

ORDINANCE # 010-105-02**ORDINANCE GRANTING REQUEST FOR RE-ZONING FROM COUNTY A-I, AGRICULTURAL CONSERVATION DISTRICT, TO VILLAGE OF TIMBERLANE LIGHT INDUSTRIAL DISTRICT, FOR THE PROPERTY WHICH HAS A PIN OF 05-11-100-006 LOCATED ON THE NORTHERN CORNER OF CALEDONIA ROAD AND ROUTE 76 DUE NORTH OF THE PROPERTY WHICH HAS A PIN OF 05-11-300-015**

WHEREAS, the Village of Timberlane 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 James Schumacher and Valerie Schumacher ("Owner") under Owner's Application for Zoning Change for re-zoning the tract presently in the A-1 Agricultural Conservation District, to IL, Industrial Light District, for the property located at the intersection of Caledonia Road and Route 76 described in this ordinance heading subject to the control of the Village of Timberlane via a Pre-Annexation Agreement executed March 25, 2010 between the Village and the Owner;

WHEREAS, the Planning and Zoning Commission (hereinafter the "Commission") of the Village of Timberlane, pursuant to notice and pursuant to the Timberlane Zoning Ordinances and the Illinois Municipal Code, held a hearing on March 25, 2010, on said application for zoning change; and

WHEREAS, pursuant to said hearing, the Commission recommended approval of the request for re-zoning of the property designated as PIN 05-11-006 in Boone County, Illinois, by a vote of 5 ayes, 0 nays, and 0 absent, and adopted specific Findings of Fact concerning the application of standards for the subject property, a copy of these Findings of Fact are attached hereto as Exhibit "A" and incorporated by reference as if fully set forth herein.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF TIMBERLANE, BOONE COUNTY, ILLINOIS, AS FOLLOWS:

Section One. That the recommendation of the Commission and the Findings of Fact adopted by the Commission are hereby approved and adopted.

Section Two. That the application for re-zoning of the tract presently in the A-1 Agricultural Conservation District, to IL, Industrial Light District, for the property located at the intersection of Caledonia Road and Route 76 described in this ordinance heading subject to the control of the Village of Timberlane via a Pre-Annexation Agreement executed March 25, 2010 between the Village and the Owner; Limits of the Village of Timberlane, under Owner's Application for Zoning Change is hereby granted.

Section Three. That the following described real estate commonly located at the northern corner of Caledonia Road and Route 76, Boone County, State of Illinois, is hereby re-zoned from County A-1, Agricultural Conservation District, to IL, Light Industrial District in accordance with the Zoning Ordinance of the Village of Timberlane:

PARCEL 2:

Part of the Northwest Quarter (¼) of Section Eleven (11), Township Forty-four (44) North, Range Three (3) East of the Third (3rd) Principal Meridian, bounded and described as follows, to-wit: Beginning at a point in the South line of the Northwest Quarter (¼) of said Section which bears North 88 degrees, 57' 08" East, 1472.88 feet from the Southwest corner of the Northwest Quarter (¼) of said Section, said point being in the centerline of said Caledonia Road as said Road is now located and laid out; thence North 88 degrees 57' 08" East, along the South line of the Northwest Quarter (¼) of said Section, 980.42 feet to the former East Right-of-Way line of the Chicago and Northwestern Railroad Company; thence North 14 degrees 35' 51" West, along said former East Right-of-Way line, 2520.00 feet; thence South 88 degrees 57' 08" West, parallel with the South line of the Northwest Quarter (¼) of said Section, 308.59 feet to a point which is 200.0 feet perpendicularly distant West from the former West Right-of-Way line of said Railroad; thence South 14 degrees 35' 51" East, parallel with said former West Right-of-Way line, 2404.79 feet to a point which is 112.0 feet perpendicularly distant North from the South line of the Northwest Quarter (¼) of said Section; thence South 88 degrees 57' 08" West, parallel with the South line of the Northwest Quarter (¼) of said Section, 699.57 feet to the centerline of said Caledonia Road; thence South 27 degrees 05' 14" East, along said centerline of Road, 124.65 feet to the point of beginning; Also: All that part of Caledonia Road and State Bond Issue Highway, Route 76 lying adjacent to the previously described premises. Situated in the County of Boone and State of Illinois.

Section Four. 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 Five. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Six. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Passed by the Village Board of the Village of Timberlane, Boone County, Illinois, this _____ day of April, 2010.

APPROVED:

By: 
Its President

ATTEST:

By: 
Its Village Clerk

Ayes: 5

Nays: 0

Date Approved: April 15, 2010

Date Published _____

PREPARED BY:
Attorney Nathan J. Noble
215 South State Street
Belvidere, IL 61008
815/544-3117