



## United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

[www.yorkville.il.us](http://www.yorkville.il.us)

### PLANNING AND ZONING

### COMMISSION AGENDA

Wednesday, March 13, 2019

7:00 PM

Yorkville City Hall Council Chambers

800 Game Farm Road

Meeting Called to Order: 7:00 p.m.

Roll Call:

Previous Meeting Minutes: February 13, 2019

Citizen's Comments

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#### Public Hearings

1. **PZC 2019-03** Matthew C. Hively, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification of three (3) parcels. The real property is located south of Illinois Route 71, and north of Illinois Route 126 and part of the previously approved Windmill Farms Annexation Agreement, which allowed for certain land uses consistent with those found in the R-4 General Multi-Family Residence District and B-3 General Business Zoning districts. The petitioner is seeking to rezone two (2) parcels to the B-3 General Business District and one (1) parcel to the A-1 Agricultural District. The purpose of the rezoning is to establish and operate a nursery and garden center with retail store on the proposed B-3 zoned parcels and an accessory building for the storage of equipment and landscape materials in the proposed A-1 zoned parcel.

#### Unfinished Business

1. **PZC 2018-18** Marker, Inc, petitioner has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting an amendment to the Heartland Subdivision Planned Unit Development to reduce the interior side yard setback from twenty (20) feet to ten (10) feet on Lot 187 of the subdivision. Additionally, the petitioner is requesting to increase the maximum allowable height of a permitted fence in a business district from six (6) feet to eight (8) feet. The real property is located at the southwest corner of the McHugh Road and Route 34 intersection in Yorkville.

#### Action Item

PUD Amendment

#### New Business

1. **PZC 2019-03** Matthew C. Hively, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification of three (3) parcels. The real property is located south of Illinois Route 71, and north of Illinois Route 126 and part of the previously approved Windmill Farms Annexation Agreement, which allowed for certain land uses consistent with those found in the R-4 General Multi-Family Residence District and B-3 General Business Zoning districts. The petitioner is seeking to rezone two (2) parcels to the B-3 General Business District and one (1) parcel to the A-1 Agricultural District. The purpose of the rezoning is to establish and operate a nursery and

garden center with retail store on the proposed B-3 zoned parcels and an accessory building for the storage of equipment and landscape materials in the proposed A-1 zoned parcel.

**Action Item**

Map Amendment (Rezoning)

**Additional Business**

1. City Council Action Updates

**PZC 2019-01** Boombah Inc., petitioner, is seeking final plat approval to resubdivide Lot 3 of the Yorkville Business Center, an approximately 21-acre parcel. Located in the southwest quadrant of IL Route 47 (N. Bridge Street) and Boombah Boulevard, this parcel was part of the original Inland Land/F.E. Wheaton Annexation Agreement approved by the City of Yorkville in 1995. Currently, the parcel is improved with two (2) buildings zoned B-3 General Business District utilized by Boombah Inc. for their custom athletic apparel business operations.

**City Council Action**

Approved

**PZC 2019-02** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Chapter 6: Permitted and Special Uses to add licensed “massage establishments” as a permitted use in the O-Office District. Currently massage establishments are a permitted use only in business districts.

**City Council Action**

Approved

**PZC 2019-04** Forest Preserve District of Kane County, petitioner, is requesting a map amendment to rezone a 5 acre portion of the property from the F District Farming to the F-1 District-Rural Residential in Kane County. The entire 82.71 acre property is located in between Galena Road and Jericho Road along Jeter Road which is located northwest of Yorkville. The property is located within one and a half miles of the Yorkville Municipal Boundary which allows the opportunity to review and provide comments to Kane County.

**City Council Action**

No objection

2. Planning and Zoning Commissioner Training Series – Presentation

- a. Construction Plan Basics for Planning & Zoning Commissioners

**Adjournment**

# DRAFT

## PLANNING & ZONING COMMISSION

City Council Chambers

800 Game Farm Road, Yorkville, IL

Wednesday, February 13, 2019 7:00pm

### **Meeting Called to Order**

Chairman Randy Harker called the meeting to order at 7:00pm, roll was called and a quorum was established.

### **Roll Call:**

Richard Vinyard-yes, Deborah Horaz-yes, Don Marcum-yes, Jeff Olson-yes

Randy Harker-yes

Absent: Reagan Goins

### **City Staff**

Krysti Barksdale-Noble, Community Development Director

Jason Engberg, Senior Planner

### **Other Guests**

Lynn Dubajic, City Consultant

Dan Kramer, Attorney

Chris Vitosh, Vitosh Reporting Service

David Schultz, HR Green

### **Previous Meeting Minutes** January 9, 2019

Mr. Vinyard and Mr. Marcum moved and seconded, respectively, to approve the minutes. Jeff Olson noted a correction as follows: Under Public Hearings, Chairman Randy Harker explained the Hearings procedures, rather than Jeff Olson, Vice Chairman. Mr. Vinyard moved and Mr. Marcum seconded an amended motion to approve the corrected minutes.

Roll call: Marcum-yes, Olson-yes, Vinyard-yes, Horaz-present, Harker-yes. Carried 4-yes, 1 present

### **Citizen's Comments** None

### **Public Hearings**

Chairman Harker explained the procedure for the Public Hearing and he swore in those who would give testimony. At 7:03pm a motion was made by Commissioner Vinyard and seconded by Commissioner Horaz to open the Public Hearing for PZC 2019-02.

Roll call: Olson-yes, Vinyard-yes, Horaz-yes, Marcum-yes, Harker-yes. Carried 5-0

Chairman Harker read the petition as follows:

1. **PZC 2019-02** United City of Yorkville, Kendall County, Illinois, is proposing a text amendment to Chapter 6: Permitted and Special Uses to add licensed "massage establishments" as a permitted use in the O-Office District. Currently massage establishments are a permitted use only in business districts.

At 7:06pm a motion was made by Mr. Marcum and seconded by Mr. Vinyard to close the Public Hearing.

Roll call: Vinyard-yes, Horaz-yes, Marcum-yes, Olson-yes, Harker-yes. Carried 5-0.

### **Unfinished Business**

1. **PZC 2018-18** Marker, Inc., petitioner has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting an amendment to the Heartland Subdivision Planned Unit Development to reduce the interior side yard setback from twenty (20) feet to ten (10) feet on Lot 187 of the subdivision. Additionally, the petitioner is requesting to increase the maximum allowable height of a permitted fence in a business district from six (6) feet to eight (8) feet. The real property is located at the southwest corner of the McHugh Road and Route 34 intersection in Yorkville.

Attorney Dan Kramer was present on behalf of the petitioner and said he and the petitioner have made numerous attempts to reach Casey's regarding a possible shared driveway. Mr. Kramer requested to move this item to the March PZC meeting. So moved by Mr. Vinyard and seconded by Mr. Marcum to continue the petition to the March PZC meeting. Roll call: Horaz-yes, Marcum-yes, Olson-yes, Vinyard-yes, Harker-yes. Passed 5-0.

### **New Business**

1. **PZC 2019-01** Boombah Inc., petitioner, is seeking final plat approval to resubdivide Lot 3 of the Yorkville Business Center, an approximately 21-acre parcel. Located in the southwest quadrant of IL Route 47 (N. Bridge Street) and Boombah Boulevard, this parcel was part of the original Inland Land/F.E. Wheaton Annexation agreement approved by the City of Yorkville in 1995. Currently, the parcel is improved with two (2) buildings zoned B-3 General Business District utilized by Boombah Inc. for their custom athletic apparel business operations.

Mr. Dave Schultz of HR Green said they are seeking approval on the final plat for subdividing Lot 3. They currently have two buildings on one lot and wish to subdivide into 4 lots. The two buildings would then be on Lots 2 and 3 and the empty lots can be developed at some point in the future.

### **Action Item**

#### **Final Plat**

Mr. Marcum moved to approve PZC 2019-01 for the final plat and Mr. Vinyard seconded.

Roll call: Horaz-yes, Marcum-yes, Olson-yes, Vinyard-yes, Harker-yes. Carried 5-0.



2. **PZC 2019-02** United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Chapter 6: Permitted and Special Uses to add licensed “massage establishments” as a permitted use in the O-Office District. Currently massage establishments are a permitted use only in business districts.

#### **Action Item**

##### Text Amendment

There was no discussion and Mr. Marcum moved to approve the text amendment and Mr. Vinyard seconded.

Roll call: Marcum-yes, Olson-yes, Vinyard-yes, Horaz-yes, Harker-yes. Carried 5-0.

3. **PZC 2019-04** Forest Preserve District of Kane County, petitioner, is requesting a map amendment to rezone a 5 acre portion of the property from the F District Farming to the F-1 District-Rural Residential in Kane County. The entire 82.71 acre property is located in between Galena Road and Jericho Road along Jeter Road which is located northwest of Yorkville. The property is located within one and a half miles of the Yorkville Municipal Boundary which allows the opportunity to review and provide comments to Kane County.

#### **Action Item**

##### One and Half Mile Review

Mr. Engberg said this property is outside of the planning boundary and Kane County Forest Preserve wishes to preserve the rural character and historic nature of farmhouses. The Commissioners had no comments or concerns so it will move forward to the City Council. Mr. Vinyard moved and Ms. Horaz seconded the motion to recommend approval of this petition to preserve rural farmhouses.

Roll call: Olson-yes, Vinyard-yes, Horaz-yes, Marcum-yes, Harker-yes. Carried 5-0.

#### **Additional Business**

##### **1. City Council Action Updates:**

1. **PZC 2018-14** CalAtlantic Extension to complete lift station and public improvements
2. **PZC 2018-19** Text Amendment regarding breweries
3. **PZC 2018-21** Text Amendment regarding mobile food and vendor vehicles

All three were approved by City Council.

##### **2. Planning and Zoning Commissioner Training Series**

Commission members requested more training regarding the issues they consider at the meetings. Mr. Olson will present the first training session, the topic being plan basics for Planning and Zoning. In the summer, Brad Sanderson will present information about stormwater management. Ms. Noble and Mr. Engberg will discuss urban design in the fall and Ms. Lynn Dubajic will give a presentation on economic development basics in the winter. Ms. Noble encouraged any other suggestions should be sent to her.

The Commissioners briefly discussed the proposed 750-acre development site in Sugar Grove.

### **3. Yorkville 2018 Planning Year in Review**

Ms. Noble presented a year in review commenting on 4 different categories: Building and Development, Land Use Planning, Comprehensive Plan and Future Goals.

The Design Manual is still being compiled and any changes can be sent to Ms. Noble or Mr. Engberg.

Some of the highlights of the Year in Review are: Building permits are up and foreclosures are down. There have been only a few variances or special use requests. Work will soon begin on a Unified Development Ordinance (UDO) which will allow developers to view comprehensive information in one place and they can utilize 3-D modeling. Calculations can be done and fee schedules will be available on-line. Ms. Noble said the city is averaging about 200 building permits annually in the last 2 years. The B.U.I.L.D. program concluded at the end of 2016 and 428 permits were issued with that program. Foreclosure trends were briefly reviewed also. Ms. Dubajic reported expansion plans for the water park are slated for the 20 acres to the south of the park. Future goals for the city were briefly discussed along with some of the ideas for the downtown redevelopment.

Chairman Harker thanked Ms. Noble and Mr. Engberg for their work on the downtown projects.

### **Adjournment**

There was no further business and the meeting was adjourned at 8:02pm on a motion and second by Commissioners Marcum and Vinyard, respectively. Unanimous voice vote approval.

Respectfully submitted by  
Marlys Young, Minute Taker

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UNITED CITY OF YORKVILLE  
YORKVILLE, ILLINOIS

PLANNING AND ZONING COMMISSION  
PUBLIC HEARING

800 Game Farm Road  
Yorkville, Illinois

Wednesday, February 13, 2019  
7:00 p.m.

PRESENT:

Mr. Randy Harker, Chairman,  
Mr. Jeff Olson, Vice-Chairman,  
Mr. Richard Vinyard,  
Ms. Deborah Horaz,  
Mr. Donald Marcum.

ALSO PRESENT:

Ms. Krysti Barksdale-Noble, Community  
Development Director,  
Mr. Jason Engberg, Senior Planner,  
Ms. Marlys Young, Minute Taker.

- - - - -

1 (WHEREUPON, the following  
2 proceedings were had in  
3 public hearing:)

4 CHAIRMAN HARKER: There is one public  
5 hearing scheduled for tonight's Planning and  
6 Zoning Commission meeting.

7 The purpose of this hearing is to  
8 invite testimony from the members of the public  
9 regarding the proposed request that is being  
10 considered before the Commission tonight.

11 Public testimonies from persons  
12 wishing to speak may do so in favor of or against  
13 the request being heard or to ask questions of  
14 the petitioner for the request being heard.

15 Those persons wishing to testify are  
16 asked to speak clearly, one at a time, and state  
17 your name and who you represent, if anyone. You  
18 are asked to sign in at the podium if you haven't  
19 already done so.

20 If you plan to speak during  
21 tonight's public hearing as a petitioner, as a  
22 member of the public -- of the public, please  
23 stand, raise your right hand and repeat after me.

24 MS. NOBLE: There is nobody.

1 CHAIRMAN HARKER: Or not, okay.

2 Fantastic. Okay, it's just you guys.

3 MS. NOBLE: Yes.

4 CHAIRMAN HARKER: So go ahead.

5 MS. NOBLE: The instruction is for  
6 telling the truth. Jason?

7 MR. ENGBERG: Did you want to read  
8 the --

9 CHAIRMAN HARKER: Yes, thank you. Can I  
10 have a -- Can I have a motion to open the public  
11 hearing on PZC 2019-02?

12 MS. HORAZ: So moved.

13 MR. VINYARD: So moved. Second.

14 CHAIRMAN HARKER: Okay. Roll call vote,  
15 please.

16 MS. YOUNG: Yes.

17 Olson.

18 VICE-CHAIRMAN OLSON: Yes.

19 MS. YOUNG: Vinyard.

20 MR. VINYARD: Yes.

21 MS. YOUNG: Goins. Absent, sorry.

22 Horaz.

23 MS. HORAZ: Yes.

24 MS. YOUNG: And Harker.

1 CHAIRMAN HARKER: Yes.

2 PZC 2019-02, Kendall County,  
3 Illinois, petitioner, is proposed a text  
4 amendment to Chapter 6: Permitted and special  
5 uses to add licensed massage establishments as a  
6 permitted use in the O-Office District.

7 Currently massage establishments  
8 are a permitted use in only business districts.

9 MR. ENGBERG: All right. So this came  
10 out, the City as a whole has been looking at the  
11 massage establishment licensing and running at a  
12 business.

13 They are looking at amending  
14 different parts of different codes, this one  
15 specifically just for the zoning.

16 We had switched to licensing people  
17 who have a single establishment, they just run it  
18 themselves. We didn't do that in the past, but  
19 now that we have a licensing process, they also  
20 have to turn in a commercial occupancy permit,  
21 which they technically have to do anyway, but a  
22 couple things came to light and a commercial  
23 occupancy permit came in and it was somebody that  
24 had an existing business for many years in the

1 O-Office District.

2 While we were looking through, you  
3 know, we were kind of understanding -- trying to  
4 figure out why is it not permitted in the  
5 O-Office District, it's a personal service just  
6 like any medical, professional, chiropractors,  
7 other professional services, they are permitted  
8 outright in the O-Office District, so it seemed  
9 reasonable to us that we would also have massage  
10 establishments, you know, as licensed, allowed  
11 and permitted in the O-Office District.

12 So that's just the recommendation.  
13 It's just this -- the table -- the uses table  
14 would just get changed from a dash to permitted.

15 CHAIRMAN HARKER: Okay. Any questions?

16 VICE-CHAIRMAN OLSON: What buildings in  
17 town are zoned Office, the three-story building  
18 over by the post office?

19 MR. ENGBERG: I can't tell you all of  
20 them off the top of my head. I know the Kendall  
21 County government campuses office, there is a  
22 couple things off of 34 off the top of my head,  
23 but --

24 VICE-CHAIRMAN OLSON: Like maybe



1 Rush-Copley?

2 MS. NOBLE: There -- that outlot next to  
3 where the solar farm is going to be is office.  
4 You typically will see office -- Because it's in  
5 the same use category as the business, you see it  
6 along forty -- 47, 34. They are usually not in  
7 an interior of a community, so they are along  
8 thoroughfares just where you would see it in a B  
9 or B-2.

10 CHAIRMAN HARKER: Any other questions?

11 (No response.)

12 CHAIRMAN HARKER: Would you like any  
13 responses seeing as it is a public record?

14 MS. NOBLE: Yes.

15 CHAIRMAN HARKER: Awesome. Okay.  
16 Seeing as that there is -- all the testimony is  
17 done with this, since all the public testimony  
18 regarding this petition has been taken, may I  
19 have a motion to close the public -- I'm sorry,  
20 the taking of testimony and this public hearing?

21 MR. MARCUM: So moved.

22 MR. VINYARD: Second.

23 CHAIRMAN HARKER: Roll call vote,  
24 please.

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MS. YOUNG: Yes.

Vinyard.

MR. VINYARD: Yes.

MS. YOUNG: Horaz.

MS. HORAZ: Yes.

MS. YOUNG: Marcum.

MR. MARCUM: Yes.

MS. HORAZ: Olson.

VICE-CHAIRMAN OLSON: Yes.

MS. YOUNG: Harker.

CHAIRMAN HARKER: Yes.

(Which were all the  
proceedings had in the  
public hearing portion  
of the meeting.)

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1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF LASALLE )

4 I, Christine M. Vitosh, a Certified Shorthand  
5 Reporter, do hereby certify that I transcribed  
6 the proceedings had at the public hearing and  
7 that the foregoing, Pages 1 through 9, inclusive,  
8 is a true, correct and complete  
9 computer-generated transcript of the proceedings  
10 had at the time and place aforesaid.

11 I further certify that my certificate annexed  
12 hereto applies to the original transcript and  
13 copies thereof, signed and certified under my  
14 hand only. I assume no responsibility for the  
15 accuracy of any reproduced copies not made under  
16 my control or direction.

17 As certification thereof, I have hereunto set  
18 my hand this 25th day February, A.D., 2019.

19 \_\_\_\_\_  
20 Christine M. Vitosh, CSR  
21 Illinois CSR No. 084-002883  
22  
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084-002883 [1] - 9:20	anyway [1] - 5:21 applies [1] - 9:11 assume [1] - 9:13 awesome [1] - 7:15	correct [1] - 9:7 County [2] - 5:2, 6:21 COUNTY [1] - 9:2 couple [2] - 5:22, 6:22 CSR [2] - 9:20, 9:20	hand [3] - 3:23, 9:13, 9:17 Harker [3] - 2:2, 4:24, 8:10 HARKER [12] - 3:4, 4:1, 4:4, 4:9, 4:14, 5:1, 6:15, 7:10, 7:12, 7:15, 7:23, 8:11 head [2] - 6:20, 6:22 heard [2] - 3:13, 3:14 HEARING [1] - 1:11 hearing [8] - 3:3, 3:5, 3:7, 3:21, 4:11, 7:20, 8:14, 9:5 hereby [1] - 9:4 hereto [1] - 9:11 hereunto [1] - 9:16 HORAZ [4] - 4:12, 4:23, 8:5, 8:8 Horaz [3] - 2:5, 4:22, 8:4	Marcum [2] - 2:6, 8:6 MARCUM [2] - 7:21, 8:7 Mariys [1] - 2:12 massage [4] - 5:5, 5:7, 5:11, 6:9 medical [1] - 6:6 meeting [2] - 3:6, 8:15 member [1] - 3:22 members [1] - 3:8 Minute [1] - 2:12 motion [2] - 4:10, 7:19 moved [3] - 4:12, 4:13, 7:21 MR [9] - 4:7, 4:13, 4:20, 5:9, 6:19, 7:21, 7:22, 8:3, 8:7 MS [17] - 3:24, 4:3, 4:5, 4:12, 4:16, 4:19, 4:21, 4:23, 4:24, 7:2, 7:14, 8:1, 8:4, 8:5, 8:6, 8:8, 8:10
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<b>raise</b> [1] - 3:23 <b>Randy</b> [1] - 2:2 <b>read</b> [1] - 4:7 <b>reasonable</b> [1] - 6:9 <b>recommendation</b> [1] - 6:12 <b>record</b> [1] - 7:13 <b>regarding</b> [2] - 3:9, 7:18		<b>Y</b>	
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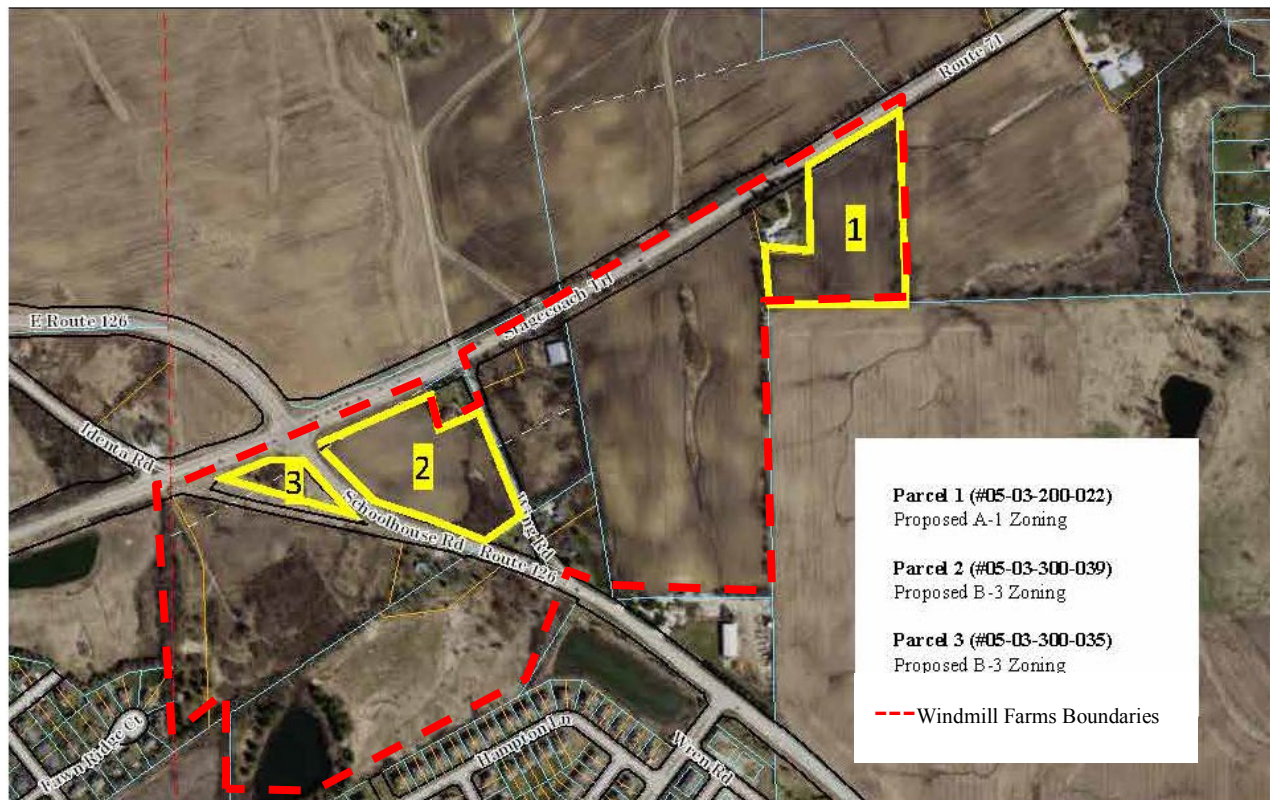
# Memorandum

To: Planning and Zoning Commission  
From: Krysti J. Barksdale-Noble, Community Development Director  
CC: Bart Olson, City Administrator  
Date: January 30, 2019  
Subject: **PZC 2019-03 Hively Landscaping – Windmill Farms Annexation  
Proposed Nursery & Garden Center Development (Rezoning)**

## **PROPOSED REQUEST:**

The petitioner, Matthew Hively, is seeking rezoning approval of three (3) parcels within the Windmill Farms Annexation and Planned Unit Development agreement, which approved certain land uses consistent with those found in the R-4 General Multi-Family Residence District and B-3 General Business zoning districts. The requested new zoning would be B-3 General Business District on two (2) parcels and A-1 Agricultural District on one (1) parcel.

The purpose of the rezoning is to establish and operate a nursery and garden center with retail store on the proposed B-3 zoned parcels, and an accessory building for the storage of equipment and landscape materials in the proposed A-1 zoned parcel. The total proposed area to be rezoned consists of approximately 16.21-acres of vacant land near IL Route 71 and IL Route 126.



## **PROPERTY BACKGROUND:**

The subject property was zoned within the Planned Unit Development (PUD) District with B-3 General Business District and R-4 General Multi-Family Residence District land uses, as part of the Windmill Farm's annexation approved in 2008 per Ordinance 2008-40. Per Exhibit "E" of Ord. 2008-40,

the approximately 91-acre site, of which the subject parcels are included, was to be developed with a mix of residential and commercial land uses. The annexation and concept site plan were the only approvals granted for the Windmill Farm development. The property has remained vacant and unplatted since the original approvals in 2008.

Per the City Attorney, since the concept plan was never subsequently formalized by a Planned Unit Development (PUD) final plat, and with the passage of time, the concept plan for the Windmill Farm development is no longer valid. Separate ordinances clarifying the invalidity of the PUD zoning classification and an annexation agreement amendment removing the provisions of the PUD will be prepared by the City Attorney for City Council approval, in conjunction with this request, to allow for this property, and any future parcels within the Windmill Farms development, to seek rezoning to a more suitable land use designation. Those ordinances will be presented to the EDC in March.

### **SITE ANALYSIS:**

The following are the current immediate surrounding zoning and land uses for the entire area surrounding the approximately 91-acre Windmill Farms PUD:

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	A-1 Agriculture	Unincorporated Kendall County (Farm Land)/IL Rte. 71
<b>South</b>	A-1 Agriculture/R-2 & R-2D Detached & Attached Residential	Unincorporated Kendall County (Landscape Business)/Raintree Village (Residential)
<b>East</b>	A-1 Agriculture	Unincorporated Kendall County (Farm Land)
<b>West</b>	B-3 Business/R-2 Detached Residential	Country Hills (Commercial & Residential)

### ***Zoning***

- The proposed requested uses are defined in the Yorkville Zoning Ordinance as a “nursery/greenhouse” and “agricultural”.
- The nursery/greenhouse use is a permitted use in the B-3 General Business District, which is by definition, a “retail business whose principal activity is the selling of plants and having outdoor storage, growing and/or display of plants.”
- The agricultural use is a permitted use in the A-1 Agricultural District, which is defined as “the employment of land for the primary purpose of raising, harvesting, and selling crops, or....by any other horticultural, floricultural or viticulture use...”

### ***Comprehensive Plan (Future Land Use)***

The subject property’s future land use is classified as “Estate/Conservation Residential (ERC)” which is intended to provide flexibility for residential design in areas that can accommodate low-density detached single-family housing but also include sensitive environmental and scenic features that should be retained and enhanced.

Due to this future land use classification, if the rezoning requests are approved, an amendment to the Comprehensive Plan Future Land Use map will be necessary. The proposed B-3 zoned parcel would correlate with a future land use designation of “Destination Commercial (DC)” and “Agricultural Zone (AZ)” for the A-1 zoned parcel.

### ***Proposed Concept/Site Plan***

As proposed, only Parcel 2 (#05-03-300-039) will be redeveloped for the nursery/greenhouse and retail business. The site plan illustrates a 4,000 square foot retail building with outdoor scale and customer

parking. Parking required for nursery use (B-3) is 3 spaces per 1,000 square feet, requiring a minimum of 12 parking spaces, and the petitioner proposes to utilize a permeable paver surface for the parking lot coverage. Accessory outdoor storage will be maintained in plant material bins, temporary plant houses and pallets. Finally, an onsite detention basin is also proposed within the northeast area of the parcel.

All buildings will be subject to the City's Appearance Code which requires new commercial land uses to utilize masonry products or precast concrete shall be incorporated on at least fifty percent (50%) of the total building, as broken down as follows: The front facade shall itself incorporate masonry products or precast concrete on at least fifty percent (50%) of the facade. Any other facade that abuts a street shall incorporate masonry products. The use of masonry products or precast concrete is encouraged on the remaining facades.

Currently, there are no redevelopment plans for other proposed B-3 zoned property, Parcel 1 (05-03-200-022), and the proposed A-1 zoned property, Parcel #3 (05-03-300-035) will be utilized primarily for stocking and storing plant material.

The following chart illustrates the minimum required yard setbacks for buildings/structures within the **B-3 General Business District**:

	Minimum Requirement	Proposed Setback
Front (IL Rte. 126)	50 feet	+/- 220' (Retail Building)
Rear	20 feet	+/- 20' (Temp. Plant Houses)
Corner Side (North/IL Rte. 71)	30 feet	+/- 50' (Temp. Plant Houses)
Corner Side (Southwest/IL Rte. 126)	30 feet	+/- 45' (Material Bins)

Additionally, parking lots within the B-3 zoning district located adjacent to a major arterial roadway must maintain a minimum of 20 feet setback from the property line which is provided on the proposed site plan.

### ***Utilities***

There are no nearby public utilities (water, sewer) in this area. The petitioner will utilize an existing well and septic field for the on-site needs of the development.

### ***Access/Transportation***

Proposed access to the commercial site (nursery/greenhouse) will be in two (2) locations, one to the north off IL Route 71 and another southwest off IL Route 126. IDOT's approval will be required for all proposed access points and any work within IDOT's right-of-way (i.e. berm along IL 71).

### ***Landscape Ordinance***

It is anticipated that the property will need to be cleared in preparation for the installation of the nursery site. Per Section 8-12-2-H of the Landscape Ordinance, a Tree Preservation Plan is required for all lots five (5) acres or greater in area. No live trees with a four-inch (4") DBH (diameter breast height) may be removed without first submitting an application for tree removal and receiving approval from the City as part of the building permit process.

### **FINDINGS OF FACT FOR REZONING:**

Section 10-4-10-B of the City's Zoning Ordinance establishes criteria for findings of fact related to rezoning (map amendment) requests. When the purpose and affect is to change the zoning of a property and amend the City's Zoning Map, the Planning and Zoning Commission shall consider each of the following facts before rendering a decision on the request:



1. The existing uses and zoning of nearby property.
2. The extent to which the property values are diminished by the particular zoning restrictions.
3. The extent to which the destruction of the property values of plaintiff promotes the health, safety, morals or general welfare of the public.
4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.
5. The suitability of the subject property for the zoned purpose.
6. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.
7. The community need for the proposed use.
8. The care to which the community has undertaken to plan its land use development.

**The petitioner has provided written responses to these findings as part of their applications (see attached) and requests inclusion of those responses into the public record at the March 13, 2019 Planning and Zoning Commission meeting.**

**STAFF COMMENTS:**

Staff is generally supportive of the proposed rezoning; even though, if approved, would require an amendment to the Comprehensive Plan Update. Our recommendation is in consideration of the length of time the area has remained undeveloped under the current concept plan and zoning. This is in addition to the existing annexation agreement not correctly approving a special use authorizing a PUD for the Windmill Farm development. A separate request to clarify that oversight through an annexation agreement amendment, clearing the path for the other parcels within Windmill Farms to redevelop, is concurrently being pursued by staff.

**PROPOSED MOTION:**

*In consideration of testimony presented during a Public Hearing on March 13, 2019 and approval of the findings of fact, the Planning and Zoning Commission recommends approval to the City Council of a request for a map amendment to rezone the properties stated in the staff memorandum dated January 30, 2019 to B-3 General Business District and A-1 Agricultural District and further subject to {insert any additional conditions of the Planning and Zoning Commission}...*

**ATTACHMENTS:**

1. Hively Landscaping Geometric Plan dated 01/09/19, prepared by Spaceco, Inc.
2. A-1 Rezoning Application
3. B-3 Rezoning Application
4. Ordinance 2008-40 - Windmill Farms Annexation and PUD Agreement
5. 01-10-19 Plan Council Packet
6. Public Hearing Notice

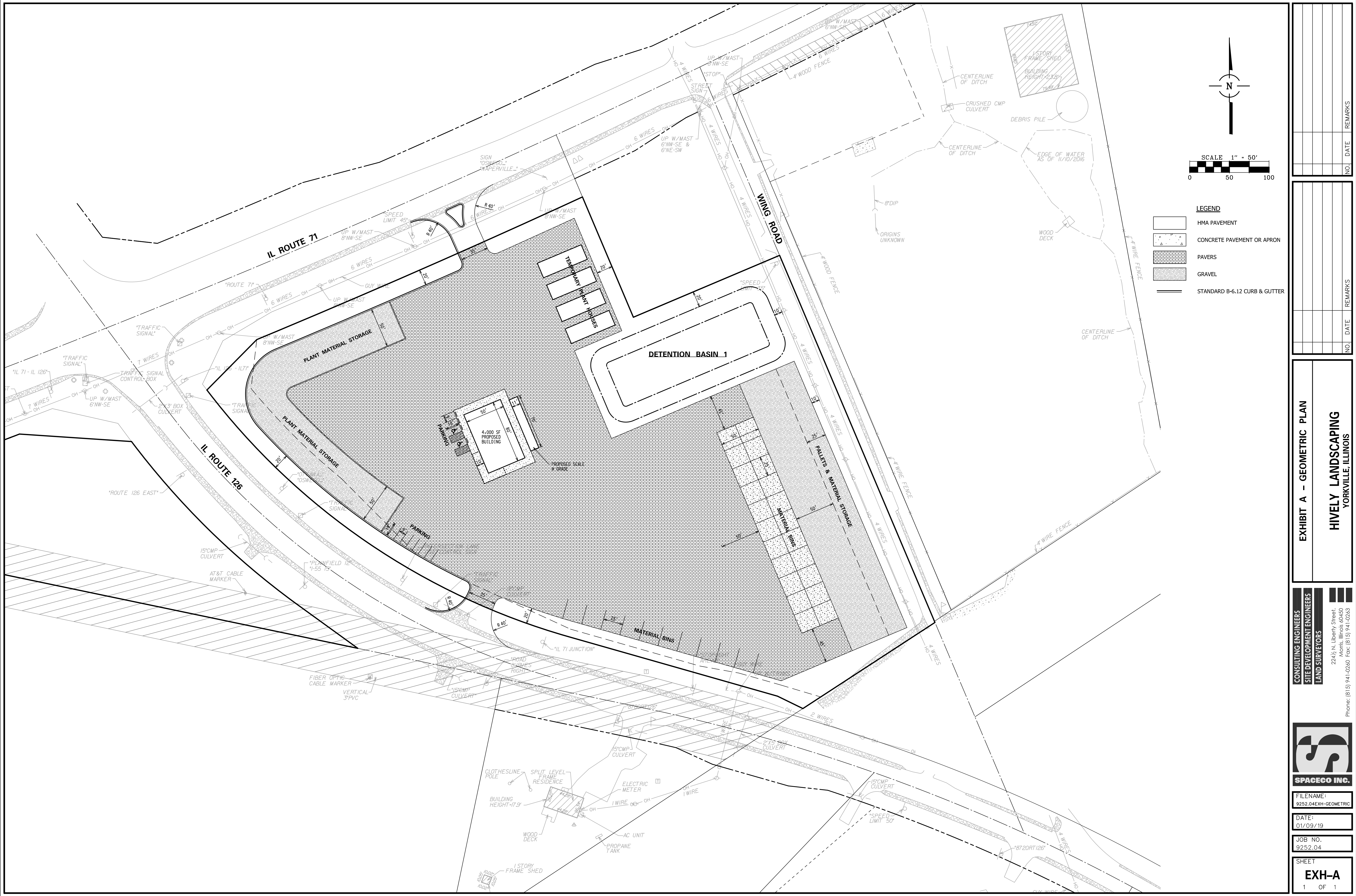


EXHIBIT A - GEOMETRIC PLAN

HIVELY LANDSCAPING  
YORKVILLE, ILLINOIS

CONSULTING ENGINEERS  
SITE DEVELOPMENT ENGINEERS  
LAND SURVEYORS

22 1/2 N. Liberty Street,  
Morris, Illinois 60450  
Phone: (815) 941-0260 Fax: (815) 941-0263



FILENAME:  
9252.04EXH-GEOMETRIC

DATE:  
01/09/19

JOB NO.  
9252.04

SHEET  
EXH-A

1 OF 1



United City of Yorkville  
800 Game Farm Road  
Yorkville, Illinois, 60560  
Telephone: 630-553-4350  
Fax: 630-553-7575  
Website: www.yorkville.il.us

# APPLICATION FOR REZONING

INVOICE & WORKSHEET PETITION APPLICATION			
CONCEPT PLAN REVIEW	<input type="checkbox"/> Engineering Plan Review deposit	\$500.00	Total: \$
AMENDMENT	<input type="checkbox"/> Annexation <input type="checkbox"/> Plan <input type="checkbox"/> Plat <input type="checkbox"/> P.U.D.	\$500.00 \$500.00 \$500.00 \$500.00	Total: \$
ANNEXATION	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres  _____ - 5 = _____ x \$10 = _____ + \$250 = \$ _____ # of Acres                      Acres over 5                      Amount for Extra Acres                      Total Amount		Total: \$
REZONING	<input checked="" type="checkbox"/> \$200.00 + \$10 per acre for each acre over 5 acres <i>If annexing and rezoning, charge only 1 per acre fee; if rezoning to a PUD, charge PUD Development Fee - not Rezoning Fee</i>  _____ 8.35 - 5 = _____ 3.35 x \$10 = _____ 33.5 + \$200 = \$ _____ 233.5 # of Acres                      Acres over 5                      Amount for Extra Acres                      Total Amount		Total: \$ 233.5
SPECIAL USE	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres  _____ - 5 = _____ x \$10 = _____ + \$250 = \$ _____ # of Acres                      Acres over 5                      Amount for Extra Acres                      Total Amount		Total: \$
ZONING VARIANCE	<input type="checkbox"/> \$85.00 + \$500.00 outside consultants deposit		Total: \$
PRELIMINARY PLAN FEE	<input type="checkbox"/> \$500.00		Total: \$
PUD FEE	<input type="checkbox"/> \$500.00		Total: \$
FINAL PLAT FEE	<input type="checkbox"/> \$500.00		Total: \$
ENGINEERING PLAN REVIEW DEPOSIT	<input type="checkbox"/> Less than 1 acre <input type="checkbox"/> Over 1 acre, less than 10 acres <input type="checkbox"/> Over 10 acres, less than 40 acres <input type="checkbox"/> Over 40 acres, less than 100 acres <input type="checkbox"/> Over 100 acres	\$1,000.00 \$2,500.00 \$5,000.00 \$10,000.00 \$20,000.00	Total: \$
OUTSIDE CONSULTANTS DEPOSIT	<i>Legal, land planner, zoning coordinator, environmental services</i> For Annexation, Subdivision, Rezoning, and Special Use: <input type="checkbox"/> Less than 2 acres <input checked="" type="checkbox"/> Over 2 acres, less than 10 acres <input type="checkbox"/> Over 10 acres	\$1,000.00 \$2,500.00 \$5,000.00	Total: \$ 2500.00
TOTAL AMOUNT DUE:			2,733.50



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Fax: 630-553-7575  
Website: [www.yorkville.il.us](http://www.yorkville.il.us)

# APPLICATION FOR REZONING

DATE:	PZC NUMBER:	DEVELOPMENT NAME:	
<b>PETITIONER INFORMATION</b>			
NAME: Matthew C. Hively		COMPANY:	
MAILING ADDRESS: 1451 Johnson Rd			
CITY, STATE, ZIP: Oswego, IL 60543		TELEPHONE: 630-675-4511	
EMAIL: <a href="mailto:info@hivelylandscaping.com">info@hivelylandscaping.com</a>		FAX:	
<b>PROPERTY INFORMATION</b>			
NAME OF HOLDER OF LEGAL TITLE: First Midwest Bank through its holding company Synergy Property Holdings, LLC			
IF LEGAL TITLE IS HELD BY A LAND TRUST, LIST THE NAMES OF ALL HOLDERS OF ANY BENEFICIAL INTEREST THEREIN:			
PROPERTY STREET ADDRESS: No street address assigned			
DESCRIPTION OF PROPERTY'S PHYSICAL LOCATION: On Route 71 near the corner of Illinois Route 71 and Illinois Route 126			
CURRENT ZONING CLASSIFICATION: PUD w/underlying R-4 & B-3 zoning		REQUESTED ZONING CLASSIFICATION: A-1	
COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION: Estate/Conservation Residential		TOTAL ACREAGE: 8.35	
<b>ZONING AND LAND USE OF SURROUNDING PROPERTIES</b>			
NORTH: IL Rte 71 A-1 Zoning Unincorporated Kendall County			
EAST: A-1 Special Use (Unincorporated Kendall County) A-1 Unincorporated Kendall County) PUD - City of Yorkville (Windmill Farm)			
SOUTH: R-2 and R-2D (City of Yorkville) Raintree Village Subdivision A-1 (Unincorporated Kendall County) PUD (City of Yorkville) (Hillside Farm)			
WEST: PUD (City of Yorkville) Windmill Farms B-2 (City of Yorkville)			
<b>KENDALL COUNTY PARCEL IDENTIFICATION NUMBER(S)</b>			
05-03-200-022	formerly 05-03-300-015		



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# APPLICATION FOR REZONING

## ATTORNEY INFORMATION

NAME: Theresa Dollinger

COMPANY: Castle Law, LLC

MAILING ADDRESS: 822 129th Infantry Drive Suite104

CITY, STATE, ZIP: Joliet, Illinois 60435

TELEPHONE: 815-744-6550

EMAIL: [tdollinger@castlelaw.com](mailto:tdollinger@castlelaw.com)

FAX:

## ENGINEER INFORMATION

NAME:

COMPANY:

MAILING ADDRESS:

CITY, STATE, ZIP:

TELEPHONE:

EMAIL:

FAX:

## LAND PLANNER/SURVEYOR INFORMATION

NAME:

COMPANY:

MAILING ADDRESS:

CITY, STATE, ZIP:

TELEPHONE:

EMAIL:

FAX:

## ATTACHMENTS

Petitioner must attach a legal description of the property to this application and title it as "Exhibit A".

Petitioner must list the names and addresses of any adjoining or contiguous landowners within five hundred (500) feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".





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# APPLICATION FOR REZONING

## REZONING STANDARDS

PLEASE STATE THE EXISTING ZONING CLASSIFICATION(S) AND USES OF THE PROPERTY WITHIN THE GENERAL AREA OF THE PROPOSED REZONED PROPERTY:

Current zoning is PUD with underlying R-4 and B-3 zoning districts as part of the Windmill Farms Development. Property is currently be used as farmland.

PLEASE STATE THE TREND OF DEVELOPMENT, IF ANY, IN THE GENERAL AREA OF THE PROPERTY IN QUESTION, INCLUDING CHANGES, IF ANY, WHICH HAVE TAKEN PLACE SINCE THE DAY THE PROPERTY IN QUESTION WAS PLACED IN ITS PRESENT ZONING CLASSIFICATION:

The trend of development has been stalled since the approval of the PUD in 2008. All surrounding land is still being utilized for agriculture and a church has occupied the nearby existing building within the Windmill Farms PUD.

PLEASE STATE THE EXTENT TO WHICH PROPERTY VALUES ARE DIMINISHED BY THE PARTICULAR ZONING RESTRICTIONS:

The value of the property is diminished due to the lack of any activity and development.

PLEASE STATE THE EXTENT TO WHICH THE DESTRUCTION OF PROPERTY VALUES OF PETITIONER PROMOTES THE HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE PUBLIC:

The property will be used for growing plants and native materials to support the garden center that Petitioner will build and operate at the corner of Routes 126 and 71. Petitioner may construct an accessory building for storage of equipment and materials. The proposed zoning of A-1 and proposed use is consistent with the current use of the property as farmland. The agricultural uses that support the nursery and garden center will contribute to the welfare of the public by offering the citizens of Yorkville and the surrounding communities a vibrant and informational setting to purchase all their landscape and garden needs. We plan to be an active member of the Yorkville Community. Our primary operation will be seasonal.

The corner lot having PIN 05-03-300-001 may be used as a potential showroom to support the garden center.





