



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 024-012  
DATE OF PASSAGE January 23, 2024

An Ordinance Establishing a Conditional Use Planned Development, Approving the Wheatland Crossing Plan Description and amending Chapter 49 of the Code of Ordinances, City of Aurora, by modifying the zoning map attached thereto to an underlying zoning of R-2 One Family Dwelling District, R-4A Two-Family Dwelling District, B-2 General Retail District, and OS-1 Conservation, Open Space And Drainage District for the property located at the southeast corner of Ogden Avenue and Farnsworth Avenue.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may 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, KEKA Farms, LLC 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, by petition dated May 12, 2023, D.R. Horton, Inc. - Midwest filed with the City of Aurora a petition requesting the Establishment of a Conditional Use Planned Development, pursuant to an Annexation Agreement, with an underlying R-2 One Family Dwelling, R-4A Two-Family Dwelling, B-2 General Retail, and OS-1 Conservation, Open Space And Drainage zoning districts on the property located at the southeast corner of Ogden Avenue and Farnsworth Avenue in the form of Exhibit "B" attached hereto, and have been duly submitted to the Corporate Authorities of the City of Aurora for review for the property described in Exhibit "A"; and

WHEREAS, after due notice and publication of said notice, the Planning and Zoning Commission conducted a public hearing on December 20, 2023, reviewed the petition and recommended CONDITIONAL APPROVAL of said petition; and

ORDINANCE NO. 024-012  
DATE OF PASSAGE January 23, 2024

WHEREAS, on January 10, 2023, the Building, Zoning and Economic Development Committee of the Aurora City Council reviewed said petition and the before mentioned recommendations and recommended APPROVAL of said petition; and

WHEREAS, the City Council, based upon the recommendation and the stated standards of the Planning and Zoning Commission, finds that the proposed Conditional Use is not contrary to the purpose and intent of Chapter 49 of the Code of Ordinances, City of Aurora

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

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

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

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

Section Four: 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.

Section Five: In accordance with Section 104.3 of Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance and the Zoning Map attached thereto, and Article VI of Chapter 34 of the Code of Ordinances, City of Aurora, a Conditional Use permit is hereby granted for a Planned Development for the real estate property legally described in Exhibit "A".

Section Six: That this Conditional Use permit hereby granted is solely for the purpose of a Planned Development and is subject to all of the conditions set forth herein which shall be binding and remain in full force and effect upon the property, the petitioner and their respective heirs, executors, administrators, successors, assigns and devisees for the duration of said Conditional Use.

Section Seven: That the 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 with the following condition:

1.) That, at the time of contract with a third-party homebuyer, D.R. Horton, Inc. – Midwest will provide future homebuyers a disclosure identifying that the subdivision is adjacent to a concrete plant that is zoned Heavy Industrial in Kendall County.

ORDINANCE NO. 024-012  
DATE OF PASSAGE January 23, 2024

Section Eight: That should any of the above-stated conditions not be met or that the property described in Exhibit "A" is not developed in accordance with the Conditional Use the City Council shall take the necessary steps to repeal this Ordinance.

Section Nine: That future proposals for expansion or intensification of whatever kind for the property legally described in said Exhibit "A", except as provided for herein, shall be considered only upon proper application, notice and hearing as provided by Article VI of Chapter 34 of the Code of Ordinances, City of Aurora.

Section Ten: That Chapter 49 of the Code of Ordinances, City of Aurora, being the Zoning Ordinance and the Zoning Map attached thereto be, and the same are, hereby amended to rezone the real estate property described in Exhibit "A", from R-1 One-Family Dwelling District to R-2(C) One Family Dwelling District, R-4A(C) Two-Family Dwelling District, B-2(C) General Retail District, and OS-1 (C) Conservation, Open Space And Drainage District, all with a Conditional Use. Upon termination of the use of said property for a Planned Development, this Conditional Use permit shall terminate and the classification of R-2 One Family Dwelling District, R-4A Two-Family Dwelling District, B-2 General Retail District, and OS-1 Conservation, Open Space And Drainage District shall be in full force and effect.

Section Eleven: That this Planned Development shall remain subject to compliance, except as herein modified, with the minimum standards of all applicable City Ordinances.

Section Twelve: That all modifications and exceptions under the Zoning Ordinance and all modifications and exceptions from the Subdivision Control Ordinance and Building Code, as set forth in the Plan Description, are hereby granted and approved

ORDINANCE NO. 024-012


LEGISTAR NO. 23-1037

PASSED AND APPROVED ON January 23, 2024

AYES 11 NAYS 1 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Tolliver, Ward 7	yes
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Laesch, At Large	no
Alderman Woerman, At Large	yes

ATTEST:

  
City Clerk Jennifer Stallings


  
Mayor Richard C. Irvin

EXHIBIT "A"  
LEGAL DESCRIPTION

For the property located at the southeast corner of Ogden Avenue and Farnsworth Avenue

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Parcel Number(s): 03-01-127-006; 15-36-400-032; and part of 03-01-127-004

Commonly known as: southeast corner of Ogden Avenue and Farnsworth Avenue located in Kendall and Kane County.

KANE COUNTY LEGAL:

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SECTION 36 FOR 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE OF SECTION 36 (AS MEASURED CLOCKWISE THEREFROM), 953.26 FEET TO THE CENTERLINE OF U.S. ROUTE 34; THENCE NORTHEASTERLY ALONG SAID CENTERLINE, FORMING AN ANGLE OF 57 DEGREES 27 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED CLOCKWISE THEREFROM), 1410.18 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF FOUR POINTS SUBDIVISION RECORDED SEPTEMBER 17, 1992 AS DOCUMENT 92K65879, IN KANE COUNTY, ILLINOIS; THENCE SOUTHERLY ALONG SAID NORTHERLY EXTENSION, AND ALONG SAID WESTERLY LINE, FORMING AN ANGLE OF 48 DEGREES 19 MINUTES 27 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER- CLOCKWISE THEREFROM), 1194.71 FEET TO SAID SOUTH LINE OF SECTION 36; THENCE WESTERLY ALONG SAID SOUTHERLY LINE, FORMING AN ANGLE OF 90 DEGREES 52 MINUTES 50 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER-CLOCKWISE THEREFROM), 136.52 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART TAKEN FOR WIDENING U.S. ROUTE 34 IN CASE NO. 99 ED 5 AS DESCRIBED IN ORDER VESTING TITLE RECORDED JULY 20, 2007 AS DOCUMENT NO. 2007K075742, ALL IN KANE COUNTY, ILLINOIS.

KENDALL COUNTY LEGAL:

PARCEL 1:

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 306.50 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 139 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04

FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 997.93 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF HAFENRICHTER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.53 FEET, THIS LINE HEREINAFTER REFERRED CALLED LINE "A", FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 710.83 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 327.11 FEET; THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 390.0 FEET, 244.0 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 653.09 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE "A", 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY AT AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE PROLONGATION OF THE LAST DESCRIBED COURSE, 667.53 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 721.67 FEET; THENCE SOUTHEASTERLY AT AN ANGLE OF 78 DEGREES 49 MINUTES 41 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 426.88 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT CONCAVE TO THE SOUTHWEST, THE CHORD OF WHICH FORMS AN ANGLE OF 163 DEGREES 10 MINUTES 57

SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE HAVING A RADIUS OF 335.00 FEET, AN ARC DISTANCE OF 196.66 FEET AND A CHORD DISTANCE OF 193.85 FEET TO A POINT; THENCE NORTHEASTERLY AT AN ANGLE OF 84 DEGREES 21 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 727.61 FEET TO THE SOUTH LINE OF AFORESAID SOUTHEAST 1/4; THENCE EASTERLY ALONG THE SOUTH LINE OF THE AFORESAID SOUTHEAST 1/4 51.42 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS, AND ALSO EXCEPT THAT PART OF THE LAND CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY INSTRUMENT RECORDED APRIL 26, 2007 AS DOCUMENT 200700013871, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY,

ILLINOIS.

AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTERLINE OF U.S. 34.

PARCEL 2:

THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET ALONG SAID SOUTH LINE; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 881.96 FEET TO THE SOUTHEASTERLY LINE OF U.S. ROUTE 34 (OGDEN AVENUE) DEDICATED PER DOCUMENT 200700013871; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS WEST, 638.51 FEET ALONG SAID SOUTHEASTERLY LINE TO THE POINT OF BEGINNING; THENCE SOUTH 02 DEGREES 54 MINUTES 08 SECONDS WEST, 25.45 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST, 121.81 FEET; THENCE SOUTHEASTERLY, 98.18 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 350.13 FEET AND A CHORD BEARING SOUTH 50 DEGREES 08 MINUTES 44 SECONDS EAST; THENCE SOUTH 38 DEGREES 22 MINUTES 54 SECONDS WEST, 40.24 FEET; THENCE NORTHWESTERLY, 104.80 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 390.13 FEET AND A CHORD BEARING NORTH 49 DEGREES 48 MINUTES 29 SECONDS WEST; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 139.83 FEET TO THE SOUTHEASTERLY LINE OF U.S. ROUTE 34; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 58.00 FEET TO THE POINT OF BEGINNING IN KENDALL COUNTY, ILLINOIS.

**EXHIBIT "B"**

**A PLAN DESCRIPTION FOR WHEATLAND CROSSING  
LOCATED AT THE SOUTHEAST CORNER OF ROUTE 34 AND FARNSWORTH AVE.  
CONSISTING OF FIFTY-SEVEN ACRES ("SUBJECT PROPERTY")**

A Plan Description for the property at the southeast corner of Route 34 and Farnsworth Avenue with R-2 (C), R-4A (C), B-2 (C), and O-S-1 (C) District Zoning, with a Conditional Use Planned Development for the Wheatland Crossing development Pursuant to the Code of Ordinances, City of Aurora, Illinois ("City Code").

## I. QUALIFYING STATEMENTS

### A. PURPOSE

This Conditional Use Planned Development has evolved to assist the Planning and Zoning Commission ("Commission") and the City Council ("City Council") of the City of Aurora, Illinois ("City") in governing their recommendations and actions on this development as it relates to the existing zoning and land uses in the area.

The proposed development of the Subject Property will consist of both residential and commercial uses. Petitioner, D.R. Horton, Inc. – Midwest is the contract purchaser of the portion of the Subject Property designated for residential use. The current owner, KEKA Farms, LLC, will retain ownership of the portion of the Subject Property designated for commercial use. Developer shall mean the person(s) or entity who brings the Subject Property described herein to a more complete, complex, or desirable state.

Owner shall mean the person(s) or entity who is described as the legal owner of record of the Subject Property described herein.

### B. INTENT

This Plan Description has been prepared pursuant to the requirements of Sec. 34-602 of Chapter 34 of the City Code. It is the intent of this document to promote and protect the public health, safety, morals, comfort, and general welfare of the area; and to guide the development toward the realization of the appropriate Physical Development Policies of the Comprehensive Plan of the City ("Comprehensive Plan"). These policies include:

10.0 To provide for the orderly, balanced and efficient growth and redevelopment of the City through the positive integration of land-use patterns, functions, and circulation systems. To protect and enhance those assets and values that establish the desirable quality and general livability of the City. To promote the City's position as a regional center.

11.1(3) To encourage new development contiguous to existing development.

11.1(5) To guide and promote development to areas where public utilities, public roads, and municipal services are either available or planned.

12.0 To plan and provide for the growth of the City through the integration of land use patterns and functions that promote complementary interactions between different land use components.

12.1(2) To provide convenient services and visual diversity within the City by developing a hierarchy of commercial centers appropriately spaced throughout the

City.

12.1(3) To encourage residential development in close proximity to places of work, shopping and recreation.

12.1(5) To encourage a gradation from high-density residential areas to lower density residential areas.

12.1(9) To guide development and redevelopment into energy efficient land use patterns.

14.0(4) To encourage quality site design throughout the City of Aurora

20.0 To insure the provision of decent housing and a quality living environment for every resident of Aurora.

20.0(1) To promote access to housing opportunities for all economic, racial, religious, ethnic and age groups.

21.1(2) To promote a wide variety of housing types.

21.1(3) To promote housing in all price ranges for purchase or rent.

22.1(1) To achieve appropriate zoning protection for residential areas designated in the land use plan.

23.1(3) To encourage quality design and practicable innovations in both housing structures and site development.

23.1(10) To promote the provision of paved roads, sidewalks, utilities and other public works and improvements to each residence within the City through subdivision requirements or special assessments.

30.0 To develop and maintain an adequate supply of properly zoned areas for commercial facilities to serve existing and future population needs.

31.0 To promote and plan for the location of commercial centers, based on their functions and interrelationships, in order to provide a balanced distribution of commercial facilities that are conveniently accessible to all segments of the population.

31.1(6) To promote through comprehensive rezoning the availability and adequate distribution of a sufficient variety of convenience-type retail good and service areas to serve the daily needs of all city residents.

32.0 To enhance the positive and minimize the negative impacts and relationships that the location, design and appearance of commercial activities have on traffic patterns and on the stability and vitality of surrounding neighborhoods, other commercial centers, and the City as a whole.

32.1(3) To minimize the adverse effects of commercial activity on neighboring development, particularly residential and open space areas through the provision of buffering land uses and/or screening.

71.1(3) To work toward accomplishing complete utilities, including water mains and separated storm and sanitary sewer in all parts of the City.

## II. GENERAL CHARACTER

### A. EXISTING CONDITIONS

#### 1. Subject Property

The Subject Property consists of approximately fifty-seven acres lying at the southeast corner of Route 34 and Farnsworth Avenue. The property is currently used for farming. The property lies within the Oswego School District #308 boundaries. The Property is currently zoned M2-SU Heavy Industrial – Special Use in Kendall County and F-Farming in Kane County. The Comprehensive Plan designates the Subject Property as Commercial, Low Density Residential, and Conservation, Open Space, Recreation, and Drainage.

#### 2. Surrounding Property

Northwest: The surrounding properties to the north across Route 34 consist of the Rush Copley Hospital, which is zoned PDD in the City of Aurora with a City of Aurora Comprehensive Plan designation of Quasi – Public, Kendall County Concrete, a portion of which is zoned F in Kane County and a portion of which is zoned M2 in Kendall County with a City of Aurora Comprehensive Plan designation of Office, Research, and Light Industrial, and the Aurora at Summerfield Apartments which are zoned R-5(C) in the City of Aurora with a City of Aurora Comprehensive Plan designation of High Density Residential.

Southwest: The surrounding properties to the southwest across Farnsworth Avenue are Heartland Bank and Trust, which is zoned B-2-(C) in the City of Aurora with a City of Aurora Comprehensive Plan designation of Commercial, the Summerlin subdivision which is zoned R-1(C) in the City of Aurora with a City of Aurora Comprehensive Plan designation of Low Density Residential and Conservation, Open Space, Recreation, and Drainage, and the Deerbrook Place subdivision which is zoned R-5(C) in the City of Aurora with a City of Aurora

Comprehensive Plan designation of Medium Density Residential.

