

**VILLAGE OF GILBERTS**

**RESOLUTION 14-2020**

**A RESOLUTION APPROVING AN ADDITIONAL BUILDING MODEL ELEVATION 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, and 08-2020; and

**WHEREAS**, the Village Board is now being asked to approve a supplemental Building Elevation Plan for the Palladio Ranch Model Elevation A that includes partial brick or stone; and

**WHEREAS**, the Village Board has considered and approves the request to approve a supplemental Building Elevation Plan 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 an Additional Building Model Elevation Plan 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 the additional Building Model Elevation Plan for single family residences in the Gilberts Development Parcel that are attached to this Resolution as **Exhibit B**; provided, however, that this approval is limited to the Palladio Ranch Elevations with partial brick or stone and not the Palladio Ranch Elevations with siding only. These Elevations supplement the Elevations authorized by the PUD Ordinance and Resolution Nos. 19-2018, 20-2019, and 08-2020.

**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 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 20 day of May 2020.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Dan Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Elissa Kojzarek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Nancy Farrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Jeanne Allen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Lou Hacker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Guy Zambetti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Rick Zirk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED THIS 20 DAY OF May, 2020

[Signature]  
Village President, Rick Zirk

[Signature]  
Village Clerk, Courtney Baker

Published:

5-20-20



**EXHIBIT A**

**LEGAL DESCRIPTION OF THE CONSERVANCY DEVELOPMENT**

**PARCEL 1:**

THE WEST 87 LINKS OF GOVERNMENT LOT 1 OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

**PARCEL 2:**

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

**PARCEL 3:**

THE SOUTH 4 RODS OF THE EAST 3 RODS OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 11 TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS.

**PARCEL 4:**

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THAT PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING EASTERLY OF THE RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY, SAID PARALLEL LINE BEING ALSO THE WESTERLY RIGHT OF WAY LINE OF THE ELGIN AND BELVIDERE ELECTRIC COMPANY IN RUTLAND TOWNSHIP, KANE COUNTY, ILLINOIS.

**PARCEL 5:**

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

**PARCEL 6:**

THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 42, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

**PARCEL 7:**

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

**PARCEL 8:**

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

**PARCEL 9:**

THE SOUTH HALF OF THE SOUTH HALF OF SECTION 2 AND THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 11, ALL IN TOWNSHIP 42 NORTH, RANGE 7 EAST OF

THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

PARCEL 10:

THE NORTH HALF OF THE NORTHEAST QUARTER (EXCEPT THE SOUTH 4 RODS OF THE WEST 3 RODS THEREOF) OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

PARCEL 11:

THE NORTHWEST FRACTIONAL QUARTER OF SECTION 2, (EXCEPT THE WEST 87 LINKS OF THE NORTHWEST QUARTER OF SAID NORTHWEST FRACTIONAL QUARTER AND ALSO EXCEPT THAT PART OF SAID NORTHWEST FRACTIONAL LYING NORTHEASTERLY OF THE CENTER LINE OF HUNTLEY ROAD), ALSO THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 2, ALL IN TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN IN RUTLAND TOWNSHIP, KANE COUNTY, ILLINOIS.

