

FINAL PLAT OF SUBDIVISION
FOR

THE BELVEDERE

BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.

THIS PLAT WAS SUBMITTED FOR RECORDING BY AND RETURN TO:
NAME: MAPERVILLE CITY ENGINEER
ADDRESS: 400 S. EAGLE STREET
MAPERVILLE, IL 60940

SHEET 1 OF 4



VICINITY MAP

SITE
LOCATION

TOTAL AREA OF SUBDIVISION
20.173 ACRES
(MORE OR LESS)

PROPERTY INDEX NUMBER
07-01-16-400-004

60 30 0 60
SCALE: 1 INCH = 60 FEET



UNSUBDIVIDED
OWNER: CF TAMARACK ARCIS LLC
PER DOC. R2014088205

LEGEND

- SUBDIVISION BOUNDARY LINE (Heavy Solid Line)
- LOT LINE/PROPERTY LINE (Solid Line)
- ADJACENT LOT LINE/PROPERTY LINE (Light Solid Line)
- BUILDING LINE (Long Dashed Line)
- EASEMENT LINE/LIMITS OF EASEMENT (Short Dashed Line)
- SECTION LINE (Thin Dashed Line)
- EXISTING MAPERVILLE CORPORATE LIMITS
- — SET CONCRETE MONUMENT

NOTES

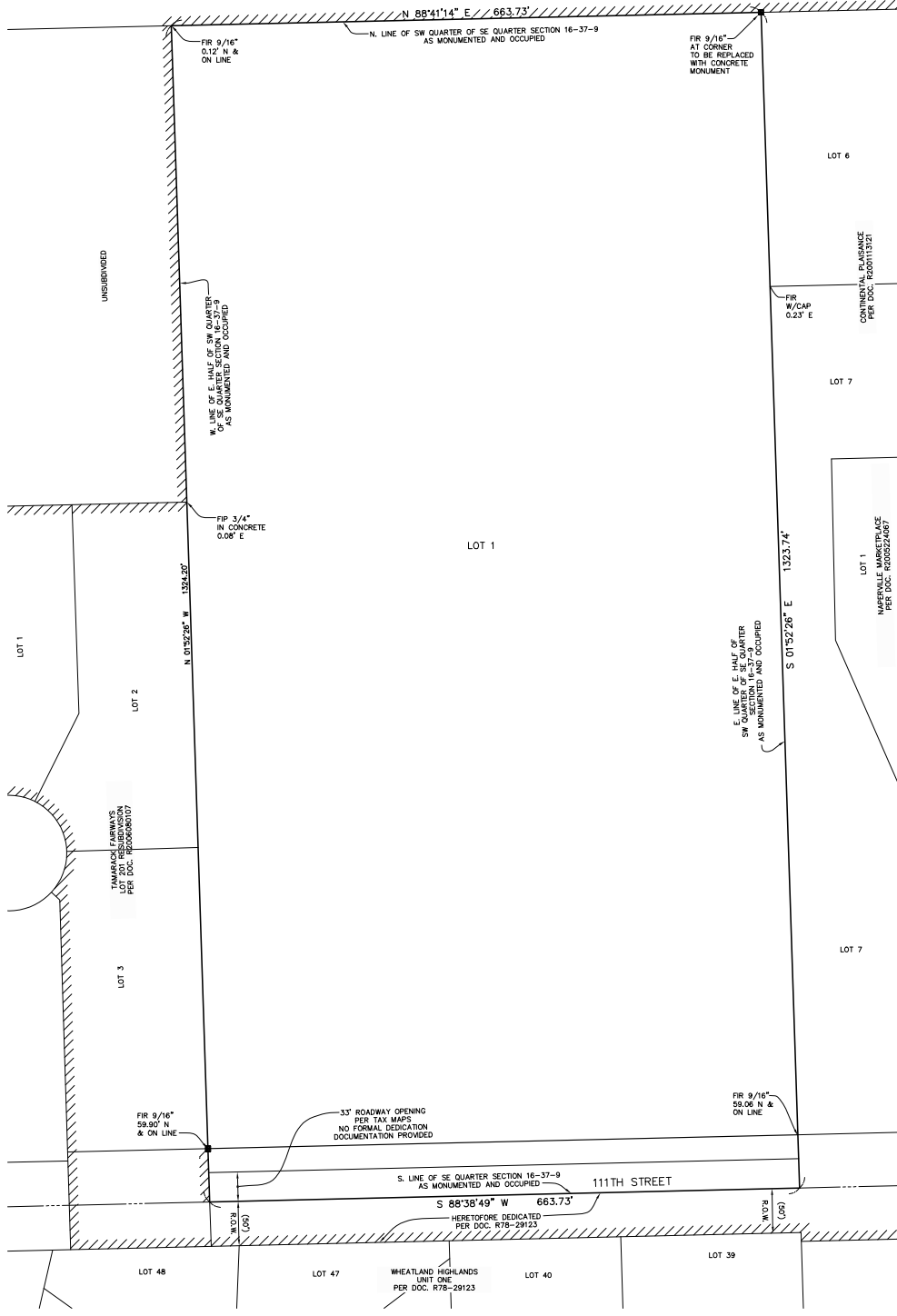
3/4" INCH IRON PIPE SET AT ALL LOT CORNERS AND POINTS OF CURVATURE UNLESS OTHERWISE NOTED.
ALL MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
DIMENSIONS SHOWN ALONG CURVES ARE ARC DISTANCES.
DIMENSIONS ENCLOSED WITH () ARE RECORD DATA. ALL OTHER DIMENSIONS ARE MEASURED.
ALL EASEMENTS ARE HEREBY GRANTED UNLESS OTHERWISE NOTED.
P.U. & D.E.— INDICATES PUBLIC UTILITY AND DRAINAGE EASEMENT HEREBY GRANTED. SEE PROVISIONS FOR DETAILS.
LOT 1 TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
THE BEARINGS SHOWN ARE BASED UPON EAST LINE BEING S 0°52'28" E (ASSUMED).
F.I.P. = FOUND IRON PIPE (ø AS SHOWN)
F.I.R. = FOUND IRON ROD (ø AS SHOWN)

AREA SUMMARY

LOT 1	838,895 SQ. FT.	(19,258 ACRES)
R.O.W.	439,824 SQ. FT.	(10,014 ACRES)
TOTAL	878,719 SQ. FT.	(20,173 ACRES)

(More or Less)

ALSO INCLUDES:
AREA OF PUBLIC UTILITY & DRAINAGE EASEMENTS: =239,660 SQ. FT.
AREA OF STORMWATER MANAGEMENT EASEMENTS: =107,291 SQ. FT.



LOT 1

LOT 6

LOT 7

LOT 1
MAPERVILLE PLATS
PER DOC. #200224602

LOT 7

PLAT FILE CREATED 1/10/2023 BY: TONY BILIS DRAWING PATH: P:\SPRINT\GIS\PROJECTS\SUBDIVISIONS\16-37-9

EXHIBIT B

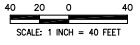
PREPARED FOR:
BC BELVEDERE, LLC
336 BON AIR CENTER #351
GREENBRAE, CA 94904

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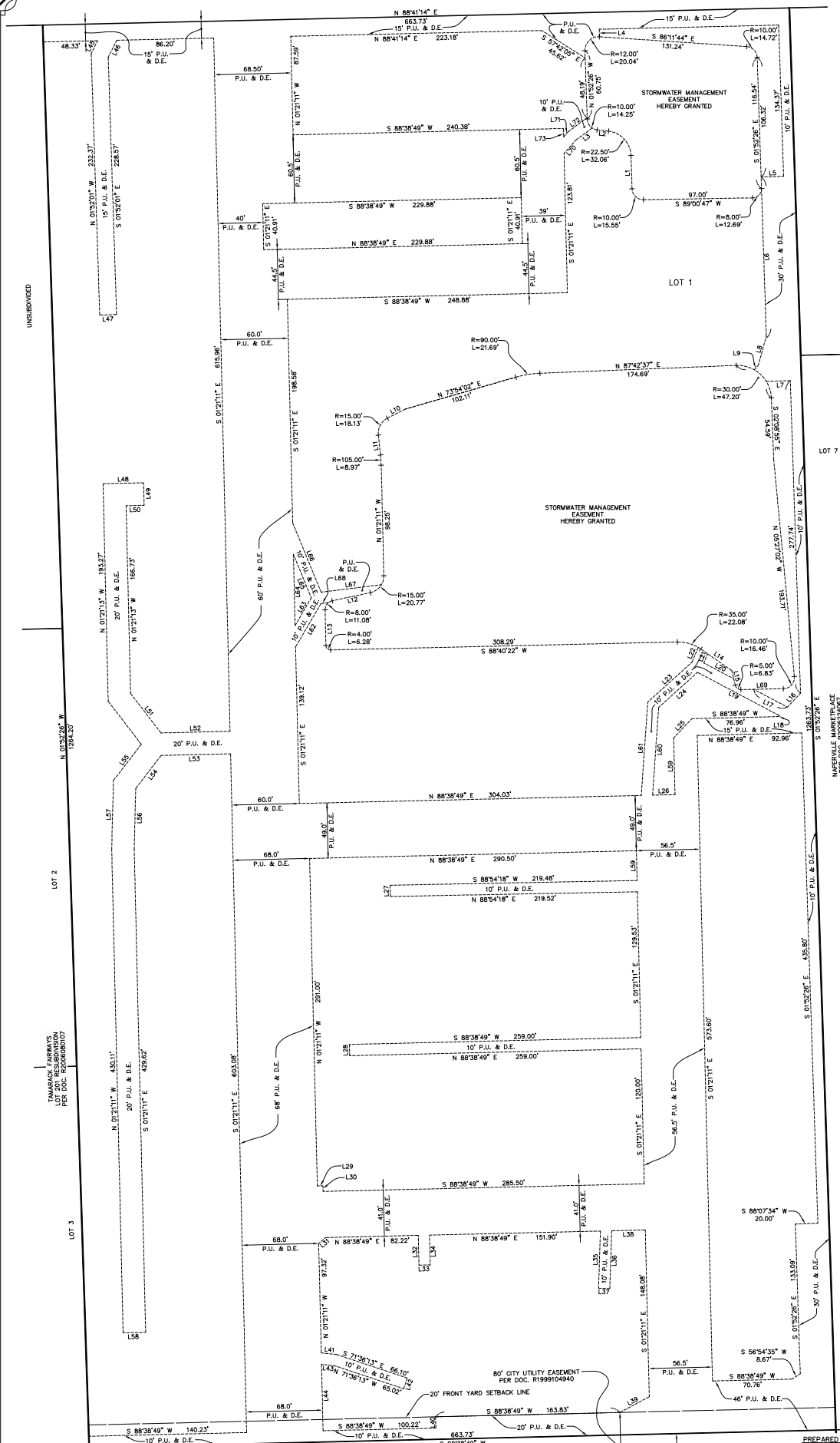
DISC NO.: 904411 FILE NAME: SUBPLAT
DRAWN BY: AJB FLD. BK. / PG. NO.: E15\B-13
COMPLETION DATE: 08-18-22 JOB NO.: 904-411
REVISED 12-08-22\AJB PER CITY COMMENTS DATED 10-25-22
REVISED 01-10-23\AJB PER CITY COMMENTS DATED 12-29-22
REVISED 01-17-23\AJB REVISED CONSERVATION COVENANTS

