

Item #1:

Ord. Approving Final Plat For Executive House PUD Phase I

VILLAGE OF LONG GROVE

ORDINANCE NO. 2012-O-__

**AN ORDINANCE APPROVING A FINAL PLANNED UNIT
DEVELOPMENT PLAT FOR PHASE ONE OF PROPOSED
DEVELOPMENT OF THE PROPERTY LOCATED AT 4180 ROUTE 83**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this 26th day of June, 2012

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this 26th day of June, 2012

VILLAGE OF LONG GROVE

ORDINANCE NO. 2012-O-__

AN ORDINANCE APPROVING A FINAL PLANNED UNIT DEVELOPMENT PLAT FOR PHASE ONE OF PROPOSED DEVELOPMENT OF THE PROPERTY LOCATED AT 4180 ROUTE 83

WHEREAS, 4180 Route 83, LLC (the "**Owner**") is the owner of the real property located at 4180 Route 83 in Long Grove, Illinois, legally described in Exhibit A, and commonly known as the "Long Grove Executive House Property" (the "**Property**"); and

WHEREAS, the Property is currently zoned HR-1 Highway Retail and remains subject consent decree affecting the development of the Property (the "**Consent Decree**"); and

WHEREAS, the Owner has requested that the Village of Long Grove (the "**Village**") take steps to lift the Consent Decree and desires to develop the Property pursuant to a mixed-use Planned Unit Development (the "**PUD**") containing one multistory office building, one bank, and retail uses along Route 83 (the "**Proposed Development**"); and

WHEREAS, pursuant to Ordinance No. 2012-O-03, the Village granted approval of a preliminary planned unit development plat to permit the three-phased development of the Proposed Development on the Property (the "**Preliminary PUD Approval**") as well as rezoning of the Property to the HR-1 Highway Retail District, approval of a special use permit for a PUD for the Property, approval of preliminary PUD plans, and other relief, all in accordance with Title 5 of the Village Code (the "**Zoning Code**"); and

WHEREAS, the Preliminary PUD Approval provides that the Proposed Development will occur in the following phases:

"Phase One" is the construction that shall occur pursuant to the Phase One Site Plan, as identified below, as well as all site-wide infrastructure improvements identified in the Phase One Final PUD Plans, as identified below, including the construction of North/South Drive and detention pond identified on the Phase One Site Plan.

"Phase Two" is the construction that shall occur pursuant to the Preliminary PUD Approval, including the demolition of the existing "Executive House" office building located on the Property (the "**Executive House**").

"Phase Three" is the construction of retail uses that shall occur pursuant to either alternative plan as set forth in the Preliminary PUD Approval; and

WHEREAS, the Owner has filed an application requesting approval of a final PUD plat for Phase One; and

WHEREAS, the Long Grove Plan Commission/Zoning Board of Appeals (the "**PCZBA**") commenced a public meeting on June 5, 2012 for the purposes of considering Owner's request for approval of the final PUD plat to permit the development of Phase One on the Property; and

WHEREAS, during the public meeting regarding Phase One, representatives of the Owner presented testimony and other materials, including without limitation the following plats and plans for Phase One:

1. Architectural Site Plan identifying improvements for Phase One, prepared by Archideas, consisting of one sheet, and dated 5/7/2012 (the "**Phase One Site Plan**");
2. Architectural Site Details prepared by Archideas, consisting of one sheet, and dated 5/7/2012;
3. Site Improvement prepared by Archideas, consisting of one sheet, and dated 5/7/2012;
4. Building Architecture depiction prepared by Archideas, consisting of one sheet, and dated 5/7/2012;
5. Site Lighting Plan and Photometrics Details prepared by Archideas, consisting of one sheet, and dated 6/7/2012 (the "**Lighting Plan**");
6. Elevation plans for PNC Bank, prepared by Gensler, consisting of two sheets, and dated 5/4/2012;
7. Sign Chart for PNC Bank, prepared by Monigle Associates, Inc., consisting of 23 sheets, and dated 11/4/2011;
8. Final Plat of Subdivision, prepared by V3 Engineers Scientists Surveyors, consisting of two sheets, and dated 5/4/2012 (the "**Final Plat**");
9. Final Planned Unit Development Plat (for Phase One) prepared by V3 Engineers Scientists Surveyors, consisting of one sheet, and dated 5/4/2012 (the "**Phase One PUD Plat**");
10. Final Engineering Plans (for Phase One) prepared by V3 Companies, dated 5/7/2012, consisting of 10 sheets, (the "**Phase One Engineering Plans**") and including:

- a. Title Sheet,
 - b. General Notes, Legend and Abbreviations,
 - c. Demolition Plan,
 - d. Layout Plan,
 - e. Erosion Control Plan,
 - f. Erosion Control Details,
 - g. Grading Plan,
 - h. Utility Plan,
 - i. Construction Details (2 Sheets),
11. PNC Bank Plans (Phase 1), prepared by GPD Group, dated 5/25/2011, consisting of twelve sheets, (the "**PNC Plans**") and including:
- a. Title Sheet,
 - b. General Notes,
 - c. Demolition Plan,
 - d. Site Plan,
 - e. Grading Plan,
 - f. SWPP Plan,
 - g. Utility Plan,
 - h. Details (3 sheets),
 - i. Landscape Notes and Details,
 - j. Landscape Plan;
12. "**Landscape Plans**" including:
- a. Landscape Plan (Phase One) prepared by Archideas, consisting of one sheet, and dated 5/7/12;
 - b. Landscape Details and Plant List (Phase One) prepared by Archideas, consisting of one sheet; and
13. Boundary and Topographic Survey, prepared by V3 Engineers Scientists Surveyors, consisting of two sheets, and dated 3/21/2012;

all attached to this Ordinance as Exhibit B (collectively, the "**Phase One Final PUD Plans**");
and

WHEREAS, following the conclusion of public meeting, the PCZBA made the following findings and recommendations based on evidence and testimony presented by representatives of the Owner:

1. Phase One of the Proposed Development will be constructed in accordance with the Phase One Final PUD Plans, which Plans substantially conform to the Preliminary PUD Approval regarding Phase One;
2. Subject to the conditions hereinafter set forth, the construction and maintenance of Phase One of the Proposed Development on the Property:
 - (a) is consistent with the stated purpose of the PUD regulations,
 - (b) meets the requirements and standards of the PUD regulations,
 - (c) makes adequate provision for public services, provides adequate control over vehicular traffic, provides and protects designated open space, and furthers the amenities of light and air, recreation, and visual enjoyment,
 - (d) is compatible with the adjacent properties and neighborhood,
 - (e) is not detrimental to the tax base and economic well-being of the entire community,
 - (f) conforms to the intent and spirit of the comprehensive plan of the Village,
 - (g) provides adequate parking for the proposed uses for Phase One of the Proposed Development,
 - (h) includes satisfactory provisions for access and fire protection for Phase One of the proposed Development,
 - (i) provides a yard depth, together with proposed landscaping, fencing, and other screening and buffering techniques, to establish a satisfactory buffer between Phase One of the Proposed Development and adjoining properties and residential land uses and, in light of the location and other amenities associated with Phase One of the Proposed Development, the scenic corridor as provided on the Phase One Site Plan is warranted,
 - (j) qualifies for all other relief granted herein, and
3. Phase One of the Proposed Development satisfies the requirements for approving a final PUD plat for Phase One to permit Phase One of the Proposed Development on the Property, subject to the terms and conditions hereinafter set forth; and

WHEREAS, based on these findings, the PCZBA recommended that the Phase One Final PUD Plans be approved to permit Phase One on the Property; and

WHEREAS, the President and Board of Trustees, having considered the recommendations of the PCZBA and being fully advised in the premises, have determined that it is in the best interests of the Village and its residents to approve the Phase One Final PUD Plans and to pursue termination of the Consent Decree, subject to the terms and conditions of this Ordinance as hereinafter set forth; and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LONG GROVE, COUNTY OF LAKE, STATE OF ILLINOIS, as follows:

SECTION ONE: Recitals. The foregoing recitals are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section.

