

ORDINANCE NO. 07-07

AN ORDINANCE PROPOSING THE ESTABLISHMENT OF  
SPECIAL SERVICE AREA NUMBER ONE  
IN THE VILLAGE OF BARRINGTON HILLS

(RE: THE FLINT CREEK RESERVE COMMERCIAL DEVELOPMENT  
AND THE FLINT CREEK RESERVE RESIDENTIAL SUBDIVISION FOR THE  
MAINTENANCE, REPAIR, REPLACEMENT, AND RECONSTRUCTION OF  
THE CONSERVATION AREA, INCLUDING BUT NOT LIMITED TO  
STORM WATER DETENTION FACILITIES ON THE SUBJECT PROPERTY)

WHEREAS, pursuant to the provisions of that certain Intergovernmental Agreement dated March 3, 2004 and executed by the Village of Barrington, the Village of Barrington Hills, LaSalle Bank, as Successor Trustee Under Trust Agreement Dated September 1, 1998 Known as Trust Number 121986, and the Wamberg Family Partnership, L.P. (hereinafter referred to as “the Intergovernmental Agreement”), the Village of Barrington Hills proposes to establish a Special Service Area to provide for the maintenance, repair, replacement, and reconstruction of the Conservation Area, including but not limited to storm water detention facilities, on the Subject Property as hereinafter described; and

WHEREAS, the Intergovernmental Agreement also provides that LaSalle Bank, as Successor Trustee Under Trust Agreement Dated September 1, 1998 Known as Trust Number 121986 and the Wamberg Family Partnership, L.P., as the Owners of the Subject Property, shall provide to the Village of Barrington Hills, as part of the creation of said Special Service Area Number One, an executed Declaration of Consent acknowledging the nature and purposes of Special Service Area Number One and the services to be provided, their rational relation to the benefit that the Owners have or will have and enjoy, and including an express waiver by the Owners not to contest the

validity or enforceability of the Special Service Area tax, which waiver shall include the Owners' right to contest the Owners' agreement that the rate and method of taxation shall explicitly provide that tax exemption from the general ad valorem taxation is not an excuse, defense, or bar for the nonpayment of a special tax; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Barrington Hills, Cook, Lake, Kane and McHenry Counties, Illinois, that:

SECTION 1: Pursuant to authority granted by virtue of Article VII, Section 7 of the Constitution of the State of Illinois and the Special Service Area Act, as amended, 35 ILCS 200/27-5 et. seq. ("the Act"), et. seq., the Village of Barrington Hills hereby proposes the establishment of a special service area to serve a contiguous area of the Village of Barrington Hills, commonly known as "the Flint Creek Reserve Commercial Development and the "Flint Creek Reserve Residential Subdivision," legally described as follows:

THAT PART OF LOT 34 AND LOT 41 (EXCEPT THAT PART LYING WEST OF THE CENTERLINE OF OLD HART ROAD) IN CHICAGO HIGHLANDS, BEING A SUBDIVISION IN SECTIONS 25, 26, 27, 34, 35 AND 36, TWP 43 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN. ACCORDING TO THE PLAT THEREOF RECORDED MARCH 27, 1901, AS DOCUMENT 81144 IN BOOK "E" OF PLATS, PAGES 46 AND 47 DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF OLD HART ROAD AND THE NORTHERLY RIGHT OF WAY LINE OF LAKE COOK ROAD; THENCE NORTH 5 DEGREES 03 MINUTES 28 SECONDS EAST 2626.96 FEET ON SAID CENTERLINE TO THE NORTHERLY LINE OF SAID LOT 34; THENCE NORTH 89 DEGREES 59 MINUTES 3 SECONDS EAST 954.76 ON SAID NORTHERLY LINE TO A POINT ON A CURVE; THENCE SOUTHEASTERLY ON SAID CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1392.39 FEET 525.08 FEET, A CHORD BEARING OF SOUTH 10 DEGREES 48 MINUTES 12 SECONDS EAST 521.97 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 1110.57 ON THE WESTERLY RIGHT OF WAY LINE OF NEW HART ROAD; THENCE SOUTH 89 DEGREES 58 MINUTES 36 SECONDS WEST 196.08 FEET; THENCE SOUTH 41 DEGREES 01 MINUTES 45 SECONDS WEST 231.13 FEET; THENCE SOUTH 03 DEGREES 58 MINUTES 15 SECONDS EAST 239.98 FEET; THENCE SOUTH 86 DEGREES 01 MINUTES 45 SECONDS WEST 252.16 FEET; THENCE NORTH 84 DEGREES 56 MINUTES 32 SECONDS WEST 566.38 FEET; THENCE SOUTH 05 DEGREES 03 MINUTES 28 SECONDS WEST 614.01 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 05 SECONDS WEST 83.34 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE OF LAKE COOK ROAD TO THE POINT OF BEGINNING ALL IN LAKE COUNTY, IL.

P.I.N. 13-35-302-017; 13-35-302-018; 13-35-302-019; 13-35-302-020; 13-35-302-021; and 13-35-302-022.

