

**GRANTING A SPECIAL USE PERMIT FOR  
ARTIFICIAL LAKE AT  
SMITH PROPERTY, 88 HAWLEY WOODS ROAD**

**WHEREAS**, the Zoning Board of Appeals has made a recommendation approving the special use for the construction, use and maintenance of an artificial lake on a parcel owned by David Byron Smith located at 88 Hawley Woods Road ("Smith Property"), and

**WHEREAS**, the Zoning Board of Appeals has included in its recommendation the stipulation of additional conditions necessary for the protection of the public interest which are set forth in an agreement dated February 28, 2005 (the "Agreement") by and between the Village of Barrington Hills (the "Village") and David Byron Smith;

**NOW, THEREFORE, BE IT RESOLVED** by the President and Board of Trustees of the Village of Barrington Hills, Cook, Kane, Lake and McHenry Counties, Illinois as a Home Rule municipality, that a special use permit is hereby granted for the construction, use and maintenance of the lake on the Smith Property in Barrington Hills, Illinois;

**BE IT FURTHER RESOLVED** that the special use permit is hereby granted subject to the following conditions:

1. The lake, grading, and restoration shall occur in a manner consistent with the design plan ("Plan") presented at the hearing and dated January 14, 2005, or as may be amended hereinafter to comply with any other applicable ordinances, regulations of the Village and conditions of the approval contained herein and in the Agreement; and
2. If for any reason the lake fails to hold water, it shall be the applicant's responsibility to refill the same or restore the property to its preexisting condition;
3. The effectiveness of this special use as provided in Title 5, Chapter 10, Section 7 (H) of the Village Code shall be limited to six months from the effective date of this Resolution unless action is taken to obtain a site development permit or otherwise utilize the special use; and
4. The Village, by and through the Village President as hereby authorized, enters into the agreement attached hereto regarding the overweight truck permit.

This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

APPROVED THIS 28<sup>th</sup> DAY OF February, 2005.

AYES: 6, NAYS: 0, ABSENT: 1.

ATTEST:

Grace Wytmar  
Village Clerk

James A. Kempf  
Village President