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KAREN A. YARBROUGH

COOK COUNTY RECORDER OF DEEDS

DATE: 09/13/2018 12:21 PM PG: 1 OF 9

## Ordinance 2018-36

**An Ordinance Granting a Renewal of a Special Permit to Allow the Continued Operation of Wireless Telecommunications Antennas Located on the Existing Building at 500 Skokie Boulevard (Sprint/KGPCo: 500 Skokie Boulevard) (Plan Commission Docket No. PCD-18-08)**

Passed by the Board of Trustees, 6/26/2018  
Printed and Published 6/27/2018

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

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

/s/ Debra J. Ford  
Village Clerk

RECORDING FEE 52.<sup>00</sup>  
DATE 9/13/2018 COPIES 61  
OK BY [Signature]

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## Ordinance 2018-36

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

### **An Ordinance Granting a Renewal of a Special Permit to Allow the Continued Operation of Wireless Telecommunications Antennas Located on the Existing Building at 500 Skokie Boulevard (Sprint/KGPCo: 500 Skokie Boulevard) (Plan Commission Docket No. PCD-18-08)**

shall be, and is hereby, adopted as follows:

#### Section 1. BACKGROUND

Sprint/KGPCo ("*Applicant*") is the lessee of a portion of the property located at 500 Skokie Boulevard ("*Property*") in the Village of Northbrook. The Applicant has requested the renewal of a special permit to allow for the continued operation of wireless telecommunications antennas ("*Antenna Facilities*") located on the roof the existing building on the Property within the district height limits (Northbrook SIC Code No. 4810.02). The Property is zoned in the O-4 Boulevard Office District and is owned by MJH Northbrook, LLC ("*Owner*"). The Owner has consented to the Applicant's request for the renewal of a special permit.

The Antenna Facilities were originally erected pursuant to a special permit granted to Nextel West Corp., the Applicant's predecessor, by Village Ordinance No. 00-36, which became effective on November 8, 2001 and had a ten year term. Ordinance 00-36 was set to expire, but was renewed by Ordinance No. 12-32 which became effective on October 15, 2012 and expired on November 30, 2017, and was not renewed prior to expiring. The Antenna Facilities have continued to operate on the Property without incident or compliant since that time.

The Antenna Facilities have operated since 2000 without incident and the President and the Board of Trustees have determined that the circumstances under which the original special permit was granted have not changed. Therefore, the President and the Board of Trustees have determined that it is

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in the best interests of the Village and the public to renew the special permit granted by Ordinance No. 00-36.

## Section 2. DESCRIPTION OF PROPERTY

The Property is commonly known as 500 Skokie Boulevard, and is legally described in *Exhibit A* attached to and, by this reference, made a part of this Ordinance. The Property is located in the O-4 Boulevard Office District.

## Section 3. PUBLIC HEARING

A public hearing to consider the Applicant's request for the renewal of a special permit was duly advertised on May 17, 2018 in the *Northbrook Star* and was held at the Plan Commission's regular meeting on June 5, 2018 during which time the Plan Commission adopted Resolution No. 18-PC-06 recommending approval of Docket No. PCD-18-08.

## Section 4. SPECIAL PERMIT.

Subject to and contingent upon the conditions, restrictions, and provisions set forth in Section 5 of this Ordinance, a special permit to maintain and continue to operate a maximum of nine antennas and related electronic equipment and equipment structures on the Property (Northbrook SIC Code No. 4810.02) is hereby renewed and extended for the benefit of the Applicant in accordance with and pursuant to Subsection 11-602 E1 of the Code and the home rule powers of the Village.

