

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING REZONING, PRELIMINARY AND FINAL PUD SPECIAL USE, PUD WAIVERS, AND FINAL PLAT OF SUBDIVISION FOR SEASONS AT CREST HILL MULTI-FAMILY APARTMENT HOME COMMUNITY WITH RESPECT TO CERTAIN REAL PROPERTY LOCATED ALONG THE NORTH SIDE OF RYAN DRIVE, APPROXIMATELY 280 FEET EAST OF WEBER ROAD, AND 210 FEET SOUTH OF RENWICK ROAD IN CREST HILL, ILLINOIS (APPLICATION OF FRED-CREST HILL HC, LLC)**

**WHEREAS**, the Illinois Municipal Code, 65 ILCS 5/11-13-5 (the “Code”) authorizes the corporate authorities to vary the application of its local Zoning Requirements, to approve zoning map amendments (rezoning), the subdivision of land, Planned Unit Development Special Use, upon the finding of certain requirements listed in the Code; and

**WHEREAS**, the City of Crest Hill (“City”) has enacted procedures, requirements, and standards for Zoning Map Amendment (Rezoning) in Section 12.8-5 of the Crest Hill Zoning Ordinance; and

**WHEREAS**, the City has enacted procedures, requirements, and standards for Planned Unit Development in Section 10.6 of the Crest Hill Zoning Ordinance; and

**WHEREAS**, the City has enacted procedures, requirements, and standards for Special Use in Section 12.7-6 of the Crest Hill Zoning Ordinance; and

**WHEREAS**, the City has enacted procedures, requirements, and standards for subdivision of land in Section 15.32 Subdivision Regulations of the Crest Hill Code of Ordinances; and

**WHEREAS**, FRED-Crest Hill HC, LLC (the “Applicant” or “FRED”) entered into a real estate contract to purchase the real property in the City of Crest Hill, Illinois, bearing PINs 11-04-20-105-065-0000, 11-04-20-105-066-0000, 11-04-20-105-067-0000, 11-04-20-105-068-0000, 11-04-20-105-069-0000, 11-04-20-105-071-0000, 11-04-20-105-072-0000, and 11-04-20-105-073-0000, which are legally described in Exhibit 1 of the attached Exhibit A (the “Property”), and has filed an application requesting approval of Rezoning, Preliminary and Final PUD Special Use, PUD Waivers, and Final Plat of Subdivision (the “Application”) that would allow construction of a new 14 residential building, 260-unit luxury, market-rate multifamily apartment home community with a clubhouse, pool amenity, and surface and garage parking (the “Project”) on the Property. The owners of the parcels have signed off and consented to the filing of the Application; and

**WHEREAS**, the Applicant submitted detailed design plans, studies, reports and supporting documents required by Section 10.3 of the Crest Hill Zoning Ordinance and the City of Crest Hill Development Handbook, which are identified in Exhibit 3 of the attached Exhibit A (the “Project Application Materials”);and

**WHEREAS**, the City Council reviewed, discussed and considered the conceptual plans for the Application at its November 17, 2025, regular meeting, and referred the Application, along

with all other supporting materials to the Crest Hill Plan Commission ("Plan Commission") for further review and consideration pursuant to the Crest Hill Zoning Ordinance; and

**WHEREAS**, the Plan Commission, after proper notice thereof given, reviewed and considered the Project Application Materials and conducted a public hearing on the Application at its regularly scheduled meeting on February 12, 2026; and

**WHEREAS**, based on the evidence presented at the public hearing and upon making the following findings, which are more fully detailed in the Findings and Decision attached hereto as Exhibit A, the Plan Commission recommended unanimous but conditional approval of the requested Rezoning, Preliminary and Final PUD Special Use, PUD Waivers, and Final Plat of Subdivision outlined in Exhibit 2 of the attached Exhibit A, by making the following findings:

- A. The Rezoning, Preliminary and Final PUD Special Use, PUD Waivers, and Final Plat of Subdivision are in harmony with the general purpose and intent of the Zoning Ordinance; and
- B. The establishment, maintenance, or operation of the PUD Special Use will not be detrimental to or endanger the public health, safety, or general welfare, and the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood; and
- C. The plight of the owner is due to unique circumstances and thus strict enforcement of the Zoning Ordinance would result in practical difficulties or impose exceptional hardships due to the special and unusual conditions that are not generally found on other properties in the same zoning district; and
- D. The Property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the Zoning Ordinance; and
- E. The Rezoning, Preliminary and Final PUD Special Use, PUD Waivers, and Final Plat of Subdivision, if granted, will not alter the essential character of the locality or be a substantial detriment to adjacent properties; and

**WHEREAS**, the Plan Commission's recommendation for City Council approval of the Rezoning, Preliminary and Final PUD Special Use, PUD Waivers, and Final Plat of Subdivision listed in Exhibit 2 of the attached Exhibit A was made subject to the Project being implemented in substantial conformance with the seven (7) conditions for approval and application documents referenced in the February 12, 2026, Community Development Department Staff Report attached hereto as Exhibit 3 of the Attached Exhibit A (the "Staff Report"); and

**WHEREAS**, the City Council has examined the February 12, 2026, Findings and Decision of the Plan Commission and has considered the presentations and arguments of the Applicant a regularly scheduled work session meeting conducted in accordance with the Illinois Open Meetings Act; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City that the recommendation of the Plan Commission be adopted and that the Application be granted in its entirety, subject to the Project being implemented in substantial conformance with the Project Application Materials and the seven (7) conditions for approval referenced in the Staff Report and Section 3 of this Ordinance and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Crest Hill, Will County, Illinois, as follows:

**SECTION 1:** The Preambles of this Ordinance are incorporated herein by reference.

**SECTION 2:** That the City Council hereby adopts and ratifies the Findings and Decision of the Plan Commission, attached hereto and incorporated by reference herein as Exhibit A, as the findings and decision of the City Council in relation to the Application.

**SECTION 3:** The Rezoning, Preliminary and Final PUD Special Use, PUD Waivers, and Plat of Subdivision prepared by Manhard Consulting, last revised January 15, 2026, listed in Exhibit 2 of the attached Exhibit A are hereby granted and approved subject to the Project being implemented in substantial conformance with the with the following seven (7) conditions for approval and the Project Application Materials, as follows:

1. The final Plat of Subdivision shall satisfy all applicable City Ordinances, staff, and City Attorney requirements and shall include all easement provisions required by the City's Director of Engineering.
2. All final engineering plans, related supporting information, and development security for the Project shall be submitted for the Director of Engineering's final approval prior to or in conjunction with the formal building permit application submitted for the Project. Said plans shall be substantially consistent with the application documents submitted for Plan Commission Case #PUD- 26-1-2-1.
3. All final architectural, signage, and landscape plans for the Project shall be submitted for Community Development Department staff final approval prior to or in conjunction with the formal building permit application submitted for the Project. Said plans shall be substantially consistent with the Project Application Materials for Plan Commission Case #PUD-26-1-2-1.
4. The two private driveways that connect the Project to Renwick Road shall be included in scope of private streets FRED will mill and resurface. Unless otherwise approved by the City Engineer, all private street resurfacing work shall be completed prior to a certificate of occupancy being issued for the first building constructed as part of the Project.
5. Unless otherwise approved as a Major PUD Change by the City Council, the ownership and management of the entire Project shall each be under a single entity. This condition is not intended to prevent the FRED, or a subsequent owner from engaging the services of an independent qualified property management company to manage day-to-day operations, maintenance activities, and rehabilitation projects in it.

6. A fire hydrant must be installed within 100 ft of each building's fire department connection.
7. Unless otherwise approved by the Director of Community and Economic Development as a result of Nicor feedback, the Applicant shall prepare and submit proper paperwork to Nicor for approval of a sidewalk or multi-use path as shown on the plans prior to issuance of the first structure's building permit. Pathway/sidewalk shall be installed before issuance of the last building's certificate of occupancy. The pathway/sidewalk may require minor changes to the approved plan based upon final Nicor and City permit reviews. Notwithstanding anything to the contrary, the Applicant's required construction of the pathway/sidewalk is predicated on the Applicant or the City obtaining approval from Nicor for its construction, and said approval shall not require the Applicant to relocate any existing gas lines.

