

HIGHWAY ACCESS REGULATION ORDINANCE

KENDALL COUNTY
ILLINOIS



**KENDALL COUNTY
HIGHWAY ACCESS REGULATION ORDINANCE**

Adopted by the
KENDALL COUNTY BOARD
May 18, 1999

Prepared By:
Kendall County Highway Department
6780 Route 47
Yorkville, Illinois 60560

Francis C. Klaas, P.E.
County Engineer

AMENDMENTS (Included Herein)

January 19, 2021: Highway Access Classification Schedule Update
July 18, 2006: Highway Access Classifications
November 15, 2005: Access Classification Spacing Standards
March 15, 2005: WIKADUKE Trail Issues

KENDALL COUNTY
Ordinance No. _____

An Ordinance Amending the Kendall County Highway Access Regulation Ordinance

WHEREAS, access to Kendall County Highways has been regulated by the Kendall County Board via the Kendall County Highway Access Regulation Ordinance, adopted by the Board on May 18, 1999; and

WHEREAS, the Kendall County Board continues to endeavor to promote the safe and efficient travel of motorists on Kendall County Highways by evaluating and updating access standards for said Highways from time to time; and

WHEREAS, Highway Access Classifications have been evaluated by the County Board in an effort to balance the right of reasonable access with the need to promote the efficient flow of traffic in terms of safety, capacity and speed.

THEREFORE, BE IT RESOLVED, that the Kendall County Board hereby amends the Highway Access Classifications of the Kendall County Highway Access Regulation Ordinance, hereby attached as Exhibit 1.

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

Scott Gryder – 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 19th day of January, A.D., 2021.

Debbie Gillette – County Clerk

(SEAL)

HIGHWAY ACCESS CLASSIFICATIONS
Kendall County Highway Access Regulation Ordinance

Revised 01-19-21

FACILITY	LIMITS	CLASSIFICATION
Ben Street	Fox River Drive to U.S. Rte. 34	Access 5
E. Benton Street	S. East St. to Townhouse Rd.	Access 5
Cannonball Trail	Ill. Rte. 47 to Galena Rd.	Access 5
Caton Farm Road	Ill. Rte. 71 (extended west) to Ridge Road	Access 1
Chicago Road	Plattville Rd. to Grove Rd.	Access 4
Church Street	Fox River Drive to Vine Street	Access 5
S. East Street	E. Benton Street to Ill. Rte. 71	Access 5
Eldamain Road	Ill. Rte 71 to Galena Rd.	Access 2
Fox Road	Fox River Drive to Fox Lawn Subdivision	Access 3
Fox River Drive	Newark to Plano including Crimmins realignment	Access 3
Galena Road	DeKalb County Line to Orchard Rd.	Access 2
Grove Road	Grundy County Line to Ill. Rte. 126	Access 1
Grove Road	Ill. Rte. 126 to Plainfield Road	Access 2
Johnson Street	Ill. Rte. 71 to Fox River Drive	Access 5
Joliet Road	Lisbon Rd. to Ill. Rte. 47	Access 3
Lisbon Road	Grundy County Line to Ill. Rte. 71	Access 2
Little Rock Road	U.S. Route 34 to Kane County Line	Access 2
Millbrook Road	Ill. Rte. 71 to Fox River Drive	Access 3
Millington Road	Fox River Drive to Lions Rd.	Access 3
Newark Road	Ill. Rte. 71 to Ill. Rte. 47	Access 3
Orchard Road	Ill. Rte. 71 to U.S. Route 30	Access 1
Plainfield Road	Ill. Rte. 126 to Stewart Rd.(WIKADUKE)	Access 1
Plainfield Road	Stewart Rd. to Grove Rd.	Access 2
Plattville Road	Ill. Rte. 47 to Chicago Rd.	Access 4
Ridge Road	Grundy County Line to Ill. Rte 126 (WIKADUKE)	Access 1
Rock Creek Road	Sweetbriar St. to Galena Rd.	Access 3
Sherrill Road	Ashley Rd. to O'Brien Rd.	Access 3
Townhouse Road	U.S. Rte. 52 to Neward Rd.	Access 3
Van Emmon Road	Yorkville to Ill. Rte. 71	Access 5
Vine Street	Church St. to Bridge St. (Millington Road)	Access 5
Walker Road	Ill. Rte. 71 to Ill. Rte. 47	Access 3
Whitewillow Road	Ill. Rte. 47 to Grove Rd.	Access 3

EXHIBIT 1

KENDALL COUNTY
Ordinance No. 06-49

An Ordinance Amending the Kendall County Highway Access Regulation Ordinance

WHEREAS, access to Kendall County Highways has been regulated by the Kendall County Board via the Kendall County Highway Access Regulation Ordinance, adopted by the Board on May 18, 1999; and

WHEREAS, the Kendall County Board continues to endeavor to promote the safe and efficient travel of motorists on Kendall County Highways by evaluating and updating access standards for said Highways from time to time; and

WHEREAS, Highway Access Classifications have been evaluated by the County Board in an effort to balance the right of reasonable access with the need to promote the efficient flow of traffic in terms of safety, capacity and speed.

THEREFORE, BE IT RESOLVED, that the Kendall County Board hereby amends the Highway Access Classifications of the Kendall County Highway Access Regulation Ordinance, hereby attached as Exhibit 1.

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

John Church – Kendall County Board Chairman

I, Paul Anderson, 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 18th day of July, A.D., 2006.

Paul Anderson – County Clerk

SEAL

HIGHWAY ACCESS CLASSIFICATIONS
Kendall County Highway Access Regulation Ordinance

Revised 7-18-06

FACILITY	LIMITS	CLASSIFICATION
Cannonball Trail	Ill. Rte. 47 to Galena Rd.	Access 5
Caton Farm Road	Ill. Rte. 71 (extended west) to Ridge Road	Access 1
Chicago Road	Plattville Rd. to Grove Rd.	Access 4
Eldamain Road	Ill. Rte 71 to Galena Rd.	Access 2
Fox Road	Fox River Drive to Fox Lawn Subdivision	Access 3
Fox River Drive	Newark to Plano including Crimmins realignment	Access 3
Galena Road	DeKalb County Line to Orchard Rd.	Access 2
Grove Road	Grundy County Line to Ill. Rte. 126	Access 1
Grove Road	Ill. Rte. 126 to Plainfield Road	Access 2
Joliet Road	Lisbon Rd. to Ill. Rte. 47	Access 3
Lisbon Road	Grundy County Line to Ill. Rte. 71	Access 2
Little Rock Road	U.S. Route 34 to Kane County Line	Access 2
Millbrook Road	Ill. Rte. 71 to Fox River Drive	Access 3
Millington Road	Fox River Drive to Lions Rd.	Access 3
Newark Road	Ill. Rte. 71 to Ill. Rte. 47	Access 3
Orchard Road	Ill. Rte. 71 to U.S. Route 30	Access 1
Plainfield Road	Ill. Rte. 126 to Stewart Rd.(WIKADUKE)	Access 1
Plainfield Road	Stewart Rd. to Grove Rd.	Access 2
Plattville Road	Ill. Rte. 47 to Chicago Rd.	Access 4
Ridge Road	Grundy County Line to Ill. Rte 126 (WIKADUKE)	Access 1
Rock Creek Road	Sweetbriar St. to Galena Rd.	Access 3
Sherrill Road	Ashley Rd. to O'Brien Rd.	Access 3
Townhouse Road	U.S. Rte. 52 to Neward Rd.	Access 3
Van Emmon Road	Yorkville to Ill. Rte. 71	Access 5
Walker Road	Ill. Rte. 71 to Ill. Rte. 47	Access 3
Whitewillow Road	Ill. Rte. 47 to Grove Rd.	Access 3

EXHIBIT 1

S:\Access Ordinance\Classification Exhibit

KENDALL COUNTY
Ordinance No. 05-64

An Ordinance Amending the Kendall County Highway Access Regulation Ordinance

WHEREAS, access to Kendall County Highways has been regulated by the Kendall County Board via the Kendall County Highway Access Regulation Ordinance, adopted by the Board on May 18, 1999; and

WHEREAS, the Kendall County Board continues to endeavor to promote the safe and efficient travel of motorists on Kendall County Highways by evaluating and updating access standards for said Highways.

