

ORDINANCE NO. 12-34

***An Ordinance Zoning a Portion of the Max McGraw Wildlife Foundation Property
Located on Illinois Route 25 to B-3, General Service Business District***

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 the Max McGraw Wildlife Foundation (the "Owner") that upon annexation, certain property located on 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 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 Commission by the Owners, 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:

That part of the southwest quarter of Section 25 and of the southeast quarter of Section 26, all in Township 42 north, Range 8 east of the Third Principal Meridian, described as follows: commencing at the southwest corner of the southwest quarter of said Section 25; thence north along the west line of said southwest quarter, for a distance of 9.7 feet; thence westerly along a line forming an angle of 80 degrees 51 minutes 0 seconds to the northwest with said west line of Section 25, for a distance of 124.15 feet to the center line of State Route 25; thence northerly along said center line, for a distance of 169 feet for the place of beginning; thence easterly along a line forming an angle of 89 degrees 58 minutes 0 seconds to the southeast with said center line of State Route 25, for a distance of 750 feet to the northerly extension of the westerly right of way line of Castle Avenue in Fox River Bluffs, Unit No. 3, being a subdivision of part of Sections 35 and 36, township and range aforesaid; thence northerly along the northerly extension of said westerly right of way line of Castle Avenue, for a distance of 26.6 feet to a point on a line that is drawn parallel with and 539.5 feet northerly of, as measured at right angles, the northerly line of said Fox River Bluffs, Unit No. 3, thence easterly parallel with the northerly line of said Fox River Bluffs, Unit No. 3, for a distance of 17 feet to a point on a line that is parallel with and 13 feet westerly of, as measured at right angles, the northerly extension of the centerline of said Castle Avenue; thence northerly parallel with centerline of said Castle Avenue, for a distance of 250.0 feet; thence easterly parallel with the northerly line of said Fox River Bluffs, Unit No. 3, for a distance of 23.0 feet to a point on a

line that is parallel with and 10 feet easterly of, as measured at right angles, the northerly extension of the centerline of said Castle Avenue; thence northerly parallel with said centerline of said Castle Avenue, for a distance of 148.0 feet to a point on a line that is parallel with and 937.5 feet northerly of, as measured at right angles, the northerly line of said Fox River Bluffs, Unit No. 3; thence westerly parallel with the northerly line of said Fox River Bluffs, Unit No. 3, for a distance of 190.0 feet; thence northerly to the southeast corner of Lot 1 in Gateway Subdivision, being a subdivision of part of Section 25, Township 42 north, Range 8 east of the Third Principal Meridian, recorded May 8, 1989 as document no. 1972329; thence westerly along the southerly line of Lot 1 in said Gateway Subdivision, for a distance 571.32 feet to the southwest corner of Lot 1 in said Gateway Subdivision; thence continuing along the westerly extension of said southerly line of Lot 1, to a point of intersection with the center line of State Route 25; thence southerly along said center line of State Route 25, to the place of beginning, in the township of Dundee, Kane County, Illinois; and

Also the westerly half right of way of State Route 25 which is adjacent to the above described 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:

- (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 non-commercial 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.

- (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 acceptable and an appropriate transition to 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 existing 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.

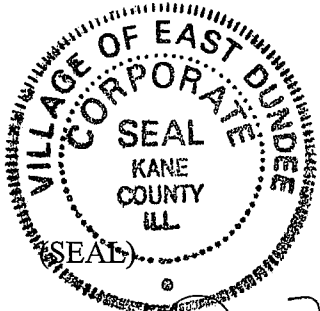
SECTION 6: Pursuant to the Village's home rule powers, this Ordinance shall be in full force and effect as of July 1, 2012 at 12:00 a.m. due to the urgency of increasing the Village's revenues and enhancing its tax base, and publication of this Ordinance is hereby authorized as provided by law.

Ayes: 7- Justices Ruffalo, Gormann, Lynam, Miller, VanOstenbridge, Skellicorn & Pres. Bartels

Nays: 0

Absent: 0

Abstain: 0



APPROVED:

Jerald Bartels
Village President Jerald Bartels

ATTEST: Jennifer Rehberg
Village Clerk Jennifer Rehberg

Passed: 6/30/12

Approved: 6/30/12

Published: 7/7/12

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

CERTIFICATION

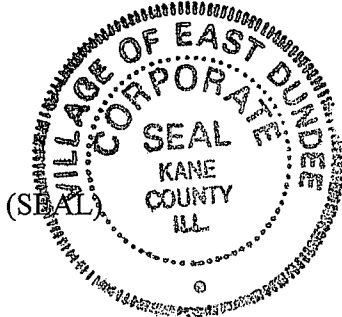
I, JENNIFER REHBERG, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of East Dundee, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village.

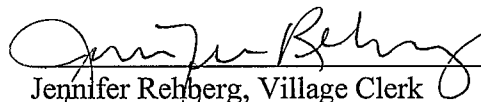
I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of East Dundee, held on the 30th day of June, 2012, the foregoing Ordinance entitled *An Ordinance Zoning a Portion of the Max McGraw Wildlife Foundation Property Located on Illinois Route 25 to B-3, General Service Business District*, was duly passed by the President and Board of Trustees of the Village of East Dundee.

The pamphlet form of Ordinance No 12-34, 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 7th day of July, 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 7th day of July, 2012.




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