

COPY

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL
CIRCUIT OF ILLINOIS, PIKE COUNTY, ILLINOIS

RE: SNY ISLAND LEVEE DRAINAGE
DISTRICT

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) Cause No. 08-MC-1
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FILED

OCT 03 2017

Della Dugan
Clerk of the Circuit Court
Eighth Judicial Circuit, Pike County, IL

**VERIFIED PETITION FOR AUTHORITY TO LEVY
ADDITIONAL ASSESSMENT**

Come now Petitioners Russell E. Koeller, Dan Lundberg, and Brady Lee Borrowman, being all of the duly elected, qualified, and acting commissioners of the Sny Island Levee Drainage District (hereinafter "District"), a levee and drainage district operating under the provisions of the Illinois Drainage Code, 70 ILCS 605/1-1 et seq., (the "Drainage Code"), and pursuant to 70 ILCS 605/4-19, submit their verified petition for authority to levy an additional assessment. In support thereof, Petitioners state to the Court as follows:

The District.

1. The District was organized in the County Court of Pike County, Illinois, in the year 1880, in accordance with the provisions of an Act of the General Assembly of the State of Illinois, entitled "An Act to provide for the construction, reparation and protection of the drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879, subsequently repealed and replaced with the Drainage Code.

2. Under the Drainage Code, all drainage districts organized under the prior version of the Drainage Code are declared to be legally organized and continue in existence and operate under the provisions of the Drainage Code. 70 ILCS 650/1-5.

3. Russell E. Koeller, Dan Lundberg, and Brady Lee Borrowman are the duly appointed commissioners of the District and they possess all the powers set forth in the Drainage Code.

4. This Court has jurisdiction over all matters pertaining to the organization and operation of the District. 70 ILCS 605/1-4.

5. Under the Drainage Code, a drainage district is formed for the purpose of constructing, maintaining or repairing drains or levees, 70 ILCS 650/3-1, and the commissioners of said districts are granted broad powers to exercise the corporate functions conferred by the law and to perform all acts, express or implied, that may be reasonably required in order to accomplish the purposes of the Drainage Code. 70 ILCS 605/4-14.

6. The District includes land located in Adams, Pike and Calhoun Counties in the State of Illinois. It consists of approximately 116,595 acres, of which approximately 10,151 acres are in property and rights-of-way owned by the District and 2,264 acres of public highways, streets and alleys, leaving the approximate total of (104,180) assessed acres in the District. The District is about 60 miles long and from 3 to 7 miles in width. The general boundaries of the district are Harkness Creek on the north, Wildcat Hollow to the south, one hundred ten feet riverward of the existing centerline of the main stem Mississippi River levee (left descending bank) to the west, and the highwater mark of the 1851 flood to the east.

7. After the organization of the District, a levee was constructed along the east bank of the Mississippi River, being the western boundary of the District, for a distance of approximately 54 miles, for the purpose of preventing the overflow waters of the Mississippi River from spreading out over the lands of the District. Running through the entire length of the District was and is a natural canal known as the Sny Channel, which prior to the construction of the Mississippi River Levee, was a side channel of the Mississippi River and was declared by law to be a navigable stream, and the Mississippi River Levee served to cut off the North end of said Sny Channel from the Mississippi River and it thereby became the main drainage canal to drain the lands within the District.

8. In 1957, the County Court of Pike County, Illinois, entered an order authorizing the District to cooperate with the federal government on two projects, one commonly known as the Federal Government Interior Project, and the other commonly known as the Main Stem River Levee Project, wherein the District was converted to a combination gravity flow and pumping district in order to afford better drainage to all lands assessed in the District.

9. The Federal Government Interior Project consisted of sedimentation basins for Pigeon, Horton and Dutch Creeks, diversion channels for Hadley, McCraney, Kiser, Six-Mile and Bay Creeks, the construction of three pumping stations and a closing levee at the lower end of the District to its intersection with Ill. Highway No. 96 in the South part of the District.

10. The Main Stem River Levee Project consisted of raising and strengthening the Mississippi River Levee along the entire western boundary of the District.

11. The District levees are currently accredited by the Federal Emergency Management Agency (“FEMA”) as providing protection against a 100-year flood event.

12. In order to effect a complete drainage system in said District, the District itself constructed what was commonly referred to as the “District Interior Project” consisting of sedimentation basins for Austin Creek, Fall Creek, Walnut Creek, Grub Branch, Shewhart (Gard) Branch, Brewster Creek, Brown Branch, Atlas Creek, Two-Mile Creek and Howell Branch, certain relocations of railroads and utilities, construction of the District office, construction of three dwelling houses for pumping station operators, cleaning out that part of the Sny Channel lying North of said U.S. Highway No. 36 in the North part of the District, cleanout and extension of Easley Ditch, and relocation and construction of certain roads and highways.

