

UNOFFICIAL COPY

STATE OF ILLINOIS)

) SS.


COUNTY OF COOK)

CLERK'S CERTIFICATE

I, GLORIA J. LUDWIG, do hereby certify that I am the qualified and acting CITY CLERK* of the City of Des Plaines, Cook County, Illinois, AND THAT AS SUCH, I am the officer duly designated by law to keep the minutes, ordinances, resolutions and proceedings of the City Council of the City of Des Plaines.

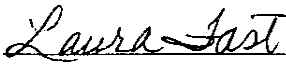
I further certify that the attached and foregoing copy of Z-35-15, An Ordinance Approving a Final Plat of Planned Unit Development with Permitted Exceptions and a Final Plat of Subdivision for the Property Located at 300 Western Avenue, Des Plaines, Illinois (Case #15-007-PUD-SUB) is a true and correct copy of same.

IN WITNESS WHEREOF, I hereunto affix my signature and impress hereon the corporate seal of the said City of Des Plaines, Cook County, Illinois, this 14th day of December, 2015.



GLORIA J. LUDWIG, City Clerk
City of Des Plaines, County of Cook

By:



LAURA FAST, Deputy City Clerk
City of Des Plaines, County of Cook

*Per the provisions of 65 ILCS 5/3.1-20-5 of the Illinois Compiled Statutes (2012)

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CITY OF DES PLAINES

ORDINANCE Z - 35 - 15

AN ORDINANCE APPROVING A FINAL PLAT OF PLANNED UNIT DEVELOPMENT WITH PERMITTED EXCEPTIONS AND A FINAL PLAT OF SUBDIVISION FOR THE PROPERTY LOCATED AT 300 WESTERN AVENUE, DES PLAINES, ILLINOIS. (Case #15-007-PUD-SUB

WHEREAS, BCD Ventures, LLC ("**Petitioner**"), is the contract purchaser of that certain real property consisting of approximately 7.7 acres, located in the R-4 Central Core Residential District ("**R-4 District**"), commonly known as 300 Western Avenue, Des Plaines, Illinois ("**Subject Property**"); and

WHEREAS, the Subject Property is currently unimproved; and

WHEREAS, the Petitioner desires to construct 101 new residential townhomes on the Subject Property ("**Proposed Development**"); and

WHEREAS, on February 23, 2014, the Plan Commission of the City of Des Plaines ("**Commission**") approved a preliminary plat of subdivision for the Subject Property; and

WHEREAS, on May 18, 2015, the City Council adopted Ordinance Z-16-15, approving a preliminary plat for a planned unit development on the Subject Property; and

WHEREAS, pursuant to Sections 12-3-4 and 12-3-5 of the Des Plaines Zoning Ordinance of 1998, as amended ("**Zoning Ordinance**"), and Title 13 of the City Code of the City of Des Plaines, as amended ("**Subdivision Regulations**"), the Petitioner filed, with the consent of the owner of the Subject Property, an application with the City for the approval of: (i) a final plat of planned unit development of the Subject Property ("**Proposed Final Plat of PUD**"), including certain proposed exceptions within the proposed planned unit development; and (ii) a final plat of subdivision for the Subject Property ("**Proposed Final Plat of Subdivision**"); and

WHEREAS, within fifteen (15) days after the receipt thereof, the Petitioner's application was referred by the Department of Community and Economic Development to the Commission; and

WHEREAS, within ninety (90) days after the date of the Petitioner's application, a public hearing was held by the Commission on October 26, 2015 pursuant to publication in the *Journal* on October 9, 2015; and

WHEREAS, notice of the public hearing was mailed to all property owners within 300 feet of the Subject Property; and

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WHEREAS, during the public hearing the Commission heard competent testimony and received evidence with respect to how the Petitioner intended to satisfy and comply with the provisions of the Zoning Ordinance; and

WHEREAS, pursuant to Sections 3.7 and 3.5 of the Zoning Ordinance, and Section 13-2-7 of the Subdivision Regulations, the Commission filed a written report with the City Council on October 26, 2015, summarizing the testimony and evidence received by the Commission and stating its recommendation, by a vote of 3-0, to approve the Proposed Final Plat of PUD and Proposed Final Plat of Subdivision, subject to certain conditions; and

WHEREAS, the Petitioner made certain representations to the Commission with respect to the Proposed Final Plat of PUD and the Proposed Final Plat of Subdivision, which representations are hereby found by the City Council to be material and upon which the City Council relies in approving the Proposed Final Plat of PUD and Proposed Final Plat of Subdivision; and

WHEREAS, the City Council has considered the written report of the Commission, the applicable standards for planned unit developments set forth in the Zoning Ordinance, and the Community and Economic Development Staff Memorandum dated October 26, 2015, and has determined that it is in the best interest of the City and the public to approve the Proposed Final Plat of PUD in accordance with the provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1. RECITALS. The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting the factual basis for the approval of the Proposed Final Plat of PUD and Proposed Final Plat of Subdivision.

SECTION 2. LEGAL DESCRIPTION OF SUBJECT PROPERTY. The Subject Property is legally described as follows:

PARCEL 1:

THAT PART OF THE WEST 1/2 OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHERLY LINE OF THE DES PLAINES VALLEY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD, NOW THE UNION PACIFIC RAILROAD, AND THE WEST LINE OF THE RIGHT OF WAY OF THE FORMER

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FEEHANVILLE BRANCH OF THE CHICAGO AND NORTHWESTERN RAILROAD, WHICH WEST LINE IS 100 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 17; THENCE SOUTH ON THE WEST RIGHT OF WAY LINE OF SAID FEEHANVILLE BRANCH OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY, A DISTANCE OF 512.44 FEET TO A POINT; THENCE WEST AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, A DISTANCE OF 597.14 FEET TO A POINT ON THE EASTERLY LINE OF THE NORTHWEST HIGHWAY, AS DEDICATED AND OCCUPIED; THENCE NORTHWESTERLY ON THE EASTERLY LINE OF SAID NORTHWEST HIGHWAY TO THE WESTERLY LINE OF THE SOUTHERLY LINE OF SAID DES PLAINES VALLEY RAILROAD; THENCE NORTHEASTERLY ON THE SOUTHERLY LINE OF SAID DES PLAINES VALLEY RAILROAD, AFORESAID, A DISTANCE OF 803.74 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL2:

THE NORTH 6.0 FEET OF THE FOLLOWING DESCRIBED TRACT;

THAT PART OF THE WEST 1/2 OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF THE RIGHT OF WAY OF THE FEEHANVILLE BRANCH OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY, WHICH WEST LINE IS 100.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 17, 512.44 FEET SOUTH OF THE SOUTHERLY LINE OF THE DES PLAINES VALLEY RAILROAD, NOW THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY, AS MEASURED ON THE WEST LINE OF SAID FEEHANVILLE BRANCH OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY, RIGHT OF WAY; THENCE WEST AT RIGHT ANGLES TO SAID WEST LINE OF THE FEEHANVILLE BRANCH, A DISTANCE OF 597.14 FEET TO A POINT ON THE EASTERLY LINE OF THE NORTHWEST HIGHWAY AS DEDICATED AND OCCUPIED; THENCE SOUTHEASTERLY ON THE EASTERLY AND NORTHEASTERLY LINE OF SAID NORTHWEST HIGHWAY TO THE WEST LINE OF THE RIGHT OF WAY OF SAID FEEHANVILLE BRANCH; THENCE NORTH ON THE WEST LINE OF SAID FEEHANVILLE BRANCH, A DISTANCE OF 683.86 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

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PARCEL 3:

THAT PART OF THE WEST 1/2 OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF THE EAST 100.00 FEET OF THE WEST 1/2 OF SAID SECTION 17 (BEING THE WEST LINE OF THE FEEHANVILLE BRANCH OF THE CHICAGO AND NORTHWESTERN RAILROAD) WITH THE SOUTHERLY LINE OF THE UNION PACIFIC RAILROAD (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD-DES PLAINES VALLEY LINE) BEING A LINE 50.0 FEET SOUTHERLY OF THE CENTER BETWEEN MAIN TRACKS OF SAID RAILROAD; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 518.44 FEET FOR A POINT OF BEGINNING; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST ALONG A LINE DRAWN AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, A DISTANCE OF 307.98 FEET; THENCE SOUTH 44 DEGREES 58 MINUTES 54 SECONDS WEST, A DISTANCE OF 87.65 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 346.02 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 17; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 17, A DISTANCE OF 62.0 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE EAST 7.0 FEET THEREOF, IN COOK COUNTY, ILLINOIS.

PARCEL 4:

THAT PART OF THE WEST 1/2 OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, TOGETHER WITH THAT PART OF LOT 3 OF THE COUNTY CLERK'S DIVISION OF THE UNSUBDIVIDED LAND IN THE NORTH PART OF SAID SECTION 17 LYING NORTH OF THE RAILROAD, THE PLAT OF WHICH WAS RECORDED SEPTEMBER 12, 1888 AS DOCUMENT NO. 1003451, BOUNDED BY A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF THE EAST 100.00 FEET OF THE WEST 1/2 OF SAID SECTION 17 (BEING THE WEST LINE OF THE FEEHANVILLE BRANCH OF THE CHICAGO AND NORTHWESTERN RAILROAD) WITH THE SOUTHERLY LINE OF THE UNION PACIFIC RAILROAD (FORMERLY THE CHICAGO AND NORTHWESTERN RAILROAD-DES PLAINES VALLEY LINE), BEING A LINE 50.0 FEET SOUTHERLY OF THE CENTER BETWEEN MAIN TRACKS OF SAID RAILROAD; THENCE SOUTH 00 DEGREES 00 MINUTES 00

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SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 518.44 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST ALONG A LINE DRAWN AT RIGHT ANGLES TO THE LAST DESCRIBED LINE, A DISTANCE OF 100.0 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 17, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 17, A DISTANCE OF 164.30 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 3 IN THE COUNTY CLERK'S DIVISION, AFORESAID; THENCE SOUTH 87 DEGREES 21 MINUTES, 20 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 3 AND SAID LINE EXTENDED WEST, A DISTANCE OF 15.52 FEET TO A POINT 8.5 FEET EASTERLY, AS MEASURED RADially AND AT RIGHT ANGLES TO THE CENTER LINE OF SPUR TRACK, ICC NO. 198 OF THE CHICAGO AND NORTHWESTERN RAILROAD, AS PREVIOUSLY LOCATED; THENCE NORTHERLY ALONG A LINE PARALLEL WITH AND 8.50 FEET EASTERLY OF THE CENTER LINE OF SAID SPUR TRACK TO A POINT ON A LINE DRAWN 175.0 FEET NORTH, MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE SOUTH LINE OF SAID LOT 3; THENCE SOUTH 87 DEGREES 21 MINUTES 20 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 16.08 FEET TO A POINT 10.0 FEET SOUTHEASTERLY, MEASURED RADially, OF THE CENTER LINE OF SPUR TRACK, ICC NO. 116-A AS PREVIOUSLY LOCATED, SAID POINT BEING 5.50 FEET EAST OF THE WEST LINE OF SAID LOT 3; THENCE NORTHEASTERLY ALONG SAID LINE PARALLEL WITH AND 10.0 FEET SOUTHEASTERLY OF THE CENTER LINE OF SAID SPUR TRACK TO ITS INTERSECTION WITH THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE UNION PACIFIC RAILROAD, AS AFORESAID; THENCE WESTERLY ALONG SAID RAILROAD RIGHT OF WAY LINE TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

EXCEPTING FROM PARCEL 4:

THAT PART OF THE NORTHWEST 1/4 AND THAT PART OF THE WEST 415 FEET OF LOT 3 IN COUNTY CLERK'S SUBDIVISION IN THE NORTHEAST 1/4 OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 3; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 3 EXTENDED WEST, A DISTANCE OF 16.45 FEET TO A POINT DISTANT 8.5 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF SPUR TRACK I. C. C. NO. 198 OF THE CHICAGO AND NORTH WESTERN RAILWAY COMPANY, AS NOW LOCATED AND ESTABLISHED FOR THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

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THENCE NORTHEASTERLY ALONG A LINE 8.5 FEET EASTERLY AND PARALLEL WITH THE CENTER LINE OF SPUR TRACK I. C. C. NO. 198, A DISTANCE OF 80.48 FEET; THENCE NORTHEASTERLY ALONG A CURVED LINE (DISTANT 8.5 FEET EASTERLY, MEASURED RADIALLY, FROM THE CENTER LINE OF SAID SPUR TRACK I. C. C. NO. 198 AND SAID CENTER LINE EXTENDED, NORTHEASTERLY) CONVEX TO THE NORTHWEST AND HAVING A RADIUS OF 408.22 FEET, AN ARC DISTANCE OF 101.26 FEET TO A POINT ON A LINE DRAWN PARALLEL WITH AND DISTANT 175 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE SOUTH LINE OF SAID LOT 3; THENCE WESTERLY ALONG SAID PARALLEL LINE A DISTANCE OF 19 FEET MORE OR LESS TO A POINT 9 FEET SOUTHEASTERLY, MEASURED RADIALLY, FROM THE CENTER LINE OF SPUR TRACK I. C. C. NO. 116-A OF SAID CHICAGO AND NORTH WESTERN RAILWAY COMPANY, SAID POINT BEING 2.25 FEET EASTERLY FROM THE WEST LINE OF SAID LOT 3; THENCE SOUTHWESTERLY ALONG A CURVED LINE (PARALLEL WITH THE CENTER LINE OF SAID SPUR TRACK I. C. C. NO. 116-A), CONVEX TO THE NORTHWEST AND HAVING A RADIUS OF 719.39 FEET, AN ARC DISTANCE OF 157.35 FEET; THENCE CONTINUING SOUTHWESTERLY ALONG A LINE PARALLEL WITH AND DISTANT 9 FEET SOUTHEASTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTER LINE OF SAID SPUR TRACK I. C. C. NO. 116-A, A DISTANCE OF 23 FEET MORE OR LESS TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 3; THENCE EASTERLY ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 13 FEET, MORE OR LESS TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PINS: 09-17-100-009-0000, 09-17-100-032-0000, 09-17-100-053-0000, 09-17-100-054-0000, 09-17-100-055-0000, 09-17-1000-056-0000, 09-17-100-057-0000, 09-17-203-024-0000, 09-17-203-034-0000, 09-17-100-029-0000.

