



Land Use Petition

Project Number: 2013.217

Petitioner Information

Title Mr. First Name Dan Initial Last Name Soltis
Company CIMA Developers, Inc
Address 381 E. St Charles Road
City Carol Stream State IL Zip 60188 Email dsoltis@cinadevelopers.org
Phone 630-715-1341 Fax 630-653-2335 Mobile
Petitioner Relationship to Property Owner* Land Developer / Builder

*If Petitioner is NOT the Subject Property Owner a Letter of Authorization with owner's Name and contact information is required.

Subject Property Location Information

Address/Location: 33W991; 34W104 Butterfield Road - 1387; 1395 Butterfield Rd
Parcel Number(s): 12-36-300-006, 12-36-300-008, 12-36-300-009, 12-36-300-010, 12-35-477-006

Petition Request

Type of Requested Action: Annexation Agreement

Requesting approval of an Annexation Agreement and Annexation Petition on 1.81 acres located at 33W991 and 34W015 Blutterfield Road

Attachments Required

- Filing Fee Worksheet (Fee Worksheet 1-1)
- Project Contact Info Sheet (Form 1-5)
- Letter of Authorization* (Format Guideline 1-17)
- Qualifying Statement (Format Guideline 1-17)
- Plat of Survey (Format Guideline 1-17)
- Legal Description (Format Guideline 1-17)
- Annexation Plat (Form 2-2)
- IDNR Endangered Species Report-EcoCAT (App 6-1)
- Soil and Water District Report (App 6-2; 6-3; 6-4)
- Annexation Agreement/Plan Description (Format Template 2-1)

Petition Fee

Total Fee = 1750 (Planning and Zoning Fee \$1,750.00 + Engineering Fee \$0.00)

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.

Authorized Signature: _____ Date _____

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 _____ day of _____.

State of _____)
County of _____) SS

NOTARY PUBLIC SEAL

Notary Signature

LAND USE OPINION APPLICATION

Kane-DuPage Soil and Water Conservation District
2315 Dean Street, Suite 100, St. Charles, IL 60175-4823
(630) 584-7961 Ext. 3

Send report to:

PETITIONER: CIMA Developers, Inc.
ADDRESS: 381 E. St. Charles Rd., Carol Stream, IL 60188

EMAIL: dsoltis@cimadevelopers.org

CONTACT PERSON: Dan Soltis

TELEPHONE: 630-715-1341

Please allow 30 days for inspection and processing.

FOR OFFICE USE ONLY

LUO# _____ Date Due _____
Date initially rec'd _____
Date all rec'd _____ Date completed _____
Fee Paid _____ Refund Due _____
By _____ Overpayment _____
_____ No Report Nec _____
_____ Gov't Agency _____

Location:

Township 39 North
Section(s) 36
Township(s) _____ N Range(s) 8 E

TYPE OF PROPOSAL: Change in Zoning from _____ to _____ Project or Subdivision Name _____
 Subdivision or Planned Unit Development (PUD)
 Variance-Please describe fully on separate sheet
 Special Use Permit-Please describe fully on separate sheet

Unit of Government Responsible for Permits City of Aurora Date of Public Hearing _____
Current Use of Site Cropland Proposed Use Commercial/Retail
Surrounding Land Use Commercial/Retail Number of Acres 2.61
Location address (or nearest intersection) Butterfield & Farnsworth

PROPOSED IMPROVEMENTS: (check all applicable items)

Planned Structures:

Dwellings w/o Basements
 Dwellings with Basements
 Commercial Buildings
Other _____

Open Space:

Park/Playground Areas
 Common Open Space Areas
Other Retention Pond

Water Supply:

Individual Wells
 Community Water

Wastewater Treatment:

Septic System
 Sanitary Sewers
 Other _____

Stormwater Treatment:

Drainage Ditches or Swales
 Storm Sewers
 Dry Detention Basin
 Wet Retention Basin
 No Detention Facilities Proposed
 Other _____

EXISTING SITE CHARACTERISTICS: (check all applicable items)