13. Since the completion of the “District Interior Project” the District has also purchased and/or developed additional sedimentation basins known as the Hack, Pothast, Johnson and Ambrosia basins to facilitate the effectiveness and efficiency of the operation of the District. In all, the District has assumed the responsibility for the maintenance of hundreds of miles of drainage ditches to further enhance the drainage throughout the system.

14. The Petitioners, as the duly elected commissioners of the District, have a continuing duty to keep the drains, levees, pumping plants and other works of the District in operation and repair. 70 ILCS 605/4-15.

15. Under the Drainage Code, “the commissioners may, without prior authorization of the court, use corporate funds of the district for the repair, maintenance, operation or improvement of drains, levees, pumping plants and other works of the

district when such repair, maintenance, operation or improvement does not involve any substantial or material alteration, enlargement, or extension of the drainage system of the district and for the purchase, acquisition or lease of machinery and equipment.” 70 ILCS 605/4-15.

16. Moreover, when authorized by this Court, the commissioners may, “in order to perform and carry out the duties imposed and powers granted by [the Drainage Code] levy assessments upon the lands and other property benefited to pay the cost thereof and the expenses incident thereto.” 70 ILCS 605/4-18. “Assessments may be levied when sufficient funds are not on hand or otherwise available, (a) for the construction of original, additional or repair work; (b) for the completion of original, additional or repair work; (c) for the performance of annual maintenance work, including the maintenance and operation of pumping plants; (d) to acquire necessary rights-of-way or other property, both real and personal; (e) to pay obligations incurred for incidental expenses, current expenses, obligations incurred in protecting the works of the district in emergencies and in the performance of emergency repair work; or (f) for other lawful purposes as set forth in [the Drainage Code].” 70 ILCS 605/4-18.

17. Under the Drainage Code, the designation “additional assessments” applies to all assessments other than those designated as original assessments (the first assessment levied for the construction of the original work of the district) and annual maintenance assessments (annual assessments levied for the performance of the annual maintenance work of the District) and the term “additional assessments,” “shall include assessments for the completion of original, additional or repair work, the construction,

enlargement or repair of pumping plants, the payment of lawful obligations incurred by the district and for all other lawful purposes as set forth in this Act.” 70 ILCS 605/5-1.

District Assessments

18. In accordance with the Drainage Code and prior order of this Court, the District levies an annual maintenance assessment for the performance of the annual maintenance of the District. 70 ILCS 605/4-18; 70 ILCS 605/5-1.

19. All of the District’s annual maintenance funds are needed each year to fund the operating costs of the District. The District has no surplus funds on hand for extraordinary repair or capital improvement projects.

20. On December 5, 2011, this court entered an order authorizing an additional assessment in the maximum amount of \$5,853,916.09 to cover necessary costs for repairs to the levee and pump stations, repayment of debt incurred to cover extraordinary operating expenses and flood-fighting measures, and financing costs, and this Court approved the Commissioners’ assessment roll for the additional assessment (for all properties except Kansas City Southern Railroad and Norfolk Southern Railroad) on June 17, 2013.

21. Pursuant to the aforesaid orders, the District levied the additional assessment, giving property owners the option to pay the assessment in one lump-sum payment or in five-annual installments. Payments on the final installments of this assessment will be due on or before November 1, 2018.

The Repair Projects.

22. The Petitioners and District's engineers have determined that certain repairs, rehabilitation, and upgrades to the pump stations and levees, above and beyond the routine annual maintenance work of the District, was and is necessary and advisable in order to maintain the integrity of the levee system, ensure proper drainage and flood protection to the property within the District, and comply with federal recommendations and standards.

23. Following Hurricane Katrina, the federal government implemented a national levee database, requiring a complete remapping of all the levees in the Country. New standards for levees were authorized as part of the Water Resource Development Act (WRDA) of 2007 in the National Levee Safety Act. This Act set up more intense standards for levees and started a five (5) year periodic detailed levee inspection program.

24. The United States Army Corp of Engineers ("Corps") conducts these periodic inspections of the District infrastructure. The Corps' 2013 inspection and its annual inspection in 2015 identified the need for improvements in Reaches 1 and 3 of the District. The District's engineers have undertaken a thorough evaluation of Reaches 1 and 3 and made recommendations regarding feasible levee and drainage improvement projects to reduce the extent and duration of interior flooding and provide reduction in seepage rates.

