

A G E N D A
July 22, 1974

1. Meeting called to order - President McLaughlin
2. Approval of June minutes
3. Treasurer's Report - Miss Olsen
4. Committee Reports:
 - A. FINANCE: Mr. Kempe
 1. Levy Ordinance
 2. Legality of purchasing bank stocks.
 3. Approval of unpaid bills.
 - B. ROADS AND BRIDGES: Mr. Fentress
 1. MFT work.
 - C. PUBLIC SAFETY: Mr. MacArthur
 1. Monthly report
 2. Stickers - lease vehicles
 3. Dumping - 62 & 59 intersection.
 - D. ZONING AND PLANNING: Mrs. Hansen
 1. BACOG Report
 2. Hawley Lakes - fishing
 3. Paganica petition to resubdivide.
 - E. HEALTH: Mr. McLaughlin
 - F. BUILDING: Mr. McLaughlin
 - G. ADMINISTRATION: Mr. Denton
 1. Village Hall progress report.
5. Attorney - Mr. Craig
 1. Bachner zoning violation.
6. President's report - Mr. McLaughlin
7. Old Business
8. New Business
9. Adjournment

CLERK'S BILLS - JULY

205	Barrington Press News	Revenue Sharing \$	44.80
		Report	
206	Illinois Bell Telephone	426-5766	1.98
		381-2486	14.73
207	Village of Barrington	Inspector	340.00
215	Zerox Corporation	Monthly billing	60.00
215	L. Ann Blanchard	Postage	10.00
210	BACOG	1st quarter bill	3751.18
ROADS AND BRIDGES			
706	William B. Renshaw	Mileage	45.60
709	Commonwealth Edison Company	Lighting	32.64
ZONING AND PLANNING			
810	Knouff and Ley	Misc. expenses	<u>65.36</u>
		TOTAL	\$ 4,364.31

MINUTES OF THE MEETING OF THE
BOARD OF TRUSTEES OF
THE VILLAGE OF BARRINGTON HILLS

July 22, 1874

A regular meeting of the President and Board of Trustees of the Village of Barrington Hills was held on July 22, 1974 at 7:30 P.M. at Countryside School in the Village of Barrington Hills.

Meeting was called to order by President McLaughlin. Roll call.

John J. McLaughlin, Jr.	President
John C. Denton	Trustee
D. Wendell Fentress	"
Barbara Hansen	"
Raymond J. Grigsby	"
James Kempe	"
Alexander MacArthur	"
Sydeny G. Criag	Attorney
Ola Olsen	Treasurer
Jack Butler	Ass't. Roads
William Renshaw	Supt. Public Works
Lucy Ann Blanchard	Village Clerk
Ralph L. Hummel	Chief of Police

Minutes of the June meeting were presented to the Board for approval. After corrections, a motion was made and seconded to approve the minutes. Motion carried.

TREASURER: Miss Olsen asked that ~~incoming money be turned over~~ to her twice monthly instead of once as had been done in the past. There will be \$ 20,000 in Treasury bills due in July which will be rolled over. The General Fund is down to \$ 22,000, however it is expected the receipts from taxes in August and September will increase that. A motion was made to approve the Treasurer's report as submitted. Motion seconded. Motion carried.

FINANCE: Mr. Kempe presented the following bills to the Board for approval:

Christopher Bish	\$ 54.83
John Austin	92.67
Daniel Piper	37.64
James Heard	95.96
Richard Karolus	66.59
Dale Eglund	37.64
Robert Swenson	232.73
Allan Meyer	144.69
Lorraine Swenson	7.50
Thomas Gooch	218.00
William Frank	51.00
John Butler	63.00

Illinois Bell	* 142.25
Amoco Oil Co.	62.72
Algonquin Automotive	10.97
Barrington Parts, Inc.	14.20
Boncosky Oil Company	940.89
Badger Uniforms	631.33
Forest Hospital	6.00
First of Barrington	333.00
Grant Motor Sales	359.84
Kustom Signals	143.24
Lake County Treasurer	155.26
Miller Oil Company	10.17
Oak Park Camera	55.20
Lawrence Wold	40.00
Veto Enterprises	96.10
Barrington Press	98.80
Xerox Corporation	60.00
A. K. Peirson -BACOG	3,751.18
Lorentz Knouff	63.36
Village of Barrington	340.00
Lucy Ann lanchard	10.00

