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VILLAGE OF GLENVIEW, ILLINOIS
OFFICIAL BUSINESS

P-89-35

Annexation Jiffy Lube Property
3232 Glenview Road

NATURE Annexation Ordinance #2956 ORDINANCE NO. 2956
SIGNATURE [Signature] DATE 3-6-89

AN ORDINANCE TO ANNEX CERTAIN TERRITORY
TO THE VILLAGE OF GLENVIEW, COOK COUNTY,
ILLINOIS

WHEREAS, on the 21st day of February, 1989, an Annexation Agreement was entered into by and between the Village of Glenview, a home rule municipality, and certain property owners owning property commonly known as 3232 Glenview Road, northeast corner of Glenview and Greenwood Roads, which said Annexation Agreement is incorporated herein by reference; and

WHEREAS, pursuant to said Annexation Agreement of the day of 21st day of February, 1989, there was filed with the Clerk of the Village of Glenview a certain petition to annex to the said Village of Glenview, the said property hereinafter described; and

WHEREAS, the President and Board of Trustees of the Village of Glenview have independently determined that said property described in the aforesaid petition is not within the corporate limits of any municipality, that it is contiguous to the present village limits of the Village of Glenview, and that all property owners, and electors have signed said petition as required by statute.

WHEREAS, the President and Board of Trustees of the Village of Glenview have determined that annexation of the said property is in the public interest and will promote the public health, safety and welfare of the Village of Glenview and its residents.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of Glenview, Cook County, Illinois, that

Section 1: 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: The property commonly known as 3232 Glenview Road, northeast corner of Glenview and Greenwood Roads and is legally described as:

Of the south 225 feet of the west 200 feet of the west half of the southwest quarter of the northeast quarter of Section 33, Township 42 North, Range 12, East of the Third Principal Meridian,

also

The north 50 feet of the west 200 feet of the west half of the southeast quarter of Section 33, Township 42 North, Range 12, East of the Third Principal Meridian, all in Cook County, Illinois.

be and the same is hereby annexed to the Village of Glenview, Cook County, Illinois, pursuant to the provisions of Chapter 24, Section 11-15.1-3 of the Illinois Revised Statutes.

Section 3: This ordinance is subject to an Annexation Agreement hereto entered into by and between the Village of Glenview and the said property owners dated the 21st day of February, 1989, which said Annexation Agreement is incorporated herein by reference.

Section 4: The Clerk of the Village of Glenview is hereby authorized and directed to record with the Recorder of Deeds of Cook County, Illinois, a certified copy of this ordinance,

BOX 384

PLAT WITH THIS DOCUMENT

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SECRET

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together with an accurate map of the territory annexed, attached hereto and made a part hereof.

Section 5: Every section and provision of this ordinance shall be separable, and the invalidity of any portion of this ordinance shall not affect the validity of any other portion hereof.

Section 6: This ordinance shall take effect upon its passage, and approval according to law.

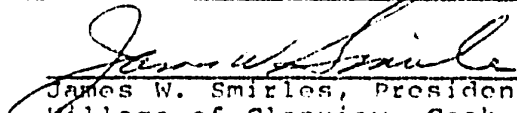
PASSED this 21st day of February, 1989

AYES: Trustees Browne, Esler, Firfer, Helton, Norene, Weil

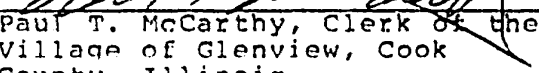
NAYS: None

ABSENT: None

APPROVED by me this 21st day of February, 1989

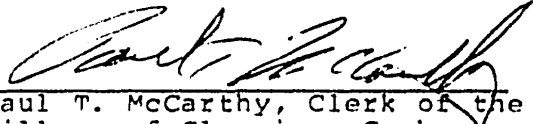

James W. Smirles, President of the
Village of Glenview, Cook County,
Illinois.

ATTESTED and FILED in my office
this 21st day of February, 1989.


