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

AGENDA
ECONOMIC DEVELOPMENT COMMITTEE MEETING
Tuesday, September 6, 2022
6:00 p.m.
City Hall Conference Room
800 Game Farm Road, Yorkville, IL

Citizen Comments:

Minutes for Correction/Approval: August 2, 2022

New Business:

1. EDC 2022-53 Building Permit Report for July 2022
2. EDC 2022-54 Building Inspection Report for July 2022
3. EDC 2022-55 Property Maintenance Report for July 2022
4. EDC 2022-56 Economic Development Report for August 2022
5. EDC 2022-57 Williams Group – Riverwalk and Art Easement
6. EDC 2022-58 TIF Agreement – Williams Group
7. EDC 2022-59 Ordinance Approving the Third Amendment to the Annexation and Planned Unit Development Agreement for a Portion of the Windmill Farms Development (Restore Church, Inc.)
8. EDC 2022-60 Restore Church Rezoning

Old Business:

1. EDC 2020-32 Urban Chickens

Additional Business:

2019 – 2021 City Council Goals – Economic Development Committee		
Goal	**Priority**	**Staff**
"Southside Development"	4	Bart Olson, Krysti Barksdale-Noble & Lynn Dubajic
"Downtown and Riverfront Development"	5	Bart Olson, Tim Evans & Krysti Barksdale-Noble
"Metra Extension"	7	Bart Olson, Rob Fredrickson, Eric Dhuse, Krysti Barksdale-Noble & Erin Willrett
"Manufacturing and Industrial Development"	8 (tie)	Bart Olson, Krysti Barksdale-Noble, Erin Willrett, Lynn Dubajic, Eric Dhuse & Brad Sanderson
"Expand Economic Development Efforts"	10	Krysti Barksdale-Noble & Lynn Dubajic
"Revenue Growth"	13	Rob Fredrickson, Krysti Barksdale-Noble & Lynn Dubajic
"Entrance Signage"	17	Krysti Barksdale-Noble & Erin Willrett

UNITED CITY OF YORKVILLE
WORKSHEET
ECONOMIC DEVELOPMENT COMMITTEE
Tuesday, September 6, 2022
6:00 PM
CITY HALL CONFERENCE ROOM

CITIZEN COMMENTS:

MINUTES FOR CORRECTION/APPROVAL:

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1. August 2, 2022
   - ☐ Approved _____
     - ☐ As presented
     - ☐ With corrections

NEW BUSINESS:

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1. EDC 2022-53 Building Permit Report for July 2022
   - ☐ Informational Item
   - ☐ Notes _____

     _____

     _____

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2. EDC 2022-54 Building Inspection Report for July 2022
   - ☐ Informational Item
   - ☐ Notes _____

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3. EDC 2022-55 Property Maintenance Report for July 2022
   - ☐ Informational Item
   - ☐ Notes _____

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4. EDC 2022-56 Economic Development Report for August 2022
   - ☐ Informational Item
   - ☐ Notes _____

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5. EDC 2022-57 Williams Group – Riverwalk and Art Easement
   - ☐ Moved forward to CC _____
   - ☐ Approved by Committee _____
   - ☐ Bring back to Committee _____
   - ☐ Informational Item
   - ☐ Notes _____

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6. EDC 2022-58 TIF Agreement – Williams Group
   - ☐ Moved forward to CC _____
   - ☐ Approved by Committee _____
   - ☐ Bring back to Committee _____
   - ☐ Informational Item
   - ☐ Notes _____

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7. EDC 2022-59 Ordinance Approving the Third Amendment to the Annexation and Planned Unit Development Agreement for a Portion of the Windmill Farms Development (Restore Church, Inc.)
   - ☐ Moved forward to CC _____
   - ☐ Approved by Committee _____
   - ☐ Bring back to Committee _____
   - ☐ Informational Item
   - ☐ Notes _____

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8. EDC 2022-60 Restore Church Rezoning
   - ☐ Moved forward to CC _____
   - ☐ Approved by Committee _____
   - ☐ Bring back to Committee _____
   - ☐ Informational Item
   - ☐ Notes _____

     _____

     _____

OLD BUSINESS:

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1. EDC 2020-32 Urban Chickens
   - ☐ Informational Item
   - ☐ Notes _____

     _____

     _____

ADDITIONAL BUSINESS:

Reviewed By:	
Legal	☐
Finance	☐
Engineer	☐
City Administrator	☐
Community Development	☐
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Minutes

Tracking Number

Agenda Item Summary Memo

Title: Minutes of the Economic Development Committee – August 2, 2022

Meeting and Date: Economic Development Committee – September 6, 2022

Synopsis:

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Committee Approval

Submitted by: Minute Taker

Name Department

Agenda Item Notes:

Have a question or comment about this agenda item?
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UNITED CITY OF YORKVILLE
ECONOMIC DEVELOPMENT COMMITTEE
Tuesday, August 2, 2022, 6:00pm
City Council Chambers
800 Game Farm Rd., Yorkville, IL

Note: In accordance with Public Act 101-0640 and Gubernatorial Disaster Proclamation issued by Governor Pritzker pursuant to the powers vested in the Governor under the Illinois Emergency Management Agency Act, remote attendance was allowed for this meeting to encourage social distancing due to the ongoing Covid-19 pandemic.

In Attendance:
Committee Members
Chairman Jason Peterson/in-person
Alderman Ken Koch/in-person
Alderman Chris Funkhouser/in-person

Absent: Alderman Joe Plocher

Other City Officials
City Administrator Bart Olson/in-person attendance
Community Development Director Krysti Barksdale-Noble/in-person attendance
Senior Planner Jason Engberg/in-person attendance
Code Official Pete Ratos/in-person attendance

Other Guests
City Consultant Lynn Dubajic Kellogg/in-person attendance
John McFarland, CalAtlantic/electronic attendance

The meeting was called to order at 6:00pm by Chairman Jason Peterson

Citizen Comments None

Minutes for Correction/Approval July 5, 2022
The minutes were approved as presented.

New Business
1. EDC 2022-48 Building Permit Report for June 2022
Mr. Ratos reported 221 permits in June which included single-family, single-family attached and commercial permits. Alderman Koch asked if building will slow with rising interest rates. Mr. Olson said the builders predict a decrease and mortgage applications nationwide have also dropped. Mr. Ratos said Yorkville is seeing "urban flight" with people moving out of the city.

2. EDC 2022-49 Building Inspection Report for June 2022
In June there were 906 inspections, most of which were for single-family homes. Some outsourcing is still occurring.

3. EDC 2022-50 Property Maintenance Report for June 2022
Twelve cases were heard by the Hearing Officer in June with several cases on Honeysuckle. City staff members are working with the owner to become compliant. Mr. Ratos said the weeds and grass cases have decreased tremendously from past years.

4. EDC 2022-51 Economic Development Report for July 2022

Ms. Dubajic Kellogg reported a large amount of activity. She said Manpower is moving to Heartland, work is being done on the former Millhurst, construction for Chipotle is moving along, Taco Valley is opening and there is a new BBQ place in Kendall Crossing. Belle Tire is slated to open in September and Mr. Ratos added that Belle Tire can be converted to a full mechanic shop in the future if desired.

5. EDC 2022-52 Caledonia – Phase 3 Request for Final Plat Approval

John McFarland of CalAtlantic is seeking approval of Final Plat to subdivide two undeveloped parcels into 62 lots with 61 houses. In November 2004 a PUD was approved for Caledonia and Phase 3 now remains. In 2016 the city approved reduced permit fees which will sunset in November 2023. Parkway trees and sidewalk improvements will be the builder's responsibility and the sanitary sewer connections will be paid in full at $2,000 per lot once this portion is finished. Staff supports the Final Plat and this will move to the PZC on August 10th. Mr. McFarland added that Lennar is the contract purchaser.

Old Business:

1. EDC 2020-32 Urban Chickens

Ms. Noble summarized previous discussions saying staff was given direction to move ahead using the Oswego ordinance. Based on feedback, she said staff is proposing to include the following: zoning districts E-1, R-1, and R-2 which would include approximately 4,400 parcels. Other criteria included 12,000 sq. ft. lots and a maximum of 6 hens in the rear yard only. Structures must be kept rodent-free, requires enclosure of 144 sq. ft. within a fenced yard, no electric cords to the enclosure, no slaughtering with the exception of humane or religious reasons and no roosters allowed. Also, staff is recommending regular inspections and one-time $25 fee. HOA approval/letter must also be secured prior to getting a permit. Chairman Peterson said typically HOA's will require a permit before they will give permission.

The committee provided further feedback. Mr. Ratos added that sometimes no one manages HOA's or there may not be one. If someone had chickens and it was not allowed by the HOA, the HOA would have to enforce. It was noted that the Oswego ordinance requires an HOA letter.

Committee members also said the language should state roosters are “prohibited”. Chairman Peterson suggested a lot size of 11,000 sq. ft. and due to concern for dogs chasing chickens, it was suggested to make the fence a privacy fence, however, some HOA's do not allow those. It was decided to recommend an 11,000 sq. ft. lot size and a 4-foot opaque privacy fence around the lot. The committee did not oppose the slaughtering aspect of the ordinance. The committee will bring it back next month. Administrator Olson recapped the recommendations: the HOA requirement will be omitted, minimum lot size is 11,000 sq. ft. and a 4-foot privacy fence will be required around the lot that has chickens.

Additional Business: None

There was no further business and the meeting adjourned at 6:43pm.

Minutes respectfully submitted by Marlys Young, Minute Taker/in-person

Reviewed By:	
Legal	☐
Finance	☐
Engineer	☐
City Administrator	■
Community Development	■
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

New Business #1

Tracking Number

EDC 2022-53

Agenda Item Summary Memo

Title: Building Permit Reports for July 2022

Meeting and Date: Economic Development Committee – September 6, 2022

Synopsis: All permits issued in July 2022.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Informational

Council Action Requested: None

Submitted by: D. Weinert (Name) Community Development (Department)

Agenda Item Notes:

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UNITED CITY OF YORKVILLE

BUILDING PERMIT REPORT

JULY 2022

TYPES OF PERMITS

	Number of Permits Issued	SFD *Single Family Detached*	SFA *Single Family Attached*	Multi-Family *Apartments Condominiums*	Commercial *Includes all Permits Issued for Commercial Use*	Industrial	Misc.	Construction Cost	Permit Fees
July 2022	147	10	0	0	12	0	125	3,052,438.00	91,690.30
Calendar Year 2022	907	108	21	0	72	0	706	34,323,118.00	969,388.05
Fiscal Year 2023	506	48	9	0	40	0	409	15,100,232.00	466,501.30
July 2021	149	26	10	0	3	0	110	6,819,196.00	261,925.91
Calendar Year 2021	1066	158	82	0	80	0	746	47,074,320.00	1,640,910.04
Fiscal Year 2022	527	59	58	0	28	0	381	22,322,360.00	745,872.35
July 2020	204	24	8	0	14	0	158	6,296,223.00	207,609.60
Calendar Year 2020	1052	89	26	0	58	0	879	26,594,990.00	908,034.56
Fiscal Year 2021	666	44	22	0	18	0	582	14,896,478.00	440,572.99
July 2019	380	18	0	0	9	0	353	7,000,146.00	203,800.08
Calendar Year 2019	1030	92	10	0	71	0	857	31,153,024.00	1,154,308.81
Fiscal Year 2020	749	44	5	0	28	0	672	14,309,478.00	546,279.09

Reviewed By:	
Legal	☐
Finance	☐
Engineer	☐
City Administrator	■
Community Development	■
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

New Business #2

Tracking Number

EDC 2022-54

Agenda Item Summary Memo

Title: Building Inspection Reports for July 2022

Meeting and Date: Economic Development Committee – September 6, 2022

Synopsis: All inspections scheduled in July 2022.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Informational

Council Action Requested: None

Submitted by: D. Weinert (Name) Community Development (Department)

Agenda Item Notes:

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INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____ AM	046-PLF PLUMBING - FINAL OSR READ	10000001	COUNTY INSPECTIONS	0		07/06/2022
	Comments1: 8045 VAN EMMON RD, HIDEAWAY LAKES -- CAS						
	Comments2: TLE BANK						
PR	_____ AM	047-PLF PLUMBING - FINAL OSR READ					07/06/2022
	Comments1: 7412 FAIRWAY DR - WHITE TAIL RIDGE						
PR	_____	048-PLF PLUMBING - FINAL OSR READ					07/15/2022
	Comments1: 4177 CHERRY DR -- OSWEGO						
PR	_____	049-PLF PLUMBING - FINAL OSR READ					07/20/2022
	Comments1: 7102 GOLFVIEW CT - WHITETAIL						
PR	_____ AM	050-PLU PLUMBING - UNDERSLAB					07/29/2022
	Comments1: 9250 CHATHAM PL -- NEWARK						
ED	_____	017-EFL ENGINEERING - FINAL INSPE	20201300	950 GILLESPIE LN	148		07/01/2022
	Comments1: B-BOX INOPERABLE						
TS	_____	018-REI REINSPECTION					07/20/2022
	Comments1: ENGINEERING FINAL INSPECTION						
ED	_____	021-EFL ENGINEERING - FINAL INSPE	20201301	948 GILLESPIE LN	147		07/01/2022
BF	_____ PM	022-REI REINSPECTION					07/06/2022
	Comments1: FINAL BUILDING, ELECTRICAL AND MECHANICA						
	Comments2: L -- ABBY 630-365-7229						
ED	_____	017-EFL ENGINEERING - FINAL INSPE	20201302	946 GILLESPIE LN	146		07/01/2022
ED	_____	017-EFL ENGINEERING - FINAL INSPE	20201303	944 GILLESPIE LN	145		07/01/2022
ED	_____	018-EFL ENGINEERING - FINAL INSPE	20201304	942 GILLESPIE LN	144		07/01/2020
	Comments1: B-BOX INOPERABLE						
TS	_____	019-REI REINSPECTION					07/20/2022
	Comments1: ENGINEERING SITE INSPECTION						
ED	_____	017-EFL ENGINEERING - FINAL INSPE	20201305	940 GILLESPIE LN	143		07/01/2022
	Comments1: B-BOX INOPERABLE						
TS	_____	018-REI REINSPECTION					07/20/2022
	Comments1: ENGINEERING SITE -- B-BOX						
JP	_____ PM	002-FIN FINAL INSPECTION	20201869	2602 MCLELLAN BLVD	61		07/26/2022
BF	_____	014-PPS PRE-POUR, SLAB ON GRADE	20210170	3145 JUSTICE DR	692		07/13/2022
	Comments1: PUBLIC & PRIVATE WALKS, REAR STOOP -- CH						
	Comments2: RIS 224-358-1606						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	015-FIN FINAL INSPECTION					07/21/2022
		Comments1: BRIAN 224-422-9457 -- SEE INSPECTION REP					
		Comments2: ORT					
GH	_____	016-FEL FINAL ELECTRIC					07/21/2022
GH	_____	017-FMC FINAL MECHANICAL					07/21/2022
PBF	_____	018-PLF PLUMBING - FINAL OSR READ					07/21/2022
		Comments1: BRIAN 224-422-9457					
TS	_____	019-EFL ENGINEERING - FINAL INSPE					07/25/2022
BC	_____	001-FIN FINAL INSPECTION	20210203	439 NORWAY CIR	9		07/27/2022
		Comments1: GENERATOR -- MIA 630-546-8476					
PR	_____	025-EFL ENGINEERING - FINAL INSPE	20210558	1232 HAWK HOLLOW DR	273		07/11/2022
		Comments1: TEMP TO FINAL					
PR	_____	023-EFL ENGINEERING - FINAL INSPE	20210559	1234 HAWK HOLLOW DR	273		07/11/2022
		Comments1: TEMP TO FINAL					
ED	_____	020-EFL ENGINEERING - FINAL INSPE	20210793	3126 JUSTICE DR	616		07/05/2022
		Comments1: TEMP TO FINAL					
ED	_____	020-EFL ENGINEERING - FINAL INSPE	20210794	3129 JUSTICE DR	687		07/07/2022
		Comments1: TEMP TO FINAL					
BF	12:30	003-EDA ENGINEERING - DRIVEWAY AP	20210869	2971 GRANDE TR	389		07/20/2022
		Comments1: 630-360-0241 DOMINIC					
TS	_____	024-EFL ENGINEERING - FINAL INSPE	20210942	2954 OLD GLORY DR	265		07/15/2022
ED	_____	021-EFL ENGINEERING - FINAL INSPE	20210950	3125 JUSTICE DR	686		07/07/2022
		Comments1: TEMP TO FINAL					
GH	_____ AM	015-WKS PUBLIC & SERVICE WALKS	20210951	1264 HAWK HOLLOW DR	270-1		07/25/2022
		Comments1: JOSE 630-465-1159					
PBF	_____	016-SUM SUMP					07/26/2022
		Comments1: CATHY 630-387-2001					
GH	_____ AM	017-WKS PUBLIC & SERVICE WALKS	20210952	1262 HAWK HOLLOW DR	270-2		07/25/2022
		Comments1: UPLAND 630-465-1159 JOSE					
PBF	_____ PM	018-SUM SUMP					07/26/2022
		Comments1: CATHY 630-387-2001					

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	019-FIN FINAL INSPECTION	20210953	1254 HAWK HOLLOW DR	271-1		07/20/2022
		Comments1: STEVE 224-760-2584 -- SEE INSPECTION REP					
		Comments2: ORT					
GH	_____	020-REL ROUGH ELECTRICAL					07/20/2022
GH	_____	021-RMC ROUGH MECHANICAL					07/20/2022
PBF	_____	022-PLF PLUMBING - FINAL OSR READ					07/20/2022
		Comments1: STEVE 224-760-2584					
TS	_____	023-EFL ENGINEERING - FINAL INSPE					07/20/2022
GH	_____	019-FIN FINAL INSPECTION	20210954	1252 HAWK HOLLOW DR	271-2		07/20/2022
		Comments1: STEVE 224-760-2584					
GH	_____	020-FEL FINAL ELECTRIC					07/20/2022
GH	_____	021-FMC FINAL MECHANICAL					07/20/2022
PBF	_____	022-PLF PLUMBING - FINAL OSR READ					07/20/2022
		Comments1: STEVE 224-760-2584					
TS	_____	023-EFL ENGINEERING - FINAL INSPE					07/20/2022
ED	_____	021-EFL ENGINEERING - FINAL INSPE	20211002	2463 JUSTICE CT	618		07/05/2022
		Comments1: TEMP TO FINAL					
ED	_____	022-EFL ENGINEERING - FINAL INSPE	20211003	2461 JUSTICE CT	617		07/05/2022
		Comments1: TEMP TO FINAL					
ED	_____	020-EFL ENGINEERING - FINAL INSPE	20211004	3109 JUSTICE DR	684		07/08/2022
		Comments1: TEMP TO FINAL					
ED	_____	020-EFL ENGINEERING - FINAL INSPE	20211036	3105 JUSTICE DR	683		07/07/2022
		Comments1: TEMP TO FINAL -- DYING TREE					
ED	_____	022-REI REINSPECTION	20211105	1142 HAWK HOLLOW DR	302-1		07/01/2022
		Comments1: FINAL SITE					
ED	_____	022-REI REINSPECTION	20211106	1138 HAWK HOLLOW DR	302-2		07/01/2022
		Comments1: SITE FINAL					
ED	_____	022-REI REINSPECTION	20211107	1136 HAWK HOLLOW DR	302-3		07/01/2022
		Comments1: SITE FINAL -- PARKWAY TREE					
ED	_____	022-REI REINSPECTION	20211108	1134 HAWK HOLLOW DR	302-4		07/01/2022
		Comments1: SITE FINAL -- PARKWAY TREE					

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	017-FIN FINAL INSPECTION	20211109	1135 HAWK HOLLOW DR	308-1		07/19/2022
		Comments1: STEVE -- 224-760-2584					
GH	_____	018-FEL FINAL ELECTRIC					07/19/2022
GH	_____	019-FMC FINAL MECHANICAL					07/19/2022
PR	_____	020-PLF PLUMBING - FINAL OSR READ					07/19/2022
		Comments1: STEVE -- 224-760-2584					
TS	_____	021-EFL ENGINEERING - FINAL INSPE					07/19/2022
GH	_____	017-FIN FINAL INSPECTION	20211110	1137 HAWK HOLLOW DR	308-2		07/19/2022
		Comments1: STEVE -- 224-760-2584					
GH	_____	018-FEL FINAL ELECTRIC					07/19/2022
GH	_____	019-FMC FINAL MECHANICAL					07/19/2022
PR	_____	020-PLF PLUMBING - FINAL OSR READ					07/19/2022
		Comments1: STEVE -- 224-760-2584					
TS	_____	021-EFL ENGINEERING - FINAL INSPE					07/19/2022
TS	_____	022-REI REINSPECTION					07/21/2022
		Comments1: ENGINEERING SITE FINAL					
TS	_____	017-EFL ENGINEERING - FINAL INSPE	20211111	1139 HAWK HOLLOW DR	308-3		07/19/2022
GH	_____	018-FIN FINAL INSPECTION					07/22/2022
		Comments1: JEFF - 847-456-8082					
GH	_____	019-FEL FINAL ELECTRIC					07/22/2022
GH	_____	020-FMC FINAL MECHANICAL					07/22/2022
PBF	_____	021-PLF PLUMBING - FINAL OSR READ					07/22/2022
		Comments1: JEFF - 847-456-8082					
TS	_____	018-EFL ENGINEERING - FINAL INSPE	20211112	1141 HAWK HOLLOW DR	308-4		07/19/2022
GH	_____	019-FIN FINAL INSPECTION					07/22/2022
		Comments1: JEFF - 847-456-8082 SEE INSPECTION REPO					
		Comments2: RT					
GH	_____	020-FEL FINAL ELECTRIC					07/22/2022
GH	_____	021-FMC FINAL MECHANICAL					07/22/2022

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PBF	_____	022-PLF PLUMBING - FINAL OSR READ					07/22/2022
		Comments1: JEFF - 847-456-8082					
PR	_____	014-FIN FINAL INSPECTION	20211120	1376 SPRING ST	216		07/22/2022
		Comments1: TIM - 630-878-5291					
PR	_____	015-FEL FINAL ELECTRIC					07/22/2022
PR	_____	016-FMC FINAL MECHANICAL					07/22/2022
PR	_____	017-PLF PLUMBING - FINAL OSR READ					07/22/2022
PR	_____	018-EFL ENGINEERING - FINAL INSPE					07/22/2022
ED	_____	022-EFL ENGINEERING - FINAL INSPE	20211121	2466 JUSTICE CT	621		07/06/2022
		Comments1: TEMP TO FINAL -- B-BOX AND TREE					
ED	_____	021-EFL ENGINEERING - FINAL INSPE	20211122	2471 JUSTICE CT	620		07/06/2022
		Comments1: TEMP TO FINAL					
ED	_____	023-EFL ENGINEERING - FINAL INSPE	20211123	2465 JUSTICE CT	619		07/06/2022
		Comments1: TEMP TO FINAL -- TREE					
TS	_____	024-EFL ENGINEERING - FINAL INSPE	20211144	3986 SHOEGER CT	25		07/21/2022
		Comments1: PROPERTY CORNERS AND B-BOX					
TS	_____	025-EFL ENGINEERING - FINAL INSPE	20211145	3988 SHOEGER CT	25		07/21/2022
		Comments1: PROPERTY CORNERS AND BBOX					
TS	_____	021-EFL ENGINEERING - FINAL INSPE	20211146	4023 SHOEGER CT	26		07/21/2022
		Comments1: PROPERTY CORNERS AND BBOX					
TS	_____	021-EFL ENGINEERING - FINAL INSPE	20211147	4025 SHOEGER CT	26		07/21/2022
		Comments1: PROPERTY CORNERS AND BBOX					
TS	_____	022-EFL ENGINEERING - FINAL INSPE	20211148	4043 SHOEGER CT	27		07/22/2022
		Comments1: B-BOX AND SIDEWALK SQUARE					
TS	_____	024-EFL ENGINEERING - FINAL INSPE	20211149	4045 SHOEGER CT	27		07/22/2022
		Comments1: B-BOX & SIDEWAK SQUARE					
TS	_____	028-EFL ENGINEERING - FINAL INSPE	20211150	4063 SHOEGER CT	28		07/22/2022
TS	_____	025-EFL ENGINEERING - FINAL INSPE	20211151	4065 SHOEGER CT	28		07/22/2022
		Comments1: B-BOX					
TS	_____	022-EFL ENGINEERING - FINAL INSPE	20211152	4062 SHOEGER CT	29	07/22/2022	
		Comments1: B-BOX					

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
TS	_____	022-EFL ENGINEERING - FINAL INSPE	20211153	4064 SHOEGER CT	29		07/22/2022
	Comments1: B-BOX						
GH	_____	007-RFR ROUGH FRAMING	20211199	1124 HAWK HOLLOW DR	301-4		07/01/2022
	Comments1: JEFF - 847-456-8082						
GH	_____	008-REL ROUGH ELECTRICAL					07/01/2022
GH	_____	009-RMC ROUGH MECHANICAL					07/01/2022
PBF	_____	010-PLR PLUMBING - ROUGH					07/01/2022
	Comments1: JEFF - 847-456-8082						
BC	_____	011-INS INSULATION					07/07/2022
	Comments1: JEFF - 847-456-8082						
GH	_____	012-GPL GREEN PLATE INSPECTION					07/01/2022
	Comments1: JEFF -- 847-456-8082 -- SEE INSPECTION R						
	Comments2: EPORT						
GH	_____	011-INS INSULATION	20211200	1126 HAWK HOLLOW DR	301-3		07/05/2022
	Comments1: JEFF - 847-456-8082						
GH	_____	012-GPL GREEN PLATE INSPECTION					07/01/2022
	Comments1: JEFF -- 847-456-8082						
TS	_____	022-REI REINSPECTION	20211244	2902 ALDEN AVE	323		07/25/2022
	Comments1: ENGINEERING FINAL INSPECTION						
TS	_____	021-REI REINSPECTION	20211245	2898 ROOD ST	303		07/25/2022
	Comments1: ENGINEERING FINAL INSPECTION						
ED	_____	022-REI REINSPECTION	20211282	2861 CRYDER WAY	475		07/05/2022
	Comments1: EFL -- CARMELLA 630-364-0224						
ED	_____	021-EFL ENGINEERING - FINAL INSPE	20211290	2464 JUSTICE CT	622		07/06/2022
	Comments1: TEMP TO FINAL						
ED	_____	020-EFL ENGINEERING - FINAL INSPE	20211291	2462 JUSTICE CT	623	07/07/2022	
	Comments1: TEMP TO FINAL						
ED	_____	021-EFL ENGINEERING - FINAL INSPE	20211292	3108 JUSTICE DR	624		07/07/2022
	Comments1: TEMP TO FINAL						
BC	_____ AM	002-FIN FINAL INSPECTION	20211305	987 N CARLY CIR	122		07/25/2022
	Comments1: PAVERS AND HOT TUB -- JENNIFER 85-793-24						
	Comments2: 00						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
TS	_____	022-REI REINSPECTION	20211311	2898 ALDEN AVE	324	07/25/2022	
		Comments1: ENGINEERING SITE					
BF	_____	019-FIN FINAL INSPECTION	20211333	4026 BRADY ST	6	07/29/2022	
		Comments1: ABBY 630-273-2528					
BF	_____	020-FEL FINAL ELECTRIC				07/29/2022	
BF	_____	021-FMC FINAL MECHANICAL				07/29/2022	
PBF	_____	022-PLF PLUMBING - FINAL OSR READ				07/29/2022	
		Comments1: ABBY 630-273-2528					
TS	_____	023-EFL ENGINEERING - FINAL INSPE					07/29/2022
BF	_____ PM	020-REI REINSPECTION	20211340	4085 BRADY ST	12		07/12/2022
		Comments1: RE FINAL MECHANICAL AND ELECTRICAL FINAL					
		Comments2: -- ABBY 630-365-7229					
PR	_____	021-EFL ENGINEERING - FINAL INSPE					07/13/2022
BF	_____	022-FIN FINAL INSPECTION					07/12/2022
BF	_____	023-REI REINSPECTION					07/19/2022
		Comments1: FINAL BUILDING, ELECTRICAL AND MECHANICA					
		Comments2: L - ABBY 630-365-7229					
PBF	_____ AM	024-PLF PLUMBING - FINAL OSR READ					07/20/2022
		Comments1: ABBY 630-273-2528					
BF	_____ PM	020-REI REINSPECTION	20211341	4083 BRADY ST	12		07/12/2022
		Comments1: RE FINAL ELECTRIC AND MECHANICAL -- ABBY					
		Comments2: 630-365-7229					
BF	_____ PM	021-FIN FINAL INSPECTION					07/12/2022
PR	_____	022-EFL ENGINEERING - FINAL INSPE					07/13/2022
PBF	_____ PM	023-PLF PLUMBING - FINAL OSR READ					07/12/2022
		Comments1: 630-273-2012 ABBY					
TS	_____	024-REI REINSPECTION					07/20/2022
		Comments1: B-BOX AND SIDEWALK					
BF	_____	028-FIN FINAL INSPECTION	20211362	4099 BRADY ST	13	07/29/2022	
		Comments1: ABBY 630-273-2528					
BF	_____	029-FEL FINAL ELECTRIC				07/29/2022	

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF	_____	030-FMC FINAL MECHANICAL				07/29/2022	
PBF	_____	031-PLF PLUMBING - FINAL OSR READ				07/29/2022	
		Comments1: ABBY 630-273-2528					
TS	_____	032-EFL ENGINEERING - FINAL INSPE				07/29/2022	
GH	_____ AM	013-EPW ENGINEERING- PUBLIC WALK	20211377	3821 BISSEL DR	1211		07/26/2022
		Comments1: MIDWESTERN 630-232-2255					
GH	_____ AM	014-WK SERVICE WALK					07/26/2022
		Comments1: MIDWESTERN 630-232-2255					
GH	_____ AM	013-EPW ENGINEERING- PUBLIC WALK	20211378	3823 BISSEL DR	1212		07/26/2022
		Comments1: MIDWESTERN 630-232-2255					
GH	_____ AM	014-WK SERVICE WALK					07/26/2022
GH	_____	015-FIN FINAL INSPECTION					07/26/2022
		Comments1: BRIAN 224-422-9457-- SEE INSPECTION REPO					
		Comments2: RT					
GH	_____	016-FEL FINAL ELECTRIC					07/26/2022
GH	_____	017-FMC FINAL MECHANICAL					07/26/2022
PBF	_____	018-PLF PLUMBING - FINAL OSR READ					07/26/2022
		Comments1: BRIAN 224-422-9457					
TS	_____	019-EFL ENGINEERING - FINAL INSPE					07/27/2022
GH	_____ AM	013-EPW ENGINEERING- PUBLIC WALK	20211379	3825 BISSEL DR	1213		07/26/2022
		Comments1: MIDWESTERN 630-232-2255					
GH	_____ AM	014-WK SERVICE WALK					07/26/2022
GH	_____ AM	013-EPW ENGINEERING- PUBLIC WALK	20211380	3827 BISSEL DR	1214		07/26/2022
		Comments1: MIDWESTERN 630-232-2255					
GH	_____ AM	014-WK SERVICE WALK					07/26/2022
BF	_____	013-WKS PUBLIC & SERVICE WALKS	20211399	3149 JUSTICE DR	693		07/13/2022
		Comments1: CHRIS 224-358-1606					
PR	_____	022-EFL ENGINEERING - FINAL INSPE	20211400	3361 SEELEY ST	805		07/11/2022
		Comments1: TEMP TO FINAL					
PR	_____	020-EFL ENGINEERING - FINAL INSPE	20211401	3365 SEELEY ST	806		07/11/2022
		Comments1: TEMP TO FINAL					

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	020-EFL ENGINEERING - FINAL INSPE	20211402	3369 SEELEY ST	807		07/11/2022
		Comments1: TEMP TO FINAL					
GH	_____	008-GPL GREEN PLATE INSPECTION	20211434	2196 FAIRFAX WAY	509		07/05/2022
		Comments1: JEFF -- 847-456-8082					
GH	_____	009-REI REINSPECTION					07/06/2022
		Comments1: GREEN PLATE					
JP	11:00	003-PHF POST HOLE - FENCE	20211453	1453 RUBY DR	353		07/21/2022
		Comments1: SHERRIE - 815-836-8731					
ED	_____	020-EFL ENGINEERING - FINAL INSPE	20211455	3106 JUSTICE DR	625		07/07/2022
		Comments1: TEMP TO FINAL					
ED	_____	014-EFL ENGINEERING - FINAL INSPE	20211458	3356 SEELEY ST	726		07/05/2022
		Comments1: BRIAN 224-422-9457					
BC	_____	015-FIN FINAL INSPECTION					07/14/2022
		Comments1: BRIAN 224-422-9457 -- SEE INSPECTION REP					
		Comments2: ORT					
BC	_____	016-FEL FINAL ELECTRIC					07/14/2022
BC	_____	017-FMC FINAL MECHANICAL					07/14/2022
PBF	_____	018-PLF PLUMBING - FINAL OSR READ					07/14/2022
		Comments1: BRIAN 224-422-9457					
BC	_____	019-REI REINSPECTION					07/18/2022
		Comments1: FINAL FRAMING -- BRIAN 224-422-9457					
GH	_____	013-INS INSULATION	20211462	3807 BISSEL DR	122-4		07/06/2022
		Comments1: CHRIS -- 224-358-1606 -- SEE INSPECTION					
		Comments2: REPORT					
GH	_____	009-RFR ROUGH FRAMING	20211463	3809 BISSEL DR	122-5		07/08/2022
		Comments1: CHRIS -- 224-358-1606 -- SEE INSPECTION					
		Comments2: REPORT					
GH	_____	010-REL ROUGH ELECTRICAL					07/08/2022
GH	_____	011-RMC ROUGH MECHANICAL					07/08/2022
PR	_____	012-PLR PLUMBING - ROUGH					07/08/2022
		Comments1: CHRIS 224-358-1606-- SEE INSPECTION REPO					
		Comments2: RT					

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	013-REI REINSPECTION					07/11/2022
	Comments1: RFR --- CHRIS 224-358-1606						
GH	_____	014-INS INSULATION					07/14/2022
	Comments1: 224-358-1606 CHRIS DR HORTON						
BF	_____	010-RFR ROUGH FRAMING	20211464	3828 BAILEY RD	123-1		07/27/2022
	Comments1: CHRIS 224-358-1606 -- SEE INSPECTION REP						
	Comments2: ORT						
BF	_____	011-REL ROUGH ELECTRICAL					07/27/2022
BF	_____	012-RMC ROUGH MECHANICAL					07/27/2022
PBF	_____	013-PLR PLUMBING - ROUGH					07/27/2022
	Comments1: CHRI 224-358-1606						
GH	_____	014-INS INSULATION				07/29/2022	
	Comments1: BRIAN 224-422-9457						
GH	_____	010-RFR ROUGH FRAMING	20211465	3826 BAILEY RD	123-2	07/29/2022	
	Comments1: CHRIS 224-358-1606						
GH	_____	011-REL ROUGH ELECTRICAL				07/29/2022	
GH	_____	012-RMC ROUGH MECHANICAL				07/29/2022	
PBF	_____	013-PLR PLUMBING - ROUGH				07/29/2022	
	Comments1: CHRIS 224-358-1606						
PBF	_____ PM	018-SUM SUMP	20211483	641 ASHWORTH LN	512		07/26/2022
	Comments1: CATHY 630-387-2001						
GH	_____	007-GPL GREEN PLATE INSPECTION	20211485	2204 FAIRFAX WAY	508		07/15/2022
	Comments1: JEFF - 847-456-8082						
PBF	_____ PM	009-SUM SUMP	20211486	661 ASHWORTH LN	511		07/27/2022
	Comments1: CATHY 630-387-2001						
GH	_____ AM	017-EPW ENGINEERING- PUBLIC WALK	20211487	2282 FAIRFAX WAY	502		07/13/2022
	Comments1: JUAN 847-551-9066						
GH	_____ AM	018-WK SERVICE WALK					07/13/2022
GH	_____ AM	009-STP STOOP	20211488	2222 FAIRFAX WAY	507		07/20/2022
	Comments1: FRONT STOOP -- JUAN 847-551-9066						
GH	_____ AM	010-PHD POST HOLE - DECK					07/20/2022
	Comments1: JUAN 847-551-9066						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____ PM	005-PLU PLUMBING - UNDERSLAB	20211517	1133 TAUS CIR	108		07/27/2022
	Comments1: 630-878-5291 TIM GREYER						
BC	_____ AM	021-FIN FINAL INSPECTION	20211540	722 OMAHA DR	46		07/26/2022
	Comments1: 630-248-0918 MARCUS						
BC	_____	022-FEM ROUGH FRM, ELE, MECH					07/26/2022
BC	_____	023-FME FINAL MECHANICAL					07/26/2022
PR	_____ AM	024-PLF PLUMBING - FINAL OSR READ					07/26/2022
	Comments1: 630-248-0918 MARCUS						
GH	_____	019-FIN FINAL INSPECTION	20211572	2702 NICKERSON CT	171		07/07/2022
	Comments1: ANDREW 331-431-7342						
GH	_____	020-FEL FINAL ELECTRIC					07/07/2022
GH	_____	021-FMC FINAL MECHANICAL					07/07/2022
PR	_____	022-PLF PLUMBING - FINAL OSR READ					07/07/2022
	Comments1: ANDREW -- 331-431-7342						
TS	_____	023-EFL ENGINEERING - FINAL INSPE				07/14/2022	
BC	_____	001-FIN FINAL INSPECTION	20211603	1732 JOHN ST			07/21/2022
	Comments1: GENERATOR -- MIA 630-546-8476						
PR	_____	023-REI REINSPECTION	20211606	2716 POTTER CT	148		07/07/2022
	Comments1: FINAL PLUMBING --- ANDREW 331-431-7342						
PR	_____	024-REI REINSPECTION					07/07/2022
	Comments1: EFL						
BC	_____ AM	011-PPS PRE-POUR, SLAB ON GRADE	20211679	1735 MARKETVIEW DR			07/01/2022
	Comments1: BELLE TIRE 630-669-1344 CHRIS						
PR	_____	012-ELS ELECTRIC SERVICE					07/05/2022
	Comments1: BELLE TIRE 630-383-6164 BRIAN CONDUIT F						
	Comments2: OR SITE LIGHTING						
BC	_____ AM	013-PPS PRE-POUR, SLAB ON GRADE					07/13/2022
	Comments1: INTERIOR SLAB -- BRAD 630-878-9255						
BC	_____ PM	014-PPS PRE-POUR, SLAB ON GRADE					07/14/2022
	Comments1: REMAINING INTERIOR SLAB -- BRAD 630-878-						
	Comments2: 9255						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____ AM	015-RMC ROUGH MECHANICAL					07/14/2022
	Comments1: RAY 847-878-0162						
PR	_____	016-PLR PLUMBING - ROUGH					07/18/2022
	Comments1: SCOTT - 815-693-5122						
PR	_____ AM	017-REL ROUGH ELECTRICAL					07/19/2022
	Comments1: BELLE TIRES BRIAN 630-383-6164						
PR	09:00	018-RFR ROUGH FRAMING					07/21/2022
	Comments1: LAWRENCE BELLE TIRE 630-207-1275						
BC	08:00 PM	019-PPS PRE-POUR, SLAB ON GRADE				07/29/2022	
	Comments1: BRAD 630-878-9255						
BC	10:00	001-FTG FOOTING	20211728	444 E VETERANS PKWY			07/22/2022
	Comments1: CHIPOTLE(FOUNDATION ONLY PERMIT) MARK 70						
	Comments2: 8-243-9074						
PR	13:00	002-FOU FOUNDATION					07/25/2022
	Comments1: CHIPOTLE (FOUNDATION ONLY PERMIT) MARK 7						
	Comments2: 08-243-9074						
PR	_____ AM	003-BKF BACKFILL					07/28/2022
	Comments1: MARK 708-243-9074						
ED	_____	013-EFL ENGINEERING - FINAL INSPE	20211732	841 GREENFIELD TURN	48		07/07/2022
	Comments1: NEEDS PARKWAY TREE						
PR	_____	014-FIN FINAL INSPECTION					07/12/2022
	Comments1: DAVE -- 630-878-5792						
PR	_____	015-FEL FINAL ELECTRIC					07/12/2022
PR	_____	016-FMC FINAL MECHANICAL					07/12/2022
PR	_____	017-PLF PLUMBING - FINAL OSR READ					07/12/2022
BC	_____	002-FIN FINAL INSPECTION	20211746	1616 COTTONWOOD TR	24		07/28/2022
	Comments1: LETITIA - 815-370-6514						
GH	_____	017-FIN FINAL INSPECTION	20211747	541 ASHWORTH LN	517		07/12/2022
	Comments1: JEFF 847-456-8082 -- SEE INSPECTION TICK						
	Comments2: ET						
GH	_____	018-FEL FINAL ELECTRIC					07/12/2022
GH	_____	019-FMC FINAL MECHANICAL					07/12/2022

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PBF	_____	020-PLF PLUMBING - FINAL OSR READ					07/12/2022
		Comments1: JEFF -- 847-456-8082					
PR	_____	021-EFL ENGINEERING - FINAL INSPE					07/12/2022
GH	_____ PM	009-STP STOOP	20211748	521 ASHWORTH LN	518		07/11/2022
		Comments1: FRONT AND REAR -- JUAN 847-551-9066					
BC	_____	010-RFR ROUGH FRAMING					07/18/2022
		Comments1: JEFF 847-456-8082					
BC	_____	011-REL ROUGH ELECTRICAL					07/18/2022
BC	_____	012-RMC ROUGH MECHANICAL					07/18/2022
PR	_____	013-PLR PLUMBING - ROUGH					07/18/2022
		Comments1: JEFF 847-456-8082					
GH	_____	014-INS INSULATION					07/21/2022
		Comments1: JEFF 847-456-8082 -- BASEMENT NOT COMPLE					
		Comments2: TE - CHECK AT FINAL					
PBF	_____ PM	015-SUM SUMP					07/27/2022
		Comments1: CATHY 630-387-2001					
GH	_____ PM	008-STP STOOP	20211749	501 ASHWORTH LN	519		07/11/2022
		Comments1: JUAN 847-551-9066					
BC	_____	009-RFR ROUGH FRAMING					07/22/2022
		Comments1: JEFF 847-456-8082					
BC	_____	010-REL ROUGH ELECTRICAL					07/22/2022
BC	_____	011-RMC ROUGH MECHANICAL					07/22/2022
		Comments1: INSTALL DUCTS FOR BATH EXHAUST FANS					
PBF	_____	012-PLR PLUMBING - ROUGH					07/22/2022
		Comments1: JEFF 847-456-8082					
GH	_____	013-INS INSULATION					07/27/2022
		Comments1: JEFF - 847-456-8082 -- SEE INSPECTION RE					
		Comments2: PORT					
BC	_____	014-REI REINSPECTION					07/25/2022
		Comments1: ROUGH MECHANICAL- MIKE -- 224-325-9199					
GH	_____ AM	017-WK SERVICE WALK	20211751	2001 PRAIRIE GRASS LN	45		07/12/2022
		Comments1: REMY - 630-973-6699					

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____ AM	018-WK SERVICE WALK	20211752	936 HAYDEN DR	44		07/12/2022
	Comments1: REMY -- 630-973-6699						
GH	_____ AM	016-EPW ENGINEERING- PUBLIC WALK	20220003	2327 FAIRFIELD AVE	499		07/13/2022
	Comments1: JUAN 847-551-9066						
GH	_____ AM	017-WK SERVICE WALK					07/13/2022
GH	_____	013-RFR ROUGH FRAMING	20220004	2305 FAIRFIELD AVE	500		07/13/2022
	Comments1: JEFF -- 847-456-8082-- SEE INSPECTION RE						
	Comments2: PORT						
GH	_____	014-RMC ROUGH MECHANICAL					07/13/2022
GH	_____	015-REL ROUGH ELECTRICAL					07/13/2022
PR	_____	016-PLR PLUMBING - ROUGH					07/13/2022
	Comments1: JEFF -- 847-456-8082						
BC	_____	017-INS INSULATION					07/18/2022
	Comments1: JEFF -- 847-456-8082						
GH	_____ AM	018-WKS PUBLIC & SERVICE WALKS					07/28/2022
	Comments1: JUAN 847-551-9066						
GH	_____	016-FIN FINAL INSPECTION	20220005	2264 FAIRFAX WAY	504		07/13/2022
	Comments1: JEFF -- 847-456-8082 -- SEE INSPECTION R						
	Comments2: EPORT						
GH	_____	017-FEL FINAL ELECTRIC					07/13/2022
GH	_____	018-FMC FINAL MECHANICAL					07/13/2022
PR	_____	019-PLF PLUMBING - FINAL OSR READ					07/13/2022
	Comments1: JEFF 847-456-8082						
PR	_____	020-EFL ENGINEERING - FINAL INSPE					07/13/2022
TS	_____	021-REI REINSPECTION				07/18/2022	
	Comments1: SITE RE-INSPECTION -- JEFF - 847-456-808						
	Comments2: 2						
GH	_____ AM	017-EPW ENGINEERING- PUBLIC WALK	20220006	2248 FAIRFAX WAY	505		07/13/2022
	Comments1: JUAN 847-551-9066						
GH	_____ AM	018-WK SERVICE WALK					07/13/2022
BC	_____	012-RFR ROUGH FRAMING	20220007	2236 FAIRFAX WAY	506		07/07/2022
	Comments1: JEFF -- 847-456-8082						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	013-REL ROUGH ELECTRICAL					07/07/2022
BC	_____	014-RMC ROUGH MECHANICAL					07/07/2022
PR	_____	015-PLR PLUMBING - ROUGH					07/07/2022
		Comments1: JEFF -- 847-456-8082					
GH	_____	016-INS INSULATION					07/12/2022
		Comments1: JEFF -- 847-456-8082					
GH	_____	017-REI REINSPECTION					07/08/2022
		Comments1: ROUGH FRAMING -- MIKE 224-325-9199					
GH	_____	018-REI REINSPECTION					07/08/2022
		Comments1: ROUGH MECHANICAL					
GH	_____ AM	015-EPW ENGINEERING- PUBLIC WALK	20220017	2711 NICKERSON CT	162		07/14/2022
		Comments1: MIDWESTERN -- 815-839-8175					
GH	_____ AM	016-PPS PRE-POUR, SLAB ON GRADE					07/14/2022
		Comments1: PATIO					
GH	_____	017-REI REINSPECTION					07/14/2022
		Comments1: PATIO					
BC	_____ PM	006-INS INSULATION	20220028	2942 GRANDE TR	419		07/26/2022
		Comments1: FIRE DAMAGE REPAIR 630-432-3753 JIM -- S					
		Comments2: EE INSPECTION REPORT					
BC	_____	007-RMC ROUGH MECHANICAL					07/26/2022
		Comments1: SEE INSPECTON REPORT					
BC	_____	018-FIN FINAL INSPECTION	20220031	2288 FAIRFAX WAY	501		07/20/2022
		Comments1: JEFF - 847-456-8082					
BC	_____	019-FEL FINAL ELECTRIC					07/20/2022
BC	_____	020-FMC FINAL MECHANICAL					07/20/2022
PBF	_____	021-PLF PLUMBING - FINAL OSR READ					07/20/2022
		Comments1: JEFF - 847-456-8082					
TS	_____	022-EFL ENGINEERING - FINAL INSPE					07/20/2022
		Comments1: SIDEWALK					
TS	_____	023-REI REINSPECTION					07/25/2022
		Comments1: FINAL ENGINEERING					

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PBF	_____ PM	016-SUM SUMP	20220033	508 BRAEMORE LN	535		07/26/2022
	Comments1: CATHY 630-387-2001						
GH	_____ AM	016-INS INSULATION	20220034	362 TIMBER OAK LN	36		07/12/2022
	Comments1: JASON 630-632-7433 -- SEE INSPECTION REP						
	Comments2: ORT						
GH	_____	016-FIN FINAL INSPECTION	20220038	2706 NICKERSON CT	169		07/14/2022
	Comments1: ANDREW 331-431-7342 -- SEE INSPECTION RE						
	Comments2: PORT						
GH	_____	017-FEL FINAL ELECTRIC					07/14/2022
GH	_____	018-FMC FINAL MECHANICAL					07/14/2022
PBF	_____	019-PLF PLUMBING - FINAL OSR READ					07/14/2022
	Comments1: ANDREW 331-431-7342						
TS	_____	020-EFL ENGINEERING - FINAL INSPE					07/15/2022
PR	_____	021-EFL ENGINEERING - FINAL INSPE	20220049	3073 GRANDE TR	554		07/11/2022
BC	_____ AM	001-OCC OCCUPANCY INSPECTION	20220063	664 W VETERANS PKWY	F		07/26/2022
	Comments1: DOMINIQUE -- 630-943-8938 -- SEE INSPECT						
	Comments2: ION REPORT						
MT	_____	002-FFD BKFD FINAL INSPECTION					07/28/2022
BC	_____	003-REI REINSPECTION				07/29/2022	
	Comments1: OCCUPANCY -- DOMINIQUE 630-943-8938						
GH	_____	016-FIN FINAL INSPECTION	20220066	2874 OLD GLORY DR	274		07/01/2022
	Comments1: AUSTIN 630-720-1287						
GH	_____	017-FEL FINAL ELECTRIC					07/01/2022
	Comments1: SEE INSPECTION REPORT						
GH	_____	018-FMC FINAL MECHANICAL					07/01/2022
PBF	_____	019-PLF PLUMBING - FINAL OSR READ					07/01/2022
	Comments1: AUSTIN 630-720-1287						
GH	_____	020-REI REINSPECTION					07/06/2022
	Comments1: FINAL ELECTRIC -- JIM 331-223-6615 -- SE						
	Comments2: E INSPECTION REPORT						
ED	_____	021-EFL ENGINEERING - FINAL INSPE					07/06/2022

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	014-RFR ROUGH FRAMING	20220067	2727 ELLORY CT	127		07/01/2022
	Comments1: DECK FRAMING -- ANDREW 331-431-7342						
GH	_____ AM	015-STP STOOP					07/05/2022
	Comments1: MIDWESTERN 815-839-8175 NOT READY						
GH	_____	016-STP STOOP					07/08/2022
	Comments1: MIDWESTERN 815-839-8175 -- FRONT						
GH	_____ AM	017-WKS PUBLIC & SERVICE WALKS					07/26/2022
	Comments1: MIDWESTERN 815-839-8175 -- SEE INSPECTIO						
	Comments2: N REPORT						
TS	_____	018-ADA ADA ACCESSIBLE WALK WAY				07/26/2022	
BF	_____	008-RFR ROUGH FRAMING	20220073	1125 HAWK HOLLOW DR	309-1		07/20/2022
	Comments1: STEVE 224-760-2584-- SEE INSPECTION REPO						
	Comments2: RT						
BF	_____	009-REL ROUGH ELECTRICAL					07/20/2022
BF	_____	010-RMC ROUGH MECHANICAL					07/20/2022
PBF	_____	011-PLR PLUMBING - ROUGH					07/20/2022
	Comments1: STEVE 224-760-2584						
BF	_____	012-GPL GREEN PLATE INSPECTION					07/20/2022
	Comments1: STEVE 224-760-2584						
GH	_____	013-REI REINSPECTION					07/28/2022
	Comments1: ROUGH FRAMING -- STEVE 224-760-2584 -- S						
	Comments2: EE INSPECTION REPORT						
BF	_____	008-RFR ROUGH FRAMING	20220074	1127 HAWK HOLLOW DR	309-2		07/20/2022
	Comments1: STEVE 224-760-2584 -- SEE INSPECTION REP						
	Comments2: ORT						
BF	_____	009-REL ROUGH ELECTRICAL					07/20/2022
BF	_____	010-RMC ROUGH MECHANICAL					07/20/2022
PBF	_____	011-PLR PLUMBING - ROUGH					07/20/2022
	Comments1: STEVE 224-760-2584						
BF	_____	012-GPL GREEN PLATE INSPECTION					07/20/2022
	Comments1: STEVE 224-760-2584						
BF	_____ AM	001-FIN FINAL INSPECTION	20220083	2962 ELLSWORTH DR	359		07/14/2022
	Comments1: SOLAR -- EDDIE 801-837-4586						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF	_____ AM	002-FEL FINAL ELECTRIC					07/14/2022
GH	_____	011-INS INSULATION	20220085	4831 W MILLBROOK CIR	153		07/06/2022
	Comments1: ANDREW 331-431-7342 -- SEE INSPECTION RE						
	Comments2: PORT						
BC	_____	012-REI REINSPECTION					07/01/2022
	Comments1: FRAMING -- ANDREW 331-431-7342						
GH	_____ AM	013-WK SERVICE WALK					07/15/2022
	Comments1: MIDWESTERN 815-839-8175 -- NEED TO PIN S						
	Comments2: TOOP, WILL SEND PIC						
JP	_____ AM	014-WKS PUBLIC & SERVICE WALKS					07/26/2022
	Comments1: MIDWESTERN 815-839-8175 -- SERVICE WALK						
	Comments2: NEEDS COMPACTING AND PINS						
GH	_____	012-INS INSULATION	20220086	3021 MCLELLAN BLVD	561		07/05/2022
	Comments1: JIM 331-223-6615						
GH	_____ PM	013-WKS PUBLIC & SERVICE WALKS					07/26/2022
	Comments1: MIDWESTERN 815-839-8175 -- 2 ADA RAMPS						
TS	_____	017-EFL ENGINEERING - FINAL INSPE	20220087	3069 GRANDE TR	555		07/21/2022
GH	_____	018-FIN FINAL INSPECTION					07/26/2022
	Comments1: JIM 331-223-6615						
GH	_____	019-FEL FINAL ELECTRIC					07/26/2022
GH	_____	020-FMC FINAL MECHANICAL					07/26/2022
PBF	_____	021-PLF PLUMBING - FINAL OSR READ					07/26/2022
	Comments1: JIM -- 331-223-6615						
GH	_____	016-FIN FINAL INSPECTION	20220088	2868 OLD GLORY DR	275		07/27/2022
	Comments1: AUSTIN 630-720-1287						
GH	_____	017-FEL FINAL ELECTRIC					07/27/2022
GH	_____	018-FMC FINAL MECHANICAL					07/27/2022
PBF	_____	019-PLF PLUMBING - FINAL OSR READ					07/27/2022
	Comments1: AUSTIN 630-720-1287						
TS	_____	020-EFL ENGINEERING - FINAL INSPE					07/27/2022
GH	_____	015-FIN FINAL INSPECTION	20220089	2863 ROOD ST	318		07/14/2022
	Comments1: AUSTIN 630-720-1287 -- SEE INSPECTION RE						
	Comments2: PORT						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	016-FEL FINAL ELECTRIC					07/14/2022
	Comments1: SEE INSPECTION REPORT						
GH	_____	017-FMC FINAL MECHANICAL					07/14/2022
PBF	_____	018-PLF PLUMBING - FINAL OSR READ					07/14/2022
	Comments1: AUSTIN - 630-720-1287						
TS	_____	019-EFL ENGINEERING - FINAL INSPE					07/14/2022
GH	_____	020-REI REINSPECTION					07/15/2022
	Comments1: FINAL ELECTRIC -- 331-223-6615						
GH	_____	015-EPW ENGINEERING- PUBLIC WALK	20220090	3022 GRANDE TR	535		07/06/2022
	Comments1: MIDWESTERN -- 815-839-8175						
GH	_____ AM	008-STP STOOP	20220106	4886 W MILLBROOK CIR	3		07/14/2022
	Comments1: MIDWESTERN 815-839-8175						
BC	_____	009-RFR ROUGH FRAMING					07/19/2022
	Comments1: ANDREW -- 331-431-7342						
BC	_____	010-REL ROUGH ELECTRICAL					07/19/2022
BC	_____	011-RMC ROUGH MECHANICAL					07/19/2022
PR	_____	012-PLR PLUMBING - ROUGH					07/19/2022
	Comments1: ANDREW 331-431-7342						
GH	_____	013-INS INSULATION					07/22/2022
	Comments1: ANDREW 331-431-7342 -- SEE INSPECTION RE						
	Comments2: PORT						
GH	_____ AM	014-WKS PUBLIC & SERVICE WALKS					07/28/2022
	Comments1: MIDWESTERN 815-839-8175						
PR	_____ PM	001-FTG FOOTING	20220123	1800 MARKETVIEW DR	4		07/25/2022
	Comments1: 708-415-0784 MENARDS GUARDHOUSE CANOPY A						
	Comments2: L						
EEI	_____ PM	002-PPS PRE-POUR, SLAB ON GRADE				07/26/2022	
	Comments1: CURB 708-415-0784 MENARDS GUARDHOUSE CAN						
	Comments2: OPY AL						
PR	12:00	003-PPS PRE-POUR, SLAB ON GRADE					07/27/2022
	Comments1: AL 708-415-0784 -- CURB						
BC	11:30	001-FTG FOOTING	20220129	628 WHITE OAK WAY	59		07/01/2022
	Comments1: NORWOOD 630-904-2288						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	002-FOU FOUNDATION					07/11/2022
	Comments1: NORWOOD -- 630-904-2282						
GH	_____ PM	003-BKF BACKFILL					07/21/2022
	Comments1: 630-904-2288 NORWOOD FOR CRESTVIEW						
PR	_____	004-ESW ENGINEERING - SEWER / WAT					07/27/2022
	Comments1: LATE AM -- DAVE 630-244-2739						
GH	_____	008-RFR ROUGH FRAMING	20220133	3341 SEELEY ST	800		07/01/2022
	Comments1: DR HORTON 224-358-1606 CHRIS -- SEE INSP						
	Comments2: ECTION REPORT						
GH	_____	009-REL ROUGH ELECTRICAL					07/01/2022
	Comments1: DR HORTON 224-358-1606 CHRIS						
GH	_____	010-RMC ROUGH MECHANICAL					07/01/2022
	Comments1: DR HORTON 224-358-1606 CHRIS						
PBF	_____	011-PLR PLUMBING - ROUGH					07/01/2022
	Comments1: DR HORTON 224-358-1606 CHRIS						
BC	_____	012-INS INSULATION					07/18/2022
	Comments1: CHRIS 224-358-1606						
BC	_____	011-RFR ROUGH FRAMING	20220134	2809 BERRYWOOD LN	799		07/12/2022
	Comments1: CHRIS 224-358-1606						
BC	_____	012-REL ROUGH ELECTRICAL					07/12/2022
BC	_____	013-RMC ROUGH MECHANICAL					07/12/2022
PBF	_____	014-PLR PLUMBING - ROUGH					07/12/2022
	Comments1: CHRIS 224-358-1606						
GH	_____	015-INS INSULATION					07/25/2022
	Comments1: CHRIS 224-358-1606 - SEE INSPECTION REPO						
	Comments2: RT						
JP	13:00	001-PHF POST HOLE - FENCE	20220136	181 CLAREMONT CT	22		07/21/2022
	Comments1: 815-460-3449 CEDAR RUSTIC						
BC	_____ AM	007-GAR GARAGE FLOOR	20220153	1956 MEADOWLARK LN	82		07/07/2022
	Comments1: KATHY -- 630-904-2288						
BC	_____ AM	008-STP STOOP					07/07/2022
BC	_____ AM	009-EPW ENGINEERING- PUBLIC WALK					07/07/2022
	Comments1: PARTIAL						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	010-ADA ADA ACCESSIBLE WALK WAY				07/11/2022	
PR	_____	011-RFR ROUGH FRAMING					07/27/2022
		Comments1: DAVE --- 630-878-5792					
PR	_____	012-REL ROUGH ELECTRICAL					07/27/2022
PR	_____	013-RMC ROUGH MECHANICAL					07/27/2022
PBF	_____	014-PLR PLUMBING - ROUGH					07/27/2022
		Comments1: DAVE 630-878-5792					
BC	_____	009-GPL GREEN PLATE INSPECTION	20220160	542 ASHWORTH LN	522	07/29/2022	
		Comments1: JEFF -- 847-456-8082					
PBF	_____	006-PLU PLUMBING - UNDERSLAB	20220161	2361 FAIRFIELD AVE	496		07/01/2022
		Comments1: JEFF - 847-456-8082					
GH	_____ PM	007-BSM BASEMENT FLOOR					07/11/2022
		Comments1: JUAN 847-551-9066					
GH	_____ PM	008-GAR GARAGE FLOOR					07/11/2022
		Comments1: JUAN 847-551-9066					
PBF	_____	005-PLU PLUMBING - UNDERSLAB	20220162	2349 FAIRFIELD AVE	497		07/01/2022
		Comments1: JEFF -- 847-456-8082					
GH	_____ AM	006-BSM BASEMENT FLOOR					07/19/2022
		Comments1: JUAN 847-551-9066					
GH	_____ AM	007-GAR GARAGE FLOOR					07/19/2022
PBF	_____	005-PLU PLUMBING - UNDERSLAB	20220164	522 ASHWORTH LN	521		07/01/2022
		Comments1: JEFF -- 847-456-8082					
GH	_____ AM	006-BSM BASEMENT FLOOR					07/13/2022
		Comments1: JUAN 847-551-9066					
GH	_____ AM	007-GAR GARAGE FLOOR					07/13/2022
GH	_____	008-GPL GREEN PLATE INSPECTION	20220165	572 ASHWORTH LN	523		07/27/2022
		Comments1: JEFF 847-456-8082					
GH	_____	010-GPL GREEN PLATE INSPECTION	20220166	561 ASHWORTH LN	516		07/27/2022
		Comments1: JEFF - 847-456-8082 -- SEE INSPECTION RE					
		Comments2: PORT					
PBF	_____	005-PLU PLUMBING - UNDERSLAB	20220167	2387 FAIRFIELD AVE	494		07/11/2022
		Comments1: 847-456-8082 JEFF LENNAR					

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	AM 006-BSM BASEMENT FLOOR					07/19/2022
	Comments1: JUAN -- 847-551-9066						
GH	_____	AM 007-GAR GARAGE FLOOR					07/19/2022
BC	_____	AM 001-FTG FOOTING	20220178	555 BRAEMORE LN	532		07/25/2022
	Comments1: JUAN -- 847-551-9066						
BC	_____	AM 002-FOU FOUNDATION					07/28/2022
	Comments1: JUAN 847-551-9066						
BC	_____	006-BSM BASEMENT FLOOR	20220182	602 ASHWORTH LN	524		07/26/2022
BC	_____	007-GAR GARAGE FLOOR					07/26/2022
PBF	_____	005-PLU PLUMBING - UNDERSLAB	20220183	2375 FAIRFIELD AVE	495		07/01/2022
	Comments1: JEFF - 847-456-8082						
GH	_____	PM 006-BSM BASEMENT FLOOR					07/11/2022
	Comments1: JUAN 847-551-9066						
GH	_____	PM 007-GAR GARAGE FLOOR					07/11/2022
	Comments1: JUAN 847-551-9066						
GH	_____	AM 006-BSM BASEMENT FLOOR	20220185	2736 ELLORY CT	134		07/05/2022
	Comments1: MIDWESTERN 815-839-8175						
GH	_____	AM 007-GAR GARAGE FLOOR					07/05/2022
GH	_____	008-GPL GREEN PLATE INSPECTION					07/14/2022
	Comments1: ANDREW 331-431-7342 -- SEE INSPECTION RE						
	Comments2: PORT						
BC	_____	AM 001-FTG FOOTING	20220186	2728 ELLORY CT	138		07/18/2022
	Comments1: MIDWESTERN - 815-839-8175						
BC	_____	AM 002-FOU FOUNDATION				07/21/2022	
	Comments1: MIDWESTERN 815-839-8175						
PBF	_____	PM 003-WAT WATER					07/22/2022
	Comments1: LOUISE -- 630-492-7635						
GH	_____	PM 004-BKF BACKFILL					07/25/2022
	Comments1: MIDWESTERN -- 815-839-8175						
GH	_____	AM 010-GPL GREEN PLATE INSPECTION	20220187	3079 GRANDE TR	553		07/01/2022
	Comments1: JIM 331-223-6615						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF	_____	011-RFR ROUGH FRAMING	20220188	3089 GRANDE TR	551		07/27/2022
		Comments1: JIM 331-223-6615					
BF	_____	012-REL ROUGH ELECTRICAL					07/27/2022
BF	_____	013-RMC ROUGH MECHANICAL					07/27/2022
PBF	_____	014-PLR PLUMBING - ROUGH					07/26/2022
		Comments1: JIM 331-223-6615					
GH	_____	015-INS INSULATION				07/29/2022	
		Comments1: JIM 331-223-6615					
BF	_____	010-RFR ROUGH FRAMING	20220189	3025 MCLELLAN BLVD	560		07/21/2022
		Comments1: JIM -- 331-223-6615 -- SEE INSPECTION RE					
		Comments2: PORT					
BF	_____	011-REL ROUGH ELECTRICAL					07/21/2022
BF	_____	012-RMC ROUGH MECHANICAL					07/21/2022
PBF	_____	013-PLR PLUMBING - ROUGH					07/21/2022
GH	_____	014-INS INSULATION					07/25/2022
		Comments1: JIM - 331-223-6615 - SEE INSPECTION REPO					
		Comments2: RT					
GH	_____ PM	015-WKS PUBLIC & SERVICE WALKS					07/28/2022
		Comments1: MIDWESTERN 815-839-8175 -- SEE INSPECTIO					
		Comments2: N REPORT					
BC	_____	008-RFR ROUGH FRAMING	20220190	4763 W MILLBROOK CIR	149		07/27/2022
		Comments1: ANDREW 331-431-7342					
BC	_____	009-REL ROUGH ELECTRICAL					07/27/2022
BC	_____	010-RFR ROUGH FRAMING					07/27/2022
PBF	_____	011-PLF PLUMBING - FINAL OSR READ					07/27/2022
		Comments1: ANDREW 630-915-8068					
GH	_____	012-INS INSULATION				07/29/2022	
		Comments1: ANDREW 331-431-7342					
PBF	_____	006-PLU PLUMBING - UNDERSLAB	20220191	2713 NICKERSON CT	163		07/12/2022
		Comments1: 331-341-7342 ANDREW					
GH	_____ AM	007-PPS PRE-POUR, SLAB ON GRADE					07/15/2022
		Comments1: MIDWESTERN - 815-839-8175					

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	008-GAR GARAGE FLOOR					07/15/2022
GH	_____	009-STP STOOP					07/15/2022
BC	_____ AM	001-FTG FOOTING	20220192	2638 KELLOG CT	46		07/28/2022
	Comments1: MIDWESTERN -- 815-839-8175						
GH	_____	011-RFR ROUGH FRAMING	20220193	3131 GRANDE TR	491		07/12/2022
	Comments1: JIM 331-223-6615 -- SEE INSPECTION REPOR						
	Comments2: T						
GH	_____	012-REL ROUGH ELECTRICAL					07/12/2022
GH	_____	013-RMC ROUGH MECHANICAL					07/12/2022
PBF	_____	014-PLR PLUMBING - ROUGH					07/12/2022
	Comments1: JIM -- 331-223-6615						
GH	_____	015-INS INSULATION					07/14/2022
	Comments1: JIM -- 331-223-6615						
GH	_____ AM	016-EPW ENGINEERING- PUBLIC WALK					07/27/2022
	Comments1: MIDWESTERN 815-839-8175						
GH	_____ AM	017-WK SERVICE WALK					07/27/2022
BC	_____ AM	004-FEL FINAL ELECTRIC	20220208	577 MANCHESTER LN	398		07/06/2022
	Comments1: DAVE 630-664-3283 -- SMOKE DETECTORS MUS						
	Comments2: T BE INTERCONNECTED/DEAD OUTLET IN OFFIC						
	Comments3: E						
BC	_____ AM	005-REI REINSPECTION					07/08/2022
	Comments1: FINAL ELEC BASEMENT REMODEL DAVE 630-664						
	Comments2: -3283 -- SEE INSP REPORT						
BC	_____ PM	006-FIN FINAL INSPECTION					07/12/2022
	Comments1: BASEMENT FINISH 6302-664-3283 DAVE						
BC	_____ PM	001-REL ROUGH ELECTRICAL	20220211	1091 BLACKBERRY SHORE LN	43		07/01/2022
	Comments1: BASEMENT -- CARLOS 630-405-4132 -- SEE I						
	Comments2: NSPECTION REPORT						
PBF	_____ PM	002-PLR PLUMBING - ROUGH					07/01/2022
	Comments1: BASEMENT -- SEE INSPECTION REPORT						
PR	11:00	004-RMC ROUGH MECHANICAL	20220232	1789 MARKETVIEW DR	8		07/08/2022
	Comments1: BLACK IRON DUCT HOOD RON 630-615-0858 NO						
	Comments2: ODLES						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____ AM	005-PLR PLUMBING - ROUGH					07/13/2022
	Comments1: RON -- 630-615-0858						
PR	_____ AM	006-REL ROUGH ELECTRICAL					07/13/2022
PR	_____	007-RFR ROUGH FRAMING					07/13/2022
BF	_____	007-RFR ROUGH FRAMING	20220259	3349 SEELEY ST	802		07/27/2022
	Comments1: CHRIS 224-358-1606-- SEE INSPECTION REPO						
	Comments2: RT						
BF	_____	008-REL ROUGH ELECTRICAL					07/27/2022
BF	_____	009-RMC ROUGH MECHANICAL					07/27/2022
PBF	_____	010-PLR PLUMBING - ROUGH					07/27/2022
	Comments1: CHRIS 224-358-1606						
GH	_____	011-INS INSULATION				07/29/2022	
	Comments1: CHRIS 224-358-1606						
BF	_____	007-RFR ROUGH FRAMING	20220260	3353 SEELEY ST	803		07/27/2022
	Comments1: CHRIS 224-358-1606 -- SEE INSPECTION REP						
	Comments2: ORT						
BF	_____	008-REL ROUGH ELECTRICAL					07/27/2022
BF	_____	009-RMC ROUGH MECHANICAL					07/27/2022
PBF	_____	010-PLR PLUMBING - ROUGH					07/27/2022
	Comments1: CHRIS 224-358-1606						
BF	_____	007-RFR ROUGH FRAMING	20220261	3357 SEELEY ST	804		07/21/2022
	Comments1: CHRIS 224-358-1606 -- SEE INSPECTION REP						
	Comments2: ORT						
BF	_____	008-REL ROUGH ELECTRICAL					07/21/2022
BF	_____	009-RMC ROUGH MECHANICAL					07/21/2022
PBF	_____	010-PLR PLUMBING - ROUGH					07/21/2022
	Comments1: CHRIS 224-358-1606						
GH	_____	011-INS INSULATION					07/25/2022
	Comments1: CHRIS 224-358-1606 - SEE INSPECTION REPO						
	Comments2: RT						
JP	_____ AM	001-PHF POST HOLE - FENCE	20220269	2595 ANNA MARIA LN	723		07/06/2022
	Comments1: 630-429-6054 ALBERT, SCHEDULER'S # 915-8						
	Comments2: 92-0331 SANDRA						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	PM 003-WAT WATER	20220282	3035 GRANDE TR	530		07/06/2022
		Comments1: AL'S - 630-492-7635					
GH	_____	AM 004-BKF BACKFILL					07/07/2022
		Comments1: MIDWESTERN - 815-839-8175					
PBF	_____	005-PLU PLUMBING - UNDERSLAB					07/13/2022
		Comments1: JIM 331-223-6615					
BC	_____	PM 006-GPL GREEN PLATE INSPECTION					07/19/2022
		Comments1: JIM - 331-223-6615					
BC	_____	AM 007-GAR GARAGE FLOOR					07/18/2022
		Comments1: MIDWESTERN - 815-839-8175					
BC	_____	AM 008-BSM BASEMENT FLOOR					07/20/2022
		Comments1: MIDWESTERN 815-839-8175					
BC	_____	009-STP STOOP					07/20/2022
BC	_____	005-BSM BASEMENT FLOOR	20220291	1222 CANNONBALL TR	1		07/07/2022
PR	_____	006-RFR ROUGH FRAMING					07/20/2022
PR	_____	007-REL ROUGH ELECTRICAL					07/20/2022
PR	_____	008-RMC ROUGH MECHANICAL					07/20/2022
		Comments1: DAVE MCCUE 630-878-5792					
PR	_____	009-PLR PLUMBING - ROUGH					07/20/2022
GH	_____	010-INS INSULATION					07/25/2022
		Comments1: 630-878-5792 DAVE/MCCUE - SEE INSPECTION					
		Comments2: REPORT					
JP	_____	002-FIN FINAL INSPECTION	20220318	204 CANNONBALL TR A	17		07/26/2022
		Comments1: 630-973-7121 SUSAN					
JP	_____	AM 007-STP STOOP	20220328	1842 WREN RD	2871		07/25/2022
		Comments1: JOSE -- 630-465-1159					
JP	_____	AM 007-STP STOOP	20220329	1844 WREN RD	287-2		07/25/2022
		Comments1: JOSE 630-465-1159					
JP	_____	AM 007-STP STOOP	20220330	1846 WREN RD	287-3		07/25/2022
		Comments1: JOSE 630-465-1159					
JP	_____	AM 007-STP STOOP	20220331	1848 WREN RD	287-4		07/25/2022
		Comments1: JOSE 630-465-1159					

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____ AM	008-RFR ROUGH FRAMING	20220341	1755 MARKETVIEW DR	8		07/12/2022
	Comments1: DREW 630-849-5766						
BC	_____ AM	009-FEL FINAL ELECTRIC					07/12/2022
PR	_____ AM	010-RFR ROUGH FRAMING					07/13/2022
	Comments1: NOODLES DREW 630-849-5766						
BF	_____	002-FOU FOUNDATION	20220351	3746 BISSEL DR	131-1		07/05/2022
	Comments1: JEFF - 630-330-6705						
PR	_____ PM	003-WAT WATER					07/11/2022
	Comments1: TERRI - 847-975-2512						
GH	_____	004-BKF BACKFILL					07/20/2022
	Comments1: CHRIS 224-358-1606						
PBF	_____	005-PLU PLUMBING - UNDERSLAB					07/26/2022
	Comments1: CHRIS -- 224-358-1606						
BF	_____	002-FOU FOUNDATION	20220352	3744 BISSEL DR	131-2		07/05/2022
	Comments1: JEFF -- 630-330-6705						
PR	_____ PM	003-WAT WATER					07/11/2022
	Comments1: TERRI - 847-975-2512						
GH	_____	004-BKF BACKFILL					07/20/2022
	Comments1: CHRIS 224-358-1606						
PBF	_____	005-PLU PLUMBING - UNDERSLAB					07/26/2022
	Comments1: CHRIS -- 224-358-1606						
BF	_____	002-FOU FOUNDATION	20220353	3742 BISSEL DR	131-3		07/05/2022
	Comments1: JEFF -- 630-330-6705						
PR	_____ PM	003-WAT WATER					07/11/2022
	Comments1: TERRI - 847-975-2512						
GH	_____	004-BKF BACKFILL					07/20/2022
	Comments1: CHRIS 224-358-1606						
PBF	_____	005-PLU PLUMBING - UNDERSLAB					07/26/2022
	Comments1: CHRIS -- 224-358-1606						
BF	_____	002-FOU FOUNDATION	20220354	3738 BISSEL DR	131-4		07/05/2022
	Comments1: JEFF -- 630-330-6705						
PR	_____ PM	003-WAT WATER					07/11/2022
	Comments1: TERRI - 847-975-2512						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	004-BKF BACKFILL					07/20/2022
	Comments1: CHRIS 224-358-1606						
PBF	_____	005-PLU PLUMBING - UNDERSLAB					07/26/2022
	Comments1: CHRIS -- 224-358-1606						
BF	_____	002-FOU FOUNDATION	20220355	3736 BISSEL DR	131-5		07/05/2022
	Comments1: JEFF - 630-330-6705						
PR	_____ PM	003-WAT WATER					07/11/2022
	Comments1: TERRI - 847-975-2512						
GH	_____	004-BKF BACKFILL					07/20/2022
	Comments1: CHRIS 224-358-1606						
PBF	_____	005-PLU PLUMBING - UNDERSLAB					07/26/2022
	Comments1: CHRIS -- 224-358-1606						
PR	_____ PM	003-WAT WATER	20220356	3726 BISSEL DR	1321		07/11/2022
	Comments1: TERRI - 847-975-2512						
GH	_____	004-BKF BACKFILL					07/20/2022
	Comments1: CHRIS 224-358-1606						
PBF	_____	005-PLU PLUMBING - UNDERSLAB					07/26/2022
	Comments1: CHRIS -- 224-358-1606						
PR	_____ PM	003-WAT WATER	20220357	3728 BISSEL DR	1322		07/11/2022
	Comments1: TERRI - 847-975-2512						
GH	_____	004-BKF BACKFILL					07/20/2022
	Comments1: CHRIS 224-358-1606						
PBF	_____	005-PLU PLUMBING - UNDERSLAB					07/26/2022
	Comments1: CHRIS -- 224-358-1606						
PR	_____ PM	003-WAT WATER	20220358	3732 BISSEL DR	1323		07/11/2022
	Comments1: TERRI - 847-975-2512						
GH	_____	004-BKF BACKFILL					07/20/2022
	Comments1: CHRIS 224-358-1606						
PBF	_____	005-PLU PLUMBING - UNDERSLAB					07/26/2022
	Comments1: CHRIS -- 224-358-1606						
PR	_____ PM	003-WAT WATER	20220359	3734 BISSEL DR	1324		07/11/2022
	Comments1: TERRI - 847-975-2512						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	004-BKF BACKFILL					07/20/2022
	Comments1: CHRIS 224-358-1606						
PBF	_____	005-PLU PLUMBING - UNDERSLAB					07/26/2022
	Comments1: CHRIS -- 224-358-1606						
BC	_____	001-TRN TRENCH - (GAS, ELECTRIC,	20220366	2437 ALAN DALE LN	129		07/13/2022
	Comments1: 630-746-1534 MARKK ABOVE GROUND POOL						
BC	_____ AM	002-BND POOL BONDING					07/19/2022
	Comments1: AGP -- 630-246-1534 --						
BC	_____	003-FIN FINAL INSPECTION					07/25/2022
	Comments1: ABOVE GROUND POOL 630-746-1534 MARK						
BC	09:00	001-PPS PRE-POUR, SLAB ON GRADE	20220368	1593 CORAL DR	111		07/22/2022
	Comments1: CHRIS -- 815-482-2135						
BC	_____	002-TRN TRENCH - (GAS, ELECTRIC,					07/25/2022
BC	_____	003-PPS PRE-POUR, SLAB ON GRADE					07/28/2022
	Comments1: IGP -- CHRIS 815-482-2135						
BC	_____	004-BND POOL BONDING					07/28/2022
BC	_____	005-TRN TRENCH - (GAS, ELECTRIC,					07/28/2022
BC	_____ PM	001-REL ROUGH ELECTRICAL	20220369	1211 N BRIDGE ST			07/13/2022
	Comments1: HASAN 708-717-7710						
PR	_____	002-FEL FINAL ELECTRIC					07/20/2022
	Comments1: BRAD 630-768-7054						
GH	_____	006-BSM BASEMENT FLOOR	20220370	3059 GRANDE TR	557		07/01/2022
GH	_____	007-GAR GARAGE FLOOR					07/01/2022
GH	_____	008-STP STOOP					07/01/2022
	Comments1: FRONT & REAR						
GH	_____ PM	009-GPL GREEN PLATE INSPECTION					07/11/2022
	Comments1: JIM 331-223-6615						
GH	_____ AM	001-FTG FOOTING	20220371	3083 GRANDE TR	552		07/27/2022
	Comments1: MIDWESTERN 815-839-8175 -- SEE INSPECTIO						
	Comments2: N REPORT						
BC	_____ PM	002-FOU FOUNDATION					07/28/2022
	Comments1: MIDWESTERN 815-839-8175						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	AM 001-FTG FOOTING	20220372	3062 GRANDE TR	542		07/21/2022
	Comments1: MIDWESTERN 815-839-8175						
BC	_____	AM 002-FOU FOUNDATION					07/22/2022
	Comments1: MIDWESTERN 815-839-8175						
GH	_____	PM 003-BKF BACKFILL					07/28/2022
	Comments1: MIDWESTERN 815-839-8175 -- SEE INSPECTIO						
	Comments2: N REPORT						
PBF	_____	AM 004-ESW ENGINEERING - SEWER / WAT				07/29/2022	
	Comments1: LOUISE -- 630-492-7635						
GH	_____	AM 005-BKF BACKFILL				07/29/2022	
	Comments1: MIDWESTERN 815-839-8175						
JP	_____	001-FIN FINAL INSPECTION	20220375	921 GILLESPIE LN	112		07/20/2022
	Comments1: PAVER PATIO -- PAULA 630-479-5268						
BC	12:00	003-FOU FOUNDATION	20220380	1192 TAUS CIR	123		07/01/2022
	Comments1: JOHN 630-546-8057						
GH	_____	AM 004-BKF BACKFILL					07/11/2022
	Comments1: JOHN 630-546-8057						
PR	_____	AM 005-PLU PLUMBING - UNDERSLAB					07/14/2022
	Comments1: CLAYON 630-236-3678						
JP	_____	AM 001-PHD POST HOLE - DECK	20220397	742 GREENFIELD TURN	103		07/12/2022
	Comments1: JOHN 630-746-1315 -- SEE INSPECTION REPO						
	Comments2: RT						
BC	_____	001-FIN FINAL INSPECTION	20220398	1004 STATE ST			07/07/2022
	Comments1: WINDOWS 603-521-0444 SAMANTHA						
PBF	_____	005-PLU PLUMBING - UNDERSLAB	20220400	642 ASHWORTH LN	526		07/11/2022
	Comments1: 847-456-8082 JEFF LENNAR						
BC	_____	AM 001-FTG FOOTING	20220402	665 BRAEMORE LN	528		07/25/2022
	Comments1: JUAN - 847-551-9066						
PBF	_____	PM 002-ESW ENGINEERING - SEWER / WAT					07/26/2022
	Comments1: CATHY 630-387-2001						
GH	_____	003-BKF BACKFILL	20220403	538 BRAEMORE LN	536		07/01/2022
	Comments1: COMEX 847-551-9066						
PBF	_____	004-PLU PLUMBING - UNDERSLAB					07/15/2022
	Comments1: JEFF -- 847-456-8082						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PBF	_____	PM 005-ESW ENGINEERING - SEWER / WAT					07/26/2022
	Comments1: CATHY 630-387-2001						
GH	_____	003-BKF BACKFILL	20220404	668 BRAEMORE LN	539		07/01/2022
	Comments1: COMEX 847-551-9066						
PBF	_____	PM 004-ESW ENGINEERING - SEWER / WAT					07/26/2022
	Comments1: CATHY 630-387-2001						
GH	_____	AM 001-FTG FOOTING	20220406	2456 RICHMOND AVE	483		07/08/2022
	Comments1: JUAN 847-551-9066						
BC	_____	PM 002-FOU FOUNDATION					07/11/2022
	Comments1: JUAN 847-551-9066						
BC	_____	AM 003-BKF BACKFILL					07/18/2022
	Comments1: JUAN - 847-551-9066						
PBF	_____	PM 004-ESW ENGINEERING - SEWER / WAT				07/27/2022	
	Comments1: CATHY 630-387-2001						
PBF	_____	005-PLU PLUMBING - UNDERSLAB	20220407	2451 FAIRFIELD AVE	488		07/15/2022
	Comments1: JEFF 847-456-8082						
GH	_____	AM 006-BSM BASEMENT FLOOR					07/20/2022
	Comments1: -- 847-551-9066 -- SEE INSPECTION REPOR						
	Comments2: T						
GH	_____	AM 007-GAR GARAGE FLOOR					07/20/2022
	Comments1: JUAN 847-551-9066						
GH	_____	AM 001-FTG FOOTING	20220408	2294 RICHMOND AVE	476		07/11/2022
	Comments1: NEED SOIL REPORT FOR NE CORNER						
BC	_____	002-FOU FOUNDATION					07/13/2022
	Comments1: JUAN - 847-551-9066						
BC	_____	AM 003-BKF BACKFILL					07/18/2022
	Comments1: JUAN - 847-551-9066 -- BRACE BEFORE BACK						
	Comments2: FILL						
PBF	_____	PM 004-ESW ENGINEERING - SEWER / WAT				07/27/2022	
	Comments1: CATHY 630-387-2001						
PBF	_____	AM 006-PLU PLUMBING - UNDERSLAB	20220409	648 BRAEMORE LN	538		07/12/2022
	Comments1: JEFF -- 847-456-8082						
GH	_____	AM 007-BSM BASEMENT FLOOR					07/20/2022
	Comments1: JUAN 847-551-9066						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	AM 008-GAR GARAGE FLOOR					07/20/2022
		Comments1: JUAN 847-551-9066 -- SEE INSPECTION REPO					
		Comments2: RT					
PR	_____	AM 006-FIN FINAL INSPECTION	20220415	2851 ALDEN AVE	288		07/11/2022
		Comments1: JOSE 224-428-4879					
PR	_____	AM 007-FEL FINAL ELECTRIC					07/11/2022
PR	_____	AM 008-FMC FINAL MECHANICAL					07/11/2022
PR	_____	AM 009-PLF PLUMBING - FINAL OSR READ					07/11/2022
BC	_____	002-FIN FINAL INSPECTION	20220429	386 SUTTON ST	223		07/11/2022
		Comments1: CHRIS 630-330-8038					
GH	_____	001-FIN FINAL INSPECTION	20220439	889 GILLESPIE LN	120		07/27/2022
		Comments1: RODOLFO 630-201-6581 PAVER PATIO					
GH	_____	001-FIN FINAL INSPECTION	20220440	907 GILLESPIE LN	115		07/27/2022
		Comments1: RODOLFO 630-201-6581 PAVER PATIO					
JP	_____	002-FIN FINAL INSPECTION	20220450	404 W VAN EMMON ST			07/15/2022
		Comments1: FENCE -- MONICA 630-327-7066					
BC	_____	007-ROF ROOF UNDERLAYMENT ICE & W	20220457	2968 OLD GLORY DR	263		07/08/2022
		Comments1: AARON					
PR	_____	AM 008-RFR ROUGH FRAMING					07/22/2022
		Comments1: CARMELLA -- 630-364-0224					
PR	_____	009-REL ROUGH ELECTRICAL					07/22/2022
PR	_____	010-RMC ROUGH MECHANICAL					07/22/2022
PR	_____	011-PLR PLUMBING - ROUGH					07/22/2022
PR	_____	AM 012-PPS PRE-POUR, SLAB ON GRADE					07/20/2022
		Comments1: CLEAN EDGE 630-364-0224					
GH	_____	AM 013-INS INSULATION					07/25/2022
		Comments1: SEE INSPECTION REPORT - 630-364-0224 CLE					
		Comments2: AN EDGE					
PR	_____	AM 001-ELU ELECTRICAL - UNDERSLAB	20220460	500 PARKSIDE LN			07/20/2022
		Comments1: RAINTREE CLUBHOUSE -- DEVON -- 815-693-1					
		Comments2: 935					

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF	_____	PM 001-FIN FINAL INSPECTION	20220468	2194 MEADOWVIEW LN	15		07/26/2022
	Comments1: SOLAR -- ANDREW 414-369-8258						
BF	_____	PM 002-FEL FINAL ELECTRIC					07/26/2022
JP	_____	PM 001-PPS PRE-POUR, SLAB ON GRADE	20220471	1104 HAMPTON LN	260		07/01/2022
	Comments1: PATIO LAFFEY 630-688-4528						
BC	_____	004-FIN FINAL INSPECTION	20220480	2623 MCLELLAN BLVD	44		07/12/2022
	Comments1: PERGOLA WITH ELEC 630-220-8758 DEREK (HO						
	Comments2: MEOWNER MIKE KANE)						
BC	_____	AM 001-RFR ROUGH FRAMING	20220482	2508 LYMAN LOOP	75		07/27/2022
	Comments1: DECK -- DAN 630-946-7486						
GH	_____	001-FIN FINAL INSPECTION	20220499	1112 CARLY DR	26		07/13/2022
	Comments1: PAVERS 630-806-0915 HECTOR YORKVILLE HIL						
	Comments2: L						
JP	_____	AM 004-FIN FINAL INSPECTION	20220512	594 W BARBERRY CIR	58		07/06/2022
	Comments1: DAVE 779-301-0553 -- FENCE INCOMPLETE -						
	Comments2: POSTS SHOULD BE STABILIZED.						
JP	_____	005-FIN FINAL INSPECTION					07/07/2022
	Comments1: SEE INSPECTION REPORT -- SEVERAL DENTS A						
	Comments2: ND SCRATCHES ON VINYL						
GH	_____	AM 006-BSM BASEMENT FLOOR	20220519	2805 BERRYWOOD LN	798		07/07/2022
	Comments1: JOSE 630-465-1159						
GH	_____	AM 007-GAR GARAGE FLOOR					07/07/2022
GH	_____	008-GPL GREEN PLATE INSPECTION					07/07/2022
	Comments1: MISSING 2-GARAGE WALL						
GH	_____	006-GPL GREEN PLATE INSPECTION	20220520	2801 BERRYWOOD LN	797		07/07/2022
BF	_____	007-PPS PRE-POUR, SLAB ON GRADE					07/13/2022
	Comments1: SLAB & GARAGE -- CHRIS 224-358-1606						
GH	_____	008-GPL GREEN PLATE INSPECTION				07/29/2022	
	Comments1: CHRIS 224-358-1606						
BF	_____	006-PPS PRE-POUR, SLAB ON GRADE	20220521	2797 BERRYWOOD LN	796		07/13/2022
	Comments1: SLAB & GARAGE -- CHRIS 224-358-1606						
GH	_____	007-GPL GREEN PLATE INSPECTION				07/29/2022	
	Comments1: CHRIS 224-358-1606						

