

ORDINANCE NO. 2023- 06

**AN ORDINANCE TO EFFECT A ZONING MAP AMENDMENT TO
DESIGNATE ZONING FOR THE MERIDIAN NURSERY, INC.,
PROPERTY LOCATED AT 7219 CUNNINGHAM ROAD A/K/A 7215
CUNNINGHAM ROAD IN WINNEBAGO COUNTY PRE-ANNEXED
INTO THE VILLAGE OF WINNEBAGO, ILLINOIS**

PREPARED BY:

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RETURN TO:

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ORDINANCE NO. 2023- 04

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DESIGNATE ZONING FOR THE MERIDIAN NURSERY, INC.,
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THE VILLAGE OF WINNEBAGO, ILLINOIS**

WHEREAS, in accordance with a request for pre-annexation to the Village of Winnebago by Meridian Nursery, Inc., located at 7219 Cunningham road a/k/a 7215 Cunningham Road, in the unincorporated area of Winnebago County, IL, the matter of a request for a change in zoning of the subject property from its current zoning designation in Winnebago County of IH—Heavy Industrial District to the Village of Winnebago’s zoning designation of District No. 4—General Industrial District has come before the Village Planning and Zoning Commission; and

WHEREAS, the statutorily required public hearings on the zoning has been held before the Zoning and Planning Commission, with all required parties notified of the same; and

WHEREAS, the Village of Winnebago Planning and Zoning Commission has issued its positive recommendation to the Village Board of Trustees to re-zone the property in the manner referenced above in accordance with the terms of the Pre-Annexation Agreement entered into between the owner of Meridian Nursery, Inc., and the Village of Winnebago, IL.; and

WHEREAS, the Village Board believes it is in the best interest of its citizenry to re-zone the subject property.

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

SECTION 1

A positive approval recommendation has been received from the Village Planning and Zoning Commission to the request to effect a zoning map amendment to designate the zoning for the below-described property located at 7219 Cunningham Road a/k/a 7215 Cunningham Road pre-annexed into the Village of Winnebago pursuant to a Pre-Annexation Agreement providing for the ordinances, control, and jurisdiction of the Village as the pre-annexing municipality to in all respects be the same as property that lies within the annexing municipality's corporate limits, which provisions are allowed since the pre-annexation property is located within one and one-half (1-½) miles of the corporate limits of the Village of Winnebago:

PARCEL I

Part of Section 13, Township 26 North, Range 11 East of the Fourth Principal Meridian, described as follows; Beginning at the point of intersection of the Northerly line of the Old Cunningham Road with a line 80 feet distant due West of the East line of Section 13, said line being the West line of Meridian Road; thence due North along said West line of Meridian Road, a distance of 50 feet; thence North 56 degrees 00 minutes West a distance of 165 feet; thence due West 830 feet; thence due North 180 feet; thence again due West 180 feet more or less to the East line of a certain Easement granted to the Black Hawk Area Council of the Boy Scouts of America; thence due South along the Easterly line of said Easement a distance of 480.5 feet more or less to the point of intersection with the Northerly line of Old Cunningham Road; thence Easterly along the said Northerly line of Cunningham Road as the same veers to the left the aggregate distance of 1170 feet more or less to the point of beginning; EXCEPTING THEREFROM however, Beginning at the point of intersection of the West right-of-way line for a public highway designated Meridian Road (County Highway 24) and the Northerly right-of-way line for a public highway designated Cunningham Road (County Highway 49) and running thence North along the west right-of-way line for said Meridian Road (said West line herein designated North 0 degrees 00' 00" West) a distance of fifty (50) feet; thence North 56 degrees 00' 00" West a distance of one hundred eight (108) feet to a point; and running from said point North 56 degrees 00' 00" West a distance of fifty-two (52) feet; thence south 90 degrees 00' 00" West a distance of three hundred fifty-two and seventy-four hundredths (352.74) feet; thence South 0 degrees 00' 00" West to the centerline of Cunningham Road (County Highway 49) thence Easterly along said centerline to a point, said point being directly South of the point of beginning; thence North 00 degrees 00' 00" West to the point of beginning; situated in the County of Winnebago and State of Illinois.

PARCEL II

Part of Section 13, Township 26 North, Range 11 East of the Fourth Principal Meridian described as follows; Beginning at a point on the Northerly line of Cunningham Road, as such road was laid out, established and used prior to May 10, 1945, that is 70 feet Easterly from the intersection of said highway and a line (which is hereinafter referred to as "The Title Line") drawn parallel to and distant Westerly 19 chains and 48 links from the East line of Sections 12 and 13 in Township 26 North, Range 11 East of the Fourth Principal Meridian thence due North 485 feet to a point; then due west a distance of 46.9 feet to a point 23.1 feet East of The Title Line; thence in a Southerly direction 486 feet to a point on said Northerly line of Cunningham Road located 17 feet from the Title Line and then along the said Northerly line of Cunningham Road a distance of 53 feet more or less to a point of beginning; situated in the County of Winnebago and State of Illinois.

Common Address: 7219 Cunningham Road a/k/a 7215 Cunningham Road,
Rockford, Illinois 61102
Owner(s) of Record: Meridian Nursery, Inc.
P.I.N.: 14-13-100-008

Further, the report of recommendation made by said Planning and Zoning Commission to the Village of Winnebago Board of Trustees to change the zoning designation of the 7219 Cunningham Road a/k/a 7215 Cunningham Road, Rockford, IL property from the IH—Heavy Industrial zoning designation the property currently holds from Winnebago County as land which is located in the unincorporated area of said county, to District No. 4—General Industrial District in the Village of Winnebago pursuant to, and conditioned upon, the execution of a Pre-Annexation Agreement between the Village of Winnebago and Robb Firch as the duly authorized representative of Meridian Nursery, Inc., now that said Pre-Annexation Agreement has been completely executed, shall be, and hereby is, in all respects approved and confirmed.

SECTION II

The zoning of the 7219 Cunningham Road a/k/a 7215 Cunningham Road premises legally described above and depicted in the copy of the attached survey, shall be and hereby is changed

from the IH—Heavy Industrial zoning designation said property currently holds from Winnebago County as land which was located in the unincorporated area of said county, to the Village of Winnebago zoning designation of District No. 4—General Industrial District pursuant to the terms of the Pre-Annexation Agreement now completely executed by the property Owner and the Village of Winnebago, such that the property has been pre-annexed to the Village of Winnebago, Illinois.

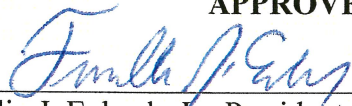
SECTION III

The Zoning Map of the Village of Winnebago, Illinois, shall be and he same is hereby amended and changed to purposely reflect the change in zoning for the premises herein described and provided for by this ordinance.

SECTION IV

This ordinance shall take effect immediately upon its passage and approval, and the original of the same shall be recorded with the Winnebago County Recorder's Office.

APPROVED:



Franklin J. Eubank, Jr., President of the
Board of Trustees of the Village of Winnebago,
Illinois, a municipal corporation

ATTEST:



Sally Jo Huggins, Village Clerk

PASSED:

5-8-2023

APPROVED:

5-8-2023

RECORDED:
