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Prepared by:
Klein, Thorpe and Jenkins, Ltd.
20 North Wacker Drive
Suite 1660
Chicago, Illinois 60606
Attorney Michael T. Jurusik

Prepared on behalf of:
Village of Western Springs

PIN: None
Dedicated, Unimproved Street
Right of Way



Doc# 1904234064 Fee \$56.00

EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 02/11/2019 02:19 PM PG: 1 OF 10

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COOK COUNTY, ILLINOIS
RECORDING COVER SHEET
FOR VILLAGE OF WESTERN SPRINGS

ORDINANCE NO. 19-2947

ORDINANCE APPROVING A CONDITIONAL USE PERMIT ("CUP") FOR
"MUNICIPAL UTILITY AND SERVICE USE" CONSISTING OF THE INSTALLATION
AND OPERATION OF VILLAGE WATER WELL NO. 5 WITHIN THE DEDICATED,
UNIMPROVED PORTION OF THE ELLINGTON AVENUE RIGHT-OF-WAY LYING
SOUTH OF THE ELLINGTON AVENUE CUL-DE-SAC AND NORTH OF THE
HILLGROVE AVENUE RIGHT-OF-WAY

RECORDING FEE \$56⁻
DATE 2/11/19 COPIES 6x
OK BY Rv1870

After recording return to:
RECORDER'S BOX 324 [MTJ]

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affixed and attested by their duly authorized parties hereto have caused their respective corporate names to be subscribed hereto and their respective corporate seals to be hereto

IN WITNESS WHEREOF, the Secretary of State of Illinois, certified by an officer of the Agency to the Agency, if any, that fact shall be evidenced by a resolution or motion passed by the corporate authorities of the Charter

(d) Evidence of Customer Action. Wherever in this Contract the consent or authorization of a Charter Customer or both Charter Customers are required, that consent may only be evidenced by a resolution or motion passed by the corporate authorities of the Charter

(e) Severability. Should any part, term, or provision of this Contract be determined by a court of competent jurisdiction to be illegal or in conflict with any law, the application of such term or provision to circumstances or in respects

(f) Filing. Promptly upon amending of this Contract, a copy of the Contract or amendment shall be filed in the office of the Secretary of State of Illinois and with the Cook County Recorder by the Agency. Promptly upon the dissolution of the Agency, if any, that fact shall be certified by an officer of the Agency to the Secretary of State of Illinois.

(g) Execution in Counterparts. This Contract may be executed in several counterparts, each of which shall be deemed to be an original, and all of which shall constitute but one and the same instrument. Any such counterpart may be signed by one or more of the parties hereto so long as each of the parties hereto has signed one or more of such counterparts.

Notwithstanding any of the provisions of this Contract, the Agency is not prohibited by this Contract from entering into cooperative arrangements with other suppliers of Lake Water to provide Lake Water to each other to meet their water needs, provided that these arrangements do not interfere, except in emergencies, with the delivery of Lake Water to the Members.

(d) Evidence of Customer Action. Wherever in this Contract the consent or authorization of a Charter Customer or both Charter Customers are required, that consent may only be evidenced by a resolution or motion passed by the corporate authorities of the Charter

(e) Severability. Should any part, term, or provision of this Contract be determined by a court of competent jurisdiction to be illegal or in conflict with any law, the application of such term or provision to circumstances or in respects

(f) Filing. Promptly upon amending of this Contract, a copy of the Contract or amendment shall be filed in the office of the Secretary of State of Illinois and with the Cook County Recorder by the Agency. Promptly upon the dissolution of the Agency, if any, that fact shall be certified by an officer of the Agency to the Secretary of State of Illinois.

other than those to which it has been determined to be invalid or unenforceable shall not be affected thereby, and such invalid or unenforceable provision shall be modified to the minimum extent necessary to render such term or provision valid and enforceable and to effect the intent of this Contract.

Each Member shall grant without charge to the Agency any reasonably required construction easements and any easements necessary for portions of the Waterworks System to be located on such Member's property, provided the Agency agrees to restore the easement property in a reasonable manner after construction. Each Member shall grant the Agency access to its property to the extent reasonably necessary to construct and install the points of delivery and the appurtenant devices.

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STATE OF ILLINOIS)
)ss
 COUNTY OF COOK)

CLERK'S CERTIFICATE

I, Elaine T. Haeske, Deputy Clerk Of The Village Of Western Springs, In The County Of Cook And State Of Illinois, Do Hereby Certify That Attached Hereto Is A True And Correct Copy Of Ordinance No. 19-2947 Approving A Conditional Use Permit ("CUP") For "Municipal Utility And Service Use" Consisting Of The Installation And Operation Of Village Water Well No. 5 Within The Dedicated, Unimproved Portion Of The Ellington Avenue Right-Of-Way Lying South Of The Ellington Avenue Cul-De-Sac And North Of The Hillgrove Avenue Right-Of-Way Dated January 28, 2019.

