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EXHIBIT

ATTACHED TO

0010355663

DOCUMENT NUMBER

4-30-01

SEE PLAT BOOK

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1861/0124 38 001 Page 1 of 23
2001-04-30 16:46:08
Cook County Recorder 135.00

EXHIBIT ATTACHED

ORDINANCE NO. 00-51

AN ORDINANCE GRANTING A SPECIAL PERMIT AND VARIATIONS
FOR A PLANNED DEVELOPMENT

(THE VILLAS OF NORTHBROOK, L.L.C.: 501 AND 525 PFINGSTEN ROAD)
(PLAN COMMISSION DOCKET NO. 99-17)

Passed by the Board of Trustees, September 26, 2000

Printed and Published, September 27, 2000

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

VILLAGE OF NORTHBROOK
COOK COUNTY, ILLINOIS

F	135
P	P
T	V
I	<i>[Signature]</i>

BOX 337

135
DATE 4-30-01
OK BY *[Signature]*

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.

1/10/01 Lona N. Louis
Date Village Clerk

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10355663
ORDINANCE NO. 00-51

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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 GRANTING A SPECIAL PERMIT AND VARIATIONS FOR A PLANNED DEVELOPMENT

(THE VILLAS OF NORTHBROOK LLC: 501 AND 525 PFINGSTEN ROAD)
(PLAN COMMISSION DOCKET NO. 99-17)

shall be, and is hereby, adopted as follows:

Section 1. BACKGROUND

The Villas of Northbrook LLC, an Illinois limited liability company (the "Applicant"), contract purchaser of approximately 2.7 acres of land commonly known as 501 and 525 Pfingsten Road (the "Property"), desires to develop a 12-unit town home planned development on the Property. The Applicant and the Village have agreed to enter into that certain Planned Development and Subdivision Agreement dated as of September 26, 2000 governing the development of the Property (the "Development Agreement"). In accordance with the Development Agreement and pursuant to Ordinance No. 00-50, adopted on September 26, 2000, the Village approved the rezoning of the Property from the R-3 Single Family Residential District to the R-6 Multi-Family Residential District. The Applicant now requests that the Village grant a special permit approving the planned development, as well as certain variations specifically described herein.

Section 2. DESCRIPTION OF PROPERTY

The Property is located at 525 Pfingsten Road and is legally described in Exhibit A attached to and by this reference made a part of this Ordinance.

Section 3. PUBLIC HEARING

A public hearing to consider the subject application for a special permit and variations was duly advertised on March 2, 2000 in the *Northbrook Star* and was held at the Plan Commission's regular meeting on March 21 and April 18, 2000, with a formal recommendation being rendered during the Plan Commission's regular meeting on May 2, 2000 (Plan Commission Resolution No. 00-PC-08).

Section 4. SPECIAL PERMIT

Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section 6 of this Ordinance a special permit for a planned development (Village of Northbrook SIC No. 9820.00) is hereby granted to the Applicant in accordance with and pursuant to Sections 11-602 and 11-603 of the Code and the home rule powers of the Village of Northbrook.

Section 5. VARIATIONS

Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section 6 of this Ordinance, the Applicant is hereby granted the following variations:

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- i. variation to allow the proposed entry feature with a maximum height of 10 feet, as shown on the Final Landscape Plan, dated June 1, 2000;
- ii. variation to allow the construction of a six foot high "board-on-board" fence along the entire southern property line of the Property;
- iii. variation to allow for the proposed public right-of-way cul-de-sac diameter of 117 feet instead of the minimum 140 feet; and
- iv. waiver of the requirement to construct a public sidewalk along the south side of the proposed right-of-way, as shown on the Final Development Plan.

Section 6. SPECIAL PERMIT AND VARIATION CONDITIONS

The special permit granted in Section 4 above, and the variations granted in Section 5 above shall be, and are hereby, expressly subject to and contingent upon each of the following conditions, restrictions, and provisions:

A. Compliance with Development Agreement and Plans. The development, use, and maintenance of the Property shall be in substantial compliance with the Development Agreement and with the following documents and plans, except for minor changes and site work approved by the Director of Development or the Village Engineer (for matters within their respective permitting authorities) in accordance with all applicable Village standards:

- i. The Final Landscape Plan prepared by The Balsamo/Olson Engineering Company, with latest revision date of June 1, 2000, attached as Exhibit B and by this reference made a part of this Ordinance;
- ii. The Final Development Plan prepared by The Balsamo/Olson Engineering Company, with latest revision date of September 26, 2000, attached as Exhibit C and by this reference made a part of this Ordinance;
- iii. The Final Tree Inventory Plan prepared by The Balsamo/Olson Engineering Company, with latest revision date of July 7, 2000, attached as Exhibit D and by this reference made a part of this Ordinance;
- iv. The Final Plat of Subdivision prepared by Sargeant Engineering Company, Ltd., with latest revision date of July 6, 2000, attached as Exhibit E and by this reference made a part of this Ordinance;
- v. The Final Engineering Plan prepared by Sargeant Engineering Company, Ltd., with latest revision date of August 14, 2000, attached as Exhibit F and by this reference made a part of this Ordinance; and
- vi. The Final Building Materials Plan letter prepared by the Applicant, dated September 5, 2000, attached as Exhibit G and by this reference made a part of this Ordinance.

