

**January 23<sup>rd</sup>, 2018 Public Hearing to Discuss: A Request  
for a Variance to Allow a Well and Septic System in a ORD  
Zoned District, and a Request for a Special Use Permit for a  
Storage Facility in ORD, Located at P.I.N. 06-28-300-038  
and 06-28-300-022**

Meeting called to order at the Village of Hainesville Council Chambers by Mayor Gerry Daley at 6:30 p.m.

Clerk Kathy Metzler took roll call. The following Officials were present: Planning and Zoning Board Commissioners Gerry Daley, George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth.

Also present were: Village Clerk Kathy Metzler, Treasurer Kelly Hensley, Village Engineer Greg Gruen, Water Operator Terry Grom and Chief Perlini

Establishment of quorum

**Agenda Approval:**

Hein moved, seconded by Chynoweth to approve the Agenda as presented. Roll call vote: Ayes: Gerry Daley, George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth – 7 Motion carried.

**Petitioner has requested a continuance of this Public Hearing to Tuesday, February 27<sup>th</sup>, 2018.**

Hein moved, seconded by Derenoski to continue the Public Hearing to Discuss: A Request for a Variance to Allow a Well and Septic System in a ORD Zoned District, (Office, Research and Development) and a Request for a Special Use Permit for a Storage Facility in ORD, (Office, Research and Development) Located at P.I.N. 06-28-300-038 and 06-28-300-022 to Tuesday, February 27<sup>th</sup>, 2018.

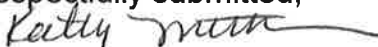
Gerry Daley explained that the petitioner wanted to build the self-storage unit and perhaps have a chain buy them out. They have now found a potential purchaser. The sales contract is not yet complete. They asked for the continuance for two reasons. First, if the sale does not go through they have already done the paperwork for the Special Use Permit and this meeting can be reconvened next month. Second if they do sell, there is no reason for them to have the Special Use Permit Meeting, the individuals that buy would have to go through the paperwork as new owners.

Roll call vote: Ayes: Gerry Daley, George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth – 7 Motion carried.

Derenoski, moved, seconded by Georgeann Duberstein to adjourn the January 23<sup>rd</sup>, 2018 Public Hearing. All in favor say aye, motion carried.

**The January 23<sup>rd</sup>, 2018 Public Hearing adjourned at 6:34 p.m.**

Respectfully submitted,

  
Kathy Metzler, RMC, CMC  
Village Clerk

## **January 23<sup>rd</sup>, 2018 Regular Board Meeting Minutes**

Meeting called to order at the Village of Hainesville Council Chambers by Mayor Gerry Daley at 6:35 p.m.

Village Clerk Kathy Metzler took roll call. The following Officials were present: Mayor Gerry Daley, Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth

Also present were: Village Clerk Kathy Metzler, Treasurer Kelly Hensley, Village Engineer Greg Gruen, Chief Perlini and Water Operator Terry Grom

### **Establishment of quorum**

#### **Agenda Approval:**

Trustee George Duberstein moved, seconded by Trustee Hein to approve the agenda. Roll call vote: Ayes: Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth - 6 Motion carried.

#### **Presentation by Mike Adam re: Cranberry Lake**

Mike Adam is a Senior Biologist with the Lakes Management Division of the Lake County Health Department. He reported that Cranberry Lake is doing exceptionally well. The lake drains to the east and eventually into Highland Lake. It does not receive a lot of storm water or polluted water from other areas. There is a wetland complex around the lake that protects it. The residential area drains also into the lake and that is where the pollutants come from such as fertilizer and road salt. It is approximately 20 feet deep but the average is just over 5 feet deep. He also went over some historical perspectives and stated that the lake hasn't changed a lot. Cranberry Lake was on their Sentinel Lake program. The Lake Management Division came out to the lake every year for 10 years. It is considered one of the top-quality lakes in the county. He further explained the uniqueness of the lake and surrounding plant life.