ROADS AND BRIDGES:

Commonwealth Edison	32.64
Pete Brommelkamp	440.00
Town of Cuba	76.00
Robert Freking	120.00
William Renshaw	45.60
Robert Swenson	160.00

A motion was made and seconded to approve the bills. Mr. MacArthur voiced his opposition to the BACOG bill and raised the question of the value of continuing to support BACOG. Mr. Grigsby concurred, and they asked that a full discussion of BACOG membership be placed on the August agenda. The Village can withdraw after giving 30 days notice. Roll call for approval of bills. 5 ayes, one abstention, 0 absent. Motion to approve all bill for payment carried.

Mr. Kempe presented the levy ordinance to the Board for approval. In the discussion, Mr. MacArthur asked again about the BACOG expense. Mr. Kempe noted that it's inclusion was not a commitment to pay. The levy ordinance serves as a guide by which we are asking the taxing body to tax. Roll call. 6 ayes, no nays, 0 absent. Levy Ordinance was adopted. Clerk will file copies with each of the four counties before the second Tuesday in September.

Mr. Kempe noted that the Village cannot purchase the bank stocks being offered....municipalities cannot participate as the sale of such stocks does not comply with technical requirements for investments by municipal bodies.

ROADS AND BRIDGES: Mr. Fentress noted that with the settlement of the strike, work should begin on the road resurfacing next week, all the patching has been done. The bleeding of our roads was questioned by Mr. MacArthur, who suggested that gravel be rolled in where it was excessive, thereby saving the costs of more oil. Mr. Fentress said that some of the really bad roads had been sanded and this will continue where bleeding is severe until the contracted-for resealing (due any day) is applied. He is also writing our contractor that this bleeding problem must be brought under control when the forthcoming resurfacing work is performed.

Mr. Fentress read a letter from the State in regard to the possible construction of bicycle paths. He suggested that State funds might be available in a year or two and suggested appointment of someone to make a canvass study where bike trails might best serve the community needs and coordinate the program with the State.

The first quote on draining Chapel Road was too high. Mr. Fentress hopes to have an acceptable quote for the drainage ditch by August.

The Cuba Road bridge is completed and the Village must pay Lake County for its one-half share by 1979.

PUBLIC SAFETY: Mr. MacArthur reported 141 routine calls and investigations, 26 accidents, 172 citations, and 5 thefts. The State has cleaned up the mess dumped at the corner of Route 59-62.

ZONING AND PLANNING: Mrs. Hansen noted the appearance of Mr. Bick's cartoon in the newspapers.

In Mrs. Hansen's absence, Mr. Denton attended a boundary committee meeting. BACOG has been notified that the DiMucci request for a sewer treatment plant has been dismissed by the ICC. Trustee discussion of Regional Police Force Study was deferred until August.

Mrs. Hansen reported that changes are being made in the Flood Plain Ordinance, and hopes to have a preliminary draft by the August meeting.

The fishing problem on Route 59 has not been solved. They hope to have a meeting with Senator Graham in August or September.

HEALTH: No Report.

BUILDING: Permits were issued in July for 1 Village Hall, 2 houses, 1 shed, 1 accessory building and 1 stable.

ADMINISTRATION: The Old Heidelberg has been demolished. The building site for the Village Hall has been cleared and staked out

7/22/74

and excavation is about to begin. The performance bond is in the hands of Mr. Craig. Mr. MacArthur asked for copies of the award sheets as well as the minutes from the June meeting.

ATTORNEY: Mr. Craig noted that the trailer on the Bachner property was erected when that part of the Village was Middlebury, as an approved usage. He requested a letter from Mr. Bachner substantiating the facts. Mrs. Kotz said she thought she could track down the files on this and send the information on to Mr. Craig. Board will take no action until Mr. Craig can give a legal opinion as to it's being a nonconforming use.