East: The surrounding properties to the east are the Four Pointes and Misty Creek subdivisions which are zoned PDD, R-1(C), and R-5(C) in the City of Aurora with a City of Aurora Comprehensive Plan designation of Low Density Residential, Medium Density Residential, and Conservation, Open Space, Recreation, and Drainage.

Middle: In the middle of the property surrounded by the Subject Property is the Prairie Materials plant and the adjacent vacant parcel, a portion of which is zoned F in Kane County, and a portion of which is zoned M2 and M2-SU in Kendall County, with a City of Aurora Comprehensive Plan designation of Low Density Residential and Conservation, Open Space, Recreation, and Drainage.

### III. DEVELOPMENT STANDARDS FOR EACH PARCEL

#### A. ZONING

The Subject Property shall be divided into four (4) zoning parcel(s) as legally described on Attachment "A" and Attachment "B", and generally depicted on Attachment "C". Pending development, any part of the Subject Property may be used for agricultural purposes.

Development of the zoning parcel(s) shall be regulated as follows:

#### 1. Parcel A – "R-2" (C) One-Family Dwelling District

##### 1.1. Parcel Size and Use Designation

The zoning parcel referenced within this document as Parcel A contains approximately twenty-two (22) acres. Upon approval of this document, said property shall be designated as "R-2" (C) One-Family Dwelling District Zoning, with a Conditional Use Planned Development on the Zoning Map of the City ("Zoning Map"), and be regulated by the Chapter 49 of the City Code ("Zoning Ordinance"), including but not limited to the provisions for the underlying base zoning district set forth in Section 49-107.6 titled "R-2" One-Family Dwelling District, except as modified herein.

##### 1.2. Statement of Intent

The "R-2" One-Family Dwelling District, has been chosen as the underlying base zoning for this Parcel A to provide for the long-term viability of the property and to ensure consistency and compatibility with the adjacent zoning and uses. The Parcel is intended to be developed with not more than seventy (70) single family detached dwelling unit subdivision as permitted in the "R-2" One-Family Dwelling District and as modified by the Conditional Use Planned Development. Primary

access to the property will be via Hafenrichter Road, with a secondary access point from the east at Keating Drive.

### 1.3 Use Regulations

1. This property shall be limited to those uses permitted in the "R-2" One-Family Dwelling District, Section 49-107.6 of the Zoning Ordinance, with the following modifications:
  - a. The following additional uses shall be permitted:
    - (1) Planned development (8000).

### 1.4 Bulk Restrictions

1. This property shall be subject to the Bulk Restrictions in the "R-2" One-Family Dwelling District, Section 49-107.6, and Section 49-105 with the following modifications:
  - a. Minimum setbacks shall be as follows:
    - (1) Front Yard Setback: Twenty-five feet (25')
    - (2) Rear Yard Setback: Twenty-five feet (25')
    - (3) Exterior Side Yard:
      - a. Corner lot: Ten feet (10')
      - b. Reverse corner lot: Fifteen feet (15')
    - (4) Interior Side Yard Setback: Six feet (6')
  - b. Minimum lot size:
    - (1) Area: The minimum lot size shall not be less than 7,500 square feet.
    - (2) Width: Every one-family detached dwelling hereafter erected or structurally altered shall be on a lot having a width at the established building line of not less than sixty feet (60').
  - c. Minimum building size:
    - (1) One -story dwelling. Every one-story dwelling hereafter erected shall have a total ground floor area of not less than one thousand five hundred (1,500) square feet.
    - (2) Dwellings more than one-story. Every dwelling hereafter erected of more than one story, shall have a total floor area of not less than two thousand (2,000)

square feet.

- d. Maximum Lot Coverage: Forty-Five Percent (45%)
- e. Maximum Height: Thirty-Five Feet (35') and not to exceed two and one-half (2 1/2) stories
- f. Parking: All parking and loading shall be pursuant to Section 5.13., "Off-Street Parking and Loading" of the Aurora Zoning Ordinance.
- g. A full or partial basement shall be required for all single family detached dwelling units.

## 2. Parcel B – "R-4A" (C) Two-Family Dwelling District Zoning

### 2.1 Parcel Size and Use Designation

The zoning parcel referenced within this document as Parcel B contains approximately seventeen (17) acres. Upon approval of this document, said property shall be designated as "R-4A" (C) Two-Family Dwelling District Zoning, with a Conditional Use Planned Development on the Zoning Map of the City ("Zoning Map"), and be regulated by the Chapter 49 of the City Code ("Zoning Ordinance"), including but not limited to the provisions for the underlying base zoning district set forth in Section 49-107.9 titled "R-4A" Two-Family Dwelling District, except as modified herein.

### 2.2. Statement of Intent

The "R-4A" Two-Family Dwelling District, has been chosen as the underlying base zoning for this Parcel B to provide for the long-term viability of the property and to ensure consistency and compatibility with the adjacent zoning and uses. The Parcel will be developed with not more than a one hundred twenty-four (124) dwelling unit townhome subdivision use as permitted in the "R-4A" Two-Family Dwelling District and as modified by the Conditional Use Planned Development. Primary access points to the property will be via the north side of S. Farnsworth Avenue and along the east side of Route 34.

### 2.3 Use Regulations

- 1. This property shall be limited to those uses permitted in the "R-4A" Two-Family Dwelling District, Section 49-107.9 of the Zoning Ordinance, with the following modifications:
  - a. The following additional uses shall be permitted:
    - (1) Planned development (8000).

## 2.4 Bulk Restrictions

1. This property shall be subject to the Bulk Restrictions in the "R-4A" Two-Family Dwelling District, Section 49-107.9, and Section 49-105 of the Zoning Ordinance with the following modifications:
  - a. Minimum setbacks shall be as follows:
    - (1) Building Front to ROW: Twenty-Five Feet (25')
    - (2) Building Side to ROW: Twenty Feet (20')
    - (3) Building Rear to ROW: Forty Feet (40')
    - (4) Neighborhood Setback abutting adjacent residential: Thirty-Five Feet (35') from building to external property line.
  - b. Minimum separations between buildings, which shall be measured from the building foundation, shall be as follows:
    - (1) Building Front to Front: Sixty Feet (60')
    - (2) Building Front to Side: Fifty Feet (50')
    - (3) Building Side to Side: Twenty Feet (20')
    - (4) Building Side to Rear: Thirty Feet (30')
    - (5) Building Rear to Rear: Fifty Feet (50')
  - c. Maximum Height: Thirty-Five Feet (35') and not to exceed two and one-half (2 1/2) stories.
  - d. Minimum Lot Size: Not Applicable.
  - e. Minimum Building Size:
    - (1) One Story Dwelling. Every one-story dwelling unit shall have a total ground floor area of not less than one thousand one hundred (1,100) square feet.
    - (2) Dwellings more than one-story. Every dwelling of more than one story shall have a total floor area of not less than one thousand three hundred (1,300) square feet.
  - f. Maximum Lot Coverage: Not applicable.
  - g. Maximum Density: Net density, which includes the townhome pads (Lot 71 through Lot 97), the common areas upon which the pads sit (Lots 99, 100, 101, 108, 110), and Lots 107, 109, and 111 (detention/open space), but excludes ROW, shall not

exceed 8 dwelling units per acre.

- h. Parking: All parking and loading shall be pursuant to Section 105.13., "Off-Street Parking and Loading" of Chapter 49 of the Zoning Ordinance. Minimum parking – 2.0 enclosed garage spaces and 2.0 driveway spaces per dwelling unit. Because the development roadways are a minimum of 31' back-to-back, additional guesting parking is not required.