## Section 5. SPECIAL PERMIT CONDITIONS.

The special permit renewed in Section 4 of this Ordinance shall be, and is hereby, expressly subject to and contingent upon each of the following conditions, restrictions, and provisions:

- a. Number of Antennas. The Antenna Facilities shall be composed of a maximum of nine panel antennas and a maximum of two global positioning antennas.
- b. Location of Antenna Facilities. The Antenna Facilities shall be mounted on top of the existing penthouse structure. The nine panel antennas shall not exceed a height that is seven feet above the top of the existing penthouse structure. The global positioning antenna shall not exceed a height that is nine feet above the top of the existing penthouse structure.
- c. Screen Wall. The nine panel antennas shall continue to be completely screened by the existing seven foot high screen wall on the existing penthouse structure. The two global positioning antennas shall be permitted to extend no more than two feet above the screen wall. Any changes to the screen wall must be approved by the Director of Development and Planning Services.
- d. Dimensions of Antennas. The nine panel antennas shall measure no more than six feet long by one foot wide and the global positioning antennas shall measure no more than nine feet tall.

## Section 6. FAILURE TO COMPLY WITH CONDITIONS.

Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the special permit renewed in Section 4 of this Ordinance shall, at the sole discretion of the Village Board of Trustees, by ordinance duly adopted, be revoked and

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become null and void; provided however that the Village Board of Trustees may not so revoke the special permit unless it shall first provide the Applicant and the Owner 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 shall be governed solely by the regulations of the O-4 Boulevard Office District, as the same may, from time to time, be amended. Further, in the event of such revocation of the special permit, 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 have been given and public hearings have been held with respect to the adoption of this renewal Ordinance, has considered the possibility of the revocation provided for in this Section, and agrees not to challenge any such 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 is given.

## Section 7. TERM.

The Special Permit granted in Section 4 of this Ordinance shall automatically expire, and the designated use shall terminate after a period of five years from the effective date of this Ordinance unless prior to such date, the Applicant, with the written consent of the Owner, shall have requested, and the Corporate Authorities shall have granted, a renewal in accordance with Subsection 11-602 K of the Zoning Code.

## Section 8. BINDING EFFECT; TRANSFERABILITY.

The privileges, obligations, and provisions of each and every Section of this Ordinance, are for, and shall be binding on, the Applicant operating the Facility, except as otherwise expressly provided in this Ordinance. Nothing in this Ordinance shall be deemed to allow this Ordinance to be transferred to any person, or entity unless and until (a) such person, or entity ("*Transferee*") executes and files with the Village Clerk an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance in a form acceptable to the Village Manager and (b) the Board of Trustees has approved such transfer by resolution duly adopted.

## Section 9. EFFECTIVE DATE.

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

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B. In the event that the Applicant does not file with the Village Clerk a fully executed copy of the unconditional agreement and consent referenced in Section 9.A.iii of this Ordinance within 90 days of the date of passage of this Ordinance by the corporate authorities, the corporate authorities shall have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

Adopted: 6/26/2018

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	James Karagianis, Trustee
<b>SECONDER:</b>	Kathryn Ciesla, Trustee
<b>AYES:</b>	Frum, Karagianis, Buehler, Ciesla, Collison, Han
<b>ABSENT:</b>	Bob Israel

ATTEST:

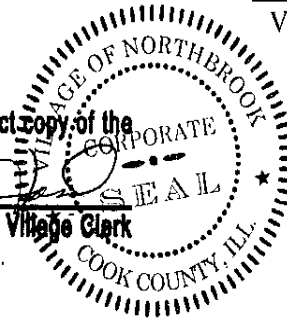
/s/ Sandra E. Frum  
Village President

/s/ Debra J. Ford  
Village Clerk

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

9-4-2018  
Date

[Signature]  
Village Clerk



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## EXHIBIT A

### Legal Description

LOT 2 IN LANE PARK SUBDIVISION (EXCEPT OUTLOT B) IN THE SOUTHEAST ¼ OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, RECORDED JULY 19, 1976 AS DOCUMENT NO. 29960771.

