

COPY COPY COPY COPY

LAW OFFICES OF
KING, ROBIN, GALE & PILLINGER
135 SOUTH LA SALLE STREET
CHICAGO 3

WILLARD L. KING
SIDNEY L. ROBIN
DOUGLASS PILLINGER
GEORGE W. GALE
ALEXANDER I. LOWINGER
J. WILLIAM BRAITHWAITE

TELEPHONE CENTRAL 6-4280
CABLE ADDRESS "HAMROSE"
FORMERLY
ROSENTHAL, HAMILL & WORMSER

June 15, 1964

President and Board of Trustees
Village of Barrington
Barrington, Illinois

Re: Pickwick Place

Gentlemen:

Mr. Brough has asked me to express to you his appreciation for this meeting to complete the details on this project.

Enclosed, with copies for each of you, is a new document entitled "Declaration of Restrictions." The major change from the Declaration of Restrictions furnished on June 6th is the addition of paragraph 4, which refers to the site development plan.

Other minor changes are:

- (a) Substitution of precise numbers in paragraphs 1(a) and 1(b) in lieu of the 80% previously used.
- (b) In paragraph 2, a reduction of 1 unit from each of Lots 37 and 38 and the corresponding addition of 1 unit to Lots 36 and 39. This change was necessitated by the slight road relocation, to save trees, discussed last Monday.
- (c) In paragraph 5, the addition of a reference to paragraph 4.

In the past week Mr. Brough has made arrangements for the standard form of improvement bond with himself as principal and United States Casualty Company as surety, in the amount of \$63,870.00. The original of this bond is filed herewith and is in lieu of the escrow of a bank pass book discussed in previous correspondence.

It is requested that both copies of the executed Declaration of Restrictions filed on June 8th be returned.

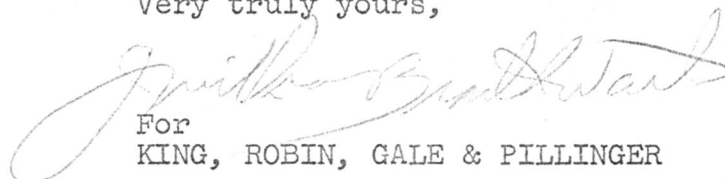
- 2 -

Also filed herewith is the linen plat of subdivision, executed by the record title holder.

In addition to the matters referred to on page 3 of my letter of June 5, 1964, it is suggested that it would be appropriate to pass a motion relative to Mr. Westerberg's appointment as deputy engineer for the purpose of supervision of the work pursuant to the plans and specifications.

A copy of this letter was delivered to the office of Mr. Byron Matthews this morning, with a copy of the bond being filed herewith.

Very truly yours,



For
KING, ROBIN, GALE & PILLINGER

JWB/mlb
encl.

CC: Mr. Matthews,
(with copy of bond)

COPY COPY COPY COPY

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ALEXANDER I. LOWINGER
J. WILLIAM BRAITHWAITE

June 5, 1964

*Sidewalk on north side
of Hillside*

President and Board of Trustees
Village of Barrington
Barrington, Illinois

Re: Pickwick Place

Gentlemen:

Copies of this letter are being mailed to your homes in order that you may have the opportunity to review the enclosed documents prior to the meeting of June 8, 1964, if you desire to do so.

We are pleased to enclose the following:

1. Plat of subdivision. Comparing the enclosed plat with the earlier copies, you will note that Concord Lane has been shifted northeast slightly in the vicinity of Lots 37 and 38. Mr. Brough undertook this change in order to save a group of large trees which would have been in the roadway as originally planned. The effect of the roadway relocation is to increase the size of Lot 11 (a desirable change) and of Lot 12, and slightly decrease the size of Lots 37 and 38. By letter of May 27, 1964, this change has been tentatively approved by the Village engineers. We expect to supply to you Monday evening further approval based upon their examination of the new plat.

*Final for
Approval*

Also in connection with saving some of the large trees on the property, Mr. Brough would like to have your permission to locate the pavement somewhat off center at two locations: (a) in the cul-de-sac at the end of Concord Lane, where the paving would be 14 feet west of center; (b) in the vicinity of Lots 35, 37, 38 and 40 where the paving would range from center to 12 feet northeasterly of its usual location. In other words, whereas there would usually be a 19 foot treebank between the curb and the property line (5 feet of which will be sidewalk) Mr. Brough wishes to have this decreased on part of the northeasterly side of Concord Lane, in the vicinity of the foregoing lots, to 7 feet. The requirements of the Village engineers as outlined in their letter of May 27, 1964 would be met.

