

**RIDER AND QUALIFYING STATEMENT TO APPLICATION FOR AMENDMENT TO
PLAN DESCRIPTION AND APPLICATION FOR CONDITIONAL USE PERMIT (File
No. 25-0362 and 25-0363)**

Applicant, Lydia Home Association, an Illinois not-for-profit corporation ("Applicant"), redacts all prior applications submitted to the City of Aurora and for its Application for Amendment to Plan Description and Application for Conditional Use Permit, states as follows:

Property Information:

Parcel Number(s): 15-02-401-025

Street Address: 998 Corporate Boulevard, Aurora, Illinois 60502

Applicant / Contract Purchaser Information:

Name: Lydia Home Association, an Illinois not-for-profit corporation

Address: c/o Andrew E. Kolb, Esq. & Lindsay K. Sanchez, Esq., Vanek, Larson & Kolb, LLC, 200 W. Main Street, St. Charles, Illinois 60174

Phone: Andrew E. Kolb/Lindsay K. Sanchez: 630-513-9800

Fax: Andrew E. Kolb/Lindsay K. Sanchez: 630-513-9802

Email: Andrew E. Kolb: akolb@vklawfirm.com

Lindsay K. Sanchez: lsanchez@vklawfirm.com

Applicant's Team: Copies of the biographies and/or curriculum vitae of Applicant's team members are incorporated herein as **Exhibit A**.

Co-Applicant / Owner of Record Information:

Name: Corporate Technical Center, LLC, an Illinois limited liability company

Address: c/o Daniel Dolan, Manager, 765 Orchard Avenue, Aurora, Illinois 60506

Phone: Daniel Dolan, Manager: (630) 774-8523

Fax: N/A

Email: Daniel Dolan, Manager: dtdolan@dolanmurphy.com

I. General Background

- 1.1 Applicant – Applicant is an Illinois not-for-profit corporation that has been serving children in Illinois since 1916. Applicant is a faith-based organization that provides residential treatment for children under the supervision of the Illinois Department of Children and Family Services ("DCFS") with mental health and behavioral difficulties. Applicant currently has two residential facilities located in Evanston and Chicago. Applicant provides various programs and services to its residents, including daily schooling, individual therapy sessions, occupational and group therapy, recreational time, and, when desired by children, certain faith-based activities. Due to Applicant's successful operation of its existing two facilities and its remarkable rate of improving the well-being of children, youth and families, Applicant has been presented with the new opportunity to open a third residential and educational facility at the Subject Property through a contractual working relationship with the Illinois Department of Children and Family Services ("DCFS") thereby allowing Applicant to serve a vital need in the local community.

- 1.2 The Property – The Subject Property is comprised of approximately 8.96 acres with a one-story building of approximately 49,332 square feet and is located at 998 Corporate Boulevard, Aurora, Illinois. The Subject Property is located south of Bilter Road, west of Church Road and north of Corporate Boulevard, within the city limits of Aurora. The ("**Subject Property**") is legally described within the ALTA Survey incorporated herein as in **Exhibit B** attached hereto. An aerial of the Subject Property incorporated herein as **Exhibit C** attached hereto derived from Google Earth in its current format.
- 1.3 Previous Use – The Subject Property is currently zoned PDD – Planned Development District and is part of the Farnsworth International Planned Development District ("PDD"). The City of Aurora previously approved a revision to the Farnsworth International PDD plan description to include as a special use "*Autistic and Special Needs Mental Health Facility solely limited to Lot 2 of A.T.S. Subdivision*" and approved such a special use for the Subject Property. The revision and conditional use approval granted Sequel Youth & Family Services, Inc. permission to operate a mental health facility for autistic and special needs children ranging from ages 8 to 20 on the Subject Property. Sequel Youth & Family Services, Inc. permanently closed the school in June 2021 and the subject property has remained vacant. Applicant's development requests mirror the prior revision and conditional use approval utilized in the past for many years by Sequel.
- 1.4 Applicable Code and Ordinance Provisions - The Subject Property is located in the **Farnsworth International PDD**, which was established by Ordinance No. O89-038 (incorporated herein as **Exhibit D** attached hereto), and which a Plan Description was established pursuant to Ordinance No. O89-040. The Subject Property is part of the parcel identified therein as "ORI – West."
- Ordinance No. O11-075 granted a revision to the Farnsworth International PDD Plan Description to allow as a special use "Autistic and Special Needs Mental Health Facility".
- Section 34-901 of the City's zoning ordinance allows for amendments to a planned development district to be applied for by the owner of the affected property or their duly authorized agent.
- 1.5 Applicant's Proposed Use - Applicant proposes to acquire the Subject Property and to utilize the Subject Property as a residential facility for children between the ages of 12-21 years old, who, due to mental health and behavioral issues, experience difficulty living in a family setting. The facility will offer children mental health, educational, and therapeutic services while residing at the Subject Property. The children that will be serviced by this facility are children under the supervision of the DCFS and will be placed by DCFS at this facility. The average duration of a child's residency at the proposed facility will be 18-24 months. The duration of a child's stay is determined by the child's treatment and ability to be reunified with the child's family or guardian. Applicant will be funded primarily through funds received from DCFS and the Illinois State Board of Education. Applicant's proposed residential use as a residential facility providing educational and treatment services to children experiencing mental health and behavioral issues is protected by a litany of federal

and state law and Applicant demonstrates a history of having tremendous success returning children and youth to various traditional and foster-care family settings.

Applicant's treatment programs are personalized using what evidence tells the staff will work for each particular patient. Applicant's professional staff assesses and diagnoses children and devises a treatment plan that will meet their individual needs. Among the services and resources Applicant's staff will use in treatment are individual therapy sessions, occupational and group therapy, on-going psychological evaluations and other services. Applicant will also provide daily educational services to children consistent with each child's IEP and in connection with the Batavia School Public District 101. Applicant will also provide recreational time for children.

The Subject Property is ideally suited for the proposed use as residential facility for children, who, due to mental health and behavioral issues, experience difficulty living in a family setting. The existing facility (with minor interior cosmetic updates, renovations and security upgrades) provides a private residential setting for children that currently includes all necessary facilities for Applicant's proposed use, including but not limited to one-bedroom units, bathrooms, a commercial grade kitchen, cafeteria, laundry and utility rooms, classrooms, a gymnasium, gathering spaces and administrative offices. Applicant proposes to maintain the current footprint of the existing building and will limit renovation activities solely to the existing structure. Applicant proposes no changes to the exterior building elevations. Applicant is committed to adding additional landscaping and screening as may be requested by the City of Aurora.

Per the existing floor plans (**Tab #1**), there are 47 bedrooms that will be used for residents. The Subject Property has several rooms that will be used for the educational services provided by Applicant, including 9 classrooms, multiple multi-purpose rooms, a library, a sensory room, and a music room. The Subject Property also has multiple offices and group rooms to be used for therapy and treatment. There is a dining hall and recreational room that will be used by residents.

The facility will be licensed by the Illinois Department of Children and Family Services and will be approved by the Illinois State Department of Education. The programs Applicant will provide meets the qualifications for a Qualified Residential Treatment Program under the Family First Prevention Services Act.

- 1.6 Standing – Applicant has a contractual right to purchase the Subject Property from the existing Owner, Corporate Technical Center LLC, an Illinois limited liability company, principally located at 765 Orchard Avenue, Aurora, Illinois 60506 (the “**Owner**”). The purchase and sale agreement governing the acquisition of the Subject Property remains in effect pending approval of Applicant's development requests set forth herein. The Owner has consented to the submission Applicant's development requests set forth herein in accordance with the Owner's Consent incorporated here in as **Exhibit E** incorporated herein (the “**Owner's Consent**”).

II. Development Requests – Application for Amendment to Plan Description and Application for Conditional Use Permit

2.0 Development Requests – Applicant requests the following development approvals:

- (a) Applicant requests an amendment to the Plan Description for the Farnsworth International PDD to include as a Conditional Use therein “residential facility providing educational and treatment services to children experiencing mental health and behavioral issues.”
- (b) Applicant requests a Conditional Use to operate the Subject Property as a residential facility providing educational and treatment services to children experiencing mental health and behavioral issues in accordance with this Rider and the materials incorporated in Section III hereof; and
- (c) Applicant requests “reasonable accommodation” with respect to Applicant’s proposed use of the Subject Property pursuant to Article 22 of the City of Aurora Code of Ordinances (the “Code”). Applicant’s proposed residential facility providing educational and treatment services to children experiencing mental health and behavioral issues will provide residential treatment services for children with disabilities who are protected under the terms of the Federal Fair Housing Act as detailed in Section 2.1 below.

2.1 Applicable Ordinances – As noted above, the Subject Property is currently zoned PDD – Planned Development District. It is located in the **Farnsworth International PDD**, which was established by Ordinance No. O89-038, and which a Plan Description was established pursuant to Ordinance No. O89-040 (the “Plan Description”). The Subject Property is part of the parcel identified therein as “ORI – West.

The Plan Description identifies as goals of the Farnsworth International PDD “To permit the development of office, research, industry and commercial uses”, and that it is intended for “ORI and business uses”.

Pursuant to Table One of Article 49 of the Code identifies the following uses as permitted within an ORI district (many of which directly comport with Applicant’s proposed use):

- ***Health and human services***

Pursuant to Table One of Article 49 of the Code identifies the following uses as a conditional use within an ORI district:

- ***Educational*** services
- Technical, trade, and other specialty schools
- Associations, ***nonprofit organizations***, etc.
- ***Social service agencies, charitable organizations, health related facilities, and similar uses when not operated for pecuniary profit***

The Code does not provide definitions for any of the aforementioned uses.

Section 22-100 of the Code states that “It is the policy of the City of Aurora, Illinois, pursuant to the Fair Housing Amendments Act of 1988, the Americans with Disabilities Act, and applicable State laws, *to provide persons with disabilities* reasonable accommodations (including modifications or exceptions) to the City’s zoning, land use, and other regulations, codes, rules, policies and practices in order to ensure equal access to housing and to facilitate the development of housing for persons with disabilities. This includes waiving certain requirements when necessary to eliminate barriers to housing opportunities and to ensure a person with a disability has an equal opportunity to use and enjoy a dwelling.”

Section 22-102(b) states a “person with a disability” has the same meaning as set forth in the Federal Fair Housing Act and the Americans with Disabilities Act and “is an individual who has a physical or mental impairment that limits one or more of the major life activities of such individual, is regarded as having such impairment, or has a record of such impairment.”

Pursuant to Section 22-102(c), a “reasonable accommodation” can include the removal of constraints in the City’s land use, zoning and code.

Section 22-103 of the Code allows a “developer or provider of housing for persons with disabilities, or an agency, organization or entity that provides residential services to persons with disabilities” to request a reasonable accommodation.

The children and youth that will reside at Applicant’s facility are considered “disabled” under the Federal Fair House Act and the Americans with Disabilities Act and thus, Applicant’s proposed request for reasonable accommodation is protected by federal law.

Analysis of Appropriateness of Requested Development Approvals

The Subject Property is currently zoned PDD – Planned Development District. Pursuant to the current Plan Description for the Farnsworth International PDD, this PDD was created with the intent to develop the property with various uses, including “ORI” uses. While the Subject Property is not zoned ORI, because the PDD Plan Description clearly indicates an intent to develop the property consistent with uses consistent with an ORI zoning classification, it is instructive to look at what is allowed under the ORI zoning district.

As noted above, ORI districts allow for certain uses either as a permitted use or a conditional use that are similar to Applicant’s proposed use. Specifically, ORI districts permit a property to be used for “health and human services.” Additionally, ORI districts allow as a conditional use, the uses of “educational services”, “associations, non-profit organizations”, and “social service agencies, charitable organizations, health related facilities, and similar uses when not operated for pecuniary profit”. These uses are all similar, or substantially similar, to Applicant’s proposed use of the Subject Property.

Applicant’s proposed use of the Subject Property is a residential facility providing educational and treatment services to children experiencing mental health and behavioral issues. As noted

above, Applicant will be providing a residence for children and adolescents who demonstrate mental health and behavioral difficulties and challenges. While residing at Applicant's facility, children will receive various mental health and behavioral treatments as well as daily education. These uses align with the uses permitted or permitted as a conditional use in the ORI zoning district. Thus, Applicant's proposed use would work within the intentions of the Farnsworth Industrial PDD to be used for ORI and business uses.

Furthermore, the City has the ability to, and should, relax the strict requirements of the Code to allow for Applicant's proposed use of the Subject Property as Applicant's proposed use of the Subject Property would provide housing for a population of individuals with disabilities under the FHA and the ADA. Applicant hereby incorporates its prior FHA Position Statement and Demand for Reasonable Accommodation under Federal Law from the law firm of Vanek, Larson & Kolb, LLC to the City of Aurora dated April 22, 2025 as **Exhibit F** incorporated herein.

III. Submission Materials

Along with the filing of its Application, and in support thereof and in support of all standards applicable to a Special Use and Applicant's development requests as set forth herein, the Applicant submits and incorporates herein the following required attachments and supplemental materials:

Ex. A	Biographies and/or curriculum vitae of Applicant's team
Ex. B	ALTA Survey - Legal Description of the Subject Property
Ex. C	Aerial Depiction of the Subject Property
Ex. D	Ordinance No. O89-038 (Planned Development District Ordinance)
Ex. E	Owner's Consent to Applicant's Development Application
Ex. F	FHA Position Statement – April 22, 2025 (Vanek, Larson & Kolb, LLC)
Ex. G	Property Value Trending – Lydia Facilities in Chicago & Evanston / Prior use at Subject Property demonstrating no diminution of Property Values.
Ex. H	Position Statement in Response to Objection of Batavia School District 101 - BrieAnne Rader, Educational Advocate with Educational Advocacy & Consulting
Ex. I	Existing Floor Plans

IV. Criteria (Standards)

- 4.1 Standards For a Proposed Amendment to the Plan Description for the Farnsworth International PDD. Section 34-909 of the Code sets forth the procedures and criteria for amending the districts under chapter 49 of the Code or the zoning map. Section 34-909 states that:

“In considering a proposed amendment to the regulations imposed and the districts created under chapter 49 (as a restatement of the regulations set forth in Ordinance 3100 as amended from time-to-time) or to the zoning map, the commission shall consider whether the proposed amendment

- (a) Is in accord with all applicable official physical development policies and other related official plans and policies of the city; and**

Applicant is not seeking to change the zoning classification for the Subject Property. Rather, Applicant is seeking to amend the Plan Description to include as a Conditional Use therein residential facility providing educational and treatment services to children experiencing mental health and behavioral issues. Amending the Plan Description for the Farnsworth International PDD as proposed by Applicant is in accord with all applicable official physical development policies and other related official plans and policies of the City. The Subject Property is currently zoned PDD. The existing PDD has a strong emphasis on ORI uses. Furthermore, the Subject Property is identified as Office/Research/Light Industrial in the City’s Comprehensive Plan. Applicant’s use would be consistent with uses allowed as a conditional use under the ORI district.

Moreover, the City has established a policy to provide persons with disabilities reasonable accommodations to the City’s zoning, land use, and other regulations, to provide and facilitate housing for persons with disabilities. The individuals Applicant would provide housing to are considered persons with disabilities under the FHA, ADA and the Code. Thus, allowing an amendment to the Plan Description to include as a Conditional Use therein residential facility providing educational and treatment services to children experiencing mental health and behavioral issues would be consistent with the City’s established policy of providing housing to people with disabilities.

- (b) Represents the logical establishment and/or consistent extension of the requested classification in consideration of the existing land uses, existing zoning classifications, and essential character of the general area of the property in question; and**

Applicant’s proposed amendment to the Plan Description for the Farnsworth International PDD represents a logical establishment and/or consistent extension of the requested classification in considering the existing land uses, existing zoning classifications and the essential character of the general area of the property in question for several reasons.

First, the Subject Property is surrounded by properties in the following zoning districts: PDD, M-1 (Manufacturing District Limited), R-1 (One Family Dwelling District), O(S) (Office), ORI (Office, Research and Industrial), R-1(S) (One Family Dwelling District) and ORI(S) (Office, Research and Industrial). The surrounding zoning districts allow for uses as conditional uses similar to Applicant's proposed use. Specifically, the R-1 district allows as a conditional use the following uses: community residence, major; educational services; health and human services; and social service agencies, charitable organizations, health related facilities, and similar uses when not operated for pecuniary profit. The M-1 and O districts allow as a permitted use technical, trade, and other specialty schools; health and human services; and associations, nonprofit organizations, etc. They both also allow as a conditional use: educational services and social service agencies, charitable organizations, health related facilities, and similar uses when not operated for pecuniary profit. As noted above, ORI allows as a permitted use health and human services, and as a conditional use: educational services; technical, trade, and other specialty schools; associations, nonprofit organizations, etc.; and social service agencies, charitable organizations, health related facilities, and similar uses when not operated for pecuniary profit.

As shown above, the zoning districts surrounding the Subject Property all allow, either as a permitted or conditional use, uses that are similar. Furthermore, as noted above, while the Farnsworth International PDD does not currently allow Applicant's proposed use, the Farnsworth International PDD Plan Description states that the intention of the planned development district is to allow for ORI and business uses within the PDD.

Furthermore, there are several properties surrounding the Subject Property that are harmonious with Applicant's proposed use of the Subject Property. Specifically, M1 Hoops is located to the immediate north of the Subject Property. M1 Hoops provides basketball instruction and camps for adolescents, thereby serving a similar population as Applicant proposes to serve at the Subject Property. Additionally, to the immediate west of the property there are two properties that are zoned R-1 and have single family residences.

Amending the Plan Description to include as a Conditional Use therein residential facility providing educational and treatment services to children experiencing mental health and behavioral issues would be a logical establishment and/or consistent extension of the existing Conditional Uses in the Plan Description as it is similar to not only uses that are permitted and conditional uses in surrounding zoning districts, but it is also similar to existing uses of surrounding properties.

- (c) Is consistent with desirable trend of development in the general area of the property in question, occurring since the property in question was placed in its present zoning classification, desirability being defined as the trend's consistency with applicable official physical development policies and other related official plans and policies of the city; and**

Since the Subject Property was placed in present zoning classification, the Subject Property was granted an amendment to the Plan Description to include as a Conditional Use a use similar to the one Applicant is requesting. The Subject Property was used by a prior tenant as an autistic and special needs mental health facility for children. Additionally, since the Farnsworth International PDD was created, M1 Hoops was developed immediately to the north of the Subject Property. M1 Hoops similarly serves adolescents.

As noted in (a) above, the requested amendment to the Plan Description is also in accord with all applicable official physical development policies and other related official plans and policies of the City.

(d) Will permit uses which are more suitable than uses permitted under the existing zoning classification; and

The Subject Property is currently designed to be operated as a residential facility that provides educational and therapeutic services to individuals. It has been outfitted with bedrooms, restrooms, a commercial grade kitchen, recreation rooms, classrooms and individual and group therapy rooms. Without the amendment requested herein, the Subject Property would be required to undergo expansive interior renovations to make it suitable for the uses currently allowed in the PDD. Amending the Plan Description to include as a Conditional Use therein residential facility providing educational and treatment services to children experiencing mental health and behavioral issues would permit a use that is more suitable for the Subject Property than the uses permitted under the existing zoning classification.

(e) Is a consistent extension of the existing land uses, existing zoning classifications, and essential character of the general area.

See Applicant's response to (b) above.

- 4.2 Standards for a Conditional Use. Section 34-503 of the Code sets forth the procedures and criteria for granting a Conditional Use hereby addressed by the Applicant. Section 34-503(c) states that:

"In deliberating upon a proposed conditional use, the commission shall consider whether

(1) The establishment, maintenance or operation of the conditional use will be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;

The establishment of the specific use sought here, a residential facility providing educational and treatment services to children experiencing mental health and behavioral issues, will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community. Applicant's proposed facility will provide a warm and inviting residence for children and adolescents who are in need of

therapeutic treatment and services to address mental and behavioral issues, while also providing educational services to them. The children will be selected and placed by DCFS, and Applicant will provide most all services to the children in-house. The treatment and education provided by the proposed facility will improve the health and wellbeing of its residents. Applicant is currently operating in Evanston and Chicago and is an active member of these communities and will commit to be an active member of the Aurora community. Applicant frequently visits local community shops and restaurants to purchase clothing and food for the residents at its current facilities and would intend to do the same in Aurora.

To address the safety and comfort of the children and adolescents residing in Applicant's proposed facility, Applicant will adhere to the strictest requirement set by applicable laws and regulations governing Applicant's proposed facility with respect to internal safety measures and will work collaboratively with local authorities in the event any assistance is required. The proposed facility would be subject to certain state laws and regulations regarding safety and Applicant would adhere to all such laws and regulations, as it currently does at its existing facilities. Applicant intends to employ approximately 150 employees, is staffed 24-hours and has a 1:3 child to staff ratio. Applicant's employees are trained in Therapeutic Crisis Intervention, which is a national model of behavior management. Applicant intends to utilize 24-hour video monitoring within the facility and on the exterior fencing on the Subject Property.

This allows staff to observe the activities within the facility as well as on the exterior. In the event a child attempts to leave the facility, the exterior doors to the facility will have delayed egress out of the building, which delays the opening of the door by 15 seconds after initially opened, allowing staff sufficient time to get to doors. Furthermore, to ensure the safety of the residents and the community, the Subject Property would be surrounded by fencing that would deter children from fleeing the Subject Property. Applicant will also ensure that all driveways and other ingress and egress points on the Subject Property would be appropriately secured by, for example, fencing or gates. Applicant's current two facilities located in Evanston, Illinois and Chicago, Illinois are both located in residential neighborhoods and neither have been detrimental to or endangered those communities' public health, safety, morals, comfort or general welfare.

(2) The special use will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or will substantially diminish and impair property values within the neighborhood; factors including but not limited to, lighting, signage and outdoor amplification, hours of operation, refuse disposal areas and architectural compatibility and building orientation.

Applicant's proposed use of the Subject Property will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor will it substantially diminish and impair property values within the neighborhood. With respect to the factors identified in this standard, Applicant will not have any exterior signage, lighting or outdoor amplification that would impede with the use and enjoyment of the surrounding properties. Any exterior signage would be consistent with applicable

Code requirements. Applicant does not intend to use any exterior lighting other than what is necessary for reasonable exterior lighting to illuminate driveways, doors and other areas being used regularly. While Applicant's hours of operation will be 24 hours a day, because it is a residential facility, most residents will be asleep during the overnight hours and thus activities will be limited to daytime hours. The Subject Property currently has a dumpster that is enclosed within the fence surrounding the property and the dumpster itself is enclosed by a wooden fence. The exterior of the building on the Subject Property is similar to the office buildings surrounding it and therefore would impose no injury to the use and enjoyment of surrounding properties.

The proposed facility on the Subject Property will have no negative impact upon property values in the surrounding community. In fact, the opposite is true. In support of this position, Applicant has conducted extensive research to ascertain how Applicant's two existing facilities have impacted property values in the communities of Chicago and Evanston. More specifically, Applicant gathered data regarding the properties surrounding Applicant's two current facilities located at:

- (a) 1101 Washington Street, Evanston, Illinois 60602; and
- (b) 4300 West Irving Park Road, Chicago, Illinois 60641 (collectively the "**Existing Lydia Homes Facilities**").

Applicant incorporates herein a spreadsheet which provides the assessed values of each of the neighboring properties contiguous to and surrounding each of the Existing Lydia Homes Facilities for each year from 2016 through 2024 (the "**Spreadsheet**", a true and correct copy of which is incorporated herein as **Exhibit G** incorporated herein). The assessed values were determined by the respective county treasurer and assessor and is a matter of stipulated public record. As noted in the spreadsheet, assessed property values surrounding both of the Existing Lydia Homes Facilities *have significantly increased* each year notwithstanding the fact that Applicant operates a residential facility helping disabled young adults grow, recover and prosper right next door.

Additionally, Applicant also examined the impact upon property values of the prior Northern Illinois Academy that previously was located at 998 Corporate Boulevard, Aurora Illinois 60502 (the "Northern Illinois Academy") which proposed use is comparable to the proposed use of Applicant. Not surprisingly, no negative impact upon property values occurred as a result of the Northern Illinois Academy and in fact the M14 Hoops facility was opened just next door. More specifically, as noted from the Spreadsheet incorporated herein, the assessed value of the properties surrounding the prior Northern Illinois Academy during the years 2016 through 2021 also significantly increased over time.

In short, there exists a litany of strong recent historical data clearly demonstrating that Applicant will have nothing but a positive impact upon property values in the surrounding areas (including a positive impact upon commercial, residential and even industrial). The proposed development of Applicant will have no negative impact whatsoever and will serve a vital need in the community at large.

(3) The establishment of the conditional use will impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

Applicant's proposed facility will not impede the normal and orderly development and improvement of surrounding properties. Applicant is proposing no physical changes to the Subject Property and thus will maintain the existing exterior building footprint and the open areas on the Subject Property. The only modifications Applicant would make would be interior cosmetic alterations to ensure the facility provides a warm and inviting environment for its residents. Additionally, all properties immediately surrounding the facility are already fully developed. The only undeveloped property to the southeast of the Subject Property appears to be open space. In the event this was ever developed, Applicant's proposed facility would not impair or prevent the development of that property. In short, due to the fact that all properties surrounding the Subject Property are already developed and the fact that Applicant is not planning to make any changes to the exterior footprint of the Subject Property, Applicant's proposed facility will not impede the normal and orderly development and improvement of surrounding properties.

Furthermore, as noted above, the Applicant's proposed facility on the Subject Property will not have an adverse effect on the property values for the surrounding properties.

(4) Adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided to the conditional use;

Adequate facilities, access roads, drainage and/or other necessary facilities exist on the Subject Property. The Subject Property is currently served by City water and sewer systems and public utilities. The existing infrastructure and improvements were sufficient to serve the prior existing use, Northern Illinois Academy, and have been demonstrated to be sufficient to serve the Applicant's proposed use.

The Subject Property is currently accessible off Church Road and Corporate Boulevard. Given the nature of Applicant's proposed facility, Applicant does not expect large volumes of traffic to be generated through Applicant's proposed use. Applicant expects that daily traffic will largely be attributed to its employees. Given the low volume of traffic anticipated to be generated by Applicant's proposed use, the access roads at Church Road and Corporate Boulevard will be sufficient.

(5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; For automotive intensive uses including but not limited to, gas stations, car washes, and drive through facilities the concentration of similar uses within 1000 feet of said subject property should be given consideration as to the impact this concentration will have on the traffic patterns and congestion in the area;

As noted above, Applicant's proposed use will not generate significant traffic to the Subject Property. Applicant expects that it will employ approximately 150 employees, with those employees being split between three shift periods. Thus, given the low volume of additional traffic being generated on Church Road and Corporate Boulevard, this additional traffic will not have a detrimental impact on Church Road or Corporate Boulevard traffic. The existing access points at Church Road and Corporate Boulevard will adequately serve the traffic generated from Applicant's proposed facility and thus no additional traffic signals, intersections or roadway improvements will be necessary to accommodate traffic for the site.

(6) The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the city council pursuant to the recommendations of commission; and

Applicant's proposed use conforms to the applicable regulations of the district in which it is located. Additionally, Applicant's proposed use of the Subject Property as a residential facility providing educational and treatment services to children experiencing mental health and behavioral issues is consistent with such use having been added as a Conditional Use under the Farnsworth International PDD. The Subject Property has been developed consistent with those regulations that were in effect at the time the Subject Property was developed. Applicant has no immediate need or intent to construct additional buildings or make other improvements except those as may be requested by the City in a conditional use ordinance. The proposed facility use is consistent with the prior facility use for the Northern Illinois Academy.

V. Miscellaneous.

Applicant is in receipt of the Opposition Letter the City received from Thomas Y. Kim, Superintendent of Schools for Batavia School District 101.

Applicant submits and incorporates herein in its entirety the enclosed position statement from BrieAnne Rader, Educational Advocate with Educational Advocacy & Consulting, in response thereto as **Exhibit H**. Applicant will call Ms. Rader as a witness at the upcoming public hearing to challenge the illegality and discriminatory nature of the position taken by Batavia School District 101 in light of established federal law.

Applicant requests that copies of all notices given to Applicant hereunder (or in connection with the actions requested to be taken herein) be sent to the following parties:

Andrew E. Kolb, Esq.
Lindsay K. Sanchez, Esq.
Vanek, Larson & Kolb, LLC
200 W. Main Street
St. Charles, Illinois 60174
Phone: 630-513-9800
Fax: 630-513-9802
akolb@vklawfirm.com
lsanchez@vklawfirm.com

EXHIBIT A

APPLICANT'S TEAM

Dr. David Anderson – Executive Director, Lydia Home Association

Elissa Garcia – Director (Evanston Campus)

EXHIBIT B
LEGAL DESCRIPTION OF SUBJECT PROPERTY

LOT 1 AS SHOWN ON THE FINAL PLAT OF WOLTERS DOLAN SUBDIVISION, BEING A PART OF THE SOUTH HALF OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS, AS SHOWN ON THAT PLAT RECORDED OCTOBER 21, 2016 AS DOCUMENT NO. 2016k057572.

Parcel Number(s): 15-02-401-025

Street Address: 998 Corporate Boulevard, Aurora, Illinois 60502

**David Anderson, Psy. D.
Licensed Clinical Psychologist
Chicago, IL. 60641**

EDUCATION

Chicago School of Professional Psychology
Chicago IL Graduated 1993
Psy. D. (Honors), APA Approved
Licensed Clinical Psychologist
1999 Alumni of the Year

Certificate in Business Administration - Non-Profit Track
University of Illinois, Chicago Circle, 1994
Department of Business Administration

Northern Illinois University
DeKalb IL Graduated 1983
B.S., Community Health

DOCTORAL THESIS The maltreatment of children: A comparison of the psychological effects of physical abuse, sexual abuse, and neglect.

EXPERIENCE

July, 1998 - Present **CEO/Executive Director
Lydia Home
Chicago, IL.**

Executive Director of a \$22 million child welfare organization. The organization provides two residential treatment facilities, outpatient mental health services, traditional and therapeutic foster care, and child abuse prevention.

2003 – Present **Founder and CEO, Safe Families for Children and the Safe Families**

Safe Families (an international movement) is a network of host families who voluntarily care for children of a parent going through a difficult time. Currently, Safe Families is operating in 120 chapters in the US in 40 states, throughout the United Kingdom, Canada, and Hong Kong and launching in Australia. Passed Safe Family laws in 17 states.

Salem Children's Home: Took over operations of Salem Children's Home to help turn them around and get reestablished.

June, 00 – Jan., 04 **Psychologist - Child Welfare Evaluator (part-time)
Northwestern University and Cook County Juvenile Court
Clinical Evaluation and Services Initiative
Chicago, IL**

Help create and pilot a new forensic clinical evaluation (Parenting Assessments/Parent Competency Evaluations) for the court to help determine a parent's capacities to care for his/her children.

Aug, 1993 – June, 98 **Assistant Director
Lydia Home Association
Chicago, IL**

Provide administrative/clinical oversight to a 40-bed residential facility and foster care program.

Develop professional foster homes, counseling center, respite program, and a doctoral training program. Provide psychological evaluations, individual, family and mental therapy, and case supervision.

March, 98 – June, 2000 **Research Associate (Part-time)**
Chapin Hall Center for Children
University of Chicago
Chicago, IL.

Research Associate on the Edna McConnell Clark Foundation's Community Partnership for Protecting Children Initiative. CPPC is a national pilot project designed to shift the ground of child protection by illuminating central issues in both child welfare and community revitalization. Focused on evaluating parental functioning and outcomes.

June, 98 – June, 99 **Field Research Associate (Part time)**
Center for Public Justice
Washington, DC

Worked with Stanley Carlson-Ties (Currently at the White House) doing field research on the Charitable Choice Legislation and its implementation.

1992 - 1996 **Pediatric Advocacy Clinic**
Forensic Evaluator
Dept. of Pediatrics
Lutheran General Hospital
Park Ridge IL

Established an outpatient child abuse forensic evaluation program through the Department of Pediatrics. Performed forensic interviews on children who have been sexually or physically abused.

Aug, 91 – Aug, 93 **Program Director**
Adolescent/Young Adult Psychiatric Unit and Day Hospital
Advocate Lutheran General Hospital
Park Ridge IL

Managed administrative and clinical responsibilities on an inpatient psychiatric unit and partial hospitalization program. Coordinated the inpatient program and supervised program staff. Provided individual, group, and family psychotherapy as well as psychological evaluations. Involved in program development and planning to respond to the changing needs and resources of the patients. Organized and developed a day hospital program for adolescents.

July, 89 – Aug, 91 **Staff Psychologist**
Pediatric Ecology Unit and
Behavioral Guidance Center
Mt. Sinai Hospital
Chicago IL

Performed clinical and forensic interviews and psychological evaluations on an inpatient population of maltreated children ranging from newborn through adolescence. Consulted to schools, residential programs, and DCFS. Performed custody evaluations. Assessed children with developmental delays, ADHD, failure to thrive, and behavioral problems. Provided outpatient individual, family and group psychotherapy for children and their families who were referred with a wide range of psychological disturbances.

July, 1988 - July, 89 **Psychology Intern**
Illinois State Psychiatric Institute

Chicago IL

Inpatient and outpatient individual psychotherapy, psychological evaluations, and neuropsychological assessments. Primary training on the adolescent unit with a secondary rotation on the adult unit. Developed treatment plans, organized and participated in multidisciplinary staff meetings, and worked with patients in the therapeutic milieu.

July, 87 - July, 88

**Psychology Extern
Child and Adolescent Psychiatry
Illinois State Psychiatric Institute
Chicago IL**

Inpatient psychotherapy on a specialized unit designed for treating difficult to manage patients from the Department of Corrections and other Department of Mental Health facilities.

July, 87 - July, 89

**Psychological Evaluations
Maryville Academy's Diagnostic Program
Des Plaines IL**

Psychological evaluations of physically and sexually abused children and adolescents in a residential treatment program.

June, 87 - July, 88

**Program Coordinator
Lutheran Social Services of Illinois
Chicago IL**

Directed a crisis intervention program for runaway and ungovernable youth. Supervised a team of crisis workers, a family therapist, and a case manager in working with conflictual families with the goal of reunification.

June, 86 - Mar., 87

**Psychology Extern
Henry Horner Children's Center
Chicago IL**

State psychiatric inpatient program for disturbed adolescents. Primary responsibilities involved psychological evaluations.

TEACHING APPOINTMENTS

- Adjunct Faculty Wheaton College, Doctoral Program in Clinical Psychology, 2003 and 2004
- Adjunct Faculty – Trinity International University and Trinity Evangelical Divinity School
- Adjunct Faculty – Caribbean Graduate School of Theology

PROFESSIONAL MEMBERSHIPS

American Psychological Association
Illinois Psychological Association

OTHER ACCOMPLISHMENTS

- 1999 Distinguished Alumni, Chicago School of Professional Psychology
- 2008 Fellow, Ashoka Innovators for the Public – Global Social Entrepreneur
- 2010 Peter Drucker Award for Non-profit Innovation- First Place National Prize
- 2011 Fellow, **Prime Movers**, Hunt Alternatives Fund – Chosen as a national social movement leader
- 2016 Presidential Citation for Humanitarian Service, American Orthopsychiatry Association

Other Activity

- CRU Northern Illinois University (Student Leader). One-year full-time assignment to Micronesia. Six months Soviet Union

- Church Planting Pastor - Planted a church in Chicago connected with New Life Community Church

PUBLICATIONS

- Melton, G., Anderson, D. From Safe Sanctuaries to Strong Communities: The Role of Communities of Faith in Child Protection. *Faith and Community Health: The Journal of Health Promotion and Maintenance*. 2008; 31(2): 173-185.
- Anderson, D. The Church and Child Protection: The Safe Families Story. *Child Abuse and Neglect: An International Journal*. 2014; 38 (4): 612-617.
- Anderson, D. *Unleashing the Family*, In J. Fuder and N. Costillo's A Heart for the Community. Moody Press, 2009/2013.
- Unleashing Radical Hospitality: A Journey to Make the Safety of Children and Support of Parents a Priority of us all. SFFC Publishing, 2024

Elissa Garcia, MS/MSW, LCSW

773-564-3746 egarcia@lydiahome.org Skokie, IL 60076

Education

Master's in Social Work with Clinical Concentration University of Chicago S.S.A. - Chicago, IL
2008 to 2011

Master's in Child Development, Specialization in Infant Studies

Erikson Institute - Chicago, IL 2006 to 2008

BA in English Literature and Biblical Studies

Gordon College - Wenham, MA 1997 to 2001

Work experience

Director of Residential Services

Lydia Home Association - Evanston, IL July 2022 to Present

Placement and Transition Manager

Children's Home and Aid/Rice Child and Family Center - Evanston, IL February 2020 to July 2022

- Supervised clinical case management team.
- Ensured clinical documentation and Medicaid billing is done accurately and submitted in a timely manner.
- Oversaw intakes and discharges for residential trauma treatment program.
- As part of the Leadership Team, collaborate with other program managers to ensure clients receive high quality, effective treatment and supervision.

Clinical Case Manager

Rice Child and Family Center/Children's Home & Aid - Evanston, IL
April 2016 to February 2020

Responsibilities:

- Facilitated monthly/quarterly clinical staffings for children and youth in residential trauma treatment
- Advocated for clients and shared information with community and family stakeholders in IEP meetings, Child and Family Team Meetings, court, ACR, and other contexts
- Collaborated with unit therapist, milieu supervisor, and residential counselors to provide high quality care for clients
- Engaged with clients and their families to hear their perspectives, identify barriers to treatment and stepdown, and resolve issues in an empathetic, strengths-based manner
- Wrote and updated clinical documentation, including Mental Health Assessment, Treatment Plan, Quarterly Therapy Report, Court Reports, and Individualized Behavior Management Plan

- Completed Medicaid billing in a timely manner

Developmental Therapist/Evaluator

E.B. Pediatric Resources (Early Intervention) - Chicago, IL May 2008 to April 2016

Responsibilities:

- Conducted global developmental evaluations as part of a multidisciplinary team
- Provided home-based therapeutic services to infants and toddlers with developmental delay or disability
- Engaged families and provide parent support, education, and coaching
- Coordinated with IFSP team to formulate and carry out therapeutic goals and strategies
- Supervised and trained new developmental therapists within agency

Trauma-Focused Therapist (Intern)

Children's Research Triangle - Chicago, IL September 2009 to May 2011

Responsibilities:

- Provided individual and dyadic therapy for children and teens impacted by trauma at a domestic violence shelter and a CPS high school
- Administered assessment tools and wrote clinical reports

Case Manager / Group Facilitator (Intern)

Chicago Child Care Society, Teen Parenting Initiative - Chicago, IL September 2008 to June 2009

Responsibilities:

- Provided weekly individual counseling to teen parents
- Facilitated support group for parenting teens at a CPS high school

Assistant Teacher / D.I.R. Floortime Facilitator (Intern)

L.E.E.P. Forward - Chicago, IL January 2008 to May 2008

Responsibilities:

- Co-led playgroups and individual sessions for children ages 3-5 on the autistic spectrum or with sensory processing disorders

Family Support Worker (Intern)

Howard Area Community Center - Chicago, IL September 2007 to December 2007

- Assisted teachers in infant, toddler and preschool classrooms
- Participated in and led staff trainings
- Assisted home visitors with provision of parent education and support for high-risk families
- Facilitated activities to support and improve parent-child interactions

Assistant Manager

Eve's Garden - Camden, MA September 2004 to August 2006

- Tended and organized community garden and greenhouse
- Provided health and nutrition education to neighborhood residents

Health and Physical Education Teacher

Sacred Heart Elementary School - Camden, NJ September 2004 to August 2006

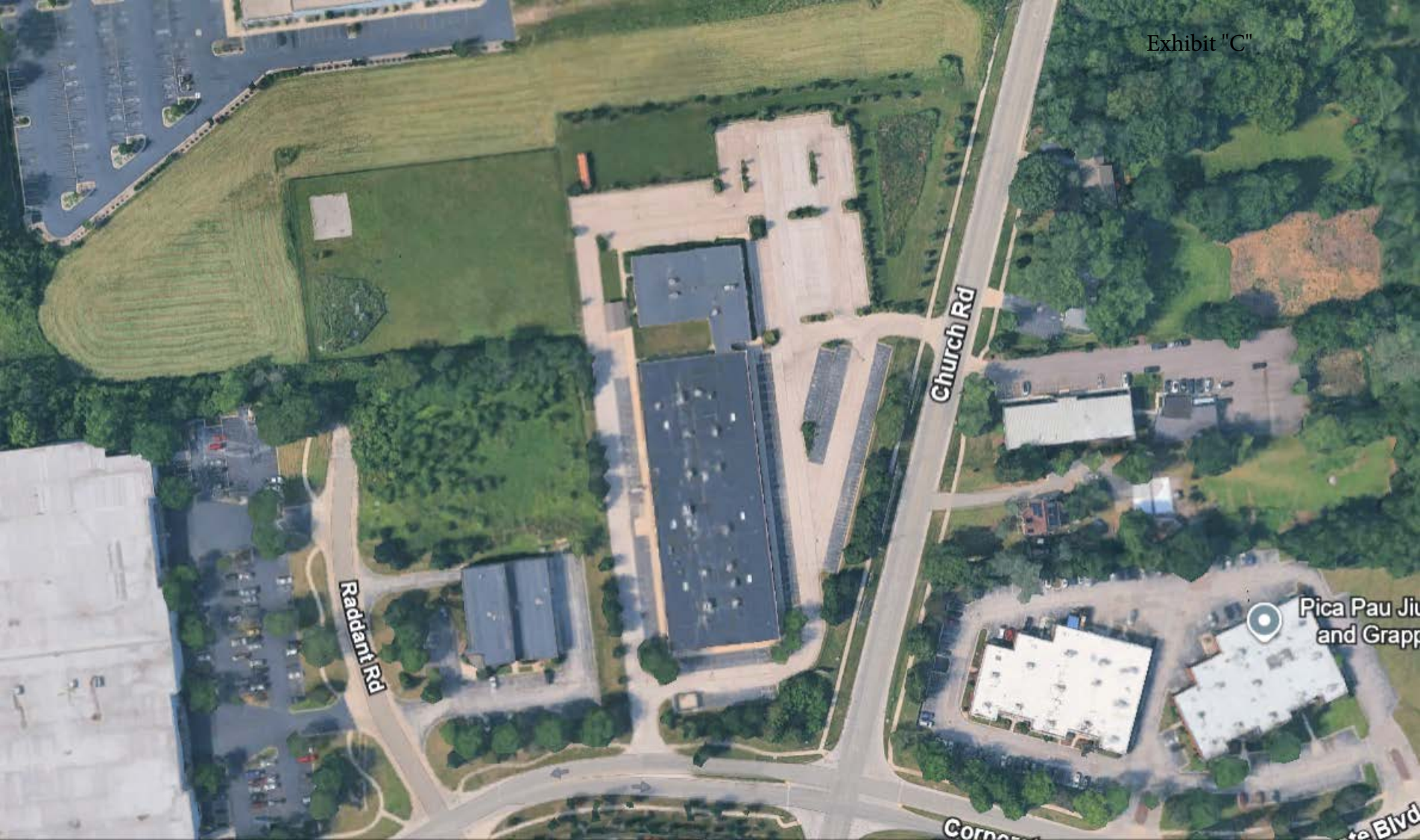
- Taught health and physical education classes
- Assistant coach for track and basketball teams

Family Shelter Staff

Wellspring House, Inc. - Gloucester, MA May 2002 to August 2004

- Supervised residents (families)
- Prepared food for residents and employees, performed various housekeeping and receptionist duties
- Assisted caseworkers and families in meeting housing, educational, and health care needs

Exhibit "C"



Church Rd

Raddant Rd

Pica Pau Jiu
and Grapp

Corner

te Blvd

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* Recorded at Kane County¹ Recorder's Office on
December 28, 1989 ; Rec.# 2017523

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PETITIONER: Farnsworth Development Venture Limited Partnership

CITY OF AURORA, ILLINOIS
ORDINANCE NO. 089-38 *
DATE OF PASSAGE MAY 2, 1989

AN ORDINANCE PROVIDING FOR THE EXECUTION OF AN ANNEXATION AGREEMENT WITH THE OWNERS OF RECORD OF TERRITORY WHICH MAY BE ANNEXED TO THE CITY OF AURORA AND WHICH IS LOCATED SOUTH OF BUTTERFIELD ROAD NORTH OF I-88, WITH ONE PORTION WEST OF CHURCH ROAD AND THE OTHER PORTION EAST OF FARNSWORTH AVENUE

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

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

WHEREAS, 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 requesting annexation to the City of Aurora of a certain territory therein described, subject to the terms and conditions of said Annexation Agreement, pursuant to Chapter 24, Article 11-15.1-1 et seq. Illinois Revised Statutes, 1985, as amended; 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 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

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

* Recorded at Kane County Recorder's Office
on December 28, 1989; Doc. # 2017523

WHEREAS, the Aurora Planning Commission has 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 of said property to the City of Aurora subject to certain conditions and, further, to place said property in the Planned Development District Zoning Classification as provided in said Agreement; 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, Kane and DuPage Counties, Illinois, as follows:

Section One: That said City Council 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 of this Ordinance, as well as 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 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 thereto.

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

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

PRESENTED to the City Council of the City of Aurora, Illinois on

MAY 2, 1989.

PASSED AND APPROVED by the City Council of the City of Aurora,
on MAY 2, 1989.

AYES 8 NAYS 0 NOT VOTING 0

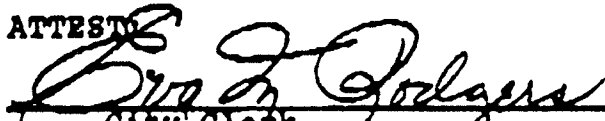
SIGNED by the Mayor of the City of Aurora, Illinois, on

MAY 2, 1989.



Mayor

ATTEST



City Clerk

This instrument prepared by:
Division of City Planning
44 E. Downer Place
Aurora, Il. 60507

Case File No. A-89-825-PA

Parcel Number 12-36-300-013; 12-35-476-001; 15-02-100-004;
15-02-200-018; 15-01-301-009; 15-01-301-010;
15-01-301-011; 15-01-151-005; 15-01-101-019;
15-01-101-017; 12-36-300-007; 12-36-300-016;
15-01-101-006; 15-01-101-007; 12-36-300-015

PR/JM
05/05/89

AB2700

ORIGINAL

PD-048

PETITIONER: Farnsworth Development Venture Limited Partnership

CITY OF AURORA, ILLINOIS
ORDINANCE NO. 089-39
DATE OF PASSAGE MAY 2, 1989

AN ORDINANCE ANNEXING CERTAIN PROPERTY
TO THE CITY OF AURORA PURSUANT TO AN
APPROVED ANNEXATION AGREEMENT

WHEREAS, the City of Aurora has a population of more than 25,000 persons 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; and

WHEREAS, the parties indicated on Exhibit "B" are the owners of record, and Farnsworth Development Venture Limited Partnership the contract purchaser, of the real estate legally described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth, and

WHEREAS, on May 2, 1989 the above-mentioned parties, as owners of record of the real estate legally described on Exhibit "A", entered into a Annexation Agreement with the City of Aurora providing, pursuant to annexation, that said real estate be placed in a certain zoning category; and

WHEREAS, said Annexation Agreement as approved by Ordinance 089-38, dated as executed on May 2, 1989, is hereby made a part hereof and incorporated herein by reference as if fully set forth; and

WHEREAS, by petition dated December 6, 1989, the above-named parties, as owners of record of said real estate, petitioned the City of Aurora for annexation of said property in accordance with the provisions of Chapter 24, Section 7-1-8 of the Illinois Revised Statutes, 1983 as amended; and

WHEREAS, the above-named parties, as owners of record of the real estate legally described on said Exhibit "A", request that the property be placed in the Planned Development District Zoning Classification pursuant to the provisions of Ordinance No. 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto; and

WHEREAS, the corporate authorities of the City of Aurora have determined that the property is contiguous to the City of Aurora and is

not within the corporate limits of any other municipality and that the petition in all other respects conforms to the requirements of law; and

WHEREAS, due statutory notice has been given to; the County Highway Commissioner, County Auditor, County Election Board, the Township Highway Commissioner, all Township Trustees, and any Fire Protection and Library Districts in which the real property legally described on said Exhibit "A" is located.

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

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

Section Two: That the real estate described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth be, and the same is, hereby annexed to the City of Aurora, Illinois.

Section Three: That the property to the far side of any adjacent public right of way and all of every public right of way within the annexed area be, and the same is, hereby also annexed.

Section Four: That the corporate limits of the City of Aurora be, and the same are, hereby extended to include the territory hereby annexed to the City of Aurora, Illinois.

Section Five: That the real estate legally described on said Exhibit "A", be, and the same is, hereby placed in the Planned Development District Zoning Classification, pursuant to the provisions of Ordinance No. 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto.

Section Six: That Ordinance No. 3100, being the Aurora Zoning Ordinance and the Zoning Map attached thereto, be, and the same is, hereby amended to conform to the provisions of this Ordinance.

Section Seven: That the City Clerk of the City of Aurora, be, and the same is, hereby authorized and directed to file with the Kane County Clerk and record with the Kane County Recorder of Deeds a certified copy of the ordinance, together with an accurate plat of the territory annexed, which plat should be certified as to its correctness and attached hereto as Exhibit "B".

Section Eight: That this ordinance shall take effect and be in full force and effect upon its passage, signing, recording and filing as provided by law.

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

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

PRESENTED to the City Council of the City of Aurora, Illinois on

MAY 2, 1989.

PASSED AND APPROVED by the City Council of the City of Aurora,

on MAY 2, 1989.

AYES 8 NAYS 0 NOT VOTING 0

SIGNED by the Mayor of the City of Aurora, Illinois, on

MAY 2, 1989.



Mayor

ATTEST



City Clerk

This instrument prepared by:
Division of City Planning
44 E. Downer Place
Aurora, Il. 60507

Case File No. A-89.826-A

Parcel Number 12-36-300-013; 12-35-476-001; 15-02-100-004;
15-02-200-018; 15-01-301-009; 15-01-301-010;
15-01-301-011; 15-01-151-005; 15-01-101-019;
15-01-101-017; 12-36-300-007; 12-36-300-016;
15-01-101-006; 15-01-101-007; 12-36-300-015

Accurate Map of Territory Annexed to the
City of Aurora
Kane County Illinois

State of Illinois)

County of Kane)

This is to certify that the plot hereon drawn is a correct representation of that part of Section 1, Township 38 North, Range 8 East and part of the South Half of Section 36, Township 39 North, Range 8 East of the Third Principal Meridian described as follows:

Commencing at a point that is 524.79 feet South 87°22' West of the north-west corner of the Northwest Quarter of said Section 1; thence South 88°37' West 434.79 feet to the center line of a public road; thence South 89°09' East 875.0 feet; thence South 89°36' East 429.54 feet to the west line of said Northwest Quarter; thence northerly along said west line 284.62 feet; thence South 86°30' East 487.33 feet to the easterly line of a tract conveyed to the County of Kane by Document 1115916 for a point of beginning; thence continuing South 86°30' East 428.75 feet to a point that is 916.86 feet South 86°30' East of the west line of said Northwest Quarter; thence North 11.86 feet; thence North 89°07' East to the center line of Indian Creek; thence northerly along said center line to the north line of the Northwest Quarter of said Section 1; thence South 89°14' West along said North line to a point that is 793.97 feet North 89°14' East of the southeast corner of said Section 36; thence North 8°16' East 397.79 feet to the southerly line of Illinois State Route No. 56 (Butterfield Road); thence North 79°59'23" East along said southerly line 1368.96 feet to a line drawn North 8°16' East from a point on the south line of said Section 36 that is 2139.12 feet North 89°14' East of the southeast corner thereof; thence North 79°59'23" East along said southerly line 806.81 feet; thence South 1°40' East 346.79 feet; thence North 89°53' East 847.88 feet; thence South 1°37' West 611.85 feet to the south line of said Section 36; thence South 8°16' West 672.66 feet to the northeast corner of Lot 14 in County Line Farms, Town of Aurora, Kane County, Illinois; thence South 89°09'33" West along a north line of said County Line Farms 641.98 feet to the northwest corner of Lot 17 in said County Line Farms; thence South 89°21'12" East along the west line of said Lot 17, 1257.08 feet to the southwest corner of said Lot (being on the center line of Butter Road); thence South 89°52'41" West along said center line 673.09 feet; thence North 79°19'18" West along said center line 148.78 feet; thence North 79°08'27" West along said center line 111.63 feet; thence South 89°16'15" West along said center line 83.71 feet to the northeast corner of Second Addition to Ruth's Subdivision, Town of Aurora; thence South 1°28'48" West along the west line of said Second Addition; 1951.25 feet to an angle in said west line; thence North 88°31'12" West at right angles to the last described course 80.0 feet; thence South 1°28'48" West at right angles to the last described course 86.0 feet; thence South 88°31'12" East at right angles to the last described course 80.0 feet; thence South 1°28'48" West at right angles to the last described course 87.18 feet to the southwest corner of said Second Addition; thence South 88°28'09" East along the south line of said Second Addition 293.0 feet to the westerly line of First Addition to Ruth's Subdivision, Town of Aurora; thence southeasterly along said westerly line, being along a curve to the left having a radius of 729.0 feet, 99.84 feet to the northerly line of a tract of land conveyed to Northern Illinois Gas Company by Deed recorded as Document 892412; thence North 88°13'02" West along said northerly line 346.24 feet; thence North 88°09'15" West along said northerly line 1671.89 feet to the easterly line of Parcel E-1C-219.1 of the tract of land conveyed to the Illinois State Toll Highway Commission by Deed recorded as Document 526742; thence North 89°21'13" West along said easterly line 633.23 feet to the northeast corner thereof; thence North 88°31'28" West along the northerly line of said Toll Highway parcel 8.87 feet to the easterly line of a tract of land conveyed to the County of Kane by Deed recorded as Document 1045468; thence northeasterly along said easterly line, 1581.98 feet to the point of beginning together with that part of Butterfield Road lying northerly of and adjacent thereto, that part of Butter Road lying southerly of and adjacent thereto and that part of Parkview Drive lying easterly of and adjacent thereto and also that part of the North Half of Section 2, Township 38 North, Range 8 East of the Third Principal Meridian, and part of the South Half of Section 36, Township 39 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the southwest corner of the Northwest Quarter of said Section 2; thence South 89°53' West along the south line of said Northwest Quarter 677.56 feet; thence North 8°20' East 954.68 feet; thence South 88°17' East 36.09 feet for a point of beginning; thence South 88°13' East 195.31 feet; thence North 1°43' East 284.46 feet; thence South 89°28' East 1309.0 feet; thence North 1°15' East 376.0 feet; thence South 89°53' East 1332.94 feet to the center line of Church Road; thence northeasterly along said center line, being along a curve to the left having a radius of 1688.29 feet, 213.29 feet; thence North 1°03'53" East along said center line 606.37 feet to a point that is 329.86 feet southerly, (measured along said center line) of the north line of said Section 2; thence North 89°36' West 1304.78 feet; thence North 1°03'53" East 381.26 feet to the southerly line of Federal Aid Route No. 131 (Butterfield Road); thence South 84°42'53" West along said southerly line 1628.21 feet to the east line of the westerly 1905.42 feet of the northwest Quarter of said Section 2; thence South 2°37'31" East along said east line 804.37 feet to a line drawn North 1°37'04" West from the point of beginning; thence South 1°37'04" East 891.94 feet to the point of beginning, (excepting therefrom that part thereof described as follows: Commencing at the southeast corner of the Northwest Quarter of said Section 2; thence South 89°53' West along the south line of said Northwest Quarter 677.56 feet; thence North 8°20' East 954.68 feet; thence South 88°17' East 36.09 feet; thence North 1°43' East 284.46 feet; thence South 89°28' East 1309.0 feet; thence North 1°15' East 376.0 feet for a point of beginning; thence South 89°53' East 1332.94 feet to the center line of Church Road; thence northeasterly along said center line, being along a curve to the left having a radius of 1688.29 feet, 213.29 feet; thence North 1°03'53" East along said center line 606.37 feet to a point that is 329.86 feet southerly as measured along said center line, of the north line of said Section 2; thence North 89°36' West 1304.78 feet; thence North 1°03'53" East 381.26 feet to the point of beginning) together with that part of Butterfield Road lying northerly of and adjacent thereto, all in Aurora and Batavia Townships, Kane County, Illinois and containing 258.509 acres as shown. All distances are given in feet and decimal parts thereof.

Dated at Geneva, Illinois,

December 20, 1968

[Signature]
Notary Public, No. 1768

Illinois

State

Toll

Highway

Commission

State of Illinois)
County of Kane)

Accepted and approved by the City Council of the City of Aurora, Illinois, this ____ day of ____, 1969.

By Mayor _____

Attest City Clerk _____

Territory Annexed = 258.509 Acres

2 1
11 12

PETITIONER: Farnsworth Development Venture Limited Partners

CITY OF AURORA, ILLINOIS
ORDINANCE NO. 089-40
DATE OF PASSAGE: MAY 2, 1989

AN ORDINANCE AMENDING ORDINANCE NO. 3100, BEING THE AURORA ZONING ORDINANCE AND THE ZONING MAP ATTACHED THERETO, BY REZONING PROPERTY LOCATED SOUTH OF BUTTERFIELD AND NORTH OF I-88, WITH ON PORTION WEST OF CHURCH ROAD AND THE OTHER PORTION EAST OF FARNSWORTH AVENUE, FROM M-1, ORI AND B-3 DISTRICT TO PDD DISTRICT

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

WHEREAS, the real estate described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth and hereinafter referred to as said Exhibit "A" is owned by the owners listed on Exhibit "B", and partially by Farnsworth Development Limited Partnership, the contract purchaser of said real estate; and

WHEREAS, by petition dated December 6, 1988, the above-named owners and contract purchaser petitioned the City of Aurora to amend Ordinance No. 3100, being the Aurora Zoning Ordinance and the Zoning Map Attached Thereto, to rezone the real estate described on said Exhibit "A" from M-1 Manufacturing, ORI Office Research and Light Industrial, and B-3 Commercial Districts to PDD Planned Development District; and

WHEREAS, after referral of said petition from the Aurora City Council, and after due notice and publication of said notice, the Aurora Planning Commission conducted a public hearing on February 22 and March 8, 1989, made their requisite findings of fact as prescribed by Section 15.4-5 of said Ordinance No. 3100, and recommended approval of said petition to the Aurora City Council; and

WHEREAS, the City Council has reviewed said recommendation and concurs with the approval of the rezoning petition.

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

Section One: That said City Council finds as fact all of the

preamble recitals of this Ordinance.

Section Two: That Ordinance No. 3100, being the Aurora Zoning Ordinance and the Zoning Map Attached Thereto be, and the same are, hereby amended to rezone the real estate described on Exhibit "A", attached hereto and incorporated herein by reference as if fully set forth and hereinafter referred to as said Exhibit "A" from M-1 Manufacturing, ORI Office Research and Light Industrial, and B-3 Commercial Districts to PDD Planned Development District.

Section Three: That this ordinance shall take effect and be in full force and effect upon its passage, signing, and publication as provided for by law.

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

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

PRESENTED to the City Council of the City of Aurora, Illinois, on

MAY 2, 1989.

PASSED AND APPROVED by the City Council of the City of Aurora,
on MAY 2, 1989.

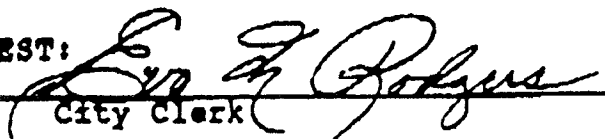
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SIGNED by the Mayor of the City of Aurora, Illinois, on

MAY 2, 1989.


Mayor

ATTEST:


City Clerk

This instrument prepared by:

Division of City Planning
CITY OF AURORA
44 E. Downer Place
Aurora, Illinois 60507

Case File: A-89.827-Rz
Parcel Number: See Exhibit "B"

Rezoning Map of Part of the City of Aurora Kane County Illinois

State of Illinois) This is to certify that the plat herein shown is a correct representation of that part of the Southwest Quarter of Section 1, Township 36 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the southwest corner of said Quarter; thence northward along the west line of said Quarter 2163.43 feet to the south line of a tract of land conveyed to Northern Illinois Gas Company by Document 892912; thence easterly along said south line 77.31 feet to the easterly line of a tract of land conveyed by the Illinois State Toll Highway Commission; thence southward along said easterly line 75.82 feet to the northeast corner of a tract of land conveyed to Texaco, Inc. by Document 1135816 for a point of beginning; thence southward along said easterly line 3.81 feet to an angle in said easterly line; thence southward along said easterly line 171.15 feet to the southeast corner of said Texaco tract; thence easterly along the easterly line of said Texaco tract 175.8 feet to the southeast corner thereof; thence northward along the easterly line of said Texaco tract 175.8 feet to the northeast corner thereof; thence westerly along the northerly line of said Texaco tract 175.16 feet to the point of beginning.

and also;

that part of Section 7, Township 36 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the southwest corner of the Southwest Quarter of said Section; thence North 89°35'42" East along the west line of said Southwest Quarter 867.54 feet (114.44 chains); thence South 89°04'55" East along an old claim line 1181.54 feet (114.89 chains); thence North 89°35'42" East parallel with said west line 368.64 feet (114.96 chains) for a point of beginning; thence South 89°04'55" East 1539.23 feet to the east line of said Southwest Quarter; thence North 89°35'42" East along said east line 777.88 feet to the southeast corner of the Northwest Quarter of said Section 7; thence South 89°35'42" West along the south line of said Northwest Quarter 677.56 feet; thence North 89°35'42" East 956.66 feet; thence South 89°35'42" East 253.88 feet; thence North 1°43'31" East 798.48 feet; thence South 89°35'42" East 1659.8 feet; thence South 1°15' West 106.63 feet; thence South 89°35'42" East 895.46 feet to the center line of Church Road; thence southwesterly along said center line 2647.82 feet to a line drawn South 84°52' East from the northerly corner of Parcel E-1C-355.8 acquired by the Illinois State Toll Highway Commission through proceedings in the Circuit Court of Kane County under Case No. 57-694; thence North 84°52' West 33.8 feet to said northerly corner; thence South 25°04'52" West along the west line of said Toll Highway premises 28.91 feet to the northerly line of Corporate Boulevard as dedicated by Document 1750223; thence North 78°52' West along the northerly line of said Boulevard 189.86 feet; thence westerly along said northerly line, being a curve to the left having a radius of 846.8 feet, tangent to the last described course 248.77 feet; thence South 67°18'25" West along said northerly line, tangent to the last described curve at the last described point, 100.22 feet; thence westerly along said northerly line, being a curve to the right having a radius of 360.8 feet, tangent to the last described course 125.87 feet; thence South 87°12'31" West along said northerly line, tangent to the last described curve at the last described point, 1637.54 feet to a line drawn South 0°35'42" West parallel with said west line from the point of beginning; thence North 0°35'42" East parallel with said west line 746.54 feet to the point of beginning (excepting therefrom that part thereof conveyed to Northern Illinois Gas Company by Document 1118605).

and also;

that part of the Northwest Quarter of Section 1, Township 36 North, Range 8 East of Third Principal Meridian and part of the Southwest Quarter of Section 36, Township 36 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the northwest corner of said Northwest Quarter; thence South 89°22' West along the west line of said Quarter 579.48 feet; thence North 88°04'50" East 685.8 feet to the northeast corner of a tract of land conveyed to the County of Kane by Deed recorded June 6, 1948 as Document 106878 for a point of beginning; thence southwesterly along the easterly line of said County of Kane tract, being a curve to the right having a radius of 2342.8 feet, 406.63 feet; thence South 22°37'30" West along said easterly line 177.63 feet; thence South 86°30' East 428.75 feet; thence North 11.88 feet; thence North 89°07'40" East to the center line of Indian Creek; thence northerly along said center line to the south line of said Southwest Quarter; thence South 89°10' West along said south line to a point that is 793.87 feet North 89°10' East of the Southwest corner of said Southwest Quarter; thence North 89°10' East 297.79 feet to the southerly line of Federal Aid Route 131 (Butterfield Road); thence South 79°59'12" West along said southerly line 12.36 feet to the northeast corner of a tract of land conveyed to the County of Kane by Deed recorded March 15, 1944 as Document 106584; thence South 0°18'05" West along the easterly line of said County of Kane tract 527.78 feet; thence southward along said easterly line, being a curve to the right having a radius of 2342.8 feet, 539.55 feet to the point of beginning.

and also;

that part of the South Half of Section 1, Township 36 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the southwest corner of said Section; thence northward along the west line of said Section 2163.43 feet to the south line of a tract of land conveyed to Northern Illinois Gas Company by Document 892912; thence easterly along said south line 77.31 feet for a point of beginning; thence continuing easterly along said south line 1469.88 feet to a point that is 1547.19 feet easterly of said west line (measured along said south line); thence southward along a line forming an angle of 89°22'05" with the last described course (measured counter-clockwise therefrom) 858.12 feet to the north line extended westerly of Lot 18, First Addition to Roth's Subdivision, Town of Aurora, Kane County, Illinois; thence easterly along said north line extended, the north line and said north line extended of said Lot 18, 661.73 feet to an east line of Nan Street; thence northerly along the east line of said Nan Street 22.62 feet to the south line extended westerly of Lot 15 in Roth's Subdivision, Town of Aurora, Kane County, Illinois; thence easterly along said south line extended and the south line of said Lot 15, 217.85 feet to the southeast corner of said Lot 15; thence northerly along an east line of said Roth's Subdivision 382.51 feet to a point of curvature in said east line; thence northerly along an easterly line of said Roth's Subdivision, being a curve to the left having a radius of 737.80 feet, 113.58 feet to the south line of said Gas Company tract; thence westerly along the south line of said Gas Company tract 825.15 feet to a line drawn parallel with and 180.8 feet westerly of the west line (measured at right angles thereto) of Lot 18, County Line Farm, Town of Aurora, Kane County, Illinois; thence southward along said parallel line forming an angle of 89°04'55" with the last described course (measured counter-clockwise therefrom) 1209.87 feet to the northerly line of premises acquired by the Illinois State Toll Highway Commission; thence westerly along said northerly line 1949.86 feet to the most easterly corner of Parcel E-1C-354.2 of the Illinois State Toll Highway Commission; thence westerly along the northerly line of said Parcel E-1C-354.2, 272.08 feet to the southeast corner of Parcel E-1C-354.8 of the Illinois State Toll Highway Commission; thence northerly along the easterly line of said Parcel E-1C-354.8, 96.1 feet to an angle in said easterly line; thence westerly along a northerly line of said Parcel E-1C-354.8, 231.54 feet to an angle in said northerly line; thence northwesterly along a northwesterly line of said Parcel E-1C-354.8, 238.99 feet to an angle in said northwesterly line; thence northwesterly along a northwesterly line of said Parcel E-1C-354.8, 122.08 feet to an angle in said northwesterly line; thence northerly along an east line of said Parcel E-1C-354.8, 66.67 feet to an angle in said east line; thence westerly along a north line of said Parcel E-1C-354.8, 66.8 feet to an angle in said north line; thence southward along a west line of said Parcel E-1C-354.8, 66.67 feet to a northwesterly line of said Parcel E-1C-354.2; thence northwesterly along said northwesterly line 381.04 feet to an angle in said northwesterly line; thence northerly along an easterly line of said Parcel E-1C-354.2, 359.83 feet to an east line of Parcel E-1C-354.6 of the Illinois State Toll Highway Commission; thence northerly along an east line of said Parcel E-1C-354.6, 228.93 feet to the southeast corner of a tract of land conveyed to Texaco, Inc., by Document 1135816; thence easterly parallel with the south line of said Gas Company tract 175.8 feet to the southeast corner of said Texaco tract; thence northerly along the east line of said Texaco tract 175.8 feet to the northeast corner thereof; thence westerly parallel with the south line of said Gas Company tract 175.16 feet to an east line of said Parcel E-1C-354.8; thence northerly along said east line 75.82 feet to the point of beginning. All in the City of Aurora, Kane County, Illinois and containing 208.806 acres as shown. All distances are given in feet and decimal parts thereof.

Dated at Canova, Illinois,

Witness my hand and seal of office,

Notary Public for Kane County, Illinois.

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Revised 2/1/89, 2/16/89, 2/23/89,
3/01/89, 3/06/89, 3/08/89,
3/20/89,

* Recorded at Kane County Recorder's
Office on December 28, 1989;
Doc. # 2017523

ANNEXATION AGREEMENT *

THIS ANNEXATION AGREEMENT, hereinafter referred to as "AGREEMENT", made and entered into this 2nd day of May, 1989 by and between the City of Aurora, Illinois, a home rule municipal corporation, hereinafter called "CITY", and Albany Bank and Trust, Trust No. 11-3411; American National Bank & Trust Co. of Chicago, Trust No. 104848-06; Aurora National Bank Trust No. 844; Merchants National Bank Trust No. 3937; Aurora National Bank Trust No. 1943; Aurora National Bank Trust No. 5077; Aurora National Bank Trust No. 1682; Aurora National Bank Trust No. 666; Aurora National Bank Trust No. 1219; Julia S. Patterman, Kathryn M. Patterman; Aurora National Bank Trust No. 1972; Borg-Warner Corporation; Anna E. McFarland; American National Bank and Trust Co. of Chicago, Trust No. 106725-09, Butterfield Free Will Baptist Church, hereinafter called "OWNERS", and Farnsworth Development Venture Limited Partnership, hereinafter called "DEVELOPER".

W I T N E S S E T H:

1. The Owners collectively are record title holders of the premises legally described in Attachment "A" and "A₁" attached hereto hereinafter called "Subject Property", and also known as Farnsworth International.
2. The Owners have submitted appropriate applications with a disclosure of the beneficial owners of any land trusts holding title to all or a portion of said Subject Property.
3. The Developer is the contract purchaser of the Subject Property and assumes certain obligations hereunder.
4. The parties to this Agreement desire that certain parcels of the Subject Property be annexed to the City of Aurora as indicated on Attachment "A" and that the parcels on Attachment "A₁" previously annexed be rezoned and that the entire Subject Property be considered contiguous property for the purposes of creating a unified Planned Development District.
5. The parties hereto understand that the funding for certain public improvements necessary for the development of the Subject Property are contingent upon the approval by the City of a Tax Increment Financing District (TIF).
6. In accordance with Subsection 14.7 and Section 15 of City Ordinance No. 3100, hereinafter called the "Zoning Ordinance," an application with the Plan Description has heretofore been filed

with the City Clerk for a zoning amendment establishing the entire Subject Property as a Planned Development District and approving the plan description attached hereto as Attachment B.

7. The Subject Property described in Attachment "A" is contiguous to the city limits of the City of Aurora, Kane and DuPage Counties, Illinois, and is not within the corporate limits of any other municipality.

8. That there are no electors residing within the Subject Property.

9. That the Owners have petitioned to rezone a portion of the Subject Property previously annexed to the City from its current zoning of M-1, M-2, B-3, and ORI to Planned Development District.

10. This Agreement is made pursuant to Chapter 24, Sections 11-15.1-1 et seq and 7-1-1 et seq, Illinois Revised Statutes 1985.

11. 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.

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

SECTION A. ANNEXATION AND ZONING.

1. The Owners shall file with the City Clerk a properly executed Annexation Petition pursuant to this Agreement covering the properties described in Attachment "A" not later than 60 days after the execution of this Agreement.
2. Subsequent to the approval of this Annexation Agreement, the City shall adopt an ordinance annexing the Subject Property in Attachment "A" to the City subject to the terms and conditions herein.
3. Immediately after the passage of the ordinance annexing the Subject Property to the City, the Corporate Authorities shall, without further public hearing enact, in accordance with Subsection 14.7 of the Zoning Ordinance, an ordinance approving the establishment of the Subject Property in Attachments "A" and "A₁" as a Planned Development District and amending the Zoning Ordinance classifying the Subject Property as a Planned Development District subject to all the provisions, terms and conditions set forth in the Plan Description, and amending the City Zoning Map by rezoning the Subject Property as a Planned Development District, and said Subject Property shall thereafter be subject to all of

the provisions, terms and conditions set forth in this Agreement and in the Plan Description including, without limitation, all of the modifications and exceptions from the Zoning Ordinance, Subdivision Control Ordinance, and Sign Ordinance that are set forth in the Plan Description attached hereto and made a part hereof as "Attachment B".

