



MAR 05 2012

2 LAGOON DRIVE - HAWTHORN WOODS, ILLINOIS 60047 - (847) 438-5500

February 28, 2012

Mr. Patrick Tierney
Project Manager
500 W. Winchester Road
Libertyville, IL 60048

Dear Mr. Tierney,

In 1999, the Villages of Hawthorn Woods and North Barrington, at the County's encouragement, entered into a court settlement which incorporated a boundary agreement with certain development restrictions for the Dimucci parcel, located at the southeast corner of US Route 12 and Old McHenry Road. This agreement was reached by the two communities with the urging of Jim LaBelle, former Lake County Board Chairman, in the attached letter dated December 17, 1998. The agreement was amended in 2002 by both villages, and is still enforceable along with the court order and judicial stipulation.

On Thursday, January 26, 2012, the Village of Hawthorn Woods received a letter regarding an application from the Dimucci family that is before Lake County. This application, originally filed with the County in September 2010, calls for the rezoning of the property, a Conditional Use Permit for a Planned Unit Development, and for a modification to extend the time period for a preliminary plat.

As a result of the notification, a special meeting was held by the Village of Hawthorn Woods on February 2, 2012, with the Village Board passing a resolution objecting to the Dimucci application. It is the Village's position that the court order from the 19th Judicial Court and the boundary agreement between North Barrington and Hawthorn Woods should be respected by the County. These agreements dictate jurisdictional boundary lines, sewer PE ownership, and the size and scope of any future development of the Dimucci property.

There are three issues that need to be considered and recognized with the application before the County at this time:

- An intergovernmental boundary agreement between the Villages of Hawthorn Woods and Lake Zurich prohibits the extension and service of utilities from Lake

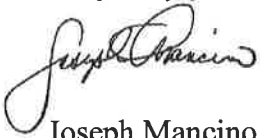
Zurich to the Hawthorn Woods side of the jurisdictional boundary line without Hawthorn Woods' consent

- An intergovernmental boundary agreement between the Villages of Hawthorn Woods and North Barrington restricts the retail component on the Dimucci property to no more than 25 acres commercial development.
- A court stipulation on the Dimucci property as a result of a settlement agreement between the Villages of Hawthorn Woods and North Barrington is still in effect.

I am enclosing a copy of the signed resolution which my Village adopted at our February 2, 2012 meeting. I hope you take the time to read it as it contains factual information about how the boundary agreement between Hawthorn Woods and North Barrington came to be, the County's involvement in facilitating a common agreement between the two communities, and the Village's objections to the process that is being conducted today.

I welcome the opportunity to speak to you if you should have any questions about the Village's position in this matter. I can be reached at (312)401-0704.

Very truly yours,



Joseph Mancino
Mayor

Enclosures: Hawthorn Woods Resolution No. 02-02-12-1
Jim LaBelle letter of December 17, 1998



RESOLUTION No. 02-02-12-1

A RESOLUTION OBJECTING TO THE APPLICATION ON THE PARCEL COMMONLY REFERRED TO AS THE "DIMUCCI PROPERTY" REQUESTING THE REZONING TO GENERAL COMMERCIAL, A CONDITIONAL USE PERMIT APPLICATION, AND AN APPLICATION FOR MODIFICATION TO EXTEND TIME PERIOD FOR PRELIMINARY PLAN APPROVAL

WHEREAS, the applicants RK123, LLC, RDDT Limited Partnership, General Partner DFFT-1, LLC, Robert and Constance Dimucci, trustees, have requested the rezoning 108.79 acres generally located at the southeast corner of U.S. Route 12 and Old McHenry Road in unincorporated Lake County from Estate to General Commercial district; and

WHEREAS, the applicants RK123, LLC, RDDT Limited Partnership, General Partner DFFT-1, LLC, Robert and Constance Dimucci, trustees, have also requested a conditional use permit for a nonresidential planned unit development and an application for modification to extend time period for preliminary plan for certain parcels; and

