

RESOLUTION 2017-079

PASSED: JUNE 26, 2017

**APPROVING THE FINAL PLAT OF CORNERSTONE
SUBDIVISION AND APPROVING CERTAIN FINAL
PLANS FOR CORNERSTONE.**

WHEREAS, Cornerstone DeKalb, LLC, (hereinafter referred to as "Owner") filed a petition with the City requesting preliminary and final plat approval of a plat of subdivision entitled "Final Plat of Cornerstone Subdivision" for the property commonly known as 112, 118, 122 and 124 Lincoln Highway and 122 S. First Street, DeKalb, Illinois, and legally described in Exhibit A; and

WHEREAS, the City of DeKalb Planning and Zoning Commission of met on June 7, 2017, and recommended preliminary and final plat approval of the Final Plat of Cornerstone Subdivision" to the City Council; and

WHEREAS, the City Council has reviewed the recommendations of the Planning and Zoning Commission of the City of DeKalb and now determines it would be in the best interest of the City to approve said plat; and

WHEREAS, Ordinance 2017-011, approved by the City Council on February 27, 2017, authorized a Development Agreement (hereinafter referred to as "Agreement") between the City and the Owner; and

WHEREAS, the Agreement included provision requiring the City Council's approval of final plans if they are in substantial compliance with the concept plans approved as part of the Agreement; and

WHEREAS, certain requirements of the Agreement, namely a Parking Lot Agreement, First Street profile and sidewalk improvements and associated lighting, cannot be finalized pending final plans and a decision by the City Council with regard to potential First Street Improvements, which will be forwarded to the City Council at a later time for consideration; and

WHEREAS, the City Council now determines it would be in the best interests of the City of DeKalb to approve the Final Plat of Cornerstone Subdivision and the final plans.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL of the City of DeKalb, Illinois as follows:

Section 1. That the Final Plat of Cornerstone Subdivision (hereinafter referred to as "Plat"), a copy of which is attached hereto as Exhibit "B", is hereby approved.

Section 2. The City, by approving this resolution, authorizes the vacation of the public alley as contemplated by the attached Plat. The City staff is authorized and directed to take all actions as shall be necessary to record and effectuate the Plat and the vacation.

Section 3. The City hereby approves the Final Plans as defined in Exhibit "C" subject to the conditions outlined in Exhibit "D". Additional Final Plans not included at this time include a Parking Lot Agreement and First Street profile and sidewalk improvements and associated lighting, and cannot be finalized pending final plans and a decision by the City Council with regard to potential First Street Improvements, which will be forwarded to the City Council at a later time for consideration prior to the issuance of a certificate of occupancy. This approval includes the following conditions:

- a) The building mounted lighting and lighting associated with the immediate curtilage of the building (other than along First Street) is hereby approved.
- b) The Community Development Director or designee is authorized to review and approve of:
 - i) Final signage and awning details.
 - ii) Security camera locations, with the advice and recommendation of the Chief of Police or designee.
 - iii) Fiber optic service locations and Wi-Fi installations, with the advice and recommendation of the IT Director or designee.
 - iv) Additional grants of easements required for the development of the project or otherwise required by the City, which may be conveyed by separate document.
 - v) Release of old easements and old party wall agreements that are inconsistent with the approved final plat.
 - vi) An agreement providing for the permanent encroachment of the foundation of the building into the First Street right of way.
 - vii) An agreement providing for temporary use of City parking lots or areas for construction parking associated with the construction of the building and project.
 - viii) The design and configuration of parking lot lighting not in the public right of way.
 - ix) Final approval of the garbage enclosure and related areas, along with an agreement for the shared use of said enclosure.
 - x) Issuance of a final certificate of occupancy in accordance with the terms of the Development Agreement, the Ordinance approving the same, the terms of this Resolution, the terms of any further or future approvals granted by the City Council, and the terms of any action taken by the DeKalb Park

District with respect to the payment of impact fees, without requirement of further action of City Council.

- xi) Grants of easement and/or easement agreements relating to public utility easements or easement relocation agreements both on the subject property and/or upon City-owned property.

