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Eugene "Gene" Moore
Cook County Recorder of Deeds
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Prepared by:
Klein Thorpe & Jenkins, Ltd.
20 North Wacker Drive
Suite 1660
Chicago, IL 60606
Michael A. Marrs

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COOK COUNTY, ILLINOIS RECORDING COVER SHEET FOR

ORDINANCE NO. C0-08-18

AN ORDINANCE APPROVING A SPECIAL USE TO OPERATE A
CHILDCARE CENTER IN A B-1 LOCAL RETAIL BUSINESS ZONING
DISTRICT (1405 – 1407 SOUTH 5TH AVENUE – (CROSS)
D/B/A "TRAIN UP A CHILD CHRISTIAN ACADEMY")

P.I.N.'S: 15-14-136-001-0000
ADDRESS: 1405 – 1407 SOUTH 5TH AVENUE, MAYWOOD, COOK
COUNTY, ILLINOIS

LEGAL DESCRIPTION: LOTS 1 TO 4 BOTH INCLUSIVE IN BLOCK 163
IN MAYWOOD, A SUBDIVISION OF THE SOUTH 1/2 OF THE
SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 39 NORTH, RANGE 12,
THE WEST 1/2 OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 12,
AND THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 39 NORTH,
RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK
COUNTY, ILLINOIS.

After recording return to: RECORDER'S BOX 324 [MAM]

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ORDINANCE NO. CO-08-18

AN ORDINANCE APPROVING A SPECIAL USE TO OPERATE A CHILDCARE CENTER IN A B-1 LOCAL RETAIL BUSINESS ZONING DISTRICT (1405-1407 SOUTH 5TH AVENUE (CROSS) D/B/A "TRAIN UP A CHILD CHRISTIAN ACADEMY")

WHEREAS, a petition for the granting of a Special Use, as set forth below, has been filed with the Community Development Department of the Village of Maywood, has been referred to the Plan Commission/Zoning Board of Appeals ("PC/ZBA") of the Village, and has been processed in accordance with the Village's Zoning Ordinance, as amended; and

WHEREAS, on February 26, 2008, the PC/ZBA of the Village of Maywood held a public hearing pursuant to notice duly published in accordance with State law, relative to the request for the Special Use set forth below; and

WHEREAS, on February 26, 2008, the PC/ZBA of the Village of Maywood voted to favorably recommend the Special Use set forth below to the Village President and Board of Trustees of the Village of Maywood, subject to certain conditions; and

WHEREAS, the PC/ZBA has filed its report of findings and recommendations regarding the Special Use with the President and Board of Trustees, and the President and Board of Trustees have duly considered said report and findings and recommendations.

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

SECTION 1: The Village President and Board of Trustees of the Village of Maywood approve and adopt the findings and recommendation of the PC/ZBA and incorporate such findings and recommendation herein by reference as if they were fully set forth herein.

SECTION 2: The President and Board of Trustees, after considering the report and findings and recommendations of the PC/ZBA and other matters properly before it, find, in addition to the findings set forth in Section 1 hereof as follows:

- A. Petitioner, Naomi Cross, doing business as "Train Up a Child Christian Academy" is requesting a Special Use for the property under consideration (the "Subject Property"), legally described as follows:

LOTS 1 TO 4 BOTH INCLUSIVE IN BLOCK 163 IN MAYWOOD, A SUBDIVISION OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 39 NORTH, RANGE 12, THE WEST 1/2 OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 12, AND THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 39 NORTH, RANGE

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12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

Commonly known as: 1405-1407 S. 5th Avenue, Maywood, Illinois;
P.I.N.: 15-14-136-001-0000;

- B. The Petitioner has requested a Special Use to operate a Childcare Center in the B-1 Local Retail Business District pursuant to a lease. The Property Owner also signed the Petition in support of the proposed use;
- C. The Petitioner has operated a childcare facility for the past 3 1/2 years but is interested in moving to a new location on the Subject Property in order to accommodate the large number of children on her waiting list;
- D. The 2500 square foot Subject Property has previously been used for daycare purposes;
- E. The establishment, maintenance or operation of the Special Use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare with the conditions set forth below because the property has traditionally been used for similar commercial purposes, the use will utilize a building that is currently partially vacant for its intended commercial purpose, and the use is generally beneficial to the general public;
- F. 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 because the proposed use is identical to past use of the building for daycare purposes, is compatible with other uses in the area, and should increase property values in the area by making use of a building that is currently partially vacant for a use generally beneficial to the general public;
- G. The establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district because the Subject Property has been used in the past as a childcare facility, a commercial use that is compatible with other uses in the area;
- H. Adequate utilities, access roads, drainage or other necessary facilities have been or are being provided;