THEREFORE, BE IT RESOLVED, that the Kendall County Board hereby amends Article 4.2.1, Exhibit 2 of the Kendall County Access Regulation Ordinance as provided herein.

Exhibit 2: Access Classification Spacing Standards

Highway Classification	Signalized Spacing (Min)	Unsignalized Spacing (Minimum)			Corner Clearance [‡]	Lateral Access
		Public Streets	Private Access	Rt. In / Rt. Out [†]		
Access 1	2640'	2640'	2640'	500'	300'	300'
Access 2	2640'	1760'	1320'	500'	300'	200'
Access 3	1760'	1320'	1000'	400'	200'	150'
Access 4	N/A	1000'	500'	N/A	N/A	150'
Access 5	1000'	750'	250'	N/A	100'	100'

† Spacing shown is for County Highways with barrier medians. Otherwise only 1 Rt. In / Rt. Out will be allowed between full-access intersections.

‡ For Rt. In / Rt. Out access only

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

John Church – Kendall County Board Chairman

I, Paul Anderson, 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 15th day of November, A.D., 2005.

Paul Anderson – County Clerk

KENDALL COUNTY
Ordinance No. 05-10

An Ordinance Amending the Kendall County Highway Access Regulation Ordinance

WHEREAS, access to Kendall County Highways has been regulated by the Kendall County Board via the Kendall County Highway Access Regulation Ordinance, adopted by the Board on May 18, 1999; and

WHEREAS, the Kendall County Board continues to endeavor to promote the safe and efficient travel of motorists on Kendall County Highways, including the WIKADUKE Trail, which includes parts of Ridge Road, Plainfield Road, and Stewart Road; and

WHEREAS, impending development along the WIKADUKE Trail requires the careful consideration of the Board in matters regarding access, so that the mobility along said route will be maintained, entrepreneurship will be promoted, and safety shall not be compromised.

THEREFORE, BE IT RESOLVED, that the Kendall County Board hereby amends the Kendall County Access Regulation Ordinance to include the following access provisions for the WIKADUKE Trail.

- a. In addition to the full access intersections identified in the WIKADUKE Land Use and Access Management Study, approved by the Kendall County Board on May 18, 2004, full access shall also be allowed ¼ mile north and south of Holt Road, U.S. Route 52, Caton Farm Road, Ill. Route 126, and Collins Road, provided said access directly serves not less than 60 combined acres of commercial zoning on both the east and west side of the WIKADUKE Trail, or 40 acres of commercial zoning on just one side of the Trail.
- b. A right in / right out / left in access shall be allowed on the WIKADUKE Trail ¼ mile north and ¼ mile south of Black Road, provided this type of access serves not less than 20 acres of commercial zoning immediately adjacent to the access point.
- c. Only one right in / right out access point shall be allowed on each side of the WIKADUKE Trail between full access intersections. For the purposes of this access standard, a right in / right out / left in access shall be considered a full access.

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

John Church – Kendall County Board Chairman

I, Paul Anderson, 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 15th day of March, A.D., 2005.

Paul Anderson – County Clerk

**KENDALL COUNTY
RESOLUTION NO. 99-08**

Resolution regulating access on highways in the County Highway System

WHEREAS, Kendall County and adjacent counties are experiencing rapid growth and development within their boundaries,

AND WHEREAS, said growth and development is significantly increasing both intracounty and intercounty vehicle trips, and also requiring additional access to abutting developments,

AND WHEREAS, Kendall County Board strives to balance the right of reasonable access with maintaining the overall integrity of the County Highway System as a system of major collectors and freeways designed to preserve the regional flow of traffic in terms of safety, capacity, and speed,

THEREFORE, BE IT RESOLVED, that Kendall County Board hereby adopts the Kendall County Highway Access Regulation Ordinance including all policies, provisions standards and specifications as detailed therein.

STATE OF ILLINOIS

SS

COUNTY OF KENDALL

I, _____, 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 a resolution adopted by the Kendall County Board, at its regularly scheduled meeting in Yorkville, Illinois, on the _____ day of _____, A.D., 1999.

Paul Anderson - County Clerk

(Seal)

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I. BACKGROUND

1.0 Title

This ordinance shall be known as the “Kendall County Highway Access Regulation Ordinance.”

1.1 Intent and Purpose

The intent of this ordinance is to provide and manage access to land development, while preserving the regional flow of traffic in terms of safety, capacity and speed. Major thoroughfares, including routes on the County Highway System and other proposed facilities on the local system, serve as the primary network for moving people and goods. These transportation corridors also provide access to businesses and homes and have served and will continue to serve as the focus for commercial and residential development. If access systems are not properly designed, these thoroughfares will be unable to accommodate the access needs of development and retain their primary transportation function. This ordinance balances the right of reasonable access to private property, with the right of citizens of Kendall County and the State of Illinois to safe and efficient travel.

To achieve this policy intent, local thoroughfares have been categorized by function and classified for access purposes based on the level of importance as it applies to the level of regional traffic. Regulations have been applied to these thoroughfares for the purposes of reducing traffic accidents, personal injury, and property damage attributable to poorly designed access systems. The regulations also promote the orderly layout and use of land adjacent to county highways. Finally, these access management measures will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures.

1.2 Definitions

AASHTO - The American Association of State Highway and Transportation Officials.

Abutting - Having a common border with, or being separated from such common border by an alley or easement.

Access - A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

Access Classification - A ranking system for roadways used to determine the appropriate degree of access management.

Access Management - The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity and speed.

Access Permit - A permit issued by Kendall County Highway Department providing ingress or egress or both from abutting property along a county highway.

Average Daily Traffic (ADT) - The number of vehicles traveling in both directions on a given highway during a 24-hour period as determined by Kendall County Highway Department or Illinois Department of Transportation.

Building & Zoning Administrator - The Building and Zoning Administrator of Kendall County.

Connection Spacing - The distance between access connections, measured from the closest edge of pavement of the first connection to the closest edge of pavement of the second connection along the edge of the traveled way.

Contractor - A person, firm or corporation engaged in construction or landscaping and licensed to do business in the State of Illinois.

Corner Clearance - The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of pavement of the intersection to the closest edge of pavement of the connection along the edge of the traveled way.

County - Kendall County, Illinois

County Board - The County Board of Kendall County, Illinois

County Engineer - The County Engineer of Kendall County, Illinois

County Highway - A public road as defined by the Illinois Highway Code, and part of the County Highway System, including municipal extensions thereof, and any proposed roads as yet unbuilt but designated as part of the County Highway System.

Cross Access - A service drive providing vehicular access between 2 or more contiguous sites so that the driver need not enter the public street system.

Dedication - The transfer of property interests from private to public ownership for a public purpose. The transfer instrument may be of fee-simple interest or of a lesser interest, including easements.

Developer - The legal or beneficial owner of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase. The developer may also be the owner.

Easement - A grant of one or more property rights by a property owner to or for the use by the public, or another person or entity.

Edge of Pavement (E.O.P.) - Edge of a driving lane of the traveled roadway.

Engineer - A registered engineer licensed to practice in the State of Illinois.

Field Entrance - Access for agricultural purposes only, but excluding all agricultural business operations, such as tree nurseries.

Freeway - A highway designated by the County Board as a freeway in accordance with Article 8 of the Illinois Highway Code.

Frontage - The distance, as measured along the highway right-of-way line, between the property lines of the abutting properties.

Frontage Road - A public or private drive which generally parallels a public thoroughfare between the right-of-way and the front of the building.

IDOT - Illinois Department of Transportation

Joint Access (Shared Access) - An access point that connects 2 or more contiguous sites to the public street system.

Lateral Access - Access connection onto a road or street that enters or crosses a county highway.

