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ORDINANCE NO 87-12

NO FEE
Official Business

By: *[Signature]*
Village Attorney
Clerk

71-28-369 D/

AN ORDINANCE GRANTING A
SPECIAL USE FOR A PLANNED
RESIDENTIAL DEVELOPMENT
KNOWN AS THE NORTHBROOK MEWS
TOWNEHOMES DEVELOPMENT

Property of Cook County Clerk's Office

Passed by the Board of Trustees, March 24, 1987

Printed and Published, March 25, 1987

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

VILLAGE OF NORTHBROOK
COUNTY OF COOK, ILLINOIS

87622045

I certify that this
document was duly
adopted and published
on the dates stated
above

/s/ Sandra D. Kant
Village Clerk

MAIL TO!
This document prepared by:
STEVEN M. ELROD
65 WEST MONROE ST.
SUITE 800
CHICAGO, IL 60603

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ORDINANCE NO. 87-12

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 USE FOR A PLANNED RESIDENTIAL DEVELOPMENT KNOWN AS THE NORTHBROOK MEWS TOWNEHOMES DEVELOPMENT

be and is hereby adopted as follows.

Section 1. BACKGROUND.

Mews Development Corporation, formerly known as Borden & Associates, Ltd., of Wheeling, Illinois and LaSalle National Bank, a National Banking Association, not individually but as Trustee under Trust Agreement dated December 15, 1986 and known as Trust No. 111870 (together referred to as the "Petitioner") have petitioned for rezoning and a special use to permit a planned residential development on an approximately 3.51 acre parcel located on Pfingsten Road in the Village of Northbrook (the "Subject Property"). The planned residential development will consist of 23 townhome units and common open space on one zoning lot. Prior to the adoption of this Ordinance the Village Board of Trustees adopted an ordinance rezoning the Subject Property from the R-3 Single Family Residence District to the R-6 General Residence District.

Section 2. DESCRIPTION OF SUBJECT PROPERTY.

The Subject Property consists of approximately 3.51 acres, is located at 715-21 Pfingsten Road and is legally described as follows:

0404-302-039
040
041
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PARCEL 1:

The North 65 feet of the South 595 feet of the West 38 rods of the South West Quarter of Section 4, Township 42 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois.

PARCEL 2:

The North 100.0 feet of the South 430.0 feet of the West 38 rods of the South 120.0 rods of the South West Quarter of Section 4, Township 42 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois (subject to public highways); also known as the South 100.0 feet of the North 200.0 feet of the South 480.0 feet (measured from the North line of Dundee Road) of the West 38 rods of the South 120 rods of the South West Quarter of Section 4, Township 42 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois (subject to public highways) the North line of Dundee Road aforesaid being taken as a line 50.0 feet North of and parallel with the South line of the South West Quarter of said Section 4.

PARCEL 3:

The North 100 feet of the South 480 feet (measured from the North line of Dundee Road) of the West 38 rods of the South 120 rods of

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the South West Quarter of Section 4, Township 42 North, Range 12 East of the Third Principal Meridian (except existing public highways) in Cook County, Illinois.

Said parcels of land herein described taken together as a single tract and more particularly described as follows:

The North 265 feet of the South 595 feet of the West 38 rods of the Southwest Quarter of Section 4, Township 42 North, Range 12 East of the Third Principal Meridian, (except the West 50 feet thereof taken for public roadway according to the plat thereof recorded as Document No. 9648189) in Cook County, Illinois.

Tax I.D. Nos: 04-04-302-039; 04-04-302-040;
04-04-302-041.

Section 3. PUBLIC HEARING.

A public hearing to consider a petition for a special use for an R-6 planned residential development on the Subject Property was duly advertised on September 18, 1986 in the Northbrook Star and publicly heard by the Northbrook Plan Commission on October 7, 1986 and subsequent meetings as Docket No. 86-31, with a favorable recommendation rendered at the Plan Commission's regular meeting on December 4, 1986.

Section 4. ACCEPTANCE AND ADOPTION OF PLAN COMMISSION FINDINGS.

Certain findings were made and rendered by the Plan Commission and codified into its written report dated December 2, 1986 (the "Plan Commission Findings") with respect to the Petitioner's request for the subject special use and the exceptions to the R-6 District bulk regulations. The Plan Commission Findings are hereby accepted and adopted. Specifically, and without limitation of the foregoing, the Board of Trustees does hereby find and determine that the proposed planned development will provide compensating amenities not otherwise required by law including provisions for common open space, a water detention area, on site and off site engineering improvements, site planning and extensive landscaping and that it will promote the general health, safety and welfare and serve the best interests of the Village of Northbrook.

Section 5. SPECIAL USE.

Based on the findings and determinations set forth in Section 4 of this Ordinance and subject to and contingent upon the conditions, restrictions and provisions set forth in Section 6 of this Ordinance, a special use permitting the development and existence of a planned residential development on the Subject Property and exceptions to the applicable bulk regulations of the R-6 District are hereby granted to the Petitioner in accordance with, and pursuant to Sections VIII-B-6(b) and VI-J-7 of the Northbrook Zoning Ordinance and the home rule powers of the Village of Northbrook.

