

ORDINANCE NUMBER 2020- 15

GRANTING APPROVAL OF A PRELIMINARY AND FINAL PLAT OF THE GO PRO SPORTS SUBDIVISION AND AN EXCEPTION TO SECTION 7.03.A.7.C OF THE KENDALL COUNTY SUBDIVISION CONTROL ORDINANCE PERTAINING TO SOIL SURVEY INFORMATION ON PROPERTY LOCATED ON THE NORTHERN 18.7 +/- ACRES OF 195 ROUTE 52 AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 09-13-200-002 IN SEWARD TOWNSHIP

WHEREAS, Section 7 of the Kendall County Subdivision Control Ordinance permits the Kendall County Board to final plats and provides a procedure through which approval of preliminary and final plats are granted; and

WHEREAS, Section 11 of the Kendall County Subdivision Control Ordinance permits the Kendall County Board to issue exceptions to the requirement of the Kendall County Subdivision Control Ordinance and place conditions on such exceptions provides the procedure through which exceptions are granted; and

WHEREAS, Section 7.03.A.7.c of the Kendall County Subdivision Control Ordinance requires the submittal of a soil map and related soil information with applications for preliminary plats for subdivisions proposed to be served by individual septic sewage systems; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the B-4 Commercial Recreation District and a Petition exists to rezone the balance of the property from A-1 Agricultural Zoning District to B-3 Highway Business District and B-2 General Business District and consists of approximately 18.7 +/- acres located at the northern half of the parcel located at the northwest corner of Route 52 and County Line Road, also known as, 195 Route 52 (PINs: 09-13-200-002), in Seward Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property.”; and

WHEREAS, Goprobball, LLC, as represented by Jason Shelley, and James and Denise Maffeo, on behalf of Four Season Storage, LLC, an Illinois Liability Company in February 2020 and March 2020 respectively and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about July 15, 2020, Petitioner’s representative filed a petition for approval of a preliminary and final plat of a four lot commercial subdivision on the subject property to be known as Go Pro Sports Subdivision; and

WHEREAS, on or about April 21, 2020, Petitioner’s representative filed a request for an exception to the soil mapping requirements contained in Section 7.03.A.7.c of the Kendall County Subdivision Control Ordinance; and

WHEREAS, the Plat Officer made a findings of fact, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on August 6, 2020, the Kendall County Regional Planning Commission held a public hearing on the proposed plats and exception at 7:00 p.m. on August 26, 2020 in the Kendall County Historic Courthouse at 110 W. Madison Street in Yorkville at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the

State of Illinois
County of Kendall

Zoning Petition
#20-15

requested preliminary and final plat and exception and zero members of the public asked questions or testified in favor or testified in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Regional Planning Commission has recommended approval of the final plat and exception; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Plat Officer, and has forwarded to the Kendall County Board a recommendation of approval of the requested final plat and exception; and

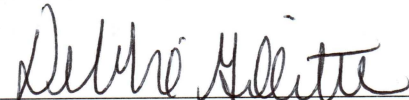
WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Plat Officer of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Subdivision Control Ordinance; and

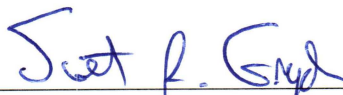
NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Plat Officer attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for an exception to the soil mapping requirements contained in Section 7.03.A.7.c with said soil mapping information to not be required as part of the application.
3. The Kendall County Board hereby grants approval of Petitioner's petition for a final plat of the Go Pro Sports Subdivision attached hereto as Exhibit C subject to the following condition:
 - A. The final plat shall become effective upon the successful recording of Exhibit C in the timeframe outlined in Section 7.06.H of the Kendall County Subdivision Control Ordinance unless an extension is granted by the Kendall County Board.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 15th day of September, 2020.

