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**PLAT**

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11-25-96

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REC'D DEPT-01 RECORDING 9171.00  
T92222 TRAN 9111 11/25/96 15:35:06  
#2092 # KB # -96-895428  
COOK COUNTY RECORDER

BOX 337

T92222 TRAN 9111 11/25/96 15  
#2092 # KB # -96-895  
COOK COUNTY RECORDER

ORDINANCE NO. 96-48

AN ORDINANCE GRANTING A SPECIAL PERMIT FOR  
A PLANNED DEVELOPMENT,  
A VARIATION FOR PRIVATE STREETS,  
AND SITE PLAN APPROVAL  
FOR THE SOUTHWEST CORNER OF LAKE-COOK AND SANDERS ROADS

(THE IVY CLUB OF NORTHBROOK SUBDIVISION)  
(PLAN COMMISSION DOCKET NO. 96-10)

Passed by the Board of Trustees, October 22, 1996

Printed and Published, October 23, 1996

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

VILLAGE OF NORTHBROOK  
COOK COUNTY, ILLINOIS

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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.

11/18/96 Lona N. Louis  
Date Village Clerk

RECORDED 191<sup>00</sup>  
DATE 11/25/96 COPIES 6  
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## ORDINANCE NO. 96-48

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 FOR  
A PLANNED DEVELOPMENT,  
A VARIATION FOR PRIVATE STREETS,  
AND SITE PLAN APPROVAL  
FOR THE SOUTHWEST CORNER OF LAKE-COOK AND SANDERS ROADS

(THE IVY CLUB OF NORTHBROOK SUBDIVISION)  
(PLAN COMMISSION DOCKET NO. 96-10)

be and is hereby adopted as follows:

### Section 1. BACKGROUND.

Dartmoor Northbrook Limited Partnership, an Illinois limited partnership (the "Owner") and D.H. Homes, Inc., an Illinois corporation (the "Developer") (collectively, the "Applicant"), have requested a special permit, variation, site plan and final subdivision plat approval to allow the construction of a planned development (Village SIC Code No. 9820.00), consisting of 65 townhouse dwellings, on a parcel approximately 13.6 acres in size, located on the southwestern corner of Lake-Cook and Sanders Roads (the "Property"). The Property is zoned in the R-6 Multiple Family Residential District.

The Owner is, or will become, prior to the effective date of this Ordinance, the record title owner of the Property. The Developer has entered into a contract with the Owner for the development of the Property.

### Section 2. DESCRIPTION OF PROPERTY.

The Property is generally located on the southwest corner of Lake-Cook and Sanders Roads (PREI Number 04-06-100-003), and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance.

### Section 3. PRIOR APPROVALS.

The Development Concept Plan and Tentative Subdivision Plan for the Property were approved by the President and Board of Trustees on December 18, 1995 in Resolution No. 95-R-158, following public notice and hearing thereon by the Northbrook Plan Commission (Resolution No. 95-PC-3). The Plan Commission reviewed the proposed final development plan and final subdivision plat on May 7, 1996, in Resolution No. 96-PC-8.

### Section 4. SPECIAL PERMIT.

Subject to and contingent upon the conditions, restrictions and provisions set forth in Section 7 of this Ordinance, a special permit to allow the development of a planned development (Village SIC Code No. 9820.00) on the Property) is hereby granted to the benefit of the Applicant, in accordance with and pursuant to Section 11-602 of the Northbrook Zoning

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Code (1988), as amended from time to time (the "Zoning Code"), and the home rule powers of the Village of Northbrook.

## Section 5. VARIATION.

Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section 7 of this Ordinance, the following variation for private streets and roadways on the Property is hereby granted for the benefit of the Applicant, in accordance with and pursuant to Section 11-503 of the Zoning Code and the home rule powers of the Village of Northbrook.

## Section 6. SITE PLAN APPROVAL.

Subject to and contingent upon the conditions, restrictions and provisions set forth in Section 7 of this Ordinance, site plan approval is hereby granted for the plans attached as Exhibits B, C, D and E in accordance with and pursuant to Section 11-604 of the Zoning Code and the home rule powers of the Village of Northbrook.

