

ORDINANCE NO. 12 - 30

***An Ordinance Authorizing the Execution of a Memorandum
of Understanding Between the Village of East Dundee
and the Max McGraw Wildlife Foundation***

WHEREAS, the Village of East Dundee (the "Village") has considered a Memorandum of understanding, a copy of which is attached hereto as Exhibit A, along with a proposed Annexation Agreement from the Max McGraw Wildlife Foundation, an Illinois not-for-profit corporation in good standing with the Illinois Secretary of State, a copy of which is attached hereto as Exhibit B.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee as follows:

SECTION 1: The Village hereby adopts this Ordinance utilizing its home rule powers. Upon receipt from the Max McGraw Wildlife Foundation of at least one originally executed, notarized and recordable copy of the Annexation Agreement, attached hereto as Exhibit B, including but not limited to an executed, notarized and recordable copy of the public utility easement agreement attached thereto as an exhibit, the Village President is hereby authorized and directed to immediately execute, and the Village Clerk is hereby authorized and directed to attest, a copy of the Memorandum of Understanding, attached hereto as Exhibit A.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed, to the extent of such conflict.

SECTION 4: The date of this Ordinance shall be July 1, 2012. However, the effectiveness, approval and adoption of this Ordinance being completely contingent upon and subject to the Max McGraw Wildlife Foundation's executing and submitting to the Village, in recordable form, the Annexation Agreement attached hereto as Exhibit B, as well as the public utility easement thereto in recordable form. In the absence of such an annexation agreement being executed, notarized and delivered to the Village in recordable fashion, this Ordinance shall be null and void from its inception.

SECTION 5: Pursuant to the Village's home rule powers, this Ordinance shall be in full force and effect as of July 1, 2012 at 12:00 a.m. due to the urgency of increasing the Village's revenues and enhancing its tax base, and publication of this Ordinance is hereby authorized as provided by law.

Ayes: 5 - Trustees Ruffulo, Miller, VanOstenbridge, Skillicom
McGraw Wildlife Foundation Memorandum of Understanding, Page 1
President Bartels

Nays: 2 - Justices Gorman & Lynam

Absent: 0

Abstain: 0



APPROVED:

Jerald Bartels
Village President Jerald Bartels

ATTEST: Jennifer Rehberg
Village Clerk Jennifer Rehberg

Passed: 6/30/12

Approved: 6/30/12

Published: 7/7/12

Prepared by/Mail to:
Michael J. Smoron
Zukowski Rogers Flood & McArdle
50 North Virginia Street
Crystal Lake, IL 60014
815.459.2050
Z:\E\East Dundee\Max McGraw\Ordinance.MOU.doc

CERTIFICATION

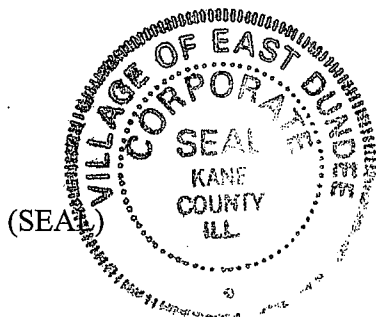
I, JENNIFER REHBERG, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of East Dundee, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village.

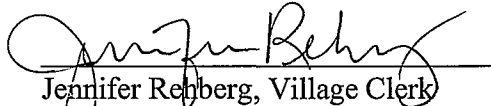
I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of East Dundee, held on the 30th day of June, 2012, the foregoing Ordinance entitled *An Ordinance Authorizing the Execution of a Memorandum of Understanding Between the Village of East Dundee and the Max McGraw Wildlife Foundation*, was duly passed by the President and Board of Trustees of the Village of East Dundee.

The pamphlet form of Ordinance No 12-30, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the East Dundee Village Hall, 120 Barrington Avenue, East Dundee, IL, commencing on the 7th day of July, 2012, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto this 7th day of July, 2012.




Jennifer Rehberg, Village Clerk
Village of East Dundee,
Kane County, Illinois

MEMORANDUM OF UNDERSTANDING
by and between
the VILLAGE OF EAST DUNDEE
and
the MAX MCGRAW WILDLIFE FOUNDATION

This Memorandum of Understanding (the "Memorandum") is made and entered into this 21st day May, 2012, by and between the Village of East Dundee, an Illinois municipal home rule corporation located in Kane and Cook counties (the "Village"), by and through its President and Board of Trustees (together, the "Corporate Authorities") and the Max McGraw Wildlife Foundation, an Illinois not-for-profit corporation in good standing with the Illinois Secretary of State's office (the "Foundation"). The Village and the Foundation are together referred to herein as "the Parties" and individually as a "Party."

RECITALS:

WHEREAS, the Foundation represents and warrants to the Village that the Foundation is the sole owner of record of a certain tract of real property comprising over 1,200 acres, as legally and commonly described and identified in Exhibit A, attached hereto (the "Foundation Property"), which is situated in Sections 25, 26, 35 and 36 in Dundee Township, unincorporated Kane County, assigned the property identification numbers set forth on Exhibit A, and located on the east and west sides of Illinois State Route 25; and

WHEREAS, the Foundation Property entirely surrounds approximately 95 acres of land that is owned by various third parties and is also situated in an unincorporated area of Kane County and is depicted on the map attached hereto as Exhibit B (the "Surrounded Land"), and the Village currently has an interest in annexing certain parcels of real estate located therein and expects to have an interest in annexing additional parcels of real estate therein in the future; and

WHEREAS, the parties have previously had disagreements regarding annexation of land and use of the Village's water and sewer systems within the surrounded land, but the parties have resolved these differences in good faith and in the interest of avoiding unnecessary litigation, and this Memorandum of Understanding reflects the settlement of the Parties' differences; and

WHEREAS, the Foundation is prepared to annex a portion of the Foundation Property to the Village, subject to the terms and conditions of this Memorandum and the terms and conditions of the annexation agreement that will be entered into by the Parties; and

WHEREAS, pursuant to the Village's home rule powers, this Memorandum was submitted to the Corporate Authorities for consideration thereon; and

WHEREAS, the Corporate Authorities have approved and directed the execution of this Memorandum.

NOW, THEREFORE, in consideration of the promises, mutual covenants and agreements herein set forth and for good and valuable consideration, the Parties agree as follows:

1. **Recitals.** The recitals set forth above are hereby made a part of this Memorandum and incorporated herein.

2. **Stormwater Drainage.**

A. The Parties acknowledge that there are stormwater management issues that need to be addressed in the vicinity of the Foundation Property in order to: (a) ensure the economic vitality of the Village properties north of the Foundation Property; (b) protect the Foundation Property from excess stormwater runoff that has previously caused flooding and soil erosion on the Foundation Property and has necessitated that the Foundation lower the water level of several lakes and ponds on the Foundation Property in recent years to increase the storage capacity on the Foundation Property to accommodate the excess stormwater; and (c) protect the integrity of the Village's wastewater treatment facility which is immediately downstream of the Foundation Property on its west border.

B. The Village has obtained a drainage assessment study of the land in the vicinity of the Foundation property on the west side of State Route 25. Based upon that study, the Village's consulting civil engineers have prepared plans for drainage improvements to increase the stormwater storage capacity in the area, entitled Proposed Stormwater Improvements for Santa's Village and McGraw Ravine prepared by Manhard Consulting, Ltd., dated February 29, 2012 (the "2012 Stormwater Improvements") and the Village has notified the Foundation that it intends to construct these improvements and utilize available tax increment financing (TIF) funds for this purpose. The Foundation will make a portion of the Foundation Property available for the 2012 Stormwater Improvements, provided that the primary portion of the system is located on other property, and the Foundation will grant an appropriate temporary construction easement to the Village without charge to the Village for the easement, provided the Village agrees to assume responsibility at no cost to the Foundation for acquiring all other necessary additional land or easements, and for constructing and thereafter maintaining all of the 2012 Stormwater Improvements.

C. The Village has represented to the Foundation that the stormwater problems encountered by the Foundation are due in part to the fact that there are properties upstream of the Foundation Property that are not currently in compliance with the requirements of the Kane County Watershed Development Ordinance (the "County Ordinance") or the applicable stormwater management provisions of the Village Code (the "Village Drainage Code"), but that such properties are currently exempt from compliance because the improvements thereon were constructed prior to amendment of the Village Drainage Code or adoption of the County Ordinance. To the extent that there are such properties that are currently or in the future exempt from strict compliance with the Village Drainage Code or the County Ordinance, or are not currently within the Village borders, the Village will take all necessary steps to enforce the Village Drainage Code as Village properties whose stormwater flows into the Foundation Property are developed or redeveloped or otherwise altered in a manner that requires compliance with the current Village Drainage Code or the County Ordinance. The Village's responsibility to enforce the County Ordinance (or any similar ordinance adopted by Kane County in the future) shall apply only to the extent that (i) the Village is a "certified community" or otherwise legally obligated to enforce such ordinance and (ii) properties necessitating stormwater improvements are located within the Village. Such compliance can include participation in the regional

stormwater detention facility contemplated herein and/or construction of separate stormwater management facilities on the properties required to comply with the Ordinance.

3. **Use of the Foundation Property.** The Village acknowledges the mission, purpose and goals of the Foundation and its use of the Foundation Property pursuant thereto and agrees not to prohibit or oppose the Foundation's continued use of the Foundation Property for all forms of hunting, fishing, camping, clay-target shooting and other forms of firearms discharge, agriculture, raising of game birds, wildlife and fisheries research, living quarters for employees, interns, researchers and guests, gravel-mining and activities related to all of the foregoing (the "Foundation Land Uses"). In the event Kane County or any other municipality or property owner seeks to curtail or prohibit any such activities, the Village agrees to support in writing the continued use of the Foundation Property by the Foundation for such purposes.

4. **Annexation of Foundation Property to the Village.**

A. The Village shall not annex the Foundation Property, or any portion of it, without the Foundation's advance written consent. The Village shall further not cooperate with any request of the owner of any other property or take action that will facilitate the annexation of the Foundation Property or any portion thereof by any means, without the Foundation's advance written consent.

B. The Foundation agrees to file with the Village Clerk an annexation petition to annex the 22.37-acre portion of the Foundation Property (the "Foundation Annexation Parcel") which is depicted on Exhibit B attached hereto and will be annexed to the Village pursuant to an annexation agreement between the Foundation and the Village substantially in the form attached hereto as Exhibit C. The Foundation represents and warrants that there are two electors (i.e., registered voters), William Schroeder and Karen Schroeder, who are currently residing on the Foundation Annexation Parcel and who will execute the Foundation's annexation petition. Notwithstanding anything to the contrary herein, after annexation of the Foundation Annexation Parcel by the Village, the discharge of firearms on the Foundation Annexation Parcel shall be subject to the Village Code.

