

ORDINANCE NUMBER 4330

AN ORDINANCE ESTABLISHING A PLANNED  
DEVELOPMENT DISTRICT AND APPROVING  
A PLAN DESCRIPTION

WHEREAS, in accordance with Subsection 14.7 and Section 15 of Ordinance No. 3100 (hereinafter called the "Zoning Ordinance") of the City of Aurora, Illinois (hereinafter called the "City"), an application (hereinafter called the "Application") for a zoning amendment establishing certain property, upon its annexation to the City, as a planned development district was heretofore duly filed with the City Clerk by Urban Investment and Development Co., a Delaware corporation (hereinafter called "Urban"), the duly authorized agent for the purpose of filing and presenting the Application, of the owners of record of said property; and

WHEREAS, in accordance with Subsection 14.7 of the Zoning Ordinance, the Application was accompanied, as Exhibit A to the Application, by a plan description which contained the information required by the Zoning Ordinance and also requested amendments to and classifications, modifications and exceptions under the Zoning Ordinance and requested modifications to and exceptions from City Ordinance No. 3446 (hereinafter called the "Subdivision Control Ordinance"), all as set forth in such plan description; and

WHEREAS, notice of the Application was given to the Kane-DuPage Soil and Water Conservation District in accordance with Chapter 5, Section 127.2(a) of Illinois Revised Statutes (1973 Supp.); and

WHEREAS, the Application was forwarded to the City Plan Commission in accordance with the provisions of Subsection 14.7 and Section 15 of the Zoning Ordinance; and

WHEREAS, the City Plan Commission held public hearings on the Application pursuant to notices duly published and mailed as required by law and the provisions of the Zoning Ordinance; and

WHEREAS, the City Plan Commission has submitted to the City Council of the City (hereinafter called the "City Council") its written report on the Application (hereinafter called the "Plan Commission Report"), containing findings of fact and the City Plan Commission's recommendations with respect to the Application; and

WHEREAS, the original Plan Commission Report is on file in the office of the City Clerk; and

WHEREAS, the Plan Commission Report contains a favorable recommendation with respect to the requests made in the Application, but recommends that, prior to the approval of the Application by the City Council, and as a condition to such approval, certain changes and modifications be made in the plan description which was attached as Exhibit A to the Application; and

WHEREAS, attached hereto and made a part hereof as Exhibit A is a plan description for the proposed planned development district (hereinafter called the "Plan Description")

which Plan Description has, with the approval and acceptance of Urban, the duly authorized agent, for such purpose, of the owners of record of the property described in Part Two of Exhibit A to the Application, been modified from the form in which it was originally submitted to the City Clerk (i) to incorporate the recommendations contained in the Plan Commission Report, (ii) to incorporate certain additional changes deemed desirable by the City Council and (iii) to delete, in accordance with the right requested in the Application and approved in the Plan Commission Report, one parcel of property from the property legally described in Part Two thereof, such deleted parcel being described in Exhibit B, attached hereto and made a part hereof; and

WHEREAS, the property legally described in Part Two of the Plan Description (hereinafter called the "District") has been duly and validly annexed to the City; and

WHEREAS, the District includes more than two hundred (200) acres of contiguous property; and

WHEREAS, the City Council, after due investigation and consideration, has determined that the classification and establishment of the District as a planned development district and the approval of the Plan Description will promote the sound planning and development of the City, and therefore serve the best interests of the City;

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

SECTION 1. The City Council finds as facts all of the recitals contained in the preambles of this Ordinance.

SECTION 2. The City Council finds as facts and adopts as its findings the findings of the City Plan Commission set forth in the Plan Commission Report; and

SECTION 3. the Application, subject to the modifications contained in the Plan Description, attached hereto as Exhibit A, is hereby approved.

SECTION 4. In accordance with Subsections 14.7 and Section 15 of the Zoning Ordinance; the District is hereby classified and established as a planned development district, subject to and in accordance with all of the terms and provisions of the Plan Description, and the Zoning Ordinance and the Zoning Map of the City, is hereby amended so to provide.

SECTION 5. All modifications and exceptions under the Zoning Ordinance and all modifications to and exceptions from the Subdivision Control Ordinance, as set forth in the Plan Description, are hereby granted and approved.

SECTION 6. This Ordinance shall be known as Ordinance No. 4330.

SECTION 7. 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.

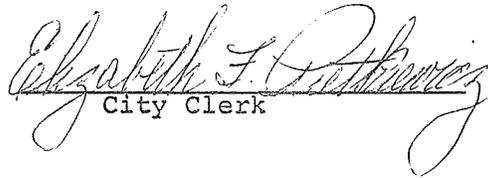
PRESENTED to the City Council of the City of Aurora,  
Illinois this 15<sup>th</sup> day of August, 1973.

PASSED by the City Council of the City of Aurora,  
Illinois this 15<sup>th</sup> day of August, 1973 by a roll  
call vote as follows:

<u>Ayes</u>	<u>Nays</u>	<u>Not Voting</u>
5	0	0

SIGNED by the Mayor of the City of Aurora, Illinois,  
this 15<sup>th</sup> day of August, 1973.

ATTEST:

  
City Clerk

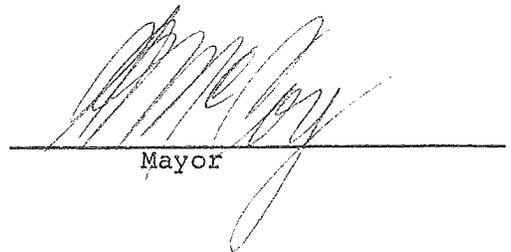
  
Mayor

EXHIBIT A  
TO  
ORDINANCE NUMBER 4330

AN ORDINANCE ESTABLISHING A PLANNED  
DEVELOPMENT DISTRICT AND APPROVING  
A PLAN DESCRIPTION

FOX VALLEY EAST PLANNED DEVELOPMENT DISTRICT

Plan Description

This Plan Description consists of the following Parts:

Part One. A written explanation of the general character of the Proposed Planned Development District divided into the following Sections:

I. General description of the Proposed District.

II. Description of land uses to be included in the Proposed District.

III. Description of the development standards, design criteria and land improvement requirements applicable to the Proposed District.

IV. Description of requested modifications and exceptions from the Aurora Zoning Ordinance and the Aurora Subdivision Control Ordinance.

V. General provisions relating to the Proposed District.

Part Two. A legal description of the property to be included in the Proposed District.

Part Three. The following maps:

I. Map showing the boundaries of the Proposed District and the boundaries of Region I and Region II of the Proposed District.

II. Map showing the existing zoning of the Proposed District and adjacent properties.

III. Map showing existing utilities which will serve the Proposed District.

IV. Topographical map of the Proposed District.

V. Flood plain map of the Proposed District.

VI. Land use plan for the Proposed District.

CITY OF AURORA            )  
COUNTY OF KANE            ) ss  
STATE OF ILLINOIS         )

I, Elizabeth F. Pietkiewicz, City Clerk of the City of Aurora, Illinois do hereby certify that, as such City Clerk I am the Clerk of the City Council of said City and the custodian and keeper of the journal of the proceedings of said Council and of the original ordinances enacted by said Council, and also of the Ordinance record in which the ordinances of said City are recorded or enrolled, and I do hereby further certify that the attached Ordinance with Exhibits "A" and "B" thereto attached published in this pamphlet entitled "Ordinance Number 4330, An Ordinance Establishing A Planned Development District and Approving A Plan Description" is a true and correct copy of an original ordinance of said City which was passed on the 15<sup>th</sup> day of August, 1973, and signed on the 15<sup>th</sup> day of August, 1973, which original ordinance is now on file in my office, and that said ordinance was on the 15<sup>th</sup> day of August, 1973, published in pamphlet form by authority of the City Council of the City of Aurora, Illinois.

In Testimony whereof witness my hand and the corporate seal of the City of Aurora, Illinois, this 15<sup>th</sup> day of August, 1973.

  
Elizabeth F. Pietkiewicz  
City Clerk  
City of Aurora, Illinois

FOX VALLEY EAST PLANNED DEVELOPMENT DISTRICT

Plan Description

Part One

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FOX VALLEY EAST PLANNED DEVELOPMENT DISTRICT

Plan Description

Part One

Section I

General Description of the Proposed District

For the purposes of this Plan Description the Proposed District (hereinafter called the "District") is divided into two contiguous parts, herein called Region I and Region II.

Region I consists of approximately seven hundred contiguous acres lying in an area bounded generally by Route 65 (Aurora Road) on the north, Route 34 (Oswego Road) on the south, Route 59 on the east and the easterly right-of-way line of the Elgin, Joliet & Eastern Railway Company on the west. The exact boundaries are set forth in a separate submission.

Region II consists of approximately three thousand four hundred and fifty contiguous acres located in an area bounded generally by Molitor Road on the north, the DuPage-Will County Line on the south, the westerly line of the north-south Commonwealth Edison Company right-of-way paralleling the Elgin, Joliet & Eastern Railway Company on the east and the DuPage-Kane County Line on the west with an added portion of the area bounded by an irregular line extending into Section 36

in Aurora Township, Kane County, and with another portion extending to the east of the Elgin, Joliet & Eastern Railway Company and lying south of Route 34 (Oswego Road) in Sections 29 and 32 of Naperville Township, DuPage County. The exact boundaries are set forth in a separate submission.

The District, tentatively named Fox Valley East, is being planned as a New City extension of the City of Aurora, Illinois (hereinafter called the "City") to serve the present and future population in the Fox River Valley area east of the present city limits of the City.

The District's location at the junction of three major transportation systems: the East-West Tollway which is being extended to the western section of the state; the designated Fox Valley Freeway; and the Burlington Northern, Inc. commuter and inter-city rail line which serves Chicago, western Illinois and Iowa; make this planned new city a "gateway" for people and goods entering the Chicago metropolitan area from the west. Accordingly, uses planned are appropriate to its gateway function and location. These include a variety of residential, commercial, industrial, institutional and public uses designed to create a comprehensive economic and consumer service base which will not only assure the environmental and financial self-sufficiency of the District but also contribute to the economic and cultural well-being of the people of the City and surrounding communities.

In its own right the District will represent a major fiscal and territorial addition to the resources of the City and the other governmental units serving the DuKane Valley area.

Given its strategic location at the junction of three major transportation systems, the need to assure access for an adequate labor force to support the various commercial, institutional and industrial uses, and the overriding public interest in providing efficient high quality commuter service for local residents to places of employment in and near the central city, a Transportation Center for the interchange of rail, bus, private automobile and other forms of traffic is under discussion. A balanced transportation system will be planned for the District. In planning transportation facilities within the District, emphasis will be placed on the impact of proposed new facilities on the existing local and area-wide transportation structures. Vehicular and pedestrian circulation patterns will be planned so as to minimize pedestrian-vehicular conflict.

Region I will offer the area a regional shopping center (hereinafter called the "Regional Shopping Center") featuring nationally renowned retailers including major department stores of Marshall Field & Company and Sears, Roebuck and Co. On the basis of current experience with similar shopping centers in other parts of the

Chicago metropolitan area, the shopping center will generate several thousand new jobs and well over \$100,000,000 in annual sales.

Substantial areas in the District are proposed for business, manufacturing, office and other uses to serve both local and regional needs. Provision for manufacturing facilities is consistent with the historic industrial role of the Fox River Valley area and gives material substance to county and regional public planning objectives of encouraging further industrial development in this section of the Chicago metropolitan area.

The housing units contemplated in the District are to be distributed among single-family homes, townhouses, garden apartments and multi-story buildings.

Because of the necessarily extended development period for an undertaking of this magnitude, the details as to housing types, sizes and amenities in the District will be determined by market experience as successive groups of housing units are completed and made available. It is contemplated that a high degree of home and apartment ownership will prevail and that a broad spectrum of housing types and prices will be made available to meet the needs of the labor force required by the area's industries and for those drawn to this new city by its location and amenities.

Community amenities will be included in the District, and planning for schools, parks, libraries, transportation and other community facilities and amenities in the District will receive the same care as the planning of housing.

Care will be taken in the planning of the District to preserve and stabilize the ecology of the area. The natural resources and characteristic land forms of the area shall, wherever possible, be preserved with the concept in mind that a community and its environment must be viewed as one. Measures will be taken during construction to prevent erosion of exposed top soil.

By virtue of its geographic position between the Fox River, one of the few natural scenic features in the Chicago region, and the proposed Springbrook forest preserve, the District is uniquely located to significantly augment the scenic and recreational facilities of this general area. Sites will be reserved in appropriate locations for schools and parks to assure the availability of these essential community facilities and to enhance the residential quality of areas designated for housing.

FOX VALLEY EAST PLANNED DEVELOPMENT DISTRICT

Plan Description

Part One

Section II

Description of Land Uses

The District shall be developed into the land use Areas described below and in accordance with the land use plans included in Part Three of this Plan Description, which land use plans may be changed from time to time as provided for in Subsection I. of Section V hereof. On each Preliminary Plan and Final Plan (hereinafter called "Preliminary Plan" and "Final Plan") submitted for approval in accordance with Subsection 14.7 of City Ordinance No. 3100 (which Ordinance No. 3100, together with all amendments thereto, is hereinafter collectively called the "Zoning Ordinance"), and on each General Development Plan submitted pursuant to Subsection V J. hereof, the land use Areas to be included in that part of the District covered by such Preliminary or Final Plan or General Development Plan shall be indicated.

A. Business Areas.

1. Permitted Uses.

a. In neighborhood shopping center Business Areas of the District which are fifteen acres or less in size and are located adjacent to a Residential Area of the District, and in all other

Business Areas of the District which do not meet the requirements of Subsection b. of this Subsection 1., the permitted uses shall be any of the uses permitted on the date of the approval by the City Council of the City (hereinafter called the "City Council") of the application for establishment of the District (hereinafter called the "approval date") in the B-1, B-2 and O districts as set forth and provided for in the Zoning Ordinance; provided, that with the approval of the City Council, which approval may be given as part of the approval of a Preliminary or Final Plan, uses permitted by the Zoning Ordinance on the approval date in B-3 districts may be permitted in any such Business Areas.

b. In Business Areas of the District other than neighborhood shopping center Business Areas described in Subsection a. above, which Business Areas are planned and developed as a unit, and the planning and development of which are under single, unified or coordinated control (regardless of ownership), the permitted uses shall be any of the uses permitted on the approval date in the B-1, B-2, B-3 and O districts as set forth and provided for in the Zoning Ordinance; provided, that (i) without the approval of the City Council, which approval may be given as part of the approval of a Preliminary or Final Plan, dwellings may not be located over a use permitted on the approval date only in B-3

districts as set forth and provided for in the Zoning Ordinance, and (ii) the uses described in Subsections 12.4-1.29, 12.4-1.36 and 12.4-1.38 of the Zoning Ordinance on the approval date shall not be permitted in any such Business Areas of the District.

c. Any uses that become permitted uses in said B-1, B-2, B-3 and O districts of the Zoning Ordinance subsequent to the approval date shall be deemed to have been permitted uses in said districts on the approval date.

d. The following additional uses shall be permitted throughout Business Areas of the District:

(1) Auditoriums, stadiums, arenas, armories, gymnasiums and other similar places for public events.

(2) Bus terminals, railroad passenger stations, freight terminals, and other public transportation terminal facilities.

(3) Municipal or privately owned recreation buildings and community centers.

(4) Nursery schools and day nurseries.

(5) Police stations and fire stations.

(6) Public buildings, including art galleries, post offices, libraries, museums and similar buildings.

(7) Public telephone booths not installed in a building or structure but standing in the open for the general use of the public.

(8) Public or private parks and playgrounds.

(9) Public utility facilities, i.e., filtration plants, water reservoirs and pumping stations, heat or power plants, transformer stations and other similar facilities.

(10) Radio and television transmitting or antenna towers (commercial) and other electronic equipment requiring outdoor structures, and including antenna towers used for the sending of private messages.

(11) Rest homes and nursing homes.

(12) Schools, elementary, high and college, public or private.

(13) Clinics and medical centers.

(14) Golf courses, public or private.

(15) Hospitals or sanitariums, public or private.

(16) Telephone exchanges, antenna towers and other outdoor equipment essential to the operation of the exchanges.

2. Percentage Limitations. The percentage of the land in Region I which may be devoted to Business Areas shall be a minimum of forty-five percent and a maximum of seventy-five percent. The percentage of the land in Region II which may be devoted to Business Areas shall be a minimum of five percent and a maximum of fifteen percent.

B. Manufacturing Areas.

1. Permitted Uses. Any of the uses permitted on the approval date in the M-1 and O districts as set forth and provided for in the Zoning Ordinance shall be uses permitted throughout the Manufacturing Areas of the District; provided, that:

a. The uses described in Subsections 12.4-1.29; 12.4-1.36; 12.4-1.38; 12.5-1.9 and 13.2-1.20 of the Zoning Ordinance on the approval date shall not be permitted;

b. Any uses that become permitted uses in said M-1 and O districts subsequent to the approval date shall be permitted uses throughout such Manufacturing Areas; and

c. The following additional uses shall be permitted throughout such Manufacturing Areas:

(1) Airport, landing field, or landing strip, subject to the Civil Aeronautics Administration certifying that a new or reoriented runway will not interfere with the flight pattern of any established airport, landing field or landing strip.

(2) Bus terminals, railroad passenger stations, freight terminals, and other public transportation terminal facilities.

(3) Public telephone booths not installed in a building or structure but standing in the open for the general use of the public.

(4) Railroad rights-of-way.

(5) Any use listed as an additional use in Subsection A.1.c. of this Section II except the uses listed in clauses (4), (11), (12) and (15) of said Subsection.

(6) Cultural, educational and child care facilities when part of and related to a planned industrial park.

(7) Outdoor theaters.

d. In any part of any Manufacturing Area of the District which is, at the time when a Preliminary Plan including such part of the Manufacturing Area is submitted for approval, within one hundred feet of the boundary of a Residential Area of the

District or the boundary of an area outside the District which was, on the approval date, and is, at the time when such Preliminary Plan is submitted for approval, zoned for residential use, the permitted uses in such part shall be limited to (1) warehouse or parking facilities associated with any uses located in the Manufacturing Area; (2) any uses permitted in the B-1, B-2, B-3 and O districts as set forth and provided for in the Zoning Ordinance on the approval date; and (3) any uses that become permitted uses in said districts subsequent to the approval date; provided, that if the boundary of such Residential Area or such area outside the District shall be in a road, highway, railroad or similar right-of-way or in a stream, park, river or similar natural barrier, the depth of that part of such right-of-way or natural barrier which is within such Residential Area or such area outside the District zoned for residential use may be deducted from the one-hundred-foot requirement for the part of the Manufacturing Area in which the permitted uses shall be so limited. The provisions of this Subsection II B.1.d. shall not apply to the Region II Manufacturing Area designated as "Restricted Manufacturing Area" on the land use plan included as map number VI in Part Three of this Plan Description, or in such Area as it may be enlarged or contracted pursuant to Subsection V I. hereof.

e. In the Region II Manufacturing Area designated as "Restricted Manufacturing Area" on the land use plan included as map number VI in Part Three of this Plan Description or in such Area as it may be enlarged or contracted pursuant to Subsection V I. hereof, neither the uses described in Subsections 13.2-1.10; 13.2-1.11; 13.2-1.18; 13.2-1.19; 13.2-1.32; 13.2-1.33; 13.2-1.36; 13.2-1.38; 13.2-1.51; 13.2-1.52; 13.2-1.54; 13.2-1.56 and 13.2-1.57 of the Zoning Ordinance on the approval date; nor a retail commercial structure having more than two hundred and fifty thousand square feet of gross floor area devoted to retail sales and service operations shall be permitted.

2. Percentage Limitations. The percentage of the land in Region I which may be devoted to Manufacturing Areas shall be a maximum of ten percent. The percentage of the land in Region II which may be devoted to Manufacturing Areas shall be a minimum of twenty percent and a maximum of fifty percent.

C. Residential Areas.

1. Permitted Uses. Any of the uses permitted on the approval date in the R-1, R-2, R-3, R-4, R-5 and R-5A districts as set forth and provided for in the Zoning Ordinance shall be uses permitted throughout the Residential Areas of the District; provided, that one-family row

dwellings (party wall) may have eight dwellings in a row or building, and provided further, that:

a. Any uses that become permitted uses in said R-1, R-2, R-3, R-4, R-5 and R-5A districts subsequent to the approval date shall be permitted uses throughout such Residential Areas; and

b. The following additional uses shall be permitted throughout such Residential Areas:

(1) Golf courses, public or private.

(2) Municipal or privately owned recreation buildings and community centers.

(3) Nursery schools and day nurseries.

(4) Police stations and fire stations.

(5) Public buildings, including art galleries, post offices, libraries, museums and similar buildings.

(6) Public or private parks and playgrounds.

(7) Public telephone booths not installed in a building or structure but standing in the open for the general use of the public.

(8) Public utility facilities, i.e., filtration plants, water reservoirs and pumping stations, heat or power plants, transformer stations and other similar facilities.

(9) Rest homes and nursing homes.

(10) Schools, elementary, high and college, public or private.

(11) Telephone exchanges, antenna towers and other outdoor equipment essential to the operation of the exchanges.

2. Percentage Limitations. The percentage of the land in Region I which may be devoted to Residential Areas shall be a minimum of twenty percent and a maximum of fifty percent. The percentage of the land in Region II which may be devoted to Residential Areas shall be a minimum of thirty-five percent and a maximum of sixty-five percent.

D. Open Space.

Land shall be reserved for public open space, parks and recreation uses in accordance with the provisions of Subsection B.19. of Section IV hereof.

E. School Sites.

Land shall be reserved for school sites in accordance with the provisions of Subsection B.19. of Section IV hereof.

F. Existing and Temporary Uses in the District.

Any lawfully established use of a building or land in the District, including farm and agricultural uses, which is established or being carried on on the approval date, may be continued pending the commencement of construction in accordance with approved Final Plans for the land on which such building is located or on which such use is established or being carried on. Subject to the provisions of Subsection A.9. of Section III hereof, temporary uses of a building or land in the District may be permitted pending the commencement of construction in accordance with approved Final Plans for the land on which such building is located or on which such temporary use is permitted. Any such temporary use shall be compatible with existing uses in the area where such temporary

use is located. Except as provided for herein, after complete development of the District in accordance with approved Final Plans, no uses of a building or land shall be allowed except uses permitted by approved Final Plans for the District. If, pursuant to the provisions of Subsection 15.5-3 of the Zoning Ordinance, the City Council shall at any time rezone any property in the District, the City Council shall have the right to require the abatement of any use of a building located on or land included within such rezoned property which shall have been an established use on the approval date but which shall not be a permitted use on such property following such rezoning action.

G. Determination of Percentage Limitations.

The percentage limitations provided for in Subsections A.2., B.2. and C.2. of this Section II shall be applied to the land area of a Region after deducting from such land area all land devoted to or reserved or dedicated for (i) above ground public utility buildings and structures required to service the Region and (ii) rights-of-way for public streets, highways and alleys. Land area devoted to or reserved or dedicated for school and other public building sites and public parkways, walkways and drainage courses shall be included in the land area to which such percentage limitations shall be applied. In determining the percentage of land devoted to each land use Area, land devoted to parking and private open space, park and recreational facilities shall be included.

