



City of Aurora

44 E. Downer Place, Aurora, Illinois 60507-2067

CHERYL VONHOFF
City Clerk

FILED FOR RECORD
KANE COUNTY, ILL.

2001 APR 16 PM 1:30

2001K033711

MAP ATTACHED

Sandy Wegman
RECORDER

STATE OF ILLINOIS)
COUNTIES OF KANE, DUPAGE)
KENDALL AND WILL)
CITY OF AURORA)

CERTIFICATE

I, Cheryl M. Vonhoff, DO HEREBY CERTIFY THAT I am the City Clerk of the City of Aurora, Kane, DuPage, Kendall and Will Counties, Illinois and, as such officer, I have the lawful power and duty to keep a record of all proceedings of the City Council of said City, and of all Ordinances and Resolutions presented to or passed by said City Council.

I DO HEREBY FURTHER CERTIFY that the foregoing document is a true, correct and complete copy of Drd. 000-149, now on file in my office and that the proceedings of the City Council of said City at the meeting duly called and held on November 28, 2000, were in accordance with applicable law, at which a quorum was present and acting throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of the City of Aurora, Illinois this 12th day of April, 2001.

Cheryl M. Vonhoff
Cheryl M. Vonhoff
City Clerk
City of Aurora, Illinois

NW 36 / 3918
SW 36

(SEAL)

**RECORDED
DOCUMENT**

John Phillip Chuck
123 Water St.
Naperville IL 60540

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printed on recycled paper

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Pl. 54⁰⁰
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ORIGINAL



CITY OF AURORA
CITY COUNCIL

ORDINANCE NUMBER 000-149

DATE OF PASSAGE November 28, 2000

PETITIONER: Mary J. Lorenz and Kirkland Partners, L.L.C.

AN ORDINANCE PROVIDING FOR THE EXECUTION OF AN ANNEXATION AGREEMENT PROVIDING FOR B-2(S) AND R-5(S) SPECIAL USE PLANNED DEVELOPMENT ZONING WITH THE OWNERS OF RECORD OF TERRITORY WHICH MAY BE ANNEXED TO THE CITY OF AURORA AND WHICH IS LOCATED AT THE NORTHEAST CORNER OF BUTTERFIELD AND KIRK ROAD BEING VACANT LAND IN KANE COUNTY ILLINOIS.

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

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

WHEREAS, a proposed Annexation Agreement in the form of Exhibit "A", attached hereto and included herein by reference as if fully set forth, has been duly submitted to the Corporate Authorities of the City of Aurora with the request that all required hearings be held thereon, and requisition annexation to the City of Aurora of a certain territory therein described, subject to the terms and conditions of said Annexation Agreement, pursuant to Section 11-15.1-1 et seq. Of the Illinois Municipal Code (65 ILCS (1994) 5/11-15.1-1); and

WHEREAS, the Aurora Planning Commission held a public hearing on the petition to enter into said Annexation Agreement and the zoning amendment therein provided after due publication of notice of hearing and has submitted a recommendation to the City Council of the City of Aurora to approve the Annexation Agreement on said property subject to certain conditions; and

WHEREAS, the Corporate Authorities of the City of Aurora caused a notice to be prepared describing in general the terms and conditions of the proposed Annexation Agreement and stating the time and place of a second public hearing to consider the proposed Annexation Agreement; and

WHEREAS, such notice of the public hearing was duly published not less than 15 nor more than 30 days prior to the hearing, in a newspaper of general circulation in the City of Aurora; and

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WHEREAS, the City Council held a second public hearing upon the proposed Annexation Agreement as specified in such notice; and

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

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

WHEREAS, the Corporate Authorities, after due investigation and consideration, and following the aforesaid public hearings, have determined that entering into the Annexation Agreement in the form of Exhibit "A" attached hereto and included herein by reference as if fully set forth, will serve the public good and benefit the City of Aurora.

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

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

Section Two: That the Mayor and City Council hereby find as fact all of the preambles contained in the Annexation Agreement in the form of Exhibit "A", attached hereto and included herein by reference as if fully set forth.

Section Three: That the Annexation Agreement in the form of Exhibit "A", attached hereto and included herein by reference as if fully set forth, and incorporated in and made a part of this Ordinance, is hereby conditionally approved and the Mayor of the City of Aurora is hereby authorized and directed to execute such Annexation Agreement on behalf of the City, and the City Clerk is hereby authorized and directed to attest the Mayor's signature and affix the corporate seal of the City hereto, with the following modifications to be made to said Exhibit "A":

1. That Section F.1, concerning the freezing of City Codes and Ordinances for one year, should be changed to read as follows:

The construction of buildings on the SUBJECT PROPERTY shall be in accordance with the Aurora Building Code requirements in force at the time of each building permit application submittal and will not change during the course of the building's review and inspection; for residential buildings, the Aurora Building Code requirements in force at the time of the initial building permit application submittal will apply and, if the design remains substantially the same, will not change for the remaining residential buildings as shown on the Preliminary Plan and Plat document attached to the Plan Description attached hereto as Exhibit "E".

2. That Section F.3, concerning the freezing of City Fees for one year, be amended to exclude all fees payable with the Building Permit Process.

EXHIBIT "A"

Annexation Agreement

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12/8/00

Exhibit " A "
ANNEXATION AGREEMENT FOR
DOMINICK'S DEVELOPMENT

THIS ANNEXATION AGREEMENT, hereinafter referred to as "AGREEMENT," made and entered into this 28th day of Nov., 2000 by and between the **CITY OF AURORA, ILLINOIS**, a municipal corporation, hereinafter called "CITY," and **MARY J. LORENZ and KIRKLAND PARTNERS, LLC**, "OWNER(S)" and **DOMINICK'S FINER FOODS, INC.**, an Illinois Corporation, hereinafter called "DEVELOPER."

WITNESSETH:

1. The OWNERS are the record title holders of the subject property consisting of approximately 45.3 acres legally described in Exhibit "A" attached hereto and made a part hereof (the "SUBJECT PROPERTY").
2. The DEVELOPER is the contract purchaser of the SUBJECT PROPERTY, and the development of the SUBJECT PROPERTY is contingent upon DEVELOPER purchasing same from the OWNERS.
3. The OWNERS have attached hereto as Exhibit "B" a disclosure of the beneficial owners of any land trust holding title to all or a portion of the SUBJECT PROPERTY, if any.
4. The Parties to this Agreement desire that the SUBJECT PROPERTY be annexed to the City of Aurora with the benefits to the SUBJECT PROPERTY being as follows:
 - a. Full development potential of the SUBJECT PROPERTY;
 - b. Establishment of high quality development standards that will elevate, support and stabilize property values for the proposed land uses;
 - c. Provision of a water supply system that has been engineered to supply water services to the SUBJECT PROPERTY;
 - d. Provision of a sanitary sewer system that has been engineered to supply services to the SUBJECT PROPERTY through the Fox Metro Water Reclamation District's facilities, or the CITY's facilities;
 - e. Provision of police protection by the CITY's fully trained, staffed, and equipped Police Department;

- f. Provision of fire protection by the CITY's fully trained, staffed, and equipped Fire Department; and,
 - g. Favorable insurance rates due to the CITY's Fire Department having a Class 3 rating.
5. The SUBJECT PROPERTY is contiguous to the city limits of the City of Aurora, Illinois, and is not within the corporate limits of any other municipality.
 6. This Agreement is made pursuant to 65 ILCS 5/11-15.1-1 and 65 ILCS 5/7 -1-1 of the Illinois Compiled Statutes.
 7. All notices, publications, public hearings, and all other matters attendant to said Agreement as required by State statute and the ordinances, regulations, and procedures of the CITY have been met prior to the execution by the Parties to this Agreement.

NOW, THEREFORE, it is agreed by and between the Parties hereto as follows:

SECTION A. Duration, Applicability and Owner/Developer Responsibility

1. This Agreement shall be binding upon and inure to the benefit of the Parties hereto, successor owners of record of the SUBJECT PROPERTY, or any part thereof, which is the subject of this Agreement, and their heirs, executors, administrators, successors, assignees, lessees, devisees and upon all successor municipalities for a period of ten (10) years from the date of execution hereof, unless changed in accordance with the law.
2. It is understood and agreed by the Parties hereto that, in the event all or any portion of the SUBJECT PROPERTY is sold or conveyed at any time during the term of this Agreement, all the obligations and responsibilities of the Owner, as herein set forth, shall devolve upon and be assumed by such purchaser or grantee, and the Owner shall be released from all obligations which relate to that portion of the SUBJECT PROPERTY as may have been sold or conveyed.
3. In the event DEVELOPER does not purchase the SUBJECT PROPERTY from OWNERS, then OWNERS shall have no affirmative obligation of the DEVELOPER under this Agreement until such time as the SUBJECT PROPERTY is sold or conveyed to another developer for the purposes of improving the SUBJECT PROPERTY.
4. OWNERS agree to record a copy of the CITY ordinance providing for the execution of this Agreement and an executed copy of this Agreement with the appropriate county recorder within ninety (90) days of the approval of said ordinance.

5. OWNERS agree to file with the City Clerk a properly executed Annexation Petition for the SUBJECT PROPERTY pursuant to this Agreement not later than ninety (90) days after the execution of this Agreement.
6. OWNERS agree to petition and diligently pursue the Fox Metro Water Reclamation District and the Fox Valley Park District for annexation of the SUBJECT PROPERTY within ninety (90) days of annexation to the CITY.
7. OWNERS agree to petition and diligently pursue the appropriate U.S. Post Office for an "Aurora" mailing address on the SUBJECT PROPERTY of this agreement, within ninety (90) days of annexation to the CITY.
8. OWNERS agree to dedicate right-of-way for existing roadways on, through or adjacent to the SUBJECT PROPERTY within one (1) year of this Agreement either at the time of approval of that portion of the Final Plat for the SUBJECT PROPERTY adjacent to said roadway as specified herein or by separate plat of dedication. The amount of the right-of-way dedication and public improvements for Butterfield Road shall be negotiated between Owner/Developer and the Illinois Department of Transportation. The amount of the right-of-way dedication and public improvements for Kirk Road shall be negotiated between Owner/Developer and the Kane County Department of Transportation.
9. OWNERS agree that all existing structures on the SUBJECT PROPERTY shall be razed and removed within one (1) year after the first final plan and/or plat approval for any portion of the SUBJECT PROPERTY.
10. OWNERS agree to connect to the public sanitary sewer system and shall pay charges for sewer service as are prescribed by CITY ordinances and by the Fox Metro Water Reclamation District.
11. OWNERS/DEVELOPER agree to participate in all future, lawfully approved special service areas for public improvements concerning the SUBJECT PROPERTY.
12. The DEVELOPER agrees to satisfy the CITY's school donation requirements of the School/Park ordinance by the payment of cash with the issuance of each building permit. The Park donation requirement shall also be satisfied by the payment of cash with the issuance of each building permit. The Developer and CITY shall enter into the CITY's standard letter agreement at the time of Final Plat approval of the residential parcel specifying the exact payments to be made.
13. The DEVELOPER agrees to enter into a separate Dedication Agreement with the Batavia Park District concerning the dedication of the PARK PROPERTY, as indicated on the Preliminary Plan attached hereto as Exhibit D (hereinafter the "PARK PROPERTY"), said Agreement shall include the following documents:

- a. That the detention facilities will be designed to the City of Aurora Standards including landscaping improvements.
- b. That a fence will be provided between the commercial development and the stormwater detention facility on the commercial property as shown on the plan.
- c. That the high water line of the retention facilities will be outside of the 30' setback along the single-family residential lots as shown on plan.
- d. That the DEVELOPER will construct an asphalt pathway, with landscaping improvements, along the eastern edge of the PARK PROPERTY, east of the commercial and residential property as shown on the plat.

SECTION B. Annexation, Zoning and City Responsibility

1. Subsequent to the approval of this Annexation Agreement, the City agrees to adopt an ordinance annexing the SUBJECT PROPERTY to the City pursuant to an Annexation Petition, subject to the terms and conditions herein.
2. The City shall adopt an ordinance classifying that portion of the SUBJECT PROPERTY legally described in Exhibit "C" attached hereto and made a part hereof as B-2(S) Special Use Planned Unit Development, granting the modifications specified in Section D and in the Plan Description attached hereto and made a part hereof as Exhibit "E".
3. The City shall adopt an ordinance classifying that portion of the SUBJECT PROPERTY legally described in Exhibit "D" attached hereto and made a part hereof as R-5(S) Special Use Planned Unit Development, granting the modifications specified in Section D and in the Plan Description attached hereto and made a part hereof as Exhibit "E".
4. In the event that an Annexation Petition for the SUBJECT PROPERTY is not filed within ninety (90) days, the City may void this Agreement by ordinance.
5. The City agrees to adopt the Preliminary Plan and Plat document attached to the Plan Description attached hereto as Exhibit "E" by separate Resolution, upon and concurrently with annexation of the SUBJECT PROPERTY.
6. The City agrees to adopt recapture ordinances to reimburse Developer, as specifically requested subsequent to this agreement, for the cost of constructing the intersection and road improvements at Kirk Road and proposed Mesa Lane including, but not limited to traffic signals and pavement widening, including easement acquisition, engineering, construction

and other costs from owners of property which may reasonably expect to benefit from such facilities. The recapture ordinances shall provide for Owner or Developer to be paid a reasonable amount of interest on the amount expended in completing the roadway and intersection improvements and other improvements, which interest shall be calculated from and after the date of completion and acceptance of the improvement, and for the payment of all recapture sums due at the time of connection, use or annexation by any benefited property owner.

7. The CITY agrees to consider the PARK PROPERTY, as indicated on the Preliminary Plan attached hereto as Exhibit D (hereinafter the "PARK PROPERTY), to be private open space and stormwater detention provided by the OWNER/DEVELOPER for the purposes of calculating floor area ratios, densities, and setbacks for both the Commercial Parcel and the Multiple-Family Parcel.

SECTION C. Development Review

1. No portion of the SUBJECT PROPERTY shall be developed until and unless such development has been approved by the CITY in accordance with the conditions as set forth herein.
2. That portion of the SUBJECT PROPERTY described in Exhibit "C" shall be governed by all of the requirements contained in the Aurora Zoning Ordinance Section 12.3, except for modifications which are specifically set forth in Section D of this Agreement, and subject to the Plan Description attached hereto as Exhibit "E."
3. That portion of the SUBJECT PROPERTY described in Exhibit "D" shall be governed by all of the requirements contained in the Aurora Zoning Ordinance Section 11.6, except for modifications which are specifically set forth in Section D of this Agreement, and subject to the Plan Description attached hereto as Exhibit "E."
4. Except as provided herein, the provisions of the Aurora Subdivision Control Ordinance shall govern all development of the SUBJECT PROPERTY regardless of the size of a parcel being developed at anyone time. If no subdivision plats for the SUBJECT PROPERTY are required, then Owner agrees that the public improvements and other subdivision control requirements of the Aurora Subdivision Control Ordinance shall be applicable to the SUBJECT PROPERTY, except as set forth in Section D of this Agreement and subject to the Plan Description attached hereto as Exhibit "E."
5. A preliminary plan is required to be approved by the City Council on the SUBJECT PROPERTY prior to the approval of any preliminary plats and final plats.
6. Final plats and plans may be submitted and approved simultaneously.

SECTION D. Modifications and Special Uses.

1. The modifications and conditions as set forth in the Plan Description attached hereto as Exhibit "E" are hereby requested and agreed to.

SECTION E. Roads, Public Utilities and Storm Water Management

1. OWNERS agree to do all that is necessary to dedicate and shall dedicate right-of-way within the SUBJECT PROPERTY for public streets as follows:
 - a. Mesa Lane - 66' right of way tapering to a 60' right of way.
2. OWNERS agree to dedicate such right-of-way for Kirk Road and to make such road improvements as agreed upon by and between Kane County, the City of Aurora, and OWNERS/DEVELOPER, which said agreement will be reflected in an Intergovernmental Agreement between the CITY and Kane County for improvements to Kirk Road.
3. OWNERS will have no obligation to dedicate any right-of-way or to make any improvements to Butterfield Road (Route 56) other than those required by the Illinois Department of Transportation in granting access to Butterfield Road (Route 56).
4. The CITY hereby acknowledges and agrees that the access points from the public rights-of-way for the SUBJECT PROPERTY are acceptable to and are hereby approved by the CITY as shown on the preliminary plan and plat attached as Attachment "B" to the Plan Description attached hereto. The CITY, DEVELOPER and OWNERS acknowledge and agree that the access points from the public rights-of-way for the SUBJECT PROPERTY must also be approved by the Illinois Department of Transportation (Butterfield Road) and the Kane County Department of Transportation (Kirk Road). The CITY agrees to support DEVELOPER'S and OWNERS' applications for approval of these access points with the applicable governmental agencies.
5. The OWNERS agree to construct and install a looped water main system to provide adequate fire protection and water service for the SUBJECT PROPERTY, and to connect said water mains to the existing CITY water system, as approved by the CITY.
6. Owner(s) agree(s) to connect to the sanitary sewer system and shall pay such charges for sewer service as are prescribed by CITY ordinances and by the Fox Metro Water Reclamation District.
7. Development of the SUBJECT PROPERTY requires that adequate storm and sanitary discharge plans and other related plans have been approved by the appropriate City of Aurora Department or agency with responsible jurisdiction. Said storm water control facilities shall conform to the designed criteria specified in Attachment "E" to the Plan

Description attached hereto. CITY hereby approves the conceptual stormwater detention system design as set forth on the preliminary engineering plans prepared by SDI Consultants, Ltd., dated May 24, 2000 revised December 13, 2000.

SECTION E. General Provisions

1. The construction of buildings on the SUBJECT PROPERTY shall be in accordance with the Aurora Building Code requirements in force at the time of each building permit application submittal and will not change during the course of the building's review and inspection; for residential buildings, the Aurora Building Code requirements in force at the time of the initial building permit application submittal will apply, and if the design remains substantially the same, will not change for the remaining residential buildings as shown on the Preliminary Plan and Plat document attached to the Plan Description attached hereto as Exhibit "E".
2. Except as otherwise provided herein and in the Plan Description attached hereto as Exhibit "E", all codes and ordinances of the City of Aurora not amended herein by this Agreement and all codes and ordinances adopted by the CITY after the execution and entering into of this Agreement by the parties hereto shall apply to the SUBJECT PROPERTY.
3. Within the first year after the execution of this Agreement, no other donations, or development fees including, but not limited to: exactions, connection fees, utility fees, impact fees, transition fees and/or dedications of any kind, including increases to any existing fees, enacted after execution of this Agreement shall apply to the SUBJECT PROPERTY, excluding those fees payable at time of Building Permit.
4. The CITY, OWNERS and DEVELOPER agree that the provisions and terms of this Agreement and attachments hereto represent the totality of the agreement between OWNERS, DEVELOPER and the CITY. It is further agreed and understood that all of OWNERS and DEVELOPER'S obligations for public improvements have been stated herein and that no further public improvements shall be required of DEVELOPER and/or OWNERS.
5. If any section, subsection or paragraph of this Agreement shall be held invalid, the invalidity of such section, subsection or paragraph shall not affect any of the other provisions of this Agreement.
6. Notice. Any notice or demand hereunder from any party hereto to another party hereto shall be in writing and shall be deemed served if mailed by prepaid registered or certified mail addressed as follows:

If to the CITY: Mayor of Aurora
City of Aurora
44 East Downer Place
Aurora, Illinois 60507

If to the OWNERS: Ralph S. Beck
228 E. Wilson Street
P.O. Box 205
Batavia, IL 60510

Daniel T. Dolan
Kirkland Partners, LLC
765 Orchard Ave.
P.O. Box 578
Aurora, IL 60507

If to the DEVELOPER: Cheri Dolan
Real Estate Manager
Dominick's Finer Foods, Inc.
711 Jorie Blvd. MS-4000
Oak Brook, IL 60523-2246

and to: John F. Philipchuck, Esq.
Dommermuth, Brestal, Cobine & West, Ltd.
111 West Downer Place, Suite 300
Aurora, IL 60506

7. Should correspondence to Owner be a notification of violation of any provision of this Annexation Agreement, Owner shall have thirty (30) days in which to correct such violation. The thirty day period shall begin fourteen (14) days following the mailing of said notice.
8. The Parties hereto agree to cooperate in applying the provisions of this Agreement and to fulfill the intent of the provisions set forth herein.

OWNER:

KIRKLAND PARTNERS, LLC

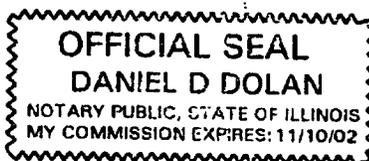
By: *Daniel T. Dolan*
Daniel T. Dolan, Manager

STATE OF ILLINOIS)
) SS.
COUNTY OF Kane)

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that Daniel T. Dolan, personally known to me to be the Manager of KIRKLAND PARTNERS, LLC, an Illinois Limited Liability Company, and personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such Manager, he signed and delivered the said instrument, pursuant to his authority as Manager of KIRKLAND PARTNERS, LLC, as his free and voluntary act, and as the free and voluntary act and deed of KIRKLAND PARTNERS, LLC, for the uses and purposes therein set forth.

Given under my hand and official seal, this 2nd day of Feb., 2000.

Daniel D. Dolan
Notary Public



DEVELOPER:

DOMINICK'S FINER FOODS, INC.

By: Cheri A. Walon

Title: DIRECTOR, REAL ESTATE

Attest: John F. [Signature]

Title: [Signature]

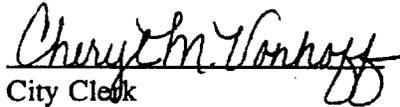
CITY OF AURORA

SIGNED by the Mayor of the City of Aurora, Illinois, on this 12th day of
April, 2001.



Mayor

ATTEST:



City Clerk

LEGAL DESCRIPTION

PARCEL ONE:

THAT PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 652.0 FEET; THENCE EASTERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 02 MINUTES 12 SECONDS WITH SAID WEST LINE (MEASURED CLOCKWISE THEREFROM) 658.95 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 17 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 1152.48 FEET; THENCE EASTERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 24 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 50.0 FEET TO THE EAST RIGHT OF WAY LINE OF KIRK ROAD FOR A POINT OF BEGINNING; THENCE CONTINUING EASTERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 608.0 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 28 MINUTES 33 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 826.20 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 92 DEGREES 07 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 254.95 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 91 DEGREES 54 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 362.58 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 94 DEGREES 43 MINUTES 18 SECONDS WITH THE LAST DESCRIBED COURSE, (MEASURED COUNTER-CLOCKWISE THEREFROM) 356.11 FEET TO SAID EAST RIGHT OF WAY LINE; THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE 1223.30 FEET TO THE POINT OF BEGINNING, EXCEPT THE NORTH 378.69 FEET (MEASURED ALONG THE EAST RIGHT OF WAY LINE OF SAID KIRK ROAD), IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

PARCEL 2

THE NORTH 378.69 FEET (MEASURED ALONG THE EAST RIGHT OF WAY LINE OF KIRK ROAD) OF THAT PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 652.0 FEET; THENCE EASTERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 02 MINUTES 12 SECONDS WITH SAID WEST LINE (MEASURED CLOCKWISE THEREFROM) 658.95 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 17 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 1152.48 FEET; THENCE EASTERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 24 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 50.0 FEET TO THE EAST RIGHT OF WAY LINE OF KIRK ROAD FOR A POINT OF BEGINNING; THENCE CONTINUING EASTERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 608.0 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 28 MINUTES 33 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 826.20 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 92 DEGREES 07 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 254.95 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 91 DEGREES 54 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 362.58 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 94 DEGREES 43 MINUTES 18 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 356.11 FEET TO SAID EAST RIGHT OF WAY LINE; THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE 1223.30 FEET TO THE POINT OF BEGINNING, IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

**EXHIBIT A
DOMINICK'S DEVELOPMENT
LEGAL DESCRIPTION OF THE SUBJECT PROPERTY**

39614/9

2001K033711

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LEGAL DESCRIPTION

THAT PART LYING EASTERLY OF THE KIRK ROAD EXCEPTION (CO. PARCEL #0002) OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 35, AND THAT PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8, EAST OF THE 3RD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS; BEGINNING AT A POINT IN THE SECTION LINE 7.38 CHAINS NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 36, SAID POINT BEING IN THE CENTER OF THE STATE ROAD; THENCE SOUTH 83 DEGREES WEST ALONG CENTER OF THE STATE ROAD 6.65 CHAINS; THENCE NORTH 5.27 CHAINS; THENCE NORTH 89 1/2 ° WEST 9.43 CHAINS; THENCE NORTH 3 1/2 ° WEST 18.68 CHAINS; THENCE EAST 16.82 CHAINS TO THE SECTION LINE; THENCE CONTINUING EAST 8.40 CHAINS; THENCE NORTH 3.29 CHAINS; THENCE NORTH 84 ° EAST 7.63 CHAINS; THENCE NORTH 5 ° WEST 5.50 CHAINS TO THE QUARTER SECTION LINE; THENCE EAST ALONG THE QUARTER SECTION LINE 4.15 CHAINS TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 36 AFORESAID; THENCE NORTH 1/2 ° EAST 5.78 CHAINS; THENCE EAST 5.32 CHAINS; THENCE SOUTH 1 1/4 ° WEST 21.75 CHAINS; THENCE WEST 8.73 CHAINS; THENCE SOUTH 1/2 ° EAST 14.34 CHAINS TO CENTER OF THE AFORESAID STATE ROAD, THENCE SOUTH 83 ° WEST ALONG THE CENTER OF THE STATE ROAD 16.92 CHAINS TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BATAVIA;

EXCEPTING THAT PART OF KIRK ROAD (CO. PARCEL#0002) DESCRIBED AS FOLLOWS:

PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, STATE OF ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF KIRKLAND FARMS UNIT 1, ACCORDING TO THE PLAT THEREOF, RECORDED DECEMBER 4, 1995 AS DOCUMENT NO. 95K074038; THENCE NORTH 02 DEGREES 08 MINUTES 11 SECONDS WEST, (BEARINGS ASSUMED FOR DESCRIPTION PURPOSES ONLY) 65.227 METERS (214.00 FEET) ALONG THE EAST LINE OF LOT 133 IN SAID KIRKLAND FARMS UNIT 1 TO THE EASTERLY MOST CORNER OF LOT 14 IN SAID KIRKLAND FARMS UNIT 1; THENCE NORTH 84 DEGREES 40 MINUTES 11 SECONDS EAST, 50.259 METERS (164.89 FEET) ALONG THE SOUTH LINE OF LOT 132 IN SAID KIRKLAND FARMS UNIT 1 AND THE EASTERLY EXTENSION THEREOF TO THE EAST RIGHT OF WAY LINE OF COUNTY HIGHWAY NO. 77 (KIRK ROAD) FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTH 84 DEGREES 40 MINUTES 11 SECONDS EAST, 14.324 METERS (47.00 FEET) ALONG THE SOUTH LINE OF SAID LOT 132 EXTENDED EASTERLY; THENCE SOUTH 00 DEGREES 19 MINUTES 36 SECONDS EAST, 58.535 METERS (192.04 FEET); THENCE SOUTHERLY, 203.418 METERS (667.38 FEET) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 6475.000 METERS (21243.44 FEET), THE CHORD OF SAID CURVE BEARS SOUTH 01 DEGREES 13 MINUTES 36 SECONDS EAST, 203.410 METERS (667.35 FEET); THENCE SOUTH 02 DEGREES 07 MINUTES 36 SECONDS EAST, 238.532 METERS (782.59 FEET) TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 56

SECONDS WEST, 91.405 METERS (299.89 FEET) OF THE SOUTHWEST CORNER OF SAVANNAH UNIT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED APRIL 8, 1996 AS DOCUMENT NO. 96K024891; THENCE SOUTH 79 DEGREES 26 MINUTES 40 SECONDS WEST, 9.995 METERS (32.79 FEET) ALONG SAID NORTHERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 56, TO THE EAST RIGHT OF WAY LINE OF COUNTY HIGHWAY NO. 77 (KIRK ROAD); THENCE NORTH 02 DEGREES 06 MINUTES 20 SECONDS WEST, 446.124 METERS (1463.66 FEET) ALONG SAID EAST RIGHT OF WAY LINE; THENCE NORTHERLY 54.965 METERS (180.33 FEET) ALONG SAID EAST RIGHT OF WAY LINE, BEING ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 3477.528 METERS (11409.21 FEET), THE CHORD OF SAID CURVE BEARS NORTH 01 DEGREES 39 MINUTES 10 SECONDS WEST, 54.965 METERS (180.33 FEET) TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.323 ACRES MORE OR LESS.

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EXHIBIT "B"
DOMINICK'S / FAIRFIELD DEVELOPMENT
DISCLOSURE OF BENEFICIAL OWNERS
OF LAND TRUST

The SUBJECT PROPERTY is not held in a land trust.

KIRKLAND CROSSING - DOMINICKS PARCEL INCLUDING ALL OF THE ROADWAY"

THAT PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION: THENCE SOUTH 00 DEGREES 47 MINUTES 52 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 652.0 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 04 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 02 MINUTES 12 SECONDS WITH SAID WEST LINE (MEASURED CLOCKWISE THEREFROM) 658.95 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 57 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 17 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 1152.48 FEET: THENCE NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 24 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF KIRK ROAD (100 FEET WIDE); THENCE CONTINUING NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 608.00 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 24 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 28 MINUTES 33 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 442.94 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAVANNAH UNIT 2 SUBDIVISION, BEING A SUBDIVISION OF SAID SECTION 36, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 24, 1998 AS DOCUMENT NUMBER 98K034494; THENCE NORTH 88 DEGREES 57 MINUTES 18 SECONDS EAST ALONG SAID WESTERLY EXTENSION, 351.67 FEET TO THE NORTHWEST CORNER OF LOT 54 IN SAID SAVANNAH UNIT 2 SUBDIVISION; THENCE SOUTH 00 DEGREES 35 MINUTES 34 SECONDS WEST ALONG THE WEST LINE OF SAVANNAH UNIT 2 SUBDIVISION, 872.16 FEET TO THE SOUTHWEST CORNER OF LOT 43 IN SAID SAVANNAH UNIT 2 SUBDIVISION FOR A PLACE OF BEGINNING; THENCE SOUTH 89 DEGREES 17 MINUTES 32 SECONDS WEST, 25.67 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 470.00 FEET, A CHORD BEARING OF NORTH 84 DEGREES 51 MINUTES 35 SECONDS WEST, 95.95 FEET TO A POINT OF TANGENCY; THENCE NORTH 79 DEGREES 00 MINUTES 41 SECONDS WEST, 148.19 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 530.00 FEET, A CHORD BEARING OF SOUTH 82 DEGREES 26 MINUTES 34 SECONDS WEST, 343.10 FEET; THENCE NORTH 00 DEGREES 42 MINUTES 37 SECONDS WEST, 167.44 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 36 SECONDS WEST, 354.61 FEET TO SAID EAST RIGHT OF WAY LINE OF KIRK ROAD; THENCE SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE OF KIRK

EXHIBIT C
DOMINICK'S DEVELOPMENT
LEGAL DESCRIPTION OF THE B-2(S) PARCEL

ROAD, BEING A CURVE CONCAVE TO EAST HAVING A RADIUS OF 11409.21 FEET, A CHORD BEARING OF SOUTH 00 DEGREES 36 MINUTES 21 SECONDS EAST FOR AN ARC LENGTH OF 249.21 FEET TO A POINT OF TANGENCY; THENCE SOUTH 01 DEGREES 13 MINUTES 53 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE, 1457.60 FEET TO THE NORTH RIGHT OF WAY LINE OF BUTTERFIELD ROAD; THENCE NORTH 82 DEGREES 30 MINUTES 05 SECONDS EAST ALONG SAID NORTH RIGHT OF WAY LINE, 331.22 FEET TO THE SOUTHWEST CORNER OF SAVANNAH UNIT 1 SUBDIVISION, BEING A SUBDIVISION OF SAID SECTION 36, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 8, 1996 AS DOCUMENT NUMBER 96K024891; THENCE NORTH 00 DEGREES 44 MINUTES 20 SECONDS EAST ALONG THE WEST LINE OF SAID SAVANNAH UNIT 1 SUBDIVISION, 923.63 FEET TO THE NORTHWEST CORNER OF LOT 15 IN SAID SAVANNAH UNIT 1 SUBDIVISION; THENCE NORTH 88 DEGREES 50 MINUTES 41 SECONDS EAST ALONG THE NORTH LINES OF LOTS 15 THROUGH 18 INCLUSIVE, 283.52 FEET; THENCE NORTH 01 DEGREE 09 MINUTES 48 SECONDS WEST, 391.52 FEET; THENCE NORTH 43 DEGREES 50 MINUTES 12 SECONDS EAST, 35.36 FEET; THENCE NORTH 88 DEGREES 50 MINUTES 12 SECONDS EAST, 59.00 FEET; THENCE NORTH 01 DEGREE 09 MINUTES 48 SECONDS WEST, 122.93 FEET; THENCE SOUTH 79 DEGREES 00 MINUTES 41 SECONDS EAST, 95.94 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG THE ARC OF A CURVE, CONCAVE NORTHERLY HAVING A RADIUS OF 530.00 FEET, A CHORD BEARING OF SOUTH 84 DEGREES 51 MINUTES 35 SECONDS EAST, 108.20 FEET TO A POINT OF TANGENCY; THENCE NORTH 89 DEGREES 17 MINUTES 32 SECONDS EAST, 24.31 FEET TO THE NORTHWEST CORNER OF LOT 42 IN SAID SAVANNAH UNIT 1 SUBDIVISION; THENCE NORTH 00 DEGREES 35 MINUTES 34 SECONDS EAST ALONG THE WEST LINE OF SAID SAVANNAH UNIT 1 SUBDIVISION, 60.02 FEET TO THE PLACE OF BEGINNING, CONTAINING 18.250 ACRES, MORE OR LESS, IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

