



ReRecord



2012K004771
SANDY WEGMAN
RECORDER - KANE COUNTY, IL

RECORDED: 1/24/2012 3:25 PM
REC FEE: 33.00
PAGES: 5

Sandy Wegman
Kane County Recorder
719 S Batavia Ave, Bldg C
Geneva, IL 60134

Recording Cover Page

This page added for the purposes of affixing Recording Information


Deed _____

Other RESO R-12-01

UCC

Plat

Remarks:


2012K002042
SANDY WEGMAN
RECORDER - KANE COUNTY, IL
RECORDED: 2/11/2012 11:48 AM
REC FEE: 32.00
PAGES: 2

*Record due to
missing pages.
Court House, Clerk*

RESOLUTION NO. R-12-01

VILLAGE OF CAMPTON HILLS
RESOLUTION
RELATING TO FOX MILL PUBLIC OPEN SPACE

WHEREAS, pursuant to the direction of the Corporate Authorities of the Village of Campton Hills, Village Attorney J. William Braithwaite sent to Brian Fornek, Attorney for the Fox Mill Master Homeowners Association, a letter dated December 22, relative to the public open space in the Fox Mill Subdivision, a copy of said letter being attached as Exhibit A to this Resolution and being a part hereof; and

WHEREAS, said letter sets forth the position of the Corporate Authorities of the Village of Campton Hills relative to the legal process which the Village believes is required to allow a transfer of the public open space from the present owners, the Fox Mill Limited Partnership:

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CAMPTON HILLS, KANE COUNTY, ILLINOIS, that:

Section 1. The Corporate Authorities hereby approve said letter of December 22, 2011, Exhibit A attached to and a part of this Resolution.

Section 2. The Corporate Authorities reiterate their desire to cooperate with the Fox Mill Master Homeowners Association and the residents in the applicable units of the Fox Mill Subdivision, located in Sections 23, 24, 25 and 26, Township 40 North, Range 7, East of the Third Principal Meridian, Kane County Illinois.

Section 3. A Certified Copy of this Resolution shall be duly recorded with the Recorder of Kane County, Illinois.

Section 4. This Resolution shall be in full force and effect from and after its passage and approval pursuant to law.

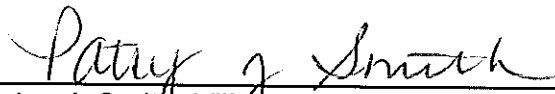
*Village
Campton
Ill.
32*

7

Passed this 3rd day of January, 2012 by roll call vote:

	AYES	NAYES	ABSENT	ABSTAIN
Trustee Laura B. Andersen	_____	_____	_____	<u> X </u>
Trustee Susan P. George	_____	_____	_____	<u> X </u>
Trustee James W. 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 J. Smith	_____	_____	_____	_____

APPROVED THIS 18th DAY OF JANUARY, 2012



Patsy J. Smith, Village President

(SEAL)

ATTEST:



Carolyn Higgins, Village Clerk



Exhibit A to Village of Campton Hills
Resolution No. _____

December 22, 2011

Mr. Brian Fornek
Attorney at Law
662 N. Broadway, Suite 200
Aurora, Illinois 60505-2129

Peter C. Bazos
Bradley T. Freeman
Robert S. Kramer
Mark Schuster
Gary M. Vanek
Andrew E. Kolb
Scott P. Larson
J. William Brathwalte

Writer's contact:
jwbrathwalte@sbfklaw.com
Tel: 847.742.8800 ext. 101

RE: Fox Mill Public Open Space

Dear Brian:

The purpose of this letter is to attempt to move toward a solution of the complex Fox Mill Public Open Space matter. The primary concern of the Village is that the Public Open Space transfer be resolved in a manner which is consistent with the requirements of law, is in accordance with the wishes of a majority of the residents of Fox Mill and is fair to all citizens of the Village.

The Village believes that these objectives can be achieved, but we do not believe that the present Agreement between the Fox Mill Master Homeowners Association and Fox Mill Limited Partnership is appropriate, as it is an attempt to shortcut the required legal process which would require:

1. Action by the Kane County Forest Preserve District and/or the Kane County Board to accept title to the Fox Mill Public Open Space or delegation of responsibility in the matter to another public body, such as the Village or Township.

2. If a Public Body is unwilling to accept the Fox Mill Public Open Space, an Amendment of the existing PUD zoning by the Village would be required to facilitate a solution in a manner consistent with the public interest, including the rights of the citizens of Fox Mill and all citizens of the Village.

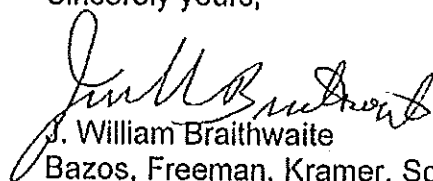
3. Enactment of Village ordinances of general applicability, which will provide reasonable protections as to use of all Public Open Space (for example, control of hours of use of the Public Open Space, etc).

Mr. Fornek
December 22, 2011
Page Two

I suggest that a small committee from the FMMHOA work with President Smith and Building and Zoning Officer Ranieri towards the proper conveyance of the Public Open Space from Fox Mill Limited Partnership to a public body or the FMMHOA if a majority of the Fox Mill residents are willing to accept the property.

I welcome your response to these thoughts.

Sincerely yours,



J. William Braithwaite
Bazos, Freeman, Kramer, Schuster, Vanek & Kolb, LLC

JBW/kmc

cc: Patsy Smith, President Village of Campton Hills
Mr. Patrick Griffin, Attorney for Fox Mill Limited Partnership

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