**SECTION 4:** This Ordinance shall be conditioned upon the City's receipt of the Unconditional Agreement and Consent attached hereto as Exhibit 4 to Exhibit A, executed by the Applicant, within 60 days of the passage of this Ordinance, and FRED-Crest Hill HC, LLC acquiring title to the Property within 180 days of the passage of this Ordinance, or as otherwise agreed to in writing by the City. If the Unconditional Agreement and Consent is not executed within 60 days or FRED-Crest Hill HC, LLC does not acquire title to the Property within 180 days, this Ordinance shall have no force and effect and shall be subject to repeal by the City Council without further notice or hearing due to the Applicant.

**SECTION 5:** In the event that the Applicant violates any of the conditions and restrictions set forth in Section 3 of this Ordinance, the City shall have the ability, but not the obligation, to revoke the special use permits granted pursuant to this Ordinance, provided that the Applicant shall be entitled to notice and a hearing before the City Council prior to any revocation pursuant to this Section. Under no circumstances shall any failure to enforce any condition or restriction of this Ordinance on any particular occasion or occasions be deemed or interpreted as constituting a waiver or forfeiture of the City's right to so enforce in the future, nor shall any such failure to enforce preclude the City from considering any and all prior violations as part of any revocation proceeding under this Section.

**SECTION 6:** The City Clerk is hereby authorized and directed to record a copy of this Ordinance, and upon FRED-Crest Hill HC, LLC providing the City with a fully executed Plat of Subdivision referenced in Section 3, the City Clerk is authorized to record the foregoing against the Subject Property in the office of the Will County Recorder, and further to annotate the PUD Special Use granted hereby on the Crest Hill Official Zoning Map.

**SECTION 7:** This Ordinance shall take effect upon its passage according to law.

***[Left Intentionally Blank]***

PASSED THIS 2<sup>ND</sup> DAY OF MARCH, 2026

|                            | Aye   | Nay   | Absent | Abstain |
|----------------------------|-------|-------|--------|---------|
| Alderman Scott Dyke        | _____ | _____ | _____  | _____   |
| Alderman Angelo Deserio    | _____ | _____ | _____  | _____   |
| Alderwoman Claudia Gazal   | _____ | _____ | _____  | _____   |
| Alderman Darrell Jefferson | _____ | _____ | _____  | _____   |
| Alderperson Tina Oberlin   | _____ | _____ | _____  | _____   |
| Alderman Mark Cipiti       | _____ | _____ | _____  | _____   |
| Alderman Nate Albert       | _____ | _____ | _____  | _____   |
| Alderman Joe Kubal         | _____ | _____ | _____  | _____   |
| Mayor Raymond R. Soliman   | _____ | _____ | _____  | _____   |

---

Christine Vershay-Hall, City Clerk

APPROVED THIS 2<sup>ND</sup> DAY OF MARCH, 2026.

---

Raymond R Soliman, Mayor

ATTEST:

---

Christine Vershay-Hall, City Clerk

# EXHIBIT A

**FINDINGS AND DECISION OF THE  
PLAN COMMISSION AS TO REZONING, PRELIMINARY AND FINAL PLAT OF  
SUBDIVISION, AND CASE NO. PUD-26-1-2-1  
THE APPLICATION OF FRED-CREST HILL HC, LLC FOR REZONING, PRELIMINARY  
AND FINAL PUD SPECIAL USE, PUD WAIVERS, AND FINAL PLAT OF SUBDIVISION FOR  
SEASONS AT CREST HILL MULTI-FAMILY APARTMENT HOME COMMUNITY WITH  
RESPECT TO CERTAIN REAL PROPERTY LOCATED ALONG THE NORTH SIDE OF  
RYAN DRIVE, APPROXIMATELY 280 FEET EAST OF WEBER ROAD, AND 210 FEET  
SOUTH OF RENWICK ROAD IN THE CITY OF CREST HILL, ILLINOIS.**

