

## ORDINANCE NO. 3491

### AN ORDINANCE CONCERNING THE ESTABLISHMENT OF SPECIAL SERVICE AREA NUMBER SEVEN (EAST SIDE GREENMOUNT ROAD) OF THE CITY OF O'FALLON, ILLINOIS

**WHEREAS**, pursuant to the Special Service Area Tax Law (35 ILCS 200/27-5 *et seq.*), as supplemented and amended (collectively, the “**SSA Law**”), the City of O’Fallon, St. Clair County, Illinois (the “**Municipality**”), is authorized to create special service areas within its corporate boundaries, issue bonds secured by the full faith and credit of such areas for providing special services to such areas, and levy taxes against the property included in such areas to pay the principal of and interest on such bonds; and

**WHEREAS**, the Issuer’s City Council (the “**Corporate Authorities**”) by Ordinance No. 3476, adopted on the 18th day of September, 2006 (the “**Initial Ordinance**”), did propose the establishment of Special Service Area Number Seven (East Side Greenmount Road) (the “**Area**,” as more particularly described in the attached Exhibit A) and the issuance of bonds of the Area in not to exceed the amount of \$1,500,000, bearing interest at a rate not to exceed the greater 9% per annum or 125% (and substituting 13% for 9% and 200% for 125% if not tax-exempt) of the 20 GO Bonds Index under the Bond Authorization Act and maturing within 21 years from the issuance thereof (the “**Bonds**”) and did call a public hearing thereon for 7:00 p.m. on the 16th day of October, 2006 (the “**Hearing**”); and

**WHEREAS**, proper notice was given of the Hearing by mail on or before October 4, 2006 to the person or persons in whose name the general taxes for the preceding year were paid on each property lying in the Area (each a “**taxpayer**”) and by publication on September 28, 2006 in the *O’Fallon Progress*, a newspaper published in O’Fallon, Illinois and of general circulation in the Municipality, and at the Hearing held and concluded on the 16th day of October, 2006, all interested persons, including the owners of taxable property within the Area, were allowed to file written objections (of which there were none) and to be heard orally in

connection with the Area, the issuance of the Bonds and other issues embodied in the Hearing notice; and

**WHEREAS**, the Area will benefit specially from municipal services to be provided (the “**Services**”), and the Services are unique to the Area and in addition to municipal services provided within the City of O’Fallon, Illinois as a whole.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF O’FALLON, ST. CLAIR COUNTY, ILLINOIS**, as follows:

**Section 1. Fundings.** The Corporate Authorities hereby find and determine, as follows:

- (a) that the Hearing was held, conducted and concluded on October 16, 2006;
- (b) that no protests or objections in connection with the Area or the Services were submitted orally or in writing, before, at or after the Hearing; and
- (c) that each elector residing within the Area and each owner of record of land included within the boundaries of the Area, within the meaning of Section 27-55 of the SSA Law, may provide, as the case may be, prior to the filing and recording in **Section 3** below, an irrevocable waiver of, among other things, the 60-day petition period therein provided and of any other defect in the related procedures concerning the creation and establishment of the Area and the other issues embodied in the Hearing notice.

**Section 2. Special Service Area.** The Area shall be and is hereby created and established as a special service area, the levy of the applicable special service area taxes (subject to allocation, determination, levy and extension on an ad valorem basis against each lot, block, tract and parcel of land in the Area shall be and are here hereby authorized to be levied and the Bonds shall be and are hereby authorized to be issued, including by proceedings supplemental hereto, as contemplated by the Initial Ordinance and the SSA Law.

**Section 3. Filing/Recording.** No lien shall be established against any real property in the Area nor shall the Area create a valid tax before a certified copy of this ordinance establishing the boundaries of the Area, containing a legal description of the territory of the

Area, is filed for record in the office of the recorder of St. Clair County in which all the Area is located. Notwithstanding the foregoing, this ordinance shall be recorded no later than 60 days after the date this ordinance is adopted. Taxes shall not, however, be levied, extended and collected until and as provided in the authorizing ordinance or resolution for the Bonds referenced in this Ordinance.

**Section 4. Special Tax Roll.** Concurrently with the adoption of this ordinance the Issuer is adopting: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF SPECIAL SERVICE AREA NUMBER SEVEN (EAST SIDE GREENMOUNT ROAD) SPECIAL AD VALOREM TAX BONDS, SERIES 2006B, OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS, AND PROVIDING FOR THE LEVY OF DIRECT ANNUAL TAXES ON TAXABLE PROPERTY IN SUCH SPECIAL SERVICE AREA FOR THE PAYMENT OF PRINCIPAL OF AND INTEREST ON THOSE BONDS, AND RELATED MATTERS, which in Exhibit D contains the special tax roll for the SSA, which, together with Exhibit E, is attached to this ordinance as Attachment B.