The Mayor agreed that Cranberry Lake is a gem but no one has used it and he asked what the lake can do for the Village. Mike Adam suggested promoting the lake when promoting the Village. The Mayor had read Mike's team report from 2008 and the deed from the Army Corp of Engineers and explained that the Village is not restricted by deed from canoeing, swimming or fishing. Mike recommended that the lake be maintained as it is but he could not say that those things could not be done on the lake. He based his recommendation based on what has been experienced on other lakes. For instance, if canoeing is allowed and someone gets stuck on the weeds they will want the weeds treated. Mike stated that the Village can do what it wants to do but from his experience the water quality goes down. Also, aquatic plants have no protection.

Trustee George Duberstein noted that if certain activity is allowed on the lake it would be difficult for people to get to the lake due to the wetlands and woodlands. The charter from the Army Corp of Engineers particularly prohibits any activity in that area going to the lake without the Army Corp of Engineers' permission. There are other activities prohibited without written permission from the Army Corp of Engineers. George also noted that burns and herbicide have taken place to get rid of the invasive species. He asked if there is a risk to the lake or protected plants with the herbicide. Mike said it is possible depending on the type of herbicide is used.

Trustee Georgeann Duberstein added that no herbiciding is done on the cattails. Over the years broad herbiciding was done but now they use the back pack to get individual plants.

Mayor Daley stated that Tall Oak storm water flows south along the retention wall and comes out into the retention pond and flows back into the south part of Hainesville Meadow. He stated that he has no plans to change the lake into something else but is trying to establish the value of the lake and what is and is not restricted.

Trustee George Duberstein brought up ice fishing and if the bait could cause a problem. Mike stated that any bait, especially live, could escape and get into the water and introduce invasive species. However, the bait is more of an issue during the summer season.

Trustee Kriese has fished Cranberry Lake using a path by the townhome. He doesn't believe a person using the lake once or twice will endanger the whole lake nor would ice fishing and using maggots contaminate the whole lake. He believes access should be for everyone. Mike noted that he is not saying that no one should be on the lake but to keep the lake pristine that would be his recommendation. Stocking fish has some positive and some detrimental aspects.

Trustee Hein stated that water fowl bring in contaminates easier than kids fishing. Mike agreed but invasive species is more common with fishing and boating than water fowl. The lake will not die but there are challenges.

The Village is the sole owner of the lake so anything that happens will fall to the Village. Mike stated that they are doing work to determine the source of the lake. Clean water is coming into the lake at some rate at all times and some is lost due to evaporation and outlet. Mike does not expect the cattails to expand but if the water level drops they will move.

Village Clerk asked if the Lake County website has the other lakes that are comparable to Cranberry Lake. Mike stated that the website does have lake reports on 175 lakes. He suggested having a fishery assessment done for Cranberry Lake to see what type of fish are in the lake. Trustee Georgeann Duberstein spoke to a fishery person responsible for Cranberry Lake and he would not be able to get in the lake because his boat is too big. She added that Lake County has many lakes available for fishing and boating without using Cranberry Lake.

Mayor Daley passed a handout with the deed that contains the restrictions from the Army Corp of Engineers.

**There were no public comments.**

### **Consent Agenda**

1. Approval of the December 5<sup>th</sup>, 2017 Public Hearing for a Request for a Text Amendment to Allow Installation of Solar Panels in a B-1 Commercial/Business District and a Request for a Special Use Permit to Install Solar Panels at Prairieview School Located at 103 E. Belvidere Road Meeting Minutes.
2. Approval of the December 5<sup>th</sup>, 2017 Regular Board Meeting Minutes
3. Approval to Ratify the December 21<sup>st</sup>, 2017 Bills Payable for \$65,658.28
4. Approval of the January 23<sup>rd</sup>, 2018 Bills Payable for \$165,541.94
5. Approval to Ratify the Overhead Door Company invoice for \$9,440 for the PW garage doors openers **PLUS** \$273 for the remote controls – 8 openers at \$1,180 each = \$9,440 & 7 remote controls at \$39 = \$273

6. Approval to Ratify the Hey & Associates, Inc. for the Wetland Consulting Services for the Deer Point Drainage Channelization Project for \$7,000
7. Approval of the November 2017 Financial Statements
8. Approval of the December 2017 Financial Statements

Trustee George Duberstein moved, seconded by Trustee Derenoski to approve the Consent Agenda.

