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1718116298

This Instrument was Prepared By
and After Recording Return to:

Anne R. Garr
Freeborn & Peters LLP
311 S. Wacker Drive
Suite 3000
Chicago, Illinois 60606

Doc# 1718116298 Fee \$70.00

RHSP FEE:\$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 06/30/2017 03:51 PM PG: 1 OF 17

PARTIAL RELEASE OF RESTATED REDEVELOPMENT AGREEMENT AND MEMORANDUM OF AGREEMENT

THIS PARTIAL RELEASE OF RESTATED DEVELOPMENT AGREEMENT AND MEMORANDUM OF AGREEMENT ("Release") is dated as of June 5, 2017, 2017, by and between Wheeling Shopping Center, Inc., an Illinois corporation ("Developer") and the Village of Wheeling, Illinois, an Illinois home rule municipal corporation (the "Village").

WHEREAS, Developer and Village entered into a certain Restated Redevelopment Agreement for the Fresh Farms Development comprising a part of the Crossroad (Central Business District) TIF District of the Village of Wheeling, Illinois (the "Redevelopment Agreement"), which Redevelopment Agreement provided for Developer's development of a project on certain land located in the Village of Wheeling, Illinois as legally described on Exhibit A attached hereto and incorporated herein (the "Property").

WHEREAS, Developer recorded against the Property that certain Memorandum of Restated Redevelopment Agreement for the Fresh Farms Development comprising a part of the Crossroad (Central Business District) TIF District of the Village of Wheeling, Illinois ("Memorandum") with the Cook County Recorder of Deeds on May 28, 2010 as Document Number 1014822094 in order to put notice of the Redevelopment Agreement of record.

WHEREAS, Developer and the Village desire to release a portion of the Property from the Redevelopment Agreement commonly known as Lot 2 in Fresh Farms Subdivision ("Lot 2") and legally described on Exhibit B, attached hereto and made part hereof, and desire to terminate and release Lot 2 from the Memorandum.

NOW, THEREFORE, in consideration of the agreements herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is agreed as follows:

I. Incorporation of Recitals/ Defined Terms. The foregoing recitals are acknowledged to be accurate and are incorporated herein by reference. All capitalized terms

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used herein not otherwise defined shall have the meaning ascribed to such terms in the Redevelopment Agreement and Memorandum.

2. Requirements/Obligations. There are no outstanding requirements or performance obligations, financial or otherwise, existing under the Redevelopment Agreement or Memorandum that have not been satisfied as it relates to Lot 2.

3. Termination/Release. With the exception of the Prohibited Use restrictions contained in the Redevelopment Agreement and referred to in Paragraph 4 below and the underlying Village of Wheeling zoning regulations and restrictions contained in the Final Approved Plans as referred to in Wheeling Ordinance 4614 attached hereto as Exhibit C and made a part hereof, any reference to requirements and obligations referenced in the Redevelopment Agreement and Memorandum are hereby terminated, released of record and of no further force or effect as it relates to Lot 2.

4. Prohibited Uses. Lot 2 shall remain subject to the Prohibited Uses referenced in Article V, Item D and described on Exhibit I of the Redevelopment Agreement. The list of Prohibited Uses is attached hereto for reference. In addition, it is understood that current use, financial institution with drive through facilities, is not a Pay Day Loan Store as referenced on the attached list of Prohibited Uses.

5. Conflict. In the event of any conflict between the provisions of this Release and the provisions of the Redevelopment Agreement and/or the Memorandum, the provisions of this Release and Amendment shall control.

6. Authorization. The undersigned individual(s) executing this Release on behalf of each party do hereby represent and warrant to the other that they are each fully empowered and authorized to execute this Release on behalf of their respective parties.

7. Counterparts. This Release may be executed in any number of counterparts, each of which shall be deemed an original, but all such counterparts shall together constitute one and the same agreement.

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IN WITNESS WHEREOF, the parties have executed this Release as of the date first above written.