Lot - A parcel, tract, or area of land whose boundaries have been established by some legal instrument, which is recognized as a separate legal entity for the purposes of transfer to title, has frontage upon a public or private street, and complies with the dimensional requirements of this code and the Subdivision Control Ordinance of Kendall County.

Lot, Corner - A lot abutting on 2 or more roads at their juncture.

Lot Width - The horizontal distance between side lot lines measured parallel to the front lot line at the minimum required front set back line.

Major Use Generator - A land use that generates more than 1500 vehicle trips per day or more than 400 trips in a peak hour, total in both directions.

Median Opening - An opening in a restrictive median that allows all turning movements from the roadway and the intersecting road or access connection.

Minimum Use Generator - A single family residence or other land use that generates 50 or less vehicle trips per day, and not more than five trips in the peak hour, total in both directions.

Minor Use Generator - A land use that generates between 51 and 1500 vehicle trips per day and less than 400 trips in the peak hour, total in both directions.

Nonconforming Access Features - Features of the access system of a property that existed prior to the date of ordinance adoption and do not conform with the requirements of this code.

Nonrestrictive Median - A median or painted centerline that does not provide a physical barrier between traffic traveling in opposite directions or turning left, including continuous center turn lanes and undivided roads.

On System Road - A transportation facility identified in this ordinance in which access is regulated under the terms of this instrument or through an intergovernmental agreement with the appropriate local agency.

Peak Hour Volume - The highest hourly vehicular volume observed, or anticipated, at the point of analysis during a normal day.

Plat - An exact and detailed map of the subdivision of land.

Private Road - Any road or thoroughfare for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.

Public Road - A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.

Reasonable Access - The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the thoroughfare, as consistent with the purpose and intent of this code and any applicable plans and policies of Kendall County.

Recorder - The Recorder of Deeds of Kendall County, Illinois.

Restrictive Median - A physical barrier in the roadway that separates traffic traveling in opposite directions, such as a concrete barrier or landscaped island.

Right-of-Way - Land reserved, used or to be used for a highway, street, alley, walkway, drainage facility or other public purpose.

Sight Distance - The distance at which an object 51" above the centerline of pavement surface can just be seen from a point 42" above the pavement surface.

Significant Change in Trip Generation - A change in the use of the property, including land, structure, or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property to exceed 25 percent more trips generated (either peak or daily) with at least a 100 vehicles per day increase.

Standard Specifications - The most recent edition of the "Standard Specifications for Road and Bridge Construction" and also included by reference, the most recent editions of the "Supplemental Specifications and Recurring Special Provisions," the "Standard Specifications for Traffic Control Items," and all amendments and successor documents to the aforementioned documents as published by Illinois Department of Transportation.

Stopping Sight Distance - The distance at which an object 6" above the pavement surface can just be seen from a point 42" above the pavement surface.

Subdivision - Any division or redivision of a parcel of land into 2 or more parts by means of mapping, platting, conveyance, change or rearrangement of boundaries.

Surveyor - An individual registered and licensed as a land surveyor in the State of Illinois.

Throat Length - That distance from the edge of pavement of the collector street to the first point of access, circulation, or parking of the development.

Traffic Impact Study - A comprehensive collection and analysis of all information necessary to accurately evaluate the effect and impact of traffic generated by a development on the current and future highway network surrounding the development.

II. ADMINISTRATIVE PROVISIONS

2.0 Authority

- 2.0.1** The Illinois Compiled Statutes, as amended, provide for the County Board and the County Engineer to have supervision of County Highways. This ordinance is hereby adopted to provide and manage access to land development, while preserving the regional flow of traffic in terms of safety, capacity and speed.
- 2.0.2** 605 ILCS 5/5-413 provides that access roads and driveways for private and public use may, upon receipt of a permit from the County Engineer, be laid out from a County Highway in accordance with regulations adopted by the county board. This ordinance implements that law but does not limit nor restrict the County insofar as other sections of the Illinois Highway Code pertaining to access might apply.
- 2.0.3** 765 ILCS 205/2 requires that written approval be obtained from the appropriate local highway authority regarding highway access prior to final approval and recording of a plat. For Kendall County Highways, that authority shall be the County Engineer.
- 2.0.4** 605 ILCS 5/8-101 et al grants county boards the authority to designate highways under their jurisdiction as freeways. For highways so designated, the County Board shall have full authority to allow or deny any means or enlarge or extend any existing means of ingress to or egress from abutting land.

2.1 Conformance with Plans and Regulations

- 2.1.1** This ordinance is adopted as a supplement to the Subdivision Control Ordinance and in association with the Kendall County Land Resource Management Plan.
- 2.1.2** In addition, this ordinance conforms with the following transportation goals of the Chicago Area Transportation Study and the Northeastern Illinois Planning Commission as outlined in the *Destination 2020 Regional Transportation Plan*:
- a) Preserve the region's transportation system and maximize its efficiency for carrying people and goods;

- b) Provide for a transportation system that fosters economic development;
- c) Provide for the development and preservation of a transportation system which meets the region's transportation needs, efficiently uses financial resources and is financially attainable.

2.1.3 This ordinance substantially conforms with the planning policies of Illinois Department of Transportation set forth in the *Illinois State Transportation Plan*, the roadway classification system and standards of IDOT.

2.1.4 This ordinance also conforms with the policy and planning directives of the Transportation Equity Act for the 21st Century (TEA-21) which encourages the use of access management techniques as a congestion management strategy.

2.2 Jurisdiction

2.2.1 This ordinance shall apply to all vehicular transportation facilities under the jurisdiction of Kendall County as designated in Section III of this document. It shall also apply to those highways and corridors on the local system identified herein, and other facilities as yet unbuilt but identified as regionally significant, insofar as this ordinance is not inconsistent with comprehensive plans of the affected local agencies, and providing the terms and conditions of access are identified in an intergovernmental agreement of the parties involved.

2.2.2 For County Highways located within corporate limits, the conditions, specifications and requirements of this ordinance shall apply as they relate to those improvements and spacing requirements within the County Highway rights-of-way. Requirements and recommendations for those improvements located outside County Highway rights-of-way shall not apply, unless an intergovernmental agreement between the County and the affected local agency would compel the developer to adhere to the terms of this code.

2.3 Nonconforming Access

2.3.1 Permitted access connections in place as of May 18, 1999 that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

- a) When new access connection permits are requested;
- b) Substantial enlargements or improvements in which a 10% increase in existing square footage or 50% increase in assessed valuation of the structure occurs;
- c) Changes in land use or facilities that create a significant change in trip generations, providing that change is at least 100 vehicles per day.

2.3.2 If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of 365 days, or discontinued for any period of time without a present intention of resuming that activity, then that property must thereafter be brought into conformity with all applicable connection spacing and design requirements, unless otherwise exempted by the permitting authority. For uses that are vacant or discontinued upon the effective date of this code, the 365 day period begins on the effective date of this code.

2.4 Access Permits

An access permit is a legal document granting permission to construct and operate a driveway of a certain basic design at a specific location on a County Highway. The permit, contained herein, is required for the construction of any new access connection or the significant modification of any existing access connection within the right-of-way of a County Highway or “on system” local street.

2.5 Site Plan Requirements

2.5.1 When required by the County Engineer, applicants for an access permit shall submit a preliminary site plan for review by the Kendall County Highway Department. At a minimum, the site plan shall show:

- a) Location of access point(s) on both sides of the road where applicable;
- b) Distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;
- c) Number and direction of lanes to be constructed on the access point plus striping plans;

- d) All planned transportation features (such as auxiliary lanes, signals, etc.);
- e) Trip generation data or appropriate traffic studies, if required by the County Engineer;
- f) Parking and internal circulation plans;
- g) Plat map showing property lines, right-of-way and ownership of abutting properties;
- h) A detailed description of any requested variances and the reason the variance is requested.

