

ORDINANCE NO. 2176-22

AN ORDINANCE REZONING NEWLY ANNEXED LAND WITHIN THE VILLAGE OF HAWTHORN WOODS TO R-3 GENERAL RESIDENCE DISTRICT, GO GENERAL OFFICE DISTRICT, AND B RETAIL BUSINESS/COMMERCIAL DISTRICT – HH-HW-RE, LLC —INTERSECTION OF GILMER ROAD AND ILLINOIS ROUTE 176 APPROXIMATELY 41.01 ACRES

WHEREAS, the land legally described on **Exhibit “A”**, is land located within the Village of Hawthorn Woods (“SUBJECT REALTY”); and,

WHEREAS, all hearings required to be held before agencies of the Village took place pursuant to proper notice as required by law, and the Planning, Building and Zoning Commission has forwarded their recommendations to the Mayor and Board of Trustees.

WHEREAS, the Village of Hawthorn Woods and HH-HW-RE, LLC have entered into an Annexation Agreement, together with certain Exhibits attached thereto (the “ANNEXATION AGREEMENT”); and,

WHEREAS, said ANNEXATION AGREEMENT requires the Village to annex the SUBJECT REALTY in accordance with its terms; and,

WHEREAS, said ANNEXATION AGREEMENT requires the Village to rezone the SUBJECT REALTY in accordance with its terms.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, as follows:

SECTION ONE: The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section One.

SECTION TWO: That the SUBJECT REALTY is hereby rezoned to a combination of R-3 General Residence District, GO General Office District, and B Retail Business/Commercial

District on Parcels A, Parcel B, Parcel C, and Parcel D, as depicted in **Exhibit "B"**. The development of these parcels are subject to the terms of the ANNEXATION AGREEMENT.

SECTION THREE: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, superseded by this Ordinance.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

The foregoing Ordinance was passed by a roll call vote as follows:

AYES: Kaiser, Riess, Bayer, David, Rezelix

NAYS: 0

ABSENT AND NOT VOTING: McCartley

APPROVED: Dominick DiMaggio  
Dominick DiMaggio, Mayor

ATTEST: Donna Lobaito  
Donna Lobaito, Village Clerk

PASSED: May 23, 2022

APPROVED: May 26, 2022

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**TRACT A:**

**ALL OF THE FOLLOWING DESCRIBED PREMISES LYING SOUTHWESTERLY OF THE CENTER LINE OF GILMER ROAD:**

**THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, ALL IN TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS (EXCEPT THOSE PARTS THEREOF DESCRIBED AS FOLLOWS, TO-WIT:**

**(A) THAT PART OF THE NORTH 1/2 OF SECTION 28, TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF GILMER ROAD (AS PER DOCUMENT NO. 438386 FILED FOR RECORD JULY 21, 1937) AND THE CENTER LINE OF ROUTE 176 (AS PER DOCUMENT NO. 337653 FILED FOR RECORD JUNE 3, 1929); THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF GILMER ROAD, WHICH IS GIVEN A BEARING OF SOUTH 57 DEGREES 18 MINUTES 37 SECONDS EAST FOR PURPOSE OF DESCRIPTION ONLY, A DISTANCE OF 104.60 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 2864.90 FEET AND A CENTRAL ANGLE OF 4 DEGREES 41 MINUTES 24 SECONDS, A DISTANCE OF 234.51 FEET TO A POINT ON THE CENTER LINE OF GILMER ROAD; THENCE SOUTH 44 DEGREES 51 MINUTES 23 SECONDS WEST ALONG A LINE PARALLEL WITH THE CENTER LINE OF ROUTE 176, 440.35 FEET TO A POINT; THENCE NORTH 57 DEGREES 18 MINUTES 37 SECONDS WEST A DISTANCE OF 340.92 FEET TO A POINT IN THE CENTER LINE OF ROUTE 176; THENCE NORTH 44 DEGREES 51 MINUTES 23 SECONDS EAST ALONG THE CENTER LINE OF ROUTE 176 A DISTANCE OF 450.16 FEET TO THE POINT OF BEGINNING (AND ALSO EXCEPT THAT PART FALLING IN ROUTE 176);**

