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NOTICE OF APPROVAL

An Ordinance granting a Special Use Permit to establish and operate a tire and automobile repair facility at 4001 W. Dempster Street, Skokie, Illinois, was duly approved by the Mayor and Board of Trustees of the Village of Skokie, Illinois, on the 5th day of December, 1985.

The approval granted is shown on the attached document marked Exhibit "A".

IMPORTANT THE ABOVE PROVISION IS CONDITIONED UPON THE OWNER'S CERTIFICATION AND THE PAYMENT OF \$50.00 FOR SERVICES AND EXPENSES IN CONNECTION WITH RECORDING OF THIS NOTICE. ALL DEPARTMENTS HAVE BEEN INSTRUCTED TO TAKE NO ACTION ON THE GRANT UNTIL THIS HAS BEEN DONE.

Owner's Certification

The undersigned, being the owner of the real estate described in this Notice or the duly authorized representative of the owners, certifies that such Notice is true and correct and accepts and approves all of the provisions and conditions set forth in the Exhibit referred to herein.

Joey Gross

TO: (RECORDER OF DEEDS) (REGISTRAR OF TITLES)
PLEASE MAIL DOCUMENT AFTER RECORDING TO:
Corporation Counsel
VILLAGE OF SKOKIE
5127 Oakton Street
P.O. Box 309
Skokie, IL 60077

Plan Commission Case No. 85-5P
Village Ordinance No. 85-8-2-1731

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VILLAGE OF SKOKIE
NO CHARGE

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HARVEY SCHWARTZ
CORPORATION
VILLAGE OF SKOKIE
SKOKIE, ILLINOIS
OR 3-0800

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THIS ORDINANCE
BE CITED AS
V.O. # 85-2-1131

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO
ESTABLISH AND OPERATE A TIRE AND AUTOMOBILE REPAIR FACILITY
AT 4001 W. DEMPSTER STREET IN A B-2 COMMERCIAL DISTRICT.

WHEREAS, the owner of the following described real estate:

Lot 1 through 5 inclusive and the east 22/68 feet of
Lot 6 in Block 1 A.A. Lewis's Evanston Golf Manor,
beginning a subdivision of the north 1/2 of the
northeast 1/4 of the northeast 1/4 of Section 22,
Township 41 North, Range 13, East of the Third
Principal Meridian according to the plat thereof
recorded July 9, 1926, as Document #9334468 in Cook
County, Illinois,

more commonly described as 4001 W. Dempster Street, Skokie,
Illinois, petitioned the Skokie Plan Commission for a Special Use
Permit to establish and operate a tire and automobile repair
facility; and

WHEREAS, the Plan Commission, after public hearing duly
held, made appropriate findings of fact as required under Section
13.4.5.5 of the Skokie Zoning Ordinance and recommended to the
Mayor and Board of Trustees that a Special Use Permit be granted
subject to various conditions; and

WHEREAS, the Mayor and Board of Trustees, did not concur
with the recommendations of the Plan Commission; and

WHEREAS, upon reconsideration the Mayor and Board of
Trustees concurred with the recommendation and findings of fact
of the Plan Commission;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of
Trustees of the Village of Skokie, Cook County, Illinois:

Section 1: That the Special Use Permit requested by the
petitioner to establish and operate a tire and automobile repair

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1 facility at 4001 W. Dempster Street in a B-2 Commercial District
2 is hereby granted and approved subject to each of the conditions
3 set forth below:
4