2.5.2 Subdivision and site plan review shall address the following access considerations:

- a) Is the system designed to meet the projected traffic demand and does the road network consist of hierarchy of roads designed according to function?
- b) Does the road network follow the natural topography and preserve natural features of the site as much as possible? Have alignments been planned so that grading requirements are minimized?
- c) Is access properly placed in relation to sight distance, driveway spacing, and other related consideration, including opportunities for joint and cross access? Do access connections “line up” with access connections on the other side of the street?
- d) Do residential units front on residential streets rather than major roadways?
- e) Is automobile movement within the site provided without having to use the peripheral road network?
- f) Does the road system provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection?
- g) Have bicycle and pedestrian facilities been provided at a reasonable and safe distance from the traveled way, preferably outside the county right-of-way?

2.6 Approval

- 2.6.1** Upon review of the access application, Kendall County Highway Department may approve the access application, approve with conditions, or deny the application. This will be done within 90 days of receiving the complete application.
- 2.6.2** If the application is approved with conditions, the applicant shall resubmit the plan with the conditional changes made within 60 days. The plan, with submitted changes, will be reviewed within 30 working days and approved or rejected. Second applications will only be rejected if conditional changes are not made.
- 2.6.3** If the access permit is denied, Kendall County Highway Department shall provide an itemized letter detailing why the application was rejected.
- 2.6.4** All applicants whose application is approved, or approved with conditions, have thirty days to accept the permit and 12 months to construct all permitted facilities. Applicants whose permits are rejected or approved with conditions have 60 days to appeal.

2.7 Criteria For Denial

- 2.7.1** Direct access to a County Highway shall be denied when a proposed access connection does not meet spacing standards and reasonable access can be provided elsewhere. Reasonable access may include the use of a roadway with a lower classification or a system of joint-use driveways and cross-access agreements.
- 2.7.2** Direct access to a County Highway shall be denied when proposals call for more than one access per property onto a County Highway or contiguous properties with less than the minimum unsignalized spacing requirements as listed in Exhibit 2, and reasonable access can be provided elsewhere. Reasonable access may include the use of a roadway with a lower classification or a system of joint-use driveways and cross-access agreements.
- 2.7.3** Direct access to a County Highway shall be denied when a proposed access cannot meet design or safety requirements as outlined herein and in accordance with Illinois Department of Transportation Standards.

2.8 Costs

All costs associated with the construction of a new access, or modification of an existing access, including pavement widening, drainage appurtenances, turning lanes, signal installation or modification, striping, etc., shall be borne by the developer, owner or applicant. Additional traffic impact analyses or safety studies, when required by the County Engineer, shall also be paid for by the developer, owner or applicant.

2.9 Variances

2.9.1 The granting of variances shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.

2.9.2 Applicants for a variance from these standards must provide proof of unique or special conditions that make strict applications of the provisions impractical. This shall include proof that:

- a) Indirect or restricted access cannot be obtained;
- b) No engineering or construction solutions can be applied to mitigate the condition;
- c) No alternative access is available from the street with a lower functional classification than the primary roadway, and joint or cross access is not available.

2.9.3 Applicants shall submit their variance request to the County Engineer within 60 days after the denial of an access permit. The County Engineer shall have the authority to grant variances of up to 15% for the Access Classification Spacing Standards, and other minor variances as necessary. All other variance requests, including denied minor variances, shall come before the County Board. A concurring vote of the majority of the County Board is required to grant these variances or overturn the denial of access by the County Engineer.

2.9.4 Under no circumstances shall a variance be granted, unless not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an exceptional and undue hardship on the applicant. No variance shall be granted where such hardship is self-created.

III. COUNTY HIGHWAY SYSTEM CLASSIFICATION

3.0 On-System Roads

The Kendall County Highway System shall include all County Highways and freeways as defined by the Illinois Highway Code. For the purposes of access control, this ordinance shall also be applicable for those highways, other than County Highways, that are regionally significant, or have been identified as future regionally significant corridors, insofar as this ordinance is not inconsistent with comprehensive plans of the affected local agencies, and providing the terms and conditions of access are identified in an intergovernmental agreement of the parties involved. “On-System Roads” have been identified in Exhibit 1.

3.1 Highway Access Classifications

3.1.1 The access classifications, as listed in Exhibit 1, have been assigned to all Kendall County Highways and regionally significant corridors, excluding State Highways, within the planning area of Kendall County. This classification system is to be used to establish the proper standards for access to each highway and the regulation of land abutting the highway as it applies to access control. Factors considered in assigning access classification include the functional classification as defined by the Illinois Department of Transportation, the Kendall County Land Resource Management Plan, subdivision of abutting properties, anticipated future significance, and existing level of access control.

Access 1 - This classification shall be used for the highest level of access control on regionally significant highways designed for relatively high speeds and high volume traffic movements. These highways are distinguished by a system of existing or planned service roads, a highly controlled limited number of connections, median openings, and infrequent traffic signals. This access classification consists of those roadways now designated or potentially designated as Strategic Regional Arterials and other arterials that have need of a highly restricted classification.

Access 2 - This classification shall be used for facilities where direct access to abutting land is controlled to maximize the through movement of traffic. These significant highways are characterized by relatively high speeds, high volume traffic movements, substantial distances between intersections, signals and driveway connections. Existing land use along these facilities has not been built-out to its maximum capability, and there is a high probability of significant land use change.

Access 3 - As in Access 1 and Access 2 roads, this classification shall be used for facilities where direct access to abutting land is controlled to maximize the through movement of traffic, but to a lesser degree. These facilities are locally significant and are distinguished by relatively high speeds, moderate traffic volumes and a moderate chance of significant land use change.

Access 4 - This classification shall be used for facilities where direct access to abutting land is controlled to some degree to maximize the through movement of traffic. These facilities are locally significant and are distinguished by relatively high speeds, low traffic volumes and a low chance of significant land use change. Access limitations are applied to a lesser degree in this class due to the infrequency of turning movement conflicts.

Access 5 - This classification shall be used for facilities that have experienced or will experience a great deal of build-out, and the regional movement of traffic is not a priority. These facilities are often in or near corporate limits and serve residential or commercial developments. Moderate to low speeds are the norm, even though relatively high traffic volumes may be present.

HIGHWAY ACCESS CLASSIFICATIONS

Kendall County Highway Access Regulation Ordinance

EXHIBIT 1

FACILITY	LIMITS	CLASSIFICATION
Bristol Ridge Road	Cannonball Trail to U.S. Route 34	Access 5
Cannonball Trail	Ill. Rte. 47 to Galena Rd. and extension north	Access 5
Caterpillar Drive	Orchard Rd. to Caterpillar entrance	Access 5
Caton Farm Road	Ill. Rte. 71 (Extended West) to Will County Line	Access 1
Chicago Road	Plattville Rd. to Grove Rd.	Access 4
Eldamain Rd. Corridor	Ill. Rte 71 to Kane County Line	Access 2
Fox Road	Fox River Drive to Fox Lawn Subdivision	Access 3
Fox River Drive	Newark to Plano including Crimmins realignment	Access 3
Galena Road	DeKalb County Line to Orchard Rd.	Access 2
Grove Road	Grundy County Line to Ill. Rte. 126	Access 3
Grove Road	Ill. Rte. 126 to Plainfield Road	Access 2
Joliet Road	Lisbon Rd. to Ill. Rte. 47	Access 3
Lisbon Road	Grundy County Line to Ill. Rte. 71	Access 2
Little Rock Road	U.S. Route 34 to Kane County Line	Access 3
Millbrook Road	Ill. Rte. 71 to Fox River Drive	Access 3
Millington Road	Fox River Drive to Lions Rd.	Access 3
Newark Road	Ill. Rte. 71 to Ill. Rte. 47	Access 3
Orchard Road	South of Ill. Rte. 71 to U.S. Route 30	Access 1
Plainfield Road	Ill. Rte. 126 to Stewart & extended (wikaduke)	Access 1
Plainfield Road	Stewart Rd. to Grove Rd.	Access 2
Plattville Road	Ill. Rte. 47 to Chicago Rd.	Access 4
Ridge Road	Grundy County Line to Ill. Rte 126 (wikaduke)	Access 1
Rock Creek Road	Sweetbriar St. to Galena Rd.	Access 3
Sherrill Road	Ashley Rd. to O'Brien Rd.	Access 4
Stewart Road	Plainfield Rd. to Rance Rd.	Access 1
Townhouse Road	U.S. Rte. 52 to Neward Rd.	Access 3
Van Emmon Road	Yorkville to Ill. Rte. 71	Access 5
Walker Road	Ill. Rte. 71 to Ill. Rte. 47	Access 3
Whitewillow Road	Ill. Rte. 47 to Grove Rd.	Access 4

IV. ACCESS POLICIES & STANDARDS

4.0 Right-Of-Way Dedication

Petitioners for access onto a County Highway shall provide for the dedication of additional right-of-way in the event turning lanes or construction of publicly-maintained drainage facilities and appurtenances will extend outside the limits of the existing right-of-way. Right-of-way shall be provided in fee simple title at no cost to the County.

4.1 Internal Circulation of Streets

In general terms, properties abutting County Highways shall provide access from a single access point on the County Highway or from joint/cross access. Internal streets shall provide for the efficient flow of traffic and provide access to individual residences or commercial establishments. Where properties abut two highway facilities, access should be provided from the lesser traveled way.

4.2 Spacing Standards for Access Connections

4.2.1 All Connections on facility segments that have been assigned an access classification shall meet or exceed the minimum connection spacing requirements of that access classification as specified in Exhibit 2. Spacing shall be measured from the closest edge of the pavement to the next closest edge of the pavement.

Exhibit 2: Access Classification Spacing Standards

Highway Classification	Signalized Spacing	Unsignalized Spacing (Minimum)			*Corner Clearance	Lateral Access
		Public Street	Private Access	Rt. In/Rt. Out		
Access 1	2640'	2640'	2640'	500'	300'	250'
Access 2	2640'	1760'	1320'	400'	250'	150'
Access 3	1760'	1320'	1000'	300'	200'	150'
Access 4	N/A	1000'	500'	N/A	N/A	150'
Access 5	1000'	750'	250'	N/A	100'	100'

*For right in / right out access only

4.3 Unsignalized Spacing of Access Connections

- 4.3.1** The spacing of unsignalized public streets, private driveways and other access connections shall meet or exceed the minimum unsignalized spacing requirement for each access classification as listed in Exhibit 2.
- 4.3.2** Properties with frontage on a County Highway shall be looked at in aggregate as it relates to unsignalized access spacing. Coordination with adjacent property owners may be required to meet the requirements of this ordinance. Properties that do not have sufficient frontage to qualify for access shall first attempt to gain access from a lesser traveled, intersecting street. In the absence of another street, access from a common driveway shall be pursued.
- 4.3.3** Field entrances are exempt from spacing standards; however, said entrances shall not be available for any other use except agricultural. Agricultural businesses such as tree nurseries are not exempt. Properties that are rezoned or have a significant change in trip generation shall not retain any right to use existing field entrances without the express written consent of the County Engineer.

4.4 Signalized Spacing of Access Connections

- 4.4.1** Access connections shall be designed such that the distance between those which will warrant signalization shall meet or exceed the minimum signalized spacing requirement for each access classification as listed in Exhibit 2.
- 4.4.2** The spacing of signalized access connections will be of a uniform or near uniform distance to promote efficient traffic flow. In urban areas, where traffic signals are prevalent, interconnection of signals is encouraged to promote the free flow of traffic.

4.5 Corner Clearance

- 4.5.1** Corner clearance for private access connections shall meet or exceed the minimum unsignalized spacing for each access classification as listed in Exhibit 2 unless a right in/right out access is constructed. Said access shall meet the corner clearance distances listed in Exhibit 2. The projected edge of the pavement of the access connection shall be used in measuring corner clearance from the edge of pavement of the intersecting road.

4.5.2 New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this code, unless:

a) No other reasonable access to the property is available, and

b) The County Engineer determines that the connection does not create a safety or operational problem upon the review of a site-specific study of the proposed connection prepared by a registered engineer and submitted by the applicant.

4.6 Sight Distance Requirements

4.6.1 An access shall be located at the point of optimum, intersection sight distance along a property frontage. Safe intersection sight distances are presented in Table 3.

Exhibit 3: Sight Distance Requirements for Access Connections

Design Speed	30	35	40	45	50	55	60
Intersection Sight Distance Required	410'	530'	660'	840'	1035'	1240'	1470'
Minimum Stopping Sight Distance	200'	250'	325'	400'	475'	550'	650'

Notes: This information is based on the following assumptions; driver’s eye height is 3.5’ above the centerline of pavement; object height is 4.25’ above the center of the traffic lane; the vehicle is leaving the intersection forward, not backing out of the intersection. (AASHTO “Green Book”)

4.6.2 Should the intersection sight distances be physically unobtainable, then the access connection shall be at a location that provides the sight distance closest to that required, provided that the minimum stopping sight distance from Exhibit 3 is met or exceeded. In such cases it will be at the discretion of the County Engineer to determine whether a safe sight distance exists and whether an access connection will be permitted.

4.6.3 If it is determined that inadequate sight distance exists for any turning or crossing movements, the access connection shall be designed to prohibit such movements by the use of islands, signs, and pavement markers.

If it is determined that a safe sight distance is not available at a point along the property frontage within at least 80 percent of the spacing requirements, access may be allowed, at the developer=s expense, in one of the following ways:

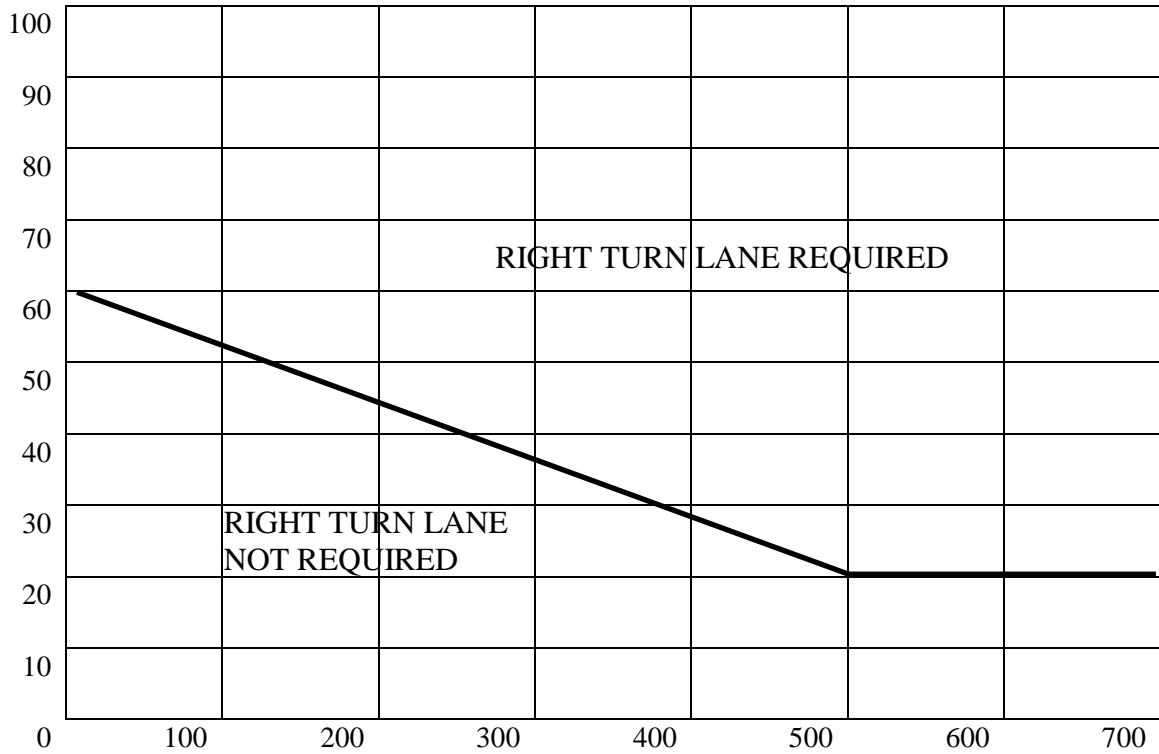
- a) Redesign or reconstruct the existing County Highway to correct sight-distance deficiencies.
- b) Develop access to another roadway.
- c) Develop indirect access via a frontage road.
- d) Develop indirect access via a joint or cross-access easement with an adjacent property.

