

Item #7:
Ordinance Approving Final Plat For Archer Subdivision

VILLAGE OF LONG GROVE

ORDINANCE NO. 2011-O-__

**AN ORDINANCE APPROVING THE FINAL 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 22nd day of November, 2011

Published in pamphlet form by direction
and authority of the Village of Long Grove
Lake County, Illinois
this 22nd day of November, 2011

VILLAGE OF LONG GROVE

ORDINANCE NO. 2011-O-__

**AN ORDINANCE APPROVING THE FINAL 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 final plat, identified as Survey No. 11-09-100-SUB, and attached hereto as Exhibit B (the "**Final Plat**"), which exhibits are attached hereto and made a part hereof ("**Property**"); and

WHEREAS, on January 11, 2011, the Village Board approved Ordinance 2011-O-03 approving a preliminary plat of subdivision for the Property (the "**Preliminary Plat**"); and

WHEREAS, the Owner has filed an application requesting approval of a final 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 Final Plat substantially complies with the Preliminary Plat and the requirements for a final plat of subdivision in the B-1 Historic Business District; and

WHEREAS, the PCZBA has recommended approval of the Final 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 Final Plat, and have determined that it is in the best interests of the Village and its residents to approve the Final 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 Final Plat serves as the granting of necessary entitlements for the use, sale, and development of the Archer Lot Subdivision;

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: Final Plat Approval. The proposed Final 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 final plats, but subject to the conditions and restrictions set forth in Section Three of this Ordinance.

SECTION THREE: Additional Conditions. The approval of the Final 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. Easements; Dedications. Prior to any conveyance, utility easements and the Archer Road dedication, must be conveyed as agreed by the Owner and Village.
- C. 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.
- D. 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.
- E. 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.
- F. 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.
- G. 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 22nd day of November, 2011.

AYES: ()

NAYS: ()

ABSENT: ()

APPROVED this 22nd day of November, 2011.

Village President

ATTEST:

Village Clerk

#10023233_v4

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

[to be attached]

EXHIBIT B

FINAL PLAT

[to be attached]

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:
