

VILLAGE OF GILBERTS

ORDINANCE 15-2022

AN ORDINANCE APPROVING THE FINAL PLAT OF SUBDIVISION AND FINAL PUD PLANS FOR PHASE 2B-3 OF THE CONSERVANCY DEVELOPMENT

WHEREAS, on January 31, 2017, the Village of Gilberts Board of Trustees approved the First Amendment to an Annexation and Development Agreement between the Village of Gilberts and Gilberts Development LLC for 914.02 acres of Conservancy Development, legally described on **Exhibit A** ("***Gilberts Development Parcel***"), which Agreement was recorded on February 3, 2017, with the Kane County Recorder's Office, as Document No. 2017K006674, and has been amended from time-to-time including in the Third Amendment to the Annexation Agreement ("***Amended Annexation Agreement***"); and

WHEREAS, on January 31, 2017, the Village of Gilberts Board of Trustees also approved Ordinance No. 05-2017, an Ordinance Approving a First Amendment to an Existing Planned Unit Development and the Preliminary PUD Plan for the Conservancy Development, which Ordinance was recorded on February 3, 2017, with the Kane County Recorder's Office, as Document No. 2017K006675, which PUD Ordinance has been amended from time-to-time including the Second Amendment to the PUD Ordinance approved in 2019 ("***Amended PUD Ordinance***"); and

WHEREAS, the Village previously approved final plats of subdivision and final PUD plans for Phase 1, Phase 2A-1, Phase 2A-2, Phase 3A, Phase 2B-1, and Phase 2B-2 of the Gilberts Development Parcel; and

WHEREAS, Gilberts Development LLC subsequently submitted an application requesting approval of a final plat of subdivision and final PUD plan for Phase 2B-3 of the Gilberts Development Parcel, consisting of 4 single-family lots and 40 townhome lots; and

WHEREAS, the Final Plat of Subdivision and Final PUD Plan for Phase 2B-3 are substantially in conformity with the preliminary plat and plans approved by the Village Board in the Second Amendment to the PUD Ordinance approved in 2019; and

WHEREAS, on September 14, 2022, the Village Plan Commission conducted a meeting to consider the Final Plat and Final PUD Plans for Phase 2B-3 of the Gilberts Development Parcel, and made a recommendation of approval to the Village Board, subject to various conditions; and

WHEREAS, the Village Board has considered the request for approval of Gilberts Development LLC's Final Plat of Subdivision and Final PUD Plans for Phase 2B-3 of the Gilberts Development Parcel and determined that the requested approvals are in the best interests of the Village and its residents, subject to the conditions contained in this Ordinance, the Amended PUD Ordinance, and the Amended Annexation Agreement.

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS AS FOLLOWS:

Section 1. Recitals. The recitals set forth above are hereby incorporated into and made a part of this Ordinance as though set forth in this Section 1.

Section 2. Approval of Final Plat of Subdivision for Phase 2B-3. Subject to the conditions set forth in Section 4 of this Ordinance, as well as the other approvals granted by this Ordinance, the Amended PUD Ordinance, and the Amended Annexation Agreement, the Village President and Board of Trustees hereby approves the Final Plat of Subdivision for Phase 2B-3 of the Gilberts Development Parcel, which Plat is attached hereto as **Exhibit B**.

Section 3. Approval of Final PUD Plans for Phase 2B-3. Subject to the conditions set forth in Section 4 of this Ordinance, as well as the other approvals granted by this Ordinance, the Amended PUD Ordinance, and the Amended Annexation Agreement, the Village President and Board of Trustees hereby approve the Final PUD Plan for Phase 2B-3 of the Gilberts Development Parcel, which Plans are attached hereto as **Exhibit C**.

Section 4. Conditions. The approvals granted in Sections 2 and 3 of this Ordinance are conditioned upon and limited by the following requirements, conditions, and restrictions, the violation of any of which shall, in the sole discretion of the President and Board of Trustees, invalidate the approvals:

- A. **No Authorization of Work.** This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on Phase 2B-3 of the Gilberts Development Parcel pursuant to the approvals granted in this Ordinance unless and until all conditions of this Ordinance have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law, and only after the developer has provided the required performance security for all public improvements required for Phase 2B-3, including the improvements required by the Amended Annexation Agreement for this phase.
- B. **Final Engineering Plan Approval.** Prior to any permit being issued for any work in Phase 2B-3, final engineering plans must be approved by the Village Engineer, including addressing the outstanding issues raised by the Engineer in its letter dated October 8, 2020, as modified on December 4, 2020, and the Engineer's supplemental letter dated July 11, 2022, as modified on July 14, 2022, to the satisfaction of the Village Engineer.
- C. **Compliance with Laws.** The Village's zoning, subdivision, and building regulations, and all other applicable Village ordinances and regulations shall continue to apply to the Gilberts Development Parcel, and the development and use of the Gilberts Development Property shall comply with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.
- D. **Continued Effect of the Planned Unit Development and Annexation Agreement.** The Amended PUD Ordinance and the Amended Annexation Agreement shall remain in full

force and effect, and the Owner shall comply with all requirements, conditions, and restrictions therein.