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KIRKLAND CROSSING - DETENTION POND "B"

THAT PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION: THENCE SOUTH 00 DEGREES 47 MINUTES 52 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 652.0 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 04 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 02 MINUTES 12 SECONDS WITH SAID WEST LINE (MEASURED CLOCKWISE THEREFROM) 658.95 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 57 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 17 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 1152.48 FEET: THENCE NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 24 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF KIRK ROAD (100 FEET WIDE); THENCE CONTINUING NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 608.00 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 24 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 28 MINUTES 33 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 442.94 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAVANNAH UNIT 2 SUBDIVISION, BEING A SUBDIVISION OF SAID SECTION 36, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 24, 1998 AS DOCUMENT NUMBER 98K034494; THENCE NORTH 88 DEGREES 57 MINUTES 18 SECONDS EAST ALONG SAID WESTERLY EXTENSION, 351.67 FEET TO THE NORTHWEST CORNER OF LOT 54 IN SAID SAVANNAH UNIT 2 SUBDIVISION; THENCE SOUTH 00 DEGREES 35 MINUTES 34 SECONDS WEST ALONG THE WEST LINE OF SAVANNAH UNIT 2 SUBDIVISION, AND THE WEST LINE OF SAVANNAH UNIT 1 SUBDIVISION, BEING A SUBDIVISION OF SAID SECTION 36, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 8, 1996 AS DOCUMENT NUMBER 96K024891, A DISTANCE OF 932.18 FEET TO THE NORTHWEST CORNER OF LOT 42 IN SAID SAVANNAH UNIT 1 SUBDIVISION FOR A PLACE OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 35 MINUTES 34 SECONDS WEST ALONG SAID WEST LINE, 507.48 FEET TO THE NORTHEAST CORNER OF LOT 300 IN SAID SAVANNAH UNIT 1 SUBDIVISION; THENCE SOUTH 88 DEGREES 50 MINUTES 41 SECONDS WEST ALONG THE NORTH LINES OF LOTS 300, AND 15 THROUGH 20 INCLUSIVE, IN SAID SAVANNAH UNIT 1 SUBDIVISION, 293.90 FEET; THENCE NORTH 01 DEGREE 09 MINUTES 48 SECONDS WEST, 391.52 FEET; THENCE NORTH 43 DEGREES 50 MINUTES 12 SECONDS EAST, 35.36 FEET; THENCE NORTH 88 DEGREES 50 MINUTES 12 SECONDS EAST, 59.00 FEET; THENCE NORTH 01 DEGREE 09 MINUTES 48 SECONDS WEST, 122.93 FEET; THENCE SOUTH 79 DEGREES 00 MINUTES 41 SECONDS EAST, 95.94 FEET TO A POINT OF

CURVATURE; THENCE EASTERLY ALONG THE ARC OF A CURVE, CONCAVE
NORTHERLY HAVING A RADIUS OF 530.00 FEET, A CHORD BEARING OF
SOUTH 84 DEGREES 51 MINUTES 35 SECONDS EAST, 108.20 FEET TO A POINT
OF TANGENCY; THENCE NORTH 89 DEGREES 17 MINUTES 32 SECONDS
EAST, 24.31 FEET TO THE PLACE OF BEGINNING, CONTAINING 3.389 ACRES,
MORE OR LESS, IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

KIRKLAND CROSSING - MULTIFAMILY AREA

THAT PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION: THENCE SOUTH 00 DEGREES 47 MINUTES 52 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 652.0 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 04 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 02 MINUTES 12 SECONDS WITH SAID WEST LINE (MEASURED CLOCKWISE THEREFROM) 658.95 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 57 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 17 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 1152.48 FEET: THENCE NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 24 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF KIRK ROAD (100 FEET WIDE) FOR A PLACE OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 608.00 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 24 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 28 MINUTES 33 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 442.94 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAVANNAH UNIT 2 SUBDIVISION, BEING A SUBDIVISION OF SAID SECTION 36, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 24, 1998 AS DOCUMENT NUMBER 98K034494; THENCE NORTH 88 DEGREES 57 MINUTES 18 SECONDS EAST ALONG SAID WESTERLY EXTENSION, 292.05 FEET; THENCE SOUTH 01 DEGREES 01 MINUTES 42 SECONDS EAST, 117.70 FEET; THENCE SOUTH 88 DEGREES 58 MINUTES 18 SECONDS WEST, 64.00 FEET; THENCE SOUTH 64 DEGREES 46 MINUTES 57 SECONDS WEST, 127.33 FEET; THENCE SOUTH 00 DEGREES 42 MINUTES 37 SECONDS EAST, 39.64 FEET; THENCE SOUTH 57 DEGREES 44 MINUTES 13 SECONDS EAST, 61.70 FEET; THENCE SOUTH 05 DEGREES 05 MINUTES 31 SECONDS EAST, 170.99 FEET; THENCE SOUTH 06 DEGREES 04 MINUTES 17 SECONDS WEST, 132.25 FEET; THENCE SOUTH 09 DEGREES 18 MINUTES 50 SECONDS WEST, 110.50 FEET; THENCE SOUTH 20 DEGREES 54 MINUTES 24 SECONDS WEST, 191.87 FEET; THENCE NORTH 79 DEGREES 00 MINUTES 41 SECONDS WEST, 6.50 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 530.00 FEET, A CHORD BEARING OF SOUTH 82 DEGREES 26 MINUTES 34 SECONDS WEST, 343.10 FEET; THENCE NORTH 00 DEGREES 42 MINUTES 37 SECONDS WEST, 167.44 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 36 SECONDS WEST, 354.61 FEET TO SAID EAST RIGHT OF WAY LINE OF KIRK ROAD; THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE, BEING A CURVE CONCAVE TO EAST HAVING A

EXHIBIT D
DOMINICK' DEVELOPMENT
LEGAL DESCRIPTION OF THE R-5(S) PARCEL

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RADIUS OF 11409.21 FEET, A CHORD BEARING OF NORTH 00 DEGREES 17 MINUTES 04 SECONDS EAST FOR AN ARC LENGTH OF 105.35 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 32 MINUTES 57 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE, 1042.22 FEET TO THE PLACE OF BEGINNING, CONTAINING 20.158 ACRES, MORE OR LESS, IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

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KIRKLAND CROSSING - DETENTION POND "A"

THAT PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION: THENCE SOUTH 00 DEGREES 47 MINUTES 52 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 652.0 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 04 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 02 MINUTES 12 SECONDS WITH SAID WEST LINE (MEASURED CLOCKWISE THEREFROM) 658.95 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 57 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 17 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 1152.48 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 24 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF KIRK ROAD (100 FEET WIDE); THENCE CONTINUING NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 608.00 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 24 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 28 MINUTES 33 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 442.94 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAVANNAH UNIT 2 SUBDIVISION, BEING A SUBDIVISION OF SAID SECTION 36, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 24, 1998 AS DOCUMENT NUMBER 98K034494; THENCE NORTH 88 DEGREES 57 MINUTES 18 SECONDS EAST ALONG SAID WESTERLY EXTENSION, 292.05 FEET TO THE PLACE OF BEGINNING; THENCE SOUTH 01 DEGREES 01 MINUTES 42 SECONDS EAST, 117.70 FEET; THENCE SOUTH 88 DEGREES 58 MINUTES 18 SECONDS WEST, 64.00 FEET; THENCE SOUTH 64 DEGREES 46 MINUTES 57 SECONDS WEST, 127.33 FEET; THENCE SOUTH 00 DEGREES 42 MINUTES 37 SECONDS EAST, 39.64 FEET; THENCE SOUTH 57 DEGREES 44 MINUTES 13 SECONDS EAST, 61.70 FEET; THENCE SOUTH 05 DEGREES 05 MINUTES 31 SECONDS EAST, 170.99 FEET; THENCE SOUTH 06 DEGREES 04 MINUTES 17 SECONDS WEST, 132.25 FEET; THENCE SOUTH 09 DEGREES 18 MINUTES 50 SECONDS WEST, 110.50 FEET; THENCE SOUTH 20 DEGREES 54 MINUTES 24 SECONDS WEST, 191.87 FEET; THENCE SOUTH 79 DEGREES 00 MINUTES 41 SECONDS EAST, 141.69 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 470.00 FEET, A CHORD BEARING OF SOUTH 84 DEGREES 51 MINUTES 35 SECONDS EAST, 95.95 FEET TO A POINT OF TANGENCY; THENCE NORTH 89 DEGREES 17 MINUTES 32 SECONDS EAST, 25.67 FEET TO THE SOUTHWEST CORNER OF LOT 43 IN SAID SAVANNAH UNIT 2 SUBDIVISION; THENCE NORTH 00 DEGREES 35 MINUTES 34 SECONDS EAST ALONG THE WEST LINE OF SAVANNAH UNIT 2 SUBDIVISION , 872.16

FEET TO THE NORTHWEST CORNER OF LOT 54 IN SAID SAVANNAH UNIT 2
SUBDIVISION; THENCE SOUTH 88 DEGREES 57 MINUTES 18 SECONDS WEST
ALONG SAID WESTERLY EXTENSION OF THE NORTH LINE OF SAVANNAH
UNIT 2 SUBDIVISION, 59.62 FEET TO THE PLACE OF BEGINNING,
CONTAINING 3.479 ACRES, MORE OR LESS, IN BATAVIA TOWNSHIP, KANE
COUNTY, ILLINOIS.

Location: Vacant land NEC Butterfield and Kirk Road, Aurora, IL

P.I.N. 12-36-300-003
12-36-300-008
12-36-300-013
12-36-300-015
12-36-300-018

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12/8/00

EXHIBIT "E" to ANNEXATION AGREEMENT

**A Plan Description for
Dominick's Development
Planned Unit Development Pursuant to
Section 14.7 of the Aurora Zoning Ordinance**

Approved On _____

38546/13

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**A PLAN DESCRIPTION FOR DOMINICK'S DEVELOPMENT
PLANNED UNIT DEVELOPMENT DISTRICT PURSUANT TO
SECTION 14.7 OF THE AURORA ZONING ORDINANCE**

I. QUALIFYING STATEMENTS

A. PURPOSE

This Planned Unit Development has been created to assist the Aurora Planning Commission and City Council in governing their recommendations and actions on the development of the Subject Property as it relates to both existing and contemplated land uses in the area.

B. INTENT

This Plan Description and the Planned Unit Development described herein are intended to promote and protect the public health, safety morals, comfort, and general welfare of the area; to provide for the orderly, balanced and efficient growth and development of the City of Aurora ("City") through the positive integration of land use patterns, functions, and circulation systems; to protect and enhance those assets and values that establish the desirable quality and general livability of the City; to encourage new development contiguous to existing development; to guide and promote development to areas where public utilities, public roads, and municipal services are either available or planned; to encourage residential development in close proximity to places of work, shopping and recreation; to promote an accessible open space system that would be based on the various needs generated by the community; to guide development into energy efficient land use patterns; to insure the provisions of decent housing and a quality living environment for every resident of the City; to promote access to housing opportunities for all economic, racial, religious, ethnic and age groups; to promote a wide variety of housing types; to encourage quality design and practicable innovations in both housing structures and site development; to promote the provision of paved roads, sidewalks, utilities and other public works and improvements to each residence within the City through subdivision requirements or special assessments; to locate and direct urban growth to areas where municipal services are available or proposed; to work toward accomplishing complete utilities, including water mains and separated storm and sanitary sewer in all parts of the City; and to encourage the provision of underground utility lines.

Consistent with the Comprehensive Plan of 1997, the Subject Property will be developed with two components: a commercial component (Parcel One) and a multiple-family component (Parcel Two). The Multiple-family component shall consist of approximately 23.42 acres and will fall within the 6 to 12 dwelling unit per acre range for medium density residential use with private open space and storm water retention facilities serving the Subject Property. The Multiple-family component will be located generally north-east of the corner of Kirk Road and planned Mesa Lane, to the north of the

commercial component. A 20.43 acre commercial component will be is located at the north-east corner of the intersection of Butterfield Road and Kirk Road.

C. PROJECT PHASING

The City acknowledges that this sequence is tentative and is subject to change, in the Developers' reasonable discretion, based on engineering requirements and marketing and other factors.

1. Phasing Schedule

- a. Phase One, the Dominick's portion of the commercial component (Parcel One)
- b. Phase Two, the multiple-family component (Parcel Two)
- c. Phase Three, the remainder of the commercial component (Parcel One)

II. GENERAL CHARACTER

A. EXISTING CONDITIONS

1. Subject Property

The Subject Property is legally described in Attachment "A" and consists of approximately 45.30 acres lying east of Kirk Road, north of Butterfield Road in Batavia Township, Kane County. The land is currently being cultivated in row crops. The Subject Property lies within the boundaries of Batavia School District 101.

2. Surrounding Property

The land to the north is farmland. The land to the west is farmland and Kirkland Farms, a residential development. The land to the east is the Savannah residential subdivision. The land to the south is a church and farmland.

B. EXISTING ZONING CLASSIFICATIONS

1. Subject Property

The Subject Property is currently zoned "F" Farming under the Kane County Zoning Ordinance.

2. Surrounding Property

Land to the north is zoned "F" Farming in Kane County. Land to the east is zoned R-1 in the City of Aurora, Kane County. Land to the south is zoned PDD in the City of Aurora, Kane County. Land to the west is zoned R-1(S) in the City of Aurora, Kane County, and "F" Farming in Kane County.

C. COMPREHENSIVE PLAN

1. Subject Property

The City of Aurora Comprehensive Plan designates the Subject Property as commercial and medium density residential, 6 to 12 dwelling units per acre. The area surrounding the intersection of Kirk and Butterfield Roads is designated as commercial.

2. Surrounding Property

The City of Aurora Comprehensive Plan designates the surrounding property as commercial, medium density residential, low density residential, and conservation, openspace, recreation and drainage.

III. DEVELOPMENT STANDARDS FOR EACH LAND USE PARCEL

A. ZONING

The Planned Unit Development is intended to be developed by at least two developers and shall be divided into two (2) parcels as designated on the Preliminary Plan and Plat, which is attached to and incorporated herein as Attachment "D" to Plan Description.

The characteristics, intent, general provisions, use restrictions and bulk regulations applicable to each type of land use and each parcel are set forth in this Section III.

A-1.1 Regulations Applicable to The Commercial Parcel

A-1.2 Statement of Intent

a. Parcel One

Parcel One referenced as such within this document and on the Preliminary Plan and Plat attached hereto, is legally described on Attachment "B" and is approximately 20.43 gross acres in size. Upon approval of this document, this parcel shall be designated as B-2(S) Planned Unit Development on the City of Aurora Zoning Map. This parcel shall be used for general retail, office and business uses as permitted in the B-2 General Retail District.

A-1.3 Specific Rules and Definitions

The sections of this Plan Description pertaining to Signs, Landscaping and Screening and Parking and Loading may contain reasonable variations from the approved Plan Description provided that such variations do not reduce the area set aside for common open space by more than five percent or increase or decrease by more than ten percent the Regulations applicable to each specific parcel as set forth in this Section III.

A-1.4 Permitted Uses

Permitted uses for Parcel One will be subject to the provisions of Section 12.3-1 of the current Aurora Zoning Ordinance. In addition, one automobile service station and one automobile laundry shall be allowed on Parcel One.

A-1.5 General Provisions

The development of Parcel One shall be governed by the provisions of the Aurora Zoning Ordinance, by specific reference to Section 12.3, "B-2 Business" District, and by those provisions presented below.

a. Plan Approval

Parcel One shall be subject to preliminary and final plan approval pursuant to Section 14.7 of the Aurora Zoning Ordinance and shall contain the required components listed on Attachment C to Plan Description, attached hereto, the Required Components of Final Plans. Public notice and public hearings shall not be required if the proposed preliminary and final plans are in compliance with the standards as set forth in this Section III and in Section VI (2) of this Plan Description.

b. Signs

All signs shall be pursuant to the Aurora Sign Ordinance and the Special Sign District regulations attached hereto as Attachment F to Plan Description and incorporated herein.

c. Landscaping and Screening

Landscaping and screening shall be provided pursuant to the Landscaping Standards attached hereto and made a part hereof as Group Attachment "F". In addition, Developer will install a 6' board on board fence along its common lot line with lots 6-17 in the Savannah Subdivision.

d. Parking and Loading

Off-street parking and loading facilities shall comply with the requirements of Section 10 of the Aurora Zoning Ordinance, "Off-Street Parking and Loading."

A-1.6 Nonconforming Buildings and Uses

Nonconforming buildings and uses shall be regulated by Section 6, "Nonconforming Buildings and Uses" of the Aurora Zoning Ordinance.

A-1.7 Special Uses

Special uses pursuant to Section 7, "Special Uses", of the Aurora Zoning Ordinance shall be established in accordance with Section 14, "Administration" of the Aurora Zoning Ordinance.