Paul T. McCarthy, Clerk of the
Village of Glenview, Cook
County, Illinois

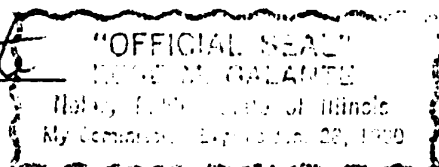
The undersigned hereby certifies under oath that he is the Village Clerk and that as such he is custodian of the records of the municipality and keeper of the minutes of the Village Board; and he further certifies that the foregoing is a true and correct copy of Ordinance No. 2956, duly enacted by the President and Board of Trustees of the Village of Glenview at a regular meeting thereof on the day of February, 21, 1989, and passed on roll call vote as shown on the foregoing; and he further certifies under oath that due notice of the consideration of said ordinance was given to the Trustees of the Glenbrook Fire Protection District on November 18, 1988 by Certified Mail.

Dated this 21st day of February, 1989.


Paul T. McCarthy, Clerk of the
Village of Glenview, Cook
County, Illinois.

SUBSCRIBED AND SWORN TO
before me this 21st
day of February, 1989


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Greenwood Annexation
January 4, 1989

ANNEXATION AGREEMENT

THIS AGREEMENT, is made and entered this 21st day of February, 1988, by and between THE VILLAGE OF GLENVIEW, ILLINOIS, a home rule municipality, (hereinafter the "Village"), by and through its President and Board of Trustees (hereinafter the "Corporate Authorities") and MIDWEST BANK AND TRUST, as Trustee under Trust No. 85-04-4686 (hereinafter the "Owner").

WITNESSETH:

WHEREAS, Midwest Bank and Trust T/U/T 85-04-4686 is the Owner of the Property described in Exhibit "A" (hereinafter referred to as the "Property"); and

WHEREAS, the Property consists of approximately 1.263 acres located at the Northeast corner of Glenview and Greenwood Roads, is situated in an unincorporated area of Cook County, is contiguous to the Village and may be annexed to the Village as provided in Article 7 (Territory) and Division 15.1 (Annexation) of the Illinois Municipal Code, as amended (Chapter 24, Ill. Rev. Stat., 1983, hereinafter referred to as "Statute"); and

WHEREAS, the Owner desires to have the Property, as shown on the Plat of Annexation attached hereto as Exhibit "B" and made a part hereof, annexed to the Village upon certain terms and conditions hereinafter set forth; and

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Greenwood Annexation
January 4, 1989

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WHEREAS, a proposed annexation agreement in substance and form the same as this Agreement, was submitted to the Corporate Authorities and a public hearing was held thereon, pursuant to notice as provided by statute; and

WHEREAS, the Corporate Authorities have determined that the annexation of the Property to the Village on the terms and conditions hereinafter set forth, will promote sound planning and serves the best interests of the Village and enables the Village to reasonably control the development of the Property pursuant to existing ordinances, codes and regulations; and

WHEREAS, the statutory procedures provided in Section 11-15.1-1 et. seq. of the Code with regard to the making of annexation agreements, have been fully complied with by the parties to this Agreement; and

WHEREAS, the Owner proposes that the Property, or portions thereof, be developed in all respects in accordance with presently existing ordinances, rules and regulations of the Village, including Village zoning Ordinances (hereinafter the "Zoning Ordinance") except as provided herein, Subdivision Control Ordinance (hereinafter the "Subdivision Ordinance"), except as otherwise provided herein, Building Code (hereinafter the "Building Code") except as otherwise provided herein, and other ordinances, rules and regulations (such ordinances, regulations and codes herein mentioned shall be collectively referred to as the "Village Regulations"), and;

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Greenwood Annexation
January 4, 1989

WHEREAS, following published notice, as required by statute and ordinance, on application of the Owner, a public hearing was held on June 28, 1988 by the Plan Commission of the Village, on this proposed Annexation Agreement, on the proposed zoning of the Property and on subdivision approval for the Property. Said Commission is duly designated by the Corporate Authorities to hold such public hearing. Said application is to establish the Property as a B-2 Business District, except as modified by this Agreement, and as developed as an automotive and retail shopping center (hereinafter "Center"), subject to the criteria further described in the following paragraphs; and

WHEREAS, the Owner has developed and constructed the automotive and retail shopping center in conformity with the Building Code and Zoning Ordinances of the County of Cook, except as modified by the variations granted by the Zoning Board of Appeals of the County of Cook pursuant to notice and public hearing, as reflected in the findings of the Zoning Board of Appeals in the letter dated February 4, 1987, attached hereto as Exhibit "C".

