

CITY OF GENOA
DEKALB COUNTY, ILLINOIS

ORDINANCE NO. 2018-28

ADOPTED BY
THE MAYOR AND CITY COUNCIL
OF THE
CITY OF GENOA

AN ORDINANCE APPROVING AN AMENDED FINAL PLANNED
UNIT DEVELOPMENT AND AMENDED FINAL PLAT FOR UNITS 4, 5 AND 6
OF THE RIVERBEND SUBDIVISION AND APPROVING A PLAT OF VACATION
FOR A PORTION OF STEARN DRIVE AND ANGLER LANE

Adopted Nov 14th, 2018, by the Mayor and City Council of the City of Genoa
DeKalb County, Illinois, and approved and published in pamphlet form
this 14th day of November, 2018.

ORDINANCE NO. 2018 - 28

An Ordinance Approving an Amended Final Planned Unit Development and Amended Final Plat for Units 4, 5 and 6 of the Riverbend Addition to Genoa Subdivision and Approving a Plat of Vacation for a Portion of Stearn Drive and Angler Lane (Riverbend Addition to Genoa)

WHEREAS, the City of Genoa has been requested by a petition signed by Riverbend By Grainger, LLC, an Illinois Limited Liability Company, the Petitioner, and BMO Harris Bank, the property owner, to approve an amended final planned unit development and an amended final plat for Units 4, 5 and 6 of the Riverbend Addition to Genoa Subdivision, legally described as follows:

LOTS 240-342 OF UNIT FOUR OF THE RIVERBEND ADDITION TO GENOA, A SUBDIVISION LOCATED IN PART OF THE NE 1/4 OF SECTION 25, T42N, R4E OF THE 3RD. P.M., CITY OF GENOA, DEKALB COUNTY, ILLINOIS, and recorded as Document No. 2005012392;

LOTS 358, 359 AND 360 OF UNIT FIVE OF THE RIVERBEND ADDITION TO GENOA, A SUBDIVISION LOCATED IN PART OF THE NE 1/4 OF SECTION 25, T42N, R4E OF THE 3RD. P.M., CITY OF GENOA, DEKALB COUNTY, ILLINOIS, and recorded as Document No. 2004024878; and

LOTS 401-453 OF UNIT SIX OF THE RIVERBEND ADDITION TO GENOA, A SUBDIVISION LOCATED IN PART OF THE SE 1/4 OF SECTION 24 AND PART OF THE NE 1/4 OF SECTION 25, T42N, R4E OF THE 3RD. P.M., CITY OF GENOA, DEKALB COUNTY, ILLINOIS, and recorded as Document No. 2007012796

and commonly known as Units 4, 5 and 6 of the Riverbend Addition to Genoa Subdivision (“Subject Property”); and

WHEREAS, the Petitioner also requested approval of a plat of vacation for a portion of Stearn Drive and Angler Lane;

WHEREAS, a public hearing was held before the Genoa Plan Commission, after due notice in the manner provided by law; and

WHEREAS, the Genoa Plan Commission, after deliberation, has made a report and recommended the approval of said amended final planned unit development and amended final plat for the Subject Property and plat of vacation for a portion of Stearn Drive and Angler Lane; and

WHEREAS, the City Council has considered the findings of fact, based upon the evidence presented at the public hearing to the Genoa Plan Commission by the Petitioner.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the CITY OF GENOA, DeKalb County, Illinois, as follows:

SECTION 1: The amended final planned unit development and amended final plat for the Subject Property is hereby approved, subject to the following documents and conditions:

- A. Narrative of Project, prepared by Brian Grainger, dated August 23, 2018.
- B. Land Plan, prepared by HR Green, with the latest revision date of August 15, 2018.
- C. Replat of Unit Four, prepared by C.E.S., with the latest revision date of October 26 2018.
- D. Replat of Unit Six, prepared by C.E.S. with the latest revision date of October 26, 2018.
- E. Independent Living Rental Units Color Rendering, prepared by Brian Grainger submitted for the September 20, 2018 Plan Commission Meeting.
- F. 55+ Ranch Condo/Townhome Units Example, prepared by Brian Grainger, dated July 11, 2018.
- G. Clubhouse Example, prepared by Brian Grainger, dated July 11, 2018.
- H. Clubhouse and “out lots” Location prepared by Brian Grainger submitted for the September 20, 2018 Plan Commission Meeting.
- I. Sign Renderings for the Condo Community and Independent Living Community, prepared by Brian Grainger submitted for the September 20, 2018 Plan Commission Meeting.
- J. The Subject Property shall be developed in accordance with the Development Agreement between the City of Genoa and Riverbend By Grainger, LLC, an Illinois Limited Liability Company dated Nov. 14, 2018 and all of the terms of said Development Agreement shall be a part of this Ordinance, said Agreement being attached hereto and incorporated herein as Exhibit A.
- K. The development of Unit 4 and Unit 6 will be an age-restricted community in accordance with the provisions of the Fair Housing Act of 1995, and the Housing for Older Persons Act (“HOPA”) of 1995, each as from time-to-time amended.
- L. The Petitioner shall submit landscaping plans for the Subject Property and for the common areas pursuant to the Unified Development Ordinance and subject to staff review and approval.
- M. This development is subject to the final approval of the City Public Works Director and City Engineer requirements; further, any and all storage of construction equipment shall only occur on lots 454 or 455 and shall be fenced, screened and in a location all approved by the Public Works Director.
- N. Maintenance of the monument signs and all common areas will be the responsibility of the home owners association or property owners of the age restricted units. A special service area must be established as a financial backup for failure to maintain these areas.
- O. All streets shall have sidewalks and/or walking paths pursuant to the Genoa Unified Development Ordinance; the blocking off of Winding Trail and Preserve Drive will not occur until twenty five percent (25%) of the lots in Unit 4 are built and occupied.

- P. If there is proposed on-street parking, maintenance of on-street parking spaces is the responsibility of the homeowners association.
- Q. Screening, architecture, and parking for all newly developed areas will be subject to the approval of the Development Administrator.
- R. The Riverbend monument sign at the intersection of Route 72 and Market Street must be repaired and maintained by the Petitioner.
- S. Covenants for Units 4, 5 and 6 shall be submitted to the City Attorney and City Staff for review and approval.
- T. Any changes to this ordinance must follow the planned unit amendment process before the Plan Commission and City Council pursuant to the Genoa Unified Development Ordinance.
- U. In the event the Petitioner fails to close on the Subject Property and make the settlement payment to the City in the amount of \$100,000 on or before December 31, 2018, this ordinance shall be deemed null and void with no further action on the part of the City Council. Time is of the essence.

SECTION 2: The Plat of Vacation for a portion of Stearn Drive and Angler Lane prepared by CES with the latest revision date of October 26, 2018 is hereby approved.

SECTION 3: That all requirements set forth in the Unified Development Ordinance of the City of Genoa, as would be required by any owner of property zoned in the same manner as the Subject Property shall be complied with, except as otherwise provided in this Ordinance.

SECTION 4: The findings of fact on the petition to approve the amended final planned unit development and amended final plat are hereby accepted.

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

AYES: *S. Wesner, Carroll, DiGuido, Stevenson, Winter, Cravatta, Buust, Lang*

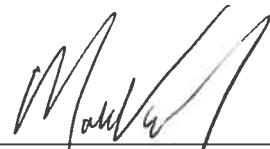
NAYES: *Ø*

ABSTAINED: *Ø*

ABSENT: 0

PASSED by the City Council of the City of Genoa, DeKalb County, Illinois this 14th day of November, 2018.

Approved by me this 14th day of November, 2018.



Mark Vicary, Mayor

(SEAL)
ATTESTED and filed in my office this 14th day of November, 2018.





Kim Winker, City Clerk

Prepared by:
Kelly Cahill, Special City Counsel
Zukowski, Rogers, Flood & McArdle
50 Virginia Street
Crystal Lake, Illinois 60014