

ORDINANCE NUMBER 2006 - 60

GRANTING SPECIAL USE
NORTH SIDE OF VAN DYKE ROAD – ¼ MILE EAST OF GROVE ROAD
FIRST BAPTIST CHURCH

WHEREAS, First Baptist Church filed a petition for a Special Use within the A-1 district, for property generally located on the north side of Van Dyke Road between Grove Road and McKanna Road in Section 5 of Seward Township; and

WHEREAS, said petition is to allow for construction and operation of a church; and

WHEREAS, said property is zoned A-1 Agricultural and the request is allowable upon issuance of a Special Use Permit per § 7.01.D.7 of the Kendall County Zoning Ordinance; and

WHEREAS, said property is legally described as follows:

That part of the Se ¼ of Section 5, T 35 N, R 8 E of the Third Principal Meridian described as follows: Commencing at the NW corner of said SE ¼; thence E'ly along the N line of said SE ¼ 796.41' for a point of beginning; thence S'ly along a line drawn parallel with the E line of the W ½ of said SE ¼, which forms an angle of 90° 15' 00" with the last described line, measured counterclockwise therefrom, 1214.31' to the centerline of Van Dyke Road; thence E'ly along said centerline 534.61' to the said E line; thence N'ly along said E line 1231.69' to the NE corner of said W ½; thence W'ly along said N line 534.25' to the point of beginning in Seward Township, Kendall County, Illinois ; 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 Special Use Hearing Officer; and

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

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a Special Use zoning permit for the use indicated in the recitals section of this Ordinance and as indicated on the submitted Site Plan included as Group Exhibit "A" attached hereto and incorporated herein, subject to the following conditions:

1. The proposed building activity will substantially conform to the submitted preliminary engineering plans dated 04.11.06 and amended 09.28.06, and the Phase I Landscape Plan, dated April 2006, attached as "Group Exhibit A", with the understanding that the loading area of the property (indicated with two squares along the eastern edge of the property) is to have minimum dimensions of 12 feet x 30 feet.

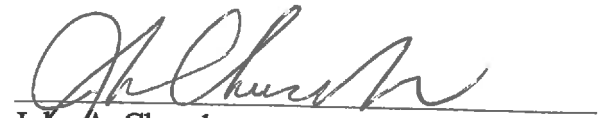
2. No subsequent building phases will be constructed until the subject property is annexed to a municipality that provides central sewer and water service.
3. The petitioner will need to be issued a site development permit in conjunction with the proposed grading of the site.
4. The petitioner will be allowed to phase the site development work so as to commence construction of the principal structure prior to the completion of grading work not directly associated with construction of said principal structure; however, no building permit shall be issued by the County until such time that the phase of the grading required to commence construction of the principal structure has been subjected to a final inspection by Strand Associates and a recommendation for release of that phase of the site development permit has been issued by Strand Associates.
5. No certificate of occupancy shall be issued for the principal structure until such time that all of the grading work in conjunction with the approved site development permit has been subjected to a final inspection by Strand Associates and a recommendation for release of the site development permit has been issued by Strand Associates.
6. As part of the application materials for the site development permit, the following submittals are required: (a) a copy of the recorded easement agreement with Donald & Stephanie Davidson, an unsigned copy of same attached as "Exhibit B". Said easement agreement shall be reviewed and approved by Strand Associates and the Kendall County States Attorney prior to recording; (b) a copy of the recorded 50-foot right-of-way on Van Dyke Road and the 15-foot regional trail easement; (c) memorialization of the 15-foot regional trail easement on the Phase I Landscaping Plan; and (d) memorialization of the dimensions of the required loading area on the Final Engineering Plans.
7. The petitioner understands that this special use permit will need to be amended if any additional special uses for the property (such as daily day care or classrooms) are contemplated.
8. Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on October 17, 2006.

Attest:



Paul Anderson
Kendall County Clerk


John A. Church
Kendall County Board Chairman

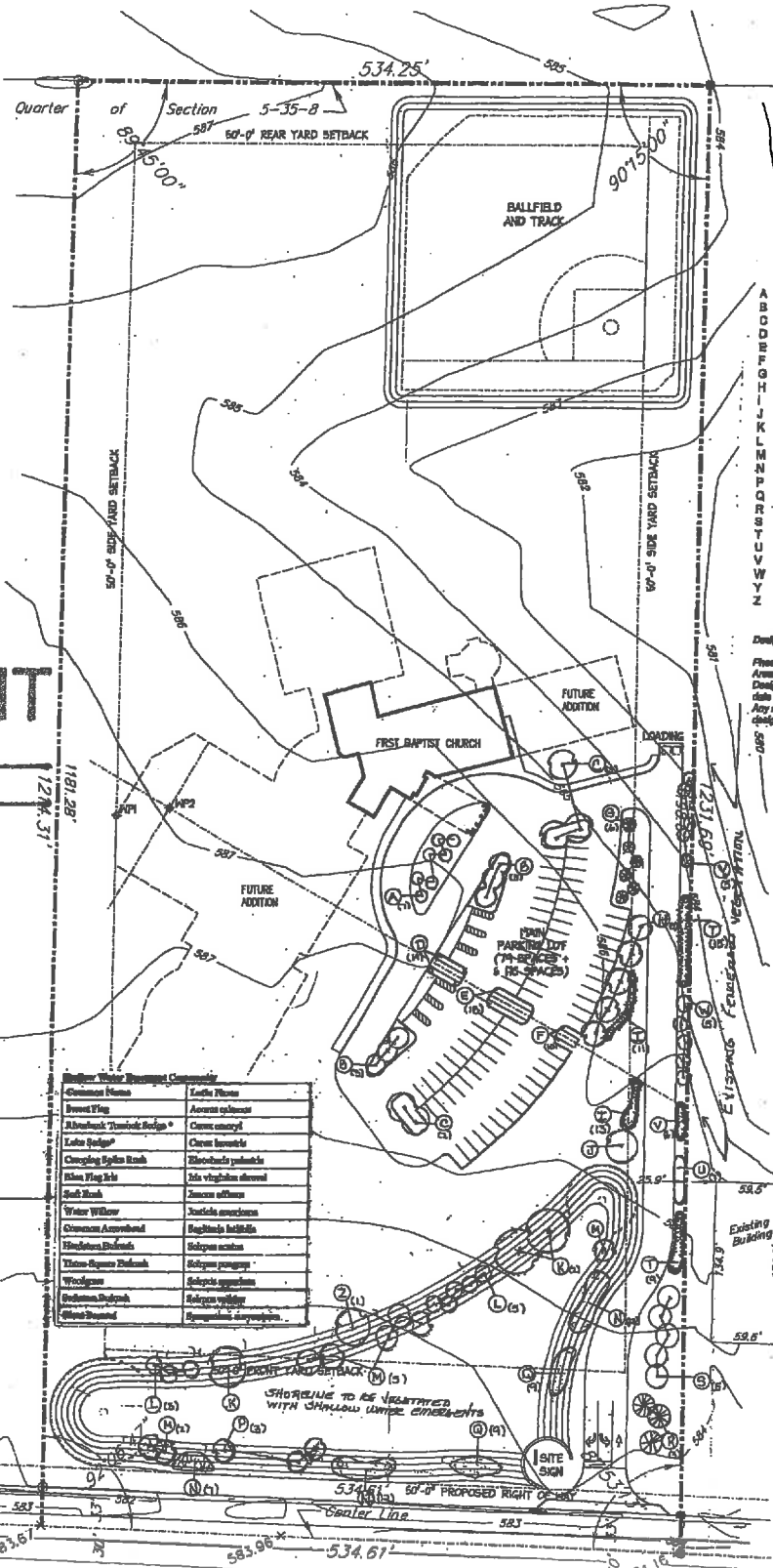


EXHIBIT
 # Group A
 DATE 10-17-06
 2 of 2

KEY TO PLANTS

BOTANICAL NAME	COMMON NAME
A Malva x "Candyvine"	Candyvine Crabapple, 5' shrub form (7)
B Prunus caroliniana "Newport"	Newport Plum, 1.25' (3)
C Gladiolus truncatus "Skyline"	Skyline Honeysuckle, 2' (3)
D Potentilla fruticosa "McKay's White"	McKay's White Potentilla, 24" (14)
E Caryophylla x "Grand Blue"	Blueboard, 18" (18)
F Hypericum frondosum "Sunbeam"	St. John's Wort, 15" (10)
G Picea glauca var. densata	Black Hills Spruce, 6' (8)
H Acer x "Satisfaction"	Satisfaction Maple, 2' (5)
I Juniperus chinensis "Sea Green"	Sea Green Juniper, 24" (24)
J Quercus macrocarpa	Bur Oak, 2' (3)
K Pinus occidentalis	Sycamore, 2' (3)
L Alnus glutinosa	Black Alder, 1.25' (3)
M Toxicodendron dasylychum	Redgum, 6' (6)
N Cornus alleghaniensis	Red-Twigged Dogwood, 4' (31)
P Betula nigra	River Birch, 1.25' clump form (3)
Q Ilex verticillata	Winterberry, 24" (16)
R Picea abies	Norway Spruce, 6' (3)
S Crataegus viridis "White King"	Whitehaw, 6' (3)
T Thuja occidentalis "Tectony"	Tectony Arborvitae, 6' (2-4)
U Physocarpus opulifolius "Monro"	Diablo Ninebark, 4' (7)
V Juniperus chinensis "Ames"	Upright Juniper, 6' (6)
W Amelanchier canadensis	Shadblow Serviceberry, 6' (5)
Y Viburnum prunifolium	Blackhaw Viburnum, 6' (5)
Z Quercus bicolor	Swamp White Oak, 2' (1)

Common Name	Latin Name
Brown Flag	Acrostichum spicatum
Blue Flag	Cyperus tenuiflorus
Common Reed	Phragmites australis
Water Willow	Salix pyramidalis
Common Arrowweed	Sagittaria arifolia
Water Hyacinth	Eichhornia crassipes
Water Sparganium	Sparganium angustifolium
Water Smartweed	Alisma spicatum
Water Chestnut	Trapa natans
Water Liliopsis	Liliopsis sp.
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Water Smartweed	Alisma spicatum
Water Chestnut	Trapa natans
Water Liliopsis	Liliopsis sp.

Design Notes
 Phase I Landscape Installation is anticipated in Spring of 2007.
 Areas outside the construction zone to be marked with color.
 Design of foundation plantings and ornamental plantings around church sign will be done at a later date.
 Any necessary modifications due to availability of plants will be chosen to maintain the integrity of the design.

Phase I Landscape Plan

First Baptist Church
 Minooka, IL

Earth's Echo
 Skonsauk, IL
 1" = 50'
 Revised April 2006

NEW CHURCH FACILITY
 MINOOKA, KENDALL COUNTY

Handwritten signature

EXHIBIT

B
DATE 10-17-06

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EASEMENT AGREEMENT FOR ONE STORM SEWER PIPE

Grantors, STEPHANIE S. DAVIDSON as Trustee of the Stephanie S. Davidson Trust dated July 25, 2003 and DONALD E. DAVIDSON, as Trustee of the Donald E. Davidson Trust dated July 25, 2003, of Seward Township, Kendall County, Illinois, hereby grant to the Grantee, FIRST BAPTIST CHURCH OF PLAINFIELD, an easement to install, repair and maintain one storm sewer pipe not to exceed 18 inches in diameter under the following described property situated in Kendall County, Illinois:

The North 32 feet of Parcel 1 and the North 32 feet of Parcel 2 which are described on Exhibit A attached hereto and made a part hereof.

This grant of easement as stated above is subject to the following terms and conditions which are accepted and approved by Grantee:

1. The storm sewer pipe shall only drain 15 acres of real estate owned by Grantee as described on attached Parcel 3 and other land which naturally drains into the land described on attached Parcel 3. Grantee shall not allow any other land to be connected into this storm sewer pipe which does not naturally drain into the land described on attached Parcel 3. Grantors reserve the right to drain their land into the storm sewer pipe installed by Grantee if the land of Grantors naturally drains into the area where the storm sewer pipe is installed.
2. Grantee shall not damage the premises of Grantors. Grantee shall restore the premises of Grantors to the same condition as existed prior to the installation of the storm sewer pipe. Grantee shall pay Grantors all damages caused by the installation of the storm sewer pipe which are not repaired or corrected by Grantee. If Grantee does not pay the damages of Grantors and Grantors retain an attorney to collect the damages, then Grantee shall pay the attorney's fees and costs of Grantors.

- 3. Grantee shall pay the attorney's fees of Grantors which are incurred regarding the negotiations and preparation of this easement agreement.
- 4. This easement agreement shall be binding upon the parties and their heirs, executors, assigns and successors in interest.
- 5. Grantee shall pay all costs to maintain and repair the storm sewer pipe.
- 6. Grantee shall not in any way restrict, impede, obstruct or divert the natural flow of water on Grantor's real estate.
- 7. This is a non-exclusive easement and Grantors shall have the right to possess and use the easement area so long as it does not damage the storm sewer pipe installed by Grantee.
- 8. This Easement Agreement shall not be effective and valid until signed by Grantors and Grantee.

DATED this ____ day of _____, 2006.

 STEPHANIE S. DAVIDSON,
 as Trustee of the Stephanie S.
 Davidson Trust dated July 25,
 2003

 DONALD E. DAVIDSON,
 as Trustee of the Donald E.
 Davidson Trust dated July 25,
 2003

Above easement is accepted and approved and Grantee agrees to perform the obligations of Grantee as stated above.

GRANTEE: FIRST BAPTIST CHURCH OF PLAINFIELD

BY: _____

STATE OF ILLINOIS)
) SS I, the undersigned, a Notary Public
 COUNTY OF _____) in and for said County, in the State
) aforesaid do hereby certify that
 STEPHANIE S. DAVIDSON as Trustee of the Stephanie S. Davidson Trust
 dated July 25, 2003 and DONALD E. DAVIDSON, as Trustee of the
 Donald E. Davidson Trust dated July 25, 2003, personally known to
 me to be the same persons whose names are subscribed to the
 foregoing instrument, appeared before me this day in person, and
 acknowledged that they signed, sealed and delivered the said
 instrument as their free and voluntary act, for the uses and
 purposes therein set forth, including the release and waiver of the
 right of homestead.
 GIVEN under my hand and notarial seal this ____ day of _____,
 2006.

 Notary Public

STATE OF ILLINOIS) I, the undersigned, a Notary Public
) in and for said County, in the State
 COUNTY OF _____) SS aforesaid do hereby certify that
 FIRST BAPTIST CHURCH OF PLAINFIELD by its Trustees _____

personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

GIVEN under my hand and notarial seal this _____ day of _____, 2006.

 Notary Public

Prepared by: Attorney Frank J. Black, P.O. Box 148, Morris, IL 60450

Mail Recorded Document To: Attorney Frank J. Black, P.O. Box 148, Morris, IL 60450

EXHIBIT A

PARCEL 1

PIN NUMBER: 09-05-400-003-0000

THE NORTH 40.00 FEET OF THE TRACT OF LAND DESCRIBED IN DEED IN TRUST, RECORDED JANUARY 23, 2004, AS DOCUMENT NO. 20040002032, SAID TRACT BEING DESCRIBED AS:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 5; THENCE SOUTH ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 970.00 FEET TO THE CENTERLINE OF VAN DYKE ROAD; THENCE EASTERLY ALONG SAID CENTERLINE WHICH FORMS AN ANGLE OF 96 DEGREES 51 MINUTES WITH THE LAST DESCRIBED COURSE, (MEASURED CLOCKWISE THEREFROM), 1284.13 FEET TO AN ANGLE IN SAID CENTERLINE; THENCE EASTERLY ALONG SAID CENTERLINE WHICH FORMS AN ANGLE OF 175 DEGREES 43 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM), 1301.87 FEET TO AN ANGLE IN SAID CENTERLINE; THENCE EASTERLY ALONG SAID CENTERLINE WHICH FORMS AN ANGLE OF 179 DEGREES 16 MINUTES 40 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM), 1200.03 FEET FOR A POINT OF BEGINNING; THENCE EASTERLY ALONG SAID CENTERLINE 440.14 FEET, THENCE SOUTH PERPENDICULAR TO SAID CENTERLINE 102.11 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 48 DEGREES 25 MINUTES 48 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM), 302.45 FEET TO THE POINT OF BEGINNING; IN SEWARD TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PARCEL 2

PIN NUMBER: 09-05-400-007-0000

THE NORTH 40.00 FEET OF THAT PART OF THE TRACT OF LAND DESCRIBED IN DEED IN TRUST RECORDED JANUARY 23, 2004, AS DOCUMENT NO. 20040002030, ALSO DESCRIBED IN DEED IN TRUST RECORDED JANUARY 23, 2004, AS DOCUMENT NO. 20040002031, LYING WESTERLY OF THE CENTERLINE OF MIDDLE AUX SABLE CREEK; SAID TRACT BEING DESCRIBED AS: THAT PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EAST LINE OF SAID SOUTHEAST QUARTER WITH THE CENTERLINE OF VAN DYKE ROAD; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER 1383.01 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 45 DEGREES 20 MINUTES 09 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM 2047.82 FEET TO THE CENTERLINE OF VAN DYKE ROAD; THENCE EASTERLY ALONG SAID CENTERLINE 1457.59 FEET TO THE POINT OF BEGINNING; EXCEPT THAT PART THEREOF CONVEYED TO DONALD AND STEPHANIE DAVIDSON BY A DEED RECORDED SEPTEMBER 24, 1979 AS DOCUMENT NO. 79-5221; IN SEWARD TOWNSHIP, KENDALL COUNTY, ILLINOIS. AND EXCEPT ALL OF THE ABOVE DESCRIBED REAL ESTATE WHICH LIES EAST OF THE CENTER LINE OF MID AUX SABLE CREEK.

PARCEL 3

PIN NUMBER: 09-05-400-017

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER 796.41 FEET FOR A POINT OF BEGINNING; THENCE SOUTHERLY ALONG A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER, WHICH FORMS AN ANGLE OF 90° 15' 00" WITH THE LAST DESCRIBED LINE, MEASURED COUNTERCLOCKWISE THEREFROM, 1214.31 FEET TO THE CENTER LINE OF VAN DYKE ROAD; THENCE EASTERLY ALONG SAID CENTER LINE 534.51 FEET TO SAID EAST LINE; THENCE NORTHERLY ALONG SAID EAST LINE 1231.69 FEET TO THE NORTHEAST CORNER OF SAID WEST HALF; THENCE WESTERLY ALONG SAID NORTH LINE 534.25 FEET TO THE POINT OF BEGINNING IN SEWARD TOWNSHIP, KENDALL COUNTY, ILLINOIS.