

ORDINANCE 2022-034

PASSED: JULY 25, 2022

**APPROVING A FINAL PLAT FOR THE SV CSG DEKALB COUNTY
SUBDIVISION ALONG GURLER ROAD (MIDLAND TRUST COMPANY –
JAMES PLANEY).**

WHEREAS, the City of DeKalb (the “City”) is a home rule unit of local government and may exercise any power and perform any function pertaining to its government and affairs pursuant to Article VII, Section 6, of the Illinois Constitution of 1970; and

WHEREAS, James Planey-Midland Trust (the “Applicant”) is the owner of property legally described in Exhibit A attached hereto and incorporated herein (the “Property”);

WHEREAS, Applicant filed a petition with the City requesting approval of a Minor Subdivision Plat entitled “Final Plat-SV CSG DeKalb South Subdivision” for the Property; and

WHEREAS, on July 18, 2022, pursuant to due notice, the City’s Planning and Zoning Commission (the “PZC”) held a public hearing on the Application, made findings of fact, and recommended the approval of the “Final Plat for SV CSG DeKalb South Subdivision” attached hereto and incorporated herein as Exhibit B (the “Final Plat”); and

WHEREAS, the City’s corporate authorities find that: (1) the PZC’s findings of fact are true, accurate, adopted and incorporated herein by reference; (2) the Final Plat conforms to the applicable factors in the City’s Unified Development Ordinance (the “UDO”); and (3) it is in the City’s best interests for the promotion of the public health, morals and welfare to adopt the Final Plat pursuant to the provisions of this Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEKALB,
ILLINOIS:**

SECTION 1: The recitals to this Ordinance are true, material, adopted and incorporated herein as Section 1 to this Ordinance.

SECTION 2: The city’s corporate authorities approve the adoption of the “Final Plat for SV CSG DeKalb South Subdivision” dated June 27, 2022 attached hereto and incorporated herein as Exhibit B.

SECTION 3: This Ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City’s corporate authorities that to the extent this Ordinance is inconsistent with any non-preemptive state law, this Ordinance shall supersede state law in that regard within its jurisdiction.


SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 25th day of July 2022 and approved by me as Mayor on the same day. Passed on First Reading by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Second Reading waived by an 8-0 roll call vote. Aye: Morris, Larson,

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Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None.




COHEN BARNES, Mayor

ATTEST:



Ruth A. Scott, Executive Assistant

EXHIBIT A

THAT PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP FORTY (40) NORTH, RANGE FOUR (4) EAST OF THE THIRD (3RD) PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF SAID QUARTER WITH THE CENTERLINE OF NORTH FIRST STREET, AND SAID POINT BEING 675.83 FEET EASTERLY OF, AS MEASURED ALONG SAID NORTH LINE, THE NORTHWEST CORNER OF SAID QUARTER; THENCE SOUTHWESTERLY, AT AN ANGLE OF 66 DEGREES 32 MINUTES 30 SECONDS MEASURED COUNTERCLOCKWISE FROM SAID NORTH LINE, ALONG SAID CENTERLINE, A DISTANCE OF 1155.81 FEET FOR THE POINT OF BEGINNING; THENCE EASTERLY, AT AN ANGLE OF 66 DEGREES 18 MINUTES 30 SECONDS MEASURED CLOCKWISE FROM SAID CENTERLINE, A DISTANCE OF 678.87 FEET; THENCE SOUTHERLY, AT AN ANGLE OF 95 DEGREES 34 MINUTES 40 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 233.35 FEET; THENCE EASTERLY, AT AN ANGLE OF 95 DEGREES 34 MINUTES 40 SECONDS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 331.01 FEET; THENCE SOUTHERLY, AT AN ANGLE OF 89 DEGREES 47 MINUTES 05 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 1359.74 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER (SW1/4), THAT IS 1422.43 FEET WESTERLY OF THE SOUTHEAST CORNER THEREOF; THENCE WESTERLY AT AN ANGLE OF 90 DEGREES 04 MINUTES MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID SOUTH LINE, A DISTANCE OF 1224.88 FEET TO THE WEST LINE OF SAID SOUTHWEST QUARTER (SW1/4); THENCE NORTHERLY AT AN ANGLE OF 90 DEGREES 27 MINUTES 03 SECONDS MEASURED COUNTERCLOCKWISE FROM THE SAID SOUTH LINE ALONG SAID WEST LINE, A DISTANCE OF 1125.37 FEET TO SAID CENTERLINE OF NORTH FIRST STREET; THENCE NORTHEASTERLY AT AN ANGLE OF 156 DEGREES 00 MINUTES 22 SECONDS MEASURED COUNTERCLOCKWISE FROM THE SAID WEST LINE ALONG SAID CENTERLINE, A DISTANCE OF 506.10 FEET TO THE POINT OF BEGINNING, ALL IN DEKALB TOWNSHIP, DEKALB COUNTY, ILLINOIS; LESS AND EXCEPT THE FOLLOWING LAND CONVEYED TO THE CITY OF DEKALB BY WARRANTY DEED FROM DEKALB BUSINESS PARK, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, DATED SEPTEMBER 15, 1998 AND RECORDED NOVEMBER 23, 1998 AS DOCUMENT NO. 98020069 AND RE-RECORDED JANUARY 13, 1999 AS DOCUMENT NO. 99000800: THAT PART OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION THIRTY-FOUR (34), TOWNSHIP FORTY (40) NORTH, RANGE FOUR (4) EAST OF THE THIRD (3RD) PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE POINT OF INTERSECTION ON THE NORTH LINE OF SAID QUARTER, WITH THE CENTERLINE OF NORTH FIRST STREET, SAID POINT BEING 675.83 FEET EASTERLY OF, AS MEASURED ALONG SAID NORTH LINE, THE NORTHWEST CORNER OF SAID QUARTER; THENCE SOUTHWESTERLY AT AN ANGLE OF 66 DEGREES 32 MINUTES 30 SECONDS MEASURED COUNTERCLOCKWISE FROM SAID NORTH LINE SAID CENTERLINE, A DISTANCE OF 1155.81 FEET FOR A POINT OF BEGINNING; THENCE EASTERLY AT AN ANGLE OF 66 DEGREES 18 MINUTES 30 SECONDS MEASURED CLOCKWISE FROM SAID CENTERLINE, A DISTANCE OF 678.87 FEET; THENCE SOUTHERLY AT AN ANGLE OF

95 DEGREES 34 MINUTES 40 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 233.35 FEET; THENCE EASTERLY AT AN ANGLE OF 95 DEGREES 34 MINUTES 40 SECONDS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 331.01 FEET; THENCE SOUTHERLY AT AN ANGLE OF 89 DEGREES 47 MINUTES 05 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 230.0 FEET; THENCE WESTERLY AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 340.00 FEET; THENCE NORTHWESTERLY AT AN ANGLE OF 148 DEGREES 34 MINUTES 59 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 826.55 FEET TO THE SAID CENTERLINE; THENCE NORTHEASTERLY ALONG SAID CENTERLINE, A DISTANCE OF 30.0 FEET TO THE POINT OF BEGINNING, ALL IN DEKALB TOWNSHIP, DEKALB COUNTY, ILLINOIS.

PARCEL 2

EASEMENTS FOR THE BENEFIT OF PARCEL 1, CREATED BY THE DECLARATION RECORDED DECEMBER 7, 1998 AS DOCUMENT NO. 98020969 AND RE-RECORDED JANUARY 13, 1999 AS DOCUMENT NO. 99000798 AND BY AGREEMENT RECORDED DECEMBER 7, 1998 AS DOCUMENT NO. 98020970 AND RE-RECORDED JANUARY 13, 1999 AS DOCUMENT NO. 99000797, IN DEKALB COUNTY, ILLINOIS.

EXHIBIT B

FINAL PLAT FOR SU 656 DEHALB SOUTH SUBDIVISION A COMMERCIAL SUBDIVISION LOCATED IN PART OF THE W 1/2 OF THE SW 1/4 OF SECTION 34, T40N, R4E OF THE THIRD PRINCIPAL MERIDIAN, CITY OF DEKALB, DEKALB COUNTY, ILLINOIS 2022

SURVEYOR'S CERTIFICATE

I, PATRICK T. HUBERT, MEASUREMENT SURVEYOR, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, AND AT THE REQUEST OF THE OWNER OF THE FOLLOWING DESCRIBED PROPERTY, I HAVE SURVEYED, MEASURED, AND PLATTED THE LAST HEREIN SHOWN SUBDIVISION... THE SUBJECT PROJECT IS NOT IN A SPECIAL FLOOD HAZARD AREA ACCORDING TO FEMA FLOOD INSURANCE RATING MAP NO. 17018Z, PANEL 244 E, REVISED JANUARY 2, 2009.

SANITARY DISTRICT CERTIFICATION

STATE OF ILLINOIS) ss COUNTY OF DEKALB) This is to certify that the attached plat was approved by the Board of Health of the Sanitary District, DeKalb County, Illinois, approved this _____ day of _____, 2022.

KISHWAUKEE WATER RECLAMATION DISTRICT EASEMENT PROVISIONS

THE OWNER DOES HEREBY CERTIFY AND AGREE TO MAINTAIN WATER RECLAMATION DISTRICT EASEMENTS, A PERMANENT COLLISION FREE EASEMENT (THE "EASEMENT") WITHIN THE AREA DESCRIBED AS SHOWN BY THE ATTACHED PLAT AND ACCORDING TO THE TERMS OF THE EASEMENT AGREEMENT... THE OWNER AGREES TO MAINTAIN AND PRESERVE THE EASEMENT IN ACCORDANCE WITH THE TERMS OF THE EASEMENT AGREEMENT.

CERTIFICATE OF CITY COUNCIL

STATE OF ILLINOIS) ss COUNTY OF DEKALB) This is to certify that the attached plat was approved by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, on the _____ day of _____, 2022.

SCHOOL DISTRICT STATEMENT

PURSUANT TO SECTION 1.03 OF THE PLAT ACT, THIS DOCUMENT SHALL BE FILED WITH THE SCHOOL DISTRICT STATEMENT, TO THE BEST OF THE OWNER'S KNOWLEDGE, THE SCHOOL DISTRICT IN WHICH THE TRACT OF LAND LIES IN IS THE FOLLOWING DISTRICT: DEKALB COUNTY SCHOOL DISTRICT #400 DEKALB, ILLINOIS 62515

ACKNOWLEDGMENT

STATE OF ILLINOIS) ss COUNTY OF DEKALB) I, MEASURER, PATRICK T. HUBERT, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, AND AT THE REQUEST OF THE OWNER OF THE FOLLOWING DESCRIBED PROPERTY, I HAVE SURVEYED, MEASURED, AND PLATTED THE LAST HEREIN SHOWN SUBDIVISION... DEKALB COUNTY, ILLINOIS

OWNERS CERTIFICATE

STATE OF ILLINOIS) ss COUNTY OF DEKALB) This is to certify that I, the owner of the property described in the attached Surveyor's Certificate, have read and approved the same and hereby certify that the same is true and correct... DEKALB COUNTY, ILLINOIS

ACKNOWLEDGMENT

STATE OF ILLINOIS) ss COUNTY OF DEKALB) I, PATRICK T. HUBERT, MEASUREMENT SURVEYOR, CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, AND AT THE REQUEST OF THE OWNER OF THE FOLLOWING DESCRIBED PROPERTY, I HAVE SURVEYED, MEASURED, AND PLATTED THE LAST HEREIN SHOWN SUBDIVISION... DEKALB COUNTY, ILLINOIS

I.D.O.T. ACCESS NOTE

THIS PLAT DOES NOT NEED APPROVAL BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION WITH RESPECT TO ROUTING ACCESS PURSUANT TO THE ILLINOIS HIGHWAY ACT, IN ORDER TO HAVE BEEN NO NEW POINTS OF ACCESS CREATED WITH THIS PLAT.

