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EDWARD M. MOODY

COOK COUNTY RECORDER OF DEEDS

DATE: 02/13/2020 12:03 PM PG: 1 OF 7

Ordinance 2020-3

An Ordinance Approving the Renewal of Ordinance No. 17-37 Granting Accessory Retail Sales in the I-1 District (Vapor 4 Life – 4080 Commercial Avenue) (Plan Commission Docket No. BOT-19-07)

Passed by the Board of Trustees, 1/14/2020
Printed and Published 1/15/2020

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/ Debbie J. Ford
Village Clerk

After recording, return to
Recorder's Box 337

RECORDED FEE 88
DATE 2-13-20 COPIES 6X
OK BY JA

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ORDINANCE NO. 2020-03

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 Approving the Renewal of Ordinance No. 17-37 Granting Accessory Retail Sales in the I-1 District (Vapor 4 Life – 4080 Commercial Avenue) (Plan Commission Docket No. BOT-19-07)

be and is hereby adopted as follows:

Section 1. BACKGROUND.

On August 8, 2017, the Corporate Authorities adopted Ordinance No. 17-37 granting Vapor 4 Life Holdings, Inc. ("**Applicant**") a special permit to allow accessory retail sales of items manufactured, processed, assembled or warehoused on the Property ("**Facility**") in Suite A of 4080 Commercial Avenue ("**Property**") which is owned by Northbrook Commercial Properties, LLC (the "**Owner**") and is located in the I-1 Restricted Industrial District.

The special permit granted by Ordinance No. 2017-37 has a term that will expire on January 31, 2020. The Applicant has submitted an application requesting a renewal of the special permit granted in Ordinance No. 17-37 pursuant to Subsection 11-602 K of the Northbrook Zoning Code (1988), as amended ("**Zoning Code**"). The Owner has consented to the Applicant's request for a renewal.

The Facility has operated since 2017 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 Corporate Authorities have determined that it is in the best interests of the Village and the public to renew the special permit originally granted by Ordinance No. 17-37.

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Section 2. DESCRIPTION OF PROPERTY.

The Property is commonly known as 4080 Commercial Avenue, which is legally described in **Exhibit A**, attached to and by this reference made a part of this ordinance. The Property is located within the I-1 Restricted Industrial District.

Section 3. PUBLIC HEARING AND PUBLIC MEETING.

A public hearing to consider the renewal of the special permit was duly advertised and was held at the Board of Trustees regular meeting on January 14, 2020.

Section 4. RENEWAL OF SPECIAL PERMIT.

Subject to and contingent upon the conditions, restrictions, and provisions set forth in Ordinance No. 17-37, and pursuant to Subsection 11-602 K of the Zoning Code, special permit to allow the operation of Accessory Retail Sales of items manufactured, processed, assembled or warehoused (Northbrook SIC No. 9982.00) on the Property ("*Special Permit*"), is hereby, renewed and granted to the Applicant.

Section 5. RESTATEMENT OF ORDINANCE NO. 17-37.

All terms, provisions, conditions, and restrictions of Ordinance No. 17-37 shall remain in full force and effect except as set forth in sections 6 and 7 of this Ordinance.

Section 6. MODIFICATION TO MINIMUM PERMITTED AGE.

All of the conditions set forth in Section 5 of Ordinance No. 17-37 shall remain in full force and effect with the exception of Subsection 5(C) which shall be modified to prohibit customers under the age of 21 from entering the Subject Property.

Section 7. TERM.

The renewal granted in Section 4 of this Ordinance shall terminate on the date that is January 31, 2022, after the effective date of this Ordinance, unless prior to such date, the Applicant shall have requested, and the Corporate Authorities, in its sole and absolute discretion, shall have granted a renewal in accordance with Section 11-602 K of the Zoning Code.

