

THIS SPACE FOR CLERK'S USE ONLY

AN ORDINANCE GRANTING A LAND USE VARIATION
19 N WILKE RD, ARLINGTON HEIGHTS, IL

ADOPTED BY THE
PRESIDENT AND BOARD OF
TRUSTEES OF THE VILLAGE OF
ARLINGTON HEIGHTS THIS
20TH DAY OF SEPTEMBER, 2021.

AN ORDINANCE GRANTING A LAND USE VARIATION

WHEREAS, on July 28, 2021, pursuant to notice, the Plan Commission conducted a public hearing on the application of Hector Barreiro ("Petitioner"), for a land use variation to allow a tattoo parlor use within a B-2 General Business District, for the property located at 19 N Wilke Rd, Arlington Heights Illinois; and

WHEREAS, the Plan Commission has recommended the granting of a land use variation; and

WHEREAS, the President and Board of Trustees, having considered the report and recommendation of the Plan Commission, have determined that authorizing and granting said request, subject to certain conditions hereinafter described, would be in the best interests of the Village of Arlington Heights,

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: That a land use variation is hereby granted to permit a tattoo parlor use within a B-2 General Business District at the property legally described as:

Lots 33, 34 and 35 in Block 6 in Reuter's Westgate, Unit Number 1, being a subdivision of part of the Southwest quarter of Section 30, Township 42 North, Range 11, East of the Third Principal Meridian, in Cook County, Illinois.

PIN 03-30-311-011, -012, -013

commonly described as 19 N Wilke Rd, Arlington Heights, Illinois, in compliance with the Floor Plan, consisting of one sheet, submitted by the Petitioner, copies of which are on file with the Village Clerk and available for public inspection.

SECTION TWO: That the Land Use Variation granted by this Ordinance is subject to the following conditions:

1. The facility shall be required to register with the Illinois Department of Public Health (IDPH) as a "Body Art Establishment", and shall submit to the Village, a copy of the inspection permit and registration from the IDPH that this location is a Body Art Establishment.

2. The Petitioner shall comply with all Federal, State and Village Codes, Regulations and Policies, to which the Petitioner has agreed.

SECTION THREE: That the Director of Building and Life Safety of the Village of Arlington Heights is hereby directed to issue permits for the facility herein approved, upon proper application and after compliance with all applicable ordinances of the Village of Arlington Heights.

SECTION FOUR: That this Ordinance shall be recorded by the Village in the Office of Cook County Clerk. This Ordinance and the privileges, obligations, and provisions contained herein will run with the Property, and will inure to the benefit of, and be binding upon, the Petitioner and its personal representatives, successors and assigns.

SECTION FIVE: This Ordinance will be effective only upon the occurrence of all of the following events:

1. Passage by the Village President and Board of Trustees in the manner required by law; and
2. The filing by the Petitioner with the Village Clerk of an Unconditional Agreement and Consent, in the form of Exhibit A attached to and, by this reference, made a part of this Ordinance, to accept and abide by each and all of the terms, conditions, and limitations set forth in this Ordinance and to indemnify the Village for any claims that may arise in connection with the approval of this Ordinance.

In the event the Petitioner does not file fully executed copies of the Unconditional Agreement and Consent pursuant to this Ordinance, within 30 days after the date of final passage of this Ordinance, the Village President and Board of Trustees will have the right, in their sole discretion, to declare this Ordinance null and void and of no force or effect.

AYES:

NAYS:

PASSED AND APPROVED this 20th day of September, 2021.

ATTEST:

Village President

Village Clerk

Land Use Variation:Midwest Tattoo

EXHIBIT A

UNCONDITIONAL AGREEMENT AND CONSENT

TO: The Village of Arlington Heights, Illinois ("Village"):

WHEREAS, _____, ("Petitioner") is the tenant of that certain property located at the address commonly known as 19 N Wilke Rd and legally described in SECTION ONE of this Ordinance ("Property"); and

WHEREAS, Ordinance No. 2021-_____, adopted by the Village President and Board of Trustees, on September 20, 2021 ("Ordinance"), grants a Land Use Variation for the Property as described in the Ordinance; and

WHEREAS, SECTION FIVE of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Petitioner files, within 30 days following the passage of the Ordinance, their unconditional agreement and consent to accept and abide by each and all of the terms, conditions, and limitations set forth in the Ordinance;

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

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

2. The Petitioner acknowledges that public notices and hearings have been properly given and held with respect to the adoption of the Ordinance, has considered the possibility of the revocation provided for in the Ordinance, and agrees not to challenge any such revocation on the grounds of any procedural infirmity or a denial of any procedural right.

3. The Petitioner acknowledges and agrees that the Village is not and will not be, in any way, liable for any damages or injuries that may be sustained as a result of the Village's granting the Land Use Variation for the Property or its adoption of the Ordinance, and that the Village's approvals do not, and will not, in any way, be deemed to insure the Petitioner against damage or injury of any kind and at any time.

4. The Petitioner hereby agrees to hold harmless and indemnify the Village, the Village's corporate authorities, and all Village elected and appointed officials, officers, employees, agents, representatives, and attorneys, from any and all claims that may, at any time, be asserted against any of such parties in connection with the Village's adoption of the Ordinance granting a land use variation for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2021

ATTEST:

By: _____

By: _____

Its: _____

Its: _____