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Section 6. SPECIAL USE CONDITIONS.

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

1. The submission to, review of and acceptance and approval by the Village Engineer of the final engineering plans for the Subject Property.
2. The Subject Property shall be developed, used and maintained only in strict accordance with the following documents and plans, except for minor engineering changes and site work approved by the Village Engineer:
 - a. The Site Plan for the Subject Property prepared by the Cawn Group with latest revision date of November 21, 1986, and initialed by the Village President, a copy of which is attached hereto and, by this reference, incorporated herein as Exhibit "A;"
 - b. The Landscape Plan for the Subject Property, prepared by Terry Finday & Associates, with latest revision date of November 21, 1986 and initialed by the Village President, a copy of which is attached hereto and, by this reference, incorporated herein as Exhibit "B."
 - c. The Elevation Plan for the Subject Property prepared by the Cawn Group with latest date of December 1, 1986 and initialed by the Village President, a copy of which is attached hereto and, by this reference, incorporated herein as Exhibit "C."
 - d. The final engineering plan for the Subject Property as approved by the Village Engineer.
3. The execution of, recordation of and compliance with the Declaration For Northbrook Mews Townehomes Development, as approved and accepted by the Village Board of Trustees.
4. The execution and recordation of an agreement for sanitary sewer and storm water sewer easements with respect to property located at 2720-2745 Dundee Road, Northbrook, Illinois.

Section 7. FAILURE TO COMPLY WITH CONDITIONS.

Upon the failure or refusal of the Petitioner to comply with any or all of the conditions, restrictions or provisions of Section 6 of this Ordinance, at any time after the effective date of this Ordinance, the special use 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

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may not so revoke the Special Use unless it shall have first provided the Petitioner with five (5) 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 Subject Property shall be governed solely by the regulations of the R-6 Zoning District, or then applicable zoning district, of the Northbrook Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation of the said special use, 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 Petitioner acknowledges that zoning 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 of any denial of any procedural right.

Section 8. BINDING EFFECT.

The privileges, obligations, and provisions of each and every section of this Ordinance are for and shall inure to the benefit of and are and shall be binding on the Petitioner and its successors, assigns, heirs and transferees to all, or any part of the Subject Property including, but not limited to, the owner or owners of any sublots (including Sublots A-W and Sublot X) on the Subject Property.

Section 9. EFFECTIVE DATE.

- (a) This Ordinance shall be effective upon the occurrence of all of the following events:
- (i) passage by the Board of Trustees of the Village of Northbrook in the manner required by law; and
 - (ii) publication in pamphlet form in the manner required by law; and
 - (iii) the filing by the Petitioner with the Village Clerk, for recording in the office of the Cook County Recorder of Deeds, of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions and limitations set forth in this Ordinance. Said unconditional agreement and consent shall be in the form attached hereto and, by this reference, incorporated herein as Exhibit "D."
- (b) This Ordinance shall be of no force or effect and shall be rendered null and void in the event that the Petitioner does not file with the Village Clerk the unconditional agreement and consent referenced in Section 9(a)(iii) of this Ordinance within fourteen (14) days of the date of passage of this Ordinance by the Village Board of Trustees.

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EXHIBIT "D"

PETITIONER'S UNCONDITIONAL AGREEMENT AND CONSENT

Mews Development Corporation, formerly known as WHEREAS, Borden & Associates, Ltd. and LaSalle National Bank, a National Banking Association, not individually but as Trustee under Trust Agreement dated December 15, 1986 and known as Trust No. 11870 (together referred to as the "Petitioner"), have applied for a special use permit for the development of a planned residential development on certain property located in the Village of Northbrook; and

WHEREAS, Ordinance No. 87-12, adopted by the President and Board of Trustees of the Village of Northbrook on March 24, 1987, grants such special use permit; and

WHEREAS, Section 9 of Ordinance No. 87-12 provides that said Ordinance will be of no force or effect unless and until the Petitioner shall have filed with the Village Clerk, within 14 days following the passage of said Ordinance, its unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in said Ordinance.

NOW, THEREFORE, the undersigned, on behalf of themselves and their successors, assigns, heirs and transferees, do hereby acknowledge the validity of and do unconditionally accept, consent to, and agree to abide and be bound by each and all of the terms, conditions, and limitations set forth in Northbrook Ordinance No. 87-12.

Dated _____, 1987

Mews Development Corporation,
formerly known as Borden &
Associates, Ltd.

By: _____

ATTEST:

LaSalle National Bank, a
National Banking
Association, as Trustee

By: _____

ATTEST:

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PASSED: This 24th day of March, 1987

AYES: (6) Trustees Miller, Zeitlin, Donahue, Gray,
Jaeger and Walker

NAYS: (0)

/s/ Richard T. Falcone

Village President

ATTEST:

/s/ Sandra D. Kent

Village Clerk

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

03-01-87
Date

Sandra D. Kent
Village Clerk

Property of Cook County Clerk's Office

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