

STATE OF ILLINOIS)
) ss.
COUNTY OF KENDALL)

ORDINANCE NO. 2005-49

**ENABLING ORDINANCE TO CREATE SPECIAL SERVICE AREA 2005-___ FOR
HENNEBERRY WEST, LLC, an Illinois Limited Liability Company
(HENNEBERRY WOODS SUBDIVISION)**

NOW COMES, HENNEBERRY WEST, LLC, an Illinois Limited Liability Company, the Owners of 100% and Developers of HENNEBERRY WOODS SUBDIVISION 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, HENNEBERRY WEST, LLC, an Illinois Limited Liability Company wishes to provide additional security to the COUNTY OF KENDALL for purposes of guaranteeing unique and special maintenance services to the Henneberry Woods Subdivision; and

WHEREAS, the owners of 100% of the subject real property hereinafter described in the attached Exhibit "A" have entered into a Declaration of Covenants and Restrictions for Henneberry Woods Subdivision Homeowners Association dated August 15th, 2005 including but not limited to the repair and maintenance of monuments, signage, landscaping, other common area maintenance responsibilities, stormwater facilities, maintenance of the trailways, and administrative expenses for said Development, and maintenance and repair of stormwater facilities within any areas dedicated or conveyed to the Oswegoland Park District; and

WHEREAS, the Declaration of Covenants and Restrictions of record dated August 15, 05 have provided a primary duty with the Homeowners Association of the Henneberry Woods Subdivision to have maintenance and repair responsibility for the above specified purposes; 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 Henneberry Woods Subdivision and if the Homeowners Association of the Henneberry Woods Subdivision does not satisfactorily, in the opinion of the COUNTY OF KENDALL, maintain and repair those items above listed up to a safe and functional standard for the residents of said Henneberry Woods 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 in the Henneberry Woods Subdivision covering all platted lots within said SUBDIVISION, known as Henneberry Woods Subdivision.

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 and repair of landscaping, subdivision entrance monumentation, stormwater facilities, and signage within common areas and trailways and stormwater facilities within areas to be conveyed to the Oswegoland Park District not carried out by the Henneberry Woods Subdivision Homeowners Association as well as the associated administrative expenses incurred by the County.

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 Henneberry Woods Subdivision only in the event that the Homeowners Association of said Subdivision does not maintain the above specified improvements, as well as common areas and trailways, subdivision entrance monumentation, stormwater facilities, and signage of said Subdivision in a safe and useable 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 dwelling unit within the Henneberry Woods Subdivision.

. 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 20 day of September, A.D. 2005.



COUNTY CLERK

APPROVED by me, as County Board Chairman of Kendall County, Illinois, this 20 day of September, A.D. 2005.



CHAIRMAN

Prepared by & Return to:
Law Offices of Daniel J. Kramer
1107A S. Bridge Street
Yorkville, Illinois 60560
630.553.9500

© Law Office Daniel J. Kramer

LEGAL DESCRIPTION

Parcel One – Henneberry Parcel

06-05-300-001

06-05-400-001

06-06-400-001

part of 06-06-400-001

06-07-200-001

THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE CENTER LINE OF GROVE ROAD, IN KENDALL COUNTY, ILLINOIS, EXCEPTING THEREFROM THAT PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE WAISH-KEE-SHAW RESERVATION; THENCE NORTHERLY, ALONG THE EAST LINE OF THE WAISH-KEE-SHAW RESERVATION, 1737.98 FEET TO ITS POINT OF INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5, FOR A POINT OF BEGINNING; THENCE NORTHERLY, ALONG SAID EAST LINE 111.84 FEET TO AN EXISTING FENCE; THENCE EASTERLY, ALONG SAID EXISTING FENCE LINE, WHICH FORMS AN ANGLE OF 89 DEGREES 36 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE, THEREFROM, 2324.21 FEET, TO THE CENTERLINE OF GROVE ROAD; THENCE SOUTHWESTERLY, ALONG SAID CENTERLINE, 51.80 FEET, TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 5; THENCE WESTERLY ALONG SAID NORTH LINE, 2296.96 FEET, TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

