

ORDINANCE NUMBER 2018- 13

MAP AMENDMENT FOR A 94.4 ACRE +/- PARCELS LOCATED AT 682 ROUTE 31 AND IDENTIFIED BY PARCEL IDENTIFICATION NUMBERS 03-05-176-002, 03-05-302-001, 03-05-302-002, 03-05-302-003, 03-05-302-004, 03-05-353-001, 03-05-353-002, 03-05-353-003, 03-05-353-004, 03-05-353-006, 03-05-353-009, AND 03-05-353-010 IN OSWEGO TOWNSHIP

Rezone from R-1 with a Special Use Permit to M-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 R-1 One Family Residential Zoning District a Special Use Permit for a Sewage Treatment Plant and consists of approximately 94.4 acres located at 682 Route 31 (PINs: 03-05-176-002, 03-05-302-001, 03-05-302-002, 03-05-302-003, 03-05-302-004, 03-05-353-001, 03-05-353-002, 03-05-353-003, 03-05-353-004, 03-05-353-006, 03-05-353-009, AND 03-05-353-010), in Oswego 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 Fox Metro Water Reclamation District and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, the subject property was granted a special use permit for the operation of a sewage treatment plant during the County-wide rezoning adopted by the Kendall County Board on July 9, 1974; and

WHEREAS, the special use permit for the operation of a sewage treatment plant was amended by the Kendall County Board on May 14, 2011, and December 20, 2011, through Ordinances 2011-13 and 2011-35 respectively; and

WHEREAS, on or about May 22, 2018, Petitioner filed a petition for a Map Amendment rezoning the subject property from R-1 One-Family Residential District with a Special Use Permit to M-1 Limited Manufacturing District in order to have their entire property share the same zoning classification and to have the zoning of the property conform to the land use classification shown on the Kendall County Land Resource Management Plan Future Land Use Map; 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 July 30, 2018, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner 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 July 30, 2018, 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 R-1 One-Family Residential District with a Special Use Permit to M-1 Limited Manufacturing District as depicted on the drawing attached as Exhibit C hereto and incorporated herein.
3. All ordinances and variances that are in conflict with this ordinance are hereby repealed.
4. 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.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 21st day of August, 2018.

Attest:


Kendall County Clerk
Debbie Gillette


Kendall County Board Chairman
Scott R. Gryder

Walter E. Deuchler Associates Inc.

Consulting Engineers

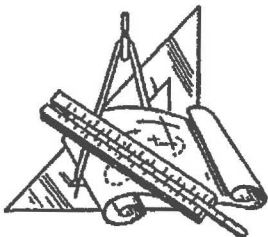
230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312
897-4651

CATERPILLAR TRACTOR COMPANY
TO
THE AURORA SANITARY DISTRICT
QUIT CLAIM DEED DOC. NO. 148636
5-26-65
(4.00 ACRES)

That part of the Southwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows:

Beginning at a cross notch in the center line of U.S. Route #31 at a point 581.60 feet Southerly of the intersection of said center line and the East and West quarter line of Section 5 aforesaid; thence East along a line parallel with the North line of the Southwest Quarter of said Section 5 and forming an angle of $95^{\circ}18'20''$ with the center line of U.S. Route #31 (as measured from South to East) to the Thread of the Stream of the Fox River; thence Southwesterly along the Thread of the Stream of the Fox River to the extension Easterly of the North line of Larson's Subdivision as presently staked out; thence West along the extension Easterly and the North line of Larson's Subdivision to a cross notch in the center line of U.S. Route #31; thence Northerly along said center line and forming an angle of $84^{\circ}49'50''$ (as measured from East to North) a distance of 215.00 feet to the place of beginning in the Township of Oswego, Kendall County, Illinois;



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Streets and Street Lighting • Investigations and Reports • Project Financing

Walter E. Deuchler Associates Inc.
Consulting Engineers

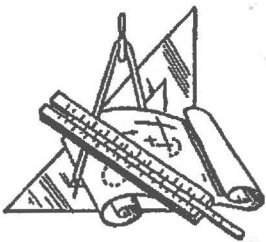
230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312
897-4651

WILLIAM J. AND LORRAINE M. KUSNIERZ
TO
THE AURORA SANITARY DISTRICT
WARRANTY DEED DOC. NO. 78-3241
5-24-78
(1.54 ACRES)

That part of the Southwest Quarter of Section 5, Township 37 North,
Range 8 East of the Third Principal Meridian, described as follows:

Commencing at the Northwest corner of the fractional Southwest Quarter of Section 6, Township and Range aforesaid; thence South along the West line of said Section 6, 1363.34 feet; thence South $82^{\circ}36'$ East to the West bank of the Fox River; thence North $18^{\circ}46'$ West along said river bank 237 feet; thence North $37^{\circ}16'$ West along said river bank 263 feet; thence North $9^{\circ}39'$ West along said river bank 300 feet; thence North $19^{\circ}40'$ East along said river bank 300 feet; thence North $30^{\circ}19'$ East along said river bank 102.8 feet; thence North $88^{\circ}31'$ West 864.15 feet to the center line of the original road; thence Northeasterly along the center line of said road 215 feet for the point of beginning; thence East parallel with the North line of the Southwest Quarter of said Section 5 to the West bank of Fox River; thence Northeasterly along the West bank of said Fox River to a point which is 394.88 feet South of North line of said Southwest Quarter; thence North 90° West 1074.3 feet to the center line of said road; thence Southerly along said center line 185 feet to the point of beginning, in the Township of Oswego, Kendall County, Illinois. Excepting that part of said premises conveyed to The Aurora Sanitary District by deed dated August 29, 1961 recorded January 19, 1962 as document 136551 in Book 126, page 107 and also excepting that part of said premises dedicated for road purposes, (along Illinois Route 31) as Described in Dedication dated February 7, 1959 and recorded July 14, 1959 as document 126069.



