

Ordinance No. 97- 06

**AN ORDINANCE REZONING CERTAIN PROPERTY
(HYPKE PROPERTY)**

WHEREAS, on October 25, 1996, George E. Hypke, the contract purchaser of certain property at Teal Drive and Route 4, Chatham Illinois, and depicted on a map attached hereto as Exhibit A (the "Property") requested rezoning of the property from its present zoning of R-1 to B-1;

WHEREAS, notice of the requested rezoning and the hearing thereon was published in the Chatham Clarion, a newspaper of general circulation within the Village of Chatham, on November 11, 1996, and notices were mailed to the adjoining landowners;

WHEREAS, pursuant to Section 11-13-14 of the Illinois Municipal Code, the owners of more than 20% of land fronting the Property have filed a written protest to the proposed rezoning, necessitating that this Ordinance shall be passed, if at all, by the affirmative vote of four trustees holding office;

WHEREAS, public hearings were conducted by the Zoning Board of Appeals of the Village of Chatham on November 11, 1996 and on February 10, 1997;

WHEREAS, Mr. Hypke has consented to imposition of certain conditions if the requested rezoning is granted;

WHEREAS, the corporate authorities of the Village find it to be in the best interest of the Village of Chatham to grant the requested rezoning, with certain conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, AS FOLLOWS:

SECTION 1: The Property is hereby rezoned from R-1 to B-1.

SECTION 2: This rezoning is subject to the following conditions:

- a. A single structure only may be placed on the Property, which shall be used only for a professional office, or uses customarily incident thereto, and for no other purpose.
- b. Off-street parking for such structure shall be provided, no more than nine parking places.
- c. The normal hours of operation of any business conducted in the structure shall be between 7:30 a.m. and 7:30 p.m.
- d. The owner of the Property shall provide screening from *except Rt. 4* either a privacy fence or vegetation (not less than three feet in height when planted and six feet in height when mature) to shield the Property from the view of homes located on [list all adjacent lots].
- e. No exterior lighting shall be placed on or around the structure which would have a direct line of sight with [list all adjacent lots]. Any exterior sign placed on the premises shall not exceed 24 square feet and shall not be lighted past the hour of 10:00 p.m.
- f. The Property shall not be further subdivided.
- g. The deed conveying the property shall contain the following restrictive covenant:

"This conveyance is subject to the agreement of Grantee that the premises conveyed shall not be used for any other purpose other than that of a single-family residence or for a professional office building and the uses customarily incident to a single-family residence or professional office building. In no event shall the premises be used for any retail sales or any other business uses other than those normally incident to a professional office building. This condition is a covenant running with the land for a period of (50) fifty years from the date of this deed.

The owners of [list adjacent lots] and their successors and assigns are third-party beneficiaries of this condition and, in the event of a breach of the condition, any such owner may enforce this condition by seeking an injunction or other equitable relief in a court of competent jurisdiction

located in Sangamon County, Illinois. Provided, however, that if the use of said lots for single-family residence purposes shall cease, then so shall the rights of the owners of such lots to enforce this condition."

This deed is further subject to the conditions set forth in Village of Chatham Ordinance 97-06, a copy of which is attached hereto and incorporated herein by reference.

By accepting this deed, Grantee accepts the foregoing conditions for himself, his heir and assigns.

SECTION 3: The Village Attorney shall determine the legal descriptions of the adjacent lots and shall provide the list to the Village Clerk for insertion into the proper places in this Ordinance.

SECTION 4: This Ordinance is effective immediately.

PASSED this _____ day of _____, 1997.

VILLAGE PRESIDENT

ATTEST:

Village Clerk

AYES:

1

NAYS:

5

PASSED: _____

ORDINANCE CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Ordinance No. ___ - ___, adopted by the President and Board of Trustees of said Village on the ___ day of _____, 1997, said Ordinance being entitled:

**AN ORDINANCE REZONING CERTAIN PROPERTY
(HYPKE PROPERTY)**

I do further certify that prior to the making of this certificate, the said Ordinance was spread at length upon the permanent records of said Village, where it now appears and remains.

