

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
JANUARY 15, 2008 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Planned Development Amendment, Final Plat of Subdivision, Special Uses for a drive-through and outdoor café	<ul style="list-style-type: none"> ✓ Resolution ✓ Ordinances Motion Discussion Only 	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance for an Amendment to Final Planned Development #8, Meadowbrook Phase II Business and Residential Planned Development, a resolution for the Final Plat of Subdivision for the creation of an outlot and an ordinance for a Special Use for a drive-through use and an outdoor café have been prepared. Approval of these documents would permit the construction of a Dunkin Donuts with a drive-through and an outdoor café on the property located on the south side of 63rd Street west of Woodward Avenue.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan and Goals for 2006-2011 identified *Vibrant Major Commercial Corridors*. Supporting this goal are the objectives *More Attractive Commercial Developments* and *More Contribution to Local Economy*. Staff feels that the proposed Planned Development does not meet the goals and objectives of the Strategic Plan. See the Background section for further information.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the January 8, 2008 Workshop. Staff recommends Denial on the January 15, 2008 active agenda. Staff feels that the proposed Planned Development Amendment does not meet the standards for a Planned Development in Sections 28.1607 a (4), b (1) and b (6) of the Zoning Ordinance. See the Background section for further information.

BACKGROUND

The Meadowbrook Shopping Center is located at the southwest corner of 63rd Street and Woodward Avenue. The Planned Development shopping center is zoned B-2 General Retail Business and is made up of six separate lots totaling 19.9 acres. The petitioner is proposing to subdivide the property and create a 28,758 square foot parcel. This lot would be carved out of the 10.54 acre (459,035 square feet) Lot 3 in the Meadowbrook Shopping Center to construct a Dunkin’ Donuts restaurant. The Dunkin’ Donuts restaurant would have a drive-through and an outdoor café, both of which are considered Special Uses in the B-2 General Retail Business zoning district.

Staff has been working with representatives from Dunkin’ Donuts and the property owner on this proposed development since the fall of 2007 and has consistently indicated our concerns about the proposed development. Staff continues to recommend to the owner and to Dunkin’ Donuts that the site be redeveloped on a comprehensive manner. Staff feels that the proposed Planned Development Amendment does not meet the standards for a Planned Development in Sections 28.1607 a (4), b (1) and b (6) of the Zoning Ordinance as noted below.

28.1607 Standards for Approval of Planned Developments

(a) The Plan Commission may recommend a planned development designation, plan or amendment based upon the following findings:

(4) Conformity with the planning objectives of the Village.

(b) The Village Council may authorize a planned development designation, plan or amendment with findings such as, but not limited to, the following:

(1) That the planned development at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.

(6) That the nature, location, and size of the structures involved with the establishment of the planned development will not impede, substantially hinder, or discourage the development and use of adjacent land and structures in accord with the zoning district in which it is located.

Staff feels that the proposed development of an outlot and construction of a drive-through restaurant does not conform with the planning objectives of the Village (standard a (4)). Specifically, the proposal does not comply with the Village's Strategic Plan. The Strategic Plan establishes a 2012 goal to create vibrant major commercial corridors with upgraded existing and aged commercial buildings as an objective. The 63rd Street corridor and the subject parcel were specifically identified and discussed during the Strategic Planning sessions. To create a vibrant 63rd Street corridor, staff believes the Meadowbrook Shopping Center should undergo a comprehensive redevelopment that focuses on updating or replacing the aging facilities, attracting new businesses to Downers Grove, and creating a retail destination. The redevelopment of the shopping center should be planned and constructed in a comprehensive manner. The creation of an additional outlot may hinder the ability to undertake a comprehensive redevelopment of this 19.9 acre property consisting of six parcels under common ownership. The existing Meadowbrook Shopping Center is in a general state of disrepair and is in need of significant upgrades and improvements to become a contributing property in the 63rd Street corridor. The property owner has agreed to work with the Village to develop a comprehensive improvement plan for the center. The comprehensive redevelopment plan should be prepared prior to considering subdividing the property and constructing a new Dunkin' Donuts. Staff recommends that the subject site be consolidated into one parcel to facilitate the redevelopment of the shopping center to efficiently and effectively accomplish the Strategic Plan's goals and objectives.

Staff feels that the proposed development will not contribute to the general welfare of the neighborhood or community (standard b (1)). Creating a new commercial space that may hinder the ability to comprehensively redevelopment the entire shopping does not contribute to the general welfare of the Village. The general welfare of the neighborhood and community would be better served with the comprehensive redevelopment of the subject property. A comprehensive redevelopment would likely improve the economic performance of the site and the physical appearance of the site.

As discussed above, staff feels that the proposed development will substantially hinder and discourage the development and use of the adjacent land and structures (standard b (6)).

The property owner agreed to collaborate in updating the center to make the 63rd Street corridor a vibrant commercial corridor. If this is a priority to the property owner, he should not be pursuing the subdivision of this large parcel for a Dunkin' Donuts. It is not in the best interest of the Village to approve a Planned Development Amendment that further subdivides the property. The subdivision will make future redevelopment harder by creating more, smaller parcels which do not meet the needs of a large retailers and developers.

As shown in the table below, the proposal complies with the bulk requirements of the Zoning Ordinance.

Zoning Requirements	Required	Provided
North Setback	26.5'	74'
East Setback	N/A	53'
South Setback	N/A	39'
West Setback	N/A	74'
Building Height	60'	23' - 9"
Floor Area Ratio	0.75	0.06
Parking	17	28
Open Space (Total / Front Yard)	15% (4,314 sq. ft.)	41% (11,808 sq. ft.)

The Plan Commission considered the project at the December 3, 2007 meeting and recommended approval of the petition. The Plan Commission believed the proposal met the standards and that the Commission could not limit the property owner's ability to redevelop his property. The dissenting vote was based on concerns over the future ownership of the outlot, which was unknown at the time. Further discussions with the petitioner have determined that ownership of the outlot will remain with the current owner of the Meadowbrook Shopping Center. Staff does not concur with the Plan Commission recommendation and recommends the Village Council deny the requested Planned Development Amendment, Plat of Subdivision, and Special Uses.

RESOLUTION _____

**A RESOLUTION APPROVING THE FINAL PLAT OF RESUBDIVISION
FOR THE 63rd STREET DUNKIN DONUTS SUBDIVISION**

WHEREAS, application has been made pursuant to the provisions of Chapter 20 of the Downers Grove Municipal Code for Final Plat of Resubdivision for the 63rd Street Dunkin Donuts Subdivision, located on the southwest corner of Woodward Avenue and 63rd Street, Downers Grove, Illinois, legally described as follows:

Lot 3 in Meadowbrook Subdivision, being a subdivision of that part of the Northeast Quarter of Section 24, Township 38 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded February 1, 1973 as Document R73-05824 and Certificates of Correction recorded as Document R76-58800 and R76-58801, in DuPage County, Illinois.

Commonly known as Meadowbrook Shopping Center, Downers Grove, IL (PIN 08-24-202-005).

WHEREAS, notice has been given and hearing held on December 3, 2007 regarding this plat application pursuant to the requirements of the Downers Grove Municipal Code; and,

WHEREAS, the Plan Commission has recommended approval of the Final Plat of Resubdivision for 63rd Street Dunkin Donuts Subdivision as requested, subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that the Final Plat of Resubdivision for the 63rd Street Dunkin Donuts Subdivision, be and is hereby approved subject to the following conditions:

1. The Final Planned Development Amendment, Plat of Subdivision, and Special Uses (drive-through and outdoor café) shall substantially conform to the preliminary architecture plans prepared by Gleason Architects, P.C. dated May 21, 2007; the preliminary engineering plans prepared by Dave Johnson and Associates, Ltd. dated August 14, 2007; the preliminary landscape plans prepared by Heller & Associates, LLC dated August 22, 2007; the plat of easement and plat of resubdivision prepared by Dave Johnson and Associates, Ltd. dated August 20, 2007, except as such plans may be modified to conform to Village Codes and Ordinances.
2. The proposed building shall have an automatic sprinkler system installed throughout. All areas of the building shall be protected.
3. The proposed building shall have a manual and automatic detection system installed throughout. The detection systems shall be tied into the Downers Grove Alarm Board. All areas of each building shall be protected.
4. The kitchen shall have a complete hood and duct system.
5. Best management practices for stormwater shall be implemented on the site.
6. A stormwater easement shall be provided for all stormwater facilities located within the Meadowbrook Shopping Center.
7. Storm sewer calculations including hydraulic grade lines shall be submitted for the on-site storm sewer.
8. Overland flow paths shall be provided and shown on the grading plan for the 100-year storm event.

9. A photometric plan shall be submitted and approved prior to the issuance of any site development permits.
10. The existing Meadowbrook Shopping Center sign on Lot 3 shall be removed and relocated or the Plat of Subdivision shall be revised to show the existing monument sign being located on Lot 2 of the Meadowbrook Subdivision. If the plat is modified a new Plat of Subdivision for Lot 2 shall be prepared.
11. The proposed signage shall comply with the Sign Ordinance.
12. Prior to Village Council consideration, the petitioner shall provide one (1) paper copy and one (1) mylar copy of a Plat of Subdivision.
13. Prior to Village Council consideration, the petitioner shall provide one (1) paper copy and one (1) mylar copy of a Plat of Easement identifying the location of all public utility and drainage easements, including a five (5) foot easement along all east and west property lines and a ten (10) foot easement along the south property line.

BE IT FURTHER RESOLVED, that the Mayor and Village Clerk are authorized to sign the Final Plat of Resubdivision.

BE IT FURTHER RESOLVED, that this resolution shall be in full force and effect from and after its adoption in the manner provided by law.

Mayor

Passed:

Attest: _____
Village Clerk

FINAL PLAT OF RESUBDIVISION 63RD STREET DUNKIN DONUTS SUBDIVISION

A RESUBDIVISION OF PART OF LOT 3 IN MEADOWBROOK SUBDIVISION, SECTION 24, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN,
IN DUPAGE COUNTY, ILLINOIS



63rd Street

NUMBER	DISTANCE	DIRECTION
L1	54.35'	N 87°32'10" E
L2	57.53'	N 00°55'11" W
L3	12.25'	N 89°03'49" E
L4	10.00'	N 01°51'23" W
L5	2.19'	S 89°03'49" W
L6	57.37'	S 00°55'11" E
L7	10.00'	N 87°32'10" E
L8	14.25'	S 87°31'40" W
L9	47.85'	N 04°11'59" E
L10	10.00'	N 85°45'01" W
L11	14.25'	S 04°11'59" W
L12	10.07'	N 87°31'40" E

LOT 1
PROPOSED DUNKIN DONUTS SUBDIVISION

PUBLIC UTILITY AND DRAINAGE EASEMENT.
HEREBY DEDICATED

SANITARY SEWER
HEREBY DEDICATED

■ SET CONCRETE MONUMENT
48" DEEP W/IRON ROD AND DISK.
SET 5/8" X 24" IRON RODS
AT ALL OTHER CORNERS UNLESS
OTHERWISE NOTED

INGRESS-EGRESS PROVISIONS

A PERPETUAL NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT IS HEREBY ESTABLISHED OVER AND ACROSS THE PAVED AREAS OF LOT 1 FOR THE MUTUAL BENEFIT OF MEADOWBROOK SUBDIVISION

2556/R556-07-24-07 BASE.DWG

DJA CIVIL ENGINEERS & SURVEYORS
Dana Johnson and Associates, LLC
301 S. Oak Street
Moline, Illinois 61704
PH: 309.755.8000 FAX: 309.755.9008
WWW: DJA@DANJON.COM

FINAL PLAT OF RESUBDIVISION
63RD STREET DUNKIN DONUTS SUBDIVISION
DOWNERS GROVE, ILLINOIS

Scale:	1"=50'
DATE:	08-25-07
JOB NO:	2556
SHEET:	1 of 2

FINAL PLAT OF RESUBDIVISION
63RD STREET DUNKIN DONUTS SUBDIVISION

Preferred Real Estate, LLC, on behalf of partnership hereby certifies that

A RESUBDIVISION OF PART OF LOT 3 IN MEADOWBROOK SUBDIVISION, SECTION 24, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN,
IN DUPAGE COUNTY, ILLINOIS

OWNERS CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS IS TO CERTIFY THAT PREFERRED REAL ESTATE, AN ILLINOIS LIMITED PARTNERSHIP, IS THE OWNER OF THE ABOVE DESCRIBED PROPERTY AND HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HEREON DRAWN.

THIS _____ DAY OF _____ 20____

BY: _____

CERTIFICATE OF COUNTY RECORDER
STATE OF ILLINOIS)
COUNTY OF DUPAGE)

THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE _____ DAY OF _____ A.D. 20____ AT _____ O'CLOCK _____ M. AS DOCUMENT NUMBER _____

BY: RECORDER OF DEEDS

Sealed, Certified

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS IS TO CERTIFY THAT I, Warren L. Johnson, Illinois Land Surveyor Number 2077, have surveyed and subdivided the above described property as shown by this plat, which is a correct representation of said survey and subdivision, of dimensions are as feet or decimals thereof. Part of Lot 3 in Meadowbrook Subdivision, being a subdivision of the part of the Northeast quarter of Section 24, Township 38N, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded February 1, 1973 as document R73-05874 and certificates of correction recorded as documents R76-58309 and R76-58801. Described as follows: beginning at the Northeast corner of Lot 3 three South on the East line of said lot 3 having a bearing of South 2 degrees 21 minutes 59 seconds East for a distance of 148.38 feet; thence South 87 degrees 21 minutes 40 seconds West for a distance of 123.72 feet; thence South 1 degree 35 minutes 16 seconds East for a distance of 91.18 feet; thence South 87 degrees 22 minutes 10 seconds West for a distance of 67.73 feet; thence North 1 degree 35 minutes 16 seconds West for a distance of 158.33 feet; thence East along the North line of said lot 3 having a bearing of North 87 degrees 45 minutes 9 seconds East for a distance of 189.62 to the point of beginning in Dupage County, Illinois.

I FURTHER CERTIFY THAT THIS LAND IS WITHIN THE CORPORATE LIMITS OF A MUNICIPALITY WHICH HAS AUTHORIZED A COMPREHENSIVE PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY SECTION 13 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE, AS NOW OR HEREAFTER AMENDED, AND THAT NO PART OF THE PROPERTY COVERED BY THIS PLAT OF RESUBDIVISION IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), MAP PANEL NUMBER 17018720294A, SHOWING AN EFFECTIVE DATE OF JULY 1, 2004.

GIVEN UNDER MY HAND AND SEAL THIS 5TH DAY OF OCTOBER, 2007.

BY: _____ DATE: _____ 2007.

LICENSE RENEWAL/DATE OF EXPIRATION: 11-30-2008



WARREN L. JOHNSON
ILLINOIS REGISTERED LAND SURVEYOR #30-2971

DRAWN BY CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

PROFESSIONAL ENGINEER IN ILLINOIS AND _____ A REGISTERED _____ THE OWNER OF THE

LAND DESCRIBED HEREON OR HIS DULY AUTHORIZED ATTORNEY, DO HEREBY STATE THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, REASONABLE PROVISION HAS BEEN MADE FOR THE COLLECTION AND DIVISION OF SUCH SURFACE WATERS AND PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVISION HAS A RIGHT TO USE AND THAT SUCH SURFACE WATERS WILL BE DIVIDED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO AVOID THE UNLAWFUL DAMAGE TO THE ADJACENT PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION. FURTHER, AS ENGINEER, I HEREBY CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS SUBDIVISION OR ANY PART THEREOF IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

DATED THIS _____ DAY OF _____ 20____

BY: ENGINEER BY: OWNER OR ATTORNEY

PLAN COMMISSION CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE, THIS _____ DAY OF _____ 20____

BY: CHAIRMAN

DOWNERS GROVE SANITARY DISTRICT CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, COLLECTOR OF THE DOWNERS GROVE SANITARY DISTRICT, DO HEREBY CERTIFY THAT THERE ARE NO OBLIGATIONS OR UNPAID CURRENT OR DEFERRED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPROPRIATED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT.

THIS _____ DAY OF _____ 20____

BY: COLLECTOR

VILLAGE COLLECTOR'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____ COLLECTOR FOR THE VILLAGE OF DOWNERS GROVE, DO HEREBY CERTIFY THAT THERE ARE NO OBLIGATIONS OR UNPAID CURRENT OR DEFERRED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPROPRIATED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT.

THIS _____ DAY OF _____ 20____

BY: COLLECTOR

VILLAGE COUNCIL'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

APPROVED THIS _____ DAY OF _____ 20____ BY THE VILLAGE OF THE VILLAGE OF DOWNERS GROVE.

BY: MAYOR VILLAGE CLERK

COUNTY CLERK'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES AND NO PENDING TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THIS PLAT.

I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, THIS _____ DAY OF _____ 20____

BY: COUNTY CLERK

EASEMENT PROVISIONS

An easement for serving the subdivision and other property with electric and communications service is hereby reserved for and granted to

Commonwealth Edison Company

and SBC-Amaritech Illinois and Illinois Bell Telephone Company. Grantees and their successors and assigns jointly and severally, to construct, operate, repair, maintain, modify, reconstruct, replace, supplement, relocate and remove, from time to time, poles, guys, anchors, wires, cables, conduits, raceways, transformers, pedestals, equipment cabinets or other facilities used in connection with overhead and underground transmission and distribution of electricity, communications, sounds and signals by over, under, across, along and upon the surface of the property shown within the dashed or dotted lines (or similar designation) on the plat and easement, "Utility Easement", "Public Utility Easement", "P.U.E." (or similar designation), the property designated on the Declaration of Condominium and/or on this plat as "Common Elements" and the property designated on the plat as "Donor area or areas", and the property designated on the plat for streets and alleys, whether public or private, together with the rights to install required service connections over or under the surface of each lot and common area or areas to serve improvements thereon, or on adjacent lots, and common area or areas, the right to cut, trim or remove trees, bushes, roots and saplings, and to clear obstructions from the surface and subsurface as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. Obstructions shall not be placed over Grantees' facilities or in, upon or over the property within the dashed or dotted lines (or similar designation) marked "Easement", "Utility Easement", "Public Utility Easement", "P.U.E." (or similar designation) without the prior written consent of Grantees. After installation of any such facilities, the grade of subdivided property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

The term "Common Elements" shall have the meaning set forth for such term in the "Condominium Property Act", Chapter 765 ILCS 605/2, as amended from time to time. The term "common area or areas" is defined as a lot, parcel or area of real property, the beneficial use and enjoyment of which is reserved in whole or as appurtenance to the separately owned lots, parcels or areas within the planned development, even though such be otherwise designated on the plat by terms such as, "outlets", "Common Elements", "open space", "open area", "common grounds", "parking" and "common area". The terms "common area or areas" and "Common Elements" include real property surfaced with interior driveways and walkways, but excludes real property physically occupied by a building, Service Business District or structures such as a pool or retention pond, or mechanical equipment. Relocation of facilities all be done by Grantees at cost of Grantor/Lot Owner, upon written request.

An easement is hereby reserved for and granted to NORTHERN ILLINOIS GAS COMPANY, its successors and assigns ("NIGCO") to install, operate, maintain, repair, replace and remove, facilities used in connection with the transmission and distribution of natural gas by over, under, across, along and upon the surface of the property shown on this plat marked "Easement", "Common Area or Areas" and streets and alleys, whether public or private, and the property designated in the Declaration of Condominium and/or on this plat as "Common Elements," together with the right to install required service connections over or under the surface of each lot and Common Area or Areas to serve improvements thereon, or on adjacent lots, and Common Area or Areas, and to arrive other property, adjacent or otherwise, and the right to remove obstructions, including but not limited to, trees, bushes, roots and fences, as may be reasonably required incident to the rights herein given, and the right to enter upon the property for all such purposes. Obstructions shall not be placed over NIGCO facilities or in, upon or over the property identified on this plat for utility purposes without the prior written consent of NIGCO. After installation of any such facilities, the grade of the property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

The term "Common Area or Areas" is defined as a lot, parcel or area of real property, including real property surfaced with interior driveways and walkways, the beneficial use and enjoyment of which is reserved in whole or as appurtenance to the separately owned lots, parcels or areas within the property, even though such areas may be designated on this plat by other terms.

Public Utility and Drainage Easement Provisions

Easements are hereby reserved for and granted to the City of Downers Grove and their successors and assigns and to those public utility companies operating under franchises from the Village of Downers Grove including but not limited to Commonwealth Edison Company, Ameritech ILLCO, Inc. and their successors and assigns, over and through all the areas marked or shown as public utility and drainage easements, P.U.E. and the property designated on this plat as "Public Utility Easement" and "Public Utility Easement" and the property designated on the plat as "Common Elements" and "Common Area or Areas", together with the right, privilege and authority to construct, reconstruct, repair, inspect, maintain and operate necessary transmission and distribution systems, community systems including gas, water, sewer, storm, and drainage systems, and other utility systems, and to install, operate, maintain, repair, replace and remove, from time to time, poles, guys, anchors, wires, cables, conduits, raceways, transformers, pedestals, equipment cabinets or other facilities used in connection with overhead and underground transmission and distribution of electricity, communications, sounds and signals by over, under, across, along and upon the surface of the property shown within the dashed or dotted lines (or similar designation) on the plat and easement, "Utility Easement", "Public Utility Easement", "P.U.E." (or similar designation), the property designated on the Declaration of Condominium and/or on this plat as "Common Elements" and the property designated on the plat as "Donor area or areas", and the property designated on the plat for streets and alleys, whether public or private, together with the rights to install required service connections over or under the surface of each lot and common area or areas to serve improvements thereon, or on adjacent lots, and Common Area or Areas, and to arrive other property, adjacent or otherwise, and the right to remove obstructions, including but not limited to, trees, bushes, roots and fences, as may be reasonably required incident to the rights herein given, and the right to enter upon the property for all such purposes. Obstructions shall not be placed over NIGCO facilities or in, upon or over the property identified on this plat for utility purposes without the prior written consent of NIGCO. After installation of any such facilities, the grade of the property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

The right is also granted to cut down, trim or remove any trees, shrubs or other plants on the easements and easements with the exception of the stem or other utility facilities or drainage with said easements. No permanent buildings or structures shall be placed on said easements, but may be used for garages, driveways, landscaping, swimming pools, driveways, stairs and parking areas and other purposes and improvements that do not then or later interfere with the intended use of said areas as easements is used both for sewer and other utilities. The other utility easements shall be subject to the approval of the grantor or its designees, at its discretion, and shall be subject to the ordinances of the grantor. Duplicates shall be responsible for accuracy and pricing any

SCHOOL DISTRICT CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

The undersigned do hereby certify that, in compliance of the property described in the surveyor's certificate, and areas as Part of Lot 3 in Meadowbrook Subdivision, to the best of their knowledge, it occurs within the boundaries of the _____ Elementary School District in Dupage County, Illinois.
Dated at _____ Illinois this _____ day of _____ A.D. 20____
By _____

8556\8556-07-24-07 BASE.DWG

DJA CIVIL ENGINEER & ARCHITECTS
Dana Johnson and Associates, LLC
1400 North Lincoln Road
Westmont, Illinois 60178
Tel: 630-220-1100
Fax: 630-220-1101

FINAL PLAT OF RESUBDIVISION
63RD STREET DUNKIN DONUTS SUBDIVISION
DOWNERS GROVE, ILLINOIS

SCALE: N/A
DATE: 08-25-07
JOB NO: 2556
PLOT: 2 of 2