STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2010-0101

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON PROPERTY LOCATED AT 946 N. IL ROUTE 2, OREGON-NASHUA TOWNSHIP

WHEREAS, Joseph J. & Julie A. Ebens, 946 N. IL Route 2, Oregon, IL have filed a petition for a Map Amendment (Petition No. 10-09AM) to re-zone from R-2 Single Family Residenc District to R-1 Rural Residence District on property located at 946 N. IL Route 2 and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on December 22, 2009, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Map Amendment, and no member(s) of the public spoke in favor of or against the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Map Amendment be approved as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated December 22, 2009, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Map Amendment be approved; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning and Zoning Committee, and has determined that granting the Map Amendment would be consistent with the requirements established by Section 9.07(G) of the Ogle County Amendatory Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact as set forth above, the parcel of land located at 946 N. IL Route 2 in Oregon-Nashua Township and legally described as shown in Exhibit "A" attached hereto, is hereby rezoned from R-2 Single Family Residence District to R-1 Rural Residence District, and the Ogle County Zoning Map shall be amended to reflect said zone change.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

SECTION FOUR: Failure of the owners of other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 9.10 of the Ogle County Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 19TH DAY OF JANUARY 2010 A.D.

W. Ed Rice, Chairman of the Ogle County Board

ATTEST:

Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

Part of Lot 5 of the Northwest Fractional Quarter of Section Three (3), and part of Lot 5 of the Northeast Fractional Quarter of Section Four (4), all in Township Twenty-three (23) North, Range Ten (10) East of the Fourth Principal Meridian, Ogle County, Illinois, described as follows: Commencing at the Southwest corner of Lot 14 of Mongan and Etnyre Second Subdivision also being the Southeast corner of Lot 59 in Mongan and Etnyre Sixth Subdivision as located in the Southeast Quarter of Section 33, Township 24 North, Range 10 East of the Fourth Principal Meridian, Ogle County, Illinois; thence Easterly on the South line of said Mongan and Etnyre Second Subdivision, also being the North line of said Section 4, 493.20 feet; thence Southerly perpendicular to the last described course, 285.53 feet; thence Easterly at an angle of 86 degrees 00 minutes measured clockwise from the last described course, 17.49 feet; thence Easterly at an angle of 181 degrees 00 minutes measured clockwise from the last described course, 159.0 feet; thence Southeasterly at an angle of 104 degrees 36 minutes measured counterclockwise from the last described course, 30.12 feet; thence Northeasterly at an angle of 84 degrees 36 minutes measured clockwise from the last described course, 136.08 feet; thence Northeasterly at an angle of 173 degrees 18 minutes 27 seconds measured counterclockwise from the last described course, 141.69 feet to a point on the Westerly Right-of-Way Line of S.B.1. Route 2; thence Northwesterly on said Westerly Right-of-Way Line at an angle of 81 degrees 47 minutes 45 seconds measured clockwise from the last described course, 5.68 feet; thence Northeasterly at an angle of 88 degrees 52 minutes 22 seconds measured counterclockwise from the last described course, 73.36 feet to a point on the Westerly edge of Rock River, said point also being the point of beginning of the tract of land being described; thence Southwesterly on the last described line, 73.36 feet to the said Westerly Right-of-Way Line of S.B.1. Route 2; thence Southeasterly on said Westerly Right-of-Way Line at an angle of 88 degrees 52 minutes 22 seconds measured clockwise from the last described course, 5.68 feet; thence Southwesterly at an angle of 98 degrees 12 minutes 15 seconds measured clockwise from said Westerly Right-of-Way Line 141.69; thence Southwesterly at an angle of 173 degrees 18 minutes 27 seconds measured clockwise from the last described course, 136.08 feet; thence Southeasterly at an angle of 95 degrees 24 minutes measured clockwise from the last described course, 253.49 feet; thence Easterly at an angle of 107 degrees 29 minutes 29 seconds measured clockwise from the last described course, 333.81 feet to the said Westerly Right-of-Way Line of S.B.1. Route 2; thence Northwesterly on said Westerly Right-of-Way Line at an angle of 66 degrees 47 minutes 22 seconds measured clockwise from the last described course, 134.21 feet; thence extending Northwesterly on said Westerly Right-of-Way Line at an angle of 178 degrees 48 minutes 27 seconds measured clockwise from the last described course, 27.25 feet; thence Northeasterly perpendicular to the last described course, 69.24 feet to the said Westerly edge of Rock River; thence Northwesterly along said Westerly edge 208.6 feet more or less to the said point of beginning; all situated in the County of Ogle and State of Illinois.

