

Village of Carol Stream

BOARD MEETING

AGENDA

SEPTEMBER 5, 2006

All matters on the Agenda may be discussed, amended and acted upon

A. ROLL CALL AND PLEDGE OF ALLEGIANCE:

B. MINUTES:

1. Approval of the Minutes of the August 21, 2006 Meeting.

C. AUDIENCE PARTICIPATION & PUBLIC HEARINGS:

1. Presentation by American Legion Post #76.
2. Public Hearing: Wheaton Bible Church
Public Hearing for a preannexation agreement to enable connection of the 47-acre church facilities to Carol Stream water and sewer systems.

D. SELECTION OF CONSENT AGENDA:

E. BOARD AND COMMISSION REPORTS:

1. PLAN COMMISSION:

- a. #03038 – St. Charles Building Partners, LLC.
Rezoning – R-1 One-Family Residence District to I Industrial District
RECOMMENDED APPROVAL (5-0).

*Bieszke Auto Repair at 211 E. St. Charles Road
Special Use – Auto Service Station*

*Dave Bieszke at 229 E. St. Charles Road
Special Use – Garage & Parking Lot for Motor Vehicles Not Incidental to
a Permitted Use*

*Tim's Auto Body at 215-219 E. St. Charles Road
Special Use – Auto Service Station*

*Miller Crane Repair at 227 E. St. Charles Road
Special Use – Garage and Parking Lot for Motor Vehicles Not Incidental
to a Permitted Use
Special Use – Equipment and machinery Rental Operations*

*Duncan Construction at 231 E. St. Charles Road
Special Use – Contractor's Office and Shop*

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*Bieszke Auto Repair and Equipment Storage for Duncan Construction
Special Use – Outdoor Activities and Operations*

RECOMMENDED APPROVAL WITH CONDITIONS (5-0).

E. D. Windows and Doors at 223 E. St. Charles Road

Special Use – Building Material Sales and Storage

RECOMMENDED DENIAL (5-0).

The property was annexed in 1986, and the owner never requested rezoning or special use approvals for the building tenants. Staff has worked with the property owner over the years to bring the property into conformance with current Village Code.

b. #06173 – Wheaton Christian Center, 610 E. North Avenue

Text Amendment – Zoning Code

RECOMMENDED APPROVAL (5-0).

Special Use = Expansion of Approved Special Use.

RECOMMENDED APPROVAL WITH CONDITIONS (4-1).

Wheaton Christian Center and Outreach Community Ministries seek zoning approvals to operate an elementary school and a not-for-profit furniture resale shop.

F. OLD BUSINESS:

G. STAFF REPORTS & RECOMMENDATIONS:

1. 2005/06 Pavement Rejuvenator Project – Final Payment and Acceptance.
This project was finished in August and is now ready for final payment and project close out.
2. Recommendation to Accept a Land Donation of a 1.03-Acre Wetland Parcel (Lot 2) in the Elk Trail Resubdivision.
Formal acceptance of the land donation offer from First Bank of Clayton, Missouri of a 1-acre wetland in the Elk Trail Resubdivision and waiver of \$1,345.78 weed lien allowing the Village to begin the advance Bluff Street and Elk Trail Wetland Prairie Enhancement Project.
3. Telecommunications Service Provider – PRIME Circuits.
Recommendation for selection of a service provider for Village office telephone service.

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H. ORDINANCES:

1. Ordinance No. _____, Rezoning Property From R-1 One-Family Residence District to I Industrial District (211-231 E. St. Charles Road).
See E1a.
2. Ordinance No. _____, Granting a Special Use for An Auto Service Station (211 E. St. Charles Road).
See E1a.
3. Ordinance No. _____, Granting a Special Use for an Auto Service Station (215-219 E. St. Charles Road).
See E1a.
4. Ordinance No. _____, Granting a Special Use for Garages and Parking Lots for Motor Vehicles Not Incidental to a Permitted Use and For Equipment and Machinery Rental Operations. (227 E. St. Charles Road)
See E1a.
5. Ordinance No. _____, Granting a Special Use for Garages and Parking Lots for Motor Vehicles Not Incidental to a Permitted Use. (229 E. St. Charles Road)
See E1a.
6. Ordinance No. _____, Granting a Special Use for a Contractor's Office and Shops (231 E. St. Charles Road).
See E1a.
7. Ordinance No. _____, Granting a Special Use for Outdoor Activities and Operations. (211-231 E. St. Charles Road).
See E1a.
8. Ordinance No. _____, Amending Chapter 16 of the Municipal Code of the Village of Carol Stream (Zoning Code).
See E1b.
9. Ordinance No. _____, Granting an Amendment to a Special Use (Wheaton Christian Center, 610 E. North Avenue).
See E1b.

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10. Ordinance No. _____, Granting a Rezoning from R-1 to B-4, A Special Use Permit for a Regional Religious Institution, Variations from the Zoning Code and Subdivision Code, and North Avenue Corridor Review Approval, all Upon Annexation to the Wheaton Bible Church (Northwest Corner of North Avenue and Morton Road).

11. Ordinance No. _____, Authorizing the Execution of an Annexation Agreement (Wheaton Bible Church).
See C1.

I. RESOLUTIONS:

1. Resolution No. _____, Declaring Surplus Property Owned by the Village of Carol Stream. *Declaring nuclear density gauge and companion security containment box as surplus property for subsequent sale.*

2. Resolution No. _____, Accepting a Grant of Public Utility (Wheaton Bible Church). *This is a plat dedicating a public utility easement to the Village.*

3. Resolution No. _____, Approving a Final Plat of Subdivision (Easton Park). *Lakewood Homes Townhome development at the former Fisher Farm on North Avenue.*

J. NEW BUSINESS:

K. PAYMENT OF BILLS:

1. Regular Bills:
2. Addendum Warrant:

L. REPORT OF OFFICERS:

1. Mayor:
2. Trustees:
3. Clerk:

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M. EXECUTIVE SESSION:

N. ADJOURNMENT:

LAST ORDINANCE: 2006-08-41

LAST RESOLUTION: 2200

NEXT ORDINANCE: 2006-09-42

NEXT RESOLUTION: 2201

REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES
Gregory J. Bielawski Municipal Center, Carol Stream, DuPage County, Illinois

August 21, 2006

Mayor Pro-Tem Fenner called the Regular Meeting of the Board of Trustees to order at 8:00 p.m. and directed Deputy Village Clerk Wynne Progar to call the roll.

