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Doc#: 1128618051 Fee: \$50.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 10/13/2011 03:50 PM Pg: 1 of 8

## SECOND AMENDMENT TO ANNEXATION AND DEVELOPMENT AGREEMENT FOR THE WOODS OF SOUTH BARRINGTON

THIS SECOND AMENDMENT TO THE ANNEXATION AND DEVELOPMENT AGREEMENT ("Second Amendment") is made and entered into this 11<sup>th</sup> day of August, 2011, by and between the Village of South Barrington, an Illinois municipal corporation (the "Village"), TOLL IL WSB, L.P., an Illinois Limited Partnership (the "Residential Developer"), and Arboretum Mall Owner L.L.C., a Delaware limited liability company (the "Commercial Owner"). The Residential Developer and Commercial Owner are collectively referred to as "Successor Developers."

### WITNESSETH:

WHEREAS, heretofore the Village and the Woods of South Barrington, LLC, et al. (the "Developer") did enter into an Annexation and Development Agreement dated January 11, 2001, and recorded in the Cook County Recorder's Office on January 19, 2001, as Document No. 010049341 (the "Annexation Agreement") and the First Amendment to Annexation and Development Agreement dated May 9, 2007, and recorded in the Cook County Recorder's Office on May 11, 2007, as Document No. 0713126225; and

WHEREAS, the Successor Developers are the successors in interest to and assignees of the Developer, as defined in the Annexation Agreement, with respect to the parcels owned by each; and

WHEREAS, the Successor Developers are the owners of certain property described in the Annexation Agreement and located within the area described in the Annexation Agreement as the Property (the "Property"), specifically described and attached hereto as Exhibit A, which is improved with a sewer and water system constructed by the Residential Developer (the "Sewer and Water System"); and

WHEREAS, subsequent to execution of the Annexation Agreement, the Successor Developers and the Village determined that the Residential Developer would transfer operation and ownership of the Sewer and Water System to the Village; and

Return to:  
Brian W. Baugh  
Storino, Ramello & Durkin  
4501 W. Devon Ave., Ste. 200  
Rosemont, IL 60018

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WHEREAS, on or about May 10, 2007, the Residential Developer transferred the Sewer and Water System to the Village; and

WHEREAS, the Village and the Successor Developers have determined that the Annexation Agreement should be further amended in regard to the usage of the Sewer and Water System; and

WHEREAS, the terms of the Annexation Agreement provide that it may be amended by fewer than all parties to the Annexation Agreement if the subject matter of the Amendment pertains to only a part of the Property. In such an event, only the Village and the owner of the part of the Property which is the subject matter of the amendment need to execute such amendment for it to take full force and effect; and

WHEREAS, the Successor Developers are the owners of the entire part of the Property which is the subject matter of this Amendment; and

WHEREAS, it is in the best interests of the Village and the Successor Developers to amend the Annexation Agreement concerning the use of the Sewer and Water System.

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements contained herein, it is hereby agreed by and between the VILLAGE and the SUCCESSOR DEVELOPERS as follows:

1. Recitals. The above Recitals are incorporated by reference and made a part of this Second Amendment to and restated Annexation Agreement.

2. Amendments. The Annexation Agreement shall be amended as follows:

A. Section 4(a) of the Annexation Agreement shall be amended by deleting therefrom "Developer shall have the right to dedicate" and inserting therefor "Developer shall dedicate".

B. Section 4(c) of the Annexation Agreement shall be deleted in its entirety.

C. Section 5(e) of the Annexation Agreement shall be deleted in its entirety.

3. Further Actions. The Village and the Successor Developers agree to take all steps necessary or appropriate to carry out the terms of this Second Amendment and to aid and assist the other parties, including enactment of such resolutions and ordinances and the taking of such other actions as may be necessary or desirable to enable the parties to comply with and give effect to the terms of this Second Amendment.

4. Recording. An executed copy of this Second Amendment and a copy of Village of South Barrington Ordinance approving this Second Amendment shall be recorded with the Cook County Recorder's Office.

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5. Term. This Second Amendment to the Annexation Agreement shall be binding upon the parties hereto beginning on the date it is executed by all parties hereto and shall be in full force and effect for the term of the Annexation Agreement.

IN WITNESS WHEREOF, the parties have signed and delivered this Second Amendment to the Annexation and Development Agreement as of the date first written above.

VILLAGE OF SOUTH BARRINGTON,  
an Illinois municipal corporation

By: *Frank J. Munao, Jr.*  
Frank J. Munao, Jr.  
Village President

Attest: *Donna W. Wood*  
Donna W. Wood  
Village Clerk

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF COOK        )

On this 22<sup>ND</sup> day of August, 2011, before me, a Notary Public, duly commissioned, qualified and acting within and for said County and State, appeared in person Frank J. Munao, Jr. and Donna W. Wood, Mayor and Clerk of the Village of South Barrington, respectively, being persons authorized by the VILLAGE OF SOUTH BARRINGTON, an Illinois municipal corporation, to execute such instrument for the consideration, uses and purposes therein mentioned and set forth.

