



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 23-31

Jorge A. and Hilda G. Montes

**Plat of Vacation of a Public Utility and Drainage Easement in
Grove Estates Subdivision**

INTRODUCTION

A five foot (5') public utility and drainage easement exists on the north and south lot lines of Lots 27 and 28 in the Grove Estates Subdivision.

The Petitioners would like to merge the two (2) lots and construct a new house over the easements.

The application materials are included as Attachment 1. The plat of vacation is included as Attachment 2.

SITE INFORMATION

PETITIONERS Jorge A. and Hilda G. Montes

ADDRESSES 7216 and 7280 Roberts Court, Oswego

LOCATION Lots 27 and 28 in Grove Estates



TOWNSHIP Na-Au-Say

PARCEL #S 06-08-101-013, and -014

LOT SIZE 1.4 +/- Acres (Total Lot) 0.05 +/- Acres (Easements to Be Vacated)

EXITING LAND USE Wooded (Grove Estates Subdivision)

ZONING RPD-2 Residential Planned Development-Two

LRMP	Current Land Use	Wooded
	Future Land Use	Rural Residential (0.65 DU/Acre Max)
	Roads	Roberts Court is a Local Road Maintained by Na-Au-Say Township
	Trails	None
	Floodplain/ Wetlands	None

REQUESTED ACTION Vacate the Public Utility and Drainage Easements Along the Common Lot Lines of Lots 27 and 28 in Grove Estates.

APPLICABLE REGULATIONS Section 7.06 (Subdivision Control Ordinance)

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Wooded	RPD-2	Rural Residential (0.65 DU/Acre Max)	RPD-2
South	Wooded	RPD-2	Rural Residential	A-1 and RPD-2
East	Wooded/Single-Family Residential	RPD-2	Rural Residential	A-1 and RPD-2
West	Wooded	RPD-2	Rural Residential	A-1 and RPD-2

The property immediately to the east of the subject also vacated drainage and utility easements for the same reason in 2020.

ACTION SUMMARY

NA-AU-SAY TOWNSHIP

Na-Au-Say Township was emailed information on November 17, 2023.

VILLAGE OF OSWEGO

The Village of Oswego was emailed information on November 17, 2023.

OSWEGO FIRE PROTECTION DISTRICT

The Oswego Fire Protection District was emailed information on November 17, 2023.

ZPAC

ZPAC reviewed the proposal at their meeting on December 5, 2023. The Petitioners' Attorney indicated that they had secured all signatures, including Comed's signature. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes of the meeting are included as Attachment 6.

GENERAL

Staff requested that the Petitioners provide information stating that none of the utilities were in opposition to the request. One November 16, 2023, the Petitioners' Attorney submitted an email stating that all of the utilities had signed the plat except Comed. This email is included as Attachment 3.

The homeowners' association submitted an email on November 14, 2023, expressing no opposition to the request. This email is included as Attachment 4.

On November 22, 2023, WBK Engineering submitted a memo expressing no opposition to the vacation from a drainage perspective. This memo is included as Attachment 5.

RECOMMENDATION

Staff recommends approval of the requested vacation with the following conditions:

1. Lots 27 and 28 of Grove Estates Subdivision shall not be sold as individual lots upon the successful recording of the plat of vacation (Attachment 2). Within ninety (90) days of the effective date of this ordinance, the Petitioners shall submit a parcel consolidation request to Kendall County.
2. This vacation shall become effective upon the successful recording of the plat of vacation 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.

The draft ordinance is included as Attachment 7.

ATTACHMENTS

1. Application Materials
2. Plat of Vacation
3. November 16, 2023, Utility Email from Dan Kramer
4. November 14, 2023, Email from Homeowners' Association
5. November 22, 2023, Memo from WBK Engineering
6. December 5, 2023, ZPAC Meeting Minutes (This Petition Only)
7. Draft Ordinance



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APPLICATION

PROJECT NAME Montes Plat of Vacation FILE #: _____

NAME OF APPLICANT (Including First, Middle Initial, and Last Name) Jorges A. Montes and Hilda G. Montes		
CURRENT LANDOWNER/NAME(s) Jorges A. Montes and Hilda G. Montes		
SITE INFORMATION ACRES 60,250 sq.ft.	SITE ADDRESS OR LOCATION Lot 27 and Lot 28 Grove Estates Subdivision 7216 Roberts Court, Oswego, IL 60543	ASSESSOR'S ID NUMBER (PIN) 06-08-101-014 and 06-08-101-013
EXISTING LAND USE vacant residential lot	CURRENT ZONING PUD	LAND CLASSIFICATION ON LRMP Residential
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input checked="" type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
1 PRIMARY CONTACT Attorney Daniel J. Kramer	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER # (Cell, etc.)
2 ENGINEER CONTACT N/A	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES. THE APPLICANT ATTESTS THAT THEY ARE FREE OF DEBT OR CURRENT ON ALL DEBTS OWED TO KENDALL COUNTY AS OF THE DATE OF THE APPLICATION.		
SIGNATURE OF APPLICANT [REDACTED]		DATE 10/27/2023

Vacate Plat to combine 2 parcels

FEE PAID:\$ _____
 CHECK #: _____

¹ Primary Contact will receive all correspondence from County
² Engineering Contact will receive all correspondence from the County's Engineering Consultants

Date Stamp Here if Checklist Is Complete

770875
**WARRANTY DEED
ILLINOIS STATUTORY**

**Citywide Title Corporation
111 W. Washington St, Ste. 1301
Chicago IL 60602**

THE GRANTOR(S)

Vasili Tupa

of the City of Oswego, County of Cook, State of IL for and in consideration of \$10.00 (Ten and 00/100) dollar(s), and other good and valuable consideration in hand paid, CONVEY(S) and WARRANT(S) to

Jorge A Montes and Eilda G. Montes

of [REDACTED] all interest in the following described Real Estate situated in the County of Kendall in the State of Illinois, to wit:

See Exhibit "A" attached hereto and made a part hereof

Subject to covenants, conditions and restrictions of record and building lines and easements, if any, provided they do not interfere with the current use and enjoyment of the Real Estate; and general real estate taxes not due and payable at the time of Closing.

Hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Real Estate Index Number(s): 00-08-101-014

Address(es) of Real Estate: 7215 Roberts Court, Oswego, IL 60543

Dated this 8th day of April, 2023.

X [REDACTED]

Vasili Tupa

This property is not homestead as to the Grantor(s)

STATE OF ILLINOIS COUNTY OF COOK

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT

YASILII TIPPA

personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 8th day of May, 2023

[Redacted Signature]

(Notary Public)

Prepared by:

Dennis M. Walsh, PC

[Redacted]



Mail to:

Gregg E. Littlejohn

[Redacted]

Name and Address of Taxpayer:

Jorge A Montes

[Redacted]

Exhibit "A" -- Legal Description

LOT 28 IN GROVE ESTATES, BEING A SUBDIVISION IN PART OF THE WEST HALF OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. 2006-32893, IN KENDALL COUNTY, ILLINOIS.

Permanent Real Estate Index Number(s):
Common Address(es) of Real Estate:

06-08-101-014
7216 Roberts Ct.
Oswego, IL 60543

Unofficial



20CSAL020218AU
1461
TRUSTEE'S DEED
JOINT TENANCY

202000015156

DEBBIE GILLETTE
RECORDER - KENDALL COUNTY, IL
RECORDED: 8/13/2020 12:35 PM
REC FEE: 57.00 RHSPS: 10.00
STATE TAX: 40.00
COUNTY TAX: 20.00
PAGES: 2

This indenture made this 28th day of June, 2019, between CHICAGO TITLE LAND TRUST COMPANY, a corporation of Illinois, as Trustee under the provisions of a deed or deeds in trust, duly recorded and delivered to said company in pursuance of a trust agreement dated the 12th day of November, 2010 and known as Trust Number 8002356103 party of the first part, and Jorge A. Montes and Hilda G. Montes, husband and wife, whose address is:

[REDACTED]

, parties of the second part.

Reserved For Recorder's Office

WITNESSETH, That said party of the first part in consideration of the sum of TEN and no/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE considerations in hand paid, does hereby CONVEY AND QUITCLAIM unto said parties of the second part, not as tenants in common, but as joint tenants, the following described real estate, situated in Kendall County, Illinois, to wit:

LOT 27 IN GROVE ESTATES BEING A SUBDIVISION IN PART OF THE WEST ¼ OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 12, 2006 AS DOCUMENT NO. 200632893 IN KENDALL COUNTY, ILLINOIS.

Property Address: Vacant Lot 27, Oswego, Illinois

Permanent Tax Number: 06-08-101-013

together with the tenements and appurtenances thereunto belonging.

TO HAVE AND TO HOLD the same unto said party of the second part forever, not in tenancy in common, but in joint tenancy.

This Deed is executed pursuant to and in the exercise of the power and authority granted to and vested in said trustee by the terms of said deed or deeds in trust delivered to said trustee in pursuance of the trust agreement above mentioned. This deed is made subject to the lien of every trust deed or mortgage (if any there be) of record in said county to secure the payment of money, and remaining unreleased at the date of the delivery hereof.

IN WITNESS WHEREOF, said party of the first part has caused its corporate seal to be affixed, and has caused its name to be signed to these presents by its Assistant Vice President, the day and year first above written.

CHICAGO TITLE LAND TRUST COMPANY,
as Trustee as Aforesaid

By: [Redacted]
Assistant Vice President



State of Illinois
County of DuPage

SS.

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that the above named Assistant Vice President of CHICAGO TITLE LAND TRUST COMPANY, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Assistant Vice President appeared before me this day in person and acknowledged that she signed and delivered the said instrument as her own free and voluntary act and as the free and voluntary act of the Company; and the said Assistant Vice President then and there caused the corporate seal of said Company to be affixed to said instrument as her own free and voluntary act and as the free and voluntary act of the Company.

Given under my hand and Notarial Seal this 28th day of June, 2018



[Redacted]
NOTARY PUBLIC

This instrument was prepared by:
MAUREEN PAIGE
CHICAGO TITLE LAND TRUST COMPANY
2441 Warrenville Road, Suite 100
Lisle, IL 60532

AFTER RECORDING, PLEASE MAIL TO:

NAME Attorney Gregg Littlejohn

ADDRESS [Redacted]

OR BOX NO. _____

CITY, STATE [Redacted]

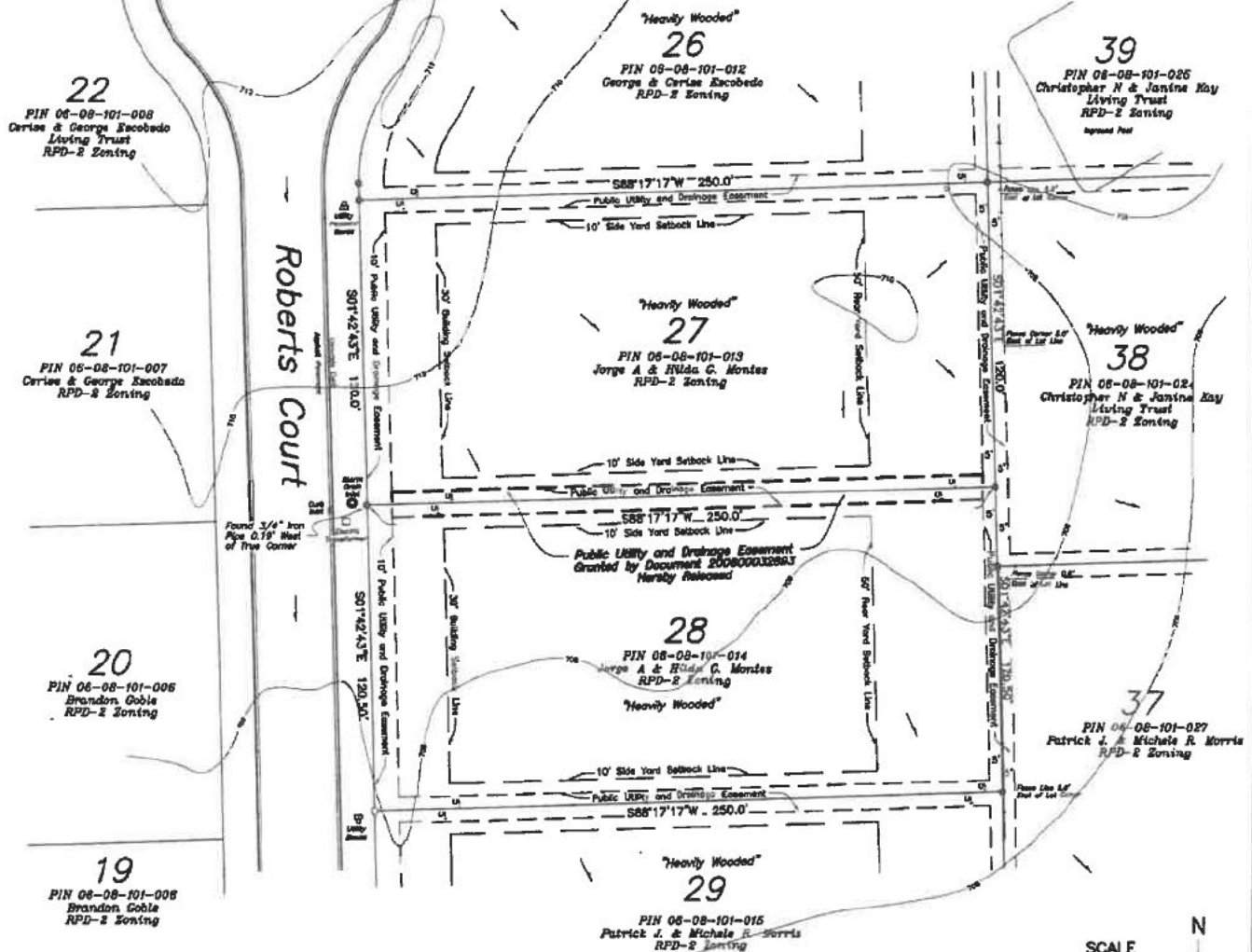
SEND TAX BILLS TO:

NAME Jorge A. Montes & Hilda G. Montes

ADDRESS [Redacted]

CITY, STATE [Redacted]

PLAT OF VACATION OF EASEMENT
PART OF LOTS 27 AND 28 GROVE ESTATES
NA-AU-SAY TOWNSHIP KENDALL COUNTY ILLINOIS



DEVELOPER:
Jorge A. & Hilda G. Montes

PROPERTY LOCATION:
PIN 08-08-101-013
08-08-101-014
7180/7215 Roberts Court
Oswego, Illinois 60543

PRESENT ZONING:
RPD-2

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED:

The Southerly 5.0 feet of Lot 27 (except the Easterly 5.0 feet and the Westerly 10.0 feet thereof) and the Northerly 5.0 feet of Lot 28 (except the Easterly 5.0 feet and the Westerly 10.0 feet thereof) all in Grove Estates, being a Subdivision in Part of the West Half of Section 8, Township 36 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded October 12, 2006 as Document No. 200600032893 in Kendall County, Illinois.

State of Illinois }
County of Kendall }

I, Andrew R. Young, an Illinois Professional Land Surveyor and an officer of Philip D. Young and Associates, Inc., state that I have surveyed and located the visible improvements upon the above described tract as shown by the plat hereon drawn which is a representation of said survey. Field work was completed October 19, 2023. This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated October 26, 2023 at Yorkville, Illinois

Andrew R. Young
Illinois Professional Land Surveyor No. [Redacted] (Expires 11/30/24)

FLOODPLAIN STATEMENT:

The Subject property is located in Zone X (area of minimal flood hazard determined to be outside the 0.2% annual chance floodplain) as shown on FEMA Flood Insurance Rate Map Panel No. 17093C0130H with an effective date of January 8, 2014.

WETLANDS STATEMENT:

The National Wetlands Inventory Map does not depict any wetlands on the Subject Property.

SCALE
1"=30'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- X Indicates Cross in Concrete
- 761.4 Indicates Existing Spot Elevation
- 77- Indicates Existing Contour Elevation
- Indicates Existing Direction of Drainage

NOTE: Contour Elevations from 2018 Contour File of Kendall County IL GIS.



