

ORDINANCE
AN ORDINANCE ESTABLISHING THE
VILLAGE OF CAMPTON HILLS
BACKUP SPECIAL SERVICE AREA NO. 4
(Norton Lakes Subdivision)

A. WHEREAS, the Village of Campton Hills (the "Village"), pursuant to authority granted by virtue of Article VII, Section 7 of the Constitution of the State of Illinois and 35 ILCS 200/27-5 et seq., and further pursuant to the provisions of the Planned Unit Development Ordinance for Norton Lakes Subdivision, adopted on December 21, 2010 as Ordinance Number O-10-31, (the "PUD Ordinance") has proposed the establishment of a backup special service area (the "Backup Special Service Area") for certain property legally described on Exhibit A, (the "Subject Property") (and, in addition, the property referred to in Recital H hereof as "Additional Backup Special Service Area Property" subject to the provisions hereof) to be utilized in the event, and only in the event, that the homeowners association for Norton Lakes Subdivision ("HOA") having responsibility to do so, fails to meet the following responsibilities as to property within Norton Lake Subdivision and as to Parcel 2 of Unit 2 of Fox Mill Subdivision, or in the event that said HOA is never created, or in the event that said HOA does not maintain its legal standing as a not-for profit corporation:

- (i) maintenance, repair and restoration of all open spaces, the body of water to be known as Norton Lake, common area retention/detention areas, and stormwater management areas, including Lots 107 and 108), all as more particularly described and defined in the PUD Ordinance; and
- (ii) maintenance, repair and restoration of property within dedicated rights-of-way other than the paved portions of roadways designed for motor vehicle traffic and other than the storm water piping and curb inlets located within the curb lines of those roadways; and
- (iii) maintenance, repair, restoration and replacement of drainage structures other than those drainage structures incorporated into the paved portions

of roadways designed for motor vehicle traffic that the Village shall maintain at its expense; and

- (iv) maintenance, repair, restoration and replacement of bike paths; and
- (v) payment of real estate taxes on all taxable property not within individual private lots.

The matters referred to immediately above as subparagraphs (i), (ii), (iii), (iv) and (v) are hereafter referred to as "HOA Responsibilities".

B. WHEREAS, the Subject Property is a compact and contiguous area and totally within the limits of the Village of Campton Hills, Kane County, Illinois.

C. WHEREAS, in the event that the Village determines in its discretion, that the HOA is not meeting and fulfilling the HOA Responsibilities, the Village may give notice to the HOA as hereinafter provided and take such further steps and procedures as hereinafter provided.

D. WHEREAS, the proposed Backup Special Service Area may levy annual taxes at the maximum rate of 1.50% of the equalized assessed valuation of all taxable property in the Backup Special Service Area in order to produce revenues required for the operation of the proposed Backup Special Service Area.

E. WHEREAS, the Subject Property will benefit specifically from the municipal services to be provided which are unique and in addition to the municipal services provided throughout the Village as a whole.

F. WHEREAS, the creation of the said Backup Special Service Area was agreed to and provided for by the Village and the Owners of Record of the Subject Property who waived notice of a public hearing relative to the creation of said Special Service Area pursuant to the PUD Ordinance.

G. WHEREAS, there are no electors residing on the Subject Property:

H. WHEREAS, Lots 107 and 108 depicted on the Master Plat of the subdivision of Norton Lake, which is Exhibit A to the PUD Ordinance, to be hereafter recorded with the Recorder of Kane County, Illinois, are not initially part of and subject to the levying of taxes pursuant to this Backup Special Service Area, but provisions have been made in Section 5 hereof for the possible future addition of said Lots 107 and 108 as Additional Backup Special Service Area Property.

NOW THEREFORE BE IT ORDAINED by the President and Board of Trustees of the Village of Campton Hills that:

SECTION 1: The recitals of this Ordinance set forth above are hereby incorporated into this text as if set out herein in full.

SECTION 2: A Backup Special Service Area, consisting of the Subject Property and known as Village of Campton Hills Backup Special Service Area Number 4, is hereby created to provide backup funding for the HOA Responsibilities referred to above.

SECTION 3. The maximum rate of taxes which may be levied with respect to the Backup Special Service Area Number 4 for any given year shall not exceed 1.50% of the equalized assessed valuation of the Subject Property.

In the event that the Village determines, in the exercise of its reasonable discretion, that the HOA is not meeting and fulfilling the HOA Responsibilities, or that such HOA does not have a then current legal existence; such HOA, if in existence, shall have sixty (60) days, after mailing of written notice from the Village, in which to complete such HOA Responsibilities unless the time for completion is extended by the Village. Such notice shall be given to the HOA by certified mail, return receipt requested and by First Class prepaid mail. If the work has not been completed within sixty (60) days, or within any extension of time granted by the Village, then the Village, on behalf of Village of Campton Hills Backup Special Service Area Number 4, may (but

is not required to) enter onto the Subject Property and lots 107 and 108 and perform the work comprising such unfulfilled HOA Responsibilities.

Thereafter, the Village, on behalf of the Backup Special Service Area, shall notify the HOA of all costs incurred in fulfilling such HOA Responsibilities, including administrative expenses, interest charges and attorneys' fees ("Costs Incurred").

