

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2012-048

AN ORDINANCE AMENDING ORDINANCE 2003-06 BEING THE SPECIAL USE PERMIT FOR THE PLAT OF SUBDIVISION OF HAWTHORN HILLS FASHION SQUARE, TO GRANT FINAL APPROVAL TO THE PLAT OF RE-SUBDIVISION OF HAWTHORN HILLS FASHION SQUARE TO CREATE LOT 1 IN THE NOODLES SUBDIVISION FOR PROPERTY LOCATED ADJACENT TO MILWAUKEE AVENUE, SOUTH OF ROUTE 60, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY

THE 5th DAY OF SEPTEMBER 2012

Published in pamphlet form by the Authority of the President and Board of Trustees of the Village of Vernon Hills, Lake County, Illinois, this 14th Day of September 2012

ORDINANCE NO. 2012 - 048

**AN ORDINANCE AMENDING ORDINANCE
2003-06 BEING THE SPECIAL USE PERMIT
FOR THE PLAT OF SUBDIVISION OF
HAWTHORN HILLS FASHION SQUARE, TO
GRANT FINAL APPROVAL TO THE PLAT
OF RE-SUBDIVISION OF HAWTHORN
HILLS FASHION SQUARE TO CREATE LOT
1 IN THE NOODLES SUBDIVISION FOR
PROPERTY LOCATED ADJACENT TO
MILWAUKEE AVENUE, SOUTH OF ROUTE
60, IN THE VILLAGE OF VERNON HILLS,
LAKE COUNTY**

WHEREAS, Hawthorn Hills LLC c/o Chase Properties of Beachwood, Ohio, in regard to properties legally described in Exhibit A, has petitioned the Village of Vernon Hills to amend the Special Use Permit for the Planned Unit Development for Lot 5 in Final Plat of Subdivision of Hawthorn Hills Fashion Square, as setforth in Ordinance 2003-06, to grant preliminary and final approval to the plat of re-subdivision for Lot 5 of the Hawthorn Hills Fashion Square to create Lot 1 in the Noodles Subdivision; and

WHEREAS, Hawthorn Hills LLC is specifically requesting approval to subdivide a portion of Lot 5 to create the Noodles Subdivision which will contain the Noodles & Company restaurant; and

WHEREAS, upon due notice and after public hearing held August 8, 2012 by the Planning and Zoning Commission of the Village of Vernon Hills, pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, said Planning and Zoning Commission has filed its report concerning said petition to amend the Special Use Permit for the Planned Unit Development for Lot 5 in Final Plat of Subdivision of Hawthorn Hills Fashion Square, as setforth in Ordinance 2003-06, to grant preliminary and final approval to the plat of re-subdivision for Lot 5 of the Hawthorn Hills Fashion Square to create Lot 1 in the Noodles Subdivision; and

WHEREAS, it has been determined that by amending the Special Use Permit for this Planned Unit Development, it will have no serious and depreciating effect upon the value of surrounding property and will have no adverse effect upon the character of the neighborhood, public utility facilities or other matters pertaining to the public health, public safety and general welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, COUNTY OF LAKE AND STATE OF ILLINOIS:

SECTION I. Pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, the amendment of the Special Use Permit for the Planned Unit Development for Lot 5 in Final Plat of Subdivision of Hawthorn Hills Fashion Square, as setforth in Ordinance 2003-06, to grant preliminary and final approval to the plat of re-subdivision for Lot 5 of the Hawthorn Hills Fashion Square to create Lot 1 in the Noodles Subdivision is hereby approved subject to the conditions listed below in Section II. Said parcels are legally described in Exhibit A.

SECTION II. Pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, and the recommendations of the Planning and Zoning Commission, the following conditions are hereby approved and are made a part of the approvals as listed in Section I:

1. General Compliance with the Noodle Subdivision plat prepared by Gewalt Hamilton Associated, Inc with a revised date of July 19, 2012 and consisting of one page as setforth in Exhibit B.
2. Compliance with all ordinances and standards of the Village except as otherwise noted.
3. The developer's attorney shall provide a letter of explanation to the Village regarding the access ingress/egress on and over Lot 5 and Lot 4 to Lot 1.
4. Village execution of the Final Plat of Subdivision is specifically subject to the Owner including on the Final Plat of Subdivision language, deemed acceptable to the Village Attorney, granting an easement providing direct access from the Lot 1 in the Noodles Subdivision to the Ring Road.