October 26, 2023

JOB NO.	23137
JOB NAME	MONTES
DWG FILE	23137

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

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

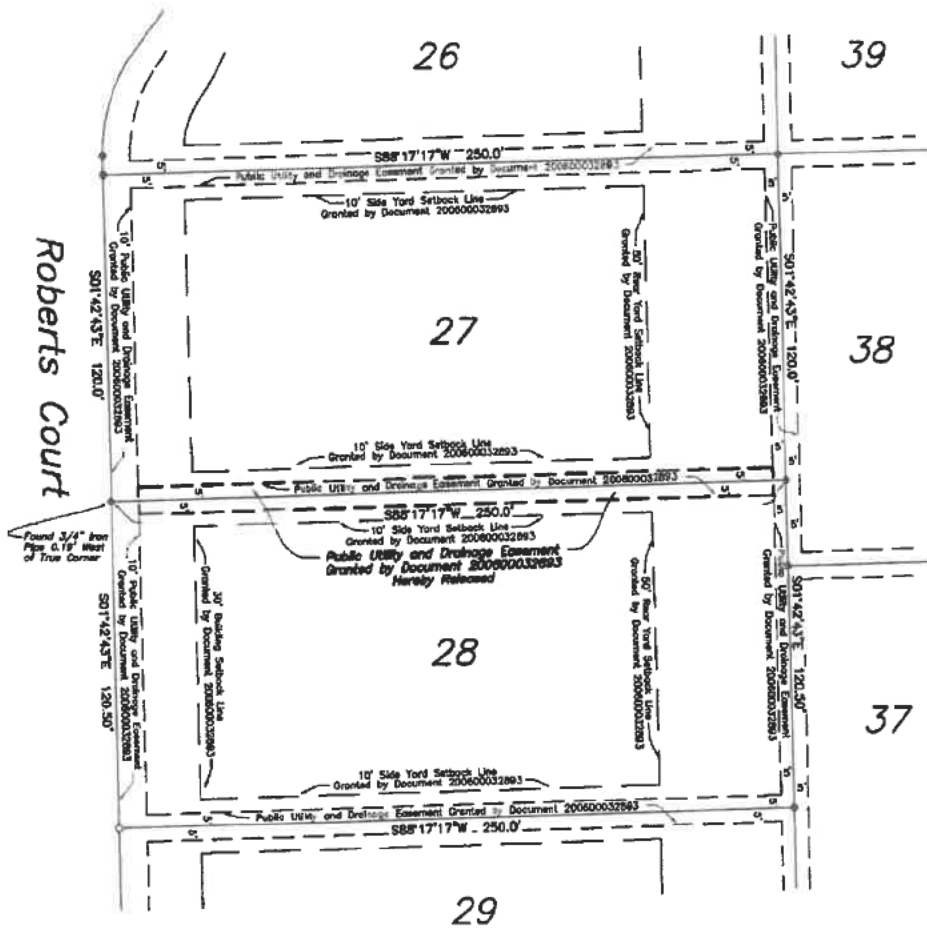
PLAT OF EASEMENT RELEASE
PART OF LOTS 27 AND 28 GROVE ESTATES
NA-AU-SAY TOWNSHIP KENDALL COUNTY ILLINOIS

SCALE
1"=30'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- X Indicates Cross In Concrete

PROPERTY LOCATION:

PN 08-08-101-013
08-08-101-014
7180/7216 Roberts Court
Orwego, Illinois 60543



Commonwealth Edison Company

The Release of the Easements shown hereon are approved and accepted,

this ___ day of _____ A.D. 20__

By: _____
Signature

By: _____
Print Name

Title: _____

Ameritech

The Release of the Easements shown hereon are approved and accepted,

this ___ day of _____ A.D. 20__

By: _____
Signature

By: _____
Print Name

Title: _____

Comcast

The Release of the Easements shown hereon are approved and accepted,

this ___ day of _____ A.D. 20__

By: _____
Signature

By: _____
Print Name

Title: _____

Nicor

The Release of the Easements shown hereon are approved and accepted,

this ___ day of _____ A.D. 20__

By: _____
Signature

By: _____
Print Name

Title: _____

LEGAL DESCRIPTION OF EASEMENT TO BE RELEASED:

The Southerly 5.0 feet of Lot 27 (except the Easterly 5.0 feet and the Westerly 10.0 feet thereof) and the Northerly 5.0 feet of Lot 28 (except the Easterly 5.0 feet and the Westerly 10.0 feet thereof) all in Grove Estates, being a Subdivision in Part of the West Half of Section 8, Township 38 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded October 12, 2006 as Document No. 200600032893 in Kendall County, Illinois.

SURVEYOR'S CERTIFICATE

State of Illinois } SS
County of Kendall }

I, Philip D. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., state that I have prepared this Plat of Easement Release for the property described hereon.

Dated October 26, 2023 at Yorkville, Illinois

Philip D. Young
Illinois Professional Land Surveyor No. [REDACTED]
(Expires 11/30/24)



OWNER'S CERTIFICATE

State of Illinois }
County of Kendall } SS

This is to certify that we, Jorge A. Montes and Hilda G. Montes, are the owners of the property described hereon, and do willingly accept and approve the easement release described hereon.

Dated at _____, Illinois
this ___ day of _____, A.D. 20__

Jorge A. Montes

Hilda G. Montes

NOTARY'S CERTIFICATE

State of Illinois }
County of Kendall } SS

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that Jorge A. Montes and Hilda G. Montes, who are personally known to me to be the same persons whose names are subscribed to the foregoing Owner's Certificate, appeared before me this day, in person, and acknowledged the execution of the annexed Plat and accompanying instruments for the use and purposes therein set forth as their own free and voluntary act.