PRESIDENT: Mr. McLaughlin turned over a letter to Mrs. Hansen from Lake County regarding the zoning of land for horses and stables. He noted a meeting on July 26 of the Cook County Board regarding the zoning of land in unincorporated Cook County. Lake County has approved construction of a road connecting Western Avenue to Route 14. A letter from Senator Graham regarding the new election code was read to the Board. He said he felt passage of bill 1161 in it's present form was highly unlikely.

Mr. McLaughlin commended Mr. Thomas Hayward, Sr. on the work he has done to connect Western Avenue and Route 14. It means that Hart Road would be closed off, making it a cul-de-sac road.

NEW BUSINESS: A copy of a proposed Animal Control Act from Cook County was referred to Mr. Craig.

At this time the petition for the resubdividing of Paganica was presented to the Board. Mr. McLaughlin, Mrs. Hansen and Mr. Fentress abstained from the discussion. Chair was turned over to Mr. Denton.

Mr. Denton referred to Mr. MacArthur's letter of July 5, 1974, to the Village Clerk, which had also appeared in the local newspaper, and pointed out that it would not be come a part of the Village meeting minutes unless read into the record. Mr. MacArthur then read his letter into the record. A letter from Jack Train, Chairman of the Plan Commission was read into the record, and Thomas Hayward, Jr. read to the Board a detailed response to Mr. MacArthur's letter. (Copies of all three letters were distributed to the Board of Trustees. Originals will be attached to the original copy of the minutes.)

In the discussion that followed, Mr. MacArthur noted that he has not seen any plans for the sewers and the hook up to Barrington's

Mr. Craig read certain portions of § 11-12-8 of Chapter 24 of the Illinois Revised Statutes dealing with the effect of various alternative actions by the Village Board upon a final subdivision plat. He read initially from the paragraph requiring the corporate authorities (Village Board) to approve of a subdivision plat within 60 days from the filing of the last document required under the Subdivision Ordinance, if such documents meet all of the municipal requirements. Mr. Craig further read from the paragraph of the statute providing that if a plat is disapproved by the Board, the Board shall state the reasons for disapproval with particularity. He further read from the paragraph providing that if the Village Board fails to act within the 60 day period, the applicant may (after giving 5 days' written notice to the Board) file a complaint for summary judgment in the Circuit Court seeking an order therein authorizing the Recorder of Deeds to record the plat without Board approval. Mr. Craig summarized by commenting that there are 3 avenues open to the Board: approval, disapproval or nonaction. With further reference to the nonaction, Mr. Craig stated that the petitioner had supplied all of the forms of documents required by the Plan Commission, of which there were 5. He stated that signatures had not yet been obtained from all persons necessary, and that

the 60 day period would not commence to run until fully executed documents were filed with the Village Clerk.

At this time Mr. MacArthur made a motion to offer a resolution of declination. There was no second to the motion and the motion, therefore, died. Mr. MacArthur then made a motion to approve the ordinance approving resubdivision of parts of Paganica and amending the planned development thereof. This motion was seconded by Mr. Kempe. Mr. Grigsby then made a motion to table the ordinance, but there was no second and the tabling motion therefore died. On roll call vote on the motion to approve the ordinance, Messrs. Denton, Grigsby and Kempe voted aye and Mr. MacArthur voted nay. Mr. Fentress and Mrs. Hansen both abstained from voting on the grounds of interest as previously discussed. The ordinance thus failed to receive the required number of votes for passage.

There being no further business to come before the meeting, a motion was made and seconded to adjourn. Motion carried.

