

**ORDINANCE NUMBER 11 - 12**

**AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, TO SET A DATE FOR, AND TO APPROVE A PUBLIC NOTICE OF, A PUBLIC HEARING FOR THE AMENDMENT OF THE ROUTE 72 & ROUTE 25 BUSINESS DISTRICT DEVELOPMENT PLAN AND BOUNDARIES**

**WHEREAS**, pursuant to the Business District Development and Redevelopment Law of the State of Illinois, 65 ILCS 5/11-74.3-1 *et seq.*, as from time to time amended (the “*BDD Law*”) the President and Board of Trustees (the “*Corporate Authorities*”) are empowered to undertake the development and redevelopment of business districts within its municipal limits which are in need of revitalization if such business districts are deemed to be “blighted,” as defined in the BDD Law; and,

**WHEREAS**, pursuant to the BDD Law, on September 28, 2009, the Corporate Authorities, after public hearings, passed Ordinance No. 09-30 designating the Route 25 and Route 72 Business District (the “*BD District*”) and imposed a retailers occupation tax and service occupation tax in the amount of one-half of one percent (0.5%) on all commercial operations within the boundaries of the BD District to pay project costs incurred in connection with the planning, execution and implementation of the BD District (the “*BD Plan*”); and,

**WHEREAS**, the Corporate Authorities are considering amendments to the BD District Plan, altering the exterior boundaries of BD District to include the area as legally described in Exhibit A, attached hereto and made a part of this Ordinance by reference, substantially affecting the general land uses in the BD Plan, changing the description of any proposed developer or tenant of property in the BD District, increasing the total estimated district project costs by more than 5%, and adding additional costs to the list of BD District costs.

**NOW THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of East Dundee, Kane County, Illinois, (the “*Village*”) as follows:

**Section 1.** It is necessary and in the best interests of the Village that a public hearing be held by the Corporate Authorities to consider amending the Route 72 & Route 25 BD District Plan and the Route 72 & Route 25

BD District boundaries, and accordingly, it is necessary that a date for such public hearing be established and notice thereof be given, all in accordance with the BDD Law.

**Section 2.** It is hereby determined that a public hearing shall be held by the Corporate Authorities of the Village on the 28th day of March, 2011, at 7:00 p.m., at the Village Hall, 120 Barrington Avenue, East Dundee, Illinois.

**Section 3.** Notice of the hearing is hereby authorized to be given by publication at least twice, the first publication to be not more than thirty (30) nor less than ten (10) days, prior to the hearing in the *Daily Herald*, being a newspaper of general circulation within the municipality.

**Section 4.** Notice of the hearing is hereby directed to be in substantially the following form:

**NOTICE OF PUBLIC HEARING**  
**VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS,**  
**CONSIDERATION OF AMENDMENTS TO THE ROUTE 72 & ROUTE 25**  
**BUSINESS DISTRICT DEVELOPMENT PLAN AND BOUNDARIES**

