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Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 06/18/2015 10:58 AM Pg: 1 of 7

Ordinance 2015-14

An Ordinance Approving a Minor Modification to a Special Permit For Personal Wireless Service Antennas On a Tower Style Antenna Support Structure

Passed by the Board of Trustees, 2/24/2015
Printed and Published 2/25/2015

Printed and Published in Pamphlet Form
by Authority of the
President and Board of Trustees
VILLAGE OF NORTHBROOK
COOK COUNTY, ILLINOIS

I hereby certify that this document
was properly published on the date
stated above.

/s/ Debra J. Ford
Village Clerk

CCRD REVIEWER *fm*

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Ordinance 2015-14

BE IT ORDAINED by the President and Board of Trustees of the Village of Northbrook, County of Cook and State of Illinois THAT:

An Ordinance Approving a Minor Modification to a Special Permit For Personal Wireless Service Antennas On a Tower Style Antenna Support Structure

shall be, and is hereby, adopted as follows:

Section 1. Background.

On November 11, 2015, the President and Village Board of the Village of Northbrook approved Ordinance 2014-59 which granted a special permit allowing the location and operation of "Personal Wireless Services Antennas Located on Tower-Style Antenna Support Structures, and Related Electronic Equipment and Equipment Structures, Within or In Excess of District Height Limitations" (SIC No. 4810.02) on a portion of that certain real property located at 2705 Techny in the Village of Northbrook ("**Property**"). Ordinance 2014-59 was granted to New Cingular Wireless FCS, LLC ("**Applicant**") which had entered into a lease with the North Suburban Young Men's Christian Association, which is the owner of the Property ("**Owner**").

As contemplated in the application to the Village, the Applicant has now assigned its lease for the Property to TowerCo 2013, LLC, a Delaware limited liability company ("**TowerCo**"). The Owner and TowerCo have requested that the Village acknowledge the assignment in the form of a modified special permit to allow TowerCo to construct and operate the proposed wireless tower on the Property, on the condition that TowerCo agree and consent to all of the terms, conditions, and requirements set forth in Ordinance 2014-59.

The President and Village have determined that the transfer requested by TowerCo constitutes a minor modification of Ordinance 2014-59 and that the modification would be in the best interest of the Village and the public.

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Section 2. Description of Property.

The Property, consisting of approximately 4.17 acres, is legally described in *Exhibit A* attached and, by this reference, made a part of this Ordinance. The Property is located within the IB Institutional Building District.

Section 3. Transfer of Special Permit.

Subject to, and contingent upon the conditions, restrictions, and provisions set forth in Section 5 of Ordinance 2014-59, and Section 4 of this Ordinance, the transfer of the special permit **TowerCo allowing the location and operation of a "Personal Wireless Services Antennas Located on Tower-Style Antenna Support Structures, and Related Electronic Equipment and Equipment Structures, Within or In Excess of IB Institutional Building District Height Limitations"** (SIC No. 4810.02) originally granted by Ordinance 2014-59 shall be and is hereby acknowledged, accepted, and approved.

Section 4. Effect and Conditions of Transfer.

All provisions and conditions of Ordinance 2014-59 shall remain in full force and effect, and shall, after the execution of the unconditional agreement and consent attached to this ordinance as *Exhibit B*, inure to the benefit of TowerCo. After TowerCo has executed the unconditional agreement and consent and taken possession of the Property, the Applicant shall be released from its obligations under Ordinance 2014-59.

Section 5. Effective Date.

- events:
- A. This Ordinance shall be effective only upon the occurrence of all of the following
 - i. Passage by the Board of Trustees of the Village of Northbrook by a majority vote in the manner required by law; and
 - ii. Publication in pamphlet form in the manner required by law;
 - iii. Filing by TowerCo and the Owner with the Village Clerk of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and Ordinance 2014-59. Such unconditional agreement and consent shall be in the form attached to and, by this reference, incorporated into this Ordinance as *Exhibit B* and shall be executed by the Applicant;
 - iv. Recordation of this Ordinance, together with such exhibits as the Village Clerk shall deem appropriate for recordation, with the Cook County Recorder of Deeds. The Applicant shall bear the full cost of such recordation.