Commonly known as 300 Western Avenue, Des Plaines, Illinois.

SECTION 3. APPROVAL OF PROPOSED FINAL PLAT OF PUD AND PERMITTED EXCEPTIONS. Subject to and contingent upon the conditions, restrictions, limitations, and provisions set forth in Section 5 of this Ordinance, the City Council hereby:

A. Approves the Proposed Final Plat of PUD, titled "Colfax Crossing PUD," consisting of three sheets, prepared by Terra Technology Land Surveying, Inc., and dated

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September 8, 2015, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit A**;

B. Approves, pursuant to 12-3-5.C of the Zoning Ordinance, the following permitted bulk exceptions for the Proposed Development:

1. Front yard setbacks of not less than eight feet, where front yard setbacks of not less than 12 feet are otherwise required;
2. Rear yard setbacks of not less than 20 feet, where rear yard setbacks of not less than 25 feet are otherwise required; and
3. Lot areas of not less than 6,519 square feet, where lot sizes of not less than 10,000 square feet are otherwise required.

C. Grants, pursuant to Section 12-3-5.D of the Zoning Ordinance, a conditional use permit to the Petitioner for the development of the Proposed Development as a planned unit development in accordance with the Proposed Final Plat of PUD and the provisions of this Ordinance.

SECTION 4. APPROVAL OF PROPOSED FINAL PLAT OF SUBDIVISION.

Subject to, and contingent upon, the conditions, restrictions, limitations, and provisions set forth in Section 5 of this Ordinance, the City Council hereby approves the Proposed Final Plat of Subdivision titled "Colfax Crossing," prepared by Terra Technology Land Surveying, Inc., consisting of three sheets, and with a latest revision date of August 27, 2015, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit B**. The City Council hereby authorizes and directs the Mayor and the City Clerk to execute and seal, on behalf of the City, the Proposed Final Plat of Subdivision.

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SECTION 5. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Zoning Ordinance and the Subdivision Ordinance, and any other rights that the Petitioner may have, the approvals granted in Sections 3 and 4 of this Ordinance are subject to and contingent upon compliance with each and all of the following conditions, restrictions, limitations, and provisions:

A. **Compliance with Law and Regulations.** The development, use, operation, and maintenance of the Proposed Development and the Subject Property must comply with all applicable City codes and ordinances, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.

B. **Compliance with Plans.** Except for minor changes and site work approved by the City Director of Community and Economic Development or Director of Public Works and Engineering (for matters within their respective permitting authorities) in accordance with all applicable City standards, the development, use, operation, and maintenance of the Proposed Development and the Subject Property must comply with the following plans and documents:

1. The plans titled "Colfax Crossing," prepared by Pearson, Brown & Associates, Inc., consisting of 13 sheets, and with a latest revision date of September 21, 2015, copies of which are attached to and, by this reference, made a part of this Ordinance as **Exhibit C ("Construction Plans")**. The Construction Plans include sheets titled "Specifications," "Existing Conditions," "Geometrics Plan," "Grading Plan," "Soil Erosion and Sediment Control Plan," "Utility Plan," "Profiles," and "Details."

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2. The landscape plan prepared by Dickson Design Studio, consisting of eight sheets, and with a latest revision date of May 7, 2015, a copy of which is attached to and, by this reference, made a part of this Ordinance as **Exhibit D**.
 3. The elevations prepared by Orleans Homes, consisting of two sheets, copies of which are attached to and, by this reference, made a part of this Ordinance as **Exhibit E**.
 4. The floor plans prepared by Orleans Homes, consisting of three sheets, copies of which are attached to and, by this reference, made a part of this Ordinance as **Exhibit F**.
- C. Conditions Precedent to Building Permit. No building permits for the Proposed Development shall be issued unless and until the Petitioner complies with each of the following conditions:
1. The Petitioner shall submit revised plans depicting the end units of buildings perpendicular to a street with entrances that face the public street.
 2. The petitioner shall submit a traffic signage and pavement marking plan for approval by the Director of Public Works and Engineering.
 3. The petitioner shall submit a revised Landscape Plan with benches for the open areas along the Western Ave frontage and west of the cul-de-sac for approval by the Directors of Public Works and Engineering and Community and Economic Development.
 4. The petitioner shall provide final fire hydrant placement plan for approval by the Fire Chief.

SECTION 5. RECORDATION; BINDING EFFECT. A copy of this Ordinance must be recorded in the Office of the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein run with the Subject Property and inure to the benefit of, and are binding upon, the Applicant and its respective personal representatives,

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successors, and assigns, including, without limitation, subsequent purchasers of the Subject Property.

SECTION 6. FAILURE TO COMPLY WITH CONDITIONS.

A. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of, any of the provisions of this Ordinance shall be fined not less than seventy five dollars (\$75.00) or more than seven hundred and fifty dollars (\$750.00) for each offense. Each and every day that a violation of this Ordinance is allowed to remain in effect shall constitute a complete and separate offense. In addition, the appropriate authorities of the City may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person, firm or corporation violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees.

B. In the event that the Petitioner fails to develop or maintain the Subject Property in accordance with the plans submitted, the requirements of the Zoning Ordinance, the Subdivision Regulations, or the conditions set forth in Section 5 of this Ordinance, the approvals granted by Sections 3 and 4 of this Ordinance may be revoked after notice and hearing before the Zoning Administrator of the City, all in accordance with the procedures set forth in Section 12-4-7 of the Zoning Ordinance. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the R-4 District. Further, in the event of such revocation, the City Manager and the City's General Counsel are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Petitioner 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

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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 and hearing required by Section 12-4-7 of the Zoning Ordinance is provided to the Petitioner.

SECTION 7. AMENDMENTS. Any amendment to any provision of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance and the Subdivision Regulations.

SECTION 8. SEVERABILITY. If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

SECTION 9. EFFECTIVE DATE. This Ordinance will be effective only upon the occurrence of the following events:

- A. Passage by the City Council in the manner required by law;
- B. Publication in pamphlet form in the manner required by law;
- C. The filing with the City Clerk by the Petitioner of an unconditional agreement and consent in substantially the form attached to and, by this reference, made a part of this Ordinance as **Exhibit G**, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance, and demonstrating the Petitioner's consent to its recordation; and
- D. At Petitioner's sole cost and expense, the recordation of this Ordinance, together with such exhibits as the City Clerk deems appropriate for recordation, with the office of the Recorder of Cook County

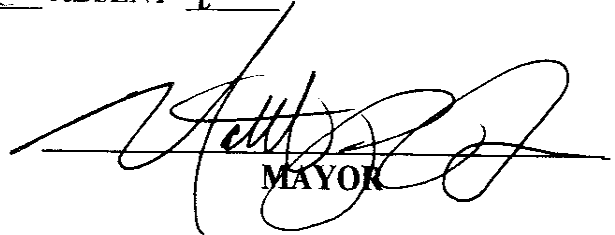
[SIGNATURE PAGE FOLLOWS]

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PASSED this 7th day of December, 2015.

APPROVED this 7th day of December, 2015.

VOTE: AYES 6 NAYS 2 ABSENT 0


MAYOR

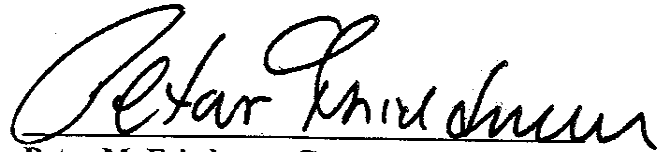
ATTEST:

Laura Jast
DEPUTY CITY CLERK

Published in pamphlet form this
8th day of December, 2015.

Laura Jast
DEPUTY CITY CLERK

Approved as to form:


Peter M. Friedman, General Counsel

DP-Ordinance Approving Final PUD and Plat of Subdivision (Colfax Crossing 300 Western)

PROPERTY OF COOK COUNTY CLERK'S OFFICE

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FINAL PLANNED UNIT DEVELOPMENT COLFAX CROSSING PUD

BEING A SUBDIVISION OF PART OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Plat area in square feet:
1. 11,117 sq. ft. (0.255 acres)
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63. 11,117 sq. ft. (0.255 acres)
64. 11,117 sq. ft. (0.255 acres)
65. 11,117 sq. ft. (0.255 acres)
66. 11,117 sq. ft. (0.255 acres)
67. 11,117 sq. ft. (0.255 acres)
68. 11,117 sq. ft. (0.255 acres)
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71. 11,117 sq. ft. (0.255 acres)
72. 11,117 sq. ft. (0.255 acres)
73. 11,117 sq. ft. (0.255 acres)
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76. 11,117 sq. ft. (0.255 acres)
77. 11,117 sq. ft. (0.255 acres)
78. 11,117 sq. ft. (0.255 acres)
79. 11,117 sq. ft. (0.255 acres)
80. 11,117 sq. ft. (0.255 acres)
81. 11,117 sq. ft. (0.255 acres)
82. 11,117 sq. ft. (0.255 acres)
83. 11,117 sq. ft. (0.255 acres)
84. 11,117 sq. ft. (0.255 acres)
85. 11,117 sq. ft. (0.255 acres)
86. 11,117 sq. ft. (0.255 acres)
87. 11,117 sq. ft. (0.255 acres)
88. 11,117 sq. ft. (0.255 acres)
89. 11,117 sq. ft. (0.255 acres)
90. 11,117 sq. ft. (0.255 acres)
91. 11,117 sq. ft. (0.255 acres)
92. 11,117 sq. ft. (0.255 acres)
93. 11,117 sq. ft. (0.255 acres)
94. 11,117 sq. ft. (0.255 acres)
95. 11,117 sq. ft. (0.255 acres)
96. 11,117 sq. ft. (0.255 acres)
97. 11,117 sq. ft. (0.255 acres)
98. 11,117 sq. ft. (0.255 acres)
99. 11,117 sq. ft. (0.255 acres)
100. 11,117 sq. ft. (0.255 acres)



SCALE 1" = 40'

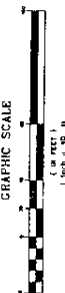
SUBDIVISION VARIATIONS FOR:
1. RIGHT OF WAY WIDTH LESS THAN 66.00 FEET (50.00' PROVIDED)
2. LOT DEPTH LESS THAN 125.00 FEET (63.50' MINIMUM PROVIDED)

PUD EXCEPTIONS FOR:
1. (60' MINIMUM THROUGH LOTS FOR 12.00 FEET, 3, 4, 5, 16, 17, 18, 19, AND 20)
2. REAR YARD SETBACKS LESS THAN 25.00 FEET (20.0' MINIMUM PROVIDED)
3. LOT SIZES LESS THAN 10,000 SQUARE FEET (6513 S.F. MINIMUM PROVIDED)

A BLANKET UTILITY EASEMENT IS HEREBY GRANTED OVER ALL OF LOTS 1 THROUGH 20 (INCLUDING) AND BLOCK B, EXCEPT FOR LOTS DESIGNATED AS "A", OR NON-EASEMENT AREAS.

