

THIS SPACE FOR RECORDERS USE ONLY

**AN ORDINANCE GRANTING VARIATIONS FROM CHAPTER 30, SIGN
REGULATIONS, OF THE ARLINGTON HEIGHTS MUNICIPAL CODE
FOR THE PROPERTY AT 2250 SOUTH ARLINGTON HEIGHTS ROAD**

ADOPTED BY THE
PRESIDENT AND BOARD OF
TRUSTEES OF THE VILLAGE OF
ARLINGTON HEIGHTS THIS
1ST DAY OF NOVEMBER, 2021.

AN ORDINANCE GRANTING VARIATIONS FROM CHAPTER 30, SIGN REGULATIONS, OF THE ARLINGTON HEIGHTS MUNICIPAL CODE FOR THE PROPERTY AT 2250 SOUTH ARLINGTON HEIGHTS ROAD

WHEREAS, Trio/BP Automotive Station, (“*Applicant*”) is the owner of record of that certain property located in the B-2 General Business District (“*B-2 District*”), commonly known as 2250 S Arlington Heights Road, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance (“*Property*”); and

WHEREAS, the Property is improved with a single-story commercial building being used as an automotive service station (“*Existing Building*”); and

WHEREAS, as part of planned improvements to the Property and the Existing Building, the Applicant desires to install one ground sign, one wall sign facing Arlington Heights Road that includes partial coverage of window openings, proposed signage for the automotive service station located on a corner lot totaling 456.98 square feet, as well as additional Code compliant wall and canopy signage; and

WHEREAS, the requirements for Signs are set forth in Chapter 30, Sign Regulations, of the Arlington Heights Municipal Code (“*Sign Regulations*”); and

WHEREAS, pursuant to Section 30-207 of the Sign Regulations, the maximum size allowed for a ground sign is 80 square feet; and

WHEREAS, pursuant to Section 30-403.a of the Sign Regulations, the maximum size allowed for a wall sign is 19.2 square feet; and

WHEREAS, pursuant to Section 30-401.b of the Sign Regulations, the partial covering of window opening is prohibited; and

WHEREAS, pursuant to Section 30-207 of the Sign Regulations, the allowed total surface area of all signage for automobile service stations located on a corner lot is 320 square feet;

WHEREAS, in order to permit the installation of the Proposed Ground Sign and Proposed Wall Sign, the Applicant has submitted a petition for variations from the Sign Regulations (collectively the “*Requested Variations*”); and

WHEREAS, notification of a public meeting of the Design Commission of the Village of Arlington Heights (“*Design Commission*”) to consider approval of the Requested Variations was provided by the Applicant pursuant to Section 30-904 of the Sign Regulations by posting signage at the Property and serving written notice on neighboring property owners; and

WHEREAS, on September 28, 2021, the Design Commission conducted a public meeting to consider the Requested Variations, and voted to recommend that the Village Board approve the Requested Variations; and

WHEREAS, the Village President and Board of Trustees have determined that the Requested Variations meet the required standards for a variation as set forth in Section 30-902 of the Sign Regulations; and

WHEREAS, the Village President and Board of Trustees have determined that it will serve and be in the best interests of the Village to grant the requested Variations, subject to the conditions, restrictions, and provisions of this Ordinance,

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

SECTION 1. RECITALS. 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. GRANT OF VARIATIONS. Subject to, and contingent upon, the conditions, restrictions, and provisions set forth in Section 3 of this Ordinance, and in accordance with, and pursuant to, Section 30-902 of the Sign Regulations and the home rule powers of the Village, the Village hereby grants the following variations to the Applicant:

- A. A variation from Section 30-207, to allow an increase in the maximum size ground sign allowed from 80 square feet to 99.3 square feet.
- B. A variation from Section 30-403.a, to allow an increase in the maximum size wall sign allowed (east wall sign, facing Arlington Heights Road) from 19.2 square feet to 125 square feet.
- C. A variation from Section 30-401.b, to allow a wall sign (east wall sign, facing Arlington Heights Road) to partially cover window openings, where this is prohibited.
- D. A variation from Section 30-207, to allow an increase in the total 456.98 square footage surface area of all signage added together, where 320 square feet is the maximum allowed for an automotive service station located on a corner lot.

SECTION 3. CONDITIONS. Notwithstanding any use or development right that may be applicable or available pursuant to the provisions of the Sign Regulations or any other provision of the “Municipal Code of Arlington Heights, Illinois, 1995,” as amended (“*Village Code*”), the approvals granted pursuant to Section 2 of this Ordinance are hereby expressly subject to, and contingent upon, the development, use, and maintenance of the Proposed Ground Sign, the Proposed Wall Sign, the Existing Building, and the Property in compliance with each and all of the following conditions:

- A. Compliance with Regulations. Except to the extent specifically provided otherwise in this Ordinance, the development, use, operation, and maintenance of all signs on the Property (including, without limitation, the Proposed Ground Sign and the Proposed East Wall Sign facing Arlington Heights Road), the Existing Building,

and the Property must comply at all times with all applicable Village codes and ordinances, as the same have been or may be amended from time to time.

- B. Compliance with Plans. Except for minor changes and site work approved by the Village's Director of Building & Life Safety (for matters within his or her permitting authority) in accordance with all applicable Village standards, the installation, use, operation, and maintenance of the Proposed Ground Sign and Proposed East Wall Sign facing Arlington Heights Road must comply with those certain plans prepared by the Applicant and consisting of the following sheets:

Sheet	Plan	Date
A002	Signage (Site) Plan	5/18/21
A004	ID (Ground) Sign and Carwash Canopy	8/11/21
A005	Auto Canopy Elevations	6/25/21
A201	Exterior Elevations	9/8/21
A202	Exterior Elevations	9/8/21
A003	Signage Elevations	9/8/21
	Signage Material List	7/9/21

a copy of which are attached to and, by this reference, made a part of this Ordinance as Exhibit B ("*Plans*").

SECTION 4. RECORDATION; BINDING EFFECT. A copy of this Ordinance will be recorded with the Cook County Clerk. This Ordinance and the privileges, obligations, and provisions contained herein inure solely to the benefit of, and are binding upon the Applicant and each of its heirs, representatives, successors, and assigns.

SECTION 5. FAILURE TO COMPLY WITH CONDITIONS. Upon the failure or refusal of the Applicant to comply with any or all of the conditions, restrictions, or provisions of this Ordinance, as applicable, the approval granted in Section 2 of this Ordinance may, at the sole discretion of the Village President and Board of Trustees, by ordinance duly adopted, be revoked and become null and void; provided, however, that the Village President and Board of Trustees may not so revoke the approval granted in Section 2 of this Ordinance unless they first provide the Applicant with two months advance written notice of the reasons for revocation and an opportunity to be heard at a regular meeting of the Village President and Board of Trustees. In the event of revocation, the development and use of the Property will be governed solely by the regulations of the B-2 General Business District and the applicable provisions of the Sign Regulations and the Village Code, as the same may, from time to time, be amended. Further, in the event of such revocation, the Village Manager and Village Attorney are hereby authorized and directed to bring such enforcement action as may be appropriate under the circumstances.

SECTION 6. AMENDMENTS. Any amendments to the approvals granted in Section 2 of this Ordinance that may be requested by the Applicant after the effective date of this Ordinance may be granted only pursuant to the procedures, and subject to the standards and limitations, provided in the Sign Regulations and the Village Code.

SECTION 7. SEVERABILITY. If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance are to remain in full force and effect, and will be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

SECTION 8. EFFECTIVE DATE.

- A. 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 Applicant with the Village Clerk of an Unconditional Agreement and Consent, in the form of Exhibit C 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.
- B. In the event the Applicant does not file fully executed copies of the Unconditional Agreement and Consent, as required by Section 8.A.2 of 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 1st day of November, 2021.

Village President

ATTEST:

Village Clerk

SignRegulationOrdinances:Trio Gas Station

Exhibit A

Legal Description

PARCEL 1:

THE NORTHERLY 30.0 FEET (AS MEASURED AT RIGHT ANGLES TO THE NORTHWESTERLY LINE THEREOF) OF THE FOLLOWING DESCRIBED TRACT OF LAND; THAT PART OF LOT 7 (EXCEPT THE WEST 10 ACRES THEREOF) IN SUBDIVISION BY JOSEPH A. BARNES FARM IN SECTIONS 9, 15, AND 16, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE CROSS AT THE INTERSECTION OF THE CENTER LINES OF ARLINGTON HEIGHTS ROAD AND ALGONQUIN ROAD; THENCE NORTH ALONG THE CENTER LINE OF ARLINGTON HEIGHTS ROAD 242.48 FEET; THENCE WEST ON A LINE AT RIGHT ANGLES TO SAID CENTER LINE OF ARLINGTON HEIGHTS ROAD, 226.87 FEET; THENCE SOUTHWESTERLY 154.58 FEET ON A STRAIGHT LINE TO A POINT IN THE CENTER LINE OF ALGONQUIN ROAD AND AT THE RIGHT ANGLES HERETO; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID ALGONQUIN ROAD, 293.91 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS, EXCEPT THAT PART TAKEN FOR ROADS.

PARCEL 2:

THAT PART OF LOT 7 (EXCEPT THE WEST 10 ACRES THEREOF) IN THE SUBDIVISION OF JOSEPH A. BARNES FARM IN SECTIONS 9, 15, AND 16, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE CROSS AT THE INTERSECTION OF THE CENTER LINES OF ARLINGTON HEIGHTS ROAD AND ALGONQUIN ROAD; THENCE NORTH ALONG THE CENTER LINE OF ARLINGTON HEIGHTS ROAD 242.48 FEET; THENCE WEST ON A LINE AT RIGHT ANGLES TO SAID CENTER LINE OF ARLINGTON HEIGHTS ROAD, 226.87 FEET; THENCE SOUTHWESTERLY 154.58 FEET ON A STRAIGHT LINE TO A POINT IN THE CENTER LINE OF ALGONQUIN ROAD AND AT RIGHT ANGLES THERETO; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID ALGONQUIN ROAD, 293.91 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS (EXCEPTING FROM THE AFORESAID TRACT OF LAND, THE NORTHWESTERLY 30.0 FEET, AS MEASURED AT RIGHT ANGLES TO THE NORTHWESTERLY LINE THEREOF), ALSO EXCEPT THAT PART TAKEN FOR ROADS.

PARCEL 3:

THAT PART OF LOT 7 IN SUBDIVISION OF JOSEPH A. BARNES FARM IN SECTION 9, 15, AND 16, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT A POINT OF 50 FEET WEST OF THE INTERSECTION OF A LINE DRAWN PERPENDICULAR TO THE CENTER LINE OF ARLINGTON HEIGHTS ROAD, 242.48 FEET NORTH OF THE CROSS AT THE INTERSECTION OF CENTER LINE OF ARLINGTON HEIGHTS ROAD AND ALGONQUIN ROAD; THENCE NORTH PARALLEL TO THE CENTER LINE OF ARLINGTON HEIGHTS ROAD, A DISTANCE OF 105.0 FEET; THENCE WEST 176.42 FEET ON A LINE PERPENDICULAR TO ARLINGTON HEIGHTS ROAD; THENCE SOUTH 105.0 FEET ON A LINE PARALLEL TO THE CENTER LINE OF ARLINGTON HEIGHTS ROAD; THENCE EAST 176.42 FEET ON A LINE PERPENDICULAR TO ARLINGTON HEIGHTS ROAD TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS, EXCEPT THAT PART TAKEN FOR ROADS.

PARCEL 4:

AN EASEMENT FOR ACCESS DESCRIBED AS FOLLOWS: THAT PART OF LOT 7 IN SUBDIVISION OF JOSEPH A. BARNES FARM IN SECTIONS 9, 15, AND 16, TOWNSHIP 41 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE CROSS AT THE INTERSECTION OF THE CENTER LINE OF ARLINGTON HEIGHTS ROAD AND ALGONQUIN ROAD; THENCE NORTH ALONG THE CENTER LINE OF ARLINGTON HEIGHTS ROAD, 347.48 FEET; THENCE WEST 226.42 FEET ON A LINE PERPENDICULAR TO ARLINGTON HEIGHTS ROAD; THENCE SOUTH 105.0 FEET ON A LINE PARALLEL TO THE CENTER LINE OF ARLINGTON HEIGHTS ROAD; THENCE SOUTHWESTERLY 63.15 FEET AT RIGHT ANGLES TO THE CENTER LINE OF ALGONQUIN ROAD; THENCE NORTH PARALLEL TO THE CENTER LINE OF ARLINGTON HEIGHTS ROAD, 184.57 FEET; THENCE SOUTHEASTERLY 248.74 FEET ON A STRAIGHT LINE TO A POINT ON THE CENTERLINE OF ARLINGTON HEIGHTS ROAD AND AT RIGHT ANGLES THERETO; THENCE SOUTH ALONG THE CENTERLINE OF ARLINGTON HEIGHTS ROAD 20.00 FEET TO THE PLACE OF BEGINNING, IN COOK COUNTY, ILLINOIS, EXCEPT THAT PART TAKEN FOR ROADS.

PIN 08-16-200-052, -053, -062, -104

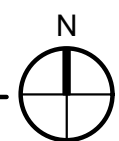
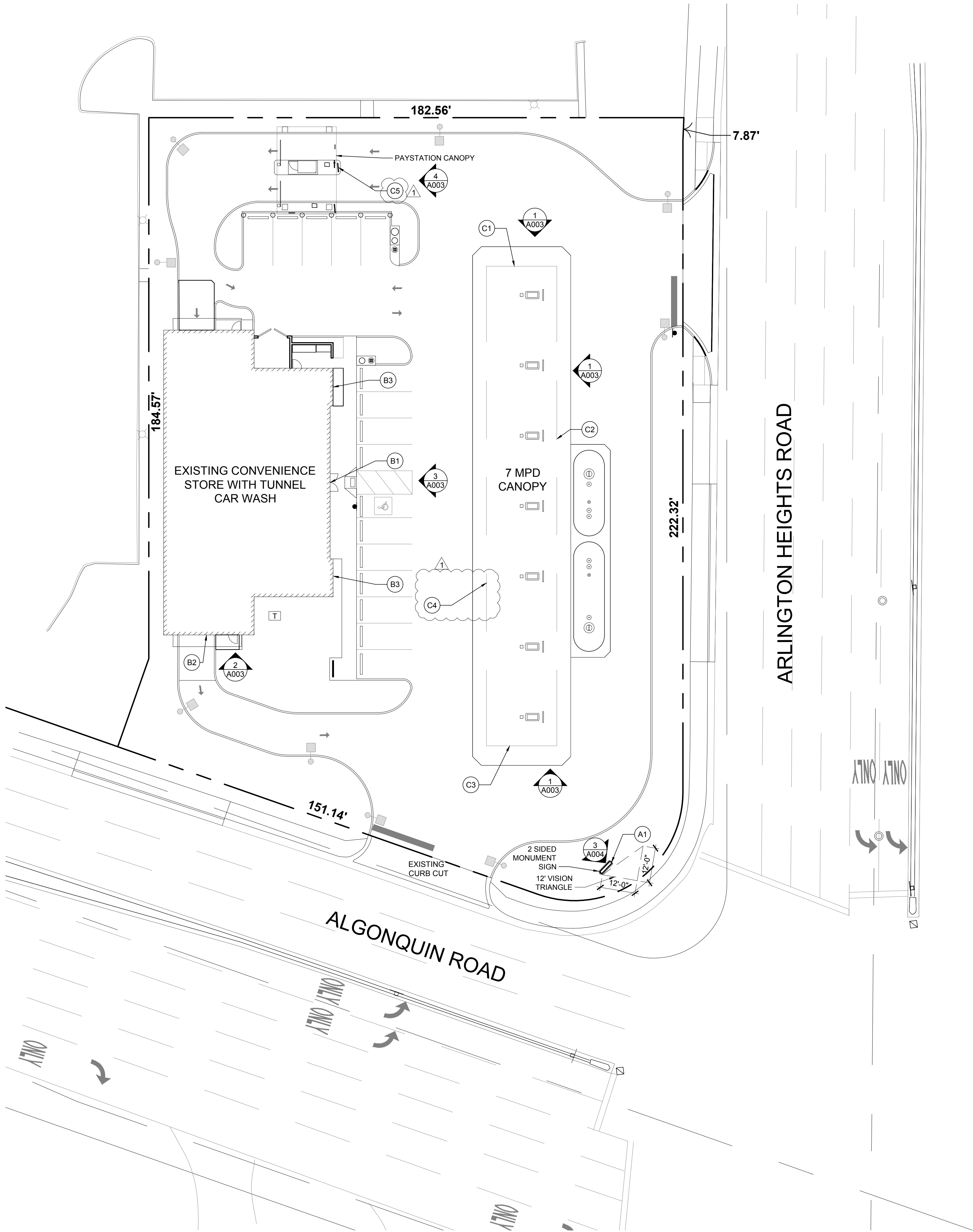
2250 S Arlington Heights Road, Arlington Heights, IL

