

**KENDALL COUNTY**  
**Ordinance No. 23-32**

*An Ordinance Granting Variance to the Kendall County Highway Access Regulation Ordinance*

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**WHEREAS**, access to Kendall County Highways has been regulated by the Kendall County Board through the Kendall County Highway Access Regulation Ordinance, originally adopted by the Board on May 18, 1999 and notwithstanding subsequent revisions; and

**WHEREAS**, Orchard Road (County Highway 20) has been classified as an Access 1 Highway in said Ordinance, requiring a spacing between public streets and private accesses of not less than 2,640 feet; and

**WHEREAS**, Chakra360 LLC, hereinafter referred to as "Petitioner", has petitioned Kendall County for the installation of full access to Orchard Road approximately ¼ - mile north of Tuscany Trail to provide access for the proposed Breybourne Cricket Stadium, as depicted on the attached Location Map; identified as Exhibit A; and

**WHEREAS**, a full access intersection at said location will impact multiple parcels, including those currently owned by the Petitioner, Charles Frazier Farm LLC, Conte, A&A Joint Venture LP, and Arthur A & Rita Brummel et al, as depicted on the attached Exhibit B; and

**WHEREAS**, in consideration of the need for access and mobility in the vicinity of this rapidly developing commercial corridor, the Kendall County Board has evaluated and approved the petition for variance, subject to certain conditions.

**THEREFORE, BE IT ORDAINED**, that the Kendall County Board hereby grants a variance to the Kendall County Highway Access Regulation Ordinance, for the specified purpose, subject to the terms and conditions imposed herein.

1. The above listed recitals are incorporated herein as if fully set out herein.
2. That a variance from the Kendall County Highway Access Regulation Ordinance is hereby authorized to the Petitioner, for the above-specified purpose, on the west side of Orchard Road approximately ¼-mile north of Tuscany Trail as depicted on the attached Location Map.
3. As a condition of said variance, the Petitioner shall be required to adhere to the following requirements:
  - a. Full access to Orchard Road shall also provide unfettered full access for the adjacent parcel to the north – Parcel 02-01-300-029 – through a cross access easement or other approved instrument.
  - b. Prior to installation and use of the full access, the Petitioner, its successors or assigns, shall widen Orchard Road to a 5-lane cross section beginning approximately 400' north of Tuscany Trail and ending approximately 350' south of Galena Road. Said 5-lane section will provide 2 thru-lanes in each direction, as well as continuous left turns at Tuscany Trail, the full access, and Galena Road. Design of the road improvement of Orchard Road shall meet all requirements of the Kendall County Engineer and shall include necessary pavement markings and all other safety appurtenances. Considering that these improvements to Orchard Road will benefit other parcels besides the Petitioner's, specifically those listed above and shown on Exhibit B, Kendall County supports the recapture of proportionate shares of design and construction costs for Orchard

Road improvements. Recognizing that both the Village of Montgomery and the Village of Oswego have corporate limits that will touch the proposed full access location, Kendall County suggests that said Villages administrate any / all recapture monies that may come due to the Petitioner.

- c. Prior to installation and use of the full access, the Petitioner, its successors or assigns, shall construct a southbound right turn lane on Orchard Road in advance of the full access. Design of the right turn lane shall meet all requirements of the Kendall County Engineer and shall include necessary pavement markings and all other safety appurtenances. Considering that the right turn lane will also benefit the parcel in the northwest quadrant of the proposed full access intersection, Kendall County supports the recapture of proportionate shares of design and construction costs for the right turn lane improvements; and would again suggest that the appropriate Village administrate any / all recapture monies that may come due to the Petitioner.
- d. At such time, when any traffic signal warrant is met for the full access intersection, as detailed in the Manual on Uniform Traffic Control Devices (MUTCD), Kendall County will require the construction of a traffic signal. Design and construction of the traffic signal will be the responsibility of the Petitioner, its successors or assigns. Kendall County supports the recapture of proportionate shares of design and construction costs for the traffic signal. Recognizing that both the Village of Montgomery and the Village of Oswego have corporate limits that will touch the proposed full access intersection, Kendall County suggests that said Villages administrate any / all recapture monies that may come due to the Petitioner.
- e. As part of the construction of the traffic signal at the full access intersection, a signal interconnect will be required connecting the signals at Tuscany Trail, the full access, and Galena Road. The interconnect shall include placement of a rigid conduit connecting all 3 intersections, wiring, hardware, and software necessary to make the interconnection completely operational. Village rules for the administration of recapture fees identified in item "d" above, should also apply to costs associated with the interconnection.
- f. Also coincidental to the traffic signal installation, the Petitioner shall install roadway lighting along the west shoulder of Orchard Road, similar to the lighting south of Tuscany Trail. Lighting standards and luminaires shall meet the specifications requirements of the Kendall County Highway Department. It is estimated that it will be necessary to install 5 light standards between Tuscany Trail and the full access. This does not include the lighting that will be provided as part of the traffic signal installation.
- g. In the event any of the improvements identified in paragraphs b thru f above require the dedication of additional rights-of-way along the west side of Orchard Road, including required corner cuts at the full access intersection (to accommodate future traffic signals), the Petitioner shall dedicate said rights-of-way to Kendall County at no cost to Kendall County.
- h. The Petitioner shall construct a continuous concrete sidewalk, 5' in width, along the entire frontage of Orchard Road beginning at Tuscany Trail and ending at the north property line of the Petitioner. In regard to the timing and limits of construction of sidewalk, the Petitioner shall install sidewalk within 12 months after final P.U.D. approval for each phase of the proposed project. Construction requirements for the sidewalk shall follow Kendall County specifications. The sidewalk shall be located in an easement immediately adjacent to and outside the Orchard Road right-of-way.