DEVELOPER:

Wheeling Shopping Center, Inc.,
an Illinois corporation

By: *[Signature]*

Print Name: Paul Surjos

Title: Corporate Secretary

Property of Cook County Clerk's Office

VILLAGE:

VILLAGE OF WHEELING,
an Illinois municipal corporation

By: *[Signature]*

Print Name: Patricia Horcher

Title: VILLAGE PRESIDENT

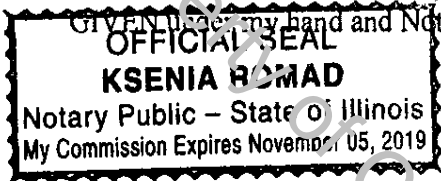


Cook County Clerk's Office

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STATE OF IL)
) SS.
COUNTY OF COOK)

I, Ksenia Romad, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Paul Siger being the Corporate secretary of Wheeling Shopping Center, Inc., an Illinois corporation personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes therein set forth.


GIVEN under my hand and Notarial Seal this 27th day of June, 2017.


Notary Public

My Commission Expires: 11/05/2019

STATE OF IL)
) SS.
COUNTY OF COOK & LAKE)

I, KAREN A. KARAFFA, a Notary Public in and for said County, in the State aforesaid, do hereby certify that PATRICK HORCHER being the VILLAGE PRESIDENT of the Village of Wheeling, an Illinois home rule municipal corporation, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 5 day of JUNE, 2017.


Notary Public

My Commission Expires: 03/16/2020

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EXHIBIT A LEGAL OF WHOLE PARCEL

LOTS 1 THROUGH 7, INCLUSIVE, IN FRESH FARMS – WHEELING SUBDIVISION, BEING A RESUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 2 AND THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 7, 2011 AS DOCUMENT 1134116010, IN COOK COUNTY, ILLINOIS.

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EXHIBIT B

LEGAL DESCRIPTION

LOT 2 IN FRESH FARMS – WHEELING SUBDIVISION, BEING A RESUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 2 AND THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 7, 2011 AS DOCUMENT 1134116010, IN COOK COUNTY, ILLINOIS.

PIN: 03-02-415-048-0000

ADDRESS: 253 East Dundee Road, Wheeling, Illinois

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EXHIBIT C

WHEELING FINAL PUD ORDINANCE 4614

Property of Cook County Clerk's Office

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Previous Docket No. 2010-18

ORDINANCE NO. 4614

An Ordinance Repealing Ordinance Nos. 4437 and 4536, and Approving Planned Unit Development Final Plan Approval for the Fresh Farms Shopping Center 253-291 East Dundee Road and 58-94 South Milwaukee Avenue (Formerly known as 267-315 East Dundee Road and 4-52 South Milwaukee Avenue)

WHEREAS, the President and Board of Trustees approved Ordinance No. 4536 on July 12, 2010, amending Ordinance No. 4437, which granted Planned Unit Development Final Plan Approval for the Fresh Farms Shopping Center at 267-315 East Dundee Road and 4-52 South Milwaukee Avenue, with a vote of 7 ayes and 0 nays; and

WHEREAS, the purpose of the petition known as Docket No. 2010-18, granted through Ordinance No. 4536, was to add the properties known as 4-52 South Milwaukee Avenue to the approved Planned Unit Development plans for the Fresh Farms Shopping Center; and

WHEREAS, the purpose of the current request, referred to as Previous Docket No. 2010-18, is to incorporate minor modifications to the site plan into the approved Planned Unit Development plans for the Fresh Farms Shopping Center; and

WHEREAS, the Plan Commission of the Village of Wheeling has held a public meeting, duly noticed, on February 10, 2011, and has reviewed the proposed changes with respect to the criteria listed in Title 19, Zoning, of the Wheeling Municipal Code, Section 19.09.010 F7, Changes or Revisions to an Approved Planned Unit Development, and determined that the proposed changes constituted a Minor Change; and

WHEREAS, the Plan Commission of the Village of Wheeling has held a public meeting, duly noticed, on May 19, 2011, to review proposed modifications to the approved Planned Unit Development plans, recommending approval of the request by a vote of 7 ayes and 0 nays; and

WHEREAS, it is the express intent of the Village of Wheeling to re-affirm the approvals granted in Ordinance No. 4536 and Ordinance No. 4437 in conjunction with approving the current request, as described in this Ordinance; and

WHEREAS, the President and Board of Trustees deem it to be in the best interest of the Village to repeal Ordinance No. 4536 and Ordinance No. 4437, as described in this Ordinance, and incorporate the approvals granted in each previous ordinance into a single ordinance approving the Final Plan Approval for the Fresh Farms Shopping Center Planned Unit Development, thus granting the petitioner's request;

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COUNTIES OF COOK AND LAKE, STATE OF ILLINOIS:

Section A

This Board of Trustees, after considering the Findings of Fact and Recommendation of the Plan Commission and other matters properly before it, hereby finds:

- That the special use as requested will not alter the essential character of the area in which it is to be located;
- That the location and size of the special use, the nature and intensity of the operation involved in or conducted with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, will be in harmony with and will

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Previous Docket No. 2010-18

not impede the normal, appropriate, and orderly development of the district in which it is located and the development of the surrounding properties;

- That the special use requested will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted nor diminish or impair property values of surrounding properties;
- That the parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining residential uses, entrance and exit drives shall be laid out as to prevent traffic hazards and nuisances; and
- That the special use requested will conform to all applicable regulations and standards of the zoning district in which it is to be located.

Section B

A FINAL Planned Unit Development Plan in the B-3 General Commercial and Office District is hereby approved under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-09 Planned Unit Developments, for redevelopment of Fresh Farms Shopping Center consisting of a multi-unit retail building and a bank building as shown on the Site Plan received May 12, 2011, prepared by Camburas & Theodore, Ltd., herein attached and made part of, for final approval of Fresh Farms Plaza located on the property at 253-291 East Dundee Road and 56-94, formerly known as 267-315 East Dundee Road and 4-52 South Milwaukee Avenue, legally described below:

LEGAL DESCRIPTION: FORMER 267-315 S MILWAUKEE AVE AND 20 S MILWAUKEE PERMANENT INDEX NUMBERS:

03-02-415-004, 03-02-415-017, 03-02-415-027, 03-02-415-030, 03-02-415-031, 03-02-415-032, 03-02-415-036, 03-02-415-037, 03-02-415-038, 03-02-415-039, 03-02-415-040, 03-02-415-041, 03-02-415-042, 03-02-415-043, 03-02-415-044

PARCEL 1: THAT PART OF THE SOUTHEAST ¼ OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING IN THE CENTER OF DUNDEE ROAD SOUTH 88 DEGREES, 20 MINUTES WEST, 426.60 FEET FROM A STONE IN THE CENTER OF DUNDEE AND MILWAUKEE ROADS FROM SAID STONE THE NORTHWEST CORNER OF FASSENDERS HOUSE, BEARS SOUTH 56 DEGREES, 30 MINUTES EAST, 75.10 FEET AND THE NORTHEAST CORNER OF VITRUVIOUS HALL, BEARS SOUTH 03 DEGREES WEST, 121.70 FEET; THENCE SOUTH 88 DEGREES, 20 MINUTES WEST ALONG THE CENTER OF DUNDEE ROAD, 55 FEET; THENCE SOUTH 01 DEGREE, 40 MINUTES EAST, 252.10 FEET; THENCE NORTH 88 DEGREES, 20 MINUTES EAST, 55 FEET; THENCE NORTH 01 DEGREE, 40 MINUTES WEST, 252.10 FEET TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 2: THAT PART OF THE SOUTHEAST ¼ OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING IN THE CENTER OF DUNDEE ROAD IN THE SOUTHEAST ¼ OF SECTION 2 AFORESAID AT THE NORTHWEST CORNER OF THE CHURCH LOT, WHICH CORNER IS 438.8 FEET WEST OF THE EAST LINE OF SAID SECTION 2; THENCE SOUTH 88 DEGREES, 20 MINUTES WEST IN THE CENTER OF SAID ROAD 1:51 ¼ CHAINS; THENCE SOUTH 02 DEGREES EAST, 3.41 CHAINS; THENCE NORTH 85 DEGREES EAST, 100.0 FEET; THENCE NORTH TO THE SOUTHWEST CORNER OF SAID CHURCH LOT AND

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Previous Docket No. 2010-18

THENCE NORTH ALONG THE WEST LINE OF SAID CHURCH LOT TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 3: LOT 3 IN OWNERS RESUBDIVISION OF PART OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WEST OF MILWAUKEE AVENUE AND SOUTH OF DUNDEE ROAD, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 19, 1951 AS DOCUMENT NUMBER 14995384, IN COOK COUNTY, ILLINOIS.

