisting of the following described property:

Canterbury Estates Subdivision being described as That Part Of The North Half Of Section 20, Township 43 North, Range 10, East Of The Third Principal Meridian, In Lake County, Illinois, recorded with the Lake County Recorder of Deeds on October 23, 2019 as document number 7602772;

Common Street Address: 80 Genesee Street, Lake Zurich, Illinois (*Block G*)

PINS: 14-20-200-010, 14-20-200-032, 14-20-200-033, 14-20-100-075, 14-20-100-076, 14-20-100-077, and 14-20-1 00-072.

Street Location: The Northwest Corner of South Old Rand Road and Illinois Route 22, Lake Zurich, Illinois.

All interested persons affected by the formation of Lake Zurich Special Service Area Number 17 will be given an opportunity to be heard regarding the formation of and the boundaries of Special Service Area Number 17 and may object to the formation of Special Service Area Number 17 and the levy of taxes affecting said Special Service Area Number 17.

The purpose of the formation of Lake Zurich Special Service Area Number 17 is to fund the Village of Lake Zurich's cost of maintaining, repairing, reconstructing and/or replacing the stormwater management improvements and the roadway improvements in the Subdivision for the above-described property, in the event that the owners of the above-described property fail to maintain, repair, reconstruct and/or replace said stormwater management improvements and/or roadway improvements as required by:

- (i) The Development Agreement entitled An Agreement By And Between The Village Of Lake Zurich, Ryan Homes, NVR, Inc., And Jade Development, Inc., Relating To The Development Of Canterbury Estates Subdivision (*80 Genesee Street (Block G)*), approved by Ordinance No. 2019-09-327;
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(hereinafter the "Special Services") within said Special Service Area 17.

A tax levy at a rate not to exceed \$0.0875 per \$100.00 (tax rate) of equalized assessed valuation of property in Special Service Area Number 17, for each year during which the Village of Lake Zurich is required to expend funds relative to said Special Services, so long as the stormwater management improvements and/or roadway improvements, as referenced above, exist, will be considered at the public hearing. As taxes will not be levied until such time, if any, as the Village actually expends funds for said Special Services, it is currently unknown as to the actual amount of the taxes that will be levied for the initial year, if any, for which taxes will be levied within Special Service Area Number 17; however, any such initial tax levy shall not exceed the maximum tax rate as set forth above. Said tax is to be levied upon all taxable property within the proposed Special Service Area Number 17.

At the public hearing, all persons affected by the formation of said Special Service Area Number 17, including all persons owning taxable real estate therein, will be given an opportunity to be heard. The public hearing may be adjourned by the President and Board of Trustees 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 and/or as otherwise required by law.

If a petition signed by at least fifty-one (51%) of the electors residing within Special Service Area Number 17 and by at least fifty-one (51%) of the owners of record of the land included within the boundaries of Special Service Area Number 17 is filed with the Village Clerk, within sixty (60) days following the final adjournment of the public hearing, objecting to the creation of Special Service Area Number 17, the enlargement thereof, the levy or imposition of a tax for the provision of the Special Services to the area, or to a proposed increase in the tax rate, said Special Service Area Number 17 may not be created or enlarged, and no tax may be levied or imposed nor the rate increased.

DATED this 1st day of July, 2020.

Kathleen Johnson  
Village Clerk  
Village of Lake Zurich”

**SECTION 5: EFFECTIVE DATE:** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED** by a roll call vote of the Board of Trustees of the Village of Lake Zurich, Lake County, Illinois, at a Regular Meeting thereof, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, and approved by me as Village President, and attested by the Village Clerk, on the same day.

\_\_\_\_\_  
Village President

**ATTEST:**

\_\_\_\_\_  
Village Clerk

STATE OF ILLINOIS            )  
  ) SS  
COUNTY OF LAKE    )

**CLERK'S CERTIFICATE**

I, Kathleen Johnson, Village Clerk of the Village of Lake Zurich, in the County of Lake and State of Illinois, certify that the annexed and foregoing is a true and correct copy of that certain Ordinance now on file in my office, entitled:

ORDINANCE NO. 20-\_\_\_\_\_

AN ORDINANCE PROPOSING THE ESTABLISHMENT OF A SPECIAL SERVICE AREA NUMBER 17 IN THE VILLAGE OF LAKE ZURICH, AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONNECTION THEREWITH  
*Canterbury Estates 80 Genesee Street – (Block G)*

which Ordinance was passed by the Board of Trustees of the Village of Lake Zurich at its Regular Meeting on the \_\_\_\_ day of \_\_\_\_\_, 2020, at which meeting a quorum was present, and approved by the President of the Village of Lake Zurich on the \_\_\_\_ day of \_\_\_\_\_, 2020.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Lake Zurich was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Lake Zurich, and that the result of said vote was as follows, to-wit:

**AYES:** \_\_\_\_\_

**NAYS:** \_\_\_\_\_

**ABSENT:** \_\_\_\_\_

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Village of Lake Zurich, this \_\_\_\_ day of \_\_\_\_\_, 2020.

[SEAL]

\_\_\_\_\_  
Kathleen Johnson  
Village Clerk



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(hereinafter the “Special Services”) within said Special Service Area 17.

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DATED this 1st day of July, 2020.

Kathleen Johnson  
Village Clerk  
Village of Lake Zurich”

## Bea Corral

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**From:** etear@dailyherald.com  
**Sent:** Friday, July 3, 2020 8:15 AM  
**To:** Bea Corral  
**Subject:** Classified E-Tearsheet for 4547465, VILLAGE OF LAKE ZURICH SSA HEARING-

THIS IS AN AUTOMATED EMAIL FROM THE DAILY HERALD

Advertiser: VILLAGE OF LAKE ZURICH SSA HEARING-  
Placed for: SSA HEARING-  
Ad Number: 4547465  
Publication Date: 7/3/2020  
Publication: DH  
Section: CLN  
Page Number: 7

Please click on the following link to view your electronic tearsheet  
[https://prev.dailyherald.com/web\\_data\\_etears/20200703/20200703\\_DH\\_NL\\_CLN\\_7\\_.PDF](https://prev.dailyherald.com/web_data_etears/20200703/20200703_DH_NL_CLN_7_.PDF)

This tearsheet can be viewed for 30 days from date of publication.  
If you have questions regarding this electronic tearsheet please email Paula Raetzman at [praetzman@dailyherald.com](mailto:praetzman@dailyherald.com)





Image# 058713630003 Type: PSB  
 Recorded: 10/23/2019 at 11:08:55 AM  
 Receipt#: 2019-00055832  
 Page 1 of 3  
 Fees: \$62.00  
 IL Rental Housing Fund: \$0.00  
 Lake County IL Recorder  
 Mary Ellen Vanderventer Recorder  
 File **7602772**

# PLAT INFORMATION SHEET

NUMBER OF PLAT PAGES

2

SECTION	TOWNSHIP	RANGE
LEGAL DESCRIPTION		

CHECK (✓) TYPE OF PLAT:

- ANNEXATION/DISCONNECTION
- CONDOMINIUM
- DEDICATION
- EASEMENT
- VACATION
- OTHER \_\_\_\_\_
- SUBDIVISION (enter subdivision name on line below)

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IF THE PLAT RECORDED WAS LARGER THAN 11" X 17", THE ATTACHED COPY HAS BEEN REDUCED FROM A SCANNED IMAGE.

ORIGINAL SCALE PAPER COPIES OR DIGITAL IMAGE FILES ARE ALSO AVAILABLE FOR PURCHASE – PLEASE CALL (847) 377-2575 FOR MORE INFORMATION