WHEREAS, the Lake County Regional Planning Commission may make a formal recommendation on these requests at a meeting to be held February 6, 2012, at 3:00 p.m. at the Ela Area Library; and

WHEREAS, the Village of Hawthorn Woods and the Village of North Barrington have a long-standing intergovernmental agreement (Dated: April 8, 1999) and subsequent First Amendment (Dated: April 29, 2002) (Intergovernmental Agreement) that was the result of the settlement of litigation between their communities resulting in the joint consensus stipulation for the development, zoning and use of this parcel to protect the interests of their respective communities; and

WHEREAS, the Village of Hawthorn Woods and the Village of North Barrington have historically and consistently rejected large commercial developments on this parcel that are not in-line with the Intergovernmental Agreement; and

WHEREAS, the requests submitted to Lake County, if approved in their original form, would allow for the construction of commercial property with a footprint significantly larger than permitted by the Intergovernmental Agreement and exceeds the Intergovernmental Agreement development standards in height, density, and scope; and

WHEREAS, Lake County encouraged the Village of Hawthorn Woods and other Lake County municipalities as a policy priority in Chapter 11 of the Lake County Regional Framework Plan, titled "Intergovernmental Coordination and Implementation," to reach regional consensus on large track development issues through Intergovernmental Agreements; and

WHEREAS, on December 17, 1998, Lake County sent Hawthorn Woods a letter stating that: "the county would not support a rezoning of this property from the Estate zoning classification which it had under the current County zoning ordinance." The letter further stated that "this type of development would exacerbate objectives of the County Board by pushing large scale development further into Lake County's countryside," that Lake County would not compete for the development, and offered the services of County staff to develop

an intergovernmental agreement for future land use and development in the Hawthorn Woods and North Barrington area; and

WHEREAS, the Circuit Court of Lake County, Illinois, in the case number 99 CH 190, the litigation between the two villages was dismissed with prejudice, with the court retaining jurisdiction to enforce the provisions of the Intergovernmental Agreement; and

WHEREAS, in the application itself there are inconsistencies regarding the boundaries and provisions of utilities to the site, specifically failing to acknowledge the ownership of the 705 sewer population equivalents (PEs) that the Village of Hawthorn Woods purchased for the property and maintains ownership of today, and the provisions of water, which are not allowed to be provided by another municipality across jurisdictional boundaries as memorialized in various Intergovernmental Agreements with Lake Zurich and North Barrington; and

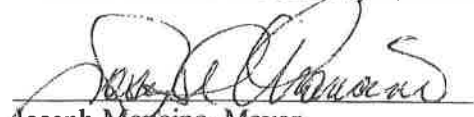
WHEREAS, in this current year, 2012, the Village of Hawthorn Woods was notified by postal letter addressed to the Village Clerk that Lake County was considering a new application for consideration including rezoning of the property to General Commercial, a Conditional Use permit to allow for a Planned Unit Development, although no plan for development has been submitted, and an extension of the time limits for which approval of the PUD Preliminary Plan will remain effective; and

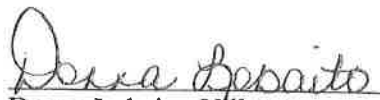
WHEREAS, The proposal before Lake County for rezoning is in direct conflict with the existing settlement agreement and the first amendment to the Intergovernmental Agreement executed in 2002 and recorded with the Lake County Recorder of Deeds, in that the application doubles the allowed retail development footprint, and increases the scope, size, structure height, and allowable development standards in conflict to the existing Intergovernmental Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Village of Hawthorn Woods Board of Trustees, on behalf of the residents of Hawthorn Woods, do hereby object to: all three requests submitted to Lake County Government, including the Lake County Regional Plan Commission, the Lake County Zoning Board of Appeals, and the Lake County Board, as they violate the terms of the Intergovernmental Agreement that resolved an issue that was so divisive to the region, and seeks a recommendation opposing the request for the blind zoning of a parcel without public input on a site development plan contrary to Lake County's Regional Framework Plan, published Lake County Zoning Maps, and the stated purpose and intent of the Lake County Unified Development Ordinance; and

BE IT FURTHER RESOLVED this 2nd day of February that the Village Clerk is hereby instructed to deliver a copy of this Resolution to Lake County Government, its officials and administration, and to surrounding municipalities.