Ponds or Lakes Floodplain Woodland Drainage Tiles Stream(s)
 Wetland(s) Floodway Cropland Disturbed Land Other _____

REQUIRED: INCLUDE ONE COPY EACH OF THE FOLLOWING-Processing will not begin without the following:

- APPLICATION completed and signed
- FEE according to schedule below
- PLAT OF SURVEY/SITE PLAN showing legal description, legal measurements
- SITE /CONCEPT PLAN showing lots, streets, storm water detention areas, open areas, etc.
- LOCATION MAP (if not on maps above)-include distances from major roadways or tax parcel number

IF AVAILABLE – NOT REQUIRED:

- ZONING or LAND USE PETITION filed with unit of government (if relevant)
- TOPOGRAPHY MAP OR WETLANDS DELINEATIONS

FEE AMOUNTS: last updated November 1, 2013

\$423.00 for 1 - 3 acres or fraction thereof

\$459.00 for 4 - 5 acres or fraction thereof

For 5 - 200 acres see chart

> 200 acres: ADD \$14.00 for each additional acre or fraction thereof over the 200 acre amount.

\$65.00 processing fee if no report is required

***If there is more than one parcel in question and they are non-contiguous please contact KDSWCD for fee amount. ***

MAKE CHECKS PAYABLE TO: Kane-DuPage Soil and Water Conservation District

I (we) understand the filing of this application allows the authorized representative of the Kane-DuPage Soil and Water Conservation District to visit and conduct an evaluation of the site.

Petitioner or Authorized Agent _____ **Date** 08/29/14

This opinion will be issued on a nondiscriminatory basis without regard to race, color, religion, sex, age, marital status, handicap, or national origin.

ALTA/ACSM LAND TITLE SURVEY

PART OF THE SOUTHEAST QUARTER OF SECTION 35, AND THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS.

LEGAL DESCRIPTION

PARCEL I:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 35, AND THAT PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF AFORESAID SECTION 35 AND RUNNING WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 19.36 FEET TO A PLACE OF BEGINNING, THENCE NORTHERLY AT A RIGHT ANGLE TO AFORESAID SOUTH LINE OF SECTION 35 A DISTANCE OF 266.01 FEET TO A POINT IN THE SOUTH RIGHT OF WAY OF FEDERAL AID ROAD 131, THENCE EASTERLY ALONG THE AFORESAID RIGHT OF WAY 158.55 FEET, THENCE SOUTHERLY 289.85 FEET TO A POINT IN THE SOUTH LINE OF AFORESAID SECTION 36 A DISTANCE OF 137.39 FEET FROM THE SOUTHWEST CORNER OF AFORESAID SECTION 36, THENCE WESTERLY ALONG THE SOUTH LINE OF AFORESAID SECTION 36 A DISTANCE OF 137.39 FEET TO THE PLACE OF BEGINNING, (EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 35; THENCE EAST ALONG SAID SOUTH LINE OF SECTION 36, 13.64 FEET TO AN IRON PIPE FOUND AT THE POINT OF BEGINNING; THENCE NORTHERLY 66.05 FEET TO AN IRON PIPE FOUND; THENCE EASTERLY, 124.00 FEET TO AN IRON PIPE FOUND THENCE SOUTHERLY, 65.82 FEET TO AN IRON PIPE; THENCE WESTERLY ALONG SAID SOUTH LINE OF SECTION 36, 123.69 FEET TO SAID POINT OF BEGINNING) IN KANE COUNTY, ILLINOIS; AND THE EAST 33 FEET, AS MEASURED ALONG THE SOUTH LINE OF THAT PART OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 35 AND RUNNING THENCE WESTERLY ALONG THE SOUTH LINE OF SAID SECTION 19.36 FEET FOR A POINT OF BEGINNING, THENCE NORTHERLY AT RIGHT ANGLES TO THE AFORESAID SOUTH LINE OF SECTION 35, 266.01 FEET TO A POINT IN THE SOUTH RIGHT OF WAY OF FEDERAL AID ROAD 131, THENCE WESTERLY ALONG THE AFORESAID SOUTH RIGHT OF WAY 388.85 FEET TO THE CENTER OF CHURCH ROAD, THENCE SOUTHERLY ALONG THE CENTER OF AFORESAID CHURCH ROAD 208.3 FEET TO THE SOUTH LINE OF AFORESAID SECTION 35, THENCE EASTERLY ALONG SAID SOUTH LINE 384.43 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BATAVIA, KANE COUNTY, ILLINOIS.