## Section 7. SPECIAL PERMIT, VARIATION AND SITE PLAN CONDITIONS.

The special permit granted in Section 4 above, the variation granted in Section 5 above and the site plan approval granted in Section 6 above shall be, and are hereby, expressly subject to and contingent upon each of the following conditions, restrictions and provisions:

A. Final Engineering Plans. The Applicant has submitted, and the Village Engineer has approved, the final engineering plan for the Property, prepared by Manhard Consulting, Ltd., consisting of:

- i. Proposed Improvements, consisting of nine (9) sheets, with latest revision date of October 22, 1993;
- ii. Proposed Sanders Road Improvements, consisting of eleven (11) sheets, with latest revision date of October 22, 1996; and
- iii. Proposed Port Wine Ditch Improvements, consisting of one (1) sheet, with latest revision date of October 22, 1996;

attached as Exhibit B and made a part of this Ordinance by this reference (the "Final Engineering Plans").

B. Compliance with Plans. The development, use and maintenance of the Property shall be only in strict accordance 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:

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- i. Final Development Plan, prepared by Manhard Consulting, Ltd., consisting of one (1) sheet, dated October 16, 1996, attached as Exhibit C and made a part of this Ordinance by this reference.
- ii. Floor plans and elevations, prepared by The Balsamo/Oison Group, Inc., consisting of six (6) sheets, as follows:
  - a. Cover Sheet, undated;
  - b. First Floor Plan for units B, C, and D, labelled Sheet A1, with latest revision dated of October 17, 1996;
  - c. Second Floor Plan for units B, C, and D, labelled Sheet A2, with latest revision dated of October 17, 1996;
  - d. First and Second Floor Plan for unit A, labelled Sheet A3, with latest revision dated of October 17, 1996;
  - e. Front Elevations for units A, B, C, and D, labelled Sheet A4, with latest revision dated of October 17, 1996; and
  - f. Left, Right and Rear Elevations, labelled Sheet A5, with latest revision date of October 17, 1996.

attached as Exhibit D and made a part of this Ordinance by this reference.

- iii. Final Landscape Plan, prepared by JEN Landscape Design, Inc. and Pugsley & La Haie, Ltd., consisting of one (1) sheet, with latest revision date of November 20, 1995, attached as Exhibit E and made a part of this Ordinance by this reference; and
- iv. Final Engineering Plans.

C. Building Materials. All townhouse dwellings shall be constructed only of a combination of building material types and the designated colors for each such material listed on Exhibit F attached to and made a part of this Ordinance by this reference. Changes to the materials and colors listed on Exhibit F may be approved by the Architectural Control Commission, if it finds that the proposed additional materials and colors are compatible with, and are of equal or better quality to, those materials and colors listed on Exhibit F.

D. Location of Townhouse Dwellings. In addition to the restrictions on the placement of townhouse dwellings on the Property contained in Subsection 7B above, the location of townhouse dwellings on the Property shall also be governed by the following restrictions:

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Property of City of Chicago

- i. Garages. All garages shall be set back not less than 22 feet from the back of curb where sidewalks are not required, and shall be set back not less than 24 feet from the back of curb where sidewalks are required.
- ii. Building Separation. The closest part of each building shall be located not less than 20 feet from the closest part of any adjacent building when measured from side to side, and not less than 50 feet from the closest part of any adjacent building when measured from rear to rear. When measuring these distances, garages shall be considered part of the building but decks and patios shall not be considered part of the building.
- iii. Decks and Patios. Decks and patios may be located only within the locations shown and designated for the placement of decks and patios on the floor plans and elevations attached as Exhibit D. Such decks and patios may be located within 50 feet of the right-of-way lines of Lake-Cook Road and Sanders Road adjacent to the Property when they are located within the approved locations shown on Exhibit D. In no event may decks and patios be located less than 30 feet from the south and west lines of the Property.

