

**ORDINANCE NUMBER 13 - 18**

**ORDINANCE APPROVING A PRELIMINARY AND FINAL PLAT OF RESUBDIVISION TO CREATE THE PARCEL FOR THE FIRE STATION AND TO RECONFIGURE THE EXISTING STORMWATER DETENTION AREA ALONG ROUTE 25 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**, The PUD Preliminary and Final Subdivision and Final PUD were approved by the Village of East Dundee pursuant to on or about March 12, 2012, pursuant to Ordinances 12-13 and 12-14; and

**WHEREAS**, following the Final PUD approval, the developer sold all of the undeveloped land in the project to the Village; and

**WHEREAS**, the East Dundee Fire Protection District and the Village of East Dundee agreed that the Village would convey property in the subdivision to the Fire Protection District in exchange for the existing Fire Station located adjacent to the Village Hall ; and

**WHEREAS**, the applicant has applied for Preliminary and Final Subdivision Plat approval to divide the property to provide a parcel for the new station for the East Dundee Fire Protection District and to reconfigure the existing stormwater detention area along Route25; and

**WHEREAS**, the Village, as applicant, has properly petitioned the Planning and Zoning Commission of the Village of East Dundee for approval of Preliminary and Final Subdivision Plat; 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 April 25, 2013, 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, 0 nay and 2 absent; 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, subject to the conditions set forth in the April 3, 2013 memorandum from Vandewalle & Associatees, including:

- a. A utility easement across the front of the fire station property.
- b. A utility easement across the remaining open space area that will be located between the west end of the fire station property and River Haven Court.
- c. An access easement across the same open space area to connect the fire station property to River Haven Court.
- d. A revised design for the stormwater detention area to remove it completely from the proposed fire station lot and revised stormwater calculations for the new detention area that also include the proposed impervious areas being created with the fire station..

**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 6 day of May, 2013, according to the following roll call vote.

AYES:

Trustees Lynam, Skillicorn, Miller, Van Ostenbridge and  
NAYES: President Bartels

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ABSENT:

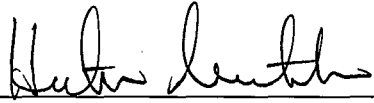
Trustees Ruffalo and Gorman

Approved by me this 6 day of May, 2013.

Jerald Bartels  
Jerald Bartels, President

Published in pamphlet form this 7 day of May, 2013, under the authority of the President and Board of Trustees.

ATTEST:



Heather Maieritsch

Heather Maieritsch, Village Clerk

Recorded in the Village Records on May 7, 2013.