

State of Illinois
County of Kendall

Zoning Petition
#03-08 Rose Hill

ORDINANCE 2002 - #03-18
Detention Variance

Rose Hill

**97.6 Acres located at the Northwest Corner of Minkler and Hilltop Roads-
Oswego & Townships**

WHEREAS, Property Concepts, Inc petitioned the Planning, Building and Zoning Committee For approval of a proposed fifty-seven lot Residential Planned Development and Subdivision; and

WHEREAS, the property is legally described in Exhibit "A"; and

WHEREAS, the Committee reviewed the request at its meeting on July 7, 2003; and

WHEREAS, the Committee, after reviewing the request recommended approval subject to final engineering review and approval; and

WHEREAS, the County's Consulting engineer Strand Associates, Inc. has reviewed and recommended approval of the final engineering for the project; and

WHEREAS, the plans submitted include a two dry bottom detention basins with depths of 4.5 feet and 4.25 feet respectively; and

WHEREAS, the County's Stormwater Management Ordinance establishes a maximum depth of 4.0 feet for detention basins; and

WHEREAS, the Zoning Administrator has evaluated the standards for a subdivision variation, and has recommended approval of the variation request; and

WHEREAS, said variation would not have a negative effect on adjacent properties; and

WHEREAS, the scope of improvements and size and topography of the property allows the accommodation of stormwater runoff without impacting adjacent properties.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby approves a variation to allow for the construction of the two dry bottom detention basins with depths of not greater than 4.25 feet and 4.5 feet respectively for the final plat of Residential Planned Development and Subdivision for Rose Hill as depicted on "Exhibit B" attached hereto and made a part hereof.

IN WITNESS OF, this ordinance has been enacted on July 18, 2002.

Paul Anderson
Attest: Gannetta S. Mickelson
Deputy

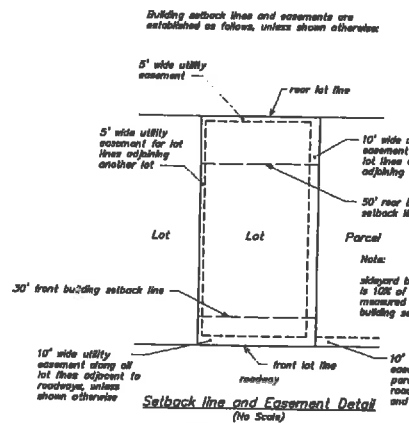
Nancy J. Trout Vice Chair
John A. Church
Kendall County Board Chairman

Paul Anderson
Kendall County Clerk

Rosehill Subdivision Oswego and Kendall Townships Kendall County Illinois



Graphic Scale
0 100' 200' 400'
1 inch = 200 feet



- indicates concrete monument
- └ indicates 90° angle
- indicates building setback line

Notes:

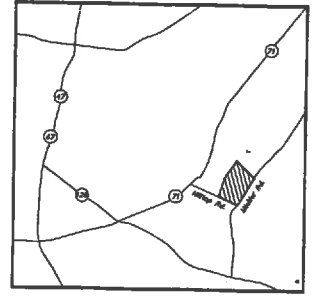
Each of the residential lots contained on this plat will be subject to either covenants and homeowners association or a special service area to maintain the detention/retention pond(s) located within this subdivision.

Parcels A and B are impressed with a Conservation Easement and intended to be open space with detention ponds, pedestrian path and drainage swales permitted, subject to easement provisions contained herein and a Grant of Conservation Easement to be filed contemporaneously with this subdivision plat.

Iron pins (3/4" diameter) shall be set at all corners, angle points and points of curves unless shown otherwise.

Arc distances are along all curves.

Parcel A, B and that part of Lot 59 lying within the Drainage Easement may be used for the extension of electric field absorption lines for Lots 1 through 57 as stipulated in the Conservation Easement provisions.



State of Illinois
County of Kane

This is to certify that I, Russell P. Ory, an Illinois Professional Land Surveyor of Western Engineering, P.C., (Illinois Professional Design Firm No. 161-002967), have surveyed, subdivided and plotted that part of the North Half of Section 2, Township 36 North, Range 7 East of the Third Principal Meridian described as follows: Beginning at the Southeast corner of "Fields of Farm Colony Unit 1"; thence northeasterly along an easterly line of said Unit 1 and the easterly line of "Fields of Farm Colony Unit 2"; thence northerly along the easterly line of said Unit 2 and an easterly line of "Fields of Farm Colony Unit 3" forming an angle of 17°15'00" with the last described course (measured counterclockwise therefrom) 848.40 feet to a northerly line of a tract of land described in a Warranty Deed recorded in Book 172, Page 260 on March 3, 1970; thence southeasterly along said northerly line forming an angle of 87°13'13" with the last described course (measured counterclockwise therefrom) 1740.05 feet to the reconstructed center line of Midler Road (as surveyed on August 11, 1989); thence southwesterly along said center line forming an angle of 89°12'50" with the last described course (measured counterclockwise therefrom) 1683.77 feet to the reconstructed center line of Hilltop Road (as surveyed on August 11, 1989); thence southwesterly along said center line forming an angle of 85°24'28" with the last described course (measured counterclockwise therefrom) 1528.13 feet to the point of beginning in Oswego and Kendall Townships, Kendall County, Illinois and containing 57,531 acres as shown on the plat hereon drawn which is a correct representation of said survey and subdivisions. I further certify that the foregoing described tract is located within 1 1/2 miles of the corporate limits of the "Unified" City of Yorkville, which has adopted an official plan and that said tract is not located within a special flood hazard area as identified by the Federal Emergency Management Agency. All distances are given in feet and decimal parts thereof.

Dated at Saint Charles, Illinois, July 2, 2003

Illinois Professional Land Surveyor No. 2753

Prepared for Developer/Contract Purchaser:
Property Concepts, Inc.
2677 U.S. Highway 34
Oswego, Illinois 60543
(630) 554-6000

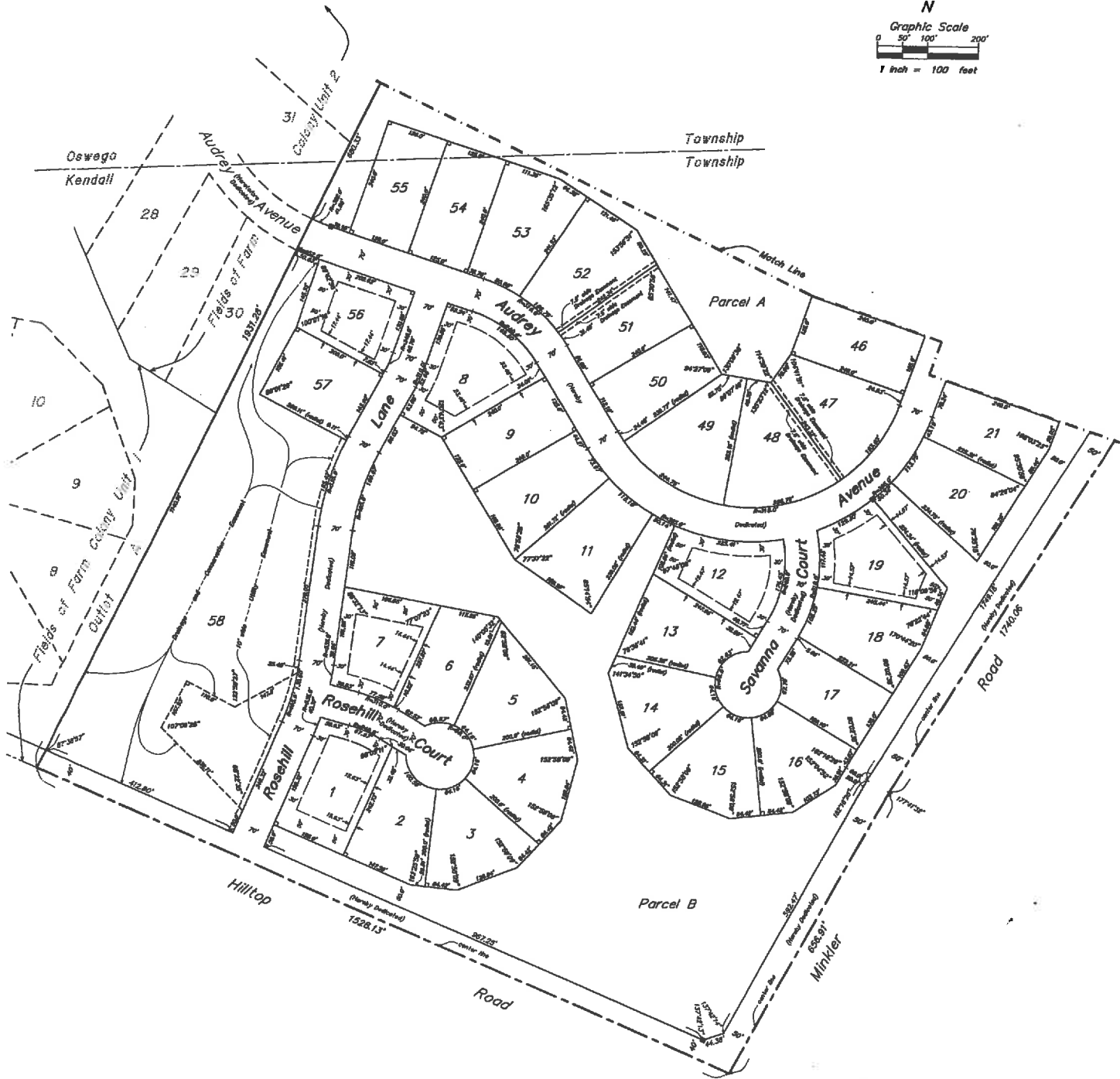
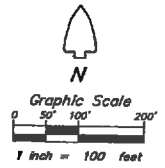
PREPARED BY:
WESTERN ENGINEERING, P.C.
ONE WEST ILLINOIS STREET, SUITE 230
SAINT CHARLES, ILLINOIS 60174
(630) 443-8181 (630) 443-6934 Fax

Sheet 1 of 4
File Name: Sub/Plot/Plat/ Drawn By: MLN
Directory: CAD/338002 Job Number: 338.002

GROUP EXHIBIT

Rosehill Subdivision

Oswego and Kendall Townships Kendall County Illinois



Prepared for Developer/Contract Purchaser:
 Properly Concepts, Inc.
 2677 U.S. Highway 34
 Oswego, Illinois 60543
 (630) 554-8000

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Sheet 2 of 4

File Name: SubPlot/Platt	Drawn By: MLH
Directory: CAD/338002	Job Number: 338.002

GROUP EXHIBIT B

of 7

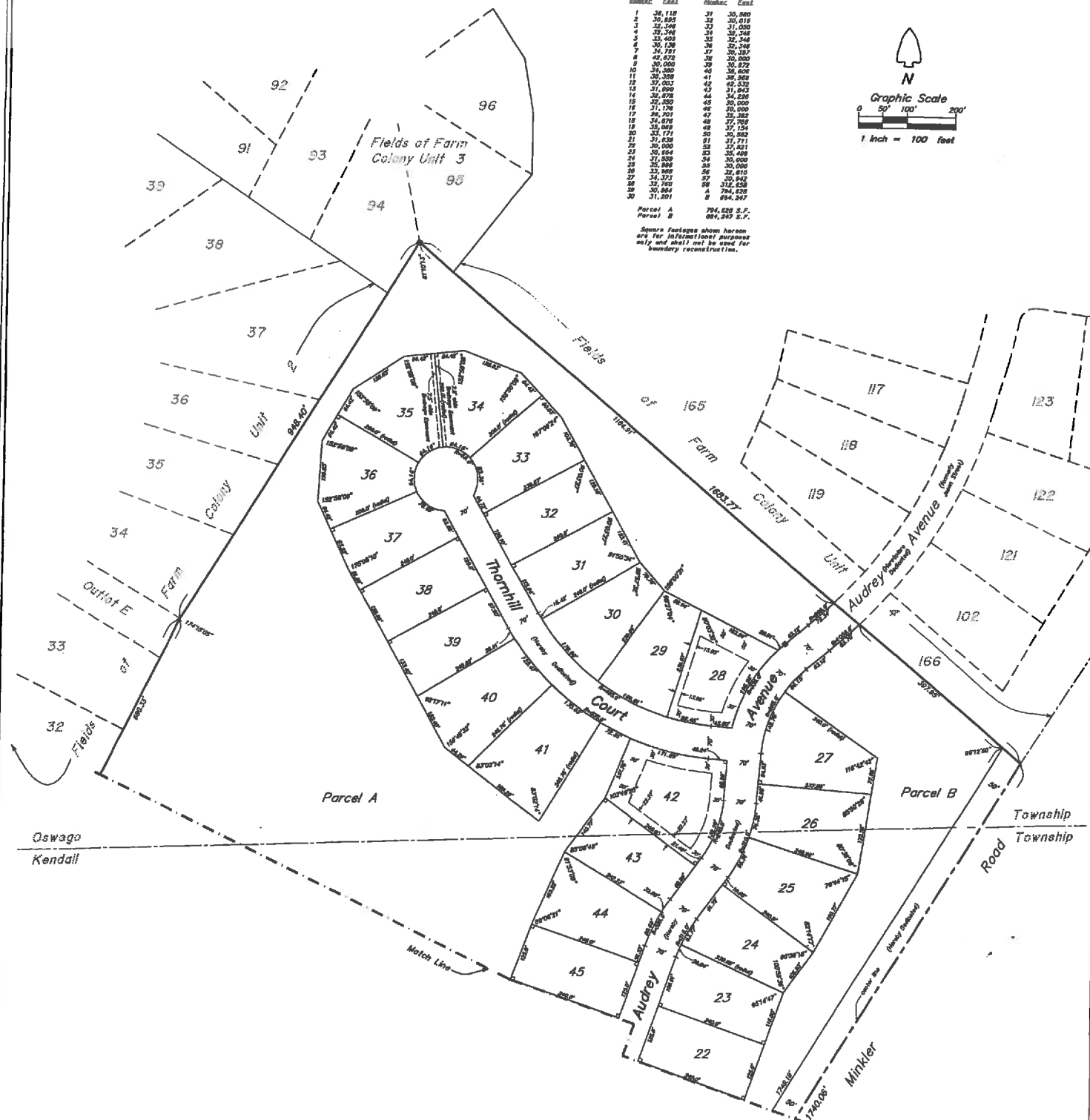
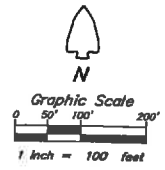
Rosehill Subdivision Oswego and Kendall Townships Kendall County Illinois

Area Tabulation

Lot Number	Square Feet	Lot Number	Square Feet
1	36,118	31	30,560
2	30,885	32	30,016
3	32,348	33	31,050
4	32,348	34	32,348
5	33,403	35	32,348
6	30,136	36	30,136
7	34,787	37	30,337
8	42,672	38	30,000
9	30,000	39	30,872
10	34,580	40	36,406
11	36,328	41	36,568
12	36,328	42	36,568
13	37,000	43	42,532
14	37,000	44	31,842
15	30,000	45	30,000
16	31,126	46	30,000
17	30,000	47	30,000
18	34,878	48	37,758
19	34,878	49	37,758
20	33,171	50	30,582
21	31,638	51	31,711
22	30,000	52	37,821
23	30,000	53	30,498
24	31,009	54	30,000
25	30,000	55	30,000
26	33,888	56	32,610
27	32,373	57	30,942
28	32,373	58	312,828
29	30,864	A	784,828
30	31,091	B	684,247

Parcel A 784,828 S.F.
Parcel B 684,247 S.F.

Square footages shown herein are for informational purposes only and shall not be used for boundary reconstruction.



Prepared for Developer/Contract Purchaser:
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PREPARED BY:
WESTERN ENGINEERING, P.C.
ONE WEST ILLINOIS STREET, SUITE 230
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(630) 443-8181 (630) 443-6954 Fax

Sheet 3 of 4

File Name: SubPlot/Plot1	Drawn By: MLH
Directory: CAD/338002	Job Number: 338.002

Rosehill Subdivision Oswego and Kendall Townships Kendall County Illinois

State of Illinois)
County of Kendall)
This is to certify that Old Second National Bank as Trustee under Trust Agreement dated June 7, 2002 and known as Trust No. 8772 is the owner of the land described in the foregoing surveyor's certificate and has caused the same to be surveyed, subdivided and plotted as shown by the annexed plat for the uses and purposes therein set forth as allowed and provided by statute, the subdivision to be known as "Rosehill Subdivision, Oswego and Kendall Townships, Kendall County, Illinois," and it hereby acknowledges and adopts the same under the style and title aforesaid. Said premises are located within Community Unit School District No. 115.

Dated at Aurora, Illinois, this _____ day of _____, 2003.

By: _____ Trust Officer Attest: _____

State of Illinois)
County of Kendall)
I, _____, a Notary Public in and for the County and State aforesaid hereby certify that _____ Trust Officer and _____ who are personally known to me to be the same persons whose names are subscribed to the foregoing owners' certificate appeared before me this day in person and acknowledged the execution of the annexed plat and accompanying instrument as their free and voluntary act. Given under my hand and Notarial Seal, this _____ day of _____, 2003.

Notary Public

State of Illinois)
County of Kendall)
Approved by the City Council of the "United" City of Yorkville, County of Kendall, Illinois.

Dated at _____, Illinois, this _____ day of _____, 2003, A.D.

ATTEST: _____ Clerk

Mayor

State of Illinois)
County of Kendall)
I, _____ do hereby certify that all matters pertaining to the Highway requirements as described in the regulations governing plats adopted by the County Board of Kendall County, insofar as they pertain to the annexed plat, have been complied with.

Dated this _____ day of _____, 2003.

Kendall Township Highway Commissioner

State of Illinois)
County of Kendall)
I, _____ do hereby certify that all matters pertaining to the Highway requirements as described in the regulations governing plats adopted by the County Board of Kendall County, insofar as they pertain to the annexed plat, have been complied with.

Dated this _____ day of _____, 2003.

Oswego Township Highway Commissioner

State of Illinois)
County of Kendall)
I, Francis C. Kloss, County Engineer of Kendall County, do hereby certify that the annexed plat has been examined by me and found to comply with the Highway requirements as set forth in the regulations governing plats of subdivided land adopted by the County Board of Kendall County, Illinois.

Dated this _____ day of _____, 2003.

Kendall County Engineer

State of Illinois)
County of Kendall)
Issuance of building permits shall be subject to lot by lot soil testing and site evaluation, demonstrating the ability to construct and operate a sewage disposal system capable of meeting or exceeding all applicable State and local rules and regulations.

Approved this _____ day of _____, 2003.

Kendall County Health Department

State of Illinois)
County of Kendall)
Approved by the _____ Plan Commissioner, this _____ day of _____, 2003 A.D.

Chairman

State of Illinois)
County of Kendall)
Approved this _____ day of _____, 2003 A.D.

Plat Officer

State of Illinois)
County of Kendall)
Approved by the _____ Plan Commission, this _____ day of _____, A.D. 2003.

Chairman

State of Illinois)
County of Kendall)
Approved by the Plat and Zoning Committee, this _____ day of _____, 2003 A.D.

Plat & Zoning Committee, Chairman

State of Illinois)
County of Kendall)
Approved by the County Board of Kendall County, Illinois this _____ day of _____, 2003, A.D.

County Clerk

Chairman of County Board

State of Illinois)
County of Kendall)
This is to certify that I, _____ County Clerk for the County aforesaid, do hereby certify that there are no delinquent general taxes, no unpaid current taxes, no unpaid franchise taxes and no redeemable tax sales against any of the real estate described in the foregoing certificate.

Dated this _____ day of _____, 2003.

County Clerk

Kendall County Night-to-Farm Notice

Kendall County has a long, rich tradition in agriculture and respects the role that farming continues to play in shaping the economic viability of the county. Property that supports this industry is indicated by a zoning indicator - A-1 or Ag Special Use. Anyone constructing a residence or facility near this zoning should be aware that normal agriculture practices may result in occasional smells, dust, lights, noise, and unique hours of operations that are not typical in other zoning areas.

Land Cash Fees Notice

All lots as delineated in the above plat are subject to payments of fees pursuant to the Land Cash Ordinance of Kendall County as administered by the Kendall County Building and Zoning Office, and in a covenant running with the land. A recordable release will be issued upon payment of such fees.

General Easement Provisions

An easement is hereby reserved for and granted to Nicor Gas Company, its successors and assigns, in all streets, alleys and other public ways and places shown on this plat, said easement to be for the installation, maintenance, relocation and removal of gas facilities.

An easement is hereby reserved for and granted to SBC Telephone Company, Commonwealth Edison Company and A.T.&T. Broadband Cable Television and their respective successors and assigns within the area as shown by dotted lines on the plat and where indicated in the legend for "UTILITY EASEMENT", to install, lay, construct, renew, operate and maintain conduits and cables, with all necessary equipment for the purpose of serving the subdivision and other property with telephone and electric services; also, to hereby granted the right to use the streets for said purpose; the right to enter upon the lots at all times to install, lay, construct, renew, operate and maintain within said easement area said conduits, cables, and other equipment; and finally the right is hereby granted to cut down and remove or trim and keep trimmed any trees, shrubs or saplings that interfere with any of the said public utility equipment. No permanent buildings or truss shall be placed on said easement, but same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or the rights granted herein.

UTILITY EASEMENT PROVISIONS

A permanent non-exclusive easement is hereby reserved for and granted to the County of Kendall and to all public utility and other companies of any kind operating under franchise granting them rights from the County of Kendall including, but not limited to, the following companies: SBC Telephone Company, Commonwealth Edison Company and A.T.&T. Broadband Cable Television and to their successors and assigns (hereinafter "the Grantee"), in, upon, across, over, under and through the area shown by dotted lines and labeled "UTILITY EASEMENT" on this plat of subdivision and where indicated in the above legend for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, extending, repairing, cleaning and maintaining electrical, cable, telephone, communication, gas, telephone or other utility lines and appurtenances, and such other installations and service connections as may be required to furnish public utility services to adjacent areas, and such appurtenances and additions thereto as the Grantee may deem necessary, together with the right of access across the real estate platted hereon for the necessary personnel and equipment to do any or all of the above premises may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses and rights. Fences shall not be erected upon said easement in any way which will restrict the uses herein granted except where specifically permitted by written authority of the Grantee. The right is also hereby granted to the Grantee to cut down, trim or remove any trees, fences, shrubs, or other plants that interfere with the operation of or access to said utility installations in, on, upon, across, over, under, or through said easement. The Grantee shall not be responsible for replacement of any such improvements, fences, gardens, shrubs, or landscaping removed during exercise of the herein given rights. Replacement of items so removed shall be the responsibility of the lien lot owner.

Drainage Easement Provisions

A permanent non-exclusive easement is hereby reserved for and granted to the County of Kendall (hereinafter "the Grantee"), and to its successors and assigns, on, upon, across, over, under and through the area shown by dotted lines and labeled "Drainage Easement" on this plat of subdivision, or where otherwise noted in the above legend for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, extending, repairing, cleaning and maintaining storm sewers, drainage, drainage, stormwater detention and retention facilities, subsurface drainage systems and appurtenances and any or all manholes, pipes, connections, catch basins, and without limitations, such other installations as the Grantee may deem necessary, together with the right of access across the real estate platted hereon for the necessary personnel and equipment to do any or all of the above work. In furtherance of the foregoing affirmative rights, the following covenants shall run with said land in perpetuity: No permanent buildings or structures shall be placed on said Drainage Easement; No trees or shrubs shall be placed on said Drainage Easement, but the premises may be used for landscaping and other purposes that do not then or later interfere with the aforesaid uses and rights; Fences shall not be erected upon said Drainage Easement in any way which will restrict the uses herein granted. The right is also hereby granted to the Grantee to remove any unpermitted buildings or structures, to cut down, trim or remove any trees, shrubs, or other plants that interfere with the operation of or access to such drainage facility in, on, upon, across, over, under or through said Drainage Easement. The Grantee shall not be responsible for replacement of any such buildings, structures, improvements, fences, gardens, shrubs, or landscaping removed during exercise of the herein given rights. Replacement of items so removed shall be the responsibility of the then lot owner. Where Drainage Easement areas are also used for electric, telephone, cable television or gas distribution systems or components, such utility installations shall be subject to the prior approval of the County of Kendall so as not to interfere with the maintenance of gravity or subsurface flow and stabilization of vegetative groundcover on the abovementioned drainage facilities.

Conservation Easement Provisions

A non-exclusive Conservation Easement for the protection of Parcel A, B and that part of Lot 58 lying within a "Drainage and Conservation Easement" as shown on the plat dated on sheet 2 and 3 hereof is hereby reserved for and granted to the Rosehill Subdivision Homeowners Association, its successors and assigns for the following purposes but subject to a Grant of Conservation Easement filed contemporaneously with the subdivision plat:

- To accept and conduct surface water discharges from adjacent upstream property.
- To maintain said land in its natural, scenic and open condition, and
- To enter said land of all reasonable times for the purpose of inspecting said land to determine if the grantor, or his heirs or assigns, is complying with the covenants and purposes of this grant.
- To conduct controlled burns and other management activities that will improve and maintain the natural condition of said easement area. In furtherance of the foregoing affirmative rights, the grantor makes the following covenants as basis of his deed, his heirs and assigns, which covenants shall run with said land in perpetuity:
- There shall be no dredged or fill material placed upon said land after completion of construction except for excavation needed for the extension of septic field absorption lines for Lots 1 through 57, with written consent of the Grantee and the Kendall County Plat Officer.
- There shall be no fences, buildings or structures, including signs, constructed upon said land.
- There shall be no destruction of trees and plants on said land, except for prudent forestry management which may include, but is not limited to, trimming, removal of fallen, damaged, diseased, or dead vegetation which may threaten human occupation of said land.
- There shall be no plowing of said land nor shall there be any mining, removal of topsoil, sand, rock, gravel, minerals or other material from said land.
- There shall be no grazing or keeping of livestock or domestic animals of any kind on said land, and
- There shall be no operation of snowmobiles, dune buggies, motorcycles, off-road vehicles or any other types of motorized vehicles on said land.

Said "Conservation Easement" may be changed, modified or abrogated only upon written approval of said Grantee, or its successors.

State of Illinois)
County of Kendall)
This instrument No. _____, was filed for record in the recorder's office of Kendall County aforesaid on the _____ day of _____, 2003, at _____ o'clock _____ m. in book _____ of _____ plats of page _____.

Kendall County Recorder

Prepared for Developer/Contract Purchaser:
Property Concepts, Inc.
2677 U.S. Highway 34
Oswego, Illinois 60543
(815) 554-6000

PREPARED BY:
WESTERN ENGINEERING, P.C.
ONE WEST ILLINOIS STREET, SUITE 230
SAINT CHARLES, ILLINOIS 60174
(815) 443-9161 (815) 443-9534 Fax

Sheet 4 of 4

File Name: SubPlot/Plat	Drawn By: MLH
Directory: CAD\338002	Job Number: 338.002