

ORDINANCE NUMBER 2001- 14

SPECIAL USE ORDINANCE
TOUCH AMERICA, INC.

WHEREAS, Touch America, Inc., filed a petition for a Special Use within the A-1 District, for property located on Galena Road in Little Rock Township; and

WHEREAS, the property is legally described as that portion of the South Half of the Galena Road right-of-way located within the floodplain and floodway of Big Rock Creek located in the Northeast Quarter of Section 1 Township 37N Range 6E of the Third Principal Meridian in Kendall County; and

WHEREAS, the petitioner wishes to place a fiber optic cable underneath 750 feet of floodplain and floodway of Big Rock Creek; and

WHEREAS, said property is zoned A-1 Agricultural District; 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

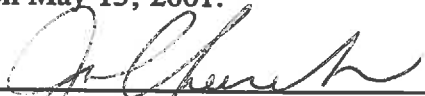
WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of a special use zoning for a fiber optic cable underneath 750 feet of floodplain and floodway, with the following conditions:

1. The petitioner will need to follow the guidelines discussed in the materials that they and Power Engineers submitted to Kendall County.
2. The petitioner will repair field tile on surrounding properties if damaged as a result of construction of the fiber optic cable, if the property owners are able to demonstrate such damage within a date five years from the time of this ordinance.
3. Digging from the surface shall not be allowed in the floodplain.
4. The portion of the fiber optic cable under the creek must be encased in steel.
5. The necessary easements for construction of utilities must be found on the site.

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 May 15, 2001.



John A. Church
Kendall County Board Chairman

Attest:



Paul Anderson
Kendall County Clerk