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NOTICE OF APPROVAL

Doc#: 0900656022 Fee: \$50.00
Eugene "Gene" Moore
Cook County Recorder of Deeds
Date: 01/06/2009 12:59 PM Pg: 1 of 8

An ordinance granting a special use permit to allow for the expansion of the existing religious assembly use and other relief from the Skokie Village Code at 3800, 3830 and 3834-3838 Dempster Street, Skokie, Illinois in a B2 Commercial district and repealing the existing special use permit was approved by the Board of Trustees of the Village of Skokie on November 3, 2008. The approval granted is shown on the document attached hereto, marked Exhibit "1" and hereby made a part of this Notice of Approval.

IMPORTANT: THE ABOVE PROVISION IS CONDITIONED UPON THE CERTIFICATION AND THE PAYMENT OF FEES AND EXPENSES IN CONNECTION WITH THE RECORDING OF THIS NOTICE. ALL DEPARTMENTS HAVE BEEN INSTRUCTED TO TAKE NO ACTION ON THE GRANT UNTIL THIS HAS BEEN SATISFIED.

OWNER'S CERTIFICATION

The undersigned, being the owners or duly authorized representative of the owner of the real estate commonly known as 3800, 3830 and 3834-3838 Dempster Street, Skokie, Illinois and legally described in Exhibit "1" attached hereto and hereby made a part of this Notice of Approval certifies that such Notice is true and correct and accepts and approves all of the provisions and conditions set forth in Exhibit "1", attached hereto.

Dated this 22ND day of DECEMBER, 2008.

~~Bank Financial, FSB, not personally but as Trustee under Trust Agreement #010813~~
~~Chicago Title Land Trust Co.~~
~~Successor to Amalgamated Trust No. 5640~~

~~Chicago Title Land Trust Co.~~
~~Successor to Amalgamated Trust 5640~~
~~Bank Financial, FSB, not personally but as Trustee under Trust Agreement #010813~~
CHICAGO TITLE LAND TRUST COMPANY
as Trustee under Trust No. 2610
and not personally

Laurie A. Henchel
Signature
Laurie A. Henchel Trust Officer
Printed Name and Title
Bank Financial F.S.B.
Company
15 W 060 N. Frontage Rd
Address
Burr Ridge IL 60507
City, State, Zip
630-242-7059 12/15/08
Phone Number

[Signature]
Signature
BY:
Printed Name and Title ASSISTANT VICE PRESIDENT
Company CHICAGO TITLE LAND TRUST COMPANY
Address CHICAGO TITLE LAND TRUST COMPANY
171 NORTH CLARK STREET, SUITE 575
CHICAGO, ILLINOIS 60601
City, State, Zip
Phone Number (312) 223-2195

Plan Commission Case Number 2008-24P
Special Use Permit Number 253-03
Village Ordinance Number 08-11-Z-3648

ATTACHED EXOPERATION RIDER IS INCORPORATED HEREIN

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EXCULPATORY CLAUSE FOR CHICAGO TITLE LAND TRUST COMPANY, AS TRUSTEE UNDER TRUST AGREEMENT DATED JANUARY 19, 1994, AND KNOWN AS TRUST NUMBER 5610 ATTACHED TO AND MADE A PART OF NOTICE OF APPROVAL WITH THE VILLAGE OF SKOKIE

It is expressly understood and agreed by and between the parties hereto, anything to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against CHICAGO TITLE LAND TRUST COMPANY, on account of this instrument or on account of any warranty, indemnity, representation, covenant or agreement of the said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

Property of Cook County Clerk's Office

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JPH: *11/3/08
 PC: 2008-24P
 SUP: 253.03

THIS ORDINANCE MAY BE CITED AS
 VILLAGE ORDINANCE NUMBER

08-11-Z-3648

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT
 TO ALLOW FOR THE EXPANSION OF THE EXISTING RELIGIOUS
 ASSEMBLY USE, AND OTHER RELIEF FROM THE SKOKIE
 VILLAGE CODE, AT 3800, 3830 AND 3834-3838 DEMPSTER STREET,
 SKOKIE, ILLINOIS IN A B2 COMMERCIAL DISTRICT AND REPEALING
 THE EXISTING SPECIAL USE PERMIT**