Attest:


Kendall County Clerk
Debbie Gillette


Kendall County Board Chairman
Scott R. Gryder



LEGAL DESCRIPTION:

That Part of the Northeast Quarter of Section 13, Township 35 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, 1142.05 feet for the point of beginning, thence Westerly, parallel with the North Line of said Northeast Quarter, 1146.61 feet to a line which is 1500.0 feet (normally distant) Easterly of the West Line of said Northeast Quarter; thence Southerly, parallel with said West Line, 679.29 feet; thence Easterly, parallel with said North Line, 423.0 feet; thence Southerly, parallel with said West Line 53.0 feet; thence Easterly, parallel with said North Line, 720.57 feet to said East Line of the Northeast Quarter; thence Northerly, along said East Line, 732.32 feet to the point of beginning in Seward Township, Kendall County, Illinois.

DETAILED DESCRIPTION OF TRACT C (B-4 Zoning Parcel):

That Part of the Northeast Quarter of Section 13, Township 35 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, 1142.05 feet; thence Westerly, parallel with the North Line of said Northeast Quarter, 599.06 feet for the point of beginning; thence continuing Westerly, parallel with said North Line, 547.55 feet to a line which is 1500.0 feet (normally distant) Easterly of the West Line of said Northeast Quarter; thence Southerly, parallel with said West Line, 679.29 feet; thence Easterly, parallel with said North Line, 423.0 feet; thence Southerly, parallel with said West Line, 53.0 feet to a line which is 1874.37 feet Southerly of (as measured along the East Line of said Northeast Quarter) and parallel with the North Line of said Northeast Quarter; thence Easterly, parallel with said North Line, 124.55 feet to a line drawn Southerly from the point of beginning, parallel with said West Line; thence Northerly, parallel with said West Line, 732.29 feet to the point of beginning in Seward Township, Kendall County, Illinois.

AND ALSO that Part of the Northeast Quarter of Section 13, Township 35 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, 1142.05 feet; thence Westerly, parallel with the North Line of said Northeast Quarter, 599.06 feet; thence Southerly, parallel with the West Line of said Northeast Quarter, 692.29 to a line which is 1834.37 feet Southerly of (as measured along the East Line of said Northeast Quarter) and parallel with the North Line of said Northeast Quarter feet for the point of beginning; thence Easterly, parallel with said North Line, 546.10 feet; thence Southerly at an angle of 89°33'03" measured counterclockwise from the last described course, 40.0 feet to a line which is 1874.37 feet Southerly of (as measured along the East Line of said Northeast Quarter) and parallel with the North Line of said Northeast Quarter; thence Westerly, parallel with said North Line, 546.02 feet to a line drawn Southerly from the point of beginning, parallel with the West Line of said Northeast Quarter; thence Northerly, parallel with said West Line, 40.0 feet to the point of beginning in Seward Township, Kendall County, Illinois.

Exhibit A, Page 3

LEGAL DESCRIPTION OF TRACT 2 (B-3 Special Use Parcel):

That Part of the Northeast Quarter of Section 13, Township 35 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, 1142.05 feet; thence Westerly, parallel with the North Line of said Northeast Quarter, 599.06 feet; thence Southerly, parallel with the West Line of said Northeast Quarter, 165.29 feet for the point of beginning; thence Easterly, parallel with said North Line, 332.25 feet; thence Southerly, parallel with said West Line, 525.07 feet to a line which is 1834.37 feet Southerly of (as measured along the East Line of said Northeast Quarter) and parallel with the North Line of said Northeast Quarter; thence Westerly, parallel with said North Line, 332.25 feet to a line drawn Southerly from the point of beginning, parallel with said West Line; thence Northerly, parallel with said West Line, 527.0 feet to the point of beginning in Seward Township, Kendall County, Illinois.