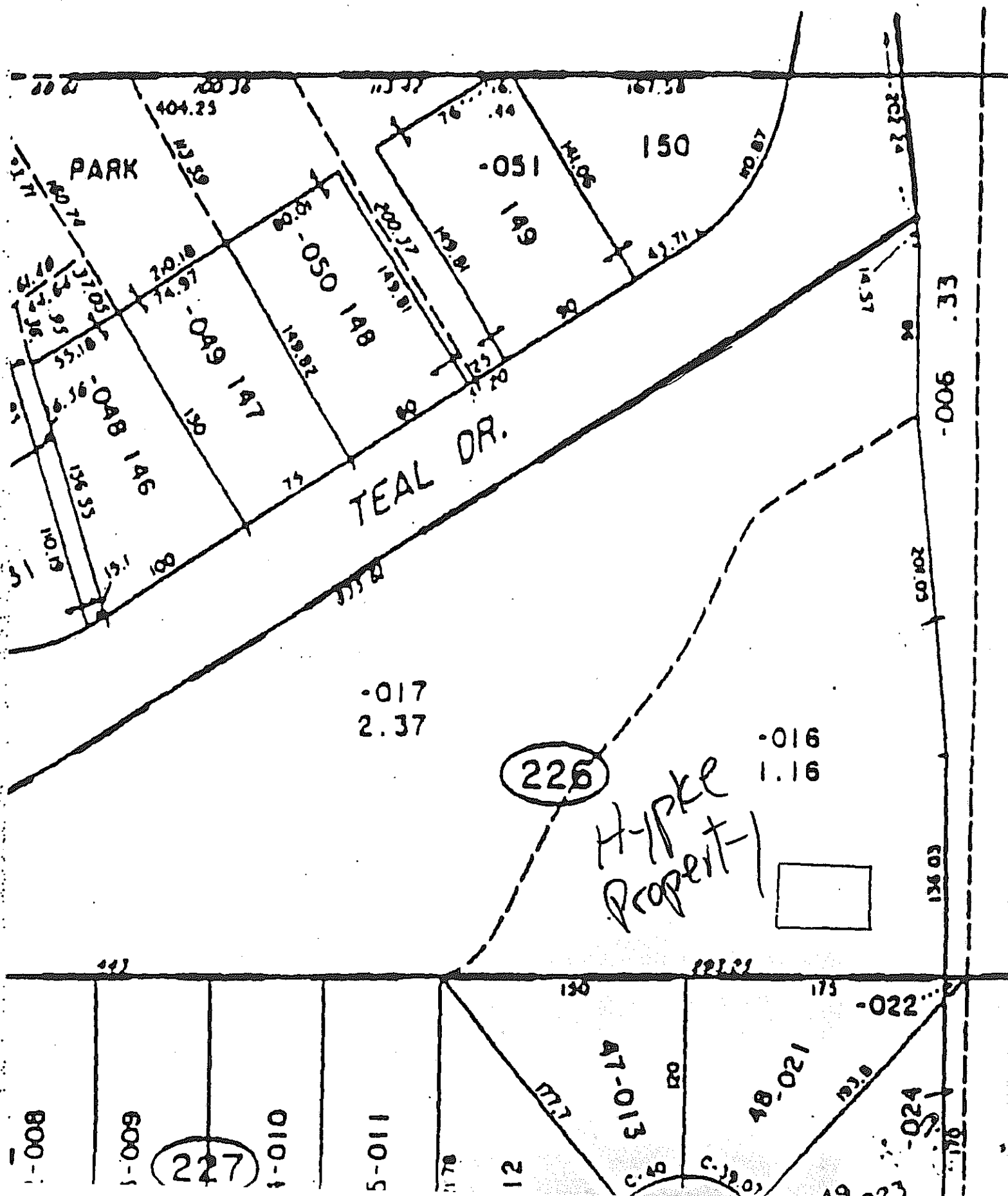
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this ___ day of _____, 1997.

