

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2012-056

AN ORDINANCE AMENDING ORDINANCE NO. 2011-045 AUTHORIZING THE
VILLAGE OF VERNON HILLS TO APPROVE AN EASEMENT TO ALLOW
UNDERGROUND CONDUIT FOR THE PURPOSE OF ILLUMINATING SUBDIVISION
ENTRY SIGNAGE IN GREGGS LANDING

THE 16th DAY OF OCTOBER, 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 18th Day of
October, 2012

ORDINANCE NO. 2012 - 056

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NO. 2011-045 AUTHORIZING THE VILLAGE
OF VERNON HILLS TO APPROVE AN
EASEMENT TO ALLOW UNDERGROUND
CONDUIT FOR THE PURPOSE OF
ILLUMINATING SUBDIVISION ENTRY
SIGNAGE IN GREGGS LANDING**

WHEREAS, the Gregg's Landing North Homeowners Association (HOA) is desirous of providing illumination to all of its subdivision pod entry signs that are internal to the development; and

WHEREAS, some of the subdivision pod entry signs were illuminated upon installation of the signs; and

WHEREAS, other subdivision pod entry signs were not illuminated upon installation; and

WHEREAS, the HOA has determined that easements are required from the Village of Vernon Hills (the "Village") in order to run the necessary conduit to some of the respective subdivision pod entry signs; and

WHEREAS, the Village is willing to grant the easements required by the HOA to run the necessary electrical conduit across Village owned property, including but not limited to public right of way property; and

WHEREAS, the previously approved Ordinance 2011-045 permitted the installation of conduit within areas depicted within the exhibits; and

WHEREAS, utility conflicts discovered within the field dictated revisions to crossing locations; and

WHEREAS, Ordinance 2012-056 authorizes the placement of the crossings per the attached exhibits which reflect the as-constructed locations.

NOW THEREFORE, in consideration of the covenants and agreements of each of the parties hereto hereinafter set forth, it is mutually agreed as follows:

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. Preambles Incorporated. The above preambles are hereby incorporated by reference.

SECTION II. Easement Agreement. The Board approves the exhibit revisions to the EASEMENT TO ALLOW UNDERGROUND CONDUIT FOR THE PURPOSE OF ILLUMINATING

SUBDIVISION ENTRY SIGNAGE IN GREGGS' LANDING and authorizes the Village President to sign said easement.

SECTION III. 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 IV. Effective Date. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION V. Ordinance Number. This ordinance shall be known as Ordinance Number 2012-056.

Adopted by roll call vote as follows:

AYES: 6 – Koch, Marquardt, Schultz, Schwartz, Williams, Hebda

NAYS: 0 - None

ABSENT AND NOT VOTING: 0 - None


Roger L. Byrne, Village President

PASSED: 10/16/2012

APPROVED: 10/16/2012

PUBLISHED IN PAMPHLET FORM: 10/18/2012

ATTEST


Michael S. Wilson, Village Clerk

Exhibit "A"

EASEMENT TO ALLOW UNDERGROUND CONDUIT FOR THE PURPOSE OF
ILLUMINATING SUBDIVISION ENTRY SIGNAGE IN GREGGS' LANDING

**EASEMENT TO ALLOW UNDERGROUND CONDUIT FOR THE PURPOSE OF
ILLUMINATING SUBDIVISION ENTRY SIGNAGE IN GREGGS' LANDING**

This Easement Agreement ("Agreement") is entered into as of this ___ day of _____, 2012 by and between the Village of Vernon Hills (the "Village") and Greggs Landing North Homeowners' Association ("HOA").

WITNESSETH

WHEREAS, the HOA is desirous of providing illumination to all of its subdivision pod entry signs that are internal to the development;

WHEREAS, some of the subdivision pod entry signs were illuminated upon installation of the signs; and

WHEREAS, other subdivision pod entry signs were not illuminated upon installation; and

WHEREAS, the HOA has determined that easements are required from the Village of Vernon Hills (the "Village") in order to run the necessary conduit to some of the respective subdivision pod entry signs; and

WHEREAS, the Village is willing to grant the easements required by the HOA to run the necessary electrical conduit across Village owned property, including but not limited to public right of way property.

NOW THEREFORE, in consideration of the covenants and agreements of each of the parties hereto hereinafter set forth, it is mutually agreed as follows:

WITNESSETH

1. The Village hereby grants to the Greggs Landing North Homeowners' Association the right to install underground electrical conduit for the sole purpose of illuminating only those subdivision pod entry signs. The routing of the electrical conduit and the location of the signs are identified on Exhibit "A".
2. The HOA shall bury the electrical conduit a minimum of thirty (30) inches in one (1) inch PVC Schedule 40 carrier pipe within the right of way.
3. Boring and receiving pits shall be a minimum of three (3) feet back of curb in all instances.
4. The HOA shall perform all needed J.U.L.I.E. "locate" requests for the underground conduit prior to any earth moving or construction commences.
5. The HOA shall notify the Village 72 hours in advance of when any earth moving or construction work is scheduled to occur on the properties identified in Exhibit "A".

