

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
NOVEMBER 18, 2014 AGENDA**

| SUBJECT: | TYPE: | SUBMITTED BY: |
|---|--|---|
| Establishment of a Special Service Area (SSA) for Nelson Meadow Subdivision | ✓ Resolution Ordinance Motion Discussion Only | Stanley J. Popovich, AICP Planning Manager |

SYNOPSIS

An ordinance has been prepared proposing the establishment of Special Service Area #8 for the Nelson Meadow Subdivision.

STRATEGIC PLAN ALIGNMENT

The Goals 2011-2018 identified *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION
 This item was discussed at the November 11, 2014 Village Council meeting. Staff recommends approval on the November 18, 2014 Active Agenda.

BACKGROUND

The Village is proposing establishment of Special Service Area (SSA) #8 for the Nelson Meadow Subdivision, which will serve as a safeguard in the event that the homeowners’ association cannot or does not maintain the subdivision’s common areas. The SSA will allow the Village to levy a special tax on the property owners for the maintenance of the common areas if the homeowners’ association defaults and the Village is required to step in to provide such maintenance. The Village would then assume responsibility for maintaining the common areas.

The Nelson Meadow Subdivision is located on the east side of Brookbank Road, north of Jefferson Avenue and west of Carpenter Street. The 11 lot subdivision was approved on February 20, 2006 and recorded on June 20, 2006. The subdivision consists of 10 single family residential lots with a stormwater management basin occupying Lot 8. The subdivision approval included the establishment of a homeowners’ association to maintain the stormwater management facilities (including but not limited to detention basin, inlet and out structures and connecting storm sewers) and associated landscaping, retaining walls and grass areas.

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. The 3% rate would be sufficient to cover the costs of maintaining or reconstructing the improvements if it were necessary.

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 owned by the developer, Downers Grove TPM Real Estate, LLC, and they are asking for the creation of the SSA.

ATTACHMENTS

Ordinance

Aerial Map

Recorded Final Plat of Subdivision for Nelson Meadow dated June 20, 2006

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Manager **DATE:** November 18, 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 8 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 #8 for the Nelson Meadow Subdivision.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF
SPECIAL SERVICE AREA NUMBER 8
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 February 3, 2015 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 8 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” and stormwater management facilities and associated landscaping, retaining walls and grass areas, 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 8

NOTICE IS HEREBY GIVEN that on February 3, 2015 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 1 through 11 both inclusive, in Nelson Meadow Subdivision, being a resubdivision of Lot 52 in Branigar Brothers in Downers Grove Farms, being a subdivision in Sections 17 and 18, Township 38 North, Range 11, East of the Third Principal Meridian, according to said Plat of Resubdivision recorded June 20, 2006 as Document R2006-117953, in DuPage County, Illinois.

PINs:

09-17-108-016 - 5733 Brookbank Rd

09-17-108-017 - 5735 Brookbank Rd

09-17-108-018 – 1140 Jefferson Ave
09-17-108-019 – 5742 Nelson Ct
09-17-108-020 – 5738 Nelson Ct
09-17-108-021 – 5731 Nelson Ct
09-17-108-022 – 5737 Nelson Ct
09-17-108-023 – 5743 Nelson Ct (Detention Facility)
09-17-108-024 – 5740 Carpenter St
09-17-108-025 – 5736 Carpenter St
09-17-108-026 – 5732 Carpenter St

The approximate street location for the area is the northeast corner of Brookbank Road and Jefferson Avenue. 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 8, 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 8 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 Downers Grove Estates Community 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 _____ 201_.

April Holden, Village Clerk

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

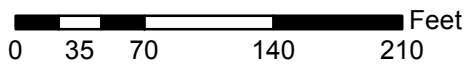
Section 6. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk



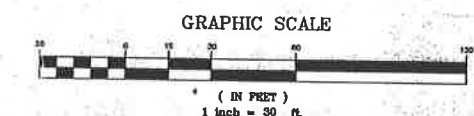
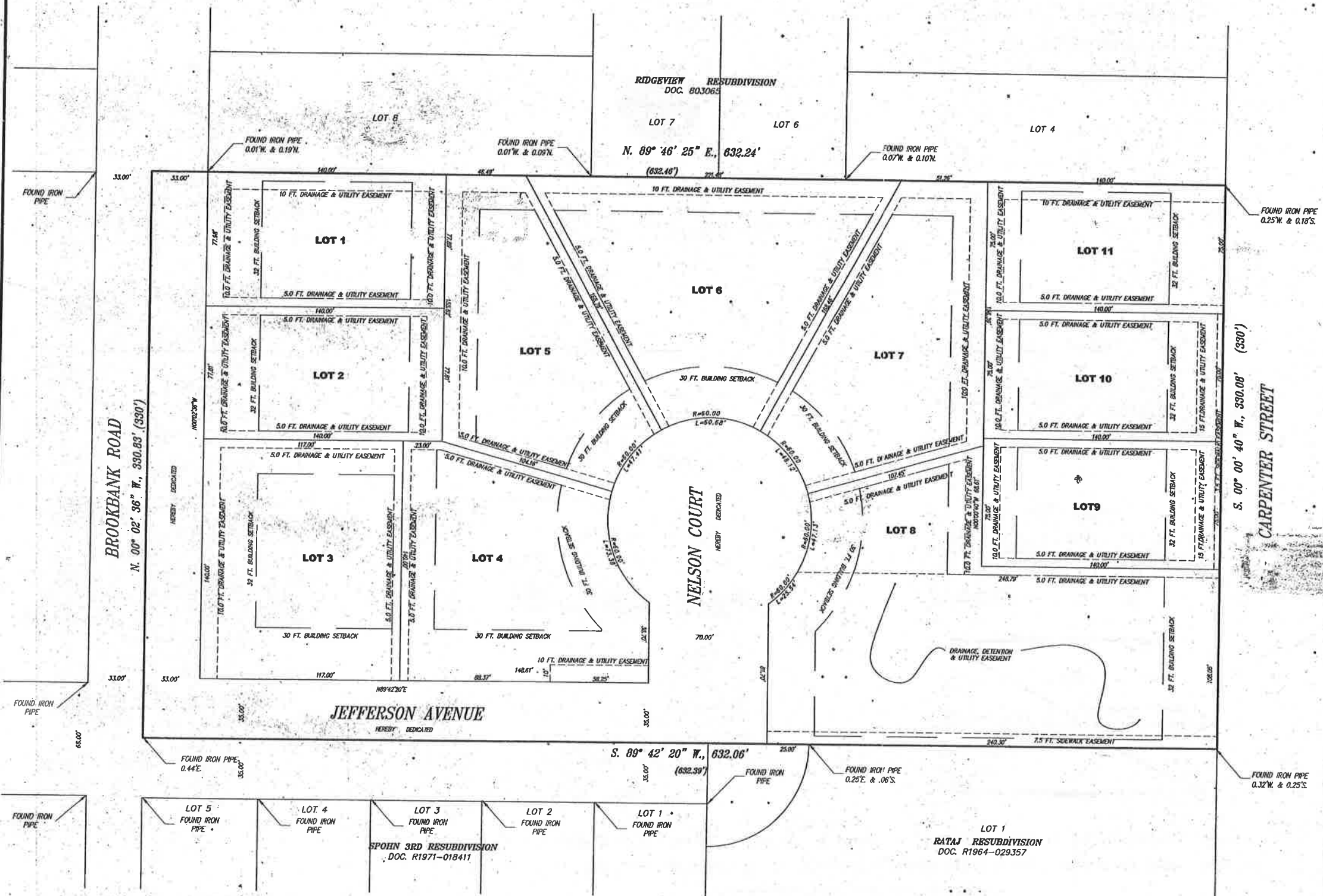
Nelson Meadow Subdivision - Location Map



FINAL PLAT OF SUBDIVISION NELSON MEADOW

LOT 52 IN BRANIGAR BROTHERS IN DOWNERS GROVE FARMS, BEING A SUBDIVISION IN SECTIONS 17 AND 18,
TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS.

PLAT
R2006-117953
JUN. 20. 2006
3:48 PM



NELSON MEADOW 117953
NE CORNER OF BROOKBANK RD. & JEFFERSON AVE.
DOWNERS GROVE, ILLINOIS

FINAL PLAT OF SUBDIVISION

DRAWN BY: RAS CHECKED BY: RWS
SCALE: 1"=30' DATE: 02-03-06
JOB NUMBER: 04-239 SHEET: 1 OF 2

| NO. | DATE | DESCRIPTION |
|-----|----------|--------------------|
| 1 | 02-16-05 | PER CLIENT |
| 2 | 4-12-05 | VILLAGE REVIEW |
| 3 | 6-02-05 | PER VILLAGE REVIEW |
| 4 | 8-8-05 | PER VILLAGE REVIEW |
| 5 | 9-9-05 | PER VILLAGE REVIEW |
| 6 | 9-26-05 | PER VILLAGE REVIEW |
| 7 | 3-21-06 | PER VILLAGE REVIEW |
| 8 | 5-9-06 | PER VILLAGE REVIEW |

C.M. Lavoie & Associates, Inc.
Consulting Civil Engineering
Land Planning & Surveying
1050 West Route 126
Plainfield, Illinois 60544
voice 815-254-0305
fax 815-436-5158

© Copyright, 2005 C. M. Lavoie & Associates, Inc.
These plans are protected under the copyright laws of the United States and foreign countries, and are to be used only for the construction and/or repair of the Site Improvements as defined in the contract between the Engineer and the Owner. Any use of these plans, including details and specifications, to construct and/or repair additional items not described in these plans, constitutes a violation of the Engineer's copyright of these plans and is prohibited.

Mail To: James Fruss, SR
4915 MAIN ST
DOWNERS GROVE, IL 60515

REVISED PLANS PER SITEPLAN REVISIONS RECEIVED PER ARCHITECT
FAX DATED 04-10-06

FINAL PLAT OF SUBDIVISION

NELSON MEADOW

LOT 52 IN BRANIGAR BROTHERS IN DOWNERS GROVE FARMS, BEING A SUBDIVISION IN SECTIONS 17 AND 18, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS.

DECLARATION OF RESTRICTIVE COVENANTS

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

A) ALL PUBLIC UTILITY STRUCTURES AND FACILITIES, WHETHER LOCATED ON PUBLIC OR PRIVATE PROPERTY, SHALL BE CONSTRUCTED WHOLLY UNDERGROUND, EXCEPT FOR TRANSFORMERS, TRANSFORMER PADS, LIGHT POLES, REGULATORS, VALVES, MARKERS AND SIMILAR STRUCTURES APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF DOWNERS GROVE PRIOR TO THE 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 THE 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 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 THE GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE STORMWATER OR SEWER EASEMENT WITHOUT PROPER 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.

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 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 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 OWNER OR OWNERS 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 SUBDIVISION ARE HEREBY SUBJECTED TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY BY WHOSOEVER OWNED, TO WIT:

1) NO IMPROVEMENT 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 A 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 THAT ANY OWNER OR PURCHASER FAIL TO PROPERLY MAINTAIN THE WATER DETENTION AREA EASEMENTS, 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 WATER DETENTION AREA REASONABLY NECESSARY TO INSURE ADEQUATE STORM WATER STORAGE AND FREE FLOW OF STORM WATER THROUGH THE WATER DETENTION EASEMENT.

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 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 OF THEM, ARE HEREBY EXPRESSLY MADE AN ESSENTIAL PART OF THIS INSTRUMENT, AND SHALL BE AND REMAIN OF PERPETUAL EFFICACY AND OBLIGATION IN RESPECT TO THE SAID PREMISES AND THE PARTIES HEREIN DESIGNATED, THEIR AND EACH OF THEIR SUCCESSORS, HEIRS, AND ASSIGNS.

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

DATED AT [Signature] ILLINOIS, THIS 18th DAY OF May, 2006. BY: [Signature] JOEL ANDERSEN HOMES, LTD.

DOWNERS GROVE SANITARY DISTRICT CERTIFICATE STATE OF ILLINOIS) SS COUNTY OF DUPAGE) SS I, LAWRENCE C. COX COLLECTOR OF THE DOWNERS GROVE SANITARY DISTRICT, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY UNDEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT.

THIS 18th DAY OF MAY 2006 BY: Lawrence C. Cox COLLECTOR



VILLAGE COLLECTOR'S CERTIFICATE STATE OF ILLINOIS) SS COUNTY OF DUPAGE) SS I, [Signature] 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.

THIS 8th DAY OF June 2006 BY: [Signature] COLLECTOR

PLAN COMMISSION CERTIFICATE STATE OF ILLINOIS) SS COUNTY OF DUPAGE) SS APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE, THIS 12th DAY OF February 2006 BY: [Signature] CHAIRMAN

VILLAGE COUNCIL'S CERTIFICATE STATE OF ILLINOIS) SS COUNTY OF DUPAGE) SS APPROVED THIS 30th DAY OF February 2006 BY: [Signature] MAYOR BY: [Signature] VILLAGE CLERK



COUNTY CLERK'S CERTIFICATE STATE OF ILLINOIS) SS 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 THE PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, THIS 22nd DAY OF May 2006 BY: [Signature] COUNTY CLERK



CERTIFICATE OF COUNTY RECORDER STATE OF ILLINOIS) SS COUNTY OF DUPAGE) SS THIS INSTRUMENT NUMBER R0006-117953 WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS ON THE 20th DAY OF May A.D. 2006 AT 3:49 O'CLOCK P.M. IN BOOK 1572 OF PLATS ON PAGE N/A

DATED AT WHEATON, DUPAGE COUNTY, ILLINOIS, THIS [Signature] DAY OF [Signature]

CERTIFICATE OF COUNTY RECORDER STATE OF ILLINOIS) SS COUNTY OF DUPAGE) SS THIS INSTRUMENT NUMBER R0006-117953 WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DU PAGE COUNTY, ILLINOIS ON THE 20th DAY OF May A.D. 2006 AT 3:49 O'CLOCK P.M. IN BOOK 1572 OF PLATS ON PAGE N/A

DATED AT WHEATON, DUPAGE COUNTY, ILLINOIS, THIS [Signature] DAY OF [Signature]

ENGINEER/OWNER CERTIFICATE STATE OF ILLINOIS) SS COUNTY OF DUPAGE) SS I, BRAD HARTZ, A REGISTERED PROFESSIONAL ENGINEER IN ILLINOIS AND JOEL ANDERSEN HOMES, LTD. THE OWNER OF THE LAND DEPICTED HEREON OR HIS DULY AUTHORIZED ATTORNEY, DO HEREBY STATE THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE 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 COVERED BY THIS PLAT OF RESUBDIVISION IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), MAP PANEL NUMBER 170197C0904A, SHOWING AN EFFECTIVE DATE OF JULY 1, 2004.

DATED THIS 18th DAY OF May 2006 BY: [Signature] ENGINEER BY: [Signature] OWNER OR ATTORNEY



SURVEYOR'S CERTIFICATE STATE OF ILLINOIS) SS COUNTY OF DUPAGE) SS THIS IS TO CERTIFY THAT I, ROBERT W. STASK, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2322, HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

LOT 52 IN BRANIGAR BROTHERS IN DOWNERS GROVE FARMS, BEING A SUBDIVISION IN SECTIONS 17 AND 18, IN TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DU PAGE COUNTY, ILLINOIS.

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION. ALL DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND CORRECTED TO A TEMPERATURE OF 68 DEGREES FAHRENHEIT.

I FURTHER CERTIFY THAT THIS LAND IS WITHIN THE CORPORATE LIMITS OF A MUNICIPALITY WHICH HAS AUTHORIZED A COMPREHENSIVE PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE, AS NOW OR HEREAFTER AMENDED, AND THAT PART OF THE PROPERTY COVERED BY THIS PLAT OF RESUBDIVISION IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), MAP PANEL NUMBER 170197C0904A, SHOWING AN EFFECTIVE DATE OF JULY 1, 2004.

G. M. LAVOIE AND ASSOCIATES, INC. BY: [Signature] DATE: FEBRUARY 3, 2005



SCHOOL DISTRICT CERTIFICATE STATE OF ILLINOIS) SS COUNTY OF DUPAGE) SS THE UNDERSIGNED DO HEREBY CERTIFY THAT, AS OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND KNOWN AS BANCHORY WOODS, TO THE BEST OF THEIR KNOWLEDGE, IS LOCATED WITHIN THE BOUNDARIES OF THE DOWNERS GROVE HIGH SCHOOL DISTRICT 99, AND ELEMENTARY SCHOOL DISTRICTS OF DOWNERS GROVE NUMBER 98, IN DU PAGE COUNTY, ILLINOIS.

DATED AT [Signature] ILLINOIS, THIS 18th DAY OF May, 2006. BY: [Signature] JOEL ANDERSEN HOMES, LTD.

OWNER'S CERTIFICATE STATE OF ILLINOIS) SS COUNTY OF DUPAGE) SS THIS IS TO CERTIFY THAT JOEL ANDERSEN HOMES, LTD. IS AN OWNER OF THE LAND DESCRIBED HEREON, AND HAS CAUSED THE SAME TO BE SURVEYED AND PLATED AS INDICATED HEREON FOR THE USES AND PURPOSES THEREIN SET FORTH AS ALLOWED AND PROVIDED BY STATUTE AND HEREBY ACKNOWLEDGES AND ADOPTS THE SAME UNDER THE STYLE AND TITLE AFORESAID.

DATED AT Downers Grove ILLINOIS, THIS 18th DAY OF May 2006 BY: [Signature] ATTEST: [Signature]

TITLE: [Signature] TITLE: Soc

NOTARY'S CERTIFICATE STATE OF ILLINOIS) SS COUNTY OF DUPAGE) SS I, James F. Russ, Jr., A NOTARY PUBLIC IN THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT [Signature] (TITLE) AND [Signature] (TITLE) WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHO ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE OF OWNERSHIP, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION OF THIS INSTRUMENT IN THEIR CAPACITY FOR THE USES AND PURPOSES THEREIN SET FORTH AS THE FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 18th DAY OF May 2006 BY: [Signature] NOTARY PUBLIC



NELSON MEADOW NE COR. OF BROOKBANK RD. & JEFFERSON AVE. DOWNERS GROVE, ILLINOIS. FINAL PLAT OF SUBDIVISION. DRAWN BY: RAS. CHECKED BY: RWS. SCALE: NONE. DATE: 03-02-05. JOB NUMBER: 04-239. SHEET: 2 OF 2. C.M. Lavoie & Associates, Inc. Consulting Civil Engineering Land Planning & Surveying 1050 West Route 126 Plainfield, Illinois 60544 voice 815-254-0505 fax 815-436-5158

Copyright, 2005 C. M. Lavoie & Associates, Inc. These plans are protected under the copyright laws of the United States and foreign countries, and are to be used only for the construction and/or repair of the Site Improvements as defined in the contract between the Engineer and the Owner. Any use of these plans, including details and specifications, to construct and/or repair additional items not described in these plans, constitutes a violation of the Engineer's copyright of these plans and is prohibited.