

VILLAGE OF BISMARCK

ORDINANCE NO. 2004-12

AN ORDINANCE AMENDING THE VILLAGE OF BISMARCK
ZONING ORDINANCE

ADOPTED BY THE
CORPORATE AUTHORITIES
OF THE
VILLAGE OF BISMARCK

OCTOBER 28, 2004

Published in pamphlet form by authority of the
President and Board of Trustees of the Village of Bismarck,
Vermilion County, Illinois the 28th day of October, 2004.

ORDINANCE NO. 12

**AN ORDINANCE AMENDING
THE VILLAGE OF BISMARCK
ZONING ORDINANCE**

WHEREAS, the Petitioner, JMJ REAL ESTATE DEVELOPMENT, LLC, filed with the Village Clerk its Petition to Amend the Village of Bismarck Zoning Ordinance, requesting that the real estate legally described on Exhibit "A" attached hereto and incorporated by reference herein ("the Subject Real Estate") be rezoned from its current "R-2" zoning classification; and,

WHEREAS, the Village of Bismarck Planning Commission conducted a public hearing pursuant to notice in accordance with 65 ILCS 5/11-13-14 and has submitted its report to the Village Board recommending the proposed change; and,

WHEREAS, in accordance with the evidence presented at such public hearing, the Village Board hereby finds as follows:

- A. That the Petitioner's proposed use for the Subject Real Estate is consistent with an "R-1," Low- Density Residential District" zoning classification.
- B. The real estate adjoining the Subject Real Estate on the South is zoned "R-1."
- C. The real estate adjoining the Subject Real Estate on the East is zoned "A-1, Light Agricultural."
- D. The real estate adjoining the Subject Real Estate on the North is zoned "A-2, General Agricultural."
- E. Petitioner's proposed use of the Subject Real Estate includes light farming and horse operations consistent with "R-1" but not permitted in the "R-2" zoning district.
- F. Petitioner has retained under its "R-2" zoning classification certain lands which Petitioner is subdividing as "Riverwood Estates" and which are not included in this Petition and ordinance.
- G. Rezoning the Subject Real Estate to the "R-1" zoning classification is in the best interests of the Village and of the area outside the Village boundaries but within its zoning jurisdiction.

NOW, THEREFORE BE IT ORDAINED by the President and Board of Trustees of the Village of Bismarck, Vermilion County, Illinois, as follows:

Section 1: The Village of Bismarck Zoning Ordinance adopted September 18, 2001, as amended, is hereby further amended by classifying the Subject Real Estate as "R-1, Low Density Residential District" classification.

Section 2: This amendatory ordinance is effective upon its passage, approval and publication in the manner provided by law.

PASSED this 28th day of October, 2004, pursuant to roll call vote as follows:

Voting Aye: 5
Voting Nay: 0
Abstain: 0
Absent: 1

Beverly Madden
Beverly Madden, Clerk

Approved this 28th day of October, 2004.

Eleanor White
Eleanor White, President

Published in pamphlet form this 28th day of October, 2004.

Beverly Madden
Beverly Madden, Clerk

EXHIBIT "A"

Part of the West Half of the Southwest Quarter of Section 19, and the Northwest Quarter of Section 30 Township 21 North, Range 11 West of the 2nd P. M.; and part of the East Half of Section 24 Township 21 North, Range 12 West of the 2nd P. M., all in Vermilion County, Illinois, described as follows: Beginning at the Southeast Corner of said Section 24; thence South 89 degrees 32 minutes 32 seconds West 1646.70 feet along the South line of the Southeast Quarter of said Section 24 to a point on the East right of way line of Illinois Route 1 (as shown by Document No. 99-0012028); thence North 9 degrees 24 minutes 10 seconds West 332.49 feet along said East right of way line; thence North 11 degrees 54 minutes 27 seconds East 53.98 feet along said East right of way line; thence North 10 degrees 21 minutes 40 seconds West 407.72 feet along said East right of way line; thence along a curve to the left having a radius of 819.3 feet and a chord that bears North 21 degrees 41 minutes 13 seconds West for a chord distance of 139.99 feet along said East right of way line; thence along a curve to the left having a radius of 25,088.18 feet and a chord that bears North 11 degrees 08 minutes 25 seconds West for a chord distance 245.00 feet along said East right of way line; thence North 78 degrees 18 minutes 01 seconds East 35.00 feet along said East right of way line; thence along a curve to the left having a radius of 25,123.18 feet and a chord that bears North 12 degrees 34 minutes 18 seconds West for a chord distance of 764.59 feet along said East right of way line; thence North 27 degrees 00 minutes 49 seconds West 103.05 feet along said East right of way line; thence North 13 degrees 35 minutes 51 seconds West 600.00 feet along said East right of way line; thence North 55 degrees 01 minutes 06 seconds East 120.16 feet along said East right of way line to an existing concrete right of way marker; thence North 73 degrees 22 minutes 27 seconds East 161.97 feet; thence North 9 degrees 16 minutes 57 seconds West 153.96 feet; thence North 75 degrees 04 minutes 40 seconds West 159.53 feet; thence South 2 degrees 30 minutes 00 seconds East 156.17 feet; thence South 76 degrees 21 minutes 02 seconds West 125.00 feet to a point on the East right of way line of Illinois Route 1; thence North 14 degrees 00 minutes 04 seconds West 174.57 feet along said East right of way line; thence North 76 degrees 27 minutes 24 seconds East 81.39 feet along said East right of way line; thence North 27 degrees 16 minutes 35 seconds West 168.57 feet along said East right of way line; thence North 19 degrees 30 minutes 06 seconds West 245.34 feet along said East right of way line; thence North 82 degrees 44 minutes 51 seconds East 129.00 feet; thence North 38 degrees 27 minutes 40 seconds East 151.04 feet; thence North 45 degrees 06 minutes 08 seconds East 193.58 feet to a point on the South right of way line of County Highway Number 15; thence South 72 degrees 39 minutes 35 seconds East 240.97 feet along said South right of way line; thence South 76 degrees 01 minutes 29 seconds East 201.56 feet along said South right of way line; thence South 83 degrees 08 minutes 59 seconds East 255.00 feet along said South right of way line to an existing concrete right of way marker on the East line of Lot 6 of the Plat of Estate of Rufus S. Moore; thence South 0 degrees 18 minutes 41 seconds west 745.96 feet along said East line to the Southeast Corner of of said Lot 6; thence North 89 degrees 56 minutes 07 seconds East 234.00 feet, more or less, to the center of the North Fork of the Vermilion River; thence downstream along said river to a point on the East line of the West Half of the Southwest Quarter of said Section 19; thence South 0 degrees 12 minutes 40

