

ORDINANCE NO. 1090

**AN ORDINANCE AUTHORIZING AND APPROVING A ZERO-LOT-LINE PROPERTY
IN THE VILLAGE OF MACKINAW, ILLINOIS**

WHEREAS, Hillside Development Partners, LLC, is the owner of real property commonly known as 202 and 204 Tulip Drive, Mackinaw, Illinois 61765 ("Property"); and

WHEREAS, the Property is proposed to be divided into two (2) zero lot-line parcels; and

WHEREAS, Hillside Development Partners, LLC, has submitted a plat describing the parcels and proposed an easement and party wall agreement, all demonstrating compliance with Village rules, public safety, and applicable Illinois laws; and

WHEREAS, the Village finds that authorizing a zero lot-line property is in the best interest of the Village and will not adversely affect surrounding properties, utilities, or public rights-of-way; and

WHEREAS, the Village desires to formally approve and permit the request zero lot-line configuration for the Property.

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

SECTION 1: The Village hereby approves the Developer's request the conversion of the already existing property to a zero lot line duplex.

SECTION 2: The duplex complies with the requirements of the Zoning Code, as amended from time to time.

SECTION 3: Each individual zero lot line unit shall have separate water and sewer service, and each individual zero lot line unit shall be a separate customer for the water and sewer system.

SECTION 3: If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval, and publication as may be required by law.

PASSED in due form on a roll call vote by the Village President and Board of Trustees of the Village of Mackinaw, Illinois on this 23rd day of February, 2026.

APPROVED:

A large black rectangular redaction box covering the signature of the Village President.

ATTESTED TO:

A black rectangular redaction box covering the name of the official attesting to the vote.

Ayes: 6

Nays: 0

Absent: 0

DDD-128

CONDOMINIUM PLAT

LOT 9 of Section One of Macdonow Valley Estates Subdivision, in the Village of Macdonow, Tazewell County, Illinois, Part of the E 1/2, NW 1/4, SEC 17, T24N, R24W, 3rd P.M.

UNIT 9A and UNIT 9B

EXHIBIT B

LEGEND

- FOUR INCH ROD
- SECTION LINE
- PROPERTY LINE
- WALL

REMARKS ASSIGNED FOR DESCRIPTIVE PURPOSES.

It is not warranted that the Plat contains complete information regarding easements, encroachments, utility easements, mortgages, or other interests in the land shown hereon, and the purchaser is advised to make his own investigation of the same.

Any new construction upon the land shown hereon will be required to meet the current zoning regulations of the time of such construction.

DRAWN BY: SAUNDERS, OCTOBER 2006

P.L.M. 12-13-17-132-001

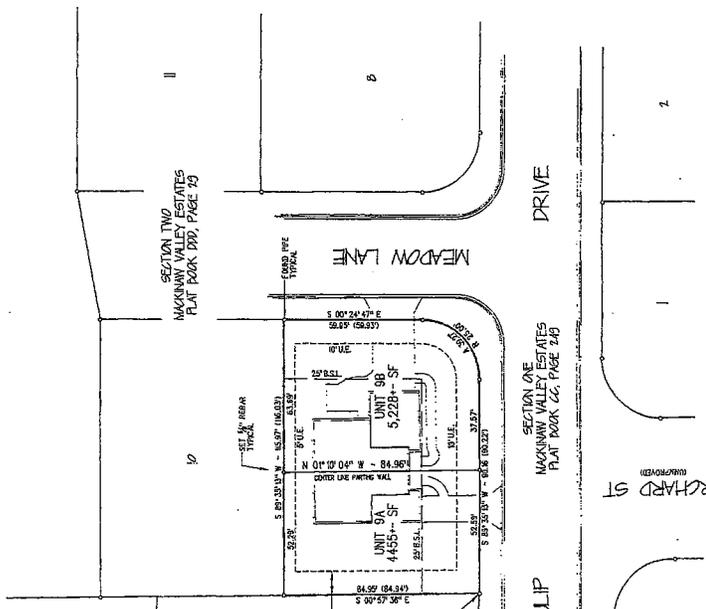
Client: MACKINAW TRANSFER, INC.

