

ORIGINAL



CITY OF AURORA
CITY COUNCIL

ORDINANCE NUMBER 02-162

DATE OF PASSAGE 12.10.02

PETITIONER: Five H, L.L.C.

**AN ORDINANCE ESTABLISHING A PLANNED DEVELOPMENT DISTRICT,
AND APPROVING A PLAN DESCRIPTION FOR 525.4 ACRES LOCATED
EAST OF ROUTE 30, SOUTH OF WOLF'S CROSSING ROAD AND NORTH OF
111TH STREET.**

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, Five H, L.L.C. 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, a Plan Description in the form of Exhibit "B", attached hereto and included herein by reference as if fully set forth, has been duly submitted to the Corporate Authorities of the City of Aurora for review with the Annexation Agreement for the property described in Exhibit "A"; and

WHEREAS, all public hearings and other action required to be held or taken prior to the adoption and execution of said Annexation Agreement 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, property legally described in Exhibit "A" has been duly and validly annexed to the City of Aurora pursuant to the terms and conditions in the Annexation Agreement; and

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

WHEREAS, the City Council, after due investigation and consideration, has determined that the classification and establishment of a Special Use Planned Development and the approval of the Plan Description for the property legally described in Exhibit "A" will promote the sound planning and development of the City, and therefore serve the best interests of the City of Aurora;

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 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 and 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 Three: That all modifications and exceptions under the Aurora Zoning Ordinance and all modifications and exceptions from the Aurora Subdivision Control Ordinance, as set for the in the Plan Description, are hereby granted and approved.

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

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

Section Six: That all ordinances or part ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

Section Seven: 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.

PASSED AND APPROVED to the City Council of the City of Aurora, Illinois on this 10th day of Dec, 2002.

AYES 10 NAYS 0 NOT VOTING 0

SIGNED by the Mayor of the City of Aurora, Illinois, on this 12th day of Dec.
2002.



David L. Stover Mayor
City of Aurora Illinois

Attest:


City Clerk Cheryl Vonhoff

Case File Number: WH18/2-01.245-A
Parcel Number: 01-07-400-013; 01-18-200-001, 002
and 003; 01-18-400-001; 01-17-100-021 and 023

This instrument prepared by:
Aurora Planning Division
44 E. Downer Place
Aurora, Illinois 60507

Exhibit "A"

LEGAL DESCRIPTION

For The Property Located At east of Route 30, south of Wolf's Crossing Road
and north of 111th Street

PARCEL ONE: THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 10, IN TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN IN WILL COUNTY, ILLINOIS.

PARCEL TWO: THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, IN TOWNSHIP 37 NORTH, AND IN RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.

PARCEL THREE: THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, IN TOWNSHIP 37 NORTH, AND IN RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.

PARCEL FOUR: THE SOUTHEAST QUARTER OF SECTION 18, IN TOWNSHIP 37 NORTH, AND IN RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THEREFROM THE LAND FALLING IN THE RIGHT-OF-WAY OF THE ELGIN, JOLIET, AND EASTERN RAILWAY, AND ALSO EXCEPTING THEREFROM THE LAND FALLING IN THE RIGHT-OF-WAY OF JOLIET, AURORA, AND NORTHERN RAILWAY COMPANY, AS DEDICATED BY INSTRUMENT DATED APRIL 27, 1886, AND RECORDED JANUARY 28, 1887, IN BOOK 212, PAGE 327, AS DOCUMENT NO. 14211), (AND ALSO EXCEPTING THEREFROM THAT PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT-OF-WAY OF ROUTE 30, DEDICATED PER DOCUMENT NO. 355964 AND RECORDED ON JUNE 14, 1923). WILL COUNTY, ILLINOIS.

PARCEL FIVE: THAT PART OF THE FORMER RIGHT-OF-WAY OF THE ELGIN, JOLIET AND EASTERN RAILROAD COMPANY WHICH LIES IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN AND THAT PART OF THE FORMER RIGHT-OF-WAY OF THE JOLIET, PLAINFIELD AND AURORA RAILROAD COMPANY WHICH LIES IN SAID SOUTHEAST QUARTER IN WHEATLAND TOWNSHIP, WILL COUNTY. ILLINOIS.

PARCEL SIX: THAT PART OF THE SOUTHEAST QUARTER OF SECTION 18. TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT-OF-WAY OF ROUTE 30, DEDICATED PER DOCUMENT NO. 355965 AND RECORDED ON JUNE 14, 1923 IN WILL COUNTY, ILLINOIS.

