

Kane County Forest Preserve District
Rezoning from F-District Farming to F-1 District Rural Residential

Special Information: In 2015 the Forest Preserve District acquired the entire 196 acre property for the new “Cardinal Creek Forest Preserve”. On the northwest portion is an existing home. Since it is not part of the Forest Preserve District’s mission to own and maintain residential property, the District is seeking a rezoning so the home can be sold of separately from the property.

Analysis: The Kane County 2040 Land Resource Management Plan designates this area as Agricultural. The Plan recognizes that not all land in this area is suitable for farming and that some land can be used for farmsteads and very low density residential uses.

Staff recommended Finding of Facts:

1. The rezoning will allow the existing home to be sold off separately from the remaining property.
2. The existing residential use will not be intensified.

Attachments: Location Map
 Township Map
 Petitioner’s finding of fact sheet and narrative

Findings of Fact Sheet – Map Amendment and/or Special Use

- The Kane County Zoning Board is required to make findings of fact when considering a rezoning. (map amendment)
- You should “make your case” by explaining specifically how your proposed rezoning relates to each of the following factors.

Forest Preserve District of Kane County - Cardinal Creek F.P.

1/26/16

Name of Development/Applicant

Date

1. How does your proposed use relate to the existing uses of property within the general area of the property in question?

Consistent with existing property uses in the general area

2. What are the zoning classifications of properties in the general area of the property in question?
F, F1, Forest Preserve

3. How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?
Suitable

4. What is the trend of development, if any, in the general area of the property in question?

5. How does the projected use of the property, relate to the Kane County 2040 Land Use Plan?
Consistent with 2040 Land Use Plan

PARCEL TWO: THAT PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 60.0 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ELLITHORPE ROAD; THENCE EASTERLY, AT AN ANGLE OF $90^{\circ}25'23''$, MEASURED CLOCKWISE FROM SAID WEST LINE, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, 30.00 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING EASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 415.00 FEET; THENCE SOUTHERLY, AT AN ANGLE OF $90^{\circ}25'23''$, MEASURED COUNTERCLOCKWISE FROM SAID NORTH LINE, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, 415.00 FEET; THENCE SOUTHWESTERLY, AT AN ANGLE OF $155^{\circ}45'52''$, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 63.50 FEET; THENCE SOUTHWESTERLY, AT AN ANGLE OF $162^{\circ}27'49''$, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 82.46 FEET; THENCE WESTERLY, AT AN ANGLE OF $131^{\circ}20'56''$, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, PARALLEL WITH SAID NORTH LINE, 334.00 FEET; THENCE NORTHERLY, AT AN ANGLE OF $90^{\circ}25'23''$, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, PARALLEL WITH SAID WEST LINE, 535.00 FEET TO THE POINT OF BEGINNING, ALL IN BURLINGTON TOWNSHIP, KANE COUNTY, ILLINOIS.

STATE OF ILLINOIS)
 SS.
COUNTY OF KANE)

Resolution No. FP-R-15-10-2423

Resolution Authorizing the Sale of Forest Preserve District Property in Burlington Township


WHEREAS, the Forest Preserve District of Kane County acquired fee simple title to certain property located in Burlington Township, Kane County, Illinois, on September 18, 2015; and

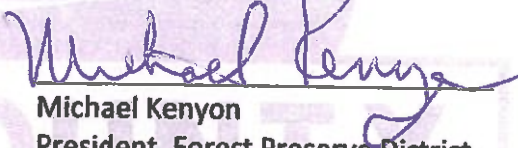
WHEREAS, 70ILCS 805/6, authorizes a forest preserve district to purchase a parcel of land and to subsequently sell a portion thereof for not less than the fair market value pursuant to resolution of the Board of Commissioners passed by a two-thirds majority of the Board; and

WHEREAS, said resolution authorizing a sale of a portion of the real estate purchased by the District must be passed within thirty (30) days after acquisition by the District of such parcel.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Forest Preserve District of Kane County, Illinois that the District, be, and hereby is, authorized to sell a portion of the real estate described in Exhibit A, for not less than the fair market value of said real estate, under such terms and conditions as may be set forth by the Executive Committee regarding such sale.

Passed and approved on this the 13th day of October, 2015.

