

ORDINANCE NO. 6859

**AN ORDINANCE ESTABLISHING
VILLAGE OF LOMBARD SPECIAL SERVICE AREA NUMBER 7**

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

SECTION 1: AUTHORITY. Special Service Area Number 7 is established pursuant to the provisions of 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. The question of the establishment of the area hereinafter described as a special service area was considered by the President and Board of Trustees (hereinafter the "Village Board") pursuant to an Ordinance entitled: "An Ordinance Proposing the Establishment of Special Service Area Number 7 in the Village of Lombard and providing for a Public Hearing and Other Procedures in Connection Therewith," adopted May 2, 2013, and was considered pursuant to a hearing held on August 15, 2013, by the Village Board pursuant to a Newspaper Notice duly published in *The Lombardian*, a newspaper published in the Village of Lombard (hereinafter the "Village"), at least fifteen (15) days prior to the hearing, and pursuant to Personal Notice by 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 special service area. Said Personal Notice by mail was given by depositing said Personal Notice in the United States mails not less than ten (10) days prior to the time set for the public hearing. In the event taxes for the last preceding year were not paid, the said Personal Notice was sent to the person last listed on the tax rolls prior to that year as the owner of said property. A Certificate of Publication of said Newspaper Notice and a Certificate of Mailing of said Personal Notice are attached to this Ordinance as Exhibit 1 and Exhibit 2, respectively, and made part hereof. Said Newspaper Notice and Personal Notice conformed in all respects to the requirements of Section 27-25 of the Special Service Area Tax Law (35 ILCS 200/27-25).

- B. That a public hearing on the question set forth in the Newspaper Notice and Personal Notice was held on August 15, 2013. All interested persons were given an opportunity to be heard on the question of the creation of the special service area, and the levy of an annual tax to pay for the proposed Special Services (as defined in Section 4 below), as set forth in the Newspaper Notice and Personal Notice. The public hearing was

opened on August 15, 2013, and there was final adjournment thereof on August 15, 2013, as part of the regular Lombard Village Board meeting on said date.

- C. That after considering the data, as presented at the public hearing, the Village Board finds that it is in the public interest and in the interest of the Village of Lombard Special Service Area Number 7 that said special service area, as hereinafter described, be established.
- D. Said area is compact and contiguous and exists in a multi-family residential area in the Village.
- E. It is in the best interest of said special service area that the furnishing of the municipal services proposed be considered for the common interests of said area.
- F. Said area is zoned for a multi-family planned development under the R-5 General Residence District zoning classification and will benefit specially from municipal services proposed to be provided. The proposed municipal services are unique and in addition to the municipal services provided to the Village as a whole.

SECTION 3: VILLAGE OF LOMBARD SPECIAL SERVICE AREA NUMBER 7 ESTABLISHED. A special service area to be known and designated as "Village of Lombard Special Service Area Number 7" (hereinafter "Special Service Area Number 7") is hereby established and shall consist of the following-described territory:

Legal Description: The East 300 feet of the South 485.6 feet of the West ½ of the Southeast ¼ of Section 19, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois;

PIN: 06-19-400-026;

Street Location: 300 West 22nd Street, Lombard, Illinois – (the Northwest corner of 22nd Street and Elizabeth Street);

(hereinafter the "Subject Property").

An accurate map of the Subject Property is attached hereto as Exhibit 3, and made part hereof.

SECTION 4: PURPOSE OF THE AREA. Special Service Area Number 7 is established to provide special municipal services to the Subject Property in addition to services provided to the Village generally. Included in said services shall be the funding of the Village's cost of providing emergency medical services to the residents of Special Service Area Number 7, at a call rate per residential unit above and beyond the call rate normally associated with high-density multi-family residential housing developments

within the Village (hereinafter the "Special Services"), within said Special Service Area Number 7.

The Village shall levy a direct annual tax at a rate not to exceed \$23.75 per \$100.00 of equalized assessed valuation of property in Special Service Area Number 7, with said tax not to be imposed until the 2014 tax levy year (with taxes collected in 2015).

The tax levy calculation for the initial year in which taxes will be levied (2014 taxes collected in 2015) is as follows:

$$A \times [B - C] \times D = E$$

- A = The actual number of residential units within the building located within Special Service Area Number 7.
- B = The average annual number of emergency medical services (EMS) calls per residential unit at the Village's senior housing developments.
- C = The average annual number of emergency medical services (EMS) calls per residential unit at the Village's high-density multi-family housing developments, which consist of the following developments:
- Cove Landing – (2001-2015 S. Finley Road)
 - Lombard Tower – (33 N. Main Street)
 - Jackson Terrace Condominiums – (1150 E. Jackson Street)
 - Yorktown Apartments (tower building) – (2233 S. Highland Avenue)
 - Park Avenue Condominiums – (150 W. St. Charles Road)
- D = The average of the current dollar amounts set forth in the Lombard Village Code for EMS Basic Life Support (BLS) – Transport for a Village resident and EMS Advanced Life Support Level 1 (ALS-1) – Transport for a Village resident.
- E = The initial tax levy, for the initial year in which taxes will be levied for the Special Services, to create the base amount in the Special Service Area Number 7 Fund.

