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VILLAGE OF FOX LAKE

ORDINANCE NO. 2001 - 52

AN ORDINANCE RECLASSIFYING PROPERTY R-4 PLANNED UNIT
DEVELOPMENT (HOLIDAY PARK L.L.C. AND DRH CAMBRIDGE HOMES, INC.)

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE
VILLAGE OF FOX LAKE

THIS 28 DAY OF August, 2001.

PUBLISHED IN PAMPHLET FORM BY THE AUTHORITY OF THE
PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF FOX LAKE
ILLINOIS, THIS 29 DAY August, 2001.

ORDINANCE NO. 2001 - 52

**AN ORDINANCE RECLASSIFYING PROPERTY R-4 PLANNED UNIT DEVELOPMENT
(HOLIDAY PARK L.L.C. AND DRH CAMBRIDGE HOMES, INC.)**

WHEREAS, written application has been made by Holiday Park L.L.C., an Illinois Limited Liability Company ("Holiday Park") and DRH Cambridge Homes, Inc., a California corporation ("Cambridge"), to reclassify certain property containing 81.56 acres located near the intersection of Illinois Route 134 and Nippersink Road from the B-3 and R-4 Districts to the R-4 District with a special use for a Planned Unit Development; and

WHEREAS, the Plan Commission of the Village of Fox Lake conducted a public hearing on the preliminary Development Plan after due notice in the manner provided by law on or about June 14, 2000; and

WHEREAS, the Plan Commission also reviewed the Final Development Plan and approved the Final Development Plan with recommendations and submitted said recommendations to the Zoning Board of Appeals on or about May 31, 2001; and

WHEREAS, the Zoning Board of Appeals of the Village of Fox Lake conducted a public hearing on the Final Development Plan after due notice in the manner provided by law on or about June 28, 2001, and found that the Final Development Plan is in the public interest and satisfies the criteria set forth in Section 9-1-6-11 ES a, b, c, d, e, f and g; and

WHEREAS, the Zoning Board of Appeals recommended to the Board of Trustees that the Final Development Plan be approved with certain restrictions; and

WHEREAS, the Board of Trustees of the Village of Fox Lake has received the application and has reviewed the recommendations of the Plan Commission and Zoning Board of Appeals; and

WHEREAS, the Board of Trustees concurs that the Final Development Plan should be approved subject to certain conditions;

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Village of Fox Lake, Illinois:

SECTION I: That the "Official Zoning Map of Fox Lake" as amended, be and the same is hereby further amended by reclassifying from the B-3 and R-4 Districts to the R-4 District with a special use for a Planned Unit Development the property described on the attached Exhibit A:

(hereinafter called "the Property")
subject to the following conditions:

A. That the number, location and spatial relationship of all structures for the Planned Unit Development shall be substantially in accordance with the Final Development Site Plan Detail, dated July 11, 2001, by JEN Land Design, Inc. (1 page), and the Final Plat of Subdivision of Phases I, II and III of Cambridge at Holiday Park, last revised June 13, 2001, as to Phase I and June 14, 2001, as to Phases II and III, by Manhard Consulting, Ltd. (8 pages).

B. That the public improvements for the Planned Unit Development shall be constructed substantially in accordance with the Proposed Improvements for Cambridge at Holiday Park drawings last revised August 10, 2001, by Manhard Consulting, Ltd. (30 pages), hereinafter collectively called "the Final Engineering Plans";

C. That buffering and landscaping for the Planned Unit Development shall be constructed substantially in accordance with the Landscape Plan last revised July 12, 2001, by Pugsley & La Haie,

Ltd. (10 pages), hereinafter called "the Landscape Plan".

D. That all road right of ways and all public improvements (except sanitary sewers) along with easements for said public improvements shall be conveyed or dedicated to the Village of Fox Lake.

E. That all sanitary sewers and easements therefor shall be conveyed or dedicated to the Lakes Region Sanitary District; that all engineering review and inspection fees, hook-up fees and connection charges due to the Lakes Region Sanitary District shall be paid by Cambridge .; and that all duly adopted ordinances and regulations of Lakes Region Sanitary District be complied with in the development of the Planned Unit Development (including but not limited to, requirements of bonds or letters of credit.)

F. That Cambridge shall create and record so as to be binding on all purchasers of lots in the Planned Unit Development a declaration of covenants and restrictions governing the use of the lots and a homeowners association, which declaration shall be subject to the approval of the Village attorney, and which declaration shall contain at a minimum the following provisions:

- (1.) A provision that prohibits purchase of any lot in the Planned Unit Development for purposes of leasing the building on said lot to tenants.
- (2.) A provision incorporating the Wooster Lake Subdivision Covenants and Restrictions so that owners of property in the Planned Unit Development are bound to comply with said Covenants and Restrictions of Wooster Lake Subdivision.
- (3.) A provision requiring the Subdivision Association to assume responsibility for maintenance of all detention and retention basins and ponds on the property,

said provision specifically enforceable by the Village of Fox Lake.

