

KENDALL COUNTY
Ordinance No. 05-51

An Ordinance Granting Temporary 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, adopted by the Board on May 18, 1999; and

WHEREAS, Eldamain Road has been classified as an Access 2 Roadway in said Ordinance, requiring the unsignalized spacing of public streets to be not less than 1760 ft., and requiring private access points to be spaced not less than 1320' apart; and

WHEREAS, Don and Carol Hamman, Petitioner, is negotiating to sell a 7 acre parcel to R & J Construction Supply Company which proposed transaction is conditioned on this ordinance, and accordingly Petitioner have petitioned Kendall County for a variance to allow for the construction of a private, full-access entrance to Eldamain Road, located approximately 962.77' north of the Menards Distribution Center access, along the east side of Eldamain Road illustrated on the attached Exhibit by Smith Engineering dated September 13, 2005, Project No 050463; and

WHEREAS, Kendall County has determined that a temporary variance for full access at said location will not compromise the safety and integrity of the Eldamain Road Corridor, and is in the best interest of the County.

THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants a temporary 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 for Donald and Carol Hamman and their assigns, including R & J Construction Supply Company, for the purpose of a full-access driveway on the east side of Eldamain Road approximately 962.77' north of the Menards Distribution Center access. 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. In order to facilitate the future construction of concrete pavement along the frontage of the petitioner's property, consistent with pavement already constructed south of the petitioner's access, the petitioner Don and Carol Hamman agree to pay Kendall County \$88,932 ($374.45' \times \$475/\text{foot} \times \frac{1}{2}$) for their proportionate share of future pavement construction costs. Said fee shall be paid in full prior to construction of the full-access driveway that relates to the 374.45 feet of frontage for the 7 acres parcel shown on the

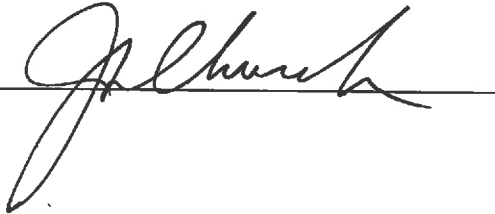
attached exhibit. This fee is based on the estimated cost to construct a 3-lane concrete pavement at \$475 per lineal foot.

In the event that additional property southerly of this parcel shares this ingress/egress easement, an additional deposit shall be deposited by Petitioner Don and Carol Hamman for improvement to Eldamain Road of ½ of \$475 per linear foot of frontage on Eldamain Road for so much of the 962.77' of frontage south of the 7 acre parcel that has access to Eldamain Road at the ingress/egress access point provided for in this variance, which amount shall be increased by 3% per annum commencing on the date of this ordinance to provide for inflation in construction costs for Eldamain Road. This additional amount shall be paid to Kendall County within 7 days of issuance of a certificate of occupancy for each said additional parcel.

4. The full-access driveway, which is the subject of this variance, shall be temporary in nature. The variance for full-access shall be in full force and effect for 10 years, or until Eldamain Road is improved to an 80,000# truck route along the petitioner's Eldamain Road frontage, whichever occurs first. At said time, the full-access driveway shall become a right in / right out access, and shall be governed by all the applicable rules and regulations contained in the Highway Access Regulation Ordinance.
5. 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.

Chairman



John Church – Kendall County Board

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 20th day of September, A.D., 2005.



Paul Anderson – County Clerk

EXHIBIT

SMITH ENGINEERING CONSULTANTS, INC.
 CIVIL/STRUCTURAL ENGINEERS AND SURVEYORS
 700 JOHN STREET
 YORKVILLE, ILLINOIS 60596
 TEL: 630-263-7000 FAX: 630-263-7046
 WWW.SMITHENGINEERING.COM E-MAIL: SMC@SMITHENGINEERING.COM
 ILLINOIS PROFESSIONAL DESIGN FIRM # 184-000108

COMP. FILE: 050463 083005 cld.dwg
 PLOT FILE: STANDARD
 VIEW: Ingress Egress Exhibit