The City Council expressly reserves further review of the following items:

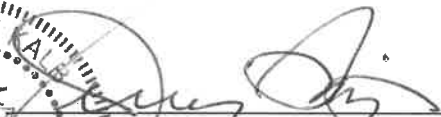
- a) The terms of a permanent parking lot use agreement for inhabitants of the building.
- b) The design and configuration of First Street and improvements along the same.

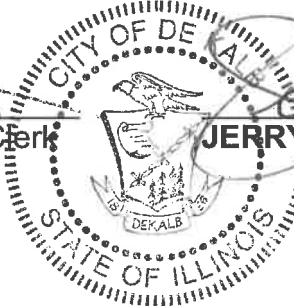
Section 4. That all provisions of the Agreement and Unified Development Ordinance shall remain in full force and effect and this Resolution shall take effect upon its passage and approval according to Law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 26th day of June, 2017, and approved by me as Mayor on the same day. Passed by a 7-0-1 roll call vote. Aye: Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Absent: Jacobson.

ATTEST:


RUTH A. SCOTT, Deputy City Clerk


JERRY SMITH, Mayor



**Exhibit A
Legal Description**

112 E. Lincoln Highway: LOTS 2 AND 3 (EXCEPT THE EASTERLY 4 FEET THEREOF OF SAID LOT 3) IN RUBY'S SUBDIVISION OF A PART OF BLOCK 2 IN THE ORIGINAL TOWN (NOW CITY) OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "D" OF PLATS, PAGE 23 ON OCTOBER 29, 1907, IN DEKALB COUNTY, ILLINOIS.

118 E. Lincoln Highway: THE EASTERLY 4 FEET OF LOT 3; ALL OF LOT 4; AND THE WESTERLY 12.4 FEET OF LOT 5, ALL IN RUBY'S SUBDIVISION OF A PART OF BLOCK 2 IN THE ORIGINAL TOWN (NOW CITY) OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "D" OF PLATS, PAGE 23, ON OCTOBER 29, 1907, IN DEKALB COUNTY, ILLINOIS.

122 E. Lincoln Highway: THE EAST 14.6 FEET OF LOT 5 AND THE WEST 1.4 FEET OF LOT 6 OF RUBY'S SUBDIVISION OF A PORTION OF BLOCK 2 OF THE ORIGINAL VILLAGE (NOW CITY) OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED ON OCTOBER 29, 1907, IN BOOK "D" OF PLATS, PAGE 23, SITUATED IN THE COUNTY OF DEKALB, STATE OF ILLINOIS.

124 E. Lincoln Highway: LOT 6 (EXCEPT THE EAST 4 FEET THEREOF AND EXCEPT THE WEST 1.4 FEET THEREOF) OF RUBY'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 29, 1907 IN BOOK "D" OF PLATS, PAGE 23, OF A PORTION OF BLOCK 2 OF THE ORIGINAL VILLAGE (NOW CITY) OF DEKALB, IN DEKALB COUNTY, ILLINOIS.

122 S. First Street: PART OF THE EAST $\frac{1}{2}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 22, TOWNSHIP 40 NORTH, RANGE 4, EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF RUBY'S SUBDIVISION OF A PART OF THE WEST $\frac{1}{2}$ OF BLOCK 2, IN THE CITY OF DEKALB, ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK "D" OF PLATS, PAGE 23; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1 AND THE PROLONGATION OF SAID NORTH LINE 200 FEET, THENCE SOUTHERLY AND PARALLEL TO THE WESTERLY LINE OF SAID LOT 1, 70 FEET, THENCE WESTERLY IN A STRAIGHT LINE TO A POINT ON THE WEST LINE OF SAID LOT 1, 70 FEET SOUTHERLY OF THE POINT OF BEGINNING; THENCE NORTHERLY AND ALONG THE WEST LINE OF SAID LOT 1, 70 FEET TO THE POINT OF BEGINNING.

THE SUBJECT PROPERTY ALSO INCLUDES THE ALLEY ADJOINING THE PROPERTIES LISTED ABOVE.

The aforementioned legal description is comprised of Parcel Identification Numbers (PINs) 08-22-282-001, 08-22-282-002, 08-22-282-003, 08-22-282-004 and 08-22-282-007 and the alley adjoining the parcels. The subject property is located at 112, 118, 122 and 124 E. Lincoln Highway and 122 S. First St., DeKalb, IL, and generally located at the southeast corner of E. Lincoln Highway and S. First St.