E. Interior Changes to Dwelling Units. Alterations or changes to, or modifications of, the interior floor plan of any dwelling unit may be authorized if they do not change the exterior of, or the footprint of, that dwelling unit type as shown on the plans in Exhibit D, and they otherwise comply with all applicable laws, codes, and ordinances, all as determined by the Director of Development. Such alterations, changes, or modifications may include the combination of two dwelling units or parts of dwelling units, as long as no dwelling unit on the Property contains a floor area that is less than the floor area for unit type A as shown on Exhibit D.

F. Exterior Changes in Elevations of Townhouse Dwelling Unit Types. The floor plans and elevations in Exhibit D allow the construction of four different townhouse dwelling unit types on the Property: "A," "B," "C," and "D."

- i. Reverse or Mirror Unit Elevations. Each of dwelling unit types "A," "B," "C," and "D") shown in Exhibit D may be constructed in such a manner that the front elevation for that type is the exact mirror image of the plan for that type. For the purposes of this Ordinance, when such unit types are constructed as a mirror image, they shall be referred to as "reverse" units, such as "A Reverse," "B Reverse," and so on. The original unit type (such as "A") and its mirror image (such as "A Reverse") shall be sometimes collectively referred to in this Ordinance as the "Basic Unit Types."
- ii. Modified Elevations. In the event that the Applicant desires to propose modified elevations for one or more of the dwelling unit types, it shall submit such elevations to the Architectural Control Commission within sixty days after the effective date of this

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Ordinance. The Architectural Control Commission shall promptly commence review of such elevations and shall approve or disapprove such modified elevations within ninety days following submission thereof by the Applicant. The Architectural Control Commission shall approve a modified elevation only where it causes:

- a. no increase in the footprint of the dwelling unit type;
- b. no change in the character of the planned development as such character is depicted in the floor plans and elevations in Exhibit D and the building materials in Exhibit F; and
- c. no violation of any codes, ordinances, plans or agreements applicable to the Property.

For the purposes of this Ordinance, such modified elevations as are approved shall be designated "A Option 1," "A Option 2," and so on for each approved elevation modification for each unit type.

G. Townhouse Dwelling Unit Mix. The combination of dwelling unit types that may be in each building on the Property shall be governed by the following standards:

- i. Two Unit Buildings: No two identical unit types (such as two "A" units or one "A" unit and one "A Reverse") may be in the same building. However, where a modified elevation for the same dwelling unit type has been approved, one unit in the building may be one of the Basic Unit Types (such as an "A" or "A Reverse") and the other unit may be an "Option" unit of that Basic Unit Type (such as an "A Option 1").
- ii. Three Unit Buildings: No two identical unit types (such as two "A" units or one "A" unit and one "A Reverse" unit) may be next to each other in the same building. However, where a modified elevation for the same dwelling unit type has been approved, a unit that is one of the Basic Unit Types (such as an "A" or "A Reverse") may be next to an "Option" unit of that Basic Unit Type (such as an "A Option 1").

H. No Modifications of Approved Plans During Initial Development. Except as expressly provided in this Ordinance, all amendments, alterations or changes to, or modifications of, the plans approved in and attached to this Ordinance during the initial development of the Property shall be deemed to be changes to the approvals granted in this Ordinance and shall be governed by the requirements of Subsection 11-603 J of the Zoning Code.

I. No Modifications of Approved Plans After Initial Development. No amendments, alterations or changes to, or modifications of, the plans approved in and

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attached to this Ordinance after the initial development of the Property shall be allowed except in conformance with the requirements of Subsection 11-603 K of the Zoning Code.

J. Storm Water Drainage. The Applicant shall, at its sole cost and expense, obtain any and all necessary off-site easements and licenses to accommodate the discharge of storm water from the Subject Property, in compliance with the Village Standards and Specifications for Public and Private Improvements (1990), as amended from time to time, and the Final Engineering Plan.

