

STATE OF ILLINOIS)
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COUNTY OF DEKALB)

ORDINANCE 2021-13

**AN ORDINANCE GRANTING SPECIAL USE PERMITS
TO RED MAPLE SOLAR, LLC,
FOR A SOLAR FARM ON VARIOUS PROPERTIES
IN AFTON AND PIERCE TOWNSHIPS**

WHEREAS, Red Maple Solar, LLC, a subsidiary of Leeward Renewable Energy, LLC, on behalf of itself and the participating landowners, is proposing to build and operate a 300MW solar farm, which will also include a 138kV project substation, a 30MV battery energy storage system, and potentially a ComEd substation, said solar farm will be spread out over twenty-two (22) separate parcels, said properties being zoned A-1, Agricultural District, and covering approximately 1,839.49-acres, in Afton and Pierce Townships, said subject properties being legally described as shown in Exhibit “A”, attached hereto; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on August 10, 2021, said public hearing being continued to August 19, 2021 for consideration of additional testimonies, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and where numerous pieces of testimony, written and oral, were submitted from members of the public for and against the petition; and

WHEREAS, the Hearing Officer having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the Special Use Permit be granted with conditions, as set forth in the Report and Recommendation of the DeKalb County Hearing Officer, a copy of which is appended hereto as Exhibit “B”; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has considered the testimony and exhibits from the public hearing and has considered the Findings of Fact and recommendation of the Hearing Officer, and has further amended the petition, and has forwarded to the County Board a recommendation of approval, with conditions, of an ordinance to grant the Special Use Permit; and

WHEREAS, the DeKalb County Board has considered the Finding of Fact and recommendation of the Hearing Officer and the recommendation of the Planning and Zoning Committee, and has determined that granting the Special Use Permit to allow the establishment and operation of a solar farm would be consistent with the requirements established by Section 53-I-2.B.3 of the DeKalb County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The Report of Proceedings and Recommendation of the DeKalb County Hearing Officer, Exhibit “B”, attached hereto, is hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the Findings of Fact set forth above, the request for Special Use Permits for a solar farm, referred to Red Maple Solar, on properties located in Afton and Pierce Townships, is hereby approved for properties being legally described in Exhibit “A” attached hereto.

SECTION THREE: This approval of these Special Use Permits is subject to the following conditions:

1. The project shall be in substantial conformance with the plans and materials submitted in the application for the Special Use Permit and presented at the public hearing.
2. The project shall be in full compliance with Section 53-E-12.A of the County Code.
3. A Site Development Permit shall be applied for and approved prior to the issuance of any Building Permits. Prior to issuance of the Site Development Permit, the petitioner shall demonstrate compliance with the recommendations listed in the Natural Resource Inventory Report, produced by the DeKalb County Soil and Water Conservation District.
4. The petitioner shall locate, maintain, and protect all drain tiles within the project area.
5. The petitioner shall submit a copy of the signed Agricultural Impact Mitigation Agreement prior to the issuance of any building permits.
6. The petitioners shall comply with the recommended guidelines to follow during construction, as indicated in the report from the Illinois Department of Natural Resources EcoCat program.
7. The petitioner shall provide evidence that an Interconnection Agreement has been completed with the electrical utility prior to issuance of the Building Permit.
8. The petitioner shall provide evidence that they have met the requirements of the Illinois Historic Preservation Agency prior to the issuance of any building permits.
9. The petitioner shall seek and received approval of a Decommissioning Plan, and post the associated financial guarantee prior to issuance of the Building Permit.
10. Every five (5) years, for the life of the facility, the petitioner shall submit an updated estimate for the review and approval of the County Engineer, and the financial guarantee updated, as needed, to address any changes.
11. A distance of not less than three hundred feet (300’) shall be maintained from nearest solar panel to the nearest outer wall of occupied structure and/or one hundred feet (100’) from the property line or right of way to the fence line of the solar development, whichever is greater unless the adjacent property owner waives this distance.
12. Residential view lines must contain intervening vegetative screening, and said screening must meet County approval.

13. Planting of a bio screen or vegetative screening shall be installed prior to construction of the solar development. Deviations from this landscaping requirement shall only occur if the ground or season is not conducive to planting at the time of construction. If a situation like this occurs then a one thousand feet (1000') construction buffer must be maintained between an occupied residential structure and the construction of the project until the landscaping can be installed unless the adjacent property owner waives this requirement.
14. The petitioner shall establish a Road Use Agreement with the County Highway Department and the Township Road Commissioner(s) prior to the issuance of a Building Permit.
15. Unless approved by the County Board, all power and connection lines running between banks of solar panels and on-site electric substations, battery systems, or interconnections shall be buried underground.
16. The County Board waives the requirements that the drive aisles and parking areas be paved, curbed, and landscaped.
17. The petitioner shall be in full compliance with and payment of all required fees for required Site Development Permits, Building Permits, and other fees and costs as required.
18. All pile driving activity during the project may only occur between the hours of 7:00 am and 5:00 pm.
19. The Special Use Permit will expire if Building Permits are not sought within thirty-six (36) months of the approval of the Special Use Permit.

SECTION FOUR: Given the large size of the solar farm, spread across many separate parcels, this project has been broken up into seven (7) separate zoning lots (AF-21-06, AF-21-07, AF-21-08, AF-21-09, AF-21-10, AF-21-11, AF-21-12), with each being granted a special use permit. However, to aid in internal record keeping and consistency, only this ordinance will be written addressing the entire project, with its provisions applied to each of the seven special use permits.

SECTION FIVE: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

PASSED BY THE COUNTY BOARD THIS 17TH DAY OF NOVEMBER, 2021, A.D.



John Frieders, Chairman
DeKalb County Board

ATTEST:



Douglas J. Johnson
DeKalb County Clerk



Legal Description of the Subject Properties

PARCEL A-1:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SAID SECTION; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID QUARTER, 56.71 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF F.A. ROUTE 24, FOR A POINT OF BEGINNING; THENCE CONTINUING EASTERLY, ALONG SAID SOUTH LINE, 2,597.25 FEET TO THE SOUTHEAST CORNER OF SAID QUARTER; THENCE NORTHERLY, AT AN ANGLE OF 90 DEGREES 25 MINUTES 57 SECONDS MEASURED CLOCKWISE FROM SAID SOUTH LINE, ALONG THE EAST LINE OF SAID QUARTER, 580.73 FEET; THENCE WESTERLY, AT AN ANGLE OF 89 DEGREES, 34 MINUTES, 03 SECONDS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, PARALLEL WITH THE SOUTH LINE OF SAID QUARTER, 2,595.03 FEET TO THE EASTERLY RIGHT-OF-WAY* LINE OF SAID F.A. ROUTE 24; THENCE SOUTHERLY, AT AN ANGLE OF 90 DEGREES, 39 MINUTES, 03 SECONDS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 580.75 FEET TO THE POINT OF BEGINNING, ALL IN AFTON TOWNSHIP, DEKALB COUNTY, ILLINOIS.

ALSO

THE NORTHWEST 1/4 OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS.

SAVE AND EXCEPT THE FOLLOWING 6 TRACTS:

EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST 1/4; THENCE WESTERLY, ALONG THE NORTH LINE OF SAID SECTION 23, 320.0 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING WESTERLY, ALONG THE NORTH LINE OF SAID SECTION 23, 251.0 FEET; THENCE SOUTHERLY, PARALLEL WITH THE EAST LINE OF SAID NORTHWEST 1/4, 249.58 FEET; THENCE SOUTHEASTERLY, AT AN ANGLE OF 118 DEGREES 53 MINUTES MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 286.64 FEET; THENCE NORTHERLY, AT AN ANGLE OF 61 DEGREES 07 MINUTES MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG A LINE THAT IS PARALLEL WITH THE EAST LINE OF SAID NORTHWEST 1/4, 390.71 FEET TO THE POINT OF BEGINNING, ALL IN AFTON TOWNSHIP, DEKALB COUNTY, ILLINOIS.

EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 23; THENCE SOUTH, ALONG SAID QUARTER SECTION LINE, 681.0 FEET; THENCE WESTERLY, PARALLEL TO THE NORTH QUARTER SECTION LINE, 320.0 FEET; THENCE NORTHERLY, PARALLEL WITH SAID QUARTER SECTION LINE, 681.0 FEET TO THE NORTH LINE OF SAID QUARTER; THENCE EASTERLY, ALONG SAID NORTH LINE 320.0 FEET TO THE POINT OF BEGINNING, ALL IN AFTON TOWNSHIP, DEKALB COUNTY, ILLINOIS.

EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT THE NORTHWEST CORNER OF SECTION 23; THENCE EASTERLY, ALONG THE NORTH LINE OF SAID SECTION 23, 934.2 FEET FOR A POINT OF BEGINNING; THENCE SOUTHERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 350.0 FEET; THENCE EASTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 53.0 FEET; THENCE

SOUTHERLY AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 110.0 FEET; THENCE EASTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 164.0 FEET; THENCE NORTHERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 460.0 FEET; THENCE WESTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 217.0 FEET TO THE POINT OF BEGINNING, ALL IN AFTON TOWNSHIP, DEKALB COUNTY, ILLINOIS.

EXCEPTING THEREFROM THE FOLLOWING: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 23; THENCE NORTH 0 DEGREES 49 MINUTES EAST, ALONG THE WEST LINE OF SAID SECTION 23 (THE BEARING FOR THE SAID WEST LINE OF SAID SECTION 23 BEING ESTABLISHED IN RELATION TO THE ASSUMED BEARING ASSIGNED TO THE CENTERLINE OF ILLINOIS ROUTE 23), 2,402.47 FEET TO A POINT ON A LINE THAT IS PARALLEL TO AND 235.0 FEET SOUTHERLY OF THE NORTH LINE OF SAID SECTION 23; THENCE SOUTH 89 DEGREES 57 MINUTES EAST, ALONG THE LINE THAT IS PARALLEL TO AND 235.0 FEET SOUTHERLY OF THE NORTH LINE OF SAID SECTION 23, 59.71 FEET TO A POINT, WHICH POINT IS 60.0 FEET RIGHT AS MEASURED AT RIGHT ANGLE FROM THE CENTERLINE FOR FEDERAL AID ROUTE 24; THENCE SOUTH 0 DEGREES 53 MINUTES WEST (PARALLEL TO THE SAID CENTERLINE OF FEDERAL AID ROUTE 24), 2,402.69 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 23, WHICH POINT IS 60.0 FEET RIGHT AS MEASURED AT RIGHT ANGLE FROM THE SAID CENTERLINE OF FEDERAL AID ROUTE 24; THENCE NORTH 89 DEGREES 48 MINUTES WEST, ALONG THE SOUTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 23, 56.71 FEET TO THE POINT OF BEGINNING, ALL IN AFTON TOWNSHIP, DEKALB COUNTY, ILLINOIS.

EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF SAID SECTION; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID QUARTER, 56.71 FEET TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF F.A. ROUTE 24, FOR A POINT OF BEGINNING; THENCE CONTINUING EASTERLY, ALONG SAID SOUTH LINE, 2,597.25 FEET TO THE SOUTHEAST CORNER OF SAID QUARTER; THENCE NORTHERLY, AT AN ANGLE OF 90 DEGREES, 25 MINUTES, 57 SECONDS MEASURED CLOCKWISE FROM SAID SOUTH LINE, ALONG THE EAST LINE OF SAID QUARTER, 580.73 FEET; THENCE WESTERLY, AT AN ANGLE OF 89 DEGREES, 34 MINUTES, 03 SECONDS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, PARALLEL WITH THE SOUTH LINE OF SAID QUARTER, 2,595.03 FEET TO THE EASTERLY RIGHT-OF-WAY* LINE OF SAID F.A. ROUTE 24; THENCE SOUTHERLY, AT AN ANGLE OF 90* DEGREES, 39 MINUTES, 03 SECONDS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, 580.75 FEET TO THE POINT OF BEGINNING, ALL IN AFTON TOWNSHIP, DEKALB COUNTY, ILLINOIS. EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT THE NORTHWEST CORNER OF SECTION 23; THENCE EASTERLY, ALONG THE NORTH LINE OF SAID SECTION 23, 934.2 FEET FOR A POINT OF BEGINNING; THENCE SOUTHERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 350.0 FEET; THENCE EASTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 53.0 FEET; THENCE SOUTHERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 110.0 FEET; THENCE WESTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 109.0 FEET; THENCE NORTHERLY AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 460.0 FEET TO SAID NORTH LINE; THENCE EASTERLY, AT RIGHT ANGLE TO THE

LAST DESCRIBED COURSE, ALONG SAID NORTH LINE, 56.0 FEET TO THE POINT OF BEGINNING, ALL IN AFTON TOWNSHIP, DEKALB COUNTY, ILLINOIS.

PARCEL A-2:

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (EXCEPTING THEREFROM THE SOUTH 48.0 FEET OF SAID NORTHWEST QUARTER AND EXCEPTING THEREFROM THE RIGHT OF WAY OF ILLINOIS ROUTE 23), OF SECTION 23, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN DEKALB COUNTY, ILLINOIS

PARCEL B:

THAT PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST COMER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 1574.86 FEET FOR THE POINT OF BEGINNING; THENCE EASTERLY, AT AN ANGLE OF 89 DEGREES 29 MINUTES 31 SECONDS, MEASURED CLOCKWISE FROM SAID WEST LINE, PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER, 2651.3 8 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTHERLY, AT AN ANGLE OF 89 DEGREES 46 MINUTES 30 SECONDS, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID EAST LINE, 1076.23 FEET TO THE SOUTHEAST COMER OF SAID NORTHWEST QUARTER; THENCE WESTERLY, AT AN ANGLE OF 90 DEGREES 13 MINUTES 30 SECONDS, MEASURED COUNTERCLOCKWISE FROM SAID EAST LINE, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, 2656. 70 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTHERLY, AT AN ANGLE OF 89 DEGREES 29 MINUTES 31 SECONDS, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID WEST LINE, 1076.26 FEET TO THE POINT OF BEGINNING, ALL IN AFTON TOWNSHIP, DEKALB COUNTY, ILLINOIS.

PARCEL C-1:

THAT PART OF EAST HALF OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION; THENCE SOUTHERLY, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, 2645.41 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTHERLY, AT AN ANGLE OF 179 DEGREES 59 MINUTES 22 SECONDS, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, 951.71 FEET; THENCE WESTERLY, AT AN ANGLE OF 90 DEGREES 01 MINUTES 14 SECONDS, MEASURED COUNTERCLOCKWISE FROM SAID EAST LINE, 672.95 FEET; THENCE NORTHERLY, AT AN ANGLE OF 89 DEGREES 59 MINUTES 24 SECONDS, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, 3597.86 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER THAT IS 673.13 FEET WESTERLY OF THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE EASTERLY, AT AN ANGLE OF 89 DEGREES 56 MINUTES 48 SECONDS, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID NORTH LINE, 673.13 FEET TO THE POINT OF BEGINNING, ALL IN AFTON TOWNSHIP, DEKALB COUNTY, ILLINOIS.

PARCEL C-2:

THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOGETHER WITH THAT PART OF THE SOUTHWEST FRACTIONAL QUARTER OF SAID SECTION 7, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID SOUTHWEST FRACTION QUARTER, 79.64 FEET MEASURED, (79.3 FEET DEEDED); THENCE EASTERLY, AT AN ANGLE OF 90 DEGREES 03 MINUTES 45 SECONDS, MEASURED CLOCKWISE FROM SAID WEST LINE, 1750.42 FEET TO THE EAST LINE OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE NORTHERLY, ALONG SAID EAST LINE 79.52 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST FRACTIONAL QUARTER, THENCE WESTERLY, ALONG THE NORTH LINE OF SAID FRACTIONAL QUARTER, 1750.63 FEET TO THE POINT OF BEGINNING, ALL IN PIERCE TOWNSHIP, DEKALB COUNTY, ILLINOIS.

SAVE & EXCEPT

EXCEPTING THEREFROM: THAT PART OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 7, TOWNSHIP 39 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, TOGETHER WITH THAT PART OF THE SOUTHWEST FRACTIONAL QUARTER OF SAID SECTION 7, DESCRIBED AS FOLLOWS: BEGINNING 79.53 FEET SOUTH OF THE SOUTHEAST CORNER OF SAID NORTHWEST FRACTIONAL QUARTER; THENCE WESTERLY AT AN ANGLE OF 90 DEGREES 29 MINUTES 07 SECONDS MEASURED COUNTERCLOCKWISE FROM THE SOUTH LINE OF SAID NORTHWEST FRACTIONAL QUARTER FOR A DISTANCE OF 400 FEET; THENCE NORTHERLY AT AN ANGLE OF 90 DEGREES 0 MINUTES 0 SECONDS FOR A DISTANCE OF 500 FEET; THENCE EASTERLY AT AN ANGLE OF 90 DEGREES 0 MINUTES 0 SECONDS FOR A DISTANCE OF 400 FEET; THENCE SOUTHERLY FOR A DISTANCE OF 500 FEET ALONG THE EAST LINE OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 7 AND WITH THAT PART OF THE EAST LINE OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 7 TO THE POINT OF BEGINNING, ALL IN PIERCE TOWNSHIP, DEKALB COUNTY, ILLINOIS

PARCEL D:

THAT PART OF THE EAST 1/2 OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN CONTAINED IN THE FOLLOWING LEGAL DESCRIPTION:

THAT PART OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST COMER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 1574.86 FEET; THENCE EASTERLY, AT AN ANGLE OF 89 DEGREES 29 MINUTES 31 SECONDS MEASURED CLOCKWISE FROM SAID WEST LINE, PARALLEL WITH THE SOUTH LINE OF SAID NORTHWEST QUARTER, 2651.38 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTHERLY, AT AN ANGLE OF 89 DEGREES 46 MINUTES 30 SECONDS, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID EAST LINE, 1076.23 FEET TO THE SOUTHEAST COMER OF SAID NORTHWEST QUARTER; THENCE CONTINUING SOUTHERLY, AT AN ANGLE OF 179 DEGREES 59 MINUTES 52 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION, 951.72 FEET; THENCE EASTERLY, AT AN ANGLE OF 89 DEGREES

46 MINUTES, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 1984.10 FEET TO A POINT THAT IS 672.95 FEET WEST OF THE EAST LINE OF SAID SOUTHEAST QUARTER, THENCE NORTHERLY, AT AN ANGLE OF 90 DEGREES 00 MINUTES 36 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, PARALLEL WITH SAID EAST LINE, 3597.86 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHEAST QUARTER THAT IS 673.13 FEET WESTERLY OF THE NORTHEAST COMER OF SAID NORTHEAST QUARTER; THENCE WESTERLY, AT AN ANGLE OF 90 DEGREES 03 MINUTES 12 SECONDS, MEASURED CLOCKWISE FROM SAID PARALLEL LINE, ALONG SAID NORTH LINE, 927.46 FEET; THENCE SOUTHERLY, AT RIGHT ANGLE TO SAID NORTH LINE, 300.00 FEET; THENCE WESTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, PARALLEL WITH SAID NORTH LINE 340 FEET; THENCE NORTHERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 300.00 FEET TO SAID NORTH LINE; THENCE WESTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, ALONG SAID NORTH LINE, 642.70 FEET; THENCE SOUTHERLY, AT AN ANGLE OF 90 DEGREES 10 MINUTES 05 SECONDS, MEASURED CLOCKWISE FROM SAID NORTH LINE, 730.00 FEET; THENCE WESTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 670.00 FEET; THENCE NORTHERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 728.05 FEET TO THE NORTH LINE OF SAID NORTHWEST QUARTER; THENCE WESTERLY, AT AN ANGLE OF 89 DEGREES 50 MINUTES, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID NORTH LINE, 924.29 FEET; THENCE SOUTHERLY, AT RIGHT ANGLE TO* THE LAST DESCRIBED COURSE, 260.00 FEET; THENCE WESTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, PARALLEL WITH SAID NORTH LINE 364.00 FEET; THENCE NORTHERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 260.00 FEET TO SAID NORTH LINE; THENCE WESTERLY AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE; ALONG SAID NORTH LINE, 745.30 FEET TO THE POINT OF BEGINNING, ALL IN AFTON TOWNSHIP, DEKALB COUNTY, ILLINOIS.

PARCEL E-1:

THAT PART OF GOVERNMENT LOT 1 OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 1; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER, 617.58 FEET FOR THE POINT OF BEGINNING; THENCE EASTERLY, AT AN ANGLE OF 89 DEGREES, 53 MINUTES, MEASURED COUNTERCLOCKWISE FROM SAID WEST LINE, 1,764.04 FEET TO THE EAST LINE OF SAID NORTHWEST FRACTIONAL QUARTER; THENCE NORTHERLY, AT AN ANGLE OF 89 DEGREES, 38 MINUTES, 29 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID EAST LINE, 704.86 FEET TO THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 1; THENCE WESTERLY, AT AN ANGLE OF 90 DEGREES, 21 MINUTES, 31 SECONDS, MEASURED CLOCKWISE FROM SAID EAST LINE, ALONG SAID NORTH LINE, 1,761.06 FEET TO THE NORTHWEST CORNER OF SAID GOVERNMENT LOT 1; THENCE SOUTHERLY, AT AN ANGLE OF 89 DEGREES 53 MINUTES, MEASURED CLOCKWISE FROM SAID NORTH LINE, ALONG SAID WEST LINE, 704.85 FEET TO THE POINT OF BEGINNING, ALL IN PIERCE TOWNSHIP, DEKALB COUNTY, ILLINOIS.

PARCEL E-2:

THAT PART OF THE WEST HALF OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH HALF OF THE

SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF GOVERNMENT LOT 1 OF THE NORTHWEST FRACTIONAL QUARTER OF SAID SECTION 6; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER, 617.38 FEET; THENCE EASTERLY, AT AN ANGLE OF 89 DEGREES 53 MINUTES, MEASURED COUNTERCLOCKWISE FROM SAID WEST LINE, 1,764.04 FEET TO THE EAST LINE OF SAID WEST HALF; THENCE SOUTHERLY, AT AN ANGLE OF 90 DEGREES, 21 MINUTES, 31 SECONDS, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID EAST LINE, 615.22 FEET; THENCE WESTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 361.00 FEET; THENCE SOUTHERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 362.00 FEET; THENCE WESTERLY, AT AN ANGLE OF 90 DEGREES, 06 MINUTES, 43 SECONDS, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 4,051.45 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTHERLY, AT AN ANGLE OF 89 DEGREES, 39 MINUTES, 27 SECONDS, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID WEST LINE, 405.82 FEET TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE EASTERLY, AT AN ANGLE OF 90 DEGREES, 10 MINUTES, 20 SECONDS, MEASURED COUNTERCLOCKWISE FROM SAID WEST LINE, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER, 2,643.81 FEET TO THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE NORTHERLY, AT AN ANGLE OF 90 DEGREES, 11 MINUTES, 32 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG THE WEST LINE OF SAID SECTION 6, A DISTANCE OF 92.40 FEET TO THE POINT OF BEGINNING, ALL IN AFTON AND PIERCE TOWNSHIP, DEKALB COUNTY, ILLINOIS. EXCEPTING THEREFROM: PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS TO WIT: BEGINNING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 00 DEGREES 33 MINUTES 32 SECONDS WEST ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION A DISTANCE OF 401.89 FEET TO THE SOUTH LINE OF THE PREMISES CONVEYED TO WILLIAM E. WALTER BY TRUSTEE'S DEED RECORDED AS DOCUMENT NO. 2017000907 AS RECORDED IN THE RECORDER'S OFFICE OF DEKALB COUNTY, ILLINOIS; THENCE SOUTH 89 DEGREES 42 MINUTES 35 SECONDS EAST ALONG SAID SOUTH LINE A DISTANCE OF 66.00 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS EAST PARALLEL WITH AFORESAID SOUTHERLY EXTENSION A DISTANCE OF 401.69 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 32 MINUTES 23 SECONDS WEST A DISTANCE OF 66.00 FEET TO THE PLACE OF BEGINNING, SITUATED IN DEKALB COUNTY, ILLINOIS.

PARCEL F:

THAT PART OF THE WEST HALF OF SECTION 6, TOWNSHIP 39 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN AND PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF GOVERNMENT LOT 1 OF THE NORTHWEST FRACTIONAL QUARTER OF SAID SECTION 6; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER, 617.58 FEET; THENCE EASTERLY, AT AN ANGLE OF 89 DEGREES 53 MINUTES, MEASURED COUNTERCLOCKWISE FROM SAID

WEST LINE, 1,764.04 FEET TO THE EAST LINE OF SAID WEST HALF; THENCE SOUTHERLY, AT AN ANGLE OF 90 DEGREES, 21 MINUTES, 31 SECONDS, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID EAST LINE, 615.22 FEET; THENCE WESTERLY AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 361.00 FEET; THENCE SOUTHERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 362.00 FEET FOR THE POINT OF BEGINNING; THENCE WESTERLY, AT AN ANGLE OF 90 DEGREES, 06 MINUTES, 43 SECONDS, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 4,051.45 FEET TO THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTHERLY, AT AN ANGLE OF 90 DEGREES, 20 MINUTES, 33 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID WEST LINE, 917.56 FEET TO THE SOUTH LINE OF THE NORTH HALF OF SAID SOUTHEAST QUARTER; THENCE EASTERLY, AT AN ANGLE OF 89 DEGREES, 48 MINUTES, 19 SECONDS, MEASURED CLOCKWISE FROM SAID WEST LINE, ALONG SAID SOUTH LINE, 2,643.34 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTHERLY, AT AN ANGLE OF 90 DEGREES, 12 MINUTES, 54 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID EAST LINE, 680.82 FEET; THENCE EASTERLY, AT AN ANGLE OF 89 DEGREES, 58 MINUTES, 10 SECONDS, MEASURED COUNTERCLOCKWISE FROM THE LAST DESCRIBED COURSE, 1,769.85 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 6; THENCE NORTHERLY, AT AN ANGLE OF 89 DEGREES, 43 MINUTES, 06 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID EAST LINE, 255.00 FEET; THENCE WESTERLY, AT RIGHT ANGLE TO SAID EAST LINE, 361.00 FEET TO THE POINT OF BEGINNING, ALL IN AFTON AND PIERCE TOWNSHIP, DEKALB COUNTY, ILLINOIS. EXCEPTING THEREFROM PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS TO WIT: COMMENCING AT THE SOUTHWEST COMER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 00 DEGREES 33 MINUTES 32 SECONDS WEST ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION A DISTANCE OF 401.89 FEET TO THE SOUTH LINE OF THE PREMISES CONVEYED TO WILLIAM E. WALTER BY TRUSTEE'S DEED RECORDED* AS DOCUMENT NO. 2017000907 AS RECORDED IN THE RECORDER'S OFFICE OF DEKALB COUNTY, ILLINOIS AND BEING THE NORTH LINE OF THE PREMISES CONVEYED TO MICHAEL F. WALTER BY TRUSTEE'S DEED RECORDED AS DOCUMENT NO. 2017000906 IN SAID RECORDER'S OFFICE AND BEING THE PLACE OF BEGINNING; THENCE SOUTH 00 DEGREES 33 MINUTES 32 SECONDS WEST ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION A DISTANCE OF 920.01 FEET TO THE SOUTH LINE OF SAID PREMISES CONVEYED TO MICHAEL F. WALTER; THENCE SOUTH 89 DEGREES 33 MINUTES 44 SECONDS EAST ALONG SAID SOUTH LINE A DISTANCE OF 66.00 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS EAST PARALLEL WITH AFORESAID SOUTHERLY EXTENSION A DISTANCE OF 921.08 FEET TO THE SOUTH LINE OF SAID PREMISES CONVEYED TO WILLIAM E. WALTER; THENCE NORTH 89 DEGREES 42 MINUTES 35 SECONDS WEST A DISTANCE OF 66.00 FEET TO THE PLACE OF BEGINNING, SITUATED IN DEKALB COUNTY, ILLINOIS.

PARCEL G:

THE SOUTHEAST 1/4 OF SECTION 10 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS, EXCEPTING THEREFROM THAT PART FALLING ILLINOIS ROUTE 23, AND ALSO EXCEPTING THE FOLLOWING DESCRIBED PROPERTY: THAT PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TEN (10), TOWNSHIP THIRTY-NINE (39) NORTH, RANGE SOUTH (4) EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TEN (10); THENCE NORTH 00 DEGREES 14 MINUTES 21 SECONDS EAST, 832.0 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE 1/4) TO A POINT; THENCE NORTH 89 DEGREES 45 MINUTES 39 SECONDS WEST, 56.94 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 23 (F.A. ROUTE 24) OF THE PROPERTY CONDEMNED AS PARCEL 0051 IN CASE NO. 73 ED-385, AS A POINT OF BEGINNING; FROM THE POINT OF BEGINNING, THENCE CONTINUING NORTH 89 DEGREES 45 MINUTES 39 SECONDS WEST, 760.76 FEET PERPENDICULAR TO THE SAID EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) TO A POINT; THENCE NORTH 00 DEGREES 14 MINUTES 21 SECONDS EAST, 1146.00 FEET. PARALLEL WITH SAID EAST LINE TO A POINT; THENCE SOUTH 89 DEGREES 45 MINUTES 39 SECONDS EAST, 758.83 FEET, PERPENDICULAR TO THE LAST DESCRIBED COURSE, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID ILLINOIS ROUTE 23 (F.A. ROUTE 24), PARCEL 0051 IN CASE NO. 73 ED-385; THENCE SOUTH 00 DEGREES 08 MINUTES 34 SECONDS WEST, 1146.00 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING,

PARCEL H:

THAT PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TEN (10), TOWNSHIP THIRTY-NINE (39) NORTH, RANGE SOUTH (4) EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION TEN (10); THENCE NORTH 00 DEGREES 14 MINUTES 21 SECONDS EAST, 832.0 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE 1/4) TO A POINT; THENCE NORTH 89 DEGREES 45 MINUTES 39 SECONDS WEST, 56.94 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 23 (F.A. ROUTE 24) OF THE PROPERTY CONDEMNED AS PARCEL 0051 IN CASE NO. 73 ED-385, AS A POINT OF BEGINNING; FROM THE POINT OF BEGINNING, THENCE CONTINUING NORTH 89 DEGREES 45 MINUTES 39 SECONDS WEST, 760.76 FEET PERPENDICULAR TO THE SAID EAST LINE OF THE SOUTHEAST QUARTER (SE 1/4) TO A POINT; THENCE NORTH 00 DEGREES 14 MINUTES 21 SECONDS EAST, 1146.00 FEET. PARALLEL WITH SAID EAST LINE TO A POINT; THENCE SOUTH 89 DEGREES 45 MINUTES 39 SECONDS EAST, 758.83 FEET, PERPENDICULAR TO THE LAST DESCRIBED COURSE, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID ILLINOIS ROUTE 23 (F.A. ROUTE 24), PARCEL 0051 IN CASE NO. 73 ED-385; THENCE SOUTH 00 DEGREES 08 MINUTES 34 SECONDS WEST, 1146.00 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING, EXCEPTING THEREFROM, THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION TEN (10); THENCE NORTH 00 DEGREES 14 MINUTES 21 SECONDS EAST, 832.00 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE 1/4) TO A POINT; THENCE NORTH 89 DEGREES 45 MINUTES 39 SECONDS WEST, 56.94 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 23 (F.A. ROUTE 24) OF

THE PROPERTY CONDEMNED AS PARCEL 0051 IN CASE NO. 73 ED-385; THENCE NORTH 00 DEGREES 08 MINUTES 34 SECONDS EAST, 84.00 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 23 (F.A. ROUTE 24) OF THE PROPERTY CONDEMNED AS PARCEL 0051 IN CASE NO. 73 ED-385, AS A POINT OF BEGINNING; THENCE NORTH 88 DEGREES 14 MINUTES 11 SECONDS WEST, 451.67 FEET TO A POINT; THENCE NORTH 00 DEGREES 08 MINUTES, 34 SECONDS EAST, 482.91 FEET, PARALLEL WITH THE SAID WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 23 (F.A. ROUTE 24), PARCEL 0051 IN CASE NO. 73 ED-385 TO A POINT; THENCE SOUTH 88 DEGREES 14 MINUTES 11 SECONDS EAST, 451.67 FEET TO A POINT ON THE SAID WESTERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 23 (F.A. ROUTE 24) PARCEL 0051 IN CASE NO. 73 ED-385; THENCE SOUTH 00 DEGREES 08 MINUTES 34 SECONDS WEST, 482.91 FEET ALONG WAS WESTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

PARCEL I-1:

THE EAST 1/2 OF THE SOUTHEAST QUARTER OF SECTION 11, IN TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, AFTON TOWNSHIP, DEKALB COUNTY, ILLINOIS.

PARCEL I-2:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER, 1995.75 FEET FOR A POINT OF BEGINNING; THENCE EASTERLY, AT AN ANGLE OF 90 DEGREES 30 MINUTES 24 SECONDS, MEASURED COUNTERCLOCKWISE FROM SAID WEST LINE, PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST 1/4, 2659.95 FEET, TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTHERLY AT AN ANGLE OF 90 DEGREES 13 MINUTES 25 SECONDS, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, ALONG SAID EAST LINE 655.62 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER THENCE WESTERLY, AT AN ANGLE OF 89 DEGREES 46 MINUTES 35 SECONDS MEASURED CLOCKWISE FROM SAID EAST LINE, ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, 2656.71 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTHERLY, AT AN ANGLE OF 90 DEGREES 30 MINUTES 24 SECONDS, MEASURED CLOCKWISE FROM SAID NORTH LINE, ALONG SAID WEST LINE, 655.64 FEET TO THE POINT OF BEGINNING, ALL IN AFTON TOWNSHIP, DEKALB COUNTY, ILLINOIS.

PARCEL J:

THE NORTHEAST QUARTER (1/4) OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, EXCEPTING THEREFROM THAT PART OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER, 60.00 FEET TO THE WESTERLY RIGHT OF WAY LINE OF S.B.I. ROUTE 23; THENCE NORTHERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE, 982.00 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY, ALONG SAID WESTERLY RIGHT OF WAY LINE, 163.14 FEET; THENCE CONTINUING NORTHERLY, AT AN ANGLE OF 179 DEGREES 49 MINUTES, MEASURED CLOCKWISE FROM THE

LAST DESCRIBED COURSE, ALONG SAID WESTERLY RIGHT OF WAY LINE, 256.86 FEET; THENCE WESTERLY, AT AN ANGLE OF 90 DEGREES 11 MINUTES, MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE, 206.68 FEET; THENCE SOUTHERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 420.00 FEET; THENCE EASTERLY, AT RIGHT ANGLE TO THE LAST DESCRIBED COURSE, 207.50 FEET TO THE POINT OF BEGINNING, ALL IN AFTON TOWNSHIP, DEKALB COUNTY, ILLINOIS.

PARCEL K:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY: PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS TO WIT: COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE SOUTH 00 DEGREES 33 MINUTES 32 SECONDS WEST ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION A DISTANCE OF 1322.80 FEET TO THE SOUTH LINE OF THE PREMISES CONVEYED TO MICHAEL F. WALTER BY TRUSTEE'S DEED RECORDED AS DOCUMENT NO. 2017000906 IN THE RECORDER'S OFFICE OF DEKALB COUNTY, ILLINOIS ALSO BEING THE NORTH LINE OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 1 AND BEING THE PLACE OF BEGINNING; THENCE SOUTH 00 DEGREES 33 MINUTES 32 SECONDS WEST ALONG THE SOUTHERLY EXTENSION OF THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION A DISTANCE OF 1322.80 FEET TO THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 89 DEGREES 35 MINUTES 07 SECONDS EAST ALONG SAID SOUTH LINE A DISTANCE OF 66.00 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 32 SECONDS EAST PARALLEL WITH AFORESAID SOUTHERLY EXTENSION A DISTANCE OF 1322.77 FEET TO THE SOUTH LINE OF SAID PREMISES CONVEYED TO MICHAEL F. WALTER; THENCE NORTH 89 DEGREES 33 MINUTES 44 SECONDS WEST A DISTANCE OF 66.00 FEET TO THE PLACE OF BEGINNING, SITUATED IN DEKALB COUNTY, STATE OF ILLINOIS.

PARCEL L:

THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS.

PARCEL M:

THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS EXCEPTING THEREFROM: COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE NORTH 00 DEGREES 51 MINUTES 42 SECONDS EAST ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT OF LAND; THENCE CONTINUING NORTH 00 DEGREES 51 MINUTES 42 SECONDS EAST ALONG SAID EAST LINE, A DISTANCE OF 1275.56 FEET TO THE NORTHEAST CORNER OF THE SOUTH-HALF OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 58 MINUTES 29 SECONDS WEST ALONG THE NORTH LINE OF SAID SOUTH-HALF, A DISTANCE OF 861.54 FEET; THENCE SOUTH 00 DEGREES 51 MINUTES 42 SECONDS WEST, PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1086.37 FEET; THENCE

SOUTH 87 DEGREES 22 MINUTES 21 SECONDS EAST, A DISTANCE OF 296.36 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 31 SECONDS WEST, A DISTANCE OF 175.04 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 58 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 562.73 FEET TO THE POINT OF BEGINNING, ALL SITUATED IN THE TOWNSHIP OF AFTON, COUNTY OF DEKALB AND STATE OF ILLINOIS.

PARCEL Z:

THE WEST HALF OF SECTION 11, AND THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 11, ALL IN TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS;

EXCEPTING THEREFROM THAT PART OF THE WEST HALF OF SECTION 11 AFORESAID, LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST COMER OF SAID SECTION 11; THENCE NORTH 1 DEGREE 06 MINUTES EAST ALONG THE WEST LINE OF SAID SECTION 11 (THE BEARING FOR THE SAID WEST LINE OF SAID SECTION 11 BEING ESTABLISHED IN RELATION TO THE ASSUMED BEARING ASSIGNED TO THE CENTERLINE OF ILLINOIS ROUTE 23), A DISTANCE OF 2651.78 FEET TO THE QUARTER SECTION LINE; THENCE NORTH 0* DEGREES 34 MINUTES EAST ALONG THE WEST LINE OF SAID SECTION 11 FOR A DISTANCE OF 2650.58 FEET TO THE NORTHWEST COMER OF SAID SECTION 11; THENCE SOUTH 89 DEGREES 34 MINUTES EAST FOR A DISTANCE OF 60.0 FEET TO A POINT, WHICH POINT IS 60.0 FEET RIGHT AS MEASURED AT RIGHT ANGLES FROM THE CENTERLINE FOR FEDERAL AID ROUTE 24; THENCE SOUTH 0* DEGREES 48 MINUTES WEST (PARALLEL TO THE SAID CENTERLINE OF FEDERAL AID ROUTE 24) FOR A DISTANCE OF 116.89 FEET TO AN ANGLE POINT; THENCE CONTINUING SOUTH 0 DEGREES 26 MINUTES WEST (PARALLEL TO THE SAID CENTERLINE OF FEDERAL AID ROUTE 24) FOR A DISTANCE OF 1863.30 FEET TO AN ANGLE POINT; THENCE CONTINUING SOUTH 1 DEGREE 00 MINUTES WEST (PARALLEL TO SAID CENTERLINE FOR FEDERAL AID ROUTE 24) FOR A DISTANCE OF 2453.83 FEET TO AN ANGLE POINT; THENCE CONTINUING SOUTH 0 DEGREES 41 MINUTES WEST (PARALLEL TO THE SAID CENTERLINE FOR FEDERAL AID ROUTE 24) FOR A DISTANCE OF 568.19 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 11, WHICH POINT IS 60.0 FEET RIGHT AS MEASURED AT RIGHT ANGLES FROM THE SAID CENTERLINE OF FEDERAL AID ROUTE 24; THENCE NORTH 89 DEGREES 39 MINUTES WEST ALONG THE SOUTH LINE OF SAID SECTION 11 FOR A DISTANCE OF 67.6 FEET TO THE PLACE OF BEGINNING;

ALSO, THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 39 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DEKALB COUNTY, ILLINOIS.

*TYPOGRAPHICAL ERROR CORRECTED BY SURVEYOR

P.I.N.s: 1101300001, 1101400005, 1101400007, 1101400009, 1110400005, 1110400007, 1111100001, 1111200005, 1111400001, 1111400003, 1112100013, 1112200009, 1112200010, 1112300012, 1115200002, 1123100013, 1123100014, 1123300003, 1206100002, 1206300005, 1206300006, 1207100007

RED MAPLE SOLAR - REPORT AND RECOMMENDATIONS

[Special Use Applications: AF-21-06, -07, -08, -09, -10, -11, -12]

Date(s) of Hearing: August 10 and August 19, 2021

Location(s) of Hearing: Gathertorium, DeKalb County Legislative Center, Sycamore, IL

Nature of Request(s):

Petitioner is seeking to construct a 300-megawatt ground mounted solar facility, and accompanying 50-megawatt Battery Energy Storage System on approximately 1800 Acres, situated generally on the north and south of Keslinger Road between State Route 23 and Lynch Road, with an additional portion running north and south of Elva Road just west of Route 23, and a further additional Portion located on the southeast corner of State Route 23 and Perry Road in Afton and Pierce Townships. The project is located within the 1.5 - mile planning jurisdiction of the City of DeKalb, and the City of DeKalb, per Petitioner, has indicated its approval of the project. There is significant industrial activity already present immediately north of the proposed project.

Solar Farms are a permitted Special Use in the A-1 District in which the property resides.

I. THE PROJECT - PETITIONER'S APPLICATION MATERIALS

1. Introduction and Description

Petitioner is proposing a utility-scale solar photovoltaic generation facility, comprised of solar panels, a racking system, inverters, medium voltage transformers, and underground electrical conduits to connect the solar arrays with inverters and main power transformers to be located at the project substation and utility substation, in addition to the Battery Energy Storage System.

2. Environmental Considerations

Petitioner has had consultations and required contacts with the U.S. Army Corps of Engineers (USACE), U.S. Fish and Wildlife Service (USFWS), Illinois Department of Natural Resources, and the Illinois State Historic Preservation Office, and completed the consultation-level review by the Illinois Natural Heritage Database Ecological Compliance Assessment Tool (EcoCAT). Petitioner also reviewed the project with the DeKalb County Soil and Water Conservation District.

3. Project Design and Operations

The proposed project is a utility-scale ground mounted solar farm consisting of panels, racking system, inverters, underground electrical conduits. Also projected are access roads with gated entrances for access, maintenance, and construction.

Petitioner states there will be nominal traffic post-construction, and there will be an on-site Operations and Maintenance Building with designated parking for employees only.

Petitioner's plans indicated compliance with the required set-backs applicable by County Ordinance, and landscape buffers for various adjacent areas containing a residential property view.

Petitioner has proposed 7' fencing for security and safety purposes and to prevent unintended access.,

Petitioner proposes security lighting, but has indicated agreement and compliance with County Code Section 53-E-12(5)(h) regarding the shielding of light to minimize potential glare.

To minimize stormwater concerns, Petitioner proposes ground cover consisting primarily of native grasses. Petitioner anticipates that run-off from the site will decrease, as compared to the row-crop ground cover presently existing. Petitioner has indicated agreement that Petitioner shall submit Storm Water Pollution and Prevention Plan and sediment/erosion control plans through the Illinois EPA prior to commencement of construction.

Petitioner has indicated a commitment to investigate, maintain, and modify all existing drainage conditions that may be impacted by construction, including surface conveyance and sub-surface drain tiles. Petitioner has indicated agreement to identify, maintain, protect, and reconstruct (if and where needed) existing drain tile.

Petitioner's proposed panels are, at present, of an approximate size of 7 ft. by 3.5 ft., according to Petitioner's materials, and will reach a maximum height of 15 ft. The maximum height will decrease throughout the day as the panels track. Petitioner indicated that the panel selection may change after permit approval, if granted, based on actual manufacturer selection and dimensions, but the ultimate panel/fencing locations will remain within the project area, according to Petitioner's application.

Petitioner's plans also indicate an Operations and Maintenance Building with a maximum height of 20 ft, and covering an approximately 50ft-by-50ft area on-site.

Petitioner's plans indicate a full-decommissioning upon expiration of the life of the project, and Petitioner indicated compliance with County Ordinance 18-06 in that the County Board can and may indeed require a bond, letter of credit, or a cash-escrow to ensure proper decommissioning

and safe removal of all materials, prior to the issuance of a building permit, if the project is approved.

Petitioner's application materials contain extensive reporting and documentation from the referenced required agencies regarding glare, soils, wildlife, water, drain tile survey, and soil impact studies, and property value analysis and economic impact information.

Petitioner submitted detailed full-plat size renderings and all application materials of the proposed project for review by County Staff and County Board, the Hearing Officer, and the public, well prior to the published hearing date. At hearing, Petitioner submitted additional exhibits, and copies were made and provided to the County by the Petitioner, as well as to the Hearing Officer.

II. SUMMARY OF THE PROCEEDINGS

The Public Hearing was conducted and completed over the course of two, multi-hour, hearing dates on August 10, 2021 and August 19, 2021. Both hearing dates were well-attended by members of the public.

After a brief description of the application and petition by Assistant Director Anderson, the following information was received:

A. PETITIONER'S PRESENTATION IN SUPPORT OF THE APPLICATION

Petitioner was represented by Attorney Kyle Barry, and he presented the following witnesses, in the order indicated, who presented information summarized as follows:

1. KEVIN ADELMAN

- Work experience with over 100 solar projects.
- Power Point slide presentation of the company's background and specifics, a hard-copy of which was received into the record.
- Over 1700 acres of largely contiguous property - construction could begin early 2022, and conclude by end of 2022.
- Passive electricity generation for 30 plus years.
- Application and attachments represent over a year and a half of work in preparation for this application process and this project.
- Not seeking any setback reductions or variations - full 100 ft or more, as required, will be fully complied with by the company.
- Began outreach to neighboring parcels - including in-person, mailers, knocking on doors, public town hall meetings with notices to neighboring parcels and attendance.

-Reached out to other organizational stakeholders - including City of DeKalb since within their 1.5-mile jurisdictional authority, and the City of DeKalb has indicated its approval for the project.

-Discussed the school district benefits from the property tax revenue over the operational life of the project.

-Significant job creator - 800 direct Illinois union construction jobs - another 600 indirectly induced jobs.

-4-8 full-time employers to manage the site after construction completion

-Environmental benefits - clean renewable energy to 60K average US homes.

-Minimal operational impacts - no combustion - limited water usage - native vegetation throughout the site - large farm vehicle traffic will likely decrease due to the placement of the panels.

-Temporary use of the land required to remove the project.

2. JOHN LAVIAK

-Recently retired from Consolidated Edison of NY covering 2000 mw of solar energy projects and has a 100-mw project in California recently commenced.

-Discussed site prep, fencing, medium voltage trenching, the pilings and support modules, and the inverters.

-Discussed the operations and maintenance, remote monitoring of the site 24 hours a day, from the Dallas office, discussed the fencing and vegetation/screening, and discussed the end-of-project recycling and disposal.

3. JASON COOPER

-Licensed civil engineer and works out of the Warrenton office, with over a decade of experience and worked on over 100 solar projects

-Red Maple project - led the glare analysis, commissioning, and decommissioning plan

-Described the components - Photovoltaic Modules (PV), Single Axis Trackers/Racking/Support Posts, Collection & Battery System, Access and Perimeter Fencing.

-Collection and Battery System - medium voltage

-Submitted into evidence two documents, entitled (1) Assessment of Risks, and (2) Health and Safety Impacts (Ex 1 and Ex 2).

-Site Plan - used a site plan to develop a buildable module based on proximity to other structures, roads, and other ordinance-required criteria.

-Vegetative bunkers - no ordinance requirements in DeKalb County, but after reaching out to residents, will place vegetative screening/buffer and a more natural look to create a visual buffer.

-Presented photo simulations using digitally rendered photos.

- Stormwater/Ground Cover studies - by placing vegetative cover, and not planting, actually decreases unwanted run-off, and preserves the topsoil.

- Discussed and described the glare/glint analysis - a model is run for 365 days a year (Exhibit I) in the application materials - showing no potential for glare at any observation points.

- Noise analysis (Exhibit J) in the application materials, the State of Illinois has a limit of 45 dba during the day and none of the recorders exceeded that threshold.

- Discussed the decommissioning Plan (Exhibit F) in the application materials

- Discussed the Site Development Permit process to be completed in conjunction with the County Engineer, if project is approved.

- Discussed the Environmental Constraints Study and results

- Wetlands and Waters - plan is to avoid all federally designated wetlands

- Wildlife Federally Protected - Study - clear - no further information or mitigation required

- Cultural Resources - archeological survey may be required by Illinois EPA before they can start construction

- Natural Resources Information Report (NRI) (included in the application)

- Soil and Water Conservation District - prime farmland, but solar is considered a temporary use, that preserves farmland

4. TOM HUDDLESTON -

- Drain tile construction - existing drain tile evaluations and mitigations for land use changes.

- Specifically for solar projects, completed over a hundred evaluations.

- Involved in repairing drain tiles as a result of a survey following a solar evaluation.

- Benefits include creating and maintaining a site record for future use/maintenance.

- Solar projects are providing an opportunity to repair/replace existing drain tiles, some of which in our area are over a hundred years old and in need of repair/replacement; these tiles would go unrepaired without solar project.

- Discussed the State/County agreements - to maintain the drainage so that the soils can maintain their fertility for future use and for reintroduction to use as farmland at the end of the project life.

- Discussed that the required AIMA (mitigation agreements) specifically require that land at end of project is as good or better than at the time of the initiation of the project.

5. ANDREW LINES --

- Discussed his qualifications, and the Property Value impact study contained in the application materials.

-Discussed in detail the methodology used in the impact study, and that they disregard “short sales” or other sales that are not arm’s length transactions with a willing buyer and willing seller.

-Discussed the determination reached in the study that there was no appreciable decrease in resale or tax-assessed value.

-Acknowledged that the Red Maple project is a much larger project than those observed in the impact study and that the only studies comparable to this size were in the desert southwest where residences were much too far away to make real comparisons.

6. DAVID LOOMIS

-Explained the methodology used to determine economic impacts

-Categorized the economic impacts (1) Number of people working on the job site, and all the investments they would make, as well as the (2) supply chain impacts - local suppliers - and (3) “induced impacts” - household expenditures based on people in the first two categories.

-Described the State statute and required methodology for inflation/tax rates - taxes prorated out over the life of the project - with 4% depreciation, 2.2% inflation - calculated.

Attorney Barry, on behalf of the Petitioner, concluded Petitioner’s initial presentation of the application by reiterating the Article 9 standards for a Special Use application and Petitioner’s detailed responses, as also contained in their application materials. Attorney Barry indicated that Petitioner, by testimony, application, and supporting materials, had met their burden and the Special Use application should be approved.

B. PUBLIC COMMENT

After oath and affirmation, the following persons gave public comment:

Tony Janowski- Carpenter’s union representative, in support of the project if union labor utilized.

Cathy Hammect, Afton Township - the project would be taking away thousands of acres of productive farmland for over 30 years and she had concerns about long term losses in jobs because of decrease in farmland use and will they be able to come back.

Katherine Andraski, Franklin Township - submitted written comments, and copies were provided to the County. She was opposed to the project.

Dane Simpson - South of DeKalb County - Great Plains Laborers Trust - representing thousands of union contractors - was very excited about the project and supported the project.

Todd Stoffa, Afton Township. For the reasons stated on the record, he opposed the project.

Mark Cooley, Mayfield Township. For the reasons stated on the record, he opposed the project.

Jake Castanza - North of DeKalb County - Laborer's Local 32 - stated that his members are in support of the project by Red Maple.

Larry Forsberg, South Grove Township, Clare, Illinois - for the reasons stated on the record, he opposed the project.

Fortunato Salamone, North of DeKalb - Local Laborers 32 - business manager. Stated he was here to support these projects and to support responsible use of local farmland for solar.

Jamie Walter, Pierce Township - business interests in Pierce and Afton Township - farms in the area of the Red Maple project, and has land involved in the project. He also stated he has land adjacent and/or near the project. For the reasons stated on the record, he supported the project.

James Hutchison, South Grove Township - had questions concerning some of Petitioner's presentation.

Brad Belanger, South Grove Township - presented a written statement, copy provided to the County - had concerns about the length of time allotted for the hearings, and for the time of day for the hearings, and stated they should be in the evenings as are County Board meetings and Committee meetings. For the reasons presented on the record, he opposed the project.

Gary Ferrari, Pierce Township. For the reasons stated on the record, he opposed the project.

Lance McGille, Afton Township, labor representative of Operating Engineers, Local 150, and for the reasons stated on the record, was in support of the project.

The concerns raised by members of the public included: loss of productive farmland, visual blight, decommissioning costs, sourcing and composition of materials used in the project, roadway impacts and roadway agreements, recycling, setbacks, disaster-toxicity issues, drain tiles, noise, and perceived potential for property values to decline due to the scale and intensity of the proposed project.

Thereafter Petitioner's counsel and other representatives responded to many of the concerns raised by the public during the comment period.

III. WRITTEN CORRESPONDENCE AND INFORMATION RECEIVED IN ADDITION TO PETITIONER'S MATERIALS AND COUNTY STAFF INFORMATION:

Prior to the conclusion of the hearing, the Hearing Officer received the following correspondence:

1. Correspondence dated August 10, 2021 from County Engineer Nathan Schwartz, indicating no objection to the proposal, but recommending Road Use Agreements with the County and any affected Township Road Districts, if the project is approved.
2. Correspondence from Greg Maurice, County Health Department, indicating no issues regarding well/septic as the project is proposed for vacant land.
3. Correspondence from Mayfield Township Road District, expressing concerns of the project's impact on and potential for damage to roads, culverts, box culverts, bridges, and road shoulders, indicating the amount of road upgrade that may be needed and the bond required to cover any such potential damages.
4. Correspondence from Chicago Regional Council of Carpenters indicating support for the project.
5. Correspondence from IOUE Local 150 in support of the project.
6. Correspondence from Laborers' International Union-North America, Local 32, and a photograph, indicating member support for the project.
7. Correspondence from the Great Plains-Laborers-Employers Cooperation and Education Trust, indicating support for the project.
8. Correspondence from R. Troy and Dianne Johnson in opposition to the project.
9. Correspondence from William Walter in support of the project.
10. Correspondence from Susan Walter and James Walter in support of the project.
11. Correspondence from Kathy Robertson, Kettley Realtors, in reference to the Gormley property, in support of the project.
12. Correspondence from Michael F. and Dianne L. Walter in support of the project.
13. Correspondence from Jim Gormley in support of the project.
14. Correspondence from Dennis Collins, in support of the project.

15. Correspondence from Martha Collins in support of the project.
16. Correspondence from Alesandra Cudzewicz, in opposition to the project.
17. Correspondence from Mark Stelford in support of the project.
18. Correspondence from the DeKalb County Economic Development Corporation in support of the project.
19. Correspondence from Jaime and Kristen Walter in support of the project.
20. Correspondence from Michael Zaudke in support of the project.
21. Correspondence from Luis Citelli in support of the project.
22. Correspondence from Jack Pizzo in support of the project.
23. Correspondence from Bob and Jacquie Drake in support of the project.
24. Correspondence from David Johnston in support of the project.
25. Correspondence from Brad Belanger in opposition to the project.
26. Correspondence from Larry Forsberg in opposition to the project.
27. Correspondence from Mark and Alyson Cooley in opposition to the project.
28. Correspondence from Katherine Andraski in opposition to the project.

IV. ANALYSIS OF SPECIAL USE CRITERIA 9.02(B)(3)(a-f)

First, the Hearing Officer finds that the proposed project is of a type and nature contemplated by Section A, Sustainable Energy Systems, of the Supplemental District Regulations for the County. In those regulations, the term “Solar Farm”, is defined as “A commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or other conversion technology, for the *primary purpose of wholesale sales of generated electricity*. A solar farm is the principal land use for the parcel on which it is located.” (emphasis added). Section A(3)(c), further allows for solar farm projects to produce energy for off-site uses or export, and by specific permission and definition, they may be the “*primary use on the lot(s) on which it is located.*” (emphasis added).

Although prior applications have been on the smaller scale of “solar gardens” as defined in the regulations, the requested use is of a type and nature permitted by the regulations, providing that the Petitioner’s proposed solar farm project is otherwise in accord with Section 9.02(B)(3)(a-

f), and Petitioner's proposed solar farm project complies with Section A(3)(c), subsections (1)-(3), regarding ground cover and buffer areas, foundations, and power/communication lines, in addition to the general requirements of all SES Special Use Applications also contained in the regulations.

The Hearing Officer finds that the Petitioner's application meets the general regulation requirements as contained in Section 5.12 (A) - Solar Energy Systems, applicable for a solar farm.

Therefore, the Hearing Officer now turns to the Special Use Criteria applicable per County Ordinance, 9.02(B)(3)(a-f):

a. The proposed special use complies with all applicable provisions of the applicable district regulations.

The Hearing Officer finds that this provision has been established by the Petitioner in its application, supporting materials, and information provided at hearing.

b. The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public welfare at large.

The Hearing Officer finds that this provision has been established by the Petitioner in its application, supporting materials, and information provided at hearing. As noted, the proposed project is located on farmland, and the primary uses associated with properties immediately adjacent to the proposed project are also farmland. The Hearing Officer received no information indicating a loss of value for adjacent farmland, either in gross or per acre, or any potential for lost or lowered cash-rent values. The Hearing Officer also finds that the Petitioner has or will allow for appropriate set-backs and visual mitigations for residential properties in and near the proposed project, and that the project will not be detrimental to the public welfare at large.

c. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:

1. The location, nature, and height of building, structures, walls, and fences on the site.

The Hearing Officer finds that this provision has been established by the Petitioner in its application, supporting materials, and information provided at hearing.

2. The nature and extent of proposed landscaping and screening on the proposed site.

The Hearing Officer finds that this provision has been established by the Petitioner in its application, supporting materials, and information provided at hearing.

d. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.

The Hearing Officer finds that this provision has been established by the Petitioner in its application, supporting materials, and information provided at hearing.

e. Adequate utility, drainage, and other such necessary facilities have been or will be provided.

The Hearing Officer finds that this provision has been established by the Petitioner in its application, supporting materials, and information provided at hearing.

f. The proposed uses, where such developments and uses are deemed consistent with good planning practice, or can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall in all other respects conform to the applicable regulations of the district in which it is located; and are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of DeKalb County.

The Hearing Officer finds that this provision has been established by the Petitioner in its application, supporting materials, and information provided at hearing.

V. RECOMMENDATIONS OF THE HEARING OFFICER

The State of Illinois and DeKalb County have enacted public policy measures indicating the desirability of permitting the production of energy using alternative energy sources, such as solar, provided that appropriate terms and conditions as duly enacted can be met by a petitioner. In the present case, the Petitioner has met those conditions in the opinion of the Hearing Officer.

Special Use Applications: AF-21-06, -07, -08, -09, -10, -11, -12, are hereby recommended for approval, with the following conditions:

1. Full compliance with Section 5.12(A) of the County Zoning Ordinance.
2. Construction of the proposed project in substantial conformity to the submitted plans and Petitioner's representations at Public Hearing.
3. The entry by Petitioner into applicable Road Use Agreements with affected County and Township authorities.
4. The use of vegetative screening, fencing, and ground cover in substantial conformity to the plans submitted by Petitioner, and testified to at hearing by Petitioner, and that is approved by County, the SWCD, and other appropriate agencies as determined by County, prior to the commencement of construction. Due to the proposed size of the project, and the project's proposed density and number/size of panels, the Hearing Officer further recommends that a distance of not less than 500 ft be maintained from the nearest solar panel edge to the nearest outer-wall of an occupied, already-existing, residential structure, unless the residential property owner waives this distance. Residential view lines must contain intervening vegetative screening that is approved by the County.
5. Unless approved by the County Board, all power and connection lines running between banks of solar panels and on-site electric substations, battery systems, or interconnections with buildings are required to be buried underground.
6. The entry by Petitioner into applicable interconnection agreements with any involved utility or utilities.
7. Full compliance with and payment of all required fees for required Site Development Permits, Building Permits, and other fees and costs as required.
8. A complete decommissioning plan and financial agreement with the County Board, prior to the commencement of construction.
9. The project must commence within 36 months of approval by the County.

Respectfully submitted,



Dale J. Clark
Hearing Officer