

ORDINANCE NUMBER 2019- 14

**MAP AMENDMENT FOR 15.62 ACRE +/- PARCELS LOCATED ON THE NORTHEAST SIDE
OF THE T-INTERSECTION CREATED BY GALENA AND KENNEDY ROADS AND
IDENTIFIED BY PARCEL IDENTIFICATION NUMBER 02-11-300-007 IN
BRISTOL TOWNSHIP
Rezone from A-1 to R-1**

WHEREAS, Section 13.07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve map amendments and provides the procedure through which map amendments are granted; 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 15.62 acres located on the northeast side of the T-Intersection created by Galena and Kennedy Roads (PIN: 02-11-300-007), in Bristol 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, the subject property is currently owned by the Wilbur C. VanDeventer Trust and is represented by Daniel, Bruce, and Norma VanDeventer and Deborah Hull; and

WHEREAS, Diane and Craig Zimmerman have a contract to purchase the subject property from the Wilbur C. VanDeventer Trust; and

WHEREAS, the Wilbur C. VanDeventer Trust and Diane and Craig Zimmerman shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about February 18, 2019, Petitioner filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural to R-1 One Family Residential District in order to have the zoning in place to construct one (1) single-family home on the subject property; and

WHEREAS, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals conducted a public hearing on April 1, 2019, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested map amendment and zero members of the public asked questions or testified in favor or testified in opposition to the request; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their findings of fact and recommended approval of the Map Amendment as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated April 1, 2019, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested Map Amendment; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

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

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a Map Amendment rezoning the subject property from A-1 Agricultural District to R-1 One-Family Residential District as depicted on the drawing attached as Exhibit C hereto and incorporated herein.
3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this Map Amendment.
4. This ordinance shall become effective upon the closing of the sale of the subject property between Wilbur C. VanDeventer Trust and Diane and Craig Zimmerman and, if the closing does not occur, this ordinance shall not become effective. A representative from the Wilbur C. VanDeventer Trust shall be responsible for providing the Zoning Administrator proof of sale of the subject property for this ordinance to become effective.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board this 4th day of June, 2019.

Attest:


Kendall County Clerk
Debbie Gillette

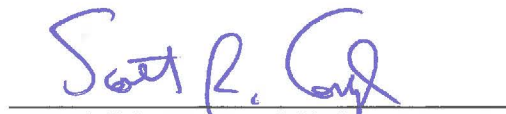

Kendall County Board Chairman
Scott R. Gryder

Exhibit A

OF

THAT PART OF THE EAST 1/2 OF SECTION 10 AND PART OF THE WEST 1/2 OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTH EAST CORNER OF THE SOUTH EAST 1/4 OF SAID SECTION 10; THENCE SOUTH 0 DEGREES, 52 MINUTES, 00 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTH EAST 1/4, 666.52 FEET TO THE ORIGINAL CENTER LINE OF GALENA ROAD (FORMERLY CALLED CANNONBALL TRAIL); THENCE SOUTH 66 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 72.32 FEET TO A LINE DRAWN PARALLEL WITH AND 66.00 FEET, NORMALLY DISTANT, WESTERLY OF SAID EAST LINE FOR A POINT OF BEGINNING; THENCE SOUTH 66 DEGREES 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 363.60 FEET; THENCE NORTH 0 DEGREES, 52 MINUTES, 0 SECONDS EAST, PARALLEL WITH SAID EAST LINE, 1041.00 FEET; THENCE NORTH 89 DEGREES, 56 MINUTES, 0 SECONDS EAST, 396.76 FEET TO THE WEST LINE OF THE NORTH WEST 1/4 OF SAID SECTION 11; THENCE NORTH 0 DEGREES, 33 MINUTES, 11 SECONDS EAST ALONG SAID WEST LINE, 305.30 FEET; THENCE NORTH 89 DEGREES, 40 MINUTES, 0 SECONDS EAST, 658.20 FEET; THENCE SOUTH 0 DEGREES, 20 MINUTES, 49 SECONDS WEST, 511.59 FEET TO THE SOUTH WEST CORNER OF PURCELL'S FIRST SUBDIVISION OF PART OF NORTH WEST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 89 DEGREES, 47 MINUTES, 31 SECONDS EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 417.24 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 45 DEGREES, 25 MINUTES, 54 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 863.07 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 82 DEGREES, 27 MINUTES, 37 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 69.19 FEET TO THE EAST LINE OF A TRACT DESCRIBED IN A TRUSTEE'S DEED RECORDED FEBRUARY 13, 1981 AS DOCUMENT 81-457 EXTENDED SOUTHERLY; THENCE NORTH 0 DEGREES, 52 MINUTES, 00 SECONDS EAST ALONG SAID EXTENDED EAST LINE AND SAID EAST LINE, 294.44 FEET TO THE NORTH EAST CORNER OF SAID TRACT; THENCE NORTH 89 DEGREES, 08 MINUTES, 0 SECONDS WEST ALONG THE NORTH LINE OF SAID TRACT, 439.0 FEET TO THE NORTH WEST CORNER THEREOF; THENCE SOUTH 0 DEGREES, 52 MINUTES, 0 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT, 370.13 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 66 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 32.87 FEET TO THE POINT OF BEGINNING, IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS. EXCEPT THAT PART LYING IN SECTION 10, TOWNSHIP 37 NORTH RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.

Exhibit B

FINDINGS OF FACT

Existing uses of property within the general area of the property in question. The surrounding properties are a mix of agricultural, single-family residential, and forest preserve uses.

The Zoning classification of property within the general area of the property in question. The surrounding properties in the unincorporated area are zoned A-1, R-1, and R-3. Both the Village of Montgomery and the United City of Yorkville have residentially zoned properties within one half (1/2) mile of the subject property.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1 and can be used for farming. A single-family home cannot be constructed on the property because a residential housing allocation does not exist and because the property is less than forty (40) acres in size.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area supports residential growth. A residential subdivision inside the Village of Montgomery is located within one half (1/2) mile of the subject property. No uses that would negatively impact residential development are located near the subject property.

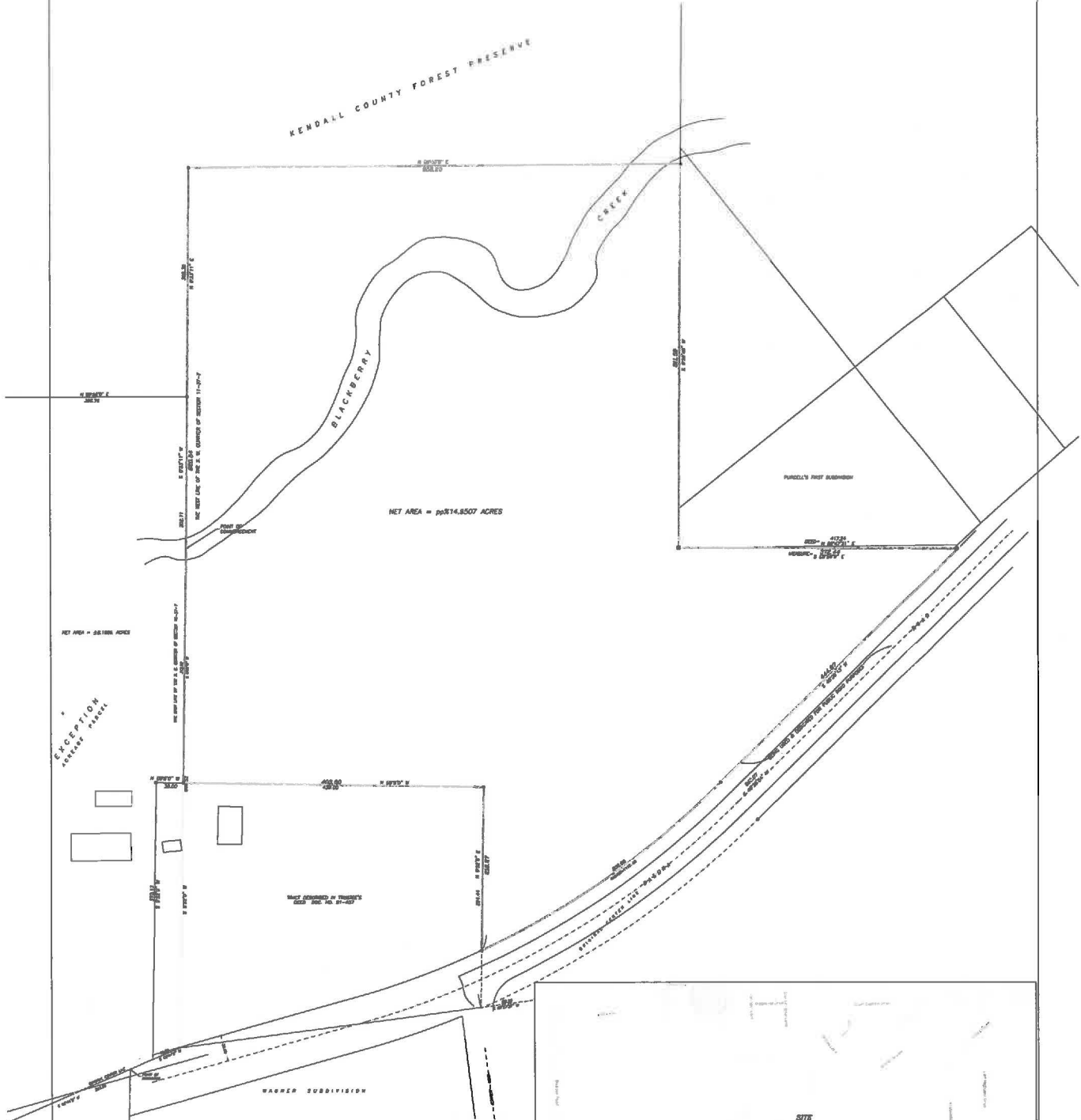
Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed amendment is consistent with the Future Land Use Map contained in the Land Resource Management Plan which calls for the subject property to be Rural Residential and Suburban Residential. Per the definition of Rural Residential, uses permitted within the R-1 Zoning District are types of Rural Residential uses.

Recommendation

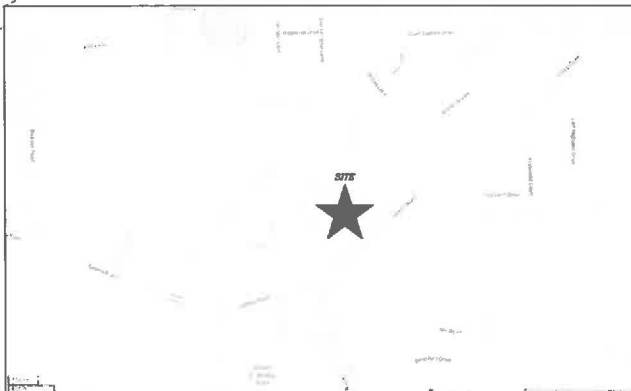
The Kendall County Zoning Board of Appeals recommends approval of the requested map amendment by a vote of six (6) in favor, zero (0) opposed, and one (1) absent.

PLAT OF SURVEY

OF
 THAT PART OF THE EAST 1/2 OF SECTION 10 AND PART OF THE WEST 1/2 OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTH EAST CORNER OF THE SOUTH EAST 1/4 OF SAID SECTION 10; THENCE SOUTH 0 DEGREES, 32 MINUTES, 00 SECONDS WEST ALONG THE EAST LINE OF SAID SOUTH EAST 1/4, 868.82 FEET TO THE ORIGINAL CENTER LINE OF GALENA ROAD (FORMERLY CALLED CANNONBALL TRAIL); THENCE SOUTH 88 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 72.32 FEET TO A LINE DRAWN PARALLEL WITH SAID ROAD, NORMALLY BISHOP, WESTERLY OF SAID EAST LINE FOR A POINT 67' BISHOPWAY; THENCE SOUTH 86 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 303.80 FEET; THENCE NORTH 0 DEGREES, 52 MINUTES, 0 SECONDS EAST, PARALLEL WITH SAID EAST LINE, 1041.00 FEET; THENCE NORTH 88 DEGREES, 56 MINUTES, 0 SECONDS EAST, 388.78 FEET TO THE WEST LINE OF THE NORTH WEST 1/4 OF SAID SECTION 11; THENCE NORTH 0 DEGREES, 33 MINUTES, 11 SECONDS EAST ALONG SAID WEST LINE, 306.30 FEET; THENCE NORTH 89 DEGREES, 40 MINUTES, 0 SECONDS EAST, 854.30 FEET; THENCE SOUTH 0 DEGREES, 32 MINUTES, 49 SECONDS WEST, 511.28 FEET TO THE SOUTH WEST CORNER OF PURCELL'S FIRST SUBDIVISION OF PART OF NORTH WEST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 89 DEGREES, 47 MINUTES, 21 SECONDS EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 412.24 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 45 DEGREES, 25 MINUTES, 54 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 683.07 FEET TO AN ANGLE POINT THEREIN; THENCE SOUTH 82 DEGREES, 37 MINUTES, 37 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 68.18 FEET TO THE EAST LINE OF A TRACT DESCRIBED IN A TRUSTEE'S DEED RECORDED FEBRUARY 13, 1881 AS DOCUMENT 87-487 EXTENDED SOUTHERLY; THENCE NORTH 0 DEGREES, 32 MINUTES, 00 SECONDS EAST ALONG SAID EXTENDED EAST LINE AND SAID EAST LINE, 294.44 FEET TO THE NORTH EAST CORNER OF SAID TRACT; THENCE NORTH 80 DEGREES, 00 MINUTES, 0 SECONDS WEST ALONG THE NORTH LINE OF SAID TRACT, 430.0 FEET TO THE NORTH WEST CORNER THEREOF; THENCE SOUTH 0 DEGREES, 32 MINUTES, 0 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT, 370.18 FEET TO SAID ORIGINAL CENTER LINE; THENCE SOUTH 86 DEGREES, 44 MINUTES, 0 SECONDS WEST ALONG SAID ORIGINAL CENTER LINE, 328.87 FEET TO THE POINT OF BEGINNING, IN SPOKE TOWNSHIP, KENDALL COUNTY, ILLINOIS, EXCEPT THAT PART LYING IN SECTION 10, TOWNSHIP 37 NORTH RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, SITUATED IN THE COUNTY OF KENDALL AND STATE OF ILLINOIS.



EXCEPTION
 ADDRESS PARCEL



ORDERED BY: IDA A. ROYCE, CITY
 STATE OF ILLINOIS
 COUNTY OF KENDALL

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED HEREIN AND THAT THE FOREGOING PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONSTITUTES MY CURRENT ILLINOIS MARRIAGE CERTIFICATE.

ORDER UNDER MY HAND AND SEAL OF OFFICE, ILLINOIS, THIS 28th DAY OF APRIL, A. D. 2011.

William M. Wingstedt
 WILLIAM M. WINGSTEDT
 ILLINOIS PROFESSIONAL LAND SURVEYOR
 323 WHITE PINES CT., OSHTO, ILLINOIS 62453
 PHONE: (630) 554-8000 FAX: (630) 551-1207

ORDER NO. 12.8-38
 FILE NO. 12882

14.86 ACRES GALENA ROAD/BLACKBERRY CREEK
 0 = 100 Feet Scale
 1" = 40 Feet Scale
 1/4" = 10 Feet Scale
 1/8" = 5 Feet Scale

FIELD WORK COMPLETED, MEASUREMENTS AND OTHER APPROXIMATIONS LOCATED AS SHOWN ON THE LAYOUT OF RECORDING - A. D. 2011.

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VICINITY MAP
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