

VILLAGE OF ELBURN

ORDINANCE NO. 2006-10

**ORDINANCE APPROVING ZONING ORDINANCE TEXT AMENDMENT,
ZONING MAP AMENDMENT, AND SPECIAL USE FOR PROPERTY AT
25 S. MAIN STREET, ELBURN, IL**

**ADOPTED BY
THE BOARD OF TRUSTEES
OF THE
VILLAGE OF ELBURN**

**ORDINANCE APPROVING ZONING ORDINANCE TEXT AMENDMENT,
ZONING MAP AMENDMENT, AND SPECIAL USE FOR PROPERTY AT
25 S. MAIN STREET, ELBURN, IL**

WHEREAS, David Mulder, individually and on behalf of Mulder Route 47 LLC
("Applicant") entered into a contract to purchase the following described real estate, to-
wit:

PARCEL ONE:

PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH,
RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS
FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF MAIN STREET
THAT IS 100.00 FEET NORTHERLY OF THE CENTERLINE OF THE MOST
NORTHERLY (EAST BOUND) MAIN TRACK OF THE CHICAGO AND
NORTHWESTERN RAILROAD COMPANY (MEASURED AT RIGHT ANGLES
THERETO); THENCE SOUTH ALONG THE EXTENSION OF SAID EAST LINE
31.22 FEET TO A POINT DISTANT 9.00 FEET NORTHEASTERLY MEASURED
RADIALLY FROM THE CENTERLINE OF A SIDE TRACK OF SAID RAILWAY
COMPANY KNOWN AS I.C.C TRACK NO. 43, AS THE SAME IS NOW LOCATED
AND ESTABLISHED; THENCE SOUTHEASTERLY ALONG A LINE FORMING
AN ANGLE OF 108_43' WITH THE LAST DESCRIBED COURSE (MEASURED
CLOCKWISE THEREFROM) 50.00 FEET; THENCE SOUTHEASTERLY ALONG A
LINE FORMING AN ANGLE 177_01' WITH THE LAST DESCRIBED COURSE
(MEASURED CLOCKWISE THEREFROM) 76.30 FEET; THENCE
NORTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE
6.06 FEET TO POINT THAT IS 50.00 FEET NORTHERLY OF THE AFORESAID
MAIN TRACT CENTERLINE (MEASURED AT RIGHT ANGLES THERETO);
THENCE EASTERLY PARALLEL WITH SAID MAIN TRACK CENTERLINE 42.23
FEET TO THE MOST SOUTHERLY SOUTHWEST CORNER OF LOT 3 IN
OWNER'S PLAT OF BLOCK 4 OF JOHNSON'S PLAT OF THE ORIGINAL
VILLAGE OF BLACKBERRY, KANE COUNTY, ILLINOIS; THENCE NORTH
ALONG THE MOST EASTERLY WEST LINE OF SAID LOT 3, 50.23 FEET TO A
POINT THAT IS 100.00 FEET NORTHERLY OF SAID MAIN TRACK
CENTERLINE (MEASURED AT RIGHT ANGLES THERETO); THENCE
WESTERLY PARALLEL WITH SAID MAIN TRACK CENTERLINE 165.24 FEET
TO THE POINT OF BEGINNING, IN THE VILLAGE OF BLACKBERRY, KANE
COUNTY, ILLINOIS.

PARCEL TWO:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 39
NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED
AS FOLLOWS: COMMENCING AT A POINT ON THE EAST LINE OF MAIN

STREET THAT IS 10.00 FEET NORTHERLY OF THE CENTER LINE OF THE MOST NORTHERLY (EAST BOUND) MAIN TRACK OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY (MEASURED AT RIGHT ANGLES THERETO); THENCE SOUTH ALONG THE EXTENSION OF SAID EAST LINE 31.22 FEET TO A POINT DISTANT 9.00 FEET NORTHEASTERLY MEASURED RADIALLY, FROM THE CENTERLINE OF A SIDE TRACK OF SAID RAILWAY COMPANY, KNOWN AS I.C.C. TRACK NO. 43, AS THE SAME IS NOW LOCATED AND ESTABLISHED FOR THE POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 108_43' WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 50.00 FEET; THENCE SOUTHEASTERLY ALONG A LINE FORMING AN ANGLE OF 177_01' WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 76.30 FEET; THENCE NORTHEASTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 6.06 FEET TO A POINT THAT IS 50.00 FEET NORTHERLY OF THE AFORESAID MAIN TRACT CENTER LINE (MEASURED AT RIGHT ANGLES THERETO); THENCE EASTERLY PARALLEL WITH SAID MAIN TRACK CENTER LINE 42.33 FEET TO THE MOST SOUTHERLY SOUTHWEST CORNER OF LOT 3 IN OWNER'S PLAT OF BLOCK 4 OF JOHNSON'S PLAT OF THE ORIGINAL VILLAGE OF BLACKBERRY, KANE COUNTY, ILLINOIS; THENCE SOUTH ALONG THE MOST EASTERLY WEST LINE OF SAID LOT 3 EXTENDED SOUTHERLY, 25.00 FEET TO A POINT THAT IS 25.00 FEET NORTHERLY OF SAID MAIN TRACK CENTERLINE, (MEASURED AT RIGHT ANGLES THERETO); THENCE WESTERLY PARALLEL WITH SAID MAIN TRACK CENTERLINE TO THE EAST LINE OF MAIN STREET; THENCE NORTHERLY ALONG SAID EAST LINE TO THE POINT OF BEGINNING, IN THE VILLAGE OF BLACKBERRY, KANE COUNTY, ILLINOIS.

