

VILLAGE OF BRADLEY

RESOLUTION NO. R-9-18-1

A RESOLUTION OBJECTING TO THE REZONING OF CERTAIN PROPERTY LOCATED
WITHIN 1.5 MILES OF THE CORPORATE BOUNDARIES OF THE VILLAGE OF BRADLEY
(PINs: 17-09-22-200-004; 17-09-23-100-008)

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 10 DAY OF SEPTEMBER, 2018

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 10 day of SEPTEMBER, 2018

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LOCATED WITHIN 1.5 MILES OF THE CORPORATE BOUNDARIES OF THE
VILLAGE OF BRADLEY
(PINs: 17-09-22-200-004; 17-09-23-100-008)**

WHEREAS, the President and Board of Trustees of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt resolutions and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, Moonlight Limited Partnership (“Moonlight”) is the owner of certain property that is located in unincorporated Kankakee County and currently bears the following tax PINs: 17-09-22-200-004 and 17-09-23-100-008 (the “Subject Property”); and

WHEREAS, the Subject Property lies within a mile and a half (1.5 mi.) of the corporate boundaries of the Village of Bradley (the “Village”); and

WHEREAS, the Subject Property is contiguous to a property that has been annexed into the Village and further zoned and approved for residential development; and

WHEREAS, the Subject Property lies within close proximity of existing residential developments within the Village; and

WHEREAS, upon information and belief Moonlight has filed two applications (collectively the “Applications”) with the Kankakee County Zoning Board of Appeals (the “Zoning Board”) in relation to the Subject Property, with the first requesting that said property be rezoned from R1 (Single-Family Residential) to A1 (Agricultural) and the second requesting that a special use permit be issued authorizing the construction, operation, maintenance, and/or use of a solar farm thereon; and

WHEREAS, upon information and belief Moonlight has been joined in its Applications by Gazebo Solar, LLC, (“Gazebo”), which is a subsidiary of Cypress Creek Renewables Development, LLC (“Cypress”) (hereinafter, Moonlight, Gazebo, and Cypress are referred to collectively as “the Applicants” where appropriate); and

WHEREAS, the Zoning Board is scheduled to hold a public hearing on the Applicants’ Applications on or about September 17, 2018; and

WHEREAS, the Corporate Authorities of the Village have determined that, if the County Board grants the Applicants’ Applications, the result will be serious and grave harm to both existing uses and also the prospects of future growth and development in the surrounding area; and

WHEREAS, the Corporate Authorities of the Village hold the opinion that granting the Applicants’ Applications is inconsistent with:

- (1) The property uses and zoning classifications currently in existence in the general area surrounding the Subject Property;
- (2) The purpose and intent of both the County's and the Village's respective zoning ordinances;
- (3) The purpose and intent of both the County's and the Village's respective comprehensive plans;
- (4) The Subject Property's suitability for development and use; and
- (5) The trend of development in the general area around the Subject Property.

WHEREAS, the Corporate Authorities have determined that it is necessary and in the best interests of the Village and its citizens to formally object to the granting of the Applicants Applications by the County Board; and

WHEREAS, pursuant to Section 5-12014 of the Counties Code (55 ILCS 5/5-12014), the County Board cannot, in the event of a written objection by the Village, grant the Applicants Application for zoning relief (which is a necessary prerequisite to their application for a special use permit) except upon a three-fourths (3/4) supermajority vote.

NOW THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Resolution are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. The Corporate Authorities of the Village hereby formally object to the granting of the Applicants' Applications for (1) the rezoning of the Subject Property from R1 (Single-Family Residential) to A1 (Agricultural) and (2) the issuance of a special use permit for the operation of a solar farm upon the Subject Property.

SECTION 3. The Village Clerk is hereby directed to file a certified copy of this Resolution with the Kankakee County Clerk as soon as possible.

SECTION 4. In the event that any provision or provisions, portion or portions, or clause or clauses of this Resolution shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Resolution that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 5. That all ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Resolution, are hereby repealed to the extent of the conflict.

SECTION 6. That the Village Clerk is hereby directed to publish this Resolution in pamphlet form.

SECTION 7. That this Resolution shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees on a roll call vote on the 10 day of SEPT., 2018.

TRUSTEES:

GERALD BALTHAZOR	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
ROBERT REDMOND	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
LORI GADBOIS	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
MICHAEL WATSON	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
DON BARBER	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
NICK ALLEN	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>

VILLAGE PRESIDENT:

BRUCE ADAMS Aye – Nay – Absent –

TOTALS: Aye – 6 Nay – 0 Absent – 0

ATTEST:



MICHAEL J. LAGESSE, VILLAGE CLERK

APPROVED this 10 day of SEPTEMBER, 2018.


BRUCE ADAMS, VILLAGE PRESIDENT

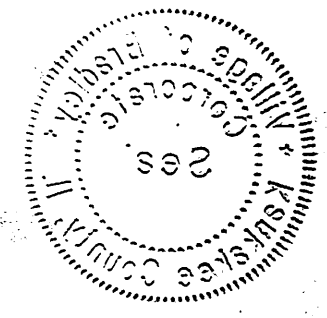
ATTEST:



MICHAEL J. LAGESSE, VILLAGE CLERK

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STATE OF ILLINOIS)
) §§
COUNTY OF KANKAKEE)

I, Michael J. LaGesse, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Resolution number R-9-18-1, "A RESOLUTION OBJECTING TO THE REZONING OF CERTAIN PROPERTY LOCATED WITHIN 1.5 MILES OF THE CORPORATE BOUNDARIES OF THE VILLAGE OF BRADLEY (PINs: 17-09-22-200-004; 17-09-23-100-008)," which was adopted by the Village President and Board of Trustees at a meeting held on the 10 day of SEPT., 2018.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 10 day of SEPT., 2018.



MICHAEL J. LAGESSE, VILLAGE CLERK



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