

VILLAGE OF VERNON HILLS

ORDINANCE NO. 2009-050

AN ORDINANCE REVOKING ORDINANCE 2006-55, AS AMENDED FROM TIME TO TIME, WHICH GRANTED CERTAIN APPROVALS TO ALLOW SAM'S REAL ESTATE BUSINESS TRUST TO LOCATE AN AUTOMOBILE SERVICE STATION ON ITS PROPERTY LOCATED AT 335 NORTH MILWAUKEE AVENUE, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY.

THE 6TH DAY OF OCTOBER 2009

Published in pamphlet form by the  
Authority of the President and Board  
Of Trustees of the Village of Vernon  
Hills, Lake County, Illinois, this 7th  
Day of October 2009

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**WHEREAS**, Core States Engineering, representing the property owner, Sam's Real Estate Business Trust, pursuant to the South Marketplace Annexation Agreement dated December 23, 1986 and the Village of Vernon Hills Code of Ordinances, had petitioned the Village of Vernon Hills to grant approval of a special use permit to allow for the operation of an automobile service station in the B-1, General Business District to be located at 335 North Milwaukee, said property legally described in Exhibit A; and

**WHEREAS**, Core States Engineering, representing the property owner, Sam's Real Estate Business Trust, had also petitioned the Village of Vernon Hills to grant final site and landscaping plan approval for the automobile service station to be located at 335 North Milwaukee; and

**WHEREAS**, said approvals would allow Sam's Real Estate Business Trust to operate a fueling station at the Sam's Club located at 335 North Milwaukee Avenue; and

**WHEREAS**, the Village Board of Trustees reviewed the Planning and Zoning Commission's report and recommendations regarding the Special Use Permit and approved Ordinance 2006-55 to allow the fueling station; and

**WHEREAS**, Core States Engineering, representing the property owner, Sam's Real Estate Business Trust failed to commence construction of the fueling station at the Sam's Club location within one year of the approval; and

**WHEREAS**, the Village Board also granted approvals to Ordinances 2007-49 and 2008-52 extending the special use permit and the conditions outlined in Ordinance 2006-55 for one year; and

**WHEREAS**, Ordinance 2008-52 expired on September 9, 2009; and

**WHEREAS**, Core States Engineering and the property owner, Sam's Real Estate Business Trust, after receiving written notice of the pending expiration, failed to request an extension of time for the Special Use Permit as approved in Ordinance 2006-55.

**WHEREAS**, pursuant to the Vernon Hills Zoning Ordinance, if a special use permit is not established within one year of approval, then the special use shall be null and void unless extended by the Board of Trustees.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, COUNTY OF LAKE AND STATE OF ILLINOIS:

SECTION I. That the Special Use Permit and related approvals originally granted in Ordinance 2006-55 are hereby revoked.

SECTION II. SEVERABILITY. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION III. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

SECTION IV. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION V. ORDINANCE NUMBER. This ordinance shall be known as Ordinance Number 2009-050.

Adopted by roll call vote as follows:

AYES: 4-Koch, Schultz, Schwartz, Hebda

NAYS: 0-None

ABSENT AND NOT VOTING: 2-Marquardt, Williams

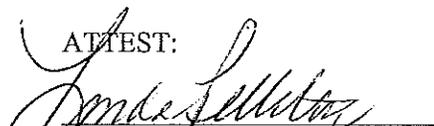
  
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Roger L. Byrne, Village President

PASSED: 10/06/2009

APPROVED: 10/06/2009

PUBLISHED IN PAMPHLET FORM: 10/07/2009

ATTEST:

  
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Linda Pelletier, Village Clerk





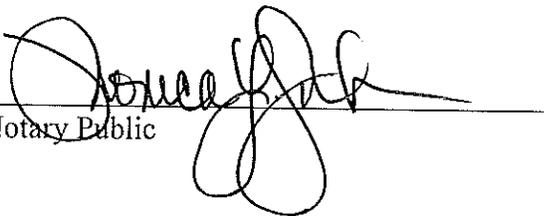
AFFIDAVIT OF SERVICE

STATE OF ILLINOIS    )  
                                  )  
COUNTY OF LAKE     )

I, LINDA PELLETIER, BEING FIRST DULY APPOINTED, DEPOSES AND SAYS ON OATH THAT AS VILLAGE CLERK OF THE VILLAGE OF VERNON HILLS, SHE DID CAUSE THE FOREGOING CERTIFICATE FOR ORDINANCE 2009-050, AN ORDINANCE REVOKING ORDINANCE 2006-55, AS AMENDED FROM TIME TO TIME, WHICH GRANTED CERTAIN APPROVALS TO ALLOW SAM'S REAL ESTATE BUSINESS TRUST TO LOCATE AN AUTOMOBILE SERVICE STATION ON ITS PROPERTY LOCATED AT 335 NORTH MILWAUKEE AVENUE, IN THE VILLAGE OF VERNON HILLS, LAKE COUNTY.

  
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LINDA PELLETIER, VILLAGE CLERK

SUBSCRIBED AND SWORN to Before  
Me this 21 day of October, 2009

  
\_\_\_\_\_  
Notary Public

