

ORDINANCE 2012-17

AN ORDINANCE GRANTING AN EXTENSION FOR THE ESTABLISHMENT OF SPECIAL USES, FINAL PLAN APPROVAL, FILING OF THE FINAL PLAT OF SUBDIVISION AND APPROPRIATENESS APPROVAL FOR SITE DESIGN, BUILDING ELEVATIONS, SIGNAGE, AND LANDSCAPING FOR THE WALMART SUPERCENTER PUD

WHEREAS, Platt W. Hill, Heidi Hill, Felicite H. Regan, and Spring Hill Mall, L.L.C. are the owners of certain real property consisting of approximately 31.00 acres generally located at the southwest corner of Huntley Road and Elm Avenue, West Dundee, Illinois and legally described in Exhibit A attached hereto and, by this reference, made a part of this Ordinance (the "**Property**"); and

WHEREAS, the Property is zoned B-2 Regional Business District and pursuant to Ordinance No. 08-27 approved on June 16, 2008 issued a special use permit for a Planned Development, a special use permit to allow outdoor garden sales; approval for a preliminary plan of subdivision and approval for the preliminary development plan for a Wal-Mart Supercenter, attached hereto as Exhibit B and, by this reference, made a part of this Ordinance hereof; and

WHEREAS, Ordinance 08-30 approved on June 16, 2008 authorized the approval of the Preliminary Plat of Subdivision for Wal-Mart PUD Subdivision, attached hereto as Exhibit C and, by reference, made a part of this Ordinance hereof; and

WHEREAS, Ordinance 08-39 approved on September 2, 2008 granted approval of the Final Plat of Subdivision for the Wal-Mart PUD; attached hereto as Exhibit D and, by this reference, made a part of this Ordinance hereof; and

WHEREAS, on June 1, 2009 The President and the Board of Trustees of the Village of West Dundee, Kane County, Illinois approved Ordinance 09-12 and granted an extension for the establishment of special uses, final plan approval, and filing of the final plat of subdivision for the Wal-Mart Supercenter PUD; and

WHEREAS, on September 5, 2009 The President and the Board of Trustees of the Village of West Dundee, Kane County, Illinois approved Ordinance 09-23 and granted an extension for Appearance Review Commission granted Appropriateness Approval for site design, building elevations, signage and landscaping and site design; and

WHEREAS, on May 17, 2010 The President and Board of Trustees of the Village of West Dundee, Kane County, Illinois approved Ordinance 10-13 and granted an extension for the establishment of special uses, final plan approvals, filing of the final plat of subdivision and appropriateness approvals for site design, building elevations, signage and landscaping for the Wal-Mart Supercenter PUD; and

WHEREAS, the Village of West Dundee, Kane County, Illinois is a home rule municipal corporation as contemplated by Article VII, Section 6 of the Constitution of the

State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, due to unresolved issues with litigation in the Appellate Court of Illinois, Second District, Case No 09-0902; the special uses were not established, the final plat was not recorded, and a final development plan was not approved within the twelve month period of the above extensions and whereas a building permit was not issued and whereas substantial amount of construction was not begun prior to the expiration of the extension; an extension was granted to June 16, 2012; and

WHEREAS, the applicant has requested further time to allow for resolution of additional matters pertaining to the site and the market area;

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of West Dundee, Kane County, Illinois as follows:

Section 1. An extension is hereby granted for establishments of the Special Uses; the approval of the Final Plan and the Filing and Recording of the Final Plat and all Appropriateness Approvals to June 16, 2013.

Section 2. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 3. All ordinances or part of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Aye: Trustees Price, Osth, Hanley, Yuscka, Voss and Gillam
Nay: None
Abstain: None
Absent: None

APPROVED:



President Larry Keller

(SEAL)

ATTEST: 

Village Clerk Barbara Traver

Passed: June 4, 2012

Exhibit A

LEGAL DESCRIPTION

THAT PART OF LOT 2 IN THE RESUBDIVISION OF LOT 1 - HILLS SUBDIVISION UNIT 2, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED JULY 11, 2003 AS DOCUMENT 2003K114043, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2 FOR A POINT OF BEGINNING; S.00°41'44"W. ALONG THE EAST LINE OF SAID LOT 2, 1098.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE S.89°18'15"W. ALONG THE SOUTH LINE OF SAID LOT 2, 587.24 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N.00°41'45"W. ALONG THE WEST LINE OF SAID LOT 2, 244.95 FEET; THENCE N.30°47'05"W. ALONG THE WEST LINE OF SAID LOT 2, 103.05 FEET; THENCE N.23°59'59"E., 207.95 FEET; THENCE N.44°3'57"E., 255.00 FEET; THENCE N.21°16'25"E., 105.35 FEET; THENCE N.01°24'43"E., 311.32 FEET TO THE NORTH LINE OF SAID LOT 2; THENCE S.88°35'17"E. ALONG THE NORTH LINE OF SAID LOT 2, 346.95 FEET TO THE POINT OF BEGINNING, ALL IN KANE COUNTY, ILLINOIS.

ALSO

LOT 1 IN SPRING HILL WEST, BEING A RESUBDIVISION OF WILLIAM WILBURN HEIR'S SUBDIVISION, AND THE LANDS IN THE EAST HALF OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED DECEMBER 10, 1986 AS DOCUMENT 1811460. EXCEPTING THEREFROM THAT PART OF SAID LOT 1 AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1 FOR A POINT OF BEGINNING; THENCE S.00°41'44"W. ALONG THE WEST LINE OF SAID LOT 1, 48.97 FEET THENCE S.88°38'18"E. PARALLEL WITH THE NORTH LINE OF SAID LOT 1, 870.16 FEET; THENCE 53°08'54"E. 30.16 FEET TO THE EAST LINE OF SAID LOT 1; THENCE N.00°59'25"E. ALONG SAID EAST LINE, 22.51 FEET TO THE NORTH EAST CORNER THEREOF; THENCE N.88°38'18"W. ALONG THE NORTH LINE OF SAID LOT 1, 80.00 FEET; THENCE N.84°04'01"W. ALONG THE NORTH LINE OF SAID LOT 1, 150.56 FEET; THENCE N.88°38'18"W. ALONG THE NORTH LINE OF SAID LOT 1, 243.12 FEET; THENCE N.81°32'48"W. ALONG THE NORTH LINE OF SAID LOT 1, 258.98 FEET; THENCE N.88°38'18"W. ALONG THE NORTH LINE OF SAID LOT 1, 194.94 FEET TO THE POINT OF BEGINNING, ALL IN KANE COUNTY, ILLINOIS.

ALSO

THAT PART OF LOT 2 IN SPRING HILL WEST, BEING A RESUBDIVISION OF WILLIAM WILBURN HEIR'S SUBDIVISION, AND THE LANDS IN THE EAST

HALF OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED DECEMBER 10, 1986 AS DOCUMENT 1811460, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2 FOR A POINT OF BEGINNING; THENCE N.89°28'27"E. ALONG THE NORTH LINE OF SAID LOT 2, 876.50 FEET TO THE WEST LINE OF ELM ROAD (PRIVATE ROAD); THENCE SOUTHWESTERLY ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 386.00 FEET, SUBTENDING A CHORD BEARING S.38°14'40"W. FOR AN ARC DISTANCE OF 66.10 FEET TO A POINT OF REVERSE CURVE TO THE LEFT; THENCE ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 238.50 FEET, SUBTENDING A CHORD BEARING S.41°45'47"W. FOR AN ARC DISTANCE OF 11.55 FEET TO THE NORTHEAST CORNER OF LOT 4 IN SAID SPRING HILL WEST; THENCE S.89°28'27"W. ALONG THE NORTH LINE OF SAID LOT 4, 54.46 FEET TO A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET SUBTENDING A CHORD BEARING N.79°04'45"W. FOR AN ARC DISTANCE OF 56.50 FEET; THENCE S.89°28'27"W., 48.06 FEET TO AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 180.50 FEET SUBTENDING A CHORD BEARING S.71°32'52"W. FOR AN ARC DISTANCE OF 45.54 FEET; THENCE S.75°01'09"W., 42.92 FEET TO AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 480.50 FEET SUBTENDING A CHORD BEARING S.83°12'56"W. FOR AN ARC DISTANCE OF 137.48 FEET; THENCE S.88°35'17"W., 449.52 FEET TO THE WEST LINE OF SAID LOT 2; THENCE N.00°44'41"E. ALONG THE WEST LINE OF SAID LOT 2, 65.68 FEET TO THE POINT OF BEGINNING, CONTAINING 1.3366 ACRES, ALL IN KANE COUNTY, ILLINOIS.

