

ORDINANCE NUMBER 12 - 13

**ORDINANCE GRANTING PRELIMINARY AND FINAL
SUBDIVISION PLAT APPROVAL TO DIVIDE THE PROPERTY
INTO 56 LOTS AND CONSTRUCT RELATED UTILITY
STORMWATER MANAGEMENT, AND STREET
INFRASTRUCTURE FOR PROPERTY KNOWN AS RIVER HAVEN
OF EAST DUNDEE LOCATED AT OR NEAR THE INTERSECTION
OF ROUTES 72 AND 25 IN THE 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, James Bergman, as contract purchaser of property owned by Chicago Title and Trust Company as Trustee under Trust Agreement dated May 1, 2008 and known as Trust #8002350420, has demonstrated that he is the proper agent for property legally described in Exhibit A known as the River Haven PUD, for the purpose of applying for a Preliminary and Final Subdivision Plat approval; and

WHEREAS, the property described in Exhibit A is zoned and classified as R-5 under the provisions of the Zoning Ordinances of the Village of East Dundee; and

WHEREAS, in April 2011, the Village of East Dundee granted its approval for a Planned Unit Development (PUD) Preliminary Plan; and

WHEREAS, the applicant has applied for Preliminary and Final Subdivision Plat approval to divide the property into 56 lots and construct the related utility, storm water management, street infrastructure; and

WHEREAS, the applicant, as contract purchaser of property owned by Chicago Title and Trust Company as Trustee under Trust Agreement dated May 1, 2008 and known as Trust #8002350420, in regard to property commonly known as River Haven of East Dundee and legally

described in Exhibit A, has properly petitioned the Planning and Zoning Commission of the Village of East Dundee for approval of Preliminary and Final Subdivision Plat to divide the property into 56 lots and construct the related utility, storm water management, and street infrastructure; and

WHEREAS, the requested approvals would be in compliance with the submittals of the applicant contained in the application and plans previously submitted; and

WHEREAS, upon due notice and after public hearing held on March 8, 2011, by the Planning and Zoning Commission of the Village of East Dundee and pursuant to East Dundee's Zoning Ordinance, said Commission has approved their Findings of Fact and Recommendation by a vote of 7 ayes, 1 nay and 1 absent; a copy of said Findings of Fact and Recommendation are attached hereto as Exhibit B; and

WHEREAS, the corporate authorities of the Village of East Dundee have considered this matter at public hearings and find pursuant to the relevant portions of East Dundee's Ordinances, that the request for Preliminary and Final Subdivision Plat approval to divide the property into 56 lots and construct the related utility, storm water management, and street infrastructure is deemed necessary for the public health, safety and welfare at the location specified above, and is so designed, located and proposed so as not to cause any substantial injury to the value of other property in the neighborhood in which it is located; and

WHEREAS, based upon the evidence adduced at said hearings and in their application, the petitioner has entered into the record evidence and Findings of Fact that address the conditions in the Village of East Dundee Ordinances; and

WHEREAS, pursuant to the provisions of the Village of East Dundee's Ordinances, the corporate authorities have determined that the Preliminary and Final Plat Approval should be approved as hereinafter set forth.

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

Section One. That the corporate authorities do hereby incorporate the foregoing WHEREAS clauses into this ordinance as though fully set forth herein, thereby making the findings as hereinabove set forth.

Section Two. That the corporate authorities do hereby accept and approve the findings of fact and recommendation of the Planning and Zoning Commission.

Section Three. That pursuant to East Dundee's Zoning Ordinance, the Preliminary and Final Subdivision Plat is hereby approved subject to the Village Engineer's approval prior to the recording of the final plat.

Section Four. The village clerk is authorized and directed to amend all pertinent records of the Village of East Dundee to show the approvals granted hereunder.

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


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

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

Section Eight. Effective Date. Passed on the 12th day of March, 2012, according to the following roll call vote.

AYES: 6 - Justices Ruffalo, Gorman, Lynam, Miller, VanOstenbridge & President Bartels
NAYES: 0
ABSENT: 1 - Justice Skillicorn

Approved by me this 12th day of March, 2012.

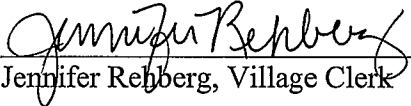


Jerald Bartels, President
Paul VanOstenbridge, President Pro Tem

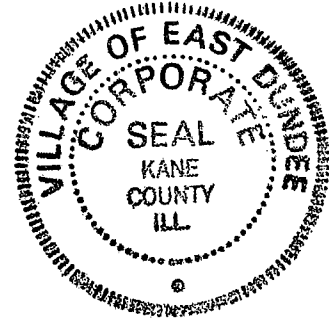
Published in pamphlet form this 13th day of March, 2012, under the authority of the

President and Board of Trustees.

ATTEST:



Jennifer Rehberg, Village Clerk



Recorded in the Village Records on March 13th, 2012.