Within thirty (30) days thereafter, such HOA shall remit to the Village for deposit in the Backup Special Service Area Number 4 Fund the amount required to pay such Costs Incurred. If within such thirty (30) days such HOA fails to remit payment in full to the Village the amount due, or in the event that the HOA does not have a valid legal existence, the Village may utilize Backup Special Service Area Funds to reimburse the Village for such amount due, or if such Backup Special Service Area funds are not adequate to reimburse the Village for the Costs Incurred, the Village may levy taxes for the amount due and for future funding needs of such Backup Special Service Area.

SECTION 4: No public hearing relative to the creation of this Backup Special Service Area and the imposition of taxes as required, said hearing and all notices relative thereto and any and all possible objections to the establishment and validity of the Special Service Area having been waived by the present owners of record of 100% the Subject Property, as evidenced by the signature of said owners on this Ordinance, below, there being no electors residing within the Special Service Area.

SECTION 5: At any time hereafter, if Lot 107 is subdivided to provide for additional lots, as provided for in the PUD Ordinance, this Backup Special Service Area may be amended by the Village of Campton Hills to add Lots 107 and 108 to this Backup Special Service Area as Additional Backup Special Service Area Property which shall be subject to all of the provisions of the Backup Special Service Area including levying of taxes, applicable to the Subject Property. The Owners of record of the Subject Property and of Lots 107 and 108, have waived all notices of said amendment, the levying of all taxes and all possible objections, as evidenced by the signatures of said owners to this Ordinance.

SECTION 6: The Village Clerk is hereby directed to file a certified copy of this Ordinance establishing the Special Service Area with the County Clerk and County Recorder of the County of Kane forthwith after the adoption and approval of this Ordinance.

Passed this 21st day of December, 2010 by roll call vote as follows:

	AYES	NAYS	ABSENT	ABSTAIN
Trustee Laura Andersen	<u>X</u>	_____	_____	_____
Trustee Susan George	<u>X</u>	_____	_____	_____
Trustee Jim Kopec	<u>X</u>	_____	_____	_____
Trustee Albert Lenkaitis, Jr.	<u>X</u>	_____	_____	_____
Trustee Mike Millette	<u>X</u>	_____	_____	_____
Trustee John Strauss	<u>X</u>	_____	_____	_____
President Patsy Smith	_____	_____	_____	_____

APPROVED THIS 4th DAY OF January, 2010

Patsy Smith
 Patsy Smith, Village President

(SEAL)

ATTEST AND FILED: January 4, 2010

Carolyn Higgins
 Carolyn Higgins, Village Clerk

ACCEPTANCE, WAIVER OF NOTICE,
 WAIVER OF PUBLIC HEARING AND
 ACCEPTANCE OF ALL PROVISIONS
 OF THIS ORDINANCE BY OWNERS
 OF RECORD

NORTON LAKE DEVELOPMENT, LLC

Hubert J. Harrison
 Dexter E. Norton, MANAGER No. 101
 Cheryl Norton Norton Next
 102

EXHIBIT A

LEGAL DESCRIPTION OF SUBJECT PROPERTY

PARCEL A:

That part of Section 24, Township 40 north, Range 7 east of the Third Principal Meridian described as follows: beginning at the south quarter corner of said Section 24, being also the most northerly corner common to Unit No. 5 Arbor Creek and Unit No. 13 Fox Mill; thence S88°52'31"W along the south line of said Section 34, being also the north line of said Unit No. 13, the north line of Unit No. 11 Fox Mill and a north line of Unit No. 3 Fox Mill, 1747.34 feet to the southeast corner of lands described as Parcel Three in Document 94K018013, said point being also an angle in the east line of said Unit No. 3 Fox Mill; thence N15°05'31"E along the east line of said Parcel Three, being also said east line of Unit No. 3 Fox Mill and the east line of Unit No. 2 Fox Mill, 1925.60 feet to a southerly line of said Parcel Three, being also a south line of said Unit No. 2 Fox Mill, thence S85°48'29"E along said south line of Parcel Three, 824.50 feet to the southeast corner of said Parcel Three; thence N16°28'31"E along the east line of said Parcel Three, 1043.20 feet to the northeast corner thereof, being a point on the southerly right-of-way line of the Chicago Great Western Railway Company; thence S69°47'29"E along said southerly right-of-way line, 788.70 feet to the center line of Illinois Route 64; thence southeasterly along said center line, being a circular curve having a radius of 2824.90 feet concave to the south, the chord of which bears S51°13'47"E, 262.40 feet; thence S48°34'08"E along said center line, 425.39 feet to the west line of Unit No. 5 Arbor Creek; thence S21°33'22"W along said west line of Unit No. 5 Arbor Creek, 2194.13 feet to the southwest corner of Parcel 2 of said Unit No. 5 Arbor Creek; thence S88°56'10"W along a north line of said Unit No. 5 Arbor Creek, 329.98 feet to the point of beginning in the Village of Campton Hills, Kane County, Illinois; (consisting of 113.25 acres)

Excluding from the foregoing Lots 107, 108 (said Lots 107 and 108 being subject to future inclusion as provided in the document to which this Exhibit A is attached), 111, 112, 109 and 115 pursuant to the plat of subdivision of Norton Lake in the Village of Campton Hills, Kane County, Illinois to be hereafter recorded with the Recorder of Kane County, Illinois.