SHEET LEGEND
SHEET 1 BOUNDARY INFORMATION
SHEET 2 WEST PUD DETAIL
SHEET 3 EAST PUD DETAIL
SHEET 4 CERTIFICATIONS AND DIMENSION PAGE

AREA SUMMARY
LOTS 1-20 5.303 ACRES
BLOCK B 0.778 ACRES
DEDICATION (COUNTY PARKS, ILLINOIS DEPARTMENT OF TRANSPORTATION)
TOTAL AREA SUBDIVIDED 7.741 ACRES



TERRA TECHNOLOGY LAND SURVEYING, INC.
PHONE: (815) 340-8000 FAX: (815) 340-8001
COLFAX CROSSING PUD
JOB NO.: 14-0084 SURVEY DATE: 8/29/2014
DRAWING NO.: 100425/2014/001 PLAT POSITION

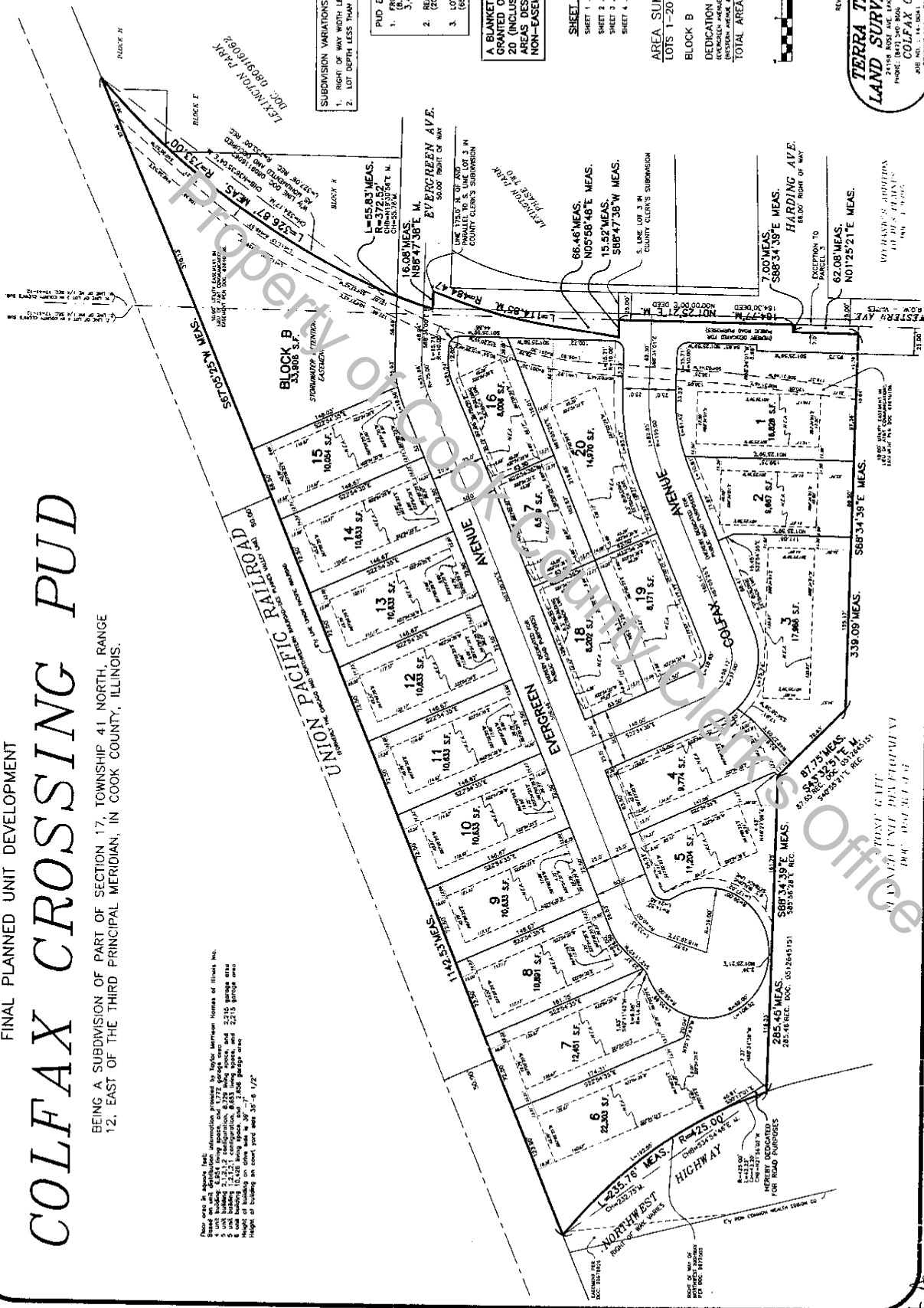
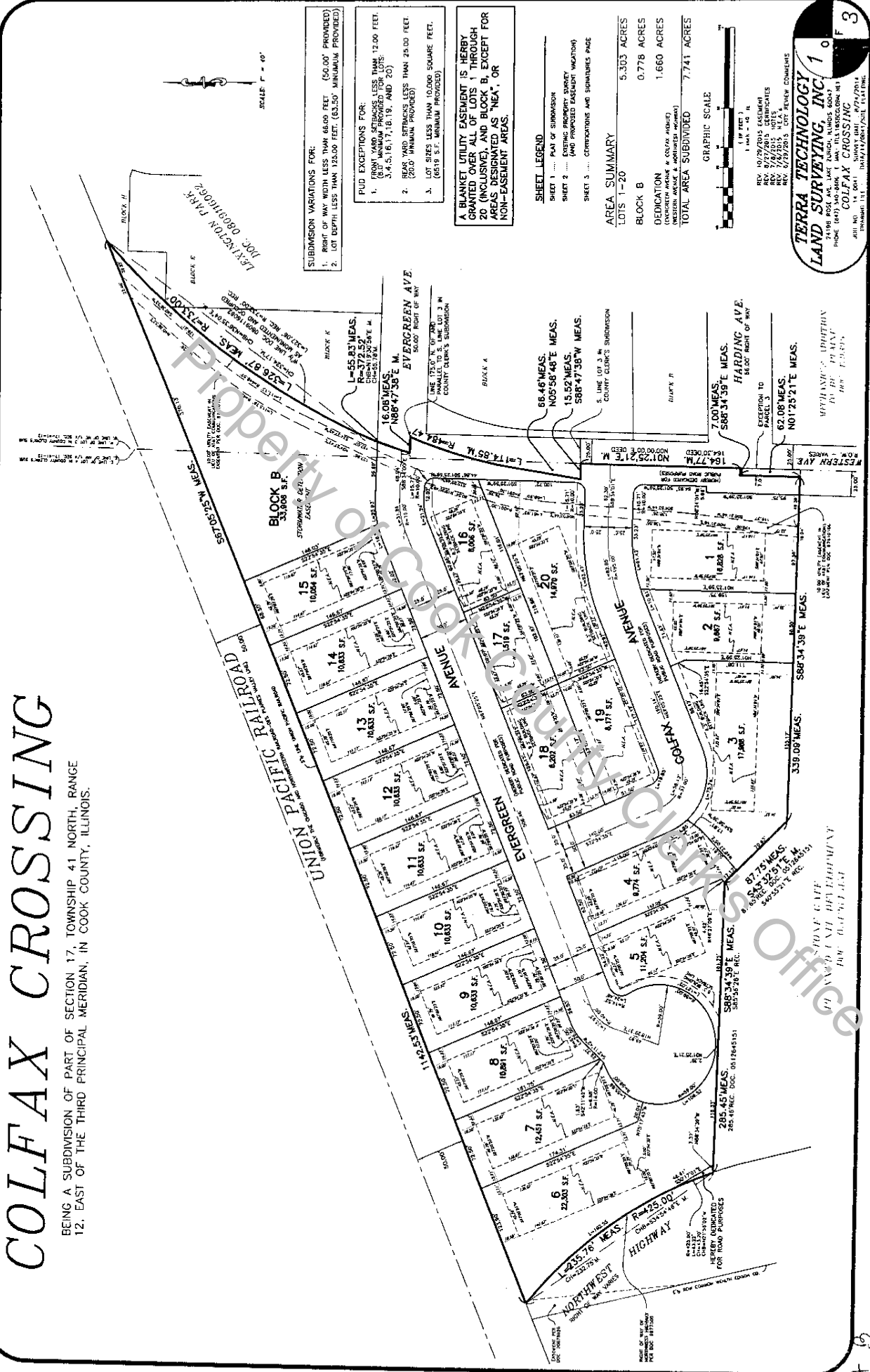


Exhibit A

UNOFFICIAL COPY

COLFAX CROSSING

BEING A SUBDIVISION OF PART OF SECTION 17, TOWNSHIP 41 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.



SUBDIVISION VARIATIONS FOR:

1. FRONT YARD SETBACKS LESS THAN 66.00 FEET (50.00' PROVIDED)
2. LOT DEPTH LESS THAN 125.00 FEET (83.50' MINIMUM PROVIDED)

PLD EXCEPTIONS FOR:

1. FRONT YARD SETBACKS LESS THAN 12.00 FEET (8.00' MINIMUM PROVIDED FOR LOTS 3, 4, 5, 16, 17, 18, AND 20)
2. REAR YARD SETBACKS LESS THAN 25.00 FEET (20.00' MINIMUM PROVIDED)
3. LOT SIZES LESS THAN 10,000 SQUARE FEET (6618 S.F. MINIMUM PROVIDED)

A BLANKET UTILITY EASEMENT IS HEREBY GRANTED OVER ALL OF LOTS 1 THROUGH 20 (INCLUDING) AND BLOCK B, EXCEPT FOR AREAS DESIGNATED AS "NEA", OR NON-EASEMENT AREAS.

SHEET LEGEND

SHEET 1 PART OF SUBDIVISION

SHEET 2 PART OF SUBDIVISION

SHEET 3 CORRIDORING AND SUMMARIES PAGE

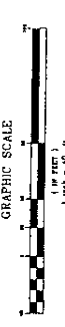
AREA SUMMARY

LOTS 1-20 5.303 ACRES

BLOCK B 0.778 ACRES

DEDICATION (BERNARDI AVENUE & COLFAX HIGHWAY) 1.660 ACRES

TOTAL AREA SUBDIVIDED 7.741 ACRES



REV 10/26/2015 EASEMENT
REV 7/27/2015 UTILITY EASEMENTS
REV 7/27/2015 U.L.A.
REV 7/27/2015 LOT REVIEW COMMENTS

TERRA TECHNOLOGY LAND SURVEYING INC.


24106 ROOSE AVENUE, SUITE 100, CHICAGO, ILLINOIS 60647
PHONE (847) 340-8800 | FAX (773) 383-0000 | WWW.TERRATECHNOLOGY.NET
COLFAX CROSSING
SUBDIVISION 111, 001 | 10/26/2015 | 19 OF 53

MOTION PICTURE PRODUCTION
BY THE PRODUCTION OFFICE

HOFFMAN AVENUE
BY THE PRODUCTION OFFICE

EXHIBIT 19

UNOFFICIAL COPY

<p>SCALE: 1" = 40'</p>  <p>NORTH</p>	<p>PEARSON, BROWN & ASSOCIATES, INC. CONSULTING ENGINEERS 1102 N. WILSON ROAD - SUITE 200 LANSING, IL 60438 PHONE: (815) 461-4100 FAX: (815) 461-4101 E-MAIL: PEARSON@PBA-IL.COM</p>	<p>COLFAX CROSSING</p> <p>DESIGNED BY: M.A. DRAWN BY: A.C. CHECKED BY: J.C. ORIGINAL DATE: 02/20/11</p>	<p>EXISTING CONDITIONS</p> <p>DATE: BY</p> <p>DESCRIPTION</p> <p>REVISIONS</p> <p>REVISION 1: J.C. REVISION PER CIVIL ENGINE REVIEW COMMENTS</p> <p>SHEET NUMBER 4 OF 10 SHEETS</p>
---	---	--	---