**THE BELVEDERE FINAL PLAT OF SUBDIVISION
CITY OF MAPERVILLE PROJECT NO. 23-1-100**

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LINE TABLE		
LINE	BEARING	LENGTH
L1	N 01°52'26" W	29.65'
L2	N 83°30'45" W	10.18'
L3	S 53°20'52" W	18.06'
L4	N 01°18'46" W	6.68'
L5	N 88°07'34" E	20.00'
L6	N 01°52'26" E	141.38'
L7	S 88°07'34" W	21.28'
L8	N 15°17'45" E	26.40'
L9	N 38°40'57" E	5.78'
L10	N 63°00'50" E	17.89'
L11	N 06°14'59" W	17.86'
L12	N 77°58'55" E	34.76'
L13	N 01°21'11" W	31.82'
L14	N 55°10'37" W	33.74'
L15	N 12°51'57" W	13.22'
L16	N 43°11'01" E	16.97'
L17	S 62°12'25" E	33.90'
L18	N 43°11'01" E	1.24'
L19	S 62°12'25" E	82.37'
L20	S 62°12'25" E	30.12'
L21	N 22°54'58" E	8.86'
L22	N 22°54'58" E	14.34'
L23	N 47°56'41" E	52.88'
L24	N 47°56'41" E	46.46'
L25	N 43°38'49" E	23.52'
L26	N 88°38'49" E	19.93'
L27	S 01°05'42" E	10.00'
L28	S 01°21'11" E	10.00'
L29	N 88°38'49" E	5.00'
L30	S 01°21'11" E	5.00'
L31	N 50°33'55" E	8.19'
L32	N 01°21'11" W	26.50'
L33	N 88°38'49" E	10.00'
L34	N 01°21'11" W	26.50'
L35	S 01°51'24" W	50.79'
L36	N 01°51'24" E	51.35'
L37	S 88°08'36" E	10.00'
L38	N 88°38'49" E	29.91'
L39	N 61°44'36" E	29.66'
L40	S 01°21'11" E	10.00'
L41	N 83°56'07" W	13.80'
L42	S 18°23'47" W	10.00'
L43	S 83°56'07" E	11.41'
L44	N 01°21'11" W	59.05'
L45	S 26°33'06" W	12.78'
L46	N 26°33'06" E	16.92'
L47	N 88°07'59" E	15.00'
L48	N 88°38'47" E	36.00'
L49	S 01°21'13" E	20.00'
L50	N 88°38'47" E	16.00'
L51	S 37°34'08" E	44.34'
L52	S 88°38'49" W	61.43'
L53	S 88°38'49" W	61.73'
L54	S 37°38'30" W	36.93'
L55	S 37°38'30" W	40.53'
L56	S 01°28'36" W	53.65'
L57	S 01°28'36" W	60.67'
L58	S 88°38'49" W	20.00'
L59	S 01°21'11" E	26.47'
L60	N 03°56'53" W	78.14'
L61	N 03°56'53" W	83.11'
L62	N 30°18'44" E	44.68'
L63	N 30°18'44" E	28.47'
L64	S 01°21'11" W	63.27'
L65	S 22°18'07" E	41.80'
L66	S 22°18'07" E	66.58'
L67	N 82°58'58" E	54.07'
L68	N 82°58'58" E	6.65'
L69	S 88°51'47" W	37.81'
L70	S 41°42'09" W	15.74'
L71	N 41°42'09" E	6.06'
L72	N 53°20'52" E	20.98'
L73	S 01°21'11" E	7.46'



NOT TO BE CREATED, REPRODUCED OR USED BY ANY OTHER PARTY WITHOUT THE WRITTEN PERMISSION OF CEMCON, LTD.
 DRAWING FILE NO. 904411
 DATE CREATED: 12/08/2023 BY: TONY BILUS