FOX VALLEY EAST PLANNED DEVELOPMENT DISTRICT

Plan Description

Part One

Section III

Development Standards, Design Criteria and  
Land Improvements

A. Zoning Standards.

The standards set forth in this Subsection III A. shall be applicable to all buildings and structures and the use of all land in the District in lieu of comparable or similar standards or requirements of the Zoning Ordinance, and all provisions and requirements of the Zoning Ordinance inconsistent with the standards set forth herein shall be inapplicable. Any uncertainty between the applicability of a standard or requirement of the Zoning Ordinance and the applicability of a standard set forth herein shall be resolved in favor of the standard set forth herein.

1. Dwelling Standards.

a. One-Family Dwellings. Each one-family one-story dwelling shall have a total ground floor area of not less than seven hundred and fifty square feet. Each one-family dwelling of more than one story shall have a total floor area of not less than nine hundred and fifty square feet.

b. Two-Family Dwellings. Each two-family dwelling shall have a total floor area per dwelling unit of not less than seven hundred and fifty square feet.

c. Multiple-Family Dwellings and Apartments. Multiple-family dwellings and apartments shall have a minimum total floor area per dwelling unit as follows:

	<u>Square Feet</u>
(1) Efficiency apartments	450
(2) Apartments with one bedroom	650
(3) Apartments with two bedrooms	850
(4) Apartments with three bedrooms	1000
(5) Apartments with four or more bedrooms	1100

In all cases, ground floor area or floor area shall be measured from the outside of the exterior walls, shall include utility rooms, but shall not include cellars, basements, open porches, balconies, breezeways, garages and other spaces that are not used frequently or during extended periods for living, eating or sleeping purposes. A basement shall not be considered as a story for the purposes of this Subsection III A.1.

2. Building Height.

a. Residential Areas. The following building

height limitations shall be applicable in all Residential Areas of the District:

(1) No one-family detached dwelling or one-family row dwelling shall be erected or structurally altered to exceed a height of three stories or a height of forty feet, whichever is the higher.

(2) No two-family, three-family, or four-family dwelling shall be erected or structurally altered to exceed a height of four stories or a height of forty feet, whichever is the higher.

(3) No multiple-family dwelling or apartment building shall be erected or structurally altered to exceed a height of two hundred feet and no more than fifteen stories in any such building may be devoted to dwelling units.

b. Business Areas. In Business Areas of the District no building or structure shall be erected or structurally altered to exceed a height of four stories or a height of sixty feet, whichever is the

higher, except that buildings which may be erected or structurally altered to a greater height pursuant to the City Building Code may be erected or structurally altered within the height limitations set forth in said Code.

c. Manufacturing Areas. In Manufacturing Areas of the District no building or structure shall be erected or structurally altered to exceed a height of seventy-five feet, except that buildings intended for business or office uses which may be erected or structurally altered to a greater height pursuant to the City Building Code may be erected or structurally altered within the height limitations set forth in said Code.

Parapet walls, chimneys, cooling towers, elevator bulk heads, fire towers, stacks, stage towers, scenery lofts, necessary mechanical or structural appurtenances, aerials, light towers, flag poles and similar extensions to the height of buildings shall be permitted to exceed the maximum height limitations set forth above, provided they are erected in accordance with all other ordinances of the City. A basement shall not be considered as a story for the purposes of this Subsection III A.2.

3. Location of Buildings in Relation to Boundary Lines of the District and in Relation to Boundary Lines of Use Areas in the District.

a. Residential Areas. In Residential Areas of the District, the minimum distance between the exterior wall of any building and a boundary line of the District or a boundary line of the Residential Area shall be twenty-five feet; provided, that if the building exceeds twenty-five feet in height, such minimum distance shall be increased one foot for each two feet or fraction thereof by which the building height exceeds twenty-five feet, but in no case shall such minimum distance exceed forty feet.

b. Business Areas. In Business Areas of the District, the minimum distance between the exterior wall of any building and a boundary line of the District or a boundary line of the Business Area, if the property abutting such boundary line is in a Residential Area of the District or in an area outside the District zoned for residential use, or if such building includes dwelling units, shall be thirty feet; provided, that if the building exceeds twenty-five feet in height, such minimum distance shall be increased one foot for each two feet or fraction thereof by which the building height exceeds twenty-five feet, but in no case shall such

minimum distance exceed forty feet; and, provided further, that if the property abutting such boundary line is not in a Residential Area of the District or is in an area outside the District zoned for nonresidential use, and if such building does not include dwelling units, such minimum distance shall be twenty feet.

c. Manufacturing Areas. In Manufacturing Areas of the District, the minimum distance between the exterior wall of any building and a boundary line of the District or a boundary line of the Manufacturing Area, if the property abutting such boundary line is in a Residential Area of the District or in an area outside the District zoned for residential use, shall be thirty feet; provided, that if the building exceeds twenty-five feet in height, such minimum distance shall be increased one foot for each two feet or fraction thereof by which the building height exceeds twenty-five feet, but in no case shall such minimum distance exceed forty feet; and, provided further, that if the property abutting such boundary line is not in a Residential Area of the District or is in an area outside the District zoned for nonresidential use, such minimum distance shall be twenty-five feet.

d. General Provisions. The following provisions governing the location of buildings in

relation to boundary lines of the District and in relation to boundary lines of the use Areas in the District shall apply in all use Areas in the District:

(1) Where a boundary line of the District or of a use Area in the District is in a public street, alley, railroad, or similar right-of-way, the minimum distance provided for in clauses a., b. and c. above shall be measured from the nearest right-of-way line of such street, alley, railroad or similar right-of-way.

(2) The area between a boundary line of the District or of a use Area in the District and the minimum distance at which the exterior wall of any building may be located may contain the following permitted encroachments: open terraces not over four feet above the average level of the adjoining ground but not including a permanently roofed-over terrace or porch; awnings and canopies; steps, four feet or less above the average level of the adjoining ground which are necessary for access to a building or building site; chimneys projecting eighteen inches or less; recreational and laundry drying equipment; arbors and

trellises; flag poles; fences and walls not exceeding five feet in height above the average level of the adjoining ground; open-type fences exceeding five feet in height (provided that visibility at right angles to any surface of such fence may not be reduced by more than twenty percent); balconies, breezeways and open porches; one-story bay windows projecting three feet or less; overhanging eaves and gutters projecting three feet or less; and air conditioning pads.

4. Zoning Lot. Within the District any parcel of land may be shown as a zoning lot on any Preliminary or Final Plan covering all or any part of the District, provided such parcel of land meets the zoning lot requirements set forth in this Plan Description. Subject to the modifications and exceptions provided for in this Plan Description, all provisions of the Zoning Ordinance which refer or apply to a zoning lot shall refer or apply to the zoning lots so shown on any such Preliminary or Final Plan; provided that (a) each zoning lot must be located entirely within a designated use Area of the District as shown on such Preliminary or Final Plan; (b) a parcel of land shown as a zoning lot on any Preliminary Plan may be divided into two or more zoning lots on a Final Plan for all or a part

of the property covered by such Preliminary Plan; and  
(c) a zoning lot may not be intersected by a public highway, street, or railroad right-of-way. Except as otherwise limited by this Plan Description, one or more principal buildings and one or more accessory buildings may be located on a zoning lot. A zoning lot may be used for any one or more of the uses permitted in the use Area in which the zoning lot is located.

5. Zoning Lot Coverage and Floor Area Ratios.

a. Residential Areas. The following zoning lot coverage and floor area ratio limitations shall be applicable in all Residential Areas of the District:

(1) Not more than forty percent of the area of a zoning lot on which detached one-family or two-family dwellings are located may be occupied by buildings, including accessory buildings.

(2) Not more than forty percent of the area of a zoning lot on which multiple-family dwellings, apartments or one-family row dwellings (party wall) are located may be occupied by buildings, including accessory buildings.

(3) On a zoning lot on which multiple-family dwellings or apartments

are located the following floor area ratio limitations shall apply:

(a) For buildings up to and including three stories in height, the floor area ratio shall not exceed one.

(b) For buildings which exceed three stories but not eight stories in height, the floor area ratio shall not exceed two.

(c) For buildings which exceed eight stories in height, the floor area ratio shall not exceed three; provided, that for buildings which exceed twelve stories in height, the floor area ratio may exceed three if at least fifty percent of required parking facilities are provided in garage areas which are a part of the building, in which case the floor area ratio shall not exceed four.

(d) With the approval of the City Council, which approval may be given as part of the approval of a Preliminary or Final Plan, the

floor area ratio for any zoning lot may exceed the limitation applicable to that lot provided that the floor area ratio for all zoning lots within each Region, separately, shall, within such Region, comply with such limitations.

b. Business Areas. There shall be no zoning lot coverage or floor area ratio limitations in the Business Areas of the District except for buildings containing dwelling units, each of which shall be located on a single zoning lot. Not more than forty percent of the area of the zoning lot may be occupied by that portion of such a building containing dwelling units; provided, that the area of the zoning lot left open may begin at that level of the building's elevation at which the portion of the building containing dwelling units commences. The following floor area ratio limitations shall apply to the dwelling unit portion of such buildings:

(1) For buildings with dwelling unit portions up to and including three stories in height, the floor area ratio shall not exceed one.

(2) For buildings with dwelling unit portions which exceed three



stories but not eight stories in height,  
the floor area ratio shall not exceed two.

(3) For buildings with dwelling unit portions which exceed eight stories in height, the floor area ratio shall not exceed three; provided, that for buildings with dwelling unit portions which exceed twelve stories in height, the floor area ratio may exceed three if at least fifty percent of required parking facilities are provided in garage areas which are a part of the building, in which case the floor area ratio shall not exceed four.

c. Manufacturing Areas. In Manufacturing Areas of the District, not more than sixty percent of the area of a zoning lot may be occupied by buildings, including accessory buildings. There shall be no floor area ratio limitations in Manufacturing Areas.

d. Permitted Encroachments. The areas left open to comply with the above zoning lot coverage and floor area ratio limitations may contain the permitted obstructions listed in clause (2) of Subsection A.3.d. of this Section III.

e. Floor Area Ratio. For the purposes of this Plan Description, the floor area ratio shall be the total floor area (as defined in Subsection A.1.c. of this Section III) of the dwelling unit portions of the building or buildings located on a zoning lot or lots divided by the area of such zoning lot or lots.

f. Basement as a Story. A basement shall not be considered as a story for the purposes of this Subsection III A.5.

6. Residential Density.

a. Average Residential Density. In Residential and Business Areas of the District the average residential density in Region I shall not exceed fourteen dwelling units per acre and the average residential density in Region II shall not exceed ten dwelling units per acre; provided that in each Region of the District no more than twenty percent of the permitted dwelling units shall be efficiency apartments located in the multiple-family dwellings and apartment buildings. In computing such average density, all land in the Region devoted to Residential Areas and all land devoted to open space, public parkways, walkways and drainage courses, school sites, parks, recreation areas, public or private, and other public building sites, shall be included in the number of acres which is to be divided into the total dwelling units in the Region to produce average density in dwelling units per acre; provided, that there shall be deducted from such number of acres

into which the dwelling units are to be divided all land devoted to or reserved or dedicated for (i) above ground public utility buildings and structures required to service the Region, and (ii) rights-of-way for public streets, highways and alleys.

b. Required Percentage of One-Family Detached Dwellings in Region II. In Region II of the District a minimum of thirty-five percent of the total zoning lot land area developed with dwellings or apartment buildings in Residential Areas will be developed with one-family detached dwellings. For the purpose of this Subsection 6.b., zoning lot land area assigned to one-family detached dwellings shall meet or exceed the requirements set forth in Subsection A.8.a. of this Section III or the requirements set forth in A.14.b.(1) of this Section III.

c. Limitations on Percentage of Medium and High Density Dwellings. In each Region of the District the maximum percentage of the zoning lot land area developed with dwellings or apartment buildings in Residential Areas which may be developed with medium density dwellings and apartment buildings or with high density apartment buildings shall be as follows:

	<u>Region I</u>	<u>Region II</u>
Medium density dwellings and apartment buildings.	60%	40%
High density apartment buildings.	40%	25%

For the purposes of this Subsection 6.c., zoning lot land area assigned to medium density dwellings and apartment buildings shall meet or exceed the requirements set forth in Subsection A.8.b. of this Section III or the requirements set forth in Subsection 14.b.(2) of this Section III, and zoning lot land area assigned to apartment buildings which does not meet or exceed such requirements shall be assigned to high density apartment buildings and shall be subject to the requirements of Subsection A.8.c. of this Section III or the requirements set forth in Subsection 14.b.(3) of this Section III. Any part of the zoning lot area in either Region of the District which may be developed with high density apartment buildings may be developed with medium density dwellings and apartment buildings.

d. Limitations on Number of Dwelling Units.

The maximum permitted number of dwelling units in Region I of the District will be four thousand five hundred and fifty, and the maximum permitted number of dwelling units in Region II of the District will be twenty-one thousand five hundred.

e. Assigned Zoning Lot Land Area. The zoning lot land area assigned to each dwelling or apartment building shall be shown on each Preliminary or Final Plan which includes Residential Areas.

7. Yard and Minimum Zoning Lot Size Requirements.

There shall be no yard or minimum zoning lot size, area or width requirements in the District except as follows:

a. In Residential Areas of the District the minimum distance between the closest right-of-way line of any public street and the exterior wall of any building shall be twenty-five feet.

b. In Residential Areas of the District:

(1) The minimum distance between adjacent detached dwellings and apartment buildings shall be twelve feet for dwellings and apartment buildings of not more than two stories in height, and if one or both of such adjacent dwellings or apartment buildings exceeds two stories in height, such minimum distance shall be increased two feet for each story by which each of such dwellings or apartment buildings exceeds two stories in height.

(2) The minimum distance between a dwelling or apartment building and the boundary of the area covered by any Final Plan shall be six feet for a dwelling or apartment building of not more than two stories in height, and if such dwelling or apartment building exceeds two stories in height, such minimum distance shall be increased two feet for each story by which

such dwelling or apartment building exceeds two stories in height.

(3) The minimum distance between adjacent buildings containing one-family row dwellings (party wall) shall be twenty feet.

c. If a building located in a Business Area of the District contains dwelling units, the minimum distance between the exterior wall of that portion of such building which contains the dwelling units and the closest right-of-way line of any public street shall be twenty-five feet.

d. If a building located in a Business Area of the District contains dwelling units, the minimum distance between any boundary of the zoning lot on which the building is located and the exterior wall of that portion of the building which contains the dwelling units shall be twenty-five feet if the residential portion of the building does not exceed two stories in height. If the residential portion of the building exceeds two stories in height, one foot shall be added to such minimum distance for each story by which such residential portion of the building exceeds two but not five stories in height, and one-half foot shall be added to such minimum distance

for each story by which the residential portion of the building exceeds five stories in height.

e. In Manufacturing Areas of the District the minimum distance between the closest right-of-way line of any public street and the exterior wall of any building shall be twenty-five feet. In such yard areas no storage of material or equipment or parking of motor vehicles shall take place and such yard areas shall be landscaped. Such landscaping requirement shall not prevent the location within such yard areas of driveways, pathways, utility easements and structures and similar appurtenances.

f. In Manufacturing Areas of the District the minimum distance between adjacent principal buildings shall be thirty feet and the minimum distance between a principal building and an accessory building shall be fifteen feet.

The required area between adjacent detached dwellings and apartment buildings, between a dwelling or apartment building and the boundary of the area covered by any Final Plan, between adjacent buildings containing one-family row dwellings (party wall) or between buildings and the closest right-of-way line of public streets or the boundary of a zoning lot may contain the permitted encroachments listed in clause (2) of Subsection A.3.d. of this Section III. A basement shall not be considered as a story for the purposes of this Subsection III A.7.

8. Required Zoning Lot Land Area Per Dwelling Unit.

a. Zoning Lot Land Area Required to Fulfill One-Family Detached Dwelling Obligation. In portions of Residential Areas which are not developed pursuant to Subsection A.14. of this Section III, all zoning lot land area assigned to one-family detached dwellings which have an assigned zoning lot land area of not less than sixty-eight hundred square feet per dwelling shall be counted against the obligation to develop a minimum of thirty-five percent of the zoning lot land area in Residential Areas of Region II with one-family detached dwellings.

b. Medium Density Minimum Zoning Lot Land Area Requirements. In portions of Residential Areas which are not developed pursuant to Subsection A.14. of this Section III, all zoning lot land area which does not qualify as one-family zoning lot land area pursuant to Subsection a. of this Subsection 8., and which is assigned to dwellings or apartment buildings which have an assigned zoning lot land area equal to or in excess of the following requirements shall be counted, for the purpose of applying the limitations set forth in Subsection A.6.c. of this Section III, as zoning lot land area developed with medium density dwellings and apartment buildings:

- |   |                                      |
|---|--------------------------------------|
| (1) For each one-family detached dwelling,                          | 6000 square feet                     |
| (2) For each two-family dwelling,                                   | 8000 square feet                     |
| (3) For each row dwelling (party wall) with one bedroom,            | 1500 square feet per dwelling unit   |
| (4) For each row dwelling (party wall) with two bedrooms,           | 2000 square feet per dwelling unit   |
| (5) For each row dwelling (party wall) with three or more bedrooms, | 2500 square feet per dwelling unit   |
| (6) For multiple-family dwellings and apartment buildings:          | <u>Square Feet Per Dwelling Unit</u> |
| (a) For efficiency apartments,                                      | 1000                                 |
| (b) For dwelling units with one bedroom,                            | 1500                                 |
| (c) For dwelling units with two bedrooms,                           | 2000                                 |
| (d) For dwelling units with three or more bedrooms.                 | 2500                                 |

The requirements set forth above for one-family detached dwellings, for two-family dwellings, for row dwellings (party wall) with one bedroom, for row dwellings (party wall) with two bedrooms and for row dwellings (party wall) with three or more bedrooms shall be the minimum requirements in the District for such types of dwellings except when portions of Residential Areas are developed pursuant to Subsection A.14. of this Section III.

c. High Density Apartment Building Minimum Zoning Lot Land Area Requirements. In portions of Residential Areas which are not developed pursuant to Subsection A.14. of this Section III, all zoning lot land area assigned to apartment buildings which do not have an assigned zoning lot land area equal to the requirements of Subsection b. of this Subsection 8. shall be counted, for the purpose of applying the limitations set forth in Subsection A.6.c. of this Section III, as zoning lot land area developed with high density apartment buildings and shall have a minimum assigned zoning lot land area per dwelling unit in accordance with the following:

	<u>Square Feet Per Dwelling Unit</u>
(1) For efficiency apartments,	500
(2) For dwelling units with one bedroom,	625

(3) For dwelling units with 750  
two bedrooms,

(4) For dwelling units with 1500  
three or more bedrooms.

d. Buildings Containing Dwelling Units Located in Business Areas. In Business Areas of the District, each zoning lot on which a building containing dwelling units is located shall have a minimum land area per dwelling unit in accordance with the requirements set forth in Subsection c. of this Subsection 8.

9. Approval of Bulk Requirements for Certain Uses and Temporary Uses. The bulk requirements to be complied with in connection with any use permitted by Subsections A.l.d., B.l.c. and C.l.b. of Section II hereof and any temporary use of a building or land provided for in Subsection F. of Section II hereof shall be subject to the approval of the City Council, which approval may be given as part of the approval of a Preliminary or Final Plan. Separate application for such an approval may be submitted to the City Council by the developer in writing. The City Council shall promptly refer such application to the Plan Commission and the Plan Commission shall, within thirty days from the date of referral, submit to the City Council its written recommendations with respect to such

application. The Plan Commission may recommend that the City Council approve or disapprove the application and may, in the event of a favorable recommendation, specify particular conditions which should be incorporated in the approval. Within sixty days after receipt of the Plan Commission's recommendation, the City Council shall either approve or disapprove the application. An approval may be conditional and, if so, shall state what additions or deletions from the application as submitted shall be made in the application as approved.

10. Off-Street Parking and Loading. Off-street parking and loading facilities shall be provided in accordance with Section 10 of the Zoning Ordinance, subject to the modifications and exceptions provided for in Section IV of this Plan Description.

11. Performance Standards in Manufacturing Areas of the District. The Performance Standards set forth in Subsections 13.2-1 and 13.2-4 through 13.2-4.6 of the Zoning Ordinance shall be applicable to Manufacturing Areas of the District; provided that references in Subsections 13.2-1 and 13.2-4.1 of the Zoning Ordinance to residential districts shall be deemed to include Residential Areas of the District, that references in Subsection 13.2-4.1 to B-2, B-3 and B-4 ("O") districts shall be deemed to include Business Areas of the District, and that references in Subsection 13.2-4.1 to an M-1 district

shall be deemed to include any Manufacturing Area of the District. In Manufacturing Areas of the District, no storage of material or equipment or parking of automobiles shall take place within twenty feet of a boundary line of the District or a boundary line of the Manufacturing Area if the property abutting such boundary line is in a Residential Area of the District, a Business Area of the District and is used for buildings containing dwelling units or an area outside the District zoned for residential use. Such yard areas in which parking and the storage of materials are not permitted will be landscaped. Such landscaping requirement shall not prevent the location within such yard areas of driveways, pathways, utility easements and structures and similar appurtenances.

12. Accessory Buildings. Accessory buildings or accessory uses, including off-street motor vehicle parking lots, but not including public utility, communication, electric, gas, water and sewer lines and their support and incidental equipment, may not be located beyond the building setback lines provided for in Subsections A.3.a., A.3.c., A.7.c., A.7.d. and A.7.e. of this Section III.

13. City Disapproval Rights. Notwithstanding the limitations of the second sentences of Subsection 14.7-6(a) and Subsection 14.7-9 of the Zoning Ordinance, portions of Residential Areas on any Preliminary Plan, or on any Final Plan (if such portions on such

Final Plan are not consistent with an approved Preliminary Plan), may be disapproved for reasons which may be inconsistent with this Plan Description to the extent that such reasons constitute a denial of the right to meet or use one or more of the Zoning Standards set forth in Subsections 1., 2.a., 4., 5.a., 7. and 8. of this Subsection III A. or one or more of the Zoning Ordinance modifications and exceptions set forth in Subsections 3., 11., 12., 14., 16., 18., 21., 24., 25., 26., 28., 29., 30., 31., 33., 34., 35., 36., 37., 40. and 41. of Section IV of this Plan Description; provided that:

a. Any such disapproval shall have been recommended by a two-thirds vote of the members of the Plan Commission voting on the issue and the votes of not less than seven members of the Plan Commission then in office; and

b. Any such disapproval shall have been adopted by a two-thirds vote of the members of the City Council then in office; and

c. The disapproval right provided for in this Subsection 13. shall be subject to the provisions of Subsection 14. below.