518 DIXON COURT

McDonow, Illinois 61550

MACKINAW TRANSFER, INC.
12-13-17-101-001

TAZEVELL COUNTY
12-13-17-101-001



200600027012
 Final Plat Record in
 Tazewell County, IL
 County Clerk's Office
 10/27/06
 Recorder's Office
 Fee: \$10.00

LEGAL DESCRIPTION
 UNIT 9A
 That certain part of Lot 9 of Section One of Macdonow Valley Estates Subdivision, in the Village of Macdonow, Tazewell County, Illinois, Part of the E 1/2, NW 1/4, SEC 17, T24N, R24W, 3rd P.M., containing 4455 square feet, more or less, and center line described westerly part of Lot 9 contains 4455 square feet more or less.

LEGAL DESCRIPTION
 UNIT 9B
 That certain part of Lot 9 of Section One of Macdonow Valley Estates Subdivision, in the Village of Macdonow, Tazewell County, Illinois, Part of the E 1/2, NW 1/4, SEC 17, T24N, R24W, 3rd P.M., containing 5228 square feet, more or less, and center line described easterly part of Lot 9 contains 5228 square feet more or less.

OWNERSHIP PLANES:
 VERTICAL PLANES:
 PERIMETER BOUNDARY OF EACH UNIT AS SHOWN HEREON.
 HORIZONTAL PLANES ARE AS FOLLOWS:
 UPPER ELEVATION - THE HIGHEST ELEVATION ALLOWED BY LAW BY ANY APPLICABLE BATTERY HAVING JURISDICTION RELATING TO THE CONSTRUCTION OR IMPROVEMENT OF STRUCTURES.
 LOWER ELEVATION - THE LOWEST ELEVATION ALLOWED BY LAW BY ANY APPLICABLE BATTERY HAVING JURISDICTION RELATING TO THE CONSTRUCTION OR IMPROVEMENT OF STRUCTURES.

STATE OF ILLINOIS
COUNTY OF TAZEVELL

We, HOLLOWAY LAND SURVEYING, do hereby state that we have surveyed Lot 9 of Macdonow Valley Estates Subdivision, in the Village of Macdonow, Tazewell County, Illinois, Part of the E 1/2, NW 1/4, SEC 17, T24N, R24W, 3rd P.M., containing 4455 square feet, more or less, and center line described westerly part of Lot 9 contains 4455 square feet more or less, and 5228 square feet, more or less, and center line described easterly part of Lot 9 contains 5228 square feet more or less, and that the same are shown on a plat recorded in the Office of the County Clerk of Tazewell County, Illinois, on October 27, 2006, in the Plat Book CC, Page 200600027012, and that the same are shown on a plat recorded in the Office of the County Clerk of Tazewell County, Illinois, on October 27, 2006, in the Plat Book CC, Page 200600027012, and that the same are shown on a plat recorded in the Office of the County Clerk of Tazewell County, Illinois, on October 27, 2006, in the Plat Book CC, Page 200600027012, and that the same are shown on a plat recorded in the Office of the County Clerk of Tazewell County, Illinois, on October 27, 2006, in the Plat Book CC, Page 200600027012.

We further state that said plat does not fall within a known flood hazard area as shown on a map of the Flood Hazard Insurance Risk Areas of Tazewell County, Illinois, effective November 10, 1978, and as amended by the Department of Housing and Urban Development, Federal Insurance Administration.

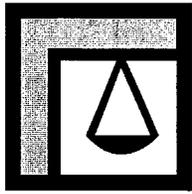
This professional service conforms to the current Illinois Minimum Standards of Practice applicable to Boundary Surveys.

Dated at Macdonow, Illinois this 30th day of October, 2006 A.D.

Signature of Surveyor
 Surveyor
 Illinois Professional Land Surveyor 05-000474



HOLLOWAY LAND SURVEYING
 16560 HERGENBERG RD., MCDONOW, IL 61795-9220
 PROFESSIONAL DESIGN FIRM 184-003318
 OCTOBER 30, 2006



MCGRATH
LAW OFFICE
P.C.

ATTORNEYS
MARK MCGRATH
PAT MCGRATH
ASSOCIATE ATTORNEYS
BROOKE MELVIN
SHANE RICHARDS
OF COUNSEL
MARK ROSSI
RETIRED
THOMAS E. DAVIES

January 26, 2026

VIA EMAIL

Village of Mackinaw
100 E Fast Ave, PO Box 500
Mackinaw, IL 61755

RE: Code Process for Zero-Lot-Line Duplex for Property at 202 and 204 Tulip Dr.