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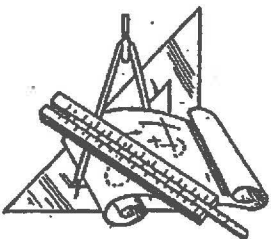
Consulting Engineers

230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312
897-4651

EVERETT L. AND TREVILLA M. ENGEL
TO
THE AURORA SANITARY DISTRICT
WARRANTY DEED DOC. NO. 136551
1-9-62
(2.56 ACRES)

That part of the Southwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Northwest corner of the fractional Southwest Quarter of Section 6, Township and Range aforesaid; thence South along the West line of said Section 6, 1363.34 feet; thence South 82° 36' East to the West bank of the Fox River; thence North 18° 46' West along said river bank 237 feet; thence North 37° 16' West along said river bank 263 feet; thence North 9° 39' West along said river bank 300 feet; thence North 19° 40' East along said river bank 300 feet; thence North 30° 19' East along said river bank 102.8 feet; thence North 88° 31' West 864.15 feet to the center line of the original road; thence North-easterly along the center line of said road 215 feet; thence East parallel with the North line of the Southwest Quarter of said Section 5, said line being the northerly line of the property owned by the Caterpillar Tractor Co., for a distance of 467.2 feet for a place of beginning; thence continuing East along the last described line to the center thread of the Fox River; thence Northeasterly along the center thread of the Fox River to a point which is 394.88 feet South of the North line of said Southwest Quarter; thence North 90° West along the southerly line of the property owned by The Aurora Sanitary District to a point which is 450 feet East of the center line of the original road (State Route No. 31); thence South to the place of beginning; in the Township of Oswego, Kendall County, Illinois, containing 2.38 acre more or less; reserving and excepting to Grantors, their heirs or assigns and their respective invitees or guests, a perpetual right-of-way for persons or vehicles across and the perpetual use of the southerly 20 feet of said property, and along the westerly bank of the Fox River for the easterly 20 feet of the southerly 20 feet of said property, for ingress, egress and access to the Fox River, and for fishing, boating, swimming and other river recreational purposes, including the right to erect a dock, wharf or similar structure on the westerly bank of the Fox River; hereby releasing and waiving rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.



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ALSO

QUIT CLAIM
DOCUMENT NO. 158942
4-11-68

The Southerly 20 feet and along the Westerly bank of the Fox River for the Easterly 20 feet of the Southerly 20 feet of the following described property:

That part of the Southwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Northwest corner of the Fractional Southwest Quarter of Section 6, Township and Range aforesaid; thence South along the West line of said Section 6, 1363.34 feet; thence South 82° 36' East to the West bank of the Fox River; thence North 18° 46' West along said river bank 237 feet; thence North 37° 16' West along said river bank 263 feet; thence North 9° 39' West along said river bank 300 feet; thence North 19° 40' East along said river bank 300 feet; thence North 30° 19' East along said river bank 102.8 feet; thence North 88° 31' West 864.15 feet to the center line of the original road; thence North-easterly along the center line of said road 215 feet; thence East parallel with the North line of the Southwest Quarter of said Section 5, said line being the northerly line of the property owned by the Caterpillar Tractor Co., for a distance of 467.2 feet for a place of beginning; thence continuing East along the last described line to the center thread of the Fox River; thence Northeasterly along the center thread of the Fox River to a point which is 394.88 feet South of the North line of said Southwest Quarter; thence North 90° West along the southerly line of the property owned by The Aurora Sanitary District to a point which is 450 feet East of the center line of the original road (State Route No. 31); thence South to the place of beginning; in the Township of Oswego, Kendall County, Illinois.

Walter E. Deuchler Associates Inc.

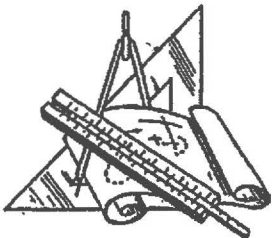
Consulting Engineers

230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312
897-4651

E. GARRETTA ELLIOTT
TO
THE AURORA SANITARY DISTRICT
WARRANTY DEED 10-29-54
(3.02 ACRES)

That part of the Southwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the point of intersection of the Easterly right-of-way line of the Chicago, Burlington and Quincy Railroad with the North line of said Southwest Quarter; thence East along said North line 235.7 feet to the center line of the original road; thence Southerly along said center line 273.5 feet for the point of beginning; thence Southerly along said center line 123.1 feet; thence East 450 feet; thence North 122.57 feet; thence West 438.55 feet to the point of beginning, in the Township of Oswego, Kendall County, Illinois.



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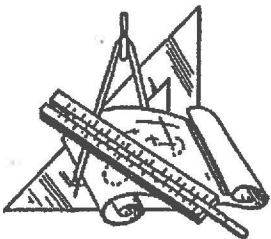
Consulting Engineers

230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312
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EMMA MICHELS
TO
THE AURORA SANITARY DISTRICT
WARRANTY DEED 2-15-45
(3.02 Acres)

That part of the Southwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described by commencing at a point in the north line of said Southwest Quarter, where said North line is intersected by the center line of the Northerly and Southerly highway running through said Southwest Quarter section; thence South 5°12' West along the center line of said highway 327.4 feet to an iron stake for a place of beginning; thence South 5°12' West along the center line of said highway, 69.2 feet; thence East 1072.4 feet to the meander line of Fox River; thence North 43° East 167.6 feet to a large iron bolt; thence West 1134.5 feet; thence South 45°29' West to the place of beginning, containing 3.02 acres more or less; situated in the County of Kendall and State of Illinois.



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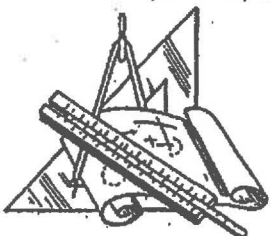
ELWYN A. AND JESSIE B. BERNBROCK
TO
THE AURORA SANITARY DISTRICT
QUIT-CLAIM DEED 10-24-27
(26.84 ACRES)

TRACT "A"

Part of the Southwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described by commencing at a point in the north line of said Southwest Quarter where said north line is intersected by the center line of the highway running northerly through said quarter; thence South 5° 12' West along the center line of said highway 327.4 feet to an iron stake for a place of beginning; thence South 5° 12' West along the center line of said highway 69.2 feet to an iron stake; thence North 90° East parallel to the North line of said Southwest Quarter 1088.3 feet to an iron stake on the Westerly bank of the Fox River; thence North 42° 41' East along said Westerly bank 177.1 feet; thence North 32° 15' East along the Westerly bank of said river 313.5 feet to an iron stake on the North line of said Southwest Quarter; thence South 90° West along said North line 1037.4 feet to an iron stake on the Easterly right-of-way line of the Aurora, Elgin and Chicago Railway Company; thence South 45° 29' West along said Easterly right-of-way line 465.6 feet to the place of beginning, containing ten acres more or less.

