

Land Use Petition

Project Number: 2014.266

Subject Property Information

Address/Location: Eola/Heggs Road and Route 30

Parcel Number(s): 01-07-400-013; 01-18-200-001

(attach separate sheet if necessary)

Petition Request(s)

Requesting approval of an Annexation Agreement Revision for the Lincoln Prairie Development located at Eola/Heggs Road and Route 30

Attachments Required

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

Development Tables Excel Worksheet - digital only (1-0)

One Paper Copy of:
Annexation Agreement Revision (2-18)

One Paper Copy of:
Qualifying Statement (2-1)
Plat of Survey (2-1)
Legal Description (2-1)

~~Petition Fee: \$5,000.00 (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 Aurhorization with owner's Name and contact information is required.

Authorized Signature: *J. F. Philipchuk* Date 6/3/2016

Print Name and Company: Dammermuth, Cobine, West, Genster, Philipchuk, Corrigan and Bernhard, Ltd.

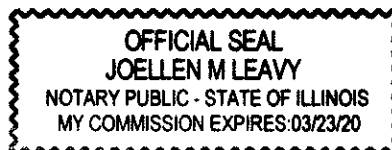
I, the undersigned, a Notary Public in and for the said County and State aforesaid do hereby certify that the authorized signer is personally known to me to be the same person whose name is subscribed to the foregoing instrument and that said person signed sealed and delivered the above petition as a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

Given under my hand and notary seal this 3RD day of June

State of ILLINOIS)
County of DEPAGE) SS

NOTARY PUBLIC SEAL

Joellen M. Leavy
Notary Signature



Qualifying Statement

Petitioners are requesting a First Amendment to the existing Lincoln Prairie Annexation Agreement. The amendment is being necessitated by the request of the City of Aurora to enter into a certain Roadway Construction and Financing Agreement “Roadway Agreement” with the property owners in order for the City to utilize Illinois Department of Transportation (IDOT) funding to assist in constructing a new roadway alignment and signalized intersection with U.S. Route 30 and Heggs/Eola Road/Wikaduke Trail.

The existing Annexation Agreement is being amended by substituting the Roadway Agreement language for the existing paragraph in the annexation agreement addressing this roadway construction.

The Petitioners are requesting a waiver of the standard Annexation Agreement filing fee in that the requested amendment is being done in order to accommodate the urgent request by the City to enter into this proposed Roadway Agreement while IDOT funding is still available.

The Petitioners agree to pay for the costs to record the annexation agreement amendment.

June 3, 2016

From: David M. Hamman
Manager/Member
Five H, L.L.C. and
NGH Farms LLC
13665 Townhouse Road
Newark, Illinois 60541
dave.hhstone@gmail.com

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

Re: Authorization Letter for: Annexation Agreement Amendment for Lincoln Prairie

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 John F. Philipchuck and the law firm of Dommermuth, Cobine, West, Gensler, Philipchuck, Corrigan and Bernhard, Ltd., to act as the owner's agent through the Annexation Agreement Amendment land use petition process with the City of Aurora for said property.

Signature: _____ Date _____

Subscribed And Sworn To Before Me This ____ Day
Of _____, 2016.

Notary Signature _____ (Seal)

PARCEL ONE: THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 18, IN TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.

PARCEL TWO: THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, IN TOWNSHIP 37 NORTH, AND IN RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.

PARCEL THREE: THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 18, IN TOWNSHIP 37 NORTH, AND IN RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.

PARCEL FOUR: THE SOUTHEAST QUARTER OF SECTION 18, IN TOWNSHIP 37 NORTH, AND IN RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING THEREFROM THE LAND FALLING IN THE RIGHT-OF-WAY OF THE ELGIN, JOLIET, AND EASTERN RAILWAY, AND ALSO EXCEPTING THEREFROM THE LAND FALLING IN THE RIGHT-OF-WAY OF JOLIET, AURORA, AND NORTHERN RAILWAY COMPANY, AS DEDICATED BY INSTRUMENT DATED APRIL 27, 1886, AND RECORDED JANUARY 28, 1887, IN BOOK 212, PAGE 327, AS DOCUMENT NO. 14211), (AND ALSO EXCEPTING THEREFROM THAT PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY RIGHT OF WAY OF ROUTE 30, DEDICATED PER DOCUMENT NO. 355984 AND RECORDED ON JUNE 14, 1923), WILL COUNTY, ILLINOIS.

PARCEL FIVE: THAT PART OF THE FORMER RIGHT-OF-WAY OF THE ELGIN, JOLIET AND EASTERN RAILROAD COMPANY WHICH LIES IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN AND THAT PART OF THE FORMER RIGHT-OF-WAY OF THE JOLIET, PLAINFIELD AND AURORA RAILROAD COMPANY WHICH LIES IN SAID SOUTHEAST QUARTER ALSO THAT PART OF U.S. ROUTE 30 LYING NORTHEASTERLY OF THE CENTERLINE OF U.S. ROUTE 30 AND ADJOINING SAID FORMER RIGHT OF WAY, IN WHEATLAND TOWNSHIP, WILL COUNTY, ILLINOIS.

PARCEL SIX: THAT PART OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WESTERLY OF THE WEST LINE OF LAND CONVEYED TO PUBLIC SERVICE COMPANY OF NORTHERN ILLINOIS, NOW KNOWN AS THE COMMONWEALTH EDISON COMPANY, BY WARRANTY DEED RECORDED MAY 24, 1926, AS DOCUMENT NO. 394069, COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 0°05'04" WEST MEASURED), ALONG THE WEST LINE OF SAID NORTHWEST QUARTER 567.60 FEET; THENCE SOUTH 89°59'36" EAST 2380.09 FEET (SOUTH 89°59'56" EAST 2378.13 FEET MEASURED) TO THE WEST LINE OF THE 150 FOOT RIGHT-OF-WAY OF COMMONWEALTH EDISON COMPANY; THENCE SOUTH 0°07'45" EAST, ALONG SAID WEST LINE OF SAID RIGHT-OF-WAY, 383.95 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 89°52'15" WEST 717.00 FEET; THENCE NORTH 0°07'45" WEST 260.00 FEET; THENCE SOUTH 89°52'15" WEST 400.00 FEET; THENCE SOUTH 0°07'45" EAST 463.00 FEET; THENCE NORTH 89°52'15" EAST 400.00 FEET; THENCE SOUTH 0°07'45" EAST 765.93 FEET; THENCE SOUTH 89°62'15" WEST 1668.07 FEET (1870.03 FEET MEASURED) TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 0°05'04" WEST 739.80 FEET (SOUTH 0°08'18" WEST 741.91 FEET MEASURED) ALONG SAID WEST LINE OF SAID NORTHWEST QUARTER, TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 89°58'00" EAST (NORTH 89°59'30" EAST MEASURED), ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER 2387.84 FEET (2390.50 FEET MEASURED) TO THE WEST LINE OF SAID COMMONWEALTH EDISON COMPANY RIGHT-OF-WAY; THENCE NORTH 0°07'46" WEST ALONG SAID WEST LINE OF SAID RIGHT-OF-WAY, 1715.47 FEET (1715.88 FEET MEASURED) TO THE POINT OF BEGINNING, IN WILL COUNTY, ILLINOIS

PARCEL SEVEN: THAT PART OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING WESTERLY OF THE WEST LINE OF LAND CONVEYED TO PUBLIC SERVICE COMPANY OF NORTHERN ILLINOIS, NOW KNOWN AS THE COMMONWEALTH EDISON COMPANY, BY WARRANTY DEED RECORDED MAY 24, 1926, AS DOCUMENT NO. 394069, EXCEPTING THEREFROM THE PROPERTY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 0°05'04" WEST MEASURED), ALONG THE WEST LINE OF SAID NORTHWEST QUARTER 567.60 FEET; THENCE SOUTH 89°59'36" EAST 2380.09 FEET (SOUTH 89°59'56" EAST 2378.13 FEET MEASURED) TO THE WEST LINE OF THE 150 FOOT RIGHT-OF-WAY OF COMMONWEALTH EDISON COMPANY; THENCE SOUTH 0°07'45" EAST, ALONG SAID WEST LINE OF SAID RIGHT-OF-WAY, 363.95 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 89°52'15" WEST 717.00 FEET; THENCE NORTH 0°07'45" WEST 260.00 FEET; THENCE SOUTH 89°52'15" WEST 400.00 FEET; THENCE SOUTH 0°07'45" EAST 463.00 FEET; THENCE NORTH 89°52'15" EAST 400.00 FEET; THENCE SOUTH 0°07'45" EAST 765.93 FEET; THENCE SOUTH 89°62'15" WEST 1668.07 FEET (1670.03 FEET MEASURED) TO THE WEST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 0°05'04" WEST 739.80 FEET (SOUTH 0°08'18" WEST 741.91 FEET MEASURED) ALONG SAID WEST LINE OF SAID NORTHWEST QUARTER, TO THE SOUTHWEST CORNER THEREOF; THENCE SOUTH 89°58'00" EAST (NORTH 89°59'30" EAST MEASURED), ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER 2387.84 FEET (2390.50 FEET MEASURED) TO THE WEST LINE OF SAID COMMONWEALTH EDISON COMPANY RIGHT-OF-WAY; THENCE NORTH 0°07'46" WEST ALONG SAID WEST LINE OF SAID RIGHT-OF-WAY, 1715.47 FEET (1715.88 FEET MEASURED) TO THE POINT OF BEGINNING, ALSO EXCEPTING THE PROPERTY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 89°59'36" EAST (SOUTH 89°59'55" EAST MEASURED) 1337.40 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG THE LAST DESCRIBED LINE 1040.73 FEET TO THE WEST LINE OF LAND CONVEYED TO PUBLIC SERVICE COMPANY OF NORTHERN ILLINOIS, NOW KNOWN AS THE COMMONWEALTH EDISON COMPANY, BY WARRANTY DEED RECORDED MAY 24, 1926, AS DOCUMENT NO. 394069; THENCE SOUTH 0°07'45" EAST ALONG THE LAST DESCRIBED LINE 300.00 FEET; THENCE NORTH 89°59'55" WEST ALONG A LINE 300.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 17; THENCE NORTH 0°07'45" WEST ALONG A LINE 1043.73 FEET WEST OF AND PARALLEL WITH THE WEST LINE OF SAID COMMONWEALTH EDISON COMPANY WARRANTY DEED RECORDED MAY 24, 1926, AS PER DOCUMENT NO. 394069, 300.00 FEET TO THE POINT OF BEGINNING, IN WILL COUNTY, ILLINOIS.

PARCEL EIGHT: THAT PART OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING SOUTHERLY OF THE CENTER LINE OF A HIGHWAY KNOWN AS OSWEGO ROAD (EXCEPT THE EASTERLY 791.22 FEET THEREOF, AS MEASURED ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER, AND ALSO EXCEPT THE SOUTHERLY 450.0 FEET OF THE WESTERLY 484.02 FEET THEREOF), IN WHEATLAND TOWNSHIP, WILL COUNTY, ILLINOIS.

PARCEL NINE: THAT PART OF THE SOUTHWEST FRACTIONAL QUARTER WHICH LIES NORTHEASTERLY OF THE NORTHEASTERLY RIGHT OF WAY LINE OF THE ELGIN, JOLIET AND EASTERN RAILROAD AND THAT PART OF THE SOUTH 100 ACRES OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN WHICH LIES NORTHEASTERLY OF THE NORTHEASTERLY SAID RIGHT OF WAY LINE OF THE ELGIN JOLIET AND EASTERN RAILROAD, IN WHEATLAND TOWNSHIP, WILL COUNTY, ILLINOIS.

PARCEL TEN: THAT PART OF THE FORMER RIGHT OF WAY OF THE ELGIN, JOLIET AND EASTERN RAILROAD COMPANY WHICH LIES IN THE SOUTH 100 ACRES OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN AND THAT PART OF SAID RAILROAD RIGHT OF WAY WHICH LIES IN THE SOUTHWEST QUARTER OF SAID 18, IN WHEATLAND TOWNSHIP, WILL COUNTY, ILLINOIS.

PARCEL ELEVEN: THAT PART OF THE FORMER RIGHT OF WAY OF THE JOLIET PLAINFIELD AND AURORA RAILROAD COMPANY WHICH LIES IN THE SOUTH 100 ACRES OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN AND THAT PART OF SAID RAILROAD RIGHT OF WAY WHICH LIES IN THE SOUTHWEST QUARTER OF SAID SECTION 18, ALSO THAT PART OF U.S. ROUTE 30 LYING NORTHEASTERLY OF THE CENTERLINE OF U.S. ROUTE 30 AND ADJOINING SAID FORMER RIGHT OF WAY, IN WHEATLAND TOWNSHIP, WILL COUNTY, ILLINOIS.