2. Agreement to be executed by William W. Brough. The first paragraph of the agreement is pursuant to Section VII B of the Subdivision Regulations and paragraphs 2 and 3 are pursuant to the recommendations of the Village engineers as contained in paragraphs 1 and 2 on pages 3 and 4 of their letter of February 18, 1964.

3. Declaration of Restrictions to be executed by the fee owner, the Citizens Bank and Trust Company, Trustee. These restrictions are substantially the same as those supplied to you many months ago, the only changes being that the reference on pages 1 and 2 to owners of record has been strengthened to "fee owners of record", that term has been defined and the words "or combination of buildings" have been added after the first two words of paragraph 2 on page 2. The Exhibit "A" referred to in paragraph 2 of the enclosed restrictions is the drawing by Mr. Edward D. Dart of the general building design exhibited to you previously.

The purpose of paragraph 4 of the Declaration of Restrictions is to protect the owner against any possible claim of a violation of paragraphs 2 or 3 of the restrictions after he has made a substantial investment in a building. Primarily, this would involve the question of whether the building was in architectural conformity with Exhibit "A", although it might be possible for persons to have a difference of opinion as to whether a building was 2 or 2 1/2 stories in height. Such questions should be resolved prior to issuance of a building permit.

Similar changes and additional minor changes are being made to the other declaration of restrictions, to which the Village is not a signatory. These other declaration of restrictions were supplied to you earlier but we see no point in providing the new copy, as the Village is not a party to them.

4. Zoning Ordinance. The Exhibit "A" referred to therein is the plat of subdivision referred to above.

5. Improvement Bond, to be executed by Mr. Brough and secured by the deposit of a savings account pass book and assignment of the account to the Village. This is in accord with Mr. Thomas Matthews' letter of May 5, 1964 addressed to President Blanke, a copy of which is enclosed. The amount of the improvement bond, and of the bank account, is the difference between the bond supplied by Till Construction Company and the total cost of doing the work, as shown by contracts to be filed with the Village on Monday. Please refer to the fourth paragraph of the enclosed Consoer, Townsend letter of May 27, 1964.

In addition to the executed originals of the documents described above you will also receive a deed to Lot 43, the park, in duplicate, conveying that lot to the Pickwick Place Association, Inc. This Association was incorporated pursuant to Certificate of Incorporation No. 22250 issued by the Secretary of State of the State of Illinois on May 11, 1964 and recorded in the office of the Recorder of Deeds of Cook County, Illinois on May 22, 1964 as document No. 19135464.

While most of the foregoing documents previously have been given to Mr. Byron Matthews and approved by him while in draft, I am sending to him a copy of this letter and all of the documents referred

to herein.

It is my suggestion that the proper order of events is:

1. Adoption of the Zoning Ordinance;
2. Passage of a motion that the appropriate Village officials be authorized and directed to execute the plat of subdivision of Pickwick Place and the acceptance of the Declaration of Restrictions.
3. Passage of a motion, if it is the pleasure of the Board, that Mr. Brough be allowed to have the pavement off center as described in this letter.

Project
 |
 |
 |
 |

4. *Motion. Deputy Eng. Supervisor.*

It is my suggestion that the fully executed plat, the deed in duplicate and the Declaration of Restrictions in duplicate be delivered to Mr. Byron Matthews and he and I will work out the mechanics of Torrens registration.

5. *accept. plan & specifications. subject to site plan.*

Very truly yours,

William Brantworth
 For
 KING, ROBIN, GALE & PILLINGER

*Agreement
 JWB*

JWB/mlb
 encl.