14. Development Pursuant to Existing Standards.

The Plan Commission and the City Council shall approve those portions of Residential Areas on any Preliminary or Final Plan if such Residential Area portions comply with Subsections a. or b. below.

a. In the case of a Final Plan, such Residential Area portions shall be approved if they are consistent with an approved Preliminary Plan for such Residential Area portions.

b. In the case of a Preliminary or Final Plan, such Residential Area portions shall be approved if they shall have been divided into areas which are classified as either one-family detached dwelling areas, medium density multiple-family dwelling and apartment building areas, or high density apartment building areas, and if each such area meets the applicable requirements set forth in Subsections (1), (2) or (3) below.

(1) In the case of a one-family detached dwelling area, the requirements for Permitted Uses, Height of Buildings, Lot Size, Yard Area, Permitted Obstructions and Dwelling Standards set forth in Subsection 11.3 of the Zoning Ordinance on the approval date; or

(2) In the case of a medium density multiple-family dwelling and apartment building area, the requirements for Permitted Uses, Lot Area Per Dwelling, Yard Areas, Maximum Floor Area Ratio, Dwelling Standards, Signs and Off-Street Parking and Loading set forth in Subsection 11.6 of the Zoning Ordinance on the approval date; or

(3) In the case of a high density apartment building area, the requirements for Permitted Uses, Lot Area Per Dwelling, Yard Areas, Maximum Floor Area Ratio, Dwelling Standards, Signs and Off-Street Parking and Loading set forth in Subsection 11.7 of the Zoning Ordinance on the approval date.

c. In Residential Areas of Region II of the District developed pursuant to this Subsection 14., all zoning lot land area assigned to one-family detached dwellings which meet the requirements for Height of Buildings, Lot Size, Yard Area, Permitted Obstructions and Dwelling Standards set forth in Subsection 11.3 of the Zoning Ordinance on the approval date shall be counted

against the obligation to develop a minimum of thirty-five percent of the total zoning lot land area developed with dwellings or apartment buildings in Residential Areas of Region II with one-family detached dwellings.

d. In Residential Areas of each Region of the District developed pursuant to this Subsection 14., all zoning lot land area assigned to multiple-family dwellings and apartment buildings which meet the requirements for Height of Buildings, Lot Area Per Dwelling, Yard Areas, Maximum Floor Area Ratio, Dwelling Standards and Off-Street Parking and Loading set forth in Subsection 11.6 of the Zoning Ordinance on the approval date shall be counted, for the purpose of applying the limitations set forth in Subsection A.6.c. of this Section III, as zoning lot land area developed with medium density dwellings and apartment buildings.

e. In Residential Areas of each Region of the District developed pursuant to this Subsection 14., all zoning lot land area assigned to apartment buildings which meet the requirements for Lot Area Per Dwelling, Yard Areas, Maximum Floor Area Ratio, Dwelling Standards, Signs and Off-Street

Parking and Loading set forth in Subsection 11.7 of the Zoning Ordinance on the approval date shall be counted, for the purpose of applying the limitations set forth in Subsection A.6.c. of this Section III as zoning lot land area developed with high density apartment buildings.

f. From and after the date of the fifteenth annual anniversary of the approval date, Subsections b.(1), b.(2) and b.(3) of this Subsection 14. shall be deemed modified to incorporate those requirements of the Zoning Ordinance on such anniversary date which shall have modified or replaced the requirements of the Zoning Ordinance which have been incorporated in this Plan Description by Subsections b.(1), b.(2) and b.(3) of this Subsection 14.

B. Design Standards and Required Land Improvements.

To the extent that any development in the District is subject to the provisions of City Ordinance No. 3446 (hereinafter called the "Subdivision Control Ordinance"), the design standards and required land improvements provided for in Articles IV and V of said ordinance shall apply, subject to the modifications and exceptions provided for in Section IV hereof.

FOX VALLEY EAST PLANNED DEVELOPMENT DISTRICT

Plan Description

Part One

Section IV

Requested Modifications and Exceptions from the Zoning Ordinance and the Subdivision Control Ordinance

A. Zoning Ordinance Modifications and Exceptions.

The District shall not be subject to those provisions of the Zoning Ordinance listed below and described as inapplicable. With respect to those provisions of the Zoning Ordinance listed below and shown in modified form, the District shall be subject thereto only as so modified.

1. Subsection 3.2 (22) shall be modified to read as follows:

"(22) BUILDING, PRINCIPAL. A building in which is conducted one of the principal uses of the zoning lot on which it is situated."

2. Subsection 3.2. (23) shall be modified to read as follows:

"(23) BUILDING SETBACK LINE. A line parallel to a street line, a boundary line of the District or a boundary line of a use Area in the District at the distance from it required by Subsections III A.3. or III A.7. hereof."

3. Subsection 3.2. (39) shall be modified to read as follows:

"(39) DWELLING, ROW (PARTY-WALL). A row of two to eight attached, one-family, party-wall dwellings."

4. Subsection 4.3 shall be inapplicable.

5. Subsection 4.4 shall be modified to read as follows:

"4.4. ZONING OF STREETS, ALLEYS, PUBLIC WAYS AND RAILROAD RIGHTS-OF-WAY. All streets, alleys, public ways and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same use district or use Area as the property immediately abutting upon such streets, alleys, public ways and railroad rights-of-way. Where the center line of a street, alley or public way serves as a district or use Area boundary, the zoning of such street, alley or public-way, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such center line."

6. Subsection 4.5 shall be modified in part to read as follows:

"4.5. BOUNDARY LINES. Wherever any uncertainty exists as to the boundary of the District or of any use Area in the District, as shown

on any Preliminary or Final Plan, the following rules shall apply:"

7. Subsection 4.5-1 shall be modified to read as follows:

"4.5-1. Where District or use Area boundary lines are indicated as following streets, alleys or similar rights-of-way, they shall be construed as following the center lines thereof."

8. Subsection 4.5-2 shall be modified to read as follows:

"4.5-2. Where District or use Area boundary lines are indicated as approximately following zoning lot lines, such zoning lot lines shall be construed to be such boundaries."

9. Subsection 4.5-3 shall be inapplicable.

10. Subsection 5.3-1 shall be modified to read as follows:

"5.3-1. No building shall be erected, reconstructed, relocated or structurally altered so as to have a greater height or bulk, a higher percentage of lot coverage or smaller open space about it than permissible under the limitations set forth in this Plan Description."

11. Subsection 5.3-3 shall be inapplicable.

12. Subsections 5.4, 5.4-1, 5.4-2, 5.4-3 and 5.4-4 shall be inapplicable.

13. Subsection 5.5-1 shall be inapplicable.

14. Subsection 5.5-2 shall be inapplicable.

15. Subsection 5.6 shall be modified to read as follows:

"5.6. LOCATION OF BUILDINGS. Every building shall be constructed or erected on a zoning lot which abuts a public dedicated street, court or cul-de-sac or a private street, drive, driveway, court, or cul-de-sac which provides permanent easement of access to a public street, drive, court or cul-de-sac, which easement of access shall have a minimum width of twenty-five feet."

16. Subsection 5.8 shall be modified to read as follows:

"5.8. BUILDINGS ON A ZONING LOT. Every building hereafter erected or structurally altered shall be located on a zoning lot as such term is used and described in this Plan Description. Except as otherwise limited by this Plan Description, one or more principal buildings and one or more accessory buildings may be located on a zoning lot. A zoning lot may be used for

any one or more of the uses permitted in the use Area in which the zoning lot is located."

17. Subsection 5.9 shall be inapplicable.

18. Subsection 5.10 shall be inapplicable.

19. Section 6 shall be inapplicable.

20. Section 7.1 shall be modified in part to read as follows:

"7.1. AUTHORITY. The City Council shall have the authority to permit by ordinance the following uses of land or structures or both, subject to the conditions contained in Section 14.6 of the Zoning Ordinance; provided, that any of the following uses which is a permitted use pursuant to Subsections A.1.c., B.1.c., or C.1.b. of Section II hereof shall not require authorization of the City Council by ordinance pursuant to Section 14.6 of the Zoning Ordinance, but shall be subject to the provisions of Subsection A.9. of Section III hereof."

21. Subsections 8.1, 8.2 and 8.4 shall be inapplicable.

22. Section 9 shall be inapplicable.

23. Subsection 10.2-6.2 shall be modified to read as follows:

"10.2-6.2. Floor Area. The term 'floor area' as employed in this parking and loading Section, in the case of office, merchandising or service types of use, shall mean the gross floor area of a building or structure used or intended to be used for service to the public as customers, patrons, clients, patients or tenants, including areas occupied by fixtures and equipment used for display or sale of merchandise. The term 'floor area', for the purposes of this Section, shall not include any area used for:

- a.) Storage accessory to the principal use or uses of a building;
- b.) Incidental repairs;
- c.) Processing or packaging of merchandise;
- d.) Show windows or offices incidental to the management or maintenance of a store or a building;
- e.) Rest rooms;
- f.) Utilities;
- g.) Dressing, fitting or alteration rooms;
- h.) Malls or service corridors; or
- i.) Parking facilities."

24. Subsection 10.3-1 shall be modified to read as follows:

"10.3-1. USE OF PARKING FACILITIES. Off-street parking facilities accessory to dwellings located in Residential Areas shall be used solely for the parking of passenger automobiles owned by occupants of the dwellings to which such facilities are accessory or by employees and guests of said occupants. Under no circumstances shall required parking facilities accessory to such dwellings be used for the storage of commercial vehicles or for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of business or manufacturing establishments, except as permitted in Subsection 10.3-5 as modified by this Plan Description."

25. Subsection 10.3-2 shall be modified to read as follows:

"10.3-2. JOINT PARKING FACILITIES. Off-street parking facilities for different buildings, structures or uses or for mixed uses may be provided collectively in any use Area in which separate parking facilities for each constituent use would be permitted and the total number of spaces so located together may be less than the sum of the separate requirements for each use if a time diversity factor between each use is shown."

26. Subsection 10.3-3 shall be modified to read as follows:

"10.3-3. CONTROL OF OFF-SITE FACILITIES. When required accessory off-street parking facilities are provided elsewhere than on the property on which the use served is located, they shall be in the same possession, either by deed, long-term lease or other arrangement, as the property occupied by such use, and the owner shall be bound by covenants filed of record in the office of the Recorder of Deeds of the county in which the property is located, requiring the owner and his or her heirs and assigns to maintain the required number of parking spaces during the existence of said use."

27. Subsection 10.3-4 shall be modified to read as follows:

"10.3-4. PERMITTED USE AREAS FOR ACCESSORY PARKING. Accessory parking facilities provided elsewhere than on the same zoning lot with the use served may be located in any use Area except that no parking facilities accessory to a business or manufacturing use shall be located in a Residential Area except when authorized by the City Council as prescribed hereinafter in Subsection 10.3-5 as modified by this Plan Description."

28. Subsection 10.3-5 shall be modified to read as follows:

"10.3-5. NONRESIDENTIAL PARKING IN RESIDENTIAL AREA. Accessory off-street parking facilities serving nonresidential uses of property may be permitted in any Residential Area when authorized by the City Council, which authorization may be given as part of the approval of a Preliminary or Final Plan, and, in any case, shall be subject to the following requirements in addition to all other relevant requirements of this Section:

a.) The parking facility shall be accessory to and for use in connection with one or more non-residential establishments located in adjoining use Areas.

b.) The parking facility shall be used solely for the parking of passenger automobiles.

c.) No commercial repair work or service of any kind shall be conducted on the parking facility.

d.) No sign of any kind other than signs designating entrances, exits, and conditions of use, shall be maintained on the parking facility, and no sign shall exceed twenty square feet in area.

e.) Each entrance to and exit from the parking facility shall be at least five feet distant from any adjacent property located in any Residential Area, except where ingress and egress to

the parking facility is provided from a public alley or public way separating the Residential Area from the parking facility."

29. Subsection 10.3-6.1 shall be modified to read as follows:

"10.3-6.1. Parking Space--Description. A required off-street parking space shall be an area of not less than one hundred and sixty-one and one-half square feet nor less than eight and one-half feet wide by nineteen feet long (exclusive of access drives or aisles, ramps, columns, or office and work areas) accessible from streets or alleys, or from private driveways or aisles leading to streets or alleys, to be used for the storage or parking of passenger automobiles and commercial vehicles under one and one-half ton capacity where permitted under this Ordinance. Aisles between vehicular parking spaces shall not be less than twelve feet in width when serving vehicles parked at an angle of forty-five degrees to the axis of an aisle accommodating one-way traffic, nor less than twenty feet in width when serving vehicles parked perpendicular to the axis of an aisle accommodating two-way traffic, nor less than seventeen feet in width when serving vehicles parked at an

angle of sixty degrees to the axis of an aisle accommodating two-way traffic."

30. Subsection 10.3-6.3 shall be modified to read as follows:

"10.3-6.3. Open and Enclosed Spaces. Parking areas may be open or enclosed."

31. Subsection 10.3-6.4 shall be modified to read as follows:

"10.3-6.4. Access. Parking facilities shall be designed with appropriate means of vehicular access to a street or alley in such a manner as will least interfere with the movement of traffic."

32. Subsection 10.3-6.5 shall be modified to read as follows:

"10.3-6.5. Signs. No sign shall be displayed in any parking area within Residential Areas except such as may be necessary for the orderly use of the parking facilities."

33. Subsection 10.3-6.6 shall be inapplicable.

34. Subsection 10.4-1.2 shall be modified to read as follows:

"10.4-1.2. Location. No permitted or required loading berth shall be closer than fifty feet

to any Residential Area unless completely enclosed by building walls, or a uniformly painted solid fence or wall, or any combination thereof not less than six feet in height. No permitted or required loading berth shall be located within twenty-five feet of the nearest point of intersection of any two streets."

35. Subsection 10.5-1.1 shall be modified to read as follows:

"10.5-1.1. For one-family detached or two-family dwellings located on individual zoning lots, the required off-street parking facilities shall be provided on the same zoning lot with the dwelling they are required to serve."

36. Subsection 10.5-1.2 shall be inapplicable.

37. Subsection 10.5-1.3 shall be modified to read as follows:

"10.5-1.3. For one-family detached or two-family dwellings not located on individual zoning lots and for multiple-family dwellings, apartments or one-family row dwellings (party-wall), the required off-street parking facilities shall be provided on the same zoning lot where the building they are required to serve is located or on a separate zoning lot or parcel of land, in either case not more than

three hundred feet from the nearest entrance to the building they are intended to serve."

38. Subsection 10.5-1.4 shall be modified to read as follows:

"10.5-1.4. For rooming houses, lodging houses, clubs, hospitals, sanitariums, orphanages, homes for the aged, convalescent homes, dormitories, sorority and fraternity houses, and for other similar uses, the off-street parking facilities required shall be provided on a zoning lot or parcel of land not more than five hundred feet from the nearest entrance to the building they are intended to serve measured from the nearest point of the parking facility; provided that the zoning lot or parcel of land intended for the parking facility is located in the same use Area as is the building which the parking facility is intended to serve."

39. Subsection 10.5-1.5 shall be modified to read as follows:

"10.5-1.5. For uses other than those specified above, off-street parking facilities shall be provided on the same zoning lot as the building being served or on a separate zoning lot or parcel of land, in either case not over one

thousand feet from the nearest entrance to the building being served measured from the nearest point of the parking facility; provided that the zoning lot or parcel of land intended for the parking facility is located in the same use Area as is the building which the parking facility is intended to serve."

40. Subsection 10.6-2 shall be modified to read as follows:

"10.6-2. For buildings containing three or more dwelling units:

(a) A dwelling unit with two or more bedrooms; two parking spaces per dwelling unit.

(b) A dwelling unit with one bedroom; one and one-half parking spaces per dwelling unit.

(c) An efficiency dwelling unit; one parking space per dwelling unit.

(d) For every building containing three or more dwelling units which is located in a Residential Area of the District, the parking requirements provided for in Subsections (a), (b) and (c) of this Subsection 10.6-2 may, with the approval of the City Council, be reduced

by twenty-five percent if a station stop of a public surface transportation system is located no more than one thousand feet from the nearest point of such building. Such approval by the City Council may be given as part of the approval of any Preliminary or Final Plan."

41. Subsection 10.6-19 shall be modified to read as follows:

"10.6-19. The parking facilities required for mixed uses shall be the sum of the requirements for the various individual uses computed separately in accordance with this Section, and parking facilities for one use may be considered as providing the required parking facilities for another use if a time diversity factor is shown."

42. Except for the incorporation of permitted use descriptions in Section II hereof, Sections 11, 12 and 13 shall be inapplicable. For the purpose of such incorporated permitted use descriptions Subsection 12.2-1.1 shall be modified to read as follows:

"12.2-1.1. Dwelling units, provided that they are located above the ground floor and that the zoning lot area coverage and floor area ratio limitations provided for in Subsection A. 5.b. of Section III hereof are complied with."

43. Clause (a) of Subsection 14.7-6 shall be modified to read as follows:

"(a) Within such time periods as are prescribed in Subsection 14.7-8, Preliminary Plans for all or specified development phases of the District shall be submitted for approval in accordance with the procedures set forth in Subsection 14.7-12. Approval of Preliminary Plans may not be withheld for reasons that would be inconsistent with the approved Plan Description. Preliminary Plans may contain reasonable variations from the approved Plan Description. In approving a Preliminary Plan, the City Council may, without further public hearing, also approve changes from the Plan Description which exceed the scope of such reasonable variations, provided that no such change is a 'major change' as defined in clause (b) of Subsection 14.7-6, below."

44. Subsection 14.7-15 shall be modified to read as follows:

"14.7-15. PERMITS. Building, zoning and occupancy permits shall be required for each structure in the District. No building permit relating to any part of the District shall be issued prior to the approval of a Final Plan for such part of the District in accordance with the provisions of this Subsection 14.7;

provided that, subject to the approval of the City Engineer, mass grading and excavation operations may be carried on prior to the approval of such Final Plan; and, provided further, that if authorized by the City Council and subject to such conditions as may be prescribed in such authorization, building permits relating to any part of the District may be issued prior to the approval of a Final Plan for such part of the District."

B. Subdivision Control Ordinance Modifications and Exceptions.

The District shall not be subject to those provisions of the Subdivision Control Ordinance listed below and described as inapplicable. With respect to those provisions of the Subdivision Control Ordinance listed below and shown in modified form, the District shall be subject thereto only as so modified. With respect to Subsection 1. below, the Subdivision Control Ordinance, in its application to the District, shall be deemed generally modified in accordance therewith.

1. The words "improvement", "improvements", "public improvements" and "street improvements", wherever used in the Subdivision Control Ordinance, shall be deemed to mean only those land improvements which are required

to be dedicated to the City or to the State of Illinois or a unit of local government (hereinafter called "other public body") pursuant to the provisions of said Ordinance as modified by this Plan Description, and the design standards set forth in Sections 43-59, 43-60 and 43-61 of the Subdivision Control Ordinance, as modified by this Plan Description, shall be applicable only to such required land improvements.

2. Section 43-5 shall be modified to read as follows:

"Sec. 43-5. EFFECT OF CONFLICTS.

Where the conditions imposed upon the use of land by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter, the regulations which are more restrictive or which impose higher standards or requirements shall govern; provided, that where the conditions imposed upon the use of land by any provision of this chapter which have been modified by this Plan Description are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter, the conditions imposed by the provisions of this chapter which have been so modified shall govern. Where the conditions imposed upon the use of land by any provision

of this chapter, as modified by this Plan Description, are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance, rule or regulation of any kind, the conditions imposed by the provisions of this chapter, as modified by this Plan Description, shall govern."

3. Section 43-11 shall be modified to read as follows:

"Sec. 43-11. COMPLIANCE PREREQUISITE TO BUILDING PERMIT.

No building permit shall be issued by any governing official for the construction of any building, structure or improvement to the land or any lot within a subdivision as defined herein, which has been approved for platting or replatting, until all requirements of this chapter have been fully complied with; provided that with the approval of the City Engineer, mass grading and excavation operations may be carried on in areas covered by a preliminary plat approved pursuant to the provisions of this ordinance or in areas covered by a Preliminary Plan approved pursuant to Subsection 14.7 of the Zoning Ordinance."

4. Section 43-12 shall be modified to read as follows:

"Sec. 43-12. PREREQUISITE TO OCCUPANCY PERMITS.

No occupancy permit shall be granted by any governing official for the use of any structure within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and until roadways providing access to the subject lot or lots have been constructed or are in the course of construction; provided, that an occupancy permit may be granted if the City Engineer has approved the use of temporary utility facilities and roadways pending completion of the required permanent utility facilities and roadways."

5. Subsection (a) of Section 43-16 shall be modified to read as follows:

"(a) No land shall be subdivided, nor any street laid out, nor any improvements made to the natural land; provided that with the approval of the City Engineer, mass grading and excavation operations may be carried on in areas covered by a preliminary plat approved pursuant to the provisions of this ordinance or in areas covered by a Preliminary Plan approved pursuant to Subsection 14.7 of the Zoning Ordinance."

6. Subsection (c) of Section 43-16 shall be modified to read as follows:

"(c) Unless authorized by the City Engineer, no improvements, such as sidewalks, water supply, storm water drainage, sanitary sewerage facilities, gas service, electric service, lighting, grading, paving, or surfacing of streets, shall hereafter be made by any owner or owners or his or their agent, or by any public service corporation at the request of such owner or owners or his or their agent."

7. Subsection (C) of Section 43-31 shall be modified to read as follows:

"(C) OTHER PRELIMINARY PLANS. When required by the Plan Commission, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions within the District for a reasonable distance beyond the limits of the proposed subdivision and extensions outside of the District for such a reasonable distance where such new streets connect with existing streets outside of the District; typical cross sections of the proposed grading, roadway, and sidewalks; and preliminary plan of proposed sanitary and storm water sewers with grades

and sizes indicated. All elevations shall be based on the city datum plane or the USGS datum plane."

8. Subsection (D) of Section 43-31 shall be inapplicable.

9. Subsection (b) of Section 43-32 shall be modified to read as follows:

"(b) Typical cross sections and profiles of streets showing grades approved by the City Engineer. The profiles shall be drawn to city standard scales and elevations and shall be based on the city datum plane or the USGS datum plane."

10. Subsection (a) of Section 43-45 shall be modified to read as follows:

"(a) The subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified below. Thirty copies of the preliminary plat and supplementary material specified shall be submitted to the City Clerk, on forms provided by the City Clerk, with written application for approval. The preliminary plat and fee, as required by this chapter, shall be submitted

to the City Clerk at least thirty days prior to the regular meeting of the Plan Commission to receive action thereon at that meeting."

11. Subsection (d)(3) of Section 43-45 shall be modified to read as follows:

"(3) Approval of the preliminary plat shall be effective until the expiration of the eighteen-year period following the approval date (as defined in Subsection A.1. of Section II hereof) unless, upon application of the subdivider, the City Council grants an extension. The application for said extension shall not require an additional filing fee, or the submittal of additional copies of the plat of subdivision."

12. Subsection (c) of Section 43-46 shall be modified to read as follows:

"(c) A final plat for all or a portion of the area covered by any approved preliminary plat, prepared as specified in Article II, shall be submitted to the City Clerk for approval prior to the expiration of the eighteen-year period following the approval date (as defined in Subsection A.1. of Section II hereof) unless, upon application of the subdivider, the City Council grants an extension. Such an application shall

not require an additional fee or filing of additional copies of the plat. Every final plat submitted for approval shall be submitted in thirty counterparts."