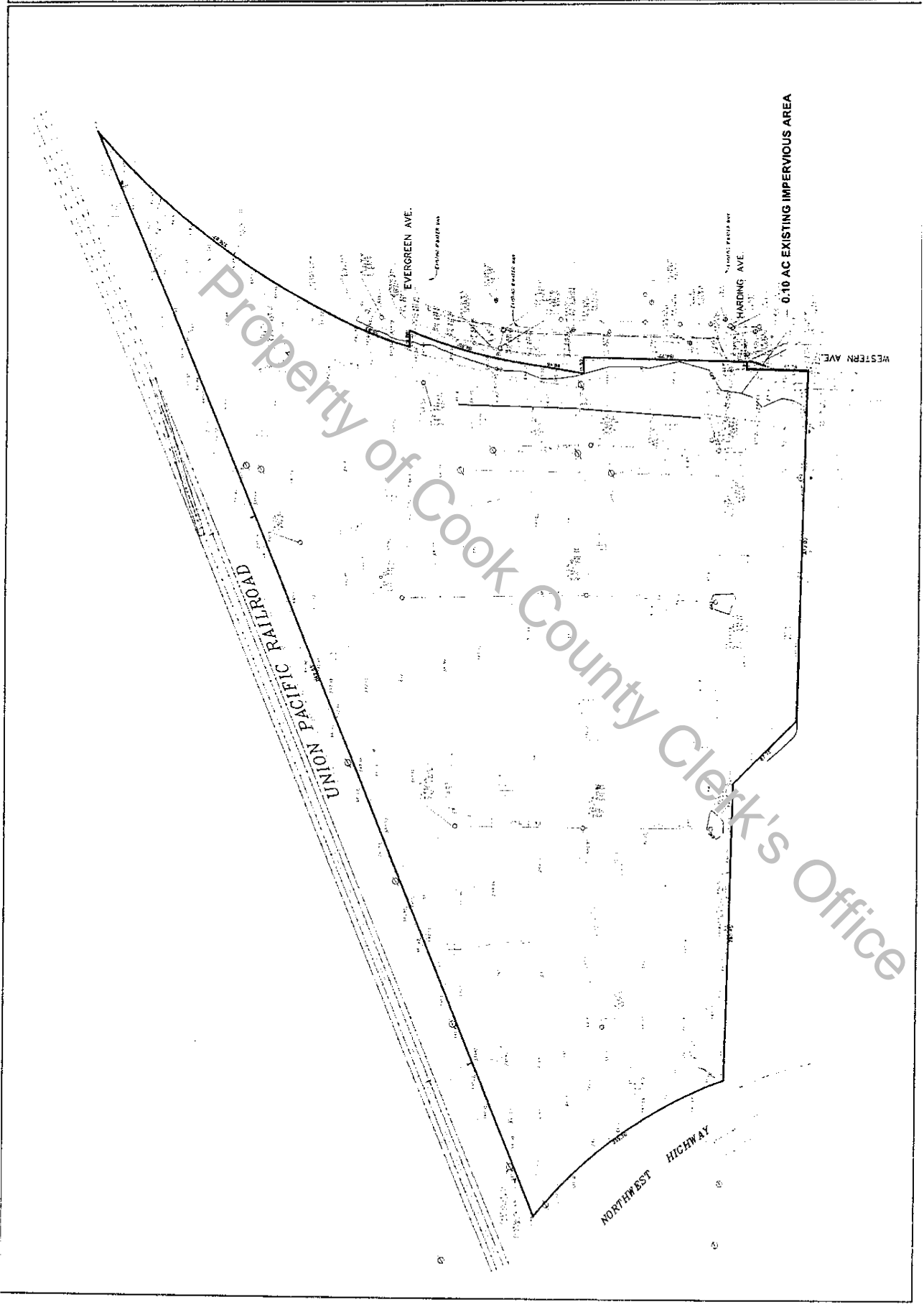
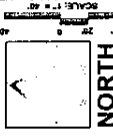
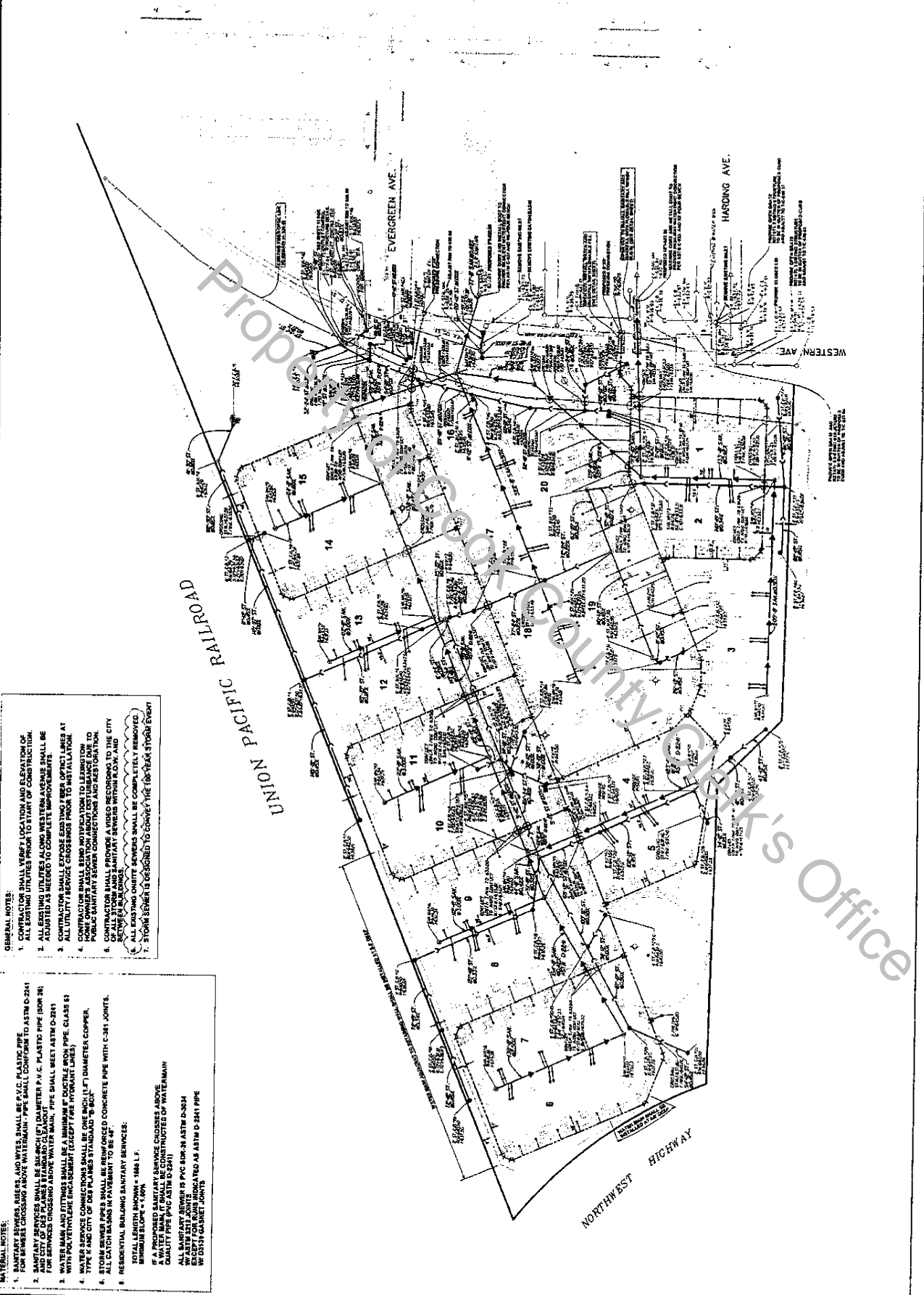


Exhibit C

UNOFFICIAL COPY

 <p>NORTH</p>	<p>COLFAX CROSSING</p> <p>PEARSON, BROWN & ASSOCIATES, INC.</p> <p>1900 W. MINCHING ROAD, SUITE 200 LAKESIDE, COLORADO 80521 PHONE (303) 742-1200 FAX (303) 742-1207</p>	<p>DESIGNED BY: P.A.A.</p> <p>DRAWN BY: A.K.Z.</p> <p>CHECKED BY: J.S.C.</p> <p>DATE: 08/11/2011</p>	<p>DATE BY: [REDACTED]</p> <p>DESCRIPTION: [REDACTED]</p>	<p>REVISIONS</p> <p>NO. DATE DESCRIPTION</p>	<p>SHEET NUMBER</p> <p>8</p>	<p>OF 15 SHEETS</p>
				<p>UTILITY PLAN</p>	<p>SCALE: 1" = 40'</p>	



- GENERAL NOTES:**
1. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITIES PRIOR TO START OF CONSTRUCTION.
 2. ALL EXISTING UTILITIES TO CROSS WESTERN AVENUE SHALL BE ADJUSTED TO CLEAR THE AVENUE TO THE TOP OF CURB.
 3. CONTRACTOR SHALL EXPOSE EXISTING UTILITY LINES AT ALL UTILITY SERVICE CROSSINGS PRIOR TO ANY INSTALLATION.
 4. CONTRACTOR SHALL SEND NOTIFICATION TO LEAD AGENCY PUBLIC SAFETY AGENCY PRIOR TO ANY DISTURBANCE DUE TO PUBLIC SAFETY AGENCY TO ANY EXISTING UTILITY LINES.
 5. CONTRACTOR SHALL PROVIDE A SEVER RECORDS TO THE CITY OF ALL UTILITIES AND SANITARY SERVICES WITHIN FLOOD AND STORM SEWER.
 6. ALL EXISTING UTILITY SERVICES SHALL BE COMPLETELY REMOVED.
 7. STORM SEWER IS DESIGNED TO CARRY THE 10-YEAR STORM EVENT.

- MATERIAL NOTES:**
1. SANITARY SERVICES, SEWER, AND WATER SHALL BE P.V.C. POLYESTER PIPE FOR SEWER CROSSING ABOVE WATER MAIN, 18" DIA. ASTM D-2241 AND CITY OF DENVER PLUMBERS STANDARD CLEAROUT.
 2. WATER MAIN SHALL BE 18" DIA. P.V.C. PLASTIC PIPE (SOR 31) WITH POLYETHYLENE GLASS FIBER REINFORCEMENT (PFR) WITH POLYETHYLENE GLASS FIBER REINFORCEMENT (PFR) JOINTS.
 3. WATER SERVICE CONNECTIONS SHALL BE ONE (1) 1/2" DIA. COPPER, TYPE K AND CITY OF DENVER STANDARD TO BOY.
 4. STORM SEWER PIPES SHALL BE REINFORCED CONCRETE PIPE WITH C-301 JOINTS. ALL CATCH BASINS IN PAYMENT TO BE 4'.
 5. RESIDENTIAL BUILDING SANITARY SERVICES:
 - TOTAL LENGTH SHOWN = 1845 L.F.
 - MINIMUM SLOPE = 1/8" PER FOOT
 - ALL SANITARY SERVICES SHALL BE 18" DIA. P.V.C. POLYESTER PIPE ABOVE A WATER MAIN IT SHALL BE COMPLY WITH THE CITY OF DENVER QUALITY PIPE (PVC ASTM D-2241)
 - ALL SANITARY SEWER IS PVC BSR IN ASTM D-2241 EXCEPT FOR MAIN INDICATED AS ASTM D-2241 PIPE WITH GASKET JOINTS

Exhibit C

UNOFFICIAL COPY

COLFAX CROSSING

DESIGNED BY: PEARSON, BROWN & ASSOCIATES, INC.

CHECKED BY: A.E.C.