K. Subdivision Agreement. The execution and recordation by the Applicant of a subdivision agreement, acceptable in form and substance to the Village Attorney and executed by the Village Manager, incorporating, at a minimum, each of the conditions in this Section 7, and otherwise complying with the requirements of the Northbrook Subdivision and Development Code (1991), as amended from time to time.

L. Declaration of Covenants. The execution and recordation by the Applicant of a declaration of covenants, acceptable to the Village Attorney and Village Manager, incorporating, at a minimum, the requirements of Paragraph 11-603 E2(e) of the Zoning Code and the Subdivision Agreement.

## Section 8. 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, the variation granted in Section 5, and the site plan approval granted in Section 6 of this Ordinance shall, at the sole discretion of the Village Board of Trustees, upon reasonable consideration, 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, variation and site plan approval unless it shall first provide the Applicant with two (2) months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Board of Trustees. The Applicant may present evidence of cure of noncompliance at such meeting. In the event of revocation, the development and use of the Property shall be governed solely by the regulations of the R-6 Multiple Family Residential District, as applicable and as the same may, from time to time, be amended. Further, in the event of such revocation of the special permit, variation and site plan 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 9. AMENDMENT TO SPECIAL PERMIT, VARIATION AND SITE PLAN.

Any amendment to the special permit, variation and site plan approval granted by this Ordinance, including, without limitation, expansion of the size or number of buildings, decks or patios, may be granted only pursuant to the procedures and subject to the standards and limitations provided in the Zoning Code.

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## Section 10. TERM.

The special permit, variation and site plan approval granted by this Ordinance shall be subject to the time limitations provided in the Zoning Code.

## Section 11. 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 Applicant.

## Section 12. 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. filing by the Applicant 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 of Exhibit G attached to and made a part of this Ordinance by this reference;
- iv. receipt by the Village of evidence submitted by the Applicant, in form and substance satisfactory to the Village Manager and the Village Attorney, that (a) fee simple title to the Property has been conveyed to the Owner, including, without limitation, a recorded deed and the title policy issued to the Owner, and (b) the Owner and Developer legally exist and are in good standing in the State of Illinois;
- v. issuance of an order by the Circuit Court of Cook County in the case entitled Frenchman's Cove Development Corp., et al. v. Village of Northbrook, No. 81 CH 5216, approving the development of the Property as described in this Ordinance; and
- vi. execution and recordation of the subdivision agreement and declaration of covenants required by Section 7 of this Ordinance.

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent referenced in Section 12.A.iii of this Ordinance within 90 days of the date of passage of this Ordinance by the Corporate Authorities, the Corporate Authorities shall have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

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## Section 13. RECORDATION.

The Village Manager is authorized and directed to record this Ordinance and any other related documents when this Ordinance becomes effective.

PASSED: This 22nd day of October, 1996.

AYES: (5) Trustees Jaeger, Hedlen, Lew, Karagianis  
and Buehler

NAYS: (0)

/s/ Mark W. Damisch

Village President

ATTEST:

/s/ Lona N. Louis

Village Clerk

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## LIST OF EXHIBITS

<u>EXHIBIT</u>	<u>DESCRIPTION OF EXHIBIT</u>
A	Legal Description of Property
B	Final Engineering Plan, prepared by Manhard Consulting, Ltd., consisting of (i) Proposed Improvements, consisting of nine (9) sheets, with latest revision date of October 22, 1996; (ii) Proposed Sanders Road Improvements, consisting of eleven (11) sheets, with latest revision date of October 22, 1996; and (iii) Proposed Port Wine Ditch Improvements, consisting of one (1) sheet, with latest revision date of October 22, 1996
C	Final Development Plan, prepared by Manhard Consulting, Ltd., consisting of one (1) sheet, dated October 16, 1996
D	Floor plans and elevations, prepared by The Balsamo/Olson Group, Inc., consisting of six (6) sheets, as follows: (a) Cover Sheet, undated; (b) First Floor Plan for units B, C, and D, labelled Sheet A1, with latest revision dated of October 17, 1996; (c) Second Floor Plan for units B, C, and D, labelled Sheet A2, with latest revision dated of October 17, 1996; (d) First and Second Floor Plan for unit A, labelled Sheet A3, with latest revision dated of October 17, 1996; (e) Front Elevations for units A, B, C, and D, labelled Sheet A4, with latest revision dated of October 17, 1996; and (f) Left, Right and Rear Elevations, labelled Sheet A5, with latest revision date of October 17, 1996
E	Final Landscape Plan, prepared by JEN Landscape Design, Inc. and Pugsley & La Hale, Ltd., consisting of one (1) sheet, with latest revision date of November 20, 1995
F	Building Materials and Colors
G	Unconditional Consent and Agreement for Applicant

