

ORIGINAL



**CITY OF AURORA
CITY COUNCIL**

ORDINANCE NO. 007-54
DATE OF PASSAGE May 8, 2007

PETITIONER: Kimball Hill Homes

AN ORDINANCE APPROVING A REVISED PLAN DESCRIPTION FOR INGHAM PARK SUBDIVISION TO MODIFY THE SIDE YARD SETBACK FROM TWENTY (20) FEET TO SIXTEEN (16) FEET FOR THE 100-FOOT WIDE LOTS, LOCATED NORTH AND SOUTH OF GALENA BOULEVARD, EAST OF GORDON ROAD, AND NORTH OF PRAIRIE STREET IN THE CITY OF AURORA, ILLINOIS 60506

WHEREAS, the City of Aurora has a population of more than 25,000 persons in it and is, therefore, a home rule unit as defined in Article VII, section 6(a) of the 1970 Constitution of the State of Illinois; and

WHEREAS, said section of the Constitution authorizes a home rule unit to exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, Kimball Hill Homes is the owner of record of the real estate legally described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth, and hereafter referred to as Exhibit "A;" and

WHEREAS, revisions to the Plan Description in the form of Exhibit "B", attached hereto and included herein by reference as if fully set forth, have been duly submitted to the Corporate Authorities of the City of Aurora for review for the property described in Exhibit "A", being the entire Ingham Park Subdivision; and

WHEREAS, all public hearings and other action required to be held or taken prior to the adoption and execution of said plan description in order to make the same effective have been held or taken pursuant to notice as required by law and in accordance with all requirements of law; and

WHEREAS, the Plan Description established for the Subject Property with ordinance number O05-102 approved on August 23, 2005 shall remain in full force and effect with the exception of the modification included herein as Exhibit "B"; and

WHEREAS, Exhibits "A" and "B" attached hereto and included herein by reference as if fully set forth, in their present form, have been on file with the City Clerk of the City of Aurora for public inspection for at least one week; and

WHEREAS, the City Council, after due investigation and consideration, has determined that the approval of the revised Plan Description for the property legally described in Exhibit "A" will promote the sound planning and development of the City, and there fore serve the best interests of the City of Aurora; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, As follows:

Section One: That said City Council of the City of Aurora, Illinois finds as fact all of the preamble recitals of this Ordinance.

Section Two: That the revised Plan Description in the form of Exhibit "B" attached hereto and included herein by reference as if fully set forth, and incorporated in and made a part of this Ordinance, is hereby approved.

Section three: That the Mayor of the City of Aurora is hereby authorized and directed to execute such Plan Description on behalf of the City, and the City Clerk is hereby authorized and directed to attest the Mayor's signature and affix the corporate seal of the City thereto.

Section Four: That all modifications and exceptions under the Aurora Zoning Ordinance and all modifications and exceptions from the Aurora Subdivision Control Ordinance, as set forth in the Plan Description, are here by granted and approved.

Section Five: That such number of duplicate originals of said Plan Description may be executed as the Mayor shall determine.

Section Six: That this Ordinance shall take effect and be in full force and effect upon and after its passage, approval and publication in pamphlet from as required by law.

Section Seven: That all ordinances or part of ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

Section Eight: That any section, phrase or paragraph of this ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this ordinance which shall remain in full force and effect.

PRESENTED to the City Council of the City of Aurora, Illinois on May 8, 2007.

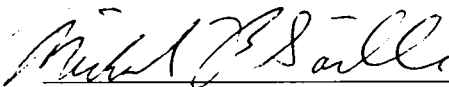
PASSED AND APPROVED by the City Council of the City of Aurora, on May 8, 2007

AYES 12

NAYES 0

NOT VOTING

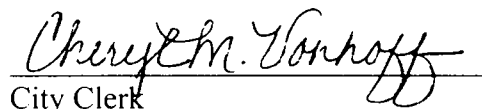
Signed by the Mayor of the City of Aurora, Illinois, on May 8, 2007.



