

ORDINANCE NO. 12-52

***An Ordinance Zoning the Property Commonly Known as
The "Buettner Property" (aka Quail Run aka Blue Flame Energy)
14N679 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 Buettner Family Limited Partnership No. 2, an Illinois limited partnership (the "Owner") that upon annexation, certain property located on the east side of Illinois Route 25 and legally described in Section 1 of this Ordinance (the "Property"), be zoned B-3, General Service Business District; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission, after due notice as provided by law, on the petition for rezoning; 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, 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 northeast quarter of Section 35, and part of the northwest quarter of Section 36, Township 42 north, Range 8 east of the Third Principal Meridian described as follows: beginning at the intersection of the southerly line extended westerly of Fox River Bluffs Unit No. 3, being a subdivision of part of said Sections 35 and 36, with the easterly right of way line of State Route 25, as conveyed to the State Department of Public Works and Buildings by warranty deed recorded January 29, 1968, as document number 1106610; thence northerly along said easterly right of way line, a distance of 179.36 feet; thence easterly along a line which forms an angle of 92 degrees 42 minutes 35 seconds to the right with the prolongation of the last described course, a distance of 349.83 feet to the westerly line extended southerly of Lot 8 in Fox River Bluffs Unit No. 3, as aforesaid; thence southerly along said westerly line extended southerly a distance of 162.16 feet to the southerly line extended westerly of Fox River Bluffs No. 3 as aforesaid; thence westerly along said southerly line, extended westerly, a distance of 349.70 feet to the place of beginning, being situated in Dundee Township, Kane County, Illinois, and containing 1.3703+ acres.

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:

For rezoning the Property to B-3, General Service Business District, pursuant to the East Dundee Zoning Chapter, the Village Board makes the following findings based upon the evidence presented to it in each specific case with respect to the following matters:

1. Existing uses of property within the general area of the property in question;

The existing uses surrounding the Property, particularly along Illinois Route 25, tend to be of a commercial, retail business nature. While some properties in the vicinity remain vacant, under-developed or agricultural in nature, this is not the trend of development in the general area of the Property.

2. The zoning classification of property within the general area of the property in question;

The parcels along Route 25 tend to be zoned business district and those being annexed to the Village are being zoned B-3.

3. The suitability of the property in question to the uses permitted under the existing zoning classification;

Due to the proximity of Illinois Route 25 to the Property, the proposed zoning classification is suitable insofar as the proposed permitted uses of the Property will be to provide services to the public of a retail nature and the Property's proximity to Illinois Route 25 makes it convenient to the public. Such zoning is consistent with the Village's Comprehensive Plan as well.

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.

Over the years the property in the general area of the Property has been developed for various business uses.

The Board of Trustees also adopts the findings of fact adopted by the Commission.

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: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Ayes: 7 - Justices Ruffalo, Gorman, Lynam, Meller, VanOstenbudge, Skellicom & Pres. Bartels

Nays: 0

Absent: 0

Abstain: 0



APPROVED:

Jerald Bartels
Village President Jerald Bartels

Jennifer Rehberg
Village Clerk Jennifer Rehberg

Passed: 6/30/12
Approved: 6/30/12
Published: 7/7/7

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

CERTIFICATION

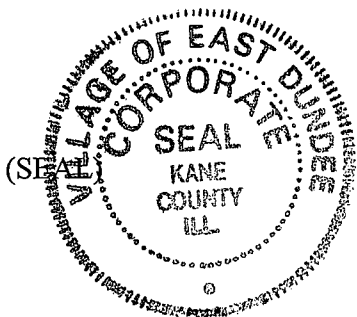
I, JENNIFER REHBERG, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of East Dundee, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village.

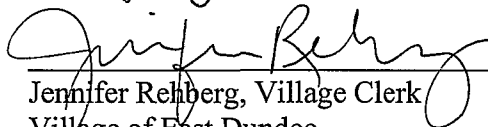
I do hereby further certify that at a regular meeting of the President and Board of Trustees of the Village of East Dundee, held on the 30th day of June, 2012, the foregoing Ordinance entitled *An Ordinance Zoning and Granting Certain Special Uses for Property Commonly Known as 14N679 Illinois Route 25 (Quail Run aka Blue Flame Energy)*, was duly passed by the President and Board of Trustees of the Village of East Dundee.

The pamphlet form of Ordinance No 12-52, 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