Respectfully submitted,

Village Clerk

systems in the plans submitted. Mr. Kempe also raised the question of sewers as well as stating that he questioned the fact that exemptions were being requested by the petitioners. Mr. Grigsby said that Mr. Borah's plan to hook up with the Village of Barrington's sewer system was common knowledge. At this time Mr. Hayward gave a brief rundown of the septic system. He noted that Lot 38 had been set aside as a common septic field, but that in 1970 the EPA outlawed the use as such. Mr. Borah's plans were denied and he began discussions with the Village of Barrington. At his own expense a water system had been installed to serve the Paganica development. The Village of Barrington required that water be supplied by them in order to get the sewers. As a consequence, the separate Paganica water system is not in use. Mr. Hayward stated that he will not debate the stockholder issue, but that a list of stockholders would be submitted to Mr. Craig to assure no other conflicts of interest, other than those already announced. It was pointed out that a certified list had been given to Mr. MacArthur. Mr. Mac Arthur stated he wanted the list made public information.

Mr. Grigsby interjected that the proposed plan is better than the originally approved plan...it has been made more attractive. The number of homesites has remained the same, the resubdivision requested a relocation from a row house layout to an attractive regrouping layout.

Mr. MacArthur stated that approving the resubdivision as it now reads means setting precedence, if the exemptions are allowed, and opens up the possibility of a potential zoning fight in the future.

In attendance were most of the homeowners of the Paganica Home Owners Association who stated they were in favor of the proposed plan and urged that the Board members approve it.

Mr. Craig read from Chapter 24, 11-12-8 of the Illinois Statutes with regard to Compliance of Plan with Maps.

There are three avenues open to the Board: approval, disapproval or no action.

If disapproved, the order shall state reasons for disapproval. If the Corporate bodies fail to act within 60 days, the applicant can file a complaint with the circuit court, and the court can order the plan approved without formal corporate approval and such court approval will be recorded.

The petitioner has supplied all but 5 required supportive

6.

documents to meet the requirements of the Plan Commission. The Board has 60 days to approve. Mr. Craig note the 5 items yet to be submitted were part of the requirements. Mr. Hayward said that he had the documents, and they would be filed with the Clerk within 24 hours of approval of the subdivision.

At this time Mr. MacArthur made a motion for a resolution of declention. There was no second. Motion died.

Mr. Kempe said he would like to see the steets clarified on the plats, as well as clarification of the easements for water and sewer on the plat of resubdivision.

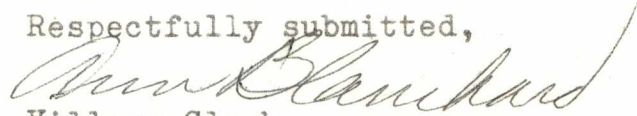
At this time Mr. MacArthur made a motion to arrove the Ordinance of resubdivision of Paganica as submitted by the petitioner. Mr. Kempe seconded.

Mr. Grigsby challenged Mr. MacArthur's motion as "tricky politics" and asked him if he would vote for his own motion. Upon receiving a negative response from Mr. MacArthur, Mr. Grigsby made a motion to table the Ordinance. There was no second. Motion died.

Roll call. 3 ayes, 1 nays, on the advice of Village Counsel, 3 abstentions. Ordinance failed to receive favorable action.

There being no further business, a motion was made and seconded to adjourn. Motion carried. Meeting was adjourned.

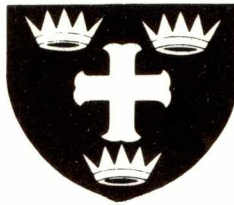
Respectfully submitted,



Village Clerk

7/22/74

Strathmore Farms

Feeders of
Aberdeen - Angus Cattle

July 5 1974

Alexander MacArthur, Owner

Rt. #1 Box 204 Algonquin, Illinois 60102

A.C. 312-658-8200

Mrs. L. Ann Blanchard
 Village Clerk, Barrington Hills, Illinois
 Rt #2 Helm Road
 Barrington, Ill. 60010

Dear Madam Clerk:

I have given much careful consideration and examination of the petition and all supporting documents presented to the Board on June 24th 1974 on behalf of Leigh A. Wilson and Associates Ltd. for a special village ordinance to exempt this developer from major portions of our Subdivision Ordinance of August 27 1973. I have reexamined this ordinance and inspected the land in question known as Paganica II. In so doing all of this, I have reached the following conclusions:

I

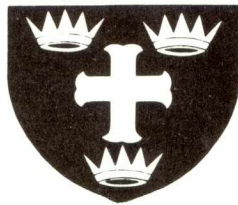
I fail to follow the rationale that "the additional provisions of the new ordinance should not be held applicable in this instance" this seems to suggest the theory that what was

(cont.)

