

**ORDINANCE NUMBER 2002- 23**

**EXTENDING A SPECIAL USE  
KENDALL NEW CENTURY, LLC**

Private and Public Utilities and Services; Power Generating Plant

WHEREAS, Kendall New Century Development, LLC and Robert C. Konicek did jointly file a petition for a Special Use within the A-1 District for the property located on Corneils Road approximately ¼ mile east of Eldamain Road; and

WHEREAS, said petition for a Special Use in the A-1 Zoning District allows for the development of a power generating plant as provided for in Section 7.00 B.19. of the Kendall County Zoning Ordinance was granted by the County Board on July 17, 2000 subject to the conditions incorporated under Ordinance 00-28, a copy of which is attached hereto and made a part hereof as Exhibit "B"; and

WHEREAS, said property is 70 acres (more or less), and is legally described in the attached Exhibit "A"; and

WHEREAS, the Special Use has not been established within two years of the adoption of ordinance 00-28 granting the special use; and

WHEREAS, Section 13.00.F of the Kendall County Zoning Ordinance provides that the County Board may revoke the Special Use if it has not been established within two years of the granting thereof; and

WHEREAS, the petitioner has demonstrated that unique circumstances have prevented the establishment of the Special Use within the required two year period; and

WHEREAS, the petitioner has requested that the County Board consider an extension of the two year limitation to allow for the establishment of the Special Use Permit; and

WHEREAS, the Kendall County Planning, Zoning and Building Committee has reviewed the request for an extension of the Special Use Permit and has recommended that the County Board consider granting said request subject to certain conditions;


NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby approves the extension of the special use zoning permit including all of the conditions specified in ordinance 00-28 granting the special use, attached hereto and made a part hereof, for a period of one year and that said extension shall be subject to the following additional conditions:

1. The petitioner and/or any subsequent owners in interest, shall provide the County with an annual report demonstrating that substantial progress is being made in securing any necessary permits required to allow for the construction and implementation of the special use or demonstrating that construction of the facility has commenced and is diligently being pursued to completion.

2. The report shall be supplied to the Director of Planning, Building and Zoning no later than May 1<sup>st</sup> of each year in order to allow Planning, Building and Zoning Committee sufficient time to review the information and provide the County Board with a recommendation for any additional extensions.
3. Substantial progress shall be defined as diligently pursuing and obtaining the required permits or approvals necessary to allow the start of construction; commencement and completion of construction in a timely manner once the necessary permits have been obtained; the scheduling of required inspections and completion of any punch list items in a timely manner to facilitate occupancy and operation of the facility.”

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 September 17, 2002.

  
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Attest:

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

Paul Anderson  
Kendall County Clerk

**EXHIBIT A: LEGAL DESCRIPTION  
SPECIAL USE**

The east 1,790.70 feet of that part of the Southwest Quarter of Section 7, Township 37 North, Range 7 East of the Third Principal Meridian, described as beginning at the Southwest Corner of said Quarter; thence east along the South Line of said Quarter to the Southeast Corner of said Quarter; thence north along the east line of the said Quarter 25.80 chains; thence west on a line parallel to the South Line of said Quarter to the West Line of Said Quarter; thence south along the West Line of said Quarter 25.80 chains to the Southwest Corner of said Quarter and the place of beginning, in the Township of Bristol, Kendall County, Illinois. (PIN 02-07-300-003)