Present: Trustees McCarthy, Gieser, Saverino, Stubbs and Fenner
Absent: Mayor Ferraro, Trustee Shanahan and Village Clerk Koester
Also Present: Village Manager Breinig, Assistant Village Manager Mellor, Attorney Diamond, Village Treasurer Manzzullo and Deputy Clerk Progar

Mayor Pro-Tem Fenner led those in attendance in the Pledge of Allegiance.

MINUTES:

Trustee McCarthy moved and Trustee Gieser made the second to approve the Minutes of the Meeting of August 7, 2006 as presented. The results of the roll call vote were:

Ayes: 4 Trustees McCarthy, Gieser, Saverino and Fenner
Nays: 0
Abstain: 1 Trustee Stubbs
Absent: 1 Trustee Shanahan

AUDIENCE PARTICIPATION AND PUBLIC HEARINGS:

Presentation by AAIM for DUI Enforcement During 2005:

Charlene Chapman and Dave Perozzi from AAIM presented the Guardian Award to the Carol Stream Police Department in commendation for having the highest average DUI arrests per officer at 7.12 arrests.

Presentation of DUI Arrest Milestone Award:

Police Chief Rick Willing presented a 250 DUI arrest Milestone Award to Officer Brian Cooper who has made that many arrests since the beginning of this initiative in 2001.

Public Hearing – Notice of Proposed Property Tax Increase for the Village of Carol Stream:

Trustee Stubbs moved and Trustee McCarthy made the second to open the public hearing. The results of the roll call vote were:

Ayes: 5 Trustees McCarthy, Gieser, Saverino, Stubbs & Fenner
Nays: 0
Absent: 1 Trustee Shanahan

There were no comments or question from those in attendance at the call for public hearing. Trustee McCarthy commented that this notice of increased tax levy is for the Public Library, not for the Village of Carol Stream since the Village still does not levy a property tax. Trustee Saverino moved and Trustee Gieser made the second to close the public hearing. The results of the roll call vote were:

Ayes: 5 Trustees McCarthy, Gieser, Saverino, Stubbs & Fenner
Nays: 0
Absent: 1 Trustee Shanahan

Proclamation:

Trustee Stubbs read a Proclamation Declaring September 2006 as National Drug & Alcohol Recovery Month.

CONSENT AGENDA:

Trustee McCarthy moved and Trustee Saverino made the second to establish a Consent Agenda for this meeting. The results of the roll call vote were:

| | | |
|---------|---|--|
| Ayes: | 5 | Trustees McCarthy, Gieser, Saverino, Stubbs & Fenner |
| Nays: | 0 | |
| Absent: | 1 | Trustee Shanahan |

Trustee Gieser moved and Trustee McCarthy made the second to put the following items on the Consent Agenda for this meeting. The results of the roll call vote were:

| | | |
|---------|---|--|
| Ayes: | 5 | Trustees McCarthy, Gieser, Saverino, Stubbs & Fenner |
| Nays: | 0 | |
| Absent: | 1 | Trustee Shanahan |

1. Final Plat of Subdivision: Regency Centers, Heritage Plaza – R. 2199
2. Amend Code- Chap. 14 & Chap. 16- firearms - **Ord. 2006-08-41**
3. Architect Solution – Off-site, long-term evidence/property damage storage bldg.
4. Award of Contract: Fair Oaks Road Improvement Project
5. **Received:** Residential recycling Toter Program Report
6. Ord. 2006-08-40: Tax Levy – CS Library
7. Resolution 2200: Declare Surplus Property
8. Shelburne Detention Pond – Soccer Lighting
9. Regular Bills, Addendum Warrant of Bills
10. **Received:** Treasurer’s report – July 31, 2006
11. Reschedule September 4, 2006 meeting to September 5, 2006 – Labor Day

COMMENTS:

In regard to the final plat for Heritage Plaza;

Trustee McCarthy asked if the suggested right in/right out entry had been approved for this plan and Jim Knudsen, Director of Engineering Services explained that a traffic study done by DuPage County showed that such an entry was not warranted.

Trustee Stubbs commented about the safety concerns for the pedestrian traffic and Bob Glee, Community Development Director stated that the plan includes “traffic calming” methods and that the developer has agreed to provide a traffic study prior to the approval of any further development.

In regard to the text amendments regarding firearms;

Trustee Stubbs said that he is concerned that there may not be any awareness in the community that some residents could have many firearms in their homes.

Mr. Diamond explained that when this issue was addressed it appeared that there have been some residents over time have had Federal Firearms License and have operated such a business in their homes. The ordinance has been modified to make it clear that, with this one exception, you could not have the home occupation if it was a business that was not otherwise allowed. In part, because of the Federal regulation there are individuals in the community that have been doing this. This amendment is to make it clear that if a Federal Firearm License is

granted to a resident, that resident must adhere strictly to the guidelines for a Home Occupation and specifically restricted in regard to the storage of such firearms and ammunition. It was determined that the Village is notified by the Federal Government when such a license is granted to a resident of the municipality and that the licensee must provide a copy of the license to the Police Department. Police Chief Willing noted that most FFL holders sell at gun shows, but do store their weapons at home. Trustee Saverino asked if the Village collects any sales tax from their transactions. It was determined that the point of sale location decides which municipality receives tax revenue.

In regard to Item G-1, Architect Solution for an Off-Site Long-Term Evidence/Property Storage Building, Trustee Stubbs asked if the cost for this study is premature because the Village does not have possession of the Post Office Building. Mr. Breinig replied that this is a generic study, not a study of a specific building. This will give us an idea of what is needed prior to looking at any location for this type of need and will establish parameters for security, parking, access and long-term effectiveness. An additional \$1500 will also provide a review and assessment of a specific site if one is available.

Trustee Stubbs moved and Trustee McCarthy made the second to approve the Consent Agenda for this meeting by omnibus vote. The results of the roll call vote were:

| | | |
|---------|---|--|
| Ayes: | 5 | Trustees McCarthy, Gieser, Saverino, Stubbs & Fenner |
| Nays: | 0 | |
| Absent: | 1 | Trustee Shanahan |

The following is a brief description of those items approved on the Consent Agenda for this meeting.

Final Plat of Subdivision: Regency Centers, Heritage Plaza – R. 2199:

The Board adopted Resolution No. 2199, A RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION (HERITAGE PLAZA SHOPPING CENTER).

Amend Code- Chap. 14 & Chap. 16- firearms - Ord. 2006-08-41:

At their meeting on August 14, 2006, the Combined Plan Commission/Zoning Board of Appeals recommended approval of the proposed text amendment. The Board concurred with the recommendation and adopted Ordinance 2006-08-41, AN ORDINANCE AMENDING SECTIONS 14-3-20 AND 16-12-6 OF THE CAROL STREAM MUNICIPAL CODE.

Architect Solution – Off-site, long-term evidence/property damage storage bldg.:

The Board awarded a contract for an architectural study of the evidence/storage needs of the Village in an amount not to exceed \$15,618.00 to Sente-Rubel-Bosman-Lee. SRBL also identified a possible additional cost “option “ (\$1,518.00_ which would cover the “Optional Project Cost of Construction and Project Budgets” and would only be exercised if the Committee, with Mr. Breinig’s approval, were comfortable moving forward.

Award of Contract: Fair Oaks Road Improvement Project:

The Board awarded a contract for the Fair Oaks Road Improvement Project to Plote Construction, Inc. at the bid unit prices in the amount of \$1,564,039.65.

Ord. 2006-08-40: Tax Levy – CS Library:

The Board adopted Ordinance 2006-08-40, AN ORDINANCE LEVYING TAXES FOR GENERAL AND SPECIAL CORPORATE PURPOSES FOR THE CURRENT FISCAL YEAR

COMMENCING ON THE FIRST DAY OF MAY, 2006 AND ENDING ON THE THIRTIETH DAY OF APRIL, 2007 FOR THE VILLAGE OF CAROL STREAM, COUNTY OF DUPAGE, ILLINOIS.

Resolution 2200: Declare Surplus Property:

The Board adopted Resolution 2200, A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM. (Copier from EOC @ Fire House #3)

Shelburne Detention Pond – Soccer Lighting:

The Board approved an amendment to the 2003 License Agreement for the Shelburne Detention Pond with the Carol Stream Panthers Soccer Club to allow temporary light towers to maximize practice time.

Regular Bills, Addendum Warrant of Bills:

The Board approved the payment of the Regular Bills in the amount of \$429,354.90. The Board approved the payment of the Addendum Warrant of Bills in the amount of \$620,467.26.

Reschedule September 4, 2006 meeting to September 5, 2006 – Labor Day:

Due to the Labor Day Holiday, the Board approved the rescheduling of the Regular Meeting from Monday, September 4, 2006 to Tuesday, September 5, 2006.

REPORT OF OFFICERS:

Trustee Gieser said that he is pleased that residents have increased recycling by 16% by using the larger toters and noted that this is equal to 310 tons. He also reminded everyone that the movie at the Town Center on Saturday is Indiana Jones.

Trustee Stubbs said that with schools starting everyone should be alert for children while driving.

Trustee Saverino commended the Police Department for their efforts to keep drunk drivers off of the roads.

Trustee McCarthy echoed Trustee Saverino’s comments and also noted that with fall sports starting and the days getting shorter, drivers should be watchful for kids.

Trustee Saverino thanked the Carol Stream Panthers soccer teams and parents for the extra effort of paying for temporary lights so that participants can not only practice longer but also do so safely.

Mayor Pro-Tem Fenner also thanked the Police Department and the Carol Stream Panthers Soccer teams.

Village Treasurer Manzzullo suggested that parent’s double check kids’ bicycles, scooters and other sports apparel for reflectors and replace missing ones and even add additional ones for safety and visibility to others.

At 8:32 p.m. Trustee McCarthy moved and Trustee Saverino made the second to adjourn. The results of the roll call vote were:

| | | |
|---------|---|--|
| Ayes: | 5 | Trustees McCarthy, Gieser, Saverino, Stubbs & Fenner |
| Nays: | 0 | |
| Absent: | 1 | Trustee Shanahan |

FOR THE BOARD OF TRUSTEES

Regular Meeting-Plan Commission/Zoning Board Of Appeals
Gregory J. Bielawski Municipal Center, Carol Stream, Du Page County, Illinois

AUGUST 28, 2006

ALL MATTERS ON THE AGENDA MAY BE DISCUSSED, AMENDED AND ACTED UPON

Chairman Don Sutenbach called the Regular Meeting of the Combined Plan Commission / Zoning Board of Appeals to order at 7:30 p.m. and directed Recording Secretary Wynne Progar to call the roll.

Present: Commissioners Smoot, Vora, Weiss, Michaelsen and Sutenbach
Absent: Commissioners Spink and Hundhausen
Also Present: Community Development Director Bob Glees, Village Planner John Svalenka and Recording Secretary Wynne Progar

MINUTES:

Commissioner Smoot moved and Commissioner Michaelsen made the second to approve the Minutes of the Meeting of August 14, 2006 as presented. The results of the roll call vote were:

Ayes: 5 Commissioners Smoot, Vora, Weiss, Michaelsen and Sutenbach
Nays: 0
Absent: 2 Commissioners Spink and Hundhausen

PUBLIC HEARING:

Commissioner Michaelsen moved and Commissioner Smoot made the second to open the public hearing. The results of the roll call vote were:

Ayes: 5 Commissioners Smoot, Vora, Weiss, Michaelsen and Sutenbach
Nays: 0
Absent: 2 Commissioners Spink and Hundhausen

#06173 : **Wheaton Christian Center, 610 E. North Avenue**
Text Amendment – Zoning Code
Special Use – Expansion of Approved Special Use
Continued from 8/14/06 meeting

James E. Ward Jr. 610 E. North Avenue, Carol Stream and Kathy Christiansen, 122 W. Liberty, Wheaton were sworn in as witnesses in this matter.