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# APPLICATION FOR REZONING

## REZONING STANDARDS

PLEASE STATE THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT AS ZONED CONSIDERED IN THE CONTEXT OF LAND DEVELOPMENT IN THE AREA IN THE VICINITY OF THE SUBJECT PROPERTY:

The property has remained vacant since at least 2008 when the Planned Unit Development was approved.

PLEASE STATE THE COMMUNITY NEED FOR THE PROPOSED LAND USE:

The proposed zoning is consistent with the property's current use. The proposed use is necessary to support the nearby landscaping business and supply store, which will be a direct benefit to the community by providing business development of a long-standing vacant property at the intersection of two major highways.

WITH RESPECT TO THE SUBJECT PROPERTY, PLEASE STATE THE CARE WITH WHICH THE COMMUNITY HAS UNDERTAKEN TO PLAN ITS LAND USE DEVELOPMENT:

The City has recently updated its Comprehensive Plan 2016 which designates the future land use for this property (at least in 10-year horizon) as Estate/Conservation Residential (ECR).

PLEASE STATE THE IMPACT THAT SUCH RECLASSIFICATION WILL HAVE UPON TRAFFIC AND TRAFFIC CONDITIONS ON SAID ROUTES; THE EFFECT, IF ANY, SUCH RECLASSIFICATION AND/OR ANNEXATION WOULD HAVE UPON EXISTING ACCESSES TO SAID ROUTES; AND THE IMPACT OF ADDITIONAL ACCESSSES AS REQUESTED BY THE PETITIONER UPON TRAFFIC AND TRAFFIC CONDITIONS AND FLOW ON SAID ROUTES (ORD. 1976-43, 11-4-1976):

The proposed use will not impact the current traffic conditions as the property will continue to be used for agricultural purposes.



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# APPLICATION FOR REZONING

## REZONING STANDARDS

PLEASE STATE THE RELATIVE GAIN TO THE PUBLIC AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL PROPERTY OWNER:

The property will be used to grow plants and native materials. As the property is currently being farmed, the proposed zoning is consistent with the current use and will not impose a hardship on any surrounding property owners. The plants grown on the property will be used to support the nearby garden center and landscape supply store. The close proximity of the agricultural land to the garden center will allow for a low impact and sustainable business operation.

PLEASE STATE THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE ZONED PURPOSES:

The location is at the intersection of two State highways ( IL Rt 126 and IL Rt 71) which are suitable for business development.

## AGREEMENT

I VERIFY THAT ALL THE INFORMATION IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND AND ACCEPT ALL REQUIREMENTS AND FEES AS OUTLINED AS WELL AS ANY INCURRED ADMINISTRATIVE AND PLANNING CONSULTANT FEES WHICH MUST BE CURRENT BEFORE THIS PROJECT CAN PROCEED TO THE NEXT SCHEDULED COMMITTEE MEETING.

I UNDERSTAND ALL OF THE INFORMATION PRESENTED IN THIS DOCUMENT AND UNDERSTAND THAT IF AN APPLICATION BECOMES DORMANT IT IS THROUGH MY OWN FAULT AND I MUST THEREFORE FOLLOW THE REQUIREMENTS OUTLINED ABOVE.

Matt Swily 12/6/18  
PETITIONER SIGNATURE as a the subject DATE

OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.

Synergy Property Holdings, LLC  
Amanda Parobek 12-6-18  
OWNER SIGNATURE Amanda Parobek JAVP DATE

At Petitioner's sole cost.

**THIS APPLICATION MUST BE  
NOTARIZED PLEASE NOTARIZE HERE:**





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Fax: 630-553-7575  
Website: www.yorkville.il.us

## PETITIONER DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

PROJECT NUMBER: Matthew Hively	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS:
APPLICATION/APPROVAL TYPE (check appropriate box(es) of approval requested):		
<input type="checkbox"/> CONCEPT PLAN REVIEW	<input type="checkbox"/> AMENDMENT (TEXT)	<input type="checkbox"/> ANNEXATION
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MILE AND 1/2 REVIEW	<input type="checkbox"/> ZONING VARIANCE
<input type="checkbox"/> FINAL PLANS	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT	<input type="checkbox"/> FINAL PLAT
<input checked="" type="checkbox"/> REZONING		
<input type="checkbox"/> PRELIMINARY PLAN		
PETITIONER DEPOSIT ACCOUNT FUND: It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the <b>INVOICE &amp; WORKSHEET PETITION APPLICATION</b> . This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.		
<b>ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY</b>		
NAME: Matthew Hively		COMPANY:
MAILING ADDRESS: 1451 Johnson Road		
CITY, STATE, ZIP: Oswego, Illinois 60543		TELEPHONE: 630-675-4511
EMAIL: info@hivelylandscaping, Inc.		FAX: 815-436-2775
FINANCIALLY RESPONSIBLE PARTY: I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/ Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.		
Matthew Hively		
PRINT NAME		TITLE
		12/0/18
SIGNATURE		DATE
<b>ACCOUNT CLOSURE AUTHORIZATION</b>		
DATE REQUESTED: _____	<input type="checkbox"/> COMPLETED	<input type="checkbox"/> INACTIVE
PRINT NAME: _____	<input type="checkbox"/> WITHDRAWN	<input type="checkbox"/> COLLECTIONS
SIGNATURE: _____	<input type="checkbox"/> OTHER	
DEPARTMENT ROUTING FOR AUTHORIZATION:	<input type="checkbox"/> COM. DEV.	<input type="checkbox"/> BUILDING
	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> FINANCE
	<input type="checkbox"/> ADMIN.	

### **PARCEL 3**

That part of the Northeast quarter of Section 3, Township 36 North, range 7 East of the third principal meridian described as follows: Beginning at the Southwest corner of said Northeast quarter; thence North 01 degrees 34 minutes 52 seconds West along the West line of said Northeast quarter 245.12 feet; thence South 84 degrees 27 minutes 30 seconds East 198.51 feet; thence North 00 degrees 42 minutes 30 seconds West 423.02 feet to the center line of Illinois State Route No. 71; thence North 60 degrees 02 minutes 30 seconds East along said center line 472.59 feet to a line drawn North 00 degrees 10 minutes 48 seconds East parallel with the West line of said Northeast  $\frac{1}{4}$ , from a point on the South line of said Northeast  $\frac{1}{4}$  which is 598.62 feet Easterly of the Southwest corner of said Northeast  $\frac{1}{4}$ ; thence South 00 degrees 10 minutes 48 seconds West along said parallel line 880.56 feet to said South line; thence South 89 degrees 34 minutes 48 seconds West along said South line 598.62 feet to the point of beginning, being a portion of a larger parcel of land described as parcel 3 in Quit Claim Deed recorded on April 24, 2017 as Document 2001700006075, in Kendall County, Illinois.

# ADJOINING PROPERTY OWNERS

PIN: 05-03-200-022 (old PIN 05-03-300-015)

Property Owner & Address	PIN for 2018
Gospel Assembly Church Oswego 7090 Rte. 34 Oswego, IL 60543	05-03-200-020
Steven J. Wallis Margaret Weiland 8614 Rt. 71 Yorkville, IL 60560	05-03-400-002 (previously 05-03-200-010)
Restore Church Inc. dba Oswego Family Church, Inc. 1104 Redwood Rd. Yorkville, IL 60560	05-03-300-029 (previously 05-03-200-010)
Steven J. Wallis Margaret Weiland 8614 Rt. 71 Yorkville, IL 60560	05-03-200-023
Charles Mackinnon Roberta Richmond Living Trust c/o CAPS 801 Warrenville Rd., Ste. 150 Lisle, IL 60532	05-03-100-004
Charles Mackinnon Roberta Richmond Living Trust c/o CAPS 801 Warrenville Rd., Ste. 150 Lisle, IL 60532	05-03-200-001







United City of Yorkville  
800 Game Farm Road  
Yorkville, Illinois, 60560  
Telephone: 630-553-4350  
Fax: 630-553-7575  
Website: www.yorkville.il.us

# APPLICATION FOR REZONING

INVOICE & WORKSHEET PETITION APPLICATION			
<b>CONCEPT PLAN REVIEW</b>	<input type="checkbox"/> Engineering Plan Review deposit	\$500.00	Total: \$
<b>AMENDMENT</b>	<input type="checkbox"/> Annexation <input type="checkbox"/> Plan <input type="checkbox"/> Plat <input type="checkbox"/> P.U.D.	\$500.00 \$500.00 \$500.00 \$500.00	Total: \$
<b>ANNEXATION</b>	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres  _____ - 5 = _____ x \$10 = _____ + \$250 = \$ _____ # of Acres                      Acres over 5                      Amount for Extra Acres                      Total Amount		Total: \$
<b>REZONING</b>	<input checked="" type="checkbox"/> \$200.00 + \$10 per acre for each acre over 5 acres <i>If annexing and rezoning, charge only 1 per acre fee; if rezoning to a PUD, charge PUD Development Fee - not Rezoning Fee</i>  7.86 - 5 = 2.86 x \$10 = 28.6 + \$200 = \$ 228.6 # of Acres                      Acres over 5                      Amount for Extra Acres                      Total Amount		Total: \$ 228.6
<b>SPECIAL USE</b>	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres  _____ - 5 = _____ x \$10 = _____ + \$250 = \$ _____ # of Acres                      Acres over 5                      Amount for Extra Acres                      Total Amount		Total: \$
<b>ZONING VARIANCE</b>	<input type="checkbox"/> \$85.00 + \$500.00 outside consultants deposit		Total: \$
<b>PRELIMINARY PLAN FEE</b>	<input type="checkbox"/> \$500.00		Total: \$
<b>PUD FEE</b>	<input type="checkbox"/> \$500.00		Total: \$
<b>FINAL PLAT FEE</b>	<input type="checkbox"/> \$500.00		Total: \$
<b>ENGINEERING PLAN REVIEW DEPOSIT</b>	<input type="checkbox"/> Less than 1 acre <input checked="" type="checkbox"/> Over 1 acre, less than 10 acres <input type="checkbox"/> Over 10 acres, less than 40 acres <input type="checkbox"/> Over 40 acres, less than 100 acres <input type="checkbox"/> Over 100 acres	\$1,000.00 \$2,500.00 \$5,000.00 \$10,000.00 \$20,000.00	Total: \$ 2500.00
<b>OUTSIDE CONSULTANTS DEPOSIT</b>	<i>Legal, land planner, zoning coordinator, environmental services</i> For Annexation, Subdivision, Rezoning, and Special Use: <input type="checkbox"/> Less than 2 acres <input checked="" type="checkbox"/> Over 2 acres, less than 10 acres <input type="checkbox"/> Over 10 acres		Total: \$ 2500.00
<b>TOTAL AMOUNT DUE:</b>			5,228.6



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# APPLICATION FOR REZONING

DATE:	PZC NUMBER:	DEVELOPMENT NAME:	
<b>PETITIONER INFORMATION</b>			
NAME: Matthew C. Hively		COMPANY:	
MAILING ADDRESS: 1451 Johnson Rd			
CITY, STATE, ZIP: Oswego, IL 60543		TELEPHONE: 630-675-4511	
EMAIL: <a href="mailto:info@hivelylandscaping.com">info@hivelylandscaping.com</a>		FAX:	
<b>PROPERTY INFORMATION</b>			
NAME OF HOLDER OF LEGAL TITLE: First Midwest Bank through its holding company Synergy Property Holdings, LLC			
IF LEGAL TITLE IS HELD BY A LAND TRUST, LIST THE NAMES OF ALL HOLDERS OF ANY BENEFICIAL INTEREST THEREIN:			
PROPERTY STREET ADDRESS: No street address assigned			
DESCRIPTION OF PROPERTY'S PHYSICAL LOCATION: Corner of Illinois Route 71 and Illinois Route 126			
CURRENT ZONING CLASSIFICATION: PUD w/underlying R-4 & B-3 zoning		REQUESTED ZONING CLASSIFICATION: B-3	
COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION: Estate/Conservation Residential		TOTAL ACREAGE: 7.86	
<b>ZONING AND LAND USE OF SURROUNDING PROPERTIES</b>			
NORTH: IL Rte 71 A-1 Zoning Unincorporated Kendall County			
EAST: A-1 Special Use (Unincorporated Kendall County) A-1 Unincorporated Kendall County) PUD - City of Yorkville (Windmill)			
SOUTH: R-2 and R-2D (City of Yorkville) Raintree Village Subdivision A-1 (Unincorporated Kendall County) PUD (City of Yorkville)			
WEST: PUD (City of Yorkville) Windmill Farms B-2 (City of Yorkville)			
<b>KENDALL COUNTY PARCEL IDENTIFICATION NUMBER(S)</b>			
05-03-300-021	05-03-300-001	05-03-300-027	



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# APPLICATION FOR REZONING

## ATTORNEY INFORMATION

NAME: Theresa Dollinger

COMPANY: Castle Law, LLC

MAILING ADDRESS: 822 129th Infantry Drive Suite104

CITY, STATE, ZIP: Joliet, Illinois 60435

TELEPHONE: 815-744-6550

EMAIL: [tdollinger@castlelaw.com](mailto:tdollinger@castlelaw.com)

FAX:

## ENGINEER INFORMATION

NAME:

COMPANY:

MAILING ADDRESS:

CITY, STATE, ZIP:

TELEPHONE:

EMAIL:

FAX:

## LAND PLANNER/SURVEYOR INFORMATION

NAME:

COMPANY:

MAILING ADDRESS:

CITY, STATE, ZIP:

TELEPHONE:

EMAIL:

FAX:

## ATTACHMENTS

Petitioner must attach a legal description of the property to this application and title it as "Exhibit A".

Petitioner must list the names and addresses of any adjoining or contiguous landowners within five hundred (500) feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".



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Website: [www.yorkville.il.us](http://www.yorkville.il.us)

# APPLICATION FOR REZONING

## REZONING STANDARDS

PLEASE STATE THE EXISTING ZONING CLASSIFICATION(S) AND USES OF THE PROPERTY WITHIN THE GENERAL AREA OF THE PROPOSED REZONED PROPERTY:

Current zoning is PUD with underlying R-4 and B-3 zoning districts as part of the Windmill Farms Development. Property is currently be used as farmland.

PLEASE STATE THE TREND OF DEVELOPMENT, IF ANY, IN THE GENERAL AREA OF THE PROPERTY IN QUESTION, INCLUDING CHANGES, IF ANY, WHICH HAVE TAKEN PLACE SINCE THE DAY THE PROPERTY IN QUESTION WAS PLACED IN ITS PRESENT ZONING CLASSIFICATION:

The trend of development has been stalled since the approval of the PUD in 2008. All surrounding land is still being utilized for agriculture and a church has occupied the nearby existing building within the Windmill Farms PUD.

PLEASE STATE THE EXTENT TO WHICH PROPERTY VALUES ARE DIMINISHED BY THE PARTICULAR ZONING RESTRICTIONS:

The value of the property is diminished due to the lack of any activity and development.

PLEASE STATE THE EXTENT TO WHICH THE DESTRUCTION OF PROPERTY VALUES OF PETITIONER PROMOTES THE HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE PUBLIC:

We plan to develop a dynamic retail operation including a nursery and garden center offering the citizens of Yorkville and the surrounding communities a vibrant and informational setting to purchase all their landscape and garden needs. We plan to be an active member of the Yorkville Community. Our primary retail operation will be seasonal.

The corner lot having PIN 05-03-300-001 may be used as a potential showroom to support the garden center.





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# APPLICATION FOR REZONING

## REZONING STANDARDS

PLEASE STATE THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT AS ZONED CONSIDERED IN THE CONTEXT OF LAND DEVELOPMENT IN THE AREA IN THE VICINITY OF THE SUBJECT PROPERTY:

The property has remained vacant since at least 2008 when the Planned Unit Development was approved.

PLEASE STATE THE COMMUNITY NEED FOR THE PROPOSED LAND USE:

We plan to develop a viable small business to enhance the community. We will contribute to and increase the City's real estate and sales tax base. Given the nature of our business as a landscape supply store, our entire property will serve as our business showroom and we will maintain the property to the highest standard.

WITH RESPECT TO THE SUBJECT PROPERTY, PLEASE STATE THE CARE WITH WHICH THE COMMUNITY HAS UNDERTAKEN TO PLAN ITS LAND USE DEVELOPMENT:

The City has recently updated its Comprehensive Plan 2016 which designates the future land use for this property (at least in 10-year horizon) as Estate/Conservation Residential (ECR).

PLEASE STATE THE IMPACT THAT SUCH RECLASSIFICATION WILL HAVE UPON TRAFFIC AND TRAFFIC CONDITIONS ON SAID ROUTES; THE EFFECT, IF ANY, SUCH RECLASSIFICATION AND/OR ANNEXATION WOULD HAVE UPON EXISTING ACCESSES TO SAID ROUTES; AND THE IMPACT OF ADDITIONAL ACCESSES AS REQUESTED BY THE PETITIONER UPON TRAFFIC AND TRAFFIC CONDITIONS AND FLOW ON SAID ROUTES (ORD. 1976-43, 11-4-1976):

The traffic impact will be minor and will primarily include traffic from customers to our retail operation. The nursery will maintain a minimal amount of staff, which will be and supplemented by existing staff at the retail location. Our project includes submission of an application to the Illinois Department of Transportation for two (2) points of access including one on Route 126 and one on Route 71. We will comply with d-cell and all turn lane requirements so as not to impede the existing traffic flow. One drive on parcel #7 (Nursery) and one drive for the small #8 parcel (located where existing drive)



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# APPLICATION FOR REZONING

## REZONING STANDARDS

PLEASE STATE THE RELATIVE GAIN TO THE PUBLIC AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL PROPERTY OWNER:

Our customer friendly Garden Center and Landscape Supply store will be a positive contribution to the community. We will operate seasonally and maintain regular business hours which will not disrupt the surrounding community. As a small business, we invest in the communities we are a part of and plan on playing an active role in the community and supporting local businesses. As a landscape company, we take pride in our business' appearance and understand the concept of low impact since our product is primarily natural. We are conscience of our impact on our neighbors and the community.

PLEASE STATE THE SUITABILITY OF THE SUBJECT PROPERTY FOR THE ZONED PURPOSES:

The location is at the intersection of two State highways ( IL Rt 126 and IL Rt 71) which are suitable for business development.

## AGREEMENT

I VERIFY THAT ALL THE INFORMATION IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND AND ACCEPT ALL REQUIREMENTS AND FEES AS OUTLINED AS WELL AS ANY INCURRED ADMINISTRATIVE AND PLANNING CONSULTANT FEES WHICH MUST BE CURRENT BEFORE THIS PROJECT CAN PROCEED TO THE NEXT SCHEDULED COMMITTEE MEETING.

I UNDERSTAND ALL OF THE INFORMATION PRESENTED IN THIS DOCUMENT AND UNDERSTAND THAT IF AN APPLICATION BECOMES DORMANT IT IS THROUGH MY OWN FAULT AND I MUST THEREFORE FOLLOW THE REQUIREMENTS OUTLINED ABOVE.

PETITIONER SIGNATURE

DATE

OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.

OWNER SIGNATURE

DATE

**THIS APPLICATION MUST BE  
NOTARIZED PLEASE NOTARIZE HERE:**



United City of Yorkville  
800 Game Farm Road  
Yorkville, Illinois, 60560  
Telephone: 630-553-4350  
Fax: 630-553-7575  
Website: www.yorkville.il.us

## PETITIONER DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

PROJECT NUMBER: Matthew Hively	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS:
APPLICATION/APPROVAL TYPE (check appropriate box(es) of approval requested):		
<input type="checkbox"/> CONCEPT PLAN REVIEW	<input type="checkbox"/> AMENDMENT (TEXT)	<input type="checkbox"/> ANNEXATION
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MILE AND 1/2 REVIEW	<input type="checkbox"/> ZONING VARIANCE
<input type="checkbox"/> FINAL PLANS	<input type="checkbox"/> PLANNED UNIT DEVELOPMENT	<input type="checkbox"/> FINAL PLAT
<input checked="" type="checkbox"/> REZONING		
<input type="checkbox"/> PRELIMINARY PLAN		
PETITIONER DEPOSIT ACCOUNT FUND: It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the <b>INVOICE &amp; WORKSHEET PETITION APPLICATION</b> . This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.		
<b>ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY</b>		
NAME: Matthew Hively	COMPANY:	
MAILING ADDRESS: 1451 Johnson Road		
CITY, STATE, ZIP: Oswego, Illinois 60543	TELEPHONE: 630-675-4511	
EMAIL: info@hivelylandscaping, Inc.	FAX: 815-436-2775	
FINANCIALLY RESPONSIBLE PARTY: I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/ Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.		
Matthew Hively	Petitioner	
PRINT NAME	TITLE	
SIGNATURE	DATE	
<b>ACCOUNT CLOSURE AUTHORIZATION</b>		
DATE REQUESTED: _____	<input type="checkbox"/> COMPLETED	<input type="checkbox"/> INACTIVE
PRINT NAME: _____	<input type="checkbox"/> WITHDRAWN	<input type="checkbox"/> COLLECTIONS
SIGNATURE: _____	<input type="checkbox"/> OTHER	
DEPARTMENT ROUTING FOR AUTHORIZATION:	<input type="checkbox"/> COM. DEV.	<input type="checkbox"/> BUILDING
	<input type="checkbox"/> ENGINEERING	<input type="checkbox"/> FINANCE
	<input type="checkbox"/> ADMIN.	

## **PARCEL 8**

That part of the Southwest quarter of Section 3, Township 36 North, Range 7 East of the third principal meridian, described as follows: Commencing at the Southwest corner of said Southwest quarter; thence North 00 degrees 08 minutes 14 seconds West along the West line of said Southwest quarter, 1,995.75 feet to the center line of Illinois State Route No. 71; thence North 71 degrees 23 minutes 59 seconds East along said center line 30.45 feet to the point of intersection of said center line with center line of Illinois State Route No. 126 for the point of beginning; thence North 71 degrees 23 minutes 59 seconds East along said Route 71 center line 230.67 feet to a point of curvature; thence Northeasterly along a curve to the left having a radius of 11,459.20 feet which is tangent to the last described course at the last described point at the last description point, 1,141.60 feet to the intersection with the center line extended Northwesterly of Wing Road; thence South 21 degrees 30 minutes 13 seconds East along said Wing Road center line 761.0 feet; thence South 58 degrees 16 minutes 47 seconds West 265.38 feet to said Route 126 center line; thence Northwesterly along said Route 126 center line being along a curve to the left and having a radius of 2292.01 feet which is tangent to a line drawn North 72 degrees 57 minutes 06 seconds West from the last described point 147.83 feet; thence North 76 degrees 38 minutes 49 seconds West along said Route 126 center line 850.98 feet thence Northwesterly along said Route 126 center line being along a curve to the right and having a radius of 2,148.79 feet which is tangent to the last described course at the last described point, 383.53 feet to the point of beginning,

Excepting therefrom that part described as follows: that part of the Southwest quarter of Section 3, Township 36 North, Range 7 East of the third principal meridian described as follows:

Commencing at the Southwest corner of said Southwest quarter; thence North 00 degrees 08 minutes 14 seconds West along the West line of said Southwest quarter 1,995.75 feet to the center line of Illinois State Route 71; thence North 71 degrees 23 minutes 59 seconds East along said Route 71 center line 261.12 feet to a point of curvature; thence Northeasterly along a curve to the left having a radius of 11,459.20 feet which is tangent to the last described course 1,141.60 feet to the intersection with the center line extended Northwesterly of Wing Road for the point of beginning; thence South 21 degrees 30 minutes 13 seconds East along said Wing Road center line 258.05 feet; thence South 68 degrees 29 minutes 47 seconds West 200.0 feet; thence North 21 degrees 30 minutes 13 seconds West parallel with said Wing Road center line 250.0 feet to said Route 71 center line; thence Northeasterly along said Route 71 center line 200.16 feet to the point of beginning, in the United City of Yorkville, Kendall County, Illinois.

And also excepting, that part of the Southwest quarter of Section 3 in Township 36 North, Range 7 East of the third principal meridian, Kendall County, Illinois, described as follows with bearings referenced to the Illinois State Plane Coordinate System East Zone (NAD83); commencing at the Southwest corner of the Southwest quarter of said Section 3; thence North 01 degree 35 minutes 30 seconds West, 1995.04 feet along the West line of said Southwest quarter to the centerline of a public highway designated Il 71; thence North 69 degrees 55 minutes 19 seconds East, 31.52 feet along said centerline to the point of beginning, from the point of beginning; thence North 69 degrees 55 minutes 19 seconds East, 230.66 feet along said centerline; thence Northeasterly, 940.58 feet along an 11,479.02 foot radius curve to the left having a chord bearing North 67



degrees 34 minutes 29 seconds East, 940.31 feet; thence South 22 degrees 56 minutes 31 seconds East, 60.03 feet; thence Southwesterly, 418.10 feet on an 11,539.02 foot radius curve to the right having a chord bearing South 66 degrees 16 minutes 29 seconds West, 418.08 feet; thence South 59 degrees 24 minutes 09 seconds West, 71.10 feet; thence South 25 degrees 14 minutes 24 seconds West, 60.52 feet; thence Southeasterly, 570.87 feet on an 875.00 foot radius curve to the left having a chord bearing South 55 degrees 22 minutes 46 seconds East, 560.80 feet; thence South 74 degrees 04 minutes 13 seconds East, 274.41 feet; thence South 64 degrees 05 minutes 29 seconds East, 35.85 feet; thence South 56 degrees 49 minutes 00 seconds West 64.56 feet to the center line of a public highway designated IL 126; thence Northwesterly, 162.08 feet on said centerline being a 2,291.64 foot radius curve to the left having a chord bearing North 76 degrees 16 minutes 12 seconds West, 162.05 feet thence North 78 degrees 17 minutes 46 seconds West, 357.37 feet on said centerline; thence North 53 degrees 52 minutes 46 seconds West, 96.76 feet to the existing Northerly right of way line of IL 126, thence Northwesterly, 297.03 feet on a 990.00 foot radius curve to the right having a chord bearing North 45 degrees 17 minutes 03 seconds West, 295.92 feet; thence North 36 degrees 39 minutes 21 seconds West, 23.77 feet; thence North 77 degrees 19 minutes 38 seconds West, 84.74 feet; thence South 69 degrees 03 minutes 36 seconds West, 100.61 feet; thence South 69 degrees 55 minutes 52 seconds West, 149.98 feet to the Southerly right of way line of said IL 71; thence South 65 degrees 32 minutes 40 seconds West, 113.94 feet to the centerline of said IL 126; thence Northwesterly, 119.55 feet on said centerline being a 2170.59 foot radius curve to the right having a chord bearing North 69 degrees 20 minutes 17 seconds West, 119.54 feet to the point of beginning.

Parcel 8A (included in parcel 8 but separated out for title vesting purposes only):

That part of the Southwest quarter of Section 3 in Township 36 North, Range 7 East of the third principal meridian, Kendall County, Illinois, described as follows with bearings referenced to the Illinois State Plane Coordinate System East Zone (NAD83): Commencing at the Southwest corner of the Southwest quarter of said section 3; thence North 01 degree 35 minutes 30 seconds West, 1995.04 feet along the West line of said Southwest quarter to the centerline of a public highway designated IL 71; thence North 69 degrees 55 minutes 19 seconds East, 31.52 feet along said centerline to the centerline of pavement SBI Route 66 (IL 126); thence South 69 degrees 20 minutes 17 seconds East, 119.54 feet along said centerline of pavement to the point of beginning; thence North 65 degrees 32 minutes 40 seconds East, 113.94 feet to the Southeasterly right of way line of FA Route 97 (IL 71); thence Southerly 44.66 feet on said right of way line being a 20.00 foot radius curve to the left whose chord bears South 03 degrees 27 minutes 31 seconds East, 35.94 feet to the Northeasterly existing right of way line of SBI Route 66 (IL 126); thence South 74 degrees 54 minutes 15 seconds East, 177.74 feet on said right of way line; thence South 78 degrees 17 minutes 46 seconds East, 376.03 feet on said right of way line; thence South 53 degrees 52 minutes 46 seconds East, 96.76 feet to the Centerline of SBI Route 66 (IL 126); thence North 78 degrees 17 minutes 46 seconds West, 464.15 feet along said centerline; thence Northwesterly 279.59 feet along the center pavement of SBI Route 66 (IL 126), being a 2,170.59 foot radius curve to the right whose chord bears North 74 degrees 36 minutes 21 seconds West, 279.40 feet to the point of beginning situated in Kendall County, Illinois.

## ADJOINING PROPERTY OWNERS

PIN: 05-03-300-039 (old PIN 05-03-300-021)

Property Owner & Address	2018 PIN
Scott and Beth Limberg 1625 Wing Rd. Yorkville, IL 60560	05-03-300-034
Restore Church, Inc. dba Oswego Family Church, Inc. 1104 Redwood Dr. Yorkville, Il 60560	05-03-300-031
Restore Church, Inc. dba Oswego Family Church, Inc. 1104 Redwood Dr. Yorkville, Il 60560	05-03-300-033
Restore Church, Inc. dba Oswego Family Church, Inc. 1104 Redwood Dr. Yorkville, Il 60560	05-03-300-029
Terrance Darcy 2022 Essington Rd. Joliet, IL 60435	05-03-300-008
Gail Brewer 6670 Wing Rd. Yorkville, IL 60560	05-03-300-009
Big Sky Management, LLC P.O. Box 565 Sugar Grove, IL 60554	05-03-300-007
Raintree Village HOA 5999 New Wilke Rd., Ste 108 Rolling Meadows, IL 60008	05-03-375-012
Synergy Property Holdings, LLC 1 PIERCE PL STE 1500 ITASCA, IL 60143	05-03-300-016
John W. Darcy P.O. Box 347 Plainfield, IL 60544	05-03-300-019

Synergy Property Holdings, LLC 1 Pierce Pl. Ste. 1500 Itasca, IL 60143	05-03-300-006
Synergy Property Holdings, LLC 1 Pierce Pl. Ste. 1500 Itasca, IL 60143	05-03-300-038
Charles Mackinnon Roberta Richmond Living Trust c/o CAPS 801 Warrenville Rd., Ste. 150 Lisle, IL 60532	05-03-100-005
Synergy Property Holdings, LLC 1 Pierce Pl. Ste. 1500 Itasca, IL 60143	05-03-300-035 (Previously 05-03-300-001)

## ADJOINING PROPERTY OWNERS

PIN: 05-03-300-035 (old PIN 05-03-300-001)

























































Property Owner & Address	PIN for 2018
Synergy Property Holdings, LLC 8780 Rt. 126 Yorkville, IL 60560	05-03-300-006
Synergy Property Holdings, LLC 8780 Rt. 126 Yorkville, IL 60560	05-03-300-038
Synergy Property Holdings, LLC 8780 Rt. 126 Yorkville, IL 60560	05-03-300-037
Edward Health Ventures 27555 Diehl Rd., Ent. E Warrenville, IL 60555	05-04-400-016
Lawrence R. Penn 7249 Whitfield Rd. Newark, IL 60541	05-04-400-004
Charles Mackinnon Roberta Richmond Living Trust c/o CAPS 801 Warrenville Rd., Ste. 150 Lisle, IL 60532	05-03-100-005
Country Hills Subdivision, LLC 24W315 Pinoak Ln. Naperville, IL 60540	05-04-431-002
John W. Darcy P.O. Box 347 Plainfield, IL 60544	05-03-300-019
Synergy Property Holdings, LLC 8780 Rt. 126 Yorkville, IL 60560	05-03-300-039



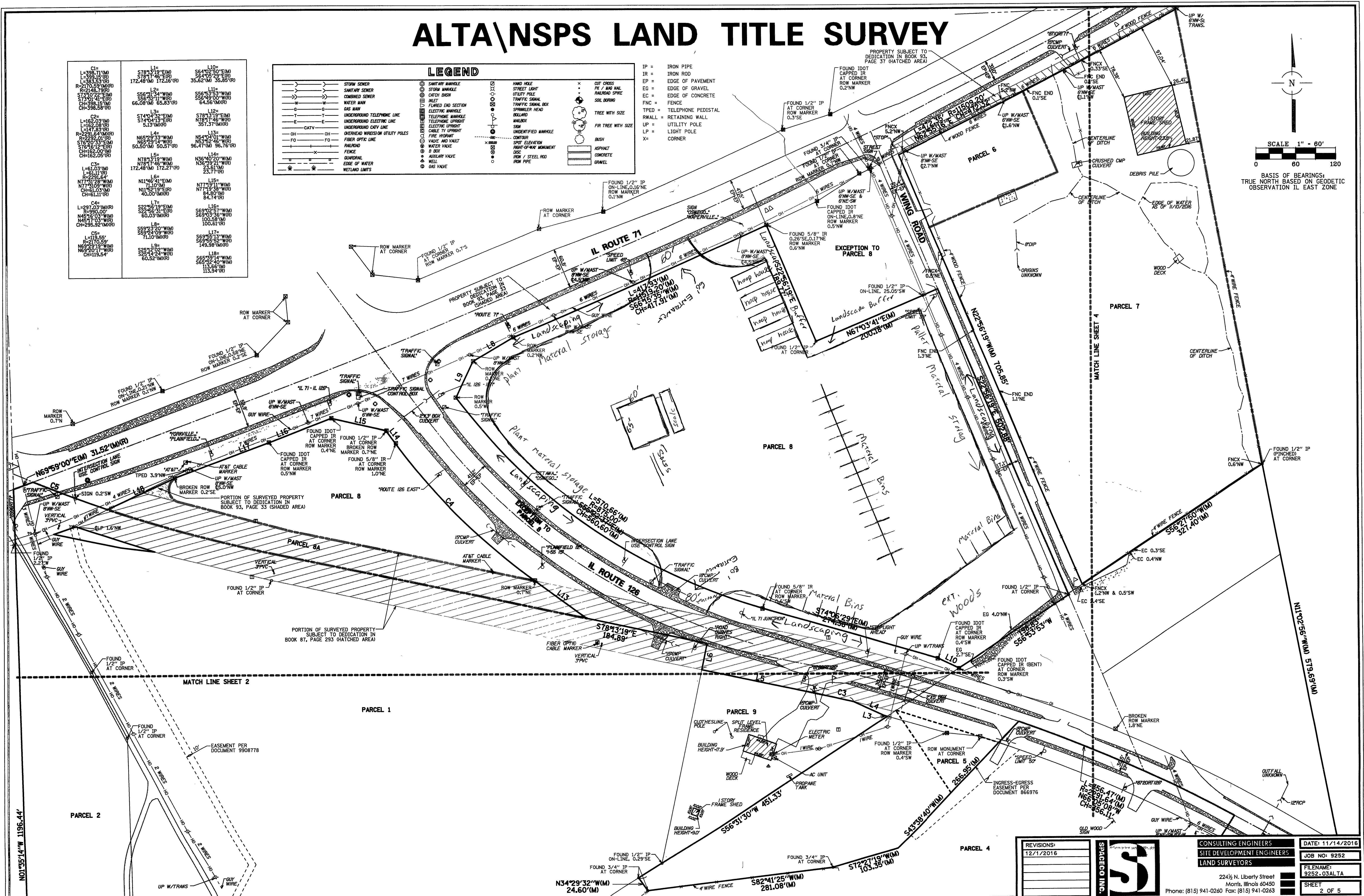
# ALTA\NSPS LAND TITLE SURVEY

[illegible]

## LEGEND

 STORM SEWER  SANITARY SEWER  COMBINED SEWER  WATER MAIN  GAS MAIN  UNDERGROUND TELEPHONE LINE  UNDERGROUND ELECTRIC LINE  OVERHEAD WIRE ON UTILITY POLES  FIBER OPTIC CABLE  RAILROAD  FENCE  GUARDRAIL  WETLAND LIMITS	 SANITARY MANHOLE  STORM MANHOLE  CATCH BASIN  INLET  FLARED END SECTION  ELECTRIC MANHOLE  TELEPHONE MANHOLE  TELEPHONE UPRIGHT  ELECTRIC UPRIGHT  CABLE TV UPRIGHT  FIRE HYDRANT  VALVE AND VAULT  WATER VALVE  R BOX  AUXILIARY VALVE  WELL  GAS VALVE	 HAND HOLE  STREET LIGHT  UTILITY POLE  TRAFFIC SIGNAL  TRAFFIC SIGNAL BOX  SPRINKLER HEAD  BOLLARD  MAILBOX  SIGN  UNIDENTIFIED MANHOLE  CONTOUR  SPOT HEIGHT  RIGHT-OF-WAY MONUMENT  DISC  IRON / STEEL ROD  IRON PIPE  CUT CROSS  PM / WAD MAIL  RAILROAD SPIKE  SOIL BORING  TREE WITH SIZE  FIR TREE WITH SIZE  BUSH  ASPHALT  CONCRETE  GRAVEL
---	--	---

IP = IRON PIPE  
IR = IRON ROD  
EP = EDGE OF PAVEMENT  
EG = EDGE OF GRAVEL  
EC = EDGE OF CONCRETE  
FNC = FENCE  
TPED = TELEPHONE PEDISTAL  
RWALL = RETAINING WALL  
UP = UTILITY POLE  
LP = LIGHT POLE  
X= CORNER



SCALE 1" = 60'

A horizontal scale bar with alternating black and white segments. It is marked with '0' at the left end, '60' at the midpoint, and '120' at the right end. Above the bar, the text 'SCALE 1" = 60'' is written.

BASIS OF BEARINGS:  
TRUE NORTH BASED ON GEODETIC  
OBSERVATION 11 EAST ZONE

REVISIONS:
12/1/2016



**CONSULTING ENGINEERS**  
**SITE DEVELOPMENT ENGINEERS**  
**LAND SURVEYORS**

224½ N. Liberty Street  
Morris, Illinois 60450  
Phone: (815) 941-0260 Fax: (815) 941-0263

DATE: 11/14/2016  
JOB NO: 9252  
FILENAME:  
9252.03ALTA  
SHEET  
2 OF 5

STATE OF ILLINOIS       )  
                                  ) ss.  
COUNTY OF KENDALL     )

200800016874  
Filed for Record in  
KENDALL COUNTY, ILLINOIS  
RENNETTA S MICKELSON  
07-17-2008 At 09:50 am.  
ORDINANCE           102.00  
RHSP Surcharge           10.00

*Ordinance No. 2008- 40*

**AN ORDINANCE AUTHORIZING THE EXECUTION OF AN ANNEXATION  
AND  
PLANNED UNIT DEVELOPMENT AGREEMENT  
(Windmill Farms)**

**WHEREAS**, it is prudent and in the best interest of the United City of Yorkville, Kendall County, Illinois, to enter into a certain Annexation and Planned Unit Development Agreement pertaining to the annexation of real estate described on Exhibit A attached thereto and made a part hereof; and,

**WHEREAS**, said Annexation and Planned Unit Development Agreement has been reviewed, discussed and considered by the City Council; and,

**WHEREAS**, the legal owners of record of the territory which is the subject of said Agreement are ready, willing and able to enter into said Agreement and to perform the obligations as required hereunder; and,

**WHEREAS**, the statutory procedures as set forth in 65 ILCS 5/11-15.1-1, pertaining to the approval and execution of annexation and planned unit development agreement have been fully satisfied; and,

**WHEREAS**, the property is contiguous to the existing boundaries of the City.

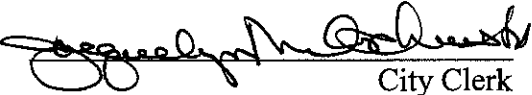
**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the United City of Yorkville that the City Code of the City of Yorkville be amended as follows:

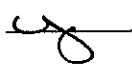


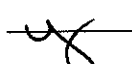
*Section 1.* The Mayor and City Council hereby approve the Annexation and Planned Unit Development Agreement a copy of which is attached to this Ordinance (the “*Annexation and Planned Unit Development Agreement*”), pertaining to the real estate legally described on *Exhibit A* also attached hereto.


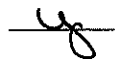
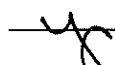
*Section 2.* The Mayor and City Clerk are herewith authorized and directed to execute, on behalf of the City, said Annexation and Planned Unit Development Agreement and the Clerk is further directed to file said Annexation and Planned Unit Development Agreement with the Kendall County Recorder’s Office.

*Section 3.* This Ordinance shall be in full force and effect immediately from and after its passage and approval according to law.

*Passed* by the City Council of the United City of Yorkville, Kendall County, Illinois, this 27 day of May, A.D. 2008.

  
City Clerk

ROBYN SUTCLIFF	
ARDEN JOE PLOCHER	
GARY GOLINSKI	
ROSE SPEARS	

JOSEPH BESCO	
WALLY WERDERICH	
MARTY MUNNS	

**APPROVED** by me, as Mayor of the United City of Yorkville, Kendall County, Illinois,  
this 27 day of may, A.D. 2008.

Valerie Burd  
Mayor



**EXHIBIT A  
LEGAL DESCRIPTION**

THAT PART OF THE WEST HALF OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 3; THENCE SOUTH 00°14'45" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, 1284.36 FEET; THENCE SOUTH 89°50'00" WEST, 684.42 FEET; THENCE NORTH 09°30'00" WEST, 592.27 FEET; THENCE SOUTH 57°33'55" WEST, 327.57 FEET TO THE EASTERLY LINE OF WING ROAD; THENCE NORTH 21°52'29" WEST, ALONG SAID EASTERLY LINE, 705.85 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71 FOR THE POINT OF BEGINNING; THENCE SOUTH 21°52'29" EAST, ALONG SAID EASTERLY LINE, 119.0 FEET; THENCE NORTH 68°07'31" EAST, PERPENDICULAR TO SAID EASTERLY LINE, 211.0 FEET; THENCE NORTH 21°52'29" WEST, PARALLEL WITH SAID EASTERLY LINE, 131.87 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE SOUTHWESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 11509.16 FEET, AN ARC DISTANCE OF 211.39 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 0.6060 ACRE.

THAT PART OF THE WEST HALF OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 3; THENCE SOUTH 00°14'45" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, 1284.36 FEET; THENCE SOUTH 89°50'00" WEST, 684.42 FEET; THENCE NORTH 09°30'00" WEST, 592.27 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 57°33'55" WEST, 327.57 FEET TO THE EASTERLY LINE OF WING ROAD; THENCE NORTH 21°52'29" WEST, ALONG SAID EASTERLY LINE, 586.85 FEET TO A POINT ON SAID EASTERLY LINE WHICH IS 119.0 FEET (MEASURED ALONG SAID EASTERLY LINE) SOUTHEASTERLY OF THE SOUTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE NORTH 68°07'31" EAST, PERPENDICULAR TO SAID EASTERLY LINE, 211.0 FEET; THENCE NORTH 21°52'29" WEST, PARALLEL WITH SAID EASTERLY LINE, 131.87 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE NORTHEASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, BEING A CURVE TO THE LEFT WITH A RADIUS OF 11509.16 FEET, AN ARC DISTANCE OF 261.03 FEET TO A LINE DRAWN NORTH 09°30'00" WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 09°30'00" EAST, ALONG SAID LINE, 695.72 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 5.6041 ACRES.