THIS APPLICATION, coming before the Plan Commission for hearing and decision, and the Plan Commission having heard the evidence in support and opposition to the application at a regularly scheduled meeting held on February 12, 2026, being fully advised on the premises, THE COMMISSION DOES MAKE THE FOLLOWING FINDINGS:

A. That the applicant, FRED-Crest Hill HC, LLC , entered into a real estate contract to purchase the real property in the City of Crest Hill, Illinois, bearing PINs 11-04-20-105-065-0000, 11-04-20-105-066-0000, 11-04-20-105-067-0000, 11-04-20-105-068-0000, 11-04-20-105-069-0000, 11-04-20-105-071-0000, 11-04-20-105-072-0000, and 11-04-20-105-073-0000, and the Owners of the foregoing parcels have consented in writing to the filing of the Application;

B. That the application seeks to rezone the Property from B-3 Business Service District to R-3 Multiple Family Residence District, a Special Use for a combined Preliminary/Final Planned Unit Development (PUD) project, various PUD waivers, and Preliminary and Final Plat of Subdivision; that would allow the development of a new 14 building, 260 unit luxury, market-rate multifamily apartment home community, with a clubhouse, pool amenity, and garage parking on the approximately 16-acre vacant development site located along the north side of Ryan Drive, approximately 280 feet east of Weber Road, and 210 feet south of Renwick Road in the City of Crest Hil and legally described in Exhibit A-1, attached hereto and incorporated herein by reference (the “Property”);

C. That the Property is zoned B-3;

D.. That all requested PUD waivers are listed in the attached Exhibit A-2 and involve reduction in minimum lot area requirement; increase in maximum lot coverage; reduction in minimum front, side, and rear yard building setbacks; reduction in minimum floor area for one-bedroom apartment units; reduction in minimum parking setbacks; reduction in minimum number of required parking spaces; reduction in minimum width of parking lot access aisles; reduction in masonry requirement for exterior façade; reduction in minimum width of walking/jogging paths; and any other Zoning Ordinance or City Code requirements the Community and Economic Development Director deems necessary to construct the project as reflected on the application materials referenced in the February 12, 2026, Community and Economic Development Staff Report;

E. That the application for rezoning, PUD Special Use, various PUD waivers, and Preliminary and Final Plat of Subdivision was properly submitted and notice of the application and the public hearing were properly made;

F. That no interested parties filed a written appearance herein;

F. That the public hearing was opened and called to order on February 12, 2026, and the applicant presented evidence and arguments in support of its application on February 12, 2026;

G. That all members of the public wishing to be heard were allowed to make public comment and question the Applicant's representatives;

H. That the rules adopted by the Plan Commission for the conduct of Public Hearings by the Plan Commission were duly followed and observed;

I. That the proposed rezoning, PUD Special Use, various PUD waivers, and Preliminary and Final Plat of Subdivision, as considered under Section 10.6, Section 12.6, Section 12.7, Section 12.8-5, of the Zoning Ordinance, meet the thirteen (13) standards for Zoning Map Amendment (Rezoning) under Section 12.8-5, seven (7) standards for Planned Unit Development under Section 10.6, and the eight (8) standards for Special Use under section 12.7-6.

**THEREFORE, IT IS THE DECISION OF THE PLAN COMMISSION OF THE CITY OF CREST HILL, ILLINOIS, BASED UPON THE EVIDENCE HEARD BY SAME AND ARGUMENTS AND SUGGESTIONS HEARD AT THE PUBLIC HEARING, AND HAVING DULY CONSIDERED THE MANDATES AND STANDARDS AS SET FORTH IN THE CITY OF CREST HILL, ILLINOIS ZONING ORDINANCE FOR THE GRANTING OF REZONING, PUD SPECIAL USE, VARIOUS PUD WAIVERS, AND PRELIMINARY AND FINAL PLAT OF SUBDIVISION, AS FOLLOWS:**

1. That the approval of the application of FRED-Crest Hill HC, LLC for rezoning, PUD Special Use, various PUD waivers, and Preliminary and Final Plat of Subdivision as listed in attached Exhibit A-2 for property located along the north side of Ryan Drive, approximately 280 feet east of Weber Road, and 210 feet south of Renwick Road in Crest Hill, Illinois with PINs 11-04-20-105-065-0000, 11-04-20-105-066-0000, 11-04-20-105-067-0000, 11-04-20-105-068-0000, 11-04-20-105-069-0000, 11-04-20-105-071-0000, 11-04-20-105-072-0000, and 11-04-20-105-073-0000 is supported by the evidence adduced;