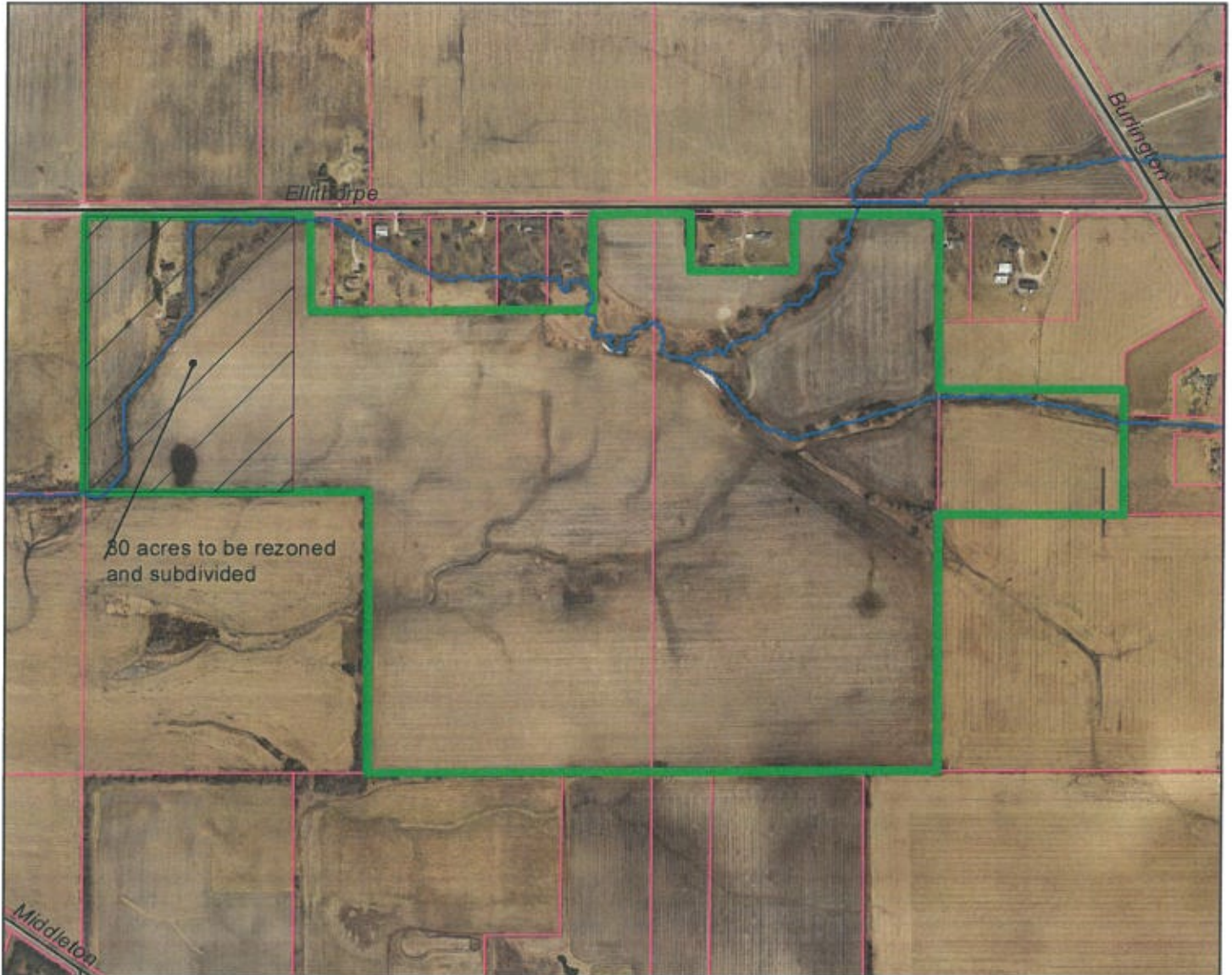

Philip Lewis
Secretary, Forest Preserve District
Kane County, Illinois


Michael Kenyon
President, Forest Preserve District
Kane County, Illinois





Cardinal Creek Forest Preserve



Legend

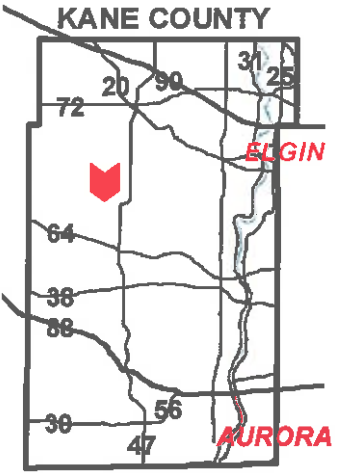
- Road
- Creek
- Forest Preserve Boundary
- Parcel



45W879 Ellithorpe Road,
Hampshire, IL 60140
West of Burlington Road

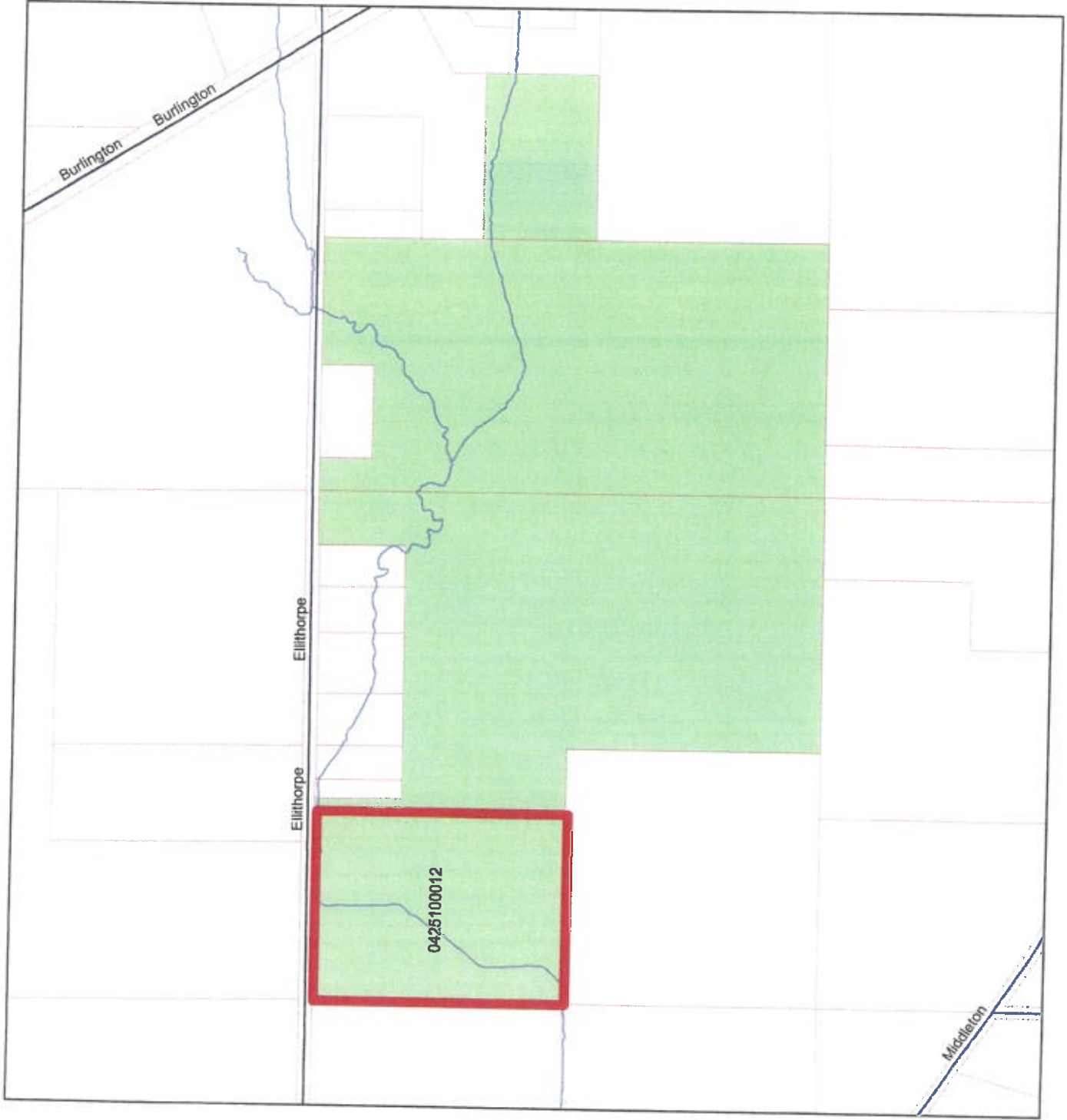
PIN #04-25-100-012
Acreage = 196

Information: (630) 232-5980
www.kaneforest.com
Hours: Daily, Sunrise-Sunset



Cardinal Creek
Forest Preserve
Sell a portion of

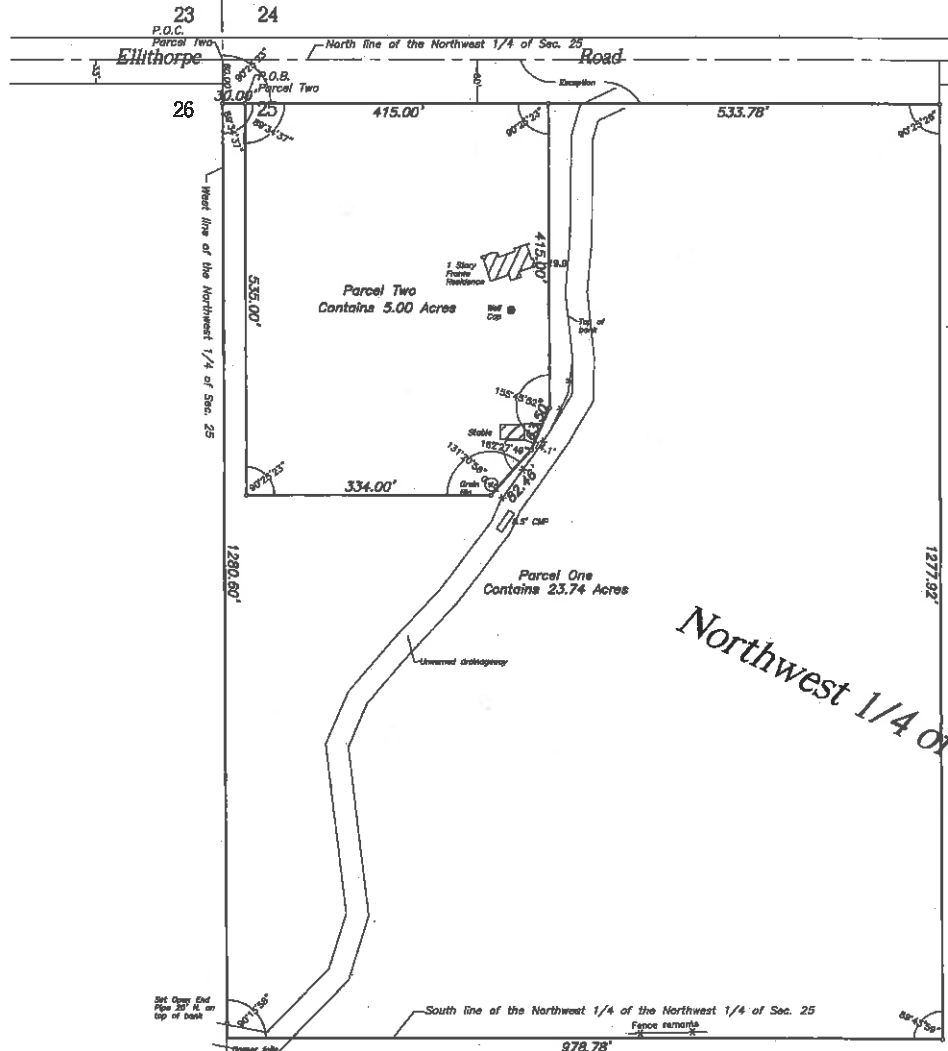
Parcel # Acres
04-25-100-012 29.66



PLAT AND CERTIFICATE OF SURVEY

PARCEL ONE: THE WESTERLY 978.78 FEET, AS MEASURED ALONG THE NORTHERLY AND SOUTHERLY LINES THEREOF OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THEREFROM THE NORTHERLY 60.0 FEET OF THE ABOVE DESCRIBED PROPERTY, ALSO EXCEPTING THAT PART OF SAID NORTHWEST QUARTER DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 60.0 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ELLITHORPE ROAD, THENCE EASTERLY, AT AN ANGLE OF 90°25'23", MEASURED CLOCKWISE FROM SAID WEST LINE, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, 30.00 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING EASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 415.00 FEET; THENCE SOUTHERLY, AT AN ANGLE OF 80°25'23", MEASURED COUNTERCLOCKWISE FROM SAID NORTH LINE, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, 415.00 FEET; THENCE SOUTHWESTERLY, AT AN ANGLE OF 155°45'52", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 63.50 FEET; THENCE SOUTHWESTERLY, AT AN ANGLE OF 162°27'49", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 82.48 FEET; THENCE THENCE WESTERLY, AT AN ANGLE OF 131°20'56", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, PARALLEL WITH SAID NORTH LINE, 334.00 FEET; THENCE NORTHERLY, AT AN ANGLE OF 90°25'23", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, PARALLEL WITH SAID WEST LINE, 535.00 FEET TO THE POINT OF BEGINNING, ALL IN BURLINGTON TOWNSHIP, KANE COUNTY, ILLINOIS.

PARCEL TWO: THAT PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 41 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER, THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 60.0 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF ELLITHORPE ROAD, THENCE EASTERLY, AT AN ANGLE OF 90°25'23", MEASURED CLOCKWISE FROM SAID WEST LINE, PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER, 30.00 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING EASTERLY, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, 415.00 FEET; THENCE SOUTHERLY, AT AN ANGLE OF 80°25'23", MEASURED COUNTERCLOCKWISE FROM SAID NORTH LINE, PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER, 415.00 FEET; THENCE SOUTHWESTERLY, AT AN ANGLE OF 155°45'52", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 63.50 FEET; THENCE SOUTHWESTERLY, AT AN ANGLE OF 162°27'49", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 82.48 FEET; THENCE THENCE WESTERLY, AT AN ANGLE OF 131°20'56", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, PARALLEL WITH SAID NORTH LINE, 334.00 FEET; THENCE NORTHERLY, AT AN ANGLE OF 90°25'23", MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, PARALLEL WITH SAID WEST LINE, 535.00 FEET TO THE POINT OF BEGINNING, ALL IN BURLINGTON TOWNSHIP, KANE COUNTY, ILLINOIS.



LEGEND:
 - - - - - Boundary of property surveyed
 • Indicates found survey marker
 ○ Indicates set open end plus
 * - * - * Indicates fence line

STATE OF ILLINOIS }
 COUNTY OF DEKALB } SS

THIS IS TO CERTIFY THAT THE ATTACHED PLAT IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY I HAVE MADE OF PROPERTY HEREON SHOWN AND DESCRIBED. ALL DISTANCES SHOWN IN FEET AND DECIMALS THEREOF, THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
 FIELD WORK COMPLETED JANUARY 2, 2016. WITNESS MY HAND AND SEAL AT DEKALB, ILLINOIS THIS 2 DAY OF JANUARY, 2016.

FOR: FOREST PRESERVE DIST. OF KANE CO.
 JOB NO. WES 13456

SHAWN R. VAN KAMPEN
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2710
 LICENSE EXPIRATION DATE: NOVEMBER 30TH, 2016

Prepared by:
 William E. Hanna Surveyors
 License No. 1842807
 508 Pine Street
 DeKalb, Illinois 60115
 (815) 756-2189
 Fax 748-2532
 Info@hannasurveyors.com

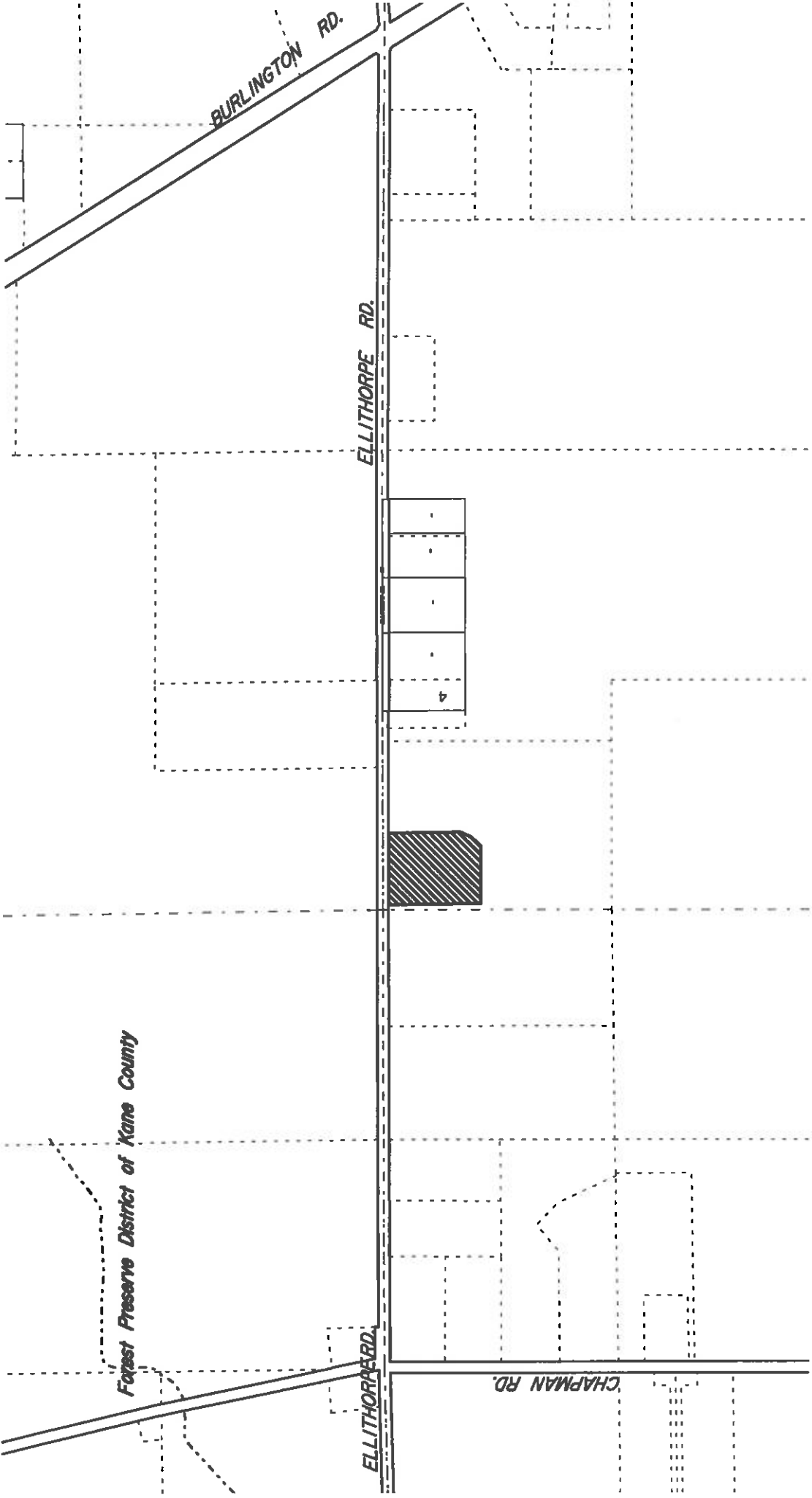
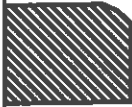
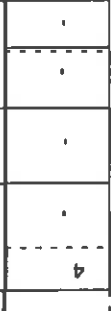
BURLINGTON RD.

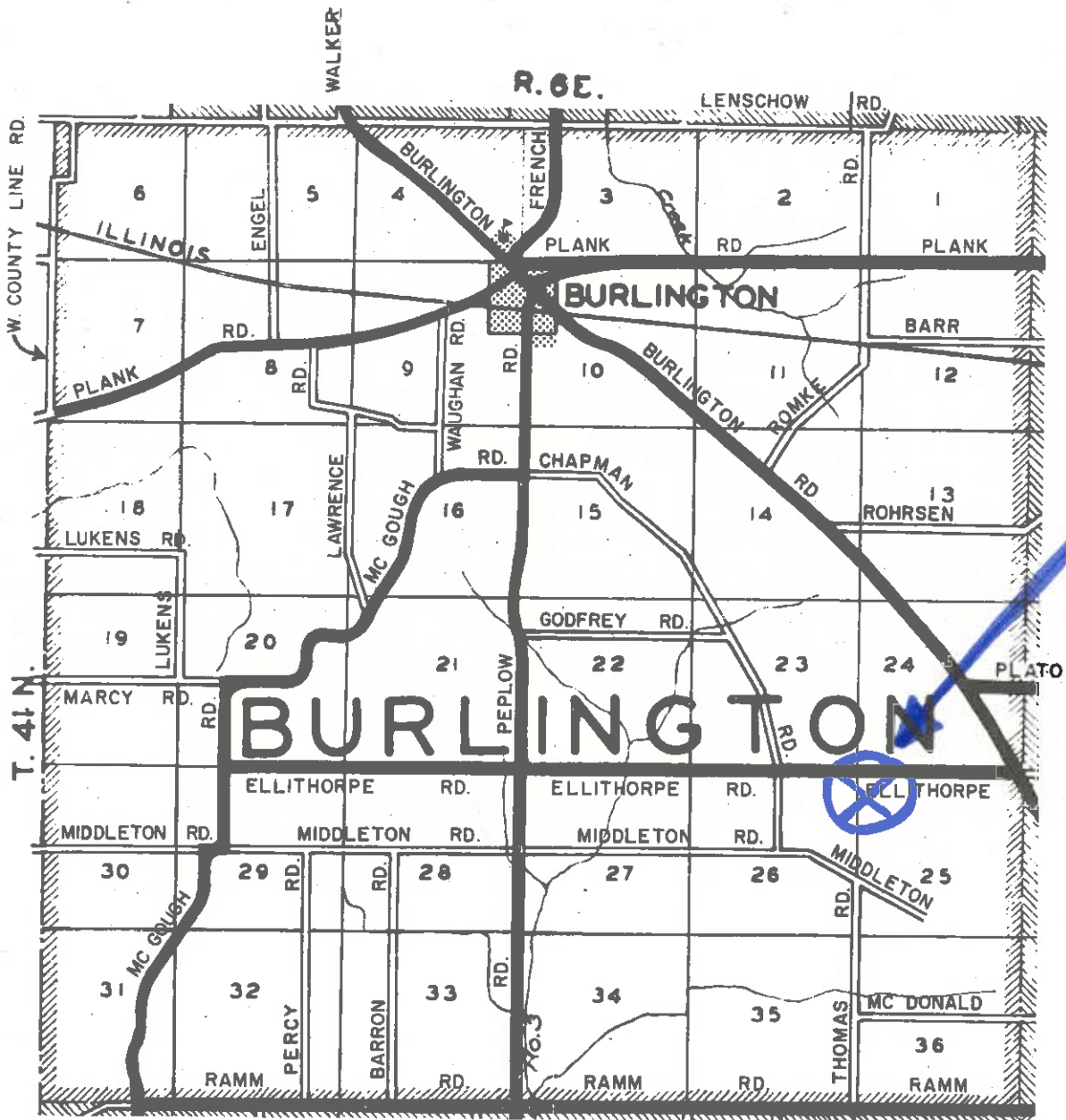
ELLITHORPE RD.

ELLITHORPE RD.

CHAPMAN RD.

Forest Preserve District of Kane County





Kane - DuPage Soil & Water Conservation District



February 8, 2016

Kane County
Keith Berkhout
719 S. Batavia Ave.
Geneva, IL 60134

This is the letter we should have sent you.
We have assigned number 16-002 to a Land Use Opinion Application from:

Forest Preserve District of Kane County
1996 S. Kirk Rd.. Suite 320
Geneva, IL 60134

The site location is:

Burlington Township
Section 26, Township 41N, Range 6E

The application was sent to us in compliance with Section 22.02a of the Illinois Soil and Water Conservations Districts Act.

_____ Our review and comments will be sent to you on or before _____

 X According to the information received, this proposed land use change will not have a substantial effect on natural resources. Therefore, no further action will be taken by the Soil and Water Conservation District Board.

 X A processing fee of \$65.00 has been retained.

 X A refund of \$880.00 will be sent on February 12, 2016.

Sincerely,

Jennifer Shroder
Office Assistant

Applicant: Forest Preserve District of Kane County
Contact: Jerry Culp
Address: 1996 South Kirk Road, Suite 320
Geneva, IL 60134

IDNR Project Number: 1607406
Date: 02/12/2016

Project: Cardinal Creek Forest Preserve
Address: 45W879 Ellithorpe Road, Hampshire

Description: rezoning to subdivide existing 30-acre parcel into 25-acre parcel and 5-acre parcel in order to be able to sell off 5-acre parcel with residence

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Consultation is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary. Termination does not imply IDNR's authorization or endorsement.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kane

Township, Range, Section:

41N, 6E, 25

41N, 6E, 26



IL Department of Natural Resources

Contact

Natalia Jones

217-785-5500

Division of Ecosystems & Environment

Government Jurisdiction

Kane County Development Dept.

Mark VanKerkhoff, Director

719 Batavia Avenue

Geneva, Illinois 60134

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

Terms of Use

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

Berkhout, Keith

From: McGraw, Keith
Sent: Tuesday, March 15, 2016 11:08 AM
To: Berkhout, Keith
Cc: Nika, Kurt; Benda, Lydia
Subject: KC Forest Preserve District - Elithorpe Road, rezoning from F to F-1
Attachments: SDOTL04Q@co16031510470.pdf

Keith,

In regards to the above mentioned (and attached) petition, KDOT would *like* to see 60 foot half-right of way dedicated, per staff discussion with Mr. Jerry Culp of the Kane County Forest Preserve. Beyond that *request*, KDOT has no other comments or suggestions.

Keith McGraw

Kane County - Division of Transportation

Permitting Section
41W011 Burlington Road
St. Charles IL 60175

t (630) 584-1171
f (630) 584-5239



Engineering Enterprises, Inc.

March 17, 2016

Mr. Keith Berkhout
Building and Zoning Division
Development & Community Services Department
Kane County Government Center
719 Batavia Avenue
Geneva, IL 60134

Subject: *Petition for Map Amendment, KCFPD Property, 45W879 Ellithorpe Road, Burlington Township, Kane County, Illinois. PIN 04-25-100-012*

Via: e-mail to berkhout.keith@co.kane.il.us

Dear Keith:

The Village of Burlington is in receipt of your letter dated March 11, 2016 regarding a Map Amendment petition filed for the subject property and seeking comments thereon.

The subject petition has been reviewed and this matter will be discussed with the Board of Trustees Monday, March 21st prior to submitting our official recommendations.

We have the following questions which need clarification before this matter is discussed with the board:

1. It is not stated in the petition which part of the subject PIN is being rezoned from F to F-1. We believe it is appropriate for Parcel Two (5 acres with residence), as described on the Plat and Certificate of Survey, to be rezoned but not appropriate for Parcel One as described to be rezoned.
2. The Cardinal Creek Forest Preserve Exhibit shows the entire 30 acres of PIN 04-25-100-012 to be rezoned and subdivided. Is all of this being sold?

If you have any questions or require additional information, please contact me at your convenience at 630-466-6717.

Respectfully submitted,

ENGINEERING ENTERPRISES, INC.

John T. Whitehouse, P.E., P.L.S.
Village Engineer and
Zoning Enforcement Officer

pc: Bob Walsh, Village President
Kimberly Tatu, Village Clerk
Steve Andersson, Village Attorney



Engineering Enterprises, Inc.

March 29, 2016

Mr. Keith Berkhout
Building and Zoning Division
Development & Community Services Department
Kane County Government Center
719 Batavia Avenue
Geneva, IL 60134

Subject: *Petition for Map Amendment, KCFPD Property, 45W879 Ellithorpe Road, Burlington Township, Kane County, Illinois. PIN 04-25-100-012*

Via: e-mail to berkhout.keith@co.kane.il.us

Dear Keith:

The Village of Burlington is in receipt of your letter dated March 11, 2016 regarding a Map Amendment petition filed for the subject property and seeking comments thereon.

The subject property is located on the south side of Ellithorpe Road, one mile westerly of Burlington Road, 0.75 miles easterly of the Village's corporate limits and is within the Village's 1-1/2 mile planning jurisdiction.

The subject petition has been reviewed and this matter has been discussed with the Board of Trustees.

The Village of Burlington offers its support for the rezoning of the 5.00 acre Parcel Two as shown on the Plat and Certificate of Survey attached to the application from F-Farming to F-1. Per your clarification in our phone conversation on March 17th, the zoning of the 23.74 acre Parcel One on said Plat will remain F-Farming.

If you have any questions or require additional information, please contact me at your convenience at 630-466-6717.

Respectfully submitted;

ENGINEERING ENTERPRISES, INC.

John T. Whitehouse, P.E., P.L.S.
Village Engineer and
Zoning Enforcement Officer

pc: Bob Walsh, Village President
Kimberly Tatu, Village Clerk
Steve Andersson, Village Attorney