

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
AUGUST 2, 2011 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Final Plat of Subdivision - 226 6 th Street	<input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Motion <input type="checkbox"/> Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A resolution for a Final Plat of Subdivision has been prepared to consolidate two existing lots into one lot for the property located at 226 6th Street.

STRATEGIC PLAN ALIGNMENT

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

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the August 9, 2011 active agenda.

BACKGROUND

The 7,920 square foot property, commonly known as 226 6th Street is zoned R-4 Single Family Residential and consists of two 30-foot wide by 132-foot deep lots. An existing single-family home and a detached garage are located on the property. The petitioner is proposing to consolidate the two lots into one 60-foot wide by 132-foot deep lot.

The petitioner is proposing to demolish the existing single family home and detached garage and construct a new single family home. The consolidation of the two lots into a single lot will permit the property owner to construct the proposed new single family home.

All required infrastructure, including sidewalks, currently exist and no new public improvements are required. The proposed lot will include five-foot wide public utility easements along the side property lines and a ten-foot wide public utility easement along the rear property line, which meet the requirements for public utility easements. The new lot will conform to the Zoning Ordinance dimensional requirements contained in Sections 28.1103 d) and 28.1104 d). Per Sections 20.101 and 20.301 c) the petitioner is not requesting any exceptions from the Subdivision Ordinance and the proposed lot consolidation does not increase the net non-conformity of the property. The dimensions for the new lot are outlined in the table below:

226 6 th Street	Lot Width		Lot Depth		Lot Area	
	Required	Proposed	Required	Proposed	Required	Proposed
Lot 1	50 feet	60 feet (no change)	140 feet	132 feet (No change)	7,500 sq. ft.	7,920 sq. ft.

The Plan Commission considered the petition at their July 11, 2011 meeting. One neighbor voiced his concern about the impact of the proposed new single family home on the stormwater runoff in the area. Staff indicated the plans for a new house have been submitted to the Village for a building permit. Staff has reviewed the plans and sent a review letter to the property owner on June 6, 2011 with comments that need to be addressed prior to issuance of the building permit. The plans for a new house will have to comply with all requirements of the Stormwater Ordinance prior to issuance of the building permit. Staff also offered to put the resident in touch with the Village's development engineer for more details.

The Plan Commission found that the request met the standards of the Subdivision Ordinance. Based on their findings, the Plan Commission recommended unanimous approval of the Final Plat of Subdivision to consolidate the two lots into one. Staff concurs.

ATTACHMENTS

Aerial Map

Resolution

Staff Report with attachments dated July 11, 2011

Draft Minutes of the Plan Commission Hearing dated July 11, 2011

RESOLUTION _____

**A RESOLUTION APPROVING THE FINAL PLAT OF SUBDIVISION
FOR 226 6th STREET**

WHEREAS, application has been made pursuant to the provisions of Chapter 20 of the Downers Grove Municipal Code for the approval of the final Plat of Subdivision to consolidate two lots into one lot for the 226 Sixth Street Consolidation, located on the north side of 6th Street, approximately 210 feet east of Florence Avenue, Downers Grove, Illinois, legally described as follows:

Lots 29 and 30 in Block 9 in Resubdivision of Blocks 2 to 16 inclusive, in Victor Fredehagen Jr.'s Subdivision at East Grove, being a subdivision in the west ½ of Section 9, Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat of said resubdivision recorded September 8, 1886 as Document 36375, in DuPage County, Illinois

Commonly known as 226 6th Street, Downers Grove, IL (PIN 09-09-312-018)

WHEREAS, notice has been given and hearing held on July 11, 2011 regarding this plat application pursuant to the requirements of the Downers Grove Municipal Code; and,

WHEREAS, the Plan Commission has recommended approval of the Final Plat of Subdivision for the 226 Sixth Street Consolidation, located at 226 6th Street, as requested, subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that the Final Plat of Subdivision for the 226 Sixth Street Consolidation, located at 226 6th Street, be and is hereby approved subject to the following conditions:

1. The final plat shall substantially conform to the Final Plat of Consolidation for 226 Sixth Street Consolidation prepared by Lambert & Associates attached to staff report dated July 11, 2011, except as such plan may be modified to conform to the Village Codes and Ordinances.