A-1.8 Accessory Building and Uses

Accessory buildings and uses may be established in accordance with the requirements of Section 8, "Accessory Buildings and Uses" of the Aurora Zoning Ordinance.

A-1.9 Bulk Restrictions

Pursuant to current B-2 Business District "Bulk Restrictions" of the Aurora Zoning Ordinance except as modified by Section IV, A(1) herein.

The City agrees to consider the PARK PROPERTY, as indicated on the Preliminary Plan attached hereto as Exhibit D (hereinafter the "PARK PROPERTY"), to be private open space and stormwater detention provided by the OWNER/DEVELOPER for the purposes of calculating floor area ratios, densities, and setbacks for both the Commercial Parcel and the Multi-Family Parcel.

A-2.1 Regulations Applicable to The Multiple-Family Parcel

A-2.2 Statement of Intent

a. Parcel Two

Parcel Two referenced as such within this document and on the Preliminary Plan and Plat attached hereto, is legally described on Attachment "C" and shall be, in total, approximately 23.42 gross acres with a minimum of 20 acres and a

maximum of 25 acres. Upon approval of this document, Parcel Two shall be designated as R-5(S) Planned Unit Development on the City of Aurora Zoning Map. This land use area is intended for the construction of Multiple-family apartments consisting of approximately 266 Units.

A-2.3 Specific Rules and Definitions

The sections of this Plan Description pertaining to Signs, Landscaping and Screening and Parking and Loading may contain reasonable variations from the approved Plan Description provided that such variations do not reduce the area set aside for common open space by more than five percent or increase or decrease by more than ten percent the Regulations applicable to each specific parcel as set forth in this Section III.

A-2.4 Permitted Uses

Multiple-family apartment homes, private open space and recreational facilities, home occupations, accessory buildings, signs, and off-street parking facilities as defined and regulated in Sections 3, 8,10 and 11 of the Aurora Zoning Ordinance.

A-2.5 General Provisions

Except as modified herein, the development of Parcel Two shall be governed by the provisions of the Aurora Zoning Ordinance, by specific references to Section 11.6, "R-5 Multiple-family Dwelling District," and by the specific provisions set forth in this Section III(A).

a. Plan Approval

Parcel Two shall be subject to preliminary and final plan approval pursuant to Section 14.7 of the Aurora Zoning Ordinance and shall contain the required components listed on Attachment C to Plan Description, attached hereto, the Required Components of Final Plans. Public notice and public hearings shall not be required if the proposed preliminary and final Plans are in compliance with the standards as set forth in this Section III and in Section VI (2) of this Plan Description.

b. Signs

All signs shall be pursuant to the Aurora Sign Ordinance and the Special Sign District regulations attached hereto as Attachment F to Plan Description, and incorporated herein.

c. Landscaping and Screening

Landscaping and screening shall be provided pursuant to the Landscaping Standards attached hereto and made a part hereof as Group Attachment "F".

d. Parking and Loading

Pursuant to Section 10.6-2, of the Aurora Zoning Ordinance, "Off-Street Parking and Loading", two (2) parking spaces shall be provided for each two and three bedroom dwelling unit; one and one-half (1 ½) parking spaces shall be provided for each one bedroom dwelling unit; and one (1) parking space shall be provided for each efficiency unit. Nothing herein shall prevent Developer from constructing additional parking spaces in accordance with the requirements of the Aurora Zoning Ordinance and the terms of this Plan Description.

A-2.6 Nonconforming Buildings and Uses

Nonconforming buildings and uses shall be regulated by Section 6, "Nonconforming Buildings and Uses" of the Aurora Zoning Ordinance.

A-2.7 Special Uses

Special uses pursuant to Section 7, "Special Uses", of the Aurora Zoning Ordinance shall be established in accordance with Section 14, "Administration" of the Aurora Zoning Ordinance.

A-2.8 Accessory Building and Uses

Accessory buildings and uses may be established in accordance with the requirements of Section 8, "Accessory Buildings and Uses" of the Aurora Zoning Ordinance.

A-2.9 Bulk Restrictions

Pursuant to current R-5 Multiple-family District of the Aurora Zoning Ordinance except as modified by Section IV, A(1) herein.

The CITY agrees to consider the PARK PROPERTY, as indicated on the Preliminary Plan attached hereto as Exhibit D (hereinafter the "PARK PROPERTY"), to be private open space and stormwater detention provided by the OWNER/DEVELOPER for the purposes of calculating floor area ratios, densities, and setbacks for both the Commercial Parcel and the Multi-Family Parcel.

A-3.1 General Regulations Applicable to Open Space/Detention Parcels:

A-3.2 Statement of Intent

a. Open Space/Detention

The Stormwater Management Areas "A" and "B" referenced as such within this document and on the Concept Plan attached hereto (hereinafter the "Detention Areas") shall be approximately 20.29 acres. Upon approval of this document, this Parcel shall be designated as "R-4A(S) open space/detention", and "B-2(s) open space detention", Planned Unit Development on the City of Aurora Zoning Map. If there is future acceptance by a public entity, the Detention Areas shall be designated as "P" on the City of Aurora Zoning Map. The Detention Areas are intended to be developed as detention areas and open space.

A-3.3 Specific Rules and Definitions

The sections of this Plan Description pertaining to Signs, Landscaping and Screening and Parking and Loading may contain reasonable variations from the approved Plan Description provided that such variations do not reduce the area set aside for stormwater detention and common open space by more than five percent or increase or decrease by more than ten percent the Regulations applicable to each specific parcel as set forth in this Section III.

a. Plan Approval

The Detention Areas shall be subject to preliminary and final plan approval pursuant to Section 14.7 of the Aurora Zoning Ordinance and shall contain the required components listed on Attachment C to Plan Description, attached hereto, the Required Components of Final Plans. Public notice and public hearings shall not be required if the proposed preliminary and final plans are in compliance with the standards as set forth in this Section III and in Section VI (2) of this Plan Description.

b. Signs

All signs shall be pursuant to the Aurora Sign Ordinance and the Special Sign District regulations attached hereto as Attachment H to Plan Description and incorporated herein.

c. Landscaping and Screening

The requirements of Attachment G to Plan Description pertaining to Stormwater Facilities shall apply to the Detention Areas.

c. Parking and Loading

Off-street parking and loading facilities shall comply with the requirements of Section 10.10-10 of the Aurora Zoning Ordinance, "Off-Street Parking and Loading."

A-3.4 Permitted Uses

Public and private open space and storm water detention/retention. Upon acceptance of the Detention Areas by a public entity, permitted uses shall also include the enumerated permitted uses in the Public Open Space/Recreation/Park District zoning district as set forth in Section 10.10 of the Aurora Zoning Ordinance.

A-3.5 General Provisions

Except as modified herein, the development of the Detention Areas shall be governed by the provisions of the Aurora Zoning Ordinance, including, but not limited to, the provisions of Section 10.10, "Public Open Space/Recreation/Park District", and by the provisions presented in this Section III(A). In addition:

- A. The detention facilities and accompanying landscaping shall be designed to Batavia Park District standards.
- B. Developer will construct an 8' wide asphalt pedestrian path along the eastern edge of the Detention Areas as shown on the Preliminary Plan.

Only if the Batavia Park District accepts the Detention Areas will Developer be obligated to install the aforementioned improvements.

A-3.6 Nonconforming Buildings and Uses

Nonconforming buildings and uses shall be regulated by Section 6, "Nonconforming Buildings and Uses" of the Aurora Zoning Ordinance.

A-3.7 Special Uses

Special uses pursuant to Section 7, "Special Uses", of the Aurora Zoning Ordinance shall be established in accordance with Section 14, "Administration" of the Aurora Zoning Ordinance.

A-3.8 Accessory Building and Uses

Accessory buildings and uses may be established in accordance with the requirements of Section 8, "Accessory Buildings and Uses" of the Aurora Zoning Ordinance.

A-3.9 Bulk Regulations

Pursuant to Section 10.10-5 of the Aurora Zoning Ordinance if developed and used as a public Park otherwise pursuant to Section 11.5-7.

B. PUBLIC IMPROVEMENTS

- a. Mesa Lane: Developer shall be responsible for 100% of the cost of installing a two-lane road with 31 feet back-to-back pavement with barrier curbs, from Mesa Lane on the east to Kirk Road on the west as shown in the Preliminary Plan and Plat attached hereto as Attachment "B".
- b. Owners agree to dedicate right-of-way for existing roadways on, through or adjacent to the Subject Property within one (1) year of this Agreement either at the time of approval of that portion of the Final Plat for the Subject Property adjacent to said roadway as specified herein or by separate plat of dedication. The amount of the right-of-way dedication and public improvements for Butterfield Road shall be negotiated between Owner/Developer and the Illinois Department of Transportation. The amount of the right-of-way dedication and public improvements for Kirk Road shall be negotiated between Owner/Developer and the Kane County Department of Transportation.
- c. Within six months after the property adjacent to and northerly of the SUBJECT PROPERTY installs a public sidewalk along its frontage adjacent to Kirk Road, OWNER/DEVELOPER shall install a 5' wide sidewalk along its frontage of Kirk Road to the northerly line of the Butterfield Road right-of-way.

IV. REQUESTED MODIFICATIONS AND EXCEPTIONS TO CITY ORDINANCES

A. ZONING ORDINANCE MODIFICATIONS AND EXCEPTIONS

1. Zoning Variations Applicable to the commercial and residential parcels: (variations apply to all parcels unless expressly limited)
 - A. Reduction of all setbacks adjacent to Kirk Road to 10 feet, in the event that 75 feet of right-of-way from the center line of Kirk Road at the south end of the property, and 100 feet of right-of-way from the center line of Kirk Road at the north end of the property, are requested by the Kane County Department of Transportation.
2. Model Homes, Sales Trailers, Construction Trailers

- a. The temporary use of trailers for the storage of materials, equipment and supplies and for sales, marketing and construction supervision during the period of construction shall be permitted subject to the terms of this Plan Description and subject to removal within ninety (90) days following the completion of all construction activity on the affected parcel.
- b. The use of a trailer solely utilized to provide shelter, and not housing, for security personnel within the development shall be permitted.

B. SUBDIVISION CONTROL ORDINANCE AND STANDARD SPECIFICATION MODIFICATIONS AND EXCEPTIONS

The following modifications and exceptions shall apply to all Parcels:

1. Building permits may be issued after the final engineering has been approved by the City Engineer and the Final Plat has been approved by the City Council and recorded. A property identification number (PIN) must accompany the building permit application. Subdivision Code § (43.12.(a)(3)(4).
2. The maximum distance between storm manholes shall be 400'. (VI)
3. Street trees may be placed in a parkway; however, the center line of a tree may not be placed within 10' of the center line of a sanitary sewer or water service line. (XII)
4. The Developer may commence construction of the public improvements, including but not limited to sanitary sewer, storm sewer, storm water detention facilities, water main, streets, curbs and gutters and other improvements at Owner or Developer's sole risk before approval of the Final Plat, provided that prior thereto, the subdivider submits plans, estimates, and specifications for all public improvements for approval by the City Engineer and all other appropriate authorities, including, but not limited to, the Fox Metro Water Reclamation District, the township highway commissioners and state Environmental Protection Agency. Once approval is obtained as stated herein, the actual construction may begin. (43-44(2)). In lieu of actual construction of the improvements, as provided above, the Developer may post, at the time of the submittal of the Final Plat, cash, or security to ensure completion of the proposed public improvements in accordance with the following:

- a) Such cash or securities shall be in an amount equal to one hundred (100) percent of the estimated improvements costs as certified by the City Engineer (43-47(c)). (XVII)
5. Buildings located on Parcel Two may be served by common sanitary sewer and water lines. Separate service lines shall not be required for individual dwelling units. The above notwithstanding, service must be per the State Plumbing Code.
6. Lots and buildings within Parcel Two shall be permitted to have frontage on a private driveway that has direct and limited shared access to a Local Residential Street or Neighborhood Interconnect Street as depicted on the Preliminary Plan.

C. OTHER ORDINANCE MODIFICATIONS AND EXCEPTIONS

1. Except as modified herein or in the Annexation Agreement to which this Plan Description is attached, the Zoning Ordinance and Building Codes for the subject Parcels shall be as follows:
 - City of Aurora Zoning Ordinance (Ordinance #3100) as amended herein;
 - Aurora Building Code.
2. Developer may submit, and the City shall review standard plans for various building types for compliance with City codes. After the first building of a type has been completed, subsequent permit applications for the same building type may incorporate the approved standard building plan by reference without further review by the City. Upon the request of the Building Department, copies of plans and elevations of each dwelling unit shall be submitted to the City with the permit application.

D. MODEL APARTMENT HOMES AND SALES TRAILERS, CONSTRUCTION TRAILERS

1. Model Apartment Homes

The Developer shall be permitted, at the Developer's sole risk, to construct, maintain and occupy model apartment home units, subject to the terms of this Section (V)D.

- a. Permits for model apartment homes will not be issued until a final plat is approved containing the model area;
- b. All required improvements in the subdivision control ordinance, including tested and approved water, gravel roadway street, signs, and acceptable detention shall be provided prior to permit issuance; and
- c. Sanitary sewer does not need to be provided until approval of residential occupancy.

2. Sales and Construction Trailers

- a. Upon preliminary plan approval for any parcel and in advance of final engineering, final plat approval and the construction of sanitary, storm sewer, storm water detention facilities, water main, streets, curbs and gutters, any Developer shall be permitted to set temporary construction office, storage and sales trailers on the site. Said trailers will be permitted after the Owner or Developer submits a site plan to the City Planning Division. Approval for placement of trailers shall be subject only to staff review; Planning Commission or City Council approval shall not be required.
- b. Installation of sanitary sewer and public water shall not be a condition to the issuance of permits for construction, storage and sales trailers;
- c. Sales trailers shall be removed at such time as the Developer determines that marketing efforts have been substantially completed;
- d. The Developer shall be permitted to construct and maintain other appurtenant facilities for said trailers including temporary driveways and temporary sanitary and water facilities and systems when all required permits have been issued by the City or the County, as the case may be;
- e. The Developer, upon approval of the City Engineer, may construct temporary parking facilities, haul roads and other pertinent facilities in advance of receipt of approved formal permits applicable to any parcel. The City Engineer's approval shall not be unreasonably withheld.
- f. Construction and storage trailers shall be removed within ninety (90) days following the completion of construction activity on the affected parcel.

3. All references to trailers in this Section (V)(D) shall be as that term is defined in the City's Zoning Ordinance. All such trailers shall be maintained in a neat and orderly manner. The Developer shall maintain and repair any and all temporary facilities.

E. SIGNS

The City hereby establishes special sign districts for the Subject Property and adopts the sign regulations and specifications attached hereto as Attachment "H" in the Plan Description and incorporated herein. The regulations in Attachment "H" shall supplement the regulations in the City sign ordinance.

V. GENERAL PROVISIONS RELATING TO THE PROPOSED DEVELOPMENT DISTRICT

1. This Plan Description may be amended pursuant to the procedures in Sections 14 and 15 of the Zoning Ordinance. Notwithstanding the foregoing,
 - a. preliminary plans may contain reasonable variations from this Plan Description that may be approved by the City without consideration of such changes at a public hearing. A variation shall be deemed reasonable provided it does not: (a) increase the gross residential density by more than five (5) percent; (b) reduce the area set aside for common open space by more than five (5) percent; or (c) increase or decrease by more than ten (10) percent the bulk restrictions applicable to buildings and structures; and
 - b. the City Council may approve changes from the Plan Description which exceed the scope of a reasonable variation, provided such change is not a "major change." A major change is a change which substantially alters the proposed uses (including open space) or the percentages or the maximum or minimum percentage limitations for each use, projected densities for residential uses or the maximum or minimum limitations for such densities, or the intent and purpose of the Plan Description. Major changes from the Plan Description shall not be made without consideration at a public hearing held in accordance with Sections 14 and 15 of the Zoning Ordinance.
2. Permits shall be issued promptly and shall not be unreasonably withheld. In the event of the denial of any permit, the City shall state all of the reasons for such denial in a writing submitted to Developer at the time of denial.
3. Fees required under applicable City codes and ordinances, including but not limited to, building permit fees, plan review fees, inspection fees, park and school land/cash contributions, and any other regulations that are in effect on the date of this Agreement and which are uniformly applied and collected in connection with

development or construction on property within the corporate limits of the City shall apply to the Subject Property.

Owner and Developer understand and agree that the Property shall be subject to any lawful fees enacted by the City with regard to development so long as said fees are uniformly applied in the City.

4. If any section, subsection or paragraph of this Plan Description shall be held invalid, the invalidity of such section, subsection or paragraph shall not affect any of the other provisions of this Plan Description.
5. This Plan Description shall be binding upon and inure to the benefit of the Parties hereto, successor owners of record of the Subject Property, or any part thereof, and their heirs, executors, administrators, assignees, lessees, and devisees and upon any successor municipalities.