EXHIBIT B

Site Plans

1 SIGNAGE PLAN

SCALE: 1" = 20'-0"



SIGNAGE INFORMATION			
SIGN TYPE / QUANTITY (SECT. 30-207)	GROUND SIGNS: QUANTITY: (2) ALLOWED IF SEPARATED BY MIN 250' ALONG THE RIGHT OF WAY.		
	AREA: 80 SF MAX. PER SIDE.		
	PRICE PORTION: MAX 50% OF THE SIGN AREA.		
	CHANGEABLE COPY: MAX 20% OF THE SIGN AREA.		
GROUND SIGN (TABLE A)	WALL SIGNS:		
	AREA: 25% OF SIGNABLE AREA OR 150 SF MAX		
	WINDOW SIGNS: AREA: 40% OF WINDOW AREA		
	POINT OF PURCHASE: NOT LISTED		
GROUND SIGN SETBACKS (SECT. 30-207)	CANOPY SIGNS: QUANTITY: (1) PER STREET SIDE		
	AREA: 25% OF SIGNABLE AREA		
	AREA:	ALLOWED MAX 160 SF (80 SF/SIDE)	PROPOSED 208SF (104.0 SF/SIDE)
	FUEL PRICER AREA:	MAX 50%	18.5%
WALL SIGNS (SECT. 30-207)	HEIGHT:	MAX 20%	9.30%
	CHANGEABLE AREA:	16'-6"	16'-6"
	PROPERTY LINE:	REQUIRED 3'-0"	PROPOSED 5'-1"
	VISION TRIANGLE:	12'-0" x 12'-0"	SIGN IS OUTSIDE 12'-0"x12'-0" AREA PER EXTENSION OF PROPERTY LINES.
CANOPY SIGNS (SECT. 30-207)	AREA ON NORTH:	ALLOWED 0	PROPOSED 0
	AREA ON EAST:	150 SF	66 SF (INCLUDES PREVIOUSLY APPROVED VARIANCE FOR POP SIGNAGE AT 40 SF)
	AREA ON SOUTH:	150 SF	46 SF
	AREA ON WEST:	0	0
SITE TOTAL (SECT. 30-207)	SUBTOTAL AREA:	300 SF	112 SF
	AUTO CANOPY:	ALLOWED	PROPOSED
	AREA ON NORTH:	15.00 SF	9.00 SF
	AREA ON EAST:	102.50 SF	9.00 SF
SITE TOTAL (SECT. 30-207)	AREA ON SOUTH:	15.00 SF	9.00 SF
	AREA ON WEST:	0.00 SF	9.00 SF
	CAR WASH CANOPY:	14.54 SF	14.5 SF
	SUBTOTAL	151.68 SF	50.5 SF
SITE TOTAL (SECT. 30-207)	SITE TOTAL:	ALLOWED	PROPOSED
	INDIVIDUAL ELEMENT	462.38 SF	370.5 SF (360.38 SF PREVIOUSLY APPROVED VARIANCE)
	CORNER LOT	320.00 SF	370.5 SF (360.38 SF PREVIOUSLY APPROVED VARIANCE)

SIGNAGE KEY	
A1	GROUND SIGN - ILLUMINATED SIGN WITH ELECTRONIC PRICING, SEE SHEET A206. 6'-10" x 16'-6" x 2 SIDES = 104 SF (208 SF)
B1	C-STORE WALL SIGN (EAST) HALO LIT LETTERS WITH INTERNALLY ILLUMINATED CHARTREUSE TRIANGLE LOGO EXISTING SIGN = 67.81 SF PROPOSED SIGN = 22 SF
B2	CAR WASH WINDOW SIGN (SOUTH) INTERNALLY ILLUMINATED EXISTING SIGN = 54.65 SF PROPOSED SIGN = 46 SF
B3	POP BUILDING SIGNS - EAST ELEVATION : SOUTHERN (1) x 4'-9" x 4'-3" = 20.19 SF NORTHERN (1) x 4'-9" x 4'-3" = 20.19 SF 40.38 SF
C1	AUTO CANOPY (NORTH) INTERNALLY ILLUMINATED HELIOS 3'-0" x 3'-0" = 9.00 SF
C2	AUTO CANOPY (EAST) INTERNALLY ILLUMINATED HELIOS 3'-0" x 3'-0" = 9.00 SF
C3	AUTO CANOPY (SOUTH) INTERNALLY ILLUMINATED HELIOS 3'-0" x 3'-0" = 9.00 SF
C4	AUTO CANOPY (SOUTH) INTERNALLY ILLUMINATED HELIOS 3'-0" x 3'-0" = 9.00 SF
C5	CAR WASH CANOPY (EAST) INTERNALLY ILLUMINATED EXISTING SIGN = 14.54 SF PROPOSED = 14.50 SF

AQUATIC \ CIVIL \ MECHANICAL \ ELECTRICAL \ PLUMBING \ TELECOMMUNICATION \ STRUCTURAL \ ACCESSIBILITY CONSULTING \ DESIGN & PROGRAM MANAGEMENT \ LAND SURVEY

WT GROUP
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WT Group
Engineering • Design • Consulting