4.7 Turning Lane Requirements

4.7.1 Developments abutting County Highways shall provide a right turn lane and/or left turn lane when warrants for said lanes are met (see Exhibits 4 and 5), or when required by the County Engineer.

4.7.2 In determining the requirements for turning lanes, traffic numbers shall be projected to reflect the maximum build-out of a development or subdivision, including adjacent developments, that may share access from the abutting property. The County may allow for the recapture of the proportionate share of cost of the turning lane(s) from the adjacent property owners.

EXHIBIT 4: RIGHT TURN LANE REQUIREMENTS



TOTAL PEAK HOUR APPROACH VOLUME, VPH

EXHIBIT 5: LEFT TURN LANE REQUIREMENTS

Opposing Volume	Advancing Volume			
	5% Left Turns	10% Left Turns	20% Left Turns	30% Left Turns

40-mph Operating Speed				
800	300	200	150	125
600	400	275	200	175
400	500	350	250	225
200	600	425	300	275
100	700	500	350	325

50-mph Operating Speed				
800	250	200	150	125
600	325	250	190	150
400	400	300	230	175
200	475	350	270	200
100	550	400	310	225

60-mph Operating Speed				
800	200	150	125	100
600	275	200	150	125
400	350	250	175	150
200	425	300	200	175
100	500	350	225	200

Modified from AASHTO Green Book

V. DESIGN STANDARDS

5.0 Design Publications

5.0.1 The design of access and accompanying highway improvements shall comply with the standards and specifications set forth in the Kendall County Highway Access Regulation Ordinance, which will take precedence over all other publications. In the absence of specific guidance, the latest edition of the following IDOT and AASHTO policies shall govern.

5.0.2 IDOT Publications

- a) Standard Specifications for Road and Bridge Construction
- b) Supplemental Specifications and Recurring Special Provisions
- c) IDOT Design Manual
- d) Manual of Policies and Procedures (Bureau of Location & Environment)
- e) Highway Standards
- f) Illinois Manual of Uniform Traffic Control Devices for Streets and Highways
- g) Policy on Permits for Access Driveways to State Highways
- h) Traffic Control Plans for Local Agency Construction Projects
- i) Culvert Manual
- j) Manual of Instruction for the Structural Design of Flexible Pavements
- k) Administrative Policies
- l) Coded Pay Item Book (Bureau of Design)
- m) Guide to the Hydraulic Design of Bridges & Culverts on Local Systems

5.0.3 AASHTO Publications

- a) A Policy on Geometric Design of Highways and Streets (AASHTO Green Book®)
- b) Guide for Selecting, Locating and Designing Traffic Barriers
- c) Highway Design and Operational Practices Related to Highway Safety

5.1 Pavement Standards

5.1.1 Access connections for Minor and Major Use Generators that fall within County Highways rights-of-way shall have pavements that have been designed in accordance with IDOT specifications for flexible pavement design. In lieu of a formal pavement design and soil investigation, pavements shall consist of at least 12 inches of crushed aggregate base course, 2 1/2 inches of bituminous concrete binder and 1 1/2 inches of

bituminous concrete surface course. Minimum Use Generators shall have a minimum of 12 inches of crushed aggregate base course.

- 5.1.2** All turning lanes shall have a minimum lane width of 12 feet. Taper rates shall be in accordance with IDOT standards for the appropriate operating speed of the through street. Pavement crown shall be 3/16 inch/foot.
- 5.1.3** When required, pavement striping plans shall be submitted to the County Engineer and approved prior to the commencement of work.
- 5.1.4** All costs associated with the construction of a new access connection to any county highway shall be borne by the petitioner or developer.

5.2 Drainage Standards

- 5.2.1** Detention and drainage facilities shall be in conformance with the guidelines established by the Kendall County Planning, Building and Zoning Department, and where appropriate, any municipal body that has jurisdiction over abutting properties. In addition to the aforementioned requirements, all drainage appurtenances in county rights-of-way shall be approved by the County Highway Department.
- 5.2.2** All pipe culverts under access connections to County Highways shall be reinforced concrete pipe of the appropriate class and size, except those pipe culverts used for field entrances and single family homes, which may be corrugated metal pipe. Those entrances requiring concrete pipe shall also have reinforced concrete flared end sections installed.
- 5.2.3** All pavement and shoulders for access connections shall slope away from the furthest edge of pavement of the through street at a minimum of 1% grade for a minimum distance of 10 feet on Minimum Use Generators and a minimum of 25 feet for Minor or Major Use Generators.
- 5.2.4** Earth fore slopes shall have a desired slope of 4:1 and a minimum slope of 3:1. Back slopes shall be a minimum of 3:1.
- 5.2.5** Seeding, fertilizing, mulching and erosion control shall be provided in accordance with IDOT Standards and good engineering practice.

5.3 Access Geometrics

Access connections shall conform with the minimum geometric requirements shown in Exhibit 6.

EXHIBIT 6: ACCESS GEOMETRICS

Access Connection	Throat Length Min.	Driveway Width		EOP Turning Radii	
		Min.	Max.	Min.	Max.
Field Entrance	N/A	20'	30'	10'	20'
Minimum Use Generator	50'	12'	24'	10'	25'
Minor Use Generator					
2-Way	50'	24'	40'	25'	50'
1-Way	50'	15'	25'	25'	50'
Major Use Generator					
2-Way	100'	28'	40'	30'	WB-55
1-Way	100'	15'	25'	30'	WB-55

5.3.1 Throat Length

5.3.1.1 Residential access connections shall be of a sufficient length that a passenger car can park completely clear of the highway, sidewalk, and right-of-way. Access connections that allow vehicles to back out on to the roadway shall be discouraged.

5.3.1.2 Commercial and industrial access connections shall be of a sufficient length to store exiting vehicles clear of the parking and onsite circulation area of a development. This length will depend on the anticipated exit queue length during the peak hour as well as the typical vehicle type.

5.3.1.3 At major access facilities, a queuing analysis using expected arrival and departure rates should be conducted to determine the appropriate throat length.

5.3.2 Driveway widths and turning radii shall be based on the level of access needs and typical vehicle types that use those access points. In cases where the right-of-way is narrow, traffic volumes are large, or speeds are high, upper limit turning radii should be considered to allow efficient use of access. In general terms, Minor Use Generators shall utilize a 30' radius return, although it could range from 25 feet to 50 feet. Major Use Generators have a target radius return of 40 feet, but may vary from 30 feet to a WB-55 design standard.

VI. ACCESS MANAGEMENT STANDARDS FOR ABUTTING PARCELS

6.0 Joint/Cross Access

6.0.1 A unified access and circulation system plan that includes coordinated or shared parking area is encouraged wherever feasible.

6.0.2 Adjacent commercial or office properties designated as major traffic generators, shall provide a cross-access drive and pedestrian access to allow circulation between sites.

6.0.3 A system of joint-use driveways and cross-access easements shall be established wherever feasible, and the building site shall incorporate the following standards:

a) A continuous service drive or cross-access corridor extending the entire length of each block serving to provide for driveway separation consistent with the access management classification system and standards;

b) A design speed of 10 mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles and loading vehicles.

6.0.4 In accordance with this section, property owners shall:

a) Record an easement with the deed allowing cross access to and from other properties served by the joint-use driveways and cross-access or service drives.

b) Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to Kendall County, and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway.

c) Record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners.