IN WITNESS WHEREOF, I Have Hereunto Set My Hand And Affixed The Seal Of The Said Village Of Western Springs This 4th day of February, 2019.



Elaine T. Haeske
 Elaine T. Haeske, Deputy Village Clerk
 Village Of Western Springs

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ORDINANCE NO. 19-2947

VOTE: Passed by an omnibus vote.

Voting aye: Trustees Allen, Hansen,

Rudolph, Tymick, Tyrrell and President

Gallagher.

Voting nay: None

Absent: Trustee Sifer mann

DATE: January 28, 2019

OTHER:

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT ("CUP") FOR "MUNICIPAL UTILITY AND SERVICE USE" CONSISTING OF THE INSTALLATION AND OPERATION OF VILLAGE WATER WELL NO. 5 WITHIN THE DEDICATED, UNIMPROVED PORTION OF THE ELLINGTON AVENUE RIGHT-OF-WAY LYING SOUTH OF THE ELLINGTON AVENUE CUL-DE-SAC AND NORTH OF THE HILLGROVE AVENUE RIGHT-OF-WAY

WHEREAS, the Village of Western Springs (the "Applicant" or "Village") has filed an application (the "Application") pursuant to Section 10-3-14, *et seq.* of the Western Springs Development Control Ordinance ("DCO") seeking a Conditional Use Permit for a "municipal utility and service use" consisting of the installation, placement, construction, inspection, testing, operation and maintenance of Water Well No. 5 and its related infrastructure improvements (e.g., water main lines, water service lines, pipes, valves, vaults, meters, electrical components and a twelve (12) foot by twenty (20) foot housing structure) (the "Zoning Relief" or "Requested Relief" or "Requested Use"), at the below-described real property, which currently is unimproved green space located east of the playground area and garden owned by School District No. 101 and west of Field Park (the "Property") and is owned by the Village of Western Springs (the "Property Owner" or the "Village"). The legal description of the Property is set forth on **EXHIBIT "A"** attached hereto and made a part hereof; and

WHEREAS, if approved, Water Well No. 5 and its related infrastructure improvements (e.g., water main lines, water service lines, pipes, valves, vaults, meters, electrical components and a twelve (12) foot by twenty (20) foot housing structure) will be constructed, operated and maintained by the Village as a part of its waterworks system. The Property is located in the R2 – Single Family Residence District, and the proposed "municipal utility and service use" to install and operate Water Well No. 5 is listed as a "permitted" conditional use under Section 10-6-3(B) (R2 – Single Family Residence District; Conditional Uses) of the DCO. Water Well No. 5 is consistent with the goals and recommendations of the Village Comprehensive Land Use Plan in relation to community facilities and services and public and institutional land uses; and

WHEREAS, the Applicant submitted an Application dated December 3, 2018, consisting of the following documents for consideration and approval: Application Exhibit "B-1": Cover letter signed by the Applicant's Village Manager (Ingrid S. Velkme), dated December 3, 2018; Application Exhibit "B-2": Legal Description of the Subject Property; Application Exhibit "B-3": Site Plan and Diagram of Temporary Construction Easements, dated July 13, 2018 and prepared by Baxter & Woodman Consulting Engineers; Application Exhibit "B-4": Project Location Map dated October 3, 2018 and prepared by Baxter & Woodman Consulting Engineers; Application Exhibit "B-5": Existing Use and Zoning on

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Neighboring Properties Sheet; Application Exhibit "B-6": Photographs Depicting Approximate Size and Design of the Water Well No. 5 Building; Application Exhibit "B-7": Land Use Compatibility and Real Estate Impact Study dated December 1, 2018 and prepared by Dale Kleszynski, MAI, SRA, of Associated Property Counselors, Ltd. (the "Kleszynski Land Use Study"); Application Exhibit "B-8": Village Staff Report dated December 4, 2018 and prepared by Martin Scott, Director of Community Development (also the Village's "Chief Code Officer") regarding the Application's compliance with the applicable zoning regulations, including the CUP Standards set forth in Section 10-3-14 (Conditional Uses) of the DCO (collectively referred to as the "Application"). The Site Plan and portions of the Project Plans that relate to the above ground portions of the Water Well No. 5 improvements are part of the Application, but there are portions of the Project Plans that are specific to the construction of the portion of Water Well No. 5 that is located below ground, which have been prepared by the Village's Project Engineer (Baxter & Woodman, Inc.) that have been filed with the Illinois Environmental Protection Agency ("IEPA") and are not part of the Application due to security reasons and their not being significantly relevant to the requested Zoning Relief (collectively referred to as the "Site Plan and Project Plans"). The Application is on file with the Village and is incorporated herein by reference as **GROUP EXHIBIT "B"** and made a part hereof; and