(cont.)

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Strathmore Farms



Feeders of
Aberdeen - Angus Cattle

Alexander MacArthur, Owner

Rt. #1 Box 204 Algonquin, Illinois 60102

A.C. 312-658-8200

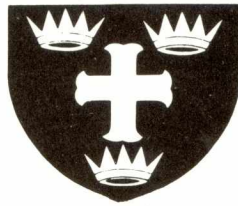
good enough in 1967 under a previous Board is good enough now. Such a theory would not be in step with the times or in the community's best interest - especially in land development matters.

II the Petitioners contention that "strict compliance with the provisions of our present Subdivision ordinance" would cause him "extra-ordinary difficulties and undue hardships" escapes my mind. By this plea, he asks to be excused from major sections of Articles VI, VII and VIII which are the very guts of our Village's Subdivision Ordinance and its protection.

III I am totally unmoved by the argument that 'inside' developers seem to deserve a different distinction from 'outside' developers.

(cont.)

Strathmore Farms



Feeders of
Aberdeen - Angus Cattle

Alexander MacArthur, Owner

Rt. # 1 Box 204 Algonquin, Illinois 60102

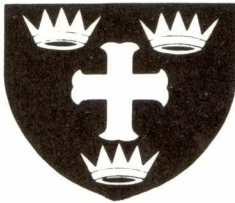
A.C. 312-658-8200

To embrace this theory one would have to embrace the Policy of Selective enforcement. This set of dual standards is Absolutely intolerable to me. We passed this Ordinance Just last year as a great Step Forward for a more orderly and proper development of our Village and as one of our principle Pieces of weaponry in the defense of our Village perimeter which is coming under ever increasing attacks by profit hungry developers. To grant this exemption, with all the attendant circumstances, would make utter Mockery of this Ordinance and dwarf our posture for Future stands.

IV Lastly, it occurs to me that it has been a long standing practice in most forms of Government - and should be in all forms of Government - Not to grant special permits, licenses or variation ordinances to Blind

(Cont.)

Strathmore Farms



Feeders of
Aberdeen - Angus Cattle

Alexander MacArthur, Owner

Rt. # 1 Box 204 Algonquin, Illinois 60102

A.C. 312-658-8200

or Secret hand trusts as this type of Governmental action has been held to be Against Public interest. Now here comes before us two Corporations - Leigh A. Wilson and Associates Ltd. and ALABAR Corporation which in effect are similar to Blind hand trusts until such time as all their stockholders and transferees for the last three years are made part of our public Records.

In conclusion may I simply state that I have never been one for cutting private gates in a public fence.

I wish this letter to be inserted into the official Village Record and made a part thereof:

Most Sincerely

trustee, Burrington Hills Village Board

Keep

ARCHITECTS · ENGINEERS · ONE EAST WACKER DRIVE
CHICAGO, ILLINOIS 60601 · PHONE: (312) 467-9550

METZ TRAIN OLSON & YOUNGREN, INC.

JACK D. TRAIN, F. A. I. A.

July 16, 1974

President and Board of Trustees
Village of Barrington Hills
Barrington, Illinois

Gentlemen and Madam:

At the meeting of the Barrington Hills Plan Commission held on Monday, July 8, 1974, I was authorized to prepare this letter expressing our unanimous disappointment in the public expression of disregard for our opinion by one of the Village Board members and to explore ways in which the BHPC can be more effective in the future.

With due respect to Mr. MacArthur, the Plan Commission members are not elected officials, nor are they seeking election. Each of us accepted our appointment by the Village Board; and we give of our time and what expert counsel we may possess, without compensation, in hopes that the elected officials will utilize this counsel in arriving at decisions that serve the best interests of the Village. We question the value of our time and effort to the community when, after careful thought and deliberation, we make a recommendation that we feel will result in a better community, only to have one of the Village Board challenge our opinion in the press, without further communication with the Plan Commission.