ALSO

THAT PART OF LOT 4 IN SPRING HILL WEST, BEING A RESUBDIVISION OF WILLIAM WILBURN HEIR'S SUBDIVISION, AND THE LANDS IN THE EAST HALF OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED DECEMBER 10, 1986 AS DOCUMENT 1811460, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 4 FOR A POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 238.50 FEET FOR AN ARC DISTANCE OF 26.81 FEET; THENCE NORTHWESTERLY ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET SUBTENDING A CHORD BEARING N.60°45'25"W. FOR AN ARC DISTANCE OF 42.72 FEET TO THE NORTH LINE OF SAID LOT 4; THENCE S.89°28'27"E. ALONG SAID NORTH LINE, 54.46 FEET TO THE POINT OF BEGINNING, CONTAINING 516.69 SQUARE FEET, ALL IN KANE COUNTY, ILLINOIS.

EXHIBIT B
ORDINANCE -08- 27

AN ORDINANCE GRANTING A SPECIAL USE TO AMEND ORDINANCE NO. 00-31 GRANTING A SPECIAL USE FOR A PLANNED DEVELOPMENT IN THE B-2 REGIONAL BUSINESS DISTRICT; GRANTING A SPECIAL USE TO ALLOW OUTDOOR GARDEN SALES; APPROVING THE PRELIMINARY PLAN OF SUBDIVISION; AND APPROVING THE PRELIMINARY DEVELOPMENT PLAN

WHEREAS, Platt W. Hill, Heidi Hill, Felicite H. Regan, and Spring Hill Mall, L.L.C. are the owners of certain real property consisting of approximately 31.00 acres generally located at the southwest corner of Huntley Road and Elm Avenue, West Dundee, Illinois and legally described in Exhibit A attached hereto and, by this reference, made a part of this Ordinance (the "Property"); and

WHEREAS, the Property is zoned B-2 Regional Business District and pursuant to Ordinance No. 00-31 was issued a special use permit for a Planned Development to allow for the development of a previously approved Meijer retail store on a substantial portion of the Property, a copy of Ordinance No. 00-31 is attached hereto as Exhibit B and, by this reference, made a part of this Ordinance hereof; and

WHEREAS, Wal-Mart Real Estate Business Trust, a Delaware Statutory Trust ("Wal-Mart"), has filed with the Village of West Dundee a Planning and Zoning Development Application and additional supporting material (the "Application") for the development of a twenty-four (24) hour Wal-Mart Supercenter containing approximately 187,000 square feet, and including a general merchandise component, full grocery component, dual lane drive-thru pharmacy, garden center, and seasonal sales areas (the "Wal-Mart Supercenter"); and

WHEREAS, the Application, in addition to certain other requests for variations from the West Dundee Zoning Regulations and West Dundee Sign Ordinance, seeks: (i) the granting of a special use to amend Ordinance No. 00-31 granting a special use for a Planned Development in the B-2 Regional Business District to allow for the development of the Wal-Mart Supercenter; (ii) the granting of a special use to allow outdoor garden sales in the garden center area, front sidewalk areas, and seasonal outdoor sales area of the Wal-Mart Supercenter; (iii) the approval of the preliminary plan of subdivision for a three lot subdivision; and (iv) the approval of the preliminary development plan for the Wal-Mart Supercenter (collectively, the "Development Requests"); and

WHEREAS, the West Dundee Planning and Zoning Commission (the "Planning and Zoning Commission"), pursuant to due and appropriate legal notice, held a public hearing to consider the Application on April 28, 2008 and continued the public hearing to May 12, 2008 and May 27, 2008; and

WHEREAS, on May 27, 2008, the Planning and Zoning Commission, after deliberation, recommended that the West Dundee Village Board approve the

Development Requests and further adopted certain findings of fact supporting such recommendation based on evidence presented at the public hearings (the "**Findings of Fact**"), a copy of the Findings of Fact are attached hereto as Exhibit C and, by this reference, made a part of this Ordinance hereof; and

WHEREAS, on June 3, 2008, the West Dundee Appearance Review Commission (the "**Appearance Review Commission**") duly called, noticed, and held a public meeting to consider the Application, and the Appearance Review Commission granted appropriateness approval with conditions for the site, landscaping and lighting plans, building elevations and signage plan, a copy of the draft minutes from the June 3, 2008 Appearance Review Commission meeting are attached hereto as Exhibit D and, by this reference, made a part of this Ordinance hereof; and

WHEREAS, on June 9, 2008, the West Dundee Village Board of Trustees (the "**Village Board**") duly called, noticed, and held a public meeting to consider the Application, the Planning and Zoning Commission's recommendation for approval of the Development Requests together with public comment concerning the Development Requests, and the Appearance Review Commission's appropriateness approval; and

WHEREAS, the Village of West Dundee, Kane County, Illinois is a home rule municipal corporation as contemplated by Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois;

NOW, THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of West Dundee, Kane County, Illinois as follows:

Section 1. Recitals Adopted. The above recitals are material to this Ordinance and are hereby incorporated by reference into and made a part of this Ordinance as if fully set forth below.

