



Kendall County Agenda Briefing

Meeting Type: Planning, Building and Zoning
Meeting Date: 5/6/2024
Subject: Approval of Petition 24-05, Plat of Vacation of Utility and Drainage Easements at 7709 and 7731 Bentgrass Circle
Prepared by: Matthew H. Asselmeier, AICP, CFM
Department: Planning, Building and Zoning

Action Requested:

Approval of Petition 24-05, A Request from George S. and Heidi R. Oliver for Approval of a Plat of Vacation of a Ten Foot Drainage and Utility Easement at the Common Lot Lines of Lots 223 and 224 of Whitetail Ridge Subdivision also Known as 7709 and 7731 Bentgrass Circle, Yorkville (PINs: 06-07-375-002 and 06-07-375-003) in Na-Au-Say Township; Properties are Zoned RPD-2

Previous Board/Committee Review:

ZPAC-Approval (7-0-3) on April 2, 2024

Fiscal impact:

N/A

Background and Discussion:

The Petitioner would like to vacate the easement between the two (2) properties in order to build a house over the common lot line.

WBK Engineering, the Homeowners' Association and all of the utilities have reviewed the proposal and expressed no opposition.

Staff Recommendation:

Approval with Conditions

Attachments:

Draft Ordinance

ORDINANCE NUMBER 2024-_____

APPROVING A PLAT OF VACATION OF TWO FIVE FOOT DRAINAGE AND UTILITY EASEMENTS ON THE COMMON BOUNDARY LINES OF LOTS 223 AND 224 OF WHITETAILED RIDGE SUBDIVISION MORE COMMONLY KNOWN AS 7709 AND 7731 BENTGRASS CIRCLE YORKVILLE AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBERS 06-07-375-002 AND 06-07-375-003 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 drainage and utility and easements which are the subject of this Ordinance were established by Ordinance 2005-16 which granted approval of a final plat of Whitetail Ridge Subdivision and was approved by the Kendall County Board on March 1, 2005; and

WHEREAS, the final plat of Whitetail Ridge Subdivision was recorded in the Kendall County Recorder of Deeds Office on June 9, 2005; and

WHEREAS, two five-foot drainage and utility easements which are the subject of this Ordinance are located along and parallel to the shared property line of Lots 223 and 224 in Whitetail Ridge Subdivision. The legal descriptions of the easements are set forth in Exhibit A attached hereto and incorporated by reference; and

WHEREAS, on or about January 22, 2024, and January 26, 2024, George S. Oliver and Heidi R. Oliver acquired ownership of Lots 223 and 224 of Whitetail Ridge Subdivision and the property presently identified by Parcel Identification Numbers 06-07-375-002 and 06-07-375-003; and

WHEREAS, on or about March 4, 2024, George S. Oliver and Heidi R. Oliver, hereinafter referred to as "Petitioners," filed a petition for approval of a plat of vacation of two five-foot drainage and utility easements located along the property line of Lots 223 and 224; and

WHEREAS, a registered surveyor or engineer has prepared said plat and the plat meets the requirements listed under Section 7.06.C of the Kendall County Subdivision Control Ordinance; and

WHEREAS, on April 2, 2024, 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 of vacation; and

WHEREAS, on May 6, 2024, 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, on May 21, 2024, the Kendall County Board 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

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 a plat of vacation of the easements legally described in Exhibit A attached hereto and shown on the site plan attached hereto as Exhibit B.
2. Lots 223 and 224 of Whitetail Ridge Subdivision shall not be sold as individual lots upon the successful recording of 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. One (1) single-family residence may be constructed on Lots 223 and 224 of Whitetail Ridge Subdivision combined.
4. 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 21st day of May, 2024.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Matt Kellogg

Exhibit A

LEGAL DESCRIPTION OF

EASEMENT TO BE RELEASED:

THE SOUTHERLY 5.0 FEET OF LOT 223 (EXCEPT THE EASTERLY 15. 0 FEET AND WESTERLY 10.0 FEET THEREOF) AND THE NORTHERLY 5.0 FEET OF LOT 224 (EXCEPT THE EASTERLY 15.0 FEET AND THE WESTERLY 10.0 FEET THEREOF) ALL IN WHITETAIL RIDGE SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 72, TOWNSHIP 36 NORTH, RANGE 7, PART OF SECTION 7, TOWNSHIP 36, RANGE B, AND PART OF THE FORMER WA/SH-KEE-SHAW RESERVATION, IN KENDALL AND NA-AU-SAY TOWNSHIPS, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 9, 2005 AS DOCUMENT NO. 200500015985, IN KENDALL COUNTY, ILLINOIS.