AND

THAT PART OF THE WAISH-KEE-SHAW RESERVATION IN SECTIONS 5, 6, 7 AND 8, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID RESERVATION; THENCE NORTH, ALONG THE EAST LINE THEREOF 49.38 CHAINS, TO THE NORTH LINE OF THE SOUTH HALF OF SAID RESERVATION; THENCE WEST, ALONG SAID NORTH LINE 87.98 CHAINS, TO A POINT 10 CHAINS EAST OF THE WEST LINE OF SAID RESERVATION; THENCE SOUTH, PARALLEL WITH THE WEST LINE OF SAID RESERVATION, 18.653 CHAINS; THENCE WEST PARALLEL WITH THE NORTH LINE OF THE SOUTH HALF OF SAID RESERVATION, 10 CHAINS; THENCE SOUTH, ALONG SAID WEST LINE 23.907 CHAINS; THENCE EAST, PARALLEL WITH THE NORTH LINE OF THE SOUTH HALF OF SAID RESERVATION, 31.497 CHAINS; THENCE SOUTH, PARALLEL WITH THE WEST LINE OF SAID RESERVATION, 6.33 CHAINS, TO THE SOUTH LINE OF SAID RESERVATION; THENCE EAST, ALONG THE SOUTH LINE OF SAID RESERVATION, TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

EXHIBIT "A"

AND
LOTS 1, 2, 3, 12, 13 AND 14, IN TOWNSENDS' SUBDIVISION OF THE NORTH HALF OF
FRACTIONAL SECTION 7, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD
PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF NA-AU-SAY, KENDALL COUNTY,
ILLINOIS.