Said formula results in the following calculation:

$$80 \times [0.61 - 0.08] \times \$510.00 = \$21,624.00$$

As such, \$21,624.00 shall be the initial tax levy, for the initial year in which taxes will be levied for the Special Services.

The annual tax levy and payment to the Village calculation, after the first tax levy year, shall be as follows:

Formula #1 (Updated base amount for Special Service Area Number 7 Fund):

$$F \times [G - H] \times I = J$$

Formula #2 (Amount to be withdrawn from the Special Service Area Number 7 Fund to reimburse the Village for the Special Services):

$$\left[\frac{G - H}{G} \times (K - L) \right] = M$$

Formula #3 (Annual Tax Levy Amount):

$$(J - \$21,624.00) + M = N$$

F = The actual number of residential units within the building located within Special Service Area Number 7.

G = The number of emergency medical services (EMS) calls per residential unit, for the building located within Special Service Area Number 7, from November 1st to October 31st of the next year (e.g., for the second tax levy year, from November 1, 2014 to October 31, 2015).

H = The average annual number of emergency medical services (EMS) calls per residential unit at the Village's high-density multi-family housing developments, which currently consist of the following developments:

- Cove Landing – (2001-2015 S. Finley Road)
- Lombard Tower – (33 N. Main Street)
- Jackson Terrace Condominiums – (1150 E. Jackson Street)
- Yorktown Apartments (tower building) – (2233 S. Highland Avenue)
- Park Avenue Condominiums – (150 W. St. Charles Road)

The figure 0.08 (as used for the initial tax levy year in subsection C. above) shall also be used for tax levy years 2, 3, 4 and 5. The figure used shall be recalculated after tax levy year 5, based on the average number of emergency medical services (EMS) calls per residential unit at the Village's high-density multi-family housing developments, as set forth above, over the immediately preceding five (5) year period, and every five (5) years thereafter, with each such recalculated figure being used for the tax levy for the recalculation year, and the next four (4) years thereafter.

In the event that one or more of the listed high-density multi-family housing developments ceases to operate as a high-density multi-family housing development, it shall thereafter no longer be included in the calculation of formula factor H. In the event that a new high-density multi-family housing development is constructed within the Village, it shall be included in the list of developments used for the calculation of formula factor H, beginning with the first recalculation of formula factor H after the

end of the first full calendar year following the issuance of a certificate of occupancy for said development.

- I = The average of the current dollar amounts set forth in the Lombard Village Code for EMS Basic Life Support (BLS) – Transport for a Village resident and EMS Advanced Life Support Level 1 (ALS-1) – Transport for a Village resident.
- J = Current base amount for the Special Service Area Number 7 Fund.
- K = The amount billed by the Village relative to emergency medical services (EMS) calls at the building located within Special Service Area Number 7 from November 1st to October 31st of the next year (e.g., for the second tax levy year, from November 1, 2014 to October 31, 2015).
- L = The amount received by the Village in payment for Village emergency medical services (EMS) calls at the building located within Special Service Area Number 7 from November 1st to October 31st of the next year (e.g., for the second tax levy year, from November 1, 2014 to October 31, 2015).
- M = The amount to be withdrawn by the Village from the Special Service Area Number 7 Fund to compensate the Village for the cost of the Special Services. If M is zero or a negative number, no amount shall be withdrawn by the Village from the Special Service Area Number 7 Fund for that calculation year.
- N = The Special Service Area Number 7 tax levy amount for the current tax levy year. If N is zero or a negative number, no amount shall be levied for the current tax levy year.

In the event that N is less than one-half (½) of J for five (5) consecutive years, then the amount being held in the Special Service Area Number 7 Fund shall be used each year, to reimburse the Village for the cost of the Special Services, without a corresponding tax levy, until the amount in the Special Service Area Number 7 Fund is reduced to one-half (½) of J, and Formula #3 thereafter shall be revised to read as follows:

$$\left[\frac{J}{2} - \$10,812.00 \right] + M = N$$

At such time as the building on the property located within Special Service Area Number 7 is no longer used for senior housing assisted living residences, Special Service Area Number 7 shall be terminated, and a rebate shall be declared relative to any amounts remaining in the Special Service Area Number 7 Fund, pursuant to 35 ILCS 200/27-93.

Said tax is to be levied upon all taxable property within the Special Service Area Number 7, and shall be in addition to all other taxes provided by law.