Roll call vote: Ayes: Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth. – 6 Motion carried.

### **Reports and Communications from Mayor and other Officers:**

#### **Mayor**

Mayor Daley distributed his report. He read an email from Attorney Jim Rock regarding the Dunkin Donut sale. They are waiting for financing approval to schedule a closing date. The Mayor also attended the CenCom meeting and they voted unanimously to let the Village out of the contract with CenCom without the 365 mandatory day notice. The Village has not used the service for 10 years. This will save the Village \$1,300 for remainder of this fiscal year and about \$5,100 annually. The State was looking at 911 consolidation. The Village kept it because former Mayor Soto felt that if we were in CenCom and CenCom became one of the centers we would get a lower rate. The Board will vote later on extending the Grayslake Police contract which extends Glenview Dispatch contract also. Glenview Dispatch has 18 towns that they serve; CenCom has 13 and both are vying for the consolidation.

#### **Clerk**

Village Clerk Kathy Metzler reviewed the ordinance on temporary signs and clarified the Village in the past, has said 30 days before an election. The Clerk will talk with the attorney to get clarification. However, there was consensus taken on how the Trustees felt if we had a choice. Trustee Georgeann Duberstein added that there should not be any restrictions on political signs because it is a Freedom of Speech issue. Trustees Hein, Derenoski, Chynoweth and Kriese stated that they would like a restriction on political signs; Trustee Georgeann Duberstein stated she did not want a restriction on political signs and Trustee George Duberstein was not sure.

#### **Finance and Treasurer**

Trustee Derenoski stated they have gone through the first round with the budget. They are still looking at cuts so money will not be pulled from savings. We have some big projects coming up. Garbage rates are not going up this year but it might go up .10 or .20 cents next year.

Treasurer Kelly Hensley stated that the Village received a refund check for approximately \$3,500 less the credit on two invoices from ComEd for the street light conversion project. W-2s and 1099s have been mailed. Round Lake Park sewer project is in the hands of the Round Lake Park Mayor.

#### **Public Works and Public Works Supervisor**

##### **a. Terry Grom regarding Well House #3 pump replacement**

On Monday, December 18 it was found that Well House #3 pump hadn't operated for 1 ½ days. They did some checks and it was found to be a burned motor. It was decided to contact Water Well Solutions. Well #1 was able to take over. The pump and motor were pulled. Terry and staff went out to inspect the drop pipe and noticed rusting and worn threading. It was decided to replace the motor, drop pipe and electrical cable. This well pump and motor was 16 years old. The cause of the problem is probably regular wear and tear. The pumps usually last 10 years.

Terry stated that the Village of Hainesville has the best water in Lake County. The new pump was tested and everything was fine.

Terry added that the new pump is pumping 600 gallons a minute; with the old one it was 475-500 gallons a minute. The depth of the well is 250 feet deep, water is found at about 45-50 feet and the pump motor is 147 feet so there is a lot of water.

Terry explained that the water comes from an aquifer and it is very good. Lake County did a study on well communities in the area and there is plenty of water supply. The difference between Lake Michigan water and well water is that public water supply is disinfected so there is no contamination; a private well could be contaminated. Greg Gruen stated that other parts of Lake County have a limestone aquifer that is not sufficient to support the population.