WHEREAS, the owner, Congregation Or Torah ("Congregation"), of the following described real property:

LOTS 26 THROUGH 42 BOTH INCLUSIVE, AND THE SOUTH HALF OF THE VACATED 16 FEET ALLEY LYING NORTH OF AND ADJOINING SAID LOTS IN HARRY A. ROTH AND COMPANY'S TURNER WOODS, A SUBDIVISION OF LOT 8 IN JOHN TURNER'S HEIRS SUBDIVISION OF THE SOUTH ¼ OF THE WEST ½ OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PINS: 10-14-310-055, 10-14-310-056, 10-14-310-062, 10-14-310-063

more commonly described as 3800, 3830 and 3834-3838 Dempster Street, Skokie, Illinois (the "Subject Property"), and

ALSO LOTS 10, 11, AND 12 IN "ADDITION TO TIMBER RIDGE", BEING A SUBDIVISION OF THE WEST 200 FEET OF THE SOUTH ½ OF THE EAST ½ OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 41 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

PINS: 10-14-311-050

more commonly described as 3750-3760 Dempster Street, Skokie, Illinois, petitioned the Village of Skokie for a special use permit to allow for the expansion of the existing religious assembly use, granted by an existing special use permit, in a B2 Commercial district, and certain relief from the Skokie Village Code ("SVC") and to discontinue utilization of 3750 Dempster Street as part of the religious assembly use; and

WHEREAS, in March of 2004, the Village Board adopted Village Ordinance Number 04-3-Z-3254, which granted the current special use permit utilized by the petitioner. The 2004 special use permit allowed for the expansion of a religious use at the site and site plan approval to construct a two story building in order to expand the congregation. In addition, the ordinance granted certain relief from the SVC relating to setbacks, screening and parking deficits; and

WHEREAS, the Congregation has requested (i) a special use permit authorizing the expansion of the current religious assembly use site to include, 3800, 3830 and 3834-3838 Dempster Street and (ii) relief from Section 118-218(2) of the SVC to allow an off-street

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parking deficit of 84 spaces. The new special use permit would include additional property and remove property currently utilized by the Congregation; and

WHEREAS, the area of the proposed expansion of the Congregation includes the adjacent retail area at 3830 Dempster Street, currently occupied by Gina's Salon. The expansion will add 946 sq.ft. to the Congregation and will create two meeting rooms and a storage area. A cross connection will be created via a new hallway between the existing synagogue and the adjacent expanded area; and

WHEREAS, the existing retail uses at 3834-3838 Dempster Street will be replaced with a new 111 seat sanctuary, a 527 sq.ft. gathering space, closet, kitchenette, and 2 new bathrooms. Located between 3830 and 3834-3838 Dempster Street, is Poochie's Hot Dogs at 3832 Dempster Street, which will remain; and

WHEREAS, a youth center currently operated by Congregation Or Torah at 3750 Dempster Street will be vacated, remodeled, and returned to commercial use which will be occupied by Gina's Salon (moved from 3830 Dempster Street) and a bakery with an adjacent storage space. The Sara Lee Bakery Outlet at 3760 Dempster Street will remain; and

WHEREAS, the Congregation has also requested relief from the required number of parking spaces to allow an 84 space deficit. This request is supported by the Community Department staff, due to the fact that most members live within walking distance of the synagogue and walk to services in observance of religious practices; and

WHEREAS, the Skokie Plan Commission, at a public hearing duly held on September 4, 2008, for which proper legal notice had been achieved, heard testimony from the Congregation. In response to Commissioners' questions, the Congregation stated that; (i) the outdoor dining at Poochie's will not present any problems, (ii) the parking deficit would not pose a problem for Burger King, (iii) the meeting rooms would be used for classes through the week between the hours of 8:00 p.m. and 10:00 p.m. and (iv) the expansion would place all religious uses on one site and eliminate the need for children to cross Hamlin Avenue, as they currently do. In addition, petitioners stated that although they are aware of instances of members parking on adjacent residential streets, they are not aware of an instance when off-street parking was not available; and

