

**ORDINANCE NUMBER 2003 - 03-23**

**GRANTING A CONDITIONAL USE for an A-1 SINGLE FAMILY BUILDING PERMIT  
SCHLAPP**

WHEREAS, Gary and Beverly Schlapp, are owners of two contiguous parcels of property located South of Independence Boulevard and West of Blackberry Creek with tax parcel identification numbers #02-29-130-002 & 02-29-130-014 in Bristol Township and Legally described in attached Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, parcel #02-29-130-002 is a platted lot within the City of Yorkville zoned R-2 for residential use; and

WHEREAS, parcel #02-29-130-014 consists of approximately 13 acres located in unincorporated Kendall County and zoned A-1 Agricultural; and

WHEREAS, Gary and Beverly Schlapp, as owners of the subject properties have filed a petition and are seeking approval of a conditional use in the A-1 zoning district to allow for the issuance of one (1) A-1 building permit to allow for the development of one (1) single-family homes on Parcel #02-29-130-014 as provided in Section 7.01.E.2 of the Kendall County Zoning Ordinance; and

WHEREAS, said parcel is presently zoned A-1; and

WHEREAS, said property is heavily wooded, has flood plain and has other barriers which make farming impractical including poor soils with a Land Evaluation rating of less than 75 points; 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 Zoning Board of Appeals; 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 conditional use in the A-1 zoning district under the provisions of 7.01.E.2. of the Kendall County Zoning Ordinance to permit the development of one (1) single family home subject to the following six (6) conditions:


- 1) The owners and/or subsequent owners of the subject property shall grant to the Kendall County Forest Preserve District or other public open space agency a 20 foot wide easement along Blackberry Creek for conservation and trail purposes; and
- 2) A sidewalk connection will be provided across the street frontage of Lot 2 in conjunction with the development of the proposed home, to provide access to adjoining Lots 1 and 3; and

- 3) A landscape plan to screen and soften the impact of the driveway on Lot 2 shall be submitted for review and approval to the Kendall County Planning, Building and Zoning Department; and
- 4) All accessory structures will be built with a minimum setback of 150 feet from the rear of the neighboring properties to the north; and
- 5) The building envelope for the home shall be confined to the area as identified on the Zoning Plat attached hereto and made a part hereof as Exhibit "B"; and
- 6) The driveway will be constructed in a manner that retains all mature trees and controls run-off so as not to adversely impact adjoining properties.

IN WITNESS OF, this ordinance has been enacted on August 19, 2003.

Attest:

  
\_\_\_\_\_  
Paul Anderson  
Kendall County Clerk

  
\_\_\_\_\_  
John A. Church  
Kendall County Board Chairman

## LEGAL DESCRIPTION

LOT 2 IN BLOCK 3 OF CIMARRON RIDGE, BEING A SUBDIVISION OF PART OF THE NORTH HALF OF SECTION 29, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 21, 1991 AS INSTRUMENT NO. 91-3284 IN THE VILLAGE OF YORKVILLE, KENDALL COUNTY, ILLINOIS AND ALSO THAT PART OF SAID SECTION 29 BEING DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF BLOCK 5 OF SAID CIMARRON RIDGE SUBDIVISION; THENCE NORTH 89 DEGREES 05 MINUTES EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 570.0 FEET TO AN OLD FENCE LINE FOR THE POINT OF BEGINNING; THENCE SOUTH 12 DEGREES 13 MINUTES 34 SECONDS EAST ALONG SAID OLD FENCE LINE, 521.27 FEET; THENCE SOUTH 6 DEGREES 25 MINUTES 33 SECONDS WEST ALONG SAID FENCE LINE, 170.51 FEET; THENCE SOUTH 15 DEGREES 31 MINUTES 21 SECONDS WEST ALONG SAID FENCE LINE, 427.66 FEET; THENCE SOUTH 20 DEGREES 47 MINUTES 54 SECONDS WEST ALONG SAID FENCE LINE, 102.40 FEET TO THE SOUTH LINE OF LOT 4 IN "CONOVER'S THIRD SUBDIVISION" EXTENDED WESTERLY; THENCE SOUTH 85 DEGREES 29 MINUTES 17 SECONDS EAST ALONG SAID SOUTH LINE EXTENDED, 200.0 FEET; THENCE NORTH 43 DEGREES 23 MINUTES 23 SECONDS EAST, 476.88 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE NORTH 36 DEGREES 59 MINUTES 38 SECONDS EAST ALONG THE WEST LINE OF SAID SUBDIVISION, 305.27 FEET TO THE NORTHWEST CORNER OF LOT 2 OF "RESUBDIVISION OF LOT 3 OF CONOVER'S THIRD SUBDIVISION" IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS; THENCE NORTH 28 DEGREES 01 MINUTES 29 SECONDS EAST ALONG THE WEST LINE OF SAID "CONOVER'S THIRD SUBDIVISION" 262.12 FEET; THENCE NORTH 46 DEGREES 31 MINUTES 02 SECONDS WEST, 418.77 TO A POINT 100 FEET SOUTH OF THE SOUTHEAST CORNER OF LOT 7 IN BLOCK 3 OF SAID CIMARRON RIDGE SUBDIVISION, SAID POINT BEING ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT; THENCE SOUTH 89 DEGREES 05 MINUTES WEST PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, 81.00 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF SAID LOT 7; THENCE NORTH 00 DEGREES 55 MINUTES WEST ALONG SAID LINE EXTENDED, 100.0 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7; THENCE SOUTH 89 DEGREES 05 MINUTES WEST ALONG SAID SOUTH LINE, 162.0 FEET TO THE SOUTHEAST CORNER OF LOT 4 OF SAID BLOCK 3; THENCE SOUTH 00 DEGREES 55 MINUTES EAST ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 4, 50.0 FEET; THENCE SOUTH 89 DEGREES 05 MINUTES WEST PARALLEL WITH SAID SOUTH LINE, 162.0 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 3 IN SAID BLOCK 3; THENCE NORTH 00 DEGREES 55 MINUTES WEST ALONG SAID WEST LINE EXTENDED, 50.0 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 89 DEGREES 05 MINUTES WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 63.93 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

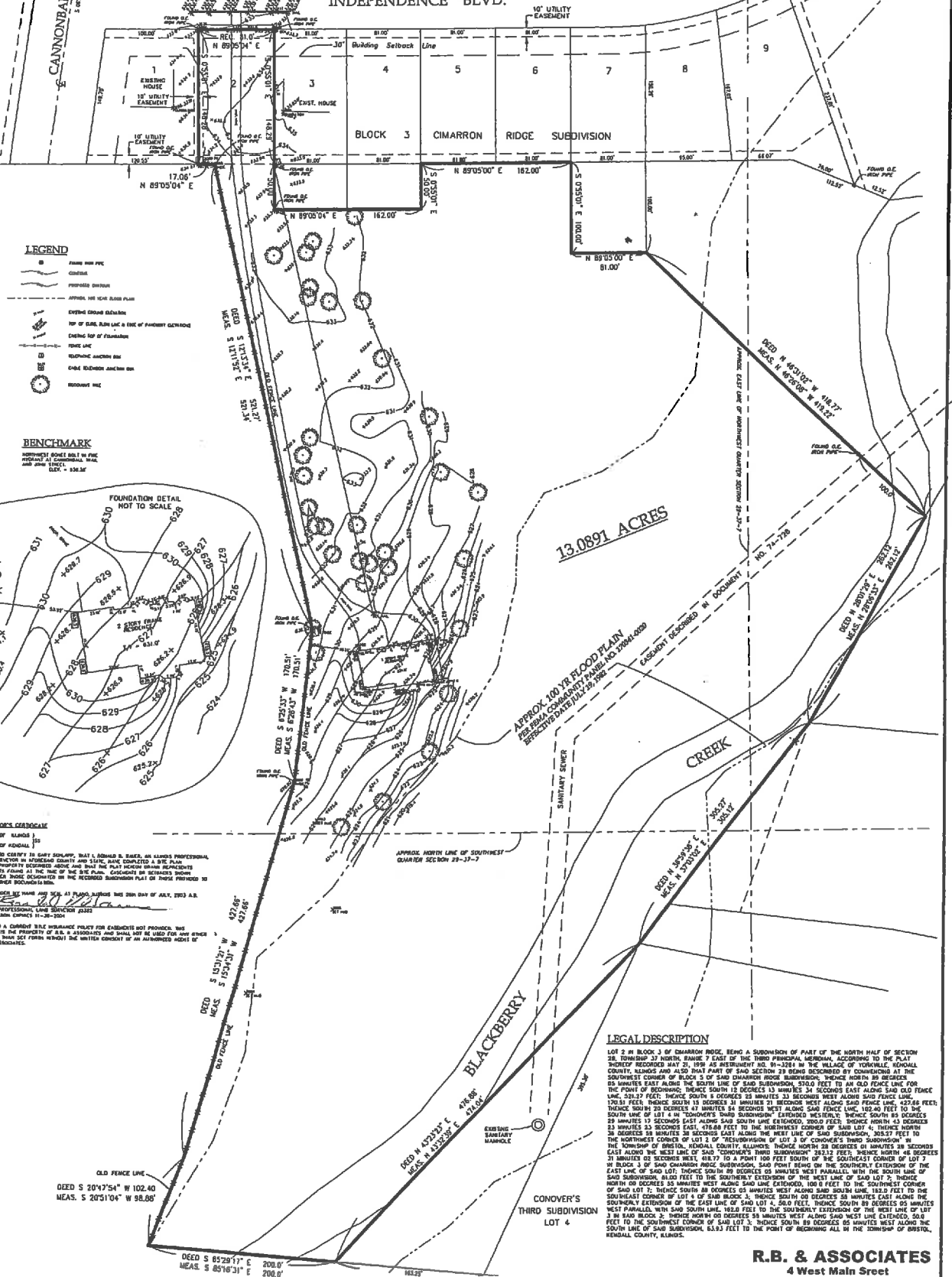
# SITE PLAN

Scale: 1" = 50'

18 BLOCK 2 3 CIMARRON RIDGE SUBDIVISION 4 5 6 7

INDEPENDENCE BLVD.

CANNONBALL TRAIL

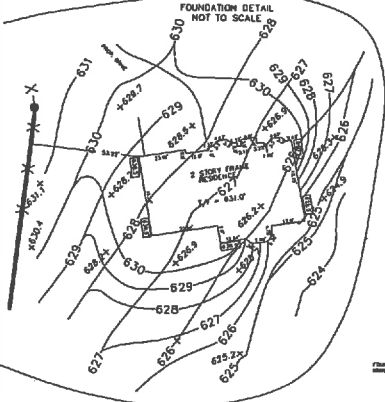


### LEGEND

- FENCE LINE
- CONTOUR
- PROPOSED DRIVEWAY
- PROPOSED UTILITY EASEMENT
- EXISTING STRUCTURE
- UTILITY EASEMENT
- BUILDING SETBACK LINE
- NORTH LINE OF QUARTER SECTION
- CENTER LINE OF ROAD
- CENTER LINE OF DRIVEWAY
- CENTER LINE OF UTILITY EASEMENT
- CENTER LINE OF SEWER LINE
- CENTER LINE OF CREEK
- MONUMENT

### BENCHMARK

MONUMENT POINT 801 IN THE VICINITY OF CANNONBALL TRAIL AND 200' WEST OF SECTION 28



**ENGINEER'S CERTIFICATE**  
 STATE OF ILLINOIS )  
 COUNTY OF KENDALL )  
 I, DONALD R. BATES, AN ILLINOIS PROFESSIONAL LAND SURVEYOR IN KENDALL COUNTY AND STATE, HAVE CONDUCTED A SURVEY OF THE PROPERTY DESCRIBED ABOVE AND THAT THE PLAT HEREON REPRESENTS THE TRUTH AND ACCURACY OF THE SURVEY. CONDUCTED AS SET FORTH IN THE RECORD SUBDIVISION PLAT OF THESE PROPERTIES TO BE OF OTHER DOCUMENTS TO BE FILED.

DATE UNDER MY HAND AND SEAL AT PLANO, ILLINOIS THIS 28TH DAY OF JULY, 2013 A.D.  
 DONALD R. BATES, LAND SURVEYOR, LICENSE NO. 12042  
 KCSB Registration Certificate 11-28-2004

REFER TO A CURRENT TITLE INSURANCE POLICY FOR EASEMENTS NOT SHOWN. THE DRAWING IS THE PROPERTY OF R.B. & ASSOCIATES AND SHALL NOT BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF AN AUTHORIZED AGENT OF R.B. & ASSOCIATES.

### LEGAL DESCRIPTION

LOT 2 IN BLOCK 3 OF CIMARRON RIDGE, BEING A SUBDIVISION OF PART OF THE NORTH HALF OF SECTION 28, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 21, 1934 AS INSTRUMENT NO. 91-3284 IN THE OFFICE OF THE CLERK OF KENDALL COUNTY, ILLINOIS AND ALSO THAT PART OF SAID SECTION 28 BEING DESCRIBED BY COMMISSIONING AT THE SOUTHWEST CORNER OF BLOCK 3 OF SAID CIMARRON RIDGE SUBDIVISION, THENCE NORTH BY BEARINGS 85 DEGREES 51 MINUTES EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 570.0 FEET TO AN OLD FENCE LINE FOR THE POINT OF BEGINNING, THENCE SOUTH 12 DEGREES 13 MINUTES 34 SECONDS EAST ALONG SAID OLD FENCE LINE, 170.51 FEET, THENCE SOUTH 13 DEGREES 31 MINUTES 21 SECONDS WEST ALONG SAID FENCE LINE, 422.66 FEET, THENCE SOUTH 30 DEGREES 47 MINUTES 34 SECONDS WEST ALONG SAID FENCE LINE, 162.40 FEET TO THE SOUTH LINE OF LOT 4 IN TOWNHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE NORTH 63 DEGREES 53 MINUTES 23 SECONDS EAST, 476.68 FEET TO THE NORTHWEST CORNER OF SAID LOT 4, THENCE NORTH 28 DEGREES 58 MINUTES 58 SECONDS EAST ALONG THE WEST LINE OF SAID SUBDIVISION, 205.57 FEET TO THE NORTHWEST CORNER OF LOT 2 OF TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE NORTH 38 DEGREES 08 MINUTES 48 SECONDS EAST ALONG THE WEST LINE OF SAID SUBDIVISION, 203.32 FEET, THENCE NORTH 46 DEGREES 31 MINUTES 05 SECONDS WEST ALONG SAID LINE EXTENDED, 100.0 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF SAID SUBDIVISION, ALSO LOT 2 TO THE SOUTHWEST CORNER OF THE WEST LINE OF SAID LOT 2, THENCE NORTH 00 DEGREES 30 MINUTES WEST ALONG SAID LINE EXTENDED, 100.0 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, THENCE SOUTH 89 DEGREES 05 MINUTES WEST PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, 84.0 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, THENCE SOUTH 89 DEGREES 05 MINUTES WEST PARALLEL WITH SAID SOUTH LINE, 162.0 FEET TO THE SOUTHWEST CORNER OF THE WEST LINE OF LOT 3 IN SAID BLOCK 3, THENCE NORTH 00 DEGREES 30 MINUTES WEST ALONG SAID WEST LINE EXTENDED, 50.0 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3, THENCE SOUTH 89 DEGREES 05 MINUTES WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 633.5 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, KENDALL COUNTY, ILLINOIS.

**R.B. & ASSOCIATES**  
 4 West Main Street  
 Plano, Illinois 60545  
 (630) 552-7452  
 ENGINEERING LICENSE NO. 184-002836

EXHIBIT

10/10 (15/12)