- 5 1. that all work be done in substantial compliance with the site
6 plan dated 3/27/85 prepared by the Skokie Planning Department
7 and accepted by the petitioner;
8
- 9 2. that all landscaping be installed and maintained as indicated
0 on the landscape plan dated 3/27/85 prepared by the Skokie
1 Planning Department and accepted by the petitioner;
2
- 3 3. that the off-street parking for this particular use and
4 method and intensity of operation shall be twenty four (24)
5 spaces (as designated on the site plan), and be specifically
6 used for the exclusive use of the subject business and not
7 leased (or used) by other businesses or individuals;
8
- 9 4. that an enclosed trash area shall be located at the southeast
0 corner of the building, having dimensions of approximately
1 17' x 18', with gates allowing no visibility of the interior
2 of the trash area and 5-foot high walls constructed of face
3 brick similar to the abutting wall along the alley, and
4 constructed according to specifications of the Skokie Health
5 and Building Departments;
6
- 7 5. that the operation of the subject use shall be limited to
8 within the following hours: Monday through Friday: 7:30 A.M.
9 to 6:30 P.M., Saturday: 8:30 A.M. to 5:30 P.M., and Sunday:
0 closed;
1
- 2 6. that the existing brick wall along the abutting alley shall
3 remain as is and any future damage or deterioration of the
4 wall shall be repaired or replaced to return such wall to its
5 existing condition;
6
- 7 7. that the guardrail along the west property line shall remain
8 on the site and repaired if damaged;
9
- 0 8. that any building addition be subject to an additional
1 application for a Special Use Permit, including full public
2 hearings and associated requirements;
3
- 4 9. that all signage on the site be subject to the East Dempster
5 Street Sign Ordinance (V.O. #84-12-B-1676) and that all non-
6 conforming signs -- including the advertising signs currently
7 mounted on the walls of the building -- be removed within
8 seven (7) working days from the date of passage of any
9 Special Use Permit granted by the Village of Skokie;
0
- 1 10. that the petitioner construct six (6) inch high continuous
2 curbing around the landscape areas to provide protection of
3

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1 such landscaping and to act as wheel stops, and that the
2 existing islands on which gas pumps were formerly located be
3 removed and the area paved, all according to specifications
4 of the Skokie Civil Engineering Division;

5 11. that the petitioner shall close off the northernmost driveway
6 cut along Crawford Avenue and provide appropriate curbing,
7 sodding and sidewalk restoration as required by the Skokie
8 Civil Engineering Division, with all work to be done at the
9 petitioner's expense;

10 12. that the petitioner modify at his own expense the
11 southernmost driveway cut along Crawford Avenue, if required
12 by the Skokie Civil Engineering Division, based on on-site
13 inspections at time of reconstruction of the northernmost
14 driveway on Crawford;

15 13. that the petitioner shall close off the easternmost driveway
16 cut along Dempster Street and provide curbing, sodding and
17 sidewalk restoration in conjunction with the State as part of
18 the East Dempster Street roadway improvement program;

19 14. that the petitioner provide maximum feasible storm water
20 detention per the Civil Engineering Division;

21 15. that all proposed driveways must meet at grade with public
22 sidewalks;

23 16. that the proposed closing of existing driveways and any
24 modification of driveways must obtain a permit from the
25 Illinois Department of Transportation;

26 17. that any exterior light fixtures must be subject to the
27 review and approval of the Traffic Engineer;

28 18. that the outside storage or display of any merchandise
29 whatsoever is specifically prohibited, provided however that
30 the petitioner may display but not store merchandise outside
31 the building for two (2) non-consecutive fifteen (15) day
32 periods in each calendar year, provided any such display
33 shall not occur within any off-street parking space or
34 required access aisle or sidewalk area;

35 19. that the sale (or rental) of non-automotive products,
36 excluding cigarettes, candy and soft drinks is specifically
37 prohibited except for two (2) non-consecutive fifteen (15)
38 day periods in each calendar year for promotional purposes;

39 20. that no vending machine shall be located outside the
40 building;

41 21. that accessory buildings shall be specifically prohibited on
42 the site;

