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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 06/22/2017 12:23 PM PG: 1 OF 36

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

CLERK'S CERTIFICATE

I, LAURA FAST, do hereby certify that I am the qualified and acting DEPUTY CITY CLERK* of the City of Des Plaines, Cook County, Illinois, and that as such, I am the officer duly designated by law to keep the minutes, ordinances, resolutions and proceedings of the City Council of the City of Des Plaines.

I further certify that the attached and foregoing copy of ORDINANCE Z-12-17, AN ORDINANCE APPROVING A LOCALIZED ALTERNATIVE SIGN REGULATION PLAN/CONDITIONAL USE PERMIT FOR 1500 EAST GOLF ROAD, DES PLAINES, ILLINOIS (CASE #17-020-V) is a true and correct COPY OF THE RECORDS of the City of Des Plaines.

IN WITNESS WHEREOF, I hereunto affix my signature and impress hereon the corporate seal of the said City of Des Plaines, Cook County, Illinois, this 9th day of June, 2017.

Laura Fast

LAURA FAST, Deputy City Clerk
City of Des Plaines, County of Cook

*Per the provisions of 65 ILCS 5/3.1-20-5
Of the Illinois Compiled Statutes (2006)

Box 266

RECORDING FEE 108.00
DATE 6/22/2017 COPIES 6X
OK BY [Signature]

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STATE OF ILLINOIS)
) ss.
 COUNTY OF COOK)

OFFICE OF RECORDER OF DEEDS
 COOK COUNTY, ILLINOIS

This space reserved for Recorder's use only.

CITY OF DES PLAINES

ORDINANCE Z - 12 - 17

**AN ORDINANCE APPROVING AN ALTERNATIVE SIGN
 REGULATION PLAN/CONDITIONAL USE PERMIT FOR 1600 EAST
 GOLF ROAD, DES PLAINES, ILLINOIS. (CASE #17-020-CU).**

**PINS: 09-08-400-013-0000; 09-09-300-021-0000;
 09-09-300-022-0000; 09-09-200-005-0000**

This document prepared by:

City of Des Plaines
 1420 Miner Street
 Des Plaines, IL 60016

Box 266

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CITY OF DES PLAINES

ORDINANCE Z - 12 - 17

**AN ORDINANCE APPROVING A LOCALIZED
ALTERNATIVE SIGN REGULATION
PLAN/CONDITIONAL USE PERMIT FOR 1600 EAST GOLF
ROAD, DES PLAINES, ILLINOIS. (Case #17-020-V).**

WHEREAS, Oakton Community College ("**Owner**") is the owner of the property commonly known as 1600 East Gulf Road, Des Plaines, Illinois ("**Subject Property**"); and

WHEREAS, Gabriel Wilcox ("**Petitioner**"), on behalf of and with consent from the Owner, submitted an application to the City of Des Plaines Department of Community and Economic Development ("**Department**") for a Conditional Use Permit for the Subject Property ("**Conditional Use Permit**") for a localized alternative sign regulation plan that includes: (i) one 386 square-foot monument sign, where a maximum of 200 square-feet is permitted; (ii) two additional monument signs with heights of 19 feet 2 inches, where a maximum height of 10 feet is permitted; (3) a total of 632 square-feet of monument signage on the Subject Property, where a maximum of 350 square feet is permitted, all in accordance with Section 12-3-4 of the City of Des Plaines Zoning Ordinance of 1998, as amended ("**Zoning Ordinance**"); and

WHEREAS, the Subject Property is located in the I-1, Institutional District ("**I-1 District**"); and

WHEREAS, within fifteen (15) days after the receipt thereof, the Petitioner's application was referred by the Department of Community and Economic Development to the Planning and Zoning Board of the City of Des Plaines ("**PZB**"); and

WHEREAS, within ninety (90) days after the date of the Petitioner's application, a public hearing was held by the PZB on March 28, 2017 pursuant to publication in the *Des Plaines Journal* on March 10, 2017; and

WHEREAS, notice of the public hearing was mailed to all property owners within 300 feet of the Subject Property; and

WHEREAS, during the public hearing the PZB heard competent testimony and received evidence with respect to how the Petitioner intended to satisfy and comply with the provisions of the Zoning Ordinance; and

WHEREAS, pursuant to Section 12-3-4 of the Zoning Ordinance, the PZB filed a written report with the City Council on March 29, 2017, summarizing the testimony and evidence received by the PZB and stating its recommendation, by a vote of 7-0, to approve the Conditional Use Permit, subject to certain conditions; and

WHEREAS, the Petitioner made certain representations to the PZB with respect to the

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proposed conditional use, which representations are hereby found by the City Council to be material and upon which the City Council relies in granting this request for the Conditional Use Permit, subject to certain terms and conditions; and

WHEREAS, the City Council has considered the written report of the PZB, together with the applicable standards for conditional use permits set forth in the Zoning Ordinance, and the Community and Economic Development Staff Memorandum dated March 24, 2016, including the attachments and exhibits thereto, and has determined that it is in the best interest of the City and the public to grant the Petitioner's application in accordance with the provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

SECTION 1. RECITALS. The recitals set forth above are incorporated herein by reference and made a part hereof, the same constituting the factual basis for this Ordinance.

SECTION 2. LEGAL DESCRIPTION OF SUBJECT PROPERTY. The Subject Property is legally described as follows.

PARCEL NO. 1: THAT PART OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING AT A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER, 490 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER THEREOF; THENCE NORTH ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER TO THE CENTER OF THE DES PLAINES RIVER THEREOF; THENCE SOUTH AND WEST ALONG THE CENTER OF THE DES PLAINES RIVER TO A POINT ON A LINE WEST OF SAID STARTING POINT PARALLEL WITH THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE EAST ALONG SAID LINE TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS (EXCEPTING THEREFROM THAT PART OF THE LAND FALLING IN EVANSTON-ELGIN ROAD).

PARCEL NO. 2: LOTS 1 AND 2 IN JANE E. WALTON'S SUBDIVISION OF 30.69 ACRES OF LAND IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 3, 1876 AS DOCUMENT 70401 IN COOK COUNTY, ILLINOIS, EXCEPT THE EAST 8 FEET THEREOF.

PARCEL NO. 3: THE EAST 8 FEET OF LOTS 1 AND 2 IN JANE E. WALTON'S SUBDIVISION OF 30.69 ACRES OF LAND IN THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL

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MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 3, 1876 AS DOCUMENT 70401 IN COOK COUNTY, ILLINOIS.

PARCEL NO. 4: THAT PART OF LOTS 5, 6 AND 7 LYING EASTERLY OF THE CENTER LINE OF THE DES PLAINES RIVER IN CATHOLIC BISHOP OF CHICAGO'S DIVISION OF PARTS OF SECTIONS 8 AND 9, TOWNSHIP 41 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN AS RECORDED IN BOOK 86 OF PLATS, PAGE 10, IN COOK COUNTY, ILLINOIS.

PIN: 09-08-400-013-0000; 09-09-300-021-0000; 09-09-300-022-0000;
09-09-200-006-0000

Commonly known as 1600 East Golf Road, Des Plaines, Illinois

SECTION 3. CONDITIONAL USE PERMIT. Subject to and contingent upon the conditions, restrictions, limitations and provisions set forth in Section 4 of this Ordinance, the City Council hereby grants the Petitioner the Conditional Use Permit to allow for a localized alternative sign regulation plan that includes (i) a 386 square-foot monument sign, where a maximum of 200 square-feet is permitted; (ii) two monument signs with heights of 19 feet 2 inches, where a maximum height of 10 feet is permitted; and (iii) a total of 632 square-feet of monument signage at the Subject Property, where a maximum of 350 square feet of monument signage is permitted. The Conditional Use Permit granted by this Ordinance is consistent with and equivalent to a "special use" as referenced in Section 11-13-25 of the Illinois Municipal Code, 65 ILCS 5/11-13-25.

SECTION 4. CONDITIONS. The Conditional Use Permit granted in Section 3 of this Ordinance shall be, and is hereby, expressly subject to and contingent upon the following conditions, restrictions, limitations, and provisions:

A. **Compliance with Law and Regulations.** The development, use, operation, and maintenance of the Subject Property, by the Petitioner must comply with all applicable City codes

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and ordinances, as the same have been or may be amended from time to time, except to the extent specifically provided otherwise in this Ordinance.

B. Compliance with Plans and Codes. The development, use, and maintenance of the Subject Property shall be in strict compliance with the following documents and plans, except for minor changes and site work approved by the Director of the Department in accordance with all applicable City codes, ordinances, and standards, including, without limitation, Sections 12-3-4 H., "Limitations on Conditional Uses," and 12-3-4 I., "Effect of Approval," of the Zoning Ordinance:

1. That certain "Plat of Survey" prepared by Legal Architects, consisting of one sheet, and dated June 17, 2011, attached to, and by this reference made a part of, this Ordinance as **Exhibit A**; and
2. That certain "Site Plans" prepared by Farr Associates, consisting of four sheets, and dated February 20, 2017 attached to, and by this reference made a part of, this Ordinance as **Exhibit B**.
3. That certain "Sign Details" prepared by Farr Associates, consisting of seven sheets, and dated February 20, 2017, attached to, and by this reference made a part of, this Ordinance as **Exhibit C**; and

SECTION 5. RECORDATION; BINDING EFFECT. A copy of this Ordinance must be recorded in the Office of the Cook County Recorder of Deeds. This Ordinance and the privileges, obligations, and provisions contained herein run with the Subject Property and inure to the benefit of, and are binding upon, the Petitioner and its respective personal representatives, successors, and assigns, including, without limitation, subsequent purchasers of the Subject Property.