PARCEL 4: LOTS 1, 7, 8, 9, 10 AND 11 (EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 11; THENCE NORTH ALONG THE EAST LINE OF SAID LOT TO THE NORTHEAST CORNER THEREOF; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT, A DISTANCE OF 170.94 FEET TO A POINT, 5.19 FEET SOUTHEASTERLY OF THE NORTHWESTERLY CORNER OF SAID LOT; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE, A DISTANCE OF 218.54 FEET TO THE POINT OF BEGINNING), ALL IN WILLE'S ADDITION TO WHEELING, BEING A SUBDIVISION OF PART OF LOT "A" IN WILLE'S CONSOLIDATION OF LAND IN SECTIONS 1, 2, 11 AND 12, ALL IN TOWNSHIP 42, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 5: THE NORTHERLY 36 FEET OF LOT 4 AND THE NORTHERLY 2 FEET OF THE SOUTHERLY 4 FEET OF LOT 4 (EXCEPT THE WESTERLY 34.35 FEET) AND (EXCEPT PART IN MILWAUKEE AVENUE) IN J. L. MC DUFFEE'S SUBDIVISION OF PARTS OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THEREFROM THAT PART THEREOF TAKEN IN CASE 95L50534 AND DESCRIBED AS FOLLOWS: THAT PART OF LOT 4 IN J. L. DUFFEE'S SUBDIVISION OF PARTS OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 23, 1882, AS DOCUMENT 383023, IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 4 AFORESAID; THENCE ON AN ASSUMED BEARING OF SOUTH 63 DEGREES 51 MINUTES 58 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID LOT 4, A DISTANCE OF 40.94 FEET; THENCE SOUTH 21 DEGREES 38 MINUTES 56 SECONDS EAST, 26.36 FEET; THENCE SOUTH 23 DEGREES 47 MINUTES 23 SECONDS EAST, 13.40 FEET TO THE SOUTHERLY LINE OF SAID LOT 4; THENCE NORTH 63 DEGREES 51 MINUTES 58 SECONDS EAST ALONG SAID SOUTHERLY LINE, 38.37 FEET TO THE EASTERLY LINE OF SAID LOT 4; THENCE NORTH 18 DEGREES 41 MINUTES 54 SECONDS WEST ALONG SAID EASTERLY LINE, 40.00 FEET TO THE POINT OF BEGINNING), IN COOK COUNTY, ILLINOIS.

PARCEL 6: LOT 4 (EXCEPT THE NLY 38 FT THEREOF) AND THE WESTERLY 34.35 FEET OF THE NORTHERLY 2 FEET OF THE SOUTHERLY 4 FEET OF LOT 4 IN J. L. MC DUFFEE'S SUBDIVISION OF PARTS OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 42 NORTH, RANGE 11 (EXCEPTING THEREFROM THAT PART THEREOF TAKEN IN CASE 95L50534 AND DESCRIBED AS FOLLOWS: THAT PART OF LOT 4 IN J. L. DUFFEE'S SUBDIVISION OF PARTS OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 23, 1882, AS DOCUMENT 383023; IN COOK COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 4 AFORESAID; THENCE ON AN ASSUMED BEARING OF SOUTH 63 DEGREES 51 MINUTES 58 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID LOT 4, A DISTANCE OF 40.94 FEET; THENCE SOUTH 21 DEGREES 38 MINUTES 56 SECONDS EAST, 26.36 FEET; THENCE SOUTH 23 DEGREES 47 MINUTES 23 SECONDS EAST, 13.40 FEET TO THE

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SOUTHERLY LINE OF SAID LOT 4; THENCE NORTH 63 DEGREES 51 MINUTES 58 SECONDS EAST ALONG SAID SOUTHERLY LINE, 38.37 FEET TO THE EASTERLY LINE OF SAID LOT 4; THENCE NORTH 18 DEGREES 41 MINUTES 54 SECONDS WEST ALONG SAID EASTERLY LINE, 40.00 FEET TO THE POINT OF BEGINNING), IN COOK COUNTY, ILLINOIS.