THAT PART OF THE NORTH 1/2 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE SOUTH 0 DEGREES, 07 MINUTES, 44 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1284.36 FEET; THENCE NORTH 89 DEGREES, 47 MINUTES, 31 SECONDS WEST, 684.42 FEET; THENCE NORTH 09 DEGREES, 32 MINUTES, 39 SECONDS WEST, 590.03 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ELSIE BOYD BY A DEED DATED MARCH 25, 1929 AND RECORDED DECEMBER 14, 1938 IN DEED RECORD BOOK 88 ON PAGE 399; THENCE NORTH 09 DEGREES, 05 MINUTES, 46 SECONDS WEST, 748.40 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE TIC. 71; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11,459.20 FEET AND A RADIAL BEARING OF NORTH 26 DEGREES, 50 MINUTES, 30 SECONDS WEST AT THE LAST DESCRIBED POINT. 627.46; THENCE NORTH 60 DEGREES, 02 MINUTES, 30 SECONDS EAST ALONG SAID CENTER LINE, 332.0 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 12 DEGREES, 27 MINUTES, 30 SECONDS EAST, 264.0 FEET; THENCE SOUTH 84 DEGREES, 27 MINUTES, 30 SECONDS EAST, 202.0 FEET; THENCE NORTH 0 DEGREES, 47 MINUTES, 30 SECONDS WEST, 423.02 FEET TO SAID CENTER LINE; THENCE SOUTH 60 DEGREES, 02 MINUTES, 30 SECONDS WEST ALONG CENTER LINE, 291.76 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

THAT PART OF THE NORTHEAST, NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 10 MINUTES 48 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER 1284.36 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 40 SECONDS WEST 680.30 FEET; THENCE NORTH 09 DEGREES 33 MINUTES 27 SECONDS WEST 10.0 FEET FOR A POINT OF BEGINNING; THENCE NORTH 09 DEGREES. 33 MINUTES 27 SECONDS WEST 579.63 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ELSIE BOYD BY A DEED DATED MARCH 25, 1929 AND RECORDED DECEMBER 14, 1938 IN DEED RECORD BOOK 88 ON PAGE 399; THENCE NORTH 09 DEGREES 05 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF SAID BOYD TRACT 748.57 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11,459.20 FEET AND A RADIAL BEARING OF NORTH 26 DEGREES 49 MINUTES 16 SECONDS WEST AT THE LAST DESCRIBED POINT 627.46 FEET; THENCE NORTH 60 DEGREES 02 MINUTES 30 SECONDS EAST ALONG SAID CENTER LINE 332.0 FEET; THENCE SOUTH 12 DEGREES 27 MINUTES 30 SECONDS EAST 264.0 FEET; THENCE SOUTH 84 DEGREES 27 MINUTES 30 SECONDS EAST 202.0 FEET; THENCE NORTH 00 DEGREES 42 MINUTES 30 SECONDS WEST 423.02 FEET TO SAID CENTER LINE; THENCE NORTH 60 DEGREES 02 MINUTES 30 SECONDS EAST ALONG SAID CENTER LINE 412.69 FEET TO A LINE DRAWN NORTH 00 DEGREES 10 MINUTES 46 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, FROM A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER WHICH IS 598.62 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 10 MINUTES 48 SECONDS WEST ALONG SAID PARALLEL LINE 880.56 FEET TO SAID SOUTH LINE; THENCE SOUTH 89 DEGREES 34 MINUTES 48 SECONDS WEST ALONG SAID SOUTH LINE 598.62 FEET TO SAID SOUTHWEST CORNER; THENCE SOUTH 00 DEGREES 10 MINUTES 48 SECONDS WEST ALONG SAID EAST LINE 1275.36 FEET TO A LINE DRAWN SOUTH 89 DEGREES 40 MINUTES 33 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 40 MINUTES 33 SECONDS WEST 681.94 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 0 DEGREES 08 MINUTES 09 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 798.60 FEET TO AN OLD CLAIM LINE; THENCE NORTH 57 DEGREES 59 MINUTES 05 SECONDS EAST ALONG SAID OLD CLAIM LINE 299.00 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 1 DEGREE 51 MINUTES 32 SECONDS WEST, 402.10 FEET; THENCE SOUTH 59 DEGREES 55 MINUTES., 25 SECONDS EAST, 256.51 FEET; THENCE NORTH 59 DEGREES 55 MINUTES 25 SECONDS EAST 355.65 FEET; THENCE NORTH 62 DEGREES 43 MINUTES 29 SECONDS EAST, 853.57 FEET; THENCE NORTH 33 DEGREES 24 MINUTES 40 SECONDS EAST, 542.27 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE NUMBER 126; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2292.01 FEET AND A RADIAL BEARING OF SOUTH 29 DEGREES 23 MINUTES 51 SECONDS WEST AT THE LAST DESCRIBED POINT, 358.41 FEET TO A POINT WHICH IS 151.00 FEET, AS MEASURED ALONG SAID CENTER LINE, SOUTHEASTERLY OF THE INTERSECTION OF SAID CENTER LINE AND SAID OLD CLAIM LINE; THENCE SOUTH 45 DEGREES 05 MINUTES 49 SECONDS WEST, 265.70 FEET; THENCE SOUTH 73 DEGREES 54 MINUTES 28 SECONDS WEST, 102.86 FEET; THENCE SOUTH 84 DEGREES 11 MINUTES 54 SECONDS WEST, 280.96 FEET; THENCE NORTH 32 DEGREES 00 MINUTES 55 SECONDS WEST, 24.19 FEET TO SAID OLD CLAIM LINE; THENCE SOUTH 87 DEGREES 59 MINUTES 05 SECONDS WEST ALONG SAID OLD CLAIM LINE 789.92 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

A PERPETUAL EASEMENT FOR THE OPERATION, MAINTENANCE AND USE OF A SEPTIC FIELD FOR THE BENEFIT OF PARCEL ONE HEREINABOVE DESCRIBED, UNDER AND UPON THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE CONTIGUOUS TO PARCEL ONE TO WIT:

COMMENCING AT THE MOST NORTHERLY CORNER OF PARCEL ONE HEREINABOVE DESCRIBED ON THE CENTER LINE OF ILLINOIS STATE ROUTE NUMBER 126; THENCE SOUTH 45 DEGREES 05 MINUTES 49 SECONDS WEST, 47.12 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NUMBER 126, FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 45 DEGREES 05 MINUTES 49 SECONDS WEST, 105.0 FEET; THENCE NORTH 32 DEGREES 08 MINUTES 38 SECONDS WEST, 152.18 FEET; THENCE SOUTH 76 DEGREES 09 MINUTES 49 SECONDS EAST, 5.28 PEEP; THENCE SOUTH 70 DEGREES 39 MINUTES 49 SECONDS EAST, 158.65 FEET, TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, ALL IN KENDALL COUNTY ILLINOIS.

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 798.60 FEET TO AN OLD CLAIM LINE; THENCE NORTHERLY ALONG SAD WEST LINE, 1118.27 FEET A POINT OF BEGINNING THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 28 DEGREES 33 MINUTES 54 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 228.53 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 178 DEGREES 11 MINUTES 35 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 112.67 FEET TO A LINE DRAWN PARALLEL WITH AND 160.0 FEET NORMALLY DISTANT, EASTERLY OF SAID WEST LINE; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, 717.44 FEET TO SAID CLAIM LINE; THENCE NORTHEASTERLY ALONG SAD CLAIM LINE, 941.92 FEET TO A POINT ON A LINE DRAWN SOUTHWESTERLY, PERPENDICULAR TO THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 126 FROM A POINT ON SAID CENTER LINE WHICH IS 1049.70 FEET, AS MEASURED ALONG SAID CENTER LINE, SOUTHEASTERLY OF THE INTERSECTION OF SAD CENTER LINE WITH THE CENTER LINE OF ILLINOIS STATE ROUTE 71; THENCE NORTHEASTERLY TO SAID POINT ON SAID CENTER LINE OF ILLINOIS ROUTE 126 AFORESAID; THENCE NORTHWESTERLY ALONG SAID ROUTE 126 CENTER LINE AND TO SAID ROUTE 71 CENTER LINE; THENCE SOUTHWESTERLY ALONG SAID ROUTE 71 CENTER LINE, 30.58 FEET TO SAID WEST LINE; THENCE SOUTHERLY ALONG SAID WEST LINE, 78.83 FEET, TO THE POINT OF BEGINNING (EXCEPTING THEREFROM THAT PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION. 3; THENCE NORTH 00 DEGREES 00 MINUTES 38 SECONDS EAST, ON A BEARING REFERENCED TO AN ASSUMED NORTH, 1925.21 FEET ON THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE SOUTH 89 DEGREES 59 MINUTES 22 SECONDS EAST 58.55 FEET TO THE EXISTING SOUTHEASTERLY RIGHT OF WAY LINE OF A.F.A.P. ROUTE 311 (IL ROUTE 71) AND THE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 34 MINUTES 00 SECONDS EAST 35.28 FEET ON SAID SOUTHEASTERLY RIGHT OF WAY LINE TO THE SOUTHERLY RIGHT OF WAY LINE OF S.B.I. ROUTE 66 (IL ROUTE 126); THENCE SOUTH 70 DEGREES 08 MINUTES 35 SECONDS EAST 125.66 FEET ON SAID SOUTHERLY RIGHT OF WAY LINE; THENCE NORTH 81 DEGREES 09 MINUTES 04 SECONDS WEST 51.85 FEET; THENCE NORTH 76 DEGREES 30 MINUTES 40 SECONDS WEST 103.47 FEET TO THE POINT OF BEGINNING), IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 798.60 FEET TO AN OLD CLAIM LINE FOR A POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID WEST LINE, 1118.27 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 28 DEGREES 33 MINUTES 54 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 228.53 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 178 DEGREES 11 MINUTES 35 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 112.67 FEET TO A LINE DRAWN PARALLEL WITH AND 160.0 FEET NORMALLY DISTANT, EASTERLY OF SAID WEST LINE; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, 717.44 FEET TO SAID CLAIM LINE; THENCE SOUTHWESTERLY ALONG SAID CLAIM LINE, 188.42 FEET TO THE POINT OF BEGINNING, IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 1995.6 FEET TO THE CENTER LINE OF ILLINOIS

ROUTE 71; THENCE NORTHEASTERLY ALONG THE SAID CENTER LINE OF ILLINOIS ROUTE 71, 1411.3 FEET TO THE CENTER LINE EXTENDED NORTHWESTERLY OF THE PUBLIC ROAD RUNNING SOUTHEASTERLY FROM SAID ILLINOIS ROUTE 71, COMMONLY KNOWN AS WING ROAD; THENCE SOUTHEASTERLY ALONG THE EXTENDED CENTER LINE AND THE CENTER LINE OF SAID PUBLIC ROAD, BEING ALONG A LINE THAT FORMS AN ANGLE OF 93 DEGREES 25' TO THE RIGHT WITH THE PROLONGATION NORTHEASTERLY OF THE TANGENT TO THE CENTER LINE OF SAID ILLINOIS ROUTE 71 AT THE LAST DESCRIBED POINT, 761 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A LINE THAT FORMS AN ANGLE OF 79 DEGREES 47' TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED LINE 265.6 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 126; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF ILLINOIS ROUTE 126 TO THE CENTER LINE OF THE EASTERLY FORK OF THE PUBLIC ROAD AFORESAID WHICH RUNS SOUTHEASTERLY FROM SAID ILLINOIS ROUTE 71; THENCE NORTHWESTERLY ALONG THE CENTER LINE OF SAID PUBLIC ROAD TO THE POINT OF BEGINNING; TO THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

GRANTEE HEREBY ASSUMES AND AGREES TO PAY THE UNPAID BALANCE ON THE EXISTING MORTGAGE RECORDED IN BOOK PAGE, THE DEBT SECURED THEREBY AND ALSO HEREBY ASSUMES -THE OBLIGATIONS UNDER THE TERM OF THE INSTRUMENTS CREATING THE LOANS DOCUMENT NO. 79—1053.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE - NORTH 00 DEGREES 08 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, - 1,995.75 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE NORTH 71 DEGREES 23 MINUTES 59 SECONDS EAST ALONG SAID CENTER LINE 30.45 FEET TO THE POINT OF INTERSECTION OF SAID CENTER LINE WITH CENTER LINE OF ILLINOIS STATE ROUTE NO. 126 FOR THE POINT OF BEGINNING; THENCE NORTH 71 DEGREES 23 MINUTES 59 SECONDS EAST ALONG SAID ROUTE 71 CENTER LINE 230.67 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11,459.20 FEET WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT AT THE LAST DESCRIPTION POINT, 1,141.60 FEET TO THE INTERSECTION WITH THE CENTER LINE EXTENDED NORTHWESTERLY OF WING ROAD; THENCE SOUTH 21 DEGREES 30 MINUTES 13 SECONDS EAST ALONG SAID WING ROAD CENTER LINE 761.0 FEET; THENCE SOUTH 58 DEGREES 16 MINUTES 47 SECONDS WEST 265.35 FEET TO SAID ROUTE 126 CENTER LINE; THENCE NORTHWESTERLY ALONG SAID ROUTE 126 CENTER LINE BEING ALONG A CURVE TO THE LEFT AND HAVING A RADIUS OF 2,292.01 FEET WHICH IS TANGENT TO A LINE DRAWN NORTH 72 DEGREES 57 MINUTES 06 SECONDS WEST FROM THE LAST DESCRIBED POINT 147.93 FEET; THENCE NORTH 16 DEGREES 38 MINUTES 49 SECONDS WEST ALONG SAID ROUTE 126 CENTERLINE 850.98 FEET; THENCE NORTHWESTERLY ALONG SAID ROUTE 126 CENTERLINE BEING ALONG A CURVE TO THE RIGHT AND HAVING A RADIUS OF 2,148.79 FEET WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 383.53 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART DESCRIBED AS FOLLOWS: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36- NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 08 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 1995.75 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE 71; THENCE NORTH 71 DEGREES 23 MINUTES 59 SECONDS EAST ALONG SAID ROUTE 71 CENTER LINE 261.12 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 15,459.20 FEET WHICH IS TANGENT TO THE LAST DESCRIBED COURSE 1141.60 FEET TO THE INTERSECTION WITH THE CENTER LINE EXTENDED NORTHWESTERLY OF WING ROAD FOR THE POINT OF BEGINNING; THENCE SOUTH 21 DEGREES 30 MINUTES 13 SECONDS EAST ALONG SAID WING ROAD CENTER LINE 258.05 FEET; THENCE SOUTH 58 DEGREES 29 MINUTES 47 SECONDS WEST 200.0 FEET; THENCE NORTH 21 DEGREES 30 MINUTES 13 SECONDS WEST PARALLEL WITH SAID WING ROAD CENTER LINE 250.0 FEET TO SAID ROUTE 71 CENTER LINE; THENCE NORTHEASTERLY ALONG SAID ROUTE 71 CENTER LINE 200.16 FEET TO THE POINT OF BEGINNING, IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, (ILLINOIS, AND ALSO EXCEPTING, THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3 IN TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM EAST ZONE (NAD83):

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE NORTH 01 DEGREE 35 MINUTES 30 SECONDS WEST, 1,995.04 FEET ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 TO THE CENTERLINE OF A PUBLIC HIGHWAY DESIGNATED IL 71; THENCE NORTH 69 DEGREES 55 MINUTES 19 SECONDS EAST, 31.52 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING FROM THE POINT OF BEGINNING; THENCE NORTH 69 DEGREES 55 MINUTES 19 SECONDS EAST, 230.66 FEET ALONG SAID CENTERLINE; THENCE NORTHEASTERLY, 940.56 FEET ALONG AN 11,479.02 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING NORTH 67 DEGREES 34 MINUTES 29 SECONDS EAST, 940.31 FEET; THENCE SOUTH 22 DEGREES 56 MINUTES 31 SECONDS EAST, 60.03 FEET; THENCE SOUTHWESTERLY, 418.10 FEET ON AN 11,539.02 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING SOUTH 66 DEGREES 16 MINUTES 29 SECONDS WEST, 418.08 FEET; THENCE SOUTH 59 DEGREES 24 MINUTES 09 SECONDS WEST, 71.10 FEET; THENCE SOUTH 25 DEGREES 14 MINUTES 24 SECONDS WEST, 60.52 FEET; THENCE SOUTHEASTERLY, 570.87 FEET ON AN 675.00 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING SOUTH 55 DEGREES 22 MINUTES 46 SECONDS EAST, 560.80 FEET; THENCE SOUTH 74 DEGREES 04 MINUTES 13 SECONDS EAST, 274.41 FEET; THENCE SOUTH 64 DEGREES 05 MINUTES 29 SECONDS EAST, 35.85 FEET; THENCE SOUTH 55 DEGREES 49 MINUTES 00 SECONDS WEST, 64.56 FEET TO THE CENTERLINE OF A PUBLIC HIGHWAY DESIGNATED IL 126; THENCE NORTHWESTERLY, 162.08 FEET ON SAID CENTERLINE BEING A 2,291.64 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING NORTH 76 DEGREES 16 MINUTES 12 SECONDS WEST, 162.05 FEET; THENCE NORTH 78 DEGREES 17 MINUTES 46 SECONDS WEST, 357.37 FEET ON SAID CENTERLINE; THENCE NORTH 53 DEGREES 52 MINUTES 46 SECONDS WEST, 96.76 FEET TO THE EXISTING NORTHERLY RIGHT OF WAY LINE OF IL 126; THENCE NORTHWESTERLY, 297.03 FEET ON A 990.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING NORTH 45 DEGREES 17 MINUTES 03 SECONDS WEST, 295.92 FEET; THENCE NORTH 36 DEGREES 39 MINUTES 21 SECONDS WEST, 23.77 FEET; THENCE NORTH 77 DEGREES 19 MINUTES 36 SECONDS WEST, 64.74 FEET; THENCE SOUTH 69 DEGREES 03

MINUTES 36 SECONDS WEST, 100.61 FEET; THENCE SOUTH 69 DEGREES 55 MINUTES 52 SECONDS WEST, 149.98 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID IL 71; THENCE SOUTH 65 DEGREES 32 MINUTES 40 SECONDS WEST, 113.94 FEET TO THE CENTERLINE OF SAID IL 126; THENCE NORTHWESTERLY, 119.55 FEET ON SAID CENTERLINE BEING A 2,170.59 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING NORTH 69 DEGREES 20 MINUTES 17 SECONDS WEST, 119.54 FEET TO THE POINT OF BEGINNING.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 07°44' WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER 1236.84 FEET TO A POINT ON SAID EAST LINE WHICH IS 1284.36 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 89°47'31" WEST, 684.42 FEET; THENCE NORTH 09°32'39" WEST, 590.03 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ELSIE BOYD BY DEED DATED MARCH 25, 1929 AND RECORDED DECEMBER 14, 1938 IN DEED RECORD 88 ON PAGE 399, FOR THE POINT OF BEGINNING; THENCE SOUTH 57°58'56" WEST ALONG THE SOUTHERLY LINE OF SAID BOYD TRACT AND SAID SOUTHERLY LINE EXTENDED 352.89 FEET TO THE CENTER LINE OF WING ROAD; THENCE SOUTH 21°28'35" EAST ALONG SAID CENTERLINE 131.00 FEET; THENCE NORTH 57°58'56" EAST PARALLEL WITH SAID SOUTHERLY LINE 323.58 FEET TO A POINT WHICH IS SOUTH 09°32'39" EAST, 139.37 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 09°32'39" WEST, 139.37 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 1995.6 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 71; THENCE EASTERLY ALONG SAID CENTER LINE 32.2 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 126; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF ILLINOIS ROUTE 126, 1049.7 FEET FOR THE POINT, OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO SAID CENTER LINE, 339.9 FEET TO AN OLD CLAIM LINE; THENCE NORTHEASTERLY ALONG SAID OLD CLAIM LINE WHICH MAKES AN ANGLE OF 44°21' (MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE) 468.6 FEET TO THE CENTER LINE OF SAID ILLINOIS ROUTE 126; THENCE NORTHWESTERLY ALONG SAID CENTER LINE 328.1 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS EXCEPT THEREFROM THE BELOW DESCRIBED PARCEL:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM EAST ZONE (NAD83):

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE NORTH 01 DEGREE 35 MINUTES 30 SECONDS WEST, 1,995.04 FEET ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 TO THE 'CENTERLINE OF A PUBLIC HIGHWAY DESIGNATED IL 71; THENCE NORTH 69 DEGREES 55 MINUTES 19 SECONDS EAST, 31.52 FEET ALONG SAID CENTERLINE TO THE CENTERLINE OF A PUBLIC HIGHWAY DESIGNATED IL 126; THENCE SOUTHEASTERLY ALONG SAID CENTERLINE, 399.15 FEET ALONG A 2,170.59 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING OF SOUTH 73 DEGREES 01 MINUTE 41 SECONDS EAST, 398.58 FEET THENCE SOUTH 78 DEGREES 17 MINUTES 46 SECONDS EAST, 649.36 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING, THENCE SOUTH 78 DEGREES 17 MINUTES 46 SECONDS EAST, 172.16 FEET ALONG SAID CENTERLINE; THENCE SOUTHEASTERLY ALONG SAID CENTERLINE, 162.08 FEET ALONG A 2,291.64 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING OF SOUTH 76 DEGREES 16 MINUTES 12 SECONDS EAST, 162.05 FEET; THENCE SOUTH 56 DEGREES 32 MINUTES 11 SECONDS WEST, 65.63 FEET; THENCE NORTH 74 DEGREES 04 MINUTES 13 SECONDS WEST, 5.13 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 14 SECONDS WEST, 50.57 FEET, TO THE SOUTHERLY RIGHT OF WAY LINE OF IL 126; THENCE NORTHWESTERLY, 61.11 FEET ON SAID RIGHT OF WAY LINE BEING ON A 2,251.64 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING OF NORTH 77 DEGREES 31 MINUTES 09 SECONDS WEST, 61.11 FEET; THENCE NORTH 78 DEGREES 17 MINUTES 46 SECONDS WEST, 172.27 FEET ALONG SAID SOUTH RIGHT OF WAY LINE; THENCE NORTH 11 DEGREES 52 MINUTES 19 SECONDS EAST, 40.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.297 ACRE MORE OR LESS, OF WHICH 0.290 ACRE, MORE OR LESS, IS LYING WITHIN PUBLIC ROAD RIGHT OF WAY, SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS, HEREBY RELEASING AND WAIVING ALL RIGHTS UNDER AND BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE.



STATE OF ILLINOIS )  
 )ss.  
COUNTY OF KENDALL )

THIS AGREEMENT is made and entered into this 27<sup>th</sup> day of May, 2008 by and between THE UNITED CITY OF YORKVILLE, Yorkville, Illinois, a municipal corporation, located in Kendall County, Illinois (hereinafter referred to as "CITY"), and the JAKE LAND GROUP, LLC, of the County of Kendall, State of Illinois (hereinafter referred to as "OWNER/DEVELOPER"), which is the OWNER/DEVELOPER of the real property hereinafter referred to as the "PROPERTY":

WHEREAS, a portion of the PROPERTY consisting of 15.323 acres and described by Exhibit "A-2" has previously been annexed to the CITY and zoned B-3 Service Business District; and

WHEREAS, OWNER/DEVELOPER desires to annex into the CITY the PROPERTY described in the attached Exhibit "A-1" and depicted in the Annexation Plat which is attached hereto and incorporated herein as Exhibit "B" The CITY Plan Commission has considered the Petition to Annex and Zone and positively recommended the same and the City Council has heretofore both requested and approved the proposed land use and the zoning of the same at the request of OWNER/DEVELOPER; and

WHEREAS, with certain limitations, the CITY agrees to allow the real property described in the attached Exhibit "A" to be zoned for Planned Unit Development (PUD) allowing uses permitted within the B-3 Service Business District on a maximum of thirty-five (35) acres located on the East Parcel as depicted on the Concept PUD Plan prepared by Schoppe Design Associates, Inc. and dated revision 17, May 8, 2008; and, the CITY agrees to allow uses permitted within the B-3 Service Business District for the real property described in Exhibit "C" on a maximum of twenty-one (21) acres located on the West Parcel; and the CITY agrees to allow uses permitted within the R-4 General Residence District for the real property described in the attached Exhibit "D" on a maximum of two (2) acres of the real property allowing an age-restricted age fifty-five and over single story townhomes; and the area located south of the B-3 and immediately east of the aforementioned age restricted area allowing a multi-story assisted living facility consisting of approximately three and one-half (3 ½) acres with a minimum of ninety-nine (99) assisted living units allowed on the West Parcel as depicted on the Schoppe Design Associates, Inc. Concept PUD Plan (Exhibit "E"), and

WHEREAS, the City's Comprehensive Plan, Design Guidelines identifies Illinois State Route 71 and Illinois State Route 126 as 'Gateway Corridors'; and

WHEREAS, all parties to this Agreement desire to set forth certain terms and conditions upon which the land heretofore described will be annexed to the CITY in an orderly manner; and

WHEREAS, OWNER/DEVELOPER and its representatives have discussed the proposed annexation and have held a Public Hearing with the Plan Commission, and The City Council, prior to the execution hereof, duly published and held a public hearing was held to consider this Agreement in front of the City Council, as required by the statutes of the State of Illinois in such case made; and

WHEREAS, in accordance with the powers granted to the CITY by the provisions of 65 ILCS 5/11-15.1-1 through 5/11-15.1-5 (2006), inclusive, relating to Annexation Agreements, the parties hereto wish to enter into a binding agreement with respect to the annexation and zoning of the subject Property and to provide for various other matters related directly or indirectly to the annexation of the Property in the future, as authorized by, the provisions of said statutes; and

WHEREAS, pursuant to due notice and publication in the manner provided by law, the appropriate zoning authorities of the CITY have taken all further action required by the provisions of 65 ILCS 5/11-15.1.3 (2006) and the ordinances of the CITY relating to the

procedure for the authorization, approval and execution of this Annexation/Planned Unit Development Agreement by the CITY.

NOW THEREFORE, for and in consideration of the mutual promises and covenants herein contained, the parties agree, under the terms and authority provided in 65 ILCS 5/11-15.1-1 through 65 ILCS 5/11-15.1-5 (2006), as follows:

1. ANNEXATION AND ZONING.

- A. The CITY shall adopt an ordinance annexing to the City all of the real property described herein in the attached Exhibit "A-1"; furthermore, the City shall adopt an ordinance zoning the real property designated in the attached Exhibit "A" to PUD subject to all of the terms of this Agreement and as follows:
  - i. The real property described in Exhibit "C" is allowed uses permitted within the B-3 Service Business Zoning District subject to the alterations described by Exhibit "C-1". Said alterations include the removal of several uses as well as the allowance for one (1) bank, one (1) daycare and one (1) gasoline filling station/gas station as depicted on the Concept PUD Plan (Exhibit "E").
  - ii. The real property described in Exhibit "D" is allowed uses permitted within the R-4 General Residence Zoning District.

2. SITE DEVELOPMENT

A. OWNER/DEVELOPER shall develop the subject property including the preservation of open space, protection of the existing evergreen tree line on the west boundary of the West Parcel, and installation of a trail system, stormwater management facilities and roadway access points in general conformity with the Planned Unit Development Concept Plan dated May 8, 2008, prepared by Schoppe Design Associates, Inc. and which is attached hereto and incorporated by reference as Exhibit "E".

B. OWNER/DEVELOPER shall be responsible for providing landscaping, in conformance with CITY standards along all perimeter boundaries of the subject property.

C. OWNER/DEVELOPER shall establish the landscape buffer along Illinois State Route 71 and Illinois State Route 126 outside of the proposed Right-of-Way expansion line of the Illinois Department of Transportation. Said buffer shall be a minimum of 25 feet in width.

D. OWNER/DEVELOPER shall incorporate and apply all 'Site Planning Principles' as defined by the CITY's "Comprehensive Land Use Plan Update Southern Study Area" Design Guidelines a copy of which sections are attached in Exhibit "F" hereto and made

a part hereof.

E. OWNER/DEVELOPER shall relocate the existing overhead utility lines along the Illinois State Route 71 and Illinois State Route 126 frontage of the Subject Real Property prior to issuance of any building permit for the property. Said relocation shall include obtaining any and all necessary permits and approvals for the utility relocation and OWNER/DEVELOPER shall be responsible for all costs associated with said relocation.

F. OWNER/DEVELOPER agrees to provide a cross-access easement allowing all adjacent properties to access to and across the commercial portions of subject PROPERTY as described by Exhibit "C" at the time of Final Plat of Subdivision.

G. OWNER/DEVELOPER agrees to construct and fund the trail depicted on the Concept PUD Plan (Exhibit "E") at time of Final Plat of Subdivision.

H. OWNER/DEVELOPER agrees that in all respects, the subject PROPERTY shall be developed in conformance with the terms and conditions of the Yorkville Zoning Ordinance, Subdivision Control Ordinance, Stormwater, and all other applicable Ordinances.

I. OWNER/DEVELOPER, and successors, heirs, and assigns hereby agree that prior to development taking place on the PROPERTY, a site development plan shall be submitted along with approval of Preliminary Plat of Subdivision and Preliminary Engineering as well as Final Plats of Subdivision and Final Engineering prior to OWNER/DEVELOPER commencing construction on said PROPERTY.

J. The OWNER shall construct off-site right-of-way improvements within the Raintree Village subdivision to provide connection to infrastructure on Hampton Lane. The location of the said infrastructure shall be consistent with the location and typical pavement section depicted on Exhibit "G" of this Agreement.

K. OWNER agrees within 45 days of a written request from the CITY, which includes legal descriptions and exhibits as necessary, the OWNER/DEVELOPER shall grant permanent and temporary construction easements as necessary for the construction of extension of City utilities and appurtenances and/or other utilities to serve the subject property and other properties within the City of Yorkville.

L. Owner agrees within 45 days of a written request from the United City of Yorkville, which includes legal descriptions and exhibits as necessary, the OWNER/DEVELOPER shall convey by Warranty Deed, fee simple title of future highway or road right of way to the State of Illinois, Kendall County or the United City of Yorkville as necessary, regardless of whether or not these right of way needs have been previously identified in this agreement. Such request for conveyance of right of way shall have no impact on any previously entitled land development density.

3. CITY'S AGREEMENTS.

A.

- (i) The CITY agrees that as to any of the non-residential use and zoning classification parcels, OWNER/DEVELOPER has no obligation to pay School Transition Fees or School-Park Land-Cash Fees.
- (ii) The OWNER/DEVELOPER shall pay Land-Cash Fees for schools and parks at the time of Building Permit Application. For each dwelling unit all fees listed on attached Exhibit "H" shall be charged and paid likewise at the time of application for each respective building permit. The amounts listed in Exhibit "H" will remain for a period of 5 years commencing on the date of this Agreement. Following said five (5) year period, the OWNER/DEVELOPER shall be responsible to pay said fees at a rate currently required by the CITY.

B. OWNER/DEVELOPER shall be required by THE UNITED CITY OF YORKVILLE to hook-on to the City Water at the time of improving the subject property, and shall be responsible for the cost of main extensions to the PROPERTY if said mains do not touch the PROPERTY.

C. Upon annexation to the CITY, the OWNER/DEVELOPER will receive police protection, 911 service, , and all services as provided by CITY to its property owners and residents.

D. The CITY will require the OWNER/DEVELOPER to annex to Yorkville Bristol Sanitary District prior to the time of applying for a building permit seeking to hook up to the Sanitary District and the CITY Sanitary Sewer System. The OWNER/DEVELOPER shall be responsible for the cost of utility extensions to the PROPERTY if said utilities do not touch the PROPERTY.

E. CITY will use its best efforts to support issuance of a highway access permit by IDOT to the CITY and OWNER/DEVELOPER permitting access cuts onto Illinois State Routes 126 and 71 at the approximate locations shown on the Preliminary PUD Conceptual Plan as prepared by Shoppe Design Associates, Inc. and dated January 30, 2008.

4. RIGHTS AND OBLIGATIONS OF SUCCESSORS AND ASSIGNS.

It is specifically understood and agreed that OWNER/DEVELOPER and its successors and assigns shall have the right to sell transfer, mortgage and assign all or any part of the

subject property and the improvements thereon to other persons, trusts, partnerships, firms, or corporations, for investment, building, financing, developing and all such purposes, and that said persons, trusts, partnerships, firms, or corporations shall be entitled to the same rights and privileges and shall have the same obligations as OWNER/DEVELOPER under this Agreement and upon such transfer, the obligations pertaining to the property transferred or sold shall be the sole obligations of the transferee, except for any performance bonds or guaranties posted by OWNER/DEVELOPER on any subdivided or unimproved property for which an acceptable substitute performance bond or letter of credit has not been submitted to the CITY.

#### 5. DORMANT SPECIAL SERVICE AREA and PROPERTY OWNER ASSOCIATION

Owner/Developer agrees to incorporate covenants into the final subdivision plat that provide for the formulation of a Property Owners Association to be responsible to maintain all common facilities, including, but not limited to, private common areas, detention ponds, perimeter landscaping features and entrance signage within the Subject Realty.

Owner/Developer agrees to the City enacting at the time of final plat approval, or anytime thereafter, a Dormant Special Service Area (DSSA) to act as a back up in the event that the Property Owners' Association fails to maintain the Common Facilities, including, but not limited to, private common areas, detention ponds, perimeter landscaping features and entrance signage within the Subject Realty. Owner/Developer agrees to execute any and all documentation necessary or proper to create the Dormant Special Service Area and pay any and all fees, including legal expenses, for the preparation and approval of said documentation.

#### 6. TIME OF THE ESSENCE.

It is understood and agreed by the parties hereto that time is of the essence of this Agreement and that all of the parties will make every reasonable effort, to expedite the subject matter hereof. It is further understood and agreed by the parties that the successful consummation of this Agreement requires their continued cooperation.

#### 7. COVENANTS AND AGREEMENTS.

The covenants and agreements contained in this Agreement shall be deemed to be covenants running with the land during the term of this Agreement shall inure to the benefit of and be binding upon the heirs, successors and assigns of the parties hereto, including the CITY, its corporate authorities and their successors in office, and is enforceable by order of the court pursuant to its provisions and the applicable statutes of the State of Illinois.

8. BINDING EFFECT AND TERM.

This Annexation Agreement shall be binding upon and inure to the benefit of the parties hereto, and their successors and owners of record of land which is the subject of this Agreement, assignee, lessees, and upon any successor municipal authorities of said city, so long as development is commenced within a period of twenty years from the date of execution of this Agreement by the CITY.

9. NOTICE.

Any notices required hereunder shall be in writing and shall be served upon any other party in writing and shall be delivered personally or sent by registered or certified mail, return receipt requested, postage prepaid, addressed as follows:

If to the CITY:

City Clerk  
800 Game Farm Road  
Yorkville, IL 60560

With a copy to:

Kathleen Field Orr  
800 Game Farm Road  
Yorkville, IL 60560

To OWNER/DEVELOPER:

Jake Land Group, LLC  
c/o 25615 Plantation Road  
Plainfield, IL 60544

With a copy to:

Tony Perino  
608 Lookery Ln.  
Joliet, IL 60431

And with a copy to:

Law Offices of Daniel J. Kramer  
1107A S. Bridge St.  
Yorkville, IL 60560

or to such other addresses as any party may from time to time designate in a written notice to the other parties.

10. ENFORCEABILITY.

This Agreement shall be enforceable in any court of competent jurisdiction by any of the parties hereto by an appropriate action of law or in equity to secure the performance of the covenants herein contained.

In the event any portion of said agreement becomes unenforceable due to any change in Illinois Compiled Statutes or court decisions, said unenforceable portion of this Agreement shall be excised here from and the remaining portions thereof shall remain in full force and effect.

11. ENACTMENT OF ORDINANCES.

The CITY agrees to adopt any ordinances which are required to give legal effect to the matters contained in this Agreement or to correct any technical defects which may arise after the execution of this Agreement.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals this 27<sup>th</sup> day of May, 2008.

UNITED CITY OF YORKVILLE

By: Valerie Burd  
Valerie Burd, Mayor

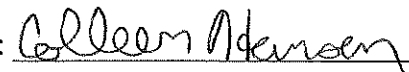
Attest: [Signature]  
City Clerk



JAKE LAND GROUP, LLC

OWNER/DEVELOPER:

By:  MEMBER

Attest:  Gideon Adeney

Prepared by and Return to:

Law Offices of Daniel J. Kramer  
1107A S. Bridge Street  
Yorkville, Illinois 60560  
630.553.9500

## EXHIBIT LIST

Exhibit "A"	Legal Description – Subject Property
Exhibit "A-1"	Unincorporated Portion of Subject Property – Legal Description
Exhibit "A-2"	City of Yorkville Portion of Subject Property – Legal Description
Exhibit "B"	Annexation Plat
Exhibit "C"	B-3 Service Business District – Legal Description
Exhibit "C-1"	B-3 Service Business District Allowable Uses
Exhibit "D"	R-4 General Residence District – Legal Description
Exhibit "E"	Concept PUD Plan - Schoppe Design Associates Plan dated May 8, 2008
Exhibit "F"	Design Guidelines of the Comprehensive Land Use Plan Update Southern Study Area
Exhibit "G"	Offsite Infrastructure Improvements – Raintree Village/Hampton Lane Connection
Exhibit "H"	Fee Schedule

**EXHIBIT A  
LEGAL DESCRIPTION**

THAT PART OF THE WEST HALF OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 3; THENCE SOUTH  $00^{\circ}14'45''$  EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, 1284.36 FEET; THENCE SOUTH  $89^{\circ}50'00''$  WEST, 684.42 FEET; THENCE NORTH  $09^{\circ}30'00''$  WEST, 592.27 FEET; THENCE SOUTH  $57^{\circ}33'55''$  WEST, 327.57 FEET TO THE EASTERLY LINE OF WING ROAD; THENCE NORTH  $21^{\circ}52'29''$  WEST, ALONG SAID EASTERLY LINE, 705.85 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71 FOR THE POINT OF BEGINNING; THENCE SOUTH  $21^{\circ}52'29''$  EAST, ALONG SAID EASTERLY LINE, 119.0 FEET; THENCE NORTH  $68^{\circ}07'31''$  EAST, PERPENDICULAR TO SAID EASTERLY LINE, 211.0 FEET; THENCE NORTH  $21^{\circ}52'29''$  WEST, PARALLEL WITH SAID EASTERLY LINE, 131.87 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE SOUTHWESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 11509.16 FEET, AN ARC DISTANCE OF 211.39 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 0.6060 ACRE.

THAT PART OF THE WEST HALF OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 3; THENCE SOUTH  $00^{\circ}14'45''$  EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, 1284.36 FEET; THENCE SOUTH  $89^{\circ}50'00''$  WEST, 684.42 FEET; THENCE NORTH  $09^{\circ}30'00''$  WEST, 592.27 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH  $57^{\circ}33'55''$  WEST, 327.57 FEET TO THE EASTERLY LINE OF WING ROAD; THENCE NORTH  $21^{\circ}52'29''$  WEST, ALONG SAID EASTERLY LINE, 586.85 FEET TO A POINT ON SAID EASTERLY LINE WHICH IS 119.0 FEET (MEASURED ALONG SAID EASTERLY LINE) SOUTHEASTERLY OF THE SOUTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE NORTH  $68^{\circ}07'31''$  EAST, PERPENDICULAR TO SAID EASTERLY LINE, 211.0 FEET; THENCE NORTH  $21^{\circ}52'29''$  WEST, PARALLEL WITH SAID EASTERLY LINE, 131.87 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE NORTHEASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, BEING A CURVE TO THE LEFT WITH A RADIUS OF 11509.16 FEET, AN ARC DISTANCE OF 261.03 FEET TO A LINE DRAWN NORTH  $09^{\circ}30'00''$  WEST FROM THE POINT OF BEGINNING; THENCE SOUTH  $09^{\circ}30'00''$  EAST, ALONG SAID LINE, 695.72 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 5.6041 ACRES.

THAT PART OF THE NORTH 1/2 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE SOUTH 0 DEGREES, 07 MINUTES, 44 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1284.36 FEET; THENCE NORTH 89 DEGREES, 47 MINUTES, 31 SECONDS WEST, 684.42 FEET; THENCE NORTH 09 DEGREES, 32 MINUTES, 39 SECONDS WEST, 590.03 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ELSIE BOYD BY A DEED DATED MARCH 25, 1929 AND RECORDED DECEMBER 14, 1938 IN DEED RECORD BOOK 88 ON PAGE 399; THENCE NORTH 09 DEGREES, 05 MINUTES, 46 SECONDS WEST, 748.40 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE TIC. 71; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11,459.20 FEET AND A RADIAL BEARING OF NORTH 26 DEGREES, 50 MINUTES, 30 SECONDS WEST AT THE LAST DESCRIBED POINT. 627.46; THENCE NORTH 60 DEGREES, 02 MINUTES, 30 SECONDS EAST ALONG SAID CENTER LINE, 332.0 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 12 DEGREES, 27 MINUTES, 30 SECONDS EAST, 264.0 FEET; THENCE SOUTH 84 DEGREES, 27 MINUTES, 30 SECONDS EAST, 202.0 FEET; THENCE NORTH 0 DEGREES, 47 MINUTES, 30 SECONDS WEST, 423.02 FEET TO SAID CENTER LINE; THENCE SOUTH 60 DEGREES, 02 MINUTES, 30 SECONDS WEST ALONG CENTER LINE, 291.76 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

THAT PART OF THE NORTHEAST, NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 10 MINUTES 48 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER 1284.36 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 40 SECONDS WEST 680.30 FEET; THENCE NORTH 09 DEGREES 33 MINUTES 27 SECONDS WEST 10.0 FEET FOR A POINT OF BEGINNING; THENCE NORTH 09 DEGREES 33 MINUTES 27 SECONDS WEST 579.63 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ELSIE BOYD BY A DEED DATED MARCH 25, 1929 AND RECORDED DECEMBER 14, 1938 IN DEED RECORD BOOK 88 ON PAGE 399; THENCE NORTH 09 DEGREES 05 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF SAID BOYD TRACT 748.57 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11,459.20 FEET AND A RADIAL BEARING OF NORTH 26 DEGREES 49 MINUTES 16 SECONDS WEST AT THE LAST DESCRIBED POINT 627.46 FEET; THENCE NORTH 60 DEGREES 02 MINUTES 30 SECONDS EAST ALONG SAID CENTER LINE 332.0 FEET; THENCE SOUTH 12 DEGREES 27 MINUTES 30 SECONDS EAST 264.0 FEET; THENCE SOUTH 84 DEGREES 27 MINUTES 30 SECONDS EAST 202.0 FEET; THENCE NORTH 00 DEGREES 42 MINUTES 30 SECONDS WEST 423.02 FEET TO SAID CENTER LINE; THENCE NORTH 60 DEGREES 02 MINUTES 30 SECONDS EAST ALONG SAID CENTER LINE 412.69 FEET TO A LINE DRAWN NORTH 00 DEGREES 10 MINUTES 46 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, FROM A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER WHICH IS 598.62 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 10 MINUTES 48 SECONDS WEST ALONG SAID PARALLEL LINE 880.56 FEET TO SAID SOUTH LINE; THENCE SOUTH 89 DEGREES 34 MINUTES 48 SECONDS WEST ALONG SAID SOUTH LINE 598.62 FEET TO SAID SOUTHWEST CORNER; THENCE SOUTH 00 DEGREES 10 MINUTES 48 SECONDS WEST ALONG SAID EAST LINE 1275.36 FEET TO A LINE DRAWN SOUTH 89 DEGREES 40 MINUTES 33 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 40 MINUTES 33 SECONDS WEST 681.94 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 0 DEGREES 08 MINUTES 09 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 798.60 FEET TO AN OLD CLAIM LINE; THENCE NORTH 57 DEGREES 59 MINUTES 05 SECONDS EAST ALONG SAID OLD CLAIM LINE 299.00 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 1 DEGREE 51 MINUTES 32 SECONDS WEST, 402.10 FEET; THENCE SOUTH 59 DEGREES 55 MINUTES, 25 SECONDS EAST, 256.51 FEET; THENCE NORTH 59 DEGREES 55 MINUTES 25 SECONDS EAST 355.65 FEET; THENCE NORTH 62 DEGREES 43 MINUTES 29 SECONDS EAST, 853.57 FEET; THENCE NORTH 33 DEGREES 24 MINUTES 40 SECONDS EAST, 542.27 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE NUMBER 126; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2292.01 FEET AND A RADIAL BEARING OF SOUTH 29 DEGREES 23 MINUTES 51 SECONDS WEST AT THE LAST DESCRIBED POINT, 358.41 FEET TO A POINT WHICH IS 151.00 FEET, AS MEASURED ALONG SAID CENTER LINE, SOUTHEASTERLY OF THE INTERSECTION OF SAID CENTER LINE AND SAID OLD CLAIM LINE; THENCE SOUTH 45 DEGREES 05 MINUTES 49 SECONDS WEST, 265.70 FEET; THENCE SOUTH 73 DEGREES 54 MINUTES 28 SECONDS WEST, 102.86 FEET; THENCE SOUTH 84 DEGREES 11 MINUTES 54 SECONDS WEST, 280.96 FEET; THENCE NORTH 32 DEGREES 00 MINUTES 55 SECONDS WEST, 24.19 FEET TO SAID OLD CLAIM LINE; THENCE SOUTH 87 DEGREES 59 MINUTES 05 SECONDS WEST ALONG SAID OLD CLAIM LINE 789.92 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

A PERPETUAL EASEMENT FOR THE OPERATION, MAINTENANCE AND USE OF A SEPTIC FIELD FOR THE BENEFIT OF PARCEL ONE HEREINABOVE DESCRIBED, UNDER AND UPON THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE CONTIGUOUS TO PARCEL ONE TO WIT:

COMMENCING AT THE MOST NORTHERLY CORNER OF PARCEL ONE HEREINABOVE DESCRIBED ON THE CENTER LINE OF ILLINOIS STATE ROUTE NUMBER 126; THENCE SOUTH 45 DEGREES 05 MINUTES 49 SECONDS WEST, 47.12 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NUMBER 126, FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 45 DEGREES 05 MINUTES 49 SECONDS WEST, 105.0 FEET; THENCE NORTH 32 DEGREES 08 MINUTES 38 SECONDS WEST, 152.18 FEET; THENCE SOUTH 76 DEGREES 09 MINUTES 49 SECONDS EAST, 5.28 FEET; THENCE SOUTH 70 DEGREES 39 MINUTES 49 SECONDS EAST, 158.65 FEET, TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, ALL IN KENDALL COUNTY ILLINOIS.