C. The Foundation agrees that in connection with execution of its annexation agreement with the Village and annexation of the Foundation Annexation Parcel by the Village, the Foundation shall grant a public utility easement to the Village over, upon and under the State Route 25 right-of-way contained within the Foundation Annexation Parcel, in order to facilitate the installation, operation, maintenance, repair and replacement of subsurface public water and sewer lines by the Village. The grant of public utility easement shall be substantially in the form attached hereto as Exhibit D. The Village agrees to waive: (i) any and all annexation fees in connection with the annexation of the Foundation Annexation Parcel, and (ii) for a period of twenty-five (25) years after the date of this Memorandum, any and all tap-on fees, recapture fees, reimbursement for capital costs, and any other fees associated with connection to the Village water and sewer system for the Foundation Annexation Parcel. The provisions of this paragraph will be contained within the annexation agreement between the Village and the Foundation relating to the Foundation Annexation Parcel, and in any future annexation agreement relating to

the annexation of any other portion of the Foundation property to the Village. The Parties acknowledge that no annexation agreements relating to the Foundation Property are currently contemplated by either the Village and the Foundation, except for the annexation agreement relating to the Foundation Annexation Parcel attached hereto as Exhibit C, and that the decision to enter into any other annexation agreement in the future is entirely within the discretion of both the Village and the Foundation.

5. Procedures for Annexation of Other Properties to the Village.

A. The Foundation hereby waives any right it may otherwise have to object to or challenge, based on statute, common law or otherwise, the contiguity of any annexation of any parcel annexed to the Village which shares a common boundary with any portion of the Foundation Property, provided that such annexation does not violate any provision of this Memorandum.

B. The Village shall not attempt to annex any property that is not physically contiguous to the Village but which may, by operation of Section 7-1-1 of the Illinois Municipal Code (65 ILCS 5/7-1-1 (2011)) or any other statute currently in effect or adopted in the future, be annexed due to the fact that it is separated from the Village only by the Foundation Property.

C. In consideration of the agreements by the Village contained in this Memorandum, the Foundation agrees not to challenge, by judicial proceeding or otherwise, the validity of either: (i) the annexation of the 6.28-acre parcel of land identified as the Pima Property on Exhibit B by Village Ordinance No. 11-41 passed September 29, 2012, or (ii) the annexation of any of the properties referred to in Paragraph 5.D below, provided such annexations are undertaken in the manner described in the corresponding annexation agreements referred to in Paragraph 5.D, or (iii) the prior connection any of the properties identified on Exhibit B to the Village water system without the Foundation's prior consent.

D. The Village may annex the following parcels of Surrounded Land located on the east side of State Route 25 and labeled as indicated on Exhibit B, subject to the condition that in each case, such annexation is preceded by approval and execution of an annexation agreement substantially in the forms attached hereto as Group Exhibit E:

- GAT Guns (Annexation Agreement, Exhibit E-1)
- Pampered Pets (Exhibit E-2)
- Steinland/Buettner/Quail Run (Exhibit E-3)
- Ledin (Exhibit E-4)
- Gauvin (Exhibit E-5)
- Kessler (Exhibit E-6)

E. In the absence of the written consent of the Foundation, the Village shall not: (i) annex any parcel of Surrounded Land located on the west side of State Route 25, except for any

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[illegible]

1853

9. **Corporate Capacities.** The Parties acknowledge and agree that the individuals that are members of the Corporate Authorities are entering into this Memorandum in their official capacities as members of the Corporate Authorities and shall have no personal liability in their individual capacities. Each person executing this Memorandum on behalf of the Foundation acknowledges that all necessary action has been taken and authority given in order for such person to execute this Memorandum under the provisions of any applicable bylaws and

formation documents for the Foundation, and certifies that the Foundation is in good standing with the Illinois Secretary of State. No person signing in a corporate capacity shall have any personal liability under this Memorandum.

10. **Notices.** Any notices required pursuant to the provisions of this Memorandum shall be made in writing and be sent by certified mail, return receipt requested, to the following addresses until notice of change of address is given and shall be deemed received on the fifth business day following deposit in the United States Postal Service:

If to the Foundation: Max McGraw Wildlife Foundation
Attention: President
Post Office Box 9
Dundee, IL 60118

If to the Village: Village Administrator
EAST DUNDEE VILLAGE HALL
120 Barrington Avenue
East Dundee, IL 60118

11. **Indulgences Not Waivers.** Either Party's failure, at any time or times hereafter, to require strict performance by the other Party of any provision of this Memorandum, shall not waive, affect or diminish any right of that first Party thereafter to demand strict compliance and performance therewith.

12. **Covenants Running with the Land.** All obligations of the Foundation in this Memorandum shall constitute covenants running with the land.

13. **Entire Agreement.** This Memorandum (with the exhibits attached hereto) sets forth all agreements, understandings and covenants between and among the Parties in connection with this transaction and there are no oral or parole agreements, representations or inducements existing between the Parties relating to this transaction which are not expressly set forth herein and covered hereby. This Memorandum may not be modified except by a written agreement signed by all of the Parties hereto. This Memorandum shall not be construed for or against the Village or Foundation on the basis of which Party actually drafted or prepared this Memorandum. This Memorandum may be executed in counterparts, and all said counterparts when taken together shall constitute one and the same Memorandum.

IN WITNESS WHEREOF, of Corporate Authorities and the Foundation have caused this Memorandum to be executed by their respective proper officials duly authorized to execute the same on the day and year first above written and that shall be the date on which this Memorandum is deemed approved and executed by the Parties.

THE VILLAGE OF EAST DUNDEE,
an Illinois home rule municipal corporation

ATTEST:

By: Jerald Bartels
President Jerald Bartels

Jennifer Rehberg
Clerk Jennifer Rehberg


STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Jerold Bartels, President of the Village of East Dundee, Illinois, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that he signed and delivered the said instrument, as the free and voluntary act of said corporation, for the uses and purposes therein set forth and, as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 30 day of June, 2012.

(Stamp)




Notary Public

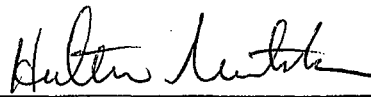
STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Jennifer Rehberg, Clerk of the Village of East Dundee, Illinois, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that she signed and delivered the said instrument, as the free and voluntary act of said corporation, for the uses and purposes therein set forth and, as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal, this 30 day of June, 2012.

(Stamp)




Notary Public

FOUNDATION: Max McGraw Wildlife Foundation, an Illinois not-for-profit corporation

By: Clark Ganshirt
Vice President

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

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

Given under my hand and notarial seal, this 12 day of July, 2012.

(Stamp)



Heather Maieritsch
Notary Public

EXHIBIT LIST:

- Exhibit A: Legal and common description of the Foundation Property
- Exhibit B: Map of Surrounded Land
- Exhibit C: Foundation Annexation Agreement
- Exhibit D: Form of Grant of Public Utility Easement
- Exhibit E: Annexation Agreements for Route 25 Properties
- Exhibit E-1: GAT Guns Annexation Agreement
- Exhibit E-2: Pampered Pets Annexation Agreement
- Exhibit E-3: Steinland/Buettner/Quail Run Annexation Agreement
- Exhibit E-4: Ledin Annexation Agreement
- Exhibit E-5: Gauvin Annexation Agreement
- Exhibit E-6: Kessler Annexation Agreement

Prepared by:
Michael J. Smoron
Zukowski, Rogers, Flood & McArdle 50 Virginia Street
Crystal Lake, Illinois 60014
815/459-2050

EXHIBIT A

Legal and Common Description of the Foundation Property

This is the legal description of land owned by the Max McGraw Wildlife Foundation as of May 10, 2012 in Sections 25, 26, 35 and 36 in Dundee Township, Kane County, Illinois.

PARCEL NUMBERS FOR PROPERTY OWNED BY MAX MCGRAW WILDLIFE FOUNDATION:

03-26-426-015	03-35-102-002	03-35-152-001
03-35-201-004	03-26-126-025	03-26-201-007
03-26-426-028	03-35-126-008	03-35-152-003
03-35-226-001	03-26-176-005	03-26-326-002
03-35-128-002	03-35-152-005	03-26-176-008
03-26-326-003	03-35-128-003	03-35-201-002
03-35-300-014	03-26-176-011	03-26-426-009
03-35-102-001	03-35-128-006	03-35-300-015
03-35-251-003	03-35-400-008	03-35-201-003
03-26-476-008	03-25-300-013	03-26-476-002
03-26-201-005	03-26-126-022	03-26-326-001
03-26-126-083	03-26-126-082	03-26-176-014
03-36-300-005	03-26-308-001	03-26-426-005
03-26-426-004	03-26-426-003	03-26-426-002
03-26-426-006	03-26-426-007	03-26-426-016
03-35-152-002	03-35-101-001	03-36-300-007

The legal description is divided into the following:

- Legal Description of "East Area," which is generally land east of State Route 25.
- Legal Description of "Center Area," which is generally land west of State Route 25 and east of the Fox River
- Legal Description of "West Area," which is generally land west of the Fox River
- Legal Description of "Additional Included Land."
- Legal Description of "Excluded Land."