Trustee Derenoski asked how close the Village is to replacing Well #1. Terry stated that Well #1 is about 11 years old. Mayor Daley stated that there is another well at Public Works if needed. Terry stated that between the 3 wells there is about 11,500 gallons of water being pumped a minute. The money for the Well came out of a line item in the current budget under water for this type of emergency. There is money in the water budget. Water Well Solutions can get pumps and motors in a 12-hour period. Trustee Derenoski was wondering if the Village should look into buying a pump now before the price goes up. Terry would investigate. Kelly stated that the technology might change in 5 years. The shelf life may be an issue also. Terry would find a price and see if Water Well Solutions would recommend buying a pump now and have it sit for 5 years.

#### **b. Storm water Problems Presentation – Village Engineer Greg Gruen**

Greg Gruen distributed the storm water maintenance plan, which he put together at the end of the summer. The plan outlines on an annual basis what projects to do and what places to check. The plan is divided into 3 parts: capital improvements (one time projects over 3 to 5 years), annual regular maintenance of retention ponds and cleaning out restrictors and special maintenance section that should be done every 3 to 5 years. Greg explained the plan.

The Capital Improvements identified are to correct the lack of drainage in the wetland areas. Storm sewer collects in the street and yards and routes it to wetland or man-made retention pond. Cattails have died and come back. The biomass has deposited layers of organic material burying inlets.

Of the 5 Capital projects identified, the first is for ILM to channelize the Deer Point wetland this summer. This did not go out to bid due to permitting and specialized equipment required. The second is in the Sanctuary Settlement. The retention ponds there have backed up into the streets so they will provide a channel for the water to flow. The third is Deer Point wetland at Route 120 and Deer Point. That is overgrown with cattails and channelization will be done there also. These will be done in 2019. The other project is the Hainesville Road ditch cleaning; Lake County DOT will be contacted for excavation. Last item is a drain tile investigation at the gun club. A lot of the water from Misty Hill and Deer Point drains under Route 120 and goes behind Russo, collects in an inlet structure and goes under the tracks through a 12-inch concrete tile. If the tile clogs, the water will build up. Greg suggested finding the tile a better location and create an inspection manhole and overflow structure.

The Mayor summarized that the projects for this summer are the Antler Park area channelization and manhole going into the gun club lot. The cost is approximately \$150,000 to \$200,000. He

also stated that what is dug out of the channelization project needs to be placed somewhere to dry before it is hauled away. It has an odor so residents will need to be told where it will be placed.

Trustee Kriese met with Robinson Engineering and Chris Electric regarding the well-being of the Well Houses and everything looks good. He also met with Mike regarding the budget.

Trustee Kriese read Mike's report which included that Overhead Door Company installed 8 garage door openers. There have been 2 fire hydrant issues; one behind the Village Hall and the other at Brittany and Tower. They have been working on painting Village entrance signs.

Mayor Daley explained the problem that was occurring with the garage doors at the Public Works Building.

### **Community Events**

Trustee George Duberstein is planning the Civil War Reenactment on September 8<sup>th</sup> and 9<sup>th</sup>. He has meetings scheduled with the principles in the next few months. He has a food vendor and presenters locked in. He will send out donor letters soon and work on publicity.

He is a member of the legislative committee for SWALCO and they are working on a plan for the year in Springfield. He is also a Village representative to the Round Lake Area Rental Regulation Task Force and they have completed their work. They were hoping to have a standard approach to rental properties for all municipalities but everyone has a different approach. They decided that there doesn't need to be a standardization. They will next be looking at vacancies and problems created.

### **Wetlands and Great Age Club**

Trustee Georgeann Duberstein reported that the next meeting of the Great Age Club is February 1<sup>st</sup> at 10:30 a.m. There will be a presentation by the owner of Meridian Home Health Care and Meridian Palliative Care.

There is nothing going on in the wetlands area but she will be working on budget and contracts.