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	005-PPS PRE-POUR, SLAB ON GRADE	20220522	3352 SEELEY ST	727		07/06/2022
	Comments1: CHRIS -- 224-358-1606						
GH	_____	006-GAR GARAGE FLOOR					07/06/2022
GH	_____	007-STP STOOP					07/06/2022
BC	_____	001-BND POOL BONDING	20220536	2742 PHELPS CT	270		07/12/2022
	Comments1: GREG ABOVE GROUND POOL 815-329-0661 RECE						
	Comments2: PTICAL MUST BE A MINIMUM OF 6' FROM POOL						
BC	_____ AM	002-FIN FINAL INSPECTION					07/15/2022
	Comments1: TRENCH - BOND -- GREG -- 815-329-0661						
BC	_____ AM	002-RFR ROUGH FRAMING	20220538	2361 IROQUOIS LN	11		07/27/2022
	Comments1: PERGOLA FRAMING CYNTHIA 630-659-4306						
JP	11:00	001-PHF POST HOLE - FENCE	20220543	3465 RYAN DR	4		07/07/2022
	Comments1: MIKE -- 630-406-8410.EXT 208						
BC	_____	002-BND POOL BONDING	20220547	2709 GOLDENROD DR	243		07/01/2022
	Comments1: VICKI 630-300-8404						
BC	_____	003-FIN FINAL INSPECTION					07/01/2022
	Comments1: AGP						
BC	_____	001-FIN FINAL INSPECTION	20220552	599 BLUESTEM DR	20	07/29/2022	
	Comments1: WINDOWS 603-521-0444 SAMANTHA/HOME DEPOT						
JP	_____ AM	001-PHD POST HOLE - DECK	20220555	407 BRUELL ST			07/21/2022
	Comments1: 8-830 -- JIM 815-712-6086						
BC	_____ AM	002-RFR ROUGH FRAMING					07/26/2022
	Comments1: JIM 815-712-6086						
JP	_____	001-FIN FINAL INSPECTION	20220557	3975 SHOEGER DR	36	07/29/2022	
	Comments1: PAVER PATIO -- KIRT 630-878-6457						
BC	_____	004-FIN FINAL INSPECTION	20220586	567 COACH RD	416		07/01/2022
	Comments1: SEE INSPECTION REPORT						
BC	_____ AM	005-REI REINSPECTION					07/11/2022
	Comments1: CONNOR 630-364-8848						
JP	_____	001-PHF POST HOLE - FENCE	20220589	1958 SUNNY DELL COURT	96		07/20/2022
	Comments1: 11-12 MIKE -- 630-406-8410, EX 208						
BC	_____ AM	001-FIN FINAL INSPECTION	20220595	481 E COUNTRYSIDE PKWY			07/21/2022
	Comments1: SIGN -- DIANA -- 630-543-9490, EX 23						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	AM 001-FIN FINAL INSPECTION	20220596	481 E COUNTRYSIDE PKWY			07/21/2022
	Comments1: SIGN -- DIANA -- 630-543-9490, EXT 23						
BC	_____	AM 001-FIN FINAL INSPECTION	20220597	481 E COUNTRYSIDE PKWY			07/21/2022
	Comments1: SIGN -- DIANA 630-543-9490, EX23						
BF	_____	AM 001-FIN FINAL INSPECTION	20220601	2036 WREN RD	31		07/14/2022
	Comments1: SOLAR -- EDDIE 801-837-4586						
BF	_____	AM 002-FEL FINAL ELECTRIC					07/14/2022
BC	_____	AM 001-TRN TRENCH - (GAS, ELECTRIC,	20220604	2372 WINTERTHUR GREEN	183		07/14/2022
	Comments1: TONY 630-270-9099						
BC	_____	AM 002-ELE ELECTRIC SERVICE					07/14/2022
BC	_____	AM 003-BND POOL BONDING					07/22/2022
	Comments1: TONY 630-270-9099						
BC	_____	AM 004-FIN FINAL INSPECTION					07/22/2022
	Comments1: TONY 630-270-9099						
BF	_____	AM 001-FIN FINAL INSPECTION	20220609	2061 WHITEKIRK LN	79		07/06/2022
	Comments1: SOLAR -- EDDIE 801-837-4526						
BF	_____	AM 002-FEL FINAL ELECTRIC					07/06/2022
PR	_____	AM 001-PLF PLUMBING - FINAL OSR READ	20220610	618 GREENFIELD TURN	88		07/01/2022
	Comments1: JENNIFER 941-812-3507 PLUMBING REMODEL						
JP	_____	001-FIN FINAL INSPECTION	20220614	2861 ALDEN AVE	290		07/21/2022
	Comments1: PAVER PATIO -- CLAY 314-791-1577						
JP	12:00	001-PHF POST HOLE - FENCE	20220616	2295 HOBBS LN	157		07/20/2022
	Comments1: ALEX 708-8403211						
BC	_____	001-TRN TRENCH - (GAS, ELECTRIC,	20220622	1622 COTTONWOOD TR	22		07/08/2022
	Comments1: AGP -- RYAN -- 630-450-5380						
BC	_____	002-FIN FINAL INSPECTION					07/13/2022
	Comments1: AGP -- RYAN 630-450-5380						
BC	_____	003-BND POOL BONDING					07/13/2022
JP	_____	002-FIN FINAL INSPECTION	20220623	610 STATE ST	7		07/13/2022
	Comments1: FENCE DAISY 708-548-2780						
GH	_____	AM 001-FIN FINAL INSPECTION	20220628	1387 SLATE DR	335		07/14/2022
	Comments1: PAVERS - NANCY 210-334-1728						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BH	_____ AM	001-FTG FOOTING	20220635	508 CENTER PKWY	6B		07/13/2022
	Comments1: FRANK - 630-744-9477						
BH	_____	002-FOU FOUNDATION					07/13/2022
	Comments1: BURNT BARREL ADDITION 630-744-9477 FRANK						
	Comments2: WILLMAN						
BH	_____	003-BKF BACKFILL					07/15/2022
	Comments1: BURNT BARREL ADDITION 630-744-9477 FRANK						
	Comments2: WILLMAN						
BH	_____	004-PPS PRE-POUR, SLAB ON GRADE					07/15/2022
	Comments1: SLAB --630-744-9477 FRANK						
PR	_____	005-FIN FINAL INSPECTION	20220640	1213 DEER ST	2	07/13/2022	
	Comments1: MIC -- 630-330-3682						
PR	_____	006-FEL FINAL ELECTRIC				07/13/2022	
PR	_____	007-PLF PLUMBING - FINAL OSR READ				07/13/2022	
PR	_____	008-FIN FINAL INSPECTION				07/29/2022	
	Comments1: (((CANCELLED)))						
PR	_____	009-FEL FINAL ELECTRIC				07/29/2022	
	Comments1: (((CANCELLED)))						
PR	_____	010-PLF PLUMBING - FINAL OSR READ				07/29/2022	
	Comments1: 630-330-3683 TIFFANY/RESTORE INV. ((((CA						
	Comments2: NCELLED)))						
JP	10:00	001-PHF POST HOLE - FENCE	20220643	2831 ALDEN AVE	284		07/06/2022
	Comments1: AM BACKYARD 815-834-1200 MONICA						
BF	_____ AM	001-FIN FINAL INSPECTION	20220644	2078 WHITEKIRK LN	98		07/14/2022
	Comments1: SOLAR -- EDDIE 801-837-4586						
BF	_____ AM	002-FEL FINAL ELECTRIC					07/14/2022
BF	_____ AM	001-FIN FINAL INSPECTION	20220663	1942 WREN RD	5		07/06/2022
	Comments1: SOLAR -- EDDIE 801-837-4526						
BF	_____ AM	002-FEL FINAL ELECTRIC					07/06/2022
GH	09:00	004-FEL FINAL ELECTRIC	20220667	2645 N BRIDGE ST			07/22/2022
JP	_____ AM	001-FIN FINAL INSPECTION	20220668	535 COACH RD	413		07/25/2022
	Comments1: PATIO BRIAN 708-308-2126						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
JP	11:30	001-PHF POST HOLE - FENCE	20220670	70 TRILLIUM CT			07/15/2022
		Comments1: PEERLESS FENCE/DON 630-774-9234					
JP	_____	002-FIN FINAL INSPECTION					07/19/2022
		Comments1: FENCE TRACY 331-441-9101 DO NOT KNOCK					
BC	_____ PM	001-PPS PRE-POUR, SLAB ON GRADE	20220676	1771 CALLANDER TR	67		07/15/2022
		Comments1: PATIO 630-330-7580 CHUY/PUEBLO					
JP	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220684	512 FAIRHAVEN DR	52		07/07/2022
		Comments1: 815-630-4279 -- FLATTEN ICE & WATER ON R					
		Comments2: EAR LOWER ROOF					
JP	_____	002-FIN FINAL INSPECTION					07/11/2022
		Comments1: ROOF 815-630-4279 SAVAGE ROOFING					
JP	11:00	001-PHF POST HOLE - FENCE	20220685	2075 KINGSMILL CT	153		07/12/2022
		Comments1: CARLA 815-460-3449 -- SEE INSPECTION REP					
		Comments2: ORT					
JP	_____	002-FIN FINAL INSPECTION	20220686	509 W DOLPH ST			07/11/2022
		Comments1: FENCE -- ADAM 630-297-3572					
JP	08:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220687	88 CROOKED CREEK DR	10		07/27/2022
		Comments1: DANA 630-552-9144					
PR	_____	001-RFR ROUGH FRAMING	20220688	2953 OLD GLORY DR	256		07/19/2022
		Comments1: KITCHEN RENO AM KITCHEN & BATH 630-933-9					
		Comments2: 323					
PR	_____	002-REL ROUGH ELECTRICAL					07/19/2022
PR	_____	003-PLR PLUMBING - ROUGH					07/19/2022
JP	11:00	001-PHF POST HOLE - FENCE	20220690	2384 SUMAC DR	50		07/28/2022
		Comments1: GABRIEL 630-406-8410, X 202					
BF	_____ AM	001-FIN FINAL INSPECTION	20220691	2465 EMERALD LN	117		07/12/2022
		Comments1: SOLAR -- JOSH 512-619-5854 -- NO ONE AT					
		Comments2: SITE					
BF	_____ AM	002-FEL FINAL ELECTRIC					07/12/2022
		Comments1: NO ONE AT SITE					
BF	_____ AM	005-FIN FINAL INSPECTION					07/21/2022
		Comments1: SHANNON 224-619-7216 TRON SOLAR					
BF	_____ AM	006-FEL FINAL ELECTRIC					07/21/2022

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
JP	11:00	001-PHF POST HOLE - FENCE	20220694	568 MANCHESTER LN	386		07/27/2022
	Comments1: AMERICAS BACKYARD -- 331-452-2271						
GH	_____	AM 001-PPS PRE-POUR, SLAB ON GRADE	20220700	774 ARROWHEAD DR	16		07/11/2022
	Comments1: MARTHA 630-659-4298 -- SEE INSPECTION RE						
	Comments2: PORT						
JP	11:00	001-PHF POST HOLE - FENCE	20220702	2948 ELLSWORTH DR	363		07/27/2022
	Comments1: PERLA						
JP	_____	AM 001-PHD POST HOLE - DECK	20220706	467 SUTTON ST	209		07/15/2022
	Comments1: SCOTT 847-858-1773						
JP	_____	AM 001-PPS PRE-POUR, SLAB ON GRADE	20220709	4449 E MILLBROOK CIR	226		07/01/2022
	Comments1: PATIO 630-865-9503 VICTOR						
BC	_____	001-FIN FINAL INSPECTION	20220717	213 W ELIZABETH ST			07/19/2022
	Comments1: ELECTRIC CAR CHARGING STATION -- CAILEAN						
	Comments2: - 661-316-9172						
JP	_____	001-MIS MISCELLANEOUS	20220722	903 MCHUGH RD			07/06/2022
	Comments1: SIDING -- ANGEL -- 630-688-5671						
BF	_____	001-FIN FINAL INSPECTION	20220723	2102 WHITEKIRK LN	104		07/18/2022
	Comments1: 801*837-4586 SOLAR EDDY SUNRUN						
BF	_____	AM 002-FEL FINAL ELECTRIC					07/18/2022
JP	_____	AM 001-PPS PRE-POUR, SLAB ON GRADE	20220725	111 E ORANGE ST			07/07/2022
	Comments1: PATIO -- GRANT 630-465-6655						
JP	_____	002-STP STOOP					07/07/2022
BC	_____	AM 001-REL ROUGH ELECTRICAL	20220727	106 BEAVER ST			07/27/2022
	Comments1: VERN 630-987-1670						
PR	_____	AM 005-FIN FINAL INSPECTION	20220729	2078 ABERDEEN CT	103		07/15/2022
	Comments1: CHRIS - 630-688-0331						
PR	_____	AM 006-FEL FINAL ELECTRIC					07/15/2022
PR	_____	AM 007-PLF PLUMBING - FINAL OSR READ					07/15/2022
PR	_____	AM 002-FIN FINAL INSPECTION	20220734	26 GAWNE LN			07/07/2022
	Comments1: DECK -- CARMELLA 630-364-0224						
BF	_____	PM 001-FTG FOOTING	20220738	3082 GRANDE TR	546		07/12/2022
	Comments1: 815-839-8175 MIDWEST						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	AM 002-FOU FOUNDATION					07/14/2022
	Comments1: MIDWESTERN - 815-839-8175						
GH	_____	AM 003-BKF BACKFILL					07/21/2022
	Comments1: MIDWESTERN - 815-839-8175 -- SEE INSPECT						
	Comments2: ION REPORT						
PBF	_____	PM 004-WAT WATER					07/22/2022
	Comments1: LOUISE -- 630-492-7635						
PBF	_____	005-PLU PLUMBING - UNDERSLAB					07/27/2022
	Comments1: JIM 331-223-6615						
BC	_____	AM 001-FTG FOOTING	20220739	2810 BERRYWOOD LN	826		07/08/2022
	Comments1: JESUS 630-453-9281						
BC	_____	AM 002-FOU FOUNDATION					07/13/2022
	Comments1: JESUS 630-453-9281						
PBF	_____	PM 003-WAT WATER					07/25/2022
	Comments1: HOLIDAY SEWER - 847-975-2512						
GH	_____	004-GPL GREEN PLATE INSPECTION				07/29/2022	
	Comments1: CHRIS 224-358-1606						
BC	_____	AM 001-FTG FOOTING	20220740	3348 SEELEY ST	728		07/08/2022
	Comments1: JESUS 630-453-9281						
BF	_____	AM 002-FOU FOUNDATION					07/12/2022
	Comments1: JESUS 630-453-9281						
PBF	_____	003-WAT WATER					07/15/2022
	Comments1: TERRI -- 847-975-2512						
GH	_____	004-GPL GREEN PLATE INSPECTION				07/29/2022	
BC	_____	AM 001-FTG FOOTING	20220741	3344 SEELEY ST	729		07/08/2022
	Comments1: JESUS 630-453-9281						
BF	_____	AM 002-FOU FOUNDATION					07/12/2022
	Comments1: JESUS -630-453-9281						
PBF	_____	003-WAT WATER					07/15/2022
	Comments1: TERRI - 847-975-2512						
GH	_____	004-GPL GREEN PLATE INSPECTION				07/29/2022	
	Comments1: CHRIS 224-358-1606						

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____ AM	001-FTG FOOTING	20220742	3340 SEELEY ST	730		07/08/2022
	Comments1: UPLAND -- 630-453-9281						
BC	_____ AM	002-FOU FOUNDATION					07/13/2022
	Comments1: JESUS 630-453-9281						
PBF	_____	003-WAT WATER					07/15/2022
	Comments1: TERRI - 847-975-2512						
GH	_____	004-GPL GREEN PLATE INSPECTION				07/29/2022	
	Comments1: CHRIS 224-358-1606						
BC	_____	001-FTG FOOTING	20220743	2687 SEELEY ST	825		07/06/2022
BC	_____	002-FOU FOUNDATION					07/11/2022
	Comments1: JEFF 630-330-6705						
GH	_____	003-BKF BACKFILL					07/15/2022
	Comments1: CHRIS - 224-358-1606						
PBF	_____ PM	004-WSS WATER & STORM SEWER					07/25/2022
	Comments1: HOLIDAY SEWER - 847-975-2512						
BF	_____ AM	001-FIN FINAL INSPECTION	20220744	2079 DUNBAR CT	90		07/14/2022
	Comments1: 1ST SOLAR -- PLEASE -- EDDIE 801-837-458						
	Comments2: 6						
BF	_____ AM	002-FEL FINAL ELECTRIC					07/14/2022
BF	_____ AM	001-FIN FINAL INSPECTION	20220745	2048 WHITEKIRK LN			07/14/2022
	Comments1: SOLAR -- EDDIE 801-837-4586						
BF	_____ AM	002-FEL FINAL ELECTRIC					07/14/2022
GH	11:00	002-ROF ROOF UNDERLAYMENT ICE & W	20220746	406 WOODWORTH ST			07/05/2022
	Comments1: PENNY 630-882-9244						
JP	_____	003-FIN FINAL INSPECTION					07/11/2022
	Comments1: FINAL ROOF -- PENNY 630-882-9244 -- SENT						
	Comments2: PICS AFTER INSPECTION						
JP	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220748	864 WESTERN LN	87		07/27/2022
	Comments1: A&B 815+786-3100						
JP	_____ AM	001-PPS PRE-POUR, SLAB ON GRADE	20220749	701 WINDETT RIDGE RD	84		07/20/2022
	Comments1: PATIO 630-862-8053 JOHN/CEMENTRIX						
JP	_____	002-FIN FINAL INSPECTION	20220754	831 HAMPTON LANE	129		07/15/2022
	Comments1: ROOF -- AUSTIN 815-280-8501						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
JP	_____ AM	001-PHD POST HOLE - DECK	20220756	1401 SEQUOIA CIR			07/01/2022
	Comments1: 630-327-1313						
BC	_____ AM	002-RFR ROUGH FRAMING					07/21/2022
	Comments1: DAVE -- 630-327-2339						
BF	_____ AM	001-FIN FINAL INSPECTION	20220759	1523 MONTROSE CT	10		07/26/2022
	Comments1: SOLAR -- EDDIE, 804-837-4586						
BF	_____ AM	002-FEL FINAL ELECTRIC					07/26/2022
BC	_____	001-BND POOL BONDING	20220760	2342 IROQUOIS LN	27		07/15/2022
	Comments1: ABOVE GROUND POOL MAL & RYAN						
BC	_____	002-TRN TRENCH - (GAS, ELECTRIC,					07/15/2022
BC	_____	003-REL ROUGH ELECTRICAL					07/15/2022
BC	_____	004-BND POOL BONDING					07/20/2022
BC	_____	005-FIN FINAL INSPECTION					07/20/2022
	Comments1: FINAL POOL						
BF	_____ AM	001-FIN FINAL INSPECTION	20220761	2184 BURR CT	9	07/29/2022	
	Comments1: SOLAR -- KEITH 630-362-5980						
BF	_____ AM	002-FEL FINAL ELECTRIC				07/29/2022	
	Comments1: SOLAR						
BC	_____	001-FTG FOOTING	20220766	1924 CONEFLOWER CT	146		07/01/2022
	Comments1: CARMELLA -- 630-364-0224						
PR	_____	002-FIN FINAL INSPECTION					07/25/2022
	Comments1: DECK 630-364-0224 CLEAN EDGE						
JP	09:00 AM	001-ROF ROOF UNDERLAYMENT ICE & W	20220768	2849 OLD GLORY DR	239		07/28/2022
	Comments1: 9:30 AM MATT 773-829-2777						
JP	_____ AM	001-PHF POST HOLE - FENCE	20220775	553 W BARBERRY CIR	46		07/16/2022
	Comments1: EARLY -- JENNY 630-551-3400 -- SENT PICT						
	Comments2: URES						
JP	_____	001-PHD POST HOLE - DECK	20220777	3252 LAUREN DR	119		07/20/2022
	Comments1: CARLOS 312-818-8181						
BC	_____ PM	002-RFR ROUGH FRAMING					07/25/2022
	Comments1: DECK 312-818-8181 CARLOS LEON						

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____ AM	001-PPS PRE-POUR, SLAB ON GRADE	20220780	2762 HOBBS CT	149		07/27/2022
	Comments1: GUS G&T 331-717-8254						
JP	11:30	001-PHF POST HOLE - FENCE	20220782	2062 SQUIRE CIR	187		07/14/2022
	Comments1: AMERICAS BACKYARD 815-834-1200 ADRIANNA						
BC	_____ AM	001-BND POOL BONDING	20220786	323 FONTANA DR	58		07/21/2022
	Comments1: MARVA - 630-440-5200						
BC	_____ AM	002-TRN TRENCH - (GAS, ELECTRIC,					07/21/2022
JP	13:00	001-PHF POST HOLE - FENCE	20220787	2243 FAIRFAX WAY	377		07/12/2022
	Comments1: CARLA 815-460-3449						
JP	_____ AM	001-PPS PRE-POUR, SLAB ON GRADE	20220788	3291 LAUREN DR	81		07/12/2022
	Comments1: PATIO& WALK 630-725-6206 ILSE -- NEED A						
	Comments2: DDITIONAL PINNING SOUTH OF STOOP						
BF	_____ AM	001-FIN FINAL INSPECTION	20220789	2339 TITUS DR	256		07/13/2022
	Comments1: SOLAR --- SAM -- 331-442-9476						
BF	_____ AM	002-FEL FINAL ELECTRIC					07/13/2022
BF	_____ AM	001-FIN FINAL INSPECTION	20220791	1971 WREN RD	20		07/18/2022
	Comments1: 801*837-4586 SOLAR EDDY						
BF	_____ AM	002-FEL FINAL ELECTRIC					07/18/2022
JP	_____	001-PHF POST HOLE - FENCE	20220793	1849 ASTER DR	96		07/01/2022
	Comments1: 630-330-8362 APRIL						
BC	_____	001-TRN TRENCH - (GAS, ELECTRIC,	20220794	701 GREENFIELD TURN	69		07/13/2022
	Comments1: AGP MICHAEL 630-306-1110						
BC	_____	002-BND POOL BONDING					07/13/2022
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220796	203 CENTER PKWY	19		07/05/2022
	Comments1: JASON 331-575-7705						
TS	_____ PM	001-SEW SEWER INSPECTION	20220797	107 E PARK ST	10		07/14/2022
	Comments1: JENEA -- 815-981-3794						
GH	_____	001-PPS PRE-POUR, SLAB ON GRADE	20220798	2622 BURR ST	14		07/06/2022
	Comments1: KURTIS 630-251-2192 -- SEE INSPECTION RE						
	Comments2: PORT						
GH	_____ AM	001-PPS PRE-POUR, SLAB ON GRADE	20220800	2501 ANNA MARIA LN	712		07/13/2022
	Comments1: PTO + SHED PAD-- LAFFEY CONC 630-688-452						
	Comments2: 8						

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
JP	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220801	231 BARRETT DR UNITS A		07/14/2022	
	Comments1: CARRIE - 630-844-2553, EX 103						
JP	11:00	002-ROF ROOF UNDERLAYMENT ICE & W				07/15/2022	
	Comments1: CARRIE - 630-844-2553, EX 103						
JP	_____	003-FIN FINAL INSPECTION					07/22/2022
	Comments1: ROOF -- CARRIE - 630-844-2553, X 103 --						
	Comments2: UNIT D, A , DRIP EDGE @FRONT AND BACK						
JP	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220802	241 BARRETT DR, UNITS A-D		07/13/2022	
	Comments1: CARRIE - 630-844-2553, EX 103						
JP	11:00	002-ROF ROOF UNDERLAYMENT ICE & W					07/14/2022
	Comments1: CARRIE - 630-844-2553, EX 103						
JP	_____	003-FIN FINAL INSPECTION					07/22/2022
	Comments1: ROOF -- CARRIE 630-844-2553, X103						
JP	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220803	261 BARRETT DR, UNITS A-		07/11/2022	
	Comments1: CARRIE - 630-844-2553, EX 103 (((CANCELL						
	Comments2: ED)))						
JP	11:00	002-ROF ROOF UNDERLAYMENT ICE & W					07/12/2022
	Comments1: CARRIE - 630-844-2553, EX 103						
JP	_____	003-FIN FINAL INSPECTION					07/22/2022
	Comments1: ROOF -- CARRIE - 630-844-2553, X 103						
JP	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220804	201 BARRETT DR UNITS A-D			07/20/2022
	Comments1: CARRIE - 630-844-2553 X103						
JP	11:00	002-ROF ROOF UNDERLAYMENT ICE & W					07/21/2022
	Comments1: CARRIE - 630-844-2553 X 103 -- SEE INSPE						
	Comments2: CTION REPORT						
JP	_____	001-ROF ROOF UNDERLAYMENT ICE & W	20220805	211 BARRETT DR, UNITS A-D			07/18/2022
	Comments1: SENDING PICTURES -- CARRIE - 630-844-255						
	Comments2: 3 X103						
JP	11:00	002-ROF ROOF UNDERLAYMENT ICE & W					07/19/2022
	Comments1: CARRIE - 630-844-2553 X103						
JP	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220806	202 PORTAGE LN, UNITS A-D		07/11/2022	
	Comments1: CARRIE - 630-844-2553, EX 103 (((((CANCE						
	Comments2: LLED))))						
JP	11:00	002-ROF ROOF UNDERLAYMENT ICE & W					07/12/2022
	Comments1: CARRIE - 630-844-2553, EX 103 --C AND D						
	Comments2: ONLY						

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
JP	11:00	003-ROF ROOF UNDERLAYMENT ICE & W					07/13/2022
		Comments1: CARRIE -- 630-844-2553, EX 103					
JP	_____	004-FIN FINAL INSPECTION					07/22/2022
		Comments1: ROOF -- CARRIE 630-844-2553, EXT 103					
GH	_____ AM	001-FIN FINAL INSPECTION	20220807	1931 WREN RD	16		07/27/2022
		Comments1: PAVER PATIO - CARLOS - 630-815-1221 FIRE					
		Comments2: PIT 19FT TO CENTER, NOT 20FT FROM HOUSE					
JP	11:00	002-ROF ROOF UNDERLAYMENT ICE & W	20220808	181 WILLOUGHBY CT, UNITS		07/29/2022	
		Comments1: CARRIE - 630-844-2553, X 103					
JP	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220812	309 WALTER ST			07/01/2022
		Comments1: TTLC 815-205-1500 X 4004 AUSTIN					
JP	_____	002-FIN FINAL INSPECTION					07/15/2022
		Comments1: ROOF -- AUSTIN 815-205-1500					
JP	_____	001-ROF ROOF UNDERLAYMENT ICE & W	20220813	1104 HAMPTON LN	260		07/07/2022
		Comments1: SHERRIE -- 630-822-8238 -- NEED PICS OF					
		Comments2: FRONT OF TOWNHOME					
JP	_____	002-FIN FINAL INSPECTION					07/11/2022
		Comments1: ROOF					
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220814	205 E SOMONAUK ST	1		07/05/2022
		Comments1: JOSEPH JAMES 773-510-0955 ANNA					
JP	_____ PM	002-FIN FINAL INSPECTION					07/14/2022
		Comments1: ROOF - PENNY 630-882-9244- SEE INSPECTIO					
		Comments2: N REPORT					
JP	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220815	191 WILLOUGHBY CR	A-D		07/25/2022
		Comments1: CARRIE -- 630-844-2553 X 103					
JP	11:00	002-ROF ROOF UNDERLAYMENT ICE & W					07/26/2022
		Comments1: CARRIE- 630-844-2553 X 103					
BC	_____ AM	001-FTG FOOTING	20220816	2437 FAIRFIELD AVE	489		07/25/2022
		Comments1: JUAN 847-551-9066					
BC	_____ AM	002-FOU FOUNDATION				07/29/2022	
		Comments1: OSCAR 847-551-9066					
JP	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220818	404 W WASHINGTON ST		07/06/2022	
		Comments1: CANCELLED					

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
JP	11:00	002-ROF ROOF UNDERLAYMENT ICE & W					07/07/2022
BF	_____ AM	001-FIN FINAL INSPECTION	20220821	1742 CALLANDER TR	60		07/26/2022
	Comments1: SOLAR -- EDDIE - 801-837-4586						
BF	_____	002-FEL FINAL ELECTRIC					07/26/2022
JP	12:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220824	261 WINDHAM CIR	42		07/12/2022
	Comments1: 630-272-4143 KEVIN						
JP	_____	002-FIN FINAL INSPECTION					07/14/2022
	Comments1: ROOF VERNE MOORE 815-501-4110 JOE						
PR	_____ PM	001-ESW ENGINEERING - SEWER / WAT	20220825	808 BRISTOL AVE	5		07/28/2022
	Comments1: JOHN 815-414-8100						
JP	09:30	001-ROF ROOF UNDERLAYMENT ICE & W	20220826	2311 MILL RD			07/21/2022
	Comments1: ERIC A&B 630-450-3059						
JP	11:00	001-PHF POST HOLE - FENCE	20220829	599 W BARBERRY CIR	6		07/15/2022
	Comments1: 11:30 -- SHERRI 815-836-8731						
GH	_____ AM	001-PPS PRE-POUR, SLAB ON GRADE	20220832	1322 CHESTNUT CIR			07/15/2022
	Comments1: PATIO 630-675-7102 JILL -- FIBER MESH --						
	Comments2: PINNED TO FOUNDATION						
BC	_____ AM	001-BND POOL BONDING	20220834	2475 FAIRFAX WAY	246		07/20/2022
	Comments1: MATT -- 815-693-4447						
BC	_____ AM	002-TRN TRENCH - (GAS, ELECTRIC,					07/20/2022
BC	_____ AM	003-FIN FINAL INSPECTION					07/20/2022
	Comments1: AGP						
GH	_____ AM	001-PPS PRE-POUR, SLAB ON GRADE	20220838	2462 JUSTICE CT	623		07/27/2022
	Comments1: PATIO 630-330-7580 CHUY/PUEBLO						
GH	_____	001-PPS PRE-POUR, SLAB ON GRADE	20220839	1338 HAWK HOLLOW DR	291		07/19/2022
	Comments1: PATIO -- CHUEY						
GH	_____ PM	001-PPS PRE-POUR, SLAB ON GRADE	20220840	522 RED TAIL LN	22		07/27/2022
	Comments1: PATIO 630-330-7580 CHUY/PUEBLO						
JP	_____ PM	001-PPS PRE-POUR, SLAB ON GRADE	20220841	2602 MCLELLAN BLVD	61		07/26/2022
	Comments1: PATIO -- SEE INSPECTION REPORT						
JP	_____ AM	001-PHD POST HOLE - DECK	20220844	802 CAULFIELD PT	112		07/15/2022
	Comments1: JEFF --						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	001-PPS PRE-POUR, SLAB ON GRADE	20220851	2201 COUNTRY HILLS DR	470		07/13/2022
	Comments1: PATIO 630-465-1732 JUSTIN						
JP	11:00	001-PHF POST HOLE - FENCE	20220852	1912 WESTON AVE	59		07/26/2022
	Comments1: ACOSTA FENCE -- 815-255-2132						
JP	_____	002-FIN FINAL INSPECTION				07/29/2022	
	Comments1: FENCE 630-819-0152						
JP	11:00	001-PHF POST HOLE - FENCE	20220853	512 WARBLER LN	359		07/28/2022
	Comments1: BONNIE 815-255-2132						
BF	_____ PM	001-FIN FINAL INSPECTION	20220857	3168 JUSTICE DR	604		07/28/2022
	Comments1: SOLAR 402-378-3132 ADT/BRISA-- NO PLANS						
	Comments2: AT SITE INSPECTION						
BF	_____ PM	002-FEL FINAL ELECTRIC					07/28/2022
	Comments1: SOLAR						
JP	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220858	224 LEISURE ST			07/12/2022
	Comments1: ANGEL -- 630-554-3317						
JP	_____	002-FIN FINAL INSPECTION					07/15/2022
	Comments1: ANGEL 630-554-3317						
JP	11:30	001-ROF ROOF UNDERLAYMENT ICE & W	20220859	4447 PLEASANT CT	1205		07/25/2022
	Comments1: 630-234-5418 GIL/NEW HORIZON						
JP	_____ AM	001-PHD POST HOLE - DECK	20220861	507 MADISON CT			07/25/2022
	Comments1: 773-968-6654 STANLEY						
BC	_____ AM	002-RFR ROUGH FRAMING				07/29/2022	
	Comments1: ZACH 630-246-1369						
BF	_____ PM	001-FIN FINAL INSPECTION	20220867	2354 TITUS DR	240		07/25/2022
	Comments1: SOLAR 224-407-1899 PAUL FREEDOM FOREVER						
BF	_____ PM	002-FEL FINAL ELECTRIC					07/25/2022
	Comments1: SOLAR						
JP	_____ AM	001-PHF POST HOLE - FENCE	20220873	898 PARKSIDE LN	191		07/21/2022
	Comments1: 11:30AM -- SHERRIE 815-836-8731-- SEE IN						
	Comments2: SPECTION REPORT						
JP	_____ AM	001-PPS PRE-POUR, SLAB ON GRADE	20220879	559 COACH RD	415		07/21/2022
	Comments1: TIM -- 630-842-5007						
JP	_____ AM	001-PPS PRE-POUR, SLAB ON GRADE	20220888	2252 RICHMOND AVE	471		07/28/2022
	Comments1: IGNACIO 630-546-8434 -- SEE INSPECTION R						
	Comments2: EPORT						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
JP	_____	PM 001-PPS PRE-POUR, SLAB ON GRADE	20220894	2712 NICKERSON CT	166		07/22/2022
	Comments1: PATIO CHUY PUEBLO 630-330-7580						
GH	_____	PM 001-PPS PRE-POUR, SLAB ON GRADE	20220895	3126 JUSTICE DR	616		07/26/2022
	Comments1: PATIO -- CHUEY -- SEE INSPECTION REPORT						
GH	_____	AM 001-RFR ROUGH FRAMING	20220898	3156 MATLOCK DR	670		07/22/2022
	Comments1: BJ 630-788-8629						
GH	_____	AM 002-REL ROUGH ELECTRICAL					07/22/2022
	Comments1: REINSPECT AT FINAL						
PBF	_____	AM 003-PLR PLUMBING - ROUGH					07/22/2022
GH	_____	004-INS INSULATION					07/22/2022
JP	_____	PM 001-PHD POST HOLE - DECK	20220914	4814 W MILLBROOK CIR	12		07/27/2022
	Comments1: 630-669-3724 TOM						
BC	_____	AM 002-RFR ROUGH FRAMING					07/28/2022
	Comments1: DECK -- TOM - 630-669-3724						
PR	_____	001-SEW SEWER INSPECTION	20220933	303 W MAIN ST			07/19/2022
	Comments1: SEWER REPAIR						
JP	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220934	1307 WALSH DR	120	07/28/2022	
	Comments1: RENEE -- 630-923-2285 ((((CANCELLED))))						

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE

PERMIT TYPE SUMMARY:

ADD	ADDITION	5
AGP	ABOVE-GROUND POOL	26
BDO	COMMERCIAL BUILD-OUT	4
BSM	BASEMENT REMODEL	13
CCO	COMMERCIAL OCCUPANCY PERMIT	3
CLT	COMMERCIAL OUTDOOR LIGHTING	2
COM	COMMERCIAL BUILDING	15
CRM	COMMERCIAL REMODEL	10
DCK	DECK	20
DRV	DRIVEWAY	2
ELE	ELECTRICAL UPGRADE	2
ESN	ELECTRIC SIGN	2
EVS	ELECTRIC VEHICLE CHARGING STAT	1
FNC	FENCE	29
GEN	STAND BY GENERATOR	2
IGP	IN-GROUND POOL	5
MSC	MISCELLANEOUS	5
PRG	PERGOLA	1
PTO	PATIO / PAVERS	30
REM	REMODEL	7
REP	REPAIR	3
ROF	ROOFING	41
RS	ROOFING & SIDING	3
SEW	SANITARY SEWER LINE	1
SFA	SINGLE-FAMILY ATTACHED	165
SFD	SINGLE-FAMILY DETACHED	357
SGN	SIGN	1
SID	SIDING	1
SOL	SOLAR PANELS	36
WIN	WINDOW REPLACEMENT	3

INSPECTION SUMMARY:

ADA	ADA ACCESSIBLE WALK WAY	2
BKF	BACKFILL	23
BND	POOL BONDING	11
BSM	BASEMENT FLOOR	13
EDA	ENGINEERING - DRIVEWAY APRON	1
EFL	ENGINEERING - FINAL INSPECTION	61
ELE	ELECTRIC SERVICE	1
ELS	ELECTRIC SERVICE	1
ELU	ELECTRICAL - UNDERSLAB	1
EPW	ENGINEERING- PUBLIC WALK	11
ESW	ENGINEERING - SEWER / WATER	8
FEL	FINAL ELECTRIC	47
FEM	ROUGH FRM, ELE, MECH	1
FFD	BKFD FINAL INSPECTION	1
FIN	FINAL INSPECTION	100
FMC	FINAL MECHANICAL	22

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
	FME FINAL MECHANICAL	1				
	FOU FOUNDATION	22				
	FTG FOOTING	20				
	GAR GARAGE FLOOR	15				
	GPL GREEN PLATE INSPECTION	21				
	INS INSULATION	25				
	MIS MISCELLANEOUS	1				
	OCC OCCUPANCY INSPECTION	1				
	PHD POST HOLE - DECK	9				
	PHF POST HOLE - FENCE	20				
	PLF PLUMBING - FINAL OSR READY	35				
	PLR PLUMBING - ROUGH	27				
	PLU PLUMBING - UNDERSLAB	24				
	PPS PRE-POUR, SLAB ON GRADE	36				
	REI REINSPECTION	35				
	REL ROUGH ELECTRICAL	32				
	RFR ROUGH FRAMING	38				
	RMC ROUGH MECHANICAL	26				
	ROF ROOF UNDERLAYMENT ICE & WATER	33				
	SEW SEWER INSPECTION	2				
	STP STOOP	16				
	SUM SUMP	6				
	TRN TRENCH - (GAS, ELECTRIC, ETC)	9				
	WAT WATER	16				
	WK SERVICE WALK	11				
	WKS PUBLIC & SERVICE WALKS	9				
	WSS WATER & STORM SEWER	1				

INSPECTOR SUMMARY:	BC	BOB CREADEUR	145
	BF	B&F INSPECTOR CODE SERVICE	87
	BH	BRIAN HOLDIMAN	4
	ED	ERIC DHUSE	28
	EEI	ENGINEERING ENTERPRISES	1
	GH	GINA HASTINGS	218
	JP	JOHN PETRAGALLO	98
	MT	MICHAEL TORRENCE	1
	PBF	BF PLUMBING INSPECTOR	76
	PR	PETER RATOS	98
	TS	TOM SOELKE	39

STATUS SUMMARY:	A	PR	6
	C	BC	35
	C	BF	23
	C	ED	20
	C	GH	65
	C	JP	44

INSPECTIONS SCHEDULED FROM 07/01/2022 TO 07/31/2022

INSPECTOR TIME	TYPE OF INSPECTION		PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
	C	PBF		16			
	C	PR		31			
	C	TS		22			
	I	BC		108			
	I	BF		64			
	I	BH		4			
	I	ED		3			
	I	EEI		1			
	I	GH		153			
	I	JP		54			
	I	PBF		60			
	I	PR		61			
	I	TS		7			
	T	ED		5			
	T	TS		10			
	V	BC		2			
	V	MT		1			

REPORT SUMMARY: 795

Reviewed By:	
Legal	☐
Finance	☐
Engineer	☐
City Administrator	■
Community Development	■
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

New Business #3

Tracking Number

EDC 2022-55

Agenda Item Summary Memo

Title: Property Maintenance Reports for July 2022

Meeting and Date: Economic Development Committee – September 6, 2022

Synopsis:

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Informational

Council Action Requested: None

Submitted by: Pete Ratos (Name) Community Development (Department)

Agenda Item Notes:

Memorandum

To: Economic Development Committee
From: Pete Ratos, Code Official
CC: Bart Olson, Krysti Barksdale-Noble, Jori Behland
Date July 29, 2022
Subject: July Property Maintenance

Property Maintenance Report July 2022

There were 4 cases heard in July 2022.

7/6/2022			
N 5852	544 W Barberry Cir	Nuisance Tree	Dismissed
7/11/2022			
N 5854	Liberty St Vacant Lot	Weeds	Liable $750
N 5855	206 Burnett St	Weeds	Liable $250
N 5856	2246 Lavender Way	Weeds	Dismissed

Case Report

7/1/2022 - 07/31/2022

Case #	Case Date	ADDRESS OF COMPLAINT	TYPE OF VIOLATION	STATUS	VIOLATION LETTER SENT	FOLLOW UP STATUS	CITATION ISSUED	DATE OF HEARING	POSTED
20220282	7/28/2022	2902 Alden Ave	Watering Restrictions	CLOSED		COMPLIANT			
20220281	7/28/2022	451 Honeysuckle	Working Without Permit	CLOSED		COMPLIANT			
20220280	7/27/2022	622 Windett Ridge	Working Without Permit	CLOSED		COMPLIANT			
20220279	7/27/2022	1845 Marketview	Grass/Weeds Height	CLOSED		COMPLIANT			
20220278	7/26/2022	2942 Grande Trail	Working Without A Permit	IN VIOLATION	1/1/1900		1/1/1900	1/1/1900	1/1/1900
20220277	7/26/2022	407 Bruell St	Permit Required	IN VIOLATION					
20220276	7/26/2022	2068 Whitekirk Ln	Grass/Weeds Height	CLOSED		COMPLIANT			
20220275	7/26/2022	2072 Whitekirk Ln	Grass/Weeds Height	CLOSED		COMPLIANT			
20220274	7/25/2022	206 Wolf St	Garbage/Rubbish/Debris	TO BE INSPECTED	1/1/1900		1/1/1900	1/1/1900	1/1/1900
20220273	7/25/2022	892 N Carly Cir	Grass/Weeds Height	IN VIOLATION					
20220272	7/22/2022	305 Shadow Wood Dr	Watering Restrictions	CLOSED		COMPLIANT			
20220271	7/22/2022	564 Warbler Ln	Watering Restrictions	CLOSED		COMPLIANT			
20220270	7/22/2022	801 Behrens Ct	Garbage/Grass Weeds Height	IN VIOLATION					
20220269	7/21/2022	510 W Hydraulic Ave	Garbage/Rubbish/Debris	CLOSED		COMPLIANT			
20220268	7/21/2022	313 E Fox St	Garbage/Rubbish/Debris	CLOSED		COMPLIANT			
20220267	7/21/2022	2066 Dunbar Ct	Grass/Weeds Height	CLOSED		COMPLIANT			
20220266	7/20/2022	112 Colonial Pkwy	Grass/Weeds Height	IN VIOLATION	7/22/2022				
20220265	7/20/2022	1845 Aster Dr	Dead Trees	CLOSED		COMPLIANT			
20220264	7/20/2022	2121 Country Hills Dr	Grass/Weeds Height	IN VIOLATION					
20220263	7/20/2022	2101 Country Hills	Grass/Weeds Height	CLOSED		COMPLIANT			
20220262	7/19/2022	620 Manchester Ln	Watering Restrictions	CLOSED		COMPLIANT			
20220261	7/19/2022	2203 Richmond Ave	Watering Restrictions	CLOSED		COMPLIANT			
20220260	7/19/2022	303 Fontana Dr	Grass/Weeds Height	CLOSED		COMPLIANT			
20220259	7/14/2022	2354 Titus Dr	Working Without Permit	CLOSED					
20220258	7/14/2022	2391 Autumn Creek	Watering Restrictions	CLOSED		COMPLIANT			
20220257	7/14/2022	835 Carly Ct	Watering Restrictions	CLOSED		COMPLIANT			
20220256	7/14/2022	PIN 02-30-200-022	Grass/Weeds Height	CLOSED		COMPLIANT			
20220255	7/14/2022	Bristol Bay Subdivision	Construction Noise Before 700am	CLOSED		COMPLIANT			
20220254	7/13/2022	455 Parkside Ln	Watering Restrictions	CLOSED		COMPLIANT			

20220253	7/13/2022	532 Poplar	Watering Restrictions	CLOSED		COMPLIANT			
20220252	7/12/2022	2068 Aberdeen Ct	Watering Restrictions	CLOSED		COMPLIANT			
20220251	7/8/2022	3126 Rehbehn Ct	Grass/Weeds Height	CLOSED		COMPLIANT			
20220250	7/8/2022	544 W Barberry Cir	Weeds/Grass	CLOSED		COMPLIANT			
20220249	7/7/2022	114 Washington	Grass/Weeds Height	CLOSED		COMPLIANT			
20220248	7/7/2022	3108 Boombah Blvd	Grass/Weeds Height	IN VIOLATION			7/25/2022	8/29/2022	7/7/2022
20220247	7/6/2022	101 E Center St	Fence Maintenance	CLOSED					
20220246	7/6/2022	PIN: 0505478008	Grass/Weeds Height	CLOSED		COMPLIANT			7/6/2022
20220245	7/6/2022	PIN: 0505478007	Grass/Weeds Height	IN VIOLATION	7/19/2022				7/6/2022
20220244	7/6/2022	212 Windham Cir	Grass/Weeds Height	CLOSED		COMPLIANT			7/6/2022
20220243	7/6/2022	1765 Callander Trl	Watering Restrictions	CLOSED		COMPLIANT			
20220242	7/6/2022	451 Honeysuckle	Garbage/Junk/Refuse	CLOSED		COMPLIANT			
20220241	7/6/2022	Lot 52 Kendall	Grass/Weeds Height	CLOSED		COMPLIANT			
20220240	7/6/2022	107 E Stagecoach Rd	Grass/Weeds Height	CLOSED		COMPLIANT			
20220239	7/5/2022	3128 Boombah Blvd	Grass/Weeds Height	IN VIOLATION			7/25/2022	8/29/2022	7/6/2022
20220237	7/1/2022	1853 Aster	Fence Maintenance	CLOSED		COMPLIANT			
20220236	7/1/2022	3185 Justice Dr	Watering Restrictions	CLOSED		COMPLIANT			

Total Records: 46 **7/29/2022**

Reviewed By:	
Legal	☐
Finance	☐
Engineer	☐
City Administrator	■
Community Development	☐
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

New Business #4

Tracking Number

EDC 2022-56

Agenda Item Summary Memo

Title: Economic Development Reports for August 2022

Meeting and Date: Economic Development Committee – September 6, 2022

Synopsis:

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Informational

Council Action Requested: None

Submitted by: Bart Olson (Name) Administration (Department)

Agenda Item Notes:

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/320/City-Council

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Monthly Report – for September 2022 EDC Meeting of the United City of Yorkville

August 2022 Activity New Development:

- **Walnut Plaza: Living Rite, the Center for Behavioral Health** has opened an office at 924 N. Bridge Street. Kendall County resident and owner Shannon Pociecha, prides herself in serving the needs of her clients, and also dedicates a significant amount of time and resources to educating the community and developing clinicians working within the mental health industry. The Yorkville office is the fifth location for Living Rite.
- **Downtown Yorkville: Riverside Plaza: Fox Republic Brewing,** is coming to Yorkville. The 3,250 square feet of space in the building located at 101 W. Hydraulic, will be home to a craft brewing operation with a 7 Barrel system. Fox Republic will occupy the wide-open area, and the brewing process will be visible to customers. Fox Republic Brewing will work with area restaurants to provide food service. There will also be a large outdoor patio for customers to enjoy. More details will follow. Opening is anticipated in summer of 2023.
- **Downtown Yorkville: Parma Pizza Bar** has expanded with new outdoor seating on the patio on VanEmmon. The patio accommodates approximately 25 people, and can also be reserved for private parties. Parma is also launching a new fall menu soon, and has added lunch service on Friday, Saturday, and Sunday.
- **Fountain Village: CMR Health Group** has open an office at 1949 S. Bridge Street. CMR Health Group is a network of healthcare providers that focus on providing holistic, personalized healthcare that directly addresses the root cause and provides individualized solutions for pain or health issues. Those providers include CMR Complete Medical Recovery, CMR Complete Muscle Recovery, A Touch of Ginger (a full-service acupuncture practice), Walton Chiropractic, and CMR Complete Mind Renewal (coming soon). This Holistic Medical Group treats both the "inside and outside" of the patient.

August 2022 Previously Reported Updates:

- **Kendall Crossing**: **Coldwell Banker Real Estate Group**. Existing business expanding to take entire 4,000 square foot building at 38 Countryside Parkway. Renovations will be complete in fall 2022.
- **Heartland Center Office**: **Manpower.** Existing business relocating and expanding to 608 E. Veterans Parkway Suite 3. Renovations will be complete in fall 2022.
- **Kendall Crossing: Burnt Barrel Social,** building a 560 square foot addition onto their existing dining room. Work has begun, it is expected to open at the end of 2022.
- **Kendall Crossing: Station One Smokehouse,** Family-owned, family-friendly, central Texas-style barbecue restaurant will open at Kendall Crossing. Permits have been applied for, and work will begin as soon as possible. The opening will take place early 2023. Learn more about award winning Station One Smokehouse at www.stationonesmokehouse.com
- **Yorkville Crossing: A/K/A Menard's Center: Belle Tire**, Construction well underway. Opening in mid-September 2022**.**
- **Yorkville Crossing: A/K/A Menard's Center: Multi-Tenant building: Noodles & Co**, Construction underway. Opening will take place in early September 2022.
- **Yorkville Crossing: A/K/A Menard's Center: Multi-Tenant building: Pets Supply Plus**. Remodeling underway, and re-grand opening will take place in the fall.
- **Gerber Collison & Glass,** Architect, and civil are working on plans. They are planning to build and open in 2023.
- **BP and Graham's Marketplace.** Gasoline service station with convenience store located at the northeast corner of Route 47 & Route 71. Opening in late 2023. Rezoning, and special use has been completed. Construction will begin shortly.
- **Chipotle Mexican Grill**: Construction has begun. Opening targeted for end of 2022 or early 2023.
- **Caring Hands Thrift Shop**: 4,000 square foot business expansion. The store closed on July 11th. Original building reopened in mid-August, and new addition will open later in 2022.
- **Downtown Yorkville: Riverside Plaza: Fox's Den Meadery:** Yorkville resident, Enrico "Rico" Bianchi, is preparing the space at in the 101 S. Bridge, redevelopment (The Williams Group). This business will make "Mead Wine" and is considered a micro-winery. Production will begin in Late summer, and tasting room open in early 2023.
- **Craft'd**– Barry Michael and Cory Knowles, restaurant industry veterans with a combined 50+ years of experience, are excited about purchasing the former property Millhurst Ale House. Remodeling the space as begun. Opening in late 2022.
- **Continue working with a variety of other potential business owners.** There are a variety of parties doing due diligence on space to lease and buildings and land to purchase. Information will be forthcoming.

Respectfully submitted,

Lynn Dubajic

Lynn Dubajic
651 Prairie Pointe Drive
Yorkville, IL 60560
lynn@dlkllc.com
630-209-7151 cell

Reviewed By:	
Legal	■
Finance	□
Engineer	■
City Administrator	■
Community Development	■
Purchasing Manager	□
Police	□
Public Works	■
Parks and Recreation	■

Agenda Item Number

New Business #5

Tracking Number

EDC 2022-57

Agenda Item Summary Memo

Title: Williams Group – Riverfront Walk & Art Easements

Meeting and Date: Economic Development Committee – September 6, 2022

Synopsis: Discussion regarding acquisition of a riverfront walk and art easements on the Property located at 101 S. Bridge Street.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Vote

Submitted by: Krysti J. Barksdale-Noble, AICP (Name) Community Development (Department)

Agenda Item Notes:

See attached memo.

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/320/City-Council

Memorandum

To: Economic Development Committee
From: Krysti Barksdale-Noble, AICP
CC: Bart Olson, City Administrator
Tim Evans, Parks and Recreation Director
Brad Sanderson, EEI, City Engineer
Date: August 16, 2022
Subject: Williams Group – Riverfront & Art Easement
101 S. Bridge Street

Summary

City staff is recommending approval of the attached easements on the property owned by the Williams Group at 101 S. Bridge Street, for a future riverfront walk and art installation. The riverfront walk would span the length of the Fox River between IL Route 47/Bridge Street bridge and the City owned parcel located at 201 W. Hydraulic. The riverfront walk would include a trail/sidewalk, greenspace, lighting, and potentially outdoor seating (benches, tables with umbrellas, and chairs). The art easement will be located near the corner of W. Hydraulic Avenue and Bridge Street. This installation will serve as a placemaking element within the downtown and help to define the historic commercial core visually better between Van Emmon Street and Hydraulic Ave. The acquisition of both easements will forward the goals of previously approved City plans.

Project Proposal

As mentioned, the City has approved various plans which contemplates these easements on the property for the development of a riverfront walk as a westward extension of the Riverfront Bicentennial Park, and the utilization of public art as a placemaking feature in the downtown. These include the Comprehensive Plan Update (2016), Downtown Overlay District – Streetscape Master Plan (2019) and the Downtown Art Plan (2020).

Riverfront Walk Easement

The Grant of Easement to the United City of Yorkville for the proposed riverwalk, prepared by Engineering Enterprises, Inc. dated July 5, 2022, depicts an approximately 14,200 square foot easement area located along the rear edge of the property to the northern edge of the Fox River. This easement area will be dedicated to the City for the future construction pedestrian and bike trail. The easement will allow the City to maintain, repair, and operate any improvements made within the easement area for the use and enjoyment of the general public.

Art Easement

The public art Grant of Easement to the United City of Yorkville prepared by Engineering Enterprises, Inc. dated May 16, 2022, depicts an approximately 38 square foot area. As proposed, the easement will be dedicated to the City for the installation, maintenance and display of an art sculpture at the northwest corner of S. Bridge Street (IL Route 47) and Hydraulic Avenue.

Recommendation

Staff recommends approval of the proposed easements, as prepared by Engineering Enterprises, Inc.

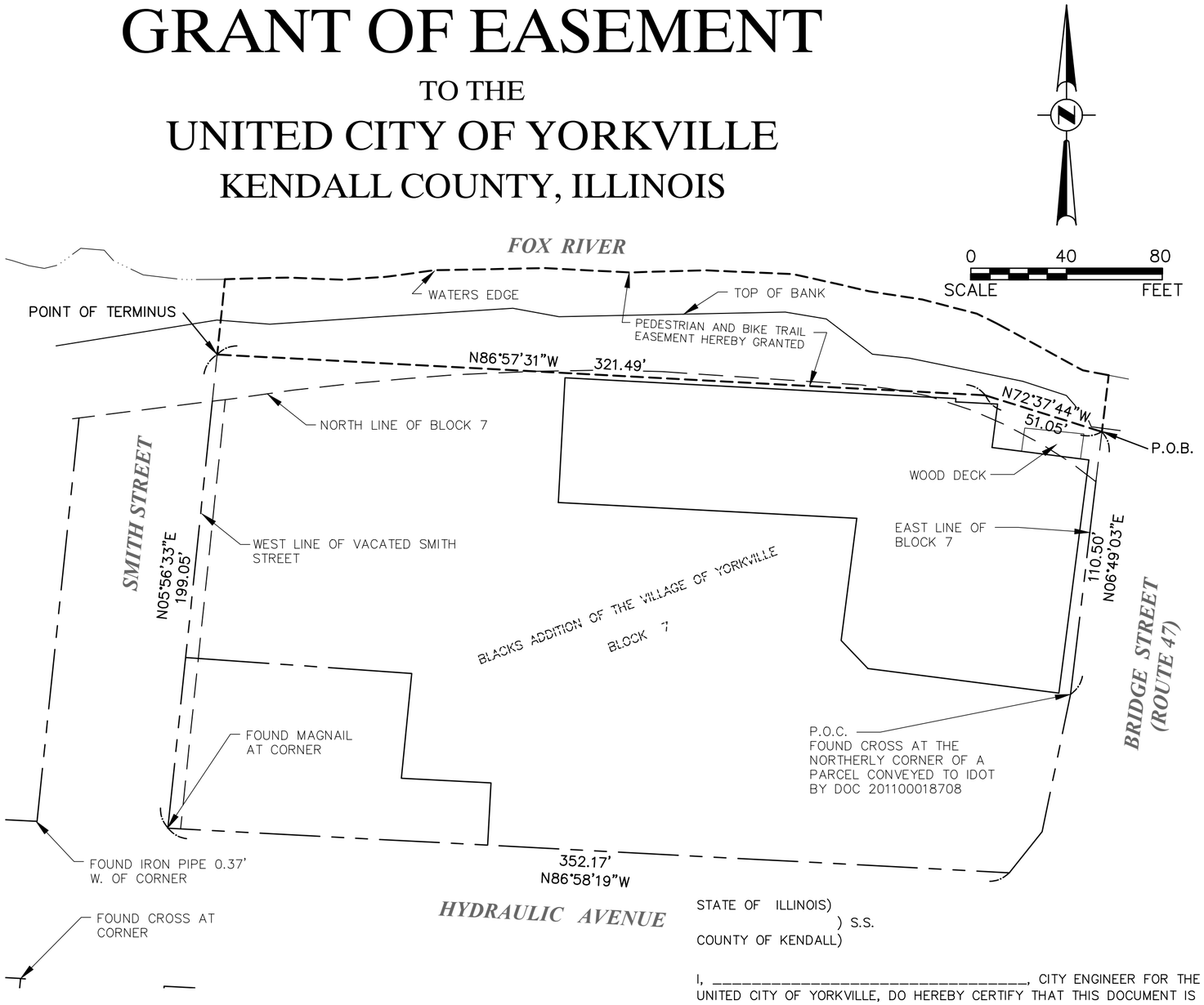
GRANT OF EASEMENT

TO THE

UNITED CITY OF YORKVILLE

KENDALL COUNTY, ILLINOIS

P.I.N 02-32-279-001
P.I.N 02-32-279-003
P.I.N 02-32-279-004
P.I.N 02-32-279-005
P.I.N 02-32-279-006



PEDESTRIAN AND BIKE TRAIL EASEMENT LEGAL DESCRIPTION

THAT PART OF BLOCK 7, BLACK'S ADDITION TO YORKVILLE AND ALSO THAT PART OF THE NORTHEAST 1/4 OF SECTION 32 AND PART OF THE NORTHWEST 1/4 OF SECTION 33, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE FOX RIVER, LYING NORTHERLY OF AND ADJACENT TO THE ABOVE DESCRIBED TRACT AND EASTERLY OF THE WESTERLY LINE OF SAID VACATED MAIN STREET EXTENDED NORTHERLY AND WESTERLY OF THE EASTERLY LINE OF SAID BLOCK 7, EXTENDED NORTHERLY DESCRIBED AS FOLLOWS: ALL THAT PART LYING SOUTH OF THE FOX RIVER, WEST OF THE EAST LINE OF SAID BLOCK 7 AND SAID EAST LINE EXTENDED NORTHERLY, EAST OF THE WEST LINE OF VACATED MAIN STREET EXTENDED NORTHERLY AND NORTH OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE NORTH CORNER OF A PARCEL OF LAND CONVEYED TO THE PEOPLE OF THE STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION BY DOCUMENT 201100018708; THENCE NORTH 06 DEGREES 49 MINUTES 03 SECONDS EAST ALONG THE EAST LINE OF SAID BLOCK 7 AND SAID LINE EXTENDED NORTHERLY, 110.50 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 37 MINUTES 44 SECONDS WEST, 51.05 FEET; THENCE NORTH 86 DEGREES 57 MINUTES 31 SECONDS WEST, 321.49 FEET TO THE WEST LINE OF VACATED MAIN STREET EXTENDED NORTHERLY FOR THE POINT OF TERMINUS, ALL IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS

PEDESTRIAN AND BIKE TRAIL EASEMENT PROVISIONS

THE UNITED CITY OF YORKVILLE, ITS SUCCESSORS, LICENSEES AND ASSIGNS, ARE HEREBY GIVEN EASEMENT RIGHTS OVER THAT AREA LABELED PEDESTRIAN AND BIKE TRAIL EASEMENT, TO CONSTRUCT, INSTALL, RECONSTRUCT, REPAIR, REMOVE, REPLACE, INSPECT, MAINTAIN AND OPERATE PEDESTRIAN AND BICYCLE TRAILS, PAVED OR UNPAVED, FOR THE USE AND ENJOYMENT OF THE GENERAL PUBLIC. THE ABOVE NAMED ENTITIES SHALL BE PERPETUALLY RESPONSIBLE FOR THE PROPER MAINTENANCE OF THE PEDESTRIAN AND BICYCLE TRAILS AND ARE HEREBY GRANTED THE RIGHT TO ENTER UPON EASEMENTS HEREIN DESCRIBED FOR THE USES HEREIN SET FORTH AND THE RIGHT TO CUT, TRIM, OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS WITHIN THE EASEMENT AREAS HEREIN GRANTED WHICH INTERFERE WITH THE CONSTRUCTION, INSTALLATION, RECONSTRUCTION, REPAIR, REMOVAL, REPLACEMENT, INSPECTION, MAINTENANCE AND OPERATION THEREOF.

STATE OF _____)
) SS
COUNTY OF _____)

THIS IS TO CERTIFY THAT _____, IS THE FEE SIMPLE OWNER OF THE PROPERTY DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE AND HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN HEREON FOR THE USES AND PURPOSES HEREIN SET FORTH AS ALLOWED AND PROVIDED FOR BY STATUTE, AND DOES HEREBY CONSENT TO THE EASEMENT DEPICTED HEREON AND THE EASEMENT PROVISIONS WHICH ARE STATED HEREON.

DATED AT _____, _____, THIS _____ DAY OF _____, 2022.

BY: _____ _____
PRESIDENT SECRETARY

STATE OF _____)
) SS
COUNTY OF _____)

I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT_____AND _____, PERSONALLY KNOWN TO ME TO BE THE PRESIDENT AND SECRETARY OF _____, AS SHOWN ABOVE, APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THAT AS SUCH OFFICERS, THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AND CAUSED THE CORPORATE SEAL TO BE AFFIXED THERETO AS THEIR FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 2022.

_____
NOTARY PUBLIC

STATE OF ILLINOIS)
) S.S.
COUNTY OF KENDALL)

I, _____, CITY ENGINEER FOR THE UNITED CITY OF YORKVILLE, DO HEREBY CERTIFY THAT THIS DOCUMENT IS APPROVED.

DATED AT YORKVILLE, ILLINOIS THIS ___ DAY OF _____ 2022.

_____
CITY ENGINEER

STATE OF ILLINOIS)
)S.S.
COUNTY OF KENDALL)

APPROVED AND ACCEPTED BY THE UNITED CITY OF YORKVILLE, ILLINOIS,

THIS _____ DAY OF _____, 2022.

BY: _____
MAYOR

ATTEST: _____
CITY CLERK

STATE OF ILLINOIS)
)SS
COUNTY OF KANE)

THIS IS TO CERTIFY THAT ENGINEERING ENTERPRISES, INC. HAS PREPARED THIS GRANT OF EASEMENT AS SHOWN BY THE ANNEXED PLAT WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID PROPERTY, FOR THE USES AND PURPOSES DESCRIBED HEREIN. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.

GIVEN UNDER MY HAND AND SEAL AT SUGAR GROVE, ILLINOIS,

THIS DAY OF , 2022.

By _____
PROFESSIONAL LAND SURVEYOR #3581
EXP 11/30/22

ENGINEERING ENTERPRISES INC.
PROFESSIONAL DESIGN FIRM # 184-002003
EXP 04/30/23

MARK G. SCHELLER
035-003581
PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS
SUGAR GROVE, IL

Engineering Enterprises, Inc.
CONSULTING ENGINEERS
52 Wheeler Road
Sugar Grove, Illinois 60554
630.466.6700 / www.eeiweb.com

UNITED CITY OF YORKVILLE
800 GAME FARM ROAD
YORKVILLE, IL 60560

DATE:	JULY 5, 2022
PROJECT NO.	YO2232
FILE NO YO2232 PED EASE	

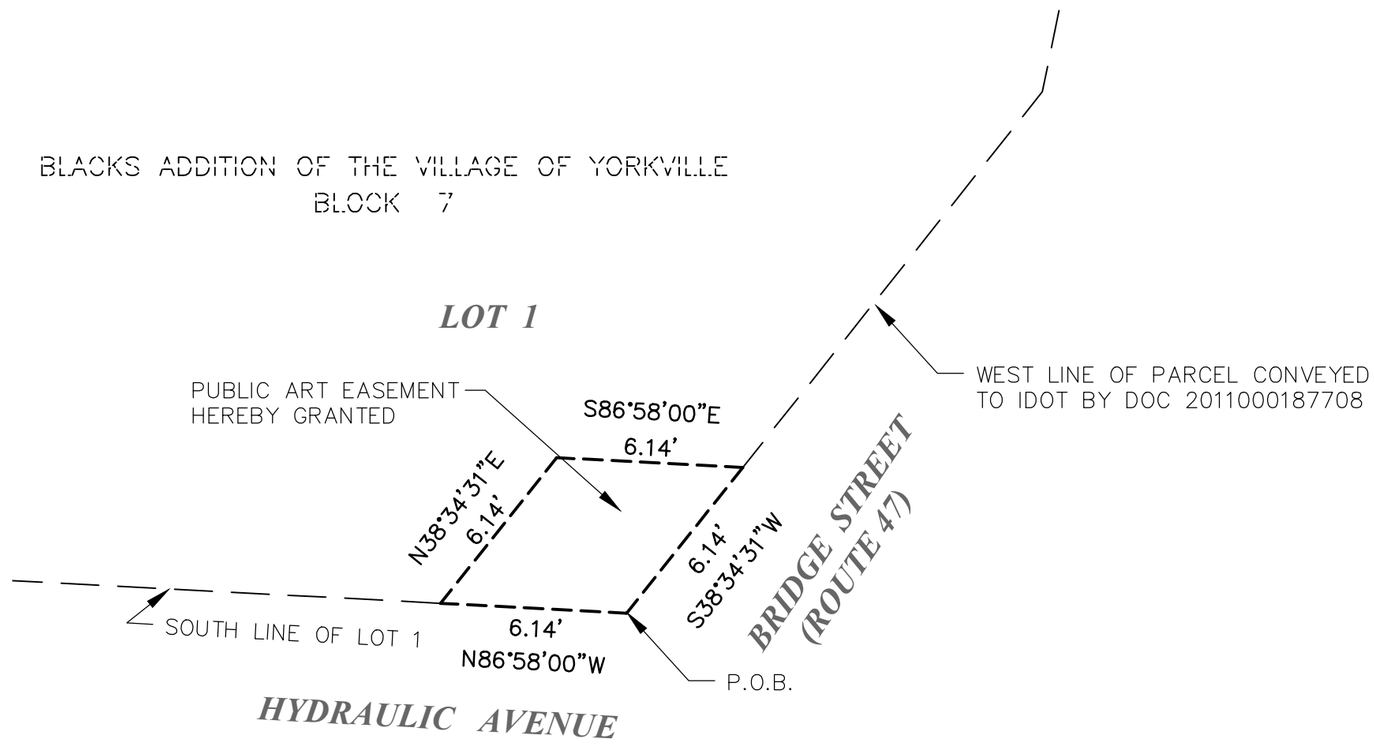
GRANT OF EASEMENT

TO THE

UNITED CITY OF YORKVILLE

KENDALL COUNTY, ILLINOIS

PART OF LOT 1 IN BLOCK 7 OF BLACKS ADDITION TO THE VILLAGE OF YORKVILLE, KENDALL COUNTY, ILLINOIS



PUBLIC ART EASEMENT PROVISIONS

THE UNITED CITY OF YORKVILLE, ITS SUCCESSORS, LICENSEES AND ASSIGNS, ARE HEREBY GIVEN EASEMENT RIGHTS OVER ALL OF THE AREA DESCRIBED HEREON, TO CONSTRUCT, INSTALL, RECONSTRUCT, REPAIR, REMOVE, REPLACE, INSPECT, MAINTAIN AND OPERATE AN ART EXHIBIT, FOR THE USE AND ENJOYMENT OF THE GENERAL PUBLIC. THE ABOVE NAMED ENTITIES SHALL BE PERPETUALLY RESPONSIBLE FOR THE PROPER MAINTENANCE OF THE EXHIBIT AND ARE HEREBY GRANTED THE RIGHT TO ENTER UPON EASEMENTS HEREIN DESCRIBED FOR THE USES HEREIN SET FORTH AND THE RIGHT TO CUT, TRIM, OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS WITHIN THE EASEMENT AREAS HEREIN GRANTED WHICH INTERFERE WITH THE CONSTRUCTION, INSTALLATION, RECONSTRUCTION, REPAIR, REMOVAL, REPLACEMENT, INSPECTION, MAINTENANCE AND OPERATION THEREOF.

PUBLIC ART EASEMENT PROVISIONS LEGAL DESCRIPTION

THAT PART OF LOT 1 IN BLOCK 7 OF BLACKS ADDITION TO THE CITY OF YORKVILLE DESCRIBED AS FOLLOWS: BEGINNING AT THE A PARCEL OF LAND CONVEYED TO THE PEOPLE OF THE STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION BY DOCUMENT 201100018708; THENCE NORTH 86 DEGREES 58 MINUTES 00 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 1, 6.14 FEET: THENCE NORTH 38 DEGREES 34 MINUTES 31 SECONDS EAST, PARALLEL TO THE WEST LINE OF A PARCEL CONVEYED BY DOCUMENT 201100018708, 6.14 FEET; THENCE SOUTH 86 DEGREES 58 MINUTES 00 SECONDS EAST, PARALLEL WITH SAID SOUTH LINE, 6.14 FEET TO THE WEST LINE OF SAID PARCEL; THENCE SOUTH 38 DEGREES 34 MINUTES 31 SECONDS WEST, ALONG SAID WEST LINE, 6.14 FEET TO THE POINT OF BEGINNING, ALL IN THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS.

STATE OF _____)
) SS
COUNTY OF _____)

THIS IS TO CERTIFY THAT _____, IS THE FEE SIMPLE OWNER OF THE PROPERTY DESCRIBED IN THE FOREGOING SURVEYOR'S CERTIFICATE AND HAS CAUSED THE SAME TO BE SURVEYED, SUBDIVIDED, AND PLATTED AS SHOWN HEREON FOR THE USES AND PURPOSES HEREIN SET FORTH AS ALLOWED AND PROVIDED FOR BY STATUTE, AND DOES HEREBY CONSENT TO THE EASEMENT DEPICTED HEREON AND THE EASEMENT PROVISIONS WHICH ARE STATED HEREON.

DATED AT _____, _____, THIS _____ DAY OF _____, 2022.

BY: _____ _____
PRESIDENT SECRETARY

STATE OF _____)
) SS
COUNTY OF _____)

I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY

AND STATE AFORESAID, DO HEREBY CERTIFY THAT_____AND _____,

PERSONALLY KNOWN TO ME TO BE THE PRESIDENT AND SECRETARY OF _____, AS SHOWN ABOVE, APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THAT AS SUCH OFFICERS, THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AND CAUSED THE CORPORATE SEAL TO BE AFFIXED THERETO AS THEIR FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID CORPORATION, FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS _____ DAY OF _____, 2022.

_____
NOTARY PUBLIC

STATE OF ILLINOIS)
)S.S.
COUNTY OF KENDALL)

APPROVED AND ACCEPTED BY THE UNITED CITY OF YORKVILLE, ILLINOIS,

THIS _____ DAY OF _____, 2022.

BY: _____
MAYOR

ATTEST: _____
CITY CLERK

STATE OF ILLINOIS)
) S.S.
COUNTY OF KENDALL)

I, _____, CITY ENGINEER FOR THE UNITED CITY OF YORKVILLE, DO HEREBY CERTIFY THAT THIS DOCUMENT IS APPROVED.

DATED AT YORKVILLE, ILLINOIS THIS ___ DAY OF _____ 2022.

_____
CITY ENGINEER

STATE OF ILLINOIS)
)SS
COUNTY OF KANE)

THIS IS TO CERTIFY THAT ENGINEERING ENTERPRISES, INC. HAS PREPARED THIS GRANT OF EASEMENT AS SHOWN BY THE ANNEXED PLAT WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID PROPERTY, FOR THE USES AND PURPOSES DESCRIBED HEREIN. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.

GIVEN UNDER MY HAND AND SEAL AT SUGAR GROVE, ILLINOIS,

THIS DAY OF MAY, 2022.

By _____
PROFESSIONAL LAND SURVEYOR #3581
EXP 11/30/22
ENGINEERING ENTERPRISES INC.
PROFESSIONAL DESIGN FIRM # 184-002003
EXP 04/30/23

MARK G. SCHELLER
035-003581
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
SUGAR GROVE, IL

Engineering Enterprises, Inc.
CONSULTING ENGINEERS
52 Wheeler Road
Sugar Grove, Illinois 60554
630.466.6700 / www.eeiweb.com

UNITED CITY OF YORKVILLE
800 GAME FARM ROAD
YORKVILLE, IL 60560

DATE:	MAY 16, 2022
PROJECT NO.	YO2232
FILE NO YO2232 EASE	


FOX RIVER
WATERS EDGE
TOP OF BANK
POINT OF TERMINUS
PEDESTRIAN AND BIKE TRAIL EASEMENT HEREBY GRANTED
N86°57'31"W 321.49'
N72°37'44"W
51.05'
P.O.B.
NORTH LINE OF BLOCK 7
001
SMITH STREET
N05°56'33"E 199.05'
WEST LINE OF VACATED SMITH STREET
003
005
004
006
WOOD DECK
EAST LINE OF BLOCK 7
110.50'
N06°49'03"E
BRIDGE STREET (ROUTE 47)
BLACKS ADDITION OF THE VILLAGE OF YORKVILLE
BLOCK 7
FOUND MAGNAIL AT CORNER
002
P.O.C.
FOUND CROSS AT THE
HERLY CORNER OF A
EL CONVEYED TO IDOT
OC 201100018708
008
FOUND IRON PIPE 0.37' W. OF CORNER
FOUND CROSS AT
HYD
S.S.
LOT 1
PUBLIC ART EASEMENT HEREBY GRANTED
S86°58'00"E 6.14'
N38°34'31"E 6.14'
6.14'
S38°34'31"W
6.14'
N86°58'00"W
SOUTH LINE OF LOT 1
P.O.B.
WEST LINE OF PARCEL CONVEYED TO IDOT BY DOC 201100018708
HYDRAULIC AVENUE

Reviewed By:	
Legal	■
Finance	☐
Engineer	☐
City Administrator	■
Community Development	☐
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

New Business #6

Tracking Number

EDC 2022-58

Agenda Item Summary Memo

Title: Williams Group TIF #2 (Fox Republic Brewing)

Meeting and Date: Economic Development Committee – September 6, 2022

Synopsis:

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Approval

Submitted by: Bart Olson (Name) Administration (Department)

Agenda Item Notes:

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/320/City-Council

Memorandum

To: City Council
From: Bart Olson, City Administrator
CC:
Date: August 31, 2022
Subject: Williams Group TIF Agreement #2

Summary

Consideration of a second TIF agreement with the Williams Group for a portion of the old Investor Tools building, generally at the northwest corner of W Hydraulic and Bridge St, for renovation and use as a brewery.

Background

This item was last discussed by the City Council in January 2022, when the City Council approved a TIF agreement for renovation of the main part of the old Investor Tools building for use as a meadery, coffee shop, office, and two residential apartments. Since then, the renovation is nearly complete, and the coffee shop is now open for business. The building/room that currently holds a dog training facility is wrapping up its current lease, and the developers have made plans to renovate the space and turn it into Yorkville's first official craft brewery (Fox Republic Brewing). Staff has reviewed the renovation plans and project budget, and have prepared a simple TIF agreement for the project. That draft agreement is attached, and its terms are in line with the first agreement with the Williams Group.

The Williams Group will be present at the EDC meeting to present their development plan to the committee, but their staff-level, written presentation is attached. In general, they propose to a portion of the Investor Tools building adjacent to the recently renovated units, for use as a modern craft brewing production facility and tap room. They do not have plans to serve food per se, but they will partner with restaurants to have food available to be delivered. Their project budget is attached, which shows $269,200 in proposed renovations.

The Williams Group's TIF incentive request is as follows:

1) A maximum project reimbursement of 25% of their total investments (estimated ~$67,300)
2) Inclusion of this project's budget and related TIF increment in the previously approved TIF incentives related to 75% of the TIF increment generated from PIN #02-32-279-006, starting upon completion of the project
3) Building permit fee waivers in an amount of 50% (estimated to be worth $5,000)

All three requests above were approved in the same amount in the first TIF agreement with the developer. In exchange for the TIF request above, the City will receive renovation of another portion of the project and a new business in downtown Yorkville.

Recommendation

Staff recommends approval of the TIF agreement.

REDEVELOPMENT AGREEMENT BY AND BETWEEN
THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS
AND THE WILLIAMS GROUP, LLC

THIS REDEVELOPMENT AGREEMENT ("*Agreement #2*") is entered into as of the _____ day of _____, 2022 ("*Effective Date*") by and between the United City of Yorkville, Kendall County, Illinois, an Illinois municipal corporation ("*City*"), and The Williams Group, LLC, an Illinois limited liability company (the "*Developer*").

In consideration of the mutual covenants and agreements set forth in this Agreement, the City and Developer hereby agree as follows:

ARTICLE 1: RECITALS

1.1 The City is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State.

1.2 The City is engaged in the revitalization of its downtown commercial district which includes the properties commonly known as 101 West Hydraulic (previously, 101 South Bridge Street), 109 and 111 South Bridge Street and 111, 119 and 201 West Hydraulic Avenue, which properties are identified by parcel index numbers 02-32-278-008 and 02-32-279-001, -003 and -004, -005, -006 and -009.

1.3 The City has the authority pursuant to the laws of the State of Illinois, to promote the health, safety, and welfare of its inhabitants, to prevent the spread of blight, to encourage private development in order to enhance the local tax base, to increase job opportunities, and to enter into contractual agreements with third parties for the purpose of achieving these purposes.

1.4 Pursuant to the Tax Increment Allocation Redevelopment Act of the State of Illinois, 65 ILCS 5/11-74.4-1, *et seq*., as from time to time amended (the "*TIF Act*"), the Mayor and City Council of the City (collectively, the "*Corporate Authorities*") are empowered to undertake the redevelopment of a designated area within its municipal limits in which existing conditions permit such area to be classified as a "blighted area" or a "conservation area" as such terms are defined in the TIF Act.

1.5 To stimulate and induce redevelopment pursuant to the TIF Act, the City, after giving all required notices, conducting a public hearing and making all findings required by law, on June 13, 2006, pursuant to Ordinance Nos. 2006-46, 2006-47 and 2006-48, approved a Redevelopment Plan (the "*Redevelopment Plan*") for an area designated as the Downtown Redevelopment Project Area #1 (the "*Project Area*"), which Project Area includes the Subject Property, and adopted tax increment financing for the payment and financing of "Redevelopment Project Costs", as defined by the TIF Act, incurred within the Project Area as authorized by the TIF Act.

1.6 On February 8, 2022, the Developer entered into a Redevelopment Agreement with the City ("*Agreement #1*) providing for the acquisition of several parcels of property located within the Project Area and the redevelopment of the property commonly known as 101 South Bridge Street to provide two (2) retail units on the first floor and two (2) dwelling units with two (2) bedrooms each on the second floor ("*Project #1*). The City agreed to provide financial assistance

as permitted by the TIF Act pursuant to the terms and conditions of Agreement #1. The City and the Developer agree that the construction of Project #1 has been completed.

1.7 The Developer has now submitted a proposal to the City to redevelop the property commonly known as 101 West Hydraulic (previously, 101 South Bridge Street) (the "*Subject Property*") which is improved with a vacant 3,250 square foot structure. The Developer proposes to repurpose the vacant structure into a brewery to sell craft beer the "*Project 2*").

1.8 The Developer has advised the City that the redevelopment of the Subject Property shall require an investment of approximately $270,000 and that it is not economically feasible to proceed without financial assistance due to the extraordinary costs to renovate and repurpose the structure into a craft brewery.

1.9 The City desires to have the Subject Property redeveloped and repurposed as proposed by the Developer because the City believes the Project shall eliminate the blight factors found within the Subject Property while increasing the tax base for the City and taxing districts authorized to levy taxes upon the Subject Property; provide job opportunities for its residents; and, improve the general welfare of the community; and, therefore, is prepared to reimburse the Developer for certain costs associated with the Project, subject to the terms of this Agreement, the TIF Act and all other applicable laws of the City and State of Illinois.

ARTICLE 2: DEVELOPER'S OBLIGATIONS

2.1 Within sixty (60) days from the date hereof, the Developer shall have submitted to the City all plans for the Project #2 and applications for all permits required to redevelop the Subject Property.

2.2 Within sixty (60) days from the date hereof, the Developer shall submit to the City proof of financing and equity contribution, if required, in an amount sufficient to cover the estimated budget for the Project #2 as itemized on *Exhibit A* attached hereto (the "*Project #2 Costs*").

2.3 Within one hundred twenty (120) days from the date hereof, the Developer shall have commenced construction of Project #2 and have completed construction and received a certificate of occupancy for the Subject Property before January 1, 2024.

2.4 Within thirty (30) days of receipt of a certificate of occupancy for the Subject Property, the Developer shall submit to the City all paid bills, invoices, receipts or any documentation which shall demonstrate payment of all costs of Project #2, in an amount equal or greater than the total Project #2 Costs as itemized on *Exhibit A*.

2.5 The Developer shall deliver to the City a lease from the operator of the craft brewery for the Subject Property for a term of no less than five (5) years.

2.6 The Developer covenants and agrees to construct the Project in accordance with all ordinances of the City, laws of the State of Illinois and all permits and the terms of this Agreement #2 and thereafter maintain the Subject Property.

2.7 The Developer covenants and agrees not to contest the real estate assessment of the Subject Property at any time during the term of this Agreement.

2.8 The Developer covenants and agrees to pay all fees, fines, licenses, taxes of any due to the City or assessed upon the Subject Property during the term of this Agreement.

ARTICLE 3: CITY OBLIGATIONS

3.1 The City hereby agrees to reduce the Developer's costs for plan review, building permits and one (1) water connection in an amount equal to fifty percent (50%) of the City's fees for such services.

3.2 The City has established a special tax allocation fund solely for the Project Area (the "STAF") into which the City shall deposit all Incremental Taxes, as defined below, generated from the Project Area.

3.3 So long as no notice of default has been issued and remains outstanding pursuant to article 5 hereof, on December 1 or ten (10) days following the date upon which the City receives Incremental Taxes from the final installment of real estate taxes for 2022 and each year during the term of this Agreement, seventy-five percent (75%) of the Incremental Taxes with respect to the Subject Property shall be transferred and deposited into the Williams Subaccount #2 of the STAF (which Subaccount #2 shall be automatically created by the ordinance approving this Agreement #2) and annually first applied to all amounts due to the Developer pursuant to the terms and conditions of Agree #1 and thereafter shall be annually used to reimburse the Developer for Project #2 Redevelopment Project Costs, as hereinafter defined, until the first to occur: (i) payment of the lesser of twenty-five percent (25%) of the total actual costs of the Project or $67,500; or, (ii) December 31, 2030.

3.4 As used in this Agreement #2, "Incremental Taxes" shall mean the amount in the STAF equal to the amount of a valorem taxes, if any, paid in respect of the Project Area and its improvements which is attributable to the increase in the equalized assessed value of all the parcels of property located herein over the initial equalized assessed value of said parcels.

3.5 For purposes in this Agreement #2, Redevelopment Project Costs, shall mean and include all costs and expenses as defined as "redevelopment project costs" in Section 11-74.4-3(q) of the TIF Act.

ARTICLE 4. REPRESENTATIONS, WARRANTIES, AND COVENANTS

4.1 Developer's Representations Warranties and Covenants. To induce the City to enter into this Agreement, Developer represents, covenants, warrants, and agrees that:

(a) Recitals. All representations and understanding as set forth in Article 1 are true, complete, and accurate in all respects.

(b) Organization and Authorization. Developer is an Illinois limited liability company duly formed and existing under the laws of the State of Illinois authorized to do

business in Illinois, and Developer has the power to enter into, and by proper action has been duly authorized to execute, deliver, and perform, this Agreement #2. Developer will do, or cause to be done, all things necessary to preserve and keep in full force and effect its existence and standing as a limited liability company authorized to do business in the State of Illinois for so long as Developer is developing and constructing the Project.

(c) Non-Conflict or Breach. The execution, delivery, and performance of this Agreement #2 by Developer, the consummation of the transactions contemplated hereby, and the fulfillment of or compliance with the terms and conditions of this Agreement #2 shall not conflict with or result in a violation or breach of any of the terms, conditions, or provisions of any offering or disclosure statement made, or to be made, on behalf of Developer, or any restriction, organizational document, agreement, or instrument to which Developer, or any of its partners or venturers, is now a party or by which Developer, or any of its partners or venturers, is bound, or constitute a default under any of the foregoing. Any claim of Conflict or Breach made by either party in this Agreement #2 shall be subject to all enforcement and cure provisions provided in Article 7 in this Agreement #2.

(d) Pending Lawsuits. There are no actions at law or similar proceedings either pending or, to the best of Developer' s knowledge, threatened against Developer that would materially or adversely affect:

(i) The ability of Developer to proceed with the construction and development of the Subject Property;

(ii) Developer's financial condition;

(iii) The level or condition of Developer's assets as of the date of this Agreement; or

(i) Developer' s reputation

4.2 City's Representations, Warranties and Covenants. To induce Developer to enter into this Agreement and to undertake the performance of its obligations under this Agreement, the City represents, covenants, warrants and agrees as follows:

(a) Recitals. All representations and agreements made by the City in Article 1 are true, complete, and accurate in all respects.

(b) Authorizations. The City has the power to enter into and perform its obligations under this Agreement and by proper action has duly authorized the Mayor and City Clerk to execute and deliver this Agreement #2.

(c) Non-Conflict or Breach. The execution, delivery, and performance of this Agreement by the City, the consummation of the transactions contemplated hereby and the fulfillment of or compliance with the terms and conditions of this Agreement #2 shall not conflict with or result in a violation or breach of the terms

of any order, agreement, or other instrument to which the City is a party or by which the City is now bound.

(d) Pending Lawsuits. There are no actions at law or similar proceedings either pending or to the best of the City's knowledge being threatened against the City that would materially or adversely affect:

(i) The ability of Developer to proceed with the construction of Project #2.

(ii) The ability of the City to perform its obligations under this Agreement #2.

ARTICLE 5: ENFORCEMENT AND REMEDIES

5.1 Enforcement: Remedies. The parties may enforce or compel the performance of this Agreement #2, in law or in equity, by suit, action, mandamus, or any other proceeding, including specific performance, subject to the cure provisions provided in 5.2 hereof. Notwithstanding the foregoing, Developer agrees that it will not seek, and does not have the right to seek, to recover a judgment for monetary damages against the City or any elected or appointed officials, officers, employees, agents, representatives, engineers, consultants, or attorneys thereof, on account of the negotiation, execution, or breach of any of the terms and conditions of this Agreement #2.

5.2 Notice; Cure; Self-Help. In the event of a breach of this Agreement #2, the parties agree that the party alleged to be in breach shall have, unless specifically provided otherwise by any other provision of this Article 5, 30 days after notice of any breach delivered in accordance with Section 8.10 to correct the same prior to the non-breaching party's pursuit of any remedy provided for in Section 5.4 and 5.7; provided, however, that the 30-day period shall be extended, but only (i) if the alleged breach is not reasonably susceptible to being cured within the 30-day period, and (ii) if the defaulting party has promptly initiated the cure of the breach, and (iii) if the defaulting party diligently and continuously pursues the cure of the breach until its completion. If any party shall fail to perform any of its obligations under this Agreement #2, and if the party affected by the default shall have given written notice of the default to the defaulting party, and if the defaulting party shall have failed to cure the default as provided in this Section 5.2, then, except as specifically provided otherwise in the following sections of this Article 5 and in addition to any and all other remedies that may be available either in law or equity, the party affected by the default shall have the right (but not the obligation) to take any action as in its discretion and judgment shall be necessary to cure the default. In any event, the defaulting party hereby agrees to pay and reimburse the party affected by the default for all costs and expenses reasonably incurred by it in connection with action taken to cure the default, including attorney’s fees and court costs.

5.3 Events of Default by Developer. Any of the following events or circumstances shall be an event of default by Developer with respect to this Agreement #2:

(a) If any material representation made by Developer in this Agreement #2, or in any certificate; notice, demand to the City; or request made by the City in connection

with any of documents, shall prove to be untrue or incorrect in any material respect as of the date made.

(b) Default by Developer in the performance or breach of any material covenant contained in this Agreement #2 concerning the existence, structure, or financial condition of Developer.

(c) Developer's default in the performance or breach of any material covenant, warranty, or obligation contained in this Agreement.

(d) The entry of a decree or order for relief by a court having jurisdiction in the premises in respect of Developer in an involuntary case under the federal bankruptcy laws, as now or hereafter constituted, or any other applicable federal bankruptcy, or appointing a receiver, liquidator, assignee, custodian, trustee, sequestrator, or similar official of Developer for any substantial part of its property, or ordering the winding-up or liquidation of its affairs and the continuance of any such decree or order un-stayed and in effect for a period of 60 consecutive days. There shall be no cure period for this event of default.

(e) The commencement by Developer of a voluntary case under the federal bankruptcy laws, as now or hereafter constituted, or any other applicable federal bankruptcy, insolvency, or the consent by Developer to the appointment of or taking possession, by a receiver, liquidator, assignee, trustee, custodian, sequestrator, or similar official of Developer or of any substantial part of Developer' s property, or the making by any such entity of any assignment for the benefit of creditors or the failure of Developer generally to pay such entity's debts as such debts become due or the taking of action by Developer in furtherance of any of the foregoing. There shall be no cure period for this event of default.

5.4 Remedies for Default By Developer.

(a) Subject to the provisions of this Agreement #2, in the case of an event of default by Developer, the City, pursuant to Section 5.1, may institute such proceedings as may be necessary or desirable in its opinion to cure or remedy such default or breach, including proceedings to compel specific performance of Developer of its obligations under this Agreement #2. Subject to the cure provisions in paragraph 5.2 of this Agreement #2.

(b) In case the City shall have proceeded to enforce its rights under this Agreement #2 and such proceedings shall have been discontinued or abandoned for any reason or shall have been determined adversely to the City, then, and in every such case, Developer and the City shall be restored respectively to their several positions and rights hereunder, and all rights, remedies and powers of Developer and the City shall continue as though no such proceedings had been taken. Subject to the cure provisions in paragraph 5.2 of this Agreement #2.

5.5 Indemnification by Developer: Agreement #2 to Pay Attorneys' Fees and Expenses. Developer agrees to indemnify the City, and all of its elected and appointed officials, officers, employees, agents, representatives, engineers, consultants, and attorneys, against any and all claims that may be asserted at any time against any of such parties in connection with or as a result of (i) Developer's development, construction, maintenance, or use of the Subject Properties; or (ii) Developer's default under the provisions of this Agreement #2. Such indemnification obligation, however, shall not extend to claims asserted against the City or any of the aforesaid parties in connection with or as a result of: (i) the performance of the City's representations, warranties and covenants under Article 6 of this Agreement #2; (ii) the City's default under the provisions of this Agreement #2; or (iii) the act, omission, negligence or misconduct of the City or any of the aforesaid parties. If Developer shall commit an event of default and the City should employ an attorney or attorneys or incur other expenses for the collection of the payments due under this Agreement #2 or the enforcement of performance or observance of any obligation or agreement on the part of Developer herein contained, Developer, on the City's demand, shall pay to the City the reasonable fees of such attorneys and such other reasonable expenses so incurred by the City, in the event the City is determined to the be prevailing party.

