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COOK COUNTY,
RECORDER
JESSE WHITE
SKOKIE OFFICE

COVER SHEET

AN AGREEMENT DATED NOVEMBER 14, 1996 BETWEEN THE VILLAGE OF SKOKIE AND ORCHARD PLACE, L.L.C. FOR INSTALLATION AND MAINTENANCE OF LANDSCAPING AT 4831 and 4849 GOLF ROAD, SKOKIE, ILLINOIS.

RETURN RECORDED DOCUMENT TO:

RECORDER'S BOX 429

BARBARA M MEYER, CORPORATION COUNSEL
VILLAGE OF SKOKIE
LEGAL DEPARTMENT
5127 OAKTON STREET
SKOKIE, ILLINOIS 60077
(847) 933-8270

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AGREEMENT FOR INSTALLATION AND MAINTENANCE OF LANDSCAPING HS.

This Agreement is by and between Orchard Place Retail L.L.C.

hereinafter referred to as "Property Owner," and the VILLAGE OF SKOKIE, a Illinois municipal corporation hereinafter referred to as "Village."

1. Recitals - Property Owner is the owner of real property located in the Village of Skokie, described as follows:

4849 and 4831 Golf Road, Skokie, IL

SEE ATTACHED EXHIBIT "A"
Deneq # 72547129

At or near the time of execution of this Agreement, the Village granted an Occupancy Permit, Business License or Special Use Permit pursuant to state Statutes and local ordinances.

By the terms of the permit, the Property Owner is required to install and maintain landscaping in accordance with a plan approved by the Village.

Both parties to this Agreement recognize that the installation and maintenance of landscaping is an integral part of the Property Owner's plan for development and/or use of the property and is necessary to carry out the purpose and intent of the Village's land use objectives, and that the permits would not have been approved by the Village without the assurance that this Agreement would be executed by the Property Owner.

THEREFORE, THE PARTIES AGREE as follows:

2. Purpose - The purpose of this Agreement is to assure (a) installation of the landscaping in accordance with the landscaping plan approved by the Village, and (b) continued maintenance and care of the landscaping, including any landscaping indicated in the parkway area.

3. Property Subject of this Agreement - The lands that are to be landscaped and maintained pursuant to the terms and conditions of this Agreement are as identified on attached Exhibit A, and hereby incorporated in this Agreement as if set out forth in full.

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4. Landscaping as a Benefit - The Property Owner agrees that the landscaping which he is obligated to provide will materially benefit his property and is necessary to comply with the conditions of the permit imposed by the Village as a requirement for development or use of the property.

5. Duty to Maintain Landscaping - The Property Owner shall diligently maintain and care for the landscaping which he installs, using generally accepted methods of cultivation and watering. The Property Owner shall maintain that standard of care necessary to prevent the landscaping from deteriorating to the extent that its value as landscaping is destroyed. If the attached Exhibits to this Agreement specify maintenance standards or procedures, such procedures are hereby adopted as part of this Agreement, and by such adoption become an enforcement condition of this Agreement.

6. Village Maintenance of Landscaping - The Property Owner agrees that if he fails to meet the standard of maintenance necessary to keep the landscaping in a healthy condition, the Village will give written notice of the deficiency to the Property Owner who shall have twenty (20) days to make the necessary correction and if the correction is not made within twenty (20) days the Village may elect to take the steps necessary to assure that the landscaping is maintained and cared for. To do this, the Village shall serve a notice of its intent to enter the premises for this purpose. The Village shall either personally serve the notice upon the Property Owner or mail a copy of it by certified mail to the Property Owner's last known address, or as shown on the tax rolls, at least fifteen (15) days in advance of the date when it intends to enter the premises.

For this purpose the Village may enter upon the property and perform such work as it considers reasonably necessary and proper to restore and maintain the landscaping. The Village may act either through its own employees or through an independent contractor.

7. Maintenance Costs as Lien - If the Village incurs costs in restoring or maintaining the landscaping after following the procedures set forth in Paragraph 6, above, the Village shall make demand upon the Property Owner for payment. If the Property Owner fails to pay the costs incurred by the Village within thirty (30) days of the date demand is made, the Village may make the costs a lien upon the described property by recording a notice that it has incurred expenses under the terms of this Agreement with the County Recorded for Cook County. The notice shall state the fact that the Village has incurred the costs under the terms of this Agreement and shall state the amount, together with the fact that it is unpaid and draws interest at the legal maximum rate per year, or portion thereof, until paid.

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8. Additional Remedies - The Village may, as an alternative to the lien procedure set forth in Paragraph 7, above, bring legal action to collect the sums due as a result of the making of expenditures for restoration and maintenance of the landscaping. The Property Owner agrees that if legal action by the Village is necessary to collect the amount expended by the Village, the Property Owner agrees to pay the Village a reasonable sum as attorney's fees and court costs, together with interest from the date which is thirty (30) days after the Village has given its notice under Paragraph 6, above.

9. Agreement Runs with the Land - This Agreement pertains to and runs with the real property described above. This Agreement binds the successors in interest of each of the parties. This Agreement shall be recorded in the Office of the County Recorder for the County of Cook.

10. Additional Security - If either upon the execution of this Agreement or during the course of performance, the Village considers that it is necessary to have the Property Owner post additional security to guarantee the performance of his obligations hereunder, the Village may require the Property Owner to post additional security. The Village may require either a cash deposit or a surety bond guaranteeing performance in a form signed by sureties satisfactory to the Village. The condition of the security shall be that if the Property Owner fails to perform his obligations under this Agreement, the Village may, in the case of a cash bond, act for him using the proceeds, or in the case of a surety bond, require the securities to perform the obligations of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year written below:

DATED: November 11, 1996

PROPERTY OWNER: Orchard Place Retail, L.L.C.
Orchard Place Retail, Inc. Managing Member

Mitchell Saywitz
VILLAGE OF SKOKIE Mitchell Saywitz, President

By: [Signature]

Title: _____

ATTEST: [Signature]
Village Clerk

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STATE OF ILLINOIS)
) ss
COUNTY OF C O O K)

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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 2nd
day of October A.D. 1995, by a vote of 5 AYES 0
NAYS 2 ABSENT; that said ordinance, adopted as aforesaid
was deposited and filed in the Office of the Village of Skokie
on the 3rd day of October, A.D. 1995, and was approved
by the Mayor and the Village of Skokie on the 2nd day of
October, A.D. 1995.

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
journal, 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 25th
day of March A.D. 1997.

97409050

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

(SEAL)

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BMM:ky 10/7/96
(95-11p5)

THIS ORDINANCE MAY BE CITED AS
VILLAGE ORDINANCE NUMBER
95-10-Z-2532

**AN ORDINANCE MODIFYING THE PREVIOUSLY APPROVED
SITE PLAN FOR THE CONSTRUCTION AND ESTABLISHMENT
OF A COMMERCIAL PLANNED DEVELOPMENT AT 4801 AND
4849 GOLF ROAD, SKOKIE, ILLINOIS TO ALLOW THE
CONSTRUCTION AND ESTABLISHMENT OF A WALK-IN
AND DRIVE THROUGH BANK FACILITY AT THE SOUTHWEST
CORNER OF GOLF ROAD AND SKOKIE BOULEVARD,
SKOKIE, ILLINOIS IN A B-2 COMMERCIAL DISTRICT AND
REPEALING VILLAGE ORDINANCE NUMBER 95-10-Z-2532**

WHEREAS, on October 2, 1995, the Mayor and Board of Trustees of the Village of Skokie adopted Village Ordinance Number 95-10-Z-2532 granting site plan approval for a commercial planned development at 4801 and 4849 Golf Road, Skokie, Illinois in a B-2 Commercial District; and

WHEREAS, the owner of the subject property legally described as:

PARCEL 1

THAT PART OF LOTS 1 TO 7, LOTS 38 TO 55 AND LOT 60 AND THAT PART OF VACATED LA CROSSE AVENUE AND VACATED ALLEY FALLING WITHIN THE FOLLOWING DESCRIBED TRACT OF LAND: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1; THENCE EAST ALONG THE SOUTH LINE OF SIMPSON STREET, 216.35 FEET TO THE CENTERLINE OF VACATED LA CROSSE AVENUE. THENCE SOUTH ALONG SAID CENTERLINE, 141.00 FEET TO THE NORTH LINE OF SAID LOT 46 EXTENDED WEST. THENCE EAST ALONG SAID EXTENDED LINE AND THE NORTH LINE OF LOT 46, 136.14 FEET TO THE NORTHEAST CORNER THEREOF. THENCE SOUTH ALONG THE EAST LINE OF LOTS 38 TO 46, A DISTANCE OF 269.06 FEET TO A LINE WHICH IS 410.08 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF SIMPSON STREET. THENCE WEST ALONG SAID LINE WHICH IS 410.08 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF SIMPSON STREET, 372.25 FEET TO THE WEST LINE OF SAID LOT 60; THENCE NORTH ALONG THE WEST LINE OF LOT 60 AND SAID WEST LINE EXTENDED AND THE WEST LINE OF LOT 1, 410.08 FEET TO THE PLACE OF BEGINNING. ALL IN TALMAN AND TIEBEL'S CIGERO AVENUE SIMPSON STREET SUBDIVISION OF THE NORTH 40 RODS OF THE EAST 33 RODS OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS

PARCEL 2

THAT PART OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS. BEGINNING AT A POINT ON THE WEST LINE OF THE EAST 33 RODS OF THE NORTHEAST 1/4 OF SAID SECTION 16, 40.0 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST 1/4. THENCE SOUTH ON THE WEST LINE OF THE EAST 33 RODS OF THE NORTHEAST 1/4 OF SAID SECTION 16, 410.08 FEET. THENCE WEST ON A LINE PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST 1/4, 12.0 FEET. THENCE NORTH ON A LINE PARALLEL WITH THE WEST LINE OF THE EAST 33 RODS 291.77 FEET TO A POINT OF CURVE; THENCE

EXHIBIT "A"

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1 NORTHWESTERLY ON A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 50.46 FEET,
2 33.84 FEET. THENCE NORTHWESTERLY ON A LINE TANGENT TO THE LAST DESCRIBED CURVE 53.82
3 FEET TO A POINT OF CURVE. THENCE NORTHERLY ON A CURVE CONCAVE EASTERLY AND HAVING
4 A RADIUS OF 72.12 FEET, 48.09 FEET TO A POINT ON A LINE 40.0 FEET SOUTH OF AND PARALLEL WITH
5 THE NORTH LINE OF SAID NORTHEAST 1/4, 72.00 FEET WEST OF THE PLACE OF BEGINNING. THENCE
6 EAST ON A LINE 40.0. IN COOK COUNTY, ILLINOIS

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PARCEL 3

THE SOUTH 10.0 FEET OF THE NORTH 460.08 FEET OF THE EAST 12.0 FEET OF THAT PART OF THE
EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE
THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE WEST LINE OF THE EAST 33 RODS OF THE
NORTHEAST 1/4 OF SAID SECTION 16, IN COOK COUNTY, ILLINOIS

PARCEL 4

EASEMENT FOR INGRESS AND EGRESS AS CREATED BY A GRANT FROM LASALLE NATIONAL BANK,
AS TRUSTEE UNDER TRUST NUMBER 38391, DATED MAY 29, 1969 AND FILED JULY 1, 1969 IN THE
OFFICE OF THE REGISTRAR OF TITLES AS DOCUMENT NUMBER LR2459484 AND REFILED MARCH 24,
1972 AS DOCUMENT NUMBER LR2614018 OVER, UNDER, UPON AND THROUGH THAT PART OF THE
EAST 1/2 OF THE NORTHEAST 1/4 SECTION 16, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD
PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS.