SECTION TWO. Approval of the Phase One Final PUD Plans. Pursuant to Section 5-11-18 of the Zoning Code, and subject to the limitations therein and the conditions set forth in Section Three of this Ordinance, the Phase One Final PUD Plans shall be, and are hereby, approved to permit Phase One on the Property. In connection with the approval of the Phase One Final PUD Plans, the Village Board of Trustees (the "***Village Board***") hereby adopts the findings and recommendations of the PCZBA and grants relief from the generally applicable regulations of the Village Code as follows:

- A. The minimum site area for a PUD is reduced from 14 acres to 4.5 acres, provided that development on the Property as reflected in the final PUD plans for Phase Two and Phase Three are consistent with (or otherwise complimentary to) the PUD granted for Sunset Grove,
- B. The floor area ratio ("***FAR***") for the development on the Property may temporarily exceed the requirements of the Code during Phase One of the Proposed Development, as identified on the Phase One Final PUD Plans, provided that upon completion of Phase Three of the development pursuant to the PUD, the FAR for the entire PUD will be 15.5%,
- C. During Phase One, non-retail uses may temporarily exceed 50% of the gross floor area in the PUD,

- D. One parking space from Lot 1 may extend onto Lot 2 as depicted on the Phase One Final PUD Plans, provided an easement is executed and recorded, in form and substance acceptable to the Village Attorney,
- E. During Phase One, the north side yard requirement on Lot 2 is temporarily reduced from 30 feet to 16 feet,
- F. Parking requirements are temporarily reduced on Lots 2 and 3 as depicted on the Phase One Final PUD Plans for Phase One, subject to the Owner's securing all necessary property rights and recording all necessary easements in form and substance acceptable to the Village Attorney, and
- G. On Lot 2, during Phase One the FAR may temporarily exist at a maximum of 31.6%,

to permit the development of Phase One on the Property in accordance with the Phase One Final PUD Plans.

SECTION THREE: Conditions on Approval. The approvals granted pursuant to this Ordinance shall be, and they are hereby, conditioned upon and limited by the following conditions, the violation of any of which shall, in the reasonable discretion of the President and the Village Board, be grounds for the repeal and revocation of the approvals granted herein:

- A. Limitation on Approvals. This Ordinance only grants approvals related to Phase One of the Proposed Development. The approvals granted herein are based the Phase One Final PUD Plans as part of the entire Proposed Development, as identified in the Preliminary PUD Plans. To the extent the Phase One Final PUD Plans do not address elements addressed in the Preliminary PUD Approval, the Preliminary PUD Approval and the plans identified therein, shall remain in full force and effect. Further, to the extent that there are conflicting plans among the Phase One Final PUD Plans, or between the Phase One Final PUD Plans and the Preliminary PUD Approval, the Village shall determine which controls based on the best interest of the Village and its residents.
- B. No Authorization of Work. This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Property pursuant to the approvals granted in this Ordinance until all conditions of this Ordinance precedent to such work have been fulfilled, including without limitation approval and recordation of the Final Plat, and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.

- C. Compliance with Laws. The Zoning Code, the Subdivision Code, the Building Code, and all other applicable ordinances and regulations of the Village (including, to the extent not superseded by this Ordinance, Ordinance No. 2012-O-03) (collectively, the "**Village Regulations**") shall continue to apply to the Property, and the development and use of the Property shall be in compliance with all Village Regulations and all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction over the Property.
- D. Other Governmental Approvals. Development pursuant to the Phase One Final PUD Plans shall not commence unless and until Owner has applied for and obtained all required permits and approvals from governmental bodies and agencies having jurisdiction over the Property and the Proposed Development, including without limitation the Lake County Health Department, Lake County Stormwater Management Commission, Illinois Environmental Protection Agency, Illinois Department of Transportation, Illinois Department of Natural Resources, Lake County Public Works Department, and Lake County Department of Transportation. To the extent such approvals are subject to conditions that affect the Final Engineering Plans, the Final Plat shall not be recorded unless and until the Village Engineer approves any necessary revisions to the Phase One Engineering Plans and confirms that such revisions do not materially change other elements of the development of the Property as provided in the Phase One Final PUD Plans or otherwise adversely impact material elements of the Comprehensive Plan of the Village. To the extent that necessary revisions to the Phase One Engineering Plans are required after the recordation of the Final Plat, the Owner may be required to seek an amendment to the Final Plat as necessary to ensure that the Proposed Development is undertaken pursuant to, and Final Plat is reflective of, the approvals actually secured.
- E. Final Plat Approvals. Upon approval of this Ordinance, the Village Manager and Village Attorney shall confirm that the Final Plat conforms in all manners to the terms of this Ordinance and direct Owner to make any final technical changes as required herein. Upon satisfactorily completing such changes, the Owner shall secure all required signatures upon the Final Plat before presenting the Final Plat for signature by Village officials. In addition, before the Village President or Village Clerk shall execute or attest the Final Plat, Owner shall (a) deliver to the Village the documentation required pursuant to Subsection 3.V of this Ordinance and (b) pay any outstanding invoices for fees and costs as provided in Subsection 3.X of this Ordinance. Following the execution and attestation of the Final Plat by the Village President and Village Clerk, the Village shall promptly cause the Final Plat to be recorded in the office of the Lake County Recorder.
- F. Final Planned Unit Development Plat for Phases Two and Three. The approvals granted pursuant to this Ordinance only relate to Phase One of the Proposed Development. Separate final PUD plats must be submitted to the Village for Phases Two and Three of the Proposed

