

KENDALL COUNTY
Ordinance No. 15-08

An Ordinance Granting Variance to the Kendall County Highway Access Regulation Ordinance

WHEREAS, the County of Kendall, Illinois (hereinafter referred to as "County") is a duly organized unit of local government existing within the State of Illinois; and

WHEREAS, access to Kendall County Highways has been regulated by the Kendall County Board through the Kendall County Highway Access Regulation Ordinance (hereinafter referred to as the "Ordinance"), as amended from time to time and originally adopted by the Kendall County Board on May 18, 1999; and

WHEREAS, Galena Road (County Highway 9) has been classified as an Access 2 Highway in said Ordinance, requiring a spacing for private full-accesses of not less than one thousand three hundred twenty (1320) feet; and

WHEREAS, Speedway LLC has petitioned Kendall County for the installation of a private full-access on the north side of Galena Road approximately seven hundred (700) feet east of Illinois Route 47 as depicted on the attached Location Map (Exhibit 1); and

WHEREAS, pursuant to Section 2.9.3 of the Ordinance, a concurring vote of the majority of the Kendall County Board is required to grant such a variance; and

WHEREAS, pursuant to Section 2.9.1 of the Ordinance, the Kendall County Board has determined that the granting of the requested variance will be in harmony with the purpose and intent of the subject Ordinance and is being sought only after every other feasible option for meeting access standards was explored; and

WHEREAS, Pursuant to Section 2.9.2 of the Ordinance, Speedway, LLC has demonstrated that unique or special conditions exist which make strict application of the standard provisions impractical; and

WHEREAS, the Kendall County Board has determined that not granting the variance would deny all reasonable access, endanger public health, welfare or safety, or cause an exceptional and undue hardship on Speedway, LLC; and

WHEREAS, in consideration of the convenience provided to the traveling public by the proposed Speedway LLC development, as well as economic and employment opportunities provided by same; and considering the relatively small impact the proposed access will have on Galena Road thru-traffic.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF KENDALL, STATE OF ILLINOIS, AS FOLLOWS:

Section 1 – Recitals.

- A. The foregoing recitals shall hereby be incorporated into and made a part of this Ordinance as though fully set forth in this Section 1.

Section 2 - Approval and Grant of Variance.

- A. That a variance to the Kendall County Highway Access Regulation Ordinance is hereby authorized for Speedway LLC, for the installation of a single, full-access driveway on the north side of Galena Road approximately seven hundred (700) feet east of Illinois Route 47. Said access shall conform in all ways to the construction requirements of the Kendall County Highway Department (hereinafter referred to as the "Department"), and shall be constructed at no cost to the County or the Department.
- B. That said full-access shall include an eastbound bypass lane to be constructed on the south side of Galena Road in general conformance to Exhibit 2 provided herein; and that plans, specifications and estimates for said bypass lane shall be reviewed and approved by the Kendall County Highway Department prior to construction. Said bypass lane, including all associated work within the Kendall County Right-of-Way shall be constructed by the petitioner, Speedway LLC, at no cost to the County.
- C. That the petitioner, Speedway LLC, as well as any and all subcontractors performing work within the Kendall County Right-of-Way, shall defend with counsel of the County's own choosing, indemnify and hold harmless the Kendall County Highway Department, County of Kendall, its past present and future board members, elected officials, insurers, employees and agents from and against any and all claims, liabilities, obligations, losses, penalties, fines, damages, expenses and costs relating thereto including but not limited to attorney's fees and other legal expenses which the Kendall County Highway Department, County of Kendall, its board members, elected officials, insurers, employees and/or agents may sustain, incur or be required to pay arising in any manner out of the construction work to be performed in relation to this variance and/or in regard to the County's granting of this variance. This indemnification language is to be included in any and all contracts with those contractors and subcontractors performing the aforementioned work/construction on behalf of petitioner Speedway LLC.
- D. That the petitioner, Speedway LLC, as well as any and all contractors and subcontractors performing work within the Kendall County Right-of-Way, shall provide for Kendall County as an additional insured on their insurance policies covering such construction and said Right-of-Way.
- E. That said access shall serve Speedway LLC and shall be constructed for no other purpose.
- F. Any exceptions, violations or noncompliance with the requirements contained herein, on behalf of the petitioner, will result in the immediate forfeiture of the variance.

Section 3 - Publication and Effective Date.

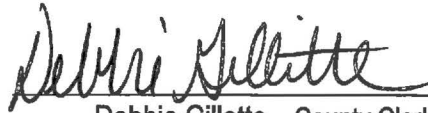
- A. This Ordinance shall be in full force and effect immediately upon its passage and approval as provided by law. Within thirty (30) calendar days after approval of this Ordinance, the County Board shall file this Ordinance and the attached Exhibits with the Kendall County Clerk.

Approved by the County Board of Kendall County, State of Illinois.



John A. Shaw – Kendall County Board Chairman

I, Debbie Gillette, County Clerk in and for said County, in the State aforesaid, and keeper of the records and files thereof, as provided by statute, do hereby certify the foregoing to be a true, perfect and complete copy of an ordinance adopted by the Kendall County Board, at its regularly scheduled meeting in Yorkville, Illinois, on the 21 day of April, A.D., 2015



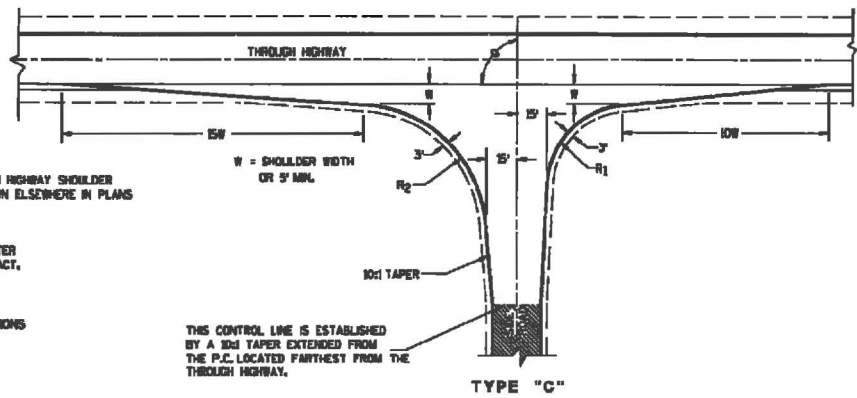
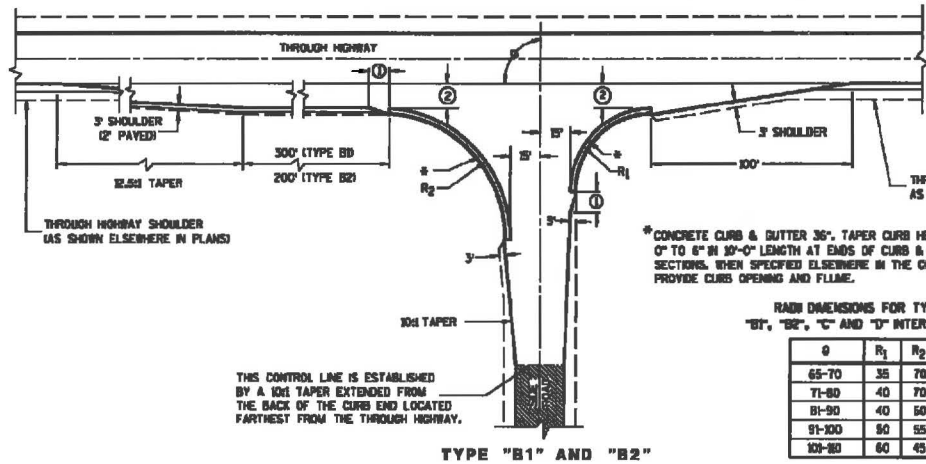
Debbie Gillette – County Clerk



LOCATION MAP
Galena Road – Access Variance Request
Speedway LLC
8200 185th Street, Suite E
Tinley Park, IL 60487

April 21, 2015

EXHIBIT 1



RADI DIMENSIONS FOR TYPES "B1", "B2", "C" AND "D" INTERSECTIONS

Q	R ₁	R ₂
65-70	35	70
71-80	40	70
81-90	40	60
91-100	50	55
101-80	60	45

GENERAL NOTES

DESIGNS MAY BE USED INTERCHANGEABLY IN COMBINATION OR SEPARATELY FOR ANY ONE COMPLETE INTERSECTION DEPENDING UPON INTERSECTION ANGLE AND SURFACING OF EACH APPROACH ROADWAY.

SIDE ROAD SURFACING NOTE

WHEN THE SIDE ROAD IS NOT PRESENTLY PAVED, PAVEMENT SHALL BE PLACED TO THE LIMITS SHOWN UNLESS OTHERWISE PROVIDED IN THE CONTRACT. WHERE THE CONSTRUCTION LIMITS ARE BEYOND THE PAVING LIMITS, CRUSHED AGGREGATE SURFACING SHALL BE PLACED BETWEEN THE PAVING LIMITS AND CONSTRUCTION LIMITS.

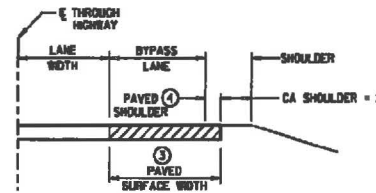
WHEN THE SIDE ROAD IS PRESENTLY PAVED, NEW PAVEMENT SHALL BE PLACED TO THE LIMITS OF DESIGN AS SHOWN AND BEYOND, IF NECESSARY, TO MEET EXISTING PAVEMENT.

WHEN THE SIDE ROAD IS THE CONSTRUCTION PROJECT, THE INTERSECTION SURFACING SHALL BE THE SAME AS FOR THE PROJECT.

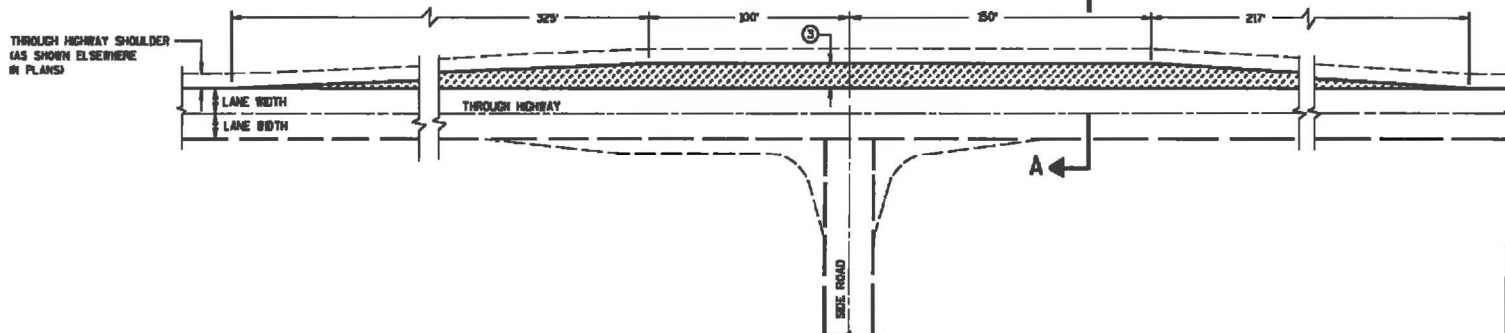
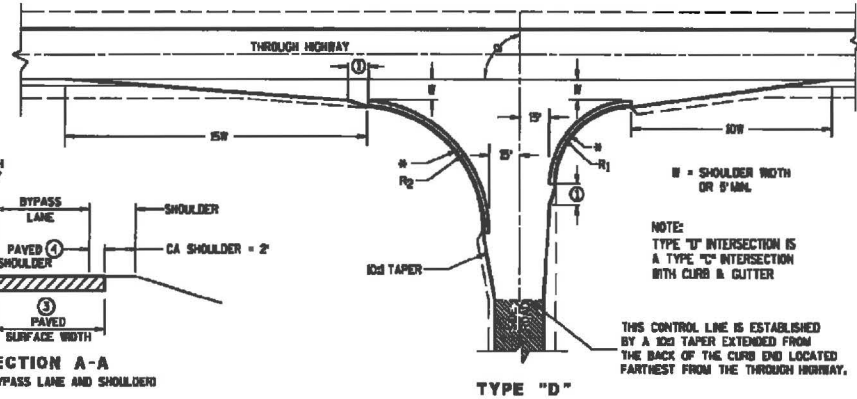
EXISTING PAVED SURFACE

BYPASS LANE

- ① 10-FT TYPICAL.
- ② 12-FT** PLUS ADDITIONAL WIDTH FOR BIKE LANE IF SHOWN ELSEWHERE IN THE PLAN.
- **10-FT MAY BE USED ON TYPE B2 ON RESURFACING PROJECTS IF SPECIFIED IN THE CONTRACT.
- ③ BYPASS LANE PAVED SURFACE WIDTH OUTSIDE OF TRAVEL LANE.
-ASPHALT = 12-FT PLUS PAVED SHOULDER WIDTH.
-PC CONCRETE = 13-FT PLUS PAVED SHOULDER WIDTH.
- ④ BYPASS LANE PAVED SHOULDER WIDTH = THE GREATER OF 1-FT OR THE PAVED SHOULDER WIDTH OF THE THROUGH HIGHWAY.



SECTION A-A (SHOWING BYPASS LANE AND SHOULDER)



TEE INTERSECTION BYPASS LANE DETAIL

AT-GRADE SIDE ROAD INTERSECTION, TYPES "B1", "B2", "C" AND "D" AND TEE INTERSECTION BYPASS LANE

STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION