

ORDINANCE 2004 - ~~50~~ 50
STORMWATER MANAGEMENT VARIANCE
DEERE CROSSING
36.9 ACRES LOCATED ON THE WEST SIDE OF IMMANUEL ROAD SOUTH
OF AMENT ROAD
KENDALL TOWNSHIP

WHEREAS, B & B Land Development petitioned the Planning, Building and Zoning Committee for approval of a proposed eighteen (18) lot Residential Planned Development and Subdivision plat; and

WHEREAS, the property is legally described in Exhibit "A"; and

WHEREAS, the Committee reviewed the request at its meeting on December 13, 2004; and

WHEREAS, the Committee, after reviewing the request recommended approval; and

WHEREAS, the County's Consulting Engineer Strand Associates, Inc. has reviewed and recommended approval of the final engineering for the project; and

WHEREAS, the plans submitted include stormwater basins (detention and retention) with a normal-water-to-100-year high elevation of 7.8 feet; and

WHEREAS, Section 409.1.4 of the County's Stormwater Management Ordinance establishes a maximum depth of 4.0 feet from normal-water-to-100-year high elevation for stormwater basins; and

WHEREAS, the plans submitted include direct discharge of stormwater into an existing twelve (12) inch diameter concrete drainage tile that feeds the neighboring livestock pond to the south of the subject parcel at the request of the receiving property owners; and

WHEREAS, Section 404.0 of the County's Stormwater Management Ordinance prohibits direct discharge of stormwater into drainage tile of adjacent property; and

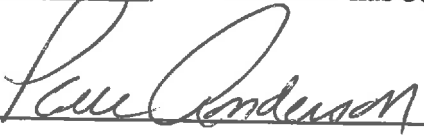
WHEREAS, the Zoning Administrator has evaluated the standards for a stormwater variation, and has recommended approval of the variation request; and

WHEREAS, said variation would not have a negative effect on adjacent properties; and

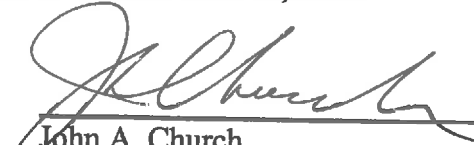
WHEREAS, an agreement, identified as "Exhibit B", has been reached with the property owner to the south to accept the discharge of stormwater .

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby approves a variation to allow for the construction of the stormwater basins with a maximum normal-water-to-100-year high elevation of seven and eight-tenths (7.8) feet; and for direct discharge of stormwater into the existing drainage tile described above for the final plat of Deere Crossing as depicted on "Exhibit C" attached hereto and made a part hereof.

IN WITNESS OF, this ordinance has been enacted on November 16, 2004.



Attest:



John A. Church
Kendall County Board Chairman

Paul Anderson
Kendall County Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 17, 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 00°38'49" EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 1119.0 FEET TO AN IRON STAKE FOR A POINT OF BEGINNING; THENCE NORTH 78°59'41" WEST ALONG A LINE WHICH FORMS AN ANGLE OF 100°21'30" WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 755.31 FEET TO AN IRON STAKE; THENCE SOUTH 00°38'49" WEST ALONG A LINE WHICH FORMS AN ANGLE OF 79°38'30" WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM 440.0 FEET; THENCE NORTH 67°12'44" WEST ALONG A LINE WHICH FORMS AN ANGLE OF 67°51'33" WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 1773.21 FEET TO A LINE DRAWN NORTH 00°16'51" EAST FROM A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER WHICH IS 271.03 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, TO AN IRON STAKE ON THE SOUTHERLY LINE OF PREMISES CONVEYED TO THEODORE W. SHAW BY AN ADMINISTRATOR'S DEED RECORDED APRIL 4, 1974 AS DOCUMENT NO. 74-1436; THENCE NORTH 00°16'51" EAST ALONG SAID LINE 837.83 FEET TO SAID SOUTHERLY LINE OF THE SHAW PREMISES; THENCE SOUTH 67°12'44" EAST ALONG SAID SOUTHERLY LINE, 1797.82 FEET TO A STONE MONUMENT AT THE SOUTHEAST CORNER OF SAID SHAW PREMISES; THENCE SOUTH 67°07'53" EAST, 783.77 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00°38'49" WEST ALONG SAID EAST LINE 227.93 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 36.878 ACRES AS SHOWN BY THE PLAT HEREON DRAWN WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF. I FURTHER CERTIFY THAT THE ABOVE DESCRIBED PROPERTY IS WITHIN 1 ½ MILE OF THE CORPORATE LIMITS OF THE UNITED CITY OF YORKVILLE WHICH HAS ADOPTED AN OFFICIAL PLAN, AND THAT NO PART IS WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

agrees, at DEVELOPERS full expense, to install the (3) elliptical culverts as disclosed and approved by the County of Kendall on the final engineering plan of James Nanning. All of which will be maintained by the Homeowners Associated related and recorded documents of Deere Crossing Subdivision and is subject to all terms and conditions as required by the Planned Unit Development Agreement.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this 14th day of June, 2004.

B&B Development, LLC

By: 

Manager

Chicago Title and Trust 1097465

By: 

Authorized Beneficiary

WHEREAS, OWNERS have reviewed the Final Landscaping Engineering Plans and Final Plat of Subdivision and agree to and acknowledge that the said plans protect their said property in terms of Drainage Plans and Landscape Buffering as set out in the Exhibits which are incorporated herein, said OWNERS consent and acknowledge their approval of said plans.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement this 13th day of August, 2004.

B&B Development, LLC

By: 
Manager

George Stuck & Jill Stuck

By:  
OWNERS

Prepared by and Return to:
Law Offices of Daniel J. Kramer
1107A S. Bridge St.
Yorkville, Illinois 60560