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KAREN A.YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 02/28/2017 11:14 AM PG: 1 OF 14

VILLAGE OF WORTH
COOK COUNTY, ILLINOIS

ORDINANCE NO. 2017-01

"AN ORDINANCE APPROVING A SPECIAL USE TO OPERATE A BARBERSHOP AT 11228 S. HARLEM AVENUE, WORTH, ILLINOIS"

ADOPTED BY THE

VILLAGE BOARD

VILLAGE OF WORTH

THIS 17 DAY OF JANUARY, 2017

RECORDING FEE 64 -
DATE 2/28/17 COPIES 60
OK BY RHSTO

Published in pamphlet form by authority of the Village Board of the Village of Worth, Cook County, Illinois, this 17 day of January, 2017.

VILLAGE OF WORTH
COOK COUNTY, ILLINOIS

ORDINANCE NO. 2017-01

AN ORDINANCE APPROVING A SPECIAL USE TO OPERATE A BARBERSHOP AT 11228 S. HARLEM AVENUE, WORTH, ILLINOIS

WHEREAS, the Village of Worth ("Village") is an Illinois non-home rule municipality organized and operating under the Illinois Municipal Code, 65 ILCS 5/1, *et seq.*; and

WHEREAS, Hanexi Properties, LLC is an Illinois limited liabilty company with offices at 5529 Webster Street, Downers Grove, Illinois (the "Owner"), and owns the property commonly known as 11228 S. Harlem Avenue, Worth, Illinois (the "Property"); and

WHEREAS, Sahar Haddad, an individual that resides in Orland Park, Illinois, and the Owner (collectively, the "Applicant") submitted an application for a special use permit for the Property; and

WHEREAS, the Applicant seeks to operate a women's barbershop on the Property (the "Proposed Use"); and

WHEREAS, Worth Village Code Section 5-6A-3 allows barbershops as a special use in the B1 Restricted Retail Business Zoning District; and

WHEREAS, the Property is located in the B1 Restricted Retail Business Zoning District; and

WHEREAS, public notice was published in the Daily Southtown on December 11, 2016, and a public hearing was convened before the Real Estate Development Board (the "REDB") on December 27, 2016; and

WHEREAS, at the conclusion of the public hearing, the REDB made findings pursuant to Section 5-2-10(D) of the Village Code, attached to this Ordinance as Exhibit B, and

unanimously recommended that the President and Village Board approve the Applicant's special use permit request for the Proposed Use; and

WHEREAS, the President and Village Board received and reviewed the REDB's findings and recommendation, concur with and adopt the REDB's findings, and find that the Applicant's Proposed Use satisfies the special use criteria found in Section 5-2-10(D) of the Worth Municipal Code;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Worth, Cook County, Illinois, as follows:

Section 1. RECITALS. The foregoing recitals are incorporated as though fully set forth herein.

Section 2. SPECIAL USE PERMIT GRANTED. The Applicant's special use permit request to establish a barbershop on the Property is granted subject to the terms and conditions of this Ordinance.

Section 3. COMPLIANCE WITH APPLICABLE LAWS AND CONDITIONS. The establishment, development, use, operation and maintenance of the Proposed Use will strictly conform to all applicable Village, county, state and federal codes, statutes, ordinances, rules and regulations, as amended.

Section 4. BUILDING PERMITS AND PLANS. The Applicant must submit all permit applications, building plans, construction drawings, and revisions thereto as required by the Village before making any improvements, modifications or changes to the Property. Any modifications to the Property that are inconsistent with the plans submitted with the Applicant's special use application shall require the Village's approval of an amendment to the special use permit.

Section 5. OCCUPANCY PERMIT. The Applicant may not establish or operate the Proposed Use until applying for and receiving an occupancy permit from the Village in accordance with the Village's ordinances, rules, and regulations, as amended.

Section 6. SIGN PERMIT. Before erecting or posting any sign on the Property, the Applicant must file an application for a sign permit in accordance with the Village's ordinances, rules, and regulations, as amended, and receive the Village's approval of the same.

Section 7. COMMENCEMENT OF SPECIAL USE. By no later than January 16, 2018, the Applicant shall (i) obtain all necessary village, local and state permits and approvals required to improve the Property to accommodate the Proposed Use; (ii) complete all necessary improvements to the Property; and (iii) obtain all village, local and state certificates, licenses and permissions necessary to establish, operate and maintain the Proposed Use on the Property.

Section 8. COMPLIANCE WITH CONDITIONS. Upon failure or refusal of the Applicant to comply with the conditions, restrictions, or provisions of this Ordinance, the special use permit granted in Section 2 of this Ordinance will, 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 will not revoke the special use permit unless it first provides 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 Property will be governed solely by the regulations of the B1 Zoning District, as amended. Further, in the event of revocation, the Village Attorney is authorized and directed to bring all 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 8, and agrees not to challenge any 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 is given.

