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ORDINANCE NO. O-19494

AN ORDINANCE AUTHORIZING THE EXECUTION OF
AN ANNEXATION AGREEMENT
572 W. HELLEN ROAD

04045228

WHEREAS, a public hearing on an Annexation Agreement was held on December 12, 1994 by the President and Board of Trustees of the Village of Palatine; and

WHEREAS, the owners of record of the land which is the subject of such agreements are ready, willing and able to enter into such Amended Annexation Agreement and to perform the obligations as required thereunder; and

WHEREAS, the statutory procedures provided in 65 ILCS 5/15.1 as amended, for the execution of said amendment have been fully complied with:

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Palatine, Cook County, Illinois, as follows:

SECTION 1: The President is authorized and directed to execute and the Clerk is directed to attest the Annexation Agreement, a copy of which is attached hereto and made a part hereof.

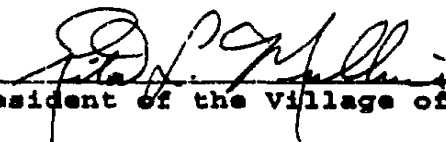
SECTION 2: This ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED: This 12th day of December, 1994

AYES: 6 NAYS: 0 ABSENT: 0 PASS: 0

04045228

APPROVED by me this 12th day of December, 1994



President of the Village of Palatine

ATTESTED and FILED in the office of the Village Clerk this 12th day of December 1994



Village Clerk



MAIL TO: DIANE GREENLEES
VILLAGE OF PALATINE
200 E. WOOD
PALATINE, IL. 60067

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STATE OF ILLINOIS)
)
COUNTY OF COOK)

I, MARGARET R. DUER, do hereby certify that I am the duly elected, qualified and acting Clerk of the Village of Palatine, Cook County, Illinois, and that I am the keeper of the records, journals, entries, ordinances and resolutions of the said Village of Palatine.

I do further certify that the foregoing Ordinance is a true and correct copy of a ordinance passed and adopted by the Board of Trustees of the Village of Palatine as a Regular meeting held on the 12 day of December, 1994, and that said ordinance was deposited and filed in the office of the Village Clerk on the 12 day of December, 1994.

I do further certify that the original of which the foregoing is a true copy, is entrusted to my care for safekeeping and that I am the keeper of the same.

I further certify that the vote of the Board of Trustees on the motion to adopt said ordinance was as follows:

AYES: 6 NAYS: 0 ABSENT: 0 PASS: 0

BY WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Palatine this 13 day of December, 1994.

Margaret R. Duer
Margaret R. Duer
Palatine Village Clerk

(S E A L)

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ANNEXATION AGREEMENT

572 W. HELLEN ROAD

THIS AGREEMENT, made and entered into this 12th day of December, 1994, by and between the VILLAGE OF PALATINE, a municipal corporation of Cook County, Illinois, 200 E. Wood Street, Palatine, IL., 60067 (hereinafter called "the Village") and Yvonne M. Crawford, Robert Crawford, Sue Brach, and Donald Brach, the Owners of the property described below, (hereinafter called the "Owners").

WITNESSETH:

WHEREAS Owners are the holder of legal title to the real estate which is legally described as follows, to wit:

Lot 10 in Block 5 in A. T. McIntosh and Company's North West Acres Unit No. 2, a subdivision in the South 1/2 of the North West 1/2 of Section 22, Township 42 North, Range 10 East of the Third Principal Meridian, in Cook County, Illinois

commonly known as 572 W. Hellen Road, hereinafter sometimes called the "Subject Property"; and

WHEREAS, the Village of Palatine has received a petition to annex the Subject Property which is located in unincorporated Cook County; and

WHEREAS, the Subject Property is located in an area generally zoned for residential use; and

WHEREAS, the Subject Property is now being, and for many years has been, operated as a commercial day care center pursuant to a special use permit under applicable Cook County ordinances, regulations and procedures; and

WHEREAS, the Owners of the Subject Property wish to preserve for itself and all future owners the right to operate a commercial day care center on the Subject Property; and

WHEREAS, the failure to continue the special use for the Subject Property will result in an enormous reduction in the value of said property and a corresponding loss to Owners; and

WHEREAS, Owners intend to enclose an overhang attached to the garage located on said property.

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NOW, THEREFORE, in consideration of the foregoing premises and the mutual covenants herein contained, the parties agree as follows:

1. Subject to the provisions of the Illinois Compiled Statutes (1993), the Owners agree to do all things necessary or appropriate to cause the Subject Property to be duly and validly annexed to the Village as promptly as practicable, and upon the occurrence of such annexation the remaining provisions of this Agreement shall apply.

2. Upon annexation, the Subject Property shall be zoned by the Village in an "R-1" Single Family Residential District classification in accordance with the Zoning Ordinance of the Village. The Village hereby agrees to accept the County special use for the commercial day care center as a legal non-conforming use pursuant to the non-conforming use provisions in Article IX of the Palatine Zoning Ordinance.

3. The following exceptions to Article IX are hereby permitted:

A. In the event that the building is destroyed or severely damaged to the extent that the cost of restoration exceeds 50% or more of the value of the building or structure, the Village shall nonetheless permit Owners to construct and continue the use of the property as a day care center; and

B. Owners shall be permitted to expand the non-conforming use to the extent that it is permitted to proceed with the construction work needed to enclose an overhang attached to the garage. Said improvements shall include plumbing fixtures to allow new washroom facilities to be installed in connection therewith. The Owners agree to apply for and obtain a Village building permit and to pay all fees prior to proceeding with construction.

4. The Village shall permit the Owners to maintain on said Property parking lots, commercial signage and other improvements, trade fixtures and items necessary or otherwise appropriate to the conduct of a commercial day care center thereof, provided that such items continue to be of substantially the same nature, size and character as those currently located on said property.

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5. The Village agrees to enact such ordinances and resolutions as are necessary to effect the terms of this Agreement.

6. The Owners shall in all respects comply with all ordinances, codes and other regulations of the Village and pay all fees and other charges as provided by the Village ordinances from time to time in force and effect.

7. If any provision of this Agreement is held invalid, such provision shall be deemed to be excised herefrom and the invalidity thereof shall not affect any of the other provisions contained herein.

8. This Agreement shall inure to the benefit of and be binding upon the successors in title of the Owners and upon the successor corporate authorities of the Village and successor municipalities. It shall be valid and binding for a period of twenty (20) years from the date of execution. This Agreement may be amended from time to time with the consent of the Owners and the Village, pursuant to the statutes in such case made and provided.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

VILLAGE OF PALATINE

Spencer P. Kephau
President

ATTEST:

Margaret D...
Village Clerk

ATTEST:

Yvonne M. Crawford
Yvonne M. Crawford

Robert P. Crawford
Robert Crawford

Sue Brach
Sue Brach

Donald L. Brach II
Donald Brach

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COOK COUNTY RECORDER