



## Land Use Petition

### Subject Property Information

Address / Location: southeast corner of Ogden Avenue and Farnsworth Avenue

Parcel Number(s): 03-01-127-006, 15-36-400-032

### Petition Request

Requesting approval of an Annexation Agreement for 58.51 acres located at southeast corner of Ogden Avenue and Farnsworth Avenue for Wheatland Crossing Development;

Requesting the Annexation, pursuant to an Annexation Agreement, of 58.51 acres located at southeast corner of Ogden Avenue and Farnsworth Avenue;

Requesting the Establishment of a Conditional Use Planned Development, pursuant to an Annexation Agreement, with an underlying R-2 One Family Dwelling, R-4A Two-Family Dwelling, B-2 General Retail, and OS-1 Conservation, Open Space And Drainage zoning districts on the property located at southeast corner of Ogden Avenue and Farnsworth Avenue;

Requesting approval of a Preliminary Plan and Plat for Wheatland Crossing Subdivision, located at the southeast corner of Ogden Avenue and Farnsworth Avenue for One Family Dwelling (1110) use and ROW Dwelling (Party Wall) (1130) Use and future commercial uses

### Attachments Required

**(a digital file of all documents is also required)**

Development Tables Excel Worksheet - digital only (1-0)  
Word Document of: Legal Description (2-1)

One Paper and pdf Copy of:  
Qualifying Statement (2-1)  
Plat of Survey (2-1)  
Legal Description (2-1)  
Letter of Authorization (2-2)  
Existing or Proposed CC & Rs

Two Paper and PDF Copy of:  
Fire Access Plan  
Preliminary Engineering Plans (2-16)  
Stormwater Permit Worksheet,  
Application, and Project Information  
Sheet (1-14)  
Stormwater Report (2-10)  
Soil Investigation Report  
Wetland Determination  
Traffic Impact Study  
Drain Tile Study  
Dormant SSA for Long-Term  
Maintenance of Stormwater Facilities

Word Document of: Annexation  
Agreement/Plan Description (2-18)

One Paper and pdf Copy of:  
Annexation Agreement  
Plan Description (2-18)  
Annexation Plat (2-3)  
IDNR Endangered Species Report-  
EcoCAT (App 6-1)  
Soil and Water District Report (App 6-  
2; 6-3; 6-4)

Two Paper and pdf Copy of:  
Preliminary Plan (2-8)  
Preliminary Plat (2-9)  
Preliminary Landscape Plan  
Preliminary Elevations

Upon Approval: Annexation Agreement  
& Executed Mylar of Annexation Plat


Recording Fee of: \$\_\_\_\_.00- in a check  
made out to Kane and Kendall  
COUNTY for Annexation Agreement,  
Annexation Ordinance, and Annexation  
Plat

**Petition Fee: \$12,458.16**

**Payable to: 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:  Date May 9, 2023  
Print Name and Company: Chris Funkhouser - D.R. Horton

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 MAY, 2023.

State of IL)

) SS

NOTARY PUBLIC SEAL

County of Will)

  
Notary Signature



## Project Contact Information Sheet

**Project Number:** 2021.095

**Petitioner Company (or Full Name of Petitioner):** DR Horton

### Owner

First Name: Dave Initial: \_\_\_\_\_ Last Name: Hamman Title: Mr.  
 Company Name: Keka Farms LLC  
 Job Title: Manager  
 Address: 6275 State Route 71  
 City: Oswego State: IL Zip: 60543  
 Email Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_ Mobile No.: \_\_\_\_\_

### Main Contact (The individual that signed the Land Use Petition)

Relationship to Project: Land Developer / Builder  
 Company Name: DR Horton  
 First Name: Chris Initial: \_\_\_\_\_ Last Name: Funkhouser Title: \_\_\_\_\_  
 Job Title: Land Acquisition Project Manager  
 Address: 1750 E. Golf Road, Suite 925  
 City: Schaumburg State: IL Zip: 60173  
 Email Address: CAFunkhouser@drhorton.com Phone No.: \_\_\_\_\_ Mobile No.: 224-548-0986

### Additional Contact #1

Relationship to Project: Land Developer / Builder  
 Company Name: DR Horton  
 First Name: Patrick Initial: \_\_\_\_\_ Last Name: Cook Title: \_\_\_\_\_  
 Job Title: \_\_\_\_\_  
 Address: 1750 E. Golf Road, Suite 925  
 City: Schaumburg State: IL Zip: \_\_\_\_\_  
 Email Address: prcook@drhorton.com Phone No.: \_\_\_\_\_ Mobile No.: \_\_\_\_\_

### Additional Contact #2

Relationship to Project: Attorney  
 Company Name: Rosanova & Whitaker, Ltd.  
 First Name: Russell Initial: \_\_\_\_\_ Last Name: Whitaker, III Title: \_\_\_\_\_  
 Job Title: \_\_\_\_\_  
 Address: 127 Aurora Avenue  
 City: Naperville State: IL Zip: 60540  
 Email Address: russ@rw-attorneys.com Phone No.: 630-355-4600 Mobile No.: 630-880-7273

### Additional Contact #3

Relationship to Project: Landscape Architect  
 Company Name: Gary R Weber Associates, Inc.  
 First Name: \_\_\_\_\_ Initial: \_\_\_\_\_ Last Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Job Title: \_\_\_\_\_  
 Address: 402 West Liberty Drive  
 City: Wheaton State: IL Zip: 60187  
 Email Address: \_\_\_\_\_ Phone No.: (630) 668-7197 Mobile No.: \_\_\_\_\_

### Additional Contact #4

Relationship to Project: Engineer  
 Company Name: Cemcon, Ltd.  
 First Name: \_\_\_\_\_ Initial: \_\_\_\_\_ Last Name: \_\_\_\_\_ Title: \_\_\_\_\_  
 Job Title: \_\_\_\_\_  
 Address: 2280 White Oak Circle, Suite 100  
 City: Aurora State: IL Zip: 60502  
 Email Address: \_\_\_\_\_ Phone No.: 630-862-2100 Mobile No.: \_\_\_\_\_



Planning and Zoning Division 1 S. Broadway, 2nd Floor, Aurora, IL  
phone (630) 256-3080 fax (630) 256-3081 email COAPlanning@aurora-il.org

## Filing Fee Worksheet

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**Project Number:** 2021.095

**Petitioner:** DR Horton

**Number of Acres:** 57.321

**Number of Street Frontages:** 2.00

**Non-Profit** No

**Linear Feet of New Roadway:** 7817

**New Acres Subdivided (if applicable):** 57.321

**Area of site disturbance (acres):** 57.321

**Filing Fees Due at Land Use Petition:**

Request(s):	Annexation Agreement	\$ 3,092.84
	Annexation	\$ 2,581.24
	Plan Description/Revision	\$ 2,892.84
	Public Hearing Notice Sign(s)	\$ 60.00
	Preliminary Plan & Plat	\$ 2,581.24
	Final Engineering Filing Fee	\$ 1,250.00

**Total:** **\$12,458.16**

This Calculator is for informational purposes only and all numbers are subject to verification by the Review Planner.

Verified By: Jill N Morgan

Date: 12/12/2022

## Parking and Stacking Requirement Worksheet

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**Project Number:** 2021.095

**Petitioner:** DR Horton

**Parking Requirement**

<b>Total Parking Requirement</b>	<b>388</b>
Enclosed Parking Spaces	388
Surface Parking Spaces	-

*Note: All parking spaces must be individually accessible spaces in order to count towards this requirement*

**Stacking Requirement**

<b>Total Stacking Requirement (number of stacking spaces)</b>	-	
Drive-through facilities	-	5 stacking spaces at each bay, window, lane, ordering station, machine or similar.
Car wash facilities, automated	-	20 stacking spaces or 10 per approach lane, whichever is greater.
Car wash facilities, self-service	-	3 stacking spaces per approach lane, plus 2 drying spaces per stall
Preschool or daycare facilities, drop-off area	-	5 stacking spaces for facilities 5,000 SF or less or 10 spaces for facilities greater than 5,000 SF.

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**OFFICE USE ONLY**

Verified By: Jill N Morgan

**Requirement Based On:**

<u>Sq Ft / Units</u>	<u>Use</u>	<u>Needed</u>	<u>Number Required</u>
70	Structure 1110: Detached units	2 enclosed spaces per dwelling unit plus 2 driveway spaces	140
124.0000	Structure 1130: Townhouses	2 enclosed spaces per dwelling unit plus 2 driveway spaces	248

December 7, 2022

From: David M. Hamman, Manager  
KEKA FARMS, LLC  
13365 Townhouse Road  
Newark, IL 60541  
Phone: 630-336-1040  
Email: daveh.hhstone@gmail.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 P.I.N.s 03-01-127-006 & 15-36-400-032

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 D.R. Horton, Inc. – Midwest, a California corporation, and its representatives, to act as the owner’s agent through the Preliminary & Final Land Use Petition process with the City of Aurora for above referenced property.

Signature: David Hamman Date: 12-7-2022  
Print Name: David M. Hamman, Manager  
Company: KEKA FARMS, LLC

Subscribed and sworn to before me this 7<sup>th</sup> day of December 2022

State of Illinois )  
) SS  
County of Kendall )

Notary Signature: Jacquelyn M. Milcszewski



Notary Public Seal

## PARCEL DESCRIPTION

### KENDALL COUNTY LEGAL:

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 306.50 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 139 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 997.93 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF HAFENRICHTER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.53 FEET, THIS LINE HEREINAFTER REFERRED CALLED LINE "A", FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 710.83 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 327.11 FEET;

THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 390.0 FEET, 244.0 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 653.09 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE "A", 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY AT AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE PROLONGATION OF THE LAST DESCRIBED COURSE, 667.53 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 721.67 FEET; THENCE SOUTHEASTERLY AT AN ANGLE OF 78 DEGREES 49 MINUTES 41 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 426.88 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT CONCAVE TO THE SOUTHWEST, THE CHORD OF WHICH FORMS AN ANGLE OF 163 DEGREES 10 MINUTES 57 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE HAVING A RADIUS OF 335.00 FEET, AN ARC DISTANCE OF 196.66 FEET AND A CHORD DISTANCE OF 193.85 FEET TO A POINT; THENCE NORTHEASTERLY AT AN ANGLE OF 84 DEGREES 21 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 727.61 FEET TO THE SOUTH LINE OF AFORESAID SOUTHEAST 1/4; THENCE EASTERLY ALONG THE SOUTH LINE OF THE AFORESAID SOUTHEAST 1/4 51.42 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS, AND ALSO EXCEPT THAT PART OF THE LAND CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY INSTRUMENT RECORDED APRIL 26, 2007 AS DOCUMENT 200700013871, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTERLINE OF U.S. 34.

KANE COUNTY LEGAL:

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS



FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SECTION 36 FOR 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE OF SECTION 36 (AS MEASURED CLOCKWISE THEREFROM), 953.26 FEET TO THE CENTERLINE OF U.S. ROUTE 34; THENCE NORTHEASTERLY ALONG SAID CENTERLINE, FORMING AN ANGLE OF 57 DEGREES 27 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED CLOCKWISE THEREFROM), 1410.18 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF FOUR POINTS SUBDIVISION RECORDED SEPTEMBER 17, 1992 AS DOCUMENT 92K65879, IN KANE COUNTY, ILLINOIS; THENCE SOUTHERLY ALONG SAID NORTHERLY EXTENSION, AND ALONG SAID WESTERLY LINE, FORMING AN ANGLE OF 48 DEGREES 19 MINUTES 27 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER- CLOCKWISE THEREFROM), 1194.71 FEET TO SAID SOUTH LINE OF SECTION 36; THENCE WESTERLY ALONG SAID SOUTHERLY LINE, FORMING AN ANGLE OF 90 DEGREES 52 MINUTES 50 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER-CLOCKWISE THEREFROM), 135.94 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART TAKEN FOR WIDENING U.S. ROUTE 34 IN CASE NO. 99 ED 5 AS DESCRIBED IN ORDER VESTING TITLE RECORDED JULY 20, 2007 AS DOCUMENT NO. 2007K075742, ALL IN KANE COUNTY, ILLINOIS.

## PARCEL DESCRIPTION

### KENDALL COUNTY LEGAL:

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AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTERLINE OF U.S. 34.

KANE COUNTY LEGAL:

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STATE OF ILLINOIS     )  
  )  
COUNTY OF KENDALL    )  
  )  
CITY OF AURORA         )

**PETITION TO THE CITY OF AURORA PLANNING AND ZONING COMMISSION**  
**FOR APPROVAL OF WHEATLAND CROSSING**

**THE UNDERSIGNED** Petitioner, D.R. Horton, Inc. – Midwest (hereinafter the “**Petitioner**” or “**D.R. Horton**”), a California corporation, respectfully submits this Petition to the City of Aurora (the “**City**”) for approval of (i) Annexation to the City of Aurora pursuant to the terms of a mutually agreeable Annexation Agreement; (ii) a Preliminary Plan and Plat of Subdivision; (iii) a Rezone of the Property, in part to the R-2 One Family Dwelling District, in part to the R-4A Two-Family Dwelling District, in part to the OS-1 Conservation, Open Space And Drainage District, and in part to the B-2 Business District; (iv) a Special Use for a Planned Development; and (v) other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the property located at the southeast corner of US-34 and Farnsworth Avenue and consistent with the preliminary plans submitted herewith and pursuant to the appropriate provisions of the City of Aurora’s Municipal Code (hereinafter the “**Code**”).

The Owner of the property at question, being legally described on **Exhibit A** and depicted on **Exhibit B** (hereinafter the “**Property**”), is KEKA FARMS, LLC, an Illinois limited liability having an office at 6275 State Route 71, Oswego, Illinois 60543 (the “**Owner**”). Owner has separately filed a petition for annexation of the Property to the City of Aurora pursuant to the terms of a mutually agreeable annexation agreement. Owner has also submitted documentation authorizing Petitioner to seek the relief outlined in this Petition on behalf of the Owner.

Together with this Petition, Petitioner has submitted an application for approval of the

Wheatland Crossing Subdivision (“**Wheatland Crossing**”) as depicted on the General Land Use Plan attached hereto as **Exhibit C**. The General Land Use Plan contains four (4) distinct areas, each being legally described on **Exhibit D**: (a) **Parcel A** – consisting of traditional single-family detached residential homes to be zoned R-2 One Family Dwelling District and depicted on **Exhibit C**; (b) **Parcel B** – consisting of single family attached townhomes to be zoned R-4A Two-Family Dwelling District and depicted on **Exhibit C**; (c) **Parcel C** – consisting of three stormwater detention basins to be zoned OS-1 Conservation, Open Space and Drainage District and being depicted on **Exhibit C**; and **Parcel D** – consisting of commercial lots to be zoned B-2 Business District and depicted on **Exhibit C**.

### **BACKGROUND INFORMATION**

1. Petitioner, D.R. Horton, Inc. – Midwest, a California corporation having an office at 1750 E. Golf Road, Suite 925, Schaumburg, Illinois 60173, is the contract purchaser of Parcel A, Parcel B, and Parcel C (collectively the “**Residential Parcel**”).

2. Owner will retain ownership of Parcel D or will convey ownership of the Commercial Parcel following the annexation and zoning of the Property as set forth in this Petition (the “**Commercial Parcel**”).

3. The Property consists of approximately fifty-seven (57) acres of farmland located at the southeast corner of US-34 and Farnsworth Avenue and is situated in both unincorporated Kane County (PIN# 15-36-400-032) and Kendall County (PIN# 03-01-127-006).

4. Petitioner seeks to annex the Property to the City of Aurora and redevelop the Residential Parcel with seventy (70) single family detached dwelling units and one hundred twenty-four (124) townhome units. Approximately five (5) acres at the immediate corner of US-

34 and Farnsworth Avenue will be reserved for future commercial development.

5. The Property currently supports a farming use, but the Village's Comprehensive Plan designates the Property's use for Commercial, Low Density Residential, and Conservation, Open Space, Recreation, and Drainage.

6. The Kane County portion of the Property is zoned F-Farming, while the Kendall County portion is zoned M2-SU Heavy Industrial – Special Use.

7. The existing land uses surrounding the Property are as follows:

- a. Northwest: Rush Copley Hospital – PDD; Kendall County Concrete – a portion of which is zoned F in Kane County and a portion of which is zoned M2 in Kendall County; and Aurora at Summerfield Apartments – R-5(S) in the City of Aurora;
- b. East: Four Pointes and Misty Creek subdivisions – PDD, R-1(S), and R-5(S) in the City of Aurora;
- c. Southwest: Heartland Bank and Trust – B-2-(S) in the City of Aurora; the Summerlin subdivision – R-1(S) in the City of Aurora; and the Deerbrook Place subdivision – R-5(S) in the City of Aurora;
- d. Middle: Prairie Materials concrete plant and the adjacent vacant parcel – a portion of which is zoned F in Kane County, and a portion of which is zoned M2 and M2-SU in Kendall County.

8. Petitioner has submitted the appropriate zoning applications together with this Petition for approval of the proposed Annexation to the City of Aurora pursuant to the terms of a mutually agreeable Annexation Agreement, approval of Preliminary Plan and Plat of Subdivision, a rezone of the Property to the R-2 One Family Dwelling District, the R-4A Two-Family Dwelling District, the OS-1 Conservation, Open Space And Drainage District, and the B-2 Business District – General Retail District, approval of a Special Use for a Planned Development, and other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the Property consistent with the preliminary plans submitted herewith.

## **QUALIFYING STATEMENT**

Petitioner, D.R. Horton, was founded in 1978 and has been the largest home builder in the United States since 2002, with operations in 106 markets in 33 states across the United States. D.R. Horton builds and sells high-quality homes through a diverse portfolio, closing on nearly 82,000 homes over the previous fiscal year (2022). D.R. Horton is currently active in more than 35 communities around Chicagoland, closing on over 1,000 new homes in 2022. D.R. Horton brings decades of home construction and development experience to each project and has found success building communities that offer a variety of quality housing options designed to serve individuals at various stages of their lives. D.R. Horton looks forward to providing new housing options for existing residents of Aurora, as well as those that would like to live in a well-respected municipality with excellent schools, shopping, dining, recreation, and park facilities.

Petitioner seeks to develop the Residential Parcel within the Property as a mixed-use community with seventy (70) traditional detached single-family homes on approximately twenty-one (21) acres and one hundred twenty-four (124) townhomes on approximately nineteen (19) acres, with approximately twelve (12) acres of open space reserved for three stormwater detention basins. The single-family homes, ranging in size from 1,500 – 2,900 square feet, will be highlighted by attractive facades with two or three car garages, and will offer buyers 3 -5 bedrooms and 2 -3 bathrooms. Wheatland Crossing has been designed with lot sizes and setbacks commensurate with the established residential neighborhoods to the south (Summerlin and Deerbrook Place) and to the east (Misty Creek and Four Pointes). Further, based on D.R. Horton's experience in other communities in the area, the single-family homes in Wheatland Crossing will appeal to families seeking a modern floor plan combined with a manageable lot size. Specific buyer profiles will cover a broad gamut (first-time buyers, move-up buyers, single-head of



household, etc.). However, D.R. Horton anticipates buyers seeking to take advantage of a strong geographic location that offers quick access to employment and retail areas, combined with the amenities provided by the city of Aurora, as well as attendance within a strong school district.

The townhomes at Wheatland Crossing will offer a more low-maintenance living style than the single-family homes. Ranging in size from 1,100 – 1,850 square feet, the townhomes still offer buyers up to 4-bedrooms and 2-car front-load garages. D.R. Horton is looking to build-on, and continue, the success of its Deerbrook Place community to the southwest, with similar product but more modern façades. Based on sales at Deerbrook Place, D.R. Horton expects a very similar buyer group – which has appealed to young families (kids soon or under 5), single professionals, dual-income households without kids, single parents, and those simply seeking new home-ownership on the east side of Aurora – but with a more manageable home size. Given its location and surrounding uses, the Property presents an excellent canvas on which to meet significant community needs by creating a housing opportunity that is suitable for many types of homebuyers.

In order to develop Wheatland Crossing, Petitioner respectfully requests the following variations:

- (i) A variation for a reduction in the required minimum lot area in the R-2 District from 8,000 square feet to 7,500 square feet;
- (ii) A reduction in the front, rear, and side yard setbacks in the R-2 One-Family Dwelling District to accommodate a front setback of twenty-five feet (25'), a rear yard setback of twenty-five (25') feet, and an interior side yard setback of six feet (6').
- (iii) A waiver from the Code's Minimum Lot Size requirements for the R-4A Two-Family Dwelling District.

- (iv) A waiver from the Code's Lot Coverage requirements for the R-4A Two-Family Dwelling District.
- (v) A waiver from the Code's setback requirements for the R-4A Two-Family Dwelling District to accommodate a building front to right-of-way setback of twenty-five feet (25'), a building side to right-of-way setback of twenty feet (20'), and a building rear to right-of-way of forty feet (40').
- (vi) A waiver from the Maximum Density requirements for the R-4A Two-Family Dwelling District.

The variations requested herein are driven by: (i) the acute angles and unique shape of the Property; (ii) the surrounding uses and the desire to create a transitional use from the more intense commercial uses and residential subdivisions surrounding the Property; and (iii) the Property's adjacency to Hafenrichter Road and US-34 (Ogden Avenue).

First, given the acute angles and unique shape of the Property, a traditional "lot and block" subdivision layout was not possible, resulting in the need to reduce lot areas and setbacks on a small number of the lots. Second, sound land use planning dictates uses which create a transition from the more intense uses in close proximity to less intense/dense uses to create harmony among the differing uses. With Rush Copley Hospital across US-34 to the north, the townhomes have been strategically placed at the northern portion of the Property to provide a buffer between the hospital use and the proposed single-family homes to the south. These townhomes on the north end of the Property also feature a central park area. While the western most five acres of the Property at the corner of South Farnsworth Avenue and US-34 have been designated for commercial use, townhomes are likewise planned to the east of the proposed commercial development and west of the single-family homes.

The Property is adjacent to the Prairie Materials concrete plant on the plant's north, east, and south sides. For this reason, Petitioner has strategically placed stormwater detention basins to the north and south of the plant to provide a buffer layer between this manufacturing use and the residential uses on the Property (Lot 101 and Lot 106). A third stormwater detention basin is also planned along the east property line (Lot 105). The stormwater management areas have been designed efficiently and are optimized to provide sufficient stormwater storage for Wheatland Crossing while simultaneously providing a buffer between the manufacturing use and proposed residential development. City sanitary sewer and potable water are available to the Property in the requisite capacity to serve the development.

In addition to the stormwater detention basins, significant landscaping is planned along the east side of the cement plant to provide an additional transitional buffer. Landscape treatments will also be utilized to enhance the visual appeal of the community, and will include a mix of ornamental trees, evergreen trees, deciduous shrubs, evergreen shrubs, and perennial and ornamental grasses. The landscape design enhancements will include decorative plantings around the on-site storm water management areas, foundation plantings, and appealing entrance monuments. Additionally, Wheatland Crossing will be enhanced with landscape buffers along the perimeter of the community to create the feel of a residential enclave.

Access to the southern portion of the site will be provided via full movement access roads off Hafenrichter Road and South Farnsworth Avenue, which access roads will be aligned opposite to Canyon Creek Drive and Summerlin Drive. The access roads will provide one inbound lane and one outbound lane and outbound movements will be under stop-sign control. Access to the north side of the Property will be available via a right-in-right-out from US-34, and additional access via the east side of Wheatland Crossing will be provided by connection to Keating Drive.

Sidewalks will be constructed throughout the development consistent with City requirements to encourage walkability and create a connected community. Moreover, Petitioner proposes to install a new 10-foot-wide multi-use path adjacent to the Property along the north side of Farnsworth Avenue and new sidewalk along the north side of Hafenrichter Road. Finally, Petitioner also intends to dedicate approximately seven thousand eight hundred (7,800) linear feet of new right-of-way to the City.

Approval of Wheatland Crossing will protect property values by removing uncertainty in the real estate marketplace by developing the Property which has historically been vacant and underutilized, increase Aurora's real estate tax base, support the adjacent commercial uses, and provide a much-needed new housing opportunity within Aurora.

## **STANDARDS**

**1. 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, safety, morals, comfort and general welfare to provide diverse housing types and additional housing stock to accommodate the needs of Aurora's population. Not only does Wheatland Crossing satisfy these important objectives, but it is also directly in conformance with the City's vision for the Property. The Comprehensive Plan designates the Property Commercial, Low Density Residential (0-5 DUs / Acre), and Conservation, Open Space, Recreation, and Drainage. Wheatland Crossing improves the public health, safety, morals, comfort and general welfare by developing the Property as one hundred twenty-two (124) front - load townhomes (10.41 DUs / Acre) and seventy (70) detached single

family homes (5.07 DUs / Acre). Total density for the residential portion of Wheatland Crossing, excluding the proposed commercial development, is 3.73 DUs / Acre. The proposed density is consistent with the Comprehensive Plan and the established residential character to the east (Misty Creek and Four Pointes residential subdivisions) and to the south (Summerlin and Deerbrook Place residential subdivisions). Lot sizes of the single-family detached lots will range from approximately 7,500 to 11,200 square feet. Lastly, Wheatland Crossing will improve the Property and create consistency and security by providing a transition between the commercial areas to the west and will not negatively impact the public health, safety, morals, comfort or general welfare.

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

As stated above, the Property is adjacent to Summerlin and Deerbrook Place residential subdivisions to the south and Misty Creek and Four Pointes residential subdivisions to the east. Kendall County Concrete, the Aurora at Summerfield subdivision, and Rush Copley Medical Center are across US-34 to the northwest. Wheatland Crossing builds upon the established residential character of the neighborhoods to the east and south and Aurora's vision for the Property. By developing the Property consistent with the Comprehensive Plan, Petitioner seeks to preserve consistency of the established residential character of the neighborhood. Petitioner's development of the Property will remove uncertainty in the real estate marketplace and permit construction of high-quality, detached single family homes and townhomes by one of the nation's leading and most recognized home builders.

*c. Property values within the neighborhood.*

Petitioner's development of the Property will not be detrimental to the property values within the neighborhood, nor will it alter the essential character of the neighborhood. Rather, Wheatland Crossing will preserve and increase property values by developing a property which

has historically been vacant and underutilized. Wheatland Crossing is consistent with the Comprehensive Plan and the established residential neighborhoods to the south and east, and will eliminate uncertainty with development of the Property. In addition to removing uncertainty, the construction of new single-family homes and townhomes will enhance the real estate tax base and will be an overall improvement to the area.

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

Petitioner's proposed plans include development of the Property as one hundred twenty-four (124) front-load townhomes and seventy (70) detached single family homes. Petitioner's proposed plans build upon the existing residential character and will promote compatibility between adjacent developments by introducing a complimentary residential development with an overall gross density of 3.73 dwelling units per acre. Wheatland Crossing will encourage the orderly development of the surrounding property by developing a historically vacant parcel with townhomes and detached single-family homes. The proposed use will spur development of the surrounding property, specifically the western 5 acres of the property designated for commercial use. Establishment of Wheatland Crossing, among other things, secures a quiet residential district compatible with the surrounding area and improves property values.

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

Fox Metro Water Reclamation sanitary sewer and potable water are available to the Property in the requisite capacity to serve the development. As mentioned above, four access points will serve Wheatland Crossing. Keating Drive will connect Wheatland Crossing with Misty Creek and Four Pointes residential subdivisions to the east. Additional access points will be located along US-34 to the north and Farnsworth Avenue and Hafenrichter Road to the south. Sidewalks will be constructed throughout the development consistent with City requirements to encourage

walkability and create a connected community. A 10-foot-wide multi use path will be constructed adjacent to the Property along the north side of Farnsworth Avenue and a sidewalk will be installed along the north side of Hafenrichter Road. Lot 101, Lot 105, and Lot 106 have been designated for stormwater management areas to provide sufficient storage/drainage to the community.