Commonly known as: 500 Skokie Boulevard, Northbrook, IL 60062

PIN 04-02-402-030

COOK COUNTY  
RECORDER OF DEEDS

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## EXHIBIT B

### Unconditional Agreement and Consent of Applicant

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

WHEREAS, Sprint/KGPCo ("*Applicant*"), is the licensee of a portion of the property located at 500 Skokie Boulevard, Northbrook, Illinois ("*Property*") and MJH Northbrook LLC, an ~~Illinois~~ *Delaware (nd)* limited liability company, is the owner of the Property ("*Owner*"); and

WHEREAS, the Property is located within the O-4 Boulevard Office District, in which the erection and operation of wireless services antennas in excess of district height limitations is allowed by special permit; and

WHEREAS, on June 27, 2000, the President and Board of Trustees of the Village of Northbrook adopted Ordinance No. 00-36 granting the Applicant a special permit for erection and operation of a maximum of nine panel antennae and a maximum of two global positioning antennae, related electronic equipment and equipment structures ("*Antenna Facilities*"), within or in excess of the O-4 Boulevard Office District Height Limitations (Northbrook SIC Code No. 4810.02) ("*Special Permit*"); and

WHEREAS, the Applicant has applied for the renewal the of Special Permit allowing for the continued operation of the Antenna Facilities, within or in excess of the O-4 Boulevard Office District Height Limitations (Northbrook SIC Code No. 4810.02) on the Property; and

WHEREAS, Ordinance No. 18-36, adopted by the President and Board of Trustees of the Village of Northbrook on June 26, 2018 ("*Ordinance*"), grants approval of such renewal, subject to certain conditions, for the benefit of the Applicant; 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 said Ordinance, and the Owner desires to evidence its consent to recording the Ordinance against the Property;

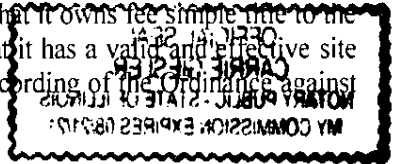
NOW THEREFORE, the Applicant and the Owner do hereby agree and covenant as follows:

1. The Applicant shall, and does hereby unconditionally agree to, accept, consent to and abide by all of the terms, conditions, restrictions, and provisions of that certain Ordinance No. 18-36, adopted by the Village Board of Trustees on June 26, 2018 and Ordinance No. 00-36, as modified by Ordinance No. 18-36.
2. The Applicant acknowledges and agrees that the Village is not and shall not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's review and approval of any plans for the Property, or the issuance of any permits for the use and development of the Property, and that the Village's review and approval of any such plans and issuance of any such permits does not, and shall not, in any way, be deemed to insure the Applicant against 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

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challenge any such revocation on the grounds of any procedural infirmity or any denial of any procedural right, provided that the notice to the Applicant required by Section 5 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, 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 by the Applicant of its obligations under this Unconditional Consent and Agreement.
5. The Applicant shall, and does hereby agree to, pay all expenses incurred by the Village in defending itself with regard to any and all of the claims mentioned in this Unconditional Consent and Agreement. These expenses shall include all out-of-pocket expenses, such as attorneys' and experts' fees, and shall also include the reasonable value of any services rendered by any employees of the Village.
6. The Owner warrants and represents to the Village that it owns fee simple title to the Property, the Applicant warrants and represents that it has a valid and effective site license for the Property and each consents to the recording of the Ordinance against the Property.



ATTEST:

By: \_\_\_\_\_  
Signature

SPRINT/KGPCo

By: Mehreen Shewani  
Signature

By: \_\_\_\_\_  
Print Name

By: Mehreen Shewani  
Print Name

Its: \_\_\_\_\_

Its: \_\_\_\_\_

SUBSCRIBED and SWORN to  
before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Notary Public



08/16/2018



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ATTEST:

By: [Signature]  
Signature

MJH NORTHBROOK, LLC, an ~~Illinois~~ Delaware (BL)  
limited liability company

By: [Signature]  
Signature

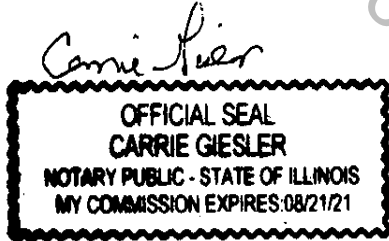
By: MARTO LAMACCHIA  
Print Name

By: BARBARA LIEBOW  
Print Name

Its: Asst General Manager

Its: Senior Vice President

SUBSCRIBED and SWORN to  
before me this 27<sup>th</sup> day of  
August, 2018.



8/24/2018

Property of Cook County Clerk's Office