2. It is therefore the recommendation of the City of Crest Hill Plan Commission that the application for the rezoning, PUD Special Use, various PUD waivers, and Preliminary and Final Plat of Subdivision be granted subject to the project being implemented in substantial conformance with the following seven (7) conditions for approval and application documents referenced in the February 12, 2026, Community Development Staff Report for this request, as follows:

1. The final Plat of Subdivision shall satisfy all applicable City Ordinance, staff, and City Attorney requirements and shall include all easement provisions required by the City's Director of Engineering.
2. All final engineering plans, related supporting information, and development security for the Project shall be submitted for the Director of Engineering's final approval prior to or in conjunction with the formal building permit application submitted for the Project. Said plans shall be substantially consistent with the application documents submitted for Plan Commission Case #PUD- 26-1-2-1.
3. All final architectural, signage, and landscape plans for the Project shall be submitted for Community Development Department staff final approval prior to or in conjunction with the formal building permit application submitted for the Project. Said plans shall be substantially consistent with the application documents submitted for Plan Commission Case #PUD-26-1-2-1.
4. The two private drives that connect the Project to Renwick Road shall be included in scope of private streets FRED will mill and resurface. Unless otherwise approved by the City Engineer, all private street resurfacing work shall be completed prior to occupancy of the first building in the Project.
5. Unless otherwise approved as a Major PUD Change by the City Council, the ownership and management of the entire Project shall each be under a single entity. This condition is not intended to prevent the Project owner from engaging the services of an independent qualified property management company to manage day-to-day operations, maintenance activities, and rehabilitation projects in it.
6. A fire hydrant must be located within 100 ft of each building's fire department connection.
7. Unless otherwise approved by the Director of Community and Economic Development as a result of Gas Company feedback, the Applicant shall prepare and submit proper paperwork to Nicor for approval of a sidewalk or multi-use path as shown on the plans prior to issuance of the first structure's building permit. Pathway/sidewalk shall be installed before issuance of the last building's certificate of occupancy. The pathway/sidewalk may require minor changes to the approved plan based upon final Nicor and City permit reviews. Notwithstanding anything to the contrary, the Applicant's required construction of the pathway/sidewalk is predicated on the Applicant or the City obtaining approval from Nicor for its construction and said approval shall not require the Applicant to relocate any existing gas lines.

[Left Intentionally Blank]

Adopted by the Plan Commission of the City of Crest Hill, Illinois, this 12<sup>TH</sup> Day of February 2026 upon the following voice vote:

|                                | Aye          | Nay               | Absent            | Abstain           |
|--------------------------------|--------------|-------------------|-------------------|-------------------|
| Commissioner Bill Thomas       | <u>  X  </u> | <u>          </u> | <u>          </u> | <u>          </u> |
| Commissioner Ken Carroll       | <u>  X  </u> | <u>          </u> | <u>          </u> | <u>          </u> |
| Commissioner Cheryl Slabozeski | <u>  X  </u> | <u>          </u> | <u>          </u> | <u>          </u> |
| Commissioner Gordon Butler     | <u>  X  </u> | <u>          </u> | <u>          </u> | <u>          </u> |
| Commissioner Marty Flynn       | <u>  X  </u> | <u>          </u> | <u>          </u> | <u>          </u> |
| Commissioner Jeff Peterson     | <u>  X  </u> | <u>          </u> | <u>          </u> | <u>          </u> |
| Commissioner John Stanton      | <u>  X  </u> | <u>          </u> | <u>          </u> | <u>          </u> |

Approved:

\_\_\_\_\_  
Bill Thomas, Chairman

Attest:

\_\_\_\_\_  
Christine Vershay-Hall, City Clerk

## EXHIBIT A-1

### LEGAL DESCRIPTION

PROPERTY ADDRESS: 16-ACRE VACANT DEVELOPMENT SITE LOCATED ALONG THE NORTH SIDE OF RYAN DRIVE, APPROXIMATELY 280 FEET EAST OF WEBER ROAD, AND 210 FEET SOUTH OF RENWICK ROAD IN THE CITY OF CREST HILL, IL, 60403

PERMANENT INDEX NOS: 11-04-20-105-065-0000, 11-04-20-105-066-0000, 11-04-20-105-067-0000, 11-04-20-105-068-0000, 11-04-20-105-069-0000, 11-04-20-105-071-0000, 11-04-20-105-072-0000, and 11-04-20-105-073-0000

#### LEGAL DESCRIPTION:

LOT 1 IN EQUIMAX BUSINESS CENTER, BEING A RESUBDIVISION OF LOT 8 IN CREST HILL BUSINESS CENTER, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 36 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT R2007117350, IN WILL COUNTY, ILLINOIS, AND LOTS 2, 3, 4, 5, 6, 7 AND 8 IN EQUIMAX BUSINESS CENTER, A RESUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 36 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 2, 2007 AS DOCUMENT NUMBER R2007-117350, IN WILL COUNTY, ILLINOIS.

## EXHIBIT A-2

### LIST OF REQUESTED APPROVALS

1. **Zoning Map Amendment (Rezoning):** Rezoning the entire site from B-3 Business Service District to R-3 Multiple Family Residence District.
2. **A Combined Preliminary and Final Planned Unit Development (PUD) Special Use**
3. **PUD Waivers from the following Zoning Ordinance Requirements**

- a. Table 1: Zoning District Standards for Residential Districts
  - i. Reduce the minimum lot area requirement from 5,000 sq. ft. per unit to 2,648 sq. ft. per unit.
  - ii. Increase the amount of allowed lot coverage from 50% to approximately 70%.
  - iii. Reduce the 30 ft. minimum required front/corner side yard and 40 ft. minimum rear yard building setbacks throughout the Project to accommodate the building locations reflected on the application materials referenced in the February 12, 2026, Community Development Department Staff Report.
  - iv. Reduce the minimum floor area requirement for one-bedroom apartment units from 800 sq. ft. to an average of approximately 700 sq. ft.
- b. Reduce the 30 ft. required front yard parking setback required by Section 11.5-1 and the parking setbacks required adjacent to a residential district by Section 11.5-3 throughout the Project to accommodate the parking locations reflected on the application materials referenced in the February 12, 2026, Community Development Department Staff Report.
- c. Reduce parking requirements of Section 11.8-1 c. from 3.5 parking spaces per unit to 2.12 parking spaces per unit.
- d. Reduce the minimum width of parking lot access aisle required between adjacent parking stalls by Section 11.4-1 from 26 ft. to 24 ft.
- e. Reduce the percentage of masonry required on individual multi-family residential buildings by Section 8.7-2 as follows:

|   | <i>% Masonry Required</i> | <i>% Masonry Provided on 18-Unit Building</i> | <i>% Masonry Provided on 20-Unit Building</i> |
|---|---------------------------|---|---|
| <i>Min. % masonry on one façade per building</i>                    | 80%                       | 35% - front facade                            | 33.5% - front facade                          |
| <i>Min. % masonry on any wall facing a public or private street</i> | 10%                       | 9.5% - garage door facade                     | 7.2%- garage door facade                      |

- f. Reduce the minimum width of walking/jogging paths required by Section 10.0-4.7, from 8 feet to 5 feet.
- g. Adjust any other Zoning Ordinance or City Code requirements the Community and Economic Development Director deems necessary to construct the project as reflected

on the application materials referenced in the February 12, 2026, Community Development Department Staff Report.

4. **Preliminary/Final Plat of Subdivision:** The proposed Final Plat of Seasons at Crest Hill Subdivision consolidates the eight existing lots that comprise the Site, vacates existing unnecessary utility easements, and dedicates the new utility easements necessary to accommodate the new infrastructure that will be constructed as part of the Project.