LEGAL DESCRIPTION OF TRACT 3 (B2 Zoning Parcel):

That Part of the Northeast Quarter of Section 13, Township 35 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, 1142.05 feet; thence Westerly, parallel with the North Line of said Northeast Quarter, 51.55 feet to a point hereinafter referred to as "Point A"; thence Southerly, along a line which forms an angle of 89°33'03" with the prolongation of the last described course, measured counter-clockwise therefrom, 692.32 feet to a line which is 1834.37 feet Southerly of (as measured along the East Line of said Northeast Quarter) and parallel with the North Line of said Northeast Quarter for the point of beginning; thence Northerly, along the line of the last described course 692.32 feet to "Point A"; thence Westerly, parallel with said North Line, 547.51 feet; thence Southerly, parallel with the West Line of said Northeast Quarter, 165.29 feet; thence Easterly, parallel with said North Line, 332.25 feet; thence Southerly, parallel with said West Line, 525.07 feet to a line which is 1834.37 feet Southerly of (as measured along the East Line of said Northeast Quarter) and parallel with the North Line of said Northeast Quarter; thence Easterly, parallel with said North Line, 213.85 feet to the point of beginning in Seward Township, Kendall County, Illinois.

Exhibit B

FINDINGS OF FACT-EXCEPTION

§ 11.00.A.2 of the Subdivision Control Ordinance outlines findings that the Plat Officer must make in order to recommend in favor of the applicant on variation applications. They are listed below in *italics*. Findings are listed in bold.

Because of the particular physical surroundings, shape or topography conditions of the specific property involved a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out.

The proposed subdivision consists of four (4) lots, one (1) of which is a private road. The maximum number of users will be two (2) until such time as public utilities are available.

The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally to other property, and have not been created by any person having an interest in the property.

The conditions are unique in that the proposed subdivision is small, consisting of two (2) proposed users at the time of platting. The Petitioners did create the hardship by desiring to have a subdivision at this location.

The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
The purpose of the variation is based on the size of the development and number of proposed lots.

The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

Provided the subdivision is developed as proposed and that reasonable restrictions are placed on special uses that could be placed inside the subdivision, the granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood.

FINAL PLAT OF GO PRO SPORTS SUBDIVISION SEWARD TOWNSHIP KENDALL COUNTY ILLINOIS

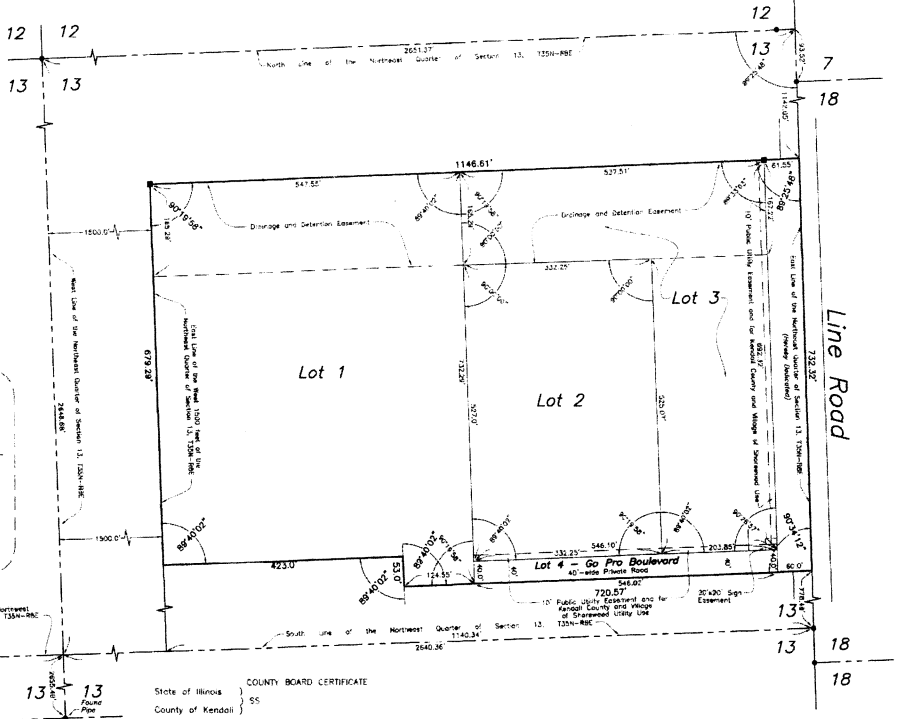
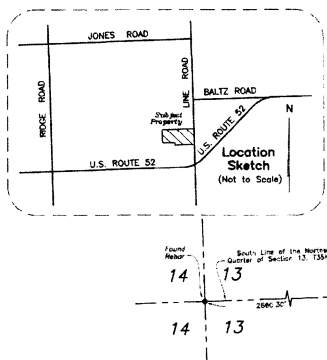
AREA TABLE	
Lot 1	376244 sq ft = 8.6902 acres
Lot 2	174725 sq ft = 4.0123 acres
Lot 3	198844 sq ft = 4.5190 acres
Lot 4	21442 sq ft = 0.4922 acres
Heretofore Designated	44503 sq ft = 1.0216 acres
Total	816110 sq ft = 18.7332 acres