PARCEL 2:

Part of Lot 5 of the Northwest Fractional Quarter of Section Three (3), and part of Lot 5 of the Northeast Fractional Quarter of Section Four (4), all in Township Twenty-three (23) North, Range Ten (10) East of the Fourth Principal Meridian, Ogle County, Illinois, described as follows: Commencing at the Southwest corner of Lot 14 of Mongan and Etnyre Second Subdivision also being the Southeast corner of Lot 59 in Mongan and Etnyre Sixth Subdivision as located in the Southeast Quarter of Section 33, Township 24 North, Range 10 East of the Fourth Principal Meridian, Ogle County, Illinois; thence Easterly on the South line of said Mongan and Etnyre Second Subdivision, also being the North line of said Section 4, 493.20 feet; thence Southerly perpendicular to the last described course, 285.53 feet; thence Easterly at an angle of 86 degrees 00 minutes measured clockwise from the last described course, 17.49 feet; thence Easterly at an angle of 181 degrees 00 minutes measured clockwise from the last described course, 159.0 feet; thence Southeasterly at an angle of 104 degrees 36 minutes measured counterclockwise from the last described course, 15.06 feet, to the point of beginning of the tract of land being described, thence Northeasterly at an angle of 84 degrees 36 minutes measured clockwise from the last described course, 135.54 feet; thence Northeasterly at an angle of 186 degrees 41 minutes 33 seconds measured clockwise

from the last described course, 140.41 feet to a point on the Westerly Right-of-Way Line of S.B.1. Route 2; thence Southeasterly on said Westerly Right-of-Way Line at an angle of 98 degrees 12 minutes 15 seconds measured counterclockwise from the last described course, 15.15 feet; thence Southwesterly at an angle of 98 degrees 12 minutes 15 seconds measured clockwise from said Westerly Right-of-Way Line 141.69 feet; thence Southwesterly at an angle of 173 degrees 18 minutes 27 seconds measured clockwise from the last described course, 136.08 feet; thence Northwesterly at an angle of 84 degrees 36 minutes measured counterclockwise from the last described course, 15.06 feet to the said point of beginning; all situated in the County of Ogle and State of Illinois.

PARCEL 3:

An easement for driveway purposes over and across the following described property: Part of Lot 5 of the Northwest Fractional Quarter of Section Three (3) and part of Lot 5 of the Northeast Fractional Quarter of Section Four (4), all in Township Twenty-three (23) North, Range Ten (10) East of the Fourth Principal Meridian, Ogle County, Illinois, described as follows: Commencing at the Southwest corner of Lot 14 of Mongan and Etnyre Subdivision also being the Southeast corner of Lot 59 in Mongan and Etnyre Sixth Subdivision as located in the Southeast Quarter of Section 33, Township 24 North, Range 10 East of the Fourth Principal Meridian, Ogle County, Illinois thence Easterly on the South line of said Mongan and Etnyre Second Subdivision also being the North line of said Section 4, 286.20 feet; thence Southerly perpendicular to the last described course 300.0 feet; thence Easterly at an angle of 86 degrees 00 minutes measured clockwise from the last described course 225.0 feet; thence Easterly at an angle of 181 degrees 00 minutes measured clockwise from the last described course 159.0 feet to the point of beginning of the tract of land being described; thence Northeasterly at an angle of 160 degrees 00 minutes measured clockwise from the last described course, 135.0 feet; thence Northeasterly at an angle of 186 degrees 41 minutes 33 seconds measured clockwise from the last described course 139.12 feet to a point on the Westerly Right-of-Way of S.B.1. Route 2; thence Southeasterly on said Westerly Right-of-Way Line at an angle of 98 degrees 12 minutes 15 seconds measured counterclockwise from the last described course, 15.16 feet; thence Southwesterly at an angle of 81 degrees 47 minutes 45 seconds measured counterclockwise from the last described course, 140.41 feet; thence Southwesterly at an angle of 186 degrees 41 minutes 33 seconds measured counterclockwise from the last described course 135.54 feet; thence Northwesterly at an angle of 84 degrees 36 minutes measured counterclockwise from the last described course 15.06 feet to the said point of beginning; all situated in the County of Ogle and State of Illinois.

