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COOK COUNTY RECORDER

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ORDINANCE NO. 95-55

AN ORDINANCE GRANTING A SPECIAL PERMIT AND SITE
PLAN APPROVAL FOR THE CONSTRUCTION OF AN ADDITION
TO THE EXISTING FACILITY AT 1133 PFINGSTEN ROAD

(GLORIA DEI EVANGELICAL LUTHERAN CHURCH)
(PLAN COMMISSION DOCKET NO. 95-18)

Passed by the Board of Trustees, December 12, 1995

Printed and Published, December 13, 1995

Printed and Published in Pamphlet Form
by Authority of the
President and Board of Trustees

VILLAGE OF NORTHBROOK
COOK COUNTY, ILLINOIS

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I hereby certify that this document
was properly published on the date
stated above.

/s/ Lona N. Louis
Village Clerk

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

1/18/96
Date

Lona N. Louis
Village Clerk

BOX 337

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ORDINANCE NO. 95-55

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 GRANTING A SPECIAL PERMIT AND SITE PLAN APPROVAL FOR THE CONSTRUCTION OF AN ADDITION TO THE EXISTING FACILITY AT 1133 PFINGSTEN ROAD

(GLORIA DEI EVANGELICAL LUTHERAN CHURCH)
(PLAN COMMISSION DOCKET NO. 95-18)

be and is hereby adopted as follows:

Section 1. BACKGROUND.

Gloria Dei Evangelical Lutheran Church, an Illinois not-for-profit corporation (the "Applicant"), has requested a special permit and site plan approval to allow for the construction of an addition to its existing religious facility (the "Addition") (Village SIC Code No. 8660.00) on a parcel approximately 3.9 acres in size located at 1133 Pfingsten Road (the "Subject Property"). The Subject Property is located within the IB Institutional Buildings District.

Section 2. DESCRIPTION OF SUBJECT PROPERTY.

The Subject Property, commonly known as 1133 Pfingsten Road (PREI No. 04-09-100-055) is legally described in Exhibit A attached to, and made a part of this Ordinance by this reference.

Section 3. PUBLIC HEARING.

A public hearing to consider the application for a special permit to allow the construction of the Addition on the Subject Property in the IB Institutional Buildings District was duly advertised on October 12, 1995, in the Northbrook Star and publicly heard by the Northbrook Plan Commission during its regular meeting on November 7, 1995. The Plan Commission took action on this application on November 21, 1995 by adoption of Resolution No. 95-PC-17.

Section 4. SPECIAL PERMIT.

Subject to and contingent upon the conditions, restrictions and provisions set forth in Section 5 of this Ordinance, a special permit is hereby granted for the benefit of the Subject Property (the "Special Permit"), in accordance with and pursuant to Section 11-602 of the Northbrook Zoning Code (1988), as amended from time to time (the "Zoning Code"), and the home rule powers of the Village of Northbrook to allow for the construction of the Addition on the Subject Property (Village SIC Code No. 8660.00).

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Section 5. SITE PLAN APPROVAL.

Subject to and contingent upon the conditions, restrictions and provisions set forth in Section 6 of this Ordinance, site plan approval is hereby granted for the plans attached as Exhibits C, D, and E (the "Site Plan Approval") in accordance with and pursuant to Section 11-604 of the Zoning Code and the home rule powers of the Village of Northbrook.

Section 6. SPECIAL PERMIT AND SITE PLAN APPROVAL CONDITIONS.

The Special Permit and Site Plan Approval shall be, and are hereby, expressly subject to and contingent upon each of the following conditions, restrictions and provisions:

A. Final Engineering Plans. As of the date of adoption of this Ordinance, the Applicant has submitted, and the Village Engineer has approved, a certain preliminary engineering site plan for the Subject Property, consisting of three sheets entitled, "Site Grading Plan," "Site Geometric Plan," and "Details," prepared by Joseph F. Koenen, with latest revision date of December 12, 1995, sheets C-1, C-2 and C-3, respectively, attached as Exhibit B and made a part of this Ordinance by this reference. The Applicant shall submit to the Village Engineer for his review, acceptance and approval, final engineering plans (the "Final Engineering Plans") for the Subject Property in substantial conformance with the foregoing preliminary engineering site plans and all applicable laws, codes, ordinances, rules and regulations, including, without limitation, the Village Standards and Specifications for Public and Private Improvements (1990), as amended from time to time (the "Village Standards Manual") and the Sidewalk as defined in Subsection 6E below.

