

NORTHERN WHITE SAND LLC

1053 North 2803rd Road

Utica, IL 61373

December 29, 2015

Mr. Michael E. Harsted, Director
Department of Environmental Services and Land Use
La Salle County
119 West Madison Street – Room 107
Ottawa, IL 61350

Dear Director Harsted:

Re: Northern White Sand LLC
Application for Zoning Special Use

Northern White Sand LLC (“NWS”) is pleased to submit this Application for Zoning Special Use in accordance with Section 14.10 of the La Salle County Zoning Ordinance. NWS is seeking a Special Use for loading and handling of sand, cement or other aggregates, for shipping to market from a dock located in the Illinois River adjacent to 41.398 acres of land in unincorporated La Salle County currently Zoned Agriculture (“A-1”) in South Ottawa Township. A Special Use has already been granted to the adjacent property being leased by LaSalle County to Applicant. The Special Use being requested by NWS is merely an expansion of the County site.

The Application includes the following elements and attachments as required by La Salle County Zoning Ordinance and the County’s Environmental Services and Land Use Department:

ZONING SPECIAL USE APPLICATION – A completed copy of the Zoning Special Use Application form is enclosed.

APPLICATION FEE – A check in the amount of \$4,300.00 made payable to La Salle County based upon \$300.00 for the first two acres and \$100.00 for each additional acre.

ATTACHMENT 1 – Attachment 1 provides a narrative description justifying the proposed Special Use for the Subject Property. The attachment contains specific information regarding the project and intended use of the Subject Property, potential

economic benefits to La Salle County and local communities, suitability of the requested Special Use and supporting information regarding each of the seven (7) standards required for the granting of a Special Use Application.

EXHIBIT A TO ATTACHMENT 1 – Attached as Exhibit A to the narrative is the survey/site plan of the Subject Property.

ATTACHMENT 2 – This Attachment is the legal description of the Subject Property.

ATTACHMENT 3 – This Attachment contains a list of all adjoining property owners and their addresses.

ATTACHMENT 4 – This Attachment is the Flood Plan Map.

ATTACHMENT 5 – Deed from RiverStone to Northern White Sand LLC.

ATTACHMENT 6 – Wetland Delineation

ATTACHMENT 7 – Eco-Cat

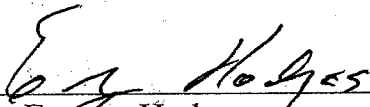
ATTACHMENT 8 – List of Officers and Directors

NWS appreciates this opportunity to file the Application for Zoning Special Use so that it can expand its business operation in La Salle County, provide new jobs and employment opportunities and further stimulate the local economy. We also look forward to working with La Salle County as we go forward with this project.

Very truly yours,

Northern White Sand LLC

By



Eugene Hodges,
Vice President

**ZONING SPECIAL USE
APPLICATION**

Ph: 815-434-8666

LaSalle County

Environmental Services and Land Use

Fax: 815-433-9303

Michael E. Harsted
Department Director

119 West Madison Street
Room 107
Ottawa, Illinois 61350

Zoning Special Use Application

Contact Information:

Date of Application: December 29 2015

For Office Use
Permit # _____
Application Fee: _____
\$300.00 for first 2 acres
\$100.00 for each additional acre
**Publication costs are the responsibility of the owner/applicant.*

Property Owner Name(s): La Salle County Property Address: Dee Bennett Road, Ottawa, IL

Applicant's Name if Different: Northern White Sand LLC Address: 1053 N. 2803rd Road, Utica, IL 61373

Phone Number: 815-667-7001 Fax Number: 815-667-9820 Cell Number: _____

Township: Ottawa/Utica Property Pin Number(s): See Attached

Agent/Attorney Name: John S. Duncan Agent/Attorney Firm: Herbolsheimer Law Office

Agent/Attorney Phone Number: 815-223-0111 Fax Number: 815-223-5829

Has any other Governmental Body denied a Zoning Change for this property? Yes No
If Yes, Please Explain: _____

Current Zoning of Property: A-1 Agriculture I-1 Industrial
 A-C Conservation R-2 Single Family Residential
 B-1 Local Business R-3 General Residence
 B-2 General Business R-R Rural Residence

Requested Special Use for Property: Barge Fleeting Operations: Transloading and hauling of grain, sand, gravel or other non-hazardous granular material, from a dock for shipping of such for market, not including manufacturing.

Current Zoning and Land Uses of Adjoining Property:

| Zoning (A-1, R-R, B-2, etc.) | | Land Use (Farm, Single Family House, Factory, etc.) |
|---------------------------------|-----|--|
| North | A-1 | Vacant |
| South | A-1 | Illinois River |
| East | A-1 | La Salle County Nursing Home |
| West | AC | Buffalo Rock State Park |

Is the proposed special use allowable in the current zoning designation? Yes No

In accordance with Section 14.5 of the LaSalle County Zoning Ordinance: "The Zoning Board of Appeals shall utilize the LESA system when deciding on issues of the conversion of agricultural uses to nonagricultural uses through requests for a Zoning Amendment or Special Use."

The Land Evaluation and Site Assessment scores must be prepared by the LaSalle County Soil and Water Conservation District. Applications for the development of the Land Evaluation and Site Assessment can be made at 1691 North 31st Road, Ottawa. The LaSalle County SWCD can be reached at 815-433-0551.

Zoning Special Use

Permit # _____

Please provide a narrative explaining the reasoning and justification for the Special Use (*this may be attached*). The narrative should focus on the existing uses and zoning classification of the property and the general area surrounding the parcel. Discussion of the variance and its general suitability to the current zoning designation and the future development vision of the area should also be addressed. Please be prepared to discuss these and other related concepts at the public hearing. For a complete list of factors considered by the Zoning Board of Appeals, refer to Section 14.10-5 of the LaSalle County Zoning Ordinance.

Attachments and Certifications

All required attachments and certifications must accompany the application before a zoning official can certify the application to be complete. Such attachments and certifications required:

- Copy of recorded deed
- Narrative describing and justifying proposed use
- Completed application
- Application/filing fee
- Plat of survey developed by professional engineer or land surveyor
- Site plan showing existing structures, proposed structures, and setbacks
- Notarized completed application package
- Zoning Official application completion certification
- List of adjoining property owner names and addresses
- Trust Disclosure (*applicable only if in a trust*)
- Signage Application (*if applicable*)
- Parking lot layout (*if applicable*)
- Floodplain Map (*if applicable*)
- Natural Resource Inventory (*if applicable*)
- Land Evaluation and Site Assessment (*if applicable*)

Notification of the Petition (*For office use*)

All adjoining property owners will be notified of this petition by certified mail. When applicable, notification will also be sent to the following entities:

- School Districts Effected
- Adjoining Property Owners
- Municipal Review Authority (1.5 mile)
- Township Review Authority (Supervisor, Clerk, and/or Planning Commission)
- Fire Protection District
- Road Jurisdiction (State, County, Township)
- LaSalle County Health Department
- LaSalle County Soil and Water Conservation District

ATTACHMENT 1
NARRATIVE DESCRIPTION

ATTACHMENT 1

NORTHERN WHITE SAND LLC (“NWS”) is actively engaged into the silica sand mining business in LaSalle County. NWS’ office is located at 1053 North 2803rd Road, Utica, Illinois 61373. NWS currently owns approximately 562 acres located in Sections Eleven (11) and Twelve (12) in Utica Township (“Extraction Site”), which were annexed into the Village of North Utica in January of 2011 and is mining the west eight (8) acres of the Extraction Site. NWS also purchased additional property in the unincorporated portion of La Salle County, in Section Twelve (12) in Utica Township and Sections Seven (7), Eight (8), Seventeen (17) and Eighteen (18) in Ottawa Township; a portion of which was granted a Special Use Permit for a sand drying facility. NWS also entered into a Lease Agreement with the County of LaSalle (“LaSalle”) for the former Cargill site, consisting of 19.918 acres. (“County Site”) for which a Special Use Permit was granted for a barge loading facility. To increase the fleet capacity, NWS recently purchased the adjoining 41.398 acre site immediately west of the County Site (“Subject Property”).

The Subject Property was formally owned by RiverStone Group, Inc., formerly Moline Consumers, Inc. and used as a site for loading and shipping of aggregate products. It is the request of NWS that the Special Use be granted to allow transporting sand, cement, aggregates and other materials to and from the subject property and the dock or pier located thereon or adjacent in the Illinois River, and also for the construction of a dock and incidental appurtenances; the loading or unloading of sand, cement, aggregates or other materials upon or from barges or other watercraft; and for any other

general purposes reasonably related to the general operation of a dock site or pier. (Site Plan attached as Exhibit A)

To eliminate truck traffic to transport product from the Extraction Site to the County Site, NWS received a Special Use Permit to construct an aboveground pipeline across its property. The product would be conveyed at a mixture of approximately 25% solids and 75% water to the County Site, where the product will be de-watered. The water will be recycled back through a separate, aboveground pipeline to the Extraction Site. The pipeline will be buried where it crosses a Township or County roadway.

One of the NWS objectives is to establish its new operation with minimal impact on the surrounding properties and the La Salle County Nursing Home. NWS will implement the best management practices for dust control emissions from onsite roads and other means of product transportation on its property. NWS is regulated by state and federal agencies, including the Illinois Department of Natural Resources ("IDNR") and the Illinois Environmental Protection Agency ("IEPA"). NWS will adhere to all environmental and safety standards, procedures, laws, rules and regulations applicable to its operation and will obtain and abide by all necessary and required permits.

There are no personal residences adjacent to or in close proximity to the Subject Property.

The transporting operation of NWS will have substantial economic benefits to the County of La Salle and surrounding businesses. Adding the Subject Property to the operation of the County Site will allow NWS to operate more efficiently and transport more product through the County Site. In addition, these will be the following benefits:

- An increase in real estate tax revenue for the County and School Districts for any improvements constructed on NWS property.
- There will be direct economic benefits to the County that will result from NWS's shipping and transporting operation. As indicated in the Special Use Application for the adjoining property there will be a very preliminary projection includes new full-time jobs that will be provided by NWS at the County Site and Subject Property. NWS has negotiated a Lease Agreement with the County of LaSalle that will enable the County of LaSalle to substantially increase its rental income from the County Site.
- The equipment utilized in the dock shipping and transporting operation will incorporate state of the art engineering, the latest technology and environmental controls. Importantly, the new dock shipping and transporting equipment will be located several miles from any significant concentration of residential dwellings.

STANDARDS FOR GRANTING SPECIAL USE

The Zoning Special Use, if granted, will allow NWS to enhance its business to be located at the County Site in an area that is currently underutilized, and will bring significant economic benefit to the County and its citizens. NWS will conduct the proposed use in accordance with all Federal and State laws and regulations, and in compliance with all applicable LaSalle County Ordinances, in a manner that is protective of the environment and the public health and welfare. The proposed facility will be operated in a manner to prevent and minimize adverse impacts on adjacent properties.

Section 14.10-5 of the LaSalle County Zoning Ordinance identifies seven standards to be met by an applicant as part of the Zoning Board's approval of a Zoning Special Use. NWS is committed to ensuring the requested Zoning Special Use will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or be in conflict with LaSalle County's Comprehensive Plan for development. NWS has described below how it will meet each of the standards.

1. NWS' SPECIAL USE OF THE PROPERTY WILL NOT IMPAIR AN ADEQUATE SUPPLY OF LIGHT AND AIR TO ADJACENT PROPERTY.

NWS will comply with the Zoning Ordinance minimum setback requirements, and the dock shipping and transporting facilities will be located on the Subject Property to prevent any impacts to the supply of light and air to adjacent properties. The proposed improvements to the property will be constructed far removed from any residential

structures. Directional lighting will be developed to divert lighting away from La Salle County Nursing Home. The facility will obtain all necessary air permits from the IEPA and will comply with all terms and conditions of those permits and state air pollution control regulations. An enclosed pipeline will be used to move wet sand from the Extraction Site to the dock shipping and transporting facility on the County Site. By appropriate location of facilities, and use of best practices, and compliance with IEPA permits, NWS will ensure there are no negative impacts on light or air to adjacent properties.

2. NWS' USE OF THE PROPERTY WILL NOT INCREASE THE HAZARD FROM FIRE OR OTHER DANGERS TO SAID PROPERTY.

The proposed NWS operations will not result in any increase in hazard from fire or other dangers. The proposed operations are heavily regulated by the USACE, the IDNR, the IEPA, and the Illinois Department of Public Health, and the facility will be operated in full compliance with all applicable requirements of those agencies and LaSalle County. The dock shipping and transporting equipment utilized in daily operations will incorporate state of the art engineering, technology and environmental and safety controls, and will not pose unmanageable risks of fire or other dangers. For these reasons, the requested Zoning Special Use meets the standard to minimize risk from fire or other dangers to the Subject Property.

3. NWS' OPERATIONS WILL NOT DIMINISH THE VALUE OF LAND AND BUILDINGS IN THE VICINITY TO THE PROPOSED SPECIAL USE.

The proposed additional use of the Subject Property is consistent with the past use of transloading aggregate products and as a result will not have any diminution of the fair market value of the properties in the vicinity of the Subject Property. NWS will be constructing a new modern shipping and transporting facility on the County Site and expanded docking facility on the Subject Property.

There are no personal residences or businesses in the immediate vicinity of the Subject Property that will be impacted by the project. In fact, for the reasons stated in this entire narrative, it is likely that the activities proposed on the Subject Property will result in positive impacts in the land value in the vicinity of the Subject Property.

4. NWS' OPERATIONS WILL NOT UNDULY INCREASE TRAFFIC CONGESTION IN THE PUBLIC STREETS AND HIGHWAYS.

NWS is designing the layout and operations on the Subject Property to enhance the County Site and to minimize or prevent increased traffic congestion on the public streets and highways, particularly as with respect to truck traffic associated with post-construction site operations. Materials will be conveyed from the Extraction Site to the County Site and Subject Property by an enclosed aboveground pipeline, avoiding truck traffic from and to the Extraction Site. Although there will be increased traffic of a minor nature during the construction of the facility, there will not be an increase to the anticipated full-time employees who will arrive and depart from work at the County Site. The existing local infrastructure is more than adequate for projected short-term and long-term traffic related to the operation of the facility.

5. NWS' OPERATIONS WILL NOT INCREASE THE POTENTIAL FOR FLOOD DAMAGES TO ADJACENT PROPERTY.

The proposed additional use requested by NWS is consistent with the historic use of this property, thus causing no increase in the potential for flood damage to adjacent property. NWS will not make any alterations of the flow of water or alterations of any drainage or any existing run-off areas at the Subject Property. To insure that there is no threat of flooding or stormwater impacts to the neighboring properties from the NWS operations, NWS engaged a stormwater consultant for the County Site and if necessary, will obtain an NPDES stormwater permit from IEPA. NWS will take all other measures necessary to control the rate at which stormwater leaves the property and will insure its activities and the property will not increase the potential for flood damage to adjacent property.

6. NWS' OPERATIONS WILL NOT INCUR ADDITIONAL PUBLIC EXPENSE FOR FIRE PROTECTION, RESCUE OR RELIEF.

As discussed with respect to the Zoning Standard number 2, above, the Subject Property is merely an expansion of the already approved Special Use Permit on the County Site and will not add to the responsibility of the Fire Departments with jurisdiction over the facility as well as the Ottawa Ambulance Department and Naplate First Responders and the operations will not create a requirement for any new class of services by these groups. The same equipment and personnel utilized to provide services to previous businesses located or proposed to be located on the County Site will be utilized to provide services for the Subject Property. For this reason, the proposed

Special Use is not expected to result in additional public expense for fire protection, rescue or relief services, and any public expense for fire protection, rescue or relief will be offset by the financial benefits to the community from the project and ongoing business.

7. NWS' OPERATIONS WILL NOT OTHERWISE IMPAIR THE PUBLIC HEALTH, SAFETY, COMFORT, MORALS OR GENERAL WELFARE OF THE INHABITANTS OF LA SALLE COUNTY NOR WILL IT OTHERWISE CREATE A NUISANCE.

The proposed project and ongoing business will not have a negative impact on the health and safety of the community nor affect the comfort, morals or general welfare of the residents of La Salle County. Facilities will be constructed and permitted in compliance with all federal state and local requirements addressing air and water pollution controls, and will be operated to ensure there will be no nuisance associated with site operations. The proposed operations on the Subject Property will merely be an enhancement to the operation proposed for the County Site. For these reasons, and those set forth above, the proposed operations will not cause any nuisance or otherwise impair the public health, safety, comfort, morals or general welfare of inhabitants of the County.

SUMMARY

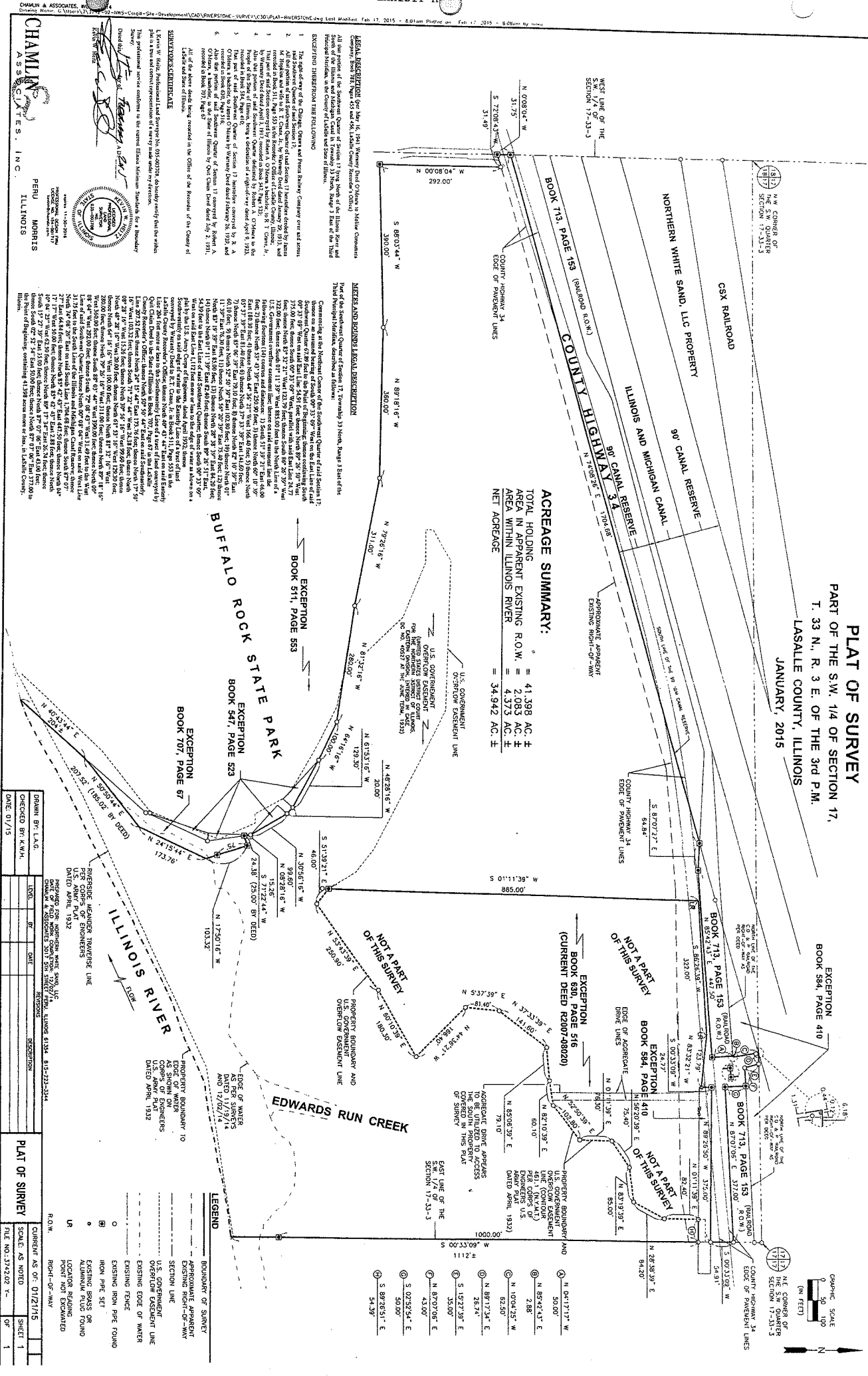
The proposed operations are in harmony with the general purpose and intent of the Zoning Ordinance, and the Special Use requested is a use permitted as a Special Use of the Zoning Ordinance and in fact is merely an expansion of the County Site for which a similar Special Use was granted. The Subject Property is currently zoned in the A-1

Agricultural District and NWS is seeking Special Use approval to expand the Special Use to include *“Loading and hauling of sand, cement, aggregates, and other materials including buildings or other structures for screening crushing, washing, drying, processing, storage or other processing for shipping for market.”* (Zoning Ordinances § 7.1-4). Finally, the Special Use being sought is not only compatible with other uses in the A-1 Agricultural District, but is a simple expansion of the current Special Use Permitted for the Subject Property.

**EXHIBIT A TO
ATTACHMENT 1**

PLAT OF SURVEY
 PART OF THE S.W. 1/4 OF SECTION 17,
 T. 33 N., R. 3 E. OF THE 3rd P.M.
 LASALLE COUNTY, ILLINOIS
 JANUARY, 2015

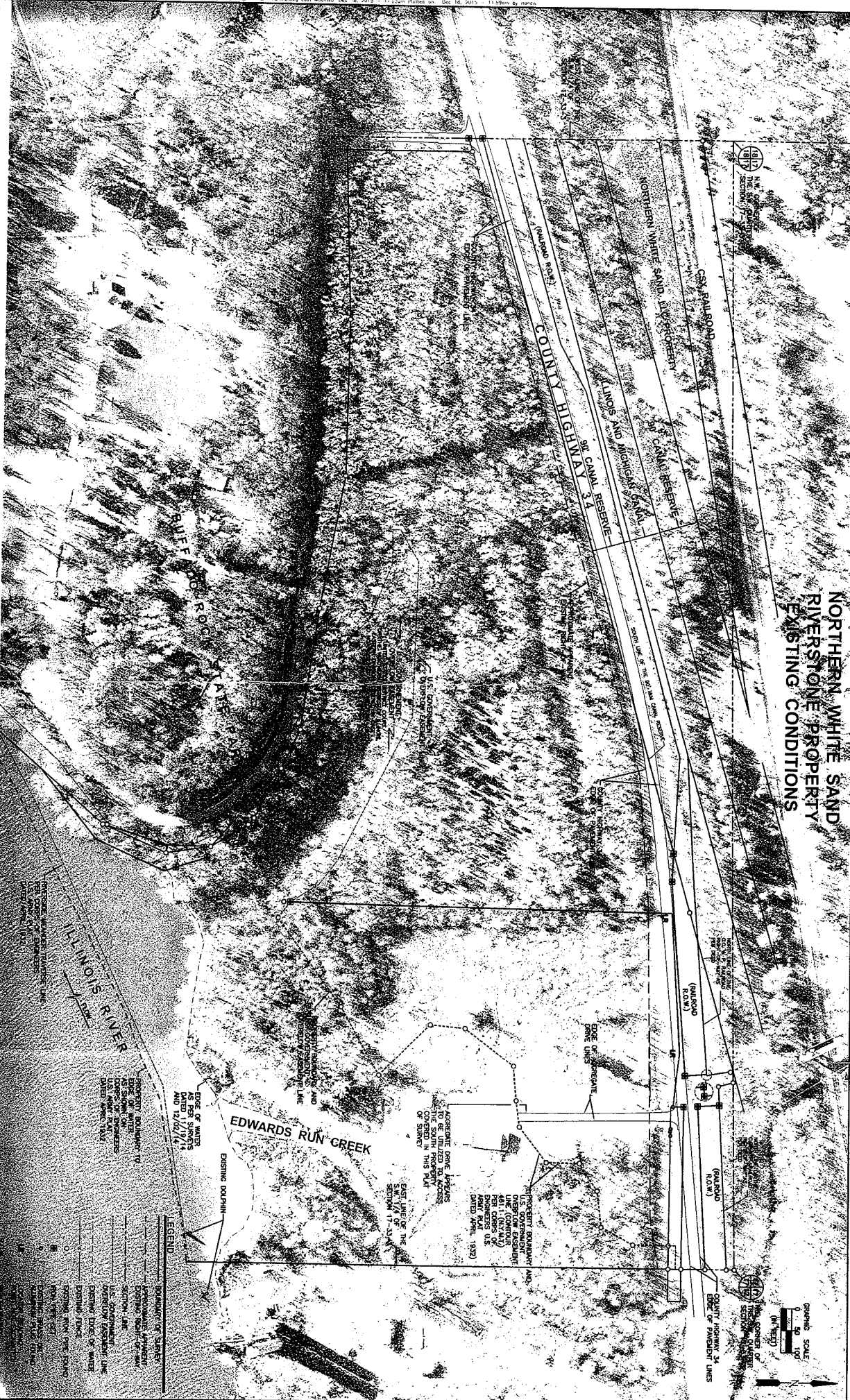
ACREAGE SUMMARY:
 TOTAL HOLDING AREA IN APPARENT EXISTING R.O.W. = 41,398 AC. ±
 AREA WITHIN ILLINOIS RIVER = 2,033 AC. ±
 NET ACREAGE = 34,942 AC. ±



LEGAL DESCRIPTION (Part 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 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CHAMLIN
 ASSOCIATES, INC.

**NORTHERN WHITE SAND
 RIVERSTONE PROPERTY
 EXISTING CONDITIONS**



| | | | |
|-------------------|-------------|-----------------|----------|
| DESIGN BY: LAG/AV | DATE: 12/15 | SCALE: AS NOTED | SHEET: 1 |
| CHECKED BY: LAG | | DATE: 12/15 | |
| EXHIBIT | | DATE: 12/15 | |

LEGEND

- BOUNDARY OF SURVEY
- EXISTING EASEMENT
- EXISTING RIGHT-OF-WAY
- EXISTING ROAD
- EXISTING DRAINAGE
- EXISTING UTILITY
- EXISTING FENCE
- EXISTING SIGN
- EXISTING STRUCTURE
- EXISTING TREE
- EXISTING ROCK
- EXISTING SAND
- EXISTING GRAVEL
- EXISTING ASPHALT
- EXISTING CONCRETE
- EXISTING BRICK
- EXISTING STONE
- EXISTING METAL
- EXISTING WOOD
- EXISTING PLASTER
- EXISTING GYPSUM
- EXISTING CEMENT
- EXISTING BRICK
- EXISTING STONE
- EXISTING METAL
- EXISTING WOOD
- EXISTING PLASTER
- EXISTING GYPSUM
- EXISTING CEMENT

EDWARDS RUN CREEK
 EXISTING DOUGHNUT

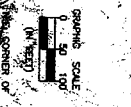
ILLINOIS RIVER

COUNTY HIGHWAY 34
 EXISTING RIGHT-OF-WAY

EDWARDS RUN CREEK
 EXISTING DOUGHNUT

ILLINOIS RIVER

COUNTY HIGHWAY 34
 EXISTING RIGHT-OF-WAY



ATTACHMENT 2
LEGAL DESCRIPTION OF
SUBJECT PROPERTY

ATTACHMENT 2

LEGAL DESCRIPTION

Part of the Southwest Quarter of Section 17, Township 33 North, Range 3 East of the Third Principal Meridian, described as follows:

Commencing at the Northeast Corner of the Southwest Quarter of said Section 17; thence on an assumed bearing of South 00°33'09" West on the East line of said Southwest Quarter of 67.89 feet to the Point of Beginning; thence continuing South 00°33'09" West on said East Line 54.91 feet; thence North 89°26'50" West 375.00 feet; thence South 00°33'09" West, parallel with said East Line 24.77 feet; thence North 83°32'21" West 123.79 feet; thence South 86°26'39" West 322.00 feet; thence South 01°11'39" West 885.00 feet to the North Line of a U.S. Government overflow easement line; thence on said easement line the following fourteen (14) courses and distances: 1) South 51°39'21" East 46.00 feet; 2) thence North 53°43'39" East 250.90 feet; 3) thence North 60°10'39" East 180.30 feet; 4) thence North 44°36'21" West 166.40 feet; 5) thence North 05°37'39" East 81.40 feet; 6) thence North 37°33'39" East 141.60 feet; 7) thence North 85°06'39" East 79.10 feet; 8) thence North 82°10'39" East 60.10 feet; 9) thence North 52°50'39" East 102.80 feet; 10) thence North 01°11'39" East 76.30 feet; 11) thence North 56°20'39" East 75.40 feet; 12) thence North 83°19'39" East 85.00 feet; 13) thence North 28°38'39" East 84.20 feet; 14) thence North 01°11'39" East 82.40 feet; thence South 89°26'51" East, 54.39 feet to the East line of said Southwest Quarter; thence South 00°33'09" West on said East Line 1,112 feet more or less to the edge of water as shown on a plat by the U.S. Army Corps of Engineers, dated April 1932; thence Southwesterly on said edge of water to the Easterly Line of a tract of land conveyed by Warranty Deed to R.T. Crane, Jr. in Book 511, page 553 in the LaSalle County Recorder's Office; thence North 40°43'44" East on said Easterly Line 204 feet more or less to the Southeasterly Line of a tract of land conveyed by Quit Claim Deed to the State of Illinois in Book 707, Page 67 in the LaSalle County Recorder's Office; thence North 50°50'44" East on said Southeasterly Line 207.52 feet; thence North 24°15'44" East 173.76 feet; thence North 17°50'16" West 103.32 feet; thence South 71°22'44" West 24.38 feet; thence North 08°28'16" West 15.25 feet; thence North 30°56'16" West 99.60 feet; thence North 48°28'16" West 20.00 feet; thence North 61°53'16" West 129.30 feet; thence North 64°16'16" West 100.00 feet; thence North 81°32'16" West 280.00 feet; thence North 79°26'16" West 311.00 feet; thence North 89°18'16" West 360.00 feet; thence South 88°03'44" West 390.00 feet; thence North 00°08'04" West 292.00 feet; thence South 72°08'43" West 31.49 feet to the West Line of said Southwest Quarter; thence North 00°08'04" West on said West Line 31.75 feet to the South Line of the

Illinois and Michigan Canal Reserve; thence North $74^{\circ}08'26''$ East on said South Line 1,704.68 feet; thence South $87^{\circ}07'27''$ East 64.84 feet; thence North $85^{\circ}42'43''$ East 447.50 feet; thence North $04^{\circ}07'07''$ West 50.00 feet; thence North $85^{\circ}42'43''$ East 2.88 feet; thence North $10^{\circ}04'25''$ West 62.50 feet; thence North $89^{\circ}17'34''$ East 26.74 feet; thence South $15^{\circ}27'39''$ East 35.00 feet; thence North $87^{\circ}07'06''$ East 43.00 feet; thence South $02^{\circ}52'54''$ East 50.00 feet; thence North $87^{\circ}07'06''$ East 377.00 feet to the Point of Beginning, containing 41.398 acres more or less, in LaSalle County, Illinois.

ATTACHMENT 3
LIST OF ADJOINING
PROPERTY OWNERS

ATTACHMENT 3

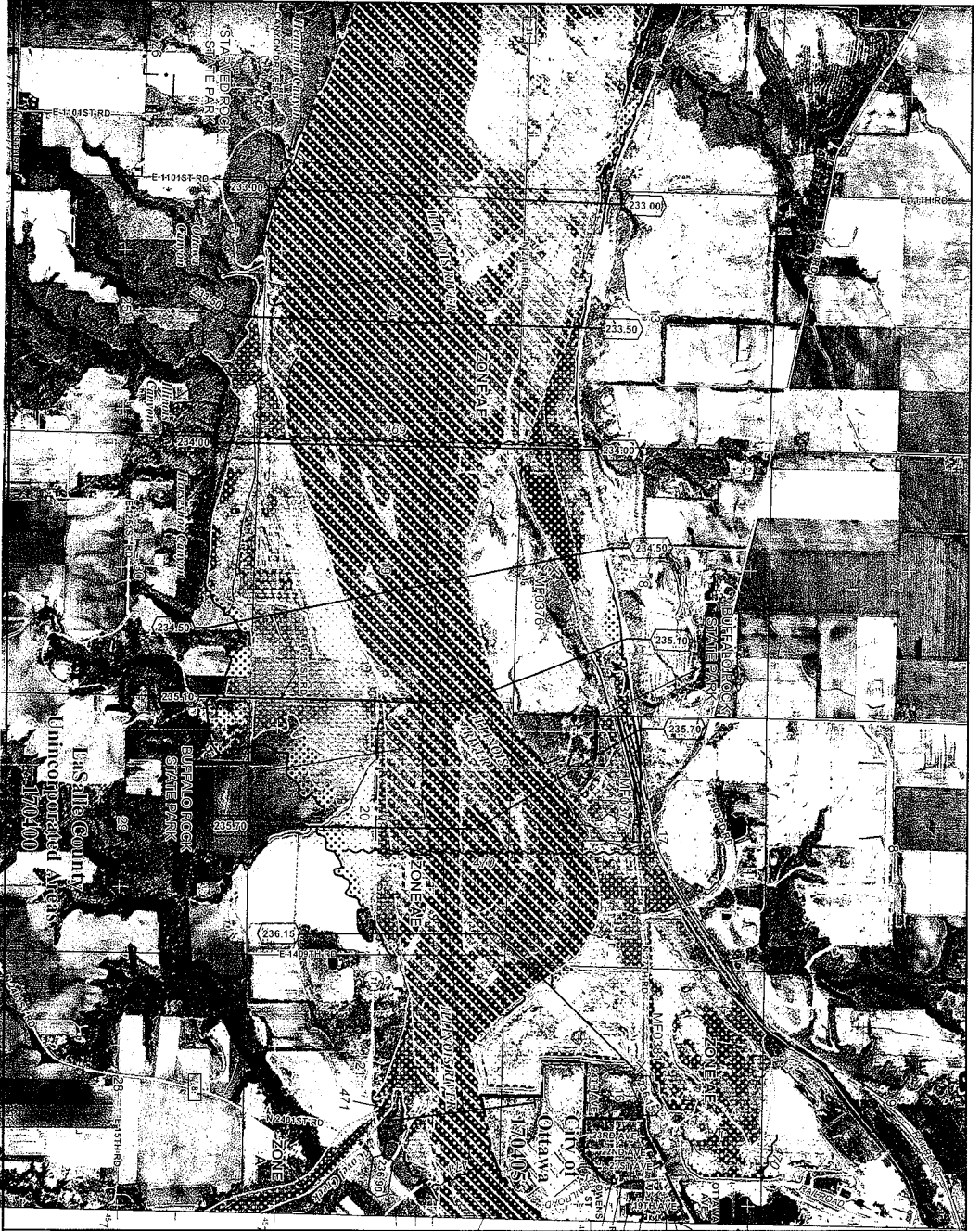
NORTHERN WHITE SAND LLC SPECIAL USE APPLICATION

LIST OF ADJOINING PROPERTY OWNERS

| <u>NAME</u> | <u>ADDRESS</u> |
|-------------------------------------|---|
| County of La Salle | 707 Etna Road, Ottawa, IL 61350 |
| Illinois Dept. of Natural Resources | One Natural Resource Way, Springfield, IL 62702-1271 |
| Terry A. Muntz, Michelle R. Muntz | 1375 E. 16 th Street, Streator, IL 61364 |

ATTACHMENT 4
FLOOD PLAIN MAP

NORTHERN WHITE SAND
 RIVERSTONE PROPERTY
 FLOOD INSURANCE RATE MAP



ATTACHMENT 5
DEED FROM RIVERSTONE TO
NORTHERN WHITE SAND

8096911
Tx:4042726
2015-20668
THOMAS E. LYONS
LASALLE COUNTY RECORDER
OTTAWA, IL
RECORDED ON
11/02/2015 2:24 PM
REC FEE: 37.50
RHSP FEE: 9.00
REVENUE FEE: 1200.00
PAGES: 3
PLAT ACT: 1

CORPORATE WARRANTY DEED

THIS INDENTURE WITNESSETH,
That the **Grantor**

RiverStone Group, Inc., (formerly known
as Moline Consumers Company),

a corporation duly organized and existing
under and by virtue of the laws of the State of
Illinois and duly authorized to transact business
in the State where the following described real estate is located, for and in consideration of the
sum of One Dollar and other good and valuable consideration, the receipt of which is hereby
acknowledged, and pursuant to authority given by the Board of Directors of said corporation,
CONVEYS and WARRANTS to:

Form is a Copy p. 4

NORTHERN WHITE SAND LLC, a Delaware Limited Liability Company

whose address is: 1053 North 2803rd Road, Utica, IL 61373

the following described real estate, to-wit:

See attached Exhibit "A" for legal description

situated in the County of LaSalle and the State of Illinois.

IN WITNESS WHEREOF, said Grantor has caused its corporate seal to be hereto affixed,
and has caused its name to be signed to these presents by its President, and attested by its Secretary,
this 20th day of October, 2015.

RiverStone Group, Inc., an Illinois corporation,

By: Charles C. Ellis
Charles C. Ellis, President

ATTEST: Gregory C. Eckman
Gregory C. Eckman, Secretary

413

Subject to the general taxes for the year 2014 and subsequent years, and also subject to all easements, restrictions and covenants of record.

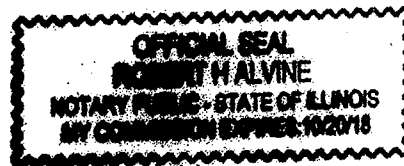
State of Illinois)
) ss:
Rock Island County)

I, the undersigned, a Notary Public, in and for said County and State aforesaid, do hereby certify that Charles C. Ellis, personally known to me to be the President of the Corporation who is the Grantor, and Gregory C. Eckman, personally known to me to be the Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such President and Secretary they signed and delivered the said instrument as President and Secretary of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority given by the Board of Directors of said corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 20th day of October, 2015.

Robert H. Alvine

Notary Public



Permanent Index No.: 21-17-303-000

Future Taxes to:

Northern White Sand LLC
c/o Eugene Hodges
1053 North 2803rd Road
Utica, IL 61373

Return this document to:

Mr. John S. Duncan
654 First Street, P. O. Box 539
LaSalle, IL 61301

This instrument was prepared by:

Robert H. Alvine
Alvine & Alvine, Attorneys at Law
501 - 15th Street, Suite #503
Moline, Illinois 61265

HP

| | | | |
|--------------|-------------------|-------------|-----------------------------|
| STATE TAX | STATE OF ILLINOIS | # 000008095 | REAL ESTATE TRANSFER TAX |
| | NOV. -2.15 | | 01200.00 |
| | LA SALLE COUNTY | | FP326676 |

LEGAL DESCRIPTION

Order No.: 5615-1500413

For APN/Parcel ID(s): 21-17-303-000

Part of the Southwest Quarter of Section 17, Township 33 North, Range 3 East of the Third Principal Meridian, described as follows:

Commencing at the Northeast Corner of the Southwest Quarter of said Section 17; thence on an assumed bearing of South 00 degrees 33 minutes 09 seconds West on the East Line of said Southwest Quarter 67.89 feet to the Point of Beginning; thence continuing South 00 degrees 33 minutes 09 seconds West on said East Line 54.91 feet; thence North 89 degrees 26 minutes 50 seconds West 375.00 feet; thence South 00 degrees 33 minutes 09 seconds West, parallel with said East Line 24.77 feet; thence North 83 degrees 32 minutes 21 seconds West 123.79 feet; thence South 86 degrees 26 minutes 39 seconds West 322.00 feet; thence South 01 degrees 11 minutes 39 seconds West 885.00 feet to the North Line of a U.S. Government overflow easement line; thence on said easement line the following fourteen (14) courses and distances: 1) South 51 degrees 39 minutes 21 seconds East 46.00 feet; 2) thence North 53 degrees 43 minutes 39 seconds East 250.90 feet; 3) thence North 60 degrees 10 minutes 39 seconds East 180.30 feet; 4) thence North 44 degrees 36 minutes 21 seconds West 166.40 feet; 5) thence North 05 degrees 37 minutes 39 seconds East 81.40 feet; 6) thence North 37 degrees 33 minutes 39 seconds East 141.60 feet; 7) thence North 85 degrees 06 minutes 39 seconds East 79.10 feet; 8) thence North 82 degrees 10 minutes 39 seconds East 60.10 feet; 9) thence North 52 degrees 50 minutes 39 seconds East 102.80 feet; 10) thence North 01 degrees 11 minutes 39 seconds East 76.30 feet; 11) thence North 56 degrees 20 minutes 39 seconds East 75.40 feet; 12) thence North 83 degrees 19 minutes 39 seconds East 85.00 feet; 13) thence North 28 degrees 38 minutes 39 seconds East 84.20 feet; 14) thence North 01 degrees 11 minutes 39 seconds East 82.40 feet; thence South 89 degrees 26 minutes 51 seconds East, 54.39 feet to the East Line of said Southwest Quarter; thence South 00 degrees 33 minutes 09 seconds West on said East Line 1,112 feet more or less to the edge of water as shown on a plat by the U.S. Army Corps of Engineers, dated April 1932; thence Southwesterly on said edge of water to the Easterly Line of a tract of land conveyed by Warranty Deed to R.T. Crane, Jr. in Book 511, Page 553 in the LaSalle County Recorder's Office; thence North 40 degrees 43 minutes 44 seconds East on said Easterly Line 204 feet more or less to the Southeasterly Line of a tract of land conveyed by Quit Claim Deed to the State of Illinois in Book 707, Page 67 in the LaSalle County Recorder's Office; thence North 50 degrees 50 minutes 44 seconds East on said Southeasterly Line 207.52 feet; thence North 24 degrees 15 minutes 44 seconds East 173.76 feet; thence North 17 degrees 50 minutes 16 seconds West 103.32 feet; thence South 71 degrees 22 minutes 44 seconds West 24.38 feet; thence North 08 degrees 28 minutes 16 seconds West 15.26 feet; thence North 30 degrees 56 minutes 16 seconds West 99.60 feet; thence North 48 degrees 28 minutes 16 seconds West 20.00 feet; thence North 61 degrees 53 minutes 16 seconds West 129.30 feet; thence North 64 degrees 16 minutes 16 seconds West 100.00 feet; thence North 81 degrees 32 minutes 16 seconds West 280.00 feet; thence North 79 degrees 26 minutes 16 seconds West 311.00 feet; thence North 89 degrees 18 minutes 16 seconds West 360.00 feet; thence South 88 degrees 03 minutes 44 seconds West 390.00 feet; thence North 00 degrees 08 minutes 04 seconds West 292.00 feet; thence South 72 degrees 08 minutes 43 seconds West 31.49 feet to the West Line of said Southwest Quarter; thence North 00 degrees 08 minutes 04 seconds West on said West Line 31.75 feet to the South Line of the Illinois and Michigan Canal Reserve; thence North 74 degrees 08 minutes 26 seconds East on said South Line 1,704.68 feet; thence South 87 degrees 07 minutes 27 seconds East 64.84 feet; thence North 85 degrees 42 minutes 43 seconds East 447.50 feet; thence North 04 degrees 17 minutes 17 seconds West 50.00 feet; thence North 85 degrees 42 minutes 43 seconds East 2.88 feet; thence North 10 degrees 04 minutes 25 seconds West 62.50 feet; thence North 89 degrees 17 minutes 34 seconds East 26.74 feet; thence South 15 degrees 27 minutes 39 seconds East 35.00 feet; thence North 87 degrees 07 minutes 06 seconds East 43.00 feet; thence South 02 degrees 52 minutes 54 seconds East 50.00 feet; thence North 87 degrees 07 minutes 06 seconds East 377.00 feet to the Point of Beginning, containing 41.398 acres more or less, in LaSalle County, Illinois

TO BE FILED WITH THE LASALLE COUNTY RECORDER OF DEEDS
AFFIDAVIT FOR PURPOSE OF ILLINOIS PLAT ACT REQUIREMENTS
THIS IS A LEGAL DOCUMENT - PLEASE CONSULT YOUR ATTORNEY
(Zoning & Subdivision Ordinances May Also Apply)

PARCEL NUMBER: 21-17-303-000

See attached legal description

I Robert H. Alvine Grantor, Grantor's Attorney or Grantor's Authorized Representative in a deed transferring interest in the real estate described in the accompanying deed, being duly sworn on oath, state this transfer IS EXEMPT FROM THE ILLINOIS PLAT ACT (765 ILCS 205) BECAUSE OF THE FOLLOWING:

1. NOT A DIVISION OF LAND - PARCEL BOUNDARIES REMAIN UNCHANGED (The Recorder will proceed with recording the deed. Please sign and have notarized)
2. A DIVISION OF LAND THAT MEETS ONE OF THE FOLLOWING EXCEPTIONS (If marking this box, also select the applicable subsection A - J below and sign and have notarized.)
- A. The divisions or subdivision of land into parcels or tracts of 5 acres or more in size which does not involve any new streets or easements of access.
 - B. The division of lots or blocks of less than 1 acre in any recorded subdivision which does not involve any new streets or easements of access.
 - C. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
 - D. The conveyance of parcels of land or interest therein for use as a right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access.
 - E. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
 - F. Conveyances made to correct descriptions in prior conveyances.
 - G. The sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
 - H. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.
 - I. The preparation of a plat for wind energy devised under section 10-620 of the Property Tax Code.
 - J. Division meets criteria for agricultural exemption

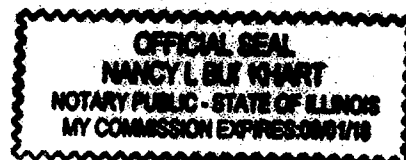
I swear to the best of my knowledge that the statements contained herein are true and correct. Grantor/Grantor's Attorney further states that this affidavit for the purpose of indicating to THE RECORDER OF DEEDS OF LASALLE COUNTY, ILLINOIS, that the conveyance by the attached instrument is within, and in compliance with, the provisions of the Illinois Plat Act.

Printed Name: Robert H. Alvine Signature: Robert H. Alvine Date: October 20, 2015.

Subscribed and sworn to before me this 20th day of October, 2015

Nancy L. Burkhardt
Notary Public

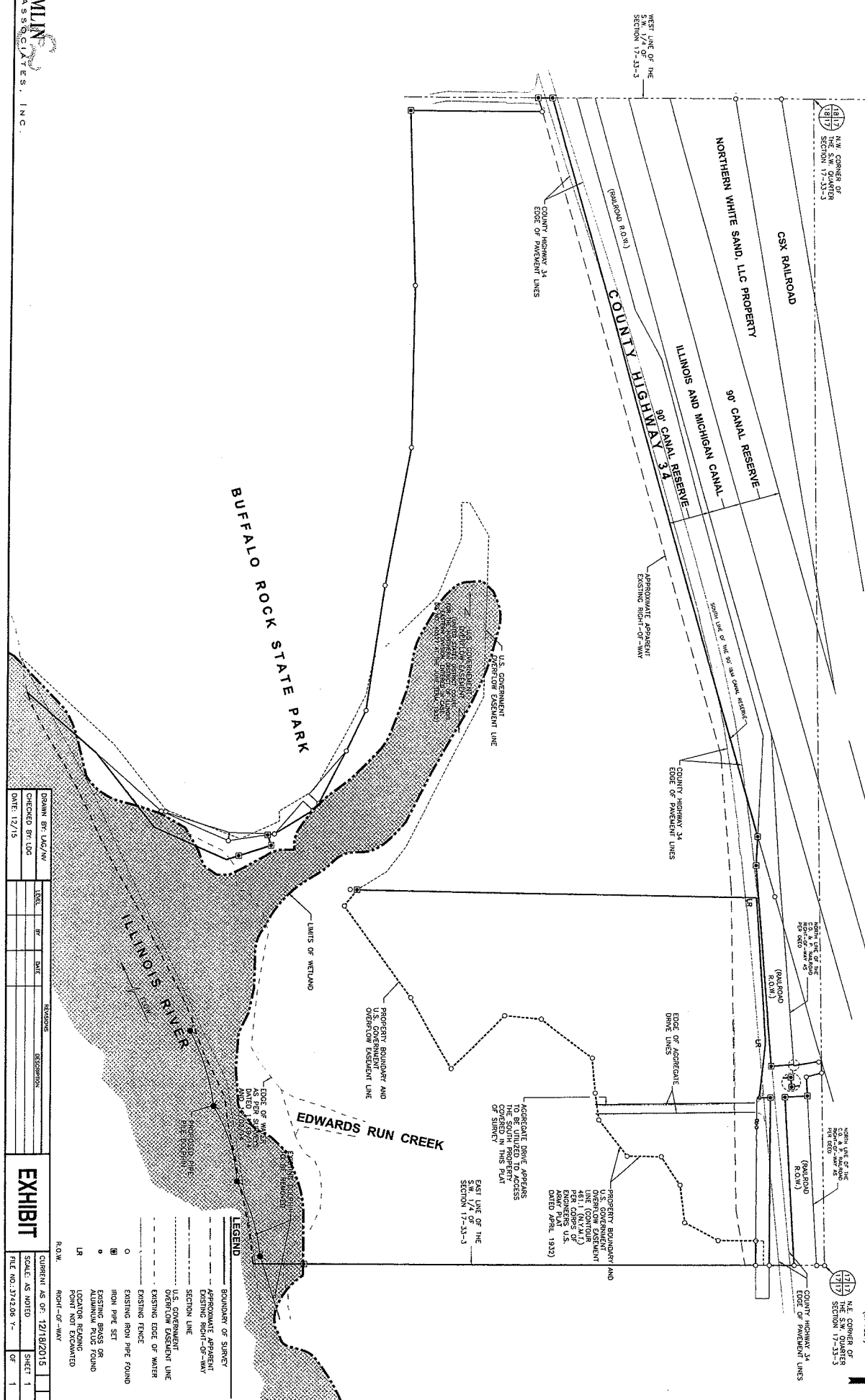
Approval for State Plat Act, County Subdivision and Zoning Code Purposes:



ATTACHMENT 6
WETLAND DELINEATION

CHAMLIN & ASSOCIATES, INC.

NORTHERN WHITE SAND RIVERSTONE PROPERTY WETLAND DELINEATION



| | | |
|---------------------------|-----------------|------------|
| DRAWN BY: LAC/WH | DATE: 12/15 | REVISIONS: |
| CHECKED BY: LDC | DATE: | REVISIONS: |
| DATE: 12/15 | DATE: | REVISIONS: |
| EXHIBIT | | |
| CURRENT AS OF: 12/18/2015 | SCALE: AS NOTED | SHEET: 1 |
| FILE NO.: 372206 7- | OF: 1 | |

ATTACHMENT 7

ECO-CAT

Applicant: Northern White Sand LLC
Contact: Larry Good
Address: 1053 N 2803rd Road
N Utica, IL 61373

IDNR Project Number: 1605702
Date: 12/18/2015

Project: NWS-Riverstone Property
Address: 1364 N 27th Road, Ottawa

Description: To provide access to the Illinois River for the purpose of maintaining and operating Barge Dolphins in the River.

Natural Resource Review Results

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

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Banded Killifish (*Fundulus diaphanus*)
Gray Bat (*Myotis grisescens*)
Indiana Bat (*Myotis sodalis*)
Northern Long-Eared Myotis (*Myotis septentrionalis*)

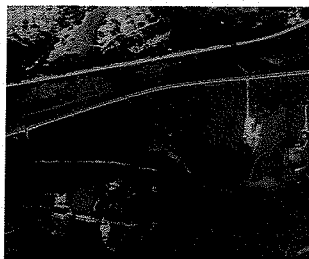
An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

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

County: LaSalle

Township, Range, Section:
33N, 3E, 17



IL Department of Natural Resources
Contact
Keith Shank
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
LaSalle County
Michael Harsted
119 West Madison Street
LaSalle County Environmental Services and
Land Use
Ottawa, Illinois 61350

Disclaimer

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

Terms of Use

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

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

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

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

Security

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

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

Privacy

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



| | |
|-----------------------|-----------------------------|
| EcoCAT Receipt | Project Code 1605702 |
|-----------------------|-----------------------------|

| | |
|------------------|-------------|
| APPLICANT | DATE |
|------------------|-------------|

| | |
|---|------------|
| Northern White Sand LLC Christine Donahue 3017 5th St Peru, IL 61354 | 12/18/2015 |
|---|------------|

| DESCRIPTION | FEE | CONVENIENCE FEE | TOTAL PAID |
|--------------------|------------|------------------------|-------------------|
|--------------------|------------|------------------------|-------------------|

| | | | |
|---------------------|-----------|----------|-----------|
| EcoCAT Consultation | \$ 500.00 | \$ 11.75 | \$ 511.75 |
|---------------------|-----------|----------|-----------|

| | |
|-------------------|------------------|
| TOTAL PAID | \$ 511.75 |
|-------------------|------------------|

Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62702
217-785-5500
dnr.ecocat@illinois.gov



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
www.dnr.illinois.gov

Bruce Rauner, Governor
Wayne A. Rosenthal, Director

February 5, 2016

Mr. Michael E. Harsted, Director
LaSalle County Environmental Services and Land Use
119 West Madison Street – Room 107
Ottawa, IL 61350

**RE: Northern White Sand Riverstone Property, LaSalle County
Endangered Species Consultation
EcoCAT Review #1605702**

Dear Mr. Harsted:

The Department has reviewed a submission from Chamlin & Associates regarding development of this parcel for the purposes of the purposes of consultation pursuant to the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The parcel borders the Illinois River west of Naplate and is crossed by a small creek which enters the River there. The River itself does not contain habitat at this point for the State-listed threatened **Banded Killifish**, *Fundulus diaphanus*, but the small creek does. The parcel is also located within ten miles of a Priority 2 hibernaculum for the federally-listed and state-listed endangered **Indiana Bat**, *Myotis sodalis*, and the federally-listed and state-listed threatened **Northern Long-Eared Bat**, *Myotis septentrionalis*. The same site is a Priority 4 hibernaculum for the federally-listed and state-listed endangered **Gray Bat**, *Myotis grisescens*.

Any in-stream work in the small tributary is likely to adversely modify essential habitat for the Banded Killifish, and may result in prohibited incidental taking of this species.

The proposed action will require the clearing of trees and brush on the riverbank to provide access for heavy equipment needed to construct “deadman” anchors for the planned barge loading facility. Because the Gray Bat roost only in caves and mines, the project is unlikely to

adversely affect the Gray Bat or result in prohibited incidental taking. However, both the Indiana Bat and the Northern Long-Eared Bat establish maternity colonies and day roosts in appropriate trees, so that tree removal during their active seasons may result in prohibited incidental taking.

The Department offers the following recommendations:

Recommendation #1: The Department recommends that County consider a condition prohibiting in-stream work in the small creek which transits the parcel. If in-stream construction work is necessary, the applicant should consider seeking an Incidental Take Authorization (ITA) from the Department of Natural Resources, pursuant to 520 ILCS 10/5.5 and Title 17 Illinois Administrative Code Part 1080.

Recommendation #2: The Department recommends a condition which requires any tree removal to be performed only during the period between November 15 and April 1. Because the parcel lies within ten miles of a Priority 2 hibernaculum, these dates are more restrictive than those typically recommended; bats remain active several weeks later in the year near a hibernaculum. Should it be necessary to remove trees between April 1 and November 15, such activity should be preceded by a survey to identify potential roost trees and to determine whether they are in use by these species.

Because these bats are also federally-listed, they may not be taken without authorization *from both* the Department of Natural Resources (ITA) and the U. S. Fish & Wildlife Service (which requires both a Habitat Conservation Plan/Incidental Take Permit and NEPA Environmental Assessment.) The costs in time and effort to obtain such authorizations render removal during the recommended tree removal period the preferable option.

Consultation on the part of the Department is closed, unless LaSalle County desires additional information or advice related to this proposal. In accordance with 17 Ill. Adm. Code 1075.40(h), the County should notify the Department of its decision regarding this recommendation, whether it will:

- Proceed with the action as originally proposed;
- Require the action to be modified per Department recommendations (please specify which measures if not all will be required); or
- Forgo the action.

This consultation is valid for two years unless new information becomes available which was not previously considered; or the proposed action is modified; or additional species, essential habitats, or Natural Areas are identified in the vicinity. If the project has not been implemented

within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

If additional protected resources are encountered during the project's implementation, the applicant must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action. Please contact me if you have questions regarding this review.

Sincerely,



Keith M. Shank
Impact Assessment Section
Department of Natural Resources
(217)785-4984
keith.shank@illinois.gov

cc: Adam Ossola, Chamlin & Associates

ATTACHMENT 8
LIST OF OFFICERS AND
DIRECTORS

NORTHERN WHITE SAND LLC

Managers: Rowley, Steven R.
Haack, Michael

Officers:

| Name | Title |
|-----------------------|---|
| Cribbs, Eric M. | President |
| Haack, Michael | Executive Vice President |
| Kesler, D. Craig | Senior Vice President and Treasurer |
| Devlin, William R. | Vice President |
| Kynaston, Robert | Vice President - Finance |
| Meyer, Mike | Executive Vice President - Cement/Aggregates and Concrete |
| Hodges, Eugene | Vice President - Operations |
| Gannaway, Kerry G. | Vice President - Operations |
| Green, Franklin D. | Vice President - Engineering |
| Smith, Patrick C. | Vice President - Tax & Risk Management |
| Randolph, Patricia I. | Assistant Treasurer |
| Graass, James H. | Secretary |
| Shook, Kevin R. | Assistant Secretary |

EAGLE MATERIALS INC.

Directors: Barnett, F. William
Beckwitt, Richard
Bowman, Ed H.
Clarke, Robert L.
Ellen, Martin M.
Hirsch, Laurence E.
Nicolais, Michael R.
Quinn, David W.
Rowley, Steven R.
Stewart, Richard R.

Officers:

| Name | Title |
|-----------------------|---|
| Rowley, Steven R. | President and Chief Executive Officer |
| Graass, James H. | Executive Vice President, General Counsel and Secretary |
| Kesler, D. Craig | Executive Vice President - Finance and Administration and Chief Financial Officer |
| Stewart, Robert S. | Executive Vice President, Strategy, Corporate Development and Communications |
| Haack, Michael | Executive Vice President and Chief Operating Officer |
| Essl, Gerald J. | Executive Vice President - Cement/Aggregates and Concrete |
| Desai, Rahul | Vice President - Cement |
| Powers, David B. | Executive Vice President - Gypsum |
| Devlin, William R. | Senior Vice President, Controller and Chief Accounting Officer |
| Wentzel, Steven | Vice President - Gypsum Manufacturing |
| Metcalf, Keith W. | Vice President - Gypsum Sales |
| Green, Franklin D. | Vice President - Engineering |
| Smith, Patrick C. | Vice President - Tax & Risk Management |
| Randolph, Patricia I. | Assistant Treasurer |
| Wilson, Scott M. | Associate General Counsel and Assistant Secretary |
| Newby, Matthew | Associate General Counsel and Assistant Secretary |
| Shook, Kevin R. | Assistant Secretary |