PARCEL 4:

Part of Lot 5 of the Northwest Fractional Quarter of Section Three (3) and part of Lot 5 of the Northeast Fractional Quarter of Section Four (4) all in Township Twenty-three (23) North, Range Ten (10) East of the Fourth Principal Meridian, Ogle County, Illinois, described as follows: Commencing at the Southwest corner of Lot 14 of Mongan and Etnyre Subdivision also being the Southeast corner of Lot 59 in Mongan and Etnyre Sixth Subdivision as located in the Southeast Quarter of Section 33, Township 24 North, Range 10 East of the Fourth Principal Meridian, Ogle County, Illinois: thence Easterly on the South line of said Mongan and Etnyre Second Subdivision also being the North line of said Section **4,** 286.20 feet; thence Southerly perpendicular to the last described course 300.0 feet to the point of beginning of the tract being described; thence extending Southerly on a projection of the last described course 26.0 feet; thence Southerly at an angle of 173 degrees 46 minutes 28 seconds measured counterclockwise from the last described course 222.57 feet; thence Easterly at an angle of 83 degrees 40 minutes 27 seconds measured clockwise from the last described course, 493.13 feet; thence Northwesterly at an angle of 72 degrees 30 minutes 31 seconds measured clockwise from the last described course, 2B3.62 feet; thence Westerly at an angle of 104 degrees 36 minutes measured clockwise from the last described course, 159.0 feet; thence Westerly at an angle of 179 degrees 00 minutes measured clockwise from the last described course 225.0 feet to the said point of beginning; all situated in the County of Ogle and State of Illinois.

PARCEL 5:

Part of Lot 5 of the Northwest Fractional Quarter of Section Three (3) and part of Lot 5 of the Northeast Fractional Quarter of Section Four (4) all in Township Twenty-three (23) North, Range Ten (10) East of the Fourth Principal Meridian, Ogle County, Illinois, described as follows: Commencing at the Southwest corner of Lot 14 of Mongan and Etnyre Subdivision also being the Southeast corner of Lot 59 in Mongan and Etnyre Sixth Subdivision as located in the Southeast Quarter of Section 33, Township 24 North, Range 10 East of the Fourth Principal Meridian, Ogle County, Illinois; thence Easterly on the South line of said Mongan and Etnyre Second Subdivision also being the North line of said Section 4, 286.20 feet; thence Southerly perpendicular to the last described course 300.0 feet; thence Easterly at an angle of 86 degrees 00 minutes measured clockwise from the last described course 225.0 feet; thence Easterly at an angle of 181 degrees 00 minutes measured clockwise from the last described course 159 0 feet; thence Northeasterly at an angle of 160 degrees 00 minutes measured clockwise from the last described course, 135.0 feet; thence Northeasterly at an angle of 186 degrees 41 minutes 33 seconds measured clockwise from the last described course 139.12 feet to a point on the Westerly Right-of-Way of S.B.1. Route 2; thence Northwesterly on said Westerly Right-of-Way line at an angle of 81 degrees 47 minutes 45 seconds measured clockwise from the last described course 66.39 feet; thence Northeasterly at an angle of 88 degrees 52 minutes 22 seconds measured counterclockwise from the last described course, 75.15 feet more or less to a point on the Westerly edge of Rock River, said point also being the point of beginning of the tract of land being described; thence Southwesterly on the last described course, 75.15 feet more or less to the said Westerly Right-of-Way line of S.B.1. Route 2; thence Southeasterly on said Westerly Right-of-Way line, 91.02 feet, thence Northeasterly at an angle of 91 degrees 07 minutes 38 seconds measured clockwise from the last described course, 73.36 feet more or less to the said Westerly edge of Rock River; thence Northwesterly along said Westerly edge 91.0 feet more or less to the said point of beginning, EXCEPTING the Westerly 33 feet thereof; all situated in the County of Ogle and State of Illinois.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL DEDICATED AS PUBLIC RIGHT-OF-WAY:

A part of Lot 5 as designated upon the Assessor's Plat of the Northwest Quarter of Section 3 and of the Northeast Quarter of Section 4, Township 23 North, Range 10 East of the Fourth Principal Meridian, said Assessor's Plat is recorded in Survey Record A at Page 14 in the Recorder's Office of Ogle County, State of Illinois, described as follows:

Commencing at the southeast corner of Lot 1 as designated upon the Plat of Mongan and Etnyre Subdivision, a subdivision of the Southeast Quarter of Section 33, Township 24 North, Range 10 East of the Fourth Principal Meridian, the Plat of said Subdivision is recorded in Book F of Plats at Page 41 in said Recorder's Office; thence South 88 degrees 44 minutes 16 seconds West (Bearings based on survey control data as provided by IDOT), 31.03 feet on the south line of said Lot 1; thence South 26 degrees 13 minutes 31 seconds East, 232.49 feet, to the southerly line of the premises conveyed to Dennis R. Wasikowski and Laurie J. Wasikowski from Dennis Wasikowski and Laurie Wasikowski by Trustee's Deed recorded February 20, 2003 as Document No. 0302975 in said Recorder's Office, and the Point of Beginning.

From the Point of Beginning thence North 72 degrees 27 minutes 30 seconds East, 44.13 feet on the southerly line of said premises so conveyed, to the westerly right-of-way line of a public highway designated FA Route 742 (IL 2); thence South 25 degrees 50 minutes 39 seconds East, 9.50 feet on said westerly right-of-way line, to a southerly line of said premises so conveyed; thence North 65 degrees 22 minutes 53 seconds East, 33.01 feet on the northerly line of said premises so conveyed, to the center line of said FA Route 742 (IL 2); thence North 25 degrees 50 minutes 39 seconds West, 91.02 feet on said center line, to the southerly line of said premises so conveyed; thence North 65 degrees 22 minutes 53 seconds East, 20.00 feet on the southerly line of said premises so conveyed, to the easterly right-of-way line of said FA Route 742 (IL 2); thence South 25 degrees 50 minutes 39 seconds East, 300.19 feet on said easterly right-of-way line, to a northerly line of the premises conveyed to Dennis R. Wasikowski and Laurie J. Wasikowski from Dennis Wasikowski and Laurie Wasikowski by Trustee's Deed recorded

February 20, 2003 as Document No. 0302976 in said Recorder's Office; thence South 64 degrees 09 minutes 34 seconds West, 53.00 feet on a northerly line of said premises so conveyed, to said westerly right-of-way line of FA Route 742; thence South 25 degrees 50 minutes 39 seconds East, 23.90 feet on said westerly right-of-way line; thence southeasterly on said westerly right-of-way line, 137.52 feet on a curve to the right, having a radius of 2,831.93 feet, a central angle of 2 degrees 46 minutes 57 seconds and the chord of said curve bears South 24 degrees 27 minutes 12 seconds East, a chord distance of 137.51 feet, to the northerly line of said premises so conveyed; thence South 88 degrees 40 minutes 40 seconds West, 42.49 feet on the northerly line of said premises so conveyed; thence North 23 degrees 12 minutes 53 seconds West, 14.87 feet; thence North 26 degrees 13 minutes 31 seconds West, 355.05 feet, to the Point of Beginning, containing 0.660 acre, more or less, of which 0.266 acre, more or less, is in existing road right-of-way.

