

## AGENDA REGULAR VILLAGE BOARD MEETING

SEPTEMBER 12, 2023 7:00 PM

- 1. CALL TO ORDER
- 2. PLEDGE OF ALLEGIANCE

**INVOCATION** (REVEREND DAN FOLWACZNY, OUR LADY OF THE BLESSED SACRAMENT PARISH)

- 3. APPROVAL OF MINUTES OF AUGUST 15, 2023
- 4. MAYOR & BOARD OF TRUSTEES' REPORT

**5. ACCOUNTS PAYABLE WARRANT:** JULY 31, 2023 \$ 95,308.91

AUGUST 31, 2023 \$ 5,845,382.43 SEPTEMBER 12, 2023 \$ 934,698.79

#### 6. CONSENT AGENDA

a. Consideration of a request from Grove Junior High School located at 777 Elk Grove Boulevard, to waive the FY 2023-24 business license fees in the amount of \$150.

(Grove Junior High School is respectfully requesting the Business License fee in the amount of \$150 to be waived for a general retail license for a school supply shop and one vending machine that is located at 777 W. Elk Grove Boulevard.

(It has been past practice of the Village Board to grant fee waivers for governmental and non-profit organizations.

(The Director of Finance recommends approval.)

b. Consideration of a request from the Elk Grove Park District to waive permit fees for the renovation and expansion of the existing playground and recreational amenities at Marshall Park, 711 Chelmsford Lane, in the amount of \$57,736.50.

(It has been past practice of the Village Board to grant fee waivers for governmental and

non-profit organizations.)

(The Director of Community Development recommends approval.)

c. Consideration to award a purchase contract through the Minnesota State Equipment Contract to Street Smart Rentals LLC, of Columbus, MN for the purchase of a Scorpion II Crash Attenuator TL-3 Trailer with Arrow Board in the amount of \$31,435 from the Water & Sewer Fund.

(The Scorpion II Crash Attenuator TL-3 Trailer with 25 LED Arrow Board is available through the MN State Equipment Purchase Contract from Street Smart Rentals LLC. of Columbus, MN in the amount of \$31,435.

(Adequate funds are available in the Water & Sewer Fund.

(The Director of Public Works recommends approval.)

d. Consideration to concur with prior Village Board authorization to award a professional services contract to the lowest responsive and responsible bidder, Husar Abatement, Ltd. of Franklin Park, IL for Pre-Demolition Asbestos and Universal Waste/Hazardous Building Components Abatement at 500 E. Higgins Road in an amount not to exceed \$85,250 from the Higgins Corridor Redevelopment Fund.

(On Tuesday, August 15, 2023 the Village opened bids for the Pre-Demolition Asbestos and Universal Waste/Hazardous Building Components Abatement Project located at 500 E. Higgins Road.

(Nine (9) bids were submitted.

(The lowest responsive and responsible bid was received by Husar Abatement, Ltd. of Franklin Park, IL in the amount of \$85,250.

(Adequate funds are available in the Higgins Corridor Redevelopment Fund.

(The Director of Community Development recommends approval.)

e. Consideration to award a purchase contract to Langton Group of Woodstock, IL for 250 trees in the amount of \$89,975 from the General Fund.

(Due to the drought that the Village has experienced this season and the severe storms that occurred in July, the Village has incurred an increased loss in parkway trees this year.

(The Village sought quotes from four (4) area nurseries to supply an additional 250 parkway trees this fall.

(The lowest quote received was from Langton Group of Woodstock, IL in the amount of \$89,975.

(The additional parkway trees will supplement the 250 trees the Village is receiving from St. Aubin Nursery this fall.

(Funds are available in the General Fund.

(The Director of Public Works recommends approval.)

f. Consideration to award a purchase contract through the National Cooperative Purchasing Alliance OMNIA Contract 07-90 to Forms + Surfaces, Inc. of Pittsburgh, PA for the purchase of 19 benches and 15 trash receptacles in the amount of \$101,148 from the Capital Projects Fund and Residential Enhancement Fund.

(Funds have been budgeted in the FY2024 Budget to replace existing benches and trash

receptacles on the Village Green and in the Police Department lobby, along with the addition of new benches and receptacles at Veteran's Park.

(The benches and trash receptacles are available through the National Cooperative Purchasing Alliance OMNIA Contract 07-90 from Forms + Surfaces, Inc of Pittsburgh, PA for the amount of \$101,148.

(Sufficient funds are available in the Capital Projects Fund and the Residential Enhancement Fund.

(The Director of Public Works recommends approval.)

g. Consideration to award a purchase contract through the Sourcewell/NJPA Joint Purchasing Cooperative to Old Dominion Brush Company, Inc. of Richmond, VA for the purchase of a Leaf Vacuum in the amount of \$160,838.12 from the Capital Replacement Fund.

(The ODB Xtreme Vacuum Collector is available with base pricing established by the Sourcewell/NJPA Purchasing Cooperative with the manufacturer, Old Dominion Brush Company, Inc. of Richmond, VA.

(Adequate funds are budgeted in the Capital Replacement Fund.

(The Director of Public Works recommends approval.)

h. Consideration to award a professional services contract to Civiltech Engineering, Inc. of Itasca, IL for the Preliminary Design Engineering Services for the Biesterfield Road Resurfacing and Streetscape project in the amount of \$300,531 from the Capital Project Fund.

(The Village has secured Surface Transportation Program (STP) grant funds amounting to \$3,500,000, which will go toward the cost of construction and construction engineering for the Biesterfield Road Resurfacing and Streetscape Project, spanning from Martha Lane to Arlington Heights Road.

(Civiltech Engineering, Inc. of Itasca, IL submitted a proposal to provide Preliminary Design Engineering Services in the amount of \$300,531.

(Adequate funds are available in the Capital Projects Fund.

(The Director of Public Works recommends approval.)

i. Consideration to award a construction contract to the lowest responsive and responsible bidder Martam Construction, Inc. of Elgin, IL for the 2023 Right-of-Way Drainage Improvements project in the amount of \$394,620. from the Water-Sewer Fund.

(On Tuesday, August 29, 2023, the Village opened sealed bids for the 2023 Right-of-Way Drainage Improvements project.

(The project will include extending portions of the Village's current storm sewer system to help alleviate flooding concerns. These areas include Cooper Court, Creighton Avenue south of JFK Boulevard, Elmwood Lane & Ash Street, and Lilac Lane & Verde Lane.

(A total of ten (10) contractors obtained bid documents and six (6) contractors submitted bids.

(The lowest responsive and responsible bid was received from Martam Construction Inc. of Elgin, IL.

(Adequate funds are available in the Water-Sewer Fund.

- (The Director of Public Works recommends approval.)
- j. Consideration of a request from Access MotorSports, Inc. to approve a high quality immersive racing simulator business at 960 Elk Grove Town Center.
  - (The B-5 Town Center Shopping District authorizes the Village Board to review and approve uses not specifically identified in the Zoning Code.
  - (AccessMotorsports, Inc. is a high quality immersive simulator-style venue which comploiments the upscale retail uses within the Town Center Shopping Districts.
  - (The Director of Community Development recommends approval.)
- k. Consideration to hold the regular Village Board Meetings at 7:00 p.m. in 2024 on the second and fourth Tuesday of the month with the following exceptions:
  - March add March 19, 2024 Budget Meeting for budget purposes at 6:00 p.m.;
  - June hold one regular Village Board Meeting to convene on June 18, 2024 at 7:00 p.m.;
  - July hold one regular Village Board Meeting to convene on July 16, 2024 at 7:00 p.m.;
  - August hold one regular Village Board Meeting to convene on August 13, 2024 at 7:00 p.m.;
  - November hold one regular Village Board Meeting to convene on November 19, 2024 at 7:00 p.m.; and
  - December hold one regular Village Board Meeting to convene on December 17, 2024 at 7:00 p.m.

(Start times may be adjusted due to elections or special events such as the Mid-Summer Classics Concert Series.

- (This schedule follows the past practice of the Village Board to hold only one meeting during the months of June, July, August, November and December.)
- 1. Consideration to adopt Ordinance No. 3824 adopting a Special Use Permit to 3J Auto Body Inc. to permit an automotive repair facility in an I-1 Industrial District on property located at 670 Lunt Avenue, Elk Grove Village.
  - (This item was discussed at the August 15, 2023 Village Board Meeting and currently appears under Unfinished Business.)
- m. Consideration to adopt Resolution No. 46-23 approving a Plat of Easement for a roadway easement to reconstruct the Village roadway and sidewalk between the Village of Elk Grove Village and the owners of record for 641 Fargo Avenue and payment to the property owner in the amount of \$5,400 from the Business Leaders Forum Fund.

(The Village requested a roadway easement from 641 Fargo Avenue to secure legal rights to reconstruct the Village roadway and sidewalk as part of the Tonne Road Reconstruction project.

(The property owner has agreed to an easement price of ten dollars per square foot, for a total easement cost of \$5,400.

(The easement purchase price is a fair market rate, as recommended by our consultant for the Tonne Road project.

(The Director of Public Works recommends approval.)

#### 7. REGULAR AGENDA

- a. Consideration to adopt the following:
  - Resolution No. 47-23 authorizing and approving a Pre-Anexation and Development Agreement. (Stream U.S. Data Centers, L.L.C)
  - Ordinance No. 3825 annexing property to the Village of Elk Grove village and Zoning the property I-1 Restricted Industrial upon Annexation. (Stream U.S. Data Centers, L.L.C. Phase 1)
  - Ordinance No. 3826 annexing property to the Village of Elk Grove Village and Zoning the property to I-1 Restricted Industrial upon Annexation. (Stream U.S. Data Centers, L.L.C Phase 2)
  - Ordinance No. 3827 approving the Final Plat of Subdivision for Stream Data Centers Campus ORD3 and Vacating the Lee Lane Right of Way and part of the Roppolo Drive Right of Way. (Stream U.S. Data Centers, L.L.C. Phase 1)
  - Ordinance No. 3828 approving a Final Plat of Subdivision for Stream Data Centers Campus ORD3 and Vacating the Vera Lane Right of Way and Part of the Roppolo Drive Right of Way. (Stream U.S. Data Center, L.L.C. Phase 2)
  - Ordinance No. 3829 approving a Final Plat of Subdivision for Stream Data Centers Campus ORD3. (Stream U.S. Data Centers L.L.C. Phase 3)
  - Ordinance No. 3830 approving the Preliminary Plat of Resubdivision for Stream Data Centers Campus ORD3 and a Subdivision Code Variance. (Stream U.S. Data Centers, L.L.C)
  - Ordinance No, 3831 granting variations to the Village of Elk Grove Village Zoning Ordinance and Subdivision Ordinance and approving a Special Use Permit for an Electric Substation. (Stream U.S. Data Centers, L.L.C.)

(The property owners and electors have signed and filed with the Village a petition asking the Village to annex the Subject Property.

(The purpose of the proposed annexation is to develop the Subject Property into a data center campus with three (3) data center facilities and an electrical substation facility.

(Following a public hearing on August 21, 2023, the Plan Commission recommended approval of the proposed annexation, associated variations to the Village's Zoning Ordinance, and special use permit for the operation of an electric substation.

(The public hearing on the proposed pre-annexation agreement and right of way vacation was held on September 12, 2023 prior to the Village Board Meeting.

(The annexation of the Phase 1 properties, which include all of the Subject Property excluding 700 Roppolo Drive, shall not occur until the Developer acquires all of the Phase 1 properties and all occupants of habitable residential structures have vacated, which shall be no later than February 12, 2024.

(The annexation of the Phase 2 property, which is 700 Roppolo Drive, shall not occur until the developer acquires the Phase 2 property and all occupants of habitable residential structures have vacated, which shall be no later than July 15, 2024.

