

# UNOFFICIAL COPY



Doc#: 0631017068 Fee: \$48.50  
Eugene "Gene" Moore  
Cook County Recorder of Deeds  
Date: 11/06/2008 01:11 PM Pg: 1 of 13

AMENDING

DOCUMENT No. 0316110075 (agreement)

And 0428044034 (plat)

## CERTIFICATION

I, Kittie L. Kopitke, do hereby certify that I am the duly elected Village Clerk of the Village of Streamwood, Cook County, Illinois, and the keeper of the books and records of the Village of Streamwood, and I do hereby certify that Ordinance Number 2006-42 is the true and correct copy of an Ordinance presented, passed and recorded by the President and Board of Trustees of the Village of Streamwood on the 19th day of October 2006 by a vote of 6 Ayes, 0 Nays with 0 Trustees absent.

  
Kittie L. Kopitke, MMC  
Village Clerk

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ORDINANCE NO. 2006 - 42

**AN ORDINANCE APPROVING AN AMENDMENT TO  
THE PLANNED UNIT DEVELOPMENT AGREEMENT FOR  
PULTE HOMES - BUCKINGHAM WOODS**

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**WHEREAS**, Pulte Homes is the owner of the subject property, legally described in Exhibit "A," attached hereto and made a part hereof and has petitioned for a modification to the Planned Unit Development Agreement approved by Ordinance 2003-13, which authorized a Special Use Permit for the Planned Unit Development Agreement and 2003-14 which authorized the execution of the Planned Unit Development Agreement for the subject property; and

**WHEREAS**, a modification is sought to allow a change from a Nature Center site to a gazebo site, in an R-2 PUD development; and

**WHEREAS**, public notice of hearing on said application was published in the Daily Herald of Paddock Publications, Inc. on September 30, 2006, being a paper having general circulation within the Village of Streamwood, as required by Illinois Statutes and the ordinances of the Village of Streamwood; and

**WHEREAS**, a public hearing was conducted by the Plan Commission on said application on October 17, 2006, at which hearing the Plan Commission forwarded its recommendation for approval of the application, subject to certain conditions, to

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A-06-129

## VILLAGE OF STREAMWOOD

ORDINANCE NO. 2006 - 42

AN ORDINANCE APPROVING AN AMENDMENT TO  
THE PLANNED UNIT DEVELOPMENT AGREEMENT FOR  
PULTE HOMES - BUCKINGHAM WOODS

ADOPTED BY THE BOARD OF TRUSTEES  
OF THE VILLAGE OF STREAMWOOD  
THIS 19<sup>th</sup> DAY OF October, 2006

Published in pamphlet form by authority of the Board of Trustees  
of the Village of Streamwood, Cook County, Illinois  
this 19<sup>th</sup> day of October, 2006

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the President and Board of Trustees of the Village of Streamwood;  
and

**WHEREAS**, the Village Board has duly considered the Plan Commission's findings and recommendations, and the requested amendment to the Pulte Homes - Buckingham Woods Planned Unit Development Agreement.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Streamwood, Cook County, Illinois as follows:

**SECTION ONE:** That the Village President is hereby authorized to execute on behalf of the Village, and the Village Clerk is authorized to attest to, the First Amendment to the Planned Unit Development Agreement attached hereto as Exhibit "B" and that the Pulte Homes - Buckingham Woods Planned Unit Development Agreement dated March 20, 2003, shall thereby be amended to allow the development of a gazebo site, rather than a Nature Center site, in an R-2 PUD development.

**SECTION TWO:** That all ordinances and resolutions or parts thereof in conflict with the provisions of this ordinance are, to the extent of such conflict, expressly repealed.

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**SECTION THREE:** That this ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

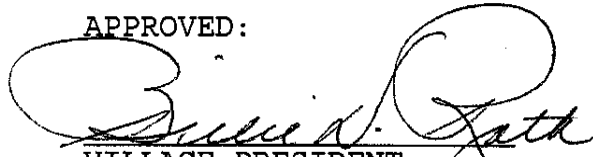
ROLL CALL VOTE:

AYES  
NAYS  
ABSTENTIONS  
ABSENT

6  
0  
0  
0

PASSED AND APPROVED this 19<sup>th</sup> day of October 2006.

APPROVED:

  
VILLAGE PRESIDENT

ATTEST:

  
VILLAGE CLERK

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## EXHIBIT "A"

Outlot H in Buckingham Woods, being a subdivision of part of Sections 21 and 28 in Township 41 North, Range 9 East of the Third Principal Meridian, in Cook County, Illinois, according to the Buckingham Woods Final Plat of Subdivision recorded on October 6, 2004 with the Cook County Recorder of Deeds as Document No. 04280440134.

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## FIRST AMENDMENT TO PLANNED DEVELOPMENT AGREEMENT

This Amendment (this "**Amendment**") to that certain Planned Development Agreement dated as of March 20, 2003 (the "**Planned Development Agreement**"), by and between the VILLAGE OF STREAMWOOD, a municipal corporation of the County of Cook, State of Illinois (hereinafter referred to as "**Village**") by and through the President and Board of Trustees of the Village (hereinafter collectively referred to as the "**Corporate Authorities**") and PULTE HOME CORPROATION, as Developer of record of the subject property (hereinafter referred to as the "**Developer**"), is made and entered into this 17 day of October, 2006.