SCALE
1"=100'

Indicates Concrete Monument Set
3/4" x 24" Iron Pipe set at all other Lot Corners, Angle Points and Points of Curvature.

KENDALL COUNTY RIGHT-TO-FARM STATEMENT
Kendall County has a long rich tradition in agriculture and respects the role that farming continues to play in shaping the economic viability of the county. Property that supports this industry as indicated by a zoning indicator - A-1 or M-2 Special Use. Anyone constructing a residence on this zoning should be aware that normal agricultural practices may result in occasional noise, dust, lights, noise and unique hours of operations that are not typical in other zoning areas.

NOTICE OF FEES
All lots as delineated in the above Plat are subject to payments of fees pursuant to the Local Cost Ordinance of Kendall County as administered by the Kendall County Building and Zoning Office, and is a covenant running with the land. A recordable receipt will be issued upon payment of such fees. The building permit applicant shall pay the Local Cost contribution and the Kendall County Highway Fee at the time of applying for each building permit.



State of Illinois } SURVEYOR'S CERTIFICATE
County of Kendall } SS

This is to certify that I, Philip D. Young, an Illinois Professional Land Surveyor and an officer of Philip D. Young and Associates, Inc., at the request of the administrator of the land described herein, have surveyed, subdivided and plotted the lots shown hereon to be hereafter known as 'Go Pro Sports Subdivision, Seward Township, Kendall County, Illinois,' being a Subdivision of Part of the Northeast Quarter of Section 13, Township 35 North, Range 8 East of the Third Principal Meridian in Seward Township, Kendall County, Illinois, more particularly described as follows:

That Part of the Northeast Quarter of Section 13, Township 35 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Northeast Quarter, thence Southerly, along East Line of said Northeast Quarter, 1146.61 feet to the point of beginning; thence Westerly, parallel with the North Line of said Northeast Quarter, 1146.61 feet to a pole which is 1500.0 feet (exactly zero feet) Eastern of the West Line of said Northeast Quarter, thence Southerly, parallel with said West Line 1500.0 feet; thence Easterly, parallel with said North Line 53.0 feet; thence Easterly, parallel with said North Line, 225.57 feet to said East Line of the Northeast Quarter, thence Northerly, along said East Line, 232.32 feet to the point of beginning in Seward Township, Kendall County, Illinois.

I also certify that the above described property lies within 1-1/2 miles of the corporate limits of the Village of Shorewood, who has adopted and properly filed an Official Plan and are exercising the special powers authorized by Chapter 12 of Article 11 of the Illinois Municipal Code as Amended.

I also certify that no part of the property above described lies within a special flood hazard area as identified by the Federal Emergency Management Agency based on Flood Insurance Rate Map Panel No. 1706ACD145H with an effective date of January 8, 2014.