B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent referenced in Paragraph A.iii above within 60 days after the date of passage of this Ordinance by the Board of Trustees, the Board of Trustees shall have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

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Adopted: 2/24/2015

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: James Karagianis, Trustee
SECONDER: Todd Heller, Trustee
AYES: Karagianis, Buehler, Scolaro, Heller, Ciesla, Israel, Frum

ATTEST:

/s/ Debra J. Ford
Village Clerk

/s/ Sandra E. Frum
Village President

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EXHIBIT A

Legal Description of Property

THE EAST 289.0 FEET OF THE WEST 816.0 FEET OF THE SOUTH 452.55 FEET OF THE NORTH 485.55 FEET OF LOT 12 IN SCHOOL TRUSTEE'S SUBDIVISION OF SECTION 16, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PIN: 04-16-300-008-0000

Commonly known as 2705 Techny Road, Northbrook, Illinois 60062

Property of Cook County Clerk's Office

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EXHIBIT B

Unconditional Agreement and Consent of Applicant and Village

TO: The Village of Northbrook, Illinois ("**Village**");

WHEREAS, On November 11, 2015, the President and Village Board of the Village of Northbrook approved Ordinance 2014-59 which granted a special permit allowing the location and operation of "Personal Wireless Services Antennas Located on Tower-Style Antenna Support Structures, and Related Electronic Equipment and Equipment Structures, Within or In Excess of District Height Limitations" (SIC No. 4810.02) on a portion of that certain real property located at 2705 Techny in the Village of Northbrook ("**Property**"); and

WHEREAS, Ordinance 2014-59 was granted to New Cingular Wireless PCS, LLC ("**Applicant**") which had entered into a lease with the North Suburban Young Men's Christian Association, the owner of the Property ("**Owner**"); and

WHEREAS, Applicant has assigned its lease for the Property to TowerCo 2013, LLC, a Delaware limited liability company ("**TowerCo**") and the Owner and TowerCo have requested that the Village modify the special permit granted by Ordinance 2014-59 to allow TowerCo to construct and operate the proposed wireless tower on the Property on the condition that TowerCo agree and consent to all of the terms, conditions, and requirements set forth in Ordinance 2014-59; and

WHEREAS, Ordinance 2015-14, adopted by the President and Board of Trustees of the Village of Northbrook on February 24, 2015 ("**Ordinance**"), grants approval of the transfer of the special permit granted by Ordinance 2014-59 to TowerCo; and

WHEREAS, TowerCo and Owner desire to evidence to the Village their unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in Ordinance 2014-59 and Ordinance 2015-14.

NOW, THEREFORE, TowerCo and Owner do hereby agree and covenant as follows:

1. TowerCo shall, and does hereby unconditionally agree to, accept, consent to and abide by all of the terms, conditions, restrictions, and provisions of Ordinance 2014-59 adopted by the Village Board of Trustees November 11, 2014, and Ordinance 2015-14, adopted by the Village Board of Trustees on February 24, 2015 (collectively, the "**Ordinances**").
2. TowerCo acknowledges and agrees that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's review and approval of any plans for the Property, or the issuance of any permits for the use and development of the Property, and that the Village's review and approval of any such plans and issuance of any such permits does not, and shall not, in any way, be deemed to insure TowerCo against damage or injury of any kind and at any time.
3. TowerCo acknowledges that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinances, has considered the possibility of the revocation provided for in the Ordinances, and agrees not to

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challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice to TowerCo required by Section 7 of Ordinance 2014-59 is given.

4. TowerCo agrees to and does hereby hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with (a) the Village's review and approval of any plans and issuance of any permits, (b) the procedures followed in connection with the adoption of the Ordinances, (c) the development, construction, maintenance, and use of the Property, and (d) the performance by TowerCo of its obligations under this Unconditional Consent and Agreement.
5. TowerCo shall, and does hereby agree to, pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Consent and Agreement. These expenses shall include all out-of-pocket expenses, such as attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the Village.
6. The Owner shall, and does hereby, consent to the recording of the Ordinance against the Property.

ATTEST:

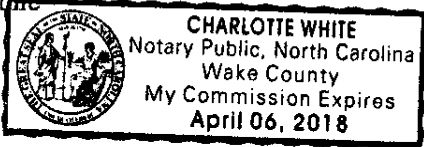
By: [Signature]
 Its: V.F. Real Estate

TOWERCO 2013, LLC, a Delaware limited liability company

By: [Signature]
 Its: COO

SUBSCRIBED and SWORN to
 before me this 2nd day of
June, 2015.

Charlotte White
 Notary Public



ATTEST:

By: [Signature]
 Its: [Signature]

NORTH SUBURBAN YOUNG MEN'S CHRISTIAN ASSOCIATION, an Illinois not-for-profit corporation

By: [Signature]
 Its: CEO

SUBSCRIBED and SWORN to
 before me this 3rd day of
June, 2015.

[Signature]
 Notary Public