EXHIBIT B

PREPARED BY:
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OWNER'S CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF)
THIS IS TO CERTIFY THAT BC BELVEDERE, LLC IS THE OWNER OF THE PROPERTY DESCRIBED ABOVE AND AS SUCH OWNER, HAS CAUSED THE SAME TO BE PLATTED AS SHOWN HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND AS ALLOWED AND PROVIDED BY STATUTES, AND SAID OWNER, DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE AFORESAID.
DATED THIS DAY OF A.D., 20
BY: SIGNATURE ATTEST: SIGNATURE
TITLE: PRINT TITLE TITLE: PRINT TITLE
BC BELVEDERE, LLC
336 BON AIR CENTER
SUITE 351
GREENBRAE, CA 94904

NOTARY CERTIFICATE

STATE OF CALIFORNIA)
COUNTY OF)
I, A NOTARY PUBLIC IN AND FOR SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT,
PRINT NAME TITLE AND
PRINT NAME TITLE
OF SAID OWNER, WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FORGING INSTRUMENT, AS SUCH AND RESPECTFULLY,
TITLE TITLE
APPEARED BEFORE ME THIS DAY IN PERSON AND JOINTLY AND SEVERALLY ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID OWNER FOR THE USES AND PURPOSES THEREIN SET FORTH.
GIVEN UNDER MY HAND AND NOTARIAL SEAL,
THIS DAY OF A.D., 20
NOTARY PUBLIC SIGNATURE
PRINT NAME
MY COMMISSION EXPIRES ON MONTH DATE 20

WILL COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF WILL)
THIS INSTRUMENT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF WILL COUNTY, ILLINOIS, ON THE DAY OF A.D. 20 AT O'CLOCK M.
RECORDER OF DEEDS

WILL COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF WILL)
COUNTY CLERK OF WILL COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID CURRENT TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED 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 OF THE COUNTY CLERK AT JOLIET, ILLINOIS,
THIS DAY OF A.D., 20
COUNTY CLERK

WILL COUNTY TAX MAPPING DEPARTMENT CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF WILL)
DIRECTOR OF THE TAX MAPPING AND PLATTING OFFICE DO HEREBY CERTIFY THAT I HAVE CHECKED THE PROPERTY DESCRIPTION ON THIS PLAT FOR THAT PORTION WITHIN THE LIMITS OF WILL COUNTY AGAINST AVAILABLE COUNTY RECORDS AND FIND SAID DESCRIPTION TO BE TRUE AND CORRECT. THE PROPERTY HEREIN DESCRIBED IS LOCATED
ON TAX MAP # AND IS IDENTIFIED AS
PERMANENT REAL ESTATE
TAX INDEX NUMBER (PIN)
DATED THIS DAY OF A.D., 20
DIRECTOR

LAND SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE)
I, JEFFREY R. PANKOW, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, #035-003483, HEREBY STATE THAT I HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY:
THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 37 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN WILL COUNTY, ILLINOIS.
I HEREBY STATE THAT THE PROPERTY IS WITHIN THE CORPORATE LIMITS OF THE CITY OF NAPERVILLE, ILLINOIS. I HEREBY STATE THAT THE CITY OF NAPERVILLE HAS ADOPTED AN OFFICIAL COMPREHENSIVE PLAN AND IS EXERCISING THE SPECIAL POWERS AUTHORIZED BY THE STATE OF ILLINOIS ACCORDING TO 65 ICS 5/11-12-6 AS HERETOFORE AND HEREAFTER AMENDED.
BASED UPON A REVIEW OF FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP PANEL 17197C0037G WITH AN EFFECTIVE DATE OF FEBRUARY 15, 2019, IT IS OUR OPINION THAT THE PROPERTY DESCRIBED ABOVE IS IN ZONE X AND A ZONE AE AS DESIGNATED AND DEFINED BY FEMA.
GIVEN UNDER MY HAND AND SEAL AT AURORA, ILLINOIS
THIS DAY OF A.D., 20
JEFFREY R. PANKOW
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3843
MY REGISTRATION EXPIRES ON NOVEMBER 30, A.D., 2024
PROFESSIONAL DESIGN FIRM LICENSE NO. 184-002937
EXPIRES ON APRIL 30, 2023

SCHOOL DISTRICT BOUNDARY STATEMENT

STATE OF CALIFORNIA)
COUNTY OF)
THE UNDERSIGNED, BEING DULY SWORN, UPON HIS/HER OATH DEPOSES AND STATES AS FOLLOWS:
1. THAT BC BELVEDERE, LLC IS THE OWNER OF THE PROPERTY LEGALLY DESCRIBED ON THIS PLAT OF SUBDIVISION, WHICH HAS BEEN SUBMITTED TO THE CITY OF NAPERVILLE FOR APPROVAL, WHICH LEGAL DESCRIPTION IS INCORPORATED HEREIN BY REFERENCE; AND
2. TO THE BEST OF THE OWNER'S KNOWLEDGE, THE SCHOOL DISTRICT IN WHICH TRACT, PARCEL, LOT OR BLOCK OF THE PROPOSED SUBDIVISION LIES IS:
INDIAN PRAIRIE SCHOOL DISTRICT #204
780 SHORLINE DRIVE
AURORA, IL 60504
OWNER NAME:
BY: SIGNATURE ATTEST: SIGNATURE
TITLE: PRINT TITLE TITLE: PRINT TITLE
ITS: ITS:
SUBSCRIBED AND SWORN BEFORE ME THIS DAY OF A.D., 20
NOTARY PUBLIC