Notice is hereby given that on the 28th day of March, 2011, at 7:00 p.m., at the Village of East Dundee, Village Hall, 120 Barrington Avenue, East Dundee, Illinois, a public hearings (the "*Hearing*") will be held to consider the approval of amendments to the Route 72 & Route 25 Business District Development Plan (the "*Business District Plan*") and amendment of the Route 72 & Route 25 Business District boundaries which would then be legally described as that area designated in Ordinance 09-30 adopted September 28, 2009 and that additional area legally described as follows:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:  
LOTS 1 AND 3 IN SPRINGWATER SUBDIVISION RECORDED DECEMBER 22, 1986 AS DOCUMENT NO. 1813419 BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.  
LOTS 2, 3, AND 4 IN DUNRIDGE SUBDIVISION RECORDED JUNE 1, 1993 AS DOCUMENT NO. 93K38569 BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.  
THAT PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 6 OF THE PLAT OF EAST DUNDEE; THENCE EASTERLY AT RIGHT ANGLES TO THE EASTERLY LINE OF SAID BLOCK 6, 33 FEET; THENCE NORTHERLY PARALLEL WITH THE EASTERLY LINE OF SAID BLOCK 6, 1.5 FEET TO THE NORTHERLY LINE OF STATE ROUTE NO. 68; THENCE NORTHEASTERLY ALONG SAID NORTHERLY LINE, 150 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EASTERLY LINE OF SAID BLOCK 6, 150 FEET; THENCE EASTERLY PARALLEL WITH THE NORTHERLY LINE OF SAID ROUTE NO. 68, 60 FEET; THENCE SOUTHERLY PARALLEL WITH THE EASTERLY LINE OF SAID BLOCK 6, 150 FEET TO THE NORTHERLY LINE OF SAID STATE ROUTE NO. 68; THENCE WESTERLY ALONG SAID NORTHERLY LINE, 60 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST WESTERLY CORNER OF SCHOCK'S SUBDIVISION, BEING A PART OF THE SOUTHWEST QUARTER AND SOUTHEAST QUARTER OF SAID SECTION 23; THENCE NORTHEASTERLY ALONG THE WESTERLY LINE OF SAID SCHOCK'S SUBDIVISION, A DISTANCE OF 33 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROUTE 72; THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 161.35 FEET; THENCE NORTHEASTERLY ALONG A LINE THAT FORMS AN ANGLE OF 90 DEGREES 38 MINUTES TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, 159.7 FEET, THIS LINE HEREINAFTER REFERRED TO AS LINE "A"; THENCE NORTHWESTERLY ALONG A LINE THAT FORMS AN ANGLE OF 77 DEGREES 38 MINUTES TO THE LEFT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, 20 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG THE LAST DESCRIBED COURSE, 20 FEET; THENCE SOUTHWESTERLY ALONG AFORESAID LINE "A", 142.7 FEET; THENCE NORTHWESTERLY AT RIGHT ANGLES WITH THE LAST DESCRIBED COURSE, 19.54 FEET; THENCE NORTHWESTERLY 25 FEET TO A POINT ON A LINE THAT IS PARALLEL WITH AND 37.22 FEET NORTHWESTERLY OF AFORESAID LINE "A"; THENCE NORTHEASTERLY ALONG A LINE, IF EXTENDED WOULD INTERSECT THE POINT OF BEGINNING, 20 FEET; THENCE NORTHEASTERLY ALONG A LINE THAT FORMS AN ANGLE OF 173 DEGREES 17 MINUTES 20 SECONDS TO THE RIGHT WITH THE LAST DESCRIBED COURSE, 47.94 FEET; THENCE NORTHEASTERLY ALONG A LINE THAT FORMS AN ANGLE OF 11 DEGREES 46 MINUTES 50 SECONDS TO THE RIGHT WITH PROLONGATION OF THE LAST DESCRIBED COURSE, 63.24 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWESTERLY CORNER OF OUTLOT 1 IN SCHOCK'S SUBDIVISION, A SUBDIVISION OF PART OF SAID SECTION 23; THENCE NORTH 60 DEGREES 43 MINUTES WEST, ALONG THE NORTHERLY LINE OF HIGGINS ROAD, ALSO KNOWN AS STATE ROUTE 72, 88.52 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 29 DEGREES 15 MINUTES 15 SECONDS EAST, 194.95 FEET, TO THE SOUTHERLY LINE OF LANDS OWNED BY THE VILLAGE OF WEST DUNDEE, ALSO KNOWN AS THE SOUTHWESTERLY LINE OF SPRINGWATER SUBDIVISION; THENCE NORTH 50 DEGREES 47 MINUTES 55 SECONDS WEST, ALONG SAID SOUTHERLY LINE, 110.96 FEET, TO THE SOUTHEASTERLY LINE OF STATE ROUTE 63, NOW KNOWN AS STATE ROUTE 68; THENCE SOUTH 58 DEGREES 41 MINUTES 25 SECONDS WEST, ALONG SAID SOUTHEASTERLY LINE, 45.74 FEET; THENCE SOUTH 47 DEGREES 46 MINUTES EAST, 63.2 FEET; THENCE SOUTH 29 DEGREES 52 MINUTES WEST, 160.0 FEET TO THE NORTHERLY LINE OF HIGGINS ROAD, ALSO KNOWN AS ILLINOIS STATE ROUTE 72; THENCE SOUTH 60 DEGREES 43 MINUTES EAST ALONG SAID NORTHERLY LINE, 71.83 FEET, TO THE POINT OF BEGINNING, AND (EXCEPTING THEREFROM THAT PROPERTY CONVEYED FOR ROAD PURPOSES BY WARRANTY DEED DATED JANUARY 27, 1976 AND RECORDED MARCH 9, 1976 AS DOCUMENT NUMBER 1356036 AND EXCEPTING THEREFROM THAT PROPERTY CONVEYED FOR ROAD PURPOSES BY WARRANTY DEED DATED OCTOBER 18, 1984 AND RECORDED DECEMBER 27, 1984 AS DOCUMENT NUMBER 1706529, AND SAID EXCEPTIONS ARE SET FORTH ON THE PLAT OF HIGHWAY RECORDED JULY 31, 1964 AS DOCUMENT NUMBER 1690012) IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

