

ORDINANCE NO. 2011-10

**An Ordinance Approving An Agreement
Pertaining to Regulation of Vehicles, Traffic and Parking**

WHEREAS, The Village of West Dundee is a Home Rule Unit of government pursuant to the Illinois Constitution of 1970; and

WHEREAS, Regency Canterfield, LLC, a California Corporation, operates and represents an apartment project within the corporate limits of the Village, to wit The Villages at Canterfield; and

WHEREAS, The Villages at Canterfield has filed a written request pursuant to Section 5/11-209.1 of Chapter 625 of the Illinois Compiled Statutes (625 ILCS 5/11-209.1), requesting that the Village and its police department establish traffic and parking regulations and regulate traffic, parking and access to The Villages at Canterfield property and enforce village ordinances thereon.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS, as follows:

Section 1. The foregoing recitals are hereby adopted and incorporated into and made a part of this Ordinance as if fully set forth herein.

Section 2. The "Agreement Pertaining to Regulation of Vehicles, Traffic and Parking" between the Village of West Dundee and The Villages at Canterfield, which is attached hereto and made a part hereof, is hereby approved. The Village President and Village Clerk are hereby authorized to execute said Agreement.

Section 3. This ordinance shall be in full forces and effect from and after its passage and approval as provided by law and after publication in pamphlet for pursuant to the authority of the Board of Trustees.

PASSED AND APPROVED the President and Board of Trustees of the Village of West Dundee Kane County, Illinois, this 15th day of August, 2011.

AYES: Trustee Hanley, Yuscka, Voss, Gillam, Price and Osth
NAYS: None
ABSTAIN: None
ABSENT: None

ATTEST:

Barbara Traver
Barbara Traver, Village Clerk

Larry A Keller
Larry Keller, Village President

**AGREEMENT PERTAINING TO REGULATION OF
VEHICLES, TRAFFIC AND PARKING**

This agreement is made and entered into, by and between the Village of West Dundee, a home rule municipal corporations, in Kane County, Illinois, (hereinafter referred to as the "Village"), and Regency Canterfield, LLC, a California corporation, (hereinafter referred to as the "Villages at Canterfield").

WITNESSETH:

WHEREAS, the Village of West Dundee, as a home rule unit of government, may 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 to license pursuant to the Illinois Constitution of 1970; and

WHEREAS, Villages at Canterfield operates and represents an apartment project within the corporate limits of the Village, to wit: Villages at Canterfield (hereinafter referred to as the "Property") which is legally described on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, Villages at Canterfield, consisting of ten or more apartment, and of which has located thereon private streets, roads, driveways, parkways, parking areas or other private property open to or used by vehicular traffic; and

WHEREAS, Villages at Canterfield has filed a written request pursuant to Section 5/11-209.1 of Chapter 625 of the Illinois Compiled Statutes (625 ILCS 5/11-209.1), requesting that the Village and its police department establish traffic and parking regulations and regulate traffic, parking and access to the Property and enforce village ordinances thereon; and

WHEREAS, the Village desires to enforce traffic, vehicular and parking regulations on the Property pursuant to the powers and authority vested in it as a home rule unit of government, in the Illinois Compiled Statues, and the West Dundee Municipal Code.

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING AND THE FOLLOWING COVENANTS AND AGREEMENTS, IT IS AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. The forgoing recitals are hereby incorporated herein and made a Part hereof.
2. The Village is hereby empowered to establish regulations for the parking and movement of automobile traffic on the Property and further empowered to enforce said regulations. The Village, in order to further accomplish the purpose of this agreement may, and not by way of limitation, do any or all of the following on the Property:
 - (a) Enforce the West Dundee Municipal Code and applicable Village Ordinances, and


(b) Enforce traffic regulations as set forth in the Illinois Vehicle Code (625 ILCS 5/1-100 et seq.)

3. Villages at Canterfield does hereby grant to the Village, its employees and agents the right of access to the Property for the purposes or enforcing the terms of this Agreement
4. That the term of this agreement shall be for five (5) years from the date of the approval of this Agreement by the Corporate Authorities of the village and be automatically renewable for three (3) additional five year terms unless canceled by either party, in writing, at least three (3) months prior to the end of any term. Notwithstanding the foregoing, this Agreement may not be cancelled within twelve (12) months after the date of the original written request by Villages of Canterfield.
5. That this Agreement shall be effective upon its execution by the parties hereto.

IN WITNESS WHEREOF, the parties hereto have caused the foregoing Agreement to be witnessed by their respective duly authorized officers.

Date: Aug. 10, 2011

VILLAGE OF WEST DUNDEE
Municipal Corporation in Kane County, Illinois.

By: 

Title: Andrew Wieteska, Chief of Police

Date: Aug 8th, 2011

Regency Canterfield, LLC, a California Corporation

By: Michelson Realty Company, LLC
Managing Agent

By: 

Title: Jenn Estrada
Property Management Coordinator
Michelson Realty Company, LLC
Managing Agent

Exhibit "A"

Legal Description of the The Villages at Canterfield

PARCEL ONE:

Lot 2 of the Tradition at Canterfield being a subdivision of part of the North ½ of Section 34, Township 42 North, Range 8 East of the Third Principal Meridian, in the Village of West Dundee, Kane County, Illinois, according to the Plat thereof recorded January 11, 2000 as Document 2000K003092.

PARCEL TWO:

Easement for Entry area and access for benefit of Parcel One created by Agreement and Grant of Easements recorded January 21, 2000 as Document 2000K005605 on and over land as described in said Agreement.

Over the following described parcel: That part of the Northwest ¼ of Section 34, aforesaid, described as follows: Beginning at the Southwest Corner of said Northwest ¼; Thence South 89 Degrees 11 Minutes 00 Seconds East along the North line of North Elgin Industrial Plaza, being a subdivision of Sections 33 and 34, Township and Range aforesaid, a distance of 250 feet; thence North 0 Degrees 14 Minutes 15 Seconds East and parallel with the East line of Frontenac, a subdivision of the East ½ of the Northeast ¼ of Section 33, a distance of 175 feet; Thence North 89 Degrees 11 Minutes 00 Seconds West and Parallel with the North line of said North Elgin Industrial Plaza, 250 feet to the East line of said Frontenac; thence south 0 Degrees 14 Minutes 15 Seconds West along said East Line, 175 feet to the Point of Beginning.