

# UNOFFICIAL COPY



Doc#: 1309550034 Fee: \$44.00  
Affidavit Fee:  
Karen A. Yarbrough  
Cook County Recorder of Deeds  
Date: 04/05/2013 01:20 PM Pg: 1 of 4

## NOTICE OF APPROVAL

An ordinance granting a special use permit for the outdoor sale of propane at 3626 Touhy Avenue, Skokie, Illinois in a B2 Commercial district was approved by the Board of Trustees of the Village of Skokie on March 18, 2013. 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 owner or duly authorized representative of the owner, of the real estate commonly known as **3626 Touhy Avenue, 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 19<sup>th</sup> day of March, 2013.

CSD Touhy, LLC

Peter S. Eisenberg  
Signature

Peter S. Eisenberg  
Print name

Member  
Title

CSD Touhy, LLC  
Company

980 N. Michigan Ave, Ste. 1280  
Address

Chicago, IL 60611  
City, State Zip

312-377-9100  
Phone Number

Plan Commission Case Number 2012-55P  
Special Use Permit Number 436.01  
Village Ordinance Number 13-3-Z-3968

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MML: \*3/18/13  
 PC: 2012-55P  
 SUP: 436.01

## Exhibit 1

<p>THIS ORDINANCE MAY BE CITED AS          VILLAGE ORDINANCE NUMBER</p> <p><b>13-3-Z-3968</b></p>
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### **AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR THE OUTDOOR SALE OF PROPANE AT 3626 TOUHY AVENUE, SKOKIE, ILLINOIS IN A B2 COMMERCIAL DISTRICT**

**WHEREAS**, CSD Touhy, LLC, the owner of the following described real property:

LOT 1 IN TOUHY MARKETPLACE SUBDIVISION, BEING A SUBDIVISION OF THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER AND EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PINS: 10-26-318-020, 10-26-318-029, 10-26-318-032, 10-26-318-033, 10-26-318-034,  
 10-26-318-035, 10-26-402-019, 10-26-402-032, 10-26-402-034, 10-26-402-035,  
 10-26-402-055, 10-26-412-025

more commonly described as 3626 Touhy Avenue, Skokie, Illinois (the "Subject Property"), petitioned the Village of Skokie for a special use permit for the outdoor sale of propane in a B2 Commercial district; and

**WHEREAS**, the Subject Property is the future site of the proposed Walmart store. The outdoor propane sale area will be located by the southern entrance to the store and south of the six proposed soft drink vending machines previously approved in Village Ordinance Number 12-5-Z-3904; and

**WHEREAS**, the display would consist of two cages containing three propane tanks each. Both cages would be locked at all times and will be accessed only by Walmart employees at the time of sale; and

**WHEREAS**, the Skokie Plan Commission, at a public hearing duly held on December 6, 2012, for which proper legal notice had been achieved and no interested parties appeared, heard testimony from Village staff and the petitioner; and

**WHEREAS**, the propane would be available for sale during all hours of operation of the Walmart store and, based upon questions from Commissioners, the petitioner and Village staff stated the following:

- (i) the sale of propane was common at other Walmart stores,
- (ii) the tanks would not be refilled at the store as the customer would return the empty tank to Walmart and it would be picked up and refilled off-site,
- (iii) no permit from the Fire Department was required; and

**WHEREAS**, following all testimony and discussion, the Plan Commission (a) made the appropriate findings of fact as required under Section 118-32 of the Skokie Village Code and (b)

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1 voted to recommend to the Mayor and Board of Trustees that the requested special use permit be  
 2 granted subject to the conditions contained in the Plan Commission Report dated February 19,  
 3 2013; and

4 **WHEREAS**, the Mayor and Board of Trustees, at a public meeting duly held on February  
 5 19, 2013, concurred in the aforesaid recommendations and findings of fact of the Skokie Plan  
 6 Commission;

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

9 **Section 1:** That the special use permit requested by the petitioner for the outdoor sale  
 10 of propane at the Subject Property, described above and commonly known as 3626 Touhy  
 11 Avenue, Skokie, Illinois, in a B2 Commercial district be and the same is hereby granted and  
 12 approved subject to each of the conditions set forth below:

- 13 1. The petitioner shall operate and maintain the outdoor propane sales area in  
 14 substantial conformance with the Front Sidewalk Plan, dated October 31, 2012;
- 15 2. All propane sales shall be limited to the 2 storage cages, each of which shall  
 16 contain a total of 3 tanks, and both cages shall be locked at all times and only be  
 17 accessed by the employees of Walmart;
- 18 3. The petitioners shall comply with all Federal and State statutes, laws, rules and  
 19 regulations and all Village codes, ordinances, rules, and regulations;
- 20 4. Failure to abide by any and all terms of this Ordinance shall be cause for the  
 21 Village to initiate hearings to determine whether the subject Ordinance, as well as  
 22 any applicable business licenses, should be revised or revoked; and
- 23 5. The petitioners shall pay all costs related to any hearings conducted as a result of  
 24 non-compliance with any of the provisions of the enabling ordinance. The costs  
 25 shall include but not be limited to court reporter fees, attorney fees, and staff time  
 26 required researching and conducting said hearing

27 **Section 2:** That a notice of the approval of this Ordinance incorporating the  
 28 conditions contained herein shall be executed by the owner of the property in writing and duly  
 29 recorded with the Cook County Recorder of Deeds Office at the owner's expense.

30 **Section 3:** That this Ordinance shall be in full force and effect from and after its  
 31 passage, approval and recordation as provided by law.

**ADOPTED** this 18th day of March, 2013.

Ayes: 7 (Bromberg, Gray-Keeler, Perille,  
 Roberts, Shah, Sutker, Van Dusen)

Nays: 0

Absent: 0

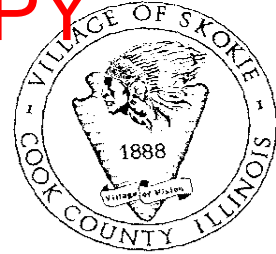
Attested and filed in my  
 office this 19th day of  
 March, 2013.

Martene Williams  
 Village Clerk

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 Village Clerk

Approved by me this 18th day of  
 March, 2013.

George VanDusen  
 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 18th day of March, 2013 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 19th day of March, 2013. and was approved by the Mayor and Board of Trustees on the 18th day of March, 2013.

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 22nd day of March, 2013.

Skokie Village Clerk  
 Cook County, Illinois

(seal)