THAT PART OF OUTLOT NO. 1 OF SCHOCK'S SUBDIVISION, BEING A PART OF THE SOUTHWEST QUARTER AND OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID OUTLOT; THENCE NORTH 84 DEGREES 52 MINUTES WEST ALONG THE NORTHERLY LINE OF SAID OUTLOT, 141.75 FEET TO A NORTHWEST CORNER OF SAID OUTLOT; THENCE SOUTH 22 DEGREES 28 MINUTES WEST ALONG A WESTERLY LINE OF SAID OUTLOT, 116.20 FEET; THENCE SOUTH 68 DEGREE 08 MINUTES EAST, 136.97 FEET TO THE EASTERLY LINE OF SAID OUTLOT; THENCE NORTH 21 DEGREES 52 MINUTES EAST ALONG SAID EASTERLY LINE, 157 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

THAT PART OF OUTLOT NO. 1 OF SCHOCK'S SUBDIVISION, BEING A PART OF THE SOUTHWEST QUARTER AND OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8

EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID OUTLOT NO. 1; THENCE SOUTH 21 DEGREES 52 MINUTES WEST ALONG THE EASTERLY LINE OF SAID OUTLOT, 157 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 21 DEGREES 52 MINUTES WEST ALONG SAID EASTERLY LINE, 135 FEET; THENCE NORTHWESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 138.38 FEET TO THE WESTERLY LINE OF SAID OUTLOT; THENCE NORTH 22 DEGREES 28 MINUTES EAST ALONG SAID WESTERLY LINE, 135 FEET TO A POINT 116.20 FEET SOUTH 22 DEGREES 28 MINUTES WEST OF THE NORTHWEST CORNER OF SAID OUTLOT; THENCE SOUTH 68 DEGREES 08 MINUTES EAST, 136.97 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS. THAT PART OF OUTLOT NO. 1 OF SCHOCK'S SUBDIVISION, BEING A PART OF THE SOUTHWEST QUARTER AND OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID OUTLOT NO.1; THENCE SOUTH 21 DEGREES 52 MINUTES WEST ALONG THE EASTERLY LINE OF SAID OUTLOT, 292 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 68 DEGREES 08 MINUTES WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, 138.38 FEET TO THE WESTERLY LINE OF SAID OUTLOT; THENCE SOUTH 22 DEGREES 28 MINUTES WEST ALONG SAID WESTERLY LINE, 64.8 FEET TO AN ANGLE POINT IN SAID WESTERLY LINE; THENCE SOUTH 42 DEGREES 33 MINUTES WEST, 74.76 FEET; THENCE SOUTH 68 DEGREES 08 MINUTES EAST, 160.59 FEET TO THE EASTERLY LINE OF SAID OUTLOT; THENCE NORTHEASTERLY ALONG SAID EASTERLY LINE, BEING ALONG A CURVE TO THE LEFT, 46.6 FEET TO A POINT OF CURVATURE IN SAID LINE; THENCE NORTH 21 DEGREES 52 MINUTES EAST ALONG SAID EASTERLY LINE, 88.4 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