COMMENCING AT A POINT ON THE WEST LINE OF THE EAST 33 RODS OF THE NORTHEAST 1/4 OF
SAID SECTION 16, 40.0 FEET SOUTH OF THE NORTH LINE OF SAID NORTHEAST 1/4; THENCE WEST ON
A LINE 40.0 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST 1/4, 72.0 FEET
TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTHERLY ON A CURVE CONCAVE
EASTERLY AND HAVING RADIUS OF 72.12 FEET, 48.09 FEET, THENCE SOUTHEASTERLY ON A LINE
TANGENT TO THE LAST DESCRIBED CURVE 53.82 FEET TO A POINT OF CURVE; THENCE
SOUTHEASTERLY ON A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 50.46 FEET,
33.84 FEET TO ITS INTERSECTION WITH A LINE 120 FEET WEST OF AND PARALLEL TO THE WEST LINE
OF THE EAST 3 RODS OF SAID NORTHEAST 1/4; THENCE SOUTH ON A LINE PARALLEL WITH THE WEST
LINE OF THE EAST 33 RODS, 291.77 FEET, THENCE WEST ON A LINE PARALLEL WITH THE NORTH LINE
OF THE NORTHEAST 1/4 OF SAID SECTION 16, 12.0 FEET, THENCE NORTH ON A LINE PARALLEL WITH
THE WEST LINE OF THE EAST 33 RODS, 211.81 FEET TO A POINT OF CURVE; THENCE
NORTHWESTERLY ON A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 38.46 FEET,
25.80 FEET, THENCE NORTHWESTERLY ON A LINE TANGENT TO THE LAST DESCRIBED CURVE 53.82
FEET TO A POINT OF CURVE. THENCE NORTHERLY ON A CURVE CONCAVE EASTERLY AND HAVING
A RADIUS OF 84.12 FEET, 56.10 FEET TO A POINT ON A LINE 40.0 FEET SOUTH OF AND PARALLEL WITH
THE NORTH LINE OF SAID NORTHEAST 1/4, 12.0 FEET WEST OF THE PLACE OF BEGINNING. THENCE
EAST ON A LINE 40.0 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST 1/4,
12.0 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS

PARCEL 5

EASEMENT FOR INGRESS AND EGRESS AS CREATED BY A GRANT FROM LASALLE NATIONAL BANK,
AS TRUSTEE UNDER TRUST NUMBER 38391, DATED MAY 29, 1969 AND FILED JULY 1, 1969, IN THE
OFFICE OF THE REGISTRAR OF TITLE AS DOCUMENT NUMBER LR2459484 AND REFILED MARCH 24,
1972 AS DOCUMENT LR2614018 OVER, UNDER, UPON AND THROUGH THAT PART OF THE SOUTH 10.0
FEET OF THE NORTH 460.08 FEET OF THE WEST 12.0 FEET OF THE EAST 24.0 FEET OF THAT PART OF
THE EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE
THIRD PRINCIPAL MERIDIAN, LYING WEST OF THE WEST LINE OF THE EAST 33 RODS OF THE
NORTHEAST 1/4 OF SAID SECTION 16, IN COOK COUNTY, ILLINOIS.

PARCEL 6

EASEMENT FOR INGRESS AS CREATED BY A GRANT FROM LASALLE NATIONAL BANK, AS TRUSTEE
UNDER TRUST NUMBER 38391, DATED MAY 29, 1969 AND FILED JULY 1, 1969 AS DOCUMENT LR2459484
AND REFILED MARCH 24, 1972 AS DOCUMENT LR2614018 IN THE OFFICE OF THE REGISTRAR OF TITLE
OVER, UNDER, UPON AND THROUGH THAT PART OF LOTS 38, 55 AND 60 AND THAT PART OF VACATED
LA CROSSE AVENUE AND VACATED ALLEY IN TALMAN AND THIELE'S CICERO AVENUE SIMPSON
STREET SUBDIVISION OF THE NORTH 40 RODS OF THE EAST 33 RODS OF THE NORTHEAST 1/4 OF
SECTION 16, TOWNSHIP 41 NORTH, RANGE 13, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING
NORTH OF A LINE 420.06 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF SIMPSON STREET

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1 AND LYING SOUTH OF A LINE 410 08 FEET SOUTH OF AND PARALLEL TO THE SOUTH LINE OF SIMPSON
2 STREET IN COOK COUNTY, ILLINOIS