LEGAL DESCRIPTION

PARCEL ONE:

THAT PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION: THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 652.0 FEET; THENCE EASTERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 02 MINUTES 12 SECONDS WITH SAID WEST LINE (MEASURED CLOCKWISE THEREFROM) 658.95 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 17 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 1152.48 FEET; THENCE EASTERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 24 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 50.0 FEET TO THE EAST RIGHT OF WAY LINE OF KIRK ROAD FOR A POINT OF BEGINNING; THENCE CONTINUING EASTERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 608.0 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 28 MINUTES 33 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 826.20 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 92 DEGREES 07 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 254.95 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 91 DEGREES 54 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 362.58 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 94 DEGREES 43 MINUTES 18 SECONDS WITH THE LAST DESCRIBED COURSE, (MEASURED COUNTER-CLOCKWISE THEREFROM) 356.11 FEET TO SAID EAST RIGHT OF WAY LINE; THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE 1223.30 FEET TO THE POINT OF BEGINNING, EXCEPT THE NORTH 378.69 FEET (MEASURED ALONG THE EAST RIGHT OF WAY LINE OF SAID KIRK ROAD), IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

PARCEL 2

THE NORTH 378.69 FEET (MEASURED ALONG THE EAST RIGHT OF WAY LINE OF KIRK ROAD) OF THAT PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 652.0 FEET; THENCE EASTERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 02 MINUTES 12 SECONDS WITH SAID WEST LINE (MEASURED CLOCKWISE THEREFROM) 658.95 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 17 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 1152.48 FEET; THENCE EASTERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 24 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 50.0 FEET TO THE EAST RIGHT OF WAY LINE OF KIRK ROAD FOR A POINT OF BEGINNING; THENCE CONTINUING EASTERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 608.0 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 28 MINUTES 33 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 826.20 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 92 DEGREES 07 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 254.95 FEET; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 91 DEGREES 54 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 362.58 FEET; THENCE WESTERLY ALONG A LINE FORMING AN ANGLE OF 94 DEGREES 43 MINUTES 18 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 356.11 FEET TO SAID EAST RIGHT OF WAY LINE; THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE 1223.30 FEET TO THE POINT OF BEGINNING, IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

ATTACHMENT A TO PLAN DESCRIPTION
LEGAL DESCRIPTION OF SUBJECT PROPERTY

38546/13

2001K033711

POOR ORIGINAL
Recorder Not Responsible
For Reproductions

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LEGAL DESCRIPTION

THAT PART LYING EASTERLY OF THE KIRK ROAD EXCEPTION (CO. PARCEL #0002) OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 35, AND THAT PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8, EAST OF THE 3RD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS; BEGINNING AT A POINT IN THE SECTION LINE 7.38 CHAINS NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 36, SAID POINT BEING IN THE CENTER OF THE STATE ROAD; THENCE SOUTH 83 DEGREES WEST ALONG CENTER OF THE STATE ROAD 6.65 CHAINS; THENCE NORTH 5.27 CHAINS; THENCE NORTH 89 1/2 ° WEST 9.43 CHAINS; THENCE NORTH 3 1/2 ° WEST 18.68 CHAINS; THENCE EAST 16.82 CHAINS TO THE SECTION LINE; THENCE CONTINUING EAST 8.40 CHAINS; THENCE NORTH 3.29 CHAINS; THENCE NORTH 84 ° EAST 7.63 CHAINS; THENCE NORTH 5 ° WEST 5.50 CHAINS TO THE QUARTER SECTION LINE; THENCE EAST ALONG THE QUARTER SECTION LINE 4.15 CHAINS TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 36 AFORESAID; THENCE NORTH 1/2 ° EAST 5.78 CHAINS; THENCE EAST 5.32 CHAINS; THENCE SOUTH 1 1/4 ° WEST 21.75 CHAINS; THENCE WEST 8.73 CHAINS; THENCE SOUTH 1/2 ° EAST 14.34 CHAINS TO CENTER OF THE AFORESAID STATE ROAD, THENCE SOUTH 83 ° WEST ALONG THE CENTER OF THE STATE ROAD 16.92 CHAINS TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BATAVIA;

EXCEPTING THAT PART OF KIRK ROAD (CO. PARCEL#0002) DESCRIBED AS FOLLOWS: —

PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, KANE COUNTY, STATE OF ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF KIRKLAND FARMS UNIT 1, ACCORDING TO THE PLAT THEREOF, RECORDED DECEMBER 4, 1995 AS DOCUMENT NO. 95K074038; THENCE NORTH 02 DEGREES 08 MINUTES 11 SECONDS WEST, (BEARINGS ASSUMED FOR DESCRIPTION PURPOSES ONLY) 65.227 METERS (214.00 FEET) ALONG THE EAST LINE OF LOT 133 IN SAID KIRKLAND FARMS UNIT 1 TO THE EASTERLY MOST CORNER OF LOT 14 IN SAID KIRKLAND FARMS UNIT 1; THENCE NORTH 84 DEGREES 40 MINUTES 11 SECONDS EAST, 50.259 METERS (164.89 FEET) ALONG THE SOUTH LINE OF LOT 132 IN SAID KIRKLAND FARMS UNIT 1 AND THE EASTERLY EXTENSION THEREOF TO THE EAST RIGHT OF WAY LINE OF COUNTY HIGHWAY NO. 77 (KIRK ROAD) FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTH 84 DEGREES 40 MINUTES 11 SECONDS EAST, 14.324 METERS (47.00 FEET) ALONG THE SOUTH LINE OF SAID LOT 132 EXTENDED EASTERLY; THENCE SOUTH 00 DEGREES 19 MINUTES 36 SECONDS EAST, 58.535 METERS (192.04 FEET); THENCE SOUTHERLY, 203.418 METERS (667.38 FEET) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 6475.000 METERS (21243.44 FEET), THE CHORD OF SAID CURVE BEARS SOUTH 01 DEGREES 13 MINUTES 36 SECONDS EAST, 203.410 METERS (667.35 FEET); THENCE SOUTH 02 DEGREES 07 MINUTES 36 SECONDS EAST, 238.532 METERS (782.59 FEET) TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 56

SECONDS WEST, 91.405 METERS (299.89 FEET) OF THE SOUTHWEST CORNER OF SAVANNAH UNIT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED APRIL 8, 1996 AS DOCUMENT NO. 96K024891; THENCE SOUTH 79 DEGREES 26 MINUTES 40 SECONDS WEST, 9.995 METERS (32.79 FEET) ALONG SAID NORTHERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 56, TO THE EAST RIGHT OF WAY LINE OF COUNTY HIGHWAY NO. 77 (KIRK ROAD); THENCE NORTH 02 DEGREES 06 MINUTES 20 SECONDS WEST, 446.124 METERS (1463.66 FEET) ALONG SAID EAST RIGHT OF WAY LINE; THENCE NORTHERLY 54.965 METERS (180.33 FEET) ALONG SAID EAST RIGHT OF WAY LINE, BEING ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 3477.528 METERS (11409.21 FEET), THE CHORD OF SAID CURVE BEARS NORTH 01 DEGREES 39 MINUTES 10 SECONDS WEST, 54.965 METERS (180.33 FEET) TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.323 ACRES MORE OR LESS.

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POOR ORIGINAL
Recorder Not Responsible
For Reproductions

KIRKLAND CROSSING - DOMINICKS PARCEL INCLUDING ALL OF THE ROADWAY"

THAT PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION: THENCE SOUTH 00 DEGREES 47 MINUTES 52 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 652.0 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 04 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 02 MINUTES 12 SECONDS WITH SAID WEST LINE (MEASURED CLOCKWISE THEREFROM) 658.95 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 57 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 17 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 1152.48 FEET: THENCE NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 24 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF KIRK ROAD (100 FEET WIDE); THENCE CONTINUING NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 608.00 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 24 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 28 MINUTES 33 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 442.94 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAVANNAH UNIT 2 SUBDIVISION, BEING A SUBDIVISION OF SAID SECTION 36, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 24, 1998 AS DOCUMENT NUMBER 98K034494; THENCE NORTH 88 DEGREES 57 MINUTES 18 SECONDS EAST ALONG SAID WESTERLY EXTENSION, 351.67 FEET TO THE NORTHWEST CORNER OF LOT 54 IN SAID SAVANNAH UNIT 2 SUBDIVISION; THENCE SOUTH 00 DEGREES 35 MINUTES 34 SECONDS WEST ALONG THE WEST LINE OF SAVANNAH UNIT 2 SUBDIVISION, 872.16 FEET TO THE SOUTHWEST CORNER OF LOT 43 IN SAID SAVANNAH UNIT 2 SUBDIVISION FOR A PLACE OF BEGINNING; THENCE SOUTH 89 DEGREES 17 MINUTES 32 SECONDS WEST, 25.67 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG THE ARC OF A CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 470.00 FEET, A CHORD BEARING OF NORTH 84 DEGREES 51 MINUTES 35 SECONDS WEST, 95.95 FEET TO A POINT OF TANGENCY; THENCE NORTH 79 DEGREES 00 MINUTES 41 SECONDS WEST, 148.19 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 530.00 FEET, A CHORD BEARING OF SOUTH 82 DEGREES 26 MINUTES 34 SECONDS WEST, 343.10 FEET; THENCE NORTH 00 DEGREES 42 MINUTES 37 SECONDS WEST, 167.44 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 36 SECONDS WEST, 354.61 FEET TO SAID EAST RIGHT OF WAY LINE OF KIRK ROAD; THENCE SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE OF KIRK

**ATTACHMENT B TO PLAN DESCRIPTION
LEGAL DESCRIPTION OF PARCEL ONE
B-2(S)**

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ROAD, BEING A CURVE CONCAVE TO EAST HAVING A RADIUS OF 11409.21 FEET, A CHORD BEARING OF SOUTH 00 DEGREES 36 MINUTES 21 SECONDS EAST FOR AN ARC LENGTH OF 249.21 FEET TO A POINT OF TANGENCY; THENCE SOUTH 01 DEGREES 13 MINUTES 53 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE, 1457.60 FEET TO THE NORTH RIGHT OF WAY LINE OF BUTTERFIELD ROAD; THENCE NORTH 82 DEGREES 30 MINUTES 05 SECONDS EAST ALONG SAID NORTH RIGHT OF WAY LINE, 331.22 FEET TO THE SOUTHWEST CORNER OF SAVANNAH UNIT 1 SUBDIVISION, BEING A SUBDIVISION OF SAID SECTION 36, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 8, 1996 AS DOCUMENT NUMBER 96K024891; THENCE NORTH 00 DEGREES 44 MINUTES 20 SECONDS EAST ALONG THE WEST LINE OF SAID SAVANNAH UNIT 1 SUBDIVISION, 923.63 FEET TO THE NORTHWEST CORNER OF LOT 15 IN SAID SAVANNAH UNIT 1 SUBDIVISION; THENCE NORTH 88 DEGREES 50 MINUTES 41 SECONDS EAST ALONG THE NORTH LINES OF LOTS 15 THROUGH 18 INCLUSIVE, 283.52 FEET; THENCE NORTH 01 DEGREE 09 MINUTES 48 SECONDS WEST, 391.52 FEET; THENCE NORTH 43 DEGREES 50 MINUTES 12 SECONDS EAST, 35.36 FEET; THENCE NORTH 88 DEGREES 50 MINUTES 12 SECONDS EAST, 59.00 FEET; THENCE NORTH 01 DEGREE 09 MINUTES 48 SECONDS WEST, 122.93 FEET; THENCE SOUTH 79 DEGREES 00 MINUTES 41 SECONDS EAST, 95.94 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG THE ARC OF A CURVE, CONCAVE NORTHERLY HAVING A RADIUS OF 530.00 FEET, A CHORD BEARING OF SOUTH 84 DEGREES 51 MINUTES 35 SECONDS EAST, 108.20 FEET TO A POINT OF TANGENCY; THENCE NORTH 89 DEGREES 17 MINUTES 32 SECONDS EAST, 24.31 FEET TO THE NORTHWEST CORNER OF LOT 42 IN SAID SAVANNAH UNIT 1 SUBDIVISION; THENCE NORTH 00 DEGREES 35 MINUTES 34 SECONDS EAST ALONG THE WEST LINE OF SAID SAVANNAH UNIT 1 SUBDIVISION, 60.02 FEET TO THE PLACE OF BEGINNING, CONTAINING 18.250 ACRES, MORE OR LESS, IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

KIRKLAND CROSSING – DETENTION POND “B”

THAT PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION: THENCE SOUTH 00 DEGREES 47 MINUTES 52 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 652.0 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 04 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 02 MINUTES 12 SECONDS WITH SAID WEST LINE (MEASURED CLOCKWISE THEREFROM) 658.95 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 57 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 17 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 1152.48 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 24 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF KIRK ROAD (100 FEET WIDE); THENCE CONTINUING NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 608.00 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 24 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 28 MINUTES 33 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 442.94 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAVANNAH UNIT 2 SUBDIVISION, BEING A SUBDIVISION OF SAID SECTION 36, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 24, 1998 AS DOCUMENT NUMBER 98K034494; THENCE NORTH 88 DEGREES 57 MINUTES 18 SECONDS EAST ALONG SAID WESTERLY EXTENSION, 351.67 FEET TO THE NORTHWEST CORNER OF LOT 54 IN SAID SAVANNAH UNIT 2 SUBDIVISION; THENCE SOUTH 00 DEGREES 35 MINUTES 34 SECONDS WEST ALONG THE WEST LINE OF SAVANNAH UNIT 2 SUBDIVISION, AND THE WEST LINE OF SAVANNAH UNIT 1 SUBDIVISION, BEING A SUBDIVISION OF SAID SECTION 36, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 8, 1996 AS DOCUMENT NUMBER 96K024891, A DISTANCE OF 932.18 FEET TO THE NORTHWEST CORNER OF LOT 42 IN SAID SAVANNAH UNIT 1 SUBDIVISION FOR A PLACE OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 35 MINUTES 34 SECONDS WEST ALONG SAID WEST LINE, 507.48 FEET TO THE NORTHEAST CORNER OF LOT 300 IN SAID SAVANNAH UNIT 1 SUBDIVISION; THENCE SOUTH 88 DEGREES 50 MINUTES 41 SECONDS WEST ALONG THE NORTH LINES OF LOTS 300, AND 15 THROUGH 20 INCLUSIVE, IN SAID SAVANNAH UNIT 1 SUBDIVISION, 293.90 FEET; THENCE NORTH 01 DEGREE 09 MINUTES 48 SECONDS WEST, 391.52 FEET; THENCE NORTH 43 DEGREES 50 MINUTES 12 SECONDS EAST, 35.36 FEET; THENCE NORTH 88 DEGREES 50 MINUTES 12 SECONDS EAST, 59.00 FEET; THENCE NORTH 01 DEGREE 09 MINUTES 48 SECONDS WEST, 122.93 FEET; THENCE SOUTH 79 DEGREES 00 MINUTES 41 SECONDS EAST, 95.94 FEET TO A POINT OF

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CURVATURE; THENCE EASTERLY ALONG THE ARC OF A CURVE, CONCAVE
NORTHERLY HAVING A RADIUS OF 530.00 FEET, A CHORD BEARING OF
SOUTH 84 DEGREES 51 MINUTES 35 SECONDS EAST, 108.20 FEET TO A POINT
OF TANGENCY; THENCE NORTH 89 DEGREES 17 MINUTES 32 SECONDS
EAST, 24.31 FEET TO THE PLACE OF BEGINNING, CONTAINING 3.389 ACRES,
MORE OR LESS, IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

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KIRKLAND CROSSING - MULTIFAMILY AREA

THAT PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION: THENCE SOUTH 00 DEGREES 47 MINUTES 52 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 652.0 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 04 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 02 MINUTES 12 SECONDS WITH SAID WEST LINE (MEASURED CLOCKWISE THEREFROM) 658.95 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 57 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 17 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 1152.48 FEET: THENCE NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 24 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF KIRK ROAD (100 FEET WIDE) FOR A PLACE OF BEGINNING; THENCE CONTINUING NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 608.00 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 24 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 28 MINUTES 33 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 442.94 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAVANNAH UNIT 2 SUBDIVISION, BEING A SUBDIVISION OF SAID SECTION 36, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 24, 1998 AS DOCUMENT NUMBER 98K034494; THENCE NORTH 88 DEGREES 57 MINUTES 18 SECONDS EAST ALONG SAID WESTERLY EXTENSION, 292.05 FEET; THENCE SOUTH 01 DEGREES 01 MINUTES 42 SECONDS EAST, 117.70 FEET; THENCE SOUTH 88 DEGREES 58 MINUTES 18 SECONDS WEST, 64.00 FEET; THENCE SOUTH 64 DEGREES 46 MINUTES 57 SECONDS WEST, 127.33 FEET; THENCE SOUTH 00 DEGREES 42 MINUTES 37 SECONDS EAST, 39.64 FEET; THENCE SOUTH 57 DEGREES 44 MINUTES 13 SECONDS EAST, 61.70 FEET; THENCE SOUTH 05 DEGREES 05 MINUTES 31 SECONDS EAST, 170.99 FEET; THENCE SOUTH 06 DEGREES 04 MINUTES 17 SECONDS WEST, 132.25 FEET; THENCE SOUTH 09 DEGREES 18 MINUTES 50 SECONDS WEST, 110.50 FEET; THENCE SOUTH 20 DEGREES 54 MINUTES 24 SECONDS WEST, 191.87 FEET; THENCE NORTH 79 DEGREES 00 MINUTES 41 SECONDS WEST, 6.50 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 530.00 FEET, A CHORD BEARING OF SOUTH 82 DEGREES 26 MINUTES 34 SECONDS WEST, 343.10 FEET; THENCE NORTH 00 DEGREES 42 MINUTES 37 SECONDS WEST, 167.44 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 36 SECONDS WEST, 354.61 FEET TO SAID EAST RIGHT OF WAY LINE OF KIRK ROAD; THENCE NORTHERLY ALONG SAID EAST RIGHT OF WAY LINE, BEING A CURVE CONCAVE TO EAST HAVING A