LEGAL DESCRIPTION OF EAST AREA

THAT PART OF SECTIONS 25, 26, 35 AND 36, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF GATEWAY SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 25, TOWNSHIP AND RANGE AFORESAID; THENCE NORTH 82 DEGREES 48 MINUTES 39 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID GATEWAY SUBDIVISION AND ALONG THE WESTERLY EXTENSION OF SAID SOUTHERLY LINE (ALSO BEING THE WESTERLY EXTENSION OF A LINE PER DOCUMENT NO. 192978, AS MONUMENTED), A DISTANCE OF 621.86 FEET TO THE CENTER LINE OF STATE ROUTE NO. 25; THENCE SOUTHERLY, ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 12688.76 FEET AND A CHORD BEARING OF SOUTH 01 DEGREE 51 MINUTES 08 SECONDS WEST, AN ARC DISTANCE OF 1352.51 FEET TO A LINE THAT IS 512.90 FEET (MEASURED AT RIGHT ANGLES) NORTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF FOX RIVER BLUFFS UNIT NO. 3, BEING A SUBDIVISION OF PART OF SECTIONS 35 AND 36, TOWNSHIP AND RANGE AFORESAID; THENCE SOUTH 82 DEGREES 56 MINUTES 05 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 758.54 FEET (RECORD BEING 750.00 FEET) TO A LINE PARALLEL WITH THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF LOT 16 IN SAID FOX RIVER BLUFFS UNIT NO. 3 AND PASSING THROUGH THE NORTHEAST CORNER OF LOT 14 IN SAID FOX RIVER BLUFFS UNIT NO. 3; THENCE SOUTH 07 DEGREES 04 MINUTES 07 SECONDS WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 512.90 FEET TO THE NORTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 82 DEGREES 56 MINUTES 05 SECONDS EAST, ALONG THE NORTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3, A DISTANCE OF 40.00 FEET; THENCE NORTH 07 DEGREES 04 MINUTES 07 SECONDS EAST, PARALLEL WITH THE NORTHERLY EXTENSION OF THE WESTERLY LINE SAID LOT 16, A DISTANCE OF 897.50 FEET; THENCE SOUTH 82 DEGREES 56 MINUTES 05 SECONDS EAST, PARALLEL WITH THE NORTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3, A DISTANCE OF 170.00 FEET TO A LINE THAT IS PARALLEL WITH THE NORTHERLY EXTENSION OF THE WESTERLY LINE OF AFORESAID LOT 16 AT A POINT 50.00 FEET (MEASURED ALONG THE SAID NORTH LINE OF FOX RIVER

BLUFFS UNIT NO. 3) EASTERLY OF THE NORTHWEST CORNER OF SAID LOT 16; THENCE SOUTH 07 DEGREES 04 MINUTES 07 SECONDS WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 862.50 FEET TO A LINE 75.00 FEET (MEASURED AT RIGHT ANGLES) NORTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3; THENCE SOUTH 82 DEGREES 56 MINUTES 05 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 30.00 FEET; THENCE SOUTH 07 DEGREES 04 MINUTES 07 SECONDS WEST, PARALLEL WITH THE AFORESAID NORTHERLY EXTENSION OF THE WESTERLY LINE OF LOT 16, A DISTANCE OF 75.00 FEET TO THE NORTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3; THENCE SOUTH 82 DEGREES 56 MINUTES 05 SECONDS EAST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 1436.53 FEET TO THE NORTHEAST CORNER OF SAID FOX RIVER BLUFFS UNIT NO. 3; THENCE SOUTH 07 DEGREES 04 MINUTES 07 SECONDS WEST, ALONG THE EASTERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3, A DISTANCE OF 826.19 FEET TO THE SOUTHEAST CORNER OF SAID FOX RIVER BLUFFS UNIT NO. 3; THENCE NORTH 82 DEGREES 59 MINUTES 58 SECONDS WEST, ALONG THE SOUTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3, A DISTANCE OF 1826.41 FEET TO THE SOUTHWEST CORNER OF LOT 83 IN SAID FOX RIVER BLUFFS UNIT NO. 3; THENCE NORTH 83 DEGREES 04 MINUTES 05 SECONDS WEST, ALONG A LINE THAT PASSES THROUGH THE INTERSECTION OF THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF LOT 32 WITH THE EASTERLY LINE OF PARKSIDE AVENUE (NOW VACATED) IN FOX RIVER BLUFFS UNIT NO. 5, BEING A SUBDIVISION OF PART OF SECTIONS 26 AND 35, TOWNSHIP AND RANGE AFORESAID, A DISTANCE OF 599.04 FEET TO THE CENTER LINE OF STATE ROUTE NO. 25, THENCE SOUTH 07 DEGREES 01 MINUTE 50 SECONDS WEST, ALONG SAID CENTER LINE, A DISTANCE OF 2173.68 FEET; THENCE SOUTHERLY, ALONG THE CENTER LINE OF STATE ROUTE NO. 25, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 4141.96 FEET AND BEING TANGENT TO THE LAST DESCRIBED COURSE, AN ARC DISTANCE OF 517.24 FEET; THENCE SOUTHERLY, ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 5544.83 FEET AND BEING TANGENT TO THE LAST DESCRIBED CURVE, AN ARC DISTANCE OF 431.76 FEET; THENCE SOUTHERLY, ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3403.83 FEET AND BEING TANGENT TO THE LAST DESCRIBED CURVE, AN ARC DISTANCE OF 204.38 FEET TO THE NORTHERLY LINE OF BRANDT DRIVE (FORMERLY JEWEL DRIVE) ACCORDING TO THE PLAT OF DEDICATION FOR PUBLIC STREET RECORDED IN THE RECORDER'S OFFICE OF COOK COUNTY, ILLINOIS AS DOCUMENT NO. 1072733; THENCE SOUTH 83 DEGREES 34 MINUTES 07 SECONDS EAST, ALONG THE NORTHERLY LINE OF BRANDT DRIVE AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 1895.09 FEET (RECORD BEING 1894.23 FEET), THENCE SOUTH 01 DEGREE 14 MINUTES 38 SECONDS EAST, A DISTANCE OF 639.53 FEET (RECORD BEING 639.56 FEET) TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP AND RANGE AFORESAID THAT IS 926.69 FEET (RECORD BEING 914.10 FEET) EASTERLY (MEASURED ALONG SAID SOUTH LINE) OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE NORTH 88 DEGREES 18 MINUTES 37 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 1714.91 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 88 DEGREES 24 MINUTES 49 SECONDS EAST, ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 36, A DISTANCE OF 1316.07 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE SAID SOUTHEAST QUARTER OF SECTION 36; THENCE NORTH 01 DEGREE 30 MINUTES 10 SECONDS WEST, ALONG THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER, A DISTANCE OF 2650.04 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF SOUTHEAST QUARTER OF SECTION 36; THENCE NORTH 01 DEGREE 30 MINUTES 10 SECONDS WEST, ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 36, A DISTANCE OF 2849.88 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 36; THENCE NORTH 83 DEGREES 21 MINUTES 35 SECONDS WEST (RECORD BEING NORTH 80 DEGREES 23 MINUTES WEST), A DISTANCE OF 947.08 FEET (RECORD BEING 948.50 FEET) TO AN EXISTING IRON STAKE; THENCE NORTH 02 DEGREES 12 MINUTES 13 SECONDS WEST (RECORD BEING NORTH 00 DEGREES 14 MINUTES WEST), ALONG A MONUMENTED LINE, A DISTANCE OF 927.71 FEET (RECORD BEING 925.9 FEET) TO AN EXISTING IRON STAKE ON SAID MONUMENTED LINE PER DOCUMENT NO. 1925778; THENCE NORTH 82 DEGREES 48 MINUTES 39 SECONDS WEST (RECORD BEING NORTH 81 DEGREES 03 MINUTES WEST), ALONG SAID MONUMENTED LINE, A DISTANCE OF 2462.64 FEET TO THE POINT OF BEGINNING, BEING SITUATED IN DUNDEE TOWNSHIP, KANE COUNTY, ILLINOIS AND CONTAINING 551.45 ACRES MORE OR LESS.