SECTION III. SEVERABILITY. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION IV. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

SECTION V. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

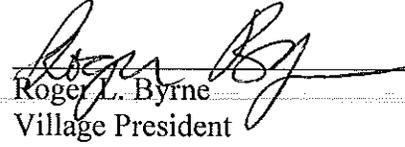
SECTION VI. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2012-048.

Adopted by roll call vote as follows:

AYES: 4 – Koch, Marquardt, Schwartz, Williams

NAYS: 0 – None

ABSENT AND NOT VOTING: 2: Schultz, Hebda


Roger L. Byrne
Village President

PASSED: 9/05/2012

APPROVED: 9/05/2012

PUBLISHED IN PAMPHLET FORM: 9/14/2012

ATTEST:



Michael W. Allison
Village Clerk

Exhibit A
Legal Description

NOODLES SUBDIVISION – LEGAL DESCRIPTION

Lot 1:

That part of the P.U.D. for Lot 5 in Final Plat of Subdivision of Hawthorn Hills Fashion Square, recorded as Document No. 5112012 on January 20, 2003, being a Planned Unit Development (PUD) of part of the Northwest quarter of Section 3 and the Northeast quarter of Section 4, Township 43 North, Range 11 East, of the Third Principal Meridian, described as follows: Beginning at the most Northeasterly corner of said PUD also being the Southeast corner of Lot 4 in the Final Plat of Subdivision of Hawthorn Hills Fashion Square, recorded as Document No. 2467230 on August 1, 1986; thence South 88° 19' 16" West along the North line of said PUD also being the South line of said Lot 4, a distance of 162.39 feet to the Southwest corner of said Lot 4; thence South 01° 49' 06" East, a distance of 250.54 feet to the South line of a 10 foot easement for watermain; thence North 89° 28' 00" East along the last described line, a distance of 48.94 feet; thence South 80° 57' 10" West, a distance of 82.65 feet; thence North 54° 22' 12" East, a distance of 66.30 feet to a point being the intersection of the East line of said PUD with the south line of a Drainage Easement; thence North 09° 01' 17" West along the East line of said PUD, a distance of 56.56 feet; thence North 08° 11' 51" West along the East line of said PUD, a distance of 148.75 feet to the point of beginning, all in Lake County, Illinois. Containing 42313.64 square feet or 0.971 acres.

RECEIVED

JUN 12 2012

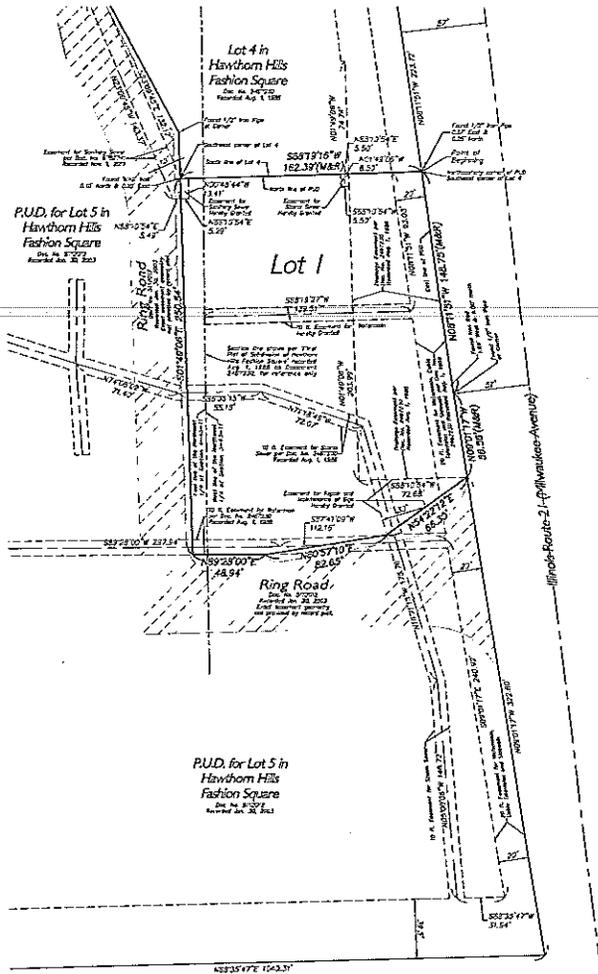
**COMMUNITY DEVELOPMENT
DEPARTMENT**

June 11, 2012

Exhibit B
Plat for Noodle Subdivision

Noodles Subdivision

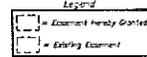
of that part of the P.U.D. for Lot 5 in Final Plat of Subdivision of Hawthorn Hills Fashion Square, being a Planned Unit Development of part of the Northeast quarter of Section 3 and the Northeast quarter of Section 4, Township 43 North, Range 11 East of the Third Principal Meridian, according to the Plat thereof recorded January 30, 2003 as Document No. 011202, in Lake County, Illinois.



