

VILLAGE OF GLENCOE

ORDINANCE NO. 2009-08-3241

**AN ORDINANCE GRANTING PRELIMINARY
AND FINAL SUBDIVISION PLAT APPROVAL**

**(Re-Subdivision of 254 Scott Avenue, 270 Scott Avenue,
and 20 Old Green Bay Road, and Consolidation of 256 Scott Lane)**

WHEREAS, 256 Scott Lane, L.L.C., whose members are Todd Kaplan, Katherine Hazelwood, and John Keller, is the legal owner of record ("**Parcel 1 Owner**") of the property commonly known as 256 Scott Lane in the Village of Glencoe, County of Cook, and State of Illinois, and legally described in Exhibit A attached hereto and made a part hereof ("**Parcel 1**"); and

WHEREAS, Todd Kaplan and Katherine Hazelwood are the legal owners of record ("**Parcel 2 Owners**") of the property commonly known as 270 Scott Avenue in the Village and legally described in Exhibit A ("**Parcel 2**"); and

WHEREAS, John and Jennifer Keller are the legal owners of record ("**Parcel 3 Owners**") of the property commonly known as 20 Old Green Bay Road in the Village and legally described in Exhibit A ("**Parcel 3**"); and

WHEREAS, David and Carol Golder are the legal owners of record ("**Parcel 4 Owners**") of the property commonly known as 254 Scott Avenue in the Village and legally described in Exhibit A ("**Parcel 4**") (the owners of Parcels 1, 2, 3 and 4 are collectively referred to as "**Owner**" and Parcels 1, 2, 3 and 4 are collectively referred to as the "**Property**"); and

WHEREAS, the Owner desires to re-subdivide the Property to (i) allow the owners of Parcels 1, 2, and 3 to eliminate Parcel 1 as a zoning lot and divide Parcel 1 into two equal portions to be consolidated into Parcel 2 and Parcel 3, respectively ("**Parcel 1 Consolidation**"); and (ii) to allow the owners of Parcel 2 and Parcel 4 to transfer of certain portions of Parcel 2 and Parcel 4 in order to eliminate certain nonconformities on Parcels 2 and 4 and to reconfigure

the Property into two new zoning lots ("**Parcel Exchange**"); (the Parcel 1 Consolidation and Parcel Exchange are collectively referred to as the "**Re-subdivision**"); and

WHEREAS, the Re-Subdivision will result in three newly-configured zoning lots depicted on the Final Plat as Lot 100, Lot 101, and Lot 102; and

WHEREAS, the Owner has submitted an application for preliminary and final subdivision plat approval for a plat of the Re-subdivision; and

WHEREAS, on February 25, 2009, the Plan Commission conducted a public meeting to review and consider Owner's request for approval of the Re-subdivision, including the review and consideration of Village staff's February 20, 2009 memorandum regarding the Re-subdivision, attached as Exhibit C; and

WHEREAS, at that public meeting, the Plan Commission determined that the concurrent review of the preliminary and final subdivision plats was appropriate and that, subject to the terms and conditions hereinafter set forth, the proposed Re-subdivision met the standards for granting subdivision approval as set forth in Chapter 31 of the Glencoe Village Code, being the Village's Subdivision Regulations; and

WHEREAS, at the conclusion of the public meeting, the Plan Commission recommended approval of the preliminary and final subdivision plats for the Re-subdivision, subject to certain conditions and restrictions; and

WHEREAS, the President and Board of Trustees of the Village have considered the recommendation of the Plan Commission, together with all the relevant supporting materials and data, including the preliminary and final subdivision plats, and have determined that it is in the best interests of the Village and its residents to approve the preliminary and final subdivision plats, subject to the terms and conditions of this Ordinance as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GLENCOE, COUNTY OF COOK, STATE OF ILLINOIS, as follows:

SECTION ONE: Recitals. The foregoing recitals are by this reference incorporated into and made a part of this Ordinance as if fully set forth.

SECTION TWO: Plat Approval. The proposed plat for the "Kaplan-Hazelwood Re-Subdivision," a copy of which is attached hereto as Exhibit B and made a part hereof ("***Final Plat***"), is hereby approved, subject to the conditions and restrictions set forth in Sections Four and Five of this Ordinance, and subject to final review of its form by the Village Attorney. Upon satisfaction of the conditions in Section Four of this Ordinance, the Village President, Clerk, and other appropriate Village officials will be authorized and directed to execute, attest, and/or seal the customary certifications on the Final Plat indicating such approval for and in the name of the Village. The Village Attorney will then be authorized and directed to record the Final Plat with the Recorder of Deeds of Cook County, Illinois, and the Village Clerk will then be authorized and directed to assess against and collect from the Owner any costs in connection with those actions or this Ordinance.