We are not interested in meeting once a month and spending numerous hours in-between as a meaningless exercise.

We do not have political aspirations, and we are not interested in providing a publicity vehicle for anyone who does.

We are not so involved with vested interests in the Village that a minority can control our recommendations.

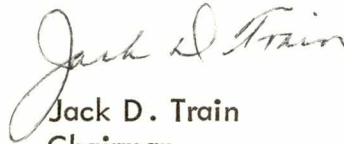
We make no claim at being all-knowing, but we are sincerely concerned with the planning aspects of the Village of Barrington Hills and frankly feel abused when our recommendations are ignored without so much as a discussion of any difference of opinion.

President and Board of Trustees
Village of Barrington Hills

July 16, 1974
Page Two

Obviously, this letter refers to the issue of Paganica II and the publicity that Mr. MacArthur's opposition to it has generated. I know that it is difficult for anyone who has already announced his decision publicly to change his position, but the Plan Commission would feel more useful if they were at least given a chance to discuss the issue. Because the special invitation to attend our planning meeting on July 8th that was extended to Mr. MacArthur via Mr. McLaughlin may not have proved convenient, we wish to express the willingness of the members of the Plan Commission or their representatives to meet with any or all interested members of the Village Board at a mutually convenient time and place. If desirable, we will make ourselves available before the Village Board Meeting of July 22, 1974.

Sincerely,



Jack D. Train
Chairman
Barrington Hills Plan Commission

JDT/dj

cc: Mr. Sydney G. Craig
BHPC Members

DEFREES & FISKE

LAW OFFICES

SUITE 1500, 72 WEST ADAMS STREET

CHICAGO 60603

RICHARD E. VOLAND
LEE WINFIELD ALBERTS
DAVID B. HOFFMAN
JOHN W. HUPP
HARRY R. BEGLEY
THOMAS J. JOHNSON
ELEANOR Y. GUTHRIE
WILLIAM P. STEINBRECHER
JOHN W. BOWDEN
EDWARD J. GRIFFIN
J. WILLIAM CUNCANNAN
MARVIN S. HELFAND
RICHARD D. NELSON
THOMAS Z. HAYWARD, JR.
ALBERT F. MANION
CHARLES L. BYRUM
MARTIN J. CAMPANELLA
GREGORY E. NORWELL
HENRY J. UNDERWOOD, JR.
KENNETH A. VON KLUCK

DONALD DEFREES, 1915-1968

KENNETH M. FISKE
OF COUNSEL

TELEPHONE (312) 372-4000

CABLE
DEFREESLAW, CHICAGO

July 22, 1974

President and Board of Trustees
Village of Barrington Hills
Barrington Hills, Illinois 60010

RE: Village of Barrington Hills

Gentlemen:

On behalf of Leigh A. Wilson & Associates, Ltd. we respond as follows to the letter of Mr. MacArthur directed to the Barrington Hills Village Clerk and the reported telephone interview with Mr. MacArthur, both of which appeared in the July 11, 1974 edition of the Barrington Courier-Review:

1. Mr. MacArthur states in his letter that he fails to follow the rationale that the provisions of the Subdivision Ordinance should not be held applicable in the present instance and that the reason we are requesting relief from strict compliance with Articles VI, VII and VIII escapes his mind. As stated in our oral and written presentation to the Plan Commission and the Village Board, the sole reason the applicant is requesting variances, which are permitted by Article V, Section D of the Subdivision Ordinance, is that all of the documents or improvements required by the specified sections of Articles VI (Procedure, Standards and Improvements), VII (Preliminary Subdivision Plat) and VIII (Final Subdivision Plat) have either been previously constructed and accepted by the Village or are not applicable to this particular type of development. In this regard, I refer you to Paragraph C of the explanatory memorandum which we filed with the Village on Mr. Wilson's behalf explaining the reasons for requesting such variances,