SECTION 5: EFFECTIVE DATE. The Village is in receipt of a "Waiver of Right to File an Objection Petition Opposing the Creation of Lombard Special Service Area Number 7 (Spectrum Development Project – Senior Housing Assisted Living Residences)," a copy of which is attached hereto as Exhibit 4 and made part hereof. As such, and as there are no electors residing within the Subject Property, and as Spectrum Acquisition Oakbrook Terrace, LLC, a Colorado Limited Liability Company d/b/a Spectrum Acquisition Lombard, LLC, is the sole owner of the Subject Property, this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law. The Village Clerk is hereby directed and ordered to file a certified copy of this Ordinance with the DuPage County Clerk, and record a certified copy of this Ordinance with the DuPage County Recorder's Office, within sixty (60) days of the effective date hereof.

SECTION 6: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form, as provided by law.

Passed on first reading this ____ day of _____, 2013.

First reading waived by action of the Board of Trustees this 5th day of September, 2013.

Passed on second reading this 5th day of September, 2013, pursuant to a roll call vote as follows:

AYES: Trustee Whittington, Fugiel, Foltyniewicz, Breen, Fitzpatrick, and Ware

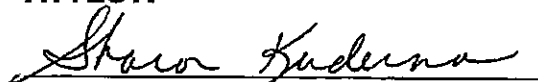
NAYS: None

ABSENT: None

APPROVED by me this 5th day of September, 2013.


Keith Giagnorio, Village President

ATTEST:


Sharon Kuderna, Village Clerk

Published by me in pamphlet form this 9th day of September, 2013.


Sharon Kuderna, Village Clerk

Exhibit 1

**Certificate of Publication
of Newspaper Notice**

(attached)

CERTIFICATE OF PUBLICATION

STATE OF ILLINOIS }
COUNTY OF DUPAGE } SS.

I, Bonnie Lee MacKay, do hereby certify that Scott MacKay the associate publisher of the Lombardian, which is now and has been for more than one year prior to the first publication of this notice hereto annexed, a weekly newspaper of general circulation, printed and published in the Village of Lombard in said County, and that the said advertisement or notice relating to the matter of Village of Lombard Publication of Legal Notice #50370 Special Service Area Number 7 has been published in said paper consecutively of the issues commencing July 24, A.D. 2013, and ending July 24, A.D. 2013, which are the dates of the first and last papers containing the same.

Given under my hand this 24th day of July A.D. 2013.

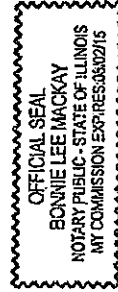
Printer's Fee \$ 314.76
Paid _____

By: _____ 2013

Scott MacKay
Associate Publisher

Copy of Notice Herein Referred To:
NOTICE HERETO ANNEXED
SEE ATTACHED FOR THE REMAINDER OF THE NOTICE

Bonnie Lee MacKay
Notary Public



1. Amount of the deposit for the purpose of the deposit, as shown in the Schedule, is to be used to pay the interest on the deposit, and the amount of the deposit, as shown in the Schedule, is to be used to pay the principal of the deposit.

2. The interest on the deposit is to be paid to the depositor, and the principal of the deposit is to be paid to the depositor at the expiration of the term of the deposit.

3. The deposit is to be made in the name of the depositor, and the depositor is to be the owner of the deposit.

Article 100 - Deposits

1. The actual number of residential units within the health district shall be determined by the health officer, and the health officer shall determine the number of residential units within the health district.

2. The health officer shall determine the number of residential units within the health district, and the health officer shall determine the number of residential units within the health district.

3. The health officer shall determine the number of residential units within the health district, and the health officer shall determine the number of residential units within the health district.

Article 101 - Deposits

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Exhibit 2

**Certificate of Mailing
of Personal Notice**

(attached)

**VILLAGE OF LOMBARD
SPECIAL SERVICE AREA NUMBER 7**

CERTIFICATE OF MAILING

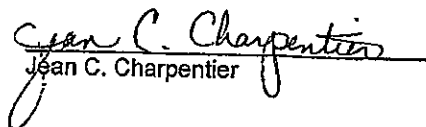
I, Jean C. Charpentier, being first duly sworn on oath, depose and say that, on July 26, 2013, I caused to be sent to:

- All Taxpayers of Record within Special Service Area Number 7 (as listed on the attached Service List), by First Class U.S. Mail, postage prepaid;

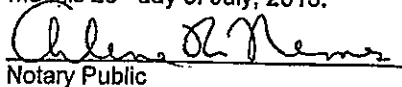
the following document:

- NOTICE OF PUBLIC HEARING – VILLAGE OF LOMBARD – SPECIAL SERVICE AREA NUMBER 7;

a copy of which is attached hereto as Exhibit 1.


