

ORDINANCE NUMBER 22 - 21

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, WAIVING CERTAIN DEVELOPMENT REGULATIONS WITH RESPECT TO THE PAL LAND II LLC PROPERTY

WHEREAS, the Village of East Dundee (“Village”) is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, Pal Land II LLC (“Developer”) owns approximately eighty (80) acres of property in the Village as legally described and depicted in **Exhibits A-1** and **A-2**, respectively, attached hereto and made a part hereof (“Property”); and

WHEREAS, Section 157.193(A) of the Village of East Dundee Zoning Ordinance (“Zoning Ordinance”) allows the Village President and Board of Trustees to waive certain development regulations if they determine that a particular development and/or use would not endanger the health, safety and welfare of area residents; and

WHEREAS, the Village President and Board of Trustees have determined that it is advisable, necessary, and in the best interests of the Village to waive certain development regulations for the Property, and that the proposed use of the Property would not endanger the health, safety and welfare of area residents;

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

SECTION 1: Incorporation. That each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

SECTION 2: Waivers. That pursuant to Section 157.193(A) of the Zoning Ordinance, the following development regulations are temporarily waived for the Property for the proposed temporary parking use, subject to the conditions set forth below and in the Zoning Ordinance:

- A. Pursuant to Section 157.193(A)(1) of the Zoning Ordinance, the requirement for paving of permanent roadways and parking lots in Section 157.147 of the Zoning Ordinance is waived, provided that all required off-street parking is provided at the Property and that driveway access to the Property shall have asphalt shavings or a crushed stone base and provided that the Developer shall take steps to control dust and other particles; and

- B. Pursuant to Section 157.193(A)(2) of the Zoning Ordinance, the requirement for installation of curbs and gutters in 57.101 of the Village of East Dundee Village Code ("Village Code") is waived, provided that the Developer shall comply with all applicable storm water drainage requirements; and
- C. Pursuant to Section 157.193(A)(3) of the Zoning Ordinance, the requirement for parking lot lighting installation and use in Section 157.149 of the Zoning Ordinance is waived, provided that no activity on the Property shall be scheduled or occur after dusk; and
- D. Pursuant to Section 157.193(A)(4) of the Zoning Ordinance, the requirement of parking lot landscaping in Section 157.149 of the Zoning Ordinance is waived, including placement of trees and shrubbery.

SECTION 3: Conditions. That the waivers in Section 3 shall be in effect, subject to the duration limitation in Section 5 below, so long as:

- A. The Developer is in compliance with all applicable laws, ordinances, regulations and legal requirements; (ii) not in breach of any agreement(s) with the Village; and (iii) not in arrears on any amount due and owing the Village.
- B. The Developer is not in breach of any agreement(s) with the Village.
- C. The Developer is not in arrears on any amount due and owing the Village.
- D. The Developer tests the soil on the Property for environmental contaminants no less than once per twelve (12) month period the waivers are in effect, in the manner directed by the Village, and provides the Village with a written report from the company conducting the testing with the results thereof.
- E. The Developer ensures that no hazardous materials are placed on the Property.
- F. _____

- G. _____

Violation of any of the conditions in this Ordinance shall terminate the waivers granted herein.

SECTION 4: Duration. That the waivers in Section 2 of this Ordinance, and the Temporary Parking Layout approval in Section 3 of this Ordinance, shall expire on May 2, 2052, unless the Village President and Board of Trustees approve an extension of the waivers, in their sole and absolute discretion.

SECTION 5: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 6: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 7: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

ADOPTED this 2nd day of May, 2022 pursuant to a roll call vote as follows:

AYES: Mahony, Brittin, Saviano and Treiber

NAYES: Sauder

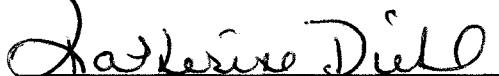
ABSENT: Kunze

APPROVED by me this 2nd day of May, 2022



Jeffrey Lynan, Village President

ATTEST:



Katherine Diehl, Village Clerk

Published in pamphlet form this 2nd day of May, 2022, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on May 3, 2022.

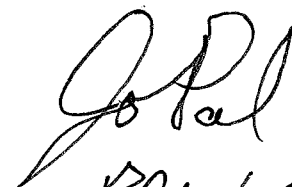

PAL LAND LLC.