DATE: 11/15/11

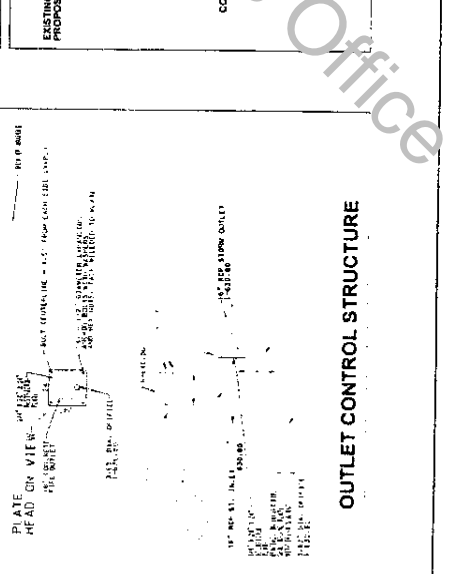
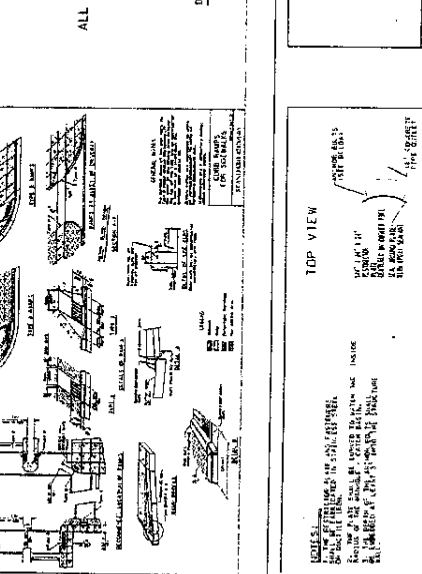
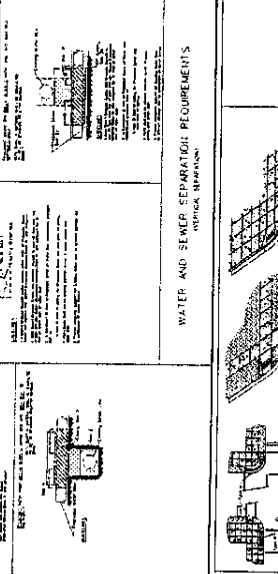
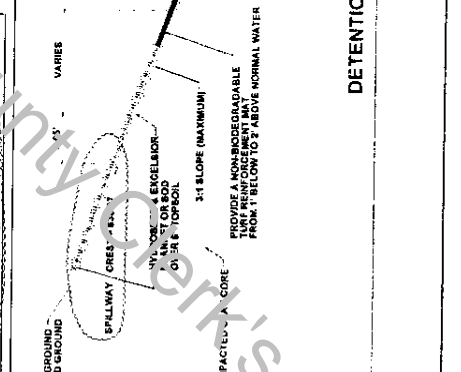
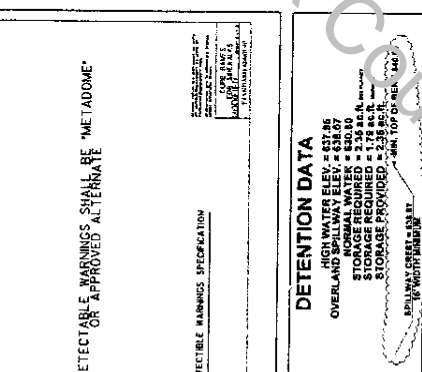
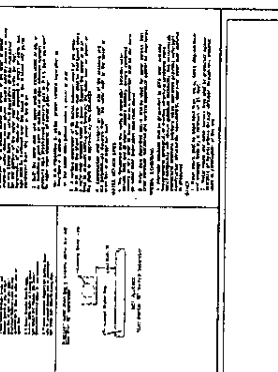
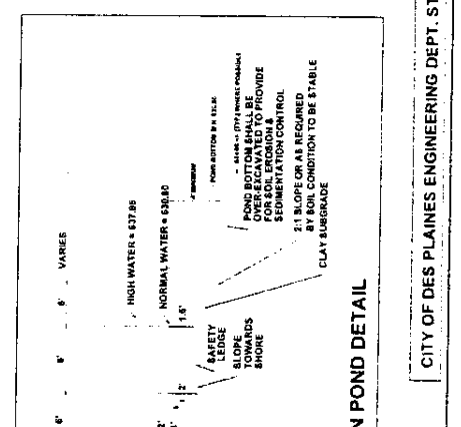
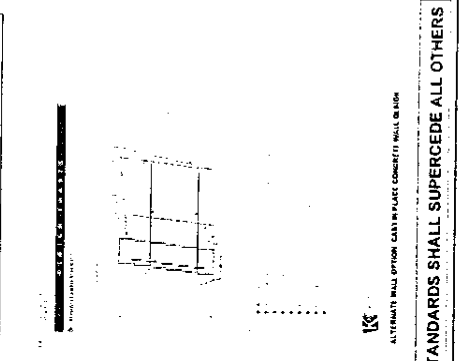
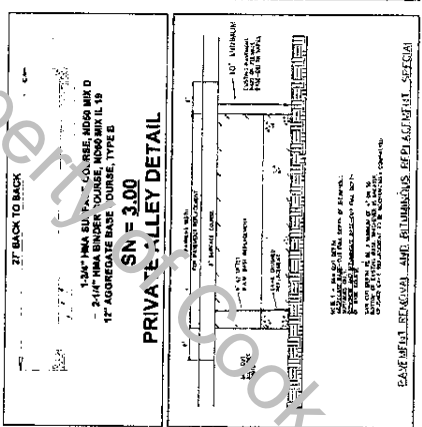
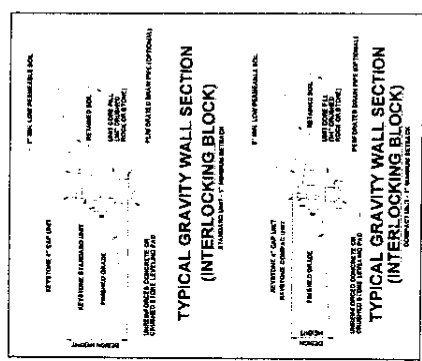
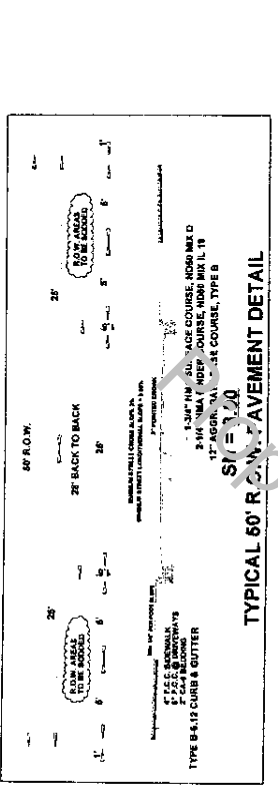
PROJECT: COLFAX CROSSING

SCALE: AS SHOWN

DETAILS

SHEET NUMBER: 11

OF 14 SHEETS



CITY OF DES PLAINES ENGINEERING DEPT. STANDARDS SHALL SUPERCEDE ALL OTHERS

Exhibit C

UNOFFICIAL COPY

<p>COLFAX CROSSING</p> <p>DESIGNED BY: PEARSON, BROWN & ASSOCIATES, INC. CONSULTING ENGINEERS 100 W. WASHINGTON ROAD, SUITE 200 DEERFIELD, IL 60015 PHONE: (847) 427-1000 FAX: (847) 427-1001 E-MAIL: ADDRESS: pearsonbrown@pearsonbrown.com COPYRIGHT © PEARSON, BROWN & ASSOCIATES, INC. ALL RIGHTS RESERVED</p>	<p>DATE: BY</p> <p>DESCRIPTION</p> <p>REVISIONS</p> <p>NO. DATE BY DESCRIPTION</p> <p>1 01/15/10 J.A.L. REVISED PER DEVELOPER REVIEW</p> <p>2 01/20/10 J.A.L. REVISED PER DEVELOPER REVIEW</p> <p>3 01/20/10 J.A.L. REVISED PER CITY OF DEERFIELD REVIEW COMMENTS</p> <p>4 01/20/10 J.A.L. REVISED PER CITY OF DEERFIELD REVIEW COMMENTS</p>	<p>DETAILS</p> <p>SHEET NUMBER 13</p> <p>OF 13 SHEETS</p>
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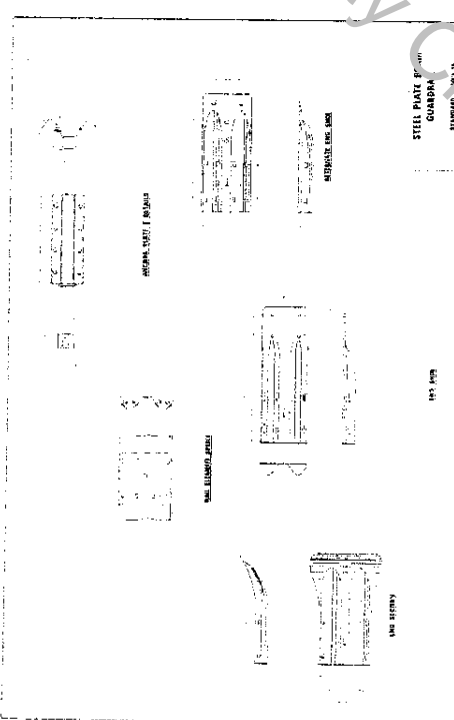
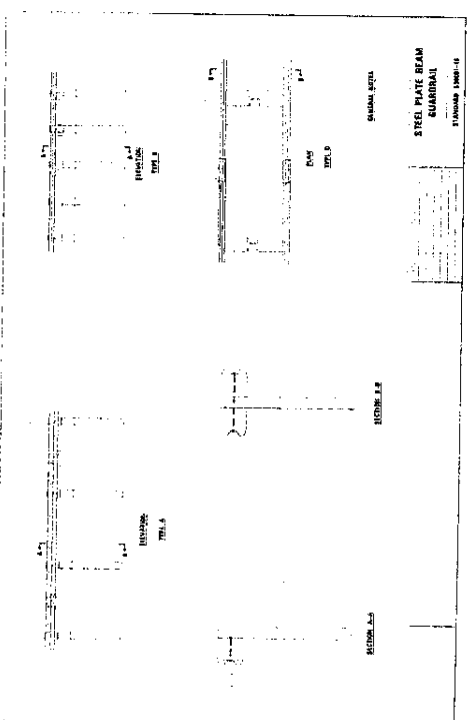
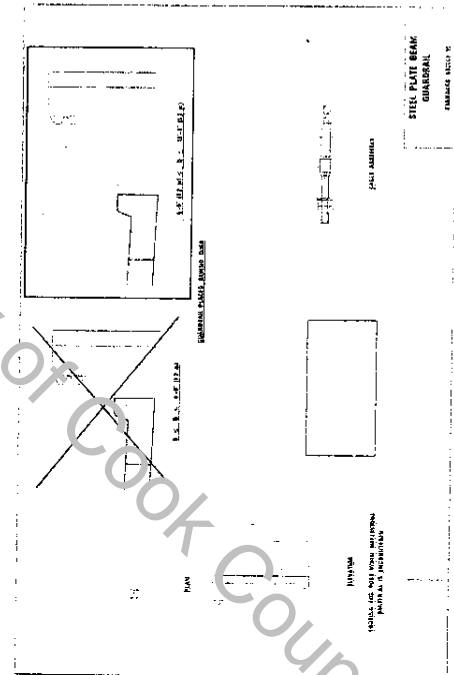
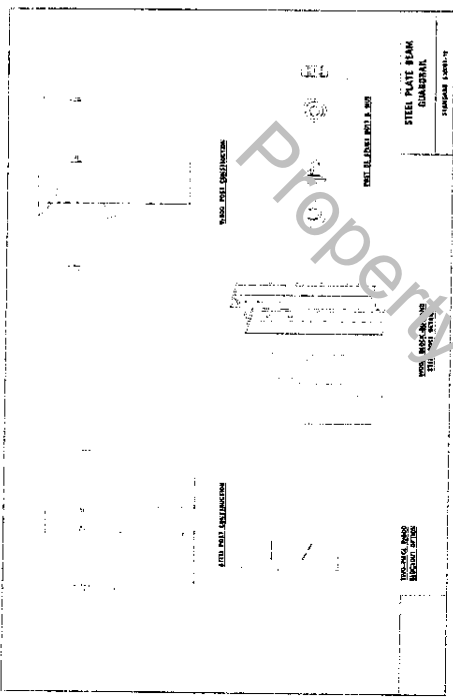


Exhibit C

UNOFFICIAL COPY



dickson design
STUDIO

528 BRYLINDRIVE
ALPHARETTA, GA 30202
847 578-4018

CLIENT NAME AND ADDRESS

ORANGE HILLS
5554 WALKERS FORTUNE HILLTOP
CITYVIEW
ROCKFORD, IL 61070

PLAN DATE

NOV 15, 2010

PROJECTS

- 1. NEW FEES: 2/7/10
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

DESIGNER NAME AND SOCIETY TITLE

DAVID GEORGE

LESCAPE PLAN - ORANGE HILLS OFF

5/24/2010

PROJECT ARCHITECTURE FIRM

SHEET NUMBER

010



SCALE: 1" = 40'