5.6 Events of Default by City. Any of the following events or circumstances shall be an event of default by the City with respect to this Agreement #2:

(a) A default of any term, condition, or provision contained in any agreement or document relating to the Project (other than this Agreement #2), that would materially and adversely impair the ability of the City to perform its obligations under this Agreement, and the failure to cure such default within the earlier of 30 days after Developer's written notice of such default or in a time period reasonably required to cure such default or in accordance with the time period provided therein.

(b) Failure to comply with any material term, provision, or condition of this Agreement #2 within the time herein specified and failing to cure such noncompliance within 30 days after written notice from Developer of each failure or in a time period reasonably required to cure such default.

(c) A representation or warranty of the City contained herein is not true and correct in any material respect for a period of 30 days after written notice to the City by Developer. If such default is incapable of being cured within 30 days, but the City begins reasonable efforts to cure within 30 days, then such default shall not be considered an event of default hereunder for so long as the City continues to diligently pursue its cure.

5.7 Remedies for Default by City. Subject to the provisions of this Agreement #2, in the case of an event of default by the City, Developer, pursuant to Section 5.1, may institute such proceedings as may be necessary or desirable in its opinion to cure or remedy such default or breach, including proceedings to compel the City's specific performance of its obligations under this Agreement #2; provided, however, no recourse under any obligation contained herein or for any claim based thereon shall be had against the City, its officers, agents, attorneys, representatives in any amount in excess of the specific sum agreed to be paid by the City hereunder, and no liability, right or claim at law or in equity shall be attached to or incurred by the City, its officers, agents, attorneys, representatives or employees in any amount in excess of specific sums agreed

by the City to be paid hereunder and any such claim is hereby expressly waived and released as a condition of and as consideration for the execution of this Agreement #2 by the City. In the event any action is maintained by the City against Developer, and the City is found to the non-prevailing party, the City shall reimburse Developer for any costs and reasonable Attorney's fees incurred in enforcing claim under this Agreement #2 as the prevailing party.

ARTICLE 6: GENERAL PROVISIONS

6.1 Maintain Improvements in Good and Clean Condition: Developer shall maintain the Subject Property in reasonably good and clean condition at all times during the development by Developer of the Subject Property, which shall include promptly removing all mud, dirt, and debris that is deposited on any street, sidewalk, or other public property in or adjacent to the Subject Properties by Developer or any agent of or contractor hired by, or on behalf of Developer and repair any damage to any public property that may be caused by the activities of Developer or any agent of or contractor hired by, or on behalf of, Developer.

6.2 Liability and Indemnity of City.

(a) No liability for City Review. Developer acknowledges and agrees that (i) the City is not, and shall not be, in any way liable for any damages or injuries that may be sustained as the result of the City's review and approval of any plans or improvements or as a result of the issuance of any approvals, permits, certificates, or acceptances for the development or use of any portion of the Subject Properties or the improvements and (ii) the City's review and approval of any plans and the issuance of any approvals, permits, certificates, or acceptances does not, and shall not, in any way be deemed to insure Developer, or any of its successors, assigns, tenants, or licensees, or any third party, against violations or damage or injury of any kind at any time.

(b) Hold Harmless and Indemnification. Developer shall hold harmless the City, and all of its elected and appointed officials, employees, agents, representatives, engineers, consultants, and attorneys from any and all claims that may asserted at any time against any of such parties in connection with (i) the City's review and approval of any plans or improvements or (ii) the City's issuance of any approval, permit or certificate. The foregoing provision, however, shall not apply to claims made against the City as a result of a City event of default under this Agreement #2, claims that are made against the City that relate to one or more of the City's representations, warranties, or covenants under Article 4 and claims that the City, either pursuant to the terms of this Agreement #2 or otherwise explicitly has agreed to assume.

(c) Defense Expenses. Developer shall pay all expenses, including legal fees and administrative expenses, incurred by the City in defending itself with regard to any and all of the claims identified in the first sentence of Subsection (b) above.

The City agrees that upon a successor becoming bound to the obligations created herein in the manner provided herein and providing the financial assurances required herein, the liability of Developer shall be released to the extent of the transferee's assumption of such liability.

6.6 No Implied Waiver of City Rights. The City shall be under no obligation to exercise rights granted to it in this Agreement except as it shall determine to be in its best interest from time to time. Except to the extent embodied in a duly authorized and written waiver of the City, no failure to exercise at any time any right granted herein to the City shall be construed as a waiver of that or any other right.

6.7 Force Majeure. Time is of the essence of this Agreement #2, provided, however, a party shall not be deemed in material breach of this Agreement with respect to any of its obligations under this Agreement on such party's part to be performed if such party fails to timely perform the same and such failure is due in whole or in part to any strike, lock-out, labor trouble (whether legal or illegal), civil disorder, weather conditions, failure or interruptions of power, restrictive governmental laws and regulations, condemnations, riots, insurrections, acts of terrorism, war, fuel shortages, accidents, casualties, floods, earthquakes, fires, acts of Gods, epidemics, quarantine restrictions, freight embargoes, acts caused directly or indirectly by the other party (or the other party's agents, employees or invitees) or similar causes beyond the reasonable control of such party ("*Force Majeure*"). If one of the foregoing events shall occur or either party shall claim that such an event shall have occurred, the party to whom such claim is made shall investigate same and consult with the party making such claim regarding the same and the party to whom such claim is made shall grant any extension for the performance of the unsatisfied obligation equal to the period of the delay, which period shall commence to run from the time of the commencement of the Force Majeure; provided that the failure of performance was reasonably caused by such Force Majeure.

ARTICLE 7. TERM

Term. This Agreement #2 shall be in full force and effect upon its execution by the parties and terminate upon the first to occur: (i) the payment to the Developer the lessor of twenty-five percent (25%) of the total cost of the Project; or, $398,912; or, (ii) December 31, 2030.

ARTICLE 8. NOTICES

8.1 Notices. All notices and other communications in connection with this Agreement #2 shall be in writing and shall be deemed delivered to the addressee thereof (a) when delivered in person on a business day at the address set forth below, or (b) on the third business day after being deposited in any main or branch United States post office, for delivery by properly addressed, postage prepaid, certified or registered mail, return receipt requested, at the address set forth below, or (c) by facsimile or email transmission, when transmitted to either the facsimile telephone number or email address set forth below, when actually received.

Notices and communications to Developer shall be addressed to, and delivered at, the following addresses:

With a copy to:

The Williams Group, LLC
1905 Marketview Drive
Suite 255
Yorkville, Illinois 60560
Attn: Edward L. Williams

Notices and communications to the City shall be addressed to and delivered at these addresses:

	With a copy to:
United City of Yorkville 800 Game Farm Road Yorkville, Illinois 60560 Attn: City Administrator	Kathleen Field Orr 2024 Hickory Road, Suite 205 Homewood, Illinois 60430

By notice complying with the requirements of this Section, each party shall have the right to change the address or addressee, or both, for all future notices and communications to such party, but no notice of a change of address or addressee shall be effective until actually received.

ARTICLE 9. IN GENERAL

9.1 Amendments and Waiver. No modification, addition, deletion, revision, alteration, or other change to this Agreement #2 shall be effective unless and until the change is reduced to writing and executed and delivered by the City and the Developer. No term or condition of this Agreement #2 shall be deemed waived by any party unless the term or condition to be waived, the circumstances giving rise to the waiver and, where applicable, the conditions and limitations on the waiver are set forth specifically in a duly authorized and written waiver of such party. No waiver by any party of any term or condition of this Agreement #2 shall be deemed or construed as a waiver of any other term or condition of this Agreement #2, nor shall waiver of any breach be deemed to constitute a waiver of any subsequent breach whether of the same or different provisions of this Agreement #2.

9.2 No Third Party Beneficiaries. No claim as a third party beneficiary under this Agreement by any person, firm, or corporation shall be made, or be valid, against the City or Developer.

9.3 Entire Agreement. This Agreement #2 shall constitute the entire agreement of the Parties; all prior agreements between the Parties, whether written or oral, are merged into this Agreement #2 and shall be of no force and effect.

9.4 Counterparts. This Agreement #2 is to be executed in two or more counterparts, each of which shall be deemed an original but all of which shall constitute the same instrument.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates set forth below their respective signatures, to be effective as of the Effective Date.

United City of Yorkville

By: _____
Mayor

Attest:

By: _____
City Clerk

Date: _____, 2022

The Williams Group, LLC

By: _____
Its Manager

Exhibit A

Estimated Project Costs



101 W Hydraulic

Fox Republic Brewing

AUGUST 21, 2022

The Williams Group

Overview

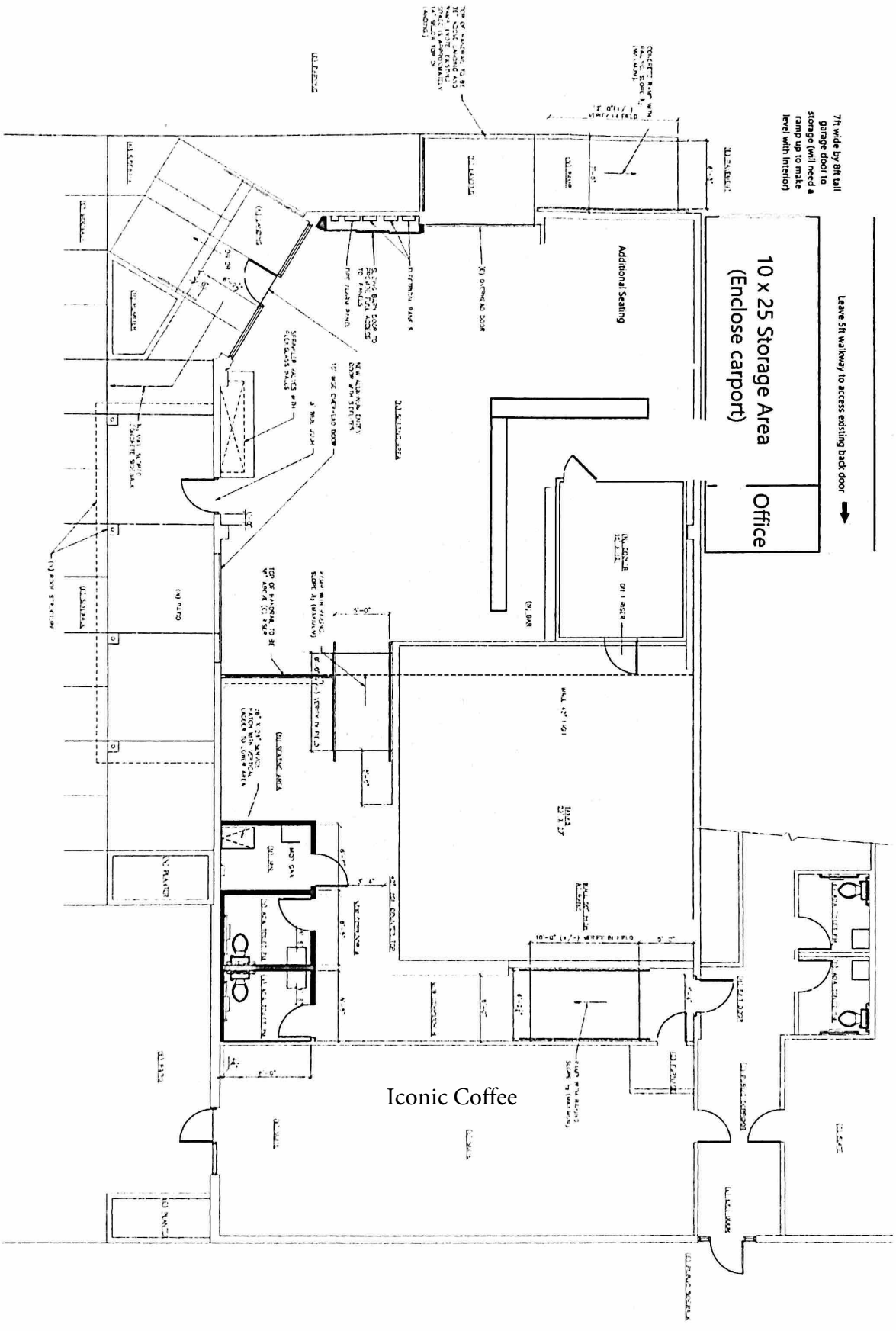


Fox Republic Brewing will occupy approximately 3,250 sq/ft in the Riverside Plaza development at 101 W Hydraulic. We will have a 7 BBL system and sell craft beer only with no food in-house. We plan to partner with local Yorkville restaurants to provide food service. Our head brewer is one of the partners in the business and has over 20+ years of experience operating various breweries.

The first phase of the Riverside Plaza development was completed mid-August and is now fully occupied by two 2nd floor apartments, Second Chance Cardiac Solutions, Foxes Den Meadery, and Iconic Coffee.



Please see separate attachment for higher resolution floor plan



FLOOR PLAN REVISION 2

¼" = 1'-0"

NORTH

LEGEND

NEW STUD WALL

EXISTING WALL

COPYRIGHT 2022 TEMPLE ARCHITECTS, LLC

A1	JOB NO: 220827 DATE: AUG. 17, 2022 REVISIONS: AUG. 19, 2022		INTERIOR AND EXTERIOR IMPROVEMENTS FOR: NEW BREWERY 101 S. BRIDGE ST., YORKVLLE, L 60560

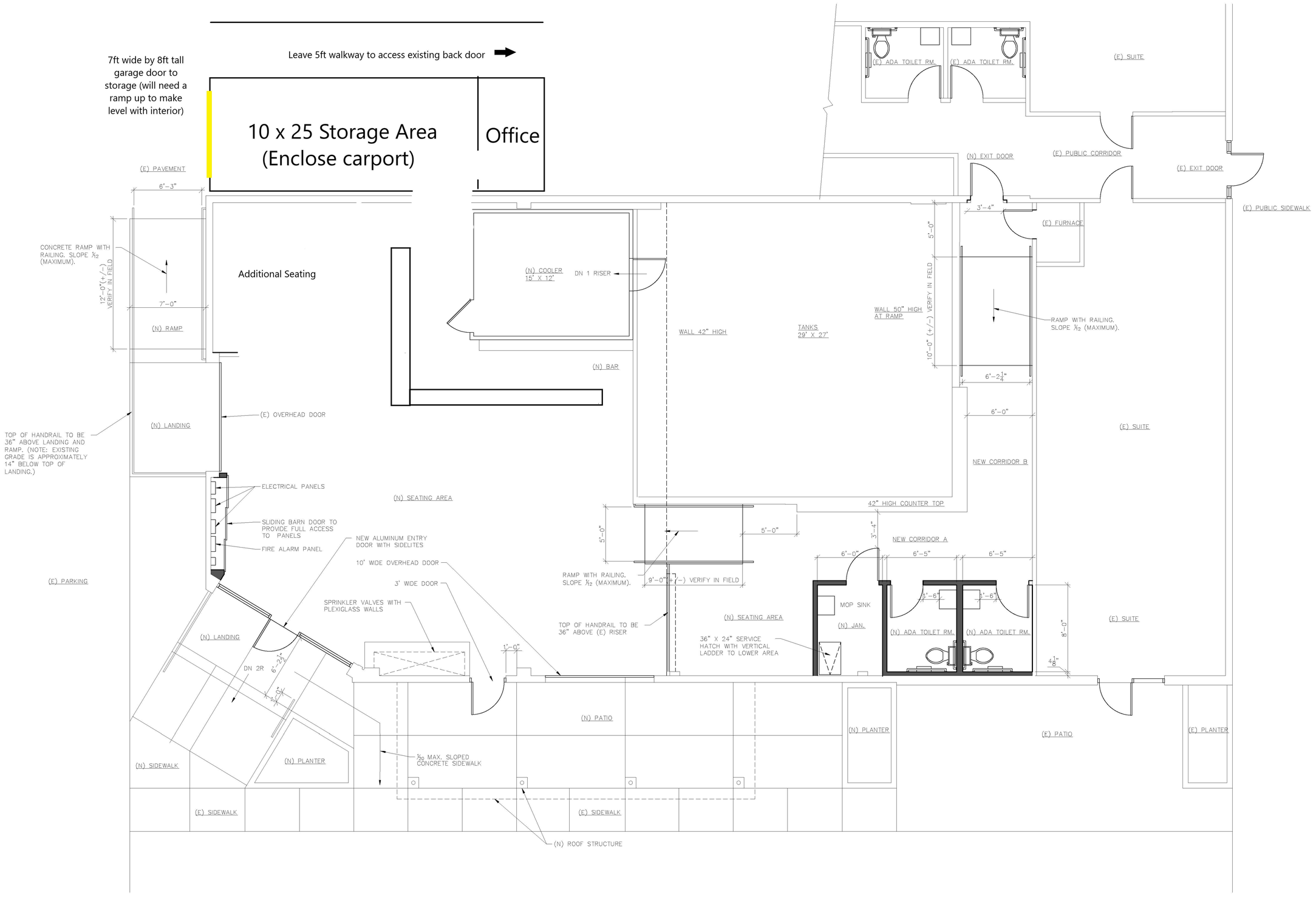
TEMPLE ARCHITECTS
ELSBURN, IL 60119
P 630.443.0917
WWW.TEMPLEARCHITECTS.NET

THE WILLIAMS GROUP

Proposed Budget

Fox Republic Brewing Construction Costs

Architect + Engineering	$15,000
Permits/Fees (1/2 Off per the TIF Agreement)	$5,000
Demo	$2,500
Plumbing Rough	$37,500
Plumbing Finish	$7,250
Electrical Rough	$32,000
Electrical Finish	$11,000
HVAC	$32,000
Carpentry - Framing	$39,000
Carpentry - Interior Trim and Doors	$7,750
Masonry - Prep for New Doors	$17,500
Garage Door	$6,500
Glass Entry Doors	$16,000
Drywall	$12,000
Painting (Interior and Exterior)	$13,700
Concrete (Interior and Exterior)	$14,000
Concrete Floor Refinishing	$10,500
Exterior signage	$5,000
Total	$269,200



FLOOR PLAN REVISION 2

1/4" = 1'-0"

NORTH

LEGEND

- NEW STUD WALL
- EXISTING WALL

TEMPLE ARCHITECTS
COMMERCIAL ◦ EDUCATIONAL ◦ RELIGIOUS ◦ RESIDENTIAL ◦ RESTORATION ◦ INDUSTRIAL
ELBURN, IL 60119
P: 630.443.0917
WWW.TEMPLEARCHITECTS.NET

INTERIOR AND EXTERIOR IMPROVEMENTS FOR:

NEW BREWERY

101 S. BRIDGE ST., YORKVILLE, IL 60560

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JOB NO: 220827
DATE: AUG. 17, 2022
REVISIONS:
AUG. 19, 2022

A1

Reviewed By:	
Legal	■
Finance	☐
Engineer	☐
City Administrator	■
Purchasing Manager	☐
Community Development	■
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

New Business #7

Tracking Number

EDC 2022-59

Agenda Item Summary Memo

Title: Windmill Farms – 3rd Amendment to Annexation Agreement (Restore Church)

Meeting and Date: Economic Development Committee – September 6, 2022

Synopsis: Proposed amendment to the Windmill Farms Annexation Agreement.

Council Action Previously Taken:

Date of Action: CC – 04/26/22

Item Number: EDC 2022-21

Action Taken: Approved an Ordinance Approving a Second Amendment to the Annexation and PUD Agreement (Windmill Farms).

Type of Vote Required: Majority

Council Action Requested: Vote

Submitted by: Krysti J. Barksdale-Noble, AICP (Name) Community Development (Department)

Agenda Item Notes:

See attached memorandum.

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/gov_officials.php

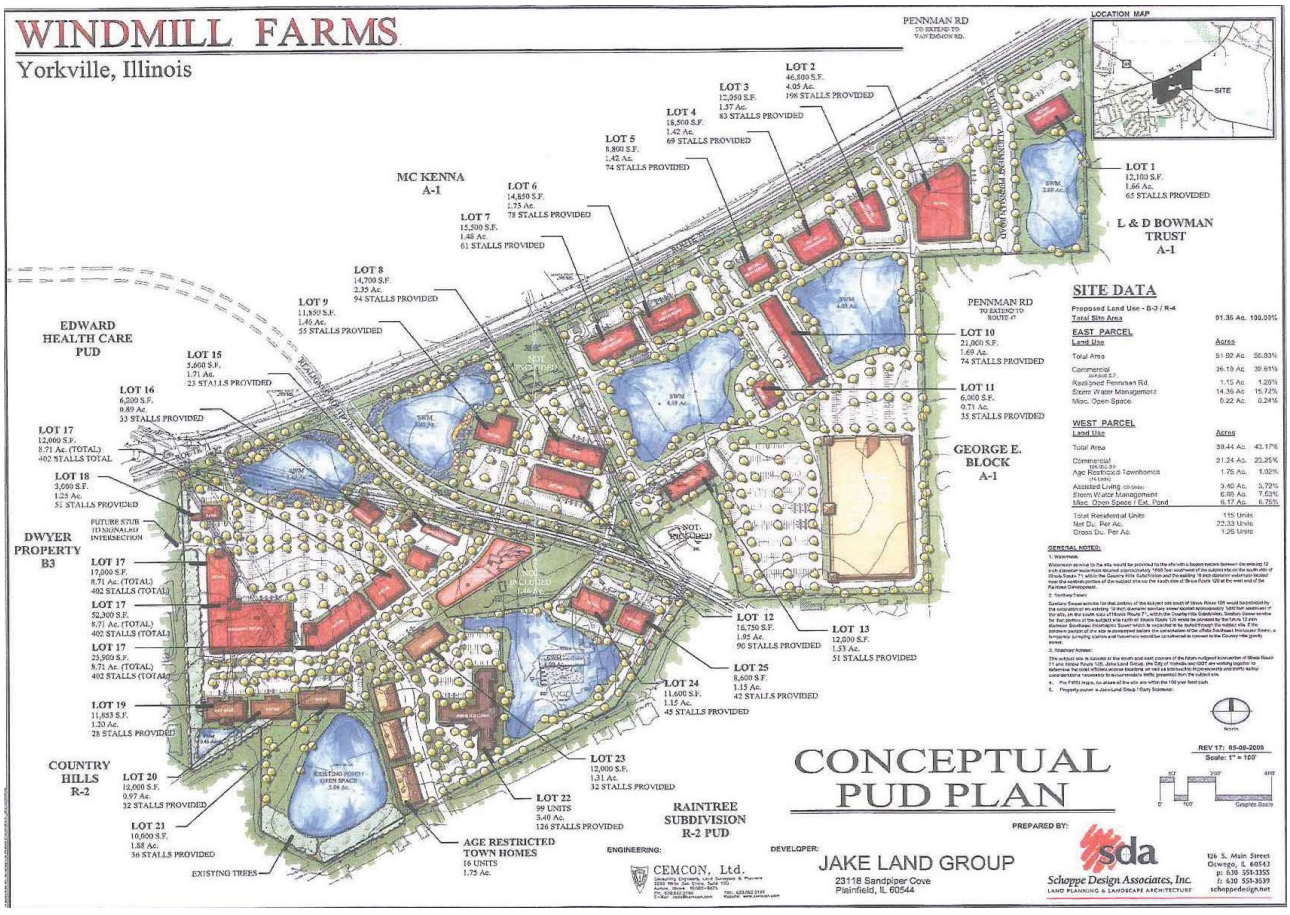
Memorandum

To: Economic Development Committee
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Kathleen Field-Orr, City Attorney
Date: August 29, 2022
Subject: **Windmill Farms – 3rd Amendment to Annexation Agreement**
Regarding Zoning of Certain Property within Original Development

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SUMMARY:

The request is for an amendment to an existing annexation agreement for the Windmill Farms Planned Unit Development (PUD) approved in 2008. The PUD covered approximately 91-acres of land under contract by the former developer, Jake Land Group, for a proposed commercial and multi-family residential development (refer to concept PUD Plan below). Although the City annexed the parcels and rezoned the entire site under a "PUD" zoning, a final plat was never recorded to formalize the PUD and development never commenced. This left the properties in the Windmill Farms development saddled with entitlements that limited their ability to redevelop, expand or rezone without City Council action. Included within the original Windmill Farms development are 33-acres consisting of three (3) parcels currently owned by Restore Church, Inc. A portion of the overall 33-acres utilized for religious institution with plans for expansion and future land uses compatible with the underlining B-3 zoning designation.



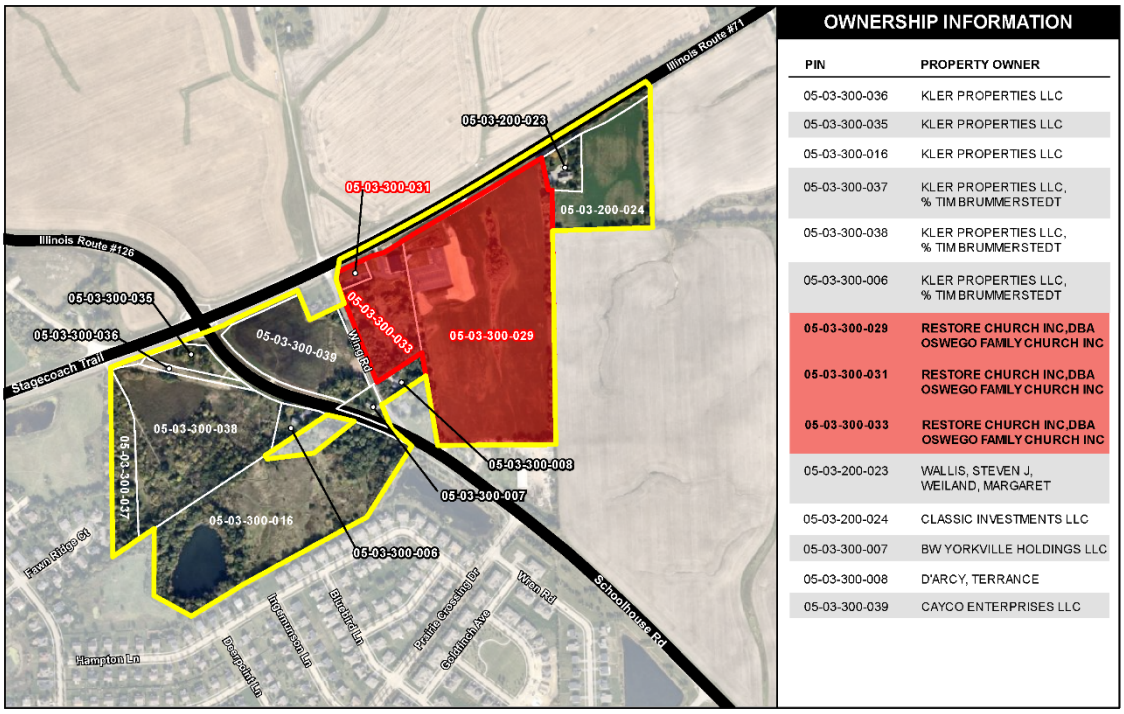
Restore Church, Inc. intends to continue operations of its ministry in the existing 6,800 square foot church building which was a renovation of an existing structure and construct a 10,000 square foot addition. Future plans for the remainder of the overall 33-acres are yet to be determined but will comply with the proposed B-3 permitted zoning land uses.

Therefore, the amendment seeks to remove the subject property from the previously approved annexation agreement. Since the annexation agreement is not set to expire until 2028, each property owner must seek City Council approval to remove themselves from the agreement's provisions by amendment. Once removed, the property will only retain its zoning, which is the PUD District zoning. Additionally, the City no longer has a Planned Unit Development (PUD) zoning district, therefore the property will be required to rezone. The proposed agreement amendment is being considered concurrently with a request for rezoning from PUD to B-3 General Business District by the Planning and Zoning Commission.

DEVELOPMENT BACKGROUND:

In 2008, Windmill Farms was annexed into Yorkville and zoned within the Planned Unit Development (PUD) District via ordinances 2008-40 and 2008-42. The developer at that time, Jake Land Group, LLC, annexed eight (8) parcels totaling roughly 78-acres and assembled those with five (5) already annexed parcels to create a thirteen (13) parcel, an approximately 91-acre site, with a mix of residential and commercial land uses. Some of the parcels were purchased by the developer, while others were under contract. As part of the annexation agreement, certain B-3 General Business District and R-4 General Multi-Family Residence District land uses were permitted, and development was subject to the approved Windmill Farms concept land plan.

The annexation and zoning were the only approvals granted for the Windmill Farm development. Since that time, the Jake Land Group, LLC parcels were foreclosed upon and the contracts with the owners of the other parcels fell through. The majority of the property remained vacant or undeveloped since the



OWNERSHIP INFORMATION

PIN	PROPERTY OWNER
05-03-300-036	KLER PROPERTIES LLC
05-03-300-035	KLER PROPERTIES LLC
05-03-300-016	KLER PROPERTIES LLC
05-03-300-037	KLER PROPERTIES LLC, % TIM BRUMMERSTEDT
05-03-300-038	KLER PROPERTIES LLC, % TIM BRUMMERSTEDT
05-03-300-006	KLER PROPERTIES LLC, % TIM BRUMMERSTEDT
05-03-300-029	**RESTORE CHURCH INC,DBA OSWEGO FAMILY CHURCH INC**
05-03-300-031	**RESTORE CHURCH INC,DBA OSWEGO FAMILY CHURCH INC**
05-03-300-033	**RESTORE CHURCH INC,DBA OSWEGO FAMILY CHURCH INC**
05-03-200-023	WALLIS, STEVEN J, WEILAND, MARGARET
05-03-200-024	CLASSIC INVESTMENTS LLC
05-03-300-007	BW YORKVILLE HOLDINGS LLC
05-03-300-008	D'ARCY, TERRANCE
05-03-300-039	CAYCO ENTERPRISES LLC

Restore Church Ownership Map

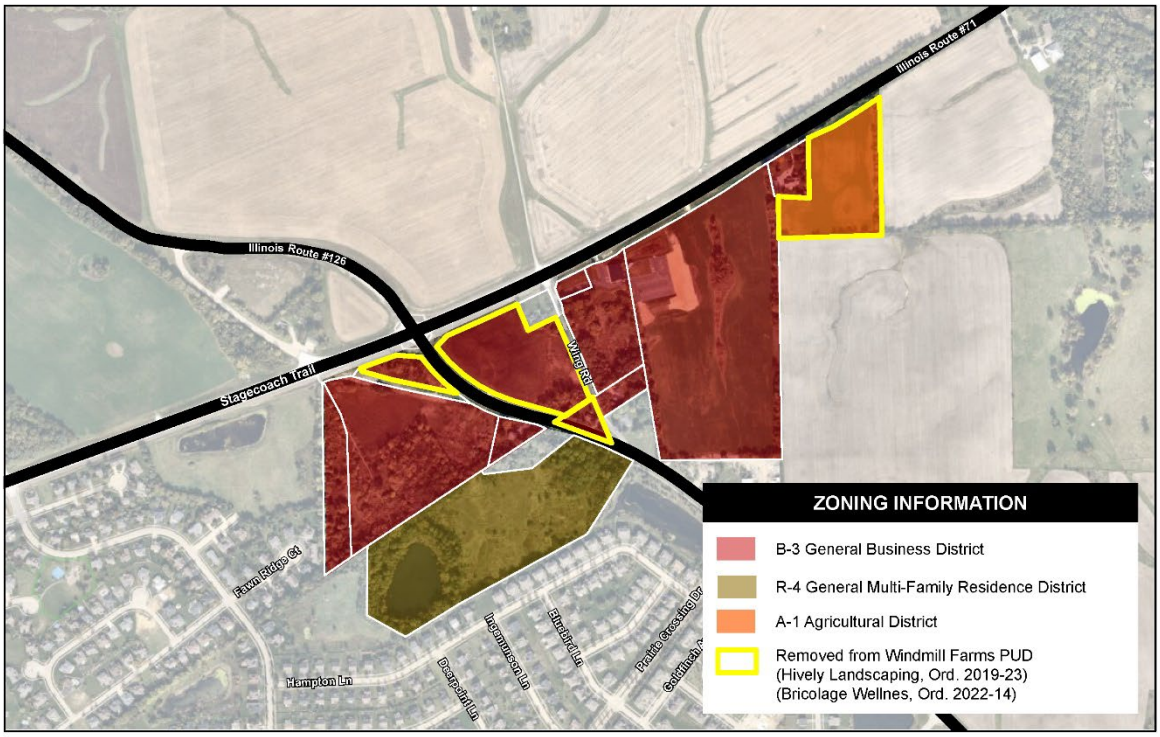
United City of Yorkville, Illinois
August 25, 2022

original approvals in 2008. Additionally, some parcels have been further subdivided. The current ownership of the parcels is depicted in the following map:

ZONING ANALYSIS:

The existing Windmill Farms Annexation and Planned Unit Development Agreement presents a unique land approval dilemma for successor property owners, specifically related to zoning of the parcels currently for sale and future land use development. The annexation agreement, which is nearing 15 years of its 20-year term, established a Planned Unit Development (PUD) zoning district for the development with portions of the property subject to certain B-3 business and R-4 multi-family residential land uses.

Recently, two (2) amendments to the Windmill Farms Annexation Agreement have been approved. The most recent was by Bricolage Wellness in April 2022 for the reuse of an existing residence as a professional office/clinic for therapeutic services and the other in 2019, when Hively Landscaping petitioned for annexation amendment through an identical entitlement process for three (3) parcels they purchased in the Windmill Farms development. Both successfully rezoned their parcels from PUD to B-3 General Business District and Hively also rezoned one parcel to A-1 Agriculture as depicted in the zoning map below:



Restore Church Zoning Map

United City of Yorkville, Illinois
April 25, 2022

According to the 2006 annexation agreement for Windmill Farms, a preliminary process for the approval of a PUD as a special use was anticipated with the adoption of the concept plan. However, the concept plan was never formalized via an ordinance approving the special use for a Planned Unit Development (PUD) and final plat of subdivision. With the passage of time, the concept plan for the Windmill Farm development is no longer valid. Therefore, it is staff and the City Attorney's recommendation to amend the only authorizing document for the Windmill Farms development, the

annexation and PUD agreement, to remove the subject parcel and thereby allowing it to be rezoned. Further, the rezoning will have no effect on the validity of the annexation itself.

PROPOSED AMENDMENT:

As prepared by the City Attorney, the proposed amendment deletes Paragraph 1: Annexation and Zoning of the original annexation agreement and replaces it with the following:

The City has adopted an ordinance annexing to the City the Subject Property and shall adopt an ordinance zoning the Subject Property into the B-3 General Business zoning district, which may be further changed without amendment of this Agreement pursuant to the procedures of the Zoning Code.

Paragraph 2A of the annexation agreement is proposed to be deleted, as it relates solely to the concept plan that was never adopted into a final plat for a special use PUD. And finally, paragraphs B and D of Section 3 of the original annexation agreement regarding the requirement for connection to City water and annexing into the Yorkville Bristol Sanitary District is deleted in its entirety, too.

STAFF COMMENTS:

Staff is highly supportive of the proposed annexation agreement amendment based upon legal counsel recommendation and in consideration of the length of time the area has remained undeveloped under the current concept plan and zoning. This annexation agreement amendment request is tentatively scheduled for a public hearing before the City Council on **October 25, 2022**. Staff and the petitioner will be available at Tuesday night's meeting to answer any questions.

Ordinance No. 2022-_____

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, APPROVING THE THIRD AMENDMENT TO THE ANNEXATION AND PLANNED UNIT DEVELOPMENT AGREEMENT FOR A PORTION OF THE WINDMILL FARMS DEVELOPMENT (Restore Church, Inc.)

WHEREAS, the United City of Yorkville (the "*City*") is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, Jake Land Group, LLC (the "Original Owner") entered into an *ANNEXATION AND PLANNED UNIT DEVELOPMENT AGREEMENT TO THE UNITED CITY OF YORKVILLE WINDMILL FARMS* (the "Original Annexation Agreement") dated May 27, 2008 that was approved by the Mayor and City Council (the "Corporate Authorities") by Ordinance No. 2008-40 on May 27, 2008 and recorded with the Kendall County Recorder on July 17, 2008 as document 200800016874; and,

WHEREAS, the Original Annexation Agreement provided for the annexation and zoning of approximately 62.82 acres of land to the City and the development of 15.32 acres already annexed to the City; and,

WHEREAS, on April 9, 2019, by Ordinance No. 2019-22, the Original Agreement was amended as it related to 16.21 acres of the Windmill Farms to rezone three (3) parcels to the City's A-1 Agricultural District and B-3 General Business District for the development of a landscape nursery business (the "First Amendment"); the First Amendment was recorded with the Kendall County Recorder' s Office on May 2, 2019 as document #201900005298; and,

WHEREAS, on April 26, 2022, by Ordinance No. 2022-14, the Original Agreement was amended a second time as it related to approximately 1.17 acres of the Windmill Farms development to rezone that property located at 8721 Route 126 to the City's B-3 General Business District for the operation of a professional services office use (the "Second Amendment"); the Second Amendment was recorded with the Kendall County Recorder' s Office on June 27, 2022 as document #202200010973; and,

WHEREAS, Restore Church, Inc. ("Developer") is the owner of approximately 33.4 acres of the Windmill Farms property that is legally described on Exhibit A attached hereto and made a part hereof (the "Subject Property") with PIN Numbers: 05-03-300-029, 05-03-300-031 and 05-03-300-033; and,

WHEREAS, Developer has petitioned the City to amend the Original Annexation Agreement to rezone the Subject Property pursuant to the current United City of Yorkville Zoning Ordinance (the "Zoning Code") in order to permit the Developer to proceed with operation under the City's B-3 General Business District for a large religious institution land use; and,

WHEREAS, the Corporate Authorities conducted a public hearing on the third amendment of the Original Annexation Agreement on October 25, 2022 and the statutory procedures provided in 65 ILCS 5/11-15.1-1, as amended, for the approval of this Third Amendment have been complied with.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: The above recitals are incorporated and made a part of this Ordinance.

Section 2: That the *THIRD AMENDMENT TO THE ANNEXATION AGREEMENT BETWEEN JAKE LAND GROUP LLC AND THE UNITED CITY OF YORKVILLE (Windmill Farms),* attached hereto and made a part hereof by reference as Exhibit A be and is hereby approved and the Mayor and City Clerk are hereby authorized and directed to execute and deliver said Second Amendment.

Section 3: This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, A.D. 2022.

_____

CITY CLERK

KEN KOCH	_____	DAN TRANSIER	_____
ARDEN JOE PLOCHER	_____	CRAIG SOLING	_____
CHRIS FUNKHOUSER	_____	MATT MAREK	_____
SEAVER TARULIS	_____	JASON PETERSON	_____

APPROVED by me, as Mayor of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, A.D. 2022.

_____

MAYOR

THIRD AMENDMENT
TO THE ANNEXATION AGREEMENT
BETWEEN JAKE LAND GROUP LLC AND THE UNITED CITY OF YORKVILLE
(*Windmill Farms*)

This Third Amendment (the "Amendment") to the Annexation Agreement dated May 27, 2008, pertaining to the Windmill Farms properties, is entered into this __ day of October, 2022, by and between the United City of Yorkville, Illinois, a municipal corporation (the "City") and Restore Church, Inc., the owner of a portion of the Windmill Farms properties (the "DEVELOPER"); and,

WHEREAS, Jake Land Group, LLC (the "Original Owner") entered into an *ANNEXATION AND PLANNED UNIT DEVELOPMENT AGREEMENT TO THE UNITED CITY OF YORKVILLE WINDMILL FARMS* (the "Original Annexation Agreement") dated May 27, 2008 that was approved by the Mayor and City Council (the "Corporate Authorities") by Ordinance No. 2008-40 on May 27, 2008 and recorded with the Kendall County Recorder on July 17, 2008 as document 200800016874; and,

WHEREAS, the Original Annexation Agreement provided for the annexation of approximately 62.82 acres of land to the City and the development of 15.32 acres already annexed to the City (the "Property"), when due to the changes in the economic conditions in the country and most particularly in the region, the Original Owner lost ownership of the Property; and,

WHEREAS, on April 9, 2019, by Ordinance No. 2019-22, the Original Agreement was amended as it related to 16.21 acres of the Windmill Farms to rezone three (3) parcels to the City's A-1 Agricultural District and B-3 General Business District for the development of a landscape nursery business (the "First Amendment"); the First Amendment was recorded with the Kendall County Recorder' s Office on May 2, 2019 as document #201900005298; and,

WHEREAS, on April 26, 2022, by Ordinance No. 2022-14, the Original Agreement was amended a second time as it related to approximately 1.17 acres of the Windmill Farms development to rezone that property located at 8721 Route 126 to the City's B-3 General Business District for the operation of a professional services office use (the "Second Amendment"); the Second Amendment was recorded with the Kendall County Recorder' s Office on June 27, 2022 as document #202200010973; and,

WHEREAS, DEVELOPER is the owner of approximately 33.4 acres of the Windmill Farms property that is legally described on Exhibit A attached hereto and made a part hereof (the "Subject Property") with PIN Numbers: 05-03-300-029, 05-03-300-031 and 05-03-300-033; and,

WHEREAS, DEVELOPER has petitioned the City to rezone the Subject Property pursuant to the current United City of Yorkville Zoning Ordinance (the "Zoning Code") in order to permit DEVELOPER to proceed with operation under the City's B-3 General Business District for a large religious institution land use; and,

WHEREAS, the DEVELOPER is prepared to participate in all public hearings as required by law to accomplish this Amendment to the Original Annexation Agreement and as may be required to rezone the Property under the Zoning Code.

NOW, THEREFORE, the parties hereto agree as follows:

1. The above recitals are incorporated herein and made a part of this Agreement.

2. That the fifth whereas clause be and is herby repealed.

3. That Paragraph 1 of the Original Annexation Agreement is hereby deleted and replaced with the following:

ANNEXATION AND ZONING

The City has adopted an ordinance annexing to the City the Subject Property and shall adopt an ordinance zoning the Subject Property into the B-3 General Business District for parcels 05-03-300-029, 05-03-300-031 and 05-03-300-033, which may be further changed without amendment of this Agreement pursuant to the procedures of the Zoning Code.

4. That Paragraph 2A of the Original Annexation Agreement is hereby deleted in its entirety.

5. That Paragraph 9, Notice, of the Original Annexation Agreement is hereby amended by deleting the person named to receive notice for the Developer and insert the following:

To Developer:

Jordan Gash
Restore Church, Inc.
8710 State Route 71
Yorkville, Illinois 60560

With a copy to:

John Philipchuck, Attorney
Cobine West Gensler Philipchuck & Corrigan, Ltd.
111 East Jefferson Avenue
Naperville, IL 60540

6. That Paragraphs B and D of Section 3, of the Original Annexation Agreement regarding the requirement for connection to City water and annexing into the Yorkville Bristol Sanitary District is hereby deleted in its entirety.

IN WITNESS WHEREOF, the parties hereto have caused this Second Amendment to the Original Annexation Agreement to be executed by their duly authorized officers on the above date at Yorkville, Illinois.

United City of Yorkville, an Illinois municipal Corporation

By: _____
Mayor

Attest:

_____
City Clerk

DEVELOPER

By: _____
Restore Church, Inc.

Attest:

_____
Witness

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 AGREEMENT AMENDMENT

DATE: JULY 14, 2022	PZC NUMBER:	DEVELOPMENT NAME: WINDMILL FARMS	
PETITIONER INFORMATION			
NAME: JORDAN GASH		COMPANY: RESTORE CHURCH, INC	
MAILING ADDRESS: 8710 STATE ROUTE 71			
CITY, STATE, ZIP: YORKVILLE, IL 60560		TELEPHONE: ✓ BUSINESS ○ HOME 630-450-4679	
EMAIL: jordan@restorechurchyorkville.com		FAX:	
PROPERTY INFORMATION			
NAME OF HOLDER OF LEGAL TITLE: Old Second National Bank			
IF LEGAL TITLE IS HELD BY A LAND TRUST, LIST THE NAMES OF ALL HOLDERS OF ANY BENEFICIAL INTEREST THEREIN:			
PROPERTY STREET ADDRESS: 8710 Route 71, Yorkville, IL 60560			
DESCRIPTION OF PROPERTY'S PHYSICAL LOCATION: Property just east of the Route 71 and Route 126 intersection on the northeast corner of Wing Road and State Route 71.			
CURRENT ZONING CLASSIFICATION: PUD WITH UNDERLYING B-3 COMMERCIAL			
LIST ALL GOVERNMENTAL ENTITIES OR AGENCIES REQUIRED TO RECEIVE NOTICE UNDER ILLINOIS LAW:			
ZONING AND LAND USE OF SURROUNDING PROPERTIES			
NORTH: A-1 / UNINCORPORATED KENDALL COUNTY (FARM)			
EAST: R-4, B-3 / PUD (IMPROVED RESIDENTIAL)			
SOUTH: B-3 / PUD (IMPROVED COMMERCIAL)			
WEST: B-3 / COMMERCIAL			
KENDALL COUNTY PARCEL IDENTIFICATION NUMBER(S)			
05-03-300-029			
05-03-300-031			
05-03-300-033			

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 AGREEMENT AMENDMENT

PROPERTY INFORMATION

NAME OF AGREEMENT: WINDMILL FARMS

DATE OF RECORDING: MAY 27, 2008

SUMMARIZE THE ITEMS TO BE AMENDED FROM THE EXISTING AGREEMENT:
PARCELS 05-03-300-029, 05-03-300-031, & 05-03-300-033 TO BE REMOVED FROM PUD.

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".

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

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

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 AGREEMENT AMENDMENT

ATTORNEY INFORMATION	
NAME: John Philipchuck	COMPANY: Dommermuth Cobine West Gensler Philipchuck & Corrigan, Ltd.
MAILING ADDRESS: 111 East Jefferson Avenue	
CITY, STATE, ZIP: Naperville, IL 60540	TELEPHONE: (630) 355-5800
EMAIL: JFP@dbcw.com	FAX:
ENGINEER INFORMATION	
NAME: Jason Wiesbrock	COMPANY: SpaceCo
MAILING ADDRESS: 224½ N. Liberty St.	
CITY, STATE, ZIP: Morris, IL. 60450	TELEPHONE: 815-941-0260
EMAIL: jwiesbrock@spacecoinc.com	FAX:
LAND PLANNER/SURVEYOR INFORMATION	
NAME: Alberto Agama	COMPANY: Agama Designs
MAILING ADDRESS: 664 W Veterans Pkwy Suite A	
CITY, STATE, ZIP: Yorkville, IL 60560	TELEPHONE: (630) 385-2945
EMAIL: alberto@agamadesigns.com	FAX:

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: 7/15/22

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

OWNER SIGNATURE — DATE: 7/15/22

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

APPLICANT DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

PROJECT NUMBER:	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS: 8710 State Route 71, Yorkville, IL 60560

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 **INVOICE & WORKSHEET PETITION APPLICATION.** 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.

ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

NAME: Jordan Gash	COMPANY: Restore Church, Inc
MAILING ADDRESS: 8710 State Route 71	
CITY, STATE, ZIP: Yorkville, IL 60560	TELEPHONE: 630-450-4679
EMAIL: jordan@restorechurchyorkville.com	FAX:

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.

Jordan Gash — PRINT NAME

President — TITLE

SIGNATURE*

7/14/2022 — DATE

**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)*

INITIAL ENGINEERING/LEGAL DEPOSIT TOTALS

ENGINEERING DEPOSITS:		LEGAL DEPOSITS:	
Up to one (1) acre	$5,000	Less than two (2) acres	$1,000
Over one (1) acre, but less than ten (10) acres	$10,000	Over two (2) acres, but less than ten (10) acres	$2,500
Over ten (10) acres, but less than forty (40) acres	$15,000	Over ten (10) acres	$5,000
Over forty (40) acres, but less than one hundred (100)	$20,000		
In excess of one hundred (100.00) acres	$25,000		

Exhibit A

PARCEL 1: 05-03-300-029
Legal Description
27.60 AC TR LYG PT SW ¼ & PT NW ¼ SEC 3-36-7 (EXC PT DESCRBD AS "EXC" PER DOC 17-16528, PG 5) CITY OF YORKVILLLE

"THAT PART OF THE NORTHEAST, NORTHWEST ANO 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 1/4; THENCE SOUTH 00 DEGREE 10 MINUTES 48 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 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 579.53 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LANO CONVEYED TO ELSIE BOYD BY A DEED DATED MARCH 26, 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 ANO 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 472.59 FEET TO A LINE DRAWN NORTH 00 DEGREES 10 MINUTES 48 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID NORTHEAST 1/4, FROM A POINT ON THE SOUTH LINE OF SAID NORTHEAST 1/4 WHICH IS 598.62 FEET EASTEAL Y OF THE SOUTHWEST CORNEA OF SAID NORTHEAST 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 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 (EXCEPTING THEREFROM THAT PART IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN)

PARCEL 2: 05-03-300-031

Legal Description

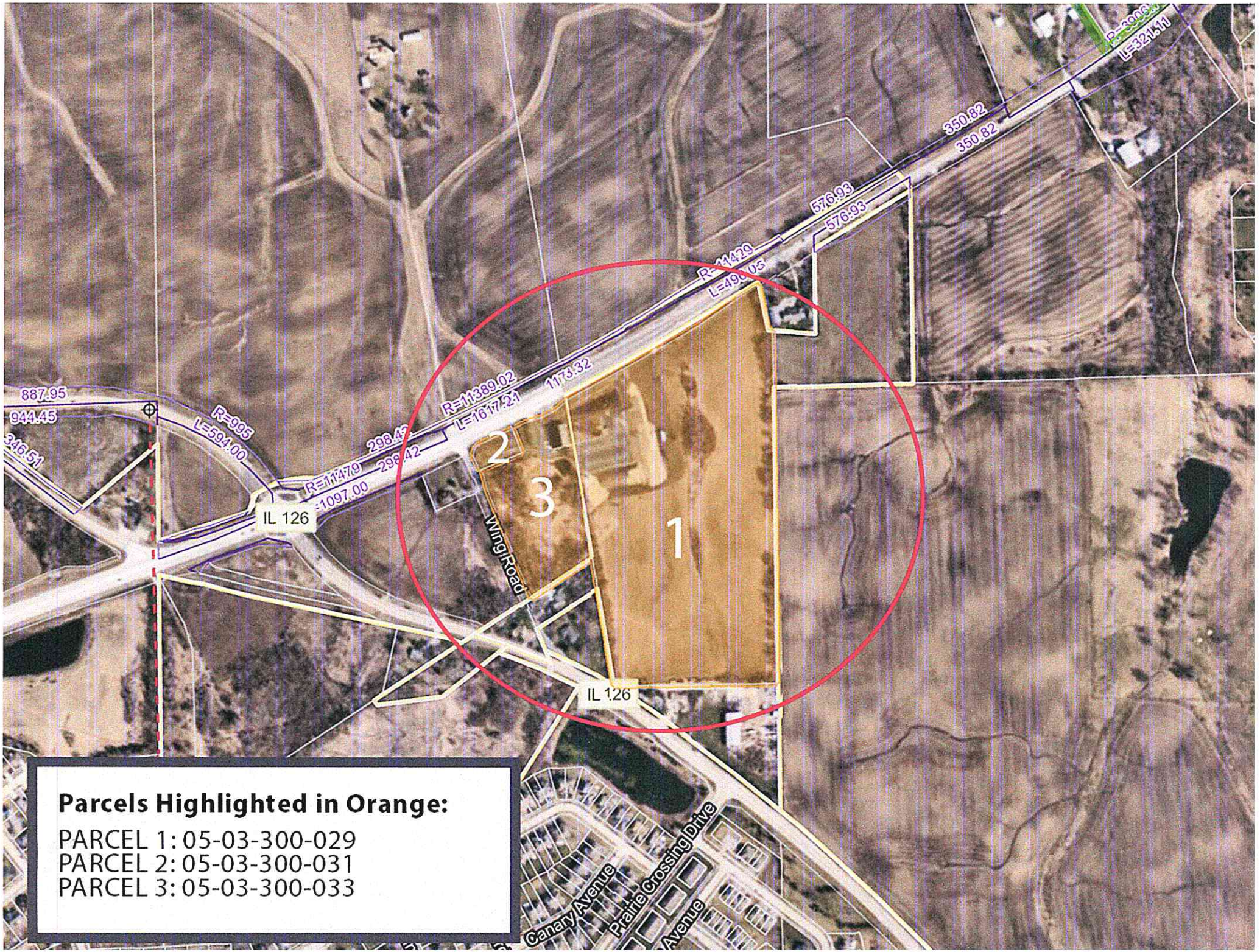
.49 AC TR LYG SW ¼ SEC 3-36-7 (EXC PT DESCRBD AS "EXC" PER DOC 17-16528, PG 5) CITY OF YORKVILLE

THAT PART OF THE WEST 1/2 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 1/4 OF SAID SECTION 3, 1284.36 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 00 DEGREES WEST, 684.42 FEET; THENCE NORTH 09 DEGREES 30 MINUTES 00 SECONDS WEST, 592.27 FEET; 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 FOR THE POINT OF BEGINNING; THENCE SOUTH 21 DEGREES 52 MINUTES 29 SECONDS EAST, ALONG SAID EASTERLY LINE, 119.0 FEET; THENCE NORTH 68 DEGREES 07 MINUTES 31 SECONDS EAST, PERPENDICULAR TO SAID EASTERLY LINE, 211.0 FEET; THENCE NORTH 21 DEGREES 52 MINUTES 29 SECONDS 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 211.36 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS

PARCEL 3: 05-03-300-033
Legal Description
5.40 AC TR LYG SW ¼ SEC 3-36-7 (EXC PT DESCRBD AS "EXC" PER DOC 17-16528, PG 5) CITY OF YORKVILLE

THAT PART OF THE WEST 1/2 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 1/4 OF SAID SECTION 3, 1284.36 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, 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 ILLJNOIS ROUTE 71; THENCE NORTH 68 DEGREES 07 MINUTES 31 SECONDS EAST, PERPENDICULAR TO SAID EASTERLY LINE 211 .0 FEET; THENCE NORTH 21 DEGREES 62 MINUTES 29 SECONDS 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 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 KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.
(Loss and except from Above Parcels 1, 2 & 3 part of the Southwest Quarter and part of the Northwest Quarter of Section 3, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows with bearings and distances based upon the Illinois State Plane Coordinate System, (Grid) East Zone (NAD-83, 2007 adj.): Commencing at the southwest corner of said Section 3; thence North 01 degree 35 minutes 30 seconds West 1995.04 feet along the west line of said southwest quarter section to the centerline of Illinois Route 71; thence North 69 degrees 55 minutes 19 seconds East 262.19 feet along said centerline to the point of curvature of a 11,479.05 foot radius curve to the Jett: thence northeasterly 1163.11 feet along said curve whose chord bears North 67 degrees 01 minutes 09 seconds East 1162.62 feet; thence South 25 degrees 53 minutes 00 seconds East 50.00 feet to the Point of Beginning on the southeasterly right of way line of Illinois Route 71; thence northeasterly 1118.45 feet along said southeasterly right of way line along a 11,529.02 foot radius curve to the left whose chord bears North 61 degrees 20 minutes 15 seconds East 1116.01 feet: thence North 58 degrees 33 minutes 29 seconds East 316.42 feet along said right of way line to the west line of property described In document number 201300024064; thence South 13 degrees 56 minutes 03 seconds East 15. 73 feet along said west line; thence

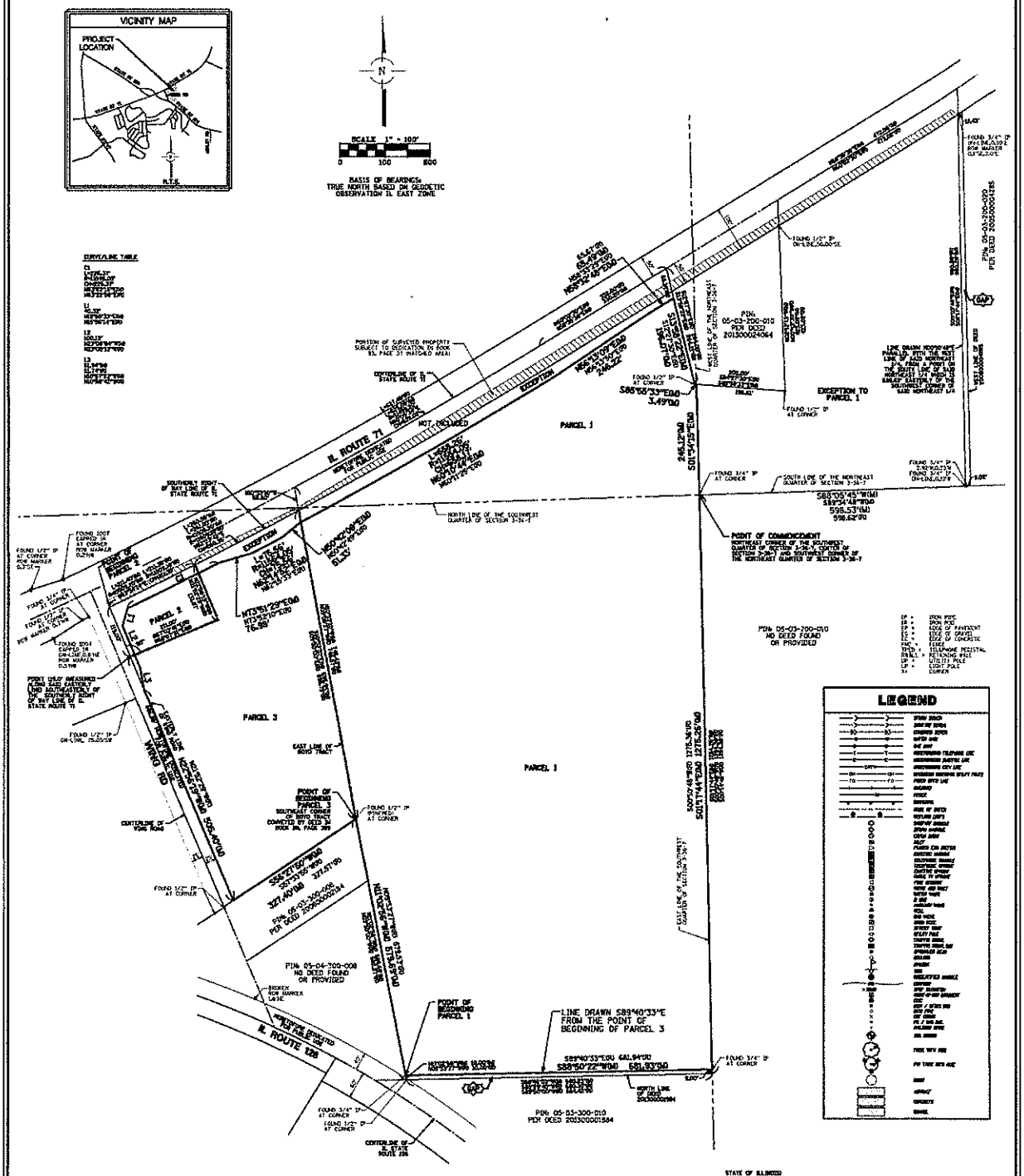
South 58 degrees 33 minutes 29 seconds West 65.67 feet; thence South 56 degrees 13 minutes 50 seconds West 246.22 feet to a non-tangential curve to the right; thence southwesterly 656.26 feet along a 11,554.05 foot radius curve to the right whose chord bears South 60 degrees 11 minutes 25 seconds West 658.17 feet; thence South 50 degrees 42 minutes 49 seconds Weal 51.33 feet; thence southwesterly 75.56 feet along o 11,564.05 loot radius curve to the right whose chord bears South 62 degrees 15 minutes 33 seconds West 75.56 feet; thence South 73 degrees 52 minutes 10 seconds West 76.98 feet; thence southwesterly 226.37 feet along a 11,549.05 foot radius' curve to the right whose chord bears South 63 degrees 22 minutes 56 seconds West 226.37 feet; thence South 15 degrees 56 minutes 14 seconds West 40.32 feet; thence South 23 degrees 05 minutes 13 seconds East 100.12 feet; thence South 10 degrees 56 minutes 42 seconds East 51.74 feet to the easterly right of way line of Wing Road; thence North 22 degrees 56 minutes 26 seconds West 200.26 feet along said right of way line to the Point of Beginning.)



Parcels Highlighted in Orange:

PARCEL 1: 05-03-300-029
PARCEL 2: 05-03-300-031
PARCEL 3: 05-03-300-033

ALTA\NSPS LAND TITLE SURVEY



STATE OF ILLINOIS)
) SS
COUNTY OF GRUNDY)

AND FOR BLD SECOND NATIONAL BANK,
AND FOR CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 7a, 7b1, 7c, 8, 9 AND 10(a) OF TABLE "A" THEREOF. THE FIELDWORK WAS COMPLETED ON AUGUST 16, 2017.

GIVEN UNDER MY HAND AND SEAL THIS 7TH DAY OF SEPTEMBER, 2017 IN MORRIS, ILLINOIS.

JOHN R. DONOVAN, JR., L.S. NO. 035-3785
LICENSE EXPIRES 11-30-2018

VALID ONLY IF EMBOSSED SEAL AFFIXED

PREPARED FOR:
DOMENICI DAIRON
6798 US HIGHWAY 34
OSWEGO, ILLINOIS 60543

REVISIONS
09/06/2017

CONSULTING ENGINEERS
SITE DEVELOPMENT ENGINEERS
LAND SURVEYORS

DATED 08/28/2017
JOB NO: 9252
FIELDBOOK: 8252-GTA/TA
SHEET 1 OF 1

224½ N. Liberty Street
Morris, Illinois 60450
Phone: (815) 941-0360 Fax: (815) 941-0363

Exhibit B

05-03-200-023
OWNER: WALLIS, STEVEN J, WEILAND, MARGARET
OWNER ADDRESS: 8614 RTE 71
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8614 RTE 71
YORKVILLE, IL 60560

05-03-200-024
OWNER: CLASSIC INVESTMENTS LLC
OWNER ADDRESS: 640 B RANCE RD
OSWEGO, IL 60543

05-03-300-006
OWNER: KLER PROPERTIES LLC, % TIM BRUMMERSTEDT
OWNER ADDRESS: 10061 LEGION RD
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8780 ROUTE 126
YORKVILLE, IL 60560

05-03-300-007
OWNER: BIG SKY MANAGEMENT LLC
OWNER ADDRESS: PO BOX 565
SUGAR GROVE, IL 60554
PROPERTY ADDRESS: 8721 ROUTE 126
YORKVILLE, IL 60560

05-03-300-008
OWNER: D'ARCY, TERRANCE
OWNER ADDRESS: 2022 ESSINGTON RD
JOLIET, IL 60435
PROPERTY ADDRESS: 6610 WING RD
YORKVILLE, IL 60560

05-03-300-016
OWNER: KLER PROPERTIES LLC, % TIM BRUMMERSTEDT
OWNER ADDRESS: 10061 LEGION RD
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8720A ROUTE 126
YORKVILLE, IL 60560

05-03-300-029
OWNER: RESTORE CHURCH INC
OWNER ADDRESS: 8710 RTE 71
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8710 RTE 71
YORKVILLE, IL 60560

05-03-300-031
OWNER: RESTORE CHURCH INC
OWNER ADDRESS: 8710 RTE 71
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8710 RTE 71
YORKVILLE, IL 60560

05-03-300-033
OWNER: RESTORE CHURCH INC
OWNER ADDRESS: 8710 RTE 71
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8710 RTE 71
YORKVILLE, IL 60560

05-03-300-034
OWNER: SCOTT & BETH LIMBERG
OWNER ADDRESS: 1627 N 17TH RD
STREATOR, IL 61364
PROPERTY ADDRESS: 1625 WING RD
YORKVILLE, IL 60560

05-03-300-035
OWNER: KLER PROPERTIES LLC
OWNER ADDRESS: 31 W 325 SCHOGER DR
NAPERVILLE, IL 60564

05-03-300-036
OWNER: KLER PROPERTIES LLC
OWNER ADDRESS: 31 W 325 SCHOGER DR
NAPERVILLE, IL 60564

05-03-300-037
OWNER: KLER PROPERTIES LLC, % TIM BRUMMERSTEDT
OWNER ADDRESS: 10061 LEGION RD
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8996 A STAGECOACH TRL
YORKVILLE, IL 60560

05-03-300-038
OWNER: KLER PROPERTIES LLC, % TIM BRUMMERSTEDT
OWNER ADDRESS: 10061 LEGION RD
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8996 B STAGECOACH TRL
YORKVILLE, IL 60560

05-03-300-039
OWNER: CAYCO ENTERPRISES LLC
OWNER ADDRESS: 34 COUNTRYVIEW DR
YORKVILLE, IL, 60560

Exhibit C

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

STATE OF ILLINOIS)
) ss.
COUNTY OF KENDALL)

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 November, A.D. 2008.

City Clerk

ROBYN SUTCLIFF	Yes	JOSEPH BESCO	Yes
ARDEN JOE PLOCHER	Yes	WALLY WERDERICH	Yes
GARY GOLINSKI	Yes	MARTY MUNNS	Yes
ROSE SPEARS	Yes		

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 L4'45" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, L284.36 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, L19.0. 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'OO" 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 MATCH 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, 47MINUTES, 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 SAIL) 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 TILE 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 LIRE; THENCE SOUTH 87 DEGREES 59 MINUTES 05 SECONDS WEST ALONG SAID OLD CLAIM LINE 789.92 FEET TO THE POINT OP 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 OP 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 SAIL) 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 APORESAID; 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 HE SOUTHWEST CORN R 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 SOUTHWEST1/4; 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 AND ANGLE OF 28 DEGREES 33 MINUTES *54* SECONDS WITH THE LAST
DESCRIBED COURSE, MEASURE) COUNTERCLOCKWISE THEREFROM, 228.53 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 178 DEGREES 11 MINUTES 35 SECONDS WITH TILE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 112.67 FEET TO A LINE DRAWN PARALLEL WITH AN) 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 TILE 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 LINT 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 TERN 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 1LLINOIS 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 ROUTE71 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 2,29L.64 FOOT RADIUS CURVE TO TILE 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.

March 14, 2008
Revised April 24, 2008
Revised April 28, 2008
Revised May 21, 2008

STATE OF ILLINOIS)
)ss.
COUNTY OF KENDALL)

ANNEXATION AND PLANNED UNIT DEVELOPMENT AGREEMENT TO THE UNITED CITY OF YORKVILLE
WINDMILL FARMS
(Southwest and Southeast corner of the intersection of Illinois State Routes 126 and 71)
(JAKE LAND GROUP)

THIS AGREEMENT is made and entered into this 27th 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":

WITNESSETH

WHEREAS, OWNER/DEVELOPER is the owner of real property which is the subject matter of this Agreement comprising approximately 91.36 acres, more or less, and is more particularly described in the attached Exhibit "A", which is incorporated herein by reference; and

WHEREAS, a portion of the PROPERTY consisting of 78.145 acres and described by Exhibit "A-1" is located contiguous to the corporate boundaries of the CITY and is not located within the corporate boundaries of any other municipality; and

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 way 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 27th day of May, 2008.

UNITED CITY OF YORKVILLE
By: Valerie Burd
Valerie Burd, Mayor

Attest:
City Clerk

JAKE LAND GROUP, LLC

OWNER/DEVELOPER:

By: _____ Member

Attest: Colleen Adamson

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

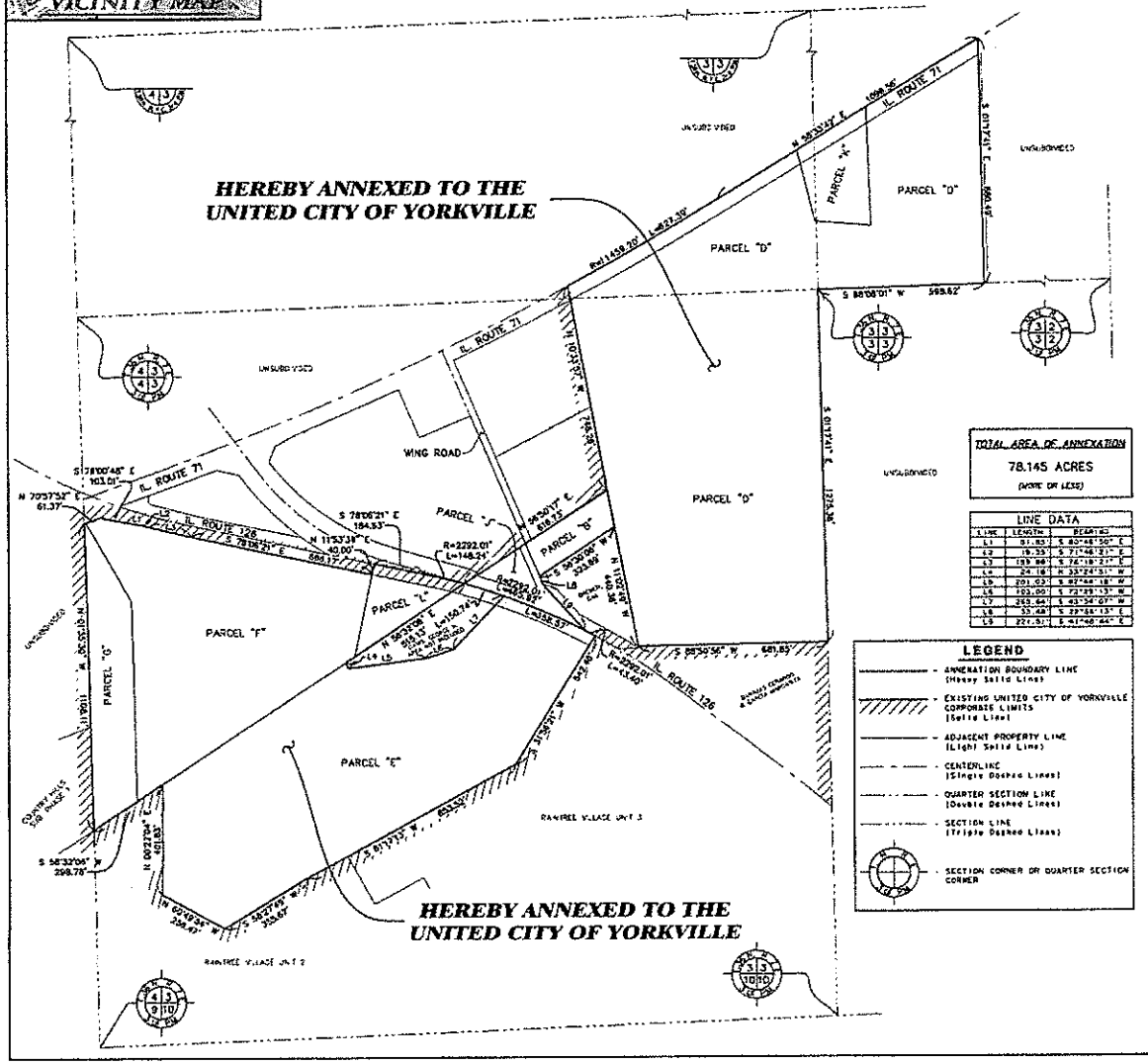
PLAT OF ANNEXATION

TO THE

UNITED CITY OF YORKVILLE

IN PART OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.




HEREBY ANNEXED TO THE UNITED CITY OF YORKVILLE
HEREBY ANNEXED TO THE UNITED CITY OF YORKVILLE
PARCEL "A"
PARCEL "B"
PARCEL "C"
PARCEL "D"
PARCEL "E"
PARCEL "F"
PARCEL "G"
PARCEL "J"
PARCEL "K"
PARCEL "L"
IL. ROUTE 71
IL. ROUTE 126
WING ROAD
UNSUBDIVIDED
RAINTREE VILLAGE UNIT 3
RAINTREE VILLAGE UNIT 2
N 89°48'50" E 1098.36'
S 89°08'01" W 989.62'
S 01°11'10" E 1999.49'
N 00°27'04" E 1318.85'
S 56°32'06" W 298.78'
N 70°37'32" E 61.37'
S 78°00'48" E 103.01'
S 78°06'21" E 184.53'
N 11°53'39" E 40.00'
S 78°06'21" E 684.37'
N 89°50'56" E 681.85'
N 89°50'56" W 1323.89'
S 00°09'04" W 1323.89'
N 00°09'04" E 1323.89'
S 89°50'56" E 1323.89'
N 89°50'56" W

WINDMILL FARMS

Yorkville, Illinois

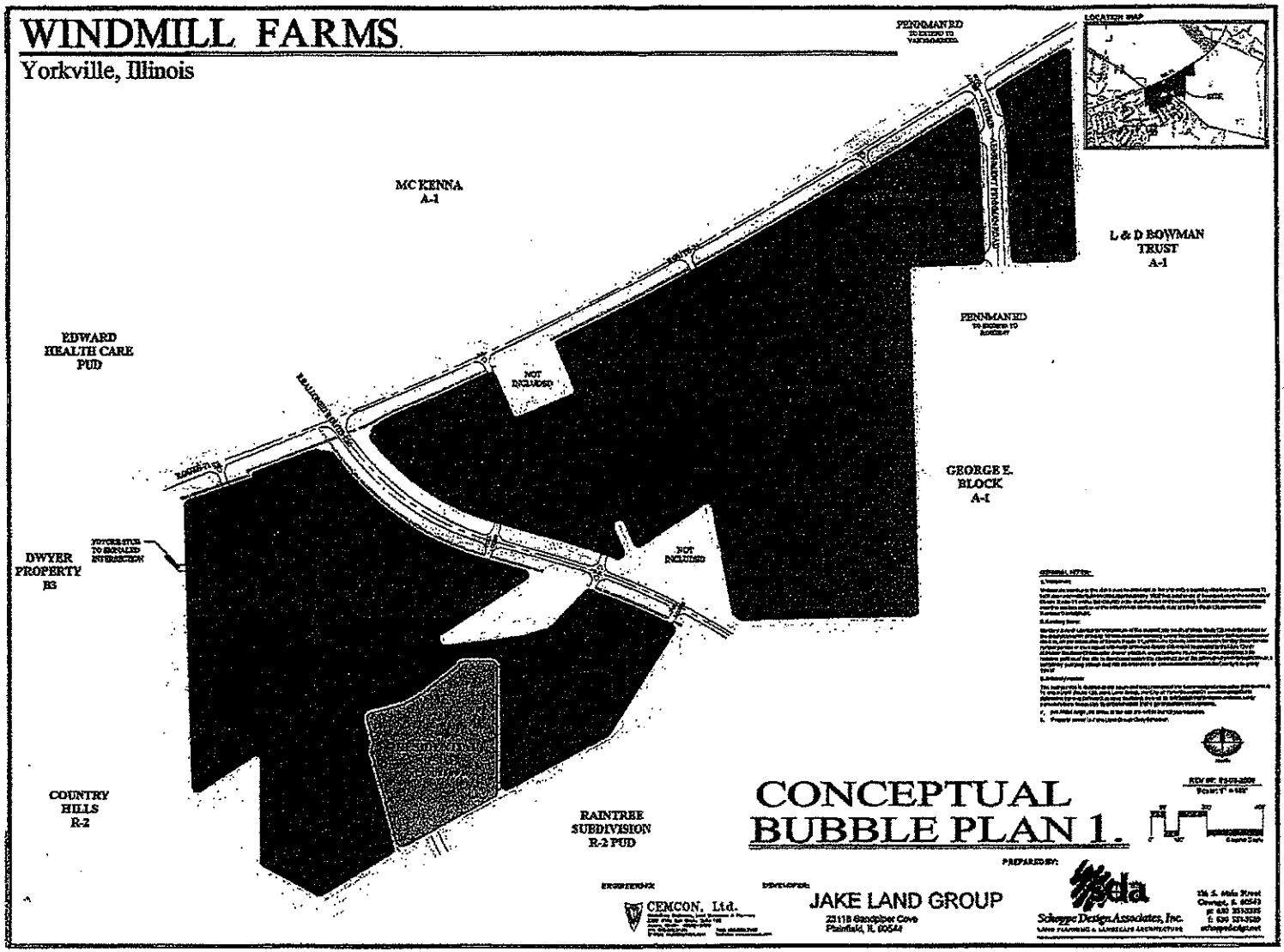
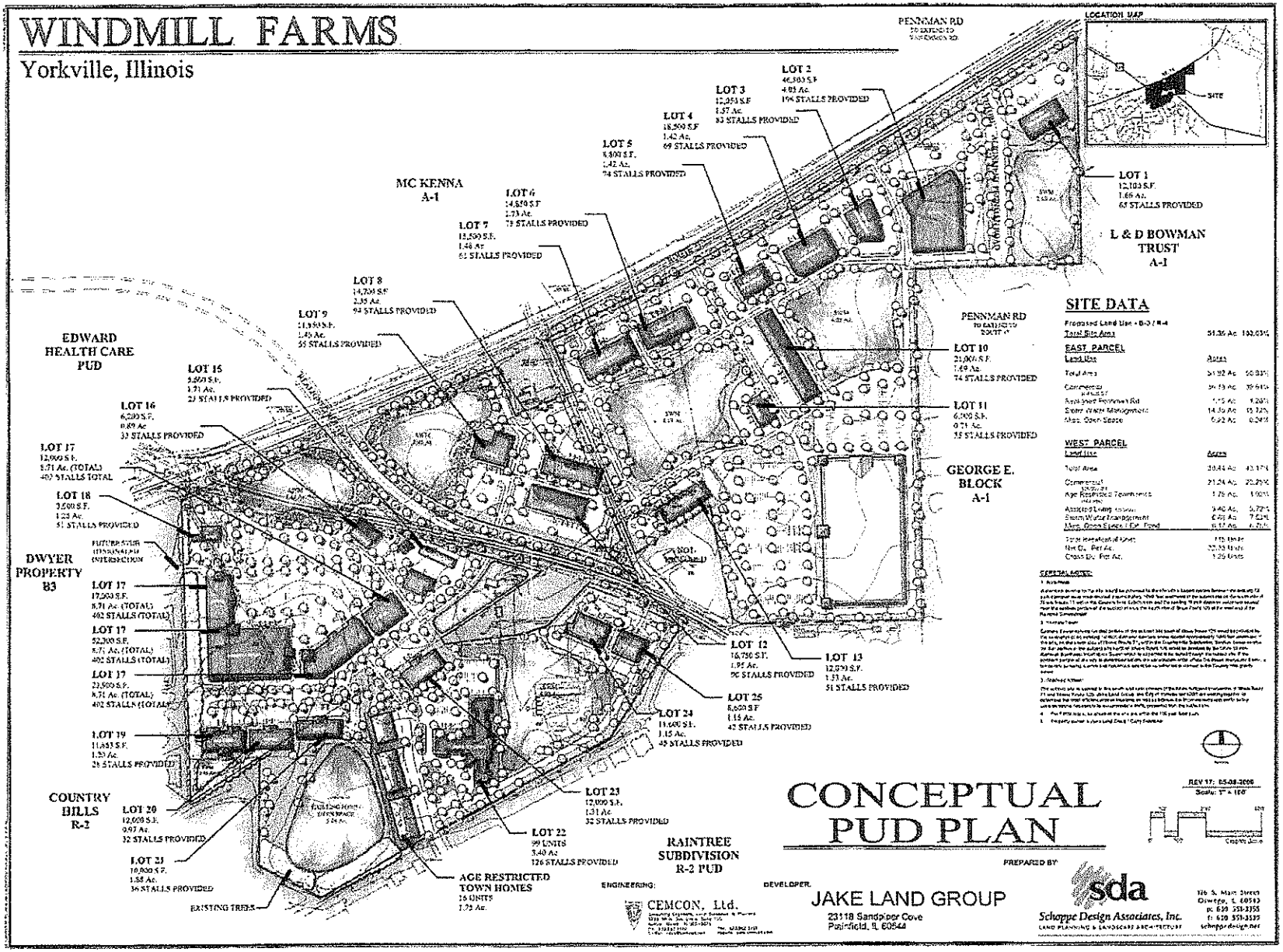


EXHIBIT E


WINDMILL FARMS
Yorkville, Illinois
PENNIMAN RD
LOCATION MAP
SITE
LOT 1
12,103 S.F.
1.66 Ac.
65 STALLS PROVIDED
L & D BOWMAN TRUST
A-1
LOT 2
46,503 S.F.
4.93 Ac.
196 STALLS PROVIDED
LOT 3
17,053 S.F.
1.57 Ac.
80 STALLS PROVIDED
LOT 4
18,509 S.F.
1.42 Ac.
69 STALLS PROVIDED
LOT 5
8,800 S.F.
1.42 Ac.
74 STALLS PROVIDED
LOT 6
14,850 S.F.
2.73 Ac.
78 STALLS PROVIDED
LOT 7
13,590 S.F.
1.48 Ac.
61 STALLS PROVIDED
LOT 8
14,700 S.F.
2.35 Ac.
94 STALLS PROVIDED
LOT 9
11,950 S.F.
1.45 Ac.
55 STALLS PROVIDED
MC KENNA
A-1
EDWARD HEALTH CARE PUD
LOT 10
21,000 S.F.
1.49 Ac.
74 STALLS PROVIDED
LOT 11
6,900 S.F.
0.71 Ac.
35 STALLS PROVIDED
LOT 12
16,750 S.F.
1.95 Ac.
90 STALLS PROVIDED
LOT 13
12,870 S.F.
1.33 Ac.
51 STALLS PROVIDED
LOT 15
5,600 S.F.
1.71 Ac.
23 STALLS PROVIDED
LOT 16
6,200 S.F.
0.89 Ac
33 STALLS PROVIDED
LOT 17
12,000 S.F.
5.71 Ac. (TOTAL)
402 STALLS TOTAL
LOT 18
3,600 S.F.
1.23 Ac.
51 STALLS PROVIDED
DWYER PROPERTY B3
FUTURE SIGN (INSIGNIFICANT) INTERSECTION
LOT 17
17,500 S.F.
8.71 Ac. (TOTAL)
402 STALLS (TOTAL)
LOT 17
52,300 S.F.
8.71 Ac. (TOTAL)
402 STALLS (TOTAL)
LOT 17
23,500 S.F.
8.71 Ac. (TOTAL)
402 STALLS (TOTAL)
LOT 19
11,853 S.F.
1.23 Ac.
26 STALLS PROVIDED
LOT 24
19,600 S.F.
1.15 Ac.
45 STALLS PROVIDED
LOT 25
8,600 S.F
1.15 Ac.
42 STALLS PROVIDED
LOT 23
12,000 S.F.
1.31 Ac.
32 STALLS PROVIDED
LOT 22
99 UNITS
3.40 Ac
126 STALLS PROVIDED
RAINTREE SUBDIVISION R-2 PUD
COUNTRY HILLS R-2
LOT 20
12,000 S.F.
0.97 Ac.
32 STALLS PROVIDED
LOT 21
10,000 S.F.
1.58 Ac.
36 STALLS PROVIDED
EXISTING TREES
AGE RESTRICTED TOWN HOMES
16 UNITS
1.72 Ac.
GEORGE E. BLOCK
A-1
NOT INCLUDED
SITE DATA
Proposed Land Use - B-3 / R-4
Total Site Area 51.36 Ac 100.00%
EAST PARCEL
Land Use Acres
Total Area 31.92 Ac 60.81%
Commercial 20.53 Ac 39.61%
Age Restricted Townhomes 1.72 Ac 3.28%
Storm Water Management 10.39 Ac 19.32%
Misc. Open Space 0.92 Ac 0.04%
WEST PARCEL
Land Use Acres
Total Area 20.44 Ac 43.17%
Commercial 21.24 Ac 20.25%
Age Restricted Townhomes 1.72 Ac 1.00%
Assisted Living (Senior) 3.40 Ac 5.72%
Storm Water Management 4.00 Ac 7.63%
Misc. Open Space / Ext. Pond 9.17 Ac 4.76%
Total Impervious Area 115.19 Ac
Net D.U. Per Ac. 22.35 D.U./Ac
Gross D.U. Per Ac. 1.29 D.U./Ac
GENERAL NOTES:
CONCEPTUAL PUD PLAN
REV 17: 05-08-2008
Scale: 1" = 100'
ENGINEERING:
CEMCON, Ltd.
DEVELOPER:
JAKE LAND GROUP
23118 Sandpiper Cove
Plainfield, IL 60544
PREPARED BY:
sda
Schoppe Design Associates, Inc.
LAND PLANNING & LANDSCAPE ARCHITECTURE
116 S. Main Street
Oswego, IL 60543
p: 630 551-3355
f: 630 551-3339
schoppe-design.net

PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
BEFORE
UNITED CITY OF YORKVILLE
CITY COUNCIL

NOTICE IS HEREBY GIVEN a public hearing shall be held on an amendment to that certain Annexation Agreement (Windmill Farms) dated May 27, 2008, by and among Jake Land Group, LLC ("*Original Owner"*), and the United City of Yorkville, Kendall County, Illinois, on **October 25, 2022** at 7:00 p.m. at City Hall at the United City of Yorkville, 800 Game Farm Road, Yorkville, Illinois for the purpose of amending the Windmill Farms Annexation Agreement related to the zoning of three (3) parcels into the B-3 General Business District. The purpose of the amendment is to allow for the continued operation of the existing religious institution land use and accommodate future commercial development proposed for three (3) B-3 zoned parcels. The real property is comprised of three (3) parcels totaling approximately 34 acres and situated east of Illinois State Route 71 and Illinois State Route 126 intersection on the northeast corner of Wing Road and Illinois State Route 71. The common address is 8710 Route 71 in Yorkville, Illinois.

The legal description of said parcels are as follows:

PARCEL 1:
27.60 AC TR LYG PT SW¼ & PT NW¼ SEC 3-36-7 (EXC PT DESCRBD AS "EXC"
PER DOC 17-16528, PG 5) CITY OF YORKVILLLE
"THAT PART OF THE NORTHEAST, NORTHWEST ANO 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 1/4; THENCE SOUTH 00 DEGREE 10 MINUTES 48 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 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 579.53 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LANO CONVEYED TO ELSIE BOYD BY A DEED DATED MARCH 26, 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 ANO 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 472.59 FEET TO A LINE DRAWN NORTH 00 DEGREES 10 MINUTES 48 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID NORTHEAST 1/4, FROM A POINT ON THE SOUTH LINE OF SAID NORTHEAST 1/4 WHICH IS 598.62 FEET EASTEAL Y OF THE SOUTHWEST CORNEA OF SAID NORTHEAST 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 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 (EXCEPTING THEREFROM THAT PART IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN)

PIN# 05-03-300-029

PARCEL 2:
.49 AC TR LYG SW¼ SEC 3-36-7 (EXC PT DESCRBD AS "EXC" PER DOC 17- 16528, PG 5) CITY OF YORKVILLE
THAT PART OF THE WEST 1/2 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 1/4 OF SAID SECTION 3, 1284.36 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 00 DEGREES WEST, 684.42 FEET; THENCE NORTH 09 DEGREES 30 MINUTES 00 SECONDS WEST, 592.27 FEET; 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 FOR THE POINT OF BEGINNING; THENCE SOUTH 21 DEGREES 52 MINUTES 29 SECONDS EAST, ALONG SAID EASTERLY LINE, 119.0 FEET; THENCE NORTH 68 DEGREES 07 MINUTES 31 SECONDS EAST, PERPENDICULAR TO SAID EASTERLY LINE, 211.0 FEET; THENCE NORTH 21 DEGREES 52 MINUTES 29 SECONDS 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 211.36 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS

PIN# 05-03-300-033

PARCEL 3:
5.40 AC TR LYG SW¼ SEC 3-36-7 (EXC PT DESCRBD AS "EXC" PER DOC 17-16528, PG 5} CITY OF YORKVILLE THAT PART OF THE WEST 1/2 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 1/4 OF SAID SECTION 3, 1284.36 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, 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 ILLJNOIS ROUTE 71; THENCE NORTH 68 DEGREES 07 MINUTES 31 SECONDS EAST, PERPENDICULAR TO SAID EASTERLY LINE 211 .0 FEET; THENCE NORTH 21 DEGREES 62 MINUTES 29 SECONDS 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 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 KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.
(Loss and except from Above Parcels 1, 2 & 3 part of the Southwest Quarter and part of the Northwest Quarter of Section 3, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows with bearings and distances based upon the Illinois State Plane Coordinate System, (Grid) East Zone (NAD-83, 2007 adj.): Commencing at the southwest corner of said Section 3; thence North 01 degree 35 minutes 30 seconds West 1995.04 feet along the west line of said southwest quarter section to the centerline of Illinois Route 71; thence North 69 degrees 55 minutes 19 seconds East 262.19 feet along said centerline to the point of curvature of a 11,479.05 foot radius curve to the Jett: thence northeasterly 1163.11 feet along said curve whose chord bears North 67 degrees 01 minutes 09 seconds East 1162.62 feet; thence South 25 degrees 53 minutes 00 seconds East 50.00 feet to the Point of Beginning on the southeasterly right of way line of Illinois Route 71; thence northeasterly 1118.45 feet along said southeasterly right of way line along a 11,529.02 foot radius curve to the left whose chord bears North 61 degrees 20 minutes 15 seconds East 1116.01 feet: thence North 58 degrees 33 minutes 29 seconds East 316.42 feet along said right of way line to the west line of property described In

document number 201300024064; thence South 13 degrees 56 minutes 03 seconds East 15. 73 feet along said west line; thence South 58 degrees 33 minutes 29 seconds West 65.67 feet; thence South 56 degrees 13 minutes 50 seconds West 246.22 feet to a non-tangential curve to the right; thence southwesterly 656.26 feet along a 11,554.05 foot radius curve to the right whose chord bears South 60 degrees 11 minutes 25 seconds West 658.17 feet; thence South 50 degrees 42 minutes 49 seconds Weal 51.33 feet; thence southwesterly 75.56 feet along o 11,564.05 loot radius curve to the right whose chord bears South 62 degrees 15 minutes 33 seconds West 75.56 feet; thence South 73 degrees 52 minutes 10 seconds West 76.98 feet; thence southwesterly 226.37 feet along a 11,549.05 foot radius' curve to the right whose chord bears South 63 degrees 22 minutes 56 seconds West 226.37 feet; thence South 15 degrees 56 minutes 14 seconds West 40.32 feet; thence South 23 degrees 05 minutes 13 seconds East 100.12 feet; thence South 10 degrees 56 minutes 42 seconds East 51.74 feet to the easterly right of way line of Wing Road; thence North 22 degrees 56 minutes 26 seconds West 200.26 feet along said right of way line to the Point of Beginning.)

PIN# 05-03-300-033

The public hearing may be continued from time to time 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 60560, 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.

JORI BEHLAND
City Clerk

Reviewed By:	
Legal	■
Finance	☐
Engineer	☐
City Administrator	■
Community Development	■
Purchasing	☐
Police	☐
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

New Business #8

Tracking Number

EDC 2022-60

Agenda Item Summary Memo

Title: Restore Church – Windmill Farms PUD (rezoning)

Meeting and Date: Economic Development Committee – September 6, 2022

Synopsis: Proposed professional services office on a parcel within the former Windmill Farms Development.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Vote

Submitted by: Krysti J. Barksdale-Noble, AICP (Name) Community Development (Department)

Agenda Item Notes:

See attached memorandum.

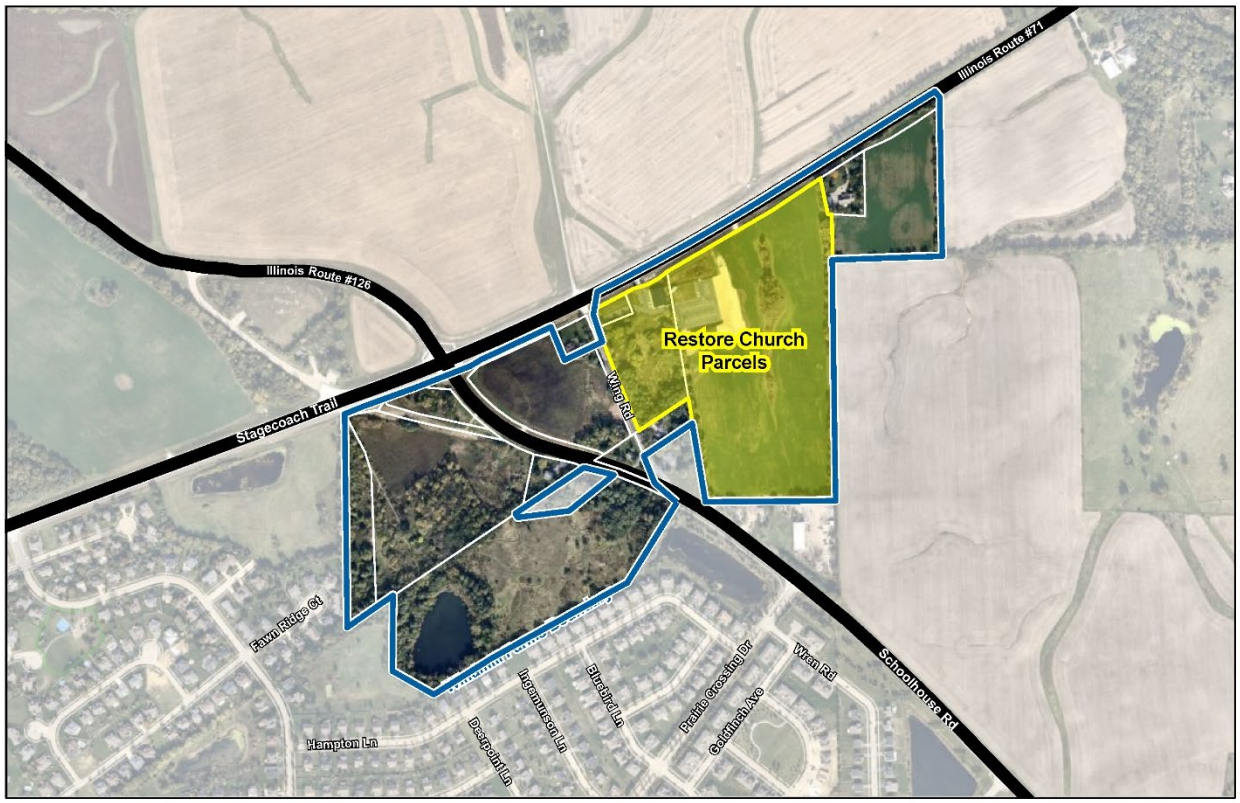
Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/320/City-Council

Memorandum

To: Economic Development Committee
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Jason Engberg, Senior Planner
Date: August 26, 2022
Subject: **PZC 2022-19 Restore Church – Windmill Farms**
Religious Institution Land Use Expansion (Rezoning)

SUMMARY:

The petitioner, Jordan Gash, on behalf of Restore Church, Inc., is seeking rezoning approval of three (3) parcels totaling approximately 33 acres located within the Windmill Farms development. The previously approved Windmill Farms Annexation and Planned Unit Development Agreement permitted 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 has utilized the existing one-story commercial structure on one of the parcels as a religious institute. The requested new zoning of B-3 General Business District would be consistent with the recently rezoned parcels to the west and remove the remnant Planned Unit Development zoning established as part of the Windmill Farms agreement. Below is a map of the subject property parcels and the overall boundary of the Windmill Farms PUD.



Restore Church Location Map

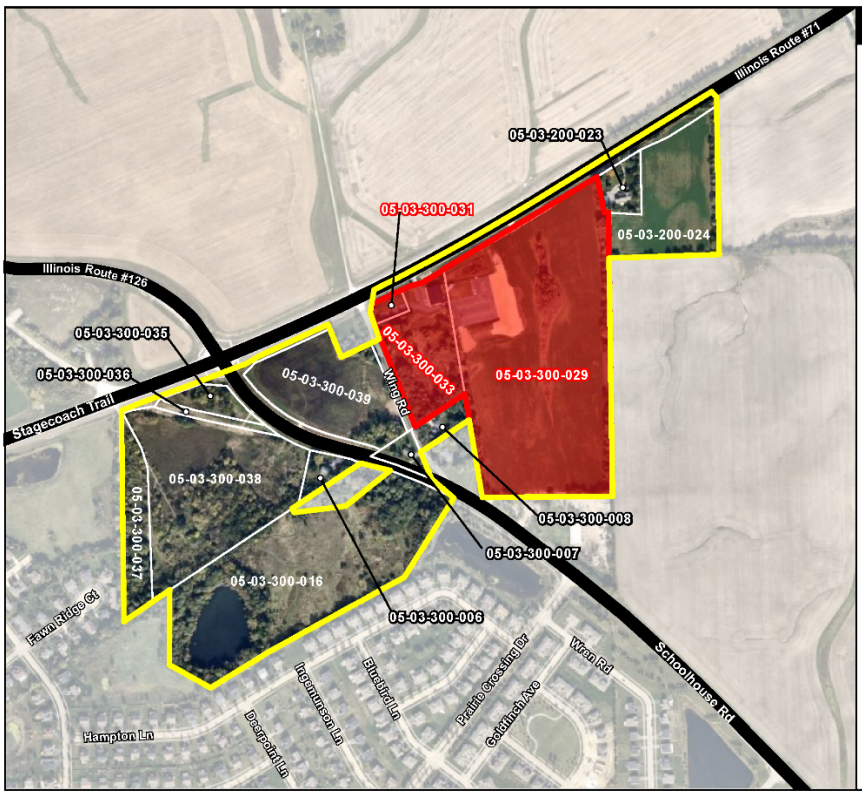
United City of Yorkville, Illinois
August 25, 2022

PROPERTY BACKGROUND:

As stated, 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 Farms' 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 Farms development. The subject property consists of the following three (3) parcels:

PARCEL	AREA	LAND USE
05-03-300-029	27.5 acres	Parking/Stormwater management/Undeveloped
05-03-300-031	0.5 acres	Existing church structure
05-03-300-033	5.4 acres	Undeveloped parcel
TOTAL AREA	**33.4 acres**	

Per the City Attorney, since the Windmill Farms Planned Unit Development was never formalized by final plat of subdivision, and with the passage of time, the approved concept plan for the development is no longer valid. Therefore, concurrent with this rezoning request, a separate Annexation and PUD agreement amendment has been requested that will invalidate the former PUD zoning classification and removes the provisions of the concept plan from the subject property. This process is identical to the 2019 rezoning approval for the Hively Landscaping parcels and the Bricolage Wellness parcel, both also part of the Windmill Farms PUD.



OWNERSHIP INFORMATION

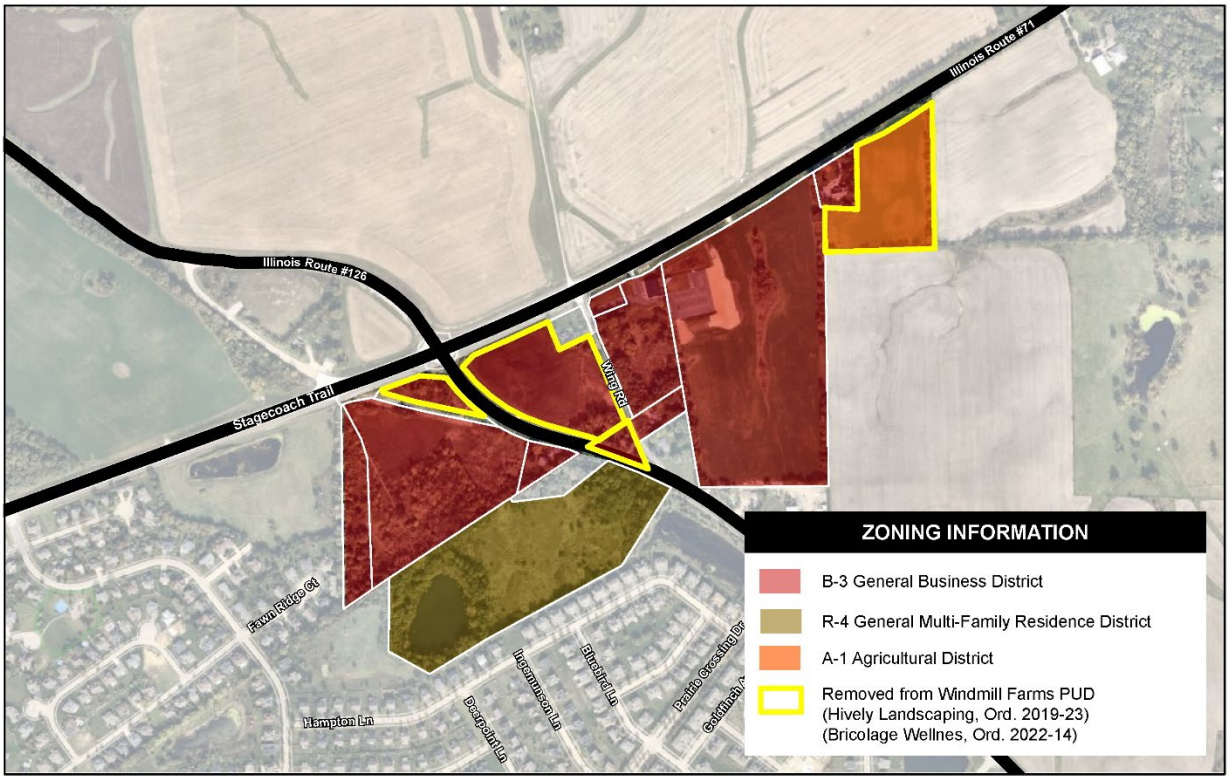
PIN	PROPERTY OWNER
05-03-300-036	KLER PROPERTIES LLC
05-03-300-035	KLER PROPERTIES LLC
05-03-300-016	KLER PROPERTIES LLC
05-03-300-037	KLER PROPERTIES LLC, % TIM BRUMMERSTEDT
05-03-300-038	KLER PROPERTIES LLC, % TIM BRUMMERSTEDT
05-03-300-006	KLER PROPERTIES LLC, % TIM BRUMMERSTEDT
05-03-300-029	**RESTORE CHURCH INC,DBA OSWEGO FAMILY CHURCH INC**
05-03-300-031	**RESTORE CHURCH INC,DBA OSWEGO FAMILY CHURCH INC**
05-03-300-033	**RESTORE CHURCH INC,DBA OSWEGO FAMILY CHURCH INC**
05-03-200-023	WALLIS, STEVEN J, WEILAND, MARGARET
05-03-200-024	CLASSIC INVESTMENTS LLC
05-03-300-007	BW YORKVILLE HOLDINGS LLC
05-03-300-008	D'ARCY, TERRANCE
05-03-300-039	CAYCO ENTERPRISES LLC

Restore Church Ownership Map

United City of Yorkville, Illinois
August 25, 2022

SITE ANALYSIS:

The following map illustrates the current zoning and land uses of the entire 91-acre Windmill Farms PUD, including the subject property parcels:



Restore Church Zoning Map

United City of Yorkville, Illinois
April 25, 2022

Zoning

The proposed land use is considered a "large religious institution" as defined in the Zoning Ordinance having 400 or more seats or larger than 8,000 square feet of total gross floor area and is outright permitted within the requested B-3 General Business District zoning. The B-3 zoning is also consistent with the underling zoning of the subject property established by the PUD, as the existing structure was formerly used as a commercial office prior to being purchased by Restore Church, Inc. in 2017.

Further, the requested zoning is in keeping with the trend of development within the area immediately surrounding the subject property since seventy-five percent (75%) of the properties are zoned B-3. The most recent occurred earlier this year with the Bricolage Wellness rezoning for the parcel to the west on Wing Road for a professional office use and, in 2019, when Hively Landscaping petitioned to have the parcel directly north of that property rezoned from PUD to the B-3 General Business District for a commercial landscaping and greenhouse business.

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. This land use category was implemented as a "holding" classification for those areas, particularly on the outskirts or along the perimeter of the City's corporate boundaries, that had an

entitlement plan approved but lacked the public infrastructure to support the development of the land within the 10-year timeline of the 2016 Comprehensive Plan Update.

As conditions change, reevaluation of this guiding document is necessary and anticipated. Therefore, if the rezoning request is approved, an amendment to the Comprehensive Plan Future Land Use map will be required. This will provide a documentation of the change in the City's approval of the development conditions related to this property and align the proposed B-3 zoned parcel with a future land use designation suitable for the professional services office land use, such as "Destination Commercial (DC)". The "Destination Commercial" future land use, as defined in the 2016 Comprehensive Plan Update, is *intended to accommodate mainly single-story in height and require deep setbacks and large parking areas, such as large religious institutions*.

Proposed Religious Institutional Use

Restore Church is a religious facility which provides in-person and media based (social media, video and radio) ministry from their current building located at 8710 Route 71 in Yorkville. In 2018, Restore Church renovated the existing approximately 6,800 square foot commercial storage structure for the current church building for religious services and ancillary uses. At that time, there was an expansion of surface parking, construction of a stormwater detention basin and site landscaping provided. As parishioners to the church increased over the past few years, Restore Church has recently submitted plans for an approximately 10,000 square foot building expansion.



Restore Church Engineering Plan

United City of Yorkville, Illinois
August 26, 2022

The petitioner has stated they may seek future uses consistent with the B-3 General Business Zoning District classification on the remaining undeveloped area of the subject parcels. Those future uses may or may not require City Council review such as special uses, variances or final plat of subdivision approval.

Utilities

There are no nearby public utilities (water, sewer) in this area. The petitioner has been utilizing an existing well and septic field for the on-site needs of the existing church. Per City Code, however, once utilities are available within 250' of the subject property, they are required to connect to city water and sewer.

Vehicular Access/Parking

The three (3) parcels are easily accessible via a right-in and right-out access point off of the newly widened and reconstructed IL Route 71 (Stagecoach Trail) and full access off of Wing Road. Access is also available to IL Route 126 9Schoolhouse Road) via Wing Road. Traffic layout seems to allow the flow of vehicles from the west on IL 71 to turn southbound on Wing Road and then westward to an internal private drive lane servicing the church. Vehicles traveling east on IL 71 can turn south onto the private drive lane into the church's property. Adequate parking is provided on the subject parcels for the existing religious land use and planned 10,000 square foot church expansion. Furthermore, area for parking lot expansion is also available for future land uses.

STAFF COMMENTS:

Staff is 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 and the recent rezoning of the adjacent parcel for the same requested B-3 zoning.

This rezoning request is tentatively scheduled for a public hearing before the Planning and Zoning Commission on October 12, 2022. Staff and the petitioner will be available at Tuesday night's meeting to answer any questions.

ATTACHMENTS:

1. Petitioner Rezoning Application
2. Ordinance 2008-40 - Windmill Farms Annexation and PUD Agreement
3. Public Hearing Notice

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

DATE:	PZC NUMBER:	DEVELOPMENT NAME:

PETITIONER INFORMATION

NAME: JORDAN GASH	COMPANY: RESTORE CHURCH
MAILING ADDRESS: 8710 STATE ROUTE 71	
CITY, STATE, ZIP: YORKVILLE, IL 60560	TELEPHONE: ○ BUSINESS ○ HOME 630-450-4679
EMAIL: jordan@restorechurchyorkville.com	FAX:

PROPERTY INFORMATION

NAME OF HOLDER OF LEGAL TITLE: Old Second National Bank

IF LEGAL TITLE IS HELD BY A LAND TRUST, LIST THE NAMES OF ALL HOLDERS OF ANY BENEFICIAL INTEREST THEREIN:

PROPERTY STREET ADDRESS: 8710 Route 71, Yorkville, IL 60560

DESCRIPTION OF PROPERTY'S PHYSICAL LOCATION:
Property just east of the Route 71 and Route 126 intersection, on the northeast corner of Wing Road and State Route 71.

CURRENT ZONING CLASSIFICATION: PUD with underlying R-4, B-3	REQUESTED ZONING CLASSIFICATION: B-3
COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION: Commercial	TOTAL ACREAGE: 34

ZONING AND LAND USE OF SURROUNDING PROPERTIES

NORTH: A-1

EAST: R-4, B-3

SOUTH: B-3

WEST: B-3

KENDALL COUNTY PARCEL IDENTIFICATION NUMBER(S)

05-03-300-029			
05-03-300-031			
05-03-300-033			

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800 Game Farm Road
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APPLICATION FOR REZONING

ATTORNEY INFORMATION	
NAME: John Philipchuck	COMPANY: Cobine West Gensler Philipchuck & Corrigan, Ltd.
MAILING ADDRESS: 111 East Jefferson Avenue	
CITY, STATE, ZIP: Naperville, IL 60540	TELEPHONE: (630) 355-5800
EMAIL: JFP@dbcw.com	FAX:
ENGINEER INFORMATION	
NAME: Jason Wiesbrock	COMPANY: SpaceCo
MAILING ADDRESS: 224½ N. Liberty St.	
CITY, STATE, ZIP: Morris, IL. 60450	TELEPHONE: 815-941-0260
EMAIL: jwiesbrock@spacecoinc.com	FAX:
LAND PLANNER/SURVEYOR INFORMATION	
NAME: Alberto Agama	COMPANY: Agama Designs
MAILING ADDRESS: 664 W Veterans Pkwy Suite A	
CITY, STATE, ZIP: Yorkville, IL 60560	TELEPHONE: (630) 385-2945
EMAIL: alberto@agamadesigns.com	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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Yorkville, Illinois, 60560
Telephone: 630-553-4350
Fax: 630-553-7575
Website: 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:

The 3 parcels under consideration were a part of a commercial Planned Unit Development. The surrounding properties are also B-3 commercial or A-1 agricultural.

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 property in question was used as a commercial property (The Kendall General Store) and was later purchased by a developer and then became a part of a 2008 PUD. The property was purchased by Restore Church in 2017 and has been redeveloped.

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

Upon leaving the PUD through the City's amendment process, zoning reclassification/designation is needed. B-3 zoning, without the obsolete PUD restrictions, would give the property along State Route 71 maximum value for any potential future 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:

Destruction of the property's value in no way promotes the health, safety, morals, and general welfare of the public.

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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:

Prior to Restore Church purchasing the property, the building on site sat empty for over 10 years and the property was unused and large portions were completely overgrown.

PLEASE STATE THE COMMUNITY NEED FOR THE PROPOSED LAND USE:

The City of Yorkville has continued to grow and develop. The B-3 zoning would preserve the property's potential commercial use with over 700 feet of State Route 71 frontage.

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

In 2008, the City agreed to a commercial Planned Unit Development. Upon the amendment of the PUD, the subject property can be zoned B-3 without the limitations of the PUD.

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 property has been in use since April of 2019 and there have been no issues with traffic conditions. The road widening of State Route 71 completed in 2021 has also improved access and traffic conditions.

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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:

Upon repeal of the PUD, the parcels under consideration have to be reclassified. B-3 Zoning would give the property along State Route 71 the most development options which could potentially be a benefit to the City and community.

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

The property has been used for commercial purposes in the past and borders other commercial B-3 properties.

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: 7/15/2022

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

OWNER SIGNATURE — DATE: 7/15/2022

THIS APPLICATION MUST BE NOTARIZED PLEASE NOTARIZE HERE:

"Official Seal"
GINA M NELSON
Notary Public, State of Illinois
My Commission Expires 04/22/2026

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

APPLICANT DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

PROJECT NUMBER:	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS: 8710 Route 71, Yorkville, IL 60560

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 **INVOICE & WORKSHEET PETITION APPLICATION**. 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.

ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

NAME: JORDAN GASH	COMPANY: RESTORE CHURCH
MAILING ADDRESS: 8710 STATE ROUTE 71	
CITY, STATE, ZIP: YORKVILLE, IL 60560	TELEPHONE: 630-450-4679
EMAIL: jordan@restorechurchyorkville.com	FAX:

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.

JORDAN GASH
PRINT NAME

President
TITLE

SIGNATURE*

7/15/2022
DATE

**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)*

INITIAL ENGINEERING/LEGAL DEPOSIT TOTALS

ENGINEERING DEPOSITS:		LEGAL DEPOSITS:	
Up to one (1) acre	$5,000	Less than two (2) acres	$1,000
Over one (1) acre, but less than ten (10) acres	$10,000	Over two (2) acres, but less than ten (10) acres	$2,500
Over ten (10) acres, but less than forty (40) acres	$15,000	Over ten (10) acres	$5,000
Over forty (40) acres, but less than one hundred (100)	$20,000		
In excess of one hundred (100.00) acres	$25,000		

Exhibit A

PARCEL 1: 05-03-300-029
Legal Description
27.60 AC TR LYG PT SW ¼ & PT NW ¼ SEC 3-36-7 (EXC PT DESCRBD AS "EXC" PER DOC 17-16528, PG 5) CITY OF YORKVILLLE

"THAT PART OF THE NORTHEAST, NORTHWEST ANO 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 1/4; THENCE SOUTH 00 DEGREE 10 MINUTES 48 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 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 579.53 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LANO CONVEYED TO ELSIE BOYD BY A DEED DATED MARCH 26, 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 ANO 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 472.59 FEET TO A LINE DRAWN NORTH 00 DEGREES 10 MINUTES 48 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID NORTHEAST 1/4, FROM A POINT ON THE SOUTH LINE OF SAID NORTHEAST 1/4 WHICH IS 598.62 FEET EASTEAL Y OF THE SOUTHWEST CORNEA OF SAID NORTHEAST 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 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 (EXCEPTING THEREFROM THAT PART IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN)

PARCEL 2: 05-03-300-031

Legal Description

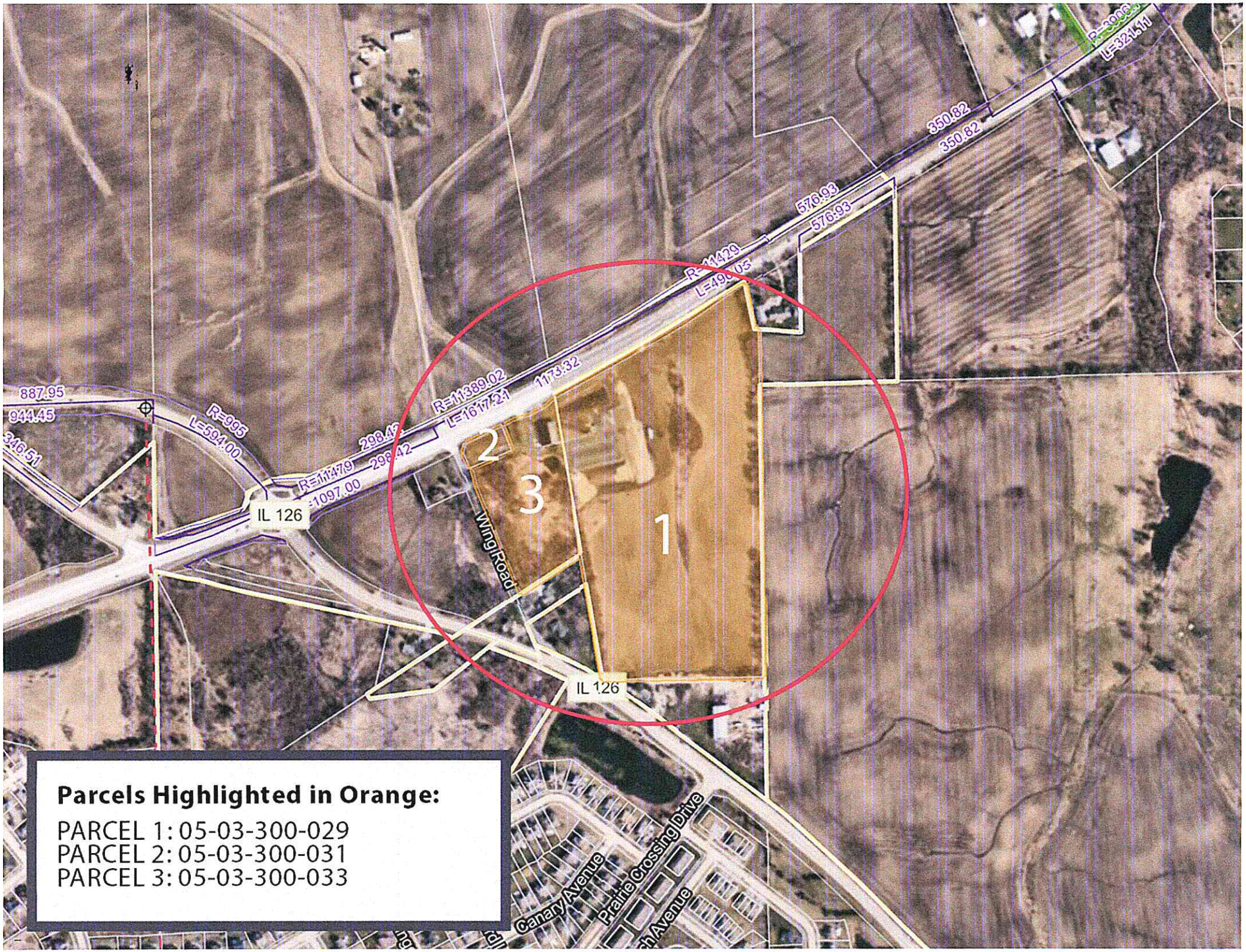
.49 AC TR LYG SW ¼ SEC 3-36-7 (EXC PT DESCRBD AS "EXC" PER DOC 17-16528, PG 5) CITY OF YORKVILLE

THAT PART OF THE WEST 1/2 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 1/4 OF SAID SECTION 3, 1284.36 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 00 DEGREES WEST, 684.42 FEET; THENCE NORTH 09 DEGREES 30 MINUTES 00 SECONDS WEST, 592.27 FEET; 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 FOR THE POINT OF BEGINNING; THENCE SOUTH 21 DEGREES 52 MINUTES 29 SECONDS EAST, ALONG SAID EASTERLY LINE, 119.0 FEET; THENCE NORTH 68 DEGREES 07 MINUTES 31 SECONDS EAST, PERPENDICULAR TO SAID EASTERLY LINE, 211.0 FEET; THENCE NORTH 21 DEGREES 52 MINUTES 29 SECONDS 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 211.36 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS

PARCEL 3: 05-03-300-033
Legal Description
5.40 AC TR LYG SW ¼ SEC 3-36-7 (EXC PT DESCRBD AS "EXC" PER DOC 17-16528, PG 5) CITY OF YORKVILLE

THAT PART OF THE WEST 1/2 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 1/4 OF SAID SECTION 3, 1284.36 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, 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 ILLJNOIS ROUTE 71; THENCE NORTH 68 DEGREES 07 MINUTES 31 SECONDS EAST, PERPENDICULAR TO SAID EASTERLY LINE 211 .0 FEET; THENCE NORTH 21 DEGREES 62 MINUTES 29 SECONDS 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 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 KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.
(Loss and except from Above Parcels 1, 2 & 3 part of the Southwest Quarter and part of the Northwest Quarter of Section 3, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows with bearings and distances based upon the Illinois State Plane Coordinate System, (Grid) East Zone (NAD-83, 2007 adj.): Commencing at the southwest corner of said Section 3; thence North 01 degree 35 minutes 30 seconds West 1995.04 feet along the west line of said southwest quarter section to the centerline of Illinois Route 71; thence North 69 degrees 55 minutes 19 seconds East 262.19 feet along said centerline to the point of curvature of a 11,479.05 foot radius curve to the Jett: thence northeasterly 1163.11 feet along said curve whose chord bears North 67 degrees 01 minutes 09 seconds East 1162.62 feet; thence South 25 degrees 53 minutes 00 seconds East 50.00 feet to the Point of Beginning on the southeasterly right of way line of Illinois Route 71; thence northeasterly 1118.45 feet along said southeasterly right of way line along a 11,529.02 foot radius curve to the left whose chord bears North 61 degrees 20 minutes 15 seconds East 1116.01 feet: thence North 58 degrees 33 minutes 29 seconds East 316.42 feet along said right of way line to the west line of property described In document number 201300024064; thence South 13 degrees 56 minutes 03 seconds East 15. 73 feet along said west line; thence

South 58 degrees 33 minutes 29 seconds West 65.67 feet; thence South 56 degrees 13 minutes 50 seconds West 246.22 feet to a non-tangential curve to the right; thence southwesterly 656.26 feet along a 11,554.05 foot radius curve to the right whose chord bears South 60 degrees 11 minutes 25 seconds West 658.17 feet; thence South 50 degrees 42 minutes 49 seconds Weal 51.33 feet; thence southwesterly 75.56 feet along o 11,564.05 loot radius curve to the right whose chord bears South 62 degrees 15 minutes 33 seconds West 75.56 feet; thence South 73 degrees 52 minutes 10 seconds West 76.98 feet; thence southwesterly 226.37 feet along a 11,549.05 foot radius' curve to the right whose chord bears South 63 degrees 22 minutes 56 seconds West 226.37 feet; thence South 15 degrees 56 minutes 14 seconds West 40.32 feet; thence South 23 degrees 05 minutes 13 seconds East 100.12 feet; thence South 10 degrees 56 minutes 42 seconds East 51.74 feet to the easterly right of way line of Wing Road; thence North 22 degrees 56 minutes 26 seconds West 200.26 feet along said right of way line to the Point of Beginning.)



Parcels Highlighted in Orange:

PARCEL 1: 05-03-300-029
PARCEL 2: 05-03-300-031
PARCEL 3: 05-03-300-033

Exhibit B

05-03-200-023
OWNER: WALLIS, STEVEN J, WEILAND, MARGARET
OWNER ADDRESS: 8614 RTE 71
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8614 RTE 71
YORKVILLE, IL 60560

05-03-200-024
OWNER: CLASSIC INVESTMENTS LLC
OWNER ADDRESS: 640 B RANCE RD
OSWEGO, IL 60543

05-03-300-006
OWNER: KLER PROPERTIES LLC, % TIM BRUMMERSTEDT
OWNER ADDRESS: 10061 LEGION RD
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8780 ROUTE 126
YORKVILLE, IL 60560

05-03-300-007
OWNER: BIG SKY MANAGEMENT LLC
OWNER ADDRESS: PO BOX 565
SUGAR GROVE, IL 60554
PROPERTY ADDRESS: 8721 ROUTE 126
YORKVILLE, IL 60560

05-03-300-008
OWNER: D'ARCY, TERRANCE
OWNER ADDRESS: 2022 ESSINGTON RD
JOLIET, IL 60435
PROPERTY ADDRESS: 6610 WING RD
YORKVILLE, IL 60560

05-03-300-016
OWNER: KLER PROPERTIES LLC, % TIM BRUMMERSTEDT
OWNER ADDRESS: 10061 LEGION RD
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8720A ROUTE 126
YORKVILLE, IL 60560

05-03-300-029
OWNER: RESTORE CHURCH INC
OWNER ADDRESS: 8710 RTE 71
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8710 RTE 71
YORKVILLE, IL 60560

05-03-300-031
OWNER: RESTORE CHURCH INC
OWNER ADDRESS: 8710 RTE 71
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8710 RTE 71
YORKVILLE, IL 60560

05-03-300-033
OWNER: RESTORE CHURCH INC
OWNER ADDRESS: 8710 RTE 71
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8710 RTE 71
YORKVILLE, IL 60560

05-03-300-034
OWNER: SCOTT & BETH LIMBERG
OWNER ADDRESS: 1627 N 17TH RD
STREATOR, IL 61364
PROPERTY ADDRESS: 1625 WING RD
YORKVILLE, IL 60560

05-03-300-035
OWNER: KLER PROPERTIES LLC
OWNER ADDRESS: 31 W 325 SCHOGER DR
NAPERVILLE, IL 60564

05-03-300-036
OWNER: KLER PROPERTIES LLC
OWNER ADDRESS: 31 W 325 SCHOGER DR
NAPERVILLE, IL 60564

05-03-300-037
OWNER: KLER PROPERTIES LLC, % TIM BRUMMERSTEDT
OWNER ADDRESS: 10061 LEGION RD
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8996 A STAGECOACH TRL
YORKVILLE, IL 60560

05-03-300-038
OWNER: KLER PROPERTIES LLC, % TIM BRUMMERSTEDT
OWNER ADDRESS: 10061 LEGION RD
YORKVILLE, IL 60560
PROPERTY ADDRESS: 8996 B STAGECOACH TRL
YORKVILLE, IL 60560

05-03-300-039
OWNER: CAYCO ENTERPRISES LLC
OWNER ADDRESS: 34 COUNTRYVIEW DR
YORKVILLE, IL, 60560

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

STATE OF ILLINOIS)
) ss.
COUNTY OF KENDALL)

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	Aye	JOSEPH BESCO	Aye
ARDEN JOE PLOCHER	Aye	WALLY WERDERICH	Aye
GARY GOLINSKI	Aye	MARTY MUNNS	Aye
ROSE SPEARS	Aye		

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 L4'45" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, L284.36 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, L19.0. 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'OO" 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 MATCH 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, 47MINUTES, 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 SAIL) 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 TILE 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 LIRE; THENCE SOUTH 87 DEGREES 59 MINUTES 05 SECONDS WEST ALONG SAID OLD CLAIM LINE 789.92 FEET TO THE POINT OP 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 OP 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 SAIL) 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 HE SOUTHWEST CORN R 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 SOUTHWEST1/4; 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 AND ANGLE OF 28 DEGREES 33 MINUTES *54* SECONDS WITH THE LAST
DESCRIBED COURSE, MEASURE) COUNTERCLOCKWISE THEREFROM, 228.53 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 178 DEGREES 11 MINUTES 35 SECONDS WITH TILE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 112.67 FEET TO A LINE DRAWN PARALLEL WITH AN) 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 TILE 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 LINT 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 TERN 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 1LLINOIS 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 ROUTE71 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 2,29L.64 FOOT RADIUS CURVE TO TILE 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.

March 14, 2008
Revised April 24, 2008
Revised April 28, 2008
Revised May 21, 2008

STATE OF ILLINOIS)
)ss.
COUNTY OF KENDALL)

ANNEXATION AND PLANNED UNIT DEVELOPMENT AGREEMENT TO THE UNITED CITY OF YORKVILLE
WINDMILL FARMS
(Southwest and Southeast corner of the intersection of Illinois State Routes 126 and 71)
(JAKE LAND GROUP)

THIS AGREEMENT is made and entered into this 27th 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":

WITNESSETH

WHEREAS, OWNER/DEVELOPER is the owner of real property which is the subject matter of this Agreement comprising approximately 91.36 acres, more or less, and is more particularly described in the attached Exhibit "A", which is incorporated herein by reference; and

WHEREAS, a portion of the PROPERTY consisting of 78.145 acres and described by Exhibit "A-1" is located contiguous to the corporate boundaries of the CITY and is not located within the corporate boundaries of any other municipality; and

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 way 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 27th day of May, 2008.

UNITED CITY OF YORKVILLE
By: Valerie Burd
Valerie Burd, Mayor

Attest:
City Clerk

JAKE LAND GROUP, LLC

OWNER/DEVELOPER:

By: _____ Member

Attest: Colleen Akenson

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 L4'45" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, L284.36 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, L19.0. 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'OO" 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 MATCH 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, 47MINUTES, 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 SAIL) 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 TILE 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 LIRE; THENCE SOUTH 87 DEGREES 59 MINUTES 05 SECONDS WEST ALONG SAID OLD CLAIM LINE 789.92 FEET TO THE POINT OP 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 OP 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 SAIL) 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 HE SOUTHWEST CORN R 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 SOUTHWEST1/4; 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 AND ANGLE OF 28 DEGREES 33 MINUTES *54* SECONDS WITH THE LAST
DESCRIBED COURSE, MEASURE) COUNTERCLOCKWISE THEREFROM, 228.53 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 178 DEGREES 11 MINUTES 35 SECONDS WITH TILE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 112.67 FEET TO A LINE DRAWN PARALLEL WITH AN) 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 TILE 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 LINT 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 TERN 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 1LLINOIS 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 ROUTE71 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 2,29L.64 FOOT RADIUS CURVE TO TILE 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

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

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.)

PLAT OF ANNEXATION

TO THE

UNITED CITY OF YORKVILLE

IN PART OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.





TOTAL AREA OF ANNEXATION
78.145 ACRES (MORE OR LESS)

LINE DATA		
LINE	LENGTH	BEARING
L1	51.80 ft	S 80°46'56" E
L2	19.70 ft	S 71°46'00" E
L3	169.99 ft	S 76°19'21" E
L4	24.18 ft	S 23°24'31" W
L5	291.03 ft	S 80°44'19" W
L6	193.09 ft	S 72°29'13" W
L7	263.94 ft	S 43°34'07" W
L8	53.48 ft	S 29°50'13" E
L9	291.93 ft	S 43°48'46" W

LEGEND

- ANNEXATION BOUNDARY LINE (Heavy Solid Line)
- EXISTING UNITED CITY OF YORKVILLE CORPORATE LIMITS (Solid Line)
- ADJACENT PROPERTY LINE (Light Solid Line)
- CENTERLINE (Single Dashed Lines)
- QUARTER SECTION LINE (Double Dashed Lines)
- SECTION LINE (Triple Dashed Lines)
- SECTION CORNER OR QUARTER SECTION CORNER

ANNEXATION DESCRIPTIONS

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 1,326.84 FEET TO A POINT ON SAID EAST LINE WHICH IS 1326.84 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 89 DEGREES 47 MINUTES 57 SECONDS WEST, 994.42 FEET; THENCE NORTH 29 DEGREES 52 MINUTES 29 SECONDS WEST, 995.03 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO ELSIE BOYD BY DEED DATED MARCH 25, 1929 AND RECORDED DECEMBER 14, 1936 IN DEED RECORD 84 AT PAGE 299; THENCE NORTH 29 DEGREES 52 MINUTES 29 SECONDS WEST ALONG THE EAST LINE OF SAID BOYD TRACT, 348.57 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 29 DEGREES 48 MINUTES 18 SECONDS WEST AT THE LAST DESCRIBED POINT, AN ARC DISTANCE OF 347.68 FEET; THENCE NORTH 60 DEGREES 29 MINUTES 20 SECONDS EAST ALONG SAID CENTER LINE, 332.8 FEET; THENCE SOUTH 12 DEGREES 27 MINUTES 20 SECONDS EAST, 264.0 FEET; THENCE SOUTH 64 DEGREES 27 MINUTES 20 SECONDS EAST, 292.2 FEET; THENCE NORTH 25 DEGREES 32 MINUTES 40 SECONDS EAST, 1,326.84 FEET; THENCE NORTH 89 DEGREES 52 MINUTES 20 SECONDS EAST ALONG SAID CENTER LINE, 472.34 FEET TO A 4 LINE DRAWN SOU

EXHIBIT "C" B-3 SERVICE BUSINESS DISTRICT

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 L4'45" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, L284.36 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, L19.0. 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'OO" 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 MATCH 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, 47MINUTES, 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 SAIL) 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 TILE 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 FBET 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 PEEP; THENCE SOUTH 70 DEGREES 39 MINUTES *49* SECONDS EAST, 158.65 FEET, TO THE POINT OP 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 COURSB, MBASURED 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 SAIL) 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 ALONO 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: COMMENCINO AT HE SOUTHWEST CORN R OF SAID SECTION. 3; THENCE NORTH 00 DEGREES 00 MINUTES 38 SECONDS BAST, 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 SOUTHWEST1/4; 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 AND ANGLE OF 28 DEGREES 33 MINUTES *54* SECONDS WITH THE LAST DESCRIBED COURSE, MEASURE) COUNTERCLOCKWISE THEREFROM, 228.53 FEET; THENCE SOUTHEASTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 178 DEGREES 11 MINUTES 35 SECONDS WITH TILE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 112.67 FEET TO A LINE DRAWN PARALLEL WITH AN) 160.0 FEET NORMALLY DISTANT, EASTERLY OF SAID WEST LINE; THENCE SOUTHERLY ALONO 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 TILE 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 LINT 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 TERN 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 ROUTE71 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 2,29L.64 FOOT RADIUS CURVE TO TILE 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 MBRIDIAN, 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 FBET 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.
~~Kennel.~~
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 LIRE; THENCE SOUTH 87 DEGREES 59 MINUTES 05 SECONDS WEST ALONG SAID OLD CLAIM LINE 789.92 FEET TO THE POINT OP BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

WINDMILL FARMS

Yorkville, Illinois

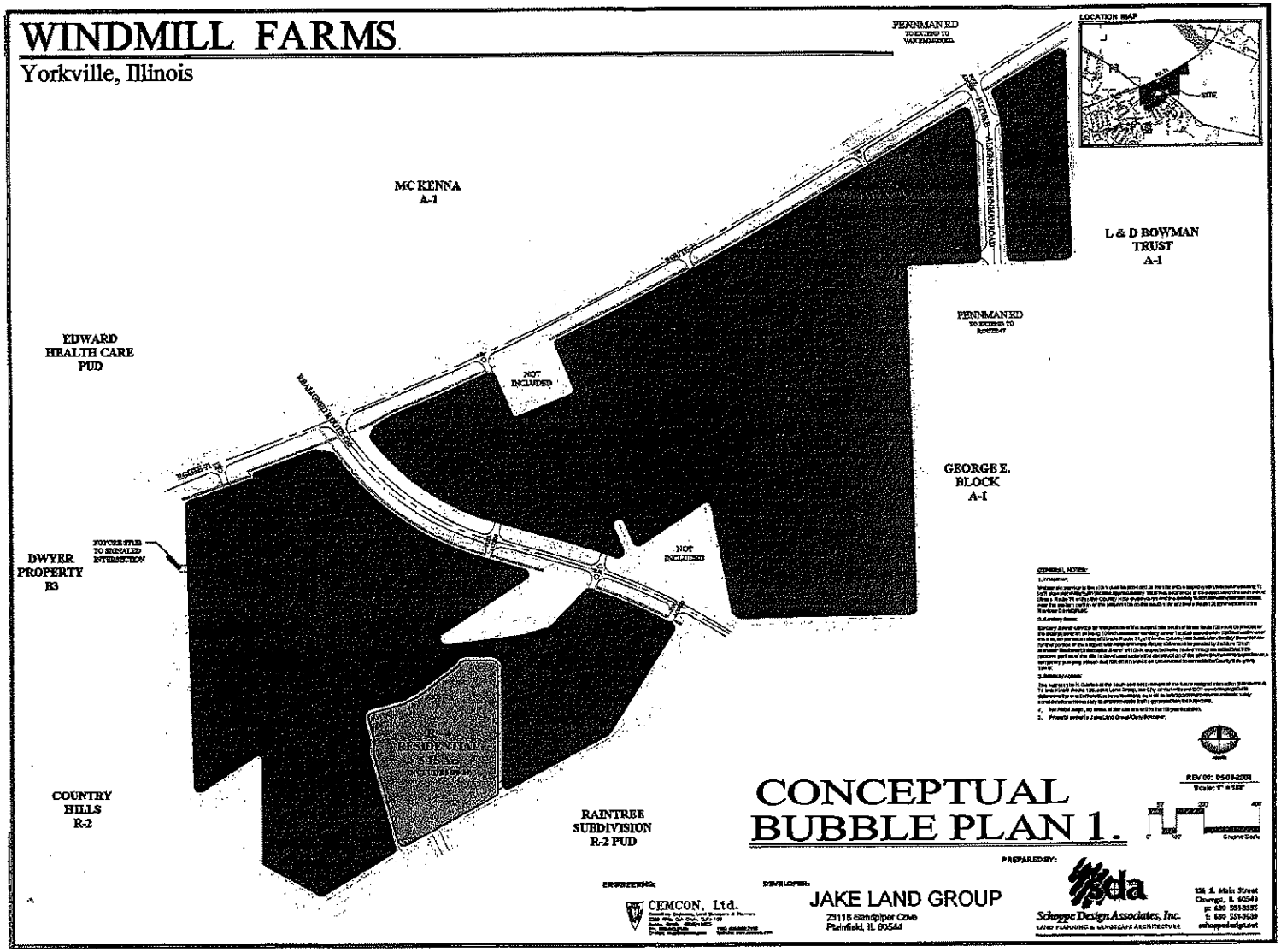
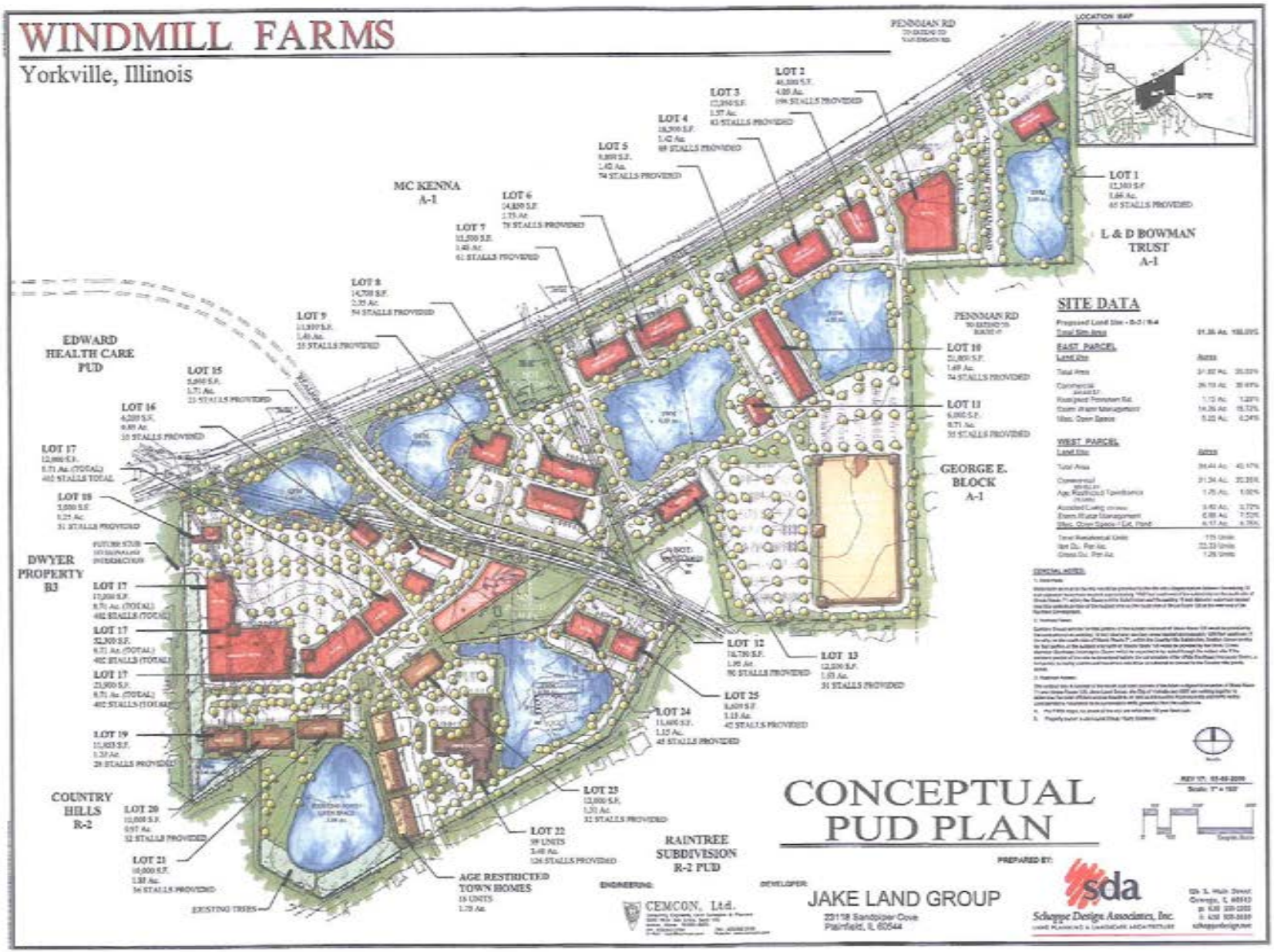


EXHIBIT E


WINDMILL FARMS
Yorkville, Illinois
PENNIMAN RD
LOCATION MAP
SITE
LOT 1
L & D BOWMAN TRUST
A-1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
LOT 9
LOT 10
LOT 11
LOT 12
LOT 13
LOT 15
LOT 16
LOT 17
LOT 18
LOT 19
LOT 20
LOT 21
LOT 22
LOT 23
LOT 24
LOT 25
MC KENNA
A-1
EDWARD HEALTH CARE PUD
DWYER PROPERTY
B3
COUNTRY HILLS
R-2
GEORGE E. BLOCK
A-1
RAINTREE SUBDIVISION
R-2 PUD
AGE RESTRICTED TOWN HOMES
15 UNITS
1.79 Ac.
EXISTING TREES
SITE DATA
CONCEPTUAL PUD PLAN
ENGINEERING:
CEMCON, Ltd.
DEVELOPER:
JAKE LAND GROUP
22118 Sandpiper Cove
Plainfield, IL 60544
PREPARED BY:
sda
Schappe Design Associates, Inc.

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

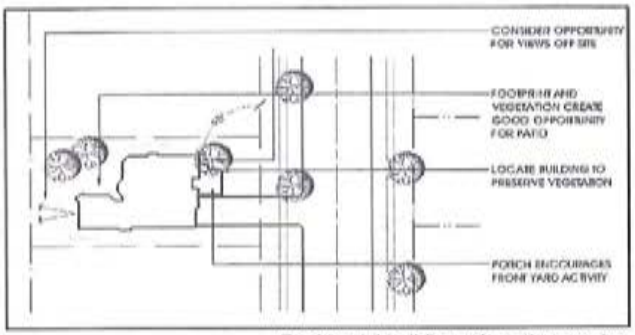
    Building orientation should take advantage of the building to site relationship. The orientation and location of buildings defines open spaces and circulation corridors.

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



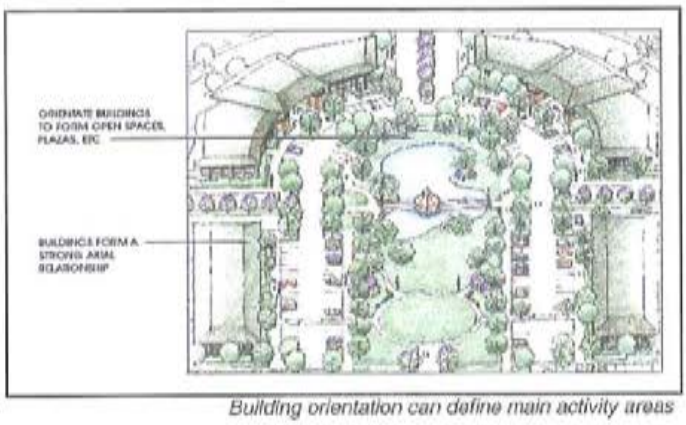
Orient primary buildings on axis and use as focal points

- 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.



Awnings along facade

- 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 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.



Varying roofline breaks up long expanse of building facade

- 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.



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.
- 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 provides one-story element



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.



Avoid 'box like' building 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.

  - 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 local 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**

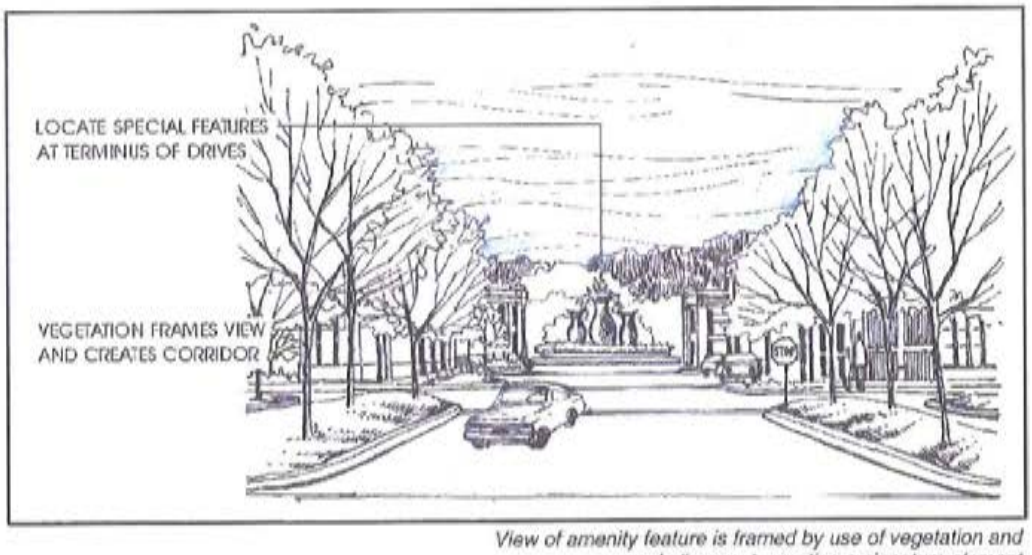
  - Open space is considered a valuable amenity, therefore careful consideration of vistas into open spaces from residential lots, streets and drives is required.

  - 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


Neighborhood Park

- 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.

- **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.


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

- 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.
- 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

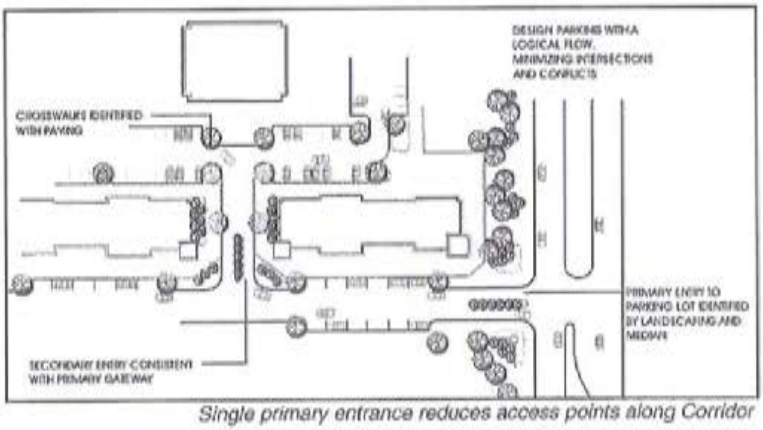
Each entrance to a parcel, individual building site or residential neighborhood from a primary roadway should be designed as a "gateway" to the area it serves. Design elements should be visually interesting and consistent with other streetscape materials used throughout the City.



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.



Street alignment offers views of significant architectural feature

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

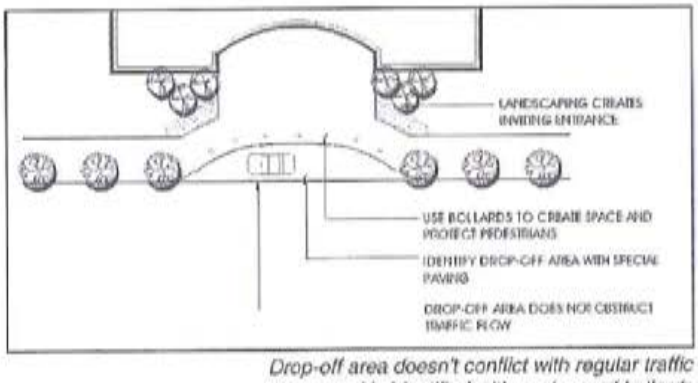


Landscaped island separates parking lot from internal drive

- 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.

- 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.


Service area screened with landscaping

- 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.

- **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.


Path provides access to park and adjacent neighborhood

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

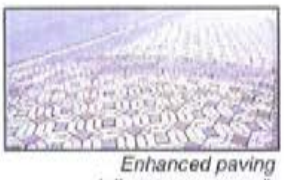
- Place special emphasis on pedestrian connections that link schools, recreation areas and other major activity areas.
- Neighborhoods should have access to open space and pocket parks by way of sidewalks and trails.
- In residential areas, sidewalks should be located on both sides of the street.
- Pavers 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

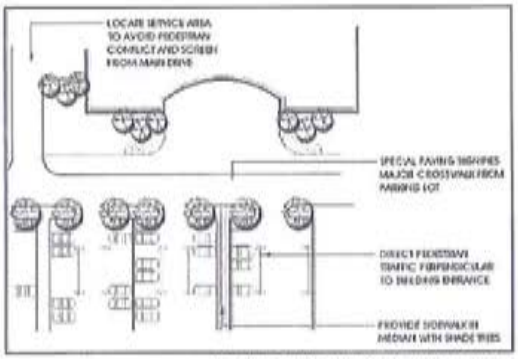
- **Pedestrian Circulation in Parking Lots**

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.

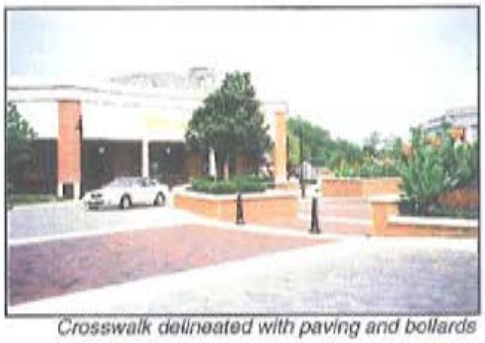


Landscaped median with sidewalk

- 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.



Median with sidewalk allows safe access to building entry



Crosswalk delineated with paving and bollards

- **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.

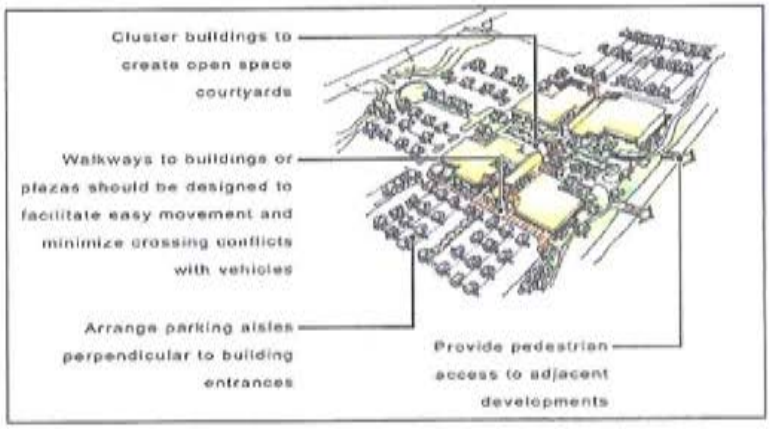
- **Parking**

  - 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.



Minimize negative visual impacts of parking from roadways

  - 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.



- *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.

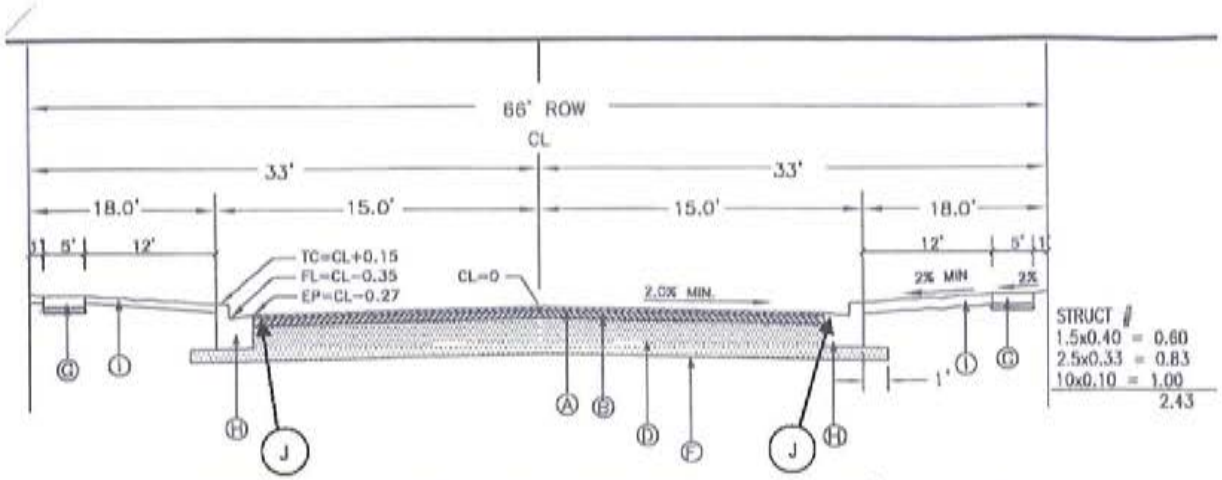
The Data is provided without warranty or any representation of accuracy, timeliness, or completeness. It is the responsibility of the "Requester" to determine accuracy, timeliness, completeness, and appropriateness of its use. The United City of Yorkville makes no warranties, expressed or implied, to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

N W E S



TYPICAL PAVEMENT SECTION – 66' R.O.W.

N.T.S.

- (A) 1.5" BITUMINOUS CONCRETE SURFACE COURSE, CL I, TY. 2, MIX. D
- (B) 2.5" BITUMINOUS CONCRETE BINDER COURSE, CL I, TY. 2
- (C) 4.5" BITUMINOUS CONCRETE BINDER COURSE, CL I, 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			
	Name of Fee	Amount	Time of Payment
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

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

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)

Water/Sewer

Sewer Tap — See Attached Ordinance #96-11

Water Tap

Water Meter Size	Water Connection Fee
1"	$ 3,700
1 1/2"	$ 4,000
2"	$ 5,000
3"	$ 8,000
4"	$15,000
6" and larger	TBD

Water Meter

Water Meter Size	Water Meter Price
1"	$ 485.00
1 ½"	$ 790.00
2"	$2800.00
3"	$3550.00
4"	$5420.00
6"	$8875.00

Engineering Inspections — $60.00

River Crossing Fee — $25.00 per drain unit. See attached Ordinance 97-11

**Engineering and Landscaping review fees will be billed separately.

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

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 Do Not Warrant	$50 per unit (non-refundable)

ALL OTHER USE GROUPS

A. New Construction	$750.00 plus $0.20 per square foot
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 Do Not 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

Building Size	*Fee*
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

Number of Sprinklers	*Pipe Schedule*	*Hydraulic Calculated*
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.

PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
BEFORE
UNITED CITY OF YORKVILLE
PLANNING AND ZONING COMMISSION
PZC 2022-19

NOTICE IS HEREBY GIVEN THAT Jordan Gash, on behalf of Restore Church, Inc., petitioner, has filed an application with the United City of Yorkville, Kendall County, Illinois, requesting rezoning classification of three (3) parcels totaling approximately 34 acres located at 8710 Route 71 in Yorkville, Illinois. The real property, situated east of Illinois State Route 71 and Illinois State Route 126 intersection on the northeast corner of Wing Road and Illinois State Route 71, is part of the previously approved Windmill Farms Annexation Agreement. The Windmill Farms Annexation Agreement zoned the parcels as a Planned Unit Development (PUD) 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 the three (3) parcels totaling 34 acres from the Planned Unit Development (PUD) zoning designation to the B-3 General Business District. The purpose of the rezoning is to continue to operate the existing religious institution land use and accommodate future commercial development.

The legal description of said parcels are as follows:

PARCEL 1:
27.60 AC TR LYG PT SW¼ & PT NW¼ SEC 3-36-7 (EXC PT DESCRBD AS "EXC" PER DOC 17-16528, PG 5) CITY OF YORKVILLLE

"THAT PART OF THE NORTHEAST, NORTHWEST ANO 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 1/4; THENCE SOUTH 00 DEGREE 10 MINUTES 48 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTHWEST 1/4 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 579.53 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LANO CONVEYED TO ELSIE BOYD BY A DEED DATED MARCH 26, 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 ANO 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 472.59 FEET TO A LINE DRAWN NORTH 00 DEGREES 10 MINUTES 48 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID NORTHEAST 1/4, FROM A POINT ON THE SOUTH LINE OF SAID NORTHEAST 1/4 WHICH IS 598.62 FEET EASTEAL Y OF THE SOUTHWEST CORNEA OF SAID NORTHEAST 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 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 (EXCEPTING THEREFROM THAT PART IN THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN)

PIN# 05-03-300-029

PARCEL 2:

.49 AC TR LYG SW¼ SEC 3-36-7 (EXC PT DESCRBD AS "EXC" PER DOC 17- 16528, PG 5) CITY OF YORKVILLE

THAT PART OF THE WEST 1/2 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 1/4 OF SAID SECTION 3, 1284.36 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 00 DEGREES WEST, 684.42 FEET; THENCE NORTH 09 DEGREES 30 MINUTES 00 SECONDS WEST, 592.27 FEET; 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 FOR THE POINT OF BEGINNING; THENCE SOUTH 21 DEGREES 52 MINUTES 29 SECONDS EAST, ALONG SAID EASTERLY LINE, 119.0 FEET; THENCE NORTH 68 DEGREES 07 MINUTES 31 SECONDS EAST, PERPENDICULAR TO SAID EASTERLY LINE, 211.0 FEET; THENCE NORTH 21 DEGREES 52 MINUTES 29 SECONDS 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 211.36 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS

PIN# 05-03-300-033

PARCEL 3:

5.40 AC TR LYG SW¼ SEC 3-36-7 (EXC PT DESCRBD AS "EXC" PER DOC 17-16528, PG 5} CITY OF YORKVILLE THAT PART OF THE WEST 1/2 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 1/4 OF SAID SECTION 3, 1284.36 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, 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 ILLJNOIS ROUTE 71; THENCE NORTH 68 DEGREES 07 MINUTES 31 SECONDS EAST, PERPENDICULAR TO SAID EASTERLY LINE 211 .0 FEET; THENCE NORTH 21 DEGREES 62 MINUTES 29 SECONDS 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 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 KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

(Loss and except from Above Parcels 1, 2 & 3 part of the Southwest Quarter and part of the Northwest Quarter of Section 3, Township 36 North, Range 7 East of the Third Principal Meridian, described as follows with bearings and distances based upon the Illinois State Plane Coordinate System, (Grid) East Zone (NAD-83, 2007 adj.): Commencing at the southwest corner of said Section 3; thence North 01 degree 35 minutes 30 seconds West 1995.04 feet along the west line of said southwest quarter section to the centerline of Illinois Route 71; thence North 69 degrees 55 minutes 19 seconds East 262.19 feet along said centerline to the point of curvature of a 11,479.05 foot radius curve to the Jett: thence northeasterly 1163.11 feet along said curve whose chord bears North 67 degrees 01 minutes 09 seconds East 1162.62 feet; thence South 25 degrees 53 minutes 00 seconds East 50.00 feet to the Point of Beginning on the southeasterly right of way line of Illinois Route 71; thence northeasterly 1118.45 feet along said southeasterly right of way line along a 11,529.02 foot radius curve to the left whose chord bears North 61 degrees 20 minutes 15 seconds East 1116.01 feet: thence North 58 degrees 33 minutes 29 seconds East 316.42 feet along said right of way line to the west line of property described In document number 201300024064; thence South 13 degrees 56 minutes 03 seconds East 15. 73 feet along said west line; thence South 58 degrees 33 minutes 29 seconds West 65.67 feet; thence South 56 degrees 13 minutes 50 seconds West 246.22 feet to a non-tangential curve to the right; thence southwesterly 656.26 feet along a 11,554.05 foot radius curve to the right whose chord bears South 60 degrees 11 minutes 25 seconds West 658.17 feet; thence South 50 degrees 42 minutes 49 seconds Weal 51.33 feet; thence southwesterly 75.56 feet along o 11,564.05 loot radius curve to the right whose chord bears South 62 degrees 15 minutes 33 seconds West 75.56 feet; thence South 73 degrees 52 minutes 10 seconds West 76.98 feet; thence southwesterly 226.37 feet along a 11,549.05 foot radius' curve to the right whose chord bears South 63 degrees 22 minutes 56 seconds West 226.37 feet; thence South 15 degrees 56 minutes 14 seconds West 40.32 feet; thence South 23 degrees 05 minutes 13 seconds East 100.12 feet; thence South 10 degrees 56 minutes 42 seconds East 51.74 feet to the easterly right of way line of Wing Road; thence North 22 degrees 56 minutes 26 seconds West 200.26 feet along said right of way line to the Point of Beginning.)

PIN# 05-03-300-033

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, October 12, 2022 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.

JORI BEHLAND
City Clerk

Reviewed By:	
Legal	■
Finance	☐
Engineer	☐
City Administrator	■
Community Development	■
Purchasing Manager	☐
Police	■
Public Works	☐
Parks and Recreation	☐

Agenda Item Number

Old Business #1

Tracking Number

EDC 2020-32

Agenda Item Summary Memo

Title: Urban (Domesticated) Chickens

Meeting and Date: Economic Development Committee – September 6, 2022

Synopsis: Discussion regarding permitting and regulating urban (domesticated) chickens in residentially zoned districts.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Direction

Submitted by: Krysti J. Barksdale-Noble, AICP (Name) Community Development (Department)

Agenda Item Notes:

See attached memo.

Have a question or comment about this agenda item?
Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at http://www.yorkville.il.us/320/City-Council

Memorandum

To: Economic Development Committee
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Jason Engberg, Senior Planner
Peter Ratos, Building Code Official
Bart Olson, City Administrator
Date: August 8, 2022
Subject: **Urban (Domesticated) Chickens**

Summary:

Per the most recent direction from the Economic Development Committee (EDC) at the August 2, 2022 meeting, please see the proposed changes to the draft regulations permitting urban (domesticated) chickens for single-family residentially zoned parcels. The attached draft ordinance has also been revised to reflect the proposed changes enumerated in red in the table below:

	PREVIOUSLY PROPOSED REGULATIONS *(BASED ON OSWEGO ORDINANCE)*	**CURRENTLY PROPOSED REGULATIONS** *(BASED ON 8-2-22 EDC COMMENTS)*
PERMITTED ZONING *(see attached map)*	R-1 Zoning District (Oswego) Lots must be used for residential purposes Oswego's R-1 District is similar to Yorkville's R-2 District. Yorkville is proposing permitting urban chickens in the following districts: E-1 (2 parcels) R-1 (121 parcels) R-2 (4,294 parcels) Total 4,417 parcels	Lots only zoned E-1, R-1 and R-2 and used for single-family detached residential purposes are permitted E-1 (2 parcels) R-1 (135 parcels) R-2 (4,935 parcels) Total 5,072 parcels
MIN. LOT SIZE	12,000 sq. ft.	11,000 sq. ft.
MAX. NUMBER OF CHICKENS	Max. of 6 domestic hens	Max. of 6 domestic hens
LOCATION/SETBACK	Rear Yard only. Enclosures and fenced areas shall be set back thirty (30) feet from any occupied residential structure, other than that of the owner, but not less than the minimum setback required for accessory structures in the zoning district.	Rear Yard only. Enclosures and fenced areas shall be set back thirty (30) feet from any occupied residential structure, other than that of the owner, but not less than the minimum setback required for accessory structures in the zoning district.
SANITATION	All structures shall be constructed and maintained in such a manner as to be free of rodent infestation. All feed shall be protected in a container with a tightly fitted lid.	All structures shall be constructed and maintained in such a manner as to be free of rodent infestation. All feed shall be protected in a container with a tightly fitted lid.
ENCLOSURE/COOP	Hens shall be provided with a covered inside enclosure up to 144 square feet and an adjacent outside fenced area. The outside area shall be no less than 32 square feet. Electric service to enclosures shall not be provided by an extension cord.	Hens shall be provided with a covered inside enclosure up to 144 square feet and an adjacent outside fenced area. The outside area shall be no less than 32 square feet. Electric service to enclosures shall not be provided by an extension cord. Four foot (4') tall privacy or solid yard fence required along the perimeter of the lot.
SLAUGHTERING	Prohibited, except for humane or religious reasons.	Prohibited, except for humane or religious reasons.

ROOSTERS	Prohibited	Prohibited
PERMIT REQUIRED	Required, must have HOA approval	Required w/o Inspection Does not require HOA approval to issue permit ($25.00 one-time fee)

Staff Comments:

Staff is seeking formal direction from the Economic Development Committee (EDC) on the proposed revised draft ordinance based on the feedback received at the August 2, 2022 meeting. If it is the concurrence of the Committee to adopt the regulations for urban chickens as presented, staff recommends forwarding the ordinance to the next City Council for final consideration.

Attachments

1. Map of Urban Chickens on Residential Parcels =/> 11,000 square feet
2. Current Draft Ordinance
3. August 2, 2022 EDC Packet Materials

Proposed E-1, R-1, and R-2 Parcels

Parcel Zone	Amout
E-1 District Parcels	2
R-1 District Parcels	135
R-2 District Parcels	4,935
TOTAL:	**5,072**

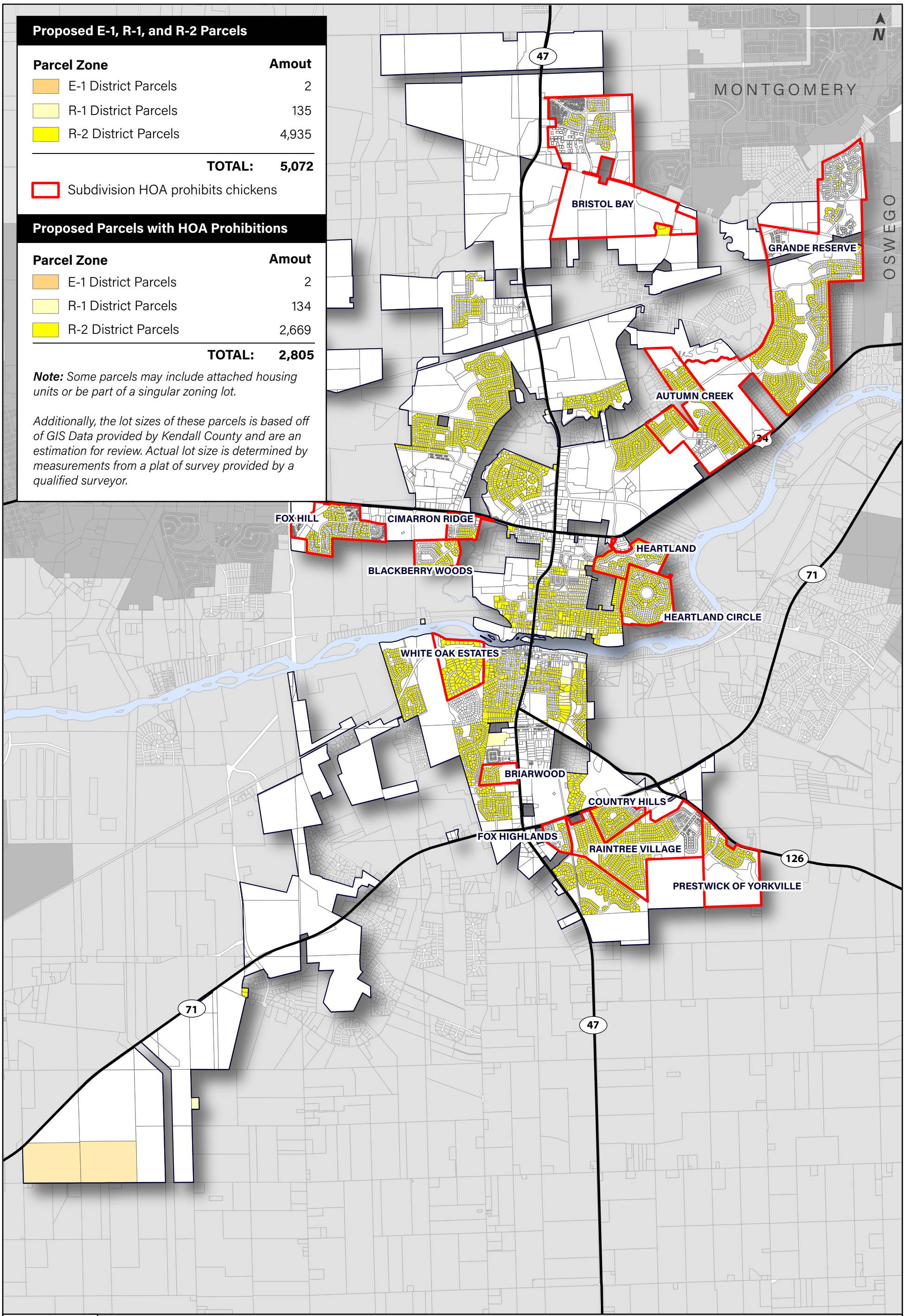
Subdivision HOA prohibits chickens

Proposed Parcels with HOA Prohibitions

Parcel Zone	Amout
E-1 District Parcels	2
R-1 District Parcels	134
R-2 District Parcels	2,669
TOTAL:	**2,805**

Note: *Some parcels may include attached housing units or be part of a singular zoning lot.*

Additionally, the lot sizes of these parcels is based off of GIS Data provided by Kendall County and are an estimation for review. Actual lot size is determined by measurements from a plat of survey provided by a qualified surveyor.



URBAN CHICKEN >11,000 Square Foot Residential Parcels

United City of Yorkville, Illinois

ADDRESS: 800 Game Farm Road, Yorkville Illinois

DATE: August 9, 2022

DATA: All permit data and geographic data are property of the United City of Yorkville

LOCATION: (I:)//Community Development/Urban Chickens/Chicken Map

Draft 08/08/22
Ordinance No. 2022-_____

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, ALLOWING BACKYARD COOPS/ENCLOSURES FOR DOMESTICATED HENS IN CERTAIN RESIDENTIAL DISTRICTS AS A PERMITTED ACCESSORY STRUCTURE AND SUBJECT TO CERTAIN REGULATIONS

WHEREAS, the United City of Yorkville (the "*City*") is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, domesticated chickens are of benefit to mankind by providing fresh eggs, garden fertilizer services, and companionship to their owners; and,

WHEREAS, pursuant to sections 11-5-3, 11-5-6, and 11-20-9 of the Illinois Municipal Code, as amended, (65 ILCS 5/11-5-3, 5/11-5-6, and 5/11-20-9) the City has the power and authority to regulate the licensing, treatment and prevention of nuisances regarding animals in the City.

WHEREAS, the Mayor and City Council deem it necessary to allow and regulate domesticated hens in order to promote the health, safety, and welfare of the City's residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: That Title 8 of the United City of Yorkville Code of Ordinances is hereby amended by adding Chapter 19 to read as follows:

CHAPTER 19
DOMESTICATED HENS

8-19-1: Definitions

As used in this chapter, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

A. "Coop" means an enclosure constructed with a covered roof.

B. "Domesticated Hen" means all life stages of the subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in this Title.

C. "Rooster" means an adult male chicken of the subspecies of the species Gallus Domesticus.

D. "Slaughtering" means the killing of an animal for food or other reason, with the exception for humane or religious reasons.

8-19-2: Certain conduct declared unlawful.

A. The keeping by any person of domesticated hens in the City is prohibited except in compliance with this Chapter or upon any property zoned for agricultural uses.

B. The purpose of this article is to establish certain requirements of sound domesticated hen practices, which are intended to avoid problems that may otherwise be associated with the keeping of chickens in populated areas.

C. Notwithstanding compliance with the various requirements of this Chapter, it shall be unlawful for any persons to keep any domesticated hens in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

8-19-2: Restrictions

A. Domesticated hens shall be permitted on lots used for single-family detached residential purposes of ~~twelve~~ eleven thousand (~~12,000~~11,000) square feet or greater in area and zoned within the E-1 Estate, R-1 Single-Family Suburban Residence and R-2 Single-Family Traditional Residence districts.

B. A maximum of six (6) domesticated hens shall be permitted on any lot.

C. Roosters shall be prohibited in the City limits.

D. Domesticated hens and associated enclosures, coops and fencing shall be located within the rear yard of any lot and must maintain a minimum setback of thirty (30) feet from any occupied residential structure, other than of the owner, but not less than the minimum setback required for accessory structures in the zoning district.

E. Slaughtering of domesticated hens shall be prohibited in City limits, except for humane or religious reasons.

8-19-3: Coop and fence type.

A. Hens shall be provided with a covered inside enclosure up to 144 square feet and an adjacent outside fenced area. The outside fenced area shall be no less than 32 square feet in area.

B. Electric service to enclosures shall not be provided by an extension cord.

C. Hens shall be kept in the enclosure and fenced area at all times.

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~~C.~~D. A minimum four foot (4') tall privacy or solid yard fence shall be required along the perimeter of the subject property lot in accordance with Chapter 17 Fencing and Screening of Title 10 Zoning of the Yorkville City Code.

8-19-4: Sanitation

A. Enclosures or coops for domesticated hens shall be constructed and maintained in such a manner as to be free of rodent infestation, kept clean and sanitary at all times. Any dirt or refuse resulting from the fowl or livestock shall be disposed in a clean and sanitary fashion.

B. All feed and other items that are associated with the keeping of domesticated hens that likely to attract or become infested with rodents shall be protected in a container with a tightly fitted lid so as to prevent rodents from gaining access to or coming into contact with them. No feed shall be scattered on the ground.

C. All areas where hens are kept shall be free of undue accumulation of waste such as to cause odors detectable on adjacent properties.

D. No person shall allow domesticated hens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity.

8-19-5: Permit.

A. Permit applications for domesticated hens shall be obtained from and submitted to the Community Development Director or his/her designee. At the time of permit application, the applicant shall:

~~1.~~ Submit proof of authorization from the property owner to allow domesticated hens if the property is not owner occupied;

~~2.~~1. ~~Submit proof of authorization from the applicable homeowner's association;~~ and

~~3.~~2. Pay a twenty-five dollar ($25.00) nonrefundable application fee.

B. Permit approval shall allow the Community Development Director or designees to have the right to inspect any enclosure or coop between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the permittee.

8-19-6: Compliance.

Upon receipt of information that any domesticated chicken enclosure or coop situated within the City is not being kept in compliance with this article, the Community Development Director or designee shall cause an investigation to be conducted. If grounds are found to exist to believe that one or more violations have occurred notices of violation for administrative adjudication pursuant to Chapter 14 of Title 1 may be issued or a complaint filed in the circuit court of Kendall County.

Section 2: That Subsection 5-2-1: Definitions of the United City of Yorkville Police Regulations of the Yorkville City Code is hereby amended to read as follows:

"AGRICULTURAL ANIMAL: Livestock, poultry with the exception of domesticated hens as regulated in Title 8 Chapter 19, and other farm animals."

"DOMESTIC ANIMAL: Dogs, cats and any other types of animals or fowl, including domesticated hens as regulated in Title 8 Chapter 19, normally maintained as a household pet or guardian."

"DOMESTICATED HENS: A subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear yard of a residentially zoned property as permitted and regulated in Title 8 Chapter 19."

Section 3: That Subsection 5-2-5: Agricultural Animals of the United City of Yorkville Police Regulations of the Yorkville City Code is hereby amended to read as follows:

"Agricultural animals are prohibited within the corporate limits of the city, unless they are domesticated hens regulated in Title 8 Chapter 19 or are confined within an enclosure on land zoned A-1 agricultural zoning district, in accordance with title 10, chapter 9 of this code."

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

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, A.D. 2022.

_____

CITY CLERK

KEN KOCH	_____	DAN TRANSIER	_____
ARDEN JOE PLOCHER	_____	CRAIG SOLING	_____
CHRIS FUNKHOUSER	_____	MATT MAREK	_____
SEAVER TARULIS	_____	JASON PETERSON	_____

APPROVED by me, as Mayor of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, A.D. 2022.

_____
MAYOR

Ordinance No. 2022-_____

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, ALLOWING BACKYARD COOPS/ENCLOSURES FOR DOMESTICATED HENS IN CERTAIN RESIDENTIAL DISTRICTS AS A PERMITTED ACCESSORY STRUCTURE AND SUBJECT TO CERTAIN REGULATIONS

WHEREAS, the United City of Yorkville (the "*City*") is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, domesticated chickens are of benefit to mankind by providing fresh eggs, garden fertilizer services, and companionship to their owners; and,

WHEREAS, pursuant to sections 11-5-3, 11-5-6, and 11-20-9 of the Illinois Municipal Code, as amended, (65 ILCS 5/11-5-3, 5/11-5-6, and 5/11-20-9) the City has the power and authority to regulate the licensing, treatment and prevention of nuisances regarding animals in the City.

WHEREAS, the Mayor and City Council deem it necessary to allow and regulate domesticated hens in order to promote the health, safety, and welfare of the City's residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: That Title 8 of the United City of Yorkville Code of Ordinances is hereby amended by adding Chapter 19 to read as follows:

CHAPTER 19
DOMESTICATED HENS

8-19-1: Definitions

As used in this chapter, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

A. "Coop" means an enclosure constructed with a covered roof.

B. "Domesticated Hen" means all life stages of the subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in this Title.

C. "Rooster" means an adult male chicken of the subspecies of the species Gallus Domesticus.

D. "Slaughtering" means the killing of an animal for food or other reason, with the exception for humane or religious reasons.

8-19-2: Certain conduct declared unlawful.

A. The keeping by any person of domesticated hens in the City is prohibited except in compliance with this Chapter or upon any property zoned for agricultural uses.

B. The purpose of this article is to establish certain requirements of sound domesticated hen practices, which are intended to avoid problems that may otherwise be associated with the keeping of chickens in populated areas.

C. Notwithstanding compliance with the various requirements of this Chapter, it shall be unlawful for any persons to keep any domesticated hens in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

8-19-2: Restrictions

A. Domesticated hens shall be permitted on lots used for single-family detached residential purposes of eleven thousand (11,000) square feet or greater in area and zoned within the E-1 Estate, R-1 Single-Family Suburban Residence and R-2 Single-Family Traditional Residence districts.

B. A maximum of six (6) domesticated hens shall be permitted on any lot.

C. Roosters shall be prohibited in the City limits.

D. Domesticated hens and associated enclosures, coops and fencing shall be located within the rear yard of any lot and must maintain a minimum setback of thirty (30) feet from any occupied residential structure, other than of the owner, but not less than the minimum setback required for accessory structures in the zoning district.

E. Slaughtering of domesticated hens shall be prohibited in City limits, except for humane or religious reasons.

8-19-3: Coop and fence type.

A. Hens shall be provided with a covered inside enclosure up to 144 square feet and an adjacent outside fenced area. The outside fenced area shall be no less than 32 square feet in area.

B. Electric service to enclosures shall not be provided by an extension cord.

C. Hens shall be kept in the enclosure and fenced area at all times.

D. A minimum four foot (4') tall privacy or solid yard fence shall be required along the perimeter of the subject property lot in accordance with Chapter 17 Fencing and Screening of Title 10 Zoning of the Yorkville City Code.

8-19-4: Sanitation

A. Enclosures or coops for domesticated hens shall be constructed and maintained in such a manner as to be free of rodent infestation, kept clean and sanitary at all times. Any dirt or refuse resulting from the fowl or livestock shall be disposed in a clean and sanitary fashion.

B. All feed and other items that are associated with the keeping of domesticated hens that likely to attract or become infested with rodents shall be protected in a container with a tightly fitted lid so as to prevent rodents from gaining access to or coming into contact with them. No feed shall be scattered on the ground.

C. All areas where hens are kept shall be free of undue accumulation of waste such as to cause odors detectable on adjacent properties.

D. No person shall allow domesticated hens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity.

8-19-5: Permit.

A. Permit applications for domesticated hens shall be obtained from and submitted to the Community Development Director or his/her designee. At the time of permit application, the applicant shall:

1. Submit proof of authorization from the property owner to allow domesticated hens if the property is not owner occupied; and
2. Pay a twenty-five dollar ($25.00) nonrefundable application fee.

B. Permit approval shall allow the Community Development Director or designees to have the right to inspect any enclosure or coop between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the permittee.

8-19-6: Compliance.

Upon receipt of information that any domesticated chicken enclosure or coop situated within the City is not being kept in compliance with this article, the Community Development Director or designee shall cause an investigation to be conducted. If grounds are found to exist to believe that one or more violations have occurred notices of violation for administrative adjudication pursuant to Chapter 14 of Title 1 may be issued or a complaint filed in the circuit court of Kendall County.

Section 2: That Subsection 5-2-1: Definitions of the United City of Yorkville Police Regulations of the Yorkville City Code is hereby amended to read as follows:

"AGRICULTURAL ANIMAL: Livestock, poultry with the exception of domesticated hens as regulated in Title 8 Chapter 19, and other farm animals."

"DOMESTIC ANIMAL: Dogs, cats and any other types of animals or fowl, including domesticated hens as regulated in Title 8 Chapter 19, normally maintained as a household pet or guardian."

"DOMESTICATED HENS: A subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear yard of a residentially zoned property as permitted and regulated in Title 8 Chapter 19."

Section 3: That Subsection 5-2-5: Agricultural Animals of the United City of Yorkville Police Regulations of the Yorkville City Code is hereby amended to read as follows:

"Agricultural animals are prohibited within the corporate limits of the city, unless they are domesticated hens regulated in Title 8 Chapter 19 or are confined within an enclosure on land zoned A-1 agricultural zoning district, in accordance with title 10, chapter 9 of this code."

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

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, A.D. 2022.

_____

CITY CLERK

KEN KOCH	_____	DAN TRANSIER	_____
ARDEN JOE PLOCHER	_____	CRAIG SOLING	_____
CHRIS FUNKHOUSER	_____	MATT MAREK	_____
SEAVER TARULIS	_____	JASON PETERSON	_____

APPROVED by me, as Mayor of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, A.D. 2022.

