

RESOLUTION NO. 21-89

A RESOLUTION REFERRING THE ZONING OF THE CARRAMUSA LAND
FOR AMENDMENT TO THE CHATHAM ZONING BOARD OF APPEALS

WHEREAS, the Board of Trustees of the Village of Chatham passed Ordinance 88-15, entitled "Ordinance Annexing Certain Described Property to the Village of Chatham," on August 9, 1988, and Ordinance 89-03, entitled "Reclassification of Property Under the Zoning Ordinance of the Village of Chatham," on January 10, 1989, and

WHEREAS, both ordinances relate to realty owned by Samuel J. Carramusa and Agnes M. Carramusa, which is described as follows:

The North 396 feet of the Northeast Quarter of the Southwest Quarter of Section Eight, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, and

WHEREAS, Ordinance 88-15 was based upon an annexation petition, made on or about July 26, 1988, by Samuel J. Carramusa and Agnes M. Carramusa under Section 7-1-8 of the Illinois Municipal Code, which was conditioned upon the receipt of R-3 zoning classification under the Chatham Zoning Ordinance, and

WHEREAS, Section IV(H)(1) of the Chatham Zoning Ordinance requires that newly-annexed territory be temporarily classified as P-1, and

WHEREAS, Ordinance 88-15, on its face, purports to classify the Carramusa land as R-3, and

WHEREAS, after passage of Ordinance 88-15 on August 9, 1988, the Board of Trustees reclassified the Carramusa land as P-1, without following the procedure required under Section 11-13-14 of the Illinois Municipal Code, and

WHEREAS, at the Board of Trustees' next regular meeting on August 23, 1988, before approval of the minutes from the meeting of August 9, 1988, those minutes were again changed to state that the Carramusa land was zoned P-1, unless a change was recommended by the Chatham Plan Commission within 30 days, and if no change was recommended, the zoning would change to R-3, all without following the procedure required under Section 11-13-14 of the Illinois Municipal Code, and

WHEREAS, the Chatham Plan Commission conducted a public

hearing, after notice, on November 14 and November 17, 1988, and recommended that R-3 zoning be denied, and

WHEREAS, Ordinance 89-03, entitled "Reclassification of Property Under the Zoning Ordinance of the Village of Chatham," was passed on January 10, 1989, and

WHEREAS, Ordinance 89-03 purports to reclassify the Carramusa land from P-1 (notwithstanding the "automatic reclassification" to R-3 based on the Board's action from August 23, 1988) to R-2 in part and R-3 for the remainder, and

WHEREAS, a certified copy of Ordinance 88-15, still purporting to show R-3 zoning for all the Carramusa land, was recorded with the Sangamon County Recorder of Deeds on January 26, 1989, and

WHEREAS, a certified copy of Ordinance 88-15, still purporting to show R-3 zoning for all the Carramusa land, was filed with the Sangamon County Clerk on March 2 and March 3, 1989, and

WHEREAS, great confusion attends the validity and the status of the zoning, and the legal effect of the condition contained in the annexation petition, inasmuch as the requirements under Section 11-15.1-1 et seq. of the Illinois Municipal Code were not fulfilled before passage of the annexation ordinance, and

WHEREAS, Section VIII(H)(2) of the Chatham Zoning Ordinance authorizes the Board of Trustees to initiate zoning amendments;

THEREFORE, be it resolved by the President and Board of Trustees of the Village of Chatham, Illinois, that:

Section 1. The Zoning Board of Appeals of the Village of Chatham is hereby directed to reconsider the zoning of the territory described as:

The North 396 feet of the Northeast Quarter of the Southwest Quarter of Section Eight, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois,

and to conduct a public hearing after notice, and submit its findings and recommendations to the President and Board of Trustees of the Village of Chatham, in conformance to state law and the Chatham Zoning Ordinance.

Section 2. This resolution shall become effective immediately upon passage.

Passed and approved by the Board of Trustees of the Village of
Chatham on July 17 (SPECIAL 1989.
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Approved: Carl P. Ohlberg
President

Attest: Bob M. Miller
Clerk

Prepared by
Attorney Val C. Simhauser
SIMHAUSER LAW OFFICE
1020 South Fifth Street
Springfield, IL 62703
(217)-522-7800