I also certify that the attached plat is in compliance with Chapter 109 of the Illinois Revised Statutes, that all subdivision exterior monuments have been set, that all interior monuments will be set within 12 months of the recordation of this plat, and that all dimensions are shown in feet and decimal parts thereof.

This professional service conforms to the current minimum standards for a boundary survey.
Dated this _____ day of _____, 20____, at Yorkville, Illinois.

Philip D. Young
Illinois Professional Land Surveyor No. 2678 (Expires 11/30/20)

State of Illinois } COUNTY ENGINEER CERTIFICATE
County of Kendall } SS

I, _____, County Engineer of Kendall County, do hereby certify that the annexed plat has been examined by me and found to comply with the highway requirements as set forth in the regulations governing plats of subdivisions and adopted by the County Board of Kendall County, Illinois.

Dated this _____ day of _____, 20____.
Kendall County Engineer

State of Illinois } TOWNSHIP HIGHWAY COMMISSIONER CERTIFICATE
County of Kendall } SS

I, _____, do hereby certify that all matters pertaining to the highway requirements as described in the regulations governing plats adopted by the County Board of Kendall County, insofar as they pertain to the annexed plat, have been complied with.

Dated this _____ day of _____, 20____.
Seward Township Highway Commissioner

State of Illinois } PLAT OFFICER CERTIFICATE
County of Kendall } SS

Approved this _____ day of _____, 20____.
Plat Officer

COUNTY BOARD CERTIFICATE
State of Illinois } SS
County of Kendall }
Approved by the County Board of Kendall County, Illinois, this _____ day of _____, 20____.
Chairman of County Board County Clerk

PLAN AND ZONING COMMITTEE CERTIFICATE
State of Illinois } SS
County of Kendall }
Approved by the Plan and Zoning Committee, this _____ day of _____, 20____.
Plan and Zoning Committee, Chairman

OWNER'S AND SCHOOL CERTIFICATE
State of Illinois } SS
County of Kendall }
This is to certify that Go Pro Baseball, LLC is the owner of the property described in the attached Surveyor's Certificate has caused the same to be surveyed on subdivisions as indicated for the uses and purposes therein set forth and does hereby acknowledge and adopt the same under the title and title of 'Go Pro Sports Subdivision, Seward Township, Kendall County, Illinois'. All of the property herein described is located within the boundaries of Illinois Community Consolidated School District 231 and Illinois Community High School District 11.
Dated at _____ Illinois this _____ day of _____, 20____.

Joan Shely, manager
Go Pro Baseball, LLC
1088 Ronald Drive
Sikee, Illinois 60434

State of Illinois } NOTARY PUBLIC CERTIFICATE
County of Kendall } SS

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that Joan Shely, who is personally known to me to be the same person whose name is subscribed to the foregoing Owner's and School Certificate, appeared before me this day, in person, and acknowledged that he signed and delivered the annexed plat as his free and voluntary act for the uses and purposes therein set forth.
Given under my hand and official seal this _____ day of _____, 20____.

Notary Public
My commission expires _____

State of Illinois } PROFESSIONAL ENGINEER'S CERTIFICATE
County of Kendall } SS

We, Joan Tebruge, an Illinois Registered Professional Engineer and Go Pro Baseball, LLC, the owner of the property described in the attached Surveyor's Certificate submit the topographical and profile studies, and certify that, to the best of our knowledge and belief, the drainage of surface waters will not be changed by the construction of this Subdivision or any part thereof, so that if such surface water drainage will be changed, reasonable provisions have been made for the collection and diversion of such surface waters into public ditches or drains which the subdivisor has a right to use, and that such surface waters will be carried off in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the Subdivision.