Section 9. BINDING EFFECT; NON-TRANSFERABILITY. The privileges, obligations, and provisions of each and every section of this Ordinance are for the sole benefit of, and will be binding on, the Applicant, except as otherwise expressly provided in this Ordinance. Nothing in this Ordinance will be deemed to allow this Ordinance to be transferred to any person or entity without a new application for approval for any person or entity other than the Applicant.

Section 10. EFFECTIVE DATE.

A. This Ordinance will be effective upon occurrence of the following events:

i. Passage by the Board of Trustees in the manner required by law;

ii. Publication of this Ordinance in pamphlet form in the manner required by law;

iii. The Applicant filing with the Village Clerk the Unconditional Agreement and Consent attached to this Ordinance as Exhibit C and, by this reference, made a part of this Ordinance; and

iv. The recording of this Ordinance in the Office of the Cook County Recorder. The Applicant will bear the full cost of recording.

B. In the event the Applicant does not file with the Village Clerk a fully executed copy of the Unconditional Agreement and Consent identified in Section 10(A)(iii) of this Ordinance within ninety (90) days of the date of passage of this Ordinance by the Board of Trustees, the Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

Section 11. SUPERSEDER. In the event a conflict exists between the terms of this Ordinance and any other ordinance of the Village, the terms of this Ordinance shall govern.

Passed by the Village President and Village Trustees this 17 day of January, 2017, on a roll call vote as follows:

AYES: Ryan, Soldan, Muersch Jr., Kats and Dziedzic (5)

NAYS: (0)

ABSENT: McElroy (1)

ABSTAIN: (0)

Approved by the Village President on January 17, 2017.

Mary M. Werner

Mary Werner, Village President

ATTEST:

Bonnie M Price

Bonnie Price, Village Clerk

EXHIBIT A

LEGAL DESCRIPTION

LOTS 92, 93, 94, 95 AND 96 IN ARTHUR DUNAS' HARLEM AVENUE ADDITION, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS

P.I.N.s: 23-24-208-020-0000
23-24-208-021-0000

Address: 11228 S. Harlem Avenue, Worth, Illinois 60482

EXHIBIT B

VILLAGE OF WORTH REAL ESTATE DEVELOPMENT BOARD FINDINGS FOR A SPECIAL USE PERMIT FOR A BARBERSHOP AT 11228 S. HARLEM AVENUE, WORTH, ILLINOIS

On Tuesday, December 27, 2016, the Village of Worth Real Estate Development Board (the "***REDB***") conducted a public hearing to consider a request for a special use permit to establish a barbershop on the property located at 11228 S. Harlem Avenue (the "***Property***"). The Property is located in the B1 Restricted Retail Business District. Notice of the public hearing was published in the Daily Southtown on December 11, 2016. The special use was proposed by Sahar Haddad with the consent of the Property's owner, and Hanexi Properties, LLC (collectively, the "***Applicant***").

At the public hearing, Sahar Haddad spoke on behalf of the Applicant. The Applicant proposes to establish and operate a women's beauty parlor on the Property. The Property was formerly occupied by a barbershop – My Barber – that recently relocated to the building located immediately north of the Property. The proposed barbershop will contain 4 work stations and will have only 1 employee. Customers will be seen by appointment only. At this time, the Applicant does not propose to offer products for sale at retail.

The Applicant formerly operated a beauty parlor in Palos Heights and in Bridgeview. The Applicant proposes minimal improvements to the Property. New furniture and equipment will be brought to the Property and minor cosmetic improvements will be made. No construction or utility work is anticipated.

REDB members heard testimony concerning the proposed special use and questioned the Applicant about his plans. No members of the public testified during the hearing. The REDB considered all evidence presented and all other relevant information before closing the public hearing and discussing the proposed special use.

I. Findings

Based on the evidence presented at the public hearing, the REDB's discussion, and all other relevant information, the REDB makes the following findings concerning the proposed special use in accordance with Section 5-2-10 of the Worth Village Code:

a. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

The Applicant proposes to occupy a vacant tenant space with a viable, established business. The tenant space was formerly occupied by a barbershop. The village received no complaints about the former barbershop's operations, and the proposed barbershop intends to operate in much the same fashion. In addition, the Harlem Avenue corridor provides many valuable services to

Village residents and others. The proposed barbershop is consistent with and complimentary to the existing businesses located on Harlem Avenue.

b. The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The proposed use is consistent with and complimentary to the other service uses located in the area. A multi-tenant commercial structure is located on the Property. The barbershop would be located adjacent to other service uses, including an insurance office and a frozen yogurt shop. Additional service uses are located to the east (automotive services) and the north (barbershop). The applicant simply proposes to replace an outgoing barbershop with a new barbershop.

c. The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The proposed barbershop will occupy a vacant tenant space that was formerly occupied by a barbershop. The neighboring properties are home to a variety of commercial uses that will benefit from additional economic activity in the Harlem Avenue corridor. Reestablishing a productive use on the Property may spur further reinvestment in the surrounding area.

d. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

The Property's existing facilities are sufficient to serve the proposed use. The Property is improved with a multi-tenant commercial structure, accessory vehicle parking facilities, and a billboard. The Property is accessible from a curb cut on to Harlem Avenue. Shared access with the property to the south also exists. The Applicant does not propose to make any changes to the Property's exterior other than installing a sign and making other minor cosmetic improvements.

e. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

The Property has frontage on and is accessible from Harlem Avenue. No access improvements are proposed. In addition, the business's appointment-only nature will allow the Applicant to control the number of vehicles accessing the property. The existing access design has existed for many years (including several years during which a barbershop operated on the Property) and proven sufficient to serve the Property's tenants.

f. The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the president and village board pursuant to the recommendations of the real estate development board, or as allowed for planned developments.