The location of proposed Special Service Area is shown on the map attached hereto and hereby made a part hereof as Exhibit A. This territory consists of approximately 51.19 acres and is commonly known as “the Flint Creek Reserve Commercial Development and the Flint Creek Reserve Residential Subdivision,” including one or more Conservation Outlots, located West of Hart Road, East of Old Hart Road and North of Lake-Cook Road, within the Village of Barrington Hills (herein referred to as the “Subject Property”).

SECTION 2: It is proposed that taxes be levied in said special service area at a maximum rate of one percent (1%) per year on all taxable property within the Flint Creek Reserve Commercial Development and the Flint Creek Reserve Residential Subdivision, as assessed and equalized in order to produce the revenues required to provide the following specific municipal services, to wit: to maintain, repair, replace and reconstruct the Conservation Area located on and adjacent to the Subject Property, including without limitation the storm water detention facilities located therein, pursuant to that certain Declaration of Conservation Easement, Covenants, Conditions and Restrictions recorded with the Lake County Recorder of Deeds on June 8, 2004 as Document No. 5577953 and the Conservation Easements granted to the Village of Barrington Hills pursuant to the Declaration of Covenants, Conditions, Restrictions and Easements for the Flint Creek Reserve Residential Subdivision recorded with the Lake County Recorder of Deeds on December 29, 2006 as Document No. 6112542 (said Declarations hereinafter sometimes referred to collectively as the “Conservation Easement,” and the area subject to said Conservation Easement sometimes herein referred to as the “Conservation Area”), and also including but not limited to payment of administrative costs and costs of litigation incurred by the Village in connection with the enforcement of said Conservation Easement, if the Village Board of the Village of Barrington Hills determines that the Owner of the Subject Property has failed in its obligation to do so, and/or to

reimburse the Village of Barrington Hills for funds advanced for any of the foregoing purposes, in accordance with the terms of the Conservation Easement.

SECTION 3: A public hearing relative to the creation of said special service area and the imposition of taxes therein shall be held in the Village Hall of the Village of Barrington Hills, on March 19, 2007 at 7:30 p.m., or as soon thereafter as the agenda permits.

SECTION 4: The Village Clerk shall cause a notice to be published and mailed pursuant to law. Notice of hearing shall be published at least once not less than fifteen (15) days prior to the public hearing in the Daily Herald, a newspaper of general circulation in the Village of Barrington Hills. In addition, notice by mailing shall be given by depositing said notice in the U.S. mails addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the proposed Special Service Area Number One. Notice shall be mailed 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 Notice shall be sent to the person last listed on the tax rolls prior to that year as the owner of the property. The notice shall be in substantially the following form:

#### PUBLIC NOTICE

Notice of Public Hearing to be Held in the  
Village of Barrington Hills, Cook, Lake, Kane and McHenry Counties, Illinois  
Relative to the Proposed Establishment of  
Special Service Area Number One

(RE: The Flint Creek Reserve Commercial Development  
and the Flint Creek Reserve Residential Subdivision for the  
Maintenance, Repair, Replacement, and Reconstruction of  
the Conservation Area, including but not limited to  
Storm Water Detention Facilities on the Subject Property)

Notice is hereby given that the Corporate Authorities of the Village of Barrington Hills have called for a public hearing to be held at 7:30 p.m., or as soon thereafter as the agenda permits, on March 19, 2007, at the Village of Barrington

Hills Village Hall, Alexander MacArthur Room, 112 Algonquin Road, Village of Barrington Hills, Illinois, 60010-5199, at which time any interested person affected by a proposed special service area and the tax to be levied for such special services, may file with the Village Clerk written objections to and may be heard orally in respect to any matters referred to in this Notice of said Ordinance.

Said Special Service Area Number One shall consist of the following property and contiguous area, commonly known as the "Flint Creek Reserve Commercial Development and the Flint Creek Reserve Residential Subdivision", and legally described as follows:

THAT PART OF LOT 34 AND LOT 41 (EXCEPT THAT PART LYING WEST OF THE CENTERLINE OF OLD HART ROAD) IN CHICAGO HIGHLANDS, BEING A SUBDIVISION IN SECTIONS 25, 26, 27, 34, 35 AND 36, TWP 43 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN. ACCORDING TO THE PLAT THEREOF RECORDED MARCH 27, 1901, AS DOCUMENT 81144 IN BOOK "E" OF PLATS, PAGES 46 AND 47 DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF OLD HART ROAD AND THE NORTHERLY RIGHT OF WAY LINE OF LAKE COOK ROAD; THENCE NORTH 5 DEGREES 03 MINUTES 28 SECONDS EAST 2626.96 FEET ON SAID CENTERLINE TO THE NORTHERLY LINE OF SAID LOT 34; THENCE NORTH 89 DEGREES 59 MINUTES 3 SECONDS EAST 954.76 ON SAID NORTHERLY LINE TO A POINT ON A CURVE; THENCE SOUTHEASTERLY ON SAID CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1392.39 FEET 525.08 FEET, A CHORD BEARING OF SOUTH 10 DEGREES 48 MINUTES 12 SECONDS EAST 521.97 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 1110.57 ON THE WESTERLY RIGHT OF WAY LINE OF NEW HART ROAD; THENCE SOUTH 89 DEGREES 58 MINUTES 36 SECONDS WEST 196.08 FEET; THENCE SOUTH 41 DEGREES 01 MINUTES 45 SECONDS WEST 231.13 FEET; THENCE SOUTH 03 DEGREES 58 MINUTES 15 SECONDS EAST 239.98 FEET; THENCE SOUTH 86 DEGREES 01 MINUTES 45 SECONDS WEST 252.16 FEET; THENCE NORTH 84 DEGREES 56 MINUTES 32 SECONDS WEST 566.38 FEET; THENCE SOUTH 05 DEGREES 03 MINUTES 28 SECONDS WEST 614.01 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 05 SECONDS WEST 83.34 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE OF LAKE COOK ROAD TO THE POINT OF BEGINNING ALL IN LAKE COUNTY, IL.