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- 1 22. that the overnight parking in open areas of trucks in excess
2 of "B" classification is specifically prohibited, provided
3 however that the petitioner shall park one (1) tow truck
4 related to the operation of the subject business within the
5 area marked "truck parking" on the site plan;
- 6 23. that the storage of boats, trailers, buses, trucks and
7 recreational vehicles, and other vehicles not related to the
8 operation of the subject use, shall be specifically
9 prohibited;
- 10 24. that no vehicles may be sold (or leased) on the premises nor
11 shall any vehicle display a "for sale" sign;
- 12 25. that no wrecked, junked or stripped vehicles, vehicles
13 without current license plates, or boats or trailers shall be
14 maintained on the premises;
- 15 26. that all off-street parking spaces shall be legibly striped
16 and so maintained;
- 17 27. that all landscaping shall be maintained in a live and
18 flourishing condition and any dead landscaping replaced;
- 19 28. that the site shall be maintained free of weeds, litter and
20 debris including the area between the brick wall and the
21 alley itself, as well as between the rear of the building and
22 the brick wall;
- 23 29. that all interceptors, sewers, catch basins, triple basins,
24 etc. shall be adequately cleaned and maintained and be free
25 of grease, oil, sand, debris, odors, etc.;
- 26 30. that all trash, including discarded tires and yard boxes shall
27 be stored within the designated enclosed trash area at the
28 southeast corner of the building;
- 29 31. that ramps shall be provided to the building and rest rooms,
30 with the toilet rooms designed to meet standards for the
31 handicapped;
- 32 32. that all work shall be performed within the enclosed
33 premises, with outside repair or servicing of vehicles
34 specifically prohibited.
- 35 33. that renting or leasing of off-street parking spaces for any
36 purpose is specifically prohibited;
- 37 34. that no vehicle of any type which may be on the premises for
38 repair or for tire replacement shall remain on the premises
39 longer than sixteen (16) consecutive days;
- 40 35. that the sotrage of any type of vehicle for a fee and the
41 storage of any type of vehicle not related to the purposes of
42 petitioner's business shall be prohibited;
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- 1 36. that all other Village codes and ordinances be met;
- 2
- 3 37. that all improvements required herein be completed prior to
- 4 the issuance of any business license or Occupancy Certi-
- 5 ficate, except for the parkway improvements to be undertaken
- 6 by the State of Illinois;
- 7
- 8 38. that failure to abide by any and all terms of the Special Use
- 9 Permit shall be cause for the Village to initiate hearings to
- 10 determine whether the subject Special Use Permit should be
- 11 revoked, as well as any applicable business license;
- 12
- 13 39. that the owner or manager of the subject use shall post under
- 14 glass in a conspicuous location, the specific conditions,
- 15 i.e., the ordinance itself, under which the Special Use
- 16 Permit was granted; and, any Special Use Permit which is
- 17 granted shall be recorded at the petitioner's expense with
- 18 the Cook County Recorder of Deeds' Office; and
- 19
- 20 40. that in the event the subject use ceases operation, that the
- 21 petitioner or any subsequent owner shall comply with the
- 22 Village requirements pertaining to the closing of automobile
- 23 service stations.
- 24

25 Section 2: That a notice of the enactment of this

26 ordinance incorporating the conditions herein be approved by the

27 owner of the property in writing and duly recorded in the office

28 of the Recorder of Deeds for Cook County at the owner's expense.

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33 Section 3: That this ordinance shall be in full force and

34 effect from and after its passage, approval and recordation as

35 provided by law.

36

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38

39 ADOPTED this 5th day of Aug, 1985.

40 W. B. D. D.

41

42 Village Clerk

43 Ayes: 6

44 Nays: 0

45 Absent: 1

46

47

48

49

Approved by me this 5th day of Aug, 1985.

William J. O'Connell

Mayor, Village of Skokie

50 Attested and filed in

51 my office this 5th

52 day of August, 1985.

W. B. D. D.

Village Clerk

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

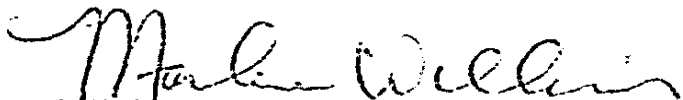
I, MARLENE WILLIAMS, DO HEREBY CERTIFY that I am the regularly elected and acting Clerk of the Village of Skokie, County of Cook and State of Illinois.

I DO FURTHER CERTIFY that the annexed and foregoing ORDINANCE is a true and correct copy of an ORDINANCE adopted by the Mayor and Board of Trustees of the Village of Skokie on the 5th day of August, A.D. 1985 by a vote of 6 AYES 0 NAYS 1 ABSENT; that said ORDINANCE adopted as aforesaid was deposited and filed in the Office of the Village Clerk of the Village of Skokie on the 8th day of August, A.D. 1985, and was approved by the Mayor of the Village of Skokie on the 5th day of August, A.D. 1985.

I DO FURTHER CERTIFY that the original, of which the foregoing is a true copy is entrusted to my care and safekeeping and I am the Keeper of the same.

I DO FURTHER CERTIFY that I am the Keeper of the records, Journals, entries and ordinances of the said Village of Skokie.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the corporate seal of the Village of Skokie this 8th day of August, A.D. 1985.


Marlene Williams
Village Clerk of the Village of Skokie,
Cook County, Illinois

85225159

(SEAL)

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VO 85-8-2-131

Case 85-5P

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SETTLEMENT AGREEMENT AND RELEASE

This agreement and release is entered into by IRVING GROSS and JEFFREY GROSS on the one part and, the Village of Skokie, it's Mayor and Board of Trustees on the other part:

WHEREAS, IRVING GROSS is the owner of one-hundred percent (100%) of the beneficial interest in and to American National Bank and Trust Company trust number 58208 and,

WHEREAS, the res of the aforesaid trust is that real property commonly described as 4001 W. Dempster Street, Skokie, Illinois ("Property") and,

WHEREAS, IRVING GROSS, by and through his agent JEFFREY GROSS, (both collectively "Gross") has heretofore petitioned the Village of Skokie, Illinois ("Village") for adoption of an ordinance authorizing the issuance of a special use permit facilitating the conduct of a business engaged in automobile repair and tire sales from and upon the premises of the property, and,

Whereas, the aforesaid petition for special use, identified by the Village as Plan Commission Case No. 85-5P (Petition), was denied by the Skokie Village Board of Trustees ("Board") by and through it's failure to adopt an ordinance facilitating the issuance of the aforesaid permit and the Board's subsequent unanimous motion not to adopt such an ordinance during the meeting of the Board on May 20, 1985, and

Whereas, a dispute exists as to the existence, character, and degree of liability on the part of the Village, the Board, and each individual member of the Board (all of the trustees collectively "Trustees" and the Village, Board and Trustees, collectively "Skokie") for the acts and or omissions as aforesaid, and

Whereas, a dispute exists between GROSS and Skokie ("Parties") as to existence of, and the degree of, judicial recourse available to GROSS as a result of the acts and or omissions as aforesaid, and,

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Whereas the Parties hereto wish to avoid litigation regarding the foregoing issues and disputes,

Now Therefore, in consideration of the foregoing, and other good and valuable consideration hereby acknowledged, the parties hereto agree as follows:

1. That the foregoing pre-ambule and recitations therein contained are incorporated herein and made a part hereof.

2. That on August 5, 1965, the Mayor of Skokie and it's Board of Trustees will approve and adopt an ordinance granting a Special Use Permit to establish and operate a facility at and from which the business of tire sales and automobile repairs may be conducted.

3. That upon approval and adoption of the aforesaid ordinance, referred to in paragraph 2 above, the issuance of the aforesaid Special Use Permit, and the recording of the Notice of Approval thereof with the Cook County Recorder of Deeds, GROSS, by and through these presents, releases Skokie from any and all manner of claim and cause of action, whether independent or as assignee, assignor, or beneficiary, which either of them and the American National Bank and Trust Company of Chicago as trustee under trust No.58208 may have through the date hereof, arising out of, or in connection with, the acts and or omissions of Skokie as set forth in all of the recitations contained in the preamble incorporated herein by paragraph 1 hereof.

4. That upon the submission by GROSS to the Village Engineering Department of plans and specifications (of a quality and specificity in reasonable conformity with established and standard existing department standards for such specifications) for the proposed construction of curbing, driveways, ramping for the disabled, trash enclosure and landscaping for the property (Construction Items), as required the various applicable conditions made a part of grant of the Special Use Permit as set forth in Section 1 of the document attached to Notice of Approval and marked as Exhibit A thereto, as well as necessary State of Illinois construction permits required for curbing construction, the Village

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shall issue the necessary construction permits ~~facilitating~~ commencement of construction of the aforesaid items.

5. That upon submission of bona fide bids or estimates of the costs of construction of the aforesaid Construction Items, the Village Corporation Counsel shall determine and set a reasonable sum, predicated upon the aforesaid bids, as and for the bond to be posted by GROSS as a condition for the issuance of all necessary occupancy permits, business licenses and any other licenses or permits the Village may require which will facilitate the commencement and conduct of the business for which the Special Use Permit has been applied for and issued as set forth above, prior to the commencement and completion of Construction Items.

6. That upon the posting of bond, as set forth in the foregoing paragraph, whether by GROSS or a surety, the Village will issue the aforesaid licenses and permits referred to in the foregoing paragraph.

7. That GROSS will cause the diligent progress and completion of the aforesaid construction items and that the same shall in any event be completed on or before.

8. That time is of the essence herein and the acts required of the Village and its personnel, under any provisions of the instant agreement, will be done in a reasonable but expeditious manner.

9. That each of the signitors hereto affirms that he has the authority to enter into this agreement and that the respective obligations herein assumed and promised are binding upon them.

Dated this 5th day of August, 1955, in Skokie, Illinois

X Irving Gross
IRVING GROSS

X Jeffrey Gross
JEFFREY GROSS

WITNESS:

Village of Skokie

BY: William P. Quinn
ITS MAYOR, pro tem

Alvan S. ...
ITS CORPORATION COUNSEL
FOR THE VILLAGE OF SKOKIE

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