TRIO
TRIO C-STORE REMODEL
2250 ARLINGTON HEIGHTS RD.
ARLINGTON HEIGHTS, ILLINOIS

TRIO

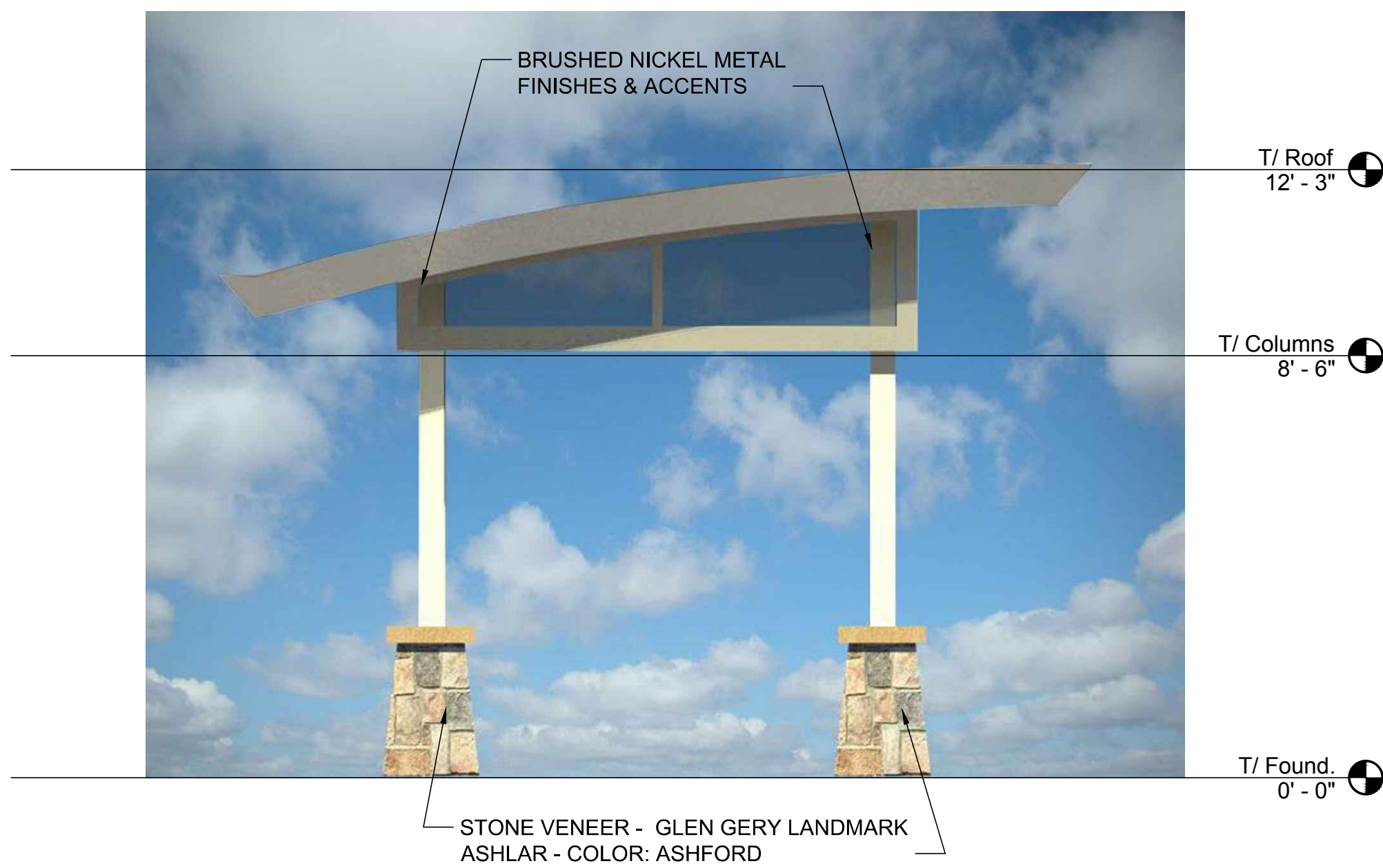
ISSUE

FOR REVIEW DATE
REVIEW 01/26/2021
DESIGN 3/12/2021
DESIGN 5/18/2021

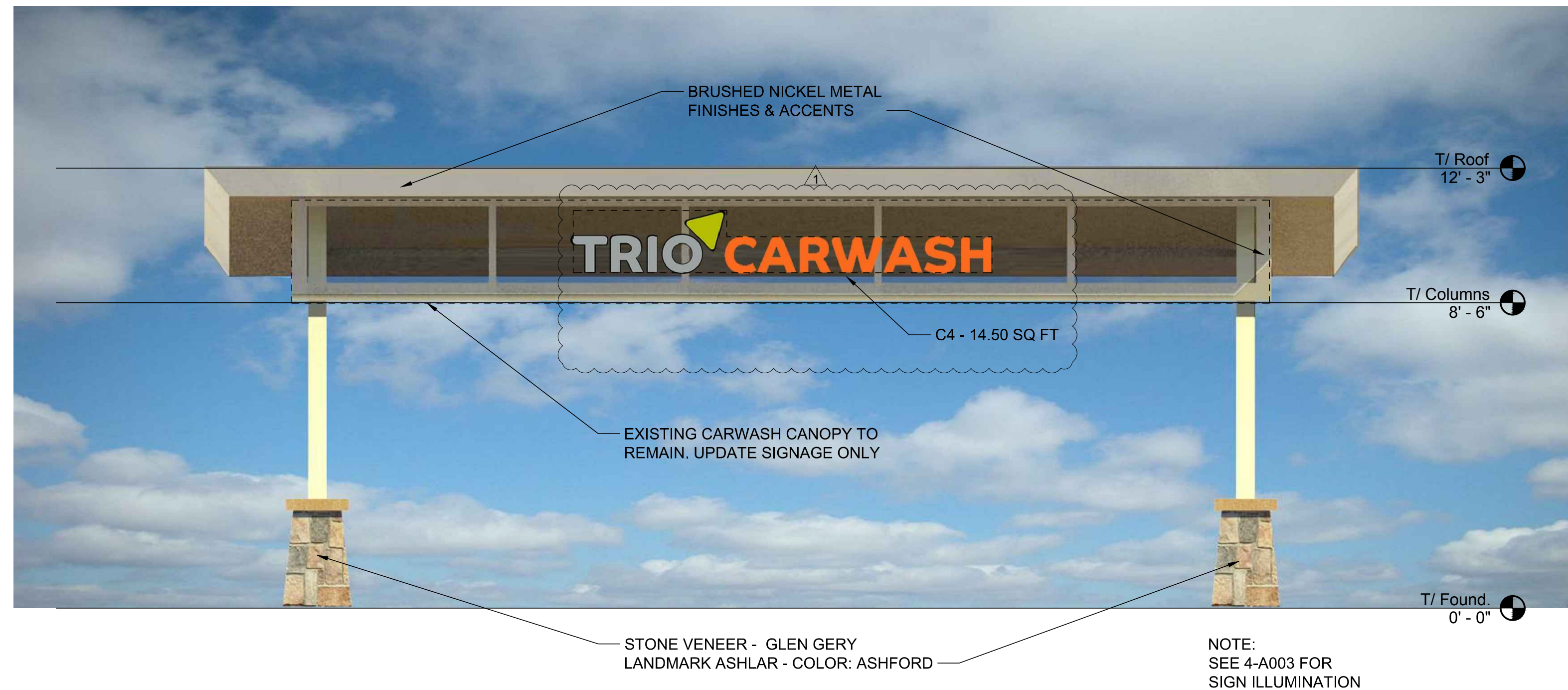
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A002
SIGNAGE PLAN

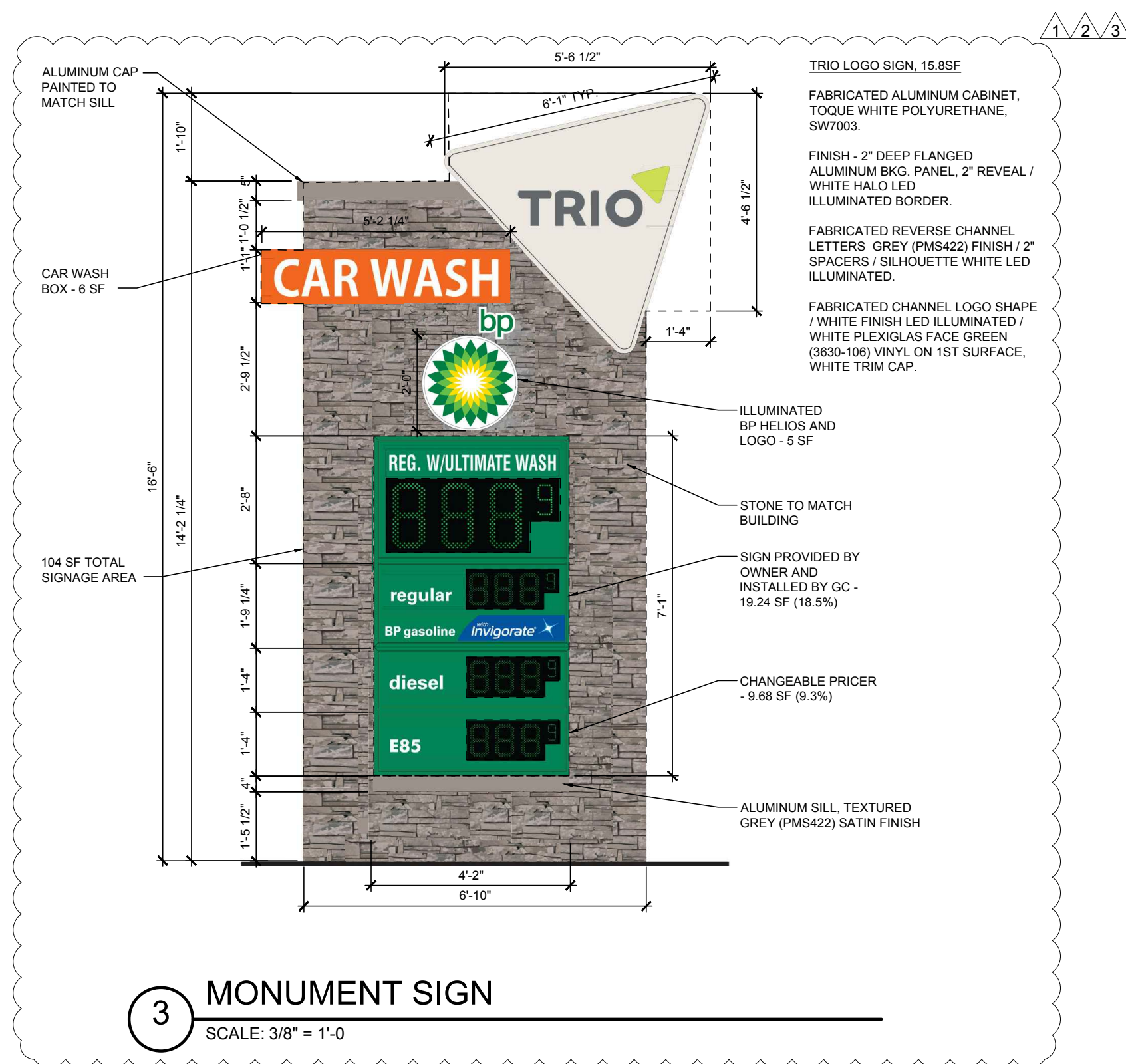
Exhibit B-1



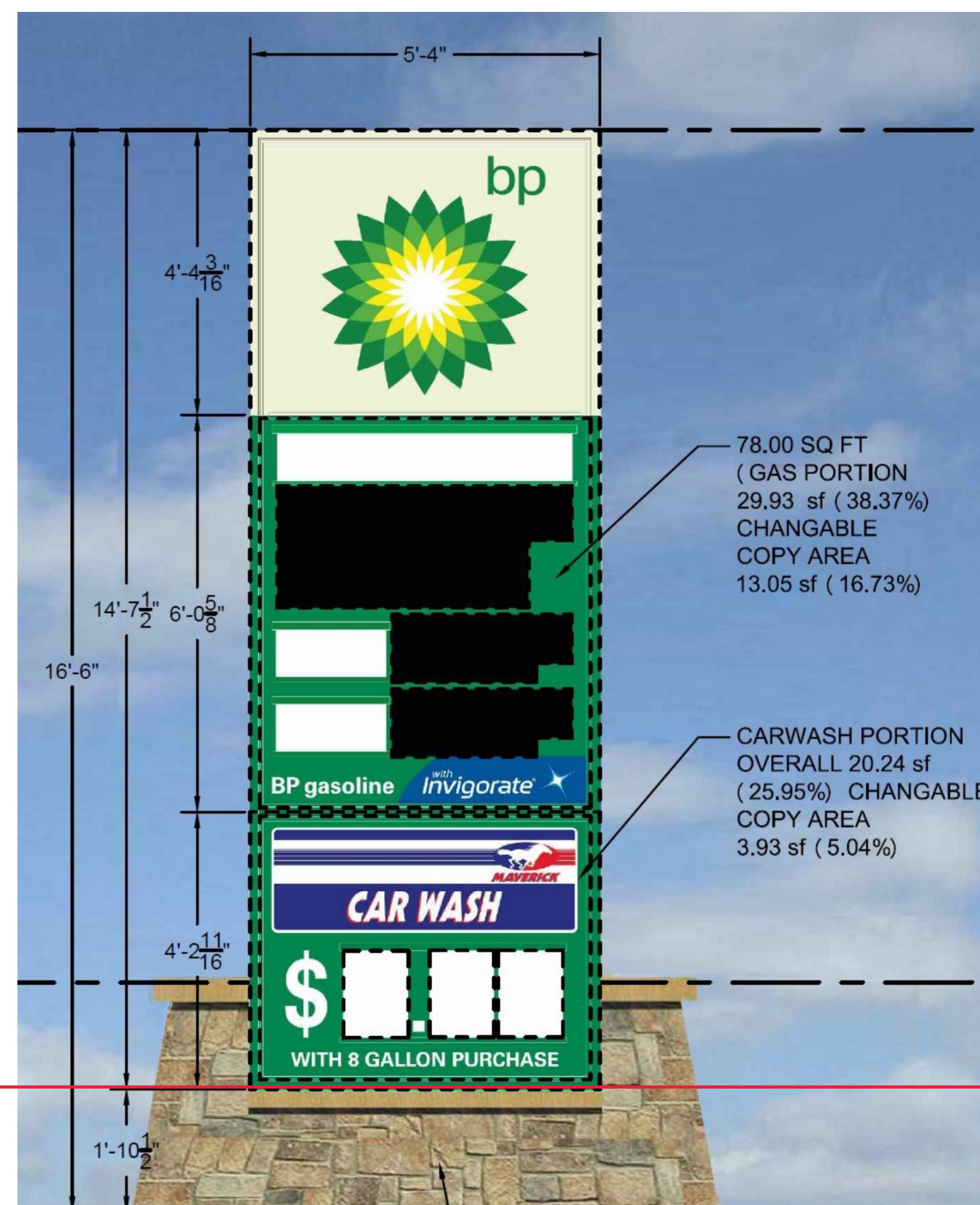
1 SOUTH CARWASH CANOPY
SCALE: 3/8" = 1'-0"



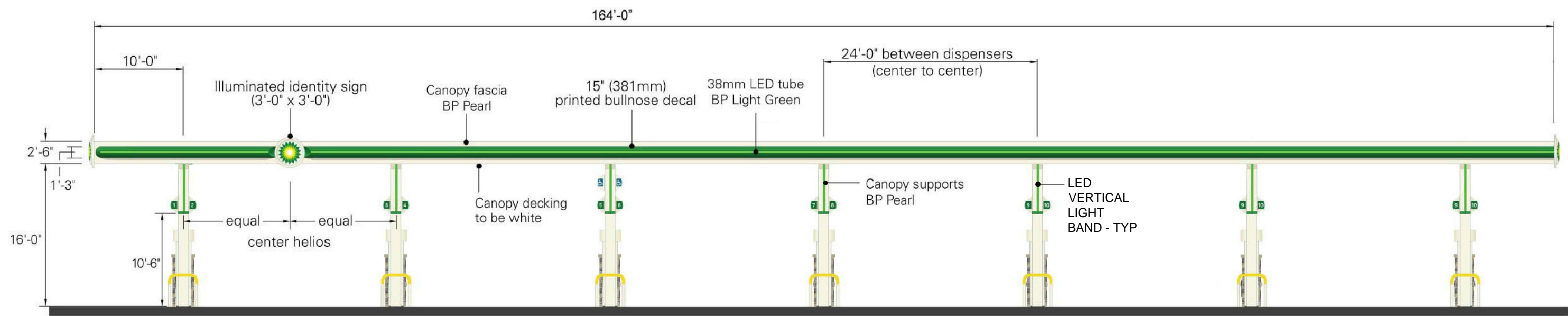
2 EAST CARWASH CANOPY
SCALE: 3/8" = 1'-0"



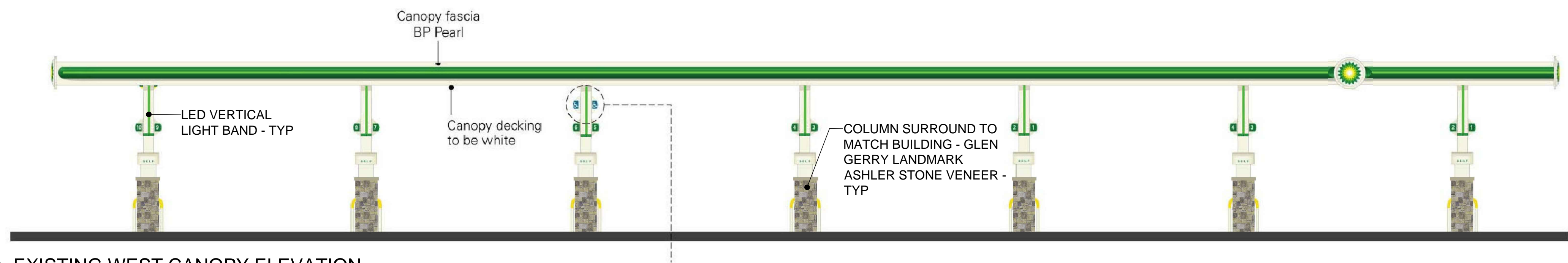
3 MONUMENT SIGN
SCALE: 3/8" = 1'-0"



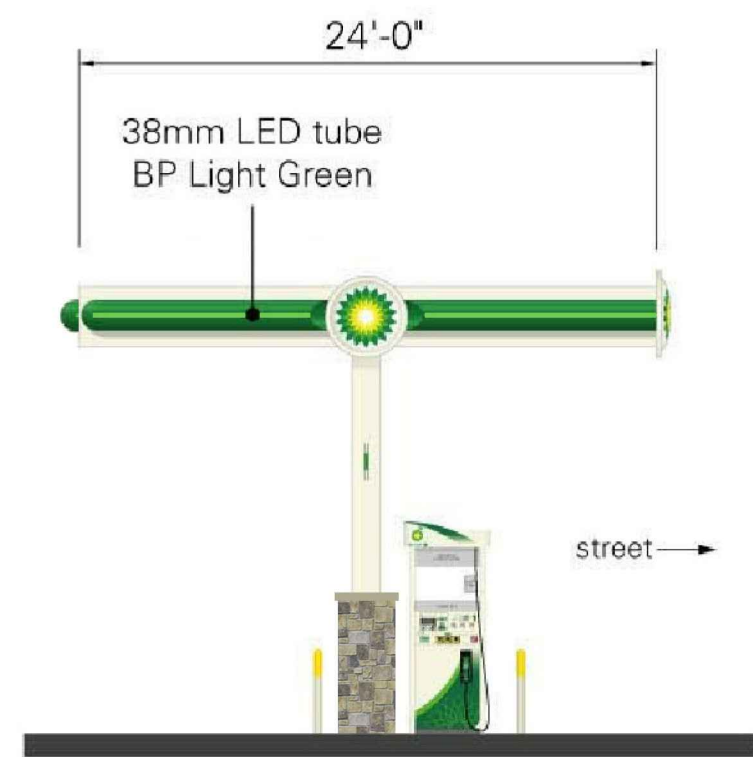
EXISTING AND PROPOSED GROUND SIGNS SHOWN TO SCALE
(NOTE: THE TOTAL SIGN SIZES EXCLUDE THE STONE BASE AREA BELOW THE SILL)



1 EXISTING EAST CANOPY ELEVATION
SCALE: 1/8" = 1'-0"



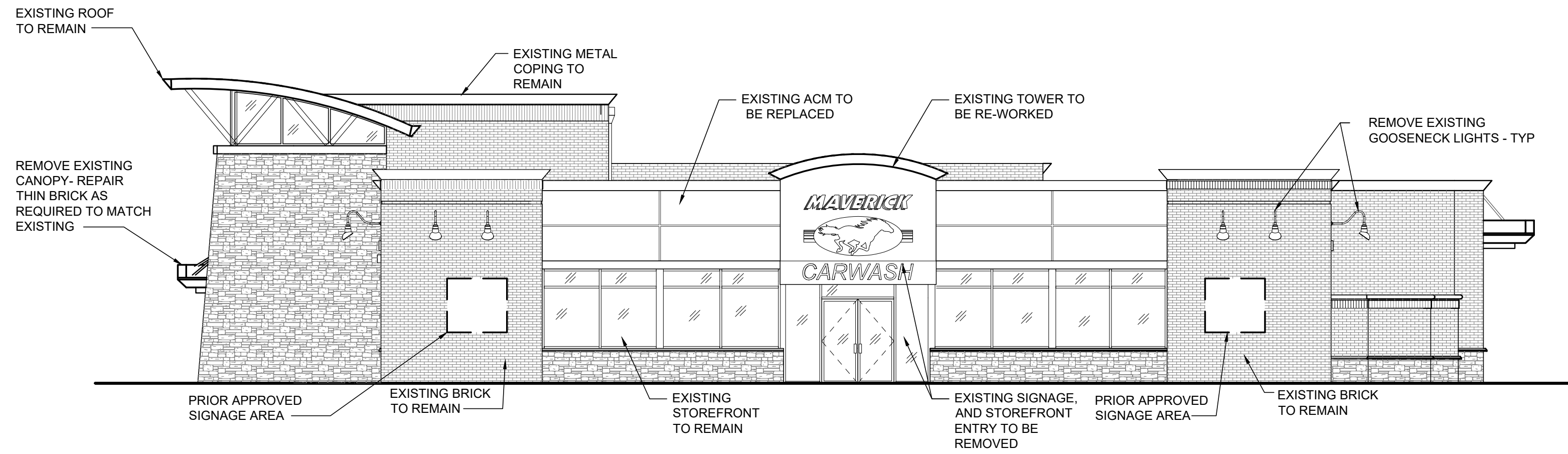
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SCALE: 1/8" = 1'-0"



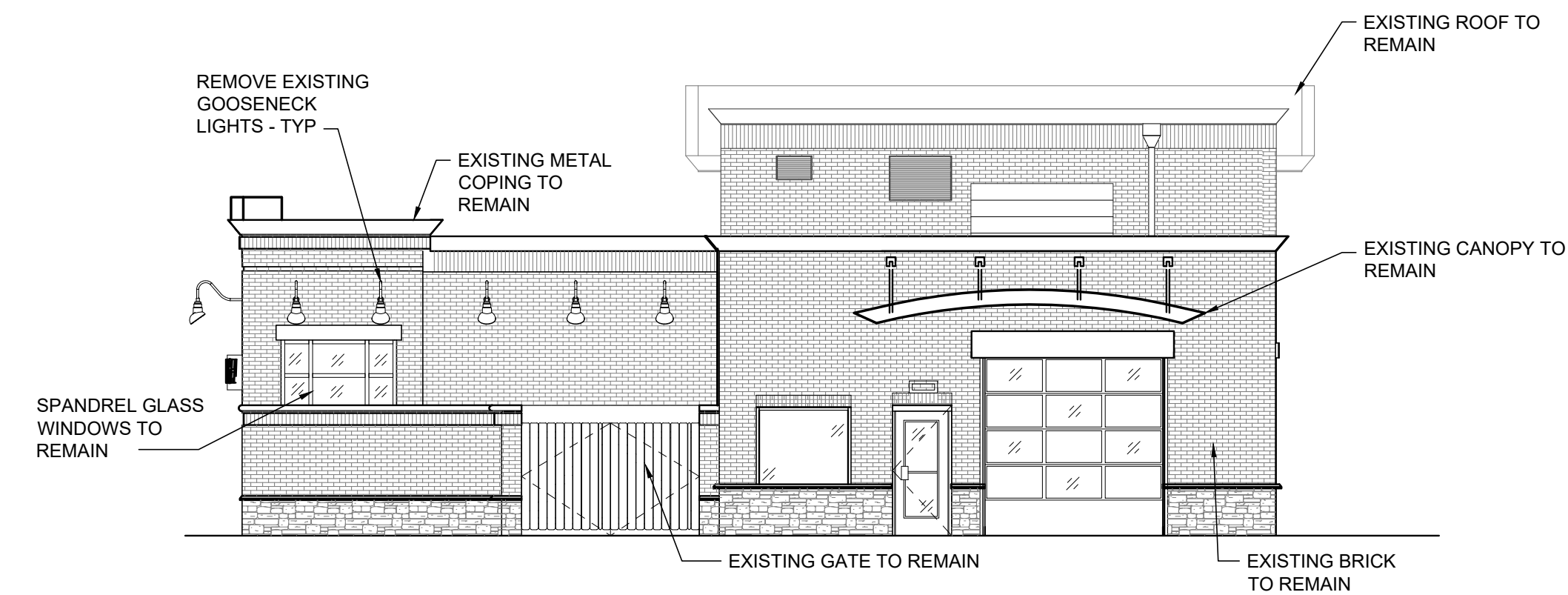
2 EXISTING NORTH CANOPY ELEVATION
SCALE: 1/8" = 1'-0"



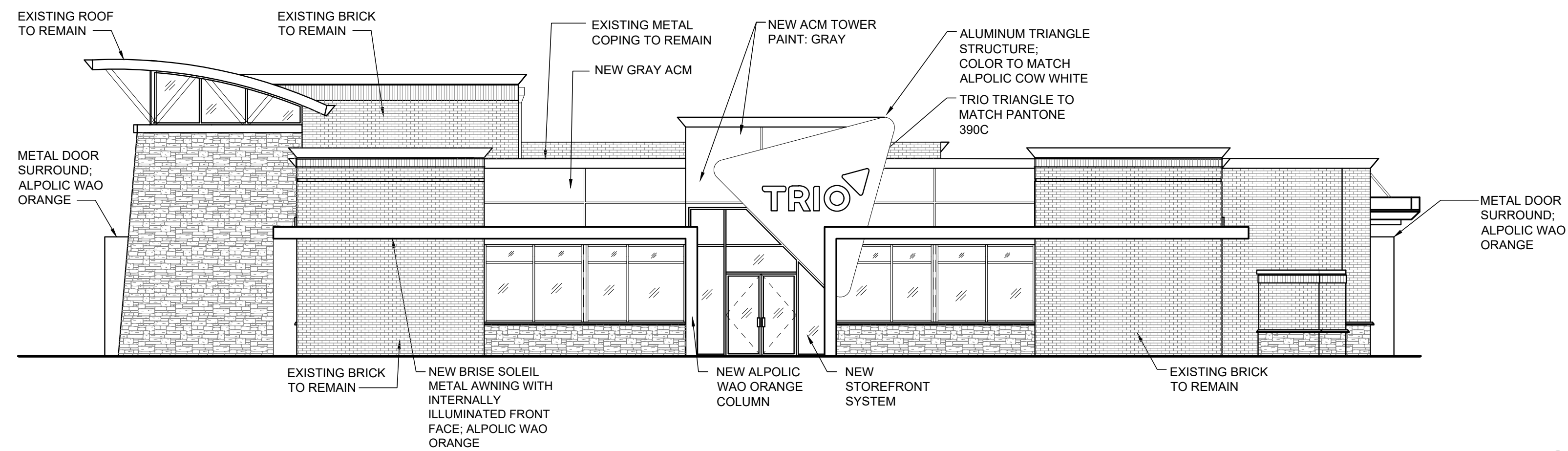
4 EXISTING SOUTH CANOPY ELEVATION
SCALE: 1/8" = 1'-0"