EXHIBIT A-1

LEGAL DESCRIPTION OF THE PROPERTY

(attached)

Legal descriptions for Palumbo – Pal Land / Pal Land II properties – 3/31/22

32W819 RTE 68 – NOW PIN 03-24-276-006

That part of the West half of Section 24, Township 42 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the intersection of the center line of State Route 63 with the center line of State Route 25; thence Easterly along the center line of State Route 63, 878.9 feet for a place of beginning; thence continuing Easterly along said center line, 197 feet; thence South parallel with the center line of State Route 25, 367.4 feet; thence West along a line that forms an angle of 90 degrees to the right with the prolongation of the last described course; 194.4 feet; thence North parallel with the center line of State Route 25, 342.9 feet to the place of beginning; except that part lying within State Route 63, situated in the Township of Dundee, in the Village of East Dundee, Kane County, Illinois.

PINS 03-24-276-008 & 03-24-400-008

THAT PART OF THE EAST 1/2 OF SECTION 24 AND ALSO PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 00 DEGREES 11 MINUTES 38 SECONDS EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25, 192.05 FEET TO THE NORTHEAST CORNER OF LOT 1 IN ROCKY ROAD POWER SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 19, 1999 AS DOCUMENT 1999K018491; THENCE SOUTH 89 DEGREES 48 MINUTES 23 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 1 IN ROCKY ROAD POWER SUBDIVISION, 670.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00 DEGREES 11 MINUTES 37 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 1, 1015.58 FEET TO THE SOUTHWEST CORNER THEREOF, SAID CORNER BEING ON THE NORTH LINE OF ROCK ROAD DRIVE; THENCE NORTH 75 DEGREES 43 MINUTES 09 SECONDS WEST ALONG THE NORTH LINE OF ROCK ROAD DRIVE, 295.02 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 28 SECONDS WEST ALONG THE NORTH LINE OF ROCK ROAD DRIVE, 33.00 FEET TO A POINT ON THE EAST LINE OF PREMISES CONVEYED TO JAMES K. SMITH BY DEED RECORDED FEBRUARY 7, 1881 IN BOOK 200, PAGE 253 AS DOCUMENT 13594; THENCE NORTH 00 DEGREES 13 MINUTES 32 SECONDS WEST ALONG SAID EAST LINE OF PREMISES CONVEYED TO JAMES K. SMITH, 1130.46 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, SAID POINT BEING 989.3 FEET WESTERLY OF, AS MEASURED ALONG SAID SOUTH LINE OF THE SOUTHEAST QUARTER, THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 89 DEGREES 30 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 24, 525.4 FEET; THENCE NORTH 02 DEGREES 06 MINUTES 00 SECONDS EAST, 1406.05 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 05 SECONDS EAST, 1455.55 FEET TO THE EAST LINE OF SAID SECTION 24; THENCE SOUTH ALONG SAID EAST LINE, 1396.70 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

Part of PIN 03-24-400-007 (this PIN will change due to subdivision with recent purchase)

THE NORTH 593.44 FEET OF THAT PART OF THE EAST 1/2 OF SECTION 24 AND ALSO PART OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 42 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