25. The recommended projects include the addition of new pumps at Pump Station No. 1 to increase pumping capacity by some 280,000 gpm for the pump station as a whole, and the addition of new pumps at Pump Station 3A to increase pumping

capacity by 400,000 gpm (“Drainage Projects”). The District’s plans for Drainage Projects are filed herewith as Exhibit A.¹

26. During the past several years, the District has experienced several incidents of significant interior flooding due to significantly higher river stages in the area and more intense rainfall. The District’s existing pump stations were designed and installed in the 1960s, and they do not pump efficiently during these difficult conditions.

27. Heavy rain events during the summer of 2015 and December/January 2015/16 along with two 6-inch rainfall events in the spring of 2017 resulted in extensive interior flooding. Because the existing pumps could not effectively pump during these episodes, some 10,000-15,000 acres of farmland was under water for 3 – 5 weeks during each event. The 2015 summer event was particularly serious since the thousands of acres of destroyed crops were near maturity and it was too late for re-planting. The 2017 spring event caused significant delays in planting as well as loss of the crop that had been planted resulting in the need to replant.

28. The new pumps contemplated in conjunction with the Drainage Projects are designed to be highly efficient at higher river stages. As a result, they will be able to drain water from the interior of the District much faster and will reduce the severity and duration of interior flood incidents.

29. In addition, the new pumps are more fuel efficient. The existing pumps consume considerably more fuel and, with rising fuel costs in the last several years, fuel costs have put a strain on the District’s finances. The new pumps will reduce those costs by draining the water faster and with less fuel use.

¹ These oversized documents were filed in these proceedings and are being held by the clerk of the Circuit Court of the Eighth Judicial Circuit of Illinois as Exhibit A to this petition.

30. Unlike the existing pump stations, the new pump stations will be elevated higher than the 500-year flood event. In the event of a catastrophic flood, these new elevated pump stations will continue to operate allowing the flooded area to be dewatered much more quickly whereas the existing pump stations would be flooded and shut down several weeks for repairs.

31. The District plans to retain the existing pump stations and use those in conjunction with the new pumps when conditions permit.

32. In addition, the District's engineers have recommended improvements to the levee, including construction of a sheet pile cut-off wall in the levee at pump station No 1 and slope stability and widening work on the levees in Reach 1 and 3A ("Levee Projects"). The District's plans for the Levee Projects are filed herewith as Exhibit B.²

33. The District's engineers have determined that a seepage berm is necessary to address extensive seepage that now occurs at this location. Water is currently seeping through the levee and causing sink holes around the levee that make the levee more vulnerable in a flood event. This is a particularly critical issue because a failure at this location – at the extreme north area of the District – could cause the entire reach to flood.

34. The Corps has noted the need for some measures to correct this seepage problem in its recent inspections. The proposed seepage berm will increase the strength of the levee by controlling this seepage.

35. The District has submitted its schedule for the Drainage and Levee Projects to FEMA and the Corps.

² These oversized documents were filed in these proceedings and are being held by the clerk of the Circuit Court of the Eighth Judicial Circuit of Illinois as Exhibit B to this petition.

36. In order to undertake the Drainage and Levee Projects, it will be necessary for the District to rent and operate the following equipment; three heavy duty haul vehicles capable of moving 30 to 40-tons of sand per load. It may also be necessary for the District or its contractors to rent and/or operate such other equipment as required from time to time to complete the projects set forth herein.

37. The Petitioners have determined that it is necessary and advisable to undertake the Drainage and Levee Projects for the reasons stated above and in order to ensure the Petitioners' ability to carry out their obligations under the Drainage Code and to provide the necessary drainage and flood protection to the residents in the District. It is in the best interest of the District, its landowners and residents, for the District to undertake this work.

38. The Drainage and Levee Projects do not involve any substantial or material alteration, enlargement, or extension of the drainage system of the District.

39. In an effort to minimize the costs associated with the Drainage and Levee Projects, the District's staff and much of its equipment will be used to undertake the Levee Projects. The District will need to retain a private contractor to undertake the Drainage Projects because it does not have the necessary equipment or expertise to do this work itself.

40. The total estimated cost of Drainage and Levee Projects is \$25,785,845.00 as shown on Exhibit C and incorporated herein by this reference.

41. The Drainage and Levee Projects are not part of the District's anticipated and budgeted annual maintenance work for the upcoming years. The District does not

have any surplus in its annual maintenance funds or from any other sources to cover the extraordinary costs associated with this these projects.

42. The District has incurred and will continue to incur professional fees to complete the Drainage and Levee Projects and to undertake the court proceedings for the additional assessment proposed herein and assessment roll for same (“Professional Fees”). The total estimated Professional Fees are \$1,311,150 in estimated engineering, construction and testing services and \$150,000 in estimated legal fees. The District does not have sufficient funds on hand or otherwise available for payment of these expenses.

43. The District will also need to incur bonding and issuance costs (“Bonding Costs”) associated with the Drainage and Levee Projects. Those costs are estimated at not to exceed 2.00% of the estimated costs of the Drainage and Levee Projects, along with the Professional Costs, if the bonds described in the following paragraph are sold through a public offering. Such costs, however, would be estimated at not exceed 1.00% if the bonds are sold to a bank or a collection of banks in a direct private placement. The Bonding Costs, assuming a public offering, are estimated at approximately \$545,000. The District does not have sufficient funds on hand or otherwise available for these expenses.

44. Because of the insufficiency of its annual maintenance revenues, the District has incurred short-term debt obligations to cover engineering and professional expenses and other costs associated with planning and design work for the Drainage and Levee Projects and to commence portions of the work that could not be postponed.

Financing Costs.

45. Following this Court's approval of the additional assessment requested herein (and on the strength of that committed income stream), the District plans to issue new special assessments bonds payable over a 10-year period from said additional assessment in order to cover the aforesaid costs of the Drainage and Levee Projects ("Financing Obligation").

46. The estimated Financing Obligation includes the amount of the Repair Projects, Professional Fees, and the Bonding Costs, including reimbursement of the short-term debt incurred to date for related expenses.

47. The Financing Obligation will require the payment of financing costs and interest charges ("Financing Costs") over the duration of the outstanding obligation, which financing costs are estimated at \$7,000,000.00 in total interest payments. The District has not had, and does not currently have, any other funds on hand or otherwise available to cover any of these Financing Costs over the duration of the debt.

48. The District is requesting the levy of an additional assessment ("Additional Assessment") in an amount sufficient to cover the Drainage and Repair Projects, the Professional Fees, Bonding Costs, and the Financing Costs. Said amounts are detailed on Exhibit D attached hereto and incorporated herein by this reference.

49. The Petitioners have determined that for the reasons stated above and in order to perform and carry out the duties imposed and powers granted by the Drainage Code and to provide the necessary drainage and flood protection to the residents in the District, it is necessary and advisable to levy the Additional Assessment for the purposes described above. The District's annual maintenance assessment will not be sufficient to

cover the payment of principal and interest on the Financing Obligation and the District does not have any other revenues on hand or otherwise available for this purpose.

50. Based upon the foregoing, the Petitioners have determined that a total Additional Assessment in the maximum amount of \$34,791,995.00 is necessary in order to meet these objectives and to allow the Commissioners to perform and carry out the duties and powers granted under the Drainage Code.

51. The benefits to the lands and other property in the District from the levy of the Additional Assessment exceed the costs to such lands and other property in the District.

52. Pursuant to 70 ILCS/605/4-18 & 4-19, Petitioners are requesting authority to levy the Additional Assessment in the maximum amount of \$34,791,995.00 for the purposes set forth above.

53. Payments on the Additional Assessment set forth herein will not be due to the District before December 31, 2019, the year following the final payments on the existing additional assessment as detailed in paragraphs 20 and 21 above.

54. Upon this Court's approval of the Additional Assessment, the District is requesting and intends to submit for the Court's approval an assessment roll for this Additional Assessment that allows for the payment of the Additional Assessment in thirteen installments over a thirteen-year period coterminous with the term of the Financing Obligation. Nevertheless, the District is also requesting and intends to submit to the Court for approval an assessment roll that allows all landowners the one-time option of prepaying their portion of the total Additional Assessment, less any Financing Costs associated with that portion of the total Additional Assessment. Any prepayment

of the Additional Assessment received by the District will be used towards the costs to be funded by the Financing Obligation, less any Financing Costs, and shall reduce the amount of Financing Obligation issued by the District.

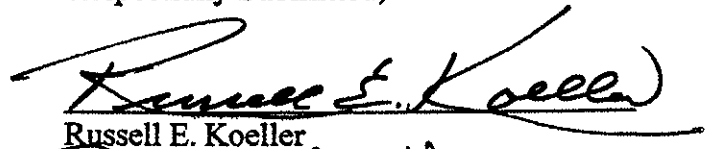
55. Attached hereto as Exhibit E, and incorporated herein by this reference, is an Affidavit executed by the Superintendent of the District, Michael H. Reed giving the names and addresses of all the owners of land situated within the District, if known, and where unknown, the names and addresses of the persons who last paid the general taxes on the land for which the names or addresses of the owners are unknown, as shown on the Collector's Books in the County in which such land is situated.