LEGAL DESCRIPTION

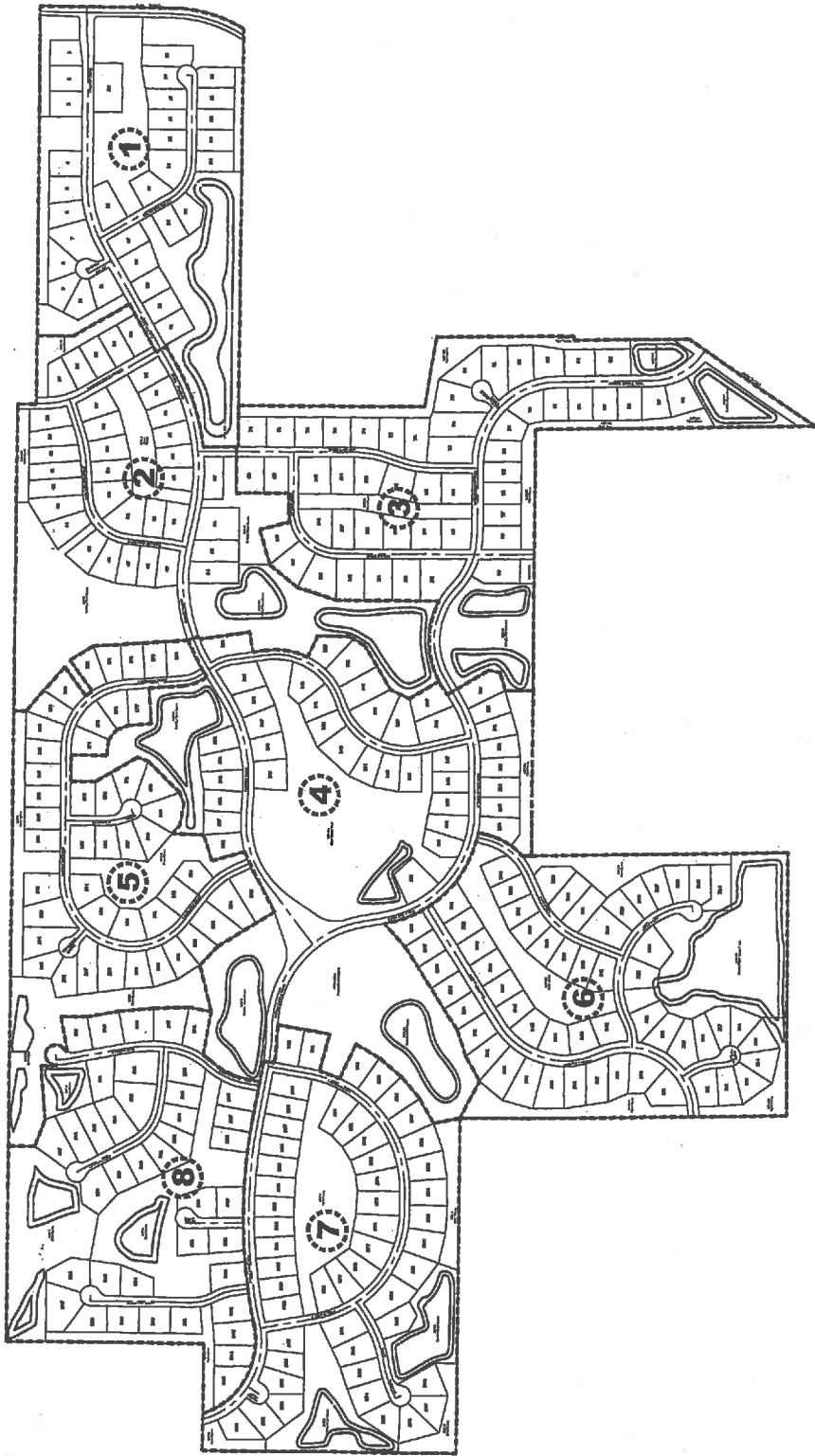
06-05-400-004

06-08-200-001

THAT PART OF THE SOUTH HALF OF SECTION 5 AND PART OF THE NORTHEAST
QUARTER OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD
PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE
SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTHERLY,
ALONG THE WEST LINE OF SAID NORTHEAST QUARTER, 479.16 FEET, TO THE
CENTER LINE OF GROVE ROAD, FOR A POINT OF BEGINNING; THENCE
NORTHERLY, ALONG SAID WEST LINE 1738.67 FEET, TO THE SOUTH LINE OF THE
FORMER WAISH-KEE-SHAW RESERVATION; THENCE EASTERLY, ALONG SAID
SOUTH LINE, 137.70 FEET, TO THE SOUTHEAST CORNER THEREOF; THENCE
NORTHERLY, ALONG THE EAST LINE OF SAID RESERVATION 691.68 FEET; THENCE
EASTERLY, ALONG A LINE WHICH FORMS AN ANGLE OF $81^{\circ}-25'-00''$, WITH THE
LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM,
435.60 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF $11^{\circ}-51'-$
 $00''$, WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE
THEREFROM, 854.0 FEET; THENCE WESTERLY, AT RIGHT ANGLES TO THE LAST
DESCRIBED COURSE, 25.0 FEET; THENCE SOUTHERLY, PARALLEL WITH THE SAID
WEST LINE, 713.98 FEET, TO THE CENTER LINE OF GROVE ROAD; THENCE
SOUTHWESTERLY, ALONG SAID CENTER LINE, 904.60 FEET, TO THE POINT OF
BEGINNING IN NA-AU-SAY TOWNSHIP, KENDALL COUNTY, ILLINOIS.



SCALE 1" = 300'



INTECH CONSULTANTS, INC. 6455 WALNUT AVE. DOWNERS GROVE, IL <small>PROFESSIONAL SEAL NO. 021-000000000</small>	ENGINEERS SURVEYORS	HENNEBRY WEST, LLC. 300 EAST 5TH AVENUE, STE 430 NAPERVILLE, ILLINOIS 60563	HENNEBRY WOODS SUBDIVISION KENDALL COUNTY, ILLINOIS	EXHIBIT	DATE	NO.	SHEETS	OF
					BY	LGS	SJP	SCALE 1" = 300'