## VILLAGE OF DOWNERS GROVE REPORT FOR THE VILLAGE COUNCIL MEETING AUGUST 21, 2012 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
	Resolution	
Establishment of a Special	✓ Ordinance	
Service Area (SSA) for	Motion	Tom Dabareiner, AICP
Green Acres Subdivision	Discussion Only	Community Development Director

## **SYNOPSIS**

An ordinance has been prepared proposing the establishment of a Special Service Area #4 for the Green Acres Subdivision.

## STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 identified Exceptional Municipal Services.

## **FISCAL IMPACT**

N/A

## **UPDATE & RECOMMENDATION**

This item was discussed at the August 14, 2012 Village Council meeting. Staff recommends approval on the August 21, 2012 Active Agenda.

## **BACKGROUND**

The Village is proposing establishment of a Special Service Area (SSA) #4 for the Green Acres Subdivision, which will serve as a safeguard in the event that the homeowners association cannot or does not maintain the subdivision's detention area. The SSA will allow the Village to levy a special tax on the property owners for the maintenance of the facility. The tax would only be levied if the homeowner's association defaults and the Village is required to step in and maintain the common areas. The Village would then maintain the detention facilities.

The Green Acres Subdivision is located on the west side of Fairview Avenue just north of 66<sup>th</sup> Street and was originally approved in 2004. In April of 2012, the Village approved a re-subdivision of Lots 12, 13 and 14 to modify the detention area and create a new buildable lot. The SSA would include the nine lots owned by the developer (6561, 6562, 6565 and 6566 Davane Lane and 401, 403, 404, 405 and 406 Lynn Gremer Court). The re-subdivision approval included the establishment of a homeowners association to maintain the common areas, which in this case is the detention area and its retaining wall, drainage pipes and landscaping. As part of the homeowners association, an SSA is being created.

The Village proposes a maximum annual rate not to exceed of 3% of the property's Equalized Assessed Value (EAV) as a tax levy.

In order to establish an SSA the Village must first approve an ordinance proposing the establishment of the SSA. A public hearing must then be held at a Council meeting after notice is published in the paper and mailed to those properties which would be included in the SSA. There is then a 60 day objection period following the public hearing. If 51% of the property owners and electors residing within the boundaries of the proposed SSA file an objection then the SSA cannot be created. If this threshold is not met, then the Village can approve an ordinance establishing the SSA. Staff is not anticipating an objection as the majority of the lots are still owned by the developer, Greenscape Homes, and they are asking for the creation of the SSA.

## **ATTACHMENTS**

Aerial Map Ordinance Plat of Survey dated 08/17/2011 Final Plat of First Resubdivision of Green Acres of Downers Grove Subdivision

## VILLAGE OF DOWNERS GROVE COUNCIL ACTION SUMMARY

INIT	'IATED:	Village Manager	DATE:	August 21, 2012
		(Name)		_
REC	OMMENDA	TION FROM:		FILE REF:
		(Bo	ard or Department)	
NAT	URE OF AC	TION:	STEPS NEEDED TO	IMPLEMENT ACTION:
<u>X</u>	Ordinance		*	ORDINANCE PROPOSING NT OF SPECIAL SERVICE
	Resolution		AREA NUMBER 4	IN THE VILLAGE OF LLINOIS AND PROVIDING
_	Motion			HEARING AND OTHER INECTION THEREWITH", as
	Other		presented.	
	MARY OF I			
			establishment for SSA #4 for procedures in connection	or the Green Acres Subdivision therewith.
REC	ORD OF AC	TION TAKEN:		

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OKDINA	NCE NO.	

## AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE AREA NUMBER 4 IN THE VILLAGE OF DOWNERS GROVE, ILLINOIS AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONNECTION THEREWITH

BE IT ORDAINED by the Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

**Section 1**. Authority to Establish Special Service Area.

Special Service Areas are established pursuant to Article VII, Section 6L of the Constitution of the State of Illinois in force July 1, 1971, which provides:

The General Assembly may not deny or limit the power of home rule units (1) to make local improvement by special assessment and to exercise this power jointly with other counties and municipalities, and other classes of units of local government having that power on the effective date of this Constitution, unless that power is subsequently denied by law to any such other local unit of government, or (2) to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas and for the payment of debt incurred in order to provide those special services and are established pursuant to the provision of an Act to provide the manner of levying or imposing taxes for the provision of special services to areas within the boundaries of home rule units and non-home rule municipalities and counties pursuant to the Revenue Act of 1939.

## **Section 2**. *Findings. The Village Council finds:*

- A. It is in the public interest that the creation of the area hereinafter described as a special service area for the purposes set forth herein be considered.
- B. That said area is compact and contiguous and constitutes a planned development residential area, which is the sole area to be benefitted from the maintenance and operation of said improvements.
- C. That said area is zoned for residential purposes and will benefit specially from the municipal services to be provided and that the proposed municipal services are in addition to municipal services provided to the Village of Downers Grove as a whole and it is, therefore, in the best interest of the Village of Downers Grove that the levy of special taxes against said area for the services to be provided be considered.

## **Section 3**. *Public Hearing – Tax Rates*.

That a public hearing be held on September 18, 2012 at 7:00 p.m. in the Council Chambers of the Civic Center, 801 Burlington Avenue, Downers Grove, Illinois, to consider the creation of Special Service Area Number 4 of the Village of Downers Grove, in the territory described in the Notice set forth in Section 4 hereof. At the hearing, there will be considered the levy of an annual tax not to exceed an annual rate of three percent (3%) of the assessed value, as equalized, of the property in the Special Service Area. This tax may be levied for an indefinite period of time during and in the years subsequent to the date of this Ordinance. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Revenue Act of 1939. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be "dormant", and shall take effect only if the applicable required owners association or property owner fails to maintain, repair or replace the aforesaid required items and the Village chooses to assume some or all of said responsibilities. The Village may annually levy hereunder up to the maximum rate specified herein for the cost of said services, as said services become necessary and are provided for.

## **Section 4**. *Notice of Hearing*.

Notice of hearing shall be published at least once not less than fifteen (15) days prior to the public hearing in one or more newspapers in general circulation in the Village of Downers Grove. In addition, notice by mailing shall be given by depositing said notice in the U.S. Mail addressed to the person or persons in whose name the general taxes for the preceding year were paid on each lot, block, tract, or parcel of land lying within the proposed Special Service Area. Said notices shall be mailed not less than ten (10) days prior to the time set for the public hearing. In the event the taxes for last preceding year were not paid, the Notice shall be sent to the person last listed on the tax rolls prior to that year as the owner of the property. The Notice shall be in substantially the following form:

## NOTICE OF HEARING

## VILLAGE OF DOWNERS GROVE SPECIAL SERVICE AREA NUMBER 4

**NOTICE IS HEREBY GIVEN** that on September 18, 2012 at 7:00 p.m., in the Council Chambers of the Civic Center, 801 Burlington Avenue, Downers Grove, Illinois, a hearing will be held by the Village Council of the Village of Downers Grove, to consider forming a Special Service Area consisting of the following described territory:

Lots 2, 3, 5, 6, 9, 10, 11, in Green Acres of Downers Grove Subdivision, and Lots 1 and 2 of Green Acres of Downers Grove Resubdivision, being subdivisions 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

P.I.Ns: 09-20-212-013; 09-20-212-014; 09-20-213-011; 09-20-213-010; 09-20-213-014; 09-20-213-015; 09-20-213-016; 09-20-213-020; 09-20-213-021

The approximate street locations for the area are Davane Lane and Lynn Gremer Court. An accurate map of said territory is on file in the office of the Village Clerk and is available for public inspection.

All interested persons affected by the formation of Downers Grove Special Service Area Number 4, including all persons owning taxable real property within said special service area, will be given the opportunity to be heard regarding the formation and boundaries of the area and may object to the formation of the area and the levy of taxes affecting said area. The hearing may be adjourned by the Council to another date without further notice other than a Motion to be entered upon the minutes of its meeting fixing the time and place of its adjournment.

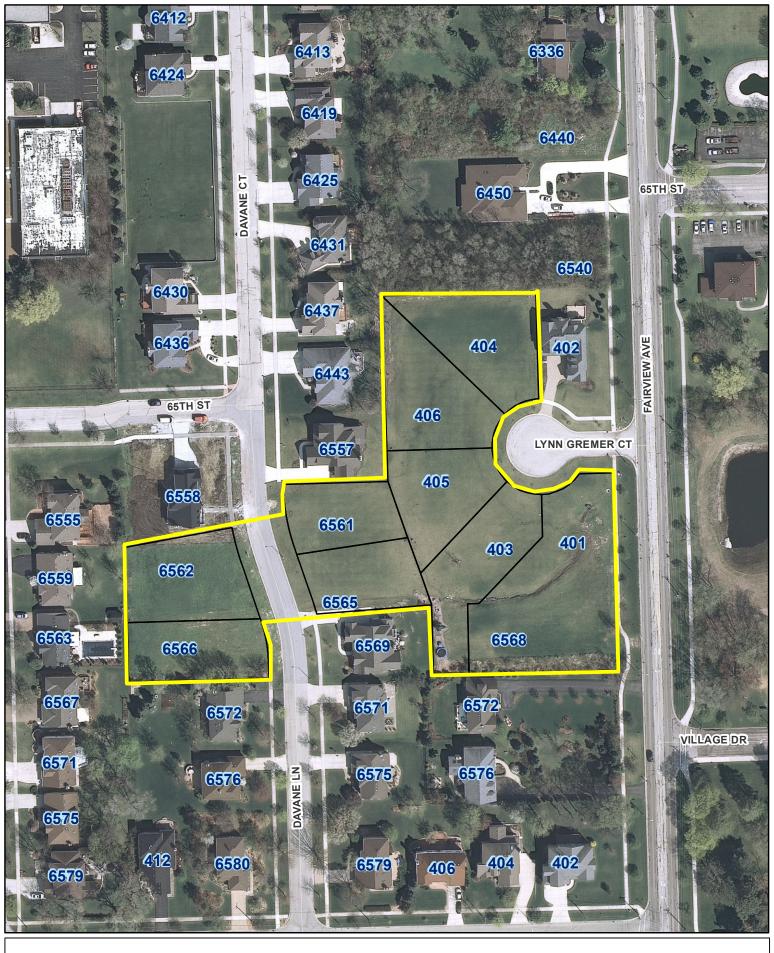
The purpose of the formation of Downers Grove Special Service Area Number 4 in general is to provide special municipal services to the area, including, but not limited to, municipal services in connection with the maintenance and operation of any "Common Area" of the subject property as defined in the Declaration of Covenants, Conditions, Easements and Restrictions for the Green Acres of Downers Grove Homeowners Association, including but not limited to real property and improvements thereto owned or maintained by the Homeowners Association, and the stormwater management facilities (including, but not limited to, stormwater detention and retention basin areas, inlet and out structures, connection storm sewers, connecting surface drainage channels, subsurface drainage systems) and associated landscaping, retaining walls and grass areas located therein.

A special tax will be considered at the public hearing to be levied in an amount not to exceed an annual rate of three percent (3%) of the assessed value, as equalized, to be levied against the real property included in the special service area. This tax may be levied for an indefinite period of time during and in the years subsequent to the date of this Ordinance.

If a petition signed by at least fifty-one percent (51%) of the electors residing within the special service area and by at least fifty-one percent (51%) of the owners of record of the land included within the boundaries of the Special Service Area is filed with the Village clerk within sixty (60) days following the final adjournment of the public hearing objecting to the creation of the special service district, the enlargement thereof, the levy or imposition of a tax for the provision of special services to the area, or to a proposed increase in the tax, no such district shall be created or enlarged, or tax may be levied or imposed nor the rate increased.

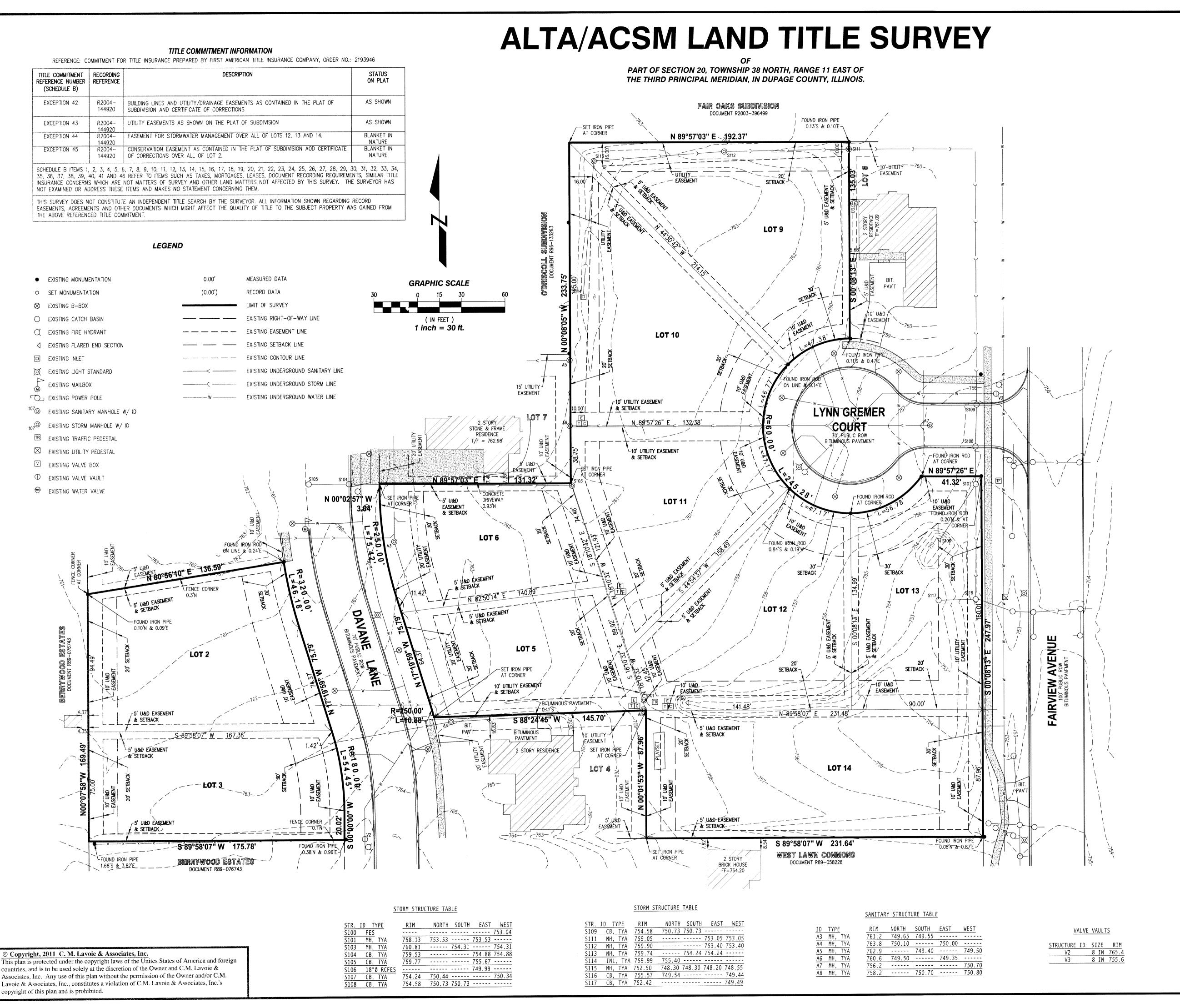
Date	ed this	_day of		2012.	
		- ,			April Holden, Village Clerk
Section 5. ordinance an			or parts	s of ordina	ances in conflict with the provisions of this
Section 6. publication			shall be	in full for	rce and effect from and after its passage and
					Mayor
Passed:					
Published:					
Attest:					
	Villag	e Clerk			

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**Green Acres Subdivision Special Service Area** 



## LEGAL 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, ILLINGIS THIS 19th DAY OF AUGUST,

LAVOIL ANTI ASSOCIATES, INC.

LINOIS PROFESSIONAL DESIGN FIRM N.D. 184-003041



## 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: SHEET: 1 05 1

Consulting Civil I Land Planning & 1050 Stat Plainfield, II voice 81 fax 81
too INC

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lting Civil Engineering		1
Planning & Surveying	#	
1050 State Route 126	1	
Plainfield, Illinois 60544	2	
voice 815-254-0505	3	
fax 815-436-5158	4	
	5	

JOB NUMBER: 11-157 (03-164) SHEET: 1 OF 1

# DATE DESCRIPTION

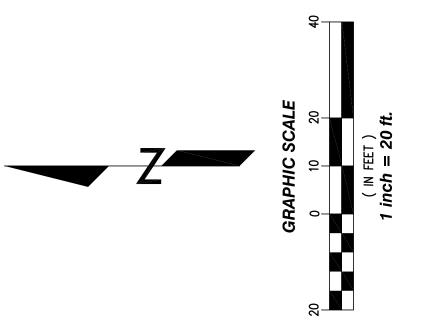
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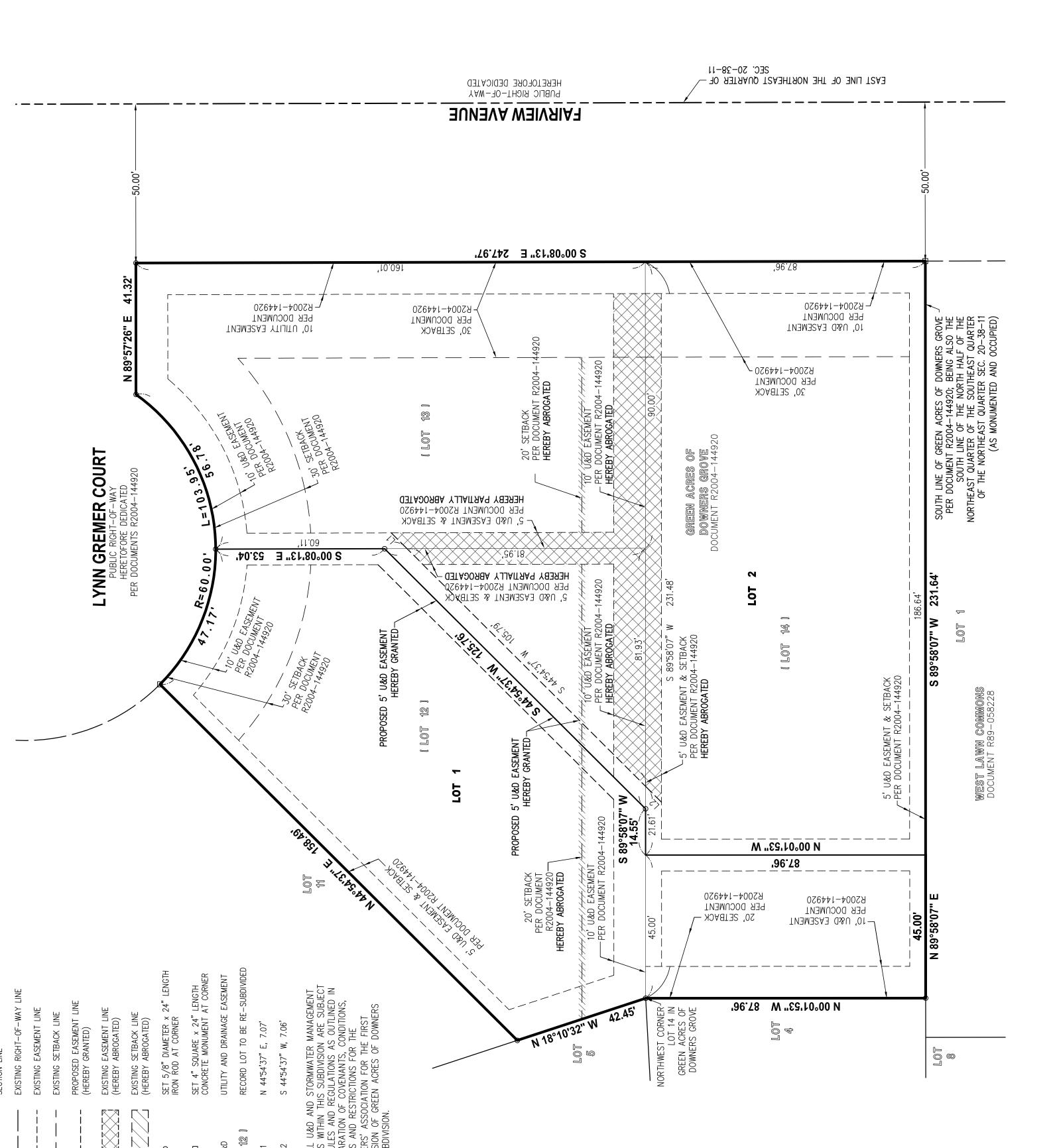
**P.I.Nos**09-20-213-017
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T QUARTER AST OF THE ILLINOIS BEING A SUBDIVISION OF PAR OF SECTION 20, TOWNSHIP 38 THIRD PRINCIPAL MERIDIAN





l Lot

20 FOOT REAR SETBACK LINE 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 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

00 DEGREES 08 MINUTES 13 11 FEET; THENCE SOUTH 44 N POINT ON THE SOUTH LINE COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 12, THENCE SOUTH 00 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 12, A DISTANCE OF 60.11 DEGREES 54 MINUTES 37 SECONDS WEST, A DISTANCE OF 105.79 FEET TO A FOF SAID LOT 12, SAID POINT BEING THE POINT OF TERMINATION OF THIS LINE.

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

## U&D EASEMENT OVER LOT 13 EEN ACRES OF DOWNERS GROVE SUBD HEREBY ABROGATED AS FOLLOWS

THE EAST 10 FEET THEREOF) OF LOT 13 IN GREEN ACRES OF IMENT R2004—144920 THE SOUTH 10 FEET (EXCEPT GROVE SUBDIVISION PER DOCU

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 A DOCUMENT R2004—144920, LYING EAST OF THE FOLLOWING

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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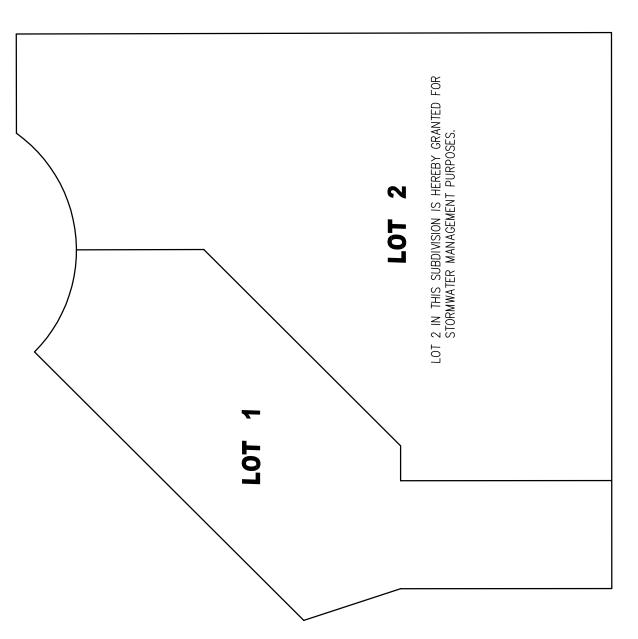
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## **LOT AREA**LOT 1 ~ 17,111 LOT 2 ~ 33,3

# HOMES,

	SC	SCALE: $1''=20'$	
	9	JOB NUMBER:	
C.M. Lavoie & Associates, Inc.		11-157	
Consulting Civil Engineering	*	DATE	
Land Planning & Surveying	<u>-</u>	1/17/12	RE
1050 State Route 126   2   2/07/12	0	2/07/12	RF)

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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

DECIDENT.	WAS DESIDENT	
RESIDENT	VICE-PRESIDENT	
	NOTARY'S CERTIFICATE	25
REBY CERTIFY THAT BE THE SAME PERSONS WHOSE N	, A NOTARY PUBLIC, IN AND FOR SAID COUNTY, IN THE STATE AFTER SAID, I	
STRUMENT AS THEIR OWN FREE AN	PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID N VOLUNTARY ACT, FOR THE USES AND PURPOSES THEREIN SET FORTH.  IAL SEAL, THIS DAY OF	, 2012
TARY PUBLIC		
	SCHOOL DISTRICT CERTIFICATE	
	AS OWNERS OF THE PROPERTY DESCRIBED HEREON EST OF THEIR KNOWLEDGE, IS LOCATED WITHIN THE BOUNDARIES OF DISTRICT	
·	, ILLINOIS THIS DAY OF	_, 2012
ESIDENT	VICE-PRESIDENT	
	GROVE PLAN COMMISSION'S CERTIFICATE	
PROVED BY THE PLAN COMMISSION	N OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS THIS	DAY OF
AN COMMISSION CHAIRMAN		
DOWNER	S GROVE VILLAGE ENGINEER CERTIFICATE	
	VILLAGE ENGINEER, VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS 1	THIS
	S GROVE VILLAGE COUNCIL'S CERTIFICATE, 2012 BY THE COUNCIL OF THE VILLAGE OF I	DOWNERS
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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.

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

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003592 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 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 ASSIGNES, 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.

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

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

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		
VICE- PRESIDENT	 	 
NOTARY BURLIC		

## 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 SUFFACE 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 SUBFACE 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