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Prepared by and return to:
Village of Lincolnwood
6900 N. Lincoln Avenue
Lincolnwood, IL 60712
Attn: Village Clerk, Beryl Herman



Doc# 2334622033 Fee \$88.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 12/12/2023 04:05 PM PG: 1 OF 8

THIS SPACE FOR COUNTY CLERK'S USE ONLY

VILLAGE OF LINCOLNWOOD

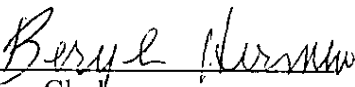
ORDINANCE NO. 2023-3736

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW THE OPERATION OF A DISTRIBUTION CENTER

(7100 North Ridgeway Avenue)

ADOPTED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF LINCOLNWOOD
THIS 28th DAY OF NOVEMBER, 2023.

Published in pamphlet form
by the authority of the
President and Board of Trustees
of the Village of Lincolnwood,
Cook County, Illinois this
28th day of November, 2023


Village Clerk

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ORDINANCE NO. 2023-3736

AN ORDINANCE APPROVING A SPECIAL USE PERMIT TO ALLOW THE OPERATION OF A DISTRIBUTION CENTER (7100 North Ridgeway Avenue)

WHEREAS, 7100 Ridgeway Avenue Realty, LLC ("**Owner**") is the record title owner of that certain property located in the Village in the M-B Light Manufacturing / Business District ("**M-B District**"), commonly known as 7100 Ridgeway Avenue, and legally described in **Exhibit A** attached to and, by this reference, made a part of this Ordinance ("**Property**"); and

WHEREAS, the Owner currently operates an approximately 18,000 square foot warehouse on the Property ("**Warehouse**"); and

WHEREAS, the Property abuts other properties in the M-B District to the south, east, and north, and properties in the R-3 Residential District to the west; and

WHEREAS, pursuant to Table 4.01.1 in "The Village of Lincolnwood Zoning Ordinance" as amended ("**Zoning Ordinance**"), distribution centers are a special use in the M-B District; and

WHEREAS, the Owner filed an application requesting a special use permit to allow a distribution center ("**Distribution Center**") to be operated on the Property ("**Requested Relief**"); and

WHEREAS, a public hearing of the Plan Commission of the Village of Lincolnwood to consider approval of the Requested Relief was duly advertised in the *Lincolnwood Review* on October 12, 2023, and held on November 1, 2023; and

WHEREAS, on November 1, 2023, the Plan Commission made findings and recommendations in support of the Requested Relief, subject to specified conditions; and

WHEREAS, the Village President and Board of Trustees have determined that the Requested Relief meets the required standards for special use permits as set forth in Article V of the Zoning Ordinance; and

WHEREAS, the Village President and Board of Trustees have determined that it will serve and be in the best interests of the Village to grant the Requested Relief subject to the conditions, restrictions, and provisions of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF LINCOLNWOOD, COOK COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. APPROVAL OF A SPECIAL USE PERMIT. In accordance with, and pursuant to, Article V of the Zoning Ordinance, and the home rule powers of the Village, and subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 3

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of this Ordinance, the Village President and Board of Trustees hereby grant a special use permit to the Owner to allow the operation of the Distribution Center on the Property.

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Zoning Ordinance, the approval granted pursuant to Section 2 of this Ordinance is hereby expressly subject to, and contingent upon, the development, use, and maintenance of the Property in compliance with each and all of the following conditions:

- A. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the development, use, operation, and maintenance of the Distribution Center and the Property must comply at all times with all applicable Village codes and ordinances, as the same have been or may be amended from time to time.
- B. Reimbursement of Village Costs. In addition to any other costs, payments, fees, charges, contributions, or dedications required under applicable Village codes, ordinances, resolutions, rules, or regulations, the Owner must pay to the Village, promptly upon presentation of a written demand or demands therefor, all legal fees, costs, and expenses incurred or accrued in connection with the review, negotiation, preparation, consideration, and review of this Ordinance. Payment of all such fees, costs, and expenses for which demand has been made must be made by a certified or cashier's check. Further, the Owner will be liable for, and must pay upon demand, all costs incurred by the Village for publications and recordings required in connection with the aforesaid matters.