Final plat - no "vacated"

1. *plat incorrectly remove alley*
2. *new subd'n bond with Corporate Security. Bond \$63,870. Annual Security.*

- Physical Construction Inspection -

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WILLARD L. KING
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ALEXANDER I. LOWINGER
J. WILLIAM BRAITHWAITE

July 10, 1964

President and Board of Trustees
Village of Barrington
Barrington, Illinois

Re: Pickwick Place

Gentlemen:

Upon attempting to register the plat of Pickwick Place with the Torrens office it was discovered that there was an ancient survey problem. The surveyor finds it necessary to make minor changes to the plat. The effect of the changes is to move the south line of Lots 11, 12, 13 and 16 slightly south and accordingly increase the size of those lots. Enclosed is a copy of the existing survey with the changes shown in red ink.

The surveyor can make these changes on the original linen copy by simple erasure and insertion of the new figures in such manner that the appearance will be just as good as it is now. I would like to tell him to do so if you have no objection. The alternative would be a costly and time-consuming redrawing of the entire plat and resubmission to the Plan Commission and the Board for execution. The legal description is not changed in the slightest and the effect of the changes is to provide larger lots than anticipated. In no case is any lot decreased in size.

If you approve this procedure, I will send to each of you and for the Village files a copy of the plat as recorded, plainly marked "Final Recorded Plat."

Very truly yours,


For
KING, ROBIN, GALE & PILLINGER

JWB/mlb
encl.

Copies to Trustees

LAW OFFICES OF
KING, ROBIN, GALE & PILLINGER
135 SOUTH LA SALLE STREET
CHICAGO 3

TELEPHONE CENTRAL 6-4200
CABLE ADDRESS "KINGROB"
FOUNDERLY
ROSENTHAL, MARILL & WONGER

WILLARD L. KING
SIDNEY L. ROBIN
DOUGLASS PILLINGER
GEORGE W. GALE
ALEXANDER I. LOWINGER
J. WILLIAM BRAITHWAITE

July 10, 1964

President and Board of Trustees
Village of Barrington
Barrington, Illinois

Re: Pickwick Place

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If you approve this procedure, I will send to each of you and for the Village files a copy of the plat as recorded, plainly marked "Final Recorded Plat."

Very truly yours,

J. William Braithwaite
For
KING, ROBIN, GALE & PILLINGER

JWB/mlb
encl.

Received July 11 1964 AH
J. William Braithwaite

CONSOER, TOWNSEND AND ASSOCIATES • CONSULTING ENGINEERS

60 EAST GRAND AVENUE • CHICAGO, ILLINOIS 60611 • TELEPHONE DELAWARE 7-6900

June 8, 1964

Carison

President and Board of Trustees
206 S. Hough St.
Barrington, Illinois

Re: Pickwick Place Subdivision

Gentlemen:

We wish to acknowledge receipt from the Village Clerk of page 3 of the Minutes of the meeting of May 11, 1964, which sets forth action taken by the Village Board relative to the construction of improvements in the subject project. This action, briefly, grants permission to proceed with the construction in this development subject to the Village Engineers furnishing the necessary inspection services during the period of construction. ✓

To the writer's recollection, the Village Board of Barrington has never called upon us to perform inspection services on public improvement projects being constructed by private developers who had retained the services of another consulting engineer for detailed design work and general inspection services. We believe that the last project where this matter was discussed involved the construction of public improvements in the Lageschulte Subdivision in the southwest section of the Village, which improvements were inspected by the Director of Public Works.

If the Village Board is desirous of having us perform inspection services on the subject project, we feel that we must acquaint you with problems which could arise as a result of two engineering firms being involved in the construction of these improvements, which improvements will, upon completion, be taken over by the Village for future maintenance.

"General inspection of construction" is a term used in the engineering profession to describe the services generally rendered during the construction stage. This term includes the establishment by field personnel of construction line and grade for the contractor, which actually provides stakes in the field so that the contractor will know exactly where the improvement is to be placed and at what elevation. The term "general inspection" also includes periodic visits to the construction site by a construction engineer, checking and recommending for approval of

General Supervision & Inspection

payment estimates, and attendance at meetings and conferences during the course of construction, as well as generally inspecting the installation of the improvements.

The term "detailed inspection" is used in the profession and refers to a service rendered by a construction inspector at the site of the work on a full-time or daily basis. He is responsible to the owner for the contractor's construction methods and the contractor's compliance with the specifications and contract prepared and approved for the project.

It can be seen from the above that a relative fine line exists between the general inspection services and the services rendered by a construction inspector. This line occurs between the actual setting of construction stakes (line and grade) in the field and the commencement of construction by the contractor in accordance with such stakes.

