

KENDALL COUNTY, ILLINOIS
Ordinance No. 13-17

*An Ordinance Granting Temporary 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;

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

WHEREAS, Eldamain Road has been classified as an Access 2 Highway in said Ordinance, requiring unsignalized spacing of public streets to be not less than one thousand seven hundred and sixty (1,760) feet; and

WHEREAS, Plano Industrial Acquisition, LLC, hereinafter referred to as “Petitioner”, has petitioned the County to allow full access to the west side of Eldamain Road approximately nine hundred (900) feet south of Corneils Road, Little Rock Township, Kendall County, Illinois, as depicted in attached **Exhibit A**; and

WHEREAS, the Petitioner will ultimately have full access to the Kendall Farms Industrial Subdivision from Corneils Road extended westerly along the north side of said Subdivision; at which point the full access that is the subject of this instrument will be unnecessary and redundant, and shall become a right-in / right-out only access in conformance with the Ordinance.

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

Section 1. Recitals. 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. The Kendall County Board hereby grants a temporary variance to the Ordinance, for the purpose specified above, subject to the following terms and conditions:

- A. That Kendall County Ordinance 05-64 mandates access spacing of one thousand seven hundred and sixty (1,760) feet for unsignalized full-access spacing of public streets.
- B. That a temporary variance is hereby authorized to the Petitioner, for the purpose of a full-access driveway on the west side of Eldamain Road, not closer than nine hundred (900) feet south of Corneils Road. The temporary variance shall be in full force and effect until January 1, 2025 or until such time that the Petitioner has access to Corneils Road extended westerly, whichever occurs first. Said access shall

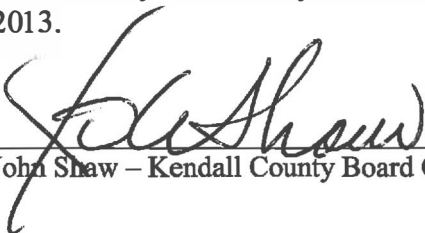
conform in all ways to the construction requirements of the Kendall County Highway Department (hereinafter referred to as "Department"), and shall be constructed at no cost to the Department.

- C. At such time that the Petitioner has full-access to Corneils Road extended westerly, the temporary full-access variance that is the subject of this instrument shall be reconstructed as a right-in / right-out access. The conversion from full-access to right-in / right-out access shall include complete removal of the northbound left turn lane, including all concrete pavement and appurtenances, as well as installation of concrete curb and gutter, topsoil, seeding, and erosion control blanket. Removal and reconstruction plans must be approved by the Kendall County Engineer, and all costs associated with the removal and reconstruction shall be borne by the Petitioner.
- D. Any exceptions, violations or noncompliance to the requirements contained herein, on behalf of the Petitioner, will result in the immediate forfeiture of the variance.

Section 3. Conflicting Provision. All prior ordinances, resolutions, motions, or orders in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Publication and Effective Date. 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 Exhibit A with the Kendall County Clerk.

PASSED by the County Board of Kendall County, State of Illinois this 20th day of August, 2013.



John 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 20th day of August, 2013.



Debbie Gillette – County Clerk

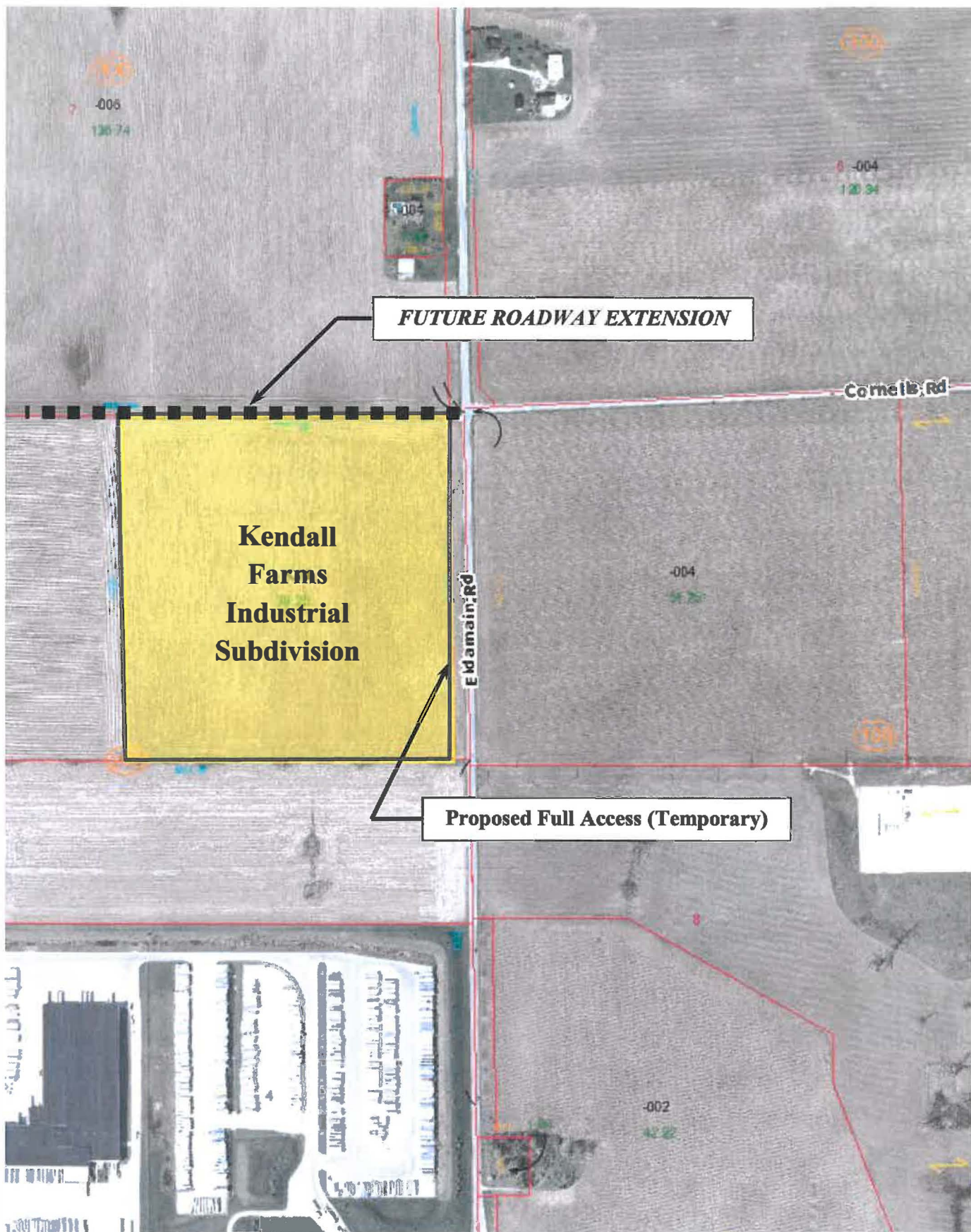


EXHIBIT A