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

Ingress and egress shall be provided via Keating Drive to the east, US-34 to the north, and South Farnsworth Avenue and Hafenrichter Road to the south. All roadways have been designed consistent with Aurora’s Subdivision Control Ordinance and City Code. Kenig, Lindgren, O’Hara, Aboona, Inc. (KLOA) performed a traffic study. Petitioner is committed to working with the City to address roadway improvements associated with its proposed development.

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

The Property is currently located in unincorporated Kendall and Kane Counties and is designated F-Farming and M2-SU Heavy Industrial – Special Use and is subject to the bulk regulations contained within the counties’ zoning ordinances. Petitioner’s proposed plans herein will comply with the City’s applicable regulations for the R-2 One Family Dwelling District, the R-4A Two-Family Dwelling District, the OS-1 Conservation, Open Space and Drainage District, and the B-2 Business District – General Retail District, subject to those variations requested above.

**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner requests approval of: (i) Annexation to the City of Aurora pursuant to the terms of a mutually agreeable Annexation Agreement; (ii) a Preliminary Plan and Plat of Subdivision; (iii) a Rezone of the Property, in part to the R-2 One Family Dwelling District, in part to the R-4A Two-Family Dwelling District, in part to the OS-1 Conservation, Open Space And Drainage District, and in part to the B-2 Business

District; (iv) a Special Use for a Planned Development; and (v) other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the Property consistent with the conceptual plans submitted herewith and pursuant to the appropriate provisions of the City of Aurora's Municipal Code.

RESPECTFULLY SUBMITTED this 11th day of May, 2023.

**PETITIONER:**

**D.R. HORTON, INC. – MIDWEST**  
A California Corporation



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Rosanova & Whitaker, Ltd.  
Attorney for the Petitioner



**EXHIBIT A**  
**LEGAL DESCRIPTION – THE “PROPERTY”**

KENDALL COUNTY LEGAL:

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 306.50 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 139 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 997.93 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF HAFENRICHTER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.53 FEET, THIS LINE HEREINAFTER REFERRED CALLED LINE "A", FOR THE POINT OF BEGINNING; THENCE SOUTH-WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 710.83 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 327.11 FEET; THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 390.0 FEET, 244.0 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE

LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 653.09 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE "A", 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY AT AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE PROLONGATION OF THE LAST DESCRIBED COURSE, 667.53 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 721.67 FEET; THENCE SOUTHEASTERLY AT AN ANGLE OF 78 DEGREES 49 MINUTES 41 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 426.88 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT CONCAVE TO THE SOUTHWEST, THE CHORD OF WHICH FORMS AN ANGLE OF 163 DEGREES 10 MINUTES 57 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE HAVING A RADIUS OF 335.00 FEET, AN ARC DISTANCE OF 196.66 FEET AND A CHORD DISTANCE OF 193.85 FEET TO A POINT; THENCE NORTHEASTERLY AT AN ANGLE OF 84 DEGREES 21 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 727.61 FEET TO THE SOUTH LINE OF AFORESAID SOUTHEAST 1/4; THENCE EASTERLY ALONG THE SOUTH LINE OF THE AFORESAID SOUTHEAST 1/4 51.42 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS, AND ALSO EXCEPT THAT PART OF THE LAND CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY INSTRUMENT RECORDED APRIL 26, 2007 AS DOCUMENT 200700013871, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTER-LINE OF U.S. 34.

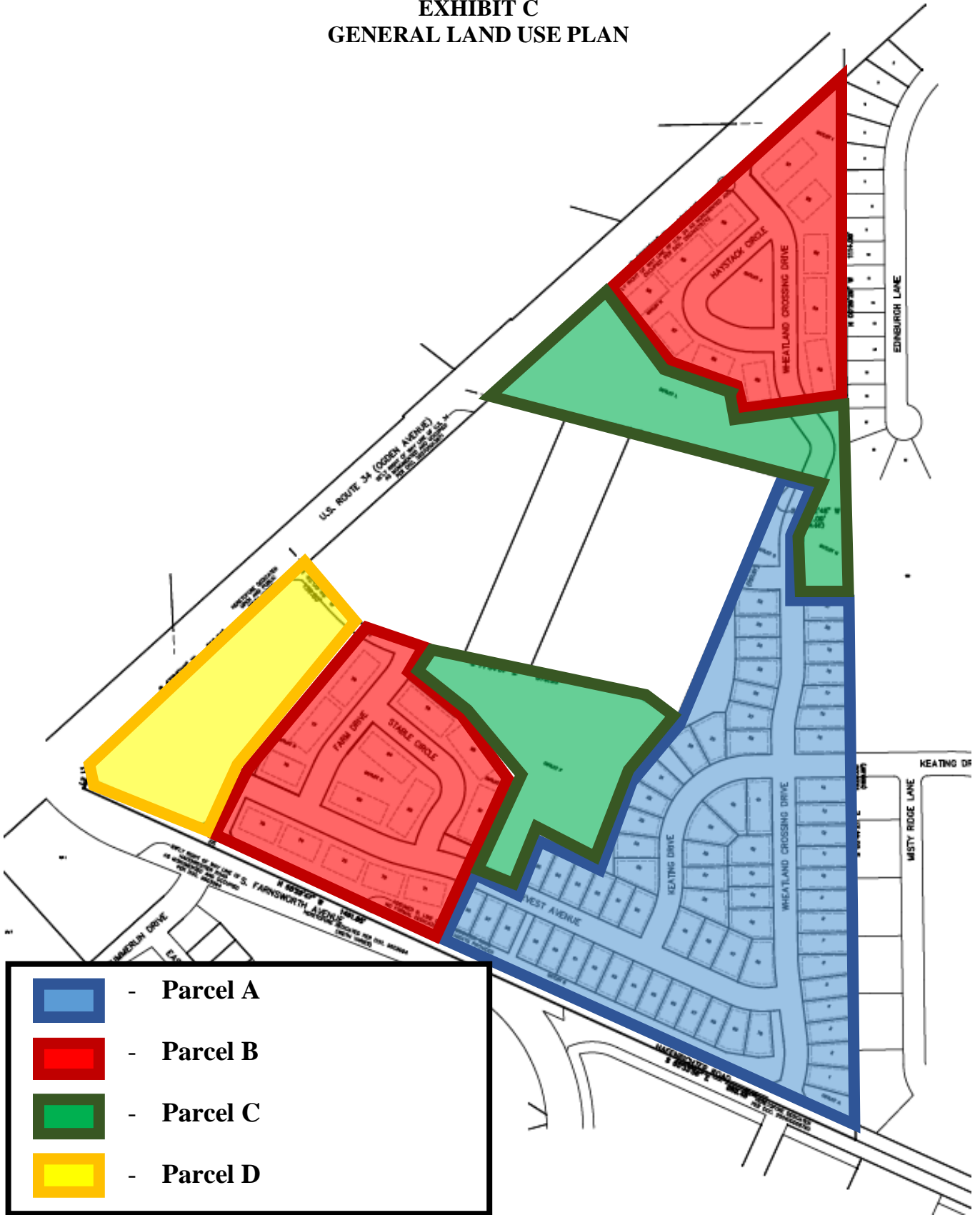
KANE COUNTY LEGAL:





THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SECTION 36 FOR 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE OF SECTION 36 (AS MEASURED CLOCKWISE THEREFROM), 953.26 FEET TO THE CENTERLINE OF U.S.

ROUTE 34; THENCE NORTHEASTERLY ALONG SAID CENTER-LINE, FORMING AN ANGLE OF 57 DEGREES 27 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED CLOCKWISE THEREFROM), 1410.18 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF FOUR POINTS SUB-DIVISION RECORDED SEPTEMBER 17, 1992 AS DOCUMENT 92K65879, IN KANE COUNTY, ILLINOIS; THENCE SOUTHERLY ALONG SAID NORTHERLY EXTENSION, AND ALONG SAID WESTERLY LINE, FORMING AN ANGLE OF 48 DEGREES 19 MINUTES 27 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER-CLOCKWISE THEREFROM), 1194.71 FEET TO SAID SOUTH LINE OF SECTION 36; THENCE WESTERLY ALONG SAID SOUTHERLY LINE, FORMING AN ANGLE OF 90 DEGREES 52 MINUTES 50 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER-CLOCKWISE THEREFROM), 135.94 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART TAKEN FOR WIDENING U.S. ROUTE 34 IN CASE NO. 99 ED 5 AS DESCRIBED IN ORDER VESTING TITLE RECORDED JULY 20, 2007 AS DOCUMENT NO. 2007K075742, ALL IN KANE COUNTY, ILLINOIS.

**EXHIBIT B**  
**PRELIMINARY PLAN AND PLAT OF SUBDIVISION**

**EXHIBIT C  
GENERAL LAND USE PLAN**



-  - Parcel A
-  - Parcel B
-  - Parcel C
-  - Parcel D

**EXHIBIT D**  
**LEGAL DESCRIPTION - PARCEL A, PARCEL B, PARCEL C, and PARCEL D**

**SINGLE FAMILY PARCEL (PARCEL A)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 382.12 FEET; THENCE NORTH 24 DEGREES 28 MINUTES 25 SECONDS EAST, 230.81 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 126.73 FEET; THENCE NORTH 24 DEGREES 21 MINUTES 56 SECONDS EAST, 125.00 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 232.06 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 94.36 FEET; THENCE NORTH 07 DEGREES 02 MINUTES 35 SECONDS EAST, 67.30 FEET; THENCE NORTH 19 DEGREES 00 MINUTES 05 SECONDS EAST, 81.28 FEET; THENCE NORTH 30 DEGREES 57 MINUTES 35 SECONDS EAST, 81.28 FEET; THENCE NORTH 42 DEGREES 55 MINUTES 05 SECONDS EAST, 40.64 FEET; THENCE SOUTH 47 DEGREES 04 MINUTES 55 SECONDS EAST, 125.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 47 DEGREES 04 MINUTES 55 SECONDS EAST, A RADIAL DISTANCE OF 263.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07 DEGREES 52 MINUTES 03 SECONDS, A DISTANCE OF 36.11 FEET; THENCE NORTH 39 DEGREES 12 MINUTES 52 SECONDS WEST, 125.00 FEET; THENCE NORTH 51 DEGREES 04 MINUTES 52 SECONDS EAST, 41.65 FEET; THENCE NORTH 62 DEGREES 44 MINUTES 38 SECONDS EAST, 115.67 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 47 SECONDS EAST, 32.79 FEET; THENCE NORTH 17 DEGREES 48 MINUTES 55 SECONDS EAST, 34.83 FEET; THENCE NORTH 11 DEGREES 51 MINUTES 13 SECONDS EAST, 60.00 FEET; THENCE NORTH 04 DEGREES 49 MINUTES 49 SECONDS EAST, 56.23 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 180.00 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 20.04 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 10 DEGREES 24 MINUTES 52 SECONDS EAST, A RADIAL DISTANCE OF 433.00 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01 DEGREES 13 MINUTES 32 SECONDS, A DISTANCE OF 9.26 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 33.75 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 10 DEGREES 39 MINUTES 58 SECONDS EAST, A RADIAL DISTANCE OF 400.00 FEET;

THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 11 SECONDS, A DISTANCE OF 80.19 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 47 SECONDS EAST, 98.46 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 58.80 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 04 SECONDS EAST, 124.68 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 1,457.75 FEET TO THE POINT OF BEGINNING.

**NORTH TOWNHOME PARCEL (PART OF PARCEL B)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ALSO PART OF THE NORTH HALF OF SECTION 1 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS AND ALSO THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST, 1,114.08 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 40.71 FEET; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 75.53 FEET; THENCE SOUTH 22 DEGREES 49 MINUTES 29 SECONDS WEST, 96.06 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 167.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 38 MINUTES 42 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 68.92 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 93.66 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 47 SECONDS WEST, 98.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 11 SECONDS; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 80.19 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 283.42 FEET; THENCE NORTH 88 DEGREES 42 MINUTES 48 SECONDS EAST, 51.09 FEET; THENCE NORTH 22 DEGREES 49 MINUTES 29 SECONDS EAST, 82.85 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 37.00 FEET AND A CENTRAL ANGLE OF 58 DEGREES 40 MINUTES 47 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 37.89 FEET; THENCE NORTH 35 DEGREES 51 MINUTES 18 SECONDS WEST, 86.76 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 233.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 22 MINUTES 20 SECONDS; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 46.25 FEET; THENCE SOUTH 80 DEGREES 51 MINUTES 11 SECONDS WEST, 102.06 FEET; THENCE NORTH 09 DEGREES 08 MINUTES 49 SECONDS WEST, 43.06 FEET; THENCE NORTH 67 DEGREES 02 MINUTES 36 SECONDS WEST, 155.46 FEET; THENCE NORTH 56 DEGREES 23 MINUTES

29 SECONDS WEST, 64.73 FEET; THENCE NORTH 39 DEGREES 22 MINUTES 52 SECONDS WEST, 96.00 FEET; THENCE NORTH 45 DEGREES 48 MINUTES 33 SECONDS WEST, 50.17 FEET; THENCE NORTH 41 DEGREES 55 MINUTES 06 SECONDS WEST, 106.07 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 870.84 FEET TO THE POINT OF BEGINNING.

**TOWNHOME PARCEL SOUTH (PART OF PARCEL B)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST 382.12 FEET TO THE POINT OF BEGINNING; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 751.98 FEET; THENCE NORTH 69 DEGREES 30 MINUTES 13 SECONDS EAST, 35.36 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 171.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 61.00 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 79.57 FEET; THENCE NORTH 39 DEGREES 29 MINUTES 37 SECONDS EAST, 406.54 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 33 DEGREES 21 MINUTES 47 SECONDS EAST, A RADIAL DISTANCE OF 423.13 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14 DEGREES 31 MINUTES 27 SECONDS, A DISTANCE OF 107.26 FEET; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 114.83 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 41 SECONDS WEST, 35.38 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 58.00 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST, 139.83 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 390.13 FEET AND A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 51 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 243.75 FEET; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST, 19.09 FEET; THENCE SOUTH 14 DEGREES 08 MINUTES 05 SECONDS WEST, 30.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 183.00 FEET AND A CENTRAL ANGLE OF 19 DEGREES 27 MINUTES 39 SECONDS; THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 62.16 FEET; THENCE SOUTH 50 DEGREES 30 MINUTES 23 SECONDS EAST, 166.97 FEET; THENCE SOUTH 72 DEGREES 53 MINUTES 33 SECONDS EAST, 30.81 FEET; THENCE SOUTH 37 DEGREES 03 MINUTES 33 SECONDS EAST, 151.96 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 60 DEGREES 55



MINUTES 23 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 90.38 FEET; THENCE SOUTH 23 DEGREES 51 MINUTES 50 SECONDS WEST, 162.68 FEET; THENCE NORTH 66 DEGREES 08 MINUTES 10 SECONDS WEST, 103.02 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH 63 DEGREES 09 MINUTES 11 SECONDS EAST, A RADIAL DISTANCE OF 247.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 31 MINUTES 12 SECONDS, A DISTANCE OF 49.66 FEET; THENCE SOUTH 76 DEGREES 02 MINUTES 45 SECONDS EAST, 15.57 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 533.00 FEET AND A CENTRAL ANGLE OF 10 DEGREES 31 MINUTES 10 SECONDS; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 97.86 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 2.50 FEET; THENCE SOUTH 24 DEGREES 28 MINUTES 25 SECONDS WEST, 230.81 FEET TO THE POINT OF BEGINNING.

**DETENTION PARCEL 1 (PART OF PARCEL C)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ALSO PART OF THE NORTH HALF OF SECTION 1 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS WEST 1,318.24 FEET TO THE POINT OF BEGINNING; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 447.40 FEET; THENCE SOUTH 41 DEGREES 55 MINUTES 06 SECONDS EAST, 106.07 FEET; THENCE SOUTH 45 DEGREES 48 MINUTES 33 SECONDS EAST, 50.17 FEET; THENCE SOUTH 39 DEGREES 22 MINUTES 52 SECONDS EAST, 96.00 FEET; THENCE SOUTH 56 DEGREES 23 MINUTES 29 SECONDS EAST, 64.73 FEET; THENCE SOUTH 67 DEGREES 02 MINUTES 36 SECONDS EAST, 155.46 FEET; THENCE SOUTH 09 DEGREES 08 MINUTES 49 SECONDS EAST, 43.06 FEET; THENCE NORTH 80 DEGREES 51 MINUTES 11 SECONDS EAST, 102.06 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 65 DEGREES 31 MINUTES 02 SECONDS EAST, A RADIAL DISTANCE OF 233.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 22 MINUTES 20 SECONDS, A DISTANCE OF 46.25 FEET; THENCE SOUTH 35 DEGREES 51 MINUTES 18 SECONDS EAST, 86.76 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 37.00 FEET AND A CENTRAL ANGLE OF 58 DEGREES 40 MINUTES 47 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 37.89 FEET; THENCE SOUTH 22

DEGREES 49 MINUTES 29 SECONDS WEST, 82.85 FEET; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 881.96 TO THE POINT OF BEGINNING.

**DETENTION PARCEL 2 (PART OF PARCEL C)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST 1,114.08 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST 40.71 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 286.39 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 04 SECONDS WEST, 124.68 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 58.80 FEET; THENCE CONTINUE NORTHERLY ALONG SAID LINE, A DISTANCE OF 93.66 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 167.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 38 MINUTES 42 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 68.92 FEET; THENCE NORTH 22 DEGREES 49 MINUTES 29 SECONDS EAST, 96.06 FEET; THENCE SOUTH 74 DEGREES 38 MINUTES 22 SECONDS EAST, 75.53 FEET TO THE POINT OF BEGINNING.

**DETENTION PARCEL 3 (PART OF PARCEL C)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS EAST 2,014.75 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST 139.83 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 390.13 FEET AND A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 51 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 243.75 FEET; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST 19.09 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST, 551.21 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 335.00 FEET AND A CENTRAL ANGLE OF 33 DEGREES 38 MINUTES 08 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 196.66 FEET; THENCE NORTH 23

DEGREES 15 MINUTES 43 SECONDS EAST, 410.78 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 11 DEGREES 38 MINUTES 24 SECONDS EAST, A RADIAL DISTANCE OF 433.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01 DEGREES 13 MINUTES 32 SECONDS, A DISTANCE OF 9.26 FEET; THENCE SOUTH 23 DEGREES 15 MINUTES 43 SECONDS WEST, 20.04 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 180.00 FEET; THENCE SOUTH 04 DEGREES 49 MINUTES 49 SECONDS WEST, 56.23 FEET; THENCE SOUTH 11 DEGREES 51 MINUTES 13 SECONDS WEST, 60.00 FEET; THENCE SOUTH 17 DEGREES 48 MINUTES 55 SECONDS WEST, 34.83 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 47 SECONDS WEST, 32.79 FEET; THENCE SOUTH 62 DEGREES 44 MINUTES 38 SECONDS WEST, 115.67 FEET; THENCE SOUTH 51 DEGREES 04 MINUTES 52 SECONDS WEST, 41.65 FEET; THENCE SOUTH 39 DEGREES 12 MINUTES 52 SECONDS EAST, 125.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH 39 DEGREES 12 MINUTES 52 SECONDS EAST, A RADIAL DISTANCE OF 263.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07 DEGREES 52 MINUTES 03 SECONDS, A DISTANCE OF 36.11 FEET; THENCE NORTH 47 DEGREES 04 MINUTES 55 SECONDS WEST, 125.00 FEET; THENCE SOUTH 42 DEGREES 55 MINUTES 05 SECONDS WEST, 40.64 FEET; THENCE SOUTH 30 DEGREES 57 MINUTES 35 SECONDS WEST, 81.28 FEET; THENCE SOUTH 19 DEGREES 00 MINUTES 05 SECONDS WEST, 81.28 FEET; THENCE SOUTH 07 DEGREES 02 MINUTES 35 SECONDS WEST, 67.30 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 94.36 FEET; THENCE NORTH 65 DEGREES 31 MINUTES 35 SECONDS WEST, 232.06 FEET; THENCE SOUTH 24 DEGREES 21 MINUTES 56 SECONDS WEST, 125.00 FEET; THENCE NORTH 65 DEGREES 31 MINUTES 35 SECONDS WEST, 126.73 FEET; THENCE CONTINUE NORTHWESTERLY ALONG SAID LINE, A DISTANCE OF 2.50 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 533.00 FEET AND A CENTRAL ANGLE OF 10 DEGREES 31 MINUTES 10 SECONDS; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 97.86 FEET; THENCE NORTH 76 DEGREES 02 MINUTES 45 SECONDS WEST, 15.57 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 74 DEGREES 40 MINUTES 22 SECONDS EAST, A RADIAL DISTANCE OF 247.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 31 MINUTES 12 SECONDS, A DISTANCE OF 49.66 FEET; THENCE SOUTH 66 DEGREES 08 MINUTES 10 SECONDS EAST, 103.02 FEET; THENCE NORTH 23 DEGREES 51 MINUTES 50 SECONDS EAST, 162.68 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 60 DEGREES 55 MINUTES 23 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 90.38 FEET; THENCE NORTH 37 DEGREES 03 MINUTES 33 SECONDS WEST, 151.96 FEET; THENCE NORTH 72 DEGREES 53 MINUTES 33 SECONDS WEST, 30.81 FEET; THENCE NORTH 50 DEGREES 30 MINUTES 23 SECONDS WEST, 166.97 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 56 DEGREES 24 MINUTES 16 SECONDS WEST, A RADIAL

DISTANCE OF 183.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 19 DEGREES 27 MINUTES 39 SECONDS, A DISTANCE OF 62.16 FEET; THENCE NORTH 14 DEGREES 08 MINUTES 05 SECONDS EAST, 30.46 FEET TO THE POINT OF BEGINNING.

**COMMERCIAL PARCEL LEGAL (PARCEL D)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 1,134.10 FEET TO THE POINT OF BEGINNING, THENCE NORTH 69 DEGREES 30 MINUTES 13 SECONDS EAST, 35.36 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 171.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 61.00 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 79.57 FEET; THENCE NORTH 39 DEGREES 29 MINUTES 37 SECONDS EAST, 406.54 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 33 DEGREES 21 MINUTES 47 SECONDS EAST, A RADIAL DISTANCE OF 423.13 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14 DEGREES 31 MINUTES 27 SECONDS, A DISTANCE OF 107.26 FEET; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 114.83 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 41 SECONDS WEST, 35.38 FEET; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS WEST, 757.82 FEET; THENCE SOUTH 09 DEGREES 04 MINUTES 17 SECONDS EAST, 42.16 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 327.73 FEET; TO THE POINT OF BEGINNING.

STATE OF ILLINOIS     )  
  )  
COUNTY OF KENDALL   )  
  )  
CITY OF AURORA         )

**PETITION TO THE CITY OF AURORA PLANNING AND ZONING COMMISSION**  
**FOR APPROVAL OF WHEATLAND CROSSING**

**THE UNDERSIGNED** Petitioner, D.R. Horton, Inc. – Midwest (hereinafter the “**Petitioner**” or “**D.R. Horton**”), a California corporation, respectfully submits this Petition to the City of Aurora (the “**City**”) for approval of (i) Annexation to the City of Aurora pursuant to the terms of a mutually agreeable Annexation Agreement; (ii) a Preliminary Plan and Plat of Subdivision; (iii) a Rezone of the Property, in part to the R-2 One Family Dwelling District, in part to the R-4A Two-Family Dwelling District, in part to the OS-1 Conservation, Open Space And Drainage District, and in part to the B-2 Business District; (iv) a Special Use for a Planned Development; and (v) other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the property located at the southeast corner of US-34 and Farnsworth Avenue and consistent with the preliminary plans submitted herewith and pursuant to the appropriate provisions of the City of Aurora’s Municipal Code (hereinafter the “**Code**”).

The Owner of the property at question, being legally described on **Exhibit A** and depicted on **Exhibit B** (hereinafter the “**Property**”), is KEKA FARMS, LLC, an Illinois limited liability having an office at 6275 State Route 71, Oswego, Illinois 60543 (the “**Owner**”). Owner has separately filed a petition for annexation of the Property to the City of Aurora pursuant to the terms of a mutually agreeable annexation agreement. Owner has also submitted documentation authorizing Petitioner to seek the relief outlined in this Petition on behalf of the Owner.

Together with this Petition, Petitioner has submitted an application for approval of the

Wheatland Crossing Subdivision (“**Wheatland Crossing**”) as depicted on the General Land Use Plan attached hereto as **Exhibit C**. The General Land Use Plan contains four (4) distinct areas, each being legally described on **Exhibit D**: (a) **Parcel A** – consisting of traditional single-family detached residential homes to be zoned R-2 One Family Dwelling District and depicted on **Exhibit C**; (b) **Parcel B** – consisting of single family attached townhomes to be zoned R-4A Two-Family Dwelling District and depicted on **Exhibit C**; (c) **Parcel C** – consisting of three stormwater detention basins to be zoned OS-1 Conservation, Open Space and Drainage District and being depicted on **Exhibit C**; and **Parcel D** – consisting of commercial lots to be zoned B-2 Business District and depicted on **Exhibit C**.

### **BACKGROUND INFORMATION**

1. Petitioner, D.R. Horton, Inc. – Midwest, a California corporation having an office at 1750 E. Golf Road, Suite 925, Schaumburg, Illinois 60173, is the contract purchaser of Parcel A, Parcel B, and Parcel C (collectively the “**Residential Parcel**”).

2. Owner will retain ownership of Parcel D or will convey ownership of the Commercial Parcel following the annexation and zoning of the Property as set forth in this Petition (the “**Commercial Parcel**”).

3. The Property consists of approximately fifty-seven (57) acres of farmland located at the southeast corner of US-34 and Farnsworth Avenue and is situated in both unincorporated Kane County (PIN# 15-36-400-032) and Kendall County (PIN# 03-01-127-006).

4. Petitioner seeks to annex the Property to the City of Aurora and redevelop the Residential Parcel with seventy (70) single family detached dwelling units and one hundred twenty-four (124) townhome units. Approximately five (5) acres at the immediate corner of US-

34 and Farnsworth Avenue will be reserved for future commercial development.

5. The Property currently supports a farming use, but the Village's Comprehensive Plan designates the Property's use for Commercial, Low Density Residential, and Conservation, Open Space, Recreation, and Drainage.

6. The Kane County portion of the Property is zoned F-Farming, while the Kendall County portion is zoned M2-SU Heavy Industrial – Special Use.

7. The existing land uses surrounding the Property are as follows:

- a. Northwest: Rush Copley Hospital – PDD; Kendall County Concrete – a portion of which is zoned F in Kane County and a portion of which is zoned M2 in Kendall County; and Aurora at Summerfield Apartments – R-5(S) in the City of Aurora;
- b. East: Four Pointes and Misty Creek subdivisions – PDD, R-1(S), and R-5(S) in the City of Aurora;
- c. Southwest: Heartland Bank and Trust – B-2-(S) in the City of Aurora; the Summerlin subdivision – R-1(S) in the City of Aurora; and the Deerbrook Place subdivision – R-5(S) in the City of Aurora;
- d. Middle: Prairie Materials concrete plant and the adjacent vacant parcel – a portion of which is zoned F in Kane County, and a portion of which is zoned M2 and M2-SU in Kendall County.

8. Petitioner has submitted the appropriate zoning applications together with this Petition for approval of the proposed Annexation to the City of Aurora pursuant to the terms of a mutually agreeable Annexation Agreement, approval of Preliminary Plan and Plat of Subdivision, a rezone of the Property to the R-2 One Family Dwelling District, the R-4A Two-Family Dwelling District, the OS-1 Conservation, Open Space And Drainage District, and the B-2 Business District – General Retail District, approval of a Special Use for a Planned Development, and other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the Property consistent with the preliminary plans submitted herewith.

