

**RESOLUTION NO. 2015-143**

**A RESOLUTION GRANTING APPROVAL OF THE CONSENT TO  
ASSIGNMENT OF THE DEVELOPMENT PERMIT FOR CERTAIN PROPERTY  
ASSOCIATED WITH THE PORT CLINTON PLACE PUD**

**WHEREAS**, Ordinance 2006-36 authorized execution of a Redevelopment Agreement with Opus North Corporation; and

**WHEREAS**, Ordinance 2006-051 approved the Special Use Permit to allow for a Planned United Development known as Port Clinton Place and create a development permit that allows for the construction of 47 townhomes and 132 condominiums (two buildings each with 66 units) and granted certain variations including density, building height, parking and setback requirements; and

**WHEREAS**, Opus Development Company, L.L.C., a Delaware limited liability company is a successor in interest to Opus North Corporation, an Illinois corporation and currently owns and maintains certain properties under a Development Permit with the Village of Vernon Hills for certain property within the Port Clinton Place PUD; and

**WHEREAS**, Opus Development Company only constructed 1 of the 2 multi-family buildings and only 20 of the 47 townhomes; and

**WHEREAS**, the Subject Property is comprised of: a) one parcel, having an area of approximately 1.26 acres located at the northwest corner of Town Center Road and Byrne Boulevard, the site of the unconstructed multi-family building; and b) five parcels of located at the northwest corner of Route 45 and Town Center Road and bordered by Windward Lane to the North, the site of the twenty-seven unbuild townhome units as well as one parcel of property which is identified as the detention basin; and

**WHEREAS**, the un-built parcels have remained vacant despite underground utilities and roadwork having been substantially completed; and

**WHEREAS**, Opus Development Company entered into a Purchase Agreement dated May 21, 2015 and amended thereafter on July 7, 2015 and August 24, 2015 to sell the detention basin and unbuild parcels of the property to Chitown-Millco VH Townhome Parcel, LLC and Chitown-Millco VH Multifamily & Detention Parcels LLC; and

**WHEREAS**, Chitown-Millco VH Townhome Parcel, LLC and Chitown-Millco VH Multifamily & Detention Parcels LLC are the new owners of the Subject Property; and

**WHEREAS**, the Development Permit as amended stated that the development permit is not transferrable to any non-Opus business entity until the project has received a Final Certificate of Occupancy for all units unless the Village Board authorizes approval; and

**WHEREAS**, the Development Permit as amended further stated that the Developers shall prepare and use a Disclosure Letter in which future owners of townhome units adjacent to Route 45 would acknowledge the future expansion of Route 45 to a five-lane cross – section by signing the disclosure prior to Village issuance of a Certificate of Occupancy for the adjacent townhome unit; and

**WHEREAS**, the Village finds it to be in the best interests of the Village to allow and facilitate the completion of the development of the townhomes and multi-family building.

**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:**

**SECTION I.** The Village of Vernon Hills, an Illinois municipal corporation situated in Lake County, Illinois, acting by and through its Corporate Authorities, does hereby:

- A. Consents to the assignment of the development permit to Chitown-Millco VH Townhome Parcel LLC and Chitown-Millco VH Multifamily from Opus Development Company prior to all Final Certificate of Occupancy permits being issued for all units.
- B. Consents to amend the Amended Development Permit to change the language of the Disclosure Letter requirement regarding the potential future expansion of U.S. Highway 45 to inform the prospective buyers “that there is a fully dedicated 110 foot right-of-way for U.S. Highway 45 outside the boundaries of the unit and that any expansion of U.S. Highway 45 is expected to occur within existing right-of-way”.
- C. Consents to amend the Amended Development Permit to allow it to be freely assignable, without the Village’s consent, by either Chitown-Millco VH Townhome Parcel, LLC or Chitown-Millco VH Multifamily & Detention Parcels LLC.

**SECTION II. SEVERABILITY.** In the event that any section, clause, provision, or part of this Resolution 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 Resolution 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 III. REPEAL AND SAVINGS CLAUSE.** All Resolutions or parts of Resolutions 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 Resolution.

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

**SECTION V. RESOLUTION NUMBER.** This Resolution shall be known as Resolution Number 2015-143.

Dated this 1st day of September 2015

Adopted by roll call vote as follows:

AYES: 6 – Hebda, Koch, Marquardt, Schultz, Schwartz, Williams

NAYS: 0 - None

ABSENT AND NOT VOTING: 0 - None

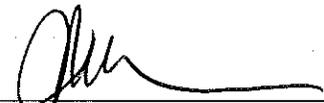
  
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Roger L. Byrne, Village President

PASSED: 9/01/2015

APPROVED: 9/01/015

ATTEST: 9/2/2015



  
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John Kalmar, Village Clerk