ORDINANCE NUMBER 98-03

GRANTING A-1 BUILDING PERMIT
DON AND TERESA ROBBINS & GLEN AND JUNE NAGEL
FOX RIVER DRIVE

WHEREAS, Glen and June Nagel, owners of property in Section 31 of Fox Township with tax parcel identification number 04-31-476-002, desire to sell approximately 23 acres of the approximately 37 acre parcel to Don and Teresa Robbins; and

WHEREAS, said desired property is further described on the attached Exhibit A: Legal Description of Entire 23.278 Acre Tract; and

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

WHEREAS, said buyers, in conjunction with the sellers, have petitioned to obtain an A-1 Building Permit in accordance with Section 7.01 A.2.c. of the Kendall County Zoning Ordinance; and

WHEREAS, the property proposed to receive the A-1 Building Permit is further described on the attached Exhibit B: Legal Description of 5.000 Acre Tract to be Rezoned; and

WHEREAS, the entire property is further detailed on the attached Exhibit C: Zoning Plat of Part of the Southeast Quarter of Section 31, T36N-R6E, 3rd PM; 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, along with the conditions specified in this ordinance, is in conformance with the provisions of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of an A-1 Building Permit to construct a single family home on the property to be sold from Parcel Number 04-31-476-002, in conformance to the Kendall County Zoning Ordinance and the following conditions:

1. The Nagels shall dedicate 15 feet of right-of-way along the east side of Fox River Drive for the entire length of their current property as shown on the aforementioned zoning plat of Exhibit C; and

2. The both parties involved shall provide an appropriate covenant to the Planning, Building, and Zoning Office detailing that the Robbins' and subsequent owners shall not pursue an additional A-1 Building Permit.
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 February 17, 1998.

John A. Church  
Kendall County Board Chairman

Paul Anderson  
Kendall County Clerk
LEGAL DESCRIPTION OF ENTIRE 23.278 ACRE TRACT:

That part of the Southeast Quarter of Section 31, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Southeast Quarter; thence South 00°37'26" East, along the East Line of said Southeast Quarter, 1304.11 feet for the point of beginning; thence North 81°08'32" West, 1094.18 feet; thence South 78°11'19" West, 187.50 feet; thence South 17°03'54" East, 7.29 feet to a line which is 70.0 feet (normally distant) northerly of and parallel with the North Line of a Tract conveyed to the Newark Sanitary District by Document No. 147519; thence South 64°23'45" West, along said parallel line, 369.05 feet; thence South 59°42'45" West, 487.42 feet to the centerline of Fox River Drive (formerly known as Millington-Newark Road); thence South 30°11'52" East, along said centerline, 25.63 feet; thence southeasterly, along a tangential curve to the right with a radius of 4766.74 feet, an arc distance of 44.37 feet; thence North 59°42'45" East, 460.0 feet; thence South 70°47'01" East, 45.60 feet to a point on the westerly right-of-way of the abandoned Illinois Midland Railway; thence northerly, along said westerly right-of-way line being a curve to the left with a radius of 956.46 feet and a chord bearing of North 38°03'44" West, an arc distance of 35.0 feet to the westerly extension of the North Line of said Newark Sanitary District Tract; thence North 64°23'45" East, along said extension and said North Line, 364.54 feet; thence North 78°09'30" East, along a North Line of said Newark Sanitary District Tract, 120.0 feet; thence South 24°37'15" East, along the East Line of said Newark Sanitary District Tract, 1255.01 feet to the North Line of "Coy Park Estates, Newark, Kendall County, Illinois"; thence North 54°34'59" East, along said North Line, 165.79 feet; thence South 81°34'26" East, along said North Line, 474.69 feet to the East Line of said Southeast Quarter; thence North 00°37'26" West, along said East Line, 1030.53 feet to the point of beginning (excepting therefrom the right-of-way of the abandoned Illinois Midland Railway) in Fox Township, Kendall County, Illinois and containing 23.278 acres.
LEGAL DESCRIPTION OF 5,000 ACRE TRACT TO BE REZONED:

That part of the Southeast Quarter of Section 31, Township 36 North, Range 6 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Southeast Quarter; thence South 00°37'26" East, along the East Line of said Southeast Quarter, 1304.11 feet; thence North 81°08'32" West, 749.88 feet for the point of beginning; thence North 81°08'32" West, 344.30 feet; thence South 78°11'19" West, 187.50 feet; thence South 17°03'54" East, 7.29 feet to a line which is 70.0 feet (normally distant) northerly of and parallel with the North Line of a Tract conveyed to the Newark Sanitary District by Document No. 147519; thence South 64°23'45" West, along said parallel line, 302.13 feet to the easterly right-of-way of the abandoned Illinois Midland Railway; thence southeasterly, along said easterly right-of-way line being a curve to the right with a radius of 1036.46 feet and a chord bearing of South 40°02'56" East, an arc distance of 72.30 feet to the North Line of said Newark Sanitary District Tract; thence North 64°23'45" East, along said North Line, 282.45 feet; thence North 78°09'30" East, along said North Line, 120.0 feet; thence South 24°37'15" East, along the East Line of said Newark Sanitary District Tract, 750.0 feet; thence North 65°22'45" East, 120.53 feet; thence North 04°01'32" West, 664.79 feet to the point of beginning in Fox Township, Kendall County, Illinois and containing 5,000 acres.