Given under my hand and notarial seal,
this ___ day of _____, A.D. 20__

Notary Public
My commission expires _____

COUNTY BOARD CERTIFICATE

State of Illinois } SS
County of Kendall }

Approved by the County Board of Kendall County, Illinois,
this ___ day of _____, A.D. 20__

Chairman of County Board

County Clerk

COUNTY RECORDER CERTIFICATE

State of Illinois } SS
County of Kendall }

This instrument No. _____ was filed for record in the Recorder's Office of Kendall County, aforesaid, on the ___ day of _____, A.D. 20__ at _____ o'clock ___M.

Kendall County Recorder

JOB NO.	23137
JOB NAME	MONTES
DWG FILE	23137B

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

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

Matt Asselmeier

From: Daniel J Kramer <dkramer@dankramerlaw.com>
Sent: Thursday, November 16, 2023 3:13 PM
To: Matt Asselmeier; Seth Wormley
Cc: Real estate
Subject: RE: [External]Re: Montes Vacation Plat

All good. We should have Com Ed sign off by ZPAC. All other utilities have already signed the Plat.

Very Truly Yours,

Daniel J. Kramer
Attorney at Law
1107A S. Bridge Street
Yorkville, IL. 60560
Phone-630.553.9500
Fax-630.553.5764

NOTICE: This communication is covered by the Electronic Communications Privacy Act found at 18 USC 2510 et. seq. and is intended to remain confidential and is subject to the applicable attorney/client and or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and all attachments. Do not deliver, distribute or copy this message and/or any attachments and do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments if you are not the intended recipient.

RE: Montes Lots 27 and 28 of Grove Estates Subdivision

[REDACTED]

Tue 11/14/2023 9:54 AM

To: Daniel J Kramer <dkramer@dankramerlaw.com>; Real estate <realestate@dankramerlaw.com>;

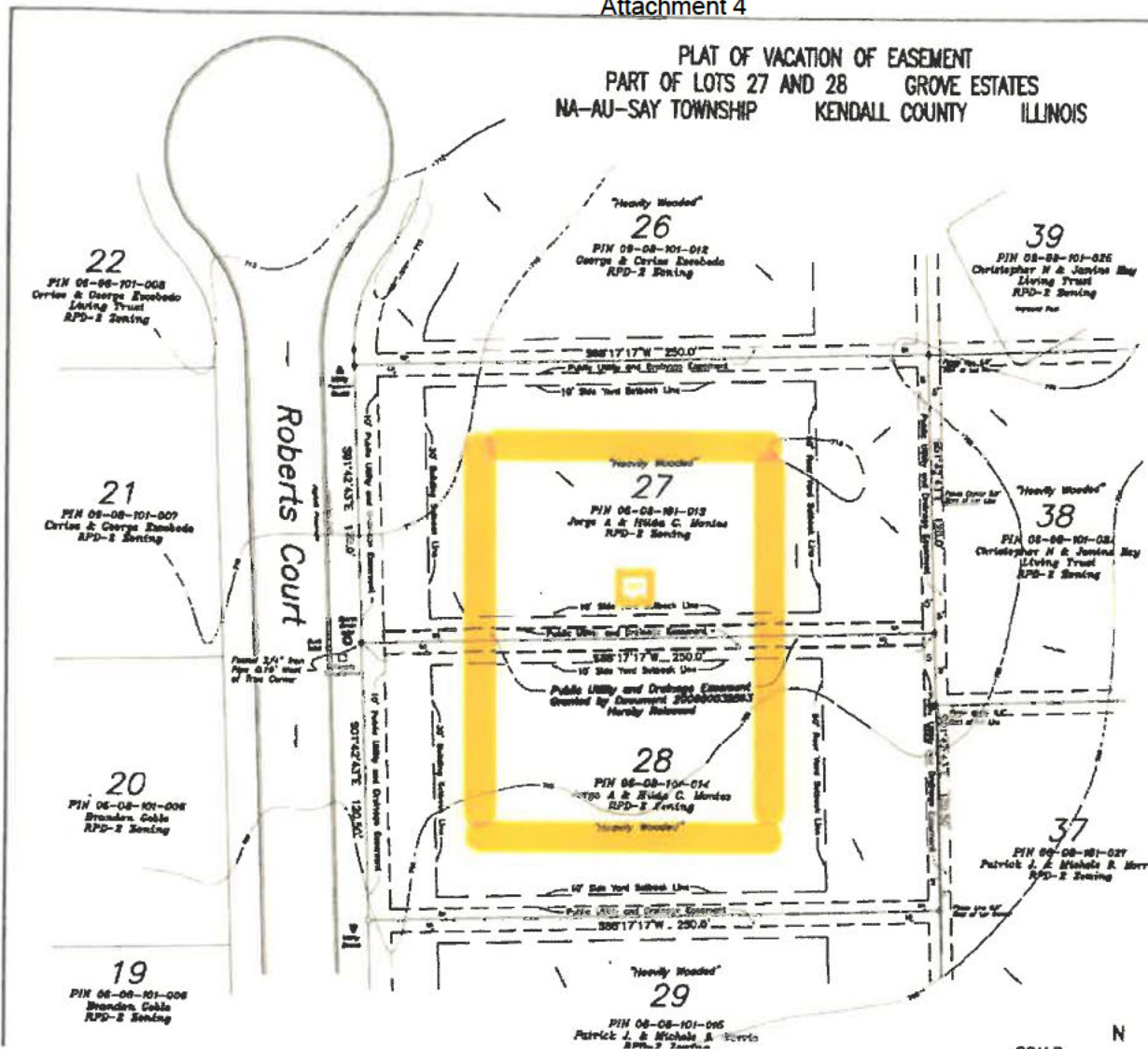
Cc: 'Michele Morris' <[REDACTED]>;

Dan

The HOA Board has no Objection to Easement Vacation between lots 27/28 as indicated below with the understanding that the HOA reserves all Covenant requirements and Architectural review including but not limited to:

1. Architect house plans, including site plan, have to be reviewed and approved by the HOA Architectural Review Committee prior to progressing with permitting / construction
2. Lot Owners will be responsible for yearly HOA assessments for BOTH lots 27 and 28 despite the lot merger.