(The Plat of Resubdivision for Phase 1 will consolidate all of the residential properties of the Subject Property, excluding 700 Roppolo Drive, into a single lot of record and vacate the Lee Lane right of way and part of the Roppolo Drive right of way. The Plat will be executed and recorded by the Village upon annexation of the Phase 1 properties.

(The Plat of Resubdivision for Phase 2 will consolidate 700 Roppolo Drive into the consolidated lot created by the Phase 1 Plat of Resubdivision and vacate the Vera Lane right of way and part of the Roppolo Drive right of way. The Plat will be executed and recorded by the Village upon annexation of the Phase 2 property.

(The Plat of Resubdivision for Phase 3 will consolidate the commercial properties into the consolidated lot created by the Phase 2 Plat of Resubdivision. The Plat will be executed and recorded by the Village upon the Developer providing the Village notice that the occupants of the commercial properties have vacated the premises, which will be no later than April 1, 2025.

(The Preliminary Plat of Resubdivision will include a resubdivision of the Subject Property into four (4) lots.)

#### 8. PLAN COMMISSION - Village Manager Roan

- a. PC Docket 23-7 Consideration of petitions for Annexation with a designated zoning of I-1 Restricted Industrial, subdivision, special use and zoned variations. A petition of subdivision for properties in unincorporated Cook County will consolidate a total of fifty five (55) parcels for future development. The properties are located in unincorporated Cook County and bounded by Landmeier Road on the south, Vera Lane on the north, Dierking Terrace on the west and properties east of Richard Lane on the east. (PH 08-21-23)
- b. Consideration of a petition submitted by Riverpoint Property Trust, LLC for Rezoning from I-2 to I-1 for property located at 751 Pratt Boulevard. (A Public Hearing date to be determined.)
- c. Consideration of a petition for a Special Use Permit to operate an indoor recreational facility for the purpose of operating a martial arts studio in a portion of the building at 1651 Lively Boulevard in the I-2 Industrial District. (Public Hearing date to be determined.)

#### 9. ZONING BOARD OF APPEALS - Village Manager Roan

a. ZBA Docket 23-4 - Consideration of a petition submitted by Richard Kimball of 1041 Bonaventure LLC, for a variation from the Elk Grove Village Zoning Ordinance as it pertains to permitted locations for fences in business zoning districts for property located at 1041 Bonaventure Drive. (PH 08-24-23)

#### 10. RECYCLING & WASTE COMMITTEE - Trustee Franke

- a. Sustainability Plan
- 11. JUDICIARY, PLANNING AND ZONING COMMITTEE Trustee Prochno
- 12. CAPITAL IMPROVEMENTS COMMITTEE Trustee Schmidt
- **13. CABLE TELEVISION COMMITTEE** Trustee Jarosch

- 14. YOUTH COMMITTEE Trustee Bush
- **15. INFORMATION COMMITTEE** Trustee Miller
- 16. BUSINESS LEADERS FORUMS Trustee Schmidt
- 17. HEALTH & COMMUNITY SERVICES Trustee Prochno
- 18. PERSONNEL COMMITTEE Trustee Schmidt
- **19. AIRPORT UPDATE** Mayor Johnson
- 20. PARADE COMMITTEE Mayor Johnson
- 21. MID-SUMMER CLASSICS CONCERT SERIES UPDATE Mayor Johnson
- **22. SPECIAL EVENTS COMMITTEE** Mayor Johnson
- 23. LIQUOR COMMISSION Mayor Johnson
- 24. REPORT FROM VILLAGE MANAGER
- 25. REPORT FROM VILLAGE CLERK
- **26. UNFINISHED BUSINESS** 
  - a. Villag Attorney Prepare the necessary documents for 3J Auto Body seeking a Special Use Permit for the operation of an automobile repair shop in an I-1 Industrial Zoning District at 670 Lunt Avenue.
- 27. NEW BUSINESS
- 28. PUBLIC COMMENT
- 29. ADJOURNMENT

In compliance with the Americans with Disabilities Act and other applicable Federal and State laws, the meeting will be accessible to individuals with disabilities. Persons requiring auxiliary aids and/or services should contact the Village Clerk, preferably no later than five days before the meeting.

<b>ORDIN</b>	ANCE NO.	
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# AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO 3J AUTO BODY INC. TO PERMIT AN AUTOMOTIVE REPAIR FACILITY IN A I-1 INDUSTRIAL DISTRICT ON PROPERTY LOCATED AT 670 LUNT AVENUE, ELK GROVE VILLAGE

**WHEREAS**, the Plan Commission of the Village of Elk Grove Village, acting as a Zoning Commission, considered the petition of 3J Auto Body, Inc. for a Special Use Permit to operate an automotive repair facility in an I-1 Industrial District for property located at 670 Lunt Avenue, Elk Grove Village, Illinois; and

**WHEREAS**, the Mayor and Board of Trustees of the Village of Elk Grove Village after having considered the recommendation and finding of said Plan Commission, find and believe it to be in the best interest of the Village that such Special Use Permit be granted as requested.

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, Illinois as follows:

<u>Section 1</u>: That there be granted a Special Use Permit to 3J Auto Body, Inc. to operate an automotive repair facility in an I-1 Industrial District for property located at 670 Lunt Avenue, Elk Grove Village, Illinois and identified by property identification number 08-34-101-021-0000.

<u>Section 2</u>: That this Special Use Permit is only valid for 3J Auto Body and expires at the time that 3J Auto Body is no longer located at the subject property.

<u>Section 3</u>: That this ordinance shall be in full force and effect from and after its passage and approval according to law.

NAYS:

**ABSENT:** 

**VOTE: AYES:** 

	PASSED this	day of	2023
	APPROVED this	day of	2023
		APPROVED:	
		Mayor Craig B. Johnson	
ATTEST:		Village of Elk Grove Vill	age
Loretta M.	Murphy, Village Clerk		

<b>RESOI</b>	LUTION	NO.	
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### A RESOLUTION APPROVING A PLAT OF EASEMENT AGREEMENT FOR A PUBLIC ROADWAY AT PROPERTY LOCATED AT 641 FARGO AVENUE

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, State of Illinois as follows:

Section 1: That approval is hereby given for a Public Roadway being part of the Southwest Quarter of Section 27, Township 41 North, Range 11 East of the Third Principal Meridian, in Cook County, Illinois, a copy of which is attached hereto and made a part hereof as if fully set forth.

<u>Section 2</u>: That the Village Mayor and Village Clerk are hereby authorized to sign said Plat for and in the name of the Village and attach thereto the corporate seal.

<u>Section 3</u>: That the Village Clerk is hereby directed to record a copy of said Plat with the Recorder of Deeds of Cook County, Illinois.

<u>Section 4</u>: That this Resolution shall be in full force and effect from and after its passage and approval according to law.

**ABSENT:** 

	PASSED this	day of	_2023
	APPROVED this	day of	2023
		APPROVED:	
ATTEST:		Mayor Craig B. Johnson Village of Elk Grove Village	
Loretta M. I	Murphy, Village Clerk		

NAYS:

PlatofEasement641FargoAve

**VOTE: AYES:** 

HREEPY CERTIFY THAT THERE ARE NO DELINQUENT CERK OF COOK COUNTY, ILLINOIS, DO HEREEY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT TAXES, NO UNPAID FORFEITED TIAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT. I FURTHERE CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT.  GIVEN UNDER MY NAME AND SEAL OF THE COUNTY CLERK AT	VILLAGE CLERK  Y CLERK'S CERTIFICATION  OF ILLINOIS ) S.S. ) S.S.	MILLAGE CLERK'S CERTIFICATION  STATE OF ILLINOIS  COUNTIES OF COOK & DUPAGE  NULLAGE CLERK OF THE VILLAGE OF ELK GROVE VILLAGE, ILLINOIS, HEREBY CERTIFY THAT THE ANNEXED PLAT WAS PRESENTED TO AND BY RESOLUTION DULY APPROVED BY THE VILLAGE COUNCIL OF SAID VILLAGE AT ITS MEETING HELD ON  SAID DATE.  NO MINNESS THEREOF, I HAVE HERETO SET MY HAND AND SEAL OF THE VILLAGE OF ELK GROVE VILLAGE, ILLINOIS, THIS DAY OF	WILLAGE BOARD CERTIFICATION  STATE OF ILLINOIS  COUNTIES OF COOK & DUPAGE  APPROVED AND ACCEPTED BY THE MAYOR AND BOARD OF TRUSTEES OF VILLAGE OF ELK GROW VILLAGE, ILLINOIS  THIS DAY OF, 2023.  MAYOR — ELK GROVE VILLAGE  ATTEST: VILLAGE CLERK	PIN: 08-27-300-047 (PART OF)
DAY AND ACMONLEDGED THAT AS SUCH OFFICERS, THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AND CAUSED THE CORPORATE SEAL TO BE AFFIDED THERETO AS THEIR FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THERE AND NOTARIAL SEAL THIS SO DAY OF huggest 223.  AND PURPOSES THEREIN SET FORTH.  SURVEYOR'S CERTIFICATE  SURVEYOR'S CERTIFICATE  STATE OF ILLINOIS  ARE AT THE PLAT OF EASEMANT HEREON DAY OF HEREBY CERTIFY THAT THE PLAT OF EASEMANT HEREON DAY OF HEREBY PREPARED USING PREVOXUS SURVEY HEROMA SUD MAPS, PLATS AND OTHER INSTRUMENTS OF RECORD FOR THE USES AND PURPOSES HEREIN SET FORTH, OF THE HEREON DESCRIBED PROPERTY.  DATED AT AURORA, KANE COUNTY, ILLINOIS, JULY 6, 2023  RICHARD B. MICCOMBS, PL.S. (FITCORMADIS OF TORTH, OF THE HEREON DAY OF HEREON DESCRIBED PROPERTY.  DATED AT AURORA, KANE COUNTY, ILLINOIS, JULY 6, 2023  RICHARD B. MICCOMBS, PL.S. (FITCORMADIS OF TORTH, OF THE HEREON DAY OF HEREON	ATTEST: CALLO CAGE  SIGNATURE  ATTEST: CALLO CAGE  ATTEST: SIGNATURE  ACCOUNT: A.B. 2023.  ATTEST: SIGNATURE  ACCOUNT: A.B. ALD. AND  AND CERTIFICATE  OFFICIAL SEAL  KELLEY GREENAN  NOTARY PUBLIC: STATE OF ILLINOIS  NOTARY PUBLIC: IN  THE STATE AND COUNTY AFORESAID, HEREBY CERTIFY THAT  SIGNALLY KNOW, TO ME TO BE THE PICK: ACCU-  THE STATE AND COUNTY AFORESAID, HEREBY CERTIFY THAT  SIGNALLY KNOW, TO ME TO BE THE PICK: ACCU-  THE STATE AND COUNTY AFORESAID, HEREBY CERTIFY THAT  THE STATE AND COUNTY AFORESAID, HEREBY CERTIFY THAT  SONALLY KNOW, TO ME TO BE THE PICK: ACCU-  THE STATE AND COUNTY AFORESAID, HEREBY CERTIFY THAT  THE STATE AND COUNTY AFORESAID.	A PERMANENT, NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED AND RESERVED FOR AND GRANTED TO THE VILLAGE OF ELK GROVE VILLAGE AND THER RESPECTIVE SUCCESSORS AND ASSIGNS IN. ON, UPON, ACROSS, OVER, UNDER AND THROUGH THE AREAS SHOWN HEREON AND LABELED AS "PUBLIC ROADWAY EASEMENT" FOR THE CONNECTION MITH THE PUBLIC ROADWAY HEREON AND LABELED AS "PUBLIC ROADWAY HEREON AND LABELED AS "PUBLIC ROADWAY HEREON AND THREE SIDEMALKS, CURB AND GUITER, FACILITIES AND BEQUIPMENT USED IN THE CONNECTION WITH THE PUBLIC WATER SUPPLY, TRANSMISSION LINES, SANITARY SEWERS, STORM DRAINAGE SYSTEM, STREET LICHTING SYSTEM, OR OTHER PUBLIC UTILITY SERVICE, AND THER PAPUR TENANCES, TOGETHER WITH THE RIGHT OF ACCESS ACROSS THE REAL ESTATE PLATTED HEREON FOR THE NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OR ALL OF THE ABOVE WORK, NO PERMANENT PUBLIC ROADWAY PERSONNEL AND EQUIPMENT TO BE AND THER PURPOSES THAT DO NOT THEN OR LATER INTERFERENT THE AFORESAID USES AND RIGHTS.  HATCH LEGEND  HATCH LEGEND  THAS IS TO CERTIFICATE  STATE OF ILLINOIS  OMNER'S CERTIFICATE  STATE OF ILLINOIS  ONLY OF COOK  THIS IS TO CERTIFY THAT HEACH LEGAL DESCRIPTION ATTAKED HEREON, AND HEREBY OF AMERICAN TO SEASEMENT DESCRIBED IN THE LEGAL DESCRIPTION ATTAKED HEREON, AND HEREBY CONSENT TO THE CRANT OF SEASEMENT DEPROTECT AND DESCRIPTION ATTAKED HEREON.  THE PROPERTY DESCRIPTION OF LESSENHEND DEPOTED AND DESCRIPTION, AND HEREBY CONSENT TO THE CRANT OF SEASEMENT DEPOTED AND DESCRIPTION ATTAKED HEREON.  THE PROPERTY DESCRIPTION OF LESSENHEND DEPOTED AND DESCRIPTION ATTAKED HEREON.	AN EASEMENT OVER A PART OF LOT 4 IN GULLO TONNE, FARGO SUBDINSION, BEING A SUBDINSION IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 41 NORTH, RANGE IT EAST OF THE THRD PRINCIPAL MERIDAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 5, 1988 AS DOCUMENT 88459428, DESCRIBED AS FOLLOWS:  COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE NORTH 00 DEGREES 21 MINUTES 25 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 4, 183,00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00 DEGREES 21 MINUTES 25 SECONDS WEST, 34.38 FEET TO A TANGENTIAL CURVE TO THE RIGHT; THENCE 31.06 FEET ALONG SAID CURVE, HAVING A RADIUS OF 28.03 FEET TO A POINT OF TANGENCY ALONG THE NORTH LINE OF SAID LOT 4; THENCE NORTH 88 DEGREES 37 MINUTES 35 SECONDS EAST ALONG SAID LOT 4; THENCE NORTH BECARES 37 MINUTES 35 SECONDS EAST ALONG SAID LOT 4; THENCE NORTH BECARES 37 MINUTES 35 SECONDS EAST ALONG SAID LOT 4; THENCE NORTH HAVE NON-TANGENTAL CURVE TO THE LEFT (TANGENTAL TO SAID NORTH LINE; 34.38 FEET TO A NON-TANGENTAL CURVE TO THE LEFT (TANGENTAL TO SAID NORTH LINE; MI THE OPPOSITE DIRECTION); THENCE 85.42 FEET ALONG SAID CURVE, HAVING A RADIUS OF 55.00 FEET, A CHORD BEARING OF SOUTH 44 DEGREES OF DISTANCE OF 77.09 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.	PLAT OF THE SOUTHWEST QUARTER OF SECTION 11 EAST OF THE THIRD PRINCIPAL MERIDIAN
WEST LINE OF THE SOUTHWEST OULARTER OF SECTION 27-T41N-R11E (CENTERLINE OF TONNE ROAD PER DOC. 17515553, REC. 4/21/1959)  15' EASEMENT FOR PUBL AND DRAIMAGE AND CAS DOC. 88459428  POINT OF COMMENCEMENT (SOUTHWEST CORNER OF LOT 4)  (R=127.42')	N00'21'25"W 183.00' (R=217.39')  LOT 4	R=RAD:20.00') RADIUS: 20.00'  (R=RAD:20.00') LENGTH: 31.06'  (R=ARC:31.06') LENGTH: 31.06'  CHOND: 28.03'  CB: N44708'05''E  PERMANENT PUBLIC ROADWAY  EASEMENT HEREBY GRANTED  POINT OF BEGINNING  EAST LINE OF TONNE  PER DOC. 88459428  NORTH  RADIUS: 55.00'  LENGTH: 85.42'  CHORD: 77.09'  CH		C ROADWAY  SECTION 27, TOWNSHIP 41 NORTH, RANGE MERIDIAN, IN COOK COUNTY, ILLINOIS.
PLAT C  (R=90.20')  (R=90.20')  BAR IS ONE OFFICIAL E O	FEASEMENT PUBLIC ROADWAY	Illinois Professional Design Firm # 184-00132   2363 Sequoia Drive, Suite 101   Aurora, Illinois 60506   t. 630.553.7560 f. 630.553.7646   www.hrgreen.com	FARGO AVENUE  .09  NO. DATE BY REVISION	DESCRIPTION

#### ORDINANCE NO. \_\_\_\_

# AN ORDINANCE ANNEXING PROPERTY TO THE VILLAGE OF ELK GROVE VILLAGE AND ZONING THE PROPERTY I-1 RESTRICTED INDUSTRIAL UPON ANNEXATION

#### (STREAM U.S. DATA CENTERS, L.L.C. – PHASE 1)

**WHEREAS**, the Village of Elk Grove Village ("Village") is an Illinois home rule municipality organized and operating under the Illinois Municipal Code and the Constitution of the State of Illinois; and

**WHEREAS**, Stream U.S. Data Centers, L.L.C. ("**Developer**") is a Texas limited liability company and the contract purchaser of certain property generally located north Landmeier Road, south of Vera Lane, east of Dierking Terrace, and west of the properties located immediately east of Richard Lane, which property is legally described on <u>Exhibit A</u> and depicted on <u>Exhibit B</u> ("**Property**"); and

**WHEREAS**, the Property's owners and electors have signed and filed with the Village a petition asking the Village to annex the Property to the Village; and

**WHEREAS**, the Property is not located within the corporate limits of any municipality but is contiguous to the Village's corporate limits; and

**WHEREAS**, the Property's annexation will extend the corporate limits of the Village to the far side of any roadway adjacent to the Property; and

**WHEREAS**, the Village has sent notice of annexation to the appropriate taxing districts and other bodies and officials as required by state statute;

**WHEREAS**, the affidavits of service of such notices required herein are on deposit with the Village Clerk and have been recorded in the Office of the Cook County Clerk, Recordings Division, as is required by law; and

**WHEREAS**, all petitions, documents, and other necessary legal requirements have been performed in full compliance with the law;

**WHEREAS**, the Village Plan Commission, at a public hearing duly called on August 21, 2023 and held according to law, considered the question of the annexation and zoning of the Property and recommended the Property be annexed and zoned in accordance with this Ordinance;

**WHEREAS,** the Developer and the Village have entered into a valid and binding Pre-Annexation and Development Agreement ("**Annexation Agreement**") with respect to the annexation of the Property to the Village, which Annexation Agreement was considered at a public hearing duly called and held according to law, and which Annexation Agreement was approved by the Mayor and Board of Trustees of the Village pursuant to Resolution No. \_\_\_\_\_duly passed and approved this 12th day of September, 2023; and

**WHEREAS**, pursuant to the Illinois Municipal Code (65 ILCS 5/7-1-8) and the Village's home rule authority, the Mayor and Board of Trustees find and believe it to be in the best interest of the Village that the Property be annexed to the Village according to the provisions of the Annexation Agreement and zoned upon annexation, all as set forth in this Ordinance.

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, Illinois, in exercise of its home rule powers, as follows:

**SECTION 1. RECITALS AND EXHIBITS.** The recitals set forth above and all exhibits attached to this Ordinance are incorporated in this Section as if fully set forth herein.

**SECTION 2. ANNEXATION OF THE PROPERTY.** The Property, including all unincorporated roads contiguous thereto, is hereby annexed to and made a part of the Village.

<u>SECTION 3.</u> <u>ZONING APPROVED.</u> The Property is hereby zoned I-1 Restricted Industrial District upon annexation to the Village. The Village Clerk is directed to update the Village zoning map in accordance with this Ordinance.

SECTION 4. AUTHORITY. The Village Clerk is directed to record a certified copy of this Ordinance together with the plat of annexation as attached hereto as Exhibit B with the Office of the Cook County Clerk, Recordings Division. The Village Clerk is also authorized and directed to notify the Election Authorities, as defined in Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-1, and the United States Post Office branches serving the Property, of the annexation by registered or certified mail within 30 days after the effective date of this Ordinance, and to take all steps necessary to annex the Property into the Village.

**SECTION 5. EFFECTIVE DATE**. This Ordinance shall be in full force and effect from and after (a) its approval in accordance with the law; and (b) the date the Ordinance is recorded with the Office of the Cook County Clerk, Recordings Division; provided, however, this Ordinance will only be recorded upon the Developer confirming that it has acquired the Property and all occupants of habitable residential structures have vacated the Property, all as set forth in the Annexation Agreement.

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	VOTE:	AYES:	_ NAYS:	_ ABSENT:		
	PASSED this	12th day of Se	ptember, 2023	3.		
	APPROVED this 12th day of September, 2023.					
			APPROVED	):		
ATTE	ST:		Mayor Craig Village of El	B. Johnson		
	a M. Murphy, `e of Elk Grove	•				
PUBL	ISHED this	day of Septe	ember, 2023 ir	n pamphlet form.		

#### Exhibit A

#### **Legal Description of Property**

LOTS 1 THROUGH 6 IN BLOCK 1, LOTS 1 THROUGH 7 IN BLOCK 2, LOTS 1 THROUGH 6 AND LOTS 9 THROUGH 12 IN BLOCK 3, AND LOTS 2 THROUGH 12 IN BLOCK 4, IN ROPPOLO'S LANDMEIER SUBDIVISION, BEING A RESUBDIVISION OF LOT 2 (EXCEPT FOR THE EAST 713.71 FEET THEREOF), IN THE SUBDIVISION OF THE ESTATE OF HENRY LANDMEIER, BEING PART OF SECTIONS, 26 AND 35, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON FEBRUARY 8TH, 1957 AS DOCUMENT NUMBER 1722183.

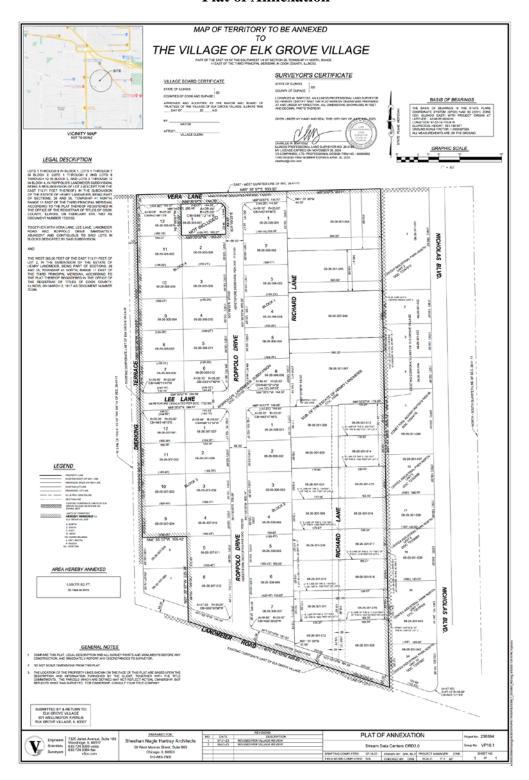
TOGETHER WITH VERA LANE, LEE LANE, LANDMEIER ROAD AND ROPPOLO DRIVE IMMEDIATELY ADJACENT AND CONTIGUOUS TO SAID LOTS IN BLOCKS DEDICATED BY SAID SUBDIVISION.