GRAPHIC SCALE



Part of P.L.N. 15-04-201-051
 Box of Bearing is
 North 08°11'31" East from the West
 right-of-way line of Milwaukee Avenue



Surveyor's Certificate

State of Illinois, ss.
 County of Lake, ss.
 I, the undersigned, I, Robert F. W., Professional Land Surveyor No. 3552, have surveyed and subdivided the following described property:
 Lot 1
 That part of the P.U.D. for Lot 5 in Final Plat of Subdivision of Hawthorn Hills Fashion Square, recorded as Document No. 011202 on January 30, 2003, being a Planned Unit Development (PUD) of part of the Northeast quarter of Section 3 and the Northeast quarter of Section 4, Township 43 North, Range 11 East of the Third Principal Meridian, described as follows: Beginning at the most northerly corner of said PUD and being the Southeast corner of Lot 4 in the Final Plat of Subdivision of Hawthorn Hills Fashion Square, recorded as Document No. 011202 on August 7, 1995; thence South 89°21'07" East along the North line of said PUD and being the South line of said Lot 4, a distance of 152.55 feet to the Southeast corner of said Lot 1; thence South 07°42'26" East, a distance of 253.24 feet to the South line of said Lot 1; thence North 89°21'07" East, a distance of 152.55 feet to the East line of said PUD and being the East line of said Lot 1; thence North 89°21'07" East along the East line of said PUD, a distance of 68.86 feet, thence North 02°12'17" East along the East line of said PUD, a distance of 115.73 feet to the point of beginning, of 0.0734 acres, less or 0.073 acres.
 The property herein described is situated within Zone "C" (Area determined to be suitable 500-year floodplain) according to the FEMA Flood Insurance Rate Map, Map Number 1700700222 B, effective date September 7, 2000.
 The subdivision is within the corporate limits of the Village of Vernon Hills.
 Monuments were found of all points indicated herein. Three-quarter inch (3/4") steel pipe brass disks set in concrete "M&S" rods, or all distances are shown in feet and decimal parts thereof.
 The attached plat is a correct representation of said survey and subdivision.
 Dated this _____ day of _____ A.D. 2012
 By: _____
 Robert F. W.
 Illinois Professional Land Surveyor No. 3552
 My License Expires November 30, 2012

Owner's Certificate

State of Illinois, ss.
 County of Lake, ss.
 I, the undersigned, the Hawthorn Hills LLC, the legal owner of the land described on the attached plat, and have caused the same to be surveyed and subdivided as indicated herein, for the uses and purposes set forth and does hereby acknowledge and admit the same under the P.U.D. and take thereon notice.
 The undersigned further certifies that all of the land included in this plat lies within the boundaries of Hawthorn Hills Community Consolidated School District 73 (Elementary School) and Community High School District 728 (High School).
 Dated this _____ day of _____ A.D. 2012
 Owner: _____ Title: _____

Notary's Certificate

State of Illinois, ss.
 County of Lake, ss.
 I, _____ a Notary Public in and for the county and state aforesaid, do hereby certify that _____ personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument as _____ respectively appeared before me this day in person and acknowledged that they signed the plat as their own free and voluntary act for the uses and purposes set forth.
 Given under my hand and notary seal, this _____ day of _____ A.D. 2012.
 Notary Public: _____ My commission expires _____

Village Engineer's Certificate

State of Illinois, ss.
 County of Lake, ss.
 Approved and accepted by the Village Engineer of the Village of Vernon Hills, Lake County, Illinois, this _____ day of _____ A.D. 2012.
 Village Engineer: _____

Village Planning and Zoning Commission Certificate

State of Illinois, ss.
 County of Lake, ss.
 Approved by the Planning and Zoning Commission of the Village of Vernon Hills, Lake County, Illinois, this _____ day of _____ A.D. 2012.
 Chairman: _____ Secretary: _____

Village Board Certificate

State of Illinois, ss.
 County of Lake, ss.
 Approved by the President and Board of Trustees of the Village of Vernon Hills, Lake County, Illinois, at a meeting held this _____ day of _____ A.D. 2012.
 President: _____ Village Clerk: _____