6. The HOA shall take all necessary steps regarding traffic control, limitation of parking as well as cooperate with the Village as necessary and appropriate to ensure that the construction impacts the right of way in the least way possible.
7. The HOA shall provide a complete set of "as built" plans of the conduit to the Village upon completion of the installation.
8. The HOA agrees to defend, indemnify and hold the Village harmless of and from any and all loss, cost, damages, or expense, including attorneys' fees, witness fees, and other litigation expenses, arising out of or in the course of the work performed pursuant to this Agreement. Furthermore, the HOA agrees to have Vernon Hills added as an additional named insured on its liability insurance policy, as well as on the policy of all contractors and subcontractors hired by the HOA to do the actual work.
9. The term of this Agreement shall be perpetual, unless terminated sooner, which termination shall occur for an individual sign upon the permanent removal of the respective subdivision pod entry signs.
10. The HOA shall pay to the Village a one time fee of \$10 for the privilege of utilizing the easement, receipt of which is hereby acknowledged.
11. The HOA shall tender to the Village a performance bond in a minimum amount of twenty five thousand (\$25,000) to provide the Village with security against settlement of the land and for protection of the existing and future utilities located above and below the impacted right of way. The performance bond shall be released by the Village to the HOA within one year of the completion of the installation of all of the underground electrical conduit shown on Exhibit A.
12. It shall be the responsibility of the HOA and its contractors to avoid all existing utilities and to repair all damage to the Village infrastructure impacted by HOA's construction.
13. Restoration of landscaping, including topsoil and sod, shall be performed by the HOA and/or its contractors as soon as is practicable, weather permitting.

IN WITNESS WHEREOF, the Village of Vernon Hills has caused this Agreement to be duly executed by its President and Board of Trustees, and attested by its Village Clerk pursuant to ordinances adopted by its Village Board on the day and year first above written. The HOA has also caused this Agreement to be duly executed by its President and attested by its Secretary pursuant to resolution of the day and year first above written

VILLAGE OF VERNON HILLS

GREGGS LANDING
HOMEOWNERS' ASSOCIATION

By: _____
Its: _____

By: _____
Its: _____

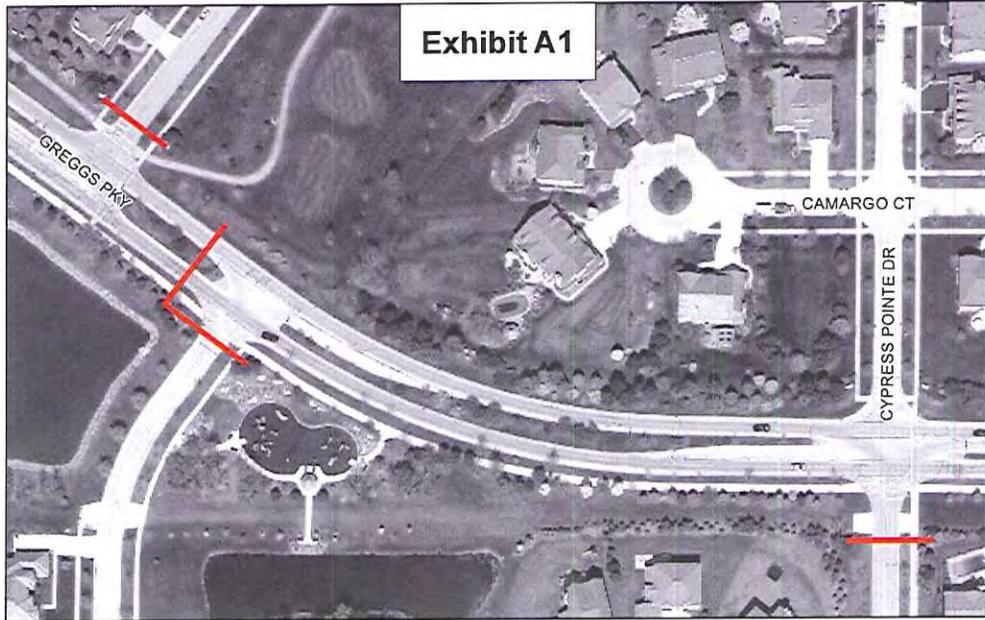
Attest:

By: _____
Its: _____

By: _____
Its: _____

Exhibit "A"

EASEMENT TO ALLOW UNDERGROUND CONDUIT FOR THE PURPOSE OF
ILLUMINATING SUBDIVISION ENTRY SIGNAGE IN GREGGS' LANDING



Legend

N
1 inch = 120 feet

— Work Crossing ROW
Date: 10/09/12

AFFIDAVIT OF SERVICE

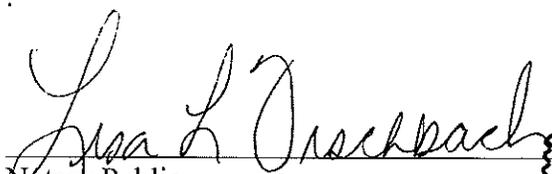
STATE OF ILLINOIS)
)
COUNTY OF LAKE)

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 2012-056, AN ORDINANCE AMENDING ORDINANCE NO. 2011-045 AUTHORIZING THE VILLAGE OF VERNON HILLS TO APPROVE AN EASEMENT TO ALLOW UNDERGROUND CONDUIT FOR THE PURPOSE OF ILLUMINATING SUBDIVISION ENTRY SIGNAGE IN GREGGS LANDING , TO BE POSTED IN THE VILLAGE HALL AS REQUIRED BY LAW FROM OCTOBER 18, 2012 TO OCTOBER 29, 2012.



MICHAEL S. ALLISON, VILLAGE CLERK

SUBSCRIBED AND SWORN to Before
THIS 18th DAY OF OCTOBER, 2012



Notary Public

