

VILLAGE OF DOWNERS GROVE

Report for the Village Council Meeting

8/4/2020

SUBJECT:	SUBMITTED BY:
Implementation of Future of Downtown Plan: Ordinance Proposing Establishment of Special Service Area (SSA)	Mike Baker Deputy Village Manager

SYNOPSIS

An ordinance has been prepared proposing establishment of a Special Service Area (SSA) in Downtown Downers Grove consistent with the Plan for the Future of the Downtown.

STRATEGIC PLAN ALIGNMENT

The goals for 2019-2021 include *Exceptional Municipal Services* and *Top Quality Infrastructure*. One of the Priority Action Items includes *Create a Plan for the Future of the Downtown*.

FISCAL IMPACT

The SSA is expected to generate up to \$400,000 in annual revenue based on a maximum rate of 1.0% of the assessed value of each property (expiring SSA currently has a maximum rate of 1.5%).

UPDATE & RECOMMENDATION

This item was discussed at the July 21, 2020 Village Council meeting. Staff recommends approval on the August 4, 2020 Active Agenda.

BACKGROUND

On December 17, 2019, the Village Council accepted the [Future of the Downtown Plan](#) and directed staff to implement the plan. The key points of the plan include:

1. Establish a special services area (SSA) that:
 - a. Maintains existing boundaries of the current SSA and exempts all condominium/ townhouse properties
 - b. Sets a maximum rate of 1.0% (currently 1.5%)
 - c. Expires after a period of 10 years
 - d. Funds Downtown Management Corporation (DMC) operations and beautification enhancements to be coordinated between the Village & DMC
 - e. Collects property tax revenue beginning in FY2022
2. Dedicate parking revenues no longer needed for debt service beginning in 2020 to:
 - a. Fund parking deck maintenance
 - b. Implement parking system enhancements
3. Continue to fund existing general operations and planned infrastructure improvements from existing Village funding sources, subject to annual budget authorization

The Village and Downtown Management Corporation (DMC) have been working closely on the preparation and implementation of this plan. At its meeting on March 7, 2020, the DMC Board took the following actions to align the DMC organization with the implementation of the Future of the Downtown Plan:

1. Adopted a change in the fiscal year (previously began on May 1, will begin on January 1 in 2021)
2. Approved the fiscal year 2020 (May 1 - December 31, 2020) budget

3. Accepted the fiscal year 2021 (January 1 - December 31, 2021) budget
4. Directed that the by-laws be revised to remove all resident members from voting seats on the Board of Directors and include one ex-officio resident member effective January 1, 2021

These actions will result in the DMC implementing changes to its board structure and bylaws by January 1, 2021.

The establishment of a new Special Service Area (item #1 in the plan summary on the previous page) will provide the funding mechanism to support operations of the DMC beginning in FY2022, following expiration of the current SSA. A revised operating agreement between the Village and the DMC will be prepared and presented to the Village Council for consideration prior to final adoption of the new SSA. This action is scheduled to occur by early November 2020, following the DMC Board election process, which concludes at the DMC Annual Meeting on September 24.

This item proposing establishment of the new SSA is the first of many procedural steps that must be completed to enact a special service area. The following schedule identifies the target dates for the remainder of the process:

- | | |
|---|----------------------|
| 1. First Reading of Ordinance proposing establishment of SSA | July 21, 2020 |
| 2. Village Council action on Ordinance proposing establishment of SSA | August 4 |
| 3. Publish Notice of Public Hearing | Week of September 14 |
| 4. Mail Notice of Public Hearing to taxpayers | September 23 |
| 5. Public Hearing on proposed SSA | October 6 |
| 6. Conclusion of objection period | December 7 |
| 7. First Reading of Ordinance establishing SSA | January 12, 2021 |
| 8. Village Council action on Ordinance establishing SSA | January 19, 2021 |
| 9. File Ordinance with County Clerk and County Recorder | Week of January 25 |

The final levying of property taxes under the current SSA that will fund DMC in 2021 will occur in December 2020. Information related to the remaining items associated with implementation of the plan (#2 and #3) will be presented as part of the Village's FY2021 budget process.

ATTACHMENTS

Map

Ordinance

Legal Description

VILLAGE OF DOWNERS GROVE COUNCIL ACTION SUMMARY

INITIATED: Village Attorney DATE: August 4, 2020
(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 #11 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 #11 for Downtown Downers Grove.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____**AN ORDINANCE PROPOSING THE ESTABLISHMENT OF SPECIAL SERVICE AREA #11 (DOWNERS GROVE DOWNTOWN SERVICE AREA) IN THE VILLAGE OF DOWNERS GROVE, ILLINOIS AND PROVIDING FOR A PUBLIC HEARING AND OTHER PROCEDURES IN CONNECTION THEREWITH**

WHEREAS, the Village of Downers Grove (“Village”) has a history of providing special services to the downtown area and paying for those services with revenue collected from the property owners in the downtown area through a special service area tax; and

WHEREAS, residential rental properties, which will be included in Special Service Area #11, use their proximity to the Village’s downtown area to promote the marketing of those properties to potential tenants; and

WHEREAS, Special Service Area #2, approved on December 20, 2005 by Ordinance No. 4739, generated revenue to pay for the promotion of business within the special service area which generally included the provision of advertising and other marketing activities as well as the hosting and support of community events within the downtown area aimed at creating a positive business environment, and the management of the special service area through providing of funds directly to the Downtown Management Corporation; and

WHEREAS, the expiration date for Special Service Area #2 is December 20, 2020 and it is the Village’s intent to replace it with a new special service area to be known as Special Service Area #11 (“Area”); and

WHEREAS, the Village has concluded that Special Service Area #2 benefited the properties within Special Service Area #2 by enhancing the area’s unique and challenging retail and residential rental qualities and the overall vitality and quality of the area; and

WHEREAS, the Village has concluded that the special services provided in conformance with this ordinance will benefit the properties within Special Service Area #11 by helping to enhance the area’s unique and challenging retail and residential rental’s qualities and the overall vitality of the Area; and

WHEREAS, some or all of the revenue generated from Special Service Area #11 will be collected to directly fund activities of the Downtown Management Corporation in furtherance of the purposes of the Area as set forth herein; and

WHEREAS, the approval of Special Service Area #11 is reasonably expected to assist in meeting the unique retail and residential rental challenges by making the Area a better place.

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 Special Services Area Tax Law, 35 ILCS 200/27-5 *et seq.* and the Village of Downers Grove's home rule powers under Article VII, Sections 6A and 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 an important, historical, community residential and shopping area of the Village of Downers Grove. No area of the special service area lies within any incorporated municipality other than the Village of Downers Grove, or within any unincorporated area, and that said area meets the requirements of the Special Services Area Tax Law, 35 ILCS 200/27-5 *et seq.*
- C. That said area is primarily zoned for commercial and residential purposes and will benefit specially from the municipal services to be provided and that the proposed municipal services are unique and 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, October 6, 2020 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 #11 of the Village of Downers Grove, in the territory described in the Notice set forth in Section 4 hereof. At the hearing the Village Council will consider:

- A. The establishment of Special Service Area #11 to provide: special services pertaining to the government and affairs of the Village to the area, in addition to services provided by the Village generally, including, but not limited to, municipal services in connection with the promotion and marketing of businesses in the proposed special service areas; economic development of businesses within the special service area, including retention of existing businesses and recruitment of new businesses; services in connection with the promotion and management of community events and activities in the special service area, enhanced installation and maintenance of streetscape and landscaping, more frequent street and sidewalk sweeping and cleaning than is provided to other portions of the Village; more frequent and extensive snow and ice removal than is provided to other portions of the Village; additional police services; additional or more extensive seasonal decorations; enhanced parking for residents, customers and commuters; and other related services in connection with the promotion, maintenance and beautification of the special service area.
- B. The levy of an annual tax not to exceed an annual rate of one percent (1.0%) of the assessed value, as equalized, of the property in the Special Service Area, said tax to be levied for a maximum of ten (10) years from the effective date of the ordinance establishing the SSA. 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. The proposed amount of the tax levy for special services for the initial year for which taxes will be levied within Special Service Area #11 will be determined following coordination between the Village and the Downtown Management Corporation and will be an amount not to exceed \$400,000. Some or all of the revenue generated from Special Service Area #11 will be collected to directly fund activities of the Downtown Management Corporation in furtherance of the purposes of the special service area as set forth herein.

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 #11

NOTICE IS HEREBY GIVEN that on Tuesday, October 6, 2020 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:

SEE ATTACHED EXHIBIT A - LEGAL DESCRIPTION

Commonly known as: the Downtown Area

The approximate street location for the area is the intersection of Curtiss Street and Main 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 #11, 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 #11 in general is to provide municipal services pertaining to the government and affairs of the Village to the area, in addition to services provided by the Village generally, including, but not limited to, municipal services in connection with the promotion and marketing of businesses in the proposed special service areas; economic development of businesses within the special service area, including retention of existing businesses and recruitment of new businesses; services in connection with the promotion and management of community events and activities in the special service area, enhanced installation and maintenance of streetscape and landscaping, more frequent street and sidewalk sweeping and cleaning than is provided to other portions of the Village; more frequent and extensive snow and ice removal than is provided to other portions of the Village; additional police services; additional or more extensive seasonal decorations; enhanced parking for residents, customers and commuters; and other related services in connection with the promotion, maintenance and beautification of the special service area.

A special tax will be considered at the public hearing to be levied in an amount not to exceed an annual rate of one percent (1.0%) of the assessed value, as equalized to be levied against the real property included in the special service area, said tax to be levied for a maximum of ten (10) years from the effective date of the ordinance establishing the Special Service Area. The proposed amount of the tax levy for special services for the initial year for which taxes will be levied within Special Service Area #11 will be determined following coordination between the Village and the Downtown Management Corporation and will be an amount not to exceed \$400,000. Some or all of the revenue generated from Special Service Area #11 will be collected to directly fund activities of the Downtown Management Corporation in furtherance of the purposes of the special service area as set forth herein.

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 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 special service area shall be established or enlarged, or tax be levied or imposed nor the rate increased.

Dated this _____ day of _____ 2020.

Megan Miles, 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

Map of Properties Included in Proposed Downtown SSA

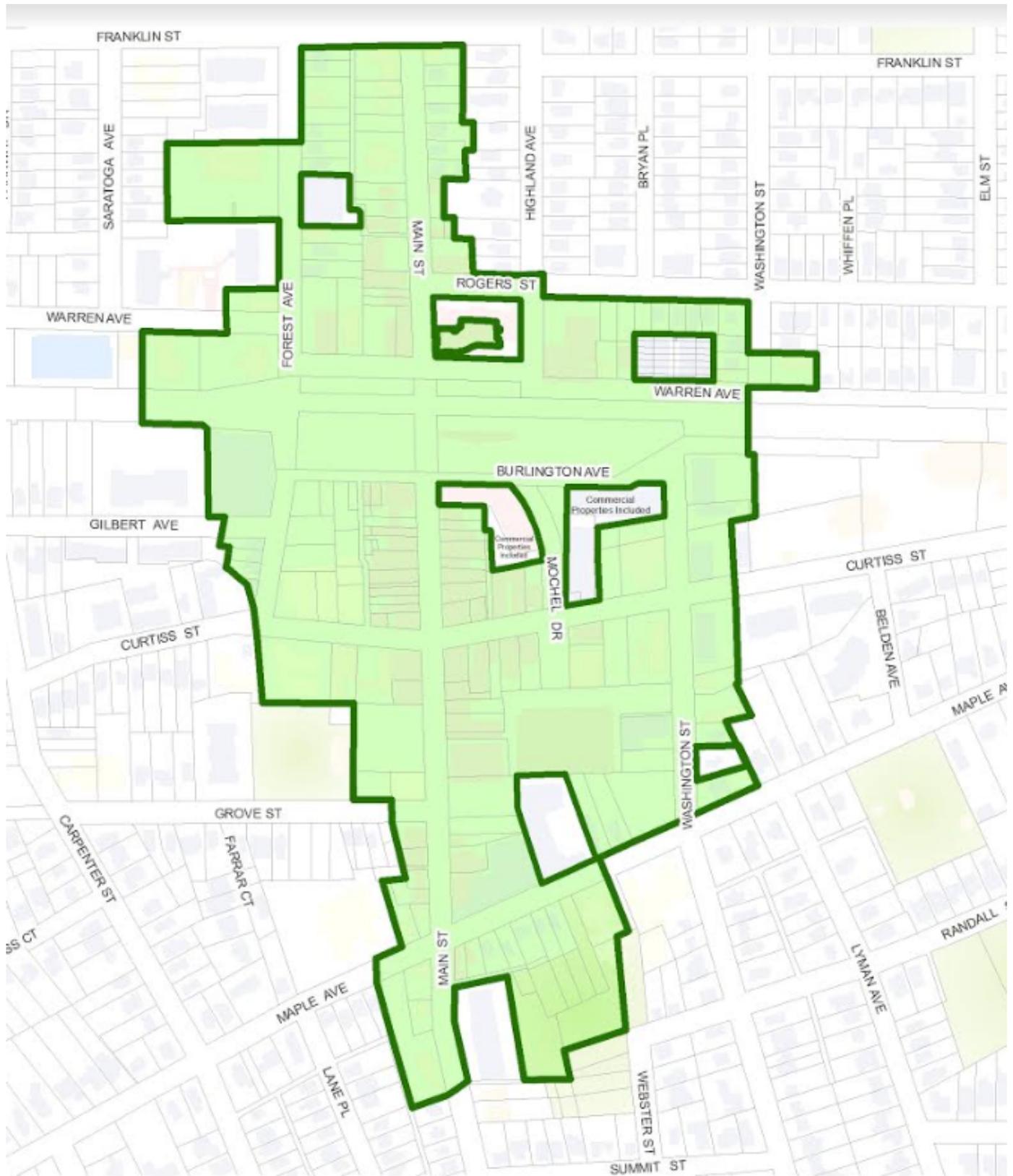


Exhibit A
Legal Description for the
Downtown Special Service Area (SSA)