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 798.60 FEET TO AN OLD CLAIM LINE; THENCE NORTHERLY ALONG SAID WEST LINE, 1118.27 FEET A POINT OF BEGINNING THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 28 DEGREES 33 MINUTES 54 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 228.53 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 178 DEGREES 11 MINUTES 35 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 112.67 FEET TO A LINE DRAWN PARALLEL WITH AND 160.0 FEET NORMALLY DISTANT, EASTERLY OF SAID WEST LINE; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, 717.44 FEET TO SAID CLAIM LINE; THENCE NORTHEASTERLY ALONG SAID CLAIM LINE, 941.92 FEET TO A POINT ON A LINE DRAWN SOUTHWESTERLY, PERPENDICULAR TO THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 126 FROM A POINT ON SAID CENTER LINE WHICH IS 1049.70 FEET, AS MEASURED ALONG SAID CENTER LINE, SOUTHEASTERLY OF THE INTERSECTION OF SAID CENTER LINE WITH THE CENTER LINE OF ILLINOIS STATE ROUTE 71; THENCE NORTHEASTERLY TO SAID POINT ON SAID CENTER LINE OF ILLINOIS ROUTE 126 AFORESAID; THENCE NORTHWESTERLY ALONG SAID ROUTE 126 CENTER LINE AND TO SAID ROUTE 71 CENTER LINE; THENCE SOUTHWESTERLY ALONG SAID ROUTE 71 CENTER LINE, 30.58 FEET TO SAID WEST LINE; THENCE SOUTHERLY ALONG SAID WEST LINE, 78.83 FEET, TO THE POINT OF BEGINNING (EXCEPTING THEREFROM THAT PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE NORTH 00 DEGREES 00 MINUTES 38 SECONDS EAST, ON A BEARING REFERENCED TO AN ASSUMED NORTH, 1925.21 FEET ON THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE SOUTH 89 DEGREES 59 MINUTES 22 SECONDS EAST 58.55 FEET TO THE EXISTING SOUTHEASTERLY RIGHT OF WAY LINE OF A.F.A.P. ROUTE 311 (IL ROUTE 71) AND THE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 34 MINUTES 00 SECONDS EAST 35.28 FEET ON SAID SOUTHEASTERLY RIGHT OF WAY LINE TO THE SOUTHERLY RIGHT OF WAY LINE OF S.B.I. ROUTE 66 (IL ROUTE 126); THENCE SOUTH 70 DEGREES 08 MINUTES 35 SECONDS EAST 125.66 FEET ON SAID SOUTHERLY RIGHT OF WAY LINE; THENCE NORTH 81 DEGREES 09 MINUTES 04 SECONDS WEST 51.85 FEET; THENCE NORTH 76 DEGREES 30 MINUTES 40 SECONDS WEST 103.47 FEET TO THE POINT OF BEGINNING), IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 798.60 FEET TO AN OLD CLAIM LINE FOR A POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID WEST LINE, 1118.27 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 28 DEGREES 33 MINUTES 54 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 228.53 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 178 DEGREES 11 MINUTES 35 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 112.67 FEET TO A LINE DRAWN PARALLEL WITH AND 160.0 FEET NORMALLY DISTANT, EASTERLY OF SAID WEST LINE; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, 717.44 FEET TO SAID CLAIM LINE; THENCE SOUTHWESTERLY ALONG SAID CLAIM LINE, 188.42 FEET TO THE POINT OF BEGINNING, IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 1995.6 FEET TO THE CENTER LINE OF ILLINOIS

ROUTE 71; THENCE NORTHEASTERLY ALONG THE SAID CENTER LINE OF ILLINOIS ROUTE 71, 1411.3 FEET TO THE CENTER LINE EXTENDED NORTHWESTERLY OF THE PUBLIC ROAD RUNNING SOUTHEASTERLY FROM SAID ILLINOIS ROUTE 71, COMMONLY KNOWN AS WING ROAD; THENCE SOUTHEASTERLY ALONG THE EXTENDED CENTER LINE AND THE CENTER LINE OF SAID PUBLIC ROAD, BEING ALONG A LINE THAT FORMS AN ANGLE OF 93 DEGREES 25' TO THE RIGHT WITH THE PROLONGATION NORTHEASTERLY OF THE TANGENT TO THE CENTER LINE OF SAID ILLINOIS ROUTE 71 AT THE LAST DESCRIBED POINT, 761 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A LINE THAT FORMS AN ANGLE OF 79 DEGREES 47' TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED LINE 265.6 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 126; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF ILLINOIS ROUTE 126 TO THE CENTER LINE OF THE EASTERLY FORK OF THE PUBLIC ROAD AFORESAID WHICH RUNS SOUTHEASTERLY FROM SAID ILLINOIS ROUTE 71; THENCE NORTHWESTERLY ALONG THE CENTER LINE OF SAID PUBLIC ROAD TO THE POINT OF BEGINNING; TO THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

GRANTEE HEREBY ASSUMES AND AGREES TO PAY THE UNPAID BALANCE ON THE EXISTING MORTGAGE RECORDED IN BOOK PAGE , THE DEBT SECURED THEREBY AND ALSO HEREBY ASSUMES -THE OBLIGATIONS UNDER THE TERM OF THE INSTRUMENTS CREATING THE LOANS DOCUMENT NO. 79—1053.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE - NORTH 00 DEGREES 08 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, - 1,995.75 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE NORTH 71 DEGREES 23 MINUTES 59 SECONDS EAST ALONG SAID CENTER LINE 30.45 FEET TO THE POINT OF INTERSECTION OF SAID CENTER LINE WITH CENTER LINE OF ILLINOIS STATE ROUTE NO. 126 FOR THE POINT OF BEGINNING; THENCE NORTH 71 DEGREES 23 MINUTES 59 SECONDS EAST ALONG SAID ROUTE 71 CENTER LINE 230.67 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11,459.20 FEET WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT AT THE LAST DESCRIPTION POINT, 1,141.60 FEET TO THE INTERSECTION WITH THE - CENTER LINE EXTENDED NORTHWESTERLY OF WING ROAD; THENCE SOUTH 21 DEGREES 30 MINUTES 13 SECONDS EAST ALONG SAID WING ROAD CENTER LINE 761.0 FEET; THENCE SOUTH 58 DEGREES 16 MINUTES 47 SECONDS WEST 265.35 FEET TO SAID ROUTE 126 CENTER LINE; THENCE NORTHWESTERLY ALONG SAID ROUTE 126 CENTER LINE BEING ALONG A CURVE TO THE LEFT AND HAVING A RADIUS OF 2,292.01 FEET WHICH IS TANGENT TO A LINE DRAWN NORTH 72 DEGREES 57 MINUTES 06 SECONDS WEST FROM THE LAST DESCRIBED POINT 147.93 FEET; THENCE NORTH 16 DEGREES 38 MINUTES 49 SECONDS WEST ALONG SAID ROUTE 126 CENTERLINE 850.98 FEET; THENCE NORTHWESTERLY ALONG SAID ROUTE 126 CENTERLINE BEING ALONG A CURVE TO THE RIGHT AND HAVING A RADIUS OF 2,148.79 FEET WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 383.53 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART DESCRIBED AS FOLLOWS: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36- NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 08 MINUTES 14 SECONDS WEST ALONG -THE WEST LINE OF SAID SOUTHWEST QUARTER 1995.75 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE 71; THENCE NORTH 71 DEGREES 23 MINUTES 59 SECONDS EAST ALONG SAID ROUTE 71 CENTER LINE 261.12 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 15,459.20 FEET WHICH IS TANGENT TO THE LAST-DESCRIBED COURSE 1141.60 FEET TO THE INTERSECTION WITH THE CENTER LINE EXTENDED NORTHWESTERLY OF WING ROAD FOR THE POINT OF BEGINNING; THENCE SOUTH 21 DEGREES 30 MINUTES 13 SECONDS EAST ALONG SAID WING ROAD CENTER LINE 258.05 FEET; THENCE SOUTH 58 DEGREES 29 MINUTES 47 SECONDS WEST 200.0 FEET; THENCE NORTH 21 DEGREES 30 MINUTES 13 SECONDS WEST PARALLEL WITH SAID WING ROAD CENTER LINE 250.0 FEET TO SAID ROUTE 71 CENTER LINE; THENCE NORTHEASTERLY ALONG SAID ROUTE 71 CENTER LINE 200.16 FEET TO THE POINT OF BEGINNING, IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, (ILLINOIS, AND ALSO EXCEPTING, THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3 IN TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM EAST ZONE (NAD83): COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE NORTH 01 DEGREE 35 MINUTES 30 SECONDS WEST, 1,995.04 FEET ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 TO THE CENTERLINE OF A PUBLIC HIGHWAY DESIGNATED IL 71; THENCE NORTH 69 DEGREES 55 MINUTES 19 SECONDS EAST, 31.52 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING FROM THE POINT OF BEGINNING; THENCE NORTH 69 DEGREES 55 MINUTES 19 SECONDS EAST, 230.66 FEET ALONG SAID CENTERLINE; THENCE NORTHEASTERLY, 940.56 FEET ALONG AN 11,479.02 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING NORTH 67 DEGREES 34 MINUTES 29 SECONDS EAST, 940.31 FEET; THENCE SOUTH 22 DEGREES 56 MINUTES 31 SECONDS EAST, 60.03 FEET; THENCE SOUTHWESTERLY, 418.10 FEET ON AN 11,539.02 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING SOUTH 66 DEGREES 16 MINUTES 29 SECONDS WEST, 418.08 FEET; THENCE SOUTH 59 DEGREES 24 MINUTES 09 SECONDS WEST, 71.10 FEET; THENCE SOUTH 25 DEGREES 14 MINUTES 24 SECONDS WEST, 60.52 FEET; THENCE SOUTHEASTERLY, 570.87 FEET ON AN 675.00 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING SOUTH 55 DEGREES 22 MINUTES 46 SECONDS EAST, 560.80 FEET; THENCE SOUTH 74 DEGREES 04 MINUTES 13 SECONDS EAST, 274.41 FEET; THENCE SOUTH 64 DEGREES 05 MINUTES 29 SECONDS EAST, 35.85 FEET; THENCE SOUTH 55 DEGREES 49 MINUTES 00 SECONDS WEST, 64.56 FEET TO THE CENTERLINE OF A PUBLIC HIGHWAY DESIGNATED IL 126; THENCE NORTHWESTERLY, 162.08 FEET ON SAID CENTERLINE BEING A 2,291.64 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING NORTH 76 DEGREES 16 MINUTES 12 SECONDS WEST, 162.05 FEET; THENCE NORTH 78 DEGREES 17 MINUTES 46 SECONDS WEST, 357.37 FEET ON SAID CENTERLINE; THENCE NORTH 53 DEGREES 52 MINUTES 46 SECONDS WEST, 96.76 FEET TO THE EXISTING NORTHERLY RIGHT OF WAY LINE OF IL 126; THENCE NORTHWESTERLY, 297.03 FEET ON A 990.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING NORTH 45 DEGREES 17 MINUTES 03 SECONDS WEST, 295.92 FEET; THENCE NORTH 36 DEGREES 39 MINUTES 21 SECONDS WEST, 23.77 FEET; THENCE NORTH 77 DEGREES 19 MINUTES 36 SECONDS WEST, 64.74 FEET; THENCE SOUTH 69 DEGREES 03

MINUTES 36 SECONDS WEST, 100.61 FEET; THENCE SOUTH 69 DEGREES 55 MINUTES 52 SECONDS WEST, 149.98 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID IL 71; THENCE SOUTH 65 DEGREES 32 MINUTES 40 SECONDS WEST, 113.94 FEET TO THE CENTERLINE OF SAID IL 126; THENCE NORTHWESTERLY, 119.55 FEET ON SAID CENTERLINE BEING A 2,170.59 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING NORTH 69 DEGREES 20 MINUTES 17 SECONDS WEST, 119.54 FEET TO THE POINT OF BEGINNING.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 07°44' EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER 1236.84 FEET TO A POINT ON SAID EAST LINE WHICH IS 1284.36 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 89°47'31" WEST, 684.42 FEET; THENCE NORTH 09°32'39" WEST, 590.03 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ELSIE BOYD BY DEED DATED MARCH 25, 1929 AND RECORDED DECEMBER 14, 1938 IN DEED RECORD 88 ON PAGE 399, FOR THE POINT OF BEGINNING; THENCE SOUTH 57°58'56" WEST ALONG THE SOUTHERLY LINE OF SAID BOYD TRACT AND SAID SOUTHERLY LINE EXTENDED 352.89 FEET TO THE CENTER LINE OF WING ROAD; THENCE SOUTH 21°28'35" EAST ALONG SAID CENTERLINE 131.00 FEET; THENCE NORTH 57°58'56" EAST PARALLEL WITH SAID SOUTHERLY LINE 323.58 FEET TO A POINT WHICH IS SOUTH 09°32'39" EAST, 139.37 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 09°32'39" WEST, 139.37 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 1995.6 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 7L; THENCE EASTERLY ALONG SAID CENTER LINE 32.2 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 126; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF ILLINOIS ROUTE 126, 1049.7 FEET FOR THE POINT, OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO SAID CENTER LINE, 339.9 FEET TO AN OLD CLAIM LINE; THENCE NORTHEASTERLY ALONG SAID OLD CLAIM LINE WHICH MAKES AN ANGLE OF 44°21' (MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE) 468.6 FEET TO THE CENTER LINE OF SAID ILLINOIS ROUTE 126; THENCE NORTHWESTERLY ALONG SAID CENTER LINE 328.1 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS. EXCEPT THEREFROM THE BELOW DESCRIBED PARCEL:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM EAST ZONE (NAD83):

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE NORTH 01 DEGREE 35 MINUTES 30 SECONDS WEST, 1,995.04 FEET ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 TO THE 'CENTERLINE OF A PUBLIC HIGHWAY DESIGNATED IL 71; THENCE NORTH 69 DEGREES 55 MINUTES 19 SECONDS EAST, 31.52 FEET ALONG SAID CENTERLINE TO THE CENTERLINE OF A PUBLIC HIGHWAY DESIGNATED IL 126; THENCE SOUTHEASTERLY ALONG SAID CENTERLINE, 399.15 FEET ALONG A 2,170.59 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING OF SOUTH 73 DEGREES 01 MINUTE 41 SECONDS EAST, 398.58 FEET THENCE SOUTH 78 DEGREES 17 MINUTES 46 SECONDS EAST, 649.36 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING, THENCE SOUTH 78° DEGREES 17 MINUTES 46 SECONDS EAST, 172.16 FEET ALONG SAID CENTERLINE; THENCE SOUTHEASTERLY ALONG SAID CENTERLINE, 162.08 FEET ALONG A 2,291.64 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING OF SOUTH 76 DEGREES 16 MINUTES 12 SECONDS EAST, 162.05 FEET; THENCE SOUTH 56 DEGREES 32 MINUTES 11 SECONDS WEST, 65.63 FEET; THENCE NORTH 74 DEGREES 04 MINUTES 13 SECONDS WEST, 5.13 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 14 SECONDS WEST, 50.57 FEET, TO THE SOUTHERLY RIGHT OF WAY LINE OF IL 126; THENCE NORTHWESTERLY, 61.11 FEET ON SAID RIGHT OF WAY LINE BEING ON A 2,251.64 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING OF NORTH 77 DEGREES 31 MINUTES 09 SECONDS WEST, 61.11 FEET; THENCE NORTH 78 DEGREES 17 MINUTES 46 SECONDS WEST, 172.27 FEET ALONG SAID SOUTH RIGHT OF WAY LINE; THENCE NORTH 11 DEGREES 52 MINUTES 19 SECONDS EAST, 40.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.297 ACRE MORE OR LESS, OF WHICH 0.290 ACRE, MORE OR LESS, IS LYING WITHIN PUBLIC ROAD RIGHT OF WAY, SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS, HEREBY RELEASING AND WAVING ALL RIGHTS UNDER AND BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE.

## EXHIBIT A-1

### PARCEL "B" DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 0 DEGREES 7 MINUTES 44 SECONDS EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER 1,236.84 FEET TO A POINT ON SAID EAST LINE WHICH IS 1284.36 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 47 MINUTES 31 SECONDS WEST, 684.42 FEET; THENCE NORTH 09 DEGREES 32 MINUTES 39 SECONDS WEST, 590.03 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ELSIE BOYD BY DEED DATED MARCH 25, 1929 AND RECORDED DECEMBER 14, 1938 IN DEED RECORD 88 ON PAGE 399 FOR THE POINT OF BEGINNING; THENCE SOUTH 57 DEGREES 58 MINUTES 56 SECONDS WEST ALONG THE SOUTHERLY LINE OF SAID BOYD TRACT AND SAID SOUTHERLY LINE EXTENDED 352.89 FEET TO THE CENTER LINE OF WING ROAD; THENCE SOUTH 21 DEGREES 28 MINUTES 35 SECONDS EAST ALONG SAID CENTER LINE 131.0 FEET; THENCE NORTH 57 DEGREES 58 MINUTES 56 SECONDS EAST PARALLEL WITH SAID SOUTHERLY LINE 323.58 FEET TO A POINT WHICH IS SOUTH 09 DEGREES 32 MINUTES 39 SECONDS EAST, 139.37 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 09 DEGREES 32 MINUTES 39 SECONDS WEST, 139.37 FEET TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

### PARCEL "D" DESCRIPTION

THAT PART OF THE NORTHEAST, NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 10 MINUTES 48 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 1,284.36 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 40 SECONDS WEST, 680.30 FEET; THENCE NORTH 09 DEGREES 33 MINUTES 27 SECONDS WEST, 10.0 FEET FOR A POINT OF BEGINNING; THENCE NORTH 09 DEGREES 33 MINUTES 27 SECONDS WEST, 579.53 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ELSIE BOYD BY A DEED DATED MARCH 25, 1929 AND RECORDED DECEMBER 14, 1938 IN DEED RECORD BOOK 88 ON PAGE 399; THENCE NORTH 09 DEGREES 05 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF SAID BOYD TRACT, 748.57 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11,459.20 FEET AND A RADIAL BEARING OF NORTH 26 DEGREES 49 MINUTES 16 SECONDS WEST AT THE LAST DESCRIBED POINT, 627.46 FEET; THENCE NORTH 60 DEGREES 02 MINUTES 30 SECONDS EAST ALONG SAID CENTER LINE, 332.0 FEET; THENCE SOUTH 12 DEGREES 27 MINUTES 30 SECONDS EAST, 264.0 FEET; THENCE SOUTH 84 DEGREES 27 MINUTES 30 SECONDS EAST, 202.0 FEET; THENCE NORTH 00 DEGREES 42 MINUTES 30 SECONDS WEST, 423.02

## EXHIBIT A-1

FEET TO SAID CENTER LINE; THENCE NORTH 60 DEGREES 02 MINUTES 30 SECONDS EAST ALONG SAID CENTER LINE, 472.59 FEET TO A LINE DRAWN NORTH 00 DEGREES 10 MINUTES 48 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, FROM A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER WHICH IS 598.62 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 10 MINUTES 48 SECONDS WEST ALONG SAID PARALLEL LINE, 880.56 FEET TO SAID SOUTH LINE; THENCE SOUTH 89 DEGREES 34 MINUTES 48 SECONDS WEST ALONG SAID SOUTH LINE, 598.62 FEET TO SAID SOUTHWEST CORNER; THENCE SOUTH 00 DEGREES 10 MINUTES 48 SECONDS WEST ALONG SAID EAST LINE, 1275.36 FEET TO A LINE DRAWN SOUTH 89 DEGREES 40 MINUTES 33 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 40 MINUTES 33 SECONDS WEST, 681.94 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

### PARCEL "E" DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 0 DEGREES 08 MINUTES 09 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 798.60 FEET TO AN OLD CLAIM LINE; THENCE NORTH 57 DEGREES 59 MINUTES 05 SECONDS EAST ALONG SAID OLD CLAIM LINE, 299.00 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 1 DEGREE 51 MINUTES 32 SECONDS WEST, 402.10 FEET; THENCE SOUTH 59 DEGREES 25 MINUTES 54 SECONDS EAST, 256.51 FEET; THENCE NORTH 59 DEGREES 55 MINUTES 25 SECONDS EAST, 355.65 FEET; THENCE NORTH 62 DEGREES 43 MINUTES 29 SECONDS EAST, 853.57 FEET; THENCE NORTH 33 DEGREES 24 MINUTES 40 SECONDS EAST, 542.27 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE NUMBER 126; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2,292.01 FEET AND A RADIAL BEARING OF SOUTH 29 DEGREES 23 MINUTES 51 SECONDS WEST AT THE LAST DESCRIBED POINT, 358.41 FEET TO A POINT WHICH IS 151.00 FEET, AS MEASURED ALONG SAID CENTER LINE, SOUTHEASTERLY OF THE INTERSECTION OF SAID CENTER LINE AND SAID OLD CLAIM LINE; THENCE SOUTH 45 DEGREES 05 MINUTE 49 SECONDS WEST, 265.70 FEET; THENCE SOUTH 73 DEGREES 54 MINUTES 28 SECONDS WEST, 102.86 FEET; THENCE SOUTH 84 DEGREES 11 MINUTES 54 SECONDS WEST, 280.96 FEET; THENCE NORTH 32 DEGREES 00 MINUTES 55 SECONDS WEST, 24.19 FEET TO SAID OLD CLAIM LINE; THENCE SOUTH 87 DEGREES 59 MINUTES 05 SECONDS WEST ALONG SAID OLD CLAIM LINE, 789.92 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.



## EXHIBIT A-1

### PARCEL "F" DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 798.60 FEET TO AN OLD CLAIM LINE; THENCE NORTHERLY ALONG SAID WEST LINE, 1118.27 FEET FOR A POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 28 DEGREES 33 MINUTES 54 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 228.53 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 178 DEGREES 11 MINUTES 35 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 112.67 FEET TO A LINE DRAWN PARALLEL WITH AND 160.0 FEET NORMALLY DISTANT, EASTERLY OF SAID WEST LINE; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, 717.44 FEET TO SAID CLAIM LINE; THENCE NORTHEASTERLY ALONG SAID CLAIM LINE, 941.92 FEET TO A POINT ON A LINE DRAWN SOUTHWESTERLY, PERPENDICULAR TO THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 126 FROM A POINT ON SAID CENTER LINE WHICH IS 1,049.70 FEET, AS MEASURED ALONG SAID CENTER LINE, SOUTHEASTERLY OF THE INTERSECTION OF SAID CENTER LINE WITH THE CENTER LINE OF ILLINOIS STATE ROUTE 71, THENCE NORTHEASTERLY TO SAID POINT ON SAID CENTER LINE OF ILLINOIS ROUTE 126 AFORESAID; THENCE NORTHWESTERLY ALONG SAID ROUTE 126 CENTER LINE AND TO SAID ROUTE 71 CENTER LINE; THENCE SOUTHWESTERLY ALONG SAID ROUTE 71 CENTER LINE, 30.58 FEET TO SAID WEST LINE; THENCE SOUTHERLY ALONG SAID WEST LINE, 78.83 FEET, TO THE POINT OF BEGINNING (EXCEPTING THEREFROM THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE NORTH 00 DEGREES 00 MINUTES 38 SECONDS EAST, ON A BEARING REFERENCED TO AN ASSUMED NORTH, 1,925.21 FEET ON THE WEST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89 DEGREES 59 MINUTES 22 SECONDS EAST, 58.55 FEET TO THE EXISTING SOUTHEASTERLY RIGHT OF WAY LINE OF A F.A.P. ROUTE 311 (IL ROUTE 71) AND THE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 34 MINUTES 00 SECONDS EAST, 35.28 FEET ON SAID SOUTHEASTERLY RIGHT OF WAY LINE TO THE SOUTHERLY RIGHT OF WAY LINE OF S.B.I. ROUTE 66 (IL ROUTE 126); THENCE SOUTH 70 DEGREES 08 MINUTES 35 SECONDS EAST, 125.66 FEET ON SAID SOUTHERLY RIGHT OF WAY LINE; THENCE NORTH 81 DEGREES 09 MINUTES 04 SECONDS WEST, 51.85 FEET; THENCE NORTH 76 DEGREES 30 MINUTES 40 SECONDS WEST, 103.47 FEET TO THE POINT OF BEGINNING, IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

### PARCEL "G" DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

## EXHIBIT A-1

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 798.60 FEET TO AN OLD CLAIM LINE FOR A POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID WEST LINE, 1,118.27 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 28 DEGREES 33 MINUTES 54 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 228.53 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 178 DEGREES 11 MINUTES 35 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 112.67 FEET TO A LINE DRAWN PARALLEL WITH AND 160.0 FEET NORMALLY DISTANT, EASTERLY OF SAID WEST LINE; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, 717.44 FEET TO SAID CLAIM LINE; THENCE SOUTHWESTERLY ALONG SAID CLAIM LINE, 188.42 FEET TO THE POINT OF BEGINNING, IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

### PARCEL "J" DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 1995.6 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 71; THENCE NORTHEASTERLY ALONG THE SAID CENTER LINE OF ILLINOIS ROUTE 71, A DISTANCE OF 1411.3 FEET TO THE CENTER LINE EXTENDED NORTHWESTERLY OF THE PUBLIC ROAD RUNNING SOUTHEASTERLY FROM SAID ILLINOIS ROUTE 71, COMMONLY KNOWN AS WING ROAD; THENCE SOUTHEASTERLY ALONG THE EXTENDED CENTER LINE AND THE CENTER LINE OF SAID PUBLIC ROAD, BEING ALONG A LINE THAT FORMS AN ANGLE OF 93 DEGREES 25 MINUTES TO THE RIGHT WITH THE PROLONGATION NORTHEASTERLY OF THE TANGENT TO THE CENTER LINE OF SAID ILLINOIS ROUTE 71 AT THE LAST DESCRIBED POINT, 761 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A LINE THAT FORMS AN ANGLE OF 79 DEGREES 47 MINUTES TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED LINE, 265.6 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 126; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF ILLINOIS ROUTE 126 TO THE CENTER LINE OF THE EASTERLY FORK OF THE PUBLIC ROAD AFORESAID WHICH RUNS SOUTHEASTERLY FROM SAID ILLINOIS ROUTE 71; THENCE NORTHWESTERLY ALONG THE CENTER LINE OF SAID PUBLIC ROAD TO THE POINT OF BEGINNING; IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

### PARCEL "K" DESCRIPTION

THAT PART OF THE NORTH HALF OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

## EXHIBIT A-1

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE SOUTH 0 DEGREES 07 MINUTES 44 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 1284.36 FEET; THENCE NORTH 89 DEGREES 47 MINUTES 31 SECONDS WEST, 684.42 FEET; THENCE NORTH 09 DEGREES 32 MINUTES 39 SECONDS WEST, 590.03 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ELSIE BOYD BY A DEED DATED MARCH 25, 1929 AND RECORDED DECEMBER 14, 1938 IN DEED RECORD BOOK 88 ON PAGE 399; THENCE NORTH 09 DEGREES 05 MINUTES 46 SECONDS WEST, 748.40 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11,459.20 FEET AND A RADIAL BEARING OF NORTH 26 DEGREES 50 MINUTES 30 SECONDS WEST AT THE LAST DESCRIBED POINT, 627.46 FEET; THENCE NORTH 60 DEGREES 02 MINUTES 30 SECONDS EAST ALONG SAID CENTER LINE, 332.0 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 12 DEGREES 27 MINUTES 30 SECONDS EAST, 264.0 FEET; THENCE SOUTH 84 DEGREES 27 MINUTES 30 SECONDS EAST, 202.0 FEET; THENCE NORTH 0 DEGREES 42 MINUTES 30 SECONDS WEST, 432.02 FEET TO SAID CENTER LINE; THENCE SOUTH 60 DEGREES 02 MINUTES 30 SECONDS WEST, ALONG CENTER LINE, 291.76 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

### PARCEL "L" DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 1995.6 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 71; THENCE EASTERLY ALONG SAID CENTER LINE 32.2 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 126; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF ILLINOIS ROUTE 126, 1049.7 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO SAID CENTER LINE, 339.9 FEET TO AN OLD CLAIM LINE; THENCE NORTHEASTERLY ALONG SAID OLD CLAIM LINE WHICH MAKES AN ANGLE OF 44 DEGREES 21 MINUTES (MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE) 468.6 FEET TO THE CENTER LINE OF SAID ILLINOIS ROUTE 126; THENCE NORTHWESTERLY ALONG SAID CENTER LINE 328.1 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS, EXCEPT THAT PREVIOUSLY ANNEXED.

(PARCELS CONTAIN 78.145 ACRES MORE OR LESS.)

## EXHIBIT A-2

### PARCEL "A" DESCRIPTION

THAT PART OF THE WEST HALF OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 3; THENCE SOUTH 00 DEGREES 14 MINUTES 45 SECONDS EAST ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, 1,284.36 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 00 SECONDS WEST, 684.42 FEET; THENCE NORTH 09 DEGREES 30 MINUTES 00 SECONDS WEST, 592.27 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 57 DEGREES 33 MINUTES 55 SECONDS WEST, 327.57 FEET TO THE EASTERLY LINE OF WING ROAD; THENCE NORTH 21 DEGREES 52 MINUTES 29 SECONDS WEST ALONG SAID EASTERLY LINE 705.85 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 71; THENCE NORTHEASTERLY ALONG SAID SOUTHERLY LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11,509.16 FEET; A DISTANCE OF 472.39 FEET TO A LINE DRAWN NORTH 09 DEGREES 30 MINUTES 00 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 09 DEGREES 30 MINUTES 00 SECONDS EAST ALONG SAID LINE, 695.72 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

### PARCEL "H" DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 08 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 1,995.75 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE NORTH 71 DEGREES 23 MINUTES 59 SECONDS EAST ALONG SAID CENTER LINE, 30.45 FEET TO THE POINT OF INTERSECTION OF SAID CENTER LINE WITH CENTER LINE OF ILLINOIS STATE ROUTE NO. 126 FOR THE POINT OF BEGINNING; THENCE NORTH 71 DEGREES 23 MINUTES 59 SECONDS EAST ALONG SAID ROUTE 71 CENTER LINE, 230.67 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11,459.20 FEET WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT AT THE LAST DESCRIPTION POINT, 1,141.60 FEET TO THE INTERSECTION WITH THE CENTER LINE EXTENDED NORTHWESTERLY OF WING ROAD; THENCE SOUTH 21 DEGREES 30 MINUTES 13 SECONDS EAST ALONG SAID WING ROAD CENTER LINE, 761.0 FEET; THENCE SOUTH 58 DEGREES 16 MINUTES 47 SECONDS WEST, 265.38 FEET TO SAID ROUTE 126 CENTER LINE; THENCE NORTHWESTERLY ALONG SAID ROUTE 126 CENTER LINE, BEING ALONG A CURVE TO THE LEFT AND HAVING A RADIUS OF 2,292.01 FEET WHICH IS TANGENT TO A LINE DRAWN NORTH 72 DEGREE

## EXHIBIT A-2

57 MINUTES 06 SECONDS WEST FROM THE LAST DESCRIBED POINT, 147.83 FEET; THENCE NORTH 76 DEGREES 38 MINUTES 49 SECONDS WEST ALONG SAID ROUTE 126 CENTER LINE, 850.98 FEET; THENCE NORTHWESTERLY ALONG SAID ROUTE 126 CENTER LINE, BEING ALONG A CURVE TO THE RIGHT AND HAVING A RADIUS OF 2,148.79 FEET WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 383.53 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART DESCRIBED AS FOLLOWS: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 08 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 1,995.75 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE 71; THENCE NORTH 71 DEGREES 23 MINUTES 59 SECONDS EAST ALONG SAID ROUTE 71 CENTER LINE, 261.12 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11,459.20 FEET WHICH IS TANGENT TO THE LAST DESCRIBED COURSE, 1,141.60 FEET TO THE INTERSECTION WITH THE CENTER LINE EXTENDED NORTHWESTERLY OF WING ROAD FOR THE POINT OF BEGINNING; THENCE SOUTH 21 DEGREES 30 MINUTES 13 SECONDS EAST ALONG SAID WING ROAD CENTER LINE, 258.05 FEET; THENCE SOUTH 68 DEGREES 29 MINUTES 47 SECONDS WEST, 200.0 FEET; THENCE NORTH 21 DEGREES 30 MINUTES 13 SECONDS WEST, PARALLEL WITH SAID WING ROAD CENTER LINE, 250.0 FEET TO SAID ROUTE 71 CENTER LINE; THENCE NORTHEASTERLY ALONG SAID ROUTE 71 CENTER LINE, 200.16 FEET TO THE POINT OF BEGINNING, IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, AND ALSO EXCEPTING,

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3 IN TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM EAST ZONE (NAD83).

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE NORTH 01 DEGREE 35 MINUTES 30 SECONDS WEST, 1,995.04 FEET ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER TO THE CENTER LINE OF A PUBLIC HIGHWAY DESIGNATED IL 71; THENCE NORTH 69 DEGREES 55 MINUTES 19 SECONDS EAST, 31.52 FEET ALONG SAID CENTER LINE TO THE POINT OF BEGINNING; THENCE NORTH 69 DEGREES 55 MINUTES 19 SECONDS EAST, 230.66 FEET ALONG SAID CENTER LINE; THENCE NORTHEASTERLY, 940.58 FEET ALONG AN 11,479.02 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING NORTH 67 DEGREES 34 MINUTES 29 SECONDS EAST, 940.31 FEET; THENCE SOUTH 22 DEGREES 56 MINUTES 31 SECONDS EAST, 60.03 FEET; THENCE SOUTHWESTERLY, 418.10 FEET ON AN 11,539.02 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING SOUTH 66 DEGREES 16 MINUTES 29 SECONDS WEST, 418.08 FEET; THENCE SOUTH

## EXHIBIT A-2

59 DEGREES 24 MINUTES 09 SECONDS WEST, 71.10 FEET; THENCE SOUTH 25 DEGREES 14 MINUTES 24 SECONDS WEST, 60.52 FEET; THENCE SOUTHEASTERLY, 570.87 FEET ON AN 875.00 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING SOUTH 55 DEGREES 22 MINUTES 46 SECONDS EAST, 560.80 FEET; THENCE SOUTH 74 DEGREES 04 MINUTES 13 SECONDS EAST, 274.41 FEET; THENCE SOUTH 64 DEGREES 05 MINUTES 29 SECONDS EAST, 35.85 FEET; THENCE SOUTH 56 DEGREES 49 MINUTES 00 SECONDS WEST, 64.56 FEET TO THE CENTER LINE OF A PUBLIC HIGHWAY DESIGNATED IL 126; THENCE NORTHWESTERLY, 162.08 FEET ON SAID CENTER LINE BEING A 2,291.64 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING NORTH 76 DEGREES 16 MINUTES 12 SECONDS WEST, 162.05 FEET; THENCE NORTH 78 DEGREES 17 MINUTES 46 SECONDS WEST, 357.37 FEET ON SAID CENTER LINE; THENCE NORTH 53 DEGREES 52 MINUTES 46 SECONDS WEST, 96.76 FEET TO THE EXISTING NORTHERLY RIGHT OF WAY LINE OF IL 126; THENCE NORTHWESTERLY, 297.03 FEET ON A 990.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING NORTH 45 DEGREES 17 MINUTES 03 SECONDS WEST, 295.92 FEET; THENCE NORTH 36 DEGREES 39 MINUTES 21 SECONDS WEST, 23.77 FEET; THENCE NORTH 77 DEGREES 19 MINUTES 38 SECONDS WEST, 84.74 FEET; THENCE SOUTH 69 DEGREES 03 MINUTES 36 SECONDS WEST, 100.61 FEET; THENCE SOUTH 69 DEGREES 55 MINUTES 52 SECONDS WEST, 149.98 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID IL 71; THENCE SOUTH 65 DEGREES 32 MINUTES 40 SECONDS WEST, 113.94 FEET TO THE CENTER LINE OF SAID IL 126; THENCE NORTHWESTERLY, 119.55 FEET ON SAID CENTER LINE BEING A 2,170.59 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING NORTH 69 DEGREES 20 MINUTES 17 SECONDS WEST, 119.54 FEET TO THE POINT OF BEGINNING.

(PARCELS CONTAIN 15.323 ACRES MORE OR LESS.)



THAT PART OF THE WEST HALF OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 3; THENCE SOUTH 00°14'45" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, 1284.36 FEET; THENCE SOUTH 89°50'00" WEST, 684.42 FEET; THENCE NORTH 09°30'00" WEST, 592.27 FEET; THENCE SOUTH 57°33'55" WEST, 327.57 FEET TO THE EASTERLY LINE OF WING ROAD; THENCE NORTH 21°52'29" WEST, ALONG SAID EASTERLY LINE, 705.85 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71 FOR THE POINT OF BEGINNING; THENCE SOUTH 21°52'29" EAST, ALONG SAID EASTERLY LINE, 119.0 FEET; THENCE NORTH 68°07'31" EAST, PERPENDICULAR TO SAID EASTERLY LINE, 211.0 FEET; THENCE NORTH 21°52'29" WEST, PARALLEL WITH SAID EASTERLY LINE, 131.87 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE SOUTHWESTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, BEING A CURVE TO THE RIGHT WITH A RADIUS OF 11509.16 FEET, AN ARC DISTANCE OF 211.39 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 0.6060 ACRE.

THAT PART OF THE WEST HALF OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE CENTER OF SAID SECTION 3; THENCE SOUTH 00°14'45" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, 1284.36 FEET; THENCE SOUTH 89°50'00" WEST, 684.42 FEET; THENCE NORTH 09°30'00" WEST, 592.27 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 57°33'55" WEST, 327.57 FEET TO THE EASTERLY LINE OF WING ROAD; THENCE NORTH 21°52'29" WEST, ALONG SAID EASTERLY LINE, 586.85 FEET TO A POINT ON SAID EASTERLY LINE WHICH IS 119.0 FEET (MEASURED ALONG SAID EASTERLY LINE) SOUTHEASTERLY OF THE SOUTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE NORTH 68°07'31" EAST, PERPENDICULAR TO SAID EASTERLY LINE, 211.0 FEET; THENCE NORTH 21°52'29" WEST, PARALLEL WITH SAID EASTERLY LINE, 131.87 FEET TO SAID SOUTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 71; THENCE NORTHEASTERLY, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, BEING A CURVE TO THE LEFT WITH A RADIUS OF 11509.16 FEET, AN ARC DISTANCE OF 261.03 FEET TO A LINE DRAWN NORTH 09°30'00" WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 09°30'00" EAST, ALONG SAID LINE, 695.72 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 5.6041 ACRES.

THAT PART OF THE NORTH 1/2 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE SOUTH 0 DEGREES, 07 MINUTES, 44 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4, 1284.36 FEET; THENCE NORTH 89 DEGREES, 47 MINUTES, 31 SECONDS WEST, 684.42 FEET; THENCE NORTH 09 DEGREES, 32 MINUTES, 39 SECONDS WEST, 590.03 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ELSIE BOYD BY A DEED DATED MARCH 25, 1929 AND RECORDED DECEMBER 14, 1938 IN DEED RECORD BOOK 88 ON PAGE 399; THENCE NORTH 09 DEGREES, 05 MINUTES, 46 SECONDS WEST, 748.40 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11,459.20 FEET AND A RADIAL BEARING OF NORTH 26 DEGREES, 50 MINUTES, 30 SECONDS WEST AT THE LAST DESCRIBED POINT, 627.46; THENCE NORTH 60 DEGREES, 02 MINUTES, 30 SECONDS EAST ALONG SAID CENTER LINE, 332.0 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 12 DEGREES, 27 MINUTES, 30 SECONDS EAST, 264.0 FEET; THENCE SOUTH 84 DEGREES, 27 MINUTES, 30 SECONDS EAST, 202.0 FEET; THENCE NORTH 0 DEGREES, 47 MINUTES, 30 SECONDS WEST, 423.02 FEET TO SAID CENTER LINE; THENCE SOUTH 60 DEGREES, 02 MINUTES, 30 SECONDS WEST ALONG CENTER LINE, 291.76 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

THAT PART OF THE NORTHEAST, NORTHWEST AND SOUTHWEST QUARTERS OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 10 MINUTES 48 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER 1284.36 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 40 SECONDS WEST 680.30 FEET; THENCE NORTH 09 DEGREES 33 MINUTES 27 SECONDS WEST 10.0 FEET FOR A POINT OF BEGINNING; THENCE NORTH 09 DEGREES, 33 MINUTES 27 SECONDS WEST 579.63 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ELSIE BOYD BY A DEED DATED MARCH 25, 1929 AND RECORDED DECEMBER 14, 1938 IN DEED RECORD BOOK 88 ON PAGE 399; THENCE NORTH 09 DEGREES 05 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF SAID BOYD TRACT 748.57 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE NORTHEASTERLY ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11,459.20 FEET AND A RADIAL BEARING OF NORTH 26 DEGREES 49 MINUTES 16 SECONDS WEST AT THE LAST DESCRIBED POINT 627.46 FEET; THENCE NORTH 60 DEGREES 02 MINUTES 30 SECONDS EAST ALONG SAID CENTER LINE 332.0 FEET; THENCE SOUTH 12 DEGREES 27 MINUTES 30 SECONDS EAST 264.0 FEET; THENCE SOUTH 84 DEGREES 27 MINUTES 30 SECONDS EAST 202.0 FEET; THENCE NORTH 00 DEGREES 42 MINUTES 30 SECONDS WEST 423.02 FEET TO SAID CENTER LINE; THENCE NORTH 60 DEGREES 02 MINUTES 30 SECONDS EAST ALONG SAID CENTER LINE 412.69 FEET TO A LINE DRAWN NORTH 00 DEGREES 10 MINUTES 46 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, FROM A POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER WHICH IS 598.62 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00 DEGREES 10 MINUTES 48 SECONDS WEST ALONG SAID PARALLEL LINE 880.56 FEET TO SAID SOUTH LINE; THENCE SOUTH 89 DEGREES 34 MINUTES 48 SECONDS WEST ALONG SAID SOUTH LINE 598.62 FEET TO SAID SOUTHWEST CORNER; THENCE SOUTH 00 DEGREES 10 MINUTES 48 SECONDS WEST ALONG SAID EAST LINE 1275.36 FEET TO A LINE DRAWN SOUTH 89 DEGREES 40 MINUTES 33 SECONDS EAST FROM THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 40 MINUTES 33 SECONDS WEST 681.94 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS

A PERPETUAL EASEMENT FOR THE OPERATION, MAINTENANCE AND USE OF A SEPTIC FIELD FOR THE BENEFIT OF PARCEL ONE HEREINABOVE DESCRIBED, UNDER AND UPON THE FOLLOWING DESCRIBED PARCEL OF REAL ESTATE CONTIGUOUS



TO PARCEL ONE TO WIT:

COMMENCING AT THE MOST NORTHERLY CORNER OF PARCEL ONE HEREINABOVE DESCRIBED ON THE CENTER LINE OF ILLINOIS STATE ROUTE NUMBER 126; THENCE SOUTH 45 DEGREES 05 MINUTES 49 SECONDS WEST, 47.12 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS STATE ROUTE NUMBER 126, FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 45 DEGREES 05 MINUTES 49 SECONDS WEST, 105.0 FEET; THENCE NORTH 32 DEGREES 08 MINUTES 38 SECONDS WEST, 152.18 FEET; THENCE SOUTH 76 DEGREES 09 MINUTES 49 SECONDS EAST, 5.28 FEET; THENCE SOUTH 70 DEGREES 39 MINUTES 49 SECONDS EAST, 158.65 FEET, TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, ALL IN KENDALL COUNTY ILLINOIS.