Section 2. Approval of Findings of Fact. The Findings of Fact issued by the Planning and Zoning Commission and attached hereto as Exhibit C are hereby ratified and adopted.

Section 3. Amendment of Section 1 of Ordinance No. 00-31. Section 1 of Ordinance No. 00-31 is hereby amended to read as follows:

Subject to the conditions set forth in Section 3 of this Ordinance, the Village hereby issues the following special use permit for the Property: a special use permit for a planned unit development to allow for the construction of the Wal-Mart Supercenter (as defined above) (the "**Wal-Mart Supercenter PUD Special Use Permit**").

Section 4. Amendment of Section 2 of Ordinance No. 00-31. Section 2 of Ordinance 00-31 is hereby amended to read as follows: Pursuant to the testimony and evidence presented at the public hearing before the Planning and Zoning Commission and after considerable deliberation and careful consideration of the Application and Development Requests, the President and Village Board of Trustees determine that the conditions set forth in Section 3 of Ordinance No. 00-31 are no longer applicable to or appropriate to the rezoning of the property in Section 2 of Ordinance No. 00-31 and such conditions are hereby released and repealed from the rezoning of such property.

Section 5. Amendment of Section 3 of Ordinance No. 00-31. Section 3 of Ordinance No. 00-31 is hereby amended to read as follows:

The granting of the Wal-Mart Supercenter PUD Special Use Permit and granted in Section 1 of this Ordinance is conditioned on:

- A. Substantial conformance with the preliminary development plan referenced in Section 9 including the recommendation to the Planning & Zoning Commission and Appearance Review Commission. Any recommendations by the Village Board shall supersede any conflicting recommendations.
- B. That the fence height surrounding the storm water detention pond be increased from 4 ft. to 6 ft. and be constructed of a black decorative aluminum material.
- C. That the height of the berm along the south property line be increased as much as good engineering can allow for proper safety and maintenance, but be increased approximately 2 ft. in height.
- D. That the plantings on the berm located by the south property line be subject to at a minimum the D. Hill Standards, the tree height and calipers be increased, as recommended by the Planning & Zoning Commission and the Appearance Review Commission subject to good landscape and horticultural standards.
- E. No exterior loading, unloading, delivery or trash compactor usage is permitted except between the hours of 6 a.m. and 11 p.m.
- F. Pursuant to meeting with the Village staff and outside stormwater consultants, final development plan shall include the following:
 1. Aquatic shelf will be added to the detention facility at the normal water level to provide a planting zone for emergent wetland vegetation. This will be in addition to the required safety shelf located 30 inches below normal water level.
 2. The installation of three or more bioswales within the large, east parking lot running parallel with the parking drive lanes (approximately parallel with Huntley Road). The bioswales will be of

sufficient width to support healthy vegetation and provide storm water filtration for the east parking lot runoff.

3. Installation of bioswales(s) along the southwest, west and north sides of the site to provide storm water filtration for the paved areas tributary to the detention pond around the building and on Huntley Road.
 4. Installation of bioswales(s) within outlot for which Wal-Mart has control at the time of development.
 5. While no development plans have been submitted for the outlot. Wal-Mart or its successors will utilize their best efforts to include bioswales as part of their submittals for this property.
- G. That pursuant to the Intergovernmental Agreement between the Village of West Dundee and Carpentersville, there is a condition of approval of development of \$300,000 contribution towards engineering construction costs for roadway improvements should be due and payable prior to the issuance of a building permit for the property pursuant to Section 5 of the Intergovernmental Agreement.
- H. That the perimeter lighting pole heights for the site on the north, west and south sides of the property shall meet the Village's 30 ft. requirement and possess directional shields to ensure compliance with lighting requirements. All other poles are granted a variance to 42 ft. in height.

Section 6. Repeal of Sections 4, 5, 6, 7 & 10 of Ordinance No. 00-31. Sections 4, 5, 6, 7 and 10 of Ordinance No. 00-31 are inapplicable or inappropriate to the Wal-Mart Supercenter and are hereby repealed.

Section 7. Approval of Special Use Permit for Outdoor Sales. A special use permit authorized pursuant to Sections 10-5c-3 and 10-513-3 of the West Dundee Zoning Ordinance is hereby granted to allow outdoor sales in the garden center area, front sidewalk areas, and seasonal outdoor sales area of the Wal-Mart Supercenter (the "Outdoor Garden Sales Special Use Permit").