4. If an Annexation Petition for the Subject Property is not filed within 60 days, the City may:
 - a) deem this Agreement as the Petition to Annex and shall annex the Subject Property pursuant to the terms of this Annexation Agreement; or
 - b) void this Agreement; or
 - c) grant the Owners an extension of time to file an Annexation Petition.
5. Within 90 days of annexation to the City, Owners and Developer agree to petition the Fox Valley Park District and Aurora Sanitary District for annexation of said Subject Property described in Attachment "A" and "A₁" where necessary.
6. The parties hereto understand and agree that in order to develop the Subject Property and to provide the necessary public improvements for said property that a Tax Increment Financing District (TIF) must be established by the City to provide for said development. It is expressly understood and agreed that the annexation, zoning and development of the Subject Property described in Attachment A and A₁ is contingent upon the establishment of said TIF and that the failure to establish said TIF within 60 days after date hereof will authorize Owners and Developer to terminate this Agreement at Owners and Developers option, and thereupon City agrees thereafter to deannex said property so annexed pursuant to this Agreement within twenty-one (21) days after a request for same and to cause all properties rezoned to be returned to their former zoning status, if requested, all at no cost to Owners and Developer.
7. The City agrees to adopt an ordinance rezoning the Borg-Warner Corporation parcel from ORI to Planned Development District only upon notification by the Developer hereunder that said Developer has taken title to said Borg-Warner parcel, it being the intent of the parties hereto that no such rezoning shall take effect until title has passed from the Borg-Warner Corporation to the Developer, its nominee or assigns.

8. The City understands that the sole basis of an Annexation Petition by Butterfield Free Will Baptist Church or its successors is to provide the opportunity to include said property in the TIF district subject to a City inspection of the property prior to annexation, the City agrees not to require any changes to the church facilities and will leave said property on parcel 2A "as is" until such time as said property is redeveloped hereunder. In the event the Developer herein is unable to purchase said parcel and/or a TIF district is not established, the church parcel shall be de-annexed by the City within sixty (60) days after written request by the Church to the City for same, all at no cost to said Church.

SECTION B. DURATION, APPLICABILITY AND OWNER 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, heirs, executors, administrators, successors, assignees, lessees, devisees and upon any successor municipalities for a period of twenty (20) years from the date of execution hereof unless changed in accordance with law, provided however, this Agreement may be extended by agreement of the parties for subsequent periods of five (5) years.
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 Owners, as herein set forth shall devolve upon and be assumed by such purchaser or grantee, and the Owners shall be released from all obligations which relate to any portion of the Subject Property as may have been sold or conveyed.
3. The City shall record a copy of this Agreement with the appropriate county recorder within thirty (30) days after execution by the parties thereto.

SECTION C. DEVELOPMENT REVIEW.

1. Owners and Developer agree that no portion of the Subject Property shall be developed except for the "Building Site" as shown on the Concept Plan which the City agrees to issue all necessary permits for the construction of an approximately 120,000 square foot building on said existing parcel during this annexation and zoning process, which property shall be subject only to the City's existing M-1 zoning district standards until such

development has been approved by the City in accordance with the conditions hereinafter set forth and that the Concept Plan attached hereto as part of Attachment "B" be used as a general guideline in the development of the Subject Property.

2. That the Subject Property described in Attachment "A" and "A₁" shall be governed by all of the existing requirements contained in the Aurora Zoning Ordinance No. 3100 except for such modifications and variations which are hereinafter provided in Section D of this Agreement and the Plan Description attached hereto. Further, that the development of the property be limited to the uses set forth in the Plan Description attached hereto and made a part hereof as Attachment "B".

SECTION D. VARIATIONS AND SPECIAL USES.

1. The development and uses of the Subject Property shall be as set forth in this Agreement and the Plan Description attached hereto as Attachment "B".

SECTION E. ROADS, PUBLIC UTILITIES AND STORM WATER RETENTION.

1. The Owners and Developer 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.
2. The City agrees to provide adequate water service for fire protection and for commercial and domestic consumption within the Subject Property.
3. The City shall not require the Owners and Developer to participate in the cost of or to reimburse any developer or the City for any water facilities previously constructed by the City or by any other developer except as provided for herein. The City shall not require the Owners and Developer to guarantee or participate in the cost of or the repayment of any existing water revenue bonds, junior lien bonds or any other general obligation or water revenue bonds; provided, however, that the Owners and Developer agree to pay all usual and customary connection fees, rates and charges applicable to any citizens similarly situated and shall pay any real estate taxes or charges applicable to property located in the City.

Developer agrees to reimburse the City for the Church Road watermain extension as set forth in Resolution R80-211 at the time of connection to said watermain

extension. Further, Developer agrees to pay \$14.50 per lineal foot per side for the watermain located adjacent to Developers property fronting on Butterfield Road and Bilter Road, payable at the time of connection to said watermain. Additionally, Developer agrees to follow the provisions of City Resolution R87-3532 regarding watermain recapture for Amoco Oil Company's Farnsworth Avenue watermain installation.

4. Owners and Developer agree to connect to the sanitary sewer system and shall pay such charges for sewer service as are prescribed by City ordinances or by the Aurora Sanitary District.
5. Any and all field tiles on the Subject Property must be protected during construction and shall be re-routed so as to not run under any building. Any filling operations must be done in such a manner so as not to raise the overland emergency routing from adjacent properties. When, as and if said field tile is re-routed Owners and Developer shall not be required to use any tile of a type, kind or character other than a new replacement that is equivalent to that presently used for the field tile in question. If the tile is run under any paved area, concrete tile must be used.
6. The parties hereto agree that no development of the Subject Property shall occur until and unless adequate storm and sanitary discharge plans and other related plans have been approved by the appropriate City of Aurora Department or Departments, or agency, in charge, which approval shall not be unreasonably withheld.

SECTION F. GENERAL PROVISIONS.

1. Owners and Developer agree that the construction of buildings on the Subject Property shall be in accordance with the Aurora Building Code requirements in force at the time of building permit submittal.
2. All codes and ordinances of the City of Aurora not amended by this Agreement and any codes and ordinances lawfully adopted by said City after the execution and adoption of this Agreement by the parties hereto shall apply to the Subject Property so long as any such code and ordinance changes do not alter or change the terms of this Agreement and that said codes and ordinances or resolutions apply equally to all other properties within the City. Provided, however, that the Aurora Zoning Ordinance in effect on the date of the adoption of this Agreement shall control during the term of this Agreement or any extension thereof except where modified herein.

The Aurora Subdivision Control Ordinance (including all Tables and Specifications referred to therein together with the City Standard Specifications for Improvements) in effect on the date of the adoption of this Agreement shall control for a period of three (3) years from said date for the Subject Property located west of Church Road and for a period of six (6) years from said date for the Subject Property located east of Farnsworth Avenue, except where modified herein.

- a. Generally more restrictive requirements: If, during the term of this Agreement, the provisions of the existing ordinances and regulations, other than those specified in subparagraph (b) herein, which may relate to the development, subdivision, construction of improvements, buildings, appurtenances and all other development of any kind and character on the Subject Property, are amended or modified in a manner so as to impose more stringent requirements on the development, subdivision or construction referred to herein, then such increased requirements shall not be effective as applied to the Subject Property unless such amendment or modification is reasonable and not arbitrary and is enacted upon the affirmative vote of two-thirds of the City Council. Nothing herein, however, shall be deemed to permit a more restrictive change in the Aurora Zoning Ordinance and/or Subdivision Ordinance with respect to the Subject Property pursuant to this Agreement, unless such change is mutually agreed upon.
- b. Specifically more restrictive requirements: Except as provided herein, the Owners and Developer shall comply with all of the specific ordinances and regulations of the City as amended and provided herein. If, during the term of this Agreement, the provisions of said Ordinances and regulations are amended or modified in a manner so as to impose more stringent requirements with respect to the development and construction standards specifically referred to in the Preliminary Engineering Plat and Plan Description, then such increased requirements shall not be effective as applied to the Subject Property unless such change is mutually agreed upon. The Building and Fire Codes in effect at the time of development shall apply notwithstanding any provisions to the contrary.
- c. Less restrictive requirements: If, during the term of this Agreement, any existing, amended, modified or new ordinances, codes or regulations affecting the zoning, subdivision, development, construction of improvements, building or appurtenances, or any other development of any kind or character upon the Subject Property, are amended or modified in a manner to impose less

restrictive requirements on development of, or construction upon, properties within the City, then the benefit of such less restrictive requirements shall inure to the benefit of the Owners and Developer, and anything to the contrary contained herein notwithstanding, the Owners and Developer may elect to proceed with respect to the development of, or construction upon the Subject Property with the less restrictive amendment or modification applicable generally to all properties within the City.

3. Owners and Developer agree that all existing buildings on the Subject Property shall be razed and removed within one (1) year of annexation, except for the structures on Parcel 2A on the Concept Plan, which structures may remain until actual redevelopment of Parcel 2A takes place.
4. 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.
5. This Agreement shall be enforceable in any court of competent jurisdiction by any of the parties hereto by any appropriate action at law or in equity to secure the performance of the covenants herein contained. If any provision of this Agreement is held invalid, such provision shall be deemed to be excised therefrom and the invalidity thereof shall not affect any zoning classification which has been approved by the City pursuant to the provisions of the City's ordinances and regulations. The Planned Development District zoning classification shall not be changed during the term of this Agreement without Owners and Developer's approval and shall survive this Agreement and continue to be the zoning classification of the Subject Property unless changed in accordance with law.
6. The Developer agrees to pay all fiscal impact contributions as may be validly imposed on the Subject Property and as are generally applicable to all other properties within the City.
7. The parties expressly understand and agree that the provisions and terms of this Agreement, the attachments and exhibits thereto and the provisions of the Planned Development District zoning as granted herein shall amend, supersede and replace the provisions of any other agreements or zoning provisions affecting the Subject Property included within Attachment "A and A₁".

8. 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
City of Aurora
44 East Downer Place
Aurora, Illinois 60504

If to the Developer:

Farnsworth Development Venture
Limited Partnership
200 S. Wacker Drive
Chicago, Illinois 60606

John F. Philipchuck
Attorney at Law
123 Water Street
Naperville, Illinois 60566

If to the Owner:

Dan Dolan, Sr.
2315 E. New York St.
Aurora, Illinois 60505

or to such address as any party hereto or an assignee or successor in interest of a party hereto may from time to time designate by notice to the other parties hereto or their successors in interest.

9. After annexation of the Subject Property to the City, the City without further public hearing, shall adopt such amendments and modifications to the City ordinances and resolutions regulating alcoholic beverages as may be necessary to grant alcoholic beverage licenses to qualified applicants for use within the Subject Property for a hotel/conference center, restaurant, golf course, and two (2) class C licenses.
10. The parties agree that there are no school, park or other types of land/cash donations required by this development except those provided for herein.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized officers upon the day and year first written above.

City of Aurora, Illinois,
a municipal corporation

OWNERS:
Butterfield Free Will
Baptist Church

By:

Attest:

Any Bank and Trust

Trust No. 11-3411

Not Individually

Attest:

American National Bank

Trust Co. of Chicago

Trust No. 104848-06

By:

Attest:

Aurora National Bank

Trust No. 844

By: P. Dean Mickels, A.T.C.

Attest:

By:

Attest:

Merchants National Bank

Trust No. 3937

By:

Attest:

American National Bank

& Trust Co. of Chicago

Trust No. 106728-09

By:

Attest:

Aurora National Bank

Trust No. 1943

By: P. Dean Mickels, A.T.C.

Attest:

THIS INSTRUMENT IS EXECUTED BY ALBANY BANK AND TRUST COMPANY N.A., not personally but solely as Trustee, as aforesaid. All the covenants and conditions to be performed hereunder by ALBANY BANK AND TRUST COMPANY N.A. are undertaken by it solely as Trustee, as aforesaid and not individually, and no personal liability shall be asserted or be enforceable against ALBANY BANK AND TRUST COMPANY N.A. by reason of any of the covenants, conditions, representations or warranties contained in this instrument.

This instrument is executed by the undersigned Land Trustees, not personally but solely as Trustee in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed that all of the warranties, indemnities, representations, covenants, undertakings, and/or other obligations made on the part of the Trustee herein are made solely as Trustee, and shall in no way be asserted or enforceable against the Trustee on account of any warranty, indemnity, representation, covenant, or other obligation of the Trustee in this instrument.

10

This instrument is executed by the undersigned Land Trustees, not personally but solely as Trustee in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed that all of the warranties, indemnities, representations, covenants, undertakings, and/or other obligations made on the part of the Trustee herein are made solely as Trustee, and shall in no way be asserted or enforceable against the Trustee on account of any warranty, indemnity, representation, covenant, or other obligation of the Trustee in this instrument.

OFFICE SEAL
CLAYTON J. JACKSON
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES JULY 27, 1971

This instrument is executed by THE MERCHANTS NATIONAL BANK OF AURORA, and is not personally but solely as Trustee, as aforesaid. All the warranties, covenants and conditions to be performed hereunder by THE MERCHANTS NATIONAL BANK OF AURORA are undertaken by it solely as Trustee, as aforesaid and not individually, and no personal liability shall be asserted or be enforceable against THE MERCHANTS NATIONAL BANK OF AURORA by reason of any of the covenants, conditions, representations or warranties contained in this instrument.

Aurora National Bank
Trust No. 5077

By: P. Sean Mickels, A.T.O.

Attest:

Jacqueline Waldert

Aurora National Bank
Trust No. 666

By: P. Sean Mickels, A.T.O.

Attest:

Jacqueline Waldert

Aurora National Bank
Trust No. 1972

By: P. Sean Mickels, A.T.O.

Attest:

Jacqueline Waldert

By: Julia S. Patterman
Julia S. Patterman

By: Anna E. McFarland
Anna E. McFarland

DEVELOPER:

Farnsworth Development
Limited Partnership

By: Neil M. Ryan

Attest:

Eileen B. Finnan

Aurora National Bank
Trust No. 1682

By: P. Sean Mickels, A.T.O.

Attest:

Jacqueline Waldert

Aurora National Bank
Trust No. 1219

By: P. Sean Mickels, A.T.O.

Attest:

Jacqueline Waldert

Borg Warner Corporation

By: Donald C. Mausell

Attest:

John. Wentz

By: Kathryn H. Patterman
Kathryn H. Patterman

ATTACHMENT "B"

A Plan Description for
The Farnsworth International Business Park
located East of Farnsworth Avenue and West of Church
Road, South of Butterfield Road and
North of the East - West Tollway

Date Approved May 2, 1989

Ordinance No. 089-40

Revised 1/12/89
1/26/89
1/31/89
2/10/89
2/15/89
2/23/89
3/01/89
3/06/89
3/08/89
3/20/89
4/10/89

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A Plan Description for
The Farnsworth International Business Park
located on the East and West Side of
Farnsworth Avenue, South of Butterfield Road
and North of the East - West Tollway

This document shall serve as Exhibit B to the Ordinance establishing a Planned Development District for the Subject Property described on Exhibit "A" and "A₁" of said Ordinance.

I. QUALIFYING STATEMENTS

A. PURPOSE: This Planned Development District is established to assist the Aurora Planning Commission and City Council in governing their recommendations and actions on this Development as it relates to existing and planned land uses in the area. The development of the Subject Property as a large, multi-use business environment requires specific and separate criteria to guarantee that it be planned and developed as a unit under unified and/or coordinated control. The provisions and standards herein set forth have been established to promote a quality development consistent with existing and future development in proximity to the Subject Property. The District consists of approximately 460 acres uniformly planned and divided into two major sections as ORI East and ORI West and connected via the Northern Illinois Gas Company utility right-of-way.

B. GOALS: To promote and protect the public health, safety, morals, comfort and general welfare of this area; and

To permit the development of office, research, industry and commercial uses with extensive landscaping and open space areas in a planned business park setting; and

To create regulations that will promote the compatibility of the existing M-1 land with planned ORI and business uses on the Subject Property and protect the character of the areas; and

To promote certain open space amenities to serve recreational needs and enhance the visual character of the development; and

To insure that the necessary storm water control measure are included in the development plan of the Subject Property; and

To promote where possible, the coordinated use of drainage and retention facilities with existing or planned open space; and

To provide convenient commercial development to serve projected population growth in the area; and

To promote the "gateway" concept of landscaped frontages along major roads.

II. GENERAL CHARACTER

A. Existing Conditions

A-1. Subject Property: The Subject Property is currently farmed, and consists of approximately 460 contiguous acres located within a larger area bounded by Butterfield Road to the north, the East-West Tollway to the south, Mitchell Road to the west and the Kane-DuPage County line to the east. The property is divided into two sections: The West Side located along the west side of Church Road and containing approximately 185 acres, and the East Side which contains about 265 acres along the east side of Farnsworth Avenue. The Northern Illinois Gas Company pipeline right-of-way provides a linkage between the two sections.

Indian Creek flows in a southerly direction through the East Side. The Creek and its floodplain present opportunities to resolve the storm water drainage concern in the area and provide a recreational and visual amenity.

The Subject Property is adjacent to the Farnsworth Avenue exit on the East-West Tollway.

A-2. Surrounding Property: There are a variety of land uses adjacent to the Subject Property. The West Side is bordered by Marmion Military Academy to the north, farming to the west, industry to the south and to the east.

The East Side is adjacent to the East-West Tollway on the south, manufacturing and commercial uses to the west, and farming to the north and northwest. The Sealmaster and Pepsi Cola industrial properties abut the East Side's southwest boundary.

There are two existing residential areas located near the East Side - Parkview Estates Subdivision and a section of 5 acre parcels along Bilter Road. In view of the existing and planned ORI development of surrounding property, these residential areas are considered transitional with the potential for future redevelopment.

B. Existing Zoning Classifications

B-1. Subject Property: The property is classified into a number of zoning classifications which will be unified under the Planned Development District. The zoning classification existing prior to adoption of this Planned Development District are as shown on Attachment 6.

B-2. Surrounding Property: The unincorporated land surrounding the Subject Property is zoned County F-District Farming. City of Aurora zoning classifications adjacent to the proposed development include ORI, M-1 and B-3. There are two small R-1 parcels located on the east side of Church Road.

C. Comprehensive Plan

C-1. Subject Property: Farnsworth International is consistent with the goals and objectives of the City of Aurora Comprehensive Plan. The proposed development generally follows the Plan's recommendations for Office, Research/Industrial and Commercial land uses; and will promote the development of high quality Office Research and Industrial uses in the area.

Indian Creek is a major design feature of the development in accordance with the conversation, open space, recreation and drainage land uses designated in the Comprehensive Plan. The location of trailways, landscaped setbacks and entry ways enhance the gateway image and further the open space objectives of the community.

C-2. Surrounding Property: The Comprehensive Plan indicates ORI zoning for properties to the West and commercial and quasi public uses for properties to the North. Properties to the East to be developed as ORI with a combination of high density residential and single family residential south of the tollway.

III. DEVELOPMENT STANDARDS FOR EACH LAND USE PARCEL

A. ZONING:

Generally the Aurora Zoning Ordinance shall apply as modified by this Plan Description and the regulations set forth in this section shall establish the Use Districts for the Subject Property.

A-1.1. Parcel No. 1 - "ORI East"

A-1.2. Statement of Intent - The development concept for the ORI East is enhanced by large amounts of open space including a system of lakes and target golf course that forms a recreational spine through the property. A significant land use element is a proposed hotel/conference center site. The environment is suitable for and limited to research and development activities, office uses, warehousing, and limited manufacturing that will not have adverse effects upon the environmental quality of the community. It groups compatible uses and promotes the economic development potential of the City.

A-1.3. Permitted Uses - See Attachment 4a.

A-1.4. General Provisions

a. Plan Approval - Prior to issuance of any building permits, preliminary, final, and landscape plans shall be reviewed and approved pursuant to Section 14.7 of the Aurora Zoning Ordinance and Attachment 8 hereto.

b. Minimum lot size and width - The minimum lot size is 60,000 square feet when lots are located east and north of the golf course/open space and west of the north/south spine road and south of Corporate Boulevard. Minimum lot size in all other areas is 80,000 square feet. Minimum lot width is 150 feet.

c. Required Yard Areas

<u>Yard Area</u>	<u>Building Setback*</u>	<u>Parking Setback</u>
<u>Exterior</u> (Internal Streets)	25'	25'

Bilter Road	30'	25'
Butterfield Road	50'	50'
Farnsworth	50'	50'
Tollway	75'	50'
<u>Interior</u>	15'	8'
Golf Course	10'	10'

* The required building setback shall be increased in depth by one foot (1') for each three feet (3') in height by which any building or structure on the lot exceeds a height of thirty feet (30'). No building shall be located within 100 feet of a residential lot except where the "Aurora Comprehensive Plan" indicates a non-residential land use. The minimum parking setback listed above shall be permitted regardless of building height.

d. Permitted Obstructions in Required Yard Areas
Notwithstanding provisions to the contrary in Section 5.4 of the Aurora Zoning Ordinance, and except as provided herein, all yards shall be open and unobstructed from the ground level to the sky and landscaped pursuant to Section III A-1.8.

- (1) All Yards: Landscape material and landscape features; fences; above ground utility boxes when required to provide service to the property; pedestrian pathways;
- (2) Exterior Front: Maximum 30' wide pavement providing direct access to the property from the public right-of-way; signs; flag poles;
- (3) Exterior Side or Rear: Signs; flag poles;
- (4) Interior Side and Rear: 5' encroachment allowed for building related (non-processing) mechanical equipment; shared access ways; shared parking.

e. Height and Bulk Standards

Maximum Height - 100 feet (provided however, a hotel/conference center use shall have no height limitation). The maximum height limitation may be increased to 150' by Special Use Permit in accordance with Section 14 of the

Aurora Zoning Ordinance with the following restrictions:

Maximum Floor Area Ratio - 0.70. May be increased by Special Use Permit in accordance with Section 14 of the Aurora Zoning Ordinance with the following restrictions:

* A premium of .20 may be granted if seventy five percent (75%) or more of the required parking is provided underground.

* A premium of .02 may be granted for each additional acre in lot size above one (1) acre to a maximum of ten (10) acres.

f. General Restrictions - See Attachment 14.

- A-1.5. Special Uses - See Attachment 4a. All special uses shall be established in accordance with Section 14 of the Aurora Zoning Ordinance.
- A-1.6. Accessory Uses and Buildings - Notwithstanding provisions to the contrary in Sections 3.2 and 8 of the Aurora Zoning Ordinance, Accessory Uses and Buildings shall not comprise more than fifty (50) percent of the size and extent of the principal building and use. The location of accessory buildings shall be governed by the same regulations as the principal building.
- A-1.7. Signs - All signs shall be erected in conformance with Attachment 7a. - d. and the Aurora Sign Ordinance as modified herein.
- A-1.8. Landscaping and Screening - Pursuant to Attachment 12.
- A-1.9. Parking and Loading - Notwithstanding provisions to the contrary in Section 10 of the Aurora Zoning Ordinance, all parking and loading areas shall be established pursuant to Attachment 15.
- A-1.10. Performance Standards - It is the intent of this section to provide that business, utilities, light industry, research and related activities shall be established and maintained with property appearance from the streets and adjoining properties and to provide that each such permitted use shall be a good neighbor to adjoining property by the control or emission of noise, odor, glare, light,

vibration, smoke, particulate matter gasses, and waste.

It is further the intent of this section to state the conditions of construction and operation with which uses will be expected to comply. In many cases the relation of a prospective use to all these performance standards, like any other provisions of this ordinance, are continuing obligations and that all uses shall be expected to operate in compliance with these standards. The building plans shall bear the signature of a qualified professional stating that all performance standards will be complied with based upon the submitted building plans. The City retains the option to conduct its own investigation to determine compliance with the performance standards.

a. Compliance:

Any use in ORI East shall be so constructed and operated as to comply with the performance standards hereinafter set forth governing noise, odors, glare, exterior lights, vibration, smoke particulate matter gases, hazards, waste, and others.

No use already established on the effective date of this ordinance shall be so altered or modified as to conflict with or further conflict with the performance standards set forth in Sub-Section "d" below shall be complied with and any use which fails to comply with standards shall be violation of this ordinance and shall be subject to penalties provided for such violation.

b. Measurement:

Each measurable standard shall be measured at the appropriate indicated location in accordance with the provisions of Sub-Section "d" below.

c. Enclosures:

In ORI East, all activities involving manufacturing, fabricating, processing,

assembly, disassembly, repairing, cleaning, servicing and testing shall be conducted in completely enclosed buildings. The storage of materials, products and goods may be outdoors, in interior side or rear yards only, if screened from public view. Outdoor storage or uncontained bulk materials subject to dusting such as powder, grain, sand and coal is prohibited.

d. Standards:

- (1) Noise. Noise shall be measured on any property line of the tract on which the operation is located. Noise shall be muffled so as not to become objectionable due to intermittence, beat frequency, shrillness, or intensity. At the property line the sound pressure level of noise radiated continuously from a facility shall not exceed the value given in Tables 1 and 2 in any octave band frequency. The sound pressure level shall be measured with the Sound Level Meter and an Octave Band Analyzer that conforms to specification published by the American Standards Association. Octave band analyzers shall be calibrated in the preferred frequencies (American Standard Association S1.6-1967). Preferred Frequencies for Acoustical Measurements shall be used

TABLE 1

<u>Center Frequency</u> <u>Cycles Per Second</u>	<u>Maximum Permitted Sound</u> <u>Pressure Level, Decibels</u>
31.5	79
63	74
125	69
250	64
500	58
1,000	52
2,000	47
4,000	43
8,000	40

If the noise is not smooth and continuous, one more of the corrections in Table 2 shall be added to or subtracted from each of the decibel levels in Table 1.

TABLE 2

Type of Operation or Character of Noise	Corrections in Decibels
Noise source operates in less than 20% of any one hour period	plus 5*
Noise source operates less than 5% of any one hour period	plus 10*
Noise source operates less than 1% of any one hour period	plus 15%
Noise of impulsive character (hammering, etc.)	minus 5
Noise of periodic character (hum, screech, etc.)	minus 5

*Apply one of these corrections only.

- (2) Odors. Odors from any use hereafter begun shall not be discernible at the property line and shall not exceed the odor threshold concentration. The measurement of the threshold odor shall be in accordance with the American Society for Testing Materials Method D1391-57 "Standards Method for Measurement of Odor in Atmosphere (Dilution Method)" (Philadelphia: American Society of Testing Materials, 1957). Detailed plans for the prevention of odors crossing property lines may be required before the issuance of a building permit.
- (3) Glare. Glare, whether direct or reflected such as from floodlights or high temperature process, and as differentiated from general illumination, shall be visible at any property line.
- (4) Exterior Lighting. Any lights used for exterior illumination shall

direct light away from adjoining properties.

- (5) Vibration. Vibration shall not be discernable at any property line to the human sense of feeling for three (3) minutes or more duration in any one (1) hour. Vibration at any time shall not produce an acceleration at any time shall not produce an acceleration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7 United States Bureau of Mines Bulletin No. 422 "Seismic Effects of said Bulletin No. 442 shall be used to compute all values for the enforcement of this provision.
- (6) Smoke. Measurement shall be one of the points of emission. The Ringelmann Smoke Chart published in the United States Bureau of Mines shall be used for the measurement of smoke. Smoke not darker or more opaque than No. 0 on said chart may be emitted except that smoke not darker or more opaque than No. 1 on said chart may be emitted for periods not longer than four (4) minutes in any thirty (30) minutes. These provisions, applicable to visible smoke, shall also apply to visible smoke of a different color but with an equivalent apparent opacity.
- (7) Particular Matter. Solid or liquid particles shall not be emitted at any point in concentrations exceeding 0.1 grains per cubic foot of the conveying gas or air. For measurement of the amount of particles applied to a stack temperature of five hundred (500) degrees Fahrenheit and fifty percent (50%) excess air.
- (8) Hazard. Any operation shall be carried on with reasonable

precautions against fire and explosion hazards.

(9) Gases. Fumes or gases shall not be emitted at any point in concentrations or amounts that are noxious, toxic, or corrosive. The values given in Table I (Industrial Hygiene Standards - Maximum Allowable Concentration for an eight (8) hour day, five days per week), Table II (Odor Thresholds), Table IV (Concentrations of Substance Causing Pain into the Eyes), and Table V (Exposures to Substances Causing Injury to Vegetation) in the latest revision of Chapter 5, "Physiological Effect", that contains such tables, in the "Air Pollution Abatement Manual", by the Manufacturing Chemists' Association, Inc., Washington D.C. are hereby established as guides for the determination of permissible concentration or amounts. Detailed plans for the elimination of fumes or gases may be required before the issuance of a building permit.

(10) Waste. All sewage and industrial wastes shall be treated and disposed of in such a manner as to comply with the waste quality standards applicable to the classification assigned to the receiving water by Illinois Environmental Protection Agency for the Aurora Sanitary District of all plans for waste disposal facilities shall be required before issuance of any building permit.

A-2.1. Parcel No. 2, 2A, 2B - "Commercial / ORI East"

Commercial / ORI East shall be established as swing parcels that may be developed as either commercial pursuant to Section III A-2.1 or ORI pursuant to Section III A-1.1. Said use shall be established at the time of Preliminary Plan approval.

A-2.2. Statement of Intent - The development concept for the Commercial parcel in ORI East is a community shopping center designed as a single, unified and coordinated project that eliminates the "strip commercialization effect". Site and building design standards are established to insure high quality development. These standards include: attention to architectural materials; required review of internal traffic circulation patterns for vehicular safety; and provisions for landscaped parking and yard areas to reduce the visual impacts of parking areas and promote a "gateway" frontage along major roads.

A-2.3. Permitted Uses - Parcel 2 and 2A see Attachment 5b. For parcel 2B see Attachment 5c.

A-2.4. General Provisions

a. Plan Approval - Prior to issuance of any building permits, preliminary, final, and landscape plans shall be reviewed and approved pursuant to Section 14.7 of the Aurora Zoning Ordinance and Attachment 8 hereto.

b. Minimum lot size and width - The minimum lot size is 40,000 square feet. Minimum lot width is 75 feet.

c. Required Yard Areas

<u>Yard Area</u>	<u>Building Setback*</u>	<u>Parking Setback</u>
<u>Exterior</u> (Internal Streets)	25'	25'
Bilter Road	30'	25'
Butterfield Road	30'	30'
Farnsworth	30'	30'

Interior

15'

8'

Golf Course

10'

10'

* The required building setback shall be increased in depth by one foot (1') for each three feet (3') in height by which any building or structure on the lot exceeds a height of thirty feet (30'). No building shall be located within 100 feet of a residential lot except where the "Aurora Comprehensive Plan" indicates a non-residential land use. The minimum parking setback listed above shall be permitted regardless of building height.

d. Permitted Obstructions in Required Yard Areas Notwithstanding provisions to the contrary in Section 5.4 of the Aurora Zoning Ordinance, and except as provided herein, all yards shall be open and unobstructed from the ground level to the sky and landscaped pursuant to Section III A-2.8.

(1) All Yards: Landscape material and landscape features; fences; above ground utility boxes when required to provide service to the property; pedestrian pathways;

(2) Exterior Front: Maximum 30' wide pavement providing direct access to the property from the public right-of-way; signs; flag poles;

(3) Exterior Side or Rear: Signs; flag poles;

(4) Interior Side and Rear: 5' encroachment allowed for building related (non-processing) mechanical equipment; shared access ways; shared parking.

e. Height and Bulk Standards - There shall be no restrictions as to the height of buildings in Commercial East.

f. General Restrictions - See Attachment 14.

A-2.5. Special Uses - See Attachment 5b. All special uses shall be established in accordance with Section 14 of the Aurora Zoning Ordinance.

A-2.6. Accessory Uses and Buildings - Notwithstanding provisions to the contrary in Sections 3.2 and 8 of the Aurora Zoning Ordinance, Accessory Uses and Buildings shall not comprise more than

fifty (50) percent of the size and extent of the principal building and use. The location of accessory buildings shall be governed by the same regulations as the principal building.

- A-2.7. Signs - All signs shall be erected in conformance with Attachment 7a. - d. and the Aurora Sign Ordinance as modified herein.
- A-2.8. Landscaping and Screening - Pursuant to Attachment 12.
- A-2.9. Parking and Loading - Notwithstanding provisions to the contrary in Section 10 of the Aurora Zoning Ordinance, all parking and loading areas shall be established pursuant to Attachment 15.
- A-2.10. Performance Standards - None shall apply.

A-3.1. Parcel No. 3 "ORI West"

A-3.2 Statement of Intent - ORI West development is intended to provide and maintain a planned environment in a park-like setting that includes research and development activities, office uses, warehousing and manufacturing that will not have adverse effects upon the environmental quality of the community. The development will provide adequate space in appropriate locations for various manufacturing and related activities so that the economic structure of the community may be strengthened and that employment opportunities will be found. ORI West is designed so that the movement of raw materials, finished products and employees can be carried on in an efficient and safe manner.

A-3.3. Permitted Uses: See Attachment 4b.

A-3.4. General Provisions

- a. Plan Approval - Preliminary Plan and Plat is hereby approved as Attachments 2 and 3.

No final plan or site plan submittal, review or approval shall be required for any portion of the development lying west of existing Church Road (ORI West); except that, such review and approval shall be required for the proposed commercial center.

Final plans for any outside storage areas shall be reviewed and approved pursuant to Section 14.7 of the Aurora Zoning Ordinance.

- b. Minimum lot size and width - The minimum lot size is 40,000 square feet. Minimum lot width is 75 feet.

c. Required Yard Areas

<u>Yard Area</u>	<u>Building Setback*</u>	<u>Parking Setback</u>
<u>Exterior</u> (Internal Streets)	25'	25'
Bilter Road	30'	25'

Butterfield Road

50'

50'

Interior

15'

8'

* The required building setback shall be increased in depth by one foot (1') for each three feet (3') in height by which any building or structure on the lot exceeds a height of thirty feet (30'). No building shall be located within 100 feet of a residential lot except where the "Aurora Comprehensive Plan" indicates a non-residential land use. The minimum parking setback listed above shall be permitted regardless of building height.

c. Permitted Obstructions in Required Yard Areas
Notwithstanding provisions to the contrary in Section 5.4 of the Aurora Zoning Ordinance, and except as provided herein, all yards shall be open and unobstructed from the ground level to the sky and landscaped pursuant to Section III A-3.8.

- (1) All Yards: Landscape material and landscape features; fences; above ground utility boxes when required to provide service to the property; pedestrian pathways;
- (2) Exterior Front: Maximum 30' wide pavement providing direct access to the property from the public right-of-way; signs; flag poles;
- (3) Exterior Side or Rear: Signs; flag poles;
- (4) Interior Side and Rear: 5' encroachment allowed for building related (non-processing) mechanical equipment; shared access ways; shared parking.

d. Height and Bulk Standards

Maximum Height - 100 feet, which may be increased to 150' by Special Use Permit in accordance with Section 14 of the Aurora Zoning Ordinance with the following restrictions:

Maximum Floor Area Ratio - 0.70. May be increased by Special Use Permit in accordance with Section 14 of the Aurora Zoning Ordinance with the following restrictions:

* A premium of .20 may be granted if seventy five percent (75%) or more of the required

parking is provided underground.

* A premium of .02 may be granted for each additional acre in lot size above one (1) acre to a maximum of ten (10) acres.

- e. General Restrictions - See Attachment 14.
- A-3.5. Special Uses - See Attachment 4. All special uses shall be established in accordance with Section 14 of the Aurora Zoning Ordinance.
- A-3.6. Accessory Uses and Buildings - Notwithstanding provisions to the contrary in Sections 3.2 and 8 of the Aurora Zoning Ordinance, Accessory Uses and Buildings shall not comprise more than fifty (50) percent of the size and extent of the principal building and use. The location of accessory buildings shall be governed by the same regulations as the principal building.
- A-3.7. Signs - All signs shall be erected in conformance with Attachment 7a. - d. and the Aurora Sign Ordinance as modified herein.
- A-3.8. Landscaping and Screening - Pursuant to Attachment 12.
- A-3.9. Parking and Loading - Notwithstanding provisions to the contrary in Section 10 of the Aurora Zoning Ordinance, all parking and loading areas shall be established pursuant to Attachment 15.
- A-3.10. Performance Standards - All development shall adhere to the standards set forth in Section III A-1.10 of this Plan Description.

A-4.1. Parcel No. 4 - "Commercial/ORI West"

A-4.2. Statement of Intent - The development concept for the Commercial parcel in ORI West is a neighborhood shopping center designed as a single, unified and coordinated project that eliminates the "strip commercialization effect". Site and building design standards are established to insure high quality development. These standards include: attention to architectural materials; review of internal traffic circulation patterns for vehicular safety; and provisions for landscaped parking and yard areas to reduce the visual impacts of parking areas and promote a "gateway" frontage along major roads.

A-4.3. Permitted Uses - See Attachment 5a.

