

**KANE COUNTY DEVELOPMENT DEPARTMENT**  
 Zoning Division, Kane County Government Center  
 719 S. Batavia Avenue  
 Geneva, Illinois 60134  
 Office (630) 444-1236 Fax: (630) 232-3411

*Received Date*

**4564**

**APPLICATION FOR ZONING MAP AMENDMENT  
 AND/OR SPECIAL USE**

**Instructions:**

*To request a map amendment (rezoning) for a property, complete this application and submit it with all required attachments to the Subdivision and Zoning Division.*

*When the application is complete, we will begin the review process.*

**The information you provide must be complete and accurate. If you have a question please call the subdivision and zoning division, and we will be happy to assist you.**

<b>1. Property Information:</b>	<b>Parcel Number (s):</b> 10-25-400-001 (underlying)
	<b>Street Address (or common location if no address is assigned):</b> South Lorang Road, Elburn, Illinois

<b>2. Applicant Information:</b>	<b>Name</b> M-Wave Networks, LLC	<b>Phone</b> (248) 798-5589
	<b>Address</b> 377 Broadway, 11th Floor	<b>Fax</b> N/A
	New York, NY 10013	<b>Email</b> ddobson@tower-research.com

<b>3. Owner of record information:</b>	<b>Name</b> Michael Vondra	<b>Phone</b> (630) 497-8700
	<b>Address</b> 2250 Southwind Blvd.	<b>Fax</b>
	Bartlett, IL 60103	<b>Email</b>

**Zoning and Use Information:**

2040 Plan Land Use Designation of the property: Agriculture

Current zoning of the property: F District-Farming

Current use of the property: Agriculture

Proposed zoning of the property: F with a special use for Commercial TV and radio towers

Proposed use of the property: Research and Commercial radio towers

If the proposed Map Amendment is approved, what improvements or construction is planned? (An accurate site plan may be required)

Four  
Construction of up to ~~three~~ mast radio towers, equipment shed and associated improvements per the attached site plan.

**Attachment Checklist**

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Completed Land Use Opinion (Available in pdf form at [www.kanedupageswed.org/luo.pdf](http://www.kanedupageswed.org/luo.pdf)), as required by state law, mailed to: The Kane Dupage Soil and Water Conservation District, 545 S. Randall Road, St. Charles, IL 60174.
- Endangered Species Consultation Agency Action Report (available in pdf form at <http://dnr.illinois.gov/ecopublic/>) to be filed with the Illinois Department of Natural Resources. (\* This report may best be accessed with Internet Explorer on some computers, per the State)
- List of record owners of all property within 250 feet of the subject property
- Trust Disclosure (If applicable)
- Findings of Fact Sheet
- Application fee (make check payable to Kane County Development Department)

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

[Signature] Authorized Agent/Attorney 9/18/2020  
Record Owner Date

[Signature] Tom Prorok Director 18<sup>th</sup> Sep, 2020  
Applicant or Authorized Agent Date

# 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.*

M-Wave Networks, LLC  
Name of Development/Applicant

9/18/2020  
Date

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

The general area is predominantly undeveloped and/or agricultural. The proposed special use is entirely consistent with said uses, as the radio station and towers will be low intensity and not otherwise impact or interfere with said agricultural uses. The general area is the ideal location for the proposed use.

2. What are the zoning classifications of properties in the general area of the property in question?

F District-Farming; F1 District-Rural Residential and F2 District-Agricultural Related Sales, Service, Processing, Research, Warehouse and Marketing.

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

The subject property is suitable for many of the uses permitted under the F District regulations; the proposed special use is expressly permitted by the Kane County Zoning Ordinance.

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

The general trend of development is generally agricultural and agriculture related industries.

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

The proposed use is entirely consistent with the Kane County 2040 Land Use Plan, as the special use is permitted in the F District and will not otherwise interfere with existing or contemplated uses.

# Findings of Fact Sheet – Special Use

9/18/2020  
Date

## Special Use Request

• *The Kane County Zoning Board is required to make findings of fact when considering a special use.*

• *Special Uses shall be considered at a public hearing before the Zoning Board of Appeals. In its report of findings of facts, recommendations shall be made to the County Board following the public hearing. The Zoning Board will not recommend a special use unless the following items are addressed:*

6. Explain how the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The proposed use will promote the public health, safety, morals, comfort and welfare as follows:

1. the use is low-intensity and will not impact surrounding uses; 2. the use will promote the research and development of radio communication technology for commercial and public safety purposes; and 3. the use will be licensed and monitored by the Federal Communications Commission and otherwise comply with all applicable laws and regulations.

7. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity.

The proposed use will not interfere with the use, enjoyment and value of property in the immediate vicinity in any way; all adjacent property owners will be able to continue to utilize their respective properties.

8. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property.

The proposed use is compatible with the current uses of surrounding property and uses permitted under the Kane County Zoning Ordinance or contemplated by the Kane County 2040 land use plan.

9. Will adequate utility, access roads, drainage and other necessary facilities be provided? Please explain:

All utility, access, drainage, and other necessary facilities will be constructed as set forth in the site plan.

**10. Will adequate measures be provided for ingress and egress and so designed to minimize the traffic and congestion? Please explain:**

The proposed use will generate very little traffic as it will not be staffed and require relatively little maintenance; access will be via South Lorang Road as permitted by the Kane County Department of Transportation and as generally depicted on the site plan.

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**11. Will the special use conform to the regulations of the district in which it is located? Please explain:**

The proposed use will confirm with all F District-Farming regulations and regulations applicable to the use.

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November 24, 2020

Michael Vondra (M Wave Networks, LLC)  
Special Use in the F-Farming District to allow four private communications towers to be  
constructed on the property

**Special Information:** The petitioner is seeking a Special Use to allow four private communications towers to be built on the northeast portion of the property in a defined lease area. The maximum height of the towers will be 150 feet.

**Analysis:** The Kane County 2040 Land Resource Management Plan designates this area as Agricultural and Resource Management. The Plan states that the Agricultural use category also provides for agribusinesses, farm support services, and other related uses that are dependent upon, or closely allied to, modern agricultural practices. Kane County recognizes that prime farmland can be best utilized as agricultural land when supported by a full range of agribusiness and farm services in the immediate area. The Resource Management designation is a land use category that supports municipal and County compact, mixed use growth opportunities while emphasizing wise management of land and water resources. \*\* The lease area for the towers will be in the Resource Management portion of the property.

**Staff recommended Findings of Fact:**

1. The Special Use will allow four communications towers to be constructed on the property.

Attachments:      Location Map  
                         Township Map  
                         Petitioner's finding of fact sheet

# BAZOSFREEMAN

Bazos, Freeman, Schuster & Pope, LLC

September 21, 2020

Mark D. VanKerkoff, Director  
Development and Community Services Department  
County of Kane  
719 S. Batavia Avenue  
Geneva, Illinois 60134  
Fax: (630) 232-3411  
Email: [vankerkhoffmark@co.kane.il.us](mailto:vankerkhoffmark@co.kane.il.us)

Re: Zoning Application  
M-Wave Networks, LLC  
South Lorang Road, Elburn, Illinois  
PIN: 10-25-400-001 (underlying)

Dear Mr. VanKerkoff:

Please be advised that I represent M-Wave Networks, LLC (“M-Wave”), the owner and operator of worldwide telecommunication communication networks used for, among other things, advanced computing and data transmission.

M-Wave seeks to construct a radio station on a leasehold site of approximately one (1) acre in Kane County on South Lorang Road in unincorporated Elburn to facilitate its experiments in radio communication and data transmission. The radio station would consist of one (1) equipment building and between one (1) to four (4) monopole radio towers of approximately one hundred fifty-five feet (155’) tall. The radio station will be a very low intensity zoning use as it not staffed and will not otherwise generate traffic beyond periodic maintenance and adjustment crews.

We understand that construction of the radio station will require special use approval for a “Commercial TV and Radio Tower” pursuant to the Kane County Zoning Ordinance. To that end, M-Wave respectfully submits the following:

1. Application for zoning map amendment and/or special use with findings of fact sheet;
2. Plat of Survey prepared by WT Group dated on or about May 28, 2020;
3. The legal description of both the leasehold and parent parcels;
4. Land Use opinion dated September 4, 2020;
5. A list of all record owners of all property within 250 feet of the Subject Property; and
6. Application fee in the amount of one thousand five hundred dollars (\$1,500.00).



Peter C. Bazos  
Bradley T. Freeman  
Mark Schuster  
Jonathan S. Pope  
Aaron H. Reinke

Christopher S. Nudo  
of counsel

Writer's Direct Contact:  
[areinke@bazosfreeman.com](mailto:areinke@bazosfreeman.com)  
(847) 841-2024

Given the nature of the zoning relief request, we do not believe an Endangered Species Consultation Agency Action Report is required, however we are prepared to provide one if requested.

If we can provide any additional information, please feel free to contact me. We greatly appreciate your prompt attention to this matter.

Yours truly,



Aaron H. Reinke

Encl.



**M-Wave Networks, LLC**

**Kane County Application for Special Use Permit**

**LEASE AREA DESCRIPTION**

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25, THENCE SOUTH 88 DEGREES 51 MINUTES 20 SECONDS WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, 30.02 FEET TO A POINT ON THE WEST LINE OF LORANG ROAD; THENCE SOUTH 00 DEGREES 53 MINUTES 32 SECONDS WEST ALONG THE WEST LINE OF SAID LORANG ROAD, 39.95 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 21.22 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, 200.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 200.00 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST, 200.00 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, 200.00 FEET TO THE POINT OF BEGINNING, CONTAINING 4,000 SQUARE FEET, IN KANE COUNTY, ILLINOIS.

**ACCESS/UTILITY EASEMENT**

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 25, THENCE SOUTH 88 DEGREES 51 MINUTES 20 SECONDS WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, 30.02 FEET TO A POINT ON THE WEST LINE OF LORANG ROAD; THENCE SOUTH 00 DEGREES 53 MINUTES 32 SECONDS WEST ALONG THE WEST LINE OF SAID LORANG ROAD, 46.95 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 53 MINUTES 27 SECONDS WEST, 20.00 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, 20.80 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 0 SECONDS EAST 21.11 FEET TO THE POINT OF BEGINNING, CONTAINING 419 SQUARE FEET, IN KANE COUNTY, ILLINOIS.

PARENT PARCEL DESCRIPTION

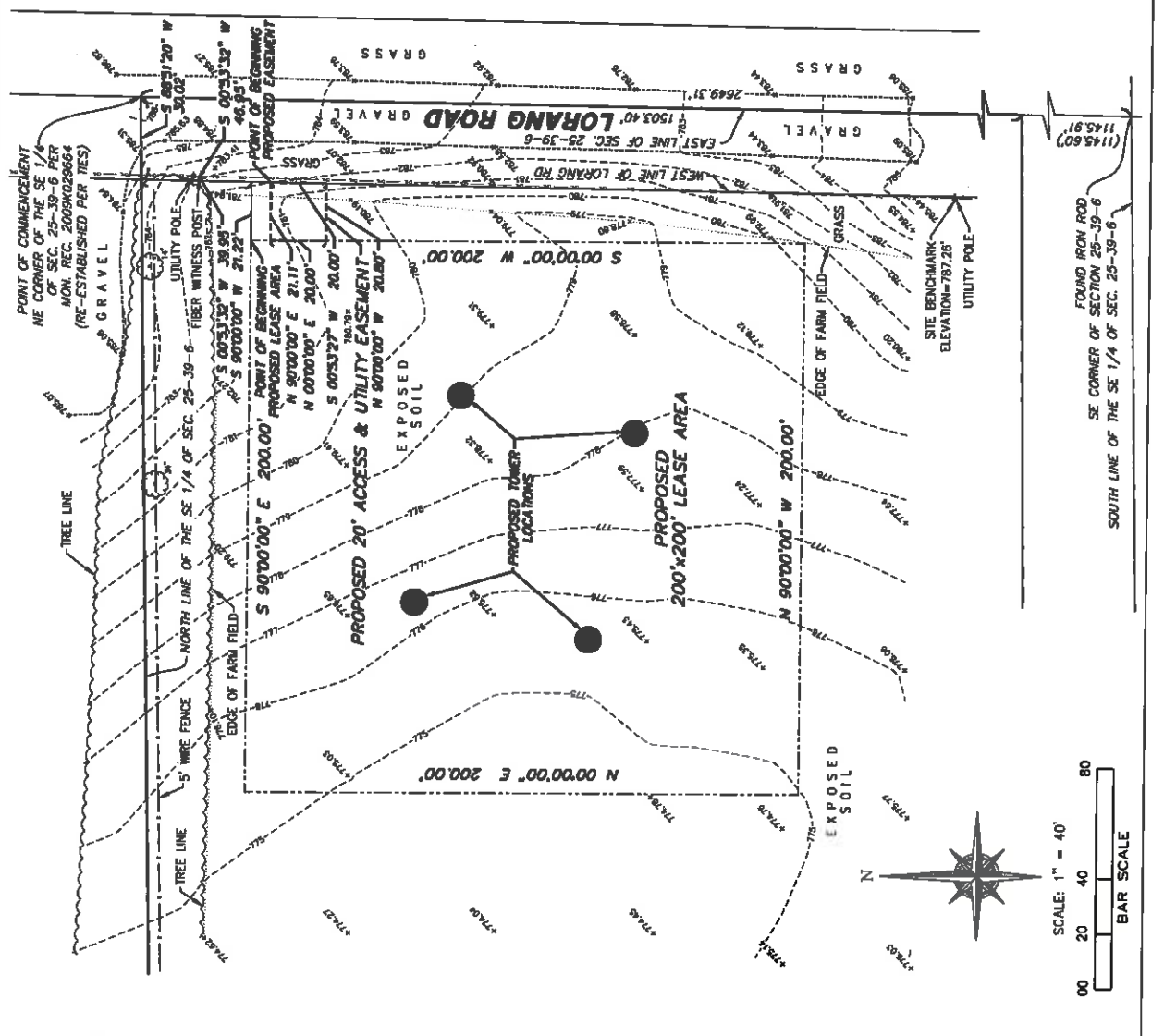
THAT PART OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP AND RANGE AFORESAID; THENCE SOUTHERLY 360.4 FEET ALONG THE EAST LINE OF SAID SECTION 36; THENCE WESTERLY AT AN ANGLE OF 90°30'00" MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 2648.22 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 36; THENCE NORTHERLY, ALONG SAID WEST LINE AT AN ANGLE OF 89°27'10" MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE 318.57 FEET TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE NORTHERLY ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER AT AN ANGLE OF 179°57'29" MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE 1143.43 FOR A POINT OF BEGINNING; THENCE EASTERLY AT AN ANGLE OF 91°42'25" MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE 2649.81 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER THAT IS 1145.6 FEET NORTHERLY OF AS MEASURED ALONG SAID EAST LINE, THE SOUTHEAST CORNER OF SAID QUARTER; THENCE NORTHERLY ALONG SAID EAST LINE AT AN ANGLE OF 91°45'41" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE 1503.4 FEET, TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE WESTERLY ALONG SAID NORTH LINE AT AN ANGLE OF 87°55'29" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE 2651.71 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTHERLY ALONG SAID WEST LINE AT AN ANGLE OF 92°1'15" MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE 1488.82 FEET TO THE POINT OF BEGINNING, IN THE TOWN OF KANEVILLE, KANE COUNTY, ILLINOIS.



- NOTES:**
1. SITE BENCHMARK - RAILROAD SPIKE IN UTILITY POLE LOCATED IN GRASS APPROXIMATELY 12' W OF LORANG ROAD, AS SHOWN. ELEVATION=787.26' (NAV088)
  2. PARCEL NUMBER: 10-25-400-001
  3. FIELD WORK COMPLETED ON 4/30/2020
  4. SURVEY WAS PREPARED WITH THE AID OF A TITLE COMMITMENT PREPARED BY AMC SETTLEMENT SERVICES, COMMITMENT NUMBER 5008097, HAVING AN EFFECTIVE DATE OF 5/15/2020.
  5. SURVEY PREPARED FOR: NTP
  6. TOWER LOCATIONS
- NORTHEAST TOWER:  
 LATITUDE: N 41°49'47.78" (NAD83) LONGITUDE: W 088°29'22.31" (NAD83)  
 (41.829838, -088.489532)  
 SOUTHEAST TOWER:  
 LATITUDE: N 41°49'47.16" (NAD83) LONGITUDE: W 088°29'22.49" (NAD83)  
 (41.829766, -088.489580)  
 SOUTHWEST TOWER:  
 LATITUDE: N 41°49'47.31" (NAD83) LONGITUDE: W 088°29'23.48" (NAD83)  
 (41.829810, -088.489655)  
 NORTHWEST TOWER:  
 LATITUDE: N 41°49'47.94" (NAD83) LONGITUDE: W 088°29'23.30" (NAD83)  
 (41.829882, -088.489607)
7. BASIS OF BEARINGS IS TRUE NORTH BASED ON ILLINOIS STATE PLANE COORDINATE SYSTEM, ILLINOIS EAST 1201 ZONE.
  8. ANY DISCREPANCIES FOUND WITHIN THIS DOCUMENT NEED TO BE REPORTED TO THE SURVEYOR AS SOON AS POSSIBLE.

**LEGEND**

	PROPERTY LINE
	EASEMENT LINE
	UTILITY POLE
	TOWER LOCATION
	RIGHT OF WAY
	ROAD
	GRAVEL
	GRASS
	EXPOSED SOIL
	EDGE OF FARM FIELD
	TREE LINE
	5' WIRE FENCE
	NORTH LINE OF THE SE 1/4 OF SEC. 25-39-6
	EAST LINE OF SEC. 25-39-6
	WEST LINE OF LORANG RD
	SOUTH LINE OF THE SE 1/4 OF SEC. 25-39-6
	FOUND IRON ROD
	POINT OF BEGINNING
	PROPOSED LEASE AREA
	PROPOSED ACCESS & UTILITY EASEMENT
	PROPOSED TOWER LOCATIONS
	UTILITY WITNESS POST
	FIBER WITNESS POST
	CORNER OF THE SE 1/4 OF SEC. 25-39-6 PER MON. REC. 2008K028664 (RE-ESTABLISHED PER TIES)
	SITE BENCHMARK
	POLE VALVE
	ELECTRIC METER



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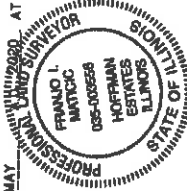
STATE OF ILLINOIS )  
 COUNTY OF COOK ) SS

WE THE W-T GROUP DO HEREBY DECLARE THAT WE HAVE SURVEYED THE ABOVE DESCRIBED PROPOSED LEASE AREA AND THAT THIS PLAN IS A CORRECT REPRESENTATION OF SAID SURVEY.

GIVEN UNDER OUR HAND AND SEAL THIS 28TH DAY OF MAY 2020, AT WILMINGTON, ILLINOIS.

THE W-T GROUP, LLC

*Franjo I. Matovic*  
 FRANJO I. MATOVIC - PLS 0035-003556 EXPIRES 11/30/2020  
 ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184.007570-0015



**WT GROUP**  
 Engineering and Planning, Survey and Planning  
 7000 W. 119th Street, Suite 200, Skokie, IL 60077  
 848-3333  
 848-3333

**NTP/WIRELESS**  
 4000 N. WILSON ROAD  
 ELBURN, IL 60119  
 00-002

EXPIRES: 11/30/21

REVISIONS	DATE	BY

**SURVEY**  
 LS-2  
 SHEET 2 OF 2

CHECK FIRM:  DRAWN: EMB  
 JOB: 2000027

AGMATIC \ DESIGN & PROGRAM MANAGEMENT  
 PLANNING \ ELECTRICAL \ LAND SURVEYING  
 ACCESSIBILITY CONSULTING \ STRUCTURAL

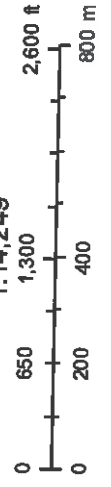


# Map Title



October 6, 2020

1:14,249



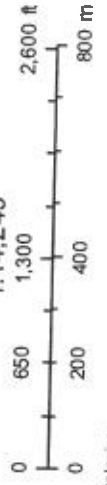
These layers do not represent a survey. No Accuracy is assumed for the data delineated herein, either expressed or implied by Kane County or its employees. These layers are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contains information required for local government purposes. See the recorded documents for more detailed legal information.

# Map Title



October 6, 2020

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GIS-Technologies

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GIS-Technologies  
Kane County Illinois