- i. Any exceptions, violations or noncompliance to the requirements contained herein, on behalf of the Petitioner, will result in the immediate forfeiture of the variance.

Approved by the County Board of Kendall County, State of Illinois.

  
Matt Kellogg – Kendall County Board Chairman

I, Debbie Gillette, County Clerk in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of an ordinance adopted by the Kendall County Board, at its regularly scheduled meeting in Yorkville, Illinois, on the 19 day of September, A.D., 2023.

  
Debbie Gillette – County Clerk



# BREYBOURNE STADIUM

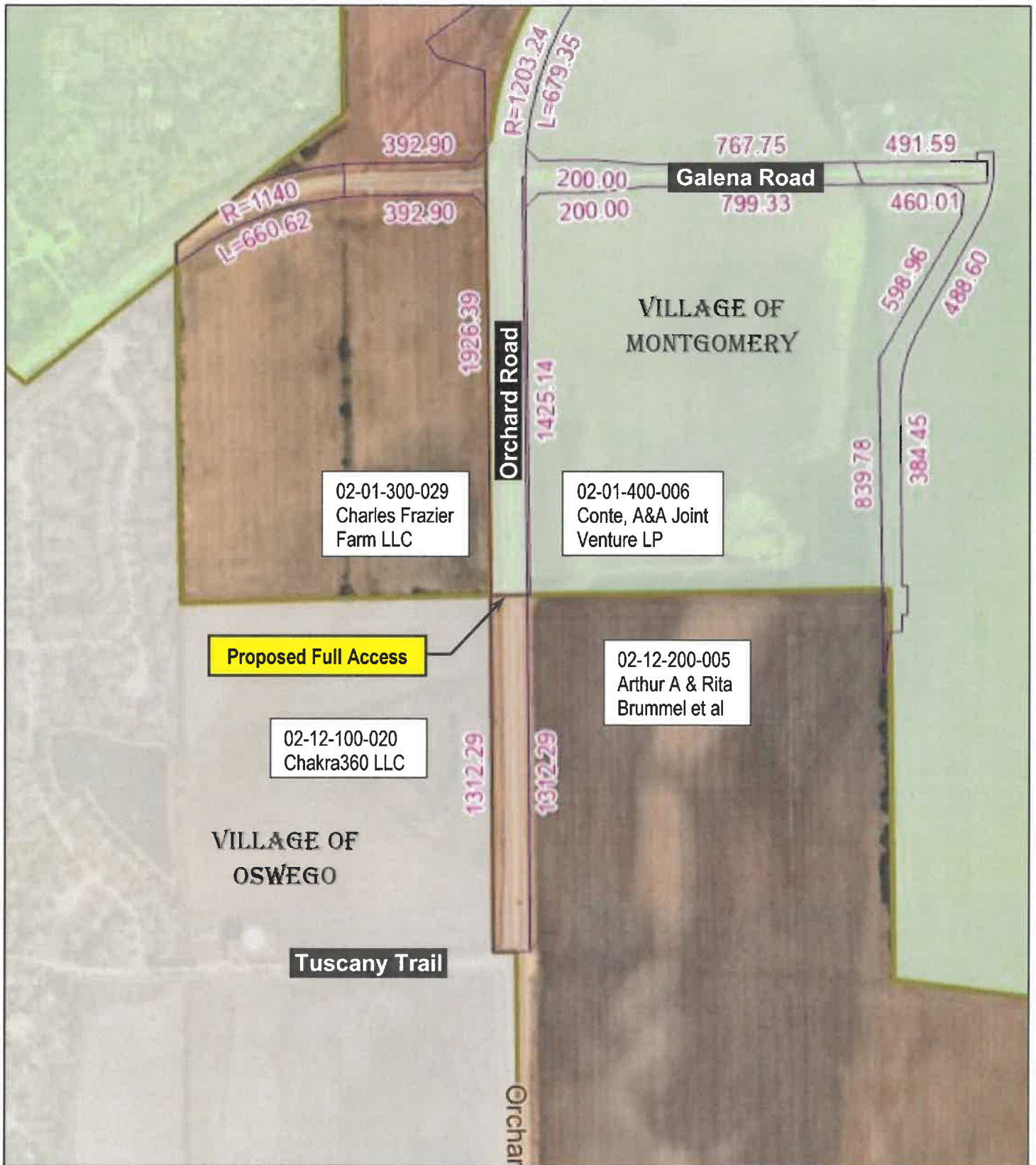
Oswego, Illinois

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Approximate Location of Full Access

**EXHIBIT A**  
Location Map



**EXHIBIT B**  
Parcels