B. No Storage of Construction Equipment. Under no circumstances shall construction equipment, supplies, or vehicles be stored at any time at any outdoor location on the Property.

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Section 7. FAILURE TO COMPLY WITH CONDITIONS

Upon failure or refusal of the Applicant to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the special permit granted in Section 4 and the variations granted in Section 5 of this Ordinance shall, at the sole discretion of the Village Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Board of Trustees may not so revoke the special permit and variations unless it shall first provide the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Board of Trustees. In the event of revocation, the development and use of the Property shall be governed solely by the regulations of the R-6 Multi-Family Residential District, as the same may, from time to time, be amended. Further, in the event of such revocation of the special permit, variations, and final development approval, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Applicant acknowledges that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice to the Applicant required by this Section is given.

Section 8. AMENDMENT TO SPECIAL PERMIT AND VARIATIONS

Any amendment to the special permit and or variations granted by this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Code.

Section 9. BINDING EFFECT, NON-TRANSFERABILITY

The privileges, obligations, and provisions of each and every Section of this Ordinance, are for the sole benefit of, and shall be binding on, the Applicant, except as otherwise expressly provided in this Ordinance. Nothing in this Ordinance shall be deemed to allow this Ordinance to be transferred to any person or entity without a new application for approval for any person or entity other than the Applicant.

Section 10. EFFECTIVE DATE

A. This Ordinance shall be effective only upon the occurrence of all of the following events:

- i. passage by the Board of Trustees of the Village of Northbrook by a majority vote in the manner required by law;
- ii. publication in pamphlet form in the manner required by law;
- iii. the filing by the Applicant with the Village Clerk of an execution copy of the Development Agreement executed by the Applicant; and
- iv. recordation of this Ordinance, together with such exhibits as the Village Clerk shall deem appropriate for recordation, with the Cook County Recorder of Deeds. The Applicant shall bear the full cost of such recordation.

B. In the event that the Applicant does not file with the Village Clerk an executed copy of the Development Agreement referenced in Paragraph 11.A.iii of this Ordinance within 90 days of

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the date of passage of this Ordinance by the President and Board of Trustees, the corporate authorities shall have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED: This 26th day of September, 2000.

AYES: (6) Trustees Jaeger, Frum, Buehler, Donewald and Meek
and President Damisch

NAYS: (0)

ABSENT: (1) Trustee Karagianis

ABSTAIN: (0)

/s/ Mark W. Damisch
Village President

ATTEST:

/s/ Lona N. Louis
Village Clerk

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EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

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PARCEL 1:

THE NORTH 100 FEET OF THE SOUTH 1980 FEET OF THE WEST 627 FEET OF THE SOUTHWEST ¼ OF SECTION 4, TOWNSHIP 42 NORTH, RANGE 12 EAST, OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 04-04-302-035-000

Commonly Known as: 501 Pfingsten Road, Northbrook, Illinois 60062

PARCEL 2:

THE NORTH 100 FEET OF THE SOUTH 1880 FEET OF THE WEST 627 FEET OF THE SOUTHWEST ¼ OF SECTION 4, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 04-04-302-036-000

Commonly Known as: 525 Pfingsten Road, Northbrook, Illinois 60062

Upon consolidation of Parcels 1 and 2 the legal description of the property shall be as follows:

THE VILLAS OF NORTHBROOK, BEING A SUBDIVISION OF:

THE NORTH 200.00 FEET OF THE SOUTH 1980.00 FEET OF THE WEST 627.00 FEET OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THAT PART DEDICATED FOR PFINGSTEN ROAD: CONTAINING 115.517 SQ. FT. OR 2.6519 ACRES, ALL IN COOK COUNTY, ILLINOIS.

PIN: 04-04-302-035

04-04-302-036

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EXHIBIT B

FINAL LANDSCAPE PLAN

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EXHIBIT C

FINAL DEVELOPMENT PLAN

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EXHIBIT G

FINAL BUILDING MATERIALS PLAN

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EXHIBIT F

FINAL ENGINEERING PLAN

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EXHIBIT E

FINAL PLAT OF SUBDIVISION

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EXHIBIT D

FINAL TREE INVENTORY PLAN

10355660
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THE DEARBORN GROUP
c/o 3032 W. Algonquin Road
MOUNT PROSPECT, IL 60056
(847) 545-9500

September 5, 2000

10355663

Mr. Michael Jacobs
Village of Northbrook
1225 Cedar Lane
Northbrook, IL 60062

RE: 501 & 525 Pflugsten a/k/a THE VILLAS OF NORTHBROOK

Dear Mr. Jacobs,

As per your request, the following colors will be used in the above referenced development;

Siding: Match Olympic Stain colors PM316 and PM319
Trim: Match Olympic Stain colors PM316 and PM319
Windows: Milgard Almond
Brick: IW55 Autumn Rose
Gutters/Soffit/Fascia: Match Trim
Front Doors: Match Olympic Stain PM316, PM319, Sherwin Williams SW2385(green), SW2718(garnet)
Shingles: Match Owens Corning Supreme "Weather Gray"

We will have samples of these colors at the Trustee meeting.

Sincerely,



Christopher F. Coleman
Partner

EXHIBIT ATTACHED

Northbrook/Villas of Northbrook
Ordinance No. 00-51 Agreement
Exhibit G Sheet 1 of 1, et seq.