Village Collector's Certificate

State of Illinois, ss.
 County of Lake, ss.
 I, _____ Collector for the Village of Vernon Hills, do hereby certify that there are no delinquent or unpaid current or delinquent unpaid assessments or any delinquent installments thereof that have not been apportioned against the tract of land included in the attached plat.
 Dated this _____ day of _____ A.D. 2012.
 Village Collector: _____

County Clerk's Certificate

State of Illinois, ss.
 County of Lake, ss.
 I, _____ County Clerk of Lake County, Illinois, do hereby certify that there are no delinquent general taxes, no unpaid Special Taxes and no redeemable tax sales against any of the land included in the attached plat.
 I further certify that I have received all necessary fees in connection with the attached plat.
 Given under my hand and seal of the County Court of Cook County, Illinois, this _____ day of _____ A.D. 2012.
 County Clerk: _____

Easement for Monument Sign
 A non-exclusive easement is hereby granted and conveyed in favor of the owner of this portion of Lot 3 in Hawthorn Hills Fashion Square that is located outside of Lot 1 as shown on this Plat of Subdivision (Lot 3 Owner) to construct, maintain, repair and replace a monument sign and other communications therein (collectively, the "Sign") in the location (Sign Easement Area) more fully described and depicted on this Plat of Subdivision as "Easement for Sign" and to install, maintain, repair and replace the same as shown by dotted lines on this Plat and within the Sign Easement Area. The Sign Easement Area shall remain the property of the Lot 3 Owner notwithstanding any conveyance or other transfer of Lot 1. In the event the Sign Easement Area is taken by condemnation or deed in lieu of condemnation, the owner of Lot 1 shall compensate the replacement Sign Easement Area with comparable visibility or access to the original location as reasonably possible and the Lot 3 Owner shall have the right to any condemnation proceeds payable with respect to the Sign.

Easements for Public Utilities
 A non-exclusive easement is hereby granted to the Illinois Bell Telephone Company, Commonwealth Edison Company, Northern Illinois Gas Company, the Village of Vernon Hills as to storm sewers, water and cable television, and the Lake County Department of Public Works and the Village of Vernon Hills, Illinois, as to sanitary sewers, and their respective successors, and to install, by contract, lease, purchase and maintain underground conduits and cables, sanitary and storm sewers and water mains, with all necessary manholes, water valves, and other equipment for the purpose of serving the property herein and other property with telephone, electric, gas, sanitary and storm sewer and water service, the right to enter upon the property of the owner of Lot 1 to install, by contract, lease, purchase or maintain such said easement area and conduits, cables, manholes, water valves and other equipment, and to bury the right in favor of the owner of Lot 1 to cut down and remove or trim and keep trimmed any trees, shrubs or objects that interfere, or threaten to interfere with any of the said public utility equipment.

The foregoing easements shall be subject to the following terms and conditions, and by accepting control over such easements the grantor agrees that:
 (a) the grantor reserves the right to use the easement property for all purposes, including without limitation parking, storage and sidewalks;
 (b) each portion of any said easement shall terminate upon the mutual agreement of the affected parties, upon the removal of all equipment thereon, or upon abandonment by the grantor, whichever shall first occur;
 (c) grantor shall have the right to relocate said easements, provided that such relocation shall be at grantor's cost and expense and subject to the approval of the Village of Vernon Hills as to the easements granted to the Village;
 (d) All installations shall be underground or on the surface, but not above-ground;
 (e) the form grantor or used herein shall mean the holder of record title to the land herein described and its successors and assigns, forever;
 (f) the grantor under the easements shall repair or replace any improvements or vegetation removed or damaged by exercise of the easement rights granted hereunder, including repair of the utility facilities.

Illinois Bell Telephone Company's Consent
 State of Illinois, ss.
 County of Lake, ss.
 The undersigned does hereby consent to and accept the provisions and easements granted to Illinois Bell Telephone Company and agrees that this consent shall be binding.
 Dated this _____ day of _____ A.D. 2012.
 By: _____ Title: _____

Commonwealth Edison Company's Consent
 State of Illinois, ss.
 County of Lake, ss.
 The undersigned does hereby consent to and accept the provisions and easements granted to Commonwealth Edison Company and agrees that this consent shall be binding.
 Dated this _____ day of _____ A.D. 2012.
 By: _____ Title: _____