We do not believe it necessary to set forth in detail the many valid reasons for having a construction inspector present on public works projects during the course of such construction. The Village of Barrington has always considered the matter of inspection of utmost importance and mandatory for the successful future operation and maintenance of all public works facilities. For the reasons stated above we have adopted a policy of not performing general inspection services on any construction project where detailed inspection was not being performed on a full-time basis by either Village personnel or personnel assigned by our organization.

An important lesson which we have learned over many years of public works design and construction was the lack of wisdom of assigning a construction inspector from our office on a project where we were not also responsible for the establishment of line and grade. The importance of this rests with our acceptance of the responsibility for the proper construction of a project while the actual placement of the construction stakes, which describes the location and elevation of the improvement, left to some third party over whom we have no control and about whom we know nothing insofar as engineering capabilities are concerned. In short, we would then be placed in a position of accepting the responsibility for the proper construction of the project even though errors or oversights on the part of persons over whom we have no control resulted in constructing the improvement at the wrong location or at an improper elevation. We must, therefore, advise you that we are not willing to place our organization in this position. We have discussed this matter in detail with previous Village Board members and we feel confident that Mr. Blanke recalls these previous discussions.

Under the circumstances, it appears that the following alternatives are available for bringing about a solution to this problem in a manner satisfactory to all parties concerned:

1. The Village furnish an inspector from the Public Works Department to insure compliance with approved plans and specifications. *Supervision*

2. If the Village Board is desirous of having our organization be responsible for the inspection of these public improvements, we will be happy to carry out this assignment by either of the following methods:

(a) The Village Board also requests us to furnish general supervision of construction which would permit us to accept full and complete responsibility for the construction of the improvements and that we be compensated for such services at fees equal to those which we receive for similar services on similar Village projects in accordance with our agreement, or

(b) That we furnish such inspection with the express understanding that our responsibilities will be limited only to insuring that proper construction methods are used by the contractor and proper materials are incorporated in the construction, all in accordance with the approved specifications governing the work. We would accept no responsibility for errors or inconsistencies in the establishment of line and grade or field changes resulting in a deviation from approved plans. Further, that our inspector would be at liberty to contact and solicit the aid of the Director of Public Works for assistance should disagreements arise between the inspector and the contractor or the supervising engineer. Under this arrangement we would expect to be compensated on a basis that would permit us to make a nominal amount of profit for placing this inspector on the site, rather than performing such services as we do for the Village where the charges to the Village are wages plus 75%, which covers office overhead, transportation expenses, fringe benefits, etc. The fee of wages plus 100% would result in a per diem charge of approximately \$60.

We sincerely appreciate the opportunity of presenting the foregoing to the Board for its consideration, and we earnestly hope that this discussion sets forth to the satisfaction of all our position in this matter.

If, after a discussion of the contents of this letter, the Board is desirous of having us carry out such detailed inspection on either of the bases set forth under (a) or (b) above, we request that sufficient funds be placed in escrow with the Village to cover these services. Based upon an estimated construction cost of the public improvements in this project of \$140,000, our general supervision fees would be \$2800, as set forth in our existing contract with the Village. It is extremely difficult to estimate the cost of providing inspection services on any construction project, in that such costs are dependent upon the contractor or contractors and what progress is made, the weather, availability of materials, etc. For the purpose of establishing an escrow, we would suggest that 2% of the construction cost be the estimated amount of inspection services, which would also total \$2800. If an escrow is established for such inspection services and the amount set forth is deposited, we recommend that the escrow agreement contain a provision that the initial deposit, if found inadequate, be supplemented by future payments, and, similarly, if a balance exists at the completion of the project, such amount be refunded to the developer.

We have for many years considered the Village as one of our most valued clients and have enjoyed a close relationship with the Village authorities. You may rest assured that we and the Village authorities have a mutual interest in obtaining first-class public improvements which require a minimum of future maintenance and which create the best possible atmosphere and convenience to new residents of the Village.