- E. Declaration of Covenants. A declaration of covenants and restrictions for Phase 2B-3 or an amendment to the existing declaration of covenants recorded against portions of the Conservancy Development to add Phase 2B-3 shall be recorded against the Phase 2B-3 property in accordance with the requirements of Section 24.A of the Annexation Agreement, as amended by the Amended Annexation Agreement. The declaration shall include, at a minimum, provisions regarding maintenance by the developer, management company, or owners' association of the outlots, common areas, storm water facilities, and natural resource and other protected areas on the attached plat. The declaration of covenants and restrictions will be subject to review by the Village Attorney and the reasonable approval of the Village.

In addition, any violation of this Ordinance shall be deemed a violation of the Village of Gilberts Zoning Code and shall subject the Owner to enforcement proceedings accordingly.

Section 5. Severability. In the event a court of competent jurisdiction finds this ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

Section 6. Repeal and Saving Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Gilberts prior to the effective date of this ordinances.

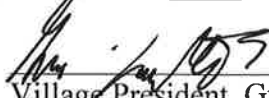
Section 7. Effective Date. Upon its passage and approval according to law, this Ordinance shall, by authority of the Board of Trustees, be published in pamphlet form.

PASSED BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this 20th day of September, 2022.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Jeanne Allen	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Dan Corbett	<u> </u>	<u> </u>	<u>X</u>	<u> </u>
Trustee Brandon Coats	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Lou Hacker	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Justin Redfield	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Trustee David LeClercq	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
President Guy Zambetti	<u> </u>	<u> </u>	<u> </u>	<u> </u>



APPROVED THIS 20TH DAY OF SEPTEMBER, 2022.



Village President, Guy Zambetti

ATTEST:



Village Clerk, Kelly Mastera

Published: September 20, 2022

SURVEYOR'S NOTES

- THIS SUBDIVISION CONSISTS OF LOTS 119 THROUGH 122, LOTS 1001 THROUGH 1009, OUTLOT T, OUTLOT U AND ARE PART OF AN INTEGRAL NUMBERING SYSTEM TO EMBRACE ALL OF THE CONSERVANCY - NEIGHBORHOOD 2B SUBDIVISION.
- THIS SUBDIVISION IS PART OF PLANNED UNIT DEVELOPMENT AS DESCRIBED IN VILLAGE OF GILBERT ORDINANCE NUMBER 08-2019 RECORDED JULY 9, 2019 AS DOCUMENT NUMBER 2019K029087. SAID ORDINANCE IS SUBJECT TO CHANGE.
- DISTANCES ARE MARKED IN FEET AND DECIMAL PLACES THEREOF. NO DIMENSION SHALL BE ASSUMED BY SCALE MEASUREMENT HEREON. DISTANCES AND/OR BEARINGS SHOWN IN PARENTHESES (456.67) ARE RECORD OR DEED VALUES.
- THIS SUBDIVISION MAY BE SUBJECT TO MATTERS OF TITLE, WHICH MAY BE REVEALED BY A CURRENT TITLE REPORT. PRE-EXISTING EASEMENTS, SETBACKS AND OTHER RESTRICTIONS WHICH MAY BE FOUND IN A CURRENT TITLE REPORT, LOCAL ORDINANCES, DEEDS OR OTHER INSTRUMENTS OF RECORD MAY NOT BE SHOWN.
- IN ACCORDANCE WITH CHAPTER 765 ILCS SECTION 205/1 5/8" X 24" LONG IRON RODS WILL BE SET AT ALL PROPERTY CORNERS AND POINTS OF GEOMETRIC CHANGE.
- UPON THE RECORDING OF THIS SUBDIVISION PLAT THE TEMPORARY UTILITY EASEMENTS SHOWN HEREON SHALL BE AUTOMATICALLY VACATED AND TERMINATED AS SET FORTH AND DESCRIBED IN TEMPORARY UTILITY EASEMENT PROVISIONS ON PLAT OF EASEMENT RECORDED AS DOCUMENT NUMBER 2022K008067.
- THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. MANHARD CONSULTING, LTD. IS A PROFESSIONAL DESIGN FIRM, REGISTRATION NUMBER 184003350, EXPIRES APRIL 30, 2023.