3 **PARCEL 7**

4 LOTS 8, 9, 10, 11, 12, 13, 14, 15 AND 16 IN TALMAN AND THIELE'S CICERO AVENUE SIMPSON STREET
5 SUBDIVISION OF THE NORTH 40 RODS OF THE EAST 33 RODS OF THE NORTHEAST 1/4 OF SECTION
6 16 TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PART
7 OF SAID ABOVE DESCRIBED PROPERTY BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 16;
8 THEN SOUTH ALONG THE EAST LINE OF SAID LOT 16, BEING ALSO THE WEST LINE OF SKOKIE
9 BOULEVARD, A DISTANCE OF 125 FEET TO THE SOUTH LINE OF SAID LOT 16, THENCE WEST ALONG
10 THE SOUTH LINE OF SAID LOT 16 A DISTANCE OF 18 FEET TO A POINT DISTANT 16.00 FEET WEST
11 MEASURED AT RIGHT ANGLES FROM SAID EAST LINE OF LOT 16; THENCE NORTH PARALLEL WITH
12 SAID EAST LINE OF LOT 16, A DISTANCE OF 55.86 FEET TO A POINT, THENCE NORTHWESTERLY ALONG
13 A STRAIGHT LINE A DISTANCE OF 34.88 FEET TO A POINT OF CURVATURE, DISTANCE 22.27 FEET
14 WEST, MEASURED AT RIGHT ANGLES FROM THE EAST LINE OF SAID LOT 16; THENCE
15 NORTHWESTERLY ALONG A CURVED LINE HAVING A RADIUS OF 42.00 FEET AND CONCAVE TO THE
16 SOUTHWEST A DISTANCE OF 45.37 FEET TO A POINT 4.27 FEET SOUTH MEASURED AT RIGHT ANGLES
17 FROM THE SOUTH LINE OF SIMPSON STREET, AS THE SAME IS SHOWN ON THE PLAT OF SUBDIVISION
18 REGISTERED AS DOCUMENT NO. 268690, THENCE NORTHWESTERLY ALONG A STRAIGHT LINE A
19 DISTANCE OF 34.86 FEET TO A POINT IN THE NORTH LINE OF SAID LOT 14, DISTANT 87.34 FEET WEST
20 FROM SAID WEST LINE OF SKOKIE BOULEVARD, AS MEASURED ALONG SAID NORTH LINE OF SAID
21 LOTS 14, 15 AND 16, THENCE EAST ALONG SAID NORTH LINE OF LOTS 14, 15 AND 16, A DISTANCE OF
22 87.34 FEET TO THE POINT OF BEGINNING), TOGETHER WITH THE EAST 1/2 OF VACATED 66 FEET WIDE
23 ACROSS LACROSSE AVENUE RECORDED MARCH 17, 1974 AS DOCUMENT NO. LR 2410456 LYING
24 SOUTH OF THE SOUTH LINE OF GOLF ROAD AND LYING NORTH OF THE SOUTH OF THE SOUTH LINE
25 EXTENDED WEST OF THE 16 0 FOOT PUBLIC ALLEY, SOUTH OF AND ADJOINING LOTS 8, 9, 10, 11, 12
26 13, 14, 15 AND 16 AFORESAID, IN COOK COUNTY, ILLINOIS.

27 PINS 10-16-204-034, 10-16-204-035, 10-16-204-027, 10-16-206-001,
28 10-16-206-002, 10-16-206-003, 10-16-206-002.

29 located in a B-2 Commercial District petitioned the Skokie Plan Commission for a modification to
30 the previously approved site plan to permit the construction and development of a walk-in and
31 drive-thru banking facility as part of the previously approved commercial planned development;
32 and

33 **WHEREAS**, the Plan Commission, after public hearing duly held, made appropriate
34 findings of fact as required under Section 13.2.2, that the requested modification to the previously
35 approved site plan be granted subject to various conditions; and

36 **WHEREAS**, the Plan Commission further recommended that Village Ordinance Number
37 95-10-Z-2532 be repealed and that all conditions contained therein be incorporated in the
38 ordinance granting the petitioner's request; and

39 **WHEREAS**, the Mayor and Board of Trustees, after a public meeting duly held, concurred
40 in the aforesaid recommendations and findings of fact of the Plan Commission;

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

43 **Section 1:** That Village Ordinance Number 95-10-Z-2532 be and the same is hereby
44 repealed.

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