_____

MAYOR

Packet materials from EDC meeting on 08/02/22

Memorandum

To: Economic Development Committee
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Jason Engberg, Senior Planner
Peter Ratos, Building Code Official
Bart Olson, City Administrator
Date: July 13, 2022
Subject: **Urban (Domesticated) Chickens**

Summary:

At the July 5th Economic Development Committee (EDC) meeting, staff was given direction to draft an ordinance permitting urban (domesticated) chickens for single-family residentially zoned parcels mirroring the Village of Oswego's Ordinance No. 17-26 adopted by their board in May 2017. The attached draft ordinance has been prepared for the consideration of the EDC. The following is a comparison of staff's most recently proposed regulations presented in July and the currently proposed regulations of the Oswego ordinance:

	PREVIOUSLY PROPOSED REGULATIONS	CURRENTLY PROPOSED REGULATIONS (OSWEGO ORDINANCE)
PERMITTED ZONING *(see attached map)*	**Lot must be used for residential purposes** • E-1 (2 parcels) • R-1 (38 parcels) • R-2 (305 parcels) Total 345 parcels	R-1 Zoning District (Oswego) Lots must be used for residential purposes Oswego's R-1 District is similar to Yorkville's R-2 District. Yorkville is proposing permitting urban chickens in the following districts: E-1 (2 parcels) R-1 (121 parcels) R-2 (4,294 parcels) Total 4,417 parcels
MIN. LOT SIZE	20,000 sq. ft.	12,000 sq. ft.
MAX. NUMBER OF CHICKENS	Max. of 5 chickens	Max. of 6 domestic hens
LOCATION/SETBACK	Rear/Side Yard 15 ft. setback from property lines	Rear Yard only. Enclosures and fenced areas shall be set back thirty (30) feet from any occupied residential structure, other than that of the owner, but not less than the minimum setback required for accessory structures in the zoning district.
SANITATION	Performance Standards & Property Maintenance Code applies. Prohibit feed from being scattered on the ground.	All structures shall be constructed and maintained in such a manner as to be free of rodent infestation. All feed shall be protected in a container with a tightly fitted lid.
ENCLOSURE/COOP	Enclosure constructed with a covered, predator-proof roof which allows for two (2) square feet per hen. Privacy or solid yard fence required. Chicken-run optional.	Hens shall be provided with a covered inside enclosure up to 144 square feet and an adjacent outside fenced area. The outside area shall be no less than 32 square feet. Electric service to enclosures shall not be provided by an extension cord.
SLAUGHTERING	Prohibited	Prohibited, except for humane or religious reasons.

ROOSTERS	Permitted up to 4 months of age	Prohibited
PERMIT REQUIRED	Required w/o Inspection ($25.00 one-time fee)	Required, must have HOA approval

Additional Required Code Amendments:

As in the Village of Oswego ordinance, the regulations permitting domesticated chickens are proposed as an allowed accessory use/structure. This will require an amendment to Title 8: Building Regulations, similar to the ordinance approving beekeeping on residential properties. Additional amendments to Title 5: Police Regulations will also be required.

The following are areas in each aforementioned section which would require amending, text in red is proposed to be **added**:

Title 8: Building Regulations

Creation of a new chapter, Chapter 19: Domesticated Hens, providing all regulatory requirements for permitting chickens in designated residential districts.

Title 5: Police Regulations, Chapter 2: Animals

"Agricultural Animal" definition in Section 5-2-1: Definitions will need to be amended to read as follows: "AGRICULTURAL ANIMAL: Livestock, poultry with the exception of domesticated hens as regulated in Title 8 Chapter 19, and other farm animals."

"Domestic Animal" definition in Section 5-2-1: Definitions will need to be amended to read as follows: "DOMESTIC ANIMAL: Dogs, cats and any other types of animals or fowl, including domesticated hens as regulated in Title 8 Chapter 19, normally maintained as a household pet or guardian."

Creation of a new definition in Section 5-2-1: Definitions for "domesticated chickens" to read as follows: "DOMESTICATED HENS: A subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in Title 8 Chapter 19."

Title 5: Police Regulations, Section 5-2-5: Agricultural Animals

Section 5-2-5: Agricultural Animals will need to be amended to read as follows:
"Agricultural animals are prohibited within the corporate limits of the city, unless they are domesticated hens regulated in Title 8 Chapter 19 or are confined within an enclosure on land zoned A-1 agricultural zoning district, in accordance with title 10, chapter 9 of this code."

Proposed Enforcement & Concerns:

Reiterating the discussion of the EDC at the July meeting regarding sanitation concerns, existing enforcement regulations for public health and safety would apply to properties permitted to have domesticated chickens:

1. **Property Maintenance Code** – existing provisions within the 2018 International Property Maintenance Code (IPMC) allows for the enforcement of public nuisances such as rodent harborage, maintenance of accessory structures, and proper rubbish and garbage containment, all which may result from unkept chicken coops.
2. **Animals At Large** – existing provisions within 5-2-4: Domestic Animals, prohibits domestic animals from running at large, with or without a tag fastened to its collar, within the corporate limits of the city. When any domestic animal is found on any public street, sidewalk, alley or any

unenclosed place it is deemed to be running at large unless firmly held on a leash or is in an enclosed vehicle. This can be an issue if chickens are let loose in a backyard without secure fencing.

3. **Performance Standards** – located in the Zoning Ordinance, performance standards regulate noise (also regulated in Public Health and Safety ordinance the City Code) and odor which are also concerns related to permitting domestic chickens in residential districts.
4. **Permit Revocation** – the Building Code Official has the ability to revoke any valid permit if a violation is found and not corrected. Additionally, the draft ordinance provides that approval of a permit would allow building staff to have the right to inspect any enclosure or coop between the hours of 8:00 a.m. and 5:00 p.m. with prior notice to the permittee, when practical.

5. **Administration Adjudication** - All of the above provisions would require processing through the City's Administration Adjudication procedures which, in addition to compel compliance, but may also issue fines and/or fees to violators.

6. **Enforcement Concerns** - the Police Department previously expressed concern regarding nuisance and noise complaints, as well as conflicts between this ordinance and HOA regulations. While the existing enforcement City regulations address the noise and nuisance complaints, the City has no authority to enforce HOA regulations.

Staff Comments:

Staff is seeking formal direction from the Economic Development Committee (EDC) on the proposed revised draft ordinance based on the Oswego residential chicken regulations. If it is the concurrence of the Committee to adopt the regulations for urban chickens as presented, staff recommends forwarding the ordinance to the next City Council for final consideration.

Attachments

1. Current Draft Ordinance
2. Village of Oswego Ordinance 17-26
3. Village of Oswego Chicken Coop Permit Form
4. July 5, 2022 EDC Packet Materials

Proposed E-1, R-1, and R-2 Parcels

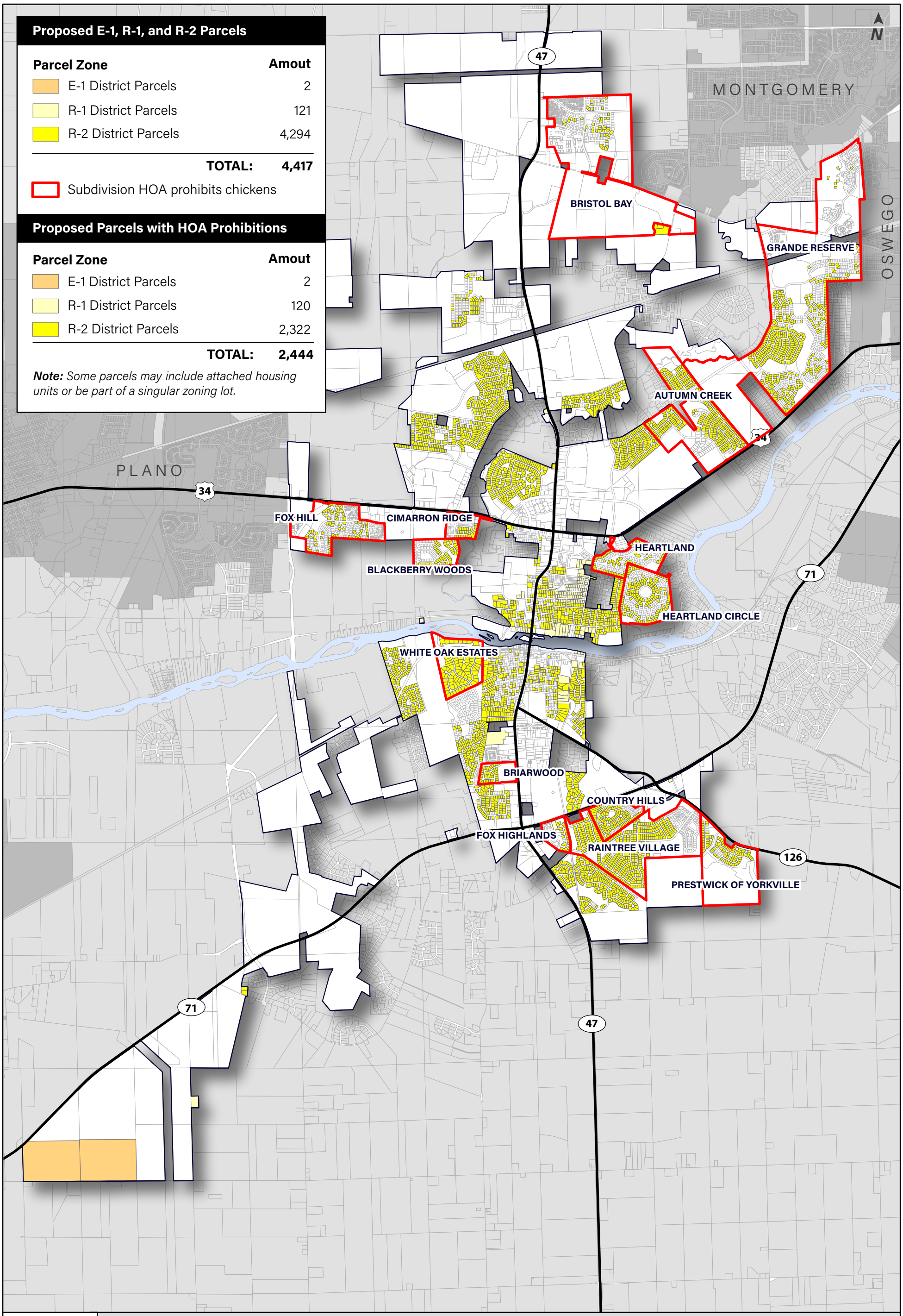
Parcel Zone	Amout
E-1 District Parcels	2
R-1 District Parcels	121
R-2 District Parcels	4,294
TOTAL:	**4,417**

Subdivision HOA prohibits chickens

Proposed Parcels with HOA Prohibitions

Parcel Zone	Amout
E-1 District Parcels	2
R-1 District Parcels	120
R-2 District Parcels	2,322
TOTAL:	**2,444**

Note: *Some parcels may include attached housing units or be part of a singular zoning lot.*



URBAN CHICKEN >12,000 Square Foot Residential Parcels

United City of Yorkville, Illinois

ADDRESS: 800 Game Farm Road, Yorkville Illinois

DATE: July 28, 2022

DATA: All permit data and geographic data are property of the United City of Yorkville

LOCATION: (I:)//Community Development/Urban Chickens/Chicken Map

Draft 07/13/22

Ordinance No. 2022-_____

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, ALLOWING BACKYARD COOPS/ENCLOSURES FOR DOMESTICATED HENS IN CERTAIN RESIDENTIAL DISTRICTS AS A PERMITTED ACCESSORY STRUCTURE AND SUBJECT TO CERTAIN REGULATIONS

WHEREAS, the United City of Yorkville (the "*City*") is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, domesticated chickens are of benefit to mankind by providing fresh eggs, garden fertilizer services, and companionship to their owners; and,

WHEREAS, pursuant to sections 11-5-3, 11-5-6, and 11-20-9 of the Illinois Municipal Code, as amended, (65 ILCS 5/11-5-3, 5/11-5-6, and 5/11-20-9) the City has the power and authority to regulate the licensing, treatment and prevention of nuisances regarding animals in the City.

WHEREAS, the Mayor and City Council deem it necessary to allow and regulate domesticated hens in order to promote the health, safety, and welfare of the City's residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: That Title 8 of the United City of Yorkville Code of Ordinances is hereby amended by adding Chapter 19 to read as follows:

CHAPTER 19
DOMESTICATED HENS

8-19-1: Definitions

As used in this chapter, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

A. "Coop" means an enclosure constructed with a covered roof.

B. "Domesticated Hen" means all life stages of the subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in this Title.

C. "Rooster" means an adult male chicken of the subspecies of the species Gallus Domesticus.

D. "Slaughtering" means the killing of an animal for food or other reason, with the exception for humane or religious reasons.

8-19-2: Certain conduct declared unlawful.

A. The keeping by any person of domesticated hens in the City is prohibited except in compliance with this Chapter or upon any property zoned for agricultural uses.

B. The purpose of this article is to establish certain requirements of sound domesticated hen practices, which are intended to avoid problems that may otherwise be associated with the keeping of chickens in populated areas.

C. Notwithstanding compliance with the various requirements of this Chapter, it shall be unlawful for any persons to keep any domesticated hens in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

8-19-2: Restrictions

A. Domesticated hens shall be permitted on lots used for single-family detached residential purposes of twelve thousand (12,000) square feet or greater in area and zoned within the E-1 Estate, R-1 Single-Family Suburban Residence and R-2 Single-Family Traditional Residence districts.

B. A maximum of six (6) domesticated hens shall be permitted on any lot.

C. Roosters shall be prohibited in the City limits.

D. Domesticated hens and associated enclosures, coops and fencing shall be located within the rear yard of any lot and must maintain a minimum setback of thirty (30) feet from any occupied residential structure, other than of the owner, but not less than the minimum setback required for accessory structures in the zoning district.

E. Slaughtering of domesticated hens shall be prohibited in City limits, except for humane or religious reasons.

8-19-3: Coop and fence type.

A. Hens shall be provided with a covered inside enclosure up to 144 square feet and an adjacent outside fenced area. The outside fenced area shall be no less than 32 square feet in area.

B. Electric service to enclosures shall not be provided by an extension cord.

C. Hens shall be kept in the enclosure and fenced area at all times.

8-19-4: Sanitation

A. Enclosures or coops for domesticated hens shall be constructed and maintained in such a manner as to be free of rodent infestation, kept clean and sanitary at all times. Any dirt or refuse resulting from the fowl or livestock shall be disposed in a clean and sanitary fashion.

B. All feed and other items that are associated with the keeping of domesticated hens that likely to attract or become infested with rodents shall be protected in a container with a tightly fitted lid so as to prevent rodents from gaining access to or coming into contact with them. No feed shall be scattered on the ground.

C. All areas where hens are kept shall be free of undue accumulation of waste such as to cause odors detectable on adjacent properties.

D. No person shall allow domesticated hens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity.

8-19-5: Permit.

A. Permit applications for domesticated hens shall be obtained from and submitted to the Community Development Director or his/her designee. At the time of permit application, the applicant shall:

1. Submit proof of authorization from the property owner to allow domesticated hens if the property is not owner occupied;
2. Submit proof of authorization from the applicable homeowner's association; and
3. Pay a twenty-five dollar ($25.00) nonrefundable application fee.

B. Permit approval shall allow the Community Development Director or designees to have the right to inspect any enclosure or coop between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the permittee.

8-19-6: Compliance.

Upon receipt of information that any domesticated chicken enclosure or coop situated within the City is not being kept in compliance with this article, the Community Development Director or designee shall cause an investigation to be conducted. If grounds are found to exist to believe that one or more violations have occurred notices of violation for administrative adjudication pursuant to Chapter 14 of Title 1 may be issued or a complaint filed in the circuit court of Kendall County.

Section 2: That Subsection 5-2-1: Definitions of the United City of Yorkville Police Regulations of the Yorkville City Code is hereby amended to read as follows:

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"DOMESTIC ANIMAL: Dogs, cats and any other types of animals or fowl, including domesticated hens as regulated in Title 8 Chapter 19, normally maintained as a household pet or guardian."

"DOMESTICATED HENS: A subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear yard of a residentially zoned property as permitted and regulated in Title 8 Chapter 19."

Section 3: That Subsection 5-2-5: Agricultural Animals of the United City of Yorkville Police Regulations of the Yorkville City Code is hereby amended to read as follows:

"Agricultural animals are prohibited within the corporate limits of the city, unless they are domesticated hens regulated in Title 8 Chapter 19 or are confined within an enclosure on land zoned A-1 agricultural zoning district, in accordance with title 10, chapter 9 of this code."

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

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this _____ day of _____, 2022.

_____
CITY CLERK

KEN KOCH	_____	DAN TRANSIER	_____
ARDEN JOE PLOCHER	_____	CRAIG SOLING	_____
CHRIS FUNKHOUSER	_____	MATT MAREK	_____
SEAVER TARULIS	_____	JASON PETERSON	_____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this _____ day of _____ 2022.

_____
MAYOR

Packet materials from
EDC meeting 07/05/22

Memorandum

To: Economic Development Committee
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Jason Engberg, Senior Planner
Peter Ratos, Building Code Official
Bart Olson, City Administrator
Date: June 2, 2022
Subject: **Urban (Domesticated) Chickens**

Summary:

At the May 3rd Economic Development Committee (EDC) meeting, staff was given direction to draft an ordinance permitting urban (domesticated) chickens for single-family residentially zoned parcels on smaller lot sizes than the previously proposed one (1) acre lot minimum and slightly less restrictive setbacks than the minimum 25 ft proposed in January 2021. The EDC also requested regulations related to privacy or solid fencing, required enclosures and a maximum of 4-6 chickens per lot. However, no specific direction given regarding enforcement criteria.

Policy Proposals:

Based on the feedback provided to staff from the EDC, the following regulations have been revised (in red) from the January 2021 proposal and incorporated into the attached draft ordinance:

	PREVIOUSLY PROPOSED REGULATIONS	CURRENTLY PROPOSED REGULATIONS
PERMITTED ZONING *(see attached map)*	**Lot must be used for residential purposes** • E-1 (2 parcels) • R-1 (24 parcels) • R-2 (39 parcels) Total 65 parcels	**Lot must be used for residential purposes** • E-1 (2 parcels) • R-1 (38 parcels) • R-2 (305 parcels) Total 345 parcels
MIN. LOT SIZE	One (1) acre	20,000 sq. ft.
MAX. NUMBER OF CHICKENS	Max. of 8 chickens	Max. of 5 chickens
LOCATION/SETBACK	Rear/Side Yard 25 ft. setback from property lines	Rear/Side Yard 15 ft. setback from property lines
SANITATION	Performance Standards & Property Maintenance Code applies. Prohibit feed from being scattered on the ground.	Performance Standards & Property Maintenance Code applies. Prohibit feed from being scattered on the ground.
ENCLOSURE/COOP	Enclosure constructed with a covered, predator-proof roof which allows for two (2) square feet per hen. Chicken-run and/or yard fence required.	Enclosure constructed with a covered, predator-proof roof which allows for two (2) square feet per hen. Privacy or solid yard fence required. Chicken-run optional.
SLAUGHTERING	Prohibited	Prohibited
ROOSTERS	Permitted up to 4 months of age	Permitted up to 4 months of age
PERMIT REQUIRED	Required w/o Inspection ($25.00 one-time fee)	Required w/o Inspection ($25.00 one-time fee)

Proposed Code Amendments:

The regulations permitting domesticated chickens are proposed as an amendment to Title 8: Building Regulations as an allowed accessory use/structure, similar to the ordinance approving beekeeping on residential properties. Additional amendments to Title 5: Police Regulations will also be required.

The following are areas in each aforementioned section which would require amending, text in red is proposed to be **added**:

Title 8: Building Regulations

Creation of a new chapter, Chapter 19: Domesticated Chickens, providing all regulatory requirements for permitting chickens in designated residential districts.

Title 5: Police Regulations, Chapter 2: Animals

"Agricultural Animal" definition in Section 5-2-1: Definitions will need to be amended to read as follows: "AGRICULTURAL ANIMAL: Livestock, poultry with the exception of domesticated chickens as regulated in Title 8 Chapter 19, and other farm animals."

"Domestic Animal" definition in Section 5-2-1: Definitions will need to be amended to read as follows: "DOMESTIC ANIMAL: Dogs, cats and any other types of animals or fowl, including domesticated chickens as regulated in Title 8 Chapter 19, normally maintained as a household pet or guardian."

Creation of a new definition in Section 5-2-1: Definitions for "domesticated chickens" to read as follows: "DOMESTICATED CHICKENS: A subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in Title 8 Chapter 19."

Title 5: Police Regulations, Section 5-2-5: Agricultural Animals

Section 5-2-5: Agricultural Animals will need to be amended to read as follows:
"Agricultural animals are prohibited within the corporate limits of the city, unless they are domesticated chickens regulated in Title 8 Chapter 19 or are confined within an enclosure on land zoned A-1 agricultural zoning district, in accordance with title 10, chapter 9 of this code."

Proposed Enforcement & Concerns:

Although not discussed at the May 2022 meeting, existing enforcement regulations for public health and safety would apply to properties permitted to have domesticated chickens:

1. **Property Maintenance Code** – existing provisions within the 2018 International Property Maintenance Code (IPMC) allows for the enforcement of public nuisances such as rodent harborage, maintenance of accessory structures, and proper rubbish and garbage containment, all which may result from unkept chicken coops.
2. **Animals At Large** – existing provisions within 5-2-4: Domestic Animals, prohibits domestic animals from running at large, with or without a tag fastened to its collar, within the corporate limits of the city. When any domestic animal is found on any public street, sidewalk, alley or any unenclosed place it is deemed to be running at large unless firmly held on a leash or is in an enclosed vehicle. This can be an issue if chickens are let loose in a backyard without secure fencing.
3. **Performance Standards** – located in the Zoning Ordinance, performance standards regulate noise (also regulated in Public Health and Safety ordinance the City Code) and odor which are also concerns related to permitting domestic chickens in residential districts.

4. **Permit Revocation** – the Building Code Official has the ability to revoke any valid permit if a violation is found and not corrected. Additionally, the draft ordinance provides that approval of a permit would allow building staff to have the right to inspect any enclosure or coop between the hours of 8:00 a.m. and 5:00 p.m. with prior notice to the permittee, when practical.

5. **Administration Adjudication** - All of the above provisions would require processing through the City's Administration Adjudication procedures which, in addition to compel compliance, but may also issue fines and/or fees to violators.

6. **Enforcement Concerns** - the Police Department previously expressed concern regarding nuisance and noise complaints, as well as conflicts between this ordinance and HOA regulations. While the existing enforcement City regulations address the noise and nuisance complaints, the City has no authority to enforce HOA regulations.

Staff Comments:

Staff is seeking formal direction from the Economic Development Committee (EDC) on the proposed draft ordinance. If it is the concurrence of the Committee to adopt the regulations for urban chickens as presented, staff recommends forwarding the ordinance to the next City Council for final consideration.

Attachments

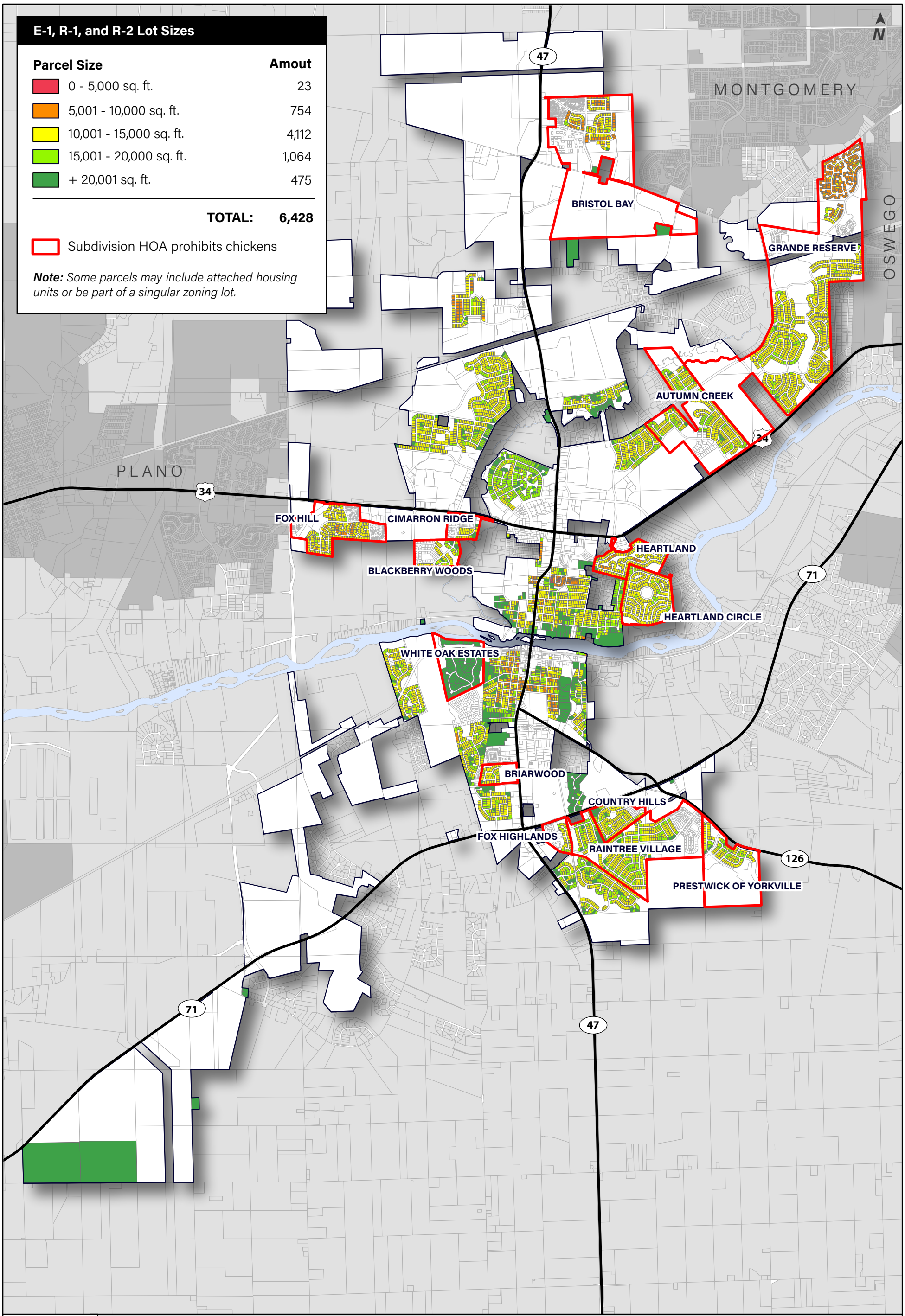
1. Map of Residential Parcels Permitted by Current Draft Ordinance
2. Revised Proposed Draft Ordinance
3. 12-1-20 EDC Packet Materials

E-1, R-1, and R-2 Lot Sizes

Parcel Size	Amout
0 - 5,000 sq. ft.	23
5,001 - 10,000 sq. ft.	754
10,001 - 15,000 sq. ft.	4,112
15,001 - 20,000 sq. ft.	1,064
+ 20,001 sq. ft.	475
TOTAL:	**6,428**

Subdivision HOA prohibits chickens

Note: *Some parcels may include attached housing units or be part of a singular zoning lot.*



URBAN CHICKEN LOT SIZE COMPARISON

United City of Yorkville, Illinois

ADDRESS: 800 Game Farm Road, Yorkville Illinois

DATE: June 2, 2022

DATA: All permit data and geographic data are property of the United City of Yorkville

LOCATION: (I:)//Community Development/Urban Chickens/Chicken Heat Map

Parcels Permitted for Urban Chickens

- E-1 Estate Residential District
- R-1 Suburban Residential District
- R-2 Traditional Residential District

Permitted by Ordinace but Not Allowed per HOA

N

MONTGOMERY

OSWEGO

PLANO

47

34

71

126

Parcel Breakdown per HOA Regulations

	E-1 District	R-1 District	R-2 District	TOTAL
Total Parcels	2	38	435	475
Parcels Approved or Not Stated by HOA	2	38	305	345
Parcels Prohibitted by HOA	-	-	130	130

URBAN CHICKEN PERMITTED LOCATIONS (Lots over 20,000 square feet)

United City of Yorkville, Illinois

ADDRESS: 800 Game Farm Road, Yorkville Illinois

DATE: June 2, 2022

DATA: All permit data and geographic data are property of the United City of Yorkville

LOCATION: (I:)//Community Development/Urban Chickens/Complete Chicken Places 6-2-22

	NUMBER OF PARCELS			
	E-1 Estate Residence District	R-1 Single-Family Suburban Residence District	R-2 Single-Family Traditional Residence District	TOTAL
Autumn Creek	-	-	13	
Blackberry Creek North	-	-	25	
Blackberry Woods	-	-	5	
Briarwood	-	-	1	
Bristol Bay	-	-	2	
Caledonia	-	-	2	
Cannonball Estates	-	-	11	
Country Hills	-	-	6	
Countryside	-	-	25	
Grande Reserve	-	-	3	
Greenbriar	-	-	13	
Heartland	-	-	2	
Kendall Marketplace	-	-	1	
Kylyn's Ridge	-	-	3	
None	2	38	106	
Prairie Meadows	-	-	3	
Prestwick	-	-	3	
Raintree Village	-	-	20	
River's Edge	-	-	5	
Sunflower Estates	-	-	11	
Timber Ridge Estates	-	-	16	
Whispering Meadows	-	-	3	
White Oak Estates	-	-	95	
Wildwood	-	-	39	
Windett Ridge	-	-	22	
TOTALS:	**2**	**38**	**435**	**475**
TOTAL PARCELS HOA APPROVED	**2**	**38**	**305**	**345**
TOTAL PARCELS HOA PROHIBITTED	**0**	**0**	**130**	**130**

Draft ~~12/02/20~~06/02/22
Ordinance No. _____

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, ALLOWING BACKYARD COOPS/ENCLOSURES FOR DOMESTICATED CHICKENS IN CERTAIN RESIDENTIAL DISTRICTS AS A PERMITTED ACCESSORY STRUCTURE AND SUBJECT TO CERTAIN REGULATIONS

WHEREAS, the United City of Yorkville (the "*City*") is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, domesticated chickens are of benefit to mankind by providing fresh eggs, garden fertilizer services, and companionship to their owners; and,

WHEREAS, pursuant to sections 11-5-3, 11-5-6, and 11-20-9 of the Illinois Municipal Code, as amended, (65 ILCS 5/11-5-3, 5/11-5-6, and 5/11-20-9) the City has the power and authority to regulate the licensing, treatment and prevention of nuisances regarding animals in the City.

WHEREAS, the Mayor and City Council deem it necessary to allow and regulate domesticated chickens in order to promote the health, safety, and welfare of the City's residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: That Title 8 of the United City of Yorkville Code of Ordinances is hereby amended by adding Chapter 19 to read as follows:

CHAPTER 19
DOMESTICATED CHICKENS

8-19-1: Definitions

As used in this chapter, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

A. "Coop" means an enclosure constructed with a covered roof.

B. "Domesticated Chicken" means all life stages of the subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in this Title.

C. "Rooster" means an adult male chicken of the subspecies of the species Gallus Domesticus.

D. "Slaughtering" means the killing of an animal for food or other reason.

8-19-2: Certain conduct declared unlawful.

A. The keeping by any person of domesticated chickens in the City is prohibited except in compliance with this Chapter or upon any property zoned for agricultural uses.

B. The purpose of this article is to establish certain requirements of sound domesticated chicken practices, which are intended to avoid problems that may otherwise be associated with the keeping of chickens in populated areas.

C. Notwithstanding compliance with the various requirements of this Chapter, it shall be unlawful for any persons to keep any domesticated chickens in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

8-19-2: Restrictions

A. Domesticated chickens shall be permitted on lots used for residential purposes of ~~one (1) acre~~twenty thousand (20,000) square feet or greater in area and zoned within the E-1 Estate, R-1 Single-Family Suburban Residence and R-2 Single-Family Traditional Residence districts.

B. A maximum of ~~eight (8)~~five (5) chickens shall be permitted on any lot.

C. Roosters shall be prohibited.

D. Domesticated chickens and associated enclosures, coops and fencing shall be located within rear or side yard of any lot and must maintain a minimum setback of ~~twenty five (25)~~ fifteen (15) feet from any property line.

E. Slaughtering of domesticated chickens shall be prohibited.

8-19-3: Coop and fence type.

All domesticated chicken enclosures or coops shall be constructed with a covered, predator-proof roof which allows for a minimum of two (2) square feet per chicken. A ~~chicken run or yard~~ privacy or solid fence shall be required. A chicken run is optional.

8-19-4: Sanitation

A. Enclosures or coops for domesticated chickens shall be kept clean and sanitary at all times. Any dirt or refuse resulting from the fowl or livestock shall be disposed in a clean and sanitary fashion.

B. All feed for domesticated chickens shall be kept in containers that are rodent proof until put out for consumption in appropriate feeding vessel. No feed shall be scattered on the ground.

8-19-5: Permit.

A. Permit applications for domesticated chickens shall be obtained from and submitted to the Community Development Director or his/her designee. At the time of permit application, the applicant shall:

1. Submit proof of authorization from the property owner to allow domesticated chickens if the property is not owner occupied; and
2. Pay a twenty-five dollar ($25.00) nonrefundable application fee.

B. Permit approval shall allow the Community Development Director or designees to have the right to inspect any enclosure or coop between the hours of 8:00 a.m. and ~~5:00~~4:30 p.m. Where practicable, prior notice shall be given to the permittee.

8-19-6: Compliance.

Upon receipt of information that any domesticated chicken enclosure or coop situated within the City is not being kept in compliance with this article, the Community Development Director or designee shall cause an investigation to be conducted. If grounds are found to exist to believe that one or more violations have occurred notices of violation for administrative adjudication pursuant to Chapter 14 of Title 1 may be issued or a complaint filed in the circuit court of Kendall County.

Section 2: That Subsection 5-2-1: Definitions of the United City of Yorkville Police Regulations of the Yorkville City Code is hereby amended to read as follows:

"AGRICULTURAL ANIMAL: Livestock, poultry with the exception of domesticated chickens as regulated in Title 8 Chapter 19, and other farm animals."

"DOMESTIC ANIMAL: Dogs, cats and any other types of animals or fowl, including domesticated chickens as regulated in Title 8 Chapter 19, normally maintained as a household pet or guardian."

"DOMESTICATED CHICKENS: A subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in Title 8 Chapter 19."

Section 3: That Subsection 5-2-5: Agricultural Animals of the United City of Yorkville Police Regulations of the Yorkville City Code is hereby amended to read as follows:

"Agricultural animals are prohibited within the corporate limits of the city, unless they are domesticated chickens regulated in Title 8 Chapter 19 or are confined within an enclosure

on land zoned A-1 agricultural zoning district, in accordance with title 10, chapter 9 of this code."

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

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this _____ day of _____, ~~2021~~2022.

_____
CITY CLERK

KEN KOCH _____ DAN TRANSIER _____

~~JACKIE MILSCHEWSKI~~CRAIG SOLING _____ ARDEN JOE PLOCHER

_____

CHRIS FUNKHOUSER _____ ~~JOEL FRIEDERS~~ MATT MAREK

_____

SEAVER TARULIS _____ JASON PETERSON _____

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this _____ day of _____ ~~2021~~2022.

_____
MAYOR

Packet Materials from
EDC Meeting on 01/05/21

Memorandum

To: Economic Development Committee
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Jason Engberg, Senior Planner
Peter Ratos, Building Code Official
Bart Olson, City Administrator
Date: December 8, 2020
Subject: **Urban (Domesticated) Chickens**

Summary:

At the December 2020 Economic Development Committee (EDC) meeting staff was given direction to draft an ordinance permitting urban (domesticated) chickens for single-family residentially zoned parcels one (1) acre or larger in size. The EDC also recommended the proposed regulations be modeled after the moderate scope of regulations presented in staff's memo dated July 20, 2020 and include specific language regarding enforcement.

Policy Proposals:

Based on the feedback provided to staff from the EDC, the following regulations have been incorporated into the attached draft ordinance:

	PROPOSED REGULATIONS
PERMITTED ZONING *(see attached map)*	**Lot must be used for residential purposes** • E-1 (2 parcels) • R-1 (24 parcels) • R-2 (39 parcels) Total 65 parcels
MIN. LOT SIZE	One (1) acre
MAX. NUMBER OF CHICKENS	Max. of 8 chickens
LOCATION/SETBACK	Rear/Side Yard 25 ft. setback from property lines
SANITATION	Performance Standards & Property Maintenance Code applies. Prohibit feed from being scattered on the ground.
ENCLOSURE/COOP	Enclosure constructed with a covered, predator-proof roof which allows for two (2) square feet per hen. Chicken run and/or yard fence required.
SLAUGHTERING	Prohibited
ROOSTERS	Permitted up to 4 months of age
PERMIT REQUIRED	Required w/o Inspection ($25.00 one-time fee)

Proposed Code Amendments:

The regulations permitting domesticated chickens are proposed as an amendment to Title 8: Building Regulations as an allowed accessory use/structure, similar to the ordinance approving beekeeping on residential properties. Additional amendments to Title 5: Police Regulations will also be required.

The following are areas in each aforementioned section which would require amending, text in red is proposed to be **added**:

Title 8: Building Regulations

Creation of a new chapter, Chapter 19: Domesticated Chickens, providing all regulatory requirements for permitting chickens in designated residential districts.

Title 5: Police Regulations, Chapter 2: Animals

"Agricultural Animal" definition in Section 5-2-1: Definitions will need to be amended to read as follows: "AGRICULTURAL ANIMAL: Livestock, poultry with the exception of domesticated chickens as regulated in Title 8 Chapter 19, and other farm animals."

"Domestic Animal" definition in Section 5-2-1: Definitions will need to be amended to read as follows: "DOMESTIC ANIMAL: Dogs, cats and any other types of animals or fowl, including domesticated chickens as regulated in Title 8 Chapter 19, normally maintained as a household pet or guardian."

Creation of a new definition in Section 5-2-1: Definitions for "domesticated chickens" to read as follows: "DOMESTICATED CHICKENS: A subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in Title 8 Chapter 19."

Title 5: Police Regulations, Section 5-2-5: Agricultural Animals

Section 5-2-5: Agricultural Animals will need to be amended to read as follows:
"Agricultural animals are prohibited within the corporate limits of the city, unless they are domesticated chickens regulated in Title 8 Chapter 19 or are confined within an enclosure on land zoned A-1 agricultural zoning district, in accordance with title 10, chapter 9 of this code."

Proposed Enforcement & Concerns:

In regard to proposed enforcement, the following exist regulations would apply:

1. **Property Maintenance Code** – existing provisions within the 2018 International Property Maintenance Code (IPMC) allows for the enforcement of public nuisances such as rodent harborage, maintenance of accessory structures, and proper rubbish and garbage containment, all which may result from unkept chicken coops.
2. **Animals At Large** – existing provisions within 5-2-4: Domestic Animals, prohibits domestic animals from running at large, with or without a tag fastened to its collar, within the corporate limits of the city. When any domestic animal is found on any public street, sidewalk, alley or any unenclosed place it is deemed to be running at large unless firmly held on a leash or is in an enclosed vehicle. This can be an issue if chickens are let loose in a backyard without secure fencing.
3. **Performance Standards** – located in the Zoning Ordinance, performance standards regulate noise (also regulated in Public Health and Safety ordinance the City Code) and odor which are also concerns related to permitting domestic chickens in residential districts.

4. **Permit Revocation** – the Building Code Official has the ability to revoke any valid permit if a violation is found and not corrected. Additionally, the draft ordinance provides that approval of a permit would allow building staff to have the right to inspect any enclosure or coop between the hours of 8:00 a.m. and 5:00 p.m. with prior notice to the permittee, when practical.

5. **Administration Adjudication** - All of the above provisions would require processing through the City's Administration Adjudication procedures which, in addition to compel compliance, but may also issue fines and/or fees to violators.

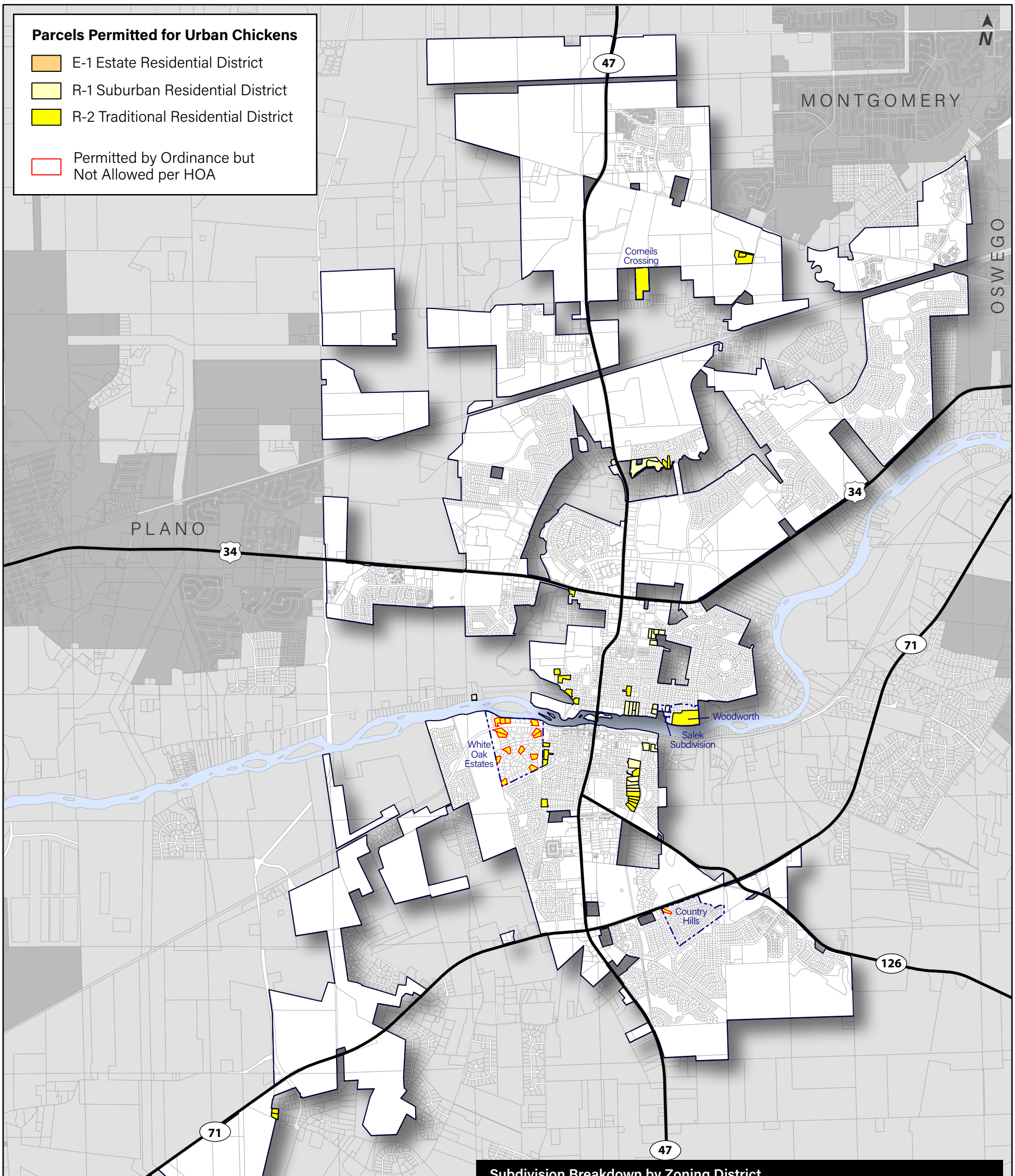
6. **Enforcement Concerns** - the Police Department has expressed concern regarding nuisance and noise complaints, as well as conflicts between this ordinance and HOA regulations. While the proposed enforcement options address the noise and nuisance complaints, the City has no authority to enforce HOA regulations. Chief Jensen will be in attendance at the EDC meeting to discuss their concerns in detail.

Staff Comments:

Staff is seeking formal direction from the Economic Development Committee (EDC) on the proposed draft ordinance. If it is the concurrence of the Committee to adopt the regulations for urban chickens as presented, staff recommends forwarding the ordinance to the next City Council for final consideration.

Attachments

1. Proposed Draft Ordinance
2. 12-1-20 EDC Packet Materials



Subdivision Breakdown by Zoning District

Subdivision	E-1 District	R-1 District	R-2 District	Total
None	2	23	22	**47**
Corneils Crossing	-	-	1	**1**
Country Hills	-	-	1	**1**
Salek Subdivision	-	1	-	**1**
White Oaks Estates	-	-	14	**14**
Woodworth	-	-	1	**1**
Total	**2**	**24**	**40**	**65**

Subdivisions highlighted in blue have HOA's which specifically prohibit urban chickens. Total eligible parcels without these properties is as follows:

Total	**2**	**24**	**24**	**50**

URBAN CHICKEN PERMITTED LOCATIONS

UNITED CITY OF YORKVILLE, ILLINOIS

ADDRESS: 800 Game Farm Road, Yorkville Illinois

DATE: December 8, 2020

DATA: All permit data and geographic data are property of the United City of Yorkville

LOCATION: (I:)//Community Development/Urban Chickens

Draft 12/02/20

Ordinance No. 2021- _____

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, ALLOWING BACKYARD COOPS/ENCLOSURES FOR DOMESTICATED CHICKENS IN CERTAIN RESIDENTIAL DISTRICTS AS A PERMITTED ACCESSORY STRUCTURE AND SUBJECT TO CERTAIN REGULATIONS

WHEREAS, the United City of Yorkville (the "*City*") is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, domesticated chickens are of benefit to mankind by providing fresh eggs, garden fertilizer services, and companionship to their owners; and,

WHEREAS, pursuant to sections 11-5-3, 11-5-6, and 11-20-9 of the Illinois Municipal Code, as amended, (65 ILCS 5/11-5-3, 5/11-5-6, and 5/11-20-9) the City has the power and authority to regulate the licensing, treatment and prevention of nuisances regarding animals in the City.

WHEREAS, the Mayor and City Council deem it necessary to allow and regulate domesticated chickens in order to promote the health, safety, and welfare of the City's residents.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1: That Title 8 of the United City of Yorkville Code of Ordinances is hereby amended by adding Chapter 19 to read as follows:

CHAPTER 19
DOMESTICATED CHICKENS

8-19-1: Definitions

As used in this chapter, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

A. "Coop" means an enclosure constructed with a covered roof.

B. "Domesticated Chicken" means all life stages of the subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in this Title.

C. "Rooster" means an adult male chicken of the subspecies of the species Gallus Domesticus.

D. "Slaughtering" means the killing of an animal for food or other reason.

8-19-2: Certain conduct declared unlawful.

A. The keeping by any person of domesticated chickens in the City is prohibited except in compliance with this Chapter or upon any property zoned for agricultural uses.

B. The purpose of this article is to establish certain requirements of sound domesticated chicken practices, which are intended to avoid problems that may otherwise be associated with the keeping of chickens in populated areas.

C. Notwithstanding compliance with the various requirements of this Chapter, it shall be unlawful for any persons to keep any domesticated chickens in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

8-19-2: Restrictions

A. Domesticated chickens shall be permitted on lots used for residential purposes of one (1) acre or greater in area and zoned within the E-1 Estate, R-1 Single-Family Suburban Residence and R-2 Single-Family Traditional Residence districts.

B. A maximum of eight (8) chickens shall be permitted on any lot.

C. Roosters shall be prohibited.

D. Domesticated chickens and associated enclosures, coops and fencing shall be located within rear or side yard of any lot and must maintain a minimum setback of twenty-five (25) feet from any property line.

E. Slaughtering of domesticated chickens shall be prohibited.

8-19-3: Coop and fence type.

All domesticated chicken enclosures or coops shall be constructed with a covered, predator-proof roof which allows for a minimum of two (2) square feet per chicken. A chicken run or yard fence shall be required.

8-19-4: Sanitation

A. Enclosures or coops for domesticated chickens shall be kept clean and sanitary at all times. Any dirt or refuse resulting from the fowl or livestock shall be disposed in a clean and sanitary fashion.

B. All feed for domesticated chickens shall be kept in containers that are rodent proof until put out for consumption in appropriate feeding vessel. No feed shall be scattered on the ground.

8-19-5: Permit.

A. Permit applications for domesticated chickens shall be obtained from and submitted to the Community Development Director or his/her designee. At the time of permit application, the applicant shall:

    1. Submit proof of authorization from the property owner to allow domesticated chickens if the property is not owner occupied; and
    2. Pay a twenty-five dollar ($25.00) nonrefundable application fee.

B. Permit approval shall allow the Community Development Director or designees to have the right to inspect any enclosure or coop between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the permittee.

8-19-6: Compliance.

Upon receipt of information that any domesticated chicken enclosure or coop situated within the City is not being kept in compliance with this article, the Community Development Director or designee shall cause an investigation to be conducted. If grounds are found to exist to believe that one or more violations have occurred notices of violation for administrative adjudication pursuant to Chapter 14 of Title 1 may be issued or a complaint filed in the circuit court of Kendall County.

Section 2: That Subsection 5-2-1: Definitions of the United City of Yorkville Police Regulations of the Yorkville City Code is hereby amended to read as follows:

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Section 3: That Subsection 5-2-5: Agricultural Animals of the United City of Yorkville Police Regulations of the Yorkville City Code is hereby amended to read as follows:

"Agricultural animals are prohibited within the corporate limits of the city, unless they are domesticated chickens regulated in Title 8 Chapter 19 or are confined within an enclosure on land zoned A-1 agricultural zoning district, in accordance with title 10, chapter 9 of this code."

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

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, 2021.

_____

CITY CLERK

KEN KOCH	_____	DAN TRANSIER	_____
JACKIE MILSCHEWSKI	_____	ARDEN JOE PLOCHER	_____
CHRIS FUNKHOUSER	_____	JOEL FRIEDERS	_____
SEAVER TARULIS	_____	JASON PETERSON	_____

APPROVED by me, as Mayor of the United City of Yorkville, Kendall County, Illinois this ____ day of _____, 2021.

_____

MAYOR

Memorandum

To: Economic Development Committee
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Jason Engberg, Senior Planner
Peter Ratos, Building Code Official
Bart Olson, City Administrator
Date: September 30, 2020
Subject: **Urban (Domesticated) Chickens**

Summary:

At the September 1st Economic Development Committee (EDC) meeting, it was recommended that staff research the existing residential subdivision's homeowners' association (HOA) declarations to determine if there are any restrictions in place prohibiting "urban/backyard" chickens which would make the proposed zoning amendment to permit chickens in residential districts moot. This is due to a significant portion of Yorkville's residentially zoned land is part of a master planned development. Additionally, staff was tasked with creating a brief web survey presented to the community about the topic of allowing chickens in residential districts.

Subdivision Homeowner's Association Research:

Staff researched all residential subdivision homeowners' associations (HOA) declarations on file with the Kendall County Recorder's Office to determine if there were any restrictions to allowing backyard chickens in the City's master-planned developments. Below is a chart of the findings:

	Name of Current Development	Unit Type(s)	Covenant Record Doc. #	Date of Covenant	Restrictions/ Prohibits Chickens (Y/N)	Covenant Section & Language
1	**Autumn Creek**	Single Family Town Homes	#20060008954	3/27/2006	Y	Sec. 8.5 pg. 18: "No animals, livestock or poultry…"
2	**Blackberry Woods**	Single Family	#201000012125	7/14/2010	Y	Sec. 6 Animals: "No animals, livestock, or poultry of any kind shall be raised, bred, or kept on Lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose."
3	**Briarwood**	Single Family	#200700000625	1/5/2007	Y	Sec. 3.2 (j) pg. 7 "No animals, livestock or poultry…"
4	**Bristol Bay**	Single Family Duplex Town Homes Condominiums	#200600003313	1/31/2006	Y	Article VIII Sec. 1 (f) pg. 13 "No animals, reptiles, rabbits, livestock, fowl or poultry…"
5	**Caledonia**	Single Family	#200600026078	8/21/2006	N	No language specific to pets

6	**Cannonball Estates**	Single Family	Not Recorded	N/A	N	N/A
7	**Cimarron Ridge**	Single Family Duplex	#199200921219	2/10/1992	Y	Article III Sec. 1 pg. 2 "No poultry…"
8	**Country Hills**	Single Family Duplex	#199509501815	3/17/1995	Y	Article III Sec. 16 (g) pg. 8 "No animals other than household pets such as cats and dogs."
9	**Fox Highlands**	Single Family Town Homes Duplex	#200100012188	7/10/2001	Y	Article V Sec. 6 pg. 14 "No animals except cats or dogs…"
10	**Fox Hill**	Single Family Town Homes Duplex	#199509500419 #199509507391 #200700032452	01/18/1995 09/13/1995 11/02/2007	Y	Article III Sec. 3.9 pg. 6 "No chickens…" Article 7 Sec. 7.6 pg 18 "No animals except cats and dogs…" Article 3 Section 3.10 (f) pg 18 "No animals or any kind shall be raised, bred or kept in any Unit or in the Common Elements except for those animals assisting disabled persons or animals that are being examined or treated by a certified veterinarian who is maintaining a veterinary medicine practice in any of the Units."
11	**Grande Reserve**	Single Family Duplex Town Homes Apartments	#200500002378	1/25/2005	Y	Article X Sec. 10.02 pg 42 "No poultry..."
12	**Greenbriar**	Single Family Duplex	#199709707331	7/28/1997	N	No language specific to pets
13	**Heartland Circle**	Single Family	#2004000002598	1/30/2004	Y	Sec. 5.03 (a) pg. 9 "No poultry..."
14	**Heartland Subdivision**	Single Family	#200100006495	4/19/2001	Y	Sec. 5.03 (a) pg. 11 "No poultry..."
15	**Heartland Meadows**	Single Family	Not Recorded	N/A	N/A	N/A

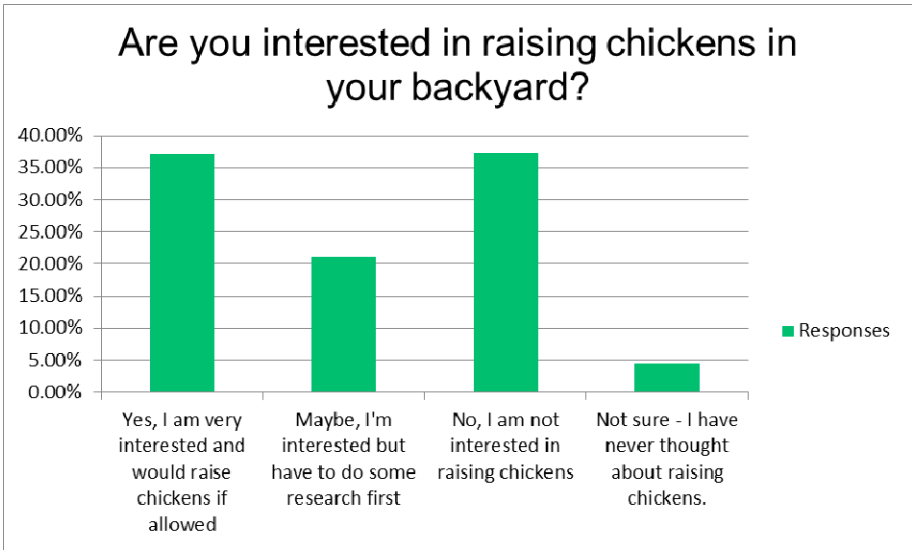
16	**Kendall Marketplace**	Single Family Town Homes	Not Recorded	N/A	N/A	N/A
17	**Kylyn's Ridge**	Single Family	200300036916	30-Sep-03	N	No language specific to pets
18	**Longford Lakes**	Townhomes	200400000827	12-Jan-04	N	No language specific to pets
19	**Prairie Gardens**	Age Restricted	200400006116	15-Mar-04	N	No language specific to pets
20	**Prairie Meadows**	Single Family Multi-Family	200500003507	3-Feb-05	N	No language specific to pets
21	**Prestwick of Yorkville**	Single Family	200700014390	2-May-07	Y	4.3.11 Dogs and Cats: No more than a total of two (2) dogs or two (2) cats or one (1) dog and one (1) cat can be maintained, kept or housed in any residential unit whether or not such animal is the property of the owner of such residential unit. No such animal shall be allowed outside of a residential unit unless accompanied and attended at all times by an occupant of such residential unit and no dogs shall be allowed to bark as to create any type of nuisance to neighbors.
22	**Raintree Village**	Single Family Duplex Town Homes	201900008500	26-Jun-19	Y	Section 8.04 Pets: No animals, livestock or poultry of any kind shall be raised, bred, or kept in the Community Area. The Board may from time to time adopt rules and regulations governing (a) the keeping of pets in Detached Home or Duplex Home, which may include prohibiting certain species of pets from being kept in a Detached Home or Duplex Home and (b) the use of the Community Area by pets.
23	**River's Edge**	Single Family	200100025428	31-Dec-01	N	No language specific to pets
24	**Sunflower Estates**	Single Family	200700019804	27-Jun-07	N	HOA Rescinded
25	**Whispering Meadows**	Single Family	200500011560	25-Apr-05	N	No language specific to pets
26	**White Oak Estates**	Single Family	198900895534	27-Sep-89	Y	**Article VII, Section 7**: No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

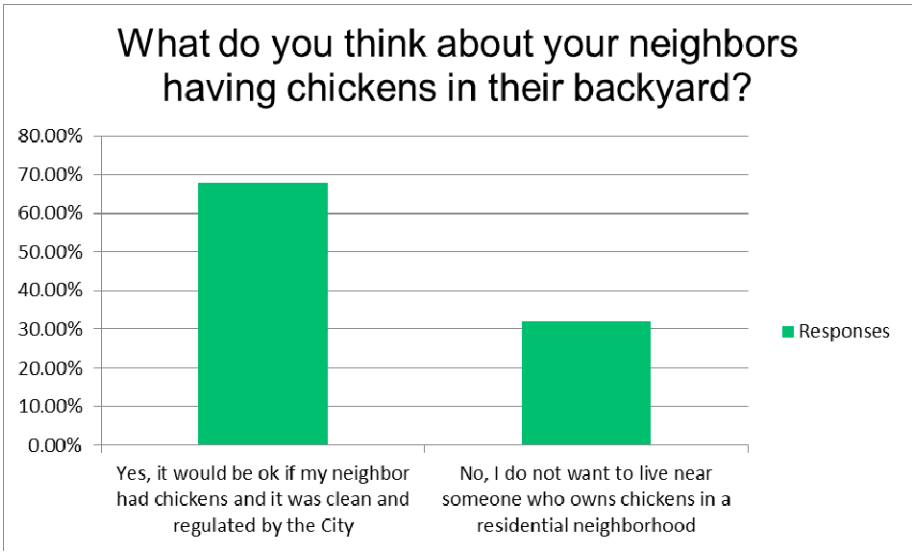
27	**Wildwood**	Single Family	198900891588	27-Mar-89	N	No language specific to pets
28	**Windett Ridge**	Single Family	200300034331	22-Mar-03	N	No language specific to pets

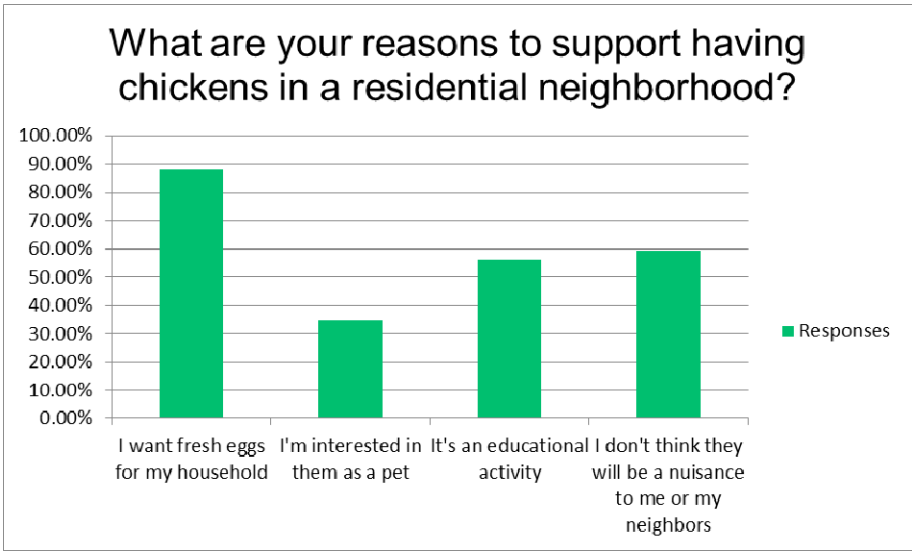
From the information in the above table, 14 of the 28 developments (50.0%) have regulations that specifically do not allow chickens within their HOA covenants. Of the remaining 14 (indicated in red in the table), 10 of the developments (35.7%) have no language specific to any pets and 4 (14.3%) have no HOA covenants recorded.

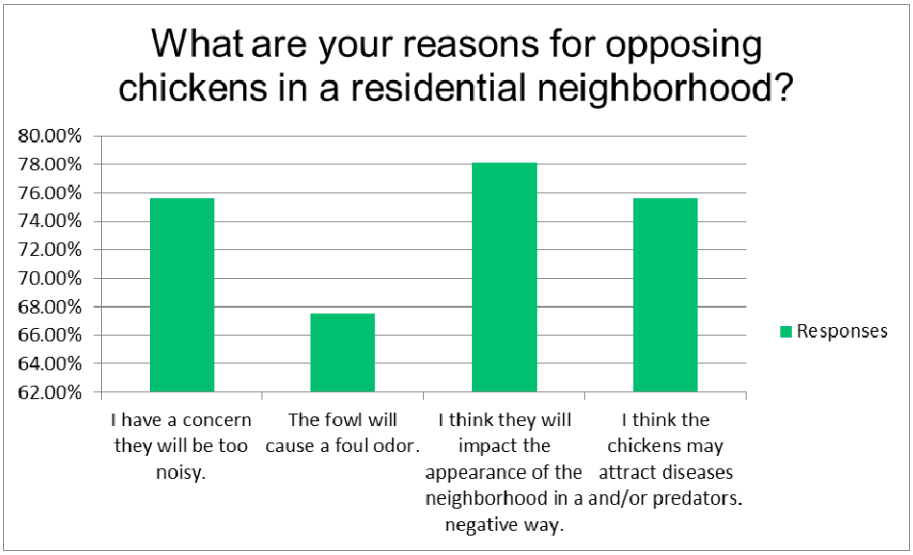
Urban Chicken Public Survey Results:

In regard to the public survey, the following summarizes the questions asked and the responses provided as of the date of this memo:

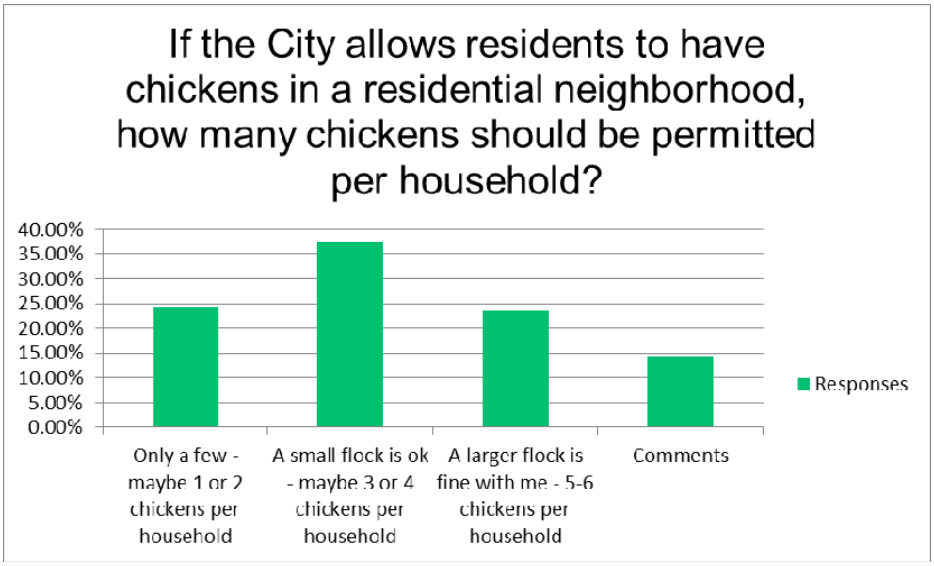





What are your reasons to support having chickens in a residential neighborhood?
100.00%
90.00%
80.00%
70.00%
60.00%
50.00%
40.00%
30.00%
20.00%
10.00%
0.00%
I want fresh eggs for my household
I'm interested in them as a pet
It's an educational activity
I don't think they will be a nuisance to me or my neighbors
Responses


What are your reasons for opposing chickens in a residential neighborhood?
80.00%
78.00%
76.00%
74.00%
72.00%
70.00%
68.00%
66.00%
64.00%
62.00%
I have a concern they will be too noisy.
The fowl will cause a foul odor.
I think they will impact the appearance of the neighborhood in a negative way.
I think the chickens may attract diseases and/or predators.
Responses


If the City allows residents to have chickens in a residential neighborhood, what property / lot sizes do you think is appropriate? (examples provided below are for illustrative purposes only and do not reflect whether a homeowner's association would allo
60.00%
50.00%
40.00%
30.00%
20.00%
10.00%
0.00%
A typical subdivision lot of 12,000 square feet, like Greenbriar, Sunflower Estates, or Prairie Meadows as examples
A larger subdivision lot of 18,000 square feet, like the lots in some parts of Grande Reserve near Bristol Ridge Road
A very large, rural type lot of larger than 1 acre, like some of the older farm houses that are typically adjacent to newer subdivisions
Responses



From the preliminary results of the survey, respondents are split (37% Yes to 37% No) to interest in raising chickens in their backyards, but an overwhelming percentage of respondents (68%) are okay with their neighbor having the right to raise backyard chickens if it was clean and regulated by the City.

As far as respondents in support of backyard chickens, 87% would want them for their fresh eggs, while those opposed cited the impact to appearance (78%), the noise (75%) and disease and/or predators has major concerns.

Finally, respondents preferred very large rural lots (53%) and typical subdivision lots of 12,000 square feet (50%) to raise backyard chickens and overwhelming thought a small flock of 3-4 chickens was appropriate (37%).

Staff Comments:

Based upon the research of the City's HOA covenants, only 50% have specific language restricting the raising of backyard chickens. This is consistent with the resident survey responses with 50% supporting backyard chickens in residential subdivisions and 50% opposed. **Therefore, staff is seeking formal direction from the Economic Development Committee (EDC) regarding the request to permit, define and regulate urban/domestic chickens within the city, and to what degree**.

If it is the concurrence of the Committee to amend the City's Code, staff and the City Attorney will prepare the appropriate ordinance language per your direction and present it to the appropriate committees and/or commission at a future meeting with a recommendation to the City Council for final approval.

Attachments

1. Memorandum to Economic Development Committee (EDC) from staff dated July 20, 2020 with attachments presented at the September 9, 2020 meeting.

Memorandum

To: Economic Development Committee
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Jason Engberg, Senior Planner
Peter Ratos, Building Code Official
Bart Olson, City Administrator
Date: July 20, 2020
Subject: **Urban (Domesticated) Chickens**

Summary:

At the July Economic Development Committee (EDC) meeting, it was recommended that staff move forward with preparing policy options for permitting "urban/domesticated" chickens in single-family residentially zoned districts within the city. Since the communities' staff researched regulate urban/domesticated chickens to varying degrees, we are offering three (3) policy options: (1) permitted with limited regulation; (2) permitted with moderate regulation; and (3) permitted with substantial regulations.

Research:

In staff's research of the decades old movement toward bringing agricultural practices into city/suburban lifestyles, the raising of non-traditional domesticated animals, such as chickens, has risen in popularity. Cities have generally responded to this trend by either banning such practices outright or permitting the practice with a wide range of regulations. Those municipalities that chose to permit the practice of raising chickens in non-agriculturally zoned districts typically focused on the following regulations:

Regulation	**Best Practice**	**Reasoning**
Permitted Zoning Districts	Single-Family Zoning Districts	• Generally, single-family dwelling units are located on larger lots, able to accommodate needed setbacks to house a coop. • Multi-family dwelling units are limited in lot size to permit every unit to have the opportunity to keep a chicken coop.
Maximum number of chickens	Typically permits a maximum of six (6) chickens.	• Chickens are stock animals which do not thrive alone, so most owners have a minimum of four (4) to maintain a proper "social order". • Allows for owners to have hens that still produce eggs and keep those hens that are still valued by the owner but can no longer lay eggs. • Capping the number of hens to less than six (6) may lead owners who raise chickens for eggs to limit their flock to only egg producers and burden animal shelters with cast-off older hens.
Minimum lot size requirement	If specified, varies depending on Zoning Ordinance requirements (typically 2,500 - 8,000 sq. ft.).	• Generally, the requirement of a minimum lot size reduces the number of residentially zoning districts allowable for urban/backyard chickens (i.e., only permit in E-1 and R-1 districts and not in R-2) • Needlessly creates obstacles to raising chickens in residential districts otherwise suited for the use.

Location and/or Setback Requirements	Located only in rear yards. Minimum of 25 ft. from any side/rear property line.	• Typically seen as an "accessory use" to the primary residential land use, the location is most appropriate in rear yards. • Minimum 25 ft. setback is far enough to reduces nuisance of noise and odor, but also allows smaller properties to meet the standard.
Sanitation Requirements (i.e. Performance Standards)	Requires coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors and accumulation of waste. Prohibit feed from being scattered on the ground and requiring chickens to be fed from a trough.	• Typically, can be enforced through existing performance standards in Zoning Ordinance and Property Maintenance Code. • Goal is to reduce odor, rodent and accumulation of waste without implementing stringent cleaning requirements which would be impossible to enforce.
Enclosure/Coop Construction	Constructed with a covered, predator-proof roof which allows for two (2) square feet per hen. Some ordinances provide sample construction diagram of wall/roof section and allowed materials. Typically requires a fenced "chicken run" area or located in a fenced yard.	• Ensures adequate protection from natural predators (e.g. foxes, dogs, coyotes, etc.) and designed for easy access for cleaning. • Proposed size of 2 sq. ft. per hen provides adequate space for movement but small enough to keep birds warm in winter. • Fencing is required to allow birds to roam during cleaning but precludes chickens from running at large.
Slaughtering	Prohibited	• Intent of ordinance is for chickens as pets or for raising of hens for eggs, not for meat. • Addresses concerns of health/hygiene concerns related to backyard slaughtering/butchering of chickens.
Roosters	Prohibited or only permitted under four (4) months of age.	• Addresses concerns of noise (crowing) and are not needed for hens to produce eggs for feeding.
Permit Required	Varies by community. Those that require a permit ($0 - $50), city inspection and an annual renewal requirement. Recommended not to permit, but establish regulations, similar to regulating home occupations.	• Inefficient use of City staff time to require a permit/license, review plans and maintain records. • Permit fees, especially if annual, could prove cost prohibitive for chicken owner. • Enforcement of regulations can still occur through the property maintenance process on a complaint basis.

Policy Proposals:

In consideration of a policy permitting urban/domesticated chickens, staff took into account the above referenced best practices from research gathered in planning related studies, model ordinances and surrounding community zoning codes to create a tier of three (3) options with varying degrees of regulations:

	LIMITED REGULATION	MODERATE REGULATION	SUBSTANTIAL REGULATION
PERMITTED ZONING	• E-1 (4 parcels) • R-1 (264 parcels) **Total 268 parcels**	• E-1 (4 parcels) • R-1 (264 parcels) • R-2 (6,358 parcels) **Total 6,626 parcels**	• E-1 (4 parcels) • R-1 (264 parcels) • R-2 (6,358 parcels) • R-2D (207 parcels) **Total 6,833 parcels**
MAX. NUMBER	Max. 8 chickens	Max. 6 chickens	Max. 4 chickens
MIN. LOT SIZE	N/A	12,000 sq. ft.	10,000 sq. ft.
LOCATION/SETBACK	Rear/Side Yard	Rear/Side Yard 25 ft. setback	Rear Yard Only 25 ft. setback
SANITATION	Performance Standards & Property Maintenance Code applies.	Performance Standards & Property Maintenance Code applies. Prohibit feed from being scattered on the ground.	Performance Standards & Property Maintenance Code applies Prohibit feed from being scattered on the ground and requiring chickens to be fed from a trough.
ENCLOSURE/COOP	Enclosure Required. No specifications.	Enclosure constructed with a covered, predator-proof roof which allows for two (2) square feet per hen. Chicken run and/or yard fence required.	Enclosure constructed with a covered, predator-proof roof which allows for two (2) square feet per hen. Built per sample construction diagram of wall/roof section and allowed materials. Chicken run and/or yard fence required.
SLAUGHTERING	Prohibited	Prohibited	Prohibited
ROOSTERS	Permitted	Permitted up to 4 months of age	Prohibited
PERMIT REQUIRED	Not Required	Required w/o Inspection ($25.00 one-time fee)	Required w/Inspection ($50.00 one-time fee)

Examples of a "Limited Regulation", "Moderate Regulation" and 'Substantial Regulation" ordinances are attached to this memo.

Potential Code Amendments:

Current sections of the City Code would be impacted and require amending if any measure permitting domesticated chickens and backyard coops/enclosures are allowed as accessory uses/structure. These include Chapter 2: Animals of Title 5: Police Regulations; Chapter 3: General Zoning Provisions of Title 10: Zoning; and Title 8: Building Regulations.

However, staff recommends amending the Zoning Ordinance only if the City Council decides to implement the "Limited Regulations" which does not require a building permit for approval. Otherwise, we recommend amendments only to the Police and Building titles of the City Code if the "moderate" and "substantial" regulations are adopted, as this in consistent with how the Beekeeping Regulations were approved.

The following are areas in each aforementioned section which would require amending, text in red is proposed to be **added**:

Title 5: Police Regulations, Chapter 2: Animals

"Agricultural Animal" definition in Section 5-2-1: Definitions will need to be amended to read as follows: "AGRICULTURAL ANIMAL: Livestock, poultry with the exception of domesticated chickens as regulated in (insert section), and other farm animals."

"Domestic Animal" definition in Section 5-2-1: Definitions will need to be amended to read as follows: "DOMESTIC ANIMAL: Dogs, cats and any other types of animals or fowl, including domesticated chickens as regulated in (insert section), normally maintained as a household pet or guardian."

Creation of a new definition in Section 5-2-1: Definitions for "domesticated chickens" to read as follows: "DOMESTICATED CHICKENS: A subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in (insert section)."

Title 5: Police Regulations, Section 5-2-5: Agricultural Animals

Section 5-2-5: Agricultural Animals will need to be amended to read as follows:
"Agricultural animals are prohibited within the corporate limits of the city, unless they are domesticated chickens regulated in (insert section) or are confined within an enclosure on land zoned A-1 agricultural zoning district, in accordance with title 10, chapter 9 of this code."

Title 8: Building Regulations

Should the City Council pursue the moderate or substantial regulations, staff recommends creating a new chapter, Chapter 19: Domesticated Chickens, which will provide all regulatory requirements for permitting chickens in designated residential districts.

Title 10: Zoning, Chapter 3: General Zoning Provisions

Should the City Council pursue the limited regulations, staff recommends creating a new section in the General Zoning Provisions, Section 10-3-15: Domesticated Chickens, which will provide all regulatory requirements for permitting chickens in designated residential districts.

Creation of a new definition in Section 10-2-3: Definitions for "domesticated chickens" to read as follows: "DOMESTICATED CHICKENS: A subspecies of the species Gallus Domesticus which

are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in (insert section)."

Potential Enforcement Options:

In regard to potential enforcement options, the following options exist:

1. **Property Maintenance Code** – existing provisions within the 2018 International Property Maintenance Code (IPMC) allows for the enforcement of public nuisances such as rodent harborage, maintenance of accessory structures, and proper rubbish and garbage containment, all which may result from unkept chicken coops.
2. **Animals At Large** – existing provisions within 5-2-4: Domestic Animals, prohibits domestic animals from running at large, with or without a tag fastened to its collar, within the corporate limits of the city. When any domestic animal is found on any public street, sidewalk, alley or any unenclosed place it is deemed to be running at large unless firmly held on a leash or is in an enclosed vehicle. This can be an issue if chickens are let loose in a backyard without secure fencing.
3. **Performance Standards** – located in the Zoning Ordinance, performance standards regulate noise (also regulated in Public Health and Safety ordinance the City Code) and odor which are also concerns related to permitting domestic chickens in residential districts.
4. **Permit Revocation** – the Building Code Official has the ability to revoke any valid permit if a violation is found and not corrected.

All of the above provisions would require processing through the City's Administration Adjudication procedures which, in addition, can lead to forced compliance, but fines and/or fees.

Additionally, staff has received feedback from the Police Department which expressed concerned regarding nuisance and noise complaints, as well as conflicts between this ordinance and HOA regulations. While the proposed enforcement options address the noise and nuisance complaints, the City has no authority to enforce HOA regulations.

To ensure communication between residents and their homeowners association is made prior to application submittal, staff can require a letter or approval from the HOA board as part of the permitting process. The attached permit example from the City of Batavia is provided for reference.

Municipalities with Similar Ordinance Feedback

Staff has reached out to four (4) area municipalities with existing urban (domesticated) chicken ordinances to seek their experiences administering and enforcing those regulations to share with the committee. Those communities were the cities of Naperville, Evanston, Batavia and the Village of Plainfield. Most of the communities adopted their regulations within the last 10 years and on average have had approximately twelve (12) applications during that time. None have reported any major complaints and administration of the regulations a non-issue.

Staff Comments:

Staff is seeking formal direction from the Economic Development Committee (EDC) to permit, define and regulate urban/domestic chickens within the city, and to what degree. If it is the concurrence of the Committee to amend, staff and the City Attorney will prepare the appropriate ordinance language per your direction and present it to the appropriate committees and/or commission at a future meeting with a recommendation to the City Council for final approval.

Attachments

1. *Illegal Fowl: A Survey of Municipal Laws Relating to Backyard Poultry and a Model Ordinance for Regulating City Chickens*, Jamie Bouvier, Environmental Law Institute, 2012.
2. *Feeding the Locavores, One Chicken at a Time: Regulating Backyard Chickens*, Patricia Salkin, Zoning and Planning Law report, Vol. 34, No. 3, p. 1, March 2011.
3. City of Batavia – Chicken and Coop Requirements (Permit Application example)
4. Village of Plainfield – Keeping of Chickens regulations (Limited Regulation example)
5. City of Naperville – Urban Livestock Ordinance (Moderate Regulation example)
6. City of Evanston – Urban Livestock Ordinance (Substantial Regulation example)
7. Emails from residents regarding chickens

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Illegal Fowl: A Survey of Municipal Laws Relating to Backyard Poultry and a Model Ordinance for Regulating City Chickens

by Jaime Bouvier

Jaime Bouvier is Visiting Legal Writing Professor, Cleveland-Marshall College of Law.

Summary

As the movement toward keeping backyard chickens continues to grow, many cities are facing the decision of whether to allow residents to keep chickens and, if so, how to effectively regulate the practice. A survey of municipal ordinances in the top 100 most populous cities in the United States that concern keeping and raising chickens offers lessons that may be applied to designing a model ordinance. This survey reveals that chickens are, perhaps surprisingly, legal in the vast majority of large cities. The survey also identifies regulatory norms and some effective and less effective ways to regulate the keeping of chickens. A proposed model ordinance, based on the background information and survey results, could be adopted by a city or easily modified to fit a city's unique needs.

So much depends
upon

a red wheel
barrow

glazed with rain
water

beside the white
chickens.

William Carlos Williams, 1923.

The movement toward bringing agricultural practices into the city has continued to expand during the last decade.[1] As we learn more about the problems with our modern commercial agricultural practices—like keeping large numbers of animals crowded in small indoor facilities with little or no access to fresh air or sunlight and growing vast amounts of corn and soy in a monoculture environment to feed those animals[2]—many city-dwellers are taking it into their own hands to provide solutions.[3] Community gardens are increasing in cities across the country.[4] Market farms and even full-scale urban farms are popping up both in cities where the foreclosure epidemic has caused an abundance of abandoned properties and in cities where property has maintained or even increased in value.[5] And, farmer's markets have increased exponentially across the country—allowing smaller scale local farmers to directly link to consumers and sell their produce for far above the wholesale amounts they could get from selling through

Author's Note: I would like to thank my research assistant Hannah Markel. I would also like to thank Heidi Gorovitz Robertson and Carolyn Broering-Jacobs for their support and mentorship.

1. Kimberly Hodgson et al., *Urban Agriculture: Growing Healthy Sustainable Places*, American Planning Association, Planning Advisory Service, Report No. 563 (Jan. 2011); Janine de la Salle & Mark Holland, Agricultural Urbanism, Handbook for Building Sustainable Food & Agricultural Systems in 21st Century Cities, 9-12 (2010).
2. *E.g.*, Food, Inc. (Magnolia Pictures 2009); Michael Pollan, The Omnivore's Dilemma: A Natural History of Four Meals (2006); Eric Schlosser, Fast Food Nation: The Dark Side of the All American Meal (2002); Marion Nestle, Food Politics: How the Food Industry Influences Nutrition and Health (2002).
3. *E.g.*, Lisa Taylor, Your Farm in the City: An Urban Dweller's Guide to Growing Food and Raising Livestock (2011); Thomas J. Fox, Urban Farming: Sustainable City Living in Your Backyard, in Your Community, and in the World (2011); Kelly Coyne & Erik Knutzen, The Urban Homestead: Your Guide to Self-Sufficient Living in the Heart of the City (2010); Kurt B. Reighley, The United States of Americana: Backyard Chickens, Burlesque Beauties, and Homemade Bitters (2010).
4. Jane E. Schukoske, *Community Development Through Gardening: State and Local Policies Transforming Urban Open Space*, 3 N.Y.U. J. Legis. & Pub. Pol'y 315, 354 (1999-2000).
5. Hodgson, *supra* note 1, at 3-4.

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more established channels like supermarkets and convenience stores.[6]

Part of the greater urban agriculture movement involves urban animal husbandry—raising livestock in an urban setting.[7] While many cities have allowed for bees, goats, and other livestock in the city,[8] this Article will focus on how cities regulate chickens.[9] Many people in urban environments are seeking to raise chickens to assert control over their food. This may be in reaction to increasing reports of how large industrial farms raise chickens in abusive and unsanitary settings—settings that not only are unhealthy for the chickens but negatively affect the health of people who live near such farms, as well as anyone who eats the eggs or meat from those chickens.[10] Many people view raising chickens and other urban agricultural practices as a way to combat a broken food system and a way to assert individual political power against the large corporations that control much of our food.[11]

In response to a growing demand from city-dwellers to raise their own chickens, either as part of a community garden, urban farm, or just in their own backyard, cities across the country are amending their ordinances to allow for and regulate backyard chickens.[12] This Article will first provide a primer on what a city-dweller should know about chickens. This is especially targeted to city-dwellers who serve as councilpersons, mayors, or law directors and know little or nothing about chickens. Because many municipal officials lack agricultural knowledge, they lack a basis for understanding whether chickens can peacefully co-exist with their constituents in a cosmopolitan area. And, even if officials believe that residents should be able to keep chickens, they may still feel unequipped to figure out how to properly regulate chickens to head off practical concerns with noise, odor, and nuisance.

Many people may be surprised to learn that even in cities where raising chickens is illegal, many people are doing so anyway.[13] For instance, in a suburb of Cleveland, Jennifer,[14] a young mother of two boys, built a coop in her backyard and bought four chicks.[15] These chicks grew up to be egg-laying hens and family pets before she learned that her city outlawed chickens. The city told her that if she did not get rid of the chickens, she would be subject to continuing expensive citations for violating the city's ordinance. Because both she and her children

6. Patricia E. Salkin & Amy Lavine, *Regional Foodsheds: Are Our Local Zoning and Land Use Regulations Healthy?*, 22 Fordham Envtl. L. Rev. 599, 617 (2011); Brandon Baird, *The Pending Farmer's Market Fiasco: Small-Time Farmers, Part-Time Shoppers, and a Big-Time Problem*, 1 KYJEANRL 49, 49-50 (2008-2009). *See also* Kirk Johnson, *Small Farmers Creating a New Business Model as Agriculture Goes Local*, N.Y.Times, July 1, 2012, http://www.nytimes.com/2012/07/02/us/small-scale-farmers-creating-a-new-profit-model.html?_r=1&ref=agriculture.
7. Hogdson, *supra* note 1, at 17. *See, e.g.*, Robert & Hannah Litt, A Chicken in Every Yard (2011); Harvey Ussery, The Small-Scale Poultry Flock: An All-Natural Approach to Raising Backyard and Urban Chickens (2011); Andy Schneider, The Chicken Whisperer's Guide to Keeping Chickens, Everything You Need to Know . . . and Didn't Know You Needed to Know About Raising Chickens (2011); Tara Layman Williams, The Complete Guide to Raising Chickens: Everything You Need to Know Explained Simply (2010); Jerome D. Belanger, The Complete Idiot's Guide to Raising Chickens (2010); Carlee Madigan, The Backyard Homestead (2009); Kimberly Willis & Rob Ludlow, Raising Chickens for Dummies (2009).
8. *E.g.*, Heather Wooten & Amy Ackerman, *Seeding the City: Land Use Policies to Promote Urban Agricultural*, National Policy & Legal Analysis Network to Prevent Childhood Obesity, 34 (2011); Kailee Neuner et al., *Planning to Eat: Innovative Local Government Plans and Policies to Build Healthy Food Systems in the United States*, Food Systems Planning and Healthy Communities Lab, University of Buffalo, The State University of New York, 17 (2011).
9. *See also* Patricia Salkin, *Feeding the Locavores, One Chicken at a Time: Regulating Backyard Chickens*, 34:3 Zoning & Plan. L. Rep. 1 (2011) (briefly surveying chicken laws); Mary Wood et al., *Promoting the Urban Homestead: Reform of Local Land Use Laws to Allow MicroLivestock on Residential Lots*, 37 Ecology L. Currents 68 (2010).
10. *See, e.g.*, Nicholas D. Kristof, *Is an Egg for Breakfast Worth This?*, N.Y. Times, Apr. 11, 2012, http://www.nytimes.com/2012/04/12/opinion/kristof-is-an-egg-for-breakfast-worth-this.html; Nicholas D. Kristof, *Arsenic in Our Chicken*, N.Y. Times, Apr. 4, 2012, http://www.nytimes.com/2012/04/05/opinion/kristof-arsenic-in-our-chicken.html.
11. Hugh Bartling, *A Chicken Ain't Nothing but a Bird: Local Food Production and the Politics of Land-Use Change*, Local Environment 17(a) (Jan. 2012). For a different take on the political reasons behind backyard chickens, see Shannon Hayes, *Radical Homemakers: Reclaiming Domesticity From a Consumer Culture* (2005) (asserting that urban farming can be a feminist response to modern urbanization).
12. Sarah Grieco, *Backyard Bees, Chickens, and Goats Approved*, NBCSanDiego, Feb. 1, 2012 http://www.nbcsandiego.com/news/local/Backyard-Bees-Chickens-Goats-Approved-138507104.html; Michael Cass, *Backyard Chickens Make Gains in Nashville*, The Tennessean, Jan. 5, 2012, http://www.healthynashville.org/modules.php?op=modload&name=News&file=article&sid=20163; Peter Applebome, *Envisioning the End of "Don't Cluck, Don't Tell*, N.Y. Times, Apr. 30, 2009, http://www.nytimes.com/2009/4/30/nyregions/30town??; Jessica Bennet, *The New Coop de Ville, the Craze for Urban Poultry Farming*, Newsweek, Nov. 16, 2008, http://www.thedailybeast.com/newsweek/2008/11/16/the-new-coop-de-ville.img.jpg. And this movement is not just in the United States; Australia, Canada, and Europe also are experiencing a surge in the number of people keeping backyard hens. *See, e.g.*, *Surge in Backyard Poultry Numbers*, British Free Range Egg Producers Association (Jan. 9, 2011), http://www.theranger.co.uk/news/Surge-in-backyard-poultry-numbers_21660.html (last visited Feb. 24, 2012); Backyard Chickens in Toronto, Ontario, http://torontochickens.com/Toronto_Chickens/Blog/Blog.html (last visited Feb. 22, 2012) (advocacy group seeking to legalize chickens in Toronto); Chris Mayberry & Peter Thomson, *Keeping Chickens in the Backyard*, Department of Agriculture and Food, Government of Western Australia (Aug. 2004), http://www.agric.wa.gov.au/content/aap/pou/man/gn2004_022.pdf (last visited Feb. 22, 2012); Andrea Gaynor, Harvest of the Suburbs: An Environmental History of Growing Food in Australian Cities (2006); Catharine Higginson, *Living in France-Keeping Chickens*, Living France, http://www.livingfrance.com/real-life-living-and-working-living-in-france-keeping-chickens–94936 (last visited Feb. 22, 2012).
13. *See, e.g., Where Chickens Are Outlawed Only Outlaws Will Have Chickens*, BackyardChickens.com, http://www.backyardchickens.com/t/616955/where-chickens-are-outlawed-only-outlaws-will-have-chickens-t-shirt (last visited Feb. 15, 2012) (forum for people who own chickens illegally); Heather Cann et al., *Urban Livestock: Barriers and Opportunities Faces by Homesteaders in the City of Waterloo*, Dec. 6, 2011, http://www.wrfoodsystem.ca/studentresearch (last visited Feb. 22, 2012) (interviewing several people who own chickens illegally in the Waterloo region of Canada).
14. Not her real name.
15. Interview with Jennifer, July 18, 2011 (on file with author).

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had grown close to the hens, they did not want to simply dispose of them or give them away. Instead, Jennifer moved to a neighboring city that had recently passed an ordinance legalizing backyard hens and started a chicken cooperative.[16] Now, a group of neighbors take turns caring for the chickens and share the eggs. Neither in the suburb where she started raising the chicks nor in the city where she started the cooperative did neighbors complain about odor, noise, or any other potential nuisance. And the suburb, by prohibiting chickens, lost the opportunity Jennifer was willing to provide to build strong community ties with her neighbors.[17]

Instead of moving away, others are seeking to change the law to raise chickens in the city where they already live. For instance, Cherise Walker has been advocating for a new ordinance in her community.[18] Ms. Walker is a veteran of the Iraq war who became interested in hens when she read that keeping chickens can help relieve post-traumatic stress disorder.[19] She subscribes to *Backyard Poultry*—a magazine dedicated to backyard chickens[20]; she became certified in hen-keeping by the Ohio State University Extension; and, she began assembling the materials to build a coop in her yard. But, she soon learned that her city outlaws hens as dangerous animals, placing them in the same category as lions, tigers, bears, and sharks.[21] Unwilling to become an outlaw hen-keeper, she, like countless others across the country, is attempting to lobby her mayor and city council-people to educate them about chickens and encourage them to adopt a more chicken-friendly ordinance.[22]

Because of the growing popularity of keeping backyard chickens, cities can benefit from well-thought-out ordinances that avert possible nuisance and make it easy and clear for would-be chicken owners to find out what they need to do to comply with the law.