B. Compliance with Plans. The development, use and maintenance of the Subject Property shall be only in strict accordance with the following documents and plans, except for minor changes and site work approved by the Director of Development or the Village Engineer (for matters within their respective permitting authorities) in accordance with all applicable Village standards:

- i. Site Plan, Sheet No. SD 101, prepared by Walter C. Carlson Associates, Inc., with latest revision date of December 12, 1995, attached as Exhibit C and made a part of this Ordinance by this reference;
- ii. Floor Plan, Sheet No. SD 102, prepared by Walter C. Carlson Associates, Inc., with latest revision date of December 12, 1995, attached as Exhibit D and made a part of this Ordinance by this reference;
- iii. West Elevation, Sheet No. SD 104, and East and South Elevation, Sheet No. SD 105, prepared by Walter C. Carlson Associates, Inc., with latest revision date of December 12, 1995, attached as Exhibit E and made a part of this Ordinance by this reference; and
- iv. The Final Engineering Plans.

C. Excessive Noise Restricted. Under no circumstances shall noise emissions from the Subject Property from any source, including, without limitation, church bells and exterior speakers exceed the noise standards set forth in Sections 16-48 and

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16-49 of the Village of Northbrook Municipal Code, as the same may, from time to time, be amended.

D. Non-transferability of Permit. The Special Permit and Site Plan Approval shall inure to the exclusive benefit of the Applicant and shall not be transferable without the prior written consent by the Village Board of Trustees by resolution duly adopted.

E. Sidewalk Installation. The Applicant shall install a public sidewalk along the Pfingsten Road frontage of the Subject Property (the "Sidewalk") concurrent with the construction of the Addition. To ensure installation of the Sidewalk in a manner acceptable to the Village, the Applicant shall, prior to issuance of a building permit for the Addition, execute and record an easement for construction of the Sidewalk, substantially in the form attached as Exhibit F and made a part of this Ordinance by this reference.

Section 7. FAILURE TO COMPLY WITH CONDITIONS.

Upon failure or refusal of the Applicant to comply with any or all of the conditions, restrictions or provisions of this Ordinance, the Special Permit and the Site Plan Approval shall, at the sole discretion of the Village Board of Trustees of the Village of Northbrook (the "Village Board"), upon reasonable consideration, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village Board may not so revoke the Special Permit and Site Plan Approval unless it shall first provide the Applicant with two (2) months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village Board. In the event of revocation, the development and use of the Subject Property shall be governed solely by the regulations of the IB Institutional Buildings District, as applicable and as the same may, from time to time, be amended. Further, in the event of such revocation of the Special Permit and Site Plan Approval, the Village Manager and Village Attorney are hereby authorized and directed to bring such zoning enforcement action as may be appropriate under the circumstances. The Applicant acknowledges that public notices and hearings have been held with respect to the adoption of this Ordinance, has considered the possibility of the revocation provided for in this Section, 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 this Section is given.

Section 8. AMENDMENT TO SPECIAL PERMIT AND SITE PLAN APPROVAL.

Any amendment to the Special Permit and Site Plan Approval, including, without limitation, expansion of the size or number of buildings, may be granted only pursuant to the procedures and subject to the standards and limitations provided in the Zoning Code.

Section 9. TERM.

The Special Permit and Site Plan Approval shall be subject to the time limitations provided in the Zoning Code.

Section 10. BINDING EFFECT.

The privileges, obligations and provisions of each and every Section of this Ordinance are for, and shall inure to the benefit of and are and shall be binding on, the Applicant.

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Section 11. EFFECTIVE DATE.

A. This Ordinance shall be in full force and effect only upon, and not before:

- i. passage by the Board of Trustees of the Village of Northbrook in the manner required by law;
- ii. publication in pamphlet form in the manner required by law;
- iii. recordation of this Ordinance;
- iv. filing by the Applicant 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. Said unconditional agreement and consent shall be in the form attached as Exhibit G and made a part of this Ordinance by this reference; and
- v. satisfaction of the conditions set forth in Section 6 of this Ordinance.

B. This Ordinance shall be of no force or effect and shall be rendered null and void 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 11A(iv) of this Ordinance within 30 days of the date of passage of this Ordinance by the Village Board of Trustees.