ATTACHMENT C TO PLAN DESCRIPTION
LEGAL DESCRIPTION OF PARCEL TWO
R-5(S)

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RADIUS OF 11409.21 FEET, A CHORD BEARING OF NORTH 00 DEGREES 17 MINUTES 04 SECONDS EAST FOR AN ARC LENGTH OF 105.35 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 32 MINUTES 57 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE, 1042.22 FEET TO THE PLACE OF BEGINNING, CONTAINING 20.158 ACRES, MORE OR LESS, IN BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

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KIRKLAND CROSSING - DETENTION POND "A"

THAT PART OF THE WEST HALF OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION: THENCE SOUTH 00 DEGREES 47 MINUTES 52 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 652.0 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 04 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 02 MINUTES 12 SECONDS WITH SAID WEST LINE (MEASURED CLOCKWISE THEREFROM) 658.95 FEET; THENCE SOUTH 00 DEGREES 32 MINUTES 57 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 17 MINUTES 07 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 1152.48 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 24 MINUTES WITH THE LAST DESCRIBED COURSE (MEASURED CLOCKWISE THEREFROM) 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF KIRK ROAD (100 FEET WIDE); THENCE CONTINUING NORTH 89 DEGREES 56 MINUTES 57 SECONDS EAST ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 608.00 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 24 SECONDS WEST ALONG A LINE FORMING AN ANGLE OF 89 DEGREES 28 MINUTES 33 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 442.94 FEET TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAVANNAH UNIT 2 SUBDIVISION, BEING A SUBDIVISION OF SAID SECTION 36, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 24, 1998 AS DOCUMENT NUMBER 98K034494; THENCE NORTH 88 DEGREES 57 MINUTES 18 SECONDS EAST ALONG SAID WESTERLY EXTENSION, 292.05 FEET TO THE PLACE OF BEGINNING; THENCE SOUTH 01 DEGREES 01 MINUTES 42 SECONDS EAST, 117.70 FEET; THENCE SOUTH 88 DEGREES 58 MINUTES 18 SECONDS WEST, 64.00 FEET; THENCE SOUTH 64 DEGREES 46 MINUTES 57 SECONDS WEST, 127.33 FEET; THENCE SOUTH 00 DEGREES 42 MINUTES 37 SECONDS EAST, 39.64 FEET; THENCE SOUTH 57 DEGREES 44 MINUTES 13 SECONDS EAST, 61.70 FEET; THENCE SOUTH 05 DEGREES 05 MINUTES 31 SECONDS EAST, 170.99 FEET; THENCE SOUTH 06 DEGREES 04 MINUTES 17 SECONDS WEST, 132.25 FEET; THENCE SOUTH 09 DEGREES 18 MINUTES 50 SECONDS WEST, 110.50 FEET; THENCE SOUTH 20 DEGREES 54 MINUTES 24 SECONDS WEST, 191.87 FEET; THENCE SOUTH 79 DEGREES 00 MINUTES 41 SECONDS EAST, 141.69 FEET TO A POINT OF CURVATURE; THENCE EASTERLY ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 470.00 FEET, A CHORD BEARING OF SOUTH 84 DEGREES 51 MINUTES 35 SECONDS EAST, 95.95 FEET TO A POINT OF TANGENCY; THENCE NORTH 89 DEGREES 17 MINUTES 32 SECONDS EAST, 25.67 FEET TO THE SOUTHWEST CORNER OF LOT 43 IN SAID SAVANNAH UNIT 2 SUBDIVISION; THENCE NORTH 00 DEGREES 35 MINUTES 34 SECONDS EAST ALONG THE WEST LINE OF SAVANNAH UNIT 2 SUBDIVISION , 872.16

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FEET TO THE NORTHWEST CORNER OF LOT 54 IN SAID SAVANNAH UNIT 2
SUBDIVISION; THENCE SOUTH 88 DEGREES 57 MINUTES 18 SECONDS WEST
ALONG SAID WESTERLY EXTENSION OF THE NORTH LINE OF SAVANNAH
UNIT 2 SUBDIVISION, 59.62 FEET TO THE PLACE OF BEGINNING,
CONTAINING 3.479 ACRES, MORE OR LESS, IN BATAVIA TOWNSHIP, KANE
COUNTY, ILLINOIS.

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ATTACHMENT E TO PLAN DESCRIPTION

REQUIRED COMPONENTS OF FINAL PLANS

Notwithstanding anything to the contrary in the Plan Description to which this Attachment E is attached, the City of Aurora retains the right to amend this Attachment E and Attachment E as amended shall apply to all development of the Subject Property from and after the effective date of such amendment.

A. Written Documents:

1. A statement of planning objectives to be achieved by the final plan through the particular approach proposed by the petitioner.
2. A development schedule indicating the approximate date when construction of the final plan or stages of the final plan can be expected to begin and be completed.
3. Petitioner's proposed covenants; restrictions, and conditions to be established as part of the final plan.
4. A statement of petitioner's intentions with regard to the future selling or leasing of all or portions of the final plan such as land areas, dwelling units, etc:
5. Exceptions or variations to City Zoning or Subdivision ordinances being requested as part of the final plan including the specific section of the ordinance from which the variation is requested and the requested variation itself.
6. Estimates of cost of installation of all proposed improvements confirmed by a registered Illinois engineer.

B. General Plan Information

1. Must be drawn to accurate engineering scale.
2. Must contain the following information:
 - a. Scale.
 - b. North arrow.
 - c. Original and revision dates.
 - d. Name and address of owner of record.
 - e. Name and address of site plan designer.
3. Information Regarding Contiguous Property:
 - a. Location of contiguous buildings.
 - b. Zoning of contiguous property.
 - c. Land Use of contiguous property.
4. Site Data to be Provided in Lower Right Hand Corner:
 - a. Legal description.
 - b. Size of property in square feet or acres.
 - c. Current zoning.
 - d. Proposed lot coverage of buildings by square feet and percentage.

- e. Proposed blacktop/pavement coverage by square feet and lot percentage.
 - f. Number of parking spaces provided.
 - g. Number of parking spaces required by Zoning Ordinance.
 - h. Total amount of landscaped area by square feet and lot percentage.
 - i. Number of buildings.
 - j. Number of dwelling units, if a residential project.
 - k. Breakdown of dwelling units by bedroom type, if a residential project.
5. Landscape Data to be Provided in Lower Left Hand Corner:
- a. Number of plantings by type.
 - b. Size of plantings at installation.
 - c. On-center spacing for hedges.
 - d. Caliper size of all trees at installation.

C. Plan Data Requirements

- 1. Dimensions of the property.
- 2. Existing and proposed streets (public and private), right-of-ways, driveways, all principal and accessory buildings and their uses, dimensioned building setbacks, lot sizes, sidewalks, off-street parking, service areas, open space, and recreational facilities.
- 3. Preliminary architectural plans for all residential buildings in sufficient detail to show basic building design.
- 4. The existing and proposed vehicular and pedestrian circulation systems, indicating their interrelationship and proposed treatments of points of conflict.
- 5. Existing and proposed utility systems including sanitary sewers, storm sewers, water, electric, gas, telephone, and cable television lines, including their sizes.
- 6. Proposed public and private lighting system.
- 7. Existing and proposed easements for utility service.
- 8. Proposed signage indicating size and content.
- 9. Existing vegetation and plantings.
- 10. Proposed berming and fencing.
- 11. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public uses.
- 12. Any other information necessary to clearly show the proposed site plan elements.

**GROUP ATTACHMENT F TO PLAN DESCRIPTION
LANDSCAPING REQUIREMENTS**

- I. **Landscaping Purpose and Intent.** These landscape standards are hereby established to create and maintain an aesthetically appealing community character that minimizes the negative impacts of vehicular traffic, parking lots, etc., and which incorporates human scale into the visual perception of the City. Specifically, these requirements are intended to beautify the public way; to increase the compatibility of adjacent uses by requiring a buffer or screening between uses; to minimize the adverse impact of noise, dust and headlight glare; to reduce topsoil erosion and storm water runoff; and to re-establish a canopy cover over the built environment to mitigate the effects of sun and wind so as to moderate extremes of temperature, provide shade, reduce wind velocity and conserve energy resources.

- II. **Applicability.** The landscape standards set forth herein shall be applied to all approved landscape plans; special use planned developments and Planned Development Districts through the final plan review procedures; special use petitions; rezoning petitions; conditional use petitions; all variation petitions; final plat of subdivision petitions; and each use district as specifically required through the site plan review process pursuant to Section 14.9 of this ordinance.

- III. **Required Landscape Plan.** The landscape plan shall be drawn to an accurate engineering scale, and include a scale, north arrow, location map, original and revision dates, name and address of owner and site plan designer. Plans shall show all landscape areas and their uses, the number of plantings by type, the size of plantings at installation, the on-center spacing for hedges, the caliper size of all trees at installation, existing vegetation and plantings, and proposed berming and fencing. Also included shall be all proposed/existing structures and other improvements, including but not limited to paved areas, berms, lighting, retention/detention areas and planting material. The landscape plan shall be sealed by a state registered Landscape Architect unless waived by the Zoning Administrator.

- IV. **Landscape provisions.** The following provisions shall be deemed as the minimum requirements for the landscape plan. Additionally, a variety of planting material is desired and must be reflected in the landscape plan.
 - A. The following requirements shall apply to all parcels and are cumulative:
 1. **Stormwater facility requirement.** For lake facilities, provide three canopy tree equivalents per each 100 feet of high water line. For detention facilities, provide five canopy tree equivalents per 100 feet of high water line. A minimum of 25% of the required canopy tree equivalent shall be non-canopy tree planting material. Alternatively, such facilities may be designed as natural features, implementing native deep-rooted shoreline plantings that stabilize the soil, slow runoff, facilitate infiltration and decrease erosion, subject to specific approval by the City.

2. Street tree requirement. To provide the equivalent of three canopy trees per 100 feet of right-of-way frontage, in the parkway on each side of each public street, pursuant to Section 6 of the City of Aurora Arboricultural Specifications Manual, the petitioner shall provide two canopy trees per 100 feet of right-of-way frontage along the commercial uses and five canopy trees per 100 feet of right-of-way frontage along the residential and open space/detention uses. If it is not possible to locate these trees in the parkway, place them within the exterior yards next to the parkway pursuant to the required count. When located below power lines, however, street trees must be understory trees pursuant to Section 6 of Arboricultural Specifications Manual.
3. Setback area requirement. All required setback areas shall be planted in turf or other acceptable living groundcover.

B. The following requirements shall apply to all non-single family detached parcels and are cumulative in addition to the requirements of Section 5.16-4.1:

1. Perimeter Yard Requirement. Provide three canopy tree equivalents per 100 feet of lot perimeter, which may be clustered.
2. Buffer Yard Requirement. Enhance the boundaries between adjacent non-residential uses and residential uses, and between adjacent single family detached residential uses and non-single family detached residential uses to provide an aesthetic screening treatment by planting two canopy tree equivalents per one hundred feet of lot line, of which fifty percent (50%) shall be non-canopy tree planting material. Alternatively, a wall or fence may satisfy the requirement as determined by the City.
3. Parking Lot Internal Requirement. An 8.5' by 19' landscaped island protected by a six inch raised concrete curb shall be established for every 20 parking spaces. Said islands shall be planted with 1.5 canopy tree equivalents with the preferred planting material mix including one canopy tree. Said islands shall be located to organize and direct traffic flow within the parking lot, and may be clustered.
4. Foundation planting requirement. Provide one canopy tree equivalent per 100 lineal feet of building foundation to effectively relate the structure to the landscape, of which 100% of the requirement shall be non canopy tree planting material.
5. Dwelling unit requirement. Provide 1 canopy tree equivalent per dwelling unit located around and/or adjacent to the structure.

C. The following requirements shall apply to all newly established single family detached developments and are cumulative in addition to the requirements of Section 5.16-4.1:

1. Neighborhood border requirement. Provide subdivision neighborhoods with landscape borders, in which planting material, entry monuments and features, grade changes and the like are located. These borders shall be a minimum of 20 feet wide and shall be located along all public streets where single family detached lots do not front on such streets. Said border areas shall be planted at four (4) canopy tree equivalents per one hundred (100) feet of right of way frontage, of which fifty percent (50%) shall be non canopy tree planting material.
2. Dwelling unit requirement. One canopy tree or equivalent shall be planted for each interior lot, and two trees for each corner lot. Said trees shall be planted in the required exterior yards of each street frontage.

D. The following provisions shall apply to all non-single family detached parcels and any planting material utilized shall be credited toward the requirements of 5.16-4.2

1. Parking Lot Screening Provisions. Screen parking lots within 50 feet of public rights-of-way with compact hedging, berming, decorative fencing, decorative masonry, or a combination of these techniques, to a height of two and a half feet.
2. Miscellaneous Screening Provisions. Screen to 100 percent opacity dumpsters, trash enclosures, HVAC and utility facilities with a combination of plant material and decorative fencing, decorative masonry, building structural extensions, or other similar elements.
3. Storage Area Screening Provisions. All exterior storage for business, wholesale and manufacturing uses shall be screened as provided herein. Screening shall be to an opacity of not less than seventy-five (75) percent, six (6) feet above grade and may be accomplished by berming, landscaping at seven canopy tree equivalents per 100 feet of storage perimeter, neutral colored fence slatting, or wall construction. Such screening shall be required when one or more of the following conditions are present:
 - a. When any exterior yard of the property is located along a public right-of-way and storage is two hundred (200) feet or less from the right-of-way.
 - b. When any exterior yard of the property is located across a street from property that is zoned or developed solely for residential or public park purposes regardless of the distance from the residential or park property, and the City of Aurora's Official Comprehensive Plan designates the residential property for residential purposes or the park property for open space purposes.
 - c. When any exterior yard of the property is located across an alley from property that is zoned or developed solely for residential or public park purposes and the storage is two hundred (200) feet or less from.

the residential property, and the City of Aurora's Official Comprehensive Plan designates the residential property for residential purposes or the park property for open space purposes.

- d. When the property is located contiguous to the yard of property that is zoned or developed solely for residential or public park purposes and the storage is two hundred (200) feet or less from the residential property, and the City of Aurora's Official Comprehensive Plan designates the residential property for residential purposes or the park property for open space purposes.
 - e. When such storage areas were in existence as of July 9, 1996, screening shall be in conformance with the requirements of Section 5.16-4.4.c. not later than one (1) year from the date of notification, but within five (5) years following said date.
- E. In addition to new planting material, the City may recognize and give one canopy tree equivalent credit for each 12 inches of caliper of healthy existing material that is in desirable condition and properly located as determined by the City.
- F. The City may give credit for canopy tree equivalents that are planted at a size greater than the required minimum size. Such credit may satisfy up to 10 percent of the total canopy tree equivalent requirement, exclusive of the street tree requirement. The following shall be a basis for the credit:
1. Canopy tree or understory tree. For each inch of caliper greater than the minimum required, an inch of credit shall be applied.
 2. Evergreen tree or multi-stemmed tree. For each foot in height greater than the minimum required, a foot of credit shall be applied.
 3. Deciduous or evergreen shrubs. For each two feet in height greater than the minimum required, a foot of credit shall be applied.
- V. Planting material specifications. The specifications for all required planting material shall be pursuant to Section 6 of the City of Aurora Arboricultural Specifications Manual.
- A. The minimum size of the material at time of planting shall be as follows:
1. Canopy tree at 2.5 inch caliper. Note: caliper shall be measured 12 inches from the base of the tree.
 2. Evergreen tree at 6 foot in height, or understory tree at 2.5 inch caliper, or multi-stemmed tree at 8 foot in height.
 3. Deciduous or evergreen shrubs at 18 inches in height.