#### AND

THE WEST 360.00 FEET OF THE EAST 713.71 FEET OF LOT 2, IN THE SUBDIVISION OF THE ESTATE OF HENRY LANDMEIER, BEING PART OF SECTIONS, 26 AND 35, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON MARCH 2, 1917 AS DOCUMENT NUMBER 70396.

#### Exhibit B

#### **Plat of Annexation**



#### ORDINANCE NO. \_\_\_\_

## AN ORDINANCE ANNEXING PROPERTY TO THE VILLAGE OF ELK GROVE VILLAGE AND ZONING THE PROPERTY I-1 RESTRICTED INDUSTRIAL UPON ANNEXATION

#### (STREAM U.S. DATA CENTERS, L.L.C. – PHASE 2)

**WHEREAS**, the Village of Elk Grove Village ("Village") is an Illinois home rule municipality organized and operating under the Illinois Municipal Code and the Constitution of the State of Illinois; and

**WHEREAS**, Stream U.S. Data Centers, L.L.C. ("**Developer**") is a Texas limited liability company and the contract purchaser of certain property commonly known as 700 Roppolo Drive, Elk Grove Village, Illinois, which property is legally described on <u>Exhibit A</u> and depicted on <u>Exhibit B</u> ("**Property**"); and

**WHEREAS**, the Property's owners and electors have signed and filed with the Village a petition asking the Village to annex the Property to the Village; and

**WHEREAS**, the Property is not located within the corporate limits of any municipality but is contiguous to the Village's corporate limits; and

**WHEREAS**, the Property's annexation will extend the corporate limits of the Village to the far side of any roadway adjacent to the Property; and

**WHEREAS**, the Village has sent notice of annexation to the appropriate taxing districts and other bodies and officials as required by state statute;

**WHEREAS**, the affidavits of service of such notices required herein are on deposit with the Village Clerk and have been recorded in the Office of the Cook County Clerk, Recordings Division, as is required by law; and

**WHEREAS**, all petitions, documents, and other necessary legal requirements have been performed in full compliance with the law;

**WHEREAS**, the Village Plan Commission, at a public hearing duly called on August 21, 2023 and held according to law, considered the question of the annexation and zoning of the Property and recommended the Property be annexed and zoned in accordance with this Ordinance:

WHEREAS, the Developer and the Village have entered into a valid and binding Pre-Annexation and Development Agreement ("Annexation Agreement") with respect to the annexation of the Property to the Village, which Annexation Agreement was considered at a Public Hearing duly called and held according to law, and which Annexation Agreement was approved by the Mayor and Board of Trustees of the Village pursuant to Resolution No. \_\_\_\_\_ duly passed and approved this 12th day of September, 2023; and

**WHEREAS,** pursuant to the Illinois Municipal Code (65 ILCS 5/7-1-8) and the Village's home rule authority, the Mayor and Board of Trustees find and believe it to be in the best interest of the Village that the Property be annexed to the Village according to the provisions of the Annexation Agreement and zoned upon annexation, all as set forth in this Ordinance.

**NOW, THEREFORE BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, Illinois, in exercise of its home rule powers, as follows:

**SECTION 1. RECITALS AND EXHIBITS.** The recitals set forth above and all exhibits attached to this Ordinance are incorporated in this Section as if fully set forth herein.

**SECTION 2. ANNEXATION OF THE PROPERTY.** The Property, including all unincorporated roads contiguous thereto, is hereby annexed to and made a part of the Village.

**SECTION 3. ZONING APPROVED.** The Property is hereby zoned I-1 Restricted Industrial District upon annexation to the Village. The Village Clerk is directed to update the Village zoning map in accordance with this Ordinance.

**SECTION 4. AUTHORITY.** The Village Clerk is directed to record a certified copy of this Ordinance together with the plat of annexation as attached hereto as <u>Exhibit B</u> with the Office of the Cook County Clerk, Recordings Division. The Village Clerk is also authorized and directed to notify the Election Authorities, as defined in Section 7-1-1 of the Illinois Municipal Code, 65 ILCS 5/7-1-1, and the United States Post Office branches serving the Property, of the annexation by registered or certified mail within 30 days after the effective date of this Ordinance, and to take all steps necessary to annex the Property into the Village.

**SECTION 5. EFFECTIVE DATE**. This Ordinance shall be in full force and effect from and after (a) its approval in accordance with the law; and (b) on the date the Ordinance is recorded with the Office of the Cook County Clerk, Recordings Division; provided, however, this Ordinance will only be recorded upon the Developer confirming that it has acquired the Property and all occupants of habitable residential structures have vacated the Property, all as set forth in the Annexation Agreement.

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	VOTE:	AYES:	_ NAYS:	_ ABSENT:		
	PASSED this	12th day of Se	ptember, 2023	3.		
	APPROVED this 12th day of September, 2023.					
			APPROVED	):		
ATTE	ST:		Mayor Craig Village of El	B. Johnson		
	a M. Murphy, `e of Elk Grove	•				
PUBL	ISHED this	day of Septe	ember, 2023 ir	n pamphlet form.		

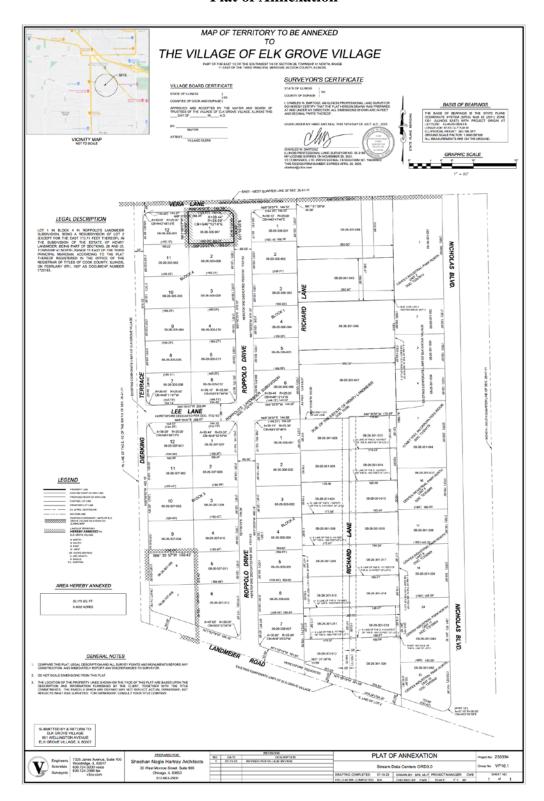
#### Exhibit A

#### **Legal Description of Property**

LOT 1 IN BLOCK 4 IN ROPPOLO'S LANDMEIER SUBDIVISION, BEING A RESUBDIVISION OF LOT 2 (EXCEPT FOR THE EAST 713.71 FEET THEREOF), IN THE SUBDIVISION OF THE ESTATE OF HENRY LANDMEIER, BEING PART OF SECTIONS, 26 AND 35, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON FEBRUARY 8TH, 1957 AS DOCUMENT NUMBER 1722183.

#### Exhibit B

#### **Plat of Annexation**



#### ORDINANCE NO.\_\_\_\_

## AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION FOR STREAM DATA CENTERS CAMPUS ORD3 AND VACATING THE LEE LANE RIGHT OF WAY AND PART OF THE ROPPOLO DRIVE RIGHT OF WAY

#### (STREAM U.S. DATA CENTERS, L.L.C. – PHASE 1)

**WHEREAS**, the Village of Elk Grove Village ("Village") is an Illinois home rule municipality organized and operating under the Illinois Municipal Code and the Constitution of the State of Illinois; and

**WHEREAS**, Stream U.S. Data Centers, L.L.C. is a Texas limited liability company and the contract purchaser of certain property generally located north Landmeier Road, south of Vera Lane, east of Dierking Terrace, and west of the properties located immediately east of Richard Lane, which property is legally described on <a href="Exhibit A">Exhibit A</a> ("**Property**"); and

**WHEREAS**, Stream U.S. Data Center, L.L.C., through its affiliate, SDC CHI III, LLC, a Delaware limited liability company (collectively, "**Developer**"), will be the Property's owner upon this Ordinance's effective date; and

WHEREAS, Developer submitted an application ("Application") seeking approval of a final plat of subdivision to consolidate portions of the Property ("Phase 1 Property") into a single lot of record and to vacate the Lee Lane right of way and part of the Roppolo Drive right of way (collectively, the "ROW"), all as depicted on the final plat of subdivision attached to this ordinance as Exhibit B ("Phase 1 Plat"); and

**WHEREAS**, the Illinois Municipal Code (65 ILCS 5/11-91-1) authorizes the Village to vacate streets and portions thereof upon finding that the vacation will serve the public interest; and

WHREREAS, the Phase 1 Property is adjacent and or contiguous to the ROW; and

**WHEREAS**, after publishing notice on August 26, 2023, the Village Board conducted a public hearing on September 12, 2023 to consider the Developer's ROW vacation request; and

WHEREAS, the Village Board has determined that (a) the village's ownership of the ROW is not necessary, appropriate, or required; (b) the ROW provides no public benefit in its current location, (c) the public interest will be served by vacating the ROW and conveying the ROW to the Developer; and (d) vacating the ROW will relieve the Village of the burden and responsibility of maintaining the ROW in the future; and

**WHEREAS**, the Village finds that it is in the Village's best interests to approve the Application and that doing so will promote the public health, safety, and welfare; and

- **WHEREAS**, the Developer and the Village also entered into a Pre-Annexation and Development Agreement ("**Annexation Agreement**") on or about September 12, 2023 governing the Property's future development;
- **NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, State of Illinois, in exercise of its home rule powers, as follows:
- **SECTION 1. RECITALS AND EXHIBITS.** The recitals set forth above and all exhibits attached to this Ordinance are incorporated in this Section as if fully set forth herein.
- SECTION 2. FINAL PLATS APPROVED; AUTHORITY. The final plat of subdivision attached to this Ordinance as Exhibit B is hereby approved. The Mayor and Village Clerk are authorized and directed to execute on the Village's behalf the Phase 1 Plat in accordance with Section 2.3 of the Annexation Agreement. The Village Clerk is authorized and directed to record the Phase 1 Plat with the Office of the Cook County Clerk, Recordings Division, in accordance with the procedures set forth in Section 2.3 of the Annexation Agreement. The Village Manager is authorized to take all actions to implement this Ordinance's terms.

#### **SECTION 3. ROW VACATION.**

- A. <u>Vacation Approved</u>. The Developer's petition to vacate the ROW is hereby approved.
- B. <u>Title Conveyed</u>. In exchange for the Consideration, as defined in Section 3.C, and other good and valuable consideration, title to the ROW shall pass to the Developer on this Ordinance's effective date.
- C. <u>Consideration</u>. In consideration of the Village vacating the ROW and conveying the ROW's title to the Developer, the Developer agrees that the Village shall not be responsible for maintaining the ROW, and the Village Board of Trustees hereby determines that savings accruing to the Village by not having to maintain the ROW equals the ROW's fair market value.
- **SECTION 4. REPEALER.** All prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.
- **SECTION 5. PUBLICATION**. The Village Clerk is authorized and directed to publish this Ordinance in pamphlet form.
- **SECTION 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after (a) its approval in accordance with the law; and (b) the Phase 1 Property's annexation into the Village.