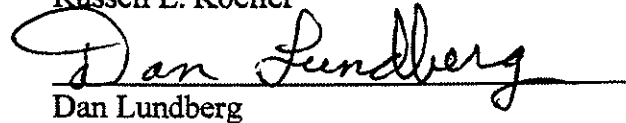
WHEREFORE, Petitioners hereby request this Court to:

- A. Set this Petition for hearing and upon the hearing of such Petition, grant the relief requested herein, including authority for the District to levy an Additional Assessment in the total maximum amount of \$34,791,995.00 for the purposes set forth herein and to take all necessary and lawful acts for the implementation of this assessment;
- B. Direct the Petitioners to prepare and file with the Court an assessment roll for the approved Additional Assessment and to provide notice of said filing and of the hearing on said assessment roll as required in the Drainage Code;
- C. Direct the Petitioners to structure the assessment for the payment of the assessment in thirteen installments over a thirteen-year period coterminous with the term of the proposed Financing Obligation, with the first installment due no earlier than December 31, 2019;

- D. Direct the Petitioners to include in said assessment roll the one-time option for all landowners to prepay their portion of the total Additional Assessment, less any Financing Costs associated with that portion of the total Additional Assessment, with the payment due no earlier than November 1, 2018;
- E. Direct the Petitioners to use any prepayment of the Additional Assessment received by the District towards the costs to be funded by the Financing Obligation, less any Financing Costs, and to reduce the amount of proposed Financing Obligation issued by the District; and
- F. Grant such other and further relief as the Court deems appropriate.

Respectfully Submitted,


Russell E. Koeller

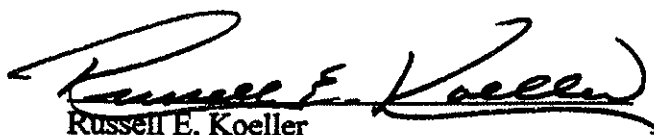

Dan Lundberg

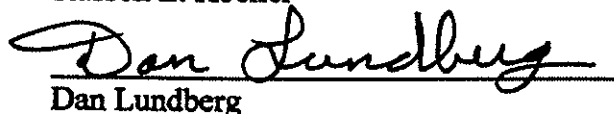

Brady Lee Borrowman

Commissioners of the Sny Island Levee
Drainage District

STATE OF ILLINOIS)
) ss.
COUNTY OF PIKE)

Russell E. Koeller, Dan Lundberg and Brady Lee Borrowman, Commissioners of the Sny Island Levee Drainage District, being first duly sworn according to law on their respective oaths, do depose and say that they have read the foregoing Petition and know the contents thereof and that the matters and things therein stated are true to the best of their knowledge and belief.

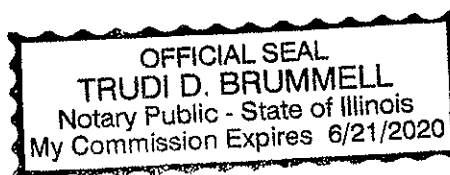

Russell E. Koeller


Dan Lundberg


Brady Lee Borrowman

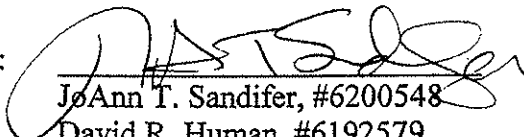
Subscribed and sworn to before me this 19th day of September 2017.


Notary Public



HUSCH BLACKWELL LLP

By:


JoAnn T. Sandifer, #6200548

David R. Human, #6192579

The Plaza in Clayton Office Tower

190 Carondelet Plaza, Suite 600

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MAYES, WALDEN & ANASTAS, PC

By:

Bruce Alford, #6242411

636 Hampshire St., Suite 101

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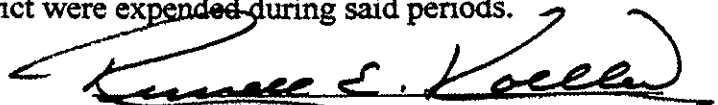
Telephone: (217) 222-1526

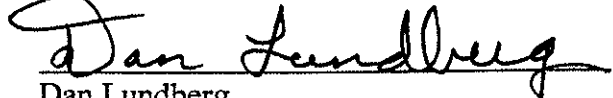
Attorneys for Sny Island Levee Drainage
District

Exhibit A1

STATE OF ILLINOIS)
) ss.
COUNTY OF PIKE)

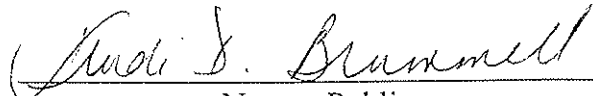
Russell E. Koeller, Dan Lundberg and Brady Lee Borrowman, Commissioners of the Sny Island Levee Drainage District, being first duly sworn according to law on their respective oaths, do depose and say that the documents attached hereto are true and accurate copies of the (1) audited financial report for the Sny Island Levee Drainage District for the fiscal year ending October 31, 2016 as prepared by Danielle M. Fleeer, Certified Public Accountant, and (2) unaudited profit and loss statements for the Sny Island Levee Drainage District for the partial fiscal year commencing on November 1, 2017 to present. To the best of the undersigned knowledge and belief, said reports show the amount of monies collected by the District during the relevant timeframes and the manner in which the funds of the district were expended during said periods.


