

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2011-011

AN ORDINANCE GRANTING FINAL APPROVALS FOR HH GREGG STORE BUILDING
AND RELATED IMPROVEMENTS ON PROPERTY LOCATED AT 555 EAST TOWNLINE
ROAD IN THE TOWNLINE COMMONS SHOPPING CENTER IN THE VILLAGE OF
VERNON HILLS, LAKE COUNTY.

THE 15th DAY OF MARCH, 2011

Published in pamphlet form by the Authority of the
President and Board of Trustees of the Village of
Vernon Hills, Lake County, Illinois, this 16th Day of
March, 2011

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WHEREAS, Representatives from HH Gregg and Herschman Architects, in regard to property at 555 East Townline Road and legally described in Exhibit A, have petitioned the Village of Vernon Hills for approval to amend the final landscaping and building elevation of the former Plunkett Furniture Store to allow the proposed HH Gregg Store, and;

WHEREAS, the final approvals would allow renovation and conversion of the former Plunkett Furniture Store space into a HH Gregg Store within the Townline Commons Shopping Center, and;

WHEREAS, JDK & Overlook Townline, LLC is the owner of the property and building located at 555 East Townline Road; and

WHEREAS, after the public meeting held February 9, 2011 and continued from time to time by the Planning and Zoning Commission of the Village of Vernon Hills, and pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, said Planning and Zoning Commission has filed its report concerning said petition as listed above and recommended approval to amend the final landscaping and building elevation for the proposed HH Gregg Store building subject to certain conditions.

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, the final site and landscaping plans and building elevations for the HH Gregg Store, as set forth in Exhibit B, are hereby approved subject to the conditions listed in Section II.

SECTION II. Pursuant to the Vernon Hills Zoning Ordinance of 1982, as amended, and the recommendations of the Planning and Zoning Commission, the Conditions of Approval, as set forth in Exhibit C, are hereby approved and are made a part of the approvals as listed in the Section above.

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. SUCCESSORS AND ASSIGNS. All of the provisions of this Ordinance and the attachments hereto are binding on all successors and assigns of HH Gregg and JDK & Overlook Townline, LLC.

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

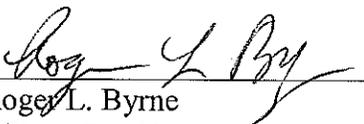
SECTION VII. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2011- 011.

Adopted by roll call vote as follows:

AYES: 5 - Schwartz, Schultz, Koch, Hebda, Marquardt

NAYS: 0 - None

ABSENT AND NOT VOTING: 1 - Williams


Roger L. Byrne
Village President

PASSED: 3/15/2011

APPROVED: 5/15/2011

PUBLISHED IN PAMPHLET FORM: 3/16/2011

ATTEST:

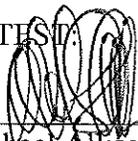

Michael Allison
Village Clerk

Exhibit A
Legal Description

Exhibit A

Legal Description of the Property

PARCEL 1: LOT 2 IN CONTINENTAL EXECUTIVE PARKE RESUBDIVISION NO. 5, BEING A RESUBDIVISION OF LOT 3 IN CONTINENTAL EXECUTIVE PARKE RESUBDIVISION NO. 1, IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 16, 1989 AS DOCUMENT NUMBER 2821072, IN LAKE COUNTY, ILLINOIS.

PARCEL 2: EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 CREATED BY ACCESS EASEMENT AGREEMENT DATED DECEMBER 1, 1989 AND RECORDED DECEMBER 22, 1989 AS DOCUMENT NUMBER 2862957, MADE BY AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE, UNDER TRUST AGREEMENT DATED NOVEMBER 3, 1988 AND KNOWN AS TRUST NUMBER 100468-03, ENDOWMENT AND FOUNTAIN REALTY LTD-JMB-III, A DELAWARE CORPORATION, AND WAL-MART PROPERTIES, INC, A DELAWARE CORPORATION, OVER THE FOLLOWING DESCRIBED LANDS;

(A) LOTS 1 AND 8 IN CONTINENTAL EXECUTIVE PARKE RESUBDIVISION NO. 1 BEING A SUBDIVISION OF LOT 6 IN CONTINENTAL EXECUTIVE PARKE-PHASE 1, A SUBDIVISION OF PART OF SECTION 3 AND 4, IN TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 19, 1989 AS DOCUMENT NUMBER 2784616, IN LAKE COUNTY, ILLINOIS.

