

ERIN CARTWRIGHT WEINSTEIN

Clerk of the Circuit Court

Lake County, Illinois

STATE OF ILLINOIS        )  
                                      ) SS.  
COUNTY OF LAKE         )

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
LAKE COUNTY, ILLINOIS**

IN RE THE MATTER OF	)	NO. 70 TX 6
	)	
EAST SKOKIE DRAINAGE DISTRICT,	)	(Formerly County
LAKE COUNTY, ILLINOIS        and    )	)	Court Gen. No. 8547)
	)	
WEST SKOKIE DRAINAGE DISTRICT,	)	NO. 70 TX 8
LAKE COUNTY, ILLINOIS	)	

**VERIFIED PETITION TO CONSOLIDATE DRAINAGE DISTRICTS, TO ANNEX AND  
ASSESS CERTAIN PROPERTIES, AND TO ESTABLISH SUBDISTRICTS**

NOW COMES the Petitioners, the Commissioners of EAST SKOKIE DRAINAGE DISTRICT, OF LAKE COUNTY, ILLINOIS, Joseph L. Bridges, Todd Needlman, and Michele Mrachek and the Commissioners of the WEST SKOKIE DRAINAGE DISTRICT, OF LAKE COUNTY, Camilla Dadey, Morris Ban, and Christopher Call, by and through their attorneys, FUQUA WINTER LTD., (hereinafter referred to as "Petitioners"), and petition this Honorable Court for authority to merge said Drainage Districts into a single consolidated district, pursuant to 70 ILCS 605/9-4.1, to annex and assess certain properties pursuant to 70 ILCS 605/8-3 and 8-7, and to establish sub-districts pursuant to 70 ILCS 605/7-1. In support of this Petition, Petitioners state as follows:

1. That Petitioners are duly appointed and acting Commissioners for either the East Skokie Drainage District or the West Skokie Drainage District of Lake County, Illinois, (hereinafter collectively referred to as the "Drainage Districts").

2. That the Drainage Districts were each formed in Lake County, Illinois, and said Drainage Districts are subject to the laws of the State of Illinois, 70 ILCS 605/1 *et. seq.*

3. That this Court has jurisdiction over all matters pertaining to the organization, operation, and consolidation of the Drainage Districts, and venue in this Circuit Court of Lake County, Illinois, is proper, pursuant to 70 ILCS 605/1-4.

4. That, pursuant to 70 ILCS 605/4-34, the Petitioners, as Commissioners of the Drainage Districts, are officers of the Court and, as such, are under the control of the Court; therefore, this Petition having been verified by a majority of the Commissioners, the matters presented herein shall be presumed to be correct, and, when introduced into evidence, this Petition shall set forth a *prima facie* case for the Drainage District.

#### **Count 1- Consolidation**

5. Under the provisions of Illinois law, the commissioners of contiguous drainage districts may petition to consolidate the districts. Such petition must show: (a) the names of the districts proposed to be merged; (b) that the districts are contiguous; (c) the name of the proposed Consolidated District and (d) the reasons for and the advantages to be derived from such consolidation. The petition shall be signed by a majority of the commissioners of each district proposed to be merged and shall be verified by at least one commissioner of each district proposed to be merged (70 ILCS 605/9-4.1).

6. The names of the Drainage Districts proposed to be merged are: EAST SKOKIE DRAINAGE DISTRICT (ESDD) and WEST SKOKIE DRAINAGE DISTRICT (WSDD).

7. That ESDD contains approximately 13,612 acres, and its works include an open channel and underground culverts.

8. That WSDD contains approximately 11,955 acres, and its works include open channel, underground culverts and maintenance of the Atkinson Road detention basin.

9. That ESDD and WSDD share contiguous borders as shown on the map attached hereto and marked as **Exhibit A** and incorporated by reference (70 ILCS 605/9-4.1(b)).

10. The name and composition of the proposed Consolidated District is SKOKIE CONSOLIDATED DRAINAGE DISTRICT (SCDD) for a main district that would consist of all parcels from each district party to the consolidation.

11. That the Petitioners seek consolidation for the reason that it is cost effective and more efficient than the continued operation of two separate districts (70 ILCS 605/9-4.1(d)).



12. That the Petitioners believe such consolidation would be advantageous to the members of both Drainage Districts for several reasons: consolidation will reduce administrative costs associated with maintaining separate districts, including attorney's fees, insurance coverage premiums, annual stormwater permit fees, and other duplicative administrative costs totaling approximately \$30,000. Consolidation will also save the cost of one annual meeting notice publication, meeting costs, and will reduce the amount of paperwork generated for and processed by this Court, the Lake County Clerk, the Lake County Board, and the Lake County Treasurer (70 ILCS 605/9-4.1(d)).