Given under my hand and official seal, this 22<sup>ND</sup> day of August, 2011.

*Linda Ann Hooker*  
Notary Public

Commission expires: 2/11/2014



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TOLL IL WSB, L.P.,  
an Illinois limited partnership  
By: Toll IL GP Corp.  
Its: General Partner

By: [Signature]  
Its: GP

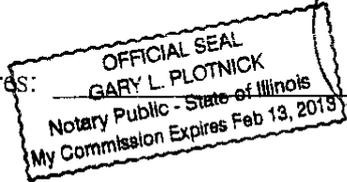
STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF COOK        )

On this 10th day of August, 2011, before me, a Notary Public, duly commissioned, qualified and acting within and for said County and State, appeared in person the within named KEITH ANDERSON, being a person authorized by Toll IL GP Corp., general partner of Toll IL WSB, L.P., to execute such instrument for the consideration, uses and purposes therein mentioned and set forth.

Given under my hand and official seal, this 10th day of August, 2011.

[Signature]  
Notary Public

Commission expires:





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## EXHIBIT A

### LEGAL DESCRIPTION OF THE PROPERTY

THAT PART OF SECTIONS 21, 28, AND 33, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE SOUTH 00 DEGREES 19 MINUTES 35 SECONDS EAST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF 2624.22 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 28; THENCE SOUTH 00 DEGREES 04 MINUTES 45 SECONDS EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33, A DISTANCE OF 924.85 FEET; THENCE SOUTH 00 DEGREES 04 MINUTES 45 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 1707.93 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE SOUTH 00 DEGREES 02 MINUTES 15 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF 780.49 FEET TO A POINT ON THE NORTH LINE OF HIGGINS ROAD DEDICATED PER DOCUMENT NUMBER 1208573; THENCE NORTH 69 DEGREES 18 MINUTES 19 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF 2766.41 FEET TO A POINT ON THE EAST LINE OF ILLINOIS ROUTE 59 DEDICATED PER DOCUMENT NUMBER 11194096; THENCE NORTH 00 DEGREES 11 MINUTES 17 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF 1112.53 FEET; THENCE NORTH 89 DEGREES 51 MINUTES 05 SECONDS EAST, A DISTANCE OF 176.29 FEET; THENCE NORTH 22 DEGREES 20 MINUTES 04 SECONDS EAST, A DISTANCE OF 241.05 FEET; THENCE NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 165.00 FEET AND A CHORD BEARING OF NORTH 42 DEGREES 58 MINUTES 45 SECONDS WEST WITH AN ARC LENGTH OF 91.17 FEET; THENCE SOUTH 62 DEGREES 51 MINUTES 00 SECONDS WEST, A DISTANCE OF 135.00 FEET; THENCE NORTH 50 DEGREES 00 MINUTES 12 SECONDS WEST, A DISTANCE OF 114.07 FEET TO A POINT ON THE EAST LINE OF SAID ILLINOIS ROUTE 59; THENCE NORTH 00 DEGREES 11 MINUTES 17 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 523.87 FEET; THENCE SOUTH 84 DEGREES 58 MINUTES 24 SECONDS EAST, A DISTANCE OF 228.14 FEET; THENCE NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1501.93 FEET AND A CHORD BEARING OF NORTH 01 DEGREES 29 MINUTES 47 SECONDS WEST WITH AN ARC LENGTH OF 341.98 FEET; THENCE SOUTH 81 DEGREES 58 MINUTES 50 SECONDS WEST, A DISTANCE OF 221.47 FEET TO A POINT ON THE EAST LINE OF SAID ILLINOIS ROUTE 59; THENCE NORTHERLY ALONG THE EAST LINE OF SAID ILLINOIS ROUTE 59 PER DOCUMENT NUMBERS 11194096, 11113029, 11668686 AND 11549027 FOR THE FOLLOWING NINE COURSES, (1) THENCE NORTH 00 DEGREES 11 MINUTES 17 SECONDS WEST, A DISTANCE OF 193.36 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 28; (2) THENCE NORTH 00 DEGREES 11 MINUTES 05 SECONDS WEST, A DISTANCE OF 2637.83 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION 28; (3) THENCE NORTH 00 DEGREES 12 MINUTES 10 SECONDS WEST, A DISTANCE OF 485.70 FEET; (4) THENCE NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 4724.70 FEET AND A CHORD BEARING OF NORTH 06 DEGREE 32 MINUTES 11 SECONDS EAST WITH AN ARC LENGTH OF 1111.22 FEET; (5) THENCE NORTH 13 DEGREES 16 MINUTES 19 SECONDS EAST, A DISTANCE OF 303.90 FEET TO A POINT ON A CURVE; (6) THENCE NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1482.40 FEET AND A