Mr. Ward presented a Power Point presentation regarding the layout of the Wheaton Christian Center (WCC) and how the elementary school will function within the building, as well as the safety measures to be taken for the drop-off and pick-up of the students and the daily operations and procedures for the school.

Ms. Christiansen explained the location and the operation of Jubilee Furniture Co. and how it is separated from the (WCC). She also explained the functions of the Community Outreach Ministries, the start up of Jubilee Furniture and how it operates.

There were no comments or questions from those in attendance at the call for public hearing.

Mr. Glees said this report serves as an addendum to the report presented at the August 14, 2006, Plan Commission/Zoning Board of Appeals meeting. At that meeting, by a 6-0 vote, the Plan Commission continued the case to the August 28th agenda in order to allow the petitioner time to provide additional information, including a more detailed floor plan and information regarding programming and procedures. Attached for review are supplemental materials provided by James Ward of the Wheaton Christian Center, including floor plans, brief histories and detailed information regarding the Wheaton Christian Center Church (WCC), the Carol Stream Christian Academy, and the Jubilee Furniture Company. The information was provided to address the Plan Commission's concerns with respect to the proposed school in terms of staffing, schedules, drop-off/pick-up routes, emergency procedures, interior layout and furnishings, as well as the furniture store in terms of interior layout, products, staffing, operations, marketing and future plans.

With respect to student access to and from the Carol Stream Christian Academy, staff notes that the student entrance would be located at the rear of the building, away from the traffic areas at the front of the building. Specific procedures are detailed on pages 6 and 7 of the WCC packet. With respect to the question as to when exterior improvements would be required to the property, as noted in the previous staff report, a meeting was held on March 30, 2001, to determine at what point during the construction of the interior improvements would the exterior improvements stipulated in the Special Use Ordinance be triggered. The record of that meeting states as follows:

"Church representatives and the Village staff agreed that while the completed chapel would allow a relatively intense use of the property on Sundays and Wednesday evenings, the church would remain primarily unused throughout the remainder of the week. The staff felt as though it would be appropriate to have the exterior improvements completed at the time that the building would be used on a day-to-day basis, which is the ultimate plan of the church. The next anticipated sub-phase of Phase I (Phase 1B) would include the construction of Sunday school classrooms, which staff determined could be completed without requiring the exterior improvements. The staff and church representatives agreed that it would be during Phase 1C, in which offices would be installed, that the exterior improvements would have to be completed. This would include building façade improvements and the installation of landscape materials and landscape islands in the parking lot. Other future phases (Phases 2, 3 and 4) include additional significant building renovations, including a fitness center and gymnasium, additional classrooms and a large sanctuary."

The interior build-out of the building as planned in 2001 did not contemplate a furniture re-sale operation, and so a comparison of the current degree of completion with that as

described above is inexact; however, an argument could be made that the build-out has not yet progressed to Phase 2, because a large portion of the building is not used for the majority of the week. For this reason, staff is comfortable in suggesting that completion of the exterior improvements has not yet been triggered.

RECOMMENDATIONS

Staff recommends approval of the following text amendment to §16-9-5(C) of the Zoning Code (proposed new text shown in bold italics):

§ 16-9-5 B-4 OFFICE RESEARCH AND INSTITUTIONAL BUILDING DISTRICT

(C) Special uses. An accessory use customarily related to a principal use authorized by this section, such as a pharmacy, stores limited to corrective garments or bandages, or an optical company may be permitted; provided, it is within the building to which it is accessory and does not have a direct outside entrance for customers.

- (1) Planned unit developments in accordance with provisions of this Chapter.
- (2) Research laboratories.
- (3) Total senior life care facilities.
- (4) Regional religious institution.
- (5) ***Full-time school as an ancillary use to the principal use of Regional Religious Institution, provided that parking is provided in accordance with the requirements of §16-13-3 of this Code.***
- (6) ***Retail sale of used or donated household items for fundraising purposes as an ancillary use to the principal use of Regional Religious Institution, provided that parking is provided in accordance with the requirements of §16-13-3 of this Code.***

In addition, staff recommends approval of the request for an Expansion of the Approved Special Use Permit for the Wheaton Christian Center To Allow A Full-Time School And The Retail Sale Of Used Or Donated Household Items For Fundraising Purposes As Ancillary Uses To The Principal Use Of Regional Religious Institution, subject to the following conditions:

1. That enrollment at the Carol Stream Christian Academy shall be limited to no more than 100 students, and any desired increase beyond such enrollment shall require approval of an expansion of the special use;
2. That the conditions of approval as specified in Ordinance No. 99-02-10 shall remain in force;
3. That the necessary permits shall be obtained for the Carol Stream Christian Academy signage;

4. That the Outreach Community Ministries furniture sales take place on Fridays between the hours of 2:00 p.m. and 8:00 p.m. and Saturdays between the hours of 9:00 a.m. and 6:00 p.m.
5. That the furniture must be kept inside the building, and that the sale events must be held completely inside the building;
6. That the necessary permits be obtained for the signage that will be used to advertise furniture sales events;
7. That the site and buildings will comply with all state, county and Village Codes and requirements.

Commissioner Michaelsen asked if there will be posted One Way signage for the designated drop-off area and Mr. Ward said that there will be signs and that parents will be notified that there will be one way traffic around the building for student drop-off and pick-up.

Commissioner Michaelsen asked where 1st and 2nd grade student will have bathroom facilities and it was stated that they would use the same bathroom as the Pre-K and K students or if necessary, 1st and 2nd graders would be accompanied by a staff person and use the adult facilities in the other hall way. In response to the question on emergency exits for all grades, Mr. Ward outlined the exits from all sides of the classrooms that would be used for emergency exits and he noted that these directions would be posted in all classrooms.

Commissioner Michaelsen asked Ms. Christiansen about exit marking and restroom facilities for the public in their portion of the building. Ms. Christiansen showed how their area is curtained off from the storage part of the building and that there are exit signs and public restroom signs. In response to Commissioner Michaelsen's concern about chemicals and repair materials, Ms. Christiansen said that there is a secure area where on Saturdays only, the volunteers are supervised by a professional, to do only minor repairs and touch-ups.

Commissioner Michaelsen asked how many trucks are owned by OCM and Ms. Christiansen said that they only own one box truck that is used for deliveries or the pick up of donations. They have two trailers that are on loan, that are used by hotels that are renovating rooms. It was also noted that the schedule for the use of the box truck will be such that it will not interfere with the school hours of operation.

Commissioner Weiss asked staff if the Fire Protection District has inspected and approved the layout for this proposed school and Mr. Glees replied that WCC already has a Certificate of Occupancy and that the Village Building Official has stated that it does meet Code.

Commissioner Weiss asked who supervises before and after care and was told that there is a dedicated staff member that does that and that there are volunteers that assist and that the teachers supervise the pick-up of students after school.

Commissioner Weiss asked if there is pick-up of furniture any time other than during Saturday hours and Ms. Christiansen noted that depending on the availability of volunteers, there has been furniture pick-up on Mondays. She added that now there will not be any furniture pick-up scheduled during the drop-off or pick-up times for students.

Commissioner Weiss said that in regard to the exterior build-out, with the building now operating on a daily basis, there needs to be a "date certain" pinned down and suggested that the Plan Commission set such a date.

Commissioner Smoot asked if there would be any semi truck traffic during the school day at this location and Mr. Ward said that they have begun to use a series of traffic

cones and barricades to keep trucks out of the property and it appears to be working since there were no semi trucks at noon today. Mr. Ward said that the temporary barricades still allow emergency vehicles to access the property, it is deterring trucks from using the lot for stop over.

Commissioner Smoot asked about snow removal and was told that WCC has volunteers that have done the snow removal for the past two winters and they are expecting that this will continue.

Commissioner Smoot asked what percentage of one dollar benefits the Village and it was explained that there is more advantage to the Village that is intangible than is tangible in terms of dollars. Mr. Glees noted that in regard to the sale of furniture by Jubilee the Village does receive 1.5% retail sales tax.

Chairman Sutenbach asked if the petitioner agrees with the conditions noted in the staff report and Mr. Ward said that he has not seen them so a copy was provided to him. In the interim, Chairman Sutenbach said that, in follow-up of Commissioner Weiss' comment about the exterior façade and what Mr. Glees read from the statement on the March 3, 2001 meeting with the church, which is over five years ago, he asked Mr. Glees what staff anticipates about the completion of the exterior façade of the building, have there been any more meetings going on, does there need to be meetings set up? Chairman Sutenbach said that he is not sure if we, as a commission want to dictate what their next move is, or if staff has any comments. He asked if there is anything more recent than what was in the report from five years ago and Mr. Glees said no, but it is his understanding that the operative concept is that it is appropriate to have the exterior improvements completed at the time when the building would be used on a day-to-day basis. Now, it appears that over the years, we are approaching a day-to-day basis as a slow approach rather than a sudden step. If the church was to come in and request approval of building permits to make a bunch of interior improvements because they were going to go to day to day activities and they needed office space and storage space and lots of interior finished space, then this would clearly trigger the requirement to complete the exterior improvements, but what seems to be happening is that over the years there is a little added here and a little added there and the point is a good one, that at some point the requirement to complete the exterior improvements will be triggered but it's going to be something that needs to be observed and evaluated on the basis of a series of small improvements, it appears, rather than what was contemplated five years ago. Chairman Sutenbach asked for comments from the other Commissioners and suggested that maybe another recommendation be added that the Village and the Church and Jubilee Furniture Company enter into negotiations, or some kind of discussion within the next four to six months as to the future of completion of the exterior façade.

Commissioner Michaelsen said that he doesn't know if it could be a year, one year or two years, but with the new development going in on the corner at Schmale and North Avenue, and retail going in across the street there needs to be some sort of restriction on it because if we don't he isn't sure if it will ever be done. He said that he would like to put a time frame, whether it is two years or three years. He noted that it is easier to spend today's dollars then it is tomorrows' since we don't know what it will cost to do things in the future.

Commissioner Smoot said that he agrees, it seems that the church, furniture and day school contributes a daily basis of use. Since we are working very hard on that particular section of the Village, it is time for them to spend some dollars on coming up

to the standards that they agreed to five years ago. I would be willing to support that kind of stipulation.

Commissioner Weiss said that he agrees, this is a day-to-day use, we know that North Avenue development requires extra-ordinary landscaping and architecture. Any petitioner that comes here and proposed anything along that corridor is held to that. The petitioner is coming in to make a request that we are favorable to and along with that we need to set a date and get this done. He proposed a date one year from today, the end of August of 2007, specifically August 28, 2007 is fine. We are coming to the end of the season where a lot of that work can be done, and while we are aware that this is a charitable institution that we want to have in Carol Stream, but at the same time, it is time to get this moving and that is a recommendation I would make in whatever form you wish, Mr. Chairman, that it be done and in place by August 28, 2007. Chairman Sutenbach asked if the recommendation is that by August, 2007, the building façade improvements and the installation of landscape materials and landscape islands in the parking lot will be done? Commissioner Weiss stated that, as Condition # 8, in the staff report, that improvements of building façade and the installation of landscape materials and landscape islands in the parking lot subject to the Village staff's direction to be completed no later than August 28, 2007, and variation to that has to come back to this Board. Commissioners Smoot, Vora and Michaelsen agreed with Commissioner Weiss.