Mayor
City of Aurora

Illinois

ATTEST:



City Clerk

Case File Number: SG23/2-07.122-SU/R

Parcel Numbers: 14-14-300-021;

14-14-300-022;

14-14-400-016;

14-14-400-028;

14-14-400-029;

14-23-100-010;

14-23-100-013;

14-23-200-001;

14-23-300-008;

14-23-300-010;

14-23-300-009;

14-23-300-011;

14-23-400-025;

14-23-400-027;

14-23-400-028

This instrument prepared by:

Aurora Land Use and Zoning Division

1 South Broadway

Aurora, Illinois 60505

EXHIBIT "A"

LEGAL DESCRIPTION

For the property located at the N. and S. of Galena Blvd., N. of Prairie St, & E. of Gordon Rd

**SETTLERS RIDGE
AURORA ANNEXATION LEGALS
AREA NORTH OF FOX RIVER BIKE PATH**

PARCEL 1:

THAT PART OF THE SOUTH HALF OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF WILDWOOD DRIVE BEING A SUBDIVISION OF PART OF SAID SECTION 14 FOR THE POINT OF BEGINNING; THENCE SOUTH 73°53'22" EAST ALONG THE SOUTHERLY LINE OF SAID WILDWOOD DRIVE, A DISTANCE OF 890.10 FEET TO A POINT OF BEND IN THE SOUTH LINE OF LOT 3 OF SAID WILDWOOD DRIVE; THENCE SOUTH 85°40'43" EAST ALONG THE SOUTH LINE OF SAID WILDWOOD DRIVE, A DISTANCE OF 422.62 FEET TO THE SOUTHERLY CORNER OF LOT 4 OF SAID WILDWOOD DRIVE; THENCE SOUTH 06°27'03" WEST, A DISTANCE OF 517.48 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF THE ABANDONED CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY (NOW KNOWN AS THE FOX RIVER PARK DISTRICT BIKE PATH); THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE BEING A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 5779.58 FEET AND A CHORD BEARING OF NORTH 60°05'29" WEST, AN ARC LENGTH OF 1411.49 FEET TO A POINT OF TANGENCY; THENCE NORTH 67°04'33" WEST, A DISTANCE OF 8.57 FEET TO THE CENTERLINE OF DENSMORE ROAD; THENCE NORTH 06°28'22" EAST ALONG THE CENTERLINE OF DENSMORE ROAD, A DISTANCE OF 88.20 FEET TO THE POINT OF BEGINNING; CONTAINING 7.21 ACRES OF LAND, MORE OR LESS, IN SUGAR GROVE TOWNSHIP, KANE COUNTY, ILLINOIS.

**SETTLERS RIDGE
AURORA ANNEXATION LEGALS
AREA NORTH OF BURLINGTON
NORTHERN RAILROAD**

THAT PART OF THE SOUTH HALF OF SECTION 14, AND THE NORTH HALF OF SECTION 23, IN TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF GORDON ROAD AND THE NORTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD; THENCE EASTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE BEING A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 5779.58 FEET AND A CHORD BEARING OF SOUTH 78°13'19" EAST, AN ARC LENGTH OF 120.67 FEET TO THE POINT OF BEGINNING; THENCE NORTH 06°12'32" EAST, A DISTANCE OF 454.36 FEET; THENCE NORTH 04°51'10" WEST, A DISTANCE OF 260.60 FEET; THENCE NORTH 06°12'32" EAST, A DISTANCE OF 524.42 FEET THENCE NORTH 06°11'50" EAST, A DISTANCE OF 275.88 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 4828.20 FEET, AN ARC LENGTH OF 147.63 FEET TO A POINT OF TANGENCY; THENCE NORTH 04°26'43" EAST, A DISTANCE OF 489.52 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY ALONG A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 5944.65 FEET, AN ARC LENGTH OF 181.76 FEET TO A POINT OF TANGENCY; THENCE NORTH 06°11'50" EAST, A DISTANCE OF 1388.13 FEET; THENCE NORTH 81°24'14" WEST, A DISTANCE OF 10.01 FEET; THENCE NORTH 06°10'17" EAST, A DISTANCE OF 340.30 FEET; THENCE NORTH 81°24'14" WEST, A DISTANCE OF 60.05 FEET; THENCE NORTH 06°10'17" EAST ALONG A LINE THAT IF EXTENDED WOULD INTERSECT THE NORTH LINE OF SAID SOUTHWEST QUARTER OF SECTION 14, 264 FEET WESTERLY OF THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER SECTION, A DISTANCE OF 477.31 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ABANDONED CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY (NOW KNOWN AS THE FOX RIVER PARK DISTRICT BIKE PATH); THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR THE FOLLOWING TWO (2) COURSES; (1) THENCE SOUTH 67°05'52" EAST, A DISTANCE OF 1298.00 FEET TO A POINT ON A CURVE; (2) THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 5679.58 FEET AND A CHORD BEARING OF SOUTH 57°16'39" EAST, AN ARC LENGTH OF 1944.97 FEET TO A POINT ON A LINE BEARING SOUTH 07°00' WEST FROM A POINT 1.32 CHAINS EAST OF THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 14, SAID LINE ALSO BEING THE WESTERLY LINE OF COMMONWEALTH EDISON COMPANY RIGHT OF WAY; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF A COMMONWEALTH EDISON COMPANY RIGHT OF WAY FOR THE FOLLOWING TWO (2) COURSES; (1) THENCE SOUTH 06°27'01" WEST, A DISTANCE OF 2906.87 FEET; (2) THENCE SOUTH 19°41'41"

