

**VILLAGE OF DOWNERS GROVE  
COUNCIL ACTION SUMMARY**

**INITIATED:** Applicant **DATE:** August 16, 2005  
(Name)

**RECOMMENDATION FROM:** N/A **FILE REF:** PC-16-05  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to adopt "A Resolution Authorizing Execution of an Annexation Agreement for the Properties Located at 5505, 5507 and 5509 Belmont Road", as presented.

*ag*

**SUMMARY OF ITEM:**

Approval of the attached resolution will authorize an annexation agreement for the properties located at 5505, 5507 and 5509 Belmont Road.

**RECORD OF ACTION TAKEN:**

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RESOLUTION \_\_\_\_\_

**A RESOLUTION AUTHORIZING EXECUTION OF AN  
ANNEXATION AGREEMENT FOR THE PROPERTIES LOCATED AT  
5505, 5507 AND 5509 BELMONT ROAD, DOWNERS GROVE, ILLINOIS**

WHEREAS, there has been submitted for Village Council consideration proposed Annexation Agreement for the properties commonly known as 5505, 5507 and 5509 Belmont Road ; and,

WHEREAS, the Village Council held a public hearing on the proposed Annexation Agreement on August 9, 2005.

NOW, THEREFORE, be it resolved by the Council of the Village of Downers Grove, DuPage County, Illinois, as follows:

1. That the provisions of the preamble are incorporated into and made a part of this resolution.
2. That the form and substance of the proposed Annexation Agreement between the Village of Downers Grove and the owners of the properties described above (the "Owners") as submitted to this meeting with the recommendation of the Village Manager, are hereby approved.
3. That the Mayor and the Village Clerk are hereby respectively authorized and directed for and on behalf of the Village to execute, attest, seal, and deliver the Annexation Agreement substantially in the form approved in the foregoing paragraph of this resolution. The Village Clerk shall cause a copy of these Annexation Agreements to be recorded in the Office of the Recorder of Deeds of DuPage County, at the expense of the Owners.
3. That the proper officials, agents and employees of the Village are hereby authorized and directed to take such further action as they may deem necessary or appropriate to perform all obligations and commitments of the Village in accordance with the provisions of the Annexation Agreements.
4. That this resolution shall be in full force and effect from and after its passage as provided by law.

\_\_\_\_\_  
Mayor

Passed:

Attest: \_\_\_\_\_  
Village Clerk

**ANNEXATION  
AGREEMENT**

**FOR CERTAIN PROPERTY  
COMMONLY KNOWN AS  
5505, 5507, AND 5509  
BELMONT ROAD,  
DOWNERS GROVE,  
DUPAGE COUNTY,  
ILLINOIS**

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by and between the Village of Downers Grove ("Village"), an Illinois municipal corporation, and the Argianas Family, LLC together with the Sonaigra, LLC ("Owners");

WITNESSETH:

WHEREAS, the Owners are the owners of record of certain real estate located on the east side of Belmont Road approximately 220 feet north of Maple Avenue and legally described as follows:

Lots 20 through 25 inclusive, in Block 3 in the Maple Hill Subdivision, being a subdivision of Lots 18, 19 and 20 of Arthur T. McIntosh's Belmont Farms, being a subdivision in the Southwest Quarter of Section 7, Township 38 North, Range 11 East of the Third Principal Meridian, and in the Southeast Quarter of Section 12, and in the Northeast Quarter of Section 13, Township 38 North, Range 10 East of the Third Principal Meridian, according to the plat of said Maple Hill Subdivision recorded February 8, 1928 as Document 251608, also all that part of Belmont Avenue lying westerly and adjacent to Lots 20 and 21, lying northerly of the southerly line extended westerly) of Lot 20 in Block 3 in Maple Hill Subdivision, as aforesaid, and lying southerly of the south line extended easterly of the north 86 feet of the south 150 feet of Lot 22 in Arthur T. McIntosh's Belmont Farms, as aforesaid, all in DuPage County, Illinois.

Commonly known as 5505, 5507 & 5509 Belmont Road (PIN Nos. 08-13-201-003 through -008)

(hereinafter referred to as the "Property"); and

WHEREAS, the Owners desire to annex their Property into the Village having been before the Village of Downers Grove Plan Commission on June 6, 2005 as case PC-16-05 wherein a recommendation to rezone and to grant a special use with certain variations from Code to authorize the existing office building and to allow the construction of an expansion of the existing parking lot was made; and

WHEREAS, notice has been given to the fire protection and library districts as well as the township commissioner of highways as required by statute (65 ILCS 5/7-1-1); and

WHEREAS, the parties hereto desire that the Property be annexed to the Village on the terms and conditions hereafter set forth; and

WHEREAS, the Property is not located within the corporate boundaries of any municipality, but it is within the planning area of the Village, as established by boundary agreements with adjacent municipalities, and is contiguous to the Village; and

WHEREAS, the parties wish to enter into a binding agreement with respect to the future annexation of the Property and to provide for various other matters related directly or indirectly to said future annexation, in accordance with the provisions of 65 ILCS 5/7-1-1 et seq.; and

WHEREAS, the Village Council has determined that the annexation of the Property would further the orderly growth of the Village and promote the general welfare of the Village;

NOW THEREFORE, in consideration of the mutual covenants, agreements, terms and conditions herein set forth, the Owners and the Village agree as follows:

1. The provisions of the preamble herein above set forth are hereby restated and incorporated by reference.
2. The following documents are hereby incorporated into and made part of this agreement by reference:
  - A. Exhibit A - Plat of Survey
  - B. Group Exhibit B - Site Plans
  - C. Exhibit C - minutes of the Plan Commission meeting wherein the rezoning, special use, and variation were recommended
  - D. Exhibit D - Petition for Annexation
  - E. Exhibit E - Plat of Annexation
  - F. Exhibit F - Plat of Easement
3. The Owners have submitted to the Village together with this Agreement an executed Petition for Annexation and plat of annexation in the form provided by law (Exhibits D and E, respectively). The Owners shall pay all fees associated with this Agreement including publication fees and recording fees.
4. The Village agrees to annex the Property upon the terms and conditions set forth in this Agreement.
5. Immediately upon annexation, the Village agrees to adopt an ordinance zoning the Property R-6, Multiple Family Residence, under the Village of Downers Grove Zoning Ordinance. The Village further agrees to adopt an ordinance allowing a special use for an office building and expansion of a parking lot with a variation for screening and landscaping to allow for vegetative screening of the expanded parking lot area which is to be located within the required 25 foot setback along Belmont Road. Following passage of the ordinance rezoning the Property and the ordinance granting the requested special use and variation, and upon submittal of all required documentation, the owner agrees to develop this Property in conformance with the approved site plans (Exhibit B) except as provided in paragraph 6, herein. The rezoning, special use and variation survive the expiration of this agreement until modified in accordance with law.
6. Any development of the Property shall be in substantial conformance with the approved site plans. Provided, however, amendments or variations to such plans may be approved by the Village from time to time in accordance with this Agreement or applicable Village ordinances and such amendments or variations shall not require the amendment of this Agreement. Village ordinances, codes, rules, regulations and specifications generally in effect and applicable throughout the Village at the time approval of any modification is granted shall apply to any subject, not specifically addressed within this Agreement. Any redevelopment of the property subsequent to the development detailed herein shall comply with the existing R-6 uses allowable by the Downers Grove Municipal Code.

