

ORDINANCE NUMBER 09 - 24

**ORDINANCE GRANTING REQUEST FOR RE-ZONING FROM
B-1, DOWNTOWN BUSINESS DISTRICT, TO
B-2, COMMUNITY BUSINESS DISTRICT, FOR THE PROPERTY
COMMONLY KNOWN AS 302 MAIN STREET,
VILLAGE OF EAST DUNDEE, ILLINOIS**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, application has been made by the Village of East Dundee under Petition No. P/Z 09-08-01 for re-zoning the tract presently in the B-1 Downtown Business District to a B-2 Community Business District for a property located at the Southeast Corner of River Street and Main Street (Route 72), referred to as 302 Main Street, East Dundee, Illinois 60118; and

WHEREAS, the Planning and Zoning Commission (hereinafter the "Commission") of the Village of East Dundee, pursuant to notice and pursuant to the East Dundee Code of Ordinances, Chapter 156.05(B)(3) held a hearing on August 13, 2009, on Petition No. P/Z 09-08-01; and

WHEREAS, pursuant to said hearing, the Commission recommended approval of the request for re-zoning of the property commonly known as 302 Main Street, Village of East Dundee, Illinois, by a vote of 8 ayes, 0 nays, and 0 absent.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, KANE AND COOK COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. The recommendation of the Commission is hereby approved and adopted.

Section Two. That the application for re-zoning of the tract presently in the B-1 Downtown Business District to a B-2 Community Business District for the property commonly known as 302 Main Street, East Dundee, State of Illinois under Petition No. 09-08-01 is hereby granted.

Section Three. That the following described real estate commonly known as 302 Main Street, Village of East Dundee, State of Illinois, is hereby re-zoned from B-1 Downtown Business District to a B-2 Community Business District:

OF THAT PART OF BLOCK 8 OF EAST DUNDEE AND PARTY OF VACATED RIVER STREET DESCRIBED AS FOLLOWS: COMMENCING AT POINT ON THE WESTERLY LINE OF SAID BLOCK, 70.2 FEET SOUTHEASTERLY FROM THE SOUTHWEST CORNER OF LOT 5 IN SAID BLOCK, THIS POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE NORTHWESTERLY ALONG SAID WESTERLY LINE 26.5 FEET TO A POINT THEREINAFTER REFERRED TO AS POINT "B"; THENCE NORTHWESTERLY ALONG THE SAID WESTERLY LINE, 43.7 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5; THENCE NORTHEASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 5, 60.35 FEET; THENCE SOUTHEASTERLY 44.5 FEET TO A POINT 59.30 FEET EASTERLY FROM POINT "B" AFORESAID FOR THE POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG THE EXTENSION OF THE LAST DESCRIBED COURSE, 27 FEET TO A POINT 58.65 FEET EASTERLY FROM POINT "A" AFORESAID; THENCE WESTERLY 47.65 FEET ALONG A LINE WHICH IF EXTENDED WOULD INTERSECT POINT "A" AFORESAID; THENCE SOUTHEASTERLY 170.88 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID BLOCK, 5.50 FEET EASTERLY OF THE SOUTHWEST CORNER THEREOF; THENCE WESTERLY ALONG SAID LINE 5.50 FEET TO SAID SOUTHWEST CORNER; THENCE WESTERLY ALONG THE EXTENSION OF SAID SOUTHERLY LINE 15 FEET; THENCE NORTHERLY PARALLEL WITH THE WESTERN LINE OF SAID BLOCK, 197.30 FEET TO A LINE DRAWN WESTERLY PARALLEL WITH THE SOUTHERLY LINE EXTENDED WESTERLY OF SAID LOT 5 FROM POINT "B" AFORESAID; THENCE EASTERLY ALONG SAID PARALLEL LINE 15 FEET TO POINT "B" AFORESAID; THENCE EASTERLY 59.30 FEET TO THE POINT BEGINNING, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

Section Four. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

Section Five. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Six. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 8th day of September, 2009, pursuant to a roll call vote as follows:

AYES: 6 - Trustees Ruffalo, Lynam, Cichowski, Miller, Van Ostenbridge
President Bartels

NAYES: 0

ABSENT: Trustee Gorman

Approved by me this 8th day of September, 2009.

Jerald Bartels
JERALD BARTELS, President

Published in pamphlet form this 10th day of September, 2009, under the authority of the President and Board of Trustees.

ATTEST:

Jennifer R. Rehberg
JENNIFER REHBERG, Village Clerk

Recorded in the Village Records on Sept. 10th, 2009.