- B. **Planting Material Variety.** In order to allow for flexibility while maintaining minimum planting levels, many of the above provisions specify "canopy equivalents" instead of canopy trees. A canopy equivalent is one canopy tree, or three evergreen/understory/ multi-stemmed trees, or twenty shrubs. These equivalent amounts are allowed to substitute for a canopy tree since the approximate coverage area at maturity of each of the equivalent amounts is comparable to the approximate coverage area at maturity of one canopy tree.
- C. **Acceptable and unacceptable tree species** shall be pursuant to Section 4 of the: **Arboricultural Specifications Manual.**
- VI. **Subsequent to the review of said landscape plan, and issuance of the building permit, the City may allow through a staff review of said plan, minor deviations that do not substantially alter the plan, and that do not substantially diminish the intended benefits of said plan.**
- VII. **The City shall recognize that the cost of planting material required by the standards of Section 5.16 must be proportionate to the cost of the balance of work being proposed, and shall not exceed 20% of the total project costs, exclusive of sod and seeding costs, as supported by two written bids by recognized contractors.**
- VIII. **Planting Material Installation and Maintenance.** Planting material shall be installed prior to the end of the first available planting season prior to the issuance of an Occupancy Permit. Said planting materials shall be maintained and kept in a healthy condition, and any required planting material that dies shall be replaced prior to the end of the next available planting season. An irrevocable Letter of Credit shall be required as deemed necessary by the Zoning Administrator to guarantee installation of improvements required by the approved landscape plan prior to the issuance of a permit. The amount of said Letter of Credit shall be based on written bids from contractors covering the installation of all elements of the landscape plan including but not limited to all planting material, fencing, screen walls and pavers. Said Letter of Credit may be required where there are extensive elements required by the approved landscape plan as determined by the Zoning Administrator.
- IX. **Timing extension for installation.** If construction work is completed during the off-planting season, a temporary certificate of occupancy shall be issued for the property that shall specify that all planting material as required by this Section be installed prior to the end of the next planting season.

ATTACHMENT G TO PLAN DESCRIPTION

DESIGN AND CONSTRUCTION STANDARDS FOR LAKES BLUE/GREEN DETENTION AREAS

A. *The Developer shall submit a design plan to the City that includes the following:*

1. One foot (1'0") topography contours
2. Normal water level/High water level
3. One hundred year flood level
4. Inlet and outlet location
5. Design details for inlet and outlet structures
6. Certification by registered engineer
7. Date, scale, and north arrow
8. All property boundaries and acreages
9. Cross-section through the mid point of the facility
10. Required storage volume and proposed storage volume.

B. *The following criteria shall be used to evaluate lake facilities:*

1. Side slope above water level shall be between four to one (4:1) and ten to one (10:1).
2. Slope below water level to the safety shelf shall match the slope above the water line.
3. A four foot wide, level safety ledge shall be provided at a three foot depth.
4. The design for erosion protection at inlets and outlets must meet or exceed the City's criteria and guarantee requirements.
5. The plans for the lake must meet the technical approval of the City of Aurora Engineering Department.
6. Any inlets or outlets shall have a safety grate.
7. The spillway shall meet the City of Aurora Standard Specifications and be designed to accommodate the 100 year storm.
8. The lake bottom grading must be approved prior to filling.
9. After lake excavation has been completed, the top soil shall be distributed to a minimum depth of four inches. The developer shall then fine grade and seed the bank area with an approved seed mix. A final inspection will be made prior to approval of the lake.

10. Protection against erosion and water level fluctuations is required. Bank stabilization may be provided through the following means:
 - a. Complete establishment of perennial ground cover and water tolerant grasses.
 - b. Construction of retaining walls.
 - c. Use of rip-rap underlaid by gravel placed in the zone to be exposed during seasonal water fluctuations. Minimum zone to be covered is three (3) feet above normal water level and ten (10) feet below the normal water level.
11. The developer agrees to guarantee any private lake to be free from defects for a period of two (2) years from date of City inspection and approval. If defects are found or occur, the Developer will guarantee to correct any and all defects within the two year period at no cost. Defects include, but are not limited to, bank erosion, sedimentation, and water holding capabilities.
12. Mechanical aeration is required on all lakes under three acres of surface area at normal water level.

C. *The following criteria shall be used to evaluate blue/green facilities:*

1. A minimum of 25% of the blue-green area shall be above the 100 year storm level.
2. Slopes should be mowable with a preferred slope with a maximum of six to one (6:1) for 25% of the area. Absolute minimum slope is four to one (4:1) over a maximum of 75% of the area.
3. Plans or specifications shall comply with any applicable City Ordinances.
4. Bottom slope of the blue-green areas will have a minimum two percent slope for positive drainage to the outfall. If necessary, said slope can be a minimum of one percent with perforated underdrain.
5. Drainage pipes over twelve inches in size must have a grate and proper wing wall or rip rap.
6. Rough grading shall be in conformance with City specifications with a preferred six inches and a minimum of four inches of black dirt.
7. Fine grading and seeding shall be in conformance with City specifications.
8. Provide grates for all drainage pipe flared end sections.

9. Low flow perforated pipes wrapped with fabric and open graded stone shall be used for blue-green areas.
10. The Developer agrees to guarantee any private blue/green detention facility to be free from defects for a period of two (2) years from the date of City inspection and approval. If defects are found to occur, the Developer will guarantee to correct any and all defects within the two year period. Defects include, but are not limited to, erosion, sedimentation and water detention capabilities.
11. Any further requirements of the Aurora Storm Water Control Ordinance and Standard Specifications not specifically addressed in the above criteria shall also govern the development of the blue/green detention areas.

D. *The following criteria shall be used to evaluate facilities intended to be publicly owned:*

1. Minimum lake area shall be 1.2 acres.
2. Twenty-five percent of the lake shall be a minimum of 12' deep located at the incoming pipe area. The balance of the lake shall be a minimum of 8' deep.
3. Design provision for multi-recreational use.
4. A final inspection will be made prior to acceptance of the lake.
5. Park/School sites will have one street side at least 25% open for access. Minimum access to sites is 60' wide.
6. Storm water drainage piping and appurtenances within any park shall be dedicated to the City at the time of final plats of subdivision. It is understood that the City will accept dedication of the storm water drainage piping and appurtenances and will assume responsibility to maintain, repair, renew, restore, and replace such facilities.
7. Provide desiltation basin at the pond's in-flow locations; size shall be 1000 cubic feet per tributary acre.
8. Side slope above water level shall be between four to one and ten to one.

ATTACHMENT H TO PLAN DESCRIPTION
SPECIAL SIGN DISTRICT REGULATIONS
FOR THE COMMERCIAL PARCEL

SPECIAL SIGN DISTRICT REGULATIONS

Pursuant to Section 2902.5 of the City Code of Ordinances, the City hereby establishes a special sign district for the Subject Property and adopts the special sign district regulations and specifications in this Attachment H to the Plan Description. The regulations in this Attachment H shall supplement the regulations in the City sign ordinance pertaining to Ground Signs, in general all other signage shall be pursuant to the City of Aurora's Sign Ordinance.

Signs Permitted for the Kirkland Crossing Commercial and Residential Development:

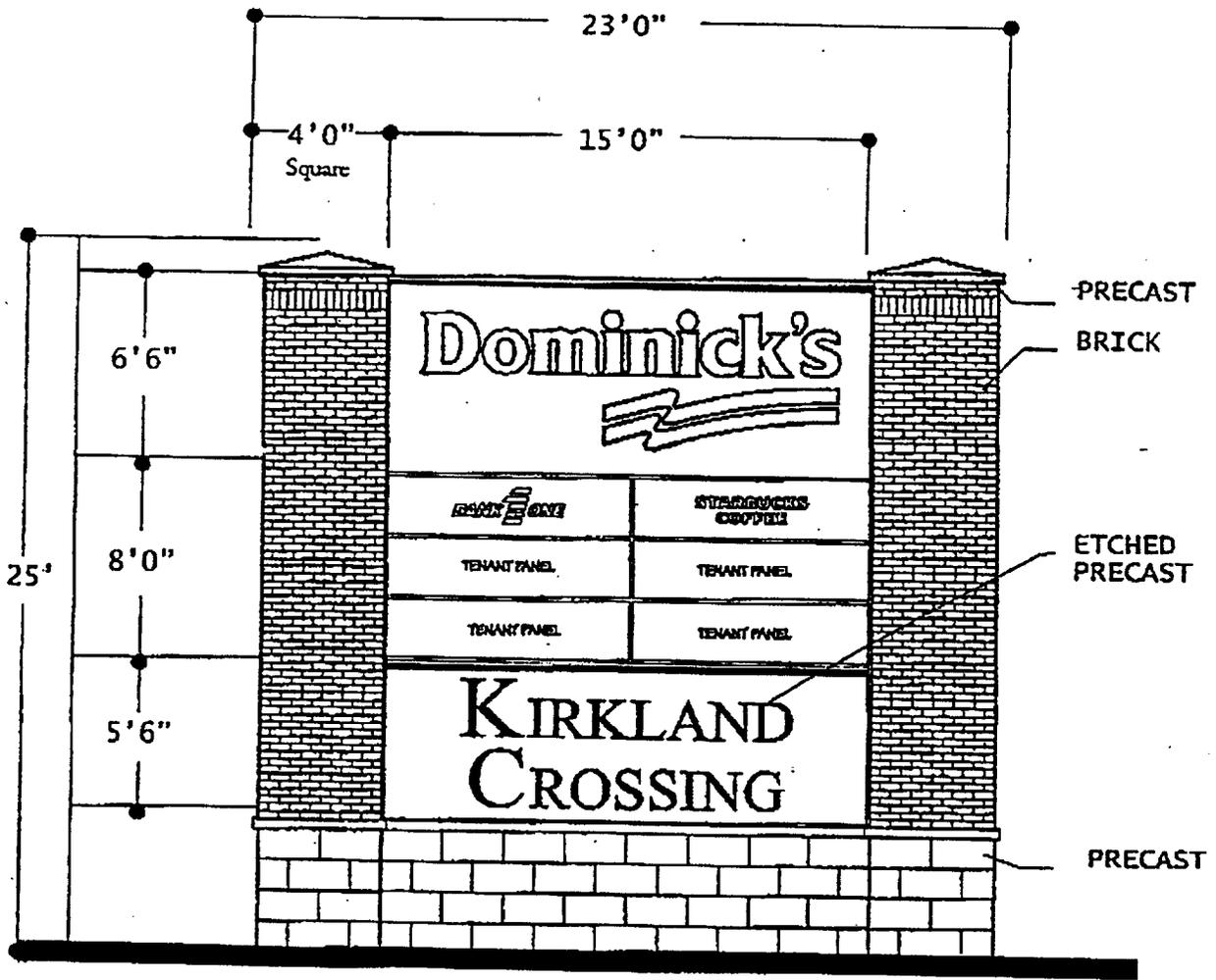
- A) The Commercial Development shall be regulated by the following provisions:
1. Such signage shall be regulated by the Aurora Sign ordinance, except that:
 - a) Sign area shall be equal to the frontage multiplied by 25 plus 20 feet; and
 - b) Sign height shall be equal to the frontage divided by 60; plus 6 feet; and
 - c) Signs shall be of a monument style, with consistent architectural elements.
 2. The number and locations of signs shall be regulated by the following:
 - a) As shown in Exhibit "A" and "B" two shopping center signs shall be allowed with a maximum sign area of 217 square feet and a maximum height of 25 feet. The placement of those signs shall be at the corner of Kirk Road and Butterfield Road and the corner of Kirk Road and Mesa Lane as depicted on the Signage Location Plan (Exhibit "D").
 - b) One sign shall be allowed for lots 1-4 as labeled on the Signage Location Plan (Exhibit "D"). The maximum sign area for these signs shall be 80 square feet and the maximum height shall be 11 feet.
 3. The style of the signs shall be regulated by the following:
 - a) The monument shall be made of a limestone base and four-foot square brick columns with limestone cap accents. All signs are to be designed in a consistent manor with the sign shown in Exhibit "C".
 4. All building and directional signage shall be regulated by the Aurora Sign ordinance, with examples of proposed signage being shown in Exhibit "E".
- B) The Residential Development shall be regulated by the following provisions:
1. Such signage shall be regulated by the Aurora Sign ordinance, except that:
 - a) Signs shall be of a monument style, with consistent architectural elements.
 2. The number and locations of signs shall be regulated by the following:
 - a) As shown in Exhibit "E" two residential identification signs shall be allowed with a maximum sign area for Sign "J" being 88 square feet and a maximum height of 9 feet, and a maximum sign area for Sign "K" being 24 square feet and a maximum height of 5 feet. The placement of those signs shall be as depicted on the Signage Location Plan (Exhibit "D").
 3. The style of the signs shall be regulated by the following:
 - a. The monument shall be made of a limestone base and four-foot square brick columns with limestone cap accents, as depicted on Exhibit "D".

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EXHIBIT "A"
to Attachment B

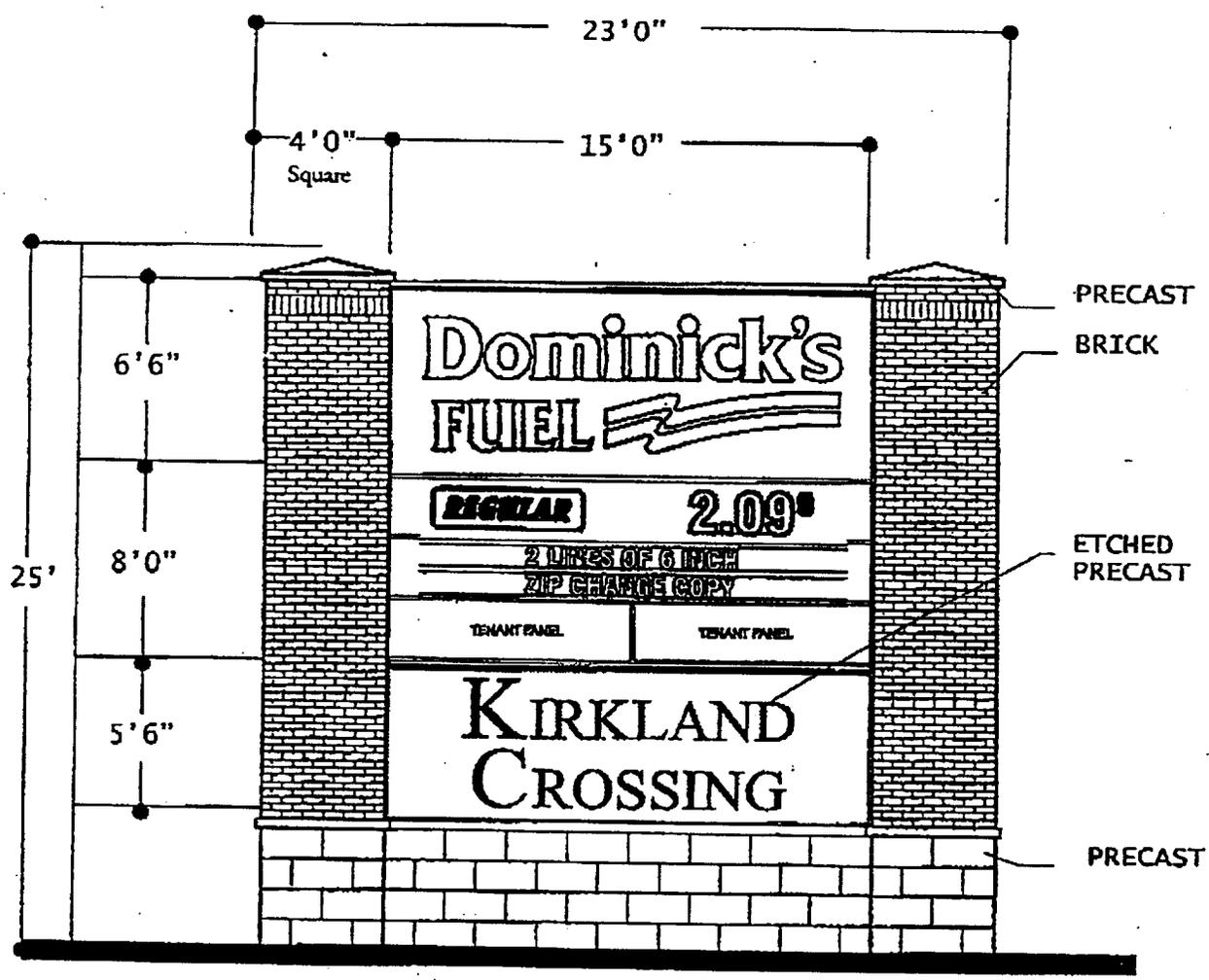


DEVELOPMENT SIGN A1

2001K033711

68

EXHIBIT "B"
to Attachment #E

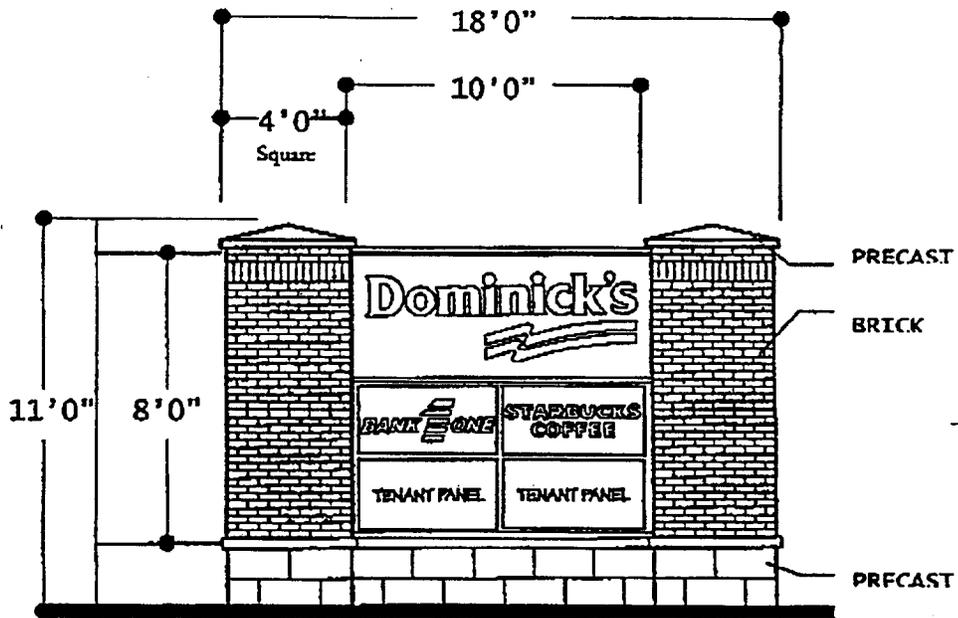


DEVELOPMENT SIGN G

2001K033711

EXHIBIT "C"

to Attachment H



DEVELOPMENT SIGN A2

2001K033711

TOTAL SITE DATA

GENERAL INFORMATION

UNITS	2142 UNITS
DOMINICK'S	100,000 SF
COMMERCIAL OUT LOTS	38,377 SF
PARK DONATION	29,899 SF
INTERNAL ROAD	61,842 SF
TOTAL	1,077,000 SF

