

State of Illinois  
County of Kendall

Zoning Petition  
#01-49 Penn  
Oakbrook Road

**ORDINANCE 2002 - 31**  
Detention Variance  
**OAKBROOK CREEK SUBDIVISION**  
**27.66 Acres at ½ mile north of Rogers Road,**  
**on Oakbrook Road- FOX TOWNSHIP**

WHEREAS, Larry Penn as owner petitioned the Planning, Building and Zoning Committee to waive the stormwater detention requirements for a proposed eight lot subdivision; and

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

WHEREAS, the Committee reviewed the request at its meeting on September 9, 2002; and

WHEREAS, the Committee, after reviewing the request and evaluating the standards for a subdivision variation, recommended approval of the variation request; and

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

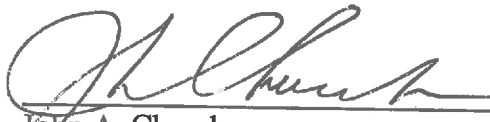
WHEREAS, the scope of improvements and size and topography of the property allows the accommodation of stormwater runoff without impacting adjacent properties.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby approves a variation to waive the stormwater detention requirements for the preliminary plat of subdivision for Oakbrook Creek as depicted on the preliminary plat as "Exhibit B".

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

  
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Attest:

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

Paul Anderson  
Kendall County Clerk

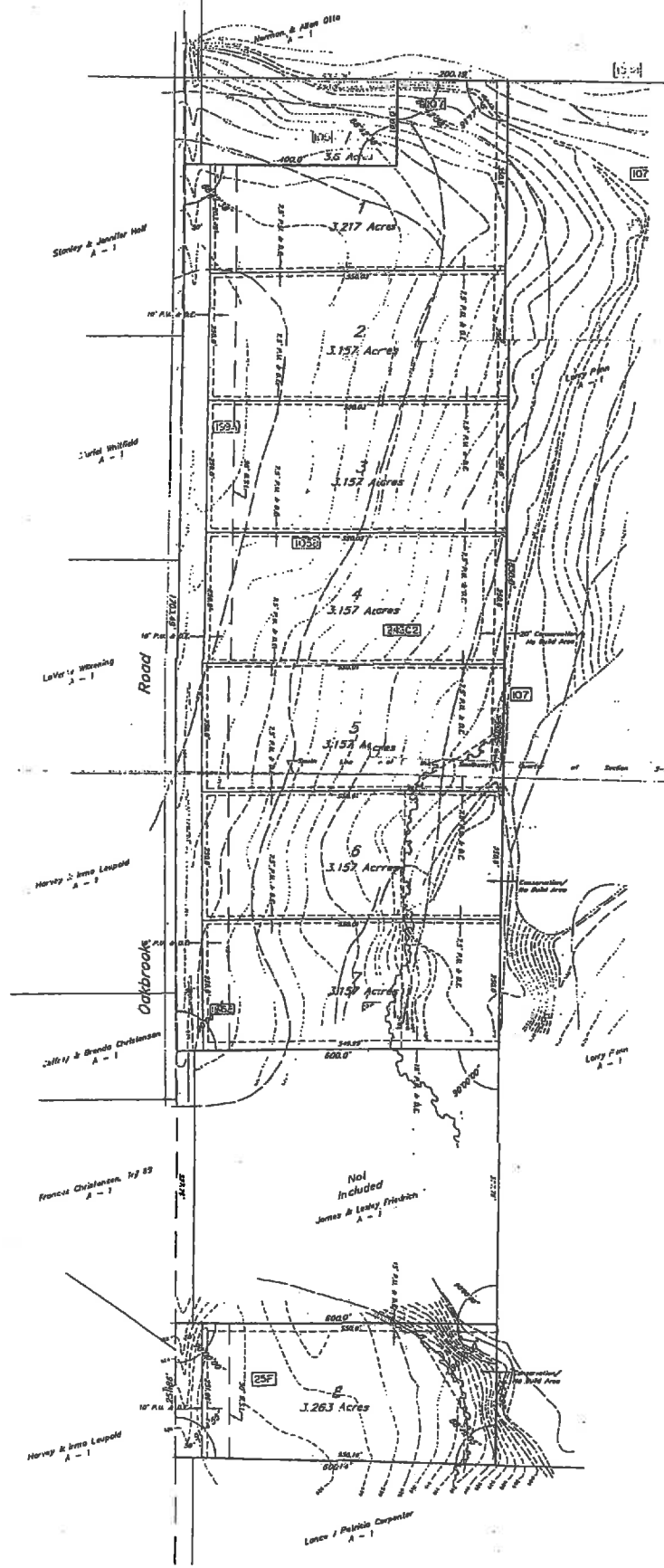
# EXHIBIT A

## 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 27.862 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"



XXX Indicates Utility Easement Line  
 A.A. & S.C. Indicates Public Utility  
 and Drainage Easement