WHEREAS, it is the intention and desire of the Owner to annex the Property to the Village of Glenview; and

WHEREAS, the Board of Trustees of the Village, by the affirmative vote of at least two-thirds (2/3) of its members, has approved this Agreement and authorized the President to sign and the Clerk of the Village to attest this Agreement, under which Agreement the zoning classification of the subject real estate

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will be established subject to the B-2 Business District Standards, except as otherwise modified by this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, IT IS HEREBY AGREED, as follows:

1. Upon the execution of this Agreement, the Corporate Authorities shall adopt an ordinance at the next regularly scheduled meeting of the Village Board of Trustees annexing the Property to the Village in accordance with the provisions of this Agreement. Adoption of the ordinance and recordation of the Plat of Annexation shall be subject to the conditions contained in Paragraphs 2 through 11.

2. After the adoption of the annexation ordinance required in Section 1, the Corporate Authorities shall promptly adopt an ordinance amending the Zoning Ordinance to provide that the classification or district applicable to the Property shall be subject to the B-2 Business District standards, except as provided herein, and shall adopt other appropriate ordinances, if needed, to, (i) reflect the development of the Property, or parts thereof, in accordance with the evidence submitted and compiled in the official transcript of the public hearings before the Plan Commission and the buildings and improvements constructed on the property, and (ii) so as to bring the Center into compliance with Village requirements and ordinances as they presently exist and for its future occupancy.

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3. The Village agrees to allow the establishment upon the Property, of all those uses permitted in the B-2 Business District and in addition, the establishment of an automotive retail and/or repair facility, and three (3) carry-out food and beverage establishments subject to the following terms. It is acknowledged by the Village that three (3) carry-out food and beverage establishments are currently in existence. Once any one or more of the three (3) existing carry-out food and beverage establishments (excluding the automotive retail and/or repair facility) either vacates the shopping center or their current lessee, franchisee or licensee changes in identity, the owner/developer will be required to comply with the Village Zoning Ordinance as to the establishment of any replacement conditional use(s), with the understanding that the Village will allow up to two (2) carry-out food and beverage establishments (excluding the automotive retail and/or repair facility) on the site as a matter of right. However, the owner/developer is not precluded from making application to the Zoning Board of Appeals for additional conditional uses in conformance with the Village Zoning Ordinance.

4. The Village shall, upon annexation, promptly grant variations from the Zoning Ordinance to allow for a five (5) foot rear yard setback along the north property line, as opposed to ten (10) feet; to allow for thirty-one (31) parking spaces, to allow for two (2) ground signs not to exceed 240 square feet in total area, each to be located on the property lines, to allow

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Greenwood Annexation
January 4, 1989

for no loading berth as opposed to the one (1) loading berth as required, and any other variations which are required.

5. The provisions of Section 10.4(5)(c) of the Zoning Ordinance shall be waived. The separation of the parking area along Glenview Road and the sidewalk therealong shall be in conformance with the "as built" condition.

6. After adoption of the Ordinance annexing the Property, the Corporate Authorities shall promptly approve the final subdivision of the Property, pursuant to the Plat of Subdivision, Exhibit "D".

7. The Center has been constructed pursuant to the Cook County Building Code, under the permit issued by Cook County. The Village will waive enforcement of the provisions of its building, electrical, plumbing, and HVAC ventilation codes, except as to such construction which is initiated and completed after annexation to the Village or as it substantially impacts upon public health and safety. The Village will not require any retro-fitting, or reconstruction of any existing buildings, systems or mechanical equipment which is in existence at the time of annexation.