Changing these ordinances, however, is often a contentious issue.[23] It has caused one mayor in Minnesota to say, "there is a lot of anger around this issue for some reason. More so than the war by far."[24] City leaders are understandably concerned that chickens may cause nuisances.[25] They have raised such concerns as decreasing property values[26] and increasing greenhouse emissions,[27] as well as concerns about excessive clucking and overwhelming odors bothering the neighbors.[28] Some express the belief that chickens, and other agricultural practices, simply do not belong in cities.[29] The controversy over backyard chicken regulation has been so contentious that at least one law review article uses it as a case study for the Coase theorem to illustrate how we unnecessarily inflate the costs of processes related to legal change.[30]

In Part I, this Article will discuss the benefits of backyard chickens. Part II will investigate concerns that many people have with keeping chickens in the city. Part III will provide some background about chickens and chicken behavior that municipalities should understand before crafting any ordinance. Part IV will survey ordinances related to keeping chickens in the 100 most populous cities in the United States, identifying regulatory norms and particularly effective and ineffective means of regulation. Finally, Part V will put forward a model ordinance that regulates keeping chickens in an urban setting while providing sufficient regulation to abate nuisance concerns.

16. Cleveland, Ohio, Codified Ordinances §§205.04, 347.02 (2011).
17. *See infra* Part I.E. (discussing how participating in urban agriculture can increase social connections and civic responsibility).
18. Interview with Jennifer, July 18, 2011 (on file with author).
19. Megan Zotterelli, *Veterans Farming*, The Leaflet: Newsletter of the Central Coast Chapter of California Rare Fruit Growers (July/Aug. 2011), http://centralcoastfoodie.com/2011/08/veterans-farming/ (noting that the Farmer Veterans Coalition that seeks to link veterans with farming has done so not only to provide veterans with economic opportunities, but because "the nurturing environment of a greenhouse or a hatchery has helped these veterans make impressive strides in their recovery and transition").
20. *Backyard Poultry Magazine* has been published since 2006 by Countryside Publications, Inc. It currently has a circulation of approximately 75,000 readers. *See* Advertising Information for Backyard Poultry, http://www.backyardpoultrymag.com/advertise.html (last visited Feb. 22, 2012).
21. Lakewood Mun. Ordinance §505.18.
22. Interview with Cherise Walker, Mar. 18, 2012 (on file with author).
23. Barak Y. Orbach & Frances R. Sjoberg, *Debating Over Backyard Chickens*, Arizona Legal Studies, Discussion Paper No. 11-02 (Feb. 2012) (listing conflicts in dozens of cities where people were seeking to change ordinances to either legalize or ban chickens); *see also* Salkin, *supra* note 9, at 1 (describing criticism of efforts to allow chickens in neighborhoods as including "worry that property values will plummet, that chickens will create foul odors and noise, and that they will attract coyotes, foxes, and other pests").
24. Orbach & Sjoberg, *supra* note 23, at 24.
25. P.J. Huffstutter, *Backyard Chickens on the Rise, Despite the Neighbor's Clucks*, L.A. Times, June 15, 2009, http://articles.latimes.com/2009/jun/15/nation/na-chicken-economy15.
26. Tiara Hodges, *Cary: No Chickens Yet*, IndyWeek.com, Feb. 10, 2012, http://www.indyweek.com/BigBite/archives/2012/02/10/cary-no-chickens yet (last visited Feb. 17, 2012); *Backyard Chickens: Good or Bad Idea*, KVAL.com, Mar. 3, 2009, http://www.kval.com/news/40648802.html (last visited Feb. 17, 2012).
27. Valerie Taylor, *Chickens for Montgomery* (2009), http://www.scribd.com/doc/16509728/Changing-Your-Citys-Chicken-Laws (last visited Feb. 17, 2012) (addressing a concern that Montgomery council people voiced about greenhouse gases).
28. Josie Garthwaite, *Urban Garden? Check. Now, Chickens*, N.Y. Times, Feb. 7, 2012, http://green.blogs.nytimes.com/2012/02/07/urban-garden-check-now-chickens/.
29. Orbach & Sjoberg, *supra* note 23, at 19 (citing one mayor from Franklington, Louisiana, as stating the "city has changed and grown so much since the original ordinance. We are trying to look to the future. You can't raise animals or livestock (in the city)."); Barry Y. Orbach & Frances R. Sjoberg, *Excessive Speech, Civility Norms, and the Clucking Theorem*, 44 Conn. L. Rev. 1 (2011) (stating that an alderman in Chicago was seeking to ban chickens in part because, "[a]ll things considered, I think chickens should be raised on a farm"); Jerry Kaufman & Martin Bailkey, *Farming Inside Cities*, 13 Landlines 1 (2001).
30. *See* Orbach & Sjoberg, *supra* note 29.

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I. The Benefits of Backyard Chickens

In 1920, an elementary school textbook recommended that every family in America keep a small flock of backyard chickens.[31] The textbook provided that "every family is better off for having a few chickens, provided they are kept out of the garden and at a suitable distance from any house."[32] It noted that of the millions of dollars worth of eggs that were sold each year at that time, comparatively little came from large poultry farms, but came instead "from the hundreds and thousands of farms and town lots where a few chickens and other fowls are kept in order that they may turn to profit food materials that otherwise would be wasted."[33] The textbook asserted that chickens were a good value because, as scavengers and omnivores, it was relatively cheap to feed them scraps and receive in return fresh eggs. Also, the textbook championed city flocks because chickens eat insects and thus prevent the increase of insect pests.[34]

The U.S. government was in agreement with the textbook's advice. During World War I, the United States exhorted every person in America to raise chickens. The U.S. Department of Agriculture (USDA) issued posters with titles like "Uncle Sam Expects You to Keep Hens and Raise Chickens."[35] One such poster encourages chicken ownership by exhorting that "even the smallest backyard has room for a flock large enough to supply the house with eggs."[36] The poster goes on to say that because chickens eat table scraps and require little care, every household should contribute to a bumper crop of poultry and eggs in 1918.[37]

These recommendations are still valid today, as many are reevaluating the suburbanization of America that occurred after World War II and reincorporating agricultural practices into daily life.[38] Keeping domesticated fowl has been a part of human existence for millennia,[39] and only in the last century has been seen as something that should be kept separate from the family and the home.[40] While humanity has long understood the benefits of keeping domesticated chickens, many city-dwellers have lost touch with what chickens have to offer. There continue to be many benefits to raising hens. Some of the benefits are apparent—like getting fresh free eggs. Some are less apparent—like hen manure being a surprisingly pricey and effective fertilizer and research findings that urban agricultural practices in general raise property values and strengthen the social fabric of a community. The benefits of keeping hens will be discussed more thoroughly below.



USDA Poster from Scott Doyon, *Chickens: WWI Solution to Almost Everything, Better Cities & Towns*, Nov. 4, 2011, http://bettercities.net/news-opinion/blogs/scott-doyon/15562/backyard-chickens-wwi-era-solution-almost-everything (last visited Feb. 15, 2012).

A. *Chickens Are a Source of Fresh Nutritious Eggs*

The most obvious benefit of keeping chickens in the backyard is the eggs. A hen will generally lay eggs for the first five to six years of her life, with peak production in the first two years.[41] Hens lay more during the spring and summer months when they are exposed to more light because of the longer days.[42] Hens also lay far more eggs when they are younger, starting off with between 150 to 300 eggs per year depending on the breed and dwindling down by about 20% each year.[43] Young hens or pullets often start out lay-

31. William Thompson Skilling, Nature-Study Agriculture (World Book Co. 1920).
32. *Id.* at 296.
33. *Id.*
34. *Id.*
35. Scott Doyon, *Chickens: WWI Solution to Almost Everything*, Better Cities & Towns, Nov. 4, 2011, http://bettercities.net/news-opinion/blogs/scott-doyon/15562/backyard-chickens-wwi-era-solution-almost-everything (last visited Feb. 15, 2012).
36. *Id.*
37. *Id.*
38. Hodgson, *supra* note 1, at 11-12. *See, e.g.*, Robert M. Fogelson, Bourgeois Nightmares 168-81 (2005) (noting that backyard poultry-keeping went from being universal and encouraged to being banned as a nuisance when newly developed suburbs aimed toward attracting wealthy residents began instituting policies to ban all household pets in an effort to distinguish themselves from both the urban and rural lower class).
39. Barbara West & Ben-Xiong Zhou, *Did Chickens Go North? New Evidence for Domestication*, 44 World's Poultry Sci. J. 205-18 (1999). Christine Heinrichs, How to Raise Chickens: Everything You Need to Know (2007).
40. *See, e.g.*, Andrea Gaynor, Harvest of the Suburbs 133 (2006); Janine De La Salle & Mark Holland, Agricultural Urbanism: Handbook for Building Sustainable Food & Agriculture Systems in 21st Century Cities 23 (2010).
41. Litt, *supra* note 7, at 168-69.
42. *Id.* at 169.
43. *Id.*

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ing abnormal-looking or even double-yolked eggs, but as they mature begin laying more uniform eggs.[44] Although hens can live up to 15 or even 20 years, the average hen's lifespan is between four to eight years, so most hens will lay eggs during most of their life—but production will drop off considerably as they age.[45]

Although some have argued that raising backyard chickens will save money that would have been used to buy eggs over time, this claim is dubious.[46] It would take many years to recoup the cost of the chickens, the chicken feed, and the coops.[47] But cost is only part of the equation.

Eggs from backyard hens have been scientifically shown to taste better.[48] First, they taste better because they are fresher.[49] Most eggs bought in a grocery store are weeks if not months old before they reach the point of sale.[50] Recent studies in agriculture science, moreover, demonstrate that if a chicken is allowed to forage for fresh clover and grass, eat insects, and is fed oyster shells for calcium, her eggs will have a deeper colored yolk, ranging from rich gold to bright orange, and the taste of the egg will be significantly fresher.[51]

Next, eggs from backyard hens are more nutritious.[52] Poultry scientists have long known that a hen's diet will affect the nutrient value of her eggs.[53] Thus, most commercial hens are subjected to a standardized diet that provides essential nutrients; but even with this knowledge, large-scale operations cannot provide chickens with an optimal diet under optimal conditions.[54] Tests have found that eggs from small-flock pasture-raised hens actually have a remarkably different nutritional content than your typical store-bought egg—even those certified organic.[55] This is because backyard chickens can forage for fresh grass and other greens and get access to insects and other more natural chicken food.[56] The nutritional differences may also be attributed to the fact that hens are less stressed because they are kept in a more natural environment with exposure to sun, weather, and adequate companionship.[57] Scientific nutritional analyses have proven that eggs from hens that are kept in small flocks and allowed to forage, when compared with store-bought eggs, have

- 1/3 less cholesterol
- 1/4 less saturated fat
- 2/3 more vitamin A
- 2 times more omega-3 fatty acids
- 3 times more vitamin E
- 7 times more beta-carotene.[58]

Thus, four to six hens can easily provide enough eggs for a typical household and sometimes enough for the neighbors as well. And, the eggs are more nutritious, fresher, and tastier than those available in stores.

B. Chickens Provide Companionship as Pets

Many people who own a small flock of chickens consider their chickens to be pets and a part of their family—just like a dog or a cat.[59] Chickens have personalities, and many people and children bond with them just like any other pet.[60] Several forums exist on the Internet where people can trade stories about hen antics[61] or debate what breed of chicken is best for children.[62] Chicken owners tend to name their hens, and many can easily describe each hen's temperament and personality.[63]

Perhaps recognizing this, many cities, as shown below, actually regulate chickens as pets—and place no further burden on chicken owners than it would on dog or cat owners.[64]

C. Chicken Manure Is a Surprisingly Valuable Fertilizer

Chicken manure is an excellent and surprisingly valuable fertilizer. Currently, 20-pound bags of organic chicken manure fertilizer can fetch a price of between $10 and

44. Bernal R. Weimer, *A Peculiar Egg Abnormality,* 2-4:10 Poultry Sci. 78-79 (July 1918).
45. Litt, *supra* note 7, at 173.
46. Gail Damerow, Backyard Homestead Guide to Raising Chickens (2011).
47. Litt, *supra* note 7, at 16. William Neuman, *Keeping Their Eggs in Their Backyard Nests*, N.Y. Times, Aug. 3, 2009, http://www.nytimes.com/2009/08/04/business/04chickens.html?pagewanted=all (acknowledging that backyard chicken enthusiasts do not typically save money by not buying eggs).
48. Klaus Horsted et al., *Effect of Grass Clover Forage and Whole-Wheat Feeding on the Sensory Quality of Eggs*, 90:2 J. Sci. Food & Agric. 343-48 (Jan. 2010).
49. Litt, *supra* note 7, at 17.
50. *Id.*
51. Horsted et al., *supra* note 48.
52. Litt, *supra* note 7, at 179 (citing Cheryl Long & Tabitha Alterman, *Meet Real Free-Range Eggs*, Mother Earth News, Oct./Nov. 2007, http://www.motherearthnews.com/Real-Food/2007-10-01/Tests-Reveal-Healthier-Eggs.aspx; Artemis P. Simopoulos & Norman Salem Jr., *Egg Yolk: A Source of Long-Chain Polyunsaturated Fats in Infant Feeding*, 4 Am. J. Clinical Nutrition 411 (1992) (finding a significant increase in nutrition and significant decrease in harmful fats in small-flock free-range eggs).
53. William J. Stadelman & Owen J. Cotterill, Egg Science & Technology 185 (1995).
54. *Id.*
55. Litt, *supra* note 7, at 17.
56. *Id.*; Simopoulos & Salem Jr., *supra* note 52.
57. *Id.*
58. Litt, *supra* note 7, at 179.
59. *Id.* at 4-10.
60. *See, e.g.*, Carolyn Bush, *A Chicken Christmas Tale*, Backyard Poultry Mag., Jan. 2010, http://www.backyardpoultrymag.com/issues/5/5-6/a_chicken_christmas_tale.html (describing her pet chickens and mourning one of their deaths); Chickenvideo.com, http://www.chickenvideo.com/outlawchickens.html (last visited July 2, 2012) (collecting stories from people who keep chickens as pets despite their illegality).
61. *Funny, Funny Chicken Antics*, Backyardchickens.com, http://www.backyardchickens.com/forum/viewtopic.php?id=380593 (last visited July 2, 2012).
62. *What Breeds Are Best for Children to Show in 4-H?*, Backyardchickens.com, http://www.backyardchickens.com/forum/viewtopic.php?pid=5726813 (last visited July 2, 2012).
63. Litt, *supra* note 7, at 4.
64. *See infra* Part IV.C.1.

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$20.[65] Poultry waste has long been used as a fertilizer—it provides necessary nutrients for plants and works well as an addition to compost.[66] Large amounts of uncomposted chicken manure applied directly to a garden will overwhelm or burn the plants, because its nitrogen content is too high.[67] But, the amount of manure that a backyard flock of four to six hens would produce is not enough to harm the plants and can be beneficial to a home garden, even without first being composted.[68]

A small flock of chickens, moreover, does not actually produce much manure. A fully grown four-pound laying hen produces approximately a quarter-pound of manure per day.[69] In comparison, an average dog produces three-quarters of a pound per day, or three times as much waste as one hen.[70] As cities have been able to deal with waste from other pets like dogs and cats with proper regulation, even though there is no market for their waste, cities should be confident that the city and chicken owners can properly manage chicken waste.

D. Chickens Eat Insects

Chickens, like other birds, eat insects such as ants, spiders, ticks, fleas, slugs, roaches, and beetles.[71] Chickens also occasionally eat worms, small snakes, and small mice.[72] Insects provide protein that the chickens need to lay nutritionally dense eggs.[73] Small flocks of chickens are recommended as a way to eliminate weeds, although a chicken does not discriminate between weeds and plants and, if left in a garden for too long, will eat the garden plants as well.[74] But, because chickens like to eat insects and other garden pests, allowing the chicken occasional and limited access to a garden can eliminate a need to use chemicals or other insecticides and prevent insect infestations.[75]

E. Chickens Help Build Community

Several studies have found that urban agriculture can increase social connections and civic engagement in the community.[76] Agricultural projects can provide a centerpiece around which communities can organize and, by doing so, become more resilient.[77] Building a sense of community is often especially valuable for more marginalized groups—like recent immigrants and impoverished inner-city areas.[78]

Keeping chickens easily fits into the community-building benefit of urban agriculture. Because chickens lay more eggs in the spring and summer, an owner often has more eggs than he can use: neighbors, thus, become the beneficiaries of the excess eggs. Because chickens are still seen as a novelty in many communities, many chicken owners help to educate their neighbors and their communities by inviting them over for a visit and letting neighbors see the coops and interact with the chickens.[79] Finally, like the example of Jennifer above, keeping chickens can become a community endeavor; many people have formed chicken cooperatives where neighbors band together to share in the work of tending the hens and also share in the eggs.[80]

II. Cities' Concerns With Backyard Hens

> Never mind what you think.
> The old man did not rush
> Recklessly into the coop at the last minute.
> The chickens hardly stirred
> For the easy way he sang to them.
>
> Bruce Weigl, *Killing Chickens*, 1999.

65. Black Gold Compost Chicken Fertilizer sold for $13.43 for 20 pounds on Amazon. Amazon.com, http://www.amazon.com/Black-Compost-Chick-Manure-60217/dp/B00292YAQC (last visited July 2, 2012). Chickety-doo-doo sold for $47.75 for 40 pounds on EBay. Ebay, http://www.ebay.com/itm/ws/eBayISAPI.dll?ViewItem&item=260889160166&hlp=false (last visited Jan. 6, 2012).
66. Adam A. Hady & Ron Kean, *Poultry for Small Farms and Backyard*, UW Cooperative Extension, http://learning store.uwex.edu/assets/pdfs/A3908-03.
67. Litt, *supra* note 7, at 9.
68. *Id.*
69. *Ohio Livestock Manure Management Guide*, Ohio State University Extension, Bulletin 604-06, p. 3, T. 1 2006, http://ohioline.osu.edu/b604/ (providing that a four-pound laying hen produces 0.26 of a pound per day of manure).
70. Leah Nemiroff & Judith Patterson, *Design, Testing and Implementation of a Large-Scale Urban Dog Waste Composting Program*, 15:4 Compost Sci. & Utilization 237-42 (2007) ("On average, a dog produces 0.34 [kilograms (kg)] (0.75 lbs) of feces per day.").
71. Simopoulos & Salem Jr., *supra* note 52, at 412. Schneider, *supra* note 8, at 15.
72. *Id.*
73. *Id.*
74. John P. Bishop, *Chickens: Improving Small-Scale Production*, Echo technical note, echo.net, 1995, http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CFMQFjAA&url=http%3A%2F%2Fwww.echocommunity.org%2Fresource%2Fcollection%2FE66CDFDB-0A0D-4DDE-8AB1-74D9D8C3EDD4%2FChickens.pdf&ei=39zxT41Sh7etAdSUmY8C&usg=AFQjCNHh0_bkG_5sVmlovgngOXD53AJagA&sig2=_cgyLnv7jDV7hGIVZty89g (last visited July 2, 2012).
75. Tara Layman Williams, The Complete Guide to Raising Chickens: Everything You Need to Know 95 (2011).
76. Hodgson, *supra* note 1, at 3 (citing Lorraine Johnson, City Farmer: Adventures in Urban Food Growing (2010), and Patricia Hynes, A Patch of Eden: America's Inner City Gardeners (1996)).
77. Hodgson, *supra* note 1, at 94.
78. *Id. See also Iowa Concentrated Animal Feeding Operations Air Quality Study, Final Report*, Iowa State University and the University of Iowa Study Group 148, Feb. 2002, http://www.ehsrc.uiowa.edu/cafo_air_quality_study.html (finding that in rural areas communities where farms were smaller, were owner-operated, and used the labor of the operating family, the community "had a richer civic and social fabric: residents of all social classes were more involved in community affairs, more community organizations served people of both middle and working class background, and there were more local businesses and more retail activity").
79. Litt, *supra* note 7, at 12-13. *See, e.g.*, Jeff S. Sharp & Molly B. Smith, *Social Capital and Farming at the Rural-Urban Interface: The Importance of Non-farmer and Farmer Relations*, 76 Agric. Sys. 913-27 (2003) (finding that communities benefit and agricultural uses have more support when farmers develop social relationships with non-farmers).
80. *E.g.*, Abby Quillen, *How to Share a Chicken or Two*, Shareable: Cities (Nov. 22, 2009), http://shareable.net/blog/how-to-share-a-chicken (last visited Feb. 12, 2012).

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A. Noise

The most frequently expressed concern is that hens will be noisy. This may come from associating roosters with hens. Roosters are noisy.[81] Hens are not particularly noisy. While they will cluck, the clucking is neither loud nor frequent.[82] The clucking of hens is commonly compared to human conversation—both register around 65 decibels.[83] By contrast, the barking of a single dog can reach levels well over 100 decibels.[84]

It should also be noted that chickens have a homing instinct to roost and sleep at night. A hen will return to her coop at night and generally fall asleep before or at sundown.[85] Thus, there should be little concern with clucking hens disturbing a neighborhood at night.

B. Odor

Many people are concerned that chicken droppings will cause odors that reach neighbors and perhaps even affect the neighborhood. These concerns may stem from publicized reports of odors from large poultry operations.[86] While it is no doubt true that the odors coming from these intensive commercial-scale chicken farms is overwhelming and harmful,[87] these operations often have hundreds of thousands of chickens in very small spaces.[88]

Most of the odor that people may associate with poultry is actually ammonia. Ammonia, however, is a product of a poorly ventilated and moist coop.[89] Coop designs for backyard hens should take this into account and allow for proper ventilation. And, if coops are regularly cleaned, there should be little to no odor associated with the hens.[90]

C. Diseases

Two diseases are frequently raised in discussions of backyard hens: avian flu and salmonella. For different reasons, neither justifies a ban on backyard hens.[91]

First, with the attention that avian flu has received in the past few years, some have expressed a concern that allowing backyard chickens could provide a transition point for an avian virus to infect humans.[92] While no one can predict whether this virus will cross over to cause widespread illness or how it might do so, it is important to note that avian flu, right now, would have to mutate for it to become an illness that can spread from person to person.[93] Even the H5N1 strain of the virus, a highly pathogenic form that garnered news in the early 2000s because it infected humans, is very difficult for humans to catch and has not been shown to spread from person to person.[94] And that strain of the virus does not exist in the United States—it has not been found in birds, wild or domestic, in North or South America.[95]

Encouraging a return to more small-scale agriculture, moreover, may prevent such a mutation from occurring. Many world and national governmental health organizations that are concerned with the possible mutation of avian flu link the increased risks of disease to the intensification of the processes for raising animals for food—in other words, large-scale factory farms.[96] For instance, the Centers for Disease Control and Prevention (CDC) blamed "the intensification of food-animal production" in part on the increasing threat.[97] The Council for Agricultural Science and Technology, an industry-funded group, created a task force including experts from the World Health Organization, the World Organization for Animal Health, and the USDA, and issued a report in 2006 finding that modern intensive animal farming techniques increase the risk of new virulent diseases.[98] The report stated "a major impact of modern intensive production systems is that they allow the rapid selection and amplification of pathogens that arise from a virulent ancestor (frequently by

81. *Management of Noise on Poultry Farms*, Poultry Fact Sheet, British Columbia, Ministry of Agriculture and Food (Aug. 1999), http://www.agf.gov.bc.ca/poultry/publications/documents/noise.pdf.
82. *Id.*
83. *Protecting Against Noise*, National Ag Safety Database, The Ohio State University Extension, http://nasdonline.org/document/1744/d001721/protecting-against-noise.html (last visited Feb. 22, 2012) (explaining that a chicken coop and human conversation are both about 65 decibels).
84. Crista L. Coppola et al., *Noise in the Animal Shelter Environment: Building Design and the Effects of Daily Noise Exposure*, 9(l) J. applied Animal Welfare Sci. 1-7 (2006).
85. Williams, *supra* note 75, at 92. Robert Plamondon, *Range Poultry Housing*, ATTRA 11 (June 2003).
86. *E.g.*, William Neuman, *Clean Living in the Henhouse*, N.Y. Times, Oct. 6, 2010, http://www.nytimes.com/2010/10/07/business/07eggfarm.html?scp=2&sq=large%20chicken%20farms%20and%20odor&st=cse.
87. Doug Gurian Sherman, *CAFOS Uncovered, The Untold Costs of Animal Feeding Operations*, Union of Concerned Scientists, Apr. 2008, http://www.ucsusa.org/assets/documents/food_and_agriculture/cafos-uncovered.pdf; *Iowa Concentrated Animal Feeding Operations and Air Quality Study*, Final Report, Iowa State University and the University of Iowa Study Group (Feb. 2002) (finding extensive literature documenting acute and chronic respiratory diseases and dysfunction among poultry workers exposed to complex mixtures of particulates, gases, and vapors within CAFO units).
88. *Id.*
89. *Id.*
90. Gail Damerow, The Backyard Homestead Guide to Raising Farm Animals 35 (2011) ("A chicken coop that smells like manure or has the pungent odor of ammonia is mismanaged. These problems are easily avoided by keeping litter dry, adding fresh litter as needed to absorb droppings, and periodically removing the old litter and replacing it with a fresh batch.").
91. Sue L. Pollock et al., *Raising Chickens in City Backyards: The Public Health Role*, J. Community Health, DOI: 10.1007/s10900-011-9504-1 (2011) (finding that public health concerns about infectious diseases and other nuisances that might be caused by keeping hens in an urban setting cannot be supported by literature specific to the urban agriculture context and recommending that public health practitioners approach this issue in a manner analogous to concerns over keeping domestic pets).
92. *E.g.*, Orbach & Sjoberg, *supra* note 23, at 29.
93. *Avian Influenza*, USDA, http://www.ars.usda.gov/News/docs.htm?docid=11244 (last visited July 2, 2012).
94. *Avian Influenza, Questions & Answers*, Food and Agric. Org. of the United Nations, http://www.fao.org/avianflu/en/qanda.html (last visited July 26, 2012).
95. *Id.*
96. Michael Greger, *Bird Flu, A Virus of Our Own Hatching*, BirdFluBook.Com (2006-2008), http://birdflubook.com/a.php?id=50 (last visited Feb. 21, 2012) (finding that the Food and Agriculture Organization of the United Nations, the World Health Organization, and the World Organization for Animal Health attribute risk factors for the emergence of new diseases from animals to the increasing demand for animal protein).
97. *Id.*
98. *Id.* (citing *Global Risks of Infectious Animal Diseases*, Council for Agric. Sci. and Tech., Issue Paper No. 28, 2005).

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subtle mutation), thus, there is increasing risk for disease entrance and/or dissemination."[99] The report concludes by stating, "because of the Livestock Revolution, global risks of disease are increasing."[100] It is for this reason that many believe that the movement toward backyard chickens and diverse small-scale poultry farming, rather than being a problem, is a solution to concerns about mutating avian viruses.[101]

Another theory for how an avian flu mutation may occur is that it will first occur in wild birds that could pass it on to domesticated birds.[102] In this case, backyard hens could provide a transition point. For this reason the USDA, rather than advocating a ban on backyard hens, has instead offered some simple-to-follow precautionary procedures for small flock owners: the USDA counsels backyard bird enthusiasts to separate domesticated birds from other birds by enclosing coops and runs, to clean the coops regularly, and to wash their hands before and after touching the birds.[103]

Another illness that causes concern because it can be transferred to humans is salmonella.[104] Chickens, like other common household pets—including dogs, turtles, and caged birds—can carry salmonella.[105] For this reason, the CDC counsels that people should wash their hands after touching poultry, should supervise young children around poultry, and make sure that young children wash their hands after touching chicks or other live poultry.[106]

Chickens, like other pets, can get sick and carry disease. But public health scholars have found that there is no evidence that the incidence of disease in small flocks of backyard hens merits banning hens in the city and counsel city officials to regulate backyard hens like they would any other pet.[107]

D. Property Values

Another common concern is that keeping backyard chickens will reduce surrounding property values.[108] Several studies, however, have found that agricultural uses within the city actually increase property values.[109] Community gardens increase neighboring property values by as much as 9.4% when the garden is first implemented.[110] The property value continues to increase as the gardens become more integrated into the neighborhood.[111] The poorest neighborhoods, moreover, showed the greatest increase in property values.[112] Studies have also found that rent increased and the rates of home ownership increased in areas surrounding a newly opened community garden.[113]

Studies concerning pets, moreover, find that apartment owners can charge higher rent for concessions such as allowing pets.[114] Thus, accommodating pets has been shown to raise property values.

As of yet, no studies have been done on how backyard chickens in particular affect property values, but given that communities express little concern that other pets, such as dogs or cats, reduce property values, and given research showing that pets and urban agricultural practices can increase them, there is little reason to believe that allowing backyard chickens will negatively affect them.[115]

E. Slaughter

Some people are concerned that chicken owners will kill chickens in the backyard.[116] People are concerned that it may be harmful to children in the neighborhood to watch a chicken being killed and prepared for a meal.[117] Others are concerned that backyard slaughtering may be unsanitary.[118]

First, many who raise chickens keep the hens only for the eggs.[119] Most egg-laying breeds do not make for tasty meat.[120] Many people become attached to their chickens, as they would a cat or a dog, and treat a death

99. *Id.*
100. *Id.*
101. Ben Block, *U.S. City Dwellers Flock to Raising Chickens*, WorldWatch Institute, http://www.worldwatch.org/node/5900 (last visited Feb. 22, 2012); *Fowl Play, the Poultry Industry's Central Role in the Bird Flu Crisis*, GRAIN, http://www.grain.org/article/entries/22-fowl-play-the-poultry-industry-s-central-role-in-the-bird-flu-crisis (last visited Feb. 22, 2012); *Putting Meat on the Table: Industrial Farm Animal Production in America*, A Report of the Pew Commission on Industrial Farm Animal Production (2006), http://www.ncifap.org/ (last visited Feb. 21, 2012).
102. Rachel Dennis, *CAFOs and Public Health: Risks Associated With Welfare Friendly Farming*, Purdue Univ. Extension, Aug. 2007, https://mdc.itap.purdue.edu/item.asp?itemID=18335#.T_Hjd3CZOOU.
103. *Backyard Biosecurity, 6 Ways to Prevent Poultry Disease*, USDA, May 2004, http://www.aphis.usda.gov/animal_health/birdbiosecurity/biosecurity/basicspoultry.htm (last visited Feb. 21, 2012).
104. *Keeping Live Poultry*, CDC, http://www.cdc.gov/features/SalmonellaPoultry/ (last visited Feb. 21, 2012).
105. *See* Shaohua Zhao, *Characterization of Salmonella Enterica Serotype Newport Isolated From Humans and Food Animals*, 41 J. Clinical Microbiology, No. 12, 5367 (2003) (stating that dogs and pigeons, as well as chickens, can carry salmonella); J. Hidalgo-Villa, *Salmonella in Free Living Terrestrial and Aquatic Turtles*, 119:2-4 Veterinary Microbiology 311-15 (Jan. 2007).
106. *Keeping Live Poultry*, CDC, http://www.cdc.gov/features/SalmonellaPoultry/ (last visited Feb. 21, 2012).
107. Sue L. Pollock et al., *Raising Chickens in City Backyards: The Public Health Role*, J. Community Health, DOI: 10.1007/s10900-011-9504-1 (2011).
108. Salkin, *supra* note 9, at 1.
109. Hodgson, *supra* note 1, at 21.
110. *Id.*
111. *Id.*
112. *Id.*
113. *Id.*
114. G. Stacy Sirmans & C.F. Sirmans, *Rental Concessions and Property Values*, 5:1 J. Real Estate Res. 141-51(1990); C.A. Smith, *Apartment Rents—Is There a "Complex" Effect*, 66:3 Appraisal J. (1998) (finding that average apartment unit commands $50 more rent per unit by allowing pets).
115. Michael Broadway, *Growing Urban Agriculture in North American Cities: The Example of Milwaukee*, 52:3-4 Focus on Geography 23-30 (Dec. 2009).
116. Neighbors Opposed to Backyard Slaughter, http://noslaughter.org (last visited Feb. 22, 2012).
117. *Id.*
118. *Id.*
119. Litt, *supra* note 7, at 3 (stating that "the vast majority of backyard chicken keepers regard their chickens as pets and find it unsettling—if not outright upsetting—to consider eating them").
120. Jay Rossier, Living With Chickens: Everything You Need to Know to Raise Your Own Backyard Flock 4 (2002).

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similarly.[121] Veterinarians, moreover, have avenues for disposing of dead animals that are generally accepted in most communities.[122]

But, if a person did want to use her chickens for meat, there are other methods for butchering a chicken rather than doing so in the backyard. As part of the local food movement, small-scale butchers have made a comeback in the last few years, and many are particularly interested in locally raised animals.[123] Thus, legalizing backyard chickens does not necessarily mean that a city must also legalize backyard chicken slaughtering.[124]

F. Greenhouse Gases

Although worries that chickens will increase greenhouse gases appears to be a bit over the top, at least one city raised this as a concern when contemplating allowing chickens. In Montgomery, Ohio, at least one city council member was fearful that allowing chickens to be raised in the city might contribute to global warming.[125]

While chickens do produce methane as a natural byproduct of digestion just like any other animal (including humans), the amount they produce is negligible in comparison to other livestock. Methane production is a concern largely confined to ruminant animals, such as cows, goats, and buffaloes.[126] These animals produce a large amount of methane every year because of the way in which they digest carbohydrates.[127] Cows produce an average of 55 kilograms (kg) per year per cow.[128] A goat will produce 5 kg per year, a pig 1.5, and a human 0.05.[129] Chickens, because they are nonruminant animals, and because they are much smaller than humans, produce less than 0.05 kg per year per chicken.[130]

Finally, there is no reason to believe that an urban chicken would cause a net increase in the production of methane. A person who gets her eggs from her pet hen will likely be buying fewer eggs from the supermarket. Thus, there is unlikely to be a net increase in egg consumption, so there is unlikely to be a net increase in chickens. Thus, any increase in methane production caused by urban chickens is not only negligible, but also likely offset by a decrease in rural chickens.[131]

G. Winter Weather

Northern cities may be concerned that their climate is not suitable for chickens. Chickens, however, were bred to thrive in certain climates. There are breeds of chicken that are more suited to warm or even hot climates. And, there are chickens that were bred specifically to thrive in colder weather, such as Rhode Island Reds or Plymouth Rocks.[132]

While even cold-hardy breeds can be susceptible to frostbite in extreme winter weather, a sturdy coop with some extra insulation and perhaps a hot water bottle on frigid nights can protect the birds from harm.[133]

H. Running Wild

Of all of the chicken ordinances that this Article will later discuss, it appears that one of the most popular regulations is to prohibit chickens running wild in the streets.[134] Chickens, like dogs and cats, sometimes escape their enclosures. While it would be irresponsible to presume that no chicken will ever escape its enclosure, city officials can rest assured that chicken keepers do not want to see their hens escape any more than city officials want to see hens running loose on the streets.

For this reason, and also to protect against predators, cities should ensure that chickens are kept in an enclosure at all times.

III. Some Necessary Background on Hens for Developing Urban Hen-Keeping Ordinances

> His comb was finest coral red and tall,
> And battlemented like a castle wall.
> His bill was black and like the jet it glowed,
> His legs and toes like azure when he strode.
> His nails were whiter than the lilies bloom,
> Like burnished gold the color of his plume.
>
> Geoffrey Chaucer, The Canterbury Tales,
> The Nun's Priest's Tale[135]

121. Jose Linares, *Urban Chickens*, Am. Veterinary Med. Ass'n Welfare Focus, Apr. 2011, http://www.avma.org/issues/animal_welfare/AWFocus/110404/urban_chickens.asp.
122. *Id.*
123. Elizabeth Keyser, *The Butcher's Back*, Conn. Mag., Apr. 2011, http://www.connecticutmag.com/Connecticut-Magazine/April-2011/The-Butcher-039s-Back/.
124. *But see* Simon v. Cleveland Heights, 188 N.E. 308, 310 (Ohio Ct. App. 1933) (holding that a ban on poultry slaughtering applied to a small business butcher violated the Ohio Constitution because it prohibited the conduct of a lawful business).
125. Valerie Taylor, Chickens for Montgomery (June 2009) http://www.scribd.com/doc/16509728/Changing-Your-Citys-Chicken-Laws (last visited July 2, 2012) (responding to city's concerns about increase in greenhouse gases).
126. *See Methane, Sources, and Emissions*, U.S. EPA, http://www.epa.gov/methane/sources.html (last visited July 2, 2012).
127. *Id.*
128. Paul J. Crutzen et al., *Methane Production by Domestic Animals, Wild Ruminants, Other Herbivorous Fauna and Humans*, 38B Tellus B. 271-74 (July-Sept. 1986).
129. *Id.*
130. *Id.*
131. Letter from Brian Woodruff, Environmental Planner Department of Natural Resources, to Cameron Gloss (June 12, 2008), http://www.scribd.com/doc/16509728/Changing-Your-Citys-Chicken-Laws.
132. Litt, *supra* note 7, at 119.
133. *Id.*
134. *See infra* Part IV.C.5.a.
135. Ronald Ecker trans., Hodge & Braddock Publishers 1993.

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A. Hens Are Social Animals

Chickens are social animals and do better if they are kept in flocks.[136] Chickens can recognize one another and can remember up to 50 or 60 other chickens.[137] Because of this, large flocks of chickens, like those found in most intensive farming operations, are socially unstable and can cause aggressive behavior.[138] In the wild, most flocks form subgroups of between four to six chickens.[139]

Chickens show affiliative behavior, eating together, preening together, gathering together in small groups if they are given space to do so, and sleeping at the same time.[140] Chickens also learn behaviors from one another—for instance, chickens that watch another trained chicken peck a key to obtain food will learn this task more quickly than other chickens that are not exposed to the behavior.[141]

Because chickens are flock animals, a chicken left alone generally will not thrive.[142] An isolated hen will often exhibit disturbed and self-destructive behaviors, like chasing its own tail and exhibiting excessive aggression.[143] Because eating is social behavior, there are some reports that single chickens stop eating or eat less.[144] While scientific studies have yet to prove that a hen feels loneliness,[145] backyard hen enthusiasts are well aware that an isolated hen will often appear depressed or ill.[146]

B. The Pecking Order

We often use the term pecking order to describe a hierarchy in a community. The term comes from the tendency for chickens to peck at one another and display aggressive behavior until a hierarchy is established.[147] Once the hierarchy is established, the aggressive behavior will lessen or even abate until new birds are added to the flock or until a hen mounts a challenge to someone above her in the pecking order.[148]

Studies have shown, however, that incidence of pecking is greatly reduced when hens are kept in lower densities.[149] (Feather pecking is often a problem in large-scale chicken farms.)[150] When densities were approximately six or fewer birds per 10 square feet, pecking behaviors abated or were significantly reduced.[151]

Because a new introduction into the flock will upset the pecking order, some farmers advocate for introducing at least two chicks at a time.[152] This will help spread out the abuse that could be laid on a solitary young hen. It will also more fully upset the pecking order, so that the birds are forced to find a new hierarchy that will include the new birds instead of leaving one isolated hen at the bottom of the flock.[153]

For these reasons, chicken owners should always be allowed to keep, at a minimum, four chickens. This ensures that city regulations do not stand in the way of good flock management: if any hens are lost through injury, illness, or old age, the chicken owner can ensure that the flock never goes below two hens before seeking to add new hens. This will also allow the owner to introduce new hens into the flock two at a time.

C. Chickens and Predators

Backyard hens in a metropolitan area may, in some ways, be better protected from predators than their rural counterparts, because there are fewer predators in the city. The more prevalent chicken predators in the United States—foxes, coyotes, and bobcats—are found less often in the city than they are in more rural areas.[154] Other predators, however, such as hawks and raccoons, are frequently found in the city.[155]

These predators are one reason why chickens must have sturdy coops that are designed to protect hens from assault. Chickens have an instinct to return to their coop each night.[156] And most predators are more active at night when

136. Michael C. Appleby et al., Poultry Behavior and Welfare 35, 77-82 (2004); Heinrichs, *supra* note 39, at 11 (2007).
137. Nicolas Lampkin, *Organic Poultry Production*, Welsh Inst. of Rural Studies 20 (Mar. 1997), *available at* http://orgprints.org/9975/1/Organic_Poulty_Production.pdf.
138. Appleby et al., *supra* note 136 (noting that chickens have increased aggression and increased growth of adrenal glands when they come in contact with other chickens they do not know and also noting that chickens are stressed by being kept in large flocks because it is unlikely that birds in large flocks can form a hierarchy: they are instead "in a constant state of trying to establish a hierarchy but never achieving it").
139. *Id.* at 71; Lampkin, *supra* note 137, at 20.
140. Appleby et al., *supra* note 136, at 77-79.
141. *Id.* at 79.
142. Ian J.H. Duncan & Penny Hawkins, The Welfare of Domestic Fowl & Other Captive Birds 68-69 (2010).
143. D.G.M. Wood-Gush, The Behavior of the Domestic Fowl 124 (1971).
144. D.W. Rajecki et al., *Social Factors in the Facilitation of Feeding in Chickens: Effects of Imitation, Arousal, or Disinhibition*?, 32 J. Personality & Soc. Psychol. 510-18 (Sept. 1975). Martine Adret-Hausberger & Robin B. Cumming, *Social Experience and Selection of Diet in Domestic Chickens*, 7 Bird Behavior 37-43 (1987) (finding that isolated young broilers had lower growth rates than those placed with other birds).
145. Appleby et al., *supra* note 136, at 142 (suggesting that poultry may suffer from loneliness and boredom and that "[c]onsidering the barrenness of many husbandry systems, boredom would seem to be a good candidate for further studies")
146. *See, e.g.*, *Do Chickens Get Lonely*, Backyard Poultry Forum (Friday, Feb. 13, 2009), http://forum.backyardpoultry.com/viewtopic.php?f=5&t=7970419&start=0 (last visited Mar. 4, 2012).
147. Alphaeus M. Guhl, *Social Behavior of the Domestic Fowl*, 71 Transactions Kan. Acad. Sci. (1968). Gladwyn K. Noble, *The Role of Dominance in the Social Life of Birds*, 56 The Auk 263 (July 1939).
148. Litt, *supra* note 7, at 122. Alphaeus M. Guhl et al., *Mating Behavior and the Social Hierarchy in Small Flocks of White Leghorns*, 18 Physiological Zoology 365-68 (Oct. 1945).
149. B. Huber-Eicher & L. Audigé, *Analysis of Risk Factors for the Occurrence of Feather Pecking Among Laying Hen Growers*, 40 British Poultry Sci. 599-604 (1999) (demonstrating through a study of commercial hen farms in Switzerland that hens were far less likely to feather peck if they were kept in low-density environments and if they had access to elevated perches).
150. *Id.*
151. *Id.*
152. Litt, *supra* note 7, at 122-23.
153. *Id.*
154. *See, e.g.*, Stanley D. Gehrt et al., *Home Range and Landscape Use of Coyotes in a Metropolitan Landscape: Conflict or Coexistence*, J. Mammalogy, 1053-55 (2009); Seth P.D. Riley, *Spatial Ecology of Bobcats and Gray Foxes in Urban and Rural Zones of a National Park*, 70(5) J. Wildlife Mgmt. 1425-35 (2006).
155. Williams, *supra* note 75, at 88-89.
156. Litt, *supra* note 7, at 71.

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the chickens are sleeping in their coops.[157] While there is no guarantee that predators will not find a way to prey on chickens, ensuring that coops are sturdily built with the intention to keep out predators can help ameliorate concerns with predators.[158]

D. Roosters Like to Crow

Even city-dwellers who have never met a rooster know that roosters crow. But the popular belief, passed on in children's cartoons, that roosters crow in the morning like an alarm clock to welcome the rising sun is largely a myth. Roosters may crow in the morning, but they also crow in the afternoon or evening or, basically, whenever they feel like it.[159] While the frequency of crowing depends on the breed and the individual rooster, many roosters crow a lot.[160] In fact, because domestic roosters crow so much more frequently than their wild kin, one theory postulates that they were bred over many centuries for loud, long, and frequent crowing because such crowing played an important role in Zoroastrian religious ceremonies.[161]

Because roosters are noisy and frequently so, cities that have more dense urban environments should consider banning them—at least on smaller lot sizes. Some cities have allowed an exception for "decrowed" roosters[162]: some veterinarians used to offer a "decrowing" procedure that would remove the rooster's voicebox. Because of its high mortality rate—over 50%—veterinarians no longer offer this procedure.[163] Because this procedure is dangerous and cruel to the rooster, cities that have such an exception should consider amending it so as not to encourage mistreatment of roosters.

E. Hens Don't Need Roosters to Lay Eggs

A common myth is that hens will not lay eggs without a rooster around. This is simply not true; hens do not need roosters to lay eggs.[164] In fact, it is likely that every egg you have ever eaten was produced by a hen that never met a rooster.[165]

The only reason that hens require roosters is to fertilize the eggs, so that the eggs will hatch chicks.[166] Because this can be an easier way to propagate a flock, rather than sending away for mail-order chicks, some chicken owners would like to keep a rooster around or at least allow it to visit. To address this concern, at least one city that bans roosters allows "conjugal visits." Hopewell Township, New Jersey, allows roosters that are certified disease-free to visit a hen flock for 10 days out of every year.[167] Although news about the township's policy garnered national attention for its quirkiness, it may work as a solution for hen owners seeking to add to their flock without having to buy new chicks.[168]

IV. The Current State of Municipal Ordinances Governing Backyard Chickens

> Such a fine pullet ought to go
> All coiffured to a winter show,
> And be exhibited, and win.
> The answer is this one has been—
>
> And come with all her honors home.
> Her golden leg, her coral comb,
> Her fluff of plumage, white as chalk,
> Her style, were all the fancy's talk
>
> Robert Frost, *A Blue Ribbon at Amesbury* (1916).

A. Introduction

To determine the current state of chicken legislation in the United States, the laws of the top 100 cities by population, according to the 2000 census are surveyed in this Article.[169] Currently, 94% of these cities allow for chickens in some manner.[170] While many cities impose various restrictions

157. Gehrt, *supra* note 154, at 1053.
158. Williams, *supra* note 75, at 88-89.
159. Heinrichs, *supra* note 39, at 16.
160. *Id.*
161. Appleby et al., *supra* note 136, at 36-37.
162. *See, e.g.*, Phoenix, Ariz., City Code §8-7(c) (2011).
163. *Small and Backyard Flocks*, Ky. U. Ext., http://www.ca.uky.edu/smallflocks/faq.html#Q31 (last visited Feb. 17, 2012).
164. *Small and Backyard Flocks*, Ky. U. Ext., http://www.ca.uky.edu/smallflocks/faq.html#Q11 (last visited Feb. 17, 2012).
165. *Id.*
166. *Id.*
167. *NJ Town Limits Conjugal Visits Between Roosters & Hens*, Huffington Post, Apr. 27, 2011, http://www.huffingtonpost.com/2011/04/28/nj-limits-chicken-mating_n_854404.html.
168. Because chick hatcheries have been a source of salmonella, some backyard hen keepers may prefer to propagate their own flock. *See, e.g.*, Serena Gordon, *They're Cute, But Baby Chicks Can Harbor Salmonella*, U.S. News & World Report, May 30, 2012, http://health.usnews.com/health-news/news/articles/2012/05/30/theyre-cute-but-baby-chicks-can-harbor-salmonella.
169. *Cities With 100,000 or More Population in 2000 Ranked by Population, 2000 in Rank Order*, U.S. Census, http://www.census.gov/statab/ccdb/cit1020r.txt (last visited Jan. 26, 2012).
170. Akron, Ohio, Code of Ordinances §92-18 (2011); Albuquerque, N.M., Code of Ordinances §9-2-4-3 (2011); Anaheim, Cal., Mun. Code §18.38.030 (2011); Anchorage, Alaska, Code of Ordinances tit. 17, 21 (2011); Arlington, Tex., Ordinances Governing Animals §5.02 (2010); Atlanta, Ga., Code of Ordinances §18-7 (2011); Augusta-Richmond, Ga., Code of Ordinances tit. 4, art. 2 (2007); Aurora, Colo., Code of Ordinances §14-8 (2011); Austin, Tex., Code of Ordinances tit. III, ch. 3.1.1 (2011); Baltimore, Md., Health Code §10-312 (2011); Bakersfield, Cal., Mun. Code §6.08.10 (2011); Baton Rouge, La., Code of Ordinances §14:224 (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); Bos., Mass., Code of Ordinances §16-1.8A (2010); Buffalo, N.Y., City Code §341-11 (2009); Charlotte, N.C., Code of Ordinances §3-102 (2010); Chesapeake, Va., Code of Ordinances ch. 10 (2011); *id.* Zoning art. 3; Chi., ill., Code of Ordinances §17-12-300 (2011); Cincinnati, Ohio, Code of Ordinances ch. 701 (2011); Cleveland, Ohio, Codified Ordinances §205.04, 347.02 (2011); Colorado Springs, Colo., City Code §6.7.106(D) (2011); Columbus, Ohio, City Code tit. III, ch. 221 (2011); Corpus Christi, Tex., Code of Ordinances §§6-153, 6-154 (2011); Dallas, Tex., Code of Ordinances §7-1.1 (2011); Denver, Colo., Mun. Code §8-91 (2011); Des Moines, Iowa, Code of Ordinances §18-4 (2011); El Paso, Tex., Mun. Code §7.24.020 (2011); Fort Worth, Tex., Code of Ordinances §11A-22 (2011); Fremont, Cal., Mun. Code §3-5803 (2011); Fresno, Cal., Mun. Code §§10.201-10.205 (2011); Garland, Tex., Code of

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on keeping chickens through zoning, setbacks, and permitting requirements, only three of the top 100 cities have ordinances that clearly ban the keeping of chickens within city limits: Detroit, Aurora, and Yonkers.[171] Three others have unclear ordinances that city officials have interpreted as banning backyard chickens: Grand Rapids, Fort Wayne, and Lubbock.[172] An additional 10 cities, while allowing for chickens, restrict them to either very large lots or only to agriculturally zoned land.[173] Because such restrictions will exclude most people within the city from being able to keep hens, if such restrictions are interpreted to be a ban on chickens, then 84% of cities can be considered to allow for chickens.

Within that 84%, there is a wide range of how cities regulate chickens—ranging from no regulation[174] to a great deal of very specific ordinances governing where chickens can be located,[175] how coops must be built,[176] and how often chickens must be fed and coops must be cleaned.[177] Some of these cities also have restrictive setbacks or other regulations that will prohibit some residents from owning chickens—especially residents in multi-family dwellings or who live on small lots in a dense area of the city.[178] As described more fully below, there is no uniformity in the ways that cities regulate chickens; each city's ordinance is unique. Regulations are placed in different areas of a city's codified ordinances. Some regulations are spread throughout the code, making it difficult for a chicken owner to determine how to comply with the city's ordinances. Some cities regulate through zoning, others through animal regulations, and others through the health code.[179] Some cities simply define chickens as pets and provide no regulations at all.[180] Each of these methods of regulation will be explored in more detail below.

Although other surveys of urban chicken laws have been done, no basis was given for the choice of the cities sur-

Ordinances §22.14 (2011); Glendale, Ariz., Code of Ordinances pt. II, art. 5 (2010); Glendale, Cal., Mun. Code §6.04.130 (2011); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Hialeah, Fla., Code of Ordinances §§10.1, 10.2 (2011); Honolulu, Haw., Rev. Ordinances §7-2.5(d) (1990); Houston, Tex., Code of Ordinances ch. 6, art. II (2010); Indianapolis, Ind., Rev. Code tit. III, ch. 531 (2011); Irving, Tex., Code of Ordinances 6-1 (2011) (not regulating chickens at all); Jacksonville, Fla., Ordinance Code tit. XIII, ch. 462, tit. XVII, ch. 656 (2011); Jersey City, N.J., Code of Ordinances §90-6 (2011); Kansas City, Mont., Code of Ordinances §14-15 (2011); Las Vegas, Nev., Mun. Code §7.38.050 (2011); Lexington-Fayette, Ky., Code of Ordinances §4-10 (2011); Lincoln, Neb., Mun. Code §6.04.040 (2011); Long Beach, Cal., Mun. Code §6.20.020 (2011); L.A., Cal., Mun. Code §§12.01, 12.05-12.09 (2011); Louisville, Ky., Metro Code ch. 91 (2011); Madison, Wis., Code of Ordinances ch. 28 (no date listed); *id.* §7.29; *id.* §9.52; Memphis, Tenn., Code of Ordinances §8-8-1 (2009); Mesa, Ariz., City Code §8-6-21 (2011); Miami, Fla., Code of Ordinances §6-1(b) (2011); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011); Minneapolis, Minn., Code of Ordinances §70.10 (2011); Mobile, Ala., Code of Ordinances §7-102 (2011); Montgomery, Ala., Code of Ordinances ch. 4, art. I (2011); *id.* app. C, art. VII; Nashville-Davidson, Tenn., Mun. Code §§8-12-020, 17-16-330 (2011); New Orleans, La., Code of Ordinances pt. II, ch. 18, art. VI (2011); N.Y.C., Mun. Code §65-23 (1990); Newark, N.J., General Ordinances §6:2-30 (2010); Norfolk, Va., Code of Ordinances §§4-05, 6.1-7 (2011); Oakland, Cal., Code of Ordinances §6-04-320 (2011); Oklahoma City, Okla., Mun. Code tit. 8, 59 (2011); Omaha, Neb., Code of Ordinances §6-266 (2011); Phila., Pa., Code §10-112 (2011); Phoenix, Ariz., City Code §§8-7, 8-10 (2011); Pittsburgh, Pa., Code of Ordinances §§635.02, 911.04.A.2 (2011); Plano, Tex., Code of Ordinances §4-184 (2011); Portland, Or., City Code §13.05.015 (2011); Raleigh, N.C., Code of Ordinances §§12-3001, 12-3004 (2011); Richmond, Va., Code of Ordinances §10-88 (2011); Riverside, Cal., Code of Ordinances §6.04.20 (2011); *id.* tit. 17; Rochester, N.Y., City Ordinances §§30-12, 30-19 (no date listed); Sacremento, Cal., City Code §9-44-340 (2011); St. Louis, Mo., Code of Ordinances §10.20.015 (2010); St. Paul, Minn., §198.02 (2011); St. Petersburg, Fla., Code of Ordinances §4-31 (2011); San Antonio, Tex., Code of Ordinances §5-109 (2011); San Diego, Cal., Mun. Code §42.0709 (2011); San Francisco, Cal., Health Code §37 (2011); San Jose, Cal., Code of Ordinances tit. 7 (2007); Santa Ana, Cal., Code of Ordinances §5.6 (2011); Scottsdale, Ariz., Code of Ordinances §4-17 (2011); Seattle, Wash., Mun. Code §23.42.052 (2011); Shreveport, La., Code of Ordinances ch. 106 (2011); Spokane, Wash., Mun. Code §17C.310.010 (no date listed); Stockton, Cal., Mun. Code §§6.04.420, 16.80.060 (2011); Tacoma, Wash., Mun. Code §5.30.010 (2011); Tampa, Fla., Code of Ordinances §19.76 (2008); Tucson, Ariz., Code of Ordinances ch. 4, art. VI (2011); Toledo, Ohio, Mun. Code §§505.07(a)(4), 1705.07 (2011); Tulsa, Okla., Code of Ordinances §200(d)(e) (2011); Wash., D.C., Mun. Regulations for Animal Control §902.1 (no date listed); Wichita, Kan., Code of Ordinances §6.04.157 (2011).

171. Aurora, Colo., Code of Ordinances §14-8 (2011); Detroit, Mich., City Code §6-1-3 (2010); Yonkers, N.Y.C., Mun. Code §65-23 (1990).

172. Fort Wayne, Ind., Code of Ordinances §157.104 (2011) (banning livestock within the city, even though chickens are not listed in the definition of livestock, the animal control department says that the city interprets chicken as livestock); Grand Rapids, Mich., Code of Ordinances §8.582 (2010) ("No farm animal shall be kept or allowed to be kept within any dwelling or dwelling unit or within one hundred (100) feet of any dwelling, dwelling unit, well, spring, stream, drainage ditch or drain."); Lubbock, Tex., City Ordinance §4.07.001 (2011) (permitting chickens "in those areas appropriately permitted by the zoning ordinances of the city" when zoning ordinances are silent).

173. Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (restricting chickens to land zoned for agricultural use); Chesapeake, Va., Code of Ordinances ch. 10 (2011); *id.* Zoning art. 3 (restricting to low-density zones and restricting to properties of one acre or more); Hialeah, Fla., Code of Ordinances §§10.1, 10.2 (2011) (restricting chickens to land zoned for agricultural use); Jacksonville, Fla., Ordinance Code tit. XIII, ch. 462, tit. XVII, ch. 656 (2011) (restricting chickens to agricultural or low-density residential zones); Montgomery, Ala., Code of Ordinances ch. 4 art. I (2011); *id.* app. C, art. VII (restricting chickens to agricultural or low-density residential zones); Norfolk, Va., Code of Ordinances, app. A, art. II, §4-0.5 (2011) (restricting chickens to properties of five acres or more); Oklahoma City,Okla., Mun. Code tit. 8, 59 (2011) (restricting chickens to properties with one acre or more); Phila., Pa., Code of Ordinances §10-112 (2011) (restricting chickens to properties with three acres or more); Richmond, Va., Code of Ordinances §10-88 (2011) (restricting chickens to properties with one acre or more); Virginia Beach, Va., City Code §5-545, app. A (2011) (restricting chickens to land zoned for agricultural use).

174. *E.g.*, N.Y.C., Mun. Code §65-23 (1990) (only regulating chickens if they are kept for sale: "A person who holds a permit to keep for sale or sell live rabbits or poultry shall keep them in coops and runwasy and prevent them from being at large."); Chi., ill., Code of Ordinances §17-12-300 (2011) ("No person shall own keep, or otherwise possess, or slaughter any . . . poultry, rabbit, dog, cat, or any other animal intending to use such animal for food purposes.") Chicago's ordinance has been interpreted to allow keeping chickens for eggs. Kara Spak, *Raising Chickens Legal in Chicago, and People Are Crowing About It*, Chi. Sun Times, Aug. 13, 2011, http://www.suntimes.com/news/metro/6942644-418/city-of-chicken-coops.html; Irving, Tex., Code of Ordinances 6-1 (2011) (not regulating chickens).

175. *See infra* V.C.2

176. *See infra* V.C.5.c.

177. *See infra* V.C.5.b.

178. *See infra* V.C.4.

179. *See infra* V.B.

180. *See infra* V.A.

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veyed[181] and the survey sizes were far smaller.[182] By choosing the largest cities in the United States by population, this survey is meant to give a snapshot of what kind of laws govern the most densely populated urban areas. An understanding of how large cosmopolitan areas approach backyard chickens can help smaller cities determine the best way to fashion an ordinance.[183]

Several aspects of these ordinances will be examined. First, the area within the codified ordinances that the city chooses to regulate chickens will be discussed.[184] Next, regulations based on space requirements, zoning requirements, and setbacks will be examined.[185] After that, the different sorts of sanitation requirements that cities impose will be examined, including looking at how specific or general those requirements are.[186] Then, the coop construction requirements, including how much space a city requires per chicken, will be examined.[187] Next, cities' use of permits to regulate chickens will be evaluated.[188] The Article will then discuss anti-slaughter laws.[189] Finally, the prevalence of banning roosters will be discussed, while noting that quite a few cities do expressly allow roosters.[190] Examining each aspect of the ordinance piecemeal is designed to provide a thorough overview of ordinances regulating backyard chickens and classification of common concerns. Through this review, regulatory norms will be identified and especially effective, novel, or eccentric regulations will be noted.

Norms and effective regulations will be taken into account in constructing a model ordinance. The most thoughtful, effective, and popular regulations from each of these ordinances will be incorporated into these recommendations. Also, data discussed in the first part of this Article about chickens, chicken behavior, and chicken-keeping will inform the model ordinance.

But, before delving into each of these aspects of the ordinances, some more general impressions from this analysis will be discussed. These more general impressions will include identifying some themes in these regulations based on population size and region.

1. The More Populous the City, the More Likely It Is to Allow for Backyard Chickens

When reviewing the overall results of the survey concerning whether a city allows chickens or bans them, a pattern emerges based on population size. At least among the top 100 cities by population, the smaller the city, the greater the chance that the city will ban chickens. Of the top 10 cities by population, all of them allow for chickens in some way.[191] Of those top 10 cities, however, Philadelphia has fairly strict zoning restrictions that only allows chickens in lots of three acres or larger.[192] And, of the top 50 cities by population, only one city bans chickens outright: Detroit.[193]

But in the last 20 of the top 100 cities, four of them ban chickens: Yonkers, Grand Rapids, Fort Wayne, and Lubbock.[194] So, within that subset, only 80% of the cit-

181. *See* Orbach & Sjoberg, *Debating Backyard Chickens*; Sarah Schindler, *Of Backyard Chickens and Front Yard Garden: The Conflict Between Local Government and Locavores*, 87 Tul. L. Rev. (forthcoming Nov. 2, 2012); Patricia Salkin, *Feeding the Locavores, One Chicken at a Time: Regulating Backyard Chickens*, 34:3 Zoning & Plan. L. Rep. 1 (Mar. 2011); Kieran Miller, *Backyard Chicken Policy: Lessons From Vancouver, Seattle, and Niagara Falls*, QSPACE at Queens U. (2011), http://qspace.library.queensu.ca/handle/1974/6521; Katherine T. Labadie, *Residential Urban Keeping: An Examination of 25 Cities*, U.N.M. Research Paper (2008) http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CE0QFjAA&url=http%3A%2F%2F66.147.242.185%2F~urbanch5%2Fwp-content%2Fuploads%2F2012%2F02%2FOrdinance-research-paper.pdf&ei=f_T5T8jOLcrjqgGP5NGKCQ&usg=AFQjCNE-ArE_uYe4XcKDfhMrwSa4mOLfQw&sig2=UcWfdU1smpoifnqTiE_wvA; Jennifer Blecha, *Urban Life With Livestock: Performing Alternative Imaginaries Through Small Stock Urban Livestock Agriculture in the United States*, Proquest Information and Learning Company (2007). *See also Chicken L.O.R.E Project: Chicken Laws and Ordinances and Your Rights and Entitlements*, Backyard Chickens.com, http://www.backyardchickens.com/t/310268/chicken-lore-project-find-submit-local-chicken-laws-ordinances (last visited Feb. 20, 2012) (providing an extensive community-created database of municipal chicken laws).

182. *Poultry 2010, Reference of the Health and Management of Chicken Stocks in Urban Settings in Four U.S. Cities*, USDA, May 2011 (studying the urban chicken population in Denver, Los Angeles, Miami, and New York City).

183. Also, this survey is necessarily frozen in time for publicly accessible ordinances as of December of 2011. This is because at least two cities have already changed their ordinances to allow for more comprehensive and permissive livestock regulations—Pittsburgh and San Diego. Diana Nelson-Jones, *Pittsburgh Urban Chicken Coop Tour to Be Held on Sunday*, Pittsburgh Post-Gazette, June 9, 2011, http://www.post-gazette.com/pg/11160/1152234-34.stm (stating that Pittsburgh had amended its ordinances to allow for 3 chickens for every 2,000 square feet of property); Adrian Florino, *San Diego City Council Approves Backyard Chickens, Goats, and Bees*, KPBS, Feb. 1, 2012, http://www.kpbs.org/news/2012/feb/01/san-diego-city-council-approves-backyard-chickens-/. These ordinances, however, have not yet been codified within the cities code and, thus, are not yet publicly accessible. Although this Article intends to use the most recent ordinances, because of the size of the sample, and because of the scattered news coverage and the significant lag time in updating city codes, the author cannot be sure that other cities have not amended their ordinances. Thus, this study can do no more than provide a snapshot in time for these ordinances.

184. *Infra* V.B.

185. *Infra* V.C.1-4.

186. *Infra* V.C.5

187. *Infra* V.C.5

188. *Infra* V.C.6.

189. *Infra* V.C.7.

190. *Infra* V.C.8.

191. The top 10 cities by population from most populous to least populous: N.Y.C., Mun. Code §65-23 (1990); L.A., Cal., Mun. Code §§12.01, 12.05-12.09 (2011); Phila., Pa., Code §10-112 (2011); Chi., ill., Code of Ordinances §17-12-300 (2011); Phoenix, Ariz., City Code §8-7, 8-10 (2011); San Diego, Cal., Mun. Code §42.0709 (2011); Dallas, Tex., Code of Ordinances §7-1.1 (2011); San Antonio, Tex., Code of Ordinances §5-109 (2011); Houston, Tex., Code of Ordinances ch. 6, art. II (2010).

192. Phila., Pa., Code §10-112 (2011).

193. Detroit, Mich., City Code §6-1-3 (2010).

194. The last 20 of the top 100 cities from most populous to least populous: Glendale, Ariz., Code of Ordinances pt. II, art. 5 (2010); Akron, Ohio, Code of Ordinances §92-18 (2011); Garland, Tex., Code of Ordinances §22.14 (2011); Madison, Wis., Code of Ordinances ch. 28 (no date listed); *id.* §7.29; *id.* §9.52; Fort Wayne, Ind., Code of Ordinances §157.104 (2011); Fremont, Cal., Mun. Code §3-5803 (2011); Scottsdale, Ariz., Code of Ordinances §4-17 (2011); Montgomery, Ala., Code of Ordinances ch. 4 art. I (2011); *id.* app. C, art. VII; Shreveport, La., Code of Ordinances ch. 106 (2011); Lubbock, Tex., City Code §4.07.001 (2011); Chesapeake, Va., Code of Ordinances ch. 10 (2011); *id.* Zoning art. 3; Mobile, Ala., Code of Ordinances §7-102 (2011); Des Moines, Iowa, Code of Ordinances §18-4 (2011); Grand Rapids, Mich., Code of Ordinances §8.582 (2010); Richmond, Va., Code of Ordinances §10-88 (2011); Yonkers, N.Y., §65-23 (1990); Spokane, Wash., Mun. Code §17C.310.100 (no date listed); Augusta-

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ies allow for chickens. This may go against popular belief that chickens would be more prevalent in bucolic suburbs and less popular in densely populated cosmopolitan areas. Because this survey only includes large urban areas, the percentage of smaller cities, suburbs, and exurbs that allow for chickens is not known. But, based on this limited survey, it appears that more populous cities have largely accepted chickens, and the pursuit of more chicken-friendly legislation has moved to smaller cities and the suburbs.

2. Some Regional Observations

Although it is difficult to draw regional distinctions from a limited set of data, it does appear that the states in what is colloquially called the Rustbelt are more likely to ban chickens. In Michigan, both cities within the top 100, Detroit and Grand Rapids, ban chickens.[195] And in Pennsylvania, similarly, both of its most populated cities, for the most part, ban chickens.[196] Philadelphia only allows chickens on lots of three acres or more—far more than the average lot size in Philadelphia.[197] Pittsburgh, although it recently amended its ordinances,[198] used to allow chickens only on parcels of five acres or more.[199] In either event, in both cities, keeping chickens is limited to property sizes that are far larger than the average for an urban area.

Within the Rustbelt states, Ohio stands out for legalizing chickens. All five of its major cities currently allow for chickens: Akron, Cincinnati, Cleveland, Columbus, and Toledo.[200] Columbus and Akron have far more restrictive ordinances, however. Columbus requires a permit to keep chickens and allows its Health Commissioner discretion over granting and revoking that permit.[201] Akron requires chickens to be kept at least 100 feet from any dwelling, which will restrict owners of small parcels in densely populated areas from raising chickens.[202]

In 2009, Cleveland passed a comprehensive ordinance legalizing chickens and bees.[203] Cleveland allows for one chicken per 800 square feet, which would allow up to six chickens on a standard residential lot.[204] Cleveland also has minimal setbacks and detailed coop requirements.[205] And Cincinnati and Toledo have even more liberal ordinances, allowing for chickens as long as they do not create a nuisance.[206]

Virginia also stands out for restricting chickens. All four of Virginia's cities within the top 100 cities by population—Chesapeake, Norfolk, Richmond, and Virginia Beach—restrict chickens to large lots or to lands zoned agricultural.[207]

B. Where Regulations Concerning Chickens Are Placed Within a City's Codified Ordinances

The survey reveals that there is little consistency in where cities choose to locate chicken regulations within their codified ordinances. Most cities regulate chickens in sections devoted to animals, zoning, health, or nuisances. Each method of regulation will be examined for how often it is used and how effective it is.

Richmond, Ga., Code of Ordinances tit. 4, art. 2 (2007); Glendale, Cal., Mun. Code §6.04 (2011); Tacoma, Wash., Mun. Code §5.30.010 (2011); Irving, Tex., Code of Ordinances pt. II, ch. 6 (2011).

195. Detroit, Mich., City Code §6-1-3 (2010) (prohibits owning farm animals and defines chickens as farm animals); Grand Rapids, Mich., Code of Ordinances §8.582 (2010) (prohibiting farm animals within 100 ft. of any dwelling unit, well, spring, stream, drainage ditch, or drain. City officials have interpreted this to ban chickens.); *but see* Ann Arbor, Mich., Code of Ordinances tit. IX, ch. 107, §9:42 (allowing up to four chickens in single-family or two-family dwellings if a permit is secured and regulations are followed).

196. Phila. §10-112; Pittsburgh, Pa., Code of Ordinances §§635.02, 911.04.A.2 (2011).

197. Susan Wachter, *The Determinants of Neighborhood Transformations in Philadelphia Identification and Analysis: The New Kensington Pilot Study*, Spring 2005, The Wharton School, http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fkabaffiliates.org%2FuploadedFiles%2FKAB_Affiliates.org%2FWharton%2520Study%2520NK%2520final.pdf&ei=X40hT56_OOjCsQLogpyhCQ&usg=AFQjCNH-DYO3ImfVNsESWy6QZ9-79aW87A&sig2=C2IvyXmR7twhy4K5RZYk-A (last visited Jan. 26, 2012) (finding that the average lot size within the New Kensington area of Philadelphia was just over 1,000 square feet).

198. Diana Nelson-Jones, *Pittsburgh Urban Chicken Coop Tour to Be Held on Sunday*, Pittsburgh Post-Gazette, June 9, 2011, http://www.post-gazette.com/pg/11160/1152234-34.stm (stating that Pittsburgh had amended its ordinances to allow for three chickens for every 2,000 square feet of property).

199. Pittsburgh, Pa., Code of Ordinances §911.04(A)(2) (2011).

200. Akron, Ohio, Code of Ordinances §92-18 (2011); Cincinnati, Ohio, Code of Ordinances ch. 701 (2011); Cleveland, Ohio, Codified Ordinances §§205.04, 347.02 (2011); Columbus, Ohio, City Code tit. III, ch. 221 (2011); Toledo, Ohio, Mun. Code §§505.07(a)(4), 1705.07 (2011).

201. Columbus §221.05:

> The Health Commissioner may grant permission only after it is determined that the keeping of such animals: (1) creates no adverse environmental or health effects; (2) is in compliance with all other sections of this chapter; and (3) in the judgment of the Health Commissioner, after consultation with the staff of the Health Department and with the surrounding occupants of the place of keeping such animals, and considering the nature of the community (i.e., residential or commercial single or multiple dwellings, etc.), is reasonably inoffensive. The health commissioner may revoke such permission at any time for violation of this chapter or nay other just cause.

202. Akron §92-18.

203. Cleveland §§347.02 & 205.04.

204. *Id.*

205. *Id.*

206. Cincinnati §701-17; *id.* §00053-11 ("No live geese, hens, chickens, pigeons, ducks, hogs, goats, cows, mules, horses, dogs, cats, other fowl or any other domestic or non-domestic animals shall be kept in the city so as to create a nuisance, foul odors, or be a menace to the health of occupants or neighboring individuals."); Toledo §§1705.05 & 505.07 ("No person shall keep or harbor any animal or fowl in the City so as to create noxious or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.").

207. Chesapeake, Va., Code of Ordinances ch. 10 (2011); *id.* Zoning art. 3 (restricting to low-density zones and restricting to properties of one acre or more); Norfolk, Va., Code of Ordinances, app. A, art. II §4-0.5 (2011) (restricting chickens to properties of five acres or more); Richmond, Va., Code of Ordinances §10-88 (2011) (restricting chickens to properties with one acre or more); Virginia Beach, Va., City Code §5-545, app. A (2011) (restricting chickens to land zoned for agricultural use).

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1. Animal Control Regulations

Seventy-one of the cities regulate chickens under their animal control ordinances.[208] This makes sense, because chickens are animals and this is the natural place for would-be chicken owners to look to make sure that they won't get into legal trouble. Regulating chickens under animal control also leads to fairly easy-to-follow ordinances. Chickens are either allowed, or they are not. And, if there are further regulations concerning lot size, setbacks, or coop requirements, they are usually all in one place.

2. Zoning Regulations

Fourteen cities regulate chickens primarily under their zoning laws.[209] These cities are much more likely to substantially restrict raising hens.[210] It also makes it much more difficult for a resident to determine whether he can legally raise chickens. Such a resident must not only determine in what zone chickens may be raised, but he must also determine whether his property falls within that zone. These laws also tend to sow unnecessary confusion. For instance, Lubbock Texas' law on paper would seem to allow for hens, but the city has exploited its vagaries to ban backyard chickens. Lubbock creates a loop within its ordinances by providing within the animal section of its code that chickens are allowed if the zoning ordinance permits it,[211] and then providing in its zoning ordinance that chickens are allowed if the animal code permits it.[212] The Lubbock city clerk resolved the loop by stating that the city interprets these provisions to entirely ban chickens within the city.[213]

Finally, cities that regulate chickens primarily through zoning laws do so, presumptively, because they want to restrict raising chickens to certain zones. This, however, can cause unnecessary complications. Raising chickens is not only for residential backyards. Because of declining population and urban renewal projects in many cities, urban farms, market gardens, and community gardens are located in other zones, including business, commercial, and even industrial zones. Each time these farms or gardens would like to add a few chickens, they would have to petition the city for a zoning variance or seek a change in the law. This is not an efficient use of a city's limited resources.[214]

In addition, other regulations pertaining to chickens, such as setbacks, coop construction, or sanitary requirements, can get lost among the many building regulations within the zoning code. Zoning codes are generally written for an expert audience of businesses, builders, and developers, and not for the lay audience that would comprise

208. Akron, Ohio, Code of Ordinances §92-18 (2011); Anchorage, Alaska, Code of Ordinances tit. 17, 21 (2011); Augusta-Richmond, Ga., Code of Ordinances tit. 4, art. 2 (2007); Aurora, Colo., Code of Ordinances §14-8 (2011); Austin, Tex., Code of Ordinances tit. III, ch. 3.1.1 (2011); Atlanta, Ga., Code of Ordinances §18-7 (2011); Bakersfield, Cal., Mun. Code §6.08.10 (2011); Baltimore, Md., Health Code §10-312 (2011); Baton Rouge, La., Code of Ordinances §14:224 (2011); Charlotte, N.C., Code of Ordinances §3-102 (2010); Cincinnati, Ohio, Code of Ordinances ch. 701 (2011); Colorado Springs, Colo., City Code §6.7.106(D) (2011); Corpus Christi, Tex., Code of Ordinances §§6-153, 6-154 (2011); Dallas, Tex., Code of Ordinances §7-1.1 (2011); Denver, Colo., Mun. Code §8-91 (2011); Des Moines, Iowa, Code of Ordinances §18-4 (2011); Detroit, Mich., City Code §6-1-3 (2010); El Paso, Tex., Mun. Code §7.24.020 (2011); Fremont, Cal., Mun. Code §3-5803 (2011); Garland, Tex., Code of Ordinances §22.14 (2011); Glendale, Ariz., Code of Ordinances pt. II, art. 5 (2010); Glendale, Cal., Mun. Code §6.04 (2011); Grand Rapids, Mich., Code of Ordinances §8.582 (2010); Hialeah, Fla., Code of Ordinances §§10.1, 10.2 (2011); Honolulu, Haw., Rev. Ordinances §7-2.5(d) (1990); Houston, Tex., Code of Ordinances ch. 6, art. II (2010); Indianapolis, Ind., Rev. Code tit. III, ch. 531 (2011); Irving, Tex., Code of Ordinances 6-1 (2011); Jersey City, N.J., Code of Ordinances §90-6 (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011); Las Vegas, Nev., Mun. Code §7.38.050 (2011); Lexington-Fayette, Ky., Code of Ordinances §4-10 (2011); Lincoln, Neb., Mun. Code §6.04.040 (2011); Long Beach, Cal., Mun. Code §6.20.020 (2011); Louisville, Ky., Metro Code ch. 91 (2011); Memphis, Tenn., Code of Ordinances §8-8-1 (2009); Miami, Fla., Code of Ordinances §6-1(b) (2011); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011); Minneapolis, Minn., Code of Ordinances §70.10 (2011); Mobile, Ala., Code of Ordinances §7-102 (2011); Montgomery, Ala., Code of Ordinances ch. 4, art. I (2011); *id.* app. C, art. VII; Newark, N.J., Gen. Ordinances §6:2-29 (2010); New Orleans, La., Code of Ordinances pt. II, ch. 18, art. VI (2011); N.Y.C., Mun. Code §65-23 (1990); Norfolk, Va., Code of Ordinances §§4-05, 6.1-7 (2011); Oakland, Cal., Code of Ordinances §6-04-320 (2011); Oklahoma City, Okla., Mun. Code tit. 8, 59 (2011); Omaha, Neb., Code of Ordinances §6-266 (2011); Phila., Pa., Code §10-112 (2011); Phoenix, Ariz., City Code §§8-7, 8-10 (2011); Pittsburgh, Pa., Code of Ordinances §§635.02, 911.04.A.2 (2011); Plano, Tex., Code of Ordinances §4-184 (2011); Portland, Or., City Code §13.05.015 (2011); Raleigh, N.C., Code of Ordinances §§12-3001, 12-3004 (2011); Richmond, Va., Code of Ordinances §10-88 (2011); Rochester, N.Y., City Ordinances §30-12, 30-19 (no date listed); Sacremento, Cal., City Code §9-44-340 (2011); St. Louis, Mo., Code of Ordinances §10.20.015 (2010); St. Petersburg, Fla., Code of Ordinances §4-31 (2011); St. Paul, Minn., §198.02 (2011); San Antonio, Tex., Code of Ordinances §5-109 (2011); San Jose, Cal., Code of Ordinances tit. 7 (2007); Santa Ana, Cal., Code of Ordinances §5.6 (2011); Scottsdale, Ariz., Code of Ordinances §4-17 (2011); Stockton, Cal., Mun. Code §§6.04.420, 16.80.060 (2011); Toledo, Ohio, Mun. Code §505.07(a)(4); Tucson, Ariz., Code of Ordinances ch. 4, art. VI (2011); Tulsa, Okla., Code of Ordinances §200(d)(e) (2011); Virginia Beach, Va., City Code §5-545, app. A (2011); Wash., D.C., Mun. Regulations for Animal Control §902.1 (no date listed); Wichita, Kan., Code of Ordinances §6.04.157 (2011); Yonkers, N.Y., §65-23 (1990).

209. Anaheim, Cal., Mun. Code §18.38.030 (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); Chesapeake, Va., Code of Ordinances ch. 10 (2011); *id.* Zoning art. 3; Fresno, Cal., Mun. Code §§12-205.1-12-207.5 (2011); Glendale, Cal., Mun. Code §6.04 (2011); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Jacksonville, Fla., Ordinance Code tit. XIII, ch. 462, tit. XVII, ch. 656 (2011); L.A., Cal., Mun. Code §§12.01, 12.05-12.09 (2011); Lubbock, Tex., City Code §4.07.001 (2011); Madison, Wis., Code of Ordinances ch. 28 (no date listed); *id.* §7.29; Seattle, Wash., Mun. Code §23.42.052; Wash., Mun. Code of Ordinances §6.04.20 (2011); *id.* tit. 17; *id.* §9.52; Shreveport, La., Code of Ordinances ch. 106 (2011); Spokane, Wash., Mun. Code §17C.310.100.

210. Anaheim, Birmingham, Jacksonville, and Lubbock either ban hens altogether or restrict hens to certain zones. *See* Anaheim §18.38.030; Birmingham §2.4.1; Jacksonville tit. XVIII, ch. 462, tit. XVII, ch. 656; Lubbock §4.07.001.

211. Lubbock §4.07.001.

212. *Id.* §40.03.3103.

213. *See* Interview with Lubbock city clerk (on file with author).

214. *E.g.*, Schindler, *supra* note 181, 68-71 (arguing that the movement toward urban agriculture should cause cities to reconsider Euclidean zoning because such zoning no longer serves the needs of the cities and its residents).

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chicken owners.[215] If cities are concerned about raising chickens too near businesses or neighbors, other regulations like setbacks from the street and neighboring properties can ameliorate this concern without having to include the regulation in the zoning code.

Regulations placed within the animal code, as described above, are generally in one place and often within a single ordinance. This leads to a better understanding of the law for chicken owners and, thus, easier enforcement for city officials. Unless the zoning regulations have a subsection devoted specifically to animals, like the ones in Spokane[216] or Greensboro,[217] the most sensible place for regulating chickens is within the animal code.

3. Health Code

Another popular place within a municipality's code to regulate chickens is within the health code. Seven cities regulate chickens primarily within the health code.[218] Many of these, however, have a separate section concerning animals or animal-related businesses within the health code.[219] Again, unless the code has such a separate section concerning animals, the better place to regulate is within the animal code.

4. Other

Of the remaining cities, there is very little uniformity. Two, Boston and Columbus, regulate through permit sections within their codified ordinances.[220] Because these cities require permits to keep chickens and give a great deal of discretion to city officials to grant or deny permits on a case-by-case basis, locating a chicken regulation within the permit section of the codified ordinance makes sense for those cities. But, as argued later, allowing such discretion is neither a good use of city resources nor a fair and consistent way to regulate chickens.

The only other pattern within these ordinances is that two other cities—Buffalo and Tampa—regulate chickens under the property maintenance area of the code.[221] This is not an ideal place to locate such an ordinance, because potential chicken owners are unlikely to look for chicken regulations there.

Finally, one city—Arlington, Texas—places its chicken regulations in a section of the code entitled sale and breeding of animals.[222] Because backyard chicken owners generally do not raise their chickens for sale, and also likely do not consider themselves to be breeders, this area of the code is not well-suited to this regulation.

C. How Cities Regulate Chickens

1. Chickens Are Defined as Pets or Domestic Animals

Seven cities—Dallas, Indianapolis, Jacksonville, New Orleans, Plano, Raleigh, and Spokane—define chickens as domestic animals or pets, and thus subject them to the same enclosure and nuisance regulations as other domestic animals like cats and dogs.[223] These cities' ordinances appear to be long-standing and were not recently modified in response to the backyard chicken movement.[224] While many cities may want to more explicitly regulate chickens, this is a workable approach. General nuisance laws already regulate things like odor and noise.[225] While many regulations particular to chickens duplicate nuisance ordinances, it is unclear whether such duplication actually reduces nuisances. More precise requirements on sanitation, coop standards, setbacks, and permits may signal to chicken owners that the city is serious about regulating chickens, protecting neighbors, and protecting the health and well-being of chickens. But, as chickens regain prevalence in urban areas, cities that regulate chickens as pets or domestic animals may find that—through inertia—they have taken the most efficient approach, both in terms of preserving city resources and curbing potential nuisances.

2. Space Requirements

Of the 94 cities that allow for raising chickens, 31 of them impose restrictions based upon how big the property is, either explicitly through lot size requirements, or implicitly through zoning requirements.[226] Of those, 16 cities restrict

215. *See* Lea S. VanderVelde, *Local Knowledge, Legal Knowledge, and Zoning Law*, Iowa L. Rev., May 1990, at 1057 (describing zoning law as "arcane"). Also, the sheer number of law treatises for zoning laws demonstrates that zoning laws require expertise to navigate. *E.g.*, Patricia Salkin, American Law of Zoning (5th ed. 2012); Julian Conrad Juergensmeyer & Thomas E. Roberts, Land Use Planning and Development Regulation Law (2d ed. 2003); Edward H. Ziegler Jr., Rathkopf's the Law of Zoning and Planning (4th ed. 2012).

216. Spokane, Wash., Mun. Code tit. 17C Land Use Standards, ch. 17C.310 Animal Keeping (no date listed).

217. Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011).

218. Albuquerque, N.M., Code of Ordinances §9-2-4-3 (2011); Cleveland, Ohio, Codified Ordinances §§205.04, 347.02 (2011); Columbus, Ohio, City Code tit. III, ch. 221 (2011); Mesa, Ariz., City Code §8-6-21 (2011); San Diego, Cal., Mun. Code §42.0709 (2011); San Francisco, Cal., Health Code §37 (2011); Tacoma, Wash., Mun. Code §5.30.010 (2011).

219. *E.g.*, San Diego §42.0709; Cleveland §§204.04, 347.02; Tacoma §5.3.010.

220. Bos., Mass., Code of Ordinances §16-1.8A (2010); Columbus tit. III, ch, 221.

221. Buffalo, N.Y., City Code §341-11 (2009); Tampa, Fla., Code of Ordinances §19.76 (2008).

222. Arlington, Tex., Ordinances Governing Animals §5.02 (2010).

223. Dallas, Tex., Code of Ordinances §7-1.1 (2011); Indianapolis, Ind., Rev. Code tit. III, ch. 531.101 (2011); Jacksonville, Fla., Ordinance Code §656.1601 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Raleigh, N.C., Code of Ordinances §12-3001 (2011); Plano, Tex., Code of Ordinances §4-184 (2011); Spokane, Wash., Mun. Code §17C.310.100 (no date listed).

224. *Supra* note 223.

225. Every city surveyed had general nuisance provisions in its code regulating odor and noise.

226. Cities that impose lot size requirements: Anaheim, Cleveland, Fort Wayne, Fremont, Garland, Greensboro, Nashville, Norfolk, Oklahoma, Philadelphia, Phoenix, Pittsburgh, Richmond, Rochester, Stockton, and Tampa. Anaheim, Cal., Mun. Code §18.38.030 (2011); Cleveland, Ohio,

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based on lot size and 17 restrict based on zoning. This adds up to 33, rather than 31, because two cities restrict based on both lot size and zoning.[227] These restrictions range from draconian, practically banning chickens in most of the city by restricting chickens to extremely large lots,[228] to extremely liberal, allowing up to 30 chickens per 240 square feet—or 30 chickens in an area approximately the size of a large bedroom.[229] As discussed below, an additional 10 cities should be considered unfriendly to keeping hens because, while they do allow chickens under some circumstances, those circumstances are restricted to very large lots or agriculturally zoned land.[230]

a. Lot Size Requirements

Of the 15 cities that restrict based on lot size only, six of them restrict chickens to property that is one acre or more: Nashville, Norfolk, Oklahoma City, Philadelphia, Pittsburgh, and Richmond.[231] Nashville, Norfolk, and Pittsburgh appear to limit chickens to property of more than five acres, which in any urban area is a practical ban. Norfolk appears to allow for an exception to the five-acre minimum[232] by allowing a would-be chicken owner to procure a permit to keep hens,[233] but in practice, the city will not issue this permit to chicken hobbyists.[234] But, as discussed below, Nashville and Pittsburgh have interpreted their restrictive ordinances to allow for chickens on much smaller parcels of property.

In Nashville, the zoning code conflicts with the health code, and the health code apparently won out. The zoning ordinance limits "common domestic farm animals" to a lot size of five acres or more, but the ordinance does not define what qualifies as a common domestic farm animal.[235] Nashville's health code, by contrast, specifically allows for chickens, as long as they do not create a nuisance.[236] Nashville issued a memorandum in 2009 providing that the Board of Zoning Appeals held that the health code takes precedence over the zoning code.[237] In so holding, the Board allowed a property owner to keep her chickens, because their owner considered them to be pets and the chickens did not create a nuisance.[238]

In Pittsburgh, while agricultural uses were limited to property of five acres or more, like Nashville, the code did not specifically define whether raising chickens was considered an agricultural use.[239] Pittsburgh, thus, would allow chicken keepers to seek a variance for raising chickens on property of less than five acres.[240] Apparently, though it is not yet codified, Pittsburgh recently made it much easier to raise chickens, and also bees, by allowing up to three hens and two beehives on property of 2,000 square feet or more.[241]

So, both Nashville and Pittsburgh, while appearing to ban chickens, have become chicken-friendly.

The next most restrictive ordinance is in Philadelphia. Philadelphia restricts chickens to property of three acres or more. Philadelphia, however, apparently means it. In Philadelphia, the code specifically defines poultry as a farm animal,[242] and only allows farm animals on a parcel of property of three acres or more.[243]

Codified Ordinances §347.02 (2011); Fort Wayne, Ind., Code of Ordinances §157.104 (2011); Fremont, Cal., Mun. Code §3-5803 (2011); Garland, Tex., Code of Ordinances §22.14 (2011); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Nashville-Davidson, Tenn., Mun. Code §17-16-330 (2011); Norfolk, Va., Code of Ordinances §§4-05, 6.1-7 (2011); Oklahoma City, Okla., Mun. Code §59-9350(c) (2011); Phila., Pa., Code §10-112 (2011); Phoenix, Ariz., City Code §8-10 (2011); Pittsburgh, Pa., Code of Ordinances §§635.02, 911.04.A.2 (2011); Richmond, Va., Code of Ordinances §10-88 (2011); Rochester, N.Y., City Ordinances §§30-12, 30-19 (no date listed); Stockton, Cal., Mun. Code §16.80.060 (2011); Tampa, Fla., Code of Ordinances §19.76 (2008). Cities that impose zoning restrictions: Bakersfield, Birmingham, Chesapeake, Dallas, Fresno, Glendale, Arizona, Greensboro, Hialeah, Jacksonville, Los Angeles, Madison, Memphis, Montgomery, San Diego, Shreveport, Stockton, and Virginia Beach. Bakersfield, Cal., Mun. Code tit. 17 (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); Chesapeake, Va., Code of Ordinances Zoning art. 3 (2011); Dallas, Tex., Code of Ordinances §7-1.1 (2011); Fresno, Cal., Mun. Code ch. 12 (2011); Glendale, Ariz., Code of Ordinances §§5.132 & 5.212 (2011); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Hialeah, Fla., Code of Ordinances ch. 98 (2011); Jacksonville, Fla., Ordinance Code ch. 656 (2011); L.A., Cal., Mun. Code §§12.01, 12.05-12.09 (2011); Madison, Wis., Code of Ordinances ch. 28 (no date listed); Memphis, Tenn., Code of Ordinances tit. 16 (2009); Montgomery, Ala., Code of Ordinances, app. C, art. VII (2011); San Diego, Cal., Mun. Code §42.0709 (2011); Shreveport, La., Code of Ordinances ch. 106 (2011); Stockton, Cal., Mun. Code §§6.04.420, 16.80.060 (2011); Virginia Beach, Va., City Code §5-545, app. A (2011).

227. Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Stockton, Cal., Mun. Code §§6.04.420 & 16.80.060 (2011).
228. *E.g.*, Nashville-Davidson, Tenn., Mun. Code §§8-12-020, 17-16-330 (2011); Phila., Pa., Code §10-112 (2011).
229. *See* Rochester, N.Y., City Ordinances §§30-12, 30-19 (no date listed).
230. Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); Chesapeake, Va., Code of Ordinances ch. 10 (2011); Hialeah, Fla., Code of Ordinances §§10.1, 10.2 (2011); Jacksonville, Fla., Ordinance Code §656.331(2011); Montgomery, Ala., Code of Ordinances ch. 4, art. I (2011); *id.* app. C, art. VII; Norfolk, Va., Code of Ordinances, app. A, art. II §4-0.5 (2011); Oklahoma City, Okla., Mun. Code §59-9350 (2011); Phila., Pa., Code §10-112 (2011); Richmond, Va., Code of Ordinances §10-88 (2011); Virginia Beach, Va., City Code §5-545, app. A (2011).
231. Nashville-Davidson, Tenn., Mun. Code §17-16-330(b) (2011); Pittsburgh, Pa., Code of Ordinances §§635.02, 911.04.A.2 (2011); Phila., Pa., Code §10-112 (2011); Oklahoma City, Okla., Mun. Code §59-9350 (2011); Richmond, Va., Code of Ordinances §10-88 (2011).
232. Norfolk, Va., Code of Ordinances, Zoning Ordinance, app. A, §4-05 (2011) ("Except as otherwise noted, there shall be no raising or keeping of . . . poultry, fowl, . . . on less than five acres.").
233. Norfolk, Va., Code of Ordinances §6.1-7 (2011) (allowing for a person wishing to raise poultry to procure a permit issued by the department of public health).
234. Amelia Baker, *Backyard Chickens: Now You're Clucking*, AltDaily, June 2, 2010, http://www.altdaily.com/features/food/backyard-chickens-now-youre-clucking.html (providing that the city will only issue permits for sentinel chickens that the city has on surveillance to check for mosquito-borne diseases).
235. Nashville-Davidson §17.16.330(b).
236. *Id.* §8.12.020.
237. Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author).
238. *Id.*
239. Pittsburgh §911.04.
240. Diana Nelson Jones, *Ordinance Changes Bother Keepers of Bees and Chickens*, Pittsburgh Post Gazette, Feb. 8, 2010, http://www.post-gazette.com/pg/10039/1034293-53.stm.
241. Diana Nelson Jones, *Pittsburgh Urban Coop Tour to Be Held Sunday*, Pittsburgh Post Gazette, June 9, 2011, http://www.post-gazette.com/pg/11160/1152234-34.stm.
242. Phila. §10-100.
243. *Id.* §10-112.

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Oklahoma City and Richmond both require at least one acre. Oklahoma City restricts raising chickens to property that is at least one acre, but apparently if the property owner has one acre, there is no restriction on how many chickens can be kept on that acre.[244] Richmond requires 50,000 square feet, or slightly more square footage than the 43,560 square feet in an acre.[245]

After these, the lot sizes are far more lenient. Two cities, Garland and Stockton, require at least ½ acre.[246] Three cities, Fremont, Greensboro, and Phoenix, require between 6,000 and 10,000 square feet, or between a little less than 1/8 to a little less than 1/4 acre.[247] And four cities, Anaheim, Cleveland, Rochester, and Tampa, require between 240 to 1,800 square feet, or from not much larger than a shed to about the size of a modern master bedroom.[248] So, out of the 15 cities that restrict based on lot size, the majority of them allow most residents to raise backyard chickens.

b. Zoning Requirements

Seventeen cities restrict chickens to certain zones. Of these, three of the cities restrict chickens only to land zoned for agricultural use: Birmingham, Hialeah, and Virginia Beach.[249] Three more cities restrict chickens to agricultural or very low-density residential zones: Chesapeake, Jacksonville, and Montgomery.[250] Thus, six of the 17 cities confine chickens to so few zones that it excludes the possibility of raising chickens for most families.

The remaining eleven cities, however, while still restricting chickens to certain zones, allow chickens in many or most residential zones.[251] Dallas only applies zoning requirements if chickens are being raised for commercial purposes.[252] Memphis merely applies different building restrictions for coops depending on the zone.[253] And two cities employ zoning laws to augment the area where chickens are allowed: Cleveland and Stockton specifically allow raising chickens in industrially zoned areas.[254]

c. Multi-Family Units

Two cities, Minneapolis and Newark, specifically regulate multi-family dwellings such as apartments. Both of these cities require permits, but will not grant one to certain multi-family dwellings. Minneapolis will not grant a permit to someone who lives in a multi-family home with four or more dwelling units.[255] Newark will not grant one to anyone living in any multi-family home.[256]

d. Using Lot Size to Determine the Number of Chickens

Many other cities do not restrict chickens to certain lot sizes, but use lot size to determine how many chickens a property can have. There is no uniformity to these ordinances. Some ordinances set a maximum number of chickens for property of a certain size and under, and then allow for more chickens as the property size increases. For instance, Seattle allows up to eight chickens for lots under 10,000 square, and one more chicken for each additional 1,000 square feet.[257] Fremont has an intricate step system, with four chickens for at least 6,000 square feet, six for at least 8,000 square feet, 10 for at least 10,000, 20 for at least ½ acre, and 25 for more than one acre.[258] Riverside allows for up to four chickens on property between 7,200 and 40,000 square feet and up to 12 on property 40,000 square feet or more in residentially zoned areas.[259]

Some cities decide the number of chickens based on zoning. El Paso allows for up to six chickens on land not zoned agricultural.[260] Tulsa allows up to six adults and 14 chicks under eight weeks of age on land not zoned agricul-

244. Oklahoma City §59-8150 (definitions); *id.* §59-9350 (confining to one acre).
245. Richmond, Va., Code of Ordinances §10-88(b) (2011).
246. Garland, Tex., Code of Ordinances §22.14 (2011); Stockton, Cal., Mun. Code §16.80.060 (2011).
247. Fremont, Cal., Mun. Code §3-5803 (2011) (6,000 sq. ft.); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011) (7,000 sq. ft.); Phoenix, Ariz., City Code §8-7(b) (2011) (10,000 sq. ft.).
248. Anaheim, Cal., Mun. Code §18.38.030 (2011) (1,800 sq. ft); Cleveland, Ohio, Codified Ordinances §347.02 (2011) (800 sq. ft. for residential, and 400 for commercial); Rochester, N.Y., City Ordinances §30-12, 30-19 (no date listed) (240 sq. ft.); Tampa, Fla., Code of Ordinances §19.76 (2008) (1,000 sq. ft.).
249. Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); Hialeah, Fla., Code of Ordinances §§10.1 & 10.2 (2011); Virginia Beach, Va., City Code §5-545 app. A (2011).
250. Chesapeake, Va., Code of Ordinances ch. 10 (2011); *id.* Zoning art. 3; Jacksonville, Fla., Ordinance Code tit. XIII, ch. 462, tit. XVII, ch. 656 (2011); Montgomery, Ala., Code of Ordinances app. C, art. VII (2011).
251. Bakersfield, Cal., Mun. Code §§17.12.010-RS & 17.32.020 (2011) (permitting chickens in agriculture and residential suburban areas); Dallas, Tex., Code of Ordinances §7-1.1 (2011) (requiring chickens that are raised for commercial purposes to be on agriculturally zoned land, otherwise chickens are regulated as pets); Fresno, Cal., Mun. Code §§12-204.11-12-207.5 (2011) (providing different setbacks depending on zone); Glendale, Ariz., Code of Ordinances §§5.132 & 5.212 (2011) (restricting poultry to rural residential and suburban residential zones); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011) (allowing chickens as an accessory on single-family detached dwellings on R-3, E-5, R-7, RM-9, RM-12, and RM-18 districts); L.A., Cal., Mun. Code §§12.01, 12.05-12.09 (2011) (allowing chickens in agricultural and residential districts including districts zoned A1, A2, RA, RE, RS R1, and RMP); Madison, Wis., Code of Ordinances ch. 28 (no date listed); *id.* §7.29; *id.* §9.52 (allowing chickens in both residential and commercial districts); Memphis, Tenn., Code of Ordinances tit. 16, app. A (2009) (applying complex zoning requirements for outbuildings to chicken coops); San Diego, Cal., Mun. Code §42.0709 (2011) (using zoning to define different kinds of setbacks, but allowing chickens in most zones); Shreveport, La., Code of Ordinances ch. 106 (2011) (allowing poultry raising in residential and agricultural districts by right, and in most other zones through a special exception from the zoning board) Stockton, Cal., Mun. Code §§6.04.420, 16.80.060 (2011) (allowing chickens in residential and industrially zoned areas).
252. Dallas, Tex., Code of Ordinances §7-1.1 (2011).
253. Memphis, Tenn., Code of Ordinances tit. 16 (2009).
254. Cleveland, Ohio, Codified Ordinances §347.02 (2011); Stockton, Cal., Mun. Code §16.80.060 (2011).
255. Minneapolis, Minn., Code of Ordinances §70.10(c) (2011).
256. Newark, N.J., General Ordinances §6:2-33 (2010).
257. Seattle, Wash., Mun. Code §23.42.052(C) (2011).
258. Fremont, Cal., Mun. Code §3-5803 (2011).
259. Riverside, Cal., Code of Ordinances §17.24 (2011).
260. El Paso, Tex., Mun. Code §7.24.020(B) (2011).

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tural.[261] Neither city restricts the amount of chickens on agriculturally zoned land.[262]

Instead of using square footage or zoning, many cities divide by acre. These ordinances range between four to 12 chickens for property under ½ acre. For instance, Fort Worth allows for no more than 12 chickens on lots under ½ acre, no more than 20 on lots between ½ and one acre, and no more than 50 on lots of one acre or more.[263] Mesa City allows for 10 rodents or fowl on ½ acre or less, and an additional 10 for each ½ acre, but no longer limits the number of chickens after 2 ½ acres.[264] Louisville allows for five chickens on property of less than ½ acre, and no limit above that.[265] Arlington provides for four on less than ½ acre, 10 for lots between ½ and one acre, and 25 for lots over one acre.[266] And, Charlotte requires a permit and restricts chickens to 20 per acre.[267]

Des Moines' ordinance employs a similar step system but provides for a mix of other livestock. It allows for no more than 30 of any two species for property less than one acre. For property greater than one acre, one can have a total of 50 animals divided among up to six species.[268]

Lincoln, Nebraska, has one of the more unique chicken ordinances when it comes to limiting the number, in that it not only provides for a maximum number of chickens, but also a minimum. It also specifies the weight of the chickens. So, for property under one acre, with a permit, a person can have seven to 30 chickens under three pounds, three to 20 chickens between three and five pounds, and two to five chickens between five and 20 pounds.[269] It allows chicken owners to double the number for each additional acre. Lincoln's ordinance should be applauded for recognizing that chickens are flock animals and thus require, at least, a minimum of two. It should also be applauded for not penalizing an owner for keeping less than two and only making it unlawful to keep numbers greater than the maximum.[270] After all, if it penalized keeping less than a minimum number of chickens, Lincoln might be unique among cities for making it unlawful not to keep chickens.

More problematic are cities that do not allow owners to own a minimum number of four chickens. Several cities allow one chicken per a certain square footage area. Greensboro provides for one chicken for every 3,000 square feet, as long as the area is greater than 7,000 square feet.[271] Anaheim allows one chicken for each 1,800 square feet, but it does provide that if the calculation results in more than half an animal, the owner can round up to the next whole animal.[272] Tampa provides five per 5,000 square feet. And, Cleveland allows for one chicken for each 800 square feet if residential and each 400 square feet if commercial or industrial.[273] Cleveland, at least, has stated in its ordinance that these square feet requirements are meant to allow six chickens on an average-sized Cleveland lot. While many of these cities provide a small enough chicken to square foot ratio that the average single-family home should be able to accommodate four or more chickens, this method still leaves open the possibility that a chicken owner would be restricted to one or two chickens. An ordinance that allows only one chicken per a certain area does not take into account that chickens are flock animals that do not thrive when left alone.

3. Limit Number of Chickens

Many other cities limit the number of chickens any household can keep, no matter the size of the property. Thirty cities place a simple limit on the number of chickens.[274] Of those cities that simply limit the number of chickens, the average number they allow is 12, the median number is nine, and the most popular number is a tie between four and 25.[275] The lowest number is Garland and Honolulu with two.[276] Somewhat surprisingly, the highest number comes from Jersey City—with 50.[277] Jersey City collapses ducks and pigeons within the restriction of 50 fowl.[278] Jersey City also requires a permit to keep chickens.[279]

At least four cities set a maximum number of chickens that can be owned before it is necessary to procure a per-

261. Tulsa, Okla., Code of Ordinances §200(E) (2011).
262. El Paso, Tex., Mun. Code §7.24.020(B); Tulsa, Okla., Code of Ordinances §200(A).
263. Fort Worth, Tex., Code of Ordinances §11A-22(c), (d), (e) (2011).
264. Mesa, Ariz., City Code §8-6-21(A) (2011).
265. Louisville/Jefferson County Metro Code §91.011 Restraint (8) (2011).
266. Arlington, Tex., Ordinances Governing Animals §5.02 (2010).
267. Charlotte, N.C., Code of Ordinances §3-102(c)(1), (g) (2010).
268. Des Moines, Iowa, Code of Ordinances §18-4 (2011). Des Moines also allows up to two fowl to be kept as pets. *Id.* §18-136.
269. Lincoln, Neb., Mun. Code tbl. 6.04.040 (2011).
270. *Id.* §6.04.040(b)(1).
271. Greensboro, N.C., Code of Ordinances §30-8-11.3(B) (2011).
272. Anaheim, Cal., Mun. Code §18.38.030.050 (2011).
273. Cleveland, Ohio, Codified Ordinances §347.02(b)(2) (2011).
274. From lowest to highest: Honolulu, Haw., Rev. Ordinances §7-2.5(d) (1990) (two); Garland, Tex., Code of Ordinances §22.14 (2011) (two); Portland, Or., City Code §13.05.015(b) & (e) (2011) (three); Sacramento, Cal., City Code §9.44.860(A)(1) (2011) (three); Wichita, Kan., Code of Ordinances §6.04.157 (2011) (three); San Francisco, Cal., Health Code §37 (2011) (four); Milwaukee, Wis., Code of Ordinances §78-6.5(3) (2011) (four); St. Louis, Mo., Code of Ordinances §10.20.015 (2010) (four); Santa Ana, Cal., Code of Ordinances §5.6 (2011) (four); Madison, Wis., Code of Ordinances ch. 28 (no date listed); *id.* §7.29; *id.* §9.52 (four); Buffalo, N.Y., City Code §341-11 (2009) (five); San Jose, Cal., Code of Ordinances §7.60.815 (2007) (six); El Paso, Tex., Mun. Code §7.24.020 (2011) (six); Corpus Christi, Tex., Code of Ordinances §6-154 (2011) (six); Houston, Tex., Code of Ordinances ch. 6, art. II (2010) (seven); Austin, Tex., Code of Ordinances tit. III, ch. 3.1.1 (2011) (nine); Colorado Springs, Colo., City Code §6.7.106(D) (2011) (10); Plano, Tex., Code of Ordinances §4-184 (2011) (10); Glendale, Cal., Mun. Code §6.04.130 (2011) (12); Albuquerque, N.M., Code of Ordinances §9-2-4-3 (2011) (15); Kansas City, Mo., Code of Ordinances §14-15(f) (2011) (15); Miami, Fla., Code of Ordinances §6-1(b) (2011) (15); Long Beach, Cal., Mun. Code §6.20.020 (2011) (20); Tucson, Ariz., Code of Ordinances §4-56 (2011) (24); Fremont, Cal., Mun. Code §3-5803 (2011) (25); San Diego, Cal., Mun. Code §42.0708 (2011) (25); Bos., Mass., Code of Ordinances §16-1.8A (2010) (25); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (25); Mobile, Ala., Code of Ordinances §7-103 (2011) (25); Jersey City, N.J., Code of Ordinances §90-6 (2011) (50).
275. *Supra* note 274 and accompanying text.
276. Garland, Tex., Code of Ordinances §22.14 (2011) (two); Honolulu, Haw., Rev. Ordinances §7-2.5(d) (1990) (two).
277. Jersey City, N.J., Code of Ordinances §90-6 (2011).
278. *Id.*
279. *Id.*

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mit.[280] Wichita allows three chickens, Santa Ana allows four, and San Jose and El Paso both allow up to six.[281] This appears to be the most workable system, because it takes into account that there are different levels of chicken-keeping in an urban agriculture context. It provides a bright-line rule for people who want small backyard flocks, while still allowing owners of market gardens, urban farms, or chicken cooperatives the opportunity to expand their operations without seeking to change the ordinance. It also conserves city resources by not forcing every would-be chicken owner to procure a permit. Finally, because there is no permit, it saves the city from any obligations to monitor the backyard operation. If any problem arises with a small backyard flock, the city can rely on its nuisance laws, or other setback or coop requirements within the statute to resolve the problem.

Some cities always require a permit, but set a relatively high number of chickens allowed. As noted earlier, with a permit, Jersey City allows up to 50,[282] and Boston and Mobile allow up to 25.[283] According to several Bostonians who want chickens, however, Boston does not easily grant this permit.[284] Miami allows up to 15 hens with a permit.[285]

Some cities take a belt-and-suspenders approach and require both a permit and restrict hens to a small number. With a permit, Milwaukee only allows four,[286] and Sacramento, three.[287]

Several other cities, perhaps understanding that the hens may occasionally be used to produce more chickens, allow considerably more chicks than full-grown chickens. Both Miami and Kansas City allow only 15 grown hens, but Miami allows 30 chicks,[288] and Kansas City allows 50.[289] Tulsa allows seven adults and 14 chicks.[290] Colorado Springs allows 10 hens and an unlimited number of chicks.[291] And Garland, even though it allows only two hens, does not limit the number of chicks less than one-month old.[292]

And for pure eccentricity, Houston has the most interesting restriction on the number of chickens. Houston allows up to seven hens if a person can present a written certification from a licensed physician that the person needs "fresh unfertilized chicken eggs for serious reasons pertaining to said person's health."[293] This ordinance was passed in 2010,[294] presumably because Houstonites were able to show that fresh eggs help alleviate certain medical ailments.

4. Setbacks

Setbacks are, by far, the most popular way to regulate chickens. Sixty-three cities have some sort of setback requirement in their ordinances. The most popular setback is a setback from a neighboring dwelling: 56 cities require that chickens and chickens coops be kept a certain distance from other residences.[295] The next most popular is a setback

280. Wichita, Kan., Code of Ordinances §6.04.157(a) (2011); Santa Ana, Cal., Code of Ordinances §5.6 (2011); San Jose, Cal., Code of Ordinances tit. 7 (2007); El Paso, Tex., Mun. Code §7.24.020 (2011).
281. *See supra* note 280.
282. Jersey City, N.J., Code of Ordinances §90-7 (2011).
283. Bos., Mass., Code of Ordinances §16-1.8A, Zoning art. 8 No. 75 (2010); Mobile, Ala., Code of Ordinances §7-103 (2011).
284. *See, e.g.*, Legalize Chickens in Boston, http://legalizechickensinboston.org/ (last visited July 5, 2012) (stating that the city of Boston denies chicken permits and seeking a more reasonable legislative solution to regulate chickens in Boston).
285. Miami, Fla., Code of Ordinances §6-1(b) (2011).
286. Milwaukee, Wis., Code of Ordinances §78-6.5 (2011).
287. Sacramento, Cal., City Code §9.44.860(a)(1) (2011).
288. Miami, Fla., Code of Ordinances §6-1(b) (2011).
289. Kansas City, Mo., Code of Ordinances §14-15(f) (2011).
290. Tulsa, Okla., Code of Ordinances §200(d), (e) (2011).
291. Colorado Springs, Colo., City Code §6.7.106(D) (2011).
292. Garland, Tex., Code of Ordinances §22.14 (2011).
293. Houston, Tex., Code of Ordinances §6-38 (2010).
294. *Id.*
295. Akron, Ohio, Code of Ordinances §92-18 (2011) (100 ft.); Anaheim, Cal., Mun. Code §18.38.030.0202 (2011) (50 ft.); Anchorage, Alaska, Code of Ordinances §§21.40.060 & 21.40.080 (2011) (25-100 ft); Arlington, Tex., Ordinances Governing Animals §5.02 (2010) (50 ft.); Atlanta, Ga., Code of Ordinances §18-7 (2011) (50 ft.); Austin, Tex., Code of Ordinances §3.2.16 (2011) (50 ft.); Bakersfield, Cal., Mun. Code §17.12.010 R-S (2011) (50 ft.); Baton Rouge, La., Code of Ordinances §14-224 (c)(1)(b) (2011) (50 ft.); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (300 ft. from residence or 100 ft. from any residential structure); Bos., Mass., Code of Ordinances §16-1.8A, Zoning, art. 8, No. 75 (2010) (100 ft.); Buffalo, N.Y., City Code §341-11.3 (2009) (20 ft. from door or window); Corpus Christi, Tex., Code of Ordinances §6-154 (2011) (100 ft. if not enclosed); Des Moines, Iowa, Code of Ordinances §18-4 (2011) (25 ft.); El Paso, Tex., Mun. Code §7.24.030 (2011) (30 ft.); Fort Worth, Tex., Code of Ordinances §11A-22(b) & (f) (2011) (50 ft.); Fresno, Cal., Mun. Code §12.207.5 (2011) (40 ft.); Garland, Tex., Code of Ordinances §22.14 (2011) (30 ft.); Glendale, Cal., Mun. Code §6.04.030 (2011) (50 ft. from dwelling or 100 ft. from school or hospital); Glendale, Ariz., Code of Ordinances pt. II, art. 5 (2010) (100 ft.); Grand Rapids, Mich., Code of Ordinances §8.582 (2010) (100 ft. from any dwelling unit, well, spring, stream, drainage ditch, or drain); Greensboro, N.C., Code of Ordinances §30-8-11.3(B) (2011) (50 ft.); Hialeah, Fla., Code of Ordinances §10.4 (2011) (100 ft.); Honolulu, Haw., Rev. Ordinances §7-2.5(d) (1990) (300 ft.); Houston, Tex., Code of Ordinances §6-31 (2010) (100 ft.); Jersey City, N.J., Code of Ordinances §90-6 (2011) (25 ft.); Kansas City, Mo., Code of Ordinances §14-15 (2011) (100 ft.); Lincoln, Neb., Mun. Code §6.04.040 (2011) (50 ft.); Long Beach, Cal., Mun. Code §6.20.030 (2011) (50 ft.); L.A., Cal., Mun. Code §§53.58 & 53.59 (2011) (Department of Animal Services promulgated regulations that require chicken coops to be 35 ft. from neighbor's dwelling and 20 ft. from owner's dwelling); Madison, Wis., Code of Ordinances ch. 28 (no date listed) (25 ft.); Mesa, Ariz., City Code §8-6-21(g) & (h) (2011) (40 ft.); Miami, Fla., Code of Ordinances §6-1(b) (2011) (100 ft.); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(g)-(j) (2011) (25 ft.); Mobile, Ala., Code of Ordinances §§7-88 & 7-103 (2011) (150 ft. if not grandfathered in); Nashville-Davidson, Tenn., Mun. Code §17-16-330(B) (2011) (250 ft.); N.Y.C., Mun. Code §161.09 (1990) (25 ft.); Newark, N.J., General Ordinances §6:2-35 (2010) (20 ft.); Oakland, Cal., Code of Ordinances §6-04-320 (2011) (20 ft.); Oklahoma City, Okla., Mun. Code 59-9350 (2011) (200 ft.); Phoenix, Ariz., City Code §8-7 (2011) (80 ft.); Richmond, Va., Code of Ordinances §10-88 (2011) (500 ft.); Riverside, Cal., Code of Ordinances §6.04.20 (2011); *id.* tit. 17 (50 ft.); Rochester, N.Y., City Ordinances §30-19(H) (no date listed) (25 ft.); Sacramento, Cal., City Code §9.44.860 (2011) (20 ft.); San Antonio, Tex., Code of Ordinances §5-109(c) (2011) (100 ft. or 50 ft. with permit); San Diego, Cal., Mun. Code §42.0709 (2011) (50 ft.); San Francisco, Cal., Health Code §37(b) (2011) (20 ft. from door or window); San Jose, Cal., Code of Ordinances §7.60.815 (2007) (20 ft. but more if have more chickens); Santa Ana, Cal., Code of Ordinances §5-18 (2011) (100 ft.); Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011) (10 ft.); St. Petersburg, Fla., Code of Ordinances §4-31 (2011) (100 ft. unless have permission from neighbors); Stockton, Cal., Mun. Code §§6.04.420, 16.80.060 (2011) (50 ft.); Tacoma, Wash., Mun. Code §5.30.010 (2011) (50 ft. unless have permission from neighbors); Tampa, Fla., Code of Ordinances §19.76 (2008) (200 ft.); Tucson, Ariz., Code

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from the property line: 20 cities require chickens to be kept away from the neighbor's property, even if the neighbor's actual house is much further away.[296] Three cities require a setback from the street.[297] Six cities ban chickens from the front yard.[298] This adds up to more than 63, because several cities employ more than one kind of setback. Finally, several cities have unique setback requirements that will be discussed later.

a. Setbacks From Neighboring Buildings

Of the 56 cities that require that chickens be kept a certain distance away from neighboring residences,[299] the setbacks range from 10[300] to 500 feet.[301] The average of all of the setbacks is 80 feet,[302] although only one city, Phoenix, actually has a setback of 80 feet.[303] The median and the mode are both 50 feet.[304] The average is higher than both the median and the mode, because several cities that also require large lots, or agriculturally zoned land, also have very large setbacks.[305] The mode, the most common setback, comprises 17 cities.[306] After that, the most popular setbacks are the following:

- Fifteen cities have setbacks of less than 30 feet, with two at 30 feet,[307] seven at 25 feet,[308] six at 20 feet,[309] and one at 10 feet.[310]
- Thirteen cities have setbacks of 100 feet.[311] Of those, three of them allow for smaller setback under certain conditions: St. Petersburg will allow for a smaller setback if the owner seeks permission from neighboring property owners; San Antonio will allow for a smaller setback with a permit; and Corpus Christi will allow for a smaller setback if the coop is enclosed.[312]
- Seven cities have setbacks of more than 100 feet.[313] Of those, Mobile, Alabama, has a 150-foot setback, but allows chicken coops that were built before the ordinance passed to be grandfathered in.[314] Oklahoma City has a 200-foot setback and, puzzlingly, will waive these setbacks from horses, mules, donkeys, and pigs, but not for chickens.[315] Oklahoma City also has an additional 400-foot setback for roosters.[316]

Several cities will shrink their setbacks under certain conditions. In what appears to be a thoughtful approach to requiring a neighbor's consent, four cities provide a standard setback, but provide relief from the setback if the owner gets permission from his neighbors to keep chickens.[317] And one city, San Antonio, as mentioned

of Ordinances §4-57 (2011) (50 ft.); Wash., D.C., Mun. Regulations for Animal Control §902.7(a) & (b) (no date listed) (50 ft.).

296. Anaheim, Cal., Mun. Code §18.38.030.0202 (2011) (20 ft. from property line); Baton Rouge, La., Code of Ordinances §14-224(c)(1)(b) (2011) (10 ft. from property line); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (100 ft. from property line); Buffalo, N.Y., City Code §341-11.3 (2009) (18 inches from rear lot); Charlotte, N.C., Code of Ordinances §3-102(c) (2010) (25 ft. from property line); Chesapeake, Va., Code of Ordinances ch. 10 (2011) (20 ft. from property line); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(B) (2011) (5 ft. from side yard and 18 inches from rear yard); Fresno, Cal., Mun. Code §12-206.1 (2011) (100 ft. from property line); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011) (25 ft. from property line); Jacksonville, Fla., Ordinance Code §656.401 (2011) (50 ft. from property line); Kansas City, Mo., Code of Ordinances §14-15(f) (2011) (25 ft. from property line); Montgomery, Ala., Code of Ordinances ch. 4 art. I (2011); *id.* app. C, art. VII (200 ft. from property line); Plano, Tex., Code of Ordinances §3-204 (2011) (5 ft. from property line); Portland, Or., City Code §13.05.015(b) & (e) (2011) (50 ft. from residence or business where food is prepared); Riverside, Cal., Code of Ordinances §6.04.20 (2011) (20 ft. from property line); Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011) (10 ft. from property line); Tampa, Fla., Code of Ordinances §19.76 (2008) (200 ft. from property line); Tulsa, Okla., Code of Ordinances §200(d) & (e) (2011) (50 ft., but 100 ft. if zoned agricultural); Wash., D.C., Mun. Regulations for Animal Control §902.7(a) & (b) (no date listed) (250 ft. unless have neighbor's consent).

297. Bakersfield, Cal., Mun. Code §17.12.010-RS (2011) (100 ft.); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (300 ft.); Bos., Mass., Code of Ordinances §16-1.8A, Zoning, art. 8, No. 75 (2010) (100 ft.).

298. Buffalo, N.Y., City Code §341-11.3 (2009); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(B) (2011); Des Moines, Iowa, Code of Ordinances §18-4 (2011); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(g)-(j) (2011); Phoenix, Ariz., City Code §8-7 (2011); Sacramento, Cal., City Code §9.44.860 (2011).

299. *See supra* note 295.

300. Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011).

301. Richmond, Va., Code of Ordinances §10-88 (2011). Since Richmond also requires an acre of land to even own chickens, this setback doesn't exclude any additional would-be chicken owners.

302. *See supra* note 295.

303. Phoenix, Ariz., City Code §8-10 (2011) (80 ft. unless have permission from neighbor).

304. *See supra* note 295.

305. Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (300 ft.); Honolulu, Haw., Rev. Ordinances §7-2.5(d) (1990) (300 ft.); and Richmond, Va., Code of Ordinances §10-88 (2011) (500 ft.).

306. Anaheim; Arlington; Austin; Bakersfield; Baton Rouge; Fort Worth; Glendale, California; Greensboro; Lincoln; Long Beach (but 20 if just had one chicken); Portland; Riverside; San Diego; Stockton; Tacoma; Tucson; Washington.

307. El Paso, Tex., Mun. Code §7.24.030 (2011) (30 ft., but only 20 ft. if separated by a fence that is at least six ft.); Garland, Tex., Code of Ordinances §22.14(A) (2011).

308. Anchorage, Alaska, Code of Ordinances §§21.40.060 & 21.40.080 (2011); Des Moines, Iowa, Code of Ordinances §18-4(h)(1) (2011); Jersey City, N.J., Code of Ordinances §90-6 (2011); Madison, Wis., Code of Ordinances ch. 28 (no date listed); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011); N.Y.C., Mun. Code §161.09 (1990) (for poultry market coops only—poultry not intended for sale is not regulated); Rochester, N.Y., City Ordinances §30-19(H) (no date listed).

309. Buffalo, N.Y., City Code §341-11.3 (2009); Newark, N.J., General Ordinances §6:2-35 (2010); Oakland, Cal., Code of Ordinances §6-04-320 (2011); Sacramento, Cal., City Code §9.44.860 (2011); San Francisco, Cal., Health Code §37 (2011); San Jose, Cal., Code of Ordinances §7.60.815 (2007) (applying setback to all small animals, not just chickens).

310. Seattle, Wash., Mun. Code §23.42.052(C) (2011).

311. Akron, Atlanta, Boston, Corpus Christi, Glendale, Grand Rapids, Hialeah, Houston, Kansas City, Miami, San Antonio, Santa Ana, St. Petersburg.

312. St. Petersburg, Fla., Code of Ordinances §4-31 (2011) (100 ft. unless have permission from neighbors); San Antonio, Tex., Code of Ordinances §5-109(c) (2011) (100 ft. or 50 ft. with permit); Corpus Christi, Tex., Code of Ordinances §6-154 (2011) (100 ft. if not enclosed).

313. Mobile, Oklahoma, Tampa, Nashville, Birmingham, Honolulu, Richmond.

314. Mobile, Ala., Code of Ordinances §7-88(d) (2011) (150 ft. if not grandfathered in), *but see id.* §7-103(d) (allowing for 20 ft. from the property line in a residential area).

315. Oklahoma City, Okla., Mun. Code §59-9350(F) & (I) (2011).

316. *Id.* §59-9350(H).

317. Las Vegas, Nev., Mun. Code §7.38.050 (2011) (300 ft. without permission); Phoenix, Ariz., City Code §8-10 (2011) (80 ft. without permission); St. Petersburg, Fla., Code of Ordinances §4-31(d) (2011) (100 ft. without permission); Tacoma, Wash., Mun. Code §§5.30.010 & 5.30.030 (2011) (50 ft. without permission).

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above, will shrink its 100-foot setback to 50 feet if a permit is secured.[318]

Two cities do not frame the setback as from a neighboring residence or building, but more specifically to a door or a window of the building. Both Buffalo and San Francisco have a 20-foot setback from any door or window of a building.[319]

Several cities define the setback more broadly than a neighboring dwelling, and include schools, hospitals, and other businesses within the setback.[320] Grand Rapids, Michigan, however, goes further; it has a 100-foot setback from any "dwelling unit, well, spring, stream, drainage ditch or drain."[321] This, in effect, bans all chickens within the city.

b. Setbacks From Property Line

Twenty cities mandate setbacks from the property line;[322] those setbacks range from 18 inches[323] to 250 feet.[324] The average setback is 59 feet, but no city actually has such a setback. The closest are Jacksonville and Tulsa, which both have a setback of 50 feet.[325] Again, a few cities with very large setbacks are raising the average.[326] The median setback is 25 feet.[327] And the mode, or most popular, setback is tied at either 20[328] or 25 feet.[329]

Washington, D.C., which has the largest setback at 250 feet, allows relief from this setback if the owner has his neighbor's consent to keep chickens.[330]

c. Setbacks From the Street

Three cities require chickens to be kept away from the street: Bakersfield, Birmingham, and Boston.[331] All of these setbacks are relatively large, ranging from 100 to 300 feet. Presumably, this is to stop chickens from being kept in the front yard or on a corner lot from a vantage point where passersby can easily see the coop. Bakersfield, provides a specific setback for corner lots, requiring that chicken coops be kept at least 10 feet away from the street side of a corner lot.[332] Another way that cities do this, perhaps more effectively, is by simply barring chickens from front yards, as six cities do.[333]

d. Other Kinds of Setbacks

While many ordinances exclude the owner's house from the definition of a dwelling,[334] two cities provide a separate setback requirement for an owner's own dwelling. Atlanta requires chickens to be kept at least five feet away from an owner's own house,[335] and Los Angeles requires that the chickens be kept at least 20 feet away from the owner's house.[336]

Three cities do not provide for explicit setbacks, but leave each setback up to some city official's discretion. In Wichita, the chief of police can examine the property and determine the setback.[337] In St. Paul, it is up to the Health Inspector's discretion.[338] And, in Fremont, it is the Animal Services Supervisor who has discretion.[339]

318. San Antonio, Tex., Code of Ordinances §5-109 (2011).
319. Buffalo, N.Y., City Code §341-11 (2009); San Francisco, Cal., Health Code §37 (2011).
320. *E.g.*, Fort Worth, Tex., Code of Ordinances §11A-22 (2011); Glendale, Cal., Mun. Code §6.04.130 (2011).
321. Grand Rapids, Mich., Code of Ordinances §8.582(2) (2010).
322. Anaheim, Cal., Mun. Code §18.38.030.0202 (2011) (20 ft. from property line); Baton Rouge, La., Code of Ordinances §14-224(c)(1)(b) (2011) (10 ft. from property line); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007) (100 ft. from property line); Buffalo, N.Y., City Code §341-11.3 (2009) (18 inches from rear lot); Charlotte, N.C., Code of Ordinances §3-102(c) (2010) (25 ft. from property line); Chesapeake, Va., Code of Ordinances ch. 10 (2011) (20 ft. from property line); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(B) (2011) (5 ft. from side yard and 18 inches from rear yard); Fresno, Cal., Mun. Code §12-206.1 (2011) (100 ft. from property line); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011) (25 ft. from property line); Jacksonville, Fla., Ordinance Code §656.401 (2011) (50 ft. from property line); Kansas City, Mo., Code of Ordinances §14-15(f) (2011) (25 ft. from property line); Montgomery, Ala., Code of Ordinances ch. 4 art. I (2011); *id.* at app. C, art. VII (200 ft. from property line); Plano, Tex., Code of Ordinances §3-204 (2011) (5 ft. from property line); Portland, Or., City Code §13.05.015(b) & (e) (2011) (50 ft. from residence or business where food is prepared); Riverside, Cal., Code of Ordinances §6.04.20 (2011) (20 ft. from property line); Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011) (10 ft. from property line); Tampa, Fla., Code of Ordinances §19.76 (2008) (200 ft. from property line); Tulsa, Okla., Code of Ordinances §200(d) & (e) (2011) (50 ft., but 100 ft. if zoned agricultural); Wash., D.C., Mun. Regulations for Animal Control §902.7(a) & (b) (no date listed) (250 ft. unless have neighbor's consent).
323. Cleveland, Ohio, Codified Ordinances §347.02 (2011); Buffalo, N.Y., City Code §341-11.3 (2009).
324. Wash., D.C., Mun. Regulations for Animal Control §902.7 (no date listed) (250 ft. setback without consent of neighbors).
325. Jacksonville, Fla., Ordinance Code §656.401 (2011) (50 ft. from property line); Tulsa, Okla., Code of Ordinances §200(d), (e) (2011).
326. Tulsa, Okla., Code of Ordinances §200(d), (e) (2011) (200 ft.); Tampa, Fla., Code of Ordinances §19.76 (2008) (200 ft.); Wash., D.C., Mun. Regulations for Animal Control §902.7(a) & (b) (no date listed) (250 ft.).
327. Charlotte, N.C., Code of Ordinances §3-102(c)(1), (f) (2010); Greensboro, N.C., Code of Ordinances §30-8-11.3 (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011).
328. Anaheim, Cal., Mun. Code §18.38.030.0202 (2011); Chesapeake, Va., Code of Ordinances ch. 10 (2011); Riverside, Cal., Code of Ordinances §6.04.20 & tit. 17(2011).
329. *See supra* note 327.
330. Wash., D.C., Mun. Regulations for Animal Control §902.7(b) (no date listed).
331. Bos., Mass., Code of Ordinances §16-1.8A, Zoning, art. 8, No. 75 (2010); Bakersfield, Cal., Mun. Code §17.12.010-RS (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007).
332. Bakersfield, Cal., Mun. Code §17.12.010-RS (2011).
333. Buffalo, N.Y., City Code §341-11.3 (2009); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(B) (2011); Des Moines, Iowa, Code of Ordinances §18-4 (2011); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(i) (2011); Phoenix, Ariz., City Code §8-7 (2011); Sacramento, Cal., City Code §9.44.860 (2011).
334. *E.g.*, Austin, Tex., Code of Ordinances §3.2.16 (2011) (50 ft); Anaheim, Cal., Mun. Code §18.38.030.0202 (2011).
335. Atlanta, Ga., Code of Ordinances §18-7 (2011).
336. L.A., Cal., Mun. Code §§53.58 & 53.59 (2011) (Department of Animal Services promulgated regulations requiring coops to be 20 ft. from owner's dwelling).
337. Wichita, Kan., Code of Ordinances §6.04.173(c) (2011).
338. St. Paul, Minn., §198.05 (2011).
339. Fremont, Cal., Mun. Code §3-5803 (2011).

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Finally, St. Louis wins for the most eccentric setback. It doesn't have any setbacks for neighboring buildings, or the property line, but it does require that chickens be kept out of the milking barn.[340]

5. Coop Requirements

Many cities regulate how the chicken coop should be built and maintained. There is a broad range in these regulations, and no two ordinances are alike. Some simply decree that it is unlawful for chickens to run at large, and thus implicitly mandate that the coop be constructed in a secure enough way so that chickens can't easily escape. Some appear to look out for animal welfare by decreeing that chickens should be provided adequate food, water, and shelter in sanitary conditions. And, some appear to try to proactively head off any potential problems by regulating the dimensions of the coop, how it must be built, and exactly how often it must be cleaned. First, some of the more common elements in these statutes will be explored. Then, more unique elements will be discussed.

a. No Running at Large

First, 33 cities prohibit chickens particularly or animals in general from running at large.[341] Most of those cities simply prohibit chickens from running at large, but some provide for a little more nuance. For instance, Cincinnati does not allow chickens to run at large "so as to do damage to gardens, lawns, shrubbery or other private property."[342] So, presumably, a chicken could run free, as long as it didn't damage anything. Five cities, instead of making it unlawful to run at large, provide that the chicken must be kept enclosed in the coop and not allowed to escape.[343] And two cities, Richmond and Stockton, frame it in terms of trespass and do not allow chicken trespassers.[344] In any event, all of these statutes imply that a coop, minimally, must be constructed so that the birds cannot escape.

b. Coops Must Be Clean and Sanitary

Forty-six cities impose some sort of cleaning requirements on chicken owners.[345] While many cities have cleaning requirements that apply to any animal,[346] these cities ordinances are, for the most part, specific to chickens.

Nearly all of these ordinances mandate that the chicken coop be kept in a clean and sanitary condition and free from offensive odors. The degree to which each city regulates this, however, varies. Most cities have a variation on a general requirement that the coop be clean or sani-

340. St. Louis, Mo., Code of Ordinances §11.46.410 (2010).

341. Akron, Ohio, Code of Ordinances §92.01 (2011); Albuquerque, N.M., Code of Ordinances §9-2-4-3(D) (2011); Arlington, Tex., Ordinances Governing Animals §5.02(e) (2010); Buffalo, N.Y., City Code §341-11.3 (2009); Cincinnati, Ohio, Code of Ordinances §701-33 (2011); Cleveland, Ohio, Codified Ordinances §603.01 (2011); Fort Worth, Tex., Code of Ordinances §11A-22(c)(3) (2011); Fresno, Cal., Mun. Code §10.205 (2011); Garland, Tex., Code of Ordinances §22.03 (2011); Indianapolis, Ind., Rev. Code §531.102 (2011); Irving, Tex., Code of Ordinances §6-2 (2011); Las Vegas, Nev., Mun. Code §7.36.030 (2011); Lexington-Fayette, Ky., Code of Ordinances §4-10 (2011); Long Beach, Cal., Mun. Code §6.20.080 (2011); Louisville, Ky., Metro Code ch. 91.001 Nuisance (2011); Memphis, Tenn., Code of Ordinances §8-8-2 (2009); Mesa, Ariz., City Code §8-6-21(I) (2011); Miami, Fla., Code of Ordinances §6-2 (2011); Newark, N.J., General Ordinances §6:2-34 (2010); Oakland, Cal., Code of Ordinances §6-04-200 (2011); Norfolk, Va., Code of Ordinances §6.1-7 (2011); Omaha, Neb., Code of Ordinances §6-263 (2011); Pittsburgh, Pa., Code of Ordinances §635.02 (2011); Raleigh, N.C., Code of Ordinances §12-3004 (2011); Richmond, Va., Code of Ordinances §10-88 (2011); St. Petersburg, Fla., Code of Ordinances §4-31(b) (2011); San Jose, Cal., Code of Ordinances §7.60.750 (2007); Spokane, Wash., Mun. Code §10.24 (no date listed); Stockton, Cal., Mun. Code §6.04.130 (2011); Tacoma, Wash., Mun. Code §5.30.020 (2011); Toledo, Ohio, Mun. Code §505.10 (2011); Tucson, Ariz., Code of Ordinances §4-55 (2011); Wichita, Kan., Code of Ordinances §6.04.173 (2011).

342. Cincinnati, Ohio, Code of Ordinances §701-33 (2011).

343. Buffalo, N.Y., City Code §341-11.3 (2009); Cleveland, Ohio, Codified Ordinances §603.01 (2011); Fort Worth, Tex., Code of Ordinances §11A-22(c)(3) (2011); Fresno, Cal., Mun. Code §10.205 (2011); Louisville, Ky., Metro Code §91.001 Nuisance (2011).

344. Richmond, Va., Code of Ordinances §10-88 (2011) (providing that fowl may not trespass); Stockton, Cal., Mun. Code §6.04.130 (2011) (fowl [shall not] to run or go upon the public or private premises of any other person, firm, or corporation; or upon any park or public street or highway within the city).

345. Albuquerque, N.M., Code of Ordinances §9-2-2-2 (2011); Austin, Tex., Code of Ordinances §10-5-21 (2011); Baton Rouge, La., Code of Ordinances §14:224(c)(1)(c) & (d) (2011); Buffalo, N.Y., City Code §341-11.3(C) (2009); Charlotte, N.C., Code of Ordinances §3-102 (2010); Chicago, Ill., Code of Ordinances §7-12-290(b) (2011); Cincinnati, Ohio, Code of Ordinances ch. 701-35 (2011); Dallas, Tex., Code of Ordinances §7-3.2 (2011); Denver, Colo., Mun. Code §8-92 (2011); Des Moines, Iowa, Code of Ordinances §18-4(h) (2011); El Paso, Tex., Mun. Code §7.24.030 (2011); Fort Wayne, Ind., Code of Ordinances §91.017 (2011); Fort Worth, Tex., Code of Ordinances §11A-22(h) (2011); Fresno, Cal., Mun. Code §10.203 (2011); Garland, Tex., Code of Ordinances §22.17 (2011); Glendale, Ariz. Mun. Code §25-24 (2010); Glendale, Cal., Mun. Code §6.04.020 (2011); Houston, Tex., Code of Ordinances §6-36 (2010); Irving, Tex., Code of Ordinances §6-6 (2011); Jersey City, N.J., Code of Ordinances §90-8 (2011); Kansas City, Mo., Code of Ordinances §§14-18 & 14-19 (2011); Las Vegas, Nev., Mun. Code §7.36.050 (2011); Lincoln, Neb., Mun. Code §6.04.050 (2011); Long Beach, Cal., Mun. Code §6.20.070 (2011); Memphis, Tenn., Code of Ordinances §8-8-1 (2009); Mesa, Ariz., City Code §8-6-22 (2011); Miami, Fla., Code of Ordinances §6-1 (2011); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011); Mobile, Ala., Code of Ordinances §7-103 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Newark, N.J., General Ordinances §6:2-35 (2010); Omaha, Neb., Code of Ordinances §6-261 (2011); Phoenix, Ariz., City Code §8-7(d) (2011); Richmond, Va., Code of Ordinances §10-88(d) (2011); San Antonio, Tex., Code of Ordinances §5-109 (2011); San Diego, Cal., Mun. Code §42.0709 (2011); San Jose, Cal., Code of Ordinances §7.60.755 (2007); Santa Ana, Cal., Code of Ordinances §5.6(b) (2011); Scottsdale, Ariz., Code of Ordinances §4-18 (2011); St. Paul, Minn., §198.04-05 (2011); St. Petersburg, Fla., Code of Ordinances §4-31(c) (2011); Toledo, Ohio, Mun. Code §1705.07 (2011); Tucson, Ariz., Code of Ordinances §4-58 (2011); Tulsa, Okla., Code of Ordinances §§200(d), (e) & 406 (2011); Wash., D.C., Mun. Regulations for Animal Control §902.10-13 (no date listed); Wichita, Kan., Code of Ordinances §6.04.174 (2011).

346. *E.g.*, Anchorage, Alaska, Code of Ordinances §17.10.030 (2011); Atlanta, Ga., Code of Ordinances §18-8 (2011); Fremont, Cal., Mun. Code §3-5600 (2011); Montgomery, Ala., Code of Ordinances §4-3 (2011); Norfolk, Va., Code of Ordinances §6.1-2 Adequate Shelter (2011); Plano, Tex., Code of Ordinances §4-51 (2011); Tampa, Fla., Code of Ordinances §19.77 (2008).

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tary.[347] Most cities also expressly prohibit odors or offensive odors.[348]

Some cities are a little more explicit and require that the coop be cleaned regularly or routinely.[349] Some cities go further and require the coop to be clean at all times.[350] And some cities regulate precisely how often the coop must be cleaned. Houston is the most fastidious. In Houston, the coop must be cleaned once per day, limed once every other day, and all containers containing chicken manure must be properly disposed of once per week.[351] Milwaukee also requires coops to be cleaned daily and additionally "as is necessary."[352] The next two most fastidious cities, Des Moines and Santa Ana, require that the coop be cleaned at least every other day.[353] Seven cities require that the coop be cleaned at least twice a week.[354] And another four cities require that the coop be cleaned at least once a week.[355] And, splitting the difference, Jersey City requires the coop to be cleaned once a week from November to May, and twice a week from May to November.[356]

Many cities also have a particular concern with either flies or rodents. Fourteen cities specify that attracting flies will be a nuisance.[357] Cities that specifically mention flies within their ordinances are congregated mostly in the South or the Southwest.[358] Several mandate that chicken feed or chicken waste be kept in fly-tight containers.[359] Miami requires that a chicken's droppings be treated to destroy fly maggots before it can be used as fertilizer.[360] Mesa has four cleaning requirements all designed to keep flies away: (1) droppings must be removed twice weekly; (2) "fowl excreta" must be stored in fly-tight containers; (3) water and feed troughs must be kept sanitary; and (4) food and food waste must be kept in a fly-proof container—all explicitly "to prevent the breeding of flies."[361]

Kansas City's concern with flies will stand in the way of keeping hens for eggs that would meet organic standards; it mandates the use of insecticide by providing that "all structures, pens or coops wherein fowl are kept or permitted to be shall be sprayed with such substances as will eliminate such insects."[362] Because chickens eat insects, and because the protein they gain from eating those insects has a beneficial effect on the nutritional value of their eggs, this regulation stands at odds with a reason many people are interested in keeping backyard hens.

Glendale, California, appears to be the most concerned about flies, going so far as to mandate that the owner adhere to impossible building requirements. Glendale requires chickens to be kept in a fly-proof enclosure; it defines fly-proof quite specifically as "a structure or cage of a design which prevents the entry therein or the escape therefrom of any bee, moth or fly."[363] Because a chicken must enter into and exit from its enclosure, and because one would want the chicken to have access to fresh air and sunlight, such a structure presents itself as an architectural impossibility.

Ten cities are particularly concerned with rats.[364] Of these cities, several are concerned about both flies and rats.[365] Most of these cities simply mandate that the coop be free of rats,[366] but three cities require that food be kept

347. *E.g.*, Austin, Tex., Code of Ordinances §10-5-21 (2011); Fresno, Cal., Mun. Code §10.203 (2011); Long Beach, Cal., Mun. Code §6.20.070 (2011); Omaha, Neb., Code of Ordinances §6-261 (2011); San Antonio, Tex., Code of Ordinances §5-109 (2011); San Jose, Cal., Code of Ordinances §7.60.755 (2007); Toledo, Ohio, Mun. Code §1706.07 (2011); Wichita, Kan., Code of Ordinances §6.04.174 (2011).

348. *E.g.*, Austin, Tex., Code of Ordinances §10-5-21 (2011); Cincinnati, Ohio, Code of Ordinances §701-35 (2011); Dallas, Tex., Code of Ordinances §7-3.2 (2011); Fort Wayne, Ind., Code of Ordinances §91.017 (2011); Fresno, Cal., Mun. Code §10.203 (2011); Garland, Tex., Code of Ordinances §22.17 (2011); Kansas City, Mo., Code of Ordinances §§14-18 & 14-19 (2011); Las Vegas, Nev., Mun. Code §7.36.050 (2011); Lincoln, Neb., Mun. Code §6.04.050 (2011); Miami, Fla., Code of Ordinances §6-1 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Omaha, Neb., Code of Ordinances §6-261 (2011); St. Petersburg, Fla., Code of Ordinances §4-31(c) (2011); Toledo, Ohio, Mun. Code §1705.07 (2011); Wichita, Kan., Code of Ordinances §6.04.174 (2011).

349. *E.g.*, Baton Rouge, La., Code of Ordinances §14:224(c)(1)(c) & (d) (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Tulsa, Okla., Code of Ordinances §§200(d), (e) & 406 (2011).

350. *E.g.*, Buffalo, N.Y., City Code §341-11.3 (2009); Charlotte, N.C., Code of Ordinances §3-102(c) (2010).

351. Houston, Tex., Code of Ordinances §6-36 (2010).

352. Milwaukee, Wis., Code of Ordinances §78-6.5 (2011).

353. Des Moines, Iowa, Code of Ordinances §18-137 (2011); Santa Ana, Cal., Code of Ordinances §5.6(b) (2011).

354. Garland, Tex., Code of Ordinances §22.17 (2011); Glendale, Ariz. Mun. Code §25-24(h) (2010); Irving, Tex., Code of Ordinances §6-6 (2011); Mesa, Ariz., City Code §8-6-22 (2011); Miami, Fla., Code of Ordinances §6-1 (2011); Phoenix, Ariz., City Code §8-7(d) (2011); Scottsdale, Ariz., Code of Ordinances §4-18 (2011).

355. Albuquerque, N.M., Code of Ordinances §9-2-2-2(B)(1) (2011); Lincoln, Neb., Mun. Code §6.04.050 (2011); Newark, N.J., General Ordinances §6:2-35 (2010); San Diego, Cal., Mun. Code §42.0709 (2011).

356. Jersey City, N.J., Code of Ordinances §90-8(C) (2011).

357. Austin, Tex., Code of Ordinances §10-5-21 (2011); Fort Worth, Tex., Code of Ordinances §11A-22(h) (2011); Garland, Tex., Code of Ordinances §22.17 (2011); Glendale, Cal., Mun. Code §6.04.040 (2011); Houston, Tex., Code of Ordinances §6-36 (2010); Kansas City, Mo., Code of Ordinances §14-19 (2011); Las Vegas, Nev., Mun. Code §7.36.050 (2011); Lincoln, Neb., Mun. Code §6.04.050 (2011); Mesa, Ariz., City Code §8-6-23 (2011); Miami, Fla., Code of Ordinances §6-1 (2011); San Jose, Cal., Code of Ordinances §7.60.755 (2007); Santa Ana, Cal., Code of Ordinances §5.6(b) (2011); Scottsdale, Ariz., Code of Ordinances §§4-17 & 4-18 (2011); Wash., D.C., Mun. Regulations for Animal Control §902.11-13 (no date listed).

358. *See supra* note 357.

359. Houston, Tex., Code of Ordinances §6-36 (2010); Mesa, Ariz., City Code §8-6-23 (2011); Santa Ana, Cal., Code of Ordinances §5.6(b) (2011).

360. Miami, Fla., Code of Ordinances §6-1 (2011).

361. Mesa, Ariz., City Code §8-6-23 (2011).

362. Kansas City, Mo., Code of Ordinances §14-15(d) (2011).

363. Glendale, Cal., Mun. Code §6.04.040 (2011).

364. Buffalo, N.Y., City Code §341-11.13(B)(8) (2009); Cincinnati, Ohio, Code of Ordinances §§604.17 & 00053-11 (2011); Denver, Colo., Mun. Code §8-92 (2011); Fort Worth, Tex., Code of Ordinances §11A-22(h) (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011); Las Vegas, Nev., Mun. Code §7.36.050 (2011); Mobile, Ala., Code of Ordinances §7-103 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Richmond, Va., Code of Ordinances §10-88 (2011); Scottsdale, Ariz., Code of Ordinances §4-17 (2011); Wash., D.C., Mun. Regulations for Animal Control §§902.12 & 902.13 (no date listed).

365. *E.g.*, Cincinnati, Ohio, Code of Ordinances §§604.17 & 00053-11 (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011); Las Vegas, Nev., Mun. Code §7.36.050 (2011); Mobile, Ala., Code of Ordinances §7-102 (2011); Scottsdale, Ariz., Code of Ordinances §§4-17 & 4-18 (2011); Wash., D.C., Mun. Regulations for Animal Control §902.12 (no date listed).

366. Cincinnati, Ohio, Code of Ordinances §00053-11 (2011); Fort Worth, Tex., Code of Ordinances §11A-22(d) (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011); Las Vegas, Nev., Mun. Code

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within a rat-proof container.[367] Denver appears to have the same antipathy toward rats as Glendale does toward flies. Denver requires that chickens be kept in a rat-proof building. A rat-proof building is one that is made with no "potential openings that rats could exploit and built with "material impervious to rat-gnawing."[368] While an opening for a rat would necessarily be bigger than an opening for a fly, because chickens will still have to enter and exit the structure, Denver appears to demand similarly impossible architecture.

c. Coop Construction Requirements

Thirty-seven cities regulate the construction of the chicken coop.[369] Like the cleaning regulations, many of these cities' ordinances are not particular to chickens, but cover any structure meant to house an animal.[370] But, as demonstrated below, most specifically regulate chicken coops.

Most of these ordinances require that chickens be kept within an enclosure, and many add that the enclosure must be secure.[371] Some further require that the enclosure keep animals protected from inclement weather.[372] Outside of this, however, there is no consistency to these statutes.

Of the cities that have promulgated shelter requirements specific to chickens, nine of them mandate that each chicken be given a specific amount of space.[373] Of these cities, the average amount of space per chicken is five square feet, although no city actually mandates that.[374] The median amount of space per chicken is four square feet. The mode, or most popular amount, is also four square feet.[375] The next most popular is between two and two-and-one-half square feet.[376] Cleveland requires 10 square feet per chicken, but specifies that this is for the outdoor run, not for the enclosed coop.[377] Rochester also takes the difference between a chicken coop and a chicken run into account and requires at least four square feet per chicken in both the coop and the run.[378] Long Beach does not give a particular square footage per chicken, but requires that each coop be at least twice as big as the bird.[379]

Instead of regulating coop size so specifically, some cities require that the coops not be cramped or overcrowded.[380] Others state that the coop should be big enough for the chicken to move about freely,[381] or have space to stand,

§7.36.050 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Scottsdale, Ariz., Code of Ordinances §4-17 (2011); Wash., D.C., Mun. Regulations for Animal Control §§902.12 & 902.13 (no date listed).

367. Buffalo, N.Y., City Code §341-11.3 (2009); Des Moines, Iowa, Code of Ordinances §18-4(h) (2011); Richmond, Va., Code of Ordinances §10-88 (2011).

368. Denver, Colo., Mun. Code §§40.41 & 40.51 (2011).

369. Albuquerque, N.M., Code of Ordinances §9-2-2-2 (2011); Anchorage, Alaska, Code of Ordinances §17.05.010 (2011); Arlington, Tex., Ordinances Governing Animals §1.01 Secure Enclosure (2010); Atlanta, Ga., Code of Ordinances §18-7 (2011); Austin, Tex., Code of Ordinances §3-2-11 (2011); Baltimore, Md., Health Code §10-409 (2011); Buffalo, N.Y., City Code §341-11.3 (2009); Charlotte, N.C., Code of Ordinances §3-102(c) (2010); Cincinnati, Ohio, Code of Ordinances §00053-11 (2011); Cleveland, Ohio, Codified Ordinances §347.02(a)(1)(D) & (E) (2011); Colorado Springs, Colo., City Code §6.7.106(D) (2011); Corpus Christi, Tex., Code of Ordinances §6-154 (2011); Des Moines, Iowa, Code of Ordinances §18-3(h) (2011); Fresno, Cal., Mun. Code §10.205 (2011); Glendale, Cal., Mun. Code §6.04.040 (2011); Houston, Tex., Code of Ordinances §6-36 (2010); Irving, Tex., Code of Ordinances §6-1 Shelter (2011); Jersey City, N.J., Code of Ordinances §90-8 (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011); Lincoln, Neb., Mun. Code §6.04.050 (2011); Long Beach, Cal., Mun. Code §6.20.100 (2011); Louisville, Ky., Metro Code §91.001 Restraint (2011); Madison, Wis., Code of Ordinances §28.08 (no date listed); Mobile, Ala., Code of Ordinances §7-88 (2011); Montgomery, Ala., Code of Ordinances §4-161 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Norfolk, Va., Code of Ordinances §6.1-2 (2011); Oklahoma City, Okla., Mun. Code §8-96(c) & (e) (2011); Plano, Tex., Code of Ordinances §4-1 Secure Enclosure & Shelter (2011); Rochester, N.Y., City Ordinances §30-19 (no date listed); San Antonio, Tex., Code of Ordinances §5-9 (2011); San Jose, Cal., Code of Ordinances §§7.20.020 & 7.60.760 (2007); Santa Ana, Cal., Code of Ordinances §5.6(b) (2011); Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011); Tacoma, Wash., Mun. Code §17.01.010 (2011); Tucson, Ariz., Code of Ordinances §4-3(2)(c) (2011); Tulsa, Okla., Code of Ordinances §406 (2011).

370. Albuquerque, N.M., Code of Ordinances §9-2-2-2 (2011); Anchorage, Alaska, Code of Ordinances §17.05.010 (2011); Arlington, Tex., Ordinances Governing Animals §1.01 Secure Enclosures (2010); Baltimore, Md., Health Code §10-409 (2011); Irving, Tex., Code of Ordinances §6-1 (2011); Mobile, Ala., Code of Ordinances §7-15 (2011); Montgomery, Ala., Code of Ordinances §4-161 (2011); New Orleans, La., Code of Ordinances §18-2.1 (2011); Norfolk, Va., Code of Ordinances §6.1-2 (2011); Plano, Tex., Code of Ordinances §4-1 (2011); Tucson, Ariz., Code of Ordinances §4-3(2)(c) (2011).

371. *E.g.*, Albuquerque, N.M., Code of Ordinances §9-2-2-2 (2011); Anchorage, Alaska, Code of Ordinances §17.05.010 (2011); Arlington, Tex., Ordinances Governing Animals §1.01 Secure Enclosures (2010); Atlanta, Ga., Code of Ordinances §18-7 (2011); Austin, Tex., Code of Ordinances §3-2-11 (2011); Buffalo, N.Y., City Code §341-11.3 (2009); Des Moines, Iowa, Code of Ordinances §18-3(h) (2011); Glendale, Cal., Mun. Code §6.04.040 (2011); Irving, Tex., Code of Ordinances §6-1 (2011); Kansas City, Mo., Code of Ordinances §14-15 (2011); Louisville, Ky., Metro Code §91.001 (2011); Madison, Wis., Code of Ordinances §28.08 (no date listed); Montgomery, Ala., Code of Ordinances §4-161 (2011); Norfolk, Va., Code of Ordinances §6.1-2 (2011); Plano, Tex., Code of Ordinances §4-1 (2011); Tacoma, Wash., Mun. Code §17.01.010 (2011).

372. *E.g.*, Norfolk, Va., Code of Ordinances §6.1-2 (2011) (providing that a shelter must protect "each animal from injury, rain, sleet, snow, hail, direct sunlight"); Plano, Tex., Code of Ordinances §4-1 (2011) (providing that fowl should be housed in a "structure that is capable of providing cover and protection from the weather"); Tulsa, Okla., Code of Ordinances §406 (2011) ("Natural or artificial shelters appropriate to the local climactic conditions for the particular species of animal or fowl shall be provided for all animals or fowl kept outdoors.").

373. Atlanta, Ga., Code of Ordinances §18-7(1)(d) (2011) (2 sq. ft.); Buffalo, N.Y., City Code §341-11.3(B)(3) (2009) (2 sq. ft.); Charlotte, N.C., Code of Ordinances §3-102(c) (2010) (4 sq. ft.); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(D) & (E) (2011) (10 sq. ft.); Colorado Springs, Colo., City Code §6.7.106(D) (2011) (4 sq. ft.); Long Beach, Cal., Mun. Code §6.20.100 (2011) (twice the size of the fowl); Mobile, Ala., Code of Ordinances §7-88 (2011) (15 sq. ft.); Rochester, N.Y., City Ordinances §30-19 (no date listed) (4 sq. ft.); Santa Ana, Cal., Code of Ordinances §5.6(b)(3) (2011) (2.5 sq. ft.).

374. *See supra* note 373.

375. Charlotte, N.C., Code of Ordinances §3-102(c) (2010); Colorado Springs, Colo., City Code §6.7.106(D) (2011); Rochester, N.Y., City Ordinances §30-19 (no date listed).

376. Atlanta, Ga., Code of Ordinances §18-7(1)(d) (2011); Buffalo, N.Y., City Code §341-11.3(B)(3) (2009); Santa Ana, Cal., Code of Ordinances §5.6(b)(3) (2011).

377. Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(D) & (E) (2011).

378. Rochester, N.Y., City Ordinances §30-19 (no date listed).

379. Long Beach, Cal., Mun. Code §6.20.100 (2011).

380. *E.g.*, Cincinnati, Ohio, Code of Ordinances §701-35 (2011).

381. Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(D) (2011).

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turn around, and lie down.[382] Des Moines is unique, in that it looks to state or national standards for the coop size, providing that "such enclosures shall be of sufficient size to house the number of animals or fowl permitted by state or national standards."[383]

Some cities also mandate how large the coop can be. The coop sizes also lack uniformity—both Buffalo and Cleveland provide that the coop can be no larger than 32 square feet, but Cleveland will allow the coop to be up to 15 feet high, while Buffalo caps height at seven feet.[384] Seattle allows for up to 1,000 square feet and caps the height at 12 feet.[385] Finally, Charlotte is the only city that provides for a minimum height by requiring the coops to be at least 18 inches high.[386]

Other requirements that turn up in more than one city is that the coop's floor be impervious,[387] the coop be adequately ventilated,[388]and the coop be kept dry or allow for drainage.[389] Some cities mandate that the enclosure protect the chickens from predators.[390] And, Buffalo, Cleveland, and Colorado Springs require that the chickens have access to an outdoor run.[391]

Two cities stand at odds on the issue of keeping chickens within solid walls. Baltimore prohibits chickens from being confined in a cage entirely of solid walls,[392] while Corpus Christi, to avoid large setbacks, requires that chickens be confined entirely within solid walls.[393]

And some cities have entirely unique ordinances. Irving is concerned with protecting chickens from inclement weather; it requires protection from the direct rays of the sun when the temperature is over 90 degrees and protection from direct exposure to wind when the temperature is below 50 degrees.[394] Jersey City's ordinance stands out for its thoughtfulness.[395] It requires that the coop contain windows if possible, that the coop be white-washed or painted, and that the coop contain removable perches and nests, so that they can be cleaned on a regular basis.[396] Rochester does not allow fowl to be kept in a cellar.[397] And San Antonio requires that the coop be built so that the chicken's feet do not fall through the floor.[398]

d. Giving Authority Over Coop Requirements to a City Official

Instead of legislating coop requirements through City Council, four cities delegate to some other city official. San Francisco requires the coop structure to be approved by the Department of Health[399]; Washington, D.C., assigns it to the Director of the Department of Human Services.[400] Columbus requires its Health Commissioner to approve the structure.[401] St. Louis allows its Animal Health Commissioner to set standards for coop construction.[402] And finally, Rochester mandates that the coop will, at all times, be subject to inspection and subject to the orders of its Chief of Police.[403]

e. Feed and Water Requirements

Eleven cities are concerned that chickens receive enough food and water.[404] Most of these simply mandate that chickens receive adequate or sanitary food and water, but three of the cities show special concern with the chicken's welfare. Long Beach and Los Angeles require chickens to be given water every 12 hours.[405] Memphis and Omaha require that the chickens not only be given sufficient food but also "wholesome" food and water.[406] And Buffalo requires that chickens be fed only through an approved

382. Long Beach, Cal., Mun. Code §6.20.100 (2011) (providing that animals must have enough space to stand in a naturally erect position); New Orleans, La., Code of Ordinances §18-2.1(a)(2) (2011); Plano, Tex., Code of Ordinances §4-1 Secure Enclosure & Shelter (2011); Tucson, Ariz., Code of Ordinances §4-3(2)(c) (2011).
383. Des Moines, Iowa, Code of Ordinances §18-3(h) (2011).
384. Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(D) (2011); Buffalo, N.Y., City Code §341-11.3(B)(7) (2009).
385. Seattle, Wash., Mun. Code §23.42.052(c)(3) (2011).
386. Charlotte, N.C., Code of Ordinances §3-102(c) (2010).
387. *E.g.*, Arlington, Tex., Ordinances Governing Animals §1.01 Secure Enclosure (2010); Glendale, Cal., Mun. Code §6.04.040 (2011); Lincoln, Neb., Mun. Code §6.04.050 (2011) (requiring that, if a coop is less than 7,500 square feet, that the flooring be made of hard surface material); New Orleans, La., Code of Ordinances §18-2.1(a)(1) (2011); Plano, Tex., Code of Ordinances §4-1 Secure Enclosure & Shelter (2011); Santa Ana, Cal., Code of Ordinances §5.6(b)(2) (2010) (providing that the "floors of every such building shall be smooth and tight").
388. *E.g.*, Buffalo, N.Y., City Code §341-11.3(B)(7) (2009); Charlotte, N.C., Code of Ordinances §3-102(c) (2010); Jersey City, N.J., Code of Ordinances §90-8 (2011); New Orleans, La., Code of Ordinances §18-2.1(a)(1) (2011); Plano, Tex., Code of Ordinances §4-1 Secure Enclosure & Shelter (2011).
389. *E.g.*, Jersey City, N.J., Code of Ordinances §90-8 (2011); New Orleans, La., Code of Ordinances §18-2.1(a)(1) (2011); Santa Ana, Cal., Code of Ordinances §5.6(b)(2) (2011).
390. Buffalo, N.Y., City Code §341-11.3(B)(3) & (4) (2009); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(D). *See also* Nashville-Davidson, Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author) (providing that coops must be kept in a predator-proof enclosure).
391. Buffalo, N.Y., City Code §341-11.3(B)(1) (2009); Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(D) & (E) (2011); Colorado Springs, Colo., City Code §6.7.106(D) (2011).
392. Baltimore, Md., Health Code §10-409 (2011).
393. Corpus Christi, Tex., Code of Ordinances §6-154 (2011).
394. Irving, Tex., Code of Ordinances §6-1 Shelter (2011).
395. Jersey City, N.J., Code of Ordinances §90-8 (2011).
396. *Id.*
397. Rochester, N.Y., City Ordinances §30-19 (no date listed).
398. San Antonio, Tex., Code of Ordinances §5-9 (2011).
399. San Francisco, Cal., Health Code §37(b) (2011).
400. Wash., D.C., Mun. Regulations for Animal Control §902.7(c) (no date listed).
401. Columbus, Ohio, City Code §221.05(b) (2011).
402. St. Louis, Mo., Code of Ordinances §10.20.016 (2010).
403. Rochester, N.Y., City Ordinances §30-19 (no date listed).
404. Baton Rouge, La., Code of Ordinances §14:224(c)(1)(d) (2011); Buffalo, N.Y., City Code §341-11.3(B)(9) (2009); Chicago, Ill., Code of Ordinances §7-12-290(b) (2011); Cincinnati, Ohio, Code of Ordinances §701-35 (2011); Long Beach, Cal., Mun. Code §6.20.090 (2011); L.A., Cal., Mun. Code §53.46 (2011); Memphis, Tenn., Code of Ordinances §8-8-1 (2009); Mesa, Ariz., City Code §8-6-23(C) (2011); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011); Montgomery, Ala., Code of Ordinances §4-161 (2011); Omaha, Neb., Code of Ordinances §6-261 (2011).
405. Long Beach, Cal., Mun. Code §6.20.090 (2011); L.A., Cal., Mun. Code §53.46 (2011).
406. Memphis, Tenn., Code of Ordinances §8-8-1 (2009); Omaha, Neb., Code of Ordinances §6-261 (2011).

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trough and prohibits feeding them through scattering food on the ground.[407]

6. Permit Requirements

Thirty-eight cities require a permit to keep chickens under certain circumstances.[408] Like all of the other regulations, there is very little consistency. Eleven cities require permits for more than a maximum number of chickens.[409] The average number the city allows before requiring a permit is seven. The average is high because San Diego allows up to 20 chickens before seeking a permit.[410] The median is five and the mode, with three cities, Saint Louis, Santa Ana and Spokane, is four. Two cities, El Paso and San Jose, allow for six.[411] And, two cities, Portland and Witchita allow for three.[412] Two cities require a permit if one seeks to place the chickens within the legislated setbacks.[413] And one city, Riverside, only requires a permit if one wants to keep roosters.[414]

The remaining 24 cities require a permit to keep chickens under all circumstances.[415] Permit renewal periods and fees also differ substantially among cities. Of the cities that require permits to keep chickens in all circumstances, there is little agreement for how long these permits should last or how much they should cost. At least 10 of them require permit holders to renew annually.[416] Two have an initial term of one year, but then either allow or require five-year permits after that.[417] Cleveland has a biennial permit.[418] Mobile allows for the permit to remain valid until revoked by the health officer.[419] And several simply don't specify how long the permit will last.[420]

There is also a lot of variety among cities in where to go to get the permit. Cleveland, Columbus, Omaha, and Norfolk grant the public health departments the authority to grant permits[421]; Newark gives it to the Director of the Department of Child and Family Well-Being[422]; Sacramento to the Animal Care Services Operator[423]; Tacoma

407. Buffalo, N.Y., City Code §341-11.3(B)(9) (2009).
408. Baltimore, Md., Health Code §10-312 (2011); Bos., Mass., Code of Ordinances §16-1.8A (2010); Buffalo, N.Y., City Code §341-11.4 (2009); Charlotte, N.C., Code of Ordinances §3-102 (2010); Cleveland, Ohio, Codified Ordinances §347.02(i) & (j) (2011); Columbus, Ohio, City Code §221.05 (2011); Denver, Colo., Mun. Code §8-91 (2011); Des Moines, Iowa, Code of Ordinances §18-4(i), (j) (2011); El Paso, Tex., Mun. Code §§7.24.020 & 7.24.050 (2011); Fremont, Cal., Mun. Code §3-5803 (2011); Houston, Tex., Code of Ordinances §6-38 (2010); Jersey City, N.J., Code of Ordinances §90-7 (2011); Kansas City, Mo., Code of Ordinances §14-15(h) (2011); Lincoln, Neb., Mun. Code §6.04.070 (2011); Madison, Wis., Code of Ordinances §9.52 (no date listed); Miami, Fla., Code of Ordinances §6-1(b) (2011); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011); Minneapolis, Minn., Code of Ordinances §70.10 (2011); Mobile, Ala., Code of Ordinances §7-102 (2011); Newark, N.J., General Ordinances §6:2-30 (2010); Norfolk, Va., Code of Ordinances §6.1-7 (2011); Omaha, Neb., Code of Ordinances §6-266 (2011); Phila Plano, Tex., Code of Ordinances §4-81 (2011); Portland, Or., City Code §13.05.015 (2011); Riverside, Cal., Code of Ordinances §17.206.020 (2011); Rochester, N.Y., City Ordinances §§30-12 & 30-15 (no date listed); Sacramento, Cal., City Code §§9.44.870 & 9.44.880 (2011); San Antonio, Tex., Code of Ordinances §5-109(c) (2011); San Diego, Cal., Mun. Code §42.0713 (2011); San Francisco, Cal., Health Code §37(d) (2011); San Jose, Cal., Code of Ordinances §7.60.700 (2007); Santa Ana, Cal., Code of Ordinances §§5.6 & 23.42.051(B) (2011); Spokane, Wash., Mun. Code §17C.310.100 (no date listed); St. Louis, Mo., Code of Ordinances §10.20.015(c) (2010); St. Paul, Minn., §198.02 (2011); Tacoma, Wash., Mun. Code §5.30.010 (2011); Wash., D.C., Mun. Regulations for Animal Control §§902.1 & 902.3-4 (no date listed); Wichita, Kan., Code of Ordinances §6.04.157 (2011).
409. El Paso, Tex., Mun. Code §7.24.020 (2011) (requiring permit if more than six); Lincoln, Neb., Mun. Code §6.04.040 (2011) (requiring permit if more than 5, if fowl weigh over five pounds and more than 20 for fowl between three and five pounds); Plano, Tex., Code of Ordinances §4-81 (2011) (requiring permit if more than 10); Portland, Or., City Code §13.05.015(E) (2011) (requiring permit if more than three); San Antonio, Tex., Code of Ordinances §5-109(c) (2011) (requiring permit if more than five); San Diego, Cal., Mun. Code §42.0713 (2011) (requiring permit if more than 25); San Jose, Cal., Code of Ordinances §7.60.700(A) (2007) (requiring permit if more than six); Santa Ana, Cal., Code of Ordinances §5.6 (2011) (requiring permit if more than four); Spokane, Wash., Mun. Code §§17C.310.100 & 10.20.015(c) (no date listed) (requiring permit if more than four); St. Louis, Mo., Code of Ordinances §10.20.015(c) (2010) (requiring permit if more than four); Wichita, Kan., Code of Ordinances §6.04.157 (2011) (requiring permit if more than three).
410. San Diego, Cal., Mun. Code §42.0713 (2011).
411. El Paso, Tex., Mun. Code §7.24.020 (2011); San Jose, Cal., Code of Ordinances §7.60.700(A) (2007).
412. Portland, Or., City Code §13.05.015(E) (2011); Wichita, Kan., Code of Ordinances §6.04.157 (2011).
413. Kansas City, Mo., Code of Ordinances §14-15(h) (2011) (requiring permit if want to be within setback); Tacoma, Wash., Mun. Code §5.30.010 (2011) (requiring permission from city clerk to put coop within setback).
414. Riverside, Cal., Code of Ordinances §17.206.020 (2011).
415. Baltimore, Md., Health Code §10-312 (2011); Bos., Mass., Code of Ordinances §16-1.8A (2010); Buffalo, N.Y., City Code §341-11.4 (2009); Charlotte, N.C., Code of Ordinances §3-102 (2010); Cleveland, Ohio, Codified Ordinances §347.02(i) & (j) (2011); Columbus, Ohio, City Code §221.05 (2011); Denver, Colo., Mun. Code §8-91 (2011); Des Moines, Iowa, Code of Ordinances §18-4(i), (j) (2011); Fremont, Cal., Mun. Code §3-5803 (2011); Houston, Tex., Code of Ordinances §6-38 (2010); Jersey City, N.J., Code of Ordinances §90-7 (2011); Madison, Wis., Code of Ordinances §9.52 (no date listed); Miami, Fla., Code of Ordinances §6-1(b) (2011); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011); Minneapolis, Minn., Code of Ordinances §70.10 (2011); Mobile, Ala., Code of Ordinances §7-102 (2011); Newark, N.J., General Ordinances §6:2-30 (2010); Norfolk, Va., Code of Ordinances §6.1-7 (2011); Omaha, Neb., Code of Ordinances §6-266 (2011); Rochester, N.Y., City Ordinances §§30-12 & 30-15 (no date listed); Sacramento, Cal., City Code §§9.44.870 & 9.44.880 (2011); San Francisco, Cal., Health Code §37(d) (2011); St. Paul, Minn., §198.02 (2011); Wash., D.C., Mun. Regulations for Animal Control §§902.1 & 902.3-4 (no date listed).
416. Buffalo, N.Y., City Code §341-11.4 (2009); Charlotte, N.C., Code of Ordinances §3-102(a) (2010); Fremont, Cal., Mun. Code §3-5906 (2011); Jersey City, N.J., Code of Ordinances §90-7 (2011); Lincoln, Neb., Mun. Code §6.04.110 (2011); Madison, Wis., Code of Ordinances §9.52 (no date listed); Newark, N.J., General Ordinances §6:2-30 (2010); Omaha, Neb., Code of Ordinances §6-271 (2011); Rochester, N.Y., City Ordinances §30-15 (no date listed); St. Paul, Minn., §198.04 (2011); Wash., D.C., Mun. Regulations for Animal Control §902.3 (no date listed).
417. Kansas City, Mo., Code of Ordinances §14-15(h) (2011); Minneapolis, Minn., Code of Ordinances §70.10 (2011) (five-year period offered as a choice).
418. Cleveland, Ohio, Codified Ordinances §205.04 (2011).
419. Mobile, Ala., Code of Ordinances §7-102 (2011).
420. *E.g.*, Norfolk, Va., Code of Ordinances §6.1-7 (2011); Plano, Tex., Code of Ordinances §4-81 (2011); Santa Ana, Cal., Code of Ordinances §5.6 (2011); Tacoma, Wash., Mun. Code §5.30.010 (2011).
421. Cleveland, Ohio, Codified Ordinances §205.04 (2011); Columbus, Ohio, City Code §221.05 (2011); Omaha, Neb., Code of Ordinances §6-266 (2011); Norfolk, Va., Code of Ordinances §6.1-7 (2011).
422. Newark, N.J., General Ordinances §6:2-30 (2010).
423. Sacramento, Cal., City Code §9-44-870 (2011).

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to the City Clerk[424]; and Boston to the Inspectional Services Department.[425] Most cities, however, do not state in the ordinance by what means a person actually procures a permit.[426]

Three cities use the permit process to make sure that would-be chicken owners have the consent of their neighbors. St. Paul, Minnesota, requires that an applicant show, through written consent, that 75% of the owners or occupants of property within 150 feet have given permission for the chickens.[427] Las Vegas requires written consent of neighbors within 350 feet.[428] Buffalo and Milwaukee also requires written consent from adjacent landowners to secure a permit.[429] Riverside, California, allows residents to keep hens without a permit, but requires a permit, with written permission from the neighbors, to keep more than six roosters.[430]

Finally, some cities use the permitting schemes to ensure that chicken owners comply with a long list of regulations. For instance, Buffalo has set forth a labyrinthine process for securing a "chicken license."[431] It requires the license seeker to provide his name, address, number of chickens sought, and the location of the coop. The city then notifies neighboring landowners with property within 50 feet of the applicant's property of the application and allows them to provide written comments. The city also notifies the mayor and City Council. If the city clerk does not receive any comments, the clerk can issue a license for up to five hens. But if anyone lodges a negative comment, then the permit goes to City Council and Council must determine, after taking in the entire record before it, if the city will grant the license. If the Council approves it, it goes to the mayor, who has the power to veto it; if he does so—it would require a 2/3 majority at the following Council meeting to pass.[432] If the permit is granted, then the Animal Control Officer must inspect the coop before the licensee is actually allowed to get chickens.[433] Then, the licensee has to procure a separate license from the building department to build the chicken coop.[434]

And then Buffalo requires similar procedures for renewing the license each year. Each license automatically expires on June 1. From May 1 to June 1, the city opens up a comment period for anyone to complain about licensed chickens. The City Council is to consider all of these comments and any rebuttals to them before deciding whether to renew the license. The City Council can also revoke the license at any time if it hears any complaints about the licensee.[435]

This licensing scheme appears designed to ameliorate concerns that the city will be overwhelmed with complaints. But the resources the city puts into this process and the time it is requiring councilmembers and the mayor to put into it if a single person registers a negative comment must far outweigh any resources the city would be using to prosecute rogue chickens owners.

Many cities also charge fees for these permits. Because many cities do not list their fees on any publicly accessible website, it is difficult to draw strong conclusions on the norm for how much a city charges. But, 14 cities' fees were identified.[436] Three of the 14 charged an initial fee, Milwaukee charged a $25 initial fee, Minneapolis $50, and St. Paul $72.[437] Thirteen cities, including Minneapolis and St. Paul, charged annual fees.[438] The fees ranged from specifying that the permit would be free to $50 per year. The average annual fee was $29, although no city charged that amount. The median fee and the mode are both $25 per year. Two cities legislated late charges into the statute, Lincoln has a $25 late fee,[439] and Madison charges $5 if a permit is renewed late.[440] Finally, Minneapolis gives a $50 discount from the annual fee if a licensee renews for five years, instead of paying $40 a year, one can pay $150 for a five-year period.[441]

424. Tacoma, Wash., Mun. Code §5.30.010 (2011).
425. Bos., Mass., Code of Ordinances §16-1.8A (2010).
426. *E.g.*, Charlotte, N.C., Code of Ordinances §3-102(a) (2010) (providing that the "bureau" will issue the permit.); Jersey City, N.J., Code of Ordinances §90-7 (2011) (providing that the "licensing issuing authority" will grant the permit).
427. St. Paul, Minn., §198.04(b) (2011):
> The applicant for any permit required under the provisions of section 198.02 shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of privately or publicly owned real estate within one hundred fifty (150) feet of the outer boundaries of the premises for which the permit is being requested or, in the alternative, proof that applicant's property lines are one hundred fifty (150) feet or more from any structure. However, where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street. Where a property within one hundred fifty (150) feet consists of a multiple dwelling, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building.

428. Las Vegas, Nev., Mun. Code §7.38.050 (2011).
429. Buffalo, N.Y., City Code §341-11.2 (2009) ("No chicken hens shall be allowed without the express written consent of all residents residing on property adjacent to that of the applicant."); Milwaukee, Wis., Code of Ordinances §78-6.5 (2011) (Before a permit is issued for the keeping of chickens, the applicant shall obtain the written consent of the owner of the property where the chickens shall be kept and owners of all directly or diagonally abutting properties, including those across an alley.")
430. Riverside, Cal., Code of Ordinances §6.05.020 (2011).
431. Buffalo, N.Y., City Code §341-11.4 (2009).
432. Buffalo, N.Y., City Charter §3-19.
433. Buffalo, N.Y., City Code §341-11.4 (2009).
434. *Id.*
435. *Id.*
436. Buffalo, N.Y., City Code §341-11.1(G) (2009) ($25 annual fee); Charlotte, N.C., Code of Ordinances §3-102(a) (2010) ($50 annual fee); Denver, Colo., Mun. Code §8-91 (2011) ($50 annual fees as listed on city website at http://www.denvergov.org/FrequentlyAskedQuestionsandRelatedLinks/tabid/434759/Default.aspx); Jersey City, N.J., Code of Ordinances §90-7 (2011) ($25 annual fee); Lincoln, Neb., Mun. Code §6.04.090 (2011) ($50 annual fee with a $25 late fee); Madison, Wis., Code of Ordinances §9.52 (no date listed) ($10 annual fee with a $5 late fee); Milwaukee, Wis., Code of Ordinances §60-7 (2011) ($35 initial fee); Minneapolis, Minn., Code of Ordinances §70.10(f) (2011) ($50 initial fee and $40 annual fee); Mobile, Ala., Code of Ordinances §7-102 (2011) (specifies that permits are free); Newark, N.J., General Ordinances §6:2-31 (2010) ($10 annual fee); Rochester, N.Y., City Ordinances §30-16 (no date listed) ($37 annual fee); St. Louis, Mo., Code of Ordinances §10.20.013(f) (2010) ($40 annual fee); St. Paul, Minn., §198.04(c) (2011) ($72 initial fee and $25 annual fee); Wichita, Kan., Code of Ordinances §6.04.157 (2011) ($25 annual fee).
437. *Supra* note 436 and accompanying text.
438. *Id.*
439. Lincoln, Neb., Mun. Code §6.04.090 (2011).
440. Madison, Wis., Code of Ordinances §9.52 (no date listed).
441. Minneapolis, Minn., Code of Ordinances §70.10(g) (2011).

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7. Slaughtering

Thirteen cities regulate slaughtering[442]; however, of those, only six ban slaughtering altogether.[443] Three cities, Buffalo, Charlotte, and Pittsburgh, allow chickens to be slaughtered, but require that it not occur outdoors or in a public place.[444] Cleveland allows a chicken to be slaughtered on site, but only if it is meant to be consumed on the occupant's premises.[445] San Francisco requires that any slaughter occur in an "entirely separate" room than the one that fowl occupy.[446] Rochester requires a poulterer's license to both keep chickens and slaughter them.[447] And, Glendale, in keeping with its aversion to rats described above, only allows for slaughter if it occurs in a rat-proof structure.[448]

Several other cities only ban slaughter if a person is killing another's chickens without permission.[449] Chesapeake is particularly concerned with dogs killing chickens. Chesapeake mandates compensation of no more than $10 per fowl, if a dog or hybrid dog kills a chicken.[450]

Finally, several cities stand directly opposed concerning the killing of chickens for animal sacrifice. Chicago's ordinance banning the slaughter of chickens is directed toward chickens killed for animal sacrifice; it provides in the ordinance that this "section is applicable to any cult that kills (sacrifices) animals for any type of ritual, regardless of whether or not the flesh or blood of the animal is to be consumed."[451] Witchita, however, while banning the slaughter of chickens, states that the ordinance does not apply "to the slaughter of animals as part of religious practices."[452] And, Los Angeles expressly allows slaughter both for food and religious purposes.[453]

8. Roosters

Many cities that allow for hens ban roosters. Twenty-six cities prohibit roosters.[454] Of these cities, four have exceptions: Phoenix will allow a rooster only if it is incapable of making vocal noises[455]; Rochester and San Jose will allow roosters under four months of age[456]; and Sacramento only prohibits roosters on developed lots used exclusively for residential purposes.[457] Fort Wayne does not say anything about roosters, but its ordinance effectively bans them by defining poultry only as "laying hens."[458]

Many cities, instead of banning roosters altogether impose very large setbacks for roosters, require a larger property size for roosters, or relegate roosters to agriculturally zoned land. Four cities require relatively large setbacks for roosters: Cleveland requires 100-foot setbacks[459]; Kansas City, 300 feet[460]; Oklahoma City, 400 feet[461]; and Glendale, California, requires 500 feet.[462] Wichita will also allow for roosters if they are more than 500 feet from any residentially zoned lot.[463] Three cities require greater

442. Buffalo, N.Y., City Code §341-11.3(d) (2009); Charlotte, N.C., Code of Ordinances §3-102(c)(4) (2010); Chi., ill., Code of Ordinances §17-12-300 (2011); Cleveland, Ohio, Codified Ordinances §347.02(h) (2011); Glendale, Cal., Mun. Code §8.48.020 (2011); Madison, Wis., Code of Ordinances §2809(9)(b)(6) (no date listed); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(b) (2011); Nashville-Davidson, Tenn. Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author); Pittsburgh, Pa., Code of Ordinances §911.04.A.2 (2011); Rochester, N.Y., City Ordinances §30-12 (no date listed); Sacramento, Cal., City Code §9.44.860 (2011); San Francisco, Cal., Health Code §37(d)(5) (2011); Wichita, Kan., Code of Ordinances §6.04.175(p) (2011).

443. Chi., ill., Code of Ordinances §17-12-300 (2011) ("No person shall own, keep or otherwise possess, or slaughter any sheep, goat, pig, cow or the young of such species, poultry, rabbit, dog, cat, or any other animal, intending to use such animal for food purposes."); Madison, Wis., Code of Ordinances §2809(9)(b)(6) (no date listed) ("No person shall slaughter any chickens."); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(b) (2011); ("No person shall slaughter any chickens."); Nashville-Davidson, Tenn. Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author); Sacramento, Cal., City Code §9.44.860 (2011) ("No hen chickens shall be slaughtered on any developed lot used exclusively for residential purposes."); Wichita, Kan., Code of Ordinances §6.04.175(p) (2011) (prohibiting slaughtering "on residentially zoned lots or lots utilized for residential purposes").

