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7423/0045 49 001 Page 1 of 5
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ORDINANCE NO. 01-9

AN ORDINANCE ESTABLISHING PROPERTY
BENEFIT SHARES FOR CONSTRUCTION OF WATER MAINS
AND SANITARY SEWER BY ROYAL RIDGE DEVELOPMENT
AND REPEALING ORDINANCE NO. 00-52

Passed by the Board of Trustees February 13, 2001
Printed and Published February 14, 2001

Printed and Published in Pamphlet Form
by Authority of the
President and Board of Trustees

VILLAGE OF NORTHBROOK
COOK COUNTY, ILLINOIS

BOX 337

I hereby certify that this document
was properly published on the date
stated above.

/s/Lona N. Louis
Village Clerk

I hereby certify this to be a true and exact copy of the
original.

2/16/01 Lona N. Louis
Date Village Clerk

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ORDINANCE NO. 01-9

BE IT ORDAINED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois, THAT:

AN ORDINANCE ESTABLISHING PROPERTY
BENEFIT SHARES FOR CONSTRUCTION OF WATER MAINS
AND SANITARY SEWER BY RKZ VENTURE GROUP, L.L.C. FOR THE
ROYAL RIDGE DEVELOPMENT
AND REPEALING ORDINANCE NO. 00-52

be and is hereby adopted as follows:

Section 1. BACKGROUND.

The Subdivision and Development Agreement dated December 12, 1996, between the Village and RKZ Venture Group, L.L.C., provides that as a result of the developer constructing off-site improvements identified as a 16-inch diameter water main and a sanitary sewer system (see Sec. 6A1 of the Agreement) other parties will benefit. In Section 8.A of that Agreement, the Village agreed to adopt one or more recapture ordinances to establish the charges and enable the recovery of proportionate amounts from the benefited properties. The Village has been advised of the total costs of the off-site improvements and the amounts that should be collected from the benefited properties. The subject matter of this Ordinance was addressed by Ordinance No. 00-52. In order to clarify certain issues pertaining to this recapture, the President and Board of Trustees find it is in the best interest of the Village to repeal Ordinance No. 00-52 and replace it with this Ordinance.

Section 2. REPEAL OF ORDINANCE NO. 00-52

Ordinance No. 00-52 is hereby repealed and is of no further force and effect.

Section 3. BENEFIT FEE SCHEDULE.

The fee schedule hereby established was based upon a Summary Report of all costs for the off-site improvements submitted by the developer to the Village Engineer and dated May 9, 2000. The benefit fee schedule is attached hereto as Exhibit A, which also describes the properties that are benefited and that must pay such fees. A portion of the fees due under this Ordinance are in escrow placed by the developer of The Ponds at Sunset Ridge, one of the benefited properties, per the Development Agreement for that property.

Section 4. RECAPTURE PAYMENT.

All benefit fees received by the Village as a result of Section 3 above shall be paid, including any interest amount collected, to RKZ Venture Group, L.L.C.

Payment by the benefited property at 2370 Waukegan Road and described in Exhibit A shall be made in the full amount, plus interest at the rate of 6% per annum upon application for connection to either of the subject utilities.

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Any fees collected from The Ponds at Sunset Ridge, 2365 Waukegan Road, and described in Exhibit A, shall be paid upon recovery of such amount from the escrow account or upon payment to the Village.

Section 5. FEE ADJUSTMENT.

The Village Manager is hereby authorized to apply the benefit fees as set forth in Section 3 above as is deemed most appropriate in the event of dispute or any unforeseen property change within the service area of the subject improvement. Any such adjustments shall be based upon and reflect the basic intent and policies on recaptures set forth in the project summary.

Section 6. RECAPTURE RECORD.

The Village Manager shall cause an accurate record of all recapture payments from the fee schedule herein to be maintained in current status available upon request at any time by the Board of Trustees.

Section 7. RECORDATION.

The Village Attorney is hereby directed to record this Ordinance with the Recorder of Deeds of Cook County, Illinois, to ensure proper notification of such benefit fee to any future bona fide property purchaser.

Section 8. EFFECTIVE DATE.

This Ordinance shall be in full force and effect upon passage, approval and publication in pamphlet form as provided by law.

PASSED: This 13th day of February, 2001.