Russell E. Koeller


Dan Lundberg


Brady Lee Borrowman

Subscribed and sworn to before me this 19th day of September, 2017.


Notary Public

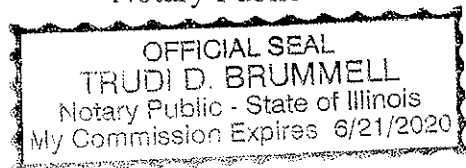


Exhibit A

Plans and Specifications for Drainage Projects

(Oversized Exhibit on file with Clerk of Circuit Court.)

Exhibit B

General Plans and Specifications for Pump Station Projects

For more detailed information, complete plans are available for review

at the Sny Island Levee Drainage District Business Office

490 North Main Street

New Canton, Illinois

Contact: Mike Reed-Superintendent

217/426-2521

Exhibit C

SNY ISLAND LEVEE DRAINAGE DISTRICT
SUMMARY OF OPINION OF PROBABLE COSTS

Pump Station No. 1

Pumps:	\$1,600,000.00
Building & Appurtenances:	\$7,077,317.00
Cutoff Wall:	\$ 540,000.00
Contingencies:	\$ 975,990.00
TOTAL:	\$10,193,707.00

Pump Station No. 3A

Pumps:	\$1,800,000.00
Building & Appurtenances:	\$8,524,629.00
Contingencies:	\$1,091,546.00
TOTAL:	\$11,434,175.00

Reach 1 Slope Stability and Widening

Construction:	\$1,501,151.00
Contingency:	\$ 147,815.00
TOTAL:	\$1,648,966.00

Engineering/Construction/Testing Services

Design	\$ 831,150.00
Permitting:	\$ 140,000.00
Construction Services:	\$ 340,000.00
TOTAL:	\$1,311,150.00

Bonding & Insurance:	\$ 545,000.00
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OPINION OF PROBABLE COST (PUMP STATION & LEVEE PROJECTS): \$25,132,998.00

Exhibit D

PROPOSED ADDITIONAL ASSESSMENT

REPAIR PROJECTS		\$23,276,848.00
PROFESSIONAL FEES		\$ 1,461,150.00
BONDING COSTS	\$ 545,000.00	
FINANCING/BONDING COSTS (Assumes 10-year Loan) Estimated Interest (Assuming Interest Rate at 3.50%)	\$ 7,000,000.00	
TOTAL FINANCING AND BONDING COSTS		\$ 7,545,000.00
TOTAL PROPOSED ASSESSMENT		\$32,282,998.00

SNY ISLAND LEVEE DRAINAGE DISTRICT
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OPINION OF PROBABLE COST (PUMP STATION & LEVEE PROJECTS): \$25,132,998.00

Exhibit E

**IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL
CIRCUIT OF ILLINOIS, PIKE COUNTY, ILLINOIS**

**RE: SNY ISLAND LEVEE DRAINAGE)
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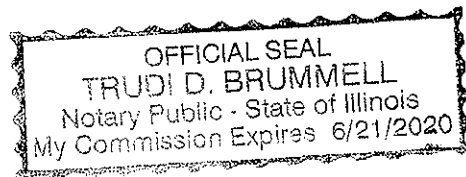
AFFIDAVIT AS TO LANDOWNERS

Michael H. Reed, Superintendent and Special Treasurer of the Sny Island Levee Drainage District ("Sny District"), being duly sworn on oath, states that pursuant to 70 ILCS 605/4-22 and pursuant to the direction of the Commissioners of the Sny District, the undersigned has made diligent inquiry and search of public records and a careful examination of the books of the Collector, and states that the attached contains the (1) the names and addresses of all owners of land situated in said Sny District, if known; (2) the names and addresses of the persons who last paid the general taxes on the land for which the names or addresses of the owners are unknown, as shown by the Collector's books in the County in which such land is situated.

Michael H. Reed

Subscribed and sworn to before me this 20th day of September, 2017.

