

RESOLUTION R-27-17

**A RESOLUTION APPROVING THE
FINAL PLAT OF AMBER COURT SUBDIVISION
(Wiesbrook Road at Leabrook Lane)**

WHEREAS, the Owner has submitted a plat of subdivision of the property located on the south side of Wiesbrook Road at Leabrook Lane to the City for approval (the property is described on Exhibit A attached to this resolution); and the Wheaton City staff has recommended that the plat of subdivision be approved.

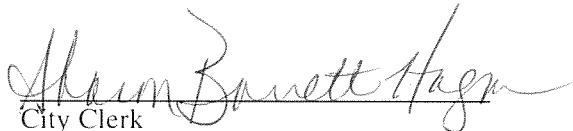
NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Wheaton, Illinois that the Final Plat of Amber Court Subdivision, as prepared by Donald E. Rericka, an Illinois Professional Land Surveyor, dated January 18, 2017 is hereby approved, and the Mayor is hereby authorized to sign, and the City Clerk is authorized and directed to attest, this resolution of approval and the Final Plat of Amber Court incorporated herein as Exhibit B.

ADOPTED this 1st day of May, 2017.



Mayor

ATTEST:



Lynn Bennett Hagen
City Clerk

Roll Call Vote

Ayes:	Councilman Suess Councilman Barbier Councilwoman Fitch Councilman Prendiville Mayor Gresk Councilman Rutledge Councilman Scalzo
Nays:	None
Absent:	None

Motion Carried Unanimously

EXHIBIT "A"

Amber Court Subdivision
Wiesbrook Road (Vacant land), Wheaton, Illinois

Legal Description

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 19 AND THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 3 OF WATER TOWER PLACE, PER DOCUMENT NUMBER R80-17053, RECORDED MARCH 21, 1980; THENCE NORTH 00 DEGREES 48 MINUTES 33 SECONDS WEST ALONG THE EAST LINE OF SAID WATER TOWER PLACE, A DISTANCE OF 381.95 FEET TO THE CENTERLINE OF WIESBROOK ROAD; THENCE NORTH 59 DEGREES 09 MINUTES 01 SECONDS EAST ALONG SAID CENTERLINE OF WIESBROOK ROAD, A DISTANCE OF 288.79 FEET TO THE NORTHWEST CORNER OF WALNUT GROVE SUBDIVISION, PER DOCUMENT R78-36749, RECORDED MAY 2, 1978; THENCE SOUTH 00 DEGREES 48 MINUTES 33 SECONDS EAST ALONG THE WEST LINE OF SAID WALNUT GROVE SUBDIVISION, A DISTANCE OF 399.91 FEET TO THE SOUTHWEST CORNER OF SAID WALNUT GROVE SUBDIVISION; THENCE SOUTH 62 DEGREES 19 MINUTES 49 SECONDS WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF DUPAGE COUNTY PARKWAY (FORMERLY CHICAGO, AURORA AND ELGIN RAILROAD), A DISTANCE OF 280.24 FEET TO THE POINT OF BEGINNING, CONTAINING 2.244 ACRES, MORE OR LESS, IN DUPAGE COUNTY ILLINOIS.

PIN: 05-19-405-009; -010

PLAT SUBMITTED FOR RECORDING BY
CITY OF WHEATON
303 W. WESLEY ST
WHEATON, ILLINOIS 60178

FINAL PLAT OF SUBDIVISION AMBER COURT SUBDIVISION

BEING A SUBDIVISION OF PART OF THE THE SOUTHEAST QUARTER OF SECTION 19 AND THE
PART OF THE NORTHEAST QUARTER OF SECTION 20, ALL IN TOWNSHIP 39 NORTH, RANGE 10
EAST OF THE THIRD PRINCIPAL MERIDIAN, DUPAGE COUNTY, IL

PERMANENT STORMWATER MANAGEMENT EASEMENT PROVISIONS

ALL EASEMENTS INDICATED AS STORMWATER MANAGEMENT EASEMENTS ARE
PERMANENT EASEMENTS RESERVED FOR AND GRANTED TO THE CITY OF
WHEATON, ILLINOIS, AND ITS SUCCESSORS AND ASSIGNEES, EXCEPT AS PROVIDED
NO BUILDINGS SHALL BE PLACED ON SAID EASEMENT BUT THE SAME MAY BE
USED FOR OTHER PURPOSES THAT DO NOT ADVERSELY AFFECT THE
STORAGE/FLYING FLOW OF STORMWATER OR OTHERWISE VIOLATE APPLICABLE
STORMWATER MANAGEMENT CODES AND REGULATIONS. THE EASEMENT OWNER
SHALL BE EQUALLY RESPONSIBLE FOR MAINTAINING SUCH STORMWATER
MANAGEMENT FACILITY IN ACCORDANCE WITH THE RECOMMENDED
MAINTENANCE SCHEDULES OUTLINED IN THE STORMWATER MANAGEMENT
REPORT. ANY CHANGES TO THE STORMWATER MANAGEMENT FACILITY OR VARY
DESIGN OR FUNCTION IN ANY MANNER WHICH VIOLATES APPLICABLE
STORMWATER LAWS, ORDINANCES, CODES AND REGULATIONS, OR THE
ORIGINAL APPROVED DESIGNS WITHOUT FIRST HAVING RECEIVED WRITTEN
APPROVAL FROM THE CITY OF WHEATON OR THE COUNTY AS THE LAW MAY
REQUIRE.

IN THE EVENT ANY OWNER FAILS TO MAINTAIN ANY SUCH
EASEMENT/STORMWATER MANAGEMENT FACILITY, THE CITY OF WHEATON,
ILLINOIS, OR UPON THIRTY (30) DAYS WRITTEN NOTICE OUTLAWING THE
NATURE AND DEFECT OF THE DEFALTY, AND THAT THE OWNER SHALL NOT
HAVE CURED SAID DEFALTY, SHALL HAVE THE RIGHT, BUT NOT THE
OBIGATION, TO MAINTAIN THE EASEMENT ON ITS BEHALF, AND
MAINTENANCE, RECONSTRUCTION OR OTHER WORK UPON THE STORMWATER
MANAGEMENT FACILITY AND ITS APPURTENANCES REASONABLY NECESSARY
TO INSURE ADEQUATE STORMWATER STORAGE FREEFLOW OF WATER, EROSION
CONTROL, AND TO MAINTAIN THE STORMWATER MANAGEMENT FACILITY WITHIN
THE DETENTION AREA, COMPLIANCE WITH APPLICABLE STORMWATER CODES,
ORDINANCES AND REGULATIONS OR RESTORE THE EASEMENT AREA
TO ITS ORIGINAL DESIGN PARAMETERS AND FUNCTIONS. AS AN ALTERNATIVE
TO PERFORMING THE WORK AS DESCRIBED HEREIN, THE CITY RETAINS ANY
AND ALL RECOVERIES PROVIDED IN LAW AND OR EQUITY TO ENFORCE THE
OWNER'S OBLIGATIONS.

IN THE EVENT THE CITY OF WHEATON, ILLINOIS PERFORMS OR HAS
PERFORMED ANY MAINTENANCE WORK, REPAIRS OR RECONSTRUCTION WORK
AS DESCRIBED HEREIN TO OR UPON ANY SUCH FACILITY OR EASEMENT AREA,
THE COST TOGETHER WITH AN ADDITIONAL 5% MISC. (10%) PERCENT OF SAID
COST SHALL BE BILLED TO THE OWNER OF THE EASEMENT, EACH LOT IN THE
SUBDIVISION, ITS SUCCESSORS AND ASSIGNEES, AND SHALL ALSO CONSTITUTE
A LIEN AGAINST THE EASEMENT PROPERTY. THE CITY SHALL HAVE THE RIGHT
TO FORECLOSE THE LIEN ON EACH LOT WITHIN THE PROPERTY UPON FAILURE
OF THE OWNER TO PAY THE AMOUNT DUE AND PAYABLE WITHIN FORTY-FIVE
(45) DAYS OF THE CITY'S WRITTEN NOTICE OF LIEN TO THE ASSOCIATION.
THIS LIEN MAY BE ENFORCED BY ANY ACTION BROUGHT BY OR ON BEHALF
OF THE CITY IN EQUITY, AT LAW, OR OTHERWISE, INCLUDING, BUT NOT
LIMITED TO, THE ENFORCEMENT OF THE OBLIGATIONS AS SET FORTH BEING
PEMBURSED TO THE CITY BY THE OWNER(S).

THE ABOVE EASEMENT PROVISIONS SHALL ALSO APPLY TO THE PERPETUAL
MAINTENANCE OF ALL REQUIRED NATIVE PLANTING / BEST MANAGEMENT
PRACTICES DESIGN IMPROVEMENTS AND ALL DETENTION FACILITIES AND
IMPROVEMENTS AS OUTLINED IN THE STORMWATER MANAGEMENT
REPORT DATED [REDACTED] AS APPROVED AND AMENDED AND
PLANS DATED [REDACTED] AS APPROVED AND AMENDED AND
AMENDED. THE OWNER SHALL KEEP AN INSPECTION AND MAINTENANCE LOG
ON THE PREMISES OF THE STORMWATER MANAGEMENT FACILITY AND EQUIP
DEVICES WHICH THEY SHALL MAKE AVAILABLE TO THE CITY OF WHEATON
UPON REQUEST.

THE ABOVE PROVISIONS SHALL RUN WITH THE LAND AND BE BINDING ON ALL
SUCCESSORS ASSIGNS, AND GRANTEES.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS) 55
COUNTY OF KANKAKEE)
CITY OF WHEATON)

I, RONALD BERKAK, ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3465 DO
HEREBY CERTIFY THAT, AT THE REQUEST OF THE OWNER, THEREOF, I HAVE
SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 19, AND THE NORTHEAST
QUARTER OF SECTION 20, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD
PRINCIPAL MERIDIAN, DUPAGE COUNTY, ILLINOIS, BEING THE SOUTHEAST
CORNER OF LOT 3 OF WATER TOWER PLACE, PER DOCUMENT NUMBER RDC-17051,
RECORDED MARCH 21, 1980, THENCE NORTH 00 DEGREES 48 MINUTES 33 SECONDS
WEST TO THE SOUTHEAST CORNER OF WATER TOWER PLACE, A DISTANCE OF 30.95
FEET TO THE CENTERLINE OF WESBROOK ROAD, THENCE SOUTH 00 DEGREES 48
MINUTES 01 SECONDS EAST ALONG SAID CENTERLINE OF WESBROOK ROAD, A
DISTANCE OF 288.19 FEET TO THE NORTHWEST CORNER OF WALNUT GROVE
SUBDIVISION, THENCE SOUTH 00 DEGREES 48 MINUTES 33 SECONDS EAST ALONG
SAID WALNUT GROVE SUBDIVISION, A DISTANCE OF 30.95 FEET TO THE
SOUTHWEST CORNER OF SAID WALNUT GROVE SUBDIVISION, THENCE SOUTH 62 DEGREES 19
MINUTES 43 SECONDS WEST ALONG THE NORTHEAST LINE OF THE PROPERTY LINE
OF DUPAGE COUNTY PARKWAY (FORMERLY CHICAGO, AURORA AND ELGIN RAILROAD), A
DISTANCE OF 280.24 FEET TO THE POINT OF BEGINNING, CONTAINING 0.154 ACRES,
MORE OR LESS, IN DUPAGE COUNTY, ILLINOIS.

INCLUDING
AN EASEMENT IN FAVOR OF COACHMASTH EISCHEN COMPANY, HEREINAFTER
REFERRED TO AS "COTLOT C", DESCRIBED AS FOLLOWS: COMMENCING AT THE
SOUTHEAST CORNER OF LOT 3 OF WATER TOWER PLACE, PER DOCUMENT NUMBER
RDC-17051, RECORDED MARCH 21, 1980, THENCE NORTH 00 DEGREES 48 MINUTES
33 SECONDS WEST ALONG THE EAST LINE OF SAID WATER TOWER PLACE, A
DISTANCE OF 30.95 FEET TO THE SOUTHEAST CORNER OF WESBROOK
ROAD, A DISTANCE OF 288.19 FEET TO THE NORTHWEST CORNER OF WALNUT GROVE
SUBDIVISION, PER DOCUMENT NUMBER R78-26749, RECORDED MAY 2, 1978, THENCE
SOUTH 00 DEGREES 48 MINUTES 33 SECONDS EAST ALONG THE NORTHEAST LINE OF SAID
WALNUT GROVE SUBDIVISION, A DISTANCE OF 30.12 FEET TO THE POINT OF
BEGINNING, THENCE CONTINUING SOUTH 00 DEGREES 48 MINUTES 33 SECONDS EAST
ALONG SAID LINE, A DISTANCE OF 124.66 FEET, THENCE SOUTH 89 DEGREES
11 MINUTES 27 SECONDS WEST, A DISTANCE OF 25.25 FEET, THENCE
SOUTH 00 DEGREES 48 MINUTES 33 SECONDS WEST, A DISTANCE OF 111.15 FEET, THENCE
NORTH 59 DEGREES 09 MINUTES 01 SECONDS EAST, A DISTANCE OF 72.84 FEET TO
THE POINT OF BEGINNING, CONTAINING 0.154 ACRES, MORE OR LESS, IN DUPAGE
COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT THE PLAT HERON DRAWN IS A CORRECT
REPRESENTATION OF SAID SURVEY AND SUBDIVISION WHICH WAS PREPARED IN
COMPLIANCE WITH THE LAWS OF THE STATE OF ILLINOIS.

I FURTHER CERTIFY THAT THE PROPERTY DESCRIBED AND SHOWN ON THE PLAT
HEREIN DRAWN IS WITHIN THE CORPORATE LIMITS OF THE CITY OF WHEATON,
DUPage COUNTY, ILLINOIS, AND THAT THIS SITE APPEARS TO BE LOCATED IN
"ZONE A" (AREAS DETERMINED TO BE OUTSIDE THE 2% ANNUAL CHANCE
FLOODPLAIN AS DEFINED IN THE FLOOD INSURANCE RATE MAP NO. 17043CCEAH
AND 17043CCEB WITH AN EFFECTIVE DATE OF DECEMBER 16, 2004 TO THE
BEST OF MY KNOWLEDGE AND BELIEF.

GIVEN UNDER MY HAND AND SEAL THIS 19th DAY OF
JANUARY, 2017

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3465
ALL LICENSES EXPIRE NOVEMBER 30, 2018
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT MINIMUM STANDARDS FOR
A BOUNDARY SURVEY



2 OF 2
SHEET
PROJECT NO. 16177
DATE 1/18/17
DRAWING NO. 22334

WBK
engineering

WBK ENGINEERING, LLC
116 WEST MAIN STREET, SUITE 101
ST. CHARLES, ILLINOIS 60174
(630) 443-7715

CLIENT
DAVID WEEKLEY HOMES
1920 THOREAU NORTH DRIVE
SCHAUMBURG, IL 60173

DSN	RAM	TITLE
DWN	RFD	
CMV	DER	
		SCALE
NOT DATE	NATURE OF REVISION	FINAL PLAT OF SUBDIVISION

AMBER COURT
SUBDIVISION
FINAL PLAT
OF SUBDIVISION

ORDINANCE NO. F-1989

AN ORDINANCE AUTHORIZING APPROVAL OF AN EXTENSION OF TIME ON THE VALIDITY OF AND AMENDING ORDINANCE NO. F-1125 – “AN ORDINANCE AMENDING THE WHEATON ZONING MAP BY REZONING CERTAIN REAL ESTATE AND GRANTING A SPECIAL USE PERMIT FOR PLANNED UNIT DEVELOPMENT ON REAL ESTATE COMMONLY LOCATED ON THE SOUTH SIDE OF WIESBROOK ROAD AT LEABROOK LANE - NOZZEL, INC. & COMMONWEALTH EDISON COMPANY”

WHEREAS, on January 17, 2006 the Mayor and City Council approved Ordinance No. F-1125 (Original Ordinance) which granted a rezoning and issuance of a special use permit for a Planned Unit Development in order to allow for the development of four single family homes on four residential zoning lots and the continued existence of a Commonwealth Edison utility substation on a separate additional lot, all on certain property legally described herein and commonly known as the south side of Wiesbrook Road at Leabrook Lane, Wheaton, Illinois 60189; and

WHEREAS, on July 7, 2014 the Mayor and City Council approved Ordinance No. F-1798 (Amended Ordinance) which granted a one-year extension on the validity of the Original Ordinance until July 7, 2015; and

WHEREAS, following the enactment of the Original Ordinance and Amended Ordinance, an application has been made requesting approval of an extension of time and revised preliminary plat of subdivision; and the City has determined that the requested amendment is a minor amendment and may be implemented without public hearing, pursuant to the provisions of Section 5.10.6 of the Wheaton Zoning Ordinance; and

WHEREAS, Article 4.4 of the City of Wheaton Zoning Ordinance provides that upon written application and for good cause shown, the corporate authorities may, in their sole discretion, grant extensions of time not to exceed one year each.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, that:

Section 1: Section 2 of the Original Ordinance is hereby amended to approve the revised preliminary plat of subdivision entitled “*Amber Court Subdivision*”, prepared by *WBK Engineering, LLC*, dated December 14, 2016.

Section 2: Section 2(1) of the Original Ordinance is hereby deleted in entirety and replaced with the following:

“1. The owner of the Subject Property shall provide public pedestrian and non-motorized bicycle access to and egress from the Illinois Prairie Path adjacent to the planned unit development on a 10 foot wide concrete path located within a minimum 15 foot wide public access easement along the western portion of the Subject Property and connecting it to the right-of-way to be dedicated for the public street, in the location identified on the Preliminary Plat. Said access easement shall be located within a outlot owned and maintained by the homeowner’s association of the planned unit development and shall be effectuated pursuant to applicable provisions contained on the final plat of subdivision for the Subject Property as hereafter approved by the City.”

Section 3: Approval is granted to allow the Original Ordinance and Amended Ordinance to be valid until October 17, 2017.

Section 4: In all other respects, the terms and provisions of the Original Ordinance and Amended Ordinance are ratified and remain in full force and effect.

Section 5: All ordinances and parts of ordinances in conflict with these provisions are hereby repealed.

Section 6: This ordinance shall become effective after its passage, approval, and publication in pamphlet form in the manner prescribed by law.



Michael J. Gresk
Mayor

ATTEST:



Sherron Bennett-Hayes
City Clerk

Roll Call Vote

Ayes: Councilwoman Fitch
Councilman Prendiville
Councilman Rutledge
Mayor Gresk
Councilman Saline
Councilman Scalzo
Councilman Suess

Nays: None

Absent: None

Motion Carried Unanimously

Passed: December 19, 2016
Published: December 20, 2016