### 3. Parcel C – "OS-1" (C) Conservation, Open Space And Drainage District

#### 3.1. Parcel Size and Use Designation

The zoning parcel referenced within this document as Parcel A contains approximately thirteen (13) acres. Upon approval of this document, said property shall be designated as "OS-1" (C) Conservation, Open Space And Drainage District Zoning, with a Conditional Use Planned Development on the Zoning Map of the City ("Zoning Map"), and be regulated by the Chapter 49 of the City Code ("Zoning Ordinance"), including but not limited to the provisions for the underlying base zoning district set forth in Section 49-106.4 titled "OS-1" Conservation, Open Space And Drainage District, except as modified herein.

#### 3.2. Statement of Intent

The "OS-1" Conservation, Open Space And Drainage District, has been chosen as the underlying base zoning for this Parcel to provide for the long-term viability of the property and to ensure consistency and compatibility with the adjacent zoning and uses. The Parcel is intended to be developed as three (3) detention basins located within the subdivision.

#### 3.3 Use Regulations

- 1. This property shall be limited to those uses permitted in the "OS-1" Conservation, Open Space And Drainage District, Section 49-106.4 of the Zoning Ordinance, with the following modifications:
  - a. The following additional uses shall be permitted:
    - (1) Planned development (8000).

#### 3.4 Bulk Restrictions

- 1. This property shall be subject to the Bulk Restrictions in the "OS-1" Conservation, Open Space And Drainage District, Section 49-106.4, and Section 49-105 of the Zoning Ordinance with the following

modifications:

- a. No building shall be erected within the "OS-1" Conservation, Open Space and Drainage District.

#### 4. Parcel D – "B-2" (C) Business District – General Retail District

##### 4.1. Parcel Size and Use Designation

The zoning parcel referenced within this document as Parcel A contains approximately four (4) acres. Upon approval of this document, said property shall be designated as "B-2" (C) Business District – General Retail District Zoning, with a Conditional Use Planned Development on the Zoning Map of the City ("Zoning Map"), and be regulated by the Chapter 49 of the City Code ("Zoning Ordinance"), including but not limited to the provisions for the underlying base zoning district set forth in Section 49-108.3 titled "B-2" Business District – General Retail District, except as modified herein.

##### 4.2. Statement of Intent

The "B-2" Business District – General Retail District, has been chosen as the underlying base zoning for this Parcel to provide for the long-term viability of the property and to ensure consistency and compatibility with the adjacent zoning and uses. Access to the property will be from Route 34 and S. Farnsworth Avenue.

##### 4.3 Use Regulations

1. This property shall be limited to those uses permitted in the "B-2" Business District – General Retail District, Section 49-108.3 of the Zoning Ordinance, with the following modifications:
  - a. The following additional uses shall be permitted:
    - (1) Planned development (8000)
    - (2) Gasoline Station (2831)
    - (3) Car Wash, Single Bay (2832)
    - (4) Restaurant with a Drive-Through Facility (2530)
  - b. The following uses shall be prohibited:
    - (1) Pawnshop (2160)
    - (2) Used Clothing Stores (2120)
    - (3) Alternative Financial Institutions (2220)
    - (4) Laundromat (2610)
    - (5) Tattoo Salon (2630)

##### 4.4 Bulk Restrictions

1. This property shall be subject to the Bulk Restrictions in the "B-2" Business District – General Retail District, Section 49-108.3, and Section 49-105 of the Zoning Ordinance.
2. Any development in this "B-2" Business District – General Retail District shall require amendment to the Planned Development to approve the Site Plan.

**B. BUILDING, STRUCTURES AND SIGNAGE**

1. Building Elevations shall be presented for approval with either the Final Plat and Plan or the Preliminary Plat and Plan and will be evaluated based on quality and variety of building materials, orientation and presentation from the public street, and the use of architectural elements and environmentally sustainable design and construction. Any subsequent Developer of the Subject Property agrees that any new structure(s) shall be designed and constructed to create a uniform theme architecturally with any structure(s) on adjacent properties that are a part of the Development, by incorporating common exterior façade elements and materials. Any new or amended building elevations and any modification of color packages shall be approved by the Zoning Administrator without City Council approval, provided that the proposed building elevation or color package changes are consistent with the character of the approved Architectural Package.
2. Monument Signage Elevations, quantity and locations are subject to approval with the Final Plan. Signage Elevations or revisions will be evaluated based on the quality and variety of materials, orientation and presentation to the public street and the use of architectural elements matching the buildings. To the extent any revised elevations submitted with Building Permit approval are substantially similar to the approved Signage Elevations approved with the Final Plan, the Zoning Administrator shall have the authority to approve the revised elevations. The signage on the property shall be subject to Chapter 41 of the City Code ("Sign Ordinance"). The requirements set forth herein this paragraph are not intended to restrict the marketing or model home signage permitted under Attachment D.

**C. MODEL HOMES AND SALES TRAILERS, CONSTRUCTION TRAILERS**

**1. Model Homes**

Prior to the issuance of the first building permit, Developer will submit to the City a plan showing the location of the model homes with related sales offices, including parking areas, fencing, signage and landscape treatment, which improvements shall generally comply with City Code. At the Developer's sole risk, not more than five model homes shall be permitted.

Upon approval of the model plan, which approval shall not be unreasonably withheld, the City shall permit the construction of not more than fifteen homes, which homes may be commenced upon installation of a gravel base to provide emergency access thereto. Model homes may be run on a generator. Prior to issuance of any occupancy permit, binder course shall be installed across the entire frontage of the lot for which occupancy is sought. Model Homes are subject to the following:

- a. Permits for model units will not be issued until a final plat is approved containing the model unit area.
- b. Tested and approved water with sufficient fire hydrant coverage for the model homes (subject to the review of the Fire Marshal), gravel street, street signs, and stormwater detention with a functioning overland flood route from the model home area to the detention facility, and a secondary access, gravel surface roadway for construction, emergency and inspection vehicles shall be provided prior to model permit issuance.
- c. Sanitary and water services do not need to be provided until approval of residential occupancy.
- d. Model homes may also be used as sales office.

## 2. Sales, Storage and Construction Trailers

One construction trailer and one material storage trailer shall be permitted for each of the Residential Property and the Commercial Property. The Developer may use the construction trailer and material storage area for the purposes of its construction and sales activities subject to the following:

- a. Upon Preliminary plan approval for the Subject Property and in advance of final engineering, final plat approval and the construction of sanitary, storm sewer, storm water detention facilities, water main, streets, curbs and gutters, the Developer shall be permitted to set temporary construction office, storage and sales trailers on the site. Approval for placement of trailers shall be subject only to staff review, which includes meeting the requirements of Article 18-V of Chapter 18 of the City Code of Ordinances. Planning Commission or City Council approval shall not be required.
- b. Installation of sanitary sewer and public water shall not be a condition to the issuance of permits for construction, storage and sales trailers.
- c. Sales Trailers shall be removed at such time as the Developer receives occupancy permits for the Sales/Model homes.
- d. The Developer shall be permitted to construct and maintain other appurtenant facilities for said trailers including temporary driveways.
- e. The Developer, upon approval of the City Engineer may construct temporary parking facilities, haul roads, and other pertinent facilities in advance of receipt of approved formal permits applicable to any parcel. The City Engineer's approval shall not be unreasonably withheld.

- f. Construction and storage trailers shall be removed within sixty (60) days following the completion of construction activity on the affected parcel.