6.0.5 The County Engineer may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

6.1 Frontage and Reverse Frontage Roads

6.1.1 One way frontage roads are more desirable than two-way frontage roads.

6.1.2 The separation of frontage roads at cross streets should be maximized to ensure sufficient storage for cross-road traffic between the frontage road and the artery. The minimum separation shall be the same as that of the lateral access spacing for the appropriate classification of roadway, as shown in Exhibit 2.

6.1.3 Reverse frontage roads are desirable to close-in frontage roads. A desirable setback distance is 500 feet with a minimum distance being the same as that of the lateral access spacing for the appropriate classification of roadway, as shown in Exhibit 2.

6.2 Subdivision and Site Development Policies

6.2.1 Land use planning, zoning and subdivision regulations of Kendall County shall be supportive of the restrictive spacings of each access classification, especially in cases where the roadway is under the jurisdiction of the Kendall County Highway Department.

6.2.2 The minimum lot frontage for access on all parcels adjacent to Aon system® roads shall not be less than the minimum access connection spacing standards of that thoroughfare. Existing lots with less frontage shall continue as nonconforming lots until such time that they acquire joint/cross-access easements or are incorporated as part of a larger parcel meeting the minimum spacing requirements.

6.2.3 Flag lots shall not be permitted when the effect would be to increase the number of properties requiring direct and individual access connections to collector roadways except in instances when a flag lot is deemed necessary to achieve planning objectives.

6.2.4 All access to outparcels must be internalized using the shared circulation system of the principal development. The number of outparcels shall not exceed one per ten acres of site area, with a minimum frontage of 300 feet per outparcel or greater where access spacing standards for that roadway require. The frontage requirement may be waived where access is internalized using a shared-access system. In such cases the right of direct access to the roadway shall be dedicated to Kendall County and recorded with the deed.

VII. ACCESS CONSTRUCTION

7.0 Notification

Prior to the commencement of construction operations for access connections to county highways, notification shall be made to the Kendall County Highway Department. This notification shall be at least 48 hours in advance of the beginning of work. All required performance guarantees and certificates of insurance shall be in place and on file at Highway Department offices prior to the start of any construction operations. In addition, contractors are required to coordinate their work with local utilities through the J.U.L.I.E. system.

7.1 Traffic Control

At all times during the construction of access connections and related facilities, the developer or his/her agent shall adhere strictly to the guidelines established by the Illinois Department of Transportation for traffic control. Any encroachment on the pavement surface of the traveled way, or within the County Highway right-of-way shall be protected as detailed in the appropriate Highway Standard in an effort to protect both workers and the traveling public.

7.2 Performance Guarantees

7.2.1 A performance guarantee shall be provided prior to the construction of any and all access connections on County Highways that exceed \$5000 for that part of the improvement within the County Highway right-of-way. A performance guarantee shall be in the form of a corporate surety bond, cash bond, or irrevocable letter of credit. For those connections that are part of a

County subdivision (unincorporated), the performance guarantee shall be included with the performance guarantee for the entire subdivision, and shall be provided to the Kendall County Building and Zoning Administrator. For municipal subdivisions and access connections, a separate performance guarantee shall be provided to the Kendall County Highway Department for the cost of improvements within the county right of way. The performance guarantee, in all cases, shall be in an amount equal to 110% of the estimated cost of construction of improvements within the County Highway right-of-way.

7.2.2 Corporate Surety Bond

The County Engineer shall approve the form of a Corporate Surety Bond. The bond shall provide that the developer shall be one of the principals under said bond and that the surety shall be responsible for the completion of all improvements within a reasonable time after being notified that default has been made. The bond shall be made payable to the County Treasurer.

7.2.3 Cash Bond

In lieu of a Corporate Surety Bond, the developer may post a Cash Bond payable to the County Treasurer. This bond may be provided in the form of a cashier's check, bank draft, certified check, or bank money order. A certificate of deposit will not be accepted.

7.2.4 Irrevocable Letter of Credit

An irrevocable letter of credit will be acceptable provided that said letter of credit receives approval from the State's Attorney. As with all performance guarantees, the letter of credit shall be for 110% of the total estimated cost of the improvement. Letters of credit shall be posted for a period of not less than 12 months and shall be delivered to the Kendall County Highway Department. If construction has not been completed within 12 months, the letter of credit shall be renewed for an additional 12 month period.

7.2.5 Default

If the developer fails to perform the work with sufficient work force and equipment; or with sufficient materials to insure the completion of said work within the specified time; or performs the work unsuitably as determined by the County Engineer; or neglects or refuses materials or

performs anew such work as shall be rejected as defective and unsuitable; or discontinues the execution of the work; or for any other cause whatsoever does not carry on the work in an approved manner, the County Engineer shall give notice by registered mail to the developer and his/her surety of such delinquency, said notice to specify the corrective measures required. After said notice, the County Engineer shall call upon the performance guarantee to have the work completed in accordance with the terms of the guarantee. The County Engineer shall deliver the funds to the County Treasurer and request deposit in the appropriate fund. The County Engineer may then take over the work, including any or all materials or equipment on the ground as may be suitable and acceptable and may complete the work with his/her own forces or any such other methods as may be required to complete the work in accordance with the access permit.

7.3 Certificates of Insurance

7.3.1 Certificates of Insurance, as required by this section, shall be provided to the Kendall County Highway Department prior to the issuance of an access permit for the construction or reconstruction of all types of access as provided for in this Ordinance. The County Engineer may, upon receipt of written application from a property owner substantiating good and reasonable cause, waive this requirement for certain minor accesses.

7.3.2 Responsibility for Damage Claims

The developer shall indemnify and save harmless the Kendall County Highway Department and the County, its officers, agents, and employees against all loss, damage, or expense that it or they may sustain as a result of any suits, actions, or claims of any character brought on account of property damage, injury to or death of any person or persons, including all persons performing any work under the access permit, which may arise in connection with the work to be performed under the access permit.

The access permit is not intended by any of the provisions of any part of the access permit to create the public or any member thereof a third party beneficiary, or to authorize any one not a party to the access permit to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of the access permit. The duties, obligations, and responsibilities of the parties to the access permit with respect to third parties shall remain as imposed by law.

The developer, prior to issuance of an access permit, shall file with the County

Engineer copies of completed certificates of insurance indemnifying the Kendall County Highway Department, its employees and its agents, and the County of Kendall, its employees and its agents as additional insured, in a form satisfactory to the County Engineer, to afford protection against all claims for damages to public or private property, and injuries to persons, arising out of and during the progress of the work to its completion. The policy of insurance shall include the Kendall County Highway Department and County as additional insured or provide separate coverage with an Owner's Protective policy. The minimum amounts of insurance shall be determined by the County Engineer for the following types of insurance:

- a) Bodily Injury Liability
- b) Property Damage Liability

There shall be no restrictions on occurrence limits.

All such insurance shall include an endorsement whereby the insurer agrees to notify Kendall County Highway Department at least 30 days prior to nonrenewal, reduction, or cancellation. The developer shall cease, or cause to be ceased, operations, work and construction of an improvement if the insurance is canceled or reduced below the required minimum amount of coverage as determined by the County Engineer.

7.3.3 Workman's Compensation Insurance

Prior to the issuance of an access permit, the developer shall furnish to Kendall County Highway Department certificates of insurance covering Worker's Compensation, or satisfactory evidence that this liability is otherwise taken care of in accordance with Section 4.(a) of the "Workman's Compensation Act of the State of Illinois" as amended.

Such insurance, or other means of protection as herein provided, shall be kept in force until all work to be performed under the terms of the access permit has been completed and accepted, and it is hereby understood and agreed that the maintenance of such insurance or other protection, until acceptance of the improvement by Kendall County Highway Department, is part of the access permit. Failure to maintain such insurance, cancellation by the Industrial Commission of its approval of such other means of protection as might have been elected, or any other act which results in lack of protection under the said "Workman's Compensation Act" may result in the revocation of the access permit.

