

**Item #5:**

**Ordinance Approving Minor Amendment To Ravenna Subdivision**

VILLAGE OF LONG GROVE

ORDINANCE NO. 2011-O-\_\_

**AN ORDINANCE APPROVING A MINOR  
AMENDMENT TO THE FINAL PLANNED UNIT DEVELOPMENT  
FOR DIOR HOMES' RAVENNA (WEST) DEVELOPMENT**

**WHEREAS**, pursuant to Ordinance No. 2004-O-22 ("**Final PUD Ordinance**"), the Village of Long Grove granted final planned unit development approval for Concord Homes' Ravenna Planned Unit Development ("**Planned Unit Development**"); and

**WHEREAS**, the Planned Unit Development granted approval for a single family residential development on the property generally located west of Route 83 and east of Diamond Lake Road, Long Grove, Illinois, and legally described in Exhibit A to this Ordinance ("**Subject Property**"); and

**WHEREAS**, the Final PUD Ordinance provides that the Final Lift may not commence until 75% of all homes within the Planned Unit Development have received a final certificate of occupancy; and

**WHEREAS**, Section 5-11-18(H) of the Long Grove Zoning Code provides that the Final Lift may not commence until 75% of all homes within the Planned Unit Development have received a final certificate of occupancy; and

**WHEREAS**, Concord Homes, Inc., the owner of the Ravenna East, requested and received approval of Ordinance No. 2009-O-35 ("**Amending PUD Ordinance**") approving a minor amendment to the Planned Unit Development to permit the installation of the final one inch bituminous concrete roadway surface (the "**Final Lift**") when 40% of all planned dwellings within the planned unit development have received a final certificate of occupancy ("**Proposed Final Roadway Installation**"); and

**WHEREAS**, Dior Homes, Inc., the owner of the Ravenna West ("**Owner**"), has requested approval of a further minor amendment to the Planned Unit Development to permit the installation of the final one inch bituminous concrete roadway surface (the "**Final Lift**") when 25% of all planned dwellings within the planned unit development have received a final certificate of occupancy ("**Proposed Final Roadway Installation**"); and

**WHEREAS**, Section 5-11-18(l)(2) of the Long Grove Zoning Code authorizes the Village Board to approve minor changes in an approved planned unit development; and

**WHEREAS**, the President and Board of Trustees find that authorization of the Proposed Final Roadway Installation is a minor change to the Planned Unit Development and have determined that it is in the best interests of the Village and its residents to amend the Planned Unit Development to permit the Owner to undertake the Proposed Final Roadway Installation, subject to the terms and conditions of this Ordinance as hereinafter set forth;

**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.

**SECTION TWO: Minor Amendment to the Planned Unit Development.** Pursuant to 5-11-18(l)(2) of the Long Grove Zoning Code, and subject to the conditions set forth in Section Three of this Ordinance, the Planned Unit Development shall be, and is hereby, amended to permit the Owner to install the final one inch bituminous concrete roadway surface when 25% of all planned dwellings within the Planned Unit Development have received a final certificate of occupancy.

**SECTION THREE: Conditions on Approval.** The amendment of the Planned Unit Development granted pursuant to Section Two of this Ordinance, permitting the Owner to undertake the Proposed Final Roadway Installation shall be, and it is hereby, conditioned upon and limited by the following conditions, the violation of any of which shall, in the reasonable discretion of the President and Board of Trustees, be grounds for the repeal and revocation of the approvals granted herein:

- a. **Continued Effect of the Planned Unit Development.** Except as expressly modified by this Ordinance, the Planned Unit Development shall remain in full force and effect, and the Owner shall comply with all requirements, conditions, and restrictions therein.
- b. **Compliance with Laws.** Except as otherwise provided in this Ordinance, 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 Subject Property. In addition, the development and use of the Subject

Property shall be in compliance with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.