LANDSCAPE PLAN - ORANGE HILLS OFF

Exhibit D

UNOFFICIAL COPY



dickson design
STUDIO

200 BOCA LONE DRIVE
ALCORN, AL 36821
867.879.4018

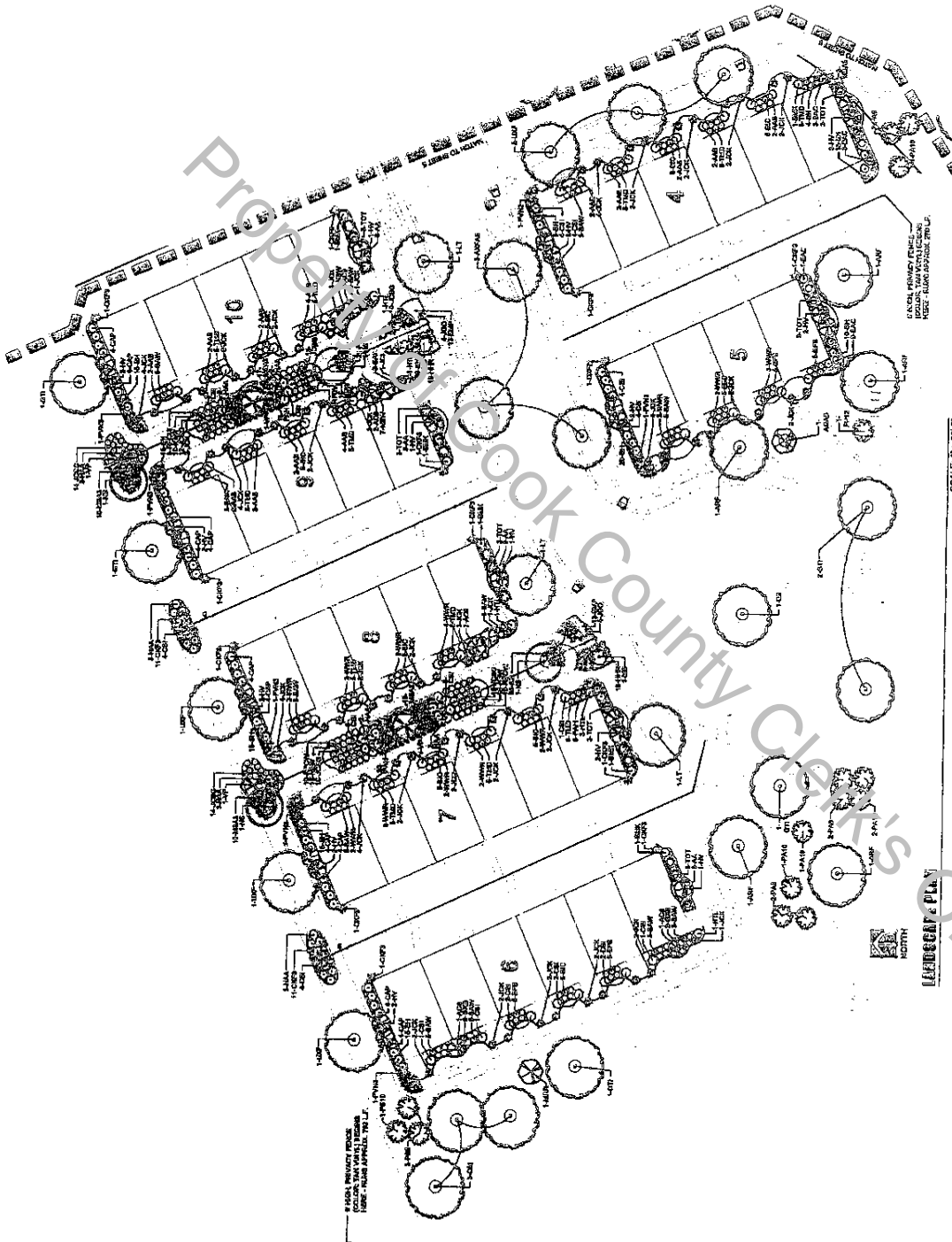
CLIENT NAME AND ADDRESS
GREGG'S HOME
4000 BOWLING GREEN CREEK
BENTLEY, AL 36821
BIRMINGHAM, AL 35202

PLANT NAME
BOWLING GREEN

1.	SEE FENCE #17/18
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	

PROJECT NAME AND SHEET TITLE
GREGG'S HOME
BENTLEY, AL
LANDSCAPE PLAN

SHEET NUMBER
511



SCALE: 1" = 20'-0"

LEEDCRAFT & PLY
LITTLE ROCK, AR

Exhibit D

UNOFFICIAL COPY



**dickson design
STUDIO**

206 SKYLINE DRIVE
ALGONQUIN, IL 60102
647.878.4018

CLIENT NAME AND ADDRESS

COLEMAN HOMES

1824 WILSON OFFICE BUILDING

CHICAGO, IL 60610

PLAN DATE

08/19/15

DESIGNER

1. PER PERUSE 8/2/15

2.

3.

4.

5.

6.

7.

8.

9.

10.

PROJECT NAME AND SHEET TITLE

COLEMAN HOMES

INDIANAPOLIS, IN

INTER-APARTMENT PLAN

11.2

11.2

11.2

11.2

11.2

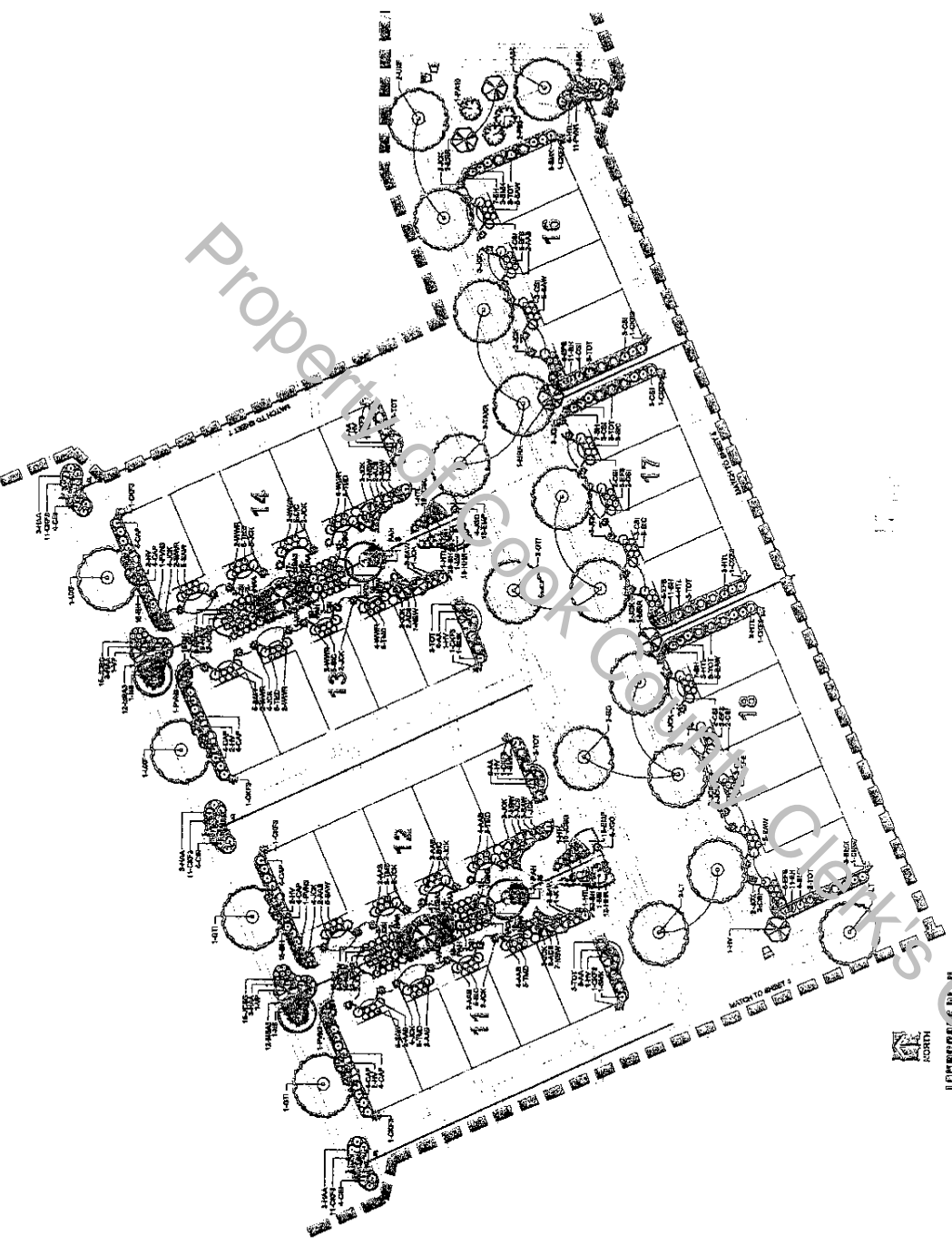
11.2

11.2

11.2

11.2

11.2



SCALE: 1/8" = 1'-0"

LANDSCAPE PLAN



NORTH

Exhibit D

UNOFFICIAL COPY



dickson design
STUDIO

528 SKYLINE DRIVE
ALDRIDGE, IL 60102
847 878 4010

CLIENT NAME AND ADDRESS

GEORGE WHEELER
1836 WILSON DRIVE
NORTH BROMFIELD, IL 60102

PROJECT NAME

NO. OF SHEETS

DATE

SCALE

PROJECT NO.

DATE

SCALE

PROJECT NO.

DATE

SCALE

PROJECT NO.

DATE

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PROJECT NO.

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DATE

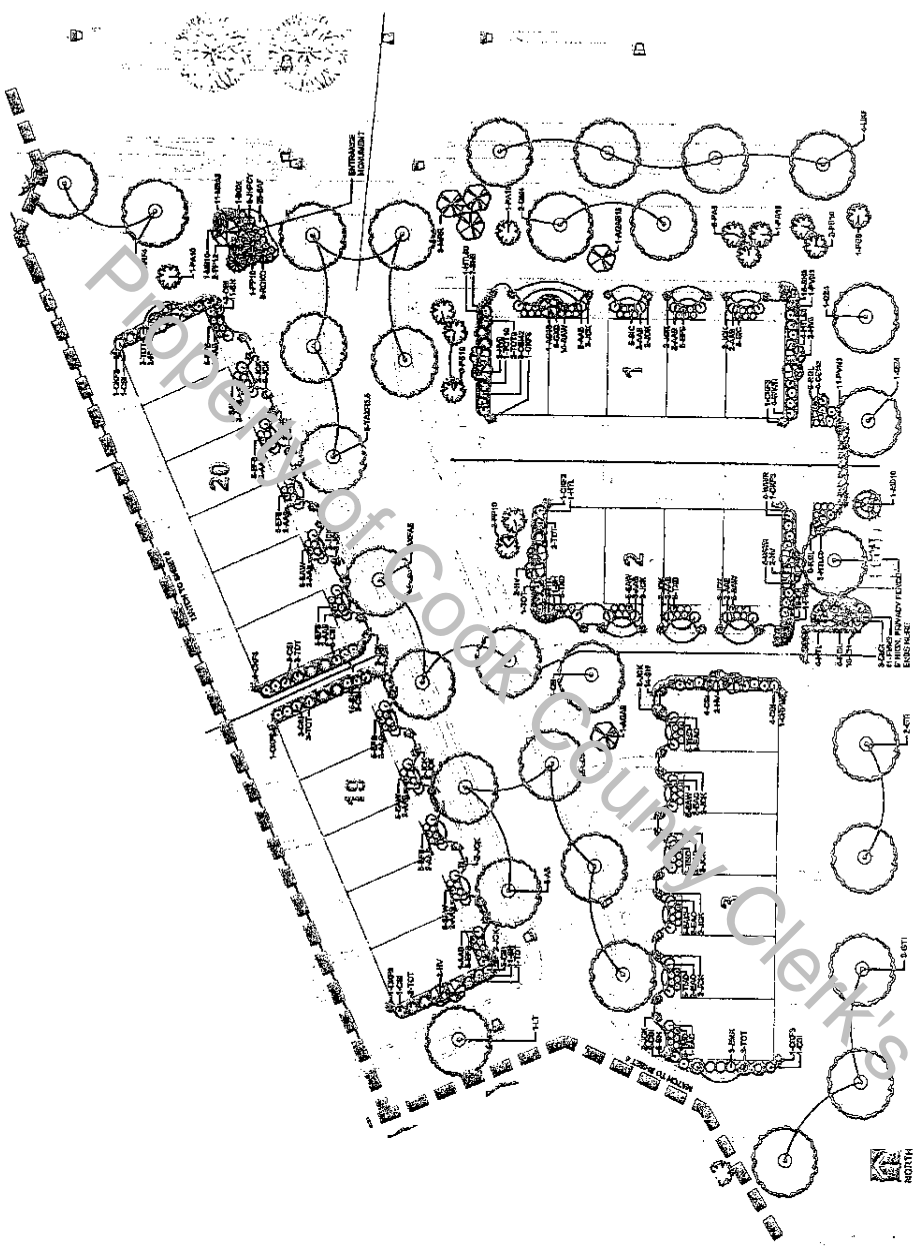


Exhibit D

UNOFFICIAL COPY



dickson design
STUDIO

526 BRYLINE DRIVE
ALGONQUIN, IL 60102
847 879 4018

CLIENT NAME AND ADDRESS
COLFAX CROSSING

1000 S. WILSON
MORRISVILLE, IL 60556

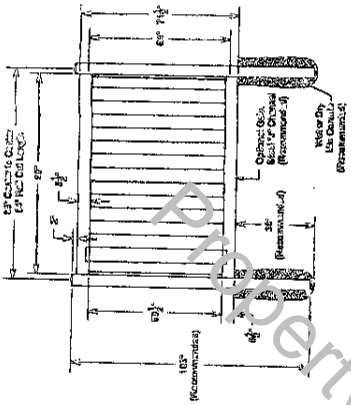
PLAN DATE
JUN 5, 2018

NO.	DESCRIPTION
1.	PER. FINISH 1/7/18
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