Dear Village President and Board of Trustees:

This letter is intended to provide an explanation of the process required for approval of a zero-lot line duplex within the Village. The property, commonly known as 202 and 204 Tulip Drive, Mackinaw, Illinois 61755 (the "Property"), was originally organized as a condominium, and the parcel has been previously divided. The current owner, Hillside Development Partners, LLC, intends to terminate the condominium form of ownership and instead designated the Property as a zero-lot line duplex that is consistent with the Village Code of Ordinance (the "Code").

Under the Village's zero lot line provision, the owners will execute an Easement, Party Wall Agreement and Declaration and Restrictions, to be recorded in the Recorder of Deed's office, that runs with the land, to ensure proper access for maintenance and to address responsibility for the shared common elements. Further, each unit already has or will have its own fire wall, water and sewer system as required by the Code.

The Village's role in this process is to review the request, confirm that the existing structure and lots comply with the zoning and zero lot line standards, and adopt an ordinance approving the zero-lot line form of ownership. No formal subdivision procedures are required per the Code, but a re-subdivision plat dividing the lot must be approved by the Village Zoning Board. Once approved, the ordinance, accompanying agreements, and documents will be recorded with the Recorder of Deeds to finalize the zero-lot line ownership.

Our office represents Hillside Development Partners, LLC on this matter. Therefore, we are unable to represent the Village and cannot provide legal advice to the Board regarding this matter. If the Village would like legal representation, we would be happy to refer you to another firm.

PLEASE REPLY TO:

- MACKINAW OFFICE • 113 S. MAIN ST., P.O. BOX 139 MACKINAW, IL 61755 • PHONE: 309-359-3461
 MORTON OFFICE • 1600 S. FOURTH AVE., SUITE 137 MORTON, IL 61550 • PHONE: 309-266-6211
EMAIL: EMAIL@MCGRATHPC.COM • WEB: WWW.MCGRATHPC.COM

THIS DOCUMENT PREPARED BY
RETURN DOCUMENT TO
MCGRATH LAW OFFICE, P.C.
113 S. Main, P.O. Box 139
Mackinaw, Illinois 61755
(309) 359-3461

EASEMENT, PARTY WALL
AGREEMENT AND DECLARATION
AND RESTRICTIONS

For Recorder Use Only

This Easement, Party Wall Agreement and Declaration and Restrictions is made on the date and year hereafter set forth by HILLSIDE DEVELOPMENT PARTNERS, LLC, hereinafter "OWNER" for certain property which shall hereinafter be referred to as a "SUBJECT PROPERTY", said property legally described as follows:

LOT 9 SECTION ONE, MACKINAW VALLEY ESTATES, A SUBDIVISION OF TRACT Z, LOT D OF LOT 1 AND PART OF LOT E OF LOT 1 AND PART OF LOT E OF LOT 2, ALL IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 24 NORTH, RANGE 2 WEST OF THE THRID PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS.

P.I.N.: 13-13-17-132-003 and 13-13-17-132-004

Commonly known as: 202 and 204 Tulip Drive, Mackinaw, Illinois 61765

OWNER is the sole owner of the SUBJECT PROPERTY. From and after the date of this instrument, the SUBJECT PROPERTY shall be subject to the following Easement, Party Wall Agreement and Declaration and Restrictions:

1. DIVISION OF PROPERTY: Lot 9 of MACKINAW VALLEY ESTATES has previously been divided into separate tracts. This division has been approved by the Zoning Board of the Village of Mackinaw and by the Board of Trustees of the Village of Mackinaw. Ordinance No. _____ of the Village of Mackinaw adopted on the ___ day of _____, 2026 approved this division.

2. PARTY WALL: A shared structural wall ("Party Wall") has been constructed along the boundary between Lot 9A and Lot 9B. The Party Wall is intended to provide mutual support and protection for both residences and shall constitute a party wall for all purposes.

a) Ownership & Support Easement. Each Lot owner owns the portion of the Party Wall located on that owner's Lot. Each Lot is burdened with, and benefits from, a reciprocal easement of support, protection, and maintenance for the full width and height of the Party Wall.

- b) Non-Shared Exterior Components. Each Lot owner shall, at that owner's sole expense, maintain, repair, and replace the exterior components located exclusively on that owner's Lot—such as windows, siding on non-shared walls, private entrances, decks, patios, and yard improvements. All such work must preserve the materials, color, and style of the unified exterior façade as required by Paragraph 3.
- c) Coordination of Work. Any repair or replacement that affects the unified appearance of the duplex—whether a Common Element or a non-shared exterior component—shall be coordinated between the Lot owners to ensure that the resulting work matches in material, color, and style.
- d) Access for Repairs. Each Lot owner grants the other reasonable access to exterior portions of their Lot as necessary to perform work on the Common Elements, except in emergencies where immediate access is required.

