

Resolution No. 47-15

**A RESOLUTION OF THE VILLAGE OF EAST DUNDEE,  
COOK AND KANE COUNTIES, ILLINOIS, TO APPROVE A LETTER FROM THE  
VILLAGE PRESIDENT TO DANIEL O'LEARY**

WHEREAS, the Village of East Dundee, Cook and Kane Counties, Illinois (the "Village") is a duly organized and validly existing home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, the Court in *Clarke v. O'Leary* has requested that the Village affirm certain issues concerning obstructions on Lake Shore Drive and the height and location of the garage on the O'Leary's property, which affirmations are set forth in a letter from the Village President to Daniel O'Leary.

**NOW, THEREFORE, BE IT RESOLVED** by the President and Board of Trustees of the Village of East Dundee, Cook and Kane Counties, Illinois, as follows:

*Section 1.* That the letter dated April 28, 2015 from the Village President to Daniel O'Leary, attached hereto and made a part hereof, is hereby approved and the Village President is hereby authorized to execute and deliver said letter on behalf of the Village.

*Section 2.* That this Resolution shall be in full force and effect from and after its passage and approval as provided by law.

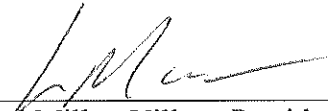
PASSED this 18<sup>th</sup> day of May, 2015, pursuant to a roll call vote as follows:

AYES: Trustees Gorman, Lynam, Swillicorn, Selep, Wood and Mahony

NAYS:  $\emptyset$

ABSENT:  $\emptyset$

APPROVED this 18<sup>th</sup> day of May, 2015

  
\_\_\_\_\_  
Lael Miller, Village President

Attest:   
\_\_\_\_\_  
Heather Maieritsch, Village Clerk



120 Barrington Avenue, East Dundee Illinois 60118

Phone: (847) 426-2822

Fax: (847) 426-2956

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April 28, 2015

Mr. Daniel O'Leary  
442 Lake Shore Drive  
East Dundee, Illinois

*Re: Clarke v. O'Leary*

Dear Mr. O'Leary:

It is our understanding that the Court in the referenced litigation has asked for the Village to affirm certain issues regarding obstructions on Lake Shore Drive and the height and location of the garage on the O'Leary's property.

Please be advised that the Board of Trustees of the Village of East Dundee have been advised by the Village Engineer and the Village that there are no obstructions which limit access to any property in the area in question. Furthermore, the stairs, lighting and landscaping as existing on O'Leary's property are permitted by current code. After review and discussion, the Board of Trustees of the Village have determined that, in light of the foregoing, no additional permits or other formal action, therefore, is required.

Regarding the issues of height and location of the garage, the Board of Trustees have determined that it has no reason to overturn the approvals issued in 2009. The matter of height, as well as location, has been found to be without significance given the unique terrain of the property.

In other words, the Village Board of Trustees, after review and discussion, have determined that the opinion of the Village Engineer is accepted as the Village's final position regarding Lake Shore Drive and the final approvals issued in 2009 on the garage remain in full force and effect.

VILLAGE OF EAST DUNDEE

LAEL MILLER, VILLAGE PRESIDENT