

ORDINANCE NO. 07-15

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

(RE: THE ABBEY WOODS SUBDIVISION FOR THE
MAINTENANCE, REPAIR, OPERATION, MAINTENANCE,
RECONSTRUCTION, PRESERVATION AND REHABILITATION
OF THE WATER AND SANITARY SEWER
FACILITIES SERVING THE SUBJECT PROPERTY)

WHEREAS, pursuant to the provisions of that certain Intergovernmental Agreement executed by and between the Village of Barrington and the Village of Barrington Hills, which was recorded on July 30, 2007 in Lake County, Illinois as Document No. 6219755 and in Cook County, Illinois as Document No. 0721131004 (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, operation, maintenance, reconstruction, preservation and rehabilitation of the water and sanitary sewer facilities serving the Subject Property as hereinafter described; and

WHEREAS, pursuant to the Intergovernmental Agreement, the Village of Barrington has agreed to provide public water and sanitary sewer service to the Subject Property, provided that a Special Service Area is established to provide funding for the maintenance, repair, operation, maintenance, reconstruction, preservation and rehabilitation of the public water and sanitary sewer facilities serving the Subject Property; and

WHEREAS, the Intergovernmental Agreement also provides that Harris Properties, LLC, an Illinois limited liability company, as the Owner of the Subject Property, shall provide to the Village

of Barrington Hills, as part of the creation of said Special Service Area Number Two, an executed Declaration of Consent acknowledging the nature and purposes of Special Service Area Number Two and the services to be provided, their rational relation to the benefit that the Owner has or will have and enjoy, and including an express waiver by the Owner not to contest the validity or enforceability of the Special Service Area tax, which shall include the Owner's waiver of the right to contest the Owner's 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 "Abbey Woods Subdivision," legally described as follows:

PARCEL 1: PIN 01-13-301-002-0000

THAT PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF BARRINGTON ROAD AT ITS INTERSECTION WITH THE NORTH LINE OF SAID HALF OF SOUTHWEST QUARTER (SAID POINT OF BEGINNING 50.3 FEET EAST OF NORTHWEST CORNER OF SAID SOUTH HALF OF SOUTHWEST QUARTER); THENCE SOUTH ALONG THE SAID EAST RIGHT OF WAY LINE OF ROAD, A DISTANCE OF 300.0 FEET; THENCE EAST ON A LINE FORMING AN ANGLE OF 121 DEGREES 14 MINUTES TO THE RIGHT WITH THE LAST DESCRIBED LINE A DISTANCE OF 350.02 FEET TO A POINT OF THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER THAT IS 812.4 FEET EAST OF THE POINT OF BEGINNING; THENCE WEST ALONG THE SAID NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER A DISTANCE OF 812.4 FEET TO THE POINT OF BEGINNING, ALL IN BARRINGTON TOWNSHIP, COOK COUNTY, ILLINOIS,

EXCEPTING THEREFROM THAT PART USED FOR BARRINGTON ROAD PER DOCUMENT NUMBER 11172685.

PARCEL 2: PIN 01-13-301-004-0000

THAT PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 42 NORTH RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF BARRINGTON ROAD (AS WIDENED AND AS SHOWN ON PLAT OF DEDICATION RECORDED DECEMBER 7, 1932 AS DOCUMENT 11172683) THAT IS 300.0 FEET SOUTH OF THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 382.0 FEET; THENCE EAST ON A LINE THAT IS 682.0 FEET SOUTH OF AND PARALLEL WITH THE SAID NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 420.30 FEET; THENCE NORTHEASTERLY ON A LINE FORMING AN ANGLE OF 121 DEGREES 14 MINUTES TO THE RIGHT WITH THE LAST DESCRIBED LINE, A DISTANCE OF 446.37 FEET TO A POINT THAT IS 300.0 FEET SOUTH OF THE SAID NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER AND IS 639.42 FEET EAST OF THE POINT OF BEGINNING; THENCE WEST ON A LINE THAT IS 300.0 FEET SOUTH OF AND PARALLEL WITH THE SAID NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 639.42 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS, EXCEPTING THEREFROM THAT PART USED FOR BARRINGTON ROAD PER DOCUMENT NUMBER 11172685.

PARCEL 3: PIN 01-13-301-008-0000

THE WEST 783.08 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING THEREFROM THE NORTH 682.0 FEET OF THE SAID HALF OF THE SOUTHWEST QUARTER THEREOF), ALL IN THE VILLAGE OF BARRINGTON HILLS, COOK COUNTY, ILLINOIS, EXCEPTING THEREFROM, THAT PART USED FOR PALATINE ROAD PER DOCUMENT NUMBER 11045060 AND THAT PART USED FOR BARRINGTON ROAD PER DOCUMENT NUMBER 11172685.

The location of the 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 18.6 acres and is commonly known as "the Abbey Woods Subdivision," located at the northeast corner of Barrington Road and Palatine 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 two percent (2%) per year on all taxable property within the Abbey Woods Subdivision, as

assessed and equalized in order to produce the revenues required to provide the following specific municipal services, to wit: to provide for the maintenance, repair, operation, reconstruction, preservation and rehabilitation of the public water and sanitary sewer facilities serving the Subject Property, and also to cover the costs of levy thereof and the costs of enforcement of any restriction on the final plat of subdivision for the Abbey Woods Subdivision and/or declaration of covenants, conditions and restrictions relating to the provision of public water and sanitary sewer services and facilities by the Village of Barrington.