G. That no construction shall begin on site and no building permits shall be issued until such time as appropriate bonds or letters of credit to cover the cost of public improvements have been provided to the Village in accordance with the Subdivision Regulations of the Village and all other applicable laws.

H. That except as modified by this Ordinance and the Plats and Plans described in Paragraphs A, B and C, the Property will be developed in accordance with the Village's Zoning Ordinance and Subdivision Regulations and Building Code as amended from time to time.

I. That Cambridge shall execute and return to the Village of Fox Lake, prior to issuance of any building permits and no later than 30 days after the date of the passage and approval of this Ordinance, the Acknowledgment attached hereto as Exhibit B wherein Cambridge confirms its agreement to be bound by the conditions hereinabove set forth and acknowledges that:

(1.) notwithstanding anything to the contrary contained in that certain Annexation Agreement dated on or about September 14, 1998, the infrastructure improvements described in Section 7 of said Annexation Agreement (other than the water tower and storage tank, the water lines for supplying the water tower and storage tank and the sanitary sewer line running from the existing lift station on the west side of Route 12 to the northeast corner of the property, as defined in the Annexation Agreement) shall be constructed either by Cambridge or by Holiday Park L.L.C. and not by the Village of Fox Lake,

(2.) Cambridge will contract with others for construction of the necessary temporary and permanent drainage and detention facilities on property owned by Holiday Park, L.L.C. and required to protect improvements on the Property from damage due to runoff and erosion. Cambridge agrees

to hold the Village harmless and indemnified from any liability or damages caused by the failure of said temporary and permanent drainage and detention facilities to be installed or maintained;

(3.) Cambridge is bound as assignee of Holiday Park, L.L.C., as to the Property, by the terms of the Annexation Agreement between the Village and Holiday Park, L.L.C., dated September 14, 1998, as said annexation Agreement is amended by this Ordinance; and

(4.) to the extent that this Ordinance or Cambridge's development of the Property pursuant to this Ordinance is challenged because of the failure of the above described Annexation Agreement to be amended in accordance with statutory provisions, Cambridge agrees to hold the Village harmless and indemnified from any liability or damages related to such challenge.

J. The Village acknowledges:

(1.) that a default on the part of Holiday Park under the aforesaid Annexation Agreement, as the same may be hereafter amended by the Village and Holiday Park, shall not serve as a basis for the Village's issuance of any stop work order or the Village's failure or refusal to issue any permits or approvals needed to further Cambridge's contemplated development of the Property, nor shall the Village rely on any such defaults as a basis for delaying or hindering Cambridge's contemplated development of the Property in any way or respect; and

(2.) that the Village's water supply is presently adequate for the initial phases of Cambridge's development and that the Village will construct any facilities required to assure that the Village's water supply will be adequate at all times for the complete Cambridge development on the Property.

K. That the Fox Lake Stormwater Management regulations be complied with for the Planned Unit Development (~~in accordance with the attached Amendment to Annexation Agreement.~~)

SECTION II: That the Final Plats of Subdivision of Phases I, II and III, the Final Engineering Plans and the Landscape Plan of Cambridge at Holiday Park are approved subject to the conditions set forth in Section I and that the Village President and the Village Clerk and Chairman and Secretary of the Plan Commission are authorized and directed to sign said plats on behalf of the Village upon receipt of the County Clerk's endorsement as required by 35 ILCS 200/9-55.

SECTION III: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION IV: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Corporate Authorities of the Village of Fox Lake, Lake and McHenry Counties, Illinois, this 28 day of August 2001 by a roll call vote as follows:

<u>TRUSTEES</u>	<u>AYE</u>	<u>NAY</u>
Edward Bender	✓	—
Floyd Edwards	✓	—
John Allsot	✓	—
Ted Beskow	✓	—
Cindy Irwin	✓	—
Steve Moulis	✓	—

APPROVED THIS 28 DAY OF August, 2001;

By: Nancy E. Koske
 NANCY E. KOSKE, PRESIDENT
 VILLAGE OF FOX LAKE

ATTEST:

Sharon J. Prosser
 Village Clerk

ZONING PLAT

15
22

PARCEL A: THAT PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 45 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 22; THENCE WEST, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 771.08 FEET TO A POINT 543.50 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 22; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION, A DISTANCE OF 220.00 FEET; THENCE WEST, PARALLEL WITH THE SOUTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 78.50 FEET; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION, A DISTANCE OF 402.48 FEET TO THE SOUTH LINE OF THE NORTH 700.00 FEET OF SAID QUARTER SECTION; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 370.45 FEET; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION, A DISTANCE OF 307.05 FEET TO THE CENTERLINE OF THE CENTERLINE OF SAND WIPERSANK ROAD, A DISTANCE OF 170.57 FEET TO A POINT ON THE SOUTHWEST LINE OF SAID SECTION 22; THENCE NORTH, PARALLEL WITH THE NORTH LINE OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SAID SECTION 22, A DISTANCE OF 307.05 FEET TO THE CENTERLINE OF SAND WIPERSANK ROAD; THENCE NORTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF LAND DEDICATED BY SAID DOCUMENT 863524 TO A POINT ON THE SOUTHWEST LINE OF SAID SECTION 22; THENCE EAST ALONG THE SOUTH RIGHT OF WAY LINE OF SAID ILLINOIS ROUTE 134 AND ALONG THE SOUTH LINE OF SAID ILLINOIS ROUTE 134 AS DEDICATED BY DOCUMENT 1077811 TO ITS INTERSECTION WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 22; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22, TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PARCEL B: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 45 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF SAID QUARTER SECTION, A DISTANCE OF 452.25 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE SOUTH ALONG THE WEST LINE OF SAID QUARTER SECTION, A DISTANCE OF 289.68 FEET; THENCE EAST, PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 346.15 FEET, TO A POINT OF CURVATURE IN SAID LINE; THENCE NORTHEASTERLY ALONG A CURVED LINE CONVEYED NORTHEASTERLY HAVING A RADIUS OF 208.75 FEET, AN ARC DISTANCE OF 487.11 FEET (CHORD MEASURES 420.06 FEET) TO A POINT OF TANGENCY IN SAID LINE; THENCE WEST, PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 643.74 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PARCEL C: THAT PART OF THE SOUTHWEST QUARTER AND PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 45 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 23; THENCE SOUTH ALONG THE WEST LINE THEREOF, A DISTANCE OF 452.25 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 346.15 FEET; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION, A DISTANCE OF 643.74 FEET; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION, A DISTANCE OF 402.48 FEET TO THE SOUTH LINE OF THE NORTH 700.00 FEET OF SAID QUARTER SECTION; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 370.45 FEET; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION, A DISTANCE OF 307.05 FEET TO THE CENTERLINE OF THE CENTERLINE OF SAND WIPERSANK ROAD; THENCE NORTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF LAND DEDICATED BY SAID DOCUMENT 863524 TO A POINT ON THE SOUTHWEST LINE OF SAID SECTION 22; THENCE EAST ALONG THE SOUTH RIGHT OF WAY LINE OF SAID ILLINOIS ROUTE 134 AND ALONG THE SOUTH LINE OF SAID ILLINOIS ROUTE 134 AS DEDICATED BY DOCUMENT 1077811 TO ITS INTERSECTION WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 22; THENCE SOUTH ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 22, TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PARCEL D: THAT PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 45 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 638.48 FEET EAST OF THE SOUTHWEST CORNER THEREOF; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION, A DISTANCE OF 638.48 FEET, TO THE CENTERLINE OF ILLINOIS ROUTE 134; THENCE NORTHEASTERLY ALONG THE CENTERLINE OF SAID ILLINOIS ROUTE 134, TO THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH ALONG THE EAST LINE OF SAID QUARTER SECTION, TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PARCEL E: THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 45 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THE SOUTH 50 FEET OF THE EAST 1/4) OF SAID QUARTER SECTION, DESCRIBED AS FOLLOWS: TO-WIT: BEGINNING AT A POINT ON THE EAST LINE OF SAID QUARTER SECTION, 350 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE WEST, PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION, 50 FEET; THENCE NORTH, PARALLEL WITH THE EAST LINE OF SAID QUARTER SECTION, 207.10 FEET TO A POINT IN THE CENTER OF THE ROAD; THENCE SOUTHEASTERLY TO A POINT ON SAID EAST LINE OF SAID QUARTER SECTION, WHICH IS 148.4 FEET SOUTH FROM THE NORTHWEST CORNER THEREOF AND THENCE SOUTH 181.8 FEET TO THE POINT OF BEGINNING, AND (EXCEPT THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID QUARTER SECTION, THENCE SOUTH ALONG THE WEST LINE THEREOF, A DISTANCE OF 748.84 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 366.15 FEET TO A POINT OF TANGENCY IN SAID LINE; THENCE NORTHEASTERLY ALONG A CURVED LINE CONVEYED NORTHEASTERLY HAVING A RADIUS OF 208.75 FEET, AN ARC DISTANCE OF 487.11 FEET (CHORD MEASURES 420.06) TO A POINT OF TANGENCY IN SAID LINE; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION, A DISTANCE OF 306.19 FEET; THENCE EAST, PARALLEL WITH THE NORTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 641.11 FEET; THENCE NORTH, PARALLEL WITH THE WEST LINE OF SAID QUARTER SECTION, A DISTANCE OF 728.85 FEET TO THE POINT OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PARCEL F: THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SECTION 23, TOWNSHIP 45 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE EAST 485 FEET; THENCE NORTH 13.2 FEET; THENCE WEST 445 FEET TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PARCEL G: THAT PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 45 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: TO-WIT: COMMENCING AT A POINT 108.00 FEET SOUTH OF THE NORTHWEST CORNER OF SAID QUARTER SECTION; THENCE NORTH 8 FEET; THENCE WEST TO THE PLACE OF BEGINNING, IN LAKE COUNTY, ILLINOIS.

