

ORDINANCE NUMBER 2002- 29

**MAP AMENDMENT FOR 27.66 ACRES AT ½ MILE NORTH
OF ROGERS ROAD, ON OAKBROOK ROAD**

Rezone from A-1 to R-1

WHEREAS, Larry Penn did file a petition for a Map Amendment from A-1 to R-1, for property located at ½ mile north of Rogers Road, on Oakbrook Road in Section 5 & 8 of Fox Township; and

WHEREAS, said property is identified with the tax identification number 04-05-400-011, 04-05-400-012, 04-05-400-013, 04-05-400-014, 04-08-200-027, 04-08-200-028 and is legally described as "Lots 1 thru 8, part of the Southeast Quarter of Section 5, Township 35, Range 6 East and Section 8, Range 6 East of the Third Principal Meridian and further described as Exhibit A here to and made part here of Fox Township, Kendall County, Illinois"; and

WHEREAS, said property is currently zoned A-1; and


WHEREAS, the petitioner desires to rezone the property in order to attain residential zoned lots to construct eight (8) single-family residences, as permitted in the R-1 district; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, findings of fact, and recommendation by the Zoning Board of Appeals; and

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

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants a zoning map amendment from A-1 to R-1 on the tract of land at ½ mile north of Rogers Road, on Oakbrook Road and legally described as above and further described as "Exhibit B".

IN WITNESS OF, this ordinance has been enacted on October 15, 2002.


John A. Church
Kendall County Board Chairman


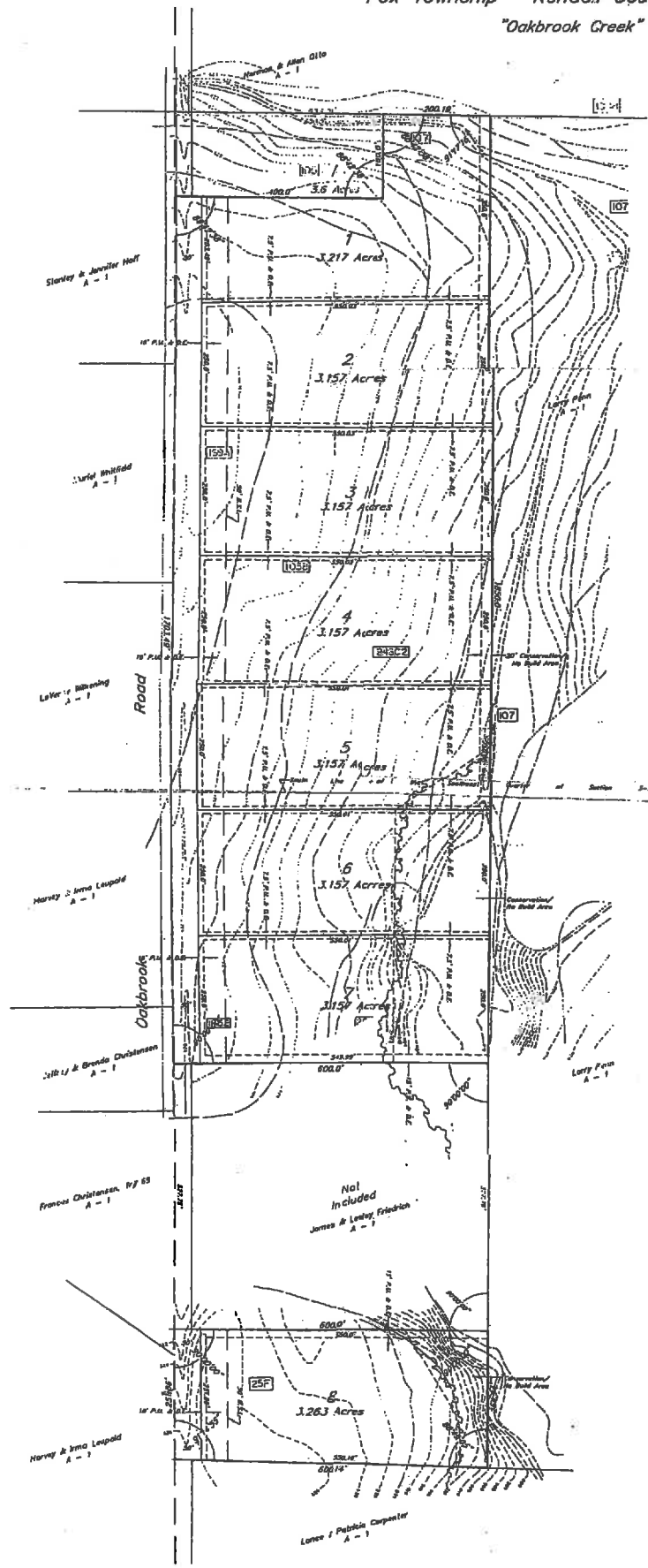

Paul Anderson
Kendall County Clerk

EXHIBIT A

Legal Description for Larry Penn Zoning Petition

The West 600.0 feet of the Southeast Quarter of the Southeast Quarter of Section 5, Township 36 North, Range 6 East of the Third Principal Meridian (except the Northerly 160.0 feet of the Westerly 400.0 feet thereof) and the Westerly 600.0 feet of the Northeast Quarter of the Northeast Quarter of Section 8, Township and Range aforesaid (except that part thereof described as follows: Commencing at the Northwest corner of the Northeast Quarter of the Northeast Quarter of said section 8; thence southerly along the West line of said Northeast Quarter of the Northeast Quarter 539.62 feet for a point of beginning; thence easterly, perpendicular to the last described line, 600.0 feet; thence southerly, parallel with said west line 527.76 feet; thence westerly perpendicular to the last described course, 600.0 feet to said West line; thence northerly along said West line 527.76 feet to the point of beginning) in Fox Township, Kendall County, Illinois and containing 27.662 acres.