Parcel Identification Numbers: 02-02-100-007; 02-02-100-008; 02-02-300-002; 02-02-300-003; 02-02-300-004; 02-02-400-002; 02-11-100-003; 02-11-100-010; 02-11-200-001; 02-11-200-003; 02-11-200-005; 02-11-200-007; 02-11-300-008; 02-11-400-003; 02-11-400-004; 02-11-400-005; 02-11-475-012; 02-11-425-001; 02-11-475-001; 02-11-425-010; 02-11-401-016; 02-11-296-001; 02-11-401-001; 02-11-401-008; 02-11-401-015; 02-11-350-007; 02-11-404-010; 02-11-475-013; 02-11-401-014; 02-11-401-013; 02-11-401-012; 02-11-401-011; 02-11-401-010; 02-11-401-009; 02-11-401-008; 02-11-401-007; 02-11-401-006; 02-11-401-005; 02-11-401-004; 02-11-401-003; 02-11-401-002; 02-11-296-002; 02-11-402-001; 02-11-402-002; 02-11-402-003; 02-11-348-001; 02-11-402-004; 02-11-348-002; 02-11-402-005; 02-11-348-003; 02-11-348-004; 02-11-350-006; 02-11-350-005; 02-11-350-004; 02-11-404-004; 02-11-350-003; 02-11-404-003; 02-11-350-002; 02-11-404-002; 02-11-350-001; 02-11-404-001; 02-11-404-006; 02-11-404-007; 02-11-404-008; 02-11-404-009; 02-11-451-001; 02-11-451-011; 02-11-451-002; 02-11-451-012; 02-11-451-003; 02-11-451-013; 02-11-451-004; 02-11-451-014; 02-11-451-005; 02-11-451-015; 02-11-451-006; 02-11-451-016; 02-11-451-007; 02-11-451-017; 02-11-451-008; 02-11-451-018; 02-11-451-009; 02-11-451-019; 02-11-451-010; 02-11-451-020; 02-11-349-001; 02-11-349-002; 02-11-349-003; 02-11-349-004; 02-11-349-005; 02-11-349-006; 02-11-349-007; 02-11-349-008; 02-11-349-009; 02-11-403-001; 02-11-403-002; 02-11-403-003; 02-11-403-004; 02-11-403-005; 02-11-403-006; 02-11-403-007; 02-11-403-008; 02-11-403-009; 02-11-405-001; 02-11-405-002; 02-11-405-003; 02-11-405-004; 02-11-405-005; 02-11-405-006; 02-11-405-007; 02-11-405-008; 02-11-405-009; 02-11-405-010; 02-11-405-011; 02-11-405-012; 02-11-405-013; 02-11-405-014; 02-11-405-015; 02-11-405-015; 02-11-405-016; 02-11-405-017; 02-11-405-018; 02-11-405-019; 02-11-425-002; 02-11-425-003; 02-11-425-004; 02-11-425-005; 02-11-425-006; 02-11-425-007; 02-11-425-008; 02-11-425-009; 02-11-425-010; 02-11-425-011; 02-11-425-012; 02-11-425-013; 02-11-425-014; 02-11-425-015; 02-11-425-016; 02-11-425-017; 02-11-425-018; 02-11-425-019; 02-11-425-020; 02-11-452-001; 02-11-452-002; 02-11-452-003; 02-11-452-004; 02-11-452-005; 02-11-452-006; 02-11-452-007; 02-11-452-008; 02-11-452-009; 02-11-452-010; 02-11-452-011; 02-11-452-012; 02-11-452-013; 02-11-452-014; 02-11-452-015; 02-11-452-016; 02-11-452-017; 02-11-452-018; 02-11-452-019; 02-11-475-002; 02-11-475-003; 02-11-475-004; 02-11-475-005; 02-11-475-006; 02-11-475-007; 02-11-475-008; 02-11-475-009; 02-11-475-010; 02-11-475-011

**EXHIBIT B**

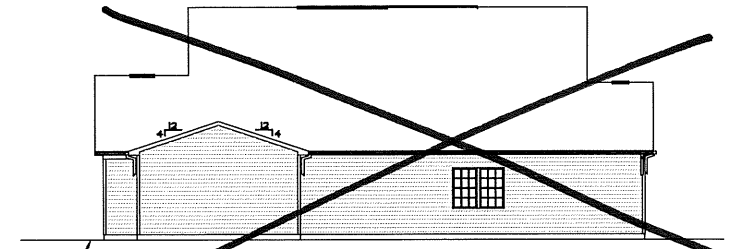
**ADDITIONAL APPROVED BUILDING MODEL AND ELEVATION PLANS FOR  
SINGLE FAMILY RESIDENCES IN THE CONSERVANCY DEVELOPMENT**

<b><u>Model</u></b>	<b><u>Elevation</u></b>
Palladio	Elevation A (partial brick or stone vener elevations only)





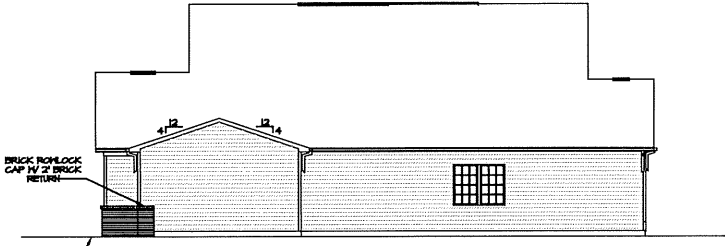
**FRONT ELEVATION "A"**  
 SCALE: 1/4" = 1'-0"  
 SIDING VENEER FRONT 'ELEV'  
 3 CAR GARAGE - FRONT ENTRY



**RIGHT ELEVATION "A"**  
 SCALE: 1/4" = 1'-0"  
 SIDING VENEER FRONT 'ELEV'  
 3 CAR GARAGE - FRONT ENTRY



**FRONT ELEVATION "A"**  
 SCALE: 1/4" = 1'-0"  
 SIDING VENEER FRONT 'ELEV'  
 3 CAR GARAGE - FRONT ENTRY



**RIGHT ELEVATION "A"**  
 SCALE: 1/4" = 1'-0"  
 SIDING VENEER FRONT 'ELEV'  
 3 CAR GARAGE - FRONT ENTRY

**LEGEND**

- BEARING WALL
- NON BEARING WALL
- ⊙ INDICATES BEARING FROM POINT-LOAD ABOVE
- ⊕ JACKS
- ⊖ BEAM-HEADER
- ⊞ PAO FOOTING
- ◇ STEEL COLUMN
- ⊗ TRUSS TIE DOWN
- ⊠ PORTAL FRAME
- ⊞ JOIST/TRUSS
- LVL
- ⊞ ENGINEERING PAGE NUMBER