commonly known as 25 S. Main Street, Elburn, Illinois; and

WHEREAS, said property is to be owned by Collision Centers of Illinois, Inc., and Farmers Insurance Company ("Owners"); and

WHEREAS, Applicant has petitioned the Village of Elburn for the following:

(a) A zoning map amendment, zoning Parcel Two from B-1 "Central Business District" to B-2 "General Commercial District";

(b) A zoning text amendment amending Article VIII, Section 8-3C(1)(c) (Special Use) of the Village Zoning Ordinance in its entirety to read:

"(e) Automobile rental, sales, service, and damage estimate centers"

(c) A special use permit for Parcel One and Parcel Two allowing a damage estimate center as provided for by Article VIII, Section 8-3C(1)(c) of the Village of Elburn Zoning Ordinance; and

WHEREAS, on June 27, 2006, pursuant to notice, a public hearing was held before the Village of Elburn Planning Commission; following said public hearing, the Village of Elburn Planning Commission made its findings of fact and recommended to the Village of Elburn Board of Trustees that the relief requested by Applicant be granted, subject to the following conditions:

(a) That no damaged cars remain on property longer than four hours;

(b) Property owner shall not object to Route 47 right in/right out ingress/egress to/from its property if it becomes necessary on account of the establishment of a “quiet zone” regarding train noise;

(c) No vehicle maintenance or repairs shall be performed on subject property;

(d) In addition to landscaping required by Village ordinance, Applicant/Owners shall provide additional landscaping as previously proposed by them;

(e) That Applicant/Owners shall fully comply with all Village ordinances.

THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Elburn, Kane County, Illinois, as follows:

SECTION ONE. That a zoning map amendment is approved zoning Parcel Two from B-1 “Central Business District” to B-2 “General Commercial District.”

SECTION TWO. That a zoning text amendment is approved amending Article VIII, Section 8-3C(1)(c) (Special Use) of the Village of Elburn Zoning Ordinance in its entirety to hereinafter read:

“(c) Automobile rental, sales, service, and damage estimate centers”

SECTION THREE. That a special use permit to operate a damage estimate center is approved, as provided for by Article VIII, Section 8-3C(1)(c) of the Village of Elburn Zoning Ordinance, subject to the following conditions:

- (a) That no damaged cars remain on property longer than four hours;
- (b) Property owner shall not object to Route 47 right in/right out ingress/egress to/from its property if it becomes necessary on account of the establishment of a “quiet zone” regarding train noise;
- (c) No vehicle maintenance or repairs shall be performed on subject property;
- (d) In addition to landscaping required by Village ordinance, Applicant/Owners shall provide additional landscaping as previously proposed by them;
- (e) That Applicant/Owners shall fully comply with all Village ordinances.

That Applicant and Owners shall sign this Ordinance to acknowledge and agree to said conditions.

SECTION FOUR. That all ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

SECTION FIVE. That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such partial invalidity shall not affect the remainder of this ordinance.

SECTION SIX. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as is hereby authorized to be done by the President and Board of Trustees.

AYES: Dierschow, Grabarek, Humm, Metcalf, Swan

NAYES: None

ABSENT: Burgholzer, Willey

PRESENTED to the Board of Trustees of the Village of Elburn, Kane County, Illinois this 24 day of July, 2006.

PASSED by the Board of Trustees of the Village of Elburn, Kane County, Illinois, this 24 day of July, 2006.

SIGNED by the President of the Board of Trustees of the Village of Elburn, Kane County, Illinois, this 24 day of July, 2006.



James L. Willey
James L. Willey, Mayor

(SEAL)

ATTEST: Diane McQuilkin
Diane McQuilkin, Village Clerk

Acknowledged and agreed:

Mulder Route 47 LLC

By David Mulder
David Mulder

Collision Centers of Illinois, Inc.

By David Mulder President

Farmers Insurance Company

By [Signature]