

ORDINANCE NUMBER 2019- 24

**REVOKING A SPECIAL USE PERMIT FOR A BED AND BREAKFAST GRANTED BY
ORDINANCE 1996-13 AT 15426 A MILLHURST ROAD (PIN: 04-04-400-001)
IN FOX TOWNSHIP**

WHEREAS, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 13.08.F of the Kendall County Zoning Ordinance allows a special use permit holder to request revocation of said special use by written request to the County Board; and

WHEREAS, pursuant to Section 13.08.F of the Kendall County Zoning Ordinance, no public hearing is required for an owner-initiated revocation; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 15.5 acres more or less and is identified by Parcel Identification Number 04-04-400-001 in Fox Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as "the subject property"; and

WHEREAS, Kenneth and Arlene Koehler petitioned Kendall County in the manner required by law and the ordinance of Kendall County, Illinois for obtaining a special use permit for the operation of a bed and breakfast on the subject property in 1996; and

WHEREAS, the Kendall County Board granted a special use permit through Ordinance 1996-13 at the subject property on August 20, 1996 for the operation of a commercial or private dog kennel; and

WHEREAS, Old Second National Bank acquired the subject property from Kenneth and Arlene Koehler on or about May 1, 2003; and

WHEREAS, State Bank of Illinois acquired the subject property from Old Second National Bank on or about June 1, 2013; and

WHEREAS, Richard Wagner is authorized to represent State Bank of Illinois and shall hereinafter be referred to as "The Petitioner"; and

WHEREAS, The Petitioner, no longer desire the special use permit and has stated in a letter as provided in Exhibit B attached hereto that they voluntarily request that Kendall County revoke the special use permit on the above-referenced property; and

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

1. The Kendall County Board hereby revokes the special use permit for a bed and breakfast granted by Ordinance 1996-13.

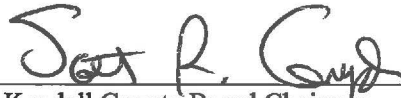
2. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect the revocation of the special use permit granted by Ordinance 1996-13.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 3rd day of September, 2019.

Attest:



Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
Scott R. Gryder

Exhibit A

LEGAL DESCRIPTION:

The following is the legal description of the entire parcel of real estate of which the Bed and Breakfast facility will constitute approximately two (2) acres, including parking facilities:

That part of the Southeast Quarter of Section 4, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Beginning at a point on the North line of said Southeast Quarter 363.0 feet Easterly of the Northwest corner of said Southeast Quarter; thence South $88^{\circ} 56' 13''$ East along said North line 956.30 feet; thence South $00^{\circ} 07' 48''$ West 240.14 feet to a Northeasterly line of a tract depicted in a plat of survey by Charles D. Mitchell, Illinois Registered Land Surveyor No. 1495, dated April 9, 1959; thence North $52^{\circ} 30' 41''$ West along said Northeasterly line of said tract 86.54 feet; thence South $29^{\circ} 46' 19''$ West along a Northwesterly line of said tract 251.80 feet; thence South $58^{\circ} 17' 19''$ West along a Northwesterly line of said tract 76.0 feet; thence South $36^{\circ} 56' 19''$ West along a Northwesterly line of said tract 228.40 feet; thence South $01^{\circ} 44' 19''$ West along a Westerly line of said tract 55.99 feet to the Northwesterly bank of the Fox River; thence Southwesterly along said Northwesterly bank to a line drawn parallel with the North-South center line of said Section 4 from the point of beginning; thence North $00^{\circ} 04' 09''$ East along said parallel line 1225.61 feet to the point of beginning in Fox Township, Kendall County, Illinois.

Exhibit B

~~July 10, 2019~~
August 6, 2019

Kendall County
Planning, Building and Zoning
Attn: Matthew H. Asselmeier
111 West Fox Street Room 203
Yorkville, IL 60560-1498
Phone: 630-553-4139 Fax: 630.553.4179

We Richard Wagner am the owner at 15426 Millhurst Road
(First & Last Name) (Address of property)

On August 20, 1996, the property was granted a special use (Ordinance 1996-13). The special use granted in 1996 was granted for the operation of a bed and breakfast.

Pursuant to Section 13.08.F of the Kendall County Zoning Ordinance, we hereby voluntarily request that Kendall County revoke my special use on the above-referenced property. By signing below, I acknowledge that no public hearing shall be conducted for revocation of the special use. I understand that the requested revocation shall not become effective unless and until approved by a majority vote of the Kendall County Board. By signing below, I hereby waive my right to a public hearing and formally request the above-referenced special use be removed from my property.

Richard Wagner
(Signature)

August 6, 2019
(Date)

Richard Wagner
(Printed Name)

Attest: Robin E. Guzman
Notary Public

