VILLAGE OF DOWNERS GROVE REPORT FOR THE VILLAGE COUNCIL MEETING APRIL 10, 2012 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
	✓ Resolution	
	Ordinance	
Final Plat of Subdivision -	Motion	Tom Dabareiner, AICP
Resubdivision of Green Acres	Discussion Only	Community Development Director

SYNOPSIS

A resolution for a Final Plat of Subdivision has been prepared to resubdivide three existing lots into two new lots. The property located at 401-403 Lynn Gremer Court and 6568 Fairview Avenue.

STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 identified Exceptional Municipal Services.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the April 3, 2012 Village Council meeting. Staff recommends approval on the April 10, 2012 Active Agenda.

BACKGROUND

The petitioner is requesting approval of a final plat of subdivision to combine three existing lots into two new lots. These three lots were part of the Green Acres subdivision in 2004 and were designated for stormwater detention. However, because the on-site stormwater detention was modified and completed in an acceptable manner that does not require the use of all three lots, the petitioner is now requesting to combine three lots into two lots, with one becoming a buildable single family residential lot and the other containing all of the stormwater detention.

The three lots are part of the Green Acres Subdivision approved in 2004. The Green Acres Subdivision, zoned R-3 Single Family Residence, is located on the west side of Fairview Avenue just north of 66th Street. The original approval of the 14-lot subdivision included extension of Davane Lane and creation of Lynn Gremer Court.

In late 2011, the new owner of the Green Acres Subdivision completed on-site stormwater detention. The shape of the pond was modified so that it does not take up all of Lots 12, 13 and 14. As such, the petitioner is now proposing to resubdivide these three lots into two new lots. Lots 12, 13 and 14 would be renamed Lots One and Two. Lot One would become buildable single family residential lot, while Lot Two would

contain the entire stormwater detention basin. There would be no changes to Lots 1-11 of the original Green Acres Subdivision.

The developer is creating a new homeowners association for the Green Acres Subdivision. Lot Two and the detention facilities would be owned and maintained by this homeowners association. If the homeowners association fails to maintain the detention facility, a Special Service Area will allow the Village to levy a special tax on the property owners for the maintenance of the facility. The Village would then maintain the detention facilities. The SSA will appear on a future Council agenda.

The two proposed lots comply with Sections 28.1103(c) and 28.1104(c) of the Zoning Ordinance. The lots will meet the minimum lot dimension requirements for the R-3 zoning district and per Section 20.301 of the Subdivision Ordinance. The required five-foot wide public utility and drainage easements will be provided along the new side lot lines. A new blanket stormwater detention easement will be placed over Lot Two. All other required public utility and drainage easements already exist and adequately serve the subdivision. The lot dimensions are specified in the table below:

401-403 Lynn Gremer Ct & 6568 Fairview Ave	Lot Width (req. 75 ft.)	Lot Depth (req. 140 ft.)	Frontage (req. 45 ft.)	Lot Area (req. 10,500 sq. ft.)
Lot 1	75 ft.	182 ft.	47.17 ft.	17,115 sq. ft.
Lot 2	90 ft.	251 ft.	98.1 ft. North 247.9 ft. East	33,316 sq. ft.

The majority of the required infrastructure has already been installed. The detention facility has been constructed and meets all requirements of the Village's Stormwater Ordinance. The petitioner is in the process of installing remaining infrastructure originally approved in 2004. The petitioner will install the remaining seven trees on Lynn Gremer Ct and ten remaining trees along Davane Lane. One street light will be installed in Lynn Gremer Court. The petitioner will continue installation of public sidewalks at the time of construction of single family homes on individual lots.

All required park and school donations were paid by the original developer when the subdivision was approved. No additional payments are required at this time.

The consolidation is consistent with the Comprehensive Plan. The existing neighborhood is a single family residential neighborhood. The proposed resubdivision will allow for a new single family home which meets the Plan's goal to ensure quality housing stock remains a staple of the community. The Residential Area Plan section of the Comprehensive Plan recommends residential areas provide a variety of housing and dwelling unit types and densities, generally organized by dwelling types and lot sizes as identified in the Land Use Plan. Additionally, the proposed lot sizes are consistent in width and area with other lots in the R-3 district.

The Plan Commission considered the petition at their March 5, 2012 meeting. One resident expressed concern the one additional home on the cul-de-sac would have a negative impact by increasing the density on Lynn Gremer Court. The Plan Commission determined the additional home is consistent with the original approval and the net impact was minimal.

The Commission found that the request met the standards of the Subdivision and Zoning Ordinances. Based on their findings, the Plan Commission recommended unanimous approval of the Final Plat of Subdivision. Staff concurs with the Plan Commission recommendation.

ATTACHMENTS

Aerial Map Resolution Staff Report with attachments dated March 5, 2012 Minutes of the Plan Commission Hearing dated March 5, 2012

RESOI	UTION	NO	
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A RESOLUTION ABROGATING CERTAIN UTILITY AND DRAINAGE EASEMENTS ON CERTAIN LOTS IN THE VILLAGE OF DOWNERS GROVE (401-403 LYNN GERMER & 6568 FAIRVIEW AVENUE)

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 certain utility and drainage easements 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 these utility and drainage easements;

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 utility and drainage easements;

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

SECTION 1. That certain portions of Lot 12, Lot 13 and Lot 14 in Green Acres of Downers Grove Subdivision, in DuPage County, Illinois, as depicted on the Final Plat of First Resubdivision of Green Acres of Downers Grove Subdivision, dated December 12, 2011, last revised February 7, 2012 (attached hereto), and legally described as follows:

U&D Easement Over Lot 12

THAT PART OF THE SOUTH 10 FEET OF LOT 12 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION PER DOCUMENT R2004-144920, LYING EAST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 12, THENCE SOUTH 00 DEGREES 08 MINUTES 13 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 60.11 FEET; THENCE SOUTH 44 DEGREES 54 MINUTES 37 SECONDS WEST, A DISTANCE OF 105.79 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 12, SAID POINT BEING THE POINT OF TERMINATION OF THIS LINE

AND ALSO THAT PART OF THE EAST 5 FEET OF LOT 12 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION PER DOCUMENT R2004-144920, LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 12, THENCE SOUTH 00 DEGREES, 08 MINUTES 13 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 60.11 FEET; THENCE SOUTH 44 DEGREES 54 MINUTES 37 SECONDS WEST, A DISTANCE OF 105.79 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 12, SAID POINT BEING THE POINT OF TERMINATION OF THIS LINE

U&D Easement Over Lot 13

THE SOUTH 10 FEET (EXCEPT THE EAST 10 FEET THEREOF) OF LOT 13 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION PER DOCUMENT R2004-144920

AND ALSO THAT PART OF THE WEST 5 FEET OF LOT 13 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION PER DOCUMENT R2004-144920, LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 13, THENCE SOUTH 00 DEGREES 08 MINUTES 13 SECONDS EAST ALONG THE WEST OF SAID LOT 13, A DISTANCE OF 60.11 FEET FOR A POINT OF BEGINNING; THENCE NORTH 44 DEGREES 54 MINUTES 37 SECONDS EAST, A DISTANCE OF 7.07 FEET FOR A POINT OF TERMINATION OF THIS LINE

U&D Easement Over Lot 14

THAT PART OF THE NORTH 5 FEET OF LOT 14 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION PER DOCUMENT R2004-144920, LYING EAST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 14, THENCE NORTH 89 DEGREES 58 MINUTES 07 SECONDS EAST, A DISTANCE OF 66.61 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 44 DEGREES 54 MINUTES 37 SECONDS WEST, A DISTANCE OF 7.06 FEET FOR A POINT OF TERMINATION OF THIS LINE

Commonly known as (portions of) 401-403 Lynn Gremer Court & 6568 Fairview Avenue; PINs 09-20-213-017, -018, -019

(hereinafter referred to as the "Abrogated U&D Easements"), 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.

<u>SECTION 2</u>. That the Mayor and Clerk of the Village of Downers Grove are hereby authorized to sign the final plat depicting 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	

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P.I.Nos09-20-213-017
09-20-213-018
09-20-213-019

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GREMER COURT

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PER DOCUMENT

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R2004-144920 30' SETBACK

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5' U&D EASEMENT & SETBACK PER DOCUMENT R2004—144920

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FINAL PLAT

FIRST RESUBDIVISION OF **GREEN ACRES OF DOWNERS GROVE**

BEING A PART OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN Dupage County, Illinois

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SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT I, KEITH E. BOLLINGER, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003592, HAVE SURVEYED AND RESUBDIVIDED THE PROPERTY DESCRIBED AS FOLLOWS:

LOTS 12, 13 AND 14 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 R2006-021295, IN DUPAGE COUNTY, ILLINOIS

SAID PARCEL OF LAND CONTAINING 50,430 SQUARE FEET OR 1.158 ACRES, MORE OR LESS.

AS SHOWN BY THIS PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND RESUBDIVISION; ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

ALL FIELD WORK WAS COMPLETED ON SEPTEMBER 2, 2011.

I FURTHER CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003592

GIVEN UNDER MY HAND AND SEAL AT PLAINFIELD, ILLINOIS THIS _____ DAY OF ______

MY LICENSE EXPIRES 11/30/2012 PROFESSIONAL DESIGN FIRM 184-003041



DECLARATION OF RESTRICTIVE COVENANTS

THE UNDERSIGNED OWNER HEREBY DECLARES THAT THE REAL PROPERTY DESCRIBED IN AND DEPICTED ON THIS PLAT OF RESUBDIVISION 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 ÙNDERGROUND, 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 RESUBDIVISION

(B) AN EASEMENT FOR SERVING THE RESUBDIVISION, 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 ASSIGNEES, 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 SERVICES AND THEIR APPURTENANCES, EITHER ON, OVER, ACROSS, BELOW OR THROUGH THE GROUND SHOWN WITHIN THE DOTTED LINES ON THE PLAT MARKED P.U. & D.E. 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 RESUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEES' FACILITIES OR IN, UPON OR OVER, THE PROPERTY WITHIN THE STORMWATER OR SEWER EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES. THE GRADE OF THE RESUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREON.

(C) THE FOLLOWING DECLARATIONS, OR OTHERS SIMILAR THERETO, SHALL BE SET FORTH ON THE FACE OF THIS PLAT: 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 LANDS 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 HEREAFTER ACQUIRING ANY PROPERTY OR LOTS SHOWN UPON THE ATTACHED PLAT OF RESUBDIVISION ARE HEREBY SUBJECT TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY BY WHOMSOEVER OWNED, TO WIT: (1) NO IMPROVEMENTS SHALL BE MADE IN OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, AS

DESCRIBÉD IN THE PLAT OF RESUBDIVISION, 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/HER LOT IN SUCH A MANNER AS TO INSURE THE FREE AND UNINTERRUPTED FLOW OF STORM WATER THROUGH THE DRAINAGE SYSTEM OF THE RESUBDIVISION AND SHALL NOT DESTROY OR MODIFY GRADES OR SLOPES WITHOUT HAVING FIRST

RECEIVED PRIOR WRITTEN APPROVAL FROM 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 RECORDATION OF A NOTICE OF LIEN, WITHIN SIXTY DAYS OF COMPLETION OF THE WORK, CONSTITUTE A LIEN AGAIN HIS/HER LOT WHICH MAY BE FORECLOSED BY AN ACTION BROUGHT BY OR ON BEHALF OF THE VILLAGE OF

(5) THE AFORESAID RESTRICTIONS AND COVENANT, AND EACH AND EVERY ONE OF THEM, ARE HEREBY EXPRESSLY MADE AS 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.

PRESIDENT	 	
VICE- PRESIDENT	 	
 NOTARY-PUBLIC	 	

EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICES IS HEREBY RESERVED FOR AND GRANTED TO:

COMMONWEALTH EDISON COMPANY AND AT&T, GRANTEES,

THEIR RESPECTIVE LICENSES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERELY, 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 AND DOTTED LINES (OR SIMILAR DESIGNATION) ON THE PLAT AND MARKED U&D EASEMENT, 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 RESUBDIVIDED 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 U&D EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEES. 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 THROUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "OUTLOTS", "COMMON ELEMENTS", "OPEN SPACE". "OPEN AREA". "COMMON GROUND". "PARKING" AND "COMMON AREAS". THE TERM "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, RETENTION POINT OR MECHANICAL EQUIPMENT. RELOCATION OF FACILITIES WILL BE DONE BY GRANTEES AT COST OF THE GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

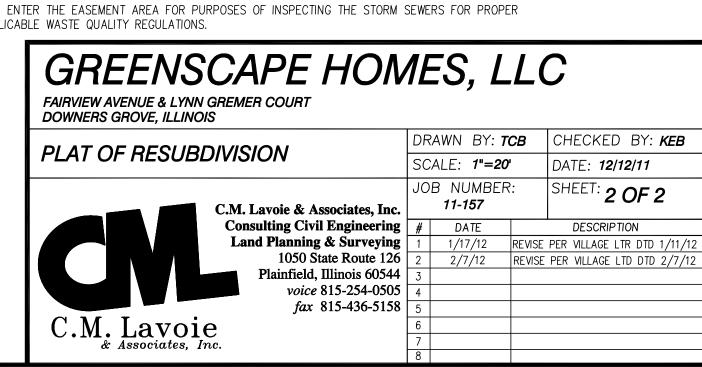
STORMWATER MANAGEMENT PROVISIONS

GREENSCAPE HOMES, LLC. (HEREINAFTER REFERRED TO AS THE "OWNER'S"), DOES HEREBY GRANT UNTO THE VILLAGE OF DOWNERS GROVE. ILLINOIS, ITS SUCCESSORS AND ASSIGNS (HEREINAFTER REFERRED TO AS THE "VILLAGE"), THE FOLLOWING EASEMENTS:

1. A NON-EXCLUSIVE AND PERPETUAL STORMWATER MANAGEMENT EASEMENT ON, OVER, ACROSS AND THROUGH THOSE PORTIONS OF THE PROPERTY SHOWN AND MARKED AS "STORMWATER MANAGEMENT EASEMENT" ON THE PLAT (HEREINAFTER REFERRED TO AS THE "DETENTION AREA"). TOGETHER WITH A NON-EXCLUSIVE AND PERPETUAL EASEMENT ACROSS THE REMAINDER OF THE PROPERTY SHOWN ON THE PLAT OF RESUBDIVISION FOR PURPOSES OF ACCESS TO THE DETENTION AREA FOR THE PURPOSE SET FORTH HEREIN. OWNER AGREES THAT THE DETENTION AREA SHALL BE USED ONLY FOR STORMWATER DETENTION PURPOSES TO SERVE THE OWNER'S LAND AND FOR OTHER USES APPROVED BY THE VILLAGE TO WIT:

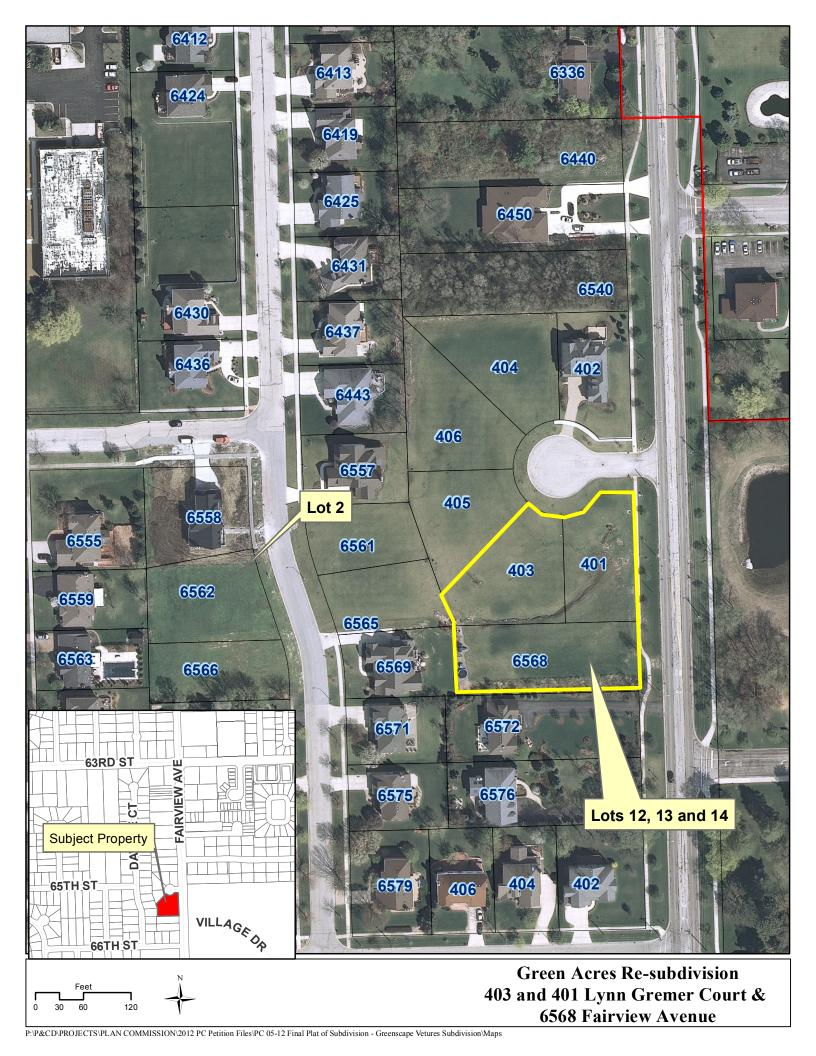
THE OWNERS, ITS SUCCESSORS AND ASSIGNS, SHALL MAINTAIN AND REPAIR THE DETENTION AREA IN SUCH A MANNER AS TO INSURE ADEQUATE STORMWATER STORAGE AND THE FREE AND UNINTERRUPTED FLOW OF STORMWATER THROUGH THE STORM DRAINAGE SYSTEM SERVING THE OWNER'S LAND, AND SHALL NOT, WITHOUT THE PRIOR WRITTEN APPROVAL OF THE VILLAGE ENGINEER, MODIFY THE GRADES OR SLOPES FROM THOSE SHOWN ON THE GRADING PLAN FOR THE OWNER'S PROPERTY APPROVED BY THE VILLAGE OR IN THE EVENT THE OWNER, ITS SUCCESSORS AND ASSIGNS, SHALL FAIL TO PROPERLY MAINTAIN ANY OF THE STORMWATER MANAGEMENT FACILITIES WITHIN THE DETENTION AREA, THE VILLAGE SHALL, UPON FOURTEEN (14) DAYS' PRIOR WRITTEN NOTICE, HAVE THE RIGHT TO ENTER UPON THE OWNER'S LAND SHOWN ON THE PLAT OF RESUBDIVISION AND TO PERFORM, OR HAVE PERFORMED ON ITS BEHALF ANY MAINTENANCE WORK TO OR UPON THE DETENTION AREA, AS THE CASE MAY BE, REASONABLY NECESSARY TO INSURE ADEQUATE STORMWATER STORAGE AND FREE FLOW OF STORMWATER THROUGH THE STORM DRAINAGE SYSTEM SERVING THE OWNER'S LAND. AFTER RECEIVING SUCH NOTICE FROM THE VILLAGE, OWNER SHALL FOR TEN (10) DAYS RETAIN THE OPTION OF PERFORMING ANY MAINTENANCE WORK ITSELF, VILLAGE AGREES, BY THE ACCEPTANCE OF THIS EASEMENT THAT IT WILL INDEMNIFY, DEFEND AND HOLD THE OWNER, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM AND AGAINST ANY AND ALL COST, DAMAGES, CLAIMS, EXPENSES, LIABILITIES AND JUDGMENTS (INCLUDING REASONABLY ATTORNEY'S FEES) FOR PROPERTY DAMAGE AND PERSONAL INJURY, INCLUDING DEATH, ARISING OUT OF OR RELATED TO THE VILLAGE'S ACTS AND OMISSIONS PURSUANT TO THIS EASEMENT CONVEYANCE, OWNER, AND ITS SUCCESSORS AND ASSIGNS, RETAINS THE RIGHT TO USE THE EASEMENT PREMISES FOR ANY USE NOT INCONSISTENT WITH THE GRANTING OF THE EASEMENT PREMISES HEREIN.

THE VILLAGE MAY, WITHOUT PRIOR NOTICE, ENTER THE EASEMENT AREA FOR PURPOSES OF INSPECTING THE STORM SEWERS FOR PROPER MAINTENANCE AND COMPLIANCE WITH APPLICABLE WASTE QUALITY REGULATIONS.



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COUNTY RECORDER





VILLAGE OF DOWNERS GROVE REPORT FOR THE PLAN COMMISSION MARCH 5, 2012 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
PC-06-12		
401-403 Lynn Gremer Court and 6568 Fairview Avenue	Final Plat of Subdivision	Damir Latinovic, AICP Planner

REQUEST

The petitioner is requesting approval of a final plat of subdivision to resubdivide three existing lots into two new lots.

NOTICE

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

GENERAL INFORMATION

OWNER: Greenscape Homes, LLC.

4355 Weaver Parkway Warrenville, IL 60555

APPLICANT: Tim Hejny

C. M. Lavoie & Associates, Inc.

1050 West Route 126 Plainfield, IL 60544

PROPERTY INFORMATION

EXISTING ZONING: R-3, Single Family Residential

EXISTING LAND USE: Vacant

PROPERTY SIZE: 1.15 acres (50,431 sq. ft.)
PINS: 09-20-213-017, -018, -019

SURROUNDING ZONING AND LAND USES

ZONING FUTURE LAND USE

NORTH: R-3, Single Family Residence Single Family Residential
SOUTH: R-3, Single Family Residence Single Family Residential
EAST: R-5A, Townhouse Residence & PD #32 Multi-Family Residential
WEST: R-3, Single Family Residence Single Family Residential

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
- 5. Detention Basin Exhibit

PROJECT DESCRIPTION

The petitioner is requesting approval of a final plat of subdivision to resubdivide three existing lots into two new lots. The three lots are part of the Green Acres Subdivision approved in 2004. The lots have a total area of 50,431 sq. ft. The Green Acres Subdivision, zoned R-3 Single Family Residence, is located on the west side of Fairview Avenue just north of 66th Street. The approval of the 14-lot subdivision included extension of Davane Lane and creation of new Lynn Gremer Court. Lots 1-11 were designated for single family homes while lots 12, 13 and 14 located south of Lynn Gremer Court were designated for a stormwater detention facility.

The petitioner modified the detention facility so that it does not take up all of lots 12, 13 and 14. As such, the petitioner is proposing to resubdivide lots 12, 13 and 14 into two new lots. Lot One would become buildable single family residential lot while Lot Two would contain the entire stormwater detention basin.

Since 2004, four homes were completed and three more are currently under construction. The petitioner owns all other vacant lots in the subdivision and plans to construct single family homes on the remaining lots.

COMPLIANCE WITH COMPREHENSIVE PLAN

The existing neighborhood is a single family residential neighborhood. The proposed resubdivision will allow for one more new single family home which meets the Plan's goal to ensure quality housing stock remains a staple of the community. The Residential Area Plan section of the Comprehensive Plan recommends residential areas provide a variety of housing and dwelling unit types and densities, generally organized by dwelling types and lot sizes as identified in the Land Use Plan. Additionally, the proposed lot sizes are consistent in width and area with other lots in the R-3 district. Staff believes the proposed resubdivision to create one more buildable lot is consistent with the Comprehensive Plan.

COMPLIANCE WITH ZONING ORDINANCE

The property is zoned R-3 Single Family Residence District. The property is currently vacant. The two proposed lots comply with Sections 28.1103(c) and 28.1104(c) of the Zoning Ordinance. If the resubdivision is approved, the petitioner will be able to construct one additional single family home. The new home will meet all Zoning Ordinance bulk and setback requirements.

COMPLIANCE WITH THE SUBDIVISION ORDINANCE

The two proposed lots will meet the minimum lot dimension requirements for the R-3 zoning district and per Section 20.301 of the Subdivision Ordinance. The lot dimensions are specified in the table below:

401-403	Lot V	Vidth	Lot I	Depth	Fron	ntage	Lot	Area
Lynn	Required	Proposed	Required	Proposed	Required	Proposed	Required	Proposed
Gremer Ct								
& 6568								
Fairview								
Ave								
Lot 1	75 ft	75 ft	140 ft	182 ft	45 ft	47.17 ft	10,500	17,115
							sq. ft.	sq. ft.
Lot 2	75 ft	90 ft	140 ft	251 ft	45 ft	98.1 ft	10,500	33,316
						North	sq. ft.	sq. ft.
						247.9 ft		
						East		

The petitioner has not requested any exceptions from the Subdivision Ordinance. The required five-foot wide public utility and drainage easements will be provided along the new side lot lines. A new blanket stormwater detention easement will be placed over the entire Lot Two designated for the stormwater detention area. All other required public utility and drainage easements already exist and adequately serve the subdivision.

All required park and school donations were paid by the developer when the original subdivision was approved. No additional payments are required at this time.

ENGINEERING/PUBLIC IMPROVEMENTS

The petitioner is in the process of finalizing the construction of all required stormwater facilities for the entire Green Acres subdivision. The stormwater detention facility was originally planned for lots 12, 13 and 14. The petitioner modified the shape of the detention to create one more buildable lot. The detention facility would be entirely located on the proposed Lot Two, while the proposed Lot One is designated as a buildable lot. The detention facility meets all requirements of the Village's Stormwater Ordinance. The petitioner will create a home-owners association which will be responsible for maintenance of the detention facility.

The majority of the required infrastructure has already been installed. The petitioner is in the process of installing remaining infrastructure items originally approved in 2004. The petitioner will install the remaining seven trees on Lynn Gremer Ct and ten remaining trees along Davane Lane. One street light will be installed in Lynn Gremer Court. The petitioner will continue installation of public sidewalks at the time of construction of single family homes on individual lots. The petitioner will install the final layer of asphalt on Lynn Gremer Court upon completion of all single family homes on the cul-de-sac.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners within 250 feet of the entire property. In addition, the notice was posted on the site and published in the Downers Grove Reporter. Staff has not received any neighborhood comment regarding the proposal at this time.

FINDINGS OF FACT

Staff believes the proposed Final Plat of Subdivision to consolidate the three existing lots into two new lots meets the standards of Sections 28.1103(c) and 28.1104(c) of the Zoning Ordinance and Sections 20.101 and 20.301(b) of the Subdivision Ordinance. Staff believes the request is consistent with the Comprehensive Plan and Zoning and Subdivision Ordinances of the Village.

RECOMMENDATIONS

The proposed final 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 the final plat of subdivision associated with PC-06-12 to the Village Council subject to the following conditions:

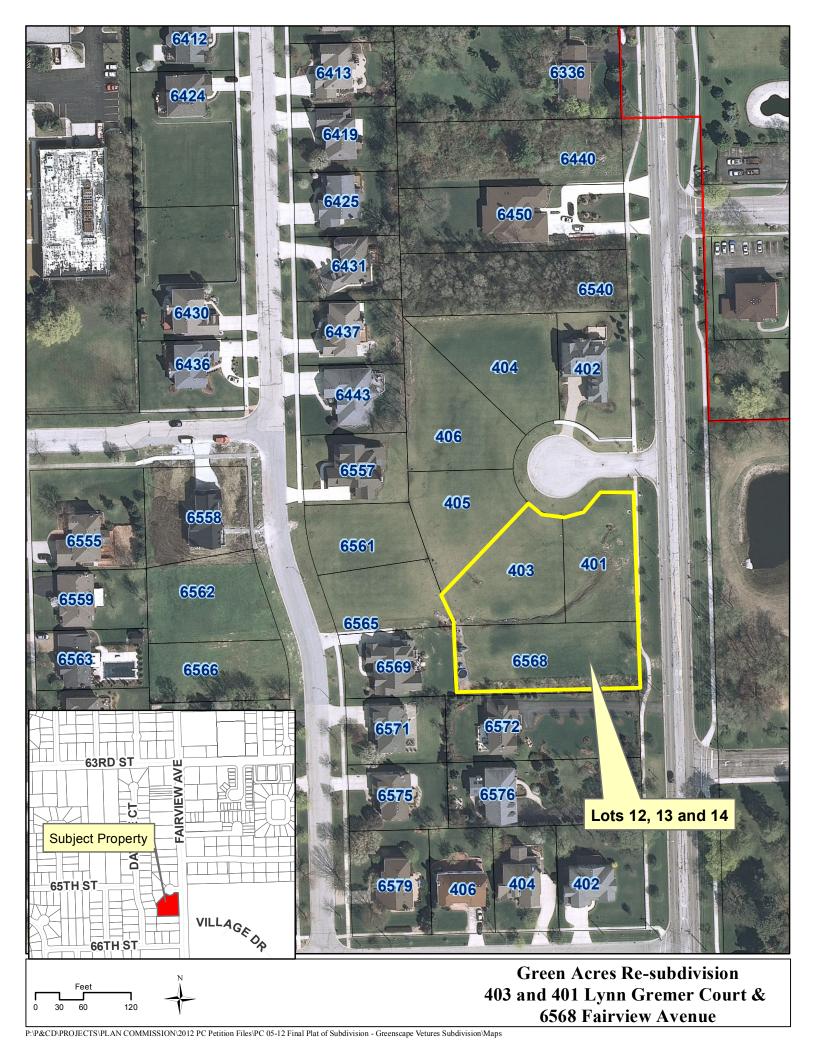
- 1. The final plat of subdivision shall substantially conform to Final Plat of First Resubdivision of Green Acres of Downers Grove Subdivision prepared by C. M. Lavoie & Associates. Inc., dated December 12, 2011, last revised February 7, 2012 except as such plat may be modified to conform to the Village Codes and Ordinances.
- 2. The Home Owners Association Declaration of Restrictive Covenants document for the subdivision shall be recorded with the plat of resubdivision.
- 3. Water service stubs for Lots 13 and 14 shall be disconnect at the main prior to issuance of the certificate of occupancy for Lot One.
- 4. Upon competition of all remaining public improvements for the entire Green Acres Subdivision, the petitioner shall submit record drawings for approval by the Village Council. Along with the record drawings, the petitioner shall submit a guarantee security in the amount of 20% of the total cost of the public improvements, which shall expire no earlier than two years after acceptance of such public improvements by the Village Council.

Staff Report Approved By:

Tom Dabareiner, AICP Director of Community Development

TD:dl -att

P:\P&CD\PROJECTS\PLAN COMMISSION\2012 PC Petition Files\PC 06-12 Green Acres Resubdivision\Staff Report PC-36-12.doc





December 16, 2011

Mr. Jeff O'Brien Village of Downers Grove Department of Community Development 801 Burlington Avenue Downers Grove, IL 60515

Dear Mr. O'Brien:

<u>Subject: Authorization for Owner's designated agent – Greenscape Homes</u>

Please accept this letter of authorization appointing CM Lavoie & Associates to act as Greenscape Homes' designated agent for the subdivision process for the Village of Downers Grove for the following property:

Property Located at Fairview Avenue and Lynn Gremer Court PIN(s) #09-20-213-017; 09-20-213-018, 09-20-213-019

If you have any questions or need additional information, please don't hesitate to contact me at 630/281-2039.

Sincerely,

Kathleen Washko

Chief Financial Officer

cc: Ken Neumann



December 13, 2011

Village of Downers Grove Department of Community Development 801 Burlington Avenue Downers Grove, Illinois 60515 Attn: Jeff O'Brien, Planning Manager

RE:

Green Acres of Downers Grove Fairview Avenue at 65th Street

Dear Mr. O'Brien,

On behalf of Greenscape Ventures, LLC, C.M. Lavoie & Associates, Inc. is pleased to submit 6 copies of the *Final Plat for the First Resubdivision of Green Acres of Downers Grove*. We would like to resubdivide Lots 12, 13 and 14 of the existing subdivision into 2 lots, one of which will be a single family residential lot with the same zoning and the other being a lot solely for stormwater management purposes. In addition to subdividing the existing lots, we would also like to vacate a blanket stormwater management easement that was granted for lots 12, 13 and 14.

We request to be put on the earliest available Plan Commission agenda.

If you have any questions, please do not hesitate to contact our office.

Sincerely yours,

C.M. Lavoie & Associates, Inc.

Timothy R. Hejny Project Manager

December 16, 2011

FIRST RESUBDIVISION OF GREEN ACRES OF DOWNERS GROVE PROJECT SUMMARY

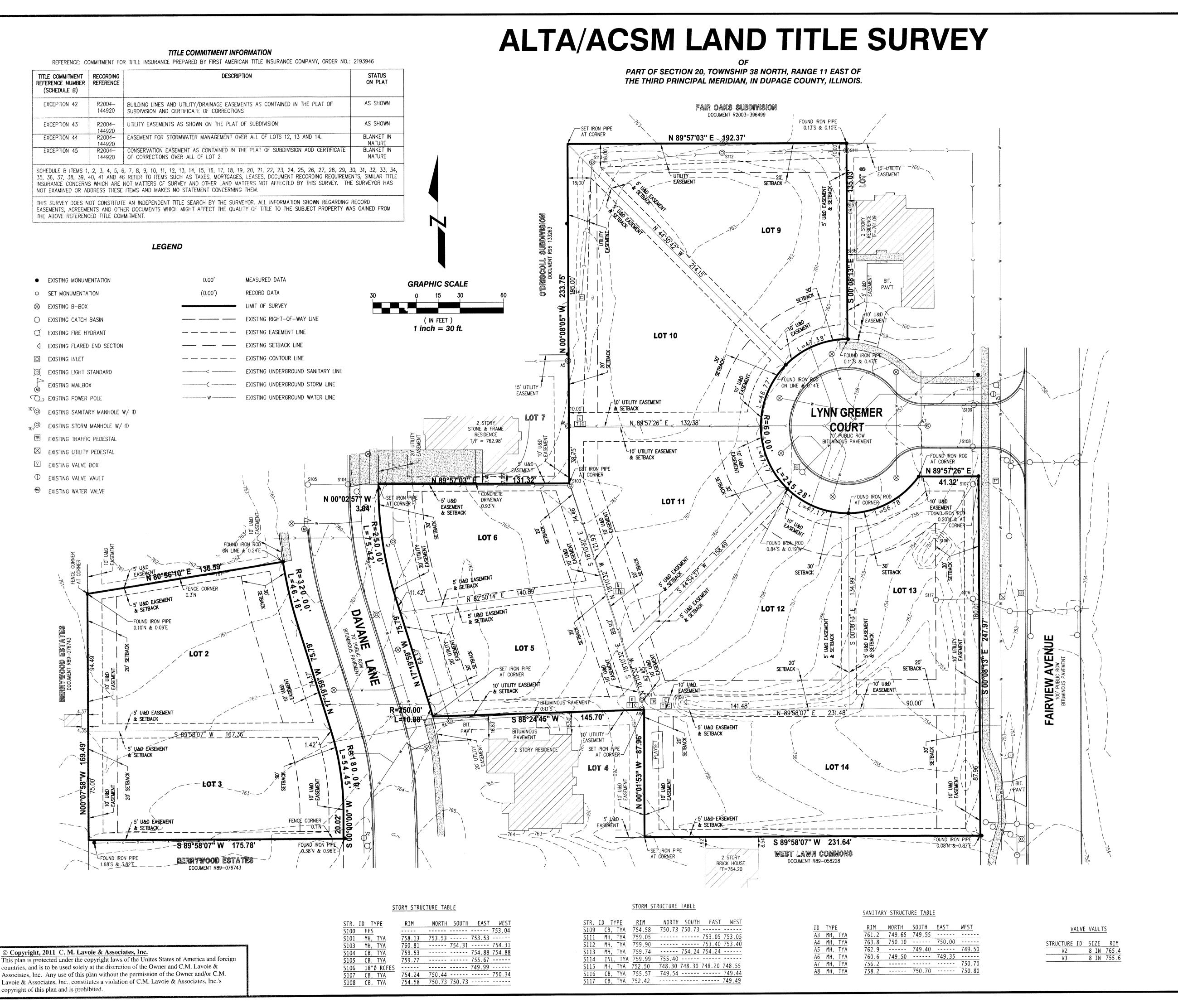
The proposed First Resubdivision of Green Acres of Downers Grove consists of Lots 12, 13 and 14 of Green Acres of Downers Grove Subdivision which was recorded June 1, 2004 (Document Number R2004-144920). As part of the Green Acres of Downers Grove Subdivision, calculations were prepared to provide stormwater detention for the proposed subdivision at an off-site location. Roadway, watermain, sanitary and storm sewer were installed in the proposed subdivision as permitted. The off-site stormwater detention was not constructed. Four of the fourteen lots had single family houses constructed on them.

Since these homes were constructed, the remaining lots have changed ownership. The current owner/developer wishes to continue construction of homes on the remaining lots. Prior to constructing any homes in the subdivision, the developer is required by the Village of Downers Grove to construct a stormwater detention system. The developer has begun construction of a detention pond (please see drawing *EX-03 – Detention Basin Exhibit* by C.M. Lavoie & Associates, Inc. for construction drawing of the proposed detention pond) which is located on portions of lots 12 and 13 and all of lot 14.

The purpose of the First Resubdivision of Green Acres of Downers Grove is to resubdivide lots 12, 13 and 14 into two separate lots. Lot One will be a single family residential lot and Lot 2 will be used exclusively for stormwater management purposes.

Lot One conforms to all of the Village of Downers Grove zoning requirements for R-3 zoning including square footage, width, depth and setbacks as stipulated in the current Zoning Ordinance.

In addition to resubdividing Lots 12, 13 and 14, we are requesting that the existing Conservation Easement located on Lot 2 of the Green Acres of Downers Grove to be abrogated. The Conservation Easement was originally granted to the Lot to conserve the existing wetland. The wetlands have since been removed, resulting in no longer needing the easement.



EGAL DESCRIPTION

LOTS 2, 3, 5, 6, 9, 10, 11, 12, 13 AND 14 IN GREEN ACRES OF DOWNERS GROVE 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 R2006-021295, IN DUPAGE

SAID PARCEL OF LAND CONTAINING 150,934 SQUARE FEET OR 3.465 ACRES, MORE OR LESS.

ADDRESSES

LOT 2 = 6562 DAVANE LANE, DOWNERS GROVE, IL LOT 3 = 6566 DAVANE LANE, DOWNERS GROVE, IL LOT 5 = 6565 DAVANE LANE, DOWNERS GROVE, IL LOT 6 = 6561 DAVANE LANE, DOWNERS GROVE, IL LOT 9 = 404 LYNN GREMER COURT, DOWNERS GROVE,

LOT 10 = 406 LYNN GREMER COURT, DOWNERS GROVE, IL LOT 11 = 405 LYNN GREMER COURT, DOWNERS GROVE, IL LOT 12 = 403 LYNN GREMER COURT, DOWNERS GROVE, IL LOT 13 = 401 LYNN GREMER COURT, DOWNERS GROVE, IL LOT 14 = 6568 FAIRVIEW AVENUE, DOWNERS GROVE, IL

BENCHMARKS

DUPAGE COUNTY BENCHMARK:

DGN07001 — BRONZE DISK IN CONCRETE BASE OF
TRAFFIC CONTROL BOX AT THE NORHTWEST CORNER
OF MAPLE AVENUE AND 55TH STREET.

ELEVATION...743.51' NGVD29

ON-SITE BENCHMARK:

18 — SET CUT CROSS ON THE SOUTHWESTERLY SIDE OF LYNN GREMER COURT BETWEEN LOTS 11 AND 12 APPROXIMATELY 8.88' SE'LY OF A LIGHT POLE AND 4.98' NE'LY OF A FIRE HYDRANT. ELEVATION...758.31' NGVD29

ZONING NOTE

THE FOLLOWING BULK ZONING REGULATIONS ARE BASED ON THE CURRENT ZONING ORDINANCE OF THE VILLAGE OF DOWNERS GROVE. THE BULK ZONING REGULATIONS LISTED BELOW ARE OUR INTERPRETATION OF THE ABOVE DOCUMENTS TO THE BEST OF OUR ABILITY. ANYONE MAKING DETERMINATIONS AS TO COMPLIANCE WITH APPLICABLE ZONING REGULATIONS SHOULD ALWAYS REFER TO THE ACTUAL DOCUMENTS AS WELL AS SEEK VERIFICATION FROM APPROPRIATE VILLAGE STAFF AND/OR LEGAL COUNCIL.

LOCATION: DAYANE CT., LYNN GREMER CT. AND FAIRVIEW AVENUE

ZONE: R3

R3 ZONING - AREA REGULATIONS PER VILLAGE DOWNERS GROVE ORDINANCE

FRONT YARD: 30 FEET
SIDE YARD: 6 FEET OR 10% OF LOT WIDTH, WHICHEVER IS GREATER
REAR YARD: 20 FEET

MAXIMUM BUILDING HEIGHT: NOT TO EXCEED 33 FEET FLOOR AREA RATIO: NOT TO EXCEED 0.6%

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.

- 2. NORTH ARROW AND BEARINGS BASED ON THE WEST RIGHT-OF-WAY LINE OF FAIRVIEW AVENUE TO BE NORTH 00 DEGREES 08 MINUTES 13 SECONDS WEST.
- 3. THIS SURVEY WAS PREPARED UTILIZING A COMMITMENT FOR TITLE INSURANCE PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NUMBER 2193946 WITH AN EFFECTIVE DATE OF JULY 28, 2011.
- 4. COMPARE YOUR POINTS BEFORE USING SAME AND REPORT ANY DIFFERENCES IMMEDIATELY.
- 5. CHECK LEGAL DESCRIPTION WITH DEED OR TITLE POLICY AND REPORT ANY DISCREPANCY IMMEDIATELY. BUILDING LINES AND EASEMENTS, IF ANY, SHOWN HEREON ARE AS SHOWN ON THE RECORDED SUBDIVISION OR AS INDICATED.
- 6. THE LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND COMPLIED FROM FIELD SURFACE OBSERVATIONS, UTILITY MARKINGS LOCATED IN THE FIELD AND UTILITY ATLASES. SOME OF THE PROVIDED ATLASES INDICATE LOCATIONS BY GRAPHIC REPRESENTATION ONLY AND THESE ARE SHOWN TO THE BEST OF OUR ABILITY. UNDERGROUND UTILITIES SHOWN ARE FOR INFORMATIONAL PURPOSES ONLY. ANY CONTRACTOR CONTEMPLATING WORK ON THIS SITE SHOULD CONFIRM THE LOCATION OF ALL UTILITIES PRIOR TO THE
- 7. THE SUBJECT PROPERTY IS SITUATED WITHIN "ZONE X" (AREAS OF MINIMAL FLOODING) AS PER FEMA FLOOD INSURANCE RATE MAPS, MAP NUMBER 17043C 0904H, WITH AN EFFECTIVE DATE OF DECEMBER 16, 2004.
- 8. THERE WAS NO OBSERVABLE EVIDENCE OF THE SUBJECT PROPERTY BEING USED AS A SOLID WASTE DUMP, SUMP

STATE OF ILLINOIS)

COUNTY OF KENDALL)

TO:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-5, 6(A)(B), 11(A)(B) AND 18-20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 16th, 2011.

PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

DATED AT PLAINFIELD, ILLINOIS THIS 19th DAY OF AUGU TA LAVOIL AND ASSOCIATES, INC. JUNOIS PROFESSIONAL DESIGN FIRM N.D. 184-003041 KEITH F. BOLLINGER, IPLS NO. 35-3592

C.M. Lavoie

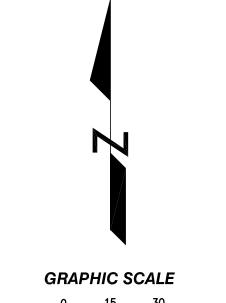


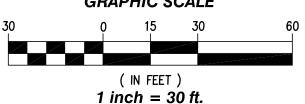
GREENSCAPE HOMES, LLC GREEN ACRES OF DOWNERS GROVE DOWNERS GROVE, ILLINOIS ALTA/ACSM LAND TITLE SURVEY DRAWN BY: TCB CHECKED BY: KEB SCALE: 1"=30' DATE: 08/17/11 JOB NUMBER: 11-157 (03-164) SHEET: 1 OF 1 Consulting Civil Engineering Land Planning & Surveying 1050 State Route 126 Plainfield, Illinois 60544 voice 815-254-0505 fax 815-436-5158 ALTA/ACSM LAND TITLE SURVEY DRAWN BY: TCB CHECKED BY: KEB SCALE: 1"=30' DATE: 08/17/11 JOB NUMBER: 11-157 (03-164) Plainfield, Illinois 60544 voice 815-254-0505 fax 815-436-5158

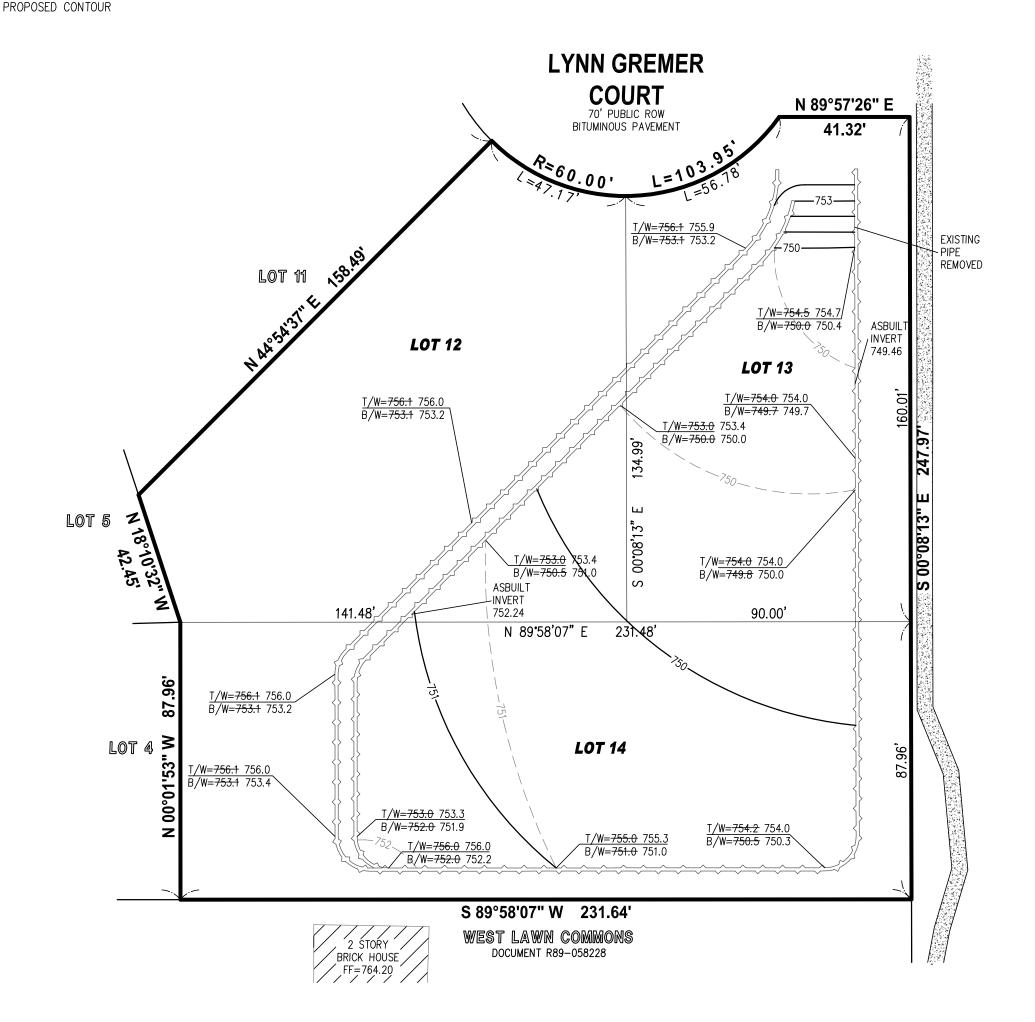
LEGEND 0.00' MEASURED DATA RECORD DATA (0.00')LIMIT OF SURVEY AS-BUILT WALL T/W TOP OF WALL B/W BOTTOM OF WALL 756.1 PROPOSED GRADE 756.1 AS-BUILT GRADE AS-BUILT CONTOUR

AS-BUILT WALL EXHIBIT

LOTS 12, 13 AND 14 IN GREEN ACRES OF DOWNERS GROVE 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 R2006-021295, IN DUPAGE COUNTY, ILLINOIS







PROPOSED DETENTION VOLUME (LOT 12, 13, 14)

ELEVATION (FT)	AREA (Square Feet)	A1+A2+Sqrt (A1*A2) (Acres)	VOLUME (AC - FT)	VOLUME SUM (AC - FT)	DISCHARGE* (cfs)
749.40	0	0.00	0.00	0.00	0
750.00	10017	0.23	0.05	0.05	0.04
751.00	19883	1.01	0.34	0.38	0.21
752.00	22335	1.45	0.48	0.87	0.28
753.00	22431	1.54	0.51	1.38	0.31
754.00	24149	1.60	0.53	1.92	0.34
•		_	PROPOSED DETENTION=	1.92	

VOLUME = (1/3) * (EL2 - EL1) * (A1 + A2 + Sqrt (A1 * A2)) EL1, EL2 = Lower and upper elevations of the increment A1, A2 = Areas computed for EL1 and EL2

Volume = Incremental volume between EL1 and EL2

*DISCHARGE RATES TAKEN FROM PONDPACK OUTPUT

AS-BUILT DETENTION VOLUME (LOT 12, 13, 14)

ELEVATION (FT)	AREA (Square Feet)	A1+A2+Sqrt (A1*A2) (Acres)	VOLUME (AC - FT)	VOLUME SUM (AC - FT)
749.70	3	0.00	0.00	0.00
750.00	3322	0.08	0.01	0.01
751.00	18159	0.67	0.22	0.23
752.00	22226	1.39	0.46	0.69
753.00	22430	1.54	0.51	1.21
753.35	22430	1.54	0.18	1.39
753.40	24081	1.60	0.03	1.41
754.00	24149	1.66	0.33	1.75
		_	AS-BUILT DETENTION=	1.75

VOLUME = (1/3) * (EL2 - EL1) * (A1 + A2 + Sqrt (A1 * A2)) EL1, EL2 = Lower and upper elevations of the increment A1, A2 = Areas computed for EL1 and EL2 Volume = Incremental volume between EL1 and EL2

GREENSCAPE HOMES, LLC FAIRVIEW AVENUE & LYNN GREMER COURT DOWNERS GROVE, ILLINOIS CHECKED BY: KEB DRAWN BY: TCB AS-BUILT WALL EXHIBIT

1. DIMENSIONS SHOWN THUS: 50.25' ARE FEET AND DECIMAL PARTS THEREOF. ANGULAR DATA SHOWN THUS:

2. NORTH ARROW AND BEARINGS BASED ON THE WEST RIGHT-OF-WAY LINE OF FAIRVIEW AVENUE TO BE

3. IMPROVEMENT LOCATIONS ARE BASED ON A FIELD SURVEY BY C.M. LAVOIE AND ASSOCIATES, INC. ON DECEMBER 16, 2011. THERE MAY BE OTHER IMPROVEMENTS DONE TO THE SUBJECT PROPERTY THAT ARE NOT

4. COMPARE YOUR POINTS BEFORE USING SAME AND REPORT ANY DIFFERENCES IMMEDIATELY.



NOTES

90°00'00" INDICATES DEGREES, MINUTES AND SECONDS.

SOUTH OO DEGREES OB MINUTES 13 SECONDS EAST.

Consulting Civil Engineering Land Planning & Surveying # 1050 W. Route 126 1 02/06/2012 Plainfield, Illinois 60544 voice 815-454-0505 fax 815 -436-5158

SHEET: 1 OF 1 JOB NUMBER: 11-157 DATE DESCRIPTION REVISED PER ENGINEER

DATE: 12/20/11

SCALE: 1"=30'

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LEGEND

MEASURED & RECORDED DATA

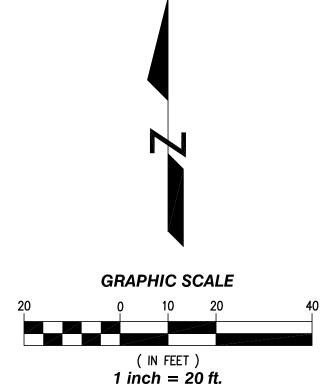
LIMIT OF SURVEY

PROPOSED LOT LINE

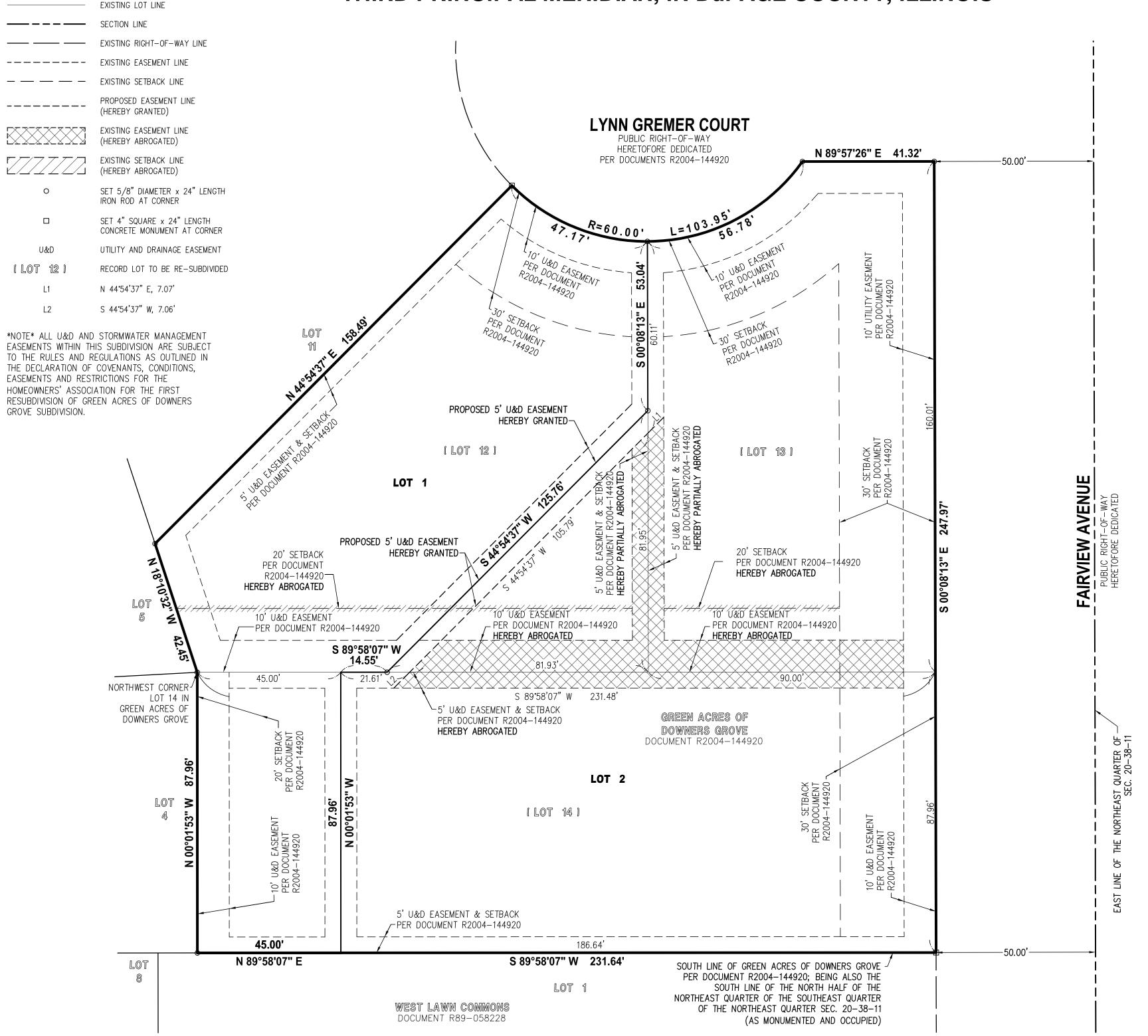
0.00

FINAL PLAT

FIRST RESUBDIVISION OF GREEN ACRES OF DOWNERS GROVE **SUBDIVISION**



BEING A SUBDIVISION OF PART OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS



SETBACK LINE OVER LOT 12 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION HEREBY ABROGATED AS FOLLOWS

20 FOOT REAR SETBACK LINE FOR LOT 12 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION PER DOCUMENT R2004-144920

U&D EASEMENT OVER LOT 12 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION HEREBY ABROGATED AS FOLLOWS

THAT PART OF THE SOUTH 10 FEET OF LOT 12 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION PER DOCUMENT R2004-144920, LYING EAST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 12, THENCE SOUTH 00 DEGREES 08 MINUTES 13 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 60.11 FEET; THENCE SOUTH 44 DEGREES 54 MINUTES 37 SECONDS WEST, A DISTANCE OF 105.79 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 12. SAID POINT BEING THE POINT OF TERMINATION OF THIS LINE

AND ALSO THAT PART OF THE EAST 5 FEET OF LOT 12 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION PER DOCUMENT R2004-144920. LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 12, THENCE SOUTH 00 DEGREES 08 MINUTES 13 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 60.11 FEET; THENCE SOUTH 44 DEGREES 54 MINUTES 37 SECONDS WEST, A DISTANCE OF 105.79 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 12. SAID POINT BEING THE POINT OF TERMINATION OF THIS LINE.

SETBACK LINE OVER LOT 13 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION HEREBY ABROGATED AS FOLLOWS

20 FOOT REAR SETBACK LINE FOR LOT 13 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION PER DOCUMENT R2004-144920.

U&D EASEMENT OVER LOT 13 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION HEREBY ABROGATED AS FOLLOWS

THE SOUTH 10 FEET (EXCEPT THE EAST 10 FEET THEREOF) OF LOT 13 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION PER DOCUMENT R2004-144920

AND ALSO THAT PART OF THE WEST 5 FEET OF LOT 13 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION PER DOCUMENT R2004-144920, LYING SOUTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 13, THENCE SOUTH 00 DEGREES 08 MINUTES 13 SECONDS EAST ALONG THE WEST LINE OF SAID LOT 13, A DISTANCE OF 60.11 FEET FOR A POINT OF BEGINNING; THENCE NORTH 44 DEGREES 54 MINUTES 37 SECONDS EAST, A DISTANCE OF 7.07 FEET FOR A POINT OF TERMINATION OF THIS LINE.

U&D EASEMENT AND SETBACK LINE OVER LOT 14 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION HEREBY ABROGATED AS FOLLOWS

THAT PART OF THE NORTH 5 FEET OF LOT 14 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION PER DOCUMENT R2004-144920, LYING EAST OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 14, THENCE NORTH 89 DEGREES 58 MINUTES 07 SECONDS EAST, A DISTANCE OF 66.61 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 44 DEGREES 54 MINUTES 37 SECONDS WEST, A DISTANCE OF 7.06 FEET FOR A POINT OF TERMINATION OF THIS LINE.

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DOWNERS GROVE VILLAGE ENGINEER'S CERTIFICATE

(FOR ABROGATION OF EASEMENT) ABROGATION OF THE EASEMENTS DESIGNATED TO BE ABROGATED HEREON APPROVED AND ACCEPTED THIS _____ DAY OF ___

DOWNERS GROVE PUBLIC WORKS CERTIFICATE (FOR ABROGATION OF EASEMENT)

ABROGATION OF THE EASEMENTS DESIGNATED TO BE ABROGATED HEREON APPROVED AND ACCEPTED THIS _____, 2012.

DOWNERS GROVE SANITARY DISTRICT CERTIFICATE

(FOR ABROGATION OF EASEMENT)

BY: _____ TITLE: _____

ABROGATION OF THE EASEMENTS DESIGNATED TO BE ABROGATED HEREON APPROVED AND ACCEPTED THIS _____, 2012.

BY: ______ TITLE: _____

DOWNERS GROVE VILLAGE COUNCIL'S CERTIFICATE

(FOR ABROGATION OF EASEMENT) ABROGATION OF THE EASEMENTS DESIGNATED TO BE ABROGATED HEREON APPROVED AND ACCEPTED THIS _____, 2012.

MAYOR: _____ VILLAGE CLERK: _____

COMCAST'S CERTIFICATE

(FOR ABROGATION OF EASEMENT) ABROGATION OF THE EASEMENTS DESIGNATED TO BE ABROGATED HEREON APPROVED AND ACCEPTED THIS _____ DAY OF ______, 2012.

NICOR'S CERTIFICATE

BY: ______ TITLE: _____

(FOR ABROGATION OF EASEMENT)

ABROGATION OF THE EASEMENTS DESIGNATED TO BE ABROGATED HEREON APPROVED AND ACCEPTED THIS _____, 2012. BY: ______ TITLE: _____

COMED'S CERTIFICATE (FOR ABROGATION OF EASEMENT)

ABROGATION OF THE EASEMENTS DESIGNATED TO BE ABROGATED HEREON APPROVED AND ACCEPTED THIS _____, 2012. BY: ______ TITLE: _____

AT&T'S CERTIFICATE (FOR ABROGATION OF EASEMENT)

ABROGATION OF THE EASEMENTS DESIGNATED TO BE ABROGATED HEREON APPROVED AND ACCEPTED THIS _____, 2012.

BY: ______ TITLE: _____

LOT 1 LOT 2 LOT 2 IN THIS SUBDIVISION IS HEREBY GRANTED FOR STORMWATER MANAGEMENT PURPOSES.

LOT AREA

LOT 1 \sim 17,115 SQUARE FEET OR 0.393 ACRES +/-LOT 2 ~ 33,316 SQUARE FEET OR 0.765 ACRES +/-

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.
- 2. A BLANKET EASEMENT FOR STORMWATER MANAGEMENT WAS GRANTED OVER ALL OF LOTS 12, 13 AND 14 IN GREEN ACRES OF DOWNERS GROVE SUBDIVISION IS HEREBY VACATED PER THIS DOCUMENT.
- 3. A BLANKET EASEMENT IS HEREBY GRANTED OVER ALL OF LOT 2 IN THIS SUBDIVISION FOR STORMWATER MANAGEMENT PURPOSES.

GREENSCAPE HOMES, LLC FAIRVIEW AVENUE & LYNN GREMER COURT DOWNERS GROVE, ILLINOIS

PLAT OF RESUBDIVISION C.M. Lavoie & Associates, Inc. C.M. Lavoie

SCALE: 1"=20' DATE: 12/12/11 SHEET: 1 OF 2 JOB NUMBER: 11-157 DESCRIPTION

CHECKED BY: KEB

Consulting Civil Engineering # DATE Land Planning & Surveying 1 1/17/12 REV. PER VILLAGE LTR DTD 1/11/12 1050 State Route 126 2 2/07/12 REV. PER VILLAGE LTR DTD 2/3/12 Plainfield, Illinois 60544 3 voice 815-254-0505 4 fax 815-436-5158 5

DRAWN BY: TCB

FINAL PLAT

FIRST RESUBDIVISION OF GREEN ACRES OF DOWNERS GROVE

BEING A PART OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN Dupage County, Illinois

ESIDENT	VICE-PRESIDENT
	NOTARY'S CERTIFICATE
	A NOTARY PUBLIC, IN AND FOR SAID COUNTY, IN THE STATE AFTER SAID, DO
PEARED BEFORE ME THIS DAY IN PI	AMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, ERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID VOLUNTARY ACT, FOR THE USES AND PURPOSES THEREIN SET FORTH.
EN UNDER MY HAND AND NOTARIAL	L SEAL, THIS, DAY OF, 20
TARY PUBLIC	
	SCHOOL DISTRICT CERTIFICATE
E UNDERSIGNED, RVEYOR'S CERTIFICATE, TO THE BES TRICT 58, IN DUPAGE COUNTY, ILLIN	AS OWNERS OF THE PROPERTY DESCRIBED HEREON IN THE ST OF THEIR KNOWLEDGE, IS LOCATED WITHIN THE BOUNDARIES OF DISTRICT 99 AI NOIS.
	, ILLINOIS THIS, DAY OF, 201
ESIDENT	VICE-PRESIDENT
	GROVE PLAN COMMISSION'S CERTIFICATE OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS THIS DAY (
AN COMMISSION CHAIRMAN	
DOWNERS	GROVE VILLAGE ENGINEER CERTIFICATE
	LAGE ENGINEER, VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS THIS
WNERS GROVE VILLAGE ENGINEER	
-	ODOVE VIII I AGE OG ING 11
	GROVE VILLAGE COUNCIL'S CERTIFICATE, 2012 BY THE COUNCIL OF THE VILLAGE OF DOWNER
 YOR	VILLAGE CLERK
RTIFY THAT THERE ARE NO DELINQUETALLMENTS THEREOF THAT HAVE NOTED THIS DAY OF	
RTIFY THAT THERE ARE NO DELINQUE TALLMENTS THEREOF THAT HAVE NOT TED THIS DAY OF WINERS GROVE SANITARY DISTRICT OF THE THAT THERE ARE NO DELINQUENTLY.	JENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERR OT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT. COLLECTOR GROVE VILLAGE COLLECTOR CERTIFICATE , COLLECTOR FOR THE VILLAGE OF DOWNERS GROVE, DO HEREBY JENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERR
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RTIFY THAT THERE ARE NO DELINQUETALLMENTS THEREOF THAT HAVE NOT THE THAT THERE ARE NO DELINQUETALLMENTS THEREOF THAT HAVE NOT THE THAT THERE ARE NO DELINQUETALLMENTS THEREOF THAT HAVE NOT THE THAT THERE ARE NO DELINQUETALLMENTS THEREOF THAT HAVE NOT THE THAT THE PROPERTY OVISIONS HAVE BEEN MADE FOR THAT HAVE BEEN MADE FOR THAT THE SUBDIVIDER HAS ACCORDANCE WITH GENERALLY ACCEPTED ADJOINING PROPERTY BECAUSE OF THE PROPERTY CATED WITHIN A SPECIAL FLOOD HAM TED THIS DAY OF	JENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERR OT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT.
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RTIFY THAT THERE ARE NO DELINQUITALLMENTS THEREOF THAT HAVE NOTED THIS	JENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERR OT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT. COLLECTOR GROVE VILLAGE COLLECTOR CERTIFICATE COLLECTOR FOR THE VILLAGE OF DOWNERS GROVE, DO HEREBY JENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERR OT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT. COLLECTION AND DIVERSION OF SUCH SURFACE WATERS WILL BE PLANNED FOR IN THE COLLECTION AND DIVERSION OF SUCH SURFACE WATERS WILL BE PLANNED FOR IN THE DE INCINETION PRACTICES ON AS TO REDUCE THE LIKELHOOD OF DAMAGE TO FITTED ENGINEERING PRACTICES ON SO AS TO REDUCE THE LIKELHOOD OF DAMAGE TO FITTED BROWNERS OF INSIDE SUBJECT OF ITHIS RESUBDISSION OR ANY PART THEREOF IS NOT INCIDENT OF THIS RESUBDISSION OR ANY PART THEREOF IS NOT INCIDENT OF THIS RESUBDISSION OR ANY PART THEREOF IS NOT INCIDENT OF THE SUBJECT OF THIS RESUBDISSION OR ANY PART THEREOF IS NOT INCIDENT OF THE SUBJECT OF THIS RESUBDISSION OR ANY PART THEREOF IS NOT INCIDENT OF THE SUBJECT OF THIS RESUBDISSION OR ANY PART THEREOF IS NOT INCIDENT OF THE SUBJECT OF THIS RESUBDISSION OR THE PART THERE OF THE SUBJECT OF THIS RESUBDISSION OR THE PART THERE OF THE SUBJECT OF THIS RESUBDISSION OR THE PART THE SUBJECT OF THIS RESUBDISSION OR THE PART THE SUBJECT OF THIS RESUBDISSION OR THE PART OF THE SUBJECT OF THIS RESUBDISSION OR THE PART OF THE SUBJECT OF THIS RESUBDISSION OR THE PART OF THE SUBJECT OF THE SUBJECT OR THE SUBJECT OF THE S

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT I, KEITH E. BOLLINGER, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003592, HAVE SURVEYED AND RESUBDIVIDED THE PROPERTY DESCRIBED AS FOLLOWS:

LOTS 12, 13 AND 14 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 R2006-021295, IN DUPAGE COUNTY, ILLINOIS

SAID PARCEL OF LAND CONTAINING 50,430 SQUARE FEET OR 1.158 ACRES, MORE OR LESS.

GIVEN UNDER MY HAND AND SEAL AT PLAINFIELD, ILLINOIS THIS _____ DAY OF _____

AS SHOWN BY THIS PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND RESUBDIVISION; ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

ALL FIELD WORK WAS COMPLETED ON SEPTEMBER 2, 2011.

PROFESSIONAL DESIGN FIRM 184-003041

I FURTHER CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003592
MY LICENSE EXPIRES 11/30/2012

No. 035-3592

KEITH E.

BOLLINGER

PLAINFIELD,

ILLINOIS

DECLARATION OF RESTRICTIVE COVENANTS

THE UNDERSIGNED OWNER HEREBY DECLARES THAT THE REAL PROPERTY DESCRIBED IN AND DEPICTED ON THIS PLAT OF RESUBDIVISION 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 RESUBDIVISION

(B) AN EASEMENT FOR SERVING THE RESUBDIVISION, 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 ASSIGNEES, 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 SERVICES AND THEIR APPURTENANCES, EITHER ON, OVER, ACROSS, BELOW OR THROUGH THE GROUND SHOWN WITHIN THE DOTTED LINES ON THE PLAT MARKED P.U. & D.E. 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 RESUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEES' FACILITIES OR IN, UPON OR OVER, THE PROPERTY WITHIN THE STORMWATER OR SEWER EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE RESUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREON.

(C) THE FOLLOWING DECLARATIONS, OR OTHERS SIMILAR THERETO, SHALL BE SET FORTH ON THE FACE OF THIS PLAT:
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 LANDS 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 HEREAFTER ACQUIRING ANY PROPERTY OR LOTS SHOWN UPON THE ATTACHED PLAT OF RESUBDIVISION ARE HEREBY SUBJECT TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY BY 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 RESUBDIVISION, 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/HER LOT IN SUCH A MANNER AS TO INSURE THE FREE AND UNINTERRUPTED FLOW OF STORM WATER THROUGH THE DRAINAGE SYSTEM OF THE RESUBDIVISION AND SHALL NOT DESTROY OR MODIFY GRADES OR SLOPES WITHOUT HAVING FIRST RECEIVED PRIOR WRITTEN APPROVAL FROM 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 RECORDATION OF A NOTICE OF LIEN, WITHIN SIXTY DAYS OF COMPLETION OF THE WORK, CONSTITUTE A LIEN AGAIN HIS/HER LOT WHICH MAY BE FORECLOSED BY AN ACTION BROUGHT BY OR ON BEHALF OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.

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

(5) THE AFORESAID RESTRICTIONS AND COVENANT, AND EACH AND EVERY ONE OF THEM, ARE HEREBY EXPRESSLY MADE AS 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.

PRESIDENT		
/ICE- PRESIDENT		
/ICE PRESIDENT		
 ?Y_PUBLIC	 	

EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICES IS HEREBY RESERVED FOR AND GRANTED TO:

COMMONWEALTH EDISON COMPANY AND AT&T, GRANTEES,

THEIR RESPECTIVE LICENSES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERELY, 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 AND DOTTED LINES (OR SIMILAR DESIGNATION) ON THE PLAT AND MARKED U&D EASEMENT, 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 RESUBDIVIDED 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 U&D EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEES. 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 THROUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "OUTLOTS", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING" AND "COMMON AREAS". THE TERM "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, RETENTION POINT OR MECHANICAL EQUIPMENT.

RELOCATION OF FACILITIES WILL BE DONE BY GRANTEES AT COST OF THE GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

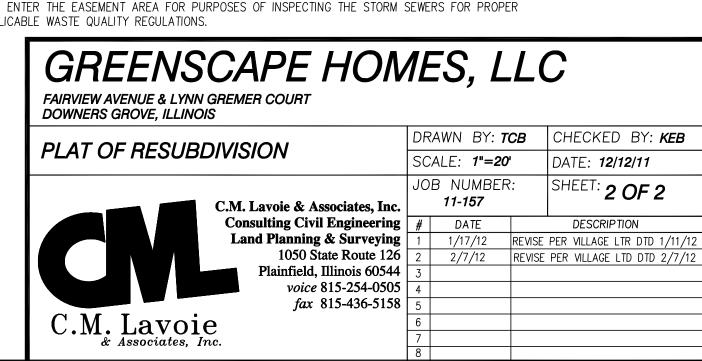
STORMWATER MANAGEMENT PROVISIONS

GREENSCAPE HOMES, LLC. (HEREINAFTER REFERRED TO AS THE "OWNER'S"), DOES HEREBY GRANT UNTO THE VILLAGE OF DOWNERS GROVE, ILLINOIS, ITS SUCCESSORS AND ASSIGNS (HEREINAFTER REFERRED TO AS THE "VILLAGE"), THE FOLLOWING EASEMENTS:

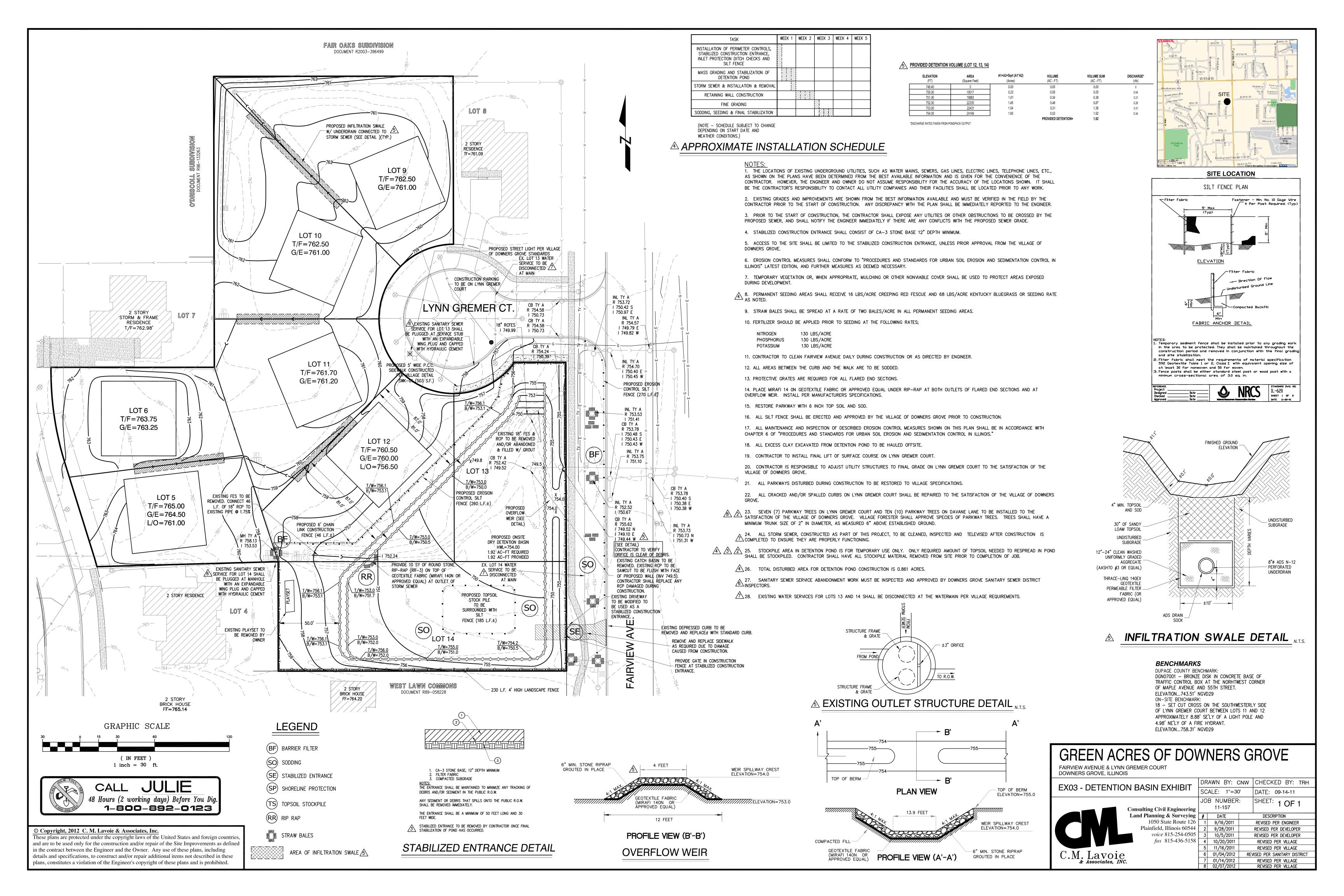
1. A NON-EXCLUSIVE AND PERPETUAL STORMWATER MANAGEMENT EASEMENT ON, OVER, ACROSS AND THROUGH THOSE PORTIONS OF THE PROPERTY SHOWN AND MARKED AS "STORMWATER MANAGEMENT EASEMENT" ON THE PLAT (HEREINAFTER REFERRED TO AS THE "DETENTION AREA"), TOGETHER WITH A NON-EXCLUSIVE AND PERPETUAL EASEMENT ACROSS THE REMAINDER OF THE PROPERTY SHOWN ON THE PLAT OF RESUBDIVISION FOR PURPOSES OF ACCESS TO THE DETENTION AREA FOR THE PURPOSE SET FORTH HEREIN. OWNER AGREES THAT THE DETENTION AREA SHALL BE USED ONLY FOR STORMWATER DETENTION PURPOSES TO SERVE THE OWNER'S LAND AND FOR OTHER USES APPROVED BY THE VILLAGE TO WIT:

THE OWNERS, ITS SUCCESSORS AND ASSIGNS, SHALL MAINTAIN AND REPAIR THE DETENTION AREA IN SUCH A MANNER AS TO INSURE ADEQUATE STORMWATER STORAGE AND THE FREE AND UNINTERRUPTED FLOW OF STORMWATER THROUGH THE STORM DRAINAGE SYSTEM SERVING THE OWNER'S LAND, AND SHALL NOT, WITHOUT THE PRIOR WRITTEN APPROVAL OF THE VILLAGE ENGINEER, MODIFY THE GRADES OR SLOPES FROM THOSE SHOWN ON THE GRADING PLAN FOR THE OWNER'S PROPERTY APPROVED BY THE VILLAGE OR IN THE EVENT THE OWNER, ITS SUCCESSORS AND ASSIGNS, SHALL FAIL TO PROPERLY MAINTAIN ANY OF THE STORMWATER MANAGEMENT FACILITIES WITHIN THE DETENTION AREA, THE VILLAGE SHALL, UPON FOURTEEN (14) DAYS' PRIOR WRITTEN NOTICE, HAVE THE RIGHT TO ENTER UPON THE OWNER'S LAND SHOWN ON THE PLAT OF RESUBDIVISION AND TO PERFORM, OR HAVE PERFORMED ON ITS BEHALF ANY MAINTENANCE WORK TO OR UPON THE DETENTION AREA, AS THE CASE MAY BE, REASONABLY NECESSARY TO INSURE ADEQUATE STORMWATER STORAGE AND FREE FLOW OF STORMWATER THROUGH THE STORM DRAINAGE SYSTEM SERVING THE OWNER'S LAND. AFTER RECEIVING SUCH NOTICE FROM THE VILLAGE, OWNER SHALL FOR TEN (10) DAYS RETAIN THE OPTION OF PERFORMING ANY MAINTENANCE WORK ITSELF, VILLAGE AGREES, BY THE ACCEPTANCE OF THIS EASEMENT THAT IT WILL INDEMNIFY, DEFEND AND HOLD THE OWNER, ITS SUCCESSORS AND ASSIGNS, HARMLESS FROM AND AGAINST ANY AND ALL COST, DAMAGES, CLAIMS, EXPENSES, LIABILITIES AND JUDGMENTS (INCLUDING REASONABLY ATTORNEY'S FEES) FOR PROPERTY DAMAGE AND PERSONAL INJURY, INCLUDING DEATH, ARISING OUT OF OR RELATED TO THE VILLAGE'S ACTS AND OMISSIONS PURSUANT TO THIS EASEMENT CONVEYANCE, OWNER, AND ITS SUCCESSORS AND ASSIGNS, RETAINS THE RIGHT TO USE THE EASEMENT PREMISES FOR ANY USE NOT INCONSISTENT WITH THE GRANTING OF THE EASEMENT PREMISES HEREIN.

THE VILLAGE MAY, WITHOUT PRIOR NOTICE, ENTER THE EASEMENT AREA FOR PURPOSES OF INSPECTING THE STORM SEWERS FOR PROPER MAINTENANCE AND COMPLIANCE WITH APPLICABLE WASTE QUALITY REGULATIONS.



COUNTY RECORDER



PC-06-12 A petition seeking final plat of subdivision approval to re-subdivide three existing lots into two new lots. The property is located at the southwest corner of Fairview Avenue and Lynn Gremer Court, commonly known as 403 and 401 Lynn Gremer Court and 6568 Fairview Avenue Downers Grove, IL (PINs 09-20-213-017, -018, -019) C.M. Lavoie and Associates, Inc., Petitioner; Greenscape Homes, LLC., Owner.

Chairman Jirik swore in those individuals who would be speaking on this petition.

Mr. Latinovic described the petition and location of the project, referring to an aerial photo on the overhead. The proposal was re-subdivide three lots into two new lots. The property was part of the larger Green Acre subdivision originally approved in 2004. He explained the original development included an extension of Davane Lane and the creation of Lynn Gremer Court. Lots 12, 13, and 14, were originally designated for stormwater detention. The current owner purchased the remaining ten lots and redesigned the shape of the detention. Mr. Latinovic noted the redesign of the pond allowed the petitioner to gain another buildable lot. He noted the petition is building three homes around the cul-de-sac. He indicated the petitioner was requesting a final plat of subdivision to create two new lots: Lot 1 and 2. Lot 1 would become a buildable lot while Lot 2 would become stormwater detention.

Mr. Latinovic stated all requirements of the Subdivision and Zoning Ordinances would be met. He noted the owner was not seeking any exceptions. Mr. Latinovic explained where public utility easements would be located on Lot 1. He stated a homeowners association would be created for the subdivision. He explained the applicant was currently completing the public improvements that were required as part of the original development.

Mr. Latinovic stated the proposal was consistent with the Comprehensive Plan; the lots were compatible in size to other surrounding properties. He noted staff recommended that the Plan Commission forward a positive recommendation to the Village Council subject to the conditions listed on page 4 of staff's report.

Regarding the detention area, Mr. Matejczyk asked for clarification for the height of the retaining wall. Mr. Latinovic explained a retaining wall was installed to allow for a deeper basin. Mr. Matejczyk expressed concern about the wall's height. Mr. Latinovic explained the Building Code required a fence or barrier if the drop was more than three feet. In this case, there was a double wall with five feet between walls and a fence would be installed along the south side of the pond, where the grade difference was more than three feet.

Mr. Hose inquired about a previous conservation agreement with regard to a wetland that was removed. Mr. Latinovic stated the wetland was located in another part of the Green Acres subdivision and did not affect this petition. Chairman Jirik noted the Commission should avoid discussing this matter because it did affect the subject properties.

Mr. Ken Neuman, owner of Greenscape Homes, LLC explained the retaining wall mentioned earlier was in place and was a two-step wall. He noted it was located next to the new lot as well as designed to act as a buffer to Lot 6 (to the west), which was part of the original Green Acres subdivision. Mr. Neuman explained the height of the wall would be five feet along the southwest corner. A fence would surround this area. He was working with the current property owner of Lot 6 regarding the installation of that fence. For the record, he stated that Lot 2 of the original Green Acres development contained no wetlands and the designation was subsequently removed.

Mr. Chris Lavoie, CM Lavoie & Associates, stated his office did the design for the original development. He proceeded to explain the history behind the conservation easement when Rosol Construction was the developer. Mr. Lavoie explained that when he did the original design for the development, the detention area (Lots 12, 13 & 14) was originally proposed to go to the pond on the property on the east side of Fairview Avenue (Fairview Ministries property). The Village required stormwater easements on Lots 12, 13 and 14 in the event the developer and Fairview Ministries could not come to an agreement for use of the pond. Mr. Lavoie provided details for the current detention area.

Mrs. Rabatah asked if a cross-section for the retaining wall existed, Mr. Neuman said it was not included in the plans. He indicated the horizontal differential between the two walls was six feet face-to-face. Mr. Tim Hejny clarified the separation was five to six feet. Mrs. Rabatah, however, read the plans differently, looking at the drop, and was not sure how high the concrete was protruding above the grade at the west wall. She indicated she was concerned with safety.

Mr. O'Brien clarified the walls were already installed. He stated staff reviewed the plans for the pond and both walls met the Village's Building Code. Mr. O'Brien stated he thought a fence would be installed to provide additional safety once the basin was complete. He stated the area adjacent to Lot 1 has a two and one-half foot maximum drop, which is acceptable per the Village's codes.

Chairman Jirik opened up the meeting to public comment.

Mr. William Wax, 402 Lynn Gremer Court, opposed "cramming" another house on an irregularly shaped lot next to a detention pond. He voiced safety concerns for the children with regard to the proximity and depth of the detention basin. He said the homes being constructed were smaller than the existing homes and the shape of the lot would not allow for a very large home.

Mr. Latinovic explained the dimensions of the lot, noting they met the subdivision requirements. He noted the building envelope was 60 feet by 132 feet.

Mr. Beggs noted that the original subdivision would have allowed three homes to be built; now only one home was proposed on two lots.

There being no further public comment, Chairman Jirik closed public comment. No Commissioner questions to the public.

Mr. Ken Newman called attention to the fact that the new Lot 1 was the largest lot on Lynn Gremer Court. He noted the home sizes for the other homes under construction on the street. He also indicated the proposed building materials were consistent with the neighboring properties.

WITH RESPECT TO FILE PC-06-12, MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATOIN TO THE VILLAGE COUNCIL, SUBJECT TO STAFF FOLLOWING CONDITIONS:

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO FINAL PLAT OF FIRST RESUBDIVISION OF GREEN ACRES OF DOWNERS GROVE SUBDIVISION PREPARED BY C. M. LAVOIE & ASSOCIATES. INC., DATED DECEMBER 12, 2011, LAST REVISED FEBRUARY 7, 2012 EXCEPT AS SUCH PLAT MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.
- 2. THE HOMEOWNERS ASSOCIATION DECLARATION OF RESTRICTIVE COVENANTS DOCUMENT FOR THE SUBDIVISION SHALL BE RECORDED WITH THE PLAT OF RESUBDIVISION.
- 3. WATER SERVICE STUBS FOR LOTS 13 AND 14 SHALL BE DISCONNECTED AT THE MAIN PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR LOT 1.
- 4. UPON COMPETITION OF ALL REMAINING PUBLIC IMPROVEMENTS FOR THE ENTIRE GREEN ACRES SUBDIVISION, THE PETITIONER SHALL SUBMIT RECORD DRAWINGS FOR APPROVAL BY THE VILLAGE COUNCIL. ALONG WITH THE RECORD DRAWINGS, THE PETITIONER SHALL SUBMIT A GUARANTEE SECURITY IN THE AMOUNT OF 20% OF THE TOTAL COST OF THE PUBLIC IMPROVEMENTS, WHICH SHALL EXPIRE NO EARLIER THAN TWO YEARS AFTER ACCEPTANCE OF SUCH PUBLIC IMPROVEMENTS BY THE VILLAGE COUNCIL.

SECONDED BY MR. QUIRK. ROLL CALL:

AYE: MRS. RABATAH, MR. QUIRK, MR. BEGGS, MR. HOSE, MR.

MATEJCZYK, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 6-0