Section 8. 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 Applicant and Owner with the Village Clerk, for recording in the Office of the Cook County Recorder of Deeds, 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. Such unconditional agreement and consent shall be in the form attached to

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and, by this reference, made part of this Ordinance as *Exhibit B*, and shall be executed by the Applicant.

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 Paragraph 8.A.iii above within 60 days after 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: 1/14/2020

| | |
|------------------|--|
| RESULT: | ADOPTED BY CONSENT VOTE [6 TO 0] |
| MOVER: | Bob Israel, Trustee |
| SECONDER: | Johannah Hebl, Trustee |
| AYES: | Ciesla, Israel, Collison, Ross, Hebl, Pepoon |
| ABSTAIN: | Sandra Frum |

ATTEST:

/s/ Debra J. Ford
Village Clerk

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

2/6/20
Date

[Signature]
Village Clerk



/s/ Sandra E. Frum
Village President

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EXHIBIT A

Legal Description of the Property

LOT 2 IN THE PLAT OF RESUBDIVISION OF LOTS 2 AND 3 IN VORBROOK COMMERCIAL PARK AND OF LOT 1 IN E.M.I. RESUBDIVISION, BEING A RESUBDIVISION OF LOTS 4 TO 9 INCLUSIVE, 12, 13, 14, 16 AND 17 IN VORBROOK COMMERCIAL PARK, IN SECTION 6, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, ACCORDING TO SAID PLAT OF RESUBDIVISION RECORDED AUGUST 3, 1995 AS DOCUMENT 95513270.

Commonly known as: 4080 Commercial Avenue, Suite A, Northbrook, Illinois

PIN: 04-06-107-004

Property of Cook County Clerk's Office

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EXHIBIT B

Applicant's Unconditional Agreement and Consent

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

WHEREAS, Vapor 4 Life Holdings, Inc. ("**Applicant**"), has applied for renewal of a special permit to allow the continued operation of accessory retail sales at 4080 Commercial Avenue, Suite A in the Village of Northbrook ("**Property**") which is owned by Northbrook Commercial Properties, LLC ("**Owner**"); and

WHEREAS, Ordinance No. 2020-03, adopted by the President and Board of Trustees of the Village of Northbrook on January 14, 2020, grants such a renewal, subject to certain conditions; and

WHEREAS, Section 7 of said Ordinance provides that said Ordinance will be of no force or effect unless and until the Applicant and shall have filed with the Village Clerk, within 60 days after its passage, its unconditional agreement and consent executed by the Applicant and the Owner to accept and abide by each of the terms, conditions and limitations set forth in said Ordinance;

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 Village Ordinance No. 2020-03, adopted by the Village Board of Trustees on January 14, 2020 which renewed the special permit originally granted by Ordinance No. 2017-37 ("**Ordinance**").
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 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 7 of Ordinance No. 2017-37 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 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.

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- 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 and consents to the recording of the Ordinance against the Property.

ATTEST:

VAPOR 4 LIFE HOLDINGS, INC., an Illinois corporation

By: *Melanie A. Miller*
Signature

By: *S. Miller*
Signature

By: Melanie A. Miller
Print Name

By: Steve R. Miller
Print Name

Its: Secretary

Its: Owner/CEO

SUBSCRIBED and SWORN to before me this 31st day of January, 2020.



Samantha Wilkenson
Notary Public

ATTEST:

NORTHBROOK COMMERCIAL PROPERTIES, LLC, an Illinois limited liability company

By: _____
Signature

* By: *Jamal Alwathiq*
Signature

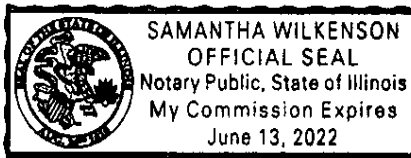
By: _____
Print Name

By: Jamal Alwathiq
Print Name

Its: _____

Its: Principal

SUBSCRIBED and SWORN to before me this 31st day of January, 2020.



Samantha Wilkenson
Notary Public