



## AGENDA ITEM EXECUTIVE SUMMARY

**Title:** Motion to approve an Ordinance approving a Final Plat of Subdivision for Lexington Club PUD.

**Staff:** Rita Tungare

*Please check appropriate box:*

Government Operations	Government Services
Planning & Development	X City Council –New Business (4/15/13)

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

**Executive Summary:**

On 1/7/13, the City approved the Lexington Club PUD (Ordinance #2013-Z-2). The approval included a Preliminary Subdivision Plat.

The owner is required to file a Final Plat of Subdivision application for the City to approve the formal subdivision of the property.

The scope of review for the Final Plat of Subdivision is limited to compliance with the approved Preliminary Subdivision Plat contained in the PUD Ordinance and standards of Title 16 of the City Code entitled “Subdivisions and Land Improvement”.

Staff has reviewed the Final Plat of Subdivision. The applicant has complied with all applicable conditions in the PUD ordinance and has made required modifications to the Final Plat.

**Plan Commission Recommendation:**

The Plan Commission unanimously recommended approval of the Final Plat of Subdivision on 4/2/13.

**Attachments:** *(please list)*

Staff Report dated 4/12/13; Ordinance; Final Plat of Subdivision

**Recommendation / Suggested Action** *(briefly explain):*

Motion to approve an Ordinance approving a Final Plat of Subdivision for Lexington Club PUD.

*For office use only:*

*Agenda Item Number:* ID

Community Development  
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



ST. CHARLES  
SINCE 1834

**STAFF REPORT**

**TO:** Mayor Donald P. DeWitte  
And City Council Members

**FROM:** Russell Colby  
Planning Division Manager

**RE:** Lexington Club PUD Final Plat of Subdivision

**DATE:** April 12, 2013

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**I. APPLICATION INFORMATION:**

**Project Name:** Lexington Club PUD

**Applicant:** Lexington Homes LLC

**Purpose:** Subdivision Plat approval

**II. OVERVIEW**

On 1/7/13, the City approved the Lexington Club PUD (Ordinance #2013-Z-2). The approval included a Preliminary Subdivision Plat.

The owner is required to file a Final Plat of Subdivision application for the City to approve the formal subdivision of the property.

The scope of review for the Final Plat of Subdivision is limited to compliance with the approved Preliminary Subdivision Plat contained in the PUD Ordinance and standards of Title 16 of the City Code entitled "Subdivisions and Land Improvement".

**III. ANALYSIS**

**CONFORMANCE WITH APPROVED PRELIMINARY PLAN AND CITY CODE**

Staff has reviewed the Final Plat of Subdivision for conformance with the approved Preliminary Plan and Title 16, "Subdivisions and Land Improvement."

Per the Subdivision Code, all Final Engineering Plans are to be reviewed by staff and shall be approved if they are in substantial conformance with the requirements of the Subdivision Code, all other applicable titles of the City Code, and the approved Preliminary Engineering Plans and Final Plat of Subdivision.

Staff has completed a review of the Final Engineering plans. The applicant has committed to making all required modifications and to comply with all comments. Remaining staff comments on the engineering plans are minor and technical in nature and will not require modifications to the Final Plat of Subdivision.

### PUD ORDINANCE REQUIREMENTS

The PUD Ordinance required the following conditions related to the Final Plat of Subdivision:

#### **Ord. 2013-Z-2, Section 5:**

*k. Ryan Street Right-of-Way: As a part of the Final Plat of Subdivision for the project, the City shall vacate the existing Ryan Street right-of-way located east of 9th Street and convey title of the property to the applicant. The City shall retain easements over any public utilities existing in the right-of-way.*

Vacation of the Ryan Street right-of-way will require a separate action initiated by the City via a separate plat of vacation. A detention easement has been provided over the right-of-way in accordance with the Preliminary Plat.

*l. Future Ryan Street extension: As a part of the Final Plat of Subdivision for the project, applicant shall dedicate right-of-way for a future Ryan Street extension at the western end of the site (shown on the PUD Preliminary Plans as Lot 54). This property shall be maintained by the Owner's Association for the development until such time the street is constructed and accepted by the City.*

A future extension of Ryan Street to the west is dedicated on the plat.

*m. Access Easements: As a part of the Final Plat of Subdivision for the project, the applicant shall provide public access easements for pedestrian paths shown on the PUD Preliminary Plans (paths connecting Ryan Street to 12th Street, Ryan Street to the St. Charles Park District site, and the two paths connecting Mark Street to the railroad right-of-way).*

Bike Path Easements have been provided to the St. Charles Park District.

*p. The Applicant shall execute a Developer's Undertaking/Land Improvement Agreement in the City's standard form, and tender the security required therein prior to the recording of the Final Plat of Subdivision.*

The applicant has committed to comply with this requirement prior to recordation of the Final Plat. Per Title 16, the Director of Community Development will not sign the Final Plat of Subdivision until this condition has been satisfied.

### ITEMS REQUIRED FOR CITY COUNCIL APPROVAL

The Plan Commission recommended approval of the Final Plat of Subdivision as required by the City Code.

The applicant has provided the required items for City Council approval of the Final Plat, per Section 16.04.080.D:

- A copy of third party permit applications.

- A certified cost estimate of all Land Improvements prepared by a register engineer.
- A description of the proposed guarantee for completion of Land Improvements.

Per Title 16, the applicant will be required to provide the Financial Guarantee in a form required by the City and execute a Land Improvement Agreement before the plat is signed by the Director of Community Development.

#### **IV. RECOMMENDATION**

Staff recommends approval of the Final Plat of Subdivision.

**City of St. Charles, Illinois**  
**Ordinance No. 2013-Z-\_\_\_**

**An Ordinance Approving the Final Plat of Subdivision for  
Lexington Club PUD**

WHEREAS, on January 7, 2013, the City Council of the City of St. Charles approved Ordinance No. 2013-Z-2, entitled “Ordinance Granting Approval of Map Amendment, Special Use for a Planned Unit Development, and Approval of a PUD Preliminary Plan (Lexington Club PUD)”; and,

WHEREAS, a petition to approve a Final Plat of Subdivision for Lexington Club PUD was filed with the City of St. Charles (“City”) on or about March 7, 2013, by Lexington Homes LLC (“Applicant”) and St. Charles-333 North Sixth Street, LLC (“Record Owner”); and,

WHEREAS, the Plan Commission reviewed said petition in accordance with law and recommended approval on April 2, 2013; and,

WHEREAS, the City Council of the City of St. Charles received the recommendation of the Plan Commission and has considered the same; and,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. That passage of this Ordinance shall constitute approval of the Final Plat of Lexington Club PUD, with a last date of revision of April 12, 2013, prepared by TFW Surveying and Mapping Inc., a reduced copy of which is attached hereto and incorporated herein as Exhibit “A”, subject to compliance with such corrections and modifications as may be required by the Director of Community Development and the Director of Public Works to comply with the requirements of the St. Charles Municipal Code and subject to approval of the Final Engineering Plans by staff.

2. That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Illinois, this 15th day of April, 2013.

PASSED by the City Council of the City of St. Charles, Illinois, this 15th day of April 2013.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 15th day of April 2013.

\_\_\_\_\_  
Donald P. DeWitte, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

DATE: \_\_\_\_\_

**EXHIBIT "A"**

**FINAL PLAT OF SUBDIVISION  
LEXINGTON CLUB PUD**

**Revised April 12, 2013**

**Prepared by TFW Surveying**

[Following eight (8) pages]



GRAPHIC SCALE

( IN FEET )  
1 inch = 40 ft.

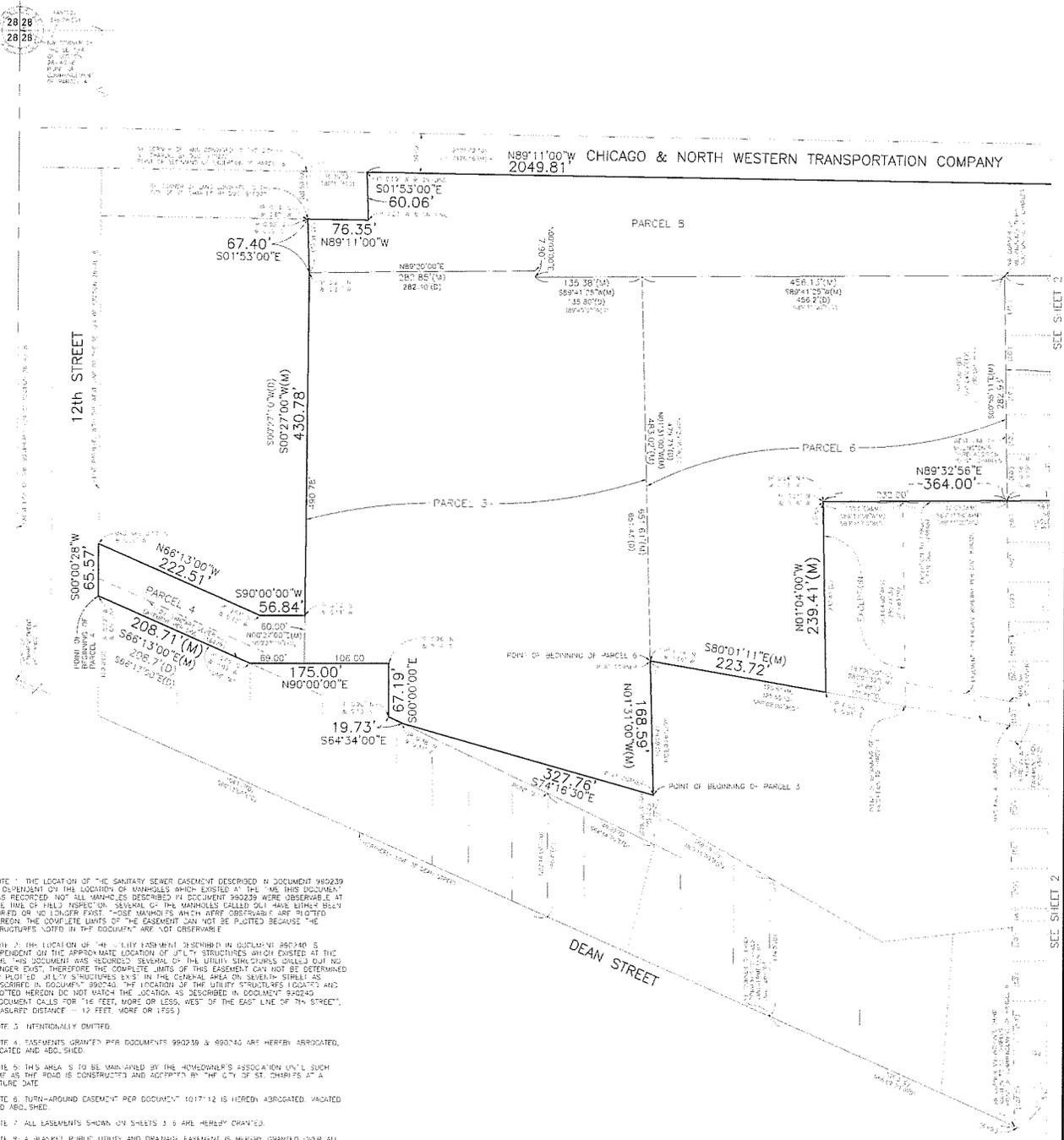
ARC	LENGTH	RADIUS	CHORD	CHORD BEARING
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C2	47.95'	43.00'	39.73'	S60°38'44"E
C3	70.36'	215.00'	70.05'	S69°04'33"W
C4	68.03'	214.00'	81.18'	N72°53'05"E
C5	50.97'	152.00'	50.73'	N68°50'35"E
C6	38.59'	28.00'	35.79'	S38°41'14"E
C7	95.38'	150.00'	64.77'	S79°10'14"W

# FINAL PLAT OF SUBDIVISION LEXINGTON CLUB

BEING A RESUBDIVISION IN PART OF THE SOUTHWEST 1/4 OF SECTION 27 AND IN PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 40 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

### LEGEND

- CT = CROSS NOTCH
- CD = DEED
- IR = IRON ROD
- R = IRON ROD
- M = MEASURED
- MA = MANHOLE
- RIP = PINCHED IRON PIPE
- RI = IRON TIE
- JP = UTILITY POLE



NOTE 1: THE LOCATION OF THE SANITARY SEWER EASEMENT DESCRIBED IN DOCUMENT 990239 IS DEPENDENT ON THE LOCATION OF MANHOLES WHICH EXISTED AT THE TIME THIS DOCUMENT WAS RECORDED. NOT ALL MANHOLES DESCRIBED IN DOCUMENT 990239 WERE OBSERVABLE AT THE TIME OF FIELD WORK ON SEVERAL OF THE MANHOLES CALLED OUT HAVE EITHER BEEN BURIED OR NO LONGER EXIST. JOSE MANHOLES WHICH WERE OBSERVABLE ARE PLOTTED HEREON. THE COMPLETE LIMITS OF THE EASEMENT CAN NOT BE PLOTTED BECAUSE THE STRUCTURES NOTED IN THE DOCUMENT ARE NOT OBSERVABLE.

NOTE 2: THE LOCATION OF THE UTILITY EASEMENT DESCRIBED IN DOCUMENT 990240 IS DEPENDENT ON THE APPROXIMATE LOCATION OF UTILITY STRUCTURES WHICH EXISTED AT THE TIME THIS DOCUMENT WAS RECORDED. SEVERAL OF THE UTILITY STRUCTURES CALLED OUT DO NOT UNDER EXIST, THEREFORE THE COMPLETE LIMITS OF THIS EASEMENT CAN NOT BE DETERMINED OR PLOTTED. UTILITY STRUCTURES EXIST IN THE GENERAL AREA ON SEVENTH STREET AS DESCRIBED IN DOCUMENT 990240. THE LOCATION OF THE UTILITY STRUCTURES LOCATED AND PLOTTED HEREON DO NOT MATCH THE LOCATION AS DESCRIBED IN DOCUMENT 990240 (DOCUMENT CALLS FOR 16 FEET, MORE OR LESS, WEST OF THE EAST LINE OF 7TH STREET, MEASURED DISTANCE 12 FEET, MORE OR LESS).

NOTE 3: INTENTIONALLY OMITTED.

NOTE 4: EASEMENTS GRANTED PER DOCUMENTS 990239 & 990240 ARE HEREBY ABROGATED, VACATED AND ABOLISHED.

NOTE 5: THIS AREA IS TO BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION ON A SUCH "AS BUILT" BASIS AS CONSTRUCTED AND APPROVED BY THE CITY OF ST. CHARLES AT A FUTURE DATE.

NOTE 6: TURN-AROUND EASEMENT PER DOCUMENT 1017-12 IS HEREBY ABROGATED, VACATED AND ABOLISHED.

NOTE 7: ALL EASEMENTS SHOWN ON SHEETS 3 & 4 ARE HEREBY CANCELED.

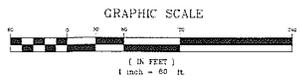
NOTE 8: A BLANKET PUBLIC UTILITY AND DRAINAGE EASEMENT IS HEREBY GRANTED OVER ALL OF LOTS 53, 60, 61, 62 AND 63.

- PIN 09-27-303-001
- 09-28-452-003
- 09-28-120-008
- 09-28-475-009
- 09-28-475-001
- 09-28-477-008
- 09-28-476-001
- 09-28-477-004
- 09-28-400-002
- 09-28-400-003

AREA SUMMARY			
LOTS 1-52	444,944 SQ. FT.	OR	10.2145 ACRES
LOT 53 NET	26,506 SQ. FT.	OR	0.6085 ACRES
LOTS 55-59	343,189 SQ. FT.	OR	7.8785 ACRES
LOTS 60-63 NET	135,491 SQ. FT.	OR	3.1104 ACRES
HEREBY DEDICATED	219,933 SQ. FT.	OR	5.0490 ACRES
TOTAL (LOT 54 INTENTIONALLY OMITTED)	1,170,063 SQ. FT.	OR	26.8610 ACRES
AREA OF RYAN STREET STORMWATER DETENTION EASEMENT			
TOTAL AREA	19,769 SQ. FT.	OR	0.4538 ACRES

REVISED: APRIL 12, 2013 (CURRENT HOUSE REVISIONS)  
 DATE: MARCH 4, 2013 (130113-1)  
 ORDER NO: 130295-1  
 PROJ. NO: 1311  
 FOR: LEXINGTON HOMES, LLC  
 PROJ. NAME: LEXINGTON CLUB  
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 Reference: Chicago Title Registration # 484-002743

**TFW SURVEYING** U  
 &  
 MAPPING Z  
 LAND SURVEYING • TOPOGRAPHIC MAPPING • CONSTRUCTION LAYOUT  
 898 EAST BELVIDERE ROAD • SUITE 413 • GRAYSLAKE, ILLINOIS 60030  
 847-548-6600 FAX 848-6699  
 tfw@tfwsurvey.com www.tfwsurvey.com



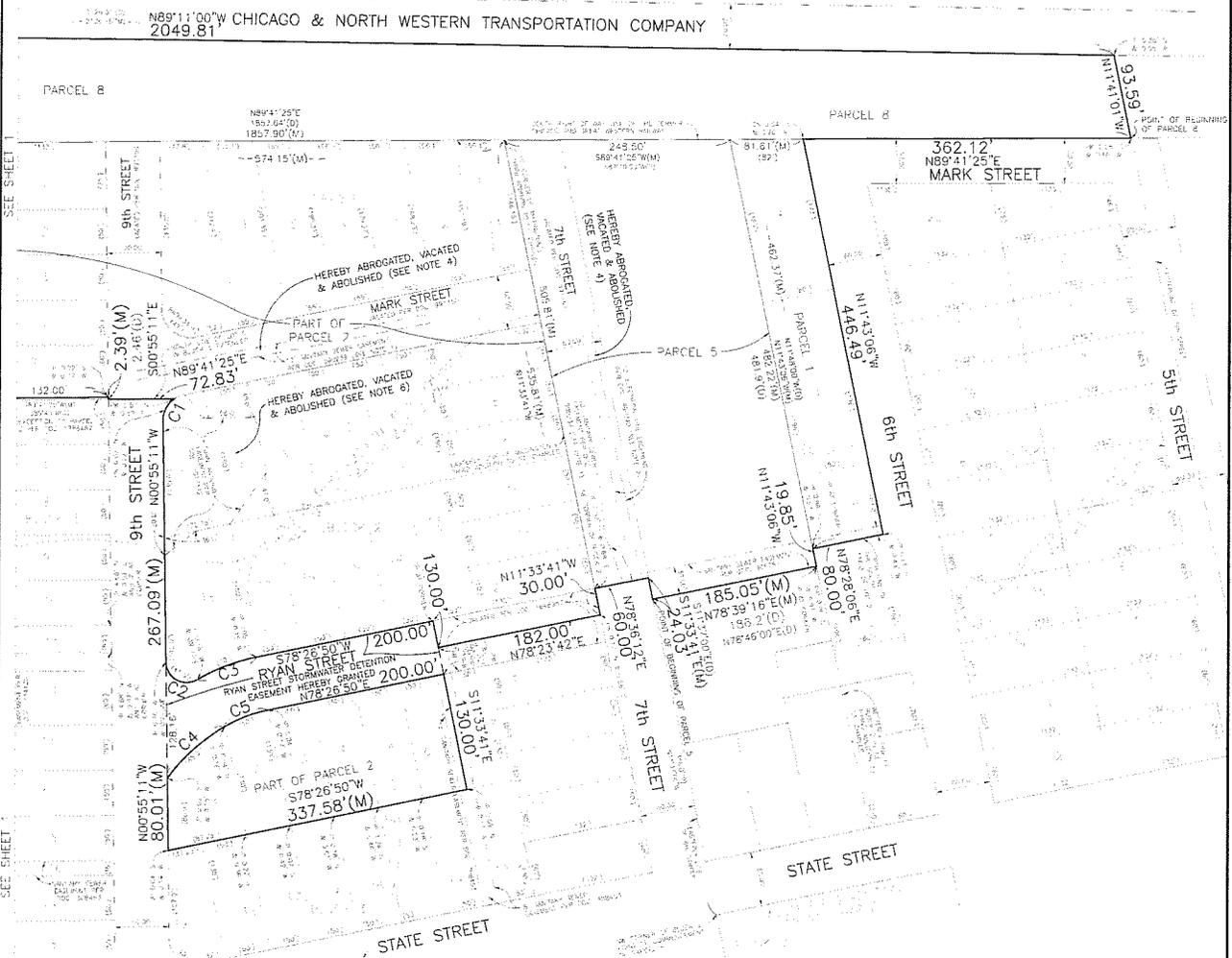
ARC	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	27.95'	28.20'	26.81'	S77°10'28"W
C2	47.85'	23.00'	59.73'	S60°38'44"E
C3	23.26'	212.20'	19.25'	S89°02'22"W
C4	85.01'	171.00'	84.16'	N72°55'10"E
C5	80.97'	152.00'	50.73'	N68°50'32"E
C6	38.53'	28.00'	35.79'	S48°41'14"E
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  - IRWD = IRON ROD
  - M = MEASURED
  - MA = MARKER
  - PRP = PRICKED IRON PIPE
  - PK = PILE
  - UP = UTILITY POLE

CONTINUED ON THE NEXT AND SEVEN  
MOTHER MAPS OF THE CHICAGO  
AREA FROM THE YEAR 1850 TO 1900



SEE SHEET  
SEE SHEET

- P.A.V.
- 09-27-2013-001
  - 09-28-2013-003
  - 09-28-2013-008
  - 09-28-2013-019
  - 09-28-2013-063
  - 09-28-2013-108
  - 09-28-2013-111
  - 09-28-2013-014
  - 09-28-2013-002
  - 09-28-2013-003

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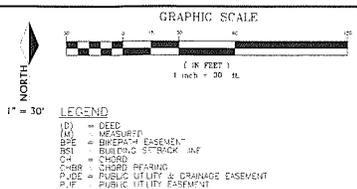
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 ORDER NO: 120292-1  
 PROJ. NO: 1311  
 FOR LEXINGTON HOMES, LLC  
 PROJ. NAME: LEXINGTON CLUB  
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 Professional Geographer Registration # 018-002231

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AREA OF RYAN STREET STORMWATER DETENTION EASEMENT  
 TOTAL AREA 19,769 SQ. FT. OR 0.4538 ACRES

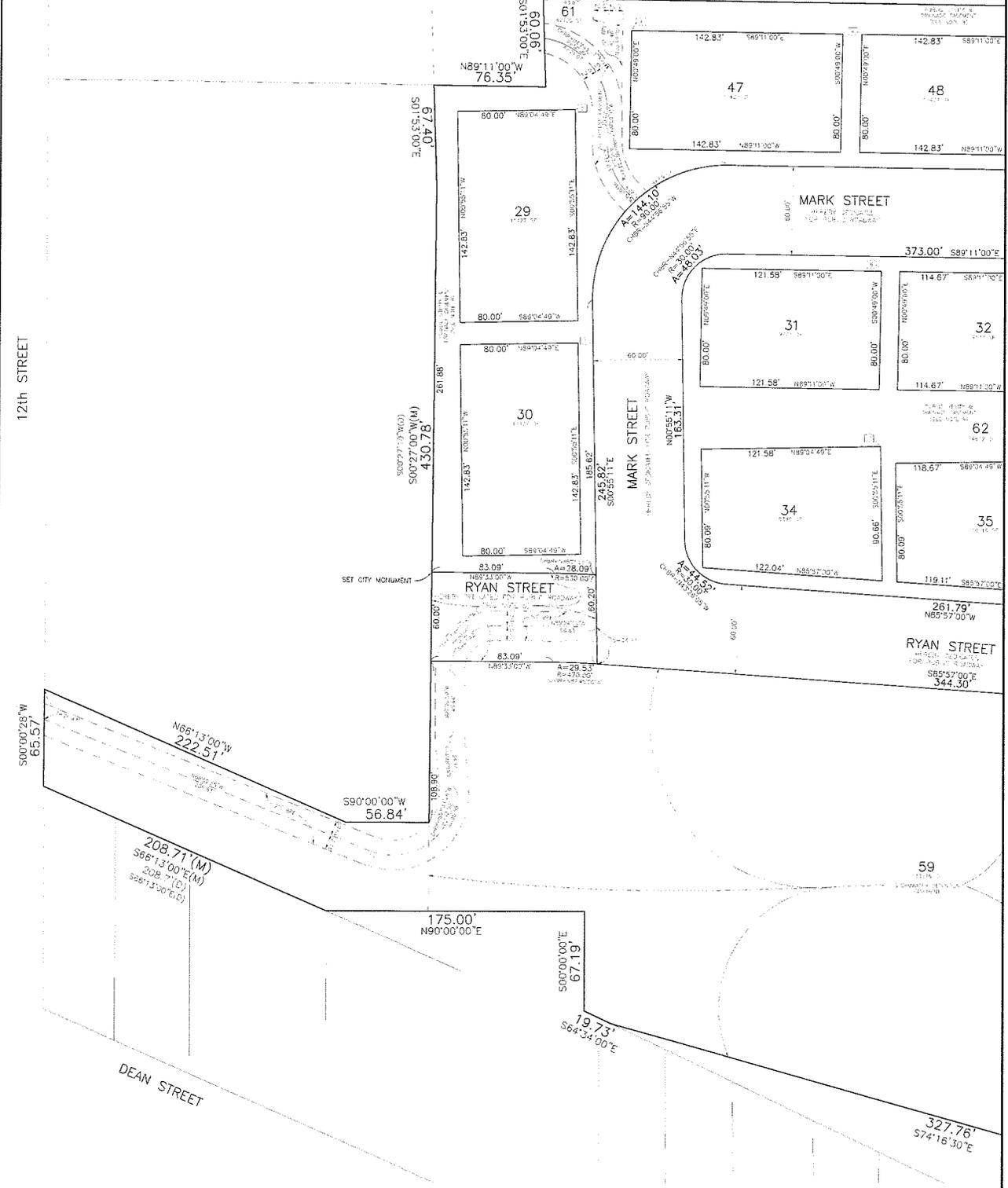


ARC	LENGTH	RADIUS	CHORD	CHORD BEARING
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3-2	85.03'	214.00'	84.58'	N47°55'49"E
3-3	93.97'	193.00'	109.73'	N68°50'23"E
3-4	98.83'	28.00'	35.78'	S38°41'12"E
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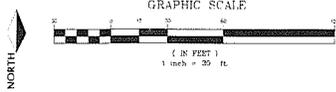
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CHICAGO & NORTH WESTERN TRANSPORTATION COMPANY  
N89°11'00"W  
2049.81'



REVISED: APRIL 12, 2013 (CLIENT/HOUSE REVISIONS)  
DATE: MARCH 22, 2013 (130113-1)  
ORDER NO: 1302933  
PLOT NO: 1311  
FOR: LEXINGTON HOMES, LLC  
PROJ: NAME: LEXINGTON CLUB  
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Reference: Chicago Form and Register: 418A-02023



ARC	LENGTH	RADIUS	C-CHORD	CHORD BEARING
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23	70.38	215.00	70.05	S69°34'20"W
24	86.03	214.00	84.48	N47°53'46"E
25	50.97	155.00	53.73	N68°30'25"E
26	38.83	28.00	35.79	S39°41'14"E
27	55.08	150.00	54.27	S79°10'14"W

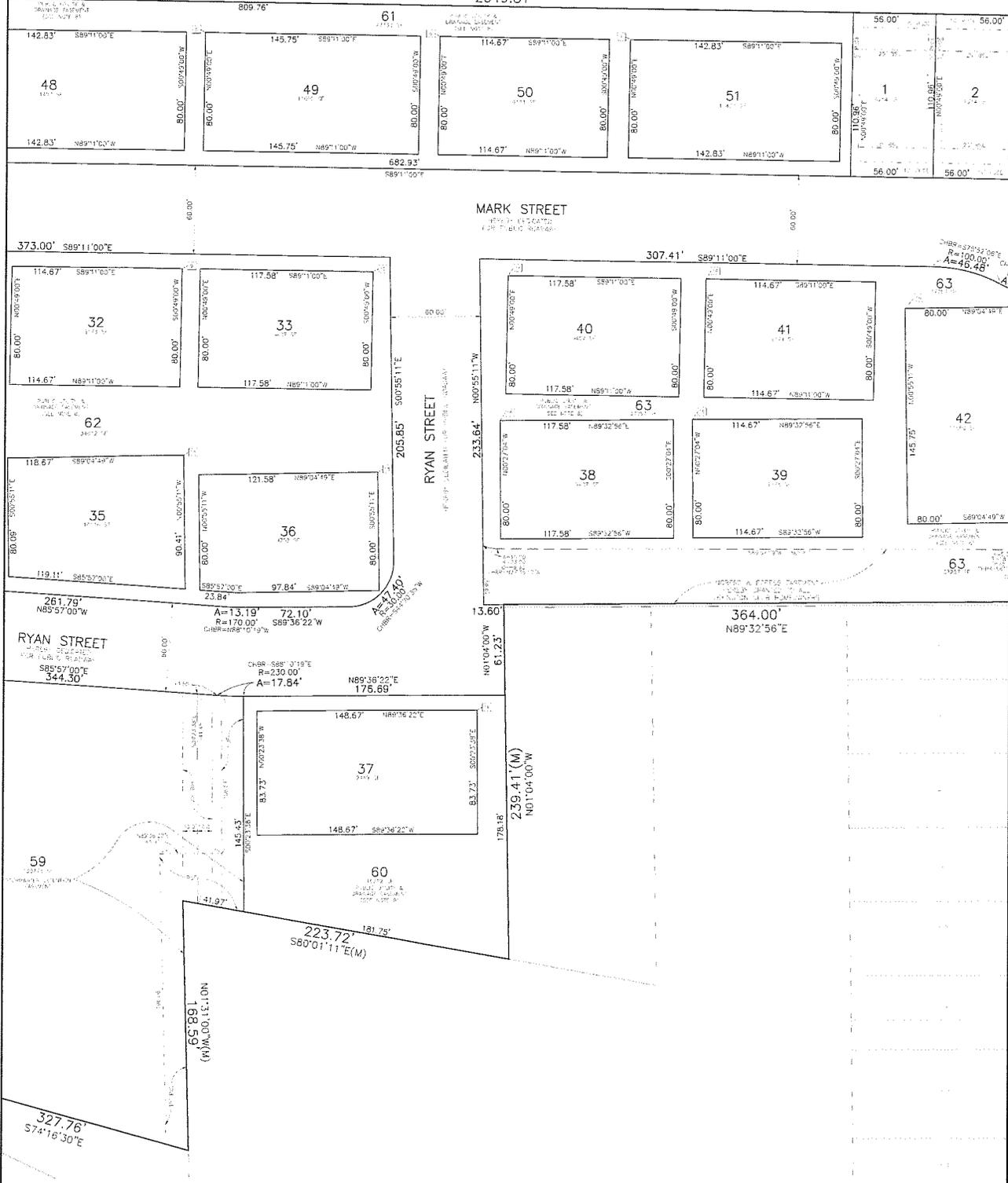
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- LEGEND**
- (D) = DEED
  - (M) = METERS
  - (S) = SURVEY
  - (E) = EASEMENT
  - (P) = PUBLIC UTILITY EASEMENT
  - (C) = CHORD
  - (B) = BEARING
  - (PUE) = PUBLIC UTILITY EASEMENT
  - (PUE) = PUBLIC UTILITY EASEMENT
  - (PUE) = PUBLIC UTILITY EASEMENT

SEE SHEET 8 OF 8 FOR NOTES AND LOT LINES

CHICAGO & NORTH WESTERN TRANSPORTATION COMPANY  
N89°11'00"W  
2049.81'



REVISED: APRIL 12, 2013 (CLIENT/IN-HOUSE REVISIONS)  
DATE: MARCH 22, 2013 (130113-3)  
ORDER NO: 1302933  
PROJECT NO: 1311  
FOR: LEXINGTON HOMES, LLC  
FIELD NAME: LEXINGTON CLUB  
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Professional Survey Form Registration # 488-002392

**LEGEND**

10	DECID
11	MFRSHPFR
12	BRKFRN
13	BRKFRN
14	BUILDING SETBACK LINE
15	PUBLIC UTILITY & EASEMENT
16	PUB IC UTILITY EASEMENT
17	PUB IC UTILITY EASEMENT

ARC	LENGTH	RADIUS	C-CHD	CHORD BEARING
C1	27.95'	28.00'	26.9'	S79°43'25"W
C2	17.90'	21.00'	39.7'	S69°38'42"E
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C6	38.53'	28.00'	35.79'	S38°11'12"E
C7	41.0'	(28.0')		
C8	55.08'	150.00'	53.37'	S72°10'14"W

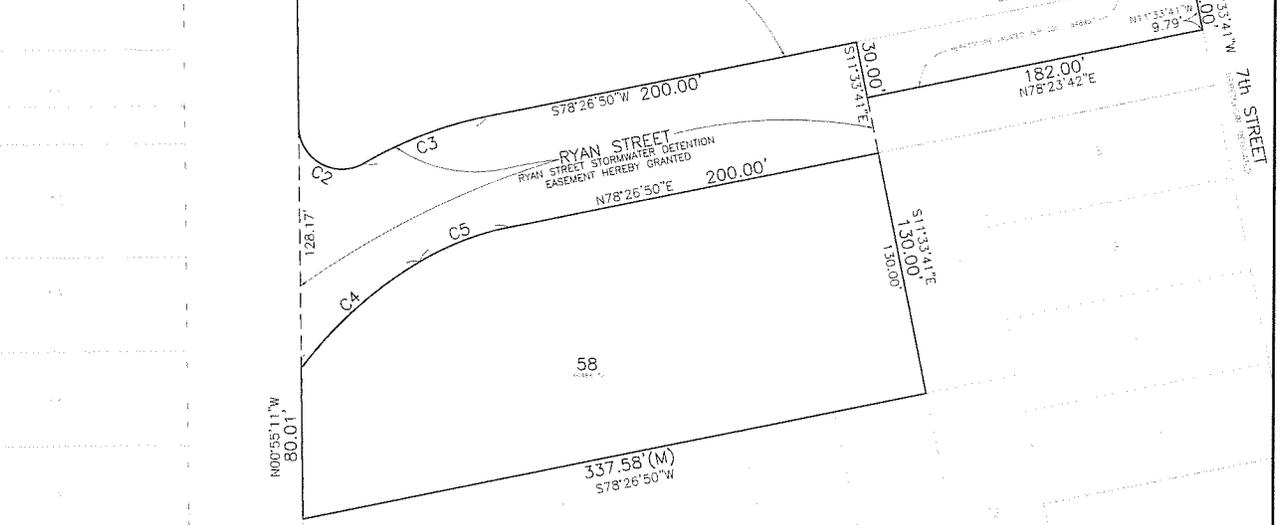
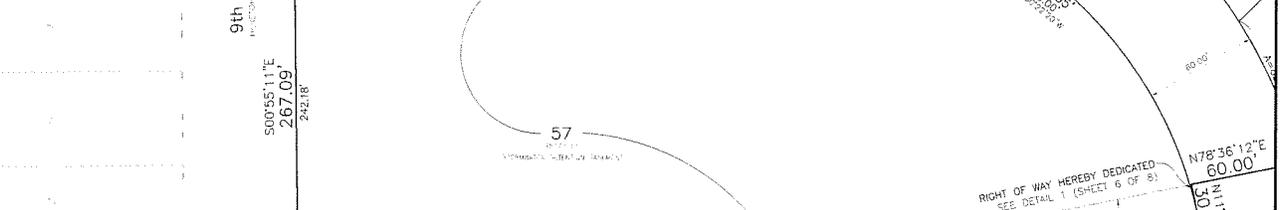
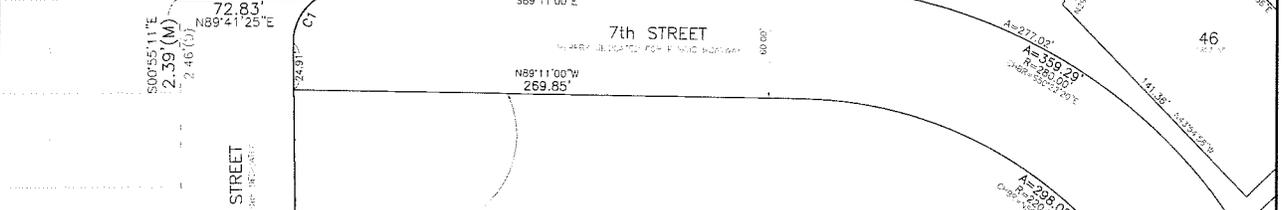
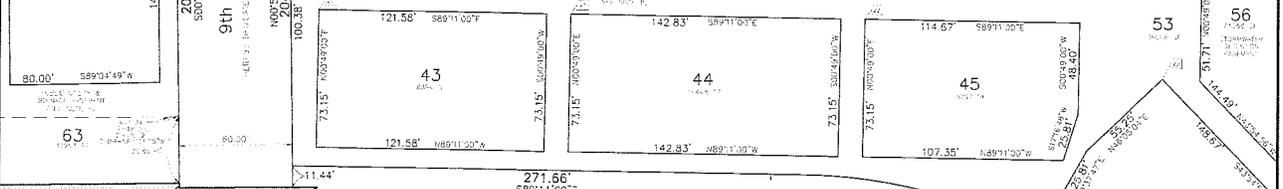
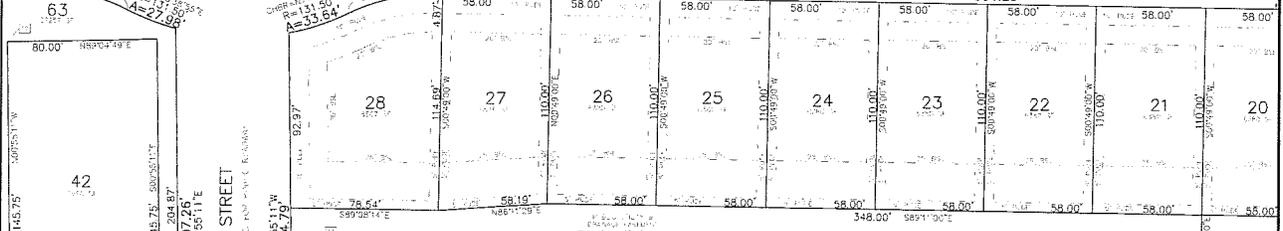
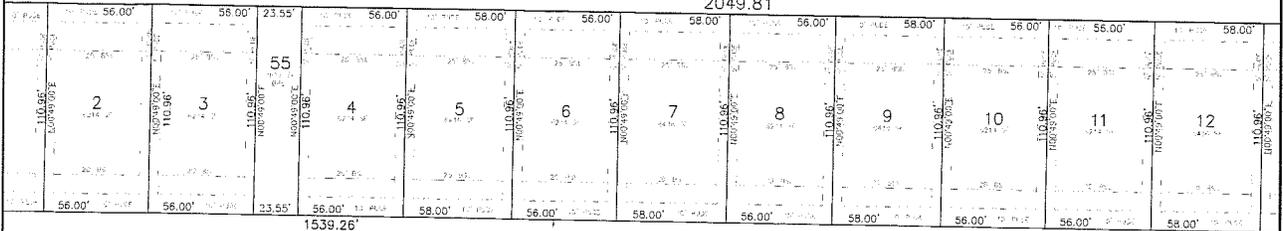
SEE SHEET 8 OF 8 FOR NOTES AND LOT SHEETS

# FINAL PLAT OF SUBDIVISION LEXINGTON CLUB

BEING A RESUBDIVISION IN PART OF THE SOUTHWEST 1/4 OF SECTION 27 AND IN PART OF THE SOUTHEAST 1/4 OF SECTION 28, TOWNSHIP 40 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

CHICAGO & NORTH WESTERN TRANSPORTATION COMPANY

N89°11'00"W  
2049.81'



REVISED: APRIL 12, 2013 (CLIENT/IN-HOUSE REVISIONS)  
DATE: MARCH 22, 2013 (130113-3)  
ORDER NO: 130293-3  
PROJ. NO: 1311  
FOR: LEXINGTON HOMES, LLC  
PROJ. NAME: LEXINGTON CLUB  
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Professional Design Firm Registration #184-062203

SHEET 5 OF 8

**TFW SURVEYING U**  
**OR**  
**MAPPING INC**  
LAND SURVEYING - TOPOGRAPHIC MAPPING - CONSTRUCTION LAYOUT  
800 EAST BELVIDERE ROAD, SUITE 413, GRAYSLAKE, ILLINOIS 60030  
817-548-6600 FAX 817-548-6699  
tfw@tfwsurvey.com www.tfwsurvey.com





OWNER'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF JEFFERSON

THIS IS TO CERTIFY THAT THE UNDERSIGNED IS THE OWNER OF THE LAND DESCRIBED IN THE ANNEXED PLAT, AND THAT HE HAS CAUSED THE SAME TO BE SURVEYED AND SUBDIVISION AS INDICATED THEREIN, FOR THE USES AND PURPOSES HEREIN SET FORTH, AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED ALSO, THIS IS TO CERTIFY THAT PROPERTY BEING SUBDIVIDED HEREUNDER, AND TO THE BEST OF THE OWNER'S KNOWLEDGE AND BELIEF, SAID SUBDIVISION IS ENTIRELY WITHIN THE LIMITS OF ST. CHARLES COMMUNITY UNIT SCHOOL DISTRICT 303

DATED AT ILLINOIS THIS DAY OF A.D. 20

BY TITLE

ATTEST TITLE

NAME ST. CHARLES 333 NORTH SIXTH STREET LLC
C/O BEAUCH BIRDSON DEVELOPMENT
101 NORTH MAIN STREET SUITE 100
CRYSTAL LAKE, IL 60014

NOTARY CERTIFICATE

STATE OF ILLINOIS
COUNTY OF JEFFERSON

I, A NOTARY PUBLIC, IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE ANNEXED PLAT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS DAY OF A.D. 20 AT ILLINOIS

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS
COUNTY OF KANE

I, COUNTY CLERK OF KANE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO JUDICIAL FORFEITED TAXES AND NO DEFERRABLE TAX SALES AGAINST ANY OF THE LAND HEREIN DESCRIBED IN THE ANNEXED PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT

GIVEN UNDER MY HAND AND SEAL AT ILLINOIS, THIS DAY OF A.D. 20

COUNTY CLERK

CERTIFICATE AS TO SPECIAL ASSESSMENTS

STATE OF ILLINOIS
COUNTY OF KANE

I DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN ADJUDICATED AGAINST THE TRACT OF LAND INCLUDED IN THE PLAT

COUNTY CLERK

DATED AT ILLINOIS THIS DAY OF A.D. 20

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS
COUNTY OF KANE

APPROVED THIS DAY OF A.D. 20
CITY OF ST. CHARLES PLAN COMMISSION

CHAIRMAN

DIRECTOR OF COMMUNITY DEVELOPMENT (or Designee) CERTIFICATE

STATE OF ILLINOIS
COUNTY OF KANE

I DO HEREBY CERTIFY THAT THE REQUIRED IMPROVEMENTS HAVE BEEN INSTALLED, OR THE REQUIRED GUARANTEE BOND HAS BEEN POSTED FOR THE COMPLETION OF ALL REQUIRED LAND IMPROVEMENTS.

DIRECTOR OF COMMUNITY DEVELOPMENT

DATED AT ILLINOIS THIS DAY OF A.D. 20

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS
COUNTY OF KANE

APPROVED AND ACCEPTED THIS DAY OF A.D. 20
CITY COUNCIL OF CITY OF ST. CHARLES, ILLINOIS

MAJOR

ATTEST CITY CLERK

MORTGAGEE'S CERTIFICATE

STATE OF ILLINOIS
COUNTY OF JEFFERSON

ACCEPTED AND APPROVED BY AS MORTGAGEE
DATED AT ILLINOIS, THIS DAY OF A.D. 20

BY

ATTEST

LEXINGTON CLUB

BEING A RESUBDIVISION IN PART OF THE SOUTHWEST 1/4 OF SECTION 27 AND IN PART OF THE SOUTHWEST 1/4 OF SECTION 28 TOWNSHIP 4 NORTH RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PUBLIC UTILITY EASEMENT PROVISIONS

A PERMANENT NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED TO THE CITY OF ST. CHARLES AND TO ALL PUBLIC UTILITY COMPANIES OF ANY KIND OPERATING UNDER FRANCHISE GRANTING THEM EASEMENT RIGHTS FROM SAID CITY OF ST. CHARLES, INCLUDING BUT NOT LIMITED TO AMERICAN AND NCGR AND TO THEIR SUCCESSORS AND ASSIGNS (HEREIN COLLECTIVELY REFERRED TO AS "GRANTEES"), IN, UPON, ACROSS, OVER, UNDER, AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "PUBLIC UTILITY AND DRAINAGE EASEMENT" (PLATE) ON THE PLAT OF SUBDIVISION HEREIN DRAWN FOR THE PURPOSE OF INSTALLING, OPERATING, MAINTAINING, REPAIRING, REPLACING, REMOVING, ENLARGING, REMOVING, REPAIRING, CLEANING, AND CONDUCTING, INSPECTING, OPERATING, REPAIRING, ENLARGING, REMOVING, REPAIRING, CLEANING, AND MAINTAINING ABOVE GROUND AND UNDERGROUND UTILITIES, SANITARY AND STORM SEWERS, DRAINAGE WAS, STORM WATER DETENTION AND RETENTION, WATER MAINS AND ANY AND ALL MANHOLES, HYDRANTS, PIPES, CONNECTIONS, CATCH BASINS, BUFFALO BOXES AND WITHOUT LIMITATION, SUCH OTHER INSTALLATIONS AS MAY BE REQUIRED TO FURNISH PUBLIC UTILITY SERVICE TO ADJACENT AREAS TOGETHER WITH THE RIGHT OF ACCESS ACROSS THE REAL ESTATE PLATTED HEREIN FOR THE NECESSARY PERSONNEL AND EQUIPMENT TO MAKE ANY OR ALL OF THE ABOVE WORK. THE RIGHT IS ALSO HEREBY GRANTED TO SAID GRANTEE TO CUT DOWN, REMOVE, TRIM, OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO SAID UTILITY INSTALLATIONS WITHOUT LIMITATION, IN, ON, UPON OR ACROSS, UNDER, OR THROUGH SAID EASEMENTS IN THE EVENT THAT MAINTENANCE IS PERFORMED WHEREBY THE CITY OF ST. CHARLES WILL HAVE NO OBLIGATION WITH RESPECT TO SURFACE RESTORATION INCLUDING, BUT NOT LIMITED TO, THE RESTORATION, REPAIR, OR REPLACEMENT OF ANY LANDSCAPING PROVIDED, HOWEVER, THE GRANTEE SHALL BE OBLIGATED FOLLOWING ANY SUCH WORK TO RESTORE AND MAINTAIN SUCH OTHER INSTALLATIONS AS MAY BE REQUIRED TO FURNISH PUBLIC UTILITY SERVICE TO ADJACENT AREAS AND MAINTAIN THE CONDITION NO PERMANENT BUILDINGS OR TREES SHALL BE PLACED ON SAID EASEMENTS BUT THE EASEMENT AREAS MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, FENCING, SIDEWALKS, CURBS, AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE AFORESAID USES AND RIGHTS WHERE AN EASEMENT IS USED FOR STORM OR SANITARY SEWERS, OTHER UTILITY INSTALLATIONS SHALL BE SUBJECT TO THE PRIOR APPROVAL OF SAID CITY OF ST. CHARLES SO AS NOT TO INTERFERE WITH THE GRANTY FLOW IN SAID UTILITY INSTALLATIONS OTHER THAN THOSE MANAGED BY THE CITY OF ST. CHARLES, SHALL BE SUBJECT TO THE APPROVAL OF THE CITY OF ST. CHARLES AS TO DESIGN AND LOCATION, AND ALL OTHER INSTALLATIONS ARE SUBJECT TO THE ORDINANCES OF THE CITY OF ST. CHARLES.

PUBLIC UTILITY AND DRAINAGE EASEMENT PROVISIONS

A PERMANENT NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED TO THE CITY OF ST. CHARLES AND TO ALL PUBLIC UTILITY COMPANIES OF ANY KIND OPERATING UNDER FRANCHISE GRANTING THEM EASEMENT RIGHTS FROM SAID CITY OF ST. CHARLES, INCLUDING BUT NOT LIMITED TO AMERICAN AND NCGR AND TO THEIR SUCCESSORS AND ASSIGNS (HEREIN COLLECTIVELY REFERRED TO AS "GRANTEES"), IN, UPON, ACROSS, OVER, UNDER, AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "PUBLIC UTILITY AND DRAINAGE EASEMENT" (PLATE) ON THE PLAT OF SUBDIVISION HEREIN DRAWN FOR THE PURPOSE OF INSTALLING, OPERATING, MAINTAINING, REPAIRING, REPLACING, REMOVING, ENLARGING, REMOVING, REPAIRING, CLEANING, AND CONDUCTING, INSPECTING, OPERATING, REPAIRING, ENLARGING, REMOVING, REPAIRING, CLEANING, AND MAINTAINING ABOVE GROUND AND UNDERGROUND UTILITIES, SANITARY AND STORM SEWERS, DRAINAGE WAS, STORM WATER DETENTION AND RETENTION, WATER MAINS AND ANY AND ALL MANHOLES, HYDRANTS, PIPES, CONNECTIONS, CATCH BASINS, BUFFALO BOXES AND WITHOUT LIMITATION, SUCH OTHER INSTALLATIONS AS MAY BE REQUIRED TO FURNISH PUBLIC UTILITY SERVICE TO ADJACENT AREAS TOGETHER WITH THE RIGHT OF ACCESS ACROSS THE REAL ESTATE PLATTED HEREIN FOR THE NECESSARY PERSONNEL AND EQUIPMENT TO MAKE ANY OR ALL OF THE ABOVE WORK. THE RIGHT IS ALSO HEREBY GRANTED TO SAID GRANTEE TO CUT DOWN, REMOVE, TRIM, OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO SAID UTILITY INSTALLATIONS WITHOUT LIMITATION, IN, ON, UPON OR ACROSS, UNDER, OR THROUGH SAID EASEMENTS

NO PERMANENT BUILDINGS, TREES, GARDENS, SHRUBS, OR BERMS SHALL BE PLACED ON OR IN SAID EASEMENTS, BUT THE EASEMENT AREAS MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, FENCING, SIDEWALKS, CURBS, AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE AFORESAID USES AND RIGHTS, WHERE AN EASEMENT IS USED FOR STORM OR SANITARY SEWERS, OTHER UTILITY INSTALLATIONS SHALL BE SUBJECT TO THE PRIOR APPROVAL OF SAID CITY OF ST. CHARLES SO AS NOT TO INTERFERE WITH THE GRANTY FLOW IN SAID UTILITY INSTALLATIONS OTHER THAN THOSE MANAGED BY THE CITY OF ST. CHARLES, SHALL BE SUBJECT TO THE APPROVAL OF THE CITY OF ST. CHARLES, AS TO DESIGN AND LOCATION, AND ALL OTHER INSTALLATIONS ARE SUBJECT TO THE ORDINANCES OF THE CITY OF ST. CHARLES.

FOLLOWING ANY WORK TO BE PERFORMED BY THE GRANTEE IN THE EXERCISE OF ITS EASEMENT RIGHTS GRANTED HEREIN, THE GRANTEE SHALL HAVE NO OBLIGATION WITH RESPECT TO SURFACE RESTORATION INCLUDING, BUT NOT LIMITED TO, THE RESTORATION, REPAIR, OR REPLACEMENT OF ANY LANDSCAPING PROVIDED, HOWEVER, THE GRANTEE SHALL BE OBLIGATED FOLLOWING ANY SUCH WORK TO RESTORE AND MAINTAIN SUCH OTHER INSTALLATIONS AS MAY BE REQUIRED TO FURNISH PUBLIC UTILITY SERVICE TO ADJACENT AREAS AND MAINTAIN THE CONDITION NO PERMANENT BUILDINGS OR TREES SHALL BE PLACED ON SAID EASEMENTS BUT THE EASEMENT AREAS MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, FENCING, SIDEWALKS, CURBS, AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE AFORESAID USES AND RIGHTS WHERE AN EASEMENT IS USED FOR STORM OR SANITARY SEWERS, OTHER UTILITY INSTALLATIONS SHALL BE SUBJECT TO THE PRIOR APPROVAL OF SAID CITY OF ST. CHARLES SO AS NOT TO INTERFERE WITH THE GRANTY FLOW IN SAID UTILITY INSTALLATIONS OTHER THAN THOSE MANAGED BY THE CITY OF ST. CHARLES, SHALL BE SUBJECT TO THE APPROVAL OF THE CITY OF ST. CHARLES, AS TO DESIGN AND LOCATION, AND ALL OTHER INSTALLATIONS ARE SUBJECT TO THE ORDINANCES OF THE CITY OF ST. CHARLES.

STORMWATER DETENTION EASEMENT PROVISIONS

A PERMANENT NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED TO THE CITY OF ST. CHARLES AND TO THEIR SUCCESSORS AND ASSIGNS, IN, UPON, ACROSS, OVER, UNDER, AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "STORMWATER DETENTION EASEMENT" ON THE PLAT OF SUBDIVISION HEREIN DRAWN FOR THE PURPOSE OF INSTALLING, OPERATING, MAINTAINING, REPAIRING, REPLACING, REMOVING, ENLARGING, REMOVING, REPAIRING, CLEANING, AND CONDUCTING, INSPECTING, OPERATING, REPAIRING, ENLARGING, REMOVING, REPAIRING, CLEANING, AND MAINTAINING ABOVE GROUND AND UNDERGROUND UTILITIES, SANITARY AND STORM SEWERS, DRAINAGE WAS, STORM WATER DETENTION AND RETENTION, WATER MAINS AND ANY AND ALL MANHOLES, PIPES, CONNECTIONS, CATCH BASINS, AND WITHOUT LIMITATION, SUCH OTHER INSTALLATIONS AS MAY BE REQUIRED TO FURNISH PUBLIC UTILITY SERVICE TO ADJACENT AREAS TOGETHER WITH THE RIGHT OF ACCESS ACROSS THE REAL ESTATE PLATTED HEREIN FOR THE NECESSARY PERSONNEL AND EQUIPMENT TO MAKE ANY OR ALL OF THE ABOVE WORK. THE RIGHT IS ALSO HEREBY GRANTED TO SAID GRANTEE TO CUT DOWN, REMOVE, TRIM, OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO SAID UTILITY INSTALLATIONS WITHOUT LIMITATION, IN, ON, UPON OR ACROSS, UNDER, OR THROUGH SAID EASEMENTS

INGRESS & EGRESS EASEMENT PROVISIONS

A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS IS HEREBY RESERVED FOR AND GRANTED TO ALL LEXINGTON CLUB HOMEOWNERS OVER THE AREAS DESIGNATED AS INGRESS/EGRESS EASEMENTS.

BIKEPATH EASEMENT PROVISIONS

OWNER HEREBY GRANTS TO THE ST. CHARLES PARK DISTRICT, ON THE AREAS IDENTIFIED ON THIS PLAT AS THE "BIKEPATH EASEMENT" (BEP) NON-EXCLUSIVE, PERMANENT EASEMENTS FOR THE CONSTRUCTION, MAINTENANCE, REPAIR, REPAIR, AND REPLACEMENT OF A BIKEPATH FOR PEDESTRIAN AND BICYCLE INGRESS AND EGRESS ("BIKEPATH EASEMENT"). THE ST. CHARLES PARK DISTRICT SHALL AT THE ST. CHARLES PARK DISTRICT'S SOLE COST AND EXPENSE, CAUSE ANY BIKEPATH CONSTRUCTION IN THE BIKEPATH EASEMENT TO BE CONSTRUCTED IN A GOOD, SAFE AND CLEAN CONDITION AND FREE FROM UNREASONABLE ACCUMULATION OF DEBRIS AND OBSTACLES AND IN COMPLIANCE WITH ALL APPLICABLE LAWS, STATUTES, ORDINANCES, CODES, RULES AND REGULATIONS OF THE ST. CHARLES PARK DISTRICT. THE BIKEPATH SHALL BE OWNED AND MAINTAINED BY THE OWNER AND HIS OFFICERS, DIRECTORS, SHAREHOLDERS, MEMBERS, MANAGERS, EMPLOYEES, AGENTS, SUCCESSORS AND ASSIGNS FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, COSTS, DAMAGES, EXPENSES OR LIABILITIES INCLUDING WITHOUT LIMITATION REASONABLE ATTORNEY'S FEES AND COURT COSTS SUFFERED OR INCURRED BY ANY OF THEM IN CONNECTION WITH THE BIKEPATH EASEMENT.

ACCESS EASEMENT PROVISIONS

PERMANENT NON-EXCLUSIVE EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE CITY OF ST. CHARLES, IN, UPON, ACROSS, OVER, UNDER, AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "ACCESS EASEMENT" ON THE PLAT OF SUBDIVISION HEREIN DRAWN FOR THE PURPOSE OF ACCESS TO CITY OWNED UTILITIES AND OTHER GRANTED EASEMENTS, AS DEEMED NECESSARY BY THE CITY OF ST. CHARLES. THE RIGHT IS ALSO HEREBY GRANTED TO SAID CITY TO CUT DOWN, TRIM, REMOVE OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO SAID UTILITY OR EASEMENT. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENT, BUT SAME MAY BE USED FOR SHRUBS, LANDSCAPING, AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE AFORESAID USES AND RIGHTS. NO PARKING IS PERMITTED WITHIN THE ACCESS EASEMENT.

EASEMENT PROVISIONS FOR RYAN STREET STORMWATER DETENTION

A PERMANENT NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED BY THE CITY OF ST. CHARLES, ILLINOIS ("CITY") TO ST. CHARLES 333 NORTH SIXTH STREET LLC AND ITS SUCCESSORS, ASSIGNS AND THE SUBSEQUENT FEE TITLE OWNERS OF LOT 27 AS IDENTIFIED ON THE HEREIN PLAT (COLLECTIVELY "GRANTEES") IN, UPON, ACROSS, OVER, UNDER, AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "RYAN STREET STORMWATER DETENTION" ON THE PLAT OF SUBDIVISION HEREIN DRAWN ("EASEMENT PREMISES") FOR THE PURPOSE OF INSTALLING, OPERATING, MAINTAINING, REPAIRING, REPLACING, REMOVING, ENLARGING, REMOVING, REPAIRING, CLEANING, AND CONDUCTING, INSPECTING, OPERATING, REPAIRING, ENLARGING, REMOVING, REPAIRING, CLEANING, AND MAINTAINING ABOVE GROUND AND UNDERGROUND UTILITIES, SANITARY AND STORM SEWERS, DRAINAGE WAS, STORM WATER DETENTION AND RETENTION, WATER MAINS AND ANY AND ALL MANHOLES, PIPES, CONNECTIONS, CATCH BASINS, AND WITHOUT LIMITATION, SUCH OTHER INSTALLATIONS AS MAY BE REQUIRED TO FURNISH STORMWATER DETENTION. THE RIGHT OF ACCESS IS HEREBY GRANTED ACROSS THE REAL ESTATE PLATTED HEREIN FOR THE NECESSARY PERSONNEL AND EQUIPMENT TO MAKE ANY OR ALL OF THE ABOVE WORK. NO BUILDING SHALL BE PLACED ON SAID EASEMENT PREMISES WITHOUT PRIOR WRITTEN CONSENT FROM THE CITY. THE RESPONSIBILITY OF MAINTAINING THE EASEMENT PREMISES AND ALL OF THE STORM WATER IMPROVEMENTS FROM THE TIME LOCATED THEREIN, INCLUDING BUT NOT LIMITED TO, THE DESIGN, CONSTRUCTION, MAINTENANCE, REPAIR, REPLACEMENT, AND TRANSFERS OF GRANTEE. NO PERSON SHALL DESTROY OR MODIFY SLOPES OR RECEIVED WRITTEN APPROVAL FROM THE CITY. THE GRANTEE SHALL HAVE THE RIGHT TO CUT DOWN, TRIM, REMOVE OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO SAID UTILITY OR EASEMENT. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENT, BUT SAME MAY BE USED FOR SHRUBS, LANDSCAPING, AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE AFORESAID USES AND RIGHTS. NO PARKING IS PERMITTED WITHIN THE ACCESS EASEMENT.

PLAT PREPARED FOR: LEXINGTON HOMES, LLC
1731 N. WAREHOUS ST., SUITE 200
CHICAGO, ILLINOIS 60614

SEND BY MAIL TO: ST. CHARLES - 333 NORTH 6TH STREET LLC
2 E. MAIN STREET
CRYSTAL LAKE, IL 60014

PLEASE RETURN RECORDED MEASUREMENT TO: CITY OF ST. CHARLES
847-548-6600
ST. CHARLES, IL 62217-4

REVISED: APRIL 12, 2013 (CLIENT/HOUSE REVISIONS)
DATE: MARCH 22, 2013 (130293-3)
ORDER NO: 130293-3
PROJ. NO: 1311
FOR LEXINGTON HOMES, LLC
PROJ. NAME: LEXINGTON CLUB
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