<u>Item #3B</u>:
Ordinance Approving Archer Subdivision

VILLAGE OF LONG GROVE

ORDINANCE NO. 2011-O-__

AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF SUBDIVISION FOR THE PROPERTY COMMONLY KNOWN AS THE ARCHER LOT

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this __ of January, 2011

Published in pamphlet form by direction
and authority of the Village of Long Grove
Lake County, Illinois
this __ of January, 2011

VILLAGE OF LONG GROVE

ORDINANCE NO. 2011-O-__

AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF SUBDIVISION FOR THE PROPERTY COMMONLY KNOWN AS THE ARCHER LOT

WHEREAS, the Village of Long Grove (the "***Village***") is the owner (the "***Owner***") of certain real property in the Village consisting of approximately 4.627 acres located east of the newly constructed Archer Road, between Robert Parker Coffin Road and Old McHenry Road, legally described in Exhibit A, and depicted on the preliminary plat in Exhibit B (the "***Preliminary Plat***"), which exhibits are attached hereto and made a part hereof ("***Property***"); and

WHEREAS, the Owner has filed an application requesting approval of a preliminary plat of subdivision to permit the development of five total lots, four of which will be buildable and one of which will remain a parking lot (collectively, the "***Lots***"); and

WHEREAS, the Property is zoned in the B-1 Historic Business District pursuant to the Long Grove Zoning Code; and

WHEREAS, the Lots on the Property were contemplated when the Village redeveloped the Property in connection with the Village's Tax Increment Financing District and the creation of Archer Road, and as a result the basic engineering for the use and development of the Property was completed; and

WHEREAS, the PCZBA found that the Preliminary Plat substantially complies with requirements for preliminary plat of subdivision in the B-1 Historic Business District; and

WHEREAS, the PCZBA has recommended approval of the Preliminary Plat for the subdivision of the Property, subject to certain conditions; and

WHEREAS, the President and Board of Trustees of the Village have considered the recommendation of the PCZBA, together with all the relevant supporting materials and data, including the Preliminary Plat, and have determined that it is in the best interests of the Village

and its residents to approve the Preliminary Plat, subject to the terms and conditions of this Ordinance as hereinafter set forth; and

WHEREAS, the President and Board of Trustees hereby find and determine that this approval of the Preliminary Plat serves as the granting of necessary entitlements for the use, sale, and development of the Archer Lot Subdivision, subject only to the ministerial action of approving Final Plat;

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 this Ordinance as if fully set forth.

SECTION TWO: Preliminary Plat Approval. The proposed Preliminary Plat for the Archer Lot Subdivision, a copy of which is attached to this Ordinance as Exhibit B and made a part hereof, is hereby approved, notwithstanding any variances from the technical requirements of the Village's subdivision regulations for preliminary plats, but subject to the conditions and restrictions set forth in Section Three of this Ordinance.

SECTION THREE: Additional Conditions. The approval of the Preliminary Plat is conditioned upon and limited by the following requirements, conditions, and restrictions, the violation of any of which shall, in the sole discretion of the President and Board of Trustees, render void all permits and approvals granted pursuant to this Ordinance:

A. 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 except only after all conditions of this Ordinance precedent to such work have been fulfilled, including without limitation approval and recordation of a final plat of subdivision and Village approval of final engineering plans for the Property, 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.

B. Final Subdivision Plat. Within two years from the effective date of this Ordinance, the Owner shall submit for review and approval a final plat of subdivision ("***Final Plat***"), which plat shall be in substantial conformance with the Preliminary Plat and otherwise comply with all applicable laws, including without limitation Title Six of the Village Code (the "***Subdivision Code***"). This Ordinance shall be null and void unless the Owner has obtained approval of the Final Plat within such two year period, unless the Village Board extends the period therefor by ordinance. The Final Plat shall depict all wetlands, conservancy, scenic corridor, and scenic roadway easement areas, as well as septic fields, and shall contain language approved by the Village Attorney restricting development within such areas.

C. Final Engineering Plans. The Owner shall submit to the Village for its review and approval final engineering plans for the Property, which plans shall be considered for approval as part of the Final Plat.

D. Compliance with Laws. The Zoning Code, the Subdivision Code, the Building Code, and all other applicable ordinances and regulations of the Village shall continue to apply to the Property, and the development and use of the Property shall be in compliance with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.

E. Impact Fees. The Village acknowledges that the Property is not contemplated for residential uses, and therefore no impact fees are due in connection with the recordation of the Final Plat.

F. Improvements. To the extent required, the Owner shall provide sufficient security for all required improvements for the Property, in an amount and form satisfactory to the Village, as well as in accordance with the applicable provisions of the Village Code, including without limitation Section 6-5-6 of the Code.

G. Fees and Costs. The Owner shall be responsible for paying all applicable fees relating to the granting of the approvals set forth herein in accordance with the Long Grove Village Code. In addition, the Owner shall reimburse the Village for all of its costs (including without limitation engineering, planning, and legal expenses) incurred in connection with the review, preparation, consideration, approval, implementation, or enforcement of this Ordinance and any Final Plat review or approval. 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, 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.

