ORDINANCE NUMBER 2016 - 09

GRANTING A VARIANCE TO THE KENDALL COUNTY
STORMWATER MANAGEMENT ORDINANCE FOR THE PROPERTY AT
682 STATE ROUTE 31, OSWEGO TOWNSHIP
FOR FOX METRO WATER RECLAMATION DISTRICT

WHEREAS, Fox Metro Water Reclamation District has submitted a stormwater management permit application for the development of a 25.88 acre property located on the west side of State Route 31, approximately 0.75 miles south of U.S. Route 30, commonly known as 682 State Route 31 (PIN# 03-05-353-009; 03-05-353-010; 03-05-353-006; 03-05-353-004; 03-05-353-003; 03-05-353-002), in Oswego Township; and

WHEREAS, said development is for the expansion of the existing waste water treatment facility which expansion is mandated by State and federal water quality requirements related to their discharge and water quality improvements of the Fox River; and

WHEREAS, Fox Metro Water Reclamation District is a unit of local government providing public water and sewer service to residents of Kendall County; and

WHEREAS, Fox Metro Water Reclamation District will be placing 9.39 acre-feet of fill in the regulatory floodplain at the property located at 682 State Route 31; and

WHEREAS, no development or proposed work is occurring within the regulatory floodway of the Fox River; and

WHEREAS, Fox Metro Water Reclamation District received special use approval for this expansion on December 20, 2011 through Ordinance 2011-35; and

WHEREAS, said property is legally described as:

PARCEL ONE:  
THAT PART OF LOT 3 OF LARSON SUBDIVISION, DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF SAID LOT, BEING ON THE CENTERLINE OF STATE ROUTE NO. 31; THENCE SOUTHERLY ALONG SAID CENTERLINE, 46.58 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 82° 36' EAST, PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT, 775.16 FEET TO THE EASTERLY LINE OF SAID LOT; THENCE SOUTH 9° 39' EAST ALONG SAID EASTERLY LINE, 229.17 FEET; THENCE SOUTH 37° 16' EAST, 35.20 FEET TO THE SOUTHEAST CORNER OF SAID LOT; THENCE NORTH 82° 36' WEST ALONG THE SOUTHERLY LINE OF SAID LOT, 867.3 FEET TO THE CENTERLINE OF SAID STATE ROUTE NO. 31; THENCE NORTHERLY ALONG SAID CENTERLINE, 250.52 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL TWO:  
THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8
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County of Kendall  

EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 6, TOWNSHIP AND RANGE AFORESAID; THENENCE SOUTH ALONG THE WEST LINE OF SAID SECTION 6, 1363.34 FEET; THENENCE SOUTH 82° 36' EAST, 5298.7 FEET TO THE WEstERLY BANK OF FOX RIVER; THENENCE NORTH 18° 46' WEST ALONG SAID WEstERLY BANK, 192.5 FEET FOR THE POINT OF BEGINNING; THENENCE NORTH 18° 46' WEST ALONG SAID WEstERLY BANK, 44.35 FEET; THENENCE NORTH 37° 16' WEST ALONG SAID WEstERLY BANK, 227.8 FEET; THENENCE NORTH 82° 36' WEST, 867.3 FEET TO THE CENTERLINE OF THE ORIGINAL ROAD; THENENCE SOUTHERLY ALONG SAID CENTERLINE, 200 FEET TO A LINE DRAWN NORTH 82° 36' WEST FROM THE POINT OF BEGINNING; THENENCE SOUTH 82° 36' EAST, 1014.21 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS (*AKA LOT 4 OF LARSON SUBDIVISION).  

PARCEL THREE:  
TRACT ONE:  
LOT 5 OF LARSON’S SUBDIVISION, TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.  

TRACT TWO:  
THAT PART OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5 WITH THE CENTERLINE OF ILLINOIS STATE ROUTE NUMBER 31; THENENCE NORTH 6° 44' EAST ALONG SAID CENTERLINE, 745.75 FEET; THENENCE SOUTH 82° 30' EAST, 100 FEET TO THE POINT OF BEGINNING; THENENCE SOUTHWESTERLY AT RIGHT ANGLES WITH THE LAST DESCRIBED COURSE, 110 FEET; THENENCE SOUTH 82° 30' EAST TO THE CENTER THREAD OF THE FOX RIVER; THENENCE NORTHERLY ALONG SAID CENTER THREAD TO A LINE DRAWN SOUTH 82° 30' EAST FOR THE POINT OF BEGINNING; THENENCE NORTH 82° 30' WEST TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.  

