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PREPARED BY:
VILLAGE OF NORTHBROOK
1225 CEDAR LANE
NORTHBROOK, IL 60062

AFTER RECORDING
RETURN TO:
RECORDER'S BOX 337



Doc# 2335228000 Fee \$88.00

KAREN A. YARBROUGH
COOK COUNTY CLERK

DATE: 12/18/2023 09:34 AM PG: 1 OF 6

NOTICE OF ADMINISTRATIVE SPECIAL PERMIT RENEWAL FOR A MOTOR VEHICLE DEALER WITH OPEN SALES LOT IN THE I-1 DISTRICT ORIGINALLY GRANTED BY ORDINANCE NO. 2020-38 (310 ANTHONY TRAIL – KMM TRUCK SALES, LLC)

THIS NOTICE OF ADMINISTRATIVE SPECIAL PERMIT RENEWAL is made as of
this 12 day of June, 2023, by the VILLAGE OF NORTHBROOK ("Village"), for the benefit of
KMM Truck Sales, LLC (the "Applicant").

1. BACKGROUND.

A. On October 27, 2020 the Corporate Authorities adopted Ordinance No. 2020-38 granting KMM Truck Sales, LLC ("Applicant") amongst other relief, a special permit to allow the establishment and maintenance of a motor vehicle dealer with an open sales lot for storage of up to five trucks or trailers ("Facility") on that certain parcel of real property commonly known as 310 Anthony Trail ("Property") which is owned by VIP Tech Electric, Inc. ("Owner").

B. The special permit granted by Ordinance No. 2020-38 included a term that will expire on July 31, 2023. The Applicant has submitted an application requesting an administrative renewal of the special permit granted in Ordinance No. 2020-38 pursuant to Subsection 11-602 K(1) of the Northbrook Zoning Code (1988), as amended ("Zoning Code") for a period of two years. The Owner has consented to the request for this renewal.

C. The Facility has operated on the Property since August 1, 2020 without incident and the Village's Director of Development and Planning Services has determined that the circumstances under which the original special permit was granted have not materially changed. Therefore, the Village has determined that it is in the best interests of the Village and the public to renew the special permit originally granted by Ordinance No. 2020-38 in accordance with the administrative renewal provisions of Subsection 11-602 K(1) of the Zoning Code.

{00133013.1}

RECORDING FEE 88.00
DATE 12-14-23 COPIES 62
OK BY BC

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2. **DESCRIPTION OF PROPERTY.** The Property is legally described in **Exhibit A**, attached to and by this reference made a part of this Notice. The Property is located within I-1 Restricted Industrial District.

3. **ADMINISTRATIVE RENEWAL OF SPECIAL PERMIT.** Subject to and contingent upon the conditions, restrictions, and provisions set forth in Ordinance No. 2020-38, and pursuant to Subsection 11-602 K of the Zoning Code, special permit to allow the operation of a motor vehicles dealer with open sales lot (Northbrook SIC Code No. 5510.02) on the Property ("**Special Permit**"), is hereby, renewed and granted to the Applicant.

4. **RESTATEMENT OF SPECIAL PERMIT.** All terms, provisions, conditions, and restrictions of Ordinance No. 2020-38 shall remain in full force and effect except as modified by the conditions set forth in Section 5 of this Notice.

5. **RENEWAL CONDITIONS**

A. **Term.** The renewal granted in Section 3 of this Notice will hereby terminate and the special permit will become invalid on the date that is July 31, 2025; unless prior to such date, Applicant has requested, and the Village, in its sole and absolute discretion, has granted an additional renewal in accordance with Section 11-602 K of the Zoning Code.

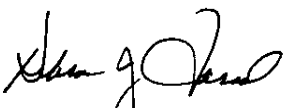
6. **UNCONDITIONAL AGREEMENT AND CONSENT.** The renewal granted by this Notice shall be effective only upon the execution by the Applicant and Owner with the Village Clerk, for recording with this Notice, of an unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth herein in the form attached as **Exhibit B**.

7. **EXHIBITS.**

Exhibits A and **B** attached to this Notice are incorporated herein and made a part hereof by this reference.