PARCEL SEVEN: THAT PART OF THE NORTHWEST QUARTER OF SECTION 17 TOWNSHIP 37 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WESTERLY OF THE WEST LINE OF LAND CONVEYED TO PUBLIC SERVICE COMPANY OF NORTHERN ILLINOIS, NOW KNOWN AS THE COMMONWEALTH EDISON COMPANY, BY WARRANTY DEED RECORDED MAY 24, 1926, AS DOCUMENT NO. 394069, COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 0 DEGREES 05 MINUTES 04 SECONDS WEST MEASURED), ALONG THE WEST LINE OF SAID NORTHWEST QUARTER 567.60 FEET; THENCE SOUTH 89 DEGREES 69 MINUTES 36 SECONDS EAST 2380.09 FEET (SOUTH 89 DEGREES 59 MINUTES 56 SECONDS EAST 2378.13 FEET MEASURED) TO THE WEST LINE OF THE 150 FOOT RIGHT-OF-WAY OF COMMONWEALTH EDISON COMPANY; THENCE SOUTH 0 DEGREES 07 MINUTES 45 SECONDS EAST, ALONG SAID WEST LINE OF SAID RIGHT-OF-WAY. 363.95 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 52 MINUTES 15 SECONDS WEST 717.00 FEET; THENCE NORTH 0 DEGREES 07 MINUTES 45 SECONDS WEST 260.00 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 15 SECONDS WEST 400.00 FEET; THENCE SOUTH 0 DEGREES 07 MINUTES 45 SECONDS EAST 463.00 FEET; THENCE NORTH 89 DEGREES 52 MINUTES 15 SECONDS EAST 400.00 FEET; THENCE SOUTH 0 DEGREES 07 MINUTES 45 SECONDS EAST 765.93 FEET; THENCE SOUTH 89 DEGREES 62 MINUTES 15 SECONDS WEST 1668.07 FEET (1670.03 FEET MEASURED) TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 0 DEGREES 05 MINUTES 04 SECONDS WEST 739.80 FEET (SOUTH 0 DEGREES 08 MINUTES 18 SECONDS WEST 741.91 FEET MEASURED) ALONG SAID WEST LINE OF SAID NORTHWEST QUARTER, TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 89 DEGREES 58 MINUTES 00 SECONDS EAST (NORTH 89 DEGREES 59 MINUTES 30 SECONDS EAST MEASURED), ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER 2387.84 FEET (2390.50 FEET MEASURED) TO THE WEST LINE OF SAID COMMONWEALTH EDISON COMPANY RIGHT-OF-WAY; THENCE NORTH 0 DEGREES 07 MINUTES 46 SECONDS WEST ALONG SAID WEST LINE OF SAID RIGHT-OF-WAY, 1715.47 FEET (1715.88 FEET MEASURED) TO THE POINT OF BEGINNING, IN WILL COUNTY, ILLINOIS. PARCEL EIGHT: THAT PART OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WESTERLY OF THE WEST LINE OF LAND CONVEYED TO PUBLIC SERVICE COMPANY OF NORTHERN ILLINOIS, NOW KNOWN AS THE COMMONWEALTH EDISON COMPANY, BY WARRANTY DEED RECORDED MAY 24, 1926, AS DOCUMENT NO. 394069, EXCEPTING THEREFROM THE PROPERTY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE SOUTH 0 DEGREES 05 MINUTES 04 SECONDS WEST MEASURED), ALONG THE WEST LINE OF SAID NORTHWEST QUARTER 567.60 FEET; THENCE SOUTH 89 DEGREES 59 MINUTES 36 SECONDS EAST 2380.09 FEET (SOUTH 89 DEGREES 59 MINUTES 56 SECONDS EAST 2378.13 FEET MEASURED) TO THE WEST LINE OF THE 150 FOOT RIGHT-OF-WAY OF COMMONWEALTH EDISON COMPANY; THENCE SOUTH 0 DEGREES 07 MINUTES 45 SECONDS EAST, ALONG SAID WEST LINE OF SAID RIGHT-OF-WAY, 363.95 FEET FOR THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 52 MINUTES 15 SECONDS WEST 717.00 FEET;
THENCE NORTH 0 DEGREES 07 MINUTES 45 SECONDS WEST
260.00 FEET; THENCE SOUTH 89 DEGREES 52 MINUTES 15 SECONDS WEST
400.00 FEET; THENCE SOUTH 0 DEGREES 07 MINUTES 45 SECONDS EAST
463.00 FEET; THENCE NORTH 89 DEGREES 52 MINUTES 15 SECONDS EAST
400.00 FEET; THENCE SOUTH 0 DEGREES 07 MINUTES 45 SECONDS EAST
765.93 FEET; THENCE SOUTH 89 DEGREES 62 MINUTES 15 SECONDS WEST
1668.07 FEET (1670.03 FEET MEASURED) TO THE WEST LINE OF SAID
NORTHWEST QUARTER; THENCE SOUTH 0 DEGREES 05 MINUTES 04
SECONDS WEST 739.80 FEET (SOUTH 0 DEGREES 08 MINUTES 18 SECONDS
WEST 741.91 FEET MEASURED) ALONG SAID WEST LINE OF SAID
NORTHWEST QUARTER, TO THE SOUTHWEST CORNER THEREOF; THENCE
SOUTH 89 DEGREES 58 MINUTES 00 SECONDS EAST (NORTH 89 DEGREES 59
MINUTES 30 SECONDS EAST MEASURED), ALONG THE SOUTH LINE OF SAID
NORTHWEST QUARTER 2387.84 FEET (2390.50 FEET MEASURED) TO THE
WEST LINE OF SAID COMMONWEALTH EDISON COMPANY RIGHT-OF-WAY;
THENCE NORTH 0 DEGREES 07 MINUTES 46 SECONDS WEST ALONG SAID
WEST LINE OF SAID RIGHT-OF-WAY, 1715.47 FEET (1715.88 FEET MEASURED)
TO THE POINT OF BEGINNING, ALSO EXCEPTING THE PROPERTY
DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF
SAID NORTHWEST QUARTER; THENCE SOUTH 89 DEGREES 59 MINUTES 36
SECONDS EAST (SOUTH 89 DEGREES 59 MINUTES 55 SECONDS EAST
MEASURED) 1337.40 FEET TO THE POINT OF BEGINNING; THENCE
CONTINUING ALONG THE LAST DESCRIBED LINE 1040.73 FEET TO THE
WEST LINE OF LAND CONVEYED TO PUBLIC SERVICE COMPANY OF
NORTHERN ILLINOIS, NOW KNOWN AS THE COMMONWEALTH EDISON
COMPANY, BY WARRANTY DEED RECORDED MAY 24, 1926, AS DOCUMENT
NO. 394069; THENCE SOUTH 0 DEGREES 07 MINUTES 45 SECONDS EAST
ALONG THE LAST DESCRIBED LINE 300.00 FEET, THENCE NORTH 89
DEGREES 59 MINUTES 55 SECONDS WEST ALONG A LINE 300.00 FEET SOUTH
OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER
OF SAID SECTION 17; THENCE NORTH 0 DEGREES 07 MINUTES 45 SECONDS
WEST ALONG A LINE 1043.73 FEET WEST OF AND PARALLEL WITH THE
WEST LINE OF SAID COMMONWEALTH EDISON COMPANY WARRANTY
DEED RECORDED MAY 24, 1926, AS PER DOCUMENT NO. 394069, 300.00 FEET
TO THE POINT OF BEGINNING, IN WILL COUNTY, ILLINOIS.