H. Transferees. The rights and obligations set forth in this Ordinance shall be binding on the Owner and upon any and all of the 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 acceptable to the Village, and such successor demonstrates to the Village that it has the financial viability to meet the obligations herein, the Owner, as the case may be, shall be released from its obligations under this Ordinance to the extent of the transferee's assumption of such liability. The failure of the Owner to provide the Village with an enforceable transferee assumption agreement as herein provided shall result in the 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 the Owner.

SECTION FOUR: 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 (i) caused duly authorized representatives of the Owner to execute and (ii) thereafter 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; provided further that, if the Owner does not so file their unconditional agreement and consent within 60 days following the passage of this Ordinance, 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.

PASSED this __ day of January, 2011.

AYES:

NAYS:

ABSENT:

APPROVED this __ day of January, 2011.

_____
Village President

ATTEST:

_____
Village Clerk

#10023233_v2

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

ARCHER LOTS SUBDIVISION; A PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF LONG GROVE, IN LAKE COUNTY ILLINOIS

EXHIBIT B

PRELIMINARY PLAT

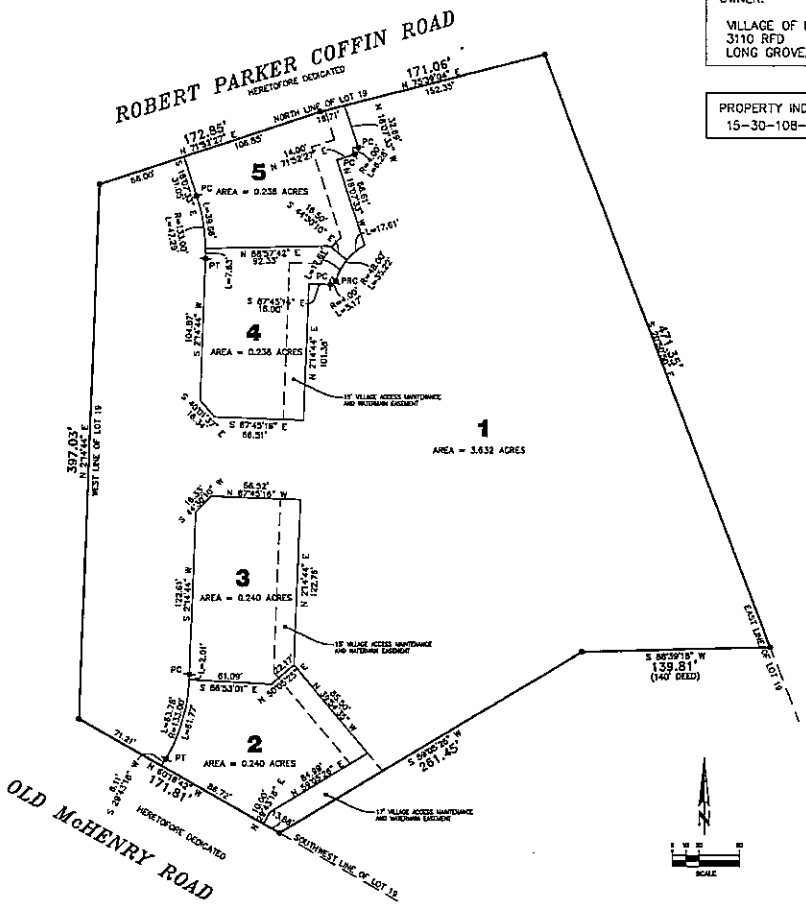
[to be attached]

ARCHER LOTS SUBDIVISION

OF PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 43 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF LONG GROVE, IN LAKE COUNTY, ILLINOIS.

OWNER:
VILLAGE OF LONG GROVE
3110 RFD
LONG GROVE, IL 60047

PROPERTY INDEX NUMBER:
15-30-108-005



OWNER CERTIFICATES

THE VILLAGE OF LONG GROVE, ILLINOIS, HEREBY CERTIFIES THAT IT IS THE HOLDER OF LEGAL TITLE OF PART OF THE PROPERTY DESCRIBED HEREON AND THAT, AS SUCH OWNER, IT HAS CAUSED SAID DESCRIBED TRACT TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE HEREON DRAWN PLAT, AND THAT, TO THE BEST OF ITS KNOWLEDGE AND BELIEF, SAID PROPERTY IS LOCATED WITHIN THE BOUNDARIES OF SCHOOL DISTRICT NUMBER 96, HIGH SCHOOL DISTRICT NUMBER 125 AND THE COLLEGE OF LAKE COUNTY COMMUNITY COLLEGE DISTRICT.