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CHORD BEARING OF NORTH 01 DEGREES 26 MINUTES 20 SECONDS WEST WITH AN ARC LENGTH OF 761.22 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 28; (7) THENCE NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1482.40 FEET AND A CHORD BEARING OF NORTH 21 DEGREES 41 MINUTES 01 SECONDS WEST WITH AN ARC LENGTH OF 286.34 FEET TO A POINT ON A CURVE; (8) THENCE NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 2242.01 FEET AND A CHORD BEARING OF NORTH 20 DEGREES 03 MINUTES 26 SECONDS EAST WITH AN ARC LENGTH OF 384.99 FEET TO A POINT OF TANGENCY; (9) THENCE NORTH 24 DEGREES 58 MINUTES 30 SECONDS EAST, A DISTANCE OF 2212.09 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION 21; THENCE SOUTH 89 DEGREES 51 MINUTES 08 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 533.41 FEET; THENCE NORTH 00 DEGREES 21 MINUTES 39 SECONDS WEST, A DISTANCE OF 1131.30 FEET TO A POINT ON THE EAST LINE OF SAID ILLINOIS ROUTE 59 PER DOCUMENT NUMBER 11443738; THENCE NORTHERLY ALONG SAID EAST LINE FOR THE FOLLOWING 3 COURSES; (1) THENCE NORTH 24 DEGREES 58 MINUTES 30 SECONDS EAST, A DISTANCE OF 1195.93 FEET; (2) THENCE NORTH 27 DEGREES 49 MINUTES 55 SECONDS EAST, A DISTANCE OF 200.22 FEET; (3) THENCE NORTH 24 DEGREES 58 MINUTES 12 SECONDS EAST, A DISTANCE OF 257.37 FEET TO A POINT ON THE NORTH LINE OF SAID SECTION 21; THENCE NORTH 89 DEGREES 57 MINUTES 47 SECONDS EAST ALONG SAID NORTH LINE, A DISTANCE OF 134.37 FEET; THENCE SOUTH 36 DEGREES 57 MINUTES 24 SECONDS WEST, A DISTANCE OF 285.13 FEET; THENCE SOUTH 00 DEGREES 14 MINUTES 47 SECONDS EAST, A DISTANCE OF 600.00 FEET, THENCE SOUTH 82 DEGREES 06 MINUTES 19 SECONDS EAST, A DISTANCE OF 221.79 FEET TO A POINT ON A CURVE BEING THE WEST LINE OF BARTLETT ROAD PER DOCUMENT NUMBER 11113027; THENCE ALONG THE WEST LINE OF SAID BARTLETT ROAD PER DOCUMENT NUMBERS 11113027 AND 8026898 FOR THE FOLLOWING SEVEN COURSES; (1) THENCE SOUTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5779.65 FEET AND CHORD BEARING OF SOUTH 06 DEGREES 40 MINUTES 43 SECONDS WEST WITH AN ARC LENGTH OF 182.71 FEET; (2) THENCE SOUTH 89 DEGREES 50 MINUTES 29 SECONDS WEST, A DISTANCE OF 13.94 FEET; (3) THENCE SOUTH 00 DEGREES 09 MINUTES 31 SECONDS EAST, A DISTANCE OF 154.30 FEET TO A POINT ON A CURVE; (4) THENCE SOUTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF 5779.65 FEET AND A CHORD BEARING OF SOUTH 02 DEGREES 02 MINUTES 21 SECONDS WEST WITH AN ARC LENGTH 443.40 FEET; (5) THENCE NORTH 89 DEGREES 50 MINUTES 29 SECONDS EAST, A DISTANCE OF 17.00 FEET; (6) THENCE SOUTH 00 DEGREES 09 MINUTES 31 SECONDS EAST, A DISTANCE OF 991.17 FEET; (7) THENCE SOUTH 00 DEGREES 11 MINUTES 19 SECONDS EAST, A DISTANCE OF 389.83 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 41 SECONDS EAST, A DISTANCE OF 33.00 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 21; THENCE SOUTH 00 DEGREES 11 MINUTES 19 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 2245.24 FEET TO THE NORTH LINE OF SAID SECTION 28; THENCE NORTH 89 DEGREES 50 MINUTES 29 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 123.76 FEET TO A POINT ON A LINE 123.76 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE SOUTH 00 DEGREES 27 MINUTES 50 SECONDS EAST ALONG SAID PARALLEL LINE; A DISTANCE OF 173.25 FEET TO A POINT ON A LINE 173.24 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION 28; THENCE SOUTH 89 DEGREES 50 MINUTES 29 SECONDS EAST ALONG SAID PARALLEL LINE, A

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DISTANCE OF 123.76 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 28;  
THENCE SOUTH 00 DEGREES 27 MINUTES 50 SECONDS EAST ALONG SAID EAST  
LINE, A DISTANCE OF 2454.80 FEET TO THE POINT OF BEGINNING, CONTAINING  
617.591 ACRES OF LAND, MORE OR LESS, IN COOK COUNTY, ILLINOIS.

PINS: 01-28-200-005	01-28-400-001	01-33-200-009	01-33-200-016
01-28-200-006	01-28-401-001	01-33-200-012	01-33-200-017
01-28-200-008	01-28-402-001	01-33-200-013	01-33-200-018
			01-33-200-019

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