PARCEL NINE: THAT PART OF THE SOUTHEAST QUARTER OF SECTION 7,
TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN
LYING SOUTHERLY OF THE CENTER LINE OF A HIGHWAY KNOWN AS
OSWEGO ROAD (EXCEPT THE EASTERLY 791.22 FEET THEREOF, AS
MEASURED ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, AND
ALSO EXCEPT THE SOUTHERLY 450.0 FEET OF THE WESTERLY 484.02 FEET
THEREOF), IN WHEATLAND TOWNSHIP, WILL COUNTY, ILLINOIS.

Exhibit "B"

PLAN DESCRIPTION

For The Property Located At The east of Route 30, south of Wolf's Crossing
Road and north of 111th Street

OWNER: Five H, L.L.C.
6110 Route 71
Oswego, IL 60543

DATE ANNEXATION AGREEMENT
APPROVED BY CITY COUNCIL: _____

ORDINANCE NUMBER: _____

PLAN DESCRIPTION AS: Attachment "C"

NOTE: A COPY OF THE DOCUMENTS AS REFERENCED HEREON ARE ON FILE IN THE CITY OF
AURORA PLANNING DIVISION OFFICE ON THE FOURTH FLOOR OF CITY HALL, 44 EAST
DOWNER PLACE, AURORA, ILLINOIS, 60507.

PD02.198

RECOMMENDATION

TO: THE COMMITTEE OF THE WHOLE

FROM: THE PLANNING & DEVELOPMENT COMMITTEE

The Planning & Development Committee At Their Meeting On Thursday, November 14, 2002

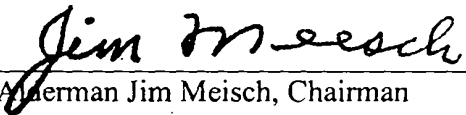
Recommended **APPROVAL** Of An Ordinance Establishing A Planned Development District, And Approving A Plan Description For 525.4 Acres Located East Of Route 30, South Of Wolf's Crossing Road And North Of 111th Street (Five H, L.L.C. – WH18/2-01.245-A – SP/PH) (This item should accompany the Annexation Agreement to the 12/10/02 City Council Meeting as Unfinished Business after the Public Hearing)

Vote 2-0

Alderman Judy Morrison, Excused Absent

Alderman Chris Beykirch, Excused Absent

Submitted By


Alderman Jim Meisch, Chairman


Alderman Michael Saville

Alderman Judith Morrison

Alderman Chris Beykirch, Alternate

Dated This 15th

Day Of November, 2002