Development in conformance with the conditions in the Preliminary PUD Approval for consideration by the PCZBA and Village Board, prior to the commencement of any activities related to the development of Phases Two or Three.

- G. Development Process and Timing. All infrastructure improvements identified in the Phase One Final PUD Plans, including the construction of North/South Drive and detention pond identified on the Phase One Site Plan must be completed within twelve months of the Village's approval of the Phase One PUD Plat, and prior to the issuance of any certificate of occupancy for any structure on Lot 1. Prior to any construction related to the detention pond, the Owner must deliver to the Village a fully executed Easement for Drainage and Stormwater Management with terms and in a form acceptable to the Village. Until all three phases of the Proposed Development have been fully implemented, Owner must report to the Village Board annually regarding the progress related to the implementation of the Proposed Development, which report shall be in writing, delivered to the Village Board no later than July 1 each year beginning July 1, 2013, and shall include information regarding anticipated timing for the development of Phases Two and Three, including the occupancy rates of all existing buildings and such other information as the Village may expressly request.
- H. Tenants Required. Prior to receiving building permits for any building on the Property, the Owner must demonstrate to the Village's satisfaction that tenants have committed to occupy at least 50% of such building.
- I. Landscape Plans. Landscaping for the common areas on the Property shall be installed and maintained pursuant to the Landscape Plans and PNC Plans. At all times, the Owner shall be required to maintain or cause to be maintained the landscaping on the Property in accordance with good arboricultural and landscaping practices and consistent with the approved Landscape Plans. In addition, if, for whatever reason, any of the plantings depicted on any approved Landscape Plans are removed, destroyed, or fail to survive two years following (i) the issuance of a certificate of occupancy for the improvements on a particular lot or (ii) initial installation of such plantings, whichever is later, the Owner shall, not later than the next planting season occurring at least 30 days after the Owner receives notice from the Village, replace such plantings with substitute plantings that substantially conform to the size and type of the original plantings, as depicted on the Landscape Plans. For purposes of this Subsection, a "planting season" shall be either the period between April 15 and June 15 or the period between September 1 and November 1 in any calendar year.
- J. Architectural Review. Final architectural plans for any construction of Phases Two or Three must be submitted to the Architectural Commission for review prior to the issuance of any building permit for the construction of any structure on any lot.