COVERAGE OF BUILDINGS AND PARKING

DOMINICK'S	11.5 ACRES OR 50% COVERAGE
COMMERCIAL OUT LOTS	1.5 ACRES OR 50% COVERAGE
PARK DONATION	5.9 ACRES OR 50% COVERAGE
INTERNAL ROAD	1.8 ACRES OR 50% COVERAGE
TOTAL	10.7 ACRES OR 50% COVERAGE

COVERAGE AND RETENTION

DOMINICK'S	11.5 ACRES OR 50% COVERAGE
COMMERCIAL OUT LOTS	1.5 ACRES OR 50% COVERAGE
PARK DONATION	5.9 ACRES OR 50% COVERAGE
INTERNAL ROAD	1.8 ACRES OR 50% COVERAGE
TOTAL	10.7 ACRES OR 50% COVERAGE

COVERAGE AND RETENTION

DOMINICK'S	11.5 ACRES OR 50% COVERAGE
COMMERCIAL OUT LOTS	1.5 ACRES OR 50% COVERAGE
PARK DONATION	5.9 ACRES OR 50% COVERAGE
INTERNAL ROAD	1.8 ACRES OR 50% COVERAGE
TOTAL	10.7 ACRES OR 50% COVERAGE

ZONED R-1 - SINGLE-FAMILY RESIDENTIAL SAVANNAH UNIT 1 SUBDIVISION
REC. APRIL 8, 1978 AS DOC. 984024931

ZONED R-1 - SINGLE-FAMILY RESIDENTIAL SAVANNAH UNIT 1 SUBDIVISION
REC. APRIL 8, 1978 AS DOC. 984024931

ZONED R-1 - SINGLE-FAMILY RESIDENTIAL SAVANNAH UNIT 1 SUBDIVISION
REC. APRIL 8, 1978 AS DOC. 984024931

ZONED B-3 BUSINESS AND WHOLESALE DISTRICT

PLANNED DEVELOPMENT DISTRICT

DOMINICK'S SITE ANALYSIS

GENERAL INFORMATION

PARCEL NUMBER	100,000
SITE SPECIFIC	100,000
BLDG. AREA	100,000
SITE / BUILDING RATIO	1.00 / 1.00

BUILDING CONSTRUCTION AND CLASSIFICATION

ZONE - SITE SPECIFIC

CONSTRUCTION TYPE - ONE STORY

FULLY FINISHED - ONE STORY

BUILDING CONSTRUCTION TYPES - SEVERAL STORE BUILDING TYPE B-4

BUILDING ELEVATION - 40.00'

ACTUAL FROM FLOOR ELEVATION - SITE SPECIFIC

BUILDING FLOOR ELEVATION - SITE SPECIFIC

PARKING STALL CALCULATIONS

TOTAL GROSS BUILDING AREA	75,877 G.S.F.
TOTAL COMPACT REQUIRED (0.37000 S.F.)	28,177 S.F.
TOTAL STALLS REQUIRED	4 STALLS
ACCESSIBLE STALLS REQUIRED	1 STALL
ACCESSIBLE STALLS PROVIDED	1 STALL

FAIRFIELD SITE ANALYSIS

GENERAL INFORMATION

ACREAGE	23.42 ACRES
DENSITY	11.5 UNITS/ACRE

CALCULATIONS

TOTAL UNITS	268 UNITS
PROVIDED PARKING	493 SPACES
REQUIRED PARKING (1.15 PER UNIT)	308 SPACES
EXCESS PARKING	185 SPACES

PARKING CALCULATIONS (LEVEL STANDARDS)

PROVIDED PARKING	493 SPACES
REQUIRED PARKING (1.15 PER UNIT)	308 SPACES
EXCESS PARKING	185 SPACES

KIRKLAND FARMS UNIT 1 SUBDIVISION
REC. DEC. 4, 1995 PER DOC. 98071038

KIRKLAND FARMS UNIT 2 SUBDIVISION
REC. JAN. 31, 1997 PER DOC. 97000422

ZONED R-1(S) - SINGLE-FAMILY RESIDENTIAL SPECIAL USE DISTRICT

DOMINICK'S
98,977 sq. ft.

28,282 ACRES

162 AC.

172 AC.

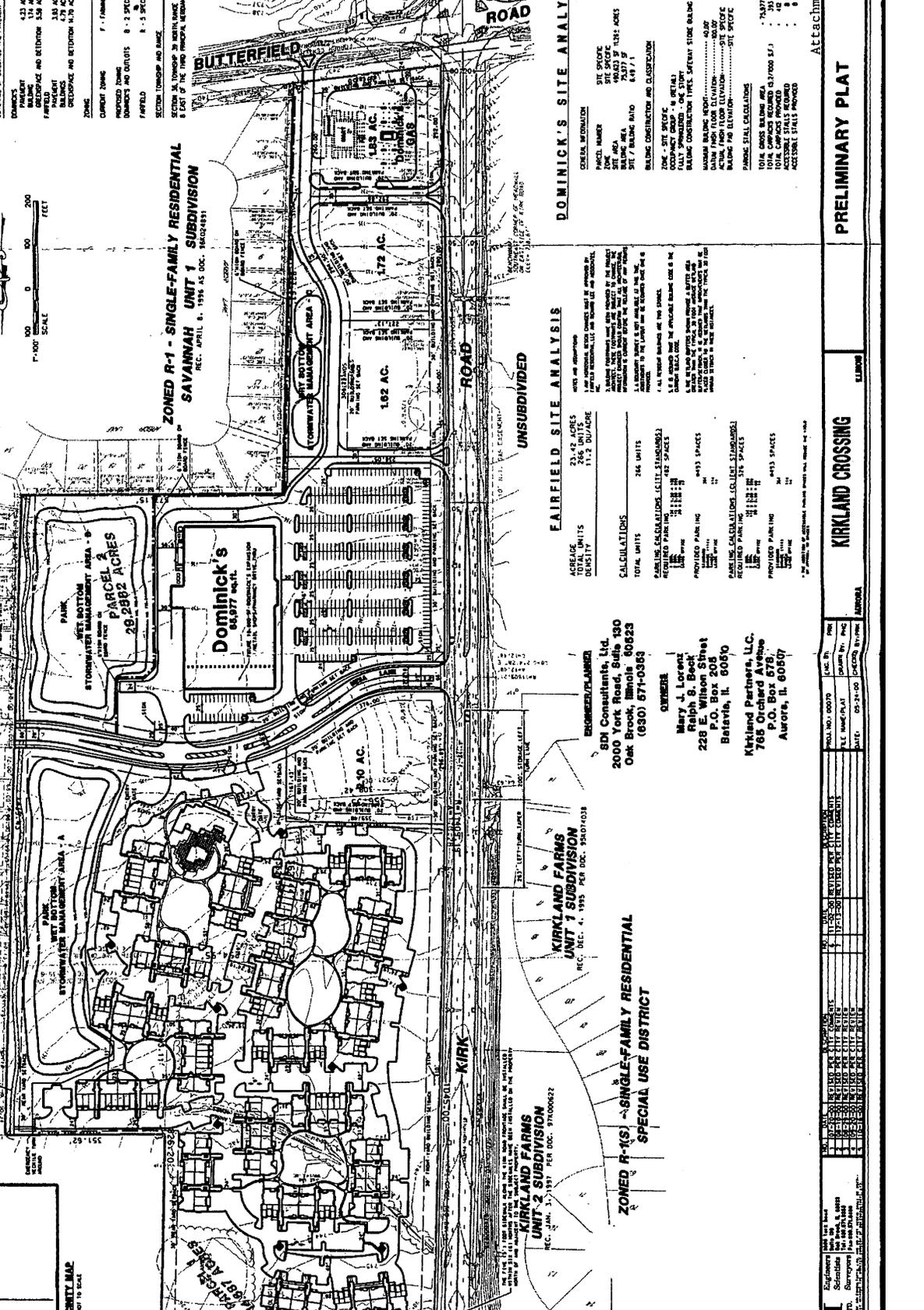
183 AC.

WARRANTY DEED
TO DONORS CROWN NATIONAL BANK
REC. MAY 14, 1998 AS DOC. 1998050283

VELOCITY MAP
NO. 15 SCALE

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CONSULTANTS LTD.
1000 W. 15th Street, Suite 200, Aurora, IL 60506



PRELIMINARY PLAT

KIRKLAND CROSSING

Attachment D

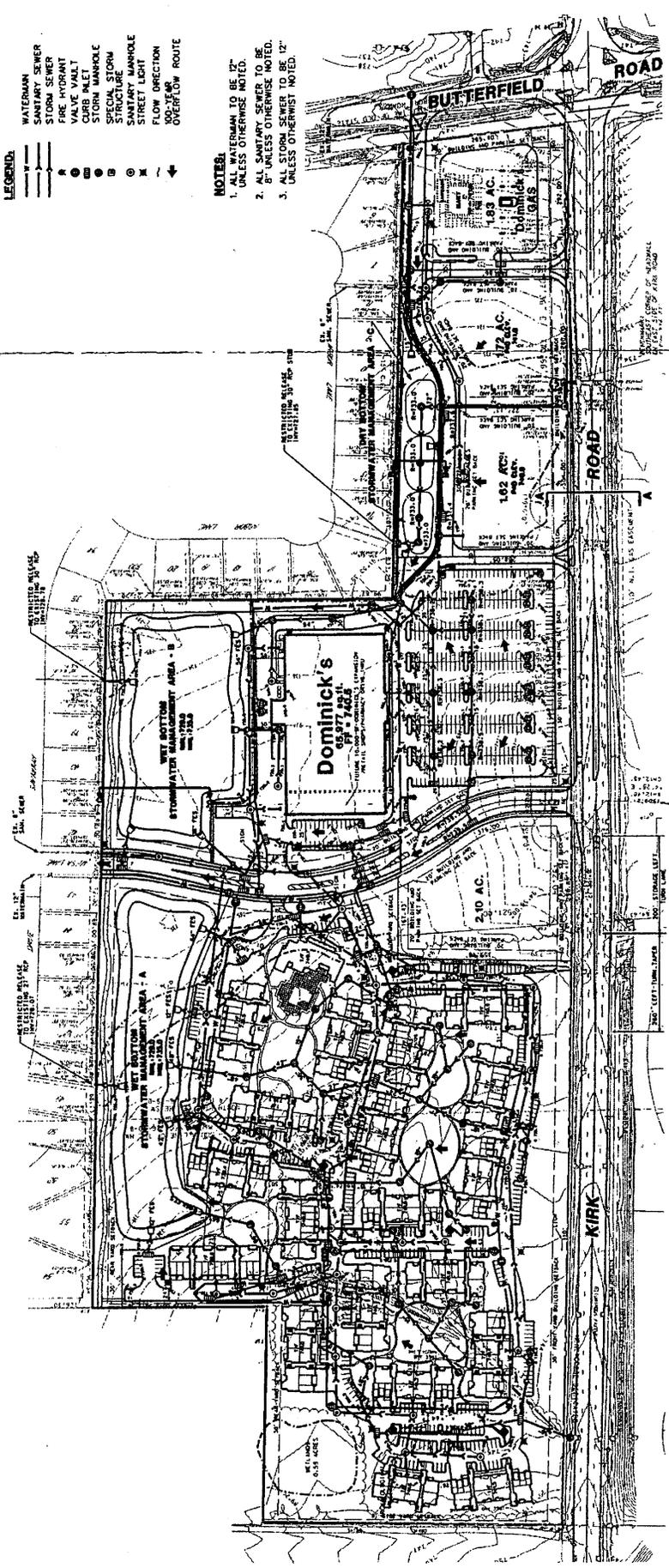
1.0

2001K03371L



- LEGEND:**
- WATERMAIN
 - STORM SEWER
 - SEWER
 - FIRE HYDRANT
 - VALVE VAULT
 - CURB INLET
 - STORM MANHOLE
 - SPECIAL STORM
 - SANITARY MANHOLE
 - STREET LIGHT
 - FLOW DIRECTION
 - 100-YEAR OVERFLOW ROUTE

- NOTES:**
1. ALL WATERMAIN TO BE 12" UNLESS OTHERWISE NOTED.
 2. ALL SANITARY SEWER TO BE 8" UNLESS OTHERWISE NOTED.
 3. UNLESS OTHERWISE NOTED.

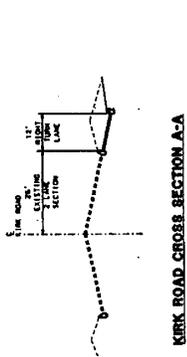
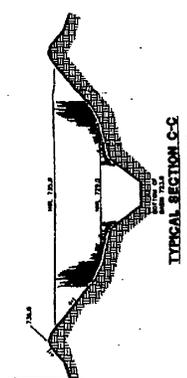
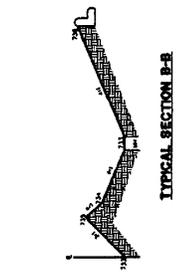


TOTAL SITE DATA

GREEN INFRASTRUCTURE	LOCATIONS	ACRES
MULTIFAMILY RESIDING	LOCATIONS	214.0 ACRES
COMMERCIAL	LOCATIONS	8.8 ACRES
COMPOUND OFF LOTS	LOCATIONS	8.0 ACRES
PARK DONATION	LOCATIONS	8.0 ACRES
INTERNAL ROAD	LOCATIONS	1.0 ACRES
TOTAL	LOCATIONS	241.8 ACRES

DETENTION SUMMARY

DETENTION REQUIRED PER APPROX. ORD.	= 23.37 AC-FI
COMPENSATORY STORAGE	= 4.54 AC-FI
TOTAL REQUIRED	= 28.31 AC-FI
DETENTION PROVIDED	
AREA A	= 12.21 AC-FI
AREA B	= 13.80 AC-FI
AREA C	= 2.40 AC-FI
TOTAL PROVIDED	= 28.41 AC-FI



ENGINEER/PLANNER
 SDI Consultants, Ltd.
 2000 York Road, Suite 130
 Oak Brook, Illinois 60063
 (630) 571-0363

OWNER
 Mary J. Lorenz
 Ralph S. Beck
 228 E. Wilson Street
 P.O. Box 208
 Batavia, IL 60510

Kirkland Partners, LLC
 788 Orchard Avenue
 P.O. Box 878
 Aurora, IL 60607

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Exhibit D

KIRKLAND CROSSING

PRELIMINARY ENGINEERING PLAN

2.0

KIRKLAND

PROJECT NO.	11-23-00	DATE	09-24-00	BY/CHK	PNC
PROJECT NAME	KIRKLAND CROSSING				
CLIENT	KIRKLAND PARTNERS, LLC				
DESIGNER	SDI CONSULTANTS, LTD.				
SCALE	AS SHOWN				
PROJECT LOCATION	KIRKLAND CROSSING, ILLINOIS				
PROJECT NO.	11-23-00	DATE	09-24-00	BY/CHK	PNC
PROJECT NAME	KIRKLAND CROSSING				
CLIENT	KIRKLAND PARTNERS, LLC				
DESIGNER	SDI CONSULTANTS, LTD.				
SCALE	AS SHOWN				
PROJECT LOCATION	KIRKLAND CROSSING, ILLINOIS				