She is also involved in para-transit for seniors and the disabled in Lake County. Lake County has hired a marketing consultant company to look at that type of transportation and other transportation issues; to see where there is no service that needs to be added and problems of inconsistency of service provider such as different fares, hours or eligibility. She will attend a meeting for an update on the marketing study. She would like seniors or the disabled that don't have a computer know they can call the Village and the Deputy Clerk or someone from the Village can look up the information.

### **Police Chief/Public Safety**

The Police Chief had no report. Trustee Chynoweth stated that his neighbors had their unlocked cars broken into and they did not report the incidents. The Chief stated that this happens frequently in the area but there hasn't been a pattern recently. He highly recommends that residents make a report.

### **Ad Hoc Committees**

Trustee Chynoweth stated that he and Trustee Kriese have been researching water and sewer rates for local communities. It is still being studied.

**a. Tree Replacement – Recommendation from Mayor**

- 1. The Village of Hainesville will pay 50% of the total of the purchase and planting of an easement tree not to exceed \$225**
- 2. The resident will be responsible for the purchase and planting of the new tree.**
- 3. This does not include any trees in the townhome neighborhoods.**
- 4. This will be done on a first come first serve basis until the budget allocation is expended.**

Trustee Georgeann Duberstein had concerns about the quality of tree planted, how well it is being planted and if there is a warranty on the tree. The Mayor suggested providing resident's with a list of trees that would be acceptable or try to broker the deal through a reputable nursery. The parkway trees belong to the residents. The Village has certain rights to it such as trimming to keep roads open, if it becomes rotten the Village can demand the resident take it down. The resident can decide if a tree gets put back and what kind of tree.

Trustee Hein suggested that the Village only reimburse 50% if the resident purchases certain trees, otherwise nothing gets reimbursed.

Mayor Daley stated that he would like the Trustees to email him their thoughts on this issue.

**Business**

**Approval of the Landscape Concepts Management 2018 Contract Proposal for \$45,200.**

This contract contains most of the services that had been performed by Native Restoration Services at a savings of approximately \$21,000. This contract does not include pond treatments.

Trustee Georgeann Duberstein moved, seconded by Trustee Hein to approve the tabling of the Landscape Concepts Management 2018 Contract Proposal for \$45,200.

Roll call vote: Ayes: Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth – 6 Motion carried.

Mayor Daley explained that Trustee Georgeann Duberstein went line by line through the Landscape Concepts contract and realized that some of the things that had been done in the past were not in this contract. Mayor gave the two landscape contractors a list of what was being done and trusted that their response would include that total list. They will both be meeting with them to discuss the shortfall and see what happens to the cost. They will present either the Landscape Concept or McGinty contract or seek another company. Another correction is that this contract was to not only replace Native Restoration but also Bartels and some of Clarke's services.

**Approval of the 2018 Amended & Restated Police Services Agreement between the Village of Grayslake & the Village of Hainesville for Police and Dispatch Services.** The annual fee for Police Services for 2017-2021 will be \$793,106, for 2021-2022--\$801,037, for 2022-2023--\$809,047, for 2023-2024--\$819,161, 2024-2025--\$829,400. The annual fee for Glenview Dispatching Services for 2017-2021 will be \$71,028, for 2021-2022--\$71,738, for 2022-2023--\$72,455, for 2023-2024—473,361 and for 2024-2025--\$74,278. This renegotiated contract accomplishes three main things: 1) It saves the Village \$127,315.00 over the remaining 3 years of the last contract by freezing the cost at our current rate. 2) It extends the contract until 2025. And, 3) it lowers the rate of annual increase from 4.25% per annum to 1% in year one of the extension and 1.25% per annum for years 2, 3, and 4.