(B) LOT 1 IN CONTINENTAL EXECUTIVE PARKE RESUBDIVISION NO. 5, BEING A RESUBDIVISION OF LOT 3 IN CONTINENTAL EXECUTIVE PARKE RESUBDIVISION NO. 1, A SUBDIVISION OF PART OF SECTIONS 3 AND 4, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 16, 1989 AS DOCUMENT NUMBER 2821072, IN LAKE COUNTY, ILLINOIS.

(C) LOT 9 IN CONTINENTAL EXECUTIVE PARKE RESUBDIVISION NO. 1, BEING A RESUBDIVISION OF LOT 8 IN CONTINENTAL EXECUTIVE PARKE-PHASE 1, A SUBDIVISION OF PARTS OF SECTION 3 AND 4, IN TOWNSHIP 43 NORTH RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 19, 1989 AS DOCUMENT NUMBER 2784616, IN LAKE COUNTY, ILLINOIS.

(D) LOT 5 IN HAWTHORN HILLS FASHION SQUARE SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 1, 1986 AS DOCUMENT NUMBER 2467230, IN LAKE COUNTY, ILLINOIS.

PARCEL 3: EASEMENT FOR THE BENEFIT OF PARCEL 1, FOR THE STORM WATER FACILITIES, AS CREATED BY AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS FOR THE LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS FOLLOWS:

CONTINENTAL EXECUTIVE PARKE, VERNON HILLS, ILLINOIS, RECORDED MAY 2, 1991 AS DOCUMENT NUMBER 3014689.

PARCEL 4: EASEMENT FOR THE BENEFIT OF PARCEL 1, FOR DETENTION PONDS AND SIGNAGE, AS CREATED BY DECLARATION OF EASEMENTS FOR AND COVENANTS REGARDING LANDSCAPING, DETENTION PONDS, AND PROJECT SIGNAGE, RECORDED MAY 16, 1989 AS DOCUMENT NUMBER 2792431.

PARCEL 5: EASEMENT FOR THE BENEFIT OF PARCEL 1, FOR ACCESS AND PARKING, AS CREATED BY RECIPROCAL EASEMENT AND OPERATION AGREEMENT, RECORDED JUNE 9, 1989 AS DOCUMENT NUMBER 2800476, AND AS AMENDED BY FIRST AMENDMENT TO RECIPROCAL EASEMENT AND OPERATION AGREEMENT RECORDED NOVEMBER 13, 1989 AS DOCUMENT NUMBER 2849901.

PARCEL 6: EASEMENT FOR THE BENEFIT OF PARCEL 1 WITHIN LOT 2 IN CONTINENTAL EXECUTIVE PARKE RESUBDIVISION NO. 1, FOR THE USE OF ROADWAYS, PARKING SPACES, AND PEDESTRIAN WALKS, AS CREATED BY COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND RECIPROCAL RIGHTS AGREEMENT, RECORDED JULY 7, 1989 AS DOCUMENT NUMBER 2808646.

PARCEL 7: EASEMENT FOR THE BENEFIT FOR PARCEL 1, WITHIN LOT 1 IN CONTINENTAL EXECUTIVE PARKE RESUBDIVISION NO. 5, AND 9 IN CONTINENTAL EXECUTIVE PARKE RESUBDIVISION NO. 1, FOR ROADWAYS, WALKWAYS, INGRESS AND EGRESS, PARKING, AND LOADING AND UNLOADING OF COMMERCIAL AND OTHER VEHICLES, AS CREATED BY

EASEMENTS WITH COVENANTS AND RESTRICTIONS AFFECTING LAND, RECORDED
SEPTEMBER 6, 1989 AS DOCUMENT NUMBER 2827170.