Exhibit B
Final Plat of Cornerstone Subdivision

September 20, 2017


"KEEP IN FILE"

DeKalb County Recorder
DeKalb County Courthouse
330 N. Bench
Galena, IL. 61036

Dear Recorder:

This letter will serve as my authorization to allow Mr. John Pappas to present for recording the Final Plat of Cornerstone Subdivision located in Ruby's Subdivision of part of Block 2 in the City of DeKalb, DeKalb County, Illinois.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 7th day of February, 2018, A.D.


David D. Scovel
ILLINOIS PROFESSIONAL LAND SURVEYOR
No. 35-3138



My license expires November 30, 2018.

* STARBUCKS CIRCLE
DEKALB, ILL
60115

2018001388

10/168-A

**Exhibit C
Final Plans**

1. Proposed Site Improvements of 123 "E. Lincoln Highway-Cornerstone DeKalb, LLC for Pappas Development, prepared by Wendler Engineering Services, Inc., latest revision dated 6/12/2017, consisting of the following pages:
 - a. 1 of 13. Existing Site & Demo Plan
 - b. Sheet 2 of 13. Layout Plan
 - c. Sheet 3 of 13. Utility Plan
 - d. Sheet 4 of 13. Grading Plan
 - e. Sheet 5 of 13. Grading Plan
 - f. Sheet 6 of 13. Paver Pattern
 - g. Sheet 7 of 13. Landscape Plan
 - h. Sheet 8 of 13. General Notes
 - i. Sheet 9 of 13. Details
 - j. Sheet 10 of 13. Details
 - k. Sheet 11 of 13. Water Details
 - l. Sheet 12 of 13. Details
 - m. Sheet 13. Of 13. Details
2. Sheet A-1, Floor Plans
3. Sheet A-3, North and West Exterior Elevations, prepared by LaPage Architects, Ltd., dated 6/5/2017.
4. Sheet A-3.1, South and East Elevations, prepared by LaPage Architects, Ltd, dated 6/5/2017.
5. Sheet A-3.2, Court Elevations, prepared by LaPage Architects, Ltd. Dated 6/2/2017.

Exhibit D
Conditions of Approval

1. Tenant signs shall be located between the awning and the first horizontal band above the awning. Overall square footage for each sign may vary based on sign content, but in no instance may any sign extend beyond the limits of the store frontage or above the horizontal band. The Bar and Grill sign may vary in content based on the final name, but shall be roughly centered in area between the awning, the horizontal element and the vertical elements. The Community Development Director shall have final authority to approve signs in compliance with this requirement.
2. Final lighting review of wall pack lighting on the building and pole mounted lighting in the parking lot, including photometric review, shall be submitted to the Council for approval later as part of final consideration of First Street modifications to increase the width of the pedestrian sidewalk on the east side.
3. Owner shall coordinate with Police Chief and IT Director and receive written authorization from the Community Development Director with regard to the locations of required security cameras, and fiber-optic and Wi-Fi services, and install improvements prior to the issuance of a certificate of occupancy.
4. Owner shall provide any additional easements that may be required to modify First Street pedestrian sidewalk on the east side.
5. A bicycle parking rack shall be provided in the Courtyard area subject to design and location approval by the Community Development Director.
6. Impact fees, if any, to the Park District will be paid by prior to the issuance of a certificate of occupancy.
7. Prior to the execution of the Final Plat of Cornerstone Subdivision, Owner shall revise language in the City Mayor Certificate to refer to the "Plat" instead of "Attached Plan", and the language in the City Clerk Certificate should be revised to state "City Council" instead of "Board of Trustees".
8. Owner shall install three 2.5" caliper parkway shade trees in the Lincoln Highway right-of-way to replace trees removed by the Owner prior to demolition. Trees shall be approved by the Director of Community Development.
9. Owner shall submit to the Director of Community Development for review and approval a landscape plan for any unpaved surface in the court area on the south side of the building. Landscape materials shall be installed prior to the issuance of any certificate of occupancy.
10. Owner shall coordinate with the Director of Community Development and other property owners/businesses on the block with regard to the sizing and reconstruction of the common dumpster located immediately east of the parking lot. The modified dumpster shall be completed prior to the issuance of any certificate of occupancy.