13. Subsection (f)(3) of Section 43-46 shall be modified to read as follows:

"(3) Upon approval by the City Council, the subdivider shall record the plat with the county recorder of the county or counties in which the property is located within six months or such longer period as may be approved by the City Council. If not recorded within such time, the approval shall be null and void. Immediately after recording, the original tracing or a duly certified cloth or mylar reproducible copy shall be filed with the City Engineer."

14. Subsection (a) of Section 43-47 shall be modified to read as follows:

"(a) The final plat shall be approved by the City Council before recording and such approval shall not be given until the subdivider has complied with the requirements of this Section. No building permit may be issued until the final plat has been recorded; provided that with the approval of the City Engineer, mass grading and excavation operations may be carried on in areas

covered by a preliminary plat approved pursuant to the provisions of this ordinance or in areas covered by a Preliminary Plan approved pursuant to Subsection 14.7 of the Zoning Ordinance."

15. Subsection (a)(1) of Section 43-47 shall be modified to read as follows:

"(1) After approval of the preliminary plat the subdivider may present plans and specifications for all improvements to the City Engineer for approval. Upon approval by the City Engineer, and by all other pertinent authorities, the subdivider may construct and install all such improvements. On approval and certification of completion of such improvements by the City Engineer, the final plat shall be submitted as herein provided for approval, and, upon approval, may be recorded. If engineering plans require substantial changes from the preliminary plat, as approved, the subdivider shall, prior to constructing the improvements, revise and resubmit the preliminary plat for reapproval, and such resubmission shall not require the payment of additional fees."

16. Subsection (a)(2) of Section 43-47 shall be modified to read as follows:

"(2) In lieu of actual construction of the improvements, as provided in (1) above, the subdivider may post with the City Clerk, cash, negotiable securities, an irrevocable letter of credit issued by a bank authorized to do business in the State of Illinois, or a surety bond running to the City with sureties acceptable to the City Council or with sureties whose surety bonds for similar improvements are acceptable to the State of Illinois, in any case, in an amount sufficient to cover the full list of said improvements in such amounts as shall have been approved by the City Engineer and conditioned on the completion and acceptance by the City Engineer of all improvements within two years from the approval of the final plat. Upon acceptance of such cash, negotiable securities, irrevocable letter of credit or surety bond, approval of plans and specifications for all improvements by the City Engineer and approval of the final plat by the City Council, such plat may be recorded."

17. Subsection (a)(3) of Section 43-47 shall be modified to read as follows:

"(3) In lieu of the provisions of (1) or (2) above, the subdivider may submit with his final plat his plans and specifications for all improvements and evidence of a binding

agreement with a responsible contractor for the installation of all such improvements within two years after the approval of the final plat, together with a performance bond running to the City with sureties acceptable to the City Council or with sureties whose performance bonds for similar improvements are acceptable to the State of Illinois. Upon approval of the plans and specifications by the City Engineer and other interested agencies and of the agreement, bond and final plat by the City Council, such plat may be recorded."

18. Subsection (b) of Section 43-47 shall be modified to read as follows:

"(b) Upon acceptance of the improvements or any substantial portion thereof by the City, any cash, negotiable securities, letter of credit, or bond posted with the City with respect to such improvements or such portion pursuant to Subsections (a)(2) or (a)(3) above shall promptly be returned to the subdivider. The subdivider shall in the case of improvements installed pursuant to Subsections (a)(1), (a)(2) or (a)(3) of this Section 43-47, as modified by this Plan Description, be responsible for defects in construction of all improvements for one year following their acceptance by the City, and shall guarantee the correction of any such defects by posting cash, negotiable

securities, an irrevocable letter of credit issued by a bank authorized to do business in the State of Illinois, or a surety bond with sureties approved by the City Council or with sureties whose surety bonds for similar improvements are acceptable to the State of Illinois in the amount of twenty percent of the cost of such improvements. The fulfillment of this requirement is a condition to approval of the final plat, and is in addition to the requirements of Subsection (a) of this Section. Unless there is a pending unresolved claim by the City with respect to any defects in construction of such improvements, such cash, negotiable securities, letter of credit or bond shall promptly be returned to the subdivider at the end of such one-year period."

19. Section 43-48 of the Subdivision Control Ordinance shall be inapplicable and in lieu thereof the following provisions shall govern the open space, park, recreation land and school site land reservation and dedication obligations which shall apply to the District:

a. Open Space, Park and Recreation Land.

Land shall be reserved in each Region of the District for public open space, park and recreation areas. The amount of land to be so reserved shall be five and one-half acres for each one thousand persons estimated to be included in the total residential population of such Region, using for

the purpose of such estimate the Table of Estimated Ultimate Population set forth in Subsection D of Section 43-48 of the Subdivision Control Ordinance (hereinafter called "Table of Estimated Population"). As a condition to the approval by the City Council of any Final Plan for a development phase of a Region of the District pursuant to Subsection 14.7 of the Zoning Ordinance, which Final Plan includes land reserved for public open space, park and recreational areas, the City Council shall require (i) a dedication of the reserved land to the City or to another public body approved by the developer and the City Council, or (ii) a contractual commitment from the developer obligating the developer to dedicate the reserved land to the City or such other public body within such time period as may be specified by the City Council, which time period shall not, without the developer's approval, be longer than one year commencing with the date of such Final Plan approval; provided, that:

(1) Such dedication obligation shall, at the request of the developer be conditioned upon the execution, prior to such dedication, of a legally binding agreement between the developer and the City, or between the developer and such other public body to which such land is to be dedicated, which agreement shall provide, among other matters, that:

(a) An equitable portion of the tax revenues attributable to the land in the Region which shall have been or shall thereafter be received by the City or by such other public body during the period commencing with the date of annexation of the District to the City and ending three years after the date of approval of a Final Plan for the last development phase of the Region, pursuant to levies made by the City or by such other public body for open space, park or recreational purposes, shall be expended for the installation, purchase, maintenance or operation of improvements to or recreational programs conducted in such dedicated land or other land in the Region theretofore or thereafter dedicated pursuant to the provisions of this Subsection B.19.a.; provided, that the improvements referred to in this Subsection B.19.a. shall not include the improvements to be provided by the developer pursuant to the provisions of Subsection B.19.c.(1) hereof, but shall include the purchase and maintenance of landscaping, recreational equipment, tennis courts, ball fields, and similar park and recreation facilities (hereinafter called "recreational improvements"); and provided

further, that in determining an equitable portion of such tax revenues, the following factors shall be given consideration:

(i) the need and desirability of adequate open space, park and recreational improvement expenditures during the development period of the Region; (ii) expenditures by the City or such other public body for the installation, purchase, maintenance or operation of improvements to or recreational programs conducted in areas in such Region which improvements and programs are reasonably available to persons residing outside such Region; and (iii) the general administrative costs of the City or such other public body related to open space, park or recreational purposes; and

(b) The City or such other public body which is to make the purchase of or payment for recreational improvements to be purchased with or paid for from tax revenues pursuant to the terms of such agreement shall, prior to the determination of the type of recreational improvements which are to be so purchased or paid for, consult with the developer and give consideration to the developer's views as to the type of recreational improvements which would be appropriate for the area in which they are to be installed or constructed; and

(c) Agreed upon recreational improvements may be made or paid for by the developer in advance of the time when tax revenues are available for their purchase, subject to arrangements for subsequent repayment to the developer, out of future tax revenues, of the agreed upon cost thereof to the developer plus agreed upon interest charges; and

(d) The City or such other public body agrees to accept such dedicated land and to assume responsibility for the maintenance thereof; and

(e) The land to be so dedicated will at all times after such dedication be maintained in a manner adequate to prevent such land from being a detraction to the value and use of other property in the District; provided, that the cost of such maintenance shall, for the purpose of Subsection B.19.a.(1)(a) above, be treated as a cost of maintaining a recreational improvement as such term is defined in such Subsection; and

(f) The City or such other public body will use its best efforts to obtain federal or state funds or grants which may be available for the purchase and maintenance of recreational improvements to the land so

dedicated and will utilize any such funds or grants which are obtained for such purchase and maintenance; and

(g) The City or such other public body will, in the planning for any public open space, park or recreation area adjacent to a reserved school site, cooperate with the school district for which such school site has been reserved so as to maximize the utility of the public open space, park or recreation area for the needs of the educational facilities for which the reserved school site is to be used.

(2) If the developer and the City or the developer and such other public body to which land is to be dedicated are unable to agree upon the terms of such an agreement, the City, such other public body or the developer may at any time request that the areas of disagreement be submitted to arbitration in accordance with the rules then obtaining of the American Arbitration Association, and the arbitrators shall be selected as follows: on ten days' written notice by either party to the other, each of them shall designate an arbitrator, and a third arbitrator shall be selected within twenty days thereafter by the two arbitrators so designated. The award under such arbitration shall, if accepted by the City or such other public body, be binding upon the

developer. If the City or such other public body does not accept such award, within thirty days after its determination, the developer shall be relieved from the land dedication obligation to which the agreement was a condition, and if the City or such other public body to which the land was to be dedicated does not, within ninety days from the date of the determination of such award, acquire such land by purchase or commence proceedings to acquire such land by condemnation, the developer shall be relieved from any reservation obligation with respect to such land. Such land may then be developed and used in any manner permitted by Subsections A., B. and C. of Section II hereof.

(3) Land devoted to private open space, park and recreation areas (including swimming clubs, tennis clubs and golf courses) may be deducted from the land reservation and dedication obligation for public open space, park and recreation areas; provided, that:

(a) Subject to Subsection (b) below, such deductions may not, without the approval of the City Council, exceed twenty percent of such public open space, park and recreation area, land reservation and dedication obligation;

(b) Such deductions may, without approval of the City Council, exceed twenty

but not forty percent of such obligation to the extent that such excess percentage of land is devoted to private open space, park and recreational uses, such as swimming clubs, tennis clubs and golf courses which are designed to serve and open to membership from or available for use by all residents of the City;

(c) Plans for such private open space, park and recreation areas, including specifications of facilities to be installed, must be approved by the City;

(d) Appropriate arrangements shall be required to provide for the continuing protection and maintenance of such private open space, park and recreation areas;

(e) Private open space, park and recreation areas shall be areas devoted exclusively to the scenic, landscaping, recreational or leisure uses of the occupants of dwelling units for whose use the private open space areas are intended and shall be accessible and available to all such occupants. Private open space areas shall not include public rights-of-way or areas covered by buildings, parking structures or accessory structures excepting where such buildings or structures are used solely for the purposes

of recreational and leisure activities. Well-designed decks or plazas which are used for recreational or leisure purposes and which are located upon buildings, parking structures or accessory buildings not solely used for recreational purposes may, subject to the approval of the City Council, be included as private open space;

(f) Any areas of private open space to be credited against public open space requirements shall be not less than twenty-four hundred square feet in area excepting for corridors of not less than twenty feet in width created to connect lots or buildings with larger private or public open space areas, in which case areas less than twenty-four hundred square feet shall be credited. Such private open space shall also be in addition to zoning lot land area requirements as contained in this Plan Description unless otherwise approved by the City Council; and

(g) Any approvals by the City Council provided for in this Subsection B.19.a.(3) may be given as part of the approval of a Preliminary or Final Plan.

(4) Prior to the preparation of Preliminary Plans for successive development

phases of the Region, the developer will consult with appropriate representatives of the City, or other public body for which land for public open space, park and recreation areas is to be reserved or dedicated, with respect to the location of such areas. The proposed location of such public open space, park and recreation areas shall be in accordance with the open space, park and recreation land development plans as shown on the developer's General Development Plans and Preliminary Plans for successive development phases of the Region submitted for approval in accordance with Subsection 14.7 of the Zoning Ordinance. Plans for public open space, park and recreation areas shall reasonably conform to the Goals and Standards for Parks and Open Space included in the Comprehensive Plan for Parks and Recreation of the Fox River Valley Pleasure Drive-way and Park District, Southern Kane County Sector dated December, 1972 (hereinafter called the "Park District Plan"). Whenever reasonably possible, a park site of at least four acres in size shall be located adjacent to each elementary school site.

(5) Subject to the requirements of Subsection B.19.c.(1) below, the areas used for the storm water retention and runoff facilities described in Subsection C. of Section V hereof

and areas zoned as flood plain by the City may be included as land reserved to meet the public open space, park and recreation area land reservation obligations of this Plan Description, and it shall be a condition to all of a developer's obligations under this Subsection B.19.a. that at the developer's request, the City or another public body approved by the developer and by the City Council shall accept the conveyance or dedication of such land and shall assume responsibility for the maintenance thereof; provided, that it may not be made a condition of a developer's obligations under this Subsection B.19.a. that responsibility for the cost of constructing such storm water retention and runoff facilities be assumed by the City or such other public body. Such storm water retention facilities shall be designed and constructed in a manner which shall have utilized generally accepted and economically feasible engineering methods to minimize the silting of such storm water retention facilities.

(6) The developers of each Region will make land available for purchase by the City or other public body for which land for public open space, park and recreation areas is to be reserved or dedicated, subject to the following limitations:

(a) Such purchased land must be used for the enlargement, by the addition of contiguous purchased land, of a site already reserved or dedicated for a tot lot, neighborhood park, neighborhood playground, or community playfield, as such terms are defined on pages 11 and 12 of the Park District Plan, and the purpose of such enlargement must be to conform such site to the size standards set forth on said pages 11 and 12.

(b) The purchase price for any such purchased land shall be computed at \$15,000 per acre plus a sum equal to the interest that would have been earned on the amount of the purchase price between July 1, 1973 and the date when any such purchase of land is closed if such interest were computed at the rate of one percent above the prime rate from time to time being charged by The First National Bank of Chicago to its large corporate borrowers.

(c) The maximum amount of land in each Region of the District which shall be subject to purchase pursuant to this Subsection a.(6) shall be fifteen percent of the amount of land required to be

reserved and dedicated in such Region for public open space, park and recreation areas.

(d) It shall be a condition to the obligation of the developers to make land available for purchase pursuant to this Subsection a.(6) that the location of such land is consistent and compatible with the developer's Land Use Plan, General Development Plans and Preliminary Plans, if any, for the area in which the land to be purchased is located.

(e) No land need be made available for purchase pursuant to these provisions if such land is covered by an approved Preliminary Plan.

(f) No land need be made available for purchase pursuant to these provisions if such land shall have been conveyed pursuant to Subsection V L. of this Plan Description, and no provision for such purchase shall have been made in the deed or other document deposited with the Department of City Planning; provided, that prior to any such conveyance of land located in a Residential Area of the District, the developers shall have consulted with the City or other public body for which

land for public open space, park and recreation areas is to be reserved or dedicated as to the intended use of such conveyed land and shall have given good faith consideration to any request by the City or such other public body that a provision for such purchase be made in such deed or other document.

b. School Sites.

(1) Land shall be reserved in Region I of the District for school sites for elementary schools and junior high schools to serve such Region, the number of elementary and junior high schools to be determined by the school classification criteria set forth in Subsection (B)(1) of Section 43-48 of the Subdivision Control Ordinance (hereinafter called the "Site Size Criteria") and by the Table of Estimated Population. No reservation of land for a high school site shall be required in Region I.

(2) Land shall be reserved in Region II of the District for school sites for elementary schools and junior high schools to serve such Region, the number of elementary and junior high schools to be determined by the Table of Estimated Population and the Site Size Criteria. Land shall be reserved in Region II for school sites for high

schools to serve the District, the number of high schools to be determined by the Table of Estimated Population and the Site Size Criteria.

(3) In any case where the Table of Estimated Population requires the dedication of a fractional school site which is fifty percent or more of a required school site in accordance with the Site Size Criteria, the developers shall reserve additional land at such fractional site as required to meet the Site Size Criteria. Such additional land shall be subject to the purchase requirements provided for in Subsection B.19.b.(5) below.

(4) As a condition to the approval by the City Council of any Final Plan for a development phase of a Region of the District pursuant to Subsection 14.7 of the Zoning Ordinance, which Final Plan includes land reserved for one or more school sites, the City Council shall require (i) a dedication to the appropriate school district of all or that part of the reserved land which is required to be dedicated in accordance with the Table of Estimated Population and the Site Size Criteria, or (ii) a contractual commitment from the developer obligating the developer to dedicate all or such part of the reserved land to the appropriate school district within such time period as may be specified by the City Council,

which time period shall not, without the developer's approval, be longer than one year commencing with the date of such Final Plan approval; provided, that such dedication obligation shall, at the request of the developer, be conditioned upon the receipt by the developer, prior to such dedication, of legally binding contractual undertakings from such school district to the effect that (a) such school district will cooperate with the City or other public body to which any land adjacent to the reserved school site is to be dedicated for public open space, park and recreational areas, so as to maximize the utility of the public open space, park or recreational land for the needs of the educational facilities for which the reserved school site is to be used, and (b) the land to be dedicated will, within a reasonably prompt period of time, be improved with a building or buildings and other educational facilities adequate, in accordance with generally accepted standards, to meet the educational needs of the residents of the District which such dedicated land is intended to serve. The contractual undertakings which may be required from a school district as a condition to a land dedication obligation shall take into consideration the financial resources of such

school district and the legal requirements that such district must meet in order to provide buildings and other educational facilities on the reserved land to which such dedication obligation is applicable.

(5) If, in accordance with the Table of Estimated Population and the Site Size Criteria, a fraction of a reserved school site is required to be dedicated, the developer may be required to sell and, in such event the school district shall be required to purchase, at the time of or prior to the dedication of such fractional site, the additional land reserved in order that such site comply with the Site Size Criteria. The purchase price of such additional land shall be \$12,000 per acre. In the alternative, such school district may elect to substitute a cash contribution for the developer's dedicated obligation with respect to such fractional site, in which event the cash contribution provisions of Subsection B.19.b.(6) below shall be applicable, and the developer shall be relieved from any reservation or dedication obligation with respect to such fractional site and any reservation obligation with respect to such additional land.

(6) If a school district chooses the cash contribution election provided for in Subsection B.19.b.(5) above in lieu of land dedication with respect to a fractional school site,

the City Council shall, as a condition to the approval of the Final Plan for the development phase of the Region which includes the reserved site with respect to which the cash contribution election shall have been made, require the developer to make a cash contribution or a cash contribution contractual commitment in lieu of a land dedication or a land dedication contractual commitment. The City Council shall also require from the developer of Region I, as a condition to the approval of any Final Plan for a development phase of that Region which would require land dedications or land dedication contractual commitments for a high school site, a cash contribution or cash contribution contractual commitment in lieu of such land dedication or land dedication contractual commitment. All cash contributions and cash contribution commitments shall be computed by multiplying \$12,000 by the number of acres or fraction thereof that would have been required to be dedicated pursuant to the dedication requirement for which the cash contribution is a substitute. A developer's obligation to make any cash contribution shall, at the request of the developer, be conditioned upon the receipt by the developer, prior to the time when such cash contribution is required to be made, of legally binding contractual undertakings from

the school district which has the responsibility for providing the education facilities for which such cash contribution is intended, to provide, within a reasonably prompt period of time, educational facilities adequate, in accordance with generally accepted standards, to meet the education needs of the residents of the development phase for which such cash contribution is made. All cash contributions shall be held in trust by the City, or another public body, person, firm or corporation approved by the City and the developer, solely for use in the acquisition of land for a school site to serve the immediate or future needs of children from the development phase with respect to which such cash contribution shall have been made or for the improvement to an existing school site or buildings which already serve such needs. If any portion of such cash contribution is not expended for the purposes set forth herein during such time period as may be specified in any contractual undertaking of an affected school district made pursuant to the provisions hereof, or, in the absence of a specified time period in a contractual undertaking, within seven years from the date of receipt, it shall be refunded to the developer.

(7) If the developer and any school district are unable to agree upon the contractual undertakings which may be requested by the

developer pursuant to Subsections B.19.b.(4) or B.19.b.(6) above, such school district or the developer may at any time request that the areas of disagreement be submitted to arbitration in accordance with the rules then obtaining of the American Arbitration Association, and the arbitrators shall be selected as follows: on ten days' written notice by either party to the other, each of them shall designate an arbitrator, and a third arbitrator shall be selected within twenty days thereafter by the two arbitrators so designated. The award under such arbitration shall, if accepted by such school district, be binding upon the developer. If the school district does not accept such award within thirty days after its determination, the developer shall be relieved from the land dedication or cash contribution obligation to which the contractual undertakings were a condition. In the case of an arbitration concerning a contractual undertaking which is a condition to a land dedication obligation of the developer, if the award in such arbitration is not accepted by the school district and the school district does not, within ninety days from the date of determination of such award, acquire the land which is the subject of the developer's dedication obligation by purchase or commence proceedings to acquire such land by condemnation, the developer shall be relieved from any reservation obligation with respect to such land. Such

land may then be developed and used in any manner permitted by Subsections A., B. and C. of Section II hereof.

(8) Prior to the preparation of Preliminary Plans for successive development phases of the Region, the developer will consult with appropriate representatives of the affected school district with respect to the location of school sites. The proposed location of such school sites shall be in accordance with the school site land development plans as shown on the developer's Preliminary Plans for successive development phases of a Region submitted for approval in accordance with Subsection 14.7 of the Zoning Ordinance.

c. General Matters.

(1) All land dedicated for school sites, public open space, park or recreation areas pursuant to the provisions of this Subsection B.19. shall be suitable for its intended use and for the construction and maintenance of the educational facilities or recreational improvements for which such land is planned. With respect to all such dedicated land, the developer shall have the obligation to make provision for electrical, water and sewer services adjacent to the site which shall be appropriate to the land to be dedicated and the intended use thereof. The developer shall construct or have the obligation to make provision for the construction

of public street improvements (including storm water drainage facilities and required curb and gutter improvement) adjacent to such dedicated land. Such provision for electrical, water and sewer services and public street improvements for a site shall be completed prior to the scheduled time for commencement of construction of the school or park facilities for which such site is to be used.

(2) Nothing in this Subsection B.19. shall obligate a developer to reserve or dedicate land for school sites or for public open space, park or recreation areas in any particular development phase of a Region of the District, and Final Plans for development phases of a Region which do not provide for such land reservation or dedications may be approved in accordance with the provisions of this Plan Description and Subsection 14.7 of the Zoning Ordinance; provided that to the degree that any such Final Plan does not provide for such land reservations or dedications which are requirements of the development phase covered by such Final Plan and which have not been provided for in other Final Plans for property in the Region theretofore approved by the City Council, such reservation or dedication requirements remain a requirement to the development of the property in the Region as to which Final Plans shall not have been approved; and, provided further, that if land reservation or dedication

requirements attributable to any Final Plan for a development phase of a Region of the District are not provided for in such Final Plan or in other Final Plans for property in the Region theretofore approved by the City Council, the City Council may require, as a condition to the approval of such Final Plan, that the developer designate the location or locations in those areas of the Region for which Final Plans have not been submitted for approval, where land will be reserved to meet the developer's land reservation or dedication obligations attributable to such Final Plan. Approval by the City Council of the location or locations of such land reservations in areas for which Final Plans have not been submitted for approval shall constitute prior approval of such location or locations for the purpose of Preliminary Plans or Final Plans covering such location or locations which may be submitted in the future.