Excepting therefrom, however, all that part thereof heretofore conveyed by Albert L. Treman to George Michels by Warranty Deed dated September 12, 1925 and recorded September 19, 1925, in Book 75 of Warranty Deeds on Page 372 in the Recorder's Office of Kendall County, Illinois, which portion so excepted contains 3.02 acres more or less and is particularly described as follows:

Commencing at a point in the North line of said Southwest Quarter where said North line is intersected by the center line of the Northerly and Southerly highway running through said Southwest Quarter; thence South 5° 12' West along the center line of said highway 327.4 feet to an iron stake for place of beginning; thence South 5° 12' West along the center line of said highway 69.2 feet; thence East 1072.4 feet to the meander line of Fox River; thence North 43° East 167.6 feet to a large iron bolt; thence West 1134.5 feet; thence South 45° 29' West to the place of beginning; containing 3.02 acres more or less as aforesaid.



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ELWYN A. AND JESSIE B. BERNBROCK, PAGE 2

TRACT "B"

All that part of the following described lands which are east of the center line of the North and South highway running through the West half of Section 5 and commonly known as the Oswego and Aurora Road and also known as State Highway Route No. 18, to-wit:

Part of the North half of Section 5 and 6, Township 37 North, Range 8 East of the Third Principal Meridian bounded as follows to-wit:

Beginning at the Northwest corner of the Southwest Quarter of said Section 6; thence North 37 rods and 12 feet; thence East 344 rods to the West shore of Fox River; thence South along the West shore of said river 37 rods 12 feet; thence West along the north line of the South half of said Sections 5 and 6, 344 rods to the place of beginning; excepting the rights-of-way of the Chicago, Burlington and Quincy Railroad Company and the Aurora, Elgin and Chicago Railway Company; the piece of land hereby intended to be described containing 17 acres of land more or less;

All of said lands being situated in the County of Kendall, State of Illinois, hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Walter E. Deuchler Associates Inc.

Consulting Engineers

230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

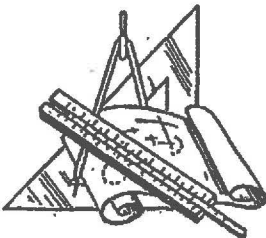
Area Code 312
897-4651

AURORA, ELGIN AND FOX RIVER ELECTRIC COMPANY
TO
THE AURORA SANITARY DISTRICT
QUIT CLAIM DEED 6-18-28
(1.87 ACRES)

1. Part of the Northwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian described as follows: to-wit: Commencing at the point of intersection of the center line of the Aurora-Oswego Highway on the West side of the Fox River and the South line of said Northwest Quarter of Section 5; thence East along said South line 232.9 feet; thence North $53^{\circ} 51'$ East 1144.7 feet to the point of beginning; thence North $53^{\circ} 51'$ East 84.0 feet to the westerly right-of-way line of the Chicago, Burlington and Quincy Railroad; thence Southeasterly along said right-of-way line 41.35 feet; thence South $53^{\circ} 51'$ West 19.7 feet; thence West 69.0 feet to the point of beginning, containing 0.05 acres.

2. Part of the Northwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: to-wit: Commencing at the point of intersection of the center line of the Aurora-Oswego Highway on the West side of the Fox River and the South line of said Northwest Quarter of Section 5; thence East along said South line 232.9 feet to the point of beginning; thence North $53^{\circ} 51'$ East 1144.7 feet; thence East 69.00 feet; thence South $53^{\circ} 51'$ West 1144.7 feet to said South line of the Northwest Quarter of Section 5; thence West 69.00 feet to the point of beginning, containing 1.05 acres.

3. Part of the Southwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: to-wit: Beginning at the point of intersection of the center line of the Aurora-Oswego Highway on the West side of the Fox River and the North line of said Southwest Quarter of Section 5; thence East along said North line 301.9 feet to the center line of the Aurora-Oswego Road; thence North $5^{\circ} 12'$ East along the center line of said road 327.4 feet to the point of beginning, containing 1.13 acres, situated in the County of Kendall in the State of Illinois,



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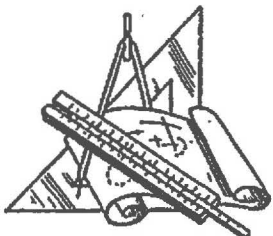
Walter E. Deuchler Associates Inc. *Consulting Engineers*

230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312
897-4651

(UNDIVIDED 2/9ths INTEREST)
ELIZABETH HALL, GUARDIAN OF THE ESTATE OF JOHN W. BRICKERT, A MINOR
TO
THE AURORA SANITARY DISTRICT
GUARDIAN'S DEED DOC. NO. 157622
12-13-67
(14.69 ACRES)

An undivided two ninths (2/9ths) interest in, of and to: That part of the Northwest quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described by commencing at the Southwest corner of the Northwest Quarter of Section 6, Township 37 North, Range 8 East of the Third Principal Meridian; thence North 0° 07' 30" West along the West line of the Northwest Quarter of said Section 6, 532.67 feet (8.07 chains); thence South 89° 49' 12" East 4502.1 feet to the Easterly line of the right-of-way of the Chicago Burlington and Quincy Railroad Company's main line for a point of beginning; thence North 31° 17' 48" East along said Easterly line 1007.52 feet to the South line of lands formerly owned by Rufus Gray; thence East along said South line 441.08 feet to the Westerly line of the right-of-way of the Chicago, Burlington & Quincy Railroad Company's branch line; thence Southerly along said Westerly line an arc distance of 833.49 feet to the Northwesterly line of the former Aurora, Elgin and Morris Railroad; thence South 55° 42' 25" West along said Northwesterly line 84.00 feet to a line drawn South 89° 49' 12" East from the point of beginning; thence North 89° 49' 12" West along said line 1025.54 feet to the point of beginning, in the Town of Oswego, Kendall County, Illinois, being 14.6878 acres.



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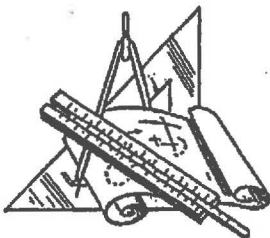
Consulting Engineers

230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312
897-4651

(UNDIVIDED 5/9ths INTEREST)
ELIZABETH AND HERBERT HALL
TO
THE AURORA SANITARY DISTRICT
WARRANTY DEED DOC. NO. 157620
12-13-67
(14.69 ACRES)

That part of the Northwest Quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described by commencing at the Southwest corner of the Northwest Quarter of Section 6, Township 37 North, Range 8 East of the Third Principal Meridian; thence North $0^{\circ} 07' 30''$ West along the West line of the Northwest Quarter of said Section 6, 532.67 feet (8.07 chains); thence South $89^{\circ} 49' 12''$ East 4502.1 feet to the Easterly line of the right-of-way of the Chicago, Burlington and Quincy Railroad Company's main line for point of beginning; thence North $31^{\circ} 17' 48''$ East along said Easterly line 1007.52 feet to the South line of lands formerly owned by Rufus Gray; thence East along said South line 441.08 feet to the Westerly line of the right-of-way of the Chicago, Burlington & Quincy Railroad Company's branch line; thence Southerly along said Westerly line an arc distance of 833.49 feet to the Northwesterly line of the former Aurora, Elgin and Morris Railroad; thence South $55^{\circ} 42' 25''$ West along said Northwesterly line 84.00 feet to a line drawn South $89^{\circ} 49' 12''$ East from the point of beginning; thence North $89^{\circ} 49' 12''$ West along said line 1025.54 feet to the point of beginning, in the Town of Oswego, Kendall County, Illinois, being 14.6878 acres.



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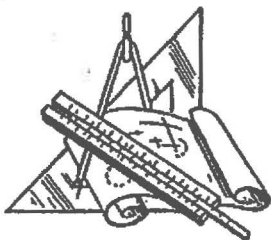
Consulting Engineers

230 WOODLAWN AVENUE, AURORA, ILLINOIS 60506

Area Code 312
897-4651

(UNDIVIDED 2/9ths INTEREST)
ELIZABETH HALL
GUARDIAN OF THE ESTATE OF LINDA SUE BRICKERT, A MINOR
TO
THE AURORA SANITARY DISTRICT
GUARDIAN'S DEED DOC. NO. 157621
12-13-67
(14.69 ACRES)

An undivided two ninths (2/9ths) interest in, of and to: That part of the Northwest quarter of Section 5, Township 37 North, Range 8 East of the Third Principal Meridian, described by commencing at the Southwest corner of the Northwest Quarter of Section 6, Township 37 North, Range 8 East of the Third Principal Meridian; thence North 0° 07' 30" West along the West line of the Northwest Quarter of said Section 6, 532.67 feet (8.07 chains); thence South 89° 49' 12" East 4502.1 feet to the Easterly line of the right-of-way of the Chicago Burlington and Quincy Railroad Company's main line for a point of beginning; thence North 31° 17' 48" East along said Easterly line 1007.52 feet to the South line of lands formerly owned by Rufus Gray; thence East along said South line 441.08 feet to the Westerly line of the right-of-way of the Chicago, Burlington & Quincy Railroad Company's branch line; thence Southerly along said Westerly line an arc distance of 833.49 feet to the Northwesterly line of the former Aurora, Elgin and Morris Railroad; thence South 55° 42' 25" West along said Northwesterly line 84.00 feet to a line drawn South 89° 49' 12" East from the point of beginning; thence North 89° 49' 12" West along said line 1025.54 feet to the point of beginning, in the Town of Oswego, Kendall County, Illinois, being 14.6878 acres.



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FOX METRO WATER RECLAMATION DISTRICT
PROPERTY ACQUISITION
PROPERTY LYING NORTH OF EXISTING TREATMENT PLANT SITE

LEGAL DESCRIPTION

THAT PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH 00° 07' 30" WEST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 6 FOR 532.67 FEET (8.07 CHAINS); THENCE SOUTH 89° 49' 12" EAST, 4502.1 FEET TO THE EASTERLY LINE OF THE RIGHT-OF-WAY OF THE FORMER CHICAGO BURLINGTON AND QUINCY RAILROAD COMPANY MAIN LINE; THENCE NORTH 31° 17' 48" EAST ALONG SAID EASTERLY LINE, 1007.52 FEET TO THE POINT OF BEGINNING ON THE SOUTH LINE OF LANDS FORMERLY OWNED BY RUFUS GRAY; THENCE CONTINUING NORTH 31° 17' 48" EAST ALONG SAID EASTERLY LINE, 1396.03 FEET; THENCE SOUTH 90° 00' 00" EAST, 55.87 FEET TO THE WESTERLY LINE OF THE FORMER OTTAWA, OSWEGO AND FOX RIVER VALLEY RAILROAD; THENCE SOUTH 19° 37' 07" WEST ALONG SAID WESTERLY LINE, 683.22 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY ALONG SAID WESTERLY LINE, BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1954.59 FEET FOR 562.28 FEET TO SAID SOUTHERLY LINE OF LANDS FORMERLY OWNED BY RUFUS GRAY; THENCE SOUTH 90° 00' 00" WEST ALONG SAID SOUTHERLY LINE, 441.14 FEET TO THE POINT OF BEGINNING, CONTAINING 6.002 ACRES IN KENDALL COUNTY, ILLINOIS.

**LEGAL DESCRIPTION
MARCH 21, 2011**

PARCEL ONE:

LOT ONE (1) OF LARSON SUBDIVISION, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS (EXCEPTING THEREFROM ANY PORTION THEREOF ZONED R-1 SPECIAL USE ON MARCH 18, 2011).