PARCEL 8: EASEMENT FOR THE BENEFIT FOR PARCEL 1, WITHIN LOT 8 IN CONTINENTAL
EXECUTIVE PARKE RESUBDIVISION NO. 1, FOR PARKING OF VEHICLES, AS CREATED BY
COVENANTS, CONDITIONS, RESTRICTIONS AND RECIPROCAL RIGHTS AGREEMENT RECORDED
OCTOBER 6, 1990 AS DOCUMENT NUMBER 2961318.

PARCEL 8: EASEMENT FOR THE BENEFIT FOR PARCEL 1, WITHIN LOT 1 IN CONTINENTAL
EXECUTIVE PARKE RESUBDIVISION NO. 1 FOR ROADWAYS, PARKING SPACES, AND
PEDESTRIAN WALKS, AS CREATED BY COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENT,
AND RECIPROCAL, AND RECIPROCAL AGREEMENT, RECORDED FEBRUARY 21, 1991 AS
DOCUMENT NUMBER 2991884.

Exhibit B
Approved Plans

- HH Gregg plan prepared by Herschman Architects with a date of 1/28/11 and consisting of one page (ELEV) and containing the proposed Storefront Plan with decorative pots, Existing and Proposed North Elevations and proposed East and West Elevations.

Exhibit C

Terms and Conditions of Approval

1. General compliance with the proposed HH Gregg plan prepared by Herschman Architects with a date of 1/28/11 and consisting of one page (ELEV) and containing the proposed Storefront Plan, Existing and Proposed North Elevations and proposed East and West Elevations. The existing wall sconces will be reused on the new elevation.
2. Review and approval of revised landscaping plans by the Village Landscape Technician and installation of any required plant materials shall be required prior to issuance of certificate of occupancy for the project. The Landscape Technician may require replacement of any plants adjacent to the store space where, in his opinion, the plant materials are in poor health. The petitioner and property owner shall make every effort to preserve the existing trees within the planting bed.
3. Review and approval of the revised engineering plans, if required, by the Village Engineer. Due to the time of year, this approval may occur after issuance of the building permit for this project. The petitioner shall work with the Village Engineer to inspect the property and make repairs where necessary to the existing parking lot and sidewalks adjacent to the HH Gregg store. This will likely require possible pavement or concrete patching, replacement of regulatory signs and re-striping of parking spaces, repair or replacement of parking lot lighting, etc. The Village Engineer will work with the property owners to determine the timing of this work and may allow it to occur over several construction seasons.
4. The petitioner shall provide large decorative pots on either side of the store entrance as shown in the approved plans. The pots will have seasonal plant materials including some plant materials which exceed 2 feet in height, all of which provide seasonal colors thru out the year. Seasonal grasses may be used. The plant materials are to be maintained and shall be replaced if they die. The Village will review the selection of plant materials prior to the initial installation.
5. Compliance with all ordinances and standards of the Village.

AFFIDAVIT OF SERVICE

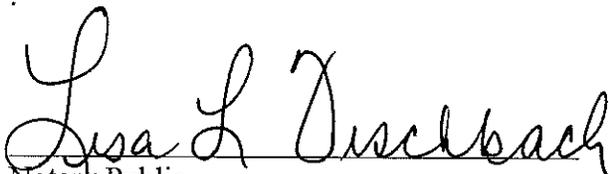
STATE OF ILLINOIS)
)
COUNTY OF LAKE)

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 2011-011, AN ORDINANCE GRANTING FINAL APPROVALS FOR HH GREGG STORE BUILDING AND RELATED IMPROVEMENTS ON PROPERTY LOCATED AT 555 EAST TOWNLINE ROAD IN THE TOWNLINE COMMONS SHOPPING CENTER IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY.



MICHAEL S. ALLISON, VILLAGE CLERK

SUBSCRIBED AND SWORN TO BEFORE
THIS 16TH DAY OF MARCH, 2011



Notary Public

