

ORDINANCE 16-18

**AN ORDINANCE GRANTING APPROVAL OF THE FINAL DEVELOPMENT PLAN
AND THE FINAL PLAT OF SUBDIVISION FOR PROPERTY LOCATED AT THE
NORTHWEST CORNER OF WILLOW LANE & ROUTE 31 IN WEST DUNDEE,
ILLINOIS, COMMONLY KNOWN AS BRIGHT OAKS**

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 has received a petition from Platinum Real Estate and Property Investment, Inc. through its designee Bright Oaks of West Dundee, requesting approval of a Final Planned Development and a Final Plat of Subdivision for the purpose of constructing a 149-unit senior citizen housing development consisting of memory care, assisted living, and independent living over mixed-use retail; and

WHEREAS, on March 28, 2016, the West Dundee Planning and Zoning Commission, has reviewed the proposed Final Planned Development and Final Plat of Subdivision and find them to be in conformance with the approved preliminary plans; and

WHEREAS, the Village Board has considered the recommendations forwarded by the West Dundee Planning and 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 approval of Final Planned Development and Final Plat of Subdivision is hereby granted the following described parcel of property:

LOTS 18 AND 19 IN RESUBDIVISION OF LOTS 1, 2, 3, 4, 5, 6, 7, AND 8 OUTLOT B OF OLD WORLD SUBDIVISION (EXCEPT THAT PART CONDEMNED BY CASE #80ED11 TO THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS) IN THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS. (said property commonly known as NWC of Willow Lane & Route 31, West Dundee, IL 60118).

Section 2: The recommendations of the West Dundee Planning and Zoning Commission on the question of granting approval of a Final Planned Development and a Final Plat of Subdivision for the Subject Property are hereby accepted and the approval is granted subject to the following conditions:

1. Compliance with documents submitted with the Planning and Zoning Application;

2. Compliance with the Final Site Development Plans last revised on January 27, 2016 prepared by CEMCON, Ltd;
3. Compliance with all other applicable Village codes and ordinances.
4. Developer shall provide proof of project financing prior to issuance of any construction permits.
5. Developer shall set aside \$1 million of said financing to ensure restoration of site should construction of project cease.
6. Developer's \$1 million in funds shall be released at the following stages: (a) completion of foundation (\$200,000); (b) completion of building shell with finished roof over structure and with all exterior windows and doors installed (\$300,000); (c) completion of interior framing and all mechanical, electric, and plumbing including fire suppression and fire alarm (\$300,000); and, (4) start of drywall (\$200,000).
7. Developer and Village agree that details of said escrow/bond obligation must be agreed to and finalized prior to issuance of any construction permits.

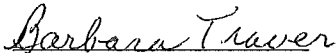
Section 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in 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 Price, Yuscka, Pflanz, Wilbrandt and Kembitzky
NAYS: None
ABSENT: Trustee Hanley

ATTEST:


Barbara Traver
Village Clerk


Christopher Nelson
Village President

Approved: May 16, 2016
Published: May 16, 2016