### WITNESSETH:

WHEREAS, pursuant to the Agreement, the Property is subject to a Planned Development (the "**Planned Development**") authorized by the Village and the Corporate Authorities on March 20, 2003 through Ordinances 2003-14 (the "**Ordinance**");

WHEREAS, the Agreement permits the Streamwood Park District (the "**Park District**") to construct a nature center on the lot to be conveyed by the Developer to the Park District that is designated as Lot H on the Buckingham Woods Final Plat of Subdivision recorded on October 6, 2004 with the Cook County Recorder of Deeds as Document No. 04280440434 (the "**Park Site**");

WHEREAS, the Park District, the Village and the Developer have agreed to construct a gazebo on the Park Site in lieu of a nature center. The Agreement of the Park District to this change in use of the Park Site is set forth in the letter dated September 28 2006 from Dennis Stein, the Executive Director of the Park, a copy of which is attached hereto as Exhibit A;

WHEREAS, the zoning classification for the area in which the Park Site is located is the R-2 Single Family Residence District;

WHEREAS, construction of the gazebo will require a variation of the thirty (30) foot front yard set-back requirement for the R-2 Single Family Residence District to a twenty (20) foot front yard set-back;

WHEREAS, Developer desires and proposes to amend said Planned Development to allow for construction of a gazebo on the Park Site in lieu of a nature center;

WHEREAS, pursuant to due notice and advertisement, the Plan Commission of the Village has held a public hearing and made their recommendations with respect to the amendment of the Planned Development;

WHEREAS, this Agreement was submitted to the Corporate Authorities and a public hearing was held thereon pursuant to notice as provided by ordinance; and

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WHEREAS, the Corporate Authorities of the Village after due and careful consideration have concluded that construction of a gazebo on the Park Site in lieu of a nature center on the terms and conditions herein set forth would result in a reduced amount of vehicular traffic in the area and would serve the best interests of the Village.

NOW, THEREFORE, in consideration of the premises, mutual covenants and agreements herein set forth, the parties hereto agree as follows:

1. Recitals. The above recitals are hereby incorporated into and made a part of the Agreement.
2. Compliance with the Agreement. Except as amended herein, all provisions of the Agreement and the Ordinances shall apply.
3. Approval of Gazebo for Park Site. The Corporate Authorities hereby approve construction by the Developer of a gazebo on the Park Site in lieu of a nature center, and all of the parties hereto hereby covenant and agree that the Park Site shall be developed with a gazebo and not with a nature center. Developer agrees that the gazebo shall be constructed substantially in compliance with the plans and specifications attached hereto as Exhibit B.
4. Approval of Variation for Front Yard Set-back. The Village shall grant a variation from the requirements of Section 11-5.3-6 of the Village Zoning Ordinance to permit a twenty (20) foot front yard set-back on the Park Site for the construction of the gazebo, in lieu of the thirty (30) foot front yard set-back required by the Zoning Ordinance.
5. Exhibits. The following Exhibits, which were presented in testimony given by the Developer or the witnesses during the hearings held before the Plan Commission and the Corporate Authorities prior to the execution of this Agreement, are hereby incorporated by reference herein, made a part hereof and designated as shown below. This Agreement, upon execution by the parties, together with copies of all Exhibits, shall be kept on file with the Village Clerk and be available for inspection to the parties hereto.

**EXHIBIT A**

Letter dated September 28, 2006 from Dennis Stein,  
Executive Director of Streamwood Park District;

**EXHIBIT B**

Plans and Specifications for the Gazebo

[Signature page follows]



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IN WITNESS WHEREOF, the parties hereto have entered into this Amendment the date and year first above written.

VILLAGE OF STREAMWOOD

By: 

Village President

ATTEST:

  
Village Clerk

DEVELOPER:

PULTE HOME CORPORATION

By: 

Name: TODD BRINER

- and -

By: 

Name: B. Bel

Its: Attorneys-in-Fact

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**EXHIBIT A  
to First Amendment To  
Planned Development Agreement**

**PARK DISTRICT LETTER**

[See attached]

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Sep 28 06 02:10p

Caldwell

(630) 264-1864

p.2

09/28/2006 12:16

6303727284

PAGE 02/02



## Streamwood Park District

September 28, 2006

Administration Office  
 & Community Center  
 777 S. Bartlett Road  
 Streamwood, IL 60107-1314  
 630-372-7111  
 630-372-7284 (FAX)

Robin Caldwell, RLA, ASLA  
 Innovative Land Solutions, Inc.  
 202 April Lane  
 North Aurora, IL 60542

RE: PUD Revision for Pulte's Buckingham Woods Park

Dear Robin:

Park Place  
 Family Recreation Center  
 550 S. Paul Boulevard  
 Streamwood, IL 60107-3000  
 630-372-PARK, ext. 126  
 630-483-9967 (FAX)

Consistent with prior discussions, the Streamwood Park District is in agreement with a PUD revision for Pulte's Buckingham Woods development whereby the original concept of a nature center and parking lot are replaced by a gazebo.

