

**ORDINANCE NUMBER 2008 - 33**  
**Approving a Preliminary Plat of Subdivision**  
**for 14.26 acres**  
**TIMBERTON PRESERVE**

WHEREAS, John Bergstresser Kuney III, has filed a petition for a Preliminary Plat approval for the Timberton Preserve Subdivision, for property located on the south side of Van Emmon Road, west of Ponderosa Drive, in Section 34 of Bristol Township and section 42 of Oswego Township;

WHEREAS, said property is identified with the tax identification number 02-34-253-005 and is legally described on the attached "Exhibit A"; and

WHEREAS, said property is currently zoned A-1; and

WHEREAS, said petition generally conforms to the Subdivision Control Ordinance, except for variances that must be granted during final plat approval and final engineering listed below; and

WHEREAS, said petition generally conforms to the Kendall County Land Resources Management Plan; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and recommendation for approval by the Zoning Board of Appeals on August 26, 2003; and

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

WHEREAS, all procedures required by the Kendall County Subdivision Control Ordinance were followed;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby approves a preliminary plat of subdivision for said tract of land entitled "Timberton Preserve," and attached as

“Exhibit B”, with the following conditions and variances that need to be addressed and granted during final engineering:

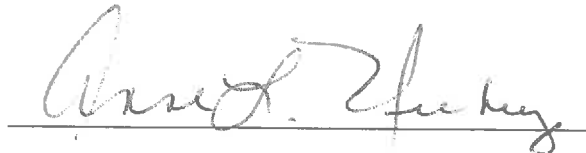
1. Variance for radius of a curve.
2. Variance from the storm water management ordinance
3. Variance for a curvy private road
4. A variance to the private road standards regarding the degree of slope and ability to allow trees within 10’ of the edge of pavement.
5. Need to provide engineer with a complete report of the floodplain delineation study done for the creek as well as the HEC-1 model and any supporting materials.
6. Must include a restrictive covenant and in title deeds that each lot will never be sub-divided into a small lot or portion thereof.

IN WITNESS OF, this ordinance has been enacted on August 19, 2008.

Attest:



Rennetta Mickelson  
Kendall County Clerk



John A. Church  
Kendall County Board Chairman

# EXHIBIT A

## Legal Description for Timberton Preserve

Being a subdivision of part of the northeast quarter of section 34, township 37 north, range 7 east of the third principal meridian, in the township of Bristol, Kendall County, Illinois.