AYES: (5) Trustees Jaeger, Frum, Donewald, Meek, and President Damisch

NAYS: (0)

ABSENT: (2) Trustees Karagianis and Buehler

ABSTAIN: (0)

/s/ Mark W. Damisch
Village President

ATTEST:

/s/ Lona N. Louis
Village Clerk

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SCHEDULE A

The Ponds of Sunset Ridge (Doerner Property), 2365 Waukegan Road \$20,797.72
PREI No.: 04-14-301-002

LEGAL DESCRIPTION OF PROPERTY

THAT PART OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 42 NORTH, RANGE 12, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT OF INTERSECTION OF THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 14 WITH MIDDLE LINE OF THE SOUTHWEST QUARTER OF SECTION 14 AND RUNNING THENCE SOUTH ALONG SAID WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 14, 187.91 FEET; THENCE SOUTH 80 DEGREES 02 MINUTES WEST 420.70 FEET TO CENTER LINE OF WAUKEGAN ROAD (TIMBER ROAD); THENCE NORTH 30 DEGREES 46-1/2 MINUTES WEST 197.75 FEET ALONG CENTER LINE OF SAID ROAD TO A POINT WHICH IS NORTH 30 DEGREES 46-1/2 MINUTES WEST 662.29 FEET FROM INTERSECTION OF SOUTH LINE OF SAID SECTION WITH CENTER LINE OF SAID ROAD, THENCE NORTH 80 DEGREES 02 MINUTES EAST 523.28 FEET TO PLACE OF BEGINNING ALL IN COOK COUNTY, ILLINOIS.

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"The Salvi Property", 2370 Waukegan Road \$23,378.17
PREI No. 04-14-300-004 and 04-14-300-005
Interest of 6.0% per annum beginning on November 15, 2000.

LEGAL DESCRIPTION OF PROPERTY

PARCEL A:

THAT PART OF LOT 28 IN THE COUNTY CLERK'S DIVISION OF SECTION 14, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 28; THENCE NORTHWESTERLY ALONG THE EASTERLY LINE OF SAID LOT 28, A DISTANCE OF 172.26 FEET TO THE POINT OF BEGINNING OF THIS LEGAL DESCRIPTION; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO SAID EASTERLY LINE, A DISTANCE OF 200.0 FEET; THENCE NORTHWESTERLY PARALLEL WITH THE EASTERLY LINE OF SAID LOT 28, A DISTANCE OF 320.0 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVED LINE, HAVING A RADIUS OF 50.0 FEET AND CONCAVE EASTERLY, A DISTANCE OF 70.72 FEET CHORD MEASURE; THENCE NORTHEASTERLY AT RIGHT ANGLES TO THE EASTERLY LINE OF LOT 28, A DISTANCE OF 150.0 TO THE EASTERLY LINE AFORESAID; THENCE SOUTHEASTERLY ALONG SAID EASTERLY LINE A DISTANCE OF 370.0 FEET TO THE POINT OF BEGINNING.

PARCEL B:

THAT PART OF LOT 28 IN THE COUNTY CLERK'S DIVISION OF SECTION 14, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT 28; THENCE NORTHWESTERLY ALONG THE EASTERLY LINE OF SAID LOT 28, DISTANCE OF 172.26 FEET; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO SAID EASTERLY LINE A DISTANCE OF 200.0 FEET; THENCE NORTHWESTERLY PARALLEL WITH THE EASTERLY LINE OF SAID LOT 28, A DISTANCE OF 320.0 FEET TO A POINT OF CURVE; THENCE NORTHEASTERLY ALONG A CURVED LINE, HAVING A RADIUS OF 50.0 FEET AND CONCAVE EASTERLY A DISTANCE OF 70.72 FEET CHORD MEASURE; THENCE NORTHEASTERLY AT RIGHT ANGLES TO THE EASTERLY LINE OF LOT 28 A DISTANCE OF 150.0 FEET TO THE EASTERLY LINE AFORESAID; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE A DISTANCE OF 114.07 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 28; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 28, A DISTANCE OF 308.99 FEET TO THE NORTHWESTERLY CORNER OF LOT 28; THENCE SOUTH ALONG THE WEST LINE OF LOT 28 A DISTANCE OF 510.84 FEET TO THE SOUTHWEST CORNER OF LOT 28; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 28, A DISTANCE OF 636.59 FEET TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.