Trudi D. Brummell



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, PIKE COUNTY, ILLINOIS

FILED

OCT 03 2017

Della Dugan
Clerk of the Circuit Court
Eighth Judicial Circuit, Pike County, IL

RE: SNY ISLAND LEVEE
DRAINAGE DISTRICT

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CAUSE NO. 08-MC-1

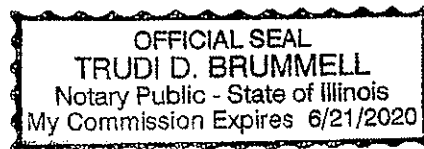
**AFFIDAVIT AS TO THE OWNERS OF LAND OR PROPERTY WITHIN THE SNY
ISLAND LEVEE DRAINAGE DISTRICT WHO ARE OR MAY BE IN THE MILITARY
SERVICE OF THE UNITED STATES AND/OR STATE OF ILLINOIS
OR ARE MINORS OR INCOMPETENTS.**

Michael H. Reed, Superintendent and Treasurer of the Sny Island Levee Drainage District ("Sny District"), being duly sworn on oath, states that he has made inquiry and investigation as to which, if any, of the owners of land or property within the Sny District are or may be in Military Service of the United States and/or the State of Illinois or are minors or incompetents and that, to the best of his information and belief, there exists no such person or persons interested in this case but nonetheless requests appointment of an attorney and guardian ad litem to protect and represent the interests of any said person.

Michael H. Reed
Michael H. Reed

Subscribed and sworn to before me this 19th day of September 2017.

Trudi D. Brummell
Notary Public



IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, PIKE COUNTY, ILLINOIS

FILED

OCT 03 2017

Della Dugan
Clerk of the Circuit Court
Eighth Judicial Circuit, Pike County, IL

RE: SNY ISLAND LEVEE
DRAINAGE DISTRICT

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)
)

CAUSE NO. 08-MC-1

**MOTION FOR APPOINTMENT OF A SPECIAL ATTORNEY AND
GUARDIAN AD LITEM FOR PERSONS IN MILITARY SERVICE OF
THE UNITED STATES AND/OR THE STATE OF ILLINOIS,
INCOMPETENT, OR MINORS, IF ANY THERE MAY BE,
WHO ARE OR MAY BE LANDOWNERS OF INTEREST**

Now come movants, Commissioners of Sny Island Levee Drainage District, by their attorney, JoAnn T. Sandifer and Bruce Alford, and do hereby move for the appointment of a special attorney and guardian ad litem for persons in military service of the United States and/or the State of Illinois, incompetent, or minors, if any there may be, or who are or may be landowners of interest and in support of the motion does hereby state:

1. The attached Affidavit of Michael H. Reed, Superintendent and Treasurer of Sny Island Levee Drainage District, indicates to the best of his knowledge he is aware of no landowners of interest and believes there exists no person or persons interested in this cause who are in the Military Service of the United States and/or the State of Illinois or who are minors or incompetents.

2. In spite of the attached Affidavit of Michael H. Reed, there could and may be one or more persons in military service, incompetent, or minors who may have an interest in certain lands in the District.

WHEREFORE, movants request the appointment of a special attorney and guardian ad litem in the above caption and cause.

Russell E. Koeller, Dan Lundberg and Brady Lee Borrowman, commissioners of the SNY ISLAND LEVEE DRAINAGE DISTRICT, an Illinois municipal corporation.

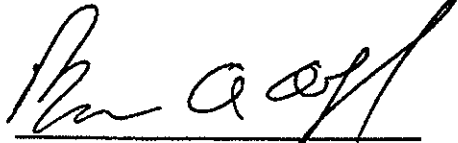
By: _____

JoAnn T. Sandifer #6200548
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190 Carondelet Plaza, Suite 600
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Attorneys for Sny Island Levee
Drainage District

MAYS, WALDEN & ANASTAS, PC

By: _____


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Telephone: (217) 222-1526

Attorneys for Sny Island Levee Drainage
District

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
OF ILLINOIS, PIKE COUNTY, ILLINOIS

FILED

OCT 03 2017

Della Dugan
Clerk of the Circuit Court
Eighth Judicial Circuit, Pike County, IL

RE: SNY ISLAND LEVEE
DRAINAGE DISTRICT

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CAUSE NO. 08-MC-1

**ORDER APPOINTING A SPECIAL ATTORNEY AND GUARDIAN AD LITEM
FOR PERSONS IN MILITARY SERVICE OF THE UNITED STATES AND/OR THE
STATE OF ILLINOIS, INCOMPETENT, OR MINORS, IF ANY THERE MAY BE,
WHO ARE OR MAY BE LANDOWNERS OF INTEREST**

Upon Affidavit as to possibility of persons in Military Service of the United States and/or the State of Illinois, minors or incompetent, Walker Fibert, is hereby appointed and designated as Special Attorney and Guardian Ad Litem for any and all persons who might be in the Military Service of the United States and/or the State of Illinois, minors or incompetents, if any there may be, who are landowners of interest.

IT IS FURTHER ORDERED that the said Special Attorney and Guardian ad litem represents the interest of said persons as same may appear herein.

ENTER: 

Judge

Dated: 10/3, 2017.

