

200500015991  
Filed for Record in  
KENDALL COUNTY, ILLINOIS  
PAUL ANDERSON  
06-09-2005 At 09:30 a.m.  
ORDINANCE 29.00

STATE OF ILLINOIS     )  
                                  ) ss.  
COUNTY OF KENDALL    )

ORDINANCE NO. 2005-31

**ENABLING ORDINANCE TO CREATE SPECIAL SERVICE AREA 2005-31 FOR  
WHITETAIL DEVELOPMENT, LLC  
(WHITETAIL RIDGE GOLF CLUB, LLC)**

NOW COMES, WHITETAIL RIDGE, LLC, the Owners of 100% and Developers of WHITETAIL RIDGE SUBDIVISION and WHITETAIL RIDGE GOLF CLUB, or its future nominee owner in title and WHITETAIL RIDGE GOLF CLUB, LLC, as operator of said golf course and the COUNTY OF KENDALL (herein after referred to as COUNTY) who agree to create a Back-Up Special Service area upon the following terms and conditions:

WHEREAS, WHITETAIL DEVELOPMENT, LLC wishes to provide additional security to the COUNTY OF KENDALL for purposes of guaranteeing unique and special maintenance services for the maintenance of the golf course area of said subdivision which encompasses the open space in said Whitetail Ridge Subdivision hereinafter referred to in Exhibit "A" as Outlots A, B, and D in the event the Owners and Operators of said golf course at any time fail to maintain the same; or in the event the property is converted to passive open space for Whitetail Ridge Subdivision benefit pursuant to the terms of the Conservation Easement recorded as document # \_\_\_\_\_ with the Kendall County Recorder of Deeds; and

WHEREAS, the owners of 100% of the subject real property hereinafter described in the

attached Exhibit "A" have entered into a Planned Unit Development Agreement and Conservation Easement providing for the continued operation and maintenance of golf course facility in perpetuity within said Whitetail Ridge Subdivision; and including but not limited to the repair and maintenance of subdivision monuments, signage, landscaping, other common area maintenance responsibilities, stormwater facilities, and administrative expenses for said Outlots A, B, and D of said Development; and

WHEREAS, the Planned Unit Development Agreement and Conservation Easement have provided a primary duty for the Owner and Operator of the golf course facility to have maintenance and repair responsibility for the golf course including all of the designated open space and stormwater facilities within Outlots A, B, and D of Whitetail Ridge Subdivision ; and

WHEREAS, the COUNTY is desirous of providing a back-up mechanism providing for the payment of any cost of maintenance and repair of the above-described purposes as well as any common elements, and subdivision entrance monumentation and signage to the Whitetail Ridge Subdivision and if the Operator of the golf course does not satisfactorily maintain those items listed above, in the opinion of the COUNTY OF KENDALL, maintain those items above listed up to a safe and functional standard for the residents of said Whitetail Ridge Subdivision that a mechanism be established in order to provide that services are provided, which shall not become a tax burden on the general citizenry of the COUNTY OF KENDALL; and

WHEREAS, pursuant to 35 ILCS 200\27-5 (2002) et. seq. provides for the creation of Special Tax Service Areas for the provision of governmental service responsibility to be assessed to a given area to finance those maintenance and improvements to the specifically designated area, providing unique and special services contained in said Service Area; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF THE COUNTY OF KENDALL AS FOLLOWS:

SECTION I

That a Special Service Area is created for tax purposes for the golf course and related open space only within Outlots A, B, and D of Whitetail Ridge Subdivision, excluding the residential lots of said subdivision and all other open space areas which other parties shall maintain.

That the area designated for coverage by said Special Service Area is as set out in the attached Exhibit "A" to this Ordinance.

SECTION II

That said Special Service Area is being created as a secondary source of financing to provide for any maintenance or repair of the golf course facility or, if it is transformed to passive open space, the passive open space facility, landscaping, subdivision entrance monumentation, detention facilities, and signage within common areas and trailways not carried out by the Owner and Operator of the golf course facility and open space areas.

SECTION III

That prior to the imposition of any levy of taxes pursuant to an act creating a Special Service Area Tax Act, 35 ILCS 200/27-5 (2002) et seq., a hearing shall be held in accordance with said Statute providing for the amount of taxes to be levied, the purposes for which said taxes are levied, and the necessity of levying said tax against the golf course and Outlots A, B, and D located within Whitetail Ridge Subdivision only in the event that the Owner and Operator of the golf course or passive recreation area does not maintain the above specified improvements, as well as common areas and trailways, subdivision entrance monumentation, stormwater facilities, and monument

signage of said Subdivision in a safe and functional manner.

SECTION IV

That any tax so levied shall be levied based on the assessed value of each of the taxable units located within said Subdivision. Notification of said levy shall be given in accordance with said Statute above cited in conformance with Illinois Compiled Statutes as to each individual dwelling unit owner on any platted lot in said Subdivision.

