

ORDINANCE NUMBER 98- 03

**GRANTING A-1 BUILDING PERMIT
DON AND TERESA ROBBINS & GLEN AND JUNE NAGEL
FOX RIVER DRIVE**

WHEREAS, Glen and June Nagel, owners of property in Section 31 of Fox Township with tax parcel identification number 04-31-476-002, desire to sell approximately 23 acres of the approximately 37 acre parcel to Don and Teresa Robbins; and

WHEREAS, said desired property is further described on the attached Exhibit A: Legal Description of Entire 23.278 Acre Tract; and

WHEREAS, said property is currently zoned A-1 Agricultural District; and

WHEREAS, said buyers, in conjunction with the sellers, have petitioned to obtain an A-1 Building Permit in accordance with Section 7.01 A.2.c. of the Kendall County Zoning Ordinance; and

WHEREAS, the property proposed to receive the A-1 Building Permit is further described on the attached Exhibit B: Legal Description of 5.000 Acre Tract to be Rezoned; and

WHEREAS, the entire property is further detailed on the attached Exhibit C: Zoning Plat of Part of the Southeast Quarter of Section 31, T36N-R6E, 3rd PM; and

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

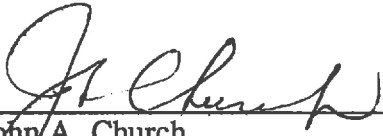
WHEREAS, the Kendall County Board finds that said petition, along with the conditions specified in this ordinance, is in conformance with the provisions of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of an A-1 Building Permit to construct a single family home on the property to be sold from Parcel Number 04-31-476-002, in conformance to the Kendall County Zoning Ordinance and the following conditions:

1. The Nagel's shall dedicate 15 feet of right-of-way along the east side of Fox River Drive for the entire length of their current property as shown on the aforementioned zoning plat of Exhibit C; and
2. The both parties involved shall provide an appropriate covenant to the Planning, Building, and Zoning Office detailing that the Robbins' and subsequent owners shall not pursue an additional A-1 Building Permit.

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 February 17, 1998.



John A. Church
Kendall County Board Chairman



Paul Anderson
Kendall County Clerk

EXHIBIT A

Ordinance 98

DATE 2/17/98

Petition 9723

Robbins

CLW

LEGAL DESCRIPTION OF ENTIRE 23.278 ACRE TRACT:

That part of the Southeast Quarter of Section 31, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Southeast Quarter; thence South 00°37'26" East, along the East Line of said Southeast Quarter, 1304.11 feet for the point of beginning; thence North 81°08'32" West, 1094.18 feet; thence South 78°11'19" West, 187.50 feet; thence South 17°03'54" East, 7.29 feet to a line which is 70.0 feet (normally distant) northerly of and parallel with the North Line of a Tract conveyed to the Newark Sanitary District by Document No. 147519; thence South 64°23'45" West, along said parallel line, 369.05 feet; thence South 59°42'45" West, 487.42 feet to the centerline of Fox River Drive (formerly known as Millington-Newark Road); thence South 30°11'52" East, along said centerline, 25.63 feet; thence southeasterly, along a tangential curve to the right with a radius of 4766.74 feet, an arc distance of 44.37 feet; thence North 59°42'45" East, 460.0 feet; thence South 70°47'01" East, 45.60 feet to a point on the westerly right-of-way of the abandoned Illinois Midland Railway; thence northerly, along said westerly right-of-way line being a curve to the left with a radius of 956.46 feet and a chord bearing of North 38°03'44" West, an arc distance of 35.0 feet to the westerly extension of the North Line of said Newark Sanitary District Tract; thence North 64°23'45" East, along said extension and said North Line, 364.54 feet; thence North 78°09'30" East, along a North Line of said Newark Sanitary District Tract, 120.0 feet; thence South 24°37'15" East, along the East Line of said Newark Sanitary District Tract, 1255.01 feet to the North Line of "Coy Park Estates, Newark, Kendall County, Illinois"; thence North 54°34'59" East, along said North Line, 165.79 feet; thence South 81°34'26" East, along said North Line, 474.69 feet to the East Line of said Southeast Quarter; thence North 00°37'26" West, along said East Line, 1030.53 feet to the point of beginning (excepting therefrom the right-of-way of the abandoned Illinois Midland Railway) in Fox Township, Kendall County, Illinois and containing 23.278 acres.

EXHIBIT B

Ordinance 98-
DATE 2/17/98

Pct: 10n 9723
Robbins
(u)

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01/05/98 MON 08:52 FAX 553 5764 KRAMER LAW

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Don Robbins
Revised Legal Description

LEGAL DESCRIPTION OF 5.000 ACRE TRACT TO BE REZONED:

That part of the Southeast Quarter of Section 31, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Southeast Quarter; thence South 00°37'26" East, along the East Line of said Southeast Quarter, 1304.11 feet; thence North 81°08'32" West, 749.88 feet for the point of beginning; thence North 81°08'32" West, 344.30 feet; thence South 78°11'19" West, 187.50 feet; thence South 17°03'54" East, 7.29 feet to a line which is 70.0 feet (normally distant) northerly of and parallel with the North Line of a Tract conveyed to the Newark Sanitary District by Document No. 147519; thence South 64°23'45" West, along said parallel line, 302.13 feet to the easterly right-of-way of the abandoned Illinois Midland Railway; thence southeasterly, along said easterly right-of-way line being a curve to the right with a radius of 1036.46 feet and a chord bearing of South 40°02'56" East, an arc distance of 72.30 feet to the North Line of said Newark Sanitary District Tract; thence North 64°23'45" East, along said North Line, 282.45 feet; thence North 78°09'30" East, along said North Line, 120.0 feet; thence South 24°37'15" East, along the East Line of said Newark Sanitary District Tract, 750.0 feet; thence North 65°22'45" East, 120.53 feet; thence North 04°01'32" West, 664.79 feet to the point of beginning in Fox Township, Kendall County, Illinois and containing 5.000 acres.

