

OWNER'S ACKNOWLEDGEMENT & ACCEPTANCE
FOR CAMARENA SUBDIVISION

Sylvia Kanney (hereinafter referred to as the "OWNER AND DEVELOPER") with an address of 535 N. Webster Street, Naperville, IL 60563, is the owner of the property located at 535 N. Webster Street, Naperville, IL, commonly known as the Camarena Subdivision (hereinafter referred to as the "SUBJECT PROPERTY"). In accordance with the provisions of the Naperville Municipal Code, OWNER and DEVELOPER, shall pay all fees and fulfill all other special conditions referenced below, in addition to those requirements set forth in the Naperville Municipal Code, the attached Statement of General Conditions, and all motions, ordinances and resolutions by the City Council approving the Preliminary/Final Subdivision Plat for the SUBJECT PROPERTY, prior to recording the Preliminary/Final Subdivision Plat for the Camarena Subdivision. Said fees shall not be paid under protest or otherwise objected to.

School Donation: \$5729.40 (based on two 3-bedroom detached units and a credit for one existing single-family home), in accordance with Table A (attached). OWNER and DEVELOPER acknowledge that this calculation is based on Ordinance 07-188 (Amendment to Naperville Municipal Code Section 7-3-5:3.1: Fair Market Value), as adopted by City Council on August 6, 2007. Said donation shall be made with a cash-in-lieu-of-land donation. OWNER and DEVELOPER acknowledge that the school donation established herein is done so pursuant to City of Naperville ordinance and Code provisions and agree that payment of said amount shall not be paid under protest, or otherwise objected to, and shall be paid prior to recording the Preliminary/Final Subdivision Plat for the SUBJECT PROPERTY. OWNER and DEVELOPER further acknowledge that the school donation established herein will be verified at the time of each building permit issuance, and if the number of bedrooms in the dwelling unit exceeds 3-bedrooms, then the permit applicant shall be charged for additional bedrooms, in accordance with the school donation table in effect at the time the building permit is issued.

Notwithstanding the provisions above, in the event that Section 7-3-5 of the Naperville Municipal Code ("DEDICATION OF PARK LANDS AND SCHOOL SITES OR FOR PAYMENTS OR FEES IN LIEU OF") is amended (hereinafter "Amended Land/Cash Code Provisions") after the date this Owner's Acknowledgement and Acceptance is approved by the City Council and prior to recordation of the Preliminary/Final Plat of Subdivision for the SUBJECT PROPERTY, the OWNER AND DEVELOPER'S obligations hereunder shall be controlled by the Amended Land/Cash Code Provisions.

Park Donation: \$8,154.72 (based on two 3-bedroom detached units and a credit for one existing single-family home), in accordance with Table B (attached). OWNER and DEVELOPER acknowledge that this calculation is based on Ordinance 07-188 (Amendment to Section 7-3-5:3.1: Fair Market Value), as adopted by City Council on August 6, 2007. Said donation shall be made with a

cash-in-lieu-of-land donation. OWNER and DEVELOPER acknowledge that the park donation established herein is done so pursuant to City of Naperville ordinance and Code provisions and agree that payment of said amount shall not be paid under protest, or otherwise objected to, and shall be paid prior to recording the Preliminary/Final Subdivision Plat for the SUBJECT PROPERTY. OWNER and DEVELOPER further acknowledge that the park donation established herein will be verified at the time of each building permit issuance, and if the number of bedrooms in the dwelling unit exceeds 3-bedrooms, then the permit applicant shall be charged for additional bedrooms, in accordance with the park donation table in effect at the time the building permit is issued.

Notwithstanding the provisions above, in the event that Section 7-3-5 of the Naperville Municipal Code (“DEDICATION OF PARK LANDS AND SCHOOL SITES OR FOR PAYMENTS OR FEES IN LIEU OF”) is amended (hereinafter “Amended Land/Cash Code Provisions”) after the date this Owner’s Acknowledgement and Acceptance is approved by the City Council and prior to recordation of the Preliminary/Final Plat of Subdivision for the SUBJECT PROPERTY, the OWNER AND DEVELOPER’S obligations hereunder shall be controlled by the Amended Land/Cash Code Provisions.

Engineering Review Fee: \$1,602.36 (1.5% of the approved engineer’s cost estimate)

Financial Surety: Financial surety in a form acceptable to the City Attorney shall be provided and maintained in the amount of \$117,506.40 (110% of the approved engineer’s cost estimate) which guarantees the completion of public improvements and soil erosion and sedimentation control for the SUBJECT PROPERTY (hereinafter “Public Improvements”). Financial surety shall be received and approved prior to issuance of a site development permit. Notwithstanding provision of said surety, until the Public Improvements have been accepted by the City, the OWNER and DEVELOPER shall remain obligated for completion of said Public Improvements and/or (at the City’s sole discretion) to pay any costs for said Public Improvements to the extent that the surety is not sufficient to pay for the costs of the Public Improvements, or in the event of any denial, or partial denial of coverage by the surety, or failure of the surety to timely respond to a demand for payment. Upon acceptance of the Public Improvements by the City, the OWNER and DEVELOPER shall provide the City with a maintenance bond for the Public Improvements in conformity with the Naperville Municipal Code.