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- I. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets because the street infrastructure providing access to the Subject Property is already in place, and pick-up and drop-off of children will take place in the rear of the building or in a zone on Fifth Avenue approved by the Village and marked with signs for the purpose of drop-offs and pick-ups; and
- J. The Special Use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the Village Board of Trustees.

SECTION 3: A Special Use to operate a child care center on the Subject Property in a B-1 Local Retail Business Zoning District is granted to the Petitioner, Naomi Cross, d/b/a Train Up a Child Christian Academy, SUBJECT TO THE CONDITIONS SET FORTH IN SECTION 4 BELOW.

SECTION 4: The Special Use granted under Section 3 above shall be subject to the following conditions:

- A. The Special Use granted by this Ordinance shall commence upon the approval date of this Ordinance and shall automatically expire 12-months after the approval date without further action by the President and Board of Trustees. Petitioner may petition for extension of the Special Use by submitting a written request to the Village Manager for an extension at any time during the 12-month term of the Special Use. The Village President and Board of Trustees shall consider any request for the extension of the Special Use at a public meeting, and the Village will send notice of the consideration and meeting date via certified mail to all taxpayers of record within 100 feet of the Subject Property at least fifteen (15) days prior to the public meeting. In considering an extension, the Village President and Board of Trustees shall consider code compliance issues, compliance with the conditions set forth herein, and the general criteria for issuance of a special use permit. The Village President and Board of Trustees may, in its sole discretion, approve or deny any request for an extension of the Special Use, but no extension shall be valid without its express approval;
- B. All pick-up and drop-off of children occur in the rear of the building, with the exception of drop-offs in a zone on Fifth Avenue administratively approved by the Village Manager and posted with signs indicating it as a drop-off/pick-up or short-term (10 to 15 minute) parking area;
- C. Petitioner shall enter into and maintain a parking agreement with one of the adjacent property owner in order to meet the parking needs of this Special Use. A copy of the executed parking agreement shall be provided to the

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Village Clerk prior to an occupancy permit issuing for this property and any amendment or extension of the Agreement shall be provided to the Village Clerk within thirty (30) days of its execution;

- D. While a tenant or occupant in the 1405-1407 South 5th Avenue Building, the Petitioner agrees not to petition Cook County or any other applicable taxing body for an exemption from real estate property taxes for the Subject Property;
- E. The Special Use permit herein granted is not transferable to another individual or entity and shall terminate upon the cessation of the approved use of the Subject Property by the Petitioner;
- F. Proof of State of Illinois licensing to operate a child care facility on the Subject Property be provided by the Petitioner to the Director of Community Development no later than January 2 of each year;
- G. Only professional signage shall be used on the Subject Property per applicable Village Code and Zoning Code regulations and requirements;
- H. Proper lighting shall be installed in the rear of the building and lot prior to occupancy to illuminate the parking lot/pick-up and drop-off area and shall be maintained to the satisfaction of the Village Department of Code Enforcement at all times;
- I. The Petitioner and property owner shall construct, maintain and operate the child care facility in conformance with the applicable provisions of the Maywood Village Code, as amended, including all building and fire codes, and in compliance with any and all State licensing requirements;
- J. The facility shall be constructed and maintained in substantial conformance with the plans submitted by Petitioner as reviewed by applicable Village Staff and the PC/ZBA;
- K. The failure of the Petitioner/Owner to comply with any of the above conditions of this Ordinance shall result in the automatic, immediate termination of the Special Use granted under this Ordinance without further action by the Corporate Authorities of the Village. In the event that the use of the unoccupied building as a childcare center terminates or is discontinued for a period of more than 30 days following its initial opening, this Special Use shall terminate; and
- L. The terms, provisions and conditions contained in this Ordinance shall be covenants that run with the land and shall be enforceable against the

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Petitioner and Property Owner, or any successors in interest, successor owners, lessees, transferees, heirs, legal representatives or assigns.

