

ORDINANCE NO. 12-63

***An Ordinance Zoning Property Commonly Known as 14N806 and 14N808 Illinois Route 25
to B-3, General Service Business District
(Craig S. Bakstad)***

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 Craig S. Bakstad (the "Owner") 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:

PARCEL ONE:

THAT PART OF THE NORTH ½ OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION, AS MONUMENTED, OF EASTERLY RIGHT OF WAY LINE OF PARKSIDE AVENUE (NOW VACATED) WITH THE SOUTH LINE, EXTENDED EASTERLY OF LOT 32, AS PLATTED IN FOX RIVER BLUFFS UNIT NO. 5, BEING A SUBDIVISION OF PART OF SECTIONS 26 AND 35, TOWNSHIP AND RANGE AFORESAID, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 20, 1929 AS DOCUMENT NO. 326521. THIS POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE NORTH 07 DEGREES 50 MINUTES 33 SECONDS EAST, ALONG THE EASTERLY LINE OF PARKSIDE AVENUE (NOW VACATED), A DISTANCE OF 460.00 FEET; THENCE SOUTH 82 DEGREES 08 MINUTES 17 SECONDS EAST, A DISTANCE OF 853.69 FEET TO WESTERLY RIGHT OF WAY LINE, AS MONUMENTED, OF A PUBLIC HIGHWAY KNOWN AS STATE ROUTE NO. 25; THENCE SOUTH 08 DEGREES 03 MINUTES 55 SECONDS WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 236.30 FEET FOR THE POINT OF BEGINNING; SAID POINT BEING 225.26 FEET NORTH OF, AS MEASURED ALONG SAID WESTERLY RIGHT OF WAY LINE, THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE AND A LINK DRAWN FROM POINT "A" AFORESAID TO THE SOUTHWEST CORNER OF LOT 83, AS MONUMENTED, OF FOX RIVER BLUFFS UNIT NO. 3, BEING A SUBDIVISION OF PART OF SECTION 35 AND 36, TOWNSHIP AND RANGE AFORESAID, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 3, 1928 AS DOCUMENT NO. 303348, THIS LINE HEREINAFTER REFERRED TO AS LINE "A"; THENCE CONTINUING SOUTH 08 DEGREES 03 MINUTES 55 SECONDS WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 150.00 FEET; THENCE NORTH 82 DEGREES 02 MINUTES 00 SECONDS WEST, PARALLEL WITH SAID LINE A

DISTANCE OF 200.00 FEET; THENCE NORTH 08 DEGREES 03 MINUTES 55 SECONDS EAST PARALLEL WITH SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 150.00 FEET, THENCE SOUTH 82 DEGREES 02 MINUTES 00 SECONDS EAST, PARALLEL WITH SAID LINE "A", A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING, BEING SITUATED IN DUNDEE TOWNSHIP, KANE COUNTY, ILLINOIS; and

PARCEL TWO:

THAT PART OF THE NORTH ½ OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION, AS MONUMENTED, OF EASTERLY RIGHT OF WAY LINE OF PARKSIDE AVENUE (NOW VACATED) WITH THE SOUTH LINE, EXTENDED EASTERLY OF LOT 32, AS PLATTED IN FOX RIVER BLUFFS UNIT NO. 5, BEING A SUBDIVISION OF PART OF SECTIONS 26 AND 35, TOWNSHIP AND RANGE AFORESAID, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 20, 1929 AS DOCUMENT NO. 326521, THIS POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE NORTH 07 DEGREES 50 MINUTES 33 SECONDS EAST, ALONG THE EASTERLY LINE OF PARKSIDE AVENUE (NOW VACATED), A DISTANCE OF 460.00 FEET; THENCE SOUTH 82 DEGREES 08 MINUTES 17 SECONDS EAST, A DISTANCE OF 853.69 FEET TO THE WESTERLY RIGHT OF WAY LINE, AS MONUMENTED, OF A PUBLIC HIGHWAY KNOWN AS STATE ROUTE NO. 25; THENCE SOUTH 08 DEGREES 03 MINUTES 55 SECONDS WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 386.30 FEET FOR THE POINT OF BEGINNING; SAID POINT BEING 75.26 FEET NORTH OF, AS MEASURED ALONG SAID WESTERLY RIGHT OF WAY LINE, THE INTERSECTION OF SAID WESTERLY RIGHT OF WAY LINE AND A LINE DRAWN FROM POINT "A" AFORESAID TO THE SOUTHWEST CORNER OF LOT 83, AS MONUMENTED, OF FOX RIVER BLUFFS UNIT NO. 3, BEING A SUBDIVISION OF PART OF SECTIONS 35 AND 36, TOWNSHIP AND RANGE AFORESAID, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 3, 1928 AS DOCUMENT NO. 303348, THIS LINE HEREINAFTER REFERRED TO AS LINE "A"; THENCE NORTH 82 DEGREES 02 MINUTES 00 SECONDS WEST, PARALLEL WITH SAID LINE "A", A DISTANCE OF 200.00 FEET; THENCE NORTH 08 DEGREES 03 MINUTES 55 SECONDS EAST, PARALLEL WITH SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 150.00 FEET; THENCE NORTH 82 DEGREES 02 MINUTES 00 SECONDS WEST, PARALLEL WITH SAID LINE "A", A DISTANCE OF 30.00 FEET; THENCE SOUTH 08 DEGREES 03 MINUTES 55 SECONDS WEST, PARALLEL WITH SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 225.26 FEET TO SAID LINE "A"; THENCE SOUTH 82 DEGREES 02 MINUTES 00 SECONDS EAST, ALONG SAID LINE "A", A DISTANCE OF 230.00 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF STATE ROUTE 25; THENCE NORTH 08 DEGREES 03 MINUTES 55 SECONDS EAST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 75.26 FEET TO THE POINT OF BEGINNING BEING SITUATED IN DUNDEE TOWNSHIP, KANE COUNTY, ILLINOIS (together, 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 by this reference:

- (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 Owner.

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:

Jerald Bartels
Village President Jerald Bartels

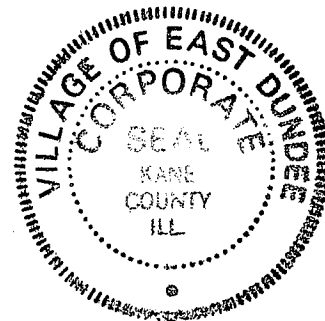
(SEAL)

ATTEST: Jennifer Reiberg
Village Clerk Jennifer Reiberg

Passed: Aug. 20, 2012

Approved: Aug. 20, 2012

Published: Aug. 26, 2012



Prepared by/Mail to:
Michael J. Smoron
Zukowski Rogers Flood & McArdle
50 North Virginia Street
Crystal Lake, IL 60014
815.459.2050
Z:\E\East Dundee\Bakstad\Ordinance.zoning.doc

CERTIFICATION

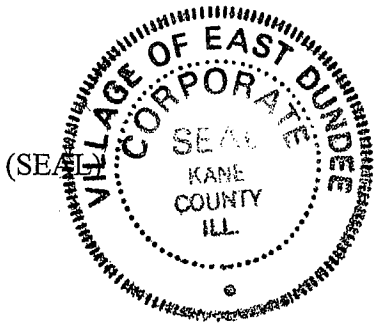
I, JENNIFER REHBERG, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of East Dundee, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village.

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 20th day of August, 2012, the foregoing Ordinance entitled *An Ordinance Zoning Property Commonly Known as ^{14N806}~~14N808~~ Illinois Route 25 (Craig S. Bakstad)*, was duly passed by the President and Board of Trustees of the Village of East Dundee.

The pamphlet form of Ordinance No 12-63, 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 20th day of August, 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 26th day of August, 2012.



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