

**ORDINANCE 12-26**

**AN ORDINANCE AUTHORIZING  
THE THIRD RESUBDIVISION OF PROPERTY  
FORMALLY KNOWN AS THE OAKVIEW CORPORATE CENTER  
AND AUTHORIZING CHANGES TO THE  
COVENANTS, CONDITIONS, AND RESTRICTIONS FOR THE  
OAKVIEW CORPORATE PARK**

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, Opus North Corporation, as owners of the subject property has petitioned the Village to re-subdivide a portion of the property currently zoned SDD to consolidate existing lots of record

WHEREAS, a meeting was held by the West Dundee Planning & Zoning Commission on September 24, 2012 after due notice in the manner required by law; and

WHEREAS, the Village's Planning & Zoning Commission, after deliberation, considered and heard testimony and evidence relating to the above described rezoning pursuant to the West Dundee Zoning Ordinance for the Subject Property; and

WHEREAS, the West Dundee Planning & Zoning Commission, after deliberation, has made a favorable report regarding the granting of said re-subdivision; and

WHEREAS, the Village Board has considered the evidence presented at the Village's Planning & Zoning Commission meeting by the Owner; and

WHEREAS, the Village Board has also considered a request from Opus North Corporation, as owners to modify the original Covenants, Conditions and Restrictions as set forth as an attachment to the original annexation agreement recorded as document No. 2006K071916.

**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 Oakview Corporate Park and legally described as follows in the Village of West Dundee, Kane County, Illinois, hereby resubdivides one existing lot of record to create three new lots of record pursuant to the proposed plat titled Oakview Corporate Park Resubdivision No. 3 prepared by Jacob & Heffner Associates dated July 31, 2012.

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. That the proposed changes to the Covenants, Conditions and Restrictions for Oakview Corporate Park titled Declaration of Protective Covenants, Conditions, Restrictions and Easements for Oakview Corporate Park are hereby approved and the recording of the Declaration against the Property will satisfy the requirements of the Annexation Agreement regarding the recording of restrictive covenants and Village consent to changes, (b) the terms and conditions of this Declaration will replace and supersede in all respects the terms and conditions of the form of Declaration of Covenants, Conditions and Restrictions attached as Exhibit B to the Annexation Agreement, and (c) the provisions contained in Section 4.10 and Section 11.10(c) of this Declaration will supersede any provisions to the contrary contained in the Annexation Agreement.

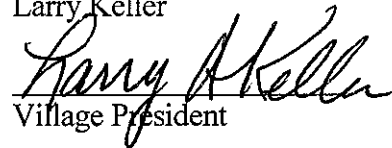
Section 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

Section 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6: 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 Voss, Gillam, Price, Osth, Hanley and Yuscka  
NAYS:  
ABSENT:

Larry Keller



Village President

ATTEST:  
Barbara Traver

  
Village Clerk

Passed: 10/01/2012  
Approved: 10/01/12  
Published: 10/01/12

Prepared by:  
Village of West Dundee  
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West Dundee, IL 60118

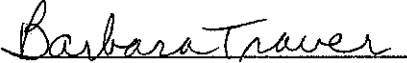
**CERTIFICATION OF PUBLICATION  
IN PAMPHLET FORM**

STATE OF ILLINOIS     )  
  SS  
COUNTY OF KANE     )

I, Barbara Traver, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of West Dundee, County of Kane and State of Illinois, and as such clerk I am the keeper of the seal, records, files and proceedings of the corporate authorities of said municipality.

I further certify that, as of the date hereof, Ordinance No. 12-26, adopted by the corporate authorities on October 1, 2012, An Ordinance Authorizing the Third Resubdivision of Property Formally Known as the Oakview Corporate Center and Authorizing Changes to the Covenants, Conditions, and Restrictions for the Oakview Corporate Park, has been duly published in pamphlet form in accordance with § 1-2-4- of the Illinois Municipal Code. The pamphlet form of Ordinance No.12-26 was published, commencing on October 1, 2012, and continuing for at least ten days thereafter.

IN WITNESS WHEREOF, I have hereunto affixed my hand and official seal of the municipality this 1<sup>st</sup> day of October, 2012.

  
Village Clerk

(SEAL)