8. The Water Covenant heretofore approved by the Village and recorded against the subject property is superceded by execution and recording of this document.

9. This Agreement shall be enforceable in any court of competent jurisdiction by any of the parties or by an appropriate action at law or in equity to secure the performance of the

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Greenwood Annexation
January 4, 1989

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covenants herein contained. If any provision of this Agreement is held invalid, such provision shall be deemed to be excised herefrom and the invalidity thereof shall not affect any of the other provisions contained herein.

10. This Agreement shall be binding upon the parties hereto, their respective heirs, personal representatives, successors and assigns for a full term of twenty (20) years commencing as of the date hereof, as provided by statute and to the extent permitted thereby. It is agreed that in the event the annexation of the real estate or the terms of this Agreement are challenged in any court proceeding, the period of time during which such litigation is pending shall not be included in calculating said twenty (20) year term.

11. The Village shall pass all ordinances which may be necessary to carry out the term and provisions of this Agreement.

IN WITNESS WHEREOF, the parties have set their hands and affixed their seals this 17th day of February, 1989, the same being done after public hearing, notice and statutory requirements having been fulfilled.

ATTEST:


Village Clerk

(SEAL)

VILLAGE OF GLENVIEW, ILLINOIS,
A Municipal Corporation

By: 

President

SEE EXCULPATORY RIDER ATTACHED &
MADE PART OF HEREOF

ATTEST:


Its: Asst. Secretary

kaaMIDWEST/REM

MIDWEST BANK AND TRUST,
as Trustee aforesaid, Trust 85-04-4686
& not personally.

By: 

Asst. Trust Officer

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It is expressly understood and agreed by and between the parties hereto that each and all of the warranties, indemnities, representations, covenants, and undertakings and agreements herein made on the part of the trustee are made and intended, not as personal warranties, indemnities, representations, covenants, undertakings and agreements of Midwest Bank and Trust Company, but are made and intended for the sole purpose of binding the trust property, and this document is executed and delivered by said Midwest Bank and Trust Company, not in its own right, but, as trustee solely in the exercise of the power that conferred upon it as such trustee and no personal liability or personal responsibility is assumed by, nor shall at any time be asserted or be enforceable against Midwest Bank and Trust Company on account of any warranties, indemnities representation, covenants, undertakings or agreements therein contained, whether expressed or implied, all such personal liability, if any, being expressly waived and released by the parties hereto and by all persons claiming by, through and under them.

THIS RIDER IS ATTACHED TO AND MADE PART OF CERTAIN
Annexation Agreement, DATED 2/17/89
EXECUTED BY MIDWEST BANK & TRUST COMPANY, AS TRUSTEE,
85-04-4686 U/T/A #

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EXHIBITS

EXHIBIT

| | |
|----------------------------------|---|
| Legal Description | A |
| Plat of Annexation | B |
| Zoning Board of Appeals Findings | C |
| Plat of Subdivision | D |

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EXHIBIT A

Of the south 225 feet of the west 200 feet of the west half of the southwest quarter of the northeast quarter of Section 33, Township 42 North, Range 12, East of the Third Principal Meridian,

also

The north 50 feet of the west 200 feet of the west half of the southeast quarter of Section 33, Township 42 North, Range 12, East of the Third Principal Meridian, all in Cook County, Illinois.