The Applicant proposes to comply with all other village code requirements applicable to the Property and the proposed business. No variances are requested.

II. Recommendation

Based on the foregoing findings and all testimony and evidence entered into the record at the December 27, 2016 public hearing, the Real Estate Development Board considered a motion to recommend approval of the special use permit. The motion carried by a unanimous vote.

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Worth, Illinois (the "Village")

WHEREAS, Hanexi Properties, LLC (the "Owner") owns certain property commonly known as 11228 S. Harlem Avenue, Worth, Illinois (the "Property"); and

WHEREAS, the Owner and Sahar Haddad (collectively, the "Applicant") have sought approval of a special use permit to develop, operate, and maintain the Property as a barbershop (the "Zoning Relief"); and

WHEREAS Ordinance No. 2017 - 01, adopted by Board of Trustees of the Village on January 17, 2017, grants approval of such Zoning Relief, subject to certain conditions (the "Ordinance"); and

WHEREAS, the Applicant desires to evidence to the Village its unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in the Ordinance.

NOW THEREFORE, the Applicant does hereby agree and covenant as follows:

1. The Applicant hereby unconditionally agrees to accept, consent to and abide by all terms, conditions, restrictions, and provisions of the Ordinance.

2. The Applicant acknowledges and agrees that the Village will 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 will not, in any way, be deemed to insure the Applicant against any damage or injury of any kind and at any time.

3. The Applicant acknowledges that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, 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 Section 8 of the Ordinance is given.

4. The Applicant 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, volunteers, 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 Ordinance, (c) the development, construction, maintenance, and use of the Property, and (d) the performance of the Applicant of their obligations under this Unconditional Agreement and Consent.

5. The Applicant hereby agrees to pay all expenses incurred by the Village in defending itself with regard to any and all claims mentioned in this Unconditional Agreement and Consent. These expenses will include all out of pocket expenses, such as attorneys' and experts' fees, and will also include the reasonable value of any services rendered by any employee of the Village.

6. The restrictions imposed by this Unconditional Agreement and Consent shall be restrictions running with the land and shall be binding upon and inure to the benefit of the Applicant and its heirs, successors, assigns, agents, licensees, lessees, invitees, and representatives, including, without limitation, all subsequent owners of the Property, or any portion thereof, and all persons claiming under them to the extent provided in this Unconditional Agreement and Consent. If any of the privileges or rights created by this Unconditional Agreement and Consent would otherwise be unlawful or void for violation of (1) the rule against perpetuities or some analogous statutory provision, (2) the rule restricting restraints on alienation, or (3) any other statutory or common law rules imposing time limits, then the affected privilege or right shall continue only until 21 years after the death of the last survivor of the now living lawful descendants of the current President of the United States, or for any shorter period that may be required to sustain the validity of the affected privilege or right.

7. This Unconditional Agreement and Consent may not be amended, modified, released or annulled except upon the express, prior written approval of the Village of Worth.

[SIGNATURE PAGE FOLLOWS]

Hanexi Properties, LLC

By: _____
[name]: Christina T. Hansen
[title]: owner

SUBSCRIBED and SWORN to
Before me this 27 day of
February, 2017

_____
Notary Public

ATTEST

By: _____

Its: Accounting clerk

<seal>

TINA KRUEGER
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
March 09, 2019

Sahar Haddad

By: _____
[name]: Sahar Haddad
[title]: owner

SUBSCRIBED and SWORN to
Before me this 27 day of
February, 2017

_____
Notary Public

ATTEST

By: _____

Its: Accounting clerk

<seal>

TINA KRUEGER
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
March 09, 2019

4815-3570-6429, v. 1

CERTIFICATION

State of Illinois)
) ss.
County of Cook)

I, BONNIE PRICE, Village Clerk of the Village of Worth, County of Cook and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of **ORDINANCE 2017-01** "AN ORDINANCE APPROVING A SPECIAL USE TO OPERATE A BARBERSHOP AT 11228 S. HARLEM AVENUE, WORTH, ILLINOIS" which was adopted by the President and Board of Trustees of the Village of Worth on January 17, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Worth, Illinois aforesaid, at the said Village, in the County of Cook and State of Illinois.

Bonnie Price
Village Clerk
Village of Worth
Cook County, Illinois

Date: January 17, 2017

SEAL