5. EASEMENTS: The following easements are hereby declared and granted and shall run with the land:

- a) Easement for Access and Repairs. Each Lot owner grants to the other a non-exclusive easement over and across the exterior portions of his or her Lot as reasonably necessary to inspect, maintain, repair, or replace the Party Wall or the Common Elements, subject to reasonable notice except in emergencies.
- b) Utility Easements. Perpetual easements are granted for the installation, maintenance, repair, replacement, and operation of utilities serving either Lot or the duplex structure, including water, sewer, gas, electricity, telecommunications, and cable services, over, under, and across the portions of each Lot where such utilities are installed or reasonably required.
- c) No Interference. No Lot owner may obstruct, impair, or interfere with the use of any easement granted under this Paragraph, or with the reasonable exercise of access rights necessary to perform structural or exterior work governed by Paragraphs 2, 3, and 4.
- d) Transfer of Easements. All easements created herein shall automatically transfer with conveyance of title to either Lot without further documentation

6. LIENS ON UNITS: Each Lot owner is responsible for timely payment of all amounts due under this Agreement.

- a) Lien for Unpaid Amounts. Any amount owed by a Lot owner under this Agreement that remains unpaid after written notice and expiration of the cure period shall constitute a lien on that owner's Lot. The lien shall secure the unpaid amount, together with interest at 9% simple interest per year, and all reasonable costs of collection, including attorney fees.

Dated this _____ day of _____, 2026.

Hillside Development Partners, LLC

Subscribed and sworn to before me this _____ day of _____, 2026.

Notary Public

This Document Prepared By:
MCGRATH LAW OFFICE, P.C.
113 S. Main, P.O. Box 139
Mackinaw, Illinois 61755
(309) 359-3461

TERMINATION OF
CONDOMINIUM

This Declaration of Termination is made and executed this 19th day of JANUARY 2026, by HILLSIDE DEVELOPMENT PARTNERS, LLC, to terminate and remove the MACKINAW VALLEY CONDOMINIUM (the "Condominium") in accordance with the Illinois Condominium Property Act.

WHEREAS, a DECLARATION OF CONDOMINIUM OWNERSHIP (the "Declaration") was recorded on the 27th day of NOVEMBER 2006, in the Office of Recorder of the County of Tazewell and State of Illinois, for the following real estate legally described as:

LOT 9 SECTION ONE, MACKINAW VALLEY ESTATES, A SUBDIVISION OF TRACT Z, LOT D OF LOT 1 AND PART OF LOT E OF LOT 1 AND PART OF LOT E OF LOT 2, ALL IN THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 24 NORTH, RANGE 2 WEST OF THE THRID PRINCIPAL MERIDIAN, TAZEWELL COUNTY, ILLINOIS.

P.I.N.: 13-13-17-132-003 and 13-13-17-132-004
Commonly known as: 202 and 204 Tulip Drive, Mackinaw, Illinois 61765

WHEREAS, a CONDOMINIUM PLAT (the "PLAT") was recorded in the Office of the of the Tazewell County, Illinois, Recorder of Deeds as Document Number 200600027012, Book DDD, Page, 128, the condominium property is composed of two parcels only, namely UNIT 9A and UNIT 9B.

WHEREAS, HILLSIDE DEVELOPMENT PARTNERS, LLC owns UNIT 9A, legally described as follows:

UNIT 9A OF THE MACKINAW VALLEY CONDOMINIUM, ACCORDING TO PLAT OF SURVEY RECORDED IN PLAT BOOK DDD, PAGE(S) 128 AS DOCUMENT NUMBER 200600027012 SIMULTANEOUSLY WITH THE MACKINAW VALLEY CONDOMINIUM DECLARATION OF CONDOMINIUM OWNERSHIP & BY-LAWS RECORDED NOVEMBER 27, 2006, AS DOCUMENT NUMBER 200600027013 IN THE TAZEWELL COUNTY RECORDER'S OFFICE; TOGETHER WITH A PERCENTAGE OF THE COMMON ELEMENTS APPURTENANT TO SAID UNIT AS SET FORTH IN THE DECLARATION; SITUATE, LYING AND BEING IN TAZEWELL COUNTY, ILLINOIS.