WEST, A DISTANCE OF 878.16 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR THE FOLLOWING THREE (3) COURSES; (1) THENCE NORTH 73°57'16" WEST, A DISTANCE OF 1506.37 FEET; (2) THENCE NORTH 72°34'52" WEST, A DISTANCE OF 652.51 FEET TO A POINT ON A CURVE; (3) THENCE NORTHWESTERLY ALONG A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 5779.58 FEET AND A CHORD BEARING OF NORTH 75°03'08" WEST, AN ARC LENGTH OF 498.80 FEET TO THE POINT OF BEGINNING; EXCEPT FOR THE FOLLOWING DESCRIBED PARCEL:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT A RAILROAD SPIKE AT THE INTERSECTION OF THE CENTERLINE OF GALENA ROAD AND THE CENTERLINE OF GORDON ROAD; THENCE SOUTH 81°25'23" EAST ON AN ASSUMED BEARING ALONG THE CENTERLINE OF SAID GALENA ROAD, 903.33 FEET TO THE PLACE OF BEGINNING; THENCE SOUTH 81°25'23" EAST ALONG SAID CENTERLINE OF GALENA ROAD, 553.30 FEET; THENCE SOUTH 08°35'46" WEST, 471.59 FEET; THENCE NORTH 81°24'14" WEST, 553.30 FEET; THENCE NORTH 08°35'46" EAST, 471.41 FEET TO THE PLACE OF BEGINNING, IN THE TOWNSHIP OF SUGAR GROVE, KANE COUNTY, ILLINOIS.

CONTAINING 280.36 ACRES OF LAND, MORE OR LESS, IN SUGAR GROVE TOWNSHIP, KANE COUNTY, ILLINOIS.

**FARLEY EAST PROPERTY
ANNEXATION TO AURORA
LEGAL DESCRIPTION**

PARCEL THREE:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP AND RANGE AFORESAID WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE NORTH 89°00'05" EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 205.01 FEET TO A POINT ON THE EAST LINE OF COMMONWEALTH EDISON COMPANY RIGHT OF WAY RECORDED AS DOCUMENT NUMBER 1283707; THENCE NORTHERLY ALONG THE EAST LINE OF SAID COMMONWEALTH EDISON COMPANY RIGHT OF WAY LINE FOR THE FOLLOWING THREE (3) COURSES; (1) THENCE NORTH 00°26'40" WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; (2) THENCE NORTH 00°26'40" WEST, A DISTANCE OF 366.07 FEET; (3) THENCE NORTH 19°44'38" EAST, A DISTANCE OF 1140.10 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD RECORDED AS DOCUMENT NUMBER 13079; THENCE SOUTH 71°16'47" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 42.25 FEET TO ITS INTERSECTION WITH A LINE DESIGNATED AS LINE "A" IN A DEED DATED SEPTEMBER 21, 1972 AND FILED FOR RECORD IN KANE COUNTY, ILLINOIS ON OCTOBER 2, 1972 AS DOCUMENT NUMBER 1241603; THENCE SOUTH 06°25'30" WEST ALONG SAID LINE "A", A DISTANCE OF 1429.98 FEET; THENCE SOUTH 89°00'05" WEST, A DISTANCE OF 262.34 FEET TO THE POINT OF BEGINNING; CONTAINING 6.64 ACRES OF LAND, MORE OR LESS IN SUGAR GROVE TOWNSHIP, KANE COUNTY, ILLINOIS.

