

RESOLUTION 2016-128

A RESOLUTION AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE COUNTY OF LAKE, VILLAGE OF VERNON HILLS, AND MELLODY FARM LLC TOGETHER WITH OTHER DOCUMENTS RELATING TO THE CUNEO INTERSECTION PROPERTY (REGENCY PROPOSED DEVELOPMENT)

WHEREAS, the Village of Vernon Hills (“Village”), Lake County (“County”), and the owner of the 1,174 acres of property known as the Cuneo property, in 1996, entered into agreements relating to the development of the 1,174 acres that together comprised the Cuneo properties; and

WHEREAS, over the years most of the Cuneo Property has been developed or is in the process of being developed; and

WHEREAS, the agreements relating to the original land use and public improvements have facilitated the early development of the Cuneo Properties but are in need of revisions to accommodate the development of that portion of the Cuneo property known as the Cuneo Intersection Commercial Property (“Property”) located at the northeast corner of Route 21 (Milwaukee Avenue) and Route 60 (Townline Road); and

WHEREAS, the Village, County and Melody Farms LLC (“Regency”) who is the contract purchaser of the Property, desire to: 1) enter into an intergovernmental agreement; 2) approve an Amended and Restated Declaration of Protective Covenants, Conditions, and Restrictions for the Property; 3) approve a Second Amendment to Agreement for Sanitary Sewer and Water Supply for the Property; and 4) approve an Escrow Agreement in order to clarify the Village and County governmental approval process in the event that the Village approves the development plans for the Property, which development plans are currently under consideration by the Village Planning and Zoning Commission, and in the event that Regency purchases the Property; and

WHEREAS, the Intergovernmental Agreement, Amended and Restated Covenant, Second Amendment to Sewer and Water Agreement, and Escrow Agreement are hereinafter referred to as the “Documents”; and

WHEREAS, none of the Documents authorized under this Resolution are in any way intended to be nor can they be interpreted to be granting any development approvals for the Property; and

WHEREAS, the approval of the Documents serves merely to clarify the Village and County governmental approval process so that in the event the Village approves certain development plans for the Property and Regency actually purchases the Property that development is not hampered by the governmental approval process established in the original documents approved for the 1,174 acre Cuneo Property that are not consistent with the development plans being proposed by Regency; and

WHEREAS, one of the original documents approved by the Village and County that impacted the Property was an “Agreement for Sanitary Sewer and Water Supply Services to the Cuneo Service Area of the Village of Vernon Hills” (“Original Sewer and Water Agreement”) dated June 7, 1996; and

WHEREAS, on April 12, 2016, the Village and County adopted a First Amendment to the Original Sewer and Water Agreement and thereby expanded the service area to allow for sewer and water services to be extended to the Cuneo South Residential Property located adjacent to the Cuneo Museum Property; and

WHEREAS, the Village and County desire to further expand the availability of water and sewer services within the Cuneo Service Area to the Property; and

WHEREAS, the Village, County, and owner of the Property previously entered into a "Declaration of Protective Covenants, Conditions, and Restrictions for the Cuneo Intersection Commercial Property" ("Original Covenant") made and effective as of June 7, 1996;

WHEREAS, Melody Farm LLC ("Regency") is the contract purchaser of the Property;

WHEREAS, the Village, Regency and Lake County desire to modify the Original Covenant for the Property for the purpose of allowing residential use on the Property; and

WHEREAS, the Parties have agreed to amend the Original Covenant (said amendment to be known as the "Amended Covenant") under certain conditions set forth in the "Intergovernmental Agreement by and between the County of Lake, Village of Vernon Hills, and Melody Farm LLC regarding the Cuneo Intersection Property"; and

WHEREAS, the Village, County and Regency desire to enter into an Escrow Agreement ("Escrow Agreement") into which the Documents will be deposited and distributed to the proper parties in the event that the Village approves Regency's proposed development and Regency closes on the Property. In the event that either the Village does not approve the Regency Project or if Regency does not purchase the Property then all Documents will be returned the depositing Parties and none of the changes contemplated in the Documents will take effect.

NOW, THEREFORE, BE IT RESOLVED by the Village President and Board of Trustees of the Village of Vernon Hills, Lake County, Illinois:

The Village Manager and Village Clerk are hereby authorized to execute:

- 1) The "Intergovernmental Agreement by and between County of Lake, Village of Vernon Hills and Melody Farms LLC Regarding the Cuneo Intersection Property"; and
- 2) The "Amended and Restated Declaration of Protective Covenants Condition, and Restrictions for the Cuneo Intersection Property"; and
- 3) The "Second Amendment to Agreement for Sanitary Sewer and Water Supply Services to the Cuneo Service Area of the Village of Vernon Hills"; and
- 4) The "Escrow Agreement."

Dated this 19th day of September, 2016

Adopted by roll call vote as follows:

AYES: 4 - Grieb, Koch, Marquardt, Schultz

NAYS: 0 - None

ABSENT AND NOT VOTING: 2 – Hebda, Williams

PASSED: 9/19/2016

APPROVED: 9/19/2016



Roger L. Byrne, Village President



John Kalmar, Village Clerk