13. That, pursuant to 70 ILCS 605/9-4.1, the time for hearing of this Petition shall be fixed and notice thereof given as provided by 70 ILCS 605/9-3 and 605/9-8. Publication is required for 2 (two) successive weeks, to begin 3 (three) weeks prior to the date of the hearing on the Petition.

14. That, pursuant to 70 ILCS 605/9-3 and 605/9-8, the clerk of the court shall give notice of the hearing (which notice shall include the names of the districts proposed to be merged and the name of the proposed Consolidated District) substantially in the form provided in 70 ILCS 605/4-21, and in the manner and for the length of time provided in 70 ILCS 605/4-22.

15. That, pursuant to 70 ILCS 605/9-3, within 4 days after the first publication of the notice the clerk is required to mail a copy of said notice to each commissioner of each district, however, the Commissioners, being the Petitioners herein, hereby waive said written notice.

16. That, pursuant to 70 ILCS 605/4-21 and 605/4-22, this petition seeks authority to consolidate districts and attaches the required affidavit of one or more credible persons giving the names and addresses of all the owners of land situated in the district if known, or if unknown, the names and addresses of the persons who last paid the general taxes on the land. The Affidavit of Dana Beyer, who is the Assessment Roll Administrator for the East Skokie and West Skokie Drainage Districts, is attached hereto and marked as **Exhibit B**.

17. That **Exhibit B-1** attached to the Affidavit of Dana Beyer, sets forth the current names and addresses of all owners of land assessed by the East Skokie Drainage District. That **Exhibit B-2** sets forth the current names and addresses of all owners of land assessed by the West

Skokie Drainage District.

18. That, pursuant to 70 ILCS 605/4-22, the Petitioners shall, within 4 days after the first publication of the notice, mail a copy thereof to each person named in the affidavit at the address therein set forth. The notice given by mail shall be sent first-class, with the postage thereon fully prepaid. The affidavit of any other credible person, affixed to a copy of the notice, shall be sufficient evidence of the mailing of the notices.

19. That pursuant to 70 ILCS 605/9-4.1, this Court shall set a hearing to determine whether the Drainage Districts are contiguous and whether such consolidation will be beneficial to a major portion of the lands in each district.

20. That, pursuant to 70 ILCS 605/9-4.1, if the Court finds for the Petitioners, it shall order the merger of the Drainage Districts into the Consolidated District.

21. That, pursuant to 70 ILCS 606/9-8, if the Court enters an Order merging the Drainage Districts into a Consolidated District, the Order shall not in any way affect the collection of any annual maintenance assessments due and unpaid at the time of the entry of the Order.

22. That, pursuant to 70 ILCS 605/9-5, upon the entry of an order consolidating these Drainage Districts, the individual districts shall lose their separate existence and be merged into the Skokie Consolidated Drainage District (SCDD) and the SCDD shall thereupon become a body politic and corporate with all the powers, rights, duties and obligations of other districts organized under the Illinois Drainage Code, and the SCDD shall succeed to all the records, property, funds, rights and duties of the merged districts.

23. That, pursuant to 70 ILCS 605/9-6, upon the organization of the SCDD, the duties of commissioners and other officers of each merged district shall cease. The Lake County Board, as appointing authority, shall appoint 3 commissioners of the Consolidated District to serve until the first Tuesday September following their appointment, and thereafter commissioners shall be appointed as provided in 70 ILCS 605/4-1 *et seq.* The commissioners and other officers of the Consolidated District shall have like powers and duties as commissioners and officers of other districts organized under the Illinois Drainage Code.



## Count 2- Annexation and Assessment

The Petitioners reallege and adopt paragraphs 1-23 of Count 1 as paragraphs 1-23 of this Count 2 as though fully set forth herein.

24. That in preparation for the proposed consolidation, Michael Warner, an Engineer with Gewalt Hamilton Associates, Inc., was retained by the Districts to prepare a Report of Engineer to support this petition, a copy of which is attached hereto and marked as **Exhibit C** and is incorporated herein by reference.

25. That as set forth in the Report of Engineer, certain properties between or contiguous to the boundaries of each drainage district drain in the natural course of drainage into the existing drainage systems and have been and will be benefited or protected by additional or annual maintenance work performed by the districts and should be annexed.

26. That an annexation map setting forth the properties proposed for annexation into the consolidated drainage district is attached hereto and marked as **Exhibit C-1**.

27. That **Exhibit C-2** of the Report of Engineer sets forth the property index number, owner name, and street address for each property proposed to be annexed into the Consolidated District, as part of the proposed Subdistrict No. 1-East Skokie (see Count 3, establishment of subdistricts).