Sincerely,

  
 Dennis Stein  
 Executive Director

Hoopster Grove Barn  
 700 W. Irving Park Road  
 Streamwood, IL 60107-2817  
 630-372-PARK, ext. 120  
 630-372-1893 (FAX)

Hoopster Grove Museum  
 700 W. Irving Park Road  
 Streamwood, IL 60107-2817  
 630-213-9706  
 630-372-1893 (FAX)

[www.streamwoodparkdistrict.org](http://www.streamwoodparkdistrict.org)

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**EXHIBIT B  
to First Amendment To  
Planned Development Agreement**

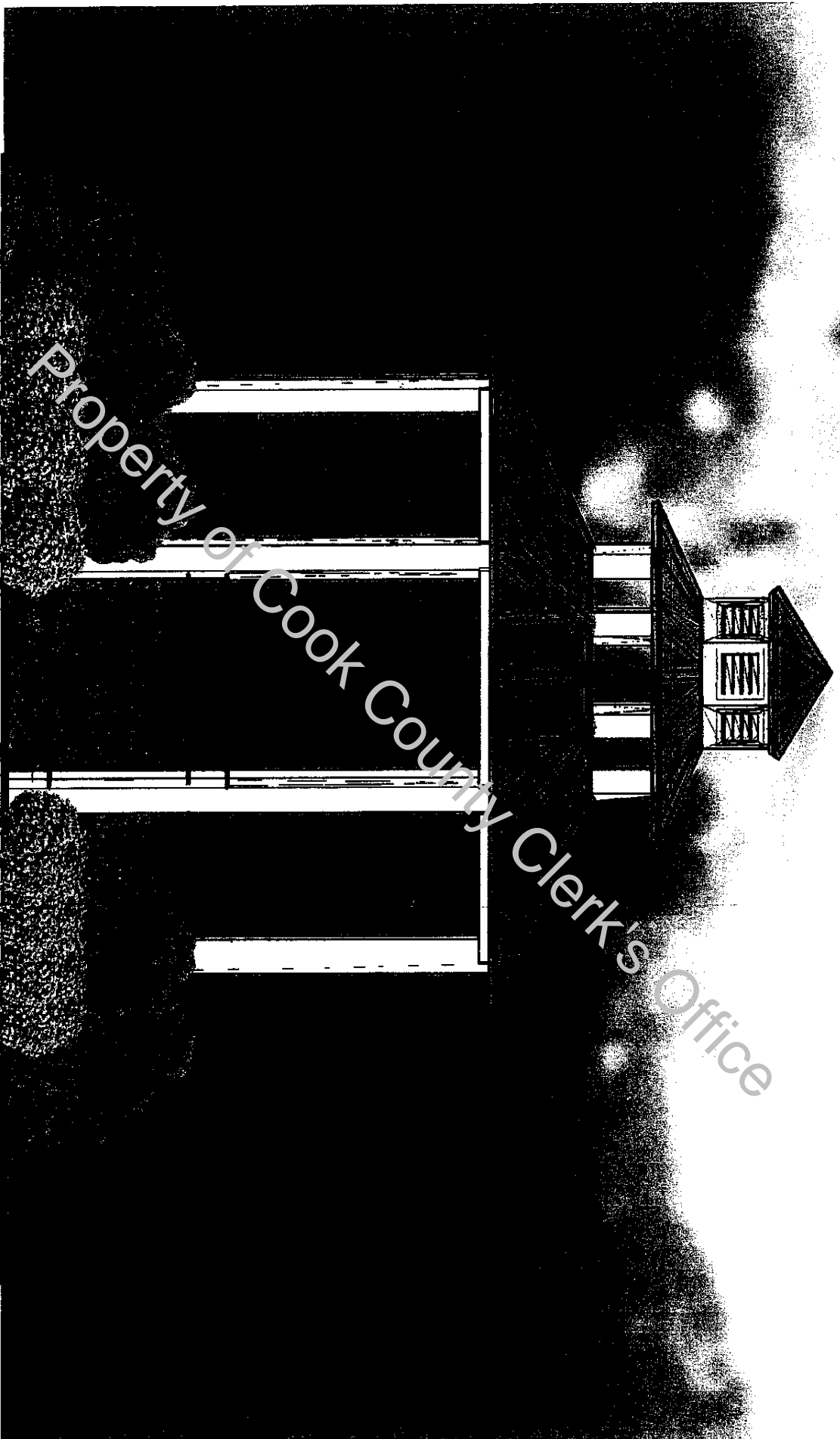
**PLANS AND SPECIFICATIONS FOR GAZEBO**

[See attached]

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ITEM	MODEL	MANUFACTURER	SECTION	CONTACT: PARKREATION, INC. (SEE SHELTER DETAILS FOR DESCRIPTION) (847)-419-7744
SHELTER	OC12M2C	ICON SHELTER SYSTEMS, INC.	1	

**SHELTER ELEVATION DETAIL**

SCALE: 1"=20'