



8 3 2 7 0 0 4

Tx:4249884

2016R25957

STATE OF ILLINOIS

MADISON COUNTY

07/29/2016 3:28 PM

AMY M. MEYER, RECORDER

REC FEE: 35.00

CO STAMP FEE:

ST STAMP FEE:

FF FEE:

RHSPS FEE:

OF PAGES: 8

Return to:

City Clerk
116 E. Market Street
Troy, Illinois 62294



35.00 Cty

Ordinance No. 2016 - 12

AN ORDINANCE amending Chapter 154 Zoning Ordinance
Of the Codified Ordinances of the City of Troy
For the Purpose Of Rezoning a 5 Acre Tract of
Land on the East Side of Formosa Road
From A-R Agricultural Reserve to C-3 Highway Commercial
(i.e. EJ Equipment site)

Whereas, Ross Family Limited and Elfie Noga (hereinafter "Applicants") have filed an application for the rezoning of certain property as described in Exhibit A; and

Whereas, the map attached hereto as Exhibit B is an accurate map of the property so sought to be rezoned and such rezoning shall be in accordance with the boundaries indicated on the map; and

Whereas, the City Planning Commission has complied with the provisions of 65 ILCS 5/11-13-14 and Section 154.143 of the Troy Municipal Ordinances regarding amendments of regulations and zoning districts by holding a public hearing on April 14, 2016 to consider the request for the rezoning of the property, pursuant to notice as required by Statute; and

Whereas, as a result of said hearing, the Planning Commission has submitted Recommendation No. 2016-03PC to the City Council confirming that it recommends the request for rezoning with stipulations as noted; and

Whereas, the City Council has considered the recommendation of the Planning Commission and has determined that it is in the best interest of the public health, safety and welfare, and in compliance with the powers conferred upon the City and the objectives and purposes set out in 65 ILCS 5/11-13-1, to adopt an amendment to the codified ordinances of the City of Troy for the purpose of rezoning the above referenced property in accordance with Exhibits A and B attached hereto.

Now, Therefore, Be It Ordained By the Mayor and the City Council of the City Of Troy, Madison County, Illinois As Follows:

SECTION 1: Chapter 154 Zoning Ordinance of the codified ordinances of the City of Troy is hereby amended to change the zoning classification of a 5 acre tract on the east side Formosa Road as described in Exhibit A and in accordance with the map attached hereto as Exhibit B from A-R Agricultural Reserve to C-3 Highway Commercial.

SECTION 2: That the stipulations as noted on the Planning Commission's Recommendation 2016-03 be in full force and effect.

SECTION 3: That all other provisions of said Ordinances shall remain unchanged and in full force and effect except as specifically amended by this ordinance.

SECTION 4: If a court of competent jurisdiction declares any provision of this Ordinance unconstitutional or invalid, that decision shall not affect the validity of the remainder of this Ordinance.

SECTION 5: This Ordinance shall be effective upon its passage, signing, and publication as required by law.

Passed by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this eighteenth day of April, 2016.


Aldermen:

DeCarli Aye
Dyer Aye
Greenfield Aye
Hendrickson Aye

Italiano Aye
Jackson Aye
Partney Aye
Turner Aye

Total:
8 Ayes
0 Nays

APPROVED BY:


Allen P. Adomite, Mayor

ATTEST:


Jamie Myers, City Clerk



PART OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 3 NORTH, RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, MADISON COUNTY, ILLINOIS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS MONUMENT MARKING THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 8; THENCE ON AN ASSUMED BEARING OF SOUTH 00° 18' 42" EAST, 1683.88 FEET ON THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 8; THENCE NORTH 89° 41' 18" EAST, 171.47 FEET TO THE EXISTING EASTERLY RIGHT OF WAY LINE OF THE EAST FRONTAGE ROAD (FORMOSA ROAD) OF FAI 70 AS DESCRIBED IN THE WARRANTY DEED TO THE STATE OF ILLINOIS AS RECORDED IN BOOK 2450, PAGE 493, AND THE POINT OF BEGINNING:

THENCE NORTHERLY ON THE EASTERLY RIGHT OF WAY LINE AS SHOWN ON DOCUMENT #2010 R26813 FOR THE NEXT (3) THREE CALLS; (1) THENCE NORTH 59°22'11" EAST, A DISTANCE OF 32.21 FEET; (2) THENCE NORTH 06°30'32" EAST, A DISTANCE OF 204.22 FEET; (3) THENCE NORTH 15°50'01" EAST, A DISTANCE OF 190.15 FEET; THENCE SOUTH 89°26'30" EAST, A DISTANCE OF 396.49 FEET; THENCE SOUTH 00°33'30" WEST, A DISTANCE OF 481.89 FEET; THENCE NORTH 89°26'30" WEST, TO THE EXISTING EASTERLY RIGHT OF WAY LINE OF THE EAST FRONTAGE ROAD (FORMOSA ROAD), A DISTANCE OF 511.17 FEET; THENCE NORTH 11°57'23" EAST, A DISTANCE OF 80.24 FEET ON THE SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING, CONTAINING 5.0 ACRES, MORE OR LESS.

