

ORDINANCE NO. 07-02

**AN ORDINANCE REZONING CERTAIN PROPERTY
IN THE VILLAGE OF SOMONAUK,
DEKALB AND LASALLE COUNTIES, ILLINOIS
(335 East Dale, Somonauk)**

WHEREAS, the owner of the property described in Exhibit “A” attached hereto (the “Subject Property”) has requested that it be rezoned from B-2 (Community Business District) to R-1 (Single-Family Residential District); and

WHEREAS, the Planning and Zoning Commission of the Village of Somonauk conducted a public hearing on February 21, 2007, after proper publication and notice, on such request as required by law and has submitted its findings of fact to the President and Village Board; and

WHEREAS, the Planning and Zoning Commission has recommended the rezoning as hereafter set forth; and

WHEREAS, it is hereby found and determined by the President and Village Board of the Village of Somonauk:

- A. The rezoning will not be detrimental to or endanger the public health, safety, and general welfare; and
- B. The rezoning will not be injurious to the use and enjoyment of the property in the immediate area already permitted, nor substantially diminish or impair property values within the neighborhood; and
- C. The rezoning will not impede the normal and orderly development and improvement of the adjacent property for the uses permitted in the District; and

WHEREAS, the President and Village Board, after due and careful consideration, have concluded that the rezoning for the “Subject Property” under the terms and conditions herein set forth, will enable the Village to control the development of the area and will serve the best interests of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND VILLAGE BOARD OF THE VILLAGE OF SOMONAUK, DEKALB AND LASALLE COUNTIES, ILLINOIS:

SECTION 1: INCORPORATION OF PREAMBLE AND EXHIBITS

The Preamble and all exhibits are incorporated herein as if fully set forth in this Section 1.

SECTION 2: REZONING

The “Subject Property” as described in Exhibit “A” be and is hereby rezoned from B-2 (Community Business District) to R-1 (Single-Family Residential District).

SECTION 3: SUCCESSORS

This Ordinance shall be binding upon and in force and effect with regard to any successors in interest to the owner. Any such successor shall benefit from and be obligated to comply with all terms, requirements, limitations, and conditions set forth in this Ordinance as to any portion of the “Subject Property” owned by it or in which it has any interest.

SECTION 4: SEVERABILITY

This Ordinance and every provision thereof, shall be considered severable. In the event that any court of competent jurisdiction may find and declare any word, phrase, clause, sentence, paragraph, provision or section or part of a word, phrase, clause, sentence, paragraph, provision or section of this Ordinance is void or unconstitutional, the remaining words, phrases clauses, sentences, paragraphs, provisions or sections not ruled void or unconstitutional shall continue in full force and effect.

SECTION 5: REPEALER

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance shall be, and the same are hereby repealed.

SECTION 6: EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this 14th day of MARCH, 2007 with 4 members voting aye, 0 members voting nay, the President NOT voting, with 0 members abstaining or passing, and said vote being:

DANIEL STAHL	<u>AYE</u>	ROBERT HANSON	<u>ABSENT</u>
MERLIN MILLIGAN	<u>AYE</u>	REBECCA MORPHEY	<u>AYE</u>
AARON GRANDGEORGE	<u>AYE</u>	DENNIS FERGUSON	<u>AYE</u>

VILLAGE CLERK

APPROVED this 14th of March, 2007.

VILLAGE PRESIDENT

(SEAL)
ATTEST:

VILLAGE CLERK

Effective without signature pursuant to section 31-40-45 of the Illinois Municipal Code

EXHIBIT A

Legal Description

LEGAL DESCRIPTION OF PROPERTY

Lot 5 except the south 80 feet there of on Block One in Bacon's addition to Somonauk, according to the plat there of recorded September 26, 1868 in book A of Plats, Page 55, situated in DeKalb County, Illinois.

c.k.a: 335 East Dale Street, Somonauk, Illinois 60552.