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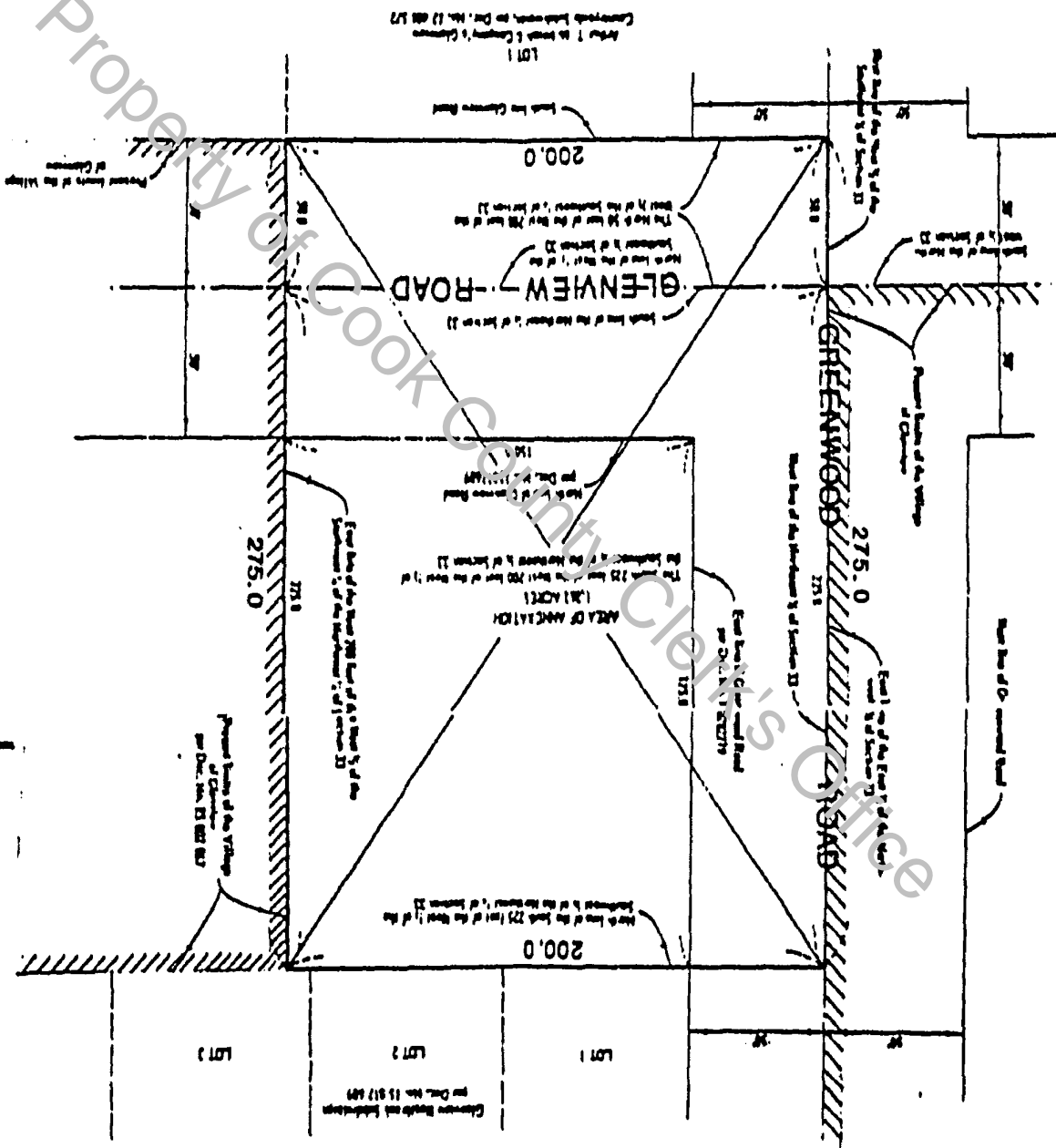
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PLAT OF ANNEXATION TO
THE VILLAGE OF GLENVIEW



OF THE SOUTH 225 FEET OF THE WEST 250 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE
NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 4 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ILLINOIS.
ALSO
THE NORTH 30 FEET OF THE WEST 250 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 22,
TOWNSHIP 4 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN, ILLINOIS.



John M. Ward, as Attorney-in-Fact for the
County of Cook, Ill.

L. John M. Ward, as Attorney-in-Fact for the
County of Cook, Ill., do hereby certify that I have
prepared this plat of Annexation from existing surveys and measurements of record and
that it is a correct representation thereof.



Prepared by
J. M. Ward & Associates
200 East Wacker Drive
Chicago, Illinois 60601
Order No. D-2150-47

46936068

John M. Ward, as Attorney-in-Fact for the
County of Cook, Ill.