VIII. ENACTMENT, REPEALER, INTERPRETATION & SEPARABILITY

8.0 Enactment

This ordinance shall be in full force and effect from and after its passage according to law except for all access requests submitted prior to the adoption of this ordinance and which have received written preliminary approval. All requests submitted prior to adoption of this ordinance which have not been given written preliminary approval and all requests submitted after the adoption of this ordinance shall be governed by the provisions of this ordinance as finally enacted.

8.1 Repealer and Savings Clause

The previous policies establishing rules and regulations governing access to County Highways are hereby repealed, provided such repeal shall not affect the right of the County to institute any action at law or in equity to require compliance or prosecute violations there under, it being the County's intention to preserve all such causes of action and not to excuse any violation under the prior rules and regulations.

8.2 Interpretation and Separability

8.2.1 Interpretation

The County Engineer shall render any interpretations of this ordinance which are necessary to promote efficient administration and review of access requests. This ordinance shall be interpreted strictly and in accordance with the standards set forth herein. Whenever any provision of this ordinance overlaps, contradicts, or covers the same subject matter as any other provision of this ordinance or any other County ordinance, regulation, or rule, the more restrictive or higher standard shall control.

8.2.2 Separability

Each article, section, subsection, paragraph, subparagraph, sentence, clause, phrase, word, provision, regulation, or restriction established by this ordinance or any amendments thereto is hereby declared to be separable and independent, in accordance with the following.

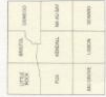
8.2.2.1 If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not effect any provision of this ordinance not specifically

included in the judgment.

- 8.2.2.2 If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, access, highway improvement, or access facility, such judgment shall not affect the application of the provisions to any property, access, highway improvement, or access facility not specifically included in the judgment.

HIGHWAY MAP KENDALL COUNTY

- 1998 -



LEGEND

- County Highway
- County Highway Maintained by Adjacent County
- Interstate Highway
- State of Federal Highway
- Blainville Township Road
- Gravel Township Road
- Dirt (Gravel) Road
- Railroad
- County Limit
- Section Line
- Township Limit
- Unincorporated Area
- County Courthouse (township)
- Public Safety Center (township)
- County Highway Building (township)
- County Administration Office (township)
- Bridge
- State Park
- Park District
- County Forest Preserve
- Incorporated Area

Published by
Kendall County Highway Department

Francis C. Klbas
County Engineer

Department Headquarters
Yorkville, IL 60550
Phone (618) 535-3116
FAX (618) 553-9583

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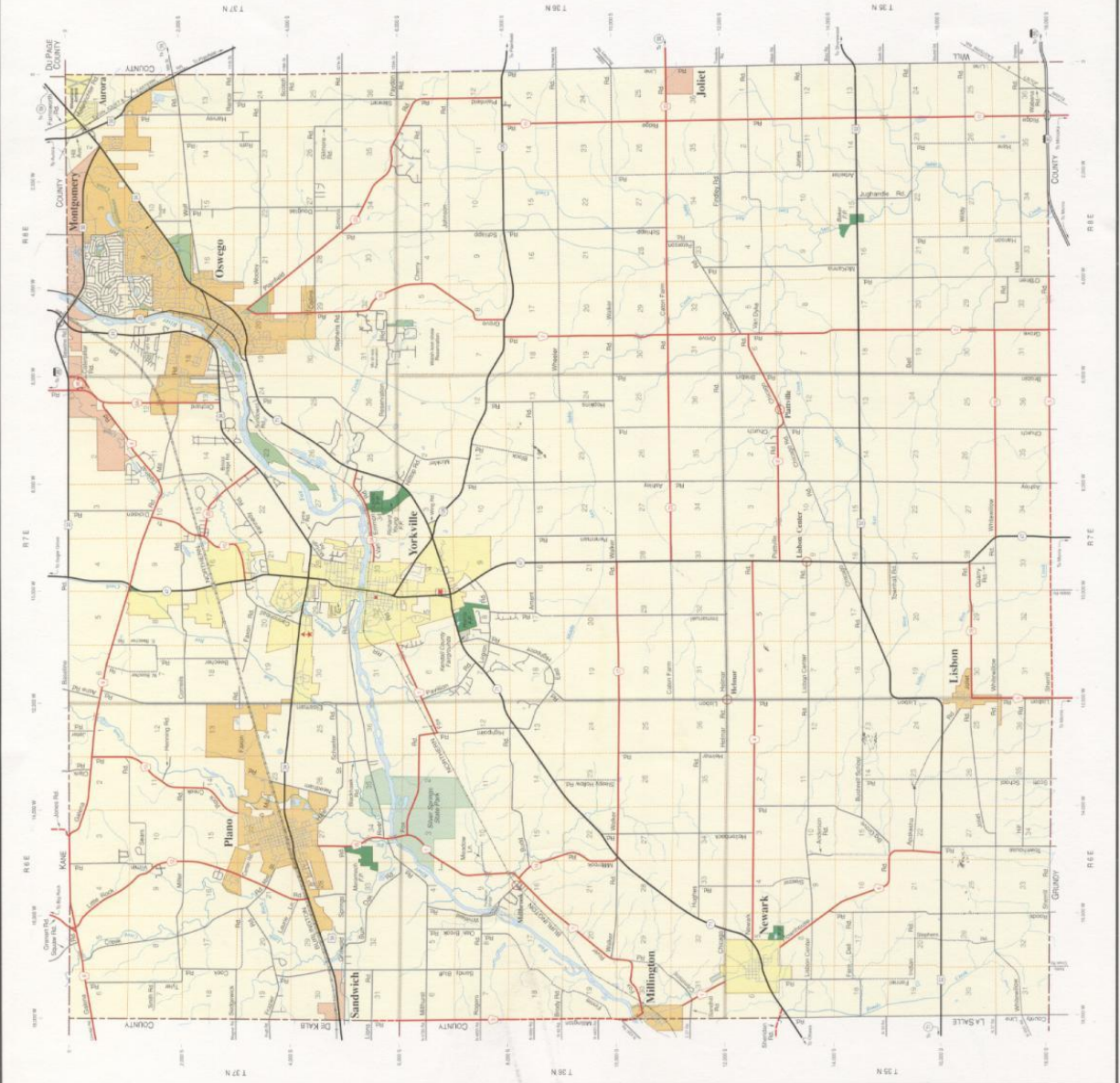


EXHIBIT 7



KENDALL COUNTY HIGHWAY DEPARTMENT
APPLICATION FOR ACCESS PERMIT

Form section containing checkboxes for 'NEW ACCESS' and 'MODIFICATION OF EXISTING ACCESS', fields for 'COUNTY HIGHWAY NAME', 'APPLICANT (Name & Address)', 'TELEPHONE #', 'FAX #', 'LOCATION OF ACCESS POINT', and 'DESCRIPTION OF REQUEST FOR ACCESS'.

Form section titled 'ALL "YES" ANSWERS SHOULD BE EXPLAINED IN THE SPACE PROVIDED' with two questions: 'Does the property to be served have access on any other street?' and 'Does the property currently have any other access points along this frontage?' with YES/NO checkboxes.

DO NOT WRITE BELOW THIS LINE

Form section titled 'REQUIREMENTS OF APPLICANT' with two columns of checkboxes for items like 'PIPE CULVERT & FILL', 'RIGHT TURN LANE', 'LEFT TURN LANE', 'SIGNALIZATION', 'PAVEMENT MARKINGS', 'OTHER ROAD IMPROVMENTS', 'TRAFFIC ANALYSIS', 'SITE OR CONSTRUCTION PLANS', 'PERFORMANCE GUARANTEE', 'CERTIFICATE OF INSURANCE', 'RIGHT-OF-WAY DEDICATION', and 'JOINT/CROSS ACCESS EASEMENT'.

Access Permit No.: _____ Date: _____

Permit Fee for County-Constructed Projects: _____

Note: Fee must be paid in full prior to construction

Francis C. Klaas, P.E. County Engineer