# ORDINANCE 2004 - 50 STORMWATER MANAGEMENT VARIANCE DEERE CROSSING 36.9 ACRES LOCATED ON THE WEST SIDE OF IMMANUEL ROAD SOUTH OF AMENT ROAD KENDALL TOWNSHIP

<u>WHEREAS</u>, B & B Land Development petitioned the Planning, Building and Zoning Committee for approval of a proposed eighteen (18) lot Residential Planned Development and Subdivision plat; and

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

WHEREAS, the Committee reviewed the request at its meeting on December 13, 2004; and

WHEREAS, the Committee, after reviewing the request recommended approval; and

<u>WHEREAS</u>, the County's Consulting Engineer Strand Associates, Inc. has reviewed and recommended approval of the final engineering for the project; and

<u>WHEREAS</u>, the plans submitted include stormwater basins (detention and retention) with a normal-water-to-100-year high elevation of 7.8 feet; and

<u>WHEREAS</u>, Section 409.1.4 of the County's Stormwater Management Ordinance establishes a maximum depth of 4.0 feet from normal-water-to-100-year high elevation for stormwater basins; and

<u>WHEREAS</u>, the plans submitted include direct discharge of stormwater into an existing twelve (12) inch diameter concrete drainage tile that feeds the neighboring livestock pond to the south of the subject parcel at the request of the receiving property owners; and

<u>WHEREAS</u>, Section 404.0 of the County's Stormwater Management Ordinance prohibits direct discharge of stormwater into drainage tile of adjacent property; and

<u>WHEREAS</u>, the Zoning Administrator has evaluated the standards for a stormwater variation, and has recommended approval of the variation request; and

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

<u>WHEREAS</u>, an agreement, identified as "Exhibit B", has been reached with the property owner to the south to accept the discharge of stormwater.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby approves a variation to allow for the construction of the stormwater basins with a maximum normalwater-to-100-year high elevation of seven and eight-tenths (7.8) feet; and for direct discharge of stormwater into the existing drainage tile described above for the final plat of Deere Crossing as depicted on "Exhibit C" attached hereto and made a part hereof.

IN WITNESS OF, this ordinance has been enacted on November 16, 2004.

John A. Church

Kendall County Board Chairman

Paul Anderson

Attest:

Kendall County Clerk

## LEGAL DESCRIPTION

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 36 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH 00°38'49" EAST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 1119.0 FEET TO AN IRON STAKE FOR A POINT OF BEGINNING; THENCE NORTH 78°59'41" WEST ALONG A LINE WHICH FORMS AN ANGLE OF 100°21'30" WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 755.31 FEET TO AN IRON STAKE; THENCE SOUTH 00°38'49" WEST ALONG A LINE WHICH FORMS AN ANGLE OF 79°38'30" WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM 440.0 FEET; THENCE NORTH 67°12'44" WEST ALONG A LINE WHICH FORMS AN ANGLE OF 67°51'33" WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 1773.21 FEET TO A LINE DRAWN NORTH 00°16'51" EAST FROM A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER WHICH IS 271.03 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, TO AN IRON STAKE ON THE SOUTHERLY LINE OF PREMISES CONVEYED TO THEODORE W. SHAW BY AN ADMINISTRATOR'S DEED RECORDED APRIL 4, 1974 AS DOCUMENT NO. 74-1436; THENCE NORTH 00°16'51" EAST ALONG SAID LINE 837.83 FEET TO SAID SOUTHERLY LINE OF THE SHAW PREMISES; THENCE SOUTH 67°12'44" EAST ALONG SAID SOUTHERLY LINE, 1797.82 FEET TO A STONE MONUMENT AT THE SOUTHEAST CORNER OF SAID SHAW PREMISES; THENCE SOUTH 67°07'53" EAST, 783.77 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00°38'49" WEST ALONG SAID EAST LINE 227.93 FEET TO THE POINT OF BEGINNING IN KENDALL TOWNSHIP, KENDALL COUNTY, ILLINOIS AND CONTAINING 36.878 ACRES AS SHOWN BY THE PLAT HEREON DRAWN WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF. I FURTHER CERTIFY THAT THE ABOVE DESCRIBED PROPERTY IS WITHIN 1 1/2 MILE OF THE CORPORATE LIMITS OF THE UNITED CITY OF YORKVILLE WHICH HAS ADOPTED AN OFFICIAL PLAN, AND THAT NO PART IS WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

STATE OF ILLINOIS )
SS
COUNTY OF KENDALL )

# GROUND WATER AND STORM DRAINAGE AGREEMENT

#### WITESSETH

WHEREAS, DEVELOPER owns a parcel of real estate within Section 17 of Kendall Township, Kendall County, Illinois which is being developed as "Deere Crossing Subdivision" and OWNERS own a parcel of real property within Sections Section 17 of Kendall Township, Kendall County, Illinois that adjoins and is contiguous to the real property of DEVELOPER on its Southern Boundary and in relation to the development of Deere Crossing.

WHEREAS, DEVELOPER whom is developing Deere as a high quality single family residential subdivision and as part of the development process, is required to install a ground water management storm water system within the development pursuant to the Kendal County Storm Water Run Off Ordinance and pursuant to the Illinois Drainage Code. As part of the requirement, DEVELOPER must take into account the effects of its development on surrounding property owners and field drain systems; and

WHEREAS, in preparing a comprehensive storm drainage plan, DEVELOPER has prepared topography and has analyzed the adjoining property to the South and had a detailed set of plans prepared by James Nanning, a Illinois Licensed Civil Engineer, on behalf of DEVELOPER. These plans have also been reviewed by Strand & Associates, a Licensed Illinois Civil Engineering firm on behalf of the County of Kendall. In addition, these plans have been sent to and reviewed by OWNERS, together with Final Landscape Plan and Final Plat; and

WHEREAS, each party agrees it is both in their best interest and mandatory to comply with the Kendall County Storm Water Run Off Ordinance and the Illinois Drainage Code.

agrees, at DEVELOPERS full expense, to install the (3) elliptical culverts as disclosed and approved by the County of Kendall on the final engineering plan of James Nanning. All of which will be maintained by the Homeowners Associated related and recorded documents of Deere Crossing Subdivision and is subject to all terms and conditions as required by the Planned Unit Development Agreement.

IN WITNESS WHEREOF, the undersigned parries hav	e executed this	Agreement this _
B&B-Development, LLC		
By: Deo O  Manager		
		هر ۱۳۰۰ مشمری
Chicago Title and Trast 1097465		
By: Authorized Beneficiary		

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STATE OF ILLINOIS

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4-19-04

COUNTY OF KENDALL

Revised 6/7/2004

# GROUND WATER AND STORM DRAINAGE AGREEMENT

DENTE MARKET.	DEVELOPMENT hereinafter referred to as AND TRUST 1097465 and its Beneficiarie "BENFEICIARY."	greement is made and entered into on this, 2004 by and between B&B s "DEVELOPER" and CHICAGO TITLE es and Owners hereinafter referred to as

### WITESSETH

WHEREAS, DEVELOPER owns a parcel of real estate within Section 17 of Kendall Township, Kendall County, Illinois which is being developed as "Deere Crossing Subdivision" and BENEFICARY owns a parcel of real property within Sections Sections 17 of Kendall Township, Kendall County, Illinois that adjoins and is contiguous to the real property of DEVELOPER on its Northern Boundary and in relation to the development of Deere Crossing.

WHEREAS, DEVELOPER whom is developing Deere as a high quality single family residential subdivision and as part of the development process, is required to install a ground water management storm water system within the development pursuant to the Kendal County Storm Water Run Off Ordinance and pursuant to the Illinois Drainage Code. As part of the requirement, DEVELOPER must take into account the effects of its development on surrounding property owners and field drain systems; and

WHEREAS, in preparing a comprehensive storm drainage plan, DEVELOPER has prepared topography and has analyzed the adjoining property to the North and had a detailed set of plans prepared by James Nanning, an Illinois Licensed Civil Engineer, on behalf of DEVELOPER. These plans have also been reviewed by Strand & Associates, a Licensed Illinois Civil Engineering firm on behalf of the County of Kendall. In addition, these plans have been sent to and reviewed by Smith Engineering, a Licensed Illinois Civil Engineering firm on behalf of the BENEFICIARY; and

WHEREAS, each party agrees it is in their best interest and mandatory for the Developer to comply with the Kendall County Storm Water Run Off Ordinance and in both their best interest and mandatory to comply with the Illinois Drainage Code. Developer proposes to install at its expense three (3), nineteen inch (19-inch) in circumference elliptical culverts to handle the storm runoff from BENEFICIARIES' parcel so as to not cause backup of the storm or ground water onto the property of BENEFICIARY.

NOW THEREFORE, in consideration of the mutual covenants and recitals which are incorporated herein as set out above as obligations of DEVELOPER, DEVELOPER

WHEREAS, OWNERS have reviewed the Final Landscaping Engineering Plans and Final Plat of Subdivision and agree to and acknowledge that the said plans protect their said property in terms of Drainage Plans and Landscape Buffering as set out in the Exhibits which are incorporated herein, said OWNERS consent and acknowledge their approval of said plans.

IN WITNESS WHEREOF, the undersigned parries have executed this Agreement this \_\_\_\_\_\_\_, 2004.

B&B Development, LLC

By:

Manager

George Stuck & Jill Stuck

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Prepared by and Return to: Law Offices of Daniel J. Kramer 1107A S. Bridge St. Yorkville, Illinois 60560