

ORDINANCE NUMBER 12 - 29

ORDINANCE PROHIBITING ENCROACHMENTS WITHIN THE STATE OF ILLINOIS RIGHT OF WAY ALONG ROUTE 72 WITHIN THE VILLAGE OF EAST DUNDEE

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, the State of Illinois acting by and through its Department of Transportation is desirous of improving Route 72 between Rock Road and Beverly Road in the Village of East Dundee; and

WHEREAS, a portion of this project runs through the Village of East Dundee between Beverly Road and Rock Road; and

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 no person, firm, corporation or other entity shall install, place, maintain or construct any structure which encroaches upon the State of Illinois right of way on Route 72 within the limits of the Village of East Dundee

Section Two. The Village Clerk is hereby authorized and directed to attach a copy of this Ordinance to the Agreement dated June 18th, 2012 by and between the State of Illinois and the Village of East Dundee.

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 All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Five. 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 Six. Effective Date. Passed on the 18th day of June, 2012, according to the following roll call vote.

AYES: 4 - Justices Gorman, Lynam, Miller & VanOstenbridge

NAYES: 0

ABSENT: 3 - Justices Ruffalo, Skellicorn & President Bartels

Approved by me this 18th day of June, 2012.

[Signature]
~~Jerald Bartels, President~~
Paul VanOstenbridge, President Pro Tem

Published in pamphlet form this 22nd day of June, 2012, under the authority of the President and Board of Trustees.

ATTEST:

[Signature]
Jennifer Rehberg, Village Clerk

Recorded in the Village Records on June 22nd, 2012.