WHEREAS, subsequent to hearing all testimony and discussion, the Skokie Plan Commission made the appropriate findings of fact as required under Section 118-32 of the Skokie Village Code and voted to recommend to the Mayor and Board of Trustees that the requested special use permit and the requested relief be granted subject to the conditions contained in the Plan Commission Report dated October 6, 2008; and

WHEREAS, the Skokie Plan Commission further recommend that Village Ordinance Number 04-3-Z-3254, which granted the existing special use permit, be repealed; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Skokie, Cook County, Illinois:

Section 1: That Village Ordinance Number 04-3-Z-3254 is hereby repealed.

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Section 2: That the special use permit requested by the petitioner to establish and operate a religious assembly use at the Subject Property, legally described above and commonly known as 3800, 3830 and 3834-3838 Dempster Street, Skokie, Illinois, in a B2 Commercial district, be and the same, is hereby granted and approved subject to each of the conditions set forth below:

1. Prior to the issuance of an occupancy permit, the following site improvements must be made or a cash bond be submitted to the Village for 110% of the cost of the required improvements:
 - A. Repair the existing deteriorating concrete sidewalk fronting 3800 through 3834 Dempster Street to provide a level walking surface,
 - B. Patch and asphalt all potholes and replace the missing light pole standard and fixture within the west parking lot,
 - C. Replace and reinstall all existing sign poles that are bent at both subject sites,
 - D. Sealcoat and restripe the parking lots on the Subject Property,
 - E. Replace the existing fence located behind the synagogue building;

In lieu of making the forgoing site improvements prior to recording this ordinance, petitioner may post a bond with the Village in an amount equal to 110% of the estimated cost of work, provided, however, such improvements shall be accomplished no later than June 30, 2009.

2. That the 3834-3838 Dempster Street site shall carry the address of 3838 Dempster Street only;
3. A fire suppression system is required to be placed in the basement below the proposed sanctuary at 3838 Dempster Street and all common walls must be 2-hour fire resistant, prior to a Certificate of Occupancy being issued and utilization of the space;
4. Prior to the issuance of building permits, a current landscape plan shall be submitted for review and approved by the Planning Division;
5. The existing social hall shall be used as an ancillary use to the synagogue and shall be utilized in conjunction with the activities of the synagogue;
6. The petitioner shall develop the Subject Property in substantial conformance with the final Village approved Existing Site Plan & Partial Ground Plan (with proposed interior alterations) dated August 22, 2008;
7. All fencing, walls, sidewalks, driveways, curbs, wheel stops, parking areas, signage, landscaping, structures, and any other facilities or infrastructure on the Subject Property shall be maintained in a good state of repair, and when needed, be repaired or replaced in a timely manner;
8. Parking lot and exterior lighting shall meet IES standards, be full cut-off design, directed away from adjacent properties, and subject to the approval of the Engineering Division;
9. All off-street parking spaces shall be legibly striped and maintained;
10. Stop signs and bars shall be provided at all exit drives;
11. Regulatory signage or pavement markings shall be provided to help assure proper vehicular traffic movement;