seconds East 1721.17 feet, more or less, along said East line to the Southeast Corner of the West Half of the Southwest Quarter of said Section 19; thence South 89 degrees 44 minutes 35 seconds East 59.08 feet to an existing iron pin; thence South 0 degrees 15 minutes 09 seconds West 726.00 feet; thence North 89 degrees 44 minutes 34 seconds West 1432.03 feet to a point on the West line of the Northwest Quarter of said Section 30; thence North 0 degrees 00 minutes 00 seconds East 726.00 feet along said West line to the Northwest Corner of said Section 30; thence North 0 degrees 00 minutes 00 seconds East 96.36 feet to the point of beginning, situated in Vermilion County, Illinois. EXCEPT that part of the above real estate constituting RIVERWOOD ESTATES SUBDIVISION which is legally described on the attached Exhibit "A-1" made a part hereof.

EXHIBIT "A-1"

Commencing at a point being an iron pin found at the Southeast corner of Section 24, Township 12 North, Range 12 West, Second Principal Meridian, thence South 89° 32' 32" West along the South line of said section, West 1646.70 feet to a point on the East Right-of-Way line of Illinois Route 1; thence North 09° 24' 10" West along said Right-of-Way, 332.49 feet; thence North 11° 54' 27" West along said Right-of-Way, 53.98 feet; thence North 10° 21' 40" West along said Right-of-Way, 407.72 feet; thence Northwesterly around the arc of a circular curve to the left along said Right-of-Way, having a radius of 819.3 feet, a chord length of 139.99 feet, a chord bearing of North 21° 41' 13" West for an arc length of 140.16 feet; thence Northwesterly around the arc of a circular curve to the right along said Right-of-Way, having a radius of 25088.18 feet, a chord length of 47.50 feet, a chord bearing of North 11° 11' 40" West for an arc length of 47.50 feet to the True Point of Beginning; thence continue Northwesterly around the arc of a circular curve to the left along said Right-of-Way, having a radius of 25088.18 feet, a chord length of 197.50 feet, a chord bearing of North 11° 28' 27" West for an arc length of 197.50 feet; thence North 78° 18' 01" East along said Right-of-Way, 35.00 feet; thence around the arc of a circular curve to the left along said Right-of-Way, having a radius of 25123.18 feet, a chord length of 764.59 feet, a chord bearing of North 12° 34' 18" West for an arc length of 764.72 feet; thence North 27° 00' 49" West along said Right-of-Way, 103.05 feet; thence North 13° 35' 51" West along said Right-of-Way, 600.00 feet; thence North 55° 01' 06" East, 120.16 feet; thence South 89° 50' 54" East, 835.10 feet; thence North 89° 41' 04" East, 114 feet more or less to the center line of the North Fork Vermilion River; thence Southeasterly along said centerline, 441 feet more or less; thence South 00° 55' 06" West, 600 feet more or less; thence North 89° 04' 54" West, 70.00 feet; thence around the arc of a circular curve to the left, having a radius of 540.00 feet, a chord length of 672.32 feet, a chord bearing of South 52° 25' 06" West for an arc length of 725.71 feet; thence South 13° 55' 06" West, 186.38 feet; thence around the arc of a circular curve to the right, having a radius of 344.04 feet, a chord length of 369.02 feet, a chord bearing of South 46° 21' 01" West for an arc length of 389.49 feet; thence South 78° 46' 56" West, 148.45 feet to the True Point of Beginning, encompassing 34.62 acres, more or less.