PROJECT NAME AND EXIST. TITLE
COLFAX CROSSING
1000 S. WILSON, IL

OWNER INFORMATION
COLFAX CROSSING

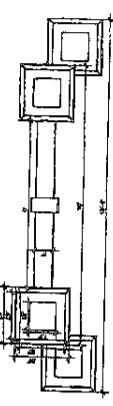
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1.2.0



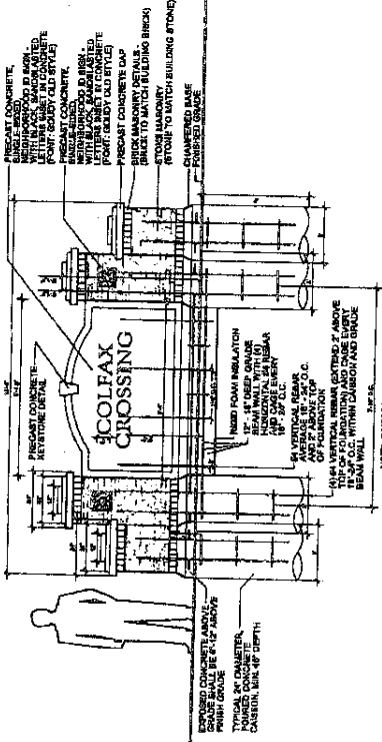
NOTE:
LONGEVITY VINYL PLAIN TOP PRIVACY PANEL.
COLOR: W/ (800 80VP)
PRIVACY FENCE HAS AN ALUMINUM REINFORCED BOTTOM RAIL WITH TORQUE-LOC CONNECT POINTS.
FENCE TO DIVIDE IF POSTS SET IN 36" WET SOLED CONCRETE EVERY 8' IF LONG PANELS.
INSTALL FENCE PER MANUFACTURER'S SPECIFICATIONS. SEE DETAIL THIS SHEET.
MANUFACTURER: LONGEVITY VINYL (BLADENBURG, MD - TEL: 800-800-8000; www.longevity.com) OR APPROVED EQUAL.

PRIVACY FENCE - DETAIL

NOT TO SCALE



PLAN VIEW DETAIL - TOP



ELEVATION VIEW DETAIL, FRONT

EXTENDED COMMENT - DETAIL

1. PROVIDE SCHEDULED MATERIAL NOTES.
2. PROVIDE SCHEDULED MATERIAL NOTES.
3. PROVIDE SCHEDULED MATERIAL NOTES.
4. PROVIDE SCHEDULED MATERIAL NOTES.
5. PROVIDE SCHEDULED MATERIAL NOTES.
6. PROVIDE SCHEDULED MATERIAL NOTES.
7. PROVIDE SCHEDULED MATERIAL NOTES.
8. PROVIDE SCHEDULED MATERIAL NOTES.
9. PROVIDE SCHEDULED MATERIAL NOTES.
10. PROVIDE SCHEDULED MATERIAL NOTES.

SCALE: 1/2" = 1'-0"



ENTER FROM LEFT, ELEVATION WEST, HIGHLIGHTED

SCALE: 1/2" = 1'-0"

Exhibit D

UNOFFICIAL COPY

HomesTM
Simply happy.

Colfax Crossing

6-Unit Building

Cover

First Floor Plan

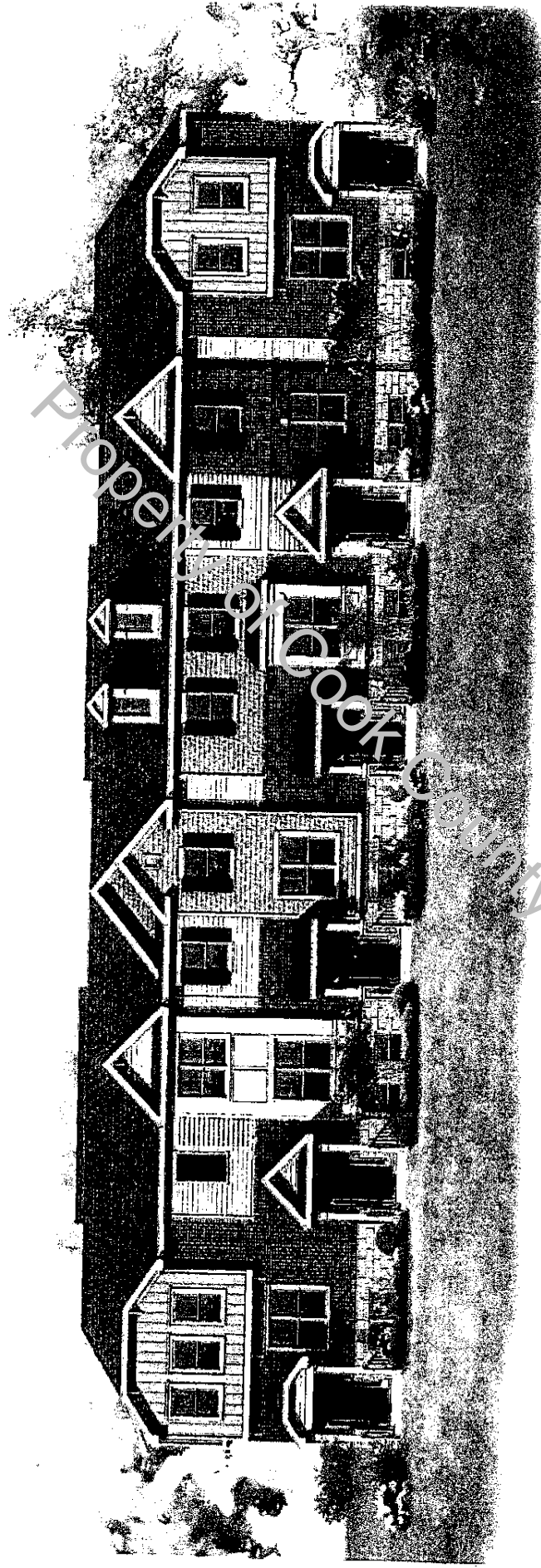
Second Floor Plan

Third Floor Plan

Front, Rear and Side Elevations

Exhibit E

UNOFFICIAL COPY



1,748 Sq. Ft. PER UNIT
Cellox Crassing

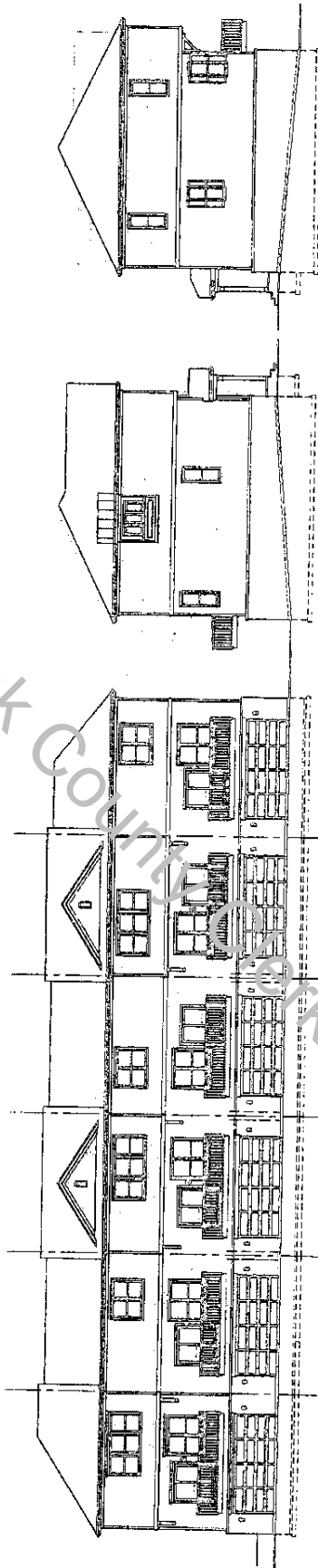
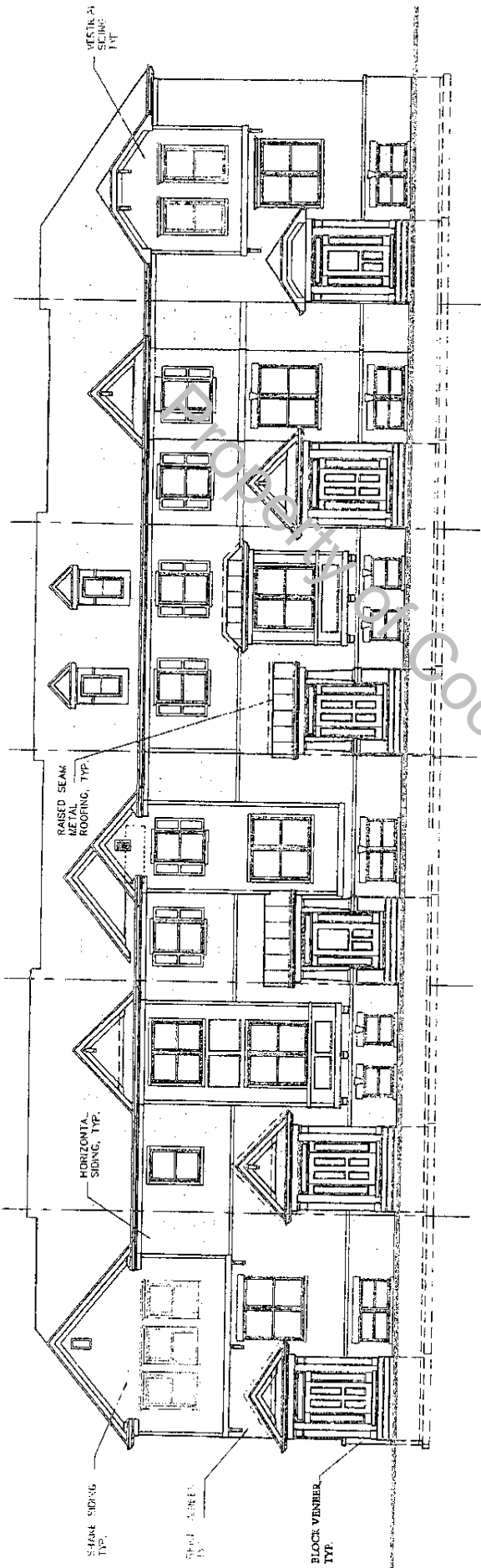
Elevations

6-Unit Building
Front, Rear and Side Elevations

Homes
Simply happy.