(3) Nothing in this Subsection B.19. shall create any right of any kind in any school district or other public body other than the City; and any provision of this Plan Description which may be included for the benefit of a school district or other public body may be deleted or modified by the City and the developer (in accordance with the provisions of Subsection 14.7 of the Zoning Ordinance) without the approval

of such school district or other public body; provided, that any school site land reservation or dedication obligation or any cash contribution obligation provided for in this Subsection B.19. may at any time or from time to time be modified by agreement between the developer and the affected school district; and, provided further, that any public open space, park or recreation land reservation or dedication obligation which requires dedication to a public body other than the City may at any time and from time to time be modified by agreement between the developer and such other public body. Any such agreement between the developer and an affected school district or between the developer and such other public body shall be binding upon the City as an effective modification of this Plan Description but shall not require the approval of the City Council. A copy of each such agreement shall be deposited with the Department of City Planning promptly after its execution.

(4) With respect to all land dedicated for school sites or for public open space, park or recreation areas pursuant to the provisions of this Subsection B.19., the deed, plat or other instrument by which such land is dedicated shall contain appropriate provisions restricting the use of such land to the use or uses contemplated in this Subsection B.19. or to the use or uses

contemplated in any agreement between the developer and the City, school district or other public body to which such land is to be dedicated.

(5) The developer may at any time and from time to time file an objection to the applicability of the Table of Estimated Population to all or any part of the District, and be entitled to a determination of such applicability in accordance with the provisions of Subsection D of Section 43-48 of the Subdivision Control Ordinance.

20. Subsection (d) of Section 43-59 shall be modified to read as follows:

"(d) Where a subdivision abuts or contains an existing or proposed primary highway and where it may be necessary for the adequate protection of residential properties or to afford separation of through and local traffic, the preliminary plats and final plats shall provide for (1) marginal access streets, (2) reverse frontage lots with a screen planting easement of at least ten feet in width located along the rear property line and across which there shall be no right of vehicular access, (3) deep lots with rear service access, or (4) such other treatment as the developer may propose which will adequately provide the necessary protection of residential property or traffic separation."

21. Subsection (e) of Section 43-59 shall be modified to read as follows:

"(e) Where a subdivision borders on or contains a railroad or an expressway right-of-way consideration shall be given to the location of a street approximately parallel to and on each side of such railroad or expressway right-of-way at a distance suitable for the appropriate use of the intervening land. Such distance shall be determined with due regard for the requirements of approach grades and future grade separations."

22. Subsection (l) of Section 43-59 shall be modified to read as follows:

"(l) Where the City Engineer determines that the geometrics at street intersections are such as to require property line cut offs, roundings or chords at such intersections, they shall be provided."

23. Subsection (m) of Section 43-59 shall be modified to read as follows:

"(m) Street right-of-way widths shall be as specified in the table of minimum standards as modified by this Plan Description."

24. Subsection (o) of Section 43-59 shall be modified to read as follows:

"(o) Dead-end streets (cul-de-sac) may have a maximum length of six hundred feet measured

from the right-of-way line at the open end to the center of the turn-around circle, shall be provided with a paved surface of twenty-seven feet back to back of curb and a turn-around at the closed end having an outside pavement diameter back to back of curb of at least eighty feet and a street property line diameter of at least one hundred and twenty feet. The right-of-way for dead-end streets shall be at least fifty feet. The paved surface and right-of-way requirements for dead-end streets shall also be applicable to residential loop streets not over twelve hundred feet in length measured from the right-of-way line at each end. Such dead-end and loop streets shall originate and, in the case of loop streets, terminate at residential or collector streets."

25. The table of minimum standards for street design contained in Subsection (p) of Section 43-59 shall be modified to read as follows:

MINIMUM STANDARDS FOR STREET DESIGN.

	<u>Residential</u>	<u>Collector</u>	<u>Secondary</u>	<u>Primary</u>
Right-of-way	60'	66'	80'	80' to 100'
Radius of horizontal curve of street center line	200'	300'	400'	500'
Length of vertical curve	30 times algebraic difference of grade, but not less than 50 feet. (Not required when algebraic difference of grade is less than 1.5%).			

MINIMUM STANDARDS FOR STREET DESIGN.  
(Con't.)

	<u>Residential</u>	<u>Collector</u>	<u>Secondary</u>	<u>Primary</u>
Length of tangents between reverse curves	50'	50'	100'	100'
Maximum grade	6%	6%	5%	5%
Minimum grade	0.35	0.35	0.40	0.40
Non-passing sight distance	200'	200'	300'	400'
Width of paving, back-to-back of curbs	31'	37'	41'	45'

26. Section 43-62 shall be modified to read as follows:

"Sec. 43-62. EASEMENTS.

(a) Easements shall be provided for utilities, ingress and egress. Easements for utilities provided by private public utility companies shall be approved by such companies; easements for sanitary sewers shall be approved by the City Sewer Department; easements for drainage, ingress and egress shall be approved by the City Engineer; and water utility easements shall be approved by the City Water Department.

(b) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the line of such watercourse, drainage way, channel or stream of a width which will provide adequate access for future construction and maintenance as recommended by the City Engineer."

27. Section 43-63 shall be modified to read  
as follows:

"Sec. 43-63. BLOCKS.

(a) Except as provided in Subsections (b),  
(c) and (d) below, no specific rule is made  
concerning the length, width or shape of blocks,  
but blocks shall be designed with due regard to:

(1) provision for adequate building sites  
suitable to the special needs of the type  
of use contemplated;

(2) the limitations and opportunities of  
topography; and

(3) the desirability of convenient access,  
and of street traffic circulation, control  
and safety.

(b) In Residential Areas where a pattern of  
residential and collector streets is planned, the  
City Engineer may, for the purpose of minimizing  
traffic congestion, recommend that the distance  
between cross streets not exceed eighteen hundred  
feet.

(c) Pedestrian cross walks not less than five  
feet wide shall be provided where deemed neces-  
sary to provide for pedestrian circulation or  
access to schools, playgrounds, shopping centers,  
transportation, and other community facilities;  
provided, that where recommended by the City  
Engineer, such cross walks shall have a greater  
width up to and including ten feet.

(d) Blocks or portions thereof intended for

commercial or industrial use shall be designated as such, and the plat shall show adequate off-street areas to provide for parking, loading docks, and other such facilities."

28. Subsection (a) of Section 43-64 shall be inapplicable.

29. Subsection (b) of Section 43-64 shall be modified to read as follows:

"(b) A 'subdivided lot' is herein defined to mean a portion of a subdivision intended for transfer of ownership, building development, other uses consistent with this Plan Description or any combination of the foregoing. A subdivided lot shall be appropriate for the type of development and use contemplated by this Plan Description. A subdivided lot may be a zoning lot, as such term is defined in this Plan Description, or it may be a portion of a zoning lot. The term lot used alone in this Plan Description or in the Subdivision Control Ordinance shall be deemed to be a subdivided lot as such term is defined herein. If a subdivided lot on which dwelling units are or may be located is a portion of a zoning lot, appropriate arrangements shall be required to provide for the continuing protection and maintenance of the open areas, parking facilities and other common elements of such zoning

lot required by the development standards and other terms of this Plan Description, or of any Preliminary Plan or Final Plan for the area of the District in which such zoning lot is located. Such arrangements may provide for the conveyance of all or part of such open areas, parking facilities and other common elements to a property owners association consisting of all the owners, present and future, of subdivided lots within such zoning lot; or such continuing protection and maintenance may be provided by other types of conveyances and agreements. The following provisions shall be applicable to lots or to zoning lots as indicated:

(1) Zoning lot dimensions and areas shall conform to the requirements of this Plan Description.

(2) Zoning lots abutting a watercourse, drainage way, channel, or stream shall have a minimum width and depth as may be required to provide adequate building sites and to afford the minimum usable area required by the provisions of this Plan Description.

(3) The depth and width of lots in the Business and Manufacturing Areas of the District shall be adequate to provide for the off-street parking and loading facilities required by the Zoning Ordinance as modified by this Plan Description."

30. Subsection (d) of Section 43-64 shall be modified to read as follows:

"(d) All lots shall have access to or abut on a public dedicated street, court or cul-de-sac, or a private street, court or cul-de-sac."

31. Subsection (e) of Section 43-64 shall be modified to read as follows:

"(e) In the case of a subdivided lot which is a zoning lot, as such term is defined in this Plan Description, and which contains not more than one one-family detached dwelling, a double frontage or reverse-frontage lot shall be avoided except where essential to provide separation of residential development from highways or primary thoroughfares or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet and across which there shall be no right of vehicular access shall be provided along the lot line of such a lot abutting such a highway or primary thoroughfare."

32. Subsection (f) of Section 43-64 shall be inapplicable.

33. Section 43-65 shall be modified to read as follows:

"Sec. 43-65. BUILDING SETBACK LINES.

Building setback lines shall conform to the provisions and requirements of this Plan Description."

34. Subsection (a) of Section 43-66 shall be inapplicable.

35. Section 43-67 shall be inapplicable.

36. Section 43-78 shall be modified to read as follows:

"Sec. 43-78. COMPLIANCE REQUIRED; CERTIFICATION.

No subdivision of land shall be approved without the subdivider submitting a statement signed by the City Engineer certifying that the improvements described in the subdivider's plans and specifications, together with agreements, meet the minimum requirements of this Plan Description, of all ordinances of the City as modified by this Plan Description and of Article V of the Subdivision Control Ordinance as modified by this Plan Description."

37. Subsection (e) of Section 43-79 shall be modified to read as follows:

"(e) When required by the City Engineer storm sewers shall be constructed throughout the entire subdivision, which shall be separate and independent of the sanitary sewer system and which shall provide an adequate outlet or connection with the storm sewer system of the City or a stream or drainage course. The storm sewer system shall be designed by the rational method, to accept the runoff from a storm with

a five-year return frequency on the fully developed site. Storm water inlets shall be constructed in the pavement curbs and gutters to drain the pavement at intervals not to exceed six hundred feet; provided, that where standard engineering practices, as recommended by the City Engineer, would require a shorter interval between storm water inlets, such inlets shall be constructed at such shorter intervals which shall not be less than three hundred feet except at intersections. The total storm system may be a combination of open and closed conduits or channels. No storm sewer shall be connected to any sanitary sewer of the Aurora Sanitary District. When storm sewers are not installed, adequate facilities, as recommended by the City Engineer, for the removal of surface water shall be provided throughout the entire subdivision."

38. Section 43-80 shall be modified to read as follows:

"Sec. 43-80. WATER SUPPLY.

Water mains to furnish City water to each and every lot within the subdivision shall be constructed in accordance with the applicable ordinances of the City."

39. Subsection (a) of Section 43-81 shall be modified to read as follows:

"(a) Roadways of collector and residential streets shall have a surface consisting of one of the following materials as selected

by the subdivider's design engineers: non-reinforced Portland cement concrete pavement having a minimum thickness of six inches or a gravel or crushed stone base course Type B having a minimum compacted thickness of eight inches on residential streets and ten inches on collector streets, or structurally equivalent base material of appropriate thickness with a two inch Bituminous Concrete surface course, Sub-class B-5."

40. Subsection (d) of Section 43-81 shall be modified to read as follows:

"(d) All streets shall be improved with roadways bounded by non-reinforced Portland cement concrete curbs and gutters in accordance with specifications established by the City and approved by the City Engineer. Eighteen-inch wide roll type curbs and gutters shall be permitted on collector and residential streets. Where non-reinforced Portland cement concrete pavement is constructed, curbs may be constructed monolithic with the pavement."

41. Subsection (f) of Section 43-81 shall be modified to read as follows:

"(f) Street improvements shall be in accordance with the Table of Minimum Standards in Section 43-59 as modified by this Plan Description."

42. Section 43-84 shall be modified to read as follows:

"Sec. 43-84. SIDEWALKS.

Public sidewalks shall be constructed to a width of not less than five feet and shall be installed on both sides of publicly dedicated streets; provided, that with the approval of the City Council, public sidewalks may be installed on only one side of a publicly dedicated street if (1) adequate public pedestrian walkways are located on the property on the other side of such street, or (2) sidewalks on the other side of such street are inappropriate or unnecessary on both sides of such street because of the nature of the land use planned for the affected area. The construction of sidewalks may be deferred until such time as the development of the property adjacent to such sidewalks has been completed, and acceptance and dedication of other improvements may take place prior to the construction of such sidewalks; provided, that for reasons of public safety the City Engineer may in such cases require the subdivider to provide temporary walkways pending the construction of sidewalks. The specifications for such temporary walkways shall be subject to the approval of the City Engineer. Public sidewalks shall be constructed of

Portland cement concrete having a minimum thickness of four inches or equivalent material approved by the City Engineer. Unless otherwise approved by the City Council, all public sidewalks shall be located within the street right-of-way, one foot inside the right-of-way line. All City Council approvals provided for in this Section 43-84 may be given as part of the approval of a Preliminary or Final Plan."

43. Section 43-87 shall be modified to read as follows:

"Sec. 43-87. INSPECTION OF IMPROVEMENTS.

The subdivider shall be obligated to pay the City for the City's actual costs incurred in connection with the review of plans and specifications for all public improvements installed pursuant to Subsections (a)(1), (a)(2) or (a)(3) of Section 43-47 of the Subdivision Control Ordinance, as modified by this Plan Description. All such public improvements shall, at the subdivider's expense, be layed-out in the field prior to the commencement of construction and shall be inspected during the course of construction by a professional engineering firm retained by the subdivider, and copies of reports of such firm shall be made available

to the City Engineer without cost to the City. Routine inspections of such public improvements by the City during the course of and upon completion of construction will be made without cost to the subdivider, but the subdivider shall be obligated to pay the City for the City's actual costs of special inspections of such public improvements occasioned by defective work or work practices. Upon completion of construction of such public improvements, the subdivider shall supply the City with 'as built' drawings of such public improvements, which drawings shall, at the subdivider's expense, be certified by the professional engineering firm which performed the inspection services referred to above."

FOX VALLEY EAST PLANNED DEVELOPMENT DISTRICT

Plan Description

Part One

Section V

General Provisions Relating to the Proposed District

A. Sanitary Sewer Service to the District.

The developers of the District propose annexation of the District to the Aurora Sanitary District. The proposed sewer service system described below has been planned jointly by the developers of the District and the Aurora Sanitary District. By describing the proposed sewer service system in this Plan Description the developers of the District do not assume responsibility for financing the proposed system. The developers of the District and the Trustees of the Aurora Sanitary District are jointly exploring methods by which such financing may be accomplished.

The sanitary outfall sewer systems serving Regions I and II will consist of a gravity sewer running south-westerly along the Waubensee Creek from the approximate intersection of Farnsworth Avenue and Waubensee Creek to a pumping station to be built in the south half of Section 9, Oswego Township, Kendall County. The pumping station will be connected to the Aurora Sanitary District's treatment plant on the Fox River in Montgomery, Illinois by a force main sewer.

That portion of Regions I and II lying in general between Aurora Road and Oswego Road will be served by a trunk sewer connected to the above mentioned outfall sewer and running northeasterly along the Waubensee Creek to its intersection with the Elgin, Joliet & Eastern Railway Company right-of-way, thence northerly adjacent to and parallel with said right-of-way to the north line of Section 29, Naperville Township, DuPage County, thence easterly adjacent to and parallel with said line and said line extended east to its intersection with the east line of the west half of the west half of Section 21 in the Township and County aforesaid, thence northerly adjacent to and parallel with said line to its intersection with the southerly right-of-way line of Aurora Road.

Sanitary trunk sewers for the southern part of Region II will consist of a sewer connected to the proposed Aurora Sanitary District trunk sewer described above as following Waubensee Creek at a point in the southwest quarter of Section 36, Township 38 North, Range 8 East, and running generally southeasterly from that connection point to the right-of-way of 87th Street extended, thence easterly along the existing and extended 87th Street right-of-way to the approximate intersection of 87th Street and the north-south centerline of Section 31 in Naperville Township, DuPage County, thence northerly along the approximate centerline of Section 31 to the 83rd Street right-of-way, thence easterly along the 83rd Street right-of-way to its intersection with the centerline of Section 33, Naperville Township, DuPage County.

The sanitary trunk sewer system to serve the northern part of Region II will consist of a gravity trunk sewer connected at some point in the northeast quarter of Section 30 to the trunk sewer described earlier and which runs northeasterly adjacent to the Waubensee Creek. This gravity trunk sewer to serve the northern part of Region II will be constructed in a northerly direction adjacent to or within the corridor of the proposed Fox Valley Freeway and will terminate at approximately the intersection of said corridor and Molitor Road.

Manholes will be located in accordance with the Aurora Sanitary District's design standards and at key connection points. Trunk sewers will be sized to accommodate the estimated future sewer requirements of the area.

Any change in the above described sewer service system which receives the approval of the Aurora Sanitary District shall be deemed a reasonable variation from this Plan Description for the purpose of clause a. of Subsection 14.7-6 of the Zoning Ordinance, and shall not require the approval of the City Council. The Department of City Planning shall be notified of any change in the above-described sewer service system.

B. Water Service to the District.

The proposed water distribution facilities described below have been planned jointly by the developers

of the District and the City Water Department. By describing the proposed water distribution facilities in this Plan Description the developers of the District do not assume complete responsibility for financing the proposed facilities. The developers of the District and the City are jointly exploring methods by which such financing may be accomplished.

The primary water distribution facilities for Region I and the central part of Region II will consist of a water main, approximately twenty inches in diameter connecting to the existing City of Aurora water system at two points in the vicinity of Hill Avenue and Fifth Avenue. The twenty-inch water main will extend easterly along Fifth Avenue to Vaughn Road, thence easterly along the east-west centerline of Section 30, Naperville Township, DuPage County to its intersection with the Waubensee Creek; thence northeasterly adjacent to the Waubensee Creek alignment to the west side of the Commonwealth Edison Company right-of-way; thence northerly, approximately sixteen inches in diameter, adjacent to and parallel with said right-of-way line to the north line of Section 29, Naperville Township, DuPage County; thence easterly adjacent to and parallel with said north line and said north line extended east to its intersection with the east line of the west one-half of the west one-half of Section 21 in the Township and County aforesaid; thence southerly and generally paralleling said east line to its intersection with the northerly right-of-way line of Oswego (Illinois Route Number 34).

At the intersection of the Waubensee Creek and the westerly right-of-way line of the Commonwealth Edison Company right-of-way, a two-million-gallon ground storage facility and high pressure pumping station will be constructed. A deep well with a capacity of one thousand gallons per minute will be drilled at the location of the ground storage pumping facility, discharging to said facility with the necessary pumping and chlorination equipment located adjacent to the well.

Water mains designed to supply water to the High Pressure Zone will run from this pumping station northerly adjacent to and parallel with said right-of-way line to the north line of Section 29, Naperville Township, DuPage County; thence easterly adjacent to and parallel with said north line and said north line extended to its intersection with the east line of the west one-half of the west one-half of Section 21 in the Township and County aforesaid. The water main will be approximately twenty inches in diameter from the pumping station to the intersection of the proposed main with the approximate easterly right-of-way line of the Elgin, Joliet & Eastern Railway Company, from which point the easterly extension of said water main will be approximately twelve inches in diameter.

Water distribution facilities for the southeast part of Region II will consist of an extension south from the proposed water main located on the west side of the

Commonwealth Edison Company right-of-way, following that right-of-way line and terminating at a proposed elevated storage tank with a minimum capacity of seven hundred and fifty thousand gallons located in the vicinity of the Elgin, Joliet & Eastern Railway Company right-of-way and 83rd Street. This tank will be further connected to the system through a trunk main running east along 83rd Street to the north-south centerline of Sections 33 and 28, thence north along said centerline across the 75th Street right-of-way and extending northerly to a connection with a previously described water main at the approximate intersection of Oswego Road with the east line of the west one-half of the west one-half of Section 21, Naperville Township, DuPage County; and by a trunk main running west along 83rd Street to the DuPage-Kane County Line, thence north along said county line to the above mentioned trunk main to be extended along Fifth Avenue.

Water distribution facilities for the northern part of Region II will consist of a proposed water main connected to the existing City water system at Reckinger, east of Farnsworth, thence south on Felton Road to Shefler Avenue, thence eastward along Shefler Avenue and Shefler Avenue extended to Eola Road, thence south along Eola Road to State Route 65, thence east on the south side of State Route 65 to the east right-of-way of the Elgin, Joliet & Eastern Railway Company and then south adjacent to said right-of-way to the High Pressure Zone trunk water main

described as following the north line of Section 29, Naperville Township, DuPage County. Additionally, a water transmission main approximately sixteen inches in diameter will be constructed easterly on the south side of State Route 65, from the east right-of-way of the Elgin, Joliet & Eastern Railway Company to the intersection of State Route 65 with the East line of the west one-half of the west one-half of Section 21, Naperville Township, DuPage County.

A further connection to the existing City water system will be provided by a proposed water main from the intersection of Molitor Road and Felton Road extended, easterly on Molitor Road to Eola Road, thence south along Eola Road to make a connection with the main described above.

Any change in the above described water distribution facilities which receives the approval of the City Water Department shall be deemed a reasonable variation from this Plan Description for the purposes of clause a. of Subsection 14.7-6 of the Zoning Ordinance.

C. District Storm Water Retention and Disposal Systems.

The proposed storm water retention and disposal systems described below are being planned jointly by the

developers of the District and the City. By describing the proposed storm water retention and disposal systems in this Plan Description the developers of the District do not assume complete responsibility for financing the proposed systems. The developers of the District are exploring methods by which such financing may be accomplished.

1. Waubansee Creek Storm Retention and Disposal Facilities. Storm water retention facilities will be developed within the Waubansee Creek watershed. The facilities will have the capacity to retain storm runoff resulting from a storm with a twenty-five-year return frequency from a fully developed site with a discharge restricted to 0.15 inches per hour per acre from the same contributing area. Additionally, the facilities will have the capacity to retain storm runoff resulting from a storm with a one-hundred-year return frequency from a fully developed site with a discharge restricted to 0.2 inches per hour per acre from the same contributing area.

The allowable discharge from the upstream watershed will bypass or be in addition to the discharge from the proposed storm water retention facilities.

Between storm water retention facilities a conduit or improved channel with an adjacent floodway will be provided with capacity to convey a maximum runoff equivalent to 0.2 inches per hour per acre from the site and from the upstream watershed.

2. Indian Creek Tributary Storm Retention and Disposal Facilities. Storm water retention facilities will be provided having a capacity to retain storm water runoff resulting from a storm with a twenty-five-year return frequency from the fully developed site with a discharge restricted to 0.15 inches per hour per acre from the same contributing area. Additionally, the facilities will have the capacity to retain storm runoff resulting from a storm with a one-hundred-year return frequency from a fully developed site with a discharge restricted to 0.2 inches per hour per acre from the same contributing area.

The allowable discharge from the upstream watershed will bypass or be in addition to the discharge from the proposed storm retention facilities.