Jean C. Charpentier

Subscribed and sworn to before
me this 26th day of July, 2013.


Notary Public



310905_1

**Village of
Lombard
SSA #7**

49/353

**Taxpayer
of Record**

PIN 06-19-400-026
SPECTRUM ACQUISITION LMBD
200 Spruce St.
Unit 200
Denver, CO 80230

10898_1

Exhibit 1

**NOTICE OF PUBLIC HEARING
VILLAGE OF LOMBARD
SPECIAL SERVICE AREA NUMBER 7**

(attached)

**NOTICE OF PUBLIC HEARING
VILLAGE OF LOMBARD
SPECIAL SERVICE AREA NUMBER 7**

NOTICE IS HEREBY GIVEN that on August 15, 2013, at 7:30 p.m. in the Lombard Village Hall, Board Room, 255 East Wilson Avenue, Lombard, Illinois, a public hearing will be held by the President and Board of Trustees of the Village of Lombard (hereinafter the "Village") to consider forming a special service area consisting of the following described property:

Legal Description: The East 300 feet of the South 485.6 feet of the West ½ of the Southeast ¼ of Section 19, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois.

PIN: 06-19-400-026.

Common Boundary Description: 300 West 22nd Street, Lombard, Illinois – (the Northwest corner of 22nd Street and Elizabeth Street).

All interested persons affected by the formation of Lombard Special Service Area Number 7 will be given an opportunity to be heard regarding the formation and the boundaries of Special Service Area Number 7 and may object to the formation of Special Service Area Number 7 and the levy of taxes affecting said Special Service Area Number 7.

The purpose of the formation of Lombard Special Service Area Number 7 is to fund the Village's providing of emergency medical services to the residents of Special Service Area Number 7, at a call rate per residential unit above and beyond the call rate normally associated with high-density multi-family residential housing developments within the Village (hereinafter the "Special Services"), within said Special Service Area Number 7.

A tax levy at a rate not to exceed \$23.75 per \$100.00 of equalized assessed valuation of property in Special Service Area Number 7 will be considered at the public hearing to cover the cost of the Special Services, with said tax not to be imposed until the 2014 tax levy year (with taxes collected in 2015).

The tax levy calculation for the initial year in which taxes will be levied (2014 taxes collected in 2015) is as follows:

$$A \times [B - C] \times D = E$$

A = The actual number of residential units within the building located within Special Service Area Number 7.

B = The average annual number of emergency medical services (EMS) calls per residential unit at the Village's senior housing developments.

- C = The average annual number of emergency medical services (EMS) calls per residential unit at the Village's high-density multi-family housing developments, which consist of the following developments:
- Cove Landing – (2001-2015 S. Finley Road)
 - Lombard Tower – (33 N. Main Street)
 - Jackson Terrace Condominiums – (1150 E. Jackson Street)
 - Yorktown Apartments (tower building) – (2233 S. Highland Avenue)
 - Park Avenue Condominiums – (150 W. St. Charles Road)

D = The average of the current dollar amounts set forth in the Lombard Village Code for EMS Basic Life Support (BLS) – Transport for a Village resident and EMS Advanced Life Support Level 1 (ALS-1) – Transport for a Village resident.

E = The initial tax levy, for the initial year in which taxes will be levied for the Special Services, to create the base amount in the Special Service Area Number 7 Fund.

Said formula results in the following calculation:

$$80 \times [0.61 - 0.08] \times \$510.00 = \$21,624.00$$

As such, \$21,624.00 shall be the initial tax levy, for the initial year in which taxes will be levied for the Special Services.

The annual tax levy and payment to the Village calculation, after the first tax levy year, shall be as follows:

Formula #1 (Updated base amount for Special Service Area Number 7 Fund):

$$F \times [G - H] \times I = J$$

Formula #2 (Amount to be withdrawn from the Special Service Area Number 7 Fund to reimburse the Village for the Special Services):

$$\left[\frac{G - H}{G} \times (K - L) \right] = M$$

Formula #3 (Annual Tax Levy Amount):

$$(J - \$21,624.00) + M = N$$

F = The actual number of residential units within the building located within Special Service Area Number 7.

G = The number of emergency medical services (EMS) calls per residential unit, for the building located within Special Service Area Number 7, from November 1st to October 31st of the next year (e.g., for the second tax levy year, from November 1, 2014 to October 31, 2015).