THAT PART OF OUTLOT NO. 1 OF SCHOCK'S SUBDIVISION, BEING A PART OF THE SOUTHWEST QUARTER AND OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEASTERLY CORNER OF SAID OUTLOT NO. 1; THENCE SOUTHWESTERLY ALONG THE EASTERLY LINE OF SAID OUTLOT NO. 1; BEING ALSO THE WESTERLY LINE OF LINDEN AVENUE, A DISTANCE OF 380.33 FEET TO A POINT OF CURVE IN SAID WESTERLY LINE; THENCE SOUTHWESTERLY ALONG SAID WESTERLY LINE, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 162.0 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, A DISTANCE OF 47.07 FEET TO THE POINT OF BEGINNING; THENCE NORTH 68 DEGREES 08 MINUTES WEST, 158.67 FEET; THENCE SOUTH 42 DEGREES 33 MINUTES WEST, 35.37 FEET; THENCE SOUTHERLY 134.48 FEET TO A POINT IN THE WESTERLY LINE OF LINDEN AVENUE THAT IS 155.22 FEET (MEASURED ALONG SAID WESTERLY LINE) FROM THE SOUTHEASTERLY CORNER OF SAID OUTLOT NO.1; THENCE NORTHEASTERLY ALONG THE EASTERLY LINE OF OUTLOT NO. 1; BEING ALSO THE WESTERLY LINE OF LINDEN AVENUE, 125.39 FEET TO A POINT OF CURVE IN SAID WESTERLY LINE; THENCE NORTHEASTERLY ALONG SAID WESTERLY LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 162.0 FEET AND TANGENT TO THE LAST DESCRIBED COURSE, 66.22 FEET TO THE POINT OF BEGINNING, BEING SITUATED IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS. ALSO, THAT PART OF PUBLIC RIGHT OF WAY ADJACENT TO THE ABOVE DESCRIBED PARCELS. THE TOTAL AREA INCLUDING RIGHT OF WAY IS 11.06 ACRES MORE OR LESS.

The proposed area of the amended BD District is composed of approximately 277.86 acres located along the north side of Illinois Route 72 from approximately the Cook County line westerly to Penny Avenue (Route 68); the east and west sides of Penny Avenue from Dunridge Court to Lorien Court excluding some properties; and the east and west sides of Illinois Route 25 from south of the Spring Hill Ford property north to Bal Moral Drive excluding the Dundee Township Cemetery.

The proposed boundaries of the BD District are contiguous and include only parcels of real property directly and substantially benefited by the proposed Business District Plan. The land uses within the proposed boundaries of the BD District include auto repair, auto sales, shopping centers, a vacant school, former gravel quarry, light industrial uses, retail stores and vacant property.

The Business District Plan objectives are to reduce or eliminate blighting conditions and to enhance the tax base of the Village of East Dundee (the "Village") by assuring opportunities for development or redevelopment and attracting sound and stable commercial growth, all in accordance with the provisions of the "Business District Development and Redevelopment Law," effective October 1, 1973, as amended.

The Village may continue to impose a retailers' occupation tax and a service occupation tax, in the amended BD District for the planning, execution, and implementation of the Amended Business District Plan and to pay for project costs as set forth in the Amended Business District Plan. The Village may issue obligations to finance project costs in accordance with the Amended Business District Plan, which obligations may be secured by the business district tax allocation fund.

At the Hearing, approval of the amended Business District Plan and boundaries, and the imposition of a retailers' occupation tax at a rate of one-half of one percent and a service occupation tax at a rate of one-half of one percent, for the amended BD District will be considered. All interested persons will be given an opportunity to be heard at the public hearing or may file written objections.

/s/ Jennifer Rehberg, Village Clerk

**Section 5.** If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

Adopted this 7<sup>th</sup> day of March, 2011, pursuant to a roll call vote as follows:

AYES: 6 - Trustees Ruffalo, Lynam, Miller, Cichowski, Van Ostenbridge  
NAYES: 0 & Pres. Bartels  
ABSENT: 1 - Justice Gormann

Approved by me this 7<sup>th</sup> day of March, 2011.

Jerald Bartels  
JERALD BARTELS, President

Published in pamphlet form this 9<sup>th</sup> day of Mar., 2011, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer Rehberg  
JENNIFER REHBERG, Village Clerk

Recorded in the Village Records on Mar. 9<sup>th</sup>, 2011.