Section 8. Approval of Preliminary Plan of Subdivision. The preliminary plan of subdivision prepared by Stacey Ferguson Land Surveying, Inc. with a latest revision date of April 4, 2008 is hereby approved (the "Preliminary Plan of Subdivision"), a copy of the Preliminary Plan of Subdivision is attached hereto as Exhibit E and, by this reference, made a part hereof.

Section 9. Approval of Preliminary Development Plan. The preliminary development plan prepared by Atwell-Hicks consisting of Sheets SP-01 through SP-15, all sheets dated January 21, 2008 with a latest revision date of February 27, 2008 except

Sheet SP 09 which has a latest revision date of April 7, 2008, and the building elevations and signage detail prepared by PB2 Architecture with a latest revision date of _____, are hereby approved (the "**Preliminary Development Plan**"), a copy of the Preliminary Development Plan is attached hereto as Exhibit F and, by this reference, made a part hereof.

Section 10. If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 11. All ordinances or part of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 12. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

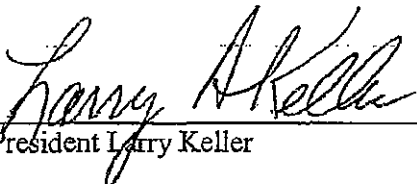
AYES: Trustees Motyl, Gillam, Price, Osth, Hanley, Yuscka

NAYES: None

ABSENT: None

ABSTAIN: None

APPROVED:



President Larry Keller

(SEAL)

ATTEST: 
Village Clerk Barbara Haines

Passed: June 16, 2008

Approved: June 16, 2008

Exhibit A

LEGAL DESCRIPTION

THAT PART OF LOT 2 IN THE RESUBDIVISION OF LOT 1 - HILLS SUBDIVISION UNIT 2, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED JULY 11, 2003 AS DOCUMENT 2003K114043, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2 FOR A POINT OF BEGINNING; S.00°41'44"W. ALONG THE EAST LINE OF SAID LOT 2, 1098.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE S.89°18'15"W. ALONG THE SOUTH LINE OF SAID LOT 2, 587.24 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N.00°41'45"W. ALONG THE WEST LINE OF SAID LOT 2, 244.95 FEET; THENCE N.30°47'05"W. ALONG THE WEST LINE OF SAID LOT 2, 103.05 FEET; THENCE N.23°59'59"E., 207.95 FEET; THENCE N.44°3'57"E., 255.00 FEET; THENCE N.21°16'25"E., 105.35 FEET; THENCE N.01°24'43"E., 311.32 FEET TO THE NORTH LINE OF SAID LOT 2; THENCE S.88°35'17"E. ALONG THE NORTH LINE OF SAID LOT 2, 346.95 FEET TO THE POINT OF BEGINNING, ALL IN KANE COUNTY, ILLINOIS.

ALSO

LOT 1 IN SPRING HILL WEST, BEING A RESUBDIVISION OF WILLIAM WILBURN HEIR'S SUBDIVISION, AND THE LANDS IN THE EAST HALF OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED DECEMBER 10, 1986 AS DOCUMENT 1811460. EXCEPTING THEREFROM THAT PART OF SAID LOT 1 AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1 FOR A POINT OF BEGINNING; THENCE S.00°41'44"W. ALONG THE WEST LINE OF SAID LOT 1, 48.97 FEET THENCE S.88°38'18"E. PARALLEL WITH THE NORTH LINE OF SAID LOT 1, 870.16 FEET: THENCE 53°08'54"E. 30.16 FEET TO THE EAST LINE OF SAID LOT 1; THENCE N.00°59'25"E. ALONG SAID EAST LINE, 22.51 FEET TO THE NORTH EAST CORNER THEREOF; THENCE N.88°38'18"W. ALONG THE NORTH LINE OF SAID LOT 1, 80.00 FEET; THENCE N.84°04'01"W. ALONG THE NORTH LINE OF SAID LOT 1, 150.56 FEET; THENCE N.88°38'18"W. ALONG THE NORTH LINE OF SAID LOT 1, 243.12 FEET; THENCE N.81°32'48"W. ALONG THE NORTH LINE OF SAID LOT 1, 258.98 FEET; THENCE N.88°38'18"W. ALONG THE NORTH LINE OF SAID LOT 1, 194.94 FEET TO THE POINT OF BEGINNING, ALL IN KANE COUNTY, ILLINOIS.

ALSO

THAT PART OF LOT 2 IN SPRING HILL WEST, BEING A RESUBDIVISION OF WILLIAM WILBURN HEIR'S SUBDIVISION, AND THE LANDS IN THE EAST

HALF OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED DECEMBER 10, 1986 AS DOCUMENT 1811460, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2 FOR A POINT OF BEGINNING; THENCE N.89°28'27"E. ALONG THE NORTH LINE OF SAID LOT 2, 876.50 FEET TO THE WEST LINE OF ELM ROAD (PRIVATE ROAD); THENCE SOUTHWESTERLY ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 386.00 FEET, SUBTENDING A CHORD BEARING S.38°14'40"W. FOR AN ARC DISTANCE OF 66.10 FEET TO A POINT OF REVERSE CURVE TO THE LEFT; THENCE ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 238.50 FEET, SUBTENDING A CHORD BEARING S.41°45'47"W. FOR AN ARC DISTANCE OF 11.55 FEET TO THE NORTHEAST CORNER OF LOT 4 IN SAID SPRING HILL WEST; THENCE S.89°28'27"W. ALONG THE NORTH LINE OF SAID LOT 4, 54.46 FEET TO A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET SUBTENDING A CHORD BEARING N.79°04'45"W. FOR AN ARC DISTANCE OF 56.50 FEET; THENCE S.89°28'27"W., 48.06 FEET TO AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 180.50 FEET SUBTENDING A CHORD BEARING S.71°32'52"W. FOR AN ARC DISTANCE OF 45.54 FEET; THENCE S.75°01'09"W., 42.92 FEET TO AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 480.50 FEET SUBTENDING A CHORD BEARING S.83°12'56"W. FOR AN ARC DISTANCE OF 137.48 FEET; THENCE S.88°35'17"W., 449.52 FEET TO THE WEST LINE OF SAID LOT 2; THENCE N.00°44'41"E. ALONG THE WEST LINE OF SAID LOT 2, 65.68 FEET TO THE POINT OF BEGINNING, CONTAINING 1.3366 ACRES, ALL IN KANE COUNTY, ILLINOIS.

ALSO

THAT PART OF LOT 4 IN SPRING HILL WEST, BEING A RESUBDIVISION OF WILLIAM WILBURN HEIR'S SUBDIVISION, AND THE LANDS IN THE EAST HALF OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED DECEMBER 10, 1986 AS DOCUMENT 1811460, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 4 FOR A POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 238.50 FEET FOR AN ARC DISTANCE OF 26.81 FEET; THENCE NORTHWESTERLY ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET SUBTENDING A CHORD BEARING N.60°45'25"W. FOR AN ARC DISTANCE OF 42.72 FEET TO THE NORTH LINE OF SAID LOT 4; THENCE S.89°28'27"E. ALONG SAID NORTH LINE, 54.46 FEET TO THE POINT OF BEGINNING, CONTAINING 516.69 SQUARE FEET, ALL IN KANE COUNTY, ILLINOIS.

EXHIBIT **€**
ORDINANCE 08-30

**AN ORDINANCE AUTHORIZING THE APPROVAL
OF THE PRELIMINARY PLAT OF
SUBDIVISION FOR WALMART WEST DUNDEE P.U.D. SUBDIVISION**

WHEREAS, The Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois;

WHEREAS, the Spring Hill West Subdivision was approved and recorded with the Kane County Recorder's Office on December 10, 1986 as Document No. 1811460; and

WHEREAS, the Resubdivision of Lot 1 of Hill Subdivision Unit No. 2 was recorded on July 11, 2003; and

WHEREAS, Walmart Land Trust LLC has submitted a request for approval of a Preliminary Plat of Subdivision for portions of the above-referenced property containing three new lots of record; and

WHEREAS, the Village's Planning & Zoning Commission has reviewed the proposed preliminary subdivision and finds it to be in conformance with the Village's Subdivision Regulations contained within Chapter 11 of the Municipal Code; and

WHEREAS, the Village Board has considered the recommendation for approval forwarded by Village's Planning & Zoning Commission and subsequently concurs in the recommendation.

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

Section 1: That preliminary subdivision plan approval is hereby granted for the Walmart West Dundee P.U.D. based upon the Preliminary Plat prepared by Stacy Furgeson Land Surveying dated 8/31/06 and attached hereto as Exhibit A for the property legally described as follows:

THAT PART OF LOT 2 IN THE RESUBDIVISION OF LOT 1 - HILLS SUBDIVISION UNIT 2, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED JULY 11, 2003 AS DOCUMENT 2003K114043, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2 FOR A POINT OF BEGINNING; S.00°41'44"W. ALONG THE EAST LINE OF SAID LOT 2, 1098.88 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE S.89°18'15"W. ALONG THE SOUTH LINE OF SAID LOT 2, 587.24 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE N.00°41'45"W. ALONG THE WEST LINE OF SAID LOT 2, 244.95 FEET; THENCE N.30°47'05"W. ALONG THE WEST LINE OF SAID LOT 2, 103.05 FEET; THENCE N.23°59'59"E., 207.95 FEET; THENCE N.44°3'57"E., 255.00 FEET; THENCE N.21°16'25"E., 105.35 FEET; THENCE N.01°24'43"E.,

311.32 FEET TO THE NORTH LINE OF SAID LOT 2; THENCE S.88°35'17"E. ALONG THE NORTH LINE OF SAID LOT 2, 346.95 FEET TO THE POINT OF BEGINNING, ALL IN KANE COUNTY, ILLINOIS.

ALSO

LOT 1 IN SPRING HILL WEST, BEING A RESUBDIVISION OF WILLIAM WILBURN HEIR'S SUBDIVISION, AND THE LANDS IN THE EAST HALF OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED DECEMBER 10, 1986 AS DOCUMENT 1811460. EXCEPTING THEREFROM THAT PART OF SAID LOT 1 AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 1 FOR A POINT OF BEGINNING; THENCE S.00°41'44"W. ALONG THE WEST LINE OF SAID LOT 1, 48.97 FEET THENCE S.88°38'18"E. PARALLEL WITH THE NORTH LINE OF SAID LOT 1, 870.16 FEET; THENCE 53°08'54"E. 30.16 FEET TO THE EAST LINE OF SAID LOT 1; THENCE N.00°59'25"E. ALONG SAID EAST LINE, 22.51 FEET TO THE NORTH EAST CORNER THEREOF; THENCE N.88°38'18"W. ALONG THE NORTH LINE OF SAID LOT 1, 80.00 FEET; THENCE N.84°04'01"W. ALONG THE NORTH LINE OF SAID LOT 1, 150.56 FEET; THENCE N.88°38'18"W. ALONG THE NORTH LINE OF SAID LOT 1, 243.12 FEET; THENCE N.81°32'48"W. ALONG THE NORTH LINE OF SAID LOT 1, 258.98 FEET; THENCE N.88°38'18"W. ALONG THE NORTH LINE OF SAID LOT 1, 194.94 FEET TO THE POINT OF BEGINNING, ALL IN KANE COUNTY, ILLINOIS.

ALSO

THAT PART OF LOT 2 IN SPRING HILL WEST, BEING A RESUBDIVISION OF WILLIAM WILBURN HEIR'S SUBDIVISION, AND THE LANDS IN THE EAST HALF OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED DECEMBER 10, 1986 AS DOCUMENT 1811460, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2 FOR A POINT OF BEGINNING; THENCE N.89°28'27"E. ALONG THE NORTH LINE OF SAID LOT 2, 876.50 FEET TO THE WEST LINE OF ELM ROAD (PRIVATE ROAD); THENCE SOUTHWESTERLY ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 386.00 FEET, SUBTENDING A CHORD BEARING S.38°14'40"W. FOR AN ARC DISTANCE OF 66.10 FEET TO A POINT OF REVERSE CURVE TO THE LEFT; THENCE ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 238.50 FEET, SUBTENDING A CHORD BEARING S.41°45'47"W. FOR AN ARC DISTANCE OF 11.55 FEET TO THE NORTHEAST CORNER OF LOT 4 IN SAID SPRING HILL WEST; THENCE S.89°28'27"W. ALONG THE NORTH LINE OF SAID LOT 4, 54.46 FEET TO A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET SUBTENDING A CHORD BEARING N.79°04'45"W. FOR AN ARC DISTANCE OF 56.50 FEET; THENCE S.89°28'27"W., 48.06 FEET TO AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 180.50 FEET SUBTENDING A CHORD BEARING S.71°32'52"W. FOR AN ARC DISTANCE OF 45.54 FEET; THENCE S.75°01'09"W., 42.92 FEET TO AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 480.50 FEET SUBTENDING A CHORD BEARING S.83°12'56"W. FOR AN ARC DISTANCE OF 137.48 FEET; THENCE S.88°35'17"W., 449.52 FEET TO THE WEST LINE OF SAID LOT 2; THENCE N.00°44'41"E. ALONG THE WEST LINE OF SAID LOT 2, 65.68 FEET TO THE POINT OF BEGINNING, CONTAINING 1.3366 ACRES, ALL IN KANE COUNTY, ILLINOIS.

ALSO

THAT PART OF LOT 4 IN SPRING HILL WEST, BEING A RESUBDIVISION OF WILLIAM WILBURN HEIR'S SUBDIVISION, AND THE LANDS IN THE EAST HALF OF SECTION 21, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED DECEMBER 10, 1986 AS DOCUMENT 1811460, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 4 FOR A POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 238.50 FEET FOR AN ARC DISTANCE OF 26.81 FEET; THENCE NORTHWESTERLY ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 150.00 FEET SUBTENDING A CHORD BEARING N.60°45'25"W. FOR AN ARC DISTANCE OF 42.72 FEET TO THE NORTH LINE OF SAID LOT 4; THENCE S.89°28'27"E. ALONG SAID NORTH LINE, 54.46 FEET TO THE POINT OF BEGINNING, CONTAINING 516.69 SQUARE FEET, ALL IN KANE COUNTY, ILLINOIS.

Section 2: That all requirements set forth in the Subdivision Ordinance of the Village of West Dundee, as would be required by any owner of property subdivided in the same manner as the subject property shall be complied with.

Section 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form (which publication is hereby authorized) as provided by law.

AYES: Trustees Motyl, Gillam, Price, Osth, Hanley, Yuscka

NAYES: None

ABSENT: None

ABSTAIN: None

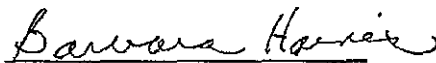
Larry Keller



Village President

ATTEST:

Barbara Haines



Village Clerk

Passed: June 16, 2008

Approved: June 16, 2008

Published: June 20, 2008

Prepared by:

Village of West Dundee
100 Carrington Drive
West Dundee, IL 60118

EXHIBIT D
ORDINANCE 08-39

**AN ORDINANCE AUTHORIZING THE APPROVAL
OF THE FINAL PLAT OF SUBDIVISION
WALMART WEST DUNDEE PUD**

WHEREAS, The Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois;

WHEREAS, the Walmart Corporation has petitioned the Village to resubdivide property currently zoned B-2 Regional Business District Planned Development into new lots of record; and

WHEREAS, the Village's Planning & Zoning Commission has reviewed the proposed final plat of subdivision and finds it to be in conformance with the approved preliminary plan of subdivision; and

WHEREAS, the Village Board has considered the recommendation for approval forwarded by Village's Planning & Zoning Commission and subsequently concurs in the recommendation.

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

Section 1: That the property commonly known as the Walmart West Dundee PUD and legally described as follows in the Village of West Dundee, Kane County, Illinois, is hereby subdivided into lots of record pursuant to the proposed plat prepared by Atwell Hicks dated July 22, 2008 with a final revision date of August 4, 2008 described as follows:

BEING A RESUBDIVISION OF PART LOT 2 OF THE RESUBDIVISION OF LOT 1 - HILL SUBDIVISION UNIT 3 ACCORDING TO THE PLAT THEREOF RECORDED JULY 11, 2003 AS DOCUMENT 2003K114043 AND PARTS OF LOTS 2 AND 4 AND ALL OF LOT 1 IN SPRING HILL WEST SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 10, 1986 AS DOCUMENT 1811460 AND THE CERTIFICATE OF CORRECTION RECORDED JULY 6, 1987 AS DOCUMENT 1851940, ALL IN THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS.

Section 2: That all requirements set forth in the Zoning Ordinance of the Village of West Dundee, as would be required by any owner of property zoned in the same manner as the subject property shall be complied with.

Section 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment

shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5: That this Ordinance shall be in full force and effect upon its passage, approval, and publication in pamphlet form (which publication is hereby authorized) as provided by law.

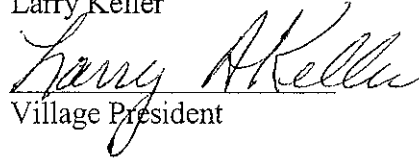
AYES: Trustees Motyl, Gillam, Price, Osth, Hanley, Yuscka

NAYES: None

ABSENT: None

ABSTAIN: None

Larry Keller



Village President

ATTEST:

Barbara Haines



Village Clerk

Passed: 09-02-08
Approved: 09-02-08
Published: 09-05-08

Prepared by:
Village of West Dundee
102 South Second Street
West Dundee, IL 60118