FINAL PLAT OF SUBDIVISION
OF
THE CONSERVANCY NEIGHBORHOOD 2B-3

BEING PART OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS

OWNER/DEVELOPER

GILBERTS DEVELOPMENT FN, LLC A
DELAWARE LIMITED LIABILITY COMPANY
340 W BUTTERFIELD ROAD, UNIT 2D
ELMHURST, ILLINOIS 60126

EXISTING PROPERTY AREA

3,449,699 SQUARE FEET (79.194 ACRES)

PROPOSED PROPERTY AREA

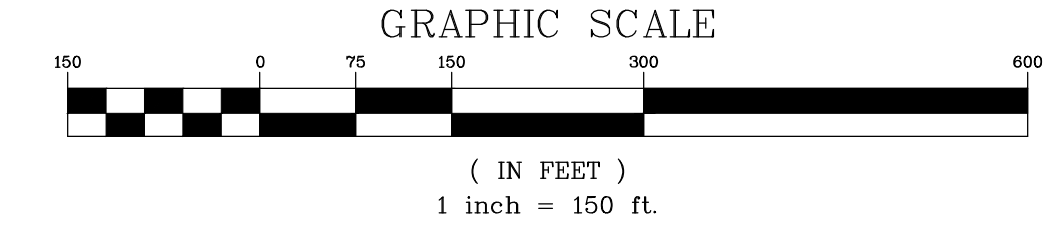
LOTS 119-122: 60,634 SQUARE FEET (1.392 ACRES)
LOTS 1001-1009: 149,985 SQUARE FEET (3.443 ACRES)
OUTLOTS: 3,178,546 SQUARE FEET (72.969 ACRES)
VILLAGE ROW DEDICATION: 48,754 SQUARE FEET (1.120 ACRES)
COUNTY ROW DEDICATION: 11,780 SQUARE FEET (0.270 ACRES)
TOTAL AREA: 3,449,699 SQUARE FEET (79.194 ACRES)

SUBMITTED BY/RETURN TO:

GILBERTS DEVELOPMENT FN, LLC A
DELAWARE LIMITED LIABILITY COMPANY
340 W BUTTERFIELD ROAD, UNIT 2D
ELMHURST, ILLINOIS 60126

