

COMMITTEE OF THE WHOLE
MARCH 21, 2023
VILLAGE BOARD ROOM
2200 HARNISH DRIVE, ALGONQUIN
7:45 P.M.

Trustee Auger – Chairperson
Trustee Spella
Trustee Glogowski
Trustee Dianis
Trustee Smith
Trustee Brehmer
President Sosine

∞ **AGENDA** ∞

- 1. Roll Call – Establish a Quorum**
- 2. Public Comment – Audience Participation**
(Persons wishing to address the Committee must register with the Chairperson prior to roll call.)
- 3. Community Development**
 - A. Consider a Zoning Amendment for 8311 Merrill Ave
- 4. General Administration**
- 5. Public Works & Safety**
 - A. Consider Algonquin Corporate Campus – Unit 3 – Wendt Street Plat of Vacation and Easement and Setback Lines
- 6. Executive Session (if needed)**
- 7. Other Business**
- 8. Adjournment**



Village of Algonquin

2200 Harnish Drive, Algonquin, IL
(847) 658-2700 | www.algonquin.org

AGENDA ITEM

<u>MEETING TYPE:</u>	Committee of the Whole
<u>MEETING DATE:</u>	March 21, 2023
<u>SUBMITTED BY:</u>	Natalie Zine, Deputy Director of Community Development Patrick M. Knapp, AICP, Senior Planner
<u>DEPARTMENT:</u>	Community Development Department
<u>SUBJECT:</u>	Approval of a Zoning Map Amendment for 1311 Merrill Avenue

ACTION REQUESTED:

William Hellyer, the “Petitioner” and Trustee of The Charles Tyk Family Living Trust, is requesting a Zoning Map Amendment for 1311 Merrill Avenue, the “Subject Property”.

BOARD/COMMISSION REVIEW:

The Planning and Zoning Commission reviewed a request for a Zoning Map Amendment for the Subject Property from B-1 Limited Retail to R-1 One-Family Dwelling District at the March 13, 2023, Planning and Zoning Commission Meeting (See the attached P&Z staff report for Case No. PZ-2023-03).

The Planning and Zoning Commission accepted staff’s findings as the findings of the Planning and Zoning Commission and unanimously recommended approval of the Zoning Map Amendment for the Subject Property located at 1311 Merrill Avenue by a vote of 7-0, as described in the staff report for case PZ-2023-03.

DISCUSSION:

William Hellyer, the “Petitioner” and Trustee of The Charles Tyk Family Living Trust, is requesting the Zoning Map Amendment for 1311 Merrill Avenue, the “Subject Property”, from B-1 Limited Retail to R-1 One-Family Dwelling District. The existing primary structure on the Subject Property is a detached single-family home at the end of a dead-end residential street. While there are commercially zoned properties behind the Subject Property, there are no other properties with detached single-family dwellings on the same street zoned commercial or being used for commercial purposes. The current commercial zoning district designation prevents the existing detached single-family home from being rebuilt in the event of a fire or any other natural casualty, thus preventing the sale of the home.

Staff researched the history of the Subject Property, its zoning, and the original building permit approval, but did not find any records that explain how a residential dwelling was constructed on

a parcel zoned B-1. As such, it was most likely zoned B-1 Commercial when annexed into the Village and the request is a clean-up matter.

RECOMMENDATION:

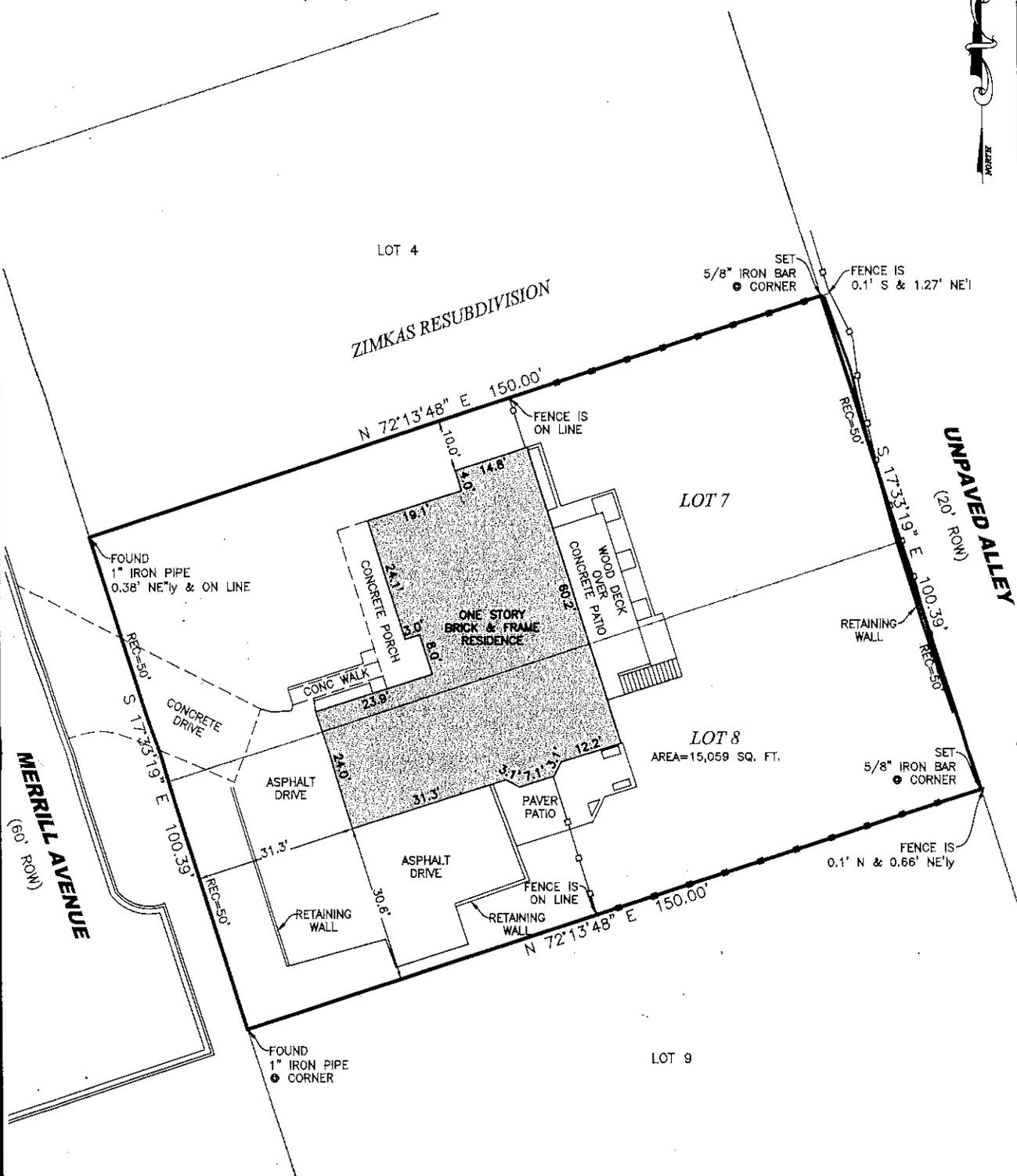
Staff recommends approval of the Zoning Map Amendment for the Subject Property located at 1311 Merrill Avenue, as outlined in the staff report for case PZ-2023-03, subject to the attachments listed below.

ATTACHMENTS:

- Exhibit A. Plat of Survey, as prepared by Meridian Land Surveying Co., with the latest revision date of February 11, 2023
- Exhibit B. March 13, 2023, Planning and Zoning Staff Report for PZ-2023-03
- Exhibit C. March 13, 2023, DRAFT Planning and Zoning Minutes

PLAT OF SURVEY

LOTS 7 AND 8 IN BLOCK 11 OF ARTHUR TRAUBE & COMPANY'S FOX RIVER VIEW SUBDIVISION, TRACY NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED MAY 28, 1927, AS DOCUMENT NUMBER 78339, IN MCHENRY COUNTY, ILLINOIS.



GENERAL NOTES

1. COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND REPORT ANY DIFFERENCE IMMEDIATELY.
2. THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE.
3. BEARINGS SHOWN HEREON ARE ASSUMED.
4. ALL DISTANCES SHOWN HEREON ARE MEASURED UNLESS OTHERWISE NOTED.
5. FIELD WORK COMPLETED 02/11/2023.
6. PREPARED FOR WILLIAM A. HELLER, LTD.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }
 COUNTY OF MCHENRY)
 THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.
 GIVEN UNDER MY HAND AND SEAL AT WOODSTOCK, ILLINOIS,
 THIS 11TH DAY OF FEBRUARY, A.D., 2023.
 BY: *[Signature]*
 ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 3552
 LICENSES EXPIRE NOVEMBER 30, 2024.
 PROFESSIONAL DESIGN FIRM 184.006160



COPYRIGHT 2023



MERIDIAN
 Land Surveying Co.
 2547 APPLEWOOD LANE
 WOODSTOCK, IL
 (815)861-3135

1311 MERRILL AVENUE
 ALGONQUIN, IL

PROJECT NO. 23-029
 DATE 02/11/23
 SCALE 1"=20'
 DRAWN BY : CDH
 CHECKED BY : CDH

PAGE
 1
 OF
 1



STAFF REPORT FROM THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Jason C. Shallcross, AICP
Director of Community Development

Patrick M. Knapp, AICP
Senior Planner

Date: March 8, 2023

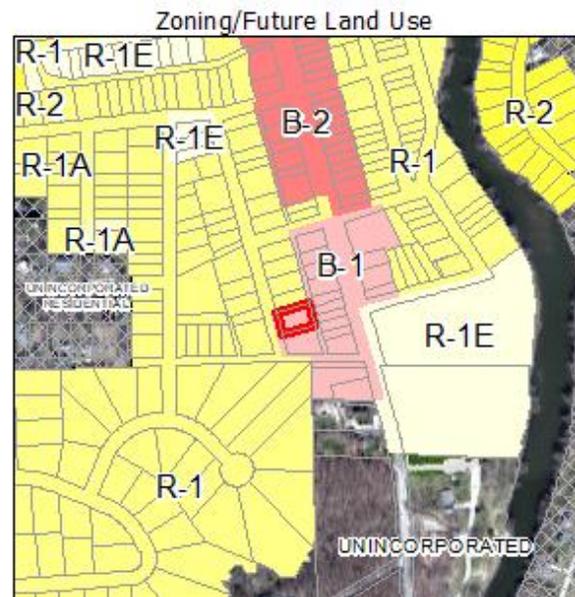
Case Number: PZ-2023-03 **Applicant/Property Owner:** William Hellyer/The Charles Tyk Family Living Trust

Public Hearing Date: March 13, 2023 **Property Address/Location:** 1311 Merrill Avenue, Algonquin, IL

Brief Summary of Request and Background

William Hellyer, the “Petitioner” and Trustee of The Charles Tyk Family Living Trust, is requesting a Zoning Map Amendment for 1311 Merrill Avenue, the “Subject Property”, from B-1 Limited Retail to R-1 One-Family Dwelling District.

Staff supports the Petitioner’s request as the proposal satisfies the long-term goals of the Village’s Comprehensive Plan and Future Land Use Map.



Existing Zoning	Existing Land Use/Improvements	Surrounding Zoning Land Use	Property Size
B-1 Limited Retail Incorporated	Single-Family Residential	North: R-1 Residential East: B-1 Business South: B-1 Vacant West: R-1 Residential	0.34 ac

Staff Recommendation Summary

Approve

Deny

Approve with Conditions

Discussion of Staff Recommendation

The Request

William Hellyer, the “Petitioner” and Trustee of The Charles Tyk Family Living Trust, is requesting the Zoning Map Amendment for 1311 Merrill Avenue, the “Subject Property”, from B-1 Limited Retail to R-1 One-Family Dwelling District. The existing structure on the Subject Property is a single-family dwelling at the end of a dead-end residential street. While there is commercial located behind the Subject Property, there is no commercial located on the residential street. The current zoning district designation prevents the existing single-family home from being rebuilt in the event of a fire or other natural casualty and is also preventing the sale of the home.

Comprehensive Plan Designation

The Village’s Future Land Use Map designates the Subject Property as Low-Density Suburban Residential. This Request will rezone the property to meet the Future Land Use Map.

Next Steps

The Request by the Petitioner will go to the Committee of the Whole for discussion and advancement to the Village Board. If the Village Board approves the Request, the approving Ordinance will be recorded and the rezoning will be official.

Standards & Findings

The Planning and Zoning Commission shall review the Standards & Findings of Fact outlined in Exhibit “A” and 1) accept them without changes, 2) accept with changes, or 3) reject the findings. The Planning and Zoning Commission should use the Findings of Fact to guide their recommendation to the Village Board on the petitioner’s request.

Staff Recommendation

Staff recommends approval of the Zoning Map Amendment for 1311 Merrill Avenue consistent with the findings of fact outlined in this report. Based on these findings, Staff recommends that the Planning and Zoning Commission make a motion to adopt Staff’s findings as the findings of the Planning and Zoning Commission and recommend **approval** of the following motion:

1. “To approve Zoning Map Amendment from B-1 Business Limited Retail to R-1 One-Family Dwelling for the Subject Property located at 1311 Merrill Avenue, as outlined in the Staff Report for Case No. PZ-2023-03.”

The Village Board’s decision is final for this case.

I concur:



Jason C. Shallcross, AICP

Director of Community Development

Attachments:

- Exhibit A Standards & Findings of Fact
- Exhibit B Plat of Survey, as prepared by Meridian Land Surveying Co., with the latest revision date of February 11, 2023

Exhibit A – Standards & Findings of Fact

Zoning Map Amendment Standards – Without specific standards in the Village’s Zoning Code, the standard in Illinois is to rely on the “LaSalle Factors” and also factors from the Sinclair Pipeline Company vs. Village of Richton Park.

1. Will the rezoning of the Subject Property negatively impact the existing uses or zoning of nearby property? The amendment, if granted, will not alter the essential character of the neighborhood and will not be a substantial detriment to adjacent property.
2. To what extent do the current zoning restrictions diminish the property value of the Subject Property and nearby property? The property cannot yield a reasonable return if permitted to be used only under the conditions allowed under the existing zoning classification.
3. To what extent does the rezoning promote the health, safety, morals, and general welfare of the public. The amendment promotes the public health, safety, comfort, convenience and general welfare.
4. What is the suitability of the Subject Property for the zoned purposes? The requested zoning classification permits uses which are more suitable than the uses permitted under the existing zoning classification.
5. What is the relative gain to the public as compared to the hardship imposed upon the individual property owner? The subject property has not been utilized under the existing zoning classification for a substantial period of time.
6. Does the proposed development on the Subject Property comply with the policies and official land use plan and other official plans of the Village? The amendment complies with the policies and official land use plan and other official plans of the Village.

Petitioner Response:

1. The Subject property is improved with a single family residence located in an established residential subdivision. The rezoning will make the property consistent with the neighborhood. Keeping the property zoned Business in a residential neighborhood will adversely impact the adjacent properties.
2. The property is zoned Business and the value of the property as a business may exceed that of a residence, but the use of the property as a business would diminish the nearby property values. Residential Lenders will not make a mortgage if the property is not zoned as Residential.
3. The original intent of the use of the property was and remains residential. The proper fit for the continued use of the property is Residential.
4. The property is suitable for the intended use which was Residential.
5. The gain is the property will be properly zoned according to its intended use. The property has always been utilized for a residence since the Village issues a building permit for a residential home.
6. The comprehensive plan of the Village call for the property to be residentially zoned.

Staff Response:

Staff is supportive of the proposed Zoning Map Amendment for the Subject Property from B-1 Limited Retail District to R-1 One-Family Dwelling District. The adjacent incorporated residential properties are zoned R-1 and the Subject Property will meet the setbacks and bulk regulations of the R-1 District. Staff does not believe that the Zoning Map Amendment for the Subject Property will reduce the health, safety, morals, or general welfare of the public as the existing structure on the Subject Property is a residential dwelling.



Village of Algonquin

COMMUNITY DEVELOPMENT DEPARTMENT

(847) 658-2700 | permits@algonquin.org | www.algonquin.org
2200 Harnish Drive, Algonquin, IL

PLANNING AND ZONING COMMISSION MINUTES

MARCH 13, 2023

Roll Call - Establish Quorum

Chair Patrician called the meeting to order at 7:01 pm.

Director Jason Shallcross called the roll to check attendance.

All seven commissioners were present and could hear and be heard:

- Chair Patrician
- Commissioner Kennealy
- Commissioner Laipert
- Commissioner Neuhalfen
- Commissioner Rasek
- Commissioner Sturznickel
- Commissioner Szpekowski

Members absent: None

Staff Present: Community Development Director Jason Shallcross, Senior Planner Patrick Knapp, and Attorney Brandy Quance

Public Comment

Chair Patrician asked for public comments. No one from the public commented.

Approval of Minutes

Chair Patrician asked for approval of the January 9, 2022, Planning and Zoning Commission minutes. A motion from Commissioner Struznickel and seconded by Commissioner Rasek to approve the minutes. The motion was approved with a 7-0 vote.

Case Number PZ-2023-03

Consideration of a Request for a Zoning Map Amendment from B-1 Business Limited Retail to R-1 One-Family Dwelling for 1311 Merrill Avenue

Mr. Knapp gave the background of why Staff supports the rezoning of 1311 Merrill Avenue. No Petitioner was present so Staff presented the Petitioner's Development Petition for the record.

Commissioner Kennealy asked how the property was constructed in the first place if it was zoned B-1. Mr. Shallcross responded that we do not have records as to why it was allowed to be built, but that each home has been requesting a rezoning one by one along Merrill Avenue.

Commissioner Sturznickel asked if Bill Hellyer, the Petitioner, owns the property. Mr. Knapp responded that Mr. Hellyer is a Trustee of the Trust that owns the property.

Commissioner Nuehalfen asked if the vacant lot south of this parcel should be rezoned. Staff responded that this lot would need to come back as a separate request.

Chair Patrician called for the public hearing to be opened. No one from the public commented. Chair Patrician then closed the public hearing.

A motion was then made by Commissioner Laipert and seconded by Commissioner Sturznickel to approve the rezoning for 1311 Merrill Avenue. The motion was approved with a 7-0 vote.

Case Number PZ-2021-18

Consideration of a Request to amend Ordinance 2003-O-44 and Ordinance 2004-O-44 and as amended as Ordinance 2010-O-39 and Ordinance 2022-O-42 for the Algonquin Commons

Zach Huffman of Ethos Workshop gave a presentation that outlined the Algonquin Commons proposal. Mr. Knapp then gave a presentation on the request and why Staff supports the amendment to the approved Algonquin Commons Planned Development.

Commissioner Sturznickel asked how long it would take to finish the project. Mr. Huffman stated that they would like start in the summer. Mr. Shallcross added that site work could be completed as soon as next summer and The Link could take two years to construct.

Commissioner Laipert asked if the park would be owned by the Village of Algonquin. Mr. Shallcross responded that the park ownership is still being discussed. The Commissioner added that she is concerned about deliveries and access being blocked. Mr. Shallcross responded that the closures of The Street are only temporary and that there is still rear access using the existing trash enclosure areas.

Commissioner Nuehalfen stated that he likes the concept and likes that there are garage doors that can open in weather allows. The Commissioner also asked about how they got the names “The Link, The Street, The Playground, and The Field”. Mr. Huffman and Staff replied that they are catchy names that the Public could recognize. The Commissioner also stated that he likes that they are pursuing a regional attraction.

Commissioner Rasek expressed concern that some businesses near The Link could be displaced. Staff showed the Commission the site and building plans and how existing businesses would either be relocated, not be impacted, or could have new, direct access to The Link.

Commissioner Szpekowski asked why there is an existing black fence along the parking lot. Mr. Shallcross responded that it is only in place to funnel pedestrians to the crosswalks and that Staff does not have a strong opinion on whether the fence remains in place.

Commissioner Kennealy requested more information about the stormwater management changes. Ms. Bruns from Jacob & Hefner Engineering explained that the removal of the ponds near Bulldog Ale House and Randall Road will need to be offset by expanding the pond in the rear of Trader Joe’s. The Commissioner asked if there are any concerns about the elimination of the pond. Mr.



VILLAGE OF ALGONQUIN
PUBLIC WORKS DEPARTMENT

– M E M O R A N D U M –

DATE: March 21, 2023

TO: Tim Schloneger, Village Manager
Village of Algonquin Committee of the Whole

FROM: Clifton Ganek, Village Engineer

SUBJECT: Algonquin Corporate Campus – Unit 3 – Wendt Street Plat of
Vacation and Easement and Setback Lines

Plote Homes completed the development of the Algonquin Corporate Campus – Unit 3 in the fall of 2022. The scope per the original agreement was reduced due to the economic collapse in 2008. However, the right-of-way (ROW) of south Wendt Street (1.25 Acres) had previously been dedicated to the Village as a future public road. As a result, the previously subdivided south Wendt Street roadway and site development parcels were not constructed. To date, there have not been any surface or subsurface improvements within the existing south Wendt Street ROW.

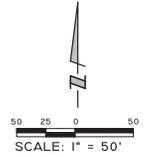
Now that the project is finalized and under a maintenance bond, the Village has asked for the dedication of the ponds and open areas shown in the attached exhibit to be naturalized. The deeding of the pond parcels to the Village is included in the development agreement. Following the Village's request, Plote Homes requested the vacation of south Wendt Street along with the easement and setback lines (Lots 16 – 23). Plote does not feel the parcels are suitable for development as plated, and the Village agrees.

Staff and Legal have reviewed the Plats and are comfortable with the final documents presented. Existing Public Utility Easements along the south frontage of Corporate Parkway, Lot 16, and between Lots 16 and 17 will remain in place to access public sewer and storm facilities within the easements.

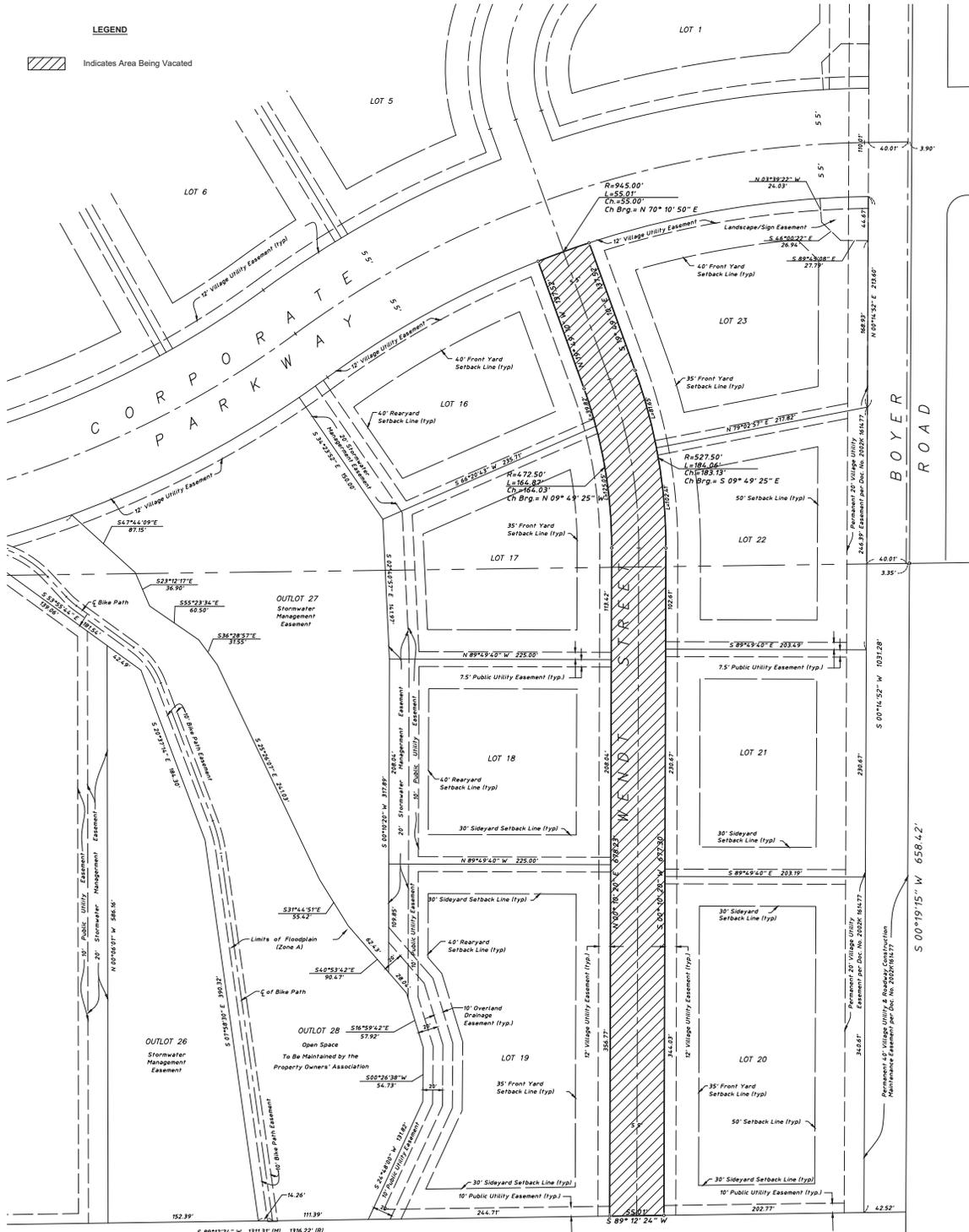
A Quit Claims Deed has also been prepared, reviewed, and approved by staff and Legal to complete the transaction. Staff is requesting the Committee move this to the Village Board for approval and sign-off prior to submitting the plats to the Kane County Recorder's Office.

MAIL PLAT TO:
 HAEGER ENGINEERING LLC
 CONSULTING ENGINEERS AND LAND SURVEYORS
 100 EAST STATE PARKWAY
 SCHUMBURG, IL 60173

PLAT OF VACATION OF WENDT STREET



LEGEND
 Indicates Area Being Vacated



VILLAGE OF ALGONQUIN CERTIFICATE
 STATE OF ILLINOIS) SS:
 COUNTY OF MCHENRY AND KANE)
 APPROVED AND ACCEPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE
 VILLAGE OF ALGONQUIN, MCHENRY COUNTY AND KANE COUNTY, ILLINOIS.

THIS _____ DAY OF _____, 20____
 By: _____ TITLE _____
 ATTEST: _____ TITLE _____

KANE COUNTY RECORDER'S CERTIFICATE
 STATE OF ILLINOIS)
 COUNTY OF KANE) SS:
 THIS INSTRUMENT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE
 COUNTY, ILLINOIS:
 ON THE _____ DAY OF _____, 20____ A.D.,
 AT _____ O'CLOCK _____ M.

RECORDER _____

STATE OF ILLINOIS)
 COUNTY OF COOK) SS:
 I, JEFFREY W. GLUNT, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY
 THAT THIS PLAT HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION, FROM
 SURVEYS AND OFFICIAL RECORDS, FOR THE USE AND PURPOSES HEREIN SET FORTH
 AND THAT THE PLAT IS A CORRECT REPRESENTATION OF THE HEREON CAPTIONED
 PROPERTY. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND
 ARE CORRECTED TO A TEMPERATURE OF 68 DEGREES F.

SCHAUMBURG, ILLINOIS February 6, 2023
 BY: _____ ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003695



Revised: 02/13/2023
 Originally Prepared: 02/06/2023 Project No. 03-077 Z

HAEGER ENGINEERING
 consulting engineers • land surveyors

100 East State Parkway, Schumburg, IL 60173
 TEL 847.374.6400 FAX 847.374.6404
 Illinois Professional Design Firm License No. 184-000152
 www.haegerengineering.com

EXPIRES 11-30-24

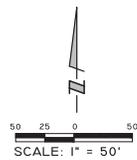
LEGAL DESCRIPTION OF VACATED STREET

THAT PART OF WENDT STREET AS ESTABLISHED BY ALGONQUIN CORPORATE CAMPUS – PHASE 3, BEING A SUBDIVISION OF THE WEST HALF OF SECTION 6, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 28, 2006 AS DOCUMENT NUMBER 2006K094044, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 20 OF SAID SUBDIVISION; THENCE SOUTH 89 DEGREES 12 MINUTES 24 SECONDS WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 55.01 FEET TO THE WEST LINE OF WENDT STREET; THENCE NORTH 00 DEGREES 10 MINUTES 20 SECONDS EAST ALONG SAID WEST LINE, 678.23 FEET; THENCE ALONG SAID WEST LINE, BEING A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 472.50 FEET AND AN ARC LENGTH OF 164.87 FEET, THE CHORD OF SAID ARC IS NORTH 9 DEGREES 49 MINUTES 25 SECONDS WEST, 164.03 FEET; THENCE NORTH 19 DEGREES 49 MINUTES 10 SECONDS WEST ALONG SAID WEST LINE, 137.52 FEET TO THE SOUTH LINE OF CORPORATE PARKWAY AS ESTABLISHED BY SAID SUBDIVISION; THENCE ALONG SAID SOUTH LINE, BEING A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 945.00 FEET AND AN ARC LENGTH OF 55.01 FEET TO THE EAST LINE OF SAID WENDT STREET, THE CHORD OF SAID ARC IS NORTH 70 DEGREES 10 MINUTES 50 SECONDS EAST, 55.00 FEET; THENCE SOUTH 19 DEGREES 49 MINUTES 10 SECONDS EAST ALONG SAID EAST LINE, 137.52 FEET; THENCE ALONG SAID EAST LINE, BEING A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 527.50 FEET AND AN ARC LENGTH OF 184.06 FEET, THE CHORD OF SAID ARC IS SOUTH 9 DEGREES 49 MINUTES 25 SECONDS EAST, 183.13 FEET; THENCE SOUTH 00 DEGREES 10 MINUTES 20 SECONDS WEST ALONG SAID EAST LINE, 677.30 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS.

PLAT OF VACATION OF EASEMENT AND SETBACK LINES

MAIL PLAT TO:
HAEGER ENGINEERING LLC
CONSULTING ENGINEERS AND LAND SURVEYORS
100 EAST STATE PARKWAY
SCHUMBURG, IL 60173

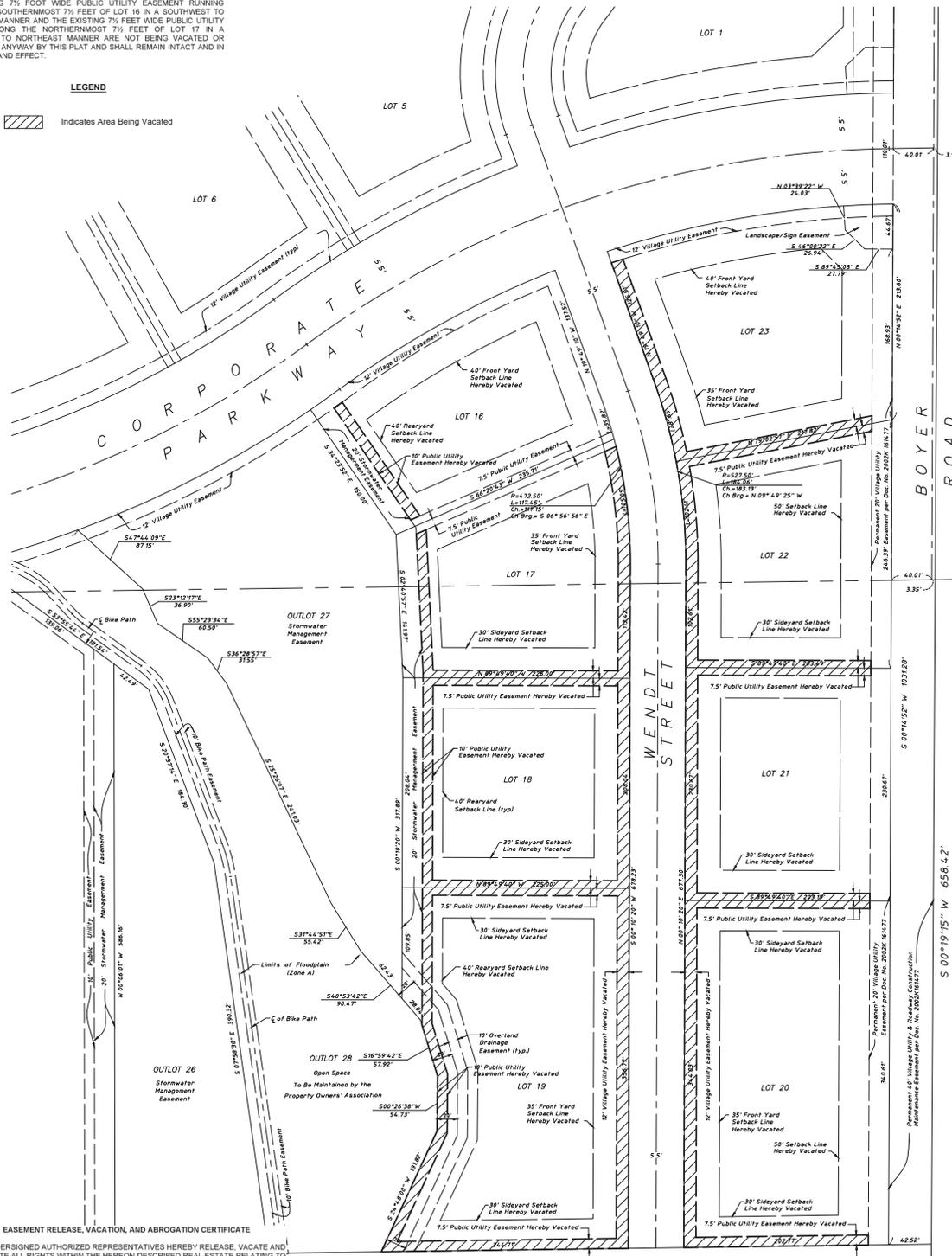


NOTE:

THE EXISTING 7 1/2 FOOT WIDE PUBLIC UTILITY EASEMENT RUNNING ALONG THE SOUTHERNMOST 7 1/2 FEET OF LOT 16 IN A SOUTHWEST TO NORTHEAST MANNER AND THE EXISTING 7 1/2 FEET WIDE PUBLIC UTILITY RUNNING ALONG THE NORTHERNMOST 7 1/2 FEET OF LOT 17 IN A SOUTHWEST TO NORTHEAST MANNER ARE NOT BEING VACATED OR AFFECTED IN ANYWAY BY THIS PLAT AND SHALL REMAIN INTACT AND IN FULL FORCE AND EFFECT.

LEGEND

Indicates Area Being Vacated



EASEMENT RELEASE, VACATION, AND ABROGATION CERTIFICATE

THE UNDERSIGNED AUTHORIZED REPRESENTATIVES HEREBY RELEASE, VACATE AND ABROGATE ALL RIGHTS WITHIN THE HEREON DESCRIBED REAL ESTATE RELATING TO A PUBLIC UTILITY & DRAINAGE EASEMENT GRANTED BY DOCUMENT 2006K094044.

COMMONWEALTH EDISON COMPANY

APPROVED BY: _____ THIS DAY OF _____ 2023

PRINTED NAME _____ TITLE _____

AT&T, ILLINOIS BELL TELEPHONE CO. (AMERITECH)

APPROVED BY: _____ THIS DAY OF _____ 2023

PRINTED NAME _____ TITLE _____

NORTHERN ILLINOIS GAS COMPANY (NICOR)

APPROVED BY: _____ THIS DAY OF _____ 2023

PRINTED NAME _____ TITLE _____

COMCAST

APPROVED BY: _____ THIS DAY OF _____ 2023

PRINTED NAME _____ TITLE _____

VILLAGE OF ALGONQUIN CERTIFICATE

STATE OF ILLINOIS) SS:
COUNTY OF MCHENRY AND KANE)

APPROVED AND ACCEPTED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ALGONQUIN, MCHENRY COUNTY AND KANE COUNTY, ILLINOIS.

THIS _____ DAY OF _____ 20____

By: _____ TITLE _____

ATTEST: _____ TITLE _____

KANE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS) SS:
COUNTY OF KANE)

THIS INSTRUMENT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF KANE COUNTY, ILLINOIS.

ON THE _____ DAY OF _____ 20____ A.D.,

AT _____ O'CLOCK _____ M.

RECORDER _____

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS) SS:
COUNTY OF COOK)

I, JEFFREY W. GLUNT AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT HAS BEEN PREPARED UNDER MY DIRECT SUPERVISION, FROM SURVEYS AND OFFICIAL RECORDS, FOR THE USE AND PURPOSES HEREIN SET FORTH AND THAT THE PLAT IS A CORRECT REPRESENTATION OF THE HEREON CAPTIONED PROPERTY. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECTED TO A TEMPERATURE OF 68 DEGREES F.

SCHAUMBURG, ILLINOIS _____ February 6, 2023

By: _____ ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003695

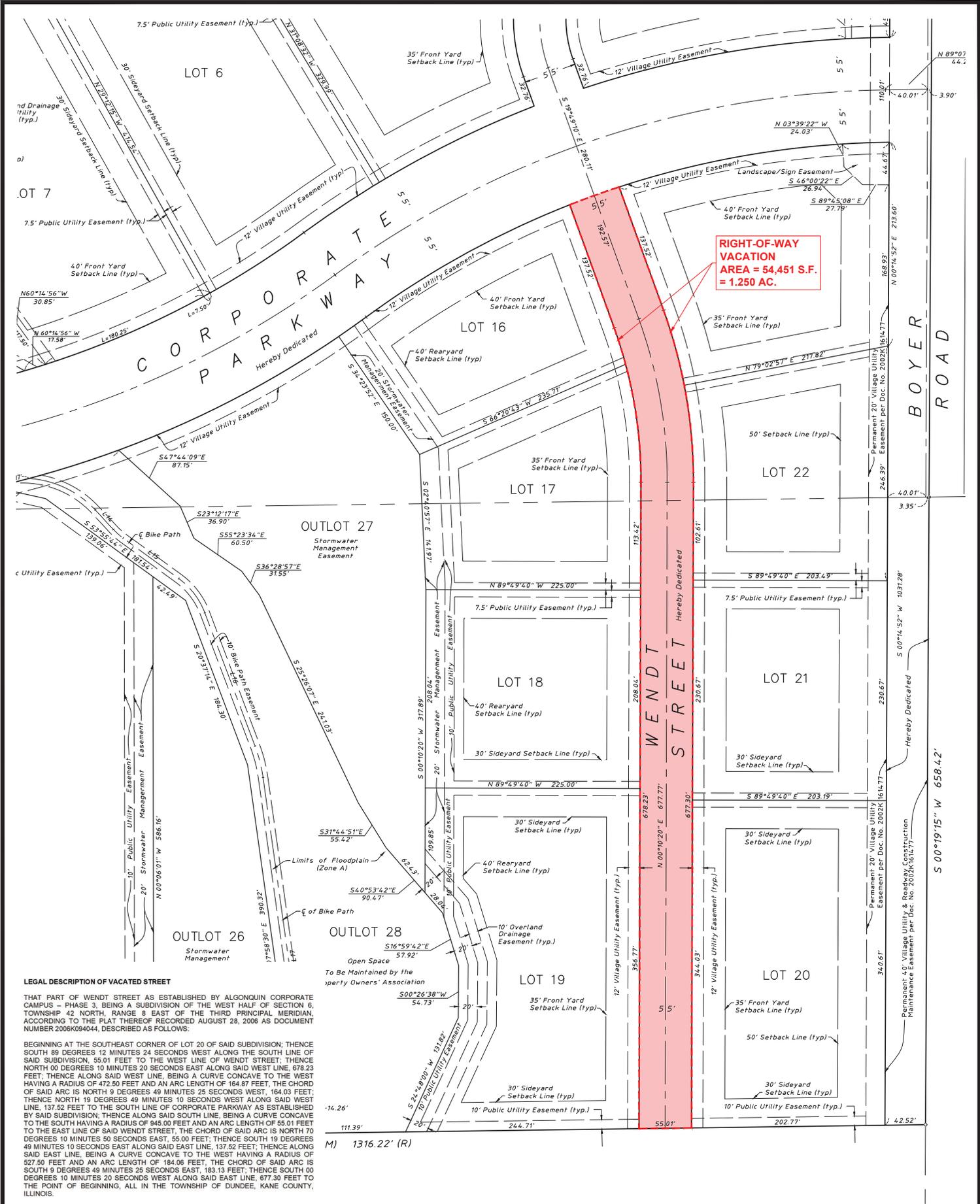


Revised: 02/13/2023
Originally Prepared: 02/06/2023
Project No. 03-077 Z



100 East State Parkway, Schumburg, IL 60173
Tel: 847.374.6600 Fax: 847.374.6608
Illinois Professional Design Firm License No. 184-000152
www.haegerengineering.com

EXPIRES 11--30--24



RIGHT-OF-WAY VACATION AREA = 54,451 S.F. = 1.250 AC.

LEGAL DESCRIPTION OF VACATED STREET

THAT PART OF WENDT STREET AS ESTABLISHED BY ALGONQUIN CORPORATE CAMPUS - PHASE 3, BEING A SUBDIVISION OF THE WEST HALF OF SECTION 6, TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 28, 2006 AS DOCUMENT NUMBER 2006K094044, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 20 OF SAID SUBDIVISION; THENCE SOUTH 89 DEGREES 12 MINUTES 24 SECONDS WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION, 55.01 FEET TO THE WEST LINE OF WENDT STREET; THENCE NORTH 00 DEGREES 10 MINUTES 20 SECONDS EAST ALONG SAID WEST LINE, 678.23 FEET; THENCE ALONG SAID WEST LINE, BEING A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 472.50 FEET AND AN ARC LENGTH OF 164.87 FEET, THE CHORD OF SAID ARC IS NORTH 9 DEGREES 49 MINUTES 25 SECONDS WEST, 164.03 FEET; THENCE NORTH 19 DEGREES 49 MINUTES 10 SECONDS WEST ALONG SAID WEST LINE, 137.52 FEET TO THE SOUTH LINE OF CORPORATE PARKWAY AS ESTABLISHED BY SAID SUBDIVISION; THENCE ALONG SAID SOUTH LINE, BEING A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 945.00 FEET AND AN ARC LENGTH OF 55.01 FEET TO THE EAST LINE OF SAID WENDT STREET; THE CHORD OF SAID ARC IS NORTH 70 DEGREES 10 MINUTES 50 SECONDS EAST, 55.00 FEET; THENCE SOUTH 19 DEGREES 49 MINUTES 10 SECONDS EAST ALONG SAID EAST LINE, 137.52 FEET; THENCE ALONG SAID EAST LINE, BEING A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 527.50 FEET AND AN ARC LENGTH OF 184.06 FEET, THE CHORD OF SAID ARC IS SOUTH 9 DEGREES 49 MINUTES 25 SECONDS EAST, 183.13 FEET; THENCE SOUTH 00 DEGREES 10 MINUTES 20 SECONDS WEST ALONG SAID EAST LINE, 677.30 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWNSHIP OF DUNDEE, KANE COUNTY, ILLINOIS.



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PROPOSED WENDT STREET R.O.W. VACATION EXHIBIT
ALGONQUIN CORPORATE CAMPUS PHASE III
 PLOTE PROPERTIES

Project Manager:	MLA
Engineer:	MLA
Date:	02.03.2023
Project No.:	03-0772
Sheet:	1/1

No.	Date	Revision
1	02.13.2023	Revised per Village Review

Scale: 1" = 60'

Plot Date: Feb 13, 2023 - 12:05pm Plotted By: mlm
 File Name: P:\2023\030772\02 2023\72 Wendt Street Vacation Exhibit.dwg

MEMORANDUM

TO: KAC
FROM: MJS
RE: Plats of Vacation for Easements, Setback Lines and Wendt Street – Plote Properties
Date: February 10, 2023

For the Plat of Vacation of Easements and Setback Lines, to address Cliff's concern that the plat reflects that certain public utility easements not be vacated, I would add the following:

The existing 7 ½ foot wide public utility easement running along the southernmost 7 ½ feet of Lot 16 in a southwest to northeast manner and the existing 7 ½ feet wide public utility running along the northernmost 7 ½ feet of Lot 17 in a southwest to northeast manner are not being vacated or affected in anyway by this plat and shall remain intact and in full force and effect.

This plat does not vacate or abrogate any rights of third party public utility providers other than the Village as specified herein.

For the Plat of Vacation of Wendt Street, I would remove the reference to “hereby dedicated”, which seems contradictory and confusing, as well as the reference to “proposed” before the text “right of way vacation”. On the same plat of vacation, might we want text providing that upon such vacation, fee simple title to Wendt Street shall vest in its entirety with the Village?

I would also put in the following language:

There is hereby reserved to each public utility owning any utility facilities within Wendt Street an easement necessary or desirable for continuing public service by means of those facilities and for the maintenance, renewal and reconstruction thereof.

Finally, if these lots are going to be deeded to the Village, we should receive the recorded deed in order to apply for tax exempt status.

PARCELS TO BE DEDICATED TO THE VILLAGE

Areas outlined in red to be deeded to the Village.



Quit Claim Deed

ILLINOIS

Above space for recorder's use only.

THE GRANTOR, ALGONQUIN CORPORATE CAMPUS – PHASE III OWNERS' ASSOCIATION, an Illinois Corporation, of the Village of Hoffman Estates, State of Illinois, for and in consideration of TEN and 00/100 DOLLARS, and other good and valuable consideration in hand paid, CONVEYS and QUIT CLAIMS unto the **GRANTEE, VILLAGE OF ALGONQUIN**, of 2200 Harnish Drive, Algonquin, Illinois 60102, all interest in the following described real property ("Property") situated in the County of Kane, in the State of Illinois, to wit:

LOTS 24 THROUGH 29, ALL INCLUSIVE, IN ALGONQUIN CORPORATE CAMPUS-PHASE 3, BEING A SUBDIVISION OF PART OF THE WEST ½ OF SECTION 6, TOWNSHIP 42 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 28, 2006 AS DOCUMENT 2006K094044 AND CERTIFICATES OF CORRECTION RECORDED AS DOCUMENTS 2006K095691 AND 2006K102602, IN KANE COUNTY, ILLINOIS

Together with the tenements and appurtenances thereto belonging.

The above-described Property is hereby released in its entirety from the Declaration of Easements and Protective Covenants, Conditions and Restrictions recorded as document no. 2006K108905 with the Kane County Recorder's Office (the "Declaration") and is hereby released from any and all assessments that may have arisen prior to the date of this Deed, as well as any and all future assessments of any kind in connection with the Declaration after such date.

Permanent Real Estate Index Number: 03-06-189-003; 03-06-175-005; 03-06-326-002; 03-06-326-004; 03-06-326-011; 03-06-326-003; 03-06-326-010; 03-06-175-004; and 03-06-189-001

Address of Real Estate: Vacant Land, Algonquin Corporate Campus-Phase III, Algonquin, IL 60102

The date of this deed of conveyance is _____, 2023.

ALGONQUIN CORPORATE CAMPUS-PHASE III OWNERS' ASSOCIATION

By: _____
David R. Plote, It's President

State of Illinois)
County of Kane)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that David R. Plote, is personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

(Impress Seal Here)

Given under my hand and official seal _____, 2023.

(My Commission Expires _____)

Notary Public

EXEMPT UNDER 35 ILCS 200/31-45 PARAGRAPH e.

DATE

SIGNATURE OF AUTHORIZED PARTY

This instrument was prepared by
Nicole Arnold
Buckley Fine, LLC
201 S. Grove Avenue
4th Floor
Barrington, IL 60010

Send subsequent tax bills to:
Village of Algonquin
2200 Harnish Drive
Algonquin, IL 60102

Recorder-mail recorded document
to:
Nicole Arnold
Buckley Fine, LLC
201 S. Grove Avenue, 4th Floor
Barrington, IL 60010