

AN ORDINANCE APPROVING THE RESUBDIVISION OF LAND COMMONLY KNOWN AS 219, 223, and 227 OTIS Road IN THE VILLAGE OF BARRINGTON HILLS

WHEREAS, the Village of Barrington Hills (“Village”) is a duly organized and existing Illinois home rule municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the Goose Lake Subdivision was created in the Village by duly adopted plat of subdivision in 1984, a copy of which is attached here and incorporated herein by reference as Exhibit 1; and

WHEREAS, since creation of the subdivision, Chicago Title Land Trust Company as Successor Trustee under the terms of a certain Trust Agreement dated May 23, 1974 and known as Trust No 1013 aka HTPA 1013, Peter C. and Shirley Z. Welsh and Chicago Title Land Trust Company as successor trustee to North Star Trust Company, as Trustee under the provision of a certain Trust Agreement dated the 15th day of March 2012, and known as Trust Number 12-12551, the owners of Lot 227, commonly identified as 227 Otis, and the owner of Lot 219, commonly identified as 219 Otis, purchased Lot 223, commonly identified as 223 Otis (“Property”) have applied to the Village for approval of the resubdivision of the three properties, which would divide, pursuant to the owners direction, Lot 223 between Lots 219 and 227, creating two new lots to be identified as Lots 227B and 219B, as shown on the proposed plat of resubdivision, attached hereto and incorporated herein by reference as Exhibit 2; and

WHEREAS, the resubdivision as proposed would result in creation of two lots, both exceeding 10 acres and abutting Otis Road, a dedicated public right of way, and does not involve creation of new streets or easements of access; and

WHEREAS, the Village has adopted regulations for the subdivision of land as set forth in Title 6, Chapter 2 of the Village Code, captioned “General Subdivision Regulations”; and

WHEREAS, Chapter 2, Section 6-2-3(C) provides that the Village’s subdivision regulations shall not be applicable to:

1. The division of subdivision of land into not more than two (2) parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access, provided that the parcels or tracts created by the foresaid division or subdivision abut an existing dedicated right of way;

2. The sale or exchange of parcels of land between owners or adjoining and contiguous land which does not involve any new streets or easements of access;

...; and

WHEREAS, accordingly, the Village finds that the Village’s subdivision regulations as set forth in Chapter 2 are not applicable to the resubdivision of the Property for the reasons set forth herein; and

WHEREAS, the Village further finds that the resubdivision of the Property is excepted from the requirements of the Illinois Plat Act, 765 ILCS 205/1, pursuant to sections 1(b)1 and 3, and, therefore the requirements of said Act are found not to apply; and

WHEREAS, the Village is aware of the existence of the Declaration of Covenants, Conditions, Restrictions and Easements for Goose Lake Subdivision, and Illinois not-for-profit corporation, which is recorded as Document 27011005 in Cook County, and which states, *inter alia*:

No lot may hereafter be used for more than one single family residence, and no part less than the whole thereof shall be sold or conveyed; and no Lot shall be divided or subdivided except for Lot 213 if not sold by the Developer within one (1) year of the recording of the Declaration, and except for Lot 15...

; and

WHEREAS, the owners of the Property have informed the Village they are seeking an amendment to the Declaration to allow for the resubdivision of the Property, with the Village's approval; and

WHEREAS, in all respects, the Village has determined that the resubdivision of the Property comports with the Village's Comprehensive Plan, zoning and buildings regulations.

NOW, THEREFORE, BE IT ORDAINED, 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 the following:

Section One: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

Section Two: The resubdivision of the Property as set forth in Exhibit 2 is hereby approved, subject to the required amendment of the Declaration of Covenants, Conditions, Restrictions and Easements for Goose Lake Subdivision, a recorded copy of which shall be provided to the Village as a condition predicate to the Village's execution of the plat of resubdivision.

Section Three: Upon receipt of the recorded Amended Declaration, the Village President and Village Clerk are hereby authorized to execute the plat of resubdivision, and to thereafter release same to the Property Owner for recordation. Upon recordation, a copy of the plat of resubdivision shall be provided to, and shall be retained by the Village Clerk.

Section Four: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Ayes: 6 Nays: 0 Absent: 1

PASSED AND APPROVED by the President and Board of Trustees of the Village of Barrington Hills, Illinois, this 25th day of September, 2017.

APPROVED:


Village President

ATTEST:


Village Clerk