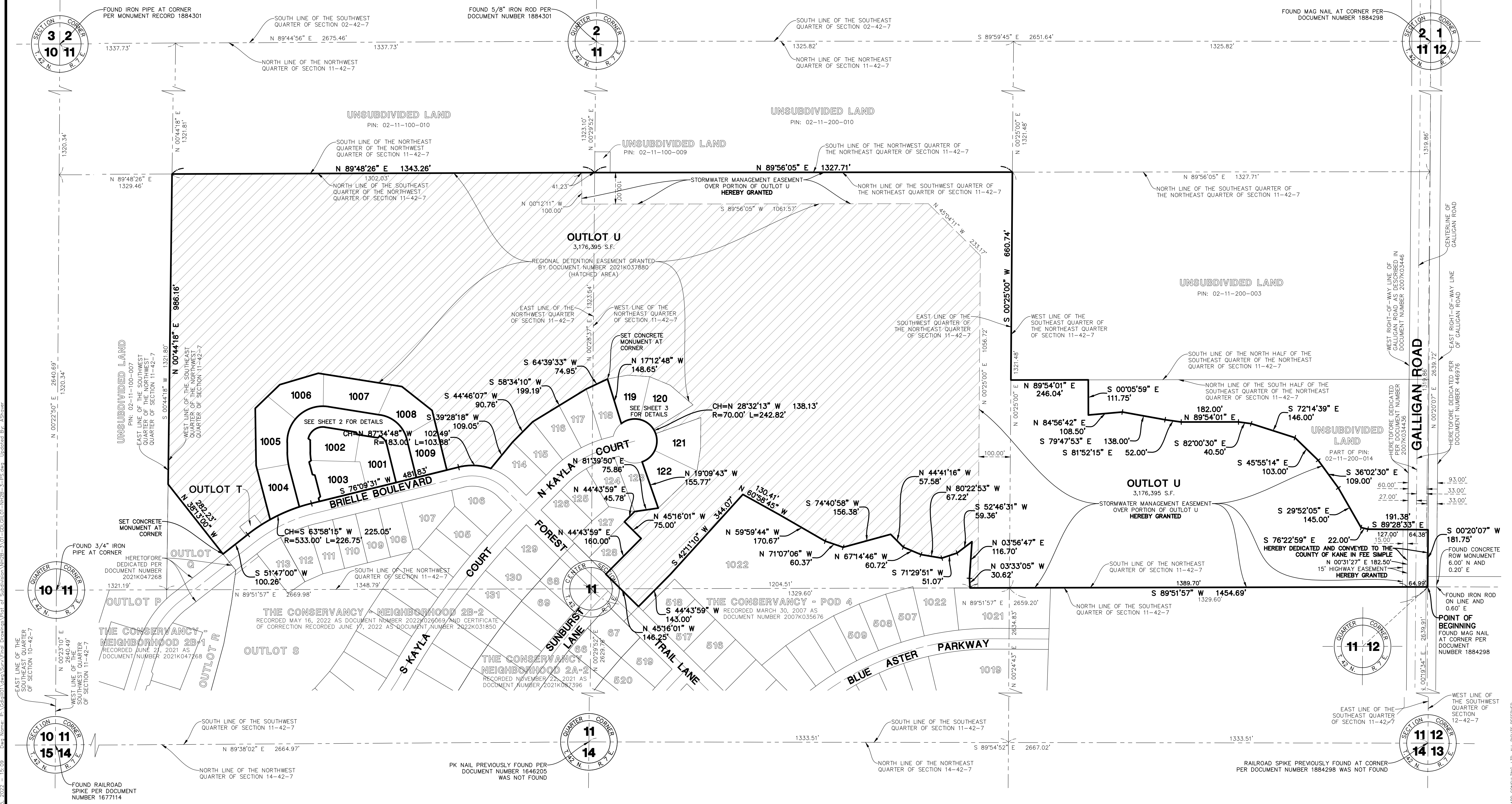
EXISTING PIN'S

02-11-100-015
02-11-200-012
02-11-400-006
PART OF 02-11-200-014



BASIS OF BEARINGS

BEARINGS ARE BASED ON THE CONSERVANCY -
NEIGHBORHOOD 2B2 FINAL PLAT OF SUBDIVISION



DATE	REVISIONS
09/15/22	REVISED PER KDOT REVIEW
07/15/22	REVISED PER VILLAGE REVIEW
	AAS
	AAS

Manhard CONSULTING LTD.
 340 W BUTTERFIELD ROAD, UNIT 2D, ELMHURST, IL 60126
 Civil Engineers • Surveyors • Wetland & Wetland Engineers • Wetland & Wetland Planners
 Construction Managers • Environmental Scientists • Landscape Architects • Planners

THE CONSERVANCY - NEIGHBORHOOD 2B-3
GILBERTS, ILLINOIS
FINAL PLAT OF SUBDIVISION

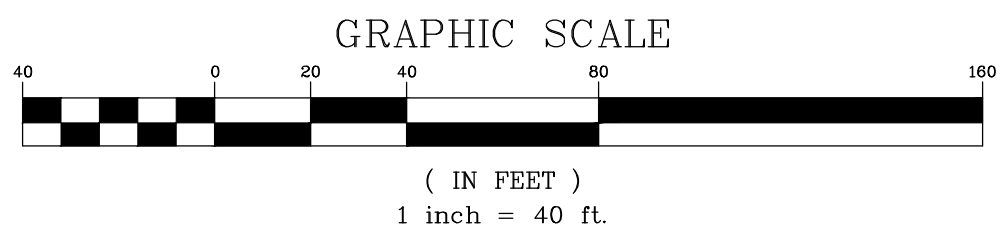
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	GDLGIL01

September 15, 2022 - 15:09 Data Name: P:\Galligan\Manhard\Final Drawings\Plat of Subdivision\NH2B-3\Final.dwg Updated By: ASherer

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FINAL PLAT OF SUBDIVISION OF THE CONSERVANCY NEIGHBORHOOD 2B-3

BEING PART OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 7 EAST
OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS

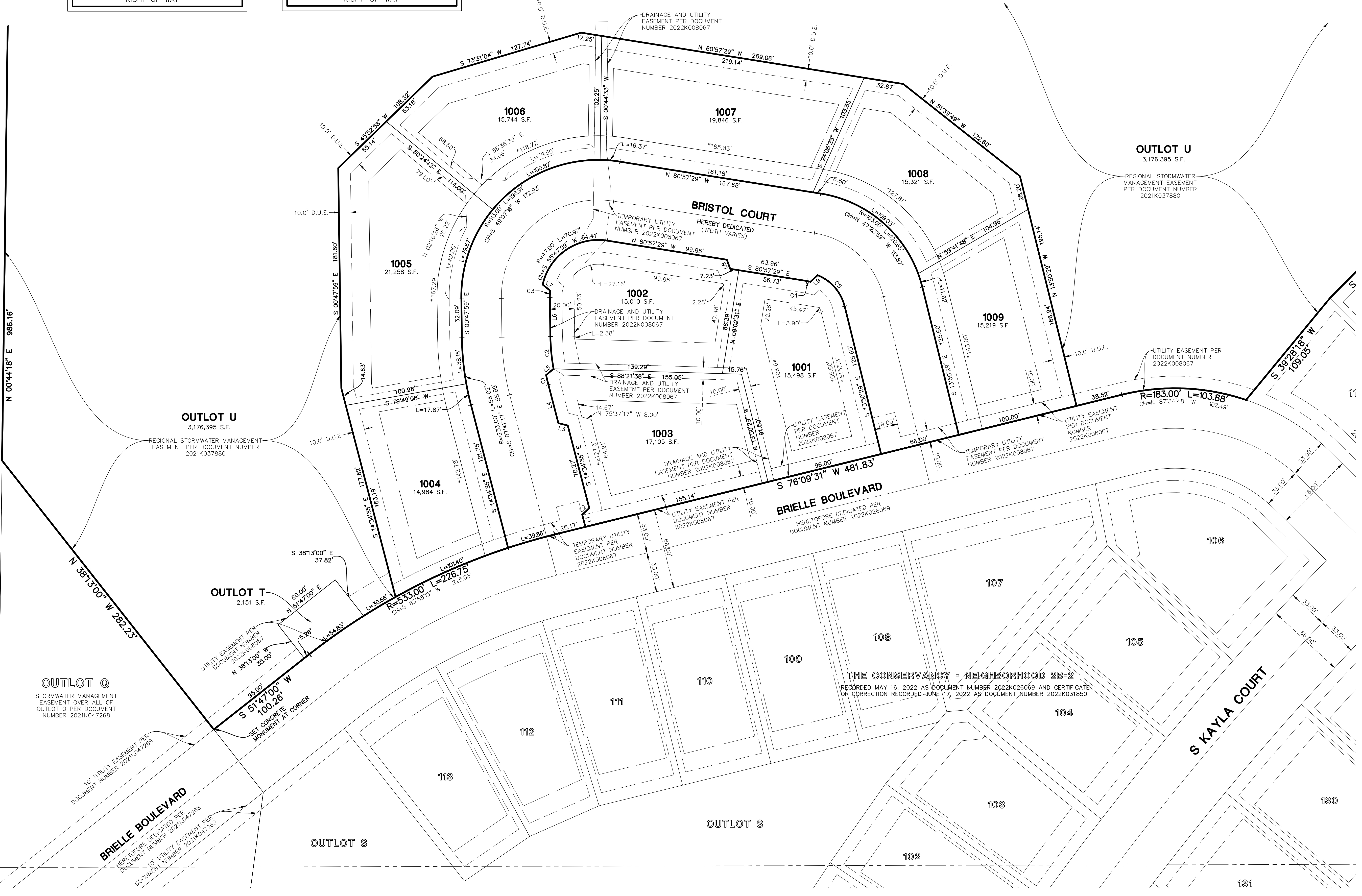
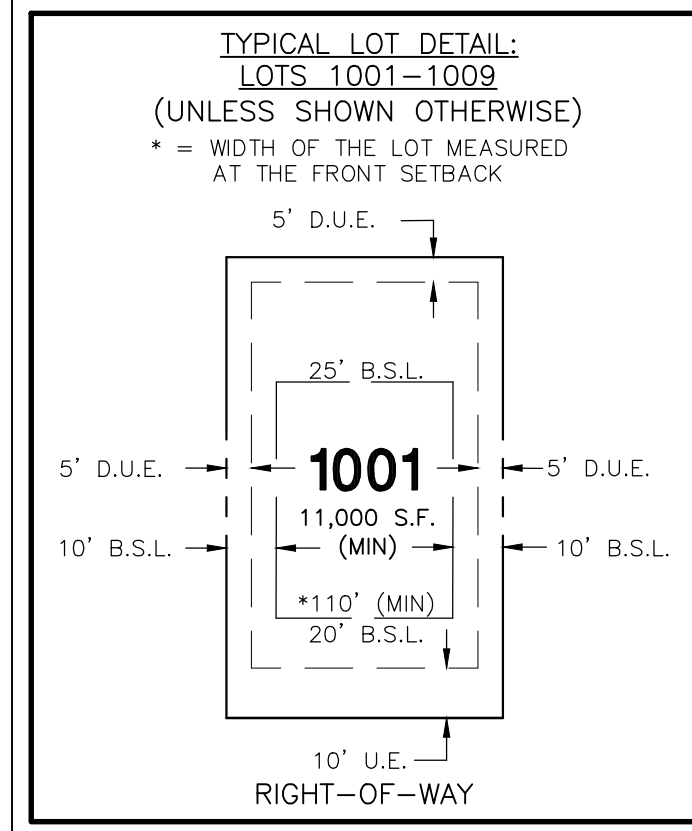
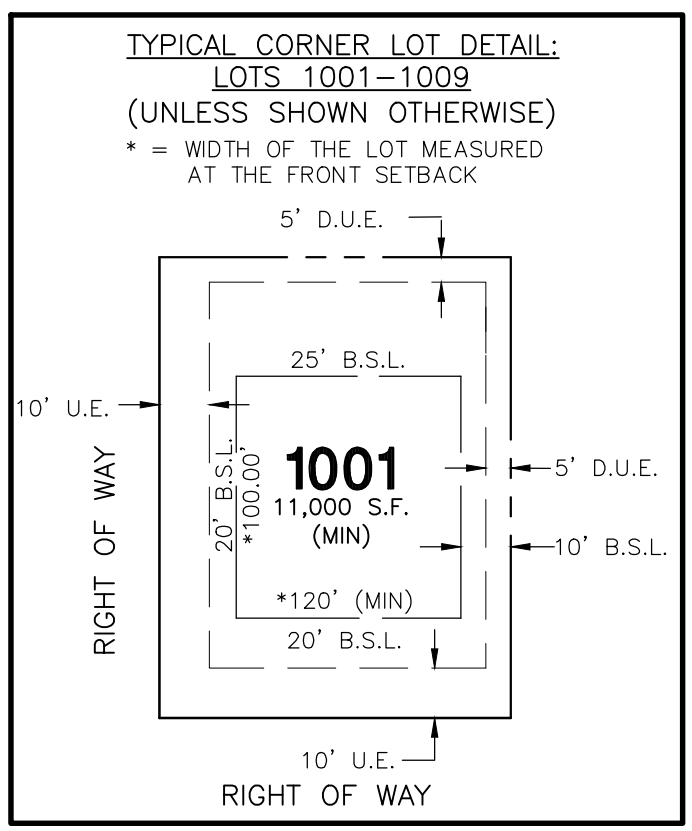


ABBREVIATIONS

D.U.E. = DRAINAGE AND UTILITY EASEMENT
HEREBY GRANTED
B.S.L. = BUILDING SETBACK LINE
HEREBY GRANTED

CURVE	RADIUS	LENGTH	CHORD	BEARING	CHORD
C1	167.00'	8.26'	S13°09'36"E	8.26'	
C2	160.00'	26.77'	S05°35'34"E	26.74'	
C3	40.00'	5.73'	S03°18'19"W	5.73'	
C4	30.00'	3.09'	N78°00'18"W	3.09'	
C5	37.00'	35.22'	N41°06'53"W	33.91'	

LINE	BEARING	LENGTH
L1	S14°34'35"E	10.41'
L2	S46°28'07"W	8.00'
L3	S75°37'17"E	8.00'
L4	S14°34'35"E	32.67'
L5	S49°58'23"W	8.00'
L6	S00°47'59"E	32.09'
L7	S50°58'18"E	8.00'
L8	N19°54'47"W	8.00'
L9	N47°24'35"E	8.00'



SEE SHEET 3



September 15, 2022 - 15:10 Des Name: P:\Gdl\gdl01\Man\Site\Final Drawings\Plat of Subdivision\NH2B-3\02-GDL\GDL01-NH2B-3-PS.dwg. Modified By: ASherer

DATE	REVISIONS
09/15/22	REVISED PER KDOT REVIEW
07/15/22	REVISED PER VILLAGE REVIEW

Manhard CONSULTING LTD
 Civil Engineers • Surveyors • Wetland Engineers • Wetland & Wetland-Related Engineers • Wetland & Wetland-Related Engineers • Wetland & Wetland-Related Engineers
 Construction Managers • Environmental Scientists • Landscape Architects • Planners

THE CONSERVANCY - NEIGHBORHOOD 2B-3
 GILBERTS, ILLINOIS
 FINAL PLAT OF SUBDIVISION

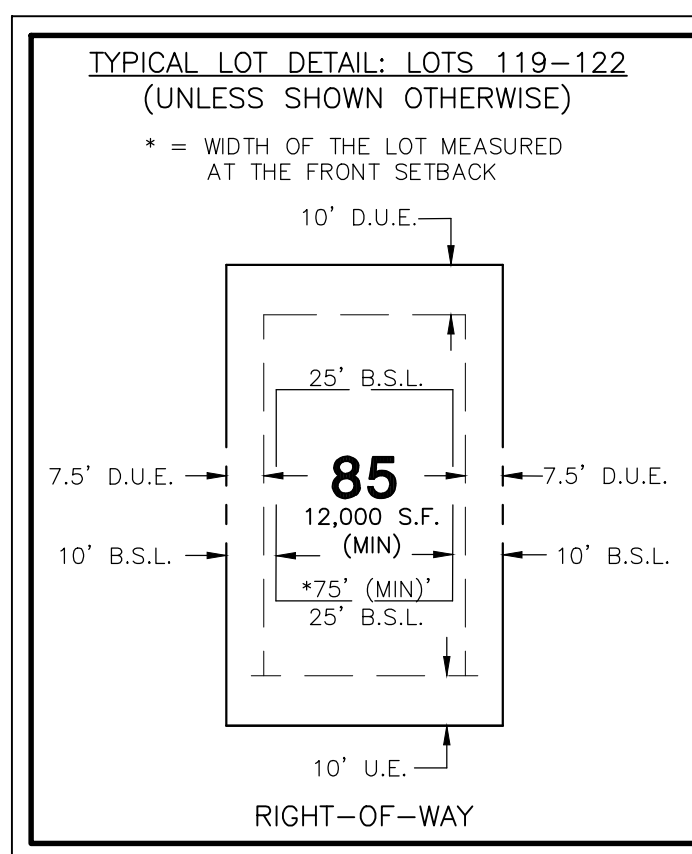
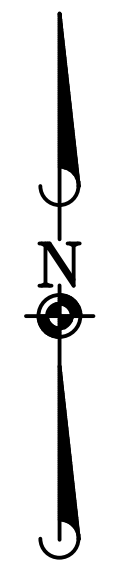
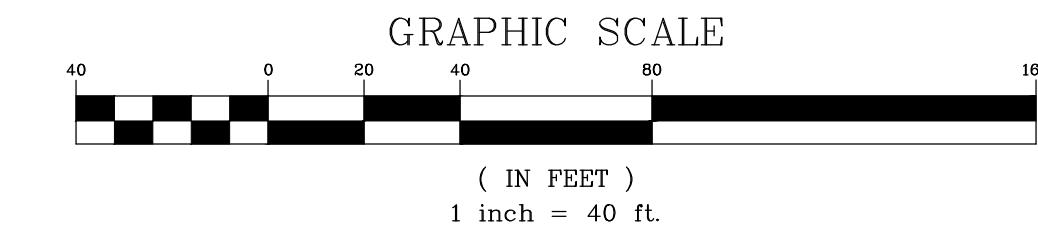
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 PROJ ASSOC: ERY
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 SCALE: 1"=40'

SHEET
2 OF **4**
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FINAL PLAT OF SUBDIVISION OF THE CONSERVANCY NEIGHBORHOOD 2B-3

BEING PART OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS



ABBREVIATIONS

D.U.E. = DRAINAGE AND UTILITY EASEMENT
HEREBY GRANTED
B.S.L. = BUILDING SETBACK LINE
HEREBY GRANTED

COMMONWEALTH EDISON AND AT&T 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
AT&T ILLINOIS, A.K.A. 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, POLES, GUYS, ANGLES, WIRES, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR OTHER FACILITIES USE, 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 MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION), THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", AND 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 RIGHT 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 GRANTEEES' 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." (OR SIMILAR DESIGNATION), WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED 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 IN 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 AS AN APPURTENANCE TO THE SEPARATELY 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 AREA", "COMMON GROUND", "PARKING" AND "COMMON AREA". THE TERM "COMMON AREA OR AREAS", AND "COMMON ELEMENTS" INCLUDES 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 OR RETENTION POND OR MECHANICAL EQUIPMENT. RELOCATION OF FACILITIES WILL BE DONE BY GRANTEEES AT COST OF GRANTEEES/LOT OWNER, UPON WRITTEN REQUEST.

NICOR GAS COMPANY EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO NORTHERN ILLINOIS GAS COMPANY, AN ILLINOIS CORPORATION, DOING BUSINESS AS NICOR GAS COMPANY ("NICOR GAS") ITS SUCCESSORS AND ASSIGNS TO INSTALL, OPERATE, MAINTAIN, REPAIR, REPLACE AND REMOVE FACILITIES USED IN CONNECTION WITH THE TRANSMISSION AND DISTRIBUTION OF NATURAL GAS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN ON THIS PLAT MARKED "UTILITY EASEMENT", "GAS EASEMENT", "COMMON AREA OR AREAS" AND STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, AND THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", TOGETHER WITH THE RIGHT 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, AND TO SERVE OTHER PROPERTY, ADJACENT OR OTHERWISE, AND THE RIGHT TO REMOVE OBSTRUCTIONS, INCLUDING BUT NOT LIMITED TO, TREES, BUSHES, ROOTS AND FENCES, AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER NICOR GAS COMPANY FACILITIES OR IN, UPON OR OVER THE PROPERTY IDENTIFIED ON THIS PLAT FOR UTILITY PURPOSES WITHOUT THE PRIOR WRITTEN CONSENT OF NICOR GAS COMPANY. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE 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 THAT MEANING SET FORTH FOR SUCH TERM IN SECTION 605/2(E) OF THE "CONDOMINIUM PROPERTY ACT" (ILLINOIS COMPILATED STATUTES, CH. 765, SEC. 605/2(E), AS AMENDED FROM TIME TO TIME.

THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, INCLUDING REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PROPERTY, EVEN THOUGH SUCH AREAS MAY BE DESIGNATED ON THIS PLAT BY OTHER TERM

DRAINAGE EASEMENT PROVISIONS

A NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED TO THE VILLAGE OF GILBERTS AND TO THEIR SUCCESSORS AND ASSIGNS, TO HAVE THE RIGHT, BUT NOT THE DUTY TO INSTALL AND MAINTAIN SURFACE DRAINAGE, SUB-SURFACE DRAINAGE AND/OR STORM SEWERS, WITH ALL NECESSARY MANHOLES, CONNECTIONS, AND OTHER APPURTENANCES IN, UPON, OVER OR ALONG THE STRIPS OF LAND DESIGNATED ON THE PLAT AND MARKED "DRAINAGE AND UTILITY EASEMENT" OR "D.U.E." FOR THE PURPOSES OF PROVIDING, INSTALLING AND MAINTAINING SURFACE DRAINAGE, SUB-SURFACE DRAINAGE AND STORM SEWER SERVICE TO THE PUBLIC IN GENERAL, TOGETHER WITH THE RIGHT TO, BUT NOT THE DUTY TO ENTER UPON THE SAID EASEMENT AT ALL TIMES FOR ANY AND FOR ALL OF THE PURPOSES AFORESAID AND TO TRIM AND KEEP TRIMMED ANY TREES, SHRUBS, OR SAPLINGS THAT INTERFERE WITH ANY SUCH STORM SEWERS AND/OR DRAINAGE. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENT, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE USE OF SAID EASEMENT FOR DRAINAGE AND STORM SEWER PURPOSES INCLUDING ANY PURPOSES APPROVED BY THE VILLAGE OF GILBERTS WITH THIS DEVELOPMENT PLAN.

UTILITY EASEMENT PROVISIONS

EASEMENTS ARE RESERVED FOR AND GRANTED TO THE VILLAGE OF GILBERTS AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISE FROM THE VILLAGE, INCLUDING, BUT NOT LIMITED TO COMMONWEALTH EDISON COMPANY, AT&T, NICOR GAS COMPANY, VILLAGE DESIGNATED CABLE TELEVISION COMPANY, AND THEIR SUCCESSORS AND ASSIGNS OVER ALL THE AREAS MARKED "UTILITIES EASEMENT" OR "U.E." OR "D.U.E." ON THE PLAT FOR THE PERPETUAL RIGHT AND PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN, AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS, INCLUDING STORM AND/OR SANITARY SEWERS, AND WATERMAIN TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, CONNECTIONS, APPLICANCES AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID VILLAGE OVER, UPON, ALONG, UNDER AND THROUGH SAID INDICATED EASEMENT, TOGETHER WITH THE RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE ABOVE WORK AND EASEMENT. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS SHALL BE PLACED WITHIN SAID EASEMENT, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS. WHERE AN EASEMENT IS USED BOTH FOR SEWER AND OTHER UTILITIES, THE OTHER UTILITY INSTALLATION SHALL BE SUBJECT TO THE ORDINANCES OF THE VILLAGE OF GILBERTS.

STORMWATER MANAGEMENT EASEMENT PROVISIONS

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF GILBERTS AND TO ITS SUCCESSORS AND ASSIGNS OVER ALL OF THE AREAS MARKED "STORMWATER MANAGEMENT EASEMENT" OR "SME" ON THE PLAT HEREON DRAWN FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, REPAIR, INSPECT, MAINTAIN, AND OPERATE STORM SEWERS AND THE STORMWATER MANAGEMENT AREAS, TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, CONNECTIONS, DITCHES, SWALES, AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID VILLAGE OVER, UPON, ALONG, UNDER AND THROUGH SAID INDICATED EASEMENT, TOGETHER WITH THE RIGHT OF ACCESS ACROSS THE PROPERTY FOR NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE SEWERS OR OTHER UTILITIES. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENT. NO CHANGES TO THE TOPOGRAPHY OR STORMWATER MANAGEMENT STRUCTURES WITHIN THE EASEMENT AREA SHALL BE MADE WITHOUT THE EXPRESS WRITTEN CONSENT OF THE VILLAGE ENGINEER BUT SAME MAY BE USED FOR PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS. THE CONSERVANCY'S HOMEOWNERS ASSOCIATION SHALL REMAIN RESPONSIBLE FOR THE MAINTENANCE OF THE STORMWATER DETENTION MANAGEMENT AREA AND APPURTENANCES. THE VILLAGE OF GILBERTS WILL PERFORM ONLY EMERGENCY PROCEDURES AS DEEMED NECESSARY BY THE VILLAGE ENGINEER OF THE VILLAGE OF GILBERTS.

SEE SHEET 2

OUTLOT U
3,176,395 S.F.

REGIONAL STORMWATER MANAGEMENT EASEMENT PER DOCUMENT NUMBER 2021K037880

OUTLOT U
3,176,395 S.F.

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OUTLOT U
3,176,395 S.F.

REGIONAL STORMWATER MANAGEMENT EASEMENT PER DOCUMENT NUMBER 2021K037880

THE CONSERVANCY - POD 4
RECORDED MARCH 30, 2007 AS DOCUMENT NUMBER 2007K035676

THE CONSERVANCY - NEIGHBORHOOD 2B-2
RECORDED MAY 16, 2022 AS DOCUMENT NUMBER 2022K026063 AND CERTIFICATE OF CORRECTION RECORDED JUNE 17, 2022 AS DOCUMENT NUMBER 2022K031850

THE CONSERVANCY - NEIGHBORHOOD 2A-2
RECORDED NOVEMBER 22, 2021 AS DOCUMENT NUMBER 2021K087396



September 15, 2022 15:10 Doc Name: P:\Gis\GIS\Drawings\Final\Drawings\Plat of Subdivision\NH2B-3\02-03-GD-GIL01-NH2B-3-PS.dwg User: bba... Updated By: ASher

REVISED BY	DATE	REVISIONS
AAS	09/15/22	REVISED PER KDOT REVIEW
AAS	07/15/22	REVISED PER VILLAGE REVIEW

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**THE CONSERVANCY - NEIGHBORHOOD 2B-3
GILBERTS, ILLINOIS
FINAL PLAT OF SUBDIVISION**

PROJ. MGR.: HL
PROJ. ASSOC.: ERY
DRAWN BY: AAS
DATE: 05/18/22
SCALE: 1"=40'

SHEET
3 OF 4
GDLGIL01

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