

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: IIC1

Title:

Motion to approve An Ordinance Amending the Natural Area Easement Provisions contained in the Plat of Subdivision for the Woods of Fox Glen Unit 2, as they apply to Lot 57

Presenter:

Bob Vann – Building and Code Enforcement Div. Manager

Meeting: City Council

Date: September 3, 2019

Proposed Cost: \$ N/A

Budgeted Amount: \$

Not Budgeted: ☐**Executive Summary** *(if not budgeted please explain):*

Mr. Emir Abinion, resident of 2905 Glenbriar Drive is requesting from the City approval to construct a 5 foot high fence within the “Natural Area Easement” in their rear yard.

The subject property is part of the Woods of Fox Glen subdivision. The rear yards of lots within the subdivision have a Natural Area Easement as designated on the plat of subdivision. The Natural Area Easement restricts the removal of “living trees, shrubs, grade, grub, excavate, fill or construction of a structure of any kind on or within the area designed on the attached plat as “Natural Area Easements” except as may be approved in writing by the City of St Charles.

The rear yard of 2905 Glenbriar Drive has a 40 foot “Natural Area Easement” which currently has grass turf and wooded tree area. The proposed fence would encroach into the Natural Area Easement. At the June 10, 2019 Planning and Development Committee meeting Mr. Abinion provided documentation from a certified arborist and from the Home Owners Association approving the fence location at the grass turf edge of the rear yard. Mr. Abinion has provided a revised plat of survey showing the proposed area removed from the Natural Area Easement.

At the Planning & Development Committee Aldr. Pietryla made a motion to approve the request to amend the Natural Area Easement at 2905 Glenbriar Drive. Second by Aldr. Vitek. Approved unanimously by voice vote.

Attachments *(please list):*

**Ordinance amending the Natural Area Easement for Lot 57 – Woods of Fox Glen
Plat of Amendment – Exhibit A**

Recommendation/Suggested Action *(briefly explain):*

Recommend approval of an Ordinance Amending the Natural Area Easement Provisions contained in the Plat of Subdivision for the Woods of Fox Glen Unit 2, as they apply to Lot 57

City of St. Charles
Ordinance No. 2019-_____ - _____

An Ordinance Amending the Natural Area Easement Provisions contained in the Plat of Subdivision for the Woods of Fox Glen Unit 2, as they apply to Lot 57

WHEREAS, the Plat of Subdivision for the Woods of Fox Glen Unit 2 was recorded in the office of the Kane County Recorder on February 2, 1990, as document number 90K06095; and,

WHEREAS, the Plat of Subdivision for the Woods of Fox Glen Unit 2 contains Natural Area Easement Provisions that provide among other things, that “no owner of a record lot shall remove living trees or shrubs, grade, grub, excavate, fill or construct any structure of any kind on or within the area designated on the attached plat as “Natural Area Easement” except as may be approved in writing by the City of St. Charles; and,

WHEREAS, Mr. Emir Abinion has requested that the City of St. Charles modify the Natural Area Easement provision as it applies to his Lot which is Lot 57 in Unit 2 of the Woods of Fox Glen; and,

WHEREAS, the City of St. Charles has determined that it is in the best interest of the City of St. Charles as well as the Owner that the requested amendment to the Natural Area Easement Provisions be permitted; and,

WHEREAS, the Natural Area Easement provisions provide that the City may approve changes in the Natural Area Easement;

NOW, THEREFORE, BE IT ORDAINED BY THE City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

1. That Mr. Emir Abinion as Owner of Lot 57 in Unit 2 of the Woods of Fox Glen is permitted to modify the Natural Area Easement on Lot 57 as described in the Plat of Amendment attached hereto as Exhibit “A” and made a part hereof.
2. That all Ordinances and Resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.
3. That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this _____ day of September, 2019.

PASSED by the City Council of the City of St. Charles, Illinois, this _____ day of September, 2019.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of September, 2019.

Raymond Rogina, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

DATE: _____, 2019.

PLAT OF AMENDMENT


LOT 57 IN WOODS OF FOX GLEN UNIT TWO, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.
COMMONLY KNOWN AS: 2905 GLENBRIAR DRIVE, SAINT CHARLES, ILLINOIS.