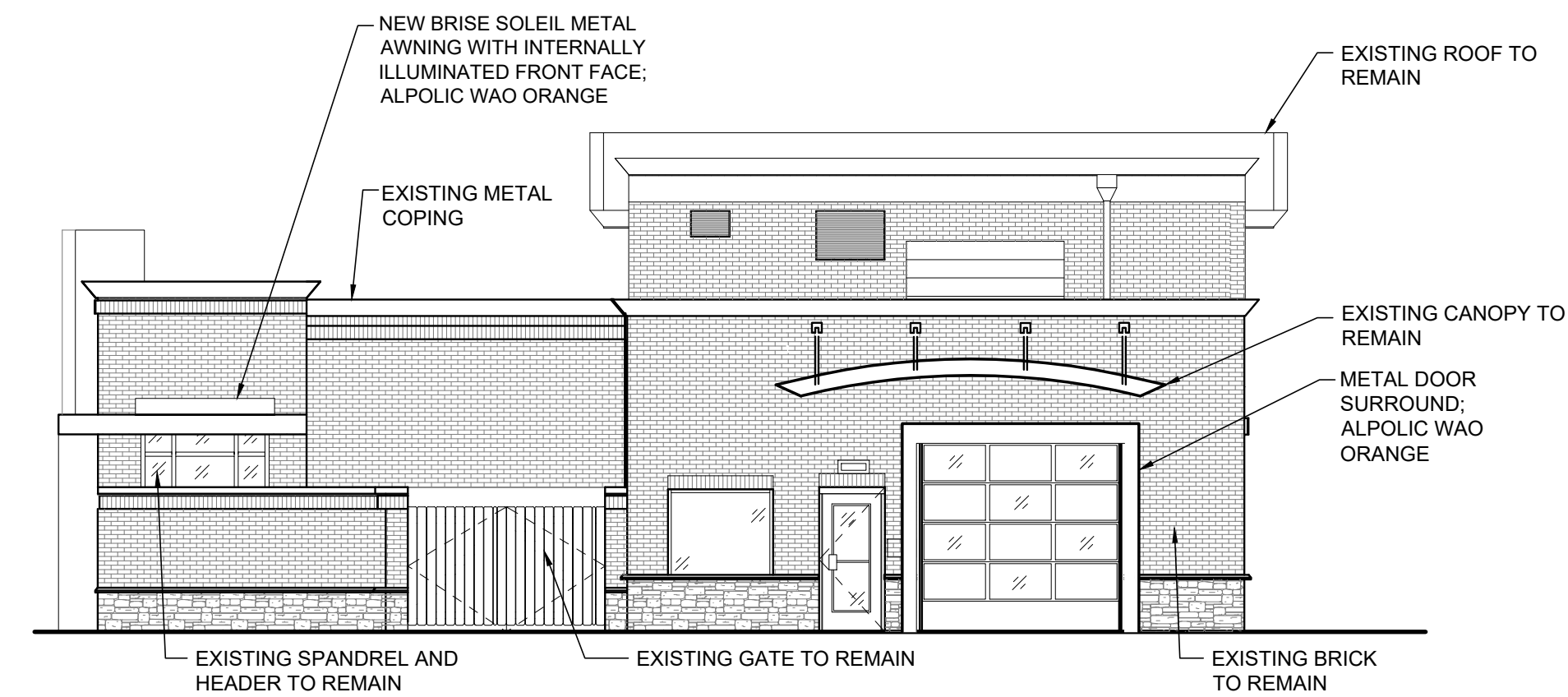
1 EXISTING EAST ELEVATION
SCALE: 1/8" = 1'-0"



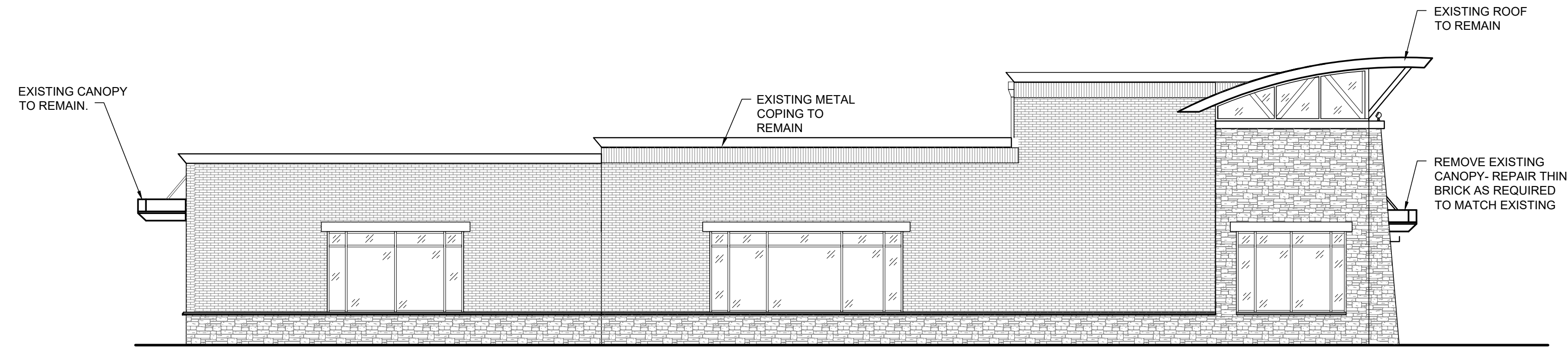
2 EXISTING NORTH ELEVATION
SCALE: 1/8" = 1'-0"



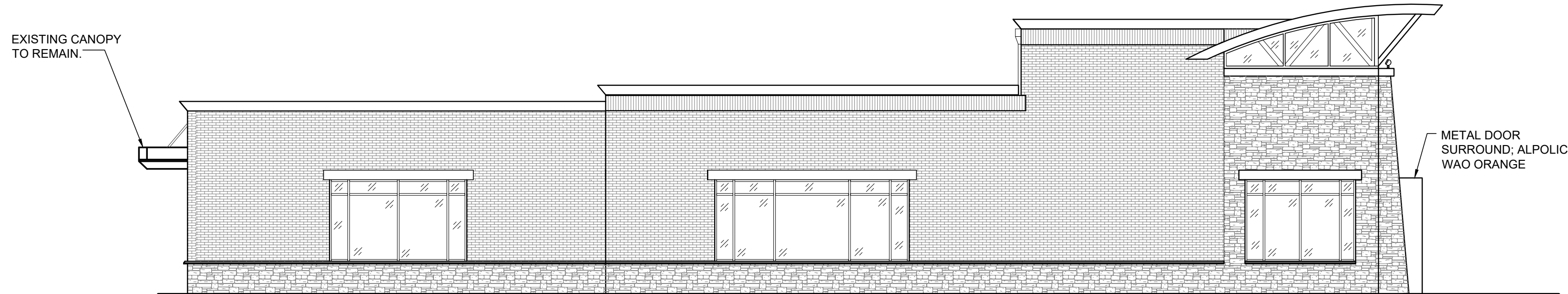
3 PROPOSED EAST ELEVATION
SCALE: 1/8" = 1'-0"