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 798.60 FEET TO AN OLD CLAIM LINE; THENCE NORTHERLY ALONG SAID WEST LINE, 1118.27 FEET A POINT OF BEGINNING THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 28 DEGREES 33 MINUTES 54 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 228.53 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 178 DEGREES 11 MINUTES 35 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 112.67 FEET TO A LINE DRAWN PARALLEL WITH AND 160.0 FEET NORMALLY DISTANT, EASTERLY OF SAID WEST LINE; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, 717.44 FEET TO SAID CLAIM LINE; THENCE NORTHEASTERLY ALONG SAID CLAIM LINE, 941.92 FEET TO A POINT ON A LINE DRAWN SOUTHWESTERLY, PERPENDICULAR TO THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 126 FROM A POINT ON SAID CENTER LINE WHICH IS 1049.70 FEET, AS MEASURED ALONG SAID CENTER LINE, SOUTHEASTERLY OF THE INTERSECTION OF SAID CENTER LINE WITH THE CENTER LINE OF ILLINOIS STATE ROUTE 71; THENCE NORTHEASTERLY TO SAID POINT ON SAID CENTER LINE OF ILLINOIS ROUTE 126 AFORESAID; THENCE NORTHWESTERLY ALONG SAID ROUTE 126 CENTER LINE AND TO SAID ROUTE 71 CENTER LINE; THENCE SOUTHWESTERLY ALONG SAID ROUTE 71 CENTER LINE, 30.58 FEET TO SAID WEST LINE; THENCE SOUTHERLY ALONG SAID WEST LINE, 78.83 FEET, TO THE POINT OF BEGINNING (EXCEPTING THEREFROM THAT PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION. 3; THENCE NORTH 00 DEGREES 00 MINUTES 38 SECONDS EAST, ON A BEARING REFERENCED TO AN ASSUMED NORTH, 1925.21 FEET ON THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE SOUTH 89 DEGREES 59 MINUTES 22 SECONDS EAST 58.55 FEET TO THE EXISTING SOUTHEASTERLY RIGHT OF WAY LINE OF A.F.A.P. ROUTE 311 (IL ROUTE 71) AND THE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 34 MINUTES 00 SECONDS EAST 35.28 FEET ON SAID SOUTHEASTERLY RIGHT OF WAY LINE TO THE SOUTHERLY RIGHT OF WAY LINE OF S.B.I. ROUTE 66 (IL ROUTE 126); THENCE SOUTH 70 DEGREES 08 MINUTES 35 SECONDS EAST 125.66 FEET ON SAID SOUTHERLY RIGHT OF WAY LINE; THENCE NORTH 81 DEGREES 09 MINUTES 04 SECONDS WEST 51.85 FEET; THENCE NORTH 76 DEGREES 30 MINUTES 40 SECONDS WEST 103.47 FEET TO THE POINT OF BEGINNING), IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 798.60 FEET TO AN OLD CLAIM LINE FOR A POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID WEST LINE, 1118.27 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 28 DEGREES 33 MINUTES 54 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 228.53 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 178 DEGREES 11 MINUTES 35 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 112.67 FEET TO A LINE DRAWN PARALLEL WITH AND 160.0 FEET NORMALLY DISTANT, EASTERLY OF SAID WEST LINE; THENCE SOUTHERLY ALONG SAID PARALLEL LINE, 717.44 FEET TO SAID CLAIM LINE; THENCE SOUTHWESTERLY ALONG SAID CLAIM LINE, 188.42 FEET TO THE POINT OF BEGINNING, IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 1995.6 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 71; THENCE NORTHEASTERLY ALONG THE SAID CENTER LINE OF ILLINOIS ROUTE 71, 1411.3 FEET TO THE CENTER LINE EXTENDED NORTHWESTERLY OF THE PUBLIC ROAD RUNNING SOUTHEASTERLY FROM SAID ILLINOIS ROUTE 71, COMMONLY KNOWN AS WINO ROAD; THENCE SOUTHEASTERLY ALONG THE EXTENDED CENTER LINE AND THE CENTER LINE OF SAID PUBLIC ROAD, BEING ALONG A LINE THAT FORMS AN ANGLE OF 93 DEGREES 25' TO THE RIGHT WITH THE PROLONGATION NORTHEASTERLY OF THE TANGENT TO THE CENTER LINE OF SAID ILLINOIS ROUTE 71 AT THE LAST DESCRIBED POINT, 761 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A LINE THAT FORMS AN ANGLE OF 79 DEGREES 47' TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED LINE 265.6 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 126; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF ILLINOIS ROUTE 126 TO THE CENTER LINE OF THE EASTERLY FORK OF THE PUBLIC ROAD AFORESAID WHICH RUNS SOUTHEASTERLY FROM SAID ILLINOIS ROUTE 71; THENCE NORTHWESTERLY ALONG THE CENTER LINE OF SAID PUBLIC ROAD TO THE POINT OF BEGINNING; TO THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

GRANTEE HEREBY ASSUMES AND AGREES TO PAY THE UNPAID BALANCE ON THE EXISTING MORTGAGE RECORDED IN BOOK PAGE , THE DEBT SECURED THEREBY AND ALSO HEREBY ASSUMES -THE OBLIGATIONS UNDER THE TERM OF THE INSTRUMENTS CREATING THE LOANS DOCUMENT NO. 79-1053.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER;

THENCE - NORTH 00 DEGREES 08 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, - 1,995.75 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE NO. 71; THENCE NORTH 71 DEGREES 23 MINUTES 59 SECONDS EAST ALONG SAID CENTER LINE 30.45 FEET TO THE POINT OF INTERSECTION OF SAID CENTER LINE WITH CENTER LINE OF ILLINOIS STATE ROUTE NO. 126 FOR THE POINT OF BEGINNING; THENCE NORTH 71 DEGREES 23 MINUTES 59 SECONDS EAST ALONG SAID ROUTE 71 CENTER LINE 230.67 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 11,459.20 FEET WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 1,141.60 FEET TO THE INTERSECTION WITH THE CENTER LINE EXTENDED NORTHWESTERLY OF WING ROAD; THENCE SOUTH 21 DEGREES 30 MINUTES 13 SECONDS EAST ALONG SAID WING ROAD CENTER LINE 761.0 FEET; THENCE SOUTH 58 DEGREES 16 MINUTES 47 SECONDS WEST 265.35 FEET TO SAID ROUTE 126 CENTER LINE; THENCE NORTHWESTERLY ALONG SAID ROUTE 126 CENTER LINE BEING ALONG A CURVE TO THE LEFT AND HAVING A RADIUS OF 2,292.01 FEET WHICH IS TANGENT TO A LINE DRAWN NORTH 72 DEGREES 57 MINUTES 06 SECONDS WEST FROM THE LAST DESCRIBED POINT 147.93 FEET; THENCE NORTH 16 DEGREES 38 MINUTES 49 SECONDS WEST ALONG SAID ROUTE 126 CENTERLINE 850.98 FEET; THENCE NORTHWESTERLY ALONG SAID ROUTE 126 CENTERLINE BEING ALONG A CURVE TO THE RIGHT AND HAVING A RADIUS OF 2,148.79 FEET WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 383.53 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART DESCRIBED AS FOLLOWS: THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 08 MINUTES 14 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 1995.75 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE 71; THENCE NORTH 71 DEGREES 23 MINUTES 59 SECONDS EAST ALONG SAID ROUTE 71 CENTER LINE 261.12 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 15,459.20 FEET WHICH IS TANGENT TO THE LAST DESCRIBED COURSE 1141.60 FEET TO THE INTERSECTION WITH THE CENTER LINE EXTENDED NORTHWESTERLY OF WING ROAD FOR THE POINT OF BEGINNING (THENCE SOUTH 21 DEGREES 30 MINUTES 13 SECONDS EAST ALONG SAID WING ROAD CENTER LINE 258.05 FEET; THENCE SOUTH 58 DEGREES 29 MINUTES 47 SECONDS WEST 200.0 FEET; THENCE NORTH 21 DEGREES 30 MINUTES 13 SECONDS WEST PARALLEL WITH SAID WING ROAD CENTER LINE 250.0 FEET TO SAID ROUTE 71 CENTER LINE; THENCE NORTHEASTERLY ALONG SAID ROUTE 71 CENTER LINE 200.16 FEET TO THE POINT OF BEGINNING, IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, (ILLINOIS, AND ALSO EXCEPTING, THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3 IN TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM EAST ZONE (NAD83):

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE NORTH 01 DEGREE 35 MINUTES 30 SECONDS WEST, 1,995.04 FEET ALONG THE WEST LINE OF SAID SOUTHWEST 1/4 TO THE CENTERLINE OF A PUBLIC HIGHWAY DESIGNATED IL 71; THENCE NORTH 69 DEGREES 55 MINUTES 19 SECONDS EAST, 31.52 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING FROM THE POINT OF BEGINNING; THENCE NORTH 69 DEGREES 55 MINUTES 19 SECONDS EAST, 230.66 FEET ALONG SAID CENTERLINE; THENCE NORTHEASTERLY, 940.56 FEET ALONG AN 11,479.02 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING NORTH 67 DEGREES 34 MINUTES 29 SECONDS EAST, 940.31 FEET; THENCE SOUTH 22 DEGREES 56 MINUTES 31 SECONDS EAST, 60.03 FEET; THENCE SOUTHWESTERLY, 418.10 FEET ON AN 11,539.02 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING SOUTH 66 DEGREES 16 MINUTES 29 SECONDS WEST, 418.08 FEET; THENCE SOUTH 59 DEGREES 24 MINUTES 09 SECONDS WEST, 71.10 FEET; THENCE SOUTH 25 DEGREES 14 MINUTES 24 SECONDS WEST, 60.52 FEET; THENCE SOUTHEASTERLY, 570.87 FEET ON AN 675.00 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING SOUTH 55 DEGREES 22 MINUTES 46 SECONDS EAST, 560.80 FEET; THENCE SOUTH 74 DEGREES 04 MINUTES 13 SECONDS EAST, 274.41 FEET; THENCE SOUTH 64 DEGREES 05 MINUTES 29 SECONDS EAST, 35.85 FEET; THENCE SOUTH 55 DEGREES 49 MINUTES 00 SECONDS WEST, 64.56 FEET TO THE CENTERLINE OF A PUBLIC HIGHWAY DESIGNATED IL 126; THENCE NORTHWESTERLY, 162.08 FEET ON SAID CENTERLINE BEING A 2,291.64 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING NORTH 76 DEGREES 16 MINUTES 12 SECONDS WEST, 162.05 FEET; THENCE NORTH 78 DEGREES 17 MINUTES 46 SECONDS WEST, 357.37 FEET ON SAID CENTERLINE; THENCE NORTH 53 DEGREES 52 MINUTES 46 SECONDS WEST, 96.76 FEET TO THE EXISTING NORTHERLY RIGHT OF WAY LINE OF IL 126; THENCE NORTHWESTERLY, 297.03 FEET ON A 990.00 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING NORTH 45 DEGREES 17 MINUTES 03 SECONDS WEST, 295.92 FEET; THENCE NORTH 36 DEGREES 39 MINUTES 21 SECONDS WEST, 23.77 FEET; THENCE NORTH 77 DEGREES 19 MINUTES 36 SECONDS WEST, 64.74 FEET; THENCE SOUTH 69 DEGREES 03 MINUTES 36 SECONDS WEST, 100.61 FEET; THENCE SOUTH 69 DEGREES 55 MINUTES 52 SECONDS WEST, 149.98 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SAID IL 71; THENCE SOUTH 65 DEGREES 32 MINUTES 40 SECONDS WEST, 113.94 FEET TO THE CENTERLINE OF SAID IL 126; THENCE NORTHWESTERLY, 119.55 FEET ON SAID CENTERLINE BEING A 2,170.59 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING NORTH 69 DEGREES 20 MINUTES 17 SECONDS WEST, 119.54 FEET TO THE POINT OF BEGINNING.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 07°44' EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER 1236.84 FEET TO A POINT ON SAID EAST LINE WHICH IS 1284.36 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 89°47'31" WEST, 684.42 FEET; THENCE NORTH 09°32'39" WEST, 590.03 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ELSIE BOYD BY DEED DATED MARCH 25, 1929 AND RECORDED DECEMBER 14, 1938 IN DEED RECORD 88 ON PAGE 399, FOR THE POINT OF BEGINNING; THENCE SOUTH 57°58'56" WEST ALONG THE SOUTHERLY LINE OF SAID BOYD TRACT AND SAID SOUTHERLY LINE EXTENDED 352.89 FEET TO THE CENTER LINE OF WING ROAD; THENCE SOUTH 21°28'35" EAST ALONG SAID CENTERLINE 131.00 FEET; THENCE NORTH 57°58'56" EAST PARALLEL WITH SAID SOUTHERLY LINE 323.58 FEET TO A POINT WHICH IS SOUTH 09°32'39" EAST, 139.37 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 09°32'39" WEST, 139.37 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS.

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 1995.6 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 71; THENCE EASTERLY ALONG SAID CENTER LINE 32.2 FEET TO THE CENTER LINE OF ILLINOIS ROUTE 126; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE OF ILLINOIS ROUTE 126, 1049.7 FEET FOR THE POINT, OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES TO SAID CENTER LINE, 339.9 FEET TO AN OLD CLAIM LINE; THENCE NORTHEASTERLY ALONG SAID OLD CLAIM LINE WHICH MAKES AN ANGLE OF 44°21' (MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE) 468.6 FEET TO THE CENTER LINE OF SAID ILLINOIS ROUTE 126; THENCE NORTHWESTERLY ALONG SAID CENTER LINE 328.1 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF KENDALL, KENDALL COUNTY, ILLINOIS. EXCEPT THEREFROM THE BELOW DESCRIBED PARCEL:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS WITH BEARINGS REFERENCED TO THE ILLINOIS STATE PLANE COORDINATE SYSTEM EAST ZONE (NAD83):

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE NORTH 01 DEGREE 35 MINUTES 30 SECONDS WEST, 1,995.04 FEET ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 TO THE CENTERLINE OF A PUBLIC HIGHWAY DESIGNATED IL 71; THENCE NORTH 69 DEGREES 55 MINUTES 19 SECONDS EAST, 31.52 FEET ALONG SAID CENTERLINE TO THE CENTERLINE OF A PUBLIC HIGHWAY DESIGNATED IL 126; THENCE SOUTHEASTERLY ALONG SAID CENTERLINE, 399.15 FEET ALONG A 2,170.59 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING OF SOUTH 73 DEGREES 01 MINUTE 41 SECONDS EAST, 398.58 FEET THENCE SOUTH 78 DEGREES 17 MINUTES 46 SECONDS EAST, 649.36 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING, THENCE SOUTH 78 DEGREES 17 MINUTES 46 SECONDS EAST, 172.16 FEET ALONG SAID CENTERLINE; THENCE SOUTHEASTERLY ALONG SAID CENTERLINE, 162.08 FEET ALONG A 2,291.64 FOOT RADIUS CURVE TO THE RIGHT HAVING A CHORD BEARING OF SOUTH 76 DEGREES 16 MINUTES 12 SECONDS EAST, 162.05 FEET; THENCE SOUTH 56 DEGREES 32 MINUTES 11 SECONDS WEST, 65.63 FEET; THENCE NORTH 74 DEGREES 04 MINUTES 13 SECONDS WEST, 5.13 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 14 SECONDS WEST, 50.57 FEET, TO THE SOUTHERLY RIGHT OF WAY LINE OF IL 126; THENCE NORTHWESTERLY, 61.11 FEET ON SAID RIGHT OF WAY LINE BEING ON A 2,251.64 FOOT RADIUS CURVE TO THE LEFT HAVING A CHORD BEARING OF NORTH 77 DEGREES 31 MINUTES 09 SECONDS WEST, 61.11 FEET; THENCE NORTH 78 DEGREES 17 MINUTES 46 SECONDS WEST, 172.27 FEET ALONG SAID SOUTH RIGHT OF WAY LINE; THENCE NORTH 11 DEGREES 52 MINUTES 19 SECONDS EAST, 40.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.297 ACRE MORE OR LESS, OF WHICH 0.290 ACRE, MORE OR LESS, IS LYING WITHIN PUBLIC ROAD RIGHT OF WAY, SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS, HEREBY RELEASING AND WAVING ALL RIGHTS UNDER AND BY VIRTUE OF THE HOMESTEAD EXEMPTION LAWS OF THE STATE.

**EXHIBIT "C-1"**  
**Windmill Farms - B-3 Service Business Permitted Uses**

This exhibit lists all permitted uses within the B-3 Service Business District as they exist in the current Zoning Ordinance. Uses excluded and not permitted by this Agreement are crossed out as follows: (~~not permitted use~~)

**OFFICE DISTRICT (O)**

Advertising agency.

**Bank (allowable by provisions of Windmill Agreement)**

Barber shop.

Beauty shop.

Bookkeeping service.

~~Club - private indoor.~~

Coffee shop.

College, university or junior college.

Commercial school, trade school - offering training in classroom study.

Detective agency.

Employment office.

Engineering office.

Government office.

Income tax service.

Insurance office.

Library.

Manufacturing agent's office.

Medical clinic.

Park.

Professional offices.

Public accountant.

Real estate office.

Stenographic service.

Stock broker.

Telegraph office.

~~Ticket office.~~

Title company.

Travel agency.

Utility office. (Ord. 1973-56A, 3-28-74)

Special Uses

~~Solid waste disposal site (Ord. 1973-56A, 3-28-1974; amd. Ord. 1995-20, 8-10-1995)~~

**LIMITED BUSINESS DISTRICT (B-1)**

All uses permitted in the O district.

Antique sales.

~~Apartments, single family, located in business buildings.~~

Bakery - retail.

Barbershop.  
Beauty shop.  
Bookstore.  
Cafeteria (diner).  
Camera shop.  
Church or other place of worship.  
~~Cigar, cigarette and tobacco store.~~  
Clothes - pressing and repair.  
~~Club - private indoor.~~  
~~Club - private outdoor.~~  
Community center.  
Dressmaker - seamstress.  
Drugstore.  
Florist sales.  
Fruit and vegetable market - retail.  
Gift shop.  
Grocery store - supermarket.  
Gymnasium.  
Health food store.  
Hobby shop.  
Hospital (general).  
Hospital or treatment center.  
Household furnishing shop.  
Ice cream shop.  
Jewelry - retail.  
Laundry, cleaning and dyeing - retail.  
Library.  
~~Magazine and newsstand.~~  
Meat market.  
Medical clinic.  
Mortuary - funeral home.  
Park.  
Photography studio.  
Playground.  
Post office.  
Professional building.  
Recreation center.  
Restaurant.  
Shoe and hat repair.  
~~Substation.~~  
Swimming pool - indoor.  
Tennis club - private or daily fee.  
~~Trailer. (Ord. 1973-56A, 3-28-1974; amd. 1994 Code; Ord. 1994-1A, 2-10-1994; Ord. 2003-41, 7-22-2003)~~

**GENERAL BUSINESS DISTRICT (B-2)**

All uses permitted in the O and B-1 Districts.

Appliances - sales.

Army/Navy surplus sales.

Art gallery - art studio sales.

Art supply store.

~~Auditorium.~~

Automatic food service.

Automobile accessory store.

Automobile rental.

Bicycle shop.

Billiard parlor.

Blueprint and photostat shop.

~~Bowling alley.~~

Carry-out food service.

Catalog sales office.

Clothing store - all types.

~~Dance hall.~~

Department store.

Discount store.

Drygoods store - retail.

Floor covering sales.

Furniture sales - new/used.

Hardware store.

Health club or gymnasium.

Hotel.

Interior decorating studio.

Junior department store.

Leather goods.

Locksmith.

Motel.

Music, instrument and record store.

Newspaper publishing.

Office equipment and supply sales.

Paint/wallpaper store.

~~Pawnshop.~~

Personal loan agency.

Pet store.

Picture frame store.

Radio and television studios.

~~Reducing salon, masseur and steam bath.~~

Sporting goods.

Stationery.

Taxidermist.

Theater.

Toy store.

Typewriter - sales and repair.

Variety store.

Watch and clock sales and repair.

Weaving and mending - custom. (Ord. 1973-56A, 3-28-1974; amd. 1994 Code)

**SERVICE BUSINESS DISTRICT (B-3)**

All uses permitted in the B-2 district.

Agricultural implement sales and service.

Appliance - service only.

Automotive sales and service.

~~Boat sales.~~

Building material sales.

Business machine repair.

Car wash without mechanical repair on the premises.

Catering service.

**Daycare (allowable by provisions of Windmill Agreement)**

Drive-in restaurant.

Electrical equipment sales.

Feed and grain sales.

Frozen food locker.

Furniture repair and refinishing.

**Gasoline Filling Station (allowable by provisions of Windmill Agreement)**

Golf driving range.

Greenhouse.

~~Kenel.~~

Miniature golf.

Motorcycle sales and service.

Nursery.

Orchard.

Park - commercial recreation.

Plumbing supplies and fixture sales.

Pump sales.

Recreational vehicle sales and service.

~~Skating rink.~~

~~Sports arena.~~

~~Taxicab garage.~~

Tennis court - indoor.

~~Trailer rental.~~

~~Truck rental.~~

~~Truck sales and service.~~

Upholstery shop.

Veterinary clinic. (Ord. 1973-56A, 3-28-1974; amd. Ord. 1986-1, 1-9-1986; Ord. 1988-7, 4-14-1988; Ord. 1995-19, 8-10-1995; Ord. 1998-21, 6-25-1998; Ord. 2005-58, 7-12-2005)

EXHIBIT "D" R-4 GENERAL RESIDENCE DISTRICT

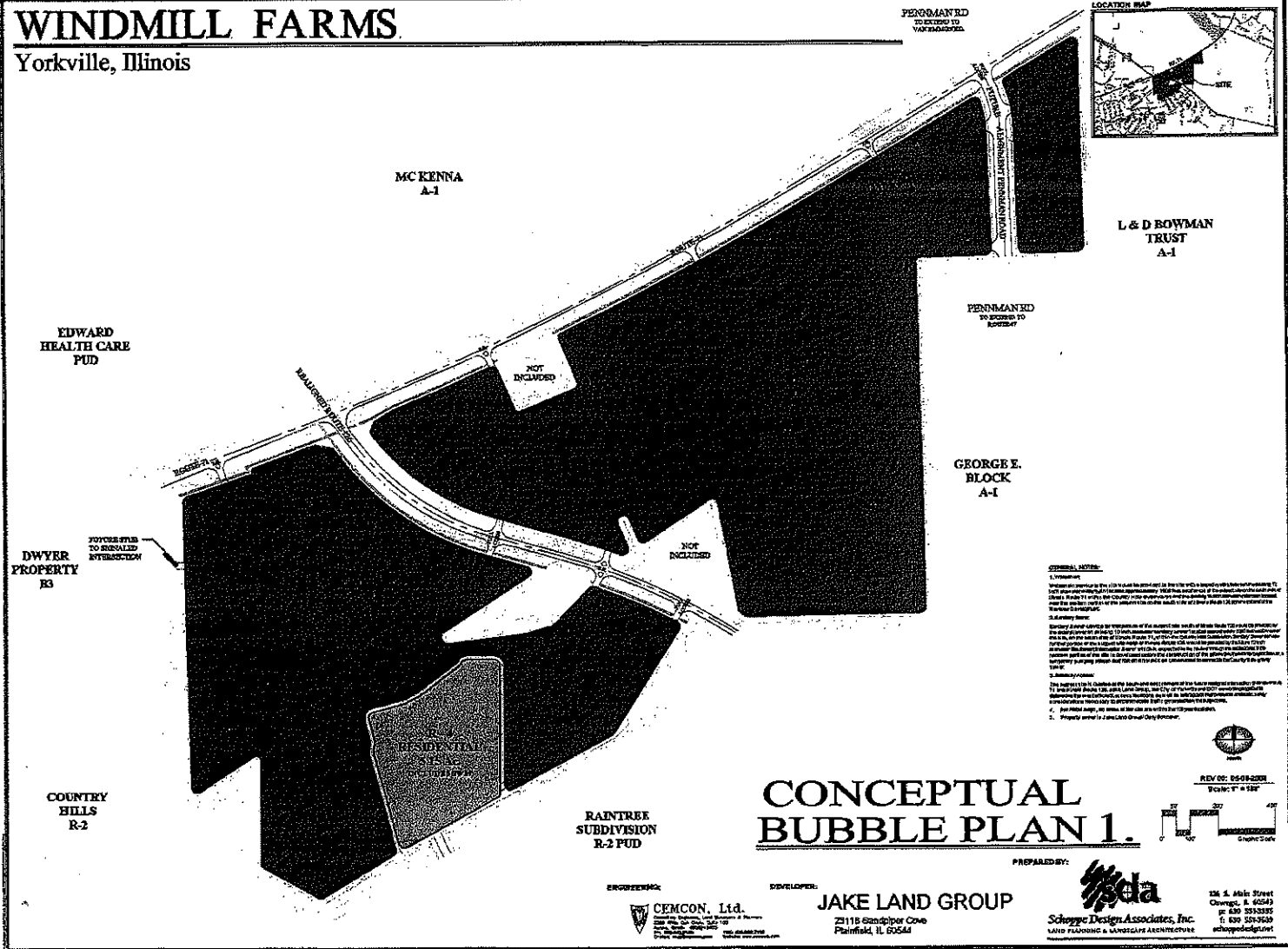
THAT PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4; THENCE NORTH 0 DEGREES 08 MINUTES 09 SECONDS WEST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, 798.60 FEET TO AN OLD CLAIM LINE; THENCE NORTH 57 DEGREES 59 MINUTES 05 SECONDS EAST ALONG SAID OLD CLAIM LINE 299 .00 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 1 DEGREE 51 MINUTES 32 SECONDS WEST, 402.10 FEET; THENCE SOUTH 59 DEGREES 55 MINUTES., 25 SECONDS EAST, 256.51 FEET; THENCE NORTH 59 DEGREES 55 MINUTES 25 SECONDS EAST 355.65 FEET; THENCE NORTH 62 DEGREES 43 MINUTES 29 SECONDS EAST, 853.57 FEET; THENCE NORTH 33 DEGREES 24 MINUTES 40 SECONDS EAST, 542.27 FEET TO THE CENTER LINE OF ILLINOIS STATE ROUTE NUMBER 126; THENCE NORTHWESTERLY ALONG SAID CENTER LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2292 .01 FEET AND A RADIAL BEARING OF SOUTH 29 DEGREES 23 MINUTES 51 SECONDS WEST AT THE LAST DESCRIBED POINT, 358.41 FEET TO A POINT WHICH IS 151.00 FEET, AS MEASURED ALONG SAID CENTER LINE, SOUTHEASTERLY OF THE INTERSECTION OF SAID CENTER LINE AND SAID OLD CLAIM LINE; THENCE SOUTH 45 DEGREES 05 MINUTES 49 SECONDS WEST, 265 .70 FEET; THENCE SOUTH 73 DEGREES 54 MINUTES 28 SECONDS WEST, 102.86 FEET; THENCE SOUTH 84 DEGREES 11 MINUTES 54 SECONDS WEST, 280.96 FEET; THENCE NORTH 32 DEGREES 00 MINUTES 55 SECONDS WEST, 24.19 FEET TO SAID OLD CLAIM LINE; THENCE SOUTH 87 DEGREES 59 MINUTES 05 SECONDS WEST ALONG SAID OLD CLAIM LINE 789.92 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.



# WINDMILL FARMS

Yorkville, Illinois



## WINDMILL FARMS

## Yorkville, Illinois



**Site Planning Principles**

The Site Planning Principles address issues that affect the way that individual sites should be developed in order to blend in with the existing character of the City.

- PRINCIPLE 4: *Incorporate existing site conditions into development plans*  
PRINCIPLE 5: *Provide a sense of architectural interest and unique identity throughout the City*  
PRINCIPLE 6: *Enhance pedestrian experience and establish sense of place through careful design and location of open spaces*  
PRINCIPLE 7: *Thoughtful consideration of vehicular and pedestrian circulation within individual developments*  
PRINCIPLE 8: *Appropriate design of parking lots, utilities, service areas and detention areas to reduce the negative impact of typically unattractive site components*

■ **Desirable Elements:**

The following elements shall be incorporated into development within the City:

- Richness of building surface and texture
- Articulated mass and bulk
- Clear visibility of entrances
- Well organized commercial signage
- Landscaped and screened parking
- Special paving identifying intersections and crosswalks
- Pedestrian friendly streetscapes and open spaces
- Thoughtful consideration of circulation
- Screening of mechanical equipment, service areas, parking lots and any undesirable elements
- Step-down of building scale along pedestrian routes and building entrances
- Recognition of building hierarchy
- Formal entry plazas and courtyards
- Detention used as an amenity
- Existing trees incorporated into development
- Multi-planed, pitched roofs
- Roof overhangs and arcades
- Provide defined entrance roads into developments and provide adequate vehicle storage bays at egress drives



*Richness of building materials creates visual interest*



*Landscaping softens the view of parking*



### ■ Undesirable Elements:

The following elements are discouraged in developments within the City:

- Concrete detention basins
- Large, blank, unarticulated wall surfaces
- Visible outdoor storage, loading, equipment and mechanical areas
- Disjointed parking areas and confusing circulation patterns
- Large expanses of parking/asphalt
- Service areas near major entries and/or that are easily visible from roadway
- Poorly defined site access points
- Large "boxlike" structures



*Avoid large expanses of parking lots*



*Avoid large blank wall surfaces*

### **PRINCIPLE 4: Incorporate existing site conditions into development plans**

New development shall protect the existing environmental features throughout the City and minimize the impact of the development on the site and the surrounding land.

#### ■ Drainage Patterns

Proposed site plans shall incorporate existing drainage patterns on site in an effort to avoid significantly altering the manner in which drainage flows offsite. At the time of site plan submittal to the City, a drainage and detention plan must be submitted. The location and type of drainage facilities must be shown.



*Drainage swale utilizes natural drainage patterns*

#### ■ Topography and Soils

- Minimize cut and fill on site to reduce effects upon the natural drainage pattern and natural character of the site.
- Minimize disturbance in areas of significant existing vegetation. If necessary for site development, consider using tree wells and retaining walls to preserve existing trees where possible.



*Work with existing topography to avoid large cut and fill*

- Development on unsuitable soils is prohibited. Incorporate unsuitable soils into an open space component of the site plan.
- Stockpile top soil for later use in landscape areas.
- **Vegetation**
  - Preserve existing trees

Every effort should be made in the planning process to incorporate quality, existing trees into the site plan design. Any quality, existing tree that occurs within the specific buffer yard as required per *PRINCIPLE 9* shall remain undisturbed and be protected as part of the landscape buffer.



*Preservation of existing vegetation as buffer*

**PRINCIPLE 5: Provide a sense of architectural interest and unique identity throughout the City**

The Architectural standards are provided to preserve and guide the character of architecture throughout the City while allowing for individual architectural interpretation. All architectural proposals must be compatible with the vernacular of the northern Illinois region. In order to ensure compliance with the following architectural guidelines, the City requires that building elevations, plans, materials samples, color samples and illustrations be submitted for review and approval prior to the commencement of building construction.



*Building orientation creates central open space on axis with the main entry drive*

▪ **Buildings**

- Orientation

Building orientation should take advantage of the building to site relationship. The orientation and location of buildings defines open spaces and circulation corridors.

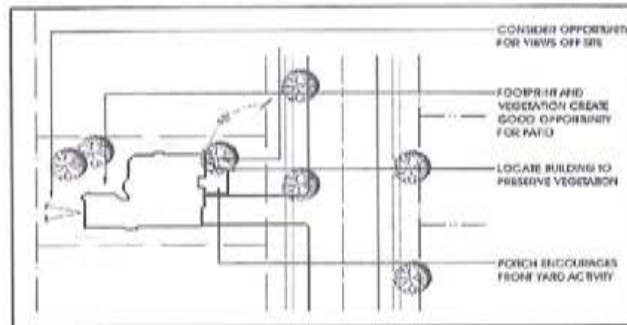
- Align focal architectural elements along major view or circulation axis.
- Define pedestrian spaces and streetscapes with building orientation.



*Orient primary buildings on axis and use as focal points*



- Create view corridors between buildings, plazas, courtyards and adjacent buildings.
- Create pedestrian spaces and plazas by varying building facades.
- Cluster buildings whenever possible, creating opportunities for plazas and pedestrian malls. Prevent long, linear facades from dominating the view.



*Residential building orientation creates private, intimate backyard space*

- Buildings adjacent to Routes 47, 71 and 126 must face the primary roadway. No service access, storage, etc. is allowed to face Routes 47, 71 and 126.
- Develop sites in a comprehensive and coordinated manner to provide order and compatibility (especially in the case of large sites which will be developed in phases).



*Building orientation can define main activity areas*

- The exterior character and orientation of all buildings and the spaces they define should encourage and enhance pedestrian activity.
- Attention should be given to the quality and usability of the outdoor spaces formed by the exterior of a dwelling and adjacent dwellings. Avoid locating the private area of one dwelling adjacent to the public area of an adjacent dwelling.



*Rear and side facades should incorporate architectural design elements*

- In multi-family residential developments, buildings should be oriented to create functional outdoor spaces.
- In residential neighborhoods, consideration should also be given to the views from adjacent dwellings and public spaces.
- Facades

Building facades should achieve a high level of visual interest when viewed from automobile and pedestrian vantage points.

- In residential developments, front yards and porches should be used to create a sense of place and community.
- Natural stone and masonry materials are to be used on the lower portions of buildings to create a visual anchor to the ground and provide interest at the pedestrian level.
- Vary the planes of exterior walls in depth and/or direction.
- Wall planes shall not run in a continuous direction more than 65 feet without an offset of at least 3 feet.
- Wall planes of more than 20 feet high are prohibited without incorporating meaningful techniques, such as awnings or a change in building material, to break up the perceived building mass.
- Awnings are encouraged along facades to provide color, shade and architectural interest. Where awnings are used along a row of contiguous buildings, a consistent form, material, color, location and mounting arrangement must be used.
- Awnings should be located to provide a consistent minimum 8 feet vertical clearance, with a maximum generally not to exceed 12 feet.
- Colors of awnings must complement the buildings.



*Awnings along facade*



*Awnings provide pedestrian scale element*



- Incorporate the awnings along with any signage to provide a uniformly designed building façade.

- Signs on awnings are permitted.
- Internally illuminated awnings are prohibited.



*Garage doors oriented to side*

- Awnings and canopies may be made of sheet metal or canvas membrane. Plastic or vinyl awnings are not permitted.
- In new residential neighborhoods, houses shall not repeat the same elevations without two lots of separation. Houses across the street from each other and back-to-back corner lots shall not be of the same elevation.
- In residential areas, garages should not dominate the street view. Rather, provide parking and garages to the side or rear of lots or set the garage face back from the primary façade of the house. Avoid allowing the garage to become the primary architectural feature.

#### ▪ Roof Treatment

Rooftops should be considered important design elements as viewed from a variety of vantage points such as at ground level, from other buildings and from adjacent perimeter roadways. A well-composed "roofscape" achieves an interesting skyline without becoming overly busy or contrived. Roof forms should serve as natural transitions from the ground level to intermediate masses to the tallest masses and back to the ground. Form should also be interesting when seen from above in adjacent buildings.



*Variation in roof treatments creates an interesting 'roofscape'*

#### ▪ Materials & Colors

Visual continuity in major building materials and colors is desired throughout the City. Specific criteria include the following:

- Material samples of all proposed buildings must be provided for review and be approved by the City.
- Materials should be consistent with the Community Character principles outlined in these guidelines.



- Wall materials that are muted, earth tone in color and have texture are to be used.
  - Reserve the use of strongly contrasting materials and colors for accents, such as building entrances, railings and trim. Avoid an excessive variety of façade materials.
  - Avoid using highly reflective materials and surfaces, such as polished metal, that generate glare, particularly at the pedestrian level.
  - Materials which may be incorporated include: native stone, brick, stucco and textured concrete. Alternative materials that achieve similar looks and are of high quality and low maintenance may be considered.
  - Common materials shall be located on all sides of the building with the exception of service areas not visible from a public street.
  - Coordinating materials within a development can tie together buildings of different sizes, uses and forms.
  - In new residential neighborhoods at the time of initial building permit, houses shall not be the same color unless there are at least two lots of separation. Houses across the street from each other are not permitted to be the same color.
  - Use contrasting but compatible building materials and textures to unify exterior building elements and to create depth, proportion and scale.
  - In residential developments, buildings should complement each other by using materials and colors within the same "family".
  - Building colors should be derived from, and related to, the finishes of primary building materials.
- Height
- The overall appearance of development shall be low and horizontal, with building heights throughout the community generally low to medium scale. Building heights are expected (and desired) to vary to ensure visual interest.
- Consider the use of taller buildings and/or elements to highlight significant intersections and pedestrian nodes.
  - Building heights shall be determined in a manner which enhances an overall residential quality.



*Varying roofline breaks up long expanse of building facade*



*Taller buildings help identify intersections*

- Maintain compatible relationships with adjacent dwellings and street frontages.
- Building heights shall be responsive to heights of homes located on slopes above and below the dwelling.
- Sight lines to greenbelts, open areas, water features and scenic horizon views are to be optimized and maintained to the fullest extent possible by minimizing the building height and obstruction.



*Front porch provides one-story element*

- Scenic view compatibility shall be considered in determining building height.
- Within a neighborhood, a combination of one, one and a half and two story dwellings is encouraged to add diversity to the streetscape. Entire neighborhoods or blocks of continuous two story dwellings are discouraged.
- For multilevel dwellings on corner lots, locate a one-story element of the dwelling at the street corner to help reduce the feeling of enclosure in the neighborhood.



*Front porch roof provides human scale element*

- A two-story dwelling can best relate to a neighboring one story if it contains a one-story element.

#### ▪ Scale

Buildings should appear to be of a "pedestrian" or "human" scale. When components in the built environment are designed in such a way that people feel comfortable, then human scale has been achieved. In general, this means that the size, patterns, textures, forms and overall three-dimensional composition can be appreciated at the pedestrian level.



*Varied building scale provides distinction between masses*

- Vary the height of buildings, and/or building elements where feasible, so they appear to be divided into distinct elements or masses.



- Avoid large-scale buildings that are "box-like" and typically dominate a site.
- Use building mass appropriate to the site. Place buildings with larger footprints, height and massing in core activity areas or in the heart of the development near similar densities. By doing so, the impact on adjacent land uses will be reduced.



*Pedestrian scale elements located along building facade*

- In residential areas, the relationship between the lot size, street width and building scale are important to creating a human scale. Elements such as trees, pedestrian path lighting and porches can aid in achieving human scale.
- Hierarchy

It is important to recognize that future projects will be developed using a variety of buildings with various uses. Vehicular and pedestrian traffic should be able to recognize the hierarchy of buildings and be able to decipher primary buildings from secondary buildings.



*Avoid 'box like' building scale*

- Primary Buildings

Primary buildings; such as major anchors, public buildings or major attractions, shall be located at prominent locations, anchoring a major view axis and serving as focal points in the community.

- Gateway Buildings

- Buildings at major entrances, corners, intersections or along significant roads should use special architectural elements to help identify that location as a "gateway". These elements also begin to define the sense of place for the community.



*Primary buildings located on axis and create focal point*

- Special architectural features may include corner towers, cupolas, clock towers, balconies, colonnades or spires.
- The use of vertical elements helps to frame the entrance and guide people into and through the development.



Gateway buildings

#### ▪ Entrances

- Primary entrances should be easily identifiable and relate to both human scale as well as the scale of the building(s) they serve.
- Wherever possible, entrances should be inviting without becoming dark.
- Main building entrances should be designed to be clearly identifiable from primary driveways and drop-offs. Additionally, they should be visible from parking areas.

Main entry to store  
clearly identifiable

#### ▪ Retaining walls

- All retaining walls must be faced (veneered) with masonry (stone, brick, stucco or approved equal).
- Retaining walls adjacent to or visible from any street shall not exceed 4 feet in height. Grade changes that require retaining walls exceeding 4 feet must be terraced with a minimum of 4 feet clear separation between each wall. Exceptions may be reviewed and approved by the City in order to preserve existing tree stands.



- Walls should be designed as an integral part of the dwelling design. Stone sizes should be consistent and laid in a horizontal course. Masonry materials shall match or complement the facade of surrounding buildings.
- Walls at intersections must not interfere with safe sight distances.

**PRINCIPLE 6: Enhance pedestrian experience and establish sense of place through careful design and location of open spaces**

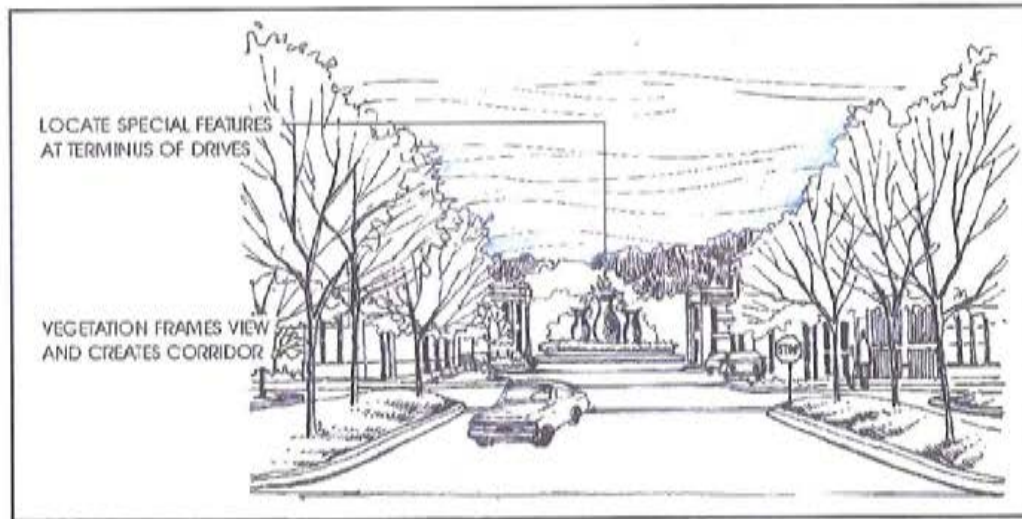
The creation of open space throughout the City is an essential technique used to break up building facades. The use of such pockets of interest creates views into the various developments. A wide range of open spaces such as public gathering plazas, open "greens", common play areas, neighborhood parks and natural preserves can be incorporated into development plans.

▪ **View Corridors**

- Open space is considered a valuable amenity, therefore careful consideration of vistas into open spaces from residential lots, streets and drives is required.
- Maintain view corridors to provide vistas of amenities, natural features, open spaces and other significant elements.
- Create focal points at main entries, on axis with major circulation route and pedestrian corridors to establish a strong identity and structure for the project.



*Community Park*



*View of amenity feature is framed by use of vegetation and road alignment, creating a signature element*

**Parks and Trails**

- In residential areas, parks should be located within a 5 minute walk (approximately 1,000 feet) from each home.
- Trail linkages should be provided from proposed neighborhoods to the City's comprehensive trail system, forest preserve trails and adjacent developments.

*Neighborhood Park*

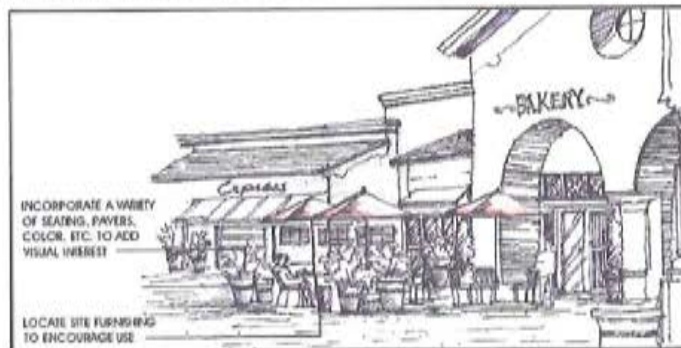
- **Courtyards and Plazas**

Courtyards, plazas and terraces should be designed at a human scale and incorporated as public amenities around non-residential buildings. Interrupting building facades to create "outdoor rooms" as well as varying the width of walkways will help create pedestrian spaces. These pedestrian spaces will create opportunities for comfortable outdoor experiences and are critical in defining plazas and courtyards.