SECTION THREE: Waiver of Development Agreement. Pursuant to Section 31-1.22(f)(2) of the Glencoe Village Code, the Village Board of Trustees hereby waives the requirement for a development agreement for the proposed consolidation of the Property on the basis that no public improvements are required for the development of the Property.

SECTION FOUR: Prerequisites to Village Approval of Final Plat. No Village official may sign the Final Plat on behalf of the Village of Glencoe or record the Final Plat unless and until:

- A. The Owner presents to the Village an original of the Final Plat, bearing all of the required signatures depicted on the Final Plat from all persons who are not Village officials, and a certification from the surveyor authorizing the Village Attorney to record the Plat; such certification must be in a form acceptable to the Village Attorney.
- B. The Owner executes the form attached hereto as Exhibit D as required pursuant to Section Seven of this Ordinance.
- C. The Parcel 2 Owners and Parcel 4 Owners present to the Village documentary evidence that the Parcel Exchange has been completed and that documentation

of the Parcel Exchange has been recorded with the Cook County Recorder of Deeds.

- D. The Owner shall deliver documentation satisfactory to the Village Attorney and in recordable form setting forth the rights and responsibilities relating to the 20-foot driveway easement depicted on the Final Plat (the "***Easement Instrument***"), which Easement Instrument is to be recorded contemporaneously with the Final Plat.

SECTION FIVE: Additional Conditions. The approval of the Final Plat is further conditioned upon and limited by the following requirements, conditions, and restrictions, the violation of any of which will, in the sole discretion of the President and Board of Trustees, render void all permits and approvals granted pursuant to this Ordinance:

- A. Conformance with All Codes, Rules, and Regulations, and Permits. Except as expressly set forth herein, nothing in this Ordinance may be construed to waive or modify any provisions or requirements of the laws, ordinances, or regulations of the Village or other agency with jurisdiction, nor may this Ordinance be construed to excuse the Owner or its successor lot owners from complying with such laws, ordinances, or regulations. Owner must develop the Property in strict accordance with all applicable codes, rules, regulations, and permits of all governmental authorities having jurisdiction over the Property or the work being performed thereon.
- B. Reimbursement of Costs. The Owner must reimburse the Village upon presentation of a written demand therefor: (1) all legal, engineering, and consulting fees, and other costs and expenses incurred by the Village in connection with the review of the preliminary plat and Final Plat and the preparation, consideration, and enforcement of this Ordinance and its Exhibits, and (2) all costs and expenses incurred by the Village for publications and recordings required in connection with the aforesaid matters. In the event of non-payment within 30 days after the due date, such charges will become a lien upon the Property in the nature of liens upon real estate.
- C. Fees. The Owner or its successor lot owners, as the case may be, must pay all building permit and inspection fees, as well as any applicable sewer and water tap-on fees, or other applicable fees and charges as they become due pursuant to applicable Village ordinances.
- D. Surveying Monuments. Owner must place surveying monuments on each corner of the Property and at such other places on the Property as required by the Village. Upon written approval of the Village Engineer, Owner may be allowed to set iron pipes in lieu of concrete surveying monuments during the installation of the improvements.
- E. Continued Access from Scott Avenue. No portion of the Property may be altered or improved in any manner that precludes access to the Scott Avenue right-of-way from Lot 3 in Trudeau's Subdivision, commonly known as 260 Scott Lane,

via the driveway easement depicted on the Final Plat, but the owners of Lot 100 and Lot 3 in Trudeau's subdivision may agree, pursuant to a separate recorded easement document, to re-configure that portion of the driveway easement lying in Lot 100, as depicted on the Final Plat, provided that such re-configuration does not preclude access to the Scott Avenue right-of-way from Lot 3 in Trudeau's Subdivision.

SECTION SIX: Recording. The Village Attorney is hereby authorized and directed to record a copy of this Ordinance with the Recorder of Deeds of Cook County, Illinois immediately before the recording of the Final Plat, and this Ordinance and all approvals granted herein (including the approval of the Final Plat) will be null and void and of no effect if any lot created by the Final Plat (or any portion thereof) is conveyed, leased, or otherwise transferred or encumbered to any person not signing the Final Plat prior to the recording of the Final Plat and this Ordinance.

SECTION SEVEN: Effective Date. This Ordinance will be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law; provided, however, that this Ordinance and the approvals granted herein will, in the discretion of the Village Board of Trustees, be of no force or effect unless and until the Owner has filed with the Village Clerk the unconditional agreement and consent in the form attached hereto as Exhibit D to accept and abide by all the terms and conditions of this Ordinance.

PASSED THIS 19TH DAY OF MARCH 2009.