Zoning and Preliminary Plat
 Part of the Southeast Quarter of Section 5-36-6 and
 Part of the Northeast Quarter of Section 8-36-6
 Fox Township Kendall County Illinois
 "Oakbrook Creek"



R.S.L. Indicates Right-of-Way Outside Line
 P.M. & R.C. Indicates Public Utility and Drainage Easement

CONSERVATION NO BUILD AREA PROVISIONS

- A PERMANENT, IRREVOCABLE, NON-EXCLUSIVE COVENANT RUNNING WITH THE LAND FOR THE PROTECTION OF LANDS SUCH AS, BUT NOT LIMITED TO, WETLANDS, GRASSLANDS, FENS, MARSHES, BARRIERS, STRAGALS, CREEKS, PONDS, LAKES, WOODS, PRANGES, WILDLIFE HABITATS, AND OPEN SPACE ON, OVER AND UPON THOSE AREAS OF LAND DESIGNATED AS "CONSERVATION NO BUILD AREA" ON THE PLAT HEREIN DRAWN AND HEREAFTER REFERRED TO AS THE "LAND", FOR THE FOLLOWING PURPOSES:
- A. TO ACCEPT AND CONVEY SURFACE WATER DISCHARGES FROM ADJACENT UPSTREAM PROPERTY; AND
 - B. TO MAINTAIN SAID LAND IN ITS NATURAL, SCENIC AND OPEN CONDITION.
- IN FURTHERANCE OF THE FOREGOING AFFIRMATIVE INTENT, THE FOLLOWING COVENANTS SHALL RUN WITH SAID LAND IN PERPETUITY:
- A. THERE SHALL BE NO GRADED OR FILL MATERIAL PLACED UPON SAID LAND; AND
 - B. THERE SHALL BE NO ROADS, DRIVEWAYS, FENCES, BUILDINGS OR STRUCTURES INCLUDING SIGNS, CONSTRUCTED UPON SAID LAND;
 - C. THERE SHALL BE NO ACQUIRING, REMOVAL OR DESTRUCTION OF TREES AND PLANTS ON SAID LAND, EXCEPT THOSE NECESSARY TO PROTECT THE NATURAL, SCENIC, OPEN SPACE, OR ECOLOGICAL VALUE OF THE LAND;
 - D. THERE SHALL BE NO PLACING OF SAND LIME AND SHALL THERE BE ANY MINING, REMOVAL OF TOPSOIL, SAND, ROCK, GRAVEL, MINERALS OR OTHER MATERIAL FROM SAID LAND, EXCEPT TO ENHANCE THE ECOLOGICAL CHARACTER OF THE LAND; AND
 - E. THERE SHALL BE NO GRAZING OR KEEPING OF LIVESTOCK OR DOMESTIC ANIMALS OF ANY KIND ON SAID LAND; AND
 - F. THERE SHALL BE NO OPERATION OF MACHINERIES, TRACTORS, MOTORCYCLES, ALL-TERRAIN VEHICLES OR ANY OTHER TYPES OF MOTORISED VEHICLES ON SAID LAND; AND
 - G. THERE SHALL BE NO DUMPING, PLACING, DEPOSITING OR STORING OF ANY TRASH, WASTE, GARBAGE, VEHICLES, BODIES OR PARTS OR OTHER UNDESIRABLE OR OFFENSIVE MATERIAL, PROVIDED THAT THE INDIVIDUAL LOT OWNER MAY DISPLAY SOUND CONSERVATION PRACTICES SUCH AS PRESCRIBED FERTILIZERS, SLURRIES, AND SOIL CONSERVATION OTHER GENERALLY ACCEPTED LAND MANAGEMENT PRACTICES IN ORDER TO RESTORE AND MAINTAIN THE NATURAL RESOURCES OR OPEN SPACES ON THE LAND; AND
 - H. THERE SHALL BE NO FURTHER SUBDIVISION OF THE LAND IN ANY MANNER, LEGAL OR DE FACTO, BEFORE THAT SUBDIVISION SHOWN ON THE FINAL PLAT OF SUBDIVISION ATTACHED HERETO.
- SAID RESTRICTION SHALL NOT APPLY TO UTILITY COMPANIES AND THEIR FACILITIES WHICH HAVE IMPERATIVE EXERCISES PIVANT TO THE PLAT.
- THE CONSERVATION NO BUILD AREA SHALL BE A COVENANT RUNNING WITH THE LAND.

Southwest corner of the Southeast Quarter of Section 5-36-6

Soils as indicated in "Soils Survey of Kendall County, Illinois"

- 25' Hennepin silt loam, 15-20% slopes
- 105' Bellevue silt loam
- 105B Bellevue silt loam, 3-4% slopes
- 107' Summit silt clay loam
- 159A Plano silt loam, 0-2% slopes
- 159B Plano silt loam, 2-4% slopes
- 242C St. Charles silt loam, 4-7% slopes, eroded
- 316C Lawrence loam, 4-7% slopes

Prepared for:
 Larry Penn
 1427 Sandwich Dr.
 Sandwich, Illinois 60548
 (815) 498-9376

Prepared by:
 James M. Olson Associates, Ltd.
 107 West Madison Street
 Yorkville, Illinois 62560
 October 3, 2002

Location Sketch

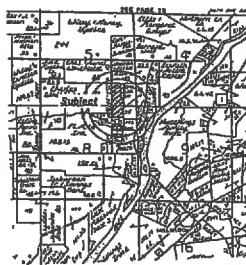


Exhibit B