7. The Village will issue a certificate of occupancy, if after inspection by Village officials, Owner's property and building comply with the Downers Grove Municipal Code.

8. The Owner has submitted to the Village a Plat of Easement (Exhibit F) indicating a permanent nonexclusive easement is hereby reserved for and granted to the Village of Downers Grove, DuPage County, Illinois, and to all public utility companies and other companies of any kind operating under franchise granting them easement rights in, on, across, over, under, and through the areas shown by dashed lines and labeled "Easements" on the attached Plat for the purpose of installing, constructing, inspecting, operating, replacing, renewing, altering, enlarging, removing, repairing, cleaning, and maintaining electrical, gas, telephone, or other utility lines or appurtenances, sanitary sewers, storm sewers, water mains, and any and all manholes, hydrants, pipes, connections, catch basins, buffalo boxes, and, without limitation, such other installation as may be required to furnish public utility service or other franchise services to the attached area, and such appurtenances and additions thereto as the Village and Utilities may deem necessary, together with the right of access across the lots and real estate included in the attached document for the necessary persons and equipment to do any or all of the above work. The right is also hereby granted to the Village and Utilities to cut down, trim, or remove any trees, shrubs, or other plants that interfere with the operation of or access to the sewers or, without limitation, utility installations in, on, across, under, or through the Easements. No permanent structures shall be placed on the Easements, but some of the Easement area may be used for gardens, shrubs, landscaping, and other purposes that do not then or later interfere with the aforesaid uses and rights. If an easement is used for storm or sanitary sewers, other utility installations shall be subject to and not interfere with the municipal facilities. In the event the Village or any public utility company, under this grant of easement, undertakes action that disturbs Owner's property, the Village or public utility undertaking said action agrees to restore the property to a condition substantially equivalent to the condition that existed prior to the work undertaken by that entity.

9. The Owner shall construct a sidewalk in compliance with the approved site plan and in compliance with the Downers Grove ordinances and policies, including, but not limited to construction materials and width of path. Said sidewalks shall be constructed, installed and paid for by the developer or his designee. Thereafter, Owner grants to the Village, its successors and assigns, a permanent, non-exclusive easement in, on, across, under and through the areas designated on the plat of survey/site plan/sidewalk plan, attached hereto, as public sidewalk solely for the purpose of a public access sidewalk. Any portion of the sidewalk that lies upon Owner's property, as opposed to Village right-of-way, shall be treated as if it lies upon the Village right-of-way.

10. The Village shall assess, and the Owner shall pay the code services, public works and stormwater review and inspection fees as established, and from time to time amended, pursuant to the Downers Grove Municipal Code.

11. The Owners shall pay to the Fire Protection District Debt Service the amount of seven thousand, five hundred seventy-six dollars and fifty-three cents (\$7,576.53) upon said annexation.

12. The Owners shall reduce the impact of the light attached to the present building in such a way so that the glare into the neighboring residence is negated.

13. This Agreement shall be binding upon the Owners, as well as the Owner's successors, assigns and heirs. This Agreement shall constitute a covenant running with the land and shall be binding upon all persons taking any interest or right in the Property after the date this Agreement is executed by the Village. Any person acquiring any rights or interest in the Property after the date of this Agreement shall be bound by the terms hereof and shall be deemed to have accepted and approved this Agreement in full.

14. The Owners and the Village respectively agree to do all things necessary or appropriate to cause the Property to be duly and validly annexed to the Village. The Owners shall assist the Village and take all necessary action or steps to accomplish said annexation.

15. The parties to this Agreement or their successors or assigns, may, in either law or equity, by suit, action, mandamus, injunction or other proceedings in court, enforce and compel the performance of this Agreement, including suits for specific performance.

16. This Agreement may only be amended by written instruments signed by the parties.

17. The term of this Agreement shall be twenty (20) years from the date of execution thereof.

18. If any portion of the Agreement shall be declared invalid, the same shall not affect the validity of this Agreement as a whole, other than the part so declared invalid.

19. The undersigned warrants that he is the sole Owner of the Property and that he has full authority and power to sign this Agreement and the petition submitted herewith and that he has not and will not take any action to change ownership in the Property until after this Agreement is recorded.

IN WITNESS THEREOF this Agreement has been duly executed by those names subscribed below or on the signature pages attached hereto from time to time and which pages are specifically incorporated herein.

**OWNER  
ARGIANAS FAMILY, LLC**

By: \_\_\_\_\_

\_\_\_\_\_  
Print Name and Title

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

**OWNER  
SONAIGRA, LLC**

By: \_\_\_\_\_

\_\_\_\_\_  
Print Name and Title

Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

**VILLAGE OF DOWNERS GROVE**

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Village Clerk

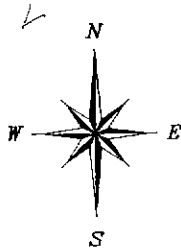
Subscribed and sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

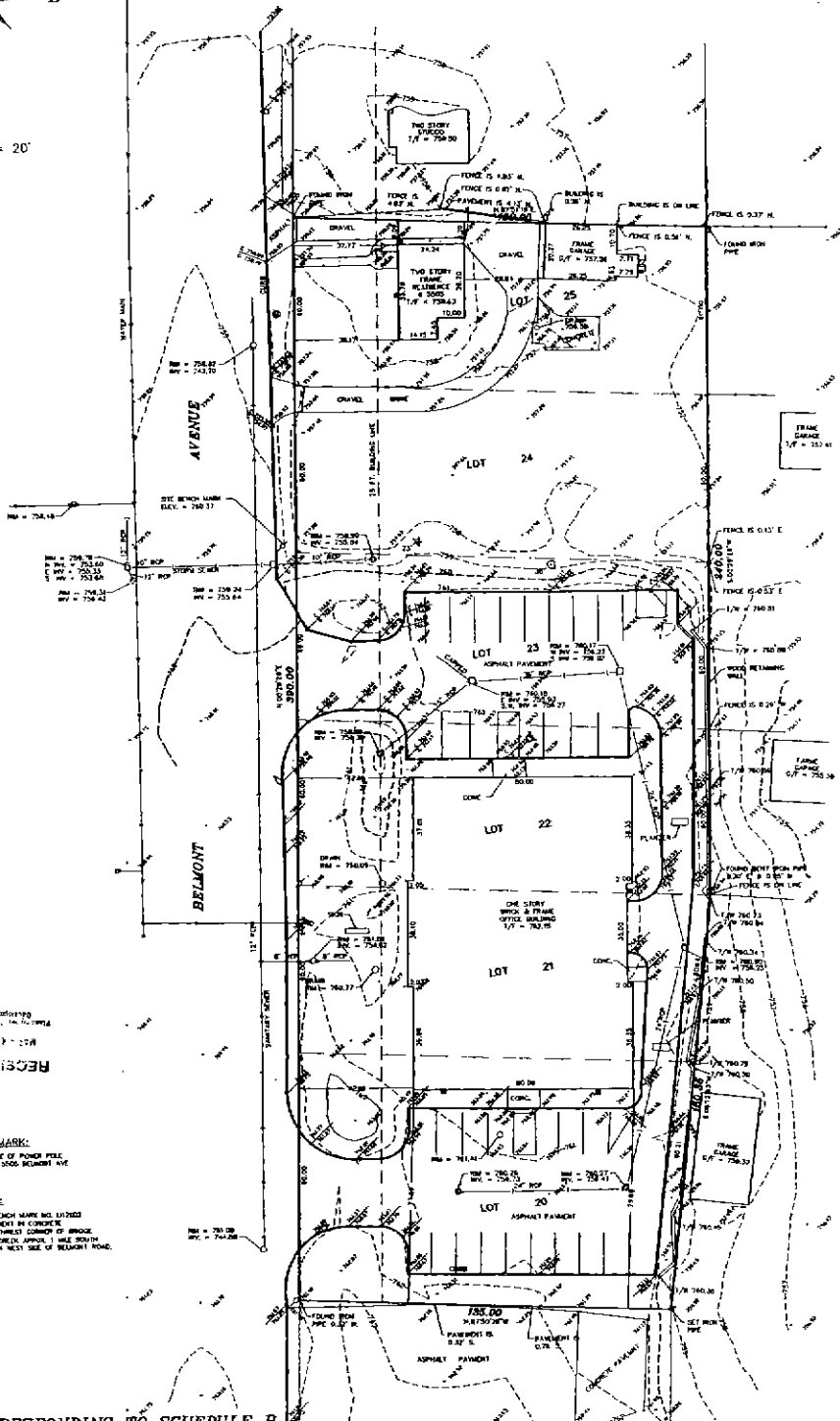
Date: \_\_\_\_\_

# ALTA/ACSM LAND TITLE SURVEY

LOTS 20, 21, 22, 23, 24, 25 IN BLOCK 3 IN MAP 174, SUBDIVISION, BEING A SUBDIVISION OF LOTS 18, 19, AND 20 OF SECTION 7, TOWNSHIP 36 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND IN THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 36 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND IN THE SOUTHWEST CORNER OF SECTION 12, AND IN THE SOUTHWEST CORNER OF SECTION 15, TOWNSHIP 36 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAN OF SAID MAP 174, SUBDIVISION, RECORDED FEBRUARY 6, 1988 AS DOCUMENT 728 008, IN CLERK'S OFFICE, ILLINOIS.



SCALE: 1" = 20'



### LEGEND

- ⊕ STORM SEWER MANHOLE
- ⊙ OFFICE BASH
- WELT
- ⊖ SANITARY SEWER MANHOLE
- ⊖ ELECTRIC METEY
- ⊖ GAS METEY
- ⊖ FIRE HYDRANT
- ⊖ WATER VALVE
- VULNER POLE
- ⊖ COMPOUND TREE
- ⊖ DECIDUOUS TREE

RECEIVED  
MAY 4 1994  
Planning & Survey Development

**SITE BENCH MARK:**  
NAIL IN NORTH FACE OF POWER POLE, W. S.W. CORNER OF 3000 BELMONT AVE. ELEVATION: 740.37

**BENCH MARK:**  
CUPFACE CONCRETE BENCH MARK NO. 142322 BRASS DISK MOUNTED IN CONCRETE BASK AT THE NORTHWEST CORNER OF BRIDGE OVER S. JOSEPH CREEK APPROX. 1/4 MI. SOUTH OF FINLEY ROAD ON WEST SIDE OF BELMONT ROAD. ELEVATION: 692.81

### NOTES CORRESPONDING TO SCHEDULE B

1. NONE

### NOTES:

1. BEARING BASH: BEARINGS ARE BASED ON THE WEST LINE OF LOTS 20 THROUGH 25 (BEING ALSO THE EAST LINE OF BELMONT AVENUE) ASSUMED TO BE N. 60°29'27" E.
2. AREA: 57,353.53 SQUARE FEET OR 1.317 ACRES
3. ALL BOUNDARY LINE DIMENSIONS ARE RECORDED AND MEASURED. ALL BOUNDARY LINE BEARINGS ARE MEASURED.
4. THERE IS NO VISIBLE EVIDENCE OF CENTERLINES.
5. CLOSURE EXCEEDS ACCURACY OF 1: 20,000.
6. PROJECT P.I.N. 06-12-201-003 THROUGH 008

RECEIVED  
MAY 4 1994  
Planning & Survey Development

THIS IS TO CERTIFY THAT THIS MAP OR PLAN AND THE SURVEY THEREON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS" - CORRECTIONS ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NPS IN 1999, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA, NPS AND ACSM AND IN EFFECT BY THE DATE OF THIS CERTIFICATION. UNDERSIGNED FURTHER CERTIFIES THAT THE PROFESSIONAL UNDERSIGNED HAS REVIEWED THE SURVEY MEASUREMENTS MADE ON THE SURVEY AND THAT THE MEASUREMENTS DO NOT EXCEED THE ALLOWABLE PROFESSIONAL TOLERANCE.

DATED: AUGUST 20, 2004

*Robert M. ...*  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2436

**HARRINGTON** LAND SURVEYING LTD.  
ILLINOIS & WISCONSIN

208 EDWARD LINE  
TOWNSHIP 36 N., RANGE 11 E., ACRES  
1000 16001 200 4001  
1/4 MI. 60001 600 4000

ORDERED BY: KOZOL ENGINEERING

SHEET 1 OF 1

LOCATION: BELMONT AVENUE, DOWNERS GROVE, ILLINOIS

SURVEY NO.: 047-04

FILE NAME: 047-04

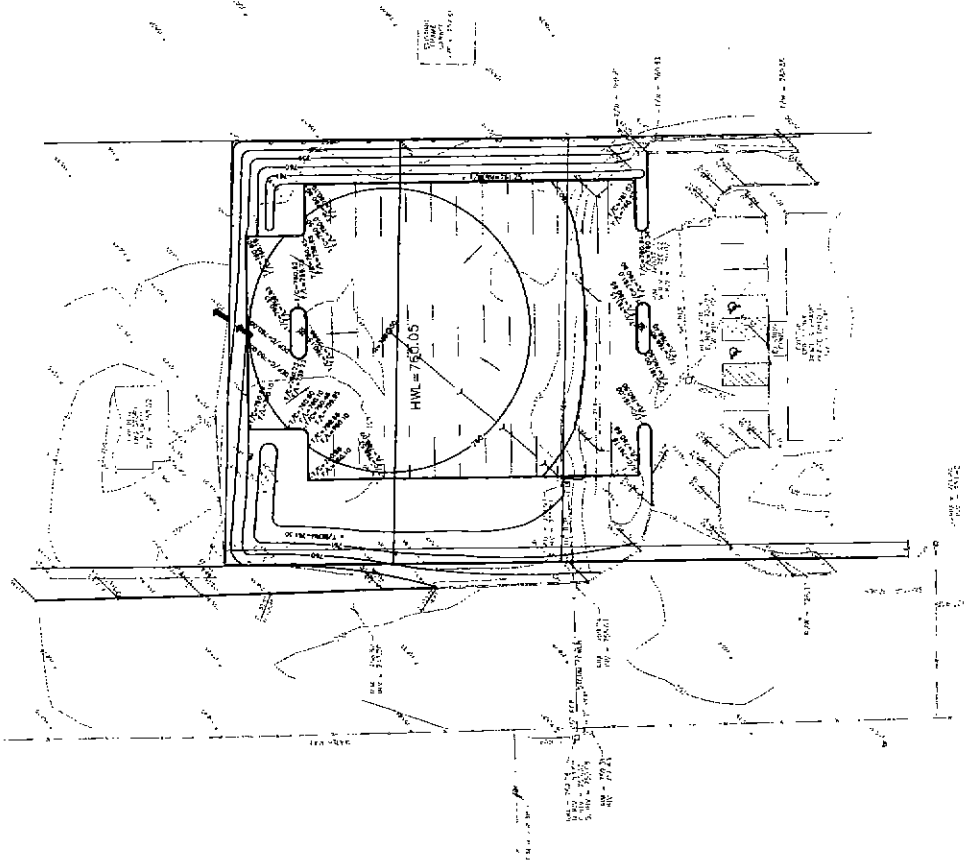
**FLOOD NOTE:** This property is in Zone C of the Flood Insurance Rate Map Community Flood No. 170797 0000 B which has an effective date of April 15, 1983 and is in a Special Flood Hazard Area. Flood mapping was not performed to determine the zone or direction in which water may be expected to move. Use of this information in any way is not intended to be used in conjunction with the Federal Emergency Management Agency.

Blumberg No. 5118

EXHIBIT  
**A**

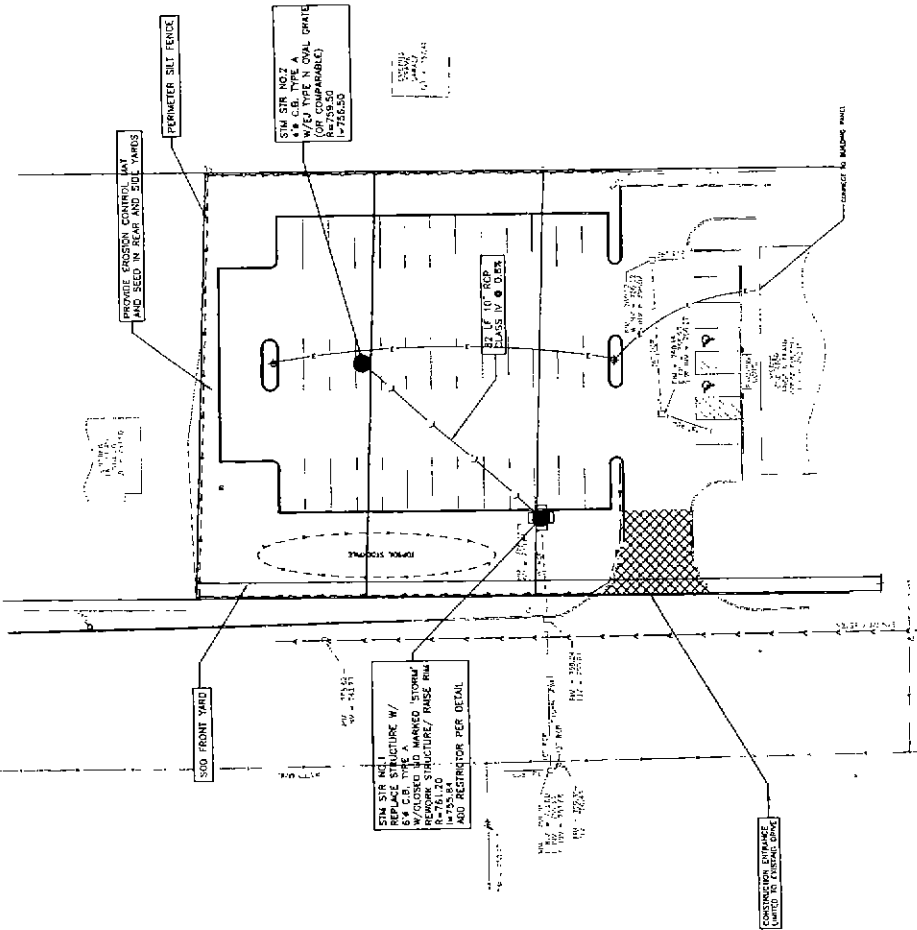
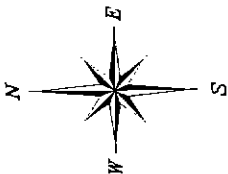


TOTAL SITE ARE = 17,199.2 SF  
 CONTRIBUTING AREA = 14,156.86 SF  
 IMPERVIOUS AREA = 11056.75 SF  
 PERVIOUS AREA = 3100.59 SF  
 AREA OF 760 GRADE = 8163.70 SF  
 AREA OF 760.5 GRADE = 11378.52

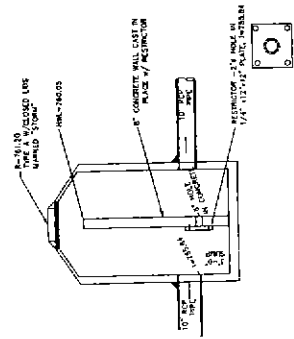


→ EMERGENCY OVERFLOW ROUTE

PREPARED BY: ARCHANAS AND ASSOCIATES 2001 W. BROADWAY SUITE 100 HOUSTON, TEXAS 77002 832/966-6117		DESIGNED BY: KOZLOI ENGINEERING SERVICES Professional Engineer 1179 DOWN AVE. HOUSTON, TEXAS 77003 832/433-1884		5405 BELMONT AVE., PARKING LOT DOWNERS GROVE, IL	
REVISIONS NO. DESCRIPTION 1 PRELIMINARY ENGINEERING 2 PRELIMINARY ENGINEERING		DATE 12/23/05 1/20/06		GRADING PLAN	
DRAWN BY: JEC CHECKED BY: JEC		DATE: 1/20/06		SCALE: 1"=20' SHEET NO.: 5 OF 6	



**STORM STRUCTURE #1  
CATCH BASIN DETAIL**



SIM STR NO.2  
4\"/>

SIM STR NO.1  
REPLACE STRUCTURE W/  
6\"/>

<p>5505 BELMONT AVE. PARKING LOT DOWNERS GROVE, IL</p>	
<p>UTILITY AND SOIL EROSION PLAN</p>	
<p>DATE: 1/17/05 SCALE: 1"=20'</p>	<p>DATE: 1/17/05 SCALE: 1"=20'</p>
<p>NO. 0</p>	<p>DESCRIPTION: PRELIMINARY ENGINEERING</p>
<p>NO. 1</p>	<p>DESCRIPTION: PRELIMINARY ENGINEERING</p>
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<p>NO. 98</p>	<p>DESCRIPTION:</p>
<p>NO. 99</p>	<p>DESCRIPTION:</p>
<p>NO. 100</p>	<p>DESCRIPTION:</p>

BEZABER, IL  
**KOZIOL ENGINEERING SERVICES**  
 Professional Engineer  
 License No. 000000000  
 5505 BELMONT AVE. SUITE 100  
 DOWNERS GROVE, IL 60015  
 630/433-8844  
 CIVIL/CONSULTING ENGINEERS

BEZABER, IL  
 APRIL 11, 2005  
 5505 BELMONT AVE. SUITE 100  
 DOWNERS GROVE, IL 60015  
 630/433-8844



The Chairman reviewed the procedures and purpose of the Plan Commission's public hearings and read the oath to those individuals who would be speaking on behalf of File No. PC-16-05.

**FILE NO. PC-16-05 A petition seeking 1) annexation into the Village; 2) Rezoning upon annexation from County R-4, Single Family Residence District to Village R-6, Multiple Family Residence District; 3) Approval of a Special Use to authorize the existing office building in the proposed R-6 Zoning District to allow the construction of a new accessory parking area; and 4) Variation to allow the required vegetative screen for the parking area to be located within the required setback; property located on the east side of Belmont Road, approximately 220 feet north of Maple Avenue; commonly known as 5505, 5507 and 5509 Belmont Road, Downers Grove, IL (PIN Nos. 08-13-201-003 through 008); Tracy D. Kasson, Attorney/Petitioner; Argianas Family LLC & Sanaigra LLC, Owners**

Mrs. Riordan reviewed the Petitioner's Requested Action. She noted that the 1.3 acre subject property is located on the east side of Belmont, north of Maple Avenue and is comprised of six parcels of land currently zoned County R-4, Single Family Residential. The property is subject to a County Special Use, which authorized the construction of the existing office building. She explained the existing conditions, noting that the northerly parcel is currently occupied by a single-family residential structure. The middle lot is vacant, and the single-story, 10,500 sq. ft. office building and two accessory parking areas occupy the four southerly parcels.

As designated on the Future Land Use Map, the subject property is zoned Residential with 6 to 11 dwelling units per acre, which most closely correlates to the Village's R-5A Townhouse Zoning District. The Joint Strategic Land Use Planning Committee, as well as the Village's Economic Development Commission, reviewed and discussed the concept of an office/transitional designation for the subject area and at that time, agreed that an office could function as a transition between Commercial and Residential use. Rather than rezoning the property to Commercial, the applicant decided to rezone the property to R-6 and seek the Special Use authorization from the Village, which allows the Village to retain control over site planning-related issues for the office development.

Displaying the plans on the overhead screen, Mrs. Riordan noted the detail of the northern parking lot area and the proposed expansion of the parking lot. The requested Variation pertains to the screening of the proposed parking lot along Belmont Road. The petitioner is proposing to satisfy the screening requirement by installing a landscaped screen, however, the leading edge of the landscaped screen is proposed to have a setback of less than the minimum 25 feet required. This requires consideration of a setback Variance.

Also regarding screening of the parking lot expansion, Mrs. Riordan noted that Staff is recommending that the proposed row of arborvitaes north of the parking lot should be extended the full length of the property, up to the required setback, so as to fully screen the parking lot from the residential properties to the north. Mrs. Riordan explained that along the east property line, the Petitioner is installing a solid, board-on-board fence along the expanded parking area, and is proposing some additional landscaped materials interior to the fence.

As to bulk characteristics, landscaped green space, and parking requirements, Mrs. Riordan noted that the proposed plan meets or exceeds the minimum requirements of the Zoning Ordinance. Staff

does recommend that the Petitioner be required to provide a photometric plan of the property regarding site lighting, in order to ensure that the proposed lighting plan provides safe but unobtrusive lighting.

Mrs. Riordan continued, noting that the Public Works Department has commented that the Petitioner will be required to submit a complete stormwater management submittal prior to the issuance of any construction permitting for the parking lot expansion.

Mrs. Riordan noted that the standards for approval for both the requested Special Use and the Variation were provided in Staff's report. Staff recommends the Plan Commission forward a favorable recommendation to the Village Council regarding the proposal, subject to the seven conditions outlined in the Staff Report.

Comments and questions followed. In response to Mr. Waechtler's question regarding photometric plans and landscaping plans, Mrs. Riordan indicated the Petitioner might have additional information as it pertains to these issues this evening, but Staff has had no opportunity to review the plans. Therefore, Mrs. Riordan recommended the Commissioners include the submission of these items as a condition in any motion recommending approval of the plan.

Mr. Tracy Kasson, 300 E. Roosevelt Road, Wheaton, Illinois, attorney for Petitioners Argianas Family LLC and Sanaigra LLC, introduced himself and explained the Petitioner will submit a revised landscape plan reflecting the recommended landscaping by Staff, and will also submit a photometric plan reflecting foot-candles of zero at all property lines as recommended by Staff.

Other introductions followed: Mr. Charles Argianas, manager/member of both LLC companies; Mr. Joseph Abel, Planning Consultant; and Mr. Jim Koziol, engineer for the project.

Mr. Kasson stated that the reason the Petitioner was proposing to rezone the property to R-6 with a Special Use was to alleviate Village concerns about opening up Belmont Road to commercial development. He explained that the Village provided water to the subject office development subject to a pre-annexation agreement in the 1990's.

Mr. Charles Argianas, on behalf of the Argianas Family, LLC and the Sanaigra LLC, discussed his background and the reasons why he purchased the property four years ago; he said he did so as an investment and to have his own office on the site. The reason for this request is to improve the property in general, and to develop something that is consistent with the area. He reiterated that his proposed plan complies with or exceeds the requirements of the Village, with the exception of the setback of the hedge. He added that his property is probably the best-kept property in the area. While the 3.3 parking spaces per 1,000 square feet meets Code, he believes additional parking would be more effective for everyone at the site; i.e., the tenants, the garbage trucks, the Fed-X trucks, etc.

Mr. Jim Koziol, Koziol Engineering, 1709 Ogden Avenue, Lisle, Illinois, confirmed the Petitioner meets all the setbacks with the exception of the hedge, and pointed out the ingress and egress on the site. He said that proposed lighting would include a regular shoebox type fixture attached to 24-foot poles with rear glare shields to direct the lighting straight down at the property lines. While the utilities will remain the same, the parking lot curbs will be pitched to the center inlet for drainage to the existing storm sewer.

Mr. Joe Abel, 200 Forest Avenue, Glen Ellyn, Illinois, Planning and Economic Development Consultant, reviewed his professional background. He briefly reviewed the standards for zoning, and how the site fits within the Village's Comprehensive Plan as a transitional site. He explained that no negative impacts to adjacent uses will occur, and the use is compatible with the surrounding area. If the site were to be developed in the default R-1 zoning district upon annexation, it would be contrary to the Village's plan and the trend of the development in the area.

Mr. Abel commented that only one parcel remains vacant, while the office building has been there for six years, and the northern single-family residential home has outlived its usefulness. Regarding a community need for the parcel, additional parking is being provided with the hope to attract additional healthcare facilities to service the area. Mr. Abel addressed each of the four Special Use Standards noting that no negative effects would occur.

Regarding the request for Variation, Mr. Abel explained the lots are not very deep, and create a hardship when trying to plan a conforming parking lot with conforming setbacks for the required screening of the parking lot. While the parking lot could have been pushed further to the east in order to allow the setback to be satisfied for the screening on the west, it was not because of their desire to provide as much greenspace as possible next to the adjacent residential properties to the east. The Petitioner did not want to locate the parking any closer to the residential area.

Mr. Abel summarized that in his opinion, the Petitioner has met all of the standards of the Zoning Ordinance for rezoning property from R-1 to R-6; the Special Use standards; and the Variation standards based on the fact that a hardship existed as it related to the depth of the lots as well as meeting the other requirements within the Ordinance.

Mr. Argianas reiterated his proposal would beautify the existing office property, take care of the drainage on his property and improve the area in general. He said that he was willing to work with everyone in order to make this plan the best it can be.

Chairman Jirik opened up the discussion to the Commissioners.

Mr. Nicholaou suggested that the Petitioner review the lighting at the Prospect School in Clarendon Hills, as this development had lighting that had no impact on residential neighbors.

Other questions followed regarding the history of the required pre-annexation agreements in this area, as they relate to water contamination issues. Mrs. Riordan explained the Ellsworth industrial area and its surrounding residential neighborhoods have been subject to contaminated well water. The State of Illinois has required residents to hook up to the available public water system and to not use the well water for household purposes. Therefore, the residents requested to be able to enter into an agreement with the Village, so that pre-annexation agreements would no longer be required in order to hook up to our water service. Additionally, any existing signed pre-annexation agreements are not going to be enforced. Therefore, any annexation into the Village in these areas is purely voluntary.

Further clarification followed on the landscaping setback and the required screening or fencing necessary. Staff indicated the Ordinance requires either a fence or a landscaped screen, and the Petitioner opted to provide the solid landscape screening in certain areas and solid fencing in other

areas. Regarding the screening along Belmont Road, Staff is of the opinion that the requested setback Variation is minimal, and the screening meets the intent of the Ordinance.

Mr. Kasson indicated the trade-off was to try to create as big of a rear yard setback as possible adjacent to the residential properties to the east. Without the Variation, the Petitioner would have to move the parking lot closer to the residential properties to the east in order to meet the setback requirement, because the depth of the parking spaces and the width of the driveways are required by the Ordinance.

Mr. Kasson added that Public Works has directed the Petitioner to install a sidewalk across the entire front property line, which is being done mostly on the subject property and not within the right-of-way. Since the Village did not have sufficient right-of-way for a sidewalk, the Petitioner has agreed to grant an easement to the Village to install the sidewalk mostly on the Petitioner's property. Details of this easement will be worked out with the Village Attorney regarding liability.

Regarding a question from Mrs. Rabatah concerning the non-conformities in the existing parking areas, Mr. Kasson confirmed that no re-striping or re-sizing of spaces in the two existing parking lots would occur.

Chairman Jirik opened the discussion up to the public.

Mrs. Shirley Wren, 5514 Hillcrest Avenue, Downers Grove, stated she resides east of the area and asked the Petitioner to provide a covenant to preclude any more development and just install a parking lot. She believed the parking lot would provide opportunity for more development. She did not support the request. She discussed the old field tiles in the area and stated the engineer did not address the tiles that were in her subdivision. No provision existed in the plan as it relates to retention/detention and neighbors currently get water in their basements. She did not want to see multiple family in this area, and Belmont Road is not wide enough.

Mr. Kasson stated if the Petitioner came in requesting R-1 single-family zoning, the office would be considered a legal non-conforming use. He added that R-6 zoning was the most appropriate request, taking into account the direction of Belmont Road and its development, as R-6 requires Special Use approval for any proposed changes to the office.

Chairman Jirik explained to Mrs. Wren that the request was for a non-residential use. Mr. Kasson also explained the multiple-family zoning was more consistent with the Comprehensive Plan than a commercial zoning district.

Regarding the stormwater issues raised by Mrs. Wren, Mr. Kasson indicated a detailed review would follow as required by Public Works. He added that there will be some parking lot detention provided. Water would drain into the current stormwater system and the guidelines under the DuPage County Stormwater Ordinance have to be met. If Belmont Road were ever widened in the future, any removed detention would have to be replaced.

Mr. Koziol explained if a field tile is located during construction, the Petitioner is required to pick up the tile and tie it into the storm system.

The Chairman asked for clarification of Mrs. Wren's concern about the R-6 zoning whether she preferred an alternative zoning that was less of a concern. Mrs. Wren responded she preferred to leave the property as is currently zoned.

Mr. Ray Kristufek, 5503 Belmont Road, Downers Grove, Illinois, stated he lived immediately north of the proposed parking lot expansion. He expressed concern about the proposed landscaping, since it may affect sight lines as he exits his driveway onto Belmont Road. He requested the plantings be low or be moved back so as to not obstruct his vision when he pulls out onto Belmont. He asked that a six-foot solid wood fence be installed along the north property line in addition to the proposed landscaping to distinguish between the properties.

Mr. Kasson responded a sight distance triangle exists, and that based upon Staff's suggestion, there will be no screening plantings from the 25-foot setback to the road. Discussion regarding tree locations followed, and it was agreed that the proposed trees would be set back sufficiently to provide adequate visibility at the driveway. Regarding the installation of a fence along the north property line, it was agreed that the Petitioner should submit a revised plan to Staff prior to this plan being presented to Council.

Mr. Kristufek confirmed with the Petitioner that the lighting would not reflect on his property. Should it become an issue, Mr. Kasson stated timers would be installed on the lights. The Petitioner has every intent of working with the neighbors.

Hearing no further comments from the audience, Chairman Jirik closed the public portion of the hearing. No further comments were received from the Plan Commissioners. Mr. Kasson respectfully requested approval from the Commission.

Chairman Jirik explained two Motions should be made: the first Motion for the annexation and rezoning of the property and the second Motion for the Special Use and Variation request.

**MOTION: WITH RESPECT TO FILE NO. PC-16-05, MRS. RABATAH MOVED THAT THE PLAN COMMISSION FORWARD A FAVORABLE RECOMMENDATION TO THE VILLAGE COUNCIL WITH RESPECT TO THE ANNEXATION AND THE REZONING OF THE PROPERTY TO R-6 MULTIPLE FAMILY ZONING. MR. GRIESBAUM SECONDED THE MOTION.**

Chairman Jirik agreed with the concept that the R-6 zoning provides a measure of protection. He stated it was accurate, realistic, and reasonable, and R-6 zoning would provide control as to what could be constructed on the property. Mr. McCormick concurred.

**ROLL CALL:**

**AYE: MRS. RABATAH, MR. GRIESBAUM, MR. MCCORMICK, MR. NICHOLAOU,  
MR. WAECHTLER; MR. WEBSTER, CHAIRMAN JIRIK**

**NAY: NONE**

**MOTION PASSED. VOTE: 7-0**

Chairman Jirik then called for a motion regarding the Special Use and Variation requests.

**MOTION: WITH RESPECT TO FILE NO. PC-16-05, MR. GRIESBAUM MOVED THAT THE PLAN COMMISSION FORWARD A FAVORABLE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF THE SPECIAL USE TO AUTHORIZE THE EXISTING OFFICE BUILDING AND TO ALLOW THE CONSTRUCTION OF THE NEW ACCESSORY PARKING AREA; AND FOR THE APPROVAL OF THE VARIATION TO ALLOW THE REQUIRED VEGETATIVE SCREEN FOR A PARKING AREA TO BE LOCATED WITHIN THE REQUIRED SETBACK ALONG BELMONT ROAD; ALL SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. SUBMISSION OF A REVISED PLAN INDICATING A SOLID SIX FOOT TALL FENCE ALONG THE NORTHERLY PROPERTY LINE AS REQUESTED BY THE NEIGHBOR. THE FENCE SHALL CONFORM TO ALL APPLICABLE ORDINANCE REQUIREMENTS, INCLUDING FRONT SETBACK AND VISIBILITY STANDARDS;**
- 2. CONFIRMATION THAT THE PROPOSED LANDSCAPING MATERIALS WILL NOT IMPAIR VISIBILITY AT THE INTERSECTION OF THE NORTHERLY NEIGHBOR'S DRIVEWAY AND BELMONT ROAD;**
- 3. PROPERLY PERMITTED DEMOLITION OR REMOVAL OF THE EXISTING RESIDENCE PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT FOR THE PROPOSED PARKING LOT EXPANSION;**
- 4. COMPLIANCE WITH ALL PUBLIC WORKS REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED JANUARY 1, 2005;**
- 5. COMPLIANCE WITH ALL FIRE PREVENTION DIVISION REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED MARCH 10, 2005;**
- 6. SUBMITTAL OF A PHOTOMETRIC SITE PLAN PRIOR TO COUNCIL CONSIDERATION, INDICATING SAFE AND EFFECTIVE LIGHTING LEVELS, MOST NOTABLY INDICATING LIGHTING LEVELS OF 0.0 FOOTCANDLES AS THE PROPERTY LINE ADJACENT TO THE RESIDENTIAL USES TO THE EAST;**
- 7. SUBMITTAL OF A REVISED LANDSCAPE PLAN PRIOR TO COUNCIL CONSIDERATION, INDICATING EXPANDED SCREENING ALONG THE NORTHERLY PROPERTY LINE;**
- 8. ANY CHANGES TO THE CONDITIONS REPRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER THOSE CHANGES OCCUR PRIOR TO OR AFTER VILLAGE APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. CHANGES MAY REQUIRE ADDITIONAL REVIEW; AND**
- 9. IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS, AND POLICIES.**

Mr. McCormick commented the Petitioner has kept the property in good condition, and he considered him a good neighbor. Should the Village Council approve the recommendation, he would welcome the Petitioner into the Village of Downers Grove.

Mr. Waechtler stated after visiting the site he concurred with Mr. McCormick. He stated the Petitioner appeared to be working cooperatively with Staff. He commended Staff for their thorough and detailed report.

Chairman Jirik stated the standards as outlined by the Petitioner were reasonable, rational and logical. The Special Use was justified by the evidence presented. The Variation also was justified considering the nearby residents.

**ROLL CALL:**

**AYE: MR. GRIESBAUM, MR. NICHOLAOU, MRS. RABATAH, MR. MCCORMICK,  
MR. WAECHTLER; MR. WEBSTER, CHAIRMAN JIRIK**

**NAY: NONE**

**MOTION PASSED. VOTE: 7-0**

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Chairman Jirik recessed the meeting at 9:00 p.m. The commission reconvened at 9:08 p.m.

**FILE NO. PC-15-04 A petition seeking Final Plat of Subdivision with Lot Area and Certain Public Improvement Exceptions for the Golf View Estates Subdivision; property located on the west side of Puffer Road at the terminus of Chicago Avenue, commonly known as 4606 Puffer Road, Downers Grove, IL (PIN 08-01-408-006); Steve McSweeney, Petitioner; CBC Development, LLC, Owner**

Chairman Jirik called the Public Hearing for PC-15-04 to order and noted the petition is for Golf View Estates, a four-lot subdivision with certain Exceptions from Code. He noted the Petitioner and location of the property, and swore in all members of the public who intend to speak this evening regarding this petition.

Amanda Riordan, Planner, presented the Staff Report. She explained the Petitioner is seeking approval of a Final Plat of Subdivision for a four lot, single-family residential subdivision with certain Exceptions. The requested Exceptions pertain to the lot areas of each of the four proposed lots, as well as public improvements of curb and gutter, street pavement width, and parkway width.

This petition was originally presented to the Plan Commission in August of 2004 and included a request to rezone the subject property from R-1 to R-3 as well as a Final Plat of Subdivision for a five-lot subdivision with certain public improvements Exceptions. Ms. Riordan noted that background information regarding the original petition was included as a separate packet in the Staff Report.

Ms. Riordan indicated the Plan Commission had recommended the Village Council approve the Petitioner's original request, including rezoning the subject property from R-1 to R-3. The Village



\$60 Processing Fee

### PETITION FOR ANNEXATION TO THE VILLAGE OF DOWNERS GROVE, ILLINOIS

STATE OF ILLINOIS     )  
                                  ) SS  
COUNTY OF DU PAGE    )

TO: The Mayor and Village Council of the  
Village of Downers Grove  
801 Burlington Avenue  
Downers Grove, Illinois 60515-4776

The undersigned petitioner or petitioners (hereinafter referred to as the "Petitioners), being first duly sworn on oath, hereby respectfully represent and petition as follows:

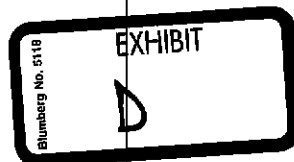
1. The Petitioners are and include (i) the owner or owners of record of all land within the territory (the "Territory") hereinafter more particularly described, to be annexed to the Village of Downers Grove, Illinois, pursuant to this Petition, and (ii) at least 51% Of the electors, if any, residing in the Territory;
2. The Territory is contiguous to the Village of Downers Grove, Illinois, and is not included within the corporate limits of any municipality;
3. The Petitioners request that the Territory, more particularly described as follows, to-wit:

Lot 20 through 25 inclusive, in Block 3 in the Maple Hill Subdivision, being a subdivision of Lots 18, 19 and 20 of Arthur T. McIntosh's Belmont Farms, being a subdivision in the Southwest Quarter of Section 7, Township 38 North, Range 11 East of the Third Principal Meridian, and in the Southeast Quarter of Section 12, and in the Northeast Quarter of Section 13, Township 38 North, Range 10 East of the Third Principal Meridian, according to the plat of said Maple Hill Subdivision recorded February 8, 1928 as Document 251608, also all that part of Belmont Avenue lying westerly and adjacent to Lots 20 and 21, lying northerly of the southerly line (extended westerly) of Lot 20 in Block 3 in Maple Hill Subdivision, as aforesaid, and lying southerly of the south line extended easterly of the north 86 feet of the south 150 feet of Lot 22 in Arthur T. McIntosh's Belmont Farms, as aforesaid, all in DuPage County, Illinois.

PIN Nos. 08-13-201-004  
5507 Belmont - Lot 24

08-13-201-003  
5505 Belmont - Lot 25

PIN Nos. 08-13-201-005, 08-13-201-006, 08-13-201-007, 08-13-201-008  
5509 Belmont - Lots 20, 21, 22 and 23



together with any public streets or highway adjacent to or within the Territory that have not previously been annexed to any municipality to be annexed to and become a part of the Village of Downers Grove, Illinois.

- 4. A plat of annexation certified by a Registered Illinois Land Surveyor and including the Permanent Parcel Number of the Territory has been or will be prepared and attached hereto as an exhibit.
- 5. That this annexation is contingent upon granting zoning as requested in the petition filed herewith, and the entering into an Annexation Agreement on terms and conditions acceptable to the Petitioner.

WHEREFORE, the Petitioners respectfully request that an ordinance be adopted by the Council of the Village of Downers Grove, Illinois, annexing the Territory to said Village and that all such other proceedings be had as are required by law to effect the annexation of the Territory to the Village of Downers Grove, Illinois.

Dated: May 5 20 05

Respectfully submitted,

Owners: By: <sup>①</sup> Argianas Family LLC <sup>②</sup> Sanaigra LLC  
Chris G. Argianas, Manager / By: Rumb. Arg. Manager

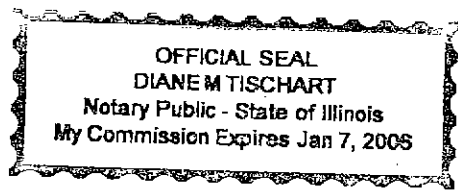
Mailing Address: c/o Charles G. Argianas  
Argianas & Associates, Inc.  
5509 Belmont, Downers Grove, IL

Telephone Numbers: <630> 390-0113 @ 105  
6051

Subscribed and sworn to before me  
this 5th day of May  
20 05

Diane M. Tischart  
Notary Public

NOTARIAL SEAL



[Signature]  
Christalva

Electors (if any)



# PLAT OF EASEMENT

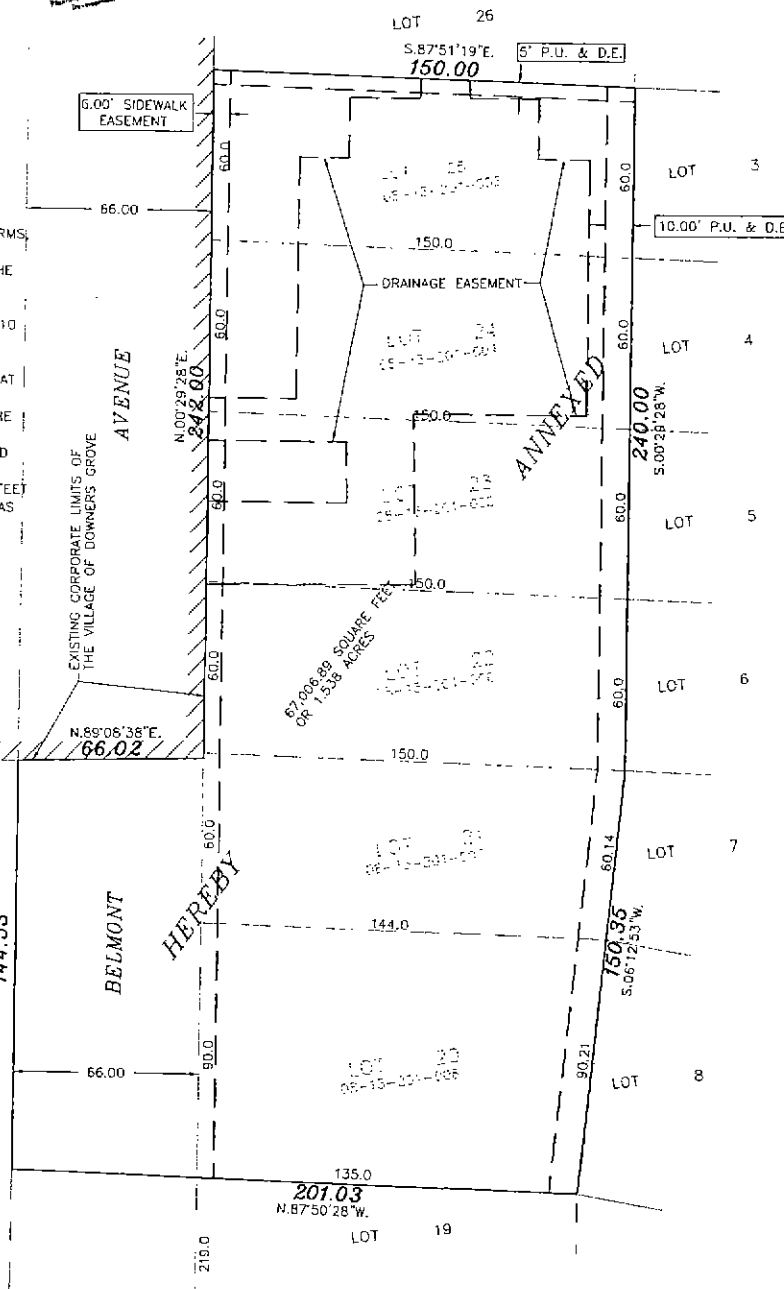
TO THE VILLAGE OF DOWNERS GROVE



RECEIVED  
FEB 17 2005  
Planning and Zoning Department

LOTS 20 THROUGH 25, BOTH INCLUSIVE, IN BLOCK 3 IN MAPLE HILL SUBDIVISION, BEING A SUBDIVISION OF LOTS 18, 19 AND 20 OF ARTHUR T. MCINTOSH'S BELMONT FARMS, BEING A SUBDIVISION IN THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND IN THE SOUTHEAST QUARTER OF SECTION 12, AND IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID MAPLE HILL SUBDIVISION RECORDED FEBRUARY 8, 1928 AS DOCUMENT 251608, ALSO ALL THAT PART OF BELMONT AVENUE LYING WESTERLY AND ADJACENT TO LOTS 20 AND 21, LYING NORTHERLY OF THE SOUTHERLY LINE (EXTENDED WESTERLY) OF LOT 20 IN BLOCK 3 IN MAPLE HILL SUBDIVISION, AS AFORESAID, AND LYING SOUTHERLY OF THE SOUTH LINE EXTENDED EASTERLY OF THE NORTH 86 FEET OF THE SOUTH 150 FEET OF LOT 22 IN ARTHUR T. MCINTOSH'S BELMONT FARMS, AS AFORESAID, ALL IN DUPAGE COUNTY, ILLINOIS.

SOUTH LINE OF THE NORTH 86 FEET OF THE SOUTH 150 FEET OF LOT 22 IN ARTHUR T. MCINTOSH'S BELMONT FARMS



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

THIS INSTRUMENT \_\_\_\_\_ WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. AND WAS RECORDED AS DOCUMENT NO. \_\_\_\_\_

RECORDED OF DEEDS

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

THIS PROPERTY SHOWN ON THE ABOVE PLAT OF ANNEXATION IS IDENTIFIED AS THAT INCORPORATED AND MADE A PART OF THE VILLAGE OF DOWNERS GROVE BY ORDINANCE NO. \_\_\_\_\_ ADOPTED BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2005.

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

I, RALPH J. MARUGG, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT HEREON WAS PREPARED UNDER MY DIRECT SUPERVISION FROM EXISTING RECORDS AND PLATS FOR THE PURPOSE OF ANNEXING PROPERTY TO THE VILLAGE OF DOWNERS GROVE AND THAT THE SAID PLAT IS AN ACCURATE DEPICTION OF THE HEREON DRAWN LANDS.

ATTEST: \_\_\_\_\_ BY: \_\_\_\_\_  
VILLAGE CLERK MAYOR

HANOVER PARK, ILLINOIS FEBRUARY 17, 2004

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2436

SCALE: 1" = 20'  
DRAWN BY: R.J.M.  
FILE NAME: 045-04.DWG

