# VILLAGE OF DOWNERS GROVE REPORT FOR THE VILLAGE COUNCIL MEETING APRIL 3, 2012 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:		
	✓ Resolution			
	Ordinance			
Easement Abrogation	Motion	Tom Dabareiner, AICP		
6562 Davane Lane	Discussion Only	Community Development Director		

#### **SYNOPSIS**

A resolution for easement abrogation has been prepared for the property located at 6562 Davane Lane.

#### STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 identified Exceptional Municipal Services.

#### FISCAL IMPACT

N/A

#### RECOMMENDATION

Approval on the April 10, 2012 consent agenda.

#### BACKGROUND

The applicant is requesting abrogation of the conservation easement located on the property at 6562 Davane Lane. The subject property is part of the 14-lot Green Acres Subdivision approved in 2004. During the subdivision review in 2004, a wetland report study identified a non-critical wetland located on the proposed Lot Two of the subdivision, commonly known as 6562 Davane Lane. As such, a conservation easement was placed over the entire Lot Two.

Subsequently, staff discovered that the stormwater facilities in the adjacent Berrywood Estates Subdivision immediately to the west were malfunctioning and resulting in the flooding on the subject property. In 2005 the developer of the Green Acres Subdivision repaired the malfunctioning stormwater facilities. As a result, the wetlands are no longer present on the subject property and the conservation easement is no longer needed. The new owner of the Green Acres Subdivision wishes to construct a new home on the subject property and is therefore requesting abrogation of the existing easement.

The Village has determined that the existing conservation easement is no longer needed and vacating the easement will not adversely affect the Village.

#### **ATTACHMENTS**

Resolution

Plat of Abrogation dated August 10, 2011, last revised February 7, 2012

#### RESOLUTION NO.

# A RESOLUTION ABROGATING A CERTAIN LOT IN THE VILLAGE OF DOWNERS GROVE -6562 DAVANE LANE

WHEREAS, it has been determined by the Council of the Village of Downers Grove in DuPage County, Illinois, that it is in the public interest to abrogate a certain easement in said Village hereinafter more particularly described; and

WHEREAS, the Village Council, after due investigation and consideration, has determined that there is no evidence of significant Village use of this conservation easement;

WHEREAS, the Village Council, after due investigation and consideration, has determined that the nature and extent of the public use and the public interest to be served is such as to warrant the abrogation of said conservation easement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Downers Grove, in DuPage County, Illinois, as follows:

SECTION 1. That Lot 2 in Section 20, Township 38 North, Range 11 East of the Third Principal Meridian, in DuPage County, Illinois as depicted on the Plat of Abrogation of a portion of the Green Acres Subdivision of Downers Grove Conservation Easement, dated February 7, 2012 (attached hereto), and legally described as follows:

LOT 2 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION, IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 1, 2004, AS DOCUMENT R2004-144920 AND CERTIFICATES OF CORRECTION RECORDED MAY 27, 2005 AS DOCUMENT R2005-110474 AND RECORDED FEBRUARY 2, 2006 AS DOCUMENT 2006-021295 IN DUPAGE COUNTY, ILLINOIS

Commonly known as (a portion of) 6562 Davane Lane; PIN09-20-212-013 (hereinafter referred to as the "Abrogated Conservation Easement"), are hereby abrogated and closed, and that it is hereby declared that the same is no longer required for public use and that the public interest will be served by such abrogation.

SECTION 2. That the Mayor and Clerk of the Village of Downers Grove are hereby authorized

to sign the plat of abrogation of the abrogated easement described herein.

SECTION 3. That a certified copy of this resolution and an accurate map of the abrogated easement shall be filed for record by the Clerk of the Village of Downers Grove in the Office of the Recorder of Deeds, DuPage County, Illinois at the expense of the Owner of Record.

<u>SECTION 4</u>. That all resolutions or parts of resolutions in conflict with the provisions of this resolution are hereby repealed.

<u>SECTION 5</u>. That this resolution shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

	Mayor
Passed:	
Published:	
Attest:	
Village Clerk	

 $1\\wp8\\res12\\Abrogate-GreenAcres$ 

# PLAT OF ABROGATION

# OF A PORTION OF THE GREEN ACRES OF DOWNERS GROVE **CONSERVATION EASEMENT**

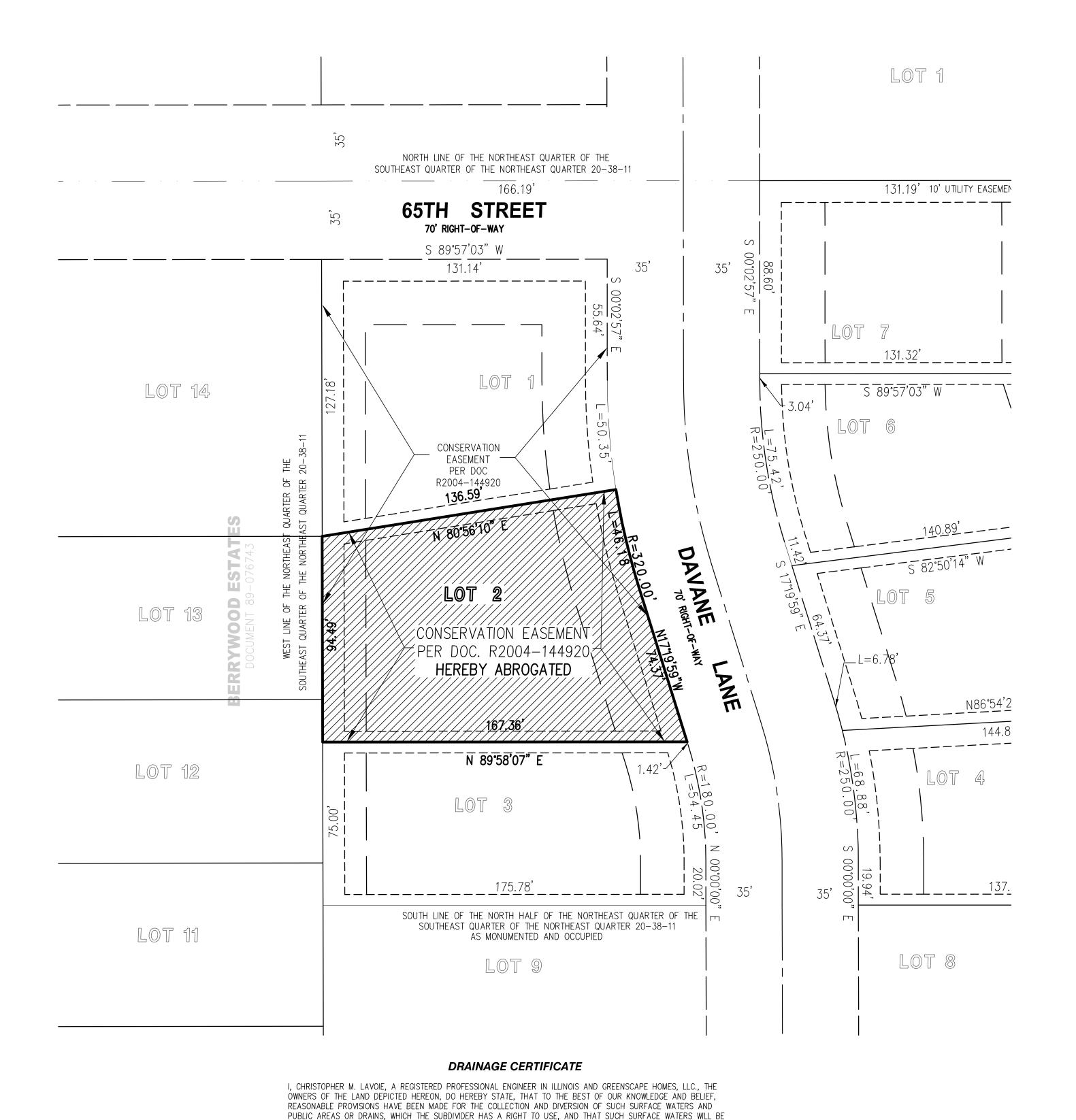
IN SECTION 20, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

# GRAPHIC SCALE

( IN FEET ) 1 inch = 30 ft.

NOTARY'S CERTIFICATE  I,	DATED THIS DAY	OF		, 20
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	THIS PLAT WAS FILED FOR REC	ORD IN THE RECORDER'S C	FFICE OF DUPAGE COUNTY, ILLINOIS ON THE _	DAY

OWNER'S CERTIFICATE



# LEGAL DESCRIPTION OF SUBJECT PROPERTY

#### LEGAL DESCRIPTION OF THE CONSERVATION EASEMENT HEREBY ABROGATED

LOT 2 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 1, 2004 AS DOCUMENT R2004-144920 AND CERTIFICATES OF CORRECTION RECORDED MAY 27, 2005 AS DOCUMENT R2005-110474 AND RECORDED FEBRUARY 2, 2006 AS DOCUMENT 2006-021295, IN DUPAGE COUNTY, ILLINOIS.

#### SURVEYOR'S NOTES

1. DIMENSIONS SHOWN THUS: 50.25' ARE FEET AND DECIMAL PARTS THEREOF. ANGULAR DATA SHOWN THUS: 90°00'00" INDICATES DEGREES, MINUTES AND SECONDS.

## SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS ) COUNTY OF KENDALL)

THIS IS TO CERTIFY THAT WE, C.M. LAVOIE AND ASSOCIATES, INC., ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-003041, DO HEREBY CERTIFY THAT THE ATTACHED PLAT WAS PREPARED AT AND UNDER OUR DIRECTION FOR THE PURPOSE OF ABROGATING AN EASEMENT, AS DESCRIBED BELOW

LOT 2 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 1, 2004 AS DOCUMENT R2004-144920 AND CERTIFICATES OF CORRECTION RECORDED MAY 27, 2005 AS DOCUMENT R2005-110474 AND RECORDED FEBRUARY 2, 2006 AS DOCUMENT 2006-021295, IN DUPAGE COUNTY, ILLINOIS

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

C.M. LAVOIE AND ASSOCIATES, INC. KEITH E. BOLLINGER, IPLS NO. 35-3592 LICENSE EXPIRES: NOVEMBER 30, 2012

C.M. Lavoie



# GREEN ACRES DOWNERS GROVE DOWNERS GROVE ILLINOIS

PLAT OF ABROGATION		DR.	AWN BY: 1	(B	CHECKED BY: TH
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	Consulting Civil Engineering	<u> </u>			DECORUPTION.
	Land Planning & Surveying	_#_	DATE		DESCRIPTION
	1050 State Route 126	1	01/17/12	REV. P	ER VIL. REVIEW LTR DTD 1/11,
	Plainfield, Illinois 60544	2	02/07/12	REV. P	ER VIL. REVIEW LTR DTD 2/3/
	voice 815-254-0505	3			
	fax 815-436-5158	4			

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COUNTY RECORDER

These plans are protected under the copyright laws of the United States and foreign countries, and are to be used only for the construction and/or repair of the Site Improvements as defined in the contract between the Engineer and the Owner. Any use of these plans, including details and specifications, to construct and/or repair additional items not described in these plans, constitutes a violation of the Engineer's copyright of these plans and is prohibited.

PRESIDENT

MANAGEMENT AGENCY.

DATED THIS \_\_\_\_\_, 2012

ILLINOIS REGISTERED PROFESSIONAL ENGINEER

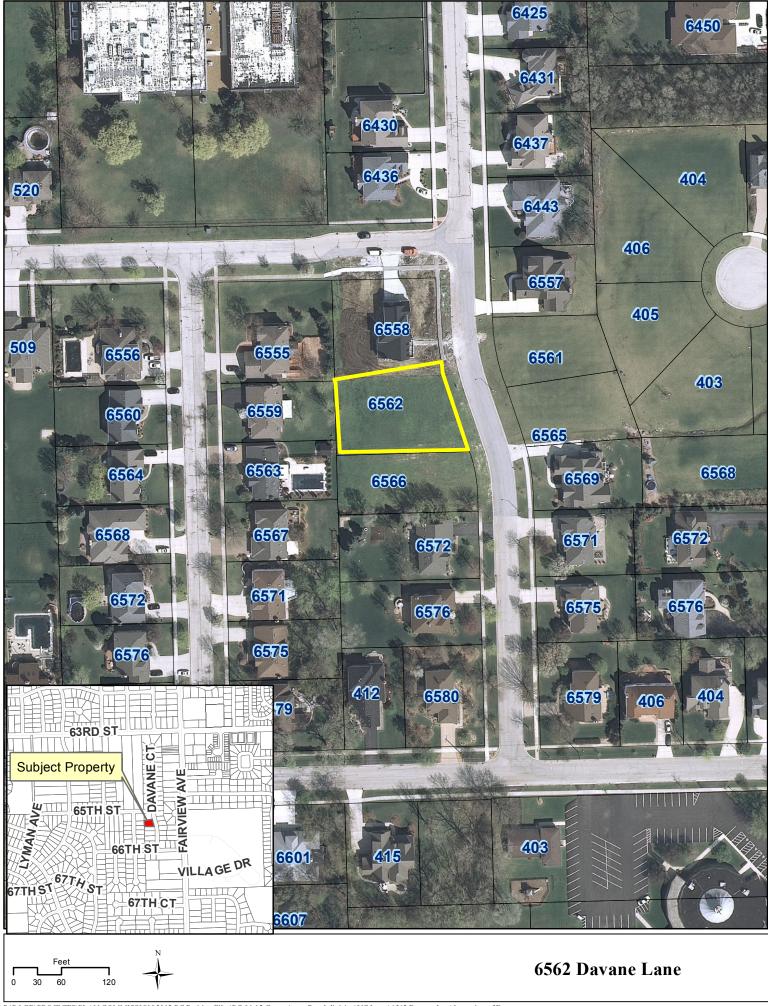
REGISTRATION EXPIRES: NOVEMBER 30, 2013

ILLINOIS PROFESSIONAL DESIGN FIRM NO.: 184-003041

VICE-PRESIDENT

PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE ABROGATION OF THIS EASEMENT. FURTHERMORE, AS ENGINEER, I HEREBY CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS ABROGATION OR ANY PART

THEREFOF IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY



# PLAT OF ABROGATION

# OF A PORTION OF THE GREEN ACRES OF DOWNERS GROVE **CONSERVATION EASEMENT**

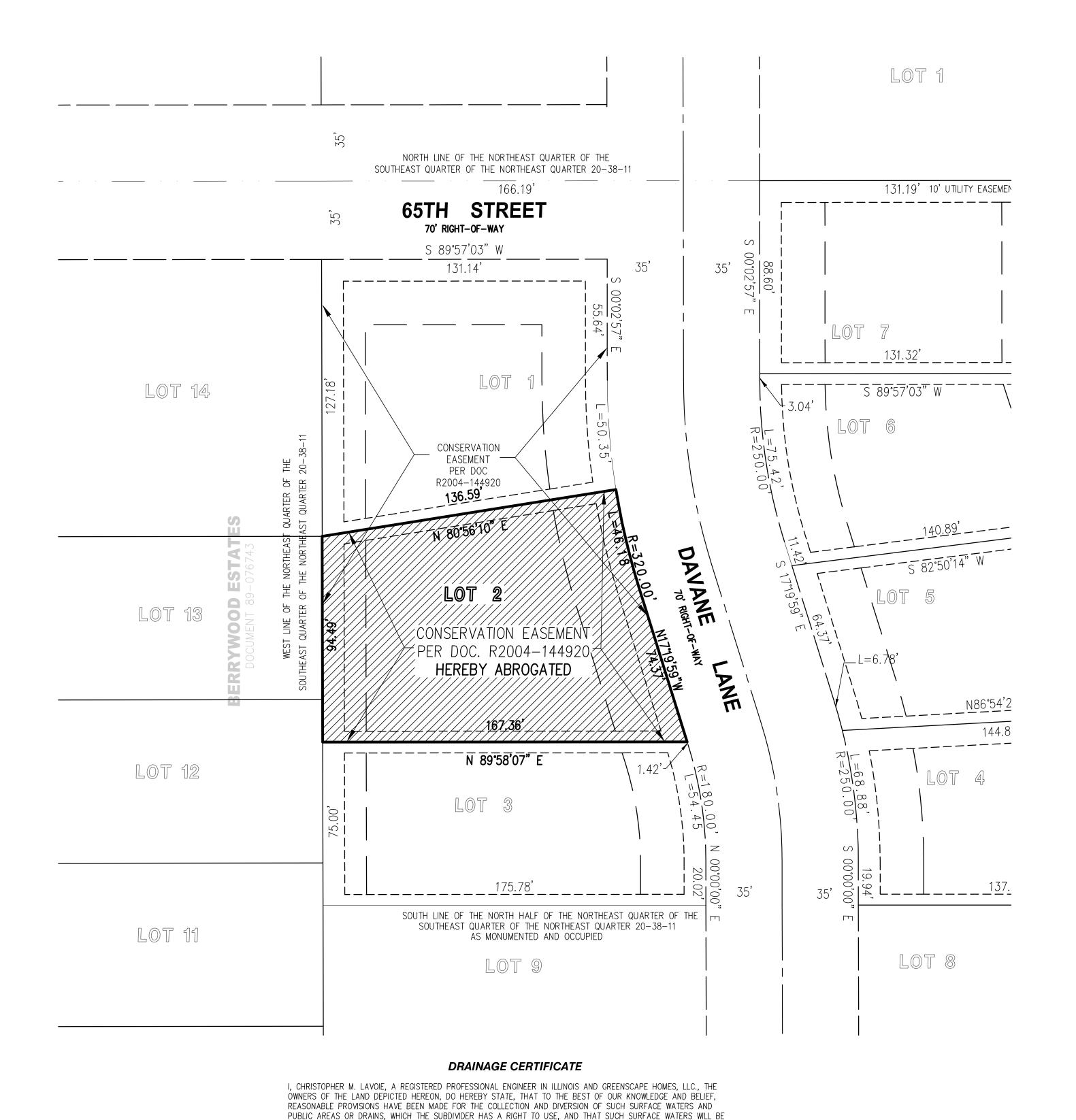
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# GRAPHIC SCALE

( IN FEET ) 1 inch = 30 ft.

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(FOR ABROGATION OF EASEMENT)  ABROGATION OF THE EASEMENTS DESIGNATED TO BE ABROGATED HEREON APPROVED AND ACCEPTED THI  DAY OF				
RECORDATION OF PLAT CERTIFICATE  I, KEITH E. BOLLINGER, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35–003592, HEREBY AUTHORIZE THE PLAT OFFI  GIVEN UNDER MY HAND AND SEAL AT PLAINFIELD, ILLINOIS, THIS DAY OF				
RECORDATION OF PLAT CERTIFICATE  I, KEITH E. BOLLINGER, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35–003592, HEREBY AUTHORIZE THE PLAT OFFI  OF THE VILLAGE OF DOWNERS GROVE AND/OR ITS DESIGNATED AGENTS TO RECORD THIS PLAT OF SUBDIVISION WITH  OFFICE OF THE DUPAGE COUNTY RECORDER OR DEEDS.  GIVEN UNDER MY HAND AND SEAL AT PLAINFIELD, ILLINOIS, THIS DAY OF	ABROGATION OF THE EASEM	ENTS DESIGNATED TO BE	ABROGATED HEREON APPROVED AND AC	CEPTED THIS
RECORDATION OF PLAT CERTIFICATE  I, KEITH E. BOLLINGER, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-003592, HEREBY AUTHORIZE THE PLAT OFFI OF THE VILLAGE OF DOWNERS GROVE AND/OR ITS DESIGNATED AGENTS TO RECORD THIS PLAT OF SUBDIVISION WITH OFFICE OF THE DUPAGE COUNTY RECORDER OR DEEDS.  GIVEN UNDER MY HAND AND SEAL AT PLAINFIELD, ILLINOIS, THIS DAY OF	DAY OF	, 2012.		
I, KEITH E. BOLLINGER, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-003592, HEREBY AUTHORIZE THE PLAT OFFI OF THE VILLAGE OF DOWNERS GROVE AND/OR ITS DESIGNATED AGENTS TO RECORD THIS PLAT OF SUBDIVISION WITH OFFICE OF THE DUPAGE COUNTY RECORDER OR DEEDS.  GIVEN UNDER MY HAND AND SEAL AT PLAINFIELD, ILLINOIS, THIS DAY OF, 2  ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003592  MY LICENSE EXPIRES 11/30/2012  PROFESSIONAL DESIGN FIRM 184-003041   COUNTY RECORDER'S CERTIFICATE	BY:		TITLE:	
I, KEITH E. BOLLINGER, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-003592, HEREBY AUTHORIZE THE PLAT OFFI OF THE VILLAGE OF DOWNERS GROVE AND/OR ITS DESIGNATED AGENTS TO RECORD THIS PLAT OF SUBDIVISION WITH OFFICE OF THE DUPAGE COUNTY RECORDER OR DEEDS.  GIVEN UNDER MY HAND AND SEAL AT PLAINFIELD, ILLINOIS, THIS DAY OF, 2  ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003592  MY LICENSE EXPIRES 11/30/2012  PROFESSIONAL DESIGN FIRM 184-003041   COUNTY RECORDER'S CERTIFICATE		RECORDATION C	OF PI AT CERTIFICATE	
LLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003592 MY LICENSE EXPIRES 11/30/2012 PROFESSIONAL DESIGN FIRM 184-003041  COUNTY RECORDER'S CERTIFICATE	OF THE VILLAGE OF DOWNERS	PROFESSIONAL LAND SUR GROVE AND/OR ITS DESIGN	/EYOR NO. 35-003592, HEREBY AUTHORIZE TH	
MY LICENSE EXPIRES 11/30/2012 PROFESSIONAL DESIGN FIRM 184-003041  COUNTY RECORDER'S CERTIFICATE	GIVEN UNDER MY HAND AND S	EAL AT PLAINFIELD, ILLINOI:	S, THIS DAY OF	, 20
	MY LICENSE EXPIRES 11/30/20	12		
THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS ON THE DA		COUNTY RECOR	RDER'S CERTIFICATE	
	THIS PLAT WAS FILED FOR REC	ORD IN THE RECORDER'S C	FFICE OF DUPAGE COUNTY, ILLINOIS ON THE _	DAY

OWNER'S CERTIFICATE



# LEGAL DESCRIPTION OF SUBJECT PROPERTY

#### LEGAL DESCRIPTION OF THE CONSERVATION EASEMENT HEREBY ABROGATED

LOT 2 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 1, 2004 AS DOCUMENT R2004-144920 AND CERTIFICATES OF CORRECTION RECORDED MAY 27, 2005 AS DOCUMENT R2005-110474 AND RECORDED FEBRUARY 2, 2006 AS DOCUMENT 2006-021295, IN DUPAGE COUNTY, ILLINOIS.

#### SURVEYOR'S NOTES

1. DIMENSIONS SHOWN THUS: 50.25' ARE FEET AND DECIMAL PARTS THEREOF. ANGULAR DATA SHOWN THUS: 90°00'00" INDICATES DEGREES, MINUTES AND SECONDS.

## SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS ) COUNTY OF KENDALL)

THIS IS TO CERTIFY THAT WE, C.M. LAVOIE AND ASSOCIATES, INC., ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-003041, DO HEREBY CERTIFY THAT THE ATTACHED PLAT WAS PREPARED AT AND UNDER OUR DIRECTION FOR THE PURPOSE OF ABROGATING AN EASEMENT, AS DESCRIBED BELOW

LOT 2 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 1, 2004 AS DOCUMENT R2004-144920 AND CERTIFICATES OF CORRECTION RECORDED MAY 27, 2005 AS DOCUMENT R2005-110474 AND RECORDED FEBRUARY 2, 2006 AS DOCUMENT 2006-021295, IN DUPAGE COUNTY, ILLINOIS

GIVEN UNDER MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2012.

C.M. LAVOIE AND ASSOCIATES, INC. KEITH E. BOLLINGER, IPLS NO. 35-3592 LICENSE EXPIRES: NOVEMBER 30, 2012

C.M. Lavoie



# GREEN ACRES DOWNERS GROVE DOWNERS GROVE ILLINOIS

PLAT OF ABROGATION		DR.	AWN BY: 1	(B	CHECKED BY: TH
		SCALE: 1"=30"		)"	DATE: 8-10-11
		JOI	B NUMBER 11-157	:	SHEET: 1 OF 1
	Consulting Civil Engineering	<u> </u>			DECORUPTION.
	Land Planning & Surveying	_#_	DATE		DESCRIPTION
	1050 State Route 126	1	01/17/12	REV. P	ER VIL. REVIEW LTR DTD 1/11,
	Plainfield, Illinois 60544	2	02/07/12	REV. P	ER VIL. REVIEW LTR DTD 2/3/
	voice 815-254-0505	3			
	fax 815-436-5158	4			

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COUNTY RECORDER

These plans are protected under the copyright laws of the United States and foreign countries, and are to be used only for the construction and/or repair of the Site Improvements as defined in the contract between the Engineer and the Owner. Any use of these plans, including details and specifications, to construct and/or repair additional items not described in these plans, constitutes a violation of the Engineer's copyright of these plans and is prohibited.

PRESIDENT

MANAGEMENT AGENCY.

DATED THIS \_\_\_\_\_, 2012

ILLINOIS REGISTERED PROFESSIONAL ENGINEER

REGISTRATION EXPIRES: NOVEMBER 30, 2013

ILLINOIS PROFESSIONAL DESIGN FIRM NO.: 184-003041

VICE-PRESIDENT

PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE ABROGATION OF THIS EASEMENT. FURTHERMORE, AS ENGINEER, I HEREBY CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS ABROGATION OR ANY PART

THEREFOF IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY



www.downers.us

#### COMMUNITY RESPONSE

**CENTER** 

630.434.CALL (2255)

CIVIC CENTER

801 Burlington Avenue Downers Grove Illinois 60515-4776

630.434.5500

TDD 630.434.5511

FAX 630.434.5571

FIRE DEPARTMENT

Administration

6701 Main Street

Downers Grove

Illinois 60516-3426

630.434.5980

FAX 630.434.5998

POLICE DEPARTMENT

825 Burlington Avenue

Downers Grove

Illinois 60515-4783

630.434.5600

FAX 630.434.5690

Public Works

DEPARTMENT

5101 Walnut Avenue

Downers Grove

Illinois 60515-4074

630.434.5460

FAX 630.434.5495

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

842 Curtiss Street

Downers Grove

Illinois 60515-4761

630.434.5595

FAX 630.434.5599

November 20, 2006

Mr. Anthony Charlton, P.E., Director Department of Stormwater Management County of DuPage 421 N County Farm Road Wheaton, IL 60187

RE:

Rosol Development - Green Acres Subdivision

Downers Grove, IL

Wetland fees

Dear Mr. Charlton:

Please find enclosed a copy of a letter from Jedd Anderson of Christopher B. Burke Engineering, Ltd. providing additional information to support our previous request for consideration of a wetland mitigation fee refund for the former wetland area on Lots 1 and 2 of the Green Acres Subdivision. In this letter Mr. Anderson provides information to help support the change in hydrology that serves as the basis for the previous determination that the subject area no longer meets the minimum criteria to be classified as a "regulatory wetland." Based on this additional information, the Village continues to recommend County consideration for the return of funds paid previously by the developer in the amount of \$93,212.80.

:IUE Green Acres subdivision

Please do not hesitate to contact me at (630) 434-5490 if you require additional information.

Sincerely,

THE VILLAGE OF DOWNERS GROVE

Inathan C. Hall Jonathan C. Hall, P.E.

Development Engineering Manager / Stormwater Administrator

c: Cara Pavlicek, Village Manager
 David Fieldman, Deputy Village Manager
 David Barber, P.E., Director of Public Works
 Michael Millette, P.E. Asst. Director of Public Works - Engineering
 Clayton Heffter, Stormwater Permitting Manager, County of DuPage
 Larry Rosol, Rosol Construction





#### CHRISTOPHER B. BURKE ENGINEERING, LTD.

9575 West Higgins Road Suite 600 Rosemont, Illinois 60018 TEL (847) 823-0500 FAX(847) 823-0520

November 13, 2006

Village of Downers Grove Public Works Department 5101 Walnut Avenue Downers Grove, IL 60515

Attn: David Barber

Subject:

Rosol Construction Site, Request of Fee in Lieu Fund Payment Refund

CBBEL project no. 01-528 B220

Dear Mr. Barber,

This letter is intended to provide documentation to support my previous letter dated April 28, 2006 concerning the possible wetland area on Lots 1 and 2 of the Green Acres Subdivision.

As stated in my previous letter:

"While in the field we noted that the 'wetland' does still posses some wetland vegetation. We identified a predominance of *Carex stricta*, a wetland plant, in an area covering about 200 square feet. Within the *Carex stricta* (the lowest point in the "wetland") a hole was dug to evaluate the soil and hydrologic conditions. The soils were noted to be hydric, as would be expected because those characteristics would not disappear quickly. We evaluated the soil to determine if it was moist or saturated. It was not, and we found no evidence, throughout the whole 'wetland' area, of surface ponding, in spite of several recent rainfalls."

As noted above, a hole was dug in the lowest point of the questionable area. This hole was dug greater than 30" deep. This hole was left open for approximately 15 minutes to see if water collected in the hole or if moisture appeared on the soil-ped faces. After 15 minutes no wetness, saturation or water was noted. It was my opinion, knowing what had occurred to the surrounding area, that the hydrology of the area had been significantly altered and the area no longer met the required hydrology criterion. It was my opinion that the *Carex* present was remnant vegetation and would likely cease to persist given time.

The changes in hydrology which I considered consisted of the following. If you recall, it was agreed at a meeting with the County that a ditch that was supposed to have been constructed on the adjoining property to the west, could be installed as part of the Green

Acres Subdivision because it was part of the western subdivision's approved plan. This ditch, if installed, would collect all rear yard drainage from the homes located to the west of the Rosol property. At the time of this meeting with the County, all rear yard drainage, sump pump discharge, rear house roof top runoff, and pool discharge drained directly to the property being developed. At the time of my original visit to the property, it was clearly evident from the surface ponding along this common property line that this was a major source of hydrology for the area. It was agreed at that meeting that the developer would be allowed to install the ditch as permitted and then be allowed to reevaluate the area later to see if the wetland hydrology still existed.

The developer met with the adjoining homeowners to discuss installation of the ditch. They were opposed to the construction because many of the owners had encroached into the drainage easement with sheds, a pool, fencing, etc. The Village agreed in lieu of the difficulty in working with the homeowners, to instead allow the developer to install a pipe to collect their rear yard drainage and sump pump discharge. The pipe would be installed on the developer's property. The ditch would have been on the adjoining resident's property. A pipe was installed and following inspection by the Village, it was determined that the developer had installed a perforated pipe. Following a meeting with me, the village and the developer, the developer was directed to replace the pipe with a solid pipe so as to not affect the ground water infiltration characteristics. The pipe was replaced.

Follow up visits to the site to verify construction, clearly showed that the ponding that had occurred along the west property line no longer existed. The tributary runoff from west of the property line was no longer tributary to the area.

Additionally, it was agreed at that meeting with the County, and following review of the application package, that the developer would be allowed/required to install the remaining half of 65<sup>th</sup> Street. to the north. Recall that originally only the north half of the road had been constructed. The south side of the road had no curb and gutter and much of the road runoff drained to the wetland area. At the time of my April 2006 visit, 65<sup>th</sup> Street had been constructed as permitted with curb and gutter and all stormwater that drains from the road is now collected in storm sewer and directed away from the wetland. Again, at the time of my original site visit, it was clear to me that road side runoff was an important component of this area's hydrology. The road construction eliminated that input.

Likewise, as part of the project, the developer was required, to connect the stub roads to the north and south of the site with a through road immediately to the east side of the wetland. This road was likewise constructed with curb and gutter. This road's top of curb was set flush/below the surrounding natural grade. Runoff that may have previously drained to the area in question no longer did so. Again, this runoff is collected by the storm sewer system and taken away from the wetland.

The area in question is located within two platted lots within the subdivision. The area's total watershed following installation of the pipe and roads had been effectively reduced to rainfall that falls directly on these two lots and the adjoining lot to the south.

It was my professional judgment that the cumulative effects on hydrology had significantly impacted the area's hydrology, especially since I was visiting the site within

days of rain and no surface ponding or evidence of hydrology existed on site as would be expected. It was my judgment that the *Carex* represented remnant conditions, and that it was early in the growing season, and the effect on vegetation had not fully occurred. It is common knowledge among wetland practitioners that changes in hydric soil characteristic and vegetation can take years to fully occur. But it was agreed previously among all stakeholders, including the County that the developer would be allowed to have the area re-evaluated once the approved elements were installed. It was my judgment based on my knowledge of the site history (and numerous site visits) that the site hydrology had clearly been significantly altered. During my original site visits, small pools of water routinely occurred within the area in question. Following the previously mentioned improvements, those pools, or other evidence of hydrology, were not present at a time I would have expected them to occur, and the hole dug was completely dry. Therefore, I concluded that the area in question no longer met the hydrology criterion and failed to meet the definition of a wetland.

If you have any questions, comments or concerns, please do not hesitate to call.

Sincerely,

**Jedd Anderson** 

Edd Doson

Vice President

Head, Environmental Resources Department

Cc: Anthony Charlton – DuPage

Jon Hall - Downers Grove