SECTION V

The COUNTY OF KENDALL shall have power to issue Bonds pursuant for said Special Service Area Tax Act to complete said work and to levy repayment on an annual real estate tax bill basis against each the golf course or passive open space area..

THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT UPON ITS PASSAGE AND APPROVAL.

PASSED by the County Board of the County of Kendall, Illinois, this 15<sup>th</sup> day of

March, A.D. 2005.

  
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COUNTY CLERK

APPROVED by me, as County Board Chairman of Kendall County, Illinois, this 9<sup>th</sup> day

of June, A.D. 2005.

  
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CHAIRMAN

Prepared by & Return to:  
Law Offices of Daniel J. Kramer  
1107A S. Bridge Street  
Yorkville, Illinois 60560

**LEGAL DESCRIPTION**

OUTLOTS A, B, AND D, OF WHITETAIL RIDGE SUBDIVISION INCLUDING ALL IMPROVEMENTS AND LANDSCAPING THEREON LOCATED IN, KENDALL TOWNSHIP AND NA-AU-SAY TOWNSHIP, IN THE COUNTY OF KENDALL, STATE OF ILLINOIS

**Exhibit "A"**

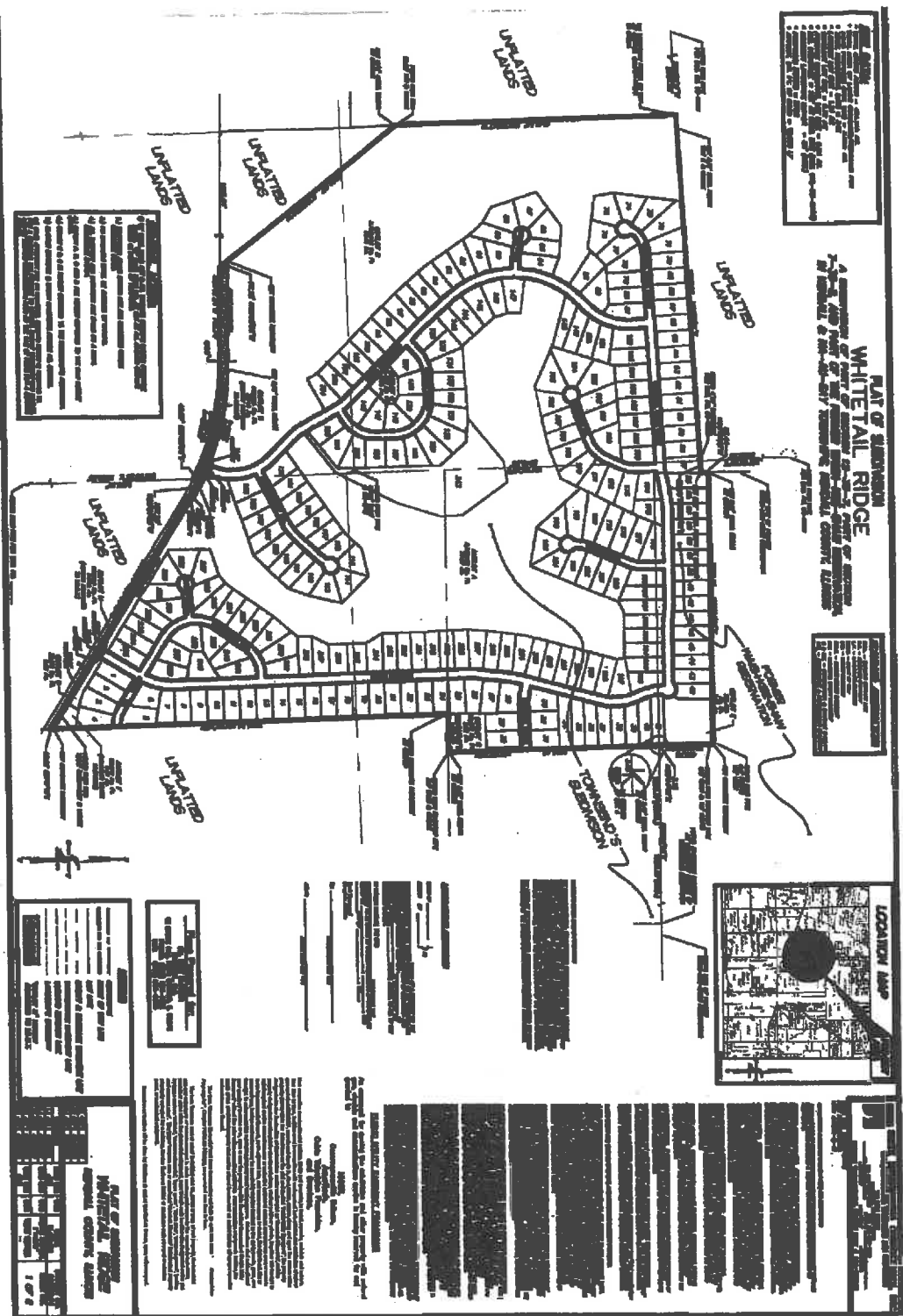


Exhibit "A"