#### D. PUBLIC WORKS

1. The property shall be governed by Declarations of Covenants, Conditions and Restrictions ("CCRs") that will be recorded against the property prior to the first final certificate of occupancy for a residential dwelling or first building permit for the Commercial Property. The CCRs will provide for the creation of associations to administer the requirements of the CCRs and shall set forth such rules, regulations, policies and procedures necessary, including providing the contribution of maintenance of the shared detention by the Residential and Commercial Property.
2. Hafenrichter Road – Developer shall dedicate public right-of-way for Hafenrichter Road as depicted on the Preliminary Plat, said dedication generally being forty (40) feet north of the centerline of Hafenrichter Road. Said right-of-way dedication shall occur on the first final plat of subdivision for the Subject Realty. Developer shall be responsible for the construction of a five-foot (5') concrete sidewalk on the north side of Hafenrichter and restriping of the median to create a northbound left turn lane from Hafenrichter to Wheatland Crossing Subdivision entrance at Road E as depicted on the Preliminary Plan. Developer shall complete said improvements with the first phase of development. Developer shall also be responsible for payment of recapture pursuant to the recapture agreement for Hafenrichter Road improvements that was approved by Ordinance O13-011 on March 26, 2013. Developer shall pay to the City said recapture as a condition of approval of Final Engineering by the City Engineer for the final plat of subdivision of the first development phase for the Subject Realty or provide the City with an agreement with the beneficiary of the recapture showing satisfaction thereof or concurrence from IDOT that no permit is required.
3. Farnsworth Avenue – Developer shall dedicate public right-of-way for Farnsworth Avenue as depicted on the Preliminary Plat, said dedication generally being thirty-three (33) feet north of the existing right-of-way line as established by Document Number 9603094 recorded on March 28, 1996. Developer shall be responsible for the construction of a ten-foot (10') bike path on the north side of Farnsworth Avenue as depicted on the Preliminary Plan. Developer shall also be responsible for the construction of roadway improvements for Farnsworth Avenue (the "Farnsworth Improvements"), as depicted on the Preliminary Plan, which improvements include: i) widening on the north side of Farnsworth Avenue for an additional through lane consistent with the approved plans for Farnsworth Avenue and Hafenrichter Road Improvements Phase I and Phase II dated February 2, 1999 ; ii) restriping of the lane markings; and iii) modification of the center median north of Summerlin to: a) extend the westbound left turn lane from Farnsworth to Route 34, and b) construct an eastbound left turn lane from Farnsworth Avenue to Summerlin Drive. Developer shall be responsible for one hundred (100%) percent of the Farnsworth Improvements. In lieu of other intersection improvements, Owner and Developer shall be responsible for Cash

Contribution (as defined in paragraph 4 below) associated with regional roadway intersection improvements to the intersection of Route 34 and Farnsworth. To the extent that the Farnsworth Improvements can be permitted solely by the City of Aurora, Developer shall complete said improvements with Phase I. To the extent that any Farnsworth Improvements require approval by the Illinois Department of Transportation ("IDOT"), said improvements shall be constructed within twelve months of IDOT's issuance of a permit authorizing construction of said improvements.

4. Route 34 – No dedication of public right-of-way along Route 34 shall be required by the City as a condition of this Annexation Agreement. Permits from the Illinois Department of Transportation ("IDOT") shall be obtained, as required, with each respective phase of the development as set forth in the Phasing Plan. The developer of each respective phase shall comply with the conditions established in the applicable IDOT permit. The City agrees to necessary and appropriate plan modifications (i.e. movement of landscape or pedestrian improvements outside of the right-of-way) as may be required by IDOT.
5. Intersection Improvement Contribution. The City acknowledges that the intersection of Farnsworth and Route 34 is a regional improvement which carries significant traffic volumes between multiple municipalities. Due to regional growth, future improvements to expand the capacity of the intersection are likely. Developer shall pay a cash contribution of Four Hundred and Fifty Thousand Dollars (\$450,000) (the "Cash Contribution") to the City for said future improvements to the intersection of Farnsworth and Route 34. The Cash Contribution shall be secured with surety posted by the Developer prior to the issuance of a site development permit for the Residential Property. The first payment shall be due at the time of approval of Final Engineering by the City Engineer for the final plat of subdivision of the first development phase. The second payment shall be due on May 1, 2025.
6. Interior Public Streets. Except as otherwise specified in this Agreement or as depicted on the Preliminary Plat, public right-of-way for all interior streets shall be sixty-six (66) feet as generally depicted on the Preliminary Plat. The right-of-way for interior public streets shall be dedicated in phases, as depicted on the Phasing Plan, with each respective final plat of subdivision. Except as otherwise specified in this Agreement or as depicted on the Preliminary Plan, interior public streets shall be improved with a cross section of thirty-one (31) feet as measured from back-of-curb to back-of-curb with B6-12 curb and gutter. Five-foot (5') sidewalks within the public right-of-way shall be constructed up to one foot (1') off the property line. The developer of each respective phase shall install the required roadway and sidewalk improvements as stated above and shall be responsible for one hundred (100%) percent of the cost of said roadway and sidewalk improvements.
7. Interior Minor Collector Public Streets: The Summerlin Drive extension public right-of-way shall be dedicated with an eighty (80) foot cross section as generally

depicted on the Preliminary Plat, to provide a direct connection between Farnsworth Avenue and Route 34. The right-of-way for the Summerlin Drive extension shall be improved with a cross section of thirty-nine (39) feet of roadway measured from back of curb to back of curb with B6-12 curb and gutter as depicted on the Preliminary Plan. Five-foot (5') sidewalks adjacent to the property line are required and shall be permitted within the public right-of-way up to one foot (1') off the property line. Developer of the Residential Property shall dedicate the right-of-way and construct the Summerlin Drive extension with the first phase of development.

8. The access points from the existing public right-of-way for the Subject Property shall meet all applicable codes and ordinances and shall be limited to those depicted on the Preliminary Plat, subject to the approval of IDOT, including:
  - a. One full access from Hafenrichter Road at Canyon Creek Drive
  - b. One full access from Farnsworth Avenue at Summerlin Drive.
  - c. One full access at Keating Drive.
  - d. One right-in/right-out from Route 34 south of the Rush Copley signalized entrance.
  - e. One full access from Route 34 at the location the existing mutual ingress and egress easement established by Document 200100000255 recorded January 5, 2001 in Kendall County.
  - f. Any right-in / right-out accesses that are approved for the Commercial Property by IDOT from Route 34.
9. A double-fed public water main system is required to provide adequate fire protection and water service for the Subject Property. Connections shall be made to the water main stubs at the end of Keating Drive and Edinburgh Lane and connection shall be made to watermain located in Hafenrichter Road and Route 34, all as generally depicted in the Preliminary Engineering.
10. Development of the Subject Property requires that adequate storm and sanitary discharge plans, and other related plans, have been approved by the appropriate City of Aurora Department, or agency with responsible jurisdiction.
11. Wetland and/or floodplain mitigation shall be subject to review and approval by an appropriate outside agency within responsible jurisdiction.
12. With the submittal of final engineering, a subsurface drainage investigation report shall be submitted to the City's Engineering Division for review, as per the requirements of the Stormwater Ordinance. Any and all field tiles on the Subject Property must be protected during construction or shall be replaced/re-routed so as to not run under any building. Any filling operations must be done in such a manner so as not to raise the emergency overland flow elevations on adjacent properties. If field tile is re-routed or damaged during the course of construction, Owner or Developer (as may be applicable), shall repair all damaged field tile. Replacement field tile shall be same or better quality, provided that any tile run under a paved area, or within public right of way, shall be concrete tile.

13. Retaining walls utilized within the development shall not exceed three (3) feet in height. The stepping of retaining walls is allowed up to six (6) feet in overall height with a minimum run of three (3) feet between steps.
14. All improvements, buildings and structures shall be required to follow the Kane County Stormwater Ordinance requirements as adopted by the City.