PARCEL TWO:

LOT 2 (EXCEPT THE SOUTHERLY 45 FEET, MEASURED ALONG THE WESTERLY LINE) IN LARSON SUBDIVISION IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL THREE:

THAT PART OF LOTS 2 AND 3 OF LARSON'S SUBDIVISION DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 3 BEING ON THE CENTERLINE OF STATE ROUTE NO. 31; THENCE SOUTH 7° 01' WEST ALONG SAID CENTERLINE, 46.58 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 7° 01' EAST ALONG SAID CENTERLINE, 91.58 FEET; THENCE SOUTH 88° 31' EAST PARALLEL WITH THE NORTH LINE OF SAID LOT 3, 781.87 FEET TO THE EASTERLY LINE OF SAID LOT 2; THENCE SOUTH 19° 40' WEST ALONG THE EASTERLY LINES OF LOTS 2 AND 3, 106.9 FEET; THENCE SOUTH 9° 39' EAST ALONG THE EASTERLY LINE OF SAID LOT 3, 70.83 FEET TO A LINE DRAWN SOUTH 82° 36' EAST, PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 3, FROM THE PLACE OF BEGINNING; THENCE NORTH 82° 36' WEST ALONG SAID PARALLEL LINE, 775.16 FEET TO THE PLACE OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

Exhibit A, Page 15
**FOX METRO SOUTH PLANT EXPANSION
REQUEST FOR ZONING VARIANCE**

**LEGAL DESCRIPTION
APRIL 28, 2011**

PARCEL ONE:

THAT PART OF LOT 3 OF LARSON SUBDIVISION, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT, BEING ON THE CENTERLINE OF STATE ROUTE NO. 31; THENCE SOUTHERLY ALONG SAID CENTERLINE, 46.58 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 82° 36' EAST, PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT, 775.16 FEET TO THE EASTERLY LINE OF SAID LOT; THENCE SOUTH 9° 39' EAST ALONG SAID EASTERLY LINE, 229.17 FEET; THENCE SOUTH 37° 16' EAST, 35.20 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE NORTH 82° 36' WEST ALONG THE SOUTHERLY LINE OF SAID LOT, 867.3 FEET TO THE CENTERLINE OF SAID STATE ROUTE NO. 31; THENCE NORTHERLY ALONG SAID CENTERLINE, 250.52 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL TWO:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 6, TOWNSHIP AND RANGE AFORESAID; THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 6, 1363.34 FEET; THENCE SOUTH 82° 36' EAST, 5298.7 FEET TO THE WESTERLY BANK OF FOX RIVER; THENCE NORTH 18° 46' WEST ALONG SAID WESTERLY BANK, 192.5 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 18° 46' WEST ALONG SAID WESTERLY BANK, 44.35 FEET; THENCE NORTH 37° 16' WEST ALONG SAID WESTERLY BANK, 227.8 FEET; THENCE NORTH 82° 36' WEST, 867.3 FEET TO THE CENTERLINE OF THE ORIGINAL ROAD; THENCE SOUTHERLY ALONG SAID CENTERLINE, 200 FEET TO A LINE DRAWN NORTH 82° 36' WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 82° 36' EAST, 1014.21 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS (*AKA LOT 4 OF LARSON SUBDIVISION).

PARCEL THREE:

TRACT ONE:

LOT 5 OF LARSON'S SUBDIVISION, TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

TRACT TWO:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5 WITH THE CENTERLINE OF ILLINOIS STATE ROUTE NUMBER 31; THENCE NORTH 6° 44' EAST ALONG SAID CENTERLINE, 745.75 FEET; THENCE SOUTH 82° 30' EAST, 100 FEET TO THE POINT OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES WITH THE LAST DESCRIBED COURSE, 110 FEET; THENCE SOUTH 82° 30' EAST TO THE CENTER THREAD OF THE FOX RIVER; THENCE NORTHERLY ALONG SAID CENTER THREAD TO A LINE DRAWN SOUTH 82° 30' EAST FOR THE POINT OF BEGINNING; THENCE NORTH 82° 30' WEST TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL FOUR:

THAT PART OF THE SOUTH HALF OF THE WEST PART OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH LIES EAST OF THE CENTERLINE OF STATE ROUTE NO. 31 AND SOUTH OF A LINE EXTENDING SOUTH 82° 30' EAST FROM A POINT IN THE SAID CENTERLINE OF SAID HIGHWAY THAT IS NORTH 6° 44' EAST, 745.75 FEET FROM THE SOUTH LINE OF SAID SECTION TO THE CENTER THREAD OF THE FOX RIVER (EXCEPT THE RIGHT OF WAY OF THE SAID STATE ROUTE NO. 31 AND A STRIP IN THE NORTHWEST CORNER 67 FEET WIDE AND 325 FEET LONG MEASURED ALONG THE EASTERLY LINE OF SAID HIGHWAY, USED FOR CEMETERY PURPOSES, AND ALSO EXCEPT THAT PART LYING SOUTH OF THE NORTH LINE OF PREMISES CONVEYED TO THE COMMONWEALTH EDISON COMPANY BY WARRANTY DEED RECORDED OCTOBER 9, 1959 AS DOCUMENT 127020 AND ALSO EXCEPT THAT PART DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5 WITH THE CENTERLINE OF ILLINOIS STATE ROUTE NO. 31; THENCE NORTH $6^{\circ} 44'$ EAST ALONG SAID CENTERLINE, 745.75 FEET; THENCE SOUTH $82^{\circ} 30'$ EAST 100 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES WITH THE LAST DESCRIBED COURSE, 110 FEET; THENCE SOUTH $82^{\circ} 30'$ EAST TO THE CENTER THREAD OF THE FOX RIVER; THENCE NORTHERLY ALONG SAID CENTER THREAD TO A LINE DRAWN SOUTH $82^{\circ} 30'$ EAST FROM THE POINT OF BEGINNING; THENCE NORTH $82^{\circ} 30'$ WEST TO THE POINT OF BEGINNING, AND ALSO EXCEPTING THEREFROM THAT PART OF THE SOUTH HALF OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF STATE ROUTE 31 WHICH IS 165.86 FEET NORTH OF THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTH LINE OF SAID SECTION 5 AS MEASURED ALONG THE CENTERLINE OF SAID ROAD; THENCE NORTH $6^{\circ} 03' 17''$ EAST ALONG SAID CENTERLINE, 85.00 FEET; THENCE EASTERLY AT AN ANGLE OF $87^{\circ} 43' 10''$ MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE, 99.08 FEET; THENCE NORTHEASTERLY AT AN ANGLE OF $169^{\circ} 46' 24''$ MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 87.59 FEET; THENCE NORTHERLY AT AN ANGLE OF $142^{\circ} 32' 41''$ MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 69.19 FEET; THENCE NORTHERLY AT AN ANGLE OF $148^{\circ} 08' 36''$ MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 52.57 FEET; THENCE EASTERLY AT AN ANGLE OF $106^{\circ} 13' 20''$ MEASURED COUNTER-CLOCKWISE FROM THE LAST DESCRIBED COURSE, 859.60 FEET, MORE OR LESS, TO THE WEST BANK OF THE FOX RIVER; THENCE SOUTHERLY ALONG THE WEST BANK OF SAID FOX RIVER, 302.20 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF COMMONWEALTH EDISON LANDS DESCRIBED IN DOCUMENT NO. 127020 AT THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS; THENCE WESTERLY ALONG SAID NORTHERLY LINE, 1109.30 FEET, MORE OR LESS, TO THE POINT OF BEGINNING), IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL FIVE:

THAT PART OF THE SOUTH HALF OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF STATE ROUTE 31, WHICH IS 165.86 FEET NORTH OF THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTH LINE OF SAID SECTION 5 AS MEASURED ALONG THE CENTERLINE OF SAID ROAD; THENCE NORTH $06^{\circ} 03' 17''$ EAST ALONG SAID CENTERLINE, 85.00 FEET; THENCE EASTERLY AT AN ANGLE OF $87^{\circ} 43' 10''$ MEASURED COUNTER-CLOCKWISE FROM THE LAST DESCRIBED COURSE, 99.08 FEET; THENCE NORTHEASTERLY AT AN ANGLE OF $169^{\circ} 46' 24''$ MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 87.59 FEET; THENCE NORTHERLY AT AN ANGLE OF $142^{\circ} 32' 41''$ MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 69.19 FEET; THENCE NORTHERLY AT AN ANGLE OF $148^{\circ} 08' 36''$ MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 52.57 FEET; THENCE EASTERLY AT AN ANGLE OF $106^{\circ} 13' 20''$ MEASURED COUNTER-CLOCKWISE FROM THE LAST DESCRIBED COURSE, 1010.40 FEET, MORE OR LESS, TO THE WEST BANK OF THE FOX RIVER; THENCE SOUTHERLY ALONG THE WEST BANK OF SAID FOX RIVER, 320 FEET MORE OR LESS, TO THE NORTHERLY LINE OF THE COMMONWEALTH EDISON COMPANY LANDS DESCRIBED IN DOCUMENT 127020 AT THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS; THENCE WESTERLY ALONG SAID NORTHERLY LINE, 1109.30 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

g:\11\11012-00\2LEGAL-04-19-11

Exhibit B
FINDINGS OF FACT

Existing uses of property within the general area of the property in question. Portions of the subject property have been used as a wastewater treatment plant since the 1920s. The area is a mix of industrial, single-family residential, and institutional uses.

The Zoning classification of property within the general area of the property in question. The zoning of properties in the general area include agricultural, single-family residential, commercial, and manufacturing. The Petitioner owns property in the area that is zoned M-1 and R-1 with a special use permit.

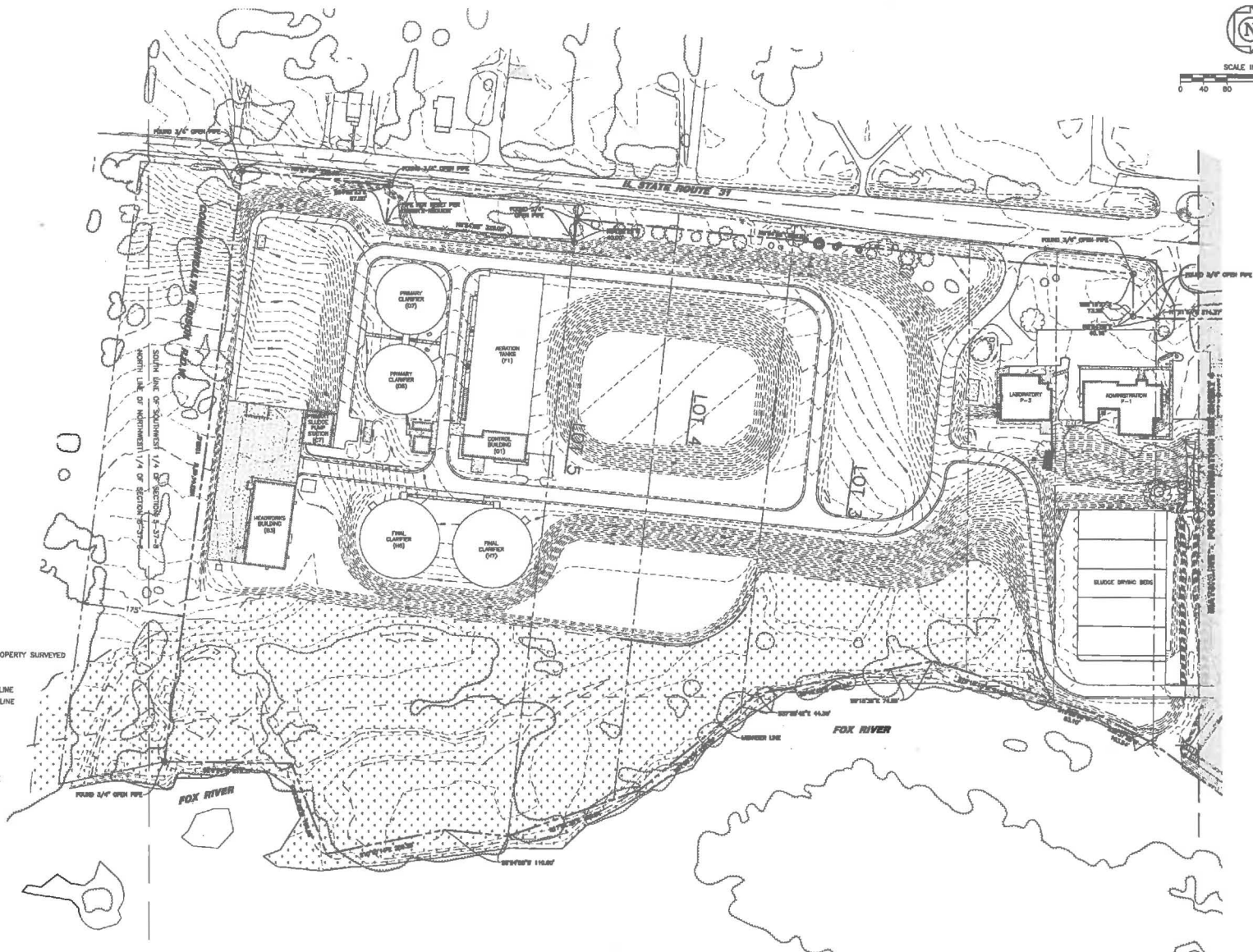
The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned R-1 with a special use permit. Because the site has been used as a wastewater treatment facility for almost a century, a large amount of remediation and site work would be required for other residential uses to be placed on the subject property.

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 proposed amendment clarifies the existing use of the property with the zoning of the property because a wastewater treatment facility is more of a manufacturing/industrial use than a residential use.

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 Mixed Use Business. Per the definition of Mixed Use Business, uses permitted within the M-1 Zoning District are types of Mixed Use Businesses.



SCALE IN FEET
0 40 80 160 240



LEGEND

- BOUNDARY OF PROPERTY SURVEYED
- LOT LINE
- SECTION LINE
- MINOR CONTOUR LINE
- MAJOR CONTOUR LINE
- WOODED AREAS
- WETLAND AREAS
- FOUND IRON PIPE



WALTER E. DEUCHLER ASSOCIATES, INC.
Consulting Engineers - Aurora, Illinois

1.	4.
2.	5.
3.	6.

DATE: 5/20/2018	DESIGNED: DPC
SCALE: AS SHOWN	DRAWN: AS/RY
JOB NO. 111-18018-00	APPROVED: DPC
FIELD BOOK NO.: 201	

FOX METRO WATER RECLAMATION DISTRICT
PLAT OF SURVEY
PARTIAL PLAN - SOUTH

SHEET **3**
OF **5**

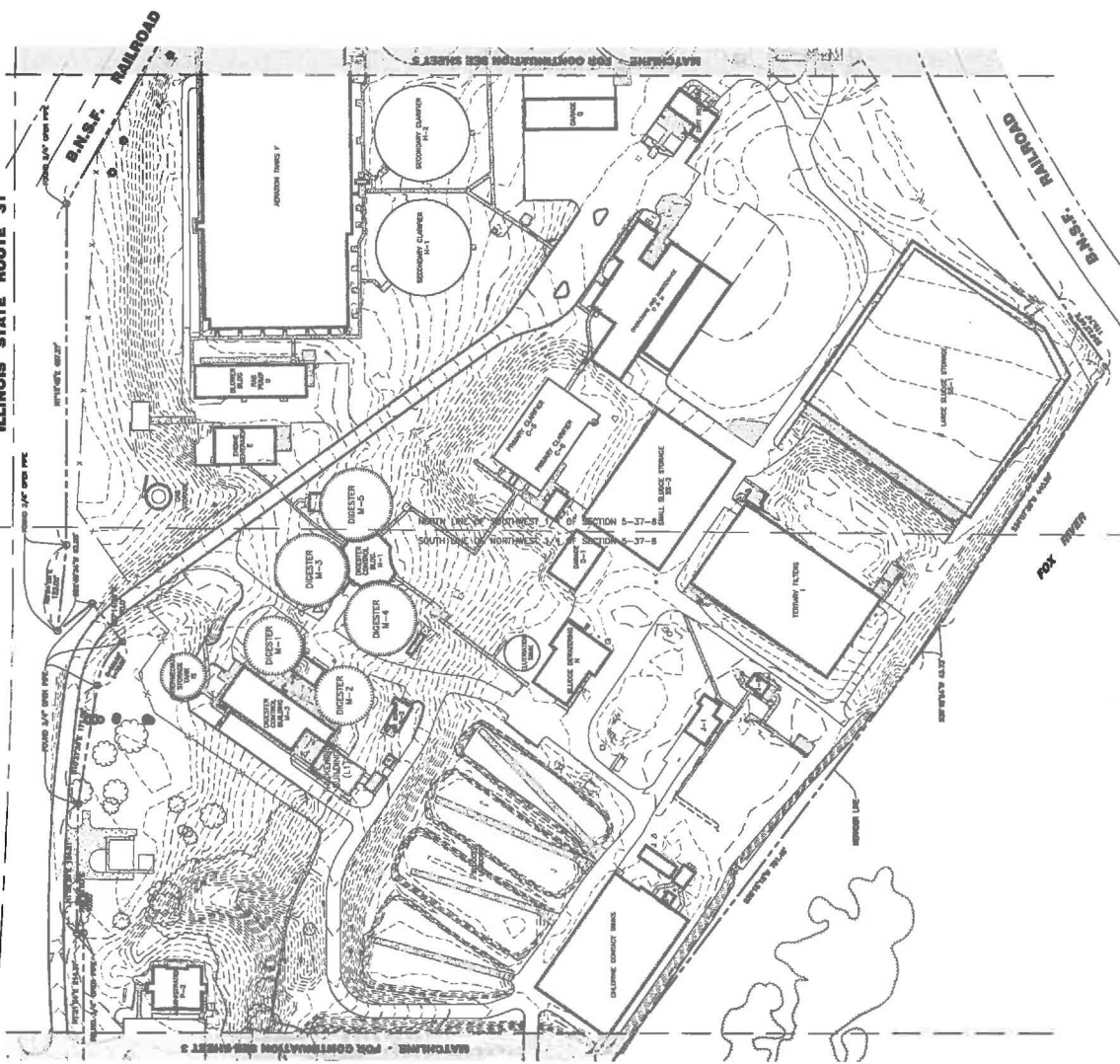
PLAT OF SURVEY - FOX METRO WATER RECLAMATION DISTRICT - PARTIAL PLAN - SOUTH

DATE: 5/21/2018 8:50:16 PM



SCALE IN FEET
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ILLINOIS STATE ROUTE 31



