

THIS DOCUMENT PREPARED BY
AND AFTER RECORDING RETURN TO:

Stewart J. Weiss
Holland & Knight LLP
131 S. Dearborn, 30th Floor
Chicago, Illinois 60601

Property Commonly known as
Northbrook Court Office Plaza
Northbrook, Illinois



Doc#: 1601144067 Fee: \$74.00
Karen A. Yarbrough
Cook County Recorder of Deeds
Date: 01/11/2016 04:03 PM Pg: 1 of 19

SIXTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESTRICTIVE COVENANT

THIS SIXTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESTRICTIVE COVENANT (this "**Amendment**") is made and entered into as of this 18 day of DECEMBER, 2015 by and among **NORTHBROOK COURT OFFICE PLAZA ASSOCIATION**, an Illinois non-profit corporation (the "**Association**"), **60 REVERE DRIVE, L.L.C.**, an Illinois limited liability corporation ("**60 Revere**"), the **VILLAGE OF NORTHBROOK**, a home rule municipal corporation of the State of Illinois (the "**Village**"), and each of the other undersigned parties hereto (collectively, the "**Owners**").

RECITALS:

WHEREAS, 60 Revere is the owner of certain real property (the "**Premises**") located in the Village and legally described on Exhibit A-1, attached hereto and made a part hereof; and

WHEREAS, the Premises are located in, and a part of, that certain real estate legally described on Exhibit A-2 (the "**Complex**") and located in the Village; and

WHEREAS, pursuant to the Declaration (as hereinafter defined), use of the Complex for purposes other than the construction and maintenance of an office building(s), or purposes incidental thereto, is not permitted. For purposes hereof, the "Declaration" shall mean that certain Declaration of Covenants, Conditions and Restrictions dated February 22, 1979, executed by Exchange National Bank of Chicago, as Trustee under Trust Agreement dated August 1, 1972 and known as Trust Number 26882, and recorded in the office of the Cook County, Illinois Recorder of Deeds (the "**Recorder's Office**") as Document Number 24856662, as amended (i) by that certain Amendment to Declaration of Covenants, Conditions, and Restrictions of Northbrook Court Office Plaza executed by the Association and recorded January 5, 1984 in the Recorder's Office as Document Number 26917736, and (ii) by that certain Second Amendment to Declaration of Covenants, Conditions and Restrictions of Northbrook Court Office Plaza executed by the Association and recorded March 26, 1990 in the Recorder's Office as Document Number 90133411, and (iii) by that certain Third Amendment to

UNOFFICIAL COPY**EXECUTION VERSION**

Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant executed by the Association, the Owners, and the Village, recorded on June 26, 1996 in the Recorder's Office as Document Number 96494814 ("**Third Amendment**"); (iv) by that certain Fourth Amendment to Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant executed by the Association, 255 Revere Drive Limited Partnership, the Village, and the Owners recorded on July 7, 2002 in the Recorder's Office as Document Number 0020732138 ("**Fourth Amendment**"); and (v) by that certain Fifth Amendment to Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant executed by the Association, Romanek Northbrook Place L.L.C., the Village and the Owners recorded on August 7, 2003 as Document Number 0321934000 ("**Fifth Amendment**"); and

WHEREAS, pursuant to the Restrictive Covenant (as hereinafter defined) the Complex is restricted to the permitted uses for an "M-1 Manufacturing District" as defined in the Village's then applicable zoning ordinance, provided that radio and television towers are permitted as special uses. For purposes hereof, the "**Restrictive Covenant**" shall mean that certain unrecorded Restrictive Covenant dated December 16, 1966, executed by American National Bank and Trust Company of Chicago, as Trustee under Trust Number 23801 as amended (i) by that certain Amendment to Restrictive Covenant dated May 8, 1973, executed by the Village and Exchange National Bank of Chicago, as Trustee under Trust Agreement dated August 1, 1972 and known as Trust Number 26382 and recorded in the Recorder's Office as Document Number 22400807, and (ii) by that certain Second Amendment to Restrictive Covenant dated March 7, 1984, executed by the Village and the property owners therein described and recorded June 6, 1984 in the Recorder's Office as Document Number 27117890, and the Third Amendment, the Fourth Amendment, and the Fifth Amendment; and