PASSED: This 12th day of December, 1995.

AYES: (6) Trustees Jaeger, Frum, Heuler, Lew, Karagianis and Buehler III

NAYS: (0)

/s/ Mark W. Damisch

Village President

ATTEST:

/s/ Lona N. Louis

Village Clerk

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LIST OF EXHIBITS

- EXHIBIT A: Legal Description of the Subject Property
- EXHIBIT B: Final Engineering Plans
- EXHIBIT C: Site Plan
- EXHIBIT D: Floor Plan
- EXHIBIT E: Elevation Plans
- EXHIBIT F: Easement for Construction of Sidewalk
- EXHIBIT G: Unconditional Agreement and Consent

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EXHIBIT A

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY

THE WEST 400 FEET OF THE SOUTH 20 ACRES OF THE WEST THREE-QUARTERS OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PART DEDICATED FOR CHERRY LANE BY DOCUMENT #20535950), IN COOK COUNTY, ILLINOIS.

Commonly known as 1133 Pfingsten Road, Northbrook, Illinois 60062

P.R.E.I. No. 04-09-100-055

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EXHIBIT B

On file in the Office of the Village Clerk.

EXHIBIT C

On file in the Office of the Village Clerk.

EXHIBIT D

On file in the Office of the Village Clerk.

EXHIBIT E

On file in the Office of the Village Clerk.

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EXHIBIT F

EASEMENT FOR CONSTRUCTION OF SIDEWALK

THIS EASEMENT FOR CONSTRUCTION OF SIDEWALK (the "Agreement") is dated as of this ____ day of _____, 19__, by and between the Village of Northbrook, an Illinois home rule municipal corporation (the "Village"), and the Gloria Dei Evangelical Lutheran Church, an Illinois not-for-profit corporation (the "Owner").

IN CONSIDERATION OF the mutual covenants and agreements set forth herein and pursuant to the Village's home rule powers, the parties hereto agree as follows:

Section 1. BACKGROUND.

A. The Owner is the owner of certain real estate located in the Village of Northbrook, Cook County, Illinois commonly known as 1133 Pfingsten Road, which real estate is legally described in Exhibit A attached hereto and, by this reference, made a part of this Agreement (the "Subject Property").

B. The Owner and the Village have determined that it is in their respective best interests to enter into this Agreement in order to provide the Village with a sufficient property interest in the Subject Property to fulfill the purposes described herein.

Section 2. GRANT AND USE OF EASEMENT.

The Owner grants, conveys, warrants, and dedicates to the Village a perpetual easement in, at, over, along, across, through, upon, and under that portion of the Subject Property legally described on Exhibit B (the "Easement Premises"), to survey, construct, operate, use, maintain, own, test, inspect, repair, remove, and replace or abandon in place (collectively the "Installation") a public sidewalk along the Pfingsten Road frontage of the Subject Property (the "Sidewalk"), together with all reasonable rights of ingress and egress over, along, across, and upon the Subject Property necessary for the exercise of the rights granted herein. The Owner shall, at its sole cost and expense, complete the Installation of the Sidewalk in accordance with the Final Engineering Plans approved by the Village Engineer pursuant to Ordinance 95-55.

Section 3. RESTORATION.

A. By Owner. Upon completion of the initial Installation of the Sidewalk by the Owner, the Owner agrees to (a) replace and grade any and all topsoil removed by the Owner, (b) restore to the condition immediately preceding the Installation any and all fences, roads, plantings, and improvements that are damaged or removed as a direct result of the Installation, (c) replace any and all sod removed with sod of like quality, and (d) replace any and all natural grass removed by seeding with a good quality seed ("Restoration Work").

B. By Village. Upon completion of any repair, removal, or replacement of the Sidewalk by the Village, the Village agrees to perform the Restoration Work.

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Section 4. HOLD HARMLESS.

The Village agrees to hold the Owner harmless from all claims, causes of action, suits, damages, or demands that arise directly from the Installation of the Sidewalk on the Easement Premises.

Section 5. RESERVED RIGHT.

The Owner reserves the right to use the Easement Premises in any manner that will not prevent or interfere in any way with the exercise by the Village of the rights granted herein; provided, however, that the Owner shall not permanently or temporarily improve or obstruct the Easement Premises or cause any improvements or obstructions to be constructed on the Easement Premises that would impair the exercise by the Village of the rights granted herein without the express prior written consent of the Village Manager.