- H = The average annual number of emergency medical services (EMS) calls per residential unit at the Village's high-density multi-family housing developments, which currently consist of the following developments:
- Cove Landing – (2001-2015 S. Finley Road)
 - Lombard Tower – (33 N. Main Street)
 - Jackson Terrace Condominiums – (1150 E. Jackson Street)
 - Yorktown Apartments (tower building) – (2233 S. Highland Avenue)
 - Park Avenue Condominiums – (150 W. St. Charles Road)

The figure 0.08 (as used for the initial tax levy year in subsection C. above) shall also be used for tax levy years 2, 3, 4 and 5. The figure used shall be recalculated after tax levy year 5, based on the average number of emergency medical services (EMS) calls per residential unit at the Village's high-density multi-family housing developments, as set forth above, over the immediately preceding five (5) year period, and every five (5) years thereafter, with each such recalculated figure being used for the tax levy for the recalculation year, and the next four (4) years thereafter.

In the event that one or more of the listed high-density multi-family housing developments ceases to operate as a high-density multi-family housing development, it shall thereafter no longer be included in the calculation of formula factor H. In the event that a new high-density multi-family housing development is constructed within the Village, it shall be included in the list of developments used for the calculation of formula factor H, beginning with the first recalculation of formula factor H after the end of the first full calendar year following the issuance of a certificate of occupancy for said development.

- I = The average of the current dollar amounts set forth in the Lombard Village Code for EMS Basic Life Support (BLS) – Transport for a Village resident and EMS Advanced Life Support Level 1 (ALS-1) – Transport for a Village resident.
- J = Current base amount for the Special Service Area Number 7 Fund.
- K = The amount billed by the Village relative to emergency medical services (EMS) calls at the building located within Special Service Area Number 7 from November 1st to October 31st of the next year (e.g., for the second tax levy year, from November 1, 2014 to October 31, 2015).
- L = The amount received by the Village in payment for Village emergency medical services (EMS) calls at the building located within Special Service Area Number 7 from November 1st to October 31st of the next year (e.g., for the second tax levy year, from November 1, 2014 to October 31, 2015).

M = The amount to be withdrawn by the Village from the Special Service Area Number 7 Fund to compensate the Village for the cost of the Special Services. If M is zero or a negative number, no amount shall be withdrawn by the Village from the Special Service Area Number 7 Fund for that calculation year.

N = The Special Service Area Number 7 tax levy amount for the current tax levy year. If N is zero or a negative number, no amount shall be levied for the current tax levy year.

In the event that N is less than one-half (1/2) of J for five (5) consecutive years, then the amount being held in the Special Service Area Number 7 Fund shall be used each year, to reimburse the Village for the cost of the Special Services, without a corresponding tax levy, until the amount in the Special Service Area Number 7 Fund is reduced to one-half (1/2) of J, and Formula #3 thereafter shall be revised to read as follows:

$$\left[\frac{J}{2} - \$10,812.00 \right] + M = N$$

At such time as the building on the property located within Special Service Area Number 7 is no longer used for senior housing assisted living residences, Special Service Area Number 7 shall be terminated, and a rebate shall be declared relative to any amounts remaining in the Special Service Area Number 7 Fund, pursuant to 35 ILCS 200/27-93.

Said tax is to be levied upon all taxable property within the proposed Special Service Area Number 7.

At the public hearing, all persons affected by the formation of said Special Service Area Number 7, 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 percent (51%) of the electors residing within Special Service Area Number 7 and by at least fifty-one percent (51%) of the owners of record of the land included within the boundaries of Special Service Area Number 7 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 7, 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 7 may not be created or enlarged, and no tax may be levied or imposed nor the rate increased.

DATED this 24th day of July, 2013.

Village Clerk
Village of Lombard

Exhibit 3

**Map of
Village of Lombard
Special Service Area Number 7**

(attached)