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12. All modifications to building elevations, signage, and landscaping shall be subject to the review and approval of the Skokie Appearance Commission;
13. All signage shall conform to the Skokie Village Code. Any sign on the Subject Property that is in violation of that Code must be removed or modified to conform therewith prior to the issuance of an occupancy permit;
14. Handicapped ramps are to be provided as necessary and meet State of Illinois Accessibility requirements and the Skokie Village Code;
15. The handicapped parking spaces shall be installed and maintained in compliance with State of Illinois Accessibility Standards and the Skokie Village Code. All handicapped parking spaces shall be included in the Village Handicapped Parking Space Maintenance Program;
16. Vehicles shall not be allowed to be parked in or otherwise block driveways, sidewalks, aisles, or other points of access at any time, shall always be parked in designated parking spaces, and shall not overlap the striped lines of designated parking spaces. All employees shall park on the Subject Property;
17. All private and public sidewalks shall be maintained free of snow, ice, sleet, or other objects that may impede travel;
18. All landscaping shall be maintained to a maximum height of 30 inches for a distance of 15 feet from any vehicular access point or intersection in order to maintain adequate sight distance;
19. All buildings shall meet current International Building and NFPA Life Safety Codes as amended;
20. The petitioner shall submit to the Planning Division electronic files of the Plat of Survey, Site Plan, Landscape Plan, Floor Plan, and Building Elevations, in approved and finalized form. The files shall be scaled CADD 2D drawing files on non-compressed, non-read only, IBM formatted, CD-ROM .DWG AutoCAD format (version 2004). The drawings shall be formatted to SPCS, NAD83, HARN1997, with SPCS north being straight up, and the primary units in U.S. Survey Feet. All elements shall be contained within a single file, no XREF or PDF attachment files shall be used;
21. Prior to the issuance of building permits, the petitioner shall submit to the Planning Division of the Community Development Department the name, address and telephone number of the company and contact person responsible for site maintenance in compliance with the special use permit;
22. If work is to be performed on public property or if public property is utilized or impacted during construction and/or development, the owner shall provide, or shall cause the developer and/or contractor to provide, the Village of Skokie with a certificate of insurance naming the Village of Skokie as additionally insured for any and all claims related to any and all work. The owner shall hold, and shall cause the developer and/or contractor to hold, the Village of Skokie harmless and indemnify the Village for any and all claims for property damage or personal injury related to work on or use of public property;
23. The petitioner shall comply with all Federal and State statutes, laws, rules and regulations and all Village codes, ordinances, rules, and regulations;

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24. Failure to abide by any and all terms of this Ordinance shall be cause for the Village to initiate hearings to determine whether the subject Ordinance, as well as any applicable business licenses, should be revised or revoked; and
25. The petitioner shall pay all costs related to any hearings conducted as a result of non-compliance with any of the provisions of the enabling ordinance. The costs shall include but not be limited to court reporter fees, attorney fees, and staff time required researching and conducting said hearing.

Section 3: That relief, be and the same, is hereby granted from Section 118-218(2) of the SVC to allow a deficit of 84 off-street parking spaces, conditioned upon the members of Congregation Or Torah continuing to refrain from driving motor vehicles to services on either the weekly Sabbath or other holy days.

Section 4: This special use permit applies only to Congregation Or Torah.

Section 5: That a notice of the enactment of this Ordinance incorporating the conditions contained herein shall be approved by the owner of the property in writing and duly recorded with the Cook County Recorder of Deeds Office at the owner's expense.

Section 6: That this Ordinance shall be in full force and effect from and after its passage, approval, and recordation as provided by law.

ADOPTED this 3rd day of November, 2008.

Ayes: 7 (Bromberg, Gelder, McCabe, Perille,
Roberts, Sutker, Van Dusen)

Nays: 0

Absent: 0

Attested and filed in my
office this 4th day of
November, 2008.

Marlene Williams
Village Clerk

Marlene Williams
Village Clerk

Approved by me this 3rd day of
November, 2008.

George Van Dusen
Mayor, Village of Skokie

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STATE OF ILLINOIS)
)SS
 COUNTY OF COOK)

I, MARLENE WILLIAMS, DO HEREBY CERTIFY that I am the regularly elected and acting Clerk of the Village of Skokie, County of Cook and State of Illinois.

I DO FURTHER CERTIFY that the annexed and foregoing Ordinance is a true and correct copy of an Ordinance adopted by the Mayor and Board of Trustees of the Village of Skokie on the 3rd day of November, 2008 by a vote of 7 Ayes, 0 Nays and 0 Absent; that said Ordinance adopted as aforesaid was deposited and filed in the Office of the Village Clerk on the 4th day of November, 2008. and was approved by the Mayor and Board of Trustees on the 3rd day of November, 2008.

I DO FURTHER CERTIFY that the original, of which the foregoing is a true copy is entrusted to my care and safekeeping and I am the Keeper of the records, journals, entries, ordinances and resolutions.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Skokie this 20th day of November, 2008.

Marlene Williams

Skokie Village Clerk
 Cook County, Illinois

(seal)