Regards
HOA Board



From: keltmiz([REDACTED])
Sent: Tuesday, November 7, 2023 8:31 AM
To: 'Daniel J Kramer' <dramer@dankramerlaw.com>; 'Real estate' <realestate@dankramerlaw.com>
Cc: 'Michele Morris' [REDACTED]
Subject: RE: Montes Lots 27 and 28 of Grove Estates Subdivision

Great – Thanks again

From: Daniel J Kramer <dramer@dankramerlaw.com>
Sent: Tuesday, November 7, 2023 7:55 AM
To: keltmiz([REDACTED]); Real estate <realestate@dankramerlaw.com>
Cc: 'Michele Morris' [REDACTED]
Subject: RE: Montes Lots 27 and 28 of Grove Estates Subdivision

Sending over today. Client shipped in today.

Very Truly Yours,

Daniel J. Kramer
 Attorney at Law



MEMORANDUM

Date: November 22, 2023

To: Matthew Asselmeier, AICP, CFM

CC: Greg Chismark, PE

From: Natalie Paver, PWS

Subject: Lots 27 & 28 Grove Road estates easement Vacation Kendall County, IL
(WBK# 130180)

WBK has reviewed the request to vacate the public utility and drainage easement on the common lot line of Lots 27 and 28 in Grove Road Estates Subdivision. This request is pursuant to Petition 23-31 being considered by the Kendall County Department of Planning, Building and Zoning.

Documents reviewed include all those submitted with the subject petition. We have no objection to the vacation of the easement requested as no drainage or utility functions will be impacted.

Do not hesitate to contact us should you have further questions.

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
December 5, 2023 – Unapproved Meeting Minutes**

PBZ Chairman Seth Wormley called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
David Guritz – Forest Preserve
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department
Aaron Rybski – Health Department
Seth Wormley – PBZ Committee Chair

Absent:

Meagan Briganti – GIS Department
Greg Chismark – WBK Engineering, LLC
Alyse Olson – Soil and Water Conservation District

Audience:

Dan Kramer, Andrew Schwartz, and Robert Schwartz

AGENDA

Mr. Klaas made a motion, seconded by Mr. Guritz, to approve the agenda as presented.

With a voice vote of seven (7) ayes, the motion carried.

MINUTES

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the October 3, 2023, meeting minutes.

With a voice vote of seven (7) ayes, the motion carried.

PETITIONS

Petition 23-31 Jorge A. and Hilda G. Montes

Mr. Asselmeier summarized the request.

A five foot (5') public utility and drainage easement exists on the north and south lot lines of Lots 27 and 28 in the Grove Estates Subdivision.

The Petitioners would like to merge the two (2) lots and construct a new house over the easements.

The application materials and plat of vacation were provided.

The property address is 7216 and 7280 Roberts Court, Oswego.

The property is approximately one point five (1.5) acres in size.

The property is zoned RPD-2.

The current land use is Wooded.

The future land use is Rural Residential (Max 0.65 Du/Acre).

Roberts Court is a Township Road classified as a Local Road.

There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are wooded and single-family residential.

The adjacent properties are RPD-2.

The future land use for the area is Rural Residential (Max 0.65 Du/Acre).

The property immediately to the east of the subject also vacated drainage and utility easements for the same reason in 2020.

Na-Au-Say Township was emailed information on November 17, 2023. No comments received.

The Village of Oswego was emailed information on November 17, 2023. No comments received.

The Oswego Fire Protection District was emailed information on September 21, 2023. No comments received.

Staff requested that the Petitioners provide information stating that none of the utilities were in opposition to the request. One November 16, 2023, the Petitioners' Attorney submitted an email stating that all of the utilities had signed the plat except Comed. This email was provided.

The homeowners' association submitted an email on November 14, 2023, expressing no opposition to the request. This email was provided.

Mr. Asselmeier read a memo from WBK Engineering stating that they had no objections to the vacation from a drainage perspective.

Staff recommended approval of the requested vacation with the following conditions:

1. Lots 27 and 28 of Grove Estates Subdivision shall not be sold as individual lots upon the successful recording of the plat of vacation. Within ninety (90) days of the effective date of this ordinance, the Petitioners shall submit a parcel consolidation request to Kendall County.
2. This vacation shall become effective upon the successful recording of the plat of vacation 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.

Dan Kramer, Attorney for the Petitioner, noted that all utilities had signed the plat, including Comed.

Mr. Kramer discussed the approval process through the permitting and homeowners' association review process.

Chairman Wormley advised Mr. Kramer not to bring plats of vacation forward unless all utilities have approved.

Commander Langston made a motion, seconded by Mr. Rybski, to recommend approval of the vacation.

The votes were follows:

Ayes (7): Asselmeier, Guritz, Klaas, Holdiman, Langston, Rybski, and Wormley
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Olson

The motion passed.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on December 11, 2023.

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Rybski, to adjourn.

With a voice vote of seven (7) ayes, the motion carried.

ZPAC Meeting Minutes 12.05.23

The ZPAC, at 9:16 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Director

Enc.



MEMORANDUM

Date: November 22, 2023

To: Matthew Asselmeier, AICP, CFM

CC: Greg Chismark, PE

From: Natalie Paver, PWS

Subject: Lots 27 & 28 Grove Road estates easement Vacation Kendall County, IL
(WBK# 130180)

WBK has reviewed the request to vacate the public utility and drainage easement on the common lot line of Lots 27 and 28 in Grove Road Estates Subdivision. This request is pursuant to Petition 23-31 being considered by the Kendall County Department of Planning, Building and Zoning.

Documents reviewed include all those submitted with the subject petition. We have no objection to the vacation of the easement requested as no drainage or utility functions will be impacted.

Do not hesitate to contact us should you have further questions.

State of Illinois
County of Kendall

Zoning Petition
#23-31

ORDINANCE NUMBER 2023-_____

APPROVING A PLAT OF VACATION OF FIVE FOOT PUBLIC UTILITY AND DRAINAGE EASEMENTS ALONG THE SOUTH PROPERTY LINE OF LOT 27 AND NORTH PROPERTY LINE OF LOT 28 IN GROVE ESTATES SUBDIVISION ON PARCELS IDENTIFIED BY PARCEL IDENTIFICATION NUMBERS 06-08-101-013 AND 06-08-101-014 IN NA-AU-SAY TOWNSHIP

WHEREAS, Section 7.06 of the Kendall County Subdivision Control Ordinance permits the Kendall County Board to approve plats of vacation and provides the procedure through which plats of vacation are approved; and

WHEREAS, the two five-foot public utility and drainage easements which are the subject of this Ordinance were established by Ordinance 2006-36 which granted approval of a final plat of Grove Estates Subdivision and was approved by the Kendall County Board on May 16, 2006; and

WHEREAS, the final plat of Grove Estates Subdivision was recorded in the Kendall County Recorder of Deeds Office on October 12, 2006; and

WHEREAS, the two five-foot public utility and drainage easements which are the subject of this Ordinance are located along and parallel to the south property line of Lot 27 and the north property line of Lot 28 in Grove Estates Subdivision. The legal descriptions of the easements are set forth in Exhibit A attached hereto and incorporated by reference; and

WHEREAS, on or about June 28, 2019, Jorge A. and Hilda G. Montes, hereinafter referred to as “Petitioners,” acquired ownership of Lot 27 of Grove Estates Subdivision and the property is identified by Parcel Identification Number 06-08-101-013; and

WHEREAS, on or about May 8, 2023, Petitioners acquired ownership of Lot 28 of Grove Estates Subdivision and the property is identified by Parcel Identification Number 06-08-101-014; and

WHEREAS, on or about October 31, 2023, Petitioners’ Attorney filed a petition for approval of a plat of vacation of the five-foot public utility and drainage easements located along the south property line of Lot 27 and the north property line of Lot 28 in Grove Estates Subdivision; and

WHEREAS, on December 5, 2023, the Kendall County Zoning, Platting and Advisory Committee reviewed this petition and has forwarded to the Kendall County Board a recommendation of approval of the requested plat; and

WHEREAS, on December 11, 2023, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board reviewed the information presented and recommendation of the Kendall County Zoning, Platting and Advisory Committee, and has forwarded to the Kendall County Board a recommendation of **approval** of the requested plat of vacation; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the recommendation of the Kendall County Zoning, Platting and Advisory Committee, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Subdivision Control Ordinance and other applicable Ordinances; and

State of Illinois
County of Kendall

Zoning Petition
#23-31

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

1. The Kendall County Board hereby grants approval of Petitioners' petition for plat of vacation of the easements legally described in Exhibit A attached hereto and shown on the plat of vacation attached hereto as Exhibit B.
2. Lots 27 and 28 of Grove Estates Subdivision shall not be sold as individual lots upon the successful recording of the plat of vacation attached hereto as Exhibit B. Within ninety (90) days of the effective date of this ordinance, the Petitioners shall submit a parcel consolidation request to Kendall County.
3. This vacation shall become effective upon the successful recording of Exhibit B 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 19th day of December, 2023.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Matt Kellogg

LEGAL DESCRIPTION OF EASEMENT TO BE VACATED:

The Southerly 5.0 feet of Lot 27 (except the Easterly 5.0 feet and the Westerly 10.0 feet thereof) and the Northerly 5.0 feet of Lot 28 (except the Easterly 5.0 feet and the Westerly 10.0 feet thereof) all in Grove Estates, being a Subdivision in Part of the West Half of Section 8, Township 36 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded October 12, 2006 as Document No. 200600032893 in Kendall County, Illinois.

