

VILLAGE OF LONG GROVE

ORDINANCE NO. 2003-O-__

**AN ORDINANCE AMENDING ORDINANCE NO. 2001-O-24
REGARDING REQUIRED RESTAURANT PARKING
(343 Old McHenry Road)**

Adopted by the
President and Board of Trustees
of
the Village of Long Grove
this ____ day of _____, 2003

Published in pamphlet form by direction
and authority of the Village of Long Grove,
Lake County, Illinois
this ____ day of _____, 2003

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REGARDING REQUIRED RESTAURANT PARKING
(343 Old McHenry Road)**

WHEREAS, pursuant to Subsection 5-5-2-6(C) of the Long Grove Village Code, the Village Board is authorized to allow the payment of a fee in lieu of required off-street parking; and

WHEREAS, pursuant to Ordinance No. 2001-O-24, the owner ("**Owner**") of the property located at 343 Old McHenry Road, Long Grove, Illinois, legally described on Exhibit A attached to this Ordinance ("**Subject Property**"), was allowed to pay a fee in lieu of the additional 24 parking spaces required for the proposed restaurant on the Subject Property ("**Parking Fee**"); and

WHEREAS, that Ordinance required the Village to install suitable lighting within the northwest portion of the Archer Municipal Lot within one year of adoption of the Ordinance ("**Parking Lot Lighting**"); and

WHEREAS, due to circumstances unforeseen at the time of adoption of the Ordinance, the Village has not yet installed the Parking Lot Lighting and has not, therefore, required payment of the Parking Fee; and

WHEREAS, the Village has been in the process of reviewing plans for the Parking Lot Lighting and is preparing to advertise for bids regarding the installation of such Parking Lot Lighting; and

WHEREAS, consequently, the Village and the Owner desire to amend Ordinance No. 2001-O-24 to (i) reaffirm the Owner's obligation to pay the Parking Fee and (ii) extend the time for performance of the Village's obligation to install the Parking Lot Lighting, as set forth in this Ordinance;

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: Amendment. Ordinance No. 2001-O-24 shall be, and is hereby, amended to (i) extend the Village's obligation to install the Parking Lot Lighting to _____, 2003, and (ii) reaffirm the Owner's obligation to pay the Parking Fee in the amount of \$6,000 per year, for a period of ten years, with the first payment due to the Village on _____, 2003, and thereafter payments shall be due on May 1 of each subsequent year.

SECTION THREE: Continued Effect of Ordinance No. 2001-O-24. Except as expressly modified by this Ordinance, Ordinance No 2001-O-24 shall remain in full force and effect, and the Owner shall comply with all requirements, conditions, and restrictions therein.

SECTION FOUR: Binding Effect. 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.

SECTION FIVE: 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 a duly authorized person to execute and (ii) thereafter files with the Village its 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 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 ___ day of _____, 2003.

AYES:

NAYS:

ABSENT:

APPROVED this ___ day of _____, 2003.

Village President, Anthony Dean

ATTEST:

Village Clerk, Caroline Liebl

CHI1 #223851 v1

EXHIBIT A

Legal Description of Subject Property

[insert legal]

Commonly known as 343 Old McHenry Road, Long Grove, Illinois

EXHIBIT B

Unconditional Agreement and Consent

Pursuant to Section Five of Long Grove Ordinance No. 2003-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. 2003-O-___;
2. hereby unconditionally agree to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of this Ordinance, Ordinance No. 2001-O-24, 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.

JOHN MANGLE