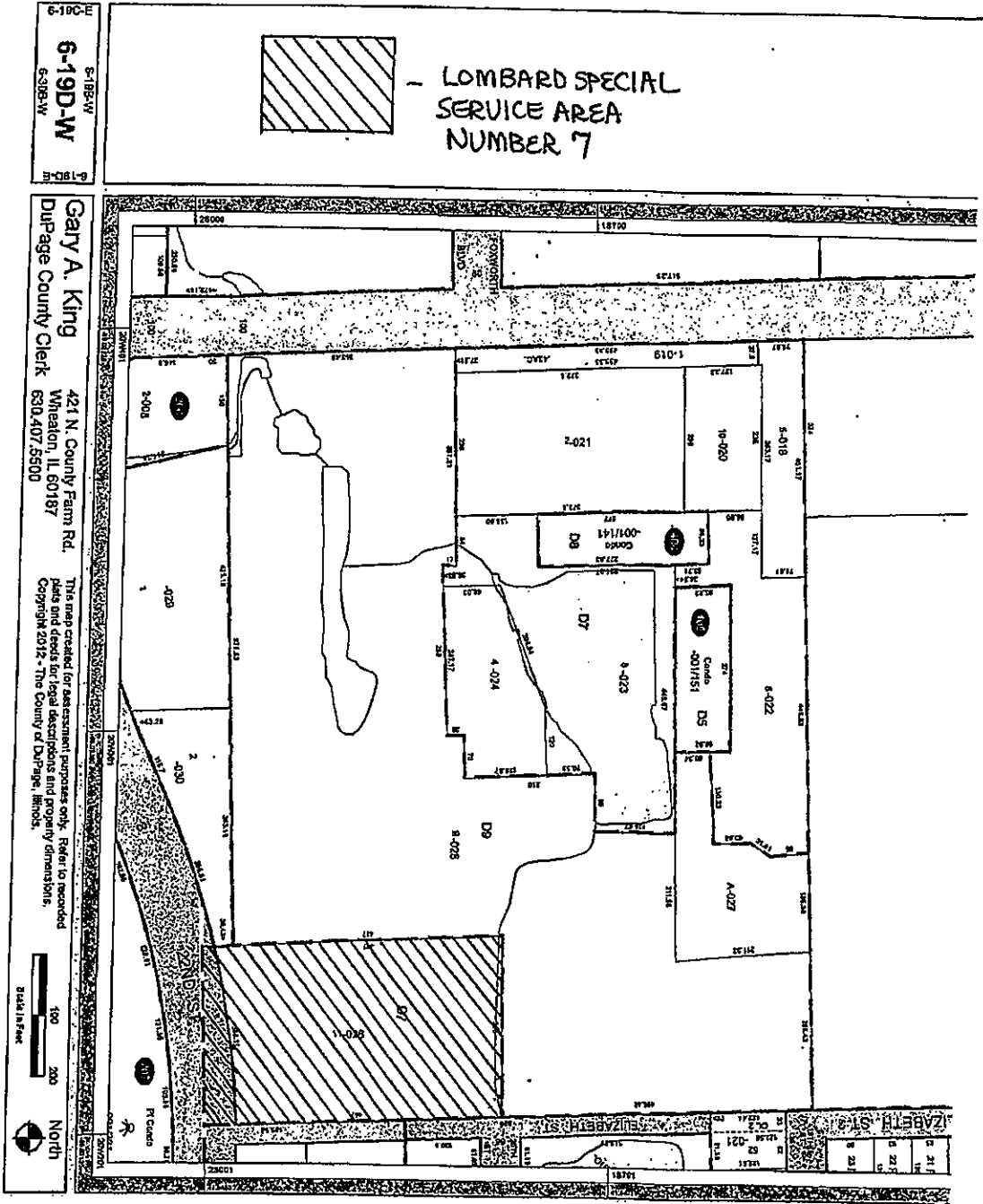


Exhibit 4

**Waiver of Right to File an
Objection Petition Opposing the Creation of
Lombard Special Service Area Number 7
(Spectrum Development Project –
Senior Housing Assisted Living Residences**

(attached)

**WAIVER OF RIGHT TO FILE AN OBJECTION PETITION
OPPOSING THE CREATION OF
LOMBARD SPECIAL SERVICE AREA NUMBER 7
(SPECTRUM DEVELOPMENT PROJECT –
SENIOR HOUSING ASSISTED LIVING RESIDENCES)**

Spectrum Acquisition Oakbrook Terrace, LLC, a Colorado Limited Liability Company d/b/a Spectrum Acquisition Lombard, LLC (hereinafter "Spectrum"), hereby voluntarily waives the right of Spectrum to file an objection petition opposing the creation of Lombard Special Service Area Number 7 – Spectrum Development Project – Senior Housing Assisted Living Residences (hereinafter the "SSA").

In regard to said voluntary waiver, Spectrum certifies that:

A. Spectrum is the sole owner of record of:

The East 300 feet of the South 485.6 feet of the West 1/2 of the Southeast 1/4 of Section 19, Township 39 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois;

PIN: 06-19-400-026;

Common Address: 300 West 22nd Street, Lombard, Illinois;

(hereinafter the "Property");

and is the sole taxpayer of record in regard to the Property, which constitutes all of the real estate within the SSA; and

B. No electors reside on the Property.

Spectrum understands that Section 27-55 of the Special Service Area Tax Law (35 ILCS 200/27-55) allows Spectrum to object to the creation of the SSA, and that a successful objection petition requires the signatures of at least fifty-one percent (51%) of the owners of record and at least fifty-one percent (51%) of the electors residing in the proposed SSA. Also, Spectrum acknowledges that an objection petition relative to the creation of the SSA would have to be filed with the Lombard Village Clerk within sixty (60) days of the August 15, 2013 public hearing.