- K. Lighting Plans. All exterior lighting shall be installed in accordance with the Lighting Plan. With the intention of preserving the Village's "dark sky" character to the maximum feasible extent, lighting for each building on the Property shall be reduced to security levels on each day by 90 minutes after the close of all businesses within the building. For the purposes of this Ordinance, "security levels" shall be either (i) no greater than 40 percent of the maximum intensity of the light fixtures serving the building in question, or (ii) operation on no more than 40 percent of the light fixtures serving the building in question.
- L. Signage. All signage for Phase One shall be located and installed in accordance with the Phase One Final PUD Plans. Any approved signage may be replaced by signage in the same location and of equivalent or smaller size, subject to Architectural Commission review and approval. Any other additional or replacement signage must undergo full review for a sign permit and receive Architectural Commission approval in accordance with the Village Code. Electronic sign boards, neon signage, flashing signage, and internally illuminated signage shall be prohibited.
- M. Design Standards. All buildings on Lot 1 of the Property shall be constructed in accordance with the plans included as part of the Phase One Final PUD Plans.
- N. Permitted and Restricted Uses. One bank with drive-through lanes as depicted on the Phase One Final PUD Plans shall be allowed on Lot 1 of the Property as a permitted use. Nothing shall prohibit the continued use of the Executive House throughout Phase One. No other uses are permitted on the Property, except as may be authorized in conjunction with the final PUD approval of a later phase of the Proposed Development.
- O. Hours of Operation. An establishment on the Property may only be open for business to the public from 8:00 a.m. to 9:00 p.m. daily, except that a bank may have a single 24-hour drive-through automated teller machine. For purposes of determining security lighting levels under Section 3.K of this Ordinance, the operation only of one or more automated teller machine shall not be deemed "open for business" in the building on Lot 1 of the Property.
- P. Outdoor Displays. No outdoor display shall be permitted on the Property unless approved in advance by the Village Board.
- Q. Parking. Parking to serve the Proposed Development shall be installed on the Property in accordance with the Phase One Final PUD Plans, for Phase One, and with the Preliminary PUD Plans, for Phases Two and Three, and on adjoining lands subject to the Owner's securing all necessary property rights from the Village and recording all appropriate easements in form and substance acceptable to the Village Attorney.

- R. Improvements. All improvements for Phase One shall be installed in accordance with approved the Phase One Engineering Plans. Owner shall provide sufficient security for all required improvements for the Proposed Development, as determined by the Village Engineer in accordance with Village Regulations.
- S. Sanitary Sewer. Subject to the Owner's securing all necessary approvals, sanitary sewer service shall be provided to Property under Phase One by sanitary sewers connected to the Lake County sanitary sewer system. The sanitary sewer system shall be built at Owner's sole cost and expense and in accordance with the Phase One Engineering Plans.
- T. Water. Water service shall be provided to Phase One through the existing water special service area.
- U. Roadway. All roads constructed pursuant to Phase One shall be privately owned and maintained and installed in accordance with the Phase One Final PUD Plans, as reasonably reviewed and approved by the Village Engineer, and shall be as depicted on the Phase One Final PUD Plat.
- V. Declaration of Covenants and Restrictions. Prior to or contemporaneous with the recordation of the Final Plat, the Owner shall record a declaration of covenants and restrictions, which declaration shall be in substantially the form attached as Exhibit C to the Preliminary PUD Approval, subject to the reasonable review and approval of the Village Attorney. Such declaration of covenants shall provide that the Owners may not petition to disconnect the Property from the Village. In addition, prior to or contemporaneous with the recordation of the Final Plat, the Owner must record all documents required in connection with the use of the private road extending easterly from Robert Parker Coffin Road that is located on the Sunset Grove property, as more specifically set forth in the Sunset Grove redevelopment agreement, and demonstrate to the Village's reasonable satisfaction compliance with all covenants and restrictions related thereto.
- W. Pedestrian Crosswalks and Plaza. All pedestrian crosswalks within the Proposed Development must be distinguished from the roads and parking areas through the use of colored, stamped pavement.
- X. Fees and Costs. Owner shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with Zoning Code or Village Regulations and any future approvals authorized by this Ordinance or the Preliminary PUD Approval. In addition, Owner shall reimburse the Village for all of its costs (including without limitation engineering, planning, and legal expenses) incurred in connection with the review, consideration, approval, implementation, or successful enforcement of this Ordinance. Any amount not paid within 30 days after delivery of a

demand in writing for such payment shall, along with interest and the costs of collection, become a lien upon the Property (or that portion of the Property to which the unpaid amount relates), and the Village shall have the right to foreclose such lien in the name of the Village as in the case of foreclosure of liens against real estate.

