



Doc#: 1206222023 Fee: \$54.00  
Eugene "Gene" Moore RHSP Fee: \$10.00  
Cook County Recorder of Deeds  
Date: 03/02/2012 10:20 AM Pg: 1 of 9

Docket No. 2011-12

RESOLUTION NO. 11-104

**A Resolution Authorizing the Village President  
to Enter into a Covenant With Respect to Parking  
(567 and 667 Northgate Parkway)**

**WHEREAS**, on August 27, 2001, the Village President and Board of Trustees adopted Resolution No. 01-187 authorizing the Village President to enter into a Covenant with Respect to Parking for landbanking of 100 parking spaces at Wieland Metals, 567 and 667 Northgate Parkway, Wheeling, Illinois; and

**WHEREAS**, the petitioner has requested a parking variation to facilitate a future 20,000 square foot addition to the building; and

**WHEREAS**, the location of the future addition is in conflict with the land banked parking as illustrated on a parking covenant recorded against the subject property, as Resolution No. 01-187, passed August 27, 2001, recorded as Document No. 0010916978, on October 2, 2001; and

**WHEREAS**, the petitioner has submitted a new land banked parking exhibit, illustrating that a total of sixty-six (66) land banked parking stalls; and

**WHEREAS**, a new variation from Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-11 General Development Standards, Section 19.11.010 E, Parking Standards, subsection 1, Minimum Required Parking per Land Use Category, has been granted by the Corporate Authorities for 567 and 667 Northgate Parkway, Wheeling Illinois, upon passage and approval of Ordinance No. 4647 on November 21, 2011; and

**WHEREAS**, an "Amended and Restated Covenant With Respect to Parking" has been prepared, which stipulates that should the Village of Wheeling conclude that additional parking is necessary or desirable, the owner of the property shall install parking in amount not to exceed sixty-six (66) stalls, as shown on the Land Banked Parking Exhibit, prepared by SpaceCo Inc., submitted November 16, 2011, on behalf of Wieland Metals, 567 and 667 Northgate Parkway; and

**WHEREAS**, the President and Board of Trustees deem it to be in the best interest of the Village to grant the petitioner's request;

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COUNTIES OF COOK AND LAKE, STATE OF ILLINOIS**, that the Village President is hereby authorized to enter into a Covenant with

RECORDING FEE 54-  
DATE 3-2-12 COPIES 6x  
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Docket No. 2011-12

Respect to Parking, allowing sixty-six (66) parking stalls to be land banked as shown on the Land Banked Parking Exhibit, prepared by SpaceCo Inc., submitted November 16, 2011, on behalf of Wieland Metals, 567 and 667 Northgate Parkway, Wheeling, Illinois; and

**BE IT FURTHER RESOLVED**, that Resolution No. 01-187, approved August 27, 2001, is hereby repealed in its entirety.

This Resolution shall be effective as of the date of its adoption.

Trustee Vogel moved, seconded by Trustee Argiris, that Resolution No. 11-104 be passed.

PASSED this 21<sup>st</sup> day of November, 2011.

President Abruscato <u>Aye</u>	Trustee Heer <u>Aye</u>
Trustee Argiris <u>Aye</u>	Trustee Hall <u>Aye</u>
Trustee Brady <u>Absent</u>	Trustee Lang <u>Aye</u>
	Trustee Vogel <u>Aye</u>

Judy Abruscato  
Judy Abruscato  
Village President

ATTEST:

Elaine E. Simpson  
Elaine E. Simpson, Village Clerk



APPROVED AS TO FORM ONLY:

Genaro Ferrero  
Village Attorney

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## AMENDED AND RESTATED COVENANT WITH RESPECT TO PARKING

This AMENDED AND RESTATED COVENANT WITH RESPECT TO PARKING (this "Amended Covenant") is made as of the 21 day of February, 2012, by WIELAND PROPERTIES, INC., an Illinois corporation ("Owner").

### RECITALS:

A. Owner is the owner of record of the property commonly known as 567 and 667 Northgate Parkway, Wheeling, Illinois ("567 Property" and "667 Property", respectively), which is improved with an approximately 201,334 square foot 1 and 2 story building. The 567 Property and 667 Property are legally described on Exhibits "A" and "B" attached hereto and made a part hereof. The 567 Property and the 667 Property are sometimes collectively referred to as the "Properties";

B. When Owner received approval to construct an addition connecting the buildings on the 567 Property and the 667 Property, Owner requested and received a variance from the Village of Wheeling ("Village") Zoning Ordinance Title 19 Section 19.76.120 permitting Owner to construct less than the required off street parking, and land bank spaces should the additional off street parking be required. The Village's approval of the land banked parking was contained in Resolution 01-187 adopted August 27, 2001. Owner's agreement was contained in a Covenant with Respect to Parking which was dated June 28, 2001 and recorded with the Cook County Recorder of Deeds on October 2, 2001 as Document No. 0010916978 ("Covenant");

C. Owner intends to construct on the Properties an approximately 20,000 square foot building addition ("Future Addition") in a location previously identified as land banked parking;