Section 6. ASSIGNMENT OF RIGHTS.

The Owner agrees that the Village may assign its rights or delegate its duties under this Agreement to any assignee (a) who is reasonably competent to exercise the rights granted herein and the obligations imposed herein, and (b) who makes adequate assurances to the Owner that any activity performed pursuant to such assignment or delegation shall be conducted in a good and workmanlike manner.

Section 7. ADDITIONAL EASEMENTS.

The Owner shall have the right to grant other non-exclusive easements over, along, across, or upon the Easement Premises; provided, however, that any such other easements shall be subject to this Agreement and the rights granted hereby; and provided further, that the Village Manager shall have first consented in writing to the terms, nature, and location of any such other easements.

Section 8. COVENANTS RUNNING WITH THE LAND.

The easements and rights granted in this Agreement, the restrictions imposed by this Agreement, and the agreements and covenants contained in this Agreement shall be easements, rights, restrictions, agreements, and covenants running with the land, shall be recorded against the Subject Property and shall be binding upon and inure to the benefit of the Owner and the Village and their respective heirs, executors, administrators, successors, assigns, agents, licensees, invitees, and representatives, including, without limitation, all subsequent owners of the Subject Property, or any portion thereof, and all persons claiming under them. If any of the easements, rights, restrictions, agreements, or covenants created by this Agreement would otherwise be unlawful or void for violation of (a) the rule against perpetuities or some analogous statutory provision, (b) the rule restricting restraints on alienation, or (c) any other statutory or common law rules imposing time limits, then such easements, rights, restrictions, agreements, or covenants shall continue only until 21 years after the death of the last survivor of the now living lawful descendants of Richard M. Daley, Mayor of the City of Chicago.

Section 9. AMENDMENT.

This Agreement may be modified, amended, or annulled only by the written agreement of the Owner and the Village.

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

ATTEST:

OWNER

By: _____

By: _____

Its: _____

Its: _____

ATTEST:

VILLAGE OF NORTHBROOK

Village Clerk _____

Village Manager _____

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Exhibit A

Legal Description of the Subject Property

THE WEST 400 FEET OF THE SOUTH 20 ACRES OF THE WEST THREE-QUARTERS OF THE NORTHWEST QUARTER OF SECTION 9, TOWNSHIP 42 NORTH, RANGE 12, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PART DEDICATED FOR CHERRY LANE BY DOCUMENT #20535950), IN COOK COUNTY, ILLINOIS.

Commonly Known as 1133 Pfingsten Road, Northbrook, Illinois

Permanent Real Estate Index No. 04-09-100-055

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ACKNOWLEDGEMENTS

STATE OF ILLINOIS)
)
 COUNTY OF COOK)

SS

This instrument was acknowledged before me on _____, 19___, by _____, the Village _____ of the **VILLAGE OF NORTHBROOK**, an Illinois municipal corporation, and by _____, the Village Clerk of said municipal corporation.

 Signature of Notary

SEAL

My Commission expires: _____

STATE OF ILLINOIS)
)
 COUNTY OF COOK)

SS

This instrument was acknowledged before me on _____, 19___, by _____, President of Gloria Dei Evangelical Lutheran Church, an Illinois not-for-profit corporation (the "Corporation"), and _____, Secretary of the Corporation, which individuals are known to me to be the identical persons who signed the foregoing instrument as such officers of the Corporation for and in behalf of the Corporation, and that they executed the same as their free and voluntary act and deed and as the free and voluntary act of the Corporation, for the uses and purposes herein mentioned.

 Signature of Notary

SEAL

My Commission expires: _____

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Exhibit B

Legal Description of the Easement Premises

[TO BE ADDED]

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EXHIBIT G

UNCONDITIONAL AGREEMENT

To: The Village of Northbrook, Illinois

Gloria Dei Evangelical Lutheran Church, an Illinois not-for-profit corporation (the "Applicant") is the owner of the property commonly known as 1133 Pfingsten Road, Northbrook, Illinois. 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 of Northbrook Ordinance No. 95-55, adopted by the Northbrook Board of Trustees on December 12, 1995.

**GLORIA DEI EVANGELICAL LUTHERAN
CHURCH**, an Illinois not-for profit corporation

By: Kenneth W. Padgett
Its: Congregation Council President

ATTEST:

By: Dale P. Steyer
Its: Treasurer

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