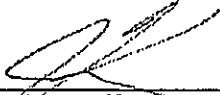
In consideration of Spectrum signing this waiver form, Spectrum requests that the Corporate Authorities of the Village of Lombard approve the ordinance required to create the SSA before the expiration of the sixty (60) day objection filing period, and that the Village file said ordinance with the DuPage County Clerk, and record said ordinance with the DuPage County Recorder of Deeds, before the expiration of the sixty (60) day objection filing period.

312571_1

Spectrum agrees that this waiver form shall be admissible in evidence in any action in which the terms of this waiver form are sought to be enforced.

The undersigned has carefully read and fully understands and agrees that this is a waiver of Spectrum's right to file an objection petition opposing the creation of the SSA, has been duly authorized to sign this waiver form, and has signed this waiver form of his own free and voluntary act and as the free and voluntary act and deed of Spectrum.

**SPECTRUM ACQUISITION OAKBROOK TERRACE, LLC,
a Colorado Limited Liability Company
d/b/a SPECTRUM ACQUISITION LOMBARD, LLC**

Signature: 
Name (Print): Jeffrey D. Kraus, Manager
Date: August 21, 2013

STATE OF COLORADO)
) SS
COUNTY OF DENVER)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that the above-named Jeffrey D. Kraus, personally known to me to be the Manager of Spectrum Acquisition Oakbrook Terrace, LLC, a Colorado Limited Liability Company d/b/a Spectrum Acquisition Lombard, LLC (the "Company"), and also known to me to be the same person whose name is subscribed to the foregoing instrument as such Manager, appeared before me this day in person and acknowledged that, as such Manager, he signed and delivered the said instrument, pursuant to authority given by said Company, as his free and voluntary act, and as the free and voluntary act and deed of said Company, for the uses and purposes therein set forth.

GIVEN under my hand and Notary Seal, this 21st day of August, 2013.




Notary Public

Exhibit 1

**NOTICE OF PUBLIC HEARING
VILLAGE OF LOMBARD
SPECIAL SERVICE AREA NUMBER 7**

(attached)

**NOTICE OF PUBLIC HEARING
VILLAGE OF LOMBARD
SPECIAL SERVICE AREA NUMBER 7**

NOTICE IS HEREBY GIVEN that on August 15, 2013, at 7:30 p.m. in the Lombard Village Hall, Board Room, 255 East Wilson Avenue, Lombard, Illinois, a public hearing will be held by the President and Board of Trustees of the Village of Lombard (hereinafter the "Village") to consider forming a special service area consisting of the following described property:

Legal Description: The East 300 feet of the South 485.6 feet of the West ½ of the Southeast ¼ of Section 19, Township 39 North, Range 11, East of the Third Principal Meridian, DuPage County, Illinois.

PIN: 06-19-400-026.

Common Boundary Description: 300 West 22nd Street, Lombard, Illinois – (the Northwest corner of 22nd Street and Elizabeth Street).

All interested persons affected by the formation of Lombard Special Service Area Number 7 will be given an opportunity to be heard regarding the formation and the boundaries of Special Service Area Number 7 and may object to the formation of Special Service Area Number 7 and the levy of taxes affecting said Special Service Area Number 7.

The purpose of the formation of Lombard Special Service Area Number 7 is to fund the Village's providing of emergency medical services to the residents of Special Service Area Number 7, at a call rate per residential unit above and beyond the call rate normally associated with high-density multi-family residential housing developments within the Village (hereinafter the "Special Services"), within said Special Service Area Number 7.

A tax levy at a rate not to exceed \$23.75 per \$100.00 of equalized assessed valuation of property in Special Service Area Number 7 will be considered at the public hearing to cover the cost of the Special Services, with said tax not to be imposed until the 2014 tax levy year (with taxes collected in 2015).

The tax levy calculation for the initial year in which taxes will be levied (2014 taxes collected in 2015) is as follows:

$$A \times [B - C] \times D = E$$

A = The actual number of residential units within the building located within Special Service Area Number 7.

B = The average annual number of emergency medical services (EMS) calls per residential unit at the Village's senior housing developments.

C = The average annual number of emergency medical services (EMS) calls per residential unit at the Village's high-density multi-family housing developments, which consist of the following developments:

- Cove Landing – (2001-2015 S. Finley Road)
- Lombard Tower – (33 N. Main Street)
- Jackson Terrace Condominiums – (1150 E. Jackson Street)
- Yorktown Apartments (tower building) – (2233 S. Highland Avenue)
- Park Avenue Condominiums – (150 W. St. Charles Road)

D = The average of the current dollar amounts set forth in the Lombard Village Code for EMS Basic Life Support (BLS) – Transport for a Village resident and EMS Advanced Life Support Level 1 (ALS-1) – Transport for a Village resident.

E = The initial tax levy, for the initial year in which taxes will be levied for the Special Services, to create the base amount in the Special Service Area Number 7 Fund.

