

RESOLUTION NO. 2011 – 011

A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO EXECUTE ALL DOCUMENTS NECESSARY TO TERMINATE THE DECLARATION OF PROTECTIVE COVENANTS FOR DEERPATH ATRIUM CENTER LOCATED WITHIN THE VILLAGE OF VERNON HILLS

WHEREAS, the Village of Vernon Hills (“Village”) is a body politic and corporate, duly organized and existing under the laws of the State of Illinois; and

WHEREAS, the Village may exercise any power and perform any function pertaining to its government by virtue of 65 ILCS 5/1-1-1 et seq.; and

WHEREAS, Deerpath Atrium Subdivision is a five (5) lot subdivision that was developed with private roads, private storm water detention and swale facilities, and a private parking lot (“Private Facilities”), and which as a result of the Private Facilities was required by the Village to create a property owners association to be responsible for said maintenance; and

WHEREAS, the Deerpath Atrium Center Association, a not-for-profit property owners association, was created to provide a mechanism to maintain the Private Facilities in the subdivision; and

WHEREAS, in 2010, the Village agreed to accept and did accept the public dedication of the Atrium Drive roadway, and the Village agreed to allow the two (2) lots owners upon whose property the storm water detention and swale facilities are located to maintain said improvements; and

WHEREAS, due to the fact that the private roadway was dedicated to the public and the storm water detention and swale facilities are to be privately maintained by two (2) of the lot owners in the subdivision, there was no longer a need to continue with a property owners association; and

WHEREAS, the members of the Deerpath Atrium Center Association, at its September 28, 2010 meeting, voted unanimously for dissolution the Association subject to obtaining the Village’s written consent pursuant to Section 10.5 of the Declaration of Protective Covenants governing the Association; and

WHEREAS, the Village agreed to the dissolution of the Association subject to the members agreeing to entering into separate maintenance agreements related to Shared Parking Lot as setforth in Article 7 of the Declaration and the Swale Area as setforth in Article 8 of the Declaration of the Association; and

WHEREAS, the respective property owners have entered into said Agreements thereby satisfying the Village’s requirement; and

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

That the Village President and Village Clerk, be and hereby are authorized, on behalf of the Village, to execute the Agreement to Terminate the Declaration of Protective Covenants for Deerpath Atrium Center, said Agreement being attached as Exhibit A.

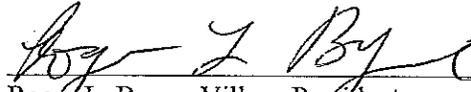
Dated this 18th day of January 2011.

Adopted by roll call vote as follows:

Ayes: 5 - Koch, Schultz, Schwartz, Hebda, Byrne

Nays: 0 - None

Absent and not voting: 2 - Williams, Marquardt



Roger L. Byrne, Village President

PASSED: 1/18/2011

APPROVED: 1/18/2011

ATTEST: 1/19/2011



Michael S. Allison, Village Manager/Clerk



Exhibit A

AGREEMENT TO TERMINATE DECLARATION OF PROTECTIE
COVENANTS DEERPATH ATRIUM CENTER – VERNON HILLS, ILLINOIS