A-4.4. General Provisions

a. Plan Approval - Prior to issuance of any building permits, preliminary, final, and landscape plans shall be reviewed and approved pursuant to Section 14.7 of the Aurora Zoning Ordinance and Attachment 8 hereto.

b. Minimum lot size and width - The minimum lot size is 40,000 square feet. Minimum lot width is 75 feet.

c. Required Yard Areas

<u>Yard Area</u>	<u>Building Setback*</u>	<u>Parking Setback</u>
<u>Exterior</u> (Internal Streets)	25'	25'
Butterfield Road	30'	30'
<u>Interior</u>	15'	8'
Open Space	10'	10'

* The required building setback shall be increased in depth by one foot (1') for each three feet (3') in height by which any building or structure on the lot exceeds a height of thirty feet (30'). No building shall be located within 100 feet of a residential lot except where the "Aurora

Comprehensive Plan" indicates a non-residential land use. The minimum parking setback listed above shall be permitted regardless of building height.

d. Permitted Obstructions in Required Yard Areas
Notwithstanding provisions to the contrary in Section 5.4 of the Aurora Zoning Ordinance, and except as provided herein, all yards shall be open and unobstructed from the ground level to the sky and landscaped pursuant to Section III A-4.8.

- (1) All Yards: Landscape material and landscape features; fences; above ground utility boxes when required to provide service to the property; pedestrian pathways;
- (2) Exterior Front: Maximum 30' wide pavement providing direct access to the property from the public right-of-way; signs; flag poles;
- (3) Exterior Side or Rear: Signs; flag poles;
- (4) Interior Side and Rear: 5' encroachment allowed for building related (non-processing) mechanical equipment; shared access ways; shared parking.

e. Height and Bulk Standards - 3 stories or 50 feet; whichever is less.

f. General Restrictions

- (1) No carry out liquor sales are permitted.
- (2) Business hours of operation shall be limited to 6:00 a.m. to 11:00 p.m. (local time).
- (3) The rear facade of any commercial buildings shall not face Butterfield Road.
- (4) See Attachment 14.

A-4.5. Special Uses - See Attachment 5a. All special uses shall be established in accordance with Section 14 of the Aurora Zoning Ordinance.

A-4.6. Accessory Uses and Buildings - Notwithstanding provisions to the contrary in Sections 3.2 and 8 of the Aurora Zoning Ordinance, Accessory Uses and Buildings shall not comprise more than fifty (50) percent of the size and extent of

the principal building and use. The location of accessory buildings shall be governed by the same regulations as the principal building.

A-4.7. Signs - All signs shall be erected in conformance with Attachment 7a. - d. and the Aurora Sign Ordinance as modified herein.

A-4.8. Landscaping and Screening - Pursuant to Attachment 12.

A-4.9. Parking and Loading - Notwithstanding provisions to the contrary in Section 10 of the Aurora Zoning Ordinance, all parking and loading areas shall be established pursuant to Attachment 15.

A-4.10. Performance Standards - Not applicable to commercial districts.

B. PUBLIC IMPROVEMENTS:

1. The provisions of the Aurora Subdivision Control Ordinance and this Plan Description shall govern all development of the Subject Property regardless of the size of a parcel being developed at any one time. If no subdivision plats for the Subject Property are required, then Owners agree that the public improvements and other subdivision control requirements of the Aurora Subdivision Control Ordinance shall be applicable to the Subject Property except as modified herein.
2. Storm water control provisions shall be allowed in accordance with the City Stormwater Control Ordinance and Attachment 10.
3. No guardrails shall be required within the development. Alternative means of safeguarding areas to be protected will be provided as required and approved by the city engineer.
4. No fencing shall be required around any lake areas.
5. Slope requirements for various types of public and private properties shall be in accordance with Attachment 12a, 12e, and 12f.
6. Right-of-way lines do not have to be parallel to facilitate the varying widths and curves of the roadway system as shown on the Concept Plan.
7. Gatehouses, street furniture, landscaping elements, directions and directional signs shall be permitted within street medians provided the Owner provides for indemnification of the City and maintenance of said facilities. The proposed plans for the private use of public right-of-ways shall be reviewed and approved by the City.
8. Lots or blocks may be divided or aggregated to meet building or development needs without requiring resubdivision provided lot areas and widths are in accordance with the requirements herein.
9. All building sites within the development shall drain into the lake system on the golf course as shown on Attachment 1 and 10, and no further onsite retention and/or detention shall be required.
10. To promote the park-like character of the development, the Owner shall provide a pedestrian

10. To promote the park-like character of the development, the Owner shall provide a pedestrian circulation system consisting of a landscaped asphalt pathway on one side of the street in lieu of standard sidewalks on both sides as shown on the concept plan, Attachment 1.
11. Farming as a temporary interim use shall be permitted provided it can be operated so as not to cause a nuisance or damage to any property owner within or adjacent to the District.
12. The City agrees to permit the Developer to construct water wells for the purpose of providing a water supply for the golf course, irrigating landscaped areas, and the creation of and use for ponds or lakes, provided there shall be no interconnection or intermix of such water with the City water system. The City further agrees to allow Developer to construct irrigation systems for landscaped areas within City easements and rights-of-way and further agrees to enter into agreements with Developer to connect said irrigation systems to the municipal water system as per other such City agreements. Any water wells so constructed shall be engineered so as to not negatively impact any water wells on adjoining properties.
13. The primary access points from perimeter public right-of-ways for the Subject Property are hereby granted as depicted on the Concept Plan, Attachment 1 and Attachment 17.

Further, that lots 1 - 5, inclusive on the preliminary plan and plat attached hereto as Attachments 2 and 3 be permitted one access drive per lot with a minimum separation between drives for said lots 1-5 of 150' feet measured from center line to center line of said drives as indicated on Attachment 9c. Remaining access points shall be permitted as indicated on Attachment 17. Construction of the right-in/right-out access points shall be as shown on Attachment 9d.
14. City agrees to enter into a standard City of Aurora Recapture Agreement with respect to the improvement of certain roads as depicted on Attachment 13 within thirty (30) days after completion of said improvements to reimburse Developer for that portion of said roadway benefiting properties other than the Subject Property as shown on said Attachment 13.
15. The parties understand and agree that the standard pavement width for all roadways within the Subject

Property shall be as shown on Attachments 3, 9, 9a and 9b. Any pavement widening costs incurred in increasing said pavement width over and above said standards shall be reimbursed to the Developer by the City. Payment shall be received within thirty (30) days after installation and acceptance of said improvement which acceptance shall not be unreasonably withheld.

16. In the event that proper warrants are met for traffic signal improvements at the intersection of Bilter Rd and Farnsworth Ave., Farnsworth Ave. and Corporate Blvd., Butterfield and Raddant Rd and Butterfield Rd and Corporate Blvd. (North/South spine road), the Developer's responsibility for cost sharing for signals shall be limited to thirty (30%) percent of the cost of the traffic signals. See Attachment 9c.

17. In the event that the Developer proposes street signage and/or street light poles which vary from standard city installation, Developer agrees to submit such proposal signage and/or light poles to the Department of Planning and Engineering for review and approval.

IV. REQUESTED MODIFICATIONS AND EXCEPTIONS FROM THE ZONING ORDINANCE, SUBDIVISION CONTROL ORDINANCE AND SIGN ORDINANCE

- A. ZONING ORDINANCE MODIFICATIONS AND EXCEPTIONS: With respect to those provisions of the Zoning Ordinance listed in Section III and shown in modified form or as modified by exhibits attached hereto, the District shall be subject thereto only as modified.
- B. SUBDIVISION CONTROL ORDINANCE MODIFICATIONS AND EXCEPTIONS: The District shall not be subject to these provisions of the Subdivision Control Ordinance listed below and described as inapplicable or as modified in exhibits attached hereto or as listed and modified below. With respect to Subsection 1. below, the Subdivision Control Ordinance, in its application to the District, shall be deemed generally modified in accordance therewith. The definitions contained in Section 43-8 of the date, unless shown as inapplicable or modified in this section, shall apply to the District.

Notwithstanding any language to the contrary, if there is any conflict between the language in the Plan Description and the Annexation Agreement For Farnsworth International, then the language of the Annexation Agreement shall prevail and control.

1. The words "improvement", "improvements", "public improvements" and "street improvements", wherever used in the Subdivision Control Ordinance, shall be deemed to mean only those land improvements which are required to be dedicated to the City or to the State of Illinois or a unit of local government (hereinafter called "other public body") pursuant to the provisions of said Ordinance as modified by this Plan Description, and the design standards set forth in those sections of the Subdivision Control Ordinance, as modified by the Annexation Agreement for Farnsworth International, this Plan Description and Exhibits, which are attached hereto and made a part hereof, shall be applicable only to such required land improvements.

2. Modifications

- a. ~~Section 43.5 Conflicting Provisions:~~
~~Where the conditions imposed by any provisions of this chapter on the use of land are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter or of any other law, ordinance, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.~~

"Sec. 43-5. EFFECTS OF CONFLICTS.
Where the conditions imposed upon the subdivision of land by any provision of this chapter are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this chapter, the regulations which are more restrictive or which impose higher standards or requirements shall govern; provided, that where the conditions imposed upon the subdivision of land by any provision of this chapter which have been modified by this Plan Description are either more restrictive or less restrictive than comparable conditions imposed by other provisions of this chapter, the conditions imposed by the provisions of this chapter which have been so modified shall govern. Where the conditions imposed upon the subdivision of land by any provision of this Chapter, as modified by this Plan Description, are either more restrictive or less restrictive than comparable conditions imposed by any other law, ordinance,

rule or regulation of any kind, the conditions imposed by the provisions of this chapter, as modified by this Plan Description shall govern."

b. Section 43-55, Arrangement for improvements prerequisites subsection (a), (3):

3. In lieu of actual construction of the improvements, as provided in paragraph 2 above, the subdivider may post, at the time of submittal of the final plat, cash, or letter of credit 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 percent (100%) of the estimated improvement costs as certified by the city engineer.

b. Securities must be approved by the law department, shall be irrevocable, and shall be in effect for ~~two (2)~~ three (3) years after approval of the final plat, or until the issuing institution has received written documentation from the city council certifying that the subdivider has complied with all terms and conditions of this chapter.

c. If all public improvements are not installed within ~~eighteen (18)~~ thirty (30) months after approval of the final plat, the city shall be authorized to draw upon the securities. The city council may grant the subdivider additional time to complete the improvements, provided the securities are extended, or new securities provided, effective for a period of not less than six (6) months beyond whatever additional time is allowed the subdivider.

d. The city council shall ~~have the right to~~ allow for the reduction of securities provided herein, as work progresses on a quarterly basis, in an amount equal to eighty percent (80%) of the cost of improvements completed as certified by the city engineer. Furthermore, the city council may accept the sanitary sewer and water main system prior to the completion of other improvements.

c. Section 43-72 Streets:

Streets in subdivision shall comply with the provisions of Chapter 42-20, and as modified by Attachment²⁶ 9 attached hereto

d. Section 43-75, Blocks, subsection (b):

1. Block length shall not exceed eighteen hundred (1800) feet, or be less than ~~six hundred (600) feet~~ three hundred (300) feet.

e. Section 43-91, Compliance required; certification:

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

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

f. Section 43-95, Street Improvements:

Minimum construction requirements for street improvements shall be as outlined in the city specifications for improvements except as modified herein on Attachment 11a and 11b.

g. Section 43-98, Sidewalks.

~~Concrete sidewalks of portland cement shall be constructed as specified in the city specifications for improvements on both sides of all streets in residential, commercial and industrial subdivisions. At final plat approval, the planning and development committee may defer installation of sidewalks~~

~~committee may defer installation of sidewalks on one (1) side of any or all streets in commercial and industrial subdivisions. However, the final plat must include a provision that the city council may require installation of additional sidewalks at a subsequent date on any or all streets having sidewalks on one (1) side in accordance with procedures established in Article 11, division 64 of the Illinois Municipal Code (Ill. Rev. Stat. Ch. 24, P. 11-64-1 et seq.). Unless otherwise approved by the committee, the planning commission or the city council or both, all sidewalks shall be located within the street right of way and one (1) foot inside the right of way line.~~

A jogging trail system as shown on the concept plan shall be required in lieu of all public sidewalk requirements. The pathway system shall be constructed in accordance with Attachment 1.

h. Section 43-100, Street and regulatory signs:

All street and regulatory signs shall be in accordance with the city specifications for improvements. All street signs shall be in accordance with Attachment 7c.

i. Section 43-101, Street lighting and marking

Provisions and installation shall be made for the adequate lighting and name markers of public streets within the proposed subdivision in accordance with the standards and requirements established within the specifications for improvements. The Developer reserves the right to request a uniform street name sign program subject to City review and approval.

j. Developer agrees to any change City makes in its Subdivision Control Ordinance relating to resident inspection and testing procedures whereby Developer pays for this work by a consultant hired by the City so long as said procedure applies equally to all property within the City.

C. SIGN ORDINANCE MODIFICATIONS AND EXCEPTIONS: Article 19 of the Aurora Code shall be modified as follows:

1. The City hereby establishes a "Special Sign District" entitled "Farnsworth International Sign District", pursuant to Chapter 12, Article 19, Section 1902.5 of the City of Aurora Code of Ordinances. Said sign standards are set forth in Attachment 7 and 7a-7e.

V. GENERAL PROVISIONS RELATING TO THE PROPOSED DISTRICT

A. PLAN AND PLAT REVIEW PROCEDURES:

1. Attachment 1 herein constitutes and is hereby approved as the concept plan for this Plan Development District.
2. Attachment 2 constitutes and is hereby approved as the preliminary plan and Attachment 3 constitutes the subdivision plat for that portion of the Subject Property lying west of existing Church Road and said plan does constitute and satisfy the requirements for the "first preliminary plan" for the Planned Development District.
3. Sections 14.7-6 through 14.7-14 inclusive of the Aurora Zoning Ordinance, shall regulate the plan and plat review procedures hereunder.
4. Revisions to Approved Plans: At any time and from time to time, the Owner and/or Developer shall have the right to request a revision to any approved preliminary and/or final plan. Said procedure shall be pursuant to the sections of the Aurora Zoning Ordinance set forth in Paragraph 3.

B. CHANGES IN PLAN DESCRIPTION

Amendments to this Plan Description shall be subject to Section 15 of the Aurora Zoning Ordinance. Public notice shall be provided in accordance with said section and to all current owners of property subject to this Plan Description.

C. REVISIONS TO APPROVED PLANS:

1. At any time and from time to time, the Owners and Developer shall have the ability to petition the City for a revision to an approved preliminary and/or final plan. Said procedure shall be pursuant to Section 14.7-12 of the Aurora Zoning Ordinance.

D. PRIVATE COVENANTS:

1. Prior to the recording of a final plat for any areas within the District, a document containing covenants, conditions, and restrictions will be recorded which sets forth various private controls. Included therein will be the creation of a Property Owners Association which Association will be responsible for the maintenance of non-public landscaping areas, trails, recreational facilities, signage and hardscape.

LIST OF ATTACHMENTS TO PLAN DESCRIPTION

<u>ATTACHMENT NO.</u>	<u>DESCRIPTION</u>
1.	Concept Plan
2.	Preliminary Plan
3.	Preliminary Plat
4.	Proposed ORI Uses
4a.	ORI East Uses
4b.	ORI West Uses
5.	Proposed Commercial Uses
5a.	West of Church Road
5b.	East of Farnsworth Avenue
5c.	Bilter/Farnsworth Commercial Parcel 2B
6.	Existing Zoning Map
7.	Sign District
7a.	Tenant / Building Identification Signs
7b.	Directional Signs
7c.	Site Directional and Vehicular Control Signs
7d.	Temporary Real Estate and Construction Signs
8.	Required Components of Final Site Plans
9.	Roadway Design Standards
9a.	Roadway Cross-section Industrial / Commercial
9b.	Roadway Cross-section Bilter Road
9c.	Table of Roadway Improvements and Signalization
9d.	Schematic Barrier Design Right In/Right Out Turns

10. Stormwater Management Study
11. Design and Construction Standards for Lakes and Blue/Green Construction Areas
12. Landscaping
- 12a. Landscape - Typical Street Cross-section
- 12b. Landscape - Typical Berming at Building
- 12c. Landscape - Typical Berming at Parking
- 12d. Typical Right-of-way / Setback Area
- 12e. Typical Slopes and Transitions
- 12f. Typical Berm/Grading Diagrams
- 12g. Typical Exterior Refuse Collection.
Area/Transformer/ Other Outside Facility
- 12h. Typical Loading Dock
- 12i. Typical Lake Edge Treatment
13. Parkview Intersection and Roadway Recapture
14. General Restrictions
15. Parking and Loading Standards
16. Development Time Table
17. Farnsworth/Butterfield Permitted Access Points

Farnsworth International BUSINESS PARK

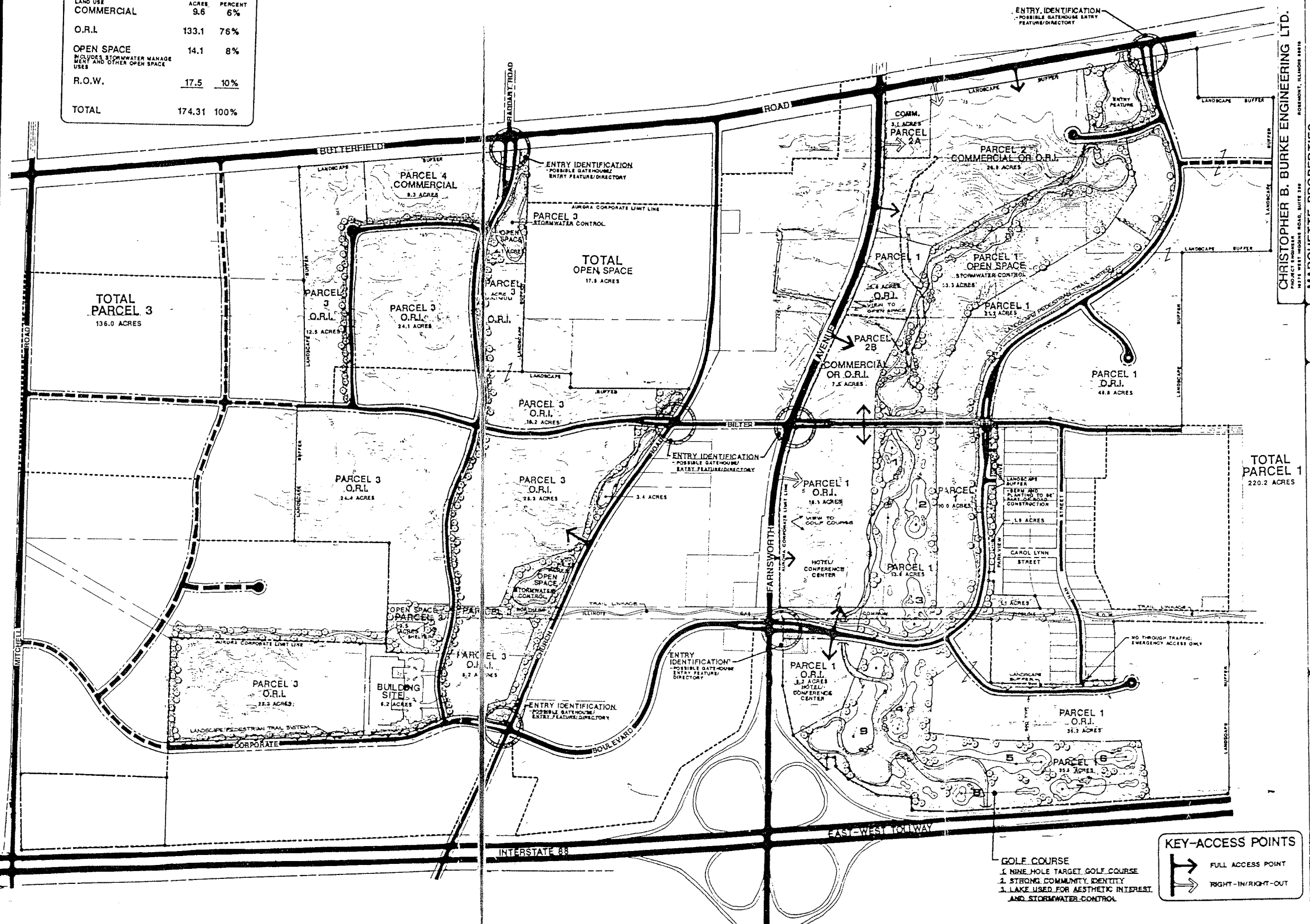
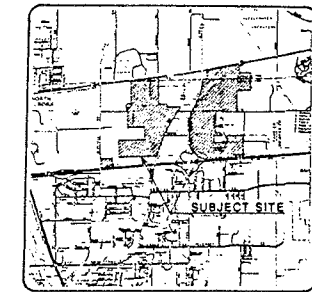
ATTACHMENT "C"

SITE DATA - WEST

LAND USE	ACRES	PERCENT
COMMERCIAL	9.6	6%
O.R.I.	133.1	76%
OPEN SPACE INCLUDES STORMWATER MANAGE- MENT AND OTHER OPEN SPACE USES	14.1	8%
R.O.W.	17.5	10%
TOTAL	174.31	100%

SITE DATA - EAST

LAND USE	ACRES	PERCENT
COMMERCIAL DOES NOT INCLUDE 3.1 ACRES CHURCH SITE WHICH IS PART OF THE ANNEXATION	34.2	13%
O.R.I.	138.0	51%
OPEN SPACE INCLUDES LAND FOR GOLF COURSE AND STORMWATER MANAGEMENT FEATURES	82.2	31%
R.O.W.	13.2	5%
TOTAL	267.61	100%



KEY-ACCESS POINTS

	FULL ACCESS POINT
	RIGHT-IN/RIGHT-OUT

- GOLF COURSE
- 1. NINE HOLE TARGET GOLF COURSE
- 2. STRONG COMMUNITY IDENTITY
- 3. LAKE USED FOR AESTHETIC INTEREST AND STORMWATER CONTROL

CHRISTOPHER B. BURKE ENGINEERING LTD.
1000 WEST MONROE ROAD, SUITE 300
ROSEMONT, ILLINOIS 60068

MARQUETTE PROPERTIES
1000 WEST MONROE ROAD, SUITE 300
ROSEMONT, ILLINOIS 60068

THE LANNETT GROUP
1000 WEST MONROE ROAD, SUITE 300
ROSEMONT, ILLINOIS 60068

CONCEPT PLAN - ATTACHMENT "C"

JOB NUMBER
8870
COMPLETED
03/1989
REVISED
7-8-89
2-10-91
2-15-95
2-16-98
2-2-99
3-7-99
12/1/99

SHEET NUMBER

Farnsworth International BUSINESS PARK

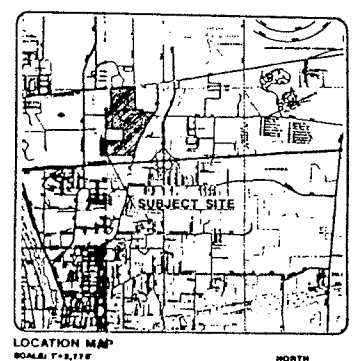
ATTACHMENT "2"

PARCEL 4
COMMERCIAL
9.6 ACRES TOTAL

PARCEL 3
O-R-I
127.0 ACRES TOTAL

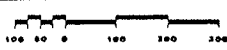
BUILDING SITE
O-R-I
6.2 ACRES TOTAL

SITE DATA		
LAND USE	ACRES	PERCENT
COMMERCIAL LOTS	9.60	5.51%
O.R.I. LOTS	133.15	76.39%
OPEN SPACE		
STORMWATER	11.28	6.47%
OTHER OPEN SPACE	2.82	1.62%
SU3-TOTAL	14.10	8.08%
R.O.W.	17.46	10.02%
TOTAL	174.31	100%



ATTACHMENT "2"

PRELIMINARY PLAN - WEST SIDE



MARQUETTE PROPERTIES
OWNERS/DEVELOPER
100 S. WACKER DRIVE SUITE 3000
CHICAGO, ILLINOIS 60606
THE LANNERT GROUP
LAND PLANNING
ONE WEST ILLINOIS STREET
MONTGOMERY, KENTUCKY 40381

LANDSCAPE ARCHITECTURE
ST. CHARLES, ILLINOIS 61774
MONTGOMERY, KENTUCKY 40381

DESIGN/DEVELOPMENT

CONSULTANTS
13121 377-8888
13121 377-8888

DATE: 12/1/89
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

FARNSWORTH INTERNATIONAL
BUSINESS PARK

RADDANT ROAD

BUTTERFIELD ROAD

NORTH

CHURCH ROAD

STORMWATER
MANAGEMENT

BUTTER ROAD

RADDANT ROAD

NORTHERN ILLINOIS GAS COMPANY
R.O.W. = 82.5'

CORPORATE BLVD

EAST-WEST TOLLWAY I-88

CB CHRISTOPHER B. BURKE ENGINEERING LTD.
10275 West Higgins Road, Suite 460
Rosemont, Illinois 60018 (312) 296-0500

CLIENT: MARQUETTE PROPERTIES
200 S. WACKER DR. SUITE 3900
CHICAGO, ILLINOIS 60606

DATE	12/1/88
FILE NAME	1000000.DWG
PROJECT NO.	1000000
DATE	12/1/88
DESCRIPTION	PRELIMINARY SUBDIVISION PLAT
ATTACHMENT	III



FARNSWORTH INTERNATIONAL BUSINESS PARK

LOT DATA
 SIZE RANGE: 0.34 AC.-8.88 AC.
 AVERAGE SIZE: 3.26 AC.

SITE DATA

	ACRES	PERCENT
COMMERCIAL LOTS	8.8	6.81%
O.R.L. LOTS	123.18	78.35%
OPEN SPACE		
STORMWATER	11.90	9.47%
OTHER OPEN SPACE	2.44	1.92%
SUB TOTAL	14.34	9.60%
AREA IN R.O.W.	17.46	18.95%
TOTAL	176.31	

LEGEND

EXISTING: SANITARY SEWER, STORM SEWER, WATER MAIN, FIRE HYDRANT, LIGHT, VALVE VAULT, INLET, ZONING BOUNDARY

PROPOSED: SANITARY SEWER, STORM SEWER, WATER MAIN, FIRE HYDRANT, LIGHT, VALVE VAULT, INLET, ZONING BOUNDARY

EXISTING ZONING ORI

ZONING PROPOSED ORI

LOT DATA

LOT 1: 1.1 AC.
 LOT 2: 1.1 AC.
 LOT 3: 1.0 AC.
 LOT 4: 1.1 AC.
 LOT 5: 1.1 AC.
 LOT 6: 1.8 AC.
 LOT 7: 1.8 AC.
 LOT 8: 3.3 AC.
 LOT 9: 1.26 AC.
 LOT 10: 0.3 AC.
 LOT 11: 0.3 AC.
 LOT 12: 0.3 AC.
 LOT 13: 1.21 AC.
 LOT 14: 2.7 AC.
 LOT 15: 2.3 AC.
 LOT 16: 4.7 AC.
 LOT 17: 3.4 AC.
 LOT 18: 2.3 AC.
 LOT 19: 2.2 AC.
 LOT 20: 3.3 AC.
 LOT 21: 2.3 AC.
 LOT 22: 2.3 AC.
 LOT 23: 6.1 AC.
 LOT 24: 7.7 AC.
 LOT 25: 7.7 AC.
 LOT 26: 8.7 AC.
 LOT 27: 3.9 AC.
 LOT 28: 2.9 AC.
 LOT 29: 3.7 AC.
 LOT 30: 1.7 AC.
 LOT 31: 1.9 AC.
 LOT 32: 2.3 AC.
 LOT 33: 2.5 AC.
 LOT 34: 3.7 AC.
 LOT 35: 3.4 AC.
 LOT 36: 2.7 AC.
 LOT 37: 2.7 AC.
 LOT 38: 2.8 AC.
 LOT 39: 13.93 AC.
 LOT 40: 2.0 AC.
 LOT 41: 2.0 AC.
 LOT 42: 2.0 AC.
 LOT 43: 2.0 AC.
 LOT 44: 4.8 AC.
 LOT 45: 2.4 AC.
 LOT 46: 2.7 AC.
 LOT 47: 4.7 AC.

STORMWATER MANAGEMENT

OPEN SPACE

CHURCH ROAD

RADIANT ROAD

BUTTERFIELD ROAD

BILTER ROAD

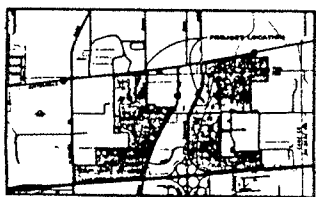
CORPORATE BLVD

EAST-WEST TOLLWAY I-88

LOT DATA

LOT 1: 1.1 AC.
 LOT 2: 1.1 AC.
 LOT 3: 1.0 AC.
 LOT 4: 1.1 AC.
 LOT 5: 1.1 AC.
 LOT 6: 1.8 AC.
 LOT 7: 1.8 AC.
 LOT 8: 3.3 AC.
 LOT 9: 1.26 AC.
 LOT 10: 0.3 AC.
 LOT 11: 0.3 AC.
 LOT 12: 0.3 AC.
 LOT 13: 1.21 AC.
 LOT 14: 2.7 AC.
 LOT 15: 2.3 AC.
 LOT 16: 4.7 AC.
 LOT 17: 3.4 AC.
 LOT 18: 2.3 AC.
 LOT 19: 2.2 AC.
 LOT 20: 3.3 AC.
 LOT 21: 2.3 AC.
 LOT 22: 2.3 AC.
 LOT 23: 6.1 AC.
 LOT 24: 7.7 AC.
 LOT 25: 7.7 AC.
 LOT 26: 8.7 AC.
 LOT 27: 3.9 AC.
 LOT 28: 2.9 AC.
 LOT 29: 3.7 AC.
 LOT 30: 1.7 AC.
 LOT 31: 1.9 AC.
 LOT 32: 2.3 AC.
 LOT 33: 2.5 AC.
 LOT 34: 3.7 AC.
 LOT 35: 3.4 AC.
 LOT 36: 2.7 AC.
 LOT 37: 2.7 AC.
 LOT 38: 2.8 AC.
 LOT 39: 13.93 AC.
 LOT 40: 2.0 AC.
 LOT 41: 2.0 AC.
 LOT 42: 2.0 AC.
 LOT 43: 2.0 AC.
 LOT 44: 4.8 AC.
 LOT 45: 2.4 AC.
 LOT 46: 2.7 AC.
 LOT 47: 4.7 AC.

SITE DATA		
	ACRES	PERCENT
COMMERCIAL LOTS	8.8	9.31%
G.R.L LOTS	123.18	76.36%
OPEN SPACE		
STONEMASTERS	11.20	9.47%
OTHER OPEN SPACE	1.83	1.49%
SUB TOTAL	14.40	9.06%
AREA IN R.O.W.	17.40	16.92%
TOTAL	174.31	



LEGEND

EXISTING  12" 15" 	PROPOSED  12" 15" 	SANITARY SEWER STORM SEWER WATER MAIN FIRE HYDRANT LIGHT VALVE VAULT INLET zoning boundary
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This is a detailed topographic map of the Farnsworth International Business Park. The map features several key roads: Butterfield Road running vertically on the left, Butler Road running vertically in the center, and Farnsworth Ave running horizontally at the bottom. Contour lines are drawn across the map to indicate elevation, with labels such as 720, 730, 735, 740, 750, and 760. Two creeks are shown: Woods Creek, which flows from the top left towards the center, and Indian Creek, which flows from the right side towards the bottom. A north arrow is located in the upper left quadrant. The map also shows various building footprints, parking lots, and other site-specific details. The overall layout suggests a planned industrial or commercial development integrated with natural features.

GRAPHIC SCALE

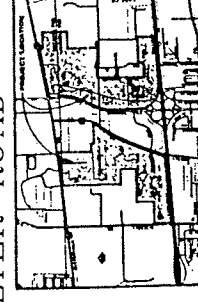
FARNSWORTH INTERNATIONAL
BUSINESS PARK

BUTTERFIELD ROAD

FARNSWORTH AVE

BILTER ROAD

EAST-WEST TOLLWAY I-88



LEGEND	
EXISTING	PROPOSED
SANITARY SEWER	SANITARY SEWER
WATER MAIN	WATER MAIN
FIRE HYDRANT	FIRE HYDRANT
LIGHT	LIGHT
VALVE/FAULT	VALVE/FAULT
RELET	RELET

CB
CHRISTOPHER B. BURKE ENGINEERING LTD.
10275 West Higgins Road, Suite 450
Rosemont, Illinois 60018 (312) 296-0500

CLIENT: MARQUETTE PROPERTIES
200 S. WACKER DR. SUITE 3900
CHICAGO, ILLINOIS 60606

NO.	DATE	DESCRIPTION
1	10-10-88	PRELIMINARY SUBDIVISION PLAT
2	11-10-88	ATTACHMENT #1



ATTACHMENT 4

FARNSWORTH INTERNATIONAL PROPOSED ORI USES

Permitted uses and Special uses in the proposed ORI East area of the development East of Farnsworth Avenue shall be as shown on Attachment 4a.

Permitted uses and Special uses in the proposed ORI West area of the development West of Church Road shall be as shown on Attachment 4b.

ATTACHMENT 4a

FARNSWORTH INTERNATIONAL PERMITTED USES
ORI EAST

A. PERMITTED USES

Artwork, commercial graphics and drafting services. Blueprinting and photostatic services. Duplicating and letter service firms.

Clinics - medical or dental

Engineering and testing laboratories and offices

Hotel and motel or combination office hotel/motel, including dining and meeting rooms, which must be staffed with twenty - four hour clerk service, maid and janitor services.

Industrial activities, including, but not limited to, electronics, scientific and precision instruments manufacture and repair, experimental product development and plastic products design and assembly, printing and publishing.

Laboratories, offices, and ancillary uses for research and development.

Medical and dental research laboratories

Pilot plants in which processes planned for use in production elsewhere can be treated to the extent reasonably necessary for full investigation of the merits of a product or process including commercial viability.

Production of prototype products when limited to the scale reasonably necessary for full investigation of the merits of a product, including commercial viability

Warehousing and distribution facilities, but excluding motor freight terminals.

B. Those uses not specifically listed above when found to have economic and performance compatibility with uses on adjoining properties and when not of a more intensive character than adjoining uses.

C. THE FOLLOWING USES SHALL ONLY BE PERMITTED AS SPECIAL USES:

Automotive service station including automated wash facilities and mini mart but not major automotive repair only where shown on the concept plan.

Heliport, Commercial and Private, (1) ground site as depicted on the concept plan; any number located on building roofs

Telecommunication Center as a Principal Use

Public and Private Utility facilities as Principal Use

D. USES TO BE PERMITTED BOTH AS FREESTANDING FACILITIES, AND AS ACCESSORY TO AND INCLUDED IN OFFICE/COMMERCIAL BUILDINGS:

Banks and financial institutions including drive-in or drive through facilities

Building Trades, Showrooms, show area not to exceed 25% of total floor area

Business and Professional Schools, Corporate Training Centers, Data Processing and Electronic Training Centers.

Church Parcel 2A only, Section 5.14 of the Aurora Zoning Ordinance shall not apply

Clubs, Lodges, and Fraternal Organizations

Community Theater

Craft type Textiles, Spinning Weaving, Dyeing and Printing products.

Daycare Center

Entrance Gatehouse and/or Directories

Golf Course including accessory structures and buildings

Health Clubs

High/Tech art signage and displays

Hotels-motels, including dining and meeting rooms, which must be staffed with twenty four hour clerk service, maid and janitor services.

Laboratories, commercial (medical, dental, research, experimental and testing)

Medical and Dental Supplies Manufacturing

Open space and stormwater management area

Private Membership Clubs, Private Parks, and recreation centers

Recreation facilities health club, including but not limited to gymnasium skating rink, tennis, racquetball, or similar facility within fully enclosed structure.

Restaurants, tearooms, cafe when the establishment is not of the drive in or drive through type.

Swim Clubs, Tennis and similar activities need not be enclosed

E. ADDITIONAL ACCESSORY USES/BUILDING RETAIL. One or more uses hereinafter set forth may be operated as accessory if each such use meets the following conditions: (1) is provided for the convenience of the owner and/or tenants, (2) does not have free standing ground signs of any type, (3) is incidental or secondary only to a principal building containing forty thousand (40,000) square feet of gross floor area:

Barbershop, or beauty parlor

Blueprinting and photostatic establishments

Book and stationary store

Camera and photographic supply shops for retail

Candy and ice cream shops, retail only

Clothing and Wearing Apparel, as an accessory use

Drugstores

Gift shops. Notions store., Tobacco store. Newsstand.

Office supply store

Optician, optometrist

Parcel delivery station of not more than two hundred fifty (250) feet.

Photographic development and processing drop-off service only, no physical processing on premises.