PARCEL II:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION; THENCE EAST ALONG THE SOUTH LINE OF SAID QUARTER SECTION, 137.39 FEET; THENCE NORTH AT RIGHT ANGLES TO THE SOUTH LINE OF SAID QUARTER SECTION, 289.85 FEET TO THE SOUTHERLY LINE OF FEDERAL AID ROAD NO. 131 FOR THE POINT OF BEGINNING; THENCE SOUTH ALONG SAID SOUTHERLY LINE 289.85 FEET TO THE SOUTH LINE OF SAID QUARTER SECTION; THENCE EAST ALONG SAID SOUTH LINE, 144.93 FEET; THENCE NORTH AT RIGHT ANGLES TO THE SOUTH LINE OF SAID QUARTER SECTION, 312.84 FEET TO THE SOUTHERLY LINE OF SAID FEDERAL AID ROAD NO. 131; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID ROAD, 88.7 FEET TO AN ANGLE IN SAID ROAD; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID ROAD, 58.06 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BATAVIA, KANE COUNTY, ILLINOIS.

PARCEL III:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER, THENCE EAST ALONG THE SOUTH LINE OF SAID QUARTER SECTION, 282.32 FEET, THENCE NORTH AT A RIGHT ANGLE TO THE SOUTH LINE OF SAID QUARTER SECTION 312.84 FEET TO THE SOUTHERLY LINE OF FEDERAL AID ROUTE NO. 131 FOR THE POINT OF BEGINNING, THENCE SOUTH ALONG SAID SOUTHERLY LINE 312.84 FEET TO THE SOUTH LINE OF SAID QUARTER SECTION, THENCE EAST ALONG SAID SOUTH LINE 134.52 FEET, THENCE NORTH AT A RIGHT ANGLE TO THE SOUTH LINE OF SAID QUARTER SECTION, 334.74 FEET TO THE SOUTHERLY LINE OF SAID FEDERAL AID ROUTE NO. 131, THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID ROAD 136.29 FEET TO THE POINT OF BEGINNING, TOWNSHIP OF BATAVIA, KANE COUNTY, ILLINOIS.

NOTES:

SURVEY PREPARED WITH THE BENEFIT OF FIDELITY NATIONAL TITLE INSURANCE COMPANY TITLE COMMITMENT ORDER NUMBER 15013246, EFFECTIVE DATE, AUGUST 17, 2011.

NO BUILDINGS EXISTING ON THE SURVEYED PROPERTY.

REFERENCE IS MADE TO TERMS AND CONDITIONS OF ANNEXATION AGREEMENT RECORDED DECEMBER 28, 1989 AS DOCUMENT NO. 2017523.

REFERENCE IS MADE TO TERMS AND CONDITIONS OF ANNEXATION AGREEMENT RECORDED FEBRUARY 21, 1990 AS DOCUMENT NO. 90K9227.

REFERENCE IS MADE TO TERMS AND CONDITIONS OF ANNEXATION AGREEMENT RECORDED APRIL 16, 2001 AS DOCUMENT NO. 2001K033711.

REFERENCE IS MADE TO RIGHTS TO THE PUBLIC AND OF THE PEOPLE OF THE STATE OF ILLINOIS UNDER AND BY VIRTUE OF A DEDICATION FOR HIGHWAY PURPOSES DATED APRIL 11, 1940 AND RECORDED JUNE 3, 1940 AS DOCUMENT 453986. THIS RIGHT OF WAY IS NOT A PART OF THE BOUNDARY OF THIS SURVEY, BUT APPEARS TO COVER AREAS OF CHURCH ROAD, WEST OF SITE.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

TO: FIRST COMMUNITY BANK OF JOLIET
FIDELITY NATIONAL TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 4, 8 AND 11A OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 22, 2011.

DATE OF PLAT OR MAP: SEPTEMBER 6, 2011

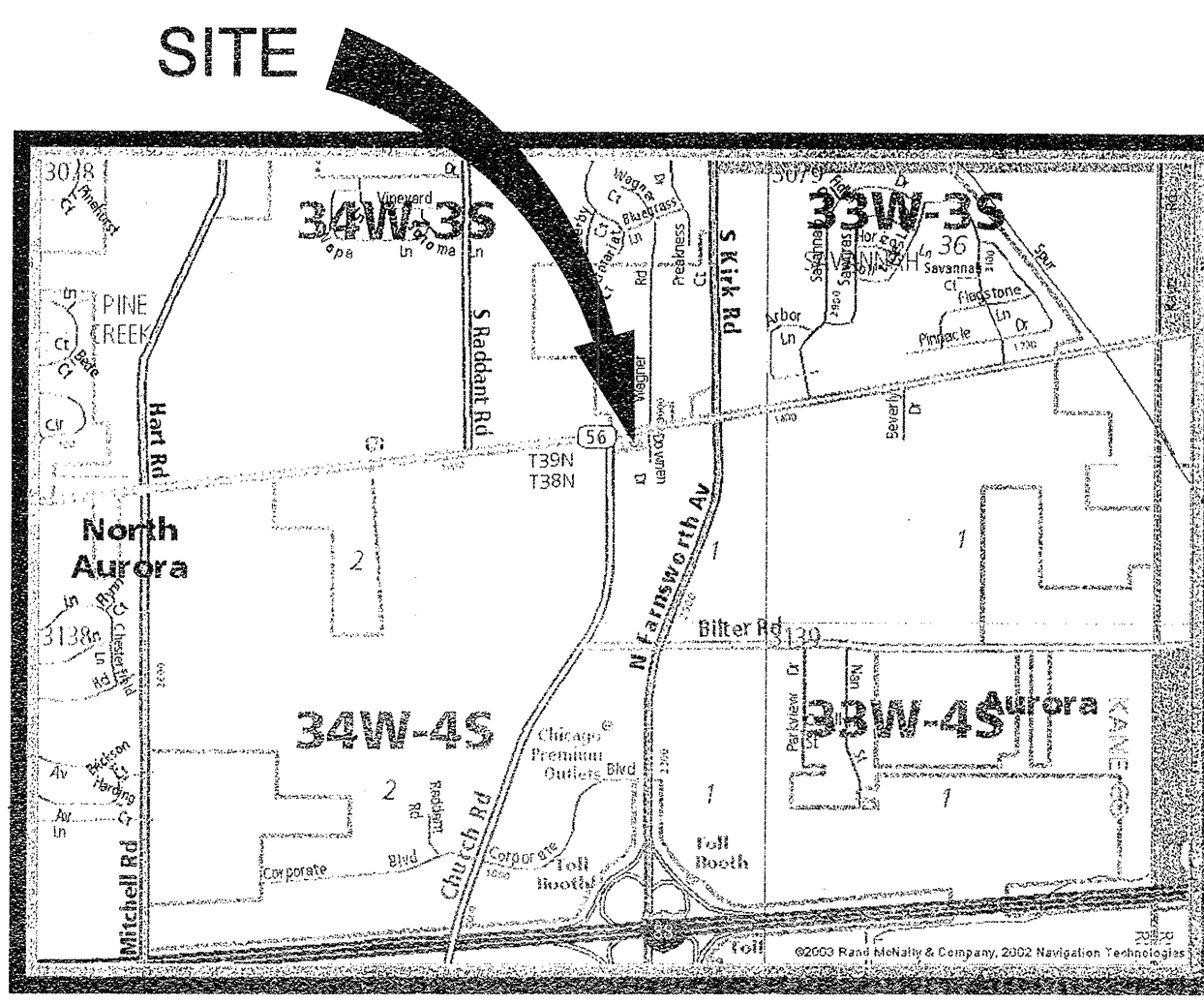
BY: *Mark S. Stimac*
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2587
MY LICENSE EXPIRES/RENEWS 11-30-2012



INTECH CONSULTANTS, INC.
ENGINEERS / SURVEYORS
1989 UNIVERSITY LANE, SUITE D LISLE, ILLINOIS
TEL: (630) 964-5656 FAX: (630) 964-5052
E-MAIL: CAD@INTECHCONSULTANTS.COM
ILLINOIS REGISTRATION No. 184-001040

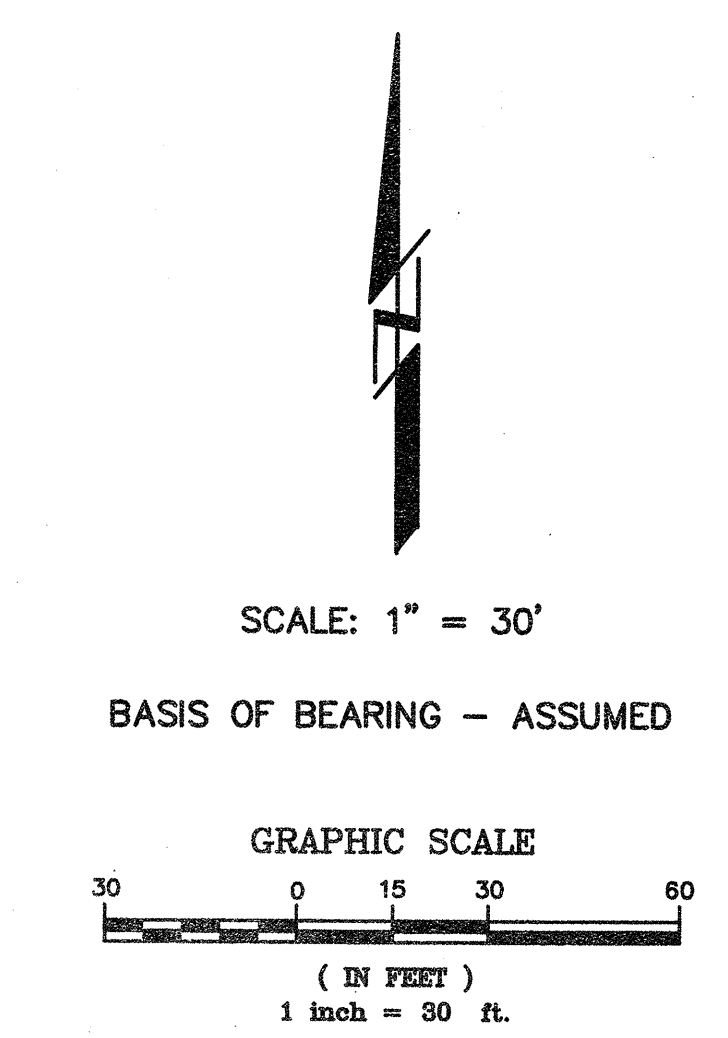
PREPARED: 9-6-11

SHEET No. 1 of 1 JOB No.: 6509



LOCATION MAP

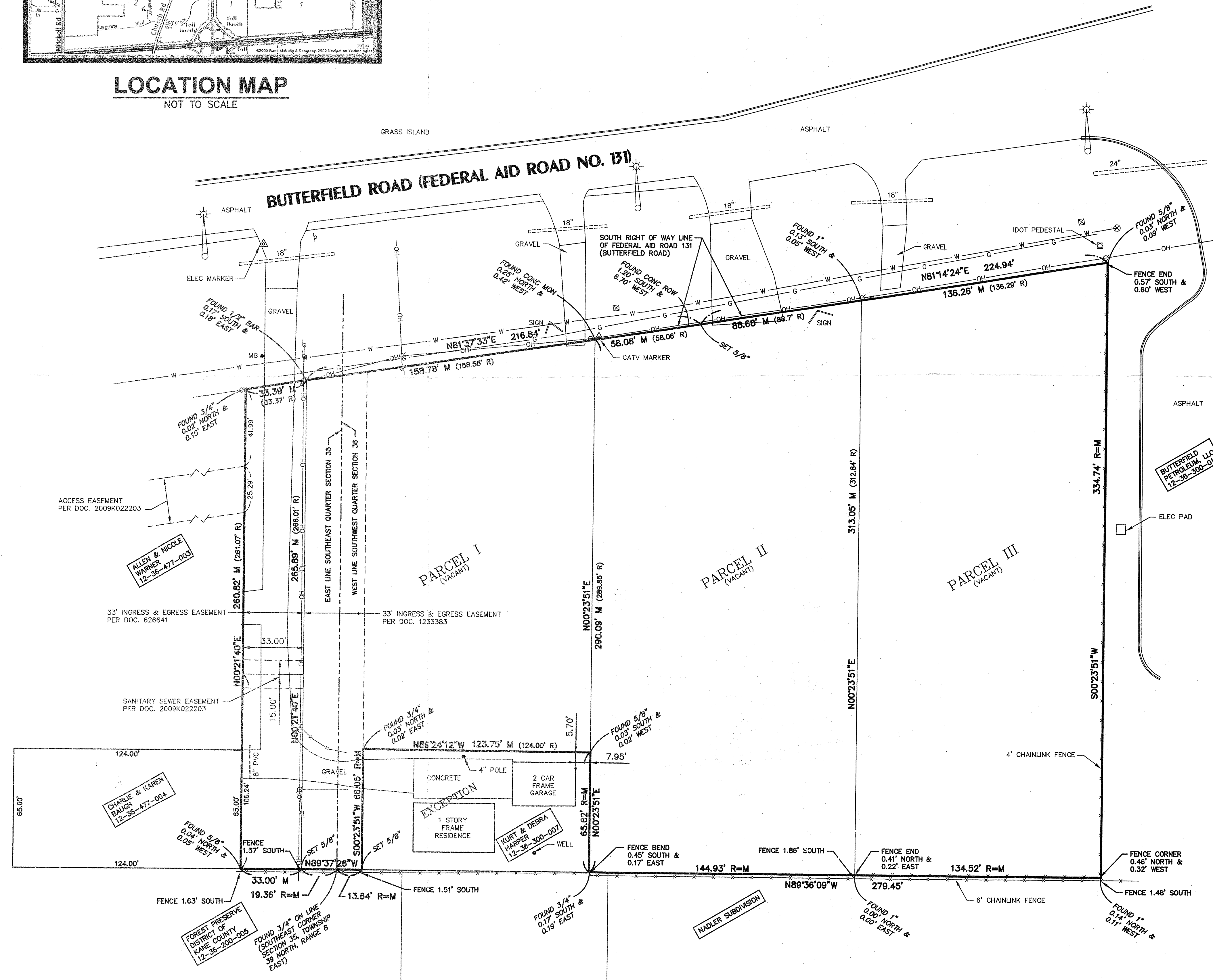
NOT TO SCALE



LEGEND

- EXISTING**
- W — WATERMAIN
 - OH — OVERHEAD WIRES
 - G — GAS LINE
 - F — FENCE
 - ⊗ VALVE IN VAULT
 - ⊙ LIGHT POLE (MAST ARM)
 - ⊕ POWER POLE
 - GUY WIRE
 - ⊠ PEDESTAL
 - ⊞ SIGN
 - CURB & GUTTER

SITE AREA: 131,402 SQ.FT. = 3.0166 ACRES



CAD Projects\SURVEY\600016509\dwg\6509 ALTA.dwg, ALTA, 9/9/2011 8:28:55 AM, SLP

ALTA/ACSM LAND TITLE SURVEY

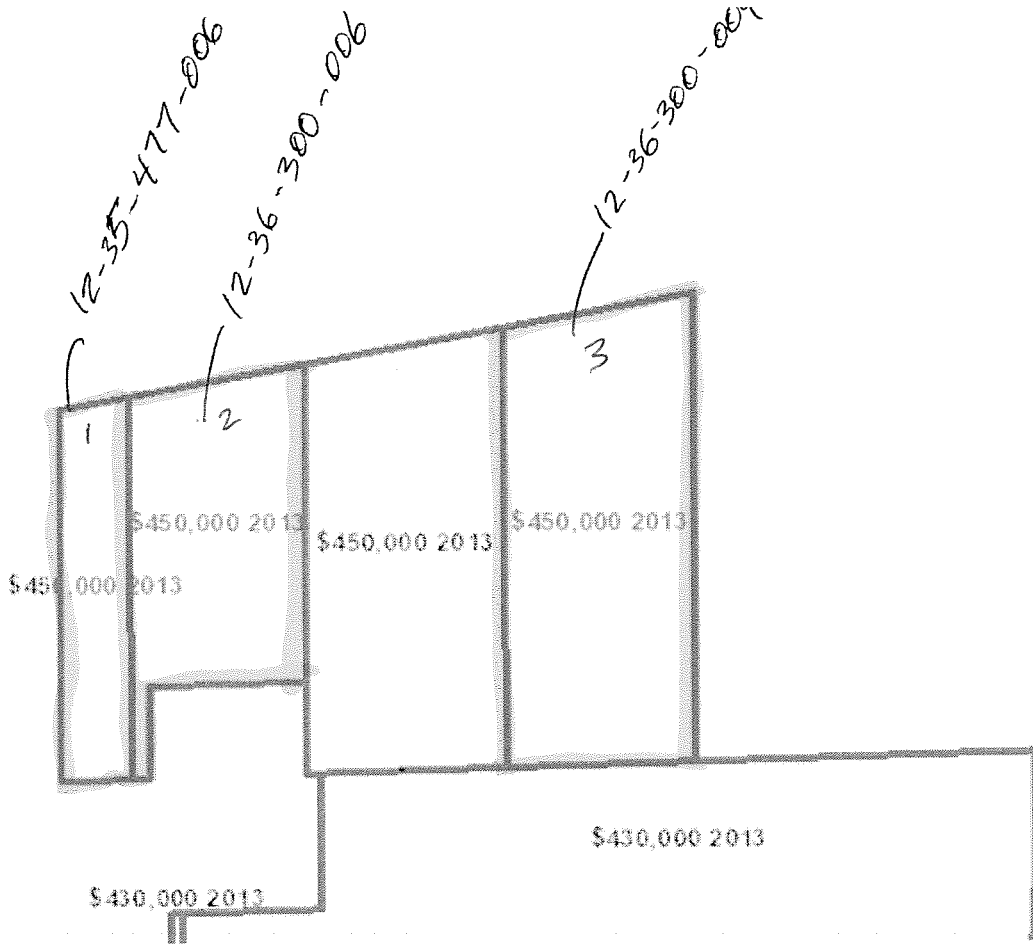
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ANGEL ASSOCIATES, LP

381 E. ST. CHARLES Rd
CAROL STREAM, IL 60188-2166
FAX: (630)-653-2335
TEL: (630)-668-0141

July 15, 2014

City of Aurora
Development Services Department
44 E. Downer Place, Aurora, IL 60507-2067

RE: Annexation Petition 2013.217
34W015 and 33W991 Butterfield Road

To Whom It May Concern:

I, Peter M. Spina, authorized agent of Angel Associates, LP, the owner of the property located 34W015 and 33W991 Butterfield Road, give my consent to Dan Soltis of CIMA Developers, Inc, to apply and proceed with any City of Aurora zoning proceedings necessary in relation to the accompanying Zoning Applications and Petitions.

Thank you for your assistance in this matter.

Sincerely,

Peter M. Spina
Authorized Agent
Angel Associates, LP



CIMA DEVELOPERS

381 E. ST. CHARLES Rd
CAROL STREAM, IL 60188-2166
FAX: (630)-653-2335
TEL: (630)-653-1700

July 15, 2014

City of Aurora
Development Service Department
44 E. Downer Place
Aurora, IL 60507-2067

Re: PAS Plaza –SWC Butterfield Road and Farnsworth Road
Qualifying Statement For Land Use Petitions

To Whom It May Concern:

Please see our detailed response to the City of Aurora's Standards pertaining to our proposed Land Use Petitions.

1) The Public health, safety, morals, comfort or general welfare:

We will develop the Site in compliance with all applicable State, Federal and local laws, statutes, codes, regulations, ordinances, EPA regulations, State Fire Marshal regulations, and City of Aurora regulations.

The Development will provide a beneficial service and added amenity to the existing Retail corridor and will offer an added level of convenience to customers and Residents.

2) The use and enjoyment of other property already established or permitted in the general area:

Our Development proposal is consistent with the current Retail Developments along Butterfield Road and Farnsworth Road

3) Property values within the neighborhood:

Property values in the vicinity will not be diminished in any capacity due to our Development.

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

The Development will not interfere with surrounding property, or other property in that respect.

5) Utilities, access roads, drainage and/or other necessary facilities:

Utilities are already in place and have been established. Drainage Plans have been prepared and are in full review with the City Departments. All access roads and additional development facilities will be in accordance with the approved plan.

6) Ingress and egress as it relates to traffic congestion in the public streets:

The Development Plan has been designed for optimal traffic flow and drive-thru staking. Cross access points to the east and west further allow optimal flow. Our proposed plan reduces several of the existing drives on Butterfield Road.

7) The applicable regulations of the zoning district in which the subject property is proposed to be or is located:

We will develop the site in compliance with all applicable Municipal and local laws, statutes, codes, regulations, and ordinances.

Thank You.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Soltis', with a stylized flourish at the end.

Dan Soltis
CIMA Developers, Inc.



Endangered Species Consultation Agency Action Report

(Illinois Administrative Code Title 17 Part 1075)
Division of Ecosystems and Environment

Date 8/29/2014

1. Indicate the government unit and type of action requiring consultation.

Local Government

State Agency

- Authorization (a unit of state or local government must issue a permit or other authorization)
- Funding (a unit of state or local government will provide a grant, loan, or other direct support)
- Performance (a unit of state or local government is performing the action, such as construction)

Name of government unit City of Aurora, Development Services

Government contact name Edward T. Sieben

Address 1 S. Broadway, Aurora, IL 60507-2067

Phone 630-256-3080 Fax 630-256-3089

If local government, is it a county highway or local roads department? Yes No

2. Will the project receive technical assistance or funding from the state of Illinois? Yes No

If yes, indicate the state agency providing support _____

Projects receiving state assistance (including federal funding through a state agency) must comply with the Interagency Wetland Policy Act. These projects will be reviewed for wetland impacts.

3. Applicant information

Applicant name CIMA Developers, Inc.

Contact person Dan Soltis

Address 381 E. St. Charles Rd., Carol Stream, IL 60188

Phone 630-715-1341 Fax 630-653-2335 E-mail dsoltis@cimadevelopers.org

4. Project information and location (a map showing the location of the proposed action is required)

Project name PAS Shopping Center County Kane

Address 1387 Butterfield Road

City and zip Aurora, IL 60502

Township/Range/Section (e.g., T45N,R9E,S2) T39N,R8,S36

(Projects cannot be reviewed without the TRS)

Project description Annexation of 2.61 acres of cropland

If this is a resubmittal, please provide previous IDNR Project Code _____

Mail completed form and map of project location to:
Illinois Department of Natural Resources
Division of Ecosystems and Environment
One Natural Resources Way
Springfield, IL 62702

IDNR Use Only
Project Code: _____