- Orient plazas and courtyards to views of site amenities such as open space, water features, sculptural elements or landscaped areas.
- Consider opportunities to orient plazas and courtyards toward views of significant buildings or down long corridors.
- Wherever possible, create a sense of enclosure for outdoor seating areas. Such areas should be light and airy while providing a sense of safety from the elements.

*Landscaping and special paving give the seating area a sense of enclosure*

- Add elements such as trees, water features, a variety of seating areas and landscape color to give the public spaces an inviting appearance and visual interest.
- Incorporate pedestrian scaled lighting for safety and to promote use in the evening.
- Incorporate pavers and paving patterns to add interest and enhance the aesthetic quality of the spaces.
- Allow for outdoor tables and seating to promote use of the space. By doing so, an energy is created along the structure.

*Plazas and courtyards offer spaces for outdoor cafes*



**PRINCIPLE 7: Thoughtful consideration of vehicular and pedestrian circulation within individual developments**

The purpose of the circulation standards is to minimize hazards and conflicts and establish logical circulation patterns. The appropriate integration of vehicular and pedestrian circulation is intended to provide safe and convenient access to all sites while being attractive, efficient and functional.

- **Vehicular Circulation**

- **Primary Site Entrances**

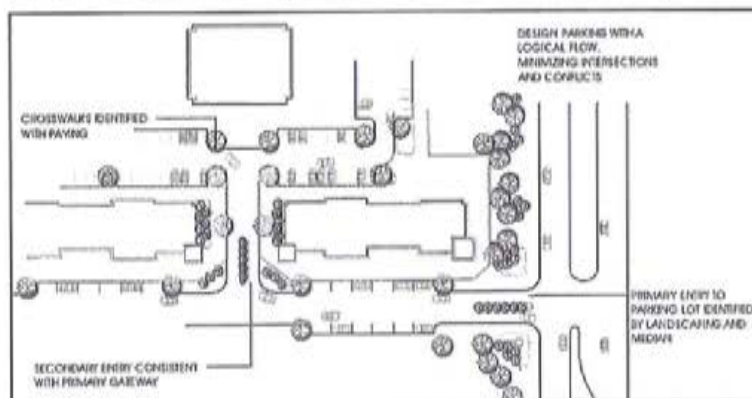
Each entrance to a parcel, individual building site or residential neighborhood from a primary roadway should be designed as a "gateway" to the area it serves. Design elements should be visually interesting and consistent with other streetscape materials used throughout the City.



*Primary residential entrance highlighted with signage, landscaping and water elements*

When designing entries into residential and non-residential tracts, developers shall:

- Coordinate with adjacent properties to consolidate entries and minimize access points along major roadways
- Minimize pedestrian and vehicle conflicts by reducing the quantity of crosswalks.
- Clearly identify site entries and provide a clear entry/arrival sequence.
- Provide "secondary" entries to parking lots and smaller residential neighborhoods from adjacent perpendicular minor roadways to major roadways. Paving material, plants, signs and lighting should match primary entrance treatments, although landscaping intensity and signage may be reduced in scale.
- Provide at least one "primary" entry to parking lots or residential communities. The use of medians and/or special paving or landscaping to identify primary entries is required.



*Single primary entrance reduces access points along Corridor*

- Internal Drives

All internal drives should visually lead drivers to building entries, site amenities or focal elements.

- Design drives and parking areas to fit the natural contours of the site in order to minimize cut and fill and maintain natural drainage.



*Street alignment offers views of significant architectural feature*

- Align streets and drives to offer views to significant architectural features and site amenities and to direct drivers.
- Internal streets shall be separated from parking lots by landscape islands and walkways.

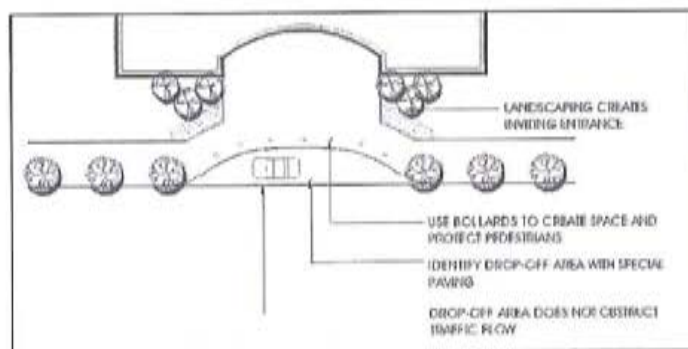
- Drop-Off Areas

Drop-off areas for vehicle passengers shall be incorporated into development plans and should provide safe, convenient access to building entries, pedestrian plazas and public open spaces. Drop-off areas must conform to all ADA regulations and standards.



*Landscaped island separates parking lot from internal drive*

- Emphasize drop-off areas with special paving material.
- Design drop-off lanes so they do not obstruct traffic flow when vehicles are stopped.
- Install bollards at drop-offs to provide protection for buildings and pedestrian walkways.



*Drop-off area doesn't conflict with regular traffic and is identified with paving and bollards*



### ▪ Service Areas

Service vehicle circulation throughout the City shall be designed to provide safe and efficient delivery routes for all anticipated service and delivery vehicles. The design of individual parcels to accommodate truck access shall meet all regulatory requirements for turning movements without sacrificing other important design objectives.

- Locate service areas away from major streets and building entrances.
- A noise barrier is required in situations where service areas are adjacent to a residential land use.
- Minimize pedestrian and service vehicle conflicts.
- Hide/screen views into service areas. Screening can be provided with landscaping or screen walls. Screen walls shall repeat materials and elements of the primary building.
- Adjoining uses should share service drives where possible.
- Design service drives to accommodate the traffic intended to use them including all entrance roads and access aisles that will be used to access the service areas.



*Service area screened with landscaping*

### ▪ Pedestrian Circulation

The purpose of pedestrian circulation standards is to establish guidelines for creating a pedestrian circulation system that is safe and efficient. Good walking environments include: continuous routes between sites, clearly defined access from parking areas, a variety of connected destinations and a feeling of safety and security. In essence, creating a sense of comfort.

#### ▪ Sidewalks

Sidewalks must be constructed to provide pedestrian access to adjacent development and connections to the pedestrian trails throughout the City. Within specific developments, sidewalks shall provide access to and from parking lots, neighborhoods, schools, parks and open spaces.

- Create distinct pedestrian corridors, which funnel pedestrians to logical gateways, plazas or other destinations.



*Path provides access to park and adjacent neighborhood*

- Place special emphasis on pedestrian connections that link schools, recreation areas and other major activity areas.
- Neighborhoods should have access to open space and pocket parks by way of sidewalks and trails.
- In residential areas, sidewalks should be located on both sides of the street.
- Pavers or other changes in material should be used for walks adjacent to buildings and at street intersections to identify and enhance pedestrian routes.



*Pavers next to building enhance appearance*

#### ▪ Crosswalks

Crosswalks are required at all intersections and key pedestrian crossings. Crosswalks must be identified by a change in color, height, width, texture, or materials. Refer to ADA regulations and standards for any specific criteria regarding crosswalks and ramps.



*Enhanced paving delineates crosswalk*

#### ▪ Pedestrian Circulation in Parking Lots

Walkways that lead pedestrians from parking areas to buildings or plazas should be designed to facilitate easy movement and minimize crossing conflicts with vehicles. Pedestrians should feel comfortable about their walkways to buildings and pedestrian corridors should be clearly identified.

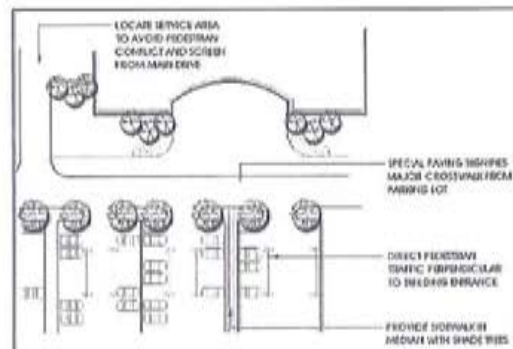


*Landscaped median with sidewalk*

- Pedestrians should not be required to cross service drives to reach major entrances from primary parking lots.
- Where major pedestrian routes within parking lots cross roadways and drives, use textured or colored paving materials to distinguish the route.
- Medians with sidewalks allow for safe circulation and reduce circulation conflicts.
- Wherever feasible orient parking aisles perpendicular to building entrances.



*Crosswalk delineated with paving and bollards*



*Median with sidewalk allows safe access to building entry*



### ▪ Accessibility

Owners and developers are expected to meet or exceed all requirements of the Americans with Disabilities Act (ADA), 1992, and all amendments thereto in the design and development of individual parcels, sites, buildings, and facilities. To the greatest extent possible, provide equal access in a manner that integrates ADA accessibility with ordinary accessibility, rather than separately.

### **PRINCIPLE 8: Appropriate design of parking lots, utilities, service areas and detention areas to reduce the negative impact of typically unattractive site components**

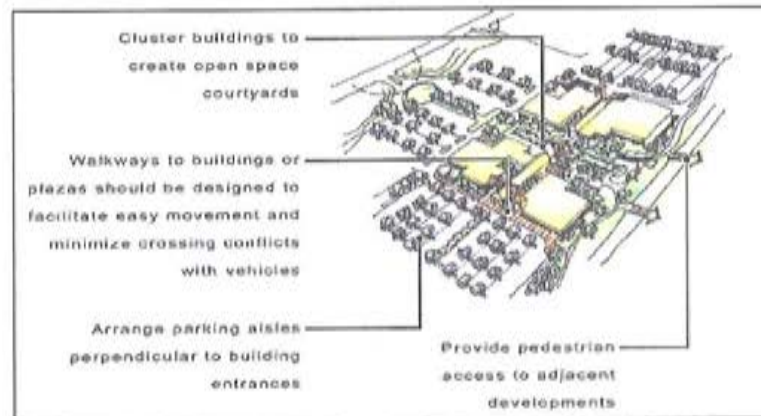
This section provides standards for the siting and layout of parking lots, service and loading areas, utilities, trash, storage and detention facilities. Specific landscaping criteria for these areas are included in the Landscape Principles section. Site plans specifying parking and circulation designs, utility and detention requirements shall be submitted to the City for review.

### ▪ Parking

- Parking ratios and quantity of spaces shall comply with the criteria set forth in the United City of Yorkville Zoning Ordinance.
- Parking areas should be designed and located so they provide safe and efficient vehicular and pedestrian circulation within a site.
- Minimize negative visual impacts from adjacent roadways.
- Break large expanses of pavement with landscape medians and islands.
- Divide parking areas which accommodate a large number of vehicles into a series of smaller, connected lots.
- Avoid situations where parking spaces directly abut structures.
- Separate parking aisles from interior collectors and entry drives whenever possible.



*Minimize negative visual impacts of parking from roadways*



- **Shared Parking**

Where opportunities exist for shared parking between uses with staggered peak parking demands, consider reducing the total number of parking spaces within each site or parcel. Parking should be shared between complementary uses such churches and office buildings.

- **Store Front & Street Parking Requirements**

All store front parking areas shall use angled parking or parallel parking. Areas shall be provided for sidewalks and landscaping between the store front and the edge of parking stall.

- **Bicycle**

To encourage and accommodate alternative transportation modes, provide bicycle parking within each building site. Locate bicycle parking areas so they are visible from building entrances and convenient for riders. Parking areas shall be landscaped in a manner consistent with pedestrian plazas. Also, bike racks should be of a style consistent with other site elements.

- **Substations/Water/Wastewater Stations**

Proposed electric substations, water pump stations and wastewater lift stations shall be screened from public views by a means of a 6 foot masonry wall on all sides with the exception of the area for gate access to the facility combined with landscaping. Service access shall be considered and incorporated into the screening program.

- **Detention**

- Drainage facilities should be used as an amenity to a development. If the existing topography allows, the location can be incorporated into an entry feature or can be the foundation for a park with trails and open space.
- Natural and/or vegetated drainage swales provide open space connections, filter runoff and improve the aesthetic appearance of development.
- Detention facilities should not be designed as to require chain link fencing or concrete walls. If such designs are required due to engineering requirements, consider using decorative modular stone to give the appearance of a retaining wall.
- Detention ponds located in the front yard building setback shall be designed as a curvilinear, contoured shape.



*Lake serves as main entry feature*



*Naturalistic drainage channel provides opportunities for trail connection*

**▪ Location of Utilities**

Visual and sound impacts of utilities, mechanical equipment, data transmission dishes, towers and other equipment should be minimized in all development plans.

- Design and install all permanent utility service lines underground.
- During construction and maintenance, minimize disruptions to other sites and businesses within the City.
- Temporary overhead distribution power and telephone lines are permitted during construction but shall be removed immediately upon completion of site and building construction.
- Wherever possible, mount data transmission and receiving telecommunication devices at ground level to the rear of structures and screen views from adjacent roadways, pedestrian paths and building sites.
- Screen all electrical transformers, gas meters and other utility cabinets from view.
- Structures are prohibited from being located in utility easements. Avoid locating signs, special landscape features, etc. in utility easements.
- Air conditioning units, vent systems and other mechanical systems that must be located on building roofs shall be screened from sight at the ground plane.
- In residential communities:
  - Items requiring screening should be located on the rear or side yards when possible and should be integrated into the unit design.
  - Air conditioning units must be located behind a screen wall or planting hedge.
  - Utility meters must be located on side or rear elevations of the dwelling.

**▪ Location of Service/Delivery/Trash/Storage Areas**

The visual impacts of service, delivery, trash and outdoor equipment or storage areas should be minimized, particularly relative to views from public roadways and pedestrian corridors. Thoughtful placement and integration into the architecture and site design is a priority for all sites.

- Orient service entrances, loading docks, waste disposal areas and other similar uses toward service roads and away from major streets and primary building entrances.
- Locate loading, service, trash and delivery areas so they do not encroach on any setbacks.



*Screen dumpsters with walls and materials that match architecture of primary building*



- Avoid locating service areas where they are visible from adjacent buildings or where they may impact view corridors. Such facilities are more appropriate at the rear of buildings or sites.
- Trash enclosures must be located away from residential property lines.
- Wherever possible, coordinate the locations of service areas between adjacent users or developments, so that service drives can be shared.



*Screen dumpsters with walls and materials that match architecture of primary building*

- Locate parking areas for outdoor equipment, trucks, trailers, service vehicles, etc. away from public parking lots and major pedestrian circulation routes. Unless totally out of view, screen these areas architecturally and with landscaping.
- All proposed dumpsters, trash receptacles, refuse storage containers, outdoor storage, and ground mounted equipment should be located within an enclosure providing screening along with landscaping along the perimeter. Such enclosures shall repeat materials and elements on the primary building.

The Data is provided without warranty or any representation of accuracy, timeliness, or completeness. It is the responsibility of the "Requester" to determine accuracy, timeliness, completeness, and appropriateness of its use. The United City of Yorkville makes no warranties, expressed or implied, to the use of the Data.  
-Parcel Data provided by Kendall County GIS



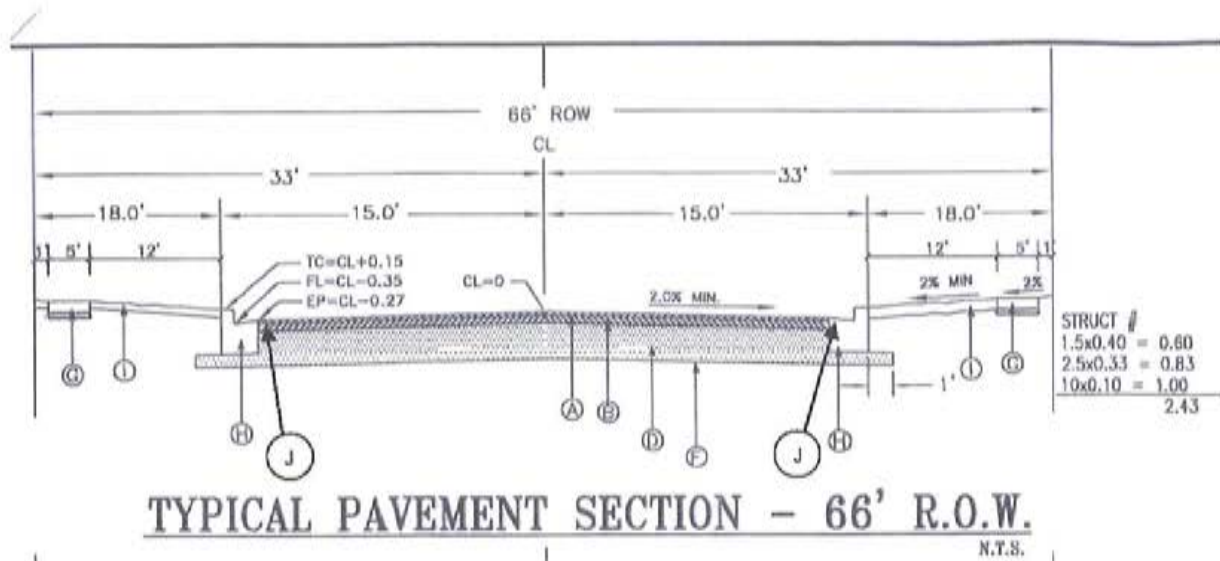
## Windmill Farms Exhibit "G"

0 25 50 100 150 200  
Feet  
1 inch equals 100 feet



# Exhibit "G"

Page 2 of 2



- (A) 1.5" BITUMINOUS CONCRETE SURFACE COURSE, CL 1, TY. 2, MIX. D
- (B) 2.5" BITUMINOUS CONCRETE BINDER COURSE, CL 1, TY. 2
- (C) 4.5" BITUMINOUS CONCRETE BINDER COURSE, CL 1, TY. 2 (2 LIFTS)
- (D) 10" CRUSHED AGGREGATE SUB-BASE, TY. B.
- (E) 12" CRUSHED AGGREGATE SUB-BASE, TY. B.
- (F) COMPACTED SUBGRADE WITH GEO-TEXTILE FABRIC, AMOCO 4551 OR APPROVED EQUAL
- (G) 5" PCC SIDEWALK WITH W/4" CRUSHED AGG. SUB-BASE
- (H) COMB. CONC. CURB AND GUTTER, TYPE B-6.12
- (I) 6" TOP SOIL AND SEEDING

(J) Joint filling with hot-poured rubberized asphalt cement



EXHIBIT H - WINDMILL FARMS ANNEXATION - RESIDENTIAL FEE SCHEDULE			
	<u>Name of Fee</u>	<u>Amount</u>	<u>Time of Payment</u>
1	School District Transition Fee	\$3,000 per unit	Paid to School District Office prior to issuance for building permit
2	Yorkville Bristol Sanitary District Connection Fee	\$1,400 per unit	At time of building permit, paid at City Hall with separate check made out to YBSD
3	Yorkville Bristol Sanitary District Annexation Fee	3806 per acre	Paid for entire development, at time of annexation to sanitary district
4	Yorkville Bristol Sanitary District Infrastructure Fee	3806 per acre	Paid for entire development, at time of annexation to sanitary district
5	Residential Building Permit Fee	\$650 + \$0.20 per square foot	Building Permit
6	Residential Water Connection Fee	\$3,700 per unit	Building Permit
7	Water Meter Cost (not applicable to fee lock)	\$390 per unit for SF	Building Permit
8	Residential City Sewer Connection Fee	\$2,000 per unit	Building Permit
9	Water and Sewer Inspection Fee	\$25 per unit	Building Permit
10	Public Walks and Driveway Inspection Fee	\$35 per unit	Building Permit
11a	Public Works (Development Impact Fee)	\$700 per unit	Building Permit
11b	Police (Development Impact Fee)	\$300 per unit	Building Permit
11c	Municipal Building (Development Impact Fee)	see "time of payment"	Municipal Building Impact Fee is set up as \$5,509 per unit if paid at time of permit, or \$3,288 per unit if paid at time of final plat for all units in the entirety of the annexed development.
11d	Library (Development Impact Fee)	\$500 per unit	Building Permit
11e	Parks and Rec (Development Impact Fee)	\$50 per unit	Building Permit
11f	Engineering (Development Impact Fee)	\$100 per unit	Building Permit
11g	Bristol Kendall Fire District (Development Impact Fee)	\$1,000 per unit	Building Permit
12	Parks Land Cash Fee	Calculated by ordinance, \$101,000 per acre	Building Permit or Final Plat, depending on annexation/development agreement and land/cash donations negotiated
13	School Land Cash Fee	Calculated by ordinance, \$101,000 per acre	Building Permit or Final Plat, depending on annexation/development agreement and land/cash donations negotiated
14	Road Contribution Fund	\$2,000 per unit	Building Permit
15	County Road Fee	\$1,707 per unit, escalating each calendar year at a rate determined by ordinance	Building Permit
16	Weather Warning Siren	\$75 per acre	Final Plat
17	Administration Review Fee	1.75% of Approved Engineer's Estimate of Cost of Land Improvements	Final Plat
18	Engineering Review Fee	1.25% of Approved Engineer's Estimate of Cost of Land Improvements	Final Plat
19	Engineering Coordination Fee	0.35% of Approved Engineer's Estimate of Cost of Land Improvements	Final Plat



# United City of Yorkville

EXHIBIT H - COMMERCIAL PERMIT FEES

County Seat of Kendall County  
800 Game Farm Road  
Yorkville, Illinois, 60560  
Telephone: 630-553-4350  
Fax: 630-553-7575  
Website: [www.yorkville.il.us](http://www.yorkville.il.us)

## COMMERCIAL PERMIT FEES

### Permit/Plan Review

Building Permit	\$750.00 plus \$0.20 per square foot
Plan Review	Based on building size (See Attached)

### Contributions

Development Fee	\$3000.00* - See Attached Ordinance 2004-55 (Increase in Bristol-Kendall Fire Protection District Fee)
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### Water/Sewer

Sewer Tap	See Attached Ordinance #96-11	
Water Tap	<u>Water Meter Size</u>	<u>Water Connection Fee</u>
	1"	\$ 3,700
	1 1/2"	\$ 4,000
	2"	\$ 5,000
	3"	\$ 8,000
	4"	\$15,000
	6" and larger	TBD

Water Meter	<u>Water Meter Size</u>	<u>Water Meter Price</u>
	1"	\$ 485.00
	1 1/2"	\$ 790.00
	2"	\$2800.00
	3"	\$3550.00
	4"	\$5420.00
	6"	\$8875.00

Engineering Inspections	\$60.00
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River Crossing Fee	\$25.00 per drain unit. See attached Ordinance 97-11
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\*\*Engineering and Landscaping review fees will be billed separately.

\*\*\* Please call the Yorkville Bristol Sanitary District for sanitary permit fees (630) 553-7657

# EXHIBIT H - MULTI-FAMILY PERMIT FEES

## MULTI-FAMILY RESIDENTIAL USE GROUP

A. New Construction Per Unit	\$350.00 plus \$0.15 per s.f.
B. Remodeling Per Unit	\$175.00 plus \$0.10 per s.f.
C. Detached Garage Per Unit without Electrical	\$50.00
D. Detached Garage Per Unit with Electrical	\$100.00
E. Temporary to Start Construction	25% of full permit fee, not to be applied to the full permit fee
F. Temporary Certificate of Occupancy when Requested by the Builder when Circumstances <u>Do Not</u> Warrant	\$50 per unit (non-refundable)

## ALL OTHER USE GROUPS

<input type="checkbox"/> A. New Construction	\$750.00 plus \$0.20 per square foot	<input type="checkbox"/>
B. Additions	\$500.00 plus \$0.20 per square foot	
C. Remodeling	\$350.00 plus \$0.10 per square foot	
D. Temporary to Start Construction	25% of full permit fee, not to be applied to the full permit fee	
E. Temporary Certificate of Occupancy when Requested by the Builder when Circumstances <u>Do Not</u> Warrant	\$200.00 (non-refundable)	

**NOTE:** Building permit fee does not include the plan review fee for the "multiple-family residential use group" and "other use group" categories. The plan review fee will be based on the schedule following the permit fees. Plan review fees to the inspection firm will be paid at the same time as the building permit fee.

PLAN REVIEW FEES (May vary due to outside consultant's fee schedules.)

BUILDING CODE

<i>Building Size</i>	<i>Fee</i>
1 to 60,000 cubic feet	\$355.00
60,001 to 80,000 cubic feet	\$400.00
80,001 to 100,000 cubic feet	\$475.00
100,001 to 150,000 cubic feet	\$550.00
150,001 to 200,000 cubic feet	\$650.00
over 200,000 cubic feet	\$650.00 + \$6.50 per 10,000 cubic feet over 200,000

REMODELING PLAN REVIEW      1/2 of Plan Review Fee Listed Above

ELECTRICAL, MECHANICAL, OR PLUMBING PLAN REVIEW ONLY  
1/4 of Plan Review Fee Listed Above

FIRE DETECTION/ALARM SYSTEMS

\$115.00 per 10,000 square feet of floor area

FIRE SPRINKLER SYSTEMS

<i>Number of Sprinklers</i>	<i>Pipe Schedule</i>	<i>Hydraulic Calculated</i>
Up to 200	\$250.00	\$500.00
201-300	\$300.00	\$575.00
301-500	\$400.00	\$775.00
Over 500	\$450.00	\$850.00
PLUS, for each Sprinkler over 500:	\$0.60/each	\$0.95/each

ALTERNATE FIRE SUPPRESSION SYSTEMS

Standpipe	\$175.00 per Standpipe Riser (No charge with Sprinkler Review)
Specialized Extinguisher Agent (Dry or Other Chemical Agent)	\$125.00 per 50 pounds agent
Hood & Duct Cooking Extinguisher Agent	\$150.00 flat rate per system.

**NOTE:** If any plan has to be sent to an outside consultant other than the inspection firm, the outside consultant's fee(s) will be charged and that fee paid directly to the outside consultant.



# Memorandum

To: Plan Council  
From: Krysti J. Barksdale-Noble, Community Development Director  
Date: January 2, 2019  
Subject: **PZC 2019-03 Hively Landscaping – former Windmill Farms PUD  
Proposed new Nursery/Greenhouse Retail Use (Rezoning)**

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I have reviewed the applications for Rezoning request provided December 11, 2018 as submitted by Matthew C. Hively, petitioner, as well as the concept site plans. The petitioner is seeking rezoning approval from the expired concept plan for a Planned Unit Development (PUD), which was never final platted, that had an underlying zoning of R-4 General Multi-Family Residence District and B-3 General Business Zoning to a zoning of B-3 General Business District and A-1 Agricultural District.

The purpose of the rezoning is to establish and operate a nursery and garden center with retail store on the proposed B-3 zoned parcel and an accessory building for the storage of equipment and landscape materials in the proposed A-1 zoned parcel. The total proposed area to be rezoned consists of approximately 16.21-acres of vacant land near IL Route 71 and IL Route 126.

Included within the applications are the following documents:

- 1) Application for Rezoning Parcel (05-03-200-022) to A-1 Agricultural District
- 2) Legal Description
- 3) Surrounding Property Owners
- 4) Plat of Survey prepared by Spaceco Inc., dated 10/30/17 with hand-drawn concept plan for nursery, retail shop, hoop house, gravel parking lot and landscaping.
- 5) Application for Rezoning Parcel (05-03-300-039 and 05-03-300-035) to B-3 General Business District
- 6) Legal Description
- 7) Surrounding Property Owners
- 8) ALTA/NSPS Land Title Survey prepared by Spaceco Inc., date revised 12/01/16 with hand-drawn concept plan for hoop houses, material bin storage, plant material storage and landscaping.

Based upon my review of the application documents and materials, I have compiled the following comments (requests to the petitioner are underlined):

## ***Land Use History***

- The subject property is currently zoned Planned Unit Development (PUD) with an underlying zoning of B-3 General Business District and R-4 General Multi-Family Residence District, as part of the Windmill Farm PUD approved in 2008 per Ordinance 2008-40.
- Per Exhibit “E” of Ord. 2008-40 granting Annexation and Planned Unit Development approval for the Windmill Farms development, the approximately 91-acre site, of which the subject property is included, was to be developed as with mixed residential and commercial land uses.
- The annexation and concept PUD plan were the only approvals granted for the Windmill Farm development. The property has remained vacant and unplatted since the original approvals in 2008. Per the City Attorney, since the concept plan was never subsequently formalized by a final

plat or plan, and with the passage of time, the concept plan for the Windmill Farm development is no longer valid.

- A separate ordinance repealing the original Windmill Farm PUD (Ord. 2008-40) will be prepared with by the City Attorney for recordation along with the ordinances rezoning the subject parcels, if approved by the City Council.

### ***Zoning***

- The proposed uses are defined in the Yorkville Zoning Ordinance as a “nursery/greenhouse” and “agricultural”.
- The nursery/greenhouse use is a permitted use in the B-3 General Business District, which is by definition, a “retail business whose principal activity is the selling of plants and having outdoor storage, growing and/or display of plants.”
- The agricultural use is a permitted use in the A-1 Agricultural District, which is defined as “the employment of land for the primary purpose of raising, harvesting, and selling crops, or....by any other horticultural, floricultural or viticulture use...”

The following are the current immediate surrounding zoning and land uses for the entire area surrounding the approximately 91-acre Windmill Farms PUD:

<b>Zoning</b>		<b>Land Use</b>
<b>North</b>	A-1 Agriculture	Unincorporated Kendall County (Farm Land)/IL Rte 71
<b>South</b>	A-1 Agriculture/R-2 & R-2D Detached & Attached Residential	Unincorporated Kendall County (Landscape Business)/Raintree Village (Residential)
<b>East</b>	A-1 Agriculture	Unincorporated Kendall County (Farm Land)
<b>West</b>	B-3 Business/R-2 Detached Residential	Country Hills (Commercial & Residential)

### ***Comprehensive Plan (Future Land Use)***

- The subject property’s future land use is classified as “Estate/Conservation Residential (ERC)” which is intended to provide flexibility for residential design in areas that can accommodate low-density detached single-family housing but also include sensitive environmental and scenic features that should be retained and enhanced.
- Due to this future land use classification, if the rezoning requests are approved, an amendment to the Comprehensive Plan Future Land Use map will be necessary. The proposed B-3 zoned parcel would correlate with a future land use designation of “Destination Commercial (DC)” and “Agricultural Zone (AZ)” for the A-1 zoned parcel.

### ***Proposed Concept/Site Plan***

- All buildings will be subject to the City's Appearance Code (see attached).
  - For new commercial land uses, Masonry products or precast concrete shall be incorporated on at least fifty percent (50%) of the total building, as broken down as follows: The front facade shall itself incorporate masonry products or precast concrete on at least fifty percent (50%) of the facade. Any other facade that abuts a street shall incorporate masonry products. The use of masonry products or precast concrete is encouraged on the remaining facades.
- Gravel parking lot will not be permitted.
- Depending on total proposed impervious surface, onsite detention maybe required. Maximum impervious surface for the B-3 Zoning District (Nursery) is 80%.
- Parking required for nursery use (B-3) is 3 spaces per 1,000 square feet.

- More details will need to be provided regarding the material bin/plant storage containers, hoop houses and scale area. Photographic images, manufacturing cut sheets or elevation drawings of these operational areas will be required.
- The following chart illustrates the minimum required yard setbacks for buildings/structures within the **B-3 General Business District**:

Minimum Requirement		Proposed Setback
Front (IL Rte. 71)	50 feet	<b>Not Provided</b>
Rear	20 feet	<b>Not Provided</b>
Interior Side (East)	20 feet	<b>Not Provided</b>
Interior Side (West)	20 feet	<b>Not Provided</b>

- The following chart illustrates the minimum required yard setbacks for buildings/structures within the **A-1 Agricultural District**:

Minimum Requirement		Proposed Setback
Front (IL Rte. 71)	100 feet	<b>Not Provided</b>
Rear	N/A	<b>N/A</b>
Interior Side (East)	50 feet	<b>Not Provided</b>
Interior Side (West)	50 feet	<b>Not Provided</b>

- Staff recommends a hard-lined, non hand-drawn concept plans with setback dimensions, parking calculations and total impervious surface for submittal to the Economic Development Committee meeting. Revised concept plans will be required to be submitted to staff no later than January 22, 2019.

### ***Utilities***

- What is your planned water source? There are no nearby public utilities (water, sewer) in this area. Please provide narrative of proposed water source.

### ***Fencing***

- Maximum fence height is 6 feet, 8 feet if adjacent to residential. A dimensioned section detail will be required for any proposed fence.

### ***Access/Transportation***

- Any work within IDOT's right-of-way (i.e. berm along IL 71) will require an IDOT permit.
- IDOT's approval will be required for all proposed access points off of IL 71 and IL 126.

### ***Signage***

- Section 10-20-9 of the Zoning Ordinance provides criteria related to business zoning district signage. Please refer to the following link to the Sign Ordinance for additional information:  
[https://www.sterlingcodifiers.com/codebook/index.php?book\\_id=415&ft=4&find=10-20](https://www.sterlingcodifiers.com/codebook/index.php?book_id=415&ft=4&find=10-20)

### ***Landscape Ordinance***

- It is anticipated that the property will need to be cleared in preparation for the installation of the nursery site. Per Section 8-12-2-H of the Landscape Ordinance, a Tree Preservation Plan is required for all lots five (5) acres or greater in area. No live trees with a four inch (4") DBH

(diameter breast height) may be removed without first submitting an application for tree removal and receiving approval from the City. Please provide, if required.

- Please refer to the following link to the Landscape Ordinance for additional information:  
[http://www.sterlingcodifiers.com/codebook/index.php?book\\_id=415](http://www.sterlingcodifiers.com/codebook/index.php?book_id=415)





*Engineering Enterprises, Inc.*

January 2, 2019

Ms. Krysti Barksdale-Noble  
Community Development Director  
United City of Yorkville  
800 Game Farm Road  
Yorkville, IL 60560

**Re: *Hively Landscaping – Rezoning/Concept Plan Review  
United City of Yorkville, Kendall County, Illinois***

Dear Krysti:

We are in receipt of the following items for the above referenced project:

- Application for Rezoning
- Yorkville Nursery Concept Plan (Parcel 3)
- Yorkville Garden Center Concept Plan (Parcel 8)

Our review of these plans is to generally determine their compliance with local ordinances and whether the improvements will conform to existing local systems and equipment. This review and our comments do not relieve the designer from his duties to conform to all required codes, regulations, and acceptable standards of engineering practice. Engineering Enterprises, Inc.'s review is not intended as an in-depth quality assurance review, we cannot and do not assume responsibility for design errors or omissions in the plans. As such, we offer the following comments:

**General**

1. For the project to proceed engineering plans would need to be provided. The plans would need to include, but not be limited to, the following items:
  - a. Existing Conditions and Demolition Plan
  - b. Grading and Drainage Plan
  - c. Utility Plan
  - d. Erosion Control Plan
  - e. Construction Specifications and Details
  - f. Landscaping Plan
2. The following permits and submittals may be required for this project:
  - a. IDOT for access to Routes 71 and 126
  - b. IEPA for compliance with ILR-10 General Construction Permit
  - c. Stormwater Permit
  - d. Wetland Delineation and Permitting

Ms. Krysti Barksdale-Noble  
January 2, 2019  
Page 2

The Owner should submit the necessary plans, permits, and supporting documents for review as the project proceeds. If you have any questions or require additional information, please contact our office.

Sincerely,

ENGINEERING ENTERPRISES, INC.

  
Bradley P. Sanderson, P.E.  
Vice President

BPS/TNP

pc: Mr. Bart Olson, City Administrator (Via e-mail)  
Ms. Erin Willrett, Assistant City Administrator (Via e-mail)  
Mr. Jason Engberg, Senior Planner (Via e-mail)  
Mr. Eric Dhuse, Director of Public Works (Via e-mail)  
Mr. Pete Ratos, Building Department (Via e-mail)  
Ms. Dee Weinert, Admin Assistant (Via e-mail)  
Ms. Lisa Pickering, Deputy Clerk (Via e-mail)  
Mr. Matthew Hively, Hively Landscaping (Via e-mail)  
TNP, JAM, EEI (Via e-mail)

**PUBLIC NOTICE  
NOTICE OF PUBLIC HEARING  
BEFORE  
UNITED CITY OF YORKVILLE  
PLANNING AND ZONING COMMISSION  
PZC 2019-03**

**NOTICE IS HEREBY GIVEN THAT** Matthew C. Hively, petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification of three (3) parcels. The real property is located south of Illinois Route 71, and north of Illinois Route 126 and part of the previously approved Windmill Farms Annexation Agreement, which allowed for certain land uses consistent with those found in the R-4 General Multi-Family Residence District and B-3 General Business Zoning districts. The petitioner is seeking to rezone two (2) parcels to the B-3 General Business District and one (1) parcel to the A-1 Agricultural District. The purpose of the rezoning is to establish and operate a nursery and garden center with retail store on the proposed B-3 zoned parcels and an accessory building for the storage of equipment and landscape materials in the proposed A-1 zoned parcel.

The legal description of said parcels is as follows:

**PARCEL 3**

That part of the Northeast quarter of Section 3, Township 36 North, range 7 East of the third principal meridian described as follows: Beginning at the Southwest corner of said Northeast quarter; thence North 01 degrees 34 minutes 52 seconds West along the West line of said Northeast quarter 245.12 feet; thence South 84 degrees 27 minutes 30 seconds East 198.51 feet; thence North 00 degrees 42 minutes 30 seconds West 423.02 feet to the center line of Illinois State Route No. 71; thence North 60 degrees 02 minutes 30 seconds East along said center line 472.59 feet to a line drawn North 00 degrees 10 minutes 48 seconds East parallel with the West line of said Northeast  $\frac{1}{4}$ , from a point on the South line of said Northeast  $\frac{1}{4}$  which is 598.62 feet Easterly of the Southwest corner of said Northeast  $\frac{1}{4}$ ; thence South 00 degrees 10 minutes 48 seconds West along said parallel line 880.56 feet to said South line; thence South 89 degrees 34 minutes 48 seconds West along said South line 598.62 feet to the point of beginning, being a portion of a larger parcel of land described as parcel 3 in Quit Claim Deed recorded on April 24, 2017 as Document 2001700006075, in Kendall County, Illinois.

**PARCEL 8**

That part of the Southwest quarter of Section 3, Township 36 North, Range 7 East of the third principal meridian, described as follows: Commencing at the Southwest corner of said Southwest quarter; thence North 00 degrees 08 minutes 14 seconds West along the West line of said Southwest quarter, 1,995.75 feet to the center line of Illinois State Route No. 71; thence North 71 degrees 23 minutes 59 seconds East along said center line 30.45 feet to the point of intersection of said center line with center line of Illinois State Route No. 126 for the point of beginning; thence North 71 degrees 23 minutes 59 seconds East along said Route 71 center line 230.67 feet to a point of curvature; thence Northeasterly along a curve to the left having a radius of 11,459.20 feet which is tangent to the last described course at the last described point at the last description point, 1,141.60 feet to the intersection with the center line extended Northwesterly of Wing Road; thence South 21 degrees 30 minutes 13 seconds East along said Wing Road center line 761.0 feet; thence South 58 degrees 16 minutes 47 seconds West 265.38 feet to said Route 126 center line; thence Northwesterly along said Route 126 center line being along a curve to the left and having a radius of 2292.01 feet which is tangent to a line drawn North 72 degrees 57 minutes 06 seconds West from the last described point 147.83 feet; thence North 76 degrees 38 minutes 49 seconds West along said Route 126 center line 850.98 feet thence Northwesterly along said Route 126 center line being along a curve to the right and having a radius of 2,148.79 feet which is tangent to the last described course at the last described point, 383.53 feet to the point of beginning, excepting therefrom that part described as follows: that part of the Southwest quarter of Section 3, Township 36 North, Range 7 East of the third principal meridian described as follows:

Commencing at the Southwest corner of said Southwest quarter; thence North 00 degrees 08 minutes 14 seconds West along the West line of said Southwest quarter 1,995.75 feet to the center line of Illinois State Route 71; thence North 71 degrees 23 minutes 59 seconds East along said Route 71 center line 261.12 feet to a point of curvature; thence Northeasterly along a curve to the left having a radius of 11,459.20 feet which is tangent to the last described course 1,141.60 feet to the intersection with the center line extended Northwesterly of Wing Road for the point of beginning; thence South 21 degrees 30 minutes 13 seconds East along said Wing Road center line 258.05 feet; thence South 68 degrees 29 minutes 47 seconds West 200.0 feet; thence North 21 degrees 30 minutes 13 seconds West parallel with said Wing Road center line 250.0 feet to said Route 71 center line; thence Northeasterly along said Route 71 center line 200.16 feet to the point of beginning, in the United City of Yorkville, Kendall County, Illinois.

And also excepting, that part of the Southwest quarter of Section 3 in Township 36 North, Range 7 East of the third principal meridian, Kendall County, Illinois, described as follows with bearings referenced to the Illinois State Plane Coordinate System East Zone (NAD83); commencing at the Southwest corner of the Southwest quarter of said Section 3; thence North 01 degree 35 minutes 30 seconds West, 1995.04 feet along the West line of said Southwest quarter to the centerline of a public highway designated IL 71; thence North 69 degrees 55 minutes 19 seconds East, 31.52 feet along said centerline to the point of beginning, from the point of beginning; thence North 69 degrees 55 minutes 19 seconds East, 230.66 feet along said centerline; thence Northeasterly, 940.58 feet along an 11,479.02 foot radius curve to the left having a chord bearing North 67 degrees 34 minutes 29 seconds East, 940.31 feet; thence South 22 degrees 56 minutes 31 seconds East, 60.03 feet; thence Southwesterly, 418.10 feet on an 11,539.02 foot radius curve to the right having a chord bearing South 66 degrees 16 minutes 29 seconds West, 418.08 feet; thence South 59 degrees 24 minutes 09 seconds West, 71.10 feet; thence South 25 degrees 14 minutes 24 seconds West, 60.52 feet; thence Southeasterly, 570.87 feet on an 875.00 foot radius curve to the left having a chord bearing South 55 degrees 22 minutes 46 seconds East, 560.80 feet; thence South 74 degrees 04 minutes 13 seconds East, 274.41 feet; thence South 64 degrees 05 minutes 29 seconds East, 35.85 feet; thence South 56 degrees 49 minutes 00 seconds West 64.56 feet to the center line of a public highway designated IL 126; thence Northwesterly, 162.08 feet on said centerline being a 2,291.64 foot radius curve to the left having a chord bearing North 76 degrees 16 minutes 12 seconds West, 162.05 feet thence North 78 degrees 17 minutes 46 seconds West, 357.37 feet on said centerline; thence North 53 degrees 52 minutes 46 seconds West, 96.76 feet to the existing Northerly right of way line of IL 126, thence Northwesterly, 297.03 feet on a 990.00 foot radius curve to the right having a chord bearing North 45 degrees 17 minutes 03 seconds West, 295.92 feet; thence North 36 degrees 39 minutes 21 seconds West, 23.77 feet; thence North 77 degrees 19 minutes 38 seconds West, 84.74 feet; thence South 69 degrees 03 minutes 36 seconds West, 100.61 feet; thence South 69 degrees 55 minutes 52 seconds West, 149.98 feet to the Southerly right of way line of said IL 71; thence South 65 degrees 32 minutes 40 seconds West, 113.94 feet to the centerline of said IL 126; thence Northwesterly, 119.55 feet on said centerline being a 2170.59 foot radius curve to the right having a chord bearing North 69 degrees 20 minutes 17 seconds West, 119.54 feet to the point of beginning.

**Parcel 8A (included in parcel 8 but separated out for title vesting purposes only):**

That part of the Southwest quarter of Section 3 in Township 36 North, Range 7 East of the third principal meridian, Kendall County, Illinois, described as follows with bearings referenced to the Illinois State Plane Coordinate System East Zone (NAD83): Commencing at the Southwest corner of the Southwest quarter of said section 3; thence North 01 degree 35 minutes 30 seconds West, 1995.04 feet along the West line of said Southwest quarter to the centerline of a public highway designated IL 71; thence North 69 degrees 55 minutes 19 seconds East, 31.52 feet along said centerline to the centerline of pavement SBI Route 66 (IL 126); thence South 69 degrees 20 minutes 17 seconds East, 119.54 feet along said centerline of pavement to the point of beginning; thence North 65 degrees 32 minutes 40 seconds East, 113.94 feet to the Southeasterly right of way line of FA Route 97 (IL 71); thence Southerly 44.66 feet on said right of way line being a 20.00 foot radius curve to the left whose chord bears South 03 degrees 27 minutes 31 seconds East, 35.94 feet to the Northeasterly existing right of way line of SBI Route 66 (IL 126); thence South 74 degrees 54 minutes 15 seconds East, 177.74 feet on said right of way line; thence South 78 degrees 17 minutes 46 seconds East, 376.03 feet on said right of way line; thence South 53 degrees 52 minutes 46 seconds East, 96.76 feet to the Centerline of SBI Route 66 (IL 126); thence North 78 degrees 17 minutes 46 seconds West, 464.15 feet

along said centerline; thence Northwesterly 279.59 feet along the center pavement of SBI Route 66 (IL 126), being a 2,170.59 foot radius curve to the right whose chord bears North 74 degrees 36 minutes 21 seconds West, 279.40 feet to the point of beginning situated in Kendall County, Illinois.