a xerox copy of the pertinent sections of this memorandum which are enclosed for your reference. A complete copy of the memorandum is contained in the documents I distributed to the members of the Board at the last Village Board meeting. As stated in the public hearing before the Plan Commission and the presentation to the Village Board, the applicant is not attempting to circumvent the provisions of the Subdivision Ordinance but rather to avoid the necessity of having to duplicate documents already in Village files or to follow the detailed requirements of the Subdivision Ordinance with respect to submissions which have previously been received by the Village in the original zoning proceeding and the resubmittal of which would only delay the final consideration of the requested partial resubdivision further.

2. In his letter, Mr. MacArthur stated that he was unmoved by the argument that "inside" developers seem to deserve a different distinction from "outside" developers and that permitting a variance from Articles VI, VII and VIII would provide future developers with a "legal wedge" to open up a potential Pandora's Box of special variance requests. The record clearly indicates, both before the Plan Commission and the Village Board that our statement with respect to the subject property was that this particular parcel of property has already been platted pursuant to an approved plan for a planned unit development. Furthermore, the roads and improvements have all been constructed in accordance with said plan, so that the only subject matter presently before the Board for consideration is the applicant's request to cause 17 lots to be relocated within the plan in order to improve the lot layouts and to preserve and provide additional open space vistas between platted lots. I also hasten to point out that 13 of the 17 lots are located in exactly the same area as 14 of the presently platted lots, which have been approved and can be built upon at the present time without any further hearings before the Village. Due to the foregoing facts with respect to the Paganica Subdivision, we stated at both the presentation before the Plan Commission and the Village Board that in our opinion the Paganica development was clearly distinguishable from a vacant tract of land which heretofore has not been platted, nor improvements constructed on it nor developed in any manner or means and it is this statement which Mr. MacArthur has apparently misinterpreted to mean "inside" and "outside" developers. We did not mean to imply that a local developer should be treated any differently than a stranger to the community.

3. Finally, Mr. MacArthur equates Leigh A. Wilson & Associates, Ltd. and Alabar Corporation, both of which are Illinois corporations, with blind or secret land trusts and requests that we disclose the shareholders of both corporations. We disagree with Mr. MacArthur's assertion that a corporation is similar to a land trust. The officers and directors of Illinois corporations are a matter of public record while, even with the passage of recent legislation, it is still difficult to ascertain the beneficial owners of Illinois land trusts. In the present instance we will not disclose the names of shareholders in Leigh A. Wilson & Associates, Ltd. and Alabar Corporation. Alabar Corporation is not an applicant in this proceeding and is only the contract seller to Leigh A. Wilson & Associates, which contract is not subject to a favorable approval by the Village of the requested partial resubdivision. In fact, Leigh A. Wilson & Associates has already made a substantial first payment required under the terms of said contract with Alabar Corporation providing for the purchase of all the remaining vacant platted lots in Paganica. With respect to Leigh A. Wilson & Associates, all persons connected with the Village or its advisory commissions and having an interest in said corporation have properly abstained from the beginning in the consideration of the application.

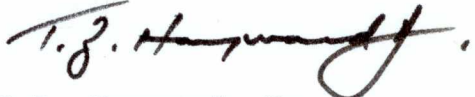
We believe that both before the Plan Commission and the Village Board we have prepared and submitted a properly documented written and oral presentation in support of the application for the resubdivision of 17 existing lots into the same number of lots. In fact, the Paganica subdivision meets all the requirements of your new subdivision ordinance, but to require a developer to resubmit documents for improvement already constructed and approved and to follow preliminary platting procedures already followed in the original zoning proceeding only creates an extraordinary hardship in terms of time delay and expense on the applicant and in the final analysis would furnish the Village with no further or additional information than is already contained in its files with respect to this subdivision. If the Board should so desire, we would be happy to discuss with the members of the Board the specific variances requested in our memorandum and the reasons for such variances.

Very truly yours,

DEFREES & FISKE

TZH:sd

By:


T.Z. Hayward, Jr.