P.I.N. 13-35-302-017; 13-35-302-018; 13-35-302-019; 13-35-302-020; 13-35-302-021; and 13-35-302-022.

The location of proposed Special Service Area Number One is shown on the map attached hereto and thereby made a part hereof as Exhibit A. This territory consists of approximately 51.19 acres and is commonly known as "the Flint Creek Reserve Commercial Development and the Flint Creek Reserve Subdivision," located West of Hart Road, East of Old Hart Road and North of Lake-Cook Road, within the Village of Barrington Hills (herein referred to as the "Subject Property").

The proposed special service area shall be established to serve the aforesaid property, and it is proposed that a special tax be levied in said special service area at a maximum rate of one percent (1%) per year on all taxable property as assessed and

equalized in order to produce revenues to provide the following specific municipal services, to wit: to maintain, repair, replace and reconstruct the Conservation Area located on and adjacent to the Subject Property, including without limitation the storm water detention facilities located therein, pursuant to that certain Declaration of Conservation Easement, Covenants, Conditions and Restrictions recorded with the Lake County Recorder of Deeds on June 8, 2004 as Document No. 5577953 and the Conservation Easements granted to the Village of Barrington Hills pursuant to the Declaration of Covenants, Conditions, Restrictions and Easements for the Flint Creek Reserve Residential Subdivision recorded with the Lake County Recorder of Deeds on December 29, 2006 as Document No. 6112542 (said Declarations hereinafter sometimes referred to collectively as the "Conservation Easement" and the area subject to said Conservation Easement sometimes herein referred to as the "Conservation Area"), and also including but not limited to payment of administrative costs and costs of litigation incurred by the Village in connection with the enforcement of said Conservation Easement, if the Village Board of the Village of Barrington Hills determines that the Owner of the Subject Property has failed in its obligation to do so, and/or to reimburse the Village of Barrington Hills for funds advanced for any of the foregoing purposes.

All interested persons owning taxable property located within the proposed special service area will be given an opportunity to be heard at the hearing regarding the establishment of said special service area and/or such tax levy and to file objections to the establishment of such special service area and/or to the amount of the tax levy.

The 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.

If a petition signed by at least 51% of the electors residing within the special service area and by at least 51% of the owners of record of the land included within the boundaries of the special service area is filed with the Village Clerk within 60 days following the final adjournment of the public hearing objecting to the creation of the special service area or the issuance of bonds for the provision of special services to the area, no such special service area may be created and no such bonds may be issued.

These hearings will be made accessible to persons with disabilities upon a 48-hour notification of anticipated attendance. Persons with disabilities planning to attend and needing special accommodations should contact the Village Clerk's Office at 112 Algonquin Road, Barrington Hills, Illinois 60010-5199, or call at (847) 551-3000.

GIVEN by order of the Corporate Authorities of the Village of Barrington Hills, Cook, Lake, Kane and McHenry Counties, Illinois, this 26th day of February, 2007.

/s/Elaine M. Ramesh  
Village Clerk  
Village of Barrington Hills”

SECTION 5: Each provision of this Ordinance shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this ordinance shall be prohibited by or be held invalid under such law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Ordinance.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, and approval pursuant to law.

SECTION 7: The Village Clerk is directed to immediately publish this Ordinance in pamphlet form.

PASSED THIS 26th DAY OF FEBRUARY, 2007, BY ROLL CALL VOTE AS FOLLOWS:

AYES: Schueppert, Smithe, Horne Gohn, Abboud

NAYS: none

ABSENT: Knoop, McKeVitt

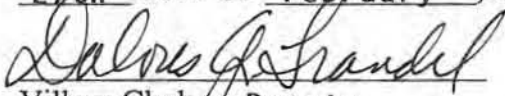
ABSTAIN: none

RECUSE: none

APPROVED THIS 26TH OF FEBRUARY, 2007

  
\_\_\_\_\_  
Robert G. Abboud, Village President

ATTESTED AND FILED THIS  
27th DAY OF February, 2007

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

(SEAL)

PUBLISHED IN PAMPHLET FORM THIS 27th DAY OF February, 2007.