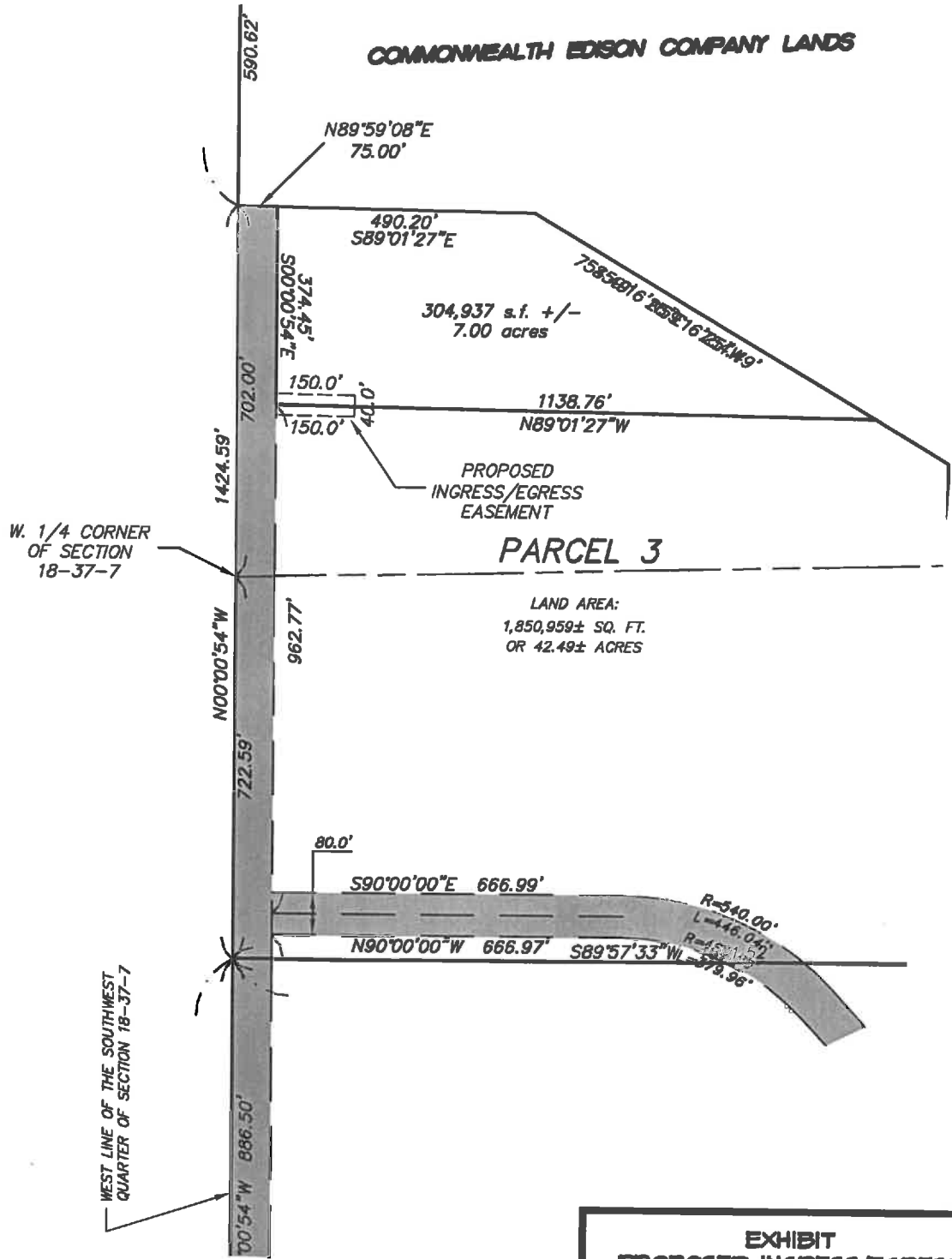


EXHIBIT PROPOSED INGRESS/EGRESS EASEMENT BRISTOL TWP., KENDALL COUNTY			
REVISION	DRAWN BY:	DATE:	PROJECT NO.
1.	CLD	8/13/05	050463
2.	DESIGNED BY:	WORK SCALE:	SHEET NO.
3.	-	1"=300'	-
4.	CHECKED BY:	VERT. SCALE:	-
5.	-	-	-