A copy of the application is available for review during normal City business hours at the office of the Community Development Director.

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a Public Hearing on said application on **Wednesday, March 13, 2019 at 7 p.m.** at the United City of Yorkville, City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville Community Development Department, City Hall, 800 Game Farm Road, Yorkville, Illinois, and will be accepted up to the date of the public hearing.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

BETH WARREN  
City Clerk

BY: Lisa Pickering  
Deputy Clerk



# Memorandum

To: Planning and Zoning Commission  
From: Jason Engberg, Senior Planner  
CC: Bart Olson, City Administrator  
Krysti J. Barksdale-Noble, Community Development Director  
Date: December 6, 2018  
Subject: **PZC 2018-18 Heartland 3<sup>rd</sup> PUD Amendment (Text Amendment)**

## **BACKGROUND & REQUEST:**

The petitioner, Marker Inc., is requesting an amendment to the Heartland Subdivision Planned Unit Development to reduce the interior side yard setback from twenty (20) feet to ten (10) feet on Lot 187 of the subdivision. Additionally, the petitioner is requesting to increase the maximum allowable height of a permitted fence in a business district from six (6) feet to eight (8) feet. This memorandum explains the existing conditions of the site, the request being made, and staff's recommendations regarding the request.

During the review process, there were several requests and comments made by staff and committee members. The petitioner is pursuing these requests but is being delayed by external forces. Once the outside issue is resolved, the petitioner will submit the requested materials. The following information is to provide the Planning and Zoning Commission with an overview of where this project currently stands.

## **EXISTING CONDITIONS:**

### *Location*

Lot 187 of the Heartland Subdivision is located at the southwest corner of McHugh Road and US Route 34 (Veterans Parkway). While the property is closest to the Heartland Center Commercial Development, this parcel was included for commercial use as part of the Heartland subdivision. Therefore, the language and agreements in the Heartland Subdivision Annexation Agreement apply to this property.





### *Zoning & Land Uses*

The subject property is currently zoned B-3 General Business District. The following are the current immediate surrounding zoning and land uses:

	Zoning	Land Use
North	B-3 General Business District	US 34/Undeveloped Land
South	R-3 Kendall County	McHugh Rd/Unincorporated Residential
East	B-3 General Business District	McHugh Rd/Heartland Center
West	B-3 General Business District	Casey's Gas Station and Convenience Store

### *Annexation & PUD Agreement:*

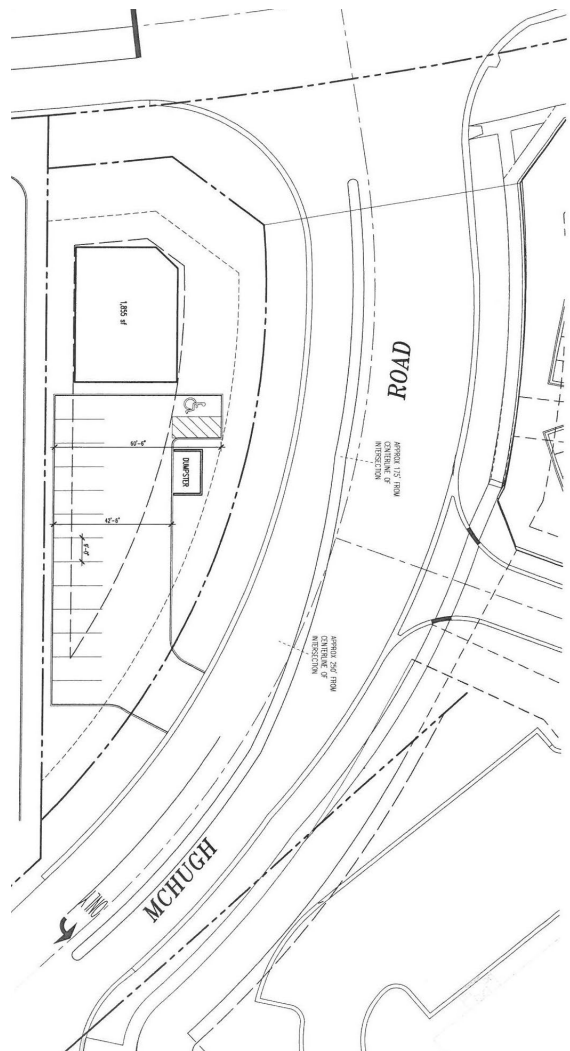
The petitioner is requesting to amend Ordinance 1999-30 (Approving Annexation and PUD). This will be the 3<sup>rd</sup> amendment to the annexation agreement as Ordinance 2001-44 and Ordinance 2005-05 were the first and second amendments, respectively. Since the Annexation Agreement and the PUD Agreement are a single document, the request must go through a public hearing process and be reviewed by the Planning and Zoning Commission as a PUD Agreement Amendment.

### **PETITIONER REQUEST:**

The petitioner submitted their application for a Planned Unit Development (PUD) amendment on August 22, 2018. Their application states that they would like to reduce the interior side yard setback (located on the west side of the property) from twenty (20) feet to ten (10) feet. The submitted conceptual site plan for this property is illustrated in the exhibit to the right.

The petitioner also requested permission to either reduce the median within McHugh Road near the subject property to make it a mountable median or request the City remove the median from the property to the south terminus of the median. The petitioner states that the current median creates unnecessary and additional traffic going through adjacent properties for vehicles performing a north traffic movement to Route 34.

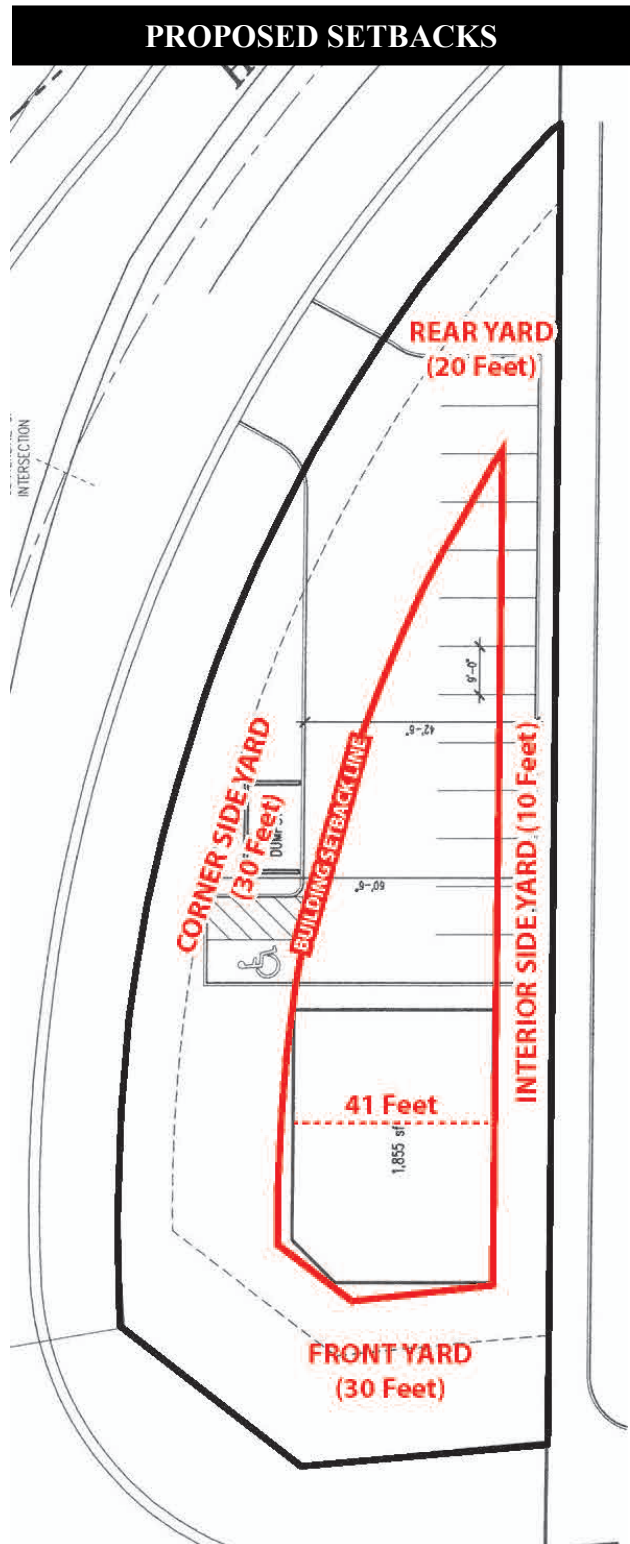
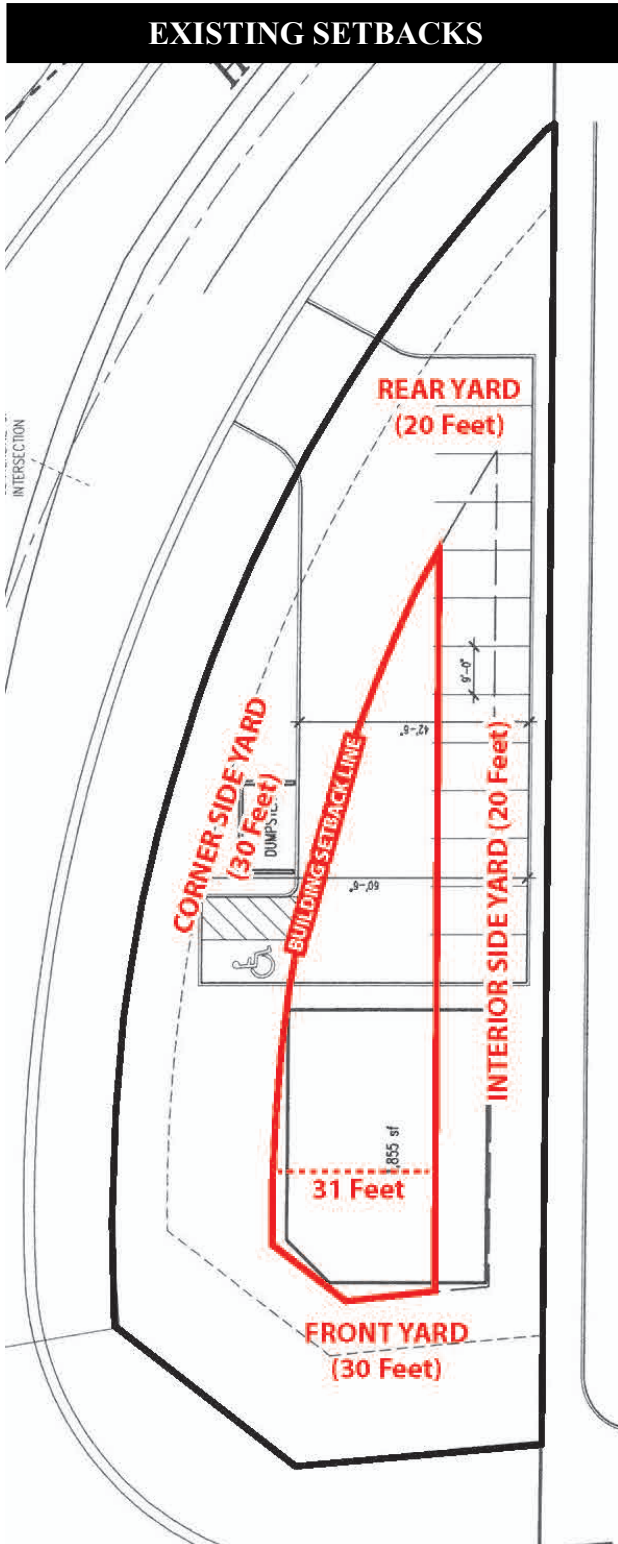
Staff reviewed the initial requests with the petitioner at a Plan Council Meeting on September 27, 2018. Staff provided our comments and concerns about the requests which will be covered in detail later within this memorandum. Several weeks after the Plan Council meeting, the petitioner asked to also include a request to increase the maximum height of an interior side yard fence to eight (8) feet. Table 10.17.02 in Chapter 17 of the City's Zoning Ordinance states, a fence in a business district may be a maximum of six (6) feet. Staff has included this request in the public hearing notice for the petitioner's scheduled hearing on November 14, 2018. **It should be noted that this request was not reviewed at the Plan Council meeting.**



**STAFF REVIEW:**

*Yard Comparison*

The graphics below illustrate the difference between the buildable areas with the existing setbacks and the proposed setbacks.



### *Bulk Regulations*

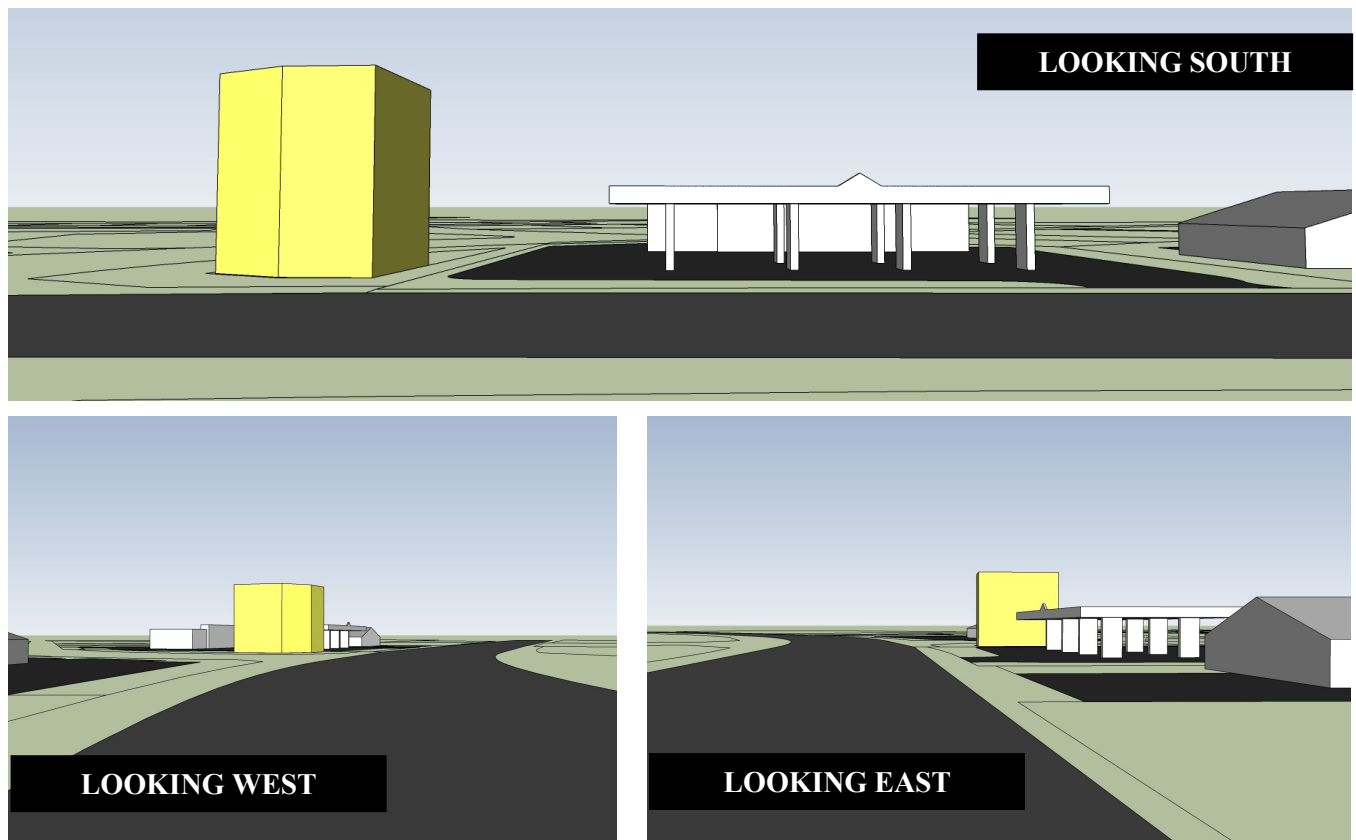
The following table describes the bulk regulations in the B-3 Zoning District in relation to the submitted conceptual site plan:

	<b>B-3 Required</b>	<b>Proposed/Notes</b>
<b>Maximum Height</b>	80' or 6 stories	Concept Plan indicates a 2 or 3 story building with a maximum of 45' in height
<b>Maximum Lot Coverage</b>	80%	Concept Plan shows 51% lot coverage
<b>Front Yard Setback</b>	50'	Ord. 1999-30 established a Front Yard Setback of 30' Concept plan shows a 30' setback
<b>Side Yard Setback</b>	20'	This is being proposed to be reduced to 10' Concept plan shows a 10' setback
<b>Corner Side Yard Setback</b>	30'	Concept plan shows a 30' setback
<b>Rear Yard Setback</b>	20'	Concept plan shows the structure over 100' from rear lot line

The proposed concept plan meets all of the criteria for bulk regulations (including the proposed side yard setback reduction).

### *Massing*

The general location and size of the property only allows for construction of a small building structure within the envelope. To take advantage of the largest part of the building envelope, the structure would have to be placed at the very front of the parcel. To envision how the structure would relate to other properties, a rough example has been generated. It should be noted that the building represented below is the maximum size the petitioner has illustrated.



### *Parking*

The Concept Plan indicates that there are a total of 14 parking spaces including an ADA parking space. Section 10-16-3-F of the City's Zoning Ordinance states that general retail shall provide 3 parking spaces per 1,000 square feet of floor area and office uses shall provide 2 parking spaces per 1,000 square feet of floor area. The Concept Plan indicates that the building will have a floor area of 1,855 square feet. A total of 6 parking spots are required for a single story building of this size.

**Staff is requesting the petitioner to indicate a definite number of stories for the proposed structure. A two story building of this size would still meet parking standards; however a three story building will not meet parking requirements.**

### *Lighting*

A photometric plan indicating that the maximum illumination at the property line shall not exceed 0.1 foot-candle and no glare shall spill onto adjacent properties or rights of way must be provided by the petitioner as part of the building permit process.

### *Median Reduction or Removal*

At the Plan Council meeting, City staff and the City's engineering consultant informed the petitioner that neither would support the removal or reduction of the median on McHugh Road. The amount of nearby ingress and egress points along McHugh Road and the turn lanes from McHugh Road onto US Route 34 make the median necessary for safety purposes. Once the petitioner was made aware of the safety concerns and the City's opposition to the request, the petitioner has decided not to move forward with the request being put into the PUD amendment request.

### *Fencing*

The petitioner is requesting to increase the height of an interior side yard fence on the west side of the property to eight (8) feet. **The petitioner has not yet provided any details of the fence or the purpose for the increase in height. Once the petitioner provides information regarding any hardships the property creates and the need for additional screening height, staff will review before making a recommendation.**

### *Comprehensive Plan*

The 2016 Comprehensive Plan designates the future land use for this property as Mid-Density Residential. The purpose behind this designation was to acknowledge the existing residential apartment complex adjacent to this property. The apartment complex has been removed and replaced with the Casey's General Store. The Comprehensive Plan shows adjacent properties are designated for neighborhood retail and commercial development along Route 34 is of high priority within the plan. **The proposed office use is not consistent with the designated future land use in the Comprehensive Plan and is not a neighborhood retail use. Therefore, if this request is approved, an amendment to the Yorkville Comprehensive Plan will be necessary to change the future land use to the most appropriate land use designation of Destination Commercial. The Comprehensive Plan characterizes Destination Commercial as a variety of low-scaled auto oriented commercial uses including offices and for properties generally located along Route 47 and Veterans Parkway.**

### *Vehicle Access & Circulation*

After reviewing the submitted conceptual site plan, staff is concerned about the potential access and circulation of vehicle traffic at this location. The only access point is located along McHugh Road and will be a "right-in, right-out" intersection. The petitioner stated that they may be able to widen the access drive and add a median to accommodate larger vehicles, such as fire trucks, to ensure there is no backup in case of emergency. While this may help alleviate some concerns, staff has recommended that the site provide a connection to the adjacent property to the west, Casey's General Store, to ensure that access can be obtained from US Route 34 and McHugh Road.

Committee members from the Economic Development Committee voiced a similar concern for safety with access along McHugh Road. At the November 6, 2018 meeting, committee members suggested that access should be provided through the Casey's General Store to the west. This would allow access to the property through Casey's parking lot off of McHugh Road and Route 34 which would limit the amount of additional traffic and turning movements along McHugh Road. Committee members were skeptical about increasing the amount ingress and egress points on an already busy McHugh Road. Staff agrees with the committee's suggestion and has directed the petitioner to develop a plan that connects their property with the adjacent property.

The petitioner has made several efforts to contact Casey's General Store to see their interest in allowing access off their property. The petitioner has contacted the owner's and project engineer to receive their decision and the parties have not made a decision as of today. **This is the main reason that the petitioner is waiting to complete the rest of the requested materials. Once this issue is resolved and a decision is made, the petitioner will move forward accordingly.**

#### **ECOMINC DEVELOPMENT COMMITTEE:**

The Economic Development Committee reviewed the proposed amendment on November 6, 2018. As stated previously, the committee made several suggestions that access off of McHugh Road should be avoided. Additionally, the committee requested more detailed architectural plans be submitted to help the committee understand what the petitioner is trying to accomplish. Since this is part of a Planned Unit Development Agreement, the architectural features and site plans may be reviewed and required by reviewing bodies. **Staff agrees that additional architectural and potential massing exhibits should be created before moving forward with this request. As stated before, the petitioner is waiting for a response from Casey's General Store before moving forward with drafting more detailed plans as it could affect the final design.**

#### **STAFF COMMENTS:**

Since all of the necessary documentation has not yet been submitted due to external factors, **staff is recommending that the public hearing for this request be continue at the February 13, 2018 Planning and Zoning Commission meeting.** This should provide enough time for the petitioner to get their response from Casey's and create the requested materials for submission.

#### **PROPOSED MOTION:**

***Based upon information provided by staff in a memorandum dated December 6, 2018, and testimony provided at the December 12, 2018 Planning and Zoning Commission meeting, the Planning and Zoning Commission moves to continue the public hearing for PZC 2018-18 to the regularly scheduled February 13, 2018 Planning and Zoning Commission meeting.***

#### **ATTACHMENTS:**

1. Petitioner Application with attachments
2. EEI September 25, 2018 Review Memo

## Application For Amendment

### STAFF USE ONLY

Date of Submission  PC#

Development Name

### Applicant Information

Name of Applicant(s)

Business Address

City  State  ZIP

Business Phone  Business Fax

Business Cell  Business E-mail

### Property Information

Name of Holder of Legal Title

If Legal Title is held by a Land Trust, list the names of all holders of any beneficial interest therein:

Property Street Address

Description of Property's Physical Location

### Zoning and Land Use of Surrounding Parcels

North	B-3 General Business District
East	B-3 General Business District
South	County R-3
West	B-3 General Business District

Current Zoning Classification

### Kendall County Parcel Number(s) of Property

02-28-252-013	

List all governmental entities or agencies required to receive notice under Illinois law:



## Application For Amendment

### Property Information

Name of Agreement

Date of Recording

Summarize the items to be amended from the existing agreement:

### Additional Contact Information

#### Attorney

Name

Address

City  State  ZIP

Phone  Fax

E-mail

#### Engineer

Name

Address

City  State  ZIP

Phone  Fax

E-mail

#### Land Planner/Surveyor

Name

Address

City  State  ZIP

Phone  Fax

E-mail

## Application For Amendment

### Attachments

Applicant must attach a legal description of the property to this application and title it as "Exhibit A".

Applicant must list the names and addresses of any adjoining or contiguous landowners within 500 feet of the property that are entitled notice of application under any applicable City Ordinance or State Statute. Attach a separate list to this application and title it as "Exhibit B".

Applicant must attach a true and correct copy of the existing agreement and title it as "Exhibit C".

Applicant must attach amendments from the existing agreement and title it as "Exhibit D".

### Agreement

I verify that all the information in this application is true to the best of my knowledge. I understand and accept all requirements and fees as outlined as well as any incurred administrative and planning consultant fees which must be current before this project can proceed to the next scheduled committee meeting.

I understand all of the information presented in this document and understand that if an application becomes dormant it is through my own fault and I must therefore follow the requirements outlined above.

Applicant Signature

x *Samuel Mackin*

Date

*8/22/18*

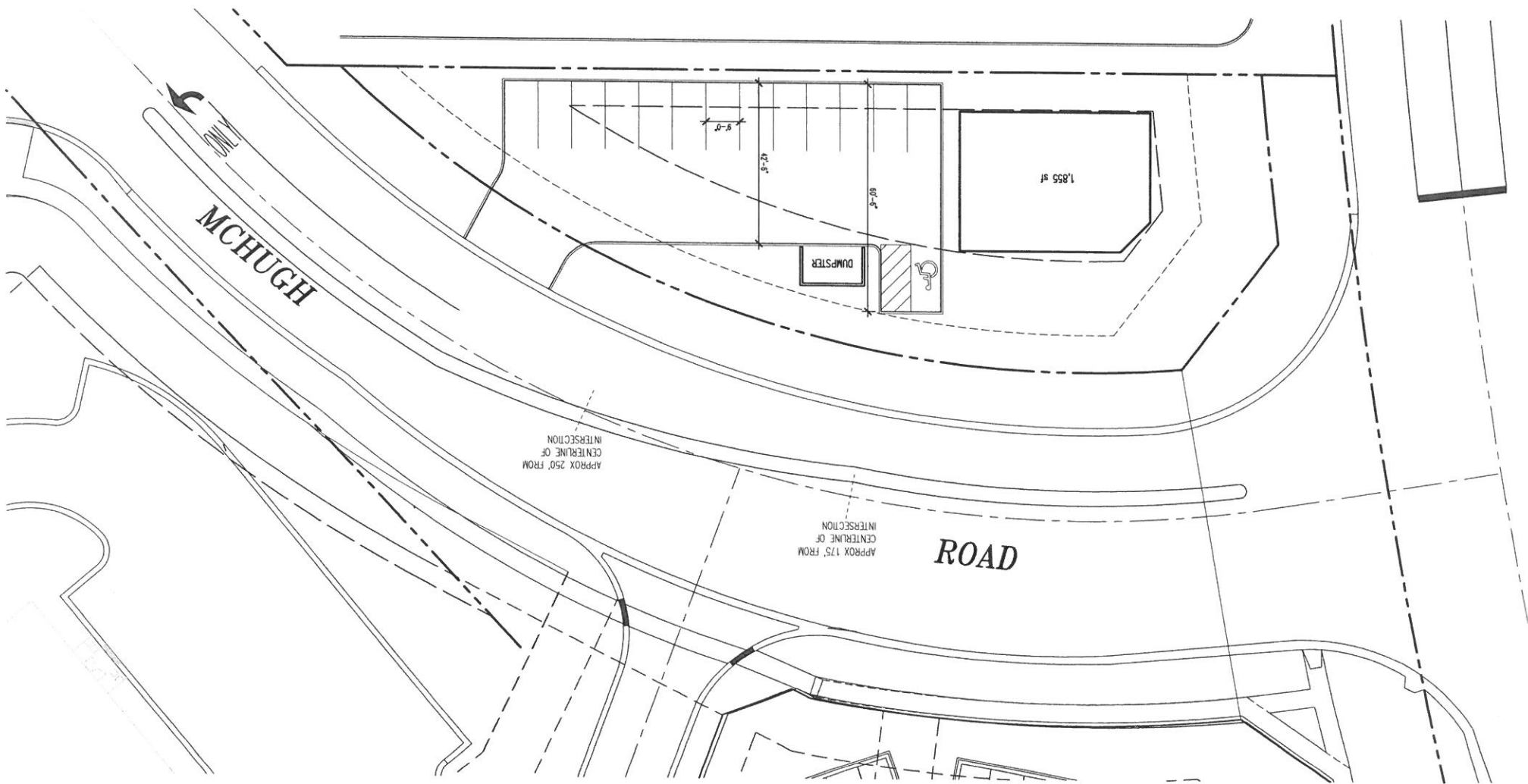
*Monkney Inc*

By: *[Signature]*

THIS APPLICATION MUST BE NOTARIZED  
PLEASE NOTARIZE IN THE SPACE BELOW:

Petitioner requests to amend the western building setback line from 20 feet to 10 feet in width adjacent to the existing Casey's Gas Station in order to permit a retail/office building that would meet all other setbacks pursuant to Section B.2 of the PUD Agreement which adopts The United City of Yorkville Subdivision Control Ordinance that provides for a 20 foot side/rear setback.

Petitioner also requests permission to either reduce the median at the driveway location of Petitioners site as shown in the attached diagram to make the same a drive-over median at that location or in the alternative the City consider removing the median from the property to the south terminus of the median. As it is currently located the median creates unnecessary and additional traffic going thru the daycare and Marker Office Building for vehicles performing a north traffic movement to Route 34. If a traffic study were observed by the Engineer for the City, it would show the stacking of the turn lanes to be more than sufficient; and elevation of the median from the Veterans Way Center South would lessen the traffic flow near the Daycare center and the nearby residential Subdivision.





**United City of Yorkville**  
800 Game Farm Road  
Yorkville, Illinois 60560  
Telephone: 630-553-4350  
Fax: 630-553-7575

**INVOICE & WORKSHEET  
PETITION APPLICATION**

**CONTACT:**

Marker, Inc.  
608 E. Veterans Pkwy. Ste D  
Yorkville, IL 60560

**DEVELOPMENT/ PROPERTY:**

Heartland Center  
Acreage: 15,559 sq. ft.  
Date: 8/21/18

**Concept Plan Review:** ☐ Yes ☐ No  
Engineering Plan Review Deposit of \$500 due

\$ \_\_\_\_\_

**Amendment:** ☒ Yes ☐ No  
\$500.00 Fee due for each: (Annexation) (Plan) (Plat) (PUD)

\$500.00

**Annexation:** ☐ Yes ☐ No  
\$250.00, plus \$10/acre for each acre over 5.  
# of acres: \_\_\_\_\_ - 5 = \_\_\_\_\_ x \$10 = \_\_\_\_\_ + \$250

\$ \_\_\_\_\_

**Rezoning:** ☐ Yes ☐ No  
\$200.00, plus \$10/acre for each acre over 5.  
# of acres: \_\_\_\_\_ - 5 = \_\_\_\_\_ x \$10 = \_\_\_\_\_ + \$200  
If annexing and rezoning, charge only 1 per acre fee.  
If rezoning to a PUD, charge PUD Development Fee- not Rezoning Fee.

\$ \_\_\_\_\_

**Special Use:** ☐ Yes ☐ No  
\$250.00, plus \$10/acre for each acre over 5.  
# of acres: \_\_\_\_\_ - 5 = \_\_\_\_\_ x \$10 = \_\_\_\_\_ + \$250

\$ \_\_\_\_\_

**Zoning Variance:** \$85.00 ☐ Yes ☐ No  
Outside Consultants deposit of \$500.00 due

\$ \_\_\_\_\_

**Preliminary Plan Fee:** \$500.00 ☐ Yes ☐ No

\$ \_\_\_\_\_

**P.U.D. Fee:** \$500.00 ☒ Yes ☐ No

\$500.00

**Final Plat Fee:** \$500.00 ☐ Yes ☐ No

\$ \_\_\_\_\_

**Engineering Plan Review Deposit:** ☐ Yes ☐ No  
☒ Less than 1 acre = \$1,000 due  
☐ Over 1 acre and less than 10 acres = \$2,500 due  
☐ Over 10 acres and less than 40 acres = \$5,000 due  
☐ Over 40 acres and less than 100 acres = \$10,000 due  
☐ Over 100 acres = \$20,000 due

\$1,000.00

**Outside Consultants Deposit:** ☐ Yes ☐ No  
Legal, Land Planner, Zoning Coordinator, Environmental Services  
Annexation, Subdivision, Rezoning, and Special Use:

\$1,000.00

☒ Less than 2 acres = \$1,000 due  
☐ Over 2 acres and less than 10 acres = \$2,500 due  
☐ Over 10 acres = \$5,000 due

**TOTAL AMOUNT DUE:**

\$3,000.00

Word/ O Drive/ Dev. Dep. ARO/ Fee Sheet Wkst



United City of Yorkville  
County Seat of Kendall County  
800 Game Farm Road  
Yorkville, Illinois, 60560  
Telephone: 630-553-4350  
Fax: 630-553-7575  
Website: [www.yorkville.il.us](http://www.yorkville.il.us)

## Petitioner Deposit Account / Acknowledgment of Financial Responsibility

<b>Development/Property Address:</b> Marker, Inc.	<b>Project No.: FOR CITY USE ONLY</b>	<b>Fund Account No.: FOR CITY USE ONLY</b>												
<b>Petition/Approval Type:</b> <i>check appropriate box(es) of approval requested</i> <table style="width: 100%;"><tr><td><input type="checkbox"/> Concept Plan Review</td><td><input type="checkbox"/> Amendment (Text) (Annexation) (Plat)</td><td><input type="checkbox"/> Annexation</td></tr><tr><td><input type="checkbox"/> Rezoning</td><td><input type="checkbox"/> Special Use</td><td><input type="checkbox"/> Mile and 1/2 Review</td></tr><tr><td><input type="checkbox"/> Zoning Variance</td><td><input type="checkbox"/> Preliminary Plan</td><td><input type="checkbox"/> Final Plans</td></tr><tr><td><input checked="" type="checkbox"/> P.U.D.</td><td><input type="checkbox"/> Final Plat</td><td></td></tr></table>			<input type="checkbox"/> Concept Plan Review	<input type="checkbox"/> Amendment (Text) (Annexation) (Plat)	<input type="checkbox"/> Annexation	<input type="checkbox"/> Rezoning	<input type="checkbox"/> Special Use	<input type="checkbox"/> Mile and 1/2 Review	<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Preliminary Plan	<input type="checkbox"/> Final Plans	<input checked="" type="checkbox"/> P.U.D.	<input type="checkbox"/> Final Plat	
<input type="checkbox"/> Concept Plan Review	<input type="checkbox"/> Amendment (Text) (Annexation) (Plat)	<input type="checkbox"/> Annexation												
<input type="checkbox"/> Rezoning	<input type="checkbox"/> Special Use	<input type="checkbox"/> Mile and 1/2 Review												
<input type="checkbox"/> Zoning Variance	<input type="checkbox"/> Preliminary Plan	<input type="checkbox"/> Final Plans												
<input checked="" type="checkbox"/> P.U.D.	<input type="checkbox"/> Final Plat													
<b>Petitioner Deposit Account Fund:</b> It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the <b>INVOICE &amp; WORKSHEET PETITION APPLICATION</b> . This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15 <sup>th</sup> of the month in order for the refund check to be processed and distributed by the 15 <sup>th</sup> of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.														
<b><u>ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY</u></b>														
<b>Name/Company Name:</b> Marker, Inc.	<b>Address:</b> 608 E. Veterans Pkwy., Ste. 1D	<b>City:</b> Yorkville												
		<b>State:</b> Illinois												
		<b>Zip Code:</b> 60560												
<b>Telephone:</b> 630-553-3322	<b>Mobile:</b>	<b>Fax:</b> 630-553-5736												
		<b>E-mail:</b> gjmarker@hotmail.com												
<b>Financially Responsible Party:</b> I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.  Print Name: <u>Pamela Marker</u> Title: _____ Signature*: <u>[Signature]</u> Date: <u>8/22/18</u>														
<b>*The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer)</b>														
<b><u>FOR CITY USE ONLY</u></b>														
<b>ACCOUNT CLOSURE AUTHORIZATION:</b> Date Requested: _____ <input type="checkbox"/> Completed <input type="checkbox"/> Inactive Print Name: _____ <input type="checkbox"/> Withdrawn <input type="checkbox"/> Collections Signature: _____ <input type="checkbox"/> Other														
<b>DEPARTMENT ROUTING FOR AUTHORIZATION:</b> <input type="checkbox"/> Comm Dev. <input type="checkbox"/> Building <input type="checkbox"/> Engineering <input type="checkbox"/> Finance <input type="checkbox"/> Admin.														





AFTER RECORDING RETURN TO:

MAIL TAX BILLS TO:

PAMELA S. MARKER, 1626  
MISTWOOD DRIVE, NAPERVILLE,  
ILLINOIS 60540

201000006839

DEBBIE  
GILLETTE  
KENDALL COUNTY, IL

RECORDED: 4/15/2010 10:17 AM  
OCD: 49.00 RHSPS FEE: 10.00  
PAGES: 2

THIS INSTRUMENT PREPARED BY:

RICHARD MARKER ASSOCIATES,  
INC., 728 E. VETERANS PARKWAY,  
YORKVILLE, ILLINOIS 60560

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH, that THE GRANTOR, Richard Marker Associates, Inc., an Illinois Corporation, for and in consideration of the sum of TEN and NO/100 DOLLARS (\$10.00), and other good and valuable consideration, receipt of which is hereby duly acknowledged, Conveys and Quit-claims to Pamela S. Marker of the County of DuPage and the State of Illinois, all interest in the following described real estate in the United City of Yorkville, County of Kendall and State of Illinois, to-wit:

LOT 187 IN HEARTLAND IN YORKVILLE UNIT 1, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 27 AND PART OF THE EAST HALF OF SECTION 28, TOWNSHIP 37 NORTH RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN BRISTOL TOWNSHIP, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 16, 2001 AS DOCUMENT NO. 200100002570 IN KENDALL COUNTY, ILLINOIS.

The above real estate is not a Homestead property.

Permanent Real Estate Index Number: 02-27-356-002

Common Address of real estate: SOUTHWEST CORNER OF VETERANS PARKWAY AND McHUGH ROAD IN YORKVILLE, IL.

Dated this 14th day of APRIL, 2010

Grantor: Richard Marker Associates, Inc.

By: Richard Marker

Richard Marker, President

STATE OF ILLINOIS )  
COUNTY OF KENDALL ) ss.

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that  
RICHARD MARKER, personally known to me to be the PRESIDENT of  
RICHARD MARKER ASSOCIATES, INC., and personally known to me to be the same person whose  
name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such  
PRESIDENT, he/she signed and delivered said instrument, as his/her free and voluntary act, for the uses and  
purposes therein set forth.

GIVEN under my hand and notarial seal this 14<sup>th</sup> day of April, 2010

Tami C. Crisci  
Notary Public

My Commission Expires: 02/09/14



THIS TRANSACTION IS EXEMPT FROM THE TRANSFER TAX UNDER 35ILCS 200/31-45, PARAGRAPH E.

Janyk April 14, 2010

LEGAL DESCRIPTION

LOT 187 IN HEARTLAND IN YORKVILLE UNIT 1, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 27 AND PART OF THE EAST HALF OF SECTION 28, TOWNSHIP 37 NORTH RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN BRISTOL TOWNSHIP, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 16, 2001 AS DOCUMENT NO. 200100002570 IN KENDALL COUNTY, ILLINOIS

**PUBLIC NOTICE**  
**NOTICE OF PUBLIC HEARING**  
**BEFORE**  
**THE UNITED CITY OF YORKVILLE**  
**PLANNING & ZONING COMMISSION**  
**PZC 2018-18**

NOTICE IS HEREWITH GIVEN THAT Marker, INC, petitioner has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting an amendment to the Heartland Subdivision Planned Unit Development to reduce the interior side yard setback from twenty (20) feet to ten (10) feet on Lot 187 of the subdivision. Additionally, the petitioner is requesting to increase the maximum allowable height of a permitted fence in a business district from six (6) feet to eight (8) feet. The real property is located at the southwest corner of the McHugh Road and Route 34 intersection in Yorkville.

The legal description is as follows:

LOT 187 IN HEARTLAND IN YORKVILLE UNIT 1, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 27 AND PART OF THE EAST HALF OF SECTION 28, TOWNSHIP 37 NORTH RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN BRISTOL TOWNSHIP, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 16, 2001 AS DOCUMENT NO. 200100002570 IN KENDALL COUNTY, ILLINOIS

PINs: 02-28-252-013

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a public hearing on said application on Wednesday, November 14, 2018 at 7 p.m. at the United City of Yorkville, City Council Chambers, located at 800 Game Farm Road, Yorkville, Illinois 60560.

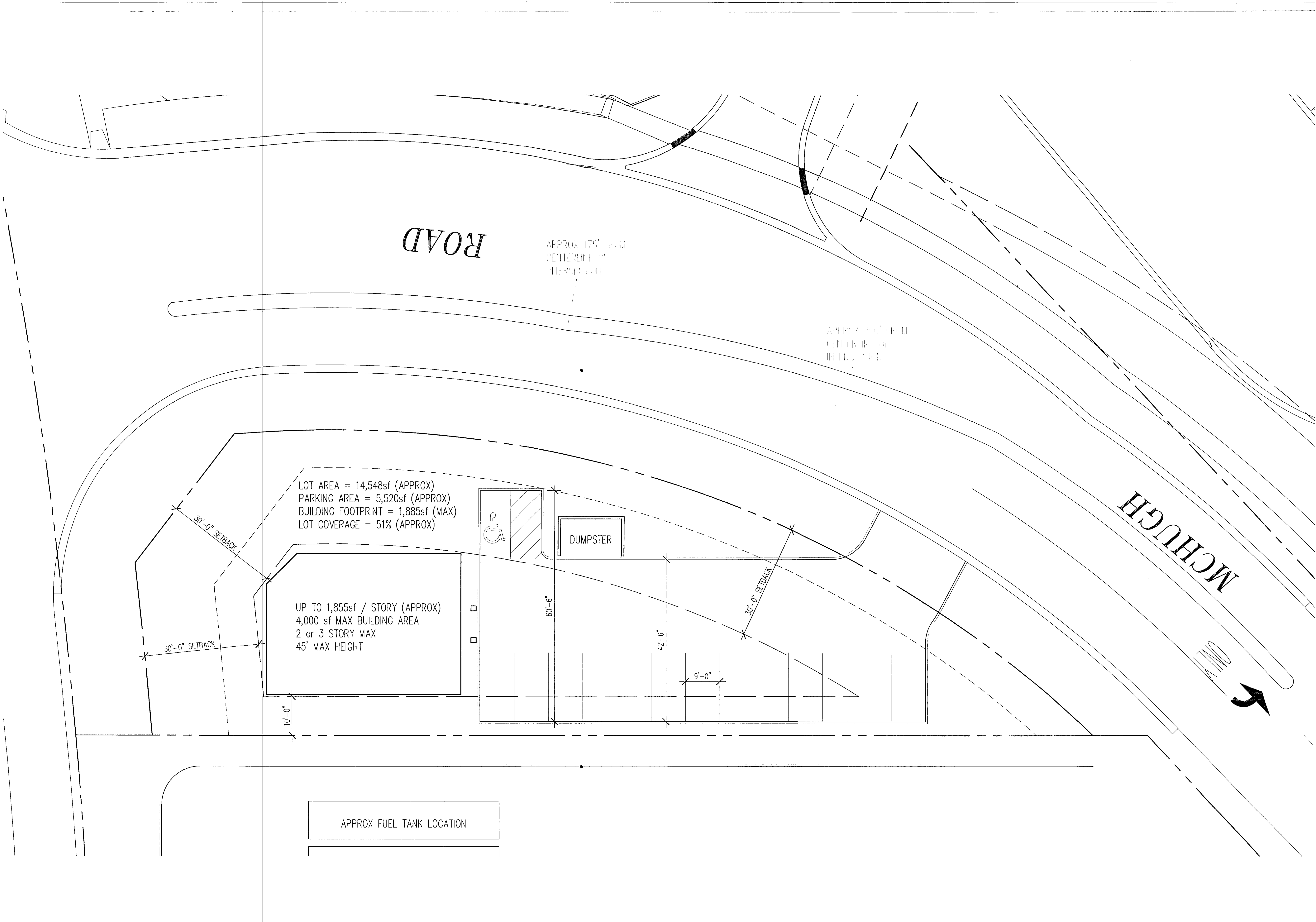
The public hearing may be continued from time to time to dates certain without further notice being published.