WHEREAS, the Village's then applicable zoning ordinance has been replaced and superseded by the Northbrook Zoning Code (1988) ("**Zoning Code**"), and the Complex is now situated in an "1-1 Industrial District" thereunder; and

WHEREAS, notwithstanding any terms, provisions, restrictions and conditions to the contrary contained in either the Declaration or the Restrictive Covenant, 60 Revere is seeking rezoning of the Premises to the Village's O-2 Limited Office District and associated yard, setback, loading space, and drive aisle width variations necessary to render the Premises conforming to the O-2 District's requirements ("**Requested Relief**"); and

WHEREAS, subject to the terms and conditions herein provided, including, without limitation, the approval by the Village of 60 Revere's application for the Requested Relief in substantially the form now pending before the Village, the Association, 60 Revere and the Owners desire to further amend the Declaration and the Restrictive Covenant to permit the use of the Premises by 60 Revere and its invitees, guests, agents, representatives, employees, contractors for the purposes herein described; and

WHEREAS, as required by Section 11 of the Restrictive Covenant, the undersigned Owners constitute the owners of an aggregate area consisting of at least 75% of the Complex, and a public hearing relating to the Requested Relief was conducted on September 16, 2014 in the same manner as required by the Zoning Code; and

WHEREAS, the Owners agree to amend the Declaration and the Restrictive Covenant as herein provided.

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EXECUTION VERSION

NOW, THEREFORE, in consideration of the Recitals, which are incorporated herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and subject to the terms and conditions herein set forth, the parties hereby amend the Declaration and the Restrictive Covenant as follows:

1. The Association, 60 Revere, Village, and each of the Owners hereby acknowledge, covenant, and agree that notwithstanding anything to the contrary contained in the Declaration or the Restrictive Covenant, or any ancillary document executed by said parties in connection with either of the foregoing, that the Premises may be re-designated into the Village's O-2 Limited Office District on the condition that, notwithstanding the applicable provisions of the Zoning Code, the following uses shall not be permitted to be operated or maintained on the Premises at any time:

a. Any Retail Trade Uses, including:

1. SIC No. 5541.00 - Gasoline Service Stations
2. SIC No. 5812.01 - Eating Places Except 5812.02, 5812.03 and 5812.04
3. SIC No. 5812.02 - Live Entertainment Accessory To Permitted Eating Places
4. SIC No. 5812.03 - Outdoor Seating Accessory to Permitted Eating Places
5. SIC No. 5813.01 - Drinking Places Accessory to Permitted Eating Places
6. SIC No. 5813.02 - Drinking Places Accessory to Permitted Eating Places with Live Entertainment
7. SIC No. 5812.04 - Carry-out Eating Places
8. SIC No. 5920.01 - Liquor Stores With Accessory Food Sales
9. SIC No. 5993.00 - Tobacco Stores & Stands
10. SIC No. 5994.00 - News Dealers & Newsstands

- b. SIC No. 8600.00 – Membership Organizations
- c. SIC No. 8660.00 – Religious Organizations
- d. SIC No. 8660.01 – Religious Organizations with Associated Elementary and/or Secondary Schools

3. Except as amended by this Agreement, the terms, covenants, and conditions set forth in the Declaration and the Restrictive Covenant shall remain in full force and effect.

4. Each of the terms, provisions, covenants, and agreements hereof shall be binding upon and inure to the parties hereto and their respective successors, heirs, assigns and legatees, and each and all of the terms, provisions, covenants and agreements are hereby deemed to run with the land.

5. This Amendment may be executed in one or more counterparts, all of which when taken together shall constitute one and the same instrument.