Northern Illinois Gas Company's Consent
 State of Illinois, ss.
 County of Lake, ss.
 The undersigned does hereby consent to and accept the provisions and easements granted to Northern Illinois Gas Company and agrees that this consent shall be binding.
 Dated this _____ day of _____ A.D. 2012.
 By: _____ Title: _____

Village of Vernon Hills' Consent
 State of Illinois, ss.
 County of Lake, ss.
 The undersigned does hereby consent to and accept the provisions and easements granted to it and agrees that this consent shall be binding.
 Dated this _____ day of _____ A.D. 2012.
 Director, Vernon Hills Public Works Department: _____ Printed Name: _____
 Lake County Department of Public Works' Consent
 State of Illinois, ss.
 County of Lake, ss.
 The undersigned does hereby consent to and accept the provisions and easements granted to it and agrees that this consent shall be binding.
 Dated this _____ day of _____ A.D. 2012.
 Director, Lake County Public Works Department: _____ Printed Name: _____

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		4 1/4" 3-10-12 For Village of Vernon Hills Files 3 1/4" 3-15-12 For Owner's Comments 2 1/4" 3-4-12 For Village of Vernon Hills Comments 1 1/4" 3-27-12 For Village of Vernon Hills Comments	SCALE: 1"=40' OF 1 SHEETS	Final	

4387.000 Noodles Subdivision

STATE OF ILLINOIS)
)
COUNTY OF LAKE)

CERTIFICATE

I, MICHAEL S. ALLISON, CERTIFY THAT I AM THE DULY APPOINTED VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS. I FURTHER CERTIFY THAT ON SEPTEMBER 5, 2012, THE CORPORATE AUTHORITIES OF SUCH MUNICIPALITY PASSED AND APPROVED ORDINANCE 2012-048, AN ORDINANCE AMENDING ORDINANCE 2003-06 BEING THE SPECIAL USE PERMIT FOR THE PLAT OF SUBDIVISION OF HAWTHORN HILLS FASHION SQUARE, TO GRANT FINAL APPROVAL TO THE PLAT OF RE-SUBDIVISION OF HAWTHORN HILLS FASHION SQUARE TO CREATE LOT 1 IN THE NOODLES SUBDIVISION FOR PROPERTY LOCATED ADJACENT TO MILWAUKEE AVENUE, SOUTH OF ROUTE 60, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY

THE PAMPHLET FOR ORDINANCE NO. 2012-048, INCLUDING THE ORDINANCE AND A COVER SHEET THEREOF WAS PREPARED, AND A COPY OF SUCH ORDINANCE WAS POSTED IN THE VILLAGE HALL, COMMENCING SEPTEMBER 14, 2012 AND CONTINUING FOR AT LEAST TEN DAYS THEREAFTER. COPIES OF SUCH ORDINANCE WERE ALSO AVAILABLE FOR PUBLIC INSPECTION UPON REQUEST IN THE OFFICE OF THE VILLAGE CLERK.

DATED IN VERNON HILLS, ILLINOIS, THIS 14TH DAY OF SEPTEMBER 2012



SEAL



MICHAEL S. ALLISON, VILLAGE CLERK

AFFIDAVIT OF SERVICE

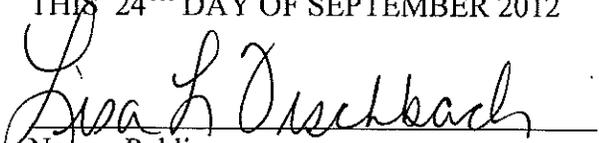
STATE OF ILLINOIS)
)
COUNTY OF LAKE)

I, MICHAEL S. ALLISON, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, HE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE 2012-048, AN ORDINANCE AMENDING ORDINANCE 2003-06 BEING THE SPECIAL USE PERMIT FOR THE PLAT OF SUBDIVISION OF HAWTHORN HILLS FASHION SQUARE, TO GRANT FINAL APPROVAL TO THE PLAT OF RE-SUBDIVISION OF HAWTHORN HILLS FASHION SQUARE TO CREATE LOT 1 IN THE NOODLES SUBDIVISION FOR PROPERTY LOCATED ADJACENT TO MILWAUKEE AVENUE, SOUTH OF ROUTE 60, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM SEPTEMBER 14 UNTIL SEPTEMBER 24, 2012



MICHAEL S. ALLISON, VILLAGE CLERK

SUBSCRIBED AND SWORN TO BEFORE
THIS 24TH DAY OF SEPTEMBER 2012



Notary Public