SECTION 6. FAILURE TO COMPLY WITH CONDITIONS.

A. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or resists the enforcement of, any of the provisions of this Ordinance shall be fined

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not less than seventy five dollars (\$75.00) or more than seven hundred and fifty dollars (\$750.00) for each offense. Each and every day that a violation of this Ordinance is allowed to remain in effect shall constitute a complete and separate offense. In addition, the appropriate authorities of the City may take such other action as they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person, firm or corporation violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys' fees.

B. In the event that the Petitioner fails to develop or maintain the Subject Property in accordance with the plans submitted, the requirements of the Zoning Ordinance, or the conditions set forth in Section 4 of this Ordinance, the Conditional Use Permit granted in Section 3 of this Ordinance may be revoked after notice and hearing before the Zoning Administrator of the City, all in accordance with the procedures set forth in Section 12-4-7 of the Zoning Ordinance. In the event of revocation, the development and use of the Subject Property will be governed solely by the regulations of the I-1 District. Further, in the event of such revocation of the Conditional Use Permit, the City Manager and City's General Counsel are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Petitioner 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 and hearing required by Section 12-4-7 of the Zoning Ordinance is provided to the Petitioner.

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SECTION 7. EFFECTIVE DATE.

A. This Ordinance shall be in full force and effect only after the occurrence of the following events:

1. its passage and approval by the City Council in the manner provided by law;
2. its publication in pamphlet form in the manner provided by law;
3. the filing with the City Clerk by the Petitioner, not less than 60 days after the passage and approval of this Ordinance, 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 demonstrating the Petitioner's consent to its recordation. Said unconditional agreement and consent shall be in substantially the form attached to, and by this reference made a part of, this Ordinance as **Exhibit D**; and
4. at the Petitioner's sole cost and expense, the recordation of this Ordinance together with such exhibits as the City Clerk deems appropriate, with the Office of the Cook County Recorder.

B. In the event that the Petitioner does not file with the City Clerk a fully executed copy of the unconditional agreement and consent referenced in Section 7.A.4 of this Ordinance, within 60 days after the date of passage of this Ordinance by the City Council, the City Council shall have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

SECTION 8. SEVERABILITY. If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

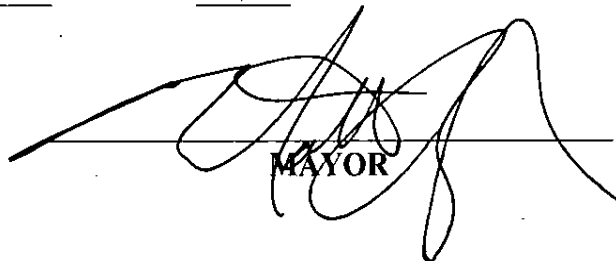
[SIGNATURE PAGE FOLLOWS]

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PASSED this 17th day of April, 2017.

APPROVED this 17th day of April, 2017.

VOTE: AYES 6 NAYS 1 ABSENT 1



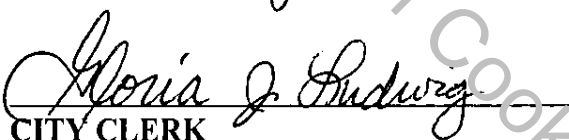
MAYOR

ATTEST:



CITY CLERK

Published in pamphlet form this
18th day of April, 2017.



CITY CLERK

Approved as to form:



Peter M. Friedman, General Counsel

I, Richard Schwass, being the owner or other party in interest of the property legally described within this Ordinance, having read a copy of the Ordinance, do hereby accept, concur and agree to develop and use the Subject Property in accordance with the terms of this Ordinance.