(The above described property is known as Fresh Farms Shopping Center, formerly located at 267-315 E. Dundee Road and 20 S. Milwaukee Avenue, Wheeling, Illinois, zoned B-3 General Commercial and Office District.)

LEGAL DESCRIPTION: FORMER 4 SOUTH MILWAUKEE AVENUE
PERMANENT INDEX NUMBERS:
 03-02-415-018, 03-02-415-028, 03-02-415-033

PARCEL 1:
 LOT 4 (EXCEPT THAT PART THEREOF TAKEN FOR ROAD PURPOSES IN CASE 94L050258) IN OWNER'S RESUBDIVISION OF PART OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN LYING WEST OF MILWAUKEE AVENUE AND SOUTH OF DUNDEE ROAD ACCORDING TO THE PLAT THEREOF RECORDED IN BOOK 388 OF PLATS PAGE 32 IN COOK COUNTY, ILLINOIS.

PARCEL 2:
 LOT 5 AND THE NORTHWESTERLY 10 FEET OF LOT 6 (EXCEPT THAT PART THEREOF TAKEN FOR ROAD PURPOSES IN CASE 94L050257) IN MCDUFFEE'S SUBDIVISION OF PARTS OF SECTIONS 1, 2, 11, AND 12, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.

(The above described property is vacant property formerly known as 4 South Milwaukee Avenue, Wheeling, Illinois, zoned B-3 General Commercial and Office District.)

LEGAL DESCRIPTION: FORMER 16 SOUTH MILWAUKEE AVENUE
PERMANENT INDEX NUMBER:
 03-02-415-029

LOT 2 (EXCEPT THAT PART THEREOF TAKEN FOR ROAD PURPOSES) OF OWNERS RESUBDIVISION OF PART OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 11, LYING WEST OF MILWAUKEE AVENUE AND SOUTH OF DUNDEE ROAD, IN COOK COUNTY, ILLINOIS.

(The above described property was formerly known as 16 South Milwaukee Avenue, Wheeling, Illinois, zoned B-3 General Commercial and Office District.)

LEGAL DESCRIPTION: FORMER 50-52 SOUTH MILWAUKEE AVENUE
PERMANENT INDEX NUMBERS:
 03-02-415-026, 03-02-415-045, 03-02-415-046

PARCEL 1: LOT 6 (EXCEPTING THE NORTHERLY 10.00 FEET THEREOF) AND ALL OF LOTS 7, 8 AND 9 IN MCDUFFIE'S SUBDIVISION OF PARTS OF SECTION 1, 2, 11 AND 12, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2: ALL THAT CERTAIN PIECE OR PARCEL OF LAND IN TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWN OF WHEELING AND LYING ON THE SOUTH SIDE OF LOT 9 IN J. L. MCDUFFIE'S

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SUBDIVISION OF THAT PART OF SECTIONS 1, 2, 11 AND 12, WHICH MAP WAS RECORDED OCTOBER 7, 1852 IN BOOK OF MAPS, PAGE 40, DESCRIBED AS FOLLOWS: COMMENCING IN THE CENTER OF THE MILWAUKEE ROAD AT THE SOUTHEAST CORNER OF LOT 9 AFORESAID, THENCE RUNNING WESTERLY ALONG THE SOUTHERLY LINE OF LOT 9, 180.00 FEET; THENCE SOUTHERLY 20.00 FEET; THENCE EASTERLY 180.00 FEET TO THE CENTER OF MILWAUKEE ROAD; THENCE NORTHERLY 40.00 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS.

PARCEL 3: ALL THAT PART OF LOT 11, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 11, RUNNING THENCE NORTH ALONG THE EAST LINE OF SAID LOT TO THE NORTHEAST CORNER THEREOF; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT, A DISTANCE OF 170.94 FEET TO A POINT 5.19 FEET SOUTHEASTERLY OF THE NORTHWEST CORNER OF SAID LOT; THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE, A DISTANCE OF 218.54 FEET TO THE PLACE OF BEGINNING, AND ALL OF LOT 12 IN WILLE'S ADDITION TO WHEELING, BEING A SUBDIVISION OF PART OF LOT 11 IN WILLE'S CONSOLIDATION OF LAND, IN SECTIONS 1, 2, 11 AND 12, IN TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

(The above described property was formerly known as 50-52 South Milwaukee Avenue, Wheeling, Illinois, zoned B-3 General Commercial and Office.)

