

RESOLUTION R-88-17

A RESOLUTION RE-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; and

**WHEREAS**, the Final Plat of Amber Court Subdivision was approved by the City Council on May 1, 2017; and

**WHEREAS**, the City Code requires final plats of subdivision to be recorded within 90 days of approval, and if not recorded the plat approval by the City shall be voided.

**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 re-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 5<sup>th</sup> day of September, 2017.



Mayor

ATTEST:



Mary Bennett Hagn  
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 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 AND ITS SUCCESSORS AND ASSIGNS ON A NON-EXCLUSIVE BASIS  
FOR THE USE OF THE PLAT AS A STORMWATER EASEMENT BUT THE SAME MAY BE  
USED FOR OTHER PURPOSES THAT DO NOT UNDERRATE, AFFECT, DAMAGE OR  
STORAGE FREE FLOW OF STORMWATER OR OTHERWISE VIOLATE APPLICABLE  
STORMWATER LAWS, CODES, ORDINANCES AND REGULATIONS. EACH OWNER  
SHALL BE EQUALLY RESPONSIBLE FOR MAINTAINING SUCH STORMWATER  
MANAGEMENT FACILITY ACCORDING TO THE STORMWATER MANAGEMENT  
MAINTENANCE SCHEDULES OUTLINED IN THE STORMWATER MANAGEMENT  
REPORT AND SHALL NOT DESTROY OR MODIFY GRADES OR SLOPES, OR VARY  
DESIGN OR FUNCTION IN ANY MANNER WHICH VIOLATES APPLICABLE  
STORMWATER LAWS, ORDINANCES AND REGULATIONS. NO OWNER MAY ALTER THE  
ORIGINAL APPROVED DESIGN 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, SHALL UPON THIRTY (30) DAYS WRITTEN NOTICE OUTLINING THE  
NATURE AND DEFECT OF THE DEFAULT AND THAT THE OWNER SHALL NOT  
HAVE CURED SAME, DEFECTS SHALL HAVE THE RIGHT, BUT NOT THE  
OBLIGATION, TO FEE OR COSTS OF REPAIRS AND MAINTENANCE, TO  
MAINTAIN, RECONSTRUCT OR OTHER WORK UPON THE STORMWATER  
MANAGEMENT FACILITY AND ITS APPURTENANCES REASONABLY NECESSARY  
TO ENSURE ADEQUATE STORMWATER STORAGE FREE/FLOW OF WATER, EROSION  
CONTROL, SILT MANAGEMENT AND OTHER REQUIREMENTS OF THE  
DETENTION AREA, COMPLIANCE WITH APPLICABLE STORMWATER LAWS,  
CODES, ORDINANCES AND REGULATIONS OR RESTORE THE EASEMENT AREA  
TO ITS ORIGINAL DESIGN PARAMETERS AND FUNCTIONS. AS AN ALTERNATIVE  
TO MAINTENANCE WORK AS DESCRIBED HEREIN, THE CITY RETAINS ANY  
AND ALL REMEDIES PROVIDED IN LAW AND OR EQUITY TO ENFORCE THE  
OWNER'S OBLIGATIONS.

IN THE EVENT THE CITY OF WHEATON, ILLINOIS PERFORMS OR THE  
OWNER(S) AND MANAGEMENT ASSOCIATION FAILS TO REPAIR OR MAINTAIN THE CONSTRUCTION WORK  
AS DESCRIBED HEREIN, TO OR UPON ANY SUCH FACILITY OR EASEMENT AREA  
THE COST TOGETHER WITH AN ADDITIONAL SUM OF TEN(10) PERCENT OF SAID  
COST SHALL BE ASSESSED TO THE OWNER OF EACH LOT WITHIN THE  
SOUTHEAST QUARTER OF SECTION 19 AND THE NORTHEAST QUARTER OF SECTION 20 WHICH SHALL 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(S) OR ASSOCIATION TO PAY THE ENTIRE LIEN WITHIN FOURTEEN  
(14) DAYS OF THE DATE OF RECORDING OF LIEN BY THE ASSOCIATION.  
THIS LIEN MAY BE ENFORCED BY AN ACTION BROUGHT BY THE CITY  
OR THE CITY OF WHEATON ANY ATTORNEY FEES INCURRED BY THE CITY IN  
THE ENFORCEMENT OF THE OWNER(S) OBLIGATIONS AS SET FORTH SHALL BE  
REIMBURSED 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  
WATER FEATURES AS OUTLINED IN THE STORMWATER MANAGEMENT  
REPORT DATED \_\_\_\_\_ AS AMENDED AND ENCLUSED AND  
PLANS DATED \_\_\_\_\_ AS APPROVED AND  
AMENDED. THE OWNER SHALL KEEP AN INSPECTION AND MAINTENANCE LOG  
ON THE PREMISES OF THE STORMWATER MANAGEMENT FACILITY AND BMP  
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  
SUCCESSIONS, ASSIGNS, AND GRANTEES.

