

ORDINANCE NO. _____

**AN ORDINANCE EXTENDING ORDINANCE 1959, AN ORDINANCE GRANTING A
SPECIAL USE PERMIT WITH RESPECT TO CERTAIN REAL PROPERTY
LOCATED WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF CREST
HILL
[APPLICATION OF A&D STORAGE, LLC]**

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/11-3.1.1 (the “Code”) authorizes the corporate authorities of any municipality to enact ordinances to provide for the classification of special uses, including, but not limited to, public and quasi-public uses affected with the public interest, uses which may have a unique, special, or unusual impact upon the use or enjoyment of neighboring property, and planned developments; and

WHEREAS, on August 7, 2023, the Crest Hill City Council approved and passed Ordinance 1959, An Ordinance Granting A Special Use Permit With Respect To Certain Real Property Located Within The Corporate Boundaries Of The City Of Crest Hill (Application of A & D Storage, LLC); and

WHEREAS, A & D Storage, Inc. has not yet submitted requests for Building Permits or final site plans, as required by the Conditional Approval of the Special Use Permit granted and approved by Ordinance 1959; and

WHEREAS, Section 12.7-9 of the City of Crest Hill Zoning Ordinance requires that the special use development begin within one year of the City Council’s Approval, as follows:

In any case where a special use has been granted, and where no special use development has taken place within one (1) year of granting thereof, then without further action by either the Plan Commission or the City Council, said special use variation shall become null and void, unless the property owner/applicant submits a formal request in writing seeking an extension. Written request for extension must be submitted thirty (30) days prior to expiration date; and

WHEREAS, absent the start of development before August 7, 2024, the Special Use Permit granted to A & D Storage, LLC by Ordinance 1959 will become null and void without further action by the Plan Commission or City Council on August 7, 2024; and

WHEREAS, A & D Storage, LLC on or about May 20, 2024, submitted a written formal request for a twelve (12) month extension of the Special Use Permit granted by Ordinance 1959, as authorized by Section 12.7-9 of the Crest Hill Zoning Ordinance; and

WHEREAS, said written formal request for extension was submitted more than thirty (30) days prior to the expiration date; and

WHEREAS, the City Council at its June 10, 2024, work session meeting heard arguments for the extension as presented by representatives of A & D Storage, LLC., including representations that there were no changes to the Special Use Permit being sought at this time; and

WHEREAS, based on the arguments heard and the recommendations from City Staff, the City Council has determined that the request for a twelve (12) month extension should be granted; and

WHEREAS, since Ordinance 1959 was passed, the City of Crest Hill has adopted a policy requiring that applicants receiving Special Use Permits and Variances execute an Unconditional Agreement and Consent requiring the applicant to, among other things, comply with all conditions of the approval and holding the City harmless; and

WHEREAS, in addition to the granting of the extension requested by A&D Storage, LLC the City has determined that A & D Storage, LLC must also execute the Unconditional Agreement and Consent attached hereto as Exhibit "A", which shall be filed with the original Ordinance 1959 and be considered part of the Special Use Permit Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Crest Hill, Will County, Illinois, as follows:

SECTION 1: The Preambles of this Ordinance are incorporated herein by reference.

SECTION 2: That the City Council hereby extends the Special Use Permit granted to A & D Storage, LLC for a period of twelve (12) months, to and including August 7, 2025.

SECTION 3: That in addition to the extension, A & D Storage, LLC shall execute the Unconditional Agreement and Consent attached hereto as Exhibit "A", which shall be filed with the original Ordinance 1959 and be considered part of the Special Use Permit Ordinance.

SECTION 4: This Ordinance shall become effective only upon the attachment of a fully executed Exhibit "A" within 60 days of the passage of this Ordinance. In the event that Exhibit "A" is not executed within 60 days, this Ordinance shall have no force and effect, and shall be subject to repeal by the City Council without further notice or hearing due to the Owner.

SECTION 5: This Ordinance shall take effect upon its passage and publication according to law.

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PASSED THIS 17th DAY OF JUNE, 2024

	Aye	Nay	Absent	Abstain
Alderman Scott Dyke				
Alderwoman Claudia Gazal				
Alderman Darrell Jefferson				
Alderperson Tina Oberlin				
Alderman Mark Cipiti				
Alderman Nate Albert				
Alderman Joe Kubal				
Mayor Raymond R. Soliman				

Christine Vershay-Hall, City Clerk

APPROVED THIS 17TH DAY OF JUNE, 2024

Raymond R. Soliman, Mayor

ATTEST:

Christine Vershay-Hall, City Clerk

“Exhibit A”
Unconditional Agreement and Consent

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The City of Crest Hill, Illinois ("**City**"):

WHEREAS, A & D STORAGE LLC (the "**Owner**") is the owner of that certain real property commonly located the southwest corner of Borio Drive and Renwick Road, Crest Hill, Illinois, PIN: 11-04-20-100-015-0000 (the "**Property**") and

WHEREAS, Ordinance No. 1959, approved and passed by the Crest Hill City Council on August 7, 2023, ("the **Ordinance**"), approved a B-3 Special Use Permit for a self-storage facility; and

WHEREAS, on May 20, 2024, the Owner requested in writing a formal extension of the Special Use Permit approved by Ordinance 1959 for a period of twelve (12) months; and

WHEREAS, on June 10, 2024, the request for extension was presented to the Crest Hill City Council for discussion; and

WHEREAS, on June 17, 2024, the City Council determined to grant the requested extension, by Ordinance _____; and

WHEREAS, after Ordinance 1959 was passed, the City adopted a new policy of requiring applicants for Special Use Permits and/or Variances to execute an Unconditional Agreement and Consent in substantially the same form of this document; and

WHEREAS, in addition to the requested extension, the City Council has determined to require the Owner to execute this Exhibit A to the extension Ordinance.

NOW, THEREFORE, the Owner does hereby agree and covenant as follows:

1. The Owner hereby unconditionally agrees to, accept, consent to, and will abide by all terms, conditions, limitations, restrictions, and provisions of Ordinance 1959.

2. The Owner acknowledges that all required public notices and hearings have been properly given and held with respect to the application process and passage of Ordinance 1959, understands and has considered the possibility of revocation or repeal of Ordinance 1959 as a result of violation of its terms or failure to abide by the conditions set forth in Ordinance 1959, and agrees, covenants and warrants that it will not challenge any such revocation on the basis of any procedural infirmity or a denial of any procedural right, provided that the City will provide the Owner with written notice of the City's intent to Repeal or Revoke Ordinance 1959.

3. The Owner acknowledges and agrees that the City shall not be in any way liable for any damages or injuries that may be sustained as a result of the City's granting of the Special Use Permit or its passage of Ordinance 1959, and that the City's approvals do not, and will not, in any way be deemed to insure the Owner against damage or injury of any kind at any time.

4. The Owner hereby agrees to release, defend, indemnify and hold harmless the City of Crest Hill, its corporate authorities, elected and appointed officials, officers, employees, agents, representatives, and attorneys from any and all claims that may, at any time, be asserted against them in connection with (a) the City's review and approval of any plans and issuance of any permits, (b) the City's passage of Ordinance 1959, and (c) the maintenance and use of the Property as authorized by Ordinance 1959.

5. The undersigned is an authorized representative of the Owner duly authorized and empowered to execute this Unconditional Agreement and Consent on behalf of the Owner.

OWNER: A & D STORAGE, LLC

By: _____

Its: _____

SUBSCRIBED and **SWORN** to before me
this _____ day of _____, 2024.

Notary Public