SECTION 5: This Ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

SECTION 6: That a certified copy of this Ordinance shall be filed with the owner of record and recorded against the title to the above-described property by the Village, at Petitioner's expense, with the Office of the Cook County Recorder of Deeds.

ADOPTED this 6th day of May, 2008, pursuant to a roll call vote as follows:

AYES: Mayor Yarbrough Sr., Trustee(s) G. Woll, D. Flowers, and R. Lopez.

NAYS: Trustee(s) A. Jaycox, E. Perkins and K. Johnson.

ABSENT: None.

APPROVED by the Village President, and attested to by the Village Clerk, on the 6th day of May, 2008.

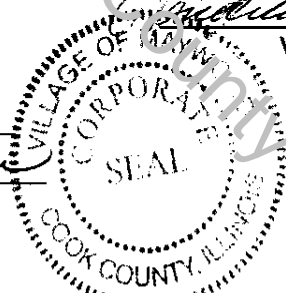
[Signature]

 VILLAGE PRESIDENT

ATTEST:

[Signature]

 VILLAGE CLERK



Published by me in pamphlet form this 6th day of May, 2008.

[Signature]

 VILLAGE CLERK

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ACKNOWLEDGMENT BY PETITIONER/OWNERS

We, the Petitioner and Property Owners under the above Special Use petition, certify that we have read and fully understand each and every term, provision and condition contained in the foregoing Ordinance granting the Special Use to operate a childcare center in a B-1 Local Retail Business Zoning District and imposing certain conditions thereon, as specifically set forth above in Sections 3 and 4 above, relative to the property commonly known as 1405-1407 S. 5th Avenue, Maywood, Illinois, and voluntarily accept and agree to be bound by same.

PETITIONER:

By: Naomi Cross
Naomi Cross

Date: 5-15-08, 2008.

SUBSCRIBED AND SWORN TO
Before Me this 15th day of
May, 2008.

[Signature]
NOTARY PUBLIC



OWNERS:

By: Jose R. Herrera
Jose R. Herrera

Date: 5/15, 2008.

SUBSCRIBED AND SWORN TO
Before Me this 15 day of
May, 2008.

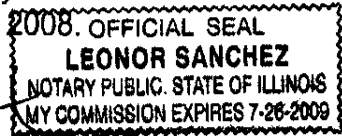
[Signature]
NOTARY PUBLIC

By: Arturo Sanchez
Arturo Sanchez

Date: _____, 2008.

SUBSCRIBED AND SWORN TO
Before Me this 15th day of
May, 2008.

[Signature]
NOTARY PUBLIC



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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Readith Ester, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, do hereby certify that the annexed and foregoing is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

ORDINANCE NO. CO-08-18

AN ORDINANCE APPROVING A SPECIAL USE TO OPERATE A CHILDCARE CENTER IN A B-1 LOCAL RETAIL BUSINESS ZONING DISTRICT (1405-1407 SOUTH 5TH AVENUE (CROSS)) D/B/A "TRAIN UP A CHILD CHRISTIAN ACADEMY"

which Ordinance was passed by the Board of Trustees of the Village of Maywood at a Regular Village Board Meeting on the 5TH day of May, 2008, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 6th day of May, 2008.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

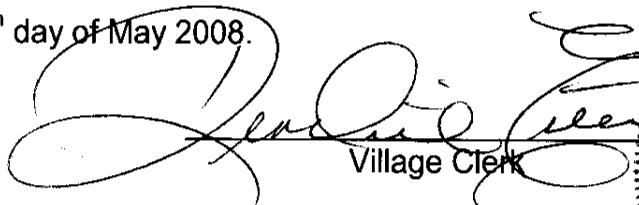
AYES: Mayor Yarbrough Sr., Trustee(s) G. Woll, D. Flowers, and R. Lopez.

NAYS: Trustee A. Jaycox, E. Perkins, and K. Johnson.

ABSENT: None.

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 6th day of May 2008.


Village Clerk