## EXHIBIT A-3

February 12, 2026 Community Development Department Staff Report

## EXHIBIT A-4

### UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Crest Hill, Illinois ("**City**");

**WHEREAS**, FRED-CREST HILL HC, LLC (the "**Applicant**" or the "**Contract Purchaser**") entered into a real estate contract to purchase the real property in the City of Crest Hill, Illinois, bearing PINs 11-04-20-105-065-0000, 11-04-20-105-066-0000, 11-04-20-105-067-0000, 11-04-20-105-068-0000, 11-04-20-105-069-0000, 11-04-20-105-071-0000, 11-04-20-105-072-0000, and 11-04-20-105-073-0000 (the "Subject Property") and has applied for and been granted Rezoning, Preliminary and Final PUD Special Use, PUD Waivers, and Final Plat of Subdivision for Seasons at Crest Hill Multi-Family Apartment Home Community; and

WHEREAS, Chicago Title Land Trust Company, a Corporation of Illinois as Trustee under the provisions of a certain Trust Agreement dated July 15, 2015 and known as Trust Number 8002368679 as to PIN 11-04-20-105-065-0000, and SAI Bolingbrook, LLC, Series D, as to PINs 11-04-20-105-066-0000, 11-04-20-105-067-0000, 11-04-20-105-068-0000, 11-04-20-105-069-0000, 11-04-20-105-071-0000, 11-04-20-105-072-0000, and 11-04-20-105-073-0000, (collectively, the "**Owners**") have consented and agreed to the filing of the Application;

**WHEREAS**, Ordinance No. \_\_\_\_\_, approved and passed by the Crest Hill City Council on March 2, 2026, ("the **Ordinance**"), approved Rezoning, Preliminary and Final PUD Special Use, PUD Waivers, and Final Plat of Subdivision, subject to seven (7) conditions; and

**WHEREAS**, Section 4 of the Ordinance provides, among other things, that the Ordinance shall not take effect, and subject to repeal unless and until the Applicant has executed, within 60 days following the passage of the Ordinance, this Unconditional Agreement and Consent to accept and abide by all the terms, conditions, and limitations set forth in the Ordinance, and that FRED-Crest Hill HC, LLC acquires title to the Subject Property within 180 days following the passage of the Ordinance, or as otherwise agreed to in writing by the City.

**NOW, THEREFORE**, the Contract Purchaser does hereby agree, and covenant as follows:

1. The Contract Purchaser hereby unconditionally agrees to, accepts, consents to, and will abide by all terms, conditions, limitations, restrictions, and provisions of the Ordinance.

2. The Contract Purchaser acknowledges that all required public notices and hearings have been properly given and held with respect to the application process and passage of the Ordinance, understands and has considered the possibility of revocation or repeal of the Ordinance as a result of violation of its terms or failure to abide by the conditions set forth in the Ordinance, and agrees, covenants and warrants that it will not challenge any such revocation on the basis of any procedural infirmity or a denial of any procedural right, provided that the City will provide the Contract Purchaser with written notice of the City's intent to Repeal or Revoke the Ordinance.

3. The Contract Purchaser acknowledges and agrees that the City shall not be in any way liable for any damages or injuries that may be sustained as a result of the City's granting of the

Final Plat of Subdivision and Variations or its passage of the Ordinance, and that the City's approvals do not, and will not, in any way be deemed to insure the Contract Purchaser against damage or injury of any kind at any time.

4. The Contract Purchaser hereby agrees to release, defend, indemnify and hold harmless the City of Crest Hill, its corporate authorities, elected and appointed officials, officers, employees, agents, representatives, and attorneys from any and all claims that may, at any time, be asserted against them in connection with (a) the City's review and approval of any plans and issuance of any permits, (b) the City's passage of the Ordinance, and (c) the maintenance and use of the Property as authorized by the Ordinance.

5. The undersigned is an authorized representative of the Contract Purchaser duly authorized and empowered to execute this Unconditional Agreement and Consent on behalf of the Contract Purchaser.

*[Signature page to follow]*

**APPLICANT/CONTRACT PURCHASER: FRED-CREST HILL HC, LLC**

By: \_\_\_\_\_

Its: \_\_\_\_\_

**SUBSCRIBED** and **SWORN** to before me

this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
Notary Public