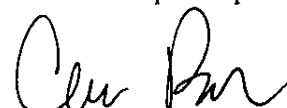
IN WITNESS WHEREOF, the parties hereto have caused this Notice to be executed on the date first above written.

ATTEST:



Debra J. Ford
Village Clerk

VILLAGE OF NORTHEROOK, an Illinois
home rule municipal corporation

By: 

Cara Pavlicek
Village Manager

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EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

PARCEL 1:

LOT 25 IN NORTH SUBURBAN INDUSTRIAL PARK UNIT 3, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

PARCEL 2:

LOT 34 IN NORTH SUBURBAN INDUSTRIAL PARK UNIT 3, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 42 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS.

P.I.N.: 04-05-203-024-0000 and 04-05-203-019-0000

Commonly known as 3005 MacArthur Boulevard, Northbrook, Illinois

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EXHIBIT B

Unconditional Agreement and Consent to Administrative Renewal of Ordinance No. 2020-38

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

WHEREAS, on October 27, 2020 the Corporate Authorities adopted Ordinance No. 2020-38 granting KMM Truck Sales, LLC ("**Applicant**") amongst other relief, a special permit to allow the establishment and maintenance of a motor vehicle dealer with an open sales lot for storage of up to five trucks or trailers ("**Facility**") on that certain parcel of real property commonly known as 130 Anthony Trail ("**Property**") which is owned by VIP Tech Electric, Inc. ("**Owner**"); and

WHEREAS, the special permit granted by Ordinance No. 2020-38 included a term that will expire on July 31, 2023; and

WHEREAS, the Applicant has submitted an application requesting an administrative renewal of the special permit granted in Ordinance No. 2020-38 pursuant to Subsection 11-602 K(1) of the Northbrook Zoning Code (1988), as amended ("**Zoning Code**") for a period of two years; and

WHEREAS, the Facility has been operating on the Property since August 1, 2020 without incident and the Village's Director of Development and Planning Services has determined that the circumstances under which the original special permit was granted have not materially changed; and

WHEREAS, the Village has determined that it is in the best interests of the Village and the public to renew the special permit originally granted by Ordinance No. 2020-38 in accordance with the administrative renewal provisions of Subsection 11-602 K(1) of the Zoning Code;

WHEREAS, the administrative renewal of Ordinance No. 2020-38 is expressly contingent the agreement and consent of the Applicant and the Owner to abide by the terms and conditions of Ordinance No. 2020-38; and

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. 2020-38, adopted by the Village Board of Trustees on October 27, 2020 ("**Ordinance**") that was administratively renewed for a period of two years by the Village's Director of Development and Planning Services on July 19, 2023 ("**Administrative Renewal**").
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, 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. 2020-38 is given.

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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 the approval of the Administrative Renewal.
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 Notice of Administrative Renewal against the Property.

ATTEST:

KMM TRUCK SALES, an Illinois Limited Liability Company

By: Justyna Kolko
Signature

By: [Signature]
Signature

By: JUSTYNA KOLKO
Print Name

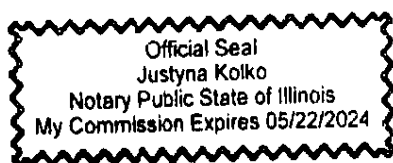
By: KAMIL MOSA
Print Name

Its: NOTARY PUBLIC

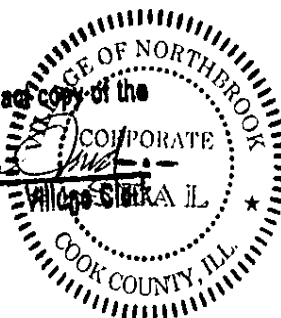
Its: RESIDENT

SUBSCRIBED and SWORN to
before me this 12 day of
July, 2023.

Justyna Kolko
Notary Public



I hereby certify this to be a true and exact copy of the
original.
9-5-23
Date



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ATTEST:

By: _____

Signature

By: WITOLD LACH

Print Name

Its: PRESIDENT / AGENT

VIP TECH ELECTRIC, an Illinois corporation

By: _____

Signature

By: WITOLD LACH

Print Name

Its: PRESIDENT

SUBSCRIBED and SWORN to
before me this 12 day of

July, 20 23

Justyna Kolko
Notary Public