Very truly yours,
CONSOER, TOWNSEND & ASSOCIATES

William W. Townsend
William W. Townsend

*Supervision & Inspection
(Article setting)
WWT:JL
WWT:JL
WWT:JL*

- ✓ cc: Mr. John H. D. Blanke
- ✓ cc: Mrs. May L. Pinkerman
- ✓ cc: All Trustees

Remit

*Motion. Accept Mr. Blanke's engineers - to do.
Authorized to be Deputy inspection of Public
Place Subdivision - letter - village engineers*

Inf approval

DECLARATION OF RESTRICTIONS

Now, on this 12th day of June, 1964, comes the Citizens Bank and Trust Company, Park Ridge, Illinois, as Trustee under the provisions of Trust Agreement dated July 18, 1961 and known as Trust No. 255, owner of Pickwick Place, a subdivision of part of the southeast quarter of the northeast quarter of Section 1, Township 42 North, Range 9, East of the Third Principal Meridian, Cook County, Illinois, and states that the following restrictions shall apply to the aforesaid property, or such parts thereof as are indicated by the particular restrictions, for the period ending on December 31, 1988. After December 31, 1988, these restrictions shall remain in full force and effect for successive ten year periods until and unless, not less than 30 days prior to December 31, 1988 or 30 days prior to the expiration of any renewal period, an instrument has been registered in the office of the Registrar of Titles, Cook County, Illinois, executed by a majority of the fee owners of record of the property in the subdivision, whereby the signatories agree to amend or annul these restrictions.

1. These restrictions shall run with the land and be binding upon all present and future owners, their heirs, successors, assigns, executors, administrators and representatives. This Declaration of Restrictions has been entered into upon the consideration of the granting by the Village of Barrington of certain rezoning of some of the property described herein and these restrictions may be enforced by said Village of Barrington, as well as by any owner of property within said subdivision or the Pickwick Place Association, Inc., a not-for-profit corporation of the State of Illinois.

This Declaration of Restrictions may be amended by a declaration of amendment executed by:

- (a) fee owners of record of any 25 of Lots 1 through 31, inclusive, and

- (b) fee owners of record of any 8 of Lots 32 through 42, inclusive, and
- (c) the President and Village Clerk of the Village of Barrington, pursuant to ordinance adopted by the Corporate Authorities.

Fee ownership as used herein expressly excludes any interest acquired other than by a deed of conveyance, inheritance or will.

2. Any building or combination of buildings on the following lots shall contain not more than the number of residential units set beside the respective lot numbers:

<u>Lot No.</u>	<u>No. of Units</u>	<u>Lot No.</u>	<u>No. of Units</u>
32	6	37	7
33	4	38	6
34	9	39	7
35	8	40	5
36	5	41	<u>5</u>
		Total	62

Each building erected on the foregoing Lots 32 through 41, inclusive, shall be in substantial architectural conformity with a certain photograph on file with the Village Clerk of the Village of Barrington marked "Exhibit A to Declaration of Restrictions, Pickwick Place" and further identified by the signature thereon of William W. Brough.

3. No building located on Lots 32 through 41, inclusive, shall exceed two stories in height.

4. Buildings shall be located on Lots 32 through 41, inclusive, in substantial compliance with a certain site development plan on file with the Village Clerk of the Village of Barrington marked "Exhibit B to Declaration of Restrictions" and further identified by the signature thereon of William W. Brough. For the purpose of this paragraph 4, any change of location of any building of five (5) feet or less shall be deemed to represent substantial compliance and any change of location of any building of more than five (5)

feet may be authorized by ordinance adopted by the Corporate Authorities and any such change of more than five (5) feet so authorized by ordinance shall not be deemed an amendment to this Declaration of Restrictions and shall not require approval of owners of record as otherwise provided in paragraph 1 of this Declaration of Restrictions; provided, however, that no building shall be located within the areas indicated on the plat of subdivision of Pickwick Place as reserved for easements for ingress, egress and public utilities.

5. Notwithstanding anything contained in paragraphs 2, 3 and 4 hereof, upon the issuance by the Village of Barrington of a building permit for a building on any of the Lots 32 through 41, inclusive, after the filing of plans and specifications, the restrictions contained in said paragraphs 2, 3 and 4 of this Declaration of Restrictions shall be deemed to have been complied with and thereafter said restrictions shall be enforceable only in the event of subsequent requests for a building permit or subsequent requests for changes or alterations to the plans and specifications.