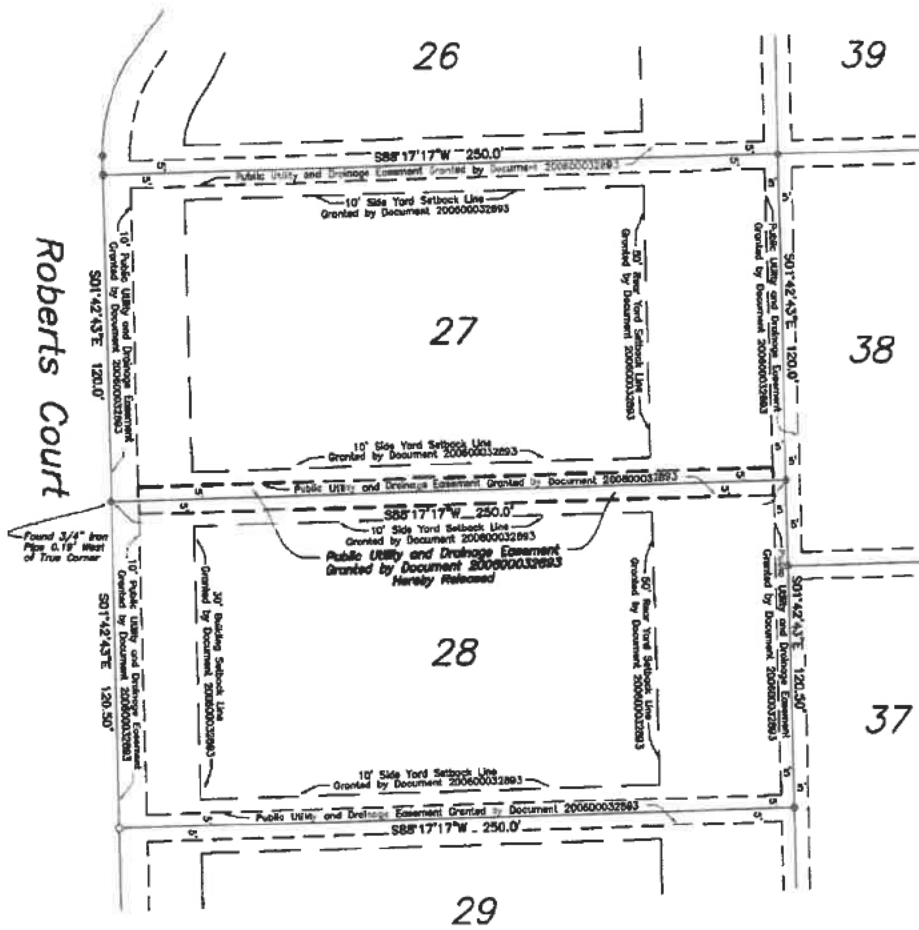
PLAT OF EASEMENT RELEASE
PART OF LOTS 27 AND 28 GROVE ESTATES
NA-AU-SAY TOWNSHIP KENDALL COUNTY ILLINOIS

SCALE
1"=30'

- Indicates Iron Stake Found
- Indicates Iron Stake Set
- X Indicates Cross In Concrete

PROPERTY LOCATION:

PN 08-08-101-013
08-08-101-014
7180/7216 Roberts Court
Orwego, Illinois 60543



Commonwealth Edison Company

The Release of the Easements shown hereon are approved and accepted,

this ___ day of _____ A.D. 20___

By: _____
Signature

By: _____
Print Name

Title: _____

Ameritech

The Release of the Easements shown hereon are approved and accepted,

this ___ day of _____ A.D. 20___

By: _____
Signature

By: _____
Print Name

Title: _____

Comcast

The Release of the Easements shown hereon are approved and accepted,

this ___ day of _____ A.D. 20___

By: _____
Signature

By: _____
Print Name

Title: _____

Nicor

The Release of the Easements shown hereon are approved and accepted,

this ___ day of _____ A.D. 20___

By: _____
Signature

By: _____
Print Name

Title: _____

OWNER'S CERTIFICATE

State of Illinois }
County of Kendall } SS

This is to certify that we, Jorge A. Montes and Hilda G. Montes, are the owners of the property described hereon, and do willingly accept and approve the easement release described hereon.

Dated at _____, Illinois
this ___ day of _____, A.D. 20___

Jorge A. Montes

Hilda G. Montes

NOTARY'S CERTIFICATE

State of Illinois }
County of Kendall } SS

I, _____, a Notary Public in and for the County and State aforesaid, do hereby certify that Jorge A. Montes and Hilda G. Montes, who are personally known to me to be the same persons whose names are subscribed to the foregoing Owner's Certificate, appeared before me this day, in person, and acknowledged the execution of this annexed Plat and accompanying instruments for the use and purposes therein set forth as their own free and voluntary act.

Given under my hand and notarial seal,
this ___ day of _____, A.D. 20___

Notary Public
My commission expires _____

COUNTY BOARD CERTIFICATE

State of Illinois }
County of Kendall } SS

Approved by the County Board of Kendall County, Illinois,
this ___ day of _____, A.D. 20___

Chairman of County Board

County Clerk

COUNTY RECORDER CERTIFICATE

State of Illinois }
County of Kendall } SS

This instrument No. _____ was filed for record in the Recorder's Office of Kendall County, aforesaid, on the ___ day of _____, A.D. 20___ at _____ o'clock ___M.

Kendall County Recorder

LEGAL DESCRIPTION OF EASEMENT TO BE RELEASED:

The Southerly 5.0 feet of Lot 27 (except the Easterly 5.0 feet and the Westerly 10.0 feet thereof) and the Northerly 5.0 feet of Lot 28 (except the Easterly 5.0 feet and the Westerly 10.0 feet thereof) all in Grove Estates, being a Subdivision in Part of the West Half of Section 8, Township 38 North, Range 8 East of the Third Principal Meridian, according to the Plat thereof recorded October 12, 2006 as Document No. 200600032893 in Kendall County, Illinois.

SURVEYOR'S CERTIFICATE

State of Illinois }
County of Kendall } SS

I, Phillip D. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., state that I have prepared this Plat of Easement Release for the property described hereon.

Dated October 26, 2023 at Yorkville, Illinois

Phillip D. Young
Illinois Professional Land Surveyor No. _____
(Expires 11/30/24)



JOB NO.	23137
JOB NAME	MONTES
DWG FILE	23137B

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

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