WHEREAS, pursuant to notice published in a newspaper and posted as required by State law and the Village Code, a public hearing was conducted on December 20, 2018 (the "Public Hearing"), by the Western Springs Plan Commission, to consider the requested relief sought in the Applicant's Application; and

WHEREAS, after closing the Public Hearing on December 20, 2018, the Plan Commission unanimously approved Recommendation No. 18-02 relative to the Applicant's Application, and the Plan Commission favorably recommended approval of the Zoning Relief and the Application, subject to certain recommendations and conditions. A copy of Recommendation No. 18-02 is incorporated herein by reference as **EXHIBIT "C"** and made a part hereof; and

WHEREAS, the Village Board, at the January 14, 2019 Workshop Meeting and the January 28, 2019 Village Board Meeting, considered the findings and recommendations made by the Plan Commission in Recommendation No. 18-02, and approved and adopted the findings and recommendations of the Plan Commission set forth in Recommendation No. 18-02 (incorporated by reference into this Ordinance as **EXHIBIT "C"**), and incorporate such findings and recommendations by reference into this Ordinance as if they were fully set forth herein; and

WHEREAS, in accordance with the authority granted by Sections 11-13-1 and 11-13-1.1 of the Illinois Municipal Code (65 ILCS 5/11-13-1 and 11-13-1.1) and Title 10 (Development Control Ordinance), Chapter 3 (Administrative Bodies and Procedures), Subsection 10-3-14 (Conditional Use) of the Western Springs Municipal Code of 1997, as amended, the President and Board of Trustees of the Village of Western Springs find that it is in the best interests of the Village to approve the Application and the Requested Zoning Relief, **SUBJECT TO THE CONDITIONS CONTAINED** in Section 3 below of this Ordinance.

BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WESTERN SPRINGS, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: The Whereas paragraphs set forth above are material provisions of this Ordinance

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and are incorporated into this Section 1 by reference and made a part hereof.

SECTION 2: The President and Board of Trustees of the Village of Western Springs grant the following approvals relative to the Application, SUBJECT TO THE CONDITIONS SET FORTH IN SECTION 3 BELOW:

A. Approval of a Conditional Use Permit, and issuance, in the form of this Ordinance, to the Applicant for a "municipal utility and service use" consisting of the installation, placement, construction, inspection, testing, operation and maintenance of Water Well No. 5 and its related infrastructure improvements (e.g., water main lines, water service lines, pipes, valves, vaults, meters, electrical components and a twelve (12) foot by twenty (20) foot housing structure) at the above-described Property, which currently is unimproved green space located east of the playground area and garden owned by School District No. 101 and west of Field Park.

SECTION 3: The approval of the Application and the Conditional Use Permit granted by this Ordinance in Section 2 above are subject to the following:

A. Approval by the President and Board of Trustees of the final version of the Site Plan and the Project Plans, after amendments are made to address the plan reviews performed by the Village staff and the Project Engineer, and the conditions required by the Village Board as well as other governmental regulatory agencies with oversight jurisdiction over Water Well No. 5 and its related infrastructure improvements (e.g., water main lines, water service lines, pipes, valves, vaults, meters, electrical components and housing structure), which approvals shall be incorporated by reference within this Ordinance without further action by the Village Board to amend this Ordinance.

B. The construction, operation and maintenance of Water Well No. 5 and its related infrastructure improvements (e.g., water main lines, water service lines, pipes, valves, vaults, meters, electrical components and housing structure) at the Property shall be in substantial conformance with the Application and its submittals, subject to the final version of the Site Plan and Project Plans, as approved by the Village Board, and shall conform to all applicable Village Codes, federal and State laws and regulations of other applicable units of government, except as otherwise modified by this Ordinance and any ordinance(s) that approve the final version(s) of the Site Plan and Project Plans for Water Well No. 5 and its related infrastructure improvements.

SECTION 4: The sections, terms, provisions and conditions of this Ordinance shall be severable, and if any section, term, provision or condition is found to be invalid or unenforceable for any reason by a court of competent, final jurisdiction, the remaining sections, terms, provisions and conditions shall remain in full force and effect.


SECTION 5: Any Ordinance, or portion thereof, in conflict with this Ordinance is repealed to the extent of such conflict. The terms, provisions and conditions set forth in this Ordinance, including those incorporated herein by reference, are covenants that run with the land and shall be released or amended only upon the written consent of the Village Board.

SECTION 6: This Ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

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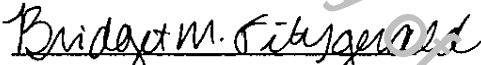
SECTION 7: A certified copy of this Ordinance shall be recorded against title to the Subject Property with the Cook County Recorder of Deeds Office ("CCRD)" by the Village, at the Applicant's cost. The Village shall provide the Applicant with stamped copies of this Ordinance after it is filed with the CCRD.

PASSED by the Board of Trustees of the Village of Western Springs, Cook County, Illinois, at a Regular Meeting thereof, held on the 28th day of January, 2019, and approved by the Village President on the same day.



Alice F. Gallagher, Village President

ATTEST:



Bridget M. Fitzgerald, Village Clerk

Property of Cook County Clerk's Office

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EXHIBIT "A"

Legal Description:

That portion of the sixty-six (66.00) foot wide dedicated, unimproved right-of-way of Ellington Avenue lying south of the 43rd Street right-of-way and north of the Hillgrove Avenue right-of-way, adjacent to and east of:

THAT PART OF LOT 2 IN BLOCK 27 IN FIELD PARK, BEING A SUBDIVISION OF THE WEST 5/8 OF THAT PART OF THE WEST HALF OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 22, 1917 AS DOCUMENT 6138586 AND ALSO PART OF LOT 54 IN THE RESUBDIVISION OF LOTS 3 AND 4 IN BLOCK 27 IN FIELD PARK, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 17, 1921 AS DOCUMENT 7165448, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF HILLGROVE AVENUE AND THE WEST LINE OF ELLINGTON AVENUE; THENCE NORTH ALONG THE WEST LINE OF ELLINGTON AVENUE, A DISTANCE OF 121.1 FEET; THENCE WEST, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 11.0 FEET; THENCE SOUTH ALONG A LINE, PARALLEL AND 11.0 FEET WEST OF THE WEST LINE OF ELLINGTON AVENUE, A DISTANCE OF 124 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF HILLGROVE AVENUE; THENCE NORTHEASTERLY ALONG THE NORTH LINE OF HILLGROVE AVENUE, A DISTANCE OF 11.4 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS; and

Adjacent to and west of:

THAT PART OF LOTS 55, 56 AND 57 IN THE RESUBDIVISION OF LOTS 1 AND 2 IN BLOCK 28 IN FIELD PARK, BEING A SUBDIVISION OF THE WEST 5/8 OF THAT PART OF THE WEST HALF OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 22, 1917 AS DOCUMENT 6138586, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF HILLGROVE AVENUE AND THE EAST LINE OF ELLINGTON AVENUE; THENCE NORTH ALONG THE EAST LINE OF ELLINGTON AVENUE, A DISTANCE OF 103.2 FEET; THENCE EAST, AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 68.0 FEET; THENCE SOUTH ALONG A LINE, PARALLEL AND 68.0 FEET EAST OF THE EAST LINE OF ELLINGTON AVENUE, A DISTANCE OF 85 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE OF HILLGROVE AVENUE; THENCE SOUTHWESTERLY ALONG THE NORTH LINE OF HILLGROVE AVENUE, A DISTANCE OF 70.4 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, IN COOK COUNTY, ILLINOIS;

PIN Number: None

Common Address: None
Western Springs, Illinois 60558

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GROUP EXHIBIT "B"

Application dated December 3, 2018 with the following supporting documents:

- **Application Exhibit "B-1"**: Cover letter signed by the Applicant's Village Manager (Ingrid S. Velkme), dated December 3, 2018.
- **Application Exhibit "B-2"**: Legal Description of the Subject Property.
- **Application Exhibit "B-3"**: Site Plan and Diagram of Temporary Construction Easements, dated July 13, 2018 and prepared by Baxter & Woodman Consulting Engineers.
- **Application Exhibit "B-4"**: Project Location Map dated October 3, 2018 and prepared by Baxter & Woodman Consulting Engineers.
- **Application Exhibit "B-5"**: Existing Use and Zoning on Neighboring Properties Sheet.
- **Application Exhibit "B-6"**: Photographs Depicting Approximate Size and Design of Water Well No. 5 Building.
- **Application Exhibit "B-7"**: Land Use Compatibility and Real Estate Impact Study dated December 1, 2018 and prepared by Dale Kleszynski, MAI, SRA, of Associated Property Counselors, Ltd. (the "Kleszynski Land Use Study").
- **Application Exhibit "B-8"**: Village Staff Report dated December 4, 2018 and prepared by Martin Scott, Director of Community Development (also the Village's "Chief Code Officer") regarding the Application's compliance with the applicable zoning regulations, including the CUP Standards set forth in Section 10-3-14 (Conditional Uses) of the DCO.

(on file with the Village and incorporated by reference and made a part hereof)

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EXHIBIT "C"

**Western Springs Plan Commission
Recommendation No. 18-02**

(to file with the Village and incorporated by reference and made a part hereof)

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