As to any surety, or maintenance surety, provided by the OWNER AND DEVELOPER to the City hereunder, the OWNER AND DEVELOPER agrees that: (1) at no time shall the City be liable for attorneys’ fees with respect thereto; (2) OWNER AND DEVELOPER shall be liable to pay the City’s reasonable attorneys’ fees and costs (in-house or outside counsel) in enforcement thereof; and (3) the list

of circumstances set forth in such surety (including any exhibit thereto) as bases for default thereunder shall entitle the City to draw on said surety.

Special Conditions

Demolition of Existing Garage. The SUBJECT PROPERTY is currently improved with a single-family detached structure and a detached garage. The OWNER AND DEVELOPER intends to keep the existing single-family structure on the new Lot 1 of the proposed Camarena Subdivision. However, the detached garage shall be demolished, in compliance with the Naperville Municipal Code, prior to recordation of the Preliminary/Final Plat of Subdivision for the Subject Property.

Watermain Cost Sharing. It is the OWNER AND DEVELOPER'S sole responsibility to design and construct an 8" watermain commencing at an existing connection located at the northwest corner of Webster Street and 6th Avenue, continuing along the north side of 6th Avenue, and ending at an existing connection at the northwest corner of 6th Avenue and Eagle Street, as depicted on the final engineering plans for Camarena Subdivision, prepared by INTECH CONSULTANTS, INC., dated December 1, 2016, last revised April 21, 2017 ("Watermain Improvements"). The Watermain Improvements shall be completed and accepted by the City prior to issuance of an occupancy permit for the new Lot 2 of the Camarena Subdivision.

Subject to the OWNER AND DEVELOPER providing acceptable documentation as described below, the City agrees to reimburse the OWNER AND DEVELOPER for the design, engineering and construction costs of the western section of the Watermain Improvements from the existing watermain at the northwest corner of 6th Avenue and Eagle Street to the northerly extension of the west property line of the SUBJECT PROPERTY (approximately 194 feet of the 403 foot Watermain Improvements). The OWNER AND DEVELOPER shall provide an invoice to the Director of the Department of Public Utilities – Water/Waste Water ("Director") along with documentation acceptable to the Director, which evidences the actual design, engineering and construction costs of Watermain Improvements. The OWNER AND DEVELOPER shall provide an affidavit, sworn statement and lien waivers from all constructors and material suppliers in a format acceptable to the Director. The City shall pay the City's share of the costs within sixty (60) days of receipt of the invoice or documentation of the actual costs acceptable to the Director, whichever occurs later.

Binding Effect. This document will be recorded with the DuPage County Recorder in which the SUBJECT PROPERTY is located. The undersigned acknowledges and agrees that the terms contained or referenced herein shall be binding upon and inure to the benefit of the City of Naperville, the OWNER or DEVELOPER, and the successors, assigns, and any subsidiary, affiliate or parent of the OWNER or DEVELOPER.

The undersigned warrants that he/she is the owner of the SUBJECT PROPERTY, or is the duly authorized representative of the owner in the case of a corporation, partnership, trust,

or similar ownership form which owns the SUBJECT PROPERTY. The undersigned has full power and authority to sign this document and voluntarily agrees to the provisions set forth herein.

OWNER AND DEVELOPER:

Sylvia Kanney
535 N. Webster Street
Naperville, IL 60563



[name] Sylvia Kanney
[title] Owner and Developer

The foregoing instrument was acknowledged before me by Sylvia Kanney this
24 day of May, 2017.


Notary Public



STATEMENT OF GENERAL CONDITIONS

The following information represents general requirements to be fulfilled by the property OWNER and DEVELOPER through the development of the SUBJECT PROPERTY, as approved by City Council. This list is not intended to be comprehensive and does not preclude all other requirements as set forth in the Naperville Municipal Code. These requirements are in addition to those that were listed in the Developer's Acknowledgement & Acceptance Letter for your development.

Public Improvements: Unless otherwise noted in the Acknowledgement & Acceptance Letter, OWNER and DEVELOPER will construct all public improvements shown on the Final Engineering Plans at its sole cost.

Sidewalk Construction: Exceptions to the strict adherence of Subdivision Control Regulations will be permitted only with respect to the construction of sidewalks that may be deferred until the earlier of the construction of buildings on or full development of adjacent lots, or upon written request of the City Engineer. Such request shall not be made before three (3) years after the City Council approval of the Final Subdivision Plat for the subject property. Notwithstanding the above, all required sidewalks located within the rights-of-way of any arterial or major collector streets shall be constructed as part of the required roadway improvements.

Building Permits: No building permits shall be issued for a particular lot or parcel within the subject property until the Transportation, Engineering, and Development Business Group; Public Utilities Department; and Fire Department have determined that sufficient improvements have been installed and are functioning to protect the health, safety, and welfare of the public.

Infrastructure Availability Charges and User Fees: Any OWNER or DEVELOPER requesting connection and service to the City's water or sanitary system shall pay for all infrastructure availability charges and user fees in accordance with Title 8 of the Naperville Municipal Code as are applicable to that portion of the SUBJECT PROPERTY for which connection and service is requested.

Facility Installation Charges and User Fees: Any OWNER or DEVELOPER requesting connection and service to the City of Naperville electric system shall pay for all Facility Installation Charges (FIC) and user fees in accordance with Title 8 of the Naperville Municipal Code as are applicable to that portion of the SUBJECT PROPERTY for which connection and service is requested.