

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
JULY 8, 2014 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Establishment of a Special Service Area (SSA) for Dunham Subdivision	Resolution ✓ Ordinance Motion Discussion Only	Stan Popovich, AICP Acting Community Development Director

SYNOPSIS

An ordinance has been prepared proposing the establishment of Special Service Area #7 for the Dunham 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 July 1, 2014 Village Council meeting. The Council asked for additional information on regarding the 3% maximum tax rate. If the Village levies tax at the 3% rate this would generate approximately \$48,000 per year, which would be sufficient to cover the costs of maintaining or reconstructing the basin (based on the cost estimate for building them) if it were necessary. Staff recommends approval on the July 8, 2014 Active Agenda.

BACKGROUND

The Village is proposing establishment of a Special Service Area (SSA) #7 for the Dunham Subdivision, which will serve as a safeguard in the event that the homeowners association cannot or does not maintain the subdivision's detention areas. 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 Dunham Subdivision is located at the southeast corner of Dunham Road and Crystal Avenue, currently known as 7143 Dunham Road. The three lot subdivision was approved on March 18, 2014. The subdivision will facilitate construction of 12 townhome units in three buildings. A stormwater detention facility is located on Lot 1. The subdivision approval included the establishment of a homeowners association to maintain the common areas, which in this case is the detention area with associated stormwater improvements. As part of the homeowners association, an SSA is being created.

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

To establish the 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 entire subdivision is still owned by the developer, Dunham Street Development LLC, and they are asking for the creation of the SSA.

ATTACHMENTS

Aerial Map

Ordinance

Plat of Survey dated September 1, 2006

Recorded Final Plat of Subdivision for Dunham Subdivision dated March 25, 2014

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Manager **DATE:** July 8, 2014
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt “AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE AREA NUMBER 7 IN THE VILLAGE OF DOWNERS GROVE, ILLINOIS AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONNECTION THEREWITH”, as presented.

SUMMARY OF ITEM:

Adoption of this ordinance shall propose the establishment of SSA #7 for the Dunham Subdivision.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF
SPECIAL SERVICE AREA NUMBER 7
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 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 9, 2014 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 7 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. 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 part or all of the Common Area, as hereinafter identified, 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 7

NOTICE IS HEREBY GIVEN that on September 9, 2014 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:

LOT 1 IN DUNHAM SUBDIVISION, BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 25, 2014 AS DOCUMENT R2014-024226, IN DUPAGE COUNTY, ILLINOIS.

LOT 2 IN DUNHAM SUBDIVISION, BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL

MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 25, 2014 AS DOCUMENT R2014-024226, IN DUPAGE COUNTY, ILLINOIS.

LOT 3 IN DUNHAM SUBDIVISION, BEING A SUBDIVISION IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 25, 2014 AS DOCUMENT R2014-024226, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 09-29-100-123; 09-29-100-124; 09-29-100-125

The approximate street location for the area is 7143 Dunham Road. 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 7, 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 7 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 Dunham Street Development Townhomes Association, including but not limited to real property and improvements thereto owned or maintained by the 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.

Dated this ___ day of _____ 2014.

April Holden, Village Clerk

Section 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

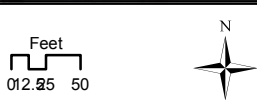
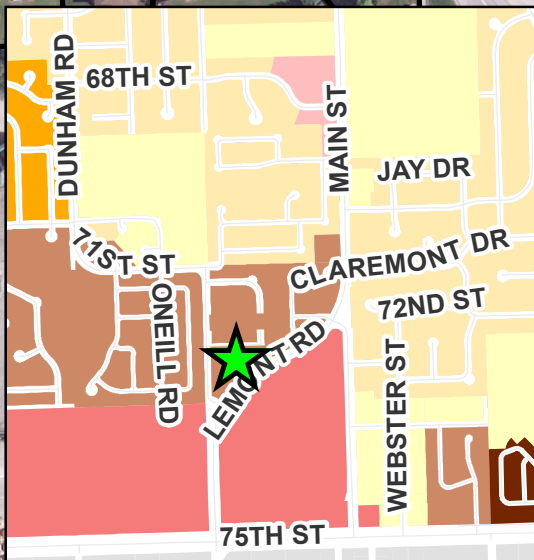
Section 6. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk



7143 Dunham Rd

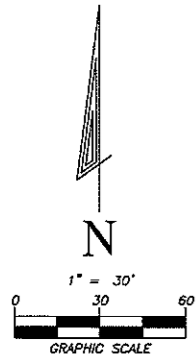
EDWARD J. MOLLOY & ASSOCIATES, LTD.
LAND & CONSTRUCTION SURVEYORS
 1230 MARK STREET, BENSENVILLE, ILLINOIS 60106 (630) 595-2600 Fax (630) 595-4700

PLAT OF SURVEY

OF

LOT 7 IN PINE HILLS UNIT NUMBER 1, A SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 14, 1949 AS DOCUMENT 569748, IN DUPAGE COUNTY, ILLINOIS.

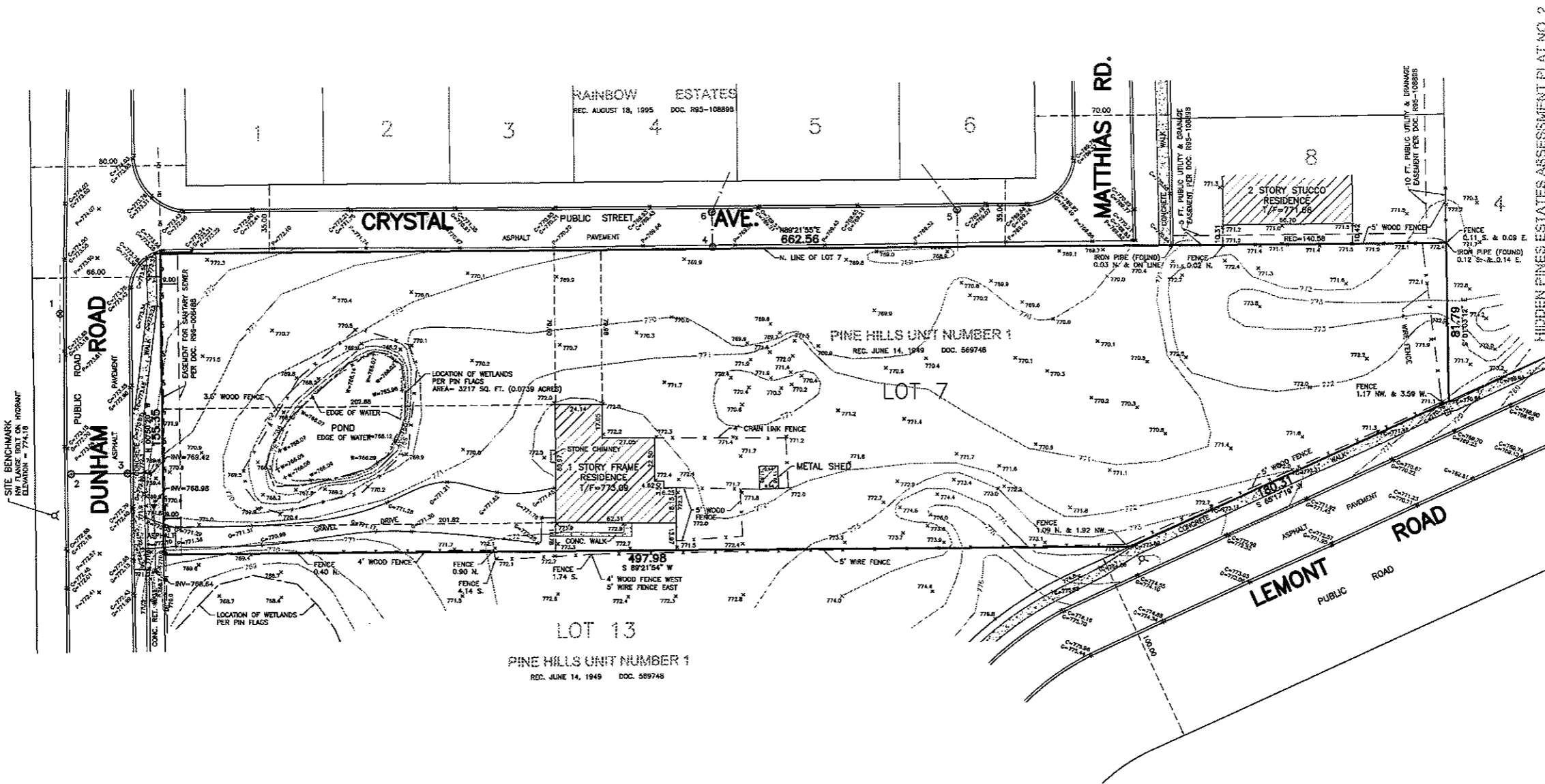
COMMONLY KNOWN AS: 7143 DUNHAM ROAD, DOWNERS GROVE, ILLINOIS



LEGEND:

- Manhole
- Sanitary Manhole
- Storm Manhole
- Storm Catch Basin/Inlet
- Fire Hydrant w/B-Box
- Water Valve Vault
- Street Light
- Traffic Sign
- Utility Pole w/Overhead Wire
- Traffic Signal Pole
- Traffic Signal Vault
- Concrete Filled Post
- Telephone Pedestal

- WW #1
RM=774.17
TP=768.69 15" DIP (N.S.)
- INL #2
RM=772.54
NW=768.81 12" RCP (E)
- INL #3
RM=772.52
NW=768.78 12" RCP (W)
NW=768.72 12" RCP (E)
- CBN #4
RM=768.84
NW=767.21 10" DIP (N)
- CBN #5
RM=768.82
NW=767.39 10" DIP (S)
NW=767.39 12" RCP (NW)
- INL #6
RM=768.87
NW=767.18 10" DIP (S)
NW=767.18 12" RCP (NE)



HIDDEN PINES ESTATES ASSESSMENT PLAT NO. 2
DOC. #1990-018687

ORDER NO.: 2006-0968
 FILE: 29-38-11
 PROJECT NO.: 1735

SURVEYOR'S NOTES
 TAX PARCEL PERMANENT INDEX NUMBER: 09-29-100-038

FLOOD MAP DESIGNATION: OUR EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NO. 1704300907H WITH AN EFFECTIVE DATE OF DECEMBER 18, 2004, SHOWS THAT NO PART OF THE PROPERTY FALLS WITHIN A SPECIAL FLOOD HAZARD AREA AND THAT SAID PROPERTY DOES FALL WITHIN ZONE "X" DEFINED AS AREAS OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.

ACCESS STATEMENT: THE PROPERTY HAS DIRECT ACCESS TO AND FROM DUNHAM ROAD, A LEGALLY OPENED AND PUBLICLY DEDICATED, USED AND MAINTAINED STREET OR HIGHWAY.

AREA STATEMENT: THE PROPERTY CONTAINS 96,898 SQUARE FEET OR 2.2245 ACRES.

VERTICAL DATUM AND BENCHMARK: ALL ELEVATIONS SHOWN HEREON ARE PLUS AND ARE REFERENCE TO DUPAGE COUNTY BENCH MARK #DGN19003, TOP OF BRONZE DISK MONUMENT ESTABLISHED AT THE NORTH END OF CONCRETE HEADWALL FOR DRAINAGE UNDER DUNHAM ROAD, LOCATED APPROXIMATELY 50 FEET NORTH OF THE CENTER LINE OF BOLSON DRIVE AND 50 FEET WEST OF THE CENTER LINE OF DUNHAM ROAD. ELEVATION = +743.3638 FEET (NATIONAL GEODETIC VERTICAL DATUM OF 1929)

STATE OF ILLINOIS)
 COUNTY OF DUPAGE) SS

I, JOHN M. MOLLOY, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT A SURVEY HAS BEEN MADE UNDER MY DIRECTION OF THE PROPERTY LEGALLY DESCRIBED HEREON AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

BENSENVILLE, ILLINOIS, DATED THIS 1ST DAY OF SEPTEMBER, A.D. 2006.

John M. Molloy
 JOHN M. MOLLOY
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3432
 MY LICENSE EXPIRES ON NOVEMBER 30, 2008 AND IS RENEWABLE

PLAT OF SUBDIVISION DUNHAM SUBDIVISION

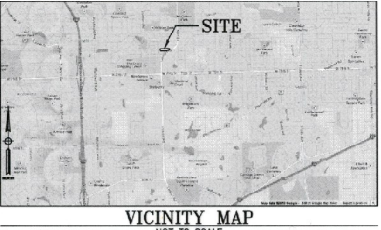
FOR

OF

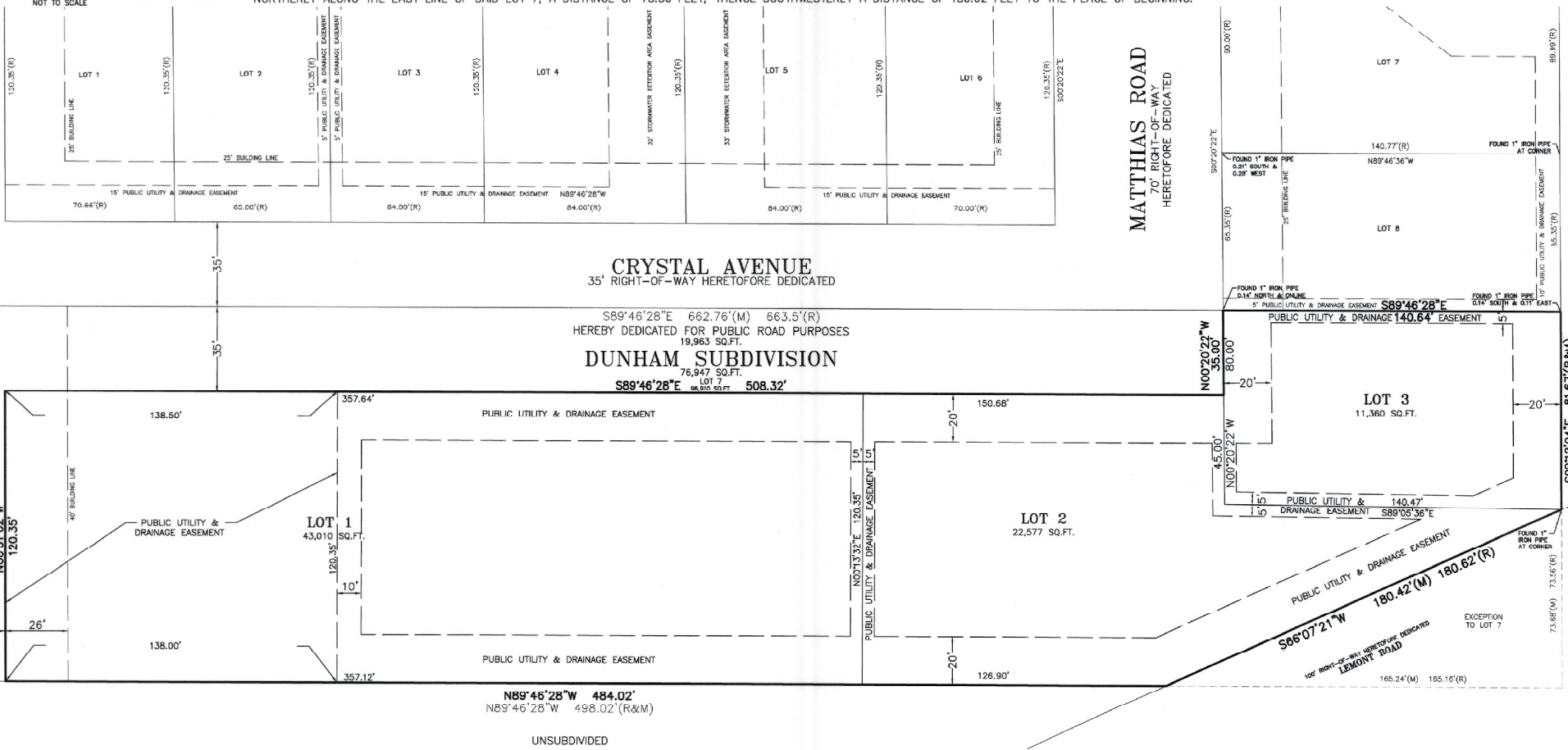


FRED BUCHOLZ
DUPAGE COUNTY RECORDER
MAR 25 2014 11:17 AM
PLAT R187 09-29-100-038
000 PAGES R2014-024226

LOT 7 IN PINE HILLS UNIT NUMBER 1, A SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 14, 1949 AS DOCUMENT 569748, IN DUPAGE COUNTY, ILLINOIS, EXCEPT THAT PART OF LOT 7 IN PINE HILLS UNIT NUMBER 1, A SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 14, 1949 AS DOCUMENT 569748, IN DUPAGE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 7, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 498.02 FEET FOR A PLACE OF BEGINNING; THENCE CONTINUING EASTERLY ALONG THE SOUTH LINE OF SAID LOT 7, A DISTANCE OF 165.16 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE NORTHERLY ALONG THE EAST LINE OF SAID LOT 7, A DISTANCE OF 73.56 FEET; THENCE SOUTHWESTERLY A DISTANCE OF 180.62 FEET TO THE PLACE OF BEGINNING.



VICINITY MAP
NOT TO SCALE



DUNHAM ROAD
66' RIGHT-OF-WAY HERETOFORE DEDICATED
HEREBY IS DEDICATED TO PUBLIC ROAD PURPOSES

MATHIAS ROAD
70' RIGHT-OF-WAY
HEREBY IS DEDICATED

CRYSTAL AVENUE
35' RIGHT-OF-WAY HERETOFORE DEDICATED

HEREBY DEDICATED FOR PUBLIC ROAD PURPOSES
19,965 SQ. FT.
DUNHAM SUBDIVISION
76,847 SQ. FT.

PLAN COMMISSION CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE, THIS 21ST DAY OF MARCH, A.D. 2014.

VILLAGE COUNCIL CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
APPROVED THIS 8TH DAY OF MARCH, A.D. 2014, BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE.

VILLAGE COLLECTOR CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
I, Judy Bunny, COLLECTOR FOR THE VILLAGE OF DOWNERS GROVE, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT.
APPROVED THIS 21ST DAY OF MARCH, A.D. 2014.

DOWNERS GROVE SANITARY DISTRICT CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
I, Neil Manning, 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 APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT.
APPROVED THIS 3-25-14 DAY OF MARCH, A.D. 2014.

COUNTY CLERK'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
I, Gary A. King, COUNTY CLERK OF DUPAGE 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 DUPAGE COUNTY, ILLINOIS, THIS 25TH DAY OF MARCH, A.D. 2014.

COUNTY RECORDER'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE 25TH DAY OF MARCH, A.D. 2014, AT 11:11 O'CLOCK A M AS DOCUMENT NUMBER R2014-024226.

DRAINAGE CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
I, KEVIN C. LEWIS, A REGISTERED PROFESSIONAL ENGINEER IN ILLINOIS AND DUNHAM STREET DEVELOPMENT LLC, THE OWNER OF THE LAND DEPICTED HEREON, 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 14TH DAY OF MARCH, A.D. 2014.

PRINCIPAL: ANTHONY PECORARO
DUNHAM STREET DEVELOPMENT, LLC
ADDRESS: P.O. BOX 331, HIGHWOOD, IL 60049
PHONE: 847-926-7080

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, GRANTEES.
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, CUIVS, 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 LINES ON THE PLAT AND MARKED "PUBLIC UTILITY EASEMENT" OR "P.U.E.". THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS" AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHT 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 LINES MARKED "PUBLIC UTILITY EASEMENT" OR "P.U.E." WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEE. 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.605/5 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 RESERVED IN WHOLE AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS, "OUTLOTS", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING AND "COMMON AREA". THE TERMS "COMMON AREA" OR "AREAS" AND "COMMON ELEMENTS" INCLUDES 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 OR RETENTION POND OR MECHANICAL EQUIPMENT.
RELOCATION OF FACILITIES WILL BE DONE BY GRANTEE AT COST OF GRANTOR/LOT OWNER UPON WRITTEN REQUEST.
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, VALVES, MARKERS AND SIMILAR STRUCTURES APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF DOWNERS GROVE PRIOR TO RECORDING OF THIS PLAT OF SUBDIVISION.
(B) AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH STORM DRAINAGE, SANITARY SEWER, STREET LIGHTING, POTABLE WATER SERVICE AND OTHER PUBLIC UTILITY SERVICES, IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF DOWNERS GROVE AND DOWNERS GROVE SANITARY DISTRICT, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEPARATELY, TO INSTALL, OPERATE AND MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES AND EQUIPMENT USED IN CONNECTION WITH THE PUBLIC WATER SUPPLY, TRANSMISSION LINES, SANITARY SEWERS, STORM DRAINAGE SYSTEM, STREET LIGHTING SYSTEM, OR OTHER PUBLIC UTILITY SERVICE, AND THEIR APPURTENANCES, EITHER ON, OVER, ACROSS, BELOW OR THROUGH THE GROUND SHOWN WITHIN THE DASHED LINES ON THE PLAT MARKED "PUBLIC UTILITY EASEMENT", "PUBLIC UTILITY & 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 GRANTEE. 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.
DATED THIS 14 DAY OF 3, A.D. 2014.

DECLARATIONS
WHEREAS, SAID LOTS WILL BE CONVEYED TO PURCHASERS SUBJECT TO THIS DECLARATION TO THE END THAT THE RESTRICTIONS IMPOSED SHALL INURE TO THE BENEFIT OF EACH AND ALL OF THE PURCHASERS OF SUCH LOTS WHETHER THEY SHALL HAVE BECOME SUCH BEFORE OR AFTER THE DATE THEREOF, AND THEIR RESPECTIVE HEIRS AND ASSIGNS, AND
WHEREAS, THE AFORESAID PROPERTY DESCRIBED ON THE ATTACHED PLAT IS LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND
WHEREAS, ALL OF THE PROVISIONS, RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS AND CHARGES HEREIN CONTAINED SHALL RUN WITH AND BIND ALL OF SAID LOTS AND LAND AND SHALL INURE TO THE BENEFIT OF, AND BE ENFORCEABLE BY THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND THE OWNERS OR OWNER OF ANY OF THE LOTS OF LAND COMPRISED WITHIN SAID PLAT, AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS,
NOW, THEREFORE, ALL PERSONS, FIRMS OR CORPORATIONS NOW OWNING THE AFORESAID PROPERTY DO COVENANT AND AGREE THAT THEY OR ANY PERSON, FIRM OR CORPORATION HEREAFTER ACQUIRING ANY PROPERTY OR LOTS SHOWN UPON THE ATTACHED PLAT OF SUBDIVISION ARE HEREBY SUBJECTED TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY TO WHOMSOEVER OWNED, TO WIT:
1. NO IMPROVEMENTS SHALL BE MADE IN OR UPON THE 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, IN SUCH MANNER AS TO INSURE THE FREE AND UNINTERRUPTED FLOW OF STORM WATER THROUGH THE DRAINAGE SYSTEM OF THE SUBDIVISION AND SHALL NOT DESTROY OR MODIFY GRADES OR SLOPES WITHOUT HAVING FIRST RECEIVED PRIOR WRITTEN APPROVAL OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.
3. IN THE EVENT ANY OWNER OR PURCHASER FAILS TO PROPERLY MAINTAIN THE 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 AND 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 AND REMAIN PERPETUAL EFFICACY, AND OBLIGATION IN RESPECT TO THE SAID PREMISES AND THE PARTIES HERIN 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 14 DAY OF 3, A.D. 2014.

SCHOOL DISTRICT CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
THE UNDERSIGNED DO HEREBY CERTIFY THAT DUNHAM STREET DEVELOPMENT, LLC, AS OWNER OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND KNOWN AS DUNHAM SUBDIVISION, OF THE BEST OF OUR KNOWLEDGE, IS LOCATED WITHIN THE BOUNDARIES OF THE 99TH HIGH SCHOOL DISTRICT, AND 05 ELEMENTARY SCHOOL DISTRICT IN DUPAGE COUNTY, ILLINOIS.
DATED AT Wheaton, ILLINOIS, THIS 26 DAY OF MARCH, A.D. 2014.
DUNHAM STREET DEVELOPMENT, LLC

NOTARY CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
I, Heidi Pearson, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT Anthony Pecoraro PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS, WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACTS, FOR THE USES AND PURPOSES THEREIN SET FORTH.
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 26TH DAY OF MARCH, A.D. 2014.
NOTARY PUBLIC
MY COMMISSION EXPIRES 2/21/17

OWNER'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
DUNHAM STREET DEVELOPMENT, LLC, AS OWNER OF THE ABOVE DESCRIBED PROPERTY HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HEREON DRAWN.
DATED THIS 25 DAY OF MARCH, A.D. 2014.
DUNHAM STREET DEVELOPMENT, LLC

NOTARY CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
I, Heidi Pearson, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT Anthony Pecoraro PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS, WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACTS, FOR THE USES AND PURPOSES THEREIN SET FORTH.
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 26TH DAY OF MARCH, A.D. 2014.
NOTARY PUBLIC
MY COMMISSION EXPIRES 2/21/17

SURVEYOR'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS
THIS IS TO CERTIFY THAT I, KEVIN C. LEWIS, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3681, HAVE SURVEYED AND SUBDIVIDED THE ABOVE 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.
SIGNED THIS 14 DAY OF MARCH, A.D. 2014.
KEVIN C. LEWIS
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3681
MY LICENSE EXPIRES NOVEMBER 30, 2014.

**PLAT OF SUBDIVISION
DUNHAM SUBDIVISION
7143 DUNHAM ROAD
DOWNERS GROVE, IL 60515**

PROJECT NUMBER
13230

SUBMITTED BY:

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IGCONSULTING, INC.
INFRACON & GEOCON
CONSULTING CIVIL ENGINEERS & LAND SURVEYORS
300 MARQUARDT DRIVE WHEELING, ILLINOIS 60090 PH. (847) 215-1133 FAX (847) 215-1177

PREPARED FOR: BP HOMES
FIELD CREW: DJ
FIELD WORK: 04/2013
DRAFTED BY: SRM/JH
CHECKED BY:

SCALE: 1"=40'
DATE PREPARED: 07/03/2013

FIRM NO. 184-001330

SURVEYOR'S NOTES:
BASIS OF BEARINGS: EAST LINE OF DUNHAM ROAD
ALL DISTANCES IN FEET AND DECIMAL PARTS THEREOF.
NO DIMENSIONS TO BE ASSUMED FROM SCALING.
COMPARE YOUR DESCRIPTION AND SITE MARKINGS WITH THIS PLAT AND AT ONCE REPORT ANY DISCREPANCIES WHICH YOU MAY FIND.

UPDATED: 02/13/2014
UPDATED: 10/14/2013
UPDATED: 08/12/2013
DATE PREPARED: 07/03/2013

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