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## EXHIBIT A

### Legal Description of the Property

THAT PART OF THE NORTH 40 RODS OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WESTERLY OF THE CENTERLINE OF SANDERS ROAD, (EXCEPT THAT PART FALLING IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 6) AND (EXCEPT THAT PART FALLING IN LAKE COOK ROAD AND SANDERS ROAD) AND (EXCEPT THAT PART DEPICTED AS THE COOK COUNTY CONDEMNATION AREA ON EXHIBIT 6 HERETO) IN COOK COUNTY, ILLINOIS.

Commonly known as the southwest corner of Lake-Cook and Sanders Roads, Northbrook, Illinois

Permanent Real Estate Index No. 04-06-100-003

After recordation of the Final Plat, the Property will be legally described as:

LOTS 1 THROUGH 27 AND OUTLOTS A THROUGH E IN THE IVY CLUB OF NORTHBROOK SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF NORTHBROOK, COOK COUNTY, ILLINOIS.

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EX-100

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## EXHIBIT A

### Legal Description of the Property

THAT PART OF THE NORTH 40 RODS OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WESTERLY OF THE CENTERLINE OF SANDERS ROAD, (EXCEPT THAT PART FALLING IN THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 6) AND (EXCEPT THAT PART FALLING IN LAKE COOK ROAD AND SANDERS ROAD) AND (EXCEPT THAT PART DEPICTED AS THE COOK COUNTY CONDEMNATION AREA ON EXHIBIT 6 HERETO) IN COOK COUNTY, ILLINOIS.

Commonly known as the southwest corner of Lake-Cook and Sanders Roads, Northbrook, Illinois

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## EXHIBIT F

### Building Materials and Colors

1. Roof
  - A. Material: 3 Tab Organic Asphalt Shingles
  - B. Color: Weathered Wood (Taupe, Gray and Beige)
2. Front Door
  - A. Material: Metal Clad Steel Six Panel
  - B. Color: Light taupe, light beige and light sand (may vary per color package)
3. Gutters and Downspout
  - A. Material: .032 Stand "OG" Seamless Aluminum "S" Gutters with 2" x 3" .019 Aluminum Downspout, including 2" x 3" Aluminum Apron
  - B. Color: Light taupe, light beige and light sand (to match the trim color on each townhome as closely as possible)
4. Fascia
  - A. Material: 1 x Roughsawn Cedar
  - B. Color: Light taupe, light beige and light sand (to match the trim color on each townhome as closely as possible)
5. Siding
  - A. Material: 1 x 4 Beveled Roughsawn Cedar Stained
  - B. Color: Taupe, beige and sand
6. Garage Door
  - A. Material: Insulated Steel 4 x 8 Panel
  - B. Color: Will Match Front Door
7. Windows
  - A. Material: Row Vinyl Windows
  - B. Color: Off White
8. Sliding Glass Patio/Deck Door
  - A. Material: Row Vinyl
  - B. Color: Off White
9. Front Door and Garage Trim and Front Gable Louvers
  - A. Material: Fypon
  - B. Color: Light taupe, light beige and light sand
10. Fireplace Chase
  - A. Masonry
    1. Material: Brick
    2. Color: To match brick on front townhome elevation

