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2000-08-09 12:00:34

Cook County Recorder

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Property of Cook County Clerk's Office

ORDINANCE NO. 00-40

AN ORDINANCE GRANTING A SPECIAL PERMIT FOR THE INSTALLATION AND OPERATION OF A DRIVE-THRU AUTOMATED TELLER MACHINE ("ATM")

(OLD KENT BANK: 1300 MEADOW ROAD)  
(PLAN COMMISSION DOCKET NO. 00-14)

Passed by the Board of Trustees, July 11, 2000

Printed and Published, July 12, 2000

Printed and Published in Pamphlet Form  
by Authority of the  
President and Board of Trustees

VILLAGE OF NORTHBROOK  
COOK COUNTY, ILLINOIS

BOX 337

I hereby certify that this document was properly published on the date stated above.

/s/ Lona N. Louis  
Village Clerk

I hereby certify this to be a true and exact copy of the original.

8/2/00 Lona N. Louis  
Date Village Clerk

ORDINANCE NO. 00-40

BE IT ORDAINED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois THAT:

AN ORDINANCE GRANTING A SPECIAL PERMIT FOR THE INSTALLATION AND OPERATION OF A DRIVE-THRU AUTOMATED TELLER MACHINE ("ATM")

(OLD KENT BANK: 1300 MEADOW ROAD)  
(PLAN COMMISSION DOCKET NO. 00-14)

shall be, and is hereby, adopted as follows:

Section 1. BACKGROUND

Old Kent Bank ("Applicant"), owner of the property commonly known as 1300 Meadow Road, and further defined in Section 2 below ("Property"), has requested that the Village of Northbrook ("Village") grant the necessary relief to allow for the installation and operation of an ATM within one of the Applicant's existing drive-thru aisles on the Property.

Section 2. DESCRIPTION OF PROPERTY

The Property is commonly known as 1300 Meadow Road, and is legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance. The Property is located within the Village Green Overlay District ("VGO") and the C-3 Central Business Base District.

Section 3. PUBLIC HEARINGS

A. A public hearing to consider the subject application for a special permit and variation was duly advertised on April 27, 2000 in the *Northbrook Star* and was held at the Plan Commission's regular meeting on May 16, 2000, with a formal recommendation being rendered during the Plan Commission's regular meeting on June 6, 2000 (Plan Commission Resolution No. 00-PC-17).

B. Because the Property is located within the VGO, the proposed ATM was required to go through the Village's Architectural Control Commission ("ACC") review process. A public hearing to consider the design of the ATM was held at the ACC's regular meeting on May 11, 2000. At this meeting, the applicant, at the request of the ACC, agreed to revise the design options and return to a later ACC regular meeting. The applicant presented its revised designs at the ACC's regular meeting held on June 8, 2000 and the ACC recommended approval of one of the design options, commonly known as version C.

Section 4. SPECIAL PERMIT

Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section 5 of this Ordinance, a special permit to allow for the installation and operation of an ATM on the Property is hereby granted to the Applicant in accordance with and pursuant to Section 11-602 of the Code and the home rule powers of the Village.

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## Section 5. SPECIAL PERMIT CONDITIONS

The special permit granted in Section 4 above, shall be, and is hereby, expressly subject to and contingent upon each of the following conditions, restrictions, and provisions:

A. Compliance with Plans. The installation and operation of the ATM shall be in substantial compliance with the following documents and plans, except for minor changes and site work approved by the Director of Development or the Village Engineer (for matters within their respective permitting authorities) in accordance with all applicable Village standards:

i. The Site Plan (consisting of two pages) and photographs, prepared by Elisco & Ruben Architects, dated April 3, 2000, a copy of which is attached as Exhibit B and by this reference made a part of this Ordinance; and

ii. The color rendering (version C), prepared by Couvrette Building Systems, dated May 15, 2000, a copy of which is attached as Exhibit C and by this reference made a part of this Ordinance.

B. Building Permits. Prior to installation, the Applicant must obtain all necessary building permits from the Village.

C. Signage. The "Old Kent" logo on the ATM shall not exceed five inches in height.

## Section 6. FAILURE TO COMPLY WITH CONDITIONS

Upon failure or refusal of the Applicant to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the special permit granted in Section 4 of this Ordinance shall, at the sole discretion of the Village Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Board of Trustees may not so revoke the special permit and variation unless it shall first provide the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Board of Trustees. In the event of revocation, the development and use of the Property shall be governed solely by the regulations of the VGO and the C-3 Central Business Base District, as the same may, from time to time, be amended. Further, in the event of such revocation of the special permit, variation, and site plan approval, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Applicant acknowledges that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice to the Applicant required by this Section is given.

## Section 7. AMENDMENT TO SPECIAL PERMIT

Any amendment to the special permit granted by this Ordinance that may be requested by the Applicant after the effective date of this Ordinance, including, without limitation, expansion of the size of the ATM facilities, other than as authorized by this Ordinance, may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Code.

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Section 8. BINDING EFFECT; NON-TRANSFERABILITY

The privileges, obligations, and provisions of each and every Section of this Ordinance, are for the sole benefit of, and shall be binding on, the Applicant, except as otherwise expressly provided in this Ordinance. Nothing in this Ordinance shall be deemed to allow this Ordinance to be transferred to any person or entity without a new application for approval for any person or entity other than the Applicant.

Section 9. EFFECTIVE DATE

A. This Ordinance shall be effective only upon the occurrence of all of the following events:

- i. passage by the Board of Trustees of the Village of Northbrook by a majority vote in the manner required by law; and
- ii. publication in pamphlet form in the manner required by law; and
- iii. the filing by the Applicant with the Village Clerk of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance. Said unconditional agreement and consent shall be in the form of Exhibit D, attached to and made a part of this Ordinance by this reference; and
- iv. recordation of this Ordinance, together with such exhibits as the Village Clerk shall deem appropriate for recordation, with the Cook County Recorder of Deeds. The Applicant shall bear the full cost of such recordation.

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent referenced in Paragraph 10.A.iii of this Ordinance within 90 days of the date of passage of this Ordinance by the President and Board of Trustees, the Corporate Authorities shall have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

PASSED: This 11<sup>th</sup> day of July, 2000.

AYES: (7) Trustees Jaeger, Frum, Buehler, Donewald, Meek, Karagianis and President Damisch

NAYS: (0)

ABSENT: (0)

ABSTAIN: (0)

/s/ Mark W. Damisch  
Village President

ATTEST:

/s/ Lona N. Louis  
Village Clerk

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## EXHIBIT A

### PARCEL "A":

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THAT PART OF LOT 41 IN WALTER'S RESUBDIVISION HEREINAFTER DESCRIBED LYING SOUTHERLY OF THE CENTER THREAD OF THE NORTH BRANCH OF THE CHICAGO RIVER (EXCEPTING FROM SAID TRACT THAT PART THEREOF DESCRIBED AS BEGINNING AT THE SOUTH EAST CORNER OF SAID LOT 41, THENCE SOUTH 46 DEGREES, 44 MINUTES WEST ON AND ALONG THE SOUTHEASTERLY LINE OF SAID LOT 41 A DISTANCE OF 204.89 FEET TO THE EASTERLY LINE OF RIGHT OF WAY OF THE CHICAGO, MILWAUKEE AND ST. PAUL RAILROAD; THENCE NORTH 18 DEGREES, 07 MINUTES WEST ON AND ALONG THE EASTERLY LINE OF RIGHT OF WAY OF THE CHICAGO MILWAUKEE AND ST. PAUL RAILROAD, A DISTANCE OF 152.53 FEET TO A POINT; THENCE NORTH 74 DEGREES, 32 MINUTES EAST A DISTANCE OF 124.86 FEET TO A POINT, THENCE NORTH 15 DEGREES, 28 MINUTES WEST, A DISTANCE OF 90.06 FEET TO THE CENTER LINE OF THE WEST BRANCH OF THE NORTH FORK OF THE CHICAGO RIVER, THENCE NORTH 83 DEGREES, 02 MINUTES EAST ON THE CENTER LINE OF SAID RIVER, A DISTANCE OF 23.47 FEET MORE OR LESS TO THE EASTERLY LINE OF SAID LOT 41, THENCE SOUTH 31 DEGREES EAST ON AND ALONG THE EASTERLY LINE OF SAID LOT 41, A DISTANCE OF 148.85 FEET TO THE PLACE OF BEGINNING) IN WALTER'S RESUBDIVISION OF PART OF THE NORTH EAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF THE NORTH WEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 10, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO PLAT THEREOF RECORDED IN THE OFFICE OF REGISTRAR OF TITLES IN COOK COUNTY, ILLINOIS ON JUNE 5, 1905 AS DOCUMENT 2609;

### PARCEL "B":

THAT PART OF LOT 41 IN WALTER'S RESUBDIVISION HEREINAFTER DESCRIBED LYING SOUTHERLY OF THE CENTER THREAD OF THE NORTH BRANCH OF THE CHICAGO RIVER (EXCEPTING FROM SAID TRACT THAT PART THEREOF DESCRIBED AS BEGINNING AT THE SOUTH EAST CORNER OF SAID LOT 41; THENCE SOUTH 46 DEGREES, 44 MINUTES WEST ON AND ALONG THE SOUTHEASTERLY LINE OF SAID LOT 41, A DISTANCE OF 71.30 FEET TO A POINT; THENCE NORTH 15 DEGREES, 28 MINUTES WEST, A DISTANCE OF 90.05 FEET TO A POINT; THENCE SOUTH 74 DEGREES, 32 MINUTES WEST A DISTANCE OF 124.86 FEET TO A POINT ON THE EASTERLY LINE OF RIGHT OF WAY OF THE CHICAGO MILWAUKEE AND ST. PAUL RAILROAD; THENCE NORTH 18 DEGREES, 07 MINUTES WEST ALONG SAID EASTERLY LINE OF RIGHT OF WAY A DISTANCE OF 93.16 FEET TO A POINT ON THE CENTER THREAD OF THE NORTH BRANCH OF THE CHICAGO RIVER; THENCE NORTH 75 DEGREES, 52 MINUTES EAST ALONG SAID CENTER THREAD A DISTANCE OF 129.08 FEET, THENCE NORTH 83 DEGREES, 02 MINUTES EAST ON THE CENTER LINE OF SAID RIVER, A DISTANCE OF 23.47 FEET MORE OR LESS TO THE EASTERLY LINE OF SAID LOT 41; THENCE SOUTH 31 DEGREES EAST ON AND ALONG THE EASTERLY LINE OF SAID LOT 41 A DISTANCE OF 148.85 FEET TO THE POINT OF BEGINNING) IN WALTER'S RESUBDIVISION OF PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTHWEST 1/4 OF THE SOUTH WEST 1/4 OF SECTION 10, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE REGISTRAR OF TITLES OF COOK COUNTY, ILLINOIS ON JUNE 5, 1905, AS DOCUMENT NUMBER 2609.

PREI NO. 04-10-300-037

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## APPLICANT'S UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Northbrook, Illinois (the "Village");

WHEREAS, Old Kent Bank ("Applicant") is the owner of the property commonly known as 1300 Meadow Road in the Village of Northbrook ("Property"); and

WHEREAS, the Applicant has applied for a special permit to allow for the installation and operation of a drive-thru automated teller machine ("ATM"); and

WHEREAS, Ordinance No. 00-40, adopted by the President and Board of Trustees of the Village of Northbrook on the 11<sup>th</sup> day of July, 2000 grants the Requested Relief, subject to certain conditions; and

WHEREAS, the Applicant desires to evidence to the Village its unconditional agreement and consent to accept and abide by each of the terms, conditions and limitations set forth in said Ordinance;

NOW, THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant shall and does hereby unconditionally agree to, accept, consent to, and abide by all of the terms, conditions, restrictions, and provisions of Ordinance No. 00-40.
2. The Applicant acknowledges and agrees that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as the result of the Village's review and approval of any plans for the Property, or the issuance of any permits for the use and development of the Property, and that the Village's review and approval of any such plans and issuance of any such permits does not, and shall not, in any way, be deemed to insure the Applicant against damage or injury of any kind and at any time.
3. The Applicant acknowledges that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right.
4. The Applicant agrees to and does hereby hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with (a) the Village's review and approval of plans and issuance of any permits, (b) the procedures followed in connection with the adoption of the Ordinance, (c) the development, construction, maintenance, and use of the Property, and (d) the performance by the Applicant of his obligations under this Unconditional Agreement and Consent.
5. The Applicant shall, and does hereby agree to, pay all expenses incurred by the Village in defending itself with regard to any and all claims mentioned in this Unconditional Agreement and

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Consent. These expenses shall include all out-of-pocket expenses, such as attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the Village.

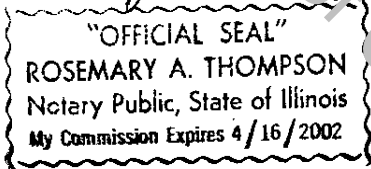
OLD KENT BANK

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

SUBSCRIBED and SWORN to  
before me this 25<sup>th</sup> day of

July, 2000.

Rosemary A. Thompson  
Notary Public



Register of Cook County Clerk's Office

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11/25/2011