

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
1/12/2016

SUBJECT:	SUBMITTED BY:
Establish SSA#9 – 35 th & Saratoga	Stan Popovich Director of Community Development

SYNOPSIS

An ordinance has been prepared to establish Special Service Area #9 for the 35th and Saratoga Subdivision.

STRATEGIC PLAN ALIGNMENT

The goals for 2015-2017 identified *Steward of Financial, Environmental and Neighborhood Sustainability*.

FISCAL IMPACT

n/a

UPDATE & RECOMMENDATION

This item was discussed at the January 5, 2016 Village Council meeting. Staff recommends approval on the January 12, 2016 Active Agenda.

BACKGROUND

This ordinance is the last step in the process to establish Special Service Area (SSA) #9 for the 35th and Saratoga Subdivision. On September 1, 2015 the Village Council approved an ordinance proposing to establish this SSA. The required public hearing was held on November 3, 2015. There were no objections to the creation of the SSA.

The SSA will serve as a safeguard in the event that the homeowners association cannot or does not maintain the subdivision's stormwater management facilities. 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 35th and Saratoga Subdivision is located on the north side of 35th Street, approximately 160 feet west of Saratoga Avenue. The seven-lot subdivision was approved on May 31, 2015 and recorded on August 12, 2015. The subdivision consists of seven single family residential lots with a stormwater management basin on the outlot. The subdivision approval included the establishment of a homeowners' association to maintain the stormwater management facilities (including but not limited to the detention basin, inlet and out structures and connecting storm sewers) and associated landscaping, swales and grass areas.

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

ATTACHMENTS

Ordinance
Aerial Map
Drawings

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Manager DATE: January 12, 2016
(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 ESTABLISHING SPECIAL SERVICE AREA NUMBER 9 IN THE VILLAGE OF DOWNERS GROVE, ILLINOIS", as presented.



SUMMARY OF ITEM:

Adoption of this ordinance shall adopt SSA #9 for the 35th & Saratoga Subdivision.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____**AN ORDINANCE ESTABLISHING SPECIAL SERVICE AREA
NUMBER 9 IN THE VILLAGE OF DOWNERS GROVE, ILLINOIS**

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 Area Number 9 is established pursuant to Article VII, Section 6L of the Constitution of the State of Illinois and pursuant to "An Act to provide the manner of levying or imposing taxes for the provision of special service areas within the boundaries of home rule units and non-home rule municipalities and counties" (35 ILCS 200/27-5 et seq.).

Section 2. Findings. The Village Council finds:

- A. That the question of the establishment of the area hereinafter described as a special service area was considered by the Village Council pursuant to an Ordinance entitled, "An Ordinance Proposing the Establishment of Special Service Area Number 9 in the Village of Downers Grove, Illinois and Providing For a Public Hearing and other Procedures in Connection Therewith", adopted September 1, 2015, and considered pursuant to a public hearing held on November 3, 2015, by the Village Council, pursuant to Notice duly published on October 14, 2015 in the Downers Grove Suburban Life, a newspaper published in the Village of Downers Grove, at least fifteen (15) days prior to the hearing and pursuant to Notice by mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the Special Service Area. Said notice was given by depositing said Notice in the United States mail not less than ten (10) days prior to the time set for the public hearing. In the event the taxes for the last preceding year were not paid, the said Notice was sent to the person last listed on the tax rolls prior to that year as the owner of said property. A Certificate of Publication of said Notice and an Affidavit of Mailing are attached to this Ordinance as Exhibits "1" and "2" respectively. Said Notices conform in all respects to the requirements of 35 ILCS 200/27-5, et. seq.
- B. That a public hearing on the question set forth in the Notice was held on November 3, 2015. All interested persons were given an opportunity to be heard on the question of the creation of Downers Grove Special Service Area Number 9. That general discussion was heard at the public hearing regarding the services and maintenance activities proposed to be undertaken and provided within the Special Service Area. No one attending the public hearing voiced objection to the creation of the Special Service Area or the method or rate of taxation to be levied against property within the Special Service Area. The public hearing was adjourned at 7:35 p.m. on November 3, 2015.
- C. That following the aforesaid public hearing, a period of sixty (60) days has been provided

for the filing of any petition opposing the creation of the Special Service Area pursuant to 35 ILCS 200/27-55, and that during such period of time, no such petition has been filed.

- D. That after considering the data, as presented at the public hearing, the Village Council finds that it is in the public interest and in the interest of Downers Grove Special Service Area Number 9 that said Special Service Area, as hereinafter described, be established.
- E. That said area is compact and contiguous and constitutes a planned development residential area, which is the sole area in the Village to be benefitted from the maintenance and operation of said improvements.
- F. It is in the best interest of said Special Service Area that the furnishing and maintenance of the municipal services proposed be considered for the common interests of said area.
- G. Said area is zoned for residential purposes and will benefit specially from municipal services proposed to be provided. The proposed municipal services are unique and in addition to the municipal services provided to the Village of Downers Grove as a whole.

Section 3. Village of Downers Grove Special Service Area Number 9 Established.

A Special Service Area to be known and designated as "Village of Downers Grove Special Service Area Number 9" is hereby established and shall consist of the following described territory:

LOTS 1, 2, 3, 4, 5, 6, 7 AND OUTLOT A IN 35TH AND SARATOGA SUBDIVISION BEING A SUBDIVISION OF PARCEL 5 IN REST HAVEN WEST SECOND ASSESSMENT PLAT, BEING PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED AUGUST 12, 2015 AS DOCUMENT R2015-089485, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 1328 - 1362 35th Street, Downers Grove, IL 60515.

PINs: 06-31-201-047, 06-31-201-048, 06-31-201-049, 06-31-201-050, 06-31-201-051, 06-31-201-052, 06-31-201-053, and 06-31-201-054

Section 4. Purpose of Area.

Downers Grove Special Service Area Number 9 is established to provide special municipal services to said area in addition to services provided to the Village generally. Included in said purposes, but not by way of limitation, 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 Reserve at 35th Street Homeowners Association, including but not limited to real property and improvements thereto owned or maintained by the Homeowners Association, and the stormwater management facilities

(including, but not limited to, stormwater detention and retention basin areas, inlet and out structures, connection storm sewers, connecting surface drainage channels, subsurface drainage systems) and associated landscaping, retaining walls and grass areas located therein.

Section 5. Tax Levied.

A special 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 shall be levied against the subject property in addition to all other taxes provided by law. Notwithstanding the foregoing, taxes shall not be levied hereunder and said area shall be "dormant", and shall take effect only if the applicable required owners association or property owner fails to maintain, repair or replace the 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 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 7. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 8. That the Village Clerk shall record this Ordinance with the DuPage County Recorder's Office.

Mayor

Passed:

Published:

Attest: _____

Village Clerk

Certificate of the Publisher

Exhibit 1

Downers Grove Suburban Life

Description: PUBLIC HEAR 35TH & SARA
SDP1100

VILLAGE OF DOWNERS GROVE
ATTN: APRIL HOLDEN
801 BURLINGTON
DOWNERS GROVE IL 60515

Shaw Media certifies that it is the publisher of the Downers Grove Suburban Life. The Downers Grove Suburban Life is a secular newspaper, has been continuously published weekly for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the Village of Downers Grove, County of DuPage, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 time(s) in the Downers Grove Suburban Life, namely one time per week for one successive week(s). Publication of the notice was made in the newspaper, dated and published on 10/14/2015

This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

In witness, Shaw Media has signed this certificate by Karen Pletsch, its publisher, at Downers Grove, Illinois, on 14th day of October, A.D. 2015

Shaw Media By:



Karen Pletsch, Publisher

Account Number 10074579

Amount \$319.92

LEGAL NOTICE/PUBLIC NOTICE**VILLAGE OF DOWNERS GROVE
NOTICE OF PUBLIC HEARING
SPECIAL SERVICE AREA NUMBER 9**

NOTICE IS HEREBY GIVEN that on November 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, 2, 3, 4, 5, 6, 7 AND OUTLOT A IN 35TH AND SARATOGA SUBDIVISION BEING A SUBDIVISION OF PARCEL 5 IN REST HAVEN WEST SECOND ASSESSMENT PLAT, BEING PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT RECORDED AUGUST 12, 2015 AS DOCUMENT R2015-089485, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.s: 06-31-201-047, 06-31-201-048, 06-31-201-049, 06-31-201-050, 06-31-201-051, 06-31-201-052, 06-31-201-053, and 06-31-201-054

The approximate street location for the area is 1328 - 1362 35th Street. 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 9, 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 9 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 Reserve at 35th Street Homeowners 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, swales, 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 14th day of October, 2015.

April Holden, Village Clerk

October 14, 2015

Downers Grove Suburban Life SDP1100

Exhibit 2

AFFIDAVIT OF MAILING NOTICE

I, Stan Popovich, being first duly sworn upon oath, do state and depose as follows:

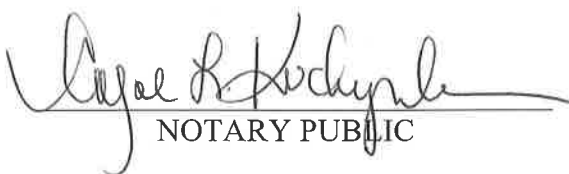
1. I am the Director of Community Development for the Village of Downers Grove, Illinois.
2. On October 9, 2015, I sent a copy of a Notice of Hearing by mail addressed to the owners of record for each parcel and/or to each person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within proposed Special Service Area Number 9 of the Village of Downers Grove, and that in the event taxes for the last preceding year were not paid, the Notice was sent to the person last listed on the tax rolls prior to that year as the owner of the property.
3. Said notice was given by depositing the Notice in the United States mail not less than ten (10) days prior to November 3, 2015, being the time set for the public hearing on proposed Special Service Area Number 9 of the Village of Downers Grove.

Further Affiant Sayeth Not.

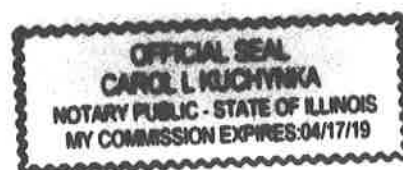


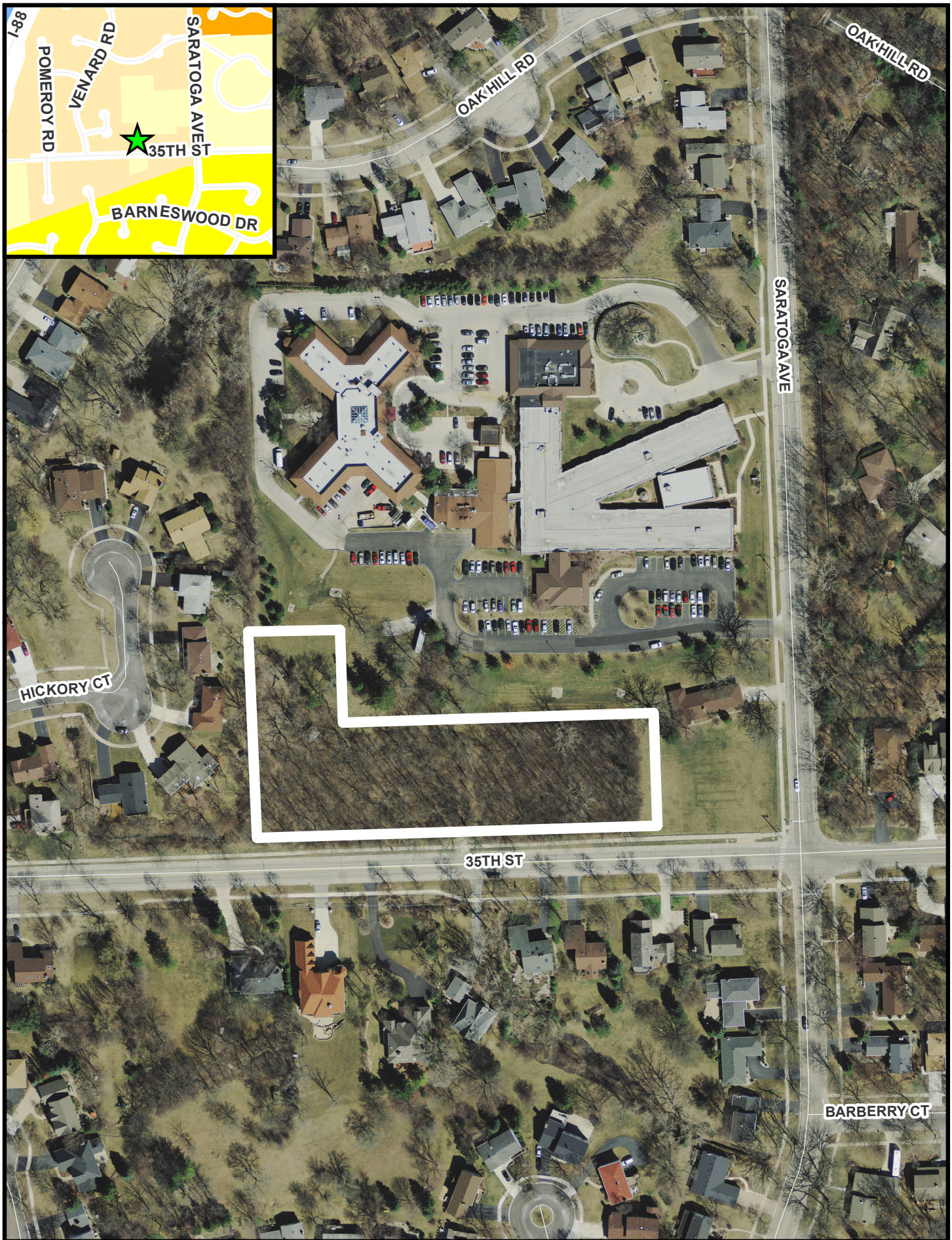
STAN POPOVICH

SUBSCRIBED and SWORN to before
me this 16th day of October 2015.



NOTARY PUBLIC





0 37.575 150 225 Feet

1350 35th Street - Location Map



LEGEND & ABBREVIATIONS

- CONCRETE MONUMENT SET
- CONCRETE MONUMENT FOUND
- IRON PIPE SET
- IRON PIPE FOUND
- Ⓢ RECORD DATA
- Ⓜ MEASURED DATA
- PUBLIC UTILITY & DRAINAGE
- - - EASEMENT LINE
- PROPERTY LINE
- - - BUILDING SETBACK LINE
- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- - - PROPOSED PARCEL LINE
- SECTION LINE

FINAL PLAT OF SUBDIVISION
35TH AND SARATOGA SUBDIVISION

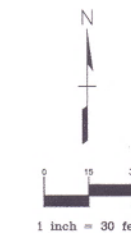
BEING A SUBDIVISION OF PARCEL 5 IN REST HAVEN WEST SECOND ASSESSMENT PLAT, BEING PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JUNE 6, 2003 AS DOCUMENT R2003-213254 IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS:
 1350 35TH STREET
 DOWNERS GROVE, ILLINOIS

PAGE 1 OF 2

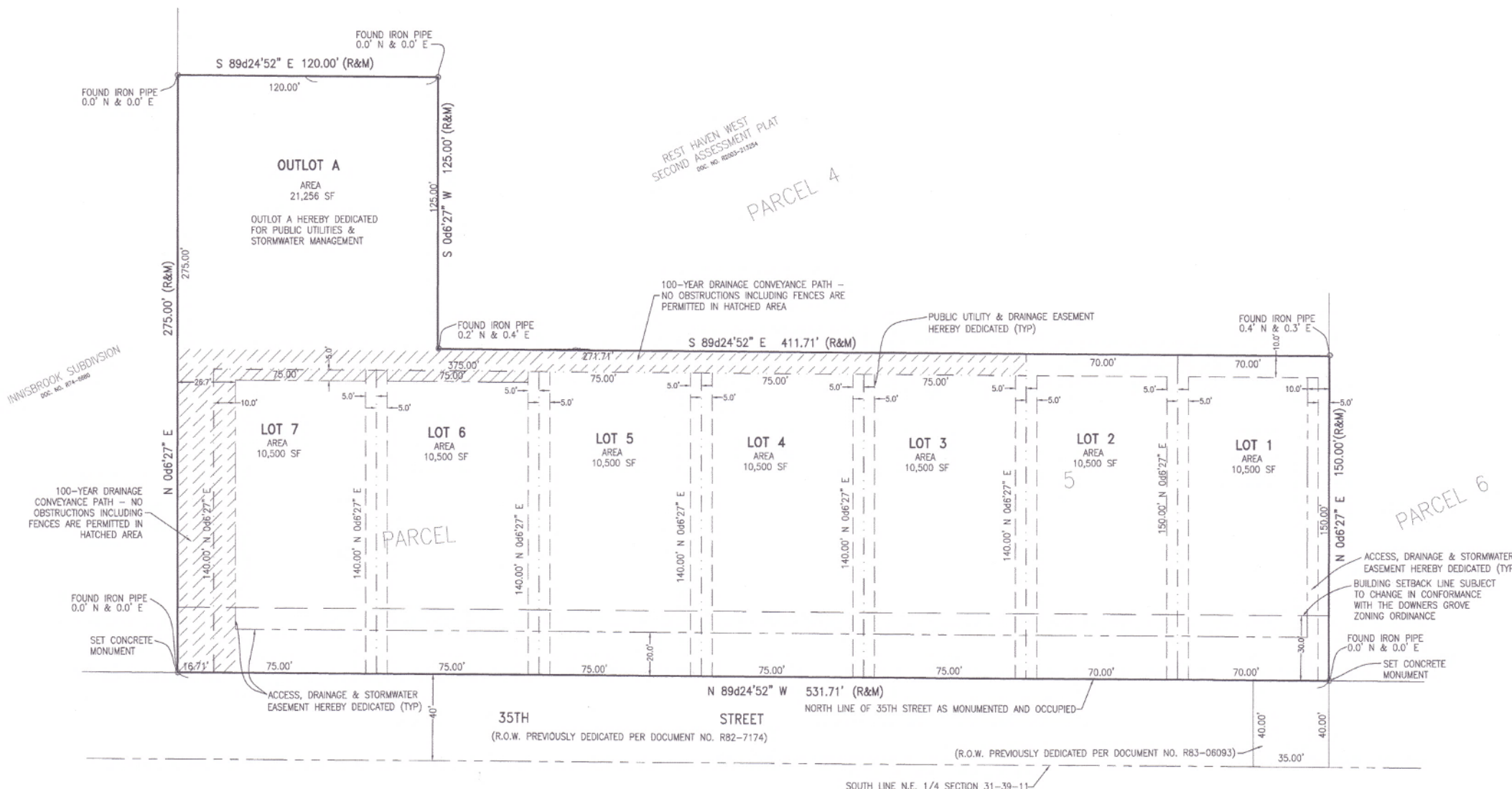


FRED BUCHOLZ
 DUPAGE COUNTY RECORDER
 AUG. 12, 2015 RHSP 11:57 AM
 PLAT \$79.00 06-31-201-043
 000 PAGES R2015-089485



BASIS OF BEARING
 CENTERLINE OF 35TH STREET
 ASSUMED TO BE N 89°24'52" W

pm: 0631201043



SURVEYOR NOTES:

1. IRON PIPES SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.
2. ALL MEASUREMENTS AND DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
3. DIMENSIONS ALONG CURVED LINES ARE ARC DIMENSIONS.
4. ALL EASEMENTS ARE HERETOFORE DEDICATED UNLESS OTHERWISE NOTED.
5. ALL EASEMENTS DEPICTED ON THE PLAT MAP ARE FOR PUBLIC UTILITIES AND DRAINAGE PURPOSES UNLESS OTHERWISE NOTED. REFER TO THE PUBLIC UTILITIES AND DRAINAGE EASEMENT PROVISIONS STATEMENT FOR SPECIFIC TERMS AND CONDITIONS

AREA OF SURVEY:

CONTAINING 94,753± SQUARE FEET (2.175 ACRES) MORE OR LESS

STATE OF ILLINOIS) SS
 COUNTY OF DUPAGE)

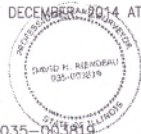
THIS IS TO CERTIFY THAT I, DAVID M. RIENDEAU, ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER _____ HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY AS SHOWN BY THIS PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION:

PARCEL 5 IN REST HAVEN WEST SECOND ASSESSMENT PLAT, BEING PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JUNE 6, 2003 AS DOCUMENT R2003-213254 IN DUPAGE 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, DUPAGE COUNTY, ILLINOIS, COMMUNITY PANEL NUMBER 17043C0607H EFFECTIVE DATE DECEMBER 16, 2004.

GIVEN UNDER MY HAND AND SEAL THIS 30TH DAY OF DECEMBER 2014 AT WARRENVILLE, IL

David M. Riendeau 7/31/15



DAVID M. RIENDEAU
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-003819
 LICENSE EXPIRES 11/30/2016

SUBMITTED BY:

DATE: 12/30/14
 REVISED: 1/28/15
 REVISED: 2/11/15
 REVISED: 2/24/15
 REVISED: 3/18/15
 REVISED: 3/25/15

PREPARED BY:
GREENSCAPE HOMES, LLC
 4355 WEAVER PARKWAY
 WARRENVILLE, IL 60555

DUPAGE CO RECORDER PAGE 1 OF 2

35TH AND SARATOGA SUBDIVISION

BEING A SUBDIVISION OF PARCEL 5 IN REST HAVEN WEST SECOND ASSESSMENT PLAT, BEING PART OF THE NORTHEAST QUARTER OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JUNE 6, 2003 AS DOCUMENT R2003-213254 IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 1350 35TH STREET DOWNERS GROVE, ILLINOIS

PLAT R2015-089485 AUG. 12. 2015 11:57 AM

PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS
APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE THIS 6th DAY OF August, A.D. 2015

VILLAGE COUNCIL OF THE VILLAGE OF DOWNERS GROVE CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS
APPROVED BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE THIS 4th DAY OF August, A.D. 2015



SANITARY DISTRICT CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS
I, William Clay Campbell, 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.



VILLAGE COLLECTOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS
I, Judy Betting, 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.

SCHOOL DISTRICT BOUNDARY STATEMENT

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS
THE UNDERSIGNED DO HEREBY CERTIFY THAT, AS OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND KNOWN AS 1350 35th Street TO THE BEST OF THEIR KNOWLEDGE, IS LOCATED WITHIN THE BOUNDARIES OF THE 99 HIGH SCHOOL DISTRICT, AND 58 ELEMENTARY SCHOOL DISTRICT IN DUPAGE COUNTY, ILLINOIS.

DATED THIS 10:00 AM ILLINOIS THIS 4 DAY OF August, A.D. 2015
Greenscape Homes, LLC
BY: D. W. Schick

DRAINAGE CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS
I, Daniel M. Riendera, A REGISTERED PROFESSIONAL ENGINEER IN ILLINOIS AND GREENSCAPE HOMES, LLC 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 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 31st DAY OF July, A.D. 2015
862-050030
D. Schick
ILLINOIS REGISTERED PROFESSIONAL ENGINEER

STATE REGISTRATION NUMBER 11/2015
REGISTRATION EXPIRATION DATE
PROPERTY OWNER'S SIGNATURES
BY: Greenscape Homes, LLC BY: D. W. Schick
OWNER OR ATTORNEY OWNER OR ATTORNEY

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, REGULATOR, VALVES, MARKERS AND SIMILAR STRUCTURES APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF DOWNERS GROVE PRIOR TO RECORDING OF THIS PLAT OF SUBDIVISION.
(B) AN EASEMENT FOR SERVING THE SUBDIVISION, AND OTHER PROPERTY WITH STORM DRAINAGE, SANITARY SEWER, STREET LIGHTING, POTABLE WATER SERVICE AND OTHER PUBLIC UTILITY SERVICES, IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF DOWNERS GROVE AND DOWNERS GROVE SANITARY DISTRICT, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEPARATELY, TO INSTALL, OPERATE AND MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES AND EQUIPMENT USED IN CONNECTION WITH THE PUBLIC WATER SUPPLY, TRANSMISSION LINES, SANITARY SEWERS, STORM DRAINAGE SYSTEM, STREET LIGHTING SYSTEM, OR OTHER PUBLIC UTILITY SERVICE, AND THEIR APPURTENANCES, EITHER ON, OVER, ACROSS, BELOW OR THROUGH THE GROUND SHOWN WITHIN THE DOTTED LINES ON THE PLAT MARKED "PUBLIC UTILITY AND/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 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.

DECLARATION 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 JURISDICTIONAL 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 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 SUBJECT TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY BY WHOMSOEVER OWNED, TO WIT:

- 1. NO IMPROVEMENTS SHALL BE MADE IN OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, AS DESCRIBED IN THE PLAT OF 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 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 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 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 THIS 4 DAY OF August, A.D. 2015

Greenscape Homes, LLC
BY: D. W. Schick
OWNER
Ania Matz
NOTARY PUBLIC



MY COMMISSION EXPIRES: 3/22/18

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, FEDESTALS, 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, REPAIR, SERVICED, MAINTAIN, OPERATE 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 765 ILCS 605/2, AS AMENDED FROM TIME TO TIME.

THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "OUTLOTS", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING" AND "COMMON AREA". THE TERM "COMMON AREA OR AREAS", AND "COMMON ELEMENTS" INCLUDE REAL PROPERTY 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 GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS
Greenscape Homes, LLC 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 4 DAY OF August, A.D. 2015
Greenscape Homes, LLC
OWNER: BY: D. W. Schick
ADDRESS: 4355 Weaver Parkway, Warrenville, IL 60555

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS
I HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE ARE KNOWN TO ME AS SUCH OWNERS.
GIVEN UNDER MY HAND AND SEAL THIS 4th DAY OF August, A.D. 2015.
Ania Matz
NOTARY PUBLIC
MY COMMISSION EXPIRES: 3/22/18



DUPAGE COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS
I, Paul Hinds, 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 DUPAGE COUNTY, ILLINOIS, THIS 12th DAY OF August, A.D. 2015



DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS
THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE 12th DAY OF August, A.D. 2015
AT 11:57 O'CLOCK A.M. AS DOCUMENT NUMBER R2015-089485



DUPAGE CO RECORDER PAGE 2 OF 2

DATE: 12/30/14
REVISED: 1/28/15
REVISED: 2/11/15
REVISED: 2/24/15
REVISED: 3/18/15
REVISED: 3/25/15

PREPARED BY: GREENSCAPE HOMES, LLC
4355 WEAVER PARKWAY WARRENVILLE, IL 60555