

ORDINANCE 16-23

**AN ORDINANCE APPROVING AND AUTHORIZING EXECUTION OF
A SECOND AMENDMENT TO THE ANNEXATION AGREEMENT
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; and

WHEREAS, the Village of West Dundee and Oakview, LLC as Delaware Limited Liability Company ("Oakview"), as successor to PKI-West Dundee, LLC, an Illinois Limited Liability Company, entered into an Annexation Agreement, the subject matter of which involved certain real property known as the Wesemann Property, on June 5, 2006 (the "Annexation Agreement"); and

WHEREAS, the parties have previously executed a First Amendment to the Annexation Agreement dated the 22nd day of January, 2007, amending the "Exhibit I Permitted and Special Uses" to include "social fitness and athletic clubs" under permitted uses of the Light Industrial Use Area; and

WHEREAS, the Village and Oakview wish to execute a Second Amendment to the Annexation Agreement as set forth in Exhibit A, amending the "Exhibit I Permitted and Special Uses" to include "restaurants, where alcohol service and/or entertainment is conducted outdoors" under special uses for the Light Industrial Use Area; and

WHEREAS, a Public Hearing was held by the West Dundee Planning and Zoning Commission on August 1, 2016, after due notice in the manner provided by law; and

WHEREAS, the Village Board has considered the findings of fact, based upon the evidence presented at the public hearing and presented to the West Dundee Planning and Zoning Commission by the petitioner.

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 Second Amendment to the Annexation Agreement, Exhibit A hereto, is hereby approved.

Section 2: That the President be, and is hereby authorized and directed to execute, and the Village Clerk is authorized and directed to attest, duplicate original copies of said Second Amendment to the Annexation Agreement, a true and correct copy of which is attached hereto and made a part hereof as Exhibit A.

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.

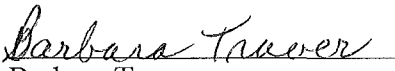
Section 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.


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.

Section 6: The Village Clerk is hereby authorized and directed to file a certified copy of this Ordinance with the Kane County Recorder of Deeds.

AYES: Trustees Price, Hanley, Yuscka, Pflanz, Wilbrandt and Kembitzky
NAYS: None

ATTEST:


Barbara Traver
Village Clerk


Christopher Nelson
Village President

Passed: 8-8-2016
Approved: 8-8-2016
Published: 8-8-2016

Prepared by:
Village of West Dundee
Community Development Department
100 Carrington Drive
West Dundee, IL 60118

EXHIBIT A

**SECOND AMENDMENT TO THAT
CERTAIN ANNEXATION AGREEMENT**

**(PKI-WEST DUNDEE-
“OAKVIEW CORPORATE PARK”)**

THIS AGREEMENT made this ___ day of August, 2016, between the Village of West Dundee, and Illinois municipal corporation located in Kane County, Illinois (the Village), and Oakview, L.L.C. a Delaware limited liability company (“Oakview”), as successor to PKI-West Dundee, LLC, an Illinois limited liability company.

WITNESSETH

WHEREAS, the parties have previously entered into an Annexation Agreement dated the 5th day of June, 2006, concerning a certain real property known as the Wesemann Parcel legally described as follows:

THE NORTHWEST FRACTIONAL QUARTER OF THE NORTHWEST FRACTIONAL QUARTER AND THE EAST HALF OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 19, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THE EAST 208 2/3 FEET OF THE NORTH 208 2/3 FEET OF THE SOUTH 233 2/3 FEET OF THE NORTHWEST FRACTIONAL QUARTER OF SAID SECTION, (AND ALSO EXCEPT THAT PART TAKEN FOR ROAD PURPOSES BY THE STATE OF ILLINOIS DEPARTMENT OF TRANSPORTATION BY CASE 97ED4), IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS was annexed to the Village on June 5th, 2006, and

WHEREAS, the parties have previously executed a First Amendment to the Annexation Agreement dated the 22nd day of January, 2007, amending the “Exhibit 1 Permitted and Special Uses” to include “social fitness and athletic clubs” under permitted uses; and

WHEREAS, the parties desire to modify certain terms of the Agreement as are reflected in this Amended Annexation Agreement; and