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL
CIRCUIT OF ILLINOIS, PIKE COUNTY, ILLINOIS

FILED

OCT 03 2017

Della Dugan
Clerk of the Circuit Court
Eighth Judicial Circuit, Pike County, IL

RE: SNY ISLAND LEVEE DRAINAGE)
DISTRICT)

) Cause No. 08-MC-1

) VERIFIED PETITION FOR AUTHORITY TO
) LEVY ADDITIONAL ASSESSMENT

DRAINAGE NOTICE

Public notice is hereby given that on October 3, 2017, a Verified Petition (the "Petition") for Authority To Levy an Additional Assessment in the Sny Island Levee Drainage District (the "District") was filed in the Circuit Court of the Eighth Judicial Circuit of Illinois, Pike County, Illinois by the commissioners of the District under the Illinois Drainage Code, 70 ILCS 605/1-1 *et seq.*, (the "Drainage Code"). Pursuant to the Drainage Code, and in particular 70 ILCS 605/4-19, the Petition seeks authority to levy an additional assessment in the total maximum amount of \$32,076,939 ("Additional Assessment").


The District seeks the Additional Assessment to pay the estimated principal and interest on long-term bonds the District proposes to issue in order to finance: (1) the addition of new pumps to increase pumping capacity as Pump Station 1 and Pump Station 3A; (2) improvements to the levee at Pump Station 1 and in Reaches 1 and 3A; (3) professional fees associated with the foregoing projects; and (4) the issuance and financing costs associated with the issuance of said long-term bonds. All of these projects and expenses are more specifically described in the Petition. The Petition alleges that the District does not have sufficient funds on hand or otherwise available to pay the costs and expenses for which the Additional Assessment is requested.

No assessment roll was filed with the Petition. Rather, the Petition requests an order directing the commissioners of the District to prepare and file with the Court an assessment roll for the approved Additional Assessment and to provide notice of said filing and of the hearing on said assessment roll as required in the Drainage Code.

Upon the filing of the Petition, the same was presented to the Court and by the Court set for hearing before the Circuit Court of the Eighth Judicial Circuit of Illinois, Pike County, Illinois, in the courthouse at 100 East Washington, Pittsfield, Illinois, second floor, on the 3rd day of November, 2017 at 9:00 a.m.

Pursuant to 70 ILCS 605/4-23, any landowner in the District or other party defendant may, at or prior to the time fixed for hearing, file objections to the Petition or any portion thereof, or request that the Petition be modified in any particular and, after such filing, may be heard at the aforesaid hearing with reference thereto and may introduce evidence in support thereof.

Dated: October 3, 2017


Clerk of the Circuit Court of the
Eighth Judicial Circuit of Illinois,
Pike County, Illinois

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL
CIRCUIT OF ILLINOIS, PIKE COUNTY, ILLINOIS

FILED

OCT 03 2017

Debra J. Simpson
Clerk of the Circuit Court
Eighth Judicial Circuit, Pike County, Ill.

RE: SNY ISLAND LEVEE DRAINAGE)
DISTRICT) Cause No. 08-MC-1
)
) VERIFIED PETITION FOR AUTHORITY TO
) LEVY ADDITIONAL ASSESSMENT

ORDER SETTING HEARING

On October 3, 2017, the Commissioners of the Sny Island Levee Drainage District District") did file with and present to the Court their Verified Petition (the "Petition") for Authority To Levy an Additional Assessment in the total maximum amount of \$32,076,939.00 and for such other and further relief as the Court deems appropriate.

IT IS ORDERED that the hearing on said Petition shall be heard on the 3rd day of November, 2017 at 9:00 o'clock a.m. on the second floor of the Pike County Courthouse, 100 East Washington, Pittsfield, Illinois.

IT IS FURTHER ORDERED by the Court that the Petitioners shall give notice of said hearing on said Petition, which notice shall be substantially in the form set out on the attached Exhibit A and notice shall be given by publication once each week for two (2) successive weeks, the first publication of the notice to be at least three (3) weeks prior to the date fixed for hearing, and shall be published in *The Pike Press*, a newspaper of general circulation published in Pike County, Illinois, in the *Calhoun News Herald*, a newspaper of general circulation published in Calhoun County, Illinois, and in *The Quincy Herald-Whig*, a newspaper of general circulation published in Adams County, Illinois, and by mailing by the District within four (4) days after the first publication of

the said notice, a copy of said notice to each person named in the affidavit of Michael H. Reed, Superintendent and Special Treasurer of the District (Exhibit E to the Petition), under the supervision and direction of the Commissioners of the District and in accordance with the procedures set forth in 70 ILCS 605/4-22.

Dated: 10/3, 2017.

ENTERED: _____


Judge