Section C

A Special Use is hereby granted under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-08 Commercial Districts, Section 19.08.040 B-3 General Commercial and Office District; Chapter 19-10 Use Regulations, Section 19.10.030 Special Uses; for a Planned Unit Development consisting of a multi-unit retail building and a bank building, subject to conditions, as shown on the Final Planned Unit Development Plan for the property legally described in Section B of this ordinance.

Section D

FINAL Site Plan, Landscape Plan and Building Elevation Approval is hereby granted under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-09 Planned Unit Developments, and as approved the site shall be developed substantially in conformance with the following plans/exhibits submitted by Camburas & Theodore Ltd. Architects, Engineers, and Interiors, except as noted, on behalf of Wheeling Shopping Center, Inc., for redevelopment of the Fresh Farms Shopping Center located on the property legally described in Section B of this ordinance:

Received 5.13.2009

- Lighting Specification Sheets (18 pages, 8-1/2 x 11)
- Sheet A-1 and A-1a Elevations

Received 10.27.2010 / Engineering Plans prepared by Pearson Brown:

- Sheet 1 – Cover Sheet
- Sheets 2 and 3 – Specifications
- Sheet 4 – Existing Conditions

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- Sheet 5 – Demolition Plan.
- Sheet 6 – Geometric Site Plan.
- Sheet 7 – Grading Plan w/ Erosion Control
- Sheet 8 – Utility Plan
- Sheet 9 and 10 – Details

Received 5.19.2010

- Final PUD Application Letter

Received 5.26.2010

- Photometric Plan

Received 6.12.2011

- Letter Describing Modifications to PUD plans.
- Sheet SP-1 Site Plan with List of Site Variations.
- Sheet LP-1 Landscape Plan
- Sheet MN-1, Monument Sign Specifications

Section E

The *FINAL* Planned Unit Development, Special Use, Site Plan and Building Appearance Approval granted in Sections B, C, and D of this ordinance are subject to the following conditions:

1. That the freestanding signs shall be located entirely onsite, but are allowed through the Planned Unit Development approval to have a 0.0' setback, provided that vision triangle is maintained;
2. That the landscaping plan and general design for the plaza area at the intersection of Dundee Road and Milwaukee Avenue are subject to future Village approval;
3. That the engineering geometric site plan shall supersede the architectural plans with respect to the area to be dedicated to the Village and the sidewalk/parkway configuration;
4. That an 8' solid board-on-board fence shall be installed surrounding the residential property to the south and west of the subject property, and tapering down at an angle approaching the streets;
5. That existing fencing that meets the general description in Condition 4 that is in good condition may remain, but shall be replaced at such time as the Village determines that the condition has deteriorated;
6. That the petitioner confirm the density of the groundcover prior to planting;
7. That the downspouts are to be internal;
8. That the petitioner discuss coordination of delivery hours with the School District;
9. That all public utilities shall be brought inside with the exception of gas meters and electrical transformers, which shall be screened in a similar fashion to the trash enclosure;
10. That the petitioner shall submit a landscaping irrigation plan;
11. That the petitioner shall work with Staff to provide adequate lighting for the parking area behind the retail units while minimizing the light spillage on the adjacent properties; and
12. That deliveries shall occur between 7:00 a.m. and 10:00 p.m.

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Previous Docket No: 2010-18

Section F

Ordinance Nos. 4437 and 4536 are hereby repealed in their entirety.

Section G

All ordinances or parts of ordinances that are in conflict herewith are hereby repealed.

Section H

This Ordinance shall be in full force and effect from and after its passage and approval, according to law.

Trustee Argiris moved, seconded by Trustee Brady that Ordinance No. 4614 be passed.

PASSED this 6th day of June, 2010.