PARCEL H: THE SOUTH 16 ROADS AND 7 FEET OF THE NORTH 140 ROADS OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 45 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

PARCEL I: THE SOUTH ONE EIGHTH OF THE EAST HALF OF THE NORTHWEST QUARTER AND THE NORTH 16 ROADS OF THE NORTHWEST QUARTER OF SECTION 23 (EXCEPT THE NORTH 134 FEET OF THE WEST 60 FEET OF THAT PART OF SAID PREMISES FALLING IN THE NORTHWEST QUARTER OF SAID SECTION 23), IN TOWNSHIP 45 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS.

PARCEL J: LOTS 12 TO 37 INCLUSIVE AND LOTS 77 TO 86 INCLUSIVE, W.J. AND M.A. SCHUMMERTS, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 45 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED DECEMBER 13, 1921 AS DOCUMENT 207617 IN BOOK 747 OF PLATS, PAGE 92, IN LAKE COUNTY, ILLINOIS.

6/21/21

Exhibit B

Acknowledgment

DRH Cambridge Homes, Inc., a California corporation (hereinafter called "Cambridge"), in consideration of the granting to it of a Special Use Permit by Ordinance No. _____, hereby confirms its agreement to be bound by the conditions set forth in Ordinance No. _____, and further acknowledges that:

(1) notwithstanding anything to the contrary contained in that certain Annexation Agreement dated on or about September 14, 1998, the infrastructure improvements described in Section 7 of said Annexation Agreement (other than the water tower and storage tank, the water lines for supplying the water tower and storage tank and the sanitary sewer line running from the existing lift station on the west side of Route 12 to the northeast corner of the property, as defined in the Annexation Agreement) shall be constructed either by Cambridge or by Holiday Park L.L.C. and not by the Village of Fox Lake,

(2) Cambridge will contract with others for construction of the necessary temporary and permanent drainage and detention facilities on property owned by Holiday Park, L.L.C. and required to protect improvements on the Property from damage due to runoff and erosion. Cambridge agrees to hold the Village harmless and indemnified from any liability or damages caused by the failure of said temporary and permanent drainage and detention facilities to be installed or maintained;

(3) Cambridge is bound as assignee of Holiday Park, L.L.C., as to the Property, by the terms of the Annexation Agreement between the Village and Holiday Park, L.L.C., dated September 14, 1998, as said annexation Agreement is amended by this Ordinance; and

(4) to the extent that this Ordinance or Cambridge's development of the Property pursuant to this Ordinance is challenged because of the failure of the above described Annexation Agreement

to be amended in accordance with statutory provisions, Cambridge agrees to hold the Village harmless and indemnified from any liability or damages related to such challenge.

DRH Cambridge Homes, Inc.

By: _____

Its: _____

Date: _____

CERTIFICATIONS

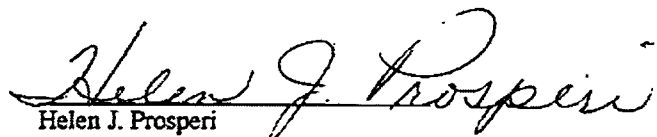
I, Helen J. Prosperi, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Fox Lake, Lake and McHenry Counties, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Trustees of said Village of Fox Lake.

I do hereby further certify that at a regular meeting of the President and Trustees of the Village of Fox Lake, held on the 28th day of AUGUST, the foregoing Ordinance entitled: "AN ORDINANCE RECLASSIFYING PROPERTY R-4 PLANNED UNIT DEVELOPMENT (HOLIDAY PARK L.L.C. AND DRH CAMBRIDGE HOMES, INC.)", was duly passed by the President and Trustees of the Village of Fox Lake.

The pamphlet form of Ordinance 2001-52, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on the 29th day of AUGUST 2001, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I DO FURTHER certify that the original, of which the attached is true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

GIVEN under my hand and seal this 28TH day of AUGUST 2001.



Helen J. Prosperi
Village Clerk
Village of Fox Lake,
Lake and McHenry Counties, Illinois