444. Buffalo, N.Y., City Code §341-11.3(d) (2009) ("There shall be no outdoor slaughtering of chicken hens."); Charlotte, N.C., Code of Ordinances §3-102(c)(4) (2010); (providing that any slaughter "shall be done only in a humane and sanitary manner and shall not be done open to the view of any public area or adjacent property owned by another"); Pittsburgh, Pa., Code of Ordinances §911.04.A.2 (2011) ("Killing or dressing of poultry raised on the premises shall be permitted if conducted entirely within an enclosed building.").

445. Cleveland, Ohio, Codified Ordinances §347.02(h) (2011).

446. San Francisco, Cal., Health Code §37(d)(5) (2011).

447. Rochester, N.Y., City Ordinances §30-12 (no date listed).

448. Glendale, Cal., Mun. Code §8.48.020 (2011).

449. Akron, Ohio, Code of Ordinances §92.03 (2011); Austin, Tex., Code of Ordinances §3-2-61 (2011); Phoenix, Ariz., City Code §8-3 (2011).

450. Chesapeake, Va., Code of Ordinances §10-19 (2011).

451. Chi., ill., Code of Ordinances §17-12-300 (2011) (but exempting Kosher slaughtering from this ordinance).

452. Wichita, Kan., Code of Ordinances §6.04.175(p) (2011).

453. L.A., Cal., Mun. Code §53.67 (2011).

454. Buffalo, N.Y., City Code §341-11.1(d) (2009); Colorado Springs, Colo., City Code §6.7.110(A) (2011); Fort Wayne, Ind., Code of Ordinances ch. 157 (2011); Fresno, Cal., Mun. Code §§12-204.11 & 12-205.1 & 12-206.1 (2011); Garland, Tex., Code of Ordinances §22.14 (2011); Las Vegas, Nev., Mun. Code §7.38.050(a)(2) (2011); Lincoln, Neb., Mun. Code §6.04.041 (2011); Long Beach, Cal., Mun. Code §6.20.050 (2011); Miami, Fla., Code of Ordinances §6-1(b)(2) (2011); Madison, Wis., Code of Ordinances ch. 28 (no date listed); Milwaukee, Wis., Code of Ordinances §78-6.5(3)(a) (2011); N.Y.C., Health Code §§161.19(a) & 161.01(b)(11) (1990); Newark, N.J., General Ordinances §6:2-36 (2010); Oakland, Cal., Code of Ordinances §6.04.320 (2011); Phoenix, Ariz., City Code §8-7(c) (2011); Portland, Or., City Code §13.10.010 (2011); Rochester, N.Y., City Ordinances §30-19 (no date listed); Sacramento, Cal., City Code §9.44.860(B) (2011); St. Paul, Minn., §198.03 (2011); St. Petersburg, Fla., Code of Ordinances §4-31(e) (2011); San Jose, Cal., Code of Ordinances §7.60.820 (2007); Santa Ana, Cal., Code of Ordinances §5-6.5 (2011); Seattle, Wash., Mun. Code §23.42.052(c)(2) (2011); Stockton, Cal., Mun. Code §6.04.440 (2011); Tucson, Ariz., Code of Ordinances §4-59 (2011); Wichita, Kan., Code of Ordinances §6.04.171 (2011).

455. Phoenix, Ariz., City Code §8-7(c) (2011). Removing a roosters vocal chords was routinely done by vets many years ago. But because of the extremely high mortality rate (over 50%) most vets will no longer perform this procedure. *See Small and Backyard Flocks*, Ky. U. Ext., http://www.ca.uky.edu/smallflocks/faq.html#Q31 (last visited July 8, 2012).

456. Rochester, N.Y., City Ordinances §30-19 (no date listed); San Jose, Cal., Code of Ordinances §7.60.820 (2007).

457. Sacramento, Cal., City Code §9.44.860(B) (2011).

458. Fort Wayne, Ind., Code of Ordinances ch. 157 (2011).

459. Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(c) (2011).

460. Kansas City, Mo., Code of Ordinances §14-15(f) (2011).

461. Oklahoma City, Okla., Mun. Code §59-9350(c), (d) (2011).

462. Glendale, Ariz., Code of Ordinances pt. II, art. 5 (2010) (multiple provisions in zoning code relating to roosters).

463. Wichita, Kan., Code of Ordinances §6.04.171 (2011).

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acreage for roosters: Cleveland requires at least one acre[464]; Baton Rouge requires two acres[465]; and Fremont California allows one rooster for ½ acre, and two roosters for more than one acre.[466] Three cities, Anaheim, Arlington, and Dallas, relegate roosters to agriculturally zoned land.[467]

Many cities do not ban roosters but have noise regulations that would effectively cause any rooster to be a nuisance, at least a rooster that crows.[468]

Finally, nine cities expressly allow for roosters.[469] Most of these cities, however, limit the number of roosters allowed. Three cities allow for only one rooster.[470] Two cities allow for two roosters.[471] El Paso allows for up to three roosters with a permit.[472] And Riverside allows up to six and only requires a permit to keep seven or more roosters.[473] San Diego and San Francisco allow for unlimited roosters; however, San Francisco animal control authorities stated that they do not recommend that San Franciscans keep roosters due to the number of complaints they have received concerning roosters.[474]

And, winning the award for most eccentric rooster ordinance is the city that allows roosters conjugal visits. While this city is not within the top 100 surveyed, Hopewell Township, New Jersey, as discussed above, allows roosters that are certified disease-free to visit a hen flock for 10 days out of every year.[475]

464. Cleveland, Ohio, Codified Ordinances §347.02(b)(1)(c) (2011).
465. Baton Rouge, La., Code of Ordinances §14-224(b) (2011).
466. Fremont, Cal., Mun. Code §3-5803 (2011).
467. Anaheim, Cal., Mun. Code §18.38.030.050 (2011); Arlington, Tex., Ordinances Governing Animals §5.02(f) (2010); Dallas, Tex., Code of Ordinances §7-7.3 (2011).
468. *E.g.*, Anchorage, Alaska, Code of Ordinances §17.10.015 (2011); Bakersfield, Cal., Mun. Code §6.04.230 (2011); Columbus, Ohio, City Code §2327.14(A) (2011) ("No person shall keep or harbor any animal which howls, barks, or emits audible sounds that are unreasonably loud or disturbing and which are of such character, intensity and duration as to disturb the peace and quiet of the neighborhood or to be detrimental to life and health of any individual."); Corpus Christi, Tex., Code of Ordinances §31-2 (2011); Greensboro, N.C., Code of Ordinances §30-8-11.3(B) (2011) ("No poultry animals that make sounds clearly audible offsite are permitted."); Lexington-Fayette, Ky., Code of Ordinances §4-12 (2011); Nashville-Davidson, Tenn., Mun. Code §8.12.010 (2011) ("It is unlawful for any person to keep any animal, dog, bird or fowl which, by causing frequent or loud continued noise, disturbs the comfort or repose of any person in the vicinity."); Raleigh, N.C., Code of Ordinances §12-5007 (2011); St. Louis, Mo., Code of Ordinances §15.50.040 (2010).
469. Albuquerque, N.M., Code of Ordinances §9-2-4-3 (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007); El Paso, Tex., Mun. Code §7.24.020(B)(1) (2011); Fort Worth, Tex., Code of Ordinances §11A-22(c)(2) (2011); L.A., Cal., Mun. Code §53.71 (2011); Louisville, Ky., Metro Code §91.001 (2011); Riverside, Cal., Code of Ordinances §6.05.010 (2011); San Diego, Cal., Mun. Code §42.0708 (2011); San Francisco, Cal., Health Code §37 (2011).
470. Albuquerque, N.M., Code of Ordinances §9-2-4-3 (2011); L.A., Cal., Mun. Code §53.71 (2011); Louisville, Ky., Metro Code §91.001 (2011).
471. Fort Worth, Tex., Code of Ordinances §11A-22(c)(2) (2011); Birmingham, Ala., Zoning Ordinance §2.4.1 (2007).
472. El Paso, Tex., Mun. Code §7.24.020(B)(1) (2011).
473. Riverside, Cal., Code of Ordinances §§6.05.010 & 6.05.020 (2011).
474. San Diego, Cal., Mun. Code §42.0708 (2011); San Francisco, Cal., Health Code §37 (2011); Interview with San Francisco animal control (on file with author).
475. *NJ Town Limits Conjugal Visits Between Roosters & Hens*, Huffington Post, Apr. 27, 2011, http://www.huffingtonpost.com/2011/04/28/nj-limits-chicken-mating_n_854404.html (last visited July 8, 2012).

V. Model Ordinance

A. *Reasons Behind the Choices in the Model Ordinance*

Because many cities are recognizing that keeping chickens in the city should be allowed, but would like to regulate it properly so that the city can stop any nuisances before they arise, a model ordinance is provided below. Through surveying the ordinances of the most populous American cities, many types of regulatory schemes have already been identified and discussed. While different regulatory schemes may work better for different kinds of cities, depending on the density and variety of their residential, commercial, and industrial neighborhoods, the model ordinance provided should be easy to adapt to any city. First, each section of the model ordinance will be described and the reasons for choosing the regulation will be set out. Then, the model ordinance will be set out in full.

1. Chickens Should Be Regulated in a Unified Ordinance Within the Section Concerning Animals

Most cities regulate chickens within the animal code. This also appears to be the best option for where to place regulations affecting chickens within a city's codified ordinances. This is the natural place for a person to look to see if the city allows chickens. By placing the regulation within the animal code, it also allows for all of the regulations affecting chickens to be in one place. This will help a chicken owner to more easily find and follow the city's law.

If a city still wishes to incorporate zoning restrictions within a chicken ordinance, the city can easily do so within the unified ordinance located within the animal section by restricting chickens to certain zones. And if a city wishes to require a permit to keep chickens, the permit requirement may also easily be placed in a unified ordinance.

2. Chickens Should Be Limited to a Small Flock

A chicken ordinance should allow for at least four chickens. Because chickens are flock animals, they do not thrive when left alone. And, because chickens enforce a dominant social order by harassing new chicks, it is always best to introduce at least two chicks to a new flock. By allowing a minimum of four chickens, the city does not leave a chicken owner in a position of having to leave a hen in a solitary environment if another chicken dies. It also allows the chicken owner to introduce at least two new chicks to an existing flock of two.

The model ordinance sets out a maximum of six chickens. This number is still below the average number of chickens allowed in most cities, but is sufficient to keep a balanced backyard flock. Six hens will allow plenty of eggs for the hen-keepers, while still allowing an owner to keep

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hens that no longer produce many eggs but are still valued by the owner for their companionship.

Cities may want to consider allowing even more chickens. Allowing more chickens will allow owners to keep chickens that are no longer producing eggs. Chicken owners who raise hens for eggs may feel pressured to rid themselves of older hens when they are faced with limitations on their flock.[476] This has raised concerns in some areas that those chickens will burden animal shelters.[477] Allowing a slightly larger flock may help to alleviate any burden.

3. Lot Size Should Not Be Restricted

The majority of cities do not require a specific lot size before a person can keep chickens. Lot size restrictions, moreover, often do little more than prohibit the majority of city residents from keeping hens. The concern that cities are mainly addressing through lot size, that of making sure that chickens are not located too close to neighbors, can better be addressed through setbacks.

For this reason, the model ordinance does not restrict through lot size. If a city has a wide variety of lot sizes, however, a city may wish to allow more hens for larger lot sizes. The city, for instance, can legislate a maximum number of chickens for lot sizes of ½ acre or below, and then increase the number of chickens for larger lot sizes.

4. Setbacks

Because there is a universal concern with keeping chickens too close to neighbors, a setback, rather than lot size, provides the best solution for this concern. A setback actually ensures that the chickens will be kept at an appropriate distance from neighbors without unduly restricting people who own smaller properties from owning chickens. The model ordinance proposes a setback of 25 feet from the doors or windows of any dwelling or occupied structure other than the owner's dwelling. This setback is less than the median setback of 80 feet and the most popular setback of 50 feet, but is in line with the setbacks of many cities that have recently amended their ordinances. A setback of 25 feet is far enough that any noise or odor from the hens should not cause nuisance to the neighbors, while allowing homeowners in smaller properties to keep hens. The addition of requiring the setback to be from doors or windows also allows more flexibility for where a coop can be placed, while still ensuring that it will not annoy neighbors.

Setbacks from a neighboring residence make sense because it can be assumed that no one wants someone keeping any pet, including chickens, very close to their house. A setback from the property line, however, may make less sense depending on where on the property chickens are kept. While a neighbor may be concerned that his neighbor does not build a coop abutting his property that is also right next to a frequently used patio or deck, these sorts of setbacks may also overreach. For instance, these setbacks may require a coop to be located far from a little-used or overgrown part of a neighbor's property. It may also require the coop to be located far from an area of the neighbor's property where a garage or shed already provides a barrier. For these reasons, setbacks from property lines should be employed with care. But, it is understandable that a neighbor would not want a coop built directly next to a frequently used area of the yard, nor does a neighbor want to be responsible for cleaning errant droppings. For this reason, the model ordinance proposes minimal setbacks from property lines along the lines of the newly passed ordinances in Cleveland and Buffalo, of five feet from the side yard and 18 inches from the rear yard line.

Finally, the model ordinance provides that chickens may not be kept in the front yard. Because most cities are justifiably concerned that easily accessible chickens will attract vandalism, theft, or pranks, or possibly cause neighborhood dogs to behave in a predatory manner, instead of setting elaborate setbacks from the street, it is more efficient and more clear to simply ban chickens from the front yard.

5. Sanitation Requirements

The model ordinance requires that the coop and outdoor enclosure be kept in a sanitary condition and free from offensive odors. It also requires that the coop and outdoor enclosure be cleaned on a regular basis to prevent the accumulation of animal waste. The model ordinance does not go into further detail because more stringent cleaning requirements will be difficult to police and impossible to enforce. A city inspector will be able to tell if a coop is clean and odor-free when inspecting the coop. Unless the city inspector monitors a coop closely with daily visits, the inspector will be unable to tell if an owner cleaned it daily, or every other day, or weekly. It is unlikely that any city inspector would want to devote that much time to surveillance of chicken coops.

Also, because there are several different methods for cleaning a coop, and there continue to be new innovations in chicken-keeping and maintenance (witness the evolution of cat litter over the past few decades), legislating one particular method of cleaning might foreclose more efficient, more sanitary, and more attractive cleaning options. The city's concern is with sanitation and odor. Thus, the city should address its regulations to these concerns, rather than to more specific cleaning methods.

Concerns with flies will also be taken care of through requiring clean and odor-free coops and enclosures. As flies are attracted to waste, any problem with flies should be eliminated through requiring a sanitary coop. Rats are attracted to easily procured food. If the city is particularly concerned with rats, it may add that chicken feed be kept in a rat-proof container. But this regulation appears

476. *E.g.*, Kim Severson, *When the Problems Come Home to Roost*, N.Y. Times, Oct. 22, 2009, http://www.nytimes.com/2009/10/23/dining/23sfdine.html.

477. *Id.*

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unnecessary in light of the fact that many people keep dog and cat food in bulk, as well as food for their own consumption, without regulations that the food be kept in a rat-proof container. There is no logical basis for the belief that rats will be more attracted to chicken feed than other food. If a city is concerned that feed scattered on the ground will attract rats, instead of legislating a rat-proof container for keeping the feed, a city may be better off following Buffalo's lead by prohibiting feed from being scattered on the ground and requiring chickens to be fed from a trough.

6. Enclosures

The model ordinance provides specific requirements for coops and outdoor runs. It also requires that hens should remain in the coop or outdoor run at all times, except when an adult is directly supervising the hen.

First, the model ordinance requires a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. It also requires that the coop provide at least two square feet per hen. Finally, it requires that the birds have access to an outdoor run that is adequately fenced to contain the birds on the property and prevent predators from access to the birds. This ordinance is designed to address the city's concerns with odor, with the chicken's well-being, and with not attracting predators looking for an easy meal. The ordinance allows for only two square feet per hen to give each hen adequate space, but also to allow for a smaller coop size that can help to keep birds warm in the winter. The ordinance avoids giving too many instructions on building a coop that could preclude future innovations in coop design.[478] If the city, however, wants to prohibit coops over a specific dimension, or will waive a building permit for coops under a specific dimension that are not permanent structures, the city can easily insert such a provision here.

The model ordinance also provides that chickens should not be allowed out of their coops, except when supervised by an adult. This addresses a city's concern with chickens running free on the streets while also recognizing that owners will need to remove hens from the coop and run occasionally to clean the areas, to inspect a bird more closely, or to allow a chicken to briefly roam the yard or garden to forage for fresh greens.

7. Slaughtering

The model ordinance prohibits slaughtering chickens outdoors. Because many people are concerned that neighbors or neighbors' children will accidentally witness a bird being killed and are also concerned with the lack of hygiene in backyard butchering, this regulation is included in the ordinance. Also, because most backyard hen enthusiasts are raising hens for eggs and companionship, and not for meat, most will not object to this regulation.

8. Roosters

The model ordinance prohibits roosters. It does so because roosters are noisy and are much more likely to bother neighbors than hens. Because, as discussed above, most backyard hen enthusiasts are interested in eggs, and roosters are not necessary to egg production, prohibiting roosters will not likely meet with much objection.

Because bringing in a rooster on occasion can help to cheaply and easily propagate a flock, cities may explore rooster "conjugal visits," like Hopewell township has done. While the township's regulation attracted press because of its eccentricity, it was a thoughtful solution to the practical effects of banning roosters. Most hen owners, however, are willing to add to their flocks through other means where they can be better assured of procuring only female fowl.

9. Permits

The model ordinance, following the ordinances of many other cities, does not require a permit, as long as the ordinance is followed. Because chickens are novel to many communities, city officials naturally want to closely monitor how well owners are maintaining their flocks. But, regulating through a permitting or licensing process, dedicating a city official to overseeing it, and maintaining the records that such a process will require appears to be an inefficient use of city resources. It is also expensive for owners to pay permitting fees on an annual basis and is a barrier to entry to keeping chickens to those with low or modest incomes. The fees that some cities charge, over $50 annually, effectively prohibit poorer people from owning chickens.

The permitting process, moreover, does not necessarily give the city more control. If the city prohibits hens unless its ordinance is followed, it can enforce its laws in the same way that it enforces its laws against errant dog, cat, or bird owners. Requiring a permit, thus, appears to provide an unnecessary, inefficient, and expensive layer to the process of legalizing hens.

The model ordinance does require a permit, however, if the chicken owner puts forth a proposal for why she should not have to comply with the city's regulations—for instance if the owner wishes to keep more than the maximum amount of hens, wishes to keep hens in a multi-family dwelling, wishes to keep hens on a parcel of land that is unconnected to a dwelling, or wishes to keep a rooster.

478. Many companies sell commercially made coops, runs, and chicken tractors (portable enclosed structures that allow the owner to move the chickens around the yard) with novel designs. *See, e.g.*, *Say Hello to the Brand New Eglu Go*, Omlet, http://www.omlet.us/products_services/products_services.php?cat=Eglu+Go (last visted July 25, 2012) (offering a plastic portable chicken coop and run designed for two chickens); *Chicken Coops*, Sheds Unlimited, http://www.shedsunlimited.net/portable-chicken-runs-and-coops-for-sale.html?gclid=CKXzvd2ruLECFeEDQAodcCIAkw (last visited July 25, 2012) (offering Amish-built chicken coops and runs); ChickenSaloon.com, http://chickensaloon.com/?gclid=COLs7qysuLECFYS6KgodGBAAsw (last visited July 25, 2012); The Green Chicken Coop, http://www.greenchickencoop.com/ (last visited July 25, 2012).

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This permit is set up to allow people to keep chickens within setbacks, or to allow for more intensive chicken-keeping for urban agricultural uses, perhaps on an urban farm or market garden. As urban agriculture gains support and becomes more prevalent in the city, this will allow for people who wish to keep more chickens, or keep a rooster, as part of a market garden a set path for doing so without seeking to amend the ordinance. The permit process is designed to allow for more flexibility within the ordinance, while still laying down firm standards that all chicken owners must follow.

B. Model Ordinance

Below is a model ordinance designed for a city to either adopt or use as a starting point when deciding whether to allow hens in the city and how to regulate them:

(a) Purpose. The following regulations will govern the keeping of chickens and are designed to prevent nuisances and prevent conditions that are unsanitary or unsafe. No person shall keep chickens unless the following regulations are followed:

- **a. Number**. No more than six (6) hens shall be allowed for each single-family dwelling.
- **b. Setbacks**. Coops or cages housing chickens shall be kept at least twenty-five (25) feet from the door or window of any dwelling or occupied structure other than the owner's dwelling. Coops and cages shall not be located within five (5) feet of a side-yard lot line, nor within eighteen (18) inches of a rear-yard lot line. Coops and cages shall not be located in the front yard.
- **c. Enclosure**. Hens shall be provided with a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. Hens shall not be allowed out of these enclosures unless a responsible individual, over 18 years of age, is directly monitoring the hens and able to immediately return the hens to the cage or coop if necessary.
- **d. Sanitation**. The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste.
- **e. Slaughtering**. There shall be no outdoor slaughtering of chickens.
- **f. Roosters**. It is unlawful for any person to keep roosters.

(b) Permit. A permit shall not be required if the above regulations are followed. If a person wishes to keep more than the maximum allowed number of hens, wishes to keep hens within the setback required, wishes to keep hens in a multi-family dwelling, wishes to keep hens on a parcel of land that is unconnected to a dwelling, or wishes to keep a rooster, a permit will be required. An application for a permit must contain the following items:

- **a.** The name, phone number, and address of the applicant.
- **b.** The size and location of the subject property.
- **c.** A proposal containing the following information.
  - **i.** The number of hens the applicant seeks to keep on the property.
  - **ii.** A description of any coops or cages or outdoor enclosures providing precise dimensions and the precise location of these enclosures in relation to property lines and adjacent properties.
  - **iii.** The number of roosters the applicant seeks to keep on the property.
- **d.** If the applicant proposes to keep chickens in the yard of a multi-family dwelling, the applicant must present a signed statement from any and all owners or tenants of the multi-family dwelling consenting to the applicant's proposal for keeping chickens on the premises.
- **e.** If the applicant proposes to keep more chickens than allowed in the above ordinance or wishes to keep a rooster, the applicant must present a signed statement from all residents of property adjacent to or within 50 feet of the applicant's property consenting to the applicant's proposal for keeping chickens on the premises. If the applicant proposes to keep chickens within a required setback, the applicant must present a signed statement from all residents of the property affected by that setback.

(c) Permit Renewal. Permits will be granted on an annual basis. If the city receives no complaints regarding the permit holder's keeping of chickens, the permit will be presumptively renewed and the applicant may continue to keep chickens under the terms and condition of the initial permit. The city may revoke the permit at any time if the permittee does not follow the terms of the permit, if the city receives complaints regarding the permit holder's keeping of chickens, or the city finds that the permit holder has not maintained the chickens, coops, or outdoor enclosures in a clean and sanitary condition.

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Feeding the Locavores, One Chicken at a Time: Regulating Backyard Chickens

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Dean and Professor of Law

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Feeding the Locavores, One Chicken at a Time: Regulating Backyard Chickens

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"*A nuisance may be merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard.*" Village of Euclid, Ohio v Ambler Realty Co., 272 U.S. 365, 388, 47 S.Ct. 114, 118 (1926).

I. Introduction

The clucking sound of chickens, once only heard on farms across the rural countryside, is becoming more commonplace in suburban and urban backyards as locavores[1] search for more "green living" and a diet of fresh, locally grown and raised food.[2] In addition to producing eggs and meat, chickens provide the valuable service of eating garden pests and kitchen scraps.[3] They are relatively inexpensive, and do not need a particularly large area of space.[4] Some people have also started to welcome chickens into their homes and yards as domesticated pets.[5] Longmont, Colorado offers a good illustration of the growing interest in raising backyard chickens, as the municipality has issued 72 permits to keep them, and maintains a waiting list of 100 more requests.[6] Hundreds of other cities across the country, including Austin, Nashville, St. Louis, Tulsa, New York, Seattle, Portland, Houston and San Francisco, as well as smaller towns and villages, have permitted the keeping of chickens in residential neighborhoods,[7] and changes have been proposed in other cities, including Lafayette, Colorado;[8] Batavia, Illinois;[9] Albany, New York;[10] and North Salt Lake, Utah.[11] Although some communities have welcomed backyard chickens, others have expressed overwhelming opposition.[12] People who criticize efforts to allow chickens in neighborhoods worry that property values will plummet,[13] that chickens will create foul odors and noise, and that they will attract coyotes, foxes, and other pests.[14] Efforts to allow chickens have recently been defeated in Springville, Utah,[15] and Grand

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Rapids, Michigan,[16] and in February of this year, officials in Ludlow, Kentucky have bucked the trend as they announced efforts to amend their local laws to effectively prohibit the keeping of backyard chickens.[17]

Although some communities have welcomed backyard chickens, others have expressed overwhelming opposition.

Favoring locally grown foods, while popular today, is not new. Early settlers were self-sustaining farmers, and while the era of industrialization may have altered farming patterns, Americans tried to reclaim some self-sufficiency during both World War I and World War II, with the implementation of victory gardens.[18] The federal government encouraged these efforts to reduce food shortages, and by 1943 the country's 20 million victory gardens reportedly produced eight million tons of food.[19] Food gardens surged in popularity again in the 1960s and 1970s through the "back to the land" movement, as environmentally conscientious consumers became aware of the pesticides, fertilizers, and other potentially dangerous chemicals used for industrial agricultural production.[20] Economic, environmental, and philosophical issues have recently renewed the public's interest in home-based food production, community gardens, and local sourcing.[21] With respect to chickens, the zoning ordinance of Cherokee County, Georgia explains that "[t]he keeping of hens supports a local, sustainable food system by providing an affordable, nutritious food source of fresh eggs. The keeping of hens also provides free nitrogen-rich fertilizer; chemical-free pest control; animal companionship and pleasure; and weed control, among other notable benefits."[22] While it is true that the impetus for the growing backyard chicken movement is owing primarily to the local and regional foodshed movement, the internet and the newspapers boast stories and posts about urban dwellers who simply enjoy keeping chickens as pets, and others who have taken an interest in raising chickens specifically for 4-H showings and other agricultural competitions.

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This is no "Chicken Little" story; if chicken lovers are not present in your community today, chances are they are coming soon.

II. Federal and State Government Regulation

Although backyard chickens are primarily regulated at the local level, a number of federal and state health and food safety laws apply to egg and poultry production. For example, the United States Department of Agriculture (USDA) takes an active role in disease prevention[23] and regulates various aspects regarding the sale, transport and slaughter of chicken and egg products under the Poultry Products Inspection Act[24] and the Egg Products Inspection Act.[25] Although most people who own only a few birds are exempt from the regulations,[26] these laws still prohibit the adulteration and misbranding of poultry and egg products, regardless of exemption status.[27] Therefore, those who raise chickens in order to sell eggs and poultry at local farmers' markets must comply with the federal regulations. Additionally, while the Center for Disease Control has no direct regulatory authority over backyard chicken farmers, the agency provides safety tips to prevent exposure to salmonella or campylobacter, bacteria that cause mild to severe gastrointestinal illness in humans and are associated with chickens.[28]

People who own chickens for personal use are often exempted from state licensing and inspection requirements as well.[29] However, state regulations regarding avian diseases usually apply to all chicken owners, regardless of the size of their flocks and whether the birds are kept for food or as pets.[30] Additionally, health and safety statutes often apply to egg sales and may cover people who own small flocks and wish to sell eggs at farmers' markets or to local restaurants. In Texas, for example, "A vendor must obtain a permit . . . to sell yard eggs at a farmers market. The eggs must be stored at a temperature of 45° Fahrenheit or less. The egg cartons or other containers must be labeled as 'ungraded' and provide the producer's . . . name and address."[31] Kentucky requires retail and wholesale egg sellers to obtain a license, but exempts producers who sell directly to consumers and sell no more than 60 dozen eggs per week.[32] Chicken owners in Alabama who sell eggs from their homes or farms are not required to obtain a license, but if they transport their eggs to farmers' markets, then they must follow the Alabama Shell Egg Law.[33] Other states exempt small-scale egg sellers from licensing regulations and handling requirements. In Michigan, for example, the egg law does not apply to people who sell eggs of their own production directly to consumers or first receivers,[34] and in Oregon, "eggs may be sold at farmers' markets or roadside stands without an egg handler's license and without labeling."[35]

Sales of poultry from small-scale producers may also be subject to health and safety regulations regarding slaughter and handling. In Michigan, poultry producers who sell fewer than 20,000 poultry per year must have their birds processed at a plant inspected by either the USDA or the state department of agriculture,[36] while in Oregon, all poultry must be USDA inspected and slaughtered at a USDA plant. The Oregon Department of Agriculture also licenses custom slaughter and processing operations, but these licenses do not allow retail sales and are primarily intended to allow persons to consume home-raised meat.[37]

Various other regulations may affect backyard chicken owners. In New York, it is illegal to keep chickens and other livestock on apartment building premises unless the use is specifically permitting by local regulations.[38] A similar law in Michigan prohibits the keeping of chickens on any dwelling lot, except under appropriate regulations, in cities and villages with more than 10,000 residents.[39] Additionally, all states prohibit or criminalize chicken fighting,[40] and some prohibit chicken owners from using dye to change the birds' colors,[41] a practice that is apparently popular to produce multi-colored chicks for Easter.[42]

III. Nuisance Law and Restrictive Covenants

Over the years, courts have had the opportunity to determine whether various impacts associated with the keeping of chickens can constitute a nuisance. In an early case decided in Louisiana, it was held that rooster crowing is not a nuisance per se.[43] The neighbor in the case cited a loss of sleep and physical discomfort caused by early morning crowing, which produced nervousness and potential

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physical and mental disorders. In applying the reasonable person test, the court asked whether "such a condition . . . in the judgment of reasonable men is naturally producing of actual physical discomfort to normal persons of ordinary sensibilities and of ordinary tastes and habits," and found that the crowing was not a nuisance, but rather a symbol of "good cheer and happiness."[44] However, keeping an excessive number of chickens may be deemed a nuisance if the noise or odors would offend persons of ordinary sensibility.[45] Where neighbors were inundated by noise from a rooster farm, an Ohio appeals court remarked that the noise—which disrupted the plaintiffs' sleep, forced them to keep their windows sealed at all times, and prevented them from inviting guests to their home—could be distinguished from "typical sounds of the country[.]"[46] The court concluded that the amount of noise created by the roosters was greater than that which is reasonably anticipated in the countryside and ordered the defendants to keep less than six roosters.[47]

Even a small number of chickens or roosters may be considered a nuisance, depending on the character of the neighborhood and the amount of noise they produce.

Even a small number of chickens or roosters may be considered a nuisance, depending on the character of the neighborhood and the amount of noise they produce. St. Louis, Missouri, has designated the keeping of more than four chickens within city limits a public nuisance.[48] Roosters are especially likely to create nuisances. In a Minnesota case, a woman living in St. Paul was convicted for keeping a rooster in her house without the requisite municipal permit. The court found that the health officer was justified in denying her permit request and upheld the conviction, as the numerous complaints from neighbors regarding the bird's frequent crowing at inconvenient hours demonstrated that it was a nuisance.[49] The same woman was cited again several years later for keeping her rooster in a St. Paul suburb. The ordinance under which she was charged prohibited the "raising or handling of livestock or animals causing a nuisance," but the court reversed her conviction because it determined that a rooster was not livestock.[50] In a Hawaii case, the court reversed on procedural grounds three convictions sustained by the defendant for keeping a rooster in violation of an animal nuisance ordinance.[51]

Because chickens tend to create odors and noise, even if these do not rise to the level of a nuisance, the keeping of chickens is often prohibited by restrictive covenants and homeowners' associations. In one case, homeowners who raised chickens on their property were found to be in violation of covenants prohibiting poultry and poultry houses. Because the covenant clearly prohibited "poultry of any kind," the court rejected the homeowners' contention that their birds were "pets" and not "poultry."[52] In a similar case, it was explained that "the clear intent expressed in the covenants as a whole is to create a desirable, pleasant residential area. It is clear that the exception as to pets was intended to limit the ownership of animals upon the property to that normally associated with residential, family living. We do not consider it in character with a planned residential community for a person to maintain a flock of 21 assorted poultry on his property."[53] The city of Homewood, Alabama recently amended its code to provide, "It shall be unlawful for any person to keep, harbor, or possess any chicken, duck, goose, turkey, guineas or other fowl within the city, except . . . [u]nder circumstances where no noise, odor, or pollution violation or nuisance is occasioned thereby,"[54] perhaps leaving it open to interpretation as to what exactly would constitute a nuisance with backyard chickens.

IV. Using Zoning and Other Local Controls to Regulate Backyard Chickens

State and federal statutes regulating chicken raising focus mainly on food safety and disease prevention, leaving local governments the ability to regulate the location and intensity of residential chicken raising, as well as the physical aspects of chicken coops. Many communities across the country have enacted zoning and land use measures to effectively balance the desire to maintain small numbers of poultry for food or pets against concerns relating to noise and odors. Some of the common issues covered by local ordinances include limits on the number of birds, setbacks for coops and pens, requirements for neighbor consent, restrictions against roosters, requirements for proper feed storage, and pest control provisions.

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Structures constructed for the housing of chickens, such as coops or fences, are also subject to zoning rules pertaining to cage size, height, and materials. Local laws may also include requirements for inspections by code enforcement officers, especially in the event of a complaint, as well as penalties for violations.

Because of their noisy habits, roosters are prohibited under many residential chicken laws.

Because of their noisy habits, roosters are prohibited under some residential chicken laws.[55] In Stamford, Connecticut, residents may keep roosters, but only so long as their crowing is not "annoying to any person occupying premises in the vicinity." It is clear that local ordinances vary widely in approach to meet the particular challenges of a given community. What follows are examples of specific existing local approaches to regulating urban chickens.

A. Permits

It is not uncommon for municipalities to regulate residential chicken raising through licensing and permitting laws. An ordinance in Ann Arbor, Michigan, allows residents to apply for a permit to keep up to four "backyard chickens." The permit costs $20 and requires proof of consent by adjacent neighbors.[56] Similarly, residents of Charlotte, North Carolina, may apply for a permit to have "chickens, turkeys, ducks, guineas, geese, pheasants, pigeons or other domestic fowl[.]" Before a permit may be issued, a city employee must inspect the premises and determine that keeping the desired fowl will not "endanger the health, safety, peace, quiet, comfort, enjoyment of or otherwise become a public nuisance to nearby residents or occupants or places of business."[57] In Knoxville, Tennessee, city residents may apply for an annual permit to keep up to six hens on their property. They must also obtain a building permit for any henhouse or chicken pen.[58] In Salem, Oregon, residents are required to obtain a license, valid for up to three years, at a cost of $50 per year.[59] The City of Adair Village, Oregon, which charges $10 for a permit, requires applicants to initial on the application that the space intended to house backyard chickens is currently in accordance with sight-obscuring fence and setback requirements, and that the chicken coop and fenced chicken area enclosure is in accordance with the square footage size and sanitation maintenance standards associated with backyard chickens. Applicants also have to acknowledge the requirement that chickens must be shut into their coops from sunset to sunrise, and otherwise remain protected from natural predators, and they must attest to having read the backyard chicken information sheet provided by the city.[60]

B. Neighbor Consent

A number of municipalities require consent of neighbors before permits will be issued for backyard chickens. For example, in Ann Arbor, Michigan, neighbors are asked to complete the Adjacent Neighbor Consent Form, and "[n]o permit shall be issued . . . and no chickens shall be allowed to be kept unless the owners of all residentially zoned adjacent properties . . . consent in writing to the permit."[61] Similar consent requirements have been enacted in Brainerd, Minnesota.[62] In Mankato, Minnesota, consent is required not only from abutting owners, but also from three-fourths of the residents living within 300 feet of the proposed chicken coop.[63] Under the regulations enacted in Durham, North Carolina, a neighbor's objection can warrant an administrative review.[64] And in Longmont, Colorado, nonconforming coops located six feet from the property line must obtain the neighbors' approval. Longmont also requires neighbors' consent for free-ranging chickens.[65]

C. Keeping Chickens for Personal Use

Backyard chicken ordinances often limit residents to keeping chickens for personal use, and prohibit them from selling eggs or poultry on-site. For example, the zoning regulation in Portland, Maine, provides that its purpose is "to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept."[66] In San Francisco, residents are also prohibited from raising or breeding chickens for commercial purposes, and chicken operations that qualify as commercial are subject to different regulations.[67] In addition to al-

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lowing up to seven backyard chickens for personal egg consumption, Houston allows residents to keep show chickens intended purely for public exhibition.[68] In Windsor Heights, Iowa, no more than two chickens are allowed and they must be kept in a pen or coop at all times.[69]

D. Backyard Chickens Permitted as Accessory Uses

In Larimer County, Colorado, up to six backyard chickens are permitted as a residential accessory use. They must be provided with appropriate shelter and have access to a fenced outdoor enclosure no larger than 120 square feet.[70] Seattle, Washington also allows chickens in residential districts as accessory uses.[71] If chickens are not specifically permitted in a residential district, a homeowner can also try to receive approval for them as an accessory use.[72] This tactic has been successful in some cases involving farm animals and agricultural structures,[73] but the courts have not tended to accept chickens as residential accessory uses.[74] As backyard chickens become more commonplace, however, they may be more likely to be treated as a use customarily found in connection with residential uses.

E. Minimum Lot Size and Setback Requirements

Rather than setting a limit on the number of chickens allowed, a number of municipalities set minimum lot size and setback requirements for keeping chickens in the backyard. This approach can serve a number of purposes: it can bar chickens from particularly dense neighborhoods, prevent residents from keeping large flocks, and ensure that chickens have enough space to live comfortably. However, if such requirements are too restrictive, they may create obstacles to chicken raising in neighborhoods otherwise suited for that use. The 150-foot setback required in Concord, New Hampshire, for example, effectively limits backyard chicken raising to single-family homes on large lots.[75] Minimum lot size requirements for chickens vary. In Grand Rapids, Minnesota, only one chicken is permitted per 2,500 square feet of lot size,[76] while in Pima County, Arizona, 24 chickens may be kept per 8,000 square feet of lot space in single-family zones.[77] In Hayden, Idaho, up to ten chickens "may be kept on premises containing a minimum of three-fourths (3/4) acre of securely fenced, irrigated open space, exclusive of a homesite, and containing at least one acre in total[.]"[78]

Setbacks also vary. Little Rock, Arkansas has a 25-foot setback requirement,[79] while Topeka, Kansas,[80] and Stamford, Connecticut,[81] have 50-foot setback requirements. Setbacks are often measured from other residential uses or districts, or uses that could be sensitive to nearby chickens. In Sacramento, for example, a chicken coop may not be located "nearer than seventy-five (75) feet to any building or structure on adjacent property used for dwelling purposes, food preparation, food service, school, hotel or as a place of public assembly."[82] In Lenexa, Kansas, chickens are subject to minimum lot size requirements and coops must also be set back at least 100 feet from any adjacent building (except the owner's), 100 feet from any front lot line, and 25 feet from any side or rear lot line.[83] Chicken coops in Atlanta, in addition to being set back at least 50 feet from any neighboring residence or business, must also be set back at least five feet from the owner's residence.[84]

F. Chicken Coop Design, Site Placement, Materials and Maintenance

Local laws permitting backyard chickens often regulate the size, height, and site placement of chicken coops and pens, as well as requiring them to be adequately cleaned and safeguarded from predators. For example, the city of Knoxville, Tennessee, requires that hens be kept inside a fenced enclosure at all times during the day and secured inside a coop during non-daylight hours. If the fenced enclosure is not covered, then it must be at least 42 inches high and the hens' wings must be clipped. A building permit is required for construction of a coop, which must be made of uniform materials, have a roof and doors that can be tightly secured, be properly ventilated, and have adequate sunlight.[85] In Atlanta, Georgia, chicken coops must have solid floors made out of cement or another washable material, unless the enclosure is more than 75 feet away from the nearest neighbor's residence or business.[86] The size of coops and fenced enclosures is often determined by the number of hens kept in the flock. In Knoxville[87] and Atlanta,[88] coops must give each chicken at least two square feet of space. Mobile, Alabama, requires four feet of space per chicken in chicken houses,[89]

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while at least six square feet of space per chicken is required in Concord, New Hampshire coops.[90]

Maintenance laws are also common. In Baton Rouge, for example, "[a]ll enclosures shall be cleaned regularly to prevent an accumulation of food, fecal matter, or nesting material from creating a nuisance or unsanitary condition due to odor, vermin, debris, or decay."[91] The New York City Health Code requires coops to be "whitewashed or otherwise treated in a manner approved by the Department at least once a year . . . in order to keep them clean."[92]

G. Special Use Permits

Some communities allow for the keeping of urban chickens subject to a special use permit. This permits the municipality to assess the particular impacts of a given application on the character of the neighborhood. The zoning ordinance for Overland Park, Kansas requires that people wishing to keep chickens on less than three acres must apply for a special use permit.[93] Recently, in Jamestown, New York, the zoning board of appeals approved a special use permit based on the following conditions and restrictions: No more than ten hens would be housed on the property at any one time; no roosters would be housed on the property; a fence would be placed around the border on the property line; no slaughtering of chickens would be permitted; chickens would be in the coops from approximately dusk to dawn; and no storage of chicken manure would occur within 20 feet of the property line.[94] The permit was granted for one year, at the end of which time the property owners would be required to appear before the board for review and potential renewal of the permit.[95] In Leadville, Colorado, the Council recently issued a conditional use permit for the keeping of six chickens on residential property with the following conditions imposed: the special use shall not run with the land, but will sunset when the applicant no longer occupies the premises; that fresh water will be available for the chickens at all times; and that all representations made by the applicant and relied upon by the Planning and Zoning Commission and/or the City Council in evaluating the Conditional Use Permit shall be deemed a part of the application and binding upon the applicant.[96]

H. Slaughter

Abattoirs and slaughtering are restricted or prohibited in many cities, and they may also be subject to federal and state regulations, as discussed above. Some cities, such as Rogers, Arkansas,[97] and Buffalo, New York,[98] prohibit slaughtering outside. Madison, Wisconsin,[99] and Knoxville, Tennessee,[100] prohibits chicken slaughtering in residential districts, while Chicago allows slaughtering only by licensed slaughtering establishments.[101] In San Francisco, slaughtering must be carried out in a separate room, away from any chickens.[102] Most of the ordinances and zoning provisions addressing the slaughtering of chickens apply to larger commercial operations, and ordinances relating to urban chickens are quiet on this matter.

V. Conclusion

The bottom line is that this is no "Chicken Little" story, and if chicken lovers are not present in your community today, chances are they are coming soon. In addition to significant websites and blogs[103] that boast thousands of active members and readers, a quick search on Amazon.com reveals dozens of books about how to raise urban and backyard chickens, and magazines are on the market catering to this growing interest. Municipalities would be wise to proactively address these issues now, by reviewing the experience in other communities and by studying the various methods for most effectively regulating the keeping of hens and roosters in non-rural residential neighborhoods.

NOTES

1. "Locavore" was chosen as the Oxford American Dictionary's 2007 word of the year. As the dictionary explained, "The 'locavore' movement encourages consumers to buy from farmers' markets or even grow or pick their own food, arguing that fresh, local products are more nutritious and taste better. Locavores also shun supermarket offerings as an environmentally friendly measure, since shipping food over long distances often requires more fuel for transportation." Oxford University Press Blog, Oxford Word of The Year: Locavore, Nov. 12, 2007, http://blog.oup.com/2007/11/locavore/ (visited February 2011).
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Washington Post, May 14, 2009, http://www.washingtonpost.com/wp-dyn/content/article/2009/05/13/AR2009051301051.html (visited February 2011); William Neuman, Keeping Their Eggs in Their Backyard Nests, The New York Times, Aug. 3, 2009, available at: http://www.nytimes.com/2009/08/04/business/04chickens.html?_r=1 (visited February 2011); Katherine Houstoun, The Backyard Chicken Movement, Richmond.com, http://www2.richmond.com/lifestyles/2010/jun/16/backyard-chicken-movement-ar-592398 (visited February 2011). There has been some skepticism, however, over the booming popularity of backyard chickens. Jack Shafer, Bogus Trend of the Week: Raising Backyard Chickens, Slate, May 14, 2009, http://www.slate.com/id/2218390/ (visited February 2011).

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26. 7 C.F.R. § 57.100 (egg products); 9 C.F.R. § 381.10 (poultry products); see also http://www.fsis.usda.gov/oppde/rdad/fsisnotices/poultry_slaughter_exemption_0406.pdf at 5 (providing a flow chart to determine whether a poultry producer is exempt). See generally Geoffrey S. Becker, CRS Report for Congress RL32922, Meat and Poultry Inspection: Background and Selected Issues, Mar. 22, 2010, available at http://www.nationalaglawcenter.org/assets/crs/RL32922.pdf (visited February 2011).
27. http://www.fsis.usda.gov/oppde/rdad/fsisnotices/poultry_slaughter_exemption_0406.pdf at 2 (visited February 2011).
28. See http://www.cdc.gov/Features/SalmonellaPoultry/ and http://www.cdc.gov/healthypets/pdf/intown_flocks.pdf.
29. See, e.g., Md. Agriculture Code Ann. § 4-217 (authorizing exemptions similar to those under the federal Poultry Products Inspection Act); COMAR § 15.04.01.09(A)(3) (requiring registration of packers who keep fewer than 3,000 chickens but exempting them from registration and inspection fees); N.Y. Agr. & M. § 90-c (requiring domestic animal health permits only for chicken wholesalers and transporters).
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44. *Myer*, supra n. 44, 21 So. 2d at 76.
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46. Forrester v. Webb, 1999 WL 74543 (Ohio Ct. App. 12th Dist. Butler County 1999).
47. *Forrester*, supra n. 46.
48. Laws of the City of St. Louis, Missouri Chapter 10 § 20-015 (http://www.slpl.lib.mo.us/cco/code/data/t1020p1.htm). See also Code of Ordinances, City of Oak Ridge, Tennessee, Title 10 Chapter 1 § 10-114 (http://www.mtas.utk.edu/public/municodesweb.nsf/5cde681dbdedc10f8525664000615fc4/aa36ab28994d11e585256faa006a8613/$FILE/Oakridge.t10.pdf) (prohibiting the keeping of any livestock, including fowl, within city limits, except in areas specifically zoned for that purpose).
49. City of St. Paul v. Nelson, 404 N.W.2d 890 (Minn. Ct. App. 1987).
50. State v. Nelson, 499 N.W.2d 512 (Minn. Ct. App. 1993).
51. State v. Nobriga, 81 Haw. 70, 912 P.2d 567 (Ct. App. 1996), as amended, (Mar. 11, 1996) (involving an ordinance that providing that "[i]t is unlawful to be the owner of an animal, farm animal or poultry engaged in animal nuisance" and defining "animal nuisance" as including "any animal, farm animal or poultry which: (a) Makes noise continuously and/or incessantly for a period of 10 minutes or intermittently for one-half hour or more to the disturbance of any person").
52. Buck Hill Falls Co. v. Clifford Press, 2002 PA Super 17, 791 A.2d 392 (2002). See also Olsen v. Kilpatrick, 2007 WY 103, 161 P.3d 504 (Wyo. 2007) (holding that pheasants were prohibited by covenant).
53. Becker v. Arnfeld, 171 Colo. 256, 466 P.2d 479 (1970).
54. Homewood, Alabama, Code of Ordinances Related to Animal Offenses, Fowl, sec. 4-8. Available at: http://search.municode.com/html/11743/level3/COOR_CH4ANFO_ARTIIOFREAN.html#COOR_CH4ANFO_ARTIIOFREAN_S4-8FO (visited February 2011).
55. See, e.g., the codes of Fullerton, California (http://www.cityoffullerton.com/depts/dev_serv/code_enforcement/animal_regulations.asp) (visited February 2011); and Portland, Oregon (http://www.portland-online.com/auditor/index.cfm?a=13510&c=28231) (visited February 2011).
56. Ann Arbor Ord. No. 08-19. A copy of the permit application is available at http://www.a2gov.org/government/city_administration/City_Clerk/Documents/Backyard%20Chickens%20Permit%200708.pdf. See also Thelma Guerrero-Huston, After big flap, only five chicken license applied for in Salem, The Statesman Journal, Jan. 29, 2011, http://www.statesmanjournal.com/article/20110129/NEWS/101290312/After-big-flap-only-five-chicken-licenses-applied-Salem (visited February 2011; discussing the permit requirement in Salem, Oregon, which is valid for three years and costs $50 per year).
57. Code of Ordinances, City of Charlotte, NC, sec. 3-102, available at http://library1.municode.com:80/default/template.htm?view=browse&doc_action=setdoc&doc_keytype=tocid&doc_key=1c56ab278fcac109f43f0a5468a9a640&infobase=19970.
58. Code of Ordinances, City of Knoxville, Tennessee, Part 2 Chapter 5 Article IV § 5-107 (http://library.municode.com/index.aspx?clientId=11098&stateId=42&stateName=Tennessee&customBanner=11098.jpg&imageclass=L&cl=11098.txt).
59. City of Salem, Oregon, Chicken License Application, see http://www.cityofsalem.net/Departments/CommunityDevelopment/BAS/Documents/Chicken%20License%20Application.pdf (visited February 2011).
60. City of Adair Village Backyard Chicken Permit Application, available at: http://www.cityofadairvillage.org/Planning/2010%20Building%20Permits/Backyard-Chicken-Permit-Application-FINAL.pdf (visited February 2011).
61. City of Ann Arbor Permit to Keep Backyard Chickens, http://www.a2gov.org/government/city_administration/City_Clerk/Documents/Backyard%20Chickens%20Permit%200708.pdf (visited February 2011).
62. City of Brainerd Permit to Keep Chickens, http://www.ci.brainerd.mn.us/administration/docs/chickenpermit.pdf (visited February 2011).
63. Dan Linehan, Mankato Council Approves Chicken Ordinance, The Free Press (June 14, 2010) available at: http://mankatofreepress.com/local/x1996924618/Mankato-City-Council-Urban-chicken-hearing-Live (visited February 2011).
64. http://www.ci.durham.nc.us/departments/planning/limited_ag_permit.cfm (visited February 2011).
65. http://www.ci.longmont.co.us/planning/permits/documents/chicken_permit.pdf (visited February 2011).
66. Portland, Maine, Code § 5-403, http://www.portlandmaine.gov/citycode/chapter005.pdf.

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67. San Francisco Health Code, art. 1, § 37; see http://library.municode.com/HTML/14136/level1/ART1AN.html#ART1AN_S37KEFESMANPOGABI (visited February 2011).
68. Houston, Code §§ 6-34 (show chickens), 6-38 (chicken hens); available at: http://library.municode.com/index.aspx?clientId=10123&stateId=43&stateName=Texas (visited February 2011).
69. Windsor Heights, Iowa, City Code, Section 32.02, available at: http://www.windsorheights.org/City%20Code/Ch%2032%20Animal%20Control.pdf (visited February 2011).
70. http://www.co.larimer.co.us/planning/planning/land_use_code/amendmentsadopted111510backyardchickens.pdf (visited February 2011).
71. Seattle Municipal Code 23.42.052, as amended Aug. 23, 2010, available at http://clerk.ci.seattle.wa.us/%7Escripts/nph-brs.exe?s1=&s3=116907&s4=&s2=&s5=&Sect4=AND&l=20&Sect2=THESON&Sect3=PLURON&Sect5=CBORY&Sect6=HITOFF&d=ORDF&p=1&u=%2F%7Epublic%2Fcbory.htm&r=1&f=G (visited February 2011).
72. See, e.g., Xi Yu, Chicken and Duck Owners in Cambridge Lose Appeal, The Harvard Crimson, Feb. 12, 2010.
73. See, e.g., Simmons v. Zoning Bd. of Appeals of Newburyport, 60 Mass. App. Ct. 5, 798 N.E.2d 1025 (2003) (stabling three horses found not to be "agricultural," but permitted as an accessory residential use); Anderson v. Board of County Com'rs of Teton County, 2009 WY 122, 217 P.3d 401 (Wyo. 2009) (upholding the board's determination that a barn/equestrian center was an accessory residential structure).
74. See, e.g., De Benedetti v. River Vale Tp., Bergen County, 21 N.J. Super. 430, 91 A.2d 353 (App. Div. 1952) ("Certainly, chicken houses could not be considered as accessory to, or complementary to, the main building of plaintiffs' premises, which is the dwelling house."); Lawrence v. Zoning Bd. of Appeals of Town of North Branford, 158 Conn. 509, 264 A.2d 552 (1969) (holding that the board did not act illegally or arbitrarily in determining that the raising of chickens and goats was not an accessory use to residential property located in the center of town under an ordinance permitting accessory uses customarily incidental to uses in rural residential and agricultural districts).
75. Code of Ordinances, City of Concord, New Hampshire Title IV Chapter 28(4)(28); see http://library.municode.com/index.aspx?clientId=10210&stateId=29&stateName=New%20Hampshire (visited February 2011).
76. Grand Rapids, MN Code § 10-72; see also http://www.facebook.com/note.php?note_id=134300076826 (visited February 2011).
77. Pima County Code of Ordinances, § 18.25.010; see http://library.municode.com/html/16119/level2/TIT18ZO_CH18.25SIREZO.html (visited February 2011).
78. http://sterlingcodifiers.com/codebook/getBookData.php?section_id=600663 (visited February 2011).
79. Little Rock City Code, Little Rock, Arkansas Chapter 6 Article 4(44); see http://library.municode.com/index.aspx?clientId=11170&stateId=4&stateName=Arkansas (visited February 2011).
80. Municipal Code of Topeka, Kansas Title 6 §40; see http://www.codepublishing.com/KS/Topeka/ (visited February 2011).
81. Code of the City of Stamford, Connecticut §111-6; see http://library2.municode.com/default-test/home.htm?infobase=13324&doc_action=whatsnew (visited February 2011).
82. Sacramento Code §9.44.340, http://www.qcode.us/codes/sacramento/view.php?topic=9-9_44-iii-9_44_360&frames=on (visited February 2011).
83. Lenexa Code § 3-2-H-1, http://www.ci.lenexa.ks.us/LenexaCode/codetext.asp?section=003.002.008 (visited February 2011).
84. City of Atlanta, GA Zoning Code, http://library.municode.com/index.aspx?clientId=10376&stateId=10&stateName=Georgia Art. II sec. 18-7 (visited February 2011).
85. Code of Ordinances, City of Knoxville, Tennessee, Part 2 Chapter 5 Article IV § 5-107 (http://library.municode.com/index.aspx?clientId=11098&stateId=42&stateName=Tennessee&customBanner=11098.jpg&imageclass=L&cl=11098.txt).
86. City of Atlanta, GA, Zoning Code, http://library.municode.com/index.aspx?clientId=10376&stateId=10&stateName=Georgia Art. II sec. 18-7 (visited February 2011).
87. Code of Ordinances, City of Knoxville, Tennessee, Part 2 Chapter 5 Article IV § 5-107 (http://library.municode.com/index.aspx?clientId=11098&stateId=42&stateName=Tennessee&customBanner=11098.jpg&imageclass=L&cl=11098.txt) (visited February 2011).
88. City of Atlanta, GA., Zoning Code, http://library.municode.com/index.aspx?clientId=10376&stateId=10&stateName=Georgia Art. II sec. 18-7 (visited February 2011).
89. http://search.municode.com/html/11265/level4/CICO_CH7ANFO_ARTIVLIPO_DIV2PO.html (visited February 2011).
90. Code of Ordinances, City of Concord, New Hampshire Title IV Chapter 28(4)(28) (http://library.municode.com/index.aspx?clientId=10210&stateId=29&stateName=New%20Hampshire).
91. Baton Rouge Code §14:224 (c)(1) (http://library.municode.com/index.aspx?clientId=10107&stateId=18&stateName=Louisiana).

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92. New York City Health Code §161.19, http://www.nyc.gov/html/doh/downloads/pdf/zoo/zoo-animal-healthcode.pdf (visited February 2011).
93. Unified Development Code, City of Overland Park, KS, Sec. 18.370.020, available at: http://law.opkansas.org/lpBin22/lpext.dll?f=templates&fn=main-hith.htm&2.0 (visited February 2011).
94. Geoff Campbell, Zoning Board Rejects In-Law Apartment, Approves Chicken Coops, The Jamestown Press (Nov. 4, 2010), available at: http://www.jamestownpress.com/news/2010-11-04/News/Zoning_Board_rejects_inlaw_apartment_approves_chic.html (visited February 2011).
95. Geoff Campbell, Zoning Board Rejects In-Law Apartment, Approves Chicken Coops, The Jamestown Press (Nov. 4, 2010), available at: http://www.jamestownpress.com/news/2010-11-04/News/Zoning_Board_rejects_inlaw_apartment_approves_chic.html (visited February 2011).
96. See, Minutes of the Leadville Planning and Zoning Commission Joint Meeting, July 6, 2010, available at: http://www.cityofleadville.com/reports/PZMinutes/2010PZMinutes/20100706AppMinutes.pdf (visited February 2011).
97. Rogers, Arkansas Ordinance No. 06-100, http://www.rogersarkansas.com/clerk/chkordinance.asp (visited February 2011).
98. Buffalo Code § 341-11.3(D), http://www.ecode360.com/?custId=BU1237 (visited February 2011).
99. Madison, Wisconsin Code § 28.08(2)(b)8.j.ii), http://library.municode.com/index.aspx?clientId=50000&stateId=49&stateName=Wisconsin (visited February 2011).
100. Knoxvile Code Art. II § 5-107, http://library.municode.com/index.aspx?clientId=11098&stateId=42&stateName=Tennessee&customBanner=11098.jpg&imageclass=L&cl=11098.txt (visited February 2011).
101. Chicago Code § 7-12-300, http://www.amlegal.com/nxt/gateway.dll/Illinois/chicago_il/municipalcodeofchicago?f=templates$fn=default.htm$3.0$vid=amlegal:chicago_il (visited February 2011).
102. San Francisco Code, http://library.municode.com/index.aspx?clientId=14136&stateId=5&stateName=California (visited February 2011).
103. See for example, The City Chicken at http://home.centurytel.net/thecitychicken/index.html; and Backyard Chickens at: http://www.backyardchickens.com (visited February 2011).

OF RELATED INTEREST

Discussion of matters related to the subject of the above article can be found in:

Salkin, American Law of Zoning § 18:10

Zeigler, Rathkopf's The Law of Zoning and Planning § 33:16

Keeping Poultry as Nuisance, 2 A.L.R.3d 965

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CITY OF BATAVIA

CHICKEN AND COOP REQUIREMENTS

City of Batavia
Building Division
Community Development Department
100 North Island Avenue
Batavia, Illinois 60510
Tel: (630)454-2700
Fax: (630) 454-2775
http://www.cityofbatavia.net

Please direct all questions to the City of Batavia Building Division of the Community Development Department, Monday through Friday from 8 AM to 5 PM at (630) 454-2700.

This is a summary of the City of Batavia Ordinances allowing chickens and chicken coops. This is intended to interpret and explain the ordinances but does not represent or replace the actual ordinance language. Every effort has been made to ensure the accuracy and timeliness of this information. 12/04/15

Requirements for the keeping of hens and coops

- A maximum of eight (8) domestic hens shall be kept on a property that is zoned and occupied for single family residential use, or zoned PFI Public Facilities and Institutional and occupied by Schools, Public and Private only.
- The keeping of roosters and the slaughter of any chickens is prohibited.
- Hens shall be provided with a covered inside enclosure and adjacent covered outside fenced area. The outside area shall not be less than 32 square feet in area.
- For all properties, enclosures and the adjacent occupied fence area shall be setback a minimum of thirty (30) from any adjacent occupied residential structure, other than that of the owner; but not less than the minimum property line setback required for accessory structures in the Zoning District. Additionally for PFI zoned properties, the enclosures and adjacent occupied fenced area shall be set back a minimum of one hundred and fifty feet (150') from all streets and located not between the principal structures and adjacent streets
- All enclosures shall be constructed and maintained in manner to be free of rodent infestation.
- A building permit is required for all enclosures. The permit fee is the same as a shed permit.

Requirements for the keeping of hens and coops (Continued)

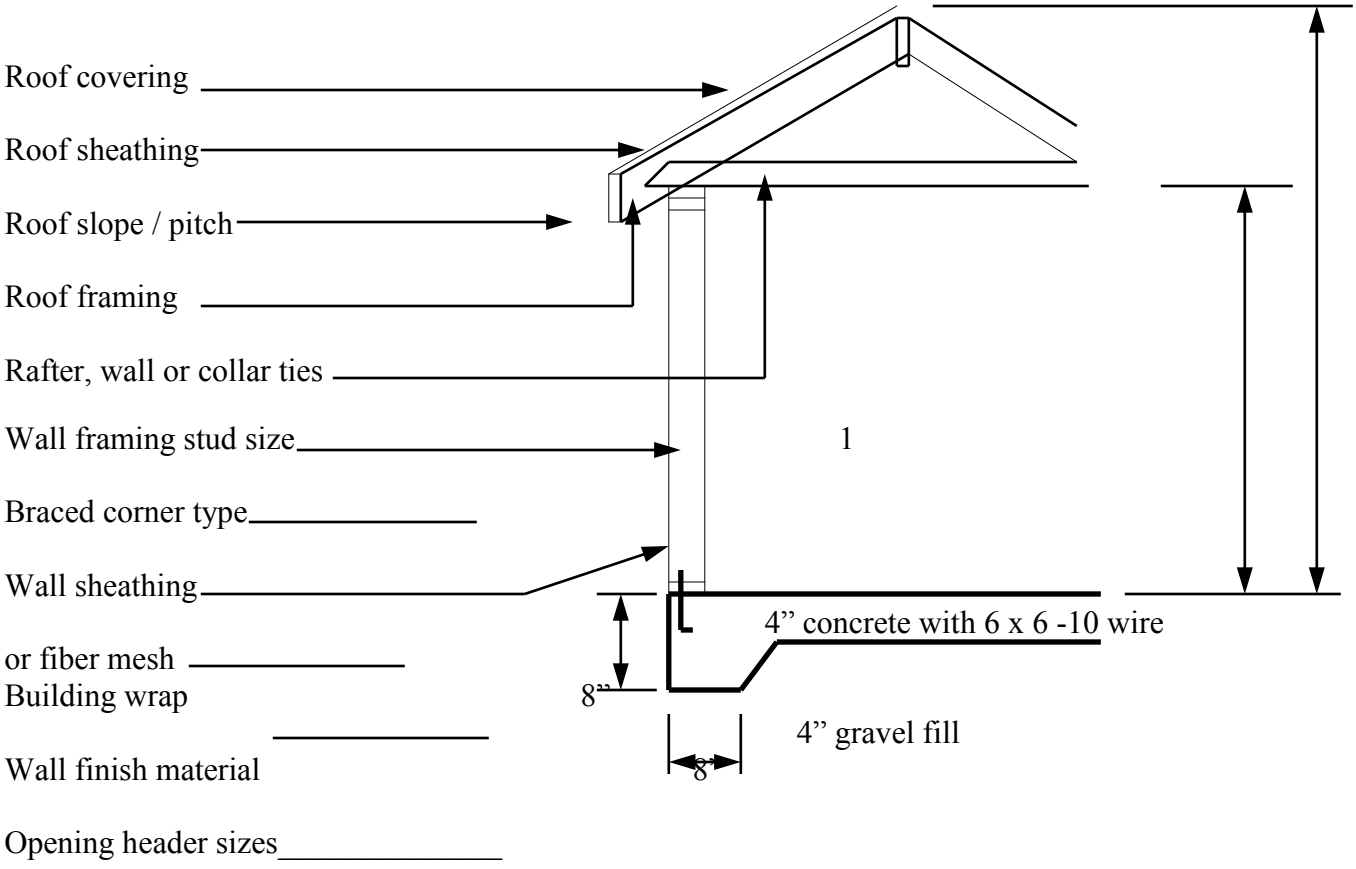
- Electric service to enclosures shall not be provided by an extension cord or cords.
- Hens shall be kept in the enclosure and fenced area at all times.
- All chickens and enclosures shall be kept in the rear yard.
- All areas where hens are kept shall be maintained neat and clean and free of undue accumulation of waste such as to cause odors detectable on adjacent property.
- No person shall allow chickens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity and shall not allow the nuisance to exist.

Application Procedure

1. Submit a completed Building Permit Application to the Building Division of the Community Development Department.
2. Pay required minimum submittal fee.
3. Attach two (2) copies of drawings to the application showing the construction details, see attached sample.
1. Attach two (2) copies of the plat of survey showing the location of the coop and outside fenced area, setbacks to property lines, setbacks to any adjacent occupied residential structures, and all utilities (electric, gas, phone, sewer, water, etc.) *(sample attached)* **Survey shall be to scale, not reduced or enlarged when copied.**
5. Call J.U.L.I.E (Joint Underground Location for Inspectors and Engineers) at least 48 hours prior to any digging to locate any underground utilities. (Dial 811 or 800-892-0123)
6. Complete the Keeping of Chickens registration form.
7. If property is not owner occupied, Property owner's signature will be required on the building application and chicken and coop registration form.
8. Schedule the required inspections with the City of Batavia Building Division at least 48 hours in advance to insure that we can meet your schedule.

Wall & Roof Section

INDICATE DIMENSIONS AND MATERIALS



- Indicate the location with dimensions of the coop and the run area on the property.
- Show the location and distance of all occupied residential structures that surround the property applying for permit.

City of Batavia
Community Development Department
100 North Island Avenue
Batavia IL 60510
Phone (630) 454-2000
Fax (630) 454-2775

CHICKEN REGISTRATION APPLICATION

Registration number:___-___-___

Building Address:_____
Building Owner:_____
Email:_____ Phone:_____
Responsible Party of Chickens: _____
Email: _____ Phone:_____
Property Owner Occupied: Yes __ No__ If no, Owner Address:_____

PLEASE READ THE FOLLOWING CONDITIONS REGARDING THE KEEPING OF CHICKENS

All persons keeping chickens in the City of Batavia shall keep no more than 8 hens.
Roosters shall not be kept anywhere on premise.
Slaughter of any chickens shall not be allowed except for humane reasons only.
Hens shall be provided with a covered inside enclosure and an adjacent covered outside fence area not less than 32 square feet.
All hens will be kept in the enclosures and fenced areas at all times.
All hens are kept in the rear yard.
All enclosure (s) will remain 30 feet from any adjacent residential structure, other than the owner, but not less than the minimum property line setback required for accessory structures in the Zoning District.
PFI zoned properties shall keep enclosures and fenced areas 150 feet from all streets and not between the principal structure and adjacent streets.
Electric service to enclosure will not be provided by electrical cord or cords.
All enclosures and areas will be kept clean, sanitary and rodent free at all times.
All feed shall be contained in containers with tightly fitted lids.
Owner will ensure that the hens do not produce unreasonable noise.
Owner agrees to allow Building Division staff personnel to access the rear yard of the residence for the purpose of verifying compliance with the above and Title 5, Chapter 4, and 5-4B7 of the Municipal Code.

If it has been found that violation exists and correction has not been made within the timeframe given by the Code Compliance Officer, fines in the amount of $100.00 a day, every day the violation exists will be implemented as well as an appearance in front of the Adjudication Hearing Officer. If there have been three documented violations within any twelve month period, there will be a loss of permission to keep chickens on the property. Keeping chickens after permission has been revoked will result in a $750.00 fine a day every day the violation exists and an appearance in front of the Adjudication Hearing Officer.

By signing this document, I understand and agree to the conditions set forth.

Responsible Party:_____ Date:_____

Property Owner:_____ Date:_____

Witness:_____ Date: _____

Approved: _____Yes _____ No Date:_____ Inspector:_____

License #_____

CITY OF BATAVIA, ILLINOIS
ORDINANCE 11-04
AMENDING TITLE 5 OF THE MUNICIPAL CODE RELATING TO ALLOWING CHICKENS ON CERTAIN RESIDENTIAL PROPERTIES IN THE CITY OF BATAVIA

ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 16TH DAY OF MAY, 2011

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 17th day of May, 2011

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

CITY OF BATAVIA, ILLINOIS
ORDINANCE 11-04
AMENDING TITLE 5 OF THE MUNICIPAL CODE RELATING TO ALLOWING CHICKENS ON CERTAIN RESIDENTIAL PROPERTIES IN THE CITY OF BATAVIA

WHEREAS, the City of Batavia's Municipal Code has for many years prohibited the keeping of chickens on residential property in the City limits; and

WHEREAS, the City Council has been requested by several residents to change the City Code to permit the keeping of chickens on residential property in the city limits; and

WHEREAS, there has been significant public input presented to the City demonstrating that there is substantial community benefit from permitting residents to keep a limited number of chickens for personal use in the residential areas of the City; and

WHEREAS, those communities who permit a limited number of chickens to be kept in residential areas have experienced few problems resulting from that action; and

WHEREAS, there are demonstrated health benefits from allowing residents to raise chickens; and

WHEREAS, many communities in the region have adopted ordinances permitting residents to keep up to eight hens for personal uses; and

WHEREAS, the City Services Committee has studied the issue and held several public meetings where residents were afforded an opportunity to express their opinions about a potential change to the City Code to permit chickens on residential property; and

WHEREAS, the County Health Department has noted its approval for the adoption of an ordinance allowing up to eight hens on a residential property; and

WHEREAS, the City Services Committee has voted to recommend approval of Ordinance 11-04 to the City Council; and

WHEREAS, the City Council has reviewed the recommendation of the City Services Committee for changes to Municipal Code Title 5; and

WHEREAS, it is in the best interests of the City of Batavia and its residents that the proposed ordinance be adopted by the City Council of the City of Batavia.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois:

SECTION 1: That Title 5 of the Municipal Code be revised as follows:

Chapter 4 ANIMAL CONTROL, Article 4B ANIMALS

5-4B-1: KEEPING OF ANIMALS RESTRICTED

The words "other than eight (8) domestic hens" shall be inserted following the words "fowl and poultry" in sentence one. The last sentence, beginning with the words "In regard to fowl/poultry…", shall be deleted.

Add new Section 5-4B-7: STANDARDS FOR KEEPING OF CHICKENS

A. Up to eight domestic hens may be kept on properties zoned and occupied for single family residential use only.

B. Roosters are prohibited in the city limits.

C. No person shall slaughter any chickens in the city limits, except for humane reasons.

D. Hens shall be provided with a covered inside enclosure and an adjacent covered outside fenced area. The outside fenced area shall be no less than 32 square feet in area.

E. The enclosures and adjacent fenced area shall be set back:

1. thirty feet from any adjacent occupied residential structure, other than that of the owner; but

2. not less than the minimum property line setback required for accessory structures in the Zoning district.

F. All enclosures shall be constructed and maintained in such a manner as to be free of rodent infestation.

G. A building permit shall be required for all enclosures. The permit fee shall be the same as for a shed.

H. Electric service to enclosures shall not be provided by an extension cord or cords.

I. Hens shall be kept in the enclosure and fenced area at all times.

J. All feed and other items that are associated with the keeping of chickens that are likely to attract or to become infested with rats, mice or other rodents shall be protected in a container with a tightly fitted lid so as to prevent rodents from gaining access to or coming into contact with them.

K. All chickens shall be kept in the rear yard.

L. All areas where hens are kept shall be maintained in a neat and clean manner, free of undue accumulation of waste such as to cause odors detectable on adjacent properties.

M. No person shall allow chickens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity, and it is hereby declared a nuisance and shall be unlawful for any person to allow such nuisance to exist.

Add new Section 5-4B-8. REGISTRATION AND PENALTIES

A. All persons keeping chickens in the City shall register with the Code Compliance officer prior to acquiring the chickens. Registration shall be on a form established by the Community Development Department. Registration forms will not be accepted until the enclosure has passed a final inspection by the Building Division. Persons having chickens as of the effective date of this Ordinance shall have 30 days to bring their property into compliance with this Ordinance.

B. The registration form shall include written permission for any Building Division staff member to access the rear yard of the residence for the purpose of verifying compliance with this Code on a periodic basis. The form shall also acknowledge receipt of a copy of the standards set forth in Section 5-4B-7 above by person registering.

C. There shall be no fee charged for registration.

D. Failure to notify the Code Compliance Officer in accordance with "A" above or failure to allow an inspection in accordance with "B" above shall constitute a violation of the City Code and shall be punishable by a fine of no more than $100 plus hearing costs, the amount to be established by the Code Hearing Officer.

E. Violation of any standard in Section 5-4B-7 above shall be punishable by a fine not to exceed $100 plus court costs, such fine to be established by the Code Hearing Officer. Each day a violation continues shall be considered a separate offense.

F. Three violations of this Ordinance on a property within any twelve month period shall result in loss of permission to keep chickens on the property. Keeping of chickens after permission has been revoked shall be punishable by a fine not to exceed $750 plus court costs, such fine to be established by the Code Hearing Officer. Each day a violation continues shall be considered a separate offense.

Add new section 5-4B-9. CONFLICT WITH PRIVATE COVENANTS

Nothing in this Chapter shall be construed to permit the keeping of chickens when such activity is prohibited by private covenants, conditions or restrictions governing the use of property, or by rules, regulations or orders issued by the Illinois Department of Public Health or the Kane County Health Department.

SECTION 2: That this Ordinance 11-04 shall be in full force and effect upon its presentation, passage and publication according to the law.

PRESENTED to the City Council of the City of Batavia, Illinois, this 16th day of May, 2011.

PASSED by the City Council of the City of Batavia, Illinois, this 16th day of May, 2011.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 16th day of May, 2011

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien		x			Sparks	x			
2	Dietz	x				Wolff	x			
3	Jungels		x			Chanzit	x			
4	Volk	x				Stark	x			
5	Frydendall	x				Thelin Atac	x			
6	Liva	x				Clark		x		
7	Tenuta		x			Brown		x		
Mayor Schielke										
VOTE: 9 Ayes 5 Nays 0 Absent Abstention(s) Total holding office: Mayor and 14 aldermen										

ATTEST:

Heidi Wetzel, City Clerk

CITY OF BATAVIA, ILLINOIS
ORDINANCE 15-45

AMENDING TITLE 5 OF THE MUNICIPAL CODE RELATING TO ALLOWING CHICKENS ON CERTAIN RESIDENTIAL PROPERTIES IN THE CITY OF BATAVIA

ADOPTED BY THE MAYOR AND CITY COUNCIL THIS 2ND DAY OF NOVEMBER, 2015

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 3rd day of November, 2015

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

CITY OF BATAVIA, ILLINOIS
ORDINANCE 15-45

AMENDING TITLE 5 OF THE MUNICIPAL CODE RELATING TO ALLOWING CHICKENS ON CERTAIN RESIDENTIAL PROPERTIES IN THE CITY OF BATAVIA

WHEREAS, the City of Batavia's Municipal Code had for many years prohibited the keeping of chickens in the City limits; and

WHEREAS, in 2011, the City Council, in response to citizen request, adopted Ordinance 11-04 that amended the Municipal Code to permit the keeping of chickens on certain residential property; and

WHEREAS, few negative effects have been experienced with keeping of chickens on residential property; and

WHEREAS, the City received a request to permit keeping of chickens on a private school property; and

WHEREAS, the City recognizes the educational and developmental opportunities that caring for chickens provides to students; and

WHEREAS, the City Council has found that applying similar rights and restrictions for keeping of chickens on residential properties is appropriate to extend to school properties; and

WHEREAS, the City Council's Committee of the Whole has voted to recommend approval of Ordinance 15-45 to the City Council; and

WHEREAS, the City Council has reviewed the recommendation of the Committee for changes to Municipal Code Title 5; and

WHEREAS, it is in the best interests of the City of Batavia and its residents that the proposed ordinance be adopted by the City Council of the City of Batavia.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois:

SECTION 1: That the following Sections of Municipal Code Section 5-4B-7: STANDARDS FOR KEEPING OF CHICKENS be amended to read as follows:

5-4B-7-A. Up to eight (8) domestic hens may be kept only on properties zoned and occupied for single-family residential use or zoned PFI Public Facilities and Institutional and occupied by Schools, Public and Private, as defined in Title 10 herein, only.

5-4B-7-E. The enclosures and adjacent fenced area shall be set back:

1. A minimum of one hundred and fifty feet (150') from all streets and located not between the principal structures and adjacent streets on properties zoned PFI;

2. Thirty feet (30') from any occupied residential structure on an adjacent property, other than that of the owner; but

3. Not less than the minimum property line setback required for accessory structures in the zoning district.

5-4B-7-K. All chickens shall be kept in the rear yard on residential properties.

SECTION 2: That the following Subsection of Municipal Code Section 5-4B-8: REGISTRATION AND PENALTIES FOR CHICKENS be amended to read as follows:

5-4B-8-B. The registration form shall include written permission for any building division staff member to access the rear yard of the residence or to access the school property for the purpose of verifying compliance with this code on a periodic basis. The form shall also acknowledge receipt of a copy of the standards set forth in section 5-4B-7 of this article by person registering.

SECTION 3: That this Ordinance 15-45 shall be in full force and effect upon its presentation, passage and publication according to the law.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 2nd day of November, 2015.

APPROVED by me as Mayor of said City of Batavia, Illinois, 2nd day of November, 2015.

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien	x				Fischer	x			
2	Callahan	x				Wolff	x			
3	Hohmann	x				Chanzit	x			
4	Mueller	x				Starks	x			
5	Botterman	x				Thelin Atac	x			
6	Cerone	x				Russotto		x	x	
7	McFadden	x				Brown	x			
Mayor Schielke										
VOTE: 13 Ayes 0 Nays 1 Absent Abstention(s) Total holding office: Mayor and 14 aldermen										

ATTEST:

Heidi Wetzel, City Clerk

Sec. 6-108. - Keeping of chickens.

It shall be unlawful for any person to keep any chickens within the village, on any lot, piece or parcel of land, except as provided in subsections (a) through (i) below.

(a) *Permitted locations.* Domestic hens may be kept within the village only on property zoned and occupied for single family residential use. All hens shall be kept in the rear yard of the permitted location.

(b) *Maximum number.* It shall be unlawful for any person to keep more than eight (8) hens, of any age, on property zoned and occupied for single family residential use within the village.

(c) *Keeping of roosters.* It shall be unlawful for any person to keep a rooster(s) within the village.

(d) *Slaughtering of chickens.* It shall be unlawful for any person to slaughter any chickens within the village, except for a humane reason.

(e) *Shelter and fenced areas.* All hens kept in the village pursuant to this article, shall at all times be provided a shelter and an adjacent covered outside fenced area. All hens shall be kept in a shelter or adjacent outside fenced area at all times. The outside fenced area shall be no less than thirty-two (32) square feet in area and shall be demarcated with a fence constructed of wood or metal, excluding barbed wire or razor wire, of sufficient height to contain the hens. The shelter shall be no less than sixteen (16) square feet in area and no more than six (6) feet in height. The shelter shall contain an independent electric/heat source. Such utilities shall not be maintained with the use of extension cords.

The shelter and adjacent outside fenced area shall also be:

(1) Thirty (30) feet from any adjacent occupied residential structure other than that of the owner or occupant of the real property on which the shelter and adjacent outside fenced area are located;

(2) Not less than the minimum property line setback required for accessory structures in an R-1 zoning district as defined by the village's zoning code; and

(3) Constructed in such a manner as to contain the hens to the shelter or the adjacent outside fenced area at all times and to keep the shelter and adjacent outside fenced area free from rodent infestation.

(f) *Property maintenance.* All areas in which hens are kept shall be maintained in a neat and clean manner, free from undue accumulation of waste such as to cause odors detectable on adjacent properties. All feed for hens shall, except when placed for consumption by the hens, be kept in containers with tightly fitted lids that are rodent-proof.

(g) *Permit/inspection required.* A permit shall be required for construction of a shelter utilized to contain hens. The permit shall be issued by the village's building department. The fee for the permit for construction of the shelter shall be twenty dollars ($20.00). Two (2) inspections by the village's building department officials shall be required during construction of the shelter. The first shall occur upon installation of the base/floor of the shelter and prior to any further construction of the shelter; and the second shall occur upon completion of the shelter and prior to the owner acquiring hens to occupy the shelter. The inspections are required to confirm compliance with this article and the village's building code. A fee of thirty dollars ($30.00) shall be charged for each inspection. The owner/occupant of the property shall be responsible for contacting the village's building department to schedule each inspection of the shelter.

(h) *Registration.* All persons keeping hens in the village shall register with the village's planning department prior to acquiring the hens. Registration shall be on a form established by the village's planning department and shall include written permission for any village building or code enforcement official to access the rear yard of the property where the hens are located for the purpose of verifying compliance with applicable village Code. Registration shall not be permitted until the shelter has passed final inspection by the village's building department.

(i) *Compliance.* All persons having chickens as of the effective date of this ordinance shall have ninety (90) days to bring their property into compliance with this article.

(Ord. No. 3082, § 3, 10-15-12)

10-4-6: - FOWL AND LIVESTOCK:

1. Housing: All fowl and livestock shall be kept within a pen, coop, building or other enclosure sufficient in size and strength to confine such animals to the owner's property, except that livestock may be tethered securely to a fixed object outside the enclosure, but only if the animal is so confined to the owner's property. A permit shall be obtained from the City of Naperville prior to the construction, addition, or modification of any pen, coop, building or other enclosure used for the purposes of housing fowl or livestock.
2. Zoning: Fowl and livestock may be kept in any area in the City except as otherwise provided by this Chapter or the City's Zoning Ordinance. [8]
3. Restrictions:
    3.1. A maximum of eight (8) fowl shall be permitted on any property. Roosters shall be prohibited.
    3.2. No livestock shall be kept, housed, maintained, or pastured within a distance of two hundred (200) feet of any occupied residence other than that of the owner.
    3.3. No pen, coop, building or other enclosure used for the purpose of housing fowl (with the exception of homing pigeons) shall be erected or maintained within thirty (30) feet of any occupied residence other than that of the owner.
    3.4. Every person maintaining a pen, coop, building, yard or enclosure for fowl or livestock shall keep such area clean and sanitary at all times. Any dirt or refuse resulting from the fowl or livestock shall be disposed in a clean and sanitary fashion.
    3.5. All feed for fowl or livestock shall be kept in containers that are rodent-proof until put out for consumption by fowl or livestock.
    3.6. Any pen, coop, or other structure used for the purpose of housing fowl that is not fully-enclosed shall be screened to a height of six (6) feet. Said screening shall be comprised of fences or walls six (6) feet in height, landscaping of at least seventy-five percent (75%) opacity, such as non-deciduous plantings, or equivalent screening and shall be located either along the perimeter of the lot where the pen, coop, building or other enclosure used for the purpose of housing fowl is located, or around the perimeter of the pen, coop, or enclosure itself.

(Ord. No. 12-013, § 2, 2-7-2012)

Editor's note— Section 3 of Ord. No. 12-013 states the following: "Any housing for fowl or livestock lawfully established prior to February 7, 2012 shall be permitted to continue operating in accordance with provisions of law and the Municipal Code related to nonconforming uses for a six-month period expiring August 8, 2012. Upon completion of the amortization period, all housing for fowl or livestock shall operate in compliance with the provisions of Section 10-4-6 (Fowl and Livestock)."

Footnotes:

*--- (**8**) ---*

See Title 6 of this Code.

9-4-5. - CERTAIN ANIMALS PROHIBITED.

(A) It shall be unlawful, and is hereby declared a nuisance for any person to keep or allow to be kept any animal of the species of horse, mule, swine, sheep, goat, cattle, poultry (with the exception of hens as herein provided), skunks, or poisonous reptiles within the corporation limits of the City of Evanston.

(B) Hens shall mean the female of the species Gallus Gallus Domesticas.

(C) It shall be unlawful to keep roosters within City limits.

1. The number of hens allowed shall be no less than two (2), and no more than six (6).
2. Any structures housing hens shall be termed an "accessory structure" as defined in Title 6, Chapter 18, Section 3 of the Evanston City Code, and shall abide by all requirements set forth in Title 6, Chapter 4, Section 6-2, "General Provisions for Accessory Uses and Structures," and Title 5, Chapter 1, "Property Maintenance Code" of the Evanston City Code.
3. Applicants shall register with the Illinois Department of Agriculture Livestock Premises Registration, and must have proof of registration on-site.
4. Care for hens shall follow the provisions set forth in this Chapter.
5. Hens shall be kept in such a way so as not to cause a nuisance as defined in Title 1, Chapter 3, Section 2, and enumerated in Title 8, Chapter 4, Section 1 of the Evanston City Code and shall be kept in conformance with the following requirements:
    a. Hen yards and coops shall be constructed and maintained to reasonably prevent the collection of standing water; and shall be cleaned of hen droppings, uneaten or discarded feed, feathers, and other waste with such frequency as is necessary to ensure the hen yard and coop do not become nuisances as defined in Title 8, Chapter 4, Section 1 of the Evanston City Code.
    b. Hens shall be kept in an enclosure which shall be maintained in such a manner so as to protect the hens from predators and trespassers.
    c. Hen coops shall be built and kept in such a manner so as to allow for easy ingress and egress for the hens and shall offer protection from weather elements including cold temperatures.
    d. Hen coops and yards shall be large enough to provide at least four (4) feet per hen.
6. Licenses for coops must be obtained and shall meet the rules of this Chapter where applicable.
    a. Prior to a license being granted to an applicant, the applicant must show proof of notice to all adjacent landowners except landowners that are municipalities or utilities.
    b. A license shall not be granted unless the applicant has obtained all necessary building permits and can show proof that a hen yard and coop that comply with this Section have been erected.
    c. Coop licenses shall not run with the land.
    d. Applications shall be submitted to the City of Evanston Public Health Director who shall have the authority to enforce this Section.
    e. An applicant who lives in an apartment or condominium building is not eligible to receive a coop license.
    f. No more than twenty (20) valid coop licenses shall be active within the City of Evanston at any given time for the first calendar year that the ordinance codified in this Section is in effect.
7. No person shall slaughter any hen, or any other animal, within City limits. Nothing in this Section is to be interpreted as prohibiting any establishment that is licensed to slaughter, from slaughtering for food purposes any animals which are specifically raised for food purposes.
8. Any person found to be in violation of this Section shall be fined not less than fifty dollars ($50.00), nor more than seven hundred fifty dollars ($750.00) for each offense. In the event that an owner is adjudged to have three (3) violations of this Section, the owner's coop license shall be revoked. Each day an owner is not

compliant with this Section shall constitute a separate offense.

(Ord. No. 43-0-74; Ord. No. 23-0-10, § 1, 9-27-2010; Ord. No. 85-0-10, § 1, 12-13-2010; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-5)), 1-23-2012)

From: Joel Frieders
To: Krysti Barksdale-Noble; Bart Olson; Jackie Milschewski
Subject: Fwd: In favor of chickens
Date: Tuesday, July 7, 2020 6:33:08 PM

---------- Forwarded message ---------
From: **a m** <[redacted]>
Date: Tue, Jul 7, 2020 at 6:30 PM
Subject: Re: In favor of chickens
To: Joel Frieders <joelfrieders.ward3@gmail.com>

Joel,
Thank you for asking! I wish more people would be curious about many topics. I appreciate this as a human and a political figure.
Yes, as a former agricultural educator, I helped children learn tangible life lessons with chickens. They learned responsibility, economics and husbandry to name a few. I watched as some students who have autism and struggled with social situations "come out of their shell' around chickens. Chickens offer a glimpse into the birdworld that we cant often have with wild animals, they are a domesticated animal but they do have similar behaviours to some of our wild feathered friends. I have friends who live in areas where chickens are allowed and for them its chance to do micro homesteading, earn a small amount of extra income (usually only enough to buy chicken feed) and reduce their food miles. Chickens also are insectivores they can aid in eating ticks, mosquitos and may other pests that annoy us or carry disease. They themselves cannot get lymes disease so it's a win win.
Please feel free to ask anymore questions and share this information.
April Morris

On Tue, Jul 7, 2020 at 5:47 PM Joel Frieders <joelfrieders.ward3@gmail.com> wrote:

> any reasons why you support it?
>
> On Tue, Jul 7, 2020 at 5:06 PM a m <[redacted]> wrote:
>
> > Hi I am in favor of backyard chickens here in Yorkville!
>
> --
> Joel Frieders
> Alderman, Third Ward
> United City of Yorkville
> 800 Game Farm Rd
> Yorkville, IL 60560
> 630-992-7516
> **PLEASE NOTE: I do not email after 5pm CST or on weekends, for the sanctity of my sanity.**

--
Joel Frieders

Alderman, Third Ward
United City of Yorkville
800 Game Farm Rd
Yorkville, IL 60560
630-992-7516
PLEASE NOTE: I do not email after 5pm CST or on weekends, for the sanctity of my sanity.

Dear Yorkville City Council,

I appreciate Alderman Funkhouser's efforts bringing the topic of Urban Chickens forward to the council. My family lives on a unique piece of property in town. We own ~1.25 acres between two connected parcels on Main Street. Main Street lets people go back in time surrounded by historic homes and the occasional glimpse of the Fox River. Many of these properties would have maintained chickens and other foul to provide for those families. Recently, my son found remnants of an old chicken coop in our back woods. Our property offers a unique habitat for chicken and some would say other animals as well.

I had to put some thought into how much I really wanted chickens. Chickens are extra work, the costs take years to recover, and you must take into consideration end of life. We are a busy and expensive family of 7 plus our puppy Leo. However, I know these animals would quickly become family. I think of the unique opportunity it would offer my children and neighboring friends. I think of sustainability in these COVID days. The regular supply of fresh eggs offered by the hens is a great and healthy perk. Chickens also eliminate many nescient pests without spraying chemicals over our properties. They are also substantially quieter than the Route 47 traffic I can hear 4 blocks away.

I hope you continue discussions and find an agreement as you did bringing apiaries into town. No matter the decision, I appreciate you taking the time and consideration as many Illinois towns have over recent years.

Sincerely,

Tim Johnson & Family (DeeDee, Claudia, Dylan, Scarlett, Monreau, Fiona, and Leo)

[redacted]

Chickens

Name: Scarlett Johnson
age: 10

Why I want chickens. I think Chickens would be so fun to have and here is why, I would want to feed them because it would be fun to have more animals to love. I think that chickens would be a big responsability but it would be fun! Chickens seem like they would listen. while being a big responsability they would be fun and loving. Me and My family would take great care of them. We have a dog and we take great care of him. Chickens seem really fun I would hang out with them and feed them all the time!