Village Clerk

APPROVED: _____

ABSENT: _____

EXHIBIT A



We the undersigned, wishing to uphold and maintain land use integrity and provide for well managed growth for the Village of Chatham, Illinois, do hereby protest a proposed zoning change from the current status of R-1 to B-1 for the property located along Rt. 4, just south of Pole Cat Creek and north of Chatham Knolls Subdivision.

1. Daniel D. Dawson, 13 Bonniebrook
2. Carol Dawson 13 Bonniebrook
3. Tim Kulavic 22 Bonniebrook
4. Marie Kulavica 22 Bonniebrook
5. Jeffrey Palmisano 21 Bonniebrook
6. Mary Water 23 Bonniebrook
7. ~~Tim Water~~ 25 Bonniebrook
8. Stephanie Paterson 27 Bonniebrook
9. Sumith Gorka 29 Bonniebrook
10. Marianne Gorka 29 Bonniebrook
11. Steve J. Jattensky 33 Bonniebrook
12. ~~Steve Hoff~~ 35 Bonniebrook R.O.
13. Earl H. Bowman 37 Bonniebrook Rd
14. ~~Sammy~~ 14 Glenwood
15. ~~Pat Little~~ 10 "
16. Elizabetha Rice 6 Glenwood Lane
17. Sue Schramm 1 Glenwood Lane
18. Patricia H. Hardest 9 Glenwood
19. J. J. Hendry 11 Glenwood
20. Kimberly A. Hartung 13 Glenwood

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1. Mardene Duggan - 11 Boninebrook, Chatham, Ill.
2. Lon Burke 25 Teal Chatham, IL
3. Linda M. Davis 33 Teal, Chatham, IL
4. Jay E. Paul, J 35 Teal Dr, Chatham, IL
5. Dennis Wilson 20 Teal Dr., Chatham, Ill
6. Paul J. Moellman 70 Teal Dr. Chatham, Ill
7. Joanne M. Mayo 65 Teal Dr Chatham Ill
8. Eric Floyd 85 Teal Dr. Chatham Ill.
9. Laurie McCarthy 95 Teal Dr. Chatham IL
10. Paul Chiller 105 Teal Dr. Chatham
11. Camille Longfellow 135 Teal Dr. Chatham
12. Michael Powell 155 TEAL Dr. Chatham
13. Tony Calafetta 215 Teal Dr. Chatham,
14. Jane Hodges 245 Plover Chatham
15. Becky Lynch 265 Plover Chatham
16. Joeyce Ham 275 Plover Chatham
17. Dwayne Blisset 285 Plover Chatham
18. Jim Anderson 305 Plover Chatham
19. Steve Shuler 250 Plover Chatham
20. Wes Kato 240 Teal Dr CHATHAM

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1. Brenda Kauscher 230 Teal, Chatham
2. Kathy Welugo, 220 Teal, Chatham
3. Michael J Behl 210 Teal Dr, Chatham
4. Patricia L. Bole 210 Teal Dr Chatham
5. Debbie K. Mucic 200 Teal - Chatham Ill 62629
6. Orin Wolf 648 White Oak Dr. 62629
7. Scott Hodges 245 Flower Dr. Chatham IL 62629
8. Larry Varas 35 Parnigan Dr. Chatham IL 62629
9. John E. Fuller 15 PARNIGAN DR. CHATHAM, IL 62629
10. Vendy Judler 15 Parnigan Chatham
11. Paul Gung 87 Chatham Chatham
12. Michael Nalt 395 Teal Drive Chatham, 62629
13. Arlene Nall 395 Teal Drive Chatham 62629
14. Wm. Dyer 11 BONNIEBROOK CHATHAM IL
15. Betty Creasy 35 Crestview Chatham, Ill.
16. Mike Carver 46 Crestview Chatham, IL 62629
17. Dianne Galloway 44 Crestview Chatham, IL 62629
18. Steve Galloway 44 Crestview Chatham,
19. Robert Vander Heiden 38 Crestview Chatham 62629
20. Margaret V. Vander Heiden 38 Crestview Chatham, IL 62629

