

**ORDINANCE NO. 07-13**

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT  
FOR CERTAIN PROPERTY  
IN THE VILLAGE OF SOMONAUK,  
DEKALB AND LASALLE COUNTIES, ILLINOIS  
(Bud's Citgo Service)**

**WHEREAS**, the owner of the property described in Exhibit "A" attached hereto (the "Subject Property") has requested a Special Use Permit for a gas station; and

**WHEREAS**, the Planning and Zoning Commission of the Village of Somonauk conducted a public hearing on July 24, 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 Special Use Permit 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 Special Use Permit will not be detrimental to or endanger the public health, safety, and general welfare; and
- B. The Special Use Permit 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 Special Use Permit 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 Special Use Permit 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: GRANT OF SPECIAL USE**

A Special Use Permit be and is hereby granted for a gas station on the “Subject Property” as described in Exhibit “A”.

## **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 9th day of August, 2007 with 6 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>Aye</u>
MERLIN MILLIGAN	<u>Aye</u>	REBECCA MORPHEY	<u>Aye</u>
RICHARD MCMILLAN	<u>Aye</u>	SCOTT MERRILL	<u>Aye</u>

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VILLAGE CLERK

APPROVED this 9th day of August, 2007.

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VILLAGE PRESIDENT

(SEAL)  
ATTEST:

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VILLAGE CLERK

**EXHIBIT A**

**Legal Description**