#### IV. GENERAL PROVISIONS

##### A. PLAN DESCRIPTION DOCUMENT

1. Amendments to this Plan Description document shall be subject to City Code. Public notice shall be provided in accordance with said code and, to all current owners of property subject to this Plan Description, provided however, that a revision to this Plan Description that affects only a part of the Subject Property governed hereby shall only require consent of the owner of said part.
2. This Plan Description document shall be mutually binding upon the heirs, executors, administrators, successors and assigns of present or future owners who use the property for the same permitted use.
3. If any section, subsection or paragraph of this Plan Description document shall be held invalid, the invalidity of such section, subsection or paragraph shall not affect any of the other provisions of this Plan Description document.
4. Any provisions contained within this Plan Description document that are in conflict shall be enforced in accordance with the more restrictive provision.

##### V. LIST OF ATTACHMENTS

ATTACHMENT "A" – LEGAL DESCRIPTION OF SUBJECT PROPERTY  
ATTACHMENT "B" – LEGAL DESCRIPTION OF PARCEL A, PARCEL B, PARCEL C, and PARCEL D  
ATTACHMENT "C" – ZONING EXHIBIT  
ATTACHMENT "D" – SPECIAL SIGN DISTRICT

**ATTACHMENT "A"**  
**LEGAL DESCRIPTION OF SUBJECT PROPERTY**

KANE COUNTY LEGAL:

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SECTION 36 FOR 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE OF SECTION 36 (AS MEASURED CLOCKWISE THEREFROM), 953.26 FEET TO THE CENTERLINE OF U.S. ROUTE 34; THENCE NORTHEASTERLY ALONG SAID CENTERLINE, FORMING AN ANGLE OF 57 DEGREES 27 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED CLOCKWISE THEREFROM), 1410.18 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF FOUR POINTS SUBDIVISION RECORDED SEPTEMBER 17, 1992 AS DOCUMENT 92K65879, IN KANE COUNTY, ILLINOIS; THENCE SOUTHERLY ALONG SAID NORTHERLY EXTENSION, AND ALONG SAID WESTERLY LINE, FORMING AN ANGLE OF 48 DEGREES 19 MINUTES 27 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER-CLOCKWISE THEREFROM), 1194.71 FEET TO SAID SOUTH LINE OF SECTION 36; THENCE WESTERLY ALONG SAID SOUTHERLY LINE, FORMING AN ANGLE OF 90 DEGREES 52 MINUTES 50 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER-CLOCKWISE THEREFROM), 136.52 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART TAKEN FOR WIDENING U.S. ROUTE 34 IN CASE NO. 99 ED 5 AS DESCRIBED IN ORDER VESTING TITLE RECORDED JULY 20, 2007 AS DOCUMENT NO. 2007K075742, ALL IN KANE COUNTY, ILLINOIS.

KENDALL COUNTY LEGAL:

PARCEL 1:

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 306.50 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 139 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG A LINE

FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 997.93 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF HAFENRICHTER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.53 FEET, THIS LINE HEREINAFTER REFERRED CALLED LINE "A", FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 710.83 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 327.11 FEET; THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 390.0 FEET, 244.0 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 653.09 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE "A", 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY AT AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE PROLONGATION OF THE LAST DESCRIBED COURSE, 667.53 FEET TO A POINT; THENCE

SOUTHWESTERLY AT AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 721.67 FEET; THENCE SOUTHEASTERLY AT AN ANGLE OF 78 DEGREES 49 MINUTES 41 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 426.88 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT CONCAVE TO THE SOUTHWEST, THE CHORD OF WHICH FORMS AN ANGLE OF 163 DEGREES 10 MINUTES 57 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE HAVING A RADIUS OF 335.00 FEET, AN ARC DISTANCE OF 196.66 FEET AND A CHORD DISTANCE OF 193.85 FEET TO A POINT; THENCE NORTHEASTERLY AT AN ANGLE OF 84 DEGREES 21 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 727.61 FEET TO THE SOUTH LINE OF AFORESAID SOUTHEAST 1/4; THENCE EASTERLY ALONG THE SOUTH LINE OF THE AFORESAID SOUTHEAST 1/4 51.42 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS, AND ALSO EXCEPT THAT PART OF THE LAND CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY INSTRUMENT RECORDED APRIL 26, 2007 AS DOCUMENT 200700013871, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTERLINE OF U.S. 34.

PARCEL 2:

THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET ALONG SAID SOUTH LINE; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 881.96 FEET TO THE SOUTHEASTERLY LINE OF U.S. ROUTE 34 (OGDEN AVENUE) DEDICATED PER DOCUMENT 200700013871; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS WEST, 638.51 FEET ALONG SAID SOUTHEASTERLY LIINE TO THE POINT OF BEGINNING; THENCE SOUTH 02 DEGREES 54 MINUTES 08 SECONDS WEST, 25.45 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST, 121.81 FEET; THENCE SOUTHEASTERLY, 98.18 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 350.13 FEET AND A CHORD BEARING SOUTH 50 DEGREES 08 MINUTES 44 SECONDS EAST; THENCE SOUTH 38 DEGREES 22 MINUTES 54 SECONDS WEST, 40.24 FEET; THENCE NORTHWESTERLY, 104.80 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 390.13 FEET AND A CHORD BEARING NORTH 49 DEGREES 48 MINUTES 29 SECONDS WEST; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 139.83 FEET TO THE SOUTHEASTERLY LINE OF U.S. ROUTE 34; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 58.00 FEET TO THE POINT OF BEGINNING IN KENDALL COUNTY, ILLINOIS.

**ATTACHMENT "B"**  
**LEGAL DESCRIPTION OF PARCEL A, PARCEL B, PARCEL C, and PARCEL D**

**PARCEL A – "R-2" (C) ONE-FAMILY DWELLING DISTRICT:**

THAT PART OF THE NORTH HALF OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 381.18 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 165.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 125.67 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 191.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 231.64 FEET; THENCE NORTH 00 DEGREES 44 MINUTES 21 SECONDS WEST, 95.71 FEET; THENCE NORTH 06 DEGREES 59 MINUTES 51 SECONDS EST, 67.27 FEET; THENCE NORTH 19 DEGREES 04 MINUTES 17 SECONDS EAST, 81.30 FEET; THENCE NORTH 30 DEGREES 55 MINUTES 11 SECONDS EAST, 80.88 FEET; THENCE NORTH 42 DEGREES 52 MINUTES 21 SECONDS EAST, 40.62 FEET; THENCE SOUTH 47 DEGREES 07 MINUTES 39 SECONDS EAST, 125.00 FEET; THENCE NORTHEASTERLY, 36.49 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 263.00 FEET AND A CHORD BEARING NORTH 46 DEGREES 50 MINUTES 49 SECONDS EAST, THENCE NORTH 38 DEGREES 41 MINUTES 46 SECONDS WEST, 125.00 FEET; THENCE NORTH 51 DEGREES 18 MINUTES 14 SECONDS EAST, 41.38 FEET; THENCE NORTH 08 DEGREES 58 MINUTES 03 SECONDS WEST, 22.61 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 727.95 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE NORTH 88 DEGREES 42 MINUTES 48 SECONDS EAST, 123.40 FEET; THENCE SOUTH 22 DEGREES 49 MINUTES 29 SECONDS WEST, 117.22 FEET; THENCE SOUTHERLY, 68.68 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF SOUTH 11 DEGREES 02 MINUTES 34 SECONDS WEST; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 151.37 FEET; THENCE NORTH 89 DEGREES 15 MINUTES 39 SECONDS EAST; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 1458.66 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