Between storm water retention facilities a conduit or improved channel with an adjacent floodway will be provided with capacity to convey a maximum runoff equivalent to 0.2 inches per hour per acre from the site and the upstream watershed.

3. Variations. Any change in the above described storm water disposal system which receives the approval of the City Engineer shall be deemed a reasonable variation from this Plan Description for the purpose of clause a. of Subsection 14.7-6 of the Zoning Ordinance.

D. Highways and Roads.

1. General. The following is an outline of the structure and general configuration of the major roadway network which will serve the District and the area surrounding it. It has been planned by the developers of the District after consultation with the State and County Highway Departments, the City Engineer and the Director of City Planning. The primary transportation system elements described herein are intended to serve as the basis for further detailed planning and design by the developers and their traffic consultants, working in close coordination with public transportation planning agencies at the City, County, State, and Federal levels. The portions of the major roadway network described herein which are outside the District are included only to illustrate what the developers of the district believe to be desirable road and highway planning, and it shall not be a condition to the right of the developers of the District to develop the District in accordance with this Plan Description that such portions of the major roadway network are completed in the manner described herein. By describing the proposed major roadway network in this Plan Description the developers of the District do not assume complete responsibility for financing the proposed network. The developers of the District, representatives of the State and County Highway Departments and the City are jointly exploring methods by which such financing may be accomplished.

The primary objectives of the transportation system are:

a. To provide for sufficient system-wide traffic capacity moving to, from and through the two Regions of the District.

b. To provide sufficient internal roadway capacity to meet the access and circulation requirements of development-related traffic moving within the Regions.

c. To interconnect the Regions with primary regional major arterials and expressways.

d. To create a transportation facilities infrastructure which will support and serve proposed land uses within the two Regions and in the surrounding areas.

e. To form the basis for application of new transportation systems and technologies at a future time, as such new systems are developed and demonstrated to be feasible and desirable.

The staging of street and highway improvements within the two Regions will be coordinated so as to provide

roadway capacities to meet travel needs which will exist at future dates. Since development within the Regions will be scheduled over a relatively long (twenty-year) period, selected improvements may be accomplished in stages and be designed to both meet then-current needs and to complete linkages which will be required by new development and which will support the final transportation system.

Street and highway improvements are contemplated to fall within one or more of the following categories:

a. New construction of roads along existing or newly acquired rights-of-way, including arterial and collector streets as well as local access streets serving newly developed land uses.

b. Improvements of existing roads, including widening, resurfacing, providing controlled access, and realignment of some sections of roadway to complete required linkages.

c. Localized improvements, including installation of traffic control devices, intersection approach widening and channelization, and access control at critical points.

The major elements of the proposed transportation network are described in the following Subsections of this

Subsection D. The proposed alignments will be fixed after completion of detailed traffic engineering studies and in coordination with appropriate transportation planning activities of City, County, State and Federal agencies.

2. Highway and Roads Network. The principal elements of the proposed District-Wide Transportation System are intended to form a grid network of primary and secondary arterial roads, which will link the District with adjacent regional arterials and expressways. Specific elements are described below:

a. North-South Linkages:

(1) Illinois Route 59 is planned for improvement by the construction of additional traffic lanes and the improvement of major intersections to increase both their through-movement and turning-movement capacities. These improvements should extend from 75th Street north to the East-West Tollway.

(2) A new north-south arterial is planned for construction along an alignment west of Illinois Route 59 and east of the Elgin, Joliet & Eastern Railway Company right-of-way. This new roadway should

extend from 87th Street north to Butterfield Road.

(3) The Fox Valley Freeway is proposed to extend from an interchange with the East-West Tollway, approximately midway between the Farnsworth Avenue interchange and the Eola Road crossing, south along an alignment generally parallel to and west of the Elgin, Joliet & Eastern Railway Company right-of-way, to a point south of Region II at 95th Street, then south and east to the Stevenson Expressway (Interstate Route 55).

(4) Kautz Road is planned for major improvement to an arterial constructed along the DuPage-Kane County line from 87th Street to Molitor Road.

(5) Vaughn Road is planned for improvement to an arterial road constructed from Molitor Road to 87th Street.

(6) Eola Road is planned for improvement to an arterial from Butterfield Road to 87th Street.

b. East-West Linkages:

(1) North Aurora Road is planned for improvement to arterial standards and connected from the vicinity of its intersection with Ogden Avenue (U. S. Route 34) generally west along the alignment of North Aurora Road to an intersection with Indian Trail Road at Farnsworth Avenue in Aurora.

(2) Liberty Road (Claim Street) is planned for improvement to arterial standards from Route 34 in Naperville to Farnsworth Avenue in Aurora.

(3) Aurora Avenue is planned for improvement to arterial, or at-grade expressway standards, between Naperville and Farnsworth Avenue in Aurora.

(4) A new east-west arterial is planned for construction through the District, approximately two thousand feet south of Aurora Avenue from U. S. Route 34 on the east to connect into the existing street system of the City of Aurora.

(5) 75th Street is planned for improvement to at-grade expressway standards between Naperville and its intersection with Route 34.

(6) Route 34 is planned for improvement to arterial standards from 75th Street to by-pass Route 30.

(7) 83rd Street is planned for improvement to an arterial from Route 59 to Montgomery Road extended.

(8) 87th Street is planned for improvement and construction to arterial standards between Route 59 and Route 34.

3. Variations. Any change in the above described plans for highways and roads which receives the approval of the City Engineer shall be deemed a reasonable variation from this Plan Description for the purpose of clause a. of Subsection 14.7-6 of the Zoning Ordinance.

E. Time Limitations for Submission of Preliminary and Final Plans.

Within twelve months after the approval date Preliminary Plans for not less than forty acres of the District (hereinafter called the "Required First Preliminary Plans") shall be submitted for approval. Final Plans for not less than forty acres of the area covered by the Required First Preliminary Plans (hereinafter called "Required First Final Plans") shall be submitted for approval within three years after approval by the City Council of the Required First Preliminary Plans. Preliminary Plans for development phases of the District not included in the Required First Preliminary Plans may be submitted for approval from time to time after the approval date within the fifteen-year period following the approval date. Final Plans for development phases of the District not included in the Required First Final Plans may be submitted for approval from time to time after the approval date within the eighteen-year period following the approval date.

The developer may, with respect to any area of the District, without having obtained approval of a Preliminary Plan covering such area, submit for approval, in accordance with the procedures prescribed in Subsection 14.7-12 of the Zoning Ordinance and within the time

period prescribed for submission of a Preliminary Plan for such area, one or more Final Plans for such area.

On the approval date the developers of the District will have entered into certain agreements with the City which will obligate the City to install and construct certain water facilities in the District on or before certain dates as specified in such agreements. After the approval date the developers of the District contemplate entering into an agreement with the Aurora Sanitary District which will obligate the Aurora Sanitary District to install and construct certain sewerage facilities in the District on or before certain dates as specified in such agreement. By approving the application for establishment of the District, the City agrees that any delays in constructing and installing such water facilities or sewerage facilities in accordance with such specified dates will, to the extent of such delays, be recognized as proper grounds for granting (in accordance with the procedures prescribed in Subsections 14.7-8 and 17.7-11 of the Zoning Ordinance) extensions to the time periods for submission of Preliminary Plans and Final Plans covering all of the District.

F. Deletion of Land from the Proposed District.

At any time prior to the approval date the developers shall have the right to delete one or more

parcels of land from the District as proposed in the Plan Description originally filed with the application for establishment of the District and to amend the legal description of the District and the maps showing boundaries of the District to reflect such deletions; provided, that (i) not more than ten percent of the acreage of the District as described in the Plan Description as originally filed may be so deleted, and (ii) no such deletion may be made which would affect the contiguity of the property in the District as required by Subsection 14.7-2 of the Zoning Ordinance.

G. Consent of Owners.

The application for establishment of the District has been made by Urban Investment and Development Co., a Delaware corporation, acting as agent for the owners of all of the land in the District. Prior to the approval date, this Plan Description shall be made part of an Annexation Agreement executed by the owners of record of all of the land in the District. Such Annexation Agreement shall contain a provision by which said owners of record consent to the establishment of the District in accordance with the terms of this Plan Description.

H. Obligation to Develop.

With respect to each parcel of land in the District included in a Final Plan approved by the City

Council pursuant to Subsection 14.7 of the Zoning Ordinance, the obligation to develop said parcel in accordance with the provisions of such approved Final Plan, and the obligation to make the improvements and land reservations and dedications with respect to such parcel provided for in such approved Final Plan shall be solely a requirement of the development of such parcel of land in accordance with the provisions of such Final Plan, and no obligation with respect thereto shall attach to other land in the District.

I. Land Use Plans.

1. Submission of Land Use Plan Included in Plan Description. There is included in Part Three of this Plan Description as map number VI a land use plan for the District which sets forth the present plans of the developers of the District with respect to the future development of the District into the three types of land use Areas described in Subsections A., B. and C. of Section II hereof and the location of such land use Areas in the District.

2. Submission of Updated Land Use Plans.

a. Submission with Preliminary Plans. At any time and from time to time when a Preliminary Plan for a development phase of a Region of the

District is submitted for approval, it shall be an obligation of the developer of such development phase to cause the developers of such Region to prepare and submit to the City with such Preliminary Plan an updated land use plan for those areas in the Region for which Preliminary Plans shall not then have been submitted for approval.

b. Submission by Developers. At any time and from time to time any one or more developers of each Region of the District may prepare and submit to the City an updated land use plan for any area in such Region for which Preliminary Plans shall not then have been submitted for approval which land use plan shall meet the requirements of this Subsection V I.

c. Annual Submissions. When no updated land use plan for the District shall have been prepared for one year, the developers of each Region of the District shall, unless the City waives such obligation, prepare and submit to the City a land use plan for those areas in such Region for which Preliminary Plans shall not then have been submitted for approval which land use plans shall meet the requirements of this Subsection V I.

3. Land Use Plans to Reflect Developers' Best Intentions. The land use plan included in Part Three of

this Plan Description, and each updated land use plan subsequently prepared and submitted in accordance with this Subsection V I. shall, as of its date, reflect the best intentions of the developers of the District with respect to the future development of the District into land use Areas and the location of such land use Areas in the District.

4. Changes in Land Use Plans Requiring City Council Approval. Changes in the land use plan included in Part Three of this Plan Description or in any updated land use plan prepared and submitted in accordance with this Subsection V I. which involve the relocation of a land use Area in the District or the establishment of a new land use Area in the District shall require the approval of the City Council, which approval may be obtained in accordance with the procedures set forth in Subsection A.9. of Section III hereof; provided, that the following changes in any such land use plan shall not require the approval of the City Council:

a. The establishment or relocation of one or more neighborhood shopping center Business Areas each of which contains no more than fifteen acres or the establishment or relocation of no more than three Business Areas each of which contains no more than twenty-five acres; and

b. The enlargement of a land use Area, into property contiguous to such land use Area

prior to such enlargement, the contraction of a land use Area, or the elimination of a land use Area; provided that a neighborhood shopping center Business Area or a Business Area containing no more than twenty-five acres established or relocated pursuant to Subsection 4.a. of this Subsection V I. may not, without the approval of the City Council, be enlarged to a size greater than fifteen acres or twenty-five acres respectively; and, provided further, that properties separated by highways, streets, public ways or railroad or public utility rights-of-way shall be deemed contiguous for the purpose of this Subsection V I.4.b.; and

c. Any changes in any such land use plan involving land designated for open space, park, recreation or school site purposes; and

d. Any changes in such land use plan which are deemed necessary or desirable by the developers of those areas of a Region of the District for which Preliminary Plans shall not have been submitted for approval because of any of the following events and which are reasonably attributable to such event or events:

(1) A change in the zoning classification of property adjacent to but outside the boundaries of the District, unless such property is

owned or controlled by a developer of the District and such change in zoning shall have been made with such developer's consent or approval; or

(2) A change in the location of the Fox Valley Freeway or other new arterial roads described in Subsection D. of this Section V as shown on the land use plan included in Part Three of this Plan Description or on any updated land use plan prepared and submitted in accordance with this Subsection V I., provided, that a substantial change or substantial changes in such land use plan occasioned by the abandonment of plans for the Fox Valley Freeway shall require approval of the City Council unless such change or changes are otherwise permitted to be made without City Council approval pursuant to the provisions of this Subsection I.; or

(3) The future location or elimination of major public transportation facilities or routes designed, in whole or in part, to serve the District; or

(4) The enactment of any municipal, state or federal ordinance

or law or the issuance of any executive  
or judicial ordinance or decree.

5. Preliminary Plans and General Development Plans to Conform to Land Use Plan. Each Preliminary Plan for a development phase of the District which is submitted for approval and each General Development Plan submitted pursuant to Subsection J. of this Section V shall conform to the land use plan included in Part Three of this Plan Description or the most recent updated land use plan subsequently prepared and submitted in accordance with this Subsection V I., and if those portions of any such updated land use plan to which any such Preliminary Plan conforms involve land use plan changes requiring the approval of the City Council pursuant to the provisions of this Subsection V I., such approval by the City Council shall be a condition to the approval of such Preliminary Plan.

J. General Development Plans.

1. Each Preliminary Plan submitted for approval in accordance with Subsection 14.7-12 of the Zoning Ordinance shall (unless the Plan Commission waives the requirement) either be accompanied by a General Development Plan for the area in which the property covered by such Preliminary Plan is located, or cover property included within a General Development Plan previously submitted to the City. Such General Development Plan shall cover, or shall have covered, a sufficient area

beyond the borders of the property covered by such Preliminary Plan ("Preliminary Plan property") to show the relationship of the proposed land uses for surrounding property which may reasonably be affected by or may reasonably have an affect upon the Preliminary Plan property.

2. A General Development Plan shall include no less than one hundred and twenty acres of land (unless the Plan Commission shall approve a smaller acreage) and shall be at a scale of one inch equals two hundred feet and shall show proposed rights-of-way for primary and secondary roads, preliminary locations of open space and school sites, if any, and proposed land uses.

3. In each General Development Plan and in each Preliminary Plan the location of Business, Manufacturing and Residential Areas will be planned so that the locations of such Areas are in a compatible relationship to each other and Business Areas of the District shall not be developed in such a manner that they would be generally regarded as undesirable strip commercial developments.

4. A developer shall have the right to make revisions to any General Development Plan to the extent that such revisions will not impair the compatible relationship of land uses to each other or to the abutting land uses of previously approved Preliminary Plans.

5. Each Preliminary Plan which must be submitted with an accompanying General Development Plan,

or which covers property included with a previously submitted General Development Plan, shall be consistent with such accompanying or previously submitted General Development Plan.

K. Development Pursuant to Final Plans.

Each development phase of the District shall be developed only according to an approved Final Plan for such development phase, and in such development phase no site may be used nor structure erected except as provided for in such Final Plan or as provided for in changes made in an approved Final Plan pursuant to Subsection O. of this Section V.

L. Conveyances of Property Not Included in an Approved Final Plan.

When and if any property in Region I or Region II not included in a Final Plan approved by the City Council pursuant to Subsection 14.7 of the Zoning Ordinance shall be conveyed to a person other than one of the developers of the District on the approval date, the deed of conveyance or another appropriate document which will bind such party and any subsequent owner of the property shall contain provisions specifying the land use Areas into which such property may be developed, the residential density which will be permitted in the development of such property, the open space, park, recreation land and school

site land reservation and dedication or sale obligations which will apply to such property and such other restrictions and limitations as shall be deemed necessary and relevant. A copy of such deed or other document shall be deposited with the Department of City Planning.

M. Transfers of Property Between Regions.

The developers of the District may agree that property described in this Plan Description as part of either Region of the District may be transferred to the other Region of the District; provided, that such transfer shall not become effective until written notice thereof has been given to the Department of City Planning. Such notice shall specify (i) the changes in the permitted average residential density in each Region of the District which will result from such transfer, which changes may not result in an increase in the average residential density for the District permitted by this Plan Description, and (ii) the changes in the percentage limitations on permitted uses in each Region of the District which will result from such transfer, which percentage changes may not result in an increase in the maximum number of acres in the District which are permitted to be devoted to each of the three land use Areas pursuant to Section II hereof or a decrease in the minimum number of acres in the District which are required to be devoted to each of said land use Areas pursuant to said Section II.

N. Changes in Plan Description.

At any time or from time to time prior to the approval of Final Plans for all of the District, the developers of those areas of the District for which Final Plans shall not have been approved may request approval of changes in this Plan Description by filing a written application for such approval with the City Clerk. The procedure for obtaining such approval shall be the same as the procedure set forth in Subsection 14.7-12 of the Zoning Ordinance for obtaining approval of Preliminary and Final Plans for all or specified phases of a planned development district; provided, that if any of such requested changes involves a major change from this Plan Description, as such term is defined in clause (b) of Subsection 14.7-6 of the Zoning Ordinance, such change shall not be made without consideration thereof at a public hearing held in accordance with the provisions of Section 15 of the Zoning Ordinance as in the case of an application for establishment of a planned development district. If changes in this Plan Description are approved by the City Council in accordance with this Subsection N., ten complete copies of a new Plan Description, incorporating such changes, with all accompanying materials and data shall be prepared at the expense of the developers of the District requesting such changes and deposited with the Department of City Planning.

O. Changes in Approved Final Plans.

1. Prior to Completion of Development Phase.

After approval by the City Council of any Final Plan for any development phase of the District and prior to the completion of such development phase in accordance with such approved Final Plan, the developer of the uncompleted portion of such development phase may request approval of changes in such approved Final Plan by filing a written application for such approval with the City Clerk. The procedure for obtaining such approval shall be the same as the procedure set forth in Subsection 14.7-12 of the Zoning Ordinance for obtaining approval of Preliminary and Final Plans for all or specified phases of a planned development district, and the provisions of Subsection 14.7-9 of the Zoning Ordinance shall be applicable to the approval of requested changes in an approved Final Plan. If changes in an approved Final Plan are approved by the City Council, ten complete copies of a new Final Plan, incorporating such changes, with all accompanying materials and data, shall be prepared at such developer's expense and deposited with the Department of City Planning.

2. After Completion of Development Phase.

After completion of construction of a development phase in accordance with an approved Final Plan, the record owner of any property included in such development phase

may request approval of changes in such approved Final Plan by filing a written application for such approval with the City Clerk. The procedure for obtaining such approval shall be the same as the procedure set forth in Subsection 14.7-12 of the Zoning Ordinance for obtaining approval of Preliminary and Final Plans for all or specified phases of a planned development district, and the provisions of Subsection 14.7-9 of the Zoning Ordinance shall be applicable to the approval of requested changes in an approved Final Plan; provided, that (i) prior to approving any such requested changes, the City shall give notice to the owners or occupants of other properties which may be affected by such changes as determined by the Plan Commission, and, at the written request of any of such owners or occupants, made within five days after the date on which such notice is given, such changes shall not be made without consideration thereof at a public hearing held in accordance with the provisions of Section 15 of the Zoning Ordinance as in the case of an application for establishment of a planned development district; and (ii) until such time as Final Plans shall have been approved for all of the Region in which such property is located, such changes shall require the approval of the developers of those areas of the Region for which Final Plans shall not have been approved. If changes in an approved Final Plan are approved by the City Council, ten complete copies of a new Final Plan or the part thereof affected by such changes, incorporating such changes, with all accompanying materials and data, shall be prepared at such record

owner's expenses and deposited with the Department of City Planning.

P. Reliance by Developers.

If the property included in the District is annexed to the City and is approved as a planned development district in accordance with the provisions of Sub-section 14.7 of the Zoning Ordinance and in accordance with the provisions of this Plan Description, such approval shall be given with the recognition by the City and the Corporate Authorities thereof that the developers of the District:

1. Regard both Regions and all development phases of the District as a unified undertaking with a single goal of creating a single community of integrated residential, business, manufacturing and related municipal and public uses of the property included in the District.

2. Would not commence the development of the District and would not undertake the obligations provided for in the Principal Annexation Agreement to which this Plan Description is an Exhibit were it not for the assurance given to them by the City and the Corporate Authorities thereof that they will have the opportunity to complete the development of the District in accordance with the provisions of this Plan Description, subject to its limitations and requirements and the limitations and

requirements of the Zoning Ordinance as in effect on the approval date.

Q. Developer.

As used in this Plan Description the terms "developer" and "developers" as applied to the District or a Region of the District shall mean the record owner or record owners of property located within the District or the Region on the approval date. A developer shall have the right to assign some or all of its rights, subject to some or all of its duties and obligations, which the developer may have under this Plan Description. The developer, or its assignee, shall have the right to appoint an agent or representative to act for it with respect to the Plan Description. If the record owner of property in the District is a Land Trust, then either the beneficiary of such Land Trust or the Land Trust Trustee shall have the right to appoint and designate a duly authorized agent or representative for the owner of record.

FOX VALLEY EAST PLANNED DEVELOPMENT DISTRICTPLAN DESCRIPTIONPART TWOLegal Description of the Property to Be  
Included in the Proposed District

Following hereafter is the legal description of the property to be included in the District and specifically identified as Region I and Region II, respectively:

REGION I

That part of Sections 20, 21, 28 and 29, Township 38 North, Range 9 East of the Third Principal Meridian, described as follows: Beginning at the southwest corner of Lot 7 in Walter S. Otto's Assessment Plat of part of Sections 17 and 20, recorded in the Recorder's Office of DuPage County, October 10, 1947 as Document 531314 and re-recorded on January 13, 1948 as document 537648; thence southerly along the easterly line of the right of way of the Elgin, Joliet and Eastern Railroad Company 1404.69 feet to the center line of Illinois State Route No. 65; thence South  $2^{\circ}11'$  West along the easterly line of the right of way of said Elgin, Joliet and Eastern Railroad Company 1853.06 feet to an angle in said right of way line; thence South  $89^{\circ}05'01''$  East along said right of way line 30.0 feet to an angle in said right of way line; thence South  $2^{\circ}11'$  West along said right of way line 1100.0 feet to an angle in said right of way line; thence North  $89^{\circ}05'01''$  West along said right of way line 30.0 feet to an angle in said right of way line; thence South  $2^{\circ}11'$  West along the easterly line of the right of way of said Elgin, Joliet and Eastern Railroad Company 2622.65 feet to the center line of U.S. Route No. 34; thence North  $68^{\circ}19'26''$  East along the center line of said U.S. Route No. 34, 885.24 feet to the west line of the East Half of the Southeast Quarter of said Section 29; thence North  $1^{\circ}36'18''$  East along the west line of the East Half of the Southeast Quarter of said Section 29, 422.23 feet to the south line of the Northeast Quarter of said Section 29; thence South  $89^{\circ}26'57''$  East along the south line of the Northeast Quarter of said Section 29, 358.31 feet to a line drawn North  $1^{\circ}30'$  East from a point on the center line of said U.S. Route No. 34 that is 733.26 feet South  $68^{\circ}19'26''$  West of the point of intersection of the south line of the Northeast Quarter of said Section 29 with the center line of said U.S. Route No. 34; thence North  $1^{\circ}30'$  East 1529.69 feet; thence South  $89^{\circ}$  West 396.0 feet to the division line; thence North  $2^{\circ}11'04''$  East along the division line 395.01 feet to the north line of said

Section 29; thence South  $89^{\circ}08'30''$  East along the north line of said Section 29, 1318.53 feet to the northeast corner of said Section 29; thence South  $2^{\circ}22'01''$  West along the east line of said Section 29, 2543.72 feet to the center line of said U.S. Route No. 34; thence North  $68^{\circ}19'26''$  East along the center line of said U.S. Route No. 34, 1137.09 feet to a point of curvature; thence continuing northeasterly along a curve to the right having a radius of 114,589.16 feet, 999.99 feet to a point of tangency; thence North  $68^{\circ}49'26''$  East along the center line of said U.S. Route No. 34, 3079.88 feet to a point in the west line of the John Erb property as described in Document 535635 Recorded December 18, 1947; thence northerly along the west line of said John Erb property forming an angle of  $105^{\circ}17'30''$  with the last described course (measured clockwise therefrom) 82.94 feet to a point that is 80.0 feet northwesterly of the center line (measured at right angles thereto) of said U.S. Route No. 34; thence North  $68^{\circ}49'26''$  East parallel with the center line of said U.S. Route No. 34, 224.57 feet to the west line of property conveyed to Trustee of Schools by Document 151990; thence North  $7^{\circ}32'$  West along the west line and west line extended of said Trustee of Schools property 465.18 feet to a point on the south line of property conveyed to LaVerne W. Jackson and Clara Jackson by Document 747981 recorded March 2, 1955, being North  $88^{\circ}48'$  West of the southeast corner of said Section 21; thence North  $88^{\circ}48'$  West along the south line of said Jackson property 220.80 feet to the southwest corner of said Jackson property; thence North  $7^{\circ}58'$  West along the westerly line of said Jackson property 148.10 feet to the northwest corner of said Jackson property; thence South  $88^{\circ}48'$  East along the north line of said Jackson property 605.50 feet to the east line of said Section 21; thence North  $2^{\circ}02'$  East along the east line of said Section 21, 2604.40 feet to the southeast corner of part B of parcel No. 0004 acquired by the Department of Public Works and Buildings of the State of Illinois under condemnation proceeding filed July 9, 1969 as Case No. 769-789 of the Circuit Court of DuPage County; thence westerly along a southerly line of part B of said parcel No. 0004 forming an angle of  $90^{\circ}$  with the center line of Illinois State Route No. 59, 50.3 feet more or less to a southwesterly corner of part B of said Parcel No. 0004; thence northwesterly along a southwesterly line of part B of said Parcel No. 0004 forming an angle of  $129^{\circ}04'44''$  with the last described course (measured counter-clockwise therefrom) 40.72 feet to an angle in the southwesterly line of part B of said Parcel No. 0004; thence northwesterly

along the southwesterly line of part B of said Parcel No. 0004 forming an angle of  $30^{\circ}53'10''$  with the prolongation of the last described course (measured counter-clockwise therefrom) 43.83 feet to the most westerly southwest corner of part B of said Parcel No. 0004; thence northerly along the west line of part B of said Parcel No. 0004 forming an angle of  $62^{\circ}50'54''$  with the prolongation of the last described course (measured clockwise therefrom) 50.0 feet to the northwest corner of part B of said Parcel No. 0004, being on the center line of said Illinois State Route No. 65; thence South  $84^{\circ}53'26''$  West along the center line of said Illinois State Route No. 65, 235.70 feet more or less to a point that is 360.0 feet South  $84^{\circ}53'26''$  West of the east line of said Section 21; thence South  $2^{\circ}02'$  West parallel with the west line of Lot 1 of Scheffler's Plat of Survey recorded October 27, 1954 as Document 735032, 122.92 feet; thence South  $83^{\circ}35'$  West along a line forming an angle of  $81^{\circ}33'$  with the prolongation of the last described course (measured clockwise therefrom) 130.41 feet to the southeast corner of property conveyed to State of Illinois, Department of Public Works and Buildings as part B of Document R69-51831 recorded December 3, 1969; thence South  $83^{\circ}33'10''$  West along the southerly line of part B of said Document R69-51831, 214.75 feet to an angle in the southerly line of part B of said Document R69-51831; thence South  $78^{\circ}52'52''$  West 95.52 feet to a point that is 140.0 feet southerly of the center line (measured at right angles thereto) of said Illinois State Route No. 65; thence South  $84^{\circ}53'26''$  West parallel with the centerline of said Illinois State Route No. 65, 30.0 feet; thence North  $60^{\circ}06'56''$  West 61.03 feet to a point 105.0 feet southerly of the center line (measured at right angles thereto) of said Illinois State Route No. 65; thence North  $25^{\circ}39'55''$  West 42.72 feet to a point that is 65.0 feet southerly of the center line (measured at right angles thereto) of said Illinois State Route No. 65; thence South  $87^{\circ}03'06''$  West 265.19 feet to the most westerly southwest corner of part B of said Document R69-51831; thence North  $5^{\circ}06'34''$  West along the westerly line of part B of said Document R69-51831, which forms an angle of  $90^{\circ}00'$  with the center line of said Illinois State Route No. 65, 55.0 feet to the northwest corner of part B of said Document R69-51831, being on the center line of said Illinois State Route No. 65; thence South  $84^{\circ}53'26''$  West along the center line of said Illinois State Route No. 65, 3851.21 feet; thence South  $85^{\circ}32'10''$  West along the center line of said Illinois State Route No. 65, 1362.60 feet to the southwest corner of the tract of land conveyed to George J. Walder and Hazel G. Walder by Document 429914 recorded October 14, 1941; thence North  $5^{\circ}31'$  West along the west line of said Walder tract to a

line drawn North  $84^{\circ}45'$  East of the point of beginning; thence South  $84^{\circ}45'$  West to the point of beginning, excepting therefrom that part of the Southeast Quarter of said Section 21, described as follows: Commencing at the intersection of the center line of said Illinois State Route No. 65 and the center line of Illinois State Route No. 59; thence South  $2^{\circ}00'26''$  West along the center line of said Illinois State Route No. 59, 1066.61 feet; thence North  $87^{\circ}59'34''$  West at right angles to the last described course 50.0 feet to a point on the west right of way line of said Illinois State Route No. 59 for a point of beginning; thence continuing North  $87^{\circ}59'34''$  West along the prolongation of the last described course 34.0 feet; thence North  $2^{\circ}00'26''$  East parallel with the center line of said Illinois State Route No. 59, 566.15 feet to the south line of Lot 1 of said Scheffler's Plat of Survey; thence North  $84^{\circ}53'26''$  East along the south line of said Scheffler's Plat of Survey 34.26 feet to a point that is 50.0 feet westerly of the center line (measured at right angles thereto) of said Illinois State Route No. 59; thence South  $2^{\circ}00'26''$  West parallel with the center line of said Illinois State Route No. 59 to the point of beginning, all in Naperville Township, DuPage County, Illinois.

## REGION II

That part of the Southwest Quarter of Section 19 and part of the North Half of Section 30, Township 38 North, Range 9 East of the Third Principal Meridian, described as follows: Commencing at the northwest corner of said Southwest Quarter; thence North  $88^{\circ}21'$  East along the north line of said Quarter 1758.10 feet; thence South  $0^{\circ}36'$  East 567.0 feet to the center of the Aurora and Naperville Road; thence North  $73^{\circ}15'$  West along said Road 904.90 feet; thence North  $86^{\circ}15'$  West along said Road 171.0 feet; thence South  $0^{\circ}43'$  East 1027.80 feet; thence South  $88^{\circ}24'$  West 182.0 feet for a point of beginning; thence North  $88^{\circ}24'$  East 545.70 feet; thence South  $0^{\circ}11'$  West 1092.0 feet to an old claim line; thence South  $88^{\circ}19'$  East along said claim line to a point that is 899.82 feet westerly of the center line of Vaughan Road (measured along said claim line); thence southwesterly parallel with the center line of said Vaughan Road 486.10 feet; thence southeasterly along a line forming an angle of  $69^{\circ}20'$  with the last described course (measured clockwise therefrom) 847.11 feet to an iron pipe stake on the center line of said Vaughan Road that is 613.0 feet southwesterly of the point of intersection of said claim line and the center line of said Vaughan Road; thence southwesterly along the center line of said Vaughan Road 100.0 feet to an iron stake; thence northwesterly along a line forming an angle of  $110^{\circ}40'$  with the last described course (measured counter-clockwise therefrom) 652.0 feet; thence southwesterly along a line forming an angle of  $101^{\circ}28'$  with the last described course (measured clockwise therefrom) 413.02 feet to the southerly line of property described in document No. 456037; thence northwesterly along said southerly line 1397.21 feet to the west line of said Section 30; thence northerly along the west line of said Sections 30 and 19, 2689.49 feet to the center line of said Aurora and Naperville Road; thence easterly along the center line of said Aurora and Naperville Road 537.61 feet to a line drawn North  $0^{\circ}43'$  West from the point of beginning; thence South  $0^{\circ}43'$  East 1044.71 feet to the point of beginning, in Naperville Township, DuPage County, Illinois and also that part of the South Half of Section 17, part of Section 18, part of the East Half of Section 19, part of Sections 20, 29, 30, 31, 32, Township 38 North, Range 9 East of the Third Principal Meridian and part of the East Half of Section 13, and part of Section 36, Township 38 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at a point on the west line of the Southwest Quarter of said Section 18 that is 61.60 feet south of the northwest corner of the Southwest Quarter of said Section 18; thence South along the west line of the Southwest

Quarter of said Section 18, 876.0 feet to the northerly line of property owned by the Chicago, Burlington and Quincy Railroad Co.; thence North  $79^{\circ}14.5'$  East along the northerly line of said Railroad 2545.40 feet to the center line of Vaughn Road; thence continuing North  $79^{\circ}14.5'$  East along said northerly line 400.0 feet; thence South  $2^{\circ}32.7'$  West to the southerly line of the right of way of said Railroad as established by document 152991 for a point of beginning; thence North  $2^{\circ}32.7'$  East along the last described course to the northerly line of the right of way of said Railroad; thence North  $79^{\circ}14.5'$  East along the northerly line of said Railroad 543.80 feet to an iron stake in a fence corner; thence North  $2^{\circ}32.7'$  East to an iron stake on the center line of Knight Street; thence South  $63^{\circ}04.7'$  West along the center line of said Knight Street 463.8 feet to an iron stake; thence North  $2^{\circ}32.7'$  East 1373.85 feet to an iron stake in an old fence corner; thence North  $89^{\circ}07.2'$  West along an old fence line 1809.85 feet to an iron stake in an old occupation line; thence South along said old occupation line 1307.4 feet to the center line of said Knight Street; thence South  $89^{\circ}54'$  West along the center line of said Knight Street 668 feet to the extension of a monumented line; thence South along said extension and said line 427 feet to an iron stake; thence South  $89^{\circ}54'$  West along an old fence line 256.0 feet to an iron stake; thence southerly along an old fence line 454.7 feet to an iron stake; thence South  $89^{\circ}46'$  West along an old fence line 396.0 feet to a point on the west line of the Southwest Quarter of said Section 18 that is 61.6 feet south of the northwest corner of the Southwest Quarter of said Section 18; thence northerly along the west line of said Section 18 and along the east line of said Section 13 to the southeast corner of Schwartz Subdivision, Unit No. 1, Township of Aurora, Kane County, Illinois; thence South  $89^{\circ}10'$  West along the south line of said Unit No. 1, 50.0 feet; thence South  $0^{\circ}51'$  West parallel with the east line of said Section 13, 190 feet; thence South  $89^{\circ}12'$  West 217.35 feet to the east line extended southerly of Unit Two of Schwartz Subdivision, Aurora, Kane County, Illinois; thence North  $0^{\circ}53'$  East 188.1 feet to the southeast corner of Unit Two of Schwartz Subdivision, Aurora, Kane County, Illinois; thence westerly along the southerly line of said Unit Two, 338.96 feet to the southeast corner of Lot 4 in said Unit Two; thence North  $0^{\circ}53'$  East along the east line of said Lot 4, 181.87 feet to the northeast corner of said Lot 4; thence North  $89^{\circ}10'$  West along the north line of said Lot 4, 65.0 feet to the northwest corner of said Lot 4; thence South  $0^{\circ}53'$  West along the west line of said Lot 4 and the east line of Lot 7, in said Unit No. 1, 181.85 feet to the south line of said Unit No. 1; thence South  $89^{\circ}10'$  West along the south line of said Unit No. 1, 621.40 feet to the southwest corner of Lot 12 of said Unit No. 1; thence South parallel with the most easterly east line of Fidler's Subdivision, Township of Aurora, Kane County, Illinois to the southerly line

extended easterly of Stephen Street; thence westerly along the southerly line extended of said Stephen Street to a line drawn North 1°30' East from a point on the south line of the Northeast Quarter of said Section 13 that is 1320 feet South 89°01'25" West of the southeast corner of the Northeast Quarter of said Section 13; thence South 1°30' West to the south line of the Northeast Quarter of said Section 13; thence North 89°01'25" East along the south line of the Northeast Quarter of said Section 13 to a line drawn North 0°51' East from a point on the northerly line of premises conveyed to the Chicago, Burlington and Quincy Railroad Company by Document 129699 that is 694.32 feet South 79°48'27" West of the east line of said Section 13; thence South 0°51' West 1030.1 feet to the northerly line of said Chicago, Burlington and Quincy Railroad Company; thence easterly along the northerly line of said Chicago, Burlington and Quincy Railroad Company to the east line of Vaughn Road; thence southerly along the east line of said Vaughn Road to the southerly line of the Railroad right of way as established by said Document 152991; thence South 79°14.5' West along the southerly line of said Document 152991 to the northeast corner of premises conveyed to said Chicago, Burlington and Quincy Railroad Company by Document 155615; thence southerly along the easterly line of said Railroad 123.58 feet to the most easterly corner of premises conveyed to said Chicago, Burlington and Quincy Railroad Company by Document 156238; thence westerly along the southerly line of premises conveyed by said Document 156238, 590 feet to an angle in the southerly line of said Railroad; thence westerly along the southerly line of said Railroad 1897.60 feet to the west line of said Section 18; thence southerly along the west line of said Section 18, 656.43 feet to the southwest corner of said Section 18; thence easterly along the south line of said Section 18, 2492.55 feet to the center line of said Vaughn Road; thence South 6°53' East 1060.6 feet to the center line of the Aurora-Warrenville Road; thence South 81°59' West along the center line of said Aurora-Warrenville Road 392.47 feet to the northeast corner of Ballico Assessment Plat recorded as Document R62-22490; thence South 0°34' East along the easterly line and easterly line extended of said Ballico Assessment plat to the south line of the Northeast Quarter of said Section 19; thence North 88°21' East along the south line of the Northeast Quarter of said Section 19 to the west line of the East Half of the Northeast Quarter of said Section 19; thence North 0°34' West along the west line of the East Half of the Northeast Quarter of said Section 19 to a point that is 462 feet South 0°34' East of a line drawn westerly parallel with the north line of said Sections 19 and 20 from a point on the east line of Eola Road that is 972.18 feet northerly (measured along the easterly line of said Eola Road) of the south line of the Northwest Quarter of said Section 20; thence North 87°49' East parallel with the north line of said Sections 19 and 20, 1834.80 feet more or less to the easterly line of said Eola Road; thence northerly along the easterly line of said Eola Road to the southwest corner of Lot 1 of Stubb's Assessment Plat recorded as Document 559994; thence

easterly along the south line of said Lot 1 and along a southerly line of Lot 6 of said Stubb's Assessment Plat 1042.70 feet to an angle in the southerly line of said Lot 6; thence southerly along a westerly line of Lot 6 of Stubb's Assessment Plat 1390.70 feet to the center line of Illinois State Route No. 65; thence westerly along the center line of said Illinois State Route No. 65 and along the center line of Ogden Avenue to the northeast corner of a tract of land conveyed to Ellsworth Honeycutt by warranty deed recorded as Document 154079; thence southerly along the east line of said Honeycutt tract 660.0 feet to the southeast corner of said Honeycutt tract; thence westerly along the southerly line of said Honeycutt tract being parallel with the center line of the old Aurora-Naperville Road 132.0 feet to the southwest corner of said Honeycutt tract; thence continuing westerly parallel with the center line of said Aurora-Naperville Road 132.0 feet; thence North 2°45' East to a line drawn parallel with and 30.0 feet southerly of the center line of said Aurora-Naperville Road (measured at right angles to the center line of said Aurora-Naperville Road); thence westerly parallel with the center line of said Aurora-Naperville Road to the west line of the Southwest Quarter of said Section 20; thence northerly along the west line of the Southwest Quarter of said Section 20 to a line drawn parallel with and 30.0 feet northerly of the center line of said Aurora-Naperville Road (measured at right angles to the center line of said Aurora-Naperville Road);

thence easterly parallel with the center line of said Aurora-Naperville Road to a line drawn South 2°00' West from a point on the north line of the Southwest Quarter of said Section 20 that is 7.58 chains easterly of the northwest corner of the Southwest Quarter of said Section 20; thence North 2°00' East to a point that is 5.43 chains South 2°00' West of the north line of the Southwest Quarter of said Section 20; thence westerly parallel with the north line of the Southwest Quarter of said Section 20 and north line of the Southeast Quarter of said Section 19 to a line drawn South 2°10' West from a point on the north line of the Southeast Quarter of said Section 19 that is 5.32 chains westerly of the northeast corner of the Southeast Quarter of said Section 19; thence South 2°10' West to the center line of said Illinois State Route No. 65; thence westerly along the center line of said Illinois State Route No. 65, 582.36 feet to a point that is 83.0 feet easterly of the northeast corner of Vaughn's Subdivision, recorded April 18, 1956 as Document 796951; thence southerly parallel with the easterly line of said Vaughn's Subdivision 348.85 feet to the southerly line extended easterly of said Vaughn's Subdivision; thence westerly along the extended southerly line and the southerly line of said Vaughn's Subdivision 305.26

feet; thence southerly along a line forming an angle of  $81^{\circ}48'28''$  with the prolongation of the last described course (measured counter-clockwise therefrom) 534.19 feet to the northerly line extended easterly of Lot 7 of Vaughn's Assessment Plat of part of the South Half of said Section 19; thence westerly along the extended northerly line and the northerly line of said Lot 7 to the northwest corner of said Lot 7, being on the center line of Vaughn Road; thence South  $11^{\circ}55'37''$  West along the westerly line of Lots 7 and 8 of said Vaughn's Assessment Plat to the southwest corner of said Lot 8; thence South  $29^{\circ}57'34''$  West along the center line of said Vaughn Road 224.51 feet to the south line of the Southeast Quarter of said Section 19; thence North  $88^{\circ}36'31''$  East along the south line of the Southeast Quarter of said Section 19, 2354.16 feet to the northeast corner of the Northeast Quarter of said Section 30; thence southerly along the east line of the Northeast Quarter of said Section 30, 12.66 chains (835.53 feet); thence South  $89^{\circ}\frac{1}{2}'$  West 2856.11 feet to the center line of said Vaughn Road; thence North  $72^{\circ}00'$  West to the west line of the Northwest Fractional Quarter of said Section 30; thence southerly along the west line of the Northwest Fractional Quarter of said Section 30 to a point on the west line of said Section 30 that is 311.0 feet North  $0^{\circ}19'33''$  East of the southwest corner of the Northwest Fractional Quarter of said Section 30; thence North  $89^{\circ}28'4''$  East parallel with the south line of the Northwest Fractional Quarter of said Section 30, 927.07 feet to the center line of said Vaughn Road; thence South  $32^{\circ}03'45''$  West along the center line of said Vaughn Road 369.05 feet to the south line of the Northwest Fractional Quarter of said Section 30; thence South  $89^{\circ}28'47''$  West along the south line of the Northwest Fractional Quarter of said Section 30, 732.92 feet to the southwest corner of the Northwest Fractional Quarter of said Section 30; thence South  $0^{\circ}15'15''$  West along the west line of the Southwest Fractional Quarter of said Section 30, 2651.28 feet to the northeast corner of said Section 36; thence southerly along the east line of said Section 36, 566.28 feet; thence southwesterly along a line forming an angle of  $72^{\circ}30'$  with the east line (measured clockwise therefrom) of said Section 36, 1391.07 feet to the east line of the West Half of the Northeast Quarter of said Section 36; thence northerly along the east line of the West Half of the Northeast Quarter of said Section 36, forming an angle of  $107^{\circ}34'37''$  with the prolongation of the last described course (measured clockwise therefrom) 221.10 feet; thence westerly forming an angle of  $89^{\circ}43'16''$  with said last described course (measured clockwise therefrom) 306.63 feet; thence southerly along a line forming an angle of  $91^{\circ}36'46''$  with the last described course (measured clockwise therefrom) 1682.43 feet to the center line of