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1. Mr. Mrs. Calvin Depister - 19 Glenwood Ln.
2. Mr. Michael Staley 39 Crestview
3. Mrs. Harold Gibson - 40 Crestview
4. Harold Gibson 40 Crestview
5. Rena Jackson 41 Crestview
6. Bruce Snyder 42 Crestview
7. Garrin Couch 43 Crestview
8. Elma Couch 43 Crestview
9. Garland H. H. 36 Crestview Bl.
10. Mary E. H. 36 Crestview Bl.
11. L. Thomas Lowery 51 Cottonwood Dr.
12. Robert D. 27 Knollcrest
13. Bruce W. W. 23 Knollcrest
14. Carlos Payne 21 Knollcrest.
15. Kent T. Blakey 20 Knollcrest
16. Susan Taylor 19 Knollcrest
17. Jim Rody 6 Knollcrest
18. Susan Rodgers 6 Knollcrest
19. James S. Hullum 7 Knollcrest
20. Arac Smoeygas 8 Knollcrest

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1. James W. Jorgensen 130 Cottonwood
2. Penny Crescenzo 400 W Walnut
3. Thomas D Gray 131 Cottonwood
4. Robert W Vase 128 Cottonwood
5. Alisa A Calera 129 Cottonwood
6. Michael Celis 129 Cottonwood
7. Wallace K. Gubew 127 Cottonwood
8. Verda Crouse 126 Cottonwood
9. Jan Sanders 125 Cottonwood
10. William M Sanders 125 Cottonwood
11. Lu C. Mahman 123 Cottonwood
12. Charlotte Busco 121 Cottonwood
13. Nancy Day 119 Cottonwood
14. John Day 119 Cottonwood
15. Julie Korte 120 Cottonwood
16. Jim Kohl 120 Cottonwood.
17. Kathleen EK Jorgensen 130 Cottonwood
18. Bob & Lisa Struthmann 118 Cottonwood
19. John M. Drusis 115 Cottonwood Dr
20. Vanda C. Drusis 115 Cottonwood Dr.

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1. Wilby Hunt 51 Bonniebrook
2. Ruth Kemp 53 Bonnie brook
3. Beth Druin 56 Bonniebrook
4. Suzanne Phillips 58 Bonniebrook
5. William M. Peterson 59 Bonniebrook
6. Raymond J. Reed 65 Bonnie Brook
7. Michael A. Walker 66 Bonniebrook
8. William J. Stae 67 Bonniebrook
9. Charles W. Kelly 68 Bonniebrook
10. Kathy D. Kelly 68 Bonniebrook
11. Todd Kelly 68 Bonniebrook
12. Ed. McArthur 74 Bonniebrook
13. Linnal Cheek 31 Glenwood
14. Jewell Cheek 31 Glenwood
15. Ross Whitt 29 Glenwood
16. Michael A. Fugler 28 Glenwood Lane
17. Don Matman 26 Glenwood
18. Sue Hammond 25 Glenwood
19. Chuck Brown 21 Glenwood
20. Bobbi Wiedeman 20 Glenwood

19 households,

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1. Edward M. Vance 116 Cottonwood
2. Kauf Vance 116 Cottonwood
3. Julia + Roger Meade 112 Cottonwood
4. Linda + Gary Brown 109 Cottonwood
5. Dany + Jim De Jong 110 Cottonwood
6. Marcus + Givelle Allen 108 Cottonwood
7. Mark + Tina Huber 102 Cottonwood
8. Dennis + Tracy 94 Birchwood Ct.
9. Lizzie Kutz 94 Birchwood Ct.
10. Kami Carlson 94 Birchwood Ct.
11. Stephanie Terimine 133 Cottonwood rd.
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

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1. Jerry Brown # 8 Knollcrest

2. Gene Surrency # 9 Knollcrest

3. Scott Ristan # 11 Knollcrest

4. Wick Watson # 16 Knollcrest

5. James S. Reynolds # 17 Knollcrest

6. Pete Sutton # 18 Knollcrest

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