

ORDINANCE 2010-12

AN ORDINANCE AMENDING ORDINANCE 85-9 FOR PROPERTY LOCATED AT 180 SOUTH EIGHTH STREET

WHEREAS, The Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6 of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, The Village of West Dundee Board of Trustees approved Ordinance 85-9 which amended the official zoning map and granted specific use restrictions; and

WHEREAS, the Village of West Dundee has been requested in a petition signed by the O'Brien Family Limited Partnership as owner to amend previously approved Ordinance 85-9 to allow for the use restriction placed on the property in said Ordinance to be removed for the property legally described as:

THAT PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 22, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 22 WITH THE CENTER LINE OF STATE ROUTE 31; THENCE NORTHERLY ALONG SAID CENTER LINE 336.54 FEET TO THE NORTH LINE OF ROYAL ACRES, BEING A SUBDIVISION OF PART OF SAID EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 22, FOR THE POINT OF BEGINNING; THENCE WESTERLY ALONG SAID NORTH LINE 243.35 FEET; THENCE NORTHERLY PARALLEL WITH THE CENTER LINE OF STATE ROUTE 31, 246.73 FEET TO A LINE THAT IS 245.26 FEET SOUTHERLY OF, AS MEASURED ALONG SAID PARALLEL LINE EXTENDED NORTHERLY, AND PARALLEL WITH THE CENTER LINE OF STATE ROUTE 72; THENCE SOUTHEASTERLY ALONG SAID PARALLEL LINE 245.26 FEET TO THE CENTER LINE OF STATE ROUTE 31; THENCE SOUTHERLY ALONG SAID CENTER LINE 212.80 FEET TO THE POINT OF BEGINNING, (EXCEPT THE EAST 65 FEET THEREOF, TAKEN AND USED FOR HIGHWAY PURPOSES BY THE STATE OF ILLINOIS) IN THE VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS

WHEREAS, a Public Hearing was held by the West Dundee Planning & Zoning Commission on March 22, 2010 after due notice in the manner provided by law; and

WHEREAS, the West Dundee Planning & Zoning Commission, after deliberation, has made a report and recommended the granting of said change in zoning; and

WHEREAS, the Village Board has considered the findings of fact, based upon the evidence presented at the public hearing by the petitioners to the West Dundee Planning & Zoning Commission.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES, VILLAGE OF WEST DUNDEE, KANE COUNTY, ILLINOIS, as follows:

Section 1: The findings and recommendations of the West Dundee Planning & Zoning Commission on the question of granting the requested amendment for the Subject Property legally described above are hereby accepted subject to the following conditions for approval:

1. Substantial compliance with site plan and building sketches submitted by ICI Architects dated 12/7/09.
2. Approval of plans by Appearance Review Commission as required by Section 9-6 of the West Dundee Municipal Code.
3. Compliance with all other applicable codes and ordinances.

Section 2: That Section 2 of Ordinance 85-9 is hereby repealed.

Section 3: That all requirements set forth in the Zoning Ordinance of the Village of West Dundee, as would be required by any owner of property zoned in the same manner as the Subject Property shall be complied with, except as otherwise provided in this Ordinance.

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: That the Village hereby consents to the Release and Vacation of the Declaration of Restrictive Covenants recorded April 29, 1986 as Document No. 1768270 concerning the property described herein.

Section 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

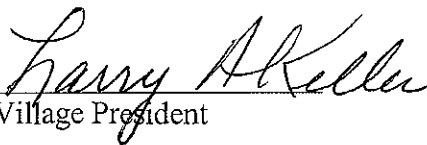
Section 7: That this Ordinance shall be in full force and effect upon its passage and approval, as provided by law.

AYES: Trustees Voss, Gillam, Price, Osth, Hanley and Yuscka

NAYS:


ABSENT:

Larry Keller


Village President

ATTEST:

Barbara Traver


Village Clerk

Passed: April 19, 2010
Approved: April 19, 2010
Published: April 19, 2010

Prepared by:
Village of West Dundee
102 South Second Street
West Dundee, IL 60118