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- B. Prefabricated
  - 1. Material: Cedar siding with cedar trim
  - 2. Color: To match siding and trim on townhome
  
- 11. Brick Veneer
  - A. Material: Masonry
  - B. Color: Grey/Beige, Light Taupe/Sand and Pale Rose/Pale Slate
  
- 12. Rear Patio/Deck
  - A. Patio: Concrete or Paver
  - B. Deck: Stained or Treated Wood

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## EXHIBIT G

### Unconditional Agreement and Consent of Applicant

TO: The Village of Northbrook, Illinois (the "Village"):

WHEREAS, Dartmoor Northbrook Limited Partnership, an Illinois limited partnership (the "Owner") and D.H. Homes, Inc., an Illinois corporation (the "Developer") (collectively, the "Applicant"), have requested a special permit, variation, and site-plan approval to allow the construction of a planned development, consisting of 65 townhouse dwellings, (Village SIC Code No. 9820.00) with private streets and rights of way, on a parcel, approximately 13.6 acres in size, located on the southwest corner of Lake-Cook and Sanders Roads, in the Village of Northbrook (the "Property"); and

WHEREAS, Ordinance No. 96-48, adopted by the President and Board of Trustees of the Village of Northbrook on October 22, 1996, (the "Ordinance") grants such approvals, subject to certain conditions; and

WHEREAS the Owner is, or will become, prior to the effective date of the Ordinance, the record title owner of the Property; and

WHEREAS, the Developer has entered into a contract with the Owner for the development of the Property; and

WHEREAS, Section 12 of said Ordinance provides that said Ordinance will be of no force or effect unless and until the Applicant shall have filed with the Village Clerk, within 90 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 Applicant does hereby agree and covenant as follows:

1. The Applicant shall and does hereby unconditionally agree to, accept, consent to and abide by all of the terms, conditions, restrictions and provisions of that certain Village Ordinance No. 96-48, adopted by the Village Board of Trustees on October 22, 1996 (the "Ordinance").
2. The Applicant acknowledges and agrees that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's review and approval of any plans for the Property, or the issuance of any permits for the use and development of the Property, and that the Village'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 the Applicant against damage or injury of any kind and at any time.
3. The Applicant acknowledges 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 said Ordinance, and agree not to challenge any such revocation on the

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grounds of any procedural infirmity or any denial of any procedural right, provided that the notice to the Applicant required by Section 8 of this Ordinance is given.

4. The Applicant agrees to and does hereby hold harmless and indemnify the Village, the Village's corporate authorities, and all Village 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 Village's review and approval of 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 Property, and (D) the performance by the Applicant of their obligations under this Unconditional Consent and Agreement.

5. The Applicant shall, and does hereby agree to, pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Consent and Agreement. 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 Village.

**DARTMOOR NORTHBROOK LIMITED PARTNERSHIP**, an Illinois limited partnership

By: **DARTMOOR HOMES OF NORTHBROOK, L.L.C.**, an Illinois limited liability company, its general partner

By: *William M. Light*

Its: *Authorized Officer*

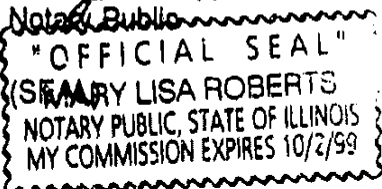
WITNESS:

*[Signature]*

SUBSCRIBED AND SWORN TO BEFORE me this *24* day of *October*, 1996.

*Lisa Roberts*

Notary Public



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# UNOFFICIAL COPY

D.H. HOMES, INC.,  
an Illinois Corporation

By: William J. G

Its: EVP

ATTEST:

Mary Taylor  
Secretary

SUBSCRIBED AND SWORN TO BEFORE  
me this 30th day of October, 1998.

Mary Lisa Roberts  
Notary Public

(SEAL)

OFFICIAL SEAL  
MARY LISA ROBERTS  
NOTARY PUBLIC, STATE OF ILLINOIS  
MY COMMISSION EXPIRES 10/2/99

Cook County Clerk's Office

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