

**KENDALL COUNTY**  
**Ordinance No. 06-26**

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

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

**WHEREAS**, Galena Road has been classified as an Access 2 Highway in said Ordinance, requiring an unsignalized spacing of public streets to be not less than 1760 feet; and

**WHEREAS**, Konicek Family Limited Partnership has petitioned Kendall County for the installation of a full-access public street, known as Konicek Drive, on the north side of Galena Road, approximately 1300' east of Eldamain Road, within the corporate limits of the City of Yorkville, and serving the proposed White Pine Farms Development (see Exhibit A); and

**WHEREAS**, Kendall County believes the requested access spacing will best serve the commercial development proposed at the Galena Road / Eldamain Road intersection.

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

1. The above listed recitals are incorporated herein as if fully set out herein.
2. That a variance is hereby authorized to Konicek Family Limited Partnership and heirs or assigns for the purpose of constructing a full-access public street on the north side of Galena Road, approximately ¼ mile east of Eldamain Road. Said access shall conform in all ways to the construction requirements of the Kendall County Highway Department, and shall be constructed at no cost to the Department.
3. As a condition of said variance, Konicek Family Limited Partnership, and heirs or assigns, agree to provide the following:
  - a. Conveyance of not less than 60' of right-of-way along Galena Road, measured from the existing centerline of said Road, for the entire frontage between Eldamain Road and a point approximately 500' east of West Beecher Road. Said conveyance shall take place within 90 days of the annexation of this parcel to the City of Yorkville.
  - b. Construction of a 3-lane improvement on Galena Road from Eldamain Road to a point approximately 300' east of Konicek Drive. Construction of the 3-lane improvement shall be required upon approval of the final plat for that property which includes the Konicek Drive and Galena Road intersection, or at such time when development on the south side of Galena Road at this location requires completion of said improvements, whichever comes first.

- c. Payment to Kendall County for ½ the estimated cost of a traffic signal at the intersection of Galena Road and Konicek Drive... that cost currently estimated to be \$85,000. Payment of the \$85,000 shall be made to Kendall County within 30 days after recording of the final plat for that property including the intersection of Konicek Drive and Galena Road.
  - d. Construct westbound right turn lanes at West Beecher Road, Konicek Drive and Eldamain Road at such a time determined by the County Engineer.
  - e. Construct a right in / right out access on the north side of Galena Road at West Beecher Road coincidental with approval of the final plat for contiguous property, and in conformance with all County Highway Department standards and specifications.
  - f. Adhere to all applicable engineering and construction requirements of the Kendall County Highway Department and County Engineer in the development of plans and specifications for all improvements detailed in this ordinance, and any others that may arise prior to final platting of property held by the petitioner at this location.
4. Any exceptions, violations or noncompliance to the requirements contained herein on behalf of the petitioner, their heirs or assigns, will result in the immediate forfeiture of this variance.

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

  
John A. Church – Kendall County Board Chairman

I, Paul Anderson, 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 21st day of MARCH, A.D., 2006.

  
Paul Anderson – County Clerk

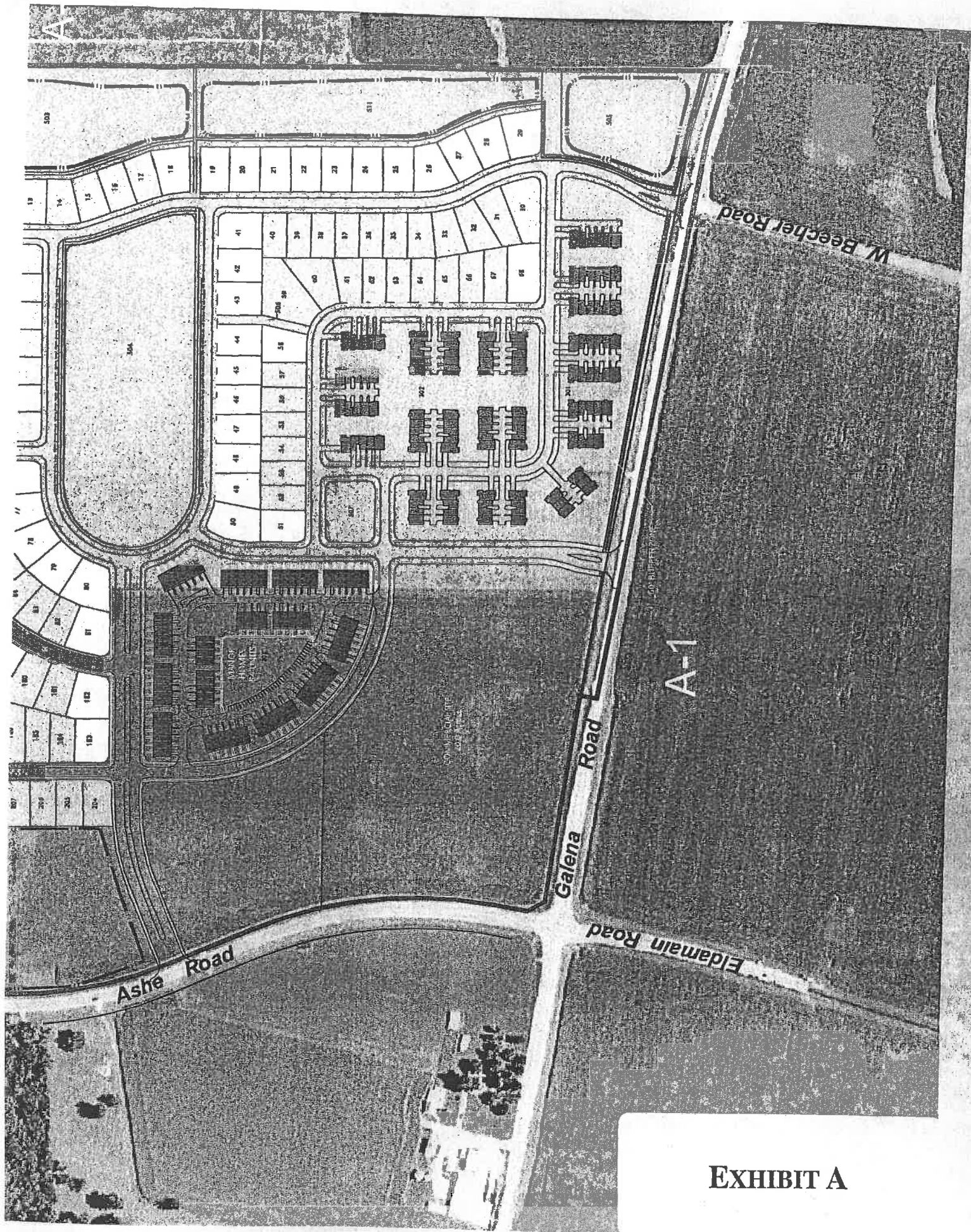


EXHIBIT A

