

VILLAGE OF GILBERTS

RESOLUTION 44-2022

**A RESOLUTION APPROVING MODIFICATIONS TO APPROVED BUILDING
MODEL ELEVATIONS FOR THE SINGLE-FAMILY HOMES IN THE
CONSERVANCY DEVELOPMENT**

WHEREAS, on October 31, 2005, the Village of Gilberts Board of Trustees approved an Annexation and Development Agreement between the Village of Gilberts and the owners of approximately 1,114 acres of land as described in the original Annexation Agreement (“**Original Annexation Agreement**”) for the development of 1,114 acres known as the Conservancy (“**Conservancy**”), which Agreement was recorded on January 9, 2006, with the Kane County Recorder’s Office, as Document No. 2006K002188; and

WHEREAS, Gilberts Development LLC (“**Gilberts Development**”), is the successor-in-interest to a portion of the Conservancy consisting of 914.02 acres (“**Gilberts Development Parcel**”); and

WHEREAS, the Annexation Agreement has been amended from time-to-time, including the First Amendment, which was recorded on February 3, 2017, with the Kane County Recorder’s Office as Document No. 2017K006674, the Second Amendment, which was recorded on April 16, 2019, with the Kane County Recorder’s Office as Document No. 2019K014772; and the Third Amendment which was recorded on July 9, 2019, with the Kane County Recorders’ Office as Document No. 2019K029087 (the Original Annexation Agreement, First Amendment, Second Amendment, and Third Amendment shall be collectively referred to as “**Annexation Agreement**”); and

WHEREAS, on November 22, 2005, the Village of Gilberts Board of Trustees also approved Ordinance No. 05-46, a Rezoning and Planned Unit Development Ordinance for the Conservancy Development; and

WHEREAS, Ordinance No. 05-46 has been amended from time-to-time, including a First PUD Amendment approved in 2017, and a Second PUD Amendment in 2019 (Ordinance No. 05-46, as amended by the First PUD Amendment and Second PUD Amendment, shall be referred to as the “**PUD Ordinance**”); and

WHEREAS, the PUD Ordinance approved Building Elevation Plans for the single-family homes in the Gilberts Development Parcel; and

WHEREAS, Section 3 of the PUD Ordinance and Section 22.J of the Annexation Agreement authorize the Village Board to approve modifications to the approved Building Elevation Plans pursuant to a Resolution; and

WHEREAS, the Village Board previously approved additional Building Elevation Plans for single family homes, as prepared by Pulte Homes, pursuant to Resolution Nos. 19-2018, 20-2019, 08-2020, and 14-2020; and

WHEREAS, the Village Board is now being asked to approve updated Elevations for the Bahama, Cayman and Dominica models to now be known as Grand Bahama, Grand Cayman and Dominica Spring, respectively, and to remove certain other previously approved elevations for the single-family homes on the Gilberts Development Parcel; and

WHEREAS, the Village Board has considered and approves the request to modify the approved Building Elevation Plans for the single-family homes in the Gilberts Development Parcel, as set forth in this Resolution.

THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS AS FOLLOWS:

Section 1. **Recitals.** The recitals set forth above are hereby incorporated into and made a part of this Resolution as though set forth in this Section 1.

Section 2. **Approval of Updated Building Model Elevations for Single Family Homes.** In accordance with the authority granted by the Annexation Agreement and the PUD Ordinance, the Village Board of Trustees hereby approves modifications to the approved Building Model Elevation Plans for single family residences in the Gilberts Development Parcel to change certain previously approved Elevations and to remove certain previously approved Elevations, all as described in **Exhibit B**, which contains a list of the authorized Building Elevations for the single-family homes in the Gilberts Development Parcel..

Section 3. **Conditions.** The approvals granted in Section 2 of this Resolution are conditioned upon and limited by the following requirements, conditions, and restrictions, the violation of any of which shall, in the sole discretion of the President and Board of Trustees, invalidate the approvals:

- A. **No Authorization of Work.** This Resolution does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Conservancy Development pursuant to the approvals granted in this Resolution unless and until all conditions of this Resolution have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law.

- B. **Compliance with Laws.** The Village’s zoning, subdivision, and building regulations, and all other applicable Village ordinances and regulations shall continue to apply to the Conservancy Development, and the development and use of the Conservancy Development shall comply with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.

C. Continued Effect of the Approvals. The Amended PUD Ordinance and the Amended Annexation Agreement (including previously approved elevations for townhome units which are not being modified by this Resolution) shall remain in full force and effect, and the Owner shall comply with all requirements, conditions, and restrictions therein.

In addition, any violation of this Resolution shall be deemed a violation of the Village of Gilberts Zoning Code and shall subject the Owner to enforcement proceedings accordingly.

Section 4. Severability. In the event a court of competent jurisdiction finds this Resolution or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Resolution and the application thereof to the greatest extent permitted by law.

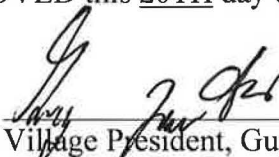
Section 5. Repeal and Saving Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Gilberts prior to the effective date of this Resolution.

Section 6. Effective Date. Upon its passage and approval according to law, this Resolution shall, by authority of the Board of Trustees, be published in pamphlet form.

PASSED BY THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this 20th day of September, 2022.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Jeanne Allen	<u>X</u>	_____	_____	_____
Trustee Dan Corbett	_____	_____	<u>X</u>	_____
Trustee Brandon Coats	<u>X</u>	_____	_____	_____
Trustee Lou Hacker	<u>X</u>	_____	_____	_____
Trustee Justin Redfield	<u>X</u>	_____	_____	_____
Trustee David LeClercq	<u>X</u>	_____	_____	_____
President Guy Zambetti	_____	_____	_____	_____

APPROVED this 20TH day of SEPTEMBER, 2022.



 Village President, Guy Zambetti



 Village Clerk, Kelly Mastera