AYES: Cowans, Melamed, Shubart and Solomon (4)

NAYS: None (0)

ABSENT: Debb and Keefe (2)

APPROVED THIS 19th DAY OF MARCH 2009.

/s/ Scott M. Feldman
Village President

ATTEST:

/s/ David A. Clark
Deputy Village Clerk

POSTED THIS 19th DAY OF MARCH 2009.

/s/ David A. Clark
Deputy Village Clerk

PUBLISHED IN PAMPHLET FORM THIS 19th DAY OF MARCH 2009.

/s/ David A. Clark
Deputy Village Clerk

APPROVED AS TO FORM.

/s/ Victor Filippini
Village Attorney

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1: Lot 2 in Trudeau's Subdivision of Part of Lot 4 (except the East 25 feet thereof) in the Grove Block of Jared Gages Subdivision of part of the East half of the Northwest Quarter of fractional Section 17, Township 42 North, Range 13, East of the Third Principal Meridian in Cook County, Illinois.

PARCEL 2: Lot 5 and part of Lot 7 described as follows: Beginning at the Southeast corner thereof; thence West on the South line of said Lot 7, 100.0 feet; thence Northerly to the Southwest corner of Lot 5 aforesaid; thence Northeasterly along the dividing line between Lots 5 and 7 aforesaid to the Northeast corner of Lot 7 aforesaid; thence South along the East line of Lot 7 aforesaid to the place of beginning, all in the Grove Block in Jared Gage's Subdivision in Sections 8 and 17, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

ALSO

Lot 7 (except that part of Lot 7 conveyed to Llewellyn H. Lloyd by warranty deed recorded March 9, 1885, as Document Number 608262) in the Grove Block of Jared Gage's Subdivision of part of the East half of the Northwest quarter of fractional Section 17, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

PARCEL 3: Lot 1, except the South 8.58 feet and the East 19.40 feet thereof, in Madlener Subdivision, a Subdivision of lots 2 and 3, and the Easterly 25 feet of Lot 4 in the Grove Block in Jared Gage's Subdivision of part of the East half of the Northwest quarter of fractional Section 17, Township 42 North, Range 13, East of the Third Principal Meridian, in Cook County, Illinois.

PARCEL 4: Lot 1 in Trudeau's Subdivision of Part of Lot 4 (except the East 25 feet thereof) in the Grove Block of Jared Gages Subdivision of part of the East half of the Northwest Quarter of fractional Section 17, Township 42 North, Range 13, East of the Third Principal Meridian in Cook County, Illinois.

EXHIBIT B
FINAL PLAT

[Recorded Separately]

EXHIBIT C
VILLAGE STAFF REPORT

EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT

Pursuant to Section Seven of Glencoe Ordinance No. 2009__-____, and to induce the Village of Glencoe to grant the approvals provided for in that Ordinance, the undersigneds acknowledge for themselves and their successors and assigns in title to the Property that they

1. have read and understand all of the terms and provisions of Ordinance No. 2009-__-____ (the "Ordinance");
2. hereby unconditionally agree to accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of the Ordinance, the Glencoe Zoning Code, the Glencoe Subdivision Regulations, and all other applicable codes, ordinances, rules, and regulations;
3. acknowledge and agree that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's issuance of any permits for the use of the Property, and that the Village's issuance of any permit does not, and will not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time;
4. 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 revocation on the grounds of any procedural infirmity or any denial of any procedural right;
5. agree to and 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 these parties in connection with the Village's adoption of the Ordinance granting the approvals to the Owner pursuant to the Ordinance; and
6. represent and acknowledge that the persons signing this Unconditional Agreement and Consent are duly authorized to do so on behalf of the Owner of the Property.

SIGNATURES FOLLOW ON SUBSEQUENT PAGE

PARCEL 1 OWNER:

256 Scott Lane L.L.C., by its members

Todd Keller

Katherine Hazelwood

John R. Keller

PARCEL 3 OWNERS:

John R. Keller

Jennifer Keller

PARCEL 2 OWNERS:

Todd Keller

Katherine Hazelwood

PARCEL 4 OWNERS:

David Golder

Susan Golder

VILLAGE OF GLENCOE

ORDINANCE NO. 2009-__ - ____

**AN ORDINANCE GRANTING PRELIMINARY
AND FINAL SUBDIVISION PLAT APPROVAL**

**(Re-Subdivision of 254 Scott Avenue, 270 Scott Avenue,
and 20 Old Green Bay Road, and Consolidation of 256 Scott Lane)**

Adopted by the
President and Board of Trustees
of
the Village of Glencoe
this ___ of _____, 200__

Published in pamphlet form by direction
and authority of the Village of Glencoe
Cook County, Illinois
this ___ day of _____, 200__