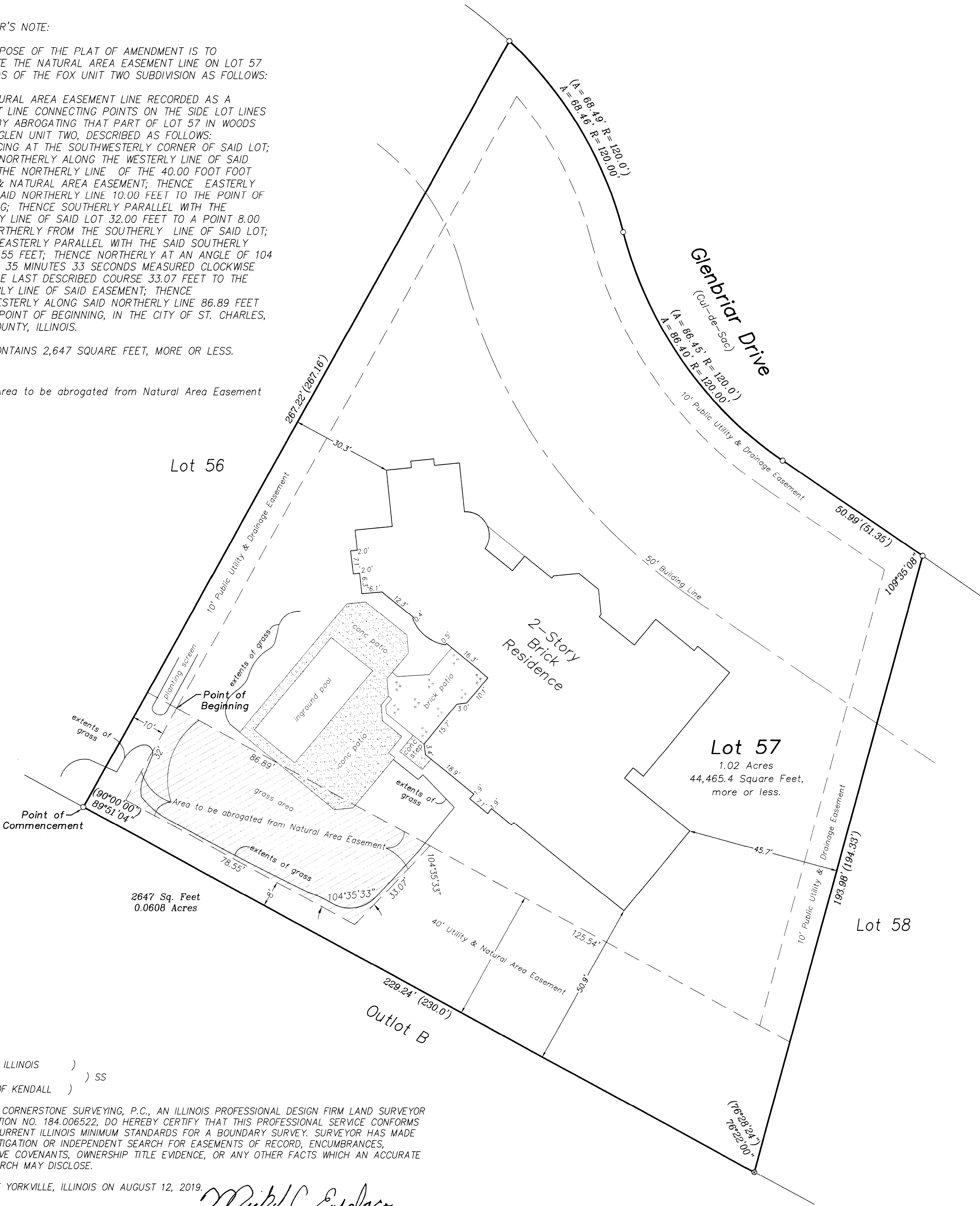
SURVEYOR'S NOTE:

THE PURPOSE OF THE PLAT OF AMENDMENT IS TO ABROGATE THE NATURAL AREA EASEMENT LINE ON LOT 57 OF WOODS OF THE FOX UNIT TWO SUBDIVISION AS FOLLOWS:

THE NATURAL AREA EASEMENT LINE RECORDED AS A STRAIGHT LINE CONNECTING POINTS ON THE SIDE LOT LINES IS HEREBY ABROGATING THAT PART OF LOT 57 IN WOODS OF FOX GLEN UNIT TWO, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWESTERLY CORNER OF SAID LOT; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT TO THE NORTHERLY LINE OF THE 40.00 FOOT FOOT UTILITY & NATURAL AREA EASEMENT; THENCE EASTERLY ALONG SAID NORTHERLY LINE 10.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTHERLY PARALLEL WITH THE WESTERLY LINE OF SAID LOT 32.00 FEET TO A POINT 8.00 FEET NORTHERLY FROM THE SOUTHERLY LINE OF SAID LOT; THENCE EASTERLY PARALLEL WITH THE SAID SOUTHERLY LINE, 78.55 FEET; THENCE NORTHERLY AT AN ANGLE OF 104 DEGREES 35 MINUTES 33 SECONDS MEASURED CLOCKWISE FROM THE LAST DESCRIBED COURSE 33.07 FEET TO THE NORTHERLY LINE OF SAID EASEMENT; THENCE NORTHWESTERLY ALONG SAID NORTHERLY LINE 86.89 FEET TO THE POINT OF BEGINNING, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

AREA CONTAINS 2,647 SQUARE FEET, MORE OR LESS.

 = Area to be abrogated from Natural Area Easement




STATE OF ILLINOIS)
COUNTY OF KENDALL) SS

WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYOR CORPORATION NO. 184.006522, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

DATED AT YORKVILLE, ILLINOIS ON AUGUST 12, 2019.

Michel C. Ensolaco

Scale: 1" = 20'
○=Found 3/4" Dia. Iron Pipe
⊗=Found 1/2" Dia. Iron Pipe
N = North E = East
S = South W = West
(XX.XX') = Record Distance
XX.XX' = Measured Distance
R=Radius A=Arc Length
 = Concrete/Asphalt

Michel C. Ensolaco, P.L.S. 2768, Exp. 11/30/2020
Eric C. Pokorny, P.L.S. 3818, Exp. 11/30/2020
TODD SURVEYING
Professional Land Surveying Services
"Cornerstone Surveying PC"
759 John Street, Suite D
Yorkville, IL 60560
Phone: 630-892-1309 Fax: 630-892-5544

Survey is only valid if original seal is shown in red.

Client: Emir Abinon
Book #: 2579 Drawn By: JG.TT Plat #: 4930
Reference:
Field Work Completed: 7/26/2019
Rev. Date Rev. Description
07/31/19 adjusted easement area per Client
08/08/19 added easement verbiage/legal desc
Project Number:
2019-1099