

**VILLAGE OF DOWNERS GROVE**  
**REPORT FOR THE VILLAGE COUNCIL MEETING**  
**AUGUST 6, 2013 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
Final Plat of Subdivision - 4101 Lindley Street and 913 40 <sup>th</sup> Street	✓ Resolution Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

**SYNOPSIS**

A resolution has been prepared to permit a final plat of subdivision to subdivide three lots into two lots for the property commonly known as 4101 Lindley Street and 913 40<sup>th</sup> Street.

**STRATEGIC PLAN ALIGNMENT**

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

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval on the August 13, 2013 Active Agenda

**BACKGROUND**

The petitioner is requesting approval of a final plat of subdivision to subdivide a 57,187 square foot property from three lots into two lots. There are two single family homes currently on the property - one is located at 913 40<sup>th</sup> Street and the other at 4101 Lindley Street. The petitioner is proposing to demolish the existing home at 913 40<sup>th</sup> street and construct a new single family home at this location. The petitioner is also proposing to rehabilitate the existing home at 4101 Lindley Street. If approved, the petitioner would have two buildable lots of record and would be able to have one single family residence on each lot.

The proposed subdivision complies with the lot area (Section 28.1103(d)) and lot width (Section 28.1104(d)) requirements of the Zoning Ordinance as well as the lot dimension (Section 20.301) requirements of the Subdivision Ordinance. The lot dimensions are shown in the table below:

<b>4101 Lindley Street &amp; 913 40<sup>th</sup> Street Resubdivision</b>	<b>Lot Width (req. 75 ft.)</b>	<b>Lot Depth (req. 140 ft.)</b>	<b>Lot Area (req. 10, 500 sq. ft.)</b>
Lot 1	197.34 ft.	214.69 ft.	43,608.82 sq. ft.
Lot 2	75 ft.	164 ft.	13,574.18 sq. ft.

The petitioner is requesting two exceptions from the Subdivision Ordinance. The requested exceptions meet the standards of approval per Section 20.602 of the Subdivision Ordinance.

### 1. Right-of-way width

The petitioner is requesting an exception from the requirement to dedicate a portion of the property to make the adjacent rights-of-way (Lindley and 40<sup>th</sup> Streets) 70 feet wide, as required by the Subdivision Ordinance.

Both Lindley and 40<sup>th</sup> Streets are established roadways with consistent 66-foot wide rights-of-way along the entire length of the streets. The addition of two feet of right-of-way only along the subject site would have no benefit to the neighborhood or the Village. The Village has no plans to widen either road and future sidewalks could be accommodated within the existing right-of-way. The petitioner's request is consistent with existing and future right-of-way conditions.

### 2. Right-of-way improvements

The petitioner is requesting an exception from the requirement to construct curb and gutter public improvements to both Lindley and 40<sup>th</sup> Streets. Neither street currently has curb and gutter and the Village does not have any capital improvement plans to add curb and gutter to either street. Additionally, the Village is completing a neighborhood-wide stormwater study which may provide future street design recommendations. Therefore, installation of curb and gutter at this time would have little benefit. The installation of curb and gutter may contradict improvements ultimately planned for this roadway.

The required public utility and drainage easements are provided along the side and rear lot lines. The petitioner will pay a fee-in-lieu for the installation of one street tree along 40<sup>th</sup> Street as determined by the Village Forester. Additionally, because no sidewalk currently exists on the property, a fee-in-lieu will be collected for the future construction of a sidewalk along both Lindley and 40<sup>th</sup> Streets.

The proposal is consistent with the Comprehensive Plan to provide a variety of housing, dwelling types and density. The petitioner's plan to construct a new house and rehabilitate an existing house is consistent with the Comprehensive Plan's goal to modernize the Village's housing stock to ensure quality housing stock remains a staple in the community.

The Plan Commission considered the petition at their July 1, 2013 meeting. Several residents expressed concern regarding stormwater in the area and the impact that the proposed redevelopment would have on the existing conditions. Any proposed construction will be required to meet the Village's Stormwater Management Ordinance. Many of the residents who spoke at the meeting had also previously spoken with the Village's Public Works Director and Stormwater Administrator regarding existing stormwater issues in the area. Furthermore, this area was studied and included in the July 1, 2013 report regarding the April 18, 2013 storm event.

The Plan Commission commented that the proposed subdivision is consistent with the existing neighborhood. The Commission found that the request meets the requirements of the Subdivision and Zoning Ordinances and the requested exceptions meet the standards of approval per Section 20.602 of the Subdivision Ordinance. Based on their findings, the Plan Commission unanimously recommended approval of the Final Plat of Subdivision. Staff concurs with the Plan Commission recommendation.

### **ATTACHMENTS**

Aerial Map

Resolution

Staff Report with attachments dated July 1, 2013

Draft Minutes of the Plan Commission Hearing dated July 1, 2013



0 25 50 Feet

**4101 Lindley & 913 40th Sts - Location Map**



**RESOLUTION \_\_\_\_\_**

**A RESOLUTION APPROVING THE  
FINAL PLAT OF SUBDIVISION WITH EXCEPTIONS  
FOR 4101 LINDLEY STREET AND 913 40<sup>TH</sup> STREET**

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 subdivide three lots into two lots for Maughan Resubdivision, located on the east side of the terminus of Lindley Street approximately 600 feet north of 41<sup>st</sup> Street, commonly known as 4101 Lindley Street and 913 40<sup>th</sup> Street, Downers Grove, Illinois, legally described as follows:

Parcel 1:

That part of the northwest quarter of section five (5), Township thirty eight (38) north, range eleven (11) east of the Third Principal Meridian, described by beginning at a point in the center of Lindley Street, thirty three (33) feet east of the northeast corner of lot one (1) in Block eleven (11) of Lyman Park, being a subdivision of a part of Section five (5), Township thirty eight (38) north, range eleven (11) east of the Third Principal Meridian; thence north on the center line of Lindley Street extended north, two hundred seventy four and seven tenths (274.7) feet to the center line of Huling Street extended west; thence east on the center line of Huling Street extended to the west end of said Huling Street; thence south westerly along the west end of Huling Street and the west line of lot thirty (30) in block eight (8) in said Lyman Park, two hundred eighty two and one tenth (282.1) feet to an angle in said lot; thence west forty eight and five tenths (48.5) feet to the place of beginning; in DuPage County, Illinois; and

Parcel 2:

Lots thirty (30) and thirty one (31) in Block eight (8) in Lyman Park, a subdivision of Lots two (2) and four (4) of the plat of the Circuit Court Partition of Henry M. Lyman's Estate in Section five (5), Township thirty eight (38) north, range eleven (11) east of the Third Principal Meridian, also part of the southeast quarter of said Section five (5) in DuPage County, Illinois.

Commonly known as 4101 Lindley Street and 913 40<sup>th</sup> Street, Downers Grove, Illinois  
PINs: 09-05-112-003, -033

WHEREAS, Exceptions have been requested pursuant to Section 20-602 of the Downers Grove Municipal Code to permit the following:

1. An Exception from Chapter 20, *Subdivision Ordinance*, Section 20.303(d)(3); *Street Widths*, to omit the requirement to dedicate two (2) feet of right-of-way and maintain the existing sixty-six (66) foot right-of-way.
2. An Exception from Chapter 20, *Subdivision Ordinance*, Section 20.401(a)(1); *Required Public Improvements*, to omit the required combination curb and gutter public improvements along both Lindley Street and 40<sup>th</sup> Street.

WHEREAS, notice has been given and a public hearing held on July 1, 2013 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 of Maughan Resubdivision with Exceptions, located at 4101 Lindley Street and 913 40<sup>th</sup> Street, 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 of Maughan Resubdivision, located at 4101 Lindley Street and 913 40<sup>th</sup> Street, Downers Grove, Illinois, be and is hereby approved subject to the following conditions:

1. The final plat of subdivision shall substantially conform to the Maughan Resubdivision prepared by Professional Land Surveying, Inc, dated May 29, 2013, except as such plans may be modified to conform to the Village Codes and Ordinances.
2. A \$500 fee in lieu payment for one new parkway trees must be submitted prior to the Village executing the plat.
3. A fee in lieu payment for sidewalks along both Lindley and 40<sup>th</sup> Streets (\$11,832.00) must be submitted prior to the Village executing the plat.

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



**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
JULY 1, 2013 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
PC-25-13 4101 Lindley Street and 913 40 <sup>th</sup> Street	Final Plat of Subdivision	Stan Popovich AICP Planner

**REQUEST**

The petitioner is requesting approval of a final plat of subdivision to create two lots of record where three lots of record currently exist.

**NOTICE**

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

**GENERAL INFORMATION**

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**OWNER/APPLICANT:** Nigel Maughan  
Megan Tranter  
5337 Washington Street  
Downers Grove, IL 60515

**PROPERTY INFORMATION**

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**EXISTING ZONING:** R-4, Single Family Residential  
**EXISTING LAND USE:** Residential  
**PROPERTY SIZE:** 57,183 square feet (1.31 acres)  
**PINS:** 09-05-112-003, -033

**SURROUNDING ZONING AND LAND USES**

**ZONING**

**NORTH:** R-4, Single Family Residence  
**SOUTH:** R-4, Single Family Residence  
**EAST:** R-4, Single Family Residence  
**WEST:** R-4, Single Family Residence

**FUTURE LAND USE**

Single Family Residential  
 Single Family Residential  
 Single Family Residential  
 Single Family Residential

**ANALYSIS**

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**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 the Final Plat of Subdivision to subdivide a 57,187 square foot property from three lots into two lots. The subject property, commonly known as 913 40<sup>th</sup> Street and 4101 Lindley Street is located at the northeast corner of the terminus of Lindley Street. The property has frontage along both Lindley and 40<sup>th</sup> Streets. A single-family house is located along 40<sup>th</sup> Street while a second single family home, detached garage and a frame shed are oriented off of Lindley Street.

Currently, the property consists of three lots of record, Parcel 1, Lot 30 and Lot 31. The common lot lines of these parcels run south from 40<sup>th</sup> Street. The 4101 Lindley Street house is located solely on Lot 30, while the three remaining structures are located over the common lot line of Lot 30 and 31, including the house at 913 40<sup>th</sup> Street.

The petitioner is proposing to subdivide the parcel from three lots of record into two lots of record. The proposal would create one lot with frontage along 40<sup>th</sup> Street and a second lot with frontage along Lindley Street. The common lot line would run east to west across the property. Lot 1, located adjacent to 40<sup>th</sup> Street, would be 197 feet wide by 214 feet deep. Lot 2, located adjacent to Lindley Street, would be 75 feet wide by 164 feet deep. If the subdivision were approved, the petitioner intends to demolish the single family house at 913 40<sup>th</sup> Street and construct a new single family home at this location. The existing 4101 Lindley Street house and detached garage would remain at this time with the intent to remodel the home or demolish it and construct a new single family home. As part of any proposed improvements at 4101 Lindley Street, the Village would require the removal of the extensive vegetation within the adjacent right-of-way. The existing frame shed will be removed.

### **COMPLIANCE WITH COMPREHENSIVE PLAN**

The proposed two-lot subdivision is consistent with the Comprehensive Plan. The area is identified as a modified grid residential neighborhood. The Residential Areas 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 Land Use Plan identifies this area as Single Family Residential.

If the subdivision is approved, the petitioner would have two buildable lots of record and would be limited to have one single family residence on each lot. This is a decrease from the three lots available today. The variety in lot sizes in the neighborhood is consistent with the Comprehensive Plan's goal to provide a variety of lot sizes. Additionally, the potential to modernize this site through renovation or redevelopment can assist in rejuvenating the Village's housing stock. This modernization is consistent with the Plan's goal to ensure quality housing stock remains a staple of the community.

When redevelopment occurs, the Comprehensive Plan notes it should be sensitive to and consistent with the existing neighborhood character. The R-4 properties in this area vary significantly both in lot width and lot area. The neighborhood includes lot widths ranging from 50 to 100 feet while lot areas range from 8,000 to 46,965 square feet. The two proposed lots are consistent with the existing neighborhood character of diverse lot sizes and widths. The proposed subdivision is consistent with the Comprehensive Plan.

### **COMPLIANCE WITH ZONING ORDINANCE**

The property is zoned R-4 Single Family Residence and is improved with two single family homes, a detached garage and a frame shed. In its current configuration, the two existing single family homes are

nonconforming because there are two principal structures located on one lot of record. Additionally, the detached garage, frame shed and 913 40<sup>th</sup> Street house are also non-conforming because they are built over the common lot line of Lots 30 and 31. The proposed subdivision will eliminate these non-conformities.

The proposed subdivision complies with the lot area (Section 28.1103(d)) and lot width (Section 28.1104(d)) requirements of the Zoning Ordinance. If the subdivision is approved, the petitioner will have two new lots of record and would be entitled to have one single family house on each lot of record. Any improvements which are proposed by the petitioner or subsequent owners will be required to meet all bulk and setback requirements of the R-4 zoning district.

**COMPLIANCE WITH THE SUBDIVISION ORDINANCE**

The two residential lots will meet and exceed the minimum lot dimension requirements for the R-4 zoning district and Section 20.301 – Lot Dimensions of the Subdivision Ordinance. The lot dimensions are specified in the table below:

<b>4101 Lindley Street &amp; 913 40<sup>th</sup> Street Resubdivision</b>	<b>Lot Width (req. 75 ft.)</b>	<b>Lot Depth (req. 140 ft.)</b>	<b>Lot Area (req. 10, 500 sq. ft.)</b>
Lot 1	197.34 ft.	214.69 ft.	43,608.82 sq. ft.
Lot 2	75 ft.	164 ft.	13,574.18 sq. ft.

The petitioner has provided the required five-foot wide public utility and drainage easements along the side lot lines and ten-foot wide public utility and drainage easements along the rear lot lines of all lots. The petitioner is requesting two exceptions from the Subdivision Ordinance:

1. Right-of-way width

The petitioner is requesting an exception from the requirement to dedicate a portion of the property to make the adjacent rights-of-way (40<sup>th</sup> Street and Lindley Street) 70 feet wide, as required by the Subdivision Ordinance. The two existing rights-of-way are currently 66-feet wide along the entire length of the street.

Because rights-of-way are generally centered on the street, the petitioner would be required to dedicate two feet of their property, creating a 68-foot wide right-of-way. The addition of two feet of right-of-way only along the subject site would have no benefit to the neighborhood or the Village. The Village has no plans to widen either road and future sidewalks could be accommodated within the existing right-of-way. The petitioner’s request is consistent with existing and future right-of-way conditions.

2. Right-of-way improvements

The petitioner is requesting an exception from the requirement to construct curb and gutter public improvements to both Lindley and 40<sup>th</sup> Streets. Neither street currently has curb and gutter and the Village does not have any capital improvement plans to add curb and gutter to either street. Additionally, the Village is completing a neighborhood-wide stormwater study which may provide future street design recommendations. As such, Village engineers have not started the detailed analysis required to determine appropriate street improvements. Therefore, installation of curb and gutter at this time would have little benefit. The installation of curb and gutter may be in contradiction to any improvements ultimately planned for this roadway.



The property currently contains two single family homes and would only be entitled to two homes in the future. As such, no park and school donations are required for the subdivision.

#### **ENGINEERING/PUBLIC IMPROVEMENTS**

The existing property lacks many public improvements. The petitioner is requesting an exception from the requirement to install curb and gutter improvements to both Lindley and 40<sup>th</sup> Streets along the subject property. As previously noted, it would not be beneficial to install curb and gutter at this time if future improvements to the streets are undetermined.

Both Lindley Street and 40<sup>th</sup> Street lack sidewalks. Rather than installing a sidewalk which would not connect to an adjacent sidewalk, the petitioner shall pay a fee-in-lieu (\$58 per linear foot) for the future construction of a sidewalk along both Lindley and 40<sup>th</sup> Streets in front of the subject property prior to the Village executing the plat.

The Village Forester has determined that one new parkway tree is required along 40<sup>th</sup> Street while no parkway trees are required along Lindley Street. The petitioner will pay a \$500 fee in-lieu of installation for the one tree prior to the Village executing the plat. The Village Forester collects the fee and will install the tree at the time of construction of the new single family home along 40<sup>th</sup> Street.

The petitioner is not proposing any stormwater improvements at this time. The proposed new house at 913 40<sup>th</sup> Street and any future development at 4101 Lindley Street will be required to comply with the Village's Stormwater Management Ordinance. Additionally, any future improvements proposed for the 4101 Lindley Street property will result in the petitioner removing the extensive vegetation within the Lindley Street right-of-way.

#### **NEIGHBORHOOD COMMENT**

Notice was provided to all property owners within 250 feet of the property. In addition, the notice was posted on the property and published in the Downers Grove Reporter. Staff has spoken with various neighbors regarding the proposed subdivision. The residents' primary concern is the potential stormwater implications related to new single family development on the site. As noted above, any proposed redevelopment will be required to meet the Village's Stormwater Management Ordinance.

Additionally, the Village is currently undertaking a study of the area's stormwater management. The study is examining the neighborhood and the Localized Poorly Drained Area (LPDA) that is located to the north of 40<sup>th</sup> Street, adjacent to Washington Street. The results of this study will assist the Village in assessing neighborhood-wide stormwater issues and will be available in early July. The report will not affect the subdivision as two houses currently exist and two would be permitted in the future.

#### **FINDINGS OF FACT**

Staff believes the proposed Final Plat of Subdivision to resubdivide the subject property from three lots of record into two new lots meets and exceeds the minimum lot dimension 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. The proposal is consistent with surrounding uses and lot sizes. The request is consistent with the Comprehensive Plan and meets the requirements of the Zoning and Subdivision Ordinances of the Village.

The petitioner is requesting two exceptions from the Subdivision Ordinance:

1. The petitioner is requesting a two-foot wide exception from the requirement to dedicate a portion of the property to make the adjacent Lindley and 40<sup>th</sup> Street rights-of-way 70 feet wide, as required by the Subdivision Ordinance
2. The petitioner is requesting an exception from the requirement to construct curb and gutter public improvements along both Lindley and 40<sup>th</sup> Streets as required by the Subdivision Ordinance.

The requested exceptions meet the standards of approval outlined below and supports the petitioner's request.

*Approvals of the exceptions to the Subdivision Ordinance require evaluation per Section 20.602 Exceptions:*

*An exception shall be recommended by the Plan Commission only if it finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of the Chapter. In its consideration of the standards of practical difficulties or particular hardships, the Commission may consider, but is not limited to, the following;*

**1. *The extent to which the proposed exception impacts on the value or reasonable use of surrounding prosperities;***

The requested exceptions will not have any negative effect on the value or reasonable use of surrounding properties. Both Lindley and 40<sup>th</sup> Streets are currently 66-foot wide rights-of way. Additionally, neither street currently has curb and gutter improvements. The Village has no plans to widen either roadway or to add these public improvements to Lindley and 40<sup>th</sup> Streets. Furthermore, the Village is completing a neighborhood-wide stormwater study that may suggest right-of-way improvements in the neighborhood. Any curb and gutter improvements may be in contradiction to any improvement ultimately planned for these roadways.

If the exceptions are granted, the existing character of the area will be maintained and the value or reasonable use of the surrounding properties will not be affected. This standard is met.

**2. *Whether the exception is consistent with the trend of development in the area and the surrounding uses;***

The requested exceptions are consistent with the existing development in the area. The adjacent road network does not have curb and gutter improvements and the Village has no capital improvement plans for either Lindley or 40<sup>th</sup> Streets. Therefore, the installation of curb and gutter improvements at this site would not be consistent with the trend of street development in the area.

Both Lindley and 40<sup>th</sup> Street rights-of-way are 66 feet wide. Widening the rights-of-way by two feet would not be consistent with the remainder of the streets. The Village has no plans to widen either roadway. This standard is met.

**3. *The characteristics of the property which support or mitigate against the granting of the exception;***

The requested exceptions will maintain the existing characteristics of both streets. As noted above, the adjacent road network does not include curb and gutter installations. The proposal to maintain the roadway as currently designed is consistent with the character of the area. There are no capital improvement plans for either Lindley or 40<sup>th</sup> Streets at this time. The installation of curb and gutter could ultimately be in conflict with any future improvements planned for these roadways as a result of the Village's ongoing neighborhood-wide stormwater study.

Also, widening the rights-of-way only along the subject property would be inconsistent with existing street and right-of-way widths without any plans by the Village to widen either roadway. This standard is met.

**4. *Whether the exception is in conformance with the general plan and spirit of this Chapter;***

The exceptions are in conformance with the spirit of the Subdivision Chapter. The Subdivision Ordinance makes a general assumption that curb and gutter is desirable and is already prevalent

throughout the Village. In this case, the Village has no plans to install curb and gutter along either Lindley or 40<sup>th</sup> Streets and curb and gutter are not prevalent in the surrounding neighborhood.

The Subdivision Ordinance makes similar assumptions with regard to the 70-foot right-of-way requirement. Within this neighborhood, both Lindley and 40<sup>th</sup> Streets are 66-feet wide. The expansion of these rights-of-way by two feet is not consistent with the design of the neighborhood. This standard is met.

**5. *Whether the exception will alter, or be consistent with, the essential character of the locality.***

If the exceptions are granted, they would be consistent with the essential character of the locality. Two additional feet of right-of-way for both Lindley and 40<sup>th</sup> Streets would have no effect on the area as the Village does not have any plans to widen either roadway. Additionally, granting the exception for curb and gutter improvements would preserve a consistent look of both streets which currently do not have curb and gutter on either side the entire length of the street. This standard is met.

## **RECOMMENDATIONS**

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The proposed final plat of subdivision to resubdivide the existing property from three existing lots into two new lots is compatible with surrounding zoning and land use classifications. Based on the findings listed above, staff recommends that the Plan Commission make a positive recommendation associated with PC-25-13 to the Village Council subject to the following conditions:

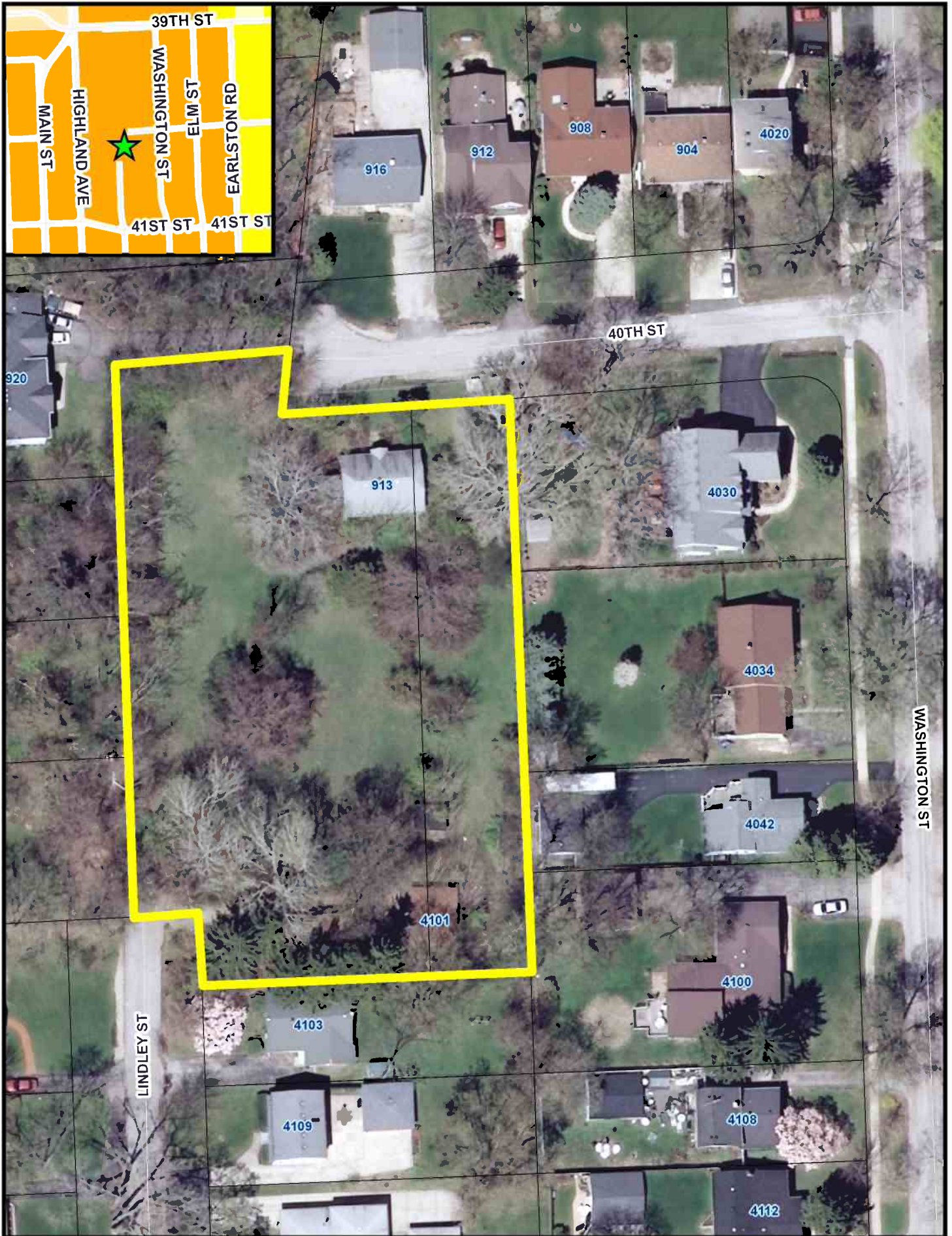
1. The final plat of subdivision shall substantially conform to the Maughan Resubdivision prepared by Professional Land Surveying, Inc, dated May 29, 2013, except as such plans may be modified to conform to the Village Codes and Ordinances.
2. A \$500 fee in lieu payment for one new parkway trees must be submitted prior to the Village executing the plat.
3. A fee in lieu payment for sidewalks along both Lindley and 40<sup>th</sup> Streets (\$11,832.00) must be submitted prior to the Village executing the plat.

Staff Report Approved By:

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Tom Dabareiner, AICP  
Director of Community Development

TD:sp  
-att



0 25 50 Feet

4101 Lindley & 913 40th Sts - Location Map



# PLAT OF SURVEY

OF

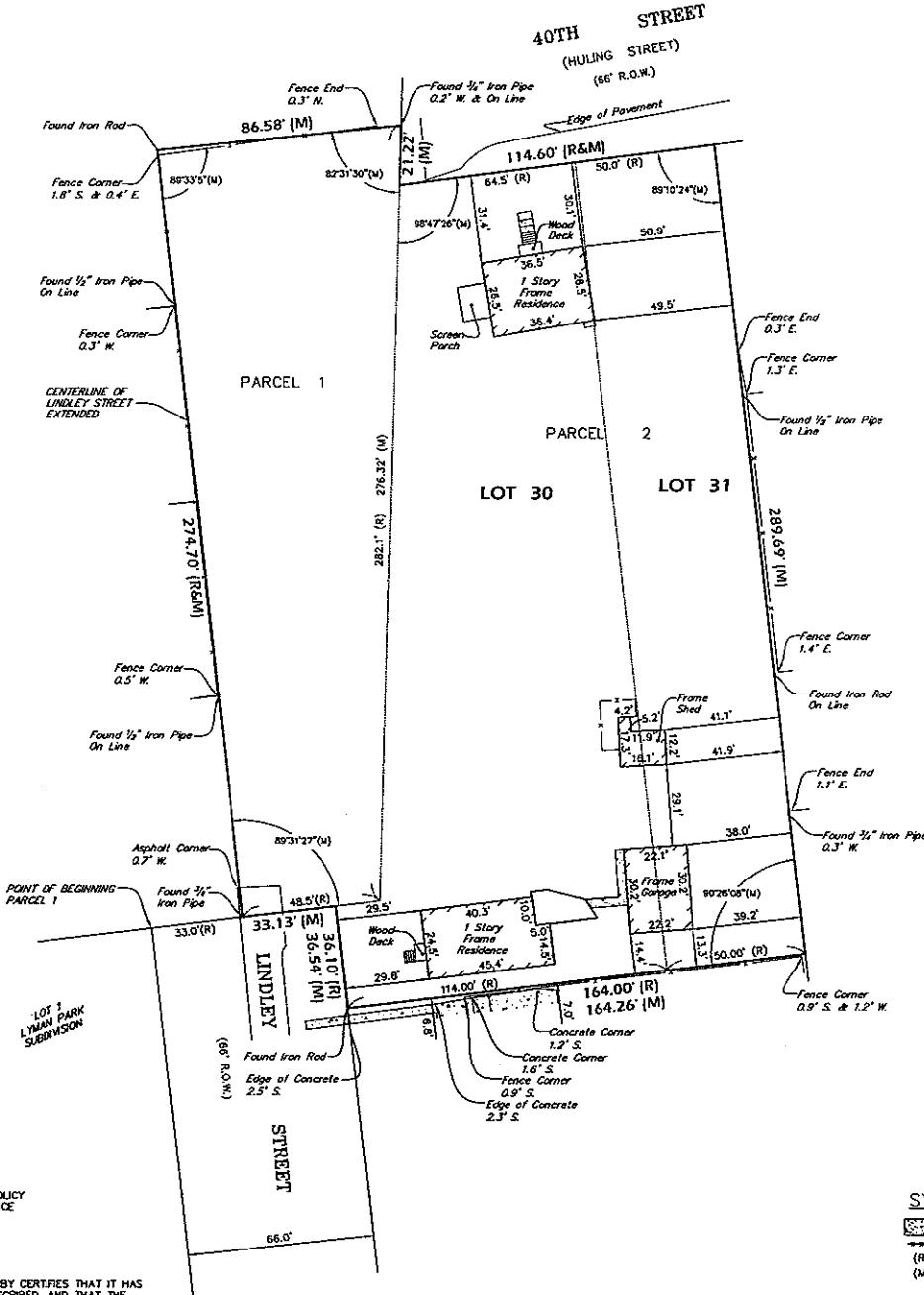


**PARCEL 1:**

THAT PART OF THE NORTHWEST QUARTER OF SECTION FIVE (5), TOWNSHIP THIRTY EIGHT (38) NORTH, RANGE ELEVEN (11) EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT A POINT IN THE CENTER OF LINDLEY STREET, THIRTY THREE (33) FEET EAST OF THE NORTHEAST CORNER OF LOT ONE (1) IN BLOCK ELEVEN (11) OF LYMAN PARK, BEING A SUBDIVISION OF A PART OF SECTION FIVE (5), TOWNSHIP THIRTY EIGHT (38) NORTH, RANGE ELEVEN (11) EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH ON THE CENTER LINE OF LINDLEY STREET EXTENDED NORTH, TWO HUNDRED SEVENTY FOUR AND SEVEN TENTHS (274.7) FEET TO THE CENTER LINE OF HULING STREET EXTENDED WEST; THENCE EAST ON THE CENTER LINE OF HULING STREET EXTENDED TO THE WEST END OF SAID HULING STREET; THENCE SOUTH WESTERLY ALONG THE WEST END OF HULING STREET AND THE WEST LINE OF LOT THIRTY (30) IN BLOCK EIGHT (8) IN SAID LYMAN PARK, TWO HUNDRED EIGHTY TWO AND ONE TENTH (282.1) FEET TO AN ANGLE IN SAID LOT; THENCE WEST FORTY EIGHT AND FIVE TENTHS (48.5) FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

**PARCEL 2:**

LOTS THIRTY (30) AND THIRTY ONE (31) IN BLOCK EIGHT (8) IN LYMAN PARK, A SUBDIVISION OF LOTS TWO (2) AND FOUR (4) OF THE PLAT OF CIRCUIT COURT PARTITION OF HENRY M. LYMAN'S ESTATE IN SECTION FIVE (5), TOWNSHIP THIRTY EIGHT (38) NORTH, RANGE ELEVEN (11) EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO PART OF THE SOUTHEAST QUARTER OF SAID SECTION FIVE (5) IN DUPAGE COUNTY, ILLINOIS.



**AREA OF SURVEY:**  
CONTAINING 57,679± SQ. FT.

REFER TO YOUR DEED, ABSTRACT, TITLE POLICY AND LOCAL BUILDING AND ZONING ORDINANCE FOR ITEMS OF RECORD NOT SHOWN.

STATE OF ILLINOIS  
COUNTY OF DUPAGE

PROFESSIONAL LAND SURVEYING, INC. HEREBY CERTIFIES THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

FIELD WORK COMPLETED AND DATED THIS 16TH DAY OF APRIL, 2013.



IPLS No. 3483  
MY LICENSE EXPIRES 11/30/14

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

PROFESSIONAL DESIGN FIRM NO. 184-004196

NOTE:  
POSSIBLE EASEMENT OF ANY PUBLIC SERVICE CORPORATION AS DISCLOSED BY SERVICE POLES AND/OR WIRES ON LAND.

**SYMBOL LEGEND**

- CONCRETE SURFACE
- FENCE LINE
- (R) - RECORD DATA
- (M) - MEASURED DATA

PREPARED FOR: JAWNS  
JOB ADDRESS: 4101 LINDLEY STREET / 913 40TH STREET  
DOWNS GROVE, ILLINOIS

**Professional Land Surveying, Inc.**  
3080 Ogden Avenue Suite 107  
Lisle, Illinois 60532  
Phone 630.778.1757 Fax 630.778.7757

DRAWN BY: JLK FLD. BK./PG. NO.: 89  
COMPLETION DATE: 04/23/13 JOB NO.: 137895  
REVISED:

PLAN COMMISSION OF THE VILLAGE

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE

THIS DAY OF A.D. 20

CHAIRMAN

SANITARY DISTRICT CERTIFICATE

STATE OF ILLINOIS ) SS
COUNTY OF DU PAGE )

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

DATED THIS DAY OF A.D. 20

COLLECTOR

VILLAGE COLLECTORS CERTIFICATE

STATE OF ILLINOIS ) SS
COUNTY OF DU PAGE )

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

DATED THIS DAY OF A.D. 20

COLLECTOR

SCHOOL DISTRICT BOUNDARY STATEMENT

STATE OF ILLINOIS ) SS
COUNTY OF DU PAGE )

THE UNDERSIGNED DO HEREBY CERTIFY THAT, AS OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYORS CERTIFICATE, AND KNOWN AS TO THE BEST OF THEIR KNOWLEDGE IS LOCATED WITHIN THE BOUNDARIES OF THE DISTRICT, AND ELEMENTARY SCHOOL DISTRICT IN DU PAGE COUNTY, ILLINOIS.

DATED AT ILLINOIS THIS DAY OF A.D. 20

BY:

STATE OF ILLINOIS ) SS
COUNTY OF DU PAGE )

I, A REGISTERED PROFESSIONAL ENGINEER IN ILLINOIS AND ATTORNEY, DO HEREBY STATE, THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS AND PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS 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 THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION. FURTHER, AS ENGINEER, I HEREBY CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS SUBDIVISION OR ANY PART THEREOF IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

DATED THIS DAY OF A.D. 20

ILLINOIS REGISTERED PROFESSIONAL ENGINEER

STATE REGISTRATION NUMBER
REGISTRATION EXPIRATION DATE

SURVEYORS CERTIFICATE

STATE OF ILLINOIS ) SS
COUNTY OF DU PAGE )

THIS IS TO CERTIFY THAT I, JEFFREY R. PANKOW, ILLINOIS PROFESSIONAL LAND SURVEYOR #3483 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:

PARCEL 1:

THAT PART OF THE NORTHWEST QUARTER OF SECTION FIVE (5), TOWNSHIP THIRTY EIGHT (38) NORTH, RANGE ELEVEN (11) EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT A POINT IN THE CENTER OF LINDLEY STREET, THIRTY THREE (33) FEET EAST OF THE NORTHEAST CORNER OF LOT ONE (1) IN BLOCK ELEVEN (11) OF LYMAN PARK, BEING A SUBDIVISION OF A PART OF SECTION FIVE (5), TOWNSHIP THIRTY EIGHT (38) NORTH, RANGE ELEVEN (11) EAST OF THE THIRD PRINCIPAL MERIDIAN; THENCE NORTH ON THE CENTER LINE OF LINDLEY STREET EXTENDED NORTH, TWO HUNDRED SEVENTY FOUR AND SEVEN TENTHS (274.7) FEET TO THE CENTER LINE OF HULING STREET EXTENDED WEST; THENCE EAST ON THE CENTER LINE OF HULING STREET EXTENDED TO THE WEST END OF SAID HULING STREET; THENCE SOUTH WESTERLY ALONG THE WEST END OF HULING STREET AND THE WEST LINE OF LOT THIRTY (30) IN BLOCK EIGHT (8) IN SAID LYMAN PARK, TWO HUNDRED EIGHTY TWO AND ONE TENTH (282.1) FEET TO AN ANGLE IN SAID LOT; THENCE WEST FORTY EIGHT AND FIVE TENTHS (48.5) FEET TO THE PLACE OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 2:

LOTS THIRTY (30) AND THIRTY ONE (31) IN BLOCK EIGHT (8) IN LYMAN PARK, A SUBDIVISION OF LOTS TWO (2) AND FOUR (4) OF THE PLAT OF CIRCUIT COURT PARTITION OF HENRY M. LYMAN'S ESTATE IN SECTION FIVE (5), TOWNSHIP THIRTY EIGHT (38) NORTH, RANGE ELEVEN (11) EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO PART OF THE SOUTHEAST QUARTER OF SAID SECTION FIVE (5) IN DU PAGE COUNTY, ILLINOIS.

I FURTHER STATE THAT THE PROPERTY IN THIS SUBDIVISION IS IN ZONE "X" AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AS SET FORTH ON THE FLOOD INSURANCE RATE MAP FOR THE VILLAGE OF DOWNERS GROVE, DU PAGE COUNTY, ILLINOIS, COMMUNITY PANEL NUMBER 17043C0201H EFFECTIVE DATE DECEMBER 16, 2004.

DATED THIS 29TH DAY OF MAY, A.D. 2013.

ILLINOIS PROFESSIONAL LAND SURVEYOR #3483
LICENSE EXPIRATION/RENEWAL DATE: NOVEMBER 30, 2014

SURVEYOR'S NOTES

IRON PIPES OF SURVEYOR'S NAIL ARE SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED. ALL MEASUREMENTS AND DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF. ALL EASEMENTS ARE HERETOFORE DEDICATED UNLESS OTHERWISE NOTED. ALL EASEMENTS DEPICTED ON THE PLAT MAP ARE FOR PUBLIC UTILITIES UNLESS OTHERWISE NOTED.

AREA OF SURVEY

CONTAINING 13,592± SQ. FT. = 0.312 ACRES

PROFESSIONAL DESIGN FIRM NO. 184-004196

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 GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY 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) 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 90.5 ILCS 0952, 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 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 POND OR MECHANICAL EQUIPMENT.

RELOCATION OF FACILITIES WILL BE DONE BY GRANTEEES AT COST OF THE GRANTEE/LOT OWNER UPON WRITTEN REQUEST.

THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE "CONDOMINIUM PROPERTY ACT", CHAPTER 90.5 ILCS 0952, 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 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 POND OR MECHANICAL EQUIPMENT.

RELOCATION OF FACILITIES WILL BE DONE BY GRANTEEES AT COST OF THE GRANTEE/LOT OWNER UPON WRITTEN REQUEST.

DRAINAGE CERTIFICATE

STATE OF ILLINOIS ) SS
COUNTY OF DU PAGE )

I, A REGISTERED PROFESSIONAL ENGINEER IN ILLINOIS AND ATTORNEY, DO HEREBY STATE, THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS AND PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS 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 THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION. FURTHER, AS ENGINEER, I HEREBY CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS SUBDIVISION OR ANY PART THEREOF IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

DATED THIS DAY OF A.D. 20

ILLINOIS REGISTERED PROFESSIONAL ENGINEER

STATE REGISTRATION NUMBER
REGISTRATION EXPIRATION DATE

PROPERTY OWNERS SIGNATURES
BY: OWNER OR ATTORNEY BY: OWNER OR ATTORNEY
PRINT NAME PRINT NAME

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.

THIS DAY OF A.D. 20

COUNTY CLERK

DU PAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS ) SS
COUNTY OF DU PAGE )

THIS PLAT WAS FILED FOR RECORD IN THE RECORDERS OFFICE OF DU PAGE COUNTY, ILLINOIS, ON THE DAY OF A.D. 20

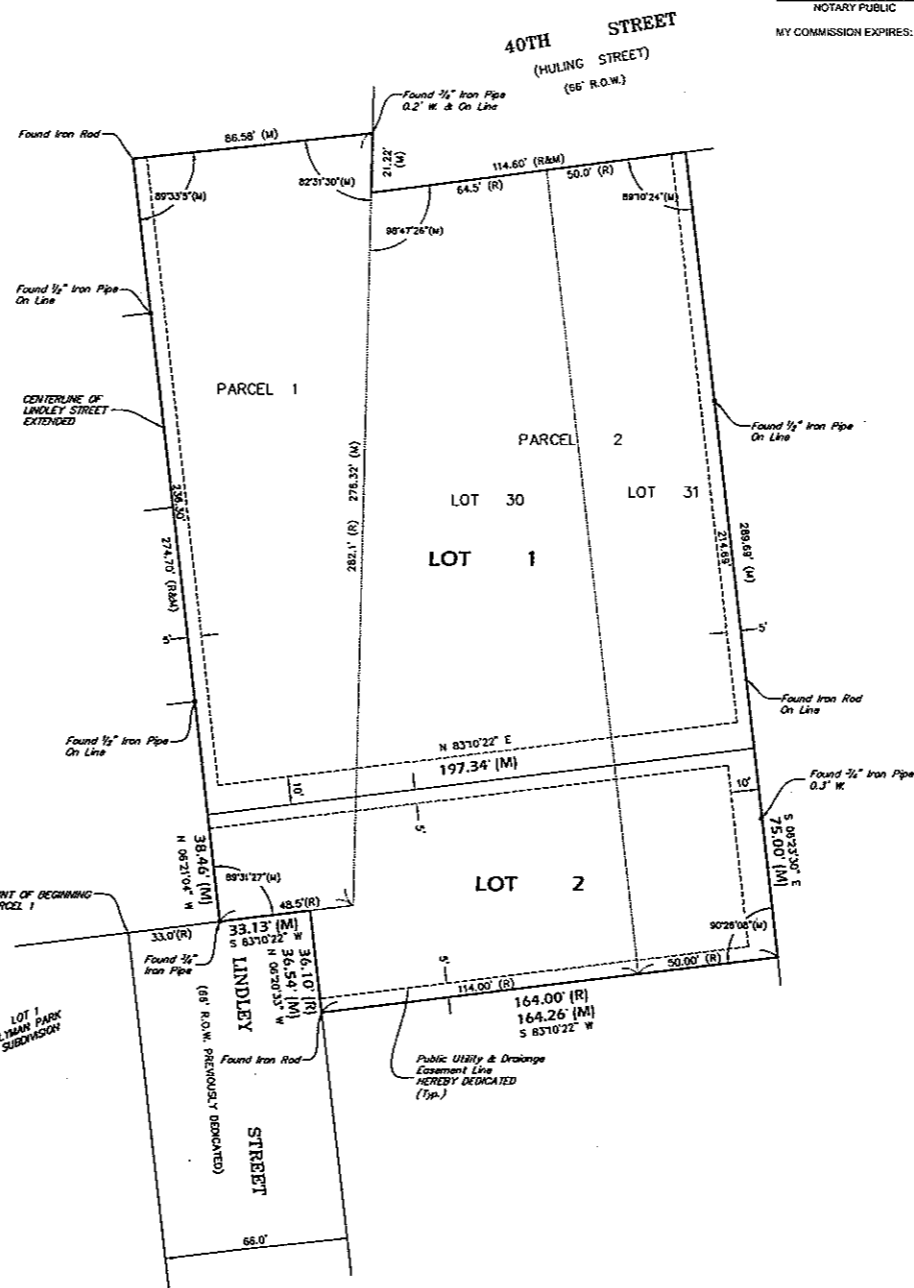
AT O'CLOCK M. AS DOCUMENT NUMBER

RECORDER OF DEEDS

FINAL PLAT OF SUBDIVISION
MAUGHAN RESUBDIVISION
OF

PART OF THE NORTHWEST QUARTER OF SECTION FIVE (5), TOWNSHIP THIRTY EIGHT (38) NORTH, RANGE ELEVEN (11) EAST OF THE THIRD PRINCIPAL MERIDIAN, DU PAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS:
4101 LINDLEY STREET/913 40TH STREET
DOWNERS GROVE, ILLINOIS



OWNERS CERTIFICATE

STATE OF ILLINOIS ) SS
COUNTY OF DU PAGE )

I, INDIVIDUALS (OR CORPORATION), HEREBY CERTIFY THAT THEY (OR IT) ARE THE OWNERS (OR OWNER) OF THE ABOVE DESCRIBED PROPERTY AND THEY (OR IT) HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HEREON DRAWN.

DATED THIS DAY OF A.D. 20

OWNER:

ADDRESS:

OWNER:

ADDRESS:

NOTARY CERTIFICATE

STATE OF ILLINOIS ) SS
COUNTY OF DU PAGE )

I HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE ARE KNOWN TO ME BY HAND AND SEAL. THIS DAY OF A.D. 20

NOTARY PUBLIC

MY COMMISSION EXPIRES:

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

DECLARATIONS CERTIFICATE

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 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 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 SUBDIVISION, EXCEPT FOR LANDSCAPE INSTALLATION OF TREES, SHRUBS, BUSHES AND GRASS AND THE INSTALLATION OF UNDERGROUND UTILITY LINES AND DRIVEWAYS.
2. EACH OWNER OR PURCHASER SHALL BE RESPONSIBLE FOR MAINTAINING THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, APPLICABLE TO HIS LOT IN SUCH MANNER AS TO INSURE THE FREE AND UNINTERRUPTED FLOW OF STORM WATER THROUGH THE DRAINAGE SYSTEM OF THE SUBDIVISION, AND SHALL NOT DESTROY OR MODIFY GRADES OR SLOPES WITHOUT HAVING FIRST RECEIVED PRIOR WRITTEN APPROVAL OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.
3. IN THE EVENT ANY OWNER OF 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 STORM WATER STORAGE AND FREE FLOW OF STORM WATER 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 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 THE REMAINDER OF PERPETUAL EFFICACY AND OBLIGATION IN RESPECT TO THE SAID PREMISES AND THE PARTIES HEREIN DESIGNATED, THEIR AND EACH OF THEIR SUCCESSORS, HEIRS, AND ASSIGNS.

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

DATED THIS DAY OF A.D. 20

OWNER

NOTARY PUBLIC

MY COMMISSION EXPIRES:

PREPARED FOR: MAUGHAN
JOB ADDRESS: 4101 LINDLEY STREET/ 913 40TH STREET
DOWNERS GROVE, ILLINOIS

Professional Land Surveying, Inc.
3080 Ogden Avenue Suite 107
Lisle, Illinois 60532

Phone 630.778.1757 Fax 630.778.7757

DRAWN BY: SMR FLD. BK./PG. NO.: 89
COMPLETION DATE: 05-29-2013 JOB NO.: 137895
REVISED:

DRAFT

VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING  
PUBLIC HEARING

JULY 1, 2013, 7:00 P.M.

**PC 25-13** A petition seeking a Final Plat of Subdivision approval to create two lots of record. The property is located on the East side of the terminus of Lindley Street approximately 600 feet north of 41<sup>st</sup> Street, commonly known as 4101 Lindley Street and 913 40<sup>th</sup> Street, Downers Grove, IL (PIN 09-05-112-003 and -033). Nigel Maughan and Megan Tranter, Petitioners and Owners.

Chairman Webster confirmed those individuals who were sworn in regarding the above petition.

Village Planner, Stan Popovich, located the property on the overhead, discussing that two existing single-family homes were on the lot, along with a shed and detached garage. Multiple non-conformities existed on the property (3 lots of record) which were pointed out by staff. Mr. Popovich confirmed that the proposed lot subdivision would eliminate the lot non-conformities. By creating two lots of record, he explained that there would be access to Lot 1 off of 40<sup>th</sup> Street and access to Lot 2 off of Lindley Street. The owners were intending to remove one of the two homes and construct a new home on Lot 1. The shed and garage would also be removed.

As to the Comprehensive Plan, Mr. Popovich reviewed the goals of the plan in further detail, calling attention to the fact that if any remodeling were to take place, it would have to meet the requirements of Zoning Ordinance, Subdivision Ordinance, and Stormwater Ordinance. He stated that nearby lot sizes were reviewed and that this proposal met the surrounding lot sizes of the area. Staff believed this proposal was consistent with the village's Comprehensive Plan and the Zoning and Subdivision Ordinances. Details followed. More specifically, Mr. Popovich reported that with the rezoning, curbs and gutters were usually required with all new subdivisions; however, given the existing rural type streets, staff did not feel they were necessary to provide. A stormwater study was currently underway for this area and Mr. Popovich believed out of the study would come additional recommendations for the area, and therefore, did not want to bring a change to the area. Per staff, the petitioner would be required to provide a fee-in-lieu of sidewalks since no sidewalks existed in the area. A fee-in-lieu for a new parkway tree along 40<sup>th</sup> Street would also be required.

Furthermore, Mr. Popovich added that the village was undertaking a stormwater study, based on the latest April storm, specifically reviewing the LPDA on the site and how to best remove water to a nearby wetland area. Continuing, proper notification and publication of this proposal was confirmed, with Mr. Popovich stating that he spoke with multiple residents in the area regarding the subdivision and drainage issues.

Regarding the Standards for Exception, Mr. Popovich believed all of the standards were satisfied and believed the 66-foot right-of-way and the lack of a curb and gutter would be consistent with the surrounding neighborhood and its character. Therefore, he believed the two exceptions met the spirit of the Subdivision Ordinance and recommended approval of the proposal.

For the record, Mr. Popovich confirmed that the village had no intentions of connecting 40<sup>th</sup> Street and Lindley and that Public Works did look at the plans and there was no request for a "hammer

## DRAFT

head” (type of T-intersection) or additional right of way, nor did Public Works have concern about snow plowing both streets. Per questions, Mr. Popovich stated that Lot 2 would be approximately 13,574 square feet in size and would be a buildable lot. Questions/comments were raised on how the village determined its fee-in-lieu for sidewalks and the fact that Lot 1 was a buildable lot as it stood currently.

Petitioner, Mr. Nigel Maughan, 5337 Washington St., reported he purchased the property in May and the property sat vacant for six to seven years. He planned to renovate the home on Lindley Street and to construct a single family home on 40<sup>th</sup> Street. A demolition permit was being sought, along with architects being hired to design the new home and redesign the existing home. Mr. Maughan explained he split the lot because he wanted the larger lot and it had more value.

Chairman Webster opened up the meeting to public comment.

Mr. Scott Wilson, 4030 Washington Street, supported having the house built but was concerned about stormwater issues affecting his property. He detailed the water flow in the area and stated he spoke to the Stormwater Commission which made some changes, but nothing was really resolved. He even suggested that the village purchase the lot just for the purpose of collecting water from the neighborhood. He stated he has attended meetings with neighbors with no progress occurring. When he purchased his home, he was told it did not flood and believed a vegetated area that was cleared out was part of the problem.

Ms. Judy Wohlt, 908 40<sup>th</sup> Street, agreed with the person prior to her but stated she wanted to be on record because she and her neighbors were having major water issues. Inadequate ditches or no ditches existed. She had no issues with the new home as long as water issues were addressed.

Ms. Marykay Jenkner, 912 40<sup>th</sup> Street, wanted to ensure that Lot 1 could not be subdivided again. She reiterated that there were water issues. She asked if she would be able to see the plans for the home and if she could provide input later.

Mr. John Frederick, 916 40<sup>th</sup> Street, stated that a neighbor at 904 40<sup>th</sup> Street lost a furnace and car to the floods and she was not present. Regarding the “hammer head,” he stated a snow plow landed twice in a ditch. Also, he stated that the last flag lot near him was approved and after the vegetation on it was removed it started creating water issues in the area. He cautioned the commissioners approving this petition.

Mr. Pete Jenkner, 912 W. 40<sup>th</sup> Street, had no issue with the new home but wanted an answer to the flooding issue before the petition was approved.

Ms. Daphney Frederick, 916 40<sup>th</sup> Street, stated her block floods when it rains and while she wanted to trust the village, she has learned that the decisions made prior have not benefitted her neighbors. Her neighbors bought a home with a swale unbeknownst to them and she cautioned them not to do anything to it. She also stated that no one wanted to provide answers.

Hearing no further comments, Chairman Webster closed public comment.



## DRAFT

Mr. Nigel Maughan in response, stated he wanted some answers as well since the water drained across the property he owned and flowed toward Washington Street. He stated the basement of the home he owns on 40<sup>th</sup> Street is full of water.

Mrs. Rabatah asked Mr. Maughen what his plan was to resolve the water issue, wherein Mr. Maughen summarized that it was the village's responsibility to work out where the stormwater was placed on the property. Mr. Dabareiner spoke up and stated that at the point the village reviews a building plan is when the stormwater is reviewed to ensure there is no increased run-off at the property line. Mr. Quirk, addressing the residents also added that they needed to be heard at the stormwater level. Mr. Dabareiner agreed stating the subject area was currently being studied but that there was a right to build three houses currently and the proposal was a reduction to two homes and their impervious surfaces. As a group, Mr. Quirk believed there was an opportunity for the residents to participate in a cost-share program with the village to the address water issues. Mr. Waechtler reminded the residents that this was a first step in the review process and more chances would follow.

Asked what his experience was after a home had been constructed and its affect on the homes being already affected by water, Mr. Popovich stated he could not really comment except to say that when the proposal is approved, it will need to meet the village's Stormwater Management Ordinance. Additionally, he pointed out that the petitioner was in contact with Public Works Director Ms. Nan Newlon and Stormwater Administrator Karen Daulton-Lange and that staff was aware of the neighborhood issues. Mr. Popovich noted Ms. Newlon and Ms. Daulton-Lange were the right village staff that the residents should be talking to. Mr. Popovich believed the neighbors could approach the petitioner and his wife and also call the village's development engineer to review any plans.

Mr. Matejczyk also agreed with Mr. Waechtler's comment that a representative from the stormwater department should attend the meetings to answer residents' questions since it appeared to be a neighborhood issue, to which Mr. Popovich conveyed that the village was well aware of these issues and that the stormwater report was on the village's web site. However, he emphasized that tonight's discussion was the subdivision before the plan commissioners, a position echoed by Chairman Webster.

**WITH RESPECT TO PC 25-13, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE MAUGHAN RESUBDIVISION PREPARED BY PROFESSIONAL LAND SURVEYING, INC, DATED MAY 29, 2013, EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**
- 2. A \$500 FEE IN LIEU PAYMENT FOR ONE NEW PARKWAY TREES MUST BE SUBMITTED PRIOR TO THE VILLAGE EXECUTING THE PLAT.**
- 3. A FEE IN LIEU PAYMENT FOR SIDEWALKS ALONG BOTH LINDLEY AND 40<sup>TH</sup> STREETS (\$11,832.00) MUST BE SUBMITTED PRIOR TO THE VILLAGE EXECUTING THE PLAT.**

**SECONDED BY MS. URBAN. ROLL CALL:**

DRAFT

**AYE: MR. MATEJCZYK, MS. URBAN, MR. BEGGS, MR. COZZO, MR. QUIRK,  
MRS. RABATAH, MR. WAECHTLER, CHAIRMAN WEBSTER**  
**NAY: NONE**

**MOTION CARRIED. VOTE: 8-0**

(The commission recessed at 8:45 p.m. and returned at 8:52 p.m.)