LEGAL DESCRIPTION OF CENTER AREA

THAT PART OF SECTIONS 26 AND 35, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 26; THENCE SOUTH 01 DEGREE 19 MINUTES 52 SECONDS EAST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 26, A DISTANCE OF 890.38 FEET TO THE CENTER LINE OF STATE ROUTE NO. 72; THENCE NORTH 63 DEGREES 14 MINUTES 55 SECONDS WEST, ALONG SAID CENTER LINE, A DISTANCE OF 3.75 FEET TO THE CENTER LINE OF STATE ROUTE NO. 25; THENCE CONTINUING NORTH 63 DEGREES 14 MINUTES 55 SECONDS WEST, ALONG SAID CENTER LINE OF STATE ROUTE NO. 72, A DISTANCE OF 400.40 FEET; THENCE SOUTH 26 DEGREES 45 MINUTES 05 SECONDS WEST, PERPENDICULAR TO THE CENTER LINE OF SAID STATE ROUTE NO. 72, A DISTANCE OF 250.00 FEET; THENCE NORTH 63 DEGREES 14 MINUTES 55 SECONDS WEST, PARALLEL WITH THE CENTER LINE OF SAID STATE ROUTE NO. 72, A DISTANCE OF 558.05 FEET TO THE EAST LINE OF FOX RIVER BLUFFS UNIT NO. 2, BEING A SUBDIVISION OF PART OF SECTIONS 23 AND 26, TOWNSHIP AND RANGE AFORESAID; THENCE SOUTH 07 DEGREES 56 MINUTES 10 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 164.32 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE NORTH 45 DEGREES 30 MINUTES 37 SECONDS WEST, A DISTANCE OF 1227.45 FEET; THENCE NORTH 43 DEGREES 56 MINUTES 30 SECONDS WEST, A DISTANCE OF 243.70 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE NORTH 66 DEGREES 24 MINUTES 17 SECONDS WEST, A DISTANCE OF 294.12 FEET TO THE WEST LINE OF THE AFORESAID NORTHEAST QUARTER OF SECTION 26 FOR THE POINT OF BEGINNING; THENCE SOUTH 66 DEGREES 24 MINUTES 17 SECONDS EAST, A DISTANCE OF 294.12 FEET TO AFORESAID POINT "B"; THENCE SOUTH 43 DEGREES 56 MINUTES 30 SECONDS EAST, A DISTANCE OF 243.70 FEET; THENCE SOUTH 85 DEGREES 30 MINUTES 37 SECONDS EAST, A DISTANCE OF 1227.45 FEET TO AFORESAID POINT "A"; THENCE SOUTH 07 DEGREES 56 MINUTES 10 SECONDS WEST, ALONG THE AFORESAID EAST LINE OF FOX RIVER BLUFFS UNIT NO. 2, A DISTANCE OF 165.72 FEET TO AN ANGLE IN SAID EAST LINE; THENCE SOUTH 07 DEGREES 33 MINUTES 50 SECONDS EAST, ALONG THE SAID EAST LINE OF THE FOX RIVER BLUFFS UNIT NO. 2, A DISTANCE OF 726.44 FEET TO AN ANGLE IN SAID EAST LINE; THENCE SOUTH 00 DEGREES 58 MINUTES 59 SECONDS EAST, ALONG THE SAID EAST LINE OF FOX RIVER BLUFFS UNIT NO. 2 AND ALONG AN EAST LINE OF FOX RIVER BLUFFS UNIT NO. 7, BEING A SUBDIVISION OF PART OF THE EAST HALF OF AFORESAID SECTION 26, A DISTANCE OF 950.75 FEET TO THE SOUTHEAST CORNER OF LOT 12 OF SAID FOX RIVER BLUFFS UNIT NO. 7, ALSO BEING ON A NORTH LINE OF SAID FOX RIVER BLUFFS UNIT NO. 7; THENCE NORTH 87 DEGREES 47 MINUTES 12 SECONDS EAST, ALONG SAID NORTH LINE, OF FOX RIVER BLUFFS UNIT NO. 7, A DISTANCE OF 946.77 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF AFORESAID SECTION 26; THENCE SOUTH 02 DEGREES 09 MINUTES 51 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 26, A DISTANCE OF 632.80 FEET; THENCE SOUTH 88 DEGREES 26 MINUTES 01 SECOND WEST, PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF AFORESAID SECTION 26, A DISTANCE OF 635.54 FEET TO A LINE THAT IS 635.50 FEET (MEASURED AT RIGHT ANGLES) WESTERLY OF AND PARALLEL WITH THE SAID EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 26; THENCE SOUTH 02 DEGREES 09 MINUTES 51 EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 689.20 FEET TO THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 26; THENCE NORTH 88 DEGREES 31 MINUTES 55 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 620.34 FEET TO THE CENTER LINE OF STATE ROUTE NO. 25; THENCE SOUTHERLY, ALONG THE CENTER LINE OF STATE ROUTE NO. 25, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 12688.76 FEET AND A CHORD BEARING OF SOUTH 03 DEGREES 25 MINUTES 08 SECONDS WEST, AN ARC DISTANCE OF 1599.72 FEET; THENCE SOUTH 07 DEGREES 01 MINUTE 50 SECONDS WEST, ALONG THE CENTER LINE OF STATE ROUTE NO. 25 BEING TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 410.43 FEET TO A POINT ON THE CENTER LINE OF STATE ROUTE NO. 25 THAT IS 461.65 FEET (MEASURED ALONG SAID CENTER LINE) NORTHERLY OF A LINE HEREINAFTER REFERRED TO AS LINE "C" AND BEING A LINE FROM THE SOUTHWEST CORNER OF LOT 83 IN FOX RIVER BLUFFS UNIT NO. 3, BEING A SUBDIVISION OF PART OF SECTIONS 35 AND 36, TOWNSHIP AND RANGE AFORESAID, TO THE INTERSECTION OF THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF LOT 32 IN FOX RIVER BLUFFS UNIT NO. 5, BEING A SUBDIVISION OF PART OF SECTIONS 26 AND 35, TOWNSHIP AND RANGE AFORESAID, WITH THE EAST LINE OF PARKSIDE AVENUE (NOW VACATED) AS PLATTED IN SAID FOX RIVER BLUFFS UNIT NO. 5; THENCE NORTH 83 DEGREES 10 MINUTES 22 SECONDS WEST, A DISTANCE OF 903.69 FEET TO A POINT ON THE EAST LINE OF SAID VACATED PARKSIDE AVENUE THAT IS 460.00 FEET (MEASURED ALONG SAID EAST LINE) NORTHERLY OF THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LOT 32 IN FOX RIVER BLUFFS UNIT NO. 5; THENCE SOUTH 06 DEGREES 48 MINUTES 28 SECONDS WEST, ALONG SAID EAST LINE OF VACATED PARKSIDE AVENUE, A DISTANCE OF 460.00 FEET TO SAID EASTERLY EXTENSION OF THE SOUTHERLY LINE OF LOT 32; THENCE SOUTH 83 DEGREES 04 MINUTES 05 SECONDS EAST, ALONG AFORESAID LINE "C", A DISTANCE OF 122.51 FEET TO A MONUMENTED LINE; THENCE SOUTH 07 DEGREES 03 MINUTES 29 SECONDS WEST, ALONG SAID MONUMENTED LINE, A DISTANCE OF 1261.66 FEET TO AN EXISTING IRON STAKE; THENCE SOUTH 83 DEGREES 01 MINUTE 05 SECONDS EAST, ALONG A MONUMENTED LINE, A DISTANCE OF 780.00 FEET TO THE CENTER LINE OF STATE ROUTE NO. 25; THENCE SOUTH 07 DEGREES 01 MINUTE 50 SECONDS WEST, ALONG SAID CENTER LINE OF STATE ROUTE NO. 25, A DISTANCE OF 911.34 FEET; THENCE SOUTHERLY, ALONG SAID CENTER LINE OF STATE ROUTE NO. 25, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 4141.96 FEET AND BEING TANGENT TO THE LAST DESCRIBED COURSE, AN ARC DISTANCE OF 517.24 FEET; THENCE SOUTHERLY, ALONG SAID CENTER LINE OF STATE ROUTE NO. 25, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 5544.83 FEET AND BEING TANGENT TO THE LAST DESCRIBED CURVE, AN ARC DISTANCE OF 431.76 FEET; THENCE SOUTHERLY ALONG SAID CENTER LINE OF STATE ROUTE NO. 25, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3403.83 FEET AND BEING TANGENT TO THE LAST DESCRIBED CURVE, AN ARC DISTANCE OF 503.96 FEET TO THE CENTER LINE OF OLD LOWER ELGIN-DUNDEE ROAD; THENCE NORTH 78 DEGREES 34 MINUTES 04 SECONDS WEST, ALONG SAID CENTER LINE OF OLD LOWER ELGIN-DUNDEE ROAD, A DISTANCE OF 377.98 FEET TO AN ANGLE IN SAID CENTER LINE; THENCE NORTH 44 DEGREES 30 MINUTES 53 SECONDS WEST, ALONG SAID CENTER LINE OF OLD LOWER ELGIN-DUNDEE ROAD, A DISTANCE OF 727.29 FEET TO AN ANGLE IN SAID CENTER LINE; THENCE NORTH 76 DEGREES 50 MINUTES 53 SECONDS WEST, ALONG SAID CENTER LINE OF OLD LOWER ELGIN-DUNDEE ROAD, A DISTANCE OF 288.42 FEET TO AN ANGLE IN SAID CENTER LINE; THENCE NORTH 61 DEGREES 04 MINUTES 09 SECONDS WEST, ALONG SAID CENTER LINE OF OLD LOWER ELGIN-DUNDEE ROAD, A DISTANCE OF 138.60 FEET TO A LINE THAT IS PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF AFORESAID SECTION 35 AT A POINT 1397.88 FEET (21.18 CHAINS) (MEASURED ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER) NORTH OF THE SOUTHWEST CORNER OF THE SAID SOUTHEAST QUARTER OF SECTION 35; THENCE SOUTH 88 DEGREES 25 MINUTES 51 SECONDS WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 302.28 FEET TO THE WEST LINE OF THE SAID SOUTHEAST QUARTER OF SECTION 35; THENCE SOUTH 88 DEGREES 8 MINUTES 28 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 26, A DISTANCE OF 684.64 FEET TO THE EASTERLY RIGHT OF WAY LINE OF DUNCAN AVENUE; THENCE

