

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
OCTOBER 4, 2011 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Final Plat of Subdivision - 4524 Douglas Road	✓ Resolution Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A resolution for a Final Plat of Subdivision has been prepared to consolidate two existing lots into one lot for the property located at 4524 Douglas Road.

STRATEGIC PLAN ALIGNMENT

The Goals 2011-2018 identified *Exceptional Municipal Services*.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the October 4, 2011 consent agenda

BACKGROUND

The 14,224 square foot property, commonly known as 4524 Douglas Road is zoned R-4 Single Family Residential and consists of a 60-foot wide by 172-foot deep lot and a 22-foot wide by 172-foot deep lot. The petitioner is proposing to consolidate the two lots into one 82-foot wide by 172-foot deep lot.

A single-family house is currently located across the common property line with a deck and gazebo located on an adjacent lot to the south. The petitioner is proposing to maintain the existing single family house, demolish the deck and relocate the gazebo onto the new lot. In the future, the owners may wish to build a new single family residence on the property. A new home or large addition to the existing home could not be completed without consolidating the lots.

All required infrastructure, including sidewalks, currently exist and no new public improvements are required. The proposed lot will include five-foot wide utility easements along the side property lines and a ten-foot wide utility easement along the rear property line which meet the requirements for public utility easements. The proposed lot will meet all minimum lot dimension requirements for the R-4 Single Family Residence district contained in Sections 28.1103(d) and 28.1104(d) of the Zoning Ordinance. The petitioner is not requesting any exceptions from Sections 20.101 and 20.301 of the Subdivision Control Ordinance. The dimensions for the new lot are outlined in the table below:

4524 Douglas Road	Lot Width		Lot Depth		Lot Area	
	Required	Proposed	Required	Proposed	Required	Proposed
Lot 1	50 feet	82.49 feet (No change)	140 feet	172.43feet (No change)	7,500 sq. ft.	14,224 sq. ft.

The Plan Commission considered the petition at their September 12, 2011 meeting. No public comments were received at the hearing. The Commission found that the request met the standards of the Subdivision Ordinance. Based on their findings, the Plan Commission unanimously recommended approval of the Final Plat of Subdivision. Staff concurs.

ATTACHMENTS

Aerial Map

Resolution

Staff Report with attachments dated September 12, 2011

Minutes of the Plan Commission Hearing dated September 12, 2011

RESOLUTION _____

**A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION
FOR 4524 DOUGLAS ROAD**

WHEREAS, application has been made pursuant to the provisions of Chapter 20 of the Downers Grove Municipal Code for the approval of the Final Plat of Subdivision to consolidate two lots into one lot for the M&L Higgins Subdivision No. 1, located on the west side of Douglas Road at the intersection of Douglas Road and Otis Avenue, commonly known as 4524 Douglas Road, Downers Grove, Illinois, legally described as follows:

Tract #1: The south twenty one and eighty six hundredths (21.86) feet of lot six (6) and all of lot seven (7) in block one (1) in Sherry's Resubdivision of lot three (3) in Delaney Trustee's Subdivision of part of Section 5, Township 38 North, Range 11 east of the Third Principal Meridian, (excepting so much, if any, of said lots, as lies west of the east ninety two (92) rods of said southeast quarter), in DuPage County, Illinois; and

Tract #2: The north 28 feet of Lot 1 in Shaffer's Subdivision of Lot 1 of Delaney Trustees Subdivision of part of the southeast quarter of Section 5, Township 38 North, Range 11 east of the Third Principal Meridian, (except the west 7 ½ feet of said Lot 1) according to the plat of Shaffer's Subdivision recorded March 6, 1928 as Document 253230, in DuPage County, Illinois.

Commonly known as 4524 Douglas Road, Downers Grove, Illinois. (PIN # 09-05-414-025).

WHEREAS, notice has been given and hearing held on September 12, 2011 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 Subdivision for the M&L Higgins Subdivision No. 1, located at 4524 Douglas Road, 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 Subdivision for the M&L Higgins Subdivision No. 1, located at 4524 Douglas Road, be and is hereby approved subject to the following condition:

1. The final plat of subdivision shall substantially conform to the M&L Higgins Subdivision No. 1 plat prepared by Ridgeline Consultants, LLC, dated August 29, 2011 except as such plans may be modified to conform to the Village Codes and Ordinances.

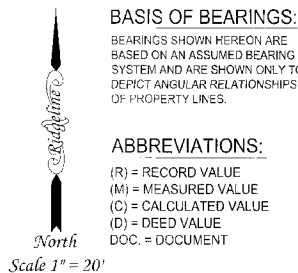
BE IT FURTHER RESOLVED, that the Mayor and Village Clerk are authorized to sign the final plat.

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

**BASIS OF BEARINGS:**

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING SYSTEM AND ARE SHOWN ONLY TO DEPICT ANGULAR RELATIONSHIPS OF PROPERTY LINES.

ABBREVIATIONS:

(R) = RECORD VALUE
(M) = MEASURED VALUE
(C) = CALCULATED VALUE
(D) = DEED VALUE
DOC. = DOCUMENT

NOTES:

1. IRON PIPE MONUMENTS WILL BE PLACED AT ALL PROPERTY CORNERS CREATED BY THIS PLAT UNLESS OTHERWISE NOTED.
2. ALL MEASUREMENTS AND DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

LEGEND:

- CONCRETE MONUMENT SET
- IRON PIPE FOUND
- ROAD CENTERLINE
- - - SECTION LINE
- - - EASEMENT LINE
- - - PROPERTY LINE

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
 JSS
COUNTY OF DUPAGE)

HEREBY CERTIFY THAT THEY ARE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY AND THEY HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HEREON DRAWN.

DATED AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____,
 CITY DATE
 MONTH

BY: _____
OWNER

BY: _____
OWNER

NOTARY'S CERTIFICATE

STATE OF ILLINOIS)
 JSS
COUNTY OF DU PAGE)

I, _____, A NOTARY PUBLIC, IN AND FOR SAID COUNTY

IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT AND _____ PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL

THIS _____ DAY OF _____, A.D., 20____,
DATE MONTH

NOTARY PUBLIC SIGNATURE

PRINT NAME

DUPAGE COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
 JSS
COUNTY OF DUPAGE)

I, _____, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT.

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

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

COUNTY CLERK AND SEAL

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
 JSS
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 _____.

RECORDER OF DEEDS

DRAINAGE CERTIFICATE

STATE OF ILLINOIS)
 JSS
COUNTY OF DUPAGE)

I, JIUN-GUANG LIN, A REGISTERED PROFESSIONAL ENGINEER IN ILLINOIS AND THE OWNERS OF THE LAND DEPICTED HEREON OR HIS DULY AUTHORIZED ATTORNEY, DO HEREBY STATE, THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS AND PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS THE RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH THE GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING 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 _____, A.D. 2011.

JIANFENG HUA, P.E.
IL. PROFESSIONAL ENGINEER NO. 062-059586
LICENSE EXPIRES _____

OWNER OR DULY AUTHORIZED ATTORNEY FOR OWNER

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS)
 JSS
COUNTY OF DU PAGE)

APPROVED THIS _____ DAY OF _____, A.D. 20____,
BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE

MAYOR

VILLAGE CLERK

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)
 JSS
COUNTY OF DU PAGE)

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF

DOWNERS GROVE, THIS _____ DAY OF _____, A.D., 20____.

BY: _____
CHAIRMAN

DOWNERS GROVE SANITARY DISTRICT

STATE OF ILLINOIS)
 JSS
COUNTY OF DU PAGE)

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

DATED THIS _____ DAY OF _____, A.D. 20____.

SANITARY DISTRICT COLLECTOR

DOWNERS GROVE COLLECTOR

STATE OF ILLINOIS)
 JSS
COUNTY OF DU PAGE)

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

DATED THIS _____ DAY OF _____, A.D. 20____.

DOWNERS GROVE VILLAGE COLLECTOR

M&L Higgins Subdivision No. 1

BEING A SUBDIVISION IN THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICE IS HEREBY RESERVED FOR AND GRANTED TO COMMONWEALTH EDISON COMPANY AND SBC - AMERITECH, ILLINOIS A.K.A. ILLINOIS BELL TELEPHONE COMPANY, GRANTEEES, THEIR RESPECTIVE LICENSEES, 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, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SOUNDS AND SIGNALS IN, 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 MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION), THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", AND THE PROPERTY DESIGNATED ON THE PLAT AS "COMMON 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 GRANTEEES' 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 GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE 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.

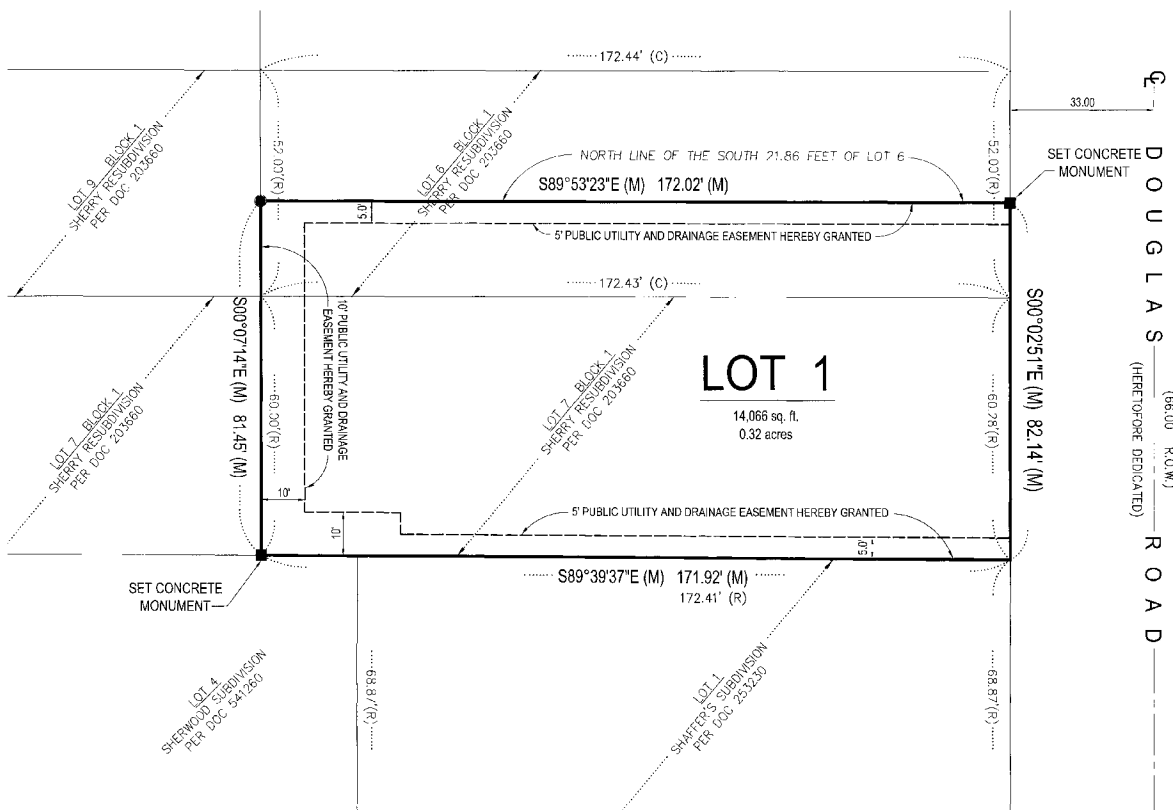
THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "OUTLOTS", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING" AND "COMMON AREA". THE TERM "COMMON AREA OR AREAS", AND "COMMON ELEMENTS" INCLUDE REAL PROPERTY SUFFICED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT. RELOCATION OF FACILITIES WILL BE DONE BY GRANTEEES AT COST OF THE GRANTEE/LOT OWNER, UPON WRITTEN REQUEST.

FLOOD STATEMENT

THE PROPERTY HEREON DESCRIBED IS NOT AFFECTED BY A FLOOD HAZARD AREA AS DEFINED BY THE DUPAGE REGULATORY FLOOD MAP, COMMUNITY-PANEL NUMBER : 17043 C 0901 B, HAVING REVISION DATE OF OCTOBER 19, 2005.

ACREAGE SUMMARY:

LOT 1 14,066 SQ. FT. OR 0.323 AC.
R.O.W. 0
TOTAL 14,066 SQ. FT. OR 0.323 AC.

**SURVEYOR'S CERTIFICATE**

THIS IS TO CERTIFY THAT I, GEORGE H. SKULAVIK, ILLINOIS PROFESSIONAL LAND SURVEYOR #2580 HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY AS SHOWN BY THIS PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

THE SOUTH 21.86 FEET OF LOT 6 AND ALL OF LOT 7 IN BLOCK 1 IN SHERRY RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 OF DELANEY TRUSTEES' SUBDIVISION OF PART OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING SO MUCH, IF ANY, OF SAID LOTS, AS LIES WEST OF THE 92 RODS OF SAID SOUTHEAST QUARTER), ACCORDING TO THE PLAT OF SAID SHERRY RESUBDIVISION RECORDED JULY 7, 1925, AS DOCUMENT 195766 AND RE-RECORDED NOVEMBER 24, 1925 AS DOCUMENT 203660, IN DUPAGE COUNTY, ILLINOIS.

THE PROPERTY DESCRIBED HEREIN LIES WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE.

DATED THIS _____ DAY OF _____, A.D., 2011.

GEORGE H. SKULAVIK
PROFESSIONAL LAND SURVEYOR NO. 2580.
MY LICENSE EXPIRES NOVEMBER 30, 2012.

**DECLARATION OF RESTRICTIVE COVENANTS**

THE UNDERSIGNED OWNER HEREBY DECLARES THAT THE REAL PROPERTY DESCRIBED IN AND DEPICTED ON THIS PLAT OF SUBDIVISION SHALL BE HELD, TRANSFERRED, SOLD, CONVEYED AND OCCUPIED SUBJECT TO THE FOLLOWING COVENANTS AND RESTRICTIONS:

(A) ALL PUBLIC UTILITY STRUCTURES AND FACILITIES, WHETHER LOCATED ON PUBLIC OR PRIVATE PROPERTY, SHALL BE CONSTRUCTED WHOLLY UNDERGROUND, EXCEPT FOR TRANSFORMERS, TRANSFORMER PADS, LIGHT POLES, REGULATORS, VALVES, MARKERS AND SIMILAR STRUCTURES APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF DOWNERS GROVE PRIOR TO RECORDING OF THIS PLAT OF SUBDIVISION.

(B) AN EASEMENT FOR SERVING THE SUBDIVISION, AND OTHER PROPERTY WITH STORM DRAINAGE, SANITARY SEWER, STREET LIGHTING, POTABLE WATER SERVICE AND OTHER PUBLIC UTILITY SERVICES, IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF DOWNERS GROVE AND DOWNERS GROVE SANITARY DISTRICT, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEPARATELY, TO INSTALL, OPERATE AND MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES AND EQUIPMENT USED IN CONNECTION WITH THE PUBLIC WATER SUPPLY, TRANSMISSION LINES, SANITARY SEWERS, STORM DRAINAGE SYSTEM, STREET LIGHTING SYSTEM OR OTHER PUBLIC UTILITY SERVICE, AND THEIR APPURTENANCES, EITHER ON, OVER, ACROSS, BELOW OR THROUGH THE GROUND SHOWN WITHIN THE DOTTED LINES ON THE PLAT MARKED "PUBLIC UTILITY AND/OR DRAINAGE EASEMENT", OR SIMILAR LANGUAGE DESIGNATING A STORMWATER OR SEWER EASEMENT, AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, TOGETHER WITH THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS 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 GRANTEEES' FACILITIES OR IN, UPON OR OVER, THE PROPERTY WITHIN THE STORMWATER OR SEWER EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

WHEREAS, SAID LOTS WILL BE CONVEYED TO PURCHASERS SUBJECT TO THIS DECLARATION TO THE END THAT THE RESTRICTIONS IMPOSED SHALL INURE TO THE BENEFIT OF EACH AND ALL OF THE PURCHASERS OF SUCH LOTS WHETHER THEY SHALL HAVE BECOME SUCH BEFORE OR AFTER THE DATE THEREOF, AND THEIR RESPECTIVE HEIRS AND ASSIGNS, AND

WHEREAS, THE AFORESAID PROPERTY DESCRIBED ON THE ATTACHED PLAT IS LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND

WHEREAS, ALL OF THE PROVISIONS, RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, AND CHARGES HEREIN CONTAINED SHALL RUN WITH AND BIND ALL OF SAID LOTS AND LAND AND SHALL INURE TO THE BENEFIT OF, AND BE ENFORCEABLE BY THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND THE OWNERS OR OWNER OF ANY OF THE LOTS OF LAND COMPRISED WITHIN SAID PLAT, AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS.

NOW, THEREFORE, ALL PERSONS, FIRMS OR CORPORATIONS NOW OWNING THE AFORESAID PROPERTY DO COVENANT AND AGREE THAT THEY OR ANY PERSON, FIRM OR CORPORATION HEREFTER ACQUIRING ANY PROPERTY OR LOTS SHOWN UPON THE ATTACHED PLAT OF SUBDIVISION ARE HEREBY SUBJECT TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY TO WHOMSOEVER OWNED, TO WIT:

1. NO IMPROVEMENTS SHALL BE MADE IN OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, AS DESCRIBED IN THE PLAT OF SUBDIVISION, EXCEPT FOR LANDSCAPE INSTALLATION OF TREES, SHRUBS, BUSHES AND GRASS AND THE INSTALLATION OF UNDERGROUND UTILITY LINES AND DRIVEWAYS.
2. EACH OWNER OR PURCHASER SHALL BE RESPONSIBLE FOR MAINTAINING THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, APPLICABLE TO HIS LOT IN SUCH MANNER AS TO INSURE THE FREE AND UNINTERRUPTED FLOW OF STORM WATER THROUGH THE DRAINAGE SYSTEM OF THE SUBDIVISION, AND SHALL NOT DESTROY OR MODIFY GRADES OR SLOPES WITHOUT HAVING FIRST RECEIVED PRIOR WRITTEN APPROVAL OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.
3. IN THE EVENT ANY OWNER OR PURCHASER FAILS TO PROPERLY MAINTAIN THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, APPLICABLE TO HIS LOT IN SUCH MANNER AS TO INSURE THE FREE AND UNINTERRUPTED FLOW OF STORM WATER THROUGH THE DRAINAGE SYSTEM OF THE SUBDIVISION, THE VILLAGE OF DOWNERS GROVE, ILLINOIS, SHALL UPON TEN DAYS' PRIOR WRITTEN NOTICE, RESERVE THE RIGHT TO PERFORM, OR HAVE PERFORMED ON ITS BEHALF, ANY MAINTENANCE WORK TO OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, REASONABLY NECESSARY TO INSURE ADEQUATE STORMWATER STORAGE AND FREE FLOW OF STORMWATER THROUGH THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS.
4. IN THE EVENT THE VILLAGE OF DOWNERS GROVE, ILLINOIS, SHALL BE REQUIRED TO PERFORM, OR HAVE PERFORMED ON ITS BEHALF, ANY MAINTENANCE WORK TO OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, THE COST TOGETHER WITH THE ADDITIONAL SUM OF TEN PERCENT SHALL, UPON RECOVERY OF A NOTICE OF LIEN WITHIN SIXTY DAYS OF COMPLETION OF THE WORK, CONSTITUTE A LIEN AGAINST HIS LOT WHICH MAY BE FORECLOSED BY AN ACTION BROUGHT BY OR ON BEHALF OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.
5. THE AFORESAID RESTRICTIONS AND COVENANTS, AND EACH AND EVERY ONE OF THEM, ARE HEREBY EXPRESSLY MADE AN ESSENTIAL PART OF THIS INSTRUMENT, AND SHALL BE AND REMAIN OF PERPETUAL EFFICACY AND OBLIGATION IN RESPECT TO THE SAID PREMISES AND THE PARTIES HEREIN DESIGNATED, THEIR AND EACH OF THEIR SUCCESSORS, HEIRS, AND ASSIGNS.

IN WITNESS WHEREOF, THE OWNERS HAVE SET THEIR HANDS UPON THE ATTACHED PLAT THE DAY AND DATE FIRST WRITTEN THEREON.

DATED AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____,
CITY DATE MONTH

BY: _____
OWNER PRINT NAME

BY: _____
OWNER PRINT NAME

BY: _____
NOTARY PUBLIC SIGNATURE AND SEAL PRINT NAME

Ridgeline Consultants LLC

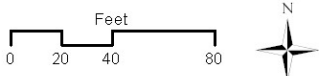
Illinois Professional Design Firm No. 184-004796
PH: 630.801.7297 FAX: 630.701.1385
George H. Skulavik P.L.S. 2580 Expiration Date 11/30/2012
Sherry L. Stewart P.L.S. 3415 Expiration Date 1/30/2012

**Stature Custom Homes**

4524 Douglas Ave.
Downers Grove, Illinois

PREPARED FOR: _____
PROPERTY ADDRESS: _____

SHEET 1 OF 1



4524 Douglas Road Location Map



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
SEPTEMBER 12, 2011 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC-28-11 4524 Douglas Road	Final Plat of Subdivision	Stan Popovich, AICP Planner

REQUEST

The petitioner is requesting approval of a final plat of subdivision to consolidate two parcels into one lot.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER: Michael Higgins
4516 Douglas Road
Downers Grove, IL 60515

APPLICANT: Christopher Salman
Stature Custom Homes, LLC
943 Maple Avenue
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: R-4 Single Family Residential
EXISTING LAND USE: Residential
PROPERTY SIZE: 14,224 square feet (0.32 acres)
PINS: 09-05-414-025

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-4 Single Family Residential	Residential, 0-6 DU/Acre
SOUTH:	R-4 Single Family Residential	Residential, 0-6 DU/Acre
EAST:	R-4 Single Family Residential	Residential, 0-6 DU/Acre
WEST:	R-4 Single Family Residential	Residential, 0-6 DU/Acre

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Project Narrative

3. Plat of Survey
4. Plat of Subdivision

PROJECT DESCRIPTION

The petitioner is requesting approval of a final plat of subdivision to consolidate two existing parcels into a single lot. The property, commonly known as 4524 Douglas Road is zoned R-4 Single Family Residential and is 82.49 feet wide by 172.43 feet deep. The property is made up of a 22-foot wide northern lot and a 60 foot southern lot. A single family house is currently located on the parcel.

At this time, the petitioners are proposing to maintain the existing house, demolish the existing wood deck attached to the south side of the house and relocate the existing gazebo to the rear yard. In the future the petitioners may wish to build a new single family residence on this property. A new home or large addition to the existing home could not be completed without consolidating the lots.

COMPLIANCE WITH FUTURE LAND USE PLAN

According to the Future Land Use Plan, the subject property is designated for residential use. By consolidating the two lots into one, the petitioner will be able to construct an addition or a new single family residence. Staff believes the final plat of subdivision is consistent with the Future Land Use Plan.

COMPLIANCE WITH ZONING ORDINANCE

The property is zoned R-4 Single Family Residential. The existing single family residential use is permitted in the district. If the consolidation were approved, the petitioner will be able to build a new house that is compliant with the Zoning Ordinance's bulk and setback regulations. Staff believes the subdivision is consistent with the Future Land Use Plan.

COMPLIANCE WITH THE SUBDIVISION ORDINANCE

The proposed lot will meet all minimum lot dimension requirements for residential lots in the R-4 single family zoning district. The petitioner has not requested any exceptions from the Subdivision Ordinance.

The lot dimensions are specified in the table below:

4524 Douglas Rd	Lot Width		Lot Depth		Lot Area	
	Required	Proposed	Required	Proposed	Required	Proposed
Lot 1	50 feet	82.49 feet (no change)	140 feet	172.43 feet (No change)	7,500 sq. ft.	14,224 sq. ft. (no change)

Per Sections 20.101 and 20.301(b), the petitioner is not requesting any exceptions from the Subdivision Ordinance. The proposed lot will include new five-foot wide utility easements along the side (north and south) property lines and a new ten-foot wide utility easement along the rear (west) property line which will satisfy the requirements for public utility easements.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the properties in addition to posting the public hearing sign and publishing the legal notice. Staff has not received any written neighborhood comment regarding the proposal at this time.

FINDINGS OF FACT

Staff believes the proposed Final Plat of Subdivision to consolidate two existing lots into one is consistent with the Zoning and Subdivision Ordinances and other planning objectives of the Village. The proposed plat complies with the lot standards in Section 20.301 of the Subdivision Ordinance.

RECOMMENDATIONS

The proposed plat of subdivision is compatible with the surrounding zoning and land use classifications. Based on the findings listed above, staff recommends that the Plan Commission make a motion recommending approval of a plat of subdivision associated with PC-28-11 to the Village Council subject to the conditions below:

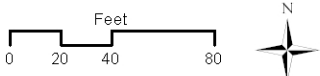
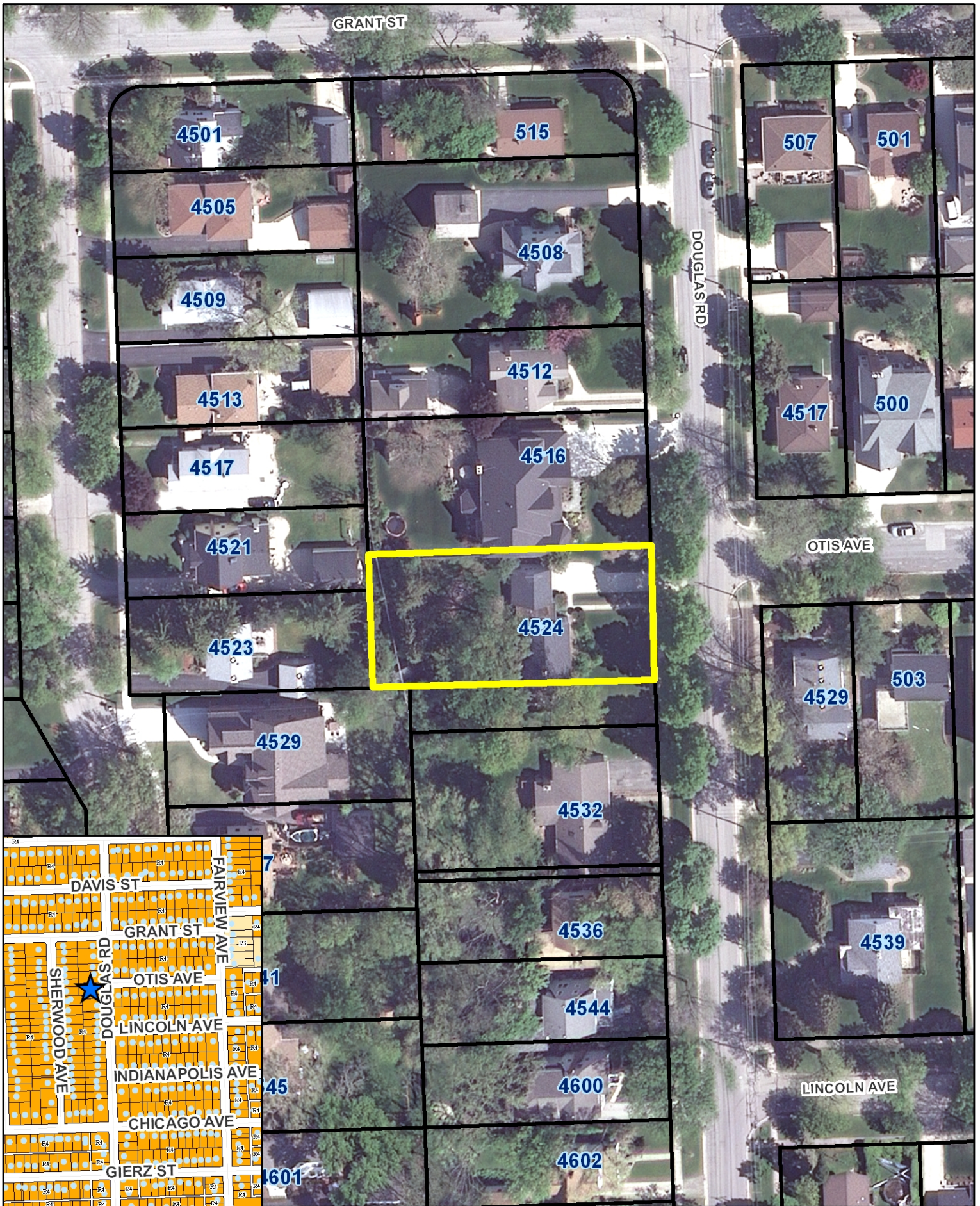
1. The final plat of subdivision shall substantially conform to the M&L Higgins Subdivision No. 1 plat prepared by Ridgeline Consultants, LLC, dated August 29, 2011 and attached to the staff report except as such plans may be modified to conform to the Village Codes and Ordinances.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:sp
-att

P:\P&CD\PROJECTS\PLAN COMMISSION\2011 PC Petition Files\PC-28-11 4524 Douglas - Plat of Consolidation\Staff Report PC-28-11.doc



4524 Douglas Road Location Map

Stature Custom Homes, L.L.C.

943 MAPLE AVE
DOWNERS GROVE ILLINOIS

TELEPHONE 630-541-7632
CELL PHONE 630-514-4774
FAX 630-541-7633

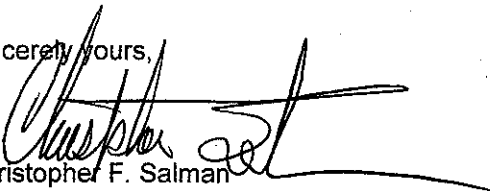
August 30, 2011

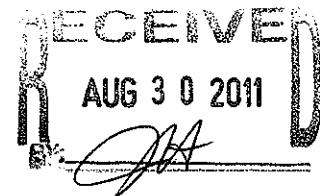
Mr. Stan Popovich
Community Development
Downers Grove Il. 60515

Dear Mr. Popovich,

I have submitted an application for lot reconfiguration at 4524 and 4532 Douglas Road. Our plans include redeveloping the south lot 3 50ft and middle lot 2 62.87 ft for future new construction. The existing structure at 4524 Douglas Rd. Lot 1 will remain but the deck and gazebo will be removed when construction starts on lot 2.

Sincerely yours,


Christopher F. Salman

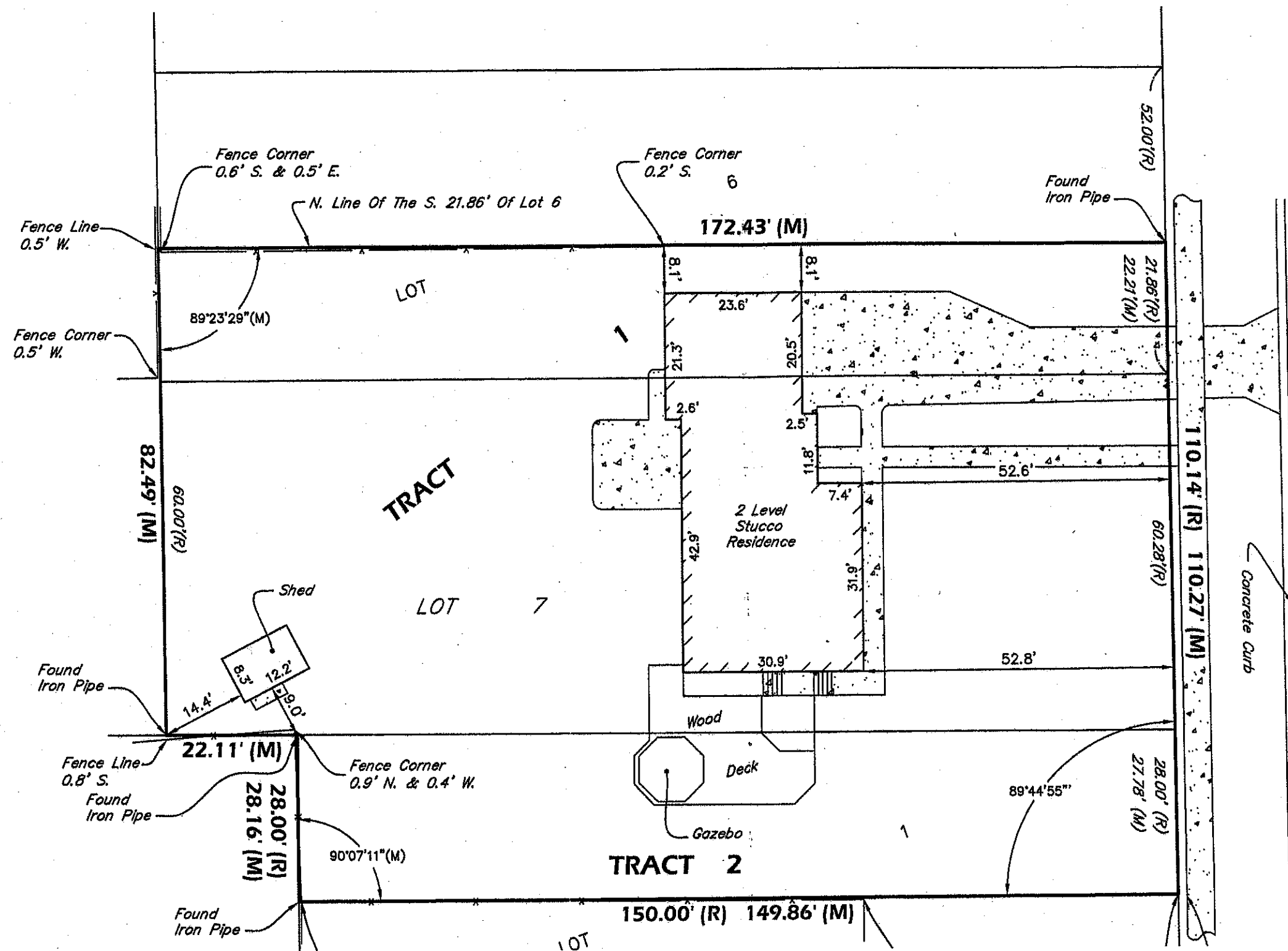


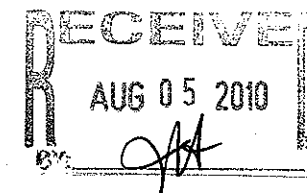
RECEIVED
AUG 05 2010
By: *QA*

4524

DOUGLAS ROAD

(66' R.O.W.)





PLAT OF SURVEY

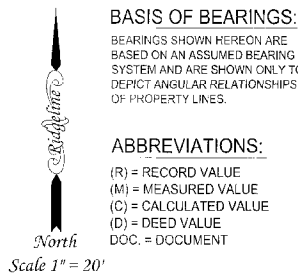
OF

TRACT #1: THE SOUTH TWENTY ONE AND EIGHTY SIX HUNDRETHS (21.86) FEET OF LOT SIX (6) AND ALL OF LOT SEVEN (7) IN BLOCK ONE (1) IN SHERRY'S RESUBDIVISION OF LOT THREE (3) IN DELANEY TRUSTEE'S SUBDIVISION OF PART OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPTING SO MUCH, IF ANY, OF SAID LOTS, AS LIES WEST OF THE EAST NINETY TWO (92) RODS OF SAID SOUTHEAST QUARTER), IN DUPAGE COUNTY, ILLINOIS.

TRACT #2: THE NORTH 28 FEET OF LOT 1 IN SHAFFER'S SUBDIVISION OF LOT 1 OF DELANEY TRUSTEES SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THE WEST 7 1/2 FEET OF SAID LOT 1) ACCORDING TO THE PLAT OF SHAFFER'S SUBDIVISION RECORDED MARCH 6, 1928 AS DOCUMENT 253230, IN DUPAGE COUNTY, ILLINOIS.



SCALE: 1"=20'

**BASIS OF BEARINGS:**

BEARINGS SHOWN HEREON ARE BASED ON AN ASSUMED BEARING SYSTEM AND ARE SHOWN ONLY TO DEPICT ANGULAR RELATIONSHIPS OF PROPERTY LINES.

ABBREVIATIONS:

(R) = RECORD VALUE
(M) = MEASURED VALUE
(C) = CALCULATED VALUE
(D) = DEED VALUE
DOC. = DOCUMENT

NOTES:

1. IRON PIPE MONUMENTS WILL BE PLACED AT ALL PROPERTY CORNERS CREATED BY THIS PLAT UNLESS OTHERWISE NOTED.
2. ALL MEASUREMENTS AND DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

LEGEND:

- CONCRETE MONUMENT SET
- IRON PIPE FOUND
- ROAD CENTERLINE
- - - SECTION LINE
- - - EASEMENT LINE
- - - PROPERTY LINE

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
 JSS
COUNTY OF DUPAGE)

HEREBY CERTIFY THAT THEY ARE THE OWNERS OF THE ABOVE DESCRIBED PROPERTY AND THEY HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HEREON DRAWN.

DATED AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____,
 CITY DATE
 MONTH

BY: _____
OWNER

BY: _____
OWNER

NOTARY'S CERTIFICATE

STATE OF ILLINOIS)
 JSS
COUNTY OF DU PAGE)

I, _____, A NOTARY PUBLIC, IN AND FOR SAID COUNTY

IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT AND _____ PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL

THIS _____ DAY OF _____, A.D., 20____,
DATE MONTH

NOTARY PUBLIC SIGNATURE

PRINT NAME

DUPAGE COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
 JSS
COUNTY OF DUPAGE)

I, _____, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT.

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

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

COUNTY CLERK AND SEAL

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
 JSS
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 _____.

RECORDER OF DEEDS

DRAINAGE CERTIFICATE

STATE OF ILLINOIS)
 JSS
COUNTY OF DUPAGE)

I, JIUN-GUANG LIN, A REGISTERED PROFESSIONAL ENGINEER IN ILLINOIS AND THE OWNERS OF THE LAND DEPICTED HEREON OR HIS DULY AUTHORIZED ATTORNEY, DO HEREBY STATE, THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS AND PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS THE RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH THE GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING 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 _____, A.D. 2011.

JIANFENG HUA, P.E.
IL. PROFESSIONAL ENGINEER NO. 062-059586
LICENSE EXPIRES _____

OWNER OR DULY AUTHORIZED ATTORNEY FOR OWNER

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS)
 JSS
COUNTY OF DU PAGE)

APPROVED THIS _____ DAY OF _____, A.D. 20____,
BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE

MAYOR

VILLAGE CLERK

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)
 JSS
COUNTY OF DU PAGE)

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF

DOWNERS GROVE, THIS _____ DAY OF _____, A.D., 20____.

BY: _____
CHAIRMAN

DOWNERS GROVE SANITARY DISTRICT

STATE OF ILLINOIS)
 JSS
COUNTY OF DU PAGE)

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

DATED THIS _____ DAY OF _____, A.D. 20____.

SANITARY DISTRICT COLLECTOR

DOWNERS GROVE COLLECTOR

STATE OF ILLINOIS)
 JSS
COUNTY OF DU PAGE)

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

DATED THIS _____ DAY OF _____, A.D. 20____.

DOWNERS GROVE VILLAGE COLLECTOR

M&L Higgins Subdivision No. 1

BEING A SUBDIVISION IN THE SOUTHEAST 1/4 OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICE IS HEREBY RESERVED FOR AND GRANTED TO COMMONWEALTH EDISON COMPANY AND SBC - AMERITECH, ILLINOIS A.K.A. ILLINOIS BELL TELEPHONE COMPANY, GRANTEEES, THEIR RESPECTIVE LICENSEES, 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, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SOUNDS AND SIGNALS IN, 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 MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION), THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", AND THE PROPERTY DESIGNATED ON THE PLAT AS "COMMON 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 GRANTEEES' 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 GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE 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.

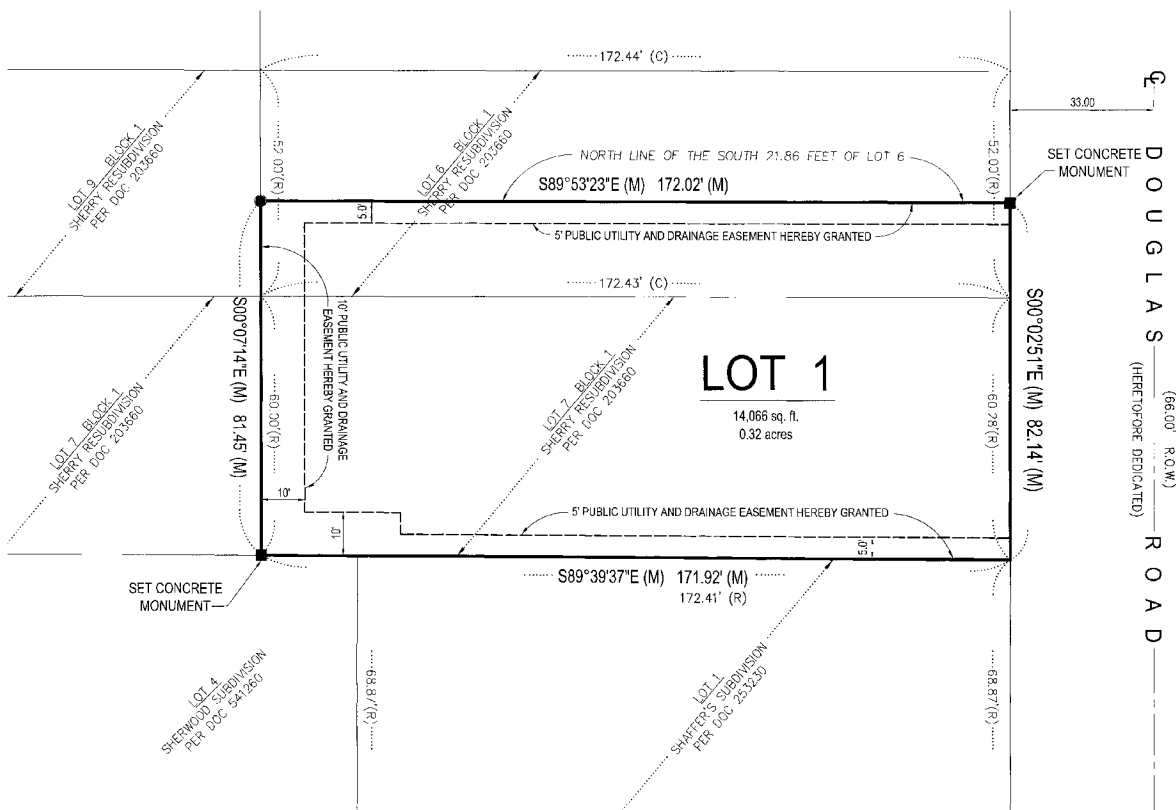
THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "OUTLOTS", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING" AND "COMMON AREA". THE TERM "COMMON AREA OR AREAS", AND "COMMON ELEMENTS" INCLUDE REAL PROPERTY SUFFICED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT. RELOCATION OF FACILITIES WILL BE DONE BY GRANTEEES AT COST OF THE GRANTEE/LOT OWNER, UPON WRITTEN REQUEST.

FLOOD STATEMENT

THE PROPERTY HEREON DESCRIBED IS NOT AFFECTED BY A FLOOD HAZARD AREA AS DEFINED BY THE DUPAGE REGULATORY FLOOD MAP, COMMUNITY-PANEL NUMBER : 17043 C 0901 B, HAVING REVISION DATE OF OCTOBER 19, 2005.

ACREAGE SUMMARY:

LOT 1 14,066 SQ. FT. OR 0.323 AC.
R.O.W. 0
TOTAL 14,066 SQ. FT. OR 0.323 AC.

**SURVEYOR'S CERTIFICATE**

THIS IS TO CERTIFY THAT I, GEORGE H. SKULAVIK, ILLINOIS PROFESSIONAL LAND SURVEYOR #2580 HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY AS SHOWN BY THIS PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

THE SOUTH 21.86 FEET OF LOT 6 AND ALL OF LOT 7 IN BLOCK 1 IN SHERRY RESUBDIVISION, BEING A RESUBDIVISION OF LOT 3 OF DELANEY TRUSTEES' SUBDIVISION OF PART OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPTING SO MUCH, IF ANY, OF SAID LOTS, AS LIES WEST OF THE 92 RODS OF SAID SOUTHEAST QUARTER), ACCORDING TO THE PLAT OF SAID SHERRY RESUBDIVISION RECORDED JULY 7, 1925, AS DOCUMENT 195766 AND RE-RECORDED NOVEMBER 24, 1925 AS DOCUMENT 203660, IN DUPAGE COUNTY, ILLINOIS.

THE PROPERTY DESCRIBED HEREIN LIES WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE.

DATED THIS _____ DAY OF _____, A.D., 2011.

GEORGE H. SKULAVIK
PROFESSIONAL LAND SURVEYOR NO. 2580.
MY LICENSE EXPIRES NOVEMBER 30, 2012.

**DECLARATION OF RESTRICTIVE COVENANTS**

THE UNDERSIGNED OWNER HEREBY DECLARES THAT THE REAL PROPERTY DESCRIBED IN AND DEPICTED ON THIS PLAT OF SUBDIVISION SHALL BE HELD, TRANSFERRED, SOLD, CONVEYED AND OCCUPIED SUBJECT TO THE FOLLOWING COVENANTS AND RESTRICTIONS:

(A) ALL PUBLIC UTILITY STRUCTURES AND FACILITIES, WHETHER LOCATED ON PUBLIC OR PRIVATE PROPERTY, SHALL BE CONSTRUCTED WHOLLY UNDERGROUND, EXCEPT FOR TRANSFORMERS, TRANSFORMER PADS, LIGHT POLES, REGULATORS, VALVES, MARKERS AND SIMILAR STRUCTURES APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF DOWNERS GROVE PRIOR TO RECORDING OF THIS PLAT OF SUBDIVISION.

(B) AN EASEMENT FOR SERVING THE SUBDIVISION, AND OTHER PROPERTY WITH STORM DRAINAGE, SANITARY SEWER, STREET LIGHTING, POTABLE WATER SERVICE AND OTHER PUBLIC UTILITY SERVICES, IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF DOWNERS GROVE AND DOWNERS GROVE SANITARY DISTRICT, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEPARATELY, TO INSTALL, OPERATE AND MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES AND EQUIPMENT USED IN CONNECTION WITH THE PUBLIC WATER SUPPLY, TRANSMISSION LINES, SANITARY SEWERS, STORM DRAINAGE SYSTEM, STREET LIGHTING SYSTEM OR OTHER PUBLIC UTILITY SERVICE, AND THEIR APPURTENANCES, EITHER ON, OVER, ACROSS, BELOW OR THROUGH THE GROUND SHOWN WITHIN THE DOTTED LINES ON THE PLAT MARKED "PUBLIC UTILITY AND/OR DRAINAGE EASEMENT", OR SIMILAR LANGUAGE DESIGNATING A STORMWATER OR SEWER EASEMENT, AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, TOGETHER WITH THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS 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 GRANTEEES' FACILITIES OR IN, UPON OR OVER, THE PROPERTY WITHIN THE STORMWATER OR SEWER EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

WHEREAS, SAID LOTS WILL BE CONVEYED TO PURCHASERS SUBJECT TO THIS DECLARATION TO THE END THAT THE RESTRICTIONS IMPOSED SHALL INURE TO THE BENEFIT OF EACH AND ALL OF THE PURCHASERS OF SUCH LOTS WHETHER THEY SHALL HAVE BECOME SUCH BEFORE OR AFTER THE DATE THEREOF, AND THEIR RESPECTIVE HEIRS AND ASSIGNS, AND

WHEREAS, THE AFORESAID PROPERTY DESCRIBED ON THE ATTACHED PLAT IS LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND

WHEREAS, ALL OF THE PROVISIONS, RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, AND CHARGES HEREIN CONTAINED SHALL RUN WITH AND BIND ALL OF SAID LOTS AND LAND AND SHALL INURE TO THE BENEFIT OF, AND BE ENFORCEABLE BY THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND THE OWNERS OR OWNER OF ANY OF THE LOTS OF LAND COMPRISED WITHIN SAID PLAT, AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS.

NOW, THEREFORE, ALL PERSONS, FIRMS OR CORPORATIONS NOW OWNING THE AFORESAID PROPERTY DO COVENANT AND AGREE THAT THEY OR ANY PERSON, FIRM OR CORPORATION HEREFTER ACQUIRING ANY PROPERTY OR LOTS SHOWN UPON THE ATTACHED PLAT OF SUBDIVISION ARE HEREBY SUBJECT TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY TO WHOMSOEVER OWNED, TO WIT:

1. NO IMPROVEMENTS SHALL BE MADE IN OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, AS DESCRIBED IN THE PLAT OF SUBDIVISION, EXCEPT FOR LANDSCAPE INSTALLATION OF TREES, SHRUBS, BUSHES AND GRASS AND THE INSTALLATION OF UNDERGROUND UTILITY LINES AND DRIVEWAYS.
2. EACH OWNER OR PURCHASER SHALL BE RESPONSIBLE FOR MAINTAINING THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, APPLICABLE TO HIS LOT IN SUCH MANNER AS TO INSURE THE FREE AND UNINTERRUPTED FLOW OF STORM WATER THROUGH THE DRAINAGE SYSTEM OF THE SUBDIVISION, AND SHALL NOT DESTROY OR MODIFY GRADES OR SLOPES WITHOUT HAVING FIRST RECEIVED PRIOR WRITTEN APPROVAL OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.
3. IN THE EVENT ANY OWNER OR PURCHASER FAILS TO PROPERLY MAINTAIN THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, THE VILLAGE OF DOWNERS GROVE, ILLINOIS, SHALL UPON TEN DAYS' PRIOR WRITTEN NOTICE, RESERVE THE RIGHT TO PERFORM, OR HAVE PERFORMED ON ITS BEHALF, ANY MAINTENANCE WORK TO OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, REASONABLY NECESSARY TO INSURE ADEQUATE STORMWATER STORAGE AND FREE FLOW OF STORMWATER THROUGH THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS.
4. IN THE EVENT THE VILLAGE OF DOWNERS GROVE, ILLINOIS, SHALL BE REQUIRED TO PERFORM, OR HAVE PERFORMED ON ITS BEHALF, ANY MAINTENANCE WORK TO OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, THE COST TOGETHER WITH THE ADDITIONAL SUM OF TEN PERCENT SHALL, UPON RECOVERY OF A NOTICE OF LIEN WITHIN SIXTY DAYS OF COMPLETION OF THE WORK, CONSTITUTE A LIEN AGAINST HIS LOT WHICH MAY BE FORECLOSED BY AN ACTION BROUGHT BY OR ON BEHALF OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.
5. THE AFORESAID RESTRICTIONS AND COVENANTS, AND EACH AND EVERY ONE OF THEM, ARE HEREBY EXPRESSLY MADE AN ESSENTIAL PART OF THIS INSTRUMENT, AND SHALL BE AND REMAIN OF PERPETUAL EFFICACY AND OBLIGATION IN RESPECT TO THE SAID PREMISES AND THE PARTIES HEREIN DESIGNATED, THEIR AND EACH OF THEIR SUCCESSORS, HEIRS, AND ASSIGNS.

IN WITNESS WHEREOF, THE OWNERS HAVE SET THEIR HANDS UPON THE ATTACHED PLAT THE DAY AND DATE FIRST WRITTEN THEREON.

DATED AT _____, ILLINOIS, THIS _____ DAY OF _____, A.D., 20____,
CITY DATE MONTH

BY: _____
OWNER PRINT NAME

BY: _____
OWNER PRINT NAME

BY: _____
NOTARY PUBLIC SIGNATURE AND SEAL PRINT NAME

Ridgeline Consultants LLC

Illinois Professional Design Firm No. 184-004796
PH: 630.801.7297 FAX: 630.701.1385
George H. Skulavik P.L.S. 2580 Expiration Date 11/30/2012
Shary L. Stewart P.L.S. 3415 Expiration Date 1/30/2012

Ridgeline
CONSULTING ENGINEERS & ARCHITECTS

Stature Custom Homes

4524 Douglas Ave.
Downers Grove, Illinois

PREPARED FOR:
PROPERTY ADDRESS:

SHEET
1
OF
1