Postal substations. Telegraph office.

Public and Private Utility Facilities, as an accessory use.

Telecommunications Center, as an accessory use

Travel bureau and transportation ticket office

Typewriter, computer, adding machine and office machine sales and drop off repair service

Revised 3/1/89, 3/3/89, 3/20/89

ATTACHMENT 4b

FARNSWORTH INTERNATIONAL PERMITTED USES
ORI WEST

A. PERMITTED USES

Advertising displays manufacture
Artificial limb manufacture
Apparel and other products manufactured from textiles
Awnings, venetian blinds and window shades manufacture
Bakeries, wholesale
Banks and Financial Institutions including drive-in or drive through facilities
Bedspring and mattress manufacture
Belting manufacture
Bicycle manufacture
Brooms and brushes manufacture
Boat building and repair
Building trades, showrooms and shops
Bus line shops and garage
Business and professional schools, corporate training centers, data processing and electronic training center
Canning and preserving
Canvas and canvas products manufacture
Carpet and rug cleaning
Carpet manufacture
Cartage (local) express hauling and storage yards
Cement block manufacture

Ceramic products, pottery, and glazed tile manufacture

Cleaning and dyeing establishments when employing facilities for handling more than one thousand (1,000) pounds of dry good per day

Clubs, lodges and fraternal organizations

Cigarette and cigar manufacture

Coated fabrics, except rubberized, manufacture

Cork and cork products manufacture

Cosmetics, drugs and perfumes manufacture

Creameries and dairies

Drapery and bedding manufacture

Drugs and pharmaceutical products manufacture

Electrical equipment appliances manufacture

Engraving

Entrance Gatehouse and/or Directories

Felt manufacture

Food processing, packaging and distribution

Fur goods, not including training or dyeing, manufacture

Glass products, from previously manufacture glass

Health Clubs

Heating appliances and sheet metal products, including stoves and ranges manufacture

Hosiery manufacture

Ice cream and ice manufacture

Jewelry manufacture

Laundries, more than one thousand (1,000) pounds daily capacity

Machine shops and metal products manufacture, when not equipped with heavy (exceeding fifty-ton) pressure punch

presses, drop forges, riveting and grinding machines or any other equipment which may create noise, vibrations, smoke, odors, heat, glare or fire hazards, exceeding the performance standards of this section.

Medical and dental supplies manufacture

Metal polishing and plating

Musical instrument manufacture

Open Space and Stormwater Management Area

Optical goods and equipment manufacture

Pattern making manufacture

Piano and organ manufacture

Plastic products, but not including the processing of materials, manufacture

Private Membership Clubs, Private Parks, and recreation centers

Processing, finishing and assembly facilities

Public and private utility facilities, as an accessory use

Public utility electric substations and distribution center, gas regulation centers

Rubber products (small) such as washers, gloves, footwear, bathing caps, and tire recapping, but excluding rubber and synthetic rubber processing manufacture.

Sales and storage of building materials and products within a building

Scientific and precision instruments manufacture

Shoe and boot manufacture

Storage and household goods

Storage and sale of trailers, farm implements and other similar equipment on an open lot

Sporting and athletic equipment manufacture

Stone, marble and granite grinding and cutting

Swim clubs, tennis, handball, racquetball clubs and similar activities, need not be enclosed

Textiles-spinning and weaving, dyeing and printing

Tools and hardware, such as hand tools, bolts, nuts, screws, cutlery, house hardware, locks and plumbing appliances, manufacture

Tool and dye shops

Truck and trailer, over one and one half ton capacity, rental agencies

Toys and children's vehicles, manufacture

Warehousing/Receiving, Weaving, Dying and Printing Manufacturing

Wire brush manufacture

B. Those uses not specifically listed herein when found to have economic and performance compatibility with adjoining properties and when not of a more intensive character than adjoining uses.

C. The following additional uses shall be considered as Special Uses:

Floor area ration (F.A.R.) Premiums as specified in Section 12.11b, Subsection 6a of the Aurora Zoning Ordinance

Day Care Center

Heliport, commercial and private, (1) ground site as depicted on the preliminary plan; any number located on building roofs

Public and Private Utility facilities as a principal use

ATTACHMENT 5

FARNSWORTH INTERNATIONAL PROPOSED COMMERCIAL USES

Permitted Uses and Special Uses in the proposed Commercial area of the development West of Church Road shall be as shown on Attachment 5a.

Permitted Uses and Special Uses in the proposed Commercial area of the development East of Farnsworth Avenue shall be as shown on Attachment 5b.

ATTACHMENT 5a

FARNSWORTH INTERNATIONAL PERMITTED USES
ORI WEST COMMERCIAL

A. PERMITTED USES

Art galleries and studios

Art and school supply stores

Auto accessory store, where there is not driveway across the sidewalk into the principal building

Bakery shop, including the baking and processing of food products, when prepared for retail use upon the premises only

Banks and financial institutions

Barbershop, beauty parlor, chiropody, or similar personal service shop

Blueprinting, photostating, and printing establishments

Book and stationary store, other than an adult business use

Candy and ice cream shops, retail only

Camera and photographic supply stores for retail sale

Coin and philatelic stores

Convenience stores

Costume and rental shop

Custom dressmaking, millinery, tailoring or shoe repair when conducted for retail sales on the premises only

Day Care Center

Delicatessens

Dress shops

Florist shops and conservatory for retail trade on the premises only

Gift shops

Haberdashery
Health Club
Hobby stores
Jewelry store and watch repair
Launderette and laundromat, when operated with supervisory personnel
Leather goods and luggage store
Libraries
Locksmith
Musical instrument sales and repair, retail trade only
Newsstand
Notions store
Offices, business and professional, including medical clinics
Photography studio, including the developing of film and pictures when conducted as a part of the retail business on the premises
Photograph developing and processing
Picture framing when conducted for retail trader only on the premises
Postal substations (finance stations and contract stations)
Public utility collection offices
Radio and television stores, including minor repairs and service
Reading rooms
Restaurant
Schools: Music, dance, business, commercial or trade
Telegraph office
Travel bureau and transportation ticket office

B. Those uses not specifically listed above when found to have economic and performance compatibility with uses on adjoining properties and when not of a more intensive character than adjoining uses. At the time of a request for a building permit and/or an occupancy permit, whichever occurs first, from the Zoning Administrator for such a use not listed above, the Developer shall send notice to adjoining property owners notifying them of said request.

C. SPECIAL USES - ORI West permitted uses as shown on Attachment 4b.

D. LIMITED USES - The following shall also be permitted uses but shall be no larger than 3600 square feet (net) in size and shall be of neighborhood character:

Antique shops

Bicycle sales and repair

Drugstores

Drycleaning and pressing establishments

Electrical appliance and or electronic store

Food and fruit stores

Grocery stores

Hardware stores

Household appliance store

Optician, optometrist offices

Sporting goods store

Toy store

Variety store

Wearing apparel store

Revised 3/1/89, 3/3/89, 3/20/89

ATTACHMENT 5b

FARNSWORTH INTERNATIONAL PERMITTED USES
ORI EAST COMMERCIAL

A. PERMITTED USES

Antique shops

Auto accessory store, where there is a driveway entrance across the side walk into the principal building

Automobile sale and service establish for new passenger automobiles and trucks, including sale of used cars and trucks when operated in conjunction with a principal use. Mechanical repairs, body repairs and repainting may be included. All facilities shall be contained in an enclosed building except the storage of automobiles and trucks displayed in the open.

Battery and tire service stations

Bicycle sales and repair

Billiard and poolrooms

Blueprinting, photostating, and printing establishments

Carryout or delivery food establishments

Church and church related schools and day care facilities only on Parcel 2A

Clubs and fraternal organizations

Costume rental shop

Department stores

Drive through restaurant

Drycleaning and pressing establishments, when employing facilities for the cleaning and pressing of no more than seven hundred and fifty (750) pounds of dry goods per day, and when using carbon tetrachloride or other similar inflammable solvents approved by the fire department

Dry goods store

Electrical appliance store and repair, but not including appliance assembly or manufacturing

Employment agency

Furniture store, and upholstery when conducted as part of the retail operations and secondary to the main use

Furrier, when conducted for retail trade on the premises only

Garden supplies and seed stores, but not including the repair or operation of power equipment

Hand laundries employing not more than four (4) persons

Hotels, including dining and meeting rooms, which must be staffed with twenty four hour clerk service, maid and janitor service

Interior decorating shops, including upholstery and making of draperies, slip covers and other similar articles when conducted as part of the retail operations and secondary to the main use

Liquor store, package goods only

Mirror and glazing shop

Orthopedic and medical appliance store, but not including the assembly or manufacture of such articles

Pawnshops

Pet shops, but not including animal hospitals

Photograph developing and processing

Plumbing showroom

Physical culture and health services

Radio and television, including major repairs and service

Schools: music, dance, business, commercial or trade

Secondhand store and rummage shops

Sewing machine sales and service

Taxidermist

Theater indoor, other than an adult business use

Typewriter and adding machine sales and service

B. Any other similar type retail stores not specifically permitted herein and which have economic compatibility with the established uses on adjoining properties.

C. SPECIAL USES

Automotive service station including automated wash facilities and mini mart but not major automotive repair, subject to specific site plan review and approval.

BILTER/FARNSWORTH COMMERCIAL PARCEL 2B

A. PERMITTED USED - All uses permitted under ORI West in addition to the following:

Bicycle sales and repair

Blueprinting, photostating and printing establishments

Clubs and fraternal organizations

Costume rental shop

Drycleaning and pressing establishments, when employing facilities for the cleaning and processing of not more than seven hundred and fifty (750) pounds of dry goods per day, and when using carbon tetrachloride or other similar inflammable solvents approved by the fire department

Electrical appliance store, electronics store and repair, but not including appliance assembly or manufacturing

Employment agency

Furrier, when conducted for retail trade on the premises only

Laundries employing not more than four (4) persons

Hotels, including dining and meeting rooms, which must be satisfied with twenty four hour clerk service, maid and janitor service

Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the main use

Photograph developing and processing

Physical culture and health services

Plumbing showroom

Schools: music, dance, business, commercial or trade

Theater indoor, other than an adult business use

Typewriter, computer and adding machine sales and service

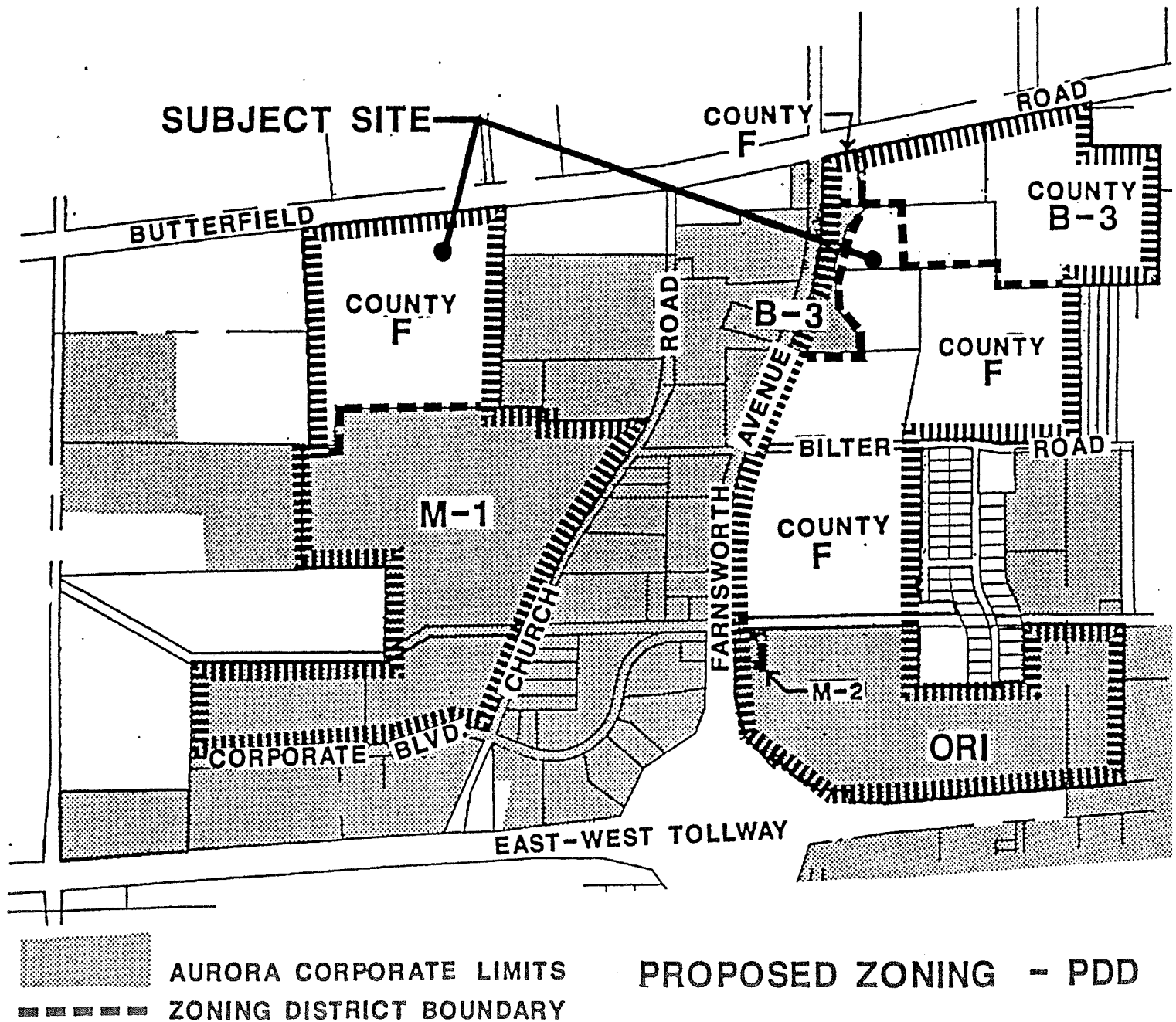
B. Any other type retail stores not specifically permitted herein and which have economic compatibility with the established uses on adjoining properties.

C. SPECIAL USES

Automotive service station including automated wash facilities and mini mart but not major automotive repair.

FARNSWORTH INTERNATIONAL BUSINESS PARK

ATTACHMENT "6"



MARQUETTE PROPERTIES
200 S. WACKER DR. STE. 3900
CHICAGO, IL 60606

LAND PLANNING • ARCHITECTURE • LANDSCAPE ARCHITECTURE

One West Illinois Street
St. Charles, IL 60174
312 • 377 • 6900



ATTACHMENT 7

FARNSWORTH INTERNATIONAL SIGN DISTRICT

The City hereby establishes a "Special Sign District" entitled "Farnsworth International Sign District", pursuant to Chapter 12, Article 19, Section 1902.5 of the City of Aurora Code of Ordinances.

INTENT:

The sign standards are intended to promote a continuous and uniform identification, locational and directional environment throughout the development, where the appearance of an individual property blends and is compatible with the common areas as well as with surrounding properties. The sign standards are critical factors in unifying the site and are adopted for the following purposes:

To promote commerce by improving the appearance of the city. Attractive easily readable signage makes for high quality entryways into the city, thus drawing development, tourists, now residents and customers.

To promote quality signage. Signage which complements the architecture, is in keeping with the scale of a building and its zoning district and makes for an easily understandable streetscape, results in more appealing commercial areas.

To preserve the value of private property by promoting the compatibility of signs with surrounding land uses.

To increase traffic safety by reducing distractions. With a reasonable level of signage confronting a motorist, one is better able to notice, consider and react to traffic control devices in a timely and safe manner.

To better assist the public in locating the business or use desired in the most effective manner. Signs should clearly identify the business or use even more importantly than to advertise it, and should be in an appropriate visual scale with the surrounding uses, to enable comfortable and prompt recognition and awareness.

To promote signage appropriate to the zoning district either pedestrian oriented or automobile oriented.

SIGN PROGRAM APPROVAL:

The sign program shall be approved at the time of preliminary plan approval.

OVERALL SIGN PROGRAM PARAMETERS:

1. Entry identification signs shall be allowed where shown on the Concept Plan and shall be designed to the relative scale shown on Page 4 of Attachment 7.

2. Only one permanent free standing sign shall be permitted for each lot within the district.

3. Upon individual request and review of site specific signage, free standing signs may be increased to the "Sign District" maximum limits of 100 square feet in area and 20 feet in height.

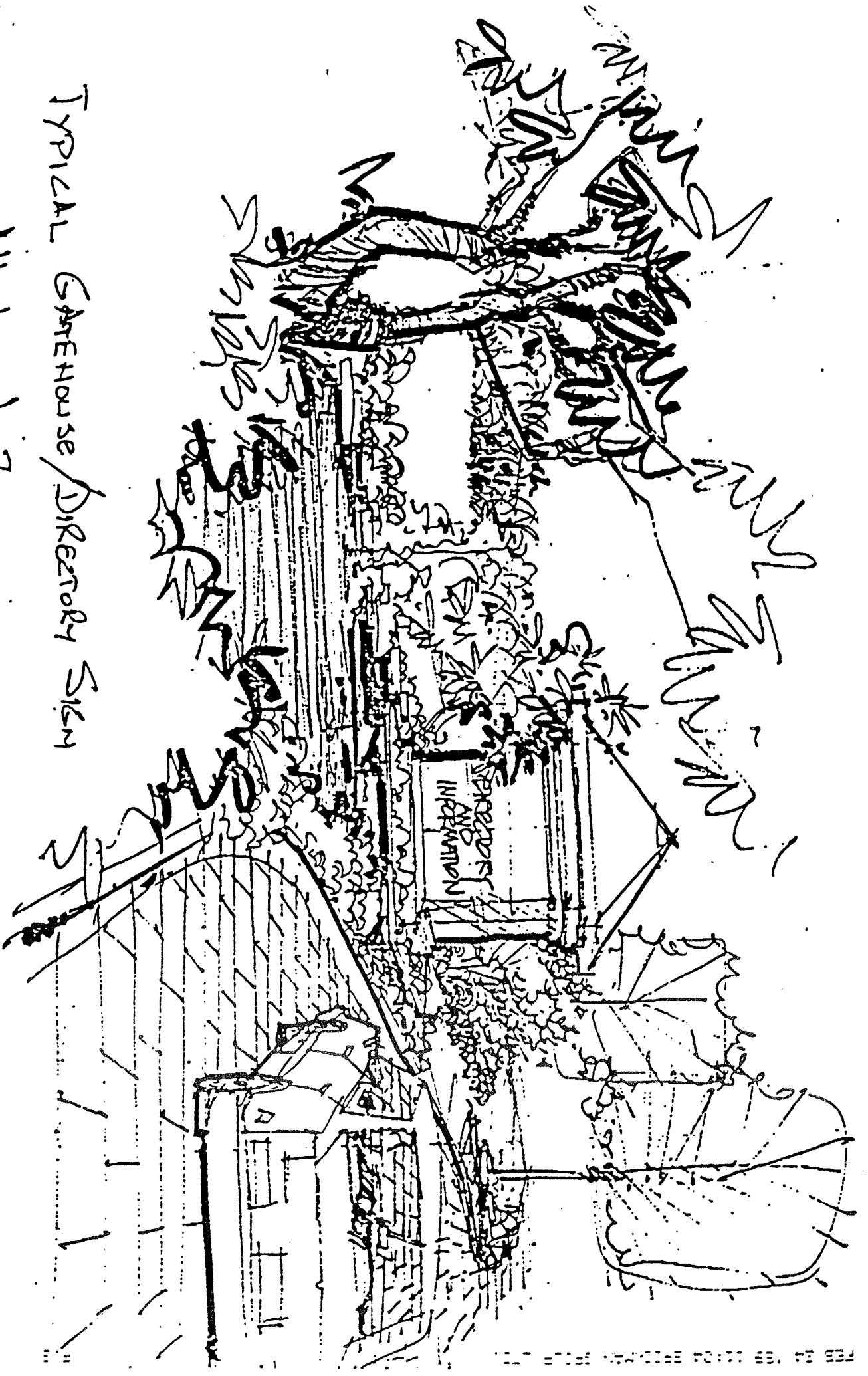
4. A maximum of five temporary real estate signs (12' by 24') shall be permitted at any one time within the district provided however, such signs shall be located as shown on Page 5 of Attachment 7e.

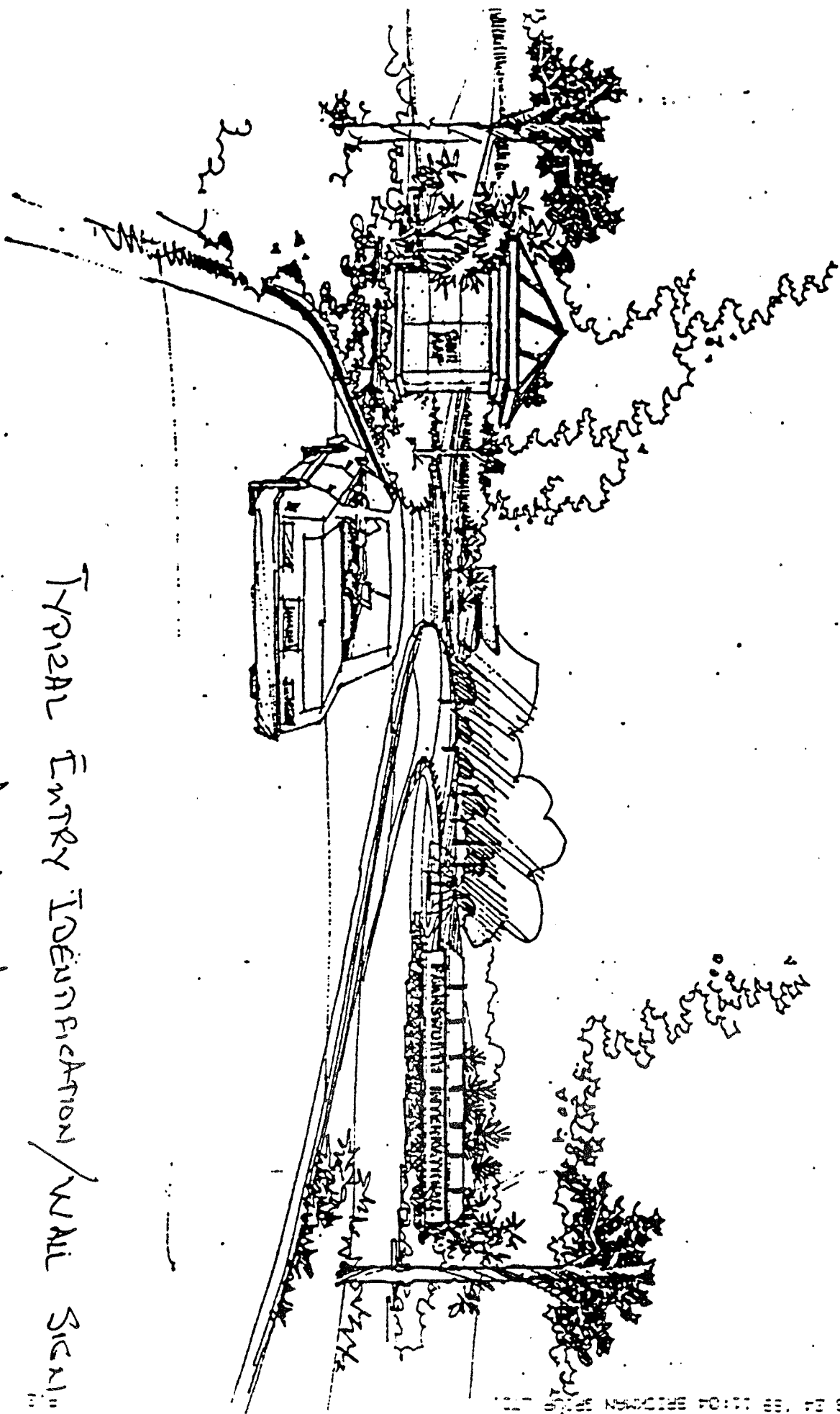
5. One off-premise sign for major district tenants/users shall be permitted along Butterfield Road, Farnsworth Avenue and the I-88 Tollway. Each sign is subject to City review and approval. For purposes of this section an off-premise sign shall be limited to the identification of a tenant / user within Farnsworth International which is not located upon the lot upon which said sign is located. The maximum area limitation for an off-premise sign located along the tollway shall be 250 square feet.

TYPICAL SHAREHOUSE/DIRECTORY SIGN

Attachment 7

Page 3





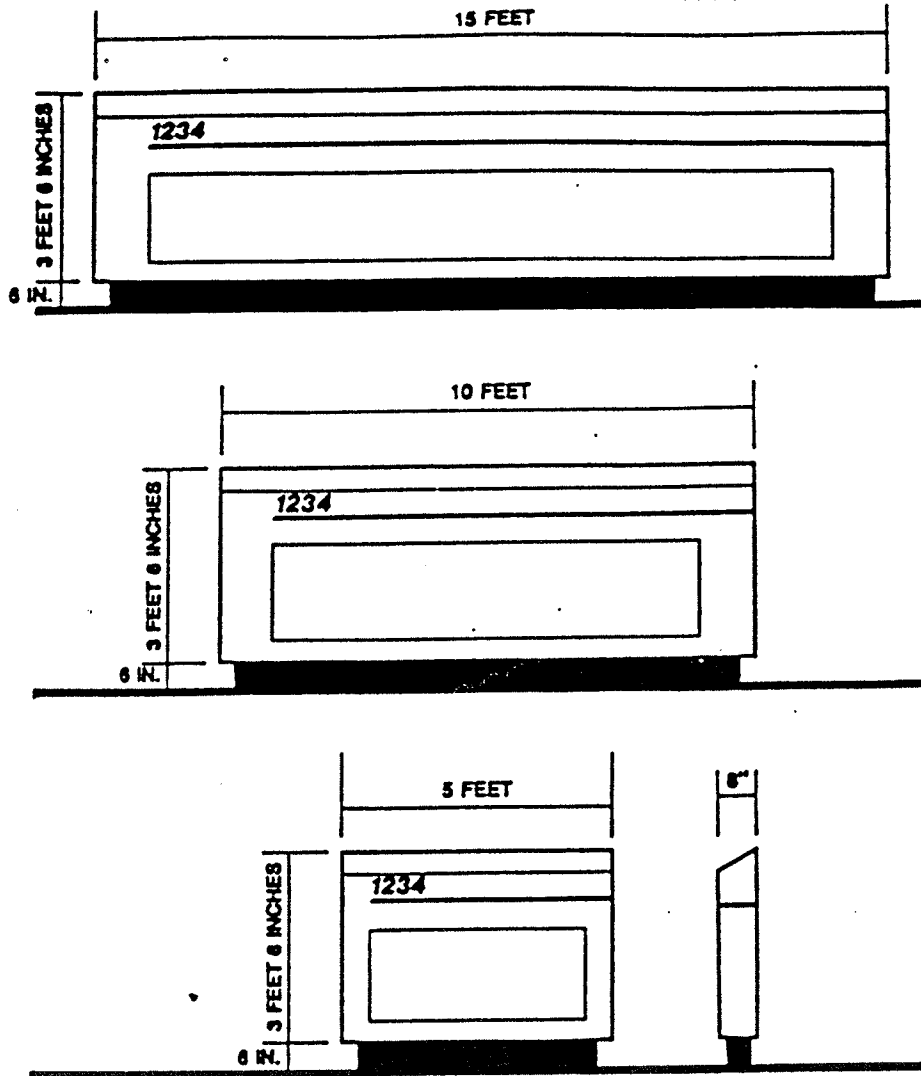
Typical Entry Identification/What Sign

Attachment 7

Page 4

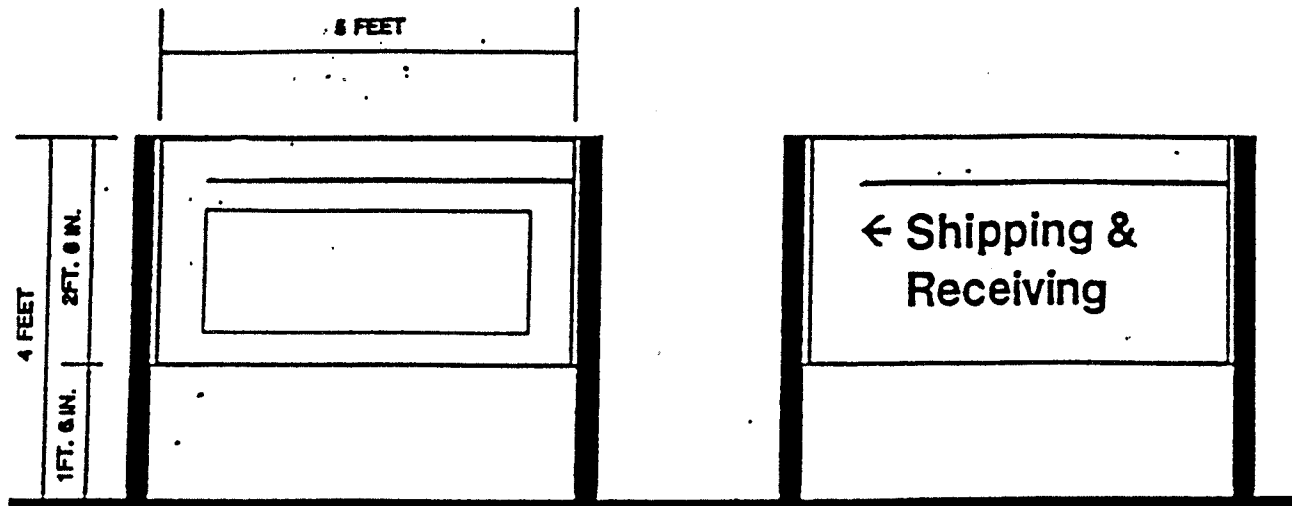
ATTACHMENT 7a

TYPICAL TENANT OR BUILDING IDENTIFICATION SIGN
ORI WEST SIGNAGE PROGRAM



- 1) Tenant/Building identification signs are to be free-standing ground mounted units of aluminum construction, having a polyurethane enamel paint finish with matching black painted enamel base.
- 2) The signs shall have a total height of four feet and be in three varying lengths as shown above. The signs are designed to be internally illuminated.
- 3) No off-premises signs are proposed within ORI West.
- 4) Should the ORI West Commercial be developed as a unified commercial development, the developer shall be required to submit a specific signage plan.
- 5) Upon individual request and review of site specific signage, free standing signs may be increased to the "Sign District" maximum limits of 100 square feet in area and 20 feet in height.

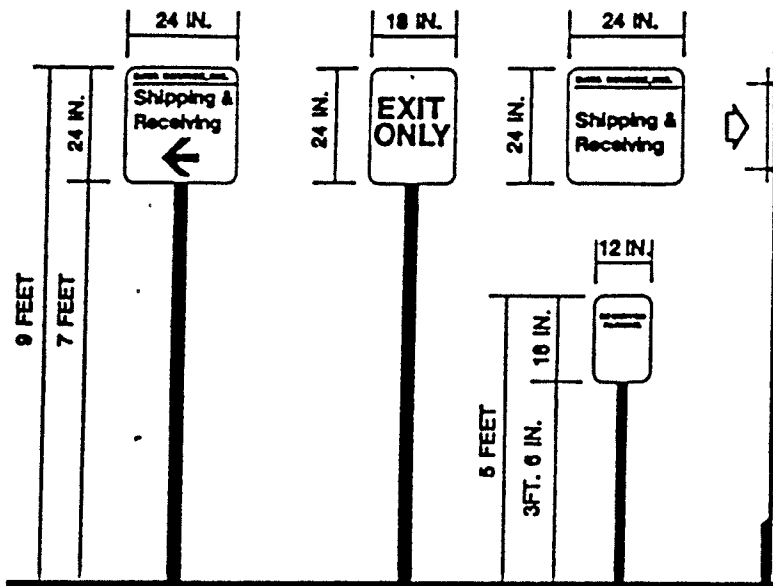
ATTACHMENT 7b
TYPICAL DIRECTIONAL SIGNS
ORI WEST SIGNAGE PROGRAM



Directional signs serve to provide directional information at site entries. These signs are to be free-standing post and panel units with a standard height of four feet. Posts shall be 2" x 4" extruded aluminum with polyurethane enamel finish. Panels shall be 5' x 2'-6" aluminum on extruded aluminum frames with no visible fasteners or retainers.

Directional signs may be double or single faced and may be mounted parallel or perpendicular to the street.

ATTACHMENT 7c
TYPICAL SITE DIRECTIONAL AND VEHICULAR
CONTROL SIGNS
ORI WEST
SIGNAGE PROGRAM

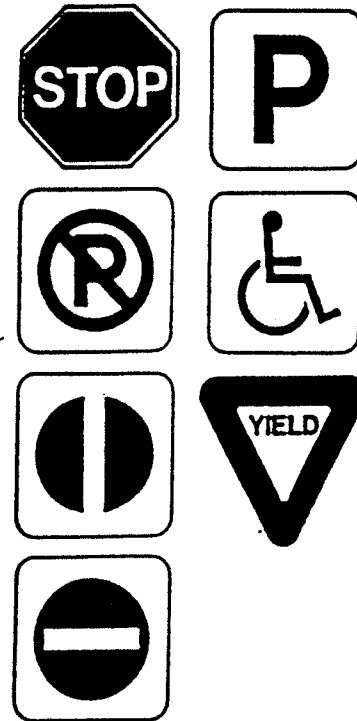


Site Directional Signs

Site directional signs may be either building mounted or post and panel in the dimensions shown above. The panels shall be aluminum with a polyurethane enamel finish. The posts shall be 2" x 2" extruded aluminum.

Vehicular control signs shall be of aluminum construction and shall have panel faces and heights which meet Local, State and Federal requirements.

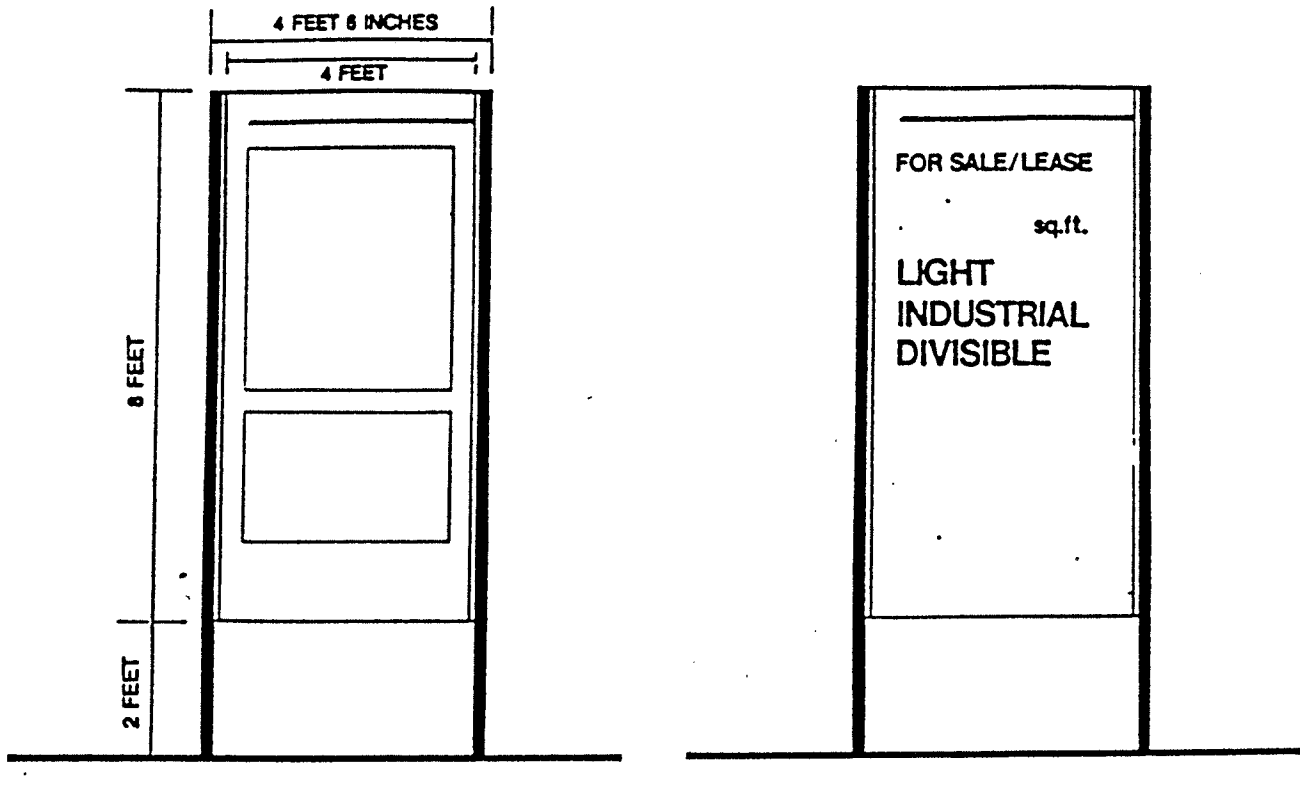
Such signs shall not be counted towards the square foot limit of permanent or temporary signs per lot or District.



