

VILLAGE OF GILBERTS

A RESOLUTION MODIFYING THE APPROVED BUILDING ELEVATIONS FOR THE SINGLE FAMILY HOMES IN THE CONSERVANCY DEVELOPMENT

WHEREAS, on January 31, 2017, the Gilberts Village Board approved the First Amendment to an Annexation and Development Agreement between the Village of Gilberts and Gilberts Development LLC for 914.02 acres of the Conservancy Development, legally described on Exhibit A ("*Conservancy Development*"), which Agreement was recorded on February 3, 2017, with the Kane County Recorder's Office, as Document No. 2017K006675 ("*Amended Annexation Agreement*"); and

WHEREAS, on January 31, 2017, the Village Board also approved Ordinance No. 05-2017, an Ordinance Approving a First Amendment to an Existing Planned Unit Development and the Preliminary PUD Plan for the Conservancy Development, which Ordinance was recorded on February 3, 2017, with the Kane County Recorder's Office, as Document No. 2017K006674 ("*Amended PUD Ordinance*"); and

WHEREAS, the Amended PUD Ordinance approved Building Elevation Plans for the single family homes in the Conservancy Development, which plans were attached to the PUD Ordinance as Exhibit D; and

WHEREAS, Gilberts Development LLC has requested that the Village Board approve modified Building Elevation Plans for the single family homes in the Conservancy Development, as prepared by Ryan Homes; and

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

WHEREAS, the Village Board has considered and approves the request by Gilberts Development LLC to approve modified Building Elevation Plans for the single family homes in the Conservancy Development, 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 Modified Building Elevation Plans for Single Family Homes.** In accordance with the authority granted by the Amended Annexation Agreement and the Amended PUD Ordinance, the Village Board of Trustees hereby modifies the approved Building Elevation Plans for single family residences in the Conservancy Development that were attached as Exhibit

D to the Amended PUD Ordinance to replace the approved Building Elevation Plans with the modified Building Elevation Plans attached to this Resolution as **Exhibit B**.

Section 3. Conditions. The approval granted in Section 2 of this Resolution is 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. Effective Date. This Resolution shall take effect upon its passage and approval according to law.

PASSED BY THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this 21 day of Aug 2018.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Dan Corbett	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Trustee Elissa Kojzarek	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Trustee Nancy Farrell	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Trustee Jeanne Allen	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Trustee Lou Hacker	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
Trustee Guy Zambetti	<u>✓</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
President Rick Zirk	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

APPROVED THIS 21 DAY OF Aug, 2018



Rick Zirk, Village President

ATTEST:

Courtney Nicholas, Village Clerk

Published:

AUG. 22, 2018