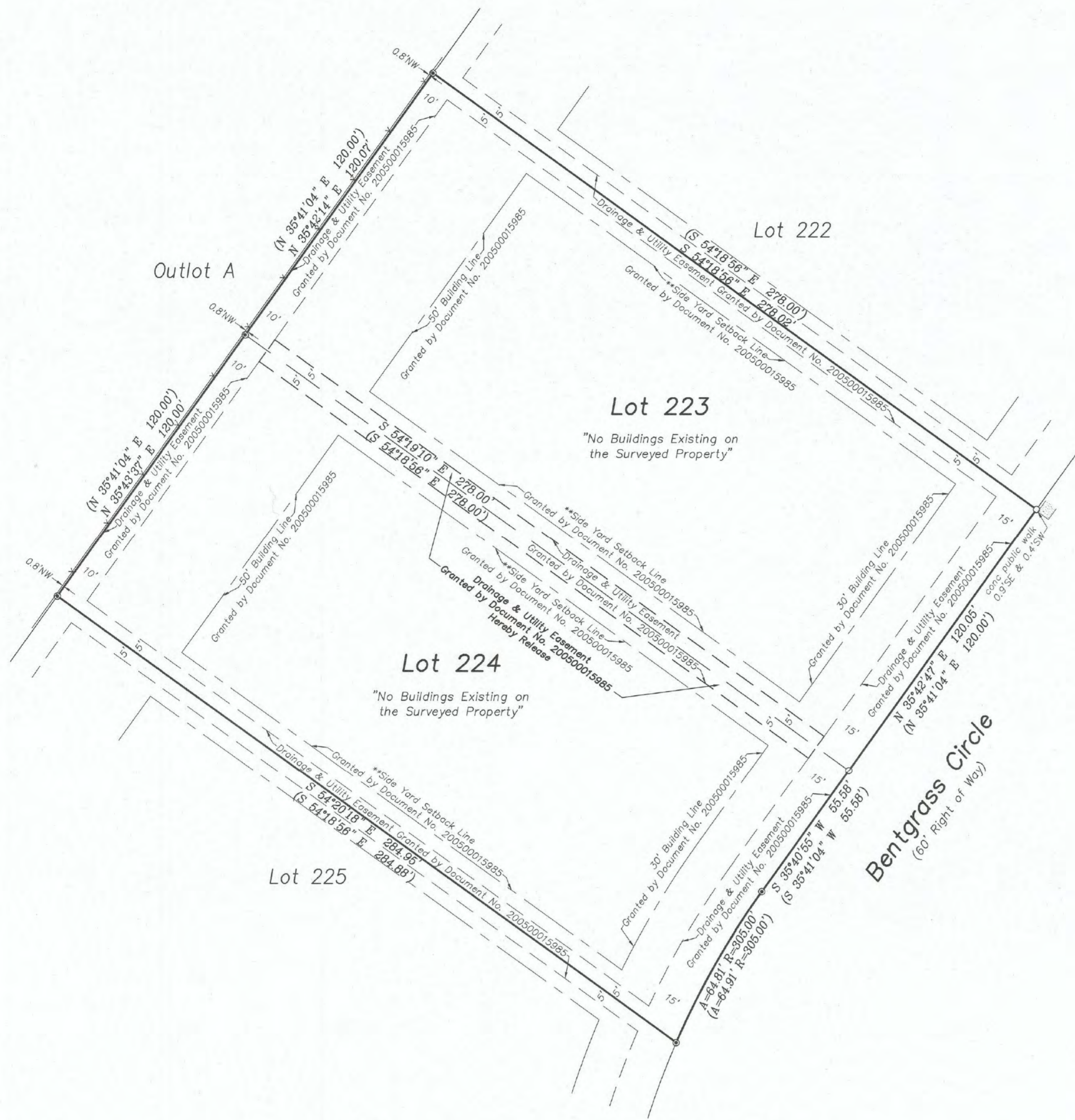
PLAT OF EASEMENT RELEASE PART OF LOTS 223 AND 224 WHITETAIL RIDGE KENDALL & NA-AU-SAY TOWNSHIPS KENDALL COUNTY ILLINOIS