Trustee Derenoski moved, seconded by Trustee Georgeann Duberstein to approve the 2018 Amended & Restated Police Services Agreement between the Village of Grayslake & the Village of Hainesville for Police and Dispatch Services. The annual fee for Police Services for 2017-2021 will be \$793,106, for 2021-2022 - \$801,037, for 2022-2023 - \$809,047, for 2023-2024 - \$819,161, 2024-2025 - \$829,400. The annual fee for Glenview Dispatching Services for 2017-2021 will be \$71,028, for 2021-2022 - \$71,738, for 2022-2023 - \$72,455, for 2023-2024 \$473,361 and for 2024-2025 - \$74,278.

Trustee Georgeann Duberstein commended the Mayor on re-negotiating the police contract and saving the Village over \$100,000.

Roll call vote: Ayes: Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth. - 6 Motion carried.

**Approval of An Ordinance Establishing an Updated Sexual Harassment Policy for the Village of Hainesville in Order to Comply with Public Act 100-0554.** The state is requiring all municipalities to pass an ordinance and policy regarding sexual harassment. The attached ordinance was developed by Ancel Glink attorneys.

Trustee Derenoski moved, seconded by Trustee Chynoweth to approve an Ordinance Establishing an Updated Sexual Harassment Policy for the Village of Hainesville in Order to Comply with Public Act 100-0554.

Roll call vote: Ayes: Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth. - 6 Motion carried. **Ordinance #18-1-263**

**Approval of an Agreement for Water Billing Assistance 1 – year Agreement November 1<sup>st</sup>, 2017 expiring October 31<sup>st</sup>, 2018 for \$1,421 per month.** Robinson Engineering has been learning and doing the village's water billing process for the past few months. A Contract was not previously signed because we wished to provide Robinson with hands on time to analyze the process prior to finalizing their cost estimate. In the end, the contract cost matches their original proposal.

Trustee Georgeann Duberstein moved, seconded by Trustee Chynoweth to approve the Agreement for Water Billing Assistance 1-year Agreement November 1<sup>st</sup>, 2017 expiring October 31<sup>st</sup>, 2018 for \$1,421 per month.

The Mayor stated that this is less than what was being paid to the Utility Clerk.

Roll call vote: Ayes: Trustees George Duberstein, Kriese, Hein, Derenoski, Georgeann Duberstein and Chynoweth. - 6 Motion carried.

Trustee Kriese moved, seconded by Trustee Hein to adjourn the January 23<sup>rd</sup>, 2018 Regular Board Meeting. All in favor; motion carried.

**The January 23<sup>rd</sup>, 2018 Regular Board Meeting adjourned at 8:34 p.m.**

Respectfully submitted,



Kathy Metzler, RMC, CMC  
Village Clerk



## Mayor's Report for 1-23-2018

You have seen most of this information before in my emails but this report makes it available to the public.

1. In the near future I will be meeting with an investor who wishes to build a daycare business on the property on the east side of Hwy. 134 and north of Cranberry Lake Drive.
2. My investigation into selling two pieces of village owned property showed that the lots were too small to interest or serve even a small business.
3. Contract renegotiations have been a goal of mine and you will be voting on the Police/Dispatch contract and the Landscape Concepts contract at the meeting. You'll also be acting on the contract with Robinson for the water billing outsourcing.
4. Continuing with contracts, I reviewed our contract with Cencom. The Village maintained the contract just in case that our outsourcing with Grayslake did not work satisfactorily. Knowing that we were extending our Police/Dispatching contract, I sent a letter to the Cencom Board requesting permission to withdraw. The Board is meeting on 1/23 and I expect an answer at that point. Terminating the contract will save us approximately \$5,100.
5. We received an insurance check from IML that covers our costs for repairing the July flood damaged retaining walls.
6. The transfer of sewer billing to RLP of some west side homes and businesses is proceeding. Currently, RLP is wrapping up their verification of addresses. The next step will be a legal agreement to finalize the transfer.
7. The replacement of the PW garage door openers is scheduled to begin 1/18.
8. As the staff was leaving Village Hall after work on 1/16 they noticed one of the AC units making a very loud noise and vibrating around on its pad. I shut it off and RH Witt is looking into the cause. Fortunately, this equipment is scheduled to be replaced this upcoming fiscal year. (late note: the service man powered up the equipment and of course, nothing happened.)
9. At my request, Greg Gruen has presented us with an updated 5-year street repair plan. We had a version of this plan in the past but fell behind on repairs because of costs. Robinson recommends that we plan on spending approximately \$200,000/year. This will put our roads on a 15-year cycle of repair/repaving.
10. We are reviewing the purpose of Business Licenses. I have reached out to the Lake County Municipal League asking for input and Kathy Metzler has done likewise with her Clerks group. As I was working on trying to resolve a situation with a resident, it became apparent to me that some of the language in our current ordinance was vague and lacking specificity. When I discussed it with Jim Rock, he indicated that the language could be easily rectified but that many municipalities do not license businesses. I'll keep you posted on our research.
11. I have recently spoken to two groups. The first was the BEST committee, of which Georgeann is a member, and the second was the Round Lake Area Chamber of Commerce. The topic for both presentations was essentially a state of the Village.
12. Finally, you will now be receiving the monthly police activity report.

