

**VILLAGE OF VERNON HILLS
RESOLUTION 2021-023**

**A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE
CLERK TO EXECUTE AN AMENDMENT TO THE DECLARATION OF HOME
CONSTRUCTION STANDARDS FOR GREGGS LANDING NORTH HOMEOWNERS'
ASSOCIATION**

WHEREAS, the Declaration of Home Construction Standards for Gregg's Landing North (the "Declaration") was recorded on March 31, 1997 in the Office of the Recorder of Deeds of Lake County, Illinois; and

WHEREAS, the Declaration provides that standards may be adopted governing the design and exterior finish of all improvements constructed on the Custom Home Lots located in the Gregg's Landing development; and

WHEREAS, the Board of the of Gregg's Landing North Homeowners' Association has recently reestablished an Appearance Review Committee ("ARC") which Committee has approved design standards ("Standards") applicable to the remaining Custom Lots; and

WHEREAS, it is necessary to amend the Declaration in order to accommodate the reestablishment of the ARC and the application of the Standards to the remaining Custom Lots to be developed;

WHEREAS, any amendment to the Declaration requires the approval of the Board for the Gregg's Landing North Homeowners' Association and the Village of Vernon Hills.

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

Section 1: Incorporation of Preambles. The facts and statements contained in the preambles to this resolution are found to be true and correct and are hereby adopted as part of this resolution.

Section 2: The Village President and Village Clerk are authorized to execute an Amendment to the Declaration of Home Construction Standards for Gregg's Landing North Homeowners Association that is in substantial conformity with EXHIBIT A attached hereto. All final changes may be approved by the Village Manager and Village Attorney.

Section 3: Effective Date. This Resolution shall be in full force and effect upon its passage and approval in accordance with law.

ADOPTED this 10th day of August, 2021 pursuant to a roll call vote as follows:

[Signature Page to Follow]

AYES: 6 – Marquardt, Forster, Oppenheim, Koch, Takaoka, Schenk
NAYS: 0 – None
ABSENT AND NOT VOTING: 1 – Byrne

APPROVED by me this 10th day of August 2021.



Thom Koch Jr., Village President Pro Tem

PASSED: 08/10/2021
APPROVED: 08/10/2021
ATTEST: 08/10/2021

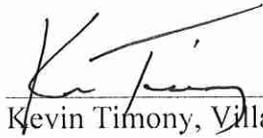

Kevin Timony, Village Clerk

EXHIBIT A

AMENDMENT TO DECLARATION OF HOME CONSTRUCTION STANDARDS

**AMENDMENT TO THE
DECLARATION OF
HOME
CONSTRUCTION
STANDARDS FOR
GREGG'S LANDING
NORTH
HOMEOWNERS
ASSOCIATION**

For Use By Recorder's Office Only

This document is recorded for the purpose of amending the Declaration of Home Construction Standards ("DHCS"), which was recorded with the Lake County Recorder of Deeds as Document Number 3950275. The DHCS was recorded contemporaneously with the Declaration for Gregg's Landing North (hereafter the "Declaration") for the Gregg's Landing North Homeowners Association (hereafter the "Association"), which Declaration was recorded on March 31, 1997 as Document Number 3950274 in the Office of the Recorder of Deeds of Lake County, Illinois, and covers the property (hereafter the "Development Area") legally described in Exhibit A, which is attached hereto and made a part hereof.

This Amendment is adopted pursuant to Section 3(b) of the DHCS. Said Section provides that the DHCS may be amended by a recorded instrument executed by the Village of Vernon Hills and the Gregg's Landing North Homeowners Association (as such Association is created by the Declaration, and provided that the Declarant as hereinafter defined no longer hold title to any portion of the Development Area). No amendment shall become effective until recorded.

RECITALS

WHEREAS, by the Declaration for Gregg's North Homeowners Association in the Office of the Recorder of Deeds of Lake County, Illinois, the Development Area has been subjected to the easements, restrictions and covenants contained therein; and

WHEREAS, the DHCS defines the Declarant as G.A.Z., Inc. an Illinois corporation, and said Declarant no longer holds title to any portion of the Development Area; and

This document prepared by and after recording to be returned to:

Kerry T. Bartell, Attorney at Law
Kovitz Shifrin Nesbit
175 North Archer Avenue
Mundelein, IL 60060 — (847) 537-0500

WHEREAS, the Board for the Association and the Village of Vernon Hills desire to amend the DHCS in order to provide for the orderly operation of the Development Area; and

WHEREAS, the following amendment has been approved by the Board of the Association at a meeting held on July 19, 2021; and

WHEREAS, an officer of the Association has attested to said Board approval by execution of Exhibit B attached hereto and made a part hereof; and

WHEREAS, the Village has approved this Amendment, as evidenced by the affidavit attached hereto as Exhibit C.

NOW, THEREFORE, the DHCS is hereby amended as follows:

1. Section 4(n) of the DHCS is deleted and replaced with the following:

- (i) With respect to Lots in Pods 10, 11, 8 and 18 ("Custom Home Lots"), no earthmoving, filling, dredging, grading, excavating, installation of landscaping, alteration of landscaping, construction of a building, driveway, walkway, fence or any other improvement to any portion of a Custom Home Lot or any modification, alteration, renovation, addition or removal of any of the foregoing ("Regulated Work") shall be commenced or maintained with respect to any portion of a Custom Home Lot without the prior written consent of the Architectural Review Committee ("ARC"), which consent may be withheld for any reason, including those involving aesthetic considerations. The ARC shall be established pursuant to Section 4(n)(ii) below. The ARC reserves the right and power to promulgate and amend from time to time standards, policies, procedures and guidelines in order to implement the foregoing. The provisions of this subparagraph 4(n) shall terminate at such time as certificates of occupancy have been issued for all Custom Home Lots.
- (ii) Notwithstanding anything to the contrary in this Declaration or Village Resolution 96-06, the ARC shall be established as follows:
 - a. The Association shall appoint 3 volunteers to serve on the ARC. Once appointed, the Association shall have the authority to remove such members of the ARC as deem appropriate.
 - b. The ARC shall be independent from the Association and the Village, and all review of Regulated Work for the Custom Home Lots shall be approved and overseen by the ARC. The ARC shall not be deemed to be nor considered as a committee of the Association.
 - c. The ARC shall have the authority to establish and adopt the standards, policies, procedures and guidelines for the Regulated Work, in its sole discretion, subject to the conditions contained in this Declaration of Construction Standards and any ordinances or requirements promulgated by the Village.
 - d. Any appeal by an owner of a Custom Home Lot shall be submitted to the ARC. The Association shall not review any such appeals.

- e. The Custom Home Construction Standards are on record with the Village. Said Custom Home Construction Standards are subject to amendment or revision without the need for further amendment of this DHCS.
 - f. All applications for permit for new construction of a Custom Home Lot shall be submitted to the Village.
 - g. Said application shall include evidence of approval by the ARC.
2. **This Amendment shall be effective upon recordation in the Office of the Recorder of Deeds of Lake County, Illinois.**
3. **Except to the extent expressly set forth hereinabove, the remaining provisions of the Declaration of Construction Standards shall continue in effect without change.**

EXHIBIT A

LEGAL DESCRIPTION

[to be inserted prior to recording]

EXHIBIT B

CERTIFICATION AS TO ASSOCIATION BOARD APPROVAL

I, _____, do hereby certify that I am the duly elected and qualified secretary for the Gregg's Landing North Homeowners Association and as such Secretary, I am the keeper of the books and records of the Association.

I further certify that the attached Amendment to the Declaration of Construction Standards for Gregg's Landing North was duly approved by a majority of the Board at a meeting held on _____, 20____.

Secretary

Sworn to and subscribed before me this
_____ day of _____, 20____

Notary Public

EXHIBIT C

AFFIDAVIT AS TO VILLAGE APPROVAL

I, _____, do hereby certify that I am the duly elected and qualified _____ for the Village of Vernon Hills, and as such _____, I am the keeper of the books and records of the Village.

I further certify that the attached Amendment to the Declaration of Construction Standards for Gregg's Landing North was approved by the Village of Vernon Hills on _____, 20____.

Title: _____

Sworn to and subscribed before me this
_____ day of _____, 20_____

Notary Public