Mr. Ward asked if the changes were to be complete at that time or if just plans and quotes could be in place at that time? Commissioner Weiss stated that his suggestion is that all work should be complete at that time. To Mr. Ward he said that the Plan Commission recognizes that it is coming to the end of the season where the church could get the work done, but now is the time that this building is going to a 7- day- a - week operation, that you and your board and your council and consultants work over the next several months to get that plan done, get it approved by the Village staff, Mr. Glees' office and then have it in place. There will then be an entire season to get it done. If there is a variation that needs to be done about that date, then such a request needs to come back to this Board. Mr. Ward said, to clarify, that either the work has been initiated or the request will have to be made regarding the work that needs to be done. Commissioner Weiss said that if there needs to be an alteration on the time then WCC will have to work with staff and then come back to this Board with a petition.

Chairman Sutenbach asked it two years would be too long? One year for planning and one year to complete? Commissioner Michaelsen commented that if Mr. Ward comes back next year and says they've done the planning and need another year to form the façade, ok, that can be understood, but there is going to come the time when it has to be done, and time will run out and he would not be opposed to adding a second year on, you've had five years to look at this, I'm sure you have something figured out, you just need to step to the plate and get it going. Mr. Ward commented that the nature of the ministry is build from the inside out, not from the outside in, he said that he is willing to take this back to present the recommendation to the church board, but it is not something he could comfortably commit to, under oath, without meeting with them. If need be, he would request two years. Commissioner Smoot asked if the church hasn't already committed to these conditions five years ago? Mr. Ward said that it was a commitment, but again, he reiterated that churches grow from the inside out. Commissioner Smoot said that they committed to an outside growth too, not just an inside growth and Mr. Ward responded that an outside growth, when the day-to-day operations begin to pick up and here we are now. Chairman Sutenbach asked what is

the trigger that says the outside has to be complete, that is the debatable part here. Mr. Glees' stated that up until now there has not been a large portion of the building is not used for a majority of the week. Chairman Sutenbach said that even now it is still not being used for a majority of the week, they are just contemplating this based on their public hearing tonight. He read from the staff report "for this reason staff is comfortable in suggesting that the completion of the exterior improvements has not yet been triggered" and that is what we are debating here. The petitioner is not denying that they need to fix the outside, we are just debating when and what is the trigger to do so. Commissioner Smoot asked if this isn't the trigger, they are going into a seven day a week operation. Chairman Sutenbach stated that whatever is being recommended will go to the Village Board and the petitioner can argue their case with them, whether it is one year or two years or whether the recommendation should be within this public hearing.

Mr. Glees said that there are two requests, one is for the text amendment and one is for the special use and there are conditions associated with the special use. This can either be done by recommending staff meet with the petitioner to determine a schedule for completing the improvements or an addition to the conditions of the special use can be added specifying when the improvements need to be completed.

Mr. Ward said that he would like to see the two issues separated and he would like to have a series of meetings with the Village Staff to establish a commitment date.

Chairman Sutenbach asked how the additional condition would affect the opening of the school on September 5th? Mr. Glees said that the condition of approval of the Special Use is written into the ordinance and the petitioner needs to sign that ordinance. If the petitioner is uncomfortable in agreeing to a particular condition, he has until the point of time, in 60 days after action by the Village Board, to sign the ordinance and if chooses not to, he does not receive approval of the special use. Chairman Sutenbach asked how does that affect the status of the furniture store and the school. Mr. Glees responded that it would not be approved.

Ms. Christiansen stated that only about one half of the entire building is improved. She suggested that a "seven-day a week use" may have assumed a fully improved interior of the building and that has not occurred. The furniture store only pays a nominal fee to the church to allow Jubilee to use the space and they do not receive any of the proceeds of the sales.

Mr. Glees said that if there is some uncertainty in regard to this motion, he would suggest that a motion to add condition # 8 for approval and vote on that.

Commissioner Weiss moved and Commissioner Smoot made the second to recommend approval of the text amendment revision to the definition of "Religious Regional Institution" to allow an elementary school and a retail sale furniture outlet as ancillary to the use. The results of the roll call vote were:

| | | |
|---------|---|--|
| Ayes: | 5 | Commissioners Smoot, Vora, Weiss, Michaelsen and Sutenbach |
| Nays: | 0 | |
| Absent: | 2 | Commissioners Spink and Hundhausen |

Commissioner Weiss moved and Commissioner Smoot made the second to recommend the approval of a request for a special use permit with the recommendations of the staff report including item # 8, Completion of exterior building-out by August 28, 2007. The results of the roll call vote were:

Ayes: 4 Commissioners Smoot, Vora, Weiss, and Michaelsen
 Nays: 1 Commissioner Sutenbach
 Absent: 2 Commissioners Spink and Hundhausen

Ayes: 5 Commissioners Smoot, Vora, Weiss, Michaelsen and Sutenbach
 Nays: 0
 Absent: 2 Commissioners Spink and Hundhausen A short recess was taken at this time.

#03038: St. Charles Building Partners, LLC, 211-231 E. St. Charles Road
Rezoning – R-1 One-Family Residence District to I Industrial District
Special Use – Auto service stations
Special Use – Building material sales and storage
Special Use – Contractor’s office and shop
Special Use – Garage and parking lot for motor vehicles not incidental to a permitted use
Special Use – Outdoor activities and operations
Special Use – Equipment and machinery rental operations
Final Plat of Consolidation

At 9:31 p.m. Aaron Reinke, 211 S. Wheaton Ave. Wheaton, Larry Meyers, 1555 N. Sandburg Terrace, Chicago, and Kenneth Flanagan, 1227 Glencoe Street, Wheaton were sworn in as witnesses in this matter.

Mr. Reinke noted that the subject property is located on St. Charles Road, just east of Gary Avenue. The lot is an irregularly shaped lot and there are three parcels and it is a very shallow and long lot and has three curb cuts. This property was force-annexed into the Village in 1986 and automatically zoned R-1 upon the annexation. He stated that the request to rezone to I Industrial is appropriate given that the adjacent properties are all zoned I and Future Land Use Plan designates this as Industrial property. There are seven special uses being requested which will bring the subject property into compliance with the Village Code. Special Use #1 for 211 E. St. Charles Road is for an Auto Service Station, operated by Dave Bieszke for the last 6 years. Special Use # 2 for 215-219 St. Chas. For a Auto Service Station, operation as Tim's Auto Body since 1986.

