

ORDINANCE NUMBER 2000- 44

**GRANTING AN AMENDED SPECIAL USE
Ultimate Sports Park
Recreational Facility**

WHEREAS, a special use was granted for property located at 100 Business Route 30 on February 14, 1989 by Ordinance 89-5; and

WHEREAS, the special use was conditioned on the property being developed according the original site plan; and

WHEREAS, the petitioner, Thomas Clifford, has since acquired a portion of the former Elgin, Joliet and Eastern Railroad right-of-way; and

WHEREAS, the petitioner has expanded the facility such that it no longer meets the site plan and it now encroaches into the former railroad right-of-way area; and

WHEREAS, in order bring the property into compliance with the zoning ordinance, an amendment to the special use is needed; and

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

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, findings of fact, and recommendation of approval by the Zoning Board of Appeals; and

WHEREAS, the Kendall County Board finds that said petition, along with the conditions specified in this ordinance, is in conformance with the provisions and intent of the Kendall County Zoning Ordinance;

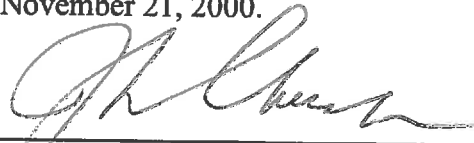
NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby approves an amendment to special use ordinance 89-5 for a recreational facility, subject to the following conditions:

1. The Special Use shall substantially conform to the site plan dated April 28, 2000. Any expansion of buildings or uses on the site shall require an amendment to the Special Use ordinance.
2. Stormwater detention shall be provided due to the expanded facility. A plan shall be submitted to staff for review within 60 days of the date of this ordinance.

3. The petitioner shall provide a parking plan drawing for approval. Said parking areas shall meet County requirements for numbers of regular and handicapped parking spaces shall be submitted within 60 days of the date of this ordinance.
4. Proof of dedication of right-of-way for Business Route 30 shall be submitted no later than 30 days from the date of this ordinance.
5. Fences located within the Business Route 30 right-of-way shall be either relocated outside the right-of-way or granted permission from IDOT to remain within 60 days of the date of this ordinance.
6. The existing billboard on the property shall be removed no later than five (5) years from the date of this ordinance, and shall not be relocated elsewhere on the site.
7. A 20 foot wide "no-build" area shall be provided at the rear (eastern) part of the property for a future extension of the Virgil Gilman Trail.

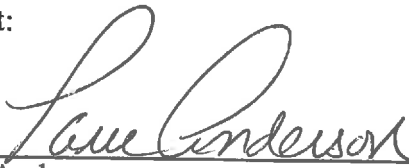
Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on November 21, 2000.



 John A. Church
 Kendall County Board Chairman

Attest:

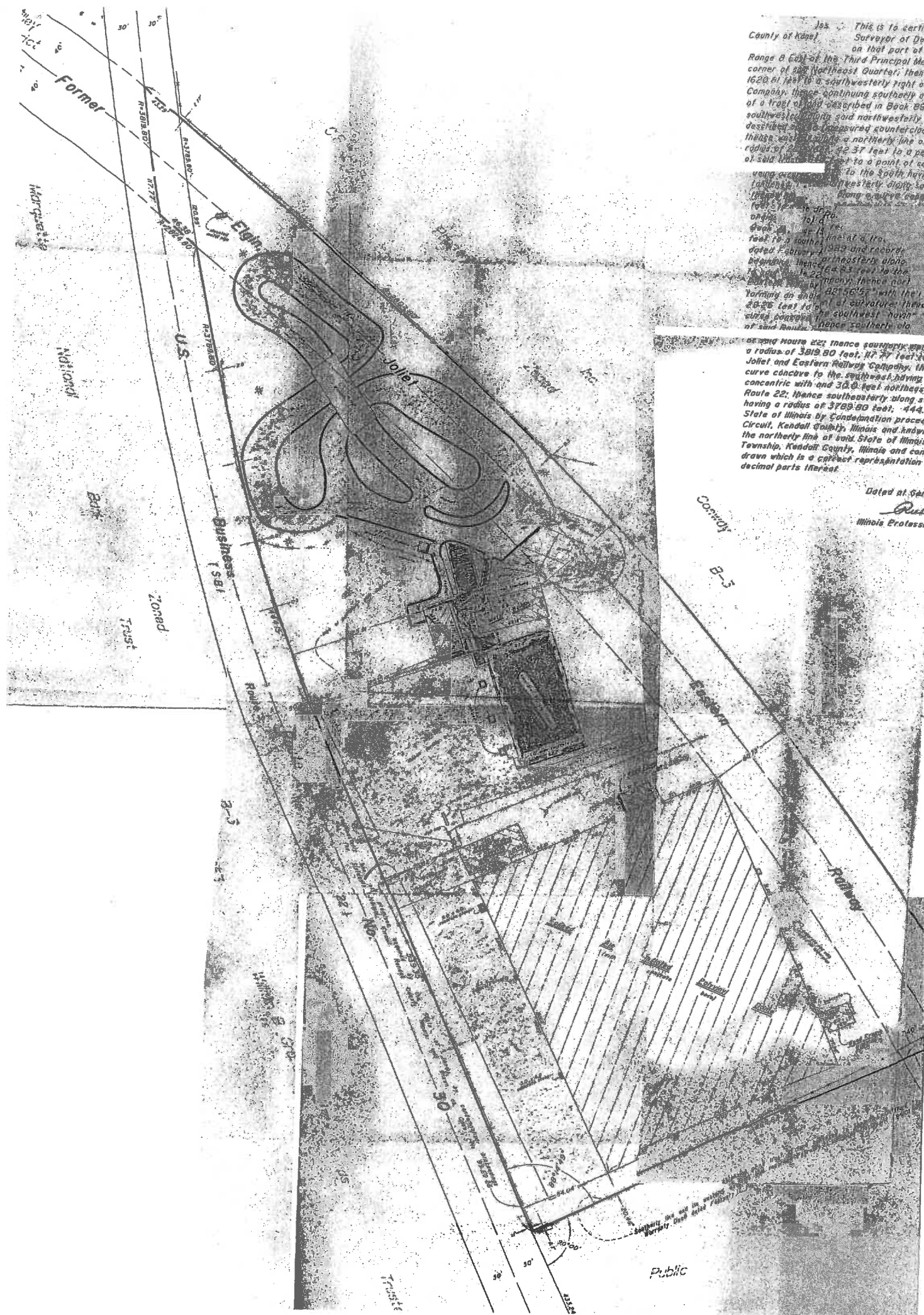


 Paul Anderson
 Kendall County Clerk

EXHIBIT "A"

Ultimate Sports Park Legal Description

that part of the Northeast Quarter of Section 2, Township 37 North Range 8 East of the Third Principal Meridian described as follows: Commencing at the northeast corner of said Northeast Quarter; thence southerly along the east line of said Northeast Quarter 1620.81 feet to a southwesterly right of way line of the former Elgin, Joliet and Eastern Railway Company; thence continuing southerly along said east line 122.36 feet to the northwesterly line of a tract of land described in Book 89, page 320, records of Kendall County; thence southwesterly along said northwesterly line forming an angle of $137^{\circ}57'12''$ with the last described course (measured counterclockwise therefrom) 167.55 feet to a point of curvature; thence westerly along a northerly line of said tract, being a curve concave to the north having a radius of 25.0 feet, 42.37 feet to a point of tangency; thence northwesterly along a northerly line of said tract 59.14 feet to a point of curvature; thence westerly along a northerly line of said tract, being a curve concave to the south having a radius of 145.84 feet, 188.76 feet, to a point of tangency; thence southwesterly along said northerly line 19.80 feet to a point of curvature; thence northwesterly along a curve concave to the northeast having a radius of 25.0 feet, 39.27 feet to a line drawn parallel with and 30.0 feet northeasterly of the center line (measured at right angles thereto) of Route 22 (commonly known as U.S. Business Route No. 30) as described in Book 76, Page 198, records of said county; thence northwesterly along said parallel line 433.24 feet to a southerly line of a tract of land conveyed to Thomas E. Clifford by Warranty Deed dated February 17, 1989 and recorded February 21, 1989 as Document 891017 for a point of beginning; thence northeasterly along said southerly line and its easterly extension perpendicular to said Route 22, 464.63 feet to the northeasterly right of way line of the former Elgin, Joliet and Eastern Railway Company; thence northwesterly along said northeasterly right of way line forming an angle of $82^{\circ}56'57''$ with the last described course (measured clockwise therefrom) 29.26 feet to a point of curvature; thence northwesterly along said northeasterly line, being a curve concave to the southwest having a radius of 2904.80 feet, 1173.14 feet to the center line of said Route 22; thence southerly along said center line being a curve concave to the east having a radius of 3819.80 feet, 117.77 feet to said southwesterly right of way line of the former Elgin, Joliet and Eastern Railway Company; thence southeasterly along said southwesterly line, being a curve concave to the southwest having a radius of 2824.80 feet, 46.38 feet to a line drawn concentric with and 30.0 feet northeasterly of the center line (measured radially thereto) of said Route 22; thence southeasterly along said concentric line, being a curve concave to the northeast having a radius of 3789.80 feet, 444.15 feet to the northerly corner of premises acquired by the State of Illinois by Condemnation proceedings in the Circuit Court of the Sixteenth Judicial Circuit, Kendall County, Illinois and known as Case No. 99 ED 26; thence southeasterly along the northerly line of said State of Illinois tract 539.35 feet to the point of beginning in Oswego Township, Kendall County, Illinois and containing 7.511 acres all as shown by the plat hereon drawn which is a correct representation of said location. All distances are given in feet and decimal parts thereof.



This is to certify
 Surveyor of Dana
 on that part of the
 Range 8 East of the Third Principal Meridian
 corner of the Northeast Quarter, thence
 1620.01 feet to a southerly right of
 Company, thence continuing southerly along
 of a tract of land described in Book 89,
 southerly along said northwesterly line
 described to a measured counter-clock
 thence east along a northerly line of
 radius of 3769.80 feet to a point of con-
 vergence of the line to the south having
 a bearing of 28° 25' 15" westerly, said
 line being a curve along a curve having
 a radius of 3769.80 feet
 and a central angle of 101.4
 feet to a bearing line at a true
 bearing of 28° 25' 15" and recorded
 dated February 1925 and recorded
 bearing thence 64° 53' 15" to the
 bearing line 22° 28' 15" thence east
 bearing line by 82° 56' 15" with the
 forming an angle of curvature thence
 28° 25' 15" to the southwest having
 curve concave to the southwest, having
 of said bearing thence southerly along

of said line 22° thence southerly along said
 a radius of 3769.80 feet, 17° 37' feet to said
 Jolley and Eastern Railway Company, thence
 curve concave to the southwest having a radius
 concentric with and 30.0 feet northeasterly
 Route 22, thence southerly along said line
 having a radius of 3769.80 feet, 444.15 feet
 State of Illinois by Condemnation proceedings
 Circuit, Kendall County, Illinois and known as
 the northerly line of said State of Illinois, first
 Township, Kendall County, Illinois and contains
 drawn which is a correct representation of its
 decimal parts hereof.

Dated at Geneva,
 Illinois Professional

County

B-5

Public