Said formula results in the following calculation:

$$80 \times [0.61 - 0.08] \times \$510.00 = \$21,624.00$$

As such, \$21,624.00 shall be the initial tax levy, for the initial year in which taxes will be levied for the Special Services.

The annual tax levy and payment to the Village calculation, after the first tax levy year, shall be as follows:

Formula #1 (Updated base amount for Special Service Area Number 7 Fund):

$$F \times [G - H] \times I = J$$

Formula #2 (Amount to be withdrawn from the Special Service Area Number 7 Fund to reimburse the Village for the Special Services):

$$\left[\frac{G - H}{G} \times (K - L) \right] = M$$

Formula #3 (Annual Tax Levy Amount):

$$(J - \$21,624.00) + M = N$$

F = The actual number of residential units within the building located within Special Service Area Number 7.

G = The number of emergency medical services (EMS) calls per residential unit, for the building located within Special Service Area Number 7, from November 1st to October 31st of the next year (e.g., for the second tax levy year, from November 1, 2014 to October 31, 2015).

- H = The average annual number of emergency medical services (EMS) calls per residential unit at the Village's high-density multi-family housing developments, which currently consist of the following developments:
- Cove Landing – (2001-2015 S. Finley Road)
 - Lombard Tower – (33 N. Main Street)
 - Jackson Terrace Condominiums – (1150 E. Jackson Street)
 - Yorktown Apartments (tower building) – (2233 S. Highland Avenue)
 - Park Avenue Condominiums – (150 W. St. Charles Road)

The figure 0.08 (as used for the initial tax levy year in subsection C. above) shall also be used for tax levy years 2, 3, 4 and 5. The figure used shall be recalculated after tax levy year 5, based on the average number of emergency medical services (EMS) calls per residential unit at the Village's high-density multi-family housing developments, as set forth above, over the immediately preceding five (5) year period, and every five (5) years thereafter, with each such recalculated figure being used for the tax levy for the recalculation year, and the next four (4) years thereafter.

In the event that one or more of the listed high-density multi-family housing developments ceases to operate as a high-density multi-family housing development, it shall thereafter no longer be included in the calculation of formula factor H. In the event that a new high-density multi-family housing development is constructed within the Village, it shall be included in the list of developments used for the calculation of formula factor H, beginning with the first recalculation of formula factor H after the end of the first full calendar year following the issuance of a certificate of occupancy for said development.

- I = The average of the current dollar amounts set forth in the Lombard Village Code for EMS Basic Life Support (BLS) – Transport for a Village resident and EMS Advanced Life Support Level 1 (ALS-1) – Transport for a Village resident.
- J = Current base amount for the Special Service Area Number 7 Fund.
- K = The amount billed by the Village relative to emergency medical services (EMS) calls at the building located within Special Service Area Number 7 from November 1st to October 31st of the next year (e.g., for the second tax levy year, from November 1, 2014 to October 31, 2015).
- L = The amount received by the Village in payment for Village emergency medical services (EMS) calls at the building located within Special Service Area Number 7 from November 1st to October 31st of the next year (e.g., for the second tax levy year, from November 1, 2014 to October 31, 2015).

M = The amount to be withdrawn by the Village from the Special Service Area Number 7 Fund to compensate the Village for the cost of the Special Services. If M is zero or a negative number, no amount shall be withdrawn by the Village from the Special Service Area Number 7 Fund for that calculation year.

N = The Special Service Area Number 7 tax levy amount for the current tax levy year. If N is zero or a negative number, no amount shall be levied for the current tax levy year.

In the event that N is less than one-half (1/2) of J for five (5) consecutive years, then the amount being held in the Special Service Area Number 7 Fund shall be used each year, to reimburse the Village for the cost of the Special Services, without a corresponding tax levy, until the amount in the Special Service Area Number 7 Fund is reduced to one-half (1/2) of J, and Formula #3 thereafter shall be revised to read as follows:

$$\left[\frac{J}{2} - \$10,812.00 \right] + M = N$$

At such time as the building on the property located within Special Service Area Number 7 is no longer used for senior housing assisted living residences, Special Service Area Number 7 shall be terminated, and a rebate shall be declared relative to any amounts remaining in the Special Service Area Number 7 Fund, pursuant to 35 ILCS 200/27-93.

Said tax is to be levied upon all taxable property within the proposed Special Service Area Number 7.

At the public hearing, all persons affected by the formation of said Special Service Area Number 7, 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 percent (51%) of the electors residing within Special Service Area Number 7 and by at least fifty-one percent (51%) of the owners of record of the land included within the boundaries of Special Service Area Number 7 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 7, 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 7 may not be created or enlarged, and no tax may be levied or imposed nor the rate increased.

DATED this 24th day of July, 2013.

Village Clerk
Village of Lombard