

Prepared by and Return to:
Village of Arlington Heights
Legal Department
33 S Arlington Heights Rd
Arlington Heights, IL 60005

THIS SPACE FOR CLERK'S USE ONLY

VILLAGE OF ARLINGTON HEIGHTS

Ordinance No. 2022-_____

AN ORDINANCE APPROVING A
PRELIMINARY PLAT OF SUBDIVISION AND
GRANTING A VARIATION FROM CHAPTER 29
OF THE ARLINGTON HEIGHTS MUNICIPAL CODE
318 WEST MUELLER STREET, ARLINGTON HEIGHTS, IL

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES OF
THE VILLAGE OF ARLINGTON HEIGHTS
THIS
18th DAY OF JULY, 2022.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Arlington Heights,
Cook County, Illinois this
18th day of July, 2022

Village Clerk

AN ORDINANCE APPROVING A
PRELIMINARY PLAT OF SUBDIVISION AND
GRANTING A VARIATION FROM CHAPTER 29
OF THE ARLINGTON HEIGHTS MUNICIPAL CODE
(318 W Mueller St)

WHEREAS, Christopher and Tama Filpi ("*Applicants*") are the owners of record of certain property located in the R-3 One Family Dwelling District ("*R-3 District*"), commonly known as 318 W Mueller St, Arlington Heights, Illinois and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance ("*Property*"); and

WHEREAS, the Applicants have filed an application with the Village for a preliminary plat of subdivision to allow the consolidation of two lots into one lot on the Property ("*Preliminary Plat of Subdivision*") and a variation from Chapter 29 of the Arlington Heights Municipal Code to waive the onsite stormwater detention requirement ("*Variation*"); and

WHEREAS, a public hearing of the Plan Commission of the Village to consider the Preliminary Plat of Subdivision and Variation was duly advertised in the Daily Herald on June 7, 2022; and

WHEREAS, on June 22, 2022, in Petition Number 22-003, the Plan Commission conducted a public hearing on the Preliminary Plat of Subdivision and Variation and recommended the Board of Trustees approve the Preliminary Plat of Subdivision but deny the requested Variation, subject to certain conditions; and

WHEREAS, the President and Board of Trustees have considered the report and recommendations of the Plan Commission and have determined that authorizing and granting the Preliminary Plat of Subdivision and Variation request, subject to certain conditions hereinafter described, is in the best interests of the Village,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. PRELIMINARY PLAT OF SUBDIVISION APPROVAL. That the Preliminary Plat of Subdivision for Filpi Consolidation, dated March 30, 2022 with revisions through May 3, 2022, prepared by Norman J. Toberman and Associates, to consolidate the property, legally described in Exhibit A, attached hereto, from two lots into one lot, is approved.

SECTION 3. VARIATION APPROVAL. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 4 of this Ordinance, and in accordance with, and pursuant to, Section 29-107 of the Subdivision Control Regulations and the home rule powers of the Village, the Village hereby grants the following variation to the Applicant in connection with the Preliminary Plat of Subdivision on the Property:

- A. On-Site Stormwater Detention. A variation from Section 29-501f, to waive the onsite stormwater detention requirement.

SECTION 4. CONDITIONS. That the approval of the Preliminary Plat of Subdivision and Variation are subject to the following conditions, to which the Applicants have agreed:

1. On Site Detention Fee. A fee in lieu of onsite detention in the amount of \$1,431 shall be required.
2. Building Permit. As per applicable building code requirements, the Applicants shall either amend their original building permit or submit a new building permit to authorize the final components of their home improvement project that are now allowed per the lot consolidation.
3. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the development, use, operation, and maintenance of the Property must comply at all times with all applicable Federal, State and Village codes, regulations and policies, as the same have been or may be amended from time to time.

SECTION 5. That the approval of the Preliminary Plat of Subdivision and Variation granted in SECTIONS 2 and 3 of this Ordinance authorize the submission of a final plat for the Preliminary Plat of Subdivision. The preliminary approval shall be effective for a period no longer than 12 months, unless extended by the President and Board of Trustees during that period.

SECTION 6. RECORDATION; BINDING EFFECT. That this Ordinance shall be recorded by the Village in the Office of the Cook County Clerk. This Ordinance and the privileges, obligations and provisions contained herein will run with the Property, and will inure to the benefit of, and be binding upon, the Applicant and its personal representatives, successors and assigns.

SECTION 7. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and will be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8. EFFECTIVE DATE.

- A. This Ordinance will be effective only upon the occurrence of all of the following events:
 1. Passage by the Village President and Board of Trustees in the manner required by law; and
 2. The filing by the Applicants with the Village Clerk of an Unconditional Agreement and Consent, in the form of Exhibit B attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.
- B. In the event the Applicants do not file fully executed copies of the Unconditional Agreement and Consent pursuant to this Ordinance, within 30 days after the date of final passage of this Ordinance, the Village President and Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

[SIGNATURES ON FOLLOWING PAGE]

AYES:

NAYS:

PASSED AND APPROVED this 18th day of July, 2022.

ATTEST:

Village President

Village Clerk

PREPLAT:FilpiConsolidation

EXHIBIT A

Lot 16 and Lot 17 (except the East 25 feet) in Block 8 in E.P. Mueller's Altenheim Subdivision being a subdivision of the East 28 acres more or less of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 30, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

PIN 03-30-230-015-0000, 03-30-230-021-0000

commonly described as 318 W Mueller St, Arlington Heights, Illinois.

EXHIBIT B

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Arlington Heights, Illinois ("Village"):

WHEREAS, Christopher and Tama Filpi ("Applicants") are the owners of record of that certain property located at the address commonly known as 318 W Mueller St and legally described in Exhibit A of this Ordinance ("Property"); and

WHEREAS, Ordinance No. 2022-_____, adopted by the Village President and Board of Trustees, on July 18, 2022 ("Ordinance"), grants a preliminary plat of subdivision and variation for the Property as described in the Ordinance; and

WHEREAS, SECTION 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant files, within 30 days following the passage of the Ordinance, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant hereby unconditionally agrees to, accept, consent to, and will abide by, each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.

2. The Applicant acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Applicant acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting the preliminary plat of subdivision and variation for the Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.

4. The Applicant hereby agrees to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2022

OWNERS:

Christopher Filpi

Tama Filpi