

State of Illinois
County of Kendall

ORDINANCE NUMBER 2016 - 09

GRANTING A VARIANCE TO THE KENDALL COUNTY
STORMWATER MANAGEMENT ORDINANCE FOR THE PROPERTY AT
682 STATE ROUTE 31, OSWEGO TOWNSHIP
FOR FOX METRO WATER RECLAMATION DISTRICT

WHEREAS, Fox Metro Water Reclamation District has submitted a stormwater management permit application for the development of a 25.88 acre property located on the west side of State Route 31, approximately 0.75 miles south of U.S. Route 30, commonly known as 682 State Route 31 (PIN# 03-05-353-009; 03-05-353-010; 03-05-353-006; 03-05-353-004; 03-05-353-003; 03-05-353-002), in Oswego Township; and

WHEREAS, said development is for the expansion of the existing waste water treatment facility which expansion is mandated by State and federal water quality requirements related to their discharge and water quality improvements of the Fox River; and

WHEREAS, Fox Metro Water Reclamation District is a unit of local government providing public water and sewer service to residents of Kendall County; and

WHEREAS, Fox Metro Water Reclamation District will be placing 9.39 acre-feet of fill in the regulatory floodplain at the property located at 682 State Route 31; and

WHEREAS, no development or proposed work is occurring within the regulatory floodway of the Fox River; and

WHEREAS, Fox Metro Water Reclamation District received special use approval for this expansion on December 20, 2011 through Ordinance 2011-35; and

WHEREAS, said property is legally described as:

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

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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

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CENTERLINE OF ILLINOIS STATE ROUTE NO. 31; THENCE NORTH 6° 44' EAST ALONG SAID CENTERLINE, 745.75 FEET; THENCE SOUTH 82° 30' EAST 100 FEET FOR 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 FROM THE POINT OF BEGINNING; THENCE NORTH 82° 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° 03' 17" EAST ALONG SAID CENTERLINE, 85.00 FEET; THENCE EASTERLY AT AN ANGLE OF 87° 43' 10" MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE, 99.08 FEET; THENCE NORTHEASTERLY AT AN ANGLE OF 169° 46' 24" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 87.59 FEET; THENCE NORTHERLY AT AN ANGLE OF 142° 32' 41" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 69.19 FEET; THENCE NORTHERLY AT AN ANGLE OF 148° 08' 36" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 52.57 FEET; THENCE EASTERLY AT AN ANGLE OF 106° 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° 03' 17" EAST ALONG SAID CENTERLINE, 85.00 FEET; THENCE EASTERLY AT AN ANGLE OF 87° 43' 10" MEASURED COUNTER-CLOCKWISE FROM THE LAST DESCRIBED COURSE, 99.08 FEET; THENCE NORTHEASTERLY AT AN ANGLE OF 169° 46' 24" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 87.59 FEET; THENCE NORTHERLY AT AN ANGLE OF 142° 32' 41" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 69.19 FEET; THENCE NORTHERLY AT AN ANGLE OF 148° 08' 36" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 52.57 FEET; THENCE EASTERLY AT AN ANGLE OF 106° 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

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BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

WHEREAS, Fox Metro Water Reclamation District has submitted a request for a variance to the requirements of Section 403.a – Hydraulically Equivalent Compensatory Storage (above and below 10 year flood elevation) and Section 403.d – Compensatory Storage Adjacent to the Development, of Article IV of the Kendall County Stormwater Management Ordinance to provide 5.22 acre-feet of off-site floodplain compensatory storage at a 16.98 acre property owned by Fox Metro Water Reclamation District located on the west side of Orchard Road, approximately 0.25 miles south of U.S. Route 34 (PIN #02-24-126-008), in Bristol Township; and

WHEREAS, said property is legally described as:

PARCEL ONE:

THAT PART OF THE NORTH HALF OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE SOUTH 89 DEGREES 58 MINUTES 07 SECONDS WEST ALONG THE NORTH LINE OF SAID NORTH HALF 760.98 FEET FOR A POINT OF BEGINNING; THENCE NORTH 89 DEGREES 58 MINUTES 07 SECONDS EAST 761.28 FEET TO THE WEST LINE EXTENDED OF “SERENITY ON THE FOX, BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS”; THENCE SOUTH 00 DEGREES 52 MINUTES 13 SECONDS WEST ALONG SAID EXTENDED WEST LINE, SAID WEST LINE AND SAID WEST LINE EXTENDED SOUTHERLY, 1037.46 FEET TO THE NORTHERLY BANK OF THE FOX RIVER; THENCE WESTERLY ALONG SAID NORTHERLY BANK TO A LINE DRAWN SOUTH 00 DEGREES 23 MINUTES 55 SECONDS WEST FROM THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 23 MINUTES 55 SECONDS EAST 1158.94 FEET TO THE POINT OF BEGINNING IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 19.546 ACRES.

PARCEL TWO:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 24 TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHEAST QUARTER WITH THE WEST LINE EXTENDED NORTHERLY OF “SERENITY ON THE FOX, BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS”; THENCE NORTH 89 DEGREES 58 MINUTES 07 SECONDS EAST ALONG SAID NORTH LINE, 409.56 FEET TO THE NORTHEAST CORNER OF LOT 13 IN SAID SUBDIVISION; THENCE SOUTH 89 DEGREES 54 MINUTES 18 SECONDS WEST ALONG THE NORTH LINE OF LOTS 13 AND 14 IN SAID SUBDIVISION, 409.56 FEET TO THE NORTHWEST CORNER OF SAID LOT 14; THENCE NORTH 00 DEGREES 52 MINUTES 13 SECONDS EAST ALONG SAID WEST LINE EXTENDED, 0.45 FEET TO THE POINT OF BEGINNING IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 0.002 ACRES.

WHEREAS, all variance procedures required by the Kendall County Stormwater Management Ordinance were followed including a public hearing by the County’s Stormwater Management Oversight Committee on June 16, 2016; and

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County of Kendall

WHEREAS, the County's Oversight Committee has determined the variance requests meet following standards:

The variance will not increase the probability of flood damage or create an additional threat to the public health, safety or welfare.

The variance requested is the minimum relief necessary to accomplish the objectives of the development without compromising the objectives of Section 102 of this Ordinance.

The variance will not result in a reduction of water quality benefits as compared to compliance with ordinance requirements.

The variance is not requested solely for the purpose of reducing site runoff storage requirements.

The variance shall not cause conveyance of stormwater from the project to increase peak discharges beyond design capacity of existing offsite conveyance facilities for any storm event from the 2-year to the 100-year recurrence frequency.

The variance shall seek to preserve valuable environmental and biological resources including but not limited to stands of native trees, existing wetlands and natural floodplain storage.

WHEREAS, the County's Oversight Committee has determined the variance requests identified herein to be acceptable under the following conditions:


1. The Fox Metro Water Reclamation District shall procure all necessary County, State and Federal permits and satisfy all permit conditions
2. Submittal and County approval of a maintenance plan for the compensatory storage area.
3. Recording of an easement for the compensatory storage area

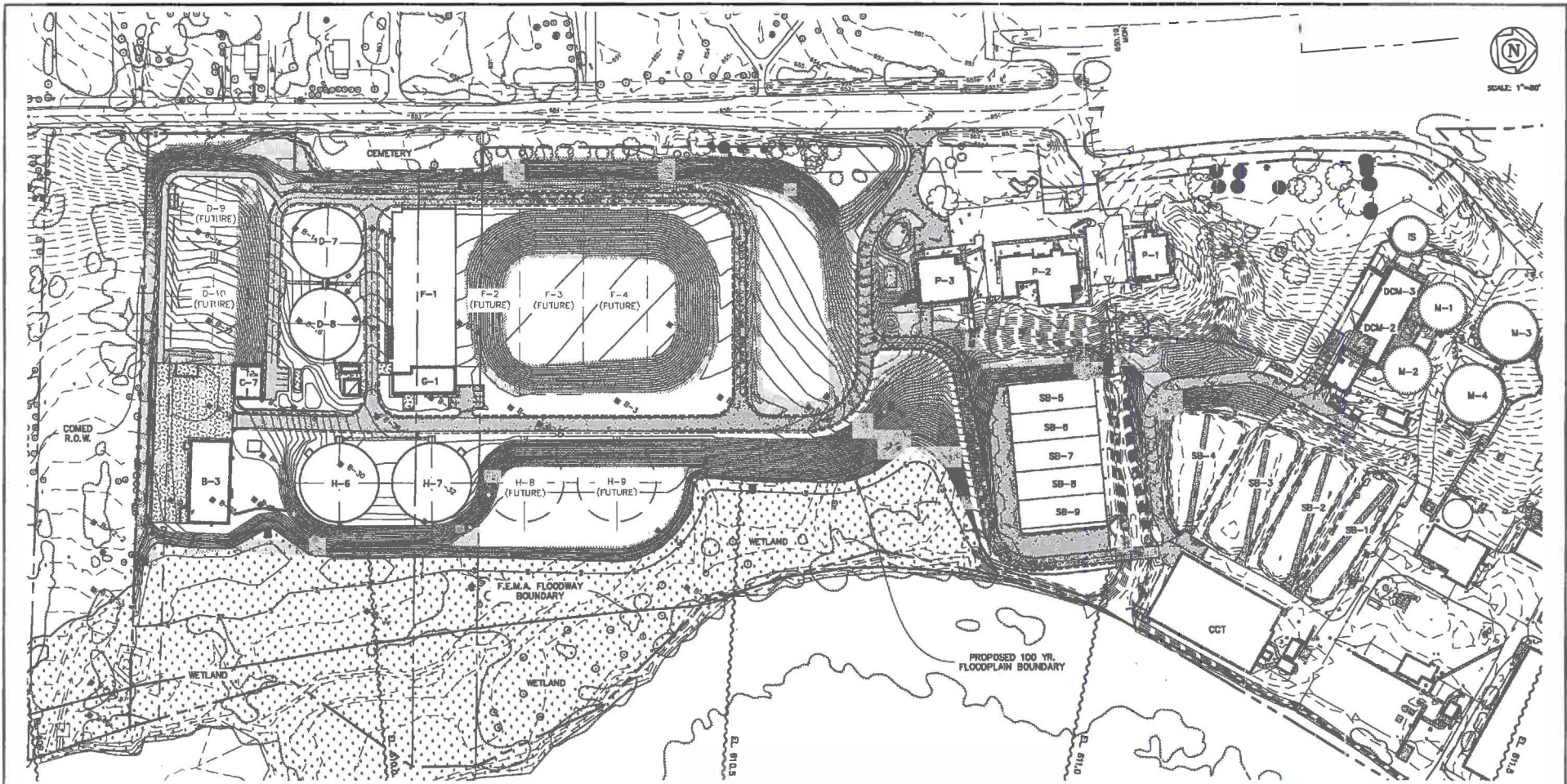
WHEREAS, the Kendall County Board has considered the standards and finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval, subject to the conditions noted herein, of a variance to Section 403.a – Hydraulically Equivalent Compensatory Storage (above and below 10 year flood elevation) and Section 403.d – Compensatory Storage Adjacent to the Development, of Article IV of the Kendall County Stormwater Management Ordinance to allow 5.22 acre-feet of off-site floodplain compensatory storage in accordance with the submitted application and the site plan included as "Group Exhibit A" attached hereto and incorporated herein.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 21st day of June, 2016.


John A. Shaw
Kendall County Board Chairman

Attest:

Debbie Gillette
Kendall County Clerk



GROUP EXHIBIT "A"
1 of 3

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

REVISIONS	DATE	BY	DESIGNED
	1/11/18	LAM	LAM
		AS SHOWN	AS
		JOB NO. 111-11017-00	APPROVED MAM
		FIELD BOOK NO. NA	

**FOX METRO WATER RECLAMATION DISTRICT
SOUTH WASTEWATER TREATMENT FACILITY
SITE AND OVERALL GRADING PLAN**

1
SHEET
OF 1

WETLAND NOTES

1. THE PROPOSED AND EXISTING WETLANDS ARE INDICATED BY THE FOLLOWING NOTATION:
 - WETLAND TYPE: SEE WETLAND TYPE LIST (SEE APPENDIX A)
 - WETLAND CODE: SEE WETLAND CODE LIST (SEE APPENDIX A)
 - WETLAND DATA: SEE WETLAND DATA LIST (SEE APPENDIX A)
 - WETLAND BOUNDARIES: SEE WETLAND BOUNDARIES LIST (SEE APPENDIX A)
 - WETLAND USE: SEE WETLAND USE LIST (SEE APPENDIX A)
 - WETLAND STATUS: SEE WETLAND STATUS LIST (SEE APPENDIX A)
 - WETLAND PROTECTION: SEE WETLAND PROTECTION LIST (SEE APPENDIX A)
 - WETLAND RESTORATION: SEE WETLAND RESTORATION LIST (SEE APPENDIX A)
2. SPECIAL PROTECTION OF WETLANDS:
 - ALL WETLANDS SHALL BE PROTECTED AND RESTORED TO ORIGINAL OR BETTER CONDITION.
 - WETLANDS SHALL BE PROTECTED FROM CONSTRUCTION ACTIVITIES.
 - WETLANDS SHALL BE PROTECTED FROM DISTURBANCE.
 - WETLANDS SHALL BE PROTECTED FROM POLLUTION.
 - WETLANDS SHALL BE PROTECTED FROM EROSION.
 - WETLANDS SHALL BE PROTECTED FROM OTHER ADVERSE EFFECTS.
3. SPECIAL PROTECTION OF WETLANDS:
 - ALL WETLANDS SHALL BE PROTECTED AND RESTORED TO ORIGINAL OR BETTER CONDITION.
 - WETLANDS SHALL BE PROTECTED FROM CONSTRUCTION ACTIVITIES.
 - WETLANDS SHALL BE PROTECTED FROM DISTURBANCE.
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 - WETLANDS SHALL BE PROTECTED FROM OTHER ADVERSE EFFECTS.
4. SPECIAL PROTECTION OF WETLANDS:
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 - WETLANDS SHALL BE PROTECTED FROM DISTURBANCE.
 - WETLANDS SHALL BE PROTECTED FROM POLLUTION.
 - WETLANDS SHALL BE PROTECTED FROM EROSION.
 - WETLANDS SHALL BE PROTECTED FROM OTHER ADVERSE EFFECTS.

WETLAND TYPE LIST

WETLAND TYPE	WETLAND CODE	WETLAND DATA	WETLAND BOUNDARIES	WETLAND USE	WETLAND STATUS	WETLAND PROTECTION	WETLAND RESTORATION
WETLAND TYPE	WETLAND CODE	WETLAND DATA	WETLAND BOUNDARIES	WETLAND USE	WETLAND STATUS	WETLAND PROTECTION	WETLAND RESTORATION

WETLAND CODE LIST

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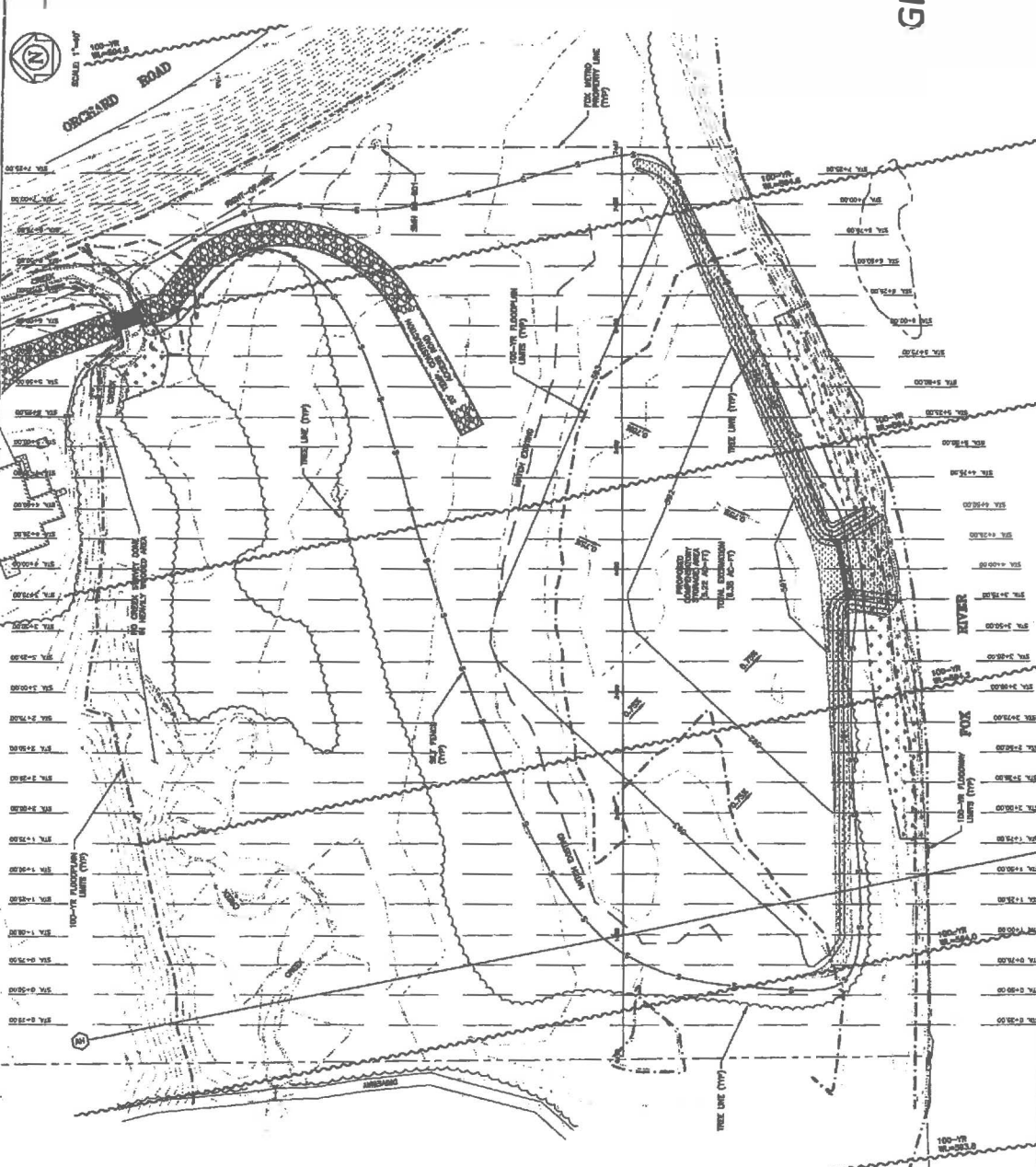
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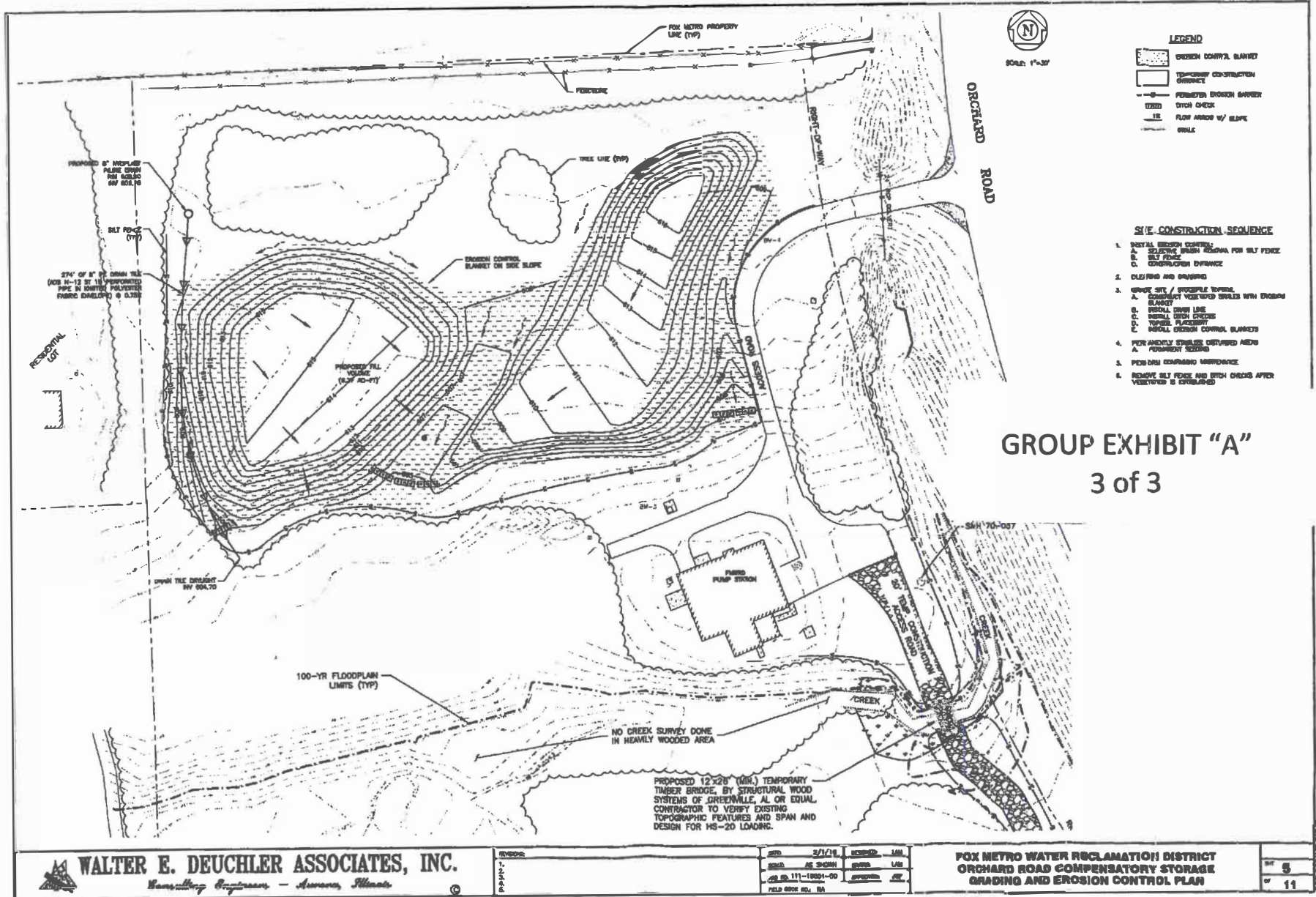
GROUP EXHIBIT "A"
2 of 3

FOX METRO WATER RECLAMATION DISTRICT
ORCHARD ROAD COMPENSATORY STORAGE
GRADING AND EROSION CONTROL PLAN

NO.	DATE	BY	REVISIONS
1	08/11/04	W.E.D.	ISSUED FOR PERMITTING
2	08/11/04	W.E.D.	ISSUED FOR PERMITTING
3	08/11/04	W.E.D.	ISSUED FOR PERMITTING
4	08/11/04	W.E.D.	ISSUED FOR PERMITTING
5	08/11/04	W.E.D.	ISSUED FOR PERMITTING
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7	08/11/04	W.E.D.	ISSUED FOR PERMITTING
8	08/11/04	W.E.D.	ISSUED FOR PERMITTING
9	08/11/04	W.E.D.	ISSUED FOR PERMITTING
10	08/11/04	W.E.D.	ISSUED FOR PERMITTING

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

DATE: 08/11/04
 BY: W.E.D.
 PROJECT: FOX METRO WATER RECLAMATION DISTRICT, ORCHARD ROAD COMPENSATORY STORAGE GRADING AND EROSION CONTROL PLAN



GROUP EXHIBIT "A"
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