28. That **Exhibit C-3** of the Report of Engineer sets forth the property index number, owner name, and street address for each property proposed to be annexed into the Consolidated District, as part of the proposed Subdistrict No. 2-West Skokie (see Count 3, establishment of subdistricts).

29. That for each property listed in **Exhibits C-2 and C-3**, the Report of Engineer sets forth that each property shown and listed connects to the drainage system and benefits from the maintenance of the drainage systems identified in the Report of Engineer, including channel clearing work and streambank stabilization maintenance. 70 ILCS 605/8-3

30. The Commissioners request the Court approve new assessment rolls for each Drainage District which incorporate the properties listed on **Exhibits C-2 and C-3** in addition to

the existing properties in the drainage districts.

31. That as set forth in the Affidavit of Dana Beyer, **Exhibit B-3** is the proposed assessment roll, which includes the names and addresses of the person(s) who last paid the general taxes on the properties to be annexed in addition to the existing owners of the lands in the proposed Subdistrict No. 1-East Skokie.

32. That as set forth in the Affidavit of Dana Beyer, **Exhibit B-4** is the proposed assessment roll, which includes the names and addresses of the person(s) who last paid the general taxes on the properties to be annexed in addition to the existing owners of the lands in the proposed Subdistrict No. 2-West Skokie.

33. The notice and publication requirements for the annexation of land to a drainage district, 70 ILCS 605/8-5, are the same requirements for the consolidation of drainage districts 70 ILCS 605/9-3.

**Count 3- Establishment of Subdistrict No. 1-East Skokie and  
Subdistrict No. 2-West Skokie**

The Petitioners reallege and adopt paragraphs 1-33 of Count 1 and Count 2 as paragraphs 1-33 of this Count 3, as though fully set forth herein.

34. That pursuant to the provisions of 70 ILCS 605/7-1 the Court may authorize the organization of subdistricts for the purpose of providing more minute or complete drainage or protection of lands in separate areas in the main district.

35. That although the districts proposed to be merged share a common outlet, the drainage districts contain different works and infrastructures, and each has a different general maintenance assessment to maintain those works and infrastructure. Therefore, the Petitioners propose that the Consolidated District SCDD shall consist of two subdistricts, known as the: SUBDISTRICT NO. 1-EAST SKOKIE, which shall contain the parcels heretofore located within ESDD and the proposed annexed parcels identified herein, and SUBDISTRICT NO. 2-WEST SKOKIE, which shall contain the parcels heretofore located within WSDD and the proposed annexed parcels identified herein, 70 ILCS 605/7-1.



36. That the Commissioners for each district propose to maintain the current drainage systems in each district and the previously approved assessment roll and levies to apply to the respective newly proposed subdistricts. The Commissioners report that no new drainage systems are proposed with this petition and request this petition and its attachments serve as their Commissioners' report pursuant to the provisions of 70 ILCS 605/7-4.

37. That the boundaries for the Subdistrict No. 1-East Skokie and Subdistrict No. 2-West Skokie, including the properties to be annexed into each subdistrict is attached hereto and is marked as **Exhibit D**.

38. That the notice and publication requirements for the formation of subdistricts, 70 ILCS 605/7-6, mirror the requirements for the consolidation of drainage districts 70 ILCS 605/9-3 and the annexation of lands into a drainage districts 70 ILCS 605/8-5.

NOW THEREFORE, Petitioners request that this Court:

A. Set this Petition for Hearing and require the Petitioners to provide notice of the hearing by publication and mailing substantially in the form provided in 70 ILCS 605/4-21 and 3-5, and in the manner and for the length of time provided in 70 ILCS 605/4-22 and 3-6, as required by 70 ILCS 605/7-6, 8-5, and 9-3.

B. Enter an Order authorizing the consolidation of said Drainage Districts pursuant to 70 ILCS 605/9-4.1 of the Illinois Drainage Code, and designating the name of the Consolidated Drainage District, as the **Skokie Consolidated Drainage District (SCDD)**, as described in this Petition.

C. Enter an Order authorizing the formation of subdistricts pursuant to 70 ILCS 605/7-1 of the Illinois Drainage Code, and to designate each subdistrict as SUBDISTRICT NO. 1-EAST SKOKIE and SUBDISTRICT NO. 2-WEST SKOKIE, as described in this Petition.

D. Enter an Order authorizing the annexation of certain described properties into the appropriate subdistricts pursuant to 70 ILCS 605/8-6 of the Illinois Drainage Code, as set forth herein.

E. Enter an Order authorizing the inclusion of said properties in the next annual maintenance assessment to be levied by the drainage subdistricts.

F. For such other and further relief as this Court deems appropriate.