

RESOLUTION NUMBER 33 10

**RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN LINCOLN PROPERTY COMPANY COMMERCIAL, INC. AS MANAGING AGENT FOR SMI REALTY, PROPERTY MANAGER FOR THE RIVER VALLEY SQUARE SHOPPING CENTER, AND THE VILLAGE OF EAST DUNDEE**

**WHEREAS**, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, the River Valley Square Shopping Center currently provides a state mandated number of parking spots; and

**WHEREAS**, the River Valley Square Shopping Center does not provide handicapped parking in the vicinity of physician offices located within the River Valley Square Shopping Center; and

**WHEREAS**, the Village of East Dundee has requested, and Lincoln Property Company Commercial, Inc. as Managing Agent for SMI Realty, Property Manager for the River Valley Square Shopping Center, has agreed to provide, handicapped parking in the vicinity of physician offices located within the River Valley Square Shopping Center; and

**WHEREAS**, providing handicapped parking, in addition to the number of handicapped parking spots available in other areas of the parking lot, will reduce the number of parking spaces available in the parking lot as a whole; and

**WHEREAS**, that Title XV, Land Usage, Chapter 157, Zoning, Section 157.150, Required Spaces, sets forth the minimum number of spaces; and

**WHEREAS**, it is in the best interest of the Village of East Dundee for the Village President to execute a Memorandum of Understanding between the Village of East Dundee and the River

Valley Square Shopping Center to provide for additional handicapped parking for those residents using any medical care facility located within the River Valley Square Shopping Center;

**NOW THEREFORE BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, KANE AND COOK COUNTIES, ILLINOIS, AS FOLLOWS:**

**Section One.** That the owner of the property at Route 25 and Route 72, commonly known as River Valley Square Shopping Center, and the Village of East Dundee enter into an agreement as set forth in the attached document permitting additional handicapped parking spaces to be provided in the vicinity of the medical care facility located in the River Valley Square Shopping Center, notwithstanding that the creation of those handicapped parking spaces could or may reduce the number of required parking spaces pursuant to 157.150.

**Section Two. Severability.** If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

**Section Three. Repeal.** If any section, paragraph or provision of this resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this resolution.

**Section Four. Publication.** This resolution shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 7<sup>th</sup> day of Sept., 2010, pursuant to a roll call vote as follows:

AYES: 6 - Trustees Ruffalo, Lynam, Miller, Cichowski, VanOstenbridge  
NAYES: 0 & President Bartels  
ABSENT: 1 - Trustee Gorman

Approved by me this 7<sup>th</sup> day of Sept., 2010.

Jerald Bartels  
JERALD BARTELS, President

Published in pamphlet form this 14<sup>th</sup> day of Sept., 2010, under the authority of the President and Board of Trustees.

ATTEST:

*Janice B. Bahr*  
Village Clerk

Recorded in the Village Records on Sept. 14<sup>th</sup>, 2010.