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· ·	VOTE:	AYES:	_NAYS:	_ ABSENT:		
	PASSED this	12th day of Se	ptember, 2023			
	APPROVED this 12th day of September, 2023.					
			APPROVED	:		
			Mayor Craig	B. Johnson k Grove Village		
ATTE	ST:		village of En	k Glove village		
Loretta	a M. Murphy, V	Village Clerk				
	e of Elk Grove	•				
DIIDI	1011ED 11	1 00	1 2022	110		
PUBLISHED this day of September, 2023 in pamphlet form.						

#### Exhibit A

#### **Legal Description of Property**

LOTS 1 THROUGH 6 IN BLOCK 1, LOTS 1 THROUGH 7 IN BLOCK 2, LOTS 1 THROUGH 6 AND LOTS 9 THROUGH 12 IN BLOCK 3, AND LOTS 1 THROUGH 12 IN BLOCK 4, IN ROPPOLO'S LANDMEIER SUBDIVISION, BEING A RESUBDIVISION OF LOT 2(EXCEPT FOR THE EAST 713.71 FEET THEREOF), IN THE SUBDIVISION OF THE ESTATE OF HENRY LANDMEIER, BEING PART OF SECTIONS, 26 AND 35, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON FEBRUARY 8<sup>TH</sup>, 1957 AS DOCUMENT NUMBER 1722183;

TOGETHER WITH VERA LANE, LEE LANE, LANDMEIER ROAD AND ROPPOLO DRIVE IMMEDIATELY ADJACENT AND CONTIGUOUS TO SAID LOTS IN BLOCKS DEDICATED BY SAID SUBDIVISION:

#### **AND**

THE WEST 360.00 FEET OF THE EAST 713.71 FEET OF LOT 2, IN THE SUBDIVISION OF THE ESTATE OF HENRY LANDMEIER, BEING PART OF SECTIONS 26 AND 35, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON MARCH 2, 1917 AS DOCUMENT NUMBER 70396.

#### Addresses and P.I.Ns.:

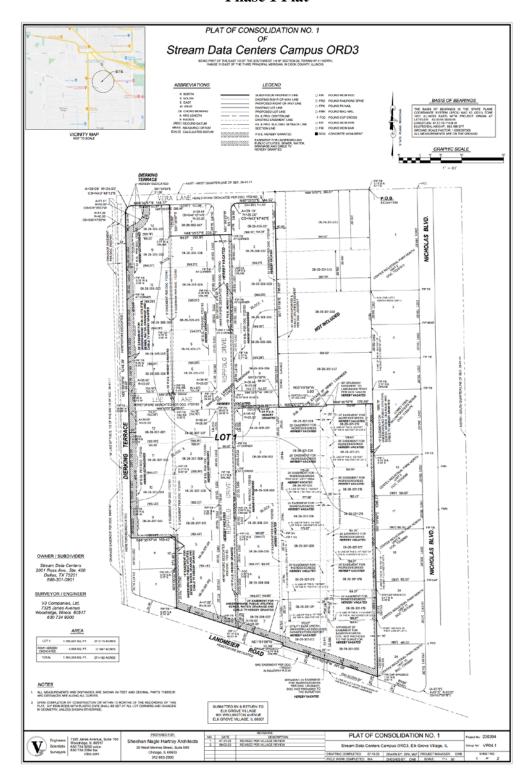
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751 Roppolo Dr (08-26-308-001); 761 Roppolo Dr (08-26-308-002);
809 Roppolo Dr (08-26-308-003); 815 Roppolo Dr (08-26-308-004);
817 Roppolo Dr (08-26-308-005); 851 Roppolo Dr (08-26-308-006);
905 Roppolo Dr (08-26-308-007); 802 Richard Ln (08-26-301-028);
804 Richard Ln (08-26-301-029); 808 Richard Ln (08-26-301-024);
812 Richard Ln (08-26-301-008); 814 Richard Ln (08-26-301-009);
818 Richard Ln (08-26-301-010); 900 Richard Ln (08-26-301-011);
906 Richard Ln (08-26-301-012); 801 Richard Ln (08-26-301-013);
805 Richard Ln (08-26-301-014); 809 Richard Ln (08-26-301-015);
809 Richard Ln (08-26-301-016); 823 Richard Ln (08-26-301-017);
825 Richard Ln (08-26-301-018); 901 Richard Ln (08-26-301-019);
2110 Landmeier Rd (08-26-301-020); 701 Dierking Terrace (08-26-305-001);
703 Dierking Terrace (08-26-305-002); 705 Dierking Terrace (08-26-305-003);
707 Dierking Terrace (08-26-305-004); 717 Dierking Terrace (08-26-305-005);
777 Dierking Terrace (08-26-305-006); 801 Dierking Terrace (08-26-307-001);
805 Dierking Terrace (08-26-307-002); 809 Dierking Terrace (08-26-307-003);
913 Dierking Terrace (08-26-307-004); 700 Roppolo Dr (08-26-305-007);
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704 Roppolo Dr (08-26-305-008); 708 Roppolo Dr (08-26-305-009); 712 Roppolo Dr (08-26-305-010); 716 Roppolo Dr (08-26-305-011); 720 Roppolo Dr (08-26-305-012); 800 Roppolo Dr (08-26-307-007); 804 Roppolo Dr (08-26-307-008); 808 Roppolo Dr (08-26-307-009); 812 Roppolo Dr (08-26-307-010); 816 Roppolo Dr (08-26-307-011); 900 Roppolo Dr (08-26-307-012); 701 Roppolo Dr (08-26-306-001); 707 Roppolo Dr (08-26-306-002); 709 Roppolo Dr (08-26-306-003); 717 Roppolo Dr (08-26-306-004); 717 Roppolo Dr (08-26-306-005); 721 Roppolo Dr (08-26-306-006); 750 Richard Ln (08-26-301-046); 750 Richard Ln (08-26-301-044); 720 Richard Ln (08-26-301-047); and 750 Richard Ln (08-26-301-045)
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all in the Village of Elk Grove Village, Illinois

#### Exhibit B

#### **Phase 1 Plat**



### PLAT OF CONSOLIDATION NO. 1 OF ream Data Centers Campus ORD3

		Stream Data Centers Campus ORD3			
		BEING PART OF THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERICIAN, IN COOK COUNTY, ILLINOIS.			
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#### ORDINANCE NO.\_\_\_\_

## AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION FOR STREAM DATA CENTERS CAMPUS ORD3 AND VACATING THE VERA LANE RIGHT OF WAY AND PART OF THE ROPPOLO DRIVE RIGHT OF WAY

#### (STREAM U.S. DATA CENTERS, L.L.C. – PHASE 2)

**WHEREAS**, the Village of Elk Grove Village ("Village") is an Illinois home rule municipality organized and operating under the Illinois Municipal Code and the Constitution of the State of Illinois; and

**WHEREAS**, Stream U.S. Data Centers, L.L.C. is a Texas limited liability company and the contract purchaser of certain property generally located north Landmeier Road, south of Vera Lane, east of Dierking Terrace, and west of the properties located immediately east of Richard Lane, which property is legally described on <a href="Exhibit A">Exhibit A</a> ("**Property**"); and

**WHEREAS**, Stream U.S. Data Center, L.L.C., through its affiliate, SDC CHI III, LLC, a Delaware limited liability company (collectively, "**Developer**"), will be the Property's owner upon this Ordinance's effective date; and

WHEREAS, Developer submitted an application ("Application") seeking approval of a final plat of subdivision to consolidate portions of the Property ("Phase 2 Property") into a single lot of record and to vacate the Vera Lane right of way and part of the Roppolo Drive right of way (collectively, the "ROW"), all as depicted on the final plat of subdivision attached to this ordinance as Exhibit B ("Phase 2 Plat"); and

**WHEREAS**, the Illinois Municipal Code (65 ILCS 5/11-91-1) authorizes the Village to vacate streets and portions thereof upon finding that the vacation will serve the public interest; and

**WHREREAS**, the Property is adjacent and or contiguous to the ROW; and

**WHEREAS**, after publishing notice on August 26, 2023, the Village Board conducted a public hearing on September 12, 2023 to consider the Developer's ROW vacation request; and

WHEREAS, the Village Board has determined that (a) the village's ownership of the ROW is not necessary, appropriate, or required; (b) the ROW provides no public benefit in its current location, (c) the public interest will be served by vacating the ROW and conveying the ROW to the Developer; and (d) vacating the ROW will relieve the Village of the burden and responsibility of maintaining the ROW in the future; and

**WHEREAS**, the Village finds that it is in the Village's best interests to approve the Application and that doing so will promote the public health, safety, and welfare; and

- **WHEREAS**, the Developer and the Village also entered into a Pre-Annexation and Development Agreement ("**Annexation Agreement**") on or about September 12, 2023 governing the Property's future development;
- **NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, State of Illinois, in exercise of its home rule powers, as follows:
- **SECTION 1. RECITALS AND EXHIBITS.** The recitals set forth above and all exhibits attached to this Ordinance are incorporated in this Section as if fully set forth herein.
- SECTION 2. FINAL PLATS APPROVED; AUTHORITY. The final plat of subdivision attached to this Ordinance as Exhibit B is hereby approved. The Mayor and Village Clerk are authorized and directed to execute on the Village's behalf the Phase 2 Plat in accordance with Section 2.3 of the Annexation Agreement. The Village Clerk is authorized and directed to record the Phase 2 Plat with the Office of the Cook County Clerk, Recordings Division, in accordance with the procedures set forth in Section 2.3 of the Annexation Agreement. The Village Manager is authorized to take all actions to implement this Ordinance's terms.

#### **SECTION 3. ROW VACATION.**

- A. <u>Vacation Approved</u>. The Developer's petition to vacate the ROW is hereby approved.
- B. <u>Title Conveyed</u>. In exchange for the Consideration, as defined in Section 3.C, and other good and valuable consideration, title to the ROW shall pass to the Developer on this Ordinance's effective date.
- C. <u>Consideration</u>. In consideration of the Village vacating the ROW and conveying the ROW's title to the Developer, the Developer agrees that the Village shall not be responsible for maintaining the ROW, and the Village Board of Trustees hereby determines that savings accruing to the Village by not having to maintain the ROW equals the ROW's fair market value.
- **SECTION 4. REPEALER.** All prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.
- **SECTION 5. PUBLICATION**. The Village Clerk is authorized and directed to publish this Ordinance in pamphlet form.
- **SECTION 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after (a) its approval in accordance with the law; and (b) the Phase 2 Property's annexation into the Village.

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· ·	VOTE:	AYES:	_NAYS:	_ ABSENT:		
	PASSED this	12th day of Se	ptember, 2023			
	APPROVED this 12th day of September, 2023.					
			APPROVED	:		
			Mayor Craig	B. Johnson k Grove Village		
ATTE	ST:		village of En	k Glove village		
Loretta	a M. Murphy, V	Village Clerk				
	e of Elk Grove	•				
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PUBLISHED this day of September, 2023 in pamphlet form.						

#### Exhibit A

#### **Legal Description of Property**

LOTS 1 THROUGH 6 IN BLOCK 1, LOTS 1 THROUGH 7 IN BLOCK 2, LOTS 1 THROUGH 6 AND LOTS 9 THROUGH 12 IN BLOCK 3, AND LOTS 1 THROUGH 12 IN BLOCK 4, IN ROPPOLO'S LANDMEIER SUBDIVISION, BEING A RESUBDIVISION OF LOT 2(EXCEPT FOR THE EAST 713.71 FEET THEREOF), IN THE SUBDIVISION OF THE ESTATE OF HENRY LANDMEIER, BEING PART OF SECTIONS, 26 AND 35, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON FEBRUARY 8<sup>TH</sup>, 1957 AS DOCUMENT NUMBER 1722183;

TOGETHER WITH VERA LANE, LEE LANE, LANDMEIER ROAD AND ROPPOLO DRIVE IMMEDIATELY ADJACENT AND CONTIGUOUS TO SAID LOTS IN BLOCKS DEDICATED BY SAID SUBDIVISION:

#### **AND**

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#### Addresses and P.I.Ns.:

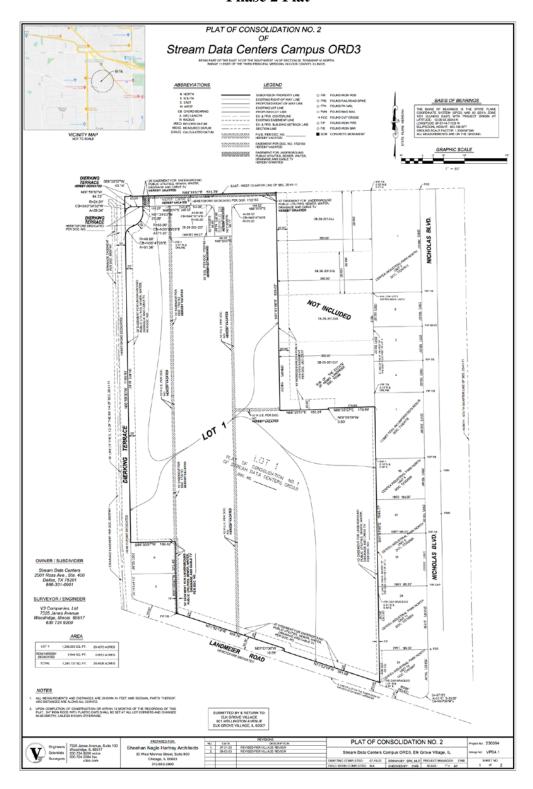
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751 Roppolo Dr (08-26-308-001); 761 Roppolo Dr (08-26-308-002);
809 Roppolo Dr (08-26-308-003); 815 Roppolo Dr (08-26-308-004);
817 Roppolo Dr (08-26-308-005); 851 Roppolo Dr (08-26-308-006);
905 Roppolo Dr (08-26-308-007); 802 Richard Ln (08-26-301-028);
804 Richard Ln (08-26-301-029); 808 Richard Ln (08-26-301-024);
812 Richard Ln (08-26-301-008); 814 Richard Ln (08-26-301-009);
818 Richard Ln (08-26-301-010); 900 Richard Ln (08-26-301-011);
906 Richard Ln (08-26-301-012); 801 Richard Ln (08-26-301-013);
805 Richard Ln (08-26-301-014); 809 Richard Ln (08-26-301-015);
809 Richard Ln (08-26-301-016); 823 Richard Ln (08-26-301-017);
825 Richard Ln (08-26-301-018); 901 Richard Ln (08-26-301-019);
2110 Landmeier Rd (08-26-301-020); 701 Dierking Terrace (08-26-305-001);
703 Dierking Terrace (08-26-305-002); 705 Dierking Terrace (08-26-305-003);
707 Dierking Terrace (08-26-305-004); 717 Dierking Terrace (08-26-305-005);
777 Dierking Terrace (08-26-305-006); 801 Dierking Terrace (08-26-307-001);
805 Dierking Terrace (08-26-307-002); 809 Dierking Terrace (08-26-307-003);
913 Dierking Terrace (08-26-307-004); 700 Roppolo Dr (08-26-305-007);
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704 Roppolo Dr (08-26-305-008); 708 Roppolo Dr (08-26-305-009); 712 Roppolo Dr (08-26-305-010); 716 Roppolo Dr (08-26-305-011); 720 Roppolo Dr (08-26-305-012); 800 Roppolo Dr (08-26-307-007); 804 Roppolo Dr (08-26-307-008); 808 Roppolo Dr (08-26-307-009); 812 Roppolo Dr (08-26-307-010); 816 Roppolo Dr (08-26-307-011); 900 Roppolo Dr (08-26-307-012); 701 Roppolo Dr (08-26-306-001); 707 Roppolo Dr (08-26-306-002); 709 Roppolo Dr (08-26-306-003); 717 Roppolo Dr (08-26-306-004); 717 Roppolo Dr (08-26-306-005); 721 Roppolo Dr (08-26-306-006); 750 Richard Ln (08-26-301-046); 750 Richard Ln (08-26-301-044); 720 Richard Ln (08-26-301-047); and 750 Richard Ln (08-26-301-045)
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all in the Village of Elk Grove Village, Illinois

#### Exhibit B

#### **Phase 2 Plat**



### PLAT OF CONSOLIDATION NO. 2 OF Stream Data Centers Campus ORD3 sean over or the Earl's soor the Contracts is not section as, translated is soon to the Earl's resident in soon to the Contract of the Stream resident in soon to Contract, Labour.

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#### ORDINANCE NO.\_\_\_\_

### AN ORDINANCE APPROVING A FINAL PLAT OF SUBDIVISION FOR STREAM DATA CENTERS CAMPUS ORD3

#### (STREAM U.S. DATA CENTERS, L.L.C. – PHASE 3)

- **WHEREAS**, the Village of Elk Grove Village ("Village") is an Illinois home rule municipality organized and operating under the Illinois Municipal Code and the Constitution of the State of Illinois; and
- **WHEREAS**, Stream U.S. Data Centers, L.L.C. is a Texas limited liability company and the contract purchaser of certain property generally located north Landmeier Road, south of Vera Lane, east of Dierking Terrace, and west of the properties located immediately east of Richard Lane, which property is legally described on <u>Exhibit A</u> ("**Property**"); and
- **WHEREAS**, Stream U.S. Data Center, L.L.C., through its affiliate, SDC CHI III, LLC, a Delaware limited liability company (collectively, "**Developer**"), will be the Property's owner upon this Ordinance's effective date; and
- **WHEREAS**, Developer submitted an application ("**Application**") seeking approval of a final plat of subdivision to consolidate the Property into a single lot of record all as depicted on the final plat of subdivision attached to this ordinance as <u>Exhibit B</u> ("**Phase 3 Plat**"); and
- **WHEREAS**, the Village finds that it is in the Village's best interests to approve the Application and that doing so will promote the public health, safety, and welfare; and
- **WHEREAS**, the Developer and the Village also entered into a Pre-Annexation and Development Agreement ("**Annexation Agreement**") on or about September 12, 2023 governing the Property's future development;
- **NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, State of Illinois, in exercise of its home rule powers, as follows:
- **SECTION 1. RECITALS AND EXHIBITS.** The recitals set forth above and all exhibits attached to this Ordinance are incorporated in this Section as if fully set forth herein.
- **SECTION 2. FINAL PLATS APPROVED; AUTHORITY.** The final plat of subdivision attached to this Ordinance as Exhibit B is hereby approved. The Mayor and Village Clerk are authorized and directed to execute on the Village's behalf the Phase 3 Plat in accordance with Section 2.3 of the Annexation Agreement. The Village Clerk is authorized and directed to record the Phase 3 Plat with the Office of the Cook County Clerk, Recordings Division, in accordance with the procedures set forth in Section 2.3 of the Annexation Agreement. The Village Manager is authorized to take all actions to implement this Ordinance's terms.

**SECTION 3. REPEALER.** All prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**SECTION 4. PUBLICATION**. The Village Clerk is authorized and directed to publish this Ordinance in pamphlet form.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after (a) its approval in accordance with the law; and (b) this Ordinance being recorded with the Office of the Cook County Clerk, Recordings Division.

AYES: \_\_\_\_ NAYS: \_\_\_\_ ABSENT: \_\_\_\_

PASSED this 12th day of September, 2023.					
APPROVED this 12th day of September, 2023.					
	APPROVED:				
	Mayor Craig B. Johnson Village of Elk Grove Village				
ATTEST:	vininge of Zin Grove vininge				
Loretta M. Murphy, Village Clerk					
Village of Elk Grove Village					
PUBLISHED this day of Septe	ember, 2023 in pamphlet form.				

VOTE:

### Exhibit A

## **Legal Description of Property**

LOTS 1 THROUGH 6 IN BLOCK 1, LOTS 1 THROUGH 7 IN BLOCK 2, LOTS 1 THROUGH 6 AND LOTS 9 THROUGH 12 IN BLOCK 3, AND LOTS 1 THROUGH 12 IN BLOCK 4, IN ROPPOLO'S LANDMEIER SUBDIVISION, BEING A RESUBDIVISION OF LOT 2(EXCEPT FOR THE EAST 713.71 FEET THEREOF), IN THE SUBDIVISION OF THE ESTATE OF HENRY LANDMEIER, BEING PART OF SECTIONS, 26 AND 35, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON FEBRUARY 8<sup>TH</sup>, 1957 AS DOCUMENT NUMBER 1722183;

TOGETHER WITH VERA LANE, LEE LANE, LANDMEIER ROAD AND ROPPOLO DRIVE IMMEDIATELY ADJACENT AND CONTIGUOUS TO SAID LOTS IN BLOCKS DEDICATED BY SAID SUBDIVISION:

#### **AND**

THE WEST 360.00 FEET OF THE EAST 713.71 FEET OF LOT 2, IN THE SUBDIVISION OF THE ESTATE OF HENRY LANDMEIER, BEING PART OF SECTIONS 26 AND 35, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON MARCH 2, 1917 AS DOCUMENT NUMBER 70396.

#### Addresses and P.I.Ns.:

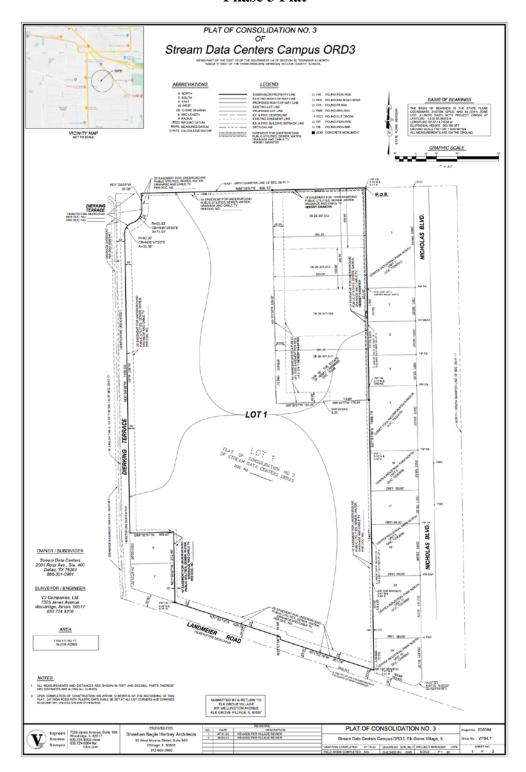
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751 Roppolo Dr (08-26-308-001); 761 Roppolo Dr (08-26-308-002);
809 Roppolo Dr (08-26-308-003); 815 Roppolo Dr (08-26-308-004);
817 Roppolo Dr (08-26-308-005); 851 Roppolo Dr (08-26-308-006);
905 Roppolo Dr (08-26-308-007); 802 Richard Ln (08-26-301-028);
804 Richard Ln (08-26-301-029); 808 Richard Ln (08-26-301-024);
812 Richard Ln (08-26-301-008); 814 Richard Ln (08-26-301-009);
818 Richard Ln (08-26-301-010); 900 Richard Ln (08-26-301-011);
906 Richard Ln (08-26-301-012); 801 Richard Ln (08-26-301-013);
805 Richard Ln (08-26-301-014); 809 Richard Ln (08-26-301-015);
809 Richard Ln (08-26-301-016); 823 Richard Ln (08-26-301-017);
825 Richard Ln (08-26-301-018); 901 Richard Ln (08-26-301-019);
2110 Landmeier Rd (08-26-301-020); 701 Dierking Terrace (08-26-305-001);
703 Dierking Terrace (08-26-305-002); 705 Dierking Terrace (08-26-305-003);
707 Dierking Terrace (08-26-305-004); 717 Dierking Terrace (08-26-305-005);
777 Dierking Terrace (08-26-305-006); 801 Dierking Terrace (08-26-307-001);
805 Dierking Terrace (08-26-307-002); 809 Dierking Terrace (08-26-307-003);
913 Dierking Terrace (08-26-307-004); 700 Roppolo Dr (08-26-305-007);
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704 Roppolo Dr (08-26-305-008); 708 Roppolo Dr (08-26-305-009); 712 Roppolo Dr (08-26-305-010); 716 Roppolo Dr (08-26-305-011); 720 Roppolo Dr (08-26-305-012); 800 Roppolo Dr (08-26-307-007); 804 Roppolo Dr (08-26-307-008); 808 Roppolo Dr (08-26-307-009); 812 Roppolo Dr (08-26-307-010); 816 Roppolo Dr (08-26-307-011); 900 Roppolo Dr (08-26-307-012); 701 Roppolo Dr (08-26-306-001); 707 Roppolo Dr (08-26-306-002); 709 Roppolo Dr (08-26-306-003); 717 Roppolo Dr (08-26-306-004); 717 Roppolo Dr (08-26-306-005); 721 Roppolo Dr (08-26-306-006); 750 Richard Ln (08-26-301-046); 750 Richard Ln (08-26-301-044); 720 Richard Ln (08-26-301-047); and 750 Richard Ln (08-26-301-045)
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all in the Village of Elk Grove Village, Illinois