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 September 24, 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 Two. 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 Two

(RE: The Abbey Woods Subdivision
for the, Repair, Operation, Maintenance, Reconstruction,
Preservation and Rehabilitation of Public Water and Sanitary
Sewer Facilities Serving 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 September 24, 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 Two shall consist of the following property and contiguous area, commonly known as the "Abbey Woods Subdivision", and legally described as follows:

PARCEL 1: PIN 01-13-301-002-0000

THAT PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF BARRINGTON ROAD AT ITS INTERSECTION WITH THE NORTH LINE OF SAID HALF OF SOUTHWEST QUARTER (SAID POINT OF BEGINNING 50.3 FEET EAST OF NORTHWEST CORNER OF SAID SOUTH HALF OF SOUTHWEST QUARTER); THENCE SOUTH ALONG THE SAID EAST RIGHT OF WAY LINE OF ROAD, A DISTANCE OF 300.0 FEET; THENCE EAST ON A LINE FORMING AN ANGLE OF 121 DEGREES 14 MINUTES TO THE RIGHT WITH THE LAST DESCRIBED LINE A DISTANCE OF 350.02 FEET TO A POINT OF THE NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER THAT IS 812.4 FEET EAST OF THE POINT OF BEGINNING; THENCE WEST ALONG THE SAID NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER A DISTANCE OF 812.4 FEET TO THE POINT OF BEGINNING, ALL IN BARRINGTON TOWNSHIP, COOK COUNTY, ILLINOIS, EXCEPTING THEREFROM THAT PART USED FOR BARRINGTON ROAD PER DOCUMENT NUMBER 11172685.

PARCEL 2: PIN 01-13-301-004-0000

THAT PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 42 NORTH RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE EAST RIGHT OF WAY LINE OF BARRINGTON ROAD (AS WIDENED AND AS SHOWN ON PLAT OF DEDICATION RECORDED DECEMBER 7, 1932 AS DOCUMENT 11172683) THAT IS 300.0 FEET SOUTH OF THE NORTH LINE OF SAID SOUTH HALF OF THE

SOUTHWEST QUARTER, A DISTANCE OF 382.0 FEET; THENCE EAST ON A LINE THAT IS 682.0 FEET SOUTH OF AND PARALLEL WITH THE SAID NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 420.30 FEET; THENCE NORTHEASTERLY ON A LINE FORMING AN ANGLE OF 121 DEGREES 14 MINUTES TO THE RIGHT WITH THE LAST DESCRIBED LINE, A DISTANCE OF 446.37 FEET TO A POINT THAT IS 300.0 FEET SOUTH OF THE SAID NORTH LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER AND IS 639.42 FEET EAST OF THE POINT OF BEGINNING; THENCE WEST ON A LINE THAT IS 300.0 FEET SOUTH OF AND PARALLEL WITH THE SAID NORTH LINE OF THE SOUTH HALF OF THE SOUTHWEST QUARTER, A DISTANCE OF 639.42 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS, EXCEPTING THEREFROM THAT PART USED FOR BARRINGTON ROAD PER DOCUMENT NUMBER 11172685.

PARCEL 3: PIN 01-13-301-008-0000

THE WEST 783.08 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING THEREFROM THE NORTH 682.0 FEET OF THE SAID HALF OF THE SOUTHWEST QUARTER THEREOF), ALL IN THE VILLAGE OF BARRINGTON HILLS, COOK COUNTY, ILLINOIS, EXCEPTING THEREFROM, THAT PART USED FOR PALATINE ROAD PER DOCUMENT NUMBER 11045060 AND THAT PART USED FOR BARRINGTON ROAD PER DOCUMENT NUMBER 11172685.

The location of proposed Special Service Area Number Two is shown on the map attached hereto and thereby made a part hereof as Exhibit A. This territory consists of approximately 18.6 acres and is commonly known as "the Abbey Woods Subdivision," located at the northeast corner of Barrington Road and Palatine 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 two percent (2%) 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 provide for the repair, operation, maintenance, reconstruction, preservation and rehabilitation of the public water and sanitary sewer facilities serving Subject Property, and also to cover the costs of levy thereof and the costs of enforcement of any restriction on the final plat of subdivision for the Abbey Woods Subdivision and/or declaration of covenants, conditions and restrictions relating to the provision of public water and sanitary sewer services and facilities by the Village of Barrington.

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 a 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 20th day of August, 2007.

/s/Elaine M. Rarnesh
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 20 DAY OF August, 2007, BY ROLL CALL VOTE AS FOLLOWS:

AYES: McKevitt, Smithe, Gohl, Abboud

NAYS: 0

ABSENT: Mallen, Schueppert, Knoop

ABSTAIN: 0

RECUSE: 0

APPROVED THIS 20 OF August, 2007



Robert G. Abboud, Village President

ATTESTED AND FILED THIS
21st DAY OF August, 2007


Village Clerk Deputy

(SEAL)

PUBLISHED IN PAMPHLET FORM THIS 21st DAY OF August, 2007.