

5-1

**A RESOLUTION APPROVING
THE VARIANCE OF SEC 16.04.040(4)
OF THE PROPOSED FRAASE ROAD LOTS
PLAT 4 COUNTY MINOR
SUBDIVISION**

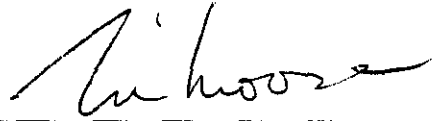
WHEREAS, the Land Subdivision Committee of the Springfield-Sangamon County Regional Planning Commission has found all requirements of the 2001 Sangamon County Land Subdivision Regulations have been met and has recommended approval of the variance described in exhibit 1 (attached) prepared by Thomas Pearson.

NOW, THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF SANGAMON COUNTY, ILLINOIS:

Section 1: The variance of section 16.04.040(4) is hereby approved by the County Board of Sangamon County, Illinois.

Section 2: The Chairman of the Sangamon County Board is authorized to sign and the County Clerk to attest approval of said plat for and in the name of Sangamon County, Illinois.

Section 3: The resolution shall become effective immediately upon its passage.

RECOMMENDED BY: 
TIM MOORE
COUNTY BOARD MEMBER

Passed: 4-4 2006

Signed: 4-4 2006

Attest: 
County Clerk


Chairman

FILED

MAR 21 2006


Sangamon County Clerk

52
RECEIVED
SPRINGFIELD-SANG CO
FEB 08 2006
REGIONAL PLANNING
COMMISSION

SANGAMON COUNTY, ILLINOIS
PETITION FOR VARIANCE OF SUBDIVISION REQUIREMENTS

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

Exhibit 1

TO THE HONORABLE SANGAMON COUNTY REGIONAL PLANNING COMMISSION AND SUBDIVISION COMMITTEE, SANGAMON COUNTY, ILLINOIS.

NOW COMES EDWIN F. PEARSON, by his attorney, Thomas Y. Pearson, and makes this application for a variance of subdivision requirements before the Sangamon County Planning Commission and Subdivision Committee, and states as follows:

1. That Edwin F. Pearson is the owner of the following real estate (SEE ATTACHED SURVEY AND LEGAL DESCRIPTION), attached hereto as Exhibit "A", situated in Sangamon County, Illinois, Tax I.D. Number 13-32.0-200-035.
2. That the Petitioner has submitted a location/sketch map for a minor subdivision consisting of three (3) lots on the property described above, in Exhibit "A". Such location/sketch map is attached hereto as Exhibit "B".
3. That subsequent to his submission of a location/sketch map, attached hereto as Exhibit "B", Petitioner has been informed by officers of the Sangamon County Regional Planning Commission that they will not accept or recommend that the location/sketch map be approved for a minor subdivision. The reason for the disapproval by the Planning Commission officers is that the Sangamon County Highway Department has requested that the road (known as Fraase Road), extending from the subject property southerly to Old Jacksonville Road, is not of sufficient width to comply with access road requirements for a minor subdivision.
4. That Petitioner's agent has visited the site with engineers from the Sangamon County Highway Department and it was determined that the existing right-of-way, extending from the subject property to Old Jacksonville Road, is 38 feet in width from till line to till line. It was assumed that the centerline of the road is the property line between the two adjoining owners.
5. That the County Highway Department requires that there be a 24 foot paved roadway on a 40 foot right-of-way, till line to till line, to meet their specifications for access to a minor subdivision.
6. That immediately upon being informed of the requirements of the Sangamon County Highway Department, Petitioner's agent contacted the owners of the real estate which aburts Fraase Road on both the east side and the west side, from the subject property to Old Jacksonville Road. Petitioner requested that the property owners allow the road to be widened one foot on each side of the road so as to accomodate the requirements of the Sangamon County Highway Department.

7. That both owners of the adjoining real estate on Fraase Road have refused to allow the widening of the right-of-way for Fraase Road so as to enable the road to be constructed in the manner to comply with applicable County Highway regulations.

8. That the County Highway Department has declined to exercise its right of eminent domain to force adjoining property owners to dedicate the one (1) foot additional right-of-way requirement on each side of the road.

9. That the general area where such property lies has been developed with single-family residences on lots in excess of one (1) acre each.

10. That Petitioner's proposed subdivision requests that three (3) lots of 1.4 acres each be created from the subject property.

11. That such division of property will not substantially affect the traffic or density of the development in the area.

12. That Petitioner has agreed to pay the entire cost of the improvement to Fraase Road from the subject property to Old Jacksonville Road and therefore, there will be no expense to the public in general or the adjoining property owners.

WHEREFORE, Petitioner, EDWIN F. PEARSON, requests that the Sangamon County Planning Commission and Subdivision Committee, Sangamon County, Illinois, after proper notice by publication and hearing on this Petition:

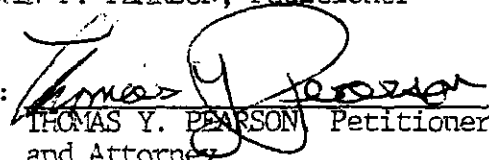
(a) Grant a variance of Section 16.04.040(A)(4) and allow Petitioner to amend the requirement of a 40 foot right-of-way extending from his property to Old Jacksonville Road to a 38 foot right-of-way;

(b) That the 24 foot paved roadway be reduced to 22 feet and

(c) For such other relief as may be proper under the circumstances.

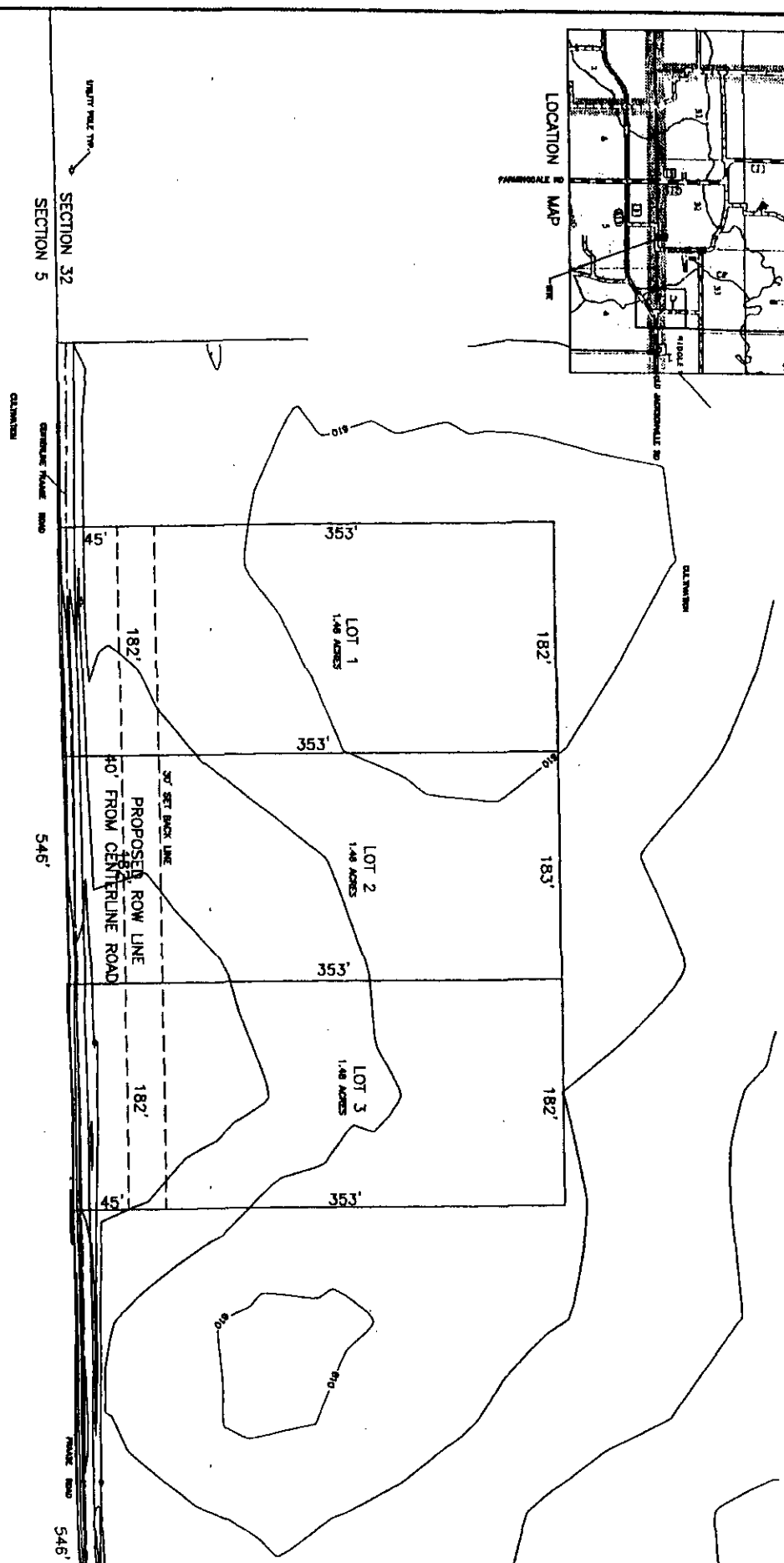
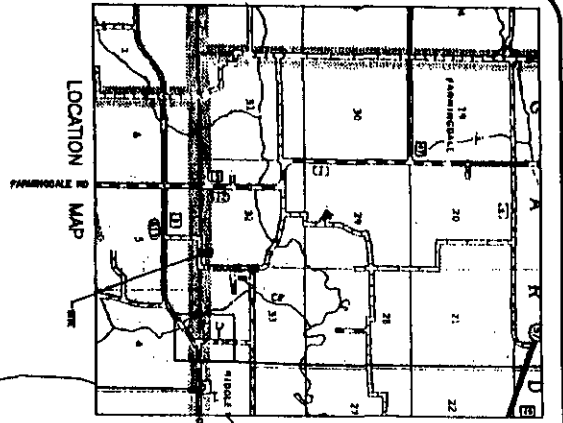
Respectfully submitted,

EDWIN F. PEARSON, Petitioner

By: 
THOMAS Y. PEARSON, Petitioner's Agent
and Attorney

Thomas Y. Pearson - #02162849
KENNEY & PEARSON
Attorneys for Petitioner
401 West Monroe Street
Suite 2
Springfield, IL 62704
Telephone: 217/544-2630

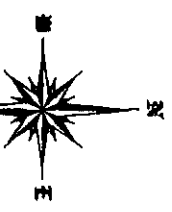
LOCATION/SKETCH MAP
FRASSE ROAD LOTS PLAT FOUR
 PROPOSED MINOR SUBDIVISION
 PART SE 1/4, SE1/4, SECTION 32-16-6



ELECTRIC - AMEREN-CILCO
 EXISTING DISTRICT A
 PROPOSED DISTRICT R1
 PROPOSED SEPTIC
 WATER - CURRAN GARDNER
 PLEASANT PLAINS SCHOOL DISTRICT



SCALE: 1"=100'
 JANUARY-2006



THOMAS Y. PEARSON *Agent* OWNER
 217-544-2630
 401 WEST MONROE STREET SPRINGFIELD IL
 CONTACT - HANS DISTLEHORST 629-7773