Property Identification Nos. 16-04-226-014 and 16-03-101-028
Common Location: 946 N. IL Route 2, Oregon-Nashua Township, Ogle County, IL

EXHIBIT "B"

FINDINGS OF FACT AND RECOMMENDATION OF THE ZONING BOARD OF APPEALS

Ogle County Zoning Board of Appeals

911 W. Pines Road
Oregon, IL 61061
815.732.1190
Fax: 815.732.2229

FINDINGS OF FACT AND RECOMMENDATION
OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Joseph J. & Julie A. Ebens, 946 N. IL Route 2, Oregon, IL, in case #10-09AM. The applicants are requesting a map amendment to change the zoning classification of Parcel Identification Nos. 16-04-226-014 and 16-03-101-028, a 5.07 acre parcel, from R-2 Single Family Residence District to R-1 Rural Residence District. Said parcel is part of Section(s) 3 and 4, Township 23N, Range 10E of the 4rd Principal Meridian and is located in Oregon-Nashua Township at 946 N. IL Route 2.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on December 22, 2009 at the Ogle County Farm Bureau, 421 W. Pines Rd., Oregon, Illinois and hereby report their findings of fact and their recommendation as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SEVEN STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 9.07(G) (Standards for Map Amendments) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property. **Continued use of the site for large-lot residential use is compatible with the existing uses (which are predominately residential) and zoning of nearby property. Standard met.**

2. That the County of Ogle and other service providers will be able to provide adequate public facilities and services to the property (including, but not necessarily limited to, schools, police and fire protection, roads and highways, water supply and sewage disposal), while maintaining adequate public facilities and levels of service to existing development. **Continued use of the site for residential use will not create a burden on the County of Ogle and other public service providers. Standard met.**

3. That the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources. **No adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources are anticipated from the continued residential use of the site. Standard met.**

4. That the subject property is suitable for the proposed zoning classification. **The site is suitable for the R-1 zoning district, as it conforms to the minimum lot size and width requirements, is located on a State highway, and is buffered from other residential uses so that the raising of livestock on the site will not create a nuisance or incompatibility. Standard met.**

5. That the proposed zoning classification is consistent with the trend of development, if any, in the general area of the subject property including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification. **The site is located within a residential area. The proposed zoning classification of R-1 Rural Residence District is consistent with this trend and the existing zoning of the surrounding land. Standard met.**

6. That the proposed amendment is consistent with the public interest and not solely for the interest of the applicant, giving due consideration to the stated purpose and intent of the Amendatory Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment (LESA) findings (if applicable), and the recommendation(s) of the Ogle County Regional Planning Commission with respect to the *Ogle County Amendatory Comprehensive Plan.* **The proposed amendment is consistent with the public interest and not solely for the interest of the applicant, as the proposed amendment is consistent with the purpose and intent of the Amendatory Zoning Ordinance, the site is located within 1.5 miles of the City of Oregon, and the Regional Planning Commission has recommended approval. Standard met.**

RECOMMENDATION: We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 9.07(G) of the *Ogle County Amendatory Zoning Ordinance* and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the zoning district classification of the property described above be changed from R-2 Single Family Residence District to R-1 Rural Residence District.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 22nd day of December 2009 by the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman
Maurice Bronkema
Maynard Stivers
Randall Anderson
Curtis Freeberg

_____
Bruce McKinney, Chair

ATTEST:

_____
Michael Reibel, Secretary