President Abruscato <u>Aye</u>	Trustee Heer <u>Absent</u>
Trustee Argiris <u>Aye</u>	Trustee Hein <u>Aye</u>
Trustee Brady <u>Aye</u>	Trustee Lang <u>Aye</u>
	Trustee Vogel <u>Aye</u>

ORD. NO. 4614 APPROVED this 6th day of June, 2010.

Judy Abruscato
Judy Abruscato
Village President

ATTEST:

Elaine E. Simpson
Elaine E. Simpson, Village Clerk

The undersigned, Wheeling Shopping Center, Inc. LLC, as described in the foregoing Ordinance No. 4614, having read a copy of the foregoing Ordinance, does hereby accept, concur, and agree to develop the Subject Property in accordance with the terms and conditions stated in Ordinance No. 4614. This consent shall be binding upon all parties in interest and all successors and assigns.

Dated this 18th day of July, 2011.

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Previous Docket No. 2010-18

WHEELING SHOPPING CENTER INC., LLC

By: [Signature]

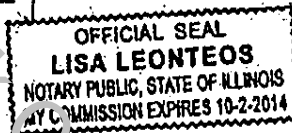
Name: Paul D. Sivaps

ITS: MEMBER

SUBSCRIBED AND SWORN TO

Before me this 18th day of July, 2011

[Signature]
Notary Public



APPROVED AS TO FORM ONLY:

[Signature]
Village Attorney

PUBLISHED in pamphlet form this 8th day of June, 2011, by order of the Corporate Authorities of the Village of Wheeling, Cook and Lake Counties, Illinois.

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EXHIBIT I

Prohibited Uses

AMUSEMENT ARCADES

AUTOMOBILE/MOTOR VEHICLE PART STORES, INCLUDING, BUT NOT LIMITED TO, TIRE AND BATTERY STORES

AUTOMOBILE/MOTOR VEHICLE REPAIR SHOPS

BILLIARD/POOL HALLS

CHILDCARE FACILITIES

CONSIGNMENT SHOPS

GAS STATIONS

LAUNDROMATS

MARKET RESEARCH COMPANIES

NEWS STANDS

PAY DAY LOAN STORES

PAWN SHOPS

PET STORES (OTHER THAN AS PERMITTED UNDER THE CLARIFYING LANGUAGE RELATIVE TO "DISCOUNT OR OFF-PRICE RETAILERS OF ANY KIND" AS SET FORTH ABOVE)

SHOE REPAIR STORES

SWIMMING POOL SALES AND SUPPLY STORES

TAVERNS

TATTOO/BODY PIERCING ESTABLISHMENTS

TAX EXEMPT ORGANIZATIONS

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TEEN RECREATION AND DANCE CENTER

TELEMARKETING SERVICES

THRIFT STORES

THEATERS (MOVIE AND LIVE PERFORMANCES)

VIDEO STORES

VEHICLE/EQUIPMENT RENTAL STORES

WHOLESALE CLUBS (I.E., ESTABLISHMENTS THAT PRIMARILY SELL PRODUCTS IN LARGE QUANTITIES FOR RESALE TO OTHER RETAILERS AND MERCHANTS, OR INDUSTRIAL, INSTITUTIONAL, AND/OR COMMERCIAL USERS), ESTABLISHMENTS THAT SELL A VARIETY OF GOODS TO THE GENERAL PUBLIC (INCLUDING ESTABLISHMENTS THAT SELL MEMBERSHIPS), SUCH AS SAM'S CLUB, BJ'S WHOLESALE CLUB, COSTCO, AND OTHER COMPARABLE MERCHANTS SHALL NOT BE DEEMED "WHOLESALE CLUBS" FOR PURPOSES OF THIS EXHIBIT.

IT IS THE INTENT THAT THE ABOVE LISTED CATEGORIES OF PROHIBITED USES ARE TO BE LIBERALLY CONSTRUED SUCH THAT A USE WHICH ARGUABLY FALLS INTO ONE OF THE CATEGORIES IS PROHIBITED. NOTHING SHALL PREVENT THE VILLAGE, IN ITS SOLE AND EXCLUSIVE DISCRETION, FROM ALLOWING A PROHIBITED USE TO EXIST AS PART OF THE DEVELOPMENT, PURSUANT TO A WRITTEN APPROVAL BY THE VILLAGE.