SECTION 4. RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Clerk's Recording Division. This Ordinance and the privileges, obligations, and provisions contained herein will inure solely to the benefit of, and be binding upon, the Owner and each of its heirs, representatives, successors, and assigns.

SECTION 5. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Owner to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, as applicable, the approval granted in Section 2 of this Ordinance will, at the sole discretion of the Village President and Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village President and Board of Trustees may not so revoke the approval granted in Section 2 of this Ordinance unless they first provide 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 Village President and Board of Trustees. In the event of revocation, the development and use of the Property will be governed solely by the regulations of the M-B District, and the applicable provisions of the Zoning Ordinance, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances.

SECTION 6. AMENDMENTS. Any amendments to the approval granted in Section 2 of this Ordinance that may be requested by the Owner after the effective date of this Ordinance

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may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Zoning Ordinance.

SECTION 7. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance will remain in full force and effect, and will be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8. EFFECTIVE DATE.

- A. This Ordinance will be effective only upon the occurrence of all of the following events:
1. Passage by the Village President and Board of Trustees in the manner required by law;
 2. Publication in pamphlet form in the manner required by law; and
 3. The filing by the Owner with the Village Clerk of an Unconditional Agreement and Consent, in the form of **Exhibit B** attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance; and
- B. In the event the Owner does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 8.A.3 of this Ordinance, within 30 days after the date of final passage of this Ordinance, the Village President and Board of Trustees will have the right, in its sole discretion, to declare this Ordinance null and void and of no force or effect.

[SIGNATURE PAGE FOLLOWS]

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PASSED this 28th day of November, 2023.

AYES: Trustees Ikezoe-Halevi, Saleem, Sargon, Diaz Herrera, Klatzco

NAYS: None

ABSENT: Trustee Martel

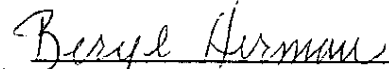
ABSTENTION:

APPROVED by me this 28th day of November, 2023.



Jesal Patel, President
Village of Lincolnwood, Cook County, Illinois

ATTESTED and FILED in my office this
28th day of November, 2023



Beryl Herman, Village Clerk
Village of Lincolnwood, Cook County, Illinois

Property of Cook County Clerk's Office

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EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Lot 1 (except the North 581 feet as measured at right angles to the East line thereof) and Lot 4 (except the South 409 feet as measured at right angles to the East line thereof) in John R. Wall's Addition to Lincolnwood, being a Resubdivision of part of the West ½ of the West ½ of the Northeast ¼ of the Northwest ¼ of Section 35, Township 41 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois.

Commonly known as: 7100 North Ridgeway Avenue, Lincolnwood, Illinois

P.I.N.: 10-35-104-075-0000

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EXHIBIT B

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Lincolnwood, Illinois (“*Village*”):

WHEREAS, 7100 Ridgeway Avenue Realty, LLC (“*Owner*”) is the record title owner of that certain property located in the Village in the M-B Light Manufacturing / Business District (“*M-B District*”), commonly known as 7100 Ridgeway Avenue (“*Property*”); and

WHEREAS, Ordinance No. 2023-3736, adopted by the Village President and Board of Trustees on November 28, 2023 (“*Ordinance*”), grants a special use permit to the Owner in connection with the operation of a distribution center on the Property; and

WHEREAS, Section 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Owner has filed, within 30 days following the passage of the Ordinance, its unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

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

1. The Owner hereby unconditionally agrees to accept, consent to, and abide by each and all of the terms, conditions, limitations, restrictions, and provisions of the Ordinance.

2. The Owner acknowledges that 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 a denial of any procedural right.

3. The Owner acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village’s granting of the special use permit for the Property or its adoption of the Ordinance, and that the Village’s approval does not, and will not, in any way, be deemed to insure the Owner against damage or injury of any kind and at any time.

4. The Owner hereby agrees to 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 the Village’s adoption of the Ordinance granting the special use permit for the Property.

[SIGNATURE PAGE FOLLOWS]

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Dated: 12-6-23,

ATTEST:

7100 RIDGEWAY AVENUE REALTY, LLC

By: *Cham Gluck*

By: *[Signature]*

Its: Witness

Its: OWNERS REAL.

Property of Cook County Clerk's Office

COOK COUNTY CLERK OFFICE
RECORDING DIVISION
118 N. CLARK ST. ROOM 120
CHICAGO, IL 60602-1387

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