Dated: 6/8/2017



(Signature)

DP-Ordinance Approving a Conditional Use Permit (CUP) for a Localized Alternative Sign Regulation Plan at 1600 E. Golf Road

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EXHIBIT D

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Des Plaines, Illinois ("**City**"):

WHEREAS, Gabriel Wilcox of Farr Associates ("**Petitioner**"), applied to the City of Des Plaines for a conditional use permit for a localized alternative sign regulation plan ("**Conditional Use Permit**") that includes (i) one 386 square-foot monument sign, where a maximum of 200 square-feet is permitted; (ii) two additional monument signs with heights of 19 feet 2 inches, where a maximum height of 10 feet is permitted; and (3) a total of 632 square-feet of monument signage, where a maximum of 350 square feet is permitted on that certain property commonly known as 1600 East Gulf Road, Des Plaines, Illinois ("**Subject Property**") pursuant to Section 12-3-4 of the City of Des Plaines Zoning Ordinance of 1998, as amended; and

WHEREAS, the Subject Property is owned by Oakton Community College ("**Owner**"), which has consented to the Petitioner's application; and

WHEREAS, the Subject Property is located within the I-1 General Manufacturing District; and

WHEREAS, Ordinance No. Z-12-17 adopted by the City Council of the City of Des Plaines on 4/17, 2017 ("**Ordinance**"), grants approval of the Conditional Use Permit, subject to certain conditions; and

WHEREAS, Petitioner and Owner desire to evidence to the City its unconditional agreement and consent to accept and abide by each of the terms, conditions, and limitations set forth in said Ordinance, and the Petitioner desires to evidence its consent to recording the Ordinance against the Subject Property upon obtaining fee simple title thereto;

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

1. Petitioner and Owner hereby unconditionally agree to accept, consent to and abide by all of the terms, conditions, restrictions, and provisions of that certain Ordinance No. Z-12-17, adopted by the City Council on 4/17, 2017.
2. Petitioner and Owner acknowledge and agree that the City is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the City's review and approval of any plans for the Subject Property, or the issuance of any permits for the use and development of the Subject Property, and that the City'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 Petitioner and Owner against damage or injury of any kind and at any time.

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3. Petitioner and Owner acknowledge that the public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, have considered the possibility of the revocation provided for in the Ordinance, and agree not to challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the procedures required by Section 12-4-7 of the City's Zoning Ordinance are followed.
4. Petitioner agrees to and does hereby hold harmless and indemnify the City, the City's corporate authorities, and all City 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 City'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 Subject Property, and (d) the performance by Petitioner of its obligations under this Unconditional Agreement and Consent.
5. Petitioner hereby agrees to pay all expenses incurred by the City in defending itself with regard to any and all of the claims mentioned in this Unconditional Agreement and Consent. 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 City.

ATTEST:

GABRIEL WILCOX
FARR ASSOCIATES

By: *[Signature]*

By: *[Signature]*

SUBSCRIBED and SWORN to
 before me this 24th day of
April, 2017.



[Signature]
 Notary Public

ATTEST:

OAKTON COMMUNITY COLLEGE

By: *[Signature]*

[Signature]

SUBSCRIBED and SWORN to
 before me this 8th day of
June, 2017.



[Signature]
 Notary Public

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STATE OF ILLINOIS)) SS.
COUNTY OF COOK)

CERTIFICATE

I, Gloria J. Ludwig, certify that I am the duly elected and acting Municipal Clerk of the City of Des Plaines, Cook County, Illinois.

I further certify that on April 17, 2017 the Corporate Authorities of such municipality passed and approved Ordinance No. Z-12-17, AN ORDINANCE APPROVING A LOCALIZED ALTERNATIVE SIGN REGULATION PLAN/CONDITIONAL USE PERMIT FOR 1600 EAST GOLF ROAD, LES PLAINES, ILLINOIS (CASE #17-020-V) provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. Z-12-17, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on April 19, 2017 and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

DATED at Des Plaines, Illinois, this 19th day of April, 2017.

(SEAL)
CITY OF CHICAGO

Gloria J. Ludwig
City Clerk

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CITY OF DES PLAINES

ORDINANCE NO. Z-12-17

AN ORDINANCE APPROVING A LOCALIZED ALTERNATIVE SIGN REGULATION
PLAN/CONDITIONAL USE PERMIT FOR 1600 EAST GOLF ROAD, DES PLAINES,
ILLINOIS (CASE #17-020-V)

ADOPTED ON APRIL 17, 2017
BY THE CITY COUNCIL
OF THE
CITY OF DES PLAINES

Published in pamphlet form by authority of the City Council of the City of Des Plaines,
Cook County, Illinois, this 19th day of April, 2017

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OVERSIZE EXHIBIT

Property of Cook County Clerk's Office

FORWARD ORIGINAL
DOCUMENT TO PLAT
COUNTER IMMEDIATELY
AFTER RECORDING FOR
SCANNING

14 pages
11 Doubles
108⁰⁰