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DU PAGE)
APPROVED AND ACCEPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, ILLINOIS, AT A MEETING HELD
THE DAY OF A.D., 20
BY: MAYOR ATTEST: CITY CLERK
CITY TREASURER'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DU PAGE)
I, TREASURER FOR THE CITY OF NAPERVILLE, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THE ANNEXED PLAT.
DATED AT NAPERVILLE, ILLINOIS, THIS DAY OF A.D., 20
CITY TREASURER / DIRECTOR, FINANCE DEPARTMENT

PUBLIC UTILITIES AND DRAINAGE EASEMENT PROVISIONS

EASEMENTS ARE HEREBY RESERVED FOR AND GRANTED TO THE CITY OF NAPERVILLE, ILLINOIS ("CITY") AND TO THOSE PUBLIC UTILITY COMPANIES OPERATING UNDER FRANCHISE OR CONTRACT WITH THE CITY OR OTHERWISE AUTHORIZED BY THE CITY, INCLUDING BUT NOT LIMITED TO ILLINOIS BELL TELEPHONE COMPANY DBA AT&T ILLINOIS, NICOR GAS COMPANY, AND THEIR SUCCESSORS AND ASSIGNS, OVER, UPON, UNDER AND THROUGH ALL OF THE AREAS MARKED "PUBLIC UTILITIES AND DRAINAGE EASEMENTS" OR ("EASEMENTS") ON THE PLAT FOR THE PERPETUAL, RIGHT, PRIVILEGE AND AUTHORITY TO INSTALL, SURVEY, CONSTRUCT, RECONSTRUCT, REPAIR, MAINTAIN, MANTAIN AND OPERATE VARIOUS UTILITY TRANSMISSION AND DISTRIBUTION SYSTEMS, COMMUNITY ANTENNA TELEVISION SYSTEMS AND INCLUDING STORM AND/OR SANITARY SEWERS, TOGETHER WITH ANY AND ALL NECESSARY MANHOLES, CATCH BASINS, CONNECTIONS, APPLIANCES AND OTHER STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID CITY, OVER, UPON, UNDER AND THROUGH SAID INDICATED EASEMENTS, 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 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 EASEMENTS, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT TOUCH OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS, WHERE AN EASEMENT IS USED BOTH FOR SEWERS AND OTHER UTILITIES, THE CITY OF NAPERVILLE SHALL BE SUBJECT TO THE ORDINANCES OF THE CITY OF NAPERVILLE.
EASEMENTS ARE HEREBY RESERVED AND GRANTED TO THE CITY OF NAPERVILLE AND OTHER GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OF THE LAND SUBDIVIDED HEREBY OVER THE ENTIRE EASEMENT AREA FOR INGRESS, EGRESS AND THE PERFORMANCE OF MUNICIPAL AND OTHER GOVERNMENTAL SERVICES, INCLUDING BUT NOT LIMITED TO, WATER, STORM AND SANITARY SEWER SERVICE AND MAINTENANCE.
THERE IS HEREBY RESERVED FOR AND GRANTED TO THE CITY AN EASEMENT FOR RIGHT OF ACCESS ON, OVER, ALONG AND ACROSS THE PROPERTY DESCRIBED HEREIN FOR THE LIMITED PURPOSE OF READING, EXAMINING, INSPECTING, INSTALLING, OPERATING, MAINTAINING EXISTING, REMOVING, REPAIRING, TESTING, AND/OR REPLACING CITY OWNED UTILITY EQUIPMENT AND METERS WHICH SERVE SAID PROPERTY, INCLUDING NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE ABOVE WORK.

SURFACE WATER STATEMENT

STATE OF ILLINOIS)
COUNTY OF DU PAGE)
TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF SUCH SUBDIVISION OR ANY PART THEREOF, OR, THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISION HAS BEEN MADE FOR THE COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.
DATED THIS DAY OF A.D., 2022.
ILLINOIS REGISTERED PROFESSIONAL ENGINEER
STATE REGISTRATION NUMBER
REGISTRATION EXPIRATION DATE
OWNER COMPANY NAME:
BY: PRINT
TITLE: SIGNATURE
PRINT TITLE