PARCEL FOUR:  
COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 5 WITH THE

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CENTERLINE OF ILLINOIS STATE ROUTE NO. 31; THENCE NORTH 6° 44' EAST ALONG SAID CENTERLINE, 745.75 FEET; THENCE SOUTH 82° 30' EAST 100 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY AT RIGHT ANGLES WITH THE LAST DESCRIBED COURSE, 110 FEET; THENCE SOUTH 82° 30' EAST TO THE CENTER THREAD OF THE FOX RIVER; THENCE NORTHERLY ALONG SAID CENTER THREAD TO A LINE DRAWN SOUTH 82° 30' EAST FROM THE POINT OF BEGINNING; THENCE NORTH 82° 30' WEST TO THE POINT OF BEGINNING, AND ALSO EXCEPTING THEREFROM THAT PART OF THE SOUTH HALF OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF STATE ROUTE 31 WHICH IS 165.86 FEET NORTH OF THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTH LINE OF SAID SECTION 5 AS MEASURED ALONG THE CENTERLINE OF SAID ROAD; THENCE NORTH 6° 03' 17" EAST ALONG SAID CENTERLINE, 85.00 FEET; THENCE EASTERLY AT AN ANGLE OF 87° 43' 10" MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE, 99.08 FEET; THENCE NORTHEASTERLY AT AN ANGLE OF 169° 46' 24" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 87.59 FEET; THENCE NORTHERLY AT AN ANGLE OF 142° 32' 41" MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE, 69.19 FEET; THENCE NORTHERLY AT AN ANGLE OF 148° 08' 36" MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE, 52.57 FEET; THENCE EASTERLY AT AN ANGLE OF 106° 13' 20" MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE, 859.60 FEET, MORE OR LESS, TO THE WEST BANK OF THE FOX RIVER; THENCE SOUTHERLY ALONG THE WEST BANK OF SAID FOX RIVER, 302.20 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF COMMONWEALTH EDISON LANDS DESCRIBED IN DOCUMENT NO. 127020 AT THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS; THENCE WESTERLY ALONG SAID NORTHERLY LINE, 1109.30 FEET, MORE OR LESS, TO THE POINT OF BEGINNING), IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

PARCEL FIVE:
THAT PART OF THE SOUTH HALF OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF STATE ROUTE 31, WHICH IS 165.86 FEET NORTH OF THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTH LINE OF SAID SECTION 5 AS MEASURED ALONG THE CENTERLINE OF SAID ROAD; THENCE NORTH 6° 03' 17" EAST ALONG SAID CENTERLINE, 85.00 FEET; THENCE EASTERLY AT AN ANGLE OF 87° 43' 10" MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE, 99.08 FEET; THENCE NORTHEASTERLY AT AN ANGLE OF 169° 46' 24" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 87.59 FEET; THENCE NORTHERLY AT AN ANGLE OF 142° 32' 41" MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE, 69.19 FEET; THENCE NORTHERLY AT AN ANGLE OF 148° 08' 36" MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE, 52.57 FEET; THENCE EASTERLY AT AN ANGLE OF 106° 13' 20" MEASURED COUNTER CLOCKWISE FROM THE LAST DESCRIBED COURSE, 1010.40 FEET, MORE OR LESS, TO THE WEST BANK OF THE FOX RIVER; THENCE SOUTHERLY ALONG THE WEST BANK OF SAID FOX RIVER, 320 FEET MORE OR LESS, TO THE NORTHERLY LINE OF THE COMMONWEALTH EDISON COMPANY LANDS DESCRIBED IN DOCUMENT 127020 AT THE RECORDER'S OFFICE OF KENDALL COUNTY, ILLINOIS; THENCE WESTERLY ALONG SAID NORTHERLY LINE, 1109.30 FEET, MORE OR LESS, TO THE POINT OF
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County of Kendall

BEGINNING, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

WHEREAS, Fox Metro Water Reclamation District has submitted a request for a variance to the requirements of Section 403.a – Hydraulically Equivalent Compensatory Storage (above and below 10 year flood elevation) and Section 403.d – Compensatory Storage Adjacent to the Development, of Article IV of the Kendall County Stormwater Management Ordinance to provide 5.22 acre-feet of off-site floodplain compensatory storage at a 16.98 acre property owned by Fox Metro Water Reclamation District located on the west side of Orchard Road, approximately 0.25 miles south of U.S. Route 34 (PIN #02-24-126-008), in Bristol Township; and

