

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
MAY 1, 2012 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Final Plat of Subdivision - 5612 Middaugh Avenue	<ul style="list-style-type: none"> ✓ Resolution Ordinance Motion Discussion Only 	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A resolution for a Final Plat of Subdivision has been prepared to consolidate two existing parcels into one lot for the property located at 5612 Middaugh Avenue.

STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 identified *Exceptional Municipal Services*.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the May 1, 2012 consent agenda

BACKGROUND

The petitioner is proposing to consolidate two parcels located at 5612 Middaugh Avenue into a single lot in order to demolish an existing home and construct the new single family residence. The 36,660-square foot property is zoned R-4 Single Family Residential and consists of two adjacent 60-foot wide by 305-foot deep parcels. Both parcels are owned by the petitioner. The property is improved with a single family home and a detached garage. The petitioner is proposing to consolidate the two parcels into a single 120-foot wide by 305-foot deep lot.

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

5612 Middaugh Ave	Lot Width		Lot Depth		Lot Area	
	Required	Proposed	Required	Proposed	Required	Proposed
Lot 1	50 feet	120 feet (no change)	140 feet	305.5 feet (No change)	7,500 sq. ft.	36,660 sq. ft. (no change)

The proposed consolidation is consistent with the Comprehensive Plan. 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. The construction of a new single family home meets the Plan's goal to ensure quality housing stock remains a staple of the community. The proposed lot is consistent in width and area with other single family lots in the area.

The Plan Commission considered the petition at their April 2, 2012 meeting. Two residents spoke in support of the proposed lot consolidation and inquired about the review process for the new home. Staff explained a building permit is required prior to construction. The new home will meet all requirements of the Municipal Code including all bulk and stormwater management requirements.

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 April 2, 2012

Minutes of the Plan Commission Hearing dated April 2, 2012

RESOLUTION _____

**A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION
FOR 5612 MIDDAGH AVENUE**

WHEREAS, application has been made pursuant to the provisions of Chapter 20 of the Downers Grove Municipal Code for the approval of the Final Plat of Subdivision to consolidate two parcels into one lot for the Leder Johnstone Subdivision, located on the west side of Middaugh Avenue approximately 770 feet south of 55th Street, commonly known as 5612 Middaugh Avenue, Downers Grove, Illinois, legally described as follows:

The South Half of lot 97 and the North Half of Lot 100 in the Branigar Brother's Downers Grove Farms, being a subdivision in the Sections 17 and 18 Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded September 14, 1920 as Document Number 144285, in DuPage County, Illinois.

Commonly known as 5612 Middaugh Avenue, Downers Grove, IL (PIN # 09-18-202-034 & -035)

WHEREAS, notice has been given and a public hearing held on April 2, 2012 regarding this plat application pursuant to the requirements of the Downers Grove Municipal Code; and,

WHEREAS, the Plan Commission has recommended approval of the Final Plat of Subdivision for the Leder Johnstone Subdivision, located at 5612 Middaugh Avenue, Downers Grove, Illinois, as requested, subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that the Final Plat of Subdivision for the Leder Johnstone Subdivision, located at 5612 Middaugh Avenue, Downers Grove, Illinois, be and is hereby approved subject to the following condition:

1. The final plat shall substantially conform to Final Plat of Subdivision of Leder Johnstone Subdivision plat prepared by Intech Consultants, Inc., dated February 29, 2012 except as such plat may be modified to conform to the Village Codes and Ordinances.

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

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

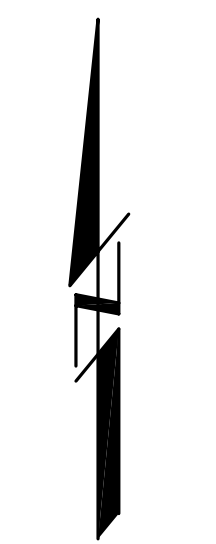
Mayor

Passed:

Attest: _____
Village Clerk

FINAL PLAT OF SUBDIVISION OF LEDER JOHNSTONE SUBDIVISION

PART OF SECTIONS 17 AND 18, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD
PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS.



SCALE: 1" = 30'
BASIS OF BEARING IS ASSUMED

OWNER'S CERTIFICATE
STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

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

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

BY: _____

NOTARY CERTIFICATE
STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID DO HEREBY CERTIFY THAT _____ ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT THEY SIGNED AND DELIVERED THIS INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT, AS GIVEN UNDER MY HAND AND NOTARIAL SEAL.

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

NOTARY PUBLIC _____ MY COMMISSION EXPIRES _____

PLAN COMMISSION APPROVAL
STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE THIS _____ DAY OF _____, A.D., 20_____.

BY: _____
CHAIRMAN

DOWNERS GROVE SANITARY DISTRICT CERTIFICATE
STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

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

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

_____ COLLECTOR

VILLAGE COLLECTOR'S CERTIFICATE
STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

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

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

BY: _____
COLLECTOR

VILLAGE COUNCIL CERTIFICATE
STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

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

_____ VILLAGE CLERK _____ MAYOR

DU PAGE COUNTY CLERK'S CERTIFICATE
STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I _____, COUNTY CLERK OF DU PAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THIS PLAT. I, FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THIS PLAT. GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK OF DU PAGE COUNTY, ILLINOIS.

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

_____ COUNTY CLERK

DU PAGE COUNTY RECORDER'S CERTIFICATE
STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

THIS INSTRUMENT _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE _____ DAY OF _____, A.D., 20_____ AT _____ O'CLOCK _____ M., AND WAS RECORDED IN BOOK _____ OF PLATS ON PAGE _____.

_____ RECORDER OF DEEDS

DECLARATION OF RESTRICTIVE COVENANTS

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

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

(B) AN EASEMENT FOR SERVING THE SUBDIVISION, AND OTHER PROPERTY WITH STORM DRAINAGE, SANITARY SEWER, STREET LIGHTING, POTABLE WATER SERVICE AND OTHER PUBLIC UTILITY SERVICES, IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF DOWNERS GROVE AND DOWNERS GROVE SANITARY DISTRICT, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEPARATELY, TO INSTALL, OPERATE AND MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES AND EQUIPMENT USED IN CONNECTION WITH THE PUBLIC WATER SUPPLY, TRANSMISSION LINES, SANITARY SEWERS, STORM DRAINAGE SYSTEM, STREET LIGHTING SYSTEM, OR OTHER PUBLIC UTILITY SERVICE, AND THEIR APPURTENANCES, EITHER ON, OVER, ACROSS, BELOW OR THROUGH THE GROUND SHOWN WITHIN THE DOTTED LINES ON THE PLAT MARKED "PUBLIC UTILITY AND DRAINAGE EASEMENT", OR SIMILAR LANGUAGE, AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, TOGETHER WITH THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES, OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER, THE PROPERTY WITHIN THE STORMWATER OR SEWER EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEE'S. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF. WHEREAS, SAID LOTS WILL BE CONVEYED TO PURCHASERS SUBJECT TO THIS DECLARATION TO THE END THAT THE RESTRICTIONS IMPOSED SHALL INURE TO THE BENEFIT OF EACH AND ALL OF THE PURCHASERS OF SUCH LOTS WHETHER THEY SHALL HAVE BECOME SUCH BEFORE OR AFTER THE DATE THEREOF, AND THEIR RESPECTIVE HEIRS AND ASSIGNS, AND WHEREAS, THE AFORESAID PROPERTY DESCRIBED ON THE ATTACHED PLAT IS LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND WHEREAS, ALL OF THE PROVISIONS, RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, AND CHARGES HEREIN CONTAINED SHALL RUN WITH AND BIND ALL OF SAID LOTS AND LAND AND SHALL INURE TO THE BENEFIT OF, AND BE ENFORCEABLE BY THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND THE OWNERS OR OWNER OF ANY OF THE LOTS OF LAND COMPRISED WITHIN SAID PLAT, AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS, NOW, THEREFORE, ALL PERSONS, FIRMS OR CORPORATIONS NOW OWNING THE AFORESAID PROPERTY DO COVENANT AND AGREE THAT THEY OR ANY PERSON, FIRM OR CORPORATION HEREFTER ACQUIRING ANY PROPERTY OR LOTS SHOWN UPON THE ATTACHED PLAT OF SUBDIVISION ARE HEREBY SUBJECTED TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY TO WHOMSOEVER OWNED, TO WIT:

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

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

BY: _____

SCHOOL DISTRICT CERTIFICATION
STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

THE UNDERSIGNED DO HEREBY CERTIFY THAT, AS OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND KNOWN AS _____ TO THE BEST OF THEIR KNOWLEDGE, IS LOCATED WITHIN THE BOUNDARIES OF THE HIGH SCHOOL DISTRICT, AND _____ ELEMENTARY SCHOOL DISTRICT IN DUPAGE COUNTY, ILLINOIS.

DATED AT _____, ILLINOIS THIS _____ DAY OF _____, A.D., 20_____.

BY: _____

EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICE IS HEREBY RESERVED FOR AND GRANTED TO COMMONWEALTH EDISON COMPANY AND SBC - AMERITECH, ILLINOIS A.K.A. ILLINOIS BELL TELEPHONE COMPANY, GRANTEEES, THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, TO CONSTRUCT, OPERATE, REPAIR, MAINTAIN, MODIFY, RECONSTRUCT, REPLACE, SUPPLEMENT, RELOCATE AND REMOVE, FROM TIME TO TIME, POLES GUYS, ANCHORS, WIRES, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SOUNDS AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) ON THE PLAT AND MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION), THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", AND THE PROPERTY DESIGNATED ON THE PLAT AS "COMMON AREA OR AREAS", AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHTS TO INSTALL REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, AND COMMON AREA OR AREAS, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES, ROOTS AND SAPPLINGS AND TO CLEAR OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES, OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION) WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF. THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE "CONDOMINIUM PROPERTY ACT", CHAPTER 765 ILCS 605/2, AS AMENDED FROM TIME TO TIME. THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL, OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "OUTLOTS", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING" AND "COMMON AREA". THE TERM "COMMON AREA OR AREAS", AND "COMMON ELEMENTS" INCLUDE REAL PROPERTY SUFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT. RELOCATION OF FACILITIES WILL BE DONE BY GRANTEEES AT COST OF THE GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

ENGINEER'S CERTIFICATE
STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

I, _____, A REGISTERED PROFESSIONAL ENGINEER IN ILLINOIS AND _____ IS THE OWNER OF THE LAND DEPICTED HEREON OR THEIR DULY AUTHORIZED ATTORNEY, DO HEREBY STATE, THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATER AND PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION. SPECIFICALLY EXCLUDED FROM THIS STATEMENT ARE IMPROVEMENTS CONSTRUCTED PRIOR TO THIS DATE. FURTHER, AS ENGINEER, I HEREBY CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS SUBDIVISION OR ANY PART THEREOF IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

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

_____ REGISTRATION EXPIRATION DATE _____ ILLINOIS REGISTERED PROFESSIONAL ENGINEER, STATE REGISTRATION NUMBER _____

PROPERTY OWNER: _____

SURVEYOR'S CERTIFICATE
STATE OF ILLINOIS)
) SS
COUNTY OF DU PAGE)

THIS IS TO STATE THAT I, MARK STIMAC, ILLINOIS PROFESSIONAL LAND SURVEYOR #35-2587, HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY AS SHOWN BY THIS PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION: ALL DIMENSIONS ARE IN FEET OR DECIMALS THEREOF:

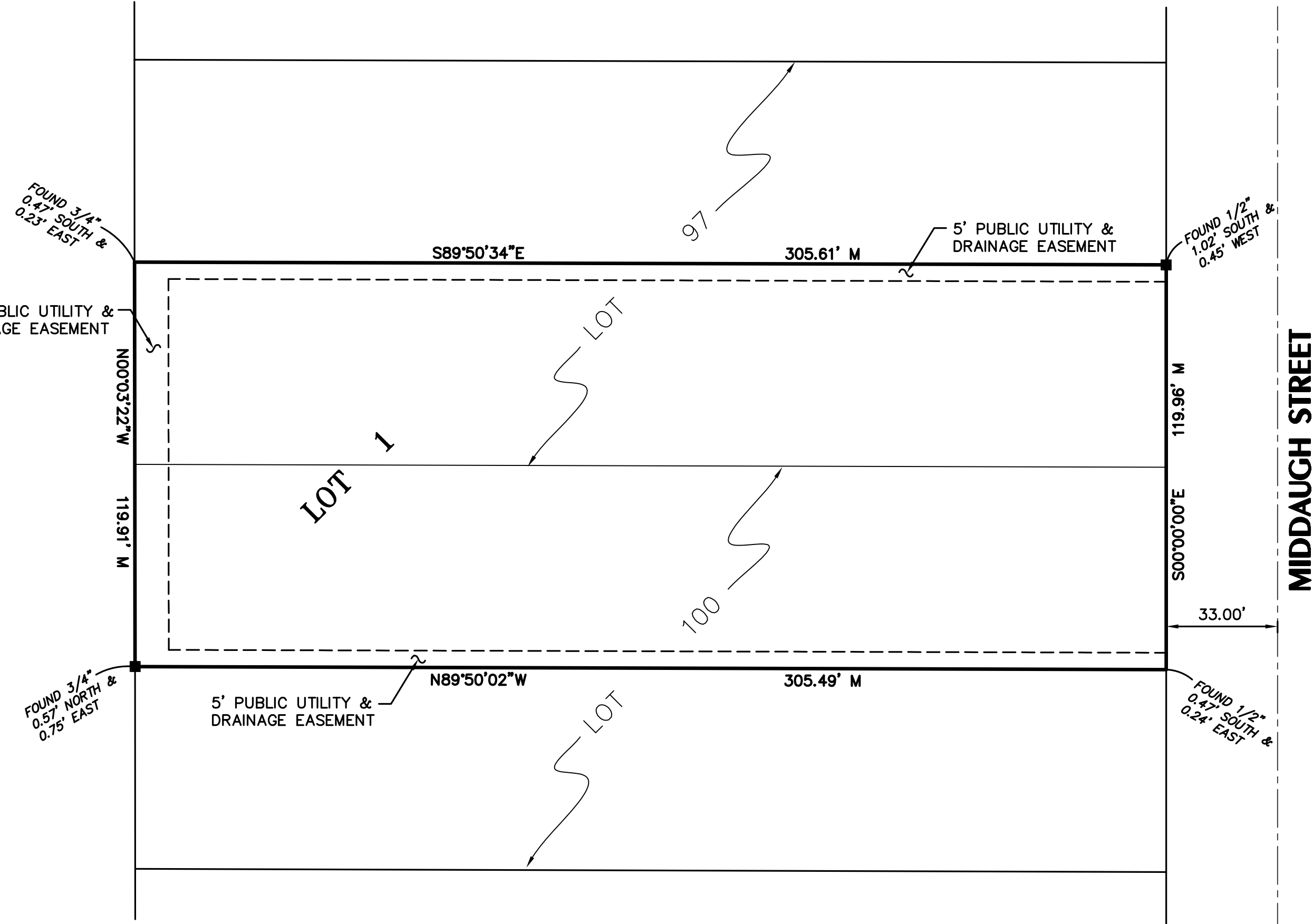
THE SOUTH HALF OF LOT 97 AND THE NORTH HALF OF LOT 100 IN THE BRANIGAR BROTHER'S DOWNERS GROVE FARMS, BEING A SUBDIVISION IN THE SECTIONS 17 AND 18, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 1920 AS DOCUMENT NUMBER 144285, IN DUPAGE COUNTY, ILLINOIS.

I FURTHER STATE THAT ALL THE LAND INCLUDED IN THIS PLAT IS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE, WHICH HAS ADOPTED A CITY PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE.

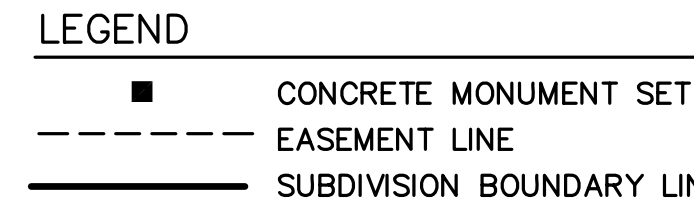
I FURTHER STATE THAT NONE OF THE PROPERTY INCLUDED IN THIS SUBDIVISION IS SITUATED IN ZONE "X" AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DUPAGE COUNTY, ILLINOIS, PANEL NUMBER 17043C0904H, DATED DECEMBER 16, 2004. ZONE "X" IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

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

ILLINOIS PROFESSIONAL LAND SURVEYOR #35-2587
LICENSE EXPIRATION/RENEWAL DATE 11-30-2012



- NOTES:**
1. IRON PIPES ARE AT ALL LOT CORNERS.
 2. EXISTING STRUCTURES TO BE DEMOLISHED.

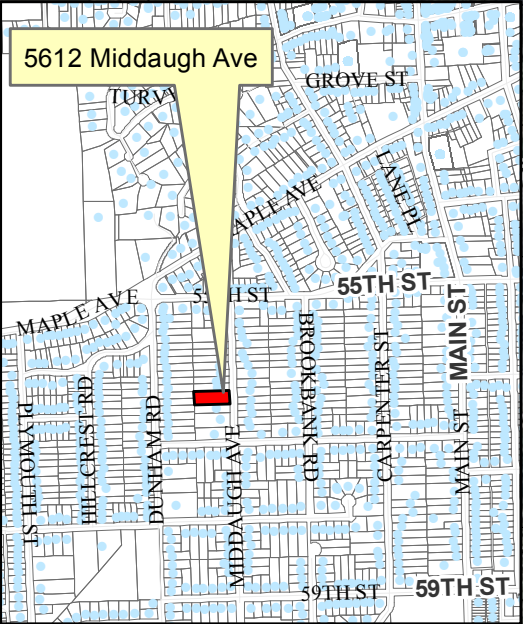


SITE AREA = 36,646 S.F. = 0.8413 AC.

INTECH CONSULTANTS, INC.
ENGINEERS / SURVEYORS
1989 UNIVERSITY LANE, SUITE D LISLE, ILLINOIS
TEL: (630) 964-5656 FAX: (630) 964-5052
E-MAIL: CAD@INTECHCONSULTANTS.COM
ILLINOIS REGISTRATION No. 184-001040

FINAL PLAT OF SUBDIVISION

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5612 Middaugh Ave



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
APRIL 2, 2012 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC-12-12 5612 Middaugh Avenue	Final Plat of Subdivision	Damir Latinovic, AICP Planner

REQUEST

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

NOTICE

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

GENERAL INFORMATION

APPLICANT: David M. Leder & Cindy J. Johnstone
424 W. Armitage Avenue. Apt. H
Chicago, IL 60614

OWNER: Joseph & Marilyn McCormick
5612 Middaugh Avenue
Downers Grove, IL 60516

PROPERTY INFORMATION

EXISTING ZONING: R-4 Single Family Residential District
EXISTING LAND USE: Residential
PROPERTY SIZE: 36,660 square feet (0.84 acres)
PINS: 09-18-202-034, -035

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-4 Single Family Residence District	Single Family Residential
SOUTH:	R-4 Single Family Residence District	Single Family Residential
EAST:	R-4 Single Family Residence District	Single Family Residential
WEST:	R-4 Single Family Residence District	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

PROJECT DESCRIPTION

The petitioner is requesting approval of a final plat of subdivision to consolidate two existing parcels into a single lot. The property, commonly known as 5612 Middaugh Avenue is zoned R-4 Single Family Residential. The property is made up of two adjacent 60-foot wide by 305-foot deep lots. A single family house and detached garage are currently located on the property.

The petitioner is proposing to demolish the existing home and construct a new single family house. Without the consolidation of the lots, the petitioner would not be permitted to construct a new home. The petitioner is awaiting the decision by the Village Council and has not applied for a building permit yet.

COMPLIANCE WITH COMPREHENSIVE PLAN

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. The existing neighborhood is a single family residential neighborhood. As such, the proposed new single family home meets the Plan’s goal to ensure quality housing stock remains a staple of the community. Additionally, the existing 120-foot wide property is consistent with other lots along this block of Middaugh Avenue. Staff believes the proposed consolidation of two existing parcels into one lot is consistent with the Comprehensive Plan.

COMPLIANCE WITH ZONING ORDINANCE

The property is zoned R-4 Single Family Residence District. The existing residential use is a permitted use in the district. The proposed lot complies with Sections 28.1103(d) and 28.1104(d) of the Zoning Ordinance. If the subdivision is approved, the petitioner will be able to construct a new single family home. The new home will meet all Zoning Ordinance bulk and setback requirements.

COMPLIANCE WITH THE SUBDIVISION ORDINANCE

The proposed lot will meet all minimum lot dimension requirements for residential lots in the R-4 district. The lot dimensions are specified in the table below:

5612 Middaugh Ave	Lot Width		Lot Depth		Lot Area	
	Required	Proposed	Required	Proposed	Required	Proposed
Lot 1	50 feet	120 feet (no change)	140 feet	305.5 feet (No change)	7,500 sq. ft.	36,660 sq. ft. (no change)

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

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property in addition to posting the public hearing notice sign and publishing the legal notice. At this time, staff has not received any comments regarding this petition.

FINDINGS OF FACT

Staff believes the proposed Final Plat of Subdivision to consolidate the two existing parcels into a single

lot meets the standards of Sections 28.1103(d) and 28.1104(d) 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 the Plan Commission make a positive recommendation to the Village Council regarding PC-12-12 subject to the condition below:

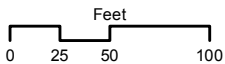
1. The final plat shall substantially conform to Final Plat of Subdivision of Leder Johnstone Subdivision plat prepared by Intech Consultants, Inc., dated February 29, 2012 except as such plat may be modified to conform to the Village Codes and Ordinances.

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 12-12 5612 Middaugh - Final Plat of Subdivision- Lot Consolidation\Staff Report PC-12-12.doc



5612 Middaugh Ave

February 16, 2012

We hereby authorize David M. Leder and Cindy J. Johnstone, as purchaser of 5612 Middaugh Avenue, Downers Grove, IL 60516, to apply for a Final Subdivision Plat with the Village of Downers Grove.

Owners:

Joseph McCormick
JOSEPH McCORMICK

Marilyn McCormick
MARILYN McCORMICK

Daniel McCormick, P.C.

*Attorney at Law
5205 Washington Street
Downers Grove, IL 60515*

PHONE: (630)769-1111

mccormicklaw@sbcglobal.net

FAX: (630)769-1115

February 24, 2012

Downers Grove Plan Commission
801 Burlington Ave.
Downers Grove, IL 60515

RE: Petition For Lot Consolation.
5612 S. Middaugh

Ladies and Gentlemen of the Plan Commission:

Our office represents David Leder and his wife, Cindy Johnstone, the contract purchasers of the property commonly known as 5612 S. Middaugh Avenue in Downers Grove. The subject property consists of half of Lot 97 and half of Lot 100 in the Branigar Brother's Downers Grove Farms.

The dimension of the property is 120 x 305.50 feet. The property is improved with a one-story framed residence which straddles the common lot line of 97 and 100.

The purchasers intend to raze the current house and construct a new residence in its place that will blend in with the surrounding homes. However, in order to do so, the current zoning ordinance of Downers Grove requires that they consolidate those two half lots into one single lot. The current owners, Joseph McCormick and Marilyn McCormick, approve of the Plat of Consolidation.

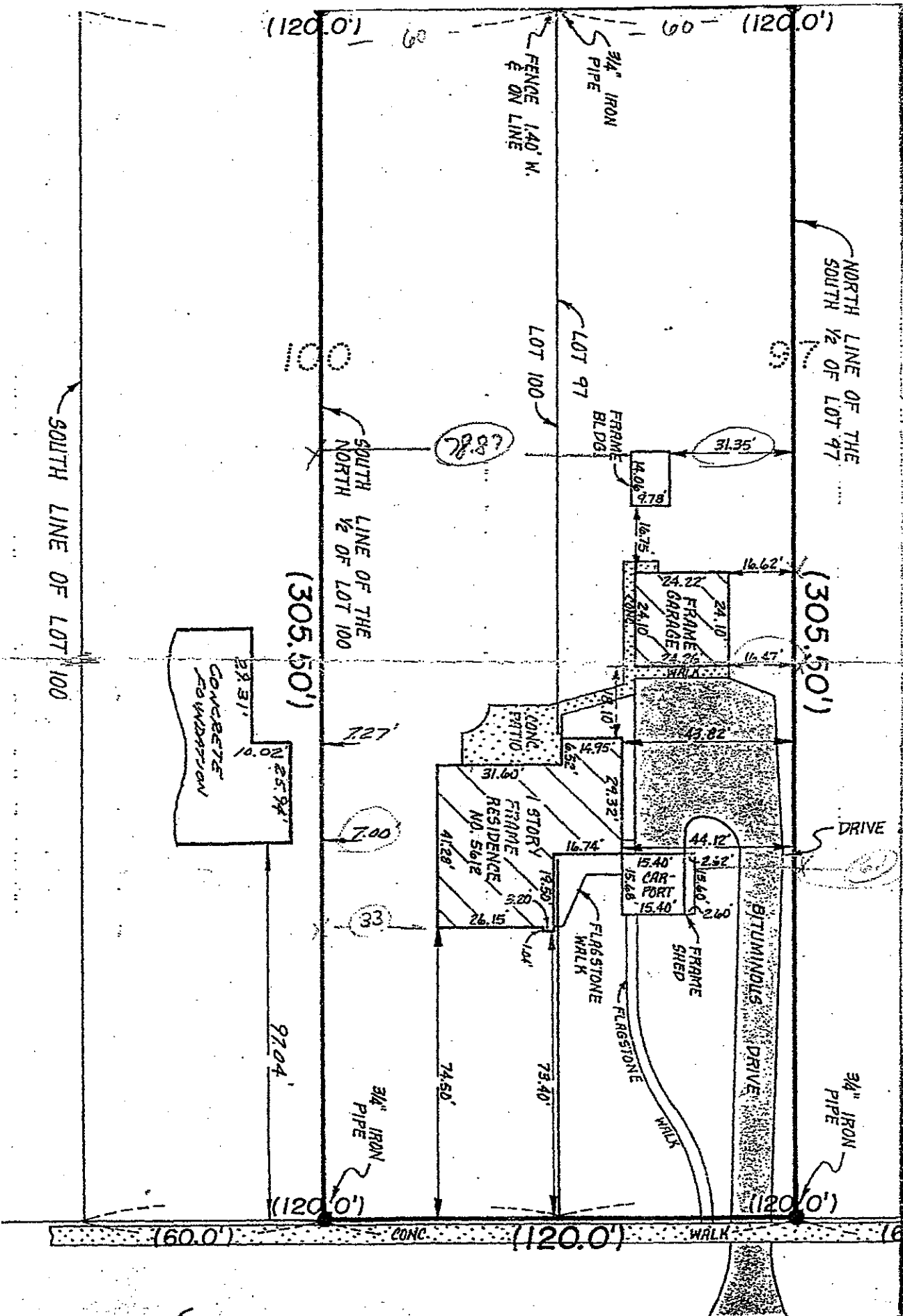
The petitioner, therefore, respectfully requests that the Plan Commission forward a positive recommendation to the Village Council approving the Plat of Consolidation.

Thank you for your consideration.

Cordially,


Daniel McCormick

DM:at



MIDDAUGH

BITUMINOUS PAVEMENT

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

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

DATED THIS ___ DAY OF ___, A.D., 20__

BY: _____

NOTARY CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID DO HEREBY CERTIFY THAT

ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGE THAT THEY SIGNED AND DELIVERED THIS INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT, AS GIVEN UNDER MY HAND AND NOTARIAL SEAL.

DATED THIS ___ DAY OF ___, A.D., 20__

NOTARY PUBLIC MY COMMISSION EXPIRES _____

PLAN COMMISSION APPROVAL

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE THIS ___ DAY OF ___, A.D., 20__

BY: _____ CHAIRMAN

DOWNERS GROVE SANITARY DISTRICT CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

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

DATED THIS ___ DAY OF ___, A.D., 20__

COLLECTOR

VILLAGE COLLECTOR'S CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

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

DATED THIS ___ DAY OF ___, A.D., 20__

BY: _____ COLLECTOR

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

APPROVED THIS ___ DAY OF ___, A.D., 20__ BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE.

VILLAGE CLERK MAYOR

DU PAGE COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

I, _____, COUNTY CLERK OF DU PAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THIS PLAT. I, FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THIS PLAT. GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK OF DU PAGE COUNTY, ILLINOIS.

DATED THIS ___ DAY OF ___, A.D., 20__

COUNTY CLERK

DU PAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

THIS INSTRUMENT _____ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE ___ DAY OF ___, A.D., 20__ AT ___ O'CLOCK ___ M., AND WAS RECORDED IN BOOK _____ OF PLATS ON PAGE _____

RECORDER OF DEEDS

DECLARATION OF RESTRICTIVE COVENANTS

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

(A) ALL PUBLIC UTILITY STRUCTURES AND FACILITIES, WHETHER LOCATED ON PUBLIC OR PRIVATE PROPERTY, SHALL BE CONSTRUCTED WHOLLY UNDERGROUND, EXCEPT FOR TRANSFORMERS, TRANSFORMER PADS, LIGHT POLES, REGULATORS, VALVES, MARKERS AND SIMILAR STRUCTURES APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF DOWNERS GROVE PRIOR TO RECORDING OF THIS PLAT OF SUBDIVISION. (B) AN EASEMENT FOR SERVING THE SUBDIVISION, AND OTHER PROPERTY WITH STORM DRAINAGE, SANITARY SEWER, STREET LIGHTING, POTABLE WATER SERVICE AND OTHER PUBLIC UTILITY SERVICES, IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF DOWNERS GROVE AND DOWNERS GROVE SANITARY DISTRICT, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEPARATELY, TO INSTALL, OPERATE AND MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES AND EQUIPMENT USED IN CONNECTION WITH THE PUBLIC WATER SUPPLY, TRANSMISSION LINES, SANITARY SEWERS, STORM DRAINAGE SYSTEM, STREET LIGHTING SYSTEM, OR OTHER PUBLIC UTILITY SERVICE, AND THEIR APPURTENANCES, EITHER ON, OVER, ACROSS, BELOW OR THROUGH THE GROUND SHOWN WITHIN THE DOTTED LINES ON THE PLAT MARKED "PUBLIC UTILITY AND DRAINAGE EASEMENT", OR SIMILAR LANGUAGE, AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, TOGETHER WITH THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES, OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER, THE PROPERTY WITHIN THE STORMWATER OR SEWER EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEE'S. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF. WHEREAS, SAID LOTS WILL BE CONVEYED TO PURCHASERS SUBJECT TO THIS DECLARATION TO THE END THAT THE RESTRICTIONS IMPOSED SHALL INURE TO THE BENEFIT OF EACH AND ALL OF THE PURCHASERS OF SUCH LOTS WHETHER THEY SHALL HAVE BECOME SUCH BEFORE OR AFTER THE DATE THEREOF, AND THEIR RESPECTIVE HEIRS AND ASSIGNS, AND WHEREAS, THE AFORESAID PROPERTY DESCRIBED ON THE ATTACHED PLAT IS LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND WHEREAS, ALL OF THE PROVISIONS, RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, AND CHARGES HEREIN CONTAINED SHALL RUN WITH AND BIND ALL OF SAID LOTS AND LAND AND SHALL INURE TO THE BENEFIT OF, AND BE ENFORCEABLE BY THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND THE OWNERS OR OWNER OF ANY OF THE LOTS OF LAND COMPRISED WITHIN SAID PLAT, AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS, NOW, THEREFORE, ALL PERSONS, FIRMS OR CORPORATIONS NOW OWNING THE AFORESAID PROPERTY DO COVENANT AND AGREE THAT THEY OR ANY PERSON, FIRM OR CORPORATION HEREAFTER ACQUIRING ANY PROPERTY OR LOTS SHOWN UPON THE ATTACHED PLAT OF SUBDIVISION ARE HEREBY SUBJECTED TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY TO WHOMSOEVER OWNED, TO WIT: 1. NO IMPROVEMENTS SHALL BE MADE IN OR UPON THE PUBLIC UTILITY AND DRAINAGE EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, AS DESCRIBED IN THE PLAT OF SUBDIVISION, EXCEPT FOR LANDSCAPE INSTALLATION OF TREES, SHRUBS, BUSHES AND GRASS AND THE INSTALLATION OF UNDERGROUND UTILITY LINES AND DRIVEWAYS AND ONGRADE PATIOS. 2. EACH OWNER OR PURCHASER SHALL BE RESPONSIBLE FOR MAINTAINING THE PUBLIC UTILITY AND DRAINAGE EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, APPLICABLE TO HIS LOT IN SUCH MANNER AS TO INSURE THE FREE AND UNINTERRUPTED FLOW OF STORM WATER THROUGH THE DRAINAGE SYSTEM OF THE SUBDIVISION, AND SHALL NOT DESTROY OR MODIFY GRADES OR SLOPES WITHOUT HAVING FIRST RECEIVED PRIOR WRITTEN APPROVAL OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS. 3. IN THE EVENT ANY OWNER OR PURCHASER FAILS TO PROPERLY MAINTAIN THE PUBLIC UTILITY AND DRAINAGE 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 PUBLIC UTILITY AND DRAINAGE EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, REASONABLY NECESSARY TO INSURE ADEQUATE STORMWATER STORAGE AND FREE FLOW OF STORMWATER THROUGH THE PUBLIC UTILITY AND DRAINAGE 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 PUBLIC UTILITY AND DRAINAGE 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 AGAINST HIS LOT WHICH MAY BE FORECLOSED BY AN ACTION BROUGHT BY OR ON BEHALF OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS. 5. THE AFORESAID RESTRICTIONS AND COVENANTS, AND EACH AND EVERY ONE OF THEM, ARE HEREBY EXPRESSLY MADE AN ESSENTIAL PART OF THIS INSTRUMENT, AND SHALL BE AND REMAIN OF PERPETUAL EFFICACY AND OBLIGATION IN RESPECT TO THE SAID PREMISES AND THE PARTIES HEREIN DESIGNATED, THEIR AND EACH OF THEIR SUCCESSORS, HEIRS, AND ASSIGNS. IN WITNESS WHEREOF, THE OWNERS HAVE SET THEIR HANDS UPON THE ATTACHED PLAT THE DAY AND DATE FIRST WRITTEN HEREON.

BY: _____

SCHOOL DISTRICT CERTIFICATION

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

THE UNDERSIGNED DO HEREBY CERTIFY THAT, AS OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND KNOWN AS _____, TO THE BEST OF THEIR KNOWLEDGE, IS LOCATED WITHIN THE BOUNDARIES OF THE HIGH SCHOOL DISTRICT, AND _____ ELEMENTARY SCHOOL DISTRICT IN DUPAGE COUNTY, ILLINOIS.

DATED AT _____, ILLINOIS THIS ___ DAY OF ___, A.D., 20__

BY: _____

FINAL PLAT OF SUBDIVISION OF LEDER JOHNSTONE SUBDIVISION

PART OF SECTIONS 17 AND 18, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS.

EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICE IS HEREBY RESERVED FOR AND GRANTED TO COMMONWEALTH EDISON COMPANY AND SBC - AMERITECH, ILLINOIS A.K.A. ILLINOIS BELL TELEPHONE COMPANY, GRANTEEES, THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, TO CONSTRUCT, OPERATE, REPAIR, MAINTAIN, MODIFY, RECONSTRUCT, REPLACE, SUPPLEMENT, RELOCATE AND REMOVE, FROM TIME TO TIME, POLES GUYS, ANCHORS, WIRES, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SOUNDS AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) ON THE PLAT AND MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P. U. E." (OR SIMILAR DESIGNATION), THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", AND THE PROPERTY DESIGNATED ON THE PLAT AS "COMMON AREA OR AREAS", AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHTS TO INSTALL REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, AND COMMON AREA OR AREAS, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES, ROOTS AND SAPLINGS AND TO CLEAR OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES, OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P. U. E." (OR SIMILAR DESIGNATION) WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF. THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE "CONDOMINIUM PROPERTY ACT", CHAPTER 765 ILCS 605/2, AS AMENDED FROM TIME TO TIME. THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL, OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "OUTLOTS", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING" AND "COMMON AREA". THE TERM "COMMON AREA OR AREAS", AND "COMMON ELEMENTS" INCLUDE REAL PROPERTY SUFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT. RELOCATION OF FACILITIES WILL BE DONE BY GRANTEEES AT COST OF THE GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

ENGINEER'S CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

I, _____, A REGISTERED PROFESSIONAL

ENGINEER IN ILLINOIS AND _____ IS THE OWNER OF THE LAND DEPICTED HEREON OR THEIR DULY AUTHORIZED ATTORNEY, DO HEREBY STATE, THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATER AND PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION. SPECIFICALLY EXCLUDED FROM THIS STATEMENT ARE IMPROVEMENTS CONSTRUCTED PRIOR TO THIS DATE. FURTHER, AS ENGINEER, I HEREBY CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS SUBDIVISION OR ANY PART THEREOF IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

DATED THIS ___ DAY OF ___, A.D., 20__

REGISTRATION EXPIRATION DATE _____ ILLINOIS REGISTERED PROFESSIONAL ENGINEER, STATE REGISTRATION NUMBER _____

PROPERTY OWNER: _____

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
SS
COUNTY OF DU PAGE)

THIS IS TO STATE THAT I, MARK STIMAC, ILLINOIS PROFESSIONAL LAND SURVEYOR #35-2587, HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY AS SHOWN BY THIS PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION; ALL DIMENSIONS ARE IN FEET OR DECIMALS THEREOF:

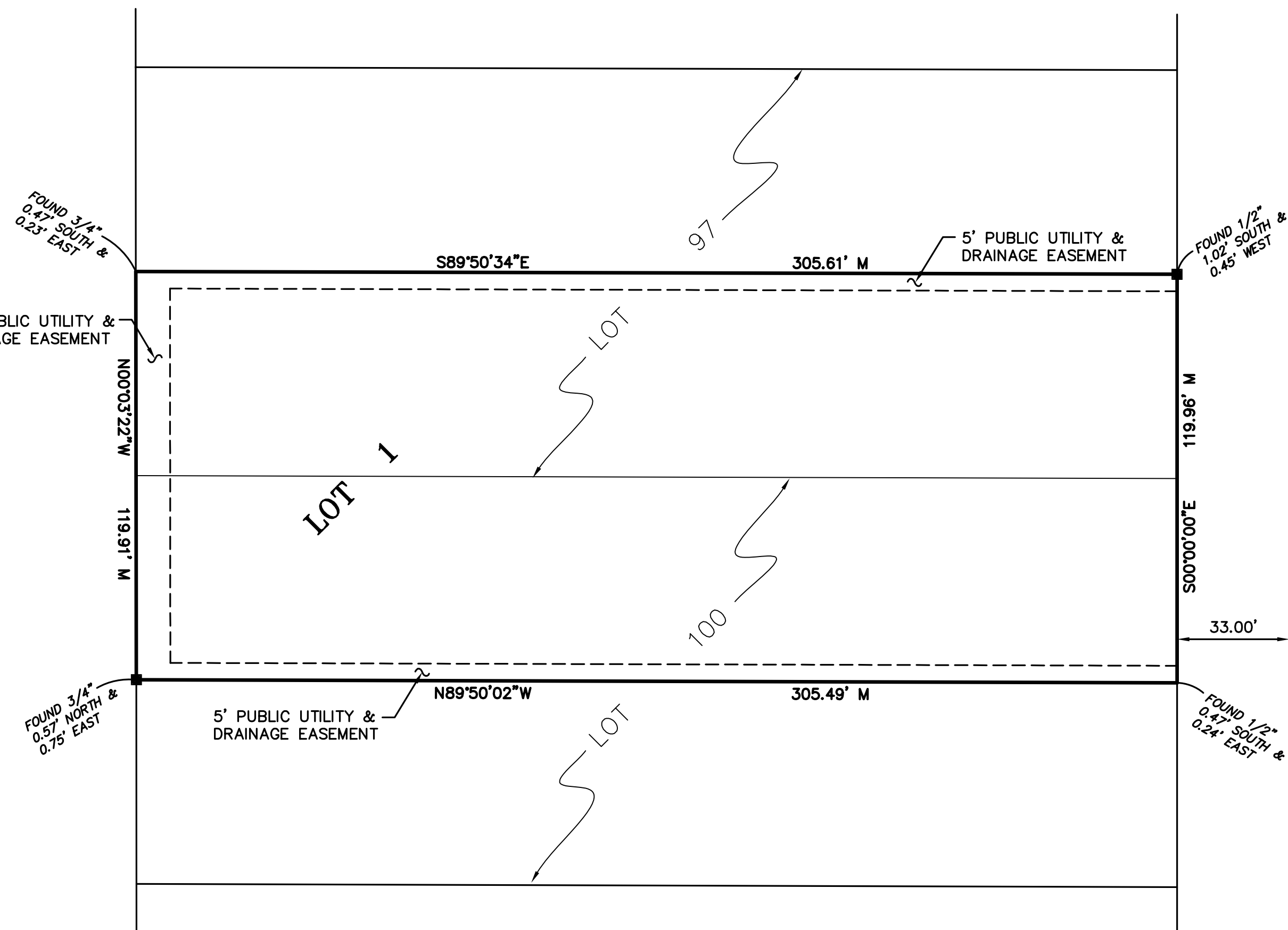
THE SOUTH HALF OF LOT 97 AND THE NORTH HALF OF LOT 100 IN THE BRANIGAR BROTHERS DOWNERS GROVE FARMS, BEING A SUBDIVISION IN THE SECTIONS 17 AND 18, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 14, 1920 AS DOCUMENT NUMBER 144285, IN DUPAGE COUNTY, ILLINOIS.

I FURTHER STATE THAT ALL THE LAND INCLUDED IN THIS PLAT IS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE, WHICH HAS ADOPTED A CITY PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE.

I FURTHER STATE THAT NONE OF THE PROPERTY INCLUDED IN THIS SUBDIVISION IS SITUATED IN ZONE "X" AS DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DUPAGE COUNTY, ILLINOIS, PANEL NUMBER 17043C0904H, DATED DECEMBER 16, 2004. ZONE "X" IS DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

DATED THIS ___ DAY OF ___, A.D., 20__

ILLINOIS PROFESSIONAL LAND SURVEYOR #35-2587 LICENSE EXPIRATION/RENEWAL DATE 11-30-2012



NOTES:

- 1. IRON PIPES ARE AT ALL LOT CORNERS.
2. EXISTING STRUCTURES TO BE DEMOLISHED.

LEGEND

- CONCRETE MONUMENT SET
EASEMENT LINE
SUBDIVISION BOUNDARY LINE

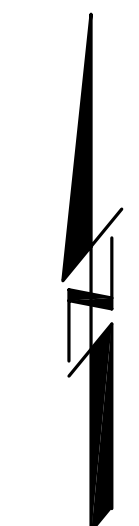
SITE AREA = 36,646 S.F. = 0.8413 AC.

INTECH CONSULTANTS, INC. ENGINEERS / SURVEYORS 1989 UNIVERSITY LANE, SUITE D LISLE, ILLINOIS TEL: (630) 964-5656 FAX: (630) 964-5052 E-MAIL: CAD@INTECHCONSULTANTS.COM ILLINOIS REGISTRATION No. 184-001040

PREPARED: 2-29-12

SHEET No. 1 of 1 JOB No.: 6561

P.I.N. No.: 09-18-202-034 09-18-202-035



SCALE: 1" = 30' BASIS OF BEARING IS ASSUMED

MIDDAUGH STREET

FINAL PLAT OF SUBDIVISION

DRAFT

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

APRIL 2, 2012, 7:00 P.M.

Chairman Jirik called the April 2, 2012 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mr. Matejczyk, Mrs. Rabatah, Mr. Waechtler, Mr. Webster

ABSENT: Mr. Hose, Mr. Quirk

STAFF PRESENT: Community Development Planning Manager Jeff O'Brien and Planner Damir Latinovic

VISITORS: Mr. David Olsen, 5601 Dunham Road, Ms. Darlene Benson, 5400 Walnut; Mr. Francis Bauer, 2800 Maple; Ms. Eugenia Gorski, 2800 Maple; Ms. Agnes Cerhlak, 2800 Maple; Ms. Francis Wilke, 2800 Maple; Mr. Frank Burla, 2800 Maple; Mr. Robert Mitchell, 2800 Maple; Mr. Kevin Greyhill, 2435 Wisconsin/5230 Walnut; Ms. Marge Earl, ___; Mr. Gordon Goodman, 5834 Middaugh; Attorney Dan McCormick, 5205 Washington, Downers Grove

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance and directed the public's attention to the available informational packets.

Chairman Jirik reviewed the protocol for the public hearing.

.....

PC-12-12 A petition seeking approval of a Final Plat of Subdivision to consolidate two existing parcels into one lot. The property is located on the west side of Middaugh Avenue approximately 770 feet south of 55th Street, commonly known as 5612 Middaugh Avenue, Downers Grove, IL (PIN 09-18-202-034, -035); David M. Leder & Cindy J. Johnstone, Petitioners; Joseph and Marilyn McCormick, Owners.

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

Village planner, Mr. Damir Latinovic, discussed the location of the R-4, single-family residence, noting it consisted of two adjacent lots (60 feet by 305 feet deep) and was owned by the petitioner. The existing structure was to be razed following with new construction of a single-family home. The request was for a final plat of subdivision to consolidate the two lots into one lot, making the total lot size 120 feet by 305 feet deep which exceeded the minimum lot dimension requirements for the R-4 District. The proposed lot would also meet the requirements of the Subdivision Ordinance. New utility easements (five feet wide) were proposed along the side property lines as well as a 10-foot wide public utility easement along the rear property line.

DRAFT

Per staff, the proposal was consistent with the Comprehensive Plan and was consistent with the lot sizes in the area. Proper notification was sent out to the public within 250 feet of the site and proper signage was placed on the property. To date, no calls were received on this proposal. Staff recommended that the Plan Commission forward a positive recommendation to the Village Council, subject to the one condition in its staff's report.

Mr. Waechtler commended Public Works staff for positioning the proper signage on the property.

On behalf of the petitioners, Mr. Dan McCormick, 5205 S. Washington Street, Downers Grove, was present and explained that his clients were the contract purchasers for the lot. For the record, he stated he was no relation to the current owners. He stated his clients "loved the area" but the current house was in disrepair, and they were proposing to raze the house and construct new.

Chairman Jirik opened up the meeting to public comment.

Mr. David Olsen, 5601 Dunham Road, Downers Grove, stated he resides behind the proposed property and had concerns about drainage in the rear of the property due to the terrain sloping down to his family's property. In response, the chairman explained the proposal before the commission was to consolidate two lots into one and the drainage issues would be addressed by the permitting process which considered drainage and grading issues to ensure those activities would not have detrimental effects. The chairman reiterated it was a private development.

Mr. Latinovic added that there were currently no plans for a new home and the next step for the petitioners was to apply for a building permit and submit engineering plans identifying grading. The plans would have to meet the village's codes and meet the county's Stormwater Ordinance, which required that surrounding properties not be negatively impacted any more than what currently existed. Per a question, Mr. Latinovic stated that those plans could be reviewed at the Community Development Department and the contractor was also required to show the plans to surrounding property owners prior to construction.

Mr. Gordon Goodman, 5834 Middaugh, appreciated the signage on the property and did speak to Mr. O'Brien about the petition prior. He supported the consolidation of the lots which were more appropriate to construct in the neighborhood. He appreciated the generous size of the lot and that it offered more space between the neighbors. Mr. Goodman added that the drainage in the same block used to be very severe to the north and much of the flooding that occurred there prior was addressed previously by the village over the years. He asked to see more attention on how the village upgraded the neighborhoods that have been zoned R-4 and specifically asked that the Plan Commission and the village review the zoning on the south side of 55th Street, south of Blanchard up to 59th Street, calling attention to the fact that the current uses were R-3 but the zoning was R-4. He did not want to see people combining three lots and dividing them into four lots in the R-4 zoning.

Hearing no further public comment, public comment was closed. Commissioners had no questions on the commentary. Mr. Dan McCormick had no responses to the public comment and waived his right to a closing statement. Commissioners did not deliberate any further.

DRAFT

WITH RESPECT TO FILE PC 12-12, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, INCLUDING STAFF'S FOLLOWING CONDITION:

- 1. THE FINAL PLAT SHALL SUBSTANTIALLY CONFORM TO FINAL PLAT OF SUBDIVISION OF LEDER JOHNSTONE SUBDIVISION PLAT PREPARED BY INTECH CONSULTANTS, INC., DATED FEBRUARY 29, 2012 EXCEPT AS SUCH PLAT MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**

SECONDED BY MRS. RABATAH. ROLL CALL:

**AYE: MR. WAECHTLER, MRS. RABATAH, MR. BEGGS, MR. COZZO,
MR. MATEJCZYK, MR. WEBSTER, CHAIRMAN JIRIK**

NAY: NONE

MOTION CARRIED. VOTE: 7-0

/s/ Celeste K. Weilandt
Celeste K. Weilandt
(As transcribed by MP-3 audio)