CITY ENGINEER CERTIFICATE

STATE OF ILLINOIS) ss COUNTY OF DEKALB) All required public improvements including streets, sidewalks, storm sewers, manholes and drainage structures have been fully approved, or have been provided for by bond contract on irrevocable letter of credit to my approval. APPROVED THIS _____ DAY OF _____, 2022. CITY ENGINEER, CITY OF DEKALB

CITY PLANNING AND ZONING COMMISSION APPROVAL

STATE OF ILLINOIS) ss COUNTY OF DEKALB) This is to certify that the attached plat was approved by the Planning and Zoning Commission of the City of DeKalb, DeKalb County, Illinois, on the _____ day of _____, 2022.

COUNTY CLERK TAX CERTIFICATE

STATE OF ILLINOIS) ss COUNTY OF DEKALB) I, DEKALB A. JENNISON, COUNTY CLERK IN AND FOR DEKALB COUNTY, IN THE STATE OF ILLINOIS, DO HEREBY CERTIFY THAT I HAVE CONVEYED THE RECORD AND FOUND NO DELINQUENT TAXES, TAXES CURRENTLY DUE, DELINQUENT SPECIAL ASSESSMENTS OR UNPAID CURRENT SPECIAL ASSESSMENTS AGAINST THE TRACT OF LAND DESCRIBED AND PLATTED HEREIN. DEKALB COUNTY, ILLINOIS

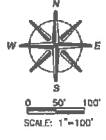
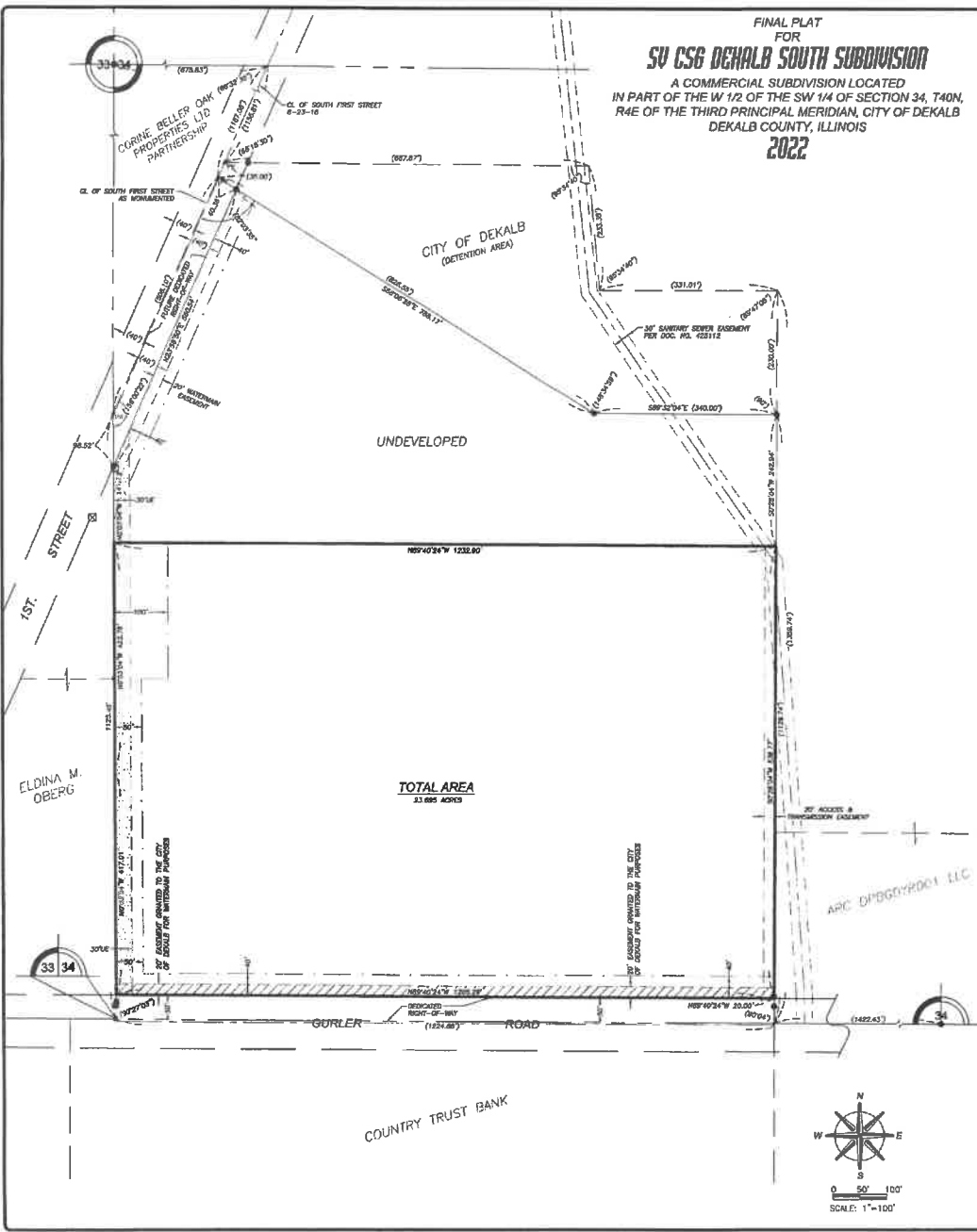
COUNTY RECORDERS CERTIFICATE