Waubonsie Creek; thence southwesterly along the center line of said Creek, forming an angle of  $114^{\circ}30'12''$  with the last described course (measured counter-clockwise therefrom) 1665.0 feet; thence southwesterly along the center line of said Creek forming an angle of  $177^{\circ}40'$  with the last described course (measured clockwise therefrom) 496.0 feet; thence southwesterly along the center line of said Creek forming an angle of  $134^{\circ}13'$  with the last described course (measured clockwise therefrom) 220.0 feet; thence southwesterly along the center line of said Creek forming an angle of  $203^{\circ}22'$  with the last described course (measured clockwise therefrom) 200.0 feet; thence southwesterly along the center line of said Creek forming an angle of  $198^{\circ}54'$  with the last described course (measured clockwise therefrom) 150.37 feet to a point on the west line of the East Half of the Southwest Quarter of said Section 36 that is 614.30 feet northerly (measured along said west line) of the north line of lands formerly owned by A.H. Albee; thence southerly along the west line of the East Half of the Southwest Quarter of said Section 36 forming an angle of  $119^{\circ}11'12''$  with the last described course (measured clockwise therefrom) 614.30 feet to the north line of lands formerly owned by A.H. Albee; thence easterly along said Albee line, forming an angle of  $84^{\circ}01'42''$  with the last described course (measured clockwise therefrom) 248.72 feet to the center line of U.S. Route No. 34; thence northeasterly along the center line of said U.S. Route No. 34, 2495.34 feet to the south line of the Northeast Quarter of said Section 36; thence easterly along the south line of the Northeast Quarter of said Section 36, 74.76 feet to the southeasterly line of said U.S. Route No. 34; thence southwesterly along the southeasterly line of said U.S. Route No. 34, 2289.91 feet to a line drawn parallel with the east line of the Southeast Quarter of said Section 36 that is 1716.0 feet westerly (measured along the south line of the Southeast Quarter of said Section 36) of the east line of the Southeast Quarter of said Section 36; thence southerly parallel with the east line of the Southeast Quarter of said Section 36, 1127.76 feet to the south line of the Southeast Quarter of said Section 36; thence easterly along the south line of the Southeast Quarter of said Section 36, 1716.0 feet to the southeast corner of said Section 36; thence easterly along the south line of the Southwest Fractional Quarter of said Section 31, 1958.35 feet to the southeast corner of the Southwest Fractional Quarter of said Section 31; thence northerly along the west line of the Southeast Quarter of said Section 31, 848.35 feet to the northwest corner of the south 40.0 acres of the west 125.0 acres of the Southeast Quarter of said Section 31; thence easterly along the north line of said South 40.0 acres, 2054.11 feet to the northeast corner of said south 40.0 acres; thence northerly along the east

line of said west 125.0 acres 1805.30 feet to the north line of the Southeast Quarter of said Section 31; thence westerly along the north line of the Southeast Quarter of said Section 31, 1274.19 feet to a point that is 780.0 feet easterly of the northwest corner of the Southeast Quarter of said Section 31; thence southerly at right angles to the last described course 1210.0 feet; thence westerly at right angles to the last described course 180.0 feet; thence northerly at right angles to the last described course 1210.0 feet to the north line of the Southeast Quarter of said Section 31; thence westerly along the north line of the Southeast Quarter of said Section 31, 600.0 feet to the southeast corner of the Northwest Fractional Quarter of said Section 31; thence northerly along the east line of the Northwest Fractional Quarter of said Section 31, 2655.35 feet to the northeast corner of the Northwest Fractional Quarter of said Section 31; thence northerly along the west line of the Southeast Quarter of said Section 30 to a point that is 15.15 chains (999.90 feet) South of the northwest corner of the Southeast Quarter of said Section 30; thence due East 2.97 chains (196.02 feet); thence South parallel with the west line of the Southeast Quarter of said Section 30 and the west line of the Northeast Quarter of said Section 31, 35.10 chains (2316.60 feet) to the center line of U. S. Route No. 34; thence North  $62^{\circ}10'$  East along the center line of said U. S. Route No. 34 to a line drawn parallel with and 935.49 feet easterly of the west line of the Northeast Quarter of said Section 31 (measured along the north line of Fry's Copenhagen Colony, a Subdivision recorded as Instrument No. 1166-16885); thence southerly parallel with the west line of the Northeast Quarter of said Section 31, 1371.10 feet to a point that is 260.70 feet northerly of the north line of said Fry's Copenhagen Colony (measured along a line drawn parallel with the west line of the Northeast Quarter of said Section 31); thence easterly parallel with the north line of said Fry's Copenhagen Colony 48.57 feet; thence southerly parallel with the west line of the Northeast Quarter of said Section 31, 260.70 feet to the north line of said Fry's Copenhagen Colony; thence easterly along the north line of said Fry's Copenhagen Colony 1360.48 feet to the northeast corner of said Subdivision; thence southerly along the east line of said Subdivision 745.60 feet to the southeast corner of said Subdivision; thence easterly along the south line of the Northeast Quarter of said Section 31, 330.0 feet to the northwest corner of the Southwest Quarter of said Section 32; thence southerly along the west line of the Southwest Quarter of said Section 32, 1514.35 feet to the northwest corner of the South 69.56 rods (1147.74 feet) of the west Half of the Southwest Quarter of said Section 32; thence easterly along the north line of said south 69.56 rods, 1322.54 feet to the west line of the Southeast Quarter of the Southwest Quarter of said Section 32; thence southerly along the west line of the

Southeast Quarter of the Southwest Quarter of said Section 32, 1147.74 feet to the south line of the Southwest Quarter of said Section 32; thence easterly along the south line of the Southwest Quarter of said Section 32, 1011.82 feet to the west line of premises conveyed to Public Service Company of Northern Illinois by warranty deed recorded June 28, 1927 as Document 238574; thence northerly along the west line of said premises 85.33 feet to an angle in said west line; thence northeasterly along the west line of said premises 3090.15 feet to the west line of the Southwest Quarter of the Northeast Quarter of said Section 32; thence northerly along the west line of the Southwest Quarter of the Northeast Quarter of said Section 32, 841.11 feet to the northwest corner of the Southwest Quarter of the Northeast Quarter of said Section 32; thence South  $89^{\circ}56'43''$  East along the south line of the Northwest Quarter of the Northeast Quarter of said Section 32, 56.13 feet to the westerly line of the right of way of Commonwealth Edison Company; thence northerly along the westerly line of said right of way 3137.98 feet to the center line of U.S. Route No. 34; thence continuing northerly along the westerly line of said Commonwealth Edison Company right of way 1000.0 feet; thence westerly at right angles to the last described course 300.0 feet; thence northerly at right angles to the last described course 300.0 feet; thence easterly at right angles to the last described course 300.0 feet to the westerly line of said Commonwealth Edison Company right of way; thence northerly along the westerly line of said Commonwealth Edison Company right of way 3880.0 feet to a point that is 340.0 feet southerly of the southerly line of the right of way of Illinois State Route No. 65 as dedicated by Document 310934; thence westerly parallel with the southerly line of the right of way of said Illinois State Route No. 65 forming an angle of  $87^{\circ}57'$  with the last described course (measured clockwise therefrom) 650.0 feet; thence northerly parallel with the west line of said Commonwealth Edison Company right of way forming an angle of  $87^{\circ}57'$  with the last described course (measured counterclockwise therefrom) 343.10 feet to the southerly line of the right of way of said Illinois State Route No. 65; thence easterly along the southerly line of the right of way of said Illinois State Route No. 65, 67.1 feet to the westerly line of property dedicated by said Document 310934; thence southerly 5 feet along said westerly line; thence easterly along the south line of said property dedicated by Document 310934, 582.3 feet to the west line of said Commonwealth Edison Company right of way; thence northerly along the west line of said Commonwealth Edison Company right of way 85.20 feet to the center line of said Illinois State Route No. 65; thence westerly along the center line of said Illinois State Route No. 65 and along the center line of said Ogden Avenue to the southeast corner of Lot 6 of said Stubb's Assessment Plat; thence northerly along the easterly line of said Lot 6, 1574.70 feet to the south line of Lot 10 of Walter S. Otto's Assessment Plat, recorded

as Document 531314; thence easterly along the southerly line of said Lot 10 to the southeast corner of said Lot 10; thence northerly along the easterly line of said Lot 10 to the northeast corner of said Lot 10 (being on the center line of Claim Street); thence westerly along the center line of said Claim Street 660 feet to the northwest corner of the easterly half of Lot 11 of said Walter S. Otto's Assessment Plat; thence southerly along a line midway between the east and west lines of said Lot 11, 1075.54 feet to the south line of said Lot 11; thence westerly along the south line of said Walter S. Otto's Assessment Plat to the east line of Eola Road; thence northerly along the easterly line of said Eola Road to a point that is 972.18 feet northerly of the south line of the Northwest Quarter of said Section 20; thence westerly parallel with the north line of said Section 20 to the west line of the Northwest Quarter of said Section 20; thence northerly along the west line of the Northwest Quarter of said Section 20 to the center line of said Aurora-Warrenville Road; thence North  $82^{\circ}03'38''$  East 544.83 feet to the center line of said Eola Road; thence North  $0^{\circ}47'33''$  East 1155.7 feet to a line drawn North  $89^{\circ}42'$  East from a point on the west line of the Southwest Quarter of said Section 17 that is 422.4 feet North  $0^{\circ}04'38''$  East of the southwest corner of the Southwest Quarter of said Section 17; thence North  $89^{\circ}42'$  East 715.30 feet; thence North  $0^{\circ}25'11''$  East 339.95 feet; thence South  $89^{\circ}24'30''$  East 1428.00 feet; thence North  $0^{\circ}35'30''$  East 917.99 feet to the southerly right of way line of said Chicago, Burlington and Quincy Railroad Company, (now Burlington Northern Inc.); thence northwesterly along a curve to the left having a radius of 1830.08 feet a distance of 1534.65 feet, said curve being the southerly right of way line of said Chicago, Burlington and Quincy Railroad Company; thence South  $78^{\circ}21'53''$  West along the right of way of said Chicago, Burlington and Quincy Railroad Company 792.59 feet to the center line of said Eola Road; thence South  $0^{\circ}47'33''$  West along the center line of said Eola Road 526.45 feet to a line drawn South  $89^{\circ}12'27''$  East from a point on the west line of the Southwest Quarter of said Section 17 that is 1605.55 feet northerly of the southwest corner of the Southwest Quarter of said Section 17 (measured along the west line of the Southwest Quarter of said Section 17); thence North  $89^{\circ}12'27''$  West 582.28 feet to the west line of the Southwest Quarter of said Section 17; thence northerly along the west line of the Southwest Quarter of said Section 17 to the southerly line of premises conveyed to said Chicago, Burlington and Quincy Railroad Company by Document 152991; thence westerly along the southerly line of said Chicago, Burlington and Quincy Railroad Company to the point of beginning, (excepting therefrom that part of the Southwest Fractional Quarter of said Section 31, described as follows: Commencing

at the southwest corner of the Southwest Fractional Quarter of said Section 31; thence easterly along the south line of the Southwest Fractional Quarter of said Section 31, 1095.60 feet for a point of beginning; thence westerly along the last described course 949.74 feet; thence northerly 276.54 feet to a point on the center line of a public road that is 990.0 feet north-westerly of the point of beginning; thence southeasterly 990.0 feet to the point of beginning; also excepting that part of the Southwest Quarter of said Section 29 conveyed to A. Everett Patton by warranty deed recorded January 15, 1954 as Document 705583, being a parcel of land situated in Section 29, Township 38 North, Range 9 East of the Third Principal Meridian, beginning at the southwest corner of Section 29; thence North along the west section line of said Section 29, a distance of 551.3 feet to a point, said point being the intersection of the center line of U.S. Highway No. 34 and the west line of Section 29; thence northeasterly along the center line of U.S. Highway No. 34 a distance of 2196.6 feet to the point of beginning; thence South at an angle of  $116^{\circ}30'$  turned from East to South, a distance of 217.3 feet to a point; thence East at an angle of  $86^{\circ}43'$  turned from North to East, a distance of 200 feet to a point; thence North at an angle of  $93^{\circ}17'$  turned from West to North, a distance of 305.1 feet to a point on the center line of U.S. Highway No. 34; thence southwesterly along the center line of U.S. Highway No. 34 at an angle of  $63^{\circ}30'$  turned from South to West a distance of approximately 223.11 feet to the point of beginning; also excepting therefrom that part of the Southeast Quarter of said Section 18, Township 38 North, Range 9 East of the Third Principal Meridian, described by beginning at the southeast corner of said Section 18 and running thence West along the south line of said Section (being also the south line of vacated Belt City) 682.0 feet to the center line of West Seventh Street in said vacated Belt City; thence northerly parallel with the east line of said Section 18 and along the center line of said Seventh Street, 660.0 feet to the center line of Pike Street in said vacated Belt City; thence East parallel with the south line of said Section 18 and along the center line of said Pike Street 326.0 feet to the center line of West 6th Street in said vacated Belt City; thence northerly along said center line and parallel with the east line of said Section 18, 660.0 feet to the center line of Crane Street in said Belt City; thence East along said center line 356.0 feet to the east line of said Section 18; thence South along the east line of said Section 18, 1320.0 feet to the point of beginning; and also excepting therefrom that part of the Southeast Quarter of Section 18 (lying within the right of way of the Chicago, Burlington and Quincy Railroad) and also that part of the North Half of Section 30, Township 38 North, Range 9 East of the Third Principal

Meridian, described by beginning at the northeast corner of said Section; thence South on the east line of said Section 30, 12.66 chains; thence South  $89\frac{1}{2}^{\circ}$  West 43.18 chains to the center of Vaughan Road; thence northeasterly along the center of said Vaughan Road to the north line of said Section 30; thence East on Section line to the point of beginning (except that part of the North Half of said Section 30, described as follows: Beginning at the intersection of the center line of Vaughan Road and the north line of Section 30, aforesaid; thence easterly along said north line of Section 30, 520.0 feet; thence southerly at right angles to said north line of Section 30, 250.0 feet; thence westerly at right angles and parallel with said north line of Section 30 to the center of Vaughan Road; thence northeasterly along the center of Vaughan Road to the point of beginning); also excepting the westerly 367.0 feet of the easterly 400.0 feet of the northerly 250.0 feet of the southerly 550.0 feet of that part of the Southwest Quarter of Section 17, Township 38 North, Range 9 East of the Third Principal Meridian, described as follows: Beginning at a point on the west line of said Southwest Quarter which is 422.4 feet north of the southwest corner of said Southwest Quarter; thence North  $0^{\circ}20'36''$  West along the west line of said Southwest Quarter 1183.15 feet; thence South  $89^{\circ}12'27''$  East 582.20 feet to the center line of Eola Road; thence South  $0^{\circ}47'33''$  West along said center line 1172.26 feet to a line drawn North  $89^{\circ}42'$  East from the point of beginning; thence South  $89^{\circ}42'$  West 558.84 feet to the point of beginning, all in Naperville Township, DuPage County, Illinois.

ALSO

*That part of the Northwest Fractional Quarter of Section 18, Township 38 North, Range 9 East of the Third Principal Meridian, described by commencing at the northwest corner of said Quarter; thence South 0°11'49" East along the west line of said Quarter 27.72 feet to the northeast corner of Section 13, Township 38 North, Range 8 East of the Third Principal Meridian; thence South 0°11'11" East along the west line of the Northwest Fractional Quarter of said Section 18, 483.78 feet for a point of beginning; thence South 89°04'55" East 1320.00 feet; thence South 0°11'11" East parallel with the west line of said Northwest Fractional Quarter of said Section 18, 1307.46 feet, being in the center line of Sheffer Road; thence South 89°43'38" West along said center line 1319.76 feet to a point on the west line of said Northwest Fractional Quarter which is 841.50 feet North 0°11'11" West from the southeast corner of the Northeast Quarter of Section 13, Township 38 North, Range 8 East of the Third Principal Meridian; thence North 0°11'11" West along the west line of said Northwest Fractional Quarter, 1334.90 feet to the point of beginning, all in DuPage County, Illinois.*

ALSO

That part of the South Half of Section 8 and part of the North Half of Section 17, Township 38 North, Range 9 East of the Third Principal Meridian, described as follows: Commencing at the point of intersection of the center line of Eola Road and the South line of Lot 1 in Schellings' Assessment Plat; thence South  $3^{\circ}31'18''$  West along said center line 85.80 feet to Crance's North line for a point of beginning; thence North  $89^{\circ}36'30''$  East along said north line 2005.01 feet to a point that is 12.95 chains South  $89^{\circ}36'30''$  West of the east line of the right of way of the Elgin, Joliet and Eastern Railway Company extended from the north; thence South  $0^{\circ}15'30''$  East 1330.12 feet to a point on the center line of North Aurora Road that is 435.50 feet South  $89^{\circ}38'37''$  West of the west line of the right of way of Public Service Company as established by Document 222293; thence South  $89^{\circ}38'37''$  West along the center line of said North Aurora Road 2092.82 feet to the center line of said Eola Road; thence North  $3^{\circ}31'18''$  East along the center line of said Eola Road 1331.94 feet to the point of beginning, and also that part of the Southeast Quarter of Section 7, part of the Southwest Quarter of Section 8, part of the Northwest Quarter of Section 17 and part of the North Half of Section 18, Township 38 North, Range 9 East of the Third Principal Meridian, described as follows: Commencing at the northwest corner of said Section 18; thence southerly along the west line of said Section 18, 511.50 feet; thence South  $89^{\circ}57'43''$  East along a line forming an angle of  $88^{\circ}53'44''$  with said west line (measured counter-clockwise therefrom) 1210.44 feet for a point of beginning; thence continuing South  $89^{\circ}57'43''$  East along the prolongation of the last described course 111.79 feet to a point that is 1322.23 feet South  $89^{\circ}57'43''$  East of the west line of said Section 18; thence North  $89^{\circ}52'53''$  East along a line forming an angle of  $180^{\circ}09'24''$  with the last described course (measured counter-clockwise therefrom) 1809.85 feet; thence North  $89^{\circ}31'17''$  East along a line forming an angle of  $180^{\circ}21'36''$  with the last described course (measured counter-clockwise therefrom) 2412.94 feet to the center line of Eola Road; thence North  $3^{\circ}31'18''$  East along said center line 1331.94 feet to a point that is 85.80 feet South  $3^{\circ}31'18''$  West of the point of intersection of said center line with the south line of Lot 1 in Schelling's Assessment Plat; thence South  $89^{\circ}38'$  West along Crance's north line 3444.26 feet to the west line of the Southeast Quarter of said Section 7; thence South  $0^{\circ}29'16''$  East along the west line of said Southeast Quarter 733.86 feet to the southwest corner of said Southeast Quarter; thence South  $87^{\circ}46'53''$  West along the north line of the North Half of said Section 18, 983.40 feet; thence South  $0^{\circ}26'24''$  East 559.33 feet to the point of beginning, excluding therefrom that part of the Southeast Quarter of Section 7 and part of the Southwest Quarter of Section 8, described as follows: Commencing at the point of intersect:

of Eola Road and the south line of Lot 1, in Schelling's Assessment Plat; thence South  $3^{\circ}31'18''$  West along said center line 85.80 feet to the south line of land known as John Sears Farm for a point of beginning; thence South  $89^{\circ}38'$  West along said south line 800.0 feet; thence South  $3^{\circ}31'18''$  West parallel with said center line 228.90 feet; thence North  $89^{\circ}39'17''$  East 799.98 feet to a point on said center line that is 229.20 feet South  $3^{\circ}31'18''$  West of the point of beginning; thence North  $3^{\circ}31'18''$  East along said center line 229.20 feet to the point of beginning; all in Naperville Township, DuPage County, Illinois.

ALSO

That part of Section 7 and part of the Southwest Quarter of Section 8, Township 38 North, Range 9 East of the Third Principal Meridian, described as follows: Commencing at the center of said Section 7; thence North 88°48' East along the Quarter Section line 951.3 feet; thence South 1°20' West 1931.5 feet for a point of beginning; thence North 89°25' 23" West 931.09 feet to the Quarter Section line; thence North 0°45' East along the Quarter Section line 281.5 feet; thence North 88°45'52" West 1298.3 feet to a point lying 54 rods East of the County line; thence North 0°22' West parallel with the County line 2273.6 feet to a point lying 6.5 feet northerly of the south line of the old Aurora, Elgin and Chicago Railway right of way; thence North 87° 42'29" West 442.23 feet; thence North 0°30'49" West 665.38 feet to the southwest corner of a tract of land described as Parcel "D" in Deed recorded October 9, 1970 as Document R70-36809; thence North 89°09'11" East along the south line of said tract 447.25 feet to the southeast corner thereof; thence North 0°24'49" West along the east line of said tract 385.5 feet to the center of Molitor Road; thence North 89° 18'18" East along the center of said Road 346.0 feet to a point which bears North 0°14'52" West a distance of 1697.6 feet from the southwest corner of the Haller Tract as described in Deed recorded October 27, 1971 as Document R71-55382; thence South 0°14'52" East 1697.6 feet; thence North 88°48' East 280.0 feet; thence South 1°48'53" East 346.54 feet; thence North 88°48' East 658.38 feet to the Quarter Section line; thence North 0°45' East along the Quarter Section line 273.0 feet to the center of said Section 7; thence North 88°48' East along the Quarter Section line 951.3 feet; thence South 1°20' West 273.35 feet to Poss' southwest corner; thence North 88°45' East 1022.9 feet to Poss' southeast corner; thence North 89°58' East along Hill's south line 685.74 feet to a point on the west line of the Southwest Quarter of said Section 8 that is 292.38 feet south of the Quarter Section stake between Sections 7 and 8; thence continuing North 89°58' East along said Hill's south line 904.56 feet to the center line of Eola Road; thence South 3°32' West along the center line of said Eola Road 1299.20 feet to the north line of Lot 1 in Schelling's Assessment Plat; thence westerly along the north line of said Lot 1, 264.35 feet to the northwest corner of Lot 1; thence continuing westerly along the north line extended of said Lot 1, 535.65 feet; thence southwesterly along a straight line parallel with the center line of said Eola Road 336.6 feet to Crance's north line; thence South 89°36.5' West along Crance's north line 1710.5 feet to Berger's east line and the point of beginning (except therefrom the land comprising the right of way of the Aurora, Elgin and Chicago Railway) and (excepting the premises conveyed to Public Service Company of Northern Illinois by Deed recorded November 25, 1952 as Document 668451), all in Naperville Township, DuPage County, Illinois.

ALSO

That part of the Southwest Quarter of Section 28, part of the Southeast Quarter of Section 29, part of the East Half of Section 32 and part of the Northwest Quarter of Section 33, all in Township 33 North, Range 9 East of the Third Principal Meridian, described as follows: Commencing at the southwest corner of said Southwest Quarter of Section 28; thence northerly along the west line of said Section 28, 42.15 chains to the center line of the Oswego-Naperville Road (U.S. Route No. 34); thence North  $60\frac{1}{2}^{\circ}$  East along said center line 7.45 chains (491.70 feet) for a point of beginning; thence southwesterly along said center line to the west line of the East Half of said Southeast Quarter of Section 29; thence southerly along the west line of the East Half of said Southeast Quarter 33.77 chains to the southwest corner of the East Half of said Southeast Quarter; thence southerly along the east line of the Northwest Quarter of the Northeast Quarter of said Section 32 to the northeast corner of the Southwest Quarter of the Northeast Quarter of said Section 32; thence North  $39^{\circ}56'43''$  West along the north line of the Southwest Quarter of the Northeast Quarter of said Section 32, 984.75 feet to the easterly line of the right of way of the Elgin, Joliet and Eastern Railroad Company; thence southerly along the easterly line of said Railroad right of way 1341.03 feet to the south line of the Southwest Quarter of the Northeast Quarter of said Section 32; thence easterly along said south line 60.47 feet; thence southerly parallel with the easterly line of said right of way 2251.62 feet to the easterly line of a public highway (Hormantown Road) which is located immediately east of and adjoining the easterly line of said Railroad right of way; thence southerly along the easterly line of said Highway

428.26 feet to the south line of said Section 32; thence easterly along the south line of the East Half of said Section 32, 1288.37 feet to the southeast corner of the West Half of the Southeast Quarter of said Section 32; thence northerly along the east line of the West Half of the Southeast Quarter of said Section 32, 2662.54 feet to the southwest corner of the East Half

of the Northeast Quarter of said Section 32; thence easterly along the south line of the Northeast Quarter of said Section 32, 1316.96 feet to the southwest corner of the Northwest Quarter of said Section 33; thence easterly along the south line of said Northwest Quarter 1326.72 feet to the southeast corner of the West Half of said Northwest Quarter; thence northerly along the east line of the West Half of said Northwest Quarter 2667.62 feet to the northeast corner of the West Half of said Northwest Quarter; thence westerly along the south line of the Southwest Quarter of said Section 28, 852.65 feet to a point that is 454.74 feet easterly of the southwest corner of the Southwest Quarter of said Section 28; thence northerly 45.0 chains to the point of beginning, excepting therefrom that part of Sections 28 and 29 lying northerly of a line drawn parallel with and 100 feet southerly of the north line (measured at right angles thereto) of the southwest quarter of said section 28 and the north line of the Southeast Quarter of said Section 29; in Naperville Township, DuPage County, Illinois.