BY: _____ ATTEST: _____

_____ TITLE _____ TITLE

STATE OF ILLINOIS }
COUNTY OF LAKE } SS

I, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, DO HEREBY CERTIFY THAT _____ AND _____ OF THE VILLAGE OF LONG GROVE, ILLINOIS, PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAME ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS _____ AND _____ RESPECTIVELY, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR FREE AND VOLUNTARY ACT AND DEED, AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID VILLAGE, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS____DAY OF_____A.D. 20____

_____
NOTARY PUBLIC

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF LAKE } SS

I, _____, COUNTY CLERK OF LAKE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY LAND INCLUDED IN THE PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT.

GIVEN UNDER MY HAND AND SEAL THIS____DAY OF_____A.D. 20____

_____
LAKE COUNTY CLERK

VILLAGE CERTIFICATE

APPROVED THIS DAY OF_____, A.D. 20____

_____ _____ _____
VILLAGE PLAT OFFICER VILLAGE CLERK VILLAGE PRESIDENT

VILLAGE ENGINEER'S CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF LAKE } SS

I, _____, VILLAGE ENGINEER FOR THE VILLAGE OF LONG GROVE, ILLINOIS, DO HEREBY CERTIFY THAT THE ANNEXED PLAT HAS BEEN EXAMINED BY ME AND FOUND TO COMPLY WITH THE ENGINEERING REQUIREMENTS, AS SET FORTH IN THE SUBDIVISION REGULATIONS OF THE VILLAGE OF LONG GROVE, LAKE COUNTY, ILLINOIS.

DATED THIS DAY OF_____ A.D. 20____

_____
VILLAGE ENGINEER - LONG GROVE

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }
COUNTY OF COOK } SS

I, MARK H. LANDSTROM, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2625 DO HEREBY CERTIFY THAT I HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED TRACT OF LAND:

LOT 19 (EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 19; THENCE NORTH, ALONG THE EAST LINE OF SAID LOT, 361.56 FEET; THENCE WEST, AT A RIGHT ANGLE TO SAID EAST LINE, 140 FEET; THENCE SOUTHWESTERLY TO A POINT ON THE SOUTHWEST LINE OF SAID LOT, 440 FEET NORTHWEST OF THE SOUTHEAST CORNER THEREOF; THENCE SOUTHEAST, ALONG SAID SOUTHWEST LINE, 440 FEET TO THE POINT OF BEGINNING) IN FAIRFIELD VILLAGE, BEING A SUBDIVISION IN THE EAST HALF OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 43 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 4, 1980, AS DOCUMENT 2042546, AND CORRECTED BY CERTIFICATE OF CORRECTION RECORDED APRIL 7, 1980, AS DOCUMENT 2055570, IN LAKE COUNTY, ILLINOIS.

AND THAT THIS PLAT REPRESENTS SAID SURVEY AND SUBDIVISION. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND BEARINGS SHOWN ARE BASED ON GPS MEASUREMENT. I FURTHER CERTIFY THAT NO PART OF THE PROPERTY COVERED BY THIS PLAT OF RESUBDIVISION IS SITUATED WITHIN A SPECIAL FLOOD HAZARD ZONE, AS DETERMINED FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP PANEL NO. 17097C0261, HAVING AN EFFECTIVE DATE OF SEPTEMBER 3, 1997. 5/8" STEEL PIPES ARE SET AT EACH LOT CORNER UNLESS OTHERWISE INDICATED. I ALSO HEREBY DESIGNATE THE VILLAGE OF LONG GROVE, ILLINOIS, TO RECORD THIS PLAT OF SUBDIVISION.

DATED AT PALOS HILLS, ILLINOIS, THIS 9TH DAY OF DECEMBER, A.D. 2010.

_____
MARK H. LANDSTROM
IPLS No. 2625
LICENSE RENEWAL DATE: NOVEMBER 30, 2012

PREPARED FOR:
ESI CONSULTANTS, LTD

PREPARED BY:
LANDMARK
ENGINEERING LLC
DESIGN FIRM REGISTRATION NO. 184-005577
7808 WEST 103RD STREET
PALOS HILLS, ILLINOIS 60465-1529
Phone (708) 599-3737
SURVEY No. 10-12-015-R

EXHIBIT C

Unconditional Agreement and Consent

Pursuant to Section Four of Long Grove Ordinance No. 2011-O-__, and to induce the Village of Long Grove to grant the approvals provided for in such Ordinance, the undersigned Owner acknowledges for itself and its successors and assigns in title to the Property that it:

1. has read and understands all of the terms and provisions of said Ordinance No. 2011-O-__;

2. hereby unconditionally agrees 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;

3. acknowledges and agrees 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 the Applicant against damage or injury of any kind and at any time;

4. acknowledges that any public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any revocation on the grounds of any procedural infirmity or any denial of any procedural right;

5. agrees to and does hereby hold harmless 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 in connection with the Village's adoption of the Ordinance granting the approvals to the Applicant pursuant to the Ordinance; and

6. represents and acknowledges that the person signing this Unconditional Agreement and Consent is duly authorized to do so on behalf of the Owner of the Property.

OWNER:

The Village of Long Grove

By:_____
Its_____

ATTEST:

_____