Scale: 1" = 30'

PROPERTY LOCATION:

PIN: 06-07-375-002
06-07-375-003



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: _____

AT&T

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: _____

****SURVEYOR'S NOTE:**
SIDEYARD SETBACK LINES ARE 10' OR 10% OF WIDTH PER DETAIL ON WHITETAIL RIDGE SUBDIVISION PLAT.

LEGAL DESCRIPTION OF EASEMENT TO BE RELEASED:

THE SOUTHERLY 5.0 FEET OF LOT 223 (EXCEPT THE EASTERLY 15.0 FEET AND THE WESTERLY 10.0 FEET THEREOF) AND THE NORTHERLY 5.0 FEET OF LOT 224 (EXCEPT THE EASTERLY 15.0 FEET AND THE WESTERLY 10.0 FEET THEREOF) ALL IN WHITETAIL RIDGE SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 12, TOWNSHIP 36 NORTH, RANGE 7, PART OF SECTION 7, TOWNSHIP 36, RANGE 8, AND PART OF THE FORMER WAISH-KEE-SHAW RESERVATION, IN KENDALL AND NA-AU-SAY TOWNSHIPS, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 9, 2005 AS DOCUMENT NO. 200500015985, IN KENDALL COUNTY, ILLINOIS.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF KENDALL) SS

WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYOR CORPORATION NO. 184.006522, DO HEREBY STATE THAT WE HAVE PREPARED THIS PLAT OF EASEMENT RELEASE FOR THE PROPERTY DESCRIBED HEREON.

DATED AT YORKVILLE, ILLINOIS ON FEBRUARY 29, 2024.

ERIC POKORNY, P.L.S. NO.



OWNER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF KENDALL) SS

THIS IS TO CERTIFY THAT WE, GEORGE S. OLIVER AND HEIDI R. OLIVER 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____

GEORGE S. OLIVER

HEIDI S. OLIVER

NOTARY'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF KENDALL) SS

I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, TO HEREBY CERTIFY THAT GEORGE S. OLIVER AND HEIDI R. OLIVER, 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 USES AND PURPOSES THEREIN SET FORTH AS THEIR 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,
ON THIS _____ DAY OF _____, A.D. 20____

CHAIRMAN OF COUNTY BOARD

COUNTY CLERK

COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF KENDALL) SS

THIS INSTRUMENT NO. _____ WAS FILED FOR RECORD
IN THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS, AFORESAID,

ON THIS _____ DAY OF _____,
A.D. 20____ AT _____ O'CLOCK ____M.

KENDALL COUNTY RECORDER

Legend

- Found 3/4" Dia. Iron Pipe
- ⊙ Found 1/2" Dia. Iron Rod
- ⊙ Found 5/8" Dia. Iron Rod
- (XX.XX) = Record Distance
- XX.XX = Measured Distance
- N = North E = East
- S = South W = West
- R = Radius A = Arc Length
- X-X- = Fence
- [Shaded Box] = Concrete/Asphalt

Michel C. Ensalaco, P.L.S. Exp. 11/30/2024
Eric C. Pokorny, P.L.S. Exp. 11/30/2024

TODD SURVEYING
Professional Land Surveying Services
"Cornerstone Surveying PC"
759 John Street, Suite D
Yorkville, IL 60550
Phone: 630-892-1309

Survey is only valid if original seal is shown in red.

Client:	George Oliver
Book # sheets	Drawn By: ERJ/JH Plat # 7249
Reference:	
Field Work Completed:	01/11/2024 & 02/12/2024
Rev. Date	Rev. Description
Project Number:	2024-0028 Release