## QUALIFYING STATEMENT

Petitioner, D.R. Horton, was founded in 1978 and has been the largest home builder in the United States since 2002, with operations in 106 markets in 33 states across the United States. D.R. Horton builds and sells high-quality homes through a diverse portfolio, closing on nearly 82,000 homes over the previous fiscal year (2022). D.R. Horton is currently active in more than 35 communities around Chicagoland, closing on over 1,000 new homes in 2022. D.R. Horton brings decades of home construction and development experience to each project and has found success building communities that offer a variety of quality housing options designed to serve individuals at various stages of their lives. D.R. Horton looks forward to providing new housing options for existing residents of Aurora, as well as those that would like to live in a well-respected municipality with excellent schools, shopping, dining, recreation, and park facilities.

Petitioner seeks to develop the Residential Parcel within the Property as a mixed-use community with seventy (70) traditional detached single-family homes on approximately twenty-one (21) acres and one hundred twenty-four (124) townhomes on approximately nineteen (19) acres, with approximately twelve (12) acres of open space reserved for three stormwater detention basins. The single-family homes, ranging in size from 1,500 – 2,900 square feet, will be highlighted by attractive facades with two or three car garages, and will offer buyers 3 -5 bedrooms and 2 -3 bathrooms. Wheatland Crossing has been designed with lot sizes and setbacks commensurate with the established residential neighborhoods to the south (Summerlin and Deerbrook Place) and to the east (Misty Creek and Four Pointes). Further, based on D.R. Horton's experience in other communities in the area, the single-family homes in Wheatland Crossing will appeal to families seeking a modern floor plan combined with a manageable lot size. Specific buyer profiles will cover a broad gamut (first-time buyers, move-up buyers, single-head of



household, etc.). However, D.R. Horton anticipates buyers seeking to take advantage of a strong geographic location that offers quick access to employment and retail areas, combined with the amenities provided by the city of Aurora, as well as attendance within a strong school district.

The townhomes at Wheatland Crossing will offer a more low-maintenance living style than the single-family homes. Ranging in size from 1,100 – 1,850 square feet, the townhomes still offer buyers up to 4-bedrooms and 2-car front-load garages. D.R. Horton is looking to build-on, and continue, the success of its Deerbrook Place community to the southwest, with similar product but more modern façades. Based on sales at Deerbrook Place, D.R. Horton expects a very similar buyer group – which has appealed to young families (kids soon or under 5), single professionals, dual-income households without kids, single parents, and those simply seeking new homeownership on the east side of Aurora – but with a more manageable home size. Given its location and surrounding uses, the Property presents an excellent canvas on which to meet significant community needs by creating a housing opportunity that is suitable for many types of homebuyers.

In order to develop Wheatland Crossing, Petitioner respectfully requests the following variations:

- (i) A variation for a reduction in the required minimum lot area in the R-2 District from 8,000 square feet to 7,500 square feet;
- (ii) A reduction in the front, rear, and side yard setbacks in the R-2 One-Family Dwelling District to accommodate a front setback of twenty-five feet (25'), a rear yard setback of twenty-five (25') feet, and an interior side yard setback of six feet (6').
- (iii) A waiver from the Code's Minimum Lot Size requirements for the R-4A Two-Family Dwelling District.

- (iv) A waiver from the Code's Lot Coverage requirements for the R-4A Two-Family Dwelling District.
- (v) A waiver from the Code's setback requirements for the R-4A Two-Family Dwelling District to accommodate a building front to right-of-way setback of twenty-five feet (25'), a building side to right-of-way setback of twenty feet (20'), and a building rear to right-of-way of forty feet (40').
- (vi) A waiver from the Maximum Density requirements for the R-4A Two-Family Dwelling District.

The variations requested herein are driven by: (i) the acute angles and unique shape of the Property; (ii) the surrounding uses and the desire to create a transitional use from the more intense commercial uses and residential subdivisions surrounding the Property; and (iii) the Property's adjacency to Hafenrichter Road and US-34 (Ogden Avenue).

First, given the acute angles and unique shape of the Property, a traditional "lot and block" subdivision layout was not possible, resulting in the need to reduce lot areas and setbacks on a small number of the lots. Second, sound land use planning dictates uses which create a transition from the more intense uses in close proximity to less intense/dense uses to create harmony among the differing uses. With Rush Copley Hospital across US-34 to the north, the townhomes have been strategically placed at the northern portion of the Property to provide a buffer between the hospital use and the proposed single-family homes to the south. These townhomes on the north end of the Property also feature a central park area. While the western most five acres of the Property at the corner of South Farnsworth Avenue and US-34 have been designated for commercial use, townhomes are likewise planned to the east of the proposed commercial development and west of the single-family homes.

The Property is adjacent to the Prairie Materials concrete plant on the plant's north, east, and south sides. For this reason, Petitioner has strategically placed stormwater detention basins to the north and south of the plant to provide a buffer layer between this manufacturing use and the residential uses on the Property (Lot 101 and Lot 106). A third stormwater detention basin is also planned along the east property line (Lot 105). The stormwater management areas have been designed efficiently and are optimized to provide sufficient stormwater storage for Wheatland Crossing while simultaneously providing a buffer between the manufacturing use and proposed residential development. City sanitary sewer and potable water are available to the Property in the requisite capacity to serve the development.

In addition to the stormwater detention basins, significant landscaping is planned along the east side of the cement plant to provide an additional transitional buffer. Landscape treatments will also be utilized to enhance the visual appeal of the community, and will include a mix of ornamental trees, evergreen trees, deciduous shrubs, evergreen shrubs, and perennial and ornamental grasses. The landscape design enhancements will include decorative plantings around the on-site storm water management areas, foundation plantings, and appealing entrance monuments. Additionally, Wheatland Crossing will be enhanced with landscape buffers along the perimeter of the community to create the feel of a residential enclave.

Access to the southern portion of the site will be provided via full movement access roads off Hafenrichter Road and South Farnsworth Avenue, which access roads will be aligned opposite to Canyon Creek Drive and Summerlin Drive. The access roads will provide one inbound lane and one outbound lane and outbound movements will be under stop-sign control. Access to the north side of the Property will be available via a right-in-right-out from US-34, and additional access via the east side of Wheatland Crossing will be provided by connection to Keating Drive.

Sidewalks will be constructed throughout the development consistent with City requirements to encourage walkability and create a connected community. Moreover, Petitioner proposes to install a new 10-foot-wide multi-use path adjacent to the Property along the north side of Farnsworth Avenue and new sidewalk along the north side of Hafenrichter Road. Finally, Petitioner also intends to dedicate approximately seven thousand eight hundred (7,800) linear feet of new right-of-way to the City.

Approval of Wheatland Crossing will protect property values by removing uncertainty in the real estate marketplace by developing the Property which has historically been vacant and underutilized, increase Aurora's real estate tax base, support the adjacent commercial uses, and provide a much-needed new housing opportunity within Aurora.

## **STANDARDS**

**1. 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, safety, morals, comfort and general welfare to provide diverse housing types and additional housing stock to accommodate the needs of Aurora's population. Not only does Wheatland Crossing satisfy these important objectives, but it is also directly in conformance with the City's vision for the Property. The Comprehensive Plan designates the Property Commercial, Low Density Residential (0-5 DUs / Acre), and Conservation, Open Space, Recreation, and Drainage. Wheatland Crossing improves the public health, safety, morals, comfort and general welfare by developing the Property as one hundred twenty-two (124) front - load townhomes (10.41 DUs / Acre) and seventy (70) detached single

family homes (5.07 DUs / Acre). Total density for the residential portion of Wheatland Crossing, excluding the proposed commercial development, is 3.73 DUs / Acre. The proposed density is consistent with the Comprehensive Plan and the established residential character to the east (Misty Creek and Four Pointes residential subdivisions) and to the south (Summerlin and Deerbrook Place residential subdivisions). Lot sizes of the single-family detached lots will range from approximately 7,500 to 11,200 square feet. Lastly, Wheatland Crossing will improve the Property and create consistency and security by providing a transition between the commercial areas to the west and will not negatively impact the public health, safety, morals, comfort or general welfare.

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

As stated above, the Property is adjacent to Summerlin and Deerbrook Place residential subdivisions to the south and Misty Creek and Four Pointes residential subdivisions to the east. Kendall County Concrete, the Aurora at Summerfield subdivision, and Rush Copley Medical Center are across US-34 to the northwest. Wheatland Crossing builds upon the established residential character of the neighborhoods to the east and south and Aurora's vision for the Property. By developing the Property consistent with the Comprehensive Plan, Petitioner seeks to preserve consistency of the established residential character of the neighborhood. Petitioner's development of the Property will remove uncertainty in the real estate marketplace and permit construction of high-quality, detached single family homes and townhomes by one of the nation's leading and most recognized home builders.

*c. Property values within the neighborhood.*

Petitioner's development of the Property will not be detrimental to the property values within the neighborhood, nor will it alter the essential character of the neighborhood. Rather, Wheatland Crossing will preserve and increase property values by developing a property which

has historically been vacant and underutilized. Wheatland Crossing is consistent with the Comprehensive Plan and the established residential neighborhoods to the south and east, and will eliminate uncertainty with development of the Property. In addition to removing uncertainty, the construction of new single-family homes and townhomes will enhance the real estate tax base and will be an overall improvement to the area.

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

Petitioner's proposed plans include development of the Property as one hundred twenty-four (124) front-load townhomes and seventy (70) detached single family homes. Petitioner's proposed plans build upon the existing residential character and will promote compatibility between adjacent developments by introducing a complimentary residential development with an overall gross density of 3.73 dwelling units per acre. Wheatland Crossing will encourage the orderly development of the surrounding property by developing a historically vacant parcel with townhomes and detached single-family homes. The proposed use will spur development of the surrounding property, specifically the western 5 acres of the property designated for commercial use. Establishment of Wheatland Crossing, among other things, secures a quiet residential district compatible with the surrounding area and improves property values.

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

Fox Metro Water Reclamation sanitary sewer and potable water are available to the Property in the requisite capacity to serve the development. As mentioned above, four access points will serve Wheatland Crossing. Keating Drive will connect Wheatland Crossing with Misty Creek and Four Pointes residential subdivisions to the east. Additional access points will be located along US-34 to the north and Farnsworth Avenue and Hafenrichter Road to the south. Sidewalks will be constructed throughout the development consistent with City requirements to encourage

walkability and create a connected community. A 10-foot-wide multi use path will be constructed adjacent to the Property along the north side of Farnsworth Avenue and a sidewalk will be installed along the north side of Hafenrichter Road. Lot 101, Lot 105, and Lot 106 have been designated for stormwater management areas to provide sufficient storage/drainage to the community.

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

Ingress and egress shall be provided via Keating Drive to the east, US-34 to the north, and South Farnsworth Avenue and Hafenrichter Road to the south. All roadways have been designed consistent with Aurora's Subdivision Control Ordinance and City Code. Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA) performed a traffic study. Petitioner is committed to working with the City to address roadway improvements associated with its proposed development.

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

The Property is currently located in unincorporated Kendall and Kane Counties and is designated F-Farming and M2-SU Heavy Industrial – Special Use and is subject to the bulk regulations contained within the counties' zoning ordinances. Petitioner's proposed plans herein will comply with the City's applicable regulations for the R-2 One Family Dwelling District, the R-4A Two-Family Dwelling District, the OS-1 Conservation, Open Space and Drainage District, and the B-2 Business District – General Retail District, subject to those variations requested above.


**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner requests approval of: (i) Annexation to the City of Aurora pursuant to the terms of a mutually agreeable Annexation Agreement; (ii) a Preliminary Plan and Plat of Subdivision; (iii) a Rezone of the Property, in part to the R-2 One Family Dwelling District, in part to the R-4A Two-Family Dwelling District, in part to the OS-1 Conservation, Open Space And Drainage District, and in part to the B-2 Business

District; (iv) a Special Use for a Planned Development; and (v) other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the Property consistent with the conceptual plans submitted herewith and pursuant to the appropriate provisions of the City of Aurora's Municipal Code.

RESPECTFULLY SUBMITTED this 11th day of May, 2023.

**PETITIONER:**

**D.R. HORTON, INC. – MIDWEST**  
A California Corporation



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Rosanova & Whitaker, Ltd.  
Attorney for the Petitioner



**EXHIBIT A**  
**LEGAL DESCRIPTION – THE “PROPERTY”**

KENDALL COUNTY LEGAL:

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL ME-RIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 306.50 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 139 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 997.93 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF HAFENRICHTER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.53 FEET, THIS LINE HEREINAFTER REFERRED CALLED LINE "A", FOR THE POINT OF BEGINNING; THENCE SOUTH-WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 710.83 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 327.11 FEET; THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 390.0 FEET, 244.0 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE

LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 653.09 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE "A", 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY AT AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE PROLONGATION OF THE LAST DESCRIBED COURSE, 667.53 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 721.67 FEET; THENCE SOUTHEASTERLY AT AN ANGLE OF 78 DEGREES 49 MINUTES 41 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 426.88 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT CONCAVE TO THE SOUTHWEST, THE CHORD OF WHICH FORMS AN ANGLE OF 163 DEGREES 10 MINUTES 57 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE HAVING A RADIUS OF 335.00 FEET, AN ARC DISTANCE OF 196.66 FEET AND A CHORD DISTANCE OF 193.85 FEET TO A POINT; THENCE NORTHEASTERLY AT AN ANGLE OF 84 DEGREES 21 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 727.61 FEET TO THE SOUTH LINE OF AFORESAID SOUTHEAST 1/4; THENCE EASTERLY ALONG THE SOUTH LINE OF THE AFORESAID SOUTHEAST 1/4 51.42 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS, AND ALSO EXCEPT THAT PART OF THE LAND CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY INSTRUMENT RECORDED APRIL 26, 2007 AS DOCUMENT 200700013871, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTER-LINE OF U.S. 34.

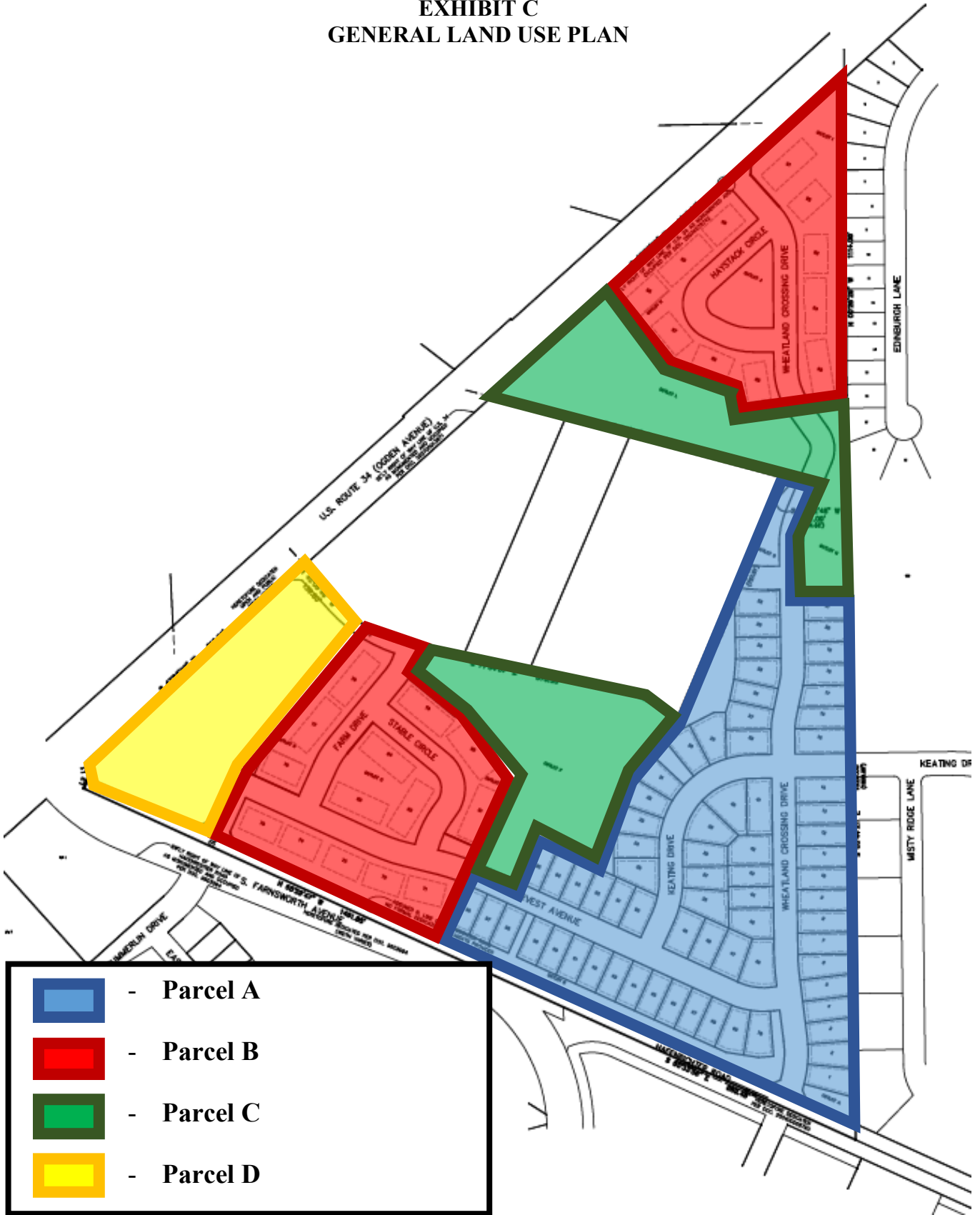
KANE COUNTY LEGAL:





THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SECTION 36 FOR 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE OF SECTION 36 (AS MEASURED CLOCKWISE THEREFROM), 953.26 FEET TO THE CENTERLINE OF U.S.

ROUTE 34; THENCE NORTHEASTERLY ALONG SAID CENTER-LINE, FORMING AN ANGLE OF 57 DEGREES 27 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED CLOCKWISE THEREFROM), 1410.18 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF FOUR POINTS SUB-DIVISION RECORDED SEPTEMBER 17, 1992 AS DOCUMENT 92K65879, IN KANE COUNTY, ILLINOIS; THENCE SOUTHERLY ALONG SAID NORTHERLY EXTENSION, AND ALONG SAID WESTERLY LINE, FORMING AN ANGLE OF 48 DEGREES 19 MINUTES 27 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER-CLOCKWISE THEREFROM), 1194.71 FEET TO SAID SOUTH LINE OF SECTION 36; THENCE WESTERLY ALONG SAID SOUTHERLY LINE, FORMING AN ANGLE OF 90 DEGREES 52 MINUTES 50 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER-CLOCKWISE THEREFROM), 135.94 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART TAKEN FOR WIDENING U.S. ROUTE 34 IN CASE NO. 99 ED 5 AS DESCRIBED IN ORDER VESTING TITLE RECORDED JULY 20, 2007 AS DOCUMENT NO. 2007K075742, ALL IN KANE COUNTY, ILLINOIS.

**EXHIBIT B**  
**PRELIMINARY PLAN AND PLAT OF SUBDIVISION**

**EXHIBIT C  
GENERAL LAND USE PLAN**



-  - Parcel A
-  - Parcel B
-  - Parcel C
-  - Parcel D

**EXHIBIT D**  
**LEGAL DESCRIPTION - PARCEL A, PARCEL B, PARCEL C, and PARCEL D**

**SINGLE FAMILY PARCEL (PARCEL A)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 382.12 FEET; THENCE NORTH 24 DEGREES 28 MINUTES 25 SECONDS EAST, 230.81 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 126.73 FEET; THENCE NORTH 24 DEGREES 21 MINUTES 56 SECONDS EAST, 125.00 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 232.06 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 94.36 FEET; THENCE NORTH 07 DEGREES 02 MINUTES 35 SECONDS EAST, 67.30 FEET; THENCE NORTH 19 DEGREES 00 MINUTES 05 SECONDS EAST, 81.28 FEET; THENCE NORTH 30 DEGREES 57 MINUTES 35 SECONDS EAST, 81.28 FEET; THENCE NORTH 42 DEGREES 55 MINUTES 05 SECONDS EAST, 40.64 FEET; THENCE SOUTH 47 DEGREES 04 MINUTES 55 SECONDS EAST, 125.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 47 DEGREES 04 MINUTES 55 SECONDS EAST, A RADIAL DISTANCE OF 263.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07 DEGREES 52 MINUTES 03 SECONDS, A DISTANCE OF 36.11 FEET; THENCE NORTH 39 DEGREES 12 MINUTES 52 SECONDS WEST, 125.00 FEET; THENCE NORTH 51 DEGREES 04 MINUTES 52 SECONDS EAST, 41.65 FEET; THENCE NORTH 62 DEGREES 44 MINUTES 38 SECONDS EAST, 115.67 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 47 SECONDS EAST, 32.79 FEET; THENCE NORTH 17 DEGREES 48 MINUTES 55 SECONDS EAST, 34.83 FEET; THENCE NORTH 11 DEGREES 51 MINUTES 13 SECONDS EAST, 60.00 FEET; THENCE NORTH 04 DEGREES 49 MINUTES 49 SECONDS EAST, 56.23 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 180.00 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 20.04 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 10 DEGREES 24 MINUTES 52 SECONDS EAST, A RADIAL DISTANCE OF 433.00 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01 DEGREES 13 MINUTES 32 SECONDS, A DISTANCE OF 9.26 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 33.75 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 10 DEGREES 39 MINUTES 58 SECONDS EAST, A RADIAL DISTANCE OF 400.00 FEET;

THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 11 SECONDS, A DISTANCE OF 80.19 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 47 SECONDS EAST, 98.46 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 58.80 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 04 SECONDS EAST, 124.68 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 1,457.75 FEET TO THE POINT OF BEGINNING.

**NORTH TOWNHOME PARCEL (PART OF PARCEL B)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ALSO PART OF THE NORTH HALF OF SECTION 1 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS AND ALSO THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST, 1,114.08 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 40.71 FEET; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 75.53 FEET; THENCE SOUTH 22 DEGREES 49 MINUTES 29 SECONDS WEST, 96.06 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 167.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 38 MINUTES 42 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 68.92 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 93.66 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 47 SECONDS WEST, 98.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 11 SECONDS; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 80.19 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 283.42 FEET; THENCE NORTH 88 DEGREES 42 MINUTES 48 SECONDS EAST, 51.09 FEET; THENCE NORTH 22 DEGREES 49 MINUTES 29 SECONDS EAST, 82.85 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 37.00 FEET AND A CENTRAL ANGLE OF 58 DEGREES 40 MINUTES 47 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 37.89 FEET; THENCE NORTH 35 DEGREES 51 MINUTES 18 SECONDS WEST, 86.76 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 233.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 22 MINUTES 20 SECONDS; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 46.25 FEET; THENCE SOUTH 80 DEGREES 51 MINUTES 11 SECONDS WEST, 102.06 FEET; THENCE NORTH 09 DEGREES 08 MINUTES 49 SECONDS WEST, 43.06 FEET; THENCE NORTH 67 DEGREES 02 MINUTES 36 SECONDS WEST, 155.46 FEET; THENCE NORTH 56 DEGREES 23 MINUTES

29 SECONDS WEST, 64.73 FEET; THENCE NORTH 39 DEGREES 22 MINUTES 52 SECONDS WEST, 96.00 FEET; THENCE NORTH 45 DEGREES 48 MINUTES 33 SECONDS WEST, 50.17 FEET; THENCE NORTH 41 DEGREES 55 MINUTES 06 SECONDS WEST, 106.07 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 870.84 FEET TO THE POINT OF BEGINNING.

**TOWNHOME PARCEL SOUTH (PART OF PARCEL B)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST 382.12 FEET TO THE POINT OF BEGINNING; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 751.98 FEET; THENCE NORTH 69 DEGREES 30 MINUTES 13 SECONDS EAST, 35.36 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 171.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 61.00 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 79.57 FEET; THENCE NORTH 39 DEGREES 29 MINUTES 37 SECONDS EAST, 406.54 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 33 DEGREES 21 MINUTES 47 SECONDS EAST, A RADIAL DISTANCE OF 423.13 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14 DEGREES 31 MINUTES 27 SECONDS, A DISTANCE OF 107.26 FEET; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 114.83 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 41 SECONDS WEST, 35.38 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 58.00 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST, 139.83 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 390.13 FEET AND A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 51 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 243.75 FEET; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST, 19.09 FEET; THENCE SOUTH 14 DEGREES 08 MINUTES 05 SECONDS WEST, 30.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 183.00 FEET AND A CENTRAL ANGLE OF 19 DEGREES 27 MINUTES 39 SECONDS; THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 62.16 FEET; THENCE SOUTH 50 DEGREES 30 MINUTES 23 SECONDS EAST, 166.97 FEET; THENCE SOUTH 72 DEGREES 53 MINUTES 33 SECONDS EAST, 30.81 FEET; THENCE SOUTH 37 DEGREES 03 MINUTES 33 SECONDS EAST, 151.96 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 60 DEGREES 55



MINUTES 23 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 90.38 FEET; THENCE SOUTH 23 DEGREES 51 MINUTES 50 SECONDS WEST, 162.68 FEET; THENCE NORTH 66 DEGREES 08 MINUTES 10 SECONDS WEST, 103.02 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH 63 DEGREES 09 MINUTES 11 SECONDS EAST, A RADIAL DISTANCE OF 247.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 31 MINUTES 12 SECONDS, A DISTANCE OF 49.66 FEET; THENCE SOUTH 76 DEGREES 02 MINUTES 45 SECONDS EAST, 15.57 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 533.00 FEET AND A CENTRAL ANGLE OF 10 DEGREES 31 MINUTES 10 SECONDS; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 97.86 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 2.50 FEET; THENCE SOUTH 24 DEGREES 28 MINUTES 25 SECONDS WEST, 230.81 FEET TO THE POINT OF BEGINNING.

**DETENTION PARCEL 1 (PART OF PARCEL C)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ALSO PART OF THE NORTH HALF OF SECTION 1 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS WEST 1,318.24 FEET TO THE POINT OF BEGINNING; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 447.40 FEET; THENCE SOUTH 41 DEGREES 55 MINUTES 06 SECONDS EAST, 106.07 FEET; THENCE SOUTH 45 DEGREES 48 MINUTES 33 SECONDS EAST, 50.17 FEET; THENCE SOUTH 39 DEGREES 22 MINUTES 52 SECONDS EAST, 96.00 FEET; THENCE SOUTH 56 DEGREES 23 MINUTES 29 SECONDS EAST, 64.73 FEET; THENCE SOUTH 67 DEGREES 02 MINUTES 36 SECONDS EAST, 155.46 FEET; THENCE SOUTH 09 DEGREES 08 MINUTES 49 SECONDS EAST, 43.06 FEET; THENCE NORTH 80 DEGREES 51 MINUTES 11 SECONDS EAST, 102.06 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 65 DEGREES 31 MINUTES 02 SECONDS EAST, A RADIAL DISTANCE OF 233.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 22 MINUTES 20 SECONDS, A DISTANCE OF 46.25 FEET; THENCE SOUTH 35 DEGREES 51 MINUTES 18 SECONDS EAST, 86.76 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 37.00 FEET AND A CENTRAL ANGLE OF 58 DEGREES 40 MINUTES 47 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 37.89 FEET; THENCE SOUTH 22

DEGREES 49 MINUTES 29 SECONDS WEST, 82.85 FEET; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 881.96 TO THE POINT OF BEGINNING.

**DETENTION PARCEL 2 (PART OF PARCEL C)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST 1,114.08 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST 40.71 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 286.39 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 04 SECONDS WEST, 124.68 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 58.80 FEET; THENCE CONTINUE NORTHERLY ALONG SAID LINE, A DISTANCE OF 93.66 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 167.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 38 MINUTES 42 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 68.92 FEET; THENCE NORTH 22 DEGREES 49 MINUTES 29 SECONDS EAST, 96.06 FEET; THENCE SOUTH 74 DEGREES 38 MINUTES 22 SECONDS EAST, 75.53 FEET TO THE POINT OF BEGINNING.

**DETENTION PARCEL 3 (PART OF PARCEL C)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS EAST 2,014.75 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST 139.83 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 390.13 FEET AND A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 51 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 243.75 FEET; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST 19.09 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST, 551.21 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 335.00 FEET AND A CENTRAL ANGLE OF 33 DEGREES 38 MINUTES 08 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 196.66 FEET; THENCE NORTH 23

DEGREES 15 MINUTES 43 SECONDS EAST, 410.78 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 11 DEGREES 38 MINUTES 24 SECONDS EAST, A RADIAL DISTANCE OF 433.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01 DEGREES 13 MINUTES 32 SECONDS, A DISTANCE OF 9.26 FEET; THENCE SOUTH 23 DEGREES 15 MINUTES 43 SECONDS WEST, 20.04 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 180.00 FEET; THENCE SOUTH 04 DEGREES 49 MINUTES 49 SECONDS WEST, 56.23 FEET; THENCE SOUTH 11 DEGREES 51 MINUTES 13 SECONDS WEST, 60.00 FEET; THENCE SOUTH 17 DEGREES 48 MINUTES 55 SECONDS WEST, 34.83 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 47 SECONDS WEST, 32.79 FEET; THENCE SOUTH 62 DEGREES 44 MINUTES 38 SECONDS WEST, 115.67 FEET; THENCE SOUTH 51 DEGREES 04 MINUTES 52 SECONDS WEST, 41.65 FEET; THENCE SOUTH 39 DEGREES 12 MINUTES 52 SECONDS EAST, 125.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH 39 DEGREES 12 MINUTES 52 SECONDS EAST, A RADIAL DISTANCE OF 263.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07 DEGREES 52 MINUTES 03 SECONDS, A DISTANCE OF 36.11 FEET; THENCE NORTH 47 DEGREES 04 MINUTES 55 SECONDS WEST, 125.00 FEET; THENCE SOUTH 42 DEGREES 55 MINUTES 05 SECONDS WEST, 40.64 FEET; THENCE SOUTH 30 DEGREES 57 MINUTES 35 SECONDS WEST, 81.28 FEET; THENCE SOUTH 19 DEGREES 00 MINUTES 05 SECONDS WEST, 81.28 FEET; THENCE SOUTH 07 DEGREES 02 MINUTES 35 SECONDS WEST, 67.30 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 94.36 FEET; THENCE NORTH 65 DEGREES 31 MINUTES 35 SECONDS WEST, 232.06 FEET; THENCE SOUTH 24 DEGREES 21 MINUTES 56 SECONDS WEST, 125.00 FEET; THENCE NORTH 65 DEGREES 31 MINUTES 35 SECONDS WEST, 126.73 FEET; THENCE CONTINUE NORTHWESTERLY ALONG SAID LINE, A DISTANCE OF 2.50 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 533.00 FEET AND A CENTRAL ANGLE OF 10 DEGREES 31 MINUTES 10 SECONDS; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 97.86 FEET; THENCE NORTH 76 DEGREES 02 MINUTES 45 SECONDS WEST, 15.57 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 74 DEGREES 40 MINUTES 22 SECONDS EAST, A RADIAL DISTANCE OF 247.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 31 MINUTES 12 SECONDS, A DISTANCE OF 49.66 FEET; THENCE SOUTH 66 DEGREES 08 MINUTES 10 SECONDS EAST, 103.02 FEET; THENCE NORTH 23 DEGREES 51 MINUTES 50 SECONDS EAST, 162.68 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 60 DEGREES 55 MINUTES 23 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 90.38 FEET; THENCE NORTH 37 DEGREES 03 MINUTES 33 SECONDS WEST, 151.96 FEET; THENCE NORTH 72 DEGREES 53 MINUTES 33 SECONDS WEST, 30.81 FEET; THENCE NORTH 50 DEGREES 30 MINUTES 23 SECONDS WEST, 166.97 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 56 DEGREES 24 MINUTES 16 SECONDS WEST, A RADIAL

DISTANCE OF 183.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 19 DEGREES 27 MINUTES 39 SECONDS, A DISTANCE OF 62.16 FEET; THENCE NORTH 14 DEGREES 08 MINUTES 05 SECONDS EAST, 30.46 FEET TO THE POINT OF BEGINNING.

**COMMERCIAL PARCEL LEGAL (PARCEL D)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 1,134.10 FEET TO THE POINT OF BEGINNING, THENCE NORTH 69 DEGREES 30 MINUTES 13 SECONDS EAST, 35.36 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 171.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 61.00 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 79.57 FEET; THENCE NORTH 39 DEGREES 29 MINUTES 37 SECONDS EAST, 406.54 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 33 DEGREES 21 MINUTES 47 SECONDS EAST, A RADIAL DISTANCE OF 423.13 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14 DEGREES 31 MINUTES 27 SECONDS, A DISTANCE OF 107.26 FEET; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 114.83 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 41 SECONDS WEST, 35.38 FEET; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS WEST, 757.82 FEET; THENCE SOUTH 09 DEGREES 04 MINUTES 17 SECONDS EAST, 42.16 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 327.73 FEET; TO THE POINT OF BEGINNING.

STATE OF ILLINOIS     )  
  )  
COUNTY OF KENDALL   )  
  )  
CITY OF AURORA         )

**PETITION TO THE CITY OF AURORA PLANNING AND ZONING COMMISSION**  
**FOR APPROVAL OF WHEATLAND CROSSING**

**THE UNDERSIGNED** Petitioner, D.R. Horton, Inc. – Midwest (hereinafter the “**Petitioner**” or “**D.R. Horton**”), a California corporation, respectfully submits this Petition to the City of Aurora (the “**City**”) for approval of (i) Annexation to the City of Aurora pursuant to the terms of a mutually agreeable Annexation Agreement; (ii) a Preliminary Plan and Plat of Subdivision; (iii) a Rezone of the Property, in part to the R-2 One Family Dwelling District, in part to the R-4A Two-Family Dwelling District, in part to the OS-1 Conservation, Open Space And Drainage District, and in part to the B-2 Business District; (iv) a Special Use for a Planned Development; and (v) other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the property located at the southeast corner of US-34 and Farnsworth Avenue and consistent with the preliminary plans submitted herewith and pursuant to the appropriate provisions of the City of Aurora’s Municipal Code (hereinafter the “**Code**”).

The Owner of the property at question, being legally described on **Exhibit A** and depicted on **Exhibit B** (hereinafter the “**Property**”), is KEKA FARMS, LLC, an Illinois limited liability having an office at 6275 State Route 71, Oswego, Illinois 60543 (the “**Owner**”). Owner has separately filed a petition for annexation of the Property to the City of Aurora pursuant to the terms of a mutually agreeable annexation agreement. Owner has also submitted documentation authorizing Petitioner to seek the relief outlined in this Petition on behalf of the Owner.

Together with this Petition, Petitioner has submitted an application for approval of the

Wheatland Crossing Subdivision (“**Wheatland Crossing**”) as depicted on the General Land Use Plan attached hereto as **Exhibit C**. The General Land Use Plan contains four (4) distinct areas, each being legally described on **Exhibit D**: (a) **Parcel A** – consisting of traditional single-family detached residential homes to be zoned R-2 One Family Dwelling District and depicted on **Exhibit C**; (b) **Parcel B** – consisting of single family attached townhomes to be zoned R-4A Two-Family Dwelling District and depicted on **Exhibit C**; (c) **Parcel C** – consisting of three stormwater detention basins to be zoned OS-1 Conservation, Open Space and Drainage District and being depicted on **Exhibit C**; and **Parcel D** – consisting of commercial lots to be zoned B-2 Business District and depicted on **Exhibit C**.

### **BACKGROUND INFORMATION**

1. Petitioner, D.R. Horton, Inc. – Midwest, a California corporation having an office at 1750 E. Golf Road, Suite 925, Schaumburg, Illinois 60173, is the contract purchaser of Parcel A, Parcel B, and Parcel C (collectively the “**Residential Parcel**”).

2. Owner will retain ownership of Parcel D or will convey ownership of the Commercial Parcel following the annexation and zoning of the Property as set forth in this Petition (the “**Commercial Parcel**”).

3. The Property consists of approximately fifty-seven (57) acres of farmland located at the southeast corner of US-34 and Farnsworth Avenue and is situated in both unincorporated Kane County (PIN# 15-36-400-032) and Kendall County (PIN# 03-01-127-006).

4. Petitioner seeks to annex the Property to the City of Aurora and redevelop the Residential Parcel with seventy (70) single family detached dwelling units and one hundred twenty-four (124) townhome units. Approximately five (5) acres at the immediate corner of US-

34 and Farnsworth Avenue will be reserved for future commercial development.

5. The Property currently supports a farming use, but the Village's Comprehensive Plan designates the Property's use for Commercial, Low Density Residential, and Conservation, Open Space, Recreation, and Drainage.

6. The Kane County portion of the Property is zoned F-Farming, while the Kendall County portion is zoned M2-SU Heavy Industrial – Special Use.

7. The existing land uses surrounding the Property are as follows:

- a. Northwest: Rush Copley Hospital – PDD; Kendall County Concrete – a portion of which is zoned F in Kane County and a portion of which is zoned M2 in Kendall County; and Aurora at Summerfield Apartments – R-5(S) in the City of Aurora;
- b. East: Four Pointes and Misty Creek subdivisions – PDD, R-1(S), and R-5(S) in the City of Aurora;
- c. Southwest: Heartland Bank and Trust – B-2-(S) in the City of Aurora; the Summerlin subdivision – R-1(S) in the City of Aurora; and the Deerbrook Place subdivision – R-5(S) in the City of Aurora;
- d. Middle: Prairie Materials concrete plant and the adjacent vacant parcel – a portion of which is zoned F in Kane County, and a portion of which is zoned M2 and M2-SU in Kendall County.

8. Petitioner has submitted the appropriate zoning applications together with this Petition for approval of the proposed Annexation to the City of Aurora pursuant to the terms of a mutually agreeable Annexation Agreement, approval of Preliminary Plan and Plat of Subdivision, a rezone of the Property to the R-2 One Family Dwelling District, the R-4A Two-Family Dwelling District, the OS-1 Conservation, Open Space And Drainage District, and the B-2 Business District – General Retail District, approval of a Special Use for a Planned Development, and other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the Property consistent with the preliminary plans submitted herewith.

## QUALIFYING STATEMENT

Petitioner, D.R. Horton, was founded in 1978 and has been the largest home builder in the United States since 2002, with operations in 106 markets in 33 states across the United States. D.R. Horton builds and sells high-quality homes through a diverse portfolio, closing on nearly 82,000 homes over the previous fiscal year (2022). D.R. Horton is currently active in more than 35 communities around Chicagoland, closing on over 1,000 new homes in 2022. D.R. Horton brings decades of home construction and development experience to each project and has found success building communities that offer a variety of quality housing options designed to serve individuals at various stages of their lives. D.R. Horton looks forward to providing new housing options for existing residents of Aurora, as well as those that would like to live in a well-respected municipality with excellent schools, shopping, dining, recreation, and park facilities.

Petitioner seeks to develop the Residential Parcel within the Property as a mixed-use community with seventy (70) traditional detached single-family homes on approximately twenty-one (21) acres and one hundred twenty-four (124) townhomes on approximately nineteen (19) acres, with approximately twelve (12) acres of open space reserved for three stormwater detention basins. The single-family homes, ranging in size from ~~1,300~~1,500 – 2,900 square feet, will be highlighted by attractive facades with two or three car garages, and will offer buyers 3 -5 bedrooms and 2 -3 bathrooms. Wheatland Crossing has been designed with lot sizes and setbacks commensurate with the established residential neighborhoods to the south (Summerlin and Deerbrook Place) and to the east (Misty Creek and Four Pointes). Further, based on D.R. Horton's experience in other communities in the area, the single-family homes in Wheatland Crossing will appeal to families seeking a modern floor plan combined with a manageable lot size. Specific buyer profiles will cover a broad gamut (first-time buyers, move-up buyers, single-head of



household, etc.). However, D.R. Horton anticipates buyers seeking to take advantage of a strong geographic location that offers quick access to employment and retail areas, combined with the amenities provided by the city of Aurora, as well as attendance within a strong school district.

The townhomes at Wheatland Crossing will offer a more low-maintenance living style than the single-family homes. Ranging in size from 1,100 – 1,850 square feet, the townhomes still offer buyers up to 4-bedrooms and 2-car front-load garages. D.R. Horton is looking to build-on, and continue, the success of its Deerbrook Place community to the southwest, with similar product but more modern façades. Based on sales at Deerbrook Place, D.R. Horton expects a very similar buyer group – which has appealed to young families (kids soon or under 5), single professionals, dual-income households without kids, single parents, and those simply seeking new home-ownership on the east side of Aurora – but with a more manageable home size. Given its location and surrounding uses, the Property presents an excellent canvas on which to meet significant community needs by creating a housing opportunity that is suitable for many types of homebuyers.

In order to develop Wheatland Crossing, Petitioner respectfully requests the following variations:

- (i) A variation for a reduction in the required minimum lot area in the R-2 District from 8,000 square feet to 7,400~~7,500~~ square feet;
- ~~(ii) A variance from the maximum forty percent (40%) Lot Coverage requirement in the R-2 One-Family Dwelling District to allow for a maximum of forty-five percent (45%) Lot Coverage.~~
- ~~(iii)~~(ii) A reduction in the front, rear, and side yard setbacks in the R-2 One-Family Dwelling District to accommodate a front setback of twenty-five feet (25'), a rear yard setback of twenty-five (25') feet, and an interior side yard setback of six feet

(6').

~~(iv)~~(iii) A waiver from the Code's Minimum Lot Size requirements for the R-4A Two-Family Dwelling District.

~~(v)~~(iv) A waiver from the Code's Lot Coverage requirements for the R-4A Two-Family Dwelling District.

~~(vi)~~(v) A waiver from the Code's setback requirements for the R-4A Two-Family Dwelling District to accommodate a building front to right-of-way setback of twenty-five feet (25'), a building side to right-of-way setback of twenty feet (20'), and a building rear to right-of-way of forty feet (40').

~~(vii)~~(vi) A waiver from the Maximum Density requirements for the R-4A Two-Family Dwelling District.

The variations requested herein are driven by: (i) the acute angles and unique shape of the Property; (ii) the surrounding uses and the desire to create a transitional use from the more intense commercial uses and residential subdivisions surrounding the Property; and (iii) the Property's adjacency to Hafenrichter Road and US-34 (Ogden Avenue).

First, given the acute angles and unique shape of the Property, a traditional "lot and block" subdivision layout was not possible, resulting in the need to reduce lot areas and setbacks on a small number of the lots. Second, sound land use planning dictates uses which create a transition from the more intense uses in close proximity to less intense/dense uses to create harmony among the differing uses. With Rush Copley Hospital across US-34 to the north, the townhomes have been strategically placed at the northern portion of the Property to provide a buffer between the hospital use and the proposed single-family homes to the south. These townhomes on the north end of the Property also feature a central park area. While the western most five acres of the

Property at the corner of South Farnsworth Avenue and US-34 have been designated for commercial use, townhomes are likewise planned to the east of the proposed commercial development and west of the single-family homes.

The Property is adjacent to the Prairie Materials concrete plant on the plant's north, east, and south sides. For this reason, Petitioner has strategically placed stormwater detention basins to the north and south of the plant to provide a buffer layer between this manufacturing use and the residential uses on the Property (~~Outlet F and Outlet L~~ Lot 101 and Lot 106). A third stormwater detention basin is also planned along the east property line (~~Outlet H~~ Lot 105). The stormwater management areas have been designed efficiently and are optimized to provide sufficient stormwater storage for Wheatland Crossing while simultaneously providing a buffer between the manufacturing use and proposed residential development. City sanitary sewer and potable water are available to the Property in the requisite capacity to serve the development.

In addition to the stormwater detention basins, significant landscaping is planned along the east side of the cement plant to provide an additional transitional buffer. Landscape treatments will also be utilized to enhance the visual appeal of the community, and will include a mix of ornamental trees, evergreen trees, deciduous shrubs, evergreen shrubs, and perennial and ornamental grasses. The landscape design enhancements will include decorative plantings around the on-site storm water management areas, foundation plantings, and appealing entrance monuments. Additionally, Wheatland Crossing will be enhanced with landscape buffers along the perimeter of the community to create the feel of a residential enclave.

Access to the southern portion of the site will be provided via full movement access roads off Hafenrichter Road and South Farnsworth Avenue, which access roads will be aligned opposite to Canyon Creek Drive and Summerlin Drive. The access roads will provide one inbound lane

and one outbound lane and outbound movements will be under stop-sign control. Access to the north side of the Property will be available via a right-in-right-out from US-34, and additional access via the east side of Wheatland Crossing will be provided by connection to Keating Drive. Sidewalks will be constructed throughout the development consistent with City requirements to encourage walkability and create a connected community. Moreover, Petitioner proposes to install a new 10-foot-wide multi-use path adjacent to the Property along the north side of Farnsworth Avenue and new sidewalk along the north side of Hafenrichter Road. Finally, Petitioner also intends to dedicate approximately seven thousand eight hundred (7,800) linear feet of new right-of-way to the City.

Approval of Wheatland Crossing will protect property values by removing uncertainty in the real estate marketplace by developing the Property which has historically been vacant and underutilized, increase Aurora's real estate tax base, support the adjacent commercial uses, and provide a much-needed new housing opportunity within Aurora.

## **STANDARDS**

**1. 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, safety, morals, comfort and general welfare to provide diverse housing types and additional housing stock to accommodate the needs of Aurora's population. Not only does Wheatland Crossing satisfy these important objectives, but it is also directly in conformance with the City's vision for the Property. The Comprehensive Plan designates the Property Commercial, Low Density Residential (0-5 DUs / Acre), and

Conservation, Open Space, Recreation, and Drainage. Wheatland Crossing improves the public health, safety, morals, comfort and general welfare by developing the Property as one hundred twenty-two (124) front - load townhomes (~~5.03~~10.41 DUs / Acre) and seventy (70) detached single family homes (~~2.54~~5.07 DUs / Acre). Total density for the residential portion of Wheatland Crossing, excluding the proposed commercial development, is 3.73 DUs / Acre. The proposed density is consistent with the Comprehensive Plan and the established residential character to the east (Misty Creek and Four Pointes residential subdivisions) and to the south (Summerlin and Deerbrook Place residential subdivisions). Lot sizes of the single-family detached lots will range from approximately ~~7,200~~7,500 to 11,200 square feet, ~~with an average lot size of 8,275 square feet.~~ Lastly, Wheatland Crossing will improve the Property and create consistency and security by providing a transition between the commercial areas to the west and will not negatively impact the public health, safety, morals, comfort or general welfare.

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

As stated above, the Property is adjacent to Summerlin and Deerbrook Place residential subdivisions to the south and Misty Creek and Four Pointes residential subdivisions to the east. Kendall County Concrete, the Aurora at Summerfield subdivision, and Rush Copley Medical Center are across US-34 to the northwest. Wheatland Crossing builds upon the established residential character of the neighborhoods to the east and south and Aurora's vision for the Property. By developing the Property consistent with the Comprehensive Plan, Petitioner seeks to preserve consistency of the established residential character of the neighborhood. Petitioner's development of the Property will remove uncertainty in the real estate marketplace and permit construction of high-quality, detached single family homes and townhomes by one of the nation's leading and most recognized home builders.

*c. Property values within the neighborhood.*

Petitioner's development of the Property will not be detrimental to the property values within the neighborhood, nor will it alter the essential character of the neighborhood. Rather, Wheatland Crossing will preserve and increase property values by developing a property which has historically been vacant and underutilized. Wheatland Crossing is consistent with the Comprehensive Plan and the established residential neighborhoods to the south and east, and will eliminate uncertainty with development of the Property. In addition to removing uncertainty, the construction of new single-family homes and townhomes will enhance the real estate tax base and will be an overall improvement to the area.

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

Petitioner's proposed plans include development of the Property as one hundred twenty-four (124) front-load townhomes and seventy (70) detached single family homes. Petitioner's proposed plans build upon the existing residential character and will promote compatibility between adjacent developments by introducing a complimentary residential development with an overall gross density of ~~3.723~~3.73 dwelling units per acre. Wheatland Crossing will encourage the orderly development of the surrounding property by developing a historically vacant parcel with townhomes and detached single-family homes. The proposed use will spur development of the surrounding property, specifically the western 5 acres of the property designated for commercial use. Establishment of Wheatland Crossing, among other things, secures a quiet residential district compatible with the surrounding area and improves property values.

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

Fox Metro Water Reclamation sanitary sewer and potable water are available to the Property in the requisite capacity to serve the development. As mentioned above, four access

points will serve Wheatland Crossing. Keating Drive will connect Wheatland Crossing with Misty Creek and Four Pointes residential subdivisions to the east. Additional access points will be located along US-34 to the north and Farnsworth Avenue and Hafenrichter Road to the south. Sidewalks will be constructed throughout the development consistent with City requirements to encourage walkability and create a connected community. A 10-foot-wide multi use path will be constructed adjacent to the Property along the north side of Farnsworth Avenue and a sidewalk will be installed along the north side of Hafenrichter Road. ~~Outlot F, Outlot H, and Outlot L~~ Lot 101, Lot 105, and Lot 106 have been designated for stormwater management areas to provide sufficient storage/drainage to the community.

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

Ingress and egress shall be provided via Keating Drive to the east, US-34 to the north, and South Farnsworth Avenue and Hafenrichter Road to the south. All roadways have been designed consistent with Aurora's Subdivision Control Ordinance and City Code. Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA) performed a traffic study. Petitioner is committed to working with the City to address roadway improvements associated with its proposed development.

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

The Property is currently located in unincorporated Kendall and Kane Counties and is designated F-Farming and M2-SU Heavy Industrial – Special Use and is subject to the bulk regulations contained within the counties' zoning ordinances. Petitioner's proposed plans herein will comply with the City's applicable regulations for the R-2 One Family Dwelling District, the R-4A Two-Family Dwelling District, the OS-1 Conservation, Open Space and Drainage District, and the B-2 Business District – General Retail District, subject to those variations requested above.

**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner requests approval of: (i) Annexation to the City of Aurora pursuant to the terms of a mutually agreeable Annexation Agreement; (ii) a Preliminary Plan and Plat of Subdivision; (iii) a Rezone of the Property, in part to the R-2 One Family Dwelling District, in part to the R-4A Two-Family Dwelling District, in part to the OS-1 Conservation, Open Space And Drainage District, and in part to the B-2 Business District; (iv) a Special Use for a Planned Development; and (v) other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the Property consistent with the conceptual plans submitted herewith and pursuant to the appropriate provisions of the City of Aurora's Municipal Code.

RESPECTFULLY SUBMITTED this 11th day of ~~November~~ May, ~~2022~~ 2023.

**PETITIONER:**

**D.R. HORTON, INC. – MIDWEST**  
A California Corporation

  
\_\_\_\_\_  
Rosanova & Whitaker, Ltd.  
Attorney for the Petitioner



**EXHIBIT A**  
**LEGAL DESCRIPTION – THE “PROPERTY”**

KENDALL COUNTY LEGAL:

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 306.50 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 139 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 997.93 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF HAFENRICHTER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.53 FEET, THIS LINE HEREINAFTER REFERRED CALLED LINE "A", FOR THE POINT OF BEGINNING; THENCE SOUTH-WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 710.83 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 327.11 FEET; THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 390.0 FEET, 244.0 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE

LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 653.09 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE "A", 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY AT AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE PROLONGATION OF THE LAST DESCRIBED COURSE, 667.53 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 721.67 FEET; THENCE SOUTHEASTERLY AT AN ANGLE OF 78 DEGREES 49 MINUTES 41 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 426.88 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT CONCAVE TO THE SOUTHWEST, THE CHORD OF WHICH FORMS AN ANGLE OF 163 DEGREES 10 MINUTES 57 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE HAVING A RADIUS OF 335.00 FEET, AN ARC DISTANCE OF 196.66 FEET AND A CHORD DISTANCE OF 193.85 FEET TO A POINT; THENCE NORTHEASTERLY AT AN ANGLE OF 84 DEGREES 21 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 727.61 FEET TO THE SOUTH LINE OF AFORESAID SOUTHEAST 1/4; THENCE EASTERLY ALONG THE SOUTH LINE OF THE AFORESAID SOUTHEAST 1/4 51.42 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS, AND ALSO EXCEPT THAT PART OF THE LAND CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY INSTRUMENT RECORDED APRIL 26, 2007 AS DOCUMENT 200700013871, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTER-LINE OF U.S. 34.

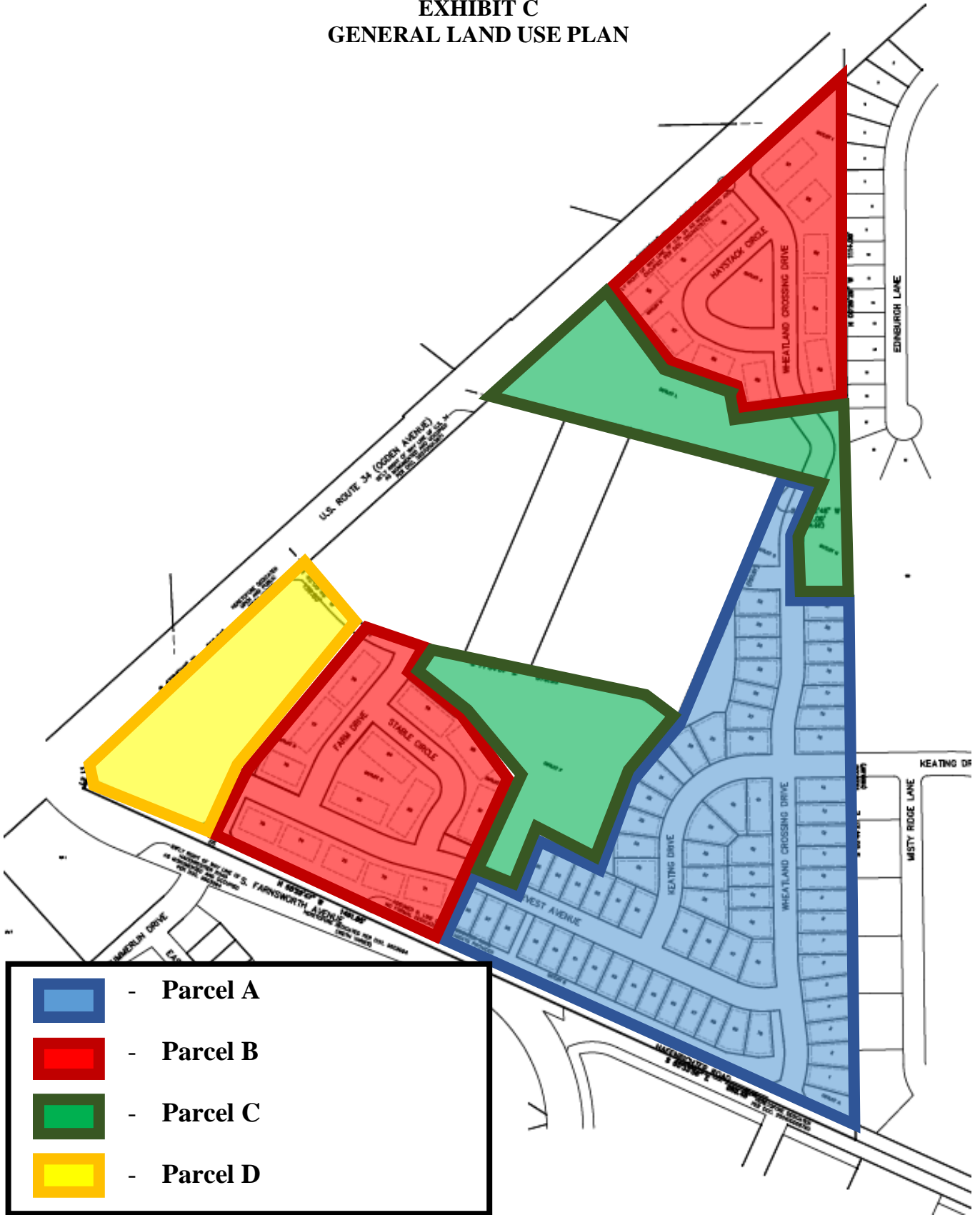
KANE COUNTY LEGAL:





THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SECTION 36 FOR 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE OF SECTION 36 (AS MEASURED CLOCKWISE THEREFROM), 953.26 FEET TO THE CENTERLINE OF U.S.

ROUTE 34; THENCE NORTHEASTERLY ALONG SAID CENTER-LINE, FORMING AN ANGLE OF 57 DEGREES 27 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED CLOCKWISE THEREFROM), 1410.18 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF FOUR POINTS SUB-DIVISION RECORDED SEPTEMBER 17, 1992 AS DOCUMENT 92K65879, IN KANE COUNTY, ILLINOIS; THENCE SOUTHERLY ALONG SAID NORTHERLY EXTENSION, AND ALONG SAID WESTERLY LINE, FORMING AN ANGLE OF 48 DEGREES 19 MINUTES 27 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER-CLOCKWISE THEREFROM), 1194.71 FEET TO SAID SOUTH LINE OF SECTION 36; THENCE WESTERLY ALONG SAID SOUTHERLY LINE, FORMING AN ANGLE OF 90 DEGREES 52 MINUTES 50 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER-CLOCKWISE THEREFROM), 135.94 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART TAKEN FOR WIDENING U.S. ROUTE 34 IN CASE NO. 99 ED 5 AS DESCRIBED IN ORDER VESTING TITLE RECORDED JULY 20, 2007 AS DOCUMENT NO. 2007K075742, ALL IN KANE COUNTY, ILLINOIS.

**EXHIBIT B**  
**PRELIMINARY PLAN AND PLAT OF SUBDIVISION**

**EXHIBIT C  
GENERAL LAND USE PLAN**



-  - Parcel A
-  - Parcel B
-  - Parcel C
-  - Parcel D

**EXHIBIT D**  
**LEGAL DESCRIPTION - PARCEL A, PARCEL B, PARCEL C, and PARCEL D**

**SINGLE FAMILY PARCEL (PARCEL A)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 382.12 FEET; THENCE NORTH 24 DEGREES 28 MINUTES 25 SECONDS EAST, 230.81 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 126.73 FEET; THENCE NORTH 24 DEGREES 21 MINUTES 56 SECONDS EAST, 125.00 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 232.06 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 94.36 FEET; THENCE NORTH 07 DEGREES 02 MINUTES 35 SECONDS EAST, 67.30 FEET; THENCE NORTH 19 DEGREES 00 MINUTES 05 SECONDS EAST, 81.28 FEET; THENCE NORTH 30 DEGREES 57 MINUTES 35 SECONDS EAST, 81.28 FEET; THENCE NORTH 42 DEGREES 55 MINUTES 05 SECONDS EAST, 40.64 FEET; THENCE SOUTH 47 DEGREES 04 MINUTES 55 SECONDS EAST, 125.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 47 DEGREES 04 MINUTES 55 SECONDS EAST, A RADIAL DISTANCE OF 263.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07 DEGREES 52 MINUTES 03 SECONDS, A DISTANCE OF 36.11 FEET; THENCE NORTH 39 DEGREES 12 MINUTES 52 SECONDS WEST, 125.00 FEET; THENCE NORTH 51 DEGREES 04 MINUTES 52 SECONDS EAST, 41.65 FEET; THENCE NORTH 62 DEGREES 44 MINUTES 38 SECONDS EAST, 115.67 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 47 SECONDS EAST, 32.79 FEET; THENCE NORTH 17 DEGREES 48 MINUTES 55 SECONDS EAST, 34.83 FEET; THENCE NORTH 11 DEGREES 51 MINUTES 13 SECONDS EAST, 60.00 FEET; THENCE NORTH 04 DEGREES 49 MINUTES 49 SECONDS EAST, 56.23 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 180.00 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 20.04 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 10 DEGREES 24 MINUTES 52 SECONDS EAST, A RADIAL DISTANCE OF 433.00 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01 DEGREES 13 MINUTES 32 SECONDS, A DISTANCE OF 9.26 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 33.75 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 10 DEGREES 39 MINUTES 58 SECONDS EAST, A RADIAL DISTANCE OF 400.00 FEET;

THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 11 SECONDS, A DISTANCE OF 80.19 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 47 SECONDS EAST, 98.46 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 58.80 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 04 SECONDS EAST, 124.68 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 1,457.75 FEET TO THE POINT OF BEGINNING.

**NORTH TOWNHOME PARCEL (PART OF PARCEL B)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ALSO PART OF THE NORTH HALF OF SECTION 1 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS AND ALSO THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST, 1,114.08 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 40.71 FEET; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 75.53 FEET; THENCE SOUTH 22 DEGREES 49 MINUTES 29 SECONDS WEST, 96.06 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 167.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 38 MINUTES 42 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 68.92 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 93.66 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 47 SECONDS WEST, 98.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 11 SECONDS; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 80.19 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 283.42 FEET; THENCE NORTH 88 DEGREES 42 MINUTES 48 SECONDS EAST, 51.09 FEET; THENCE NORTH 22 DEGREES 49 MINUTES 29 SECONDS EAST, 82.85 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 37.00 FEET AND A CENTRAL ANGLE OF 58 DEGREES 40 MINUTES 47 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 37.89 FEET; THENCE NORTH 35 DEGREES 51 MINUTES 18 SECONDS WEST, 86.76 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 233.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 22 MINUTES 20 SECONDS; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 46.25 FEET; THENCE SOUTH 80 DEGREES 51 MINUTES 11 SECONDS WEST, 102.06 FEET; THENCE NORTH 09 DEGREES 08 MINUTES 49 SECONDS WEST, 43.06 FEET; THENCE NORTH 67 DEGREES 02 MINUTES 36 SECONDS WEST, 155.46 FEET; THENCE NORTH 56 DEGREES 23 MINUTES

29 SECONDS WEST, 64.73 FEET; THENCE NORTH 39 DEGREES 22 MINUTES 52 SECONDS WEST, 96.00 FEET; THENCE NORTH 45 DEGREES 48 MINUTES 33 SECONDS WEST, 50.17 FEET; THENCE NORTH 41 DEGREES 55 MINUTES 06 SECONDS WEST, 106.07 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 870.84 FEET TO THE POINT OF BEGINNING.

**TOWNHOME PARCEL SOUTH (PART OF PARCEL B)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST 382.12 FEET TO THE POINT OF BEGINNING; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 751.98 FEET; THENCE NORTH 69 DEGREES 30 MINUTES 13 SECONDS EAST, 35.36 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 171.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 61.00 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 79.57 FEET; THENCE NORTH 39 DEGREES 29 MINUTES 37 SECONDS EAST, 406.54 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 33 DEGREES 21 MINUTES 47 SECONDS EAST, A RADIAL DISTANCE OF 423.13 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14 DEGREES 31 MINUTES 27 SECONDS, A DISTANCE OF 107.26 FEET; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 114.83 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 41 SECONDS WEST, 35.38 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 58.00 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST, 139.83 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 390.13 FEET AND A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 51 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 243.75 FEET; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST, 19.09 FEET; THENCE SOUTH 14 DEGREES 08 MINUTES 05 SECONDS WEST, 30.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 183.00 FEET AND A CENTRAL ANGLE OF 19 DEGREES 27 MINUTES 39 SECONDS; THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 62.16 FEET; THENCE SOUTH 50 DEGREES 30 MINUTES 23 SECONDS EAST, 166.97 FEET; THENCE SOUTH 72 DEGREES 53 MINUTES 33 SECONDS EAST, 30.81 FEET; THENCE SOUTH 37 DEGREES 03 MINUTES 33 SECONDS EAST, 151.96 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 60 DEGREES 55



MINUTES 23 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 90.38 FEET; THENCE SOUTH 23 DEGREES 51 MINUTES 50 SECONDS WEST, 162.68 FEET; THENCE NORTH 66 DEGREES 08 MINUTES 10 SECONDS WEST, 103.02 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH 63 DEGREES 09 MINUTES 11 SECONDS EAST, A RADIAL DISTANCE OF 247.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 31 MINUTES 12 SECONDS, A DISTANCE OF 49.66 FEET; THENCE SOUTH 76 DEGREES 02 MINUTES 45 SECONDS EAST, 15.57 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 533.00 FEET AND A CENTRAL ANGLE OF 10 DEGREES 31 MINUTES 10 SECONDS; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 97.86 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 2.50 FEET; THENCE SOUTH 24 DEGREES 28 MINUTES 25 SECONDS WEST, 230.81 FEET TO THE POINT OF BEGINNING.

**DETENTION PARCEL 1 (PART OF PARCEL C)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ALSO PART OF THE NORTH HALF OF SECTION 1 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS WEST 1,318.24 FEET TO THE POINT OF BEGINNING; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 447.40 FEET; THENCE SOUTH 41 DEGREES 55 MINUTES 06 SECONDS EAST, 106.07 FEET; THENCE SOUTH 45 DEGREES 48 MINUTES 33 SECONDS EAST, 50.17 FEET; THENCE SOUTH 39 DEGREES 22 MINUTES 52 SECONDS EAST, 96.00 FEET; THENCE SOUTH 56 DEGREES 23 MINUTES 29 SECONDS EAST, 64.73 FEET; THENCE SOUTH 67 DEGREES 02 MINUTES 36 SECONDS EAST, 155.46 FEET; THENCE SOUTH 09 DEGREES 08 MINUTES 49 SECONDS EAST, 43.06 FEET; THENCE NORTH 80 DEGREES 51 MINUTES 11 SECONDS EAST, 102.06 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 65 DEGREES 31 MINUTES 02 SECONDS EAST, A RADIAL DISTANCE OF 233.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 22 MINUTES 20 SECONDS, A DISTANCE OF 46.25 FEET; THENCE SOUTH 35 DEGREES 51 MINUTES 18 SECONDS EAST, 86.76 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 37.00 FEET AND A CENTRAL ANGLE OF 58 DEGREES 40 MINUTES 47 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 37.89 FEET; THENCE SOUTH 22

DEGREES 49 MINUTES 29 SECONDS WEST, 82.85 FEET; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 881.96 TO THE POINT OF BEGINNING.

**DETENTION PARCEL 2 (PART OF PARCEL C)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST 1,114.08 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST 40.71 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 286.39 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 04 SECONDS WEST, 124.68 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 58.80 FEET; THENCE CONTINUE NORTHERLY ALONG SAID LINE, A DISTANCE OF 93.66 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 167.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 38 MINUTES 42 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 68.92 FEET; THENCE NORTH 22 DEGREES 49 MINUTES 29 SECONDS EAST, 96.06 FEET; THENCE SOUTH 74 DEGREES 38 MINUTES 22 SECONDS EAST, 75.53 FEET TO THE POINT OF BEGINNING.

**DETENTION PARCEL 3 (PART OF PARCEL C)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS EAST 2,014.75 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST 139.83 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 390.13 FEET AND A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 51 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 243.75 FEET; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST 19.09 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST, 551.21 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 335.00 FEET AND A CENTRAL ANGLE OF 33 DEGREES 38 MINUTES 08 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 196.66 FEET; THENCE NORTH 23

DEGREES 15 MINUTES 43 SECONDS EAST, 410.78 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 11 DEGREES 38 MINUTES 24 SECONDS EAST, A RADIAL DISTANCE OF 433.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01 DEGREES 13 MINUTES 32 SECONDS, A DISTANCE OF 9.26 FEET; THENCE SOUTH 23 DEGREES 15 MINUTES 43 SECONDS WEST, 20.04 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 180.00 FEET; THENCE SOUTH 04 DEGREES 49 MINUTES 49 SECONDS WEST, 56.23 FEET; THENCE SOUTH 11 DEGREES 51 MINUTES 13 SECONDS WEST, 60.00 FEET; THENCE SOUTH 17 DEGREES 48 MINUTES 55 SECONDS WEST, 34.83 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 47 SECONDS WEST, 32.79 FEET; THENCE SOUTH 62 DEGREES 44 MINUTES 38 SECONDS WEST, 115.67 FEET; THENCE SOUTH 51 DEGREES 04 MINUTES 52 SECONDS WEST, 41.65 FEET; THENCE SOUTH 39 DEGREES 12 MINUTES 52 SECONDS EAST, 125.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH 39 DEGREES 12 MINUTES 52 SECONDS EAST, A RADIAL DISTANCE OF 263.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07 DEGREES 52 MINUTES 03 SECONDS, A DISTANCE OF 36.11 FEET; THENCE NORTH 47 DEGREES 04 MINUTES 55 SECONDS WEST, 125.00 FEET; THENCE SOUTH 42 DEGREES 55 MINUTES 05 SECONDS WEST, 40.64 FEET; THENCE SOUTH 30 DEGREES 57 MINUTES 35 SECONDS WEST, 81.28 FEET; THENCE SOUTH 19 DEGREES 00 MINUTES 05 SECONDS WEST, 81.28 FEET; THENCE SOUTH 07 DEGREES 02 MINUTES 35 SECONDS WEST, 67.30 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 94.36 FEET; THENCE NORTH 65 DEGREES 31 MINUTES 35 SECONDS WEST, 232.06 FEET; THENCE SOUTH 24 DEGREES 21 MINUTES 56 SECONDS WEST, 125.00 FEET; THENCE NORTH 65 DEGREES 31 MINUTES 35 SECONDS WEST, 126.73 FEET; THENCE CONTINUE NORTHWESTERLY ALONG SAID LINE, A DISTANCE OF 2.50 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 533.00 FEET AND A CENTRAL ANGLE OF 10 DEGREES 31 MINUTES 10 SECONDS; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 97.86 FEET; THENCE NORTH 76 DEGREES 02 MINUTES 45 SECONDS WEST, 15.57 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 74 DEGREES 40 MINUTES 22 SECONDS EAST, A RADIAL DISTANCE OF 247.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 31 MINUTES 12 SECONDS, A DISTANCE OF 49.66 FEET; THENCE SOUTH 66 DEGREES 08 MINUTES 10 SECONDS EAST, 103.02 FEET; THENCE NORTH 23 DEGREES 51 MINUTES 50 SECONDS EAST, 162.68 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 60 DEGREES 55 MINUTES 23 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 90.38 FEET; THENCE NORTH 37 DEGREES 03 MINUTES 33 SECONDS WEST, 151.96 FEET; THENCE NORTH 72 DEGREES 53 MINUTES 33 SECONDS WEST, 30.81 FEET; THENCE NORTH 50 DEGREES 30 MINUTES 23 SECONDS WEST, 166.97 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 56 DEGREES 24 MINUTES 16 SECONDS WEST, A RADIAL

DISTANCE OF 183.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 19 DEGREES 27 MINUTES 39 SECONDS, A DISTANCE OF 62.16 FEET; THENCE NORTH 14 DEGREES 08 MINUTES 05 SECONDS EAST, 30.46 FEET TO THE POINT OF BEGINNING.

**COMMERCIAL PARCEL LEGAL (PARCEL D)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 1,134.10 FEET TO THE POINT OF BEGINNING, THENCE NORTH 69 DEGREES 30 MINUTES 13 SECONDS EAST, 35.36 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 171.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 61.00 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 79.57 FEET; THENCE NORTH 39 DEGREES 29 MINUTES 37 SECONDS EAST, 406.54 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 33 DEGREES 21 MINUTES 47 SECONDS EAST, A RADIAL DISTANCE OF 423.13 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14 DEGREES 31 MINUTES 27 SECONDS, A DISTANCE OF 107.26 FEET; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 114.83 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 41 SECONDS WEST, 35.38 FEET; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS WEST, 757.82 FEET; THENCE SOUTH 09 DEGREES 04 MINUTES 17 SECONDS EAST, 42.16 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 327.73 FEET; TO THE POINT OF BEGINNING.

STATE OF ILLINOIS     )  
  )  
COUNTY OF KENDALL    )  
  )  
CITY OF AURORA         )

**PETITION TO THE CITY OF AURORA PLANNING AND ZONING COMMISSION**  
**FOR APPROVAL OF WHEATLAND CROSSING**

THE UNDERSIGNED Petitioner, D.R. Horton, Inc. – Midwest (hereinafter the “**Petitioner**” or “**D.R. Horton**”), a California corporation, respectfully submits this Petition to the City of Aurora (the “**City**”) for approval of (i) Annexation to the City of Aurora pursuant to the terms of a mutually agreeable Annexation Agreement; (ii) a Preliminary Plan and Plat of Subdivision; (iii) a Rezone of the Property, in part to the R-2 One Family Dwelling District, in part to the R-4A Two-Family Dwelling District, in part to the OS-1 Conservation, Open Space And Drainage District, and in part to the B-2 Business District; (iv) a Special Use for a Planned Development; and (v) other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the property located at the southeast corner of US-34 and Farnsworth Avenue and consistent with the preliminary plans submitted herewith and pursuant to the appropriate provisions of the City of Aurora’s Municipal Code (hereinafter the “**Code**”).

The Owner of the property at question, being legally described on **Exhibit A** and depicted on **Exhibit B** (hereinafter the “**Property**”), is KEKA FARMS, LLC, an Illinois limited liability having an office at 6275 State Route 71, Oswego, Illinois 60543 (the “**Owner**”). Owner has separately filed a petition for annexation of the Property to the City of Aurora pursuant to the terms of a mutually agreeable annexation agreement. Owner has also submitted documentation authorizing Petitioner to seek the relief outlined in this Petition on behalf of the Owner.

Together with this Petition, Petitioner has submitted an application for approval of the

Wheatland Crossing Subdivision (“**Wheatland Crossing**”) as depicted on the General Land Use Plan attached hereto as **Exhibit C**. The General Land Use Plan contains four (4) distinct areas, each being legally described on **Exhibit D**: (a) **Parcel A** – consisting of traditional single-family detached residential homes to be zoned R-2 One Family Dwelling District and depicted on **Exhibit C**; (b) **Parcel B** – consisting of single family attached townhomes to be zoned R-4A Two-Family Dwelling District and depicted on **Exhibit C**; (c) **Parcel C** – consisting of three stormwater detention basins to be zoned OS-1 Conservation, Open Space and Drainage District and being depicted on **Exhibit C**; and **Parcel D** – consisting of commercial lots to be zoned B-2 Business District and depicted on **Exhibit C**.

### **BACKGROUND INFORMATION**

1. Petitioner, D.R. Horton, Inc. – Midwest, a California corporation having an office at 1750 E. Golf Road, Suite 925, Schaumburg, Illinois 60173, is the contract purchaser of Parcel A, Parcel B, and Parcel C (collectively the “**Residential Parcel**”).

2. Owner will retain ownership of Parcel D or will convey ownership of the Commercial Parcel following the annexation and zoning of the Property as set forth in this Petition (the “**Commercial Parcel**”).

3. The Property consists of approximately fifty-seven (57) acres of farmland located at the southeast corner of US-34 and Farnsworth Avenue and is situated in both unincorporated Kane County (PIN# 15-36-400-032) and Kendall County (PIN# 03-01-127-006).

4. Petitioner seeks to annex the Property to the City of Aurora and redevelop the Residential Parcel with seventy (70) single family detached dwelling units and one hundred twenty-four (124) townhome units. Approximately five (5) acres at the immediate corner of US-

34 and Farnsworth Avenue will be reserved for future commercial development.

5. The Property currently supports a farming use, but the Village's Comprehensive Plan designates the Property's use for Commercial, Low Density Residential, and Conservation, Open Space, Recreation, and Drainage.

6. The Kane County portion of the Property is zoned F-Farming, while the Kendall County portion is zoned M2-SU Heavy Industrial – Special Use.

7. The existing land uses surrounding the Property are as follows:

- a. Northwest: Rush Copley Hospital – PDD; Kendall County Concrete – a portion of which is zoned F in Kane County and a portion of which is zoned M2 in Kendall County; and Aurora at Summerfield Apartments – R-5(S) in the City of Aurora;
- b. East: Four Pointes and Misty Creek subdivisions – PDD, R-1(S), and R-5(S) in the City of Aurora;
- c. Southwest: Heartland Bank and Trust – B-2-(S) in the City of Aurora; the Summerlin subdivision – R-1(S) in the City of Aurora; and the Deerbrook Place subdivision – R-5(S) in the City of Aurora;
- d. Middle: Prairie Materials concrete plant and the adjacent vacant parcel – a portion of which is zoned F in Kane County, and a portion of which is zoned M2 and M2-SU in Kendall County.

8. Petitioner has submitted the appropriate zoning applications together with this Petition for approval of the proposed Annexation to the City of Aurora pursuant to the terms of a mutually agreeable Annexation Agreement, approval of Preliminary Plan and Plat of Subdivision, a rezone of the Property to the R-2 One Family Dwelling District, the R-4A Two-Family Dwelling District, the OS-1 Conservation, Open Space And Drainage District, and the B-2 Business District – General Retail District, approval of a Special Use for a Planned Development, and other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the Property consistent with the preliminary plans submitted herewith.

## QUALIFYING STATEMENT

Petitioner, D.R. Horton, was founded in 1978 and has been the largest home builder in the United States since 2002, with operations in 106 markets in 33 states across the United States. D.R. Horton builds and sells high-quality homes through a diverse portfolio, closing on nearly 82,000 homes over the previous fiscal year (2022). D.R. Horton is currently active in more than 35 communities around Chicagoland, closing on over 1,000 new homes in 2022. D.R. Horton brings decades of home construction and development experience to each project and has found success building communities that offer a variety of quality housing options designed to serve individuals at various stages of their lives. D.R. Horton looks forward to providing new housing options for existing residents of Aurora, as well as those that would like to live in a well-respected municipality with excellent schools, shopping, dining, recreation, and park facilities.

Petitioner seeks to develop the Residential Parcel within the Property as a mixed-use community with seventy (70) traditional detached single-family homes on approximately twenty-one (21) acres and one hundred twenty-four (124) townhomes on approximately nineteen (19) acres, with approximately twelve (12) acres of open space reserved for three stormwater detention basins. The single-family homes, ranging in size from 1,500 – 2,900 square feet, will be highlighted by attractive facades with two or three car garages, and will offer buyers 3 -5 bedrooms and 2 -3 bathrooms. Wheatland Crossing has been designed with lot sizes and setbacks commensurate with the established residential neighborhoods to the south (Summerlin and Deerbrook Place) and to the east (Misty Creek and Four Pointes). Further, based on D.R. Horton's experience in other communities in the area, the single-family homes in Wheatland Crossing will appeal to families seeking a modern floor plan combined with a manageable lot size. Specific buyer profiles will cover a broad gamut (first-time buyers, move-up buyers, single-head of



household, etc.). However, D.R. Horton anticipates buyers seeking to take advantage of a strong geographic location that offers quick access to employment and retail areas, combined with the amenities provided by the city of Aurora, as well as attendance within a strong school district.

The townhomes at Wheatland Crossing will offer a more low-maintenance living style than the single-family homes. Ranging in size from 1,100 – 1,850 square feet, the townhomes still offer buyers up to 4-bedrooms and 2-car front-load garages. D.R. Horton is looking to build-on, and continue, the success of its Deerbrook Place community to the southwest, with similar product but more modern façades. Based on sales at Deerbrook Place, D.R. Horton expects a very similar buyer group – which has appealed to young families (kids soon or under 5), single professionals, dual-income households without kids, single parents, and those simply seeking new homeownership on the east side of Aurora – but with a more manageable home size. Given its location and surrounding uses, the Property presents an excellent canvas on which to meet significant community needs by creating a housing opportunity that is suitable for many types of homebuyers.

In order to develop Wheatland Crossing, Petitioner respectfully requests the following variations:

- (i) A variation for a reduction in the required minimum lot area in the R-2 District from 8,000 square feet to 7,500 square feet;
- (ii) A reduction in the front, rear, and side yard setbacks in the R-2 One-Family Dwelling District to accommodate a front setback of twenty-five feet (25'), a rear yard setback of twenty-five (25') feet, and an interior side yard setback of six feet (6').
- (iii) A waiver from the Code's Minimum Lot Size requirements for the R-4A Two-Family Dwelling District.

- (iv) A waiver from the Code's Lot Coverage requirements for the R-4A Two-Family Dwelling District.
- (v) A waiver from the Code's setback requirements for the R-4A Two-Family Dwelling District to accommodate a building front to right-of-way setback of twenty-five feet (25'), a building side to right-of-way setback of twenty feet (20'), and a building rear to right-of-way of forty feet (40').
- (vi) A waiver from the Maximum Density requirements for the R-4A Two-Family Dwelling District.

The variations requested herein are driven by: (i) the acute angles and unique shape of the Property; (ii) the surrounding uses and the desire to create a transitional use from the more intense commercial uses and residential subdivisions surrounding the Property; and (iii) the Property's adjacency to Hafenrichter Road and US-34 (Ogden Avenue).

First, given the acute angles and unique shape of the Property, a traditional "lot and block" subdivision layout was not possible, resulting in the need to reduce lot areas and setbacks on a small number of the lots. Second, sound land use planning dictates uses which create a transition from the more intense uses in close proximity to less intense/dense uses to create harmony among the differing uses. With Rush Copley Hospital across US-34 to the north, the townhomes have been strategically placed at the northern portion of the Property to provide a buffer between the hospital use and the proposed single-family homes to the south. These townhomes on the north end of the Property also feature a central park area. While the western most five acres of the Property at the corner of South Farnsworth Avenue and US-34 have been designated for commercial use, townhomes are likewise planned to the east of the proposed commercial development and west of the single-family homes.

The Property is adjacent to the Prairie Materials concrete plant on the plant's north, east, and south sides. For this reason, Petitioner has strategically placed stormwater detention basins to the north and south of the plant to provide a buffer layer between this manufacturing use and the residential uses on the Property (Lot 101 and Lot 106). A third stormwater detention basin is also planned along the east property line (Lot 105). The stormwater management areas have been designed efficiently and are optimized to provide sufficient stormwater storage for Wheatland Crossing while simultaneously providing a buffer between the manufacturing use and proposed residential development. City sanitary sewer and potable water are available to the Property in the requisite capacity to serve the development.

In addition to the stormwater detention basins, significant landscaping is planned along the east side of the cement plant to provide an additional transitional buffer. Landscape treatments will also be utilized to enhance the visual appeal of the community, and will include a mix of ornamental trees, evergreen trees, deciduous shrubs, evergreen shrubs, and perennial and ornamental grasses. The landscape design enhancements will include decorative plantings around the on-site storm water management areas, foundation plantings, and appealing entrance monuments. Additionally, Wheatland Crossing will be enhanced with landscape buffers along the perimeter of the community to create the feel of a residential enclave.

Access to the southern portion of the site will be provided via full movement access roads off Hafenrichter Road and South Farnsworth Avenue, which access roads will be aligned opposite to Canyon Creek Drive and Summerlin Drive. The access roads will provide one inbound lane and one outbound lane and outbound movements will be under stop-sign control. Access to the north side of the Property will be available via a right-in-right-out from US-34, and additional access via the east side of Wheatland Crossing will be provided by connection to Keating Drive.

Sidewalks will be constructed throughout the development consistent with City requirements to encourage walkability and create a connected community. Moreover, Petitioner proposes to install a new 10-foot-wide multi-use path adjacent to the Property along the north side of Farnsworth Avenue and new sidewalk along the north side of Hafenrichter Road. Finally, Petitioner also intends to dedicate approximately seven thousand eight hundred (7,800) linear feet of new right-of-way to the City.

Approval of Wheatland Crossing will protect property values by removing uncertainty in the real estate marketplace by developing the Property which has historically been vacant and underutilized, increase Aurora's real estate tax base, support the adjacent commercial uses, and provide a much-needed new housing opportunity within Aurora.

## **STANDARDS**

**1. 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, safety, morals, comfort and general welfare to provide diverse housing types and additional housing stock to accommodate the needs of Aurora's population. Not only does Wheatland Crossing satisfy these important objectives, but it is also directly in conformance with the City's vision for the Property. The Comprehensive Plan designates the Property Commercial, Low Density Residential (0-5 DUs / Acre), and Conservation, Open Space, Recreation, and Drainage. Wheatland Crossing improves the public health, safety, morals, comfort and general welfare by developing the Property as one hundred twenty-two (124) front - load townhomes (10.41 DUs / Acre) and seventy (70) detached single

family homes (5.07 DUs / Acre). Total density for the residential portion of Wheatland Crossing, excluding the proposed commercial development, is 3.73 DUs / Acre. The proposed density is consistent with the Comprehensive Plan and the established residential character to the east (Misty Creek and Four Pointes residential subdivisions) and to the south (Summerlin and Deerbrook Place residential subdivisions). Lot sizes of the single-family detached lots will range from approximately 7,500 to 11,200 square feet. Lastly, Wheatland Crossing will improve the Property and create consistency and security by providing a transition between the commercial areas to the west and will not negatively impact the public health, safety, morals, comfort or general welfare.

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

As stated above, the Property is adjacent to Summerlin and Deerbrook Place residential subdivisions to the south and Misty Creek and Four Pointes residential subdivisions to the east. Kendall County Concrete, the Aurora at Summerfield subdivision, and Rush Copley Medical Center are across US-34 to the northwest. Wheatland Crossing builds upon the established residential character of the neighborhoods to the east and south and Aurora's vision for the Property. By developing the Property consistent with the Comprehensive Plan, Petitioner seeks to preserve consistency of the established residential character of the neighborhood. Petitioner's development of the Property will remove uncertainty in the real estate marketplace and permit construction of high-quality, detached single family homes and townhomes by one of the nation's leading and most recognized home builders.

*c. Property values within the neighborhood.*

Petitioner's development of the Property will not be detrimental to the property values within the neighborhood, nor will it alter the essential character of the neighborhood. Rather, Wheatland Crossing will preserve and increase property values by developing a property which

has historically been vacant and underutilized. Wheatland Crossing is consistent with the Comprehensive Plan and the established residential neighborhoods to the south and east, and will eliminate uncertainty with development of the Property. In addition to removing uncertainty, the construction of new single-family homes and townhomes will enhance the real estate tax base and will be an overall improvement to the area.

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

Petitioner's proposed plans include development of the Property as one hundred twenty-four (124) front-load townhomes and seventy (70) detached single family homes. Petitioner's proposed plans build upon the existing residential character and will promote compatibility between adjacent developments by introducing a complimentary residential development with an overall gross density of 3.73 dwelling units per acre. Wheatland Crossing will encourage the orderly development of the surrounding property by developing a historically vacant parcel with townhomes and detached single-family homes. The proposed use will spur development of the surrounding property, specifically the western 5 acres of the property designated for commercial use. Establishment of Wheatland Crossing, among other things, secures a quiet residential district compatible with the surrounding area and improves property values.

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

Fox Metro Water Reclamation sanitary sewer and potable water are available to the Property in the requisite capacity to serve the development. As mentioned above, four access points will serve Wheatland Crossing. Keating Drive will connect Wheatland Crossing with Misty Creek and Four Pointes residential subdivisions to the east. Additional access points will be located along US-34 to the north and Farnsworth Avenue and Hafenrichter Road to the south. Sidewalks will be constructed throughout the development consistent with City requirements to encourage

walkability and create a connected community. A 10-foot-wide multi use path will be constructed adjacent to the Property along the north side of Farnsworth Avenue and a sidewalk will be installed along the north side of Hafenrichter Road. Lot 101, Lot 105, and Lot 106 have been designated for stormwater management areas to provide sufficient storage/drainage to the community.

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

Ingress and egress shall be provided via Keating Drive to the east, US-34 to the north, and South Farnsworth Avenue and Hafenrichter Road to the south. All roadways have been designed consistent with Aurora's Subdivision Control Ordinance and City Code. Kenig, Lindgren, O'Hara, Aboona, Inc. (KLOA) performed a traffic study. Petitioner is committed to working with the City to address roadway improvements associated with its proposed development.

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

The Property is currently located in unincorporated Kendall and Kane Counties and is designated F-Farming and M2-SU Heavy Industrial – Special Use and is subject to the bulk regulations contained within the counties' zoning ordinances. Petitioner's proposed plans herein will comply with the City's applicable regulations for the R-2 One Family Dwelling District, the R-4A Two-Family Dwelling District, the OS-1 Conservation, Open Space and Drainage District, and the B-2 Business District – General Retail District, subject to those variations requested above.


**WHEREFORE**, by reason of the foregoing, the undersigned Petitioner requests approval of: (i) Annexation to the City of Aurora pursuant to the terms of a mutually agreeable Annexation Agreement; (ii) a Preliminary Plan and Plat of Subdivision; (iii) a Rezone of the Property, in part to the R-2 One Family Dwelling District, in part to the R-4A Two-Family Dwelling District, in part to the OS-1 Conservation, Open Space And Drainage District, and in part to the B-2 Business

District; (iv) a Special Use for a Planned Development; and (v) other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the Property consistent with the conceptual plans submitted herewith and pursuant to the appropriate provisions of the City of Aurora's Municipal Code.

RESPECTFULLY SUBMITTED this 11th day of May, 2023.

**PETITIONER:**

**D.R. HORTON, INC. – MIDWEST**  
A California Corporation



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Rosanova & Whitaker, Ltd.  
Attorney for the Petitioner



**EXHIBIT A**  
**LEGAL DESCRIPTION – THE “PROPERTY”**

KENDALL COUNTY LEGAL:

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 306.50 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 139 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 997.93 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF HAFENRICHTER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.53 FEET, THIS LINE HEREINAFTER REFERRED CALLED LINE "A", FOR THE POINT OF BEGINNING; THENCE SOUTH-WESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED CLOCKWISE THEREFROM, 710.83 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 327.11 FEET; THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 390.0 FEET, 244.0 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE

LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 653.09 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE "A", 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY AT AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE PROLONGATION OF THE LAST DESCRIBED COURSE, 667.53 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 721.67 FEET; THENCE SOUTHEASTERLY AT AN ANGLE OF 78 DEGREES 49 MINUTES 41 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 426.88 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT CONCAVE TO THE SOUTHWEST, THE CHORD OF WHICH FORMS AN ANGLE OF 163 DEGREES 10 MINUTES 57 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE HAVING A RADIUS OF 335.00 FEET, AN ARC DISTANCE OF 196.66 FEET AND A CHORD DISTANCE OF 193.85 FEET TO A POINT; THENCE NORTHEASTERLY AT AN ANGLE OF 84 DEGREES 21 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 727.61 FEET TO THE SOUTH LINE OF AFORESAID SOUTHEAST 1/4; THENCE EASTERLY ALONG THE SOUTH LINE OF THE AFORESAID SOUTHEAST 1/4 51.42 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS, AND ALSO EXCEPT THAT PART OF THE LAND CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY INSTRUMENT RECORDED APRIL 26, 2007 AS DOCUMENT 200700013871, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTER-LINE OF U.S. 34.

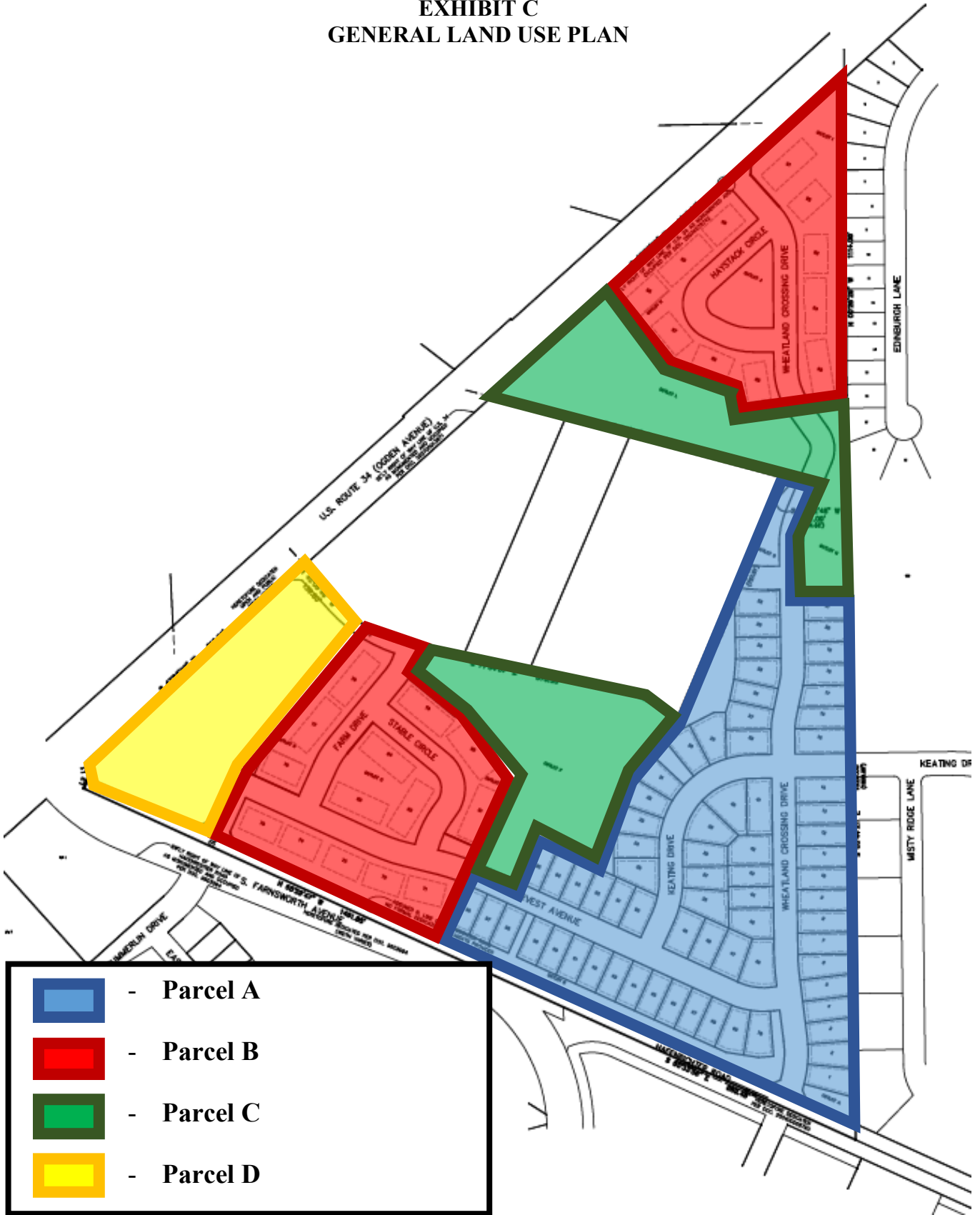
KANE COUNTY LEGAL:





THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SECTION 36 FOR 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE OF SECTION 36 (AS MEASURED CLOCKWISE THEREFROM), 953.26 FEET TO THE CENTERLINE OF U.S.

ROUTE 34; THENCE NORTHEASTERLY ALONG SAID CENTER-LINE, FORMING AN ANGLE OF 57 DEGREES 27 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED CLOCKWISE THEREFROM), 1410.18 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF FOUR POINTS SUB-DIVISION RECORDED SEPTEMBER 17, 1992 AS DOCUMENT 92K65879, IN KANE COUNTY, ILLINOIS; THENCE SOUTHERLY ALONG SAID NORTHERLY EXTENSION, AND ALONG SAID WESTERLY LINE, FORMING AN ANGLE OF 48 DEGREES 19 MINUTES 27 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER-CLOCKWISE THEREFROM), 1194.71 FEET TO SAID SOUTH LINE OF SECTION 36; THENCE WESTERLY ALONG SAID SOUTHERLY LINE, FORMING AN ANGLE OF 90 DEGREES 52 MINUTES 50 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER-CLOCKWISE THEREFROM), 135.94 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART TAKEN FOR WIDENING U.S. ROUTE 34 IN CASE NO. 99 ED 5 AS DESCRIBED IN ORDER VESTING TITLE RECORDED JULY 20, 2007 AS DOCUMENT NO. 2007K075742, ALL IN KANE COUNTY, ILLINOIS.

**EXHIBIT B**  
**PRELIMINARY PLAN AND PLAT OF SUBDIVISION**

**EXHIBIT C  
GENERAL LAND USE PLAN**



-  - Parcel A
-  - Parcel B
-  - Parcel C
-  - Parcel D

**EXHIBIT D**  
**LEGAL DESCRIPTION - PARCEL A, PARCEL B, PARCEL C, and PARCEL D**

**SINGLE FAMILY PARCEL (PARCEL A)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 382.12 FEET; THENCE NORTH 24 DEGREES 28 MINUTES 25 SECONDS EAST, 230.81 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 126.73 FEET; THENCE NORTH 24 DEGREES 21 MINUTES 56 SECONDS EAST, 125.00 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 232.06 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 94.36 FEET; THENCE NORTH 07 DEGREES 02 MINUTES 35 SECONDS EAST, 67.30 FEET; THENCE NORTH 19 DEGREES 00 MINUTES 05 SECONDS EAST, 81.28 FEET; THENCE NORTH 30 DEGREES 57 MINUTES 35 SECONDS EAST, 81.28 FEET; THENCE NORTH 42 DEGREES 55 MINUTES 05 SECONDS EAST, 40.64 FEET; THENCE SOUTH 47 DEGREES 04 MINUTES 55 SECONDS EAST, 125.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 47 DEGREES 04 MINUTES 55 SECONDS EAST, A RADIAL DISTANCE OF 263.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07 DEGREES 52 MINUTES 03 SECONDS, A DISTANCE OF 36.11 FEET; THENCE NORTH 39 DEGREES 12 MINUTES 52 SECONDS WEST, 125.00 FEET; THENCE NORTH 51 DEGREES 04 MINUTES 52 SECONDS EAST, 41.65 FEET; THENCE NORTH 62 DEGREES 44 MINUTES 38 SECONDS EAST, 115.67 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 47 SECONDS EAST, 32.79 FEET; THENCE NORTH 17 DEGREES 48 MINUTES 55 SECONDS EAST, 34.83 FEET; THENCE NORTH 11 DEGREES 51 MINUTES 13 SECONDS EAST, 60.00 FEET; THENCE NORTH 04 DEGREES 49 MINUTES 49 SECONDS EAST, 56.23 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 180.00 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 20.04 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 10 DEGREES 24 MINUTES 52 SECONDS EAST, A RADIAL DISTANCE OF 433.00 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01 DEGREES 13 MINUTES 32 SECONDS, A DISTANCE OF 9.26 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 33.75 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 10 DEGREES 39 MINUTES 58 SECONDS EAST, A RADIAL DISTANCE OF 400.00 FEET;

THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 11 SECONDS, A DISTANCE OF 80.19 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 47 SECONDS EAST, 98.46 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 58.80 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 04 SECONDS EAST, 124.68 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 1,457.75 FEET TO THE POINT OF BEGINNING.

**NORTH TOWNHOME PARCEL (PART OF PARCEL B)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ALSO PART OF THE NORTH HALF OF SECTION 1 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS AND ALSO THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST, 1,114.08 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 40.71 FEET; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 75.53 FEET; THENCE SOUTH 22 DEGREES 49 MINUTES 29 SECONDS WEST, 96.06 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 167.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 38 MINUTES 42 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 68.92 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 93.66 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 47 SECONDS WEST, 98.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 11 SECONDS; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 80.19 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 283.42 FEET; THENCE NORTH 88 DEGREES 42 MINUTES 48 SECONDS EAST, 51.09 FEET; THENCE NORTH 22 DEGREES 49 MINUTES 29 SECONDS EAST, 82.85 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 37.00 FEET AND A CENTRAL ANGLE OF 58 DEGREES 40 MINUTES 47 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 37.89 FEET; THENCE NORTH 35 DEGREES 51 MINUTES 18 SECONDS WEST, 86.76 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 233.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 22 MINUTES 20 SECONDS; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 46.25 FEET; THENCE SOUTH 80 DEGREES 51 MINUTES 11 SECONDS WEST, 102.06 FEET; THENCE NORTH 09 DEGREES 08 MINUTES 49 SECONDS WEST, 43.06 FEET; THENCE NORTH 67 DEGREES 02 MINUTES 36 SECONDS WEST, 155.46 FEET; THENCE NORTH 56 DEGREES 23 MINUTES

29 SECONDS WEST, 64.73 FEET; THENCE NORTH 39 DEGREES 22 MINUTES 52 SECONDS WEST, 96.00 FEET; THENCE NORTH 45 DEGREES 48 MINUTES 33 SECONDS WEST, 50.17 FEET; THENCE NORTH 41 DEGREES 55 MINUTES 06 SECONDS WEST, 106.07 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 870.84 FEET TO THE POINT OF BEGINNING.

**TOWNHOME PARCEL SOUTH (PART OF PARCEL B)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST 382.12 FEET TO THE POINT OF BEGINNING; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 751.98 FEET; THENCE NORTH 69 DEGREES 30 MINUTES 13 SECONDS EAST, 35.36 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 171.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 61.00 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 79.57 FEET; THENCE NORTH 39 DEGREES 29 MINUTES 37 SECONDS EAST, 406.54 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 33 DEGREES 21 MINUTES 47 SECONDS EAST, A RADIAL DISTANCE OF 423.13 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14 DEGREES 31 MINUTES 27 SECONDS, A DISTANCE OF 107.26 FEET; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 114.83 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 41 SECONDS WEST, 35.38 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 58.00 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST, 139.83 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 390.13 FEET AND A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 51 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 243.75 FEET; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST, 19.09 FEET; THENCE SOUTH 14 DEGREES 08 MINUTES 05 SECONDS WEST, 30.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 183.00 FEET AND A CENTRAL ANGLE OF 19 DEGREES 27 MINUTES 39 SECONDS; THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 62.16 FEET; THENCE SOUTH 50 DEGREES 30 MINUTES 23 SECONDS EAST, 166.97 FEET; THENCE SOUTH 72 DEGREES 53 MINUTES 33 SECONDS EAST, 30.81 FEET; THENCE SOUTH 37 DEGREES 03 MINUTES 33 SECONDS EAST, 151.96 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 60 DEGREES 55



MINUTES 23 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 90.38 FEET; THENCE SOUTH 23 DEGREES 51 MINUTES 50 SECONDS WEST, 162.68 FEET; THENCE NORTH 66 DEGREES 08 MINUTES 10 SECONDS WEST, 103.02 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH 63 DEGREES 09 MINUTES 11 SECONDS EAST, A RADIAL DISTANCE OF 247.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 31 MINUTES 12 SECONDS, A DISTANCE OF 49.66 FEET; THENCE SOUTH 76 DEGREES 02 MINUTES 45 SECONDS EAST, 15.57 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 533.00 FEET AND A CENTRAL ANGLE OF 10 DEGREES 31 MINUTES 10 SECONDS; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 97.86 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 2.50 FEET; THENCE SOUTH 24 DEGREES 28 MINUTES 25 SECONDS WEST, 230.81 FEET TO THE POINT OF BEGINNING.

**DETENTION PARCEL 1 (PART OF PARCEL C)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ALSO PART OF THE NORTH HALF OF SECTION 1 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS WEST 1,318.24 FEET TO THE POINT OF BEGINNING; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 447.40 FEET; THENCE SOUTH 41 DEGREES 55 MINUTES 06 SECONDS EAST, 106.07 FEET; THENCE SOUTH 45 DEGREES 48 MINUTES 33 SECONDS EAST, 50.17 FEET; THENCE SOUTH 39 DEGREES 22 MINUTES 52 SECONDS EAST, 96.00 FEET; THENCE SOUTH 56 DEGREES 23 MINUTES 29 SECONDS EAST, 64.73 FEET; THENCE SOUTH 67 DEGREES 02 MINUTES 36 SECONDS EAST, 155.46 FEET; THENCE SOUTH 09 DEGREES 08 MINUTES 49 SECONDS EAST, 43.06 FEET; THENCE NORTH 80 DEGREES 51 MINUTES 11 SECONDS EAST, 102.06 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 65 DEGREES 31 MINUTES 02 SECONDS EAST, A RADIAL DISTANCE OF 233.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 22 MINUTES 20 SECONDS, A DISTANCE OF 46.25 FEET; THENCE SOUTH 35 DEGREES 51 MINUTES 18 SECONDS EAST, 86.76 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 37.00 FEET AND A CENTRAL ANGLE OF 58 DEGREES 40 MINUTES 47 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 37.89 FEET; THENCE SOUTH 22

DEGREES 49 MINUTES 29 SECONDS WEST, 82.85 FEET; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 881.96 TO THE POINT OF BEGINNING.

**DETENTION PARCEL 2 (PART OF PARCEL C)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST 1,114.08 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST 40.71 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 286.39 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 04 SECONDS WEST, 124.68 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 58.80 FEET; THENCE CONTINUE NORTHERLY ALONG SAID LINE, A DISTANCE OF 93.66 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 167.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 38 MINUTES 42 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 68.92 FEET; THENCE NORTH 22 DEGREES 49 MINUTES 29 SECONDS EAST, 96.06 FEET; THENCE SOUTH 74 DEGREES 38 MINUTES 22 SECONDS EAST, 75.53 FEET TO THE POINT OF BEGINNING.

**DETENTION PARCEL 3 (PART OF PARCEL C)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS EAST 2,014.75 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST 139.83 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 390.13 FEET AND A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 51 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 243.75 FEET; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST 19.09 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST, 551.21 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 335.00 FEET AND A CENTRAL ANGLE OF 33 DEGREES 38 MINUTES 08 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 196.66 FEET; THENCE NORTH 23

DEGREES 15 MINUTES 43 SECONDS EAST, 410.78 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 11 DEGREES 38 MINUTES 24 SECONDS EAST, A RADIAL DISTANCE OF 433.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01 DEGREES 13 MINUTES 32 SECONDS, A DISTANCE OF 9.26 FEET; THENCE SOUTH 23 DEGREES 15 MINUTES 43 SECONDS WEST, 20.04 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 180.00 FEET; THENCE SOUTH 04 DEGREES 49 MINUTES 49 SECONDS WEST, 56.23 FEET; THENCE SOUTH 11 DEGREES 51 MINUTES 13 SECONDS WEST, 60.00 FEET; THENCE SOUTH 17 DEGREES 48 MINUTES 55 SECONDS WEST, 34.83 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 47 SECONDS WEST, 32.79 FEET; THENCE SOUTH 62 DEGREES 44 MINUTES 38 SECONDS WEST, 115.67 FEET; THENCE SOUTH 51 DEGREES 04 MINUTES 52 SECONDS WEST, 41.65 FEET; THENCE SOUTH 39 DEGREES 12 MINUTES 52 SECONDS EAST, 125.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH 39 DEGREES 12 MINUTES 52 SECONDS EAST, A RADIAL DISTANCE OF 263.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07 DEGREES 52 MINUTES 03 SECONDS, A DISTANCE OF 36.11 FEET; THENCE NORTH 47 DEGREES 04 MINUTES 55 SECONDS WEST, 125.00 FEET; THENCE SOUTH 42 DEGREES 55 MINUTES 05 SECONDS WEST, 40.64 FEET; THENCE SOUTH 30 DEGREES 57 MINUTES 35 SECONDS WEST, 81.28 FEET; THENCE SOUTH 19 DEGREES 00 MINUTES 05 SECONDS WEST, 81.28 FEET; THENCE SOUTH 07 DEGREES 02 MINUTES 35 SECONDS WEST, 67.30 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 94.36 FEET; THENCE NORTH 65 DEGREES 31 MINUTES 35 SECONDS WEST, 232.06 FEET; THENCE SOUTH 24 DEGREES 21 MINUTES 56 SECONDS WEST, 125.00 FEET; THENCE NORTH 65 DEGREES 31 MINUTES 35 SECONDS WEST, 126.73 FEET; THENCE CONTINUE NORTHWESTERLY ALONG SAID LINE, A DISTANCE OF 2.50 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 533.00 FEET AND A CENTRAL ANGLE OF 10 DEGREES 31 MINUTES 10 SECONDS; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 97.86 FEET; THENCE NORTH 76 DEGREES 02 MINUTES 45 SECONDS WEST, 15.57 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 74 DEGREES 40 MINUTES 22 SECONDS EAST, A RADIAL DISTANCE OF 247.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 31 MINUTES 12 SECONDS, A DISTANCE OF 49.66 FEET; THENCE SOUTH 66 DEGREES 08 MINUTES 10 SECONDS EAST, 103.02 FEET; THENCE NORTH 23 DEGREES 51 MINUTES 50 SECONDS EAST, 162.68 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 60 DEGREES 55 MINUTES 23 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 90.38 FEET; THENCE NORTH 37 DEGREES 03 MINUTES 33 SECONDS WEST, 151.96 FEET; THENCE NORTH 72 DEGREES 53 MINUTES 33 SECONDS WEST, 30.81 FEET; THENCE NORTH 50 DEGREES 30 MINUTES 23 SECONDS WEST, 166.97 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 56 DEGREES 24 MINUTES 16 SECONDS WEST, A RADIAL

DISTANCE OF 183.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 19 DEGREES 27 MINUTES 39 SECONDS, A DISTANCE OF 62.16 FEET; THENCE NORTH 14 DEGREES 08 MINUTES 05 SECONDS EAST, 30.46 FEET TO THE POINT OF BEGINNING.

**COMMERCIAL PARCEL LEGAL (PARCEL D)**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 1,134.10 FEET TO THE POINT OF BEGINNING, THENCE NORTH 69 DEGREES 30 MINUTES 13 SECONDS EAST, 35.36 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 171.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 61.00 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 79.57 FEET; THENCE NORTH 39 DEGREES 29 MINUTES 37 SECONDS EAST, 406.54 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 33 DEGREES 21 MINUTES 47 SECONDS EAST, A RADIAL DISTANCE OF 423.13 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14 DEGREES 31 MINUTES 27 SECONDS, A DISTANCE OF 107.26 FEET; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 114.83 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 41 SECONDS WEST, 35.38 FEET; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS WEST, 757.82 FEET; THENCE SOUTH 09 DEGREES 04 MINUTES 17 SECONDS EAST, 42.16 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 327.73 FEET; TO THE POINT OF BEGINNING.



May 12, 2023

Jill N. Morgan, AICP, Senior Planner  
City of Aurora, Zoning and Planning Division  
77 S. Broadway, 2nd Floor  
Aurora, Illinois 60507

**RE: Wheatland Crossing - City of Aurora, IL (SEC U.S. Route 34 and Farnsworth Avenue)**  
Response to Review Memo Comments  
*City of Aurora Project No.: 2021.095*

Mrs. Morgan:

D.R. Horton, Inc. (DRH) is in receipt of the City of Aurora's Review Memo, dated March 16, 2023. DRH offers the following itemized responses:

#### A. Planning and Zoning Comments

- Qualifying Statement (Sec. D): Change Special Use to Conditional Use. The minimum square footage outlined in the Statement is less than what is shown on the presentation with the renderings. Please clarify which is correct. Staff update Plan Description to reflect minimum square footage shown in renderings.

**RESPONSE:** The Plan Description has been updated to reflect the minimum square footages that are being requested. The square footages shown in the Architectural Package represent the proposed square footages, however DRH would like to maintain the flexibility in regard to the minimum square footage of the dwelling units to accommodate market demands.
- Plan Description: Please provide a simple map outlining the four Parcels A-D to be attached to the Plan Description. We do not attach the Preliminary Plans anymore to Plan Descriptions. Does not need to be a full-scale document. See Staff's redline changes. Please provide any corrections or comments redline in the Word document. Can you please draft some additional language to include in the Plan Description and Annexation Agreement to address the following: The City would like to add language that the adjacent parcels along Ogden will be permitted to expand the pond of Wheatland Crossing when they are annexed into the City and developed. We also want to ensure that the commercial property that is being annexed with this project is somehow contributing financially to the maintenance of the pond.

**RESPONSE:** Developer is agreeable to the concept of shared detention with the parcel adjacent to the north. An easement to access could be granted as part of Stormwater Management Easement dedicated on the Final Plat of Subdivision. Note that the access and expansion would be subject to future agreement on insurance, construction access requirements, and shared maintenance.

Detention is not provided for the commercial acreage. The commercial developer understands this and preliminary concept plans have accommodated stand-alone detention on the corner commercial parcel.
- Annexation Agreement: See Staff's redline changes. Please provide any corrections or comments redline



in the Word document.

**RESPONSE:** Comments on the draft AA have been received and are noted. Further revisions will be provided at such time as staff has approved layout and design of subdivision details.

4. CC and Rs (Sec E): Proposed CC and Rs should be submitted in a pdf format.

**RESPONSE:** A draft of the CCR's has been provided with this submittal. The CCR's will remain subject to revision through approval of final plan documents. Developer will record the CCR's as a condition to the issuance of the first occupancy permit associated with the sale of a dwelling unit in the subdivision. Developer will incorporate this as a requirement in the AA.

5. Excel Spreadsheet: Please provide the following information, if applicable:

- a) Total High-water Line for all Wet Bottom Stormwater Detention/Retention Facilities in Linear Footage

**RESPONSE:** Provided on spreadsheet (4,361 L.F.)

- b) Total High-water Line for all Dry Bottom Stormwater Detention/Retention Facilities in Linear Footage

**RESPONSE:** N/A

- c) Total Street Frontage (existing and proposed) in Linear Fee of Curb Line

**RESPONSE:** Provided on spreadsheet.

Existing frontage is 4,560 L.F.

Proposed frontage is 13,640 L.F.

- d) Construction Value in dollars (approximate)

**RESPONSE:** Provided on spreadsheet. Approximately \$52MM

- B. Please include the following changes to the Authorization Letter submitted ( [Format Guidelines 2-2](#)):

1. Letter of Authorization: Needs to include a first page stating what they are authorizing. See above Format Guidelines for template.

**RESPONSE:** Authorization Letter provides additional information as required.

- C. Please include the following changes to the Preliminary Plan document submitted ( [Format Guidelines 2- 8](#)):

1. Show width of bike path and sidewalk. (Sec. 3.3)

**RESPONSE:** Both walk and path have been labeled

2. Remove Benchmark/Control Points.

**RESPONSE:** Both have been removed.

3. Remove easements as that information is on the Plat.

**RESPONSE:** Easement info. Has been removed

4. Page breaks should not cut through lots or ponds.

**RESPONSE:** Page breaks are set so the entire lot is shown on one sheet or the next. The lots have not been cut in half.

5. Minimum Design Standards should note that is referring to R-4A townhomes.



**RESPONSE:** The note has been updated to refer to r-4a townhomes.

6. Update table with enclosed parking information.

**RESPONSE:** The information has been provided.

7. Building lots should mostly adhere to separation to allow the building to be built anywhere within the lot. Sometimes this may be impossible to keep a corner out of setback, which is acceptable.

**RESPONSE:** The plans reflect setbacks to the anticipated location of the building. We believe that showing measurements to the individual TH pads would be confusing for purposes of discussion with residents. We acknowledge that the buildings may shift slightly with the individual TH pads, so the setbacks and the separation measurements show on the plan are reflected accordingly.

8. The A/C units in rear (staff is assuming they are A/C units) should be located within the building pad.

**RESPONSE:** Patios are being shown on the Preliminary Plan off the rear of each Townhome unit. The patio is generally 10'x10' with a 3' stoop. The individual TH pads have been adjusted to include the patio. We think this change would cause additional confusion for neighbors if setbacks or separations were measured to the pad. Building 95 is 38' from the rear property line and Petitioner is committed to maintaining not less than that separation. However, if we measured to the building pad, the setback would be reduced to approximately 24', which is misleading.

9. Show the potential layout of the commercial including an internal drive aisle that will connect all the commercial parcels with both the entrance on Farnsworth and Ogden (like the connection on the commercial abutting Summerlin across the street) and show the access points for the commercial.

**RESPONSE:** A separate plan & submittal will be provided by the commercial developer. The Preliminary Plan illustrates the general outline of the commercial improvements and drive as represented to DRH as of the time of this submittal.

10. Access to Farnsworth at Summerlin Drive needs to be shared with the commercial development.

**RESPONSE:** Agreed. The access at Summerlin will be shared between the residential and adjacent commercial development. Residential developer will construct the intersection improvement from Farnsworth to Road A, as depicted on the Preliminary Plan.

The Preliminary Plan has been updated to show anticipated layout of the Noted - #9 above should accommodate – there is an access into the commercial off of Summerlin but also a R-in and R-out just to the north

11. Middle access onto Ogden must connect to Farm Drive and the City wants the entire sixty-six (66) feet with a cross section of thirty-one (31) feet of pavement width back to back with B6-12 curb and gutter to be installed now with the residential development.

**RESPONSE:** This is a physical impossibility. There is an existing access road that saddles the property line to the north. This access road is constructed of gravel and is utilized for access to the adjacent cement plant. We cannot physically build a new road and maintain the existing road to the plant- which would impact ingress/egress and the centerline alignment on Ogden. We cannot rebuild the existing road without an agreement with the plant owner- which has not been possible to-date. Moreover, the wear associated with heavy-loads to/from the asphalt plant would destroy any road constructed to handle residential traffic.



Developer is appropriately responsible for ½ road from Road B to the west property line of the townhomes (approximately 140 linear feet). Developer is agreeable to a cash contribution reflecting this amount.

12. Add paths around the detention pond.

**RESPONSE:** Several issues here: There is insufficient space around the ponds. This would add a significant amount of cost to the HOA maintenance budget which may take this project out of the market range. Adjacent neighborhoods do not have trails for their ponds with the exception of a few regional SWM facilities that connect large, planned developments.

13. North side of Keating Drive should be a bike path.

**RESPONSE:** In the adjacent neighborhoods, Keating is either the backyard of single family with a landscape buffer, along sideyards of single family or is adjacent to townhomes.

The compromise would be to run the trail along Keating (north side). Then turn south on Road E (west side) to Hafenrichter and connect to the trail there

This will minimize the number of front yards and driveways the trail crosses.

14. If you are proposing any signage or fencing, please show it on the plan indicating ONLY the height, location, and setback from all property lines.

**RESPONSE:** Plans reflect the height, location & setback.

15. Outlots should be assigned numerical lot numbers and not letters.

**RESPONSE:** Noted & revised

D. Please include the following changes to the **Preliminary Plat** document submitted ([Format Guidelines 2- 9](#)) :

1. Remove names and just label new roads as Road A, B, C, etc. Road names will be finalized with the Address Plat at Final Plat by the Address Committee.

**RESPONSE:** Road names have been changed to letters.

2. Outlots should be assigned numerical lot numbers and not letters and not referenced as outlots.

**RESPONSE:** Outlots have been renamed and assigned numbers and not letters.

3. Remove Setback information from Plat, including setback on details and minimum design standards table.

**RESPONSE:** This information has been removed.

4. Location maps – should be removed.

**RESPONSE:** The location map has been removed.

5. Page breaks should not cut through a lot.

**RESPONSE:** Page breaks are set so the entire lot is shown on one sheet or the next. The lots have not been cut in half.

E. Please include the following changes to the **Landscape Plan** document submitted ([Format Guidelines 2- 7](#)):





1. Review of Landscape Plan will be done at Final Plan and Plat but to facilitate the Final Plan and Plat more quickly, see some of the preliminary, general comments. Additional comments will be provided with the more in-depth review at Final.  
**RESPONSE:** Comment acknowledged.
2. Note for each stormwater detention/retention facility the proposed type of bottom (wet or dry) (Sec. 3.3)  
**RESPONSE:** Each detention basin has been labeled.
3. Are you burying overhead utilities?  
**RESPONSE:** The overhead utility lines will remain.
4. Need street trees along Farnsworth/Hafenrichter.  
**RESPONSE:** The landscape plan has been updated to provide street trees along Farnsworth and Hafenrichter.
5. Why are you preserving white mulberry in the one detention pond that are identified as poor and removing everywhere else? White Mulberry can be invasive and is typically not recommended.  
**RESPONSE:** There is an existing wetland south of lot 106. The trees on the south side of this lot are preserved as part of the wetland buffer preservation.
6. Provide additional landscaping particularly evergreen trees and possibly a berm behind Lots 22- 28 to provide additional buffer to manufacturing use.  
**RESPONSE:** Additional landscaping has been provided behind lots 22-28 to provide additional screening.
7. Add an undulating 3-5' berm behind Lots 92-95 (lots abutting the single-family) with heavy landscaping and behind the townhomes that abut Ogden Avenue.  
**RESPONSE:** Additional landscaping has been provided behind lots 92-95 to provide additional screening. Due to engineering and grading constraints, a berm was not feasible.
8. Consider a berm or a fence behind buildings 76-78 to buffer from the adjacent commercial.  
**RESPONSE:** Additional landscaping has been provided behind buildings 76-78 to provide additional screening. Due to engineering and grading constraints, a berm was not feasible.
9. Please note that the one tree for interior and two trees for corner lot requirement for single family requires that the trees to be located in the exterior yard of each street frontage and not the rear yards. You are welcome to have rear yard plantings as well, but those would not be part of the required CTEs for single-family.  
**RESPONSE:** The typical lot plans have been updated to locate the trees within the appropriate yards.
10. Please note that Aurora considers Techny Arborvitae a shrub.  
**RESPONSE:** Comment acknowledged
11. Please note, for Trees no more than three of the same species shall be clustered together. The goal should be that no Family shall account for more than 30%, no Genus shall account for more than 20%, and no Species shall account for more than 10% of any Planting Material Type.  
**RESPONSE:** Comment acknowledged. Species diversity will be documented in the Final Landscape Plan.

F. Please include the following changes to the **Elevations** document submitted:



1. A basement should be a standard in all homes unless a basement is not feasible due to engineering constraints. This requirement has been added to the Plan Description.

**RESPONSE: Comment acknowledged**

2. Please order elevations from base to highest model with each model on a separate page so staff can go ahead and begin reviewing elevations before Final.

**RESPONSE: Architectural package has been revised to address the comment.**

Continued next page

Please feel free to contact me with any questions or comments that you may have regarding these matters.

Sincerely,

D.R. Horton

A handwritten signature in black ink, appearing to read "Chris Funkhouser", is written over a thin horizontal line.

Chris Funkhouser  
Land Acquisition Project Manager

CC: Patrick Cook, Land Acquisitions – D.R. Horton  
Derrick Hoffman, Land Acquisition Manager – D.R. Horton  
Chris Lester, Land Manager – D.R. Horton



May 12, 2023

Jill N. Morgan, AICP, Senior Planner  
City of Aurora, Zoning and Planning Division  
77 S. Broadway, 2nd Floor  
Aurora, Illinois 60507

**RE: Wheatland Crossing - City of Aurora, IL (SEC U.S. Route 34 and Farnsworth Avenue)**  
Submittal #1  
*City of Aurora Project No.: 2021.095*

Mrs. Morgan:

D.R. Horton is pleased to be submitting a petition to the City of Aurora for the proposed development of the approximately 57-acre property at the southeast corner of U.S. Route 34 and Farnsworth Avenue. D.R. Horton is seeking formal staff review and comment on the petition package.

This petition to the City of Aurora requests approval of (i) Annexation to the City of Aurora; (ii) a Preliminary Plan and Plat of Subdivision; (iii) a Rezone of the Property; (iv) a Special Use for a Planned Development; and (v) other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the property.

**Submittal Documents:**

- 00. Transmittal Letter
- 00.a. Response Letter to Comments
- 01. Qualifying Statement (Clean)
- 01.a. Qualifying Statement (Redline)
- 02. ALTA/NSPS Land Title Survey
- 03. Legal description
- 03.a. Legal description (Zoning Parcels)
- 04. Letter of Authorization
- 04.a. Petition For Annexation
- 05. Declaration
- 06. Fire Access Plan
- 07. Preliminary Engineering Plan
- 08. *Stormwater Permit Worksheet, Application, and Project Information Sheet (1-14)*  
*Included in SWM Report*
- 09. Preliminary Stormwater Management Analysis and Report
- 10. Preliminary Geotechnical Exploration Analysis
- 11. Wetland Delineation Report
- 12. Traffic Study
- 13. Drain Tile Survey
- 14. *Dormant SSA for Long-Term Maint. of Stormwater Facilities*  
*Will be provided during review process*
- 15. Plan description
- 16. Plat of Annexation



17. Natural Resource Review EcoCAT
- 18.a. Kane-DuPage Soil & Water Conservation District (LOU) Letter
- 18.b. Kendall County Soil & Water Conservation District (NRI) Letter
- 18.c. Kendall County Soil & Water Conservation District (NRI) Report
19. Preliminary Plan
20. Preliminary Plat
21. Preliminary Landscape Plan
22. Preliminary/Illustrative Architecture Elevations
23. Monument Exhibit
- 24.a. Lot Coverage Exhibit
- 24.b. Lot Coverage Chart
25. Phasing Plan
26. Future Development Concept Plan
27. Parcel Exhibit
28. IDNR Letter
29. Land Use Petition
30. *Development Tables & Calculator (Not included in PDF)*

Please feel free to contact me with any questions or comments that you may have regarding these matters.

Sincerely,

D.R. Horton

A handwritten signature in black ink, appearing to read "Chris Funkhouser", is written over a thin horizontal line.

Chris Funkhouser  
Land Acquisition Project Manager

CC: Patrick Cook, Land Acquisitions – D.R. Horton  
Derrick Hoffman, Land Acquisition Manager – D.R. Horton  
Chris Lester, Land Manager – D.R. Horton

### **NORTH TOWNHOME PARCEL**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ALSO PART OF THE NORTH HALF OF SECTION 1 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS AND ALSO THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST, 1,114.08 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 40.71 FEET; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 75.53 FEET; THENCE SOUTH 22 DEGREES 49 MINUTES 29 SECONDS WEST, 96.06 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 167.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 38 MINUTES 42 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 68.92 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 93.66 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 47 SECONDS WEST, 98.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 11 SECONDS; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 80.19 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 283.42 FEET; THENCE NORTH 88 DEGREES 42 MINUTES 48 SECONDS EAST, 51.09 FEET; THENCE NORTH 22 DEGREES 49 MINUTES 29 SECONDS EAST, 82.85 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 37.00 FEET AND A CENTRAL ANGLE OF 58 DEGREES 40 MINUTES 47 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 37.89 FEET; THENCE NORTH 35 DEGREES 51 MINUTES 18 SECONDS WEST, 86.76 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 233.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 22 MINUTES 20 SECONDS; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 46.25 FEET; THENCE SOUTH 80 DEGREES 51 MINUTES 11 SECONDS WEST, 102.06 FEET; THENCE NORTH 09 DEGREES 08 MINUTES 49 SECONDS WEST, 43.06 FEET; THENCE NORTH 67 DEGREES 02 MINUTES 36 SECONDS WEST, 155.46 FEET; THENCE NORTH 56 DEGREES 23 MINUTES 29 SECONDS WEST, 64.73 FEET; THENCE NORTH 39 DEGREES 22 MINUTES 52 SECONDS WEST, 96.00 FEET; THENCE NORTH 45 DEGREES 48 MINUTES 33 SECONDS WEST, 50.17 FEET; THENCE NORTH 41 DEGREES 55 MINUTES 06 SECONDS WEST, 106.07 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 870.84 FEET TO THE POINT OF BEGINNING.

### **DETENTION PARCEL 1**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ALSO PART OF THE

NORTH HALF OF SECTION 1 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS WEST 1,318.24 FEET TO THE POINT OF BEGINNING; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 447.40 FEET; THENCE SOUTH 41 DEGREES 55 MINUTES 06 SECONDS EAST, 106.07 FEET; THENCE SOUTH 45 DEGREES 48 MINUTES 33 SECONDS EAST, 50.17 FEET; THENCE SOUTH 39 DEGREES 22 MINUTES 52 SECONDS EAST, 96.00 FEET; THENCE SOUTH 56 DEGREES 23 MINUTES 29 SECONDS EAST, 64.73 FEET; THENCE SOUTH 67 DEGREES 02 MINUTES 36 SECONDS EAST, 155.46 FEET; THENCE SOUTH 09 DEGREES 08 MINUTES 49 SECONDS EAST, 43.06 FEET; THENCE NORTH 80 DEGREES 51 MINUTES 11 SECONDS EAST, 102.06 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 65 DEGREES 31 MINUTES 02 SECONDS EAST, A RADIAL DISTANCE OF 233.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 22 MINUTES 20 SECONDS, A DISTANCE OF 46.25 FEET; THENCE SOUTH 35 DEGREES 51 MINUTES 18 SECONDS EAST, 86.76 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 37.00 FEET AND A CENTRAL ANGLE OF 58 DEGREES 40 MINUTES 47 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 37.89 FEET; THENCE SOUTH 22 DEGREES 49 MINUTES 29 SECONDS WEST, 82.85 FEET; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 881.96 TO THE POINT OF BEGINNING.

### **DETENTION PARCEL 2**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST 1,114.08 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST 40.71 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 286.39 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 04 SECONDS WEST, 124.68 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 58.80 FEET; THENCE CONTINUE NORTHERLY ALONG SAID LINE, A DISTANCE OF 93.66 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 167.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 38 MINUTES 42 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 68.92 FEET; THENCE NORTH 22 DEGREES 49 MINUTES 29 SECONDS EAST, 96.06 FEET; THENCE SOUTH 74 DEGREES 38 MINUTES 22 SECONDS EAST, 75.53 FEET TO THE POINT OF BEGINNING.

### **DETENTION PARCEL 3**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS EAST 2,014.75 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST 139.83 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 390.13 FEET AND A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 51 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 243.75 FEET; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST 19.09 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST, 551.21 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 335.00 FEET AND A CENTRAL ANGLE OF 33 DEGREES 38 MINUTES 08 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 196.66 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 410.78 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 11 DEGREES 38 MINUTES 24 SECONDS EAST, A RADIAL DISTANCE OF 433.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01 DEGREES 13 MINUTES 32 SECONDS, A DISTANCE OF 9.26 FEET; THENCE SOUTH 23 DEGREES 15 MINUTES 43 SECONDS WEST, 20.04 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 180.00 FEET; THENCE SOUTH 04 DEGREES 49 MINUTES 49 SECONDS WEST, 56.23 FEET; THENCE SOUTH 11 DEGREES 51 MINUTES 13 SECONDS WEST, 60.00 FEET; THENCE SOUTH 17 DEGREES 48 MINUTES 55 SECONDS WEST, 34.83 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 47 SECONDS WEST, 32.79 FEET; THENCE SOUTH 62 DEGREES 44 MINUTES 38 SECONDS WEST, 115.67 FEET; THENCE SOUTH 51 DEGREES 04 MINUTES 52 SECONDS WEST, 41.65 FEET; THENCE SOUTH 39 DEGREES 12 MINUTES 52 SECONDS EAST, 125.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH 39 DEGREES 12 MINUTES 52 SECONDS EAST, A RADIAL DISTANCE OF 263.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07 DEGREES 52 MINUTES 03 SECONDS, A DISTANCE OF 36.11 FEET; THENCE NORTH 47 DEGREES 04 MINUTES 55 SECONDS WEST, 125.00 FEET; THENCE SOUTH 42 DEGREES 55 MINUTES 05 SECONDS WEST, 40.64 FEET; THENCE SOUTH 30 DEGREES 57 MINUTES 35 SECONDS WEST, 81.28 FEET; THENCE SOUTH 19 DEGREES 00 MINUTES 05 SECONDS WEST, 81.28 FEET; THENCE SOUTH 07 DEGREES 02 MINUTES 35 SECONDS WEST, 67.30 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 94.36 FEET; THENCE NORTH 65 DEGREES 31 MINUTES 35 SECONDS WEST, 232.06 FEET; THENCE SOUTH 24 DEGREES 21 MINUTES 56 SECONDS WEST, 125.00

FEET; THENCE NORTH 65 DEGREES 31 MINUTES 35 SECONDS WEST, 126.73 FEET; THENCE CONTINUE NORTHWESTERLY ALONG SAID LINE, A DISTANCE OF 2.50 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 533.00 FEET AND A CENTRAL ANGLE OF 10 DEGREES 31 MINUTES 10 SECONDS; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 97.86 FEET; THENCE NORTH 76 DEGREES 02 MINUTES 45 SECONDS WEST, 15.57 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 74 DEGREES 40 MINUTES 22 SECONDS EAST, A RADIAL DISTANCE OF 247.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 31 MINUTES 12 SECONDS, A DISTANCE OF 49.66 FEET; THENCE SOUTH 66 DEGREES 08 MINUTES 10 SECONDS EAST, 103.02 FEET; THENCE NORTH 23 DEGREES 51 MINUTES 50 SECONDS EAST, 162.68 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 60 DEGREES 55 MINUTES 23 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 90.38 FEET; THENCE NORTH 37 DEGREES 03 MINUTES 33 SECONDS WEST, 151.96 FEET; THENCE NORTH 72 DEGREES 53 MINUTES 33 SECONDS WEST, 30.81 FEET; THENCE NORTH 50 DEGREES 30 MINUTES 23 SECONDS WEST, 166.97 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 56 DEGREES 24 MINUTES 16 SECONDS WEST, A RADIAL DISTANCE OF 183.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 19 DEGREES 27 MINUTES 39 SECONDS, A DISTANCE OF 62.16 FEET; THENCE NORTH 14 DEGREES 08 MINUTES 05 SECONDS EAST, 30.46 FEET TO THE POINT OF BEGINNING.

### **TOWNHOME PARCEL SOUTH**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST 382.12 FEET TO THE POINT OF BEGINNING; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 751.98 FEET; THENCE NORTH 69 DEGREES 30 MINUTES 13 SECONDS EAST, 35.36 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 171.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 61.00 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 79.57 FEET; THENCE NORTH 39 DEGREES 29 MINUTES 37 SECONDS EAST, 406.54 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 33 DEGREES 21 MINUTES 47 SECONDS EAST, A RADIAL DISTANCE OF 423.13 FEET; THENCE



NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14 DEGREES 31 MINUTES 27 SECONDS, A DISTANCE OF 107.26 FEET; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 114.83 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 41 SECONDS WEST, 35.38 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 58.00 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST, 139.83 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 390.13 FEET AND A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 51 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 243.75 FEET; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST, 19.09 FEET; THENCE SOUTH 14 DEGREES 08 MINUTES 05 SECONDS WEST, 30.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 183.00 FEET AND A CENTRAL ANGLE OF 19 DEGREES 27 MINUTES 39 SECONDS; THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 62.16 FEET; THENCE SOUTH 50 DEGREES 30 MINUTES 23 SECONDS EAST, 166.97 FEET; THENCE SOUTH 72 DEGREES 53 MINUTES 33 SECONDS EAST, 30.81 FEET; THENCE SOUTH 37 DEGREES 03 MINUTES 33 SECONDS EAST, 151.96 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 60 DEGREES 55 MINUTES 23 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 90.38 FEET; THENCE SOUTH 23 DEGREES 51 MINUTES 50 SECONDS WEST, 162.68 FEET; THENCE NORTH 66 DEGREES 08 MINUTES 10 SECONDS WEST, 103.02 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH 63 DEGREES 09 MINUTES 11 SECONDS EAST, A RADIAL DISTANCE OF 247.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 31 MINUTES 12 SECONDS, A DISTANCE OF 49.66 FEET; THENCE SOUTH 76 DEGREES 02 MINUTES 45 SECONDS EAST, 15.57 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 533.00 FEET AND A CENTRAL ANGLE OF 10 DEGREES 31 MINUTES 10 SECONDS; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 97.86 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 2.50 FEET; THENCE SOUTH 24 DEGREES 28 MINUTES 25 SECONDS WEST, 230.81 FEET TO THE POINT OF BEGINNING.

**SINGLE FAMILY PARCEL:**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 382.12 FEET; THENCE NORTH 24 DEGREES 28 MINUTES 25 SECONDS EAST, 230.81 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 126.73 FEET; THENCE NORTH 24

DEGREES 21 MINUTES 56 SECONDS EAST, 125.00 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 232.06 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 94.36 FEET; THENCE NORTH 07 DEGREES 02 MINUTES 35 SECONDS EAST, 67.30 FEET; THENCE NORTH 19 DEGREES 00 MINUTES 05 SECONDS EAST, 81.28 FEET; THENCE NORTH 30 DEGREES 57 MINUTES 35 SECONDS EAST, 81.28 FEET; THENCE NORTH 42 DEGREES 55 MINUTES 05 SECONDS EAST, 40.64 FEET; THENCE SOUTH 47 DEGREES 04 MINUTES 55 SECONDS EAST, 125.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 47 DEGREES 04 MINUTES 55 SECONDS EAST, A RADIAL DISTANCE OF 263.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07 DEGREES 52 MINUTES 03 SECONDS, A DISTANCE OF 36.11 FEET; THENCE NORTH 39 DEGREES 12 MINUTES 52 SECONDS WEST, 125.00 FEET; THENCE NORTH 51 DEGREES 04 MINUTES 52 SECONDS EAST, 41.65 FEET; THENCE NORTH 62 DEGREES 44 MINUTES 38 SECONDS EAST, 115.67 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 47 SECONDS EAST, 32.79 FEET; THENCE NORTH 17 DEGREES 48 MINUTES 55 SECONDS EAST, 34.83 FEET; THENCE NORTH 11 DEGREES 51 MINUTES 13 SECONDS EAST, 60.00 FEET; THENCE NORTH 04 DEGREES 49 MINUTES 49 SECONDS EAST, 56.23 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 180.00 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 20.04 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 10 DEGREES 24 MINUTES 52 SECONDS EAST, A RADIAL DISTANCE OF 433.00 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01 DEGREES 13 MINUTES 32 SECONDS, A DISTANCE OF 9.26 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 33.75 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 10 DEGREES 39 MINUTES 58 SECONDS EAST, A RADIAL DISTANCE OF 400.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 11 SECONDS, A DISTANCE OF 80.19 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 47 SECONDS EAST, 98.46 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 58.80 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 04 SECONDS EAST, 124.68 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 1,457.75 FEET TO THE POINT OF BEGINNING.

**COMMERCIAL PARCEL LEGAL:**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24

DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 1,134.10 FEET TO THE POINT OF BEGINNING, THENCE NORTH 69 DEGREES 30 MINUTES 13 SECONDS EAST, 35.36 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 171.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 61.00 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 79.57 FEET; THENCE NORTH 39 DEGREES 29 MINUTES 37 SECONDS EAST, 406.54 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 33 DEGREES 21 MINUTES 47 SECONDS EAST, A RADIAL DISTANCE OF 423.13 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14 DEGREES 31 MINUTES 27 SECONDS, A DISTANCE OF 107.26 FEET; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 114.83 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 41 SECONDS WEST, 35.38 FEET; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS WEST, 757.82 FEET; THENCE SOUTH 09 DEGREES 04 MINUTES 17 SECONDS EAST, 42.16 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 327.73 FEET; TO THE POINT OF BEGINNING.

### **NORTH TOWNHOME PARCEL**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ALSO PART OF THE NORTH HALF OF SECTION 1 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS AND ALSO THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST, 1,114.08 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 40.71 FEET; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 75.53 FEET; THENCE SOUTH 22 DEGREES 49 MINUTES 29 SECONDS WEST, 96.06 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 167.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 38 MINUTES 42 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 68.92 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 93.66 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 47 SECONDS WEST, 98.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 400.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 11 SECONDS; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 80.19 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 283.42 FEET; THENCE NORTH 88 DEGREES 42 MINUTES 48 SECONDS EAST, 51.09 FEET; THENCE NORTH 22 DEGREES 49 MINUTES 29 SECONDS EAST, 82.85 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 37.00 FEET AND A CENTRAL ANGLE OF 58 DEGREES 40 MINUTES 47 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 37.89 FEET; THENCE NORTH 35 DEGREES 51 MINUTES 18 SECONDS WEST, 86.76 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 233.00 FEET AND A CENTRAL ANGLE OF 11 DEGREES 22 MINUTES 20 SECONDS; THENCE NORTHWESTERLY ALONG THE ARC A DISTANCE OF 46.25 FEET; THENCE SOUTH 80 DEGREES 51 MINUTES 11 SECONDS WEST, 102.06 FEET; THENCE NORTH 09 DEGREES 08 MINUTES 49 SECONDS WEST, 43.06 FEET; THENCE NORTH 67 DEGREES 02 MINUTES 36 SECONDS WEST, 155.46 FEET; THENCE NORTH 56 DEGREES 23 MINUTES 29 SECONDS WEST, 64.73 FEET; THENCE NORTH 39 DEGREES 22 MINUTES 52 SECONDS WEST, 96.00 FEET; THENCE NORTH 45 DEGREES 48 MINUTES 33 SECONDS WEST, 50.17 FEET; THENCE NORTH 41 DEGREES 55 MINUTES 06 SECONDS WEST, 106.07 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 870.84 FEET TO THE POINT OF BEGINNING.

### **DETENTION PARCEL 1**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN ALSO PART OF THE

NORTH HALF OF SECTION 1 TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS WEST 1,318.24 FEET TO THE POINT OF BEGINNING; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 447.40 FEET; THENCE SOUTH 41 DEGREES 55 MINUTES 06 SECONDS EAST, 106.07 FEET; THENCE SOUTH 45 DEGREES 48 MINUTES 33 SECONDS EAST, 50.17 FEET; THENCE SOUTH 39 DEGREES 22 MINUTES 52 SECONDS EAST, 96.00 FEET; THENCE SOUTH 56 DEGREES 23 MINUTES 29 SECONDS EAST, 64.73 FEET; THENCE SOUTH 67 DEGREES 02 MINUTES 36 SECONDS EAST, 155.46 FEET; THENCE SOUTH 09 DEGREES 08 MINUTES 49 SECONDS EAST, 43.06 FEET; THENCE NORTH 80 DEGREES 51 MINUTES 11 SECONDS EAST, 102.06 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 65 DEGREES 31 MINUTES 02 SECONDS EAST, A RADIAL DISTANCE OF 233.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 22 MINUTES 20 SECONDS, A DISTANCE OF 46.25 FEET; THENCE SOUTH 35 DEGREES 51 MINUTES 18 SECONDS EAST, 86.76 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 37.00 FEET AND A CENTRAL ANGLE OF 58 DEGREES 40 MINUTES 47 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 37.89 FEET; THENCE SOUTH 22 DEGREES 49 MINUTES 29 SECONDS WEST, 82.85 FEET; THENCE NORTH 74 DEGREES 38 MINUTES 22 SECONDS WEST, 881.96 TO THE POINT OF BEGINNING.

### **DETENTION PARCEL 2**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 00 DEGREES 26 MINUTES 29 SECONDS EAST 1,114.08 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST 40.71 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 286.39 FEET; THENCE SOUTH 89 DEGREES 11 MINUTES 04 SECONDS WEST, 124.68 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 58.80 FEET; THENCE CONTINUE NORTHERLY ALONG SAID LINE, A DISTANCE OF 93.66 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 167.00 FEET AND A CENTRAL ANGLE OF 23 DEGREES 38 MINUTES 42 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 68.92 FEET; THENCE NORTH 22 DEGREES 49 MINUTES 29 SECONDS EAST, 96.06 FEET; THENCE SOUTH 74 DEGREES 38 MINUTES 22 SECONDS EAST, 75.53 FEET TO THE POINT OF BEGINNING.

### **DETENTION PARCEL 3**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE MOST NORTHWESTERLY CORNER OF LOT 3 IN FOUR POINTES SUBDIVISION PER DOCUMENT 92K65879; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS EAST 2,014.75 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST 139.83 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 390.13 FEET AND A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 51 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 243.75 FEET; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST 19.09 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST, 551.21 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 335.00 FEET AND A CENTRAL ANGLE OF 33 DEGREES 38 MINUTES 08 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 196.66 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 410.78 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 11 DEGREES 38 MINUTES 24 SECONDS EAST, A RADIAL DISTANCE OF 433.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01 DEGREES 13 MINUTES 32 SECONDS, A DISTANCE OF 9.26 FEET; THENCE SOUTH 23 DEGREES 15 MINUTES 43 SECONDS WEST, 20.04 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 180.00 FEET; THENCE SOUTH 04 DEGREES 49 MINUTES 49 SECONDS WEST, 56.23 FEET; THENCE SOUTH 11 DEGREES 51 MINUTES 13 SECONDS WEST, 60.00 FEET; THENCE SOUTH 17 DEGREES 48 MINUTES 55 SECONDS WEST, 34.83 FEET; THENCE SOUTH 89 DEGREES 10 MINUTES 47 SECONDS WEST, 32.79 FEET; THENCE SOUTH 62 DEGREES 44 MINUTES 38 SECONDS WEST, 115.67 FEET; THENCE SOUTH 51 DEGREES 04 MINUTES 52 SECONDS WEST, 41.65 FEET; THENCE SOUTH 39 DEGREES 12 MINUTES 52 SECONDS EAST, 125.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH 39 DEGREES 12 MINUTES 52 SECONDS EAST, A RADIAL DISTANCE OF 263.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07 DEGREES 52 MINUTES 03 SECONDS, A DISTANCE OF 36.11 FEET; THENCE NORTH 47 DEGREES 04 MINUTES 55 SECONDS WEST, 125.00 FEET; THENCE SOUTH 42 DEGREES 55 MINUTES 05 SECONDS WEST, 40.64 FEET; THENCE SOUTH 30 DEGREES 57 MINUTES 35 SECONDS WEST, 81.28 FEET; THENCE SOUTH 19 DEGREES 00 MINUTES 05 SECONDS WEST, 81.28 FEET; THENCE SOUTH 07 DEGREES 02 MINUTES 35 SECONDS WEST, 67.30 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 94.36 FEET; THENCE NORTH 65 DEGREES 31 MINUTES 35 SECONDS WEST, 232.06 FEET; THENCE SOUTH 24 DEGREES 21 MINUTES 56 SECONDS WEST, 125.00

FEET; THENCE NORTH 65 DEGREES 31 MINUTES 35 SECONDS WEST, 126.73 FEET; THENCE CONTINUE NORTHWESTERLY ALONG SAID LINE, A DISTANCE OF 2.50 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 533.00 FEET AND A CENTRAL ANGLE OF 10 DEGREES 31 MINUTES 10 SECONDS; THENCE WESTERLY ALONG THE ARC A DISTANCE OF 97.86 FEET; THENCE NORTH 76 DEGREES 02 MINUTES 45 SECONDS WEST, 15.57 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 74 DEGREES 40 MINUTES 22 SECONDS EAST, A RADIAL DISTANCE OF 247.00 FEET; THENCE NORTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 31 MINUTES 12 SECONDS, A DISTANCE OF 49.66 FEET; THENCE SOUTH 66 DEGREES 08 MINUTES 10 SECONDS EAST, 103.02 FEET; THENCE NORTH 23 DEGREES 51 MINUTES 50 SECONDS EAST, 162.68 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 60 DEGREES 55 MINUTES 23 SECONDS; THENCE NORTHERLY ALONG THE ARC A DISTANCE OF 90.38 FEET; THENCE NORTH 37 DEGREES 03 MINUTES 33 SECONDS WEST, 151.96 FEET; THENCE NORTH 72 DEGREES 53 MINUTES 33 SECONDS WEST, 30.81 FEET; THENCE NORTH 50 DEGREES 30 MINUTES 23 SECONDS WEST, 166.97 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 56 DEGREES 24 MINUTES 16 SECONDS WEST, A RADIAL DISTANCE OF 183.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 19 DEGREES 27 MINUTES 39 SECONDS, A DISTANCE OF 62.16 FEET; THENCE NORTH 14 DEGREES 08 MINUTES 05 SECONDS EAST, 30.46 FEET TO THE POINT OF BEGINNING.

### **TOWNHOME PARCEL SOUTH**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST 382.12 FEET TO THE POINT OF BEGINNING; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 751.98 FEET; THENCE NORTH 69 DEGREES 30 MINUTES 13 SECONDS EAST, 35.36 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 171.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 61.00 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 79.57 FEET; THENCE NORTH 39 DEGREES 29 MINUTES 37 SECONDS EAST, 406.54 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 33 DEGREES 21 MINUTES 47 SECONDS EAST, A RADIAL DISTANCE OF 423.13 FEET; THENCE

NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14 DEGREES 31 MINUTES 27 SECONDS, A DISTANCE OF 107.26 FEET; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 114.83 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 41 SECONDS WEST, 35.38 FEET; THENCE NORTH 47 DEGREES 55 MINUTES 02 SECONDS EAST, 58.00 FEET; THENCE SOUTH 42 DEGREES 06 MINUTES 46 SECONDS EAST, 139.83 FEET TO A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 390.13 FEET AND A CENTRAL ANGLE OF 35 DEGREES 47 MINUTES 51 SECONDS; THENCE SOUTHEASTERLY ALONG THE ARC A DISTANCE OF 243.75 FEET; THENCE SOUTH 77 DEGREES 54 MINUTES 37 SECONDS EAST, 19.09 FEET; THENCE SOUTH 14 DEGREES 08 MINUTES 05 SECONDS WEST, 30.46 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 183.00 FEET AND A CENTRAL ANGLE OF 19 DEGREES 27 MINUTES 39 SECONDS; THENCE SOUTHWESTERLY ALONG THE ARC A DISTANCE OF 62.16 FEET; THENCE SOUTH 50 DEGREES 30 MINUTES 23 SECONDS EAST, 166.97 FEET; THENCE SOUTH 72 DEGREES 53 MINUTES 33 SECONDS EAST, 30.81 FEET; THENCE SOUTH 37 DEGREES 03 MINUTES 33 SECONDS EAST, 151.96 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 85.00 FEET AND A CENTRAL ANGLE OF 60 DEGREES 55 MINUTES 23 SECONDS; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 90.38 FEET; THENCE SOUTH 23 DEGREES 51 MINUTES 50 SECONDS WEST, 162.68 FEET; THENCE NORTH 66 DEGREES 08 MINUTES 10 SECONDS WEST, 103.02 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES SOUTH 63 DEGREES 09 MINUTES 11 SECONDS EAST, A RADIAL DISTANCE OF 247.00 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 31 MINUTES 12 SECONDS, A DISTANCE OF 49.66 FEET; THENCE SOUTH 76 DEGREES 02 MINUTES 45 SECONDS EAST, 15.57 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 533.00 FEET AND A CENTRAL ANGLE OF 10 DEGREES 31 MINUTES 10 SECONDS; THENCE EASTERLY ALONG THE ARC A DISTANCE OF 97.86 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 2.50 FEET; THENCE SOUTH 24 DEGREES 28 MINUTES 25 SECONDS WEST, 230.81 FEET TO THE POINT OF BEGINNING.

**SINGLE FAMILY PARCEL:**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24 DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 382.12 FEET; THENCE NORTH 24 DEGREES 28 MINUTES 25 SECONDS EAST, 230.81 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 126.73 FEET; THENCE NORTH 24



DEGREES 21 MINUTES 56 SECONDS EAST, 125.00 FEET; THENCE SOUTH 65 DEGREES 31 MINUTES 35 SECONDS EAST, 232.06 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 94.36 FEET; THENCE NORTH 07 DEGREES 02 MINUTES 35 SECONDS EAST, 67.30 FEET; THENCE NORTH 19 DEGREES 00 MINUTES 05 SECONDS EAST, 81.28 FEET; THENCE NORTH 30 DEGREES 57 MINUTES 35 SECONDS EAST, 81.28 FEET; THENCE NORTH 42 DEGREES 55 MINUTES 05 SECONDS EAST, 40.64 FEET; THENCE SOUTH 47 DEGREES 04 MINUTES 55 SECONDS EAST, 125.00 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES SOUTH 47 DEGREES 04 MINUTES 55 SECONDS EAST, A RADIAL DISTANCE OF 263.00 FEET; THENCE NORTHEASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 07 DEGREES 52 MINUTES 03 SECONDS, A DISTANCE OF 36.11 FEET; THENCE NORTH 39 DEGREES 12 MINUTES 52 SECONDS WEST, 125.00 FEET; THENCE NORTH 51 DEGREES 04 MINUTES 52 SECONDS EAST, 41.65 FEET; THENCE NORTH 62 DEGREES 44 MINUTES 38 SECONDS EAST, 115.67 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 47 SECONDS EAST, 32.79 FEET; THENCE NORTH 17 DEGREES 48 MINUTES 55 SECONDS EAST, 34.83 FEET; THENCE NORTH 11 DEGREES 51 MINUTES 13 SECONDS EAST, 60.00 FEET; THENCE NORTH 04 DEGREES 49 MINUTES 49 SECONDS EAST, 56.23 FEET; THENCE NORTH 00 DEGREES 49 MINUTES 13 SECONDS WEST, 180.00 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 20.04 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 10 DEGREES 24 MINUTES 52 SECONDS EAST, A RADIAL DISTANCE OF 433.00 FEET; THENCE WESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 01 DEGREES 13 MINUTES 32 SECONDS, A DISTANCE OF 9.26 FEET; THENCE NORTH 23 DEGREES 15 MINUTES 43 SECONDS EAST, 33.75 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES NORTH 10 DEGREES 39 MINUTES 58 SECONDS EAST, A RADIAL DISTANCE OF 400.00 FEET; THENCE EASTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 11 DEGREES 29 MINUTES 11 SECONDS, A DISTANCE OF 80.19 FEET; THENCE NORTH 89 DEGREES 10 MINUTES 47 SECONDS EAST, 98.46 FEET; THENCE SOUTH 00 DEGREES 49 MINUTES 13 SECONDS EAST, 58.80 FEET; THENCE NORTH 89 DEGREES 11 MINUTES 04 SECONDS EAST, 124.68 FEET; THENCE SOUTH 00 DEGREES 44 MINUTES 21 SECONDS EAST, 1,457.75 FEET TO THE POINT OF BEGINNING.

**COMMERCIAL PARCEL LEGAL:**

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KENDALL COUNTY, ILLINOIS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHWEST CORNER OF MISTY CREEK MULTI-FAMILY SUBDIVISION PER DOCUMENT 9906208; THENCE NORTH 65 DEGREES 33 MINUTES 56 SECONDS WEST, 870.64 FEET; THENCE SOUTH 24

DEGREES 26 MINUTES 04 SECONDS WEST, 7.00 FEET; THENCE NORTH 65 DEGREES 29 MINUTES 47 SECONDS WEST, 1,134.10 FEET TO THE POINT OF BEGINNING, THENCE NORTH 69 DEGREES 30 MINUTES 13 SECONDS EAST, 35.36 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 171.00 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 61.00 FEET; THENCE NORTH 24 DEGREES 30 MINUTES 13 SECONDS EAST, 79.57 FEET; THENCE NORTH 39 DEGREES 29 MINUTES 37 SECONDS EAST, 406.54 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES NORTH 33 DEGREES 21 MINUTES 47 SECONDS EAST, A RADIAL DISTANCE OF 423.13 FEET; THENCE NORTHWESTERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14 DEGREES 31 MINUTES 27 SECONDS, A DISTANCE OF 107.26 FEET; THENCE NORTH 42 DEGREES 06 MINUTES 46 SECONDS WEST, 114.83 FEET; THENCE NORTH 87 DEGREES 04 MINUTES 41 SECONDS WEST, 35.38 FEET; THENCE SOUTH 47 DEGREES 55 MINUTES 02 SECONDS WEST, 757.82 FEET; THENCE SOUTH 09 DEGREES 04 MINUTES 17 SECONDS EAST, 42.16 FEET; THENCE SOUTH 65 DEGREES 29 MINUTES 47 SECONDS EAST, 327.73 FEET; TO THE POINT OF BEGINNING.



May 12, 2023

Jill N. Morgan, AICP, Senior Planner  
City of Aurora, Zoning and Planning Division  
77 S. Broadway, 2nd Floor  
Aurora, Illinois 60507

**RE: Wheatland Crossing - City of Aurora, IL (SEC U.S. Route 34 and Farnsworth Avenue)**  
Submittal #1  
*City of Aurora Project No.: 2021.095*

Mrs. Morgan:

D.R. Horton is pleased to be submitting a petition to the City of Aurora for the proposed development of the approximately 57-acre property at the southeast corner of U.S. Route 34 and Farnsworth Avenue. D.R. Horton is seeking formal staff review and comment on the petition package.

This petition to the City of Aurora requests approval of (i) Annexation to the City of Aurora; (ii) a Preliminary Plan and Plat of Subdivision; (iii) a Rezone of the Property; (iv) a Special Use for a Planned Development; and (v) other relief from the City of Aurora Zoning Code as may be deemed necessary and appropriate to develop the property.

**Submittal Documents:**

- 00. Transmittal Letter
- 00.a. Response Letter to Comments
- 01. Qualifying Statement (Clean)
- 01.a. Qualifying Statement (Redline)
- 02. ALTA/NSPS Land Title Survey
- 03. Legal description
- 03.a. Legal description (Zoning Parcels)
- 04. Letter of Authorization
- 04.a. Petition For Annexation
- 05. Declaration
- 06. Fire Access Plan
- 07. Preliminary Engineering Plan
- 08. *Stormwater Permit Worksheet, Application, and Project Information Sheet (1-14)*  
*Included in SWM Report*
- 09. Preliminary Stormwater Management Analysis and Report
- 10. Preliminary Geotechnical Exploration Analysis
- 11. Wetland Delineation Report
- 12. Traffic Study
- 13. Drain Tile Survey
- 14. *Dormant SSA for Long-Term Maint. of Stormwater Facilities*  
*Will be provided during review process*
- 15. Plan description
- 16. Plat of Annexation



17. Natural Resource Review EcoCAT
- 18.a. Kane-DuPage Soil & Water Conservation District (LOU) Letter
- 18.b. Kendall County Soil & Water Conservation District (NRI) Letter
- 18.c. Kendall County Soil & Water Conservation District (NRI) Report
19. Preliminary Plan
20. Preliminary Plat
21. Preliminary Landscape Plan
22. Preliminary/Illustrative Architecture Elevations
23. Monument Exhibit
- 24.a. Lot Coverage Exhibit
- 24.b. Lot Coverage Chart
25. Phasing Plan
26. Future Development Concept Plan
27. Parcel Exhibit
28. IDNR Letter
29. Land Use Petition
30. *Development Tables & Calculator (Not included in PDF)*

Please feel free to contact me with any questions or comments that you may have regarding these matters.

Sincerely,

D.R. Horton

A handwritten signature in black ink, appearing to read "Chris Funkhouser", is written over a thin horizontal line.

Chris Funkhouser  
Land Acquisition Project Manager

CC: Patrick Cook, Land Acquisitions – D.R. Horton  
Derrick Hoffman, Land Acquisition Manager – D.R. Horton  
Chris Lester, Land Manager – D.R. Horton

STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF KENDALL    )

**PETITION FOR ANNEXATION**

TO: Mayor and City Council  
City of Aurora  
DuPage, Kane, Kendall, and Will County, Illinois

THE PETITIONER, KEKA FARMS LLC, an Illinois limited liability company, as owner of the approximately +/- 57.321 acre property lying at the southeast corner of US-34 and Farnsworth Avenue, Aurora, Illinois, which property is legally described on Exhibit A, attached hereto and made a part hereof (the "Property"), hereby requests that the City of Aurora take the necessary and appropriate action, pursuant to state and local law, to annex the Property to the City of Aurora subject to the terms of a mutually agreeable annexation agreement.

In support of this Petition for Annexation, the undersigned hereby swear to the following under oath and penalty of perjury:

1. That KEKA FARMS LLC is the sole owner of the Property legally described on Exhibit A, attached hereto;
2. The Property is unincorporated and is not presently located in the jurisdiction of any other municipality;
3. The Property is contiguous to the City of Aurora (the "City"), and lies within the planning jurisdiction of the City and is identified in the City's Comprehensive Plan for redevelopment within the corporate limits of the City;
4. No electors reside on the Property.

WHEREFORE, KEKA FARMS, LLC hereby respectfully requests the City take such action as is necessary and appropriate for the parties to enter into a mutually agreeable annexation agreement (the "Agreement"), pursuant to which Agreement the Property would be immediately annexed to the City of Aurora and subject to the jurisdiction of City ordinances as of the date of the Agreement for the intended use of the Property as more specifically detailed in D.R. Horton, Inc. – Midwest's application for zoning and subdivision relief.

[SIGNATURE PAGE FOLLOWS]

PETITIONER/OWNER:

KEKA FARMS, LLC,  
An Illinois limited liability company

By: Dave Hamman

Its: Owner/Manager

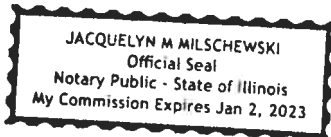
STATE OF ILLINOIS        )  
  ) SS.  
COUNTY OF Kendall    )

I, the undersigned, a Notary Public in and for the County and State aforesaid, DO HEREBY CERTIFY THAT Dave Hamman, personally known to me to be the same person whose name is subscribed to the foregoing document, appeared before me this day in person and acknowledged to me that, as a member of KEKA FARMS LLC, he was duly authorized and signed and delivered the foregoing document as his free and voluntary act by and on behalf of KEKA FARMS LLC for the uses and purpose therein set forth.

Given under my hand and Notarial Seal as of this 7<sup>th</sup> day of December, 2022.

Jacquelyn M. Milciewski  
Notary Public

My Commission expires: January 2, 2023



**EXHIBIT A**  
**LEGAL DESCRIPTION**

KENDALL COUNTY LEGAL:

THAT PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 36, 1716.0 FEET FOR THE POINT OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 36, 1194.70 FEET TO THE CENTER LINE OF U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 306.50 FEET; THENCE WEST ALONG A LINE FORMING AN ANGLE OF 139 DEGREES, 03 MINUTES, 06 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED COUNTERCLOCKWISE THEREFROM, 1700.90 FEET TO A POINT THAT IS 1679.04 FEET EASTERLY OF THE WEST LINE OF SAID SECTION 36; THENCE SOUTHERLY ALONG A LINE FORMING AN ANGLE OF 88 DEGREES, 17 MINUTES, 17 SECONDS WITH THE LAST DESCRIBED COURSE, AS MEASURED CLOCKWISE THEREFROM, 997.93 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 36 THAT IS 1727.22 FEET EASTERLY OF THE SOUTHWEST CORNER OF SAID SECTION 36; THENCE CONTINUING SOUTHERLY ALONG THE PROLONGATION OF THE LAST DESCRIBED COURSE 441.28 FEET TO THE CENTER LINE OF SAID U. S. ROUTE NO. 34; THENCE SOUTHWESTERLY ALONG SAID CENTER LINE 486.62 FEET TO THE CENTER LINE OF HAFENRICHTER ROAD; THENCE SOUTHEASTERLY ALONG THE CENTER LINE OF SAID HAFENRICHTER ROAD 2472.21 FEET TO A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 1 FROM THE POINT OF BEGINNING; THENCE NORTHERLY ALONG SAID PARALLEL LINE 1830.39 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM ALL THAT PART FALLING WITHIN THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 36, 1851.94 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE, MEASURED FROM WEST TO NORTH, 482.53 FEET, THIS LINE HEREINAFTER REFERRED CALLED LINE "A", FOR THE POINT OF BEGINNING; THENCE SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS WITH THE LAST DESCRIBED

COURSE, MEASURED CLOCKWISE THEREFROM, 710.83 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 101 DEGREES 10 MINUTES 19 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTERCLOCKWISE THEREFROM, 327.11 FEET; THENCE NORTHWESTERLY ALONG A TANGENTIAL CURVE TO THE RIGHT HAVING A RADIUS OF 390.0 FEET, 244.0 FEET; THENCE NORTHWESTERLY ALONG A LINE WHICH IS TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST DESCRIBED POINT, 200.0 FEET TO THE CENTER LINE OF U.S. ROUTE NO. 34; THENCE NORTHEASTERLY ALONG SAID CENTER LINE 653.09 FEET TO THE NORTHWESTERLY EXTENSION OF SAID LINE "A"; THENCE SOUTHEASTERLY ALONG SAID EXTENDED LINE "A", 470.73 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.

AND ALSO EXCEPTING THEREFROM THAT PART OF THE NORTH 1/2 OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, FALLING WITHIN THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST 1/4; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4, 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY AT AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE PROLONGATION OF THE LAST DESCRIBED COURSE, 667.53 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE OF 97 DEGREES 52 MINUTES 31 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 721.67 FEET; THENCE SOUTHEASTERLY AT AN ANGLE OF 78 DEGREES 49 MINUTES 41 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 426.88 FEET TO A POINT OF CURVE; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT CONCAVE TO THE SOUTHWEST, THE CHORD OF WHICH FORMS AN ANGLE OF 163 DEGREES 10 MINUTES 57 SECONDS MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE HAVING A RADIUS OF 335.00 FEET, AN ARC DISTANCE OF 196.66 FEET AND A CHORD DISTANCE OF 193.85 FEET TO A POINT; THENCE NORTHEASTERLY AT AN ANGLE OF 84 DEGREES 21 MINUTES 17 SECONDS, MEASURED CLOCKWISE FROM THE CHORD OF THE LAST DESCRIBED COURSE, 727.61 FEET TO THE SOUTH LINE OF AFORESAID SOUTHEAST 1/4; THENCE EASTERLY ALONG THE SOUTH LINE OF THE AFORESAID SOUTHEAST 1/4 51.42 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF AURORA, KANE COUNTY, ILLINOIS AND IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS, AND ALSO EXCEPT THAT PART OF THE LAND CONVEYED TO DEPARTMENT OF TRANSPORTATION, STATE OF ILLINOIS BY INSTRUMENT RECORDED APRIL 26, 2007 AS DOCUMENT 200700013871, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.



AND ALSO EXCEPTING ALL THAT PART LYING NORTHERLY OF THE CENTERLINE OF U.S. 34.

KANE COUNTY LEGAL:

THAT PART OF THE SOUTH HALF OF SECTION 36, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36, THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SECTION 36 FOR 1851.94 FEET TO THE POINT OF BEGINNING; THENCE NORTHWESTERLY ALONG A LINE FORMING AN ANGLE OF 16 DEGREES 39 MINUTES 17 SECONDS WITH SAID SOUTH LINE OF SECTION 36 (AS MEASURED CLOCKWISE THEREFROM), 953.26 FEET TO THE CENTERLINE OF U.S. ROUTE 34; THENCE NORTHEASTERLY ALONG SAID CENTERLINE, FORMING AN ANGLE OF 57 DEGREES 27 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED CLOCKWISE THEREFROM), 1410.18 FEET TO THE NORTHERLY EXTENSION OF THE WEST LINE OF FOUR POINTS SUBDIVISION RECORDED SEPTEMBER 17, 1992 AS DOCUMENT 92K65879, IN KANE COUNTY, ILLINOIS; THENCE SOUTHERLY ALONG SAID NORTHERLY EXTENSION, AND ALONG SAID WESTERLY LINE, FORMING AN ANGLE OF 48 DEGREES 19 MINUTES 27 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER- CLOCKWISE THEREFROM), 1194.71 FEET TO SAID SOUTH LINE OF SECTION 36; THENCE WESTERLY ALONG SAID SOUTHERLY LINE, FORMING AN ANGLE OF 90 DEGREES 52 MINUTES 50 SECONDS WITH THE LAST DESCRIBED COURSE (AS MEASURED COUNTER-CLOCKWISE THEREFROM), 135.94 FEET TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THAT PART TAKEN FOR WIDENING U.S. ROUTE 34 IN CASE NO. 99 ED 5 AS DESCRIBED IN ORDER VESTING TITLE RECORDED JULY 20, 2007 AS DOCUMENT NO. 2007K075742, ALL IN KANE COUNTY, ILLINOIS.