[END OF TEXT - SIGNATURE PAGES FOLLOW]

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EXECUTION VERSION

IN WITNESS WHEREOF, the parties have executed and delivered this Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant as of the date first written above.

NORTHBROOK COURT OFFICE PLAZA ASSOCIATION, an Illinois non-profit corporation.

By: [Signature], EXECUTOR

Name: REIS A. KAYSER

Its: PRESIDENT

ATTEST:

By: [Signature]

Name: Brent J. Seiler

Its: Secretary

STATE OF ILLINOIS)

SS

COUNTY OF COOK)

On August 27, 2015, Reis Kayser, the Executive Director of NCPA and President, the of NORTHBROOK COURT OFFICE PLAZA ASSOCIATION, an Illinois non-profit corporation which individuals are personally known to me,

appeared before me and acknowledged that they signed the foregoing instrument for and on behalf of said corporation as their free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes herein mentioned.

[Signature]
Signature of Notary

SEAL

My Commission expires: August 26, 2015



UNOFFICIAL COPY

EXECUTION VERSION

IN WITNESS WHEREOF, the parties have executed and delivered this Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant as of the date first written above.

60 REVERE DRIVE, LLC, an Illinois limited liability company.

Property: 60 Revere Drive, Northbrook, IL 60062

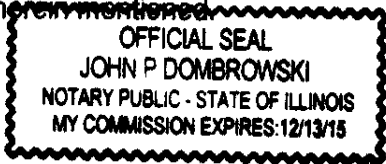
By: H. K. Layland Jr

Name: H. K. Layland Jr

Its: Managing Member

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

On July 8, 2015, H. K. Layland, Jr., the Managing Member of 60 REVERE DRIVE, LLC, an Illinois limited liability company which individual(s) are personally known to me, appeared before me and acknowledged that they signed the foregoing instrument for and on behalf of said company as their free and voluntary act and as the free and voluntary act of said company for the uses and purposes herein mentioned.



John P. Dombrowski
Signature of Notary

SEAL

My Commission expires: 12/13/2015

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EXECUTION VERSION

IN WITNESS WHEREOF, the parties have executed and delivered this Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant as of the date first written above.

THE VILLAGE OF NORTHBROOK, an Illinois home rule municipal corporation

By: Sandra E. Frum

Name: Sandra E. Frum

Its: Village President

ATTEST:

By: Debra J. Ford

Name: Debra J. Ford

Its: Village Clerk



STATE OF ILLINOIS)
COUNTY OF COOK)

SS

On December 18, 2015, Sandra E. Frum, the Village President and Debra J. Ford, the Village Clerk of THE VILLAGE OF NORTHBROOK, an Illinois home rule municipal corporation which individuals are personally known to me, appeared before me and acknowledged that they signed the foregoing instrument for and on behalf of said corporation as their free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes herein mentioned.

[Signature]
Signature of Notary

SEAL

My Commission expires: 8.27.15



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EXECUTION VERSION

IN WITNESS WHEREOF, the parties have executed and delivered this Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant as of the date first written above.

105 REVERE DR. CONDOMINIUM ASSOCIATION, an Illinois non-profit corporation.

Property: 105 Revere Drive, Northbrook, IL 60062

By: [Signature]

Name: MARINA A. SCHARSCH

Its: PRESIDENT

Property of Cook County Office

ATTEST:

By: [Signature]

Name: Alice Peterson

Its: Secretary

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

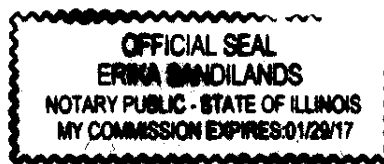
On August 13, 2015, Martin Scharsch, the President and Alice Peterson, the Secretary of 105 REVERE DR. CONDOMINIUM ASSOCIATION, an Illinois non-profit corporation which individuals are personally known to me, appeared before me and acknowledged that they signed the foregoing instrument for and on behalf of said corporation as their free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes herein mentioned.