- c. 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 Zoning Code. In addition, the Owners 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 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 Subject 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.
- d. Building Permit Deposit. As of the effective date of this Ordinance, any application for a building permit for any structure or building within the Planned Unit Development must include a security deposit in the amount of \$5,000.00.
- e. Guaranty Bond. The Owner must provide to the Village a guaranty bond for the roadway improvements within the Planned Unit Development in the amount of 15% of the actual design and construction costs of such roadway improvements.
- f. 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 Subject 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 shall be released from their 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 their obligations under this Ordinance but shall not relieve the transferee of its liability for all such obligations as a successor to Owner.

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

**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 persons to execute and (ii) thereafter file with the Village their unconditional agreement and consent, in the form attached hereto as Exhibit B and by this reference incorporated herein and

made a part hereof; provided further that, if the Owner does not so file its unconditional agreement and consent within 30 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 minor amendment 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 \_\_\_ day of September, 2011.

AYES: (\_\_\_).

NAYS: (\_\_\_).

ABSENT: (\_\_\_).

APPROVED this \_\_\_ day of September, 2011.

\_\_\_\_\_  
Village President, Maria Rodriguez

ATTEST:

\_\_\_\_\_  
Village Clerk, Karen Schultheis

**EXHIBIT A**

**Legal Description of Subject Property**

PARCEL 1:

GOVERNMENT LOT 1 IN THE SOUTHWEST ¼ OF SECTION 6, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PART THEREOF DEDICATED FOR PUBLIC HIGHWAY AND ALSO EXCEPT THOSE PARTS TAKEN BY THE CIRCUIT COURT OF LAKE COUNTY, ILLINOIS AS CASE NO. 92ED18 DESCRIBED IN INSTRUMENT RECORDED OCTOBER 24, 1994 AS DOCUMENT 3617847 AS PARCELS 18H0099-A AND 18H0099-B AND AS DEPICTED ON THE PLAT OF HIGHWAYS RECORDED JANUARY 25, 1994 AS DOCUMENT 3480442), IN LAKE COUNTY, ILLINOIS.

PARCEL 2:

GOVERNMENT LOT 2 IN THE SOUTHWEST ¼ OF SECTION 6, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PART FALLING IN UNIT NO. 1 BRAEBURN-WEST, AS SHOWN ON THE PLAT THEREOF RECORDED NOVEMBER 15, 1960 AS DOCUMENT 1089479, IN BOOK 35 OF PLATS, PAGE 62, AND ALSO EXCEPT THAT PART FALLING IN STOCKBRIDGE FARM, RECORDED JULY 9, 1979 AS DOCUMENT 2005870), IN LAKE COUNTY, ILLINOIS.

PARCEL 3:

LOT 11 IN UNIT NO. 1, BRAEBURN WEST, BEING A SUBDIVISION OF PART OF GOVERNMENT LOT 2 OF THE SOUTHWEST ¼ OF SECTION 6, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 15, 1960 AS DOCUMENT 1089479, IN BOOK 35 OF PLATS, PAGE 62, IN LAKE COUNTY, ILLINOIS.

**EXHIBIT B**

**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 undersigneds acknowledge for themselves and their successors and assigns in title to the Subject Property that they

1. have read and understand all of the terms and provisions of said Ordinance No. 2011-O-\_\_;
2. hereby unconditionally agree to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance and Ordinance No. 2004-O-22, and any amendments thereto, the Long Grove Zoning Code, and all other applicable codes, ordinances, rules, and regulations;
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 Subject Property, and that the Village's issuance of any permit does not, and shall not, in any way, be deemed to insure the Owner 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, 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. agree 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 Owner pursuant to the Ordinance; and
6. represent and acknowledge that the persons signing this Unconditional Agreement and Consent are duly authorized to do so on behalf of the Owner of the Subject Property.

**DIOR HOMES, INC.**

By: \_\_\_\_\_

Its: \_\_\_\_\_

**VILLAGE OF LONG GROVE**

**ORDINANCE NO. 2011-O-\_\_**

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AMENDMENT TO THE FINAL PLANNED UNIT DEVELOPMENT  
FOR DIOR HOMES' RAVENNA DEVELOPMENT**

Adopted by the  
President and Board of Trustees  
of  
the Village of Long Grove  
this \_\_ day of September, 2011

Published in pamphlet form by direction  
and authority of the Village of Long Grove,  
Lake County, Illinois  
this \_\_ day of September, 2011