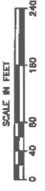
- LEGEND**
- BOUNDARY OF PROPERTY SURVEYED
 - LOT LINE
 - SECTION LINE
 - MINOR CONTOUR LINE
 - MAJOR CONTOUR LINE
 - WOODED AREAS
 - WETLAND AREAS
 - FOUND IRON PIPE

WALTER E. DEUCHLER ASSOCIATES, INC.
Consulting Engineers - Aurora, Illinois

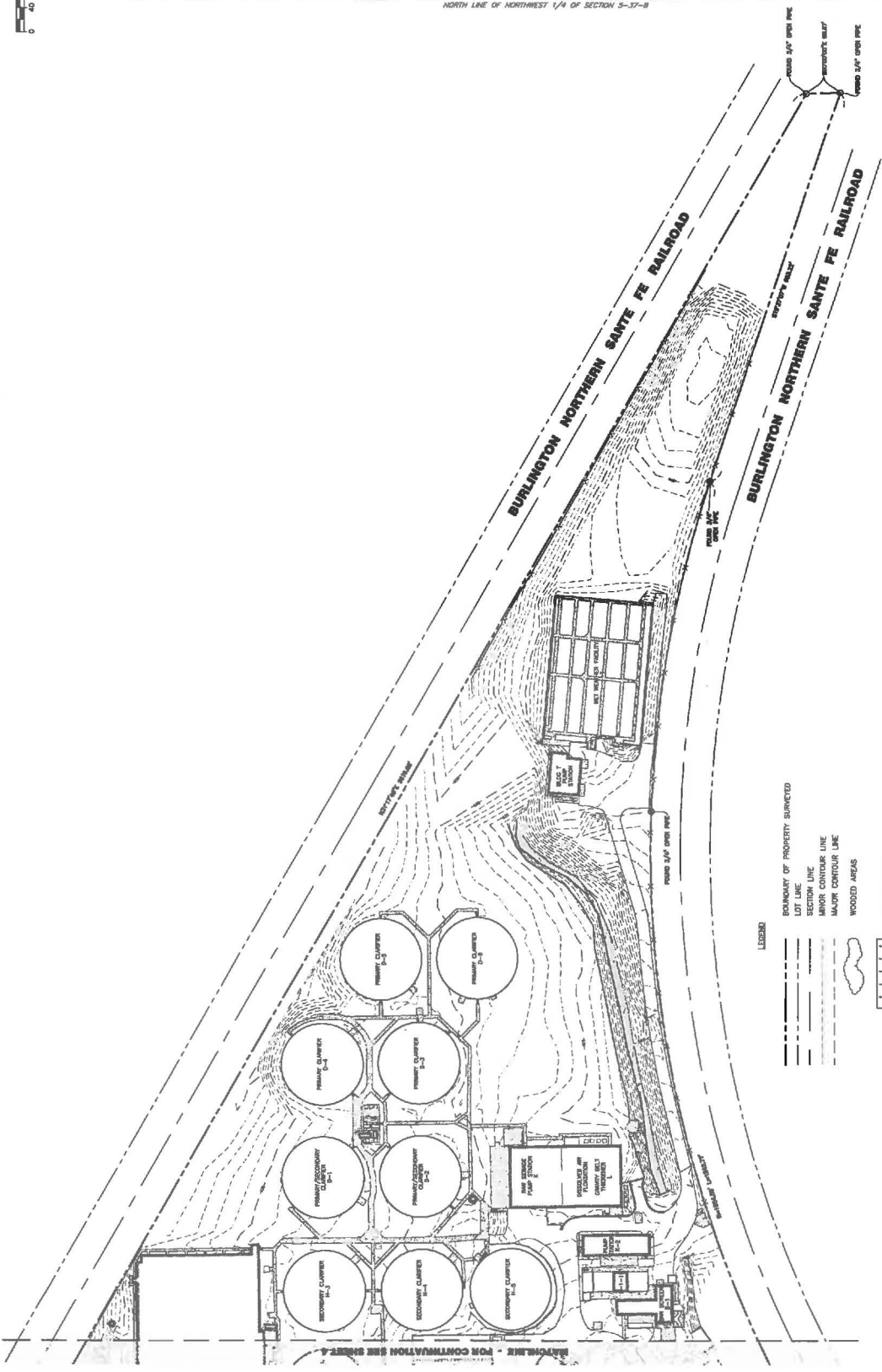
1.	4.	DATE	5/20/2016	DESIGNED	DPC
2.	5.	SCALE	AS SHOWN	DRAWN	AS/20
3.		JOB NO.	111-16018-01	APPROVED	DPC
		FIELD BOOK NO.	281		

FOX METRO WATER RECLAMATION DISTRICT
PLAT OF SURVEY
PARTIAL PLAN - MIDDLE

SHEET
 4
 OF
 5



SOUTH LINE OF SOUTHWEST 1/4 OF SECTION 33-38-B
NORTH LINE OF NORTHWEST 1/4 OF SECTION 5-37-B



- LEGEND
- BOUNDARY OF PROPERTY SURVEYED
 - - - - - LOT LINE
 - - - - - SECTION LINE
 - - - - - MINOR CONTOUR LINE
 - - - - - MAJOR CONTOUR LINE
 - WOODED AREAS
 - WETLAND AREAS
 - FOUND IRON PIPE

FOX METRO WATER RECLAMATION DISTRICT
PLAT OF SURVEY
PARTIAL PLAN - NORTH

DATE	9/29/2018	DESIGNED	DPC
SCALE	AS SHOWN	DRAWN	AS/WH
JOB NO.	111-1815E-02	APPROVED	DPC
FIELD BOOK NO.	281		

- 1.
- 2.
- 3.
- 4.
- 5.

WALTER E. DEUCHLER ASSOCIATES, INC.
Consulting Engineers - Amnora, Illinois