**(B) THAT PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF GILMER ROAD (STATE AID ROUTE 28) AS PER DOCUMENT 438386 WITH THE CENTER LINE OF STATE BOND ISSUE ROUTE 176 AS PER DOCUMENT 337653; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF GILMER ROAD, WHICH IS ASSIGNED A BEARING OF SOUTH 57 DEGREES 18 MINUTES 37 SECONDS EAST FOR THE PURPOSE OF DESCRIPTION ONLY, A DISTANCE OF 104.8 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TANGENT TO THE LAST DESCRIBED LINE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 2864.90 FEET, A DISTANCE OF 234.51 FEET TO A POINT ON SAID CENTER LINE OF GILMER ROAD AND THE POINT OF BEGINNING OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG SAID CURVED LINE (BEING THE CENTER LINE OF SAID GILMER ROAD), A DISTANCE OF 64.52 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 28; THENCE SOUTH 00 DEGREES 35 MINUTES 10 SECONDS EAST, A DISTANCE OF 936.97 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28 AFORESAID; THENCE SOUTH 89 DEGREES 39 MINUTES 18 SECONDS WEST ALONG SAID SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28 AFORESAID, A DISTANCE OF 1313.61 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 28; THENCE NORTH 00 DEGREES 34 MINUTES 45 SECONDS WEST, ALONG SAID WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 28, A DISTANCE OF 225.40 FEET TO THE AFOREMENTIONED CENTER LINE OF STATE BOND ISSUE ROUTE 176; THENCE NORTHEASTERLY ALONG THE SAID CENTER LINE OF STATE BOND ISSUE ROUTE 176 (BEING A CURVED LINE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1273.00 FEET), A DISTANCE OF 232.75 FEET TO A POINT OF TANGENCY; THENCE NORTH 44 DEGREES 51 MINUTES 23 SECONDS EAST, ALONG SAID CENTER LINE OF STATE BOND ISSUE ROUTE 176 (BEING TANGENT WITH LAST DESCRIBED CURVED LINE), A DISTANCE OF 680.04 FEET TO A POINT (SAID POINT BEING 450.16 FEET SOUTHWEST OF THE POINT OF COMMENCEMENT, AS MEASURED ALONG THE CENTER LINE OF SAID STATE BOND ISSUE ROUTE 176); THENCE SOUTH 57 DEGREES 18 MINUTES 37 SECONDS EAST, A DISTANCE OF 340.92 FEET TO A POINT; THENCE**

NORTH 44 DEGREES 51 MINUTES 23 SECONDS EAST (PARALLEL WITH THE AFORESAID CENTER LINE OF STATE BOND ISSUE ROUTE 176), A DISTANCE OF 440.35 FEET TO THE POINT OF BEGINNING OF LAND HEREIN DESCRIBED); AND

(C) THOSE TRACTS OF LAND DESCRIBED IN TRUSTEE'S DEED TO COUNTY OF LAKE, DATED FEBRUARY 28, 2000 AND RECORDED MARCH 24, 2000 AS DOCUMENT 4506434).

**TRACT B:**

ALL OF THE FOLLOWING DESCRIBED PREMISES LYING NORTHEASTERLY OF THE CENTER LINE OF GILMER ROAD:

THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, ALL IN TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN LAKE COUNTY, ILLINOIS (EXCEPT THOSE PARTS THEREOF DESCRIBED AS FOLLOWS, TO-WIT:

(A) THAT PART OF THE NORTH 1/2 OF SECTION 28, TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF GILMER ROAD (AS PER DOCUMENT NO. 439388 FILED FOR RECORD JULY 21, 1937) AND THE CENTER LINE OF ROUTE 176 (AS PER DOCUMENT NO. 337653 FILED FOR RECORD JUNE 3, 1829); THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF GILMER ROAD, WHICH IS GIVEN A BEARING OF SOUTH 57 DEGREES 18 MINUTES 37 SECONDS EAST FOR PURPOSE OF DESCRIPTION ONLY, A DISTANCE OF 104.80 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE HAVING A RADIUS OF 2864.90 AND A CENTRAL ANGLE OF 4 DEGREES 41 MINUTES 24 SECONDS, A DISTANCE OF 234.51 FEET TO A POINT ON THE CENTER LINE OF GILMER ROAD; THENCE SOUTH 44 DEGREES 51 MINUTES 23 SECONDS WEST ALONG A LINE PARALLEL WITH THE CENTER LINE OF ROUTE 176, 440.35 FEET TO A POINT; THENCE NORTH 57 DEGREES 18 MINUTES 37 SECONDS WEST A DISTANCE OF 340.92 FEET TO A POINT IN THE CENTER LINE OF ROUTE 176; THENCE NORTH 44 DEGREES 51 MINUTES 23 SECONDS EAST ALONG THE CENTER LINE OF ROUTE 176 A DISTANCE OF 450.18 FEET TO THE POINT OF BEGINNING (AND ALSO EXCEPT THAT PART FALLING IN ROUTE 176);

