

ORDINANCE # 010-105-01**ORDINANCE GRANTING REQUEST FOR RE-ZONING FROM COUNTY B-I, LOCAL BUSINESS DISTRICT, TO VILLAGE OF TIMBERLANE LIGHT INDUSTRIAL DISTRICT, FOR THE PROPERTY WHICH HAS A PIN OF 05-11-300-015 LOCATED ON THE NORTHERN CORNER OF CALEDONIA ROAD AND ROUTE 76**

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 B-1 Local Business District, to IL, Industrial Light District, for the property located at the intersection of Caledonia Road and Route 76 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 05-110300-015 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 B-1 Local Business District, to IL, Industrial Light District, for the property located at the intersection of

Caledonia Road and Route 76 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 B-1, Local Business District, to IL, Light Industrial District in accordance with the Zoning Ordinance of the Village of Timberlane:

PARCEL 1:

Beginning at an iron stake in the North line of the Southwest Quarter (¼) of Section 11, Township 44 North, Range 3 East of the Third Principal Meridian, said stake being distant 1480.38 feet East from the Northwest corner of said Southwest Quarter (¼); thence South 2 degrees 30' East along the center of a public highway, 983.4 feet to the Northerly right of way line of State Bond Issue Highway, Route 76; thence East 42 feet to the center line of said State Highway; thence Northeasterly along last said center line to the Westerly right of way line of the Chicago and Northwestern Railway Company; thence Northerly along said right of way line 44 feet to the North line of aforesaid Southwest Quarter (¼), said point being the center of an East and West public highway; thence West along said North Quarter (¼) line and center of the public highway, 860.64 feet to the place of beginning, Also: All that part of Caledonia Road and State Bond Issue Highway, Route 76 lying adjacent to the previously described premises. EXCEPTING THEREFROM, the following described tract: Part of the Southwest Quarter (¼) of Section 11, Township 44 North, Range 3 East of the Third Principal Meridian, bounded and described as follows, to-wit: Commencing at the Northwest corner of the Southwest Quarter (¼) of said Section; thence North 88 degrees 37' 40" East, along the North line of the Southwest Quarter (¼) of said Section, 1480.38 feet to the former centerline of Caledonia Road (now relocated) and to the Northwest corner of premises conveyed by Thomas M. Schwindaman and Barbara J. Schwindaman to the People of the State of Illinois by Warranty Deed dated May 13, 1993 and recorded as Document No. 93-6570 in the Recorder's Office of Boone County, Illinois; thence South 02 degrees 51' 21" East, along the former centerline of Caledonia Road as aforesaid and along the West line of said premises so conveyed by Document No. 93-6570 as aforesaid, 175.32 feet to the Southwesterly line of said premises so conveyed by Document No. 93-6570 as aforesaid and to the point of beginning for the following described tract; thence continuing South 02 degrees 51' 21" East, along the former centerline of Caledonia Road as aforesaid, 781.66 feet to the Northwesterly line of premises conveyed by Thomas M. Schwindaman and Barbara J. Schwindaman to the People of the State of Illinois by Warranty Deed dated January 14, 1993 and recorded as Document No. 93-3405 in said Recorder's Office; thence North 19 degrees 23' 23" East, 191.39 feet; thence North 23 degrees 54' 48" East 211.07 feet; thence North 14 degrees 29' 22" West, 68.07 feet; thence North 27 degrees 17' 55" West, 200.00 feet; thence North 25 degrees 51' 59" West, 181.77 feet to the point of beginning (the last five previously described courses being along the

Northwesterly line of said premises so conveyed by Document No. 93-3405 as aforesaid and along the Southwesterly line of said premises so conveyed by Document No. 93-6570 as aforesaid; 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.

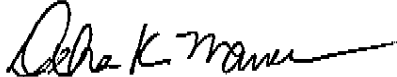
Section Six. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Passed by the Village Board of the Village of Timberlane, Boone County, Illinois, this 15 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:
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