WHEREAS, said property is legally described as:

PARCEL ONE:
THAT PART OF THE NORTH HALF OF SECTION 24, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION; THENECE SOUTH 89 DEGREES 58 MINUTES 07 SECONDS WEST ALONG THE NORTH LINE OF SAID NORTH HALF 760.98 FEET FOR A POINT OF BEGINNING; THENECE NORTH 89 DEGREES 58 MINUTES 07 SECONDS EAST 761.28 FEET TO THE WEST LINE EXTENDED OF “SERENITY ON THE FOX, BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS”; THENECE SOUTH 00 DEGREES 52 MINUTES 13 SECONDS WEST ALONG SAID EXTENDED WEST LINE, SAID WEST LINE AND SAID WEST LINE EXTENDED SOUTHERLY, 1037.46 FEET TO THE NORTHERLY BANK OF THE FOX RIVER; THENECE WESTERLY ALONG SAID NORTHERLY BANK TO A LINE DRAWN SOUTH 00 DEGREES 23 MINUTES 55 SECONDS WEST FROM THE POINT OF BEGINNING; THENECE NORTH 00 DEGREES 23 MINUTES 55 SECONDS EAST 1158.94 FEET TO THE POINT OF BEGINNING IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 19.546 ACRES.

PARCEL TWO:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 24 TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHEAST QUARTER WITH THE WEST LINE EXTENDED NORTHERLY OF “SERENITY ON THE FOX, BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS”; THENECE NORTH 89 DEGREES 58 MINUTES 07 SECONDS EAST ALONG SAID NORTH LINE, 409.56 FEET TO THE NORTHEAST CORNER OF LOT 13 IN SAID SUBDIVISION; THENECE SOUTH 89 DEGREES 54 MINUTES 18 SECONDS WEST ALONG THE NORTH LINE OF LOTS 13 AND 14 IN SAID SUBDIVISION, 409.56 FEET TO THE NORTHWEST CORNER OF SAID LOT 14; THENECE NORTH 00 DEGREES 52 MINUTES 13 SECONDS EAST ALONG SAID WEST LINE EXTENDED, 0.45 FEET TO THE POINT OF BEGINNING IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 0.002 ACRES.

WHEREAS, all variance procedures required by the Kendall County Stormwater Management Ordinance were followed including a public hearing by the County’s Stormwater Management Oversight Committee on June 16, 2016; and
State of Illinois  
County of Kendall

WHEREAS, the County’s Oversight Committee has determined the variance requests meet following standards:

The variance will not increase the probability of flood damage or create an additional threat to the public health, safety or welfare.

The variance requested is the minimum relief necessary to accomplish the objectives of the development without compromising the objectives of Section 102 of this Ordinance.

The variance will not result in a reduction of water quality benefits as compared to compliance with ordinance requirements.

The variance is not requested solely for the purpose of reducing site runoff storage requirements.

The variance shall not cause conveyance of stormwater from the project to increase peak discharges beyond design capacity of existing offsite conveyance facilities for any storm event from the 2-year to the 100-year recurrence frequency.

The variance shall seek to preserve valuable environmental and biological resources including but not limited to stands of native trees, existing wetlands and natural floodplain storage.

WHEREAS, the County’s Oversight Committee has determined the variance requests identified herein to be acceptable under the following conditions:

1. The Fox Metro Water Reclamation District shall procure all necessary County, State and Federal permits and satisfy all permit conditions
2. Submittal and County approval of a maintenance plan for the compensatory storage area.
3. Recording of an easement for the compensatory storage area

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

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval, subject to the conditions noted herein, of a variance to Section 403.a – Hydraulically Equivalent Compensatory Storage (above and below 10 year flood elevation) and Section 403.d – Compensatory Storage Adjacent to the Development, of Article IV of the Kendall County Stormwater Management Ordinance to allow 5.22 acre-feet of off-site floodplain compensatory storage in accordance with the submitted application and the site plan included as “Group Exhibit A” attached hereto and incorporated herein.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 21st day of June, 2016.

[Signature]
John A. Shaw  
Kendall County Board Chairman

[Signature]
Debbie Gillette  
Kendall County Clerk