**PARCEL B – "R-4A" (C) TWO-FAMILY DWELLING DISTRICT ZONING:**

**NORTH TOWNHOME PARCEL**

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST, 763.00 FEET; THENCE SOUTH 89 DEGREES 33 MINUTES 31 SECONDS WEST, 135.00 FEET; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST, 35.20 FEET; THENCE SOUTHERLY, 38.88 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 167.00 FEET AND A CHORD BEARING SOUTH 07 DEGREES 06 MINUTES 39 SECONDS EAST; THENCE SOUTH 76 DEGREES 13 MINUTES 12 SECONDS WEST, 66.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 128.63 FEET; THENCE NORTH 71 DEGREES 15 MINUTES 52 SECONDS WEST 44.11 FEET; THENCE NORTH 63 DEGREES 14 MINUTES 38 SECONDS WEST, 106.38 FEET; THENCE NORTH 78 DEGREES 24 MINUTES 50 SECOND WEST, 68.69 FEET THENCE NORTH 42 DEGREES 04 MINUTES 43 SECONDS WEST, 132.41 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 17 SECONDS EAST, 7.97 FEET; THENCE NORTH 42 DEGREES 04 MINUTES 58 SECONDS WEST, 95.63 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF U.S. ROUTE 34 DEDICATED PER DOCUMENT 2007K075742; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 899.69 FEET ALONG SAID SOUTHEASTERLY LINE TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

**PARCEL B (CONTINUED) - SOUTH TOWNHOME PARCEL - "R-4A" (C) TWO-FAMILY DWELLING DISTRICT ZONING:**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST 381.18 FEET TO THE POINT OF BEGINNING; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 752.93 FEET; THENCE NORTH 69 DEGREES 30 MINUTES 13 SECONDS EAST, 35.36 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 246.50 FEET; THENCE NORTHERLY, 32.21 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 133.00 FEET AND A CHORD BEARING NORTH 31 DEGREES 26 MINUTES 34 SECONDS EAST; THENCE NORTH 38 DEGREES 22 MINUTES 54 SECONDS EAST, 392.81 FEET; THENCE NORTHWESTERLY, 37.17 FEET ALONG A

CURVE TO THE RIGHT, HAVING A RADIUS OF 423.13 FEET AND A CHORD BEARING NORTH 44 DEGREES 37 MINUTES 45 SECONDS WEST; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 114.83 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 41 SECONDS WEST, 35.38 FEET TO THE SOUTHEASTERLY LINE OF U.S. ROUTE 34; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 58.00 FEET ALONG SAID SOUTHEASTERLY LINE; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST, 139.83 FEET; THENCE SOUTHEASTERLY 97.76 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 390.13 FEET AND A CHORD BEARING SOUTH 49 DEGREES 17 MINUTES 30 SECONDS EAST; THENCE SOUTH 38 DEGREES 22 MINUTES 54 SECONDS WEST, 137.32 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 387.51 FEET; THENCE SOUTH 58 DEGREES 40 MINUTES 34 SECONDS EAST, 92.85 FEET; THENCE SOUTH 34 DEGREES 47 MINUTES 29 SECONDS EAST, 42.57 FEET; THENCE SOUTH 11 DEGREES 03 MINUTES 58 SECONDS EAST, 127.98 FEET; THENCE SOUTH 24 DEGREES 30 MINUTES 13 SECONDS WEST, 430.88 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

**PARCEL C – “OS-1” (C) CONSERVATION, OPEN SPACE AND DRAINAGE DISTRICT:**

**NORTH DETENTION**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ALSO PART OF THE NORTH HALF OF SECTION 1 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 139 IN MISTY CREEK SUBDIVISION PER DOCUMENT 9901833; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 326.19 FEET; THENCE SOUTH 89 DEGREES 15 MINUTES 39 SECONDS WEST, 125.00 FEET; THENCE NORTH 00 DEGREES 44 MINUTES 21 SECONDS WEST, 151.37 FEET; THENCE NORTHERLY, 68.68 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 167.00 FEET AND A CHORD BEARING NORTH 11 DEGREES 02 MINUTES 34 SECONDS EAST; THENCE NORTH 22 DEGREES 49 MINUTES 29 SECONDS EAST, 117.22 FEET TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 88 DEGREES 42 MINUTES 48 SECONDS WEST, 72.31 FEET; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 881.96 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF U.S ROUTE 34 DEDICATED PER DOCUMENT 2007K075742 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 418.54 FEET ALONG SAID SOUTHEASTERLY LINE; THENCE SOUTH 42 DEGREES 04 MINUTES 58 SECONDS EAST, 95.63 FEET; THENCE

SOUTH 47 DEGREES 55 MINUTES 17 SECONDS WEST, 7.97 FEET; THENCE SOUTH 42 DEGREES 04 MINUTES 43 SECONDS EAST, 132.41 FEET; THENCE SOUTH 78 DEGREES 24 MINUTES 50 SECONDS EAST, 68.69 FEET; THENCE SOUTH 63 DEGREES 14 MINUTES 38 SECONDS EAST, 106.38 FEET; THENCE SOUTH 71 DEGREES 15 MINUTES 52 SECONDS EAST, 44.11 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 128.63 FEET; THENCE NORTH 76 DEGREES 13 MINUTES 12 SECONDS EAST, 66.00 FEET; THENCE NORTHERLY, 38.88 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 167.00 FEET AND A CHORD BEARING NORTH 07 DEGREES 06 MINUTES 39 SECONDS WEST; THENCE NORTH 00 DEGREES 26 MINUTES 29 SECONDS WEST, 35.20 FEET; THENCE NORTH 89 DEGREES 33 MINUTES 31 SECONDS EAST, 135.00 FEET TO THE WEST LINE OF FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST, 351.08 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

**PARCEL C (CONTINUED) - SOUTH DETENTION - "OS-1" (C) CONSERVATION, OPEN SPACE AND DRAINAGE DISTRICT:**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS EAST 2,014.75 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST 139.83 FEET; THENCE SOUTHEASTERLY, 31.68 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 390.13 FEET AND A CHORD BEARING SOUTH 44 DEGREES 26 MINUTES 22 SECONDS EAST TO THE POINT OF BEGINNING; THENCE CONTINGUING EASTERLY, 97.76 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 390.13 AND A CHORD BEARING SOUTH 49 DEGREES 17 MINUTES 30 SECONDS EAST; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST, 570.30 FEET; THENCE EASTERLY, 196.66 FEET ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 335.00 FEET AND A CHORD BEARING SOUTH 61 DEGREES 05 MINUTES 33 SECONDS EAST; THENCE SOUTH 08 DEGREES 58 MINUTES 03 SECONDS EAST, 22.61 FEET; THENCE SOUTH 51 DEGREES 18 MINUTES 14 SECONDS WEST, 41.38 FEET; THENCE SOUTH 38 DEGREES 41 MINUTES 46 SECONDS EAST, 125.00 FEET; THENCE SOUTHWESTERLY, 36.49 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 263.00 FEET AND A CHORD BEARING SOUTH 46 DEGREES 50 MINUTES 49 SECONDS WEST; THENCE NORTH 47 DEGREES 07 MINUTES 39 SECONDS WEST, 125.00 FEET; THENCE SOUTH 42 DEGREES 52 MINUTES 21 SECONDS WEST, 40.62 FEET; THENCE SOUTH 30 DEGREES 55 MINUTES 11 SECONDS WEST, 80.88 FEET; THENCE SOUTH 19 DEGREES 04 MINUTES 17 SECONDS WEST, 81.30 FEET; THENCE SOUTH 06 DEGREES 59 MINUTES 51