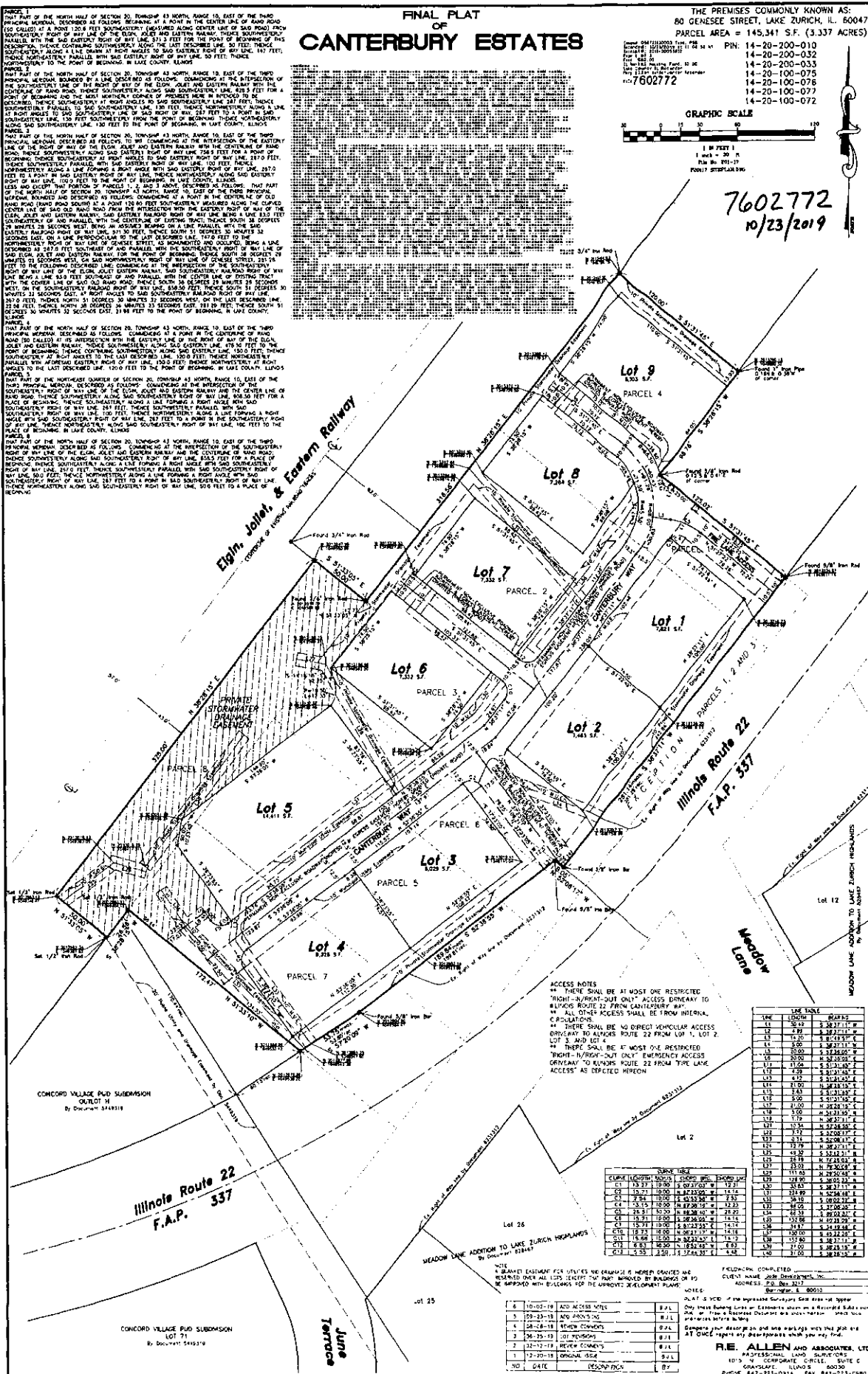
# FINAL PLAT OF CANTERBURY ESTATES

THE PREMISES COMMONLY KNOWN AS:  
80 GENESEE STREET, LAKE ZURICH, ILL. 60047  
PARCEL AREA = 145,341 S.F. (3.337 ACRES)

PIN: 14-20-200-010  
 14-20-200-032  
 14-20-200-033  
 14-20-100-075  
 14-20-100-076  
 14-20-100-077  
 14-20-100-072



7602772  
10/23/2019



**ACCESS NOTES**

\*\* THERE SHALL BE AT MOST ONE RESTRICTED "RIGHT-OF-PRIENT-OUT ONLY" ACCESS DRIVEWAY TO ILLINOIS ROUTE 22 FROM CANTERBURY WAY.

\*\* ALL OTHER ACCESS SHALL BE FROM INTERNAL DRIVEWAYS.

\*\* THERE SHALL BE NO DIRECT VEHICULAR ACCESS DRIVEWAY TO ILLINOIS ROUTE 22 FROM LOT 1, LOT 2, LOT 3 AND LOT 4.

\*\* THERE SHALL BE AT MOST ONE RESTRICTED "RIGHT-OF-PRIENT-OUT ONLY" EMERGENCY ACCESS DRIVEWAY TO ILLINOIS ROUTE 22 FROM TYPE LAINE ACCESS" AS DEPICTED HEREON.

LINE	LENGTH	BEARING	AREA
L1	30.49	S 28 27 11" W	1.14
L2	4.92	S 32 37 21" W	0.12
L3	14.20	S 16 48 37" E	0.25
L4	5.00	S 80 37 11" E	0.10
L5	10.00	S 13 34 05" E	0.20
L6	11.04	S 23 35 42" E	0.25
L7	4.39	S 53 31 45" E	0.10
L8	4.12	S 53 31 45" E	0.08
L9	11.00	S 16 48 37" E	0.23
L10	1.83	S 13 34 05" E	0.04
L11	5.00	S 53 31 45" E	0.13
L12	11.00	S 16 48 37" E	0.23
L13	1.83	S 13 34 05" E	0.04
L14	1.00	S 23 35 42" E	0.03
L15	1.19	S 28 27 11" W	0.02
L16	1.34	S 13 34 05" E	0.03
L17	3.17	S 16 48 37" E	0.10
L18	1.78	S 13 34 05" E	0.04
L19	1.19	S 28 27 11" W	0.02
L20	1.19	S 28 27 11" W	0.02
L21	1.19	S 28 27 11" W	0.02
L22	1.19	S 28 27 11" W	0.02
L23	1.19	S 28 27 11" W	0.02
L24	1.19	S 28 27 11" W	0.02
L25	1.19	S 28 27 11" W	0.02
L26	1.19	S 28 27 11" W	0.02
L27	1.19	S 28 27 11" W	0.02
L28	1.19	S 28 27 11" W	0.02
L29	1.19	S 28 27 11" W	0.02
L30	1.19	S 28 27 11" W	0.02
L31	1.19	S 28 27 11" W	0.02
L32	1.19	S 28 27 11" W	0.02
L33	1.19	S 28 27 11" W	0.02
L34	1.19	S 28 27 11" W	0.02
L35	1.19	S 28 27 11" W	0.02
L36	1.19	S 28 27 11" W	0.02
L37	1.19	S 28 27 11" W	0.02
L38	1.19	S 28 27 11" W	0.02
L39	1.19	S 28 27 11" W	0.02
L40	1.19	S 28 27 11" W	0.02
L41	1.19	S 28 27 11" W	0.02
L42	1.19	S 28 27 11" W	0.02
L43	1.19	S 28 27 11" W	0.02
L44	1.19	S 28 27 11" W	0.02
L45	1.19	S 28 27 11" W	0.02
L46	1.19	S 28 27 11" W	0.02
L47	1.19	S 28 27 11" W	0.02
L48	1.19	S 28 27 11" W	0.02
L49	1.19	S 28 27 11" W	0.02
L50	1.19	S 28 27 11" W	0.02

**REVISIONS**

NO.	DATE	DESCRIPTION	BY
1	10-23-19	ADD ACCESS NOTES	BJA
2	10-23-19	REV PROVISIONS	BJA
3	10-23-19	REV COMMONS	BJA
4	10-23-19	LOT REVISIONS	BJA
5	12-12-19	REVISE COMMONS	BJA
6	12-20-19	ORIGINAL ISSUE	BJA
7	10-23-19	DESCRIPTION	BJA

**FIELDWORK COMPLETED**  
CLIENT NAME: JOHN DEWITT  
ADDRESS: 7602772  
DATE: 10/23/2019

**RE ALLEN AND ASSOCIATES, LTD.**  
1015 N. OGDEN AVENUE, SUITE C  
CHICAGO, ILLINOIS 60642  
PHONE: 847-223-0311 FAX: 847-223-0380




# Village of Lake Zurich, Lake County, Illinois



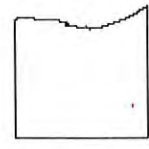
0.035 mi

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community  
Lake County, Illinois, Division

 Tax Parcel Lines



Map Printed on 7/14/2020



Lake County, Illinois

## Canterbury Estates - Backup Special Service Area No 17 - Aerial Map

**Disclaimer:** The selected feature may not occur anywhere in the current map extent. A Registered Land Surveyor should be consulted to determine the precise location of property boundaries on the ground. This map does not constitute a regulatory determination and is not a base for engineering design. This map is intended to be viewed and printed in color.