

ORDINANCE NO. 12-42

***An Ordinance Zoning Property Commonly Known as 14N881 Illinois Route 25
to B-3, General Service Business District
(John P. Gauvin and Pamela J. Gauvin)***

WHEREAS, the Village of East Dundee, an Illinois home rule municipal corporation located in Kane and Cook counties (the "Village"), has been requested in a written petition signed by John P. Gauvin and Pamela J. Gauvin (the "Owners") that upon annexation, certain property located on the east side of Illinois Route 25 and legally described in Section 1 of this Ordinance (the "Property"), be zoned B-3, General Service Business District pursuant to the East Dundee Zoning Chapter; and

WHEREAS, a public hearing was held before the Planning and Zoning & Historic Commission, after due notice as provided by law; and

WHEREAS, the Board of Trustees has considered the evidence, including but not limited to that presented at the public hearing to the Planning and Zoning & Historic Commission (the "Commission"), and believe the zoning classification will be in the best interests of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of East Dundee as follows:

SECTION 1: The following legally described territory (the "Property") shall be zoned B-3, General Service Business District pursuant to the terms of the East Dundee Zoning Chapter:

Lot 2 in Fox River Bluffs Unit No. 3, a subdivision of part of Sections 35 and 36, Township 42 north, Range 8 east of the Third Principal Meridian, in the Township of Dundee, Kane County, Illinois (the "Property").

SECTION 2: The Board of Trustees hereby makes the following findings of fact with respect to the requested rezoning and also adopts those made by the Commission:

- (1) Existing uses of property within the general area of the property in question;

Illinois Route 25 is a commercial corridor providing a variety of uses ranging from recreation to retail sales, which are complimented by the existing use on the Property. While there are residential uses along Illinois Route 25, the predominant nature of such uses are those providing services to the public.

- (2) The zoning classification of property within the general area of the property in question;

Several properties in the general area are either zoned B-3, General Service Business District, or provide the uses found in that zoning classification. The residential classifications proximate to the Property are located off of Illinois Route 25 frontage.

- (3) The suitability of the property in question to the uses permitted under the existing zoning classification; and

The existing uses on the Property are in harmony with the permitted uses in the B-3, General Service Business District and are an appropriate fit given its frontage on Illinois Route 25.

- (4) The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification.

As the area has developed into a commercial corridor many of the residential uses have become successful retail and office uses, many of which provide services and goods to the general public as well as nearby residential neighboring uses.

SECTION 3: All other requirements set forth in the East Dundee Zoning Chapter, as would be required by any owner of property zoned in the same manner as the Property, shall be complied with except as otherwise provided in the Annexation Agreement between the Village and the Owners.

SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed, to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Ayes: 7 - Justices Ruffalo, Gorman, Lynam, Miller, VanOstenbridge,

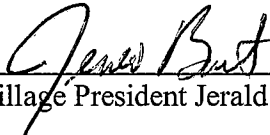
Nays: 0

Skellicom & Pres. Bartels

Absent: 0

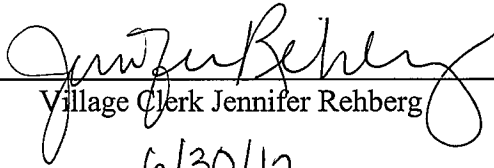
Abstain: 0

APPROVED:


Village President Jerald Bartels

(SEAL)

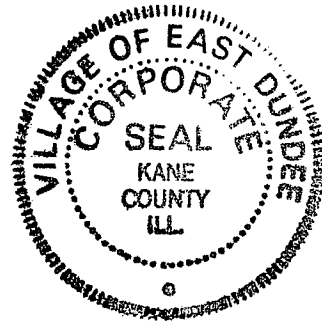
ATTEST:


Village Clerk Jennifer Rehberg

Passed: 6/30/12

Approved: 6/30/12

Published: 7/7/12



Prepared by/Mail to:

Michael J. Smoron

Zukowski Rogers Flood & McArdle

50 North Virginia Street

Crystal Lake, IL 60014

815.459.2050

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CERTIFICATION

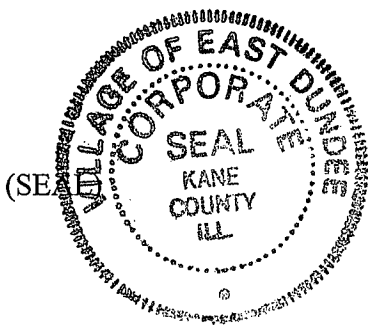
I, JENNIFER REHBERG, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of East Dundee, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village.

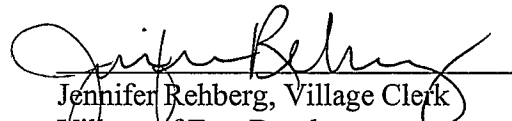
I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of East Dundee, held on the 30th day of June, 2012, the foregoing Ordinance entitled *An Ordinance Zoning Property Commonly Known as 14N881 Illinois Route 25 (John P. Gauvin and Pamela J. Gauvin)*, was duly passed by the President and Board of Trustees of the Village of East Dundee.

The pamphlet form of Ordinance No 12-42, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the East Dundee Village Hall, 120 Barrington Avenue, East Dundee, IL, commencing on the 7th day of July, 2012, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

IN WITNESS WHEREOF, I have affixed my name as Clerk and caused the seal of said Village to be affixed hereto this 7th day of July, 2012.




Jennifer Rehberg, Village Clerk
Village of East Dundee,
Kane County, Illinois