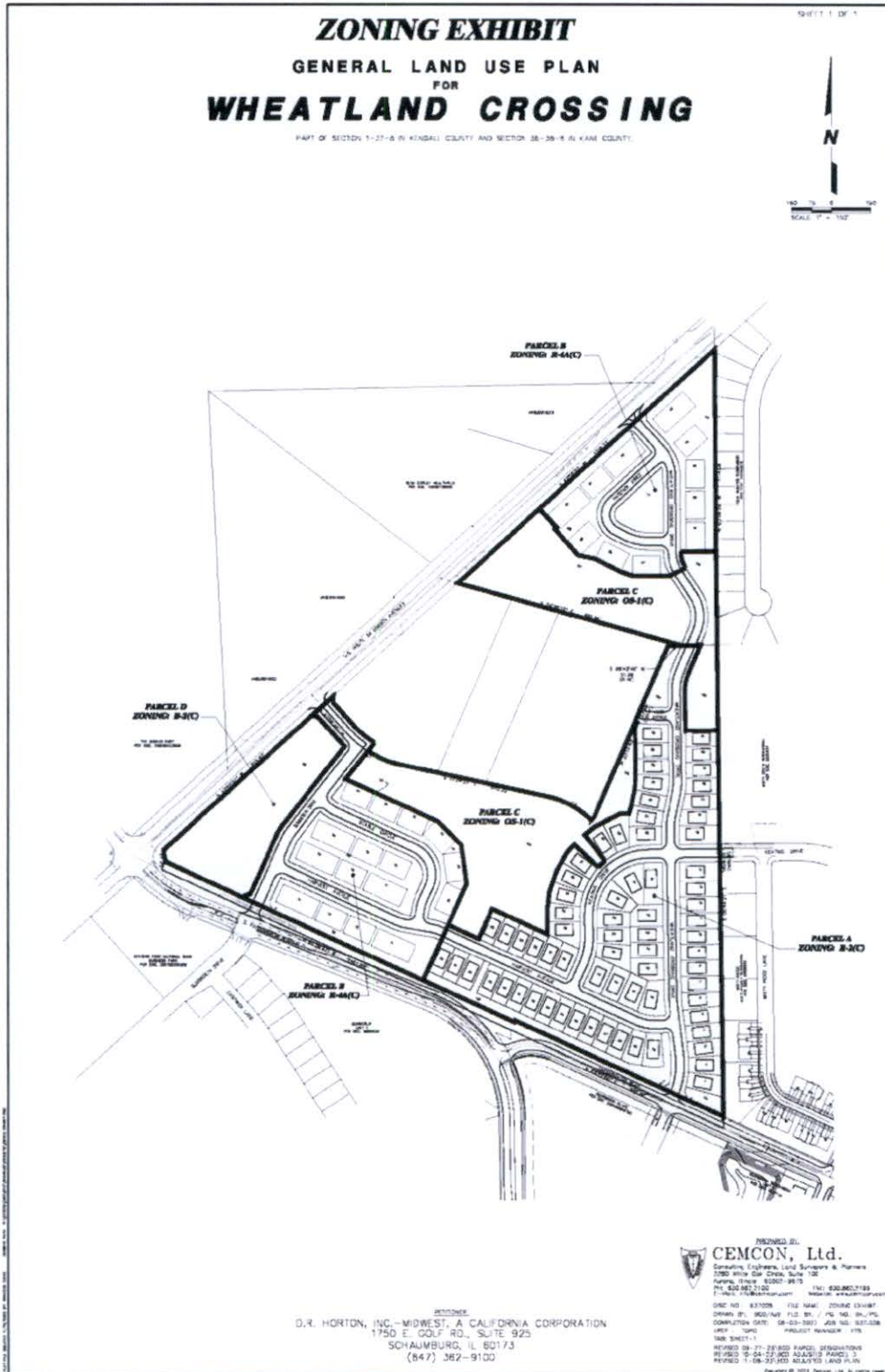
SECONDS WEST, 67.27 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS WEST, 95.71 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 231.64 FEET; THENCE SOUTH 24 DEGREES 30 MINUTES 13 SECONDS WEST, 191.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 125.67 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 265.88 FEET; THENCE NORTH 11 DEGREES 03 MINUTES 58 SECONDS WEST, 127.98 FEET; THENCE NORTH 34 DEGREES 47 MINUTES 29 SECONDS WEST, 42.57 FEET; THENCE NORTH 58 DEGREES 40 MINUTES 34 SECONDS WEST, 92.85 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 387.51 FEET; THENCE NORTH 38 DEGREES 22 MINUTES 54 SECONDS EAST, 137.32 FEET TO THE POINT OF BEGINNING, IN KENDALL COUNTY, ILLINOIS.

**PARCEL D – "B-2" (C) BUSINESS DISTRICT – GENERAL RETAIL DISTRICT:**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 1,135.05 FEET TO THE POINT OF BEGINNING, THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 327.73 FEET TO THE EASTERLY RIGHT OF WAY LINE OF U.S. ROUTE 34; THE FOLLOWING TWO COURSES ARE ALONG SAID EASTERLY RIGHT OF WAY LINE THENCE NORTH 09 DEGREES 04 MINUTES 17 SECONDS WEST, 42.16 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 757.82 FEET; THENCE SOUTH 87 DEGREES 04 MINUTES 41 SECONDS EAST, 35.38 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST, 114.83 FEET; THENCE SOUTHEASTERLY, 37.17 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 423.13 FEET AND A CHORD BEARING SOUTH 44 DEGREES 37 MINUTES 45 SECONDS EAST; THENCE SOUTH 38 DEGREES 22 MINUTES 54 SECONDS WEST, 392.81 FEET; THENCE SOUTHERLY 32.21 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 133.00 FEET AND A CHORD BEARING SOUTH 31 DEGREES 26 MINUTES 34 SECONDS WEST; THENCE SOUTH 24 DEGREES 30 MINUTES 13 SECONDS WEST, 246.50 FEET; THENCE SOUTH 69 DEGREES 30 MINUTES 13 SECONDS WEST, 35.36 FEET TO THE POINT OF BEGINNING IN KENDALL COUNTY, ILLINOIS.

ATTACHMENT "C"  
DEVELOPMENT PARCELS



ATTACHMENT "D"  
SPECIAL SIGN DISTRICT REGULATIONS

In addition to any signs permitted by City ordinance, pursuant to Chapter 41, Section 41-14 of the City Code, the City hereby establishes a special sign district for the Subject Property and adopts the special sign district regulations and specifications in this Attachment "D" to Plan Description. The regulations in this Attachment "D" shall supplement the regulations in the City sign ordinance. In the case of a conflict between the regulations in the City sign ordinance and this Attachment "D", the Special Sign District shall apply.

1. Temporary Signage

- a. Development Identification: Three (3) community marketing signs for the Residential Property and should be regulated as follows:
  - (1) One community marketing sign shall be permitted along the Route 34 frontage of the Subject Property, which sign shall be not taller than twenty feet nor have a sign face greater than 15' x 20'.
  - (2) One community marketing sign shall be permitted along the Hafenrichter frontage, which sign shall be not taller than fifteen feet nor have a sign face greater than 10' x 10'.
  - (3) One community marketing sign shall be permitted along the Farnsworth frontage, which sign shall be not taller than fifteen feet nor have a sign face greater than 10' x 10'.
  - (4) Said community marketing signs shall be removed prior to the issuance of the last occupancy permit for the Residential Property.
  - (5) The community marketing signs shall be used solely for the purposes of marketing homes for sale on the Residential Property.
  
- b. Identification, Directional and Model Signs: Developer shall be permitted the additional identification, directional and model signs and should be regulated as follows:
  - (1) Not more than two 4' x 8' community or model identification signs.
  - (2) Not more than two 2' x 3' sales center signs at the model locations.
  - (3) Not more than two 18" x 24" model home identifier signs.
  - (4) Signs shall be used exclusively in association with the sales operation on the Residential Property.