

**KENDALL COUNTY**  
Ordinance No. 08-42

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

**WHEREAS**, access to Kendall County Highways has been regulated by the Kendall County Board through the Kendall County Highway Access Regulation Ordinance, originally adopted by the Board on May 18, 1999 and subsequently revised; and

**WHEREAS**, under the aforementioned ordinance, both Ridge Road and Caton Farm Road are classified as Access 1 County Highways, requiring a minimum spacing of 2640' for unsignalized full-access, and minimum corner clearance for right in / right out type accesses of 300'; and

**WHEREAS**, BP has petitioned Kendall County for relief under the Ordinance to allow for a temporary full-access on the south side of Caton Farm Road approximately 390' west of Ridge Road, as well as a right in / right out access on the west side of Ridge Road approximately 155' south of Caton Farm Road; and

**WHEREAS**, the Kendall County Board finds that the petitioner has met the requisite conditions for obtaining a variance as set forth in the Kendall County Highway Access regulation Ordinance; and

**WHEREAS**, Kendall County Board believes the requested access spacing, with stipulations listed herein, will best serve the commercial development at the Ridge Road / Caton Farm Road intersection, without unduly jeopardizing the safety of the traveling public.

**THEREFORE, BE IT ORDAINED**, that the Kendall County Board hereby grants variances to the Kendall County Highway Access Regulation Ordinance, for the specified purposes, subject to the terms and conditions imposed herein.

1. The above listed recitals are incorporated herein as if fully set out herein.
2. A variance is hereby authorized for the BP Parcel on the southwest corner of Caton Farm Road and Ridge Road, for the purpose of a full-access driveway on the south side of Caton Farm Road approximately 390' west of Ridge Road, as depicted on the Site Geometric Plan (Sheet C-1), prepared by W-T Civil Engineering, LLC on 08/12/08. Said access shall conform in all ways to the construction requirements of the Kendall County Highway Department, and shall be constructed at the sole expense of BP or its successors.
3. The intent and purpose of the full access on Caton Farm Road is to temporarily serve the access needs of the BP Parcel, recognizing that there are no other developments in the immediate vicinity of the BP Parcel that can provide access to Caton Farm Road. Upon development of property on the south side of Caton Farm Road immediately west of the BP Parcel, Kendall County reserves the right to restrict said access to right in / right out only, require shared use of said access with other developments, or require complete relocation of the access point further west, using a common ingress/egress easement that will serve multiple developments on the south side of Caton Farm Road. In the event that Kendall County restricts full access, the BP Parcel shall have direct, unfettered access to the closest full access point on Caton Farm Road. In the event that Kendall County requires complete relocation of the access point further west, said relocation shall either be on the BP Parcel or be immediately adjacent and abutting the BP Parcel.

4. A second variance is hereby authorized for the BP Parcel, for the purpose of a temporary right in / right out access on the west side of Ridge Road approximately 155' south of Caton Farm Road, as depicted on the Site Geometric Plan (Sheet C-1), prepared by W-T Civil Engineering, LLC on 08/12/08. Said access shall conform in all ways to the construction requirements of the Kendall County Highway Department, and shall be constructed at the sole expense of BP.
5. Upon development of additional property on the west side of Ridge Road immediately south of the BP Parcel, BP, its successors or its agent(s) shall remove and relocate the right in / right out access further south, so that the spacing between Caton Farm Road and said access shall more closely conform to the corner clearance requirements of the County's Access Regulation Ordinance. Any relocation of the right in / right out access shall either be on or be immediately adjacent and abutting the BP Parcel.
6. As a condition of these access variances, BP shall escrow sufficient funds with City of Joliet to pay their proportionate share of the cost to widen Ridge Road from 2 lanes to 4 lanes, in accordance with usual and customary municipal practices for developments along the Ridge Road corridor. Estimated cost to widen Ridge Road for 171' of frontage is \$85,500.
7. In order to provide sufficient right-of-way for future improvements to Caton Farm Road and Ridge Road, BP shall dedicate for roadway purposes 60' of right-of-way across the entire frontage of Caton Farm Road, 75' of right-of-way across the entire frontage of Ridge Road, and a 20' x 20' corner cut at the intersection of rights-of-way lines.
8. These access variances are not transferable, with the exception of simple transfers of ownership. Any changes in zoning classification, use of the property, or significant changes in trip generation shall immediately make the variances null and void.
9. Any exceptions, violations or noncompliance to the requirements contained herein, on behalf of the petitioner, will result in the immediate forfeiture of the variance.

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

  
John A. Church – Kendall County Board Chairman

I, Renetta Mickelson, 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<sup>st</sup> day of October, A.D., 2008.

  
Renetta Mickelson – County Clerk

SEAL