## Exhibit B

## **Phase 3 Plat**



# PLAT OF CONSOLIDATION NO. 3 OF

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## ORDINANCE NO.\_\_\_\_

# AN ORDINANCE APPROVING THE PRELIMINARY PLAT OF RESUBDIVISION FOR STREAM DATA CENTERS CAMPUS ORD3 AND A SUBDIVISION CODE VARIANCE

## (STREAM U.S. DATA CENTERS, L.L.C.)

- **WHEREAS**, the Village of Elk Grove Village ("**Village**") is an Illinois home rule municipality organized and operating under the Illinois Municipal Code and the Constitution of the State of Illinois; and
- **WHEREAS**, Stream U.S. Data Centers, L.L.C. ("**Developer**") is a Texas limited liability company and the contract purchaser of certain property generally located north Landmeier Road, south of Vera Lane, east of Dierking Terrace, and west of the properties located immediately east of Richard Lane, which property is legally described on <u>Exhibit A</u> and depicted on <u>Exhibit B</u> ("**Property**"); and
- **WHEREAS**, Developer submitted an application seeking approval of a preliminary plat of subdivision to divide the Property into four (4) lots and a variance to Village Code Section 8-12A-2(B)(6)(a) to allow additional time to seek approval of a final plat of subdivision (collectively, the "**Application**"); and
- **WHEREAS**, on August 21, 2023, the Plan Commission reviewed the Application and unanimously recommended that the Application be approved by the Village Board; and
- **WHEREAS**, the Village finds that it is in the Village's best interests to approve the Application and that doing so will promote the public health, safety, and welfare;
- **NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, State of Illinois, in exercise of its home rule powers, as follows:
- **SECTION 1. RECITALS AND EXHIBITS.** The recitals set forth above and all exhibits attached to this Ordinance are incorporated in this Section as if fully set forth herein.
- **SECTION 2. PRELIMINARY PLAT APPROVED.** The Village hereby approves the Preliminary Plat of Stream Data Centers Campus ORD3 Resubdivision attached hereto as <u>Exhibit B</u> ("**Preliminary Plat**"). The Mayor and Village Clerk are authorized to sign the Preliminary Plat on the Village's behalf.
- **SECTION 3. VARIANCE APPROVED.** The Village hereby approves a variance to Village Code Section 8-12A-2(B)(6)(a) to allow up to ten (10) years from this Ordinance's effective date to submit an application seeking approval of a final subdivision plat for the Property.

**SECTION 4. REPEALER.** All prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**SECTION 5. PUBLICATION**. The Village Clerk is authorized and directed to publish this Ordinance in pamphlet form.

**SECTION 6. EFFECTIVE DATE.** This Ordinance shall be in full force and effect (a) from and after its approval in accordance with the law; and (b) after the Property's annexation into the Village.

V	OTE:	AYES:	_NAYS:	_ ABSENT:
I	PASSED this	12th day of Se	ptember, 2023	
I	APPROVED 1	his 12th day o	f September, 2	023.
			APPROVED	:
			Mayor Craig	
ATTES	Γ:		Village of Ell	k Grove Village
	M. Murphy, V	•		
Village	of Elk Grove	Village		
PUBLIS	HED this	day of Septe	ember, 2023 in	pamphlet form.

### Exhibit A

## **Legal Description of Property**

LOTS 1 THROUGH 6 IN BLOCK 1, LOTS 1 THROUGH 7 IN BLOCK 2, LOTS 1 THROUGH 6 AND LOTS 9 THROUGH 12 IN BLOCK 3, AND LOTS 1 THROUGH 12 IN BLOCK 4, IN ROPPOLO'S LANDMEIER SUBDIVISION, BEING A RESUBDIVISION OF LOT 2(EXCEPT FOR THE EAST 713.71 FEET THEREOF), IN THE SUBDIVISION OF THE ESTATE OF HENRY LANDMEIER, BEING PART OF SECTIONS, 26 AND 35, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON FEBRUARY 8<sup>TH</sup>, 1957 AS DOCUMENT NUMBER 1722183;

TOGETHER WITH VERA LANE, LEE LANE, LANDMEIER ROAD AND ROPPOLO DRIVE IMMEDIATELY ADJACENT AND CONTIGUOUS TO SAID LOTS IN BLOCKS DEDICATED BY SAID SUBDIVISION:

#### **AND**

THE WEST 360.00 FEET OF THE EAST 713.71 FEET OF LOT 2, IN THE SUBDIVISION OF THE ESTATE OF HENRY LANDMEIER, BEING PART OF SECTIONS 26 AND 35, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF REGISTERED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS, ON MARCH 2, 1917 AS DOCUMENT NUMBER 70396.

#### Addresses and P.I.Ns.:

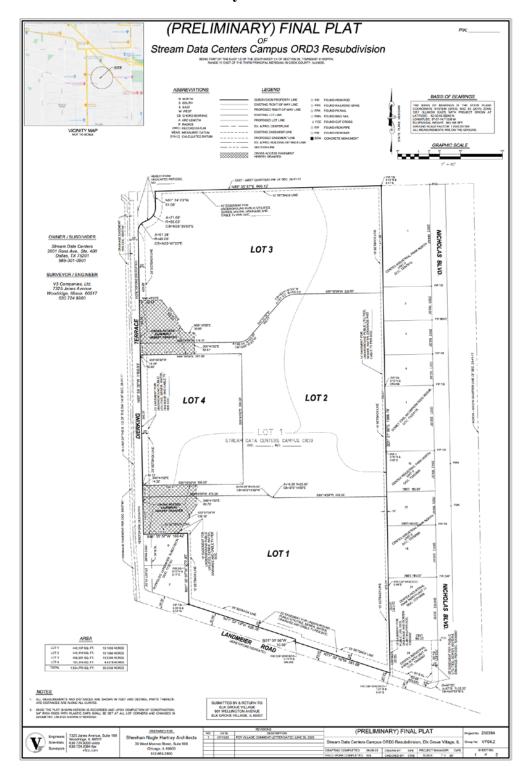
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751 Roppolo Dr (08-26-308-001); 761 Roppolo Dr (08-26-308-002);
809 Roppolo Dr (08-26-308-003); 815 Roppolo Dr (08-26-308-004);
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all in the Village of Elk Grove Village, Illinois

## Exhibit B

## **Preliminary Plat of Subdivision**



## (PRELIMINARY) FINAL PLAT Stream Data Centers Campus ORD3 Resubdivision OWNER'S CERTIFICATE SURFACE WATER ORANIAGE CERTIFICATE STATE OF ILLINOIS ) COUNTY OF COOK ) STATE OF ILLINOIS ) COUNTY OF COOK ) APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF ELX GROVE VILLAGE. LLIMOIS AT A MEETING HELD ON THE \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_ .A.D., 20\_\_\_\_\_\_ A.D., 20\_\_\_\_\_ ALSO. THIS IS TO CERTIFY THAT PROPERTY BEING, SUBDIVISED AFORESAID, AND TO THE BEST OF THE OWNERS KNOWLEDGE AND BELIEF, SAD SUBDIVISION LIES ENTRELY WITHIN THE LIMITS OF: E. REDISTORED PROFESSIONAL ENGINEER OWNER STATE REGISTRATION NUMBER TO THE SERVICE OF THE PROPERTY AND CARRIEST OF COMMONWELL'S EXCENT. AND CARRIEST OF COMMON AND CARRIEST SERVICE OF COMMONWELL'S EXCENT FOR COMMON AND CARRIEST COMMON AND CARRIEST SERVICE OF THE CARRIEST OF COMMON AND CARRIEST SERVICE OF THE CARRIEST CARRIEST COMMON AND CARRIEST COMMON AND CARRIEST COMMON AND CARRIEST CARRIEST COMMON AND CARRIEST COMMON AND CARRIEST COMMON AND CARRIEST CARR STATE OF ILLINOIS ) 55 EASEMENT PROVISIONS THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_ A.D., 20\_\_ NICOR GAS COMPANY NOTARY PUBLIC SIGNATURE CROSS ACCESS EASEMENT PROVISIONS STATE OF LLINOIS ) 388 COUNTY OF COOK ) SURVEYOR'S CERTIFICATE THIS IS TO CERTIFY THAT I, CHARLES W. BARTOSZ, BLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3168. MAYE SURVEYOR AND SUBSIMISED THE FOLLOWING DESCRIBED PROPERTY: COUNTY CLERK Cook County Department of Transportation and Highways (DoTH) APPROVAL I FURTHER CRETEY THAT THE ANABOED FLAT IS A CORRECT REPRESENTATION OF SAD BURNLY AND SELECUMEN. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALE THREOF. PERMANENT MONABORIS RILL BE SET AT ALL LOT COPINENS, EXCEPT INVERE CONCRETE MONABORIS AND RICHORDS. COUNTY RECORDER CERTIFICATE STATE OF ILLINOIS ) COUNTY OF COOK ) I FURTHER CERTIFY THAT THE ABOVE DESCRIBED AREA FALLS IN ZONE X, AREAS OF MINIMUM PLOCO HAZARD FER FIRM MAP (COMMUNITY FAMEL NO. 1730100014.) REFECTIVE DATE ALLERS TO SOME ELINOIS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_\_\_\_\_, 20\_\_\_\_\_, AT O'CLOCK M. AND WAS RECORDED CHARLES W. BARTICSZ ILLINGE PROFESSIONAL LIND SUFNEYOR NO. 36-3168 MY LICRINGE EXPRESS ON NOVEMBER 10, 2004 VS COMPANIES, LTD. PROFESSIONAL DESIGN FIRM NO. 16400 THIS DESIGN FIRM NUMBER EXPIRES APRIL 30, 2005. "WHITETORY AND COME." | Figures | 7233-furn Avenue, Sule 100 | Sheehan Nagle Hortrey Architects | 50 West More Steel, Sule 900 | Sterly 50 Steel Steel Steel, Sule 900 | Sterly 50 Steel (PRELIMINARY) FINAL PLAT