- Y. Transferees. The rights and obligations set forth in this Ordinance shall be binding on Owner and upon any and all of such Owner's heirs, successors, and assigns, and upon any and all successor legal or beneficial owners of all or any portion of the Property. To the extent that a successor becomes bound to the obligation created herein pursuant to a transferee assumption agreement reasonably acceptable to the Village, and such successor demonstrates to the Village that it has the financial viability to meet the obligations herein, Owner shall be released from its obligations under this Ordinance to the extent of the transferee's assumption of such liability. The failure of Owner to provide the Village with an enforceable transferee assumption agreement as herein provided shall result in the respective Owner remaining fully liable for all of its obligations under this Ordinance but shall not relieve the transferee of its liability for all such obligations as a successor to such respective Owner.
- Z. Violations. In the event that there is a violation of the terms of this Ordinance that does not present an imminent health or safety risk (as determined by the Village), the Village shall notify the Owner of such violation and grant Owner 30 days within which to cure such violation before exercising any remedy available under this Ordinance. To the extent that a violation relates only to a portion of the Property, such violation shall not affect any other portion of the Property for which a final certificate of occupancy has been granted.

In addition, any violation of this Ordinance shall be deemed a violation of the Zoning Code and shall subject the respective Owner to enforcement proceedings accordingly.

SECTION FOUR: Amendments. Unless otherwise precluded by state law, applications to amend or make administrative or minor changes to the Final PUD Plat for the Property after its approval, or for other land use approvals for the Property (including but not limited to special use permits), need only be executed by the owner or owners of that portion of the Property that is the subject matter of any such application, and shall not require the authorization or execution by the owner or owners of any other portion of the Property, unless expressly required by the Village.

SECTION FIVE: Consent Decree. After the Effective Date of this Ordinance, the Village Attorney is hereby authorized and directed to cooperate with the Owner to petition the Circuit Court of Lake County, Illinois to vacate the Consent Decree. Until the Consent Decree is vacated, no temporary, conditional, or final certificate of occupancy or occupancy permit shall be issued for building on Lot 1 of the Final Plat.

SECTION SIX: Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law; provided, however, that this Ordinance shall be of no force or effect unless and until the Owner has caused a duly authorized person to execute and file with the Village its unconditional agreement and consent, in the form attached hereto as Exhibit C and by this reference incorporated herein and made a part hereof. If the Owner does not file its unconditional agreement and consent with the Village within 30 days following the passage of this Ordinance, or within such greater time as the Village Board may approve by motion, the Village Board may, in its discretion and without public notice or hearing, repeal this Ordinance and thereby revoke the approvals granted in this Ordinance. Upon this Ordinance having full force and effect, the Village Clerk shall cause it to be recorded in the Office of the Lake County, Illinois Recorder of Deeds.

PASSED this 26th day of June, 2012.

AYES: ()
NAYS: ()
ABSENT: ()

APPROVED this 26th day of June, 2012.

Village President

ATTEST:

Village Clerk

9596310_v2

EXHIBIT A

Legal Description of Property

EXHIBIT B

Preliminary PUD Plans

EXHIBIT C

Unconditional Agreement and Consent

Pursuant to Section Four of Long Grove Ordinance No. 2012-O-___, and to induce the Village of Long Grove to grant the approvals provided for in such Ordinance, the undersigneds acknowledge for themselves and their successors and assigns in title to the Property that they

1. have read and understand all of the terms and provisions of said Ordinance No. 2012-O-___;
2. hereby unconditionally agree to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance, the Long Grove Zoning Code, and all other applicable codes, ordinances, rules, and regulations of the Village;
3. acknowledge and agree that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's issuance of any permits for the use of the Property, and that the Village's issuance of any permit does not, and shall not, in any way, be deemed to insure either of the undersigned against damage or injury of any kind and at any time;
4. acknowledge that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance;
5. agree to and do hereby hold harmless, defend, and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of these parties with respect to the Property and the Village's adoption of the Ordinance or granting the approvals to the undersigned pursuant to the Ordinance, except as may arise as a result of the Village's gross negligence or willful misconduct; and
6. represent and acknowledge that the persons signing this Unconditional Agreement and Consent are duly authorized to do so on their behalf.

4180 Route 83, LLC

By: _____

Its: _____