**CONSERVATION NO BUILD AREA PROVISIONS**

A PERMANENT, IRREVOCABLE, NON-EXCLUSIVE COVENANT RUNS WITH THE LAND FOR THE PROTECTION OF UNIQUE AREAS SUCH AS, BUT NOT LIMITED TO, WETLANDS, GRASSLANDS, FENS, MARSHES, PRAIRIES, CRIBS, CREEKS, PONDS, LAKES, WOODS, PRAIRIES, WILDLIFE HABITATS, AND OPEN SPACES OR OTHER UNUSUAL AREAS OF LAND DESIGNATED AS "CONSERVATION NO BUILD AREA" ON THE PLAT HEREIN DRAWN AND HEREINAFTER REFERRED TO AS THE "LAND", FOR THE FOLLOWING PURPOSES:

- A. TO ACCEPT AND CONDUCE SURFACE WATER DISCHARGES FROM ADJACENT UPSTREAM PROPERTY; AND
  - B. TO MAINTAIN SAID LAND IN ITS NATURAL, OPEN AND OPEN COVERED STATE.
- IN FURTHERANCE OF THE FOREGOING AFFIRMATIVE RIGHTS, THE FOLLOWING COVENANTS SHALL RUN WITH SAID LAND BY RESTRICTIONS:
- A. THERE SHALL BE NO GROUND OR FILL MATERIAL PLACED UPON SAID LAND; AND
  - B. THERE SHALL BE NO ROADS, DRIVEWAYS, FENCES, BARRIERS OR STRUCTURES INCLUDING SIGNS, CONSTRUCTED UPON SAID LAND;
  - C. THERE SHALL BE NO REMOVAL, OR DESTRUCTION OF TREES AND PLANTS ON SAID LAND, EXCEPT WHEN NECESSARY TO PROTECT THE NATURAL, SCENIC, OPEN SPACE, OR ECOLOGICAL VALUE OF THE LAND;
  - D. THERE SHALL BE NO PLOWING OF SAID LAND NOR SHALL THERE BE ANY REMOVAL, REMOVAL OF TOPSOIL, SAND, ROCK, OR OTHER MATERIALS OR OTHER MATERIALS FROM SAID LAND EXCEPT TO ENHANCE THE ECOLOGICAL CHARACTER OF THE LAND; AND
  - E. THERE SHALL BE NO GRADING OR REPAIRS OF LAWNS OR DOMESTIC APPLIANCES OF ANY KIND ON SAID LAND; AND
  - F. THERE SHALL BE NO OPERATION OF BLOWERS, DUNE BUCKETS, 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, DEBRIS, VEHICLES, BOATS OR PARTS OR OTHER UNDESIRABLE OR OFFENSIVE MATERIAL, PROVIDED THAT THE INDIVIDUAL LOT OWNER MAY EMPLOY REASONABLE CONSERVATION PRACTICES SUCH AS PRESCRIBED FERTILIZING, BURNING, AND BRUSH CONTROL, AND 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, BEYOND THAT SUBDIVISION SHOWN ON THE FINAL PLAT OF SUBDIVISION ATTACHED HERETO.

SAID RESTRICTIONS SHALL NOT APPLY TO UTILITY COMPANIES AND THEIR AFFILIATES WHICH HAVE LEGAL RIGHTS EASEMENT RIGHTS PURSUANT TO THE PLAT.

THE CONSERVATION NO BUILD AREA SHALL BE A COVENANT RUNNING WITH THE LAND.

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

- 25F Herculite silt loam, 15-30% slopes
- 105 Herculite silt loam
- 105P Herculite silt loam, 3-4% slopes
- 107 Shawnee silt clay loam
- 188A Plano silt loam, 0-2% slopes
- 188B Plano silt loam, 2-4% slopes
- 243C2 St. Charles silt loam, 4-7% slopes, eroded
- 318C Loretta silt 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 60560  
 October 3, 2002

Location Sketch

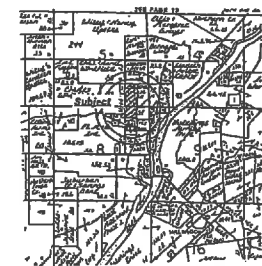


Exhibit B