**FARLEY WEST PROPERTY
ANNEXATION TO AURORA
LEGAL DESCRIPTION**

PARCEL FOUR:

THAT PART OF THE SOUTH HALF OF SECTION 23, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP AND RANGE AFORESAID WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE NORTH $00^{\circ}15'40''$ WEST ALONG THE WEST LINE OF A COMMONWEALTH EDISON COMPANY RIGHT OF WAY, A DISTANCE OF 42.09 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY ALONG SAID WEST LINE OF A COMMONWEALTH EDISON COMPANY RIGHT OF WAY RECORDED AS DOCUMENT NUMBER 1283707 FOR THE FOLLOWING TWO (2) COURSES; (1) THENCE NORTH $00^{\circ}15'40''$ WEST, A DISTANCE OF 402.63 FEET; (2) THENCE NORTH $19^{\circ}43'03''$ EAST, A DISTANCE OF 1172.29 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD RECORDED AS DOCUMENT NUMBER 13079 IN KANE COUNTY, ILLINOIS; THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE FOR THE FOLLOWING THREE (3) COURSES; (1) THENCE NORTH $71^{\circ}16'47''$ WEST, A DISTANCE OF 1500.01 FEET (2) THENCE NORTH $72^{\circ}35'31''$ WEST, A DISTANCE OF 652.51 FEET TO A POINT OF CURVATURE; (3) THENCE WESTERLY ALONG A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 5679.58 FEET AND A CHORD BEARING OF NORTH $75^{\circ}43'07''$ WEST, AN ARC LENGTH OF 619.86 FEET; THENCE SOUTH $06^{\circ}12'32''$ WEST, A DISTANCE OF 16.79 FEET; THENCE SOUTH $06^{\circ}41'45''$ WEST, A DISTANCE OF 823.66 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 521.07 FEET, AN ARC LENGTH OF 531.70 FEET TO A POINT OF TANGENCY; THENCE SOUTH $51^{\circ}46'06''$ EAST, A DISTANCE OF 1035.87 FEET; THENCE SOUTH $72^{\circ}07'34''$ EAST, A DISTANCE OF 1407.23 FEET TO THE POINT OF BEGINNING; CONTAINING 89.89 ACRES OF LAND, MORE OR LESS IN SUGAR GROVE TOWNSHIP, KANE COUNTY, ILLINOIS.

EXHIBIT "B"

Modified Section III (A-1.9) of the Ingham Park Subdivision Plan Description

1.9. Bulk Restrictions

- a. Maximum Lot Area Coverage by buildings, structures and pavements - 40% of the lot area

- b. Specific Lot Requirements

- 1. 80 foot wide lots:

- a. Minimum lot width: 80' at the building line
 - b. Minimum lot size: 10,560 square feet
 - c. Side yard: 12', with a minimum separation between buildings of 26'. Open Side Yard setback may be implemented if applicable.

- 2. 90 foot wide lots:

- a. Minimum lot width: 90' at the building line
 - b. Minimum lot size: 11,250 square feet
 - c. Side yard: 15', with a minimum separation between structures of 36'. Open Side Yard setback may be implemented if applicable.

- 3. 100 foot wide lots:

- a. Minimum lot width: 100' at the building line
 - b. Minimum lot size: 12,500 square feet
 - c. Side yard: 16' with a minimum separation between structures of 44'. Open Side Yard setback may be implemented if applicable.

- 2. 120 foot wide lots:

- a. Minimum lot width: 120' at the building line
 - b. Minimum lot size: 26,400 square feet
 - c. Side yard: 25' with a minimum separation between structures of 52'. Open Side Yard setback may be implemented if applicable.

- c. Required Setback Areas -The minimum required setback areas for this development shall be as follows:

- Front yard- 30' and 50-90' for lots adjacent to Galena Blvd.
 - Rear Yard- 20'
 - Exterior Side yard - 20'
 - Side Yard- See above

RECOMMENDATION

TO: THE COMMITTEE OF THE WHOLE


FROM: THE PLANNING & DEVELOPMENT COMMITTEE

The Planning & Development Committee At Their Regular Meeting On Thursday, April 26, 2007
Recommended **APPROVAL** An Ordinance Approving A Revised Plan Description For Ingham Park
Subdivision To Modify The Side Yard Setback From Twenty (20) Feet To Sixteen (16) Feet For The
100-Foot Wide Lots, Located North And South Of Galena Boulevard, East Of Gordon Road, And North
Of Prairie Street In The City Of Aurora, Illinois 60506 (Kimball Hill Homes - SG23/2-07.122-Su/R –
JR)

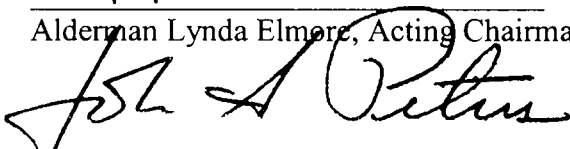
VOTE: 2-0

Chairman Mike Saville, Excused Absent

Submitted By _____
Alderman Michael Saville, Chairman



Alderman Lynda Elmore, Acting Chairman



Alderman John S. Peters

Alderman Chris Beykirch, Alternate

Dated This 27th Day Of April 2007