



October 10, 2022

Mayor & City Council  
CITY OF NAPERVILLE  
400 S. Eagle Street  
Naperville, IL 60567

Dear Mayor & Council Members,

RE: Ashwood Heights Unit 2  
Development Issues – Amendment to Annexation Agreement

As Contract Purchaser of Lot 23 in Ashwood Heights Subdivision, Silverthorne has proposed re-development of Lot 23 into nine (9) lots for single-family detached homes in compliance with the underlying R1-A zoning.

City Council direction is requested for two (2) issues that remain between City staff and Silverthorne regarding approval of the project: (1) landscaping along 248<sup>th</sup> Avenue and (2) compensation for additional right-of-way for 248<sup>th</sup> Avenue improvements.

LANDSCAPING ALONG 248<sup>th</sup> AVENUE:

Staff Position: Staff has requested that Silverthorne install landscaping along 248<sup>th</sup> Avenue similar to the landscaping plan installed north of Arrowwood Drive in Ashwood Heights (Unit 1) Subdivision.

Silverthorne Position: Based on City Council approval on October 4, 2022 of the Sound Attenuation Walls along 248<sup>th</sup> Avenue adjacent to Ashwood Heights Subdivision, as of 2026 the streetscape will be an eight foot (8') high wall along the edge of the right-of-way, similar in view to the attached Exhibit A. Therefore, the current landscaping will no longer be visible to anyone except for the adjacent homeowners. Silverthorne proposes a six (6) foot high fence within approximately ten (10) feet off of a future right-of-way on private property. Since there will not be a homeowners' association, any landscaping will be maintained by the individual adjoining homeowner.

COMPENSATION FOR ADDITIONAL RIGHT-OF-WAY FOR 248<sup>TH</sup> AVENUE:

Staff Position: Staff requests that an additional twenty (20) feet be dedicated for right-of-way for 248<sup>th</sup> Avenue at no cost to the City.

Silverthorne Position: When Ashwood Heights Subdivision was platted, the typical fifty (50) feet of right-of-way for an Arterial Roadway was dedicated for 248<sup>th</sup> Avenue. However, due most likely to the unincorporated property at the southeast corner of 248<sup>th</sup> Avenue and 103<sup>rd</sup> Street, the roadway at the intersection has been shifted to the west. In order to improve 248<sup>th</sup> Avenue, the City's plans require an additional twenty (20) feet of right-of-way dedication from Lot 23, irrespective of development of Lot 23. Lot 23 will have been required to dedicate a total of seventy (70) feet of right-of-way, greater than any other property in Naperville adjoining a Minor Arterial Roadway.

At your October 4<sup>th</sup> meeting, the Council approved funding the acquisition of easements for installation of sound walls, which if easements cannot be obtained, the wall sections would not be installed, as Silverthorne understands. However, City staff has stated that the additional right-of-way from Lot 23 is mandatory for improvement of 248<sup>th</sup> Avenue.

At Trinity Lutheran Church (NWC of Bauer Road & Mill Street) and Burlington Woods Subdivision (Spring Street), the City charged the developers for vacation of unused roadway rights-of-way. Based on Silverthorne's acquisition price, the additional right-of-way would have a value of \$43,791.38 which would typically be payable upon dedication.

Also, City staff has requested that the developer not install the Shared Use Path and parkway trees along 248<sup>th</sup> Avenue until after completion of the improvement of 248<sup>th</sup> Avenue, in late 2026 or early 2027. However, Silverthorne is hoping to build all nine homes in 2023 & 2024 and be completed at least two years before completion of 248<sup>th</sup> Avenue.

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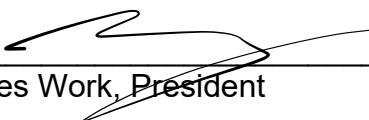
In lieu of City payment for the additional right-of-way, Silverthorne proposes that the City assume certain improvements, at the City's discretion, that would be the responsibility of the developer. As the City will be installing other areas of Shared Use Path, Silverthorne proposes that the City assume the cost of installing the Shared Use Path at Ashwood Heights Unit 2, a City estimated value of \$24,258.00. Also, fifteen (15) parkway trees are being required along 248th Avenue, at a cost of \$400/tree or \$6,000. (Note: there are no parkway trees along the 2.5 miles of 248th Avenue between 95th Street & Champion Drive (roughly 115th Street)). Also, it is requested that the City also assume cost responsibility for installation of parkway trees on 103rd Street (7 trees @ \$400 = \$2,800) & Viburnum Court (15 trees @ \$400 = \$6,000 on 6 lots). Thus, Silverthorne proposes that the timing and extent of installation would be at the discretion of the City in the future.

In summary, Silverthorne requests that the City Council direct the Amendment to the Annexation Agreement contain:

- 1) Approval of the Landscape Plan submitted by Silverthorne; and
- 2) Compensation to Silverthorne for the twenty (20) feet of right-of-way by the City assuming the responsibility for installation of the Shared Use Path and parkway trees along 248th Avenue, 103rd Street and Viburnum Court, which would be installed at the City's discretion as to quantity and timing of installation.

Sincerely,

Silverthorne Development Co.

  
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James Work, President

CC: Ying Liu, AICP, TED  
Patricia Lord, Senior Assistant City Attorney

**EXHIBIT A**



**EXHIBIT A**

