

ORDINANCE 2016 - 38

**AN ORDINANCE OF THE VILLAGE OF CHERRY VALLEY, ILLINOIS,
REPEALING ORDINANCES 2016-28 AND 2016-29 PREVIOUSLY ADOPTED BY THE
VILLAGE OF CHERRY VALLEY**

WHEREAS, the Village of Cherry Valley (“Village”) previously adopted Ordinance 2016-28 on September 20, 2016, which granted a special use permit under Section 82-54 as required by Section 82-482(3)(g)(a) of the Code of Ordinances for the Village, to allow for the construction of a wireless tower facility to be located at 8707 East State Street, Rockford, Illinois; and

WHEREAS, the Village also previously adopted Ordinance 2016-29 on September 20, 2016, which granted a variance to the Code of Ordinances for the Village under Chapter 82, Section 82-55 to Section 82-482(3)(h)(a), which requires towers must be set back a distance equal so that if the tower and one-half (1/2) of the length of any portion of the tower base laid on the ground from the tower base in any direction that no part of the tower extends beyond the zoning lot boundaries, for the easterly and southerly boundaries of the property commonly known as 8707 East State Street, Rockford, Illinois; and

WHEREAS, the Village now desires to repeal Ordinances 2016-28 and 2016-29 in their entirety; and

WHEREAS, the Village has determined it is in the best interest of the Village and its citizens to make such repeal.

NOW, WHEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF CHERRY VALLEY, ILLINOIS, AS FOLLOWS:

SECTION 1: The above recitals are incorporated herein and made a part hereof.

SECTION 2: That Village of Cherry Valley Ordinance 2016-28, adopted on September 20, 2016, is hereby repealed in its entirety and shall have no further force or effect immediately upon the passage, approval and publication in pamphlet form of this Ordinance.

SECTION 3: That Village of Cherry Valley Ordinance 2016-29, adopted on September 20, 2016, is hereby repealed in its entirety and shall have no further force or effect immediately upon the passage, approval, and publication in pamphlet form of this Ordinance.

SECTION 4: All other ordinances of the Village shall remain in effect as previously enacted except that those ordinances, or parts thereof, in conflict are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect from after its passage, approval, and publication in pamphlet form as provided by law.

PASSED UPON MOTION BY: NANCY BELT

SECONDED BY: SALLY HOLLEMBEAK

BY ROLL CALL VOTE THIS 4TH DAY OF OCTOBER, 2016

AS FOLLOWS:

VOTING "AYE": STEPHEN APPELL, JEFF FUSTIN, SALLY HOLLEMBEAK

VOTING "NAY": NANCY BELT, GARY MAITLAND, DAVID SCHROEDER

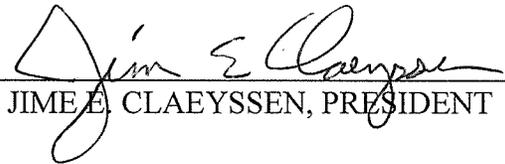
ABSENT, ABSTAIN, OTHER: JIM CLAEYSSSEN VOTED "NAY"

FAILED OCTOBER 4, 2016

ATTEST:



KATHY TRIMBLE, DEPUTY CLERK



JIM E. CLAEYSSSEN, PRESIDENT