Application and information materials regarding this notice are available for public review and any questions or written comments should be addressed to the United City of Yorkville Community Development Department, City Hall, 800 Game Farm Road, Yorkville, Illinois. All interested parties are invited to attend the public hearing and will be given an opportunity to be heard.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

BETH WARREN  
City Clerk

BY: Lisa Pickering  
Deputy Clerk



ROAD

APPROX 175' FROM  
CENTERLINE  
INTERSECTION

APPROX 200' FROM  
CENTERLINE  
INTERSECTION

HIGHWAY 101

ONLY



LOT AREA = 14,548sf (APPROX)  
PARKING AREA = 5,520sf (APPROX)  
BUILDING FOOTPRINT = 1,885sf (MAX)  
LOT COVERAGE = 51% (APPROX)

UP TO 1,855sf / STORY (APPROX)  
4,000 sf MAX BUILDING AREA  
2 or 3 STORY MAX  
45' MAX HEIGHT

DUMPSTER

60'-6"

42'-6"

9'-0"

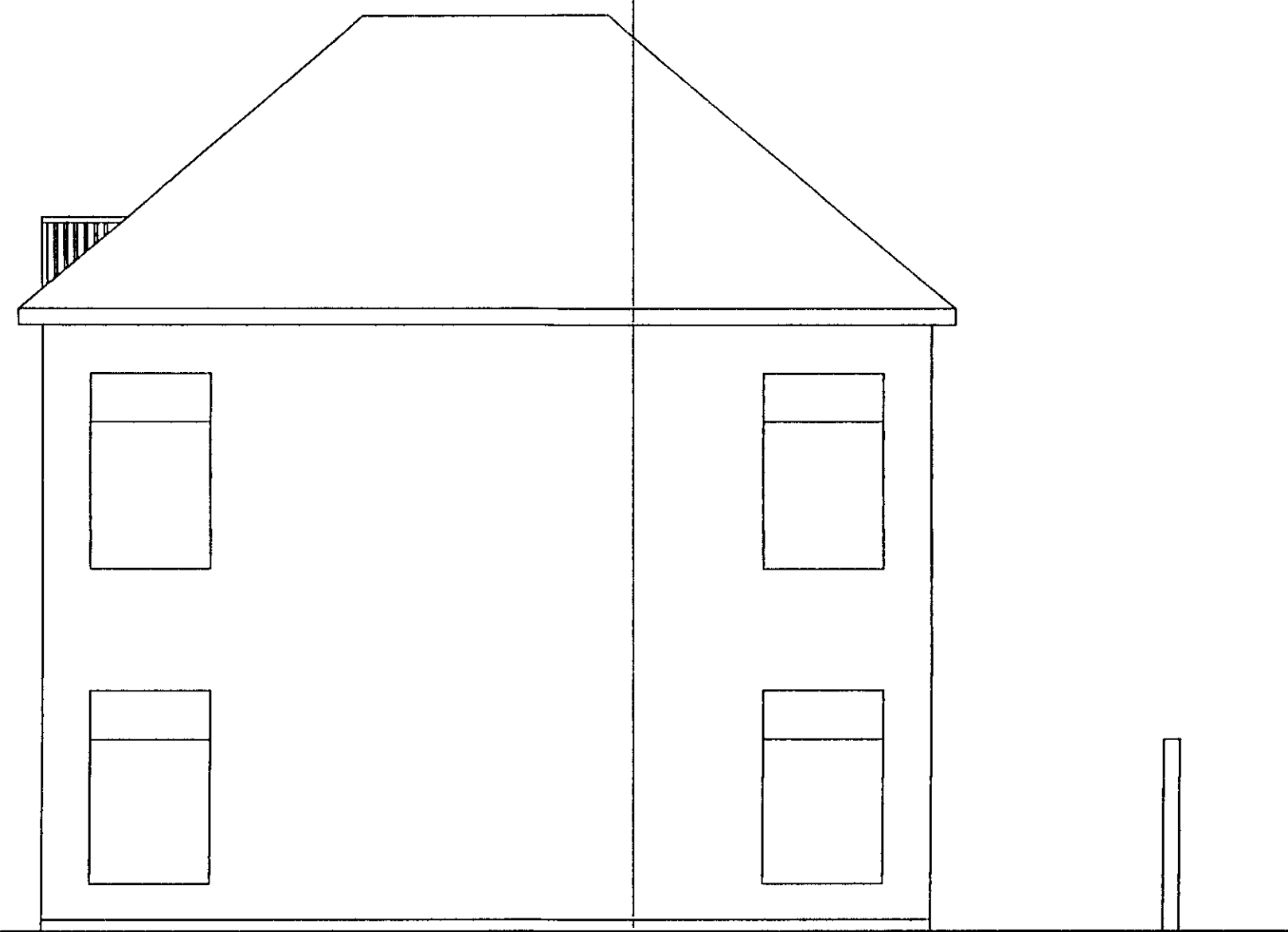
30'-0" SETBACK

30'-0" SETBACK

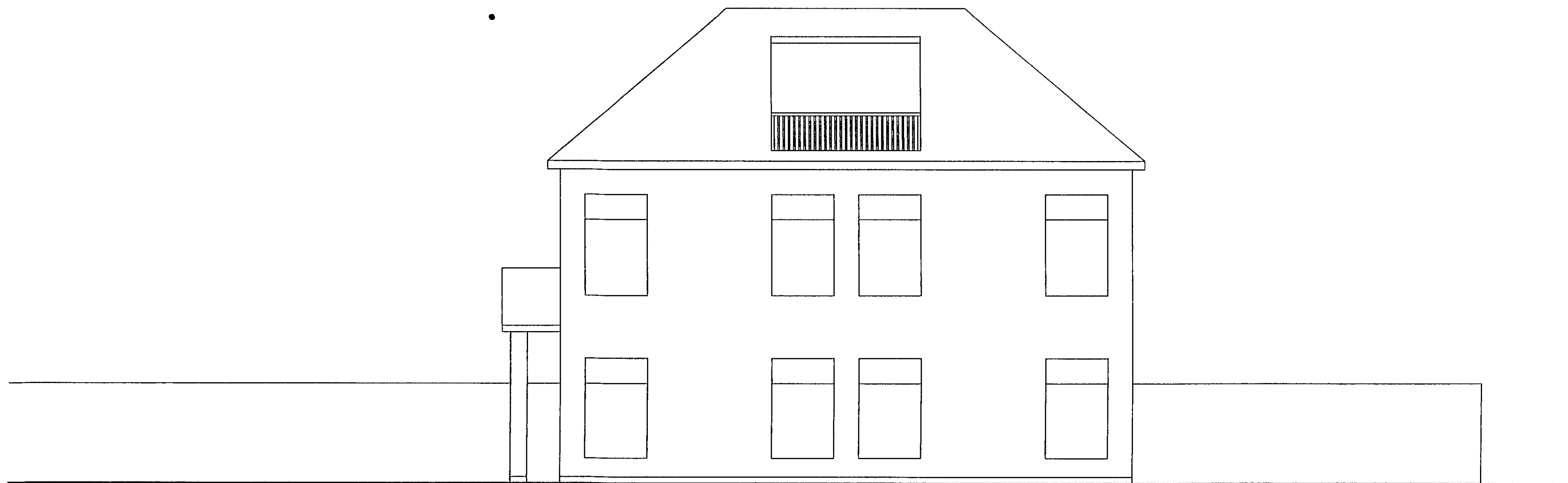
30'-0" SETBACK

10'-0"

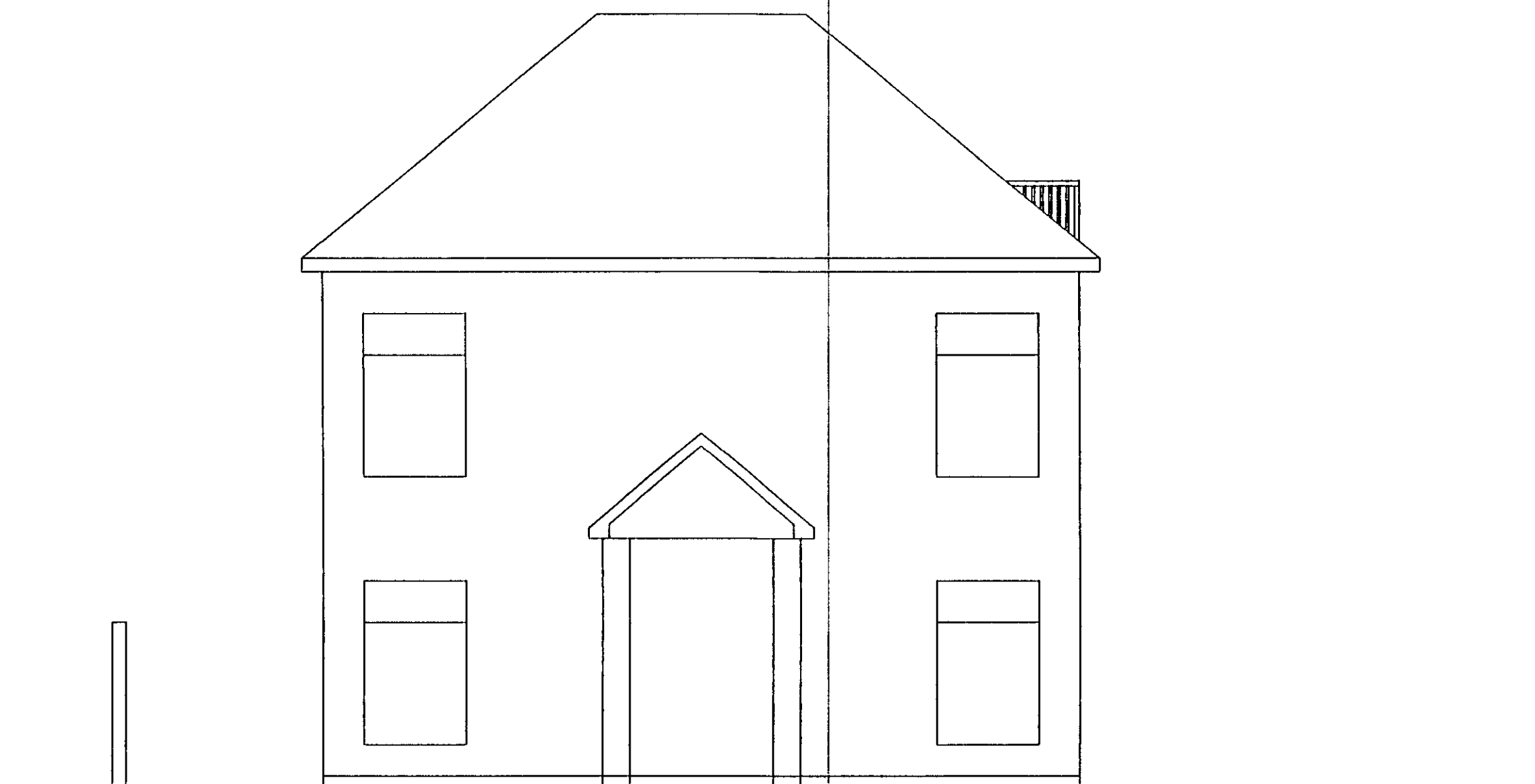
APPROX FUEL TANK LOCATION



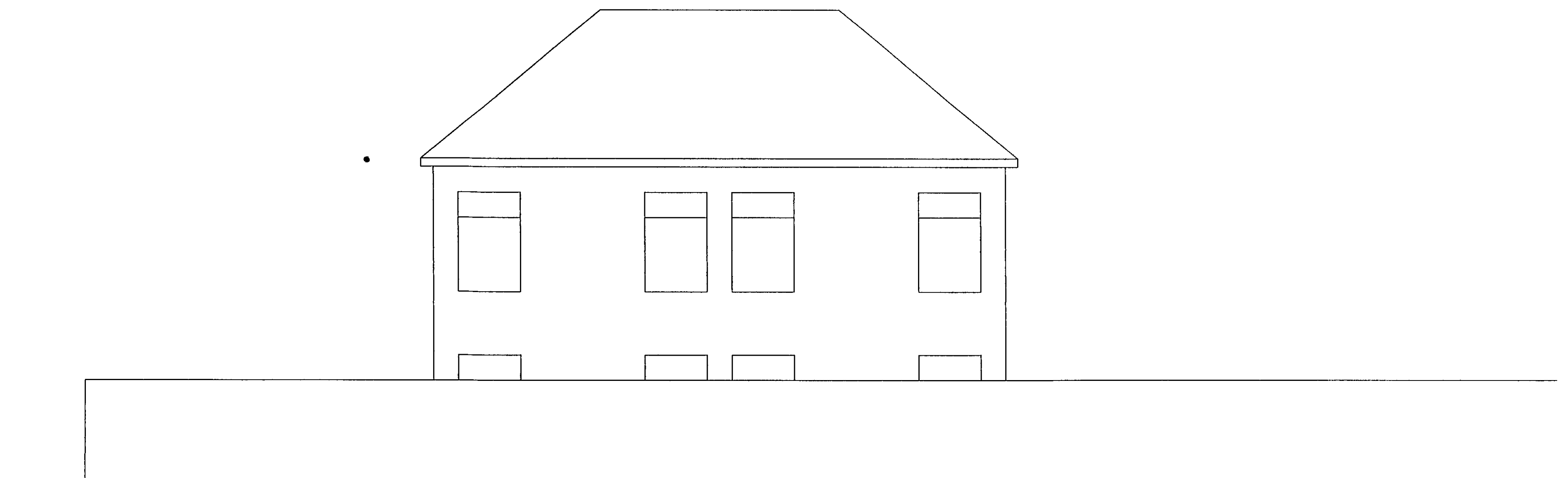
North Elevation



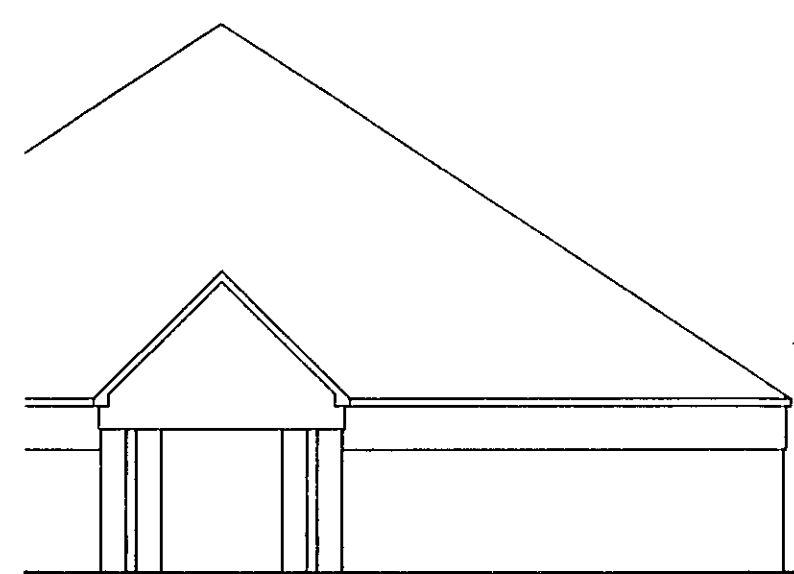
East Elevation



South Elevation

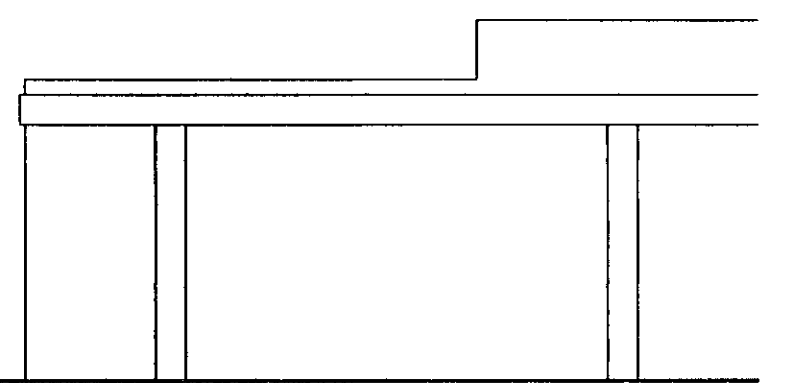
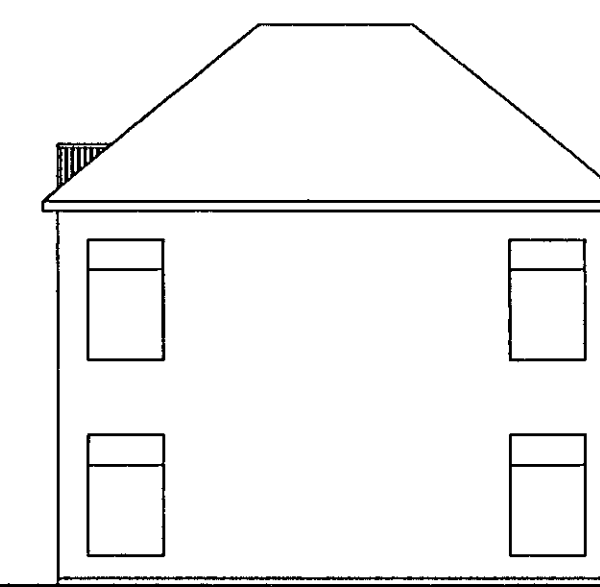


West Elevation



Blackstone

McHugh Road



Casey's





September 25, 2018

Ms. Krysti Barksdale-Noble  
Community Development Director  
United City of Yorkville  
800 Game Farm Road  
Yorkville, IL 60560

**Re: Heartland Unit 1 – Lot 187  
PUD Amendment Request  
United City of Yorkville, Kendall County, Illinois**

Dear Krysti:

We have reviewed the following items for the above referenced project:

- Application for Amendment w/ attachments (10 pages) dated August 22, 2018 and prepared by Marker, Inc.

Our review of these plans is to generally determine their compliance with local ordinances and whether the improvements will conform to existing local systems and equipment. This review and our comments do not relieve the designer from his duties to conform to all required codes, regulations, and acceptable standards of engineering practice. Engineering Enterprises, Inc.'s review is not intended as an in-depth quality assurance review, we cannot and do not assume responsibility for design errors or omissions in the plans. As such, we offer the following comments:

**General**


1. We do not object to the reduction in the rear yard setback from 20 feet to 10 feet, as it is adjacent to the Casey's parking/drive area. All other zoning, engineering, and landscaping requirements must be met.
2. We do not support changes to the median along McHugh Road as it would conflict with several turning movements.
3. For the project to proceed, the following shall be submitted to the United City of Yorkville for review during the final engineering process:
  - a) Final Engineering Plans
  - b) Lighting/Photometric Plan
  - c) Landscape Plan

- d) Engineer's Opinion of Probable Construction Cost for public improvements including earthwork, stormwater management, erosion control and work within the road ROW.
  - e) Engineer's Opinion of Probable Construction Cost for all improvements.
4. A single lot development checklist is attached.
  5. A Stormwater Permit and stormwater management report including all required runoff and detention calculations is required for development. Since the proposed site improvements is a non-residential parcel with less than 3 acres in area and resulting in disturbance of more than 5,000 square feet and resulting in 25% or more of the site area as impervious surface, detention will be required. (Section 203.1.c of the Kendall County Stormwater Ordinance).
  6. We have reviewed the available wetland inventory maps and the regulatory floodplain maps and found no issues. This should be confirmed at the project moves in to final engineering.
  7. The acceptability of the amount of parking stalls that are provided will need to be confirmed by the City.
  8. The proposed driveway entrance does not appear to comply with the City Ordinance. This shall be confirmed/revised during engineering.

The design engineer should make the necessary revisions and resubmit for further review.

Respectfully Submitted,

ENGINEERING ENTERPRISES, INC.

  
Bradley P. Sanderson, P.E.  
Vice President

BPS/TAM

pc: Mr. Bart Olson, City Administrator (via email)  
Ms. Erin Willrett, Assistant City Administrator (via email)  
Mr. Jason Engberg, Senior Planner (via email)  
Mr. Eric Dhuse, Director of Public Works (via email)  
Mr. Pete Ratos, Building Department (via email)  
Ms. Dee Weinert, Admin Assistant (via email)  
Ms. Lisa Pickering, Deputy Clerk (via email)  
JAM, EEI (Via e-mail)

## **UNITED CITY OF YORKVILLE**

### **GENERAL CHECKLIST FOR COMMERCIAL SITE PLANS/SINGLE LOT DEVELOPMENTS**

- PROFESSIONAL ENGINEER SIGNATURE AND SEAL ON DRAWINGS AND CALCULATIONS
- LOCATION MAP AND ADDRESS, J.U.L.I.E. NOTE INCLUDED ON PLANS
- BENCHMARKS BASED ON NAVD 88 DATUM
- EXISTING UTILITIES AND TOPOGRAPHY TO BE PROVIDED
  - ✓ EXISTING ELEVATIONS AND CONTOURS SHOWN AT 1' INTERVALS
- COMPLIANCE WITH SUBDIVISION GRADING PLAN (IF APPLICABLE) AND/OR PROVIDE PROPOSED GRADING PLAN
  - ✓ PROPOSED ELEVATIONS AND CONTOURS AT 1' INTERVALS
  - ✓ INDICATE BUILDING TOP OF FOUNDATION (2 FT. ABOVE H.W.L.)
  - ✓ STORM WATER DRAINAGE - SAFE OUTLET AVAILABLE AND ADEQUATE CONVEYANCE PROVIDED
- FLOOD PLAIN OR FLOOD WAY REQUIREMENTS TO BE ADDRESSED, IF NECESSARY
- STORM WATER MANAGEMENT
  - ✓ PER KENDALL COUNTY/YORKVILLE STORM WATER MANAGEMENT ORDINANCE
  - ✓ APPLY FOR STORM WATER PERMIT, IF NECESSARY
- PROVIDE STORM WATER POLLUTION PREVENTION (SWPP) PLAN
  - ✓ APPLY FOR NOI PERMIT, IF NECESSARY
  - ✓ NOTE THAT RECEIPT OF NPDES PERMIT REQUIRED PRIOR TO CONSTRUCTION
- PROVIDE TYPICAL PAVEMENT SECTIONS (3" BIT. WITH 10"STONE, MINIMUM)
- PAVEMENT MARKINGS AND SIGNAGE
- ENTRANCE DETAIL
- HANDICAP RAMP DETAIL (USE IDOT STANDARD)
- WATER SERVICE (**USE CITY STANDARD DETAILS AND NOTES**)
  - ✓ PROVIDE SEPARATE FIRE PROTECTION SERVICE LINE
- SANITARY SERVICE WITH INSPECTION MANHOLE (**USE YBSD STANDARD NOTES**)
- APPLY FOR APPROPRIATE IEPA PERMITS – WATER AND SANITARY, IF NECESSARY
- PROVIDE EASEMENTS, IF NECESSARY
- LANDSCAPE PLAN
- SPECIFICATIONS, AS REQUIRED
- COMPLIANCE WITH ZONING CODE
- LIGHTING ANALYSIS (PHOTOMETRIC PLAN)
- PERFORMANCE GUARANTEE FOR PUBLIC IMPROVEMENTS

LAW OFFICES  
OF

***Daniel J. Kramer***

DANIEL J. KRAMER

1107A SOUTH BRIDGE STREET  
YORKVILLE, ILLINOIS 60560  
(630) 553-9500  
Fax: (630) 553-5764

KELLY A. HELLAND  
D.J. KRAMER

September 11, 2018

Krysti Barksdale-Noble  
VIA E-Mail: [Knoble@oyrkville.il.us](mailto:Knoble@oyrkville.il.us)

Jason Engberg  
[jengberg@yorkville.il.us](mailto:jengberg@yorkville.il.us)

Re: Heartland Setback PUD Amendment

Dear Krysti and Jason:

Enclosed please find 4 different building layouts for the Marker PUD Amendment. He in effect had to do 2 different layouts for each style of building given the possibility of a Casey combined entrance or leaving the entrance where it is if Caseys fails to contact Greg in fashion.

Greg has tried reaching the local Manager, the people who dealt with the City on the Zoning, the Engineer, and other than a promise to have the Station Manager return a call has had no contact despite multiple attempts over the last 6 weeks to get any kind of response from them. I thought this information would be useful for the Plan Commission Wednesday night. Should you have any questions or if you need any additional information, please do not hesitate to contact me.

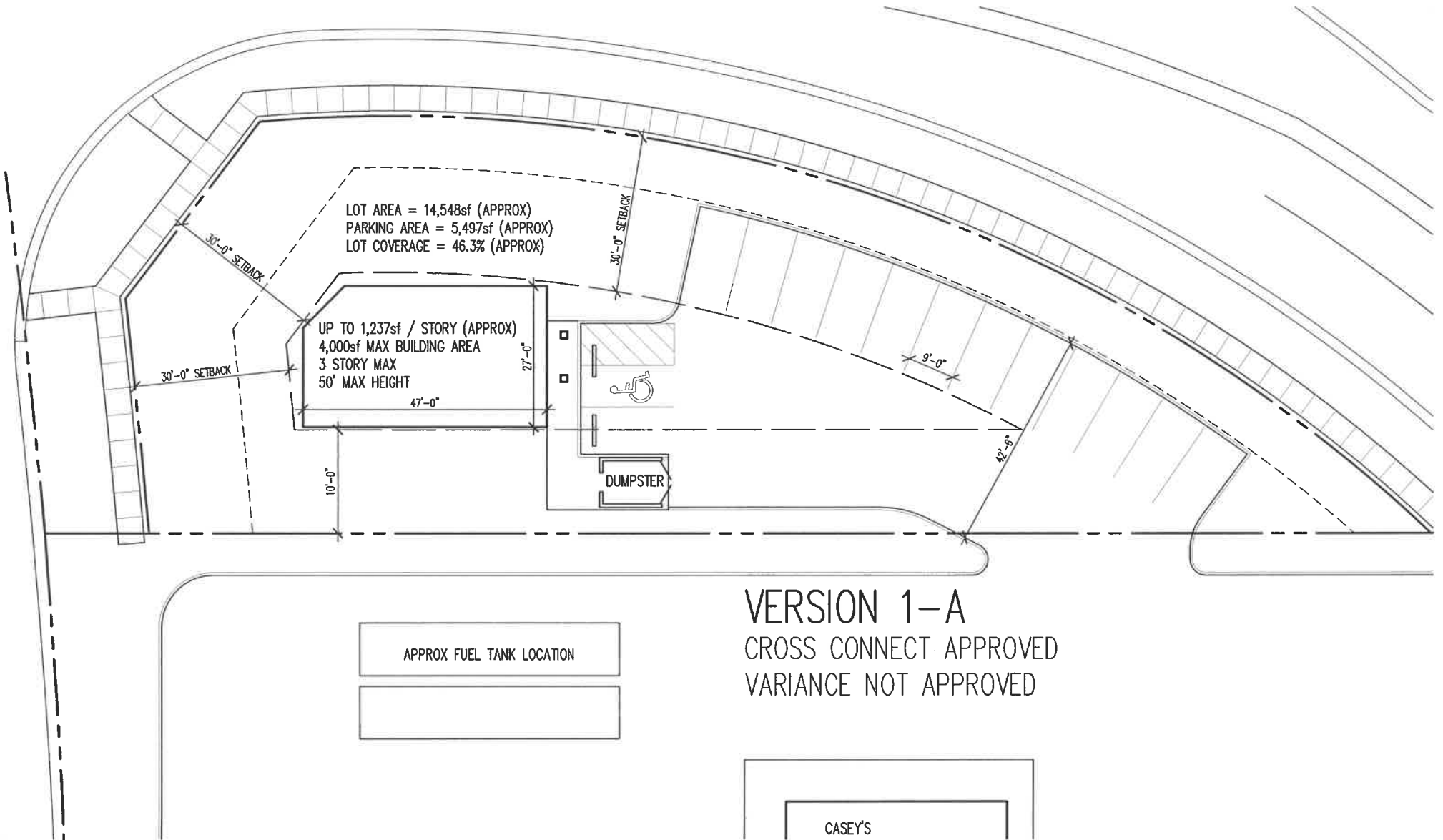
Very truly yours,

***Daniel J. Kramer***

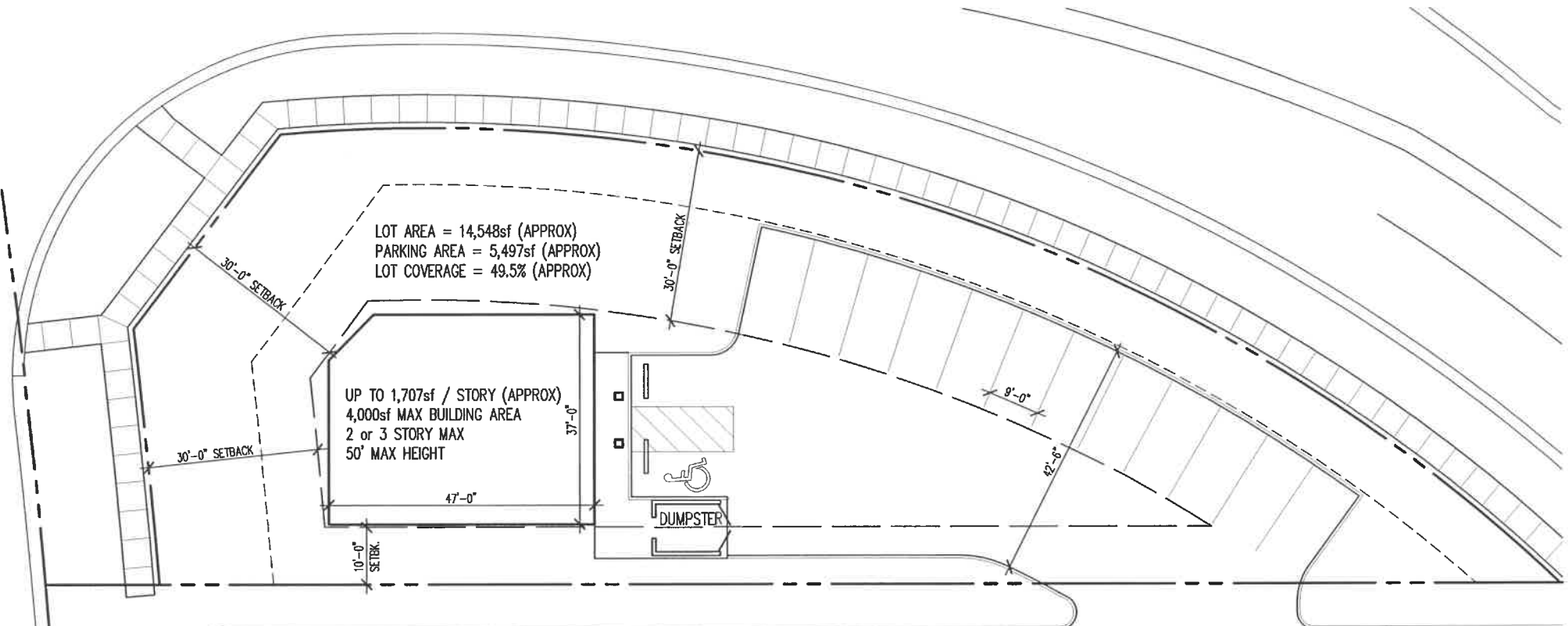
Daniel J. Kramer  
Attorney at Law

DJK/cth

Enclosure  
cc. Greg Marker



VERSION 1-A  
CROSS CONNECT APPROVED  
VARIANCE NOT APPROVED



LOT AREA = 14,548sf (APPROX)  
PARKING AREA = 5,497sf (APPROX)  
LOT COVERAGE = 49.5% (APPROX)

UP TO 1,707sf / STORY (APPROX)  
4,000sf MAX BUILDING AREA  
2 or 3 STORY MAX  
50' MAX HEIGHT

DUMPSTER

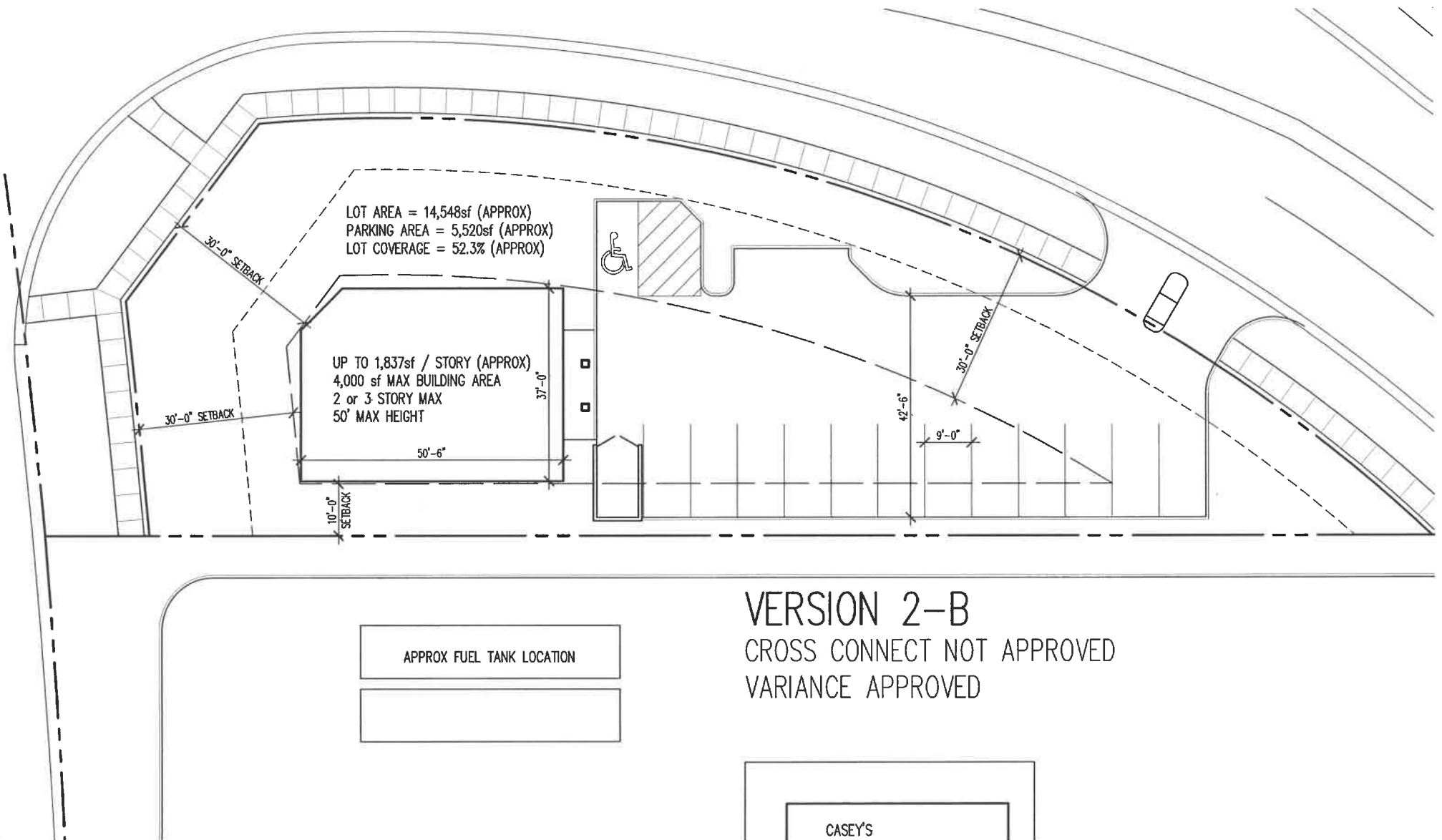
APPROX FUEL TANK LOCATION

VERSION 1-B  
CROSS CONNECT APPROVED  
VARIANCE APPROVED

CASEY'S





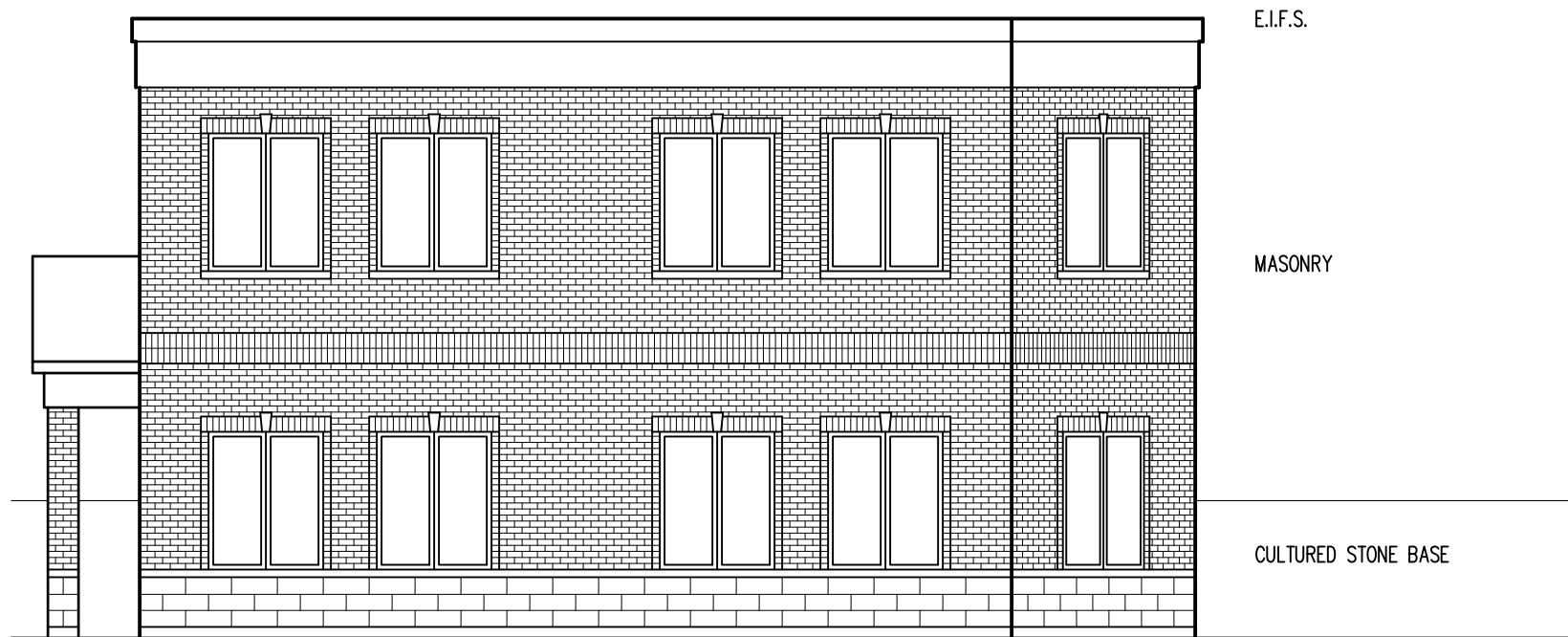


		Proposed			
Existing		1-A	1-B	2-A	2-B
B-3	Zoning	B-3			
10,000 sf	Min. Lot Size	14,548			
80%	Max. Lot Coverage	46.3%	49.5%	46.6%	52.3%
30'	Front Setback	30'	30'	30'	30'
20'	Side Setback	20'	10'	20'	10'
30'	Corner Side Yard Setback	30'	30'	30'	30'
20'	Rear Setback	20'	20'	20'	20'
80' / 6 stories	Max. Building Height	50' / 3 stores			
	F.A.R.	8.5%	11.7%	9.2%	12.9%
18' x 9'	Min. Stall Dimensions				
24'	Min. Driving Aisle Width				
3 / 1,000 sf	Min. Parking Stalls Req'd.	13 std. stalls	13 std. stalls	13 std. stalls	13 std. stalls
	Cross Connect Accepted	Y	Y	N	N
	Variance Approved	N	Y	N	Y



Conceptual South Elevation – Ver 1–A

Scale:  $1/8'' = 1'-0''$



Conceptual West Elevation – Ver 1–A

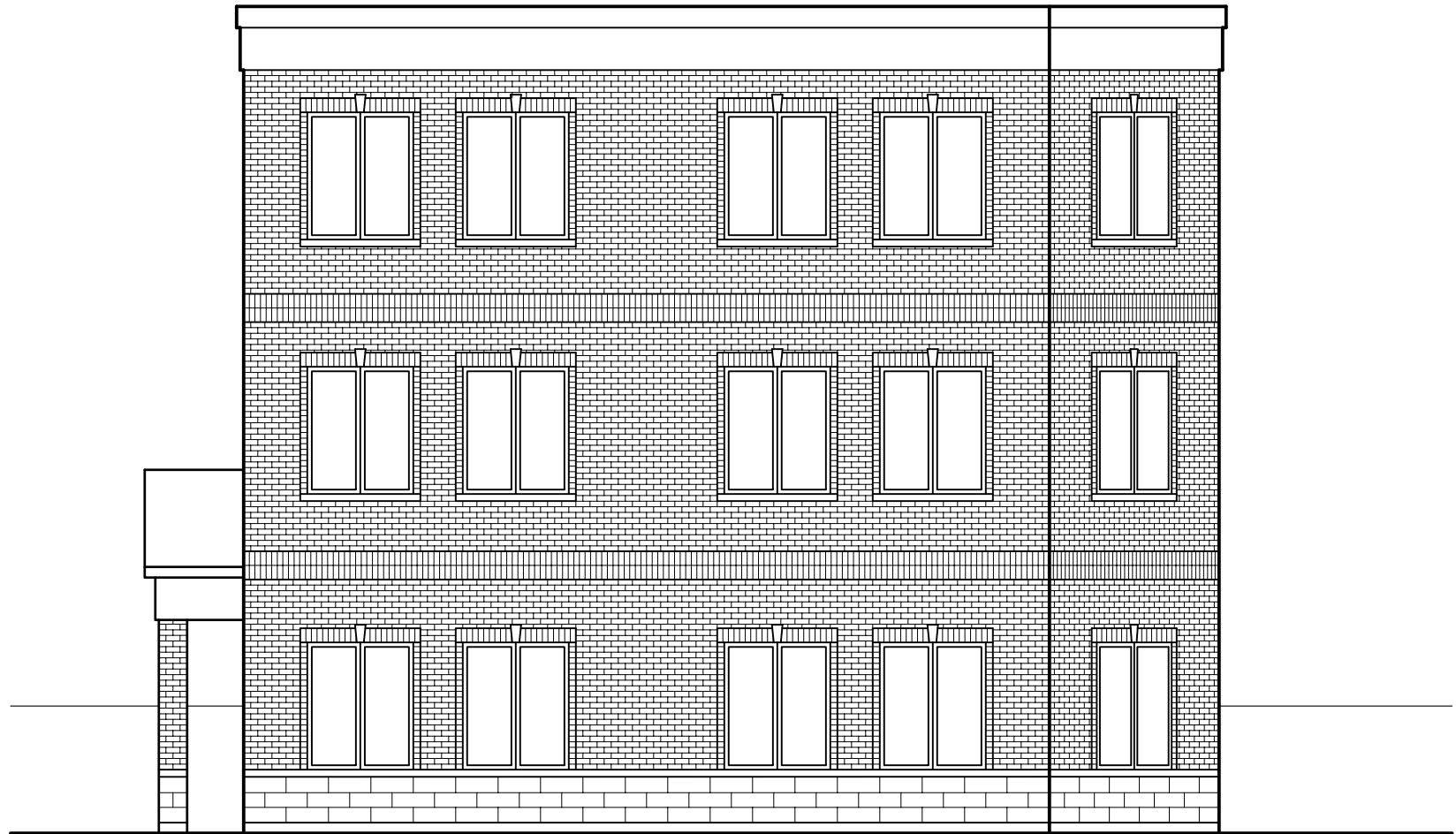
Scale:  $\frac{1}{8}" = 1'-0"$



Conceptual South Elevation – Ver 1-B

Scale:  $1/8" = 1'-0"$





Conceptual West Elevation – Ver 1-B

Scale:  $\frac{1}{8}'' = 1'-0''$

# PLANNING AND ZONING COMMISSIONER TRAINING SERIES

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## CONSTRUCTION PLAN BASICS FOR PLANNING & ZONING COMMISSIONERS

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Planning & Zoning Commission  
March 13, 2019

800 Game Farm Road  
Yorkville, IL 60560