WHEREAS, the corporate authorities of the Village pursuant to due and appropriate legal notice, have held such public hearings thereon, as required by law; and

WHEREAS, a public hearing was held on this Annexation Agreement on August 1, 2016 in accordance with all applicable statutes and pursuant to due and appropriate notice published on July 11, 2016 in the Daily Herald Newspaper;


NOW THEREFORE, in consideration for the mutual promises and covenants and agreements as set forth herein it is agreed as follows:

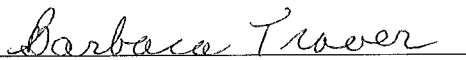
1. **Exhibit I** – Exhibit I of the Agreement is hereby amended by replacing said Exhibit with the Exhibit attached hereto labeled “Exhibit I Permitted and Special Uses”.

In WITNESS WHEREOF, parties have executed this Second Amendment to the June 5, 2006 Annexation Agreement the day and year first above written.

Village:

Village of West Dundee,
an Illinois municipal corporation

By: 
Village President

ATTEST: 
Clerk

OWNER:

By:

Its: _____

This document prepared by:

Village of West Dundee
Community Development Department
100 Carrington Drive
West Dundee, IL 60118

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EXHIBIT I - SECOND AMENDMENT TO ANNEXATION AGREEMENT

Light Industrial Park Use Area Regulations: The range of permitted and special uses and the design of buildings, lots and lot improvements shall conform to the following regulations.

1. Permitted Uses.

- a. accessory uses
- b. automotive products and service operations, no outdoor storage
- c. biomedical research and technology
- d. blueprinting and photostating shops
- e. business machine sales, rental and service
- f. computer, programming data processing and other computer related services
- g. day care, for adults and children when accessory to a permitted use
- h. equipment sales and rental
- i. graphics and drafting services
- j. industrial assembly use
- k. laboratories; medical, dental and optical
- l. laboratories; research & testing
- m. light industrial uses
- n. mail order houses
- o. newspaper distribution agencies
- p. offices; business, professional, governmental & institutional
- q. precision instrument manufacture
- r. social fitness and athletic clubs (use amended per 1st Amendment to Annexation Agreement)
- s. research & development facilities
- t. restaurants, accessory; located within the building of a principal permitted use
- u. retail goods establishment, accessory; located within the building of a principal permitted use
- v. retail service establishment, accessory; located within the building of a principal permitted use
- w. warehouse, distribution and wholesale uses

2. Special Uses

- a. communication transmission towers
- b. freight terminals
- c. dry cleaning plants, industrial launderers, carpet or rug cleaning plants
- d. **restaurants, where alcohol service and/or entertainment is conducted outdoors**
(use amended per 2nd Amendment to Annexation Agreement)
- e. utility service buildings, towers and uses, excluding ordinary transmission lines, wires, poles, etc., providing service to individual uses

Commercial Use Area: The range of permitted and special uses and the design of buildings, lots and lot improvements shall conform to the following regulations:

1. Permitted Uses.

- a. accessory uses
- b. animal grooming
- c. art galleries
- d. automobile sales
- e. bars & taverns w/live entertainment and/or dancing
- f. blueprinting and photostat shops
- g. building materials, retail - within enclosed building, no outside storage
- h. business machine sales & rental
- i. concert halls and performance theaters, indoor
- j. garden centers
- k. health clubs & fitness centers
- l. hotels and motels
- m. motion picture theaters
- n. offices; business, professional, governmental & institutional, not to exceed 30% of the Use Area
- o. restaurants; including those w/drive-in facilities, carryout service alcohol service and/or entertainment
- p. retail goods establishment
- q. retail service establishment
- r. service station w/convenience store, car wash restaurant use, no auto repair or outside storage

2. Special Uses.

- a. bowling alleys
- b. car and truck rental
- c. convention centers
- d. dance halls
- e. game rooms
- f. pool halls
- g. restaurants, where alcohol service and/or entertainment is conducted outdoors
- h. skating rinks, indoor
- i. utility service buildings, towers and uses, excluding ordinary transmission lines, wires, poles, etc., providing service to individual uses.