Exhibit E

UNOFFICIAL COPY



1,748 Sq. Ft. PER UNIT
Collax Crossing

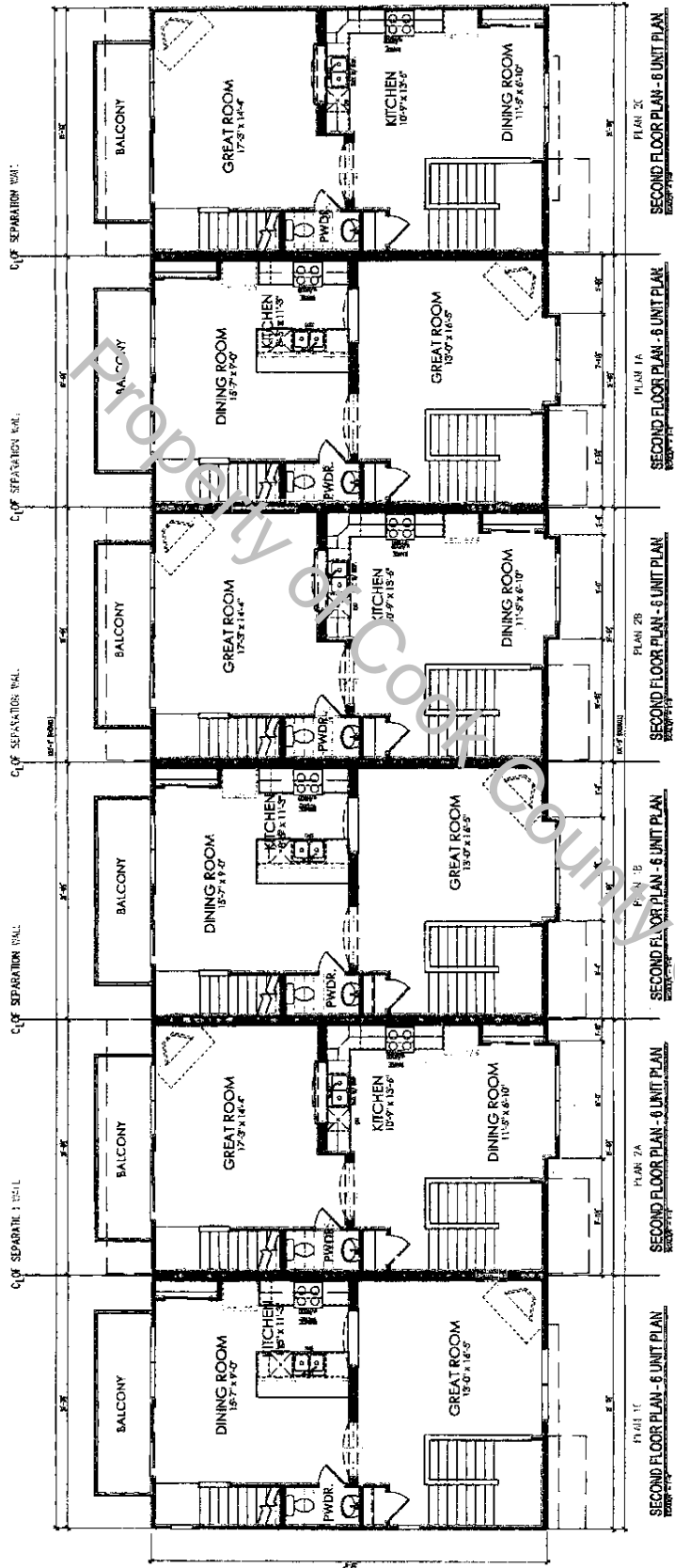
Elevations

6-Unit Building
Front, Rear, and Side Elevations

Kornes
STRATEGY ARCHITECTS

Exhibit E

UNOFFICIAL COPY



Second Floor Plan

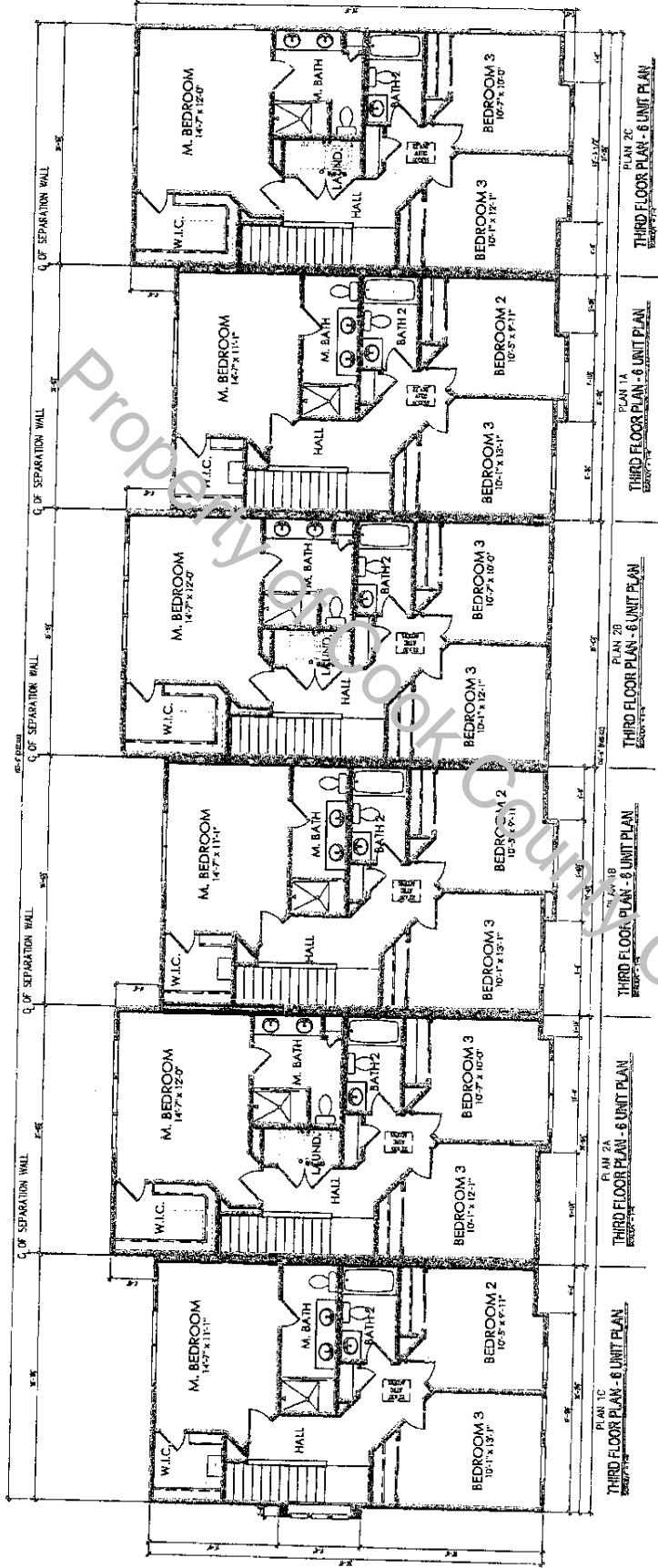
6-Unit Building
Second Floor Plan

Proffitt
Simply Inexpensive

1,748 Sq. Ft. PER UNIT
Collar Crossing

Exhibit F

UNOFFICIAL COPY



Third Floor Plan

6-Unit Building
Third Floor Plan

1,748 Sq. Ft. PER UNIT
Colfax Crossing

Simply happy.

Exhibit C

UNOFFICIAL COPY

Midwest Division
1834 Walden Office Square
Schaumburg, IL 60197

PLAN 2A
OPTIONAL COVERED PORCH

Taylor Morrison
1834 Walden Office Square
Schaumburg, IL 60197

PLAN NAME
DEVELOPER
DIVISION
COMMUNITY
COUNCIL ADDRESS
S.C. P.T.
A1b

B. L. R. Architects
1700 O'Brien Avenue
Lisle, IL 60532
Phone: 630.435.0700
Fax: 630.435.0707

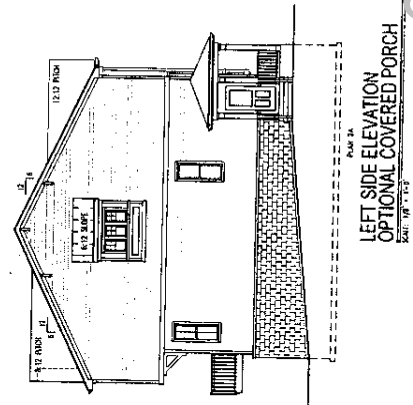
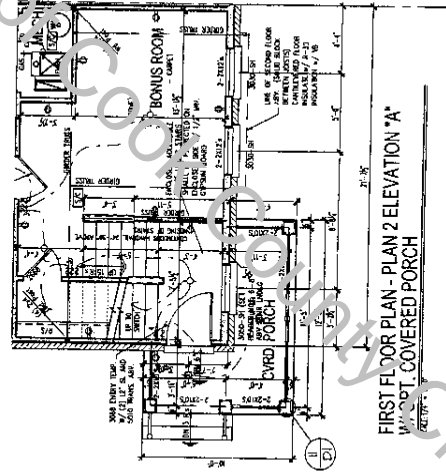
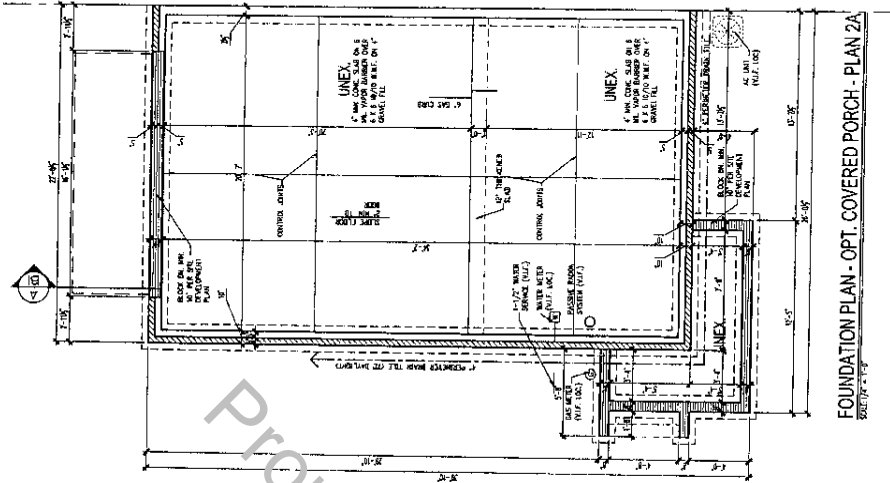


Exhibit F

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EXHIBIT G

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Des Plaines, Illinois ("*City*");

WHEREAS, BCD Ventures, LLC ("*Petitioner*"), applied to the City of Des Plaines for the approval of: (i) a final plat of planned unit development ("*Final Plat of PUD*") of the property commonly known as 300 Western Avenue, Des Plaines, Illinois ("*Subject Property*"), including certain proposed exceptions within the proposed planned unit development; and (ii) a final plat of subdivision of the Subject Property ("*Final Plat of Subdivision*"); and

WHEREAS, the Subject Property is owned by Taylor Morrison of Illinois, Inc. ("*Owner*"); and

WHEREAS, Ordinance No. Z-35-15 adopted by the City Council of the City of Des Plaines on December 7, 2015 ("*Ordinance*"), grants approval of the Final Plat of PUD and Final Plat of Subdivision, subject to certain conditions; and

WHEREAS, Petitioner and Owner desire to evidence to the City their unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in the Ordinance, and the Owner desires to evidence its consent to recording the Ordinance against the Subject Property;

NOW, THEREFORE, Petitioner does hereby agree and covenant as follows:

1. Petitioner and Owner shall, and do hereby, unconditionally agree to, accept, consent to and abide by all of the terms, conditions, restrictions, and provisions of that certain Ordinance No. Z-35-15, adopted by the City Council on December 7, 2015.
2. Petitioner and Owner acknowledge and agree that the City is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's review and approval of any plans for the Subject Property, or the issuance of any permits for the use and development of the Subject Property, and that the City's review and approval of any such plans and issuance of any such permits does not, and shall not, in any way, be deemed to insure Petitioner or Owner against damage or injury of any kind and at any time.
3. Petitioner and Owner acknowledge that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the procedures required by Section 12-4-7 of the City's Zoning Ordinance are followed.

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4. Petitioner and Owner agree to and do hereby hold harmless and indemnify the City, the City's corporate authorities, and all City 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 such parties in connection with (a) the City's review and approval of any plans and issuance of any permits, (b) the procedures followed in connection with the adoption of the Ordinance, (c) the development, construction, maintenance, and use of the Subject Property, and (d) the performance by Petitioner and Owner of their obligations under this Unconditional Agreement and Consent.

5. Petitioner and Owner shall, and do hereby agree to, pay all expenses incurred by the City in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. These expenses shall include all out-of-pocket expenses, such as attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the City.

ATTEST:

BCD VENTURES, LLC

By: *Laura K Fast*

By: *Carole A. Hodgson*

ATTEST:

TAYLOR MORRISON OF ILLINOIS, INC.

By: *Mary K. Little*

By: *[Signature]*

SUBSCRIBED and SWORN to before me this 11th day of December, 2015.

Laura K Fast

Notary Public



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CITY OF DES PLAINES

ORDINANCE NO. Z-35-15

AN ORDINANCE APPROVING A FINAL PLAT OF PLANNED UNIT DEVELOPMENT
WITH PERMITTED EXCEPTIONS AND A FINAL PLAT OF SUBDIVISION
FOR THE PROPERTY LOCATED AT 300 WESTERN AVENUE, DES PLAINES, ILLINOIS
(CASE #15-007-PUD-SUB)

ADOPTED ON DECEMBER 7, 2015
BY THE CITY COUNCIL
OF THE
CITY OF DES PLAINES

Published in pamphlet form by authority of the City Council of the City of Des Plaines,
Cook County, Illinois, this 8th day of December, 2015.