**Section 5. Effective Date.** This ordinance shall be effective immediately upon its passage and approval.

[The remainder of this page is intentionally blank.]

Upon motion by Alderman \_\_\_\_\_, seconded by  
Alderman \_\_\_\_\_, adopted this 18th day of December, 2006 by roll call  
vote, as follows.

AYES (Names): \_\_\_\_\_  
\_\_\_\_\_

NAYS (Names): \_\_\_\_\_

ABSENT/OTHER (Names): \_\_\_\_\_

Approved: December 18, 2006

Attest:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

## ATTACHMENT A

**General Description:** The Area is that real estate located entirely within the City's corporate boundaries, generally described by street or general location as: 13.68 acres, at 1560 Greenmount Road, in O'Fallon, Illinois.

**Legal Description:**

Part of West Half of the Southwest quarter of Section 30, Township 2 North, Range 7 West of the Third Principal Meridian, County of St. Clair, State of Illinois, and being more particularly described as follows:

Commencing at the Southwest corner of said Southwest quarter; thence on an assumed bearing of North 00 degrees 01 minute 15 seconds East, on the West line of said Section 30, a distance of 475.36 feet; thence South 89 degrees 58 minutes 45 seconds East, a distance of 80.00 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING; thence North 00 degrees 01 minutes 15 seconds East, on the East right of way line of North Green Mount Road, a distance of 552.48 feet to the Southwest corner of Greenmount Market; thence South 89 degrees 41 minutes 45 seconds East, on the South line of said Greenmount Market, a distance of 1076.01 feet to the West line of Terri Terrace 1<sup>st</sup> Addition; thence South 00 degrees 14 minutes 38 seconds West, on said West line of Terri Terrace 1<sup>st</sup> Addition, a distance of 556.42 feet to the North line of Cambridge Office Park; thence North 89 degrees 29 minutes 07 seconds West, on said North line of Cambridge Office Park and the Westerly extension thereof, a distance of 1073.88 feet to said East right of way line of said North Green Mount Road; said point also being the POINT OF BEGINNING.

Except the coal, oil, gas and other minerals underlying the said premises and the right to mine and remove the same.

Situated in St. Clair County, Illinois.

2. Tax Identification Number(s): The permanent tax index number of the parcel located within the special service area (including any subset(s) of such number upon subdivision): 04-30.0-303-080.

3. Special Services: The Special Services are to be part of the new construction of: **(i)** asphalt and concrete parking lot site preparation and development, **(ii)** water line extension, **(iii)** street lighting, **(iv)** storm sewer extension, **(v)** sanitary sewer extension and connection, **(vi)** debt service reserves **(vii)** construction period interest, **(viii)** engineering, legal, finance and administrative services, and **(ix)** related facilities, improvements and costs, constituting, collectively, the "**Special Services**".

**ATTACHMENT B**

**Levy of Special Service Area Taxes**

**Exhibit D in Ord No. 3492, adopted December 18, 2006**

In order to provide for the collection of a direct annual tax sufficient to pay the interest on the Bonds as it falls due, and also to pay and discharge the principal thereof at maturity, there be and there is hereby levied upon all the taxable property within the Special Service Area a direct annual tax for each of the years while the Bonds or any of them are outstanding, in amounts sufficient for that purpose, and that there be and there is hereby levied upon all of the taxable property in the Special Service Area, the following direct annual tax, to-wit (i.e., “**Levied Taxes**”):

<b><u>For the Year</u></b>	<b><u>A Tax Sufficient to Produce the Sum of (\$):</u></b>
2006	237,584 for interest and principal
2007	166,200 for interest and principal
2008	163,800 for interest and principal
2009	166,200 for interest and principal
2010	168,200 for interest and principal
2011	165,000 for interest and principal
2012	166,600 for interest and principal
2013	163,000 for interest and principal
2014	164,200 for interest and principal
2015	165,000 for interest and principal
2016	165,400 for interest and principal
2017	164,750 for interest and principal
2018	163,000 for interest and principal
2019	165,500 for interest and principal
2020	162,250 for interest and principal
2021	163,250 for interest and principal
2022	163,250 for interest and principal
2023	162,250 for interest and principal
2024	160,250 for interest and principal
2025	162,000 for interest and principal
2026	157,500 for interest and principal

The Issuer covenants and agrees with the purchasers and the owners of the Bonds that so long as any of the Bonds remain outstanding the Issuer will take no action or fail to take any action which in any way would adversely affect the ability of the Issuer to levy and collect the foregoing Special Service Area Tax levy and the Issuer and its officers will comply with all present and future applicable laws in order to assure that the foregoing taxes will be levied, extended and collected as provided herein and deposited in the fund established to pay the principal of and interest on the Bonds.

After the passage of this ordinance and before any Bonds are issued, the City Clerk is hereby directed to file a certified copy of this ordinance with the County Clerk of St.

Clair County, Illinois, and it shall be the duty of such County Clerk to annually in and for the years 2006 through 2026, inclusive, ascertain the rate necessary to produce the tax herein levied, and extend the same for collection on the tax books against all of the taxable property within the Special Service Area in connection with other taxes levied in each of such years for municipal purposes, in order to raise the respective amounts aforesaid and in each of such years such annual tax shall be computed, extended and collected in the same manner as now or hereafter provided by law for the computation, extension and collection of taxes for general municipal purposes of the Issuer, and when collected, the taxes hereby levied shall be placed to the credit of the Principal and Interest Account.

\*As provided in Section 8 of the Issuer's Ordinance No. 3492, adopted December 18, 2006, the Issuer reserves the right from time to time to abate, supplement or amend this Exhibit D. In such case, the Special Service Area Taxes to be extended and collected shall be as so abated, supplemented or amended, as certified in substantially the form in Exhibit E, as may be filed from time to time with the St. Clair County Clerk.

**EXHIBIT E**

**CITY OF O'FALLON  
ST. CLAIR COUNTY, ILLINOIS  
SPECIAL SERVICE AREA NUMBER SEVEN  
(EAST SIDE GREENMOUNT ROAD)  
SPECIAL AD VALOREM TAX BONDS  
SERIES 2006**

**Ordinance No. 3492  
adopted December 18, 2006 (the "Ordinance")  
Filed with the St. Clair County Clerk on \_\_\_\_\_, 2006  
Exhibit D Modification/Revision Certificate**

To: County Clerk  
St. Clair County, Illinois  
Courthouse – 10 Public Square  
Belleville, Illinois 62220

In connection with the above Ordinance, you are hereby directed to accept the attached modified or revised Exhibit D. This will supersede any prior Exhibit D.

(SEAL)

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

**RECEIPT**

The St. Clair County Clerk hereby receipts the foregoing this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ and agrees to accordingly levy taxes as therein provided.

Date: \_\_\_\_\_

\_\_\_\_\_  
County Clerk

STATE OF ILLINOIS                    )  
  ) SS  
COUNTY OF ST. CLAIR                )  
  )  
CITY OF O'FALLON                     )

**CERTIFICATION OF ORDINANCE**

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of O'Fallon, St. Clair County, Illinois (the "**Issuer**"), and that as such official I am the keeper of the records and files of the Issuer's City Council (the "**Corporate Authorities**").

I do further certify that the foregoing is a full, true and complete excerpt from the proceedings of the meeting of the Corporate Authorities held on the 18th day of December, 2006, insofar as same relates to the adoption of Ordinance No. 3491 entitled:

**AN ORDINANCE CONCERNING THE ESTABLISHMENT OF SPECIAL SERVICE AREA NUMBER SEVEN (EAST SIDE GREENMOUNT ROAD) OF THE CITY OF O'FALLON, ILLINOIS,**

(the "**Ordinance**"), a true, correct and complete copy of which Ordinance as adopted at such meeting appears referenced in the foregoing minutes of such meeting.

I do further certify that the deliberations of the Corporate Authorities on the adoption of the Ordinance were conducted openly, that the vote on the adoption of the Ordinance was taken openly, that such meeting was held at a specified time and place convenient to the public, that the meeting agenda was duly posted at the City Clerk's office at least 48 hours before the meeting, that notice of such meeting was duly given to all of the news media requesting compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Special Service Area Tax Law (35 ILCS 200/27-5 *et seq.*), as supplemented and amended, and that the Corporate Authorities have complied with all of the provisions of such Acts and with all of the procedural rules of the Corporate Authorities. Preliminary to the adoption of such Ordinance, there was a public recital of the nature thereof and such other information as would inform the public of the business conducted.

**IN WITNESS WHEREOF** I hereunto affix my official signature and the official corporate seal of the City of O'Fallon, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2006.

(SEAL)

\_\_\_\_\_  
City Clerk