

ORDINANCE NUMBER 2019-28

**APPROVING A PLAT OF VACATION AND RELOCATION OF A TEN FOOT PUBLIC UTILITY AND DRAINAGE EASEMENT FROM LOTS 1 AND 4 OF HIGHGROVE SUBDIVISION TO THE NORTHERN END OF PARCELS 09-07-200-034 AND 09-07-200-033 AND EXTENDING THE SAME EASEMENT ALONG THE EASTERN BOUNDARY OF PARCEL 09-07-200-033 IN SEWARD 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 ten-foot public utility and drainage easement which is the subject of this Ordinance was established by Ordinance 2016-20 which granted approval a preliminary and final plat of Highgrove Subdivision and was approved by the Kendall County Board on October 18, 2016, and

*WHEREAS*, the preliminary and final plat of Highgrove Subdivision was recorded in the Kendall County Recorder of Deeds Office on November 1, 2016, and

*WHEREAS*, the ten-foot public utility and drainage easement which is the subject of this Ordinance is located along and parallel to the north property lines of Lots 1 and 4 in Highgrove Subdivision. The legal description of the ten-foot public utility and drainage easement is set forth in Exhibit A attached hereto and incorporated by reference; and

*WHEREAS*, on or about November 2, 2017, Theodore Parks acquired ownership of Lot 1 of Highgrove Subdivision and the property identified by Parcel Identification Number 09-07-200-033; and

*WHEREAS*, on or about August 7, 2017, Erin and John Sharkey acquired ownership of Lot 4 of Highgrove Subdivision and the property identified by Parcel Identification Number 09-07-200-034; and

*WHEREAS*, on or about September 9, 2019, Theodore Parks and Erin and John Sharkey, hereinafter referred to as "Petitioners," filed a petition for approval of a plat of vacation of the ten-foot public utility and drainage easement which is the subject of this Ordinance; and

*WHEREAS*, after submittal of the petition, the Petitioners agreed to relocate the ten-foot public utility and drainage easement from its present location to the northern property lines of the parcels identified by Parcel Identification Numbers 09-07-200-033 and 09-07-200-034 and to extend the same easement along the eastern boundary of property identified by Parcel Identification Number 09-07-200-033. The legal description of the relocated and extended public utility and drainage easement is set forth in Exhibit A attached hereto and incorporated by reference; and

*WHEREAS*, on October 1, 2019, the Kendall County Zoning, Platting and Advisory Committee has reviewed this petition and has forwarded to the Kendall County Board a recommendation of approval of the requested plat of relocation; and

*WHEREAS*, on October 7, 2019, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has 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 relocation; 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

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 and relocation of a ten-foot public utility and drainage easement legally described in Exhibit A attached hereto and shown on the site plan attached hereto as Exhibit B Plat of Grant of Easement and Easement Vacation and Relocation.
2. This vacation, relocation, and extension 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 15<sup>th</sup> day of October, 2019.

Attest:

  
\_\_\_\_\_  
Kendall County Clerk  
Debbie Gillette

  
\_\_\_\_\_  
Kendall County Board Chairman  
Scott R. Gryder

Exhibit A

LEGAL DESCRIPTION OF EASEMENT ON LOT 1 TO BE VACATED (PARKS):

The North 10.0 feet of Lot 1 of "HighGrove, Seward Township, Kendall County, Illinois" (except the Easterly 10.0 feet thereof), according to the Plat thereof recorded November 1, 2016 as Document 201600017256.

LEGAL DESCRIPTION OF EASEMENT ON LOT 4 TO BE VACATED (SHARKEY):

The North 10.0 feet of Lot 4 of "HighGrove, Seward Township, Kendall County, Illinois", according to the Plat thereof recorded November 1, 2016 as Document 201600017256.

LEGAL DESCRIPTION OF PARCEL 1 TO BE GRANTED BY PARKS:

That Part of the Northeast Quarter of Section 7, Township 35 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Southeast Corner of said Northeast Quarter; thence North 00°35'24" West, along the East Line of said Northeast Quarter, 1376.0 feet, being the Northeast Corner of "HighGrove, Seward Township, Kendall County, Illinois"; thence South 89°24'36" West, along a Northerly Line of said "HighGrove", 50.0 feet to a Northwesterly Corner of said "HighGrove" being a point on a line 50.0 feet (normally distant) Westerly of and parallel with the centerline of Grove Road for the point of beginning; thence continuing South 89°24'36" West, 391.18 feet to a Southeasterly Corner of a Tract conveyed to the Joliet Park District by Warranty Deed recorded January 23, 2014 as Document 201400001104; thence North 89°49'29" West, 50.81 to the Northerly Extension of the Westerly Line of Lot 1 of said "HighGrove"; thence South 00°35'24" East, along said Northerly Extension, 10.0 feet; thence South 89°49'29" East, 50.74 feet; thence North 89°24'36" East, 381.25 feet; thence South 00°35'24" East, 81.02 feet to the Northerly Line of Lot 1 of said "HighGrove"; thence South 89° 49'29" East, 10.0 feet to the Westerly Line of Grove Road being a point on a line 50.0 feet (normally distant) Westerly of and parallel with the centerline of Grove Road; thence North 00°35'24" West, parallel with said centerline, 91.16 feet to the point of beginning in Seward Township, Kendall County, Illinois.

LEGAL DESCRIPTION OF PARCEL 2 TO BE GRANTED BY SHARKEY:

That Part of the Northeast Quarter of Section 7, Township 35 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Southeast Corner of said Northeast Quarter; thence North 00°35'24" West, along the East Line of said Northeast Quarter, 1376.0 feet, being the Northeast Corner of "HighGrove, Seward Township, Kendall County, Illinois"; thence South 89°24'36" West, along a Northerly Line of said "HighGrove", 50.0 feet to a Northwesterly Corner of said "HighGrove" being a point on a line 50.0 feet (normally distant) Westerly of and parallel with the centerline of Grove Road; thence continuing South 89°24'36" West, 391.18 feet to a Southeasterly Corner of a Tract conveyed to the Joliet Park District by Warranty Deed recorded January 23, 2014 as Document 201400001104; thence North 89°49'29" West, 50.81 feet to the Northerly Extension of the East Line of Lot 4 of said "HighGrove" for the point of beginning; thence North 89°49'29" West, 442.02 feet to a Southeasterly Corner of said Joliet Park District Tract; thence South 00°35'24" East, along an Easterly Line of said Joliet Part District Tract, 10.0 feet; thence South 89°49'29" East, 442.02

feet to the Northerly Extension of the East Line of Lot 4 of said "HighGrove"; thence North 00°35'24" West, along said Northerly Extension of the East Line of Lot 4 of said "HighGrove", 10.0 feet to the point of beginning in Seward Township, Kendall County, Illinois.

