

Land Use Petition

Project Number: 2016.054

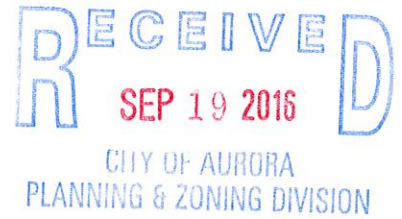
Subject Property Information

Address/Location: ⁴⁹¹449 S. State Route 59

Parcel Number(s): 07-28-201-017
(attach separate sheet if necessary)

Petition Request(s)

Requesting approval of a Final Plan Revision for ⁴⁹¹449 S. State Route 59 for a Restaurant with a drive-through facility (2530) Use



Attachments Required

(a CD of digital files of all documents are also required)

- | | | |
|---|--|--|
| Development Tables Excel Worksheet - digital only (1-0) | Four Paper Copies of:
Address Plat (2-17)
Two Paper Copies of:
Final Engineering Plans (2-16)
Stormwater Permit Application (App 6-5)
Stormwater Report (2-10)
Soil Investigation Report
Wetland Determination Report / Letter by Design Professional | One Paper Copy of:
Final Plan (2-4)
Landscape Plan (2-7)
Building and Signage Elevations (2-11)

Two Paper Copies of:
Fire Access Plan (2-6) |
| One Paper Copy of:
Qualifying Statement (2-1)
Plat of Survey (2-1)
Legal Description (2-1)
Letter of Authorization* (2-2)
Existing or Proposed CC and Rs OR Lease Restrictions (2-1) | | |

Petition Fee: \$1,250.00 (Payable to The City of Aurora)

I hereby affirm that I have full legal capacity to authorize the filing of this Petition and that all information and exhibits herewith submitted are true and correct to the best of my knowledge. The Authorized Signatory invites City representatives to make all reasonable inspections and investigations of the subject property during the period of processing this Petition.

*The Subject Property Owner must sign this form unless the Contact Person has been authorized to do so per a letter that is attached hereto. If Signator is NOT the Subject Property Owner a Letter of Authorization with owner's Name and contact information is required.

Authorized Signature: B. B. [Signature] Date 9/9/2016
Print Name and Company: Brian Barnard for Panera, LLC

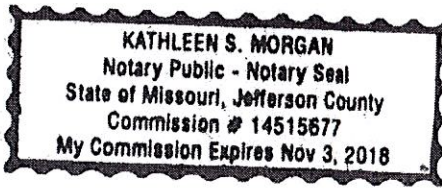
I, the undersigned, a Notary Public in and for the said County and State aforesaid do hereby certify that the authorized signer is personally known to me to be the same person whose name is subscribed to the foregoing instrument and that said person signed sealed and delivered the above petition as a free and voluntary act for the uses and purposes set forth.

Given under my hand and notary seal this 9TH day of SEPTEMBER, 2016

State of MISSOURI)
) SS
County of ST. LOUIS)

[Signature]
Notary Signature

NOTARY PUBLIC SEAL



QUALIFYING STATEMENT

RE: 491 S. Route 59, Aurora, Illinois

The subject location is part of the Aurora Marketplace Shopping center. The parcel is currently occupied by a vacant bank building. The existing building and site improvements will be removed and replaced with a prototypical and aesthetically pleasing, free-standing Panera Bread restaurant building. The improvements will include a one-story building, a drive through lane, new parking lot, site lighting, and landscaping. The parking area will be expanded to accommodate additional parking. Ingress and egress will still be accomplished through the shopping center's existing access roads and parking area. No variances are anticipated.

AURORA MARKETPLACE, L.P.

c/o Bonnie Management Corporation
8430 West Bryn Mawr Avenue, Suite 850
Chicago, Illinois 60631-3448
(708) 851-0808 (Phone) (708) 851-0809 (Fax)
david@bonniemgmt.com

July 26, 2016

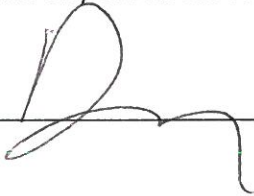
City of Aurora, Planning and Zoning Division
44 E. Downer Place
Aurora, IL 60507
Coaplanning@aurora.il.org

Re: Authorization Letter for 491 S. Route 59, Aurora, Illinois

To Whom It May Concern:

As the record owner of the stated property, I hereby affirm that I have full legal capacity to authorize Martin Iwanicki of Spaceco, Inc. to act as the Owner's Agent through the Land Use Petition process with the City of Aurora for said property.

Signature: _____ Date: July 26, 2016



Subscribed And Sworn To Before Me This 26th day of July 2016

Notary Signature Jean M Klippstein



EXHIBIT A-1

Legal Description

THAT PART OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE CENTER OF SAID SECTION 28 AND RUNNING THENCE NORTH 00 DEGREES 02 MINUTES 20 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHEAST 114, 100.02 FEET TO THE NORTH LINE OF THE SOUTH 100.0 FEET OF SAID NORTHEAST 114 FOR A PLACE OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 02 MINUTES 20 SECONDS WEST ALONG SAID WEST LINE, 1102.20 FEET TO THE CENTER LINE OF UNITED STATES ROUTE 34; THENCE NORTH 67 DEGREES 01 MINUTE 45 SECONDS EAST ALONG SAID CENTER LINE 1947.19 FEET TO THE WESTERLY LINE OF PROPERTY CONDEMNED BY CASE 2214-59 COUNTY; THENCE SOUTH 22 DEGREES 58 MINUTES 15 SECONDS EAST ALONG SAID WESTERLY LINE, 76.0 FEET TO THE SOUTHERLY LINE OF SAID PROPERTY; THENCE NORTH 67 DEGREES 01 MINUTE 45 SECONDS EAST ALONG SAID SOUTHERLY LINE, 192.60 FEET TO THE WESTERLY LINE OF NEVAL YEATES' PLAT OF LOT 1 (RECORDED AS DOCUMENT 940180); THENCE SOUTH 00 DEGREES 10 MINUTES 45 SECONDS WEST ALONG SAID WEST LINE AND WEST LINE EXTENDED, 301.04 FEET; THENCE EAST AT RIGHT ANGLES TO THE EAST LINE OF SAID NORTHEAST 114, 636.65 FEET TO SAID EAST LINE; THENCE SOUTH ALONG SAID EAST LINE, 1508.15 FEET TO THE NORTH LINE OF SAID 100.0 FEET OF NORTHEAST 114; THENCE SOUTH 88 DEGREES 44 MINUTES 10 SECONDS WEST ALONG SAID NORTH LINE, 2635.37 FEET TO THE POINT OF BEGINNING,

(EXCEPTING THEREFROM THAT PART OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST 114 OF SAID SECTION 28 AND RUNNING THENCE NORTHERLY ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 28, A DISTANCE OF 100.02 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 28, A DISTANCE OF 325.50 FEET; THENCE WESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 49.29 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF ILLINOIS ROUTE 59 AS DEDICATED FOR PUBLIC HIGHWAY BY PLAT RECORDED MARCH 25, 1931 AS DOCUMENT 310212, SAID POINT BEING 50.0 FEET WEST OF THE CENTERLINE OF ILLINOIS ROUTE 59 (AS MEASURED AT RIGHT ANGLES THERETO); THENCE SOUTHWESTERLY, A DISTANCE OF 200.25 FEET TO A POINT 60.00 FEET WEST OF THE CENTERLINE OF ILLINOIS ROUTE 59 (AS MEASURED AT RIGHT ANGLES THERETO); THENCE SOUTHERLY ALONG A LINE PARALLEL WITH THE CENTERLINE OF ILLINOIS ROUTE 59, A DISTANCE OF 110.00 FEET; THENCE SOUTHWESTERLY, A DISTANCE OF 17.58 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 100.00 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 28; THENCE EASTERLY ALONG THE NORTH LINE OF THE SOUTH 100.00 FEET OF THE NORTHEAST 114 OF SAID SECTION 28, A DISTANCE OF 63.59 FEET TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 28 SAID POINT BEING THE POINT OF BEGINNING); ALSO EXCEPTING: (FOX VALLEY VILLAGES UNIT NO. 27, BEING A SUBDIVISION IN PART OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 21, 1985 AS DOCUMENT NUMBER R85-90787, IN DU PAGE COUNTY, ILLINOIS;)

ALSO EXCEPTING: A PARCEL LOCATED IN THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, WHICH IS BOUNDED BY TRADE STREET ON THE EAST, LONGMEADOW DRIVE ON THE SOUTH AND WEST AND THE SOUTH LINE OF ROUTE 34 (OGDEN AVENUE) ON THE NORTH WHICH PARCEL IS SHOWN ON THE PLAT OF SUBDIVISION FOR FOX VALLEY VILLAGES UNIT NO. 27 AS BEING "NOT INCLUDED" IN THIS SUBDIVISION, AND EXCEPTING THAT PART OF THE LAND TAKEN FOR ROAD PURPOSES IN CONDEMNATION CASE 95ED-10, ALL IN DU PAGE COUNTY, ILLINOIS;

ALSO EXCEPTING THEREFROM THE FOLLOWING: THAT PART OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST 114; THENCE NORTH 0 DEGREES 06 MINUTES 20 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST 114 848.11 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 46 SECONDS WEST, 69.92 FEET TO THE WEST LINE OF ILLINOIS ROUTE 59 FOR A POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 57 MINUTES 46 SECONDS WEST, 150.00 FEET; THENCE NORTH 0 DEGREES 23 MINUTES 53 SECONDS WEST, 100.00 FEET; THENCE NORTH 89 DEGREES 57 MINUTES 46 SECONDS EAST, 150.00 FEET TO SAID WEST LINE OF ILLINOIS ROUTE 59; THENCE SOUTH 0 DEGREES 23 MINUTES 53 SECONDS EAST ALONG SAID WEST LINE, 100.00 FEET TO THE POINT OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS.

PARCEL2:

OPERATION AND EASEMENT AGREEMENT RECORDED AUGUST 19, 1997 AS DOCUMENT R97-122936, MADE BY AND BETWEEN AMERICAN NATIONAL BANK AND TRUST COMPANY OF CHICAGO, AS TRUSTEE UNDER TRUST AGREEMENT DATED AUGUST 10, 1994 AND KNOWN AS TRUST NUMBER 118534-05 AND APPLE SOUTH, INC., A GEORGIA CORPORATION.