DEED RESTRICTION  
/COVENANT

COPY

LAKE COUNTY RECORDER  
SEP 3 1998

4199525

WHEREAS, HAINESVILLE LIMITED PARTNERSHIP III, hereinafter called the Grantor, is the owner in fee simple of certain real property, hereinafter called "Restricted Property", which property is described as follows:

SEE EXHIBIT "A", ATTACHED HERETO AND INCORPORATED HEREIN.

WHEREAS, the Restricted Property is a wetland under the regulatory jurisdiction of the Chicago District of the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act (33 USC 1344).

WHEREAS, the Grantor is the applicant for a Corps of Engineers permit, number 199700576, to place fill in wetlands other than that property called restricted property, hereinafter called "other wetlands", in accordance with plans which form a part of the U.S. Army Corps of Engineers permit number 199700576 and; the U.S. Army Corps of Engineers has regulatory jurisdiction of said wetland pursuant to Section 404 of the Clean Water Act (33 USC 1344).

WHEREAS, the Grantor and the U.S. Army Corps of Engineers have reached an agreement whereby the Grantor will be permitted to place fill in other wetlands in accordance with the terms and conditions of Corps of Engineers permit number 199700576, and; that in consideration for the Grantor to place fill in other wetlands, the Grantor will mitigate the adverse environmental effects resulting from the placement of fill material in other wetlands by enhancing, enlarging, and creating wetlands which when completed will be what is described as the Restricted Property and dedicating the realty described as Restricted Property for the perpetual use as a conservancy area in accordance with the terms and conditions of this document and the above mentioned permit.

MAIL TO & PREPARED BY:

MICHAEL J. MENAS  
358 E. DEER RUN DRIVE  
HAINESVILLE, IL 60030

EXHIBIT - C

WHEREAS, a permit to place fill in other wetlands would not have been granted but for the dedication of the Restricted Property for environmental mitigation, and; which in 30 days of the receipt of this document from the U.S. Army Corps of Engineers, the Grantor shall submit to the U.S. Army Corps of Engineers a certified copy of this document, as recorded in the office of the County Recorder for County, Illinois; and the Grantor specifically acknowledges as fact that said permit is issued in consideration for the execution and recording of this document and compliance with the covenants and deed restrictions herein.