STORMWATER MANAGEMENT EASEMENT AND COVENANT PROVISIONS LOT 1

THE OWNER, OR THE PROPERTY OWNER'S ASSOCIATION (POA) IN THE CASES WHERE MULTIPLE OWNERS ARE INVOLVED, SHALL HAVE FULL RESPONSIBILITY FOR MAINTENANCE OF THE STORMWATER MANAGEMENT DETENTION/RETENTION AREAS ON LOT 1.
THE OWNER, OR THE POA, SHALL HAVE THE PERPETUAL DUTY AND OBLIGATION TO PERFORM OR HAVE PERFORMED ALL MAINTENANCE ON SAID LOT 1 AND ALL MAINTENANCE OF THE STORMWATER MANAGEMENT DETENTION/RETENTION AREAS SO THAT THEY FUNCTION AS HYDRAULICALLY AND HYDROLOGICALLY PLANNED IN ACCORDANCE WITH ALL APPLICABLE STATUTES, ORDINANCES, AND RULES AND REGULATIONS.
NEITHER THE OWNER, THE POA, NOR ANY OF THEIR AGENTS OR CONTRACTORS SHALL DESTROY OR MODIFY THE GRADES OR SLOPES WITHOUT THE PRIOR WRITTEN APPROVAL OF THE CITY ENGINEER OF THE CITY OF NAPERVILLE OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES ON LOT 1.
THE POA MAY ASSESS ITS MEMBERS ON A YEARLY BASIS FOR A PRORATED SHARE OF THE COST TO MAINTAIN THE STORMWATER MANAGEMENT DETENTION /RETENTION AREAS ON LOT 1.
PERPETUAL PUBLIC STORMWATER AND DRAINAGE EASEMENTS ARE HEREBY GRANTED TO THE CITY OF NAPERVILLE, ITS AGENTS, SUCCESSORS AND ASSIGNS, OR ANY OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES, OVER, ON, ACROSS AND UNDER ALL OF THE AREAS MARKED "STORMWATER MANAGEMENT EASEMENT OR (S.M.E.) ON THE PLAT FOR THE RIGHT, PRIVILEGE, AND AUTHORITY FOR THE PURPOSES OF:
1. SURVEYING, CONSTRUCTING, RECONSTRUCTING, REPAIRING, INSPECTING, MAINTAINING, AND OPERATING ALL STORMWATER MANAGEMENT FACILITIES, STRUCTURES, GRADES, AND SLOPES ON LOT 1.
2. ENTERING ON TO LOT 1 OR ANY ADJOINING LOT TO PERFORM THE WORK SPECIFIED IN PARAGRAPH 1 TOGETHER WITH THE RIGHT OF ACCESS FOR NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OF THE REQUIRED WORK.
3. CUTTING DOWN, TRIMMING, OR REMOVING TREES, SHRUBS, PLANTS, MULCH, LANDSCAPING STRUCTURES, RETAINING WALLS OR ANY OTHER MATERIALS ON LOT 1 WHICH INTERFERE WITH THE OPERATIONS OF THE STORMWATER FUNCTIONS.
NO PERMANENT BUILDINGS, OR UTILITY FACILITIES SHALL BE CONSTRUCTED ON LOT 1 BY THE OWNER, OR THE OWNER'S SUCCESSORS, OR THE INTEREST, BUT IT MAY BE USED FOR OTHER PURPOSES THAT DO NOT NOW OR LATER INTERFERE OR CONFLICT WITH THE AFORESAID USES OR RIGHTS OR IN ANY WAY AFFECT OR OBSTRUCT THE STORAGE OR FREE FLOW OF STORMWATER ON AND OVER SAID LOT 1.
IF EITHER THE OWNER OR POA FAILS TO MAINTAIN THE STORMWATER DETENTION/RETENTION FACILITIES ON LOT 1 AS REQUIRED, THE CITY OF NAPERVILLE OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES ON LOT 1 SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ENTER THE PROPERTY TO PERFORM MAINTENANCE, REPAIR, CONSTRUCTION, OR RECONSTRUCTION NECESSARY TO MAINTAIN STORMWATER STORAGE OR FLOW ON LOT 1.
THE OWNER OF THE LOT CREATED BY THE FINAL PLAT OF SUBDIVISION, OR THEIR HEIRS, LEGATEES, ASSIGNS, OR SUCCESSORS IN INTEREST, SHALL BE JOINTLY AND SEVERALLY LIABLE FOR ALL COSTS INCURRED BY THE CITY OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES ON LOT 1 IN PERFORMING SUCH WORK, PLUS AN ADDITIONAL TWENTY (20%) PERCENT AND ANY REASONABLE ATTORNEY'S FEES, INCLUDING THE COSTS OF IN-HOUSE COUNSEL, CONNECTED WITH THE COLLECTION OF SUCH COSTS.
THE ACTUAL COSTS OF THE CITY, OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION, TO PERFORM ANY NECESSARY WORK, AS DETERMINED BY THE CITY, OR SUCH OTHER GOVERNMENTAL ENTITY, PLUS TWENTY (20%) PERCENT AND ALL ATTORNEY'S FEES, SHALL CONSTITUTE A LIEN AGAINST THE INDIVIDUAL LOTS, WHICH LIEN MAY BE FORECLOSED BY AN ACTION BROUGHT IN A COURT OF COMPETENT JURISDICTION BY OR ON BEHALF OF THE CITY OR SUCH OTHER GOVERNMENTAL ENTITY.
THE PROVISIONS OF THESE COVENANTS AND DECLARATIONS RELATING TO STORMWATER OBLIGATIONS SHALL NOT BE AMENDED, MODIFIED, OR ABROGATED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE CITY OR OTHER GOVERNMENTAL ENTITY HAVING JURISDICTION OVER DRAINAGE OR STORMWATER FACILITIES ON LOT 1.
ALL OF THE ABOVE-STATED OBLIGATIONS SHALL ALSO BE CLEARLY REFERENCED IN ANY COVENANTS, CONDITIONS, DECLARATIONS, AND RESTRICTIONS RECORDED AGAINST ANY OF THE LOTS CREATED BY THIS FINAL PLAT OF SUBDIVISION OR ANY DEEDS OR TITLE DOCUMENTATION REQUIRED FOR THE CONVEYANCE OF ANY OF SUCH INDIVIDUAL LOTS OR UNITS.