## EASEMENT PROVISIONS

For more information on the requirements for this provision  
please contact the City of Wheaton or the DuPage County Assessor's Office.

Commonwealth Edison Company  
SAC Manager, 847-325-2211 Telephone

For more information on the requirements for this provision  
please contact the City of Wheaton or the DuPage County Assessor's Office.

+ Mark Clegg 2/7/17  
MALE Clegg  
REAL ESTATE SPECIALIST COMED

## SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS } 55  
COUNTY OF KANE }

I, DONALD PERECKA, 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 30, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD  
PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGGINING AT THE SOUTHEAST  
CORNER OF LOT 3 OF WATER TOWER PLACE, PER DOCUMENT NUMBER RBO-17053, RECORDED MARCH 21, 1980; THENCE NORTH 00 DEGREES 48 MINUTES  
45 SECONDS EAST ALONG THE WEST LINE OF SAID WATER TOWER PLACE, A DISTANCE OF 281.95  
FEET TO THE CENTERLINE OF WESBROOK ROAD; THENCE NORTH 59 DEGREES 09 MINUTES  
09 SECONDS WEST ALONG THE CENTERLINE OF WESBROOK ROAD, A DISTANCE OF 281.95  
FEET TO THE CENTERLINE OF WALNUT GROVE SUBDIVISION; THENCE NORTH 00 DEGREES 48  
MINUTES 33 SECONDS WEST ALONG THE CENTERLINE OF WALNUT GROVE SUBDIVISION, A  
DISTANCE OF 281.95 FEET TO THE NORTHWEST CORNER OF WALNUT GROVE  
SUBDIVISION, PER DOCUMENT NUMBER 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 281.95 FEET TO THE SOUTHWEST  
CORNER OF SAID WALNUT GROVE SUBDIVISION; THENCE SOUTH 00 DEGREES 48  
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.

INCLUSIVE.  
AN EASEMENT IN FAVOR OF COMMONWEALTH EDISON COMPANY, HENCEFORTH  
REFERRED TO AS OUTLOT C, DESCRIBED AS FOLLOWS: COMMENCING AT THE  
SOUTHEAST CORNER OF LOT 3 OF WATER TOWER PLACE, PER DOCUMENT NUMBER  
RBO-17053, RECORDED MARCH 21, 1980; THENCE NORTH 00 DEGREES 48 MINUTES  
33 SECONDS EAST ALONG THE EAST LINE OF SAID WATER TOWER PLACE, A  
DISTANCE OF 281.95 FEET TO THE CENTERLINE OF WESBROOK ROAD; THENCE NORTH  
59 DEGREES 09 MINUTES 01 SECONDS EAST ALONG SAID CENTERLINE OF WESBROOK  
ROAD, A DISTANCE OF 282.79 FEET TO THE NORTHWEST CORNER OF WALNUT GROVE  
SUBDIVISION, PER DOCUMENT NUMBER R78-36749, RECORDED MAY 2, 1978; THENCE  
SOUTH 00 DEGREES 48 MINUTES 33 SECONDS WEST ALONG THE CENTERLINE OF SAID  
WALNUT GROVE SUBDIVISION, A DISTANCE OF 281.95 FEET TO THE POINT OF  
BEGINNING, THENCE CONTINUING SOUTH 00 DEGREES 48 MINUTES 33 SECONDS EAST  
ALONG SAID WEST LINE, A DISTANCE OF 124.66 FEET, THENCE SOUTH 59 DEGREES  
11 MINUTES 27 SECONDS WEST ALONG THE CENTERLINE OF SAID WEST LINE, A  
DISTANCE OF 281.95 FEET, THENCE NORTH 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 DRAIN 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  
HERON DRAIN IS IN COMPLIANCE WITH THE LAWS OF THE CITY OF WHEATON  
DUPAGE COUNTY, ILLINOIS, AND THAT THIS SITE IS LOCATED OUTSIDE OF  
ZONE A (AREAS DETERMINED TO BE OUTSIDE THE 50% ANNUAL CHANCE  
FLOODPLAIN) AS DEFINED IN THE FLOOD INSURANCE RATE MAP NO. 17043CD50504H  
AND 17043CD5050B0H WITH AN EFFECTIVE DATE OF DECEMBER 16, 2004 TO THE  
BEST OF MY KNOWLEDGE AND BELIEF.

GIVEN UNDER MY HAND AND SEAL THIS 19<sup>th</sup> 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



PROJECT NO. 14077	DATE 11/18/16	DRAWING NO. 2224	CLIENT	WBK ENGINEERING, LLC 115 W. MAIN STREET, SUITE 201 ST. CHARLES, ILLINOIS 60174 (843) 443-7775	DAVID WEEKLEY HOMES 1920 THOREAU NORTH DRIVE SCHAUMBURG, IL 60173	DSN CWN RPD CHND DER	SCALE	NO. DATE NATURE OF REVISION	FINAL PLAT OF SUBDIVISION	AMBER COURT SUBDIVISION
2 OF 2										