STATE OF ILLINOIS) ss COUNTY OF DEKALB) THIS INSTRUMENT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DEKALB COUNTY, ILLINOIS ON THIS _____ DAY OF _____, 2022, AT _____ O'CLOCK _____ M. AND FULLY RECORDED BY PLAT NUMBER _____, PAGE NO. _____, AS DOCUMENT NO. _____ DEKALB COUNTY RECORDER

LEGEND

- BOUNDARY OF SURVEY
MONUMENT FOUND
STONE FOUND
STY SURVEY AREA
5/8" STEEL PIPE SET
CHISEL "M"
P.A. AREA
SECTION LINE
BOUND OF NEW L&C
FENCE LINE
BUILDING FOOTPRINT (S&L)
UTILITY EASEMENT (40')
RECORD DIMENSION
RECORD ANGLE
RECORD BEARING

wendler logo and contact information: wendler engineering services, inc. 6261 S. ILLINOIS ST. DEKALB, IL 62521. PHONE: 618.288.2281. FAX: 618.288.2282. WEBSITE: www.wendlereng.com





2022007247

DOUGLAS J. JOHNSON
RECORDER - DEKALB COUNTY, IL

RECORDED: 7/29/2022 09:56 AM
REC FEE: 76.00 RHSPS FEE: 9.00

STATE OF ILLINOIS)
COUNTY OF DEKALB) SS
CITY OF DEKALB)

PAGES: 6

CERTIFICATION

I, **RUTH A. SCOTT**, am the duly qualified and appointed Executive Assistant of the City of DeKalb, DeKalb County, Illinois, as authorized by Local Ordinance 2019-059, and as such Executive Assistant, I maintain and am safe-keeper of the records and files of the Mayor and City Council of said City.

I do hereby certify that the attached hereto is a true and correct copy of:

ORDINANCE 2022-034

**APPROVING A FINAL PLAT FOR THE SV CSG DEKALB COUNTY
SUBDIVISION ALONG GURLER ROAD, DEKALB, ILLINOIS (MIDLAND
TRUST COMPANY – JAMES PLANEY).**

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, on the 25th day of July 2022.

WITNESS my hand and the official seal of said City this 27th day of July 2022.

RUTH A. SCOTT, Executive Assistant



Prepared by and Return to:

City of DeKalb
City Manager's Office
Attention: Ruth A. Scott
164 E. Lincoln Highway
DeKalb, Illinois 60115