

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MICHAEL STUCKLEY ET AL

v.

No. 2016-CH-03974Village of Tinley Park ET AL

ORDER

THIS CAUSE HAVING COME TO BE HEARD FOR STATUS ON PLAINTIFFS' MOTION FOR TRU/INJUNCTION, THE COURT BEING ADVISED THAT ON MAY 17, 2016 DEFENDANT VILLAGE OF TINLEY PARK DOES ADOPTE ORDINANCE # 2016-O-025 PURSUANT TO THE COMPLAINT OF ORDINANCE VIOLATION, # 2015-O-045 AND BEING FURTHER FULLY ADVISED IN THE PREMISES, IT IS HEREBY ORDERED: (1) PLAINTIFFS' ORAL MOTION TO DISMISS IS GRANTED WITH PREJUDICE, (2) ALL PARTIES TO BEAR THEIR OWN COSTS AND FEES, AND (3) COURT DATE OF JUNE 10, 2016 IS STRIKEN.

Atty. No.: 29251Name: STEPHEN E. EREKHARDT

ENTERED:

Atty. for: PLAINTIFFSDated: JUDGE RITA M. NOVAKAddress: 16710 OAK PARK AVENUECity/State/Zip: TINLEY PARK IL 60477

MAY 19 2016

Telephone: 708.633.9100

Judge

Circuit Court-1741

Judge's Name

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

ORDER

This cause having come to be heard for status on Plaintiffs' motion for TRO/Injunction, the Court being advised that on May 17, 2016 Defendant Village of Tinley Park duly adopted Ordinance # 2016-O-025 rescinding the complained of Ordinance # 2015-O-045 and being further fully advised in the premises, IT IS HEREBY ORDERED: (1) Plaintiffs' oral motion to dismiss is granted with prejudice, (2) all parties to bear their own costs and fees, and (3) court date of June 10, 2016 is stricken.

ORDINANCE NO. 2016-O-025

**AN ORDINANCE RESCINDING ORDINANCE NO. 2015-O-045 "AN
ORDINANCE MAKING CERTAIN TEXT AMENDMENTS TO SECTION
XII (LEGACY CODE) OF THE TINLEY PARK ZONING ORDINANCE,
AND REZONING PROPERTY RELATIVE TO THE LEGACY
CODE ZONING DISTRICTS**

WHEREAS, Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois provides that any municipality which has a population of more than 25,000 is a home rule unit, and the Village of Tinley Park, Cook and Will Counties, Illinois, with a population in excess of 25,000 is, therefore, a home rule unit and, pursuant to the provisions of said Section 6(a) of Article VII, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, on October 6, 2015, the Corporate Authorities Approved Ordinance 2015-O-045 "An Ordinance Making Certain Text Amendments to Section XII (Legacy Code) Of the Tinley Park Zoning Ordinance, and Rezoning Property Relative to the Legacy Code Zoning Districts;" and

WHEREAS, The Corporate Authorities herby find that the manner in which said Ordinance was presented and passed deviated from the Village's standard practices; and

WHEREAS, the Corporate Authorities of the Village of Tinley Park, Cook and Will Counties, Illinois, have determined that it is in the best interests of said Village of Tinley Park to rescind Ordinance No. 2015-O-045, "An Ordinance Making Certain Text Amendments to Section XII (Legacy Code) Of the Tinley Park Zoning Ordinance, and Rezoning Property Relative to the Legacy Code Zoning Districts;" and

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Tinley Park, Cook and Will Counties, Illinois, as follows:

Section 1: The Preambles hereto are hereby made a part of, and operative provisions of, this Ordinance as fully as if completely repeated at length herein.

Section 2: That this President and Board of Trustees of the Village of Tinley Park hereby rescind Ordinance No. 2015-O-045, "An Ordinance Making Certain Text

Amendments to Section XII (Legacy Code) Of the Tinley Park Zoning Ordinance, and Rezoning Property Relative to the Legacy Code Zoning Districts.”

Section 3: That the President and Board of Trustees of the Village of Tinley Park hereby direct Village staff to place the text amendments contained in Ordinance No. 2015-O-045, “An Ordinance Making Certain Text Amendments to Section XII (Legacy Code) Of the Tinley Park Zoning Ordinance, and Rezoning Property Relative to the Legacy Code Zoning Districts” before the Tinley Park Plan Commission after proper and due notice is given in the matter proscribed by law.

Section 4: That this Ordinance shall take effect from and after its adoption and approval.

ADOPTED this 17th day of May, 2016, by the Corporate Authorities of the Village of Tinley Park on a roll call vote as follows:

AYES:

NAYS:

ABSENT:

APPROVED this 17th day of May, 2016, by the President of the Village of Tinley Park.

ATTEST:


Village Clerk


Village President

STATE OF ILLINOIS)
COUNTY OF COOK) SS
COUNTY OF WILL)

CLERK'S CERTIFICATE

I, PATRICK E. REA, the duly elected and qualified Village Clerk of the Village of Tinley Park, Cook and Will Counties, Illinois, do hereby certify that attached hereto is a true and correct copy of the Ordinance now on file in my office, entitled:

ORDINANCE NO. 2016-O-025

**AN ORDINANCE RESCINDING ORDINANCE NO. 2015-O-045 "AN
ORDINANCE MAKING CERTAIN TEXT AMENDMENTS TO SECTION
XII (LEGACY CODE) OF THE TINLEY PARK ZONING ORDINANCE,
AND REZONING PROPERTY RELATIVE TO THE LEGACY
CODE ZONING DISTRICTS**

which was adopted by the Board of Trustees of the Village of Tinley Park at a regular meeting held on the 17th day of May, 2016, at which meeting a quorum was present, and approved by the President of the Village of Tinley Park on the 17th day of May, 2016.

I further certify that the vote on the question of the adoption of the said Ordinance by the Board of Trustees of the Village of Tinley Park was taken by the Ayes and Nays and recorded in the Journal of Proceedings of the Board of Trustees of the Village of Tinley Park, and that the result of said vote was as follows, to-wit:

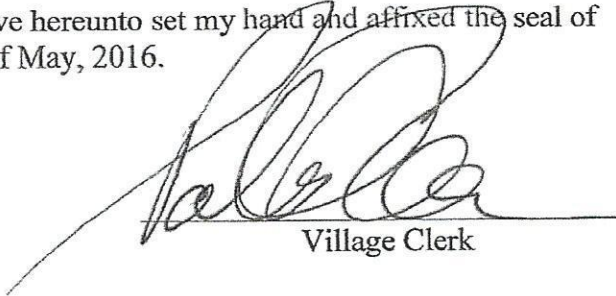
AYES:

NAYS:

ABSENT:

I do further certify that the original Ordinance, of which the attached is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Village of Tinley Park, this 17th day of May, 2016.



Village Clerk