## ORDINANCE NO.\_\_\_\_

# AN ORDINANCE GRANTING VARIATIONS TO THE VILLAGE OF ELK GROVE VILLAGE ZONING ORDINANCE AND SUBDIVISION ORDINANCE AND APPROVING A SPECIAL USE PERMIT FOR AN ELECTRIC SUBSTATION

## (STREAM U.S. DATA CENTERS, L.L.C.)

**WHEREAS**, the Village of Elk Grove Village ("Village") is an Illinois home rule municipality organized and operating under the Illinois Municipal Code and the Constitution of the State of Illinois; and

**WHEREAS**, Stream U.S. Data Centers, L.L.C. ("**Developer**") is a Texas limited liability company and the contract purchaser of certain property generally located north Landmeier Road, south of Vera Lane, east of Dierking Terrace, and west of the properties located immediately east of Richard Lane, which property is legally described on <u>Exhibit A</u> ("**Property**"); and

**WHEREAS**, Developer proposes to annex the Property into the Village and redevelop the Property as a 4-lot data center campus containing up to 3 data center lots and 1 electric substation lot (collectively, the "**Development**"), all as generally depicted on the preliminary plat of subdivision attached as <u>Exhibit B</u> ("**Plat**") and the preliminary engineering plan attached as <u>Exhibit C</u> ("**Site Plan**"); and

**WHEREAS**, in support of the Development, Developer submitted an application ("**Application**") seeking approval of (a) variations to the Village's Zoning Ordinance; (b) a variation to the Village's Subdivision Ordinance; and (c) a special use permit authorizing the construction and operation of an electric substation Lot 4 of the Property, as depicted on the Plat ("**Lot 4**"); and

**WHEREAS**, after proper notice, on August 21, 2023, the Village Plan Commission conducted a public hearing to consider the Developer's request for approval of Zoning Ordinance variations and a special use permit authorizing the electric substation; and

**WHEREAS**, at the conclusion of the public hearing, the Plan Commission unanimously recommended that the Village Board approve the Developer's requested Zoning Ordinance variations and the special use permit; and

**WHEREAS**, the Village finds that it is in the Village's best interests to approve the Application and that doing so will promote the public health, safety, and welfare;

**WHEREAS**, the Developer and the Village also entered into a Pre-Annexation and Development Agreement ("**Annexation Agreement**") on or about September 12, 2023 governing the Property's future development; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Board of Trustees of the Village of Elk Grove Village, Counties of Cook and DuPage, State of Illinois, in exercise of its home rule powers, as follows:

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**SECTION 1. RECITALS AND EXHIBITS.** The recitals set forth above and all exhibits attached to this Ordinance are incorporated in this Section as if fully set forth herein.

**SECTION 2. VARIATIONS APPROVED.** Pursuant to the public hearing and findings of the Plan Commission, the Village Board hereby approves the following variations from the Village Code:

- a. A variation to Zoning Ordinance Section 7-1 to increase the allowable floor area ratio from 0.8 to 2.0 for Lot 1 as generally depicted on the Plat ("Lot 1"), Lot 2 as generally depicted on the Plat ("Lot 2"), and Lot 3 as generally depicted on the Plat ("Lot 3").
- b. A variation to Zoning Ordinance Section 4-4-1 to reduce the number of required loading docks on the Property as follows:
  - i. Reduce the number of required loading docks located on Lot 1 from 9 loading docks to 4 loading docks;
  - ii. Reduce the number of required loading docks located on Lot 2 from 10 loading docks to 4 loading docks; and
  - iii. Reduce the number of required loading docks located on Lot 3 from 9 loading docks to 4 loading docks.
- c. A variation to Zoning Ordinance Section 7E-9A to allow security fencing measuring up to 8 feet in height to be located within the Property's required front yard setbacks.
- d. A variation to Zoning Ordinance Section 7-1 to increase the allowable building height from 60 feet to 120 feet on Lot 1, Lot 2, and Lot 3.
- e. A variation to Zoning Ordinance Sections 3-7-E.4 and 4-3-C.2 to allow interior parking, driveways, and loading areas located on Lot 4 to be compacted gravel, with the exception of the driveway apron.
- f. A variation to Zoning Ordinance Sections 7-1, 3-6.B, and 3-7.D to authorize the height and number of principal and accessory structures located on Lot 4 and generally depicted on the Site Plan, including, without limitation, lightening structures measuring approximately 86 feet tall.
- g. A variation to Zoning Ordinance Section 7-1 to reduce the minimum building size on Lot 4 to less than 25% of the overall lot area for Lot 4.

- h. A variation to Zoning Ordinance 4-3:C-6 to waive the lighting requirement for offstreet parking for Lot 4.
- i. A variation to Village Code Section 8-12B-1-1A(3)e to allow a dead end street – Dierking Terrace – measuring approximately 1,528 feet in length, as generally depicted in the Site Plan.

**SECTION 3. SPECIAL USE APPROVED.** Pursuant to the public hearing and findings of the Plan Commission, the Village Board hereby approves a special use permit to construct and operate an electric substation on Lot 4.

**SECTION 4. APPROVAL CONDITIONS.** The approvals granted by this Ordinance are subject to the conditions contained in the Annexation Agreement.

**SECTION 5. REPEALER.** All prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**SECTION 6. PUBLICATION**. The Village Clerk is authorized and directed to publish this Ordinance in pamphlet form.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after (a) its approval in accordance with the law; and (b) the Property's annexation into the Village.

VOTE:	AYES:	NAYS: ABSENT:							
PASSED	this 12th day of S	September, 2023.							
APPROVED this 12th day of September, 2023.									
APPROVED:									
		Mayor Craig B. Johnson Village of Elk Grove Village							
ATTEST:									
Loretta M. Murph Village of Elk Gro	•								

PUBLISHED this day of September, 2023 in pamphlet form.

### Exhibit A

## **Legal Description of Property**

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TOGETHER WITH VERA LANE, LEE LANE, LANDMEIER ROAD AND ROPPOLO DRIVE IMMEDIATELY ADJACENT AND CONTIGUOUS TO SAID LOTS IN BLOCKS DEDICATED BY SAID SUBDIVISION:

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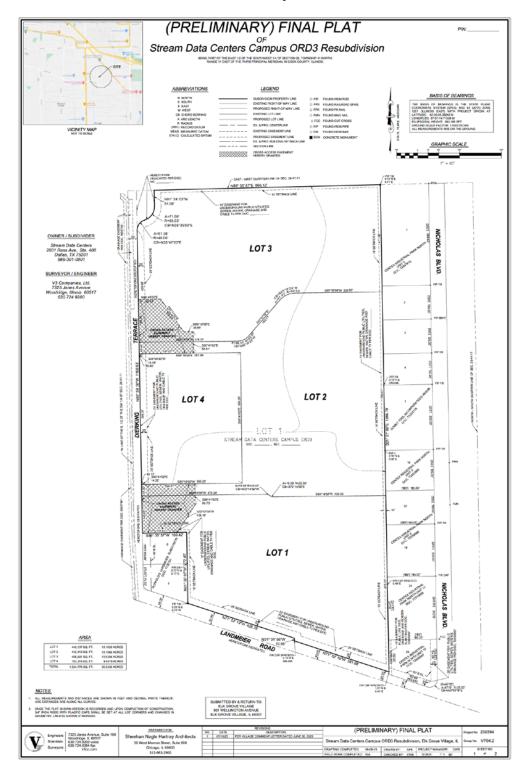
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all in the Village of Elk Grove Village, Illinois

## Exhibit B

## **Preliminary Plat**



# (PRELIMINARY) FINAL PLAT Stream Data Centers Campus ORD3 Resubdivision SURFACE WATER ORANIAGE CERTIFICATE STATE OF ILLINOIS ) COUNTY OF COOK ) STATE OF ILLINOIS ) 55 COUNTY OF COOK ) APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF ELX GROVE VILLAGE. LLIMOIS AT A MEETING HELD ON THE \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_ .A.D., 20\_\_\_\_\_\_ A.D., 20\_\_\_\_\_ ALSO. THIS IS TO CERTIFY THAT PROPERTY BEING, SUBDIVISED AFORESAID, AND TO THE BEST OF THE OWNERS KNOWLEDGE AND BELIEF, SAD SUBDIVISION LIES ENTRELY WITHIN THE LIMITS OF: THE SERVICE IS HERRY TO AND A CHARTON TO COMMONWELT EXTENDED TO AN CHARTON TO COMMONWELT EXTENDED TO AN CHARTON TO COMMONWELT EXTENDED TO AN CHARTON THE COMMON THE AND CHARTON THE COMMON THE AND CHARTON THE COMMON THE CO STATE OF ILLINOIS ) 55 EASEMENT PROVISIONS THIS \_\_\_\_\_\_ DAY OF \_\_\_\_\_\_ A.D., 20\_\_ NICOR GAS COMPANY NOTARY PUBLIC SIGNATURE CROSS ACCESS EASEMENT PROVISIONS STATE OF LLINOIS ) 388 COUNTY OF COOK ) SURVEYOR'S CERTIFICATE THIS IS TO CERTIFY THAT I, CHARLES W. BARTOSZ, BLINOIS PROFESSIONAL LAND SURVEYOR NO. 35 SHIB, HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY: COUNTY CLERK Cook County Department of Transportation and Highways (DoTH) APPROVAL I FURTHER CERTIFY THAT THE AMEDED PLAT IS A CORRECT REPRESENTATION OF SAID SURNEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF. PRIMARRHY MICHAELINGS THAT BE SET AT ALL LOT CORNERS, EXCEPT AMERIC CONCRETE MOMERICS, FROM ENCLOSED. COUNTY RECORDER CERTIFICATE STATE OF ILLINOIS ) COUNTY OF COOK ) I FURTHER CERTIFY THAT THE ABOVE DESCRIBED AREA FALLS IN ZONE X, AREAS OF MINIMUM PLOCO HAZARD FER FIRM MAP (COMMUNITY FAMEL NO. 1730100014.) REFECTIVE DATE ALLERS TO SOME THIS INSTRUMENT WAS FILED FOR RECORD IN THE RECORDERS OFFICE OF COOK COUNTY

Engineers 7325 James Avenue, Suite 100 Viscotrispo, IL 60517 Scientists Surveyors 630-724-0384 fax 9300 com	PREPARED FOR:	NO.	DATE	REVISIONS DESCRIPTION	(PRELIMINARY) FINAL PLAT  Stream Data Centers Compus ORD3 Resubdivision, Elk Grove Village, IL.					Project N	x 230394	$\overline{}$				
	Sheehan Nagle Hartray Architects	1	07/10/23	PER VILLAGE COMMENT LETTER DATED JUNE 30, 2023					-							
		30 West Morroe Street, Suite 900 Chicago, E. 60603				DRAFTING COMPLETED: 06-08-23 DRAWN NY: SPK PROJECT MANAGER: CWB						SHEET NO.				
-			312-663-2900				CEL D MOOR COMMITTED. MA		ALK CONTRACT	-	COME.	41-	****	1 -	ef	9

CHARLES W. BARTOSZ
ILLINDIS PROFESSIONAL LIMB SUFNEYOR NO. 35-3168
MF LICINISE EXPRESSIONAL MOVEMBER ID. 2004.
VIS COMPANIES, I.D. PROFESSIONAL DESIGN FIRM NO. 184009902
THIS DESIGN FIRM NUMBER EXPIRES APRIL 10, 1025.

## Exhibit C

## Site Plan