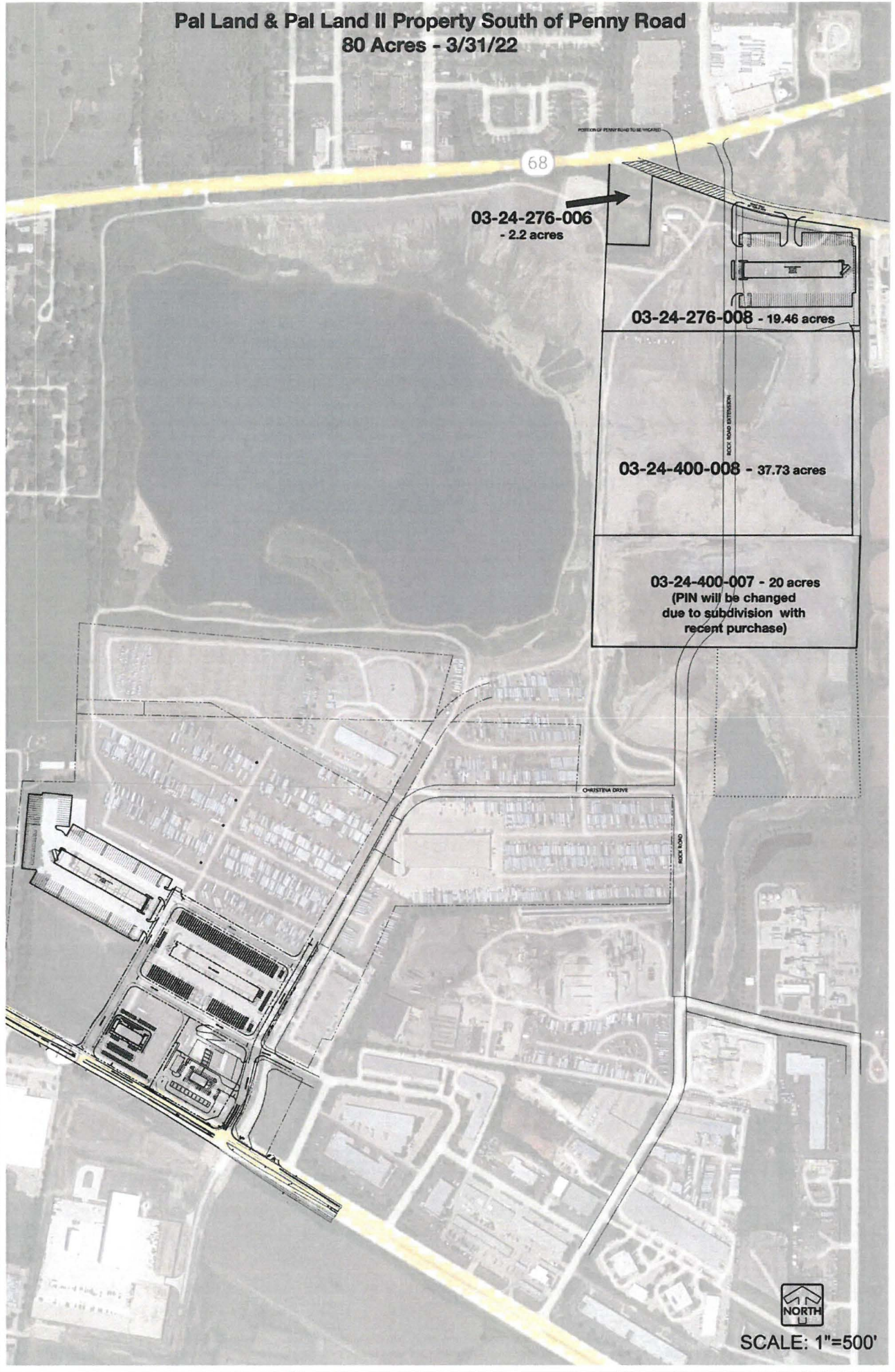
BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 00 DEGREES 11 MINUTES 38 SECONDS EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 25, 192.05 FEET TO THE NORTHEAST CORNER OF LOT 1 IN ROCKY ROAD POWER SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 19, 1999 AS DOCUMENT 1999K018491; THENCE SOUTH 89 DEGREES 48 MINUTES 23 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 1 IN ROCKY ROAD POWER SUBDIVISION, 670.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00 DEGREES 11 MINUTES 37 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 1015.58 FEET TO THE SOUTHWEST CORNER THEREOF, SAID CORNER BEING ON THE NORTH LINE OF ROCK ROAD DRIVE; THENCE NORTH 75 DEGREES 43 MINUTES 09 SECONDS WEST ALONG THE NORTH LINE OF ROCK ROAD DRIVE, 295.02 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 28 SECONDS WEST ALONG THE NORTH LINE OF ROCK ROAD DRIVE, 33.00 FEET TO A POINT ON THE EAST LINE OF PREMISES CONVEYED TO JAMES K. SMITH BY DEED RECORDED FEBRUARY 7, 1881 IN BOOK 200, PAGE 253 AS DOCUMENT 13594; THENCE NORTH 00 DEGREES 13 MINUTES 32 SECONDS WEST ALONG THE EAST LINE OF PREMISES CONVEYED TO JAMES K. SMITH, 1130.46 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 24, SAID POINT BEING 989.3 FEET WESTERLY OF, AS MEASURED ALONG SAID SOUTH LINE OF THE SOUTHEAST QUARTER, THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE SOUTH 89 DEGREES 30 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 24, 525.4 FEET; THENCE NORTH 02 DEGREES 06 MINUTES 00 SECONDS EAST, 1406.05 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 05 SECONDS EAST, 1455.55 FEET TO THE EAST LINE OF SAID SECTION 24; THENCE SOUTH ALONG SAID EAST LINE, 1396.70 FEET TO THE POINT OF BEGINNING, IN THE VILLAGE OF EAST DUNDEE, KANE COUNTY, ILLINOIS.

EXHIBIT A-2

DEPICTION OF THE PROPERTY

(attached)

**Pal Land & Pal Land II Property South of Penny Road
80 Acres - 3/31/22**



PORTION OF PENNY ROAD TO BE HIGHWAY

68

03-24-276-006
- 2.2 acres

03-24-276-008 - 19.46 acres

03-24-400-008 - 37.73 acres

03-24-400-007 - 20 acres
(PIN will be changed
due to subdivision with
recent purchase)

CHRISTINA DRIVE

ROCK ROAD



SCALE: 1"=500'