

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

PETITION TO THE CITY OF AURORA

THE UNDERSIGNED Petitioner, Continental 834 Fund LLC, a Delaware limited liability company and wholly owned subsidiary of Continental Real Estate Holdings LLC (“**Petitioner**” or “**Continental**”), respectfully submits this Petition to the City of Aurora (“**City**”) for i) approval of a Preliminary Plat of Subdivision (“**Preliminary Plat**”); ii) approval of a Preliminary Plan (“**Preliminary Plan**”); iii) approval of a major change to a plan description; iv) approval of an amended plan description for the Multifamily Residential Property as defined herein; and v) approval of such other relief to the City of Aurora’s Municipal Code (hereinafter the “**Code**”) as may be deemed necessary and appropriate to develop the property legally described on **Exhibit A** (“**Property**”) and depicted on the Preliminary Plat submitted herewith as **Exhibit B**.

BACKGROUND INFORMATION

1. The Owner of the Property is Meijer Stores Limited Partnership, a Michigan partnership having a mailing address of 2929 Walker, N.W., Grand Rapids, Michigan 49544 (“**Owner**”).
2. The contract purchaser and Petitioner herein is Continental 834 Fund LLC, a Delaware limited liability company having an office at W134 N8675 Executive Parkway, Menomonee Falls, WI 53051.
3. Petitioner is a wholly owned subsidiary of Continental Real Estate Holdings LLC, a Delaware limited liability company.
4. The Property consists of approximately twenty-four and 685/1000 (24.685) acres

located at the southwest corner of Sullivan Road and N Orchard Road in the City of Aurora, County of Kane, State of Illinois.

5. The Property was annexed to the City by Ordinance No. 089-03 recorded on February 7, 1989 as document 1957238.

6. The Property is part of the larger Orchard Road Subdivision (“**Orchard Road Subdivision**”), which consists of approximately four hundred ninety-three (493) acres.

7. The City passed Ordinance No. 089-04 on January 17, 1989, establishing the Planned Development District (“**PDD**”) for the Orchard Road Subdivision and approving a Plan Description for the United Services Automobile Association Real Estate Co. (USAA-REALCO) (“**Plan Description**”) for the Orchard Road Subdivision, which Plan Description was attached to Ordinance No. 089-04 as Exhibit “B”.

8. Section II(B)(1) of the Plan Description sets forth eight (8) basic land use types for the PDD and Orchard Road Subdivision.

9. The Plan Description designates the land use type for the Property as Office, Research, Light Industrial (ORI) and/or Commercial.

10. Since the Property’s annexation in 1989, the Property has been resubdivided five (5) times but remains vacant and undeveloped under the Property’s current land use designation set forth in the Plan Description.

11. Petitioner seeks an amendment to the Plan Description to modify the land use designation for Lot 1 as depicted on the Preliminary Plat and legally described on **Exhibit C** (the “**Multifamily Residential Property**”) to facilitate its development with a residential use.

12. The land use designation for Lot 2, Lot 3, Lot 4, and Lot 5 as depicted on the Preliminary Plat is intended to remain Office, Research, Light Industrial (ORI) and/or

Commercial.

13. Petitioner's proposed amendment to the Plan Description for the Multifamily Residential Property, a copy of which is attached hereto as **Exhibit D** (the "**Amended Plan Description**"), will facilitate Petitioner's development thereof.

14. The Amended Plan Description will permit the Petitioner to develop the Multifamily Residential Property with three hundred forty (340) residential units across seventeen (17) two-story apartment buildings with a class-A amenity center that will serve the recreational needs of the residents of the development.

15. The proposed entitlement requests meet all City and State requirements for the development of property and will facilitate the beneficial use of the Property as stated below.

QUALIFYING STATEMENT

Continental is a privately held real estate development company based in Menomonee Falls, Wisconsin. Founded in 1979, Continental has become a leading developer, owner, and operator of multifamily communities, retail centers, and hospitality accommodations across the United States. To date, Continental has developed over 35,000 homes across 125 communities in 19 different states. Continental's development success can be attributed, in-part, to its vertically integrated team focused on exceptional market research, product design and development, construction oversight, property management, customer experience, and portfolio management. Continental has found success building communities that offer quality housing options designed to serve the diverse needs of the local community, and Continental looks forward to providing a new housing option in the City of Aurora.

Since the Property's annexation in 1989, the Property has been resubdivided five (5) times but remains vacant and undeveloped under the Property's current ORI/Commercial land use

designation set forth in the Plan Description. Other ORI and Commercial uses in the area have struggled, including the manufacturing and warehouse facility at the southeast corner of Orchard Road and Indian Trail, which was originally a Lowe's Home Improvement facility, was sold and converted to a Cosmopolitan Marketplace in 2015, and was sold again and opened as a production facility for Factor 75 (subsidiary of HelloFresh) in 2021.

In lieu of the ORI/Commercial designation, Continental seeks to amend the Plan Description for the Multifamily Residential Property. The proposed amendment will facilitate development of the Springs at Aurora apartment community, consisting of three hundred forty (340) apartment units and an associated class-A amenity center. The proposed development, to be known as the Springs at Aurora ("**Development**" or "**Springs at Aurora**"), reflects market demand, and will offer different entrance points for prospective tenants based on home size and amenities. The Springs at Aurora will offer of a variety of apartment sizes – including thirty-four (34) studio homes, one hundred thirty-six (136) one-bedroom homes, one hundred thirty-six (136) two-bedroom homes, and thirty-four (34) three-bedroom homes.

The Springs at Aurora will offer a carefully planned and thoughtfully designed residential community. Residents will have a choice between attached garages, detached garages, and surface parking to best suit their needs. The Development will be accessible from the north via Sullivan Road and from the east via the access road running parallel to Orchard Road, which access road provides connectivity to Orchard Road to the east, Sullivan Road to the north, and Indian Trail to the south. I-88 is easily accessible for commuters, and there is a Pace bus stop along Orchard Road for those utilizing public transit.

Springs at Aurora will include an "**Amenity Center**" and other site amenities consisting of a community clubhouse, 24-hour fitness center, resort-style swimming pool, two (2) leash-free

pet parks, a grilling area, and a mail kiosk. The Development will have an onsite property maintenance team to provide residents with 24-maintenance response. In addition to the onsite amenities, the residents of the Springs at Aurora will benefit from the Development's close proximity to additional recreational opportunities, which include the Mid-County Trail, Verona Ridge Park, Vaughan Athletic Center, and the Orchard Valley Golf Course. Further, the Development is near Herget Middle School, providing easy accessibility for prospective students and reduced transportation costs for families. Given the proposed Development's location and proximity to transit, retail uses, recreational opportunities, and schools, the Property presents an excellent housing opportunity that is suitable for a variety of homebuyers, including some of the fastest growing housing segments of our population – millennials, young professionals, and empty nesters.

The Property is immediately adjacent to existing wetlands and extensive foliage to the west, providing the Property with a unique natural setting. To help preserve this natural setting, professional landscaping design and materials will be utilized to enhance the overall aesthetics and visual appeal throughout the community, including a mix of parkway trees, shade trees, and shrubs. The landscape design enhancements will include decorative plantings around the perimeter of the Property and foundation plantings around each building. Existing landscape buffers will be preserved and enhanced throughout the perimeter of the community to create the feel of a residential enclave. Additional landscape plantings will be utilized along the eastern and northern borders of the Property for added buffering between the residential and commercial/retail uses.

Two stormwater management facilities are presently located at the northwest and southwest corners of the Development. These wet detention facilities have been designed efficiently to provide sufficient stormwater storage for the Springs at Aurora. Fox Metro sanitary

sewer and potable water are available to the Property in the requisite capacity to serve the Springs at Aurora.

Springs at Aurora will be an appropriate transitional use along a principal arterial roadway corridor like Orchard Road. The proposed apartments will help support the existing commercial and retail uses along Orchard Road, which include Chipotle Mexican Grill, Buffalo Wild Wings, Pizza Hut, and Home Depot, among others. Additionally, with the development of Springs at Aurora, Continental will set aside Lot 3 to maintain ingress/egress between the various commercial parcels and Springs at Aurora. Continental will also maintain the existing parking supply on Lot 3 for the benefit of the adjacent commercial parcels. Along Orchard Road, Continental proposes a new Lot 2, consisting of approximately 1.5 acres, which will facilitate additional commercial development in the Orchard Road corridor. Continental is committed to working with a third-party commercial developer to facilitate the development of a new restaurant or multi-tenant building in this location.

STANDARDS

I. The Qualifying Statement shall provide information on how the proposal relates to the following standards:

a. The public health, safety, morals, comfort or general welfare.

It is essential to the public health, comfort, safety, convenience and general welfare to provide diverse housing types and additional housing stock to accommodate the needs of Aurora's growing population and commercial uses to support the residents of the City and surrounding areas. While the Property has been annexed and zoned for many years, the Property remains undeveloped. The proposed Plan Description Amendment will facilitate development of the Property. In particular, the Plan Description Amendment will facilitate the proposed development

of the Springs at Aurora. In association with the Springs at Aurora, Continental will subdivide the Property and create a new commercial lot along the Orchard Road frontage. This new commercial lot will facilitate the continued growth of the City's commercial tax base. In total, the development of the Property will further the original purpose of the USAA Planned Development to facilitate mixed-use development in the Orchard Road corridor.

b. The use and enjoyment of other property already established or permitted in the general area.

The development of the Springs at Aurora as an apartment community will not have a negative effect on the use or enjoyment of the other property in the general area. The Property was annexed to the City in 1989 as part of the larger Orchard Road Subdivision. The Plan Description for the Orchard Road Subdivision sets forth eight (8) basic land use types for the subdivision and designates the land use type for the Property as ORI and/or Commercial. Since the Property's annexation in 1989, the Property has been resubdivided five (5) times but remains vacant and undeveloped under the Property's current land use designation, contributing little to the community and surrounding properties. Re-designating the Property for a mixed-use development, including 340 apartment units, will help support the existing commercial and retail uses along Orchard Road, will increase the City's workforce, and will enhance the City's revenue streams through new property, utility, and sales taxes.

Additionally, with the development of Springs at Aurora, Continental will set aside Lot 3 to maintain ingress/egress between the various commercial parcels and Springs at Aurora. Continental will also maintain the existing parking supply on Lot 3 for the benefit of the adjacent commercial parcels. Along Orchard Road, Continental proposes a new Lot 2, consisting of approximately 1.5 acres, which will facilitate additional commercial development in the Orchard Road corridor. Continental is committed to working with a third-party commercial developer to

facilitate the development of a new restaurant or multi-tenant building in this location.

Further, the use of professional landscaping design and materials will be utilized to enhance the overall aesthetics and visual appeal of the community, including a mix of parkway trees, shade trees and shrubs. The landscape design enhancements will include decorative plantings around the perimeter of the Property and foundation plantings around each building. Existing landscape buffers will be preserved and enhanced throughout the perimeter of the community to create the feel of a residential enclave. Additional landscape plantings will be utilized along the eastern and northern borders of the Property for added buffer between the residential and commercial/retail uses.

c. Property values within the neighborhood.

Petitioner's development of the Property will not be a detriment to the property values within the neighborhood. Rather, the development of Springs at Aurora will improve the City's housing stock, serve under-represented demographics, and create new revenue streams through property, utility, and sales taxes. The Springs at Aurora will preserve and increase property values by developing a property which has historically been vacant and underutilized and will eliminate uncertainty with development of the Property. Given the proposed development's location and walkable accessibility to nearby retail uses, the development will support the neighboring retail and commercial uses.

d. The normal and orderly development and improvement of surrounding property for uses established or permitted within their respective existing zoning districts.

The Development is consistent with the normal and orderly development and improvement of surrounding property for uses established or permitted within their respective existing zoning districts. The Property was annexed to the City in 1989 and is part of the larger Orchard Road Subdivision. Since the Property's annexation in 1989, the Property has been resubdivided five (5)

times but remains vacant and undeveloped under the Property's current land use designation set forth in the Plan Description for the Orchard Road Subdivision. The proposed amendment to the Plan Description to redesignate the Multifamily Residential Property to R-5 is consistent with the intent of the greater Orchard Road Subdivision and is necessary to develop otherwise vacant and underutilized land, bringing the Orchard Road Subdivision one step closer to completion as originally intended.

Additionally, with the development of Springs at Aurora, Continental will set aside Lot 3 to maintain ingress/egress between the various commercial parcels and Springs at Aurora. Continental will also maintain the existing parking supply on Lot 3 for the benefit of the adjacent commercial parcels. Along Orchard Road, Continental proposes a new Lot 2, consisting of approximately 1.5 acres, which will facilitate additional commercial development in the Orchard Road corridor. Continental is committed to working with a third-party commercial developer to facilitate the development of a new restaurant or multi-tenant building in this location.

e. Utilities, access road, drainage and/or other necessary facilities.

City water is available to the Property in the requisite capacity to serve the Development. Fox Metro Water Reclamation District sanitary sewer will be able to service the Property. Two stormwater management facilities are presently located at the northwest and southwest corners of the Development. These wet detention facilities have been designed efficiently to provide sufficient stormwater storage for the Springs at Aurora. Sufficient access to the Development will be provided from the north via Sullivan Road and from the east via the access road running parallel to Orchard Road, which access road provides connectivity to Orchard Road to the east, Sullivan Road to the north, and Indian Trail to the south.

f. Ingress and egress as it relates to traffic congestion in the public streets

As mentioned, sufficient ingress and egress access points will be provided from the north

via Sullivan Road and from the east via the access road running parallel to Orchard Road, which access road provides connectivity to Orchard Road to the east, Sullivan Road to the north, and Indian Trail to the south. Additionally, with the development of Springs at Aurora, Continental will set aside Lot 3 to maintain ingress/egress between the various commercial parcels and Springs at Aurora. Continental will also maintain the existing parking supply on Lot 3 for the benefit of the adjacent commercial parcels. All roadways have been designed consistent with Aurora's Subdivision Control Ordinance and City Code.

Further, KLOA performed a Traffic Report dated August 22, 2024 ("**Traffic Report**"), which Traffic Report has been included with the submittal material. The Traffic Report found that the ingress and egress points are sufficient for the Development, concluding:

- The traffic that will be generated by the proposed residential development will not be significant.
- The increase in traffic resulting from the proposed development will be limited.
- The access drives serving the proposed development will be adequate in accommodating traffic entering and exiting the site.
- The existing north-south access road and its connection to the signalized intersection with Orchard Road will help distribute the development-generated traffic and reduce the traffic load at the main signalized intersection off Orchard Road.

g. The applicable regulations of the zoning district in which the subject property is proposed to be or is located.

Except for the variance requests set forth below, the Preliminary Plan and Plat and Amended Plan Description for the Springs at Aurora are consistent with the proposed "R-5" Multiple-Family Dwelling District proposed for the Multifamily Residential Property. The stated

purpose of the R-5 zoning designation is to develop a wide range of quality housing opportunities throughout the City. Specifically, it is intended to allow for quality rental type dwelling units within developments that establish and maintain a safe and secure living environment. The Multifamily District is a high intensity land use and generally relates to other high intensity land uses. The intent of the proposed Amended Plan Description is to re-designate the land use designation for the Multifamily Residential Property from ORI/Commercial to R-5 to facilitate development of otherwise vacant and underperforming property to bring Orchard Road Subdivision one step closer to completion.

h. A bullet point list of any variances, modifications or exceptions that you are seeking from the City's Codes and Ordinances.

Petitioner respectfully requests the following variances and modifications:

- A variance to Table 2 “Schedule of Off-Street Parking Requirements” of Article 49-IV of the City’s Code to permit:
 - A parking ratio of not less than 1.5 spaces per multi-family dwelling unit;
 - Of the required 1.5 spaces per multi-family dwelling unit, a minimum of 0.5 spaces per multi-family dwelling unit to be provided in a parking garage (attached or detached); and
 - A parking ratio for the Amenity Center of not less than 54 spaces per 1,000 square feet of the clubhouse building.
- Variance to Code Section 49-105.13 “Off-Street Parking and Loading” to permit a parking stall length of 18’ in lieu of 19’.

WHEREFORE, by reason of the foregoing, the undersigned Petitioner requests i) approval of a Preliminary Plat of Subdivision; ii) approval of Preliminary Plan; iii) approval of a

major change to a plan description; iv) approval of an amended plan description for the Multifamily Residential Property as defined herein; and v) approval of such other relief to the City of Aurora's Municipal Code as may be deemed necessary and appropriate to develop the Property.

RESPECTFULLY SUBMITTED this 22nd day of November, 2024

PETITIONER:

CONTINENTAL 834 FUND LLC
A Delaware limited liability company

A handwritten signature in black ink, appearing to be "Rosanova & Whitaker", written over a horizontal line.

Rosanova & Whitaker, Ltd.
Attorney for the Petitioner

EXHIBIT A
LEGAL DESCRIPTION – SPRINGS AT AURORA SUBDIVISION

PROPOSED LOT 1
SPRINGS AT AURORA SUBDIVISION
AURORA, ILLINOIS

THAT PART OF LOT 1A IN THE FINAL PLAT OF RESUBDIVISION OF LOT 1 IN ORCHARD ROAD SUBDIVISION, BEING A CONSOLIDATION OF LOT 1 OF ORCHARD ROAD SUBDIVISION RECORDED AS DOCUMENT NUMBER 2003K091879 AND LOTS 3C AND 3D OF RESUBDIVISION OF LOT 3 IN ORCHARD ROAD RECORDED AS DOCUMENT NUMBER 2006K044909 PART OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 2007 AS DOCUMENT NO. 2007K095124, IN THE KANE COUNTY RECORDER'S OFFICE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1A; THENCE NORTH 00 DEGREES 13 MINUTES 58 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1A, A DISTANCE OF 275.92 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 13 MINUTES 58 SECONDS WEST, ALONG SAID WEST LINE OF LOT 1A FOR THIS AND NEXT TWO COURSES, A DISTANCE OF 396.88 FEET; THENCE NORTH 12 DEGREES 55 MINUTES 36 SECONDS WEST, A DISTANCE OF 187.50 FEET; THENCE NORTH 12 DEGREES 4 MINUTES 12 SECONDS EAST, A DISTANCE OF 319.85 FEET; THENCE NORTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 227.42 FEET; THENCE NORTH 00 DEGREES 26 MINUTES 12 SECONDS WEST, A DISTANCE OF 3.00 TO THE SOUTHWEST CORNER OF LOT 3B IN RESUBDIVISION OF LOT 3 IN ORCHARD ROAD SUBDIVISION, RECORDED APRIL 27, 2006 AS DOCUMENT NUMBER 2006K044909; THENCE NORTH 89 DEGREES 44 MINUTES 54 SECONDS EAST, A DISTANCE OF 242.57 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3B; THENCE NORTH 00 DEGREES 18 MINUTES 11 SECONDS WEST, A DISTANCE OF 250.44 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET, A DISTANCE OF 50.04 FEET, AND WHOSE LONG CHORD BEARS NORTH 05 DEGREES 40 MINUTES 30 SECONDS EAST, A DISTANCE OF 49.95 FEET TO THE NORTHEAST CORNER OF SAID LOT 3B; THENCE NORTH 88 DEGREES 53 MINUTES 07 SECONDS EAST, ALONG A NORTH LINE OF SAID LOT 1A, A DISTANCE OF 40.79 FEET TO THE NORTHWEST CORNER OF LOT 3A IN SAID RESUBDIVISION OF LOT 3 IN ORCHARD ROAD SUBDIVISION, RECORDED APRIL 27, 2006 AS DOCUMENT NUMBER 2006K044909; THENCE SOUTH 15 DEGREES 27 MINUTES 40 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 3A A DISTANCE OF 76.07 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 11 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 3A, A DISTANCE OF 131.52 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 89 DEGREES 44 MINUTES 25 SECONDS EAST, ALONG SOUTH LINE OF SAID LOT 3A, A DISTANCE OF 271.34 FEET; THENCE SOUTH 0 DEGREES 16 MINUTES 28 SECONDS

EAST, A DISTANCE OF 792.43 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 32 SECONDS EAST, A DISTANCE OF 29.38 FEET; THENCE SOUTH 10 DEGREES 55 MINUTES 24 SECONDS EAST, A DISTANCE OF 30.39 FEET; THENCE SOUTH 00 DEGREES 16 MINUTES 28 SECONDS EAST, A DISTANCE OF 233.59 FEET TO THE SOUTH LINE OF SAID LOT 1A; THENCE SOUTH 89 DEGREES 43 MINUTES 19 WEST, ALONG SOUTH LINE OF SAID LOT 1A, A DISTANCE OF 230.73 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 35 WEST, ALONG A LINE OF SAID LOT 1A, A DISTANCE OF 64.00 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 25 SECONDS WEST, ALONG SOUTH LINE OF SAID LOT 1A, A DISTANCE OF 154.46 FEET THE NORTHWEST CORNER OF LOT 7 IN ORCHARD ROAD SUBDIVISION RECORDED JUNE 3, 2003 AS DOCUMENT NUMBER 2003K091879; THENCE SOUTH 89 DEGREES 44 MINUTES 25 SECONDS WEST, A DISTANCE OF 444.02 FEET TO THE POINT OF BEGINNING.

**PROPOSED LOT 2
SPRINGS AT AURORA SUBDIVISION
AURORA, ILLINOIS**

THAT PART OF LOT 1A IN THE FINAL PLAT OF RESUBDIVISION OF LOT 1 IN ORCHARD ROAD SUBDIVISION, BEING A CONSOLIDATION OF LOT 1 OF ORCHARD ROAD SUBDIVISION RECORDED AS DOCUMENT NUMBER 2003K091879 AND LOTS 3C AND 3D OF RESUBDIVISION OF LOT 3 IN ORCHARD ROAD RECORDED AS DOCUMENT NUMBER 2006K044909 PART OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 2007 AS DOCUMENT NO. 2007K095124, IN THE KANE COUNTY RECORDER'S OFFICE DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6A IN RESUBDIVISION OF LOTS 5 AND 6 IN ORCHARD ROAD SUBDIVISION, RECORDED JUNE 11, 2004 AS DOCUMENT NUMBER 2004K076846; THENCE SOUTH 00 DEGREES 15 MINUTES 41 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 1A, ALSO BEING THE WEST RIGHT-OF-WAY LINE OF ORCHARD ROAD; A DISTANCE OF 233.39 FEET; THENCE SOUTH 44 DEGREES 44 MINUTES 19 SECONDS WEST, A DISTANCE OF 28.28 FEET; THENCE SOUTH 89 DEGREES 42 MINUTES 37 SECONDS WEST, A DISTANCE OF 163.11 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 42.00 FEET, A DISTANCE OF 34.23 FEET, AND WHOSE LONG CHORD BEARS NORTH 27 DEGREES 41 MINUTES 11 SECONDS WEST, A DISTANCE OF 33.29; THENCE NORTH 04 DEGREES 20 DEGREES 09 SECONDS WEST, A DISTANCE OF 20.28; THENCE NORTH 11 DEGREES 57 MINUTES 48 SECONDS WEST, A DISTANCE OF 35.15; THENCE NORTH 0 DEGREES 16 MINUTES 28 SECONDS WEST, A DISTANCE OF 169.17, TO THE SOUTHWEST CORNER OF SAID LOT 6A; THENCE NORTH 89 DEGREES 42 MINUTES 37 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 6A, A DISTANCE OF 207.05 TO THE POINT OF BEGINNING.

**PROPOSED LOT 3
SPRINGS AT AURORA SUBDIVISION
AURORA, ILLINOIS**

THAT PART OF LOT 1A IN THE FINAL PLAT OF RESUBDIVISION OF LOT 1 IN ORCHARD ROAD SUBDIVISION, BEING A CONSOLIDATION OF LOT 1 OF ORCHARD ROAD SUBDIVISION RECORDED AS DOCUMENT NUMBER 2003K091879 AND LOTS 3C AND 3D OF RESUBDIVISION OF LOT 3 IN ORCHARD ROAD RECORDED AS DOCUMENT NUMBER 2006K044909 PART OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 2007 AS DOCUMENT NO. 2007K095124, IN THE KANE COUNTY RECORDER'S OFFICE DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF ORCHARD ROAD SUBDIVISION, RECORDED JUNE 3, 2003 AS DOCUMENT NUMBER 2003K091879 ALSO BEING THE NORTHEAST CORNER OF SAID LOT 1A; THENCE SOUTH 00 DEGREES 16 MINUTES 28 SECONDS EAST, A DISTANCE OF 953.93 FEET; THENCE SOUTH 11 DEGREES 57 MINUTES 48 SECONDS EAST, A DISTANCE OF 35.15 FEET; THENCE SOUTH 04 DEGREES 20 MINUTES 09 SECONDS EAST, A DISTANCE OF 20.28 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 42.00 FEET, A DISTANCE OF 34.23 FEET, AND WHOSE LONG CHORD BEARS SOUTH 27 DEGREES 41 MINUTES 11 SECONDS EAST, A DISTANCE OF 33.29 FEET; THENCE NORTH 89 DEGREES 42 MINUTES 37 SECONDS EAST, A DISTANCE OF 163.11 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ORCHARD ROAD; THENCE SOUTH 44 DEGREES 44 MINUTES 19 SECONDS WEST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 14.15 FEET; THENCE SOUTH 00 DEGREES 19 MINUTES 16 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 64.46 FEET; THENCE SOUTH 43 DEGREES 59 MINUTES 14 SECONDS EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 2.26 FEET TO A POINT ON THE NORTH LINE OF LOT 1 IN ORCHARD GROVE SUBDIVISION, RECORDED JANUARY 30, 2003 AS DOCUMENT NUMBER 2003K017928; THENCE SOUTH 89 DEGREES 44 MINUTES 25 SECONDS WEST, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 178.69 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00 DEGREES 20 MINUTES 08 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 101.48 FEET TO THE SOUTH LINE OF SAID LOT 1A; THENCE SOUTH 89 DEGREES 43 MINUTES 19 SECONDS WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 25.02 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 28 WEST, A DISTANCE OF 233.59 FEET; THENCE NORTH 10 DEGREES 55 MINUTES 24 SECONDS WEST, A DISTANCE OF 30.39 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 32 SECONDS WEST, A DISTANCE OF 29.38 FEET; THENCE NORTH 0 DEGREES 16 MINUTES 28 SECONDS WEST, A DISTANCE OF 792.43 FEET TO A POINT ON THE SOUTH LINE OF LOT 3A IN RESUBDIVISION OF LOT 3 IN ORCHARD ROAD SUBDIVISION, RECORDED APRIL 27, 2006 AS DOCUMENT NUMBER 2006K044909; THENCE NORTH 89 DEGREES 44 MINUTES 25 SECONDS EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 20.16 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 00 DEGREES 29

MINUTES 08 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 3A, A DISTANCE OF 20.54 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1000.00 FEET, A DISTANCE OF 133.87 FEET, AND WHOSE LONG CHORD BEARS NORTH 04 DEGREES 08 MINUTES 49 SECONDS WEST, A DISTANCE OF 133.77 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 50.00 FEET, A DISTANCE OF 7.49 FEET, AND WHOSE LONG CHORD BEARS NORTH 12 DEGREES 13 MINUTES 35 SECONDS WEST, A DISTANCE OF 7.48 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 525.00 FEET, A DISTANCE OF 49.94, AND WHOSE LONG CHORD BEARS SOUTH 88 DEGREES 26 MINUTES 56 SECONDS EAST, A DISTANCE OF 49.92 FEET; THENCE NORTH 88 DEGREES 49 MINUTES 33 SECONDS EAST, A DISTANCE OF 0.60 FEET TO THE POINT OF BEGINNING.

**PROPOSED LOT 4
SPRINGS AT AURORA SUBDIVISION
AURORA, ILLINOIS**

THAT PART OF LOT 1A IN THE FINAL PLAT OF RESUBDIVISION OF LOT 1 IN ORCHARD ROAD SUBDIVISION, BEING A CONSOLIDATION OF LOT 1 OF ORCHARD ROAD SUBDIVISION RECORDED AS DOCUMENT NUMBER 2003K091879 AND LOTS 3C AND 3D OF RESUBDIVISION OF LOT 3 IN ORCHARD ROAD RECORDED AS DOCUMENT NUMBER 2006K044909 PART OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 2007 AS DOCUMENT NO. 2007K095124, IN THE KANE COUNTY RECORDER'S OFFICE DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 1A; THENCE NORTH 00 DEGREES 13 MINUTES 58 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1A, A DISTANCE OF 275.92 FEET; THENCE NORTH 89 DEGREES 44 MINUTES 25 SECONDS EAST, A DISTANCE OF 444.02 FEET TO THE NORTHWEST CORNER OF LOT 7 IN ORCHARD ROAD SUBDIVISION RECORDED JUNE 3, 2003 AS DOCUMENT NUMBER 2003K091879; THENCE SOUTH 00 DEGREES 15 MINUTES 20 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 7, A DISTANCE OF 275.82 FEET TO THE SOUTHWEST CORNER OF SAID LOT 7, ALSO BEING A SOUTHERLY CORNER OF SAID LOT 1A; THENCE SOUTH 89 DEGREES 43 MINUTES 40 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT 1A, A DISTANCE OF 444.13 FEET TO THE POINT OF BEGINNING.

**PROPOSED LOT 5
SPRINGS AT AURORA SUBDIVISION
AURORA, ILLINOIS**

THAT PART OF LOT 1A IN THE FINAL PLAT OF RESUBDIVISION OF LOT 1 IN ORCHARD ROAD SUBDIVISION, BEING A CONSOLIDATION OF LOT 1 OF ORCHARD ROAD SUBDIVISION RECORDED AS DOCUMENT NUMBER 2003K091879 AND LOTS 3C AND 3D OF RESUBDIVISION OF LOT 3 IN ORCHARD ROAD RECORDED AS DOCUMENT NUMBER 2006K044909 PART OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 2007 AS DOCUMENT NO. 2007K095124, IN THE KANE COUNTY RECORDER'S OFFICE DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1A; THENCE NORTH 88 DEGREES 53 MINUTES 07 SECONDS EAST, ALONG THE NORH LINE OF SAID LOT 1A, A DISTANCE OF 131.33 FEET TO THE NORTHWEST CORNER OF LOT 3B IN RESUBDIVISION OF LOT 3 IN ORCHARD ROAD SUBDIVISION, RECORDED APRIL 27, 2006 AS DOCUMENT NUMBER 2006K044909; THENCE SOUTH 00 DEGREES 26 MINUTES 12 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 3B AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 299.39 FEET; THENCE SOUTH 89 DEGREES 33 MINUTES 48 SECONDS WEST, A DISTANCE OF 227.42 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1A; THENCE NORTH 12 DEGREES 04 MINUTES 12 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 3.45 FEET; THENCE NORTH 17 DEGREES 30 MINUTES 19 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 309.51 FEET TO THE POINT OF BEGINNING.

EXHIBIT B
PRELIMINARY PLAT OF SPRINGS AT AURORA SUBDIVISION

EXHIBIT C
LEGAL DESCRIPTION - MULTIFAMILY RESIDENTIAL PROPERTY

LOT 1:

THAT PART OF LOT 1A IN THE FINAL PLAT OF RESUBDIVISION OF LOT 1 IN ORCHARD ROAD SUBDIVISION, BEING A CONSOLIDATION OF LOT 1 OF ORCHARD ROAD SUBDIVISION RECORDED AS DOCUMENT NUMBER 2003K091879 AND LOTS 3C AND 3D OF RESUBDIVISION OF LOT 3 IN ORCHARD ROAD RECORDED AS DOCUMENT NUMBER 2006K044909 PART OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF AURORA, KANE COUNTY, ILLINOIS, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 2007 AS DOCUMENT NO. 2007K095124, IN THE KANE COUNTY RECORDER'S OFFICE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 1A; THENCE NORTH 00 DEGREES 13 MINUTES 58 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1A, A DISTANCE OF 275.92 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00 DEGREES 13 MINUTES 58 SECONDS WEST, ALONG SAID WEST LINE OF LOT 1A FOR THIS AND NEXT TWO COURSES, A DISTANCE OF 396.88 FEET; THENCE NORTH 12 DEGREES 55 MINUTES 36 SECONDS WEST, A DISTANCE OF 187.50 FEET; THENCE NORTH 12 DEGREES 4 MINUTES 12 SECONDS EAST, A DISTANCE OF 319.85 FEET; THENCE NORTH 89 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 227.42 FEET; THENCE NORTH 00 DEGREES 26 MINUTES 12 SECONDS WEST, A DISTANCE OF 3.00 TO THE SOUTHWEST CORNER OF LOT 3B IN RESUBDIVISION OF LOT 3 IN ORCHARD ROAD SUBDIVISION, RECORDED APRIL 27, 2006 AS DOCUMENT NUMBER 2006K044909; THENCE NORTH 89 DEGREES 44 MINUTES 54 SECONDS EAST, A DISTANCE OF 242.57 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3B; THENCE NORTH 00 DEGREES 18 MINUTES 11 SECONDS WEST, A DISTANCE OF 250.44 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 250.00 FEET, A DISTANCE OF 50.04 FEET, AND WHOSE LONG CHORD BEARS NORTH 05 DEGREES 40 MINUTES 30 SECONDS EAST, A DISTANCE OF 49.95 FEET TO THE NORTHEAST CORNER OF SAID LOT 3B; THENCE NORTH 88 DEGREES 53 MINUTES 07 SECONDS EAST, ALONG A NORTH LINE OF SAID LOT 1A, A DISTANCE OF 40.79 FEET TO THE NORTHWEST CORNER OF LOT 3A IN SAID RESUBDIVISION OF LOT 3 IN ORCHARD ROAD SUBDIVISION, RECORDED APRIL 27, 2006 AS DOCUMENT NUMBER 2006K044909; THENCE SOUTH 15 DEGREES 27 MINUTES 40 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 3A A DISTANCE OF 76.07 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 11 SECONDS EAST, ALONG THE WEST LINE OF SAID LOT 3A, A DISTANCE OF 131.52 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 89 DEGREES 44 MINUTES 25 SECONDS EAST, ALONG SOUTH LINE OF SAID LOT 3A, A DISTANCE OF 271.34 FEET; THENCE SOUTH 0 DEGREES 16 MINUTES 28 SECONDS EAST, A DISTANCE OF 792.43 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 32 SECONDS EAST, A DISTANCE OF 29.38 FEET; THENCE SOUTH 10 DEGREES 55

MINUTES 24 SECONDS EAST, A DISTANCE OF 30.39 FEET; THENCE SOUTH 00 DEGREES 16 MINUTES 28 SECONDS EAST, A DISTANCE OF 233.59 FEET TO THE SOUTH LINE OF SAID LOT 1A; THENCE SOUTH 89 DEGREES 43 MINUTES 19 WEST, ALONG SOUTH LINE OF SAID LOT 1A, A DISTANCE OF 230.73 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 35 WEST, ALONG A LINE OF SAID LOT 1A, A DISTANCE OF 64.00 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 25 SECONDS WEST, ALONG SOUTH LINE OF SAID LOT 1A, A DISTANCE OF 154.46 FEET THE NORTHWEST CORNER OF LOT 7 IN ORCHARD ROAD SUBDIVISION RECORDED JUNE 3, 2003 AS DOCUMENT NUMBER 2003K091879; THENCE SOUTH 89 DEGREES 44 MINUTES 25 SECONDS WEST, A DISTANCE OF 444.02 FEET TO THE POINT OF BEGINNING.

EXHIBIT D
AMENDED PLAN DESCRIPTION