Special Use # 3 for 223 St. Chas. For Building Materials Sales & Storage, was E.D. Windows & Doors, now vacant, but will be used for same use by another tenant and Mr. Reinke requested that special use be granted with this petition since the property would be used for this same type of business and require the same zoning.

Special Use #4 for 227 St. Chas. For Garages & parking lots for motor vehicles not incidental to a permitted use & equipment & machinery rental operations by Miller Crane Repair.

Special Use # 5 for 229 St. Chas. Garages & parking lots for motor vehicles not incidental to a permitted use, for Dave Bieszke.

Special Use # 6 for 231 St. Chas. Contractor's office & shops for Duncan Construction.

Special Use # 7 for permit for outdoor activities & operations for 12 auto parking spaces for Bieszke Auto Repair, equipment storage for Duncan Construction and one over size vehicle parking space for E.D. Windows & Doors.

The final request is for a Plat of Consolidation to combine the three parcels.

Mr. Reinke explained that the property is composed of three lots. The first lot was originally purchased by the petitioner in 1981, subsequently and in response to Village concerns, the petitioner has purchased a small slice of land that used to be the St. Charles Road right-of-way, from the County of DuPage. In regard to the third parcel, just this March, again in response to Village concerns, the petitioner has filed action to quiet title to that property. No one has stepped forward to owning that property, notice has been given and an attempt has been made to find out who the owners are, but have been unsuccessful, so it is simple a matter of going through the motions of court and at some point, hopefully on September 21st the petitioners will have title to the third parcel.

There were no comments or questions from those in attendance at the call for public hearing.

Mr. Svalenka said that The applicant St. Charles Building Partners, LLC, is requesting a zoning change from R-1 One-Family Residence District to I Industrial District; Special Use Permits for "*Auto service stations*" per §16-10-2(B)(2) of the Zoning Code, "*Building material sales and storage*" per §6-10-2(B)(3) of the Zoning Code, "*Contractor's office and shops*" per §16-10-2(B)(6) of the Zoning Code, "*Garages and parking lots for motor vehicles not incidental to a permitted use*" per §16-10-2(B)(7) of the Zoning Code, "*Outdoor activities and operations*" per §16-10-2(B)(14) of the Zoning Code, "*Equipment and machinery rental operations*" per §16-10-2(B)(24) of the Zoning Code, and for "*Towing operation, including a screened temporary outdoor vehicle storage yard*" per §16-10-2(B)(25) of the Zoning Code; and a Final Plat of Consolidation to combine three parcels in accordance with §7-2-6 of the Subdivision Code.

Eric Stach has filed an application on behalf of St. Charles Building Partners, LLC requesting approval of a zoning change, seven Special Use Permits, and a Final Plat of Consolidation to allow existing businesses on the 1.54-acre property at the intersection of St. Charles Road and Easy Street to continue to operate and do so as conforming Special Uses. The property is improved with outdoor storage areas and an approximate 14,000 square foot building containing six tenants.

On or about April 15, 1986, the Village forcibly annexed the subject property into the Village of Carol Stream. In accordance with §16-6-3 of the Zoning Code, the property was automatically zoned R-1 upon annexation. As the property had been developed with an industrial building containing industrial uses prior to annexation, the industrial uses became non-conforming with respect to the R-1 District. Per §16-14-3 of the Zoning Code, the non-conforming uses that existed prior to annexation are allowed to continue but may not be expanded, and all new uses must be permitted by code.

On November 13, 2001, the Village issued a violation notice to the property owner for accumulation of trash, debris and rubbish. Through the process to resolve these property maintenance issues, Village staff discovered new uses operating on the property that are not permitted in the R-1 district. On June 18, 2002, Village staff met with the property owner to discuss the zoning violations and advised the owner to

submit applications for rezoning and for Special Use Permits. Over an extended period of time, the owner made several submissions of incomplete and unacceptable applications. As part of the property maintenance enforcement action, on January 21, 2003, a court order was issued requiring the property owner to submit a complete application by February 11, 2003. Therefore, on February 7, 2003, the property owner's attorney submitted an application to rezone the property and submitted applications for Special Use Permits for each of the six tenants to bring the site into conformance with the Zoning Code.

Rezoning:

The entire 1.54-acre property is proposed to be rezoned from R-1 One-Family Residence District to I Industrial District. In review of the request, staff notes that the property currently contains uses of an industrial nature and the property is surrounded by industrial uses. The property exceeds the minimum one-acre lot size for the I Industrial District. The Future Land Use Plan recommends an industrial land use for the site. As such, staff supports the requested rezoning from R-1 One-Family Residence District to I Industrial District.

Special Uses – Operational considerations:

With regard to the request for Special Use Permits for the St. Charles Building Partners site, it should be noted that all six of the current tenants at the site and the current outdoor operations at the site would require approval of Special Use Permits in the I-Industrial District to be operated in conformance with code. Therefore, staff has performed a holistic review of the entire site with respect to operational considerations, including access, parking, outdoor storage and screening.

With respect to access, the site currently has three access points to St. Charles Road across only 366 feet of frontage along the road. The applicant has proposed to remove the center driveway, which will reduce the potential for traffic conflicts.

To calculate the required parking, the total square footage of storage space, active work space, service bay areas and office space has been clearly delineated for each of the six tenant spaces, as detailed on the attached Parking Plan (Exhibit D). It has been calculated that 41 parking spaces are required by code, and the applicant has proposed to provide 41 parking spaces, including two handicapped-accessible spaces. The parking spaces are proposed to be properly striped and to include parking blocks in compliance with code, as opposed to the random parking that has taken place in the past. Because the 31,430 square feet of paved area of the parking lot is greater than 10,000 square feet, the applicant has provided 5.2% of greenspace to exceed the minimum 5% required by §16-13-2(E)(3) of the Zoning Code. The greenspace has been landscaped with a combination of shade trees, evergreen trees, shrubs and perennials in parking lot islands and in groupings screening the parking from St. Charles Road.