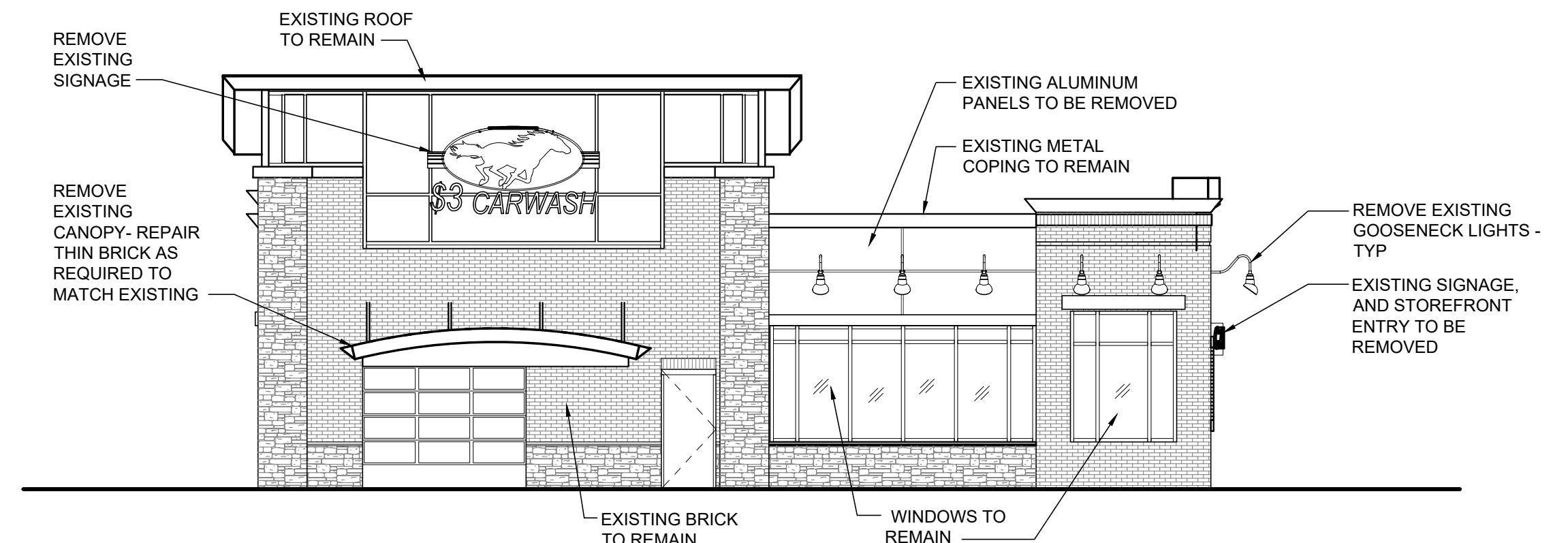
4 PROPOSED NORTH ELEVATION
SCALE: 1/8" = 1'-0"



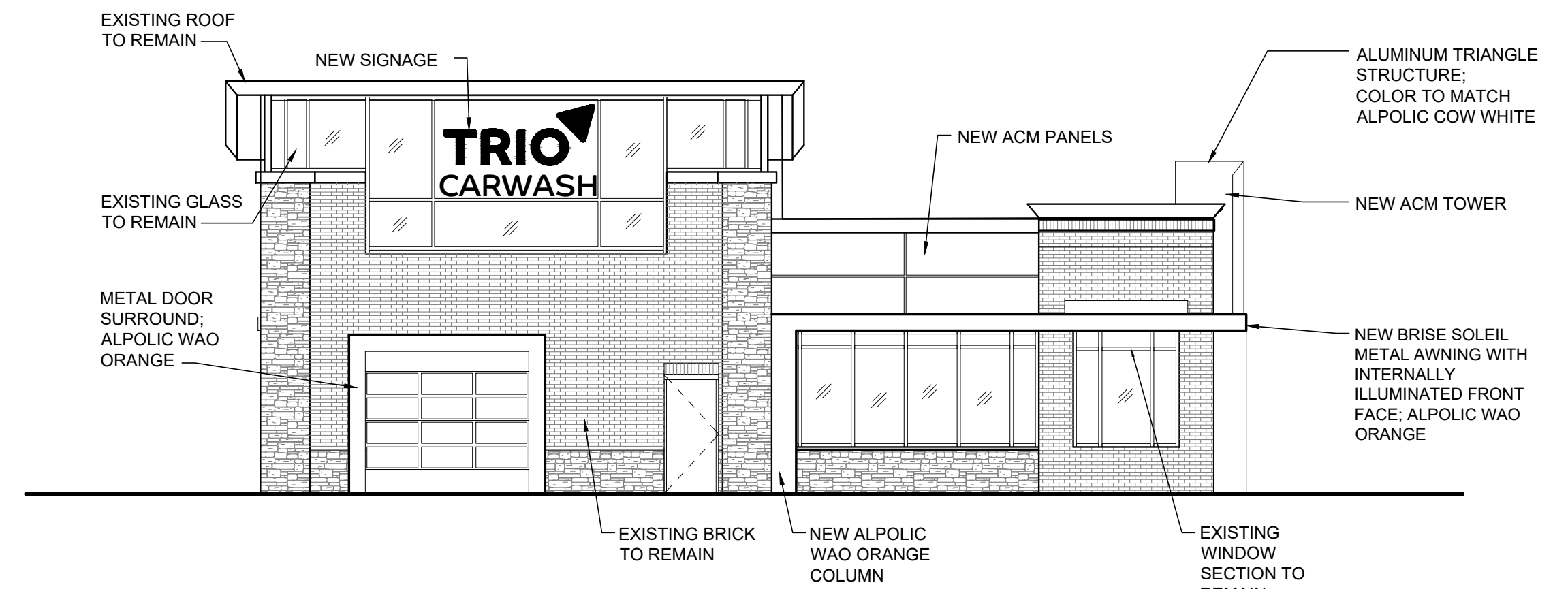
1 EXISTING WEST ELEVATION
SCALE: 1/8" = 1'-0"



3 PROPOSED WEST ELEVATION
SCALE: 1/8" = 1'-0"

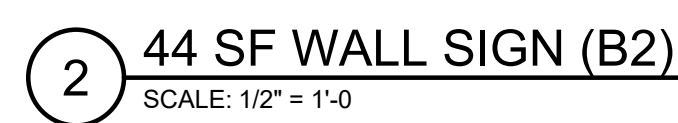


2 EXISTING SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



4 PROPOSED SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

FOR	DATE
REVIEW	1/26/2021
DESIGN	3/12/2021
DESIGN ¹	5/18/2021
VILLAGE	6/25/2021
VILLAGE ²	7/26/2021
ID SIGN ³	8/11/2021
VILLAGE	9/08/21





Engineering • Design • Consulting

Petitioner Name:

WT Group

2675 Pratum Ave., Hoffman Estates, IL 60192

Phone: (224) 213-0673

Date:

7/09/2021

Project:

Graham Enterprise, Inc.

TRIO Convenience Store Renovation

Location:

2250 Arlington Heights Rd., Arlington Heights, IL 60005

Commercial Building:

Proposed Signage Materials:

1. Signs
 - a. Identification
 - Fabricated Aluminum
 - Color: Toque White, SW7003
 - Color: Wao Orange, PMS166
 - Color: BP Green
 - Color: TRIO Green, 3630-106
 - Illuminated BP Logos
 - b. Letters
 - Color: White PlexiGlas
 - Color: TRIO Gray, PMS422
 - c. Accents
 - "Genstone" Stratford Veneer
 - Fabricated Aluminum
 - Color: Summit Grey, SW2127

EXHIBIT C

UNCONDITIONAL AGREEMENT AND CONSENT

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

WHEREAS, _____ ("Applicant") is the owner of record of that certain property located in the B-2 General Business District ("B-2 District"), commonly known as 2250 S Arlington Heights Rd, and legally described in Exhibit A attached to and, by this reference, made a part of this Ordinance ("Property"); and

WHEREAS, Ordinance No. 2021-_____, adopted by the Village President and Board of Trustees on November 1, 2021 ('Ordinance'), grants variations to the Applicant from the Village's sign regulations for the installation of one ground sign and one wall sign on the Property; and

WHEREAS, Section 8 of the Ordinance provides, among other things, that the Ordinance will be of no force or effect unless and until the Applicant 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 Applicant does hereby agree and covenant as follows:

1. The Applicant 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 Applicant 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 Applicant 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 of the variations 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 Applicant against damage or injury of any kind and at any time.

4. The Applicant 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 the variations for the Property.

[SIGNATURES ON FOLLOWING PAGE]

Dated: _____, 2021

ATTEST:

TRIO/BP AUTO SERVICE STATION

Its _____

Its _____