NORTH 13 DEGREES 31 MINUTES 25 SECONDS WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF DUNCAN AVENUE, A DISTANCE OF 1850.11 FEET TO THE SOUTHWEST CORNER OF MILBRANDT SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF AFORESAID SECTION 35; THENCE NORTH 74 DEGREES 10 MINUTES 06 SECONDS EAST, ALONG THE SOUTHERLY LINE OF MILBRANDT SUBDIVISION, AS MONUMENTED, A DISTANCE OF 378.42 FEET TO AN EXISTING IRON STAKE AT THE SOUTHEAST CORNER OF SAID MILBRANDT SUBDIVISION, THENCE NORTH 00 DEGREES 15 MINUTES 19 SECONDS EAST, A DISTANCE OF 626.51 FEET TO THE SOUTHWEST CORNER OF LOT 25 OF FOX RIVER BLUFFS UNIT NO. 4, BEING A SUBDIVISION OF PART OF THE AFORESAID NORTHWEST QUARTER OF SECTION 35; THENCE NORTH 00 DEGREES 14 MINUTES 36 SECONDS EAST, ALONG THE WEST LINE AND NORTHERLY EXTENSION OF SAID WEST LINE OF SAID LOT 25 AND ALONG THE WEST LINES OF LOTS 28 AND 29 IN SAID FOX RIVER BLUFFS UNIT NO. 4 AND ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 29 AND ALONG THE WEST LINES OF LOTS 62, 55, 54, AND 49 IN SAID FOX RIVER BLUFFS UNIT NO. 4, A DISTANCE OF 1073.73 FEET TO THE NORTHWEST CORNER OF SAID LOT 49; THENCE NORTH 00 DEGREES 05 MINUTES 46 SECONDS WEST, A DISTANCE OF 79.96 FEET TO THE SOUTHWEST CORNER OF LOT 47 IN SAID FOX RIVER BLUFFS UNIT NO. 4; THENCE NORTH 88 DEGREES 08 MINUTES 51 SECONDS WEST, ALONG A LINE BETWEEN THE SAID SOUTHWEST CORNER OF LOT 47 AND THE SOUTHEAST CORNER OF LOT 104 IN SAID FOX RIVER BLUFFS UNIT NO. 4, A DISTANCE OF 16.00 FEET; THENCE NORTH 00 DEGREES 28 MINUTES 45 SECONDS WEST, A DISTANCE OF 209.95 FEET TO A POINT ON THE NORTH LINE OF SAID FOX RIVER BLUFFS UNIT NO. 4 THAT IS 12.64 FEET (MEASURED ALONG SAID NORTH LINE) WEST OF THE NORTHWEST CORNER OF LOT 46 IN SAID FOX RIVER BLUFFS UNIT NO. 4, THENCE SOUTH 87 DEGREES 46 MINUTES 14 SECONDS WEST, ALONG SAID NORTH LINE OF FOX RIVER BLUFFS UNIT NO. 4, A DISTANCE OF 528.53 FEET TO THE NORTHEAST CORNER OF LOT 112 IN SAID FOX RIVER BLUFFS UNIT NO. 4; THENCE SOUTH 02 DEGREES 08 MINUTES 32 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 112, A DISTANCE OF 172.57 FEET TO THE SOUTHEAST CORNER OF SAID LOT 112; THENCE NORTH 88 DEGREES 08 MINUTES 51 SECONDS WEST ALONG THE SOUTH LINE OF LOTS 112, 113, AND 114 IN SAID FOX RIVER BLUFFS UNIT NO. 4, A DISTANCE OF 199.84 FEET TO THE SOUTHWEST CORNER OF SAID LOT 114; THENCE NORTH 02 DEGREES 33 MINUTES 11 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 114, A DISTANCE OF 158.35 FEET TO THE NORTHWEST CORNER OF SAID LOT 114, BEING ON THE AFORESAID NORTH LINE OF FOX RIVER BLUFFS UNIT NO. 4, THENCE SOUTH 87 DEGREES 46 MINUTES 14 SECONDS WEST, ALONG THE SAID NORTH LINE OF FOX RIVER BLUFFS UNIT NO. 4, A DISTANCE OF 161.65 FEET TO THE CENTER LINE OF DUNCAN AVENUE; THENCE NORTH 13 DEGREES 31 MINUTES 25 SECONDS WEST, ALONG THE SAID CENTER LINE OF DUNCAN AVENUE, A DISTANCE OF 1073.53 FEET; THENCE NORTHERLY, ALONG THE SAID CENTER LINE OF DUNCAN AVENUE, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3189.76 FEET AND BEING TANGENT TO THE LAST DESCRIBED COURSE, AN ARC DISTANCE OF 650.00 FEET; THENCE NORTHERLY, ALONG THE SAID CENTER LINE OF DUNCAN AVENUE, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2571.40 FEET AND BEING TANGENT TO THE LAST DESCRIBED CURVE, AN ARC DISTANCE OF 742.73 FEET; THENCE NORTH 14 DEGREES 42 MINUTES 05 SECONDS EAST, ALONG THE SAID CENTER LINE OF DUNCAN AVENUE, BEING TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 471.62 FEET; THENCE NORTHERLY, ALONG THE SAID CENTER LINE OF DUNCAN AVENUE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 5072.44 FEET AND BEING TANGENT TO THE LAST DESCRIBED COURSE, AN ARC DISTANCE OF 207.62 FEET TO A LINE PER DOCUMENT NO. 1262417, AS MONUMENTED; THENCE NORTH 87 DEGREES 30 MINUTES 04 SECONDS EAST, ALONG SAID MONUMENTED LINE, A DISTANCE OF 236.73 FEET TO AN EXISTING IRON STAKE AT THE SOUTHEAST CORNER OF LAND CONVEYED PER SAID DOCUMENT NO. 1262417; THENCE NORTH 01 DEGREE 08 MINUTES 56 SECONDS WEST, ALONG A LINE PER DOCUMENT NO. 1262417, AS MONUMENTED, A DISTANCE OF 266.43 FEET (RECORD BEING 266.60 FEET) TO THE SOUTH LINE, AS MONUMENTED, OF LAND CONVEYED TO CHRISTIAN KNAAK BY DEED RECORDED IN THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS ON NOVEMBER 10, 1875 IN BOOK 159, PAGE 526, AS DOCUMENT NO. 10020; THENCE NORTH 88 DEGREES 38 MINUTES 11 SECONDS EAST, ALONG THE SOUTH LINE, AS MONUMENTED, OF SAID LAND CONVEYED TO CHRISTIAN KNAAK, A DISTANCE OF 249.56 FEET TO AN EXISTING IRON STAKE AT THE SOUTHEAST CORNER OF SAID CHRISTIAN KNAAK LAND; THENCE NORTH 18 DEGREES 47 MINUTES 00 SECONDS WEST, ALONG THE EAST LINE, AS MONUMENTED, OF SAID CHRISTIAN KNAAK LAND, A DISTANCE OF 109.41 FEET (RECORD BEING 109.56 FEET) TO AN EXISTING IRON STAKE AT THE NORTHEAST CORNER OF SAID CHRISTIAN KNAAK LAND; THENCE NORTH 02 DEGREES 18 MINUTES 06 SECONDS EAST, ALONG A LINE PER DOCUMENT NO. 1581846, AS MONUMENTED, A DISTANCE OF 158.09 FEET (RECORD BEING 158.80 FEET) TO AN EXISTING IRON STAKE AT THE NORTHEAST CORNER OF LAND CONVEYED PER SAID DOCUMENT NO. 1581846; THENCE NORTH 08 DEGREES 33 MINUTES 16 SECONDS EAST, ALONG A LINE PER DOCUMENT NO. 1309831, AS DOCUMENTED, A DISTANCE OF 15.84 FEET (RECORD BEING 15.75 FEET), TO A LINE THAT IS 175.00 FEET (MEASURED ALONG THE LAST DESCRIBED MONUMENTED LINE PER DOCUMENT NO. 1309831) SOUTHERLY OF AND PARALLEL WITH THE SOUTH LINE, AS MONUMENTED, OF LAND CONVEYED TO FREDERICK WAHL BY DEED RECORDED IN THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS ON MARCH 29, 1869 IN BOOK 113, PAGE 564; THENCE NORTH 87 DEGREES 23 MINUTES 19 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 100.00 FEET, THENCE NORTH 08 DEGREES 33 MINUTES 16 SECONDS EAST, PARALLEL WITH THE LAST DESCRIBED MONUMENTED LINE PER DOCUMENT NO. 1309831, A DISTANCE OF 175.00 FEET TO THE SAID SOUTH LINE, AS MONUMENTED, OF LAND CONVEYED TO FREDERICK WAHL; THENCE SOUTH 87 DEGREES 23 MINUTES 19 SECONDS WEST, ALONG THE SAID SOUTH LINE, AS MONUMENTED, OF FREDERICK WAHL LAND, A DISTANCE OF 4.94 FEET TO A LINE PER DOCUMENT NO. 980049, AS MONUMENTED THENCE NORTH 00 DEGREES 17 MINUTES 02 SECONDS WEST, ALONG SAID LINE PER DOCUMENT NO. 980049, AS MONUMENTED, A DISTANCE OF 186.71 FEET (RECORD BEING 186.30 FEET) TO THE NORTH LINE, AS MONUMENTED, OF SAID FREDERICK WAHL LAND; THENCE SOUTH 87 DEGREES 23 MINUTES 47 SECONDS WEST, ALONG SAID NORTH LINE, AS MONUMENTED, OF FREDERICK WAHL LAND, A DISTANCE OF 185.82 FEET (RECORD BEING 186.30 FEET) TO A LINE PER DOCUMENT NO. 980049, AS MONUMENTED; THENCE SOUTH 00 DEGREES 23 MINUTES 33 SECONDS EAST, ALONG SAID MONUMENTED LINE PER DOCUMENT NO. 980049, A DISTANCE OF 186.72 FEET (RECORD BEING 186.30 FEET) TO THE SAID SOUTH LINE, AS MONUMENTED, OF FREDERICK WAHL LAND; THENCE SOUTH 87 DEGREES 23 MINUTES 19 SECONDS WEST, ALONG SAID SOUTH LINE, AS MONUMENTED, OF FREDERICK WAHL LAND, A DISTANCE OF 13.66 FEET TO THE SOUTHEAST CORNER OF LAND CONVEYED PER DOCUMENT NO. 1696141; THENCE NORTH 00 DEGREES 28 MINUTES 19 SECONDS EAST, ALONG THE EAST LINE OF LAND CONVEYED PER DOCUMENT NO. 1696141, A DISTANCE OF 186.85 FEET (RECORD BEING 186.30 FEET) TO THE NORTH LINE, AS MONUMENTED, OF SAID FREDERICK WAHL LAND; THENCE SOUTH 87 DEGREES 23 MINUTES 47 SECONDS WEST, ALONG THE SAID NORTH LINE, AS MONUMENTED, OF FREDERICK WAHL LAND, A DISTANCE OF 265.44 FEET TO THE CENTER LINE OF DUNCAN AVENUE; THENCE NORTHERLY, ALONG SAID CENTER LINE OF DUNCAN AVENUE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2806.03 FEET AND A CHORD BEARING OF NORTH 00 DEGREES 34 MINUTES 02 SECONDS WEST, AN ARC DISTANCE OF 83.41 FEET TO THE WESTERLY EXTENSION OF A SOUTHERLY LINE PER DOCUMENT NO. 1650226, AS MONUMENTED; THENCE NORTH 87 DEGREES 17 MINUTES 07 SECONDS EAST, ALONG SAID WESTERLY EXTENSION AND ALONG SAID MONUMENTED SOUTHERLY LINE PER DOCUMENT NO. 1650226, A DISTANCE OF 175.75 FEET TO AN EASTERLY LINE PER DOCUMENT NO. 1650226, AS MONUMENTED; THENCE NORTH 03 DEGREES 05 MINUTES 34 SECONDS WEST, ALONG AN EASTERLY LINE PER DOCUMENT NO. 1650226, DOCUMENT NO. 1767833 AND DOCUMENT NO. 1645133, AS MONUMENTED, A DISTANCE OF 169.55 FEET TO A SOUTHERLY LINE PER DOCUMENT NO. 1007378, AS MONUMENTED; THENCE NORTH 87 DEGREES 17 MINUTES 19 SECONDS EAST, ALONG SAID MONUMENTED SOUTHERLY LINE PER DOCUMENT NO. 1007378, A DISTANCE OF 163.14 FEET TO A WESTERLY LINE PER DOCUMENT NO. 1007378, AS MONUMENTED; THENCE NORTH 01 DEGREE 35 MINUTES 10 SECONDS WEST, ALONG SAID MONUMENTED WESTERLY LINE PER DOCUMENT NO. 1007378, A DISTANCE OF 70.60 FEET TO A SOUTHERLY LINE PER DOCUMENT NO. 1523332, AS MONUMENTED; THENCE NORTH 87 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG SAID MONUMENTED SOUTHERLY LINE PER DOCUMENT NO. 1523332, A DISTANCE OF 2.03 FEET TO AN EASTERLY LINE PER DOCUMENT NO. 1523332, AS MONUMENTED; THENCE NORTH 01 DEGREE 57 MINUTES 22 SECONDS WEST, ALONG SAID MONUMENTED EASTERLY LINE PER DOCUMENT NO. 1523332, A DISTANCE OF 55.01 FEET (RECORD BEING 55.00 FEET) TO AN EXISTING IRON STAKE AT THE NORTHEAST CORNER OF LAND CONVEYED PER DOCUMENT NO. 1523332; THENCE NORTH 87 DEGREES 17 MINUTES 39 SECONDS EAST, ALONG A MONUMENTED LINE, A DISTANCE OF 1052.08 FEET (RECORD BEING 1053.94 FEET) TO THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP AND RANGE AFORESAID; THENCE NORTH 01 DEGREE 46 MINUTES 38 SECONDS EAST, ALONG THE SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 26, A DISTANCE OF 528.00 FEET TO THE POINT OF BEGINNING. ALSO LOTS 72 THROUGH 83, INCLUSIVE, LOTS 96 THROUGH 100, INCLUSIVE, LOTS 112, 113 AND 114, AND THE NORTH 15.00 FEET OF LOT 94, ALL IN AFORESAID FOX RIVER BLUFFS UNIT NO. 4.

EXCEPTING FROM THE ABOVE THAT PART DESCRIBED AS FOLLOWS:

LOTS 18, 28, 30, 31, 32, 37, 38, 45, 77 AND 78 AND ALL PLATTED STREETS IN AFORESAID FOX RIVER BLUFFS UNIT NO. 7, ALL OF HILLSIDE DRIVE, ALL OF PARK AVENUE LYING EITHER NORTH OR SOUTH OF VACATED SUNSET PARK DRIVE PER DOCUMENT NO. 2011818 RECORDED IN THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS ON DECEMBER 1, 1989 AND THAT PART OF FRIES AVENUE AND MOUNTAIN VALLEY DRIVE LYING EAST OF THE EAST RIGHT OF WAY LINE OF RIVERVIEW DRIVE, AS PLATTED IN AFORESAID FOX RIVER BLUFFS UNIT NO. 4, ALL OF HILLSIDE DRIVE LYING SOUTH OF SAID VACATED SUNSET PARK DRIVE, PER DOCUMENT NO. 2011818 AND THAT PART OF MEADOW LANE WEST, LYING SOUTH OF VACATED ELMWOOD DRIVE, PER DOCUMENT NO. 2011818 AND LYING NORTH OF THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF LOT 49 IN AFORESAID FOX RIVER BLUFFS UNIT NO. 5.

ALL BEING SITUATED IN DUNDEN TOWNSHIP, KANE COUNTY, ILLINOIS AND CONTAINING 616.02 ACRES MORE OR LESS.

LEGAL DESCRIPTION OF WEST AREA

THAT PART OF SECTIONS 26, 27, AND 35, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST SOUTHEAST CORNER OF RICHARDSON'S 2ND FOX RIVER SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP AND RANGE AFORESAID, BEING A POINT ON THE WESTERLY LINE OF THE FOX RIVER TRAIL (FORMERLY THE WESTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY); THENCE SOUTH 83 DEGREES 20 MINUTES 42 SECONDS WEST, ALONG THE SOUTH LINE OF SAID RICHARDSON'S 2ND FOX RIVER SUBDIVISION, A DISTANCE OF 425.30 FEET (RECORD BEING 430.00 FEET) TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF FOX RIVER DRIVE, AS PLATTED IN RICHARDSON'S FOX RIVER SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTIONS 26 AND 27, TOWNSHIP AND RANGE AFORESAID; THENCE SOUTH 42 DEGREES 01 MINUTE 59 SECONDS WEST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 172.40 FEET TO AN

ANGLE IN SAID SOUTHEASTERLY RIGHT OF WAY LINE, THENCE SOUTH 52 DEGREES 51 MINUTES 17 SECONDS WEST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE OF FOX RIVER DRIVE, A DISTANCE OF 56.80 FEET; THENCE SOUTH 37 DEGREES 08 MINUTES 43 SECONDS EAST, PERPENDICULAR TO THE SAID SOUTHEASTERLY RIGHT OF WAY LINE OF FOX RIVER DRIVE, A DISTANCE OF 100.03 FEET; THENCE SOUTH 52 DEGREES 51 MINUTES 17 SECONDS WEST, PARALLEL WITH THE SAID SOUTHEASTERLY RIGHT OF WAY LINE OF FOX RIVER DRIVE, A DISTANCE OF 239.13 FEET TO AN ANGLE POINT IN SAID PARALLEL LINE, THENCE SOUTH 66 DEGREES 00 MINUTES 10 SECONDS WEST, PARALLEL WITH SAID SOUTHEASTERLY RIGHT OF WAY LINE OF FOX RIVER DRIVE, A DISTANCE OF 114.25 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF CAMP FLINT DRIVE, AS PLATTED IN AFORESAID RICHARDSON'S FOX RIVER SUBDIVISION; THENCE SOUTH 34 DEGREES 57 MINUTES 22 SECONDS EAST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 149.16 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID CAMP FLINT DRIVE, THEN SOUTH 34 DEGREES 33 MINUTES 45 SECONDS WEST, ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 209.45 FEET (RECORD BEING 209.60 FEET) TO A NORTHERLY RIGHT OF WAY LINE OF FOX RIVER DRIVE, AS PLATTED IN AFORESAID RICHARDSON'S FOX RIVER SUBDIVISION; THENCE SOUTH 72 DEGREES 35 MINUTES 15 SECONDS EAST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 182.10 FEET TO AN EASTERLY RIGHT OF WAY LINE OF SAID FOX RIVER DRIVE; THENCE SOUTH 00 DEGREES 49 MINUTES 49 SECONDS WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 83.00 FEET TO THE MOST SOUTHEAST CORNER OF SAID RICHARDSON'S FOX RIVER SUBDIVISION; THENCE NORTH 89 DEGREES 28 MINUTES 00 SECONDS WEST ALONG A SOUTHERLY LINE OF SAID RICHARDSON'S FOX RIVER SUBDIVISION, A DISTANCE OF 20.00 FEET TO A WESTERLY LINE OF FOX RIVER DRIVE, AS PLATTED IN SAID RICHARDSON'S FOX RIVER DRIVE SUBDIVISION; THENCE SOUTH 00 DEGREES 49 MINUTES 49 SECONDS WEST, ALONG AN EXTENSION OF SAID WESTERLY LINE OF FOX RIVER DRIVE, A DISTANCE OF 266.20 FEET; THENCE NORTH 89 DEGREES 28 MINUTES 00 SECONDS WEST, PARALLEL WITH THE AFORESAID SOUTHERLY LINE OF RICHARDSON'S FOX RIVER SUBDIVISION, A DISTANCE OF 103 FEET MORE OR LESS TO THE EASTERLY SHORE LINE OF THE FOX RIVER; THENCE SOUTHERLY, ALONG SAID EASTERLY SHORE LINE, TO THE SOUTHERLY LINE OF LOT 23 OF FOX RIVER BLUFFS UNIT NO. 6, BEING A SUBDIVISION OF PART OF SECTIONS 26 AND 35, TOWNSHIP AND RANGE AFORESAID; THENCE NORTH 78 DEGREES 29 MINUTES 37 SECONDS EAST, ALONG THE SOUTHERLY LINES OF LOTS 23 AND 22 OF SAID FOX RIVER BLUFFS UNIT NO. 6, A DISTANCE OF 221 FEET MORE OR LESS TO A WESTERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 6; THENCE SOUTH 10 DEGREES 48 MINUTES 12 SECONDS EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 525.50 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID FOX RIVER BLUFFS UNIT NO. 6; THENCE SOUTH 79 DEGREES 16 MINUTES 23 SECONDS WEST, ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 6, A DISTANCE OF 208 FEET MORE OR LESS TO THE EASTERLY SHORE LINE OF THE FOX RIVER; THENCE SOUTHERLY, ALONG SAID EASTERLY SHORE LINE, TO A LINE THAT IS 401.94 FEET, MEASURED ALONG THE WESTERLY LINE OF THE FOX RIVER TRAIL (FORMERLY THE WESTERLY RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY), SOUTHERLY OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP AND RANGE AFORESAID; THENCE NORTH 88 DEGREES 35 MINUTES 30 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 295 FEET MORE OR LESS (RECORD BEING 303.60 FEET) TO THE WESTERLY LINE OF THE FOX RIVER TRAIL, THENCE NORTH 13 DEGREES 30 MINUTES 26 SECONDS WEST, ALONG THE SAID WESTERLY LINE OF THE FOX RIVER TRAIL, A DISTANCE OF 4177.63 FEET; THENCE NORTHERLY, ALONG THE SAID WESTERLY LINE OF THE FOX RIVER TRAIL BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2914.79 FEET AND BEING TANGENT TO THE LAST DESCRIBED COURSE, AN ARC DISTANCE OF 882.89 FEET TO THE POINT OF BEGINNING; EXCEPTING THEREFROM LOT 7 AND ALL PLATTED STREETS IN AFORESAID FOX RIVER BLUFFS UNIT NO. 6, BEING SITUATED IN DUNDEE TOWNSHIP, KANE COUNTY, ILLINOIS AND CONTAINING 62.85 ACRES MORE OR LESS.

ADDITIONAL INCLUDED LAND:

ALSO INCLUDING:

LOT 7 IN FOX RIVER BLUFFS UNIT NO. 6, IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS.

ALSO INCLUDING:

THAT PART OF THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST 1/4, THENCE NORTH 88 DEGREES 26 MINUTES 07 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 1120.13 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROUTE 25 (SAID RIGHT-OF-WAY LINE BEING 50.00 FEET NORTHWESTERLY OF THE CENTERLINE OF SAID ROUTE 25, AS MEASURED NORMALLY DISTANT THERE TO); THENCE NORTH 30 DEGREES 36 MINUTES 24 SECONDS EAST ALONG THE SAID RIGHT-OF-WAY LINE 66.49 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE, BEING ON A CURVE TO THE LEFT HAVING A RADIUS OF 17,138.78 FEET AN ARC DISTANCE OF 623.18 FEET TO A POINT OF COMPOUND CURVE; (THE CHORD OF THE LAST DESCRIBED CURVE BEARING NORTH 29 DEGREES 33 MINUTES 54 SECONDS EAST, 623.15 FEET); THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE BEING ON A CURVE TO THE LEFT HAVING A RADIUS OF 3353.83 FEET, AN ARC DISTANCE OF 67.50 FEET (THE CHORD OF THE LAST DESCRIBED CURVE BEARING NORTH 27 DEGREES 56 MINUTES 49 SECONDS EAST 67.50 FEET) THENCE NORTH 78 DEGREES 34 MINUTES 04 SECONDS WEST 326.01 FEET; THENCE NORTH 44 DEGREES 30 MINUTES 53 SECONDS WEST 542.30 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 44 DEGREES 36 MINUTES 27 SECONDS WEST 15.19 FEET; THENCE NORTH 44 DEGREES 25 MINUTES 37 SECONDS WEST 72.90 FEET; THENCE NORTH 48 DEGREES 51 MINUTES 23 SECONDS WEST 82.96 FEET; THENCE NORTH 63 DEGREES 04 MINUTES 16 SECONDS WEST 63.23 FEET; THENCE NORTH 78 DEGREES 11 MINUTES 24 SECONDS WEST 221.12 FEET; THENCE NORTH 67 DEGREES 22 MINUTES 44 SECONDS WEST 92.23 FEET; THENCE NORTH 55 DEGREES 55 MINUTES 01 SECONDS WEST 21.25 FEET; THENCE NORTH 54 DEGREES 23 MINUTES 12 SECONDS WEST 80.33 FEET; THENCE NORTH 88 DEGREES 27 MINUTES 03 SECONDS EAST 33.43 FEET; THENCE SOUTH 60 DEGREES 56 MINUTES 55 SECONDS EAST 138.49 FEET; THENCE SOUTH 76 DEGREES 50 MINUTES 53 SECONDS EAST 288.42 FEET; THENCE SOUTH 44 DEGREES 30 MINUTES 53 SECONDS EAST 184.99 FEET TO THE POINT OF BEGINNING IN KANE COUNTY, ILLINOIS.

ALSO INCLUDING:

LOTS 77 AND 78 IN FOX RIVER BLUFFS UNIT NO. 7, A SUBDIVISION IN PART OF THE EAST HALF OF SECTION 26, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 20, 1929 OF PLATS, PAGE 25 AS DOCUMENT NO. 326522, IN KANE COUNTY, ILLINOIS.

ALSO INCLUDING:

PARCEL ONE: THAT PART OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER, THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHWEST QUARTER 1,449.03 FEET; THENCE SOUTH 89 DEGREES 30 MINUTES WEST 931.4 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 2 DEGREES EAST 186.3 FEET; THENCE SOUTH 89 DEGREES 30 MINUTES WEST 186.3 FEET; THENCE SOUTH 2 DEGREES WEST 186.3 FEET TO A LINE DRAWN SOUTH 89 DEGREES 30 MINUTES WEST FROM THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 30 MINUTES EAST 186.3 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

PARCEL TWO: EASEMENT FOR INGRESS AND EGRESS CREATED BY DEED DATED MAY 23, 1962 AND RECORDED JUNE 12, 1962 IN BOOK 2133, PAGE 515, AS DOCUMENT NO. 980049 MADE BY CHICAGO TITLE AND TRUST COMPANY, A CORPORATION OF ILLINOIS, AS TRUSTEE, TO A BERTHA H. READ, TRUSTEE UNDER TRUST AGREEMENT DATED DECEMBER 21, 1935 FOR THE BENEFIT OF PARCEL ONE OVER THAT PART OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHWEST QUARTER 1449.03 FEET; THENCE SOUTH 89 DEGREES 30 MINUTES WEST 931.4 FEET; THENCE NORTH 2 DEGREES EAST 186.3 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 2 DEGREES EAST 60.06 FEET; THENCE SOUTH 89 DEGREES 30 MINUTES WEST 436.3 FEET TO THE EASTERLY LINE OF ELGIN ROAD; THENCE SOUTHERLY ALONG SAID EASTERLY LINE 60.06 FEET TO A LINE DRAWN SOUTH 89 DEGREES 30 MINUTES WEST FROM THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 30 MINUTES EAST TO THE POINT OF BEGINNING, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

PARCEL THREE: THAT PART OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 26; THENCE NORTH ALONG THE EAST LINE OF SAID NORTHWEST QUARTER 1193.2 FEET TO THE SOUTHEAST CORNER OF PREMISES CONVEYED TO FREDERICK WAHL BY DEED DATED MARCH 18, 1867 AND RECORDED MARCH 29, 1869 IN BOOK 113, PAGE 564; THENCE SOUTH 89 DEGREES 30 MINUTES WEST ALONG THE SOUTH LINE OF SAID PREMISES 927.2 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 11 DEGREES 56 MINUTES WEST 175 FEET; THENCE SOUTH 89 DEGREES 30 MINUTES WEST 100 FEET; THENCE NORTH 11 DEGREES 56 MINUTES EAST 175 FEET; THENCE NORTH 89 DEGREES 30 MINUTES EAST 100 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS.

PARCEL FOUR: EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL THREE DESCRIBED AS FOLLOWS: BEGINNING AT A POINT, SAID POINT BEING 24 FEET EASTERLY OF THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL, THENCE SOUTH 02 DEGREES WEST PARALLEL TO THE WESTERLY LINE OF THE FOLLOWING DESCRIBED PARCEL TO A POINT THAT IS 36 FEET NORTHERLY OF THE SOUTHERLY LINE OF THE FOLLOWING DESCRIBED PARCEL THENCE SOUTHEASTERLY TO A POINT THAT IS 36 FEET NORTHERLY OF THE SOUTHERLY LINE OF THE FOLLOWING DESCRIBED PARCEL THENCE SOUTHEASTERLY TO A

EXCEPT THE FOLLOWING:

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MINUTES 01 SECONDS WEST, A DISTANCE OF 500.23 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 45 OF FOX RIVER BLUFFS UNIT NO. 7, BEING A SUBDIVISION OF PART OF THE EAST 1/4 OF SECTION 26 TOWNSHIP AND RANGE AFORESAID; THENCE NORTH 02 DEGREES 03 MINUTES 36 SECONDS WEST ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 227.08 FEET TO A LINE THAT IS 7.00 FEET SOUTH, MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 45; THENCE NORTH 88 DEGREES 34 MINUTES 31 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 59.97 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 44 OF SAID SUBDIVISION; THENCE NORTH 02 DEGREES 03 MINUTES 12 SECONDS WEST, ALONG SAID SOUTHERLY EXTENSION AND SAID WEST LINE OF LOT 44, A DISTANCE OF 161.12 FEET TO THE NORTHWEST CORNER OF SAID LOT 44; THENCE NORTH 87 DEGREES 47 MINUTES 12 SECONDS EAST, ALONG THE NORTH LINE OF LOTS 44, 43, 42 AND 41 OF SAID SUBDIVISION, A DISTANCE OF 239.94 FEET TO THE NORTHEAST CORNER OF SAID LOT 41, ALSO BEING THE NORTHWEST CORNER OF LOT 38 OF SAID SUBDIVISION; THENCE SOUTH 02 DEGREES 12 MINUTES 48 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 38, A DISTANCE OF 50.09 FEET TO THE NORTHWEST CORNER OF LOT 39 OF SAID SUBDIVISION; THENCE NORTH 87 DEGREES 46 MINUTES 25 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 39, A DISTANCE OF 149.26 FEET TO THE NORTHEAST CORNER OF SAID LOT 39; THENCE SOUTH 01 DEGREES 29 MINUTES 40 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 39 AND THE EAST LINE OF LOT 40 OF SAID SUBDIVISION, A DISTANCE OF 109.42 FEET TO THE SOUTHEAST CORNER OF SAID LOT 40; THENCE NORTH 88 DEGREES 34 MINUTES 31 SECONDS EAST, A DISTANCE OF 51.56 FEET TO THE POINT OF BEGINNING, BEING SITUATED IN DUNDEE TOWNSHIP, KANE COUNTY, ILLINOIS.

ALSO EXCEPT THE FOLLOWING:

LOT 46 OF FOX RIVER BLUFFS, UNIT NO. 7, TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PROPERTY, TO WIT: COMMENCING AT THE SOUTHEAST CORNER OF LOT 45 IN FOX RIVER BLUFFS UNIT NO. 7; THENCE SOUTHERLY AT RIGHT ANGLES TO THE SOUTH LINE OF SAID LOT 45 A DISTANCE OF 7 FEET; THENCE WEST PARALLEL WITH THE SOUTH LINE OF LOTS 45, 46 AND 47, A DISTANCE OF 168 FEET; THENCE NORTHEASTERLY TO A POINT ON THE NORTH LINE OF LOT 47 WHICH IS 27 FEET EAST OF THE NORTHWEST CORNER OF SAID LOT; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 47 A DISTANCE OF 22 FEET; THENCE SOUTHWESTERLY TO A POINT WHICH IS 3 FEET NORTH OF THE SOUTH LINE OF SAID LOT AND 20 FEET WEST OF THE EAST LINE OF SAID LOT 47; THENCE EAST TO A POINT IN THE EAST LINE OF SAID LOT 47 WHICH IS 3 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT TO THE SOUTHEAST CORNER THEREOF; THENCE EAST ALONG THE SOUTH LINE OF SAID LOTS 46 AND 45 TO THE SOUTHEAST CORNER OF LOT 45, BEING THE POINT OF BEGINNING, IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS, SAID EASEMENT TO RUN WITH THE LAND.

ALSO EXCEPT THE FOLLOWING:

LOTS 29, 33, 34, 35 AND 36 OF FOX RIVER BLUFFS, UNIT NO. 7, IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS.

ALSO EXCEPT THE FOLLOWING:

PARCEL 1:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF CASTLE AVENUE WITH THE NORTHERLY LINE OF FOX RIVER BLUFFS UNIT NO. 3; THENCE NORTH 07 DEGREES 35 MINUTES 51 SECONDS EAST ALONG THE CENTERLINE EXTENDED OF SAID CASTLE AVENUE, 539.5 FEET; THENCE SOUTH 82 DEGREES 18 MINUTES 38 SECONDS EAST PARALLEL WITH THE NORTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3, 10.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 07 DEGREES 35 MINUTES 51 SECONDS EAST PARALLEL WITH THE EXTENDED CENTERLINE OF CASTLE AVENUE 250.00 FEET; THENCE NORTH 82 DEGREES 18 MINUTES 38 SECONDS WEST AND PARALLEL WITH THE NORTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3, 23.0 FEET; THENCE SOUTH 07 DEGREES 35 MINUTES 51 SECONDS WEST AND PARALLEL WITH SAID EXTENDED CENTERLINE OF CASTLE AVENUE 250.00 FEET; THENCE SOUTH 82 DEGREES 18 MINUTES 38 SECONDS EAST AND PARALLEL WITH THE NORTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3, 23.0 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS. SAID TRACT OF LAND BEING PART OF A LARGER TRACT OF LAND.

PARCEL 2:

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF CASTLE AVENUE WITH THE NORTHERLY LINE OF FOX RIVER BLUFFS UNIT NO. 3; THENCE NORTH 07 DEGREES 35 MINUTES 51 SECONDS EAST ALONG THE CENTERLINE EXTENDED OF SAID CASTLE AVENUE, 539.5 FEET; THENCE SOUTH 82 DEGREES 18 MINUTES 38 SECONDS EAST PARALLEL WITH THE NORTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3, 10.0 FEET; THENCE NORTH 07 DEGREES 35 MINUTES 51 SECONDS EAST PARALLEL WITH THE EXTENDED CENTERLINE OF CASTLE AVENUE, 397.90 FEET; THENCE SOUTH 82 DEGREES 18 MINUTES 39 SECONDS EAST AND PARALLEL WITH THE NORTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3, 169.62 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 07 DEGREES 35 MINUTES 58 SECONDS EAST 397.90 FEET; THENCE SOUTH 82 DEGREES 18 MINUTES 37 SECONDS EAST AND PARALLEL WITH THE NORTHERLY LINE OF SAID FOX RIVER BLUFFS UNIT NO. 3, 10.0 FEET; THENCE NORTH 07 DEGREES 35 MINUTES 58 SECONDS EAST, 387.90 FEET; THENCE NORTH 82 DEGREES 18 MINUTES 39 SECONDS WEST AND PARALLEL WITH THE NORTH LINE OF FOX RIVER BLUFFS UNIT NO. 3, 10.0 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS, SAID PARCEL BEING A PART OF A LARGER TRACT OF LAND.

ALSO EXCEPT THE FOLLOWING:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTH 88 DEGREES 26 MINUTES 07 SECONDS EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER 1120.13 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROUTE 25 (SAID RIGHT OF WAY LINE BEING 50.0 FEET NORTHWESTERLY OF THE CENTERLINE OF SAID ROUTE 25, (AS MEASURED NORMALLY DISTANT THERETO); THENCE NORTH 30 DEGREES 36 MINUTES 24 SECONDS EAST ALONG SAID RIGHT OF WAY LINE OF 66.49 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE, BEING ON A CURVE TO THE LEFT, HAVING A RADIUS OF 17,138.76 FEET AN ARC DISTANCE OF 623.18 FEET TO A POINT OF COMPOUND CURVE; (THE CHORD OF THE LAST DESCRIBED CURVE BEARING NORTH 29 DEGREES 33 MINUTES 54 SECONDS EAST, 623.15 FEET); THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE BEING ON A CURVE TO THE LEFT HAVING A RADIUS OF 3353.83 FEET, AN ARC DISTANCE OF 67.50 FEET FOR THE POINT OF BEGINNING (THE CHORD OF THIS LAST DESCRIBED CURVE BEARING NORTH 27 DEGREES 56 MINUTES 49 SECONDS EAST 67.50 FEET); THENCE NORTH 78 DEGREES 34 MINUTES 04 SECONDS WEST 326.01 FEET; THENCE NORTH 44 DEGREES 30 MINUTES 53 SECONDS WEST 542.30 FEET; THENCE NORTH 44 DEGREES 36 MINUTES 27 SECONDS EAST 20.99 FEET; THENCE SOUTH 45 DEGREES 12 MINUTES 48 SECONDS EAST 541.54 FEET; THENCE SOUTH 78 DEGREES 56 MINUTES 40 SECONDS EAST 218.70 FEET TO THE NORTHWESTERLY RIGHT OF WAY OF STATE ROUTE 25; THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE, BEING A CURVE TO THE RIGHT, HAVING A RADIUS OF 3353.83 FEET, AN ARC DISTANCE OF 26.58 FEET TO THE POINT OF BEGINNING (THE CHORD OF THE LAST DESCRIBED CURVE BEARING SOUTH 27 DEGREES 08 MINUTES 36 SECONDS WEST, 26.58 FEET) CONTAINING 21063.9 SQUARE FEET, IN KANE COUNTY, ILLINOIS.

ALSO EXCEPT THE FOLLOWING:

ALL OF THE LAND CONVEYED IN WARRANTY DEED FROM MAX MCGRAW WILDLIFE FOUNDATION TO ALEXANDER N. MARSHALL AND LINDA MARSHALL RECORDED APRIL 18, 1984 IN THE OFFICE OF THE KANE COUNTY RECORDER AS DOCUMENT NUMBER 1676481

ALSO EXCEPT THE FOLLOWING:

ALL OF THE LAND CONVEYED IN TRUSTEE'S DEED FROM MAX MCGRAW WILDLIFE FOUNDATION TO AMERICAN NATIONAL BANK AND TRUST OF CHICAGO TRUST #10773703 RECORDED MAY 15, 1989 IN THE OFFICE OF THE KANE COUNTY RECORDER AS DOCUMENT NUMBER 1973475

ALSO EXCEPT THE FOLLOWING:

ALL OF THE LAND CONVEYED IN TRUSTEE'S DEED FROM MAX MCGRAW WILDLIFE FOUNDATION TO AMERICAN NATIONAL BANK AND TRUST OF CHICAGO TRUST #10802403 RECORDED MAY 15, 1989 IN THE OFFICE OF THE KANE COUNTY RECORDER AS DOCUMENT NUMBER 1973634

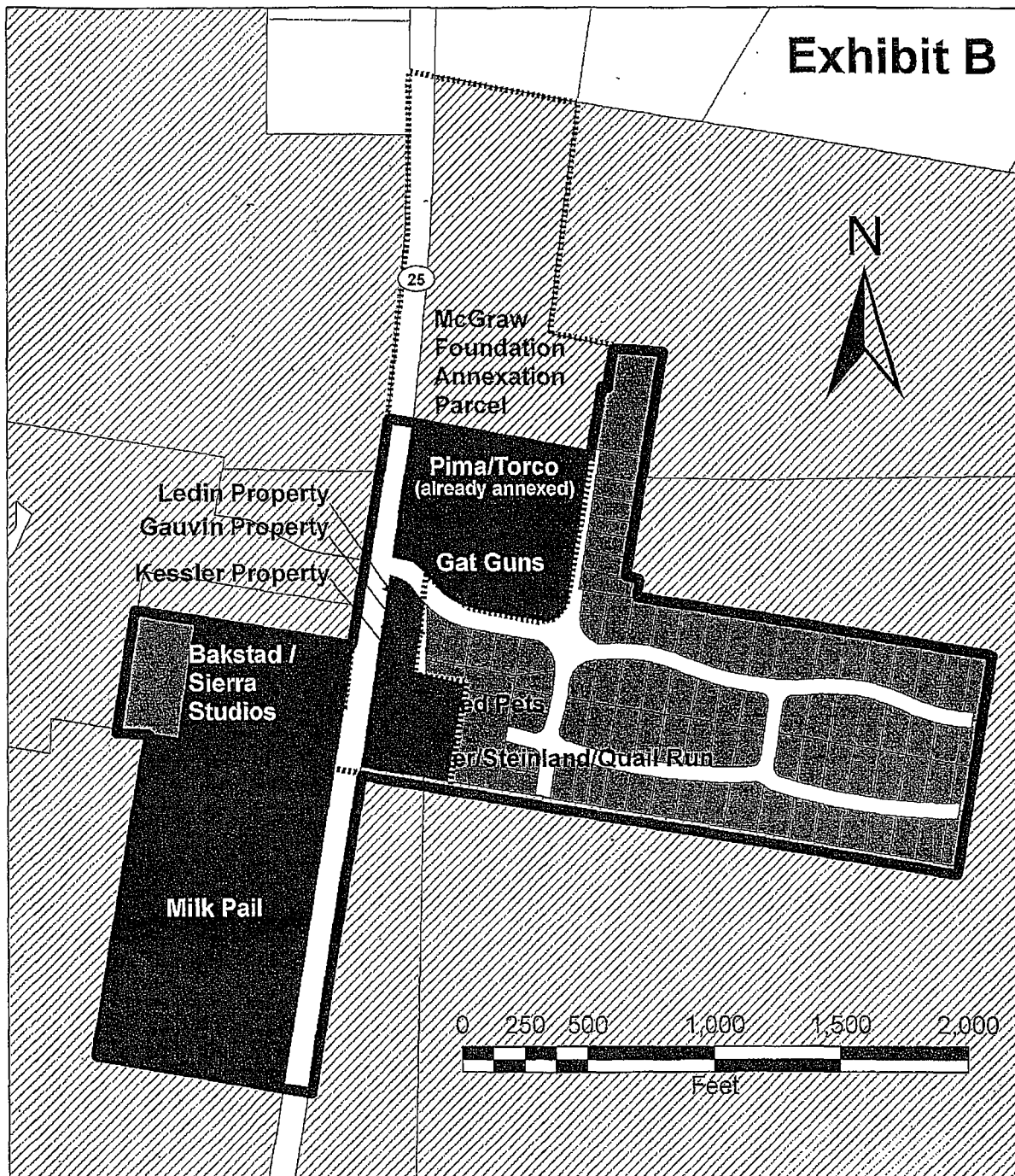
ALSO EXCEPT THE FOLLOWING:

ALL OF THE LAND CONVEYED IN THE WARRANTY DEED FROM MAX MCGRAW WILDLIFE FOUNDATION TO VILLAGE OF EAST DUNDEE RECORDED MARCH 4, 1994 IN THE OFFICE OF THE KANE COUNTY RECORDER AS DOCUMENT NUMBER 94K019922.

EXHIBIT B

Map of Surrounded Land

Exhibit B



Legend

- Surrounded Land
- 2012 Annexation Area
- Commercial Frontage
- Residential Areas
- McGraw Foundation Annexation Parcel
- Land Owned by McGraw Foundation

Approximate Land Areas

- "Surrounded Land" - 95 acres
- 2012 Annexation Area - 41 acres
- McGraw Foundation Annexation Partial Parcel - 19 acres

EXHIBIT C

Foundation Annexation Agreement

EXHIBIT D

Form of Grant of Public Utility Easement

EXHIBIT E-1

GAT Guns Annexation Agreement

EXHIBIT E-2

Pampered Pets Annexation Agreement

EXHIBIT E-3

Steinland/Buettner/Quail Run Annexation Agreement

EXHIBIT E-4

Ledin Annexation Agreement

EXHIBIT E-5

Gauvin Annexation Agreement

EXHIBIT E-6

Kessler Annexation Agreement