The foregoing Resolution was adopted unanimously by the Board of Trustees of the Village of Hawthorn Woods, Illinois, on February 2, 2012.


Joseph Mancino, Mayor


Donna Lobaito, Village Clerk



December 17, 1998

The Honorable John Clery
President
Village of Hawthorn Woods
2 Lagoon Drive
Hawthorn Woods, IL 60047

Dear President Clery:

There has been a great deal of discussion and coverage during the past week over the proposed Taubman development in unincorporated Lake County. As the recently elected Chairman of the Lake County Board, I wanted to take this opportunity to forward some concerns which I have over the proposed development, and also to open the door to a possible alternative solution.

First, let me state that the County has consistently indicated that it would not support a rezoning of this property from the Estate zoning classification which it has under the current County zoning ordinance. A rezoning of this property would be necessary for the proposed development to be granted approval in order to proceed to construction. The County's Framework Plan further reinforces the position that the property should remain in the Estate zone.

Additionally, I have several concerns regarding the proposed development and the impact that its construction would have on the surrounding area. As you are no doubt aware, construction of the proposed 1.1 million square feet of retail space would have a severe negative impact on the roadways and transportation patterns in the area. Old McHenry Road has been identified by the Lake County Department of Transportation in its 5 year Highway Improvement Program for several capacity projects as well as major resurfacing projects. Construction of the proposed development would place additional demands on portions of the transportation system which by all accounts is straining at its limits.

I also have a concern regarding the potential impact that construction on the proposed development would have on any future expansion of Route 12. As you may be aware, the expansion of Route 12 has been identified as an alternative to the construction of the proposed Route 53. Construction of the proposed development, I believe, would have serious implications for any series of alternatives to the expansion of Route 53. The continued pursuit of the

proposed development, and its potential impact on traffic on Route 12, when viewed in light of your community's continued objections to the Route 53 expansion seems ill advised.

I, along with other Board Members, have also expressed concern about the continuing sprawl development that is occurring throughout the County. It is my belief that the quality of life which we are fortunate to enjoy here in Lake County, and its continued preservation, is a primary objective of the County Board. The type of development proposed would only further exacerbate the problem by pushing large scale development further out into Lake County's countryside.

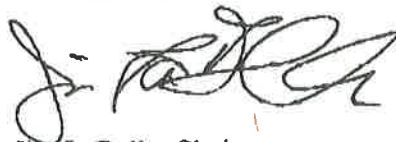
As an elected official, I am aware of the confluence of outside forces which when brought together help to push governing bodies into taking actions which it would normally not do. This appears to be just such a case. It appears that the lack of trust and communication between the officials of the Village of North Barrington and your community have placed the officials in the position of moving toward annexation of the Taubman property and approval of the proposed development. All too often, we as elected officials get caught in the rut of voting to approve a project because of the attitude that if it is going to happen that it should be in our community so we can capture whatever financial rewards there are.

I would like to forward the argument that it does not have to be that way. It appears that the public in your community, as well as in neighboring North Barrington, have spoken clearly in their desire to not have this development proceed. I offer this sincere plea to you and your Board to take this opportunity to step back and reflect upon the recent actions.

Accordingly, I would like to offer my services, and that of the County staff, in an effort to develop an intergovernmental land use agreement for future development in the North Barrington and Hawthorn Woods area. I would also encourage other surrounding communities, including Wauconda and Lake Zurich, to participate in this undertaking. I believe that working together in a cooperative spirit, we can build new bridges to address these issues.

I look forward to discussing this with you at your earliest convenience.

Best regards,

A handwritten signature in dark ink, appearing to read 'Jim LaBelle', with a stylized, cursive script.

Jim LaBelle, Chairman
Lake County Board