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

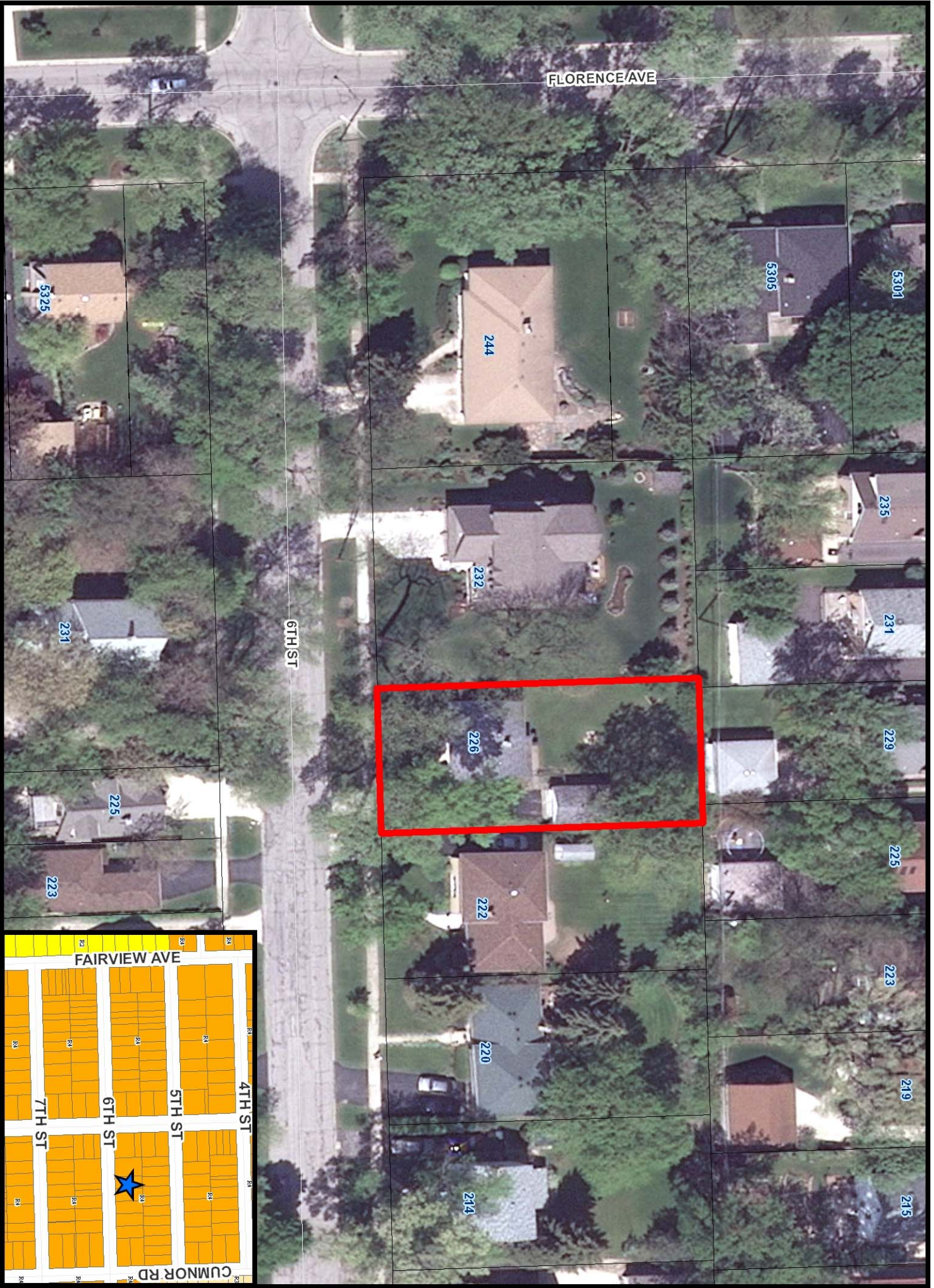
BE IT FURTHER RESOLVED, that this resolution shall be in full force and effect from and after its adoption in the manner provided by law.

Mayor

Passed:

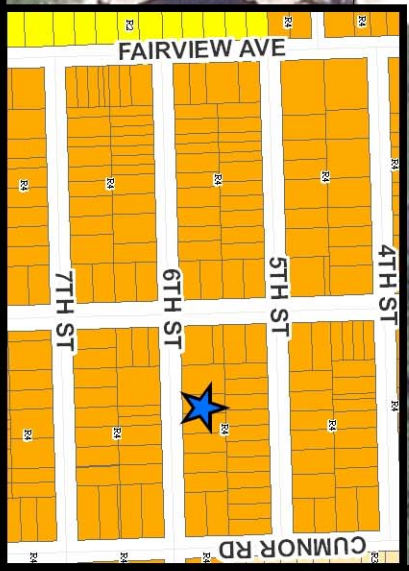
Attest: _____

Village Clerk



0 10 20 30 40
Feet

226 6th Street Location Map





**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
JULY 11, 2011 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC-25-11 226 6 th Street	Final Plat of Subdivision	Damir Latinovic, AICP Planner

REQUEST

The petitioner is requesting approval of the final plat of subdivision to consolidate two lots into one.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER/APPLICANT: Keith and Michelle Rafacz
5508 S. Quincy
Hinsdale, IL 60521

PROPERTY INFORMATION

EXISTING ZONING: R-4, Single Family Residential District
EXISTING LAND USE: Residential
PROPERTY SIZE: 7,920 square feet
PINS: 09-09-312-018

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-4 Single Family Residence District	Residential 0-6 DU/Acre
SOUTH:	R-4 Single Family Residence District	Residential 0-6 DU/Acre
EAST:	R-4 Single Family Residence District	Residential 0-6 DU/Acre
WEST:	R-4 Single Family Residence District	Residential 0-6 DU/Acre

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Project Narrative
3. Plat of Survey
4. Plat of Consolidation

PROJECT DESCRIPTION

The petitioner is requesting approval of the final plat of subdivision to consolidate two existing lots into a single lot. The property, commonly known as 226 6th Street, is zoned R-4 Single Family Residential and is 60 feet wide by 132 feet deep. The property is made up of two 30-foot wide lots and is improved with a single family structure.

The petitioner is proposing to demolish the existing structure and construct a new single family house on the property. The proposed house would be located over the existing common lot line. Without the consolidation, the petitioner would not be permitted to construct the new single family house.

COMPLIANCE WITH FUTURE LAND USE PLAN

According to the Future Land Use Plan, the subject property is designated for residential use. By consolidating the two lots into one, the petitioner will be able to construct the new single family house. Staff believes the proposed lot consolidation is consistent with the Future Land Use Plan and Village planning documents.

COMPLIANCE WITH ZONING ORDINANCE

The property is zoned R-4 Single Family Residence District. The existing residential use is a permitted use in the district. If the consolidation is approved, the petitioners will be able to construct a new single family house. The new house will meet all Zoning Ordinance bulk and setback requirements.

COMPLIANCE WITH THE SUBDIVISION ORDINANCE

The new lot will meet the minimum lot dimension requirements for the R-4 zoning district and per Section 20.301 of the Subdivision Ordinance. The lot dimensions are outlined in the table below:

226 6 th Street	Lot Width		Lot Depth		Lot Area	
	Required	Proposed	Required	Proposed	Required	Proposed
Lot 1	50 feet	60 feet (No change)	140 feet	132 feet (No change)	7,500 sq. ft.	7,920 sq. ft.

The petitioner has not requested any exceptions from the Subdivision Ordinance. The proposed lot will include new five-foot wide public utility easements along the side property lines and a new ten-foot wide public utility easement along the rear property line which will satisfy the easement requirements.

NEIGHBORHOOD COMMENT

Notice was provide to all property owners 250 feet or less from the property line in addition to posting the public hearing sign and publishing the legal notice. Staff has not received any written neighborhood comment regarding the proposal at this time.

FINDINGS OF FACT

Staff believes the proposed Final Plat of Subdivision to consolidate the two existing lots into a single lot is consistent with the Zoning and Subdivision Ordinances and other planning objectives of the Village.

RECOMMENDATIONS

The proposed final plat of subdivision to consolidate two existing lots into one lot is compatible with the surrounding zoning and land use classifications. Based on the analysis listed above, staff recommends that the Plan Commission make a positive recommendation to the Village Council associated with PC-25-11 subject to the one condition below:

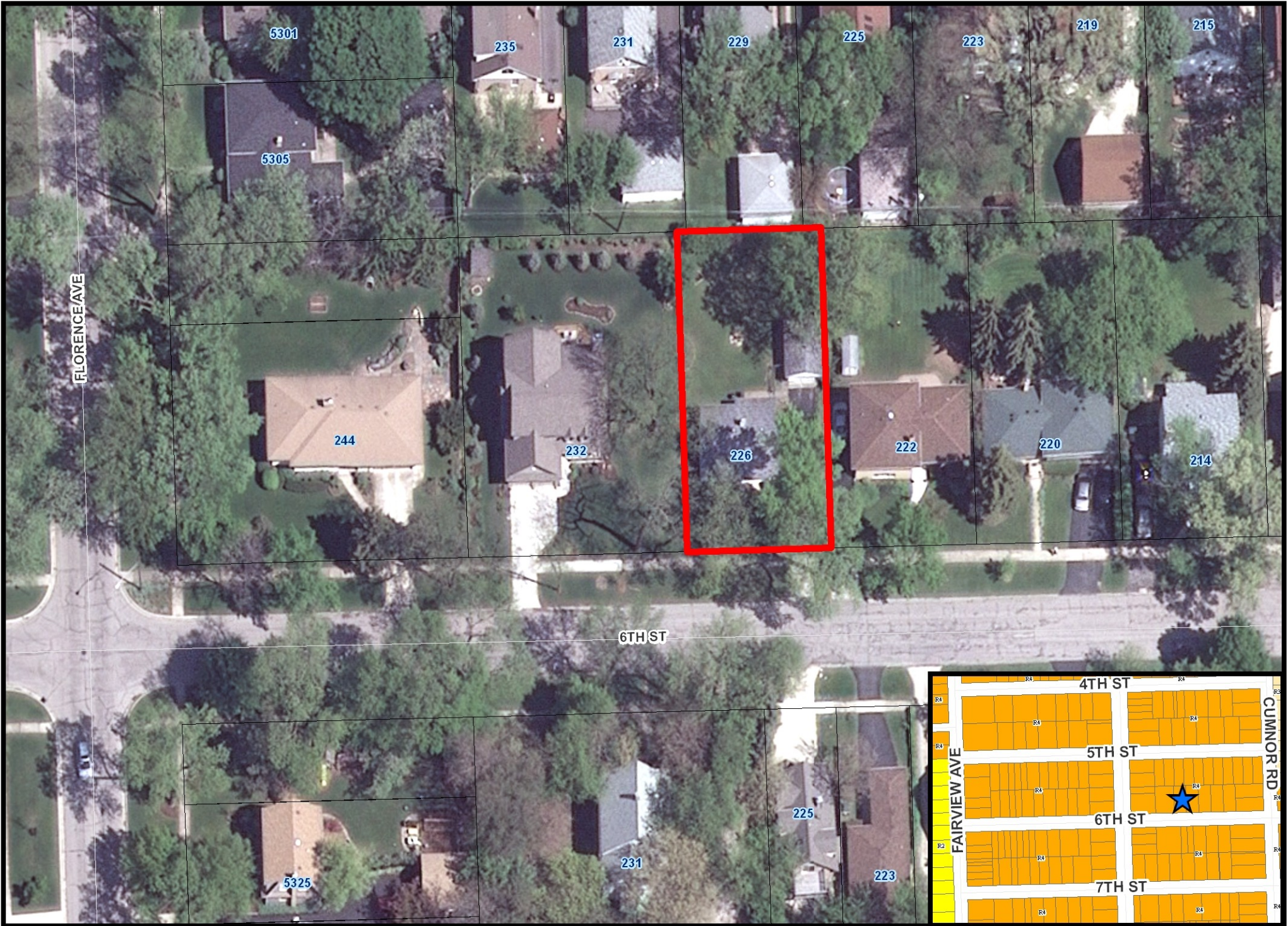
1. The final plat shall substantially conform to the Final Plat of Consolidation for 226 Sixth Street Consolidation prepared by Lambert & Associates attached to this report except as such plan may be modified to conform to the Village Codes and Ordinances.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:dl
-att

P:\P&CD\PROJECTS\PLAN COMMISSION\2011 PC Petition Files\PC-25-11 226 6th Street - Lot Consolidation\Staff Report PC-25-11.doc



0 10 20 30 40
Feet

226 6th Street Location Map



To Whom It May Concern;

This letter serves to inform neighbors of 226 6th St. of our intentions to build a new two story home. The existing single family home will be demoed and a new 3700 sq ft residential home will be built for Keith and Dana Rafacz. The existing home presently sits on 2 lots #30 and #31, which are 29 feet wide and 31 feet wide respectively. Although the property consist of 2 lots, there is only one parcel index number. We have been informed, by the Village of Downers Grove, that having two lots with one PIN # is a common occurrence and is addressed and remedied by the village planning commission. The commission generally meets on the 1st Monday of each month, which Mr. & Mrs. Rafacz will attend. All codes of conduct put in place by Downers Grove Township will be followed and we will try our hardest to minimize the impact on our neighbors during the entire building process. We look forward to living in this wonderful community and also meeting all of our neighbors.

Thank you,

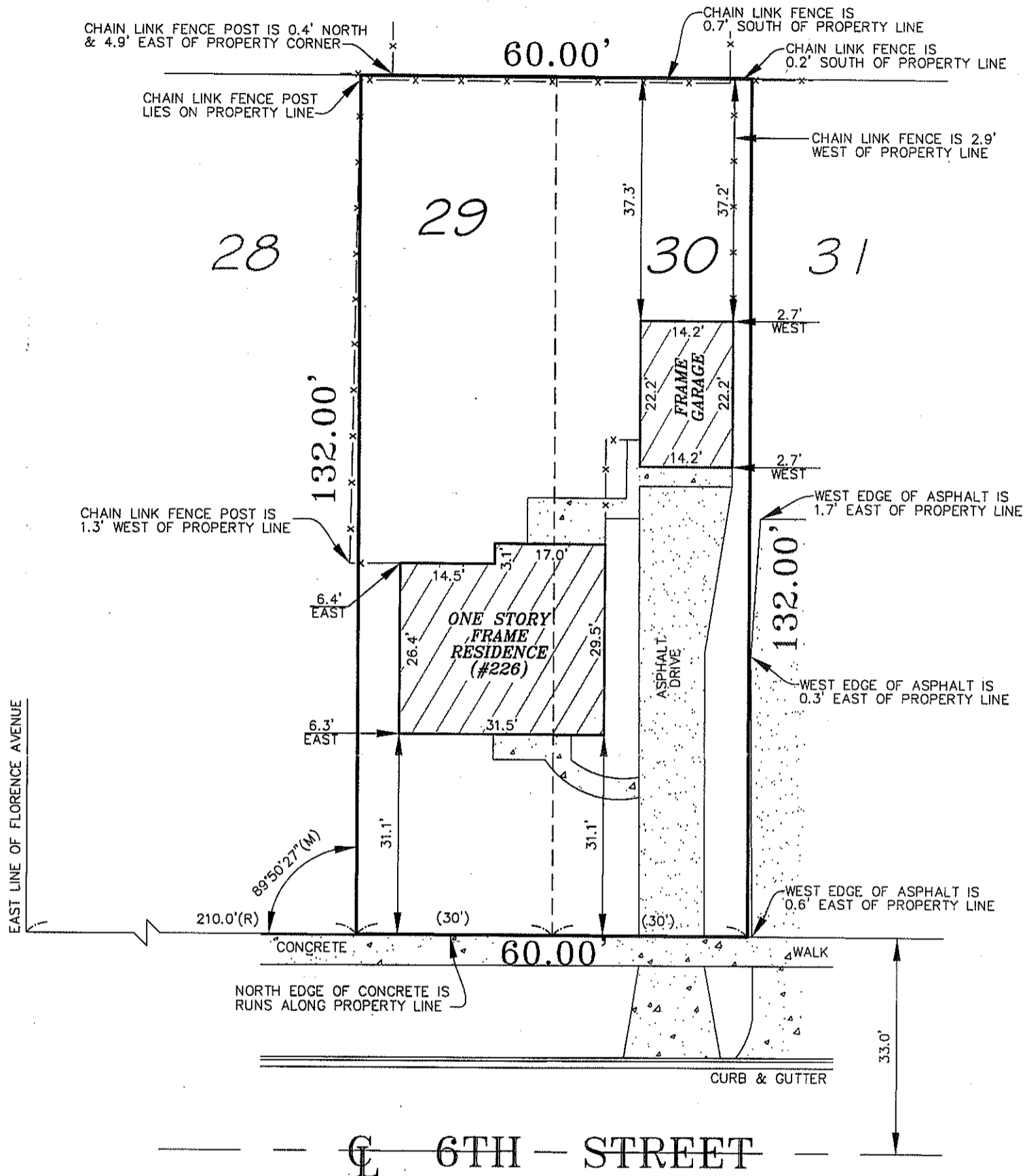
Keith Rafacz

A handwritten signature in black ink, appearing to read "Keith Rafacz", with a long horizontal flourish extending to the right.

PLAT OF SURVEY

OF

LOTS 29 AND 30 IN BLOCK 9 IN RESUBDIVISION OF BLOCKS 2 TO 16 INCLUSIVE, IN VICTOR FREDEHAGEN JR.'S SUBDIVISION AT EAST GROVE, BEING A SUBDIVISION IN THE WEST 1/2 OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED SEPTEMBER 8, 1886 AS DOCUMENT 36375, IN DUPAGE COUNTY, ILLINOIS.



LEGEND

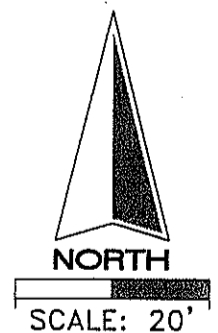
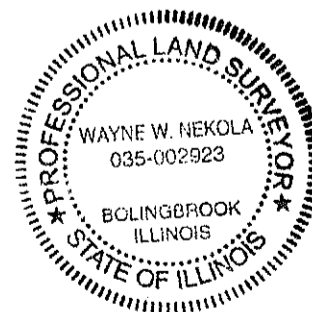
- (R/M) - RECORD / MEASURED
- L - ARC LENGTH
- R - RADIUS
- CH - CHORD

AREA = 7,920 SQ. FT.
MORE OR LESS

PREPARED FOR: TIMOTHY J. CROWLEY (ATTORNEY AT LAW)
 JOB ADDRESS: 226 6TH ST, DOWNERS GROVE, IL
 SELLER/BUYER: POUNDS / RAFACZ
 JOB NO.: 10-12-0135

NEKOLA SURVEY, INC.

PROFESSIONAL LAND SURVEYING SERVICES
 WWW.NEKOLASURVEY.COM
 400 N. SCHMIDT RD., STE. 203
 BOLINGBROOK, ILLINOIS 60440
 (630) 226-1530 PHONE (630) 226-1430 FAX



FIELD WORK COMPLETED ON THE 3RD DAY OF JANUARY, 2011.

(STATE OF ILLINOIS)
 (COUNTY OF WILL) SS

NEKOLA SURVEY INC. DOES HEREBY CERTIFY THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 7TH DAY OF JANUARY, 2011

Wayne W. Nekola
 PLS No. 2923

LICENSE RENEWAL DATE: 30 NOVEMBER 2012.

☒ - "X" IN BOX INDICATES THE HEREON DRAWN PLAT WAS ORDERED AS A NON MONUMENTED SURVEY.
 NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

FINAL PLAT OF CONSOLIDATION FOR

226 SIXTH STREET CONSOLIDATION

OF LOT 29 AND 30 IN BLOCK 9 IN RESUBDIVISION OF BLOCKS 2 TO 16 INCLUSIVE, IN VICTOR FREDEHAGEN JR.'S SUBDIVISION AT EAST GROVE, BEING A SUBDIVISION IN THE WEST 1/2 OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED SEPTEMBER 8, 1886 AS DOCUMENT 36375, IN DUPAGE COUNTY, ILLINOIS. IPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS(ARE) THE OWNER(S) OF THE LAND DESCRIBED IN THE ATTACHED PLAT AND HAS(HAVE) CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN BY THE PLAT HEREON DRAWN

DATED AT _____, ILLINOIS, THIS ____ DAY OF _____, 2011.

(OWNER) (OWNER)

NOTARY PUBLIC

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT _____ WHO IS(ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHOSE NAME(S) IS(ARE) SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNER(S), APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE(SHE)(THEY) SIGNED AND DELIVERED THE SAID INSTRUMENTS AS HIS(HER)(THEIR) OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS ____ DAY OF _____ IN THE YEAR 2011.

NOTARY PUBLIC COMMISSION EXPIRES

PLAN COMMISSION CERTIFICATE

COUNTY OF DU PAGE) S.S.

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE,

THIS ____ DAY OF _____ A.D. 2011

PLANNING COMMISSION CHAIRMAN

DOWNERS GROVE SANITARY DISTRICT CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____, COLLECTOR FOR 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 LAND INCLUDED IN THIS PLAT.

THIS ____ DAY OF _____ A.D. 2011.

COLLECTOR

COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____, 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 _____, DAY OF _____, A.D. 2011.

COUNTY CLERK

DRAINAGE CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, ALECS C. HO, A REGISTERED PROFESSIONAL ENGINEER IN ILLINOIS AND _____ 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 THE COLLECTION AND DIVERSION OF SUCH SURFACE WATERS AND PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION. FURTHER, AS ENGINEER, I HEREBY CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS SUBDIVISION OR ANY PART THEREOF IS NOT LOCATED WITHIN THE SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

THIS ____ DAY OF _____ A.D. 2011.

OWNER OR AUTHORIZED ATTORNEY PROFESSIONAL ENGINEER

LEGAL DESCRIPTION

OF LOT 29 AND 30 IN BLOCK 9 IN RESUBDIVISION OF BLOCKS 2 TO 16 INCLUSIVE, IN VICTOR FREDEHAGEN JR.'S SUBDIVISION AT EAST GROVE, BEING A SUBDIVISION IN THE WEST 1/2 OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RESUBDIVISION RECORDED SEPTEMBER 8, 1886 AS DOCUMENT 36375, IN DUPAGE COUNTY, ILLINOIS.

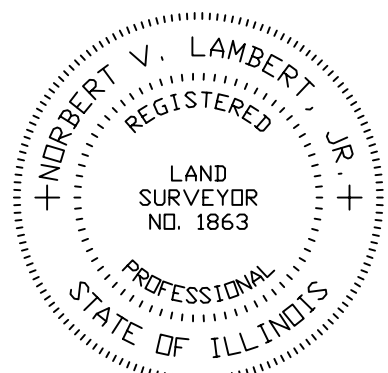
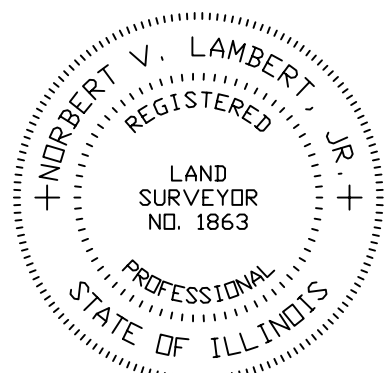
SURVEYOR'S CERTIFICATE

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

I, NORBERT V. LAMBERT JR., AN ILLINOIS PROFESSIONAL LAND SURVEYOR, NUMBER 1863, DO HEREBY CERTIFY THAT I HAVE SURVEYED AND CONSOLIDATED THE PROPERTY DESCRIBED IN THE ABOVE CAPTION AS SHOWN BY THE ANNEXED PLAT, WHICH IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY AND CONSOLIDATION. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF AND ARE CORRECTED TO A TEMPERATURE OF 68 DEGREES FARENHEIT

WHEATON, ILLINOIS, THIS ____ DAY OF _____ A.D. _____

BY: NORBERT V. LAMBERT JR., ILLINOIS PROFESSIONAL LAND SURVEYOR, #1863



DOWNERS GROVE COLLECTOR CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____, COLLECTOR FOR THE VILLAGE OF DOWNERS GROVE, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT.

THIS ____ DAY OF _____ A.D. 2011.

COLLECTOR

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

APPROVED THIS ____ DAY OF _____ A.D. 2011 BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE.

MAYOR VILLAGE CLERK

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE

COUNTY, ILLINOIS, ON THE ____ DAY OF _____, A.D. 2011. AT _____

O'CLOCK __M., AS DOCUMENT NUMBER _____.

RECORDER

SCHOOL DISTRICT CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THE UNDERSIGNED DO HEREBY CERTIFY THAT, AS OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE, AND AS KNOWN AS 226 6TH STREET TO THE BEST OF THEIR KNOWLEDGE, IS

LOCATED WITHIN THE BOUNDARIES OF THE _____ HIGH SCHOOL DISTRICT, AND _____ ELEMENTARY SCHOOL DISTRICT IN DUPAGE COUNTY, ILLINOIS

DATED AT _____, ILLINOIS THIS ____ DAY OF _____, A.D. 2011. AT _____

BY _____

EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICE IS HEREBY RESERVED FOR AND GRANTED TO

COMMONWEALTH EDISON COMPANY AND SBC-AMERITECH, ILLINOIS A.K.A. ILLINOIS BELL TELEPHONE COMPANY, GRANTEEES, THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, TO CONSTRUCT, OPERATE, REPAIR, MAINTAIN, MODIFY, RECONSTRUCT, REPLACE, SUPPLEMENT, RELOCATE AND REMOVE, FROM TIME TO TIME, POLE 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 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 GRANTEE'S 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." (R SIMILAR DESIGNATION) WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE CONSOLIDATED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

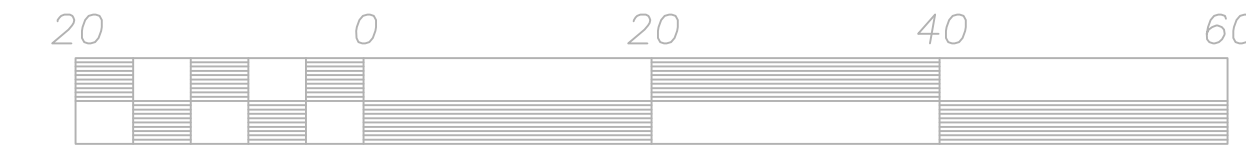
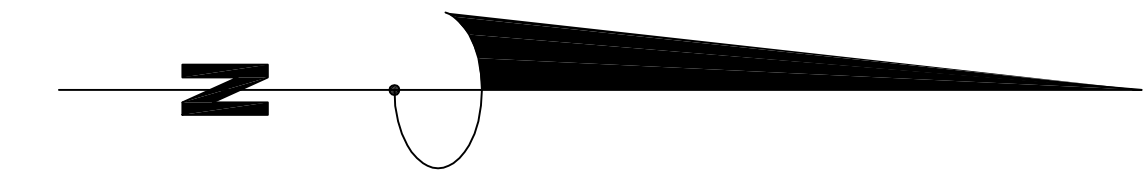
THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE "CONDOMINIUM PROPERTY ACT", CHAPTER 765 ILCS 605/2, AS AMENDED FROM TIME TO TIME.

THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATE 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 AREAS", "COMMON GROUND", "PARKING" AND "COMMON AREA". THE TERM "COMMON AREA OR AREAS" AND "COMMON ELEMENTS" INCLUDE REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT.

RELOCATION OF FACILITIES WILL BE DONE BY GRANTEEES AT COST OF THE GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

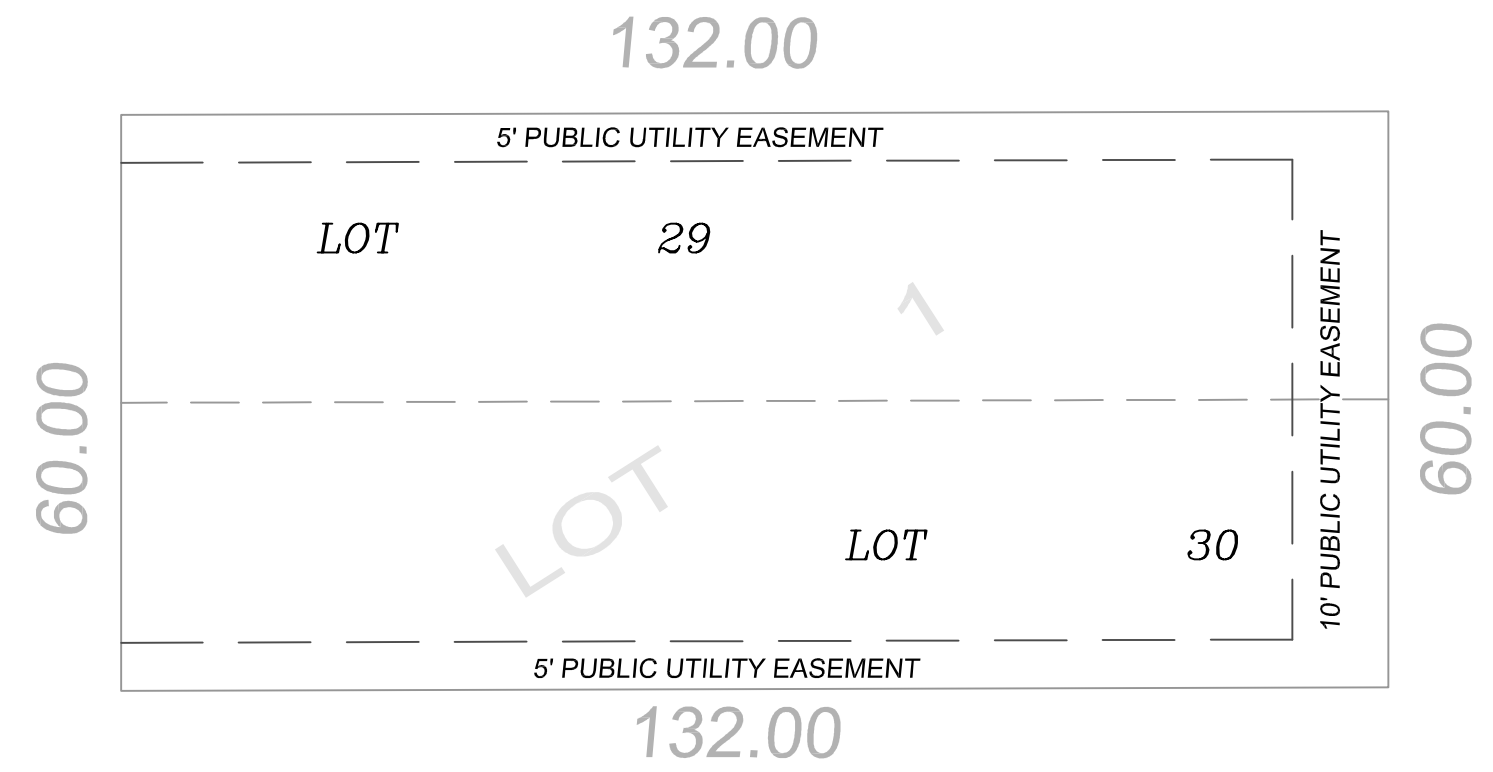
ORDERED BY: GABRIEL GROUP, INC. ORDER NO. 11 D XXX FILE NO. 11-XXX-CP

LAMBERT & ASSOCIATES LAND SURVEYORS
320 SOUTH REBER ST. WHEATON, ILL. 60187
PHONE: (630) 653-6331 FAX: (630) 653-6396



Scale 1" = 20'

6TH STREET



DECLARATION OF RESTRICTIVE COVENANT

THE UNDERSIGNED OWNER HEREBY DECLARES THAT THE REAL PROPERTY DESCRIBED IN AND DEPICTED ON THIS PLAT OF CONSOLIDATION 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 CONSOLIDATION.

(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 CONSOLIDATED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEEES' FACILITIES OR IN, UPON OR OVER, THE PROPERTY WITHIN THE STORMWATER OR SEWER EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE CONSOLIDATED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

WHEREAS, SAID LOT 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 COME 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 LOT 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 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 CONSOLIDATION ARE HEREBY SUBJECTED TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY TO WHOMSOEVER OWNED, TO WIT:

- 1. NO IMPROVEMENTS SHALL BE MADE IN OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, AS DESCRIBED IN THE PLAT OF CONSOLIDATION, EXCEPT FOR LANDSCAPE INSTALLATION OF TREES SHRUBS, BUSHES AND GRASS AND THE INSTALLATION OF UNDERGROUND UTILITY LINES AND DRIVEWAYS.
2. EACH OWNER OR PURCHASER SHALL BE RESPONSIBLE FOR MAINTAINING THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, APPLICABLE TO HIS LOT IN SUCH MANNER AS TO INSURE THE FREE AND UNINTERRUPTED FLOW OF STORM WATER THROUGH THE DRAINAGE SYSTEM OF THE SUBDIVISION, AND SHALL NOT DESTROY OR MODIFY GRADES OR SLOPES WITHOUT HAVING FIRST RECEIVED PRIOR WRITTEN APPROVAL OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.
3. IN THE EVENT ANY OWNER OR PURCHASER FAILS TO PROPERLY MAINTAIN THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, THE VILLAGE OF DOWNERS GROVE, ILLINOIS, SHALL UPON TEN DAYS' PRIOR NOTICE, RESERVE THE RIGHT TO PERFORM, OR HAVE PERFORMED ON ITS BEHALF, ANY MAINTENANCE WORK TO OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, REASONABLY NECESSARY TO INSURE ADEQUATE STORMWATER STORAGE AND FREE FLOW OF STORMWATER THROUGH THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS.
4. IN THE EVENT THE VILLAGE OF DOWNERS GROVE, ILLINOIS, SHALL BE REQUIRED TO PERFORM, OR HAVE PERFORMED ON ITS BEHALF, ANY MAINTENANCE WORK TO OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, THE COST TOGETHER WITH THE ADDITIONAL SUM OF TEN PERCENT SHALL, UPON RECORDATION OF A NOTICE OF LIEN WITHIN SIXTY DAYS OF COMPLETION OF THE WORK, CONSTITUTE A LIEN AGAINST HIS LOT WHICH MAY BE FORECLOSED BY AN ACTION BROUGHT BY OR ON BEHALF OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.
5. THE AFORESAID RESTRICTIONS AND COVENANTS, AND EACH AND EVERY ONE OF THEM, ARE HEREBY EXPRESSLY MADE AND ESSENTIAL PART OF THIS INSTRUMENT, AND SHALL BE AND REMAIN OF PERPETUAL EFFICACY AND OBLIGATION IN RESPECT TO THE SAID PREMISES AND THE PARTIES HEREIN DESIGNATED, THEIR AND EACH OF THEIR SUCCESSORS, HEIRS, AND ASSIGNS.

DRAFT

VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

JULY 11, 2011, 7:00 P.M.

PC-25-11 A petition seeking approval of the final plat of subdivision to consolidate two lots into one for the property located on the north side of 6th Street, approximately 210 feet east of Florence Avenue, commonly known as 226 6th Street, Downers Grove, IL (PIN 09-09-312-018); Keith and Michelle Rafacz, Petitioners and Owners.

Chairman Jirik swore in those individuals who would be speaking on File PC-25-11.

Village Planner, Damir Latinovic, reported the property was located at 226 6th Street and consisted of two lots (30 feet by 132 feet deep) of record zoned R-4 Single Family Residential and was currently improved with a single family residence. The petitioners are seeking approval of the final plat of subdivision to consolidate the two lots into one, making the total size of the lot 7,920 square feet. The petitioner applied for a permit to demolish the existing structure in order to construct a new single-family residential structure.

The FLUP designated the property for residential use and staff believes the consolidation is consistent with that use. Consolidating the two lots would exceed the minimum lot dimension requirements for the R-4 District. The property would meet all requirements of the Subdivision Ordinance, since the petitioner was not seeking any exceptions nor seeking any changes and the new lot would be consistent with the surrounding lots. Five-foot utility easements are proposed on the two side lot lines and a 10-ft. public utility easement on the rear property line.

Staff has not received any comments on this proposal to date. Based upon the proposal meeting the Subdivision Ordinance, the Zoning Ordinance, and other planning documents, staff recommends the Plan Commission forward a positive recommendation to the Village Council, with staff's one condition listed on Page 3 of its report.

Per Mr. Matejczyk's observation that a majority of the lots on either side of 6th Street were consolidated, Mr. Latinovic noted the lots were not necessarily consolidated. He stated the Village previously allowed residents to construct structures on multiple lots of record. He agreed there were many existing 30-foot lots and individuals used to purchase multiple 30-ft. lot. He indicated the code was amended in 2006 to require to consolidation of those lots.

Per a question, Mr. Latinovic estimated the widths of the 5th Street lots were 30-ft. lots of record but individuals could have purchased five or ten feet from neighboring lots or the lots could be 25-ft lots.

Petitioner, Mr. Keith Rafacz, 226 6th Street, Downers Grove, homeowner, introduced Mr. Glen Columbo of DT Builders, his builder. He indicated he and his builder were present to answer any questions.

DRAFT

Mr. Waechtler pointed out a typographic error on the second line of Mr. Rafacz's letter, which Mr. Rafacz was made aware and was agreeable to the correction. No further questions/comments followed.

Chairman Jirik opened up the meeting to public comment.

Mr. Henry Succop, 214 6th Street, Downers Grove, discussed the topography of the area, expressed concern about water run-off, but had no objections about a home being constructed. He asked who "signed-off" on this proposal and shared more concerns. In response, Village Manager, O'Brien, explained how the water will have to drain from the property and meet the Village's stormwater requirements. Mr. Succop, again, voiced concern about water running down a hill. Mr. O'Brien offered that Mr. Succop can view the engineering plans and explained how the engineering plans are reviewed and modified, if necessary.

There being no further comments, Chairman Jirik closed public comment.

The petitioner was invited to respond to the public comments made or provide a closing statement. Mr. Rafacz provided neither.

WITH RESPECT TO FILE PC-25-11, MR. WAECHTLER MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITION:

THE FINAL PLAT SHALL SUBSTANTIALLY CONFORM TO THE FINAL PLAT OF CONSOLIDATION FOR 226 SIXTH STREET, PREPARED BY LAMBERT & ASSOCIATES ATTACHED TO STAFF REPORT DATED JULY 11, 2011, EXCEPT AS SUCH PLAN MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.

SECONDED BY MR. MATEJCZYK.

Mr. Beggs confirmed that he was voting on the consolidation of two 30-ft. wide lots to match the surrounding area and not determining the future use of the joined lots, which the chairman also confirmed was not the commission's purview tonight.

ROLL CALL:

**AYE: MR. WAECHTLER, MR. MATEJCZYK, MR. BEGGS, MRS. RABATAH,
MR. WEBSTER, CHAIRMAN JIRIK**

NAY: NONE

MOTION CARRIED. VOTE: 6-0