6. Simultaneously with the execution of this Declaration of Restrictions, Lot 43 of Pickwick Place has been conveyed to the Pickwick Place Association, Inc. for use by the residents of Pickwick Place as a park. Said Association shall regulate the maintenance and use of said park, including the regulation of number of guests, if any, permitted. Said park shall be kept and maintained in a neat and orderly manner.

In the event of the failure of the Association to so maintain the park, the Village of Barrington shall have the right to maintain said park (but nothing herein shall place on said Village any obligation to do so) and to assess the Association or individual owners of property within Pickwick Place such pro-rata share of the total cost thereof as the Village shall deem equitable.

The said Village of Barrington shall also have the right, if said assessment shall not be paid when due, to place a lien on the property of any owner for the amount of said assessment, together with all costs and charges relating to the same, by registering an ordinance of assessment with the office of the Registrar of Titles of Cook County and to foreclose said lien by foreclosure proceedings in the Circuit Court of Cook County, Illinois. Said lien shall be released by the registration with the office of Registrar of Titles of a release of lien executed by the Village President and Village Clerk.

The said Association may convey said Lot 43 to the Village of Barrington but any such conveyance shall not be effective unless endorsed by the Village President and Village Clerk of the Village of Barrington "accepted by Village of Barrington", pursuant to action by the Corporate Authorities.

7. The invalidity of any part or parts of this instrument as declared by a court of competent jurisdiction shall not affect the validity of any portion of the instrument not so declared invalid.

IN WITNESS WHEREOF, the Citizens Bank and Trust Company, Park Ridge, Illinois, as Trustee under the provisions of a Trust Agreement dated July 18, 1961 and known as Trust No. 255, has caused this Declaration of Restrictions to be signed by its _____ president and its _____ secretary and its corporate seal to be hereunto affixed on the day and date first above written.

CITIZENS BANK AND TRUST COMPANY

By: _____
President

ATTEST:

Secretary

STATE OF ILLINOIS }
COUNTY OF COOK } SS

The undersigned, a Notary Public, in and for said County, in the State aforesaid, does hereby certify that _____, President of the Citizens Bank and Trust Company, Park Ridge, Illinois, and _____, Secretary of said Bank, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such _____ President and _____ Secretary, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said Bank, as Trustee, aforesaid, for the uses and purposes therein set forth; and that said _____ Secretary then and there acknowledged that he, as custodian of the corporate seal of said Bank, affixed the corporate seal of the said Bank to said instrument as his own free and voluntary act and as the free and voluntary act of said Bank, as Trustee aforesaid, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this _____ day of _____, A. D., 1964.

Notary Public

Accepted by the Board of Trustees of the Village of Barrington this _____ day of _____, 1964.

By: _____

Attest:

Village Clerk

A G R E E M E N T

IN CONSIDERATION of the acceptance of the Plat of Subdivision of Pickwick Place, and pursuant to paragraph B of Section VII of the Village of Barrington Subdivision Regulations dated May 26, 1958, William W. Brough, beneficial owner of Trust No. 255 of the Citizens Bank & Trust Company, Park Ridge, Illinois, hereby enters into this Agreement with the Village of Barrington, Illinois.

The undersigned agrees:

1. That he will install or cause to be installed all of the improvements provided for in the plans and specifications of Pickwick Place, as prepared by Torgny J. Westerberg and approved by the Village engineers of the Village of Barrington, within two years from date of approval of the final plat of Pickwick Place;

2. That the Village of Barrington has reserved the right and privilege of requiring submission of adequate plans and specifications relative to public improvements to serve Lot 42 of said Pickwick Place prior to issuance of any building permit for said Lot 42.

3. That the Village of Barrington has reserved the right and privilege of requiring the addition of necessary drainage structures and storm sewers prior to issuance of building permits for any of Lots 32 through 41, inclusive, in the event that site development differs from that schematically shown on sheet 1 of the drawings of said Torgny J. Westerberg.

State of Illinois }
County of Cook } SS

I, the undersigned, a Notary Public in and for said County, in the state aforesaid, do hereby certify that William W. Brough personally known to me to be the same person whose name is subscribed to the foregoing instrument appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and official seal this _____ day of _____ 1964.

Notary Public

Commission expires _____, 19____.