Regarding outdoor storage and screening, the applicant's proposed plan calls for any existing outdoor storage to be cleaned up, better organized and screened. The piles of salt and sand currently stored outside will be placed in 15'X15' curbed storage bins. These bins, along with three oversized-vehicle parking spaces, will be located along the east side of the building inside a six-foot high chain-link fence with privacy slats.

Two outdoor refuse loading areas will be provided inside six-foot high chain-link fence with privacy slats. The twelve parking spaces at the northwest corner of the lot that accommodate Bieszke Auto Repair will be screened with a six-foot high chain-link fence with privacy slats.

In review of the request, staff notes that the applicant has proposed several improvements to bring areas of the site into compliance with code. However, although the parking is now proposed to meet the minimum standards of the code, it does include a one-way parking lot drive aisle, which is less than desirable on such a small site. Staff notes that there appears to be sufficient space on site to widen the paved area of the parking lot to increase the one-way aisle to a two-way aisle, and staff would welcome discussion on this issue.

Special Use Permits:

Although issues such as access, parking, outdoor storage and screening have been considered for the site as a whole, each tenant in the building requires a separate Special Use Permit. The outdoor activity also requires a separate Special Use Permit. Each Special Use Permit is considered separately below.

Bieszke Auto Repair at 211 E. St Charles Road

Based on information provided by the property owner, Dave Bieszke has been operating Bieszke Auto Repair from the tenant space at 211 E. St. Charles Road since December 1, 2000. Because the use did not exist prior to annexation, it is considered illegal and nonconforming. The auto repair use requires a special use as "*Auto service station*" per §16-10-2(B)(2).

Tim's Auto Body at 215-219 E. St Charles Road

Thomas Heuer operates Tim's Auto Body from the tenant spaces at 215-219 E. St. Charles Road. The use was already in operation at the time the property was annexed, and therefore it is considered a legal nonconforming use according to the Zoning Code. However, research of the files for the Tim's Auto Body business indicates that the size of the business has expanded since the time that the property was annexed, from approximately 33 by 48 feet to approximately 50 by 48 feet. While the Community Development Director can authorize *ordinary repairs and alterations* to a nonconforming use, the Zoning Code indicates that the *expansion* of a nonconforming use can only be approved by the Village Board after a public hearing. Therefore, the proposed Special Use Permit is required to bring the entire area of Tim's Auto Body into legal conforming status. The auto body use requires a special use as "*Auto service station*" per §16-10-2(B)(2).

E.D. Windows and Doors at 223 E. St Charles Road

The applicant has indicated today that this tenant is no longer in place. It is staff's opinion that it is not proper to grant special use permits for vacant spaces, that they should be granted for specific uses and therefore staff does not recommend approval of a special use permit for 223 E. St. Charles Road.

Miller Crane Repair at 227 E. St Charles Road

Based on information provided by the property owner, Douglas Miller has been operating Miller Crane Repair from the tenant space at 227 E. St. Charles Road since

December 1, 1997. Because the use did not exist prior to annexation, it is considered illegal and nonconforming. The applicant has submitted documents indicating that the tenant space is only used for storage of one crane, and potentially for rental of the crane. Therefore, the applicant has requested a special use as "*Garages and parking lots for motor vehicles not incidental to a permitted use*" per §16-10-2(B)(7) and a special use as "*Equipment and machinery rental operations*" per §16-10-2(B)(24).

Dave Bieszke, 229 E. St Charles Road

Dave Bieszke has been using the tenant space at 229 E. St. Charles Road since late 2004 for storage of automobiles. The use did not exist prior to annexation and it is considered illegal and nonconforming. The auto storage use requires a special use as "*Garages and parking lots for motor vehicles not incidental to a permitted use*" per §16-10-2(B)(7).

Duncan Construction at 231 E. St Charles Road

Based on information provided by the property owner, Scott Duncan has been operating Duncan Construction from the tenant space at 231 E. St. Charles Road since November 1, 1997. Because the use did not exist prior to annexation, it is considered illegal and nonconforming. According to documents submitted by the property owner, the business stores salt and sand on site along with several small trucks and salt spreader equipment, and uses the site as office space. This use requires a special use as "*Contractor's office and shops*" per §16-10-2(B)(6).

"Outdoor activities and operations" per §16-10-2(B)(14)

The applicant has proposed to move all outdoor activities within areas enclosed by 6-foot high chain-link fences with screening slats. As shown on Parking Plan (Exhibit D), the enclosed outdoor activity area at the northwest corner of the site would only be used for 12 automobile parking spaces for Bieszke Auto Repair at 211 E. St Charles Road. Also as shown on the Parking Plan, the enclosed outdoor activity area at the northeast corner of the site would only be used for equipment storage for Duncan Construction at 231 E. St. Charles Road (including salt storage, sand storage, and two oversized-vehicle parking spaces) and staff recommends that the one oversized-vehicle parking space for E.D. Windows and Doors at 223 E. St Charles Road be removed from consideration. These activities require a special use as "*Outdoor activities and operations*" per §16-10-2(B)(14).

Plat of Consolidation:

The 1.54 acres being used by the applicant are currently three separate parcels. Parcel I contains the building and is the original area purchased by the applicant. Parcel II is former right-of-way of St. Charles Road. The applicant has been using the former right-of-way area as parking, and does not have enough area on Parcel I to provide the required parking for the building. Therefore, at staff's suggestion, the applicant has purchased the vacated right-of-way from DuPage County in order to increase the parking area on the site. Parcel III is an area that had been assumed to be part of the former St. Charles Road right-of-way to be vacated, but the applicant's title company has discovered that the triangular Parcel III is actually fee-simple property held in trust. The applicant has used Parcel III for many years for the western driveway that crosses it; because the site improvements must not be located on property not owned or controlled by the applicant, the applicant must acquire the

parcel in order for the driveway to remain. The applicant's title company has determined that a bank that no longer exists held the original trust created for this property, and the successor banks have no record of the trust. Therefore, the applicant has filed with the courts a Complaint to Quiet Title, which in effect would allow a judge to declare the property as owned by the applicant if the beneficiary of the trust is not identified at a public hