VILLAGE OF DOWNERS GROVE
Report for the Village
6/7/2022

SUBJECT:	SUBMITTED BY:
Proposed Special Service Area #13 - Kapovich Subdivision - 7135 Dunham Road	Stan Popovich, AICP Director of Community Development

SYNOPSIS

An ordinance has been prepared proposing the establishment of Special Service Area #13 for the Kapovich Subdivision at 7135 Dunham Road.

STRATEGIC PLAN ALIGNMENT

The goals 2021-2023 identified *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the June 14, 2022 active agenda.

BACKGROUND

The Village is proposing establishment of Special Service Area (SSA) #13 for the Kapovich Subdivision, which will serve as a safeguard in the event that the homeowners' association cannot or does not maintain the subdivision's common detention 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 Kapovich Subdivision is located on the east side of Dunham Road, approximately 120 feet north of Crystal Avenue. The seven lot subdivision was approved on February 8, 2022 and recorded on May 26, 2022. The subdivision consists of six 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.

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 petitioner.

ATTACHMENTS

Ordinance
Aerial Map
Recorded Final Plat of Subdivision for the Kapovich Subdivision

ORDINANCE NO._____

AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE AREA NUMBER 13 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 Tuesday, August 16, 2022 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 13 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 13

NOTICE IS HEREBY GIVEN that on Tuesday, August 16, 2022 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 9 IN PINE HILLS UNIT 1 BEING A SUBDIVISION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE 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.

Commonly known as: 7315 Dunham Road, Downers Grove, IL 60516
PIN: 09-29-100-004

The approximate street location for the area is on the east side of Dunham Road, approximately 120 feet north of Crystal 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 13, 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 13 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 Kapovich Subdivision, 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. 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.

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 _____ 202_____.

_____
Rosa Berardi, 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

1\mw\ord.22\SSA#13-Propose

N

0 125 250 500 Feet

7135 Dunham Road - Location Map

Subject Property

Project Location

8 1 0 8 9 7 7 2
Tx:4042680

KATHLEEN V. CARRIER, RECORDER
DUPAGE COUNTY ILLINOIS
05/26/2022 04:13 PM

DOCUMENT # R2022-051941

STATE OF ILLINOIS

COUNTY OF DU PAGE

CERTIFICATE

I, Rosa Berardi, DO HEREBY CERTIFY THAT I am the Village Clerk of the Village of Downers Grove, Du Page County, Illinois, and as such officer I have the lawful power and duty to keep an index and record of all proceedings of the Village Council of said Village, and of all ordinances and resolutions presented to or passed by said Village Council.

I DO HEREBY FURTHER CERTIFY, THAT the foregoing document is a true, correct and complete copy of a certain resolution now on file in my office, designated as Resolution 2022-14 and that said resolution was duly passed and approved by the Council of said Village at a meeting duly called and held in accordance with applicable law, at which a quorum was present and acting throughout.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Village of Downers Grove, Illinois, in the State and County aforesaid, this 26th day of May, 2022.

SEAL

Municipal Clerk

RES 2022-9307

Final Plat of Subdivision
21-PLC-0022

RESOLUTION NO. 2022-14

A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION FOR 7135 DUNHAM ROAD

WHEREAS, application has been made pursuant to the provisions of Chapter 20 of the Downers Grove Municipal Code for the approval of a Final Plat of Subdivision to subdivide one lot into six lots and create an outlot for stormwater detention, located at the northeast corner of Dunham Road and Crystal Avenue, commonly known as 7135 Dunham Road, Downers Grove Illinois, legally described as follows:

LOT 9 IN PINE HILLS UNIT 1 BEING 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.

Commonly known as 7135 Dunham Road, Downers Grove, IL 60516
PIN: 09-29-100-004

WHEREAS, notice had been given and a public hearing held before the Plan Commission on January 10, 2022 for this final plat application pursuant to the requirements of the Downers Grove Municipal Code; and,

WHEREAS, Village staff has reviewed and recommends approval of the petition for Final Plat of Subdivision for the Kapovich Subdivision, located at 7135 Dunham Road, Downers Grove, Illinois, as requested, subject to certain conditions; and,

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that the Kapovich Subdivision, located at 7135 Dunham Road, Downers Grove, Illinois, is hereby approved subject to the following conditions:

1. The final plat of subdivision shall substantially conform to the Final Plat of Subdivision for the Kapovich Subdivision prepared by ESI Consultants, LTD, dated October 18th 2021, last revised on November 22, 2021, except as such plans may be modified to conform to Village Codes and Ordinances.

2. A Special Service Area shall be established and recorded to ensure adequate maintenance of the stormwater detention area prior to issuance of any occupancy permits.

3. The Homeowners Association Declaration of Covenants, Conditions and Restrictions document for the subdivision shall be recorded with the plat of subdivision.

4. The petitioner shall pay $120,507.20 ($56,412.95 for the Park District, $43,621.20 for School District 58 and $20,473.05 for School District 99) to the Village prior to executing the final plat of subdivision.

5. Upon installation of sanitary services for Lots 3, 4, 5 and 6, the petitioner shall grind and resurface the entire width of Matthias Road in front of this development before the release of a certificate of occupancy for any home site on Matthias Road. Alternatively, the sanitary services shall be constructed before the surface course is constructed on Matthias Road.

RES 2022-9307

6. The petitioner shall install sidewalks for the entire subdivision before the release of the first home site building permit.

7. The construction entrance must be placed at the south end of the extended Matthias Road so construction traffic enters from Crystal Avenue, not from the north.

8. Written permission from the homeowner to the north to tie into their storm sewer will be required. If permission is not granted the stormwater facility will be redesigned within the boundaries of the subject property to meet the Village's Stormwater Ordinance. If a redesign is necessary, the petitioner will be required to connect to the existing Village storm sewer on Dunham Road, as approved by the Village. An easement shall be granted to the Village for the pipe from the outlet control structure on private property to the Dunham Road right-of-way.

9. A permit will be required from IEPA for the new water main. A copy of the permit must be provided to the Village before any building permits will be issued.

10. A permit will be required from the DuPage County Health Department for the removal of the existing septic tank.

11. New water services along Dunham Road shall be directionally bored.

12. No obstructions including landscaping, trees, fences, or improvements of any kind except grass shall be permitted within the 12.35-foot stormwater and drainage easement (the northern most seven feet along Lot 1 and the westernmost 5.35 feet of Outlot A).

13. The plan does not show any patios, decks, pools. The allowable impervious for each lot in the future will be determined by the impervious area used for the site runoff storage calculations.

14. The petitioner shall pay $6,960 for twelve (12) parkway trees to be installed by the Village prior to the issuance of any permits.

BE IT FURTHER RESOLVED, that the Mayor and Village Clerk are authorized to sign the final plat.

BE IT FURTHER RESOLVED, that this resolution shall be in full force and effect from and after its adoption in the manner provided by law.

Mayor

Passed: 02/08/2022
Attest: _____
Village Clerk

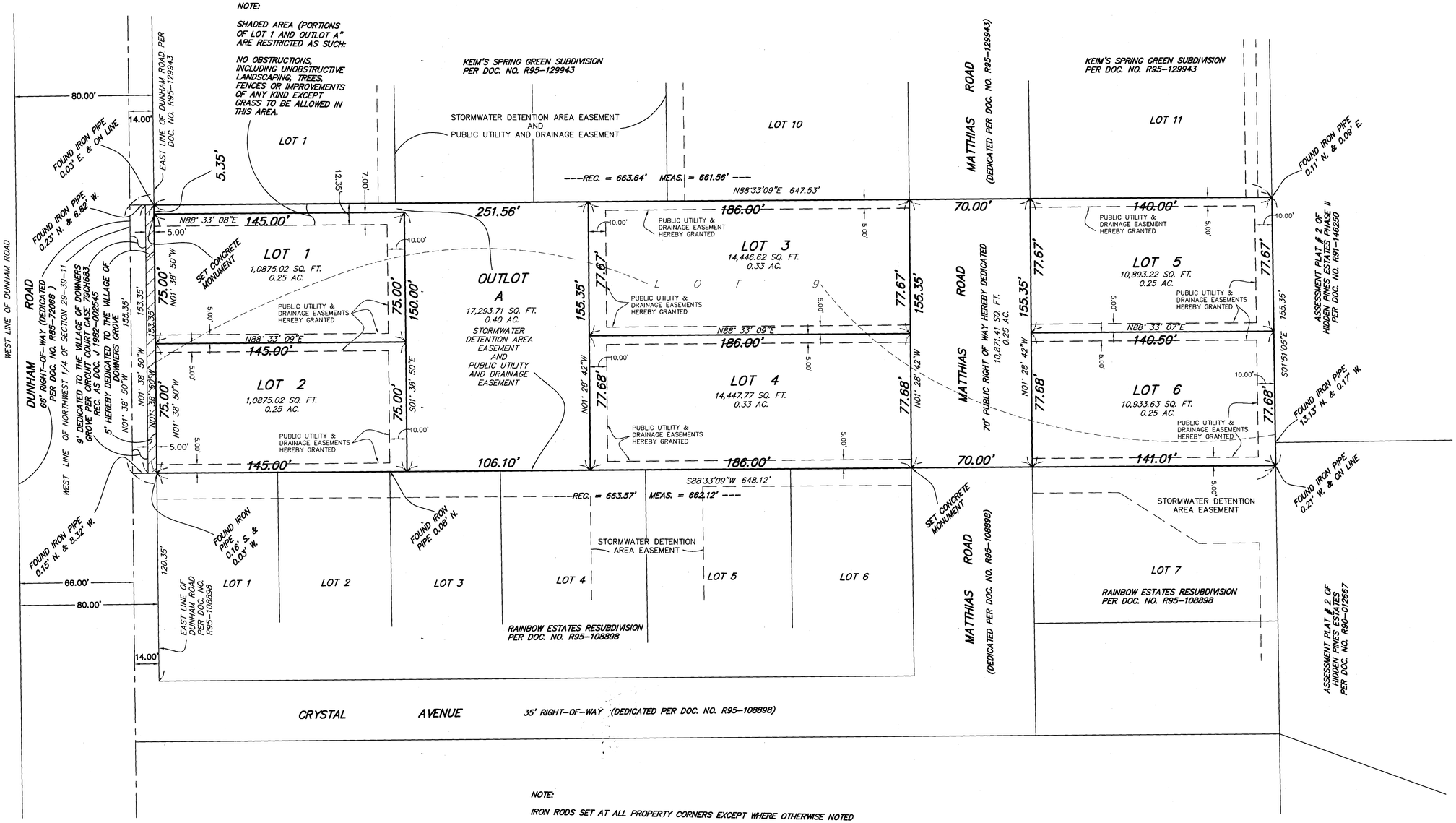
l\mw/res.22\FP-7135-Dunham-21-PLC-0022

KAPOVICH RESUBDIVISON

BEING A RESUBDIVISION IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Graphic Scale
30 15 0 30 60 90
(In Feet)
1"=30'

KATHLEEN V. CARRIER, RECORDER
DUPAGE COUNTY, ILLINOIS
05/26/2022 04:13 PM
R2022-051941
RECORDER PLAT PAGE COUNT 1 OF 2



NOTE:
IRON RODS SET AT ALL PROPERTY CORNERS EXCEPT WHERE OTHERWISE NOTED

PREPARED BY:

GENTILE & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
550 E. ST. CHARLES PLACE
LOMBARD, ILLINOIS 60148
PHONE (630) 916-6262

PREPARED FOR: K S GROVE LAND LLC
DRAWN BY: VAF
ORDER NO.: 21-22302-21 RESUB (REV 2)
SHEET 1 OF 2
ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184.002870

NO.	DATE	DESCRIPTION	BY
2	4/20/22	SET CONCRETE MONUMENTS & PROPERTY CORNERS (SHEET 1 ONLY)	RWG
1	11/12/21	REMOVE BLDG. LINES, CHG. ST. NAME, RECONFIG. LOTS (PG 1) / CERTIFICATES, LANGUAGE (PG 2)	VAF

SUBMITTED BY/MAIL TO:
VILLAGE OF DOWNERS GROVE
801 BURLINGTON AVE,
DOWNERS GROVE, IL 60515

P.I.N.: 09-29-100-004

KAPOVICH RESUBDIVISON

BEING A RESUBDIVISION IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

Graphic Scale

30 15 0 30 60 90

(In Feet)

1"=30'

DECLARATION OF RESTRICTIVE COVENANTS:

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

(a) ALL PUBLIC UTILITY STRUCTURES AND FACILITIES, WHETHER LOCATED ON PUBLIC OR PRIVATE PROPERTY, SHALL BE CONSTRUCTED WHOLLY UNDERGROUND, EXCEPT FOR TRANSFORMERS, TRANSFORMER PADS, LIGHT POLES, REGULATORS, VALVES, 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 GRANTEES FACILITIES OR IN, UPON OR OVER, THE PROPERTY WITHIN THE STORMWATER OR SEWER EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

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
AT&T Teleholdings Incorporated, 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, guys, anchors, wires, cables, conduits, manholes, transformers, pedestals, equipment cabinets or other facilities used in connection with overhead and underground transmission and distribution of electricity, communications, sounds and signals in, over, under, across, along and upon the surface of the property shown within the dashed or dotted lines (or similar designation) on the plat and marked 'Easement', 'Utility Easement', 'Public Utility Easement', 'P.U.E.'(or similar designation), the property designated in the Declaration of Condominium and/or on this plat as 'Common Elements', and the property designated on the plat as 'common area or areas', and the property designated on the plat for streets and alleys, whether public or private, together with the rights to install required service connections over or under the surface of each lot and common area or areas to serve improvements thereon, or on adjacent lots, and common area or areas, the right to cut, trim or remove trees, bushes, roots and saplings and to clear obstructions from the surface and subsurface as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. Obstructions shall not be placed over Grantees facilities or in, upon or over the property within the dashed or dotted lines (or similar designation) marked 'Easement', 'Utility Easement', 'Public Utility Easement', 'P.U.E.'(or similar designation) without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered in a manner so as to interfere with the proper operation and maintenance thereof.

The term 'Common Elements'shall have the meaning set forth for such term in the 'Condominium Property Act', Chapter 765 ILCS 605/2(c), 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 Grantees at cost of the Grantor/Lot Owner, upon written request.

STORMWATER PROVISIONS

STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

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, grantees 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:

Owner hereby grants to the Village of Downers Grove a Stormwater Management Easement for the use and benefit of the Village, over the Stormwater Facilities within the Property and a right of access to privately-owned land for the reasonable exercise of the rights granted to the Village.

Each owner or purchaser shall be responsible to inspect and maintain the Stormwater Facilities on their lot. No buildings or structures of any kind shall be placed on said easement nor shall any other change be made on the Property that might materially affect the proper management, operation or continued maintenance of any Stormwater Facility; impede stormwater drainage in or on the Property; negatively impact the water quality of the Stormwater Facilities; or materially reduce the stormwater detention or retention capacity thereof as provided in the Approved Plans.

In the event the Village determines, in its sole and absolute discretion, that the prohibitions of the preceding Paragraph have been violated or that proper maintenance of the Stormwater Facilities is not being performed or that proper operation of the Stormwater Facilities is not occurring, on the Property at any time, the Village or its contractors or agents, after ten (10) days prior written notice to the Owner, may, but shall not be obligated to, enter upon any or all of the Property for the purposes of (a) correcting any violation and (b) performing maintenance work on and to the Stormwater Facilities.

In the event that the Village shall perform, or cause to be performed, any work pursuant to the Stormwater Management Easement, the Village shall have the right to charge the Owner an amount sufficient to defray the entire cost of such work, including administrative costs, either before or after such cost is incurred. If the amount so charged is not paid by the Owner within thirty (30) days following a demand in writing by the Village for such payment, such charge, together with interest and costs of collection, shall become a lien upon the Property and the Village shall have the right to collect such charge, with interest and costs, and to enforce such lien as in foreclosure proceedings as permitted by law.

In witness whereof, the owners have set their hands upon the attached plat the day and date first written thereon.

DATED AT DOWNERS GROVE, ILLINOIS, THIS 28 DAY OF April, A.D. 2022.

BY: Audrey Kapovich (OWNER) John Kapovich Jr (OWNER)

NOTARY

STATE OF ILLINOIS)
)S.S.
COUNTY OF _____)

I, LEONARD KAPOVICH, A NOTARY PUBLIC IN AND FOR SAID COUNTY DO HEREBY CERTIFY THAT AUDREY KAPOVICH (NAME) AND _____ (NAME) WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE (STORMWATER PROVISIONS) AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AT THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 28 DAY OF APRIL, A.D. 2022

Leonard M Kapovich
NOTARY PUBLIC

03/31/2023
COMMISSION EXPIRES

"OFFICIAL SEAL"
LEONARD M. KAPOVICH
Notary Public, State of Illinois
My Commission Expires 03/31/2023

ENGINEER/DRAINAGE CERTIFICATE

STATE OF ILLINOIS)
)S.S.
COUNTY OF DuPAGE)

I, Joseph M. Gentile A REGISTERED PROFESSIONAL ENGINEER IN ILLINOIS AND JOHN KAPOVICH 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 ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION. FURTHER, AS ENGINEER, I HEREBY CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS SUBDIMISION OR ANY PART THEREOF IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

062-044448 REGISTERED PROFESSIONAL ENGINEER OF ILLINOIS

ILLINOIS LICENSED PROFESSIONAL ENGINEER NO. 062-044448
MY LICENSE EXPIRES ON: 11/30/2023

BY: Joseph M. Gentile (NAME) ATTEST: _____ (NAME)
President (TITLE) _____ (TITLE)

DIRECTOR OF COMMUNITY DEVELOPMENT CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

APPROVED BY THE VILLAGE OF DOWNERS GROVE DIRECTOR OF COMMUNITY DEVELOPMENT, THIS _____ DAY OF _____ A.D. 20___.

_____ DIRECTOR OF COMMUNITY DEVELOPMENT

_____ VILLAGE CLERK

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE , THIS 10TH DAY OF May A.D. 2022

CHAIRMAN OF PLAN COMMISSION

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

APPROVED THIS 10th DAY OF May A.D. 2022 BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE

MAYOR

VILLAGE CLERK

DOWNERS GROVE SANITARY DISTRICT

STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

I, AMY R. UNDERWOOD, 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 INCLUDED IN THIS PLAT.

DATED AT DOWNERS GROVE, ILLINOIS, THIS 23RD DAY OF MAY, A.D. 2022

COLLECTOR

DOWNERS GROVE SANITARY DISTRICT CORPORATE SEAL ILLINOIS

VILLAGE COLLECTOR

STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

I, Robin Lahey, 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.

DATED AT DOWNERS GROVE, ILLINOIS, THIS 24TH DAY OF May A.D. 2022

Robin Lahey
VILLAGE COLLECTOR

SCHOOL DISTRICT CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

THE UNDERSIGNED DO HEREBY CERTIFY THAT, JOHN KAPOVICH AND _____ ARE THE OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND THAT TO THE BEST OF THEIR KNOWLEDGE, THE PROPERTY IS LOCATED WITHIN THE BOUNDARIES OF THE 99 HIGH SCHOOL DISTRICT, AND 58 ELEMENTARY SCHOOL DISTRICT IN DUPAGE COUNTY, ILLINOIS.

DATED AT DOWNERS GROVE, ILLINOIS, THIS 13 DAY OF MAY, A.D. 2022.

BY: John Kapovich Jr. OWNER _____ OWNER

NOTARY

STATE OF ILLINOIS)
)S.S.
COUNTY OF DUPAGE)

I, SUZANNE C CLARK, A NOTARY PUBLIC IN AND FOR SAID COUNTY DO HEREBY CERTIFY THAT JOHN KAPOVICH (NAME) AND _____ (NAME) WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE (SCHOOL DISTRICT CERTIFICATE) AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AT THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 13 DAY OF MAY, A.D. 2022

Suzanne C Clark
NOTARY PUBLIC

12/28/23
COMMISSION EXPIRES

OFFICIAL SEAL
SUZANNE C CLARK
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:12/28/23

OWNERS' CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

THIS IS TO CERTIFY THAT THE UNDERSIGNED ARE THE OWNERS OF THE LAND DESCRIBED IN THE ATTACHED PLAT AND HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON FOR THE USES AND PURPOSES HEREIN INDICATED, AND DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE HEREIN INDICATED.

DATED AT 4/28/22, ILLINOIS, THIS 28 DAY OF April, A.D. 2022

BY: Audrey Kapovich (SIGNATURE) BY: John Kapovich Jr (SIGNATURE)

Audrey Kapovich (PRINTED NAME) John Kapovich JR (PRINTED NAME)

NOTARY

STATE OF ILLINOIS)
)S.S.
COUNTY OF _____)

I, Leonard KAPOVICH, A NOTARY PUBLIC IN AND FOR SAID COUNTY DO HEREBY CERTIFY THAT AUDREY KAPOVICH (NAME) AND JOHN KAPOVICH (NAME) WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE (OWNERS' CERTIFICATE) AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AT THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 28 DAY OF APRIL, A.D. 2022

Leonard M Kapovich
NOTARY PUBLIC

03/31/2023
COMMISSION EXPIRES

"OFFICIAL SEAL"
LEONARD M. KAPOVICH
Notary Public, State of Illinois
My Commission Expires 03/31/2023

LAND SURVEYOR'S AUTHORIZATION

STATE OF ILLINOIS)
S.S.
COUNTY OF DU PAGE)

I, JOSEPH F. GENTILE, AN ILLINOIS PROFESSIONAL LAND SURVEYOR OF THE STATE OF ILLINOIS, LICENSE NUMBER 2925, DO HEREBY AUTHORIZE THE VILLAGE OF DOWNERS GROVE, ITS STAFF OR AUTHORIZED AGENT TO PLACE THIS DOCUMENT OF RECORD IN THE COUNTY RECORDER'S OFFICE IN MY NAME AND IN COMPLIANCE WITH ILLINOIS STATUTES CHAPTER 109 PARAGRAPH 2, AS AMENDED.

GIVEN UNDER MY HAND AND SEAL AT LOMBARD, ILLINOIS, THIS 22ND DAY OF FEBRUARY A.D. 2021

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2925

JOSEPH F. GENTILE 2925 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS LOMBARD, IL

SURVEYORS CERTIFICATE

STATE OF ILLINOIS)
)S.S.
COUNTY OF DuPAGE)

THIS IS TO CERTIFY THAT I, JOSEPH GENTILE, ILLINOIS PROFESSIONAL LAND SURVEYOR NUMBER 2925, HAVE SURVEYED AND RESUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

LOT 9 IN **PINE HILLS UNIT NUMBER 1,** BEING 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.

TOTAL AREA: 97,532.46 sq. ft., 2.24 AC. (MORE OR LESS)

PROPERTY COMMONLY KNOWN AS: 7135 DUNHAM ROAD, DOWNERS GROVE, ILLINOIS 60516

ALL DIMENSIONS ARE IN FEET OR DECIMALS THEREOF.

I ALSO CERTIFY THAT THE LAND IS WITHIN THE VILLAGE OF DOWNERS GROVE OR WITHIN ONE AND A HALF MILES OF THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE WHICH HAS ADOPTED A COMPREHENSIVE PLAN AND MAP AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY DIVISION 12 OF ARTICLE 11 OF THE ILLINOIS MUNICIPAL CODE AS AMENDED.

I FURTHER CERTIFY THE PARCEL INCLUDED IN THIS RECORD OF DEED ARE LOCATED IN ZONE "X" (AREAS DETERMINED TO BE OF MINIMAL FLOOD HAZARD) IDENTIFIED FOR THE VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS, BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NUMBER 17043C0169J, EFFECTIVE DATE AUGUST 1, 2019.

GIVEN UNDER MY HAND AND SEAL THIS 6TH DAY OF AUGUST, A.D. 2021

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2925
MY LICENSE EXPIRES NOVEMBER 30, 2022

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS)
)S.S.
COUNTY OF DuPAGE)

I, JEAN KACZMAREK, 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 26TH DAY MAY A.D. 2022

Jean Kaczmarek
DUPAGE COUNTY CLERK

COUNTY OF DU PAGE DOWNERS GROVE, ILLINOIS

COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
)SS
COUNTY OF DUPAGE)

THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE 26th DAY OF MAY A.D. 2022 AT 1:15 O'CLOCK P M. AS DOCUMENT NUMBER R2022-051941

Kathleen V. Carrier
DuPAGE COUNTY RECORDER OF DEEDS

KATHLEEN V. CARRIER, RECORDER
DUPAGE COUNTY, ILLINOIS
05/26/2022 04:13 PM
R2022-051941

RECORDER PLAT PAGE COUNT 2 OF 2

PREPARED BY:

GENTILE & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
550 E. ST. CHARLES PLACE
LOMBARD, ILLINOIS 60148
PHONE (630) 916-6262

PREPARED FOR: **K S GROVE LAND LLC**
DRAWN BY: VAF
ORDER NO.: **21-22302-21 RESUB** *(REV 2)* ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184.002870
SHEET 2 OF 2

SUBMITTED BY/MAIL TO:
VILLAGE OF DOWNERS GROVE
801 BURLINGTON AVE,
DOWNERS GROVE, IL 60515