

FRED BUCHOLZ
DUPAGE COUNTY RECORDER
MAR.03,2006 11:10 AM
OTHER 06-05-100-054
005 PAGES R2006-039002

ORDINANCE 5809

**GRANTING A FURTHER TIME EXTENSION RELATIVE
TO THE VARIATION GRANTED BY ORDINANCE 5423**

PIN: 06-05-100-054

Address: 25 E. North Avenue, Lombard

Return To:

**Village of Lombard
Department of Community Development
255 E. Wilson Avenue
Lombard, IL 60148**

ORDINANCE NO. 5809

**AN ORDINANCE GRANTING
A FURTHER TIME EXTENSION RELATIVE TO THE VARIATION GRANTED BY
ORDINANCE 5423**

(ZBA 03-27: 25 E. North Avenue)

WHEREAS, on February 5, 2004, the President and Board of Trustees of the Village of Lombard adopted Ordinance 5423, which granted approval of a variation from Section 155.414 (K) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, to reduce the requisite transitional landscape yard from thirty feet (30') to fifteen feet (15') in the B3 Community Shopping District for the below described property; and

WHEREAS, pursuant to Section 155.103 (C)(10) of the Lombard Zoning Ordinance, otherwise known as Title 15, Chapter 155 of the Code of Lombard, Illinois, variations are null and void if construction is not substantially underway within one year from the date of granting thereof, unless further action is taken by the Village Board; and,

WHEREAS, construction has not commenced and no building permit has been issued relative to the variation granted by Ordinance 5423; and,

WHEREAS, the President and Board of Trustees adopted Ordinance 5605 on February 3, 2005, granting an amendment to Ordinance 5423 which extended the period in which the petitioner shall obtain a building permit and start the associated project for an additional one-year period; and

WHEREAS, the Village has received a letter requesting a second extension of Ordinance 5423 for an additional one-year period; and,

WHEREAS, the President and Board of Trustees have determined that it is in the best interests of the Village of Lombard to grant said extension, subject to certain additional terms and conditions as more fully set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, as follows:

Ordinance No. 5809

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SECTION 1: That the variation granted by Ordinance 5423 and extended by Ordinance 5605 is hereby further extended, and shall be null and void, unless a building permit is obtained and the project is substantially underway within twelve (12) months of the date of adoption of this Ordinance, subject to the terms and conditions set forth in Section 2 below.

SECTION 2: In consideration of the second extension of the variation granted by Ordinance, the property owner/petitioner shall bury any electrical service lines required to serve the subject property, as described in Section 3 below. Compliance with this Section shall consist of the removal of the existing overhead electric line crossing Main Street, which serves the existing business establishment at 5 East North Avenue and replacing the overhead line with a buried line to be located underneath Main Street and/or North Avenue, with buried service lines to 5 East North Avenue and 25 East North Avenue (Parcel Identification Numbers 06-05-100-054 and 055).

SECTION 3: This ordinance is limited and restricted to the property generally located at 25 E. North Avenue, Lombard, Illinois, and legally described as follows:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER AND RUNNING THENCE SOUTH 3 DEGREES 25 MINUTES 23 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION, 103.5 FEET TO THE SOUTH LINE OF THE RIGHT OF WAY OF STATE HIGHWAY ROUTE 64 (ALSO KNOWN AS NORTH AVENUE); THENCE SOUTH 89 DEGREES 29 MINUTES 06 SECONDS EAST, ALONG SAID SOUTH LINE, 314.48 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 29 MINUTES 06 SECONDS EAST, ALONG SAID SOUTH LINE OF NORTH AVENUE, 166.16 FEET TO A LINE THAT IS PARALLEL WITH AND 400 FEET EAST (MEASURED AT RIGHT ANGLES) FROM THE EAST LINE OF MAIN STREET BY DOCUMENT RECORDED SEPTEMBER 11, 1928 AS NO. 265516; THENCE SOUTH 03 DEGREES 25 MINUTES 23 SECONDS WEST, ALONG SAID PARALLEL LINE, 195.25 FEET; THENCE NORTH 89 DEGREES 29 MINUTES 06 SECONDS WEST, PARALLEL WITH THE SOUTH LINE OF NORTH AVENUE, 166.16 FEET; THENCE NORTH 03 DEGREES 25 MINUTES 23 SECONDS EAST PARALLEL WITH THE EAST LINE OF MAIN STREET, 195.25 FEET TO THE POINT OF BEGINNING, IN DU PAGE COUNTY ILLINOIS.

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SECTION 4: All other provisions of Ordinances 5423 and 5605, not amended by this Ordinance, shall remain in full force and effect.

SECTION 5: 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 on first reading this _____ day of _____, 2006.

First reading waived by action of the Board of Trustees this 2nd day of February, 2006.


Passed on second reading this 2nd day of February, 2006.

Ayes: Trustees Gron, Tross, O'Brien, Sebby, Florey and Soderstrom

Nays: None


Absent: None

Approved this 2nd day of February, 2006.

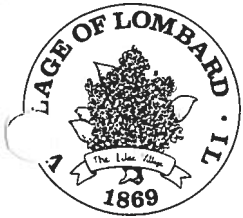


William J. Mueller
Village President

ATTEST:



Brigitte O'Brien
Village Clerk



I, **Barbara A. Johnson**, hereby certify that I am the duly qualified Deputy Village Clerk of the **Village of Lombard**, DuPage County, Illinois, as authorized by Statute and provided by local Ordinance, and as such Deputy Village Clerk, I maintain and am safekeeper of the records and files of the President and Board of Trustees of said Village.

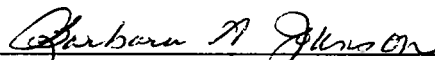
I further certify that attached hereto is a true and correct copy of ORDINANCE 5809

AN ORDINANCE GRANTING A FURTHER TIME
EXTENSION RELATIVE TO THE VARIATION
GRANTED BY ORDINANCE 5423 FOR THE
PROPERTY LOCATED AT 25 E. NORTH AVENUE,
LOMBARD, DUPAGE COUNTY, ILLINOIS,
PIN # 06-05-100-054

of the said Village as it appears from the official records of said Village duly passed on February 2, 2006.

In Witness Whereof, I have hereunto affixed my official signature and the Corporate Seal of said **Village of Lombard**, Du Page County, Illinois this 28th day of February, 2006.





Barbara A. Johnson
Deputy Village Clerk
Village of Lombard
DuPage County, Illinois