D. The Village's Zoning Ordinance ("Ordinance") Chapter 19 Section 19.11.010 E, Parking Standards, subsection 1, Minimum Required Parking per Land Use Category, requires that Owner construct and maintain sufficient off street parking. The Ordinance requires that the Properties, after construction of the Future Addition, contain 264 off street parking spaces;

E. Based on prior experience, Owner has determined that it will need only 173 parking spaces on the Properties to satisfy its parking needs, and has requested that the Village grant a variance from the Ordinance's parking requirements;

F. The Village has agreed to grant the variance provided that Owner maintains sufficient area on the Properties for construction of additional parking spaces should Owner's or any tenant's actual use of the Properties require additional parking; and

G. The Village has determined that the land banked parking, when constructed, will require the following: (i) a permit from the Metropolitan Water Reclamation District of Greater Chicago; and (ii) compliance with the floodplain development requirements of Title 22 of the Wheeling Municipal Code.

NOW THEREFORE, for and in consideration of the Village's grant of a variation as aforesaid, and for other good and valuable consideration, Owner hereby agrees as follows:

1. In the event that the Village determines that the actual use of the Properties necessitate additional off street parking to accommodate the motor vehicles of the Owner,

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tenants, and their employees, visitors and customers, within 90 days of written notice from the Village, Owner will construct such additional parking not to exceed a total of 66 parking spaces (i.e., total parking spaces of 239), which spaces shall be constructed in substantial conformity and in the location shown on the plans prepared by Spaceco Inc., 9575 W. Higgins Road, Rosemont, Illinois and identified as Sheet CE1, dated May 16, 2011, and received November 16, 2011 ("Exhibit C"). The failure of the Owner to timely complete the additional 66 parking spaces shown on Exhibit "C" will constitute a violation of Wheeling Ordinance 4647 and Wheeling Village Zoning Code Section 19.11.010(e) and subject the Owner to enforcement proceedings. The Owner shall refrain from constructing any structure in the area reserved for land banked parking without the written consent of the Village.

2. All provisions of this Amended Covenant, including the benefits and burdens, run with the land and are binding upon and inure to the successors and assigns of the Owner.

3. The Village may terminate this Amended Covenant by recording a release in recordable form with directions for delivery of same to Owner at its last address given, whereupon all rights, duties and liabilities hereby created shall terminate.

4. This Amended Covenant shall be governed by the laws of the State of Illinois.

5. This Amended Covenant hereby amends and restates in its entirety the Covenant, and thus, the Covenant is hereby superseded and replaced.

IN WITNESS WHEREOF, Owner has executed this Amended Covenant on the day and date first above written.

OWNER:

WIELAND PROPERTIES, INC.

BY: [Signature]  
Its *Executive Vice President*

APPROVED:

VILLAGE OF WHEELING, an Illinois municipal corporation

BY: [Signature]  
Village President

ATTESTED:

BY: [Signature]  
Village Clerk



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STATE OF ILLINOIS )  
 ) SS.  
 COUNTY OF COOK and LAKE )

I, the undersigned, a Notary Public, in and for the Counties and State aforesaid, DO HEREBY CERTIFY, that MARKUS SCHULER personally known to me to be the EXEC V-P of WIELAND PROPERTIES, INC., an Illinois corporation, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such EXEC V-P he signed and delivered the said instrument pursuant to authority, given by the Board of Directors of said Corporation as his free and voluntary act, and as he free and voluntary act of the Corporation.

Given under my hand and official seal this 21st day of FEB, 2012.

*Patricia A Moore*  
 \_\_\_\_\_  
 Notary Public



After Recording Return to:

Mr. Kevin Gray  
 Village of Wheeling  
 2 Community Boulevard  
 Wheeling, IL 60090  
 847.459.2620

Property of Cook County Clerk's Office

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## EXHIBIT "A"

LOTS 2 THROUGH 9 IN NORTHGATE INDUSTRIAL CENTER, BEING A SUBDIVISION IN PARTS OF SECTIONS 2 AND 3, TOWNSHIP 42 NORTH RANGE 11 EAST OF THE THIRD PRINCIPLE MERIDIAN, RECORDED FEBRUARY 16TH, 1978 AS DOCUMENT NUMBER 243294DD, ALL IN COOK COUNTY, ILLINOIS.

PINs: 03-03-203-002 THROUGH -009

(The above described property is located at 567 Northgate Parkway, Wheeling, Illinois, zoned I-2 Limited Industrial District.)

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## EXHIBIT "B"

LOT 1 IN WIELAND SUBDIVISION, BEING A SUBDIVISION OF PARTS OF SECTIONS 2 AND 3, TOWNSHIP 42 NORTH RANGE 11 EAST OF THE THIRD PRINCIPLE MERIDIAN ALL IN TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 3, 1997 AS DOCUMENT 97734683, ALL IN COOK COUNTY, ILLINOIS.

PIN: 03-02-100-050

(The above described property is located at 667 Northgate Parkway, Wheeling, Illinois, zoned I-3 General Industrial District.)

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# PLAT

**DOCUMENTS WITH THIS**

# PLAT



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**SEE PLAT INDEX**