

**ORDINANCE NUMBER 09 - 03**

**ORDINANCE APPROVING A VARIATION AND PLAT APPROVAL  
FOR THE PROPERTY COMMONLY KNOWN AS  
UNDEVELOPED PROPERTY AT SOUTHEAST CORNER OF  
ROUTE 25 AND ROUTE 68, 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**, application has been made by DW-Servant Fund (East Dundee), LLC, a Delaware limited liability company, under Petition No. P/Z 08-11-01 requesting a preliminary and final plat approval and variance from Section 155.046 to allow Lot 3 to be reserved for storm water detention that will be accessible by a cross access Easement instead of a frontage abutting a dedicated street for a lot located at the Southeast corner of Illinois Route 68 and Illinois Route 25; and

**WHEREAS**, the Planning and Zoning Commission (hereinafter the "Commission") of the Village of East Dundee, pursuant to notice and pursuant to the Village of East Dundee Code of Ordinances, Chapter 156.05(B)(3) held a hearing on November 13, 2008 on Petition No. P/Z 08-11-01; and

**WHEREAS**, pursuant to said hearing, the Commission approved the Petition by a vote of 8 ayes, 0 naves and 1 absent, subject to engineering comments of Village Engineer set forth in his correspondence of November 11, 2008.

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

**Section One.** That the recommendation of the Commission is hereby approved and adopted.

**Section Two.** That the application for preliminary and final plat approval, and a variance from section 155.046 to allow Lot 3 to be reserved for storm water detention that will be accessible by cross access Easement instead of a frontage abutting a dedicated street for a lot located at the southeast corner of Illinois Route 68 and Illinois Route 25, under Petition No. P/Z 08-11-01, is granted in accordance with the submissions of the applicant under the petition and subject to Village Engineer's memorandum dated November 11, 2008, for the property commonly known as undeveloped property at southeast corner of Route 25 and Route 68, East Dundee, Illinois, and legally described as follows:

LEGAL DESCRIPTION FOR DUNDEE GATEWAY:

PARCEL 1: THAT PART OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 42 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF SAID SECTION 24, 3101 FEET NORTH OF THE SOUTHWEST CORNER OF SAID SECTION, SAID POINT BEING THE POINT OF INTERSECTION OF THE CENTER LINE OF STATE ROUTE NO. 25 WITH THE CENTER LINE OF STATE ROUTE NO. 68; THENCE SOUTH ALONG THE CENTER LINE OF STATE ROUTE 25, 438.8 FEET; THENCE EAST AT RIGHT ANGLES TO SAID CENTER LINE 478.7 FEET; THENCE NORTH PARALLEL WITH THE CENTER LINE OF STATE ROUTE NO. 25, 247 FEET TO A POINT 275.7 FEET SOUTH OF THE CENTER LINE OF STATE ROUTE 63 (MEASURED ALONG THE LAST DESCRIBED COURSE EXTENDED NORTH); THENCE WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 198.6 FEET; THENCE NORTH PARALLEL WITH THE CENTER LINE OF SAID STATE ROUTE NO. 25, 240.4 FEET TO THE CENTER LINE OF SAID STATE ROUTE NO. 68; THENCE WESTERLY ALONG SAID CENTER LINE 283.91 FEET TO THE POINT OF BEGINNING, (EXCEPTING THEREFROM THAT PART DEDICATED TO THE PEOPLE OF THE STATE OF ILLINOIS BY DEDICATION DATED JULY 21, 1928 AND RECORDED SEPTEMBER 20, 1928 IN BOOK 879, PAGE 363, AS DOCUMENT 313231 AND EXCEPTING THAT PART DEDICATED TO THE PEOPLE OF THE STATE OF ILLINOIS BY DEDICATION RECORDED APRIL 12, 1929, IN BOOK 900, PAGE 368 AS DOCUMENT 321478), IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS.

PARCEL 2: PART OF THE WEST HALF (1/2) 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 68 WITH THE CENTER LINE OF STATE ROUTE 25; THENCE EASTERLY ALONG THE CENTER LINE OF STATE ROUTE 68, 375.07 FEET FOR THE PLACE OF BEGINNING; THENCE SOUTH PARALLEL WITH THE CENTER LINE OF STATE ROUTE 25, 256.4 FEET; THENCE WEST ALONG A LINE THAT FORMS AN ANGLE OF 90 DEGREES 00 MINUTES TO THE RIGHT, WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, 90.0 FEET; THENCE NORTH PARALLEL WITH THE CENTER LINE OF STATE ROUTE 25, 240.4

FEET TO THE CENTER LINE OF STATE ROUTE 68; THENCE EASTERLY ALONG SAID CENTER LINE 91.16 FEET TO THE PLACE OF BEGINNING, EXCEPT THAT PART LYING WITHIN STATE ROUTE 68, SITUATED IN THE TOWNSHIP OF DUNDEE, COUNTY OF KANE, AND STATE OF ILLINOIS.

PARCEL 3: PART OF THE WEST ONE-HALF (112) OF SECTION 24, TOWNSHIP 42 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF STATE ROUTE 25 AND STATE ROUTE 68; THENCE SOUTH ALONG THE CENTER LINE OF STATE ROUTE 25, 438.8 FEET FOR THE PLACE OF BEGINNING; THENCE SOUTH ALONG SAID CENTER LINE, 296.0 FEET; THENCE EAST AT RIGHT ANGLES TO SAID CENTER LINE, 478.7 FEET; THENCE NORTH PARALLEL WITH SAID CENTER LINE, 296.0 FEET; THENCE WEST ALONG A LINE FORMING A RIGHT ANGLE WITH SAID CENTER LINE, 478.7 FEET, TO THE PLACE OF BEGINNING, EXCEPTING THAT PART LYING WITHIN STATE ROUTE 25.

**Section Three. Severability.** 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 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.

Adopted this 20<sup>th</sup> day of Jun, 2009, pursuant to a roll call vote as follows:

AYES: Ruffalo, Gorman, Carlini, Lyman,  
Mahony, Pres O'Leary

NAYES: \_\_\_\_\_

ABSENT: Cichowski

Approved by me this 20<sup>th</sup> day of Jun, 2009.

Dan O'Leary  
DAN O'LEARY, President

Published in pamphlet form this 23<sup>rd</sup> day of Jan, 2009, under the authority of the President and Board of Trustees.

ATTEST:

  
SUSAN NORTON, Village Clerk

Recorded in the Village Records on Jan. 23, 2009.