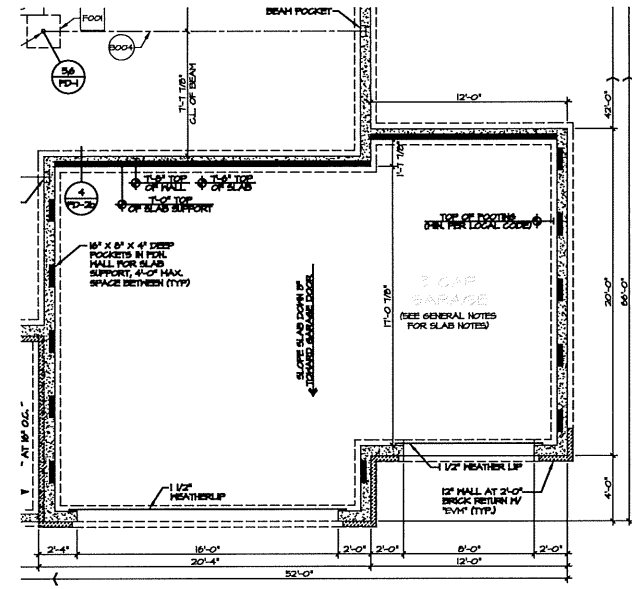
SEE PG DETAILS FOR FRAMING CONNECTORS

**NOTES:**

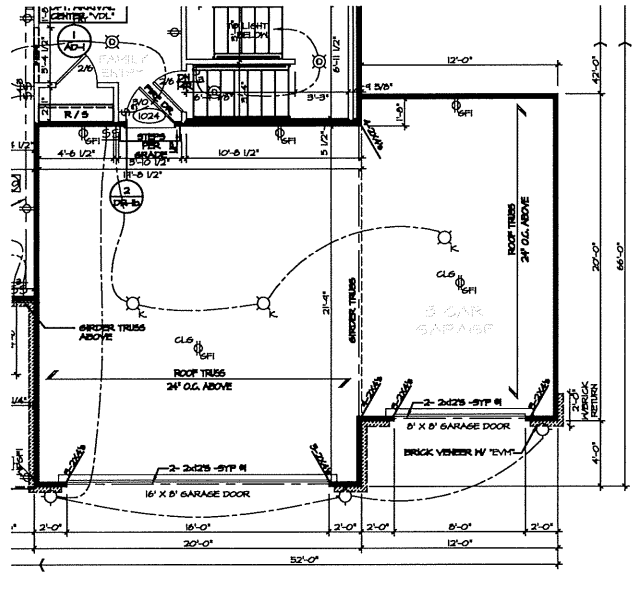
- GENERAL NOTES (N-U)
- SCHEDULES (S-U)
- LVL HAILING SCHEDULE (H-U)
- SEE GENERAL NOTES (N-U) FOR ADDITIONAL INFORMATION.

**STEEL COLUMNS**

COLUMN SIZE AND GRADE PER ENGINEERING AS SHOWN "ELEV". REVISE ALL COLUMNS TO 17% SCL 40 W/ OPTION "SEEP".



**PARTIAL FOUNDATION PLAN**  
 SCALE: 1/4" = 1'-0"  
 OPTIONAL 3 CAR GARAGE ELEVATION "A" 'ELEV', 'ELEV'



**PARTIAL FIRST FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"  
 OPTIONAL 3 CAR GARAGE ELEVATION "A" 'ELEV', 'ELEV'

SHEET NO. 101		MODEL 101	
DRAWING TITLE OPTIONAL 3 CAR GARAGE		VERSION 01	
OPTION DESCRIPTION ELEVATION "A"		DRAWN BY DATE: 01/14/20	
###		OFFER	
REVISIONS		REVISIONS	
REV. NO.	DATE	BY	DESCRIPTION
1	01/14/20		ISSUED FOR PERMIT
2	01/14/20		REVISED PER COMMENTS
<p><b>NVR</b></p> <p>NVR, Inc.          6336 Westpark Blvd, Suite 100          Dallas, TX 75248          Phone: 972.382.1000</p>		<p>DATE: 01/14/20</p> <p>PROJECT: 101</p>	