(B) THAT PART OF THE NORTH EAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF GILMER ROAD (STATE AID ROUTE 26) AS PER DOCUMENT 439388 WITH THE CENTER LINE OF STATE BOND ISSUE ROUTE 176 AS PER DOCUMENT 337653; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF GILMER ROAD, WHICH IS ASSIGNED A BEARING OF SOUTH 57 DEGREES 18 MINUTES 37 SECONDS EAST FOR THE PURPOSE OF DESCRIPTION ONLY, A DISTANCE OF 104.8 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TANGENT TO THE LAST DESCRIBED LINE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 2864.90 FEET, A DISTANCE OF 234.51 FEET TO A POINT ON SAID CENTER LINE OF GILMER ROAD AND THE POINT OF BEGINNING OF LAND HEREIN DESCRIBED; THENCE CONTINUE ALONG SAID CURVED LINE (BEING THE CENTER LINE OF SAID GILMER ROAD), A DISTANCE OF 64.52 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 28; THENCE SOUTH 03 DEGREES 35 MINUTES 10 SECONDS EAST, A DISTANCE OF 838.97 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28 AFORESAID; THENCE SOUTH 89 DEGREES 39 MINUTES 18 SECONDS WEST ALONG SAID SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTH WEST 1/4 OF SECTION 28 AFORESAID, A DISTANCE OF 1313.61 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 28; THENCE NORTH 00 DEGREES 34 MINUTES 45 SECONDS WEST, ALONG SAID WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 28, A DISTANCE OF 225.40 FEET TO THE AFOREMENTIONED CENTER LINE OF STATE BOND ISSUE ROUTE 176; THENCE NORTHEASTERLY ALONG THE SAID CENTER LINE OF STATE BOND ISSUE ROUTE 176 (BEING A CURVED LINE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1273.00 FEET), A DISTANCE OF 232.75 FEET TO A POINT OF TANGENCY; THENCE NORTH 44 DEGREES 51 MINUTES

23 SECONDS EAST, ALONG SAID CENTER LINE OF STATE BOND ISSUE ROUTE 178 (BEING TANGENT WITH LAST DESCRIBED CURVED LINE), A DISTANCE OF 660.04 FEET TO A POINT (SAID POINT BEING 450.16 FEET SOUTH WEST OF THE POINT OF COMMENCEMENT, AS MEASURED ALONG THE CENTER LINE OF SAID STATE BOND ISSUE ROUTE 178); THENCE SOUTH 57 DEGREES 18 MINUTES 37 SECONDS EAST, A DISTANCE OF 340.92 FEET TO A POINT; THENCE NORTH 44 DEGREES 51 MINUTES 23 SECONDS EAST (PARALLEL WITH THE AFORESAID CENTER LINE OF STATE BOND ISSUE ROUTE 178), A DISTANCE OF 440.35 FEET TO THE POINT OF BEGINNING OF LAND HEREIN DESCRIBED); AND

(C) THOSE TRACTS OF LAND DESCRIBED IN TRUSTEE'S DEED TO COUNTY OF LAKE, DATED FEBRUARY 29, 2000 AND RECORDED MARCH 24, 2000 AS DOCUMENT 4506434.

(D) THE WEST 378.76 FEET (AS MEASURED ALONG THE NORTH LINE THEREOF) OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHERLY OF THE NORTHERLY RIGHT OF WAY LINES OF GILMER ROAD AND ILLINOIS ROUTE 176).

**EXHIBIT "B"**