Dated at _____ Illinois this _____ day of _____, 20____.
Go Pro Baseball, LLC - Joan Shely, manager
Registered Professional Engineer

State of Illinois } COUNTY CLERK CERTIFICATE
County of Kendall } SS

This is to certify that _____, County Clerk for the County aforesaid, do hereby certify that there are no delinquent taxes, liens or unpaid current, delinquent, unpaid for taxes and no redemption for sales against any of the lots aforesaid described in the foregoing certificates.
Dated this _____ day of _____, 20____.
County Clerk

State of Illinois } SHOREWOOD PLAN COMMISSION CERTIFICATE
County of Will } SS
Approved by the Plan Commission of the Village of Shorewood, Will County, Illinois this _____ day of _____, 20____.
Chairman Secretary

State of Illinois } SHOREWOOD TRUSTEES CERTIFICATE
County of Will } SS
Approved by the Board of Trustees of the Village of Shorewood, Will County, Illinois this _____ day of _____, 20____.
Village President Village Clerk

State of Illinois } COUNTY RECORDER CERTIFICATE
County of Kendall } SS
This instrument No. _____ was filed for record in the Recorder's Office of Kendall County, Illinois, on the _____ day of _____, 20____, at _____ o'clock _____ M.
Kendall County Recorder

State of Illinois } COUNTY HEALTH DEPARTMENT
County of Kendall } SS
Issuance of building permits shall be subject to lot soil testing and site evaluation, demonstrating the ability to construct and operate a sewage disposal system capable of meeting or exceeding all applicable State and local rules and regulations.
Approved this _____ day of _____, 20____.
Kendall County Health Department

PUBLIC UTILITY EASEMENT PROVISIONS
An assessment for serving the subdivision and other property with natural gas, electric and telecommunications services is hereby reserved for use and provided to COMMERCE ENERGY SERVICES, INC. (AET/ELECTRIC), CABLE ILLINOIS (FRANCHISE, VIDEO AND CABLE), their respective successors and assigns, jointly and severally, to install, operate, maintain and remove, from time to time, facilities used in conjunction with underground transmission and distribution of natural gas and electric, telephone, cable, video, and other services, along and upon the surface of the property described in the description of Corporation or on this plat as 'Common Elements', on the property designated on the plat for streets and alleys, water or public or private, together with the right to install, operate, maintain, connect, use or under the surface of such lot and drainage or lines to serve the purposes herein set forth, and to remove or cause the right to be removed, from time to time, any and all structures, signs or other improvements on the property for all such purposes and to install and maintain 'Public Utility Easement' within the parcel described in the plat. All easements reserved herein shall be in accordance with the grade of the subdivided property and shall be shared in a manner as to interfere with proper operation and maintenance thereof.

The term 'Common Elements' shall have the meaning set forth for such term in the Condominium Property Act, Chapter 765 ILCS 605/0.01, as amended from time to time. The term 'common area or areas' is defined as all parcels or area of real property, the possession, control and enjoyment of which is reserved in whole or in part to the persons, classes, persons or groups within the planned development, even though such common areas are not owned or controlled by the person or persons who own the units, and which are used for the purposes of the planned development, including but not limited to, parking and common areas. The term 'common area or areas' shall include any and all structures, signs or other improvements on the building, service business district or structures such as a pool or recreation park or recreational equipment.

Relocation of facilities will be done by grantee at cost of Contractor/Owner, upon written request.

DRAINAGE EASEMENT AND DETENTION EASEMENT PROVISIONS
An assessment is hereby reserved for and granted to the County of Kendall, Illinois, and its successors and assigns, to install, operate, maintain, connect, use or under the surface of such lot and drainage or lines to serve the purposes herein set forth, and to remove or cause the right to be removed, from time to time, any and all structures, signs or other improvements on the property for all such purposes and to install and maintain 'Public Utility Easement' within the parcel described in the plat. All easements reserved herein shall be in accordance with the grade of the subdivided property and shall be shared in a manner as to interfere with proper operation and maintenance thereof.

JOB NO.	18171
JOB NAME	GO PRO BASEBALL
DWG FILE	18171B
REVISION DATE	August 18, 2020

Phillip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580