NOW THEREFORE, the Grantor, for and in consideration of the facts recited above enters into the following covenants and deed restrictions on behalf of himself/herself, his/her heirs and assigns:

1. The U.S. Army Corps of Engineers will have the right to enforce by proceedings in law or equity the covenants and deed restrictions set out herein and this right shall not be waived by one or more incidents of failure to enforce said right;
2. Employees of the U.S. Army Corps of Engineers will have the right to view the Restricted Property in its natural, scenic, and open condition and the right to enter Restricted Property at all reasonable times for the purpose of inspecting Restricted Property to determine if the Grantor, or his heirs or assigns, is complying with the covenants and deed restrictions herein;
3. Without prior express written consent from the U.S. Army Corps of Engineers there shall be no dredged or fill material placed on Restricted Property except as necessary for completion of mitigation as provided pursuant to the U.S. Army Corps of Engineers permit number 199700576.
4. Without prior express written consent from the U.S. Army Corps of Engineers there shall be no commercial, industrial, agricultural, residential developments, buildings, or structures, including but not limited to: signs, billboards, other advertising material, or other structures placed on Restricted Property.
5. Without prior express written consent from the U.S. Army Corps of Engineers there shall be no removal or destruction of trees or plants, mowing, draining, plowing, mining, removal of topsoil, sand, rock, gravel, minerals or other material except as necessary for completion of mitigation as provided pursuant to the U.S. Army Corps of Engineers permit number 199700576 and the associated special conditions.
6. Without prior express written consent from the U.S. Army Corps of Engineers there shall be no operation of snowmobiles, dunebuggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles, except as necessary for completion of mitigation as provided pursuant to the U.S. Army Corps of Engineers permit number 199700576.

7. Without prior express written consent from the U.S. Army Corps of Engineers there shall be no application of insecticides or herbicides except as specified by U.S. Army Corps of Engineers permit number 199700576.

8. Without prior express written consent from the U.S. Army Corps of Engineers there shall be no grazing or keeping of cattle, sheep, horses or other livestock.

9. Without prior express written consent from the U.S. Army Corps of Engineers there shall be no hunting or trapping on the Restricted Property.

10. Without prior express written consent from the U.S. Army Corps of Engineers there shall be no utility lines placed overhead or within the Restricted Property, including but not limited to: telephone or other communication lines, electrical, gas, water or sewer. Existing lines may remain, but any maintenance work requiring intrusion onto the Restricted Property shall require prior authorization by the U.S. Army Corps of Engineers.

11. Without prior express written consent from the U.S. Army Corps of Engineers there shall be no modifications to the hydrology of the Restricted Property, either directly or indirectly, that would allow more water onto, or that would drain water away from, the Restricted Property. Such prohibited modifications include, but are not limited to: ditching, changes to any water control structures, repairing of drainage tiles, or alterations to any naturally occurring structures.

These lands use restrictions and other terms of these deed restrictions and covenants may be changed, modified or revoked only upon written approval of the U.S. Army Corps of Engineers. To be effective such approval must be witnessed, authenticated, and recorded pursuant to the law of the State of Illinois.

Except as expressly limited herein, the Grantor reserves for him/herself, his/her heirs and assigns, all rights as owner of Restricted Property, including the right to use the property for all purposes not inconsistent with this grant.

The terms and conditions of these deed restrictions and covenants shall, as of the date of execution of this document, bind the Grantor to the extent of his legal and/or equitable interest in Restricted Property, and; these deed restrictions and covenants shall run with the land and be binding on the Grantor and his heirs and assigns forever.

The terms and conditions of these deed restrictions and covenants shall be both explicitly included in any transfer, conveyance, or encumbrance of Restricted Property or any part thereof, and; any instrument of transfer, conveyance, or encumbrance affecting all or any part of Restricted Property shall set forth the terms and conditions of this document.

IN WITNESS THEREOF, said Grantor has caused its corporate seal to be hereto affixed, and has caused its name to be signed to these presents by its \_\_\_\_\_ President, and attested by its \_\_\_\_\_ Secretary, this 3RD day of SEPTEMBER, 1998.

HAINESVILLE LIMITED PARTNERSHIP III

IMPRESS  
CORPORATE SEAL  
HERE

By: [Signature]  
Its: PRESIDENT

ATTEST:

By: [Signature]  
Its: SECRETARY