John M. Ward, as Attorney-in-Fact for the
County of Cook, Ill.

L. John M. Ward, as Attorney-in-Fact for the
County of Cook, Ill., do hereby certify that I have
prepared this plat of Annexation from existing surveys and measurements of record and
that it is a correct representation thereof.

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GEORGE W. DUNNE
President, Board of
Cook County Commissioners

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ALEX R. SEITH
Chairman of
Zoning Board of Appeals

**ZONING BOARD OF APPEALS
OF THE
COUNTY OF COOK**

Chairman of
Committee on Public Service

County Building - Room 218
Chicago, Illinois 60602 443-7681

NICHOLAS A. PHILLIPS
Secretary of
Zoning Board of Appeals

February 4, 1987

Mr. Bernard Citron
Schain, Firsell, Brown & Burney
120 West Madison - Suite 1100
Chicago, Illinois 60602

Re: First American Serv. Corp.
Docket #4687
Z.A. #V-87-09
Date of Hearing: Feb. 4, 1987
Date of Decision: Feb. 4, 1987

Dear Mr. Citron:

The following action has been taken on your request for a variation from the provisions of the Cook County Zoning Ordinance.

In light of the evidence presented at the hearing on this case and in conformity with the requirements necessary to grant a variation your request to reduce the corner side yard on the West property line from 30 ft. to 10 ft.; to reduce transitional yard from required 20 ft. to 5 ft. on North property line for construction of a shopping & service center & auto service use in the C-3 Gen. Serv. Dist. has been granted.

Granted, subject to the following conditions:

1. Adequate screening of the trash dumpsters with a stockade-type fence.
2. Provision for greenery along the fence at the North property line.

The applicant has complied with Section 13.73 Standards for Variation as required by the Ordinance.

The Zoning Board of Appeals shall not vary regulations of this Ordinance. In addition, the Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by the variation as may be necessary to comply with the Standards of this Ordinance. Subject to reduce or minimize the effect of such variation upon other property in the neighborhood and to better carry out the general intent of the Ordinance.

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ZONING BOARD OF APPEALS

OF THE

COUNTY OF COOK

County Building - Room 218

Chicago, Illinois 60602 443-7681

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The Zoning Administratrix has been notified of our decision and may elect to issue a permit as requested subject to any conditions enumerated above. The variation granted herein shall not be valid for a longer period than twelve (12) months from the date of this letter unless a building permit is obtained within such period and the erection or alteration of the building is started or the use commenced within such period.

The decision of the Board and the complete record are available for your inspection at the office of the Zoning Board of Appeals, Room 218, County Building, Chicago, Illinois.

Based on the record, the Zoning Board of Appeals has made a unanimous decision to grant the above variation.

Very truly yours,

Nicholas A. Phillips
Nicholas A. Phillips
Secretary

NAP:mm

cc: William F. Harris, Commissioner
Lena Bruno, Zoning Administratrix
Art Saloman, Map Department

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Village of

GLENVIEW



TELEPHONE
724-1700
FAX 724-0916

1225 WAUKEGAN ROAD
GLENVIEW, ILLINOIS 60025-3071

Jiffy Lube

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

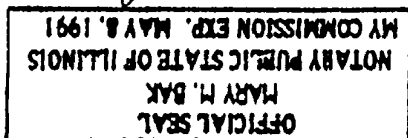
STATE OF ILLINOIS)
COUNTY OF COOK) SS

SONIA ELLIOTT being first duly sworn on oath, deposes and states that she caused the foregoing notice to be served upon the Trustees of the Glenbrook Fire Protection District, the Northfield Township Board of Auditors and the Highway Commissioner by mailing true and correct copies of same by certified mail to said persons and by depositing same in the United States Mail, Glenview, Illinois, on the 18th day of November, 1988, postage prepaid.

Sonia Elliott
Sonia Elliott

SUBSCRIBED AND SWORN TO
before me this 7th day
of March, 1989.

Mary M. Bak
NOTARY PUBLIC



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COOK COUNTY CLERK'S OFFICE
JANUARY 1, 2011
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