Vehicular Control Signs

ATTACHMENT 1c

TYPICAL TEMPORARY REAL ESTATE AND CONSTRUCTION SIGNS
ORI WEST SIGNAGE PROGRAM



Temporary signs are to be used for construction and real estate marketing and as signs for special events and are to be removed immediately upon completion of the construction or marketing activity.

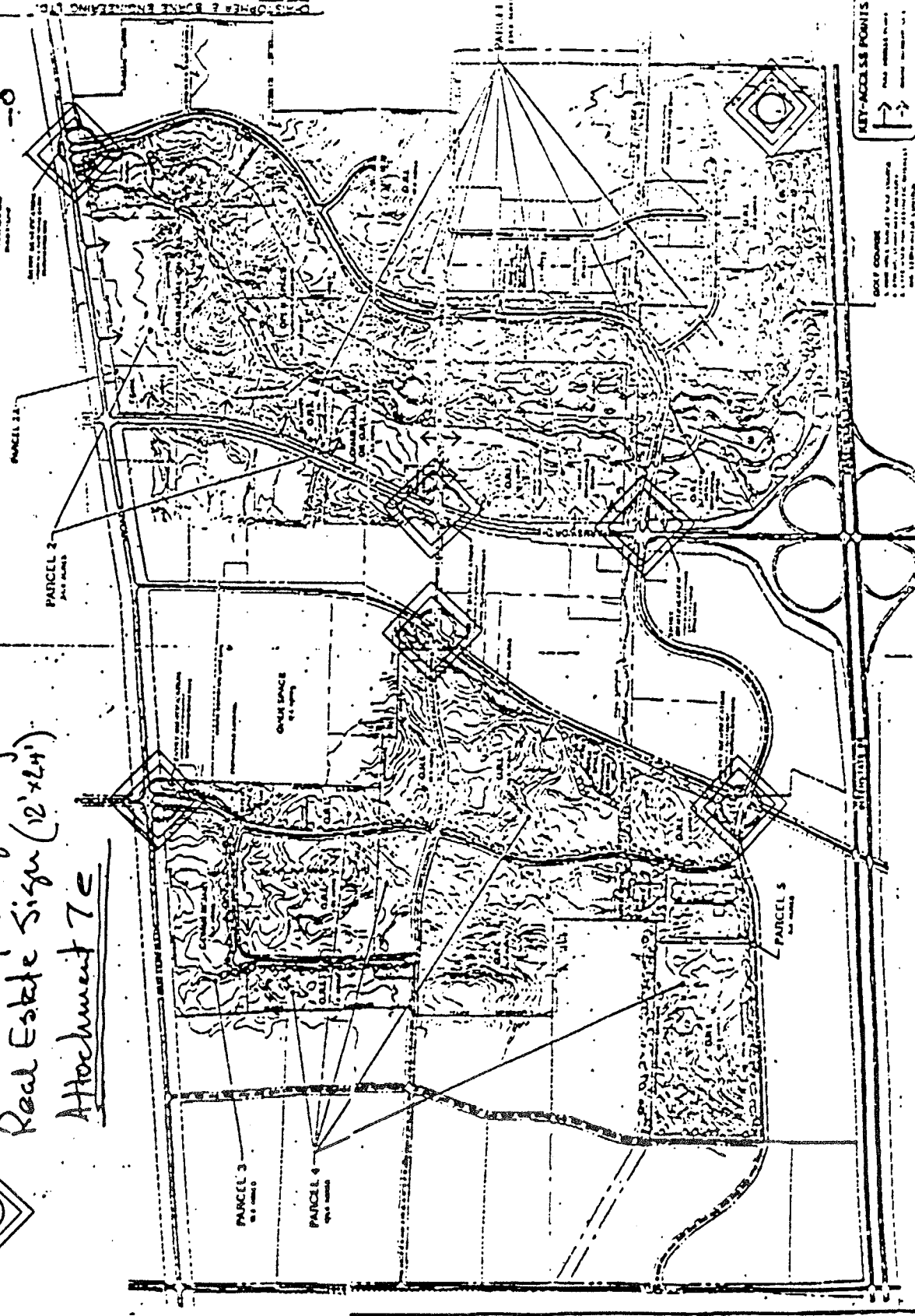
These signs shall be post and panel wood construction and shall have a total height of ten feet. All temporary signs shall have a vertically mounted 4' x 8' single or double faced panel and shall conform to Farnsworth International setback requirements.

Farnsworth International BUSINESS PARK



Location of Temporary
Real Estate Sign (12'x4')

Attachment 7c



REQUIRED COMPONENTS OF FINAL SITE PLANS

A. General Directions

1. Must be drawn to accurate engineering scale.
2. Must contain 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.

B. 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 the 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.

C. Plan Data Requirements

1. Dimensions of property.
2. Existing and proposed streets (public and private), right-of-ways driveways, all principal and accessory buildings and their use, 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 planning.
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.

D. Information Regarding Contiguous Property

1. Location of contiguous buildings.
2. Zoning of contiguous property.
3. Land Use of contiguous property.

E. Site Data to be Provided in Lower Right Hand Corner

1. Legal Description.
2. Size of property in square feet or acres.
3. Current zoning.
4. Proposed lot coverage of buildings by square feet and percentage.
5. Proposed blacktop-pavement coverage by square feet and lot percentage.
6. Number of parking spaces provided.
7. Number of parking spaces required by Zoning Ordinance.
8. Total amount of landscaped area by square feet and lot percentage.
9. Number of buildings.
10. Number of dwelling units, if residential project.
11. Breakdown of dwelling unit bedroom types, if residential project.

F. Landscape Data to be Provided in Lower Left Hand Corner

1. Number of plantings by type.
2. Size of plantings at installation.
3. On-center spacing for hedges.
4. Caliper size of all trees at installation.

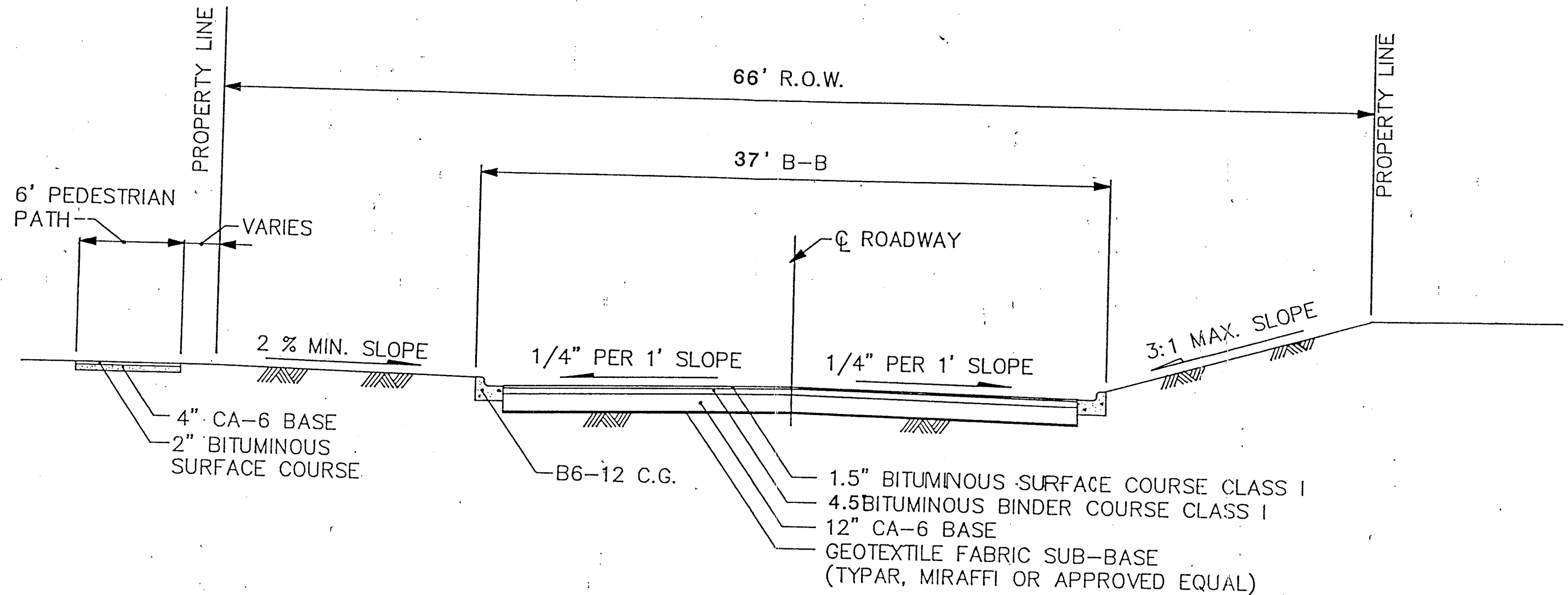
FARNSWORTH INTERNATIONAL
ROADWAY DESIGN STANDARDS
AURORA, ILLINOIS

<u>Street</u>	<u>Right of Way Width</u>	<u>Road Way Width</u>	<u>Length of Horizontal Curves</u>	<u>Tangent of Vertical Curves</u>	<u>Between Reverse Curves</u>	<u>Maximum Length</u>
Industrial & Commercial	66'	37'b/b	500'	200'	0	N/A
Bilter (West of Farnsworth)	100'	39'b/b	500'	200'	150'	N/A
Bilter (East of Farnsworth)	100'	4 Lanes	1000'	200'	150'	N/A
Church	40'**	N/A	N/A	N/A	N/A	N/A
Cul-de-Sac	66'	37'b/b	500'	200'	0	As Shown On Plan
Corporate Blvd. (Extended North)	66'	39'b/b	500'	200'	0	N/A
** Dedication Up To Maximum of 40' of Right-of-Way Only						

<u>Street</u>	<u>Maximum Gradient</u>	<u>Minimum Gradient</u>	<u>Clear* Sight Distance</u>	<u>Curb Radii At Intersection</u>
Industrial & Commercial	4%	0.40%	500'	35'
Bilter (West of Farnsworth)	4%	0.40%	500'	50'
Bilter (East of Farnsworth)	4%	0.40%	500'	50'
Church	N/A	N/A	N/A	N/A
Cul-de-Sac	4%	0.40%	500'	35'
Corporate Blvd. (Extended North)	4%	0.40%	500'	35'

* See Additional Requirements in Zoning Ordinance

Notes 8860.301



TYPICAL PAVEMENT SECTION

ATTACHMENT 9A

513342

APPROVED

CB

CHRISTOPHER B. BURKE ENGINEERING, LTD.
10275 WEST HIGGINS ROAD SUITE 260
ROSEMONT, ILLINOIS 60018 (312) 296-0500

CLIENT

MARQUETTE PROPERTIES

PROJECT No.

88-60

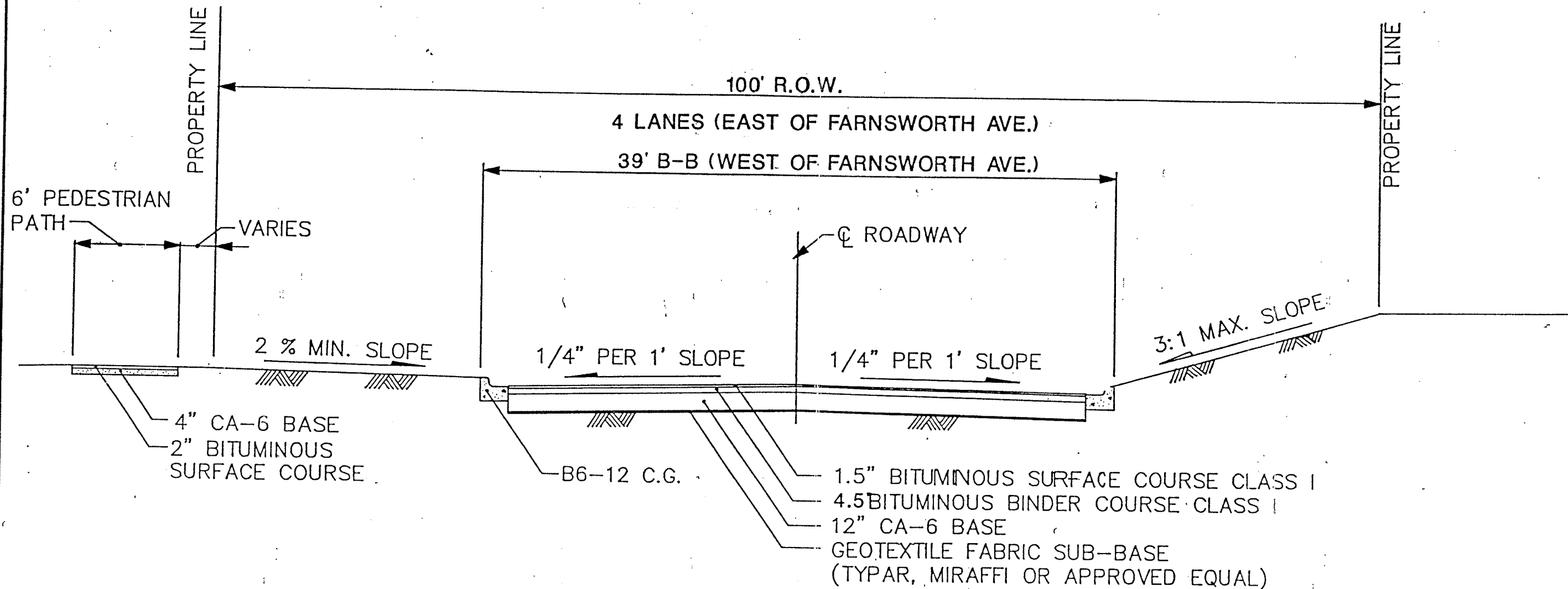
FARNSWORTH INT'L.

TITLE

ROADWAY CROSS-SECTION PLAN
(INDUSTRIAL & COMMERCIAL)

DATE 3/1/89

DWG. No.



TYPICAL PAVEMENT SECTION

ATTACHMENT 9B

513342 APPROVED	CB CHRISTOPHER B. BURKE ENGINEERING, LTD. 10275 WEST HIGGINS ROAD SUITE 260 ROSEMONT, ILLINOIS 60018 (312) 296-0500	CLIENT MARQUETTE PROPERTIES PROJECT No. 88-60 FARNSWORTH INT'L.	TITLE ROADWAY CROSS-SECTION PLAN BILTER RD	DATE DWG. No.
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ATTACHMENT 9C - TABLE OF ROADWAY IMPROVEMENTS AND SIGNALIZATION

ROADWAYS

STREETS	FULL ROW REQUIRED	ROW TO BE DEDICATED	PAVEMENT WIDTH	CLASSIFICATION	COST	ACCESS/ PER FEET
*BILTER ROAD: BETWEEN CORPORATE (EXTENDED NORTH) AND FARNSWORTH AVE.	100'	34'	4 LANE	MAJOR COLLECTOR	60/40 (1)	1/400'
EAST OF CORPORATE (EXTENDED NORTH)	100'	17'	4 LANE	MAJOR COLLECTOR	60/40 (1)	1/400'
WEST OF CHURCH ROAD	80' (2)	80' (2)	39' B/B (2)	MAJOR COLLECTOR	DEVELOPER	1/400'
RADIANT	66'	66'	37' B/B	MINOR COLLECTOR	DEVELOPER	1/200' (3)
CORPORATE BOULEVARD (EAST OF FARNSWORTH)	66'	66'	39' B/B	MINOR COLLECTOR	DEVELOPER	1/200'
*BUTTERFIELD	200'	0	(5)	ARTERIAL		(4)
*FARNSWORTH	100'	0	52' B/B (EXISTING)	ARTERIAL		(4)
*CHURCH ROAD	80'	7	26' B/B (EXISTING)	MAJOR COLLECTOR		(4)
ALL OTHER ROADS	66'	66'		LOCAL	DEVELOPER	NOT STIPULATED

- 1) 30% PARTICIPATION FROM EACH PROPERTY OWNER ADJACENT TO EACH SIDE OF THE ROADWAY, AND 40 % PUBLIC
- 2) PENDING TRAFFIC STUDY - IF PROJECTED GENERATION IS GREATER THAN 12,000 VEHICLES PER DAY, THEN A 4 LANE ROAD WILL BE REQUIRED.
- 3) 1/150' FOR LOTS 1 THROUGH 5
- 4) AS INDICATED ON THE CONCEPT PLAN
- 5) STATE REQUIREMENTS

* FOR EACH FULL ACCESS POINT, RIGHT/LEFTS TURN LANES ARE REQUIRED. FOR EACH RIGHT IN/OUT ONLY, DECELERATION LANES AND MEDIANS ARE REQUIRED. SAID MEDIANS SHALL BE SIX (6) FEET WIDE WITH RAISED CURBING AND GENERALLY SHALL EXTEND THE LENGTH OF THE CURB CUT, AND 40' ON EITHER SIDE (SEE ATTACHMENTS 9C, 9D, AND 9E TO THE PLAN DESCRIPTION)

SIGNALIZATION (1)

INTERSECTIONS	QUADRANTS WITHIN DEVELOPMENT	DEVELOPERS PORTION	CITY'S PORTION
BILTER & FARNSWORTH	TWO	30%	40%
FARNSWORTH & CORPORATE	TWO	30%	40%
RADIANT & ROUTE 56 (2)	TWO	30%	40%
CORPORATE & ROUTE 56	TWO	30%	40%

WHEN TRAFFIC COUNTS WARRANT

FARNSWORTH INTERNATIONAL
AURORA, ILLINOIS

ENGINEERING SUMMARY REPORT
INDIAN CREEK HYDROLOGIC AND HYDRAULIC ANALYSIS

This letter report and associated exhibits provide a summary of our proposed plan for the development potential of the tract of land located on the northeast quadrant of the I-88 Farnsworth Avenue interchange. We have determined that a regional flood control reservoir, channel improvements, and extensive earthwork will be required to recover this quadrant of the interchange for development. Approximately 120 acre-feet of storage will be required to meet the City of Aurora Stormwater Management Ordinances for the total project area. There are 11.64 acres of open space west of Church Road and 48.30 acres of open space east of Farnsworth Avenue in the current plan dated 1/5/89. In the following sections, we provide a brief background of the study area, documentation regarding the hydrologic and hydraulic analysis, and discussion of regional flood control concepts and stormwater management plan.

BACKGROUND

The study area is identified in Exhibit 1. Marquette Properties is developing plans for the northeast quadrant of the I-88 Farnsworth Avenue interchange. A controlling factor in the development of this area is the extensive floodplain and floodway associated with Indian Creek. As illustrated on Exhibit II, most of the southern half of the study area is below the 100-year floodplain. Under the existing conditions, the property east of Farnsworth and north of I-88 is undeveloped because floodplain covers virtually the entire site. There are 117.45 acres of floodplain and 72.53 acres of floodway north of I-88 and south of Butterfield Road along Indian Creek. This is the result of both natural topographic conditions and construction of the box culvert under the I-88 roadway. This structure was under designed for the 100-year recurrence interval storm. Since the overflow elevation across I-88 construction is in effect an embankment causing flooding upstream. The tributary area upstream of I-88 is approximately 2.5 miles, and the existing 100-year frequency discharge is approximately 1100 cfs.

Christopher B. Burke Engineering, Ltd. (CBBEL) has been providing Professional Engineering Consultation to Marquette Properties for the feasibility study. This report summarizes the hydrologic and hydraulic analyses CBBEL has performed on a planning level to identify existing conditions and develop on a conceptual level flood control measures which may be required to achieve the buildable area necessary for the proposed site development.

PREVIOUS STUDIES

The preliminary analysis we have performed for Marquette Properties has been based in part on information derived from previous studies. The first detailed study of Indian Creek was performed in 1978 for the City of Aurora Flood Insurance Study (FIS). The results of the FIS were used to develop the Flood Insurance Rate Maps (FIRM) and Floodway Maps, as well as being adopted by the Illinois Department of Transportation-Division of Water Resources (IDOT-DWR) as the regulatory flows and water surface profiles. The hydraulic modeling of Indian Creek was performed using the HEC-2 computer model, and the hydrologic modeling was performed with regional regression equations.

The second study of the Indian Creek watershed was undertaken by the United States Department of Agriculture Soil Conservation Service in 1986. In that study, independent representations of Indian Creek using the WSP-2 hydraulics and TR-20 hydrologic computer programs. The purpose of the SCS study was to develop a base condition for the watershed as it existed in 1986 and for estimated future land use through the year 2005.

Using the model results, SCS developed several alternative projects which could be used to reduce or eliminate flood damages through out the Indian Creek Watershed. Each of the flood control projects were evaluated by the SCS in terms of their economic viability. None of these projects had a ratio of benefits to cost greater than 1.0; benefits being the difference between the existing damages and those remaining after the project is in place.

After the SCS study was complete, IDOT-DWR initiated an internal study to refine the SCS projects and develop other alternatives. IDOT-DWR employed the SCS hydraulic, hydrologic, and economic (URB1) models to further investigate the economic feasibility of selected flood control projects in the vicinity of the I-88 Farnsworth interchange.

HYDROLOGY

The Indian Creek Watershed is located in Kane and DuPage Counties, Illinois, and drains approximately 14.7 square miles at the confluence with the Fox River in Aurora. The watershed boundaries and main roads are shown on Exhibit III. Indian Creek is an intermittent stream, originating on the National Accelerator Laboratory (Fermi Lab) property east of Kirk Road and north of Butterfield Road. The watershed east of Farnsworth/Kirk Road is substantially undeveloped, due primarily to floodplain

and soils limitations. A major tributary, Selmarten Creek, joins Indian Creek south of I-88, and the floodplain north of I-88 is contiguous with the Indian Creek floodplain. Our model analysis for Marquette Properties has been limited to Indian Creek. Protection from Selmarten Creek has been considered, and is discussed in later sections.

CBBEL has duplicated the SCS hydrologic and hydraulic computer model inputs on its computer system. The hydrologic sub-areas that were represented in the TR-20 model are illustrated on Exhibit III. Table 1 provides a summary of the basic hydrologic parameters for each sub-area. The TR-20 model was modified to represent various project conditions. The curve numbers were adjusted to represent developed conditions, and reservoirs were simulated through the use of diversions set at elevations optimized for a given bypass flow rate. Channel routing as incorporated for improved channel conditions to contain the bypass flows within the bank.

HYDRAULICS

The SCS WSP-2 hydraulics program has been used to model the open channel flow of Indian Creek. The existing conditions model cross-sections are identified on Exhibit III. For the Marquette Properties study, the water surface profile from downstream of I-88 north to Butterfield Road has been evaluated. An improved channel has been represented, based on the required capacity to contain the 10-year frequency flow rates. The channel invert profile in the vicinity of Bilter Road has been dropped to improve the efficiency of the proposed reservoirs, and avoid the need for pump evacuated storage facilities.

REGIONAL FLOOD CONTROL ALTERNATIVES

To meet the development objectives for the study area, regional flood storage reservoirs north of Bilter Road and channel capacity improvements will be required. Storage facilities near the I-88/Farnsworth Avenue are not feasible due to topographic limitations, soil conditions, and lack of channel conveyance. CBBEL reviewed the previous SCS and IDOT-DWR studies referenced above. Information on the most recent flood control components proposed by IDOT-DWR indicate that they will have no significant flood reduction benefits to properties north of I-88.

The IDOT-DWR project design consists of a reservoir west of Eastview Estates and channel improvements from I-88 south. We understand that the IDOT-DWR project will lower the 100-year flood elevation downstream of I-88 approximately 1.0 foot.

An important point to consider in evaluating development of the property immediately north of I-88 is that the Selmarten Creek floodplain must be bermed off to protect the reclaimed area. The with-project 100-year flood elevation on Selmarten Creek in the vicinity of I-88 is 719.6, whereas the 100-year flood elevation upstream of I-88 on Indian Creek is 716.5. The SCS study modeling assumed the eastern border of the project property as the watershed divide, and we have followed the same convention.

STORMWATER MANAGEMENT

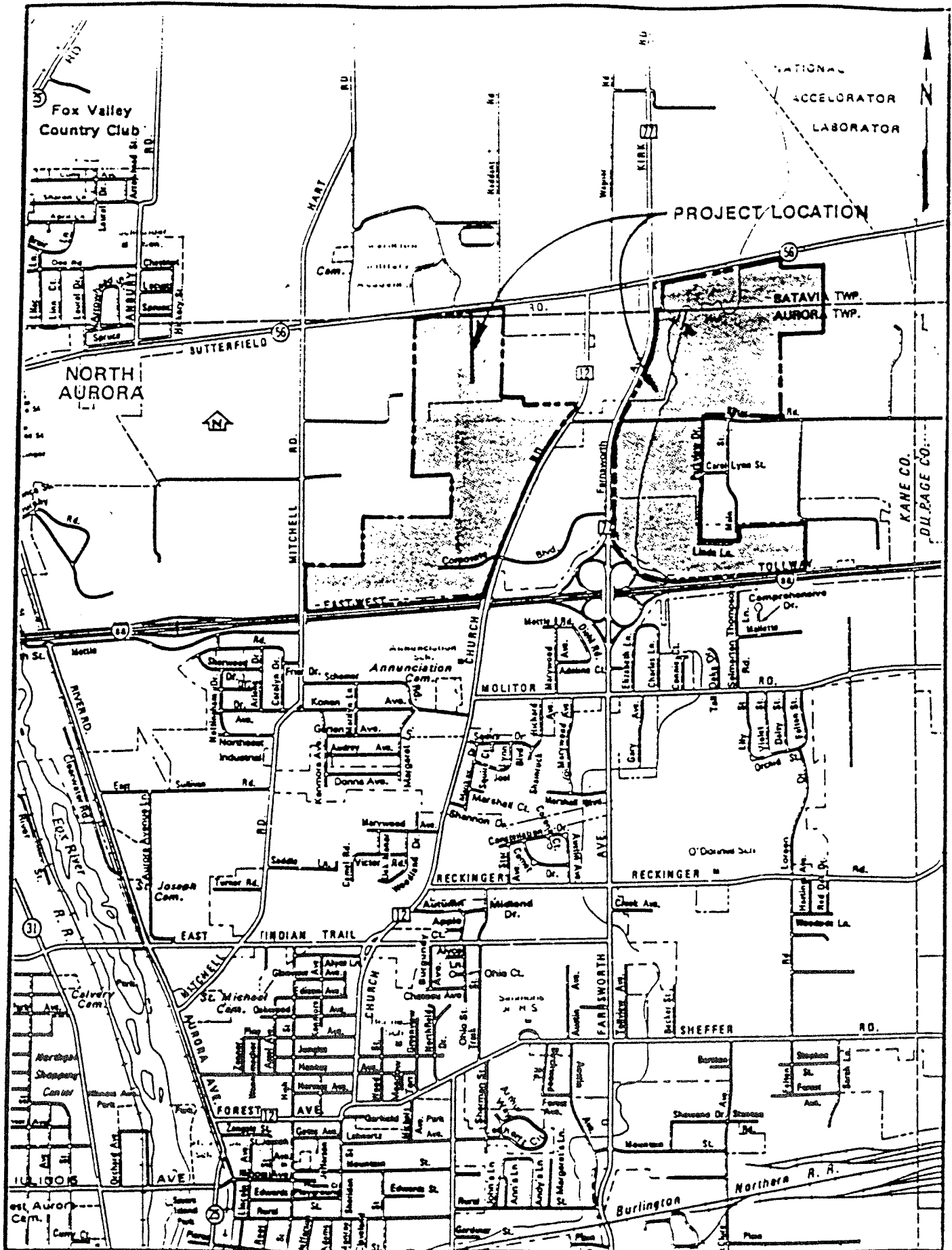
We have applied the methodologies prescribed in the City of Aurora Ordinances to enable the on-site storage requirements of the Farnsworth International Project. As illustrated on the attached exhibit, we have determined that approximately 45 acre-feet of storage will be required on the west side of Church Road and 75 acre-feet will be required east of Farnsworth Avenue: 43 acre-feet north of Bilter Road and 28 acre-feet south of Bilter Road.

Ordinance Requirements: The plan discussed in this report has been developed to achieve compliance with the City of Aurora Code Chapter 17 1/2, Floodplain Management, and Article VI, Section 47-Control of Stormwater Runoff. The stated purpose of Section 47 is "to provide standards for the control and the storage or transportation of excess stormwater for the safety, health or well-being of the people. The use of natural paths of stormwater runoff to form the storage areas is encouraged..." The controlled release and storage of stormwater shall be required in combination for all commercial, multi-family and industrial developments in excess of one-half acre; and for all single-family and duplex residential developments that contain an area in excess of two (2) acres. The controlled release rate of stormwater runoff from all developments described in Section 47-147 shall not exceed the existing safe storm drainage capacity of the natural downstream outlet or storm sewer system. The release rate shall not exceed a maximum runoff rate of one-tenth cubic feet per second per acre. The City of Aurora has developed and incorporated by ordinance amendment a form to be used to compute the required storage volume. This form, Exhibit W in the ordinance, specifies a modified Rational Method formulation with a multiplier of 1.25. This methodology does not account for actual storage routing performance of the storage facility, and is not based on hydrographic methods. It does provide for a

relatively conservative estimation of storage requirements due to the higher rainfall intensities and the multiplier. Section 47-149 of the Ordinance requires that a natural or surface channel system be designated with adequate capacity to convey through the development the stormwater runoff from all tributary upstream areas as well as all areas within the development. This has been accomplished in the preliminary phase by utilizing the regional hydrologic and hydraulic models discussed above to determine the required bypass values. It should be noted that the proposed floodplain and stormwater management plan will effect an approximate 50 percent reduction in the peak 100-year discharge at I-88 (East-West Tollway).

MJM/cks

8860.126



BRUNING 44-242 73798



CHRISTOPHER B. BURKE ENGINEERING, LTD.
10275 WEST HIGGINS ROAD SUITE 260
ROSEMONT, ILLINOIS 60018 (312) 296-0500

CLIENT
MARQUETTE PROPERTIES

PROJECT No.

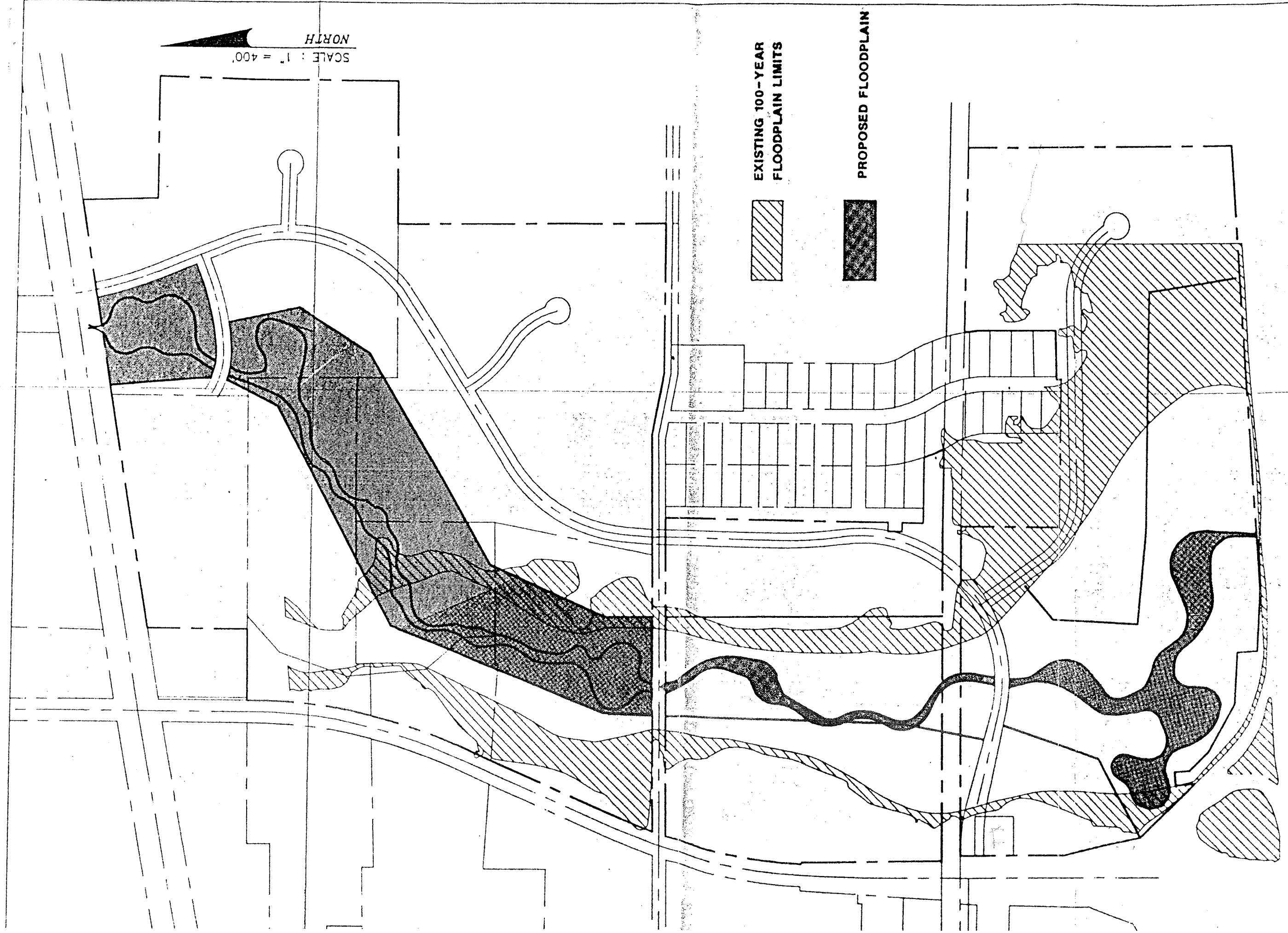
TITLE

PROJECT LOCATION

APPROVED

DATE 6/88

EXHIBIT I



ATTACHMENT 10

	CHRISTOPHER B. BURKE ENGINEERING LTD. 10275 West Higgins Road, Suite 460 Rosemont, Illinois 60018 (312) 296--0500	CLIENT: MARQUETTE PROPERTIES 200 S. WACKER DRIVE SUITE 3900 CHICAGO, ILLINOIS 60606	REV	DATE	BY	NAME	SHEET 1 OF 2	EXHIBIT II
			FILE NAME : 00000001.DWG					
			PROJECT NO. : 00-80					
			DATE : JANUARY, 1988					



CB
CHRISTOPHER B. BURKE ENGINEERING LTD.
10275 WEST HIGGINS ROAD, SUITE 460
ROSEMONT, ILLINOIS 60018 (312) 296-0500

CLIENT: MARQUETTE PROPERTIES
200 S. WACKER DR. SUITE 3900
CHICAGO, ILLINIOS 60606

REV. DATE BY NATURE
FILE NAME : 8860SHED.DWG
PROJECT # : 88-60
DATE : SEPTEMBER, 1988

EXHIBIT 3

ATTACHMENT 11

DESIGN AND CONSTRUCTION STANDARDS FOR LAKES AND
BLUE/GREEN DETENTION AREAS

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

1. 1' - 0" topography contours
2. Normal water level / High water level
3. 100 year flood level
4. Inlet and Outlet location
5. Design details for inlets and outlet structure
6. Certification by registered engineer
7. Date, scale, and north arrow
8. All property boundaries and acreage
9. Cross-section through the mid point of the facility

The following criteria shall be used to evaluate lake facilities:

1. Side slope above water level shall be a maximum of 3 to 1, (with 2 to 1 in areas approved by City Engineer) and a minimum of 10 to 1.
2. Slope below water level shall be 2 to 1.
3. A 4' wide, level safety ledge shall be provided at a 3' 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 in excess of eighteen (18) inches shall have a safety grate.
7. Any lakes with a water shed of 10 acres or more shall have a mechanical drop box type spillway. The spillway shall be equipped with a safety grate unless otherwise approved by the City Engineer.
8. All lakes shall have an emergency spillway to protect the dam. The spillway shall be sodded and be designed to accommodate the 50 year storm.
9. The lake bottom grading must be approved prior to filling.
10. After lake excavation has been completed the top soil shall be re-distributed to a minimum depth of 4". 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.

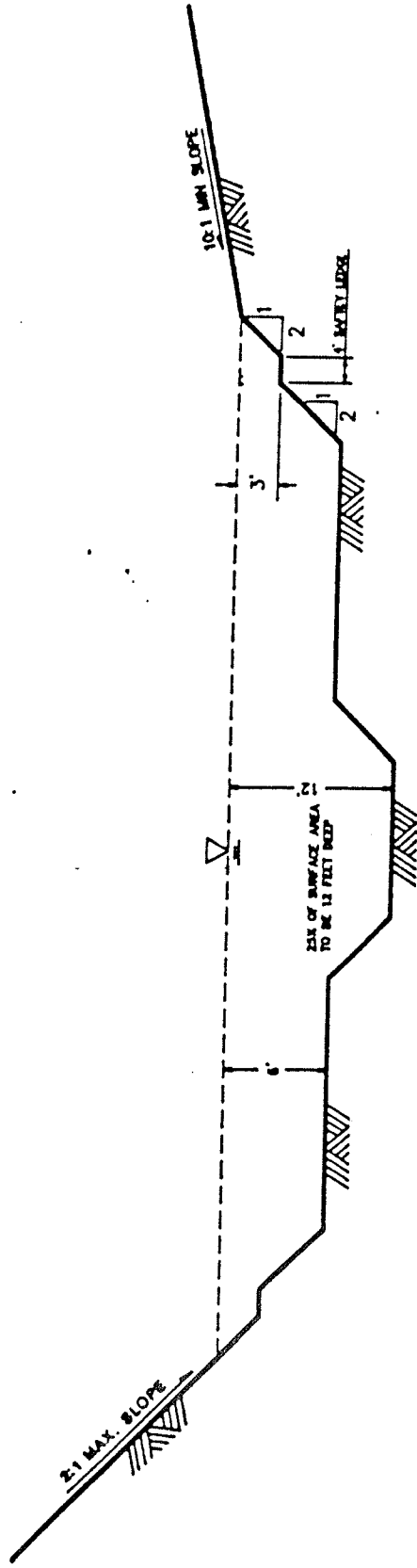
11. Protection against erosion and water level fluctuations is required. Bank stabilization may be provided through the following means:

- a. Complete establishment of perennial ground cover and water tolerant grasses.
- b. Construction of retaining walls.
- c. Use of rip-rap underlain 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.

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

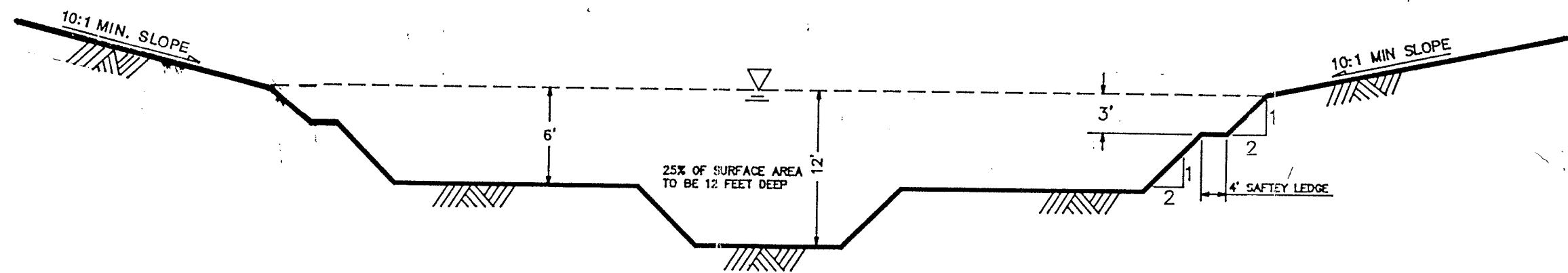
1. Optimum time for total release of 100 year storm shall be 14-18 hours. Absolute maximum time is 48 hours.
2. Slopes should be mowable-Preferred range of 4 to 1. Absolute minimum slope is 3 to 1 and 2 to 1 in areas where approved by the City Engineer.
3. Plans or specifications shall comply with any applicable City Ordinances.
4. Bottom slopes of the blue-green areas will have a minimum of 1% slope for positive drainage to the outfall. The preferred slope is 2%.
5. Storm water drainage piping and appurtenances within the 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.
6. Drainage pipes over twelve (12) inches in size must have a grate and proper wing or rip raft.
7. Rough grading shall be in conformance with City specifications with a preferred six (6) inches and a minimum of four (4) inches of black dirt.
8. Fine grading and seeding shall be in conformance with Park District specifications.
9. Drainage pipes under roadway will not need to be grated.

7. Rough grading shall be in conformance with City specifications with a preferred six (6) inches and a minimum of four (4) inches of black dirt.
8. Fine grading and seeding shall be in conformance with Park District specifications.
9. Drainage pipes under roadway will not need to be grated.



TYPICAL LAKE SECTION

Attachment **1b**
 Page 4 of 4



TYPICAL LAKE SECTION

513342

APPROVED

**C
B**

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ROSEMONT, ILLINOIS 60018 (312) 296-0500

CLIENT

MARQUETTE PROPERTIES

PROJECT No.

88-60

FARNSWORTH INT'L

TITLE

ATTACHMENT 11 SHEET 2

DATE 3/1/89

DWG. No.

ATTACHMENT 12
LANDSCAPING

INTENT:

The landscape standards are intended to promote a continuous and uniform landscape environment throughout the development, where the appearance of an individual property blends and is compatible with the common areas as well as with surrounding properties. The landscape development is a critical factor in unifying the site. These standards shall beautify entries, streetscapes, open areas, private properties, and pond areas; and generally provide for an orderly, neat and well maintained appearance in areas not covered by buildings, parking, driveways, or other paved areas. A primary landscape feature shall be undulating berming created so as to not appear contrived but to visually soften the hard edges of pavement and building and provide natural movement in the landscape areas. Berming will be the basic screening tool. Although it is not intended to block views entirely, it will control views. Another primary landscape feature shall be random placement of trees positioned in clusters of groups so as to create spaces in the landscape and further control views. The ground plane shall be primarily lawn. However, drifts and random curvilinear forms of understory planting shall play across the berms, further controlling views and also providing a more human scale dimension in the landscape. Meandering pedestrian paths, free form lakes and specially placed drifts of seasonal flowers will be integrated with the berming, trees and plantings to create a unified character which is soothing and flowing.

Attachments 12a through 12i are intended to provide a public representation for the specific instances depicted.

PLAN APPROVAL

- (1) A landscape plan shall be submitted and reviewed as to compliance and the landscape provision herein prior to the issuance of a building permit.
- (2) All proposed and existing structures and other improvements shall be accurately depicted thereon, including but not limited to paved areas, berms, lighting, retention/detention areas and landscaping material.
- (3) The plan shall specifically include the number, type, size and location of all existing and proposed vegetation and other landscaping material.
- (4) Subsequent to the review of said landscape plan, and issuance of the building permit, the City may allow minor deviations which do not substantially alter the plan, and which do not substantially diminish the intended benefits of said plan.

LANDSCAPE PROVISIONS

The following provisions shall be deemed as the minimum requirements for the landscape plan. It is expressly understood that these minimum standards may not fully achieve the stated intent, and it is incumbent upon the applicant to provide landscaping that maximizes the above stated intent.

(1) Minimum size at planting -

Planting Type A: Canopy, Multi-Stemmed Tree or Evergreen Tree - 3" caliper, 12' height or 7' height respectively.

Planting Type B: Evergreen or Understory Tree - 1 1/2" caliper or 6' height.

Planting Type C: Deciduous and Evergreen Shrubs - 2' 6" height.

Note: Caliper shall be measured 12" from the base of the tree.

(2) Minimum Landscape Material Required -

(A) All required exterior yards, shall be fully sodded, and all other lot areas not covered by building or pavement shall be seeded.

(B) One planting island and/or peninsula (minimum 150 s.f.) shall be provided for every fifteen (15) parking spaces. Said area shall be planted with Type A or Type B plantings and should direct vehicular movement through the parking area where practical.

(C) The applicant shall use Section C-1 or C-2 below, as the minimum requirements, whichever is greater:

(C-1) One Type A planting for every 900 square feet of the lot not covered by building or pavement.

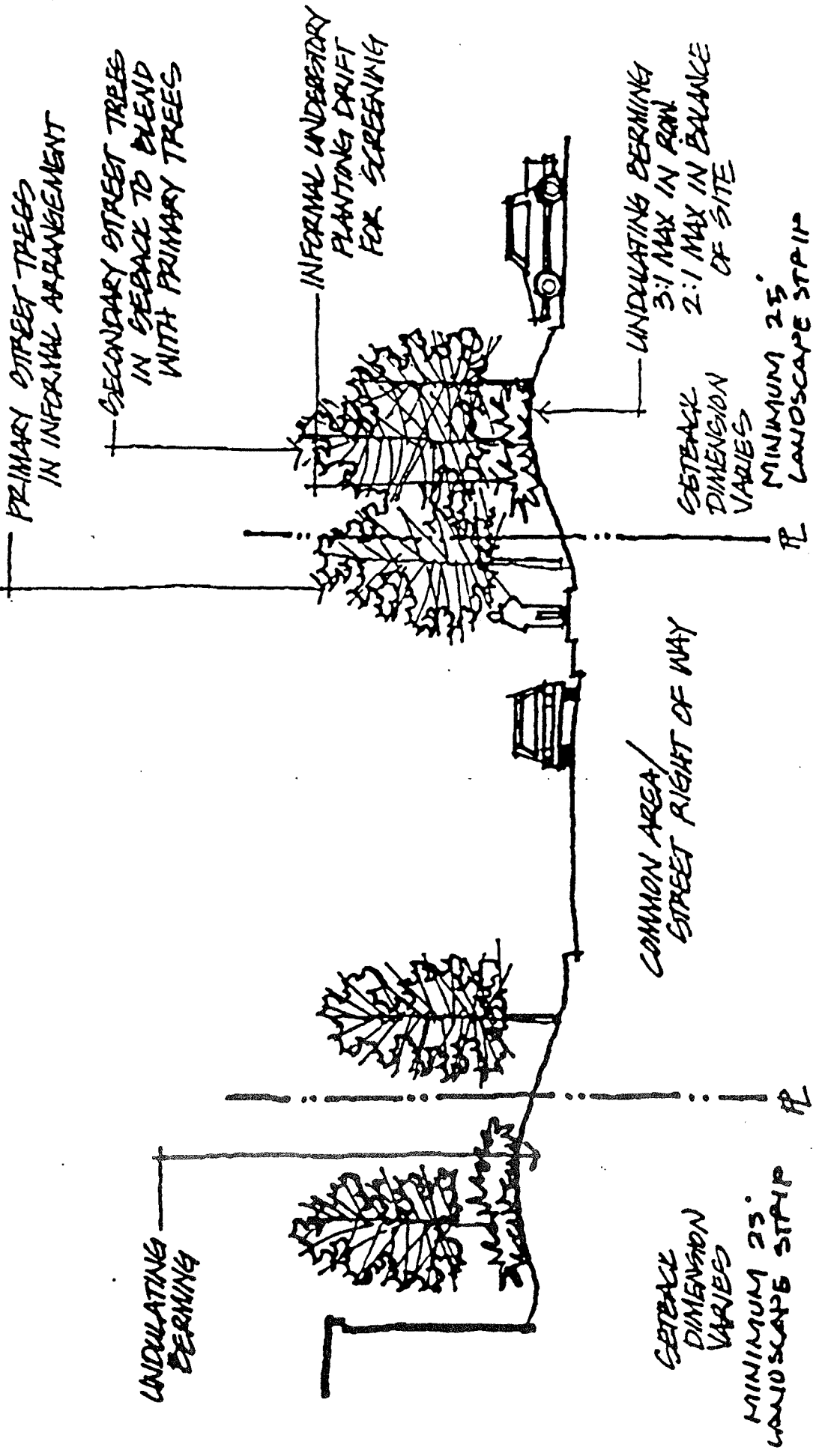
(C-2) Exterior Yards - Three (3) Type A plantings; Four (4) Type B plantings; and six (6) Type C plantings per 100' of linear frontage. Interior Yards - Two (2) Type A plantings; two (2) Type B plantings per 100' of linear yard area.

Note: When calculating which section is greater, one (1) Type A planting equals three (3) Type B; or 6 Type C plantings.

(3) All of the above notwithstanding the following credit for existing trees on a lot shall apply: Each one (1) inch of the existing tree's caliper diameter is equal to one inch of required tree caliper diameter.

(4) Minimum Landscape and Screening Requirements - All parking, loading, refuse areas, storage areas and mechanical, heating and cooling units and transformers shall be screened pursuant to Attachment 12i, 12g, and 12h.

(5) Minimum Landscape Design Requirements for Lakes, and Retention/Detention areas shall be pursuant to Attachment 12i.



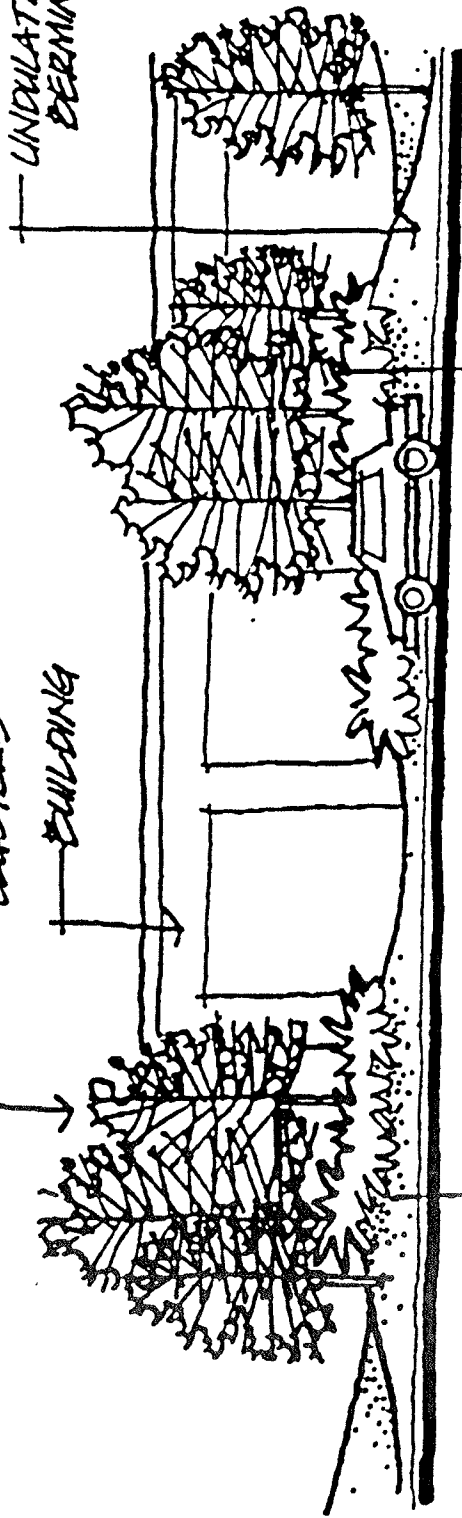
STREET CROSS-SECTION
ATTACHMENT 12.2

INFORMAL UNDERBAY PLANTING
DRIFTS CAMOUFLAGED BERMING
AND INCREASE SCREENING

ALL TREE PLANTINGS
BLEND INTO INFORMAL
CLUSTERS

BUILDING

UNDULATING
BERMING



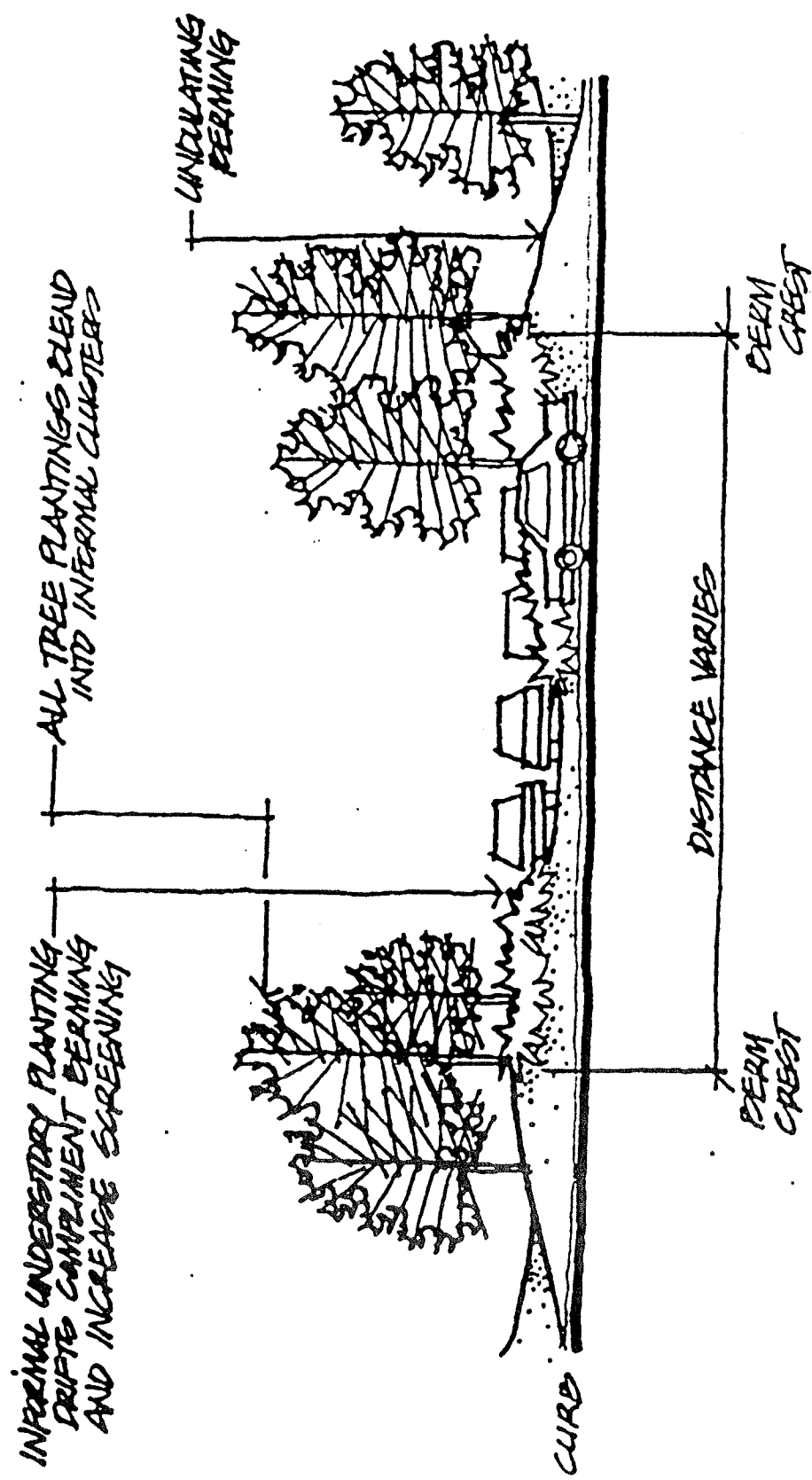
DISTANCE VARIES

BERM
CREST

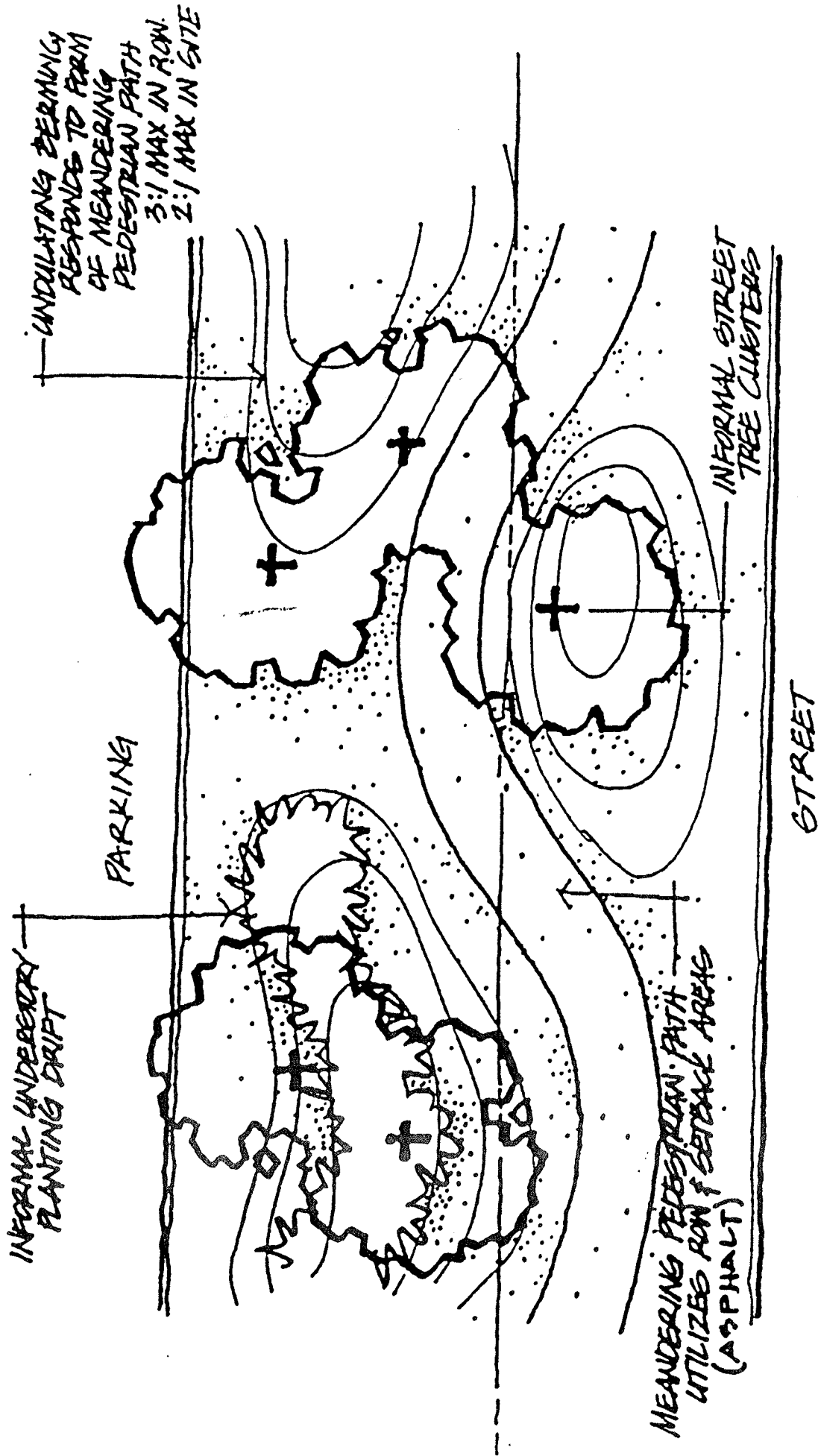
BERM
CREST

BERMING ELEVATION
AT BUILDING

ATTACHMENT 12.6



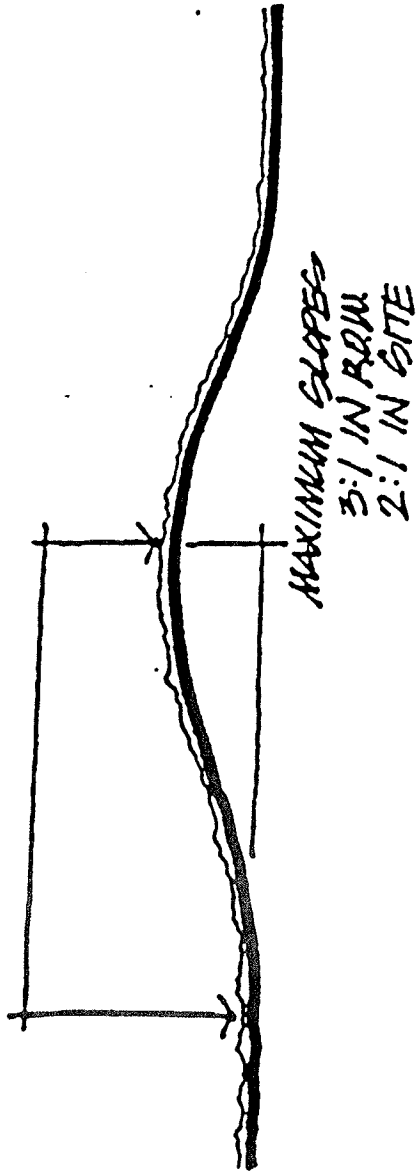
BERMING ELEVATION
AT PARKING
ATTACHMENT 12.0



TYPICAL ROW/SETBACK
AREA PLANS

ATTACHMENT 12.D

GENTLE GRADE
TRANSITIONS



SLOPES & TRANSITIONS
ATTACHMENT 12.e

RETAINING WALL

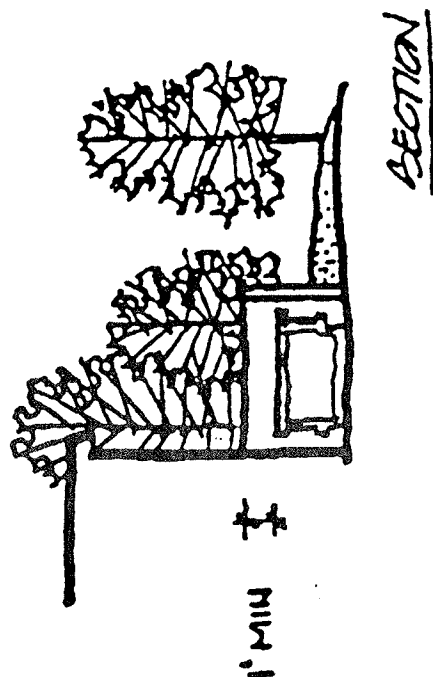
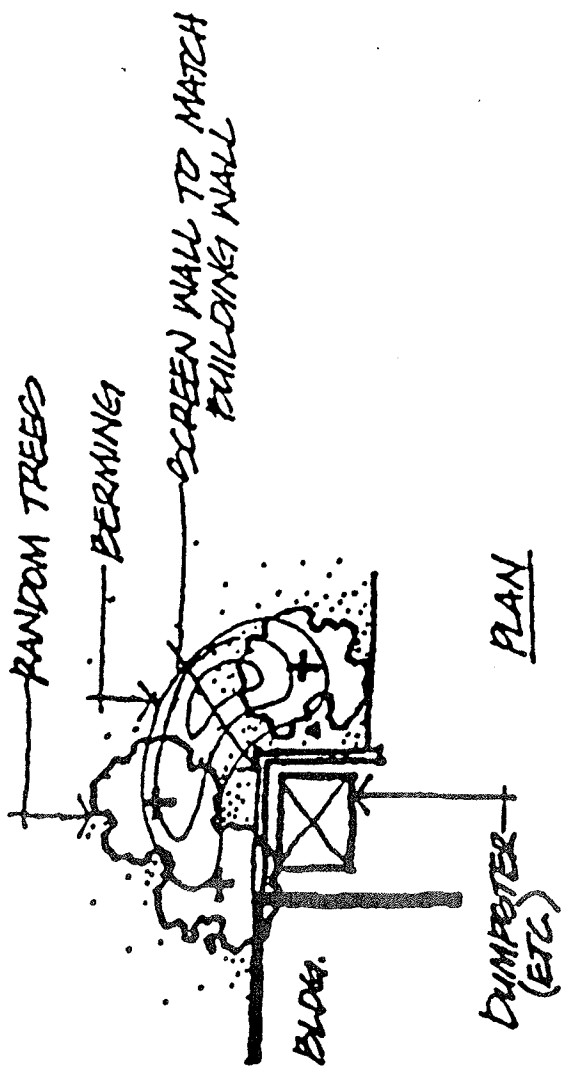


TERRACING

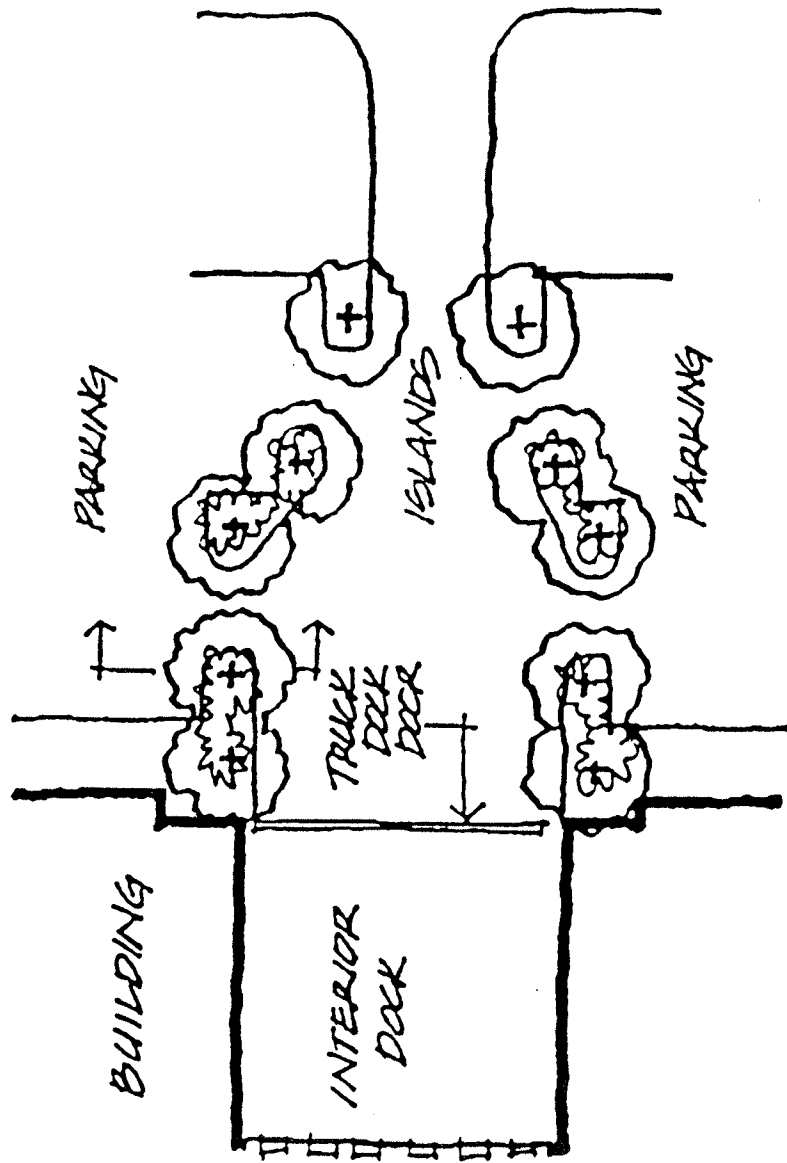
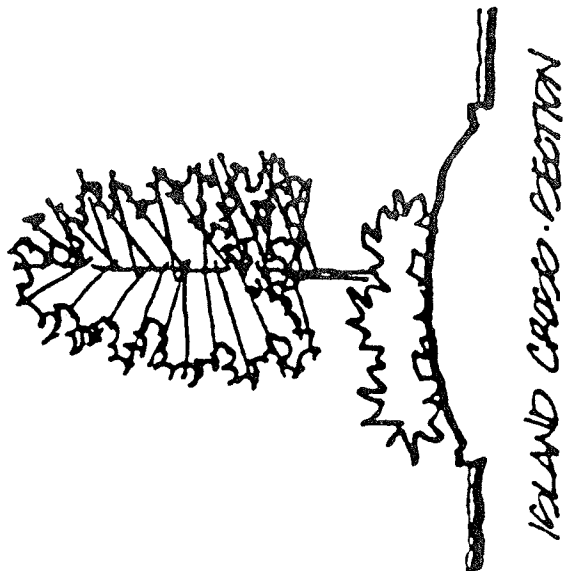
A COMMON RETAINING WALL
MATERIAL WILL BE SELECTED
AND MAXIMUM HEIGHTS WILL
BE DETERMINED ON AN
INDIVIDUAL SITUATION BASIS

BERM/GRADING DIAGRAMS

ATTACHMENT 12.F



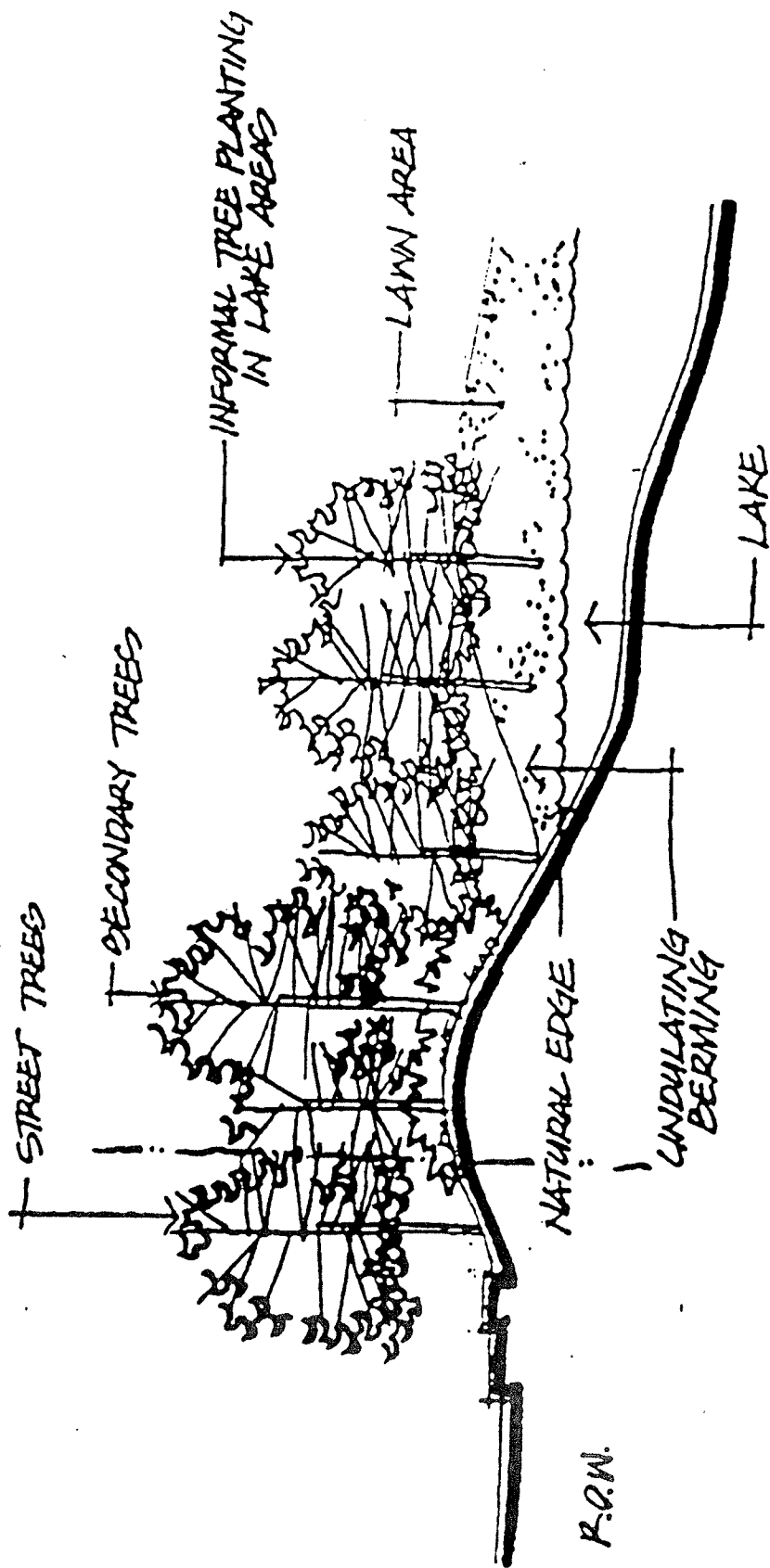
EXTERIOR REFUSE COLLECTION
AREA/ TRANSFORMER/ OTHER
OUTSIDE FACILITY
ATTACHMENT 12.9



TYPICAL ISLAND PLANTING TO
DETERMINE LOADING DOCK:

- LARGE SHADE TREES
- BERNED ISLANDS
- DRIFTS OF UNDERSTORY
PLANT MATERIAL

LOADING DOCK
ATTACHMENT 12.1



TYPICAL LAKE EDGE SECTION
ATTACHMENT 12-1

BILTER ROAD

NORTH
SCALE: 1"=100'

725

720

720

730

60' R.O.W.

289.1

24' B-B

37' B-B

35' R

66' R.O.W.

60' R.O.W.

66' R.O.W.

PARK VIEW DR.

CAROL LYNN ST.

NI GAS PIPELINE EASEMENT

ATTACHMENT 13-Sheet 1

CB
CHRISTOPHER B. BURKE ENGINEERING LTD.
10275 West Higgins Road, Suite 460
Rosemont, Illinois 60018
(312) 296-0500

CLIENT:

MARQUETTE PROPERTIES
200 S. WACKER DRIVE SUITE 3900
CHICAGO, ILLINOIS 60606

REV. DATE BY
FILE NAME : 8860ECFLDWG
PROJECT NO. : 88-60
DATE : 1/25/88

NATURE
PARK VIEW DRIVE
MODIFICATION PLAN

SHEET 1 OF 1

BILTER ROAD

PROPOSED INTERIOR ROAD

PARKVIEW

50% ROADWAY CONSTRUCTION
COST RECAPTURE

SCALE 1"=200'

NORTH

PROPOSED CORPORATE BLVD EXTENSION

EJB CHRISTOPHER B. BURKE ENGINEERING LTD.
10275 West Higgins Road, Suite 460
Rosemont, Illinois 60018 (312) 296-0500

CLIENT: MARQUETTE PROPERTIES
200 S. WACKER DRIVE SUITE 3900
CHICAGO, ILLINOIS 60606

REV. DATE BY NAME
FILE NAME 8860PARC.DWG
PROJECT NO.: 88-60
DATE FEBRUARY, 1988

ROADWAY CONSTRUCTION
COST RECAPTURE
EXHIBIT

ATTACHMENT 13-Sheet 2

ATTACHMENT 14

GENERAL RESTRICTIONS

- (1) Each lot shall contain only one principal building except where unified ownership and control has been established and where shared parking facilities are maintained. For each additional principal building added, the minimum lot size and area requirements must be satisfied for each such principal building.
- (2) Every use shall be conducted in its entirety within a completely enclosed structure.
- (3) The exterior walls of each building shall be constructed with architecturally designed finished material comprised of brick, glass, stone, marble, metal, wood, concrete, concrete block.
- (4) All cooling towers or rooftop mechanical units shall be integrated into the design of the structure if otherwise visible from the adjacent curblane of the adjacent public right-of-way.
- (5) All outdoor storage areas of goods, products, materials, supplies, machinery, equipment or commercial vehicles shall be screened pursuant to Section III A-1.8.
- (6) All lighting glare shall be directed away and/or shielded from surrounding properties.
- (7) Exterior yard fencing is limited to a four (4) foot maximum height. Interior yard fencing is limited to an eight (8) foot maximum height. Fencing allowed in a required yard shall consist of architectural materials comparable and compatible with the building materials of the principal building. Corrugated metal, plastic and chain link fences are prohibited within exterior yard setback areas.
- (8) Accessory buildings constructed with corrugated metal or pre-engineered materials with exposed metal fasteners shall be sized less than 25% of the FAR or volume of the principal building.
- (9) All paved vehicular surfaces shall be edged by a continuous raised curb.
- (10) Exterior loading facilities orientated toward the tollway or public right-of-way shall be screened to a minimum of 75% opacity. Screening may be achieved using landscaping or architectural materials and shall be designed as an integral part of the development.
- (11) ORI development is permitted within the areas shown as open space/storm water control in the event additional storm water retention is provided off-site.

PARKING AND LOADING STANDARDS

- (1) Locate access points for corner sites as far from the intersections as possible.
- (2) Provide a safe system of identifiable driving lanes within the parking lot.
- (3) The use of landscape islands, curbs and signs to clearly distinguish parking from loading, delivery areas and driving lanes.
- (4) Parking facilities shall be provided on the same lot or parcel of land as the principal building being served or on a separate lot or parcel of land not over one thousand (1,000) feet from the entrance of the principal building.
- (5) Retail uses shall provide a minimum of one parking space per two hundred square feet of net floor area.
- (6) Office uses shall provide a minimum of one parking space per three hundred square feet of net floor area.
- (7) Convention Halls shall provide a minimum of one parking space for each ten seats used for assembly.
- (8) Manufacturing, industrial, research, and other similar uses shall provide a minimum of one parking space per each four employees.

Revised 3/1/89, 3/7/89

ATTACHMENT 16

DEVELOPMENT TIME TABLE

ANTICIPATED DATES FOR PRELIMINARY PLAN SUBMITTAL

Parcel 1	1990
Parcel 2	1991
Parcel 2a	1991
Parcel 2b	1991
Parcel 3	1989
Parcel 4	1989

RECEIVED BY
MAR 29 99 AM
CITY OF AURORA
Planning Division

ATTACHMENT 17
FARNSWORTH INT'L VENTURES

FARNSWORTH AVE. CORRIDOR
(E-W TOLLWAY - BUTTERFIELD ROAD)

CITY OF AURORA PLANNING DIVISION

$\theta = 4.12 \times 10^{-4} \text{ rad}$

[illegible]

NOTE: THE EXACT SPACING OF BUTTERFIELD ROAD ACCESS WILL BE CO-ORDINATED WITH AND APPROVED BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION.

JEV/DB GAC

File Access

4:05 PM -

Full Name

Full Access

— R-IN R-OUT

1-22-42

WEST FOLLWAY!

ATTACHMENT 17

ATTACHMENT 17

CORPORATE TECHNICAL CENTER, LLC

August 26, 2024

From: Daniel Dolan, Manager
Corporate Technical Center LLC
765 Orchard Ave, Aurora, IL 60506
Phone: 630-774-8523
Email: dtdolan@dolan-murphy.com

To: City of Aurora, Planning and Zoning Division
44 E. Downer Place, Aurora IL 60507
630-256-3080
coaplanning@aurora-il-org

Re: Authorization Letter for: 998 Corporate Boulevard, Aurora, Illinois 60502

To whom it may concern:

As the record owner of the above stated property I hereby affirm that I have full legal capacity to authorize Lydia Home, Clayton J. Springer, DKMO Law, LLC, and its representatives, to act as the owner's agents through the Condition Use Land Use Petition process with the City of Aurora for said property.

Signature: *Daniel T. Dolan* Date 8-26-24

Subscribed And Sworn To Before Me This 26th Day
Of Aug., 2024

Notary Signature *Cheryl Kessler Rea*

Official Seal
CHERYL KESSLER REA
Notary Public, State of Illinois
Commission No. 984894
My Commission Expires January 5, 2028



200 W. Main Street
St. Charles, IL 60174
P: 630.513.9800
F: 630.513.9802
www.vlklawfirm.com

Attorneys:
Gary M. Vanek
Scott P. Larson
Andrew E. Kolb
Lindsay K. Sanchez
Brian Stines

Of Counsel:
Lauren Jackson

April 22, 2025

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Dr. Anton Inglese
Chief Financial Officer/Chief School Business Officer
Batavia Public School District 101
Rosalie Jones Administrative Center
335 W. Wilson Street
Batavia, IL 60510

Tracey M. Vacek, Senior Planner
City of Aurora Zoning and Planning Division
77 S. Broadway
Aurora IL 60505

Edward T. Sieben, Director
Zoning and Planning Division
77 S. Broadway, 2nd Floor
City of Aurora, IL 60505

John P. Curley AIA CBCO CFM
Chief Development Services Officer
Development Services Department
City of Aurora
77 S. Broadway
Aurora, IL 60505

RE: Purchase and Sale Agreement – Purchase of 998
Corporate Boulevard, Aurora, Illinois – Lydia
Home Association an Illinois not-for-profit
corporation - Residential Treatment Facility (the
“**Project**”).

Dear Dr. Inglese, Ms. Vacek, Mr. Sieben and Mr. Curley:

As you may know from our early involvement in this Project, our office is land-use and FHA legal counsel for Lydia Home. As we approach the upcoming hearing date for our zoning and development entitlements



pertaining to both the text amendment and the conditional use, it is important to remind you that Lydia Home's zoning and development entitlements **are protected under federal law**. The reminder has become necessary because Lydia Home understands that Batavia Public School District 101 (the "School District") intends to object to the Project based on an alleged but undefined economic impact of the Project on the School District, and the City of Aurora's apparent refusal to support the Project in light of the School District's objections. Both the School District's objections and the City's of Aurora's failure to support Lydia Home's otherwise permitted text amendment and conditional use would violate the **protections granted to Lydia Home under federal law**.

Lydia Home further hereby requests reasonable accommodation with respect to all of its development and zoning approvals as they pertain to its proposed residential treatment facility. As you know, Lydia Home's facility will serve the community by providing intensive behavioral and emotional therapy to assist children and young adults to reintegrate back into a positive family environment. The Project offers *protected and disabled* residents a structured and therapeutic *residential* environment to assist with serious behavioral issues, many of which result from trauma and neglect. At this proposed residential facility, Lydia Home staff will teach children mental skills they need to live in a home setting successfully.

***Lydia Home's Zoning and Land Use Entitlements
are Protected from Discrimination by Federal Law***

The federal Fair Housing Act ("FHA") 42 U.S.C. § 3601-3631, was originally enacted to prohibit discrimination in housing practices on the basis of race, color, religion, or national origin. *Elliott v. Sherwood Manor Mobile Home Park*, 94 7 F. Supp. 1574, 1576 (M.D. Fla. 1996). In 1988, Congress extended coverage to people with disabilities. See Fair Housing Amendments Act of 1988 (FHAA), Pub. L. No. 100-430, 102 Stat. 1620, 1622, 1623 & 1636 (1988), codified at 42 U.S.C. §3601 et seq.

Courts have recognized this expansion as "a clear pronouncement of a national commitment to end the unnecessary exclusion of persons with handicaps from the American mainstream." *Hovsons, Inc. v. Twp. Of Brick*, 89 F.3d 1096, 1105 (3d Cir. 1996) (quoting Helen L. DiDario, 46 F.3d at 333 n. 14). The FHA is to be broadly construed to effectuate the goal of eradicating housing discrimination. *Id.* at 1105 (citing *Trafficante v. Met. Life Ins. Co.*, 409 U.S. 205, 209 (1972)). Congress intended the FHA to "apply to state or local land-use ... laws, regulations, practices or decisions which discriminate against individuals with handicaps and disabilities." H.R. Rep. No. 100-711, at 25, 1988U.S.C.C.A.N. at 2185.

This law "is intended to prohibit the application of special requirements through land-use regulations ... that have the effect of limiting the ability of such individuals to live in the residence of their choice in the community. " H.R. Rep. No. 711, 100th Cong. 2d Sess. 18, reprinted in 1988 U.S.C.C.A.N. 2173, 2185 (emphasis added).

Lydia Home's proposed residential facility will house disabled and protected persons under the federal Fair Housing Act. The FHA was amended in 1988 to prohibit discrimination in housing on the basis of handicap. As amended, the Act defines a "handicap" as follows:

- a physical or mental impairment which substantially limits one or more of such person's major life activities,
- a record of having such an impairment, or
- being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance. 42 U.S.C. § 3602(h).



In addition, 42 U.S.C. 3604(1)(3)(8) defines discrimination to include a “refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such [handicapped] person equal opportunity to use and enjoy a dwelling.”

The legislative history of the Fair Housing Amendments Act of 1988 (“House Judiciary Report”) is explicit as to the effect of the amendments on regulations or decisions which would have the effect of discriminating against individuals with handicaps. The amendments prohibit the discriminatory enforcement of zoning, building and housing codes, when these requirements are not imposed on “other groups of unrelated non-disabled persons.”

Additionally, the reasonable accommodation requirement of the FHA draws no distinction between “rules,” “policies,” and “practices” that are embodied in zoning ordinances and those that emanate from other sources. All are subject to the “reasonable accommodation” requirement.

Thus, when a local government refuses to make a reasonable accommodation in its zoning “rules,” “policies,” or “practices,” and such an accommodation may be necessary to afford handicapped persons an equal opportunity to use and enjoy a dwelling, it violates the reasonable accommodation provision of the Act, 42 U.S.C. 3604(1)(3)(B). See *United States v. Village of Marshall*, 787 F. Supp. 872, 877 (W.D. Wisc. 1991) (Congress in enacting the Fair Housing Amendments Act anticipated that there were rules and regulations encompassing zoning regulations and governmental decision about land use”). Reasonable accommodation has been interpreted by the Courts in cases involving zoning ordinances to mean that a local government must change some rule that is generally applicable to everyone so as to make its burden less onerous on persons with disabilities. *Township of Cherry Hill at 465, ft. 25*. See, *Casa Marie, Inc. v. Superior Court of Puerto Rico for the District of Arecibo*, 752 F. Supp. 1152, 1169 (D.P.R.1990), rev'd on the grounds, 988 F.2d 252 (1st Cir. 1993) (noting that a court hearing a reasonable accommodation claim under the FHA may “adjudge whether compliance with the zoning ordinances may be ‘waived’”); *Horizon House Development Services v. The Township of Upper South Hampton*, 804 F.Supp. 683, 699-700 (E.D. Pa. 1992), affirmed mem., 995 F.2d 217 (3d Cir. 1993) (“affirmative steps are required to change rules or practices if they are necessary to allow a person with a disability to live in a community”). A request for a reasonable accommodation may even encompass a request for non-enforcement of a zoning ordinance. *Proviso Association of Retarded Citizens v. Village of Westchester*, 914 F. Supp. 1555, 1561-62 (N.D. Ill. 1996).

One of the key purposes of the reasonable accommodations provision is to address individual needs and respond to individual circumstances. In this regard, courts have held that local governments must change, waive, or make exception to their zoning rules to afford people with disabilities the same access to housing as those who are without disabilities. *Town of Babylon*, 819 F. Supp. at 1192; *Horizon House*, 804 F. Supp. at 699; *Township of Cherry Hill* 799 F. Supp. at 461-63; *Village of Marshall*, 787 F. Supp. at 878; *Commonwealth of Puerto Rico*, 764 F. Supp. at 224.

Lastly, both the ADA and Section 504 of the Rehabilitation Act prohibit discrimination against students with disabilities, including those who are struggling with trauma-related challenges. These federal laws further prohibit the denial of any student access to education or related services based on their disability.



Lydia Home's Request

Lydia Home proposes to develop the Project as a residential facility providing a structured and therapeutic *residential* environment to assist children with serious behavioral issues, many of which result from trauma and neglect. Lydia Home's residents are emotionally handicapped and disabled and therefore are protected under applicable federal law.

In summary, to avoid protracted conflict down the road, we ask that all units of government withdraw their discriminatory objections to the proposed use (based strictly upon economic factors) and act in accordance with the federal protections afforded Lydia Home and its disabled residents in this development process.

Should you wish to discuss the FHA and its application, we are more than willing to discuss the matter with your legal counsel.

Respectfully,

Andrew E. Kolb, Esq.

cc: Christopher Liguori, Esq.
Tavet Divito Rothstein, LLC

Lydia Homes Evanston 1101 Washington Street, Evanston, IL 60202

<u>Property Address</u>	<u>PIN</u>	<u>Current Use</u>	<u>Year</u>	<u>Assessed Value*</u>	<u>Property Value</u>	<u>% Increase</u>	<u>Narrative</u>
848 Ridge Ave	11-19-300-032-0000	R5 - Residential	2024	64,399	\$643,990	32%	
			2023	64,397	\$643,970		
			2022	64,397	\$643,970		
			2021	51,107	\$511,070		
			2020	51,107	\$511,070		
			2019	57,553	\$575,530		
			2018	48,863	\$488,630		
1111 Washington	11-19-300-027-0000	R3 - Residential	2024	55,964	\$559,640	36%	
			2023	55,963	\$559,630		
			2022	55,963	\$559,630		
			2021	41,422	\$414,220		
			2020	41,422	\$414,220		
			2019	50,759	\$507,590		
			2018	41,005	\$410,050		
1109 Washington	11-19-300-028-0000	R3 - Residential	2024	60,664	\$606,640	35%	
			2023	60,663	\$606,630		
			2022	60,663	\$606,630		
			2021	43,098	\$430,980		
			2020	43,098	\$430,980		
			2019	48,534	\$485,340		
			2018	44,813	\$448,130		
1118 Main Street	11-19-300-019-0000	R1 - Residential	2024	81,455	\$814,550	33%	
			2023	80,992	\$809,920		
			2022	80,992	\$809,920		
			2021	69,156	\$691,560		
			2020	69,156	\$691,560		
			2019	82,188	\$821,880		

			2018	61,062	\$610,620	
821 Ridge Ave	11-19-301-004-0000	R5 - Residential	2024	286,350	\$2,863,500	55%
			2023	286,350	\$2,863,500	
			2022	286,350	\$2,863,500	
			2021	216,563	\$2,165,630	
			2020	216,563	\$2,165,630	
			2019	216,563	\$2,165,300	
			2018	184,866	\$1,848,660	
1112 Main Street	11-19-300-044-1005	R5 - Residential	2024	26,437	\$264,370	20%
	11-19-300-044-1006		2023	26,437	\$264,370	
	11-19-300-044-1004		2022	26,437	\$264,370	
			2021	21,364	\$213,640	
			2020	21,364	\$213,640	
			2019	23,482	\$234,820	
			2018	22,013	\$220,130	
1114 Main Street	11-19-300-044-1001	R5 - Residential	2024	30,193	\$301,930	24%
	11-19-300-044-1002		2023	30,191	\$301,910	
	11-19-300-044-1003		2022	30,191	\$301,910	
			2021	24,399	\$243,990	
			2020	24,399	\$243,990	
			2019	26,818	\$268,180	
			2018	24,385	\$243,850	
835 Ridge Ave	11-19-301-019-1004	R5 - Residential	2024	14,359	\$143,590	19%
			2023	14,359	\$143,590	
			2022	14,359	\$143,590	
			2021	12,368	\$123,680	
			2020	12,368	\$123,680	
			2019	13,594	\$135,940	
			2018	12,099	\$120,990	

835 Ridge Ave, Unit 102	11-19-301-019-1001	R5 - Residential	2024	16,357	\$163,570	19%
			2023	16,355	\$163,550	
			2022	16,355	\$163,550	
			2021	14,087	\$140,870	
			2020	14,087	\$140,870	
			2019	15,484	\$154,840	
			2018	13,781	\$137,810	
835 Ridge Ave	11-19-301-019-1003	R5 - Residential	2024	18,591	\$185,910	19%
			2023	18,590	\$185,900	
			2022	18,590	\$185,900	
			2021	16,012	\$160,120	
			2020	16,012	\$160,120	
			2019	17,599	\$175,990	
			2018	15,665	\$156,650	
906 Ridge Ave	11-19-119-025-0000	R1 - Residential	2024	112,000	\$1,120,000	78%
			2023	105,599	\$1,055,990	
			2022	112,000	\$1,220,000	
			2021	84,914	\$849,140	
			2020	87,562	\$875,620	
			2019	102,408	\$1,024,080	
			2018	63,058	\$630,580	
852 Ridge Ave	11-19-300-031-0000	R5 - Residential	2024	160,000	\$1,600,000	29%
			2023	150,880	\$1,508,800	
			2022	160,000	\$1,600,000	
			2021	127,841	\$1,278,410	
			2020	127,841	\$1,278,410	
			2019	127,841	\$1,278,410	
			2018	124,016	\$1,240,160	

746 Ridge Ave	11-19-304-027-0000	R1 - Residential	2024	58,000	\$580,000	49%
			2023	57,999	\$579,990	
			2022	57,999	\$579,990	
			2021	48,056	\$480,560	
			2020	48,056	\$480,560	
			2019	54,536	\$545,360	
			2018	38,958	\$389,580	
1122 Main Street	11-19-300-018-0000	R1 - Residential	2024	70,000	\$700,000	45%
			2023	70,000	\$700,000	
			2022	70,000	\$700,000	
			2021	67,547	\$675,470	
			2020	67,547	\$675,470	
			2019	74,228	\$742,280	
			2018	48,329	\$483,290	

* Cook County residential properties are assessed at 10% of their fair market value

Lydia Homes Chicago 4300 West Irving Park Road, Chicago, IL 60641

<u>Property Address</u>	<u>PIN</u>	<u>Current Use</u>	<u>Year</u>	<u>Assessed Value*</u>	<u>Property Value*</u>	<u>% Increase</u>	<u>Narrative</u>
4026 N. Kildare Ave	13-15-419-021-0000	Residential	2024	66,961	\$669,610	11%	
			2023	66,960	\$669,600		
			2022	66,960	\$669,600		
			2021	66,960	\$669,600		
			2020	51,528	\$515,280		
			2019	56,625	\$566,250		
			2018	60,591	\$605,910		
4030 N. Kildare Ave	13-15-419-020-0000	Residential	2024	52,878	\$528,780	17%	
			2023	52,878	\$528,780		
			2022	52,878	\$528,780		
			2021	59,000	\$590,000		
			2020	41,264	\$412,640		
			2019	45,349	\$453,490		
			2018	45,349	\$453,490		
4314 W. Irving Park Road	13-15-419-014-0000	Multi-Family	2024	234,775	\$2,347,750	72%	
			2023	234,775	\$2,347,750		
			2022	234,775	\$2,347,750		
			2021	234,775	\$2,347,750		
			2020	136,221	\$1,362,210		
			2019	136,221	\$1,362,210		
			2018	136,221	\$1,362,210		
4007 N. Lowell Ave	13-15-419-013-0000	Multi-Family	2024	362,920	\$3,629,200	112%	
			2023	362,919	\$3,629,190		
			2022	362,919	\$3,629,190		
			2021	362,919	\$3,629,190		
			2020	163,375	\$1,633,750		
			2019	163,375	\$1,633,750		

			2018	170,889	\$1,708,890		
4023 N. Lowell Ave	13-15-419-026-0000	Residential	2024	46,000	\$460,000	0%	Just built in 2022
			2023	45,998	\$459,980		
			2022	45,998	\$459,980		
4027 N. Lowell Ave	13-15-419-025-0000	Residential	2024	119,988	\$1,199,880	0%	Just built in 2022
			2023	119,987	\$1,199,870		
			2022	119,987	\$1,199,870		
4021 N. Kildare Ave	13-15-420-010-0000	Residential	2024	36,000	\$360,000	2%	
			2023	35,999	\$359,990		
			2022	35,999	\$359,990		
			2021	35,999	\$359,990		
			2020	31,080	\$310,800		
			2019	35,319	\$353,190		
			2018	35,319	\$353,190		
4323 W. Irving Park Road	13-22-200-031-0000	Commerical/Industrial	2024	281,726	\$1,126,904	16%	
			2023	281,723	\$1,126,892		
			2022	281,723	\$1,126,892		
			2021	281,723	\$1,126,892		
			2020	229,700	\$918,800		
			2019	291,332	\$1,165,328		
			2018	243,684	\$974,736		
3942 N. Kildare Ave	13-22-200-020-0000	Residential	2024	59,000	\$590,000	10%	
			2023	59,000	\$590,000		
			2022	59,000	\$590,000		
			2021	59,000	\$590,000		
			2020	48,941	\$489,410		
			2019	53,782	\$537,820		
			2018	53,782	\$537,820		

3929 N. Kildare Ave	13-22-201-006-0000	Residential	2024	66,405	\$664,050	6%
			2023	66,405	\$664,050	
			2022	66,405	\$664,050	
			2021	66,405	\$664,050	
			2020	49,141	\$491,410	
			2019	55,842	\$558,420	
			2018	62,500	\$625,000	

* Cook County Residential Properties are assessed at 10% of their fair market value; Cook County Commercial Properties are assessed at 25% of their fair market value

Northern IL Academy

998 Corporate Blvd, Aurora, IL 60502

2016-2021

<u>Property Address</u>	<u>PIN</u>	<u>Current Use</u>	<u>Year</u>	<u>Assessed Value</u>	<u>% Increase</u>	<u>Narrative</u>
1080 Corporate Blvd	15-02-402-001	Industrial	2021	\$396,861.00	337%	
			2020	\$368,624.00		
			2019	\$341,540.00		
			2018	\$294,553.00		
			2017	\$175,975.00		
			2016	\$90,867.00		
975 Corporate Blvd	15-02-401-029	Industrial	2021	\$760,098.00	80%	2017-2021
			2020	\$706,017.00		
			2019	\$654,143.00		
			2018	\$489,980.00		
			2017	\$422,525.00		
1025 Corporate Blvd	15-02-428-009	Commercial	2021	\$6,106.00	59%	
			2020	\$5,672.00		
			2019	\$5,255.00		
			2018	\$4,861.00		
			2017	\$4,479.00		
			2016	\$3,839.00		
1000 Corporate Blvd	15-02-426-028	Commerical	2021	\$396,966.00	15%	
			2020	\$368,722.00		
			2019	\$341,631.00		
			2018	\$393.96		
			2017	\$362,998.00		
			2016	\$344,358.00		
2255 Church Road	15-02-426-007	Residential Lot	2021	\$78,141.00	37%	
			2020	\$72,582.00		
			2019	\$67,249.00		

			2018	\$67,994.00		
			2017	\$62,434.00		
			2016	\$57,038.00		
2275-2277 Church Road	15-02-426-006	Commerical	2021	\$361,185.00	23%	
			2020	\$335,487.00		
			2019	\$310,837.00		
			2018	\$350,660.00		
			2017	\$323,100.00		
			2016	\$293,536.00		
2414 Church Road	15-02-401-026	Commerical	2021	\$439,111.00	14%	2019-2021
			2020	\$316,687.00		
			2019	\$385,823.00		
2300 Raddant Road	15-02-401-016	Industrial	2021	\$1,114,434.00	40%	
			2020	\$1,128,017.00		
			2019	\$1,137,781.00		
			2018	\$1,010,505.00		
			2017	\$931,083.00		
			2016	\$793,341.00		

Lydia Homes Chicago 4300 West Irving Park Road, Chicago, IL 60641

<u>Property Address</u>	<u>PIN</u>	<u>Current Use</u>	<u>Year</u>	<u>Assessed Value*</u>	<u>Property Value*</u>	<u>% Increase</u>	<u>Narrative</u>
4001 N. Kildare Ave	13-15-420-012-0000	Multi-Family	2024	243,743	\$2,437,430	-6%	
			2023	243,742	\$2,437,420		
			2022	243,742	\$2,437,420		
			2021	243,742	\$2,437,420		
			2020	259,476	\$2,594,760		
			2019	259,476	\$2,594,760		
			2018	259,476	\$2,594,760		
4017 N. Kildare Ave	13-15-420-011-0000	Residential	2024	45,000	\$450,000	-21%	
			2023	45,000	\$450,000		
			2022	45,000	\$450,000		
			2021	45,000	\$450,000		
			2020	49,932	\$499,320		
			2019	56,741	\$567,410		
			2018	56,741	\$567,410		
4027 N. Kildare Ave	13-15-420-009-0000	Residential	2024	49,394	\$493,940	-4%	
			2023	49,394	\$493,940		
			2022	49,394	\$493,940		
			2021	49,394	\$493,940		
			2020	46,740	\$467,400		
			2019	51,363	\$513,630		
			2018	51,363	\$513,630		
1307 W. Irving Park Road	13-22-200-032-0000	Commerical/Industrial	2024	323,174	\$1,292,696	-2%	
			2023	323,172	\$1,292,688		
			2022	323,172	\$1,292,688		
			2021	344,709	\$1,378,836		
			2020	216,000	\$864,000		
			2019	270,054	\$1,080,216		

			2018	331,370	\$1,325,480		
1317 W. Irving Park Road 13-22-200-002-0000	Multi-Family	2024	32,122	\$321,220	-70%	Filed a tax appeal in 2019 Since Tax Appeal 0% value increased	
		2023	32,119	\$321,190			
		2022	32,119	\$321,190			
		2021	32,119	\$321,190			
		2020	108,189	\$1,081,890			
		2019	108,189	\$1,081,890			
		2018	108,189	\$1,081,890			

* Cook County Residential Properties are assessed at 10% of their fair market value; Cook County Commercial Properties are assessed at 25% of their fair market value

Educational Advocacy & Consulting

August 26, 2025

City of Aurora Planning and Zoning Commission
44 E. Downer Place
Aurora, IL 60505

RE: Response to District #101 Concerns for Lydia Home Proposal at 998 Corporate Blvd, Aurora, IL

Dear Members of the Planning and Zoning Commission:

It is my understanding that Batavia School District #101 submitted a letter on May 5, 2025 from Superintendent, Mr. Kim, outlining concerns regarding the application to open the Lydia Home at 988 Corporate Blvd, Aurora, IL. While we appreciate the district's engagement, many of the concerns raised are inaccurate or based on misconceptions about the Lydia Home's operations. Please accept this letter clarifying these concerns as it relates to public education and the Lydia Home.

1. **History of proposed Location** The historical context provided by the Superintendent of Batavia School District, Mr. Kim, has no relevance to the currently proposed Lydia Home facility. Mr. Kim alleges that the location is unsuitable for the Lydia Home due to the "previous operational failure" of the Northern Illinois Academy, which once operated at this location. This is entirely misleading. The operational failure of Northern Illinois Academy was due to inadequate staffing and training. It had nothing to do with the location of the facility, nor is The Lydia Home affiliated with Northern Illinois Academy.
2. **Elopement** Mr. Kim notes that many of the students who will reside at the Lydia Home have endured significant trauma, which may include a history of elopement from prior schools and home facilities. While eloping is a serious concern often rooted in feelings of physical or emotional insecurity, a substantial body of research demonstrates that providing evidence-based interventions for youth struggling with emotional regulation and fight-or-flight responses can significantly reduce or extinguish elopement behavior.

The Lydia Home has a proven track record of providing child-centered, evidence-based interventions. The current standard for addressing elopement include Functional Behavioral Analyses (FBA), where trained personnel evaluate the antecedents and consequences of the behavior to develop targeted interventions (Lill et al., 2022; Nevill et al., 2024; Greene & Ablon, 2005). These are not novel

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practices; the Lydia Home will employ trained professionals who utilize these proven interventions to support youth in their care and work towards extinguishing any maladaptive behaviors such as elopement.

The suggestion that children who have experienced trauma should not reside near commercial areas is discriminatory. Such a viewpoint perpetuates outdated practices of institutionalization and isolation, which have a deeply troubling history for individuals with disabilities. Under the ADA, public entities must provide services “in the most integrated setting appropriate to the needs of qualified individuals with disabilities” (28 C.F.R. § 35.130(d), 2011). Moreover, Mr. Kim’s perspective fails to recognize the professionalism and accountability the Lydia Home demonstrates in helping youth in their care reach their full potential through therapeutic approaches in a safe and supportive environment.

- 3. Educational Plan & Obligations** Mr. Kim asserts that The Lydia Home lacks understanding of IDEA and the responsibility to provide an ISBE-approved school. This claim is without merit. The Lydia Home already has one established ISBE-approved educational program at its Evanston location: The Lydia Home Educational Center (site code 75255) within Evanston/Skokie School District 65. The Lydia Home works diligently with ISBE, the DCFS Education Advisory Team, The Local Educational Agency, and Special Education Professionals at this site. This practice will continue for the proposed Aurora location to establish and run an ISBE approved therapeutic day school where most of their youth will likely receive their education. The Lydia Home is also diligently planning to provide high staff to student ratios to meet the needs of the children in their care.

Mr. Kim noted a concern that some students from the Lydia Home may not require any therapeutic placements at all, thus resulting in the child being educated within Batavia School District. Mr. Kim cited this as a concern for the district financially and spatially because ‘integrating’ these children would impose staffing and resource requirements that would negatively impact the District’s ability to effectively serve their ‘existing’ population.

School districts are legally obligated to provide *all* eligible students with disabilities a Free Appropriate Public Education (FAPE), ensuring access to specialized instruction and necessary supports in the least restrictive environment (Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., 2004). There is no precedence in the law stating that current students take priority over newly enrolled students. Denying services to the children from the Lydia Home constitutes discrimination against one of the most marginalized student populations.

In accordance with the law, Batavia school district is not allowed to discriminate against children with disabilities by simply stating that they do not have the capacity or infrastructure to educate them. Where would this line of decision making stop? If it begins here, will it be a child with a major, complex medical disability next? Will that family not be allowed to purchase a home within the

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Batavia School District because the cost of educating that child will be too expensive? The children in the Lydia Home represent one of our most marginalized and underrepresented student populations. To turn our back on them having the ability to have a home, receive the interventions they need, and obtain an education is reprehensible and a disservice to not only those children, but our collective societal goals.

4. **Misrepresentation of financial Obligations** Mr. Kim asserted that The Lydia Home is misrepresenting the financial obligation of the school district if the proposed facility is approved. One concern noted was the financial burden on the district if a student from the Lydia Home is moved out of state. Notably, it is a rare occurrence that a youth at the Lydia Home requires an out of state placement. For reference, in a span of 10 years, only two students required an out of state placement. Moreover, it is important that the members of the Planning and Zoning Commission understand how this process works under the law and what the financial rights and responsibility would look like in the event it does happen:
- a. A student at Lydia Home requires an out of state placement by DCFS
 - i. This typically occurs if a youth requires a secure residential facility due to safety concerns and as aforementioned, is rare.
 - b. According to 105 ILCS 5/14-1.11a the resident school district [the last district to serve the youth for 45 days] is responsible for paying the tuition of the out of state program until a) the student is no longer under the guardianship of an Illinois public agency or b) the student is returned to Illinois.
 - i. The resident district for the youth at the Lydia Home *will* be Batavia District #101
 - c. To receive payment from the residing district, the DCFS caseworker must submit the DCFS Form 407-5, Notice of Special Education Responsibility, within 30 days to the appropriate school district to request the funding
 - d. The residing district is required to pay the tuition. However, that district is able to get a full refund for the out-of-state tuition under the Orphanage Act (105 ILCS 5/18-3).
 - e. **The Orphanage act (105 ILCS 5/18-3)** mandates state reimbursement to school districts for the education of children from orphanages, dependent, abandoned, or maladjusted homes as well as children residing in state-run institutions.
 - i. The purpose of the Orphanage Act is to ease the district's financial burden through reimbursements
 - ii. The reimbursement is granted through a voucher program whereby two formulas have been established for students being educated either within a general education setting in the district or a separate one for youth requiring special education services (105 ILCS 5/14-7.03).

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- iii. According to 105 ILCS 5/14-7.03, the formula for special education reimbursement does include an actual per-pupil program cost approved by ISBE which can include salaries, related services, and supplies.
 - iv. To receive reimbursement, the district is required to provide ISBE with detailed program cost documentation for the previous school year by July 15th of every year. Payments are issued on August 30th. Summer session claims must be submitted by December 15th.
- f. Additionally, Mr. Kim noted that although the Orphanage Act offsets some direct educational costs for educating youth, he raised the concern that some costs may not be reimbursed such as case management or related services. Mr. Kim asserted that this would overburden the District's school system.
- i. It is important for the Planning and Zoning Commission to consider that at the time of this submission, in relation to related services, the Batavia School district employs 13 Speech and Language Pathologists (SLPs) servicing Prek-8th grade and an additional 3 SLPs who provide support to students in local parochial schools. *Parochial schools have zero obligation or responsibility to reimburse local school districts for any services.* The Batavia school district is well staffed for students with disabilities and the assertion that providing related services to students at the Lydia Home would be a burden surmounting their capabilities while providing 3 related service providers to parochial schools is discriminatory.
5. **Enrollment** Mr. Kim relayed his concern over the district having no control or influence over how many students are enrolled in the Lydia Home. At the time of this submission, several new housing developments are in the works for the city of Batavia. For example, Ashton Ridge at 1000 McKee Street is being proposed which will contain 73 single-family homes and 89 townhomes. Public hearings have been held for zoning and design review; yet there is no record of the district raising concerns over this large development that will undoubtedly bring many families with multiple students to the school district. Targeting children with disabilities residing at the Lydia Home, while ignoring similarly impactful developments, demonstrates discrimination and conflicts with the district's legal obligations under ADA and IDEA.

In conclusion, the concerns raised by Mr. Kim regarding the proposed Lydia Home facility are in part factually inaccurate, legally unfounded, and discriminatory. The Lydia Home has a strong record of evidence-based trauma-informed care provided by qualified professionals. The Lydia Home will establish an ISBE-approved educational program and has the expertise to follow through on appropriate credentialing.

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The district's obligations under ADA and IDEA are clear: children with disabilities must receive a free and appropriate public education without prejudice or arbitrary limitations. Denying the children of the Lydia Home the opportunity to reside, learn, and thrive within Batavia School District's Boundaries is inconsistent with these legal requirements and with fundamental principles of equity and inclusion. The state has financial safeguards available to residing districts to mitigate the financial burden of educating youth who are living in residential institutions such as the Lydia Home. Approval of the proposed facility supports not only these children's rights but also the district's commitment to serving all members of the community fairly and responsibly.

Respectfully submitted,

Dr. BrieAnne Rader
(Electronic Signature)

BrieAnne Rader, EdD
Educational Advocate

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References:

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