NOTES:

1. AZIMUTHS BASED ON RECOVERED EASTERLY RIGHT OF WAY LINE OF FORMOSA ROAD PER DOCUMENT 2010R26813.
2. FIELD WORK COMPLETED ON 3-21-2016.
3. REFER TO DOCUMENT 2010R26813.
4. NO TITLE SEARCH PERFORMED BY THIS SURVEYOR.
5. IT IS NOT WARRANTED THAT THIS PLAT CONTAINS COMPLETE INFORMATION REGARDING EASEMENTS, UTILITIES, RESTRICTIONS, OR OTHER ISSUES THAT CAN AFFECT TITLE. FOR COMPLETE INFORMATION A TITLE COMMITMENT SHOULD BE OBTAINED.
6. THIS DOCUMENT WAS PREPARED WITHOUT BENEFIT OF A TITLE COMMITMENT.

BIG MUDDY
LAND SURVEYING, LLC.



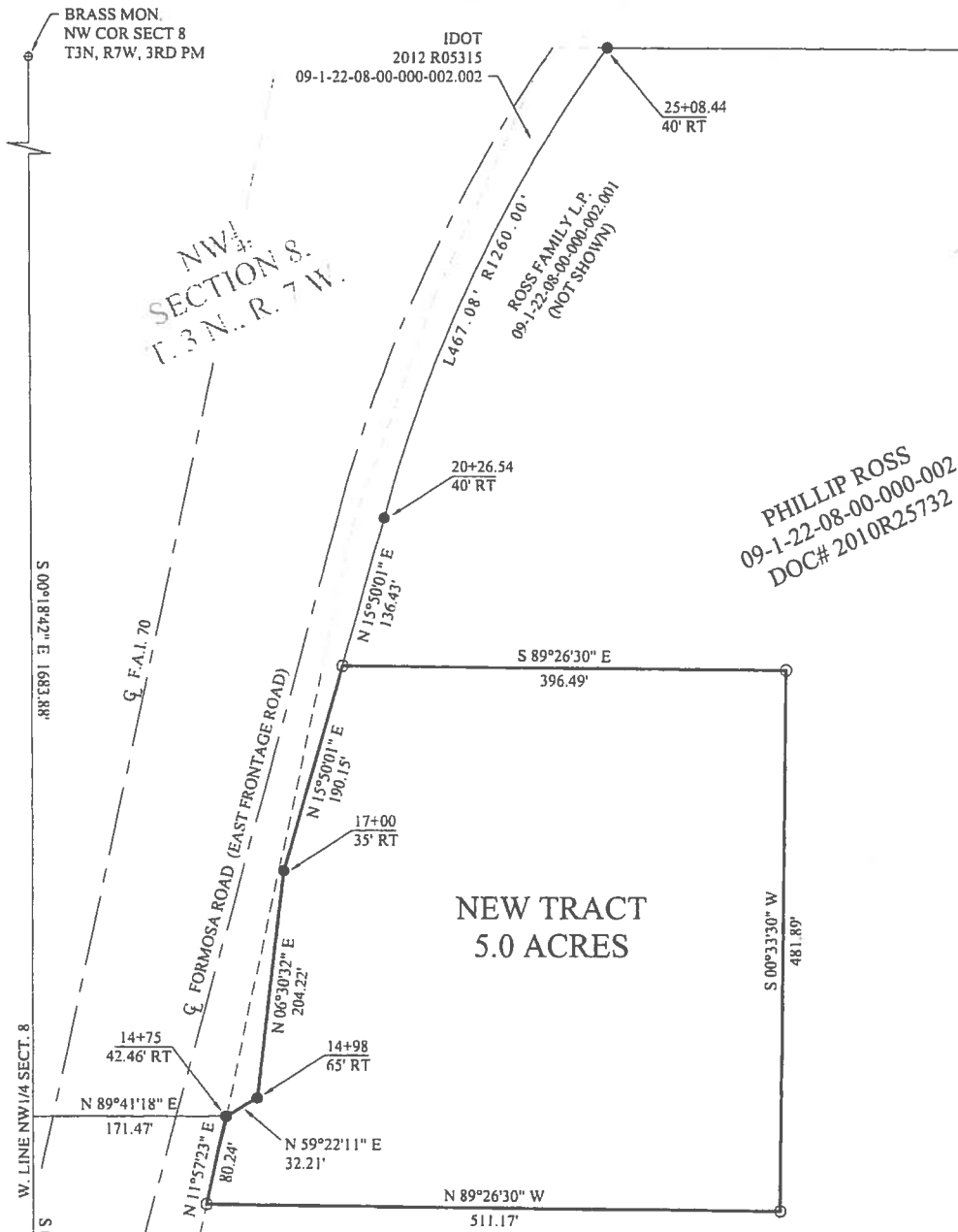
1172 North Oak,
De Soto, IL 62924
618-922-2308



DRAWN JT	DATE 03/22/2016	FOR EJ EQUIPMENT PART OF NW1/4
APPROVED JLT	DATE 03/23/2016	SECTION 8 T. 3 N., R. 7 W.
SCALE 1" = 100'	SHEET 2 OF 2	PROJECT NO. 2016-005

PARCEL MAP

Exhibit B



NW 1/4 SECTION 8, T. 3 N., R. 7 W.

PHILLIP ROSS
09-1-22-08-00-000-002
DOC# 2010R25732

NEW TRACT
5.0 ACRES

LEGEND

These standard symbols will be found in the drawing.

- ⊕ BRASS MONUMENT
- IRON ROD SET WITH CAP
- IRON ROD FOUND

(SEE NOTES ON PAGE 2)



BIG MUDDY LAND SURVEYING, LLC.



1172 North Oak,
De Soto, IL 62924
618-922-2308



DRAWN JT	DATE 03/22/2016	FOR EJ EQUIPMENT PART OF NW1/4
APPROVED JLT	DATE 03/23/2016	SECTION 8 T. 3 N., R. 7 W.
SCALE 1" = 100'	SHEET 1 OF 2	PROJECT NO. 2016-005

RECOMMENDATION NO. 2016 ~ 03PC

Of the Planning Commission of the City of Troy, Illinois Recommending/Not Recommending An Application for Rezoning Property from A-R Agricultural Reserve to C-3 Highway Commercial Requested By Ross Family Limited and Elfie Noga, Owners

Whereas, the Planning Commission met on April 14, 2016 to consider an application for rezoning filed by Ross Family Limited and Elfie Noga . A copy of the application and certification regarding publication of the notice of hearing and of notification to surrounding property owners are incorporated by reference; and

Whereas, this application applies to a 5 acre tract on the east side of Formosa Road, southwest of Pilot Travel Center at 820 Edwardsville Road (see legal description) ; and

Whereas, the Planning Commission considered the testimony and exhibits offered on behalf of the application and the following citizens also testified regarding the application: SEE ATTACHED SIGN IN SHEET ; and

Whereas, the Planning Commission considered the factors as described in Section 154.143(D) Recommendation/Findings of Fact of the Troy Code of Ordinances; and

Whereas, following the testimony and deliberations, Planning Commissioners voted as recorded below:

Burnett <u>Yes</u>	Hellrung _____	Lawrenz <u>Yes</u>	Total:
Delgado _____	Johnson <u>Yes</u>	Nehrt <u>Yes</u>	<u>5</u> Yeas
Hale _____	Lasseigne _____	Reiter <u>Yes</u>	<u>0</u> Nays

Now Therefore Be It Recommended by the Planning Commission:

- That the application for the following: To rezone a 5 acre tract on the east side of Formosa Road, southwest of Pilot Travel Center at 820 Edwardsville Road from A-R Agricultural Reserve to C-3 Highway Commercial

IS NOT recommended: _____ IS recommended: with the following stipulations:

Rezoning the property contingent on the execution of a Business District Redevelopment Agreement and a Tax Increment Financing Redevelopment Agreement between the City of Troy and St. George Ag., Inc.

- A copy of this recommendation is presented to the City Council; the original shall be filed with the Code Administrator.

Dated this 14th day of April, 2016.

Robert L. Johnson

Attest: Secretary, Planning Commission

By: Robert L. Johnson, Jr. Chairman, Planning Commission

FINDINGS OF FACT

As per Section 154.143(D) Recommendation/Findings of Fact of the Troy Code of Ordinances, the Planning Commission shall not recommend the adoption of any amendment unless they find that such amendment is in the public interest and not merely for the benefit of the party proposing it. Where the effect of a proposed amendment is to alter district boundaries or to change the status (permitted, special or prohibited) of any use, the Planning Commission shall make findings regarding all of the following matters:

- a) Existing uses of property in the vicinity of the property in question:

Agr 1 to C-3

- b) The district classification of property in the vicinity of the property in question:

C-3

- c) The suitability of the property in question for uses already permitted under the existing district classification:

FARMING

- d) The trend of development in the vicinity of the property in question, including changes (if any) which may have taken place since that property was placed in its present district classification:

Light Commercial

- e) Whether the proposed amendment is in the public interest and not merely for the benefit of the party proposing it.

Complys

Robert L. Johnson Jr
Chairman, Planning Commission Date

Robert L. Johnson Jr
Secretary, Planning Commission Date

Planning Commission Public Hearing

Thursday, April 14, 2016

Public hearing to rezone a 5 acre tract on Formosa Road

Please Sign In:

	Name	Address	Phone #	For	Against
1	Allen Adomite	500 Lakewood Drive	618 667 8670	X	
2	Craig Suhre	7 Linden Ct.	618 972 1696	X	
3	Ed LeSage	6963 N 3000 E Rd Hartsville	865 953 3700	X	
4	Jean Myers	5332 Maple Grove Trce	618-667-6577	X	
5	Dennis Ross	6 HIDDEN VALLEY EDWARDS	618 530 4530	X	
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					

END OF DOCUMENT