THAT PART OF THE WEST HALF OF SECTION 8. TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF FRANKLIN STREET AND THE EAST LINE OF FOREST AVENUE) SAID POINT OF INTERSECTION ALSO BEING THE NORTHWEST CORNER OF LOT 14 IN THE RE-SUBDIVISION OF BLOCK 5 IN E.H. PRINCE AND COMPANY'S ADDITION TO DOWNERS GROVE, A RESUBDIVISION RECORDED AS DOCUMENT NO. 46830);

THENCE EASTERLY FOLLOWING ALONG THE SAID SOUTH LINE OF FRANKLIN STREET TO THE NORTHEAST CORNER OF LOT 9 IN E.H. PRINCE AND COMPANY'S ADDITION AFORESAID;

THENCE SOUTH ALONG THE EAST LINE OF LOTS 9, 8, 7 AND 6 IN SAID E.H. PRINCE AND COMPANY'S ADDITION TO THE SOUTHEAST CORNER OF SAID LOT 6 (SAID SOUTHEAST CORNER ALSO BEING THE SOUTHWEST CORNER OF LOT 3 IN AFORESAID ADDITION);

THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 30 FEET TO THE WEST LINE OF THE EAST 135 FEET OF LOT 4 IN SAID E.H. PRINCE AND COMPANY'S ADDITION;

THENCE SOUTH ALONG SAID WEST LINE OF THE EAST 135 FEET OF LOT 4, TO THE SOUTH LINE OF THE NORTH 82 FEET OF SAID LOT 4;

THENCE WEST ALONG THE SAID SOUTH LINE OF THE NORTH 82 FEET OF LOT 4, TO THE EAST LINE OF THE WEST 110 FEET OF SAID LOT 4;

THENCE SOUTH ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID LOT 4;

THENCE WEST ALONG SAID SOUTH LINE OF LOT 4, TO THE NORTHEAST CORNER OF LOT 5 IN SAID E.H. PRINCE AND COMPANY'S ADDITION;

THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 5 TO THE NORTH LINE OF THE SOUTH 58.63 FEET OF SAID LOT 5;

THENCE EAST ALONG THE NORTH LINE OF THE WEST 30 FEET OF THE SOUTH 60 FEET OF LOT 13 IN BLOCK 3 OF FOOTES ADDITION RECORDED AS DOCUMENT 21769, A DISTANCE OF 30 FEET;

THENCE SOUTH ALONG THE EAST LINE OF SAID WEST 30 FEET OF THE SOUTH 60 FEET, TO THE NORTH LINE OF LOT 11 IN ROGER'S SUBDIVISION, RECORDED AS DOCUMENT NUMBER 127751;

THENCE EAST ALONG SAID NORTH LINE TO THE NORTHEAST CORNER OF SAID LOT 11;

THENCE SOUTH ALONG THE EAST LINE OF LOTS 11 AND 10 IN SAID ROGER'S SUBDIVISION TO THE SOUTHEAST CORNER OF SAID LOT 10, SAID POINT BEING ON THE NORTH LINE OF ROGERS STREET;

THENCE EASTERLY ALONG THE NORTH LINE OF ROGERS STREET TO THE SOUTHWEST CORNER OF LOT 7 OF OWNER'S SUBDIVISION OF RICHMOND AND WHITNEY ADDITION, RECORDED AS DOCUMENT 094524, SAID POINT BEING ON THE EAST LINE OF HIGHLAND AVENUE;

THENCE SOUTHERLY TO THE NORTHWEST CORNER OF LOT 1 OF BEARDSLEY ADDITION, RECORDED AS DOCUMENT 009654, SAID POINT BEING ON THE SOUTH LINE OF ROGERS STREET;

THENCE EAST ALONG SAID SOUTH LINE OF ROGERS STREET, TO THE WEST LINE OF WASHINGTON STREET;

THENCE SOUTH ALONG SAID WEST LINE TO THE WESTERLY EXTENSION OF THE NORTH LINE OF THE SOUTH 100 FEET OF LOT 6 IN BEARDSLEY'S ADDITION, RECORDED AS DOCUMENT NUMBER 9654;

THENCE EAST ALONG SAID WESTERLY EXTENSION AND THE NORTH LINE OF SAID SOUTH 100 FEET OF LOT 6 TO THE WEST LINE OF LOT 7 IN SAID BEARDSLEY'S ADDITION;

THENCE NORTH ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF THE WEST HALF OF THE SOUTH HALF OF SAID LOT 7;

THENCE EAST ALONG THE NORTH LINE OF SAID WEST HALF OF THE SOUTH HALF OF LOT 7 TO THE NORTHEAST CORNER OF SAID WEST HALF OF THE SOUTH HALF THEREOF;

THENCE SOUTH ALONG THE EAST LINE OF SAID WEST HALF OF THE SOUTH HALF OF LOT 7 TO THE NORTH LINE OF WARREN AVENUE;

THENCE WEST ALONG THE SAID NORTH LINE OF WARREN AVENUE AND THE WESTERLY EXTENSION THEREOF, TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF WASHINGTON STREET;

THENCE SOUTH ALONG THE SOUTHERLY EXTENSION OF SAID WEST LINE TO THE SOUTH LINE OF BURLINGTON AVENUE;

THENCE EAST ALONG SAID SOUTH LINE TO THE NORTHWEST CORNER OF LOT 6 IN RANDALL'S RESUBDIVISION RECORDED AS DOCUMENT NUMBER 20748;

THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 6 TO THE SOUTHWEST CORNER THEREOF;

THENCE WESTERLY ALONG THE SOUTHERLY LINE OF LOTS 7 AND 8 IN SAID RANDALL'S RESUBDIVISION TO THE EASTERLY LINE OF LOT 7 IN BLOCK 2 IN CURTISS' ADDITION RECORDED AS DOCUMENT NUMBER 7317;

THENCE SOUTH ALONG THE EASTERLY LINE OF SAID LOT 7 TO THE SOUTHEAST CORNER OF SAID LOT 7 IN BLOCK 2;

THENCE SOUTH TO THE NORTHEAST CORNER OF LOT 6 IN BLOCK 3 IN SAID CURTISS' ADDITION;

THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 6 AND THE SAID EAST LINE EXTENDED SOUTH, TO THE NORTH LINE OF LOT 13 IN ASSESSOR'S SUBDIVISION RECORDED AS DOCUMENT NUMBER 14481;

THENCE WESTERLY ALONG SAID NORTH LINE OF LOT 13 TO A POINT THAT IS 74.25 FEET (RECORD) EASTERLY OF THE NORTHWEST CORNER OF SAID LOT 13;

THENCE SOUTHERLY ALONG A LINE THAT IS 74.25 FEET, (RECORD), EASTERLY, AS MEASURED ALONG THE NORTH LINE OF SAID LOT 13, AND PARALLEL WITH THE WEST LINE OF SAID LOT 13, A DISTANCE OF 100.8 FEET, (RECORD);

THENCE WESTERLY 77.82 FEET TO THE WEST LINE OF SAID LOT 13;

THENCE SOUTHEASTERLY ALONG THE WEST LINE OF SAID LOT 13 TO THE NORTHWEST CORNER OF THE WEST 4.25 FEET OF THE SOUTH 132 FEET OF SAID LOT 13;

THENCE WESTERLY 4.25 FEET TO THE NORTHEAST CORNER OF THE WEST 4.25 FEET OF THE SOUTH 132 FEET OF SAID LOT 13;

THENCE SOUTHEASTERLY ALONG THE EAST LINE OF THE WEST 4.25 FEET OF THE SOUTH 132 FEET OF SAID LOT 13 TO THE NORTH LINE OF MAPLE AVENUE;

THENCE SOUTHWESTERLY ALONG SAID NORTHERLY LINE OF MAPLE AVENUE TO THE WESTERLY LINE, EXTENDED NORTHERLY OF LOT 24 IN ASSESSOR'S SUBDIVISION RECORDED AS DOCUMENT NUMBER 14481;

THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND THE WESTERLY LINE OF SAID LOT 24 TO THE NORTH LINE OF LOT 14 IN CURTISS' SUBDIVISION RECORDED AS DOCUMENT NUMBER 29341;

THENCE SOUTHWESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 14 TO THE NORTHWEST CORNER THEREOF;

THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 14 TO THE SOUTHWEST CORNER THEREOF;

THENCE WESTERLY ALONG THE SOUTHERLY LINE OF LOT 12 IN CURTISS' SUBDIVISION RECORDED AS DOCUMENT 29341, TO THE SOUTHWEST CORNER THEREOF (SAID SOUTHWEST CORNER BEING A POINT IN THE EAST LINE OF LOT 7 IN SAID CURTISS' SUBDIVISION);

THENCE SOUTH ALONG SAID EAST LINE OF SAID LOT 7 TO THE SOUTHEAST CORNER THEREOF;

THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 7, TO THE SOUTHEAST CORNER OF THE MORNINGSIDE SQUARE CONDO, RECORDED AS DOCUMENT R2001-106884;

THENCE NORTHWESTERLY ALONG THE EAST LINE OF SAID MORNINGSIDE SQUARE CONDO A DISTANCE OF 230.64 FEET TO THE NORTHEAST CORNER THEREOF;

THENCE SOUTHWESTERLY ALONG THE NORTH LINE OF SAID MORNINGSIDE SQUARE CONDO TO THE NORTHWESTERLY CORNER THEREOF, SAID POINT BEING ON THE EAST SIDE OF MAIN STREET;

THENCE SOUTHERLY ALONG THE EAST SIDE OF MAIN STREET A DISTANCE OF 117.36 FEET;

THENCE CONTINUING SOUTHEASTERLY ALONG THE EAST SIDE OF MAIN STREET A DISTANCE OF 169.1 FEET TO THE SOUTHWEST CORNER OF MORNINGSIDE SQUARE CONDO;

THENCE SOUTHWESTERLY TO THE SOUTH LINE OF THE NORTHWESTERLY 10 FEET OF LOT 5 IN BLANCHARD'S SUBDIVISION RECORDED AS DOCUMENT NUMBER 12880;

THENCE SOUTHWESTERLY ALONG THE SOUTH LINE OF THE SAID NORTHWESTERLY 10 FEET OF LOT 5 TO THE WESTERLY LINE OF SAID LOT 5;

THENCE NORTHERLY ALONG SAID WESTERLY LINE OF LOT 5, THE WESTERLY LINE OF LOTS 4, 3 AND 2 IN SAID BLANCHARD'S SUBDIVISION AND THE SAID WESTERLY LINE OF LOT 2 EXTENDED TO THE NORTHERLY LINE OF MAPLE AVENUE; SAID LINE BEING THE SOUTH LINE OF LOTS 44 AND 45 IN SAID ASSESSOR'S SUBDIVISION;

THENCE EASTERLY ALONG SAID NORTHERLY LINE OF MAPLE AVENUE TO POINT IN SAID NORTHERLY LINE OF MAPLE AVENUE THAT IS 75 FEET EASTERLY, AS MEASURED ALONG THE NORTHERLY LINE OF SAID MAPLE AVENUE, OF THE SOUTHWEST CORNER OF LOT 45;

THENCE NORTHERLY ALONG A LINE PARALLEL TO THE WESTERLY LINE OF LOT 45 IN SAID ASSESSOR'S SUBDIVISION TO A POINT 40 FEET SOUTHERLY OF THE LAND CONVEYED BY EDWARD THATCHER TO QUIRIN SCHMIDT BY DEED DATED APRIL 16, 1889 AND RECORDED AS DOCUMENT 139636, SAID POINT BEING ON THE SOUTH LINE OF LAND CONVEYED BY DEED DATED OCTOBER 17, 1902, RECORDED AUGUST 1, 1904 AS DOCUMENT 82172;

THENCE EASTERLY, ALONG SAID LINE TO WESTERLY LINE OF LOT 5 IN HOFERT'S SUBDIVISION RECORDED AS DOCUMENT NUMBER 52764;

THENCE NORTHERLY ALONG SAID WESTERLY LINE AND THE WESTERLY LINE EXTENDED NORTHERLY TO THE SOUTH LINE OF GROVE STREET;

THENCE NORTHWESTERLY ACROSS SAID GROVE STREET TO A POINT ON THE NORTHERLY LINE THEREOF 132.99 FEET WEST OF THE WEST LINE OF MAIN STREET;

THENCE WEST ALONG SAID NORTHERLY LINE OF GROVE STREET TO A POINT ON SAID NORTHERLY LINE 244.53 FEET WEST OF THE SAID WEST LINE OF MAIN STREET;

THENCE NORTH ON A STRAIGHT LINE TO A POINT ON THE SOUTH LINE OF LOT 55 IN ASSESSOR'S SUBDIVISION AFORESAID, 233.64 FEET WEST OF THE SAID WEST LINE OF MAIN STREET;

THENCE WEST ALONG SAID SOUTH LINE TO THE SOUTHEAST CORNER OF FIRST CHURCH OF CHRISTIAN SCIENTIST RECORDED AS DOCUMENT NUMBER 145113;

THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID FIRST CHURCH OF CHRISTIAN SCIENTIST TO THE SOUTH LINE OF CURTISS STREET;

THENCE NORTHERLY TO THE SOUTHEASTERLY CORNER OF LOT 57 IN ASSESSOR'S SUBDIVISION AFORESAID (SAID CORNER ALSO BEING THE CENTER LINE OF CREEK);

THENCE NORTHERLY FOLLOWING ALONG THE SAID CENTER LINE OF CREEK TO ITS INTERSECTION WITH A LINE 100 FEET WEST OF AND PERPENDICULAR TO THE WEST LINE OF FOREST AVENUE, (FOOTE STREET);

THENCE NORTH 8 DEGREES 35 MINUTES EAST, ALONG AN ASSUMED BEARING, AND BEING PARALLEL WITH THE WEST LINE OF FOREST AVENUE, 60.25 FEET;

THENCE NORTH 83 DEGREES 49 MINUTES WEST, 28.85 FEET;

THENCE NORTH 8 DEGREES 15 MINUTES EAST, 24.4 FEET, TO THE SOUTH LINE OF GILBERT AVENUE;

THENCE CONTINUING NORTH 8 DEGREES 15 MINUTES EAST TO THE NORTH LINE OF GILBERT AVENUE;

THENCE WESTERLY ALONG SAID NORTH LINE TO A POINT THAT IS 386.76 FEET EAST, AS MEASURED ALONG THE NORTH LINE OF GILBERT STREET, OF THE WEST LINE OF SAID SECTION 8;

THENCE NORTH 256 FEET TO THE SOUTHERLY LINE OF THE LANDS OF THE BURLINGTON NORTHERN RAILROAD;

THENCE WEST ALONG THE SOUTHERLY LINE OF SAID RAILROAD TO ITS POINT OF INTERSECTION WITH THE EASTERLY LINE EXTENDED SOUTH OF THE WEST THREE FEET OF LOT 5 IN FOOTE'S ADDITION RECORDED AS DOCUMENT 21769;

THENCE NORTH ALONG SAID EXTENDED LINE AND THE EAST LINE OF THE SAID WEST THREE FEET OF LOT 5 TO THE SOUTH LINE OF WARREN AVENUE;

THENCE EAST ALONG SAID SOUTH LINE OF WARREN AVENUE TO EAST LINE EXTENDED SOUTH OF LOT 16 IN E.H. PRINCE AND COMPANY'S ADDITION RECORDED AS DOCUMENT NUMBER 43600;

THENCE NORTH ALONG SAID EXTENDED LINE AND THE EAST LINE OF SAID LOT 16 TO THE NORTH LINE, EXTENDED WEST, OF LOT 15 IN SAID E.H. PRINCE AND COMPANY'S ADDITION;

THENCE EAST ALONG SAID EXTENDED LINE AND ALONG THE NORTH LINE OF SAID LOT 15 TO THE NORTHEAST CORNER OF SAID LOT 15, SAID POINT BEING ON THE WEST LINE OF FOREST AVENUE;

THENCE NORTH ALONG SAID WEST LINE OF FOREST AVENUE A DISTANCE OF 200 FEET TO THE SOUTHEAST CORNER OF LOT 10 OF SAID E.H. PRINCE AND COMPANY'S ADDITION RECORDED AS DOCUMENT 43600;

THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 10 AND ALONG THE SOUTH LINE OF LOT 24 IN SAID E.H. PRINCE AND COMPANY'S ADDITION, TO THE WEST LINE OF THE EAST 95.5 FEET OF SAID LOT 24;

THENCE NORTH ALONG THE WEST LINE OF THE EAST 95.5 FEET OF LOTS 24 TO 28, BOTH INCLUSIVE, IN SAID E.H. PRINCE AND COMPANY'S ADDITION TO THE NORTH LINE OF THE SOUTH HALF OF LOT 28;

THENCE EAST ALONG SAID NORTH LINE OF THE SOUTH HALF OF SAID LOT 28, THE NORTH LINE OF THE SOUTH HALF OF LOT 6 IN SAID E.H. PRINCE AND COMPANY'S ADDITION AND THE EASTERLY EXTENSION THEREOF TO THE EAST LINE OF FOREST AVENUE;

THENCE NORTH ALONG SAID EAST LINE OF FOREST AVENUE TO THE POINT OF BEGINNING, DUPAGE COUNTY, ILLINOIS.

EXCEPTING THEREFROM THE FOLLOWING:

EXCEPTION PARCEL A:

ALL OF THE MARQUIS ON MAPLE CONDOMINIUMS OF DOWNERS GROVE, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 17, 2017 AS DOCUMENT NUMBER R2017-106610, IN DUPAGE COUNTY, ILLINOIS

EXCEPTION PARCEL B:

THAT PART OF LOT 14 IN ASSESSOR'S SUBDIVISION OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED BY COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 25-1/2 DEGREES EAST 2.50 CHAINS (165.00 FEET) TO A POINT ON THE EAST LINE OF SAID LOT 14 FOR A PLACE OF BEGINNING; THENCE SOUTH 85-3/4 DEGREES WEST 1.84 CHAINS (121.44 FEET) TO THE EAST LINE OF WASHINGTON STREET; THENCE SOUTH ALONG THE EAST LINE OF SAID WASHINGTON STREET 67 FEET (PER DEED) (95.0' PER RECORD, IN CONFLICT WITH RECORDED DEED); THENCE NORTHEASTERLY 143.5 FEET (PER DEED) (155.0' PER RECORD, IN CONFLICT WITH RECORDED DEED) TO A POINT IN THE EAST LINE OF SAID LOT 14 THAT IS 53 FEET SOUTHEASTERLY FROM THE PLACE OF BEGINNING; THENCE NORTH 25-1/2 DEGREES WEST 53 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

EXCEPTION PARCEL C:

THE SOUTH HALF OF THE WEST HALF OF LOT 7 IN BEARDSEY'S ADDITION TO THE TOWN OF DOWNERS GROVE, A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 16, 1868 AS DOCUMENT NUMBER 9654, IN DUPAGE COUNTY, ILLINOIS.

EXCEPTION PARCEL D:

LOTS 1 THROUGH 28 (BOTH INCLUSIVE) IN MIA GANADEN RESUBDIVISION, BEING A RESUBDIVISION IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED FEBRUARY 27, 2007 AS DOCUMENT NUMBER R2007-035479 AND CORRECTED BY PLAT RECORDED MARCH 16, 2010 AS DOCUMENT NUMBER R2010-034972, IN DUPAGE COUNTY, ILLINOIS.

EXCEPTION E:

ALL OF THE PROPERTY BOUNDED BY WARREN AVENUE ON THE SOUTH, ROGERS STREET ON THE NORTH, HIGHLAND AVENUE ON THE EAST AND MAIN STREET ON THE WEST; OMITTING FROM THIS EXEMPTION PARCEL ALL COMMERCIAL PROPERTY CONTAINED THEREIN AND AS MORE DESCRIPTIVELY DESCRIBED IN "EXHIBIT A" OF WARRANTY DEED RECORDED AS DOCUMENT NUMBER R2007-175491, IN DUPAGE COUNTY, ILLINOIS.

EXCEPTION PARCEL F:

ALL OF 4929 FOREST CONDOMINIUM ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF RECORDED FEBRUARY 20, 2008 AS DOCUMENT NUMBER R2008-026461, IN DUPAGE COUNTY, ILLINOIS

EXCEPTION PARCEL G:

ALL OF ACADIA ON THE GREEN SUBDIVISION, BEING A SUBDIVISION OF PART OF THE WEST HALF OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 16, 2005 AS DOCUMENT NUMBER R2005-279310, IN DUPAGE COUNTY, ILLINOIS;

EXCLUDING FROM SAID EXCEPTION THE FOLLOWING:

VERTICAL LOT 5 IN AFORESAID ACADIA ON THE GREEN SUBDIVISION.

EXCEPTION PARCEL H:

ALL OF ACADIA ON THE GREEN BUILDING 2 CONDOMINIUM, ACCORDING TO THE PLAT OF CONDOMINIUM RECORDED FEBRUARY 1, 2008 AS DOCUMENT NUMBER R2008-016698, IN DUPAGE COUNTY, ILLINOIS; EXCLUDING FROM SAID EXCEPTION THE FOLLOWING:

“RETAIL EXCEPTION” IN AFORESAID ACADIA ON THE GREEN BUILDING 2
CONDOMINIUM

ALSO EXCEPTING

ALL OF ACADIA ON THE GREEN BUILDING 3 CONDOMINIUM, ACCORDING TO THE PLAT
OF CONDOMINIUM RECORDED SEPTEMBER 29, 2008 AS DOCUMENT NUMBER R2008-
146191, IN DUPAGE COUNTY, ILLINOIS; EXCLUDING FROM SAID EXCEPTION THE
FOLLOWING:

“RETAIL SPACE” IN AFORESAID ACADIA ON THE GREEN BUILDING 3 CONDOMINIUM