CONSERVATION COVENANTS

PERMANENT CONSERVATION COVENANTS ("CONSERVATION COVENANTS") ARE HEREBY PLACED BY THE PROPERTY OWNER ("OWNER") ON THE PROPERTY DEPICTED ON THIS PLAT FOR THE PURPOSES SET FORTH IN SECTION A AND B BELOW, AND THE CONSERVATION AREA FOR THE PURPOSES SET FORTH IN SECTION A AND B. THE CONSERVATION AREA FOR THE PURPOSES SET FORTH IN SECTION A AND B BELOW, SAID COVENANTS SHALL RUN WITH SAID LAND IN PERPETUITY AND SHALL BE BINDING UPON OWNER AND OWNER'S HEIRS, ASSIGNS, AND TRANSFERREES.
A. PURPOSES OF CONSERVATION COVENANTS [SUBJECT ONLY TO THE EXCEPTIONS SET FORTH IN SECTION B]:
1. THE CONSERVATION AREA SHALL ACCEPT AND CONDUCT SURFACE WATER DISCHARGES FROM ADJACENT UPSTREAM PROPERTY.
2. OWNER SHALL MAINTAIN THE CONSERVATION AREA IN ITS NATURAL, SCENIC AND OPEN CONDITIONS AND IN A CONDITION TO ACCEPT SURFACE WATER DISCHARGES AS NOTED IN A1 ABOVE.
3. NO DREGED OR FILL MATERIAL SHALL BE PLACED UPON THE CONSERVATION AREA.
4. ALL ROADS, DRIVEWAYS, FENCES, BARRIERS OR STRUCTURES LOCATED BUT NOT LIMITED TO SIGNS, SHALL BE INSTALLED OR CONSTRUCTED WITHIN THE CONSERVATION AREA.
5. THERE SHALL BE NO MOWING NOR REMOVAL OR DESTRUCTION OF TREES AND PLANTS WITHIN THE CONSERVATION AREA, EXCEPT WHEN NECESSARY TO PROTECT THE NATURAL, SCENIC, OPEN SPACE, OR ECOLOGICAL VALUE OF THE CONSERVATION AREA, AND EXCEPT WHEN NECESSARY TO CONDUCT NECESSARY MAINTENANCE, REPAIR, AND EXCEPT AS SHOWN ON THE FINAL SITE DEVELOPMENT PLANS PREPARED BY CEMCON, LTD DATED SEPTEMBER 30, 2022, LAST REVISED ON JANUARY 13, 2023 AND TREE PRESERVATION PLAN AS PREPARED BY SIGNATURE DESIGN GROUP ON MARCH 22, 2022, LAST REVISED ON SEPTEMBER 28, 2022.
6. THERE SHALL BE NO FLOWING OF THE CONSERVATION AREA, NOR SHALL THERE BE ANY MINING, REMOVAL OF TOPSOIL, SAND, ROCK, GRAVEL, MANURE OR OTHER MATERIAL FROM SAID CONSERVATION AREA TO ENHANCE ITS ECOLOGICAL CHARACTER.
7. THERE SHALL BE NO GRAZING OR KEEPING OF LIVESTOCK OR DOMESTIC ANIMALS OF ANY KIND ON SAID CONSERVATION AREA.
8. THERE SHALL BE NO OPERATION OF SNOWMOBILES, DUNE BUGGIES, MOTORCYCLES, ALL-TERRAIN VEHICLES OR ANY OTHER TYPES OF MOTORIZED VEHICLES ON SAID CONSERVATION AREA, EXCEPT MOTORIZED LAWN MOWERS AS REQUIRED PER PARAGRAPH 5 ABOVE.
9. THERE SHALL BE NO DUMPING, PLACING, DEPOSITING, OR STORING OF ANY TRASH, WASTE, GARBAGE, VEHICLES (WHETHER BODIES OR PARTS), OR OTHER UNSIGHTLY OR OFFENSIVE MATERIAL, PROVIDED HOWEVER, THAT THE OWNER MAY EMPLOY SOUND CONSERVATION PRACTICES SUCH AS PRECISION FERTILIZING, BURNING, AND BRUSH CONTROL, AND OTHER GENERALLY ACCEPTED LAND MANAGEMENT PRACTICES IN ORDER TO RESTORE AND MANAGE THE NATURAL RESOURCES OR OPEN SPACES OF THE CONSERVATION AREA.
B. EXCEPTIONS TO THE CONSERVATION COVENANTS:
1. THE BRIDGE, BRIDGE ABUTMENTS, AND IMPROVEMENTS DEPICTED ON FINAL SITE DEVELOPMENT PLANS AS PREPARED BY CEMCON, LTD DATED SEPTEMBER 30, 2022, LAST REVISED ON JANUARY 13, 2023 AS APPROVED BY THE CITY SHALL BE ALLOWED ON THE CONSERVATION AREA.
2. THOSE UTILITIES WHICH HAVE UNDERLYING EASEMENT RIGHTS CREATED PURSUANT TO THE FINAL PLAT OF SUBDIVISION MAY BE INSTALLED ON THE CONSERVATION AREA SUBJECT TO APPROVAL OF CITY PERMITS THEREOF. ADDITIONAL UTILITY EASEMENTS ON THE CONSERVATION AREA SHALL BE INSTALLED ONLY WITH THE WRITTEN APPROVAL OF THE CITY ENGINEER OF THE CITY OF NAPERVILLE AND SUBJECT TO ISSUANCE OF NECESSARY CITY PERMITS. OWNER SHALL ENSURE PROMPT RESTORATION OF ANY AREA WHERE UTILITIES ARE INSTALLED TO RETURN SAID AREAS TO THE SAME OR SIMILAR CONDITION IT WAS IN PRIOR TO INSTALLATION OF SAID UTILITIES.
3. MOTORIZED VEHICLES WILL BE PERMITTED TO USE THE BRIDGE OVER THE CONSERVATION AREA.
C. ENFORCEMENT OF THE CONSERVATION COVENANTS.
IF OWNER FAILS TO COMPLY WITH THE CONSERVATION COVENANTS DESCRIBED HEREIN AND/OR FAILS TO MAINTAIN THE CONSERVATION AREA AS PROVIDED HEREIN, AS DETERMINED AT THE DISCRETION OF THE CITY ENGINEER OF THE CITY OF NAPERVILLE, THE CITY OF NAPERVILLE ("CITY") SHALL HAVE THE RIGHT, BUT NOT THE OBLIGATION, TO ENTER UPON THE CONSERVATION AREA AND/OR THE PROPERTY WITH NECESSARY EQUIPMENT AND PERSONNEL TO PERFORM ANY REPAIRS, RECONSTRUCTION, OR RECONSTRUCTION NECESSARY TO RESTORE OR MAINTAIN THE CONSERVATION AREA IN FURTHERANCE OF THE CONSERVATION PURPOSES DESCRIBED IN SECTION A ABOVE, SUBJECT ONLY TO THE EXCEPTIONS DESCRIBED IN SECTION B ABOVE. THE CITY SHALL ATTEMPT TO GIVE OWNER NOT LESS THAN THIRTY (30) DAYS PRIOR WRITTEN NOTICE OF ITS INTENTION TO TAKE SUCH ACTION WHICH NOTICE SHALL BE SENT TO THE ADDRESS LISTED ON THE WILL COUNTY TAX BILL FOR THE PROPERTY FOR THE PRIOR TAX YEAR.
OWNER SHALL BE LIABLE FOR ALL COSTS INCURRED BY THE CITY IN PERFORMING SUCH WORK AND SHALL MAKE PAYMENT IN FULL TO THE CITY THEREFOR WITHIN SIXTY (60) DAYS OF ISSUANCE OF AN INVOICE THEREOF BY THE CITY TO THE ADDRESS NOTED ABOVE. IF OWNER FAILS TO REMIT PAYMENT IN FULL WITHIN SAID SIXTY (60) DAY TIMEFRAME, THE CITY MAY TAKE SUCH ACTION AS IS DEEMED APPROPRIATE AT LAW OR IN EQUITY AND SHALL FURTHER HAVE THE RIGHT TO LIEB THE PROPERTY, WHICH LIEN MAY BE FORECLOSED UPON AS A MORTGAGE IN CASE OF DEFAULT. SUCH LIEN MAY INCLUDE REASONABLE ATTORNEY'S FEES (WHETHER IN-HOUSE OR OUTSIDE COUNSEL) AND ALL COSTS OF COLLECTION, INCLUDING BUT NOT LIMITED TO LITIGATION AND RECORDING COSTS.
THE PROVISIONS OF THESE CONSERVATION COVENANTS SHALL NOT BE AMENDED, MODIFIED, OR ABROGATED WITHOUT THE PRIOR WRITTEN APPROVAL OF THE CITY OF NAPERVILLE.
THESE CONSERVATION COVENANTS SHALL ALSO BE CLEARLY REFERENCED IN ANY COVENANTS, CONDITIONS, DECLARATIONS, AND RESTRICTIONS RECORDED AGAINST THE PROPERTY PLATTED HEREON AND IN ANY DEEDS OR TITLE DOCUMENTATION REQUIRED FOR THE SUBDIVISION OR CONVEYANCE OF ANY OF THE PROPERTY PLATTED HEREON.

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REVISED 12-08-22/AJB PER CITY COMMENTS DATED 10-25-22
REVISED 01-10-23/AJB PER CITY COMMENTS DATED 12-29-22
REVISED 01-17-23/AJB REVISED CONSERVATION COVENANTS
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EXHIBIT B

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