[Signature]

Signature of Notary

SEAL

My Commission expires: 1/29/17



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EXECUTION VERSION

IN WITNESS WHEREOF, the parties have executed and delivered this Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant as of the date first written above.

STRAUSS & MALK LLP, an Illinois limited liability partnership

125 Revere Drive Condo Assoc
Property: 125-135 Revere Dr., Northbrook, IL 60062

By: *Arnold B Malk*

Name: Arnold B Malk

Its: Secretary

ATTEST:

By: _____

Name: _____

Its: _____

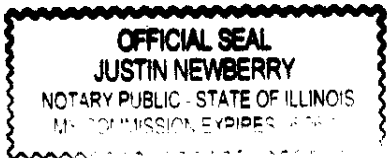
STATE OF ILLINOIS)

SS

COUNTY OF COOK)

On June 1, 2015, Arnold B Malk, the Secretary and of 125 Revere Drive Condo Assoc, the

of **STRAUSS & MALK, LLP**, an Illinois limited liability partnership which individuals are personally known to me, appeared before me and acknowledged that they signed the foregoing instrument for and on behalf of said partnership as their free and voluntary act and as the free and voluntary act of said partnership for the uses and purposes herein mentioned.



SEAL

Justin Newberry
Signature of Notary

My Commission expires: 6/6/17

UNOFFICIAL COPY

EXECUTION VERSION

IN WITNESS WHEREOF, the parties have executed and delivered this Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant as of the date first written above.

JGE HOLDINGS LLC, an Illinois limited liability company

Property: 155 Revere Dr., Northbrook, IL 60062

By: JGE/Joel H. Spitz

Name: Joel Spitz

Its: Member

Property of Cook County Clerk's Office

ATTEST:

By: _____

Name: _____

Its: _____

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

On 08/19/15, 2015, JOEL H. SPITZ, the _____ and _____, the _____ of JGE HOLDINGS LLC, an Illinois limited liability company which individuals are personally known to me, appeared before me and acknowledged that they signed the foregoing instrument for and on behalf of said company as their free and voluntary act and as the free and voluntary act of said company for the uses and purposes herein mentioned.



SEAL

My Commission expires: _____

Jessica James
Signature of Notary

UNOFFICIAL COPY

EXECUTION VERSION

IN WITNESS WHEREOF, the parties have executed and delivered this Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant as of the date first written above.

CANCER WELLNESS CENTER, an Illinois not-for-profit corporation

Property: 215 Revere Dr., Northbrook, IL 60062

By: [Signature]

Name: JUSTIN SHEPERD

Its: President/Chairman of the Board

ATTEST:

By: [Signature]

Name: RICHARD BASOFIN

Its: SECRETARY

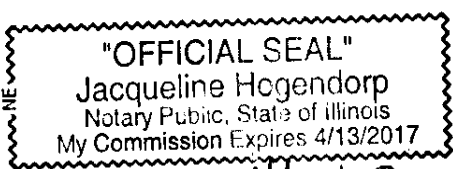
STATE OF ILLINOIS)

COUNTY OF COOK)

SS

On Sept. Oct 2nd, 2015, Justin Sheperd, the Chairman of the board and Richard Basofin, the Secretary of **CANCER WELLNESS CENTER**, an Illinois not-for-profit corporation which individuals are personally known to me, appeared before me and acknowledged that they signed the foregoing instrument for and on behalf of said corporation as their free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes herein mentioned.

SEAL



My Commission expires: 4/13/17

[Signature]
Signature of Notary

UNOFFICIAL COPY

EXECUTION VERSION

IN WITNESS WHEREOF, the parties have executed and delivered this Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant as of the date first written above.

255 REVERE DRIVE LIMITED PARTNERSHIP, an Illinois limited partnership

Property: 255 Revere Dr., Northbrook, IL 60062

By: James Pinkston
Name: James Pinkston
Title: Assistant Secretary

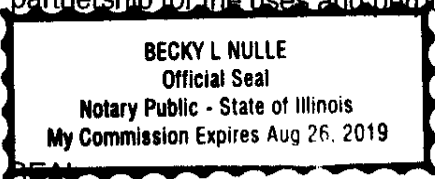
By: Reis A. Kayser
Name: REIS A. KAYSER
Title: EXECUTIVE DIRECTOR

ATTEST:

By: [Signature]
Name: EDYTA SUMMERVILLE, CONTROLLER
Title: _____

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

On September 18, 2015, Reis Kayser, the Exec Dir of JFMC Facilities and James Pinkston, the Assistant Secretary of 255 REVERE DRIVE LIMITED PARTNERSHIP, an Illinois limited partnership which individuals are personally known to me, appeared before me and acknowledged that they signed the foregoing instrument for and on behalf of said limited partnership as their free and voluntary act and as the free and voluntary act of said limited partnership for the uses and purposes herein mentioned.



Becky L. Nulle
Signature of Notary

My Commission expires: August 26, 2019

UNOFFICIAL COPY

EXECUTION VERSION

IN WITNESS WHEREOF, the parties have executed and delivered this Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant as of the date first written above.

JFMC FACILITIES CORPORATION, an Illinois not-for-profit corporation

Property: 300 Revere Dr., Northbrook, IL 60062

By: *James Pinkston*

Name: James Pinkston

Its: Assistant Secretary

By: *REIS A. KATSER*

Name: REIS A. KATSER

Its: EXECUTIVE DIRECTOR

ATTEST:

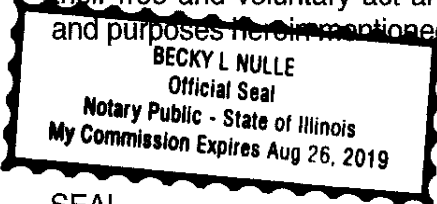
By: *Edyta Summerhelle*

Name: EDYTA SUMMERHELLE, CONTROLLER

Its: _____

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

On ~~September~~ September 18, 2015, Reis Kayser, the Exec Dir of JFMC Facilities and James Pinkston, the Assistant Secretary of JFMC FACILITIES CORPORATION, an Illinois not-for-profit corporation which individuals are personally known to me, appeared before me and acknowledged that they signed the foregoing instrument for and on behalf of said corporation as their free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes herein mentioned.



Becky L. Nulle
Signature of Notary

SEAL

My Commission expires: August 26, 2019

UNOFFICIAL COPY

EXECUTION VERSION

IN WITNESS WHEREOF, the parties have executed and delivered this Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant as of the date first written above.

~~ONB LLC, a DELAWARE limited liability company~~
 By: ~~JONES LANG LASALLE AMERICAS (ILLINOIS), L.P.~~
~~ONB, LLC JONES LANG LASALLE, a Delaware limited liability company~~ Property MANAGER and AUTHORIZED AGENT

Property: 5 Revere Dr., Northbrook, IL 60062

By: Barbara Liebers

Name: BARBARA LIEBERS

Its: SENIOR VICE PRESIDENT

ATTEST:

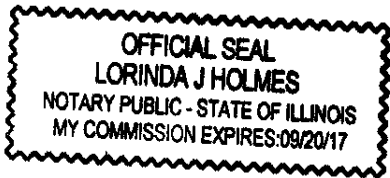
By: _____

Name: _____

Its: _____

STATE OF ILLINOIS)
) SS
 COUNTY OF COOK)

On JUNE 24, 2015, BARBARA A. LIEBERS, the SENIOR VICE PRESIDENT and PROPERTY MANAGER, the AUTHORIZED AGENT of ~~ONB, LLC JONES LANG LASALLE~~, a Delaware limited liability company which individuals are personally known to me, appeared before me and acknowledged that they signed the foregoing instrument for and on behalf of said company as their free and voluntary act and as the free and voluntary act of said company for the uses and purposes herein mentioned.



SEAL

Lorinda J. Holmes
 Signature of Notary

My Commission expires: 9/20/17

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EXECUTION VERSION

IN WITNESS WHEREOF, the parties have executed and delivered this Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant as of the date first written above.

85-95 REVERE DRIVE INVESTORS, LLC, an Illinois limited liability company

Property: 85-95 Revere Dr., Northbrook, IL 60062

By: [Signature]

Name: Brent J. Seiler, manager of North Park properties, the

Its: Managing member managing member

Of 85-95 Revere Drive Investors, LLC

Property of Cook County Clerk's Office

ATTEST:

By: _____

Name: _____

Its: _____

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

On _____, 2015, _____, the _____ and _____, the

_____ of **85-95 REVERE DRIVE INVESTORS, LLC**, an Illinois limited liability company which individuals are personally known to me, appeared before me and acknowledged that they signed the foregoing instrument for and on behalf of said company as their free and voluntary act and as the free and voluntary act of said company for the uses and purposes herein mentioned.

Signature of Notary

SEAL

My Commission expires _____

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EXECUTION VERSION

EXHIBIT A-1

LOT 9 IN NORTHBROOK COURT OFFICE PLAZA, BEING A SUBDIVISION OF THE PART OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS. COMMONLY KNOWN AS 60 REVERE DRIVE, NORTHBROOK, ILLINOIS.

P.I.N.: 04-02-100-021

Property of Cook County Clerk's Office

UNOFFICIAL COPY

EXECUTION VERSION**EXHIBIT A-2**

PARCEL 1

LOTS 1, 2, 3 AND 4 IN REVERE'S RESUBDIVISION OF LOT 1 IN NORTHBROOK COURT OFFICE PLAZA BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2

LOTS 2 THROUGH 10 INCLUSIVE IN NORTHBROOK COURT OFFICE PLAZA, A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

LOT 10 IS THE RETENTION BASIN AND PART OF COMMON AREA.

COMMONLY KNOWN AS NORTHBROOK COURT OFFICE PLAZA, NORTHBROOK, ILLINOIS 60062

P.R.E.I. Nos.: 04-02-100-021-0000
04-02-101-015-0000
04-02-101-016-0000
04-02-101-017-0000
04-02-101-018-0000
04-02-101-019-0000
04-02-101-020-0000
04-02-101-021-0000
04-02-109-013-0000
04-02-109-019-0000

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Exhibit

Property of Cook County Clerk's Office

Resolution 2014-140

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

A Resolution Approving a Sixth Amendment to Declaration of Covenants, Conditions, and Restrictions and Restrictive Covenant and Granting Certain Variations (60 Revere Drive) (Plan Commission Docket No. 14-12)

is hereby adopted, as follows:

Section 1. RECITALS.

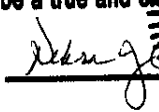
60 Revere Drive, LLC ("*Applicant*") is the owner of the property commonly known as 60 Revere Drive, ("*Property*") and has filed an application requesting that the Property be rezoned.

The Property is part of an office complex development located in the Village ("*Complex*") which is subject to a Declaration of Covenants, Conditions and Restrictions, originally executed on February 22, 1979, as subsequently amended, and a Restrictive Covenant originally executed on December 16, 1966, as subsequently amended (collectively, the "*Declaration and Restrictive Covenant*") which govern the permissible uses of the Property.

The Applicant now seeks, amongst other relief, to rezone the Property from the I-1 Restricted Industrial District to the O-2 Limited Office District. The rezoning of the Property will require that the Declaration and Restrictive Covenant be further amended to permit the Property to be rezoned to an office district subject to certain limitations on permitted uses ("*Amendment*"). The Applicant has proposed to maintain the existing building and parking lot on the Subject Property which will require a

I hereby certify this to be a true and exact copy of the original.

12-18-2015
Date


Village Clerk
SEAL
VILLAGE OF NORTHBROOK
COOK COUNTY, ILL.

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series of variations from the standards of the Northbrook Zoning Code (1988), as amended ("**Zoning Code**") to conform with the requirements of the O-2 Limited Office District ("**Variations**") (the Amendment and the Variations shall hereafter be referred to as the "**Requested Relief**").

A public hearing to consider the Requested Relief was duly advertised on August 28, 2014 in the *Northbrook Star* and was held at the Plan Commission's regular meeting on September 16, 2014. On October 7, 2014, the Plan Commission formally adopted Resolution No. 14-PC-10 recommending approval of the Requested Relief.

On December 9, 2014, Board of Trustees of the Village of Northbrook adopted Ordinance No. 2014-60 which amended the Village's District Zoning Map to rezone the property from the I-1 Restricted Industrial District to the O-2 Limited Office District.

The Village has determined that it is in the best interest of the Village and its residents to approve the Amendment and the Variations as set forth in this Resolution.

Section 2. DESCRIPTION OF PROPERTY.

The Property is commonly known as 60 Revere Drive, which is legally described in *Exhibit A* attached to and, by this reference, made a part of this Resolution.

Section 3. APPROVAL OF AMENDMENT.

The Sixth Amendment to the Declaration of Covenants, Conditions and Restrictions and Restrictive Covenant for the Property and the Complex shall be, and is hereby, approved in substantially the form attached hereto as *Exhibit B*.

Section 4. VARIATIONS.

Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 5 of this Ordinance, the Subject Property shall be, and is hereby granted the following variations, all in accordance with and pursuant to Section 11-503 of the Zoning Code and the home rule powers of the Village of Northbrook.

A. Yard and Setback.

1. A variation to reduce the required front setback from 30' to 27.93' to accommodate the existing building.
2. A variation to reduce the required front yard from 30' to 23' to accommodate the existing parking.
3. A variation to reduce the required interior yard variation from 5' to 0' to accommodate the existing parking.

B. Loading Space. A variation to reduce the required number of loading spaces by one space to zero spaces.

C. Required Drive Aisle Width. A variation to allow for a reduction in the required drive aisle width from 24' to 20' to accommodate certain existing drive aisles on the Subject Property.

Section 5. VARIATION CONDITIONS.

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The variations granted in Section 4 of this Ordinance shall be, and are hereby, expressly subject to and contingent upon each of the following terms, conditions, and restrictions:

A. Compliance with Plans and Codes. The development, use, and maintenance of the Subject Property being in substantial compliance with the site plan depicted in *Exhibit C*, attached to and by this reference made a part of this Ordinance ("*Site Plan*").

B. Loading Area. The Applicant shall be required to maintain a loading area as depicted on the Site Plan.

Section 6. FAILURE TO COMPLY WITH CONDITIONS.

Upon failure or refusal of the Applicant to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the variations granted by Section of this Ordinance shall, at the sole discretion of the Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Board of Trustees may not so the variations unless it shall first provide the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Board of Trustees. In the event of revocation, the development and use of the Subject Property shall be governed solely by the regulations of the O-2 Limited Office District, as the same may, from time to time, be amended. Further, in the event of such revocation of the variations, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Applicant acknowledges that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice to the Applicant required by this Section has been given.

Section 7. EFFECTIVE DATE.

This Ordinance shall be effective only upon the occurrence of all of the following events:

- A. passage by the Board of Trustees of the Village of Northbrook by a majority vote in the manner required by law;
- B. publication in pamphlet form in the manner required by law; and
- C. recordation of this Resolution, 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.

Adopted: 12/9/2014

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	A.C. Buehler, Trustee
SECONDER:	Bob Israel, Trustee
AYES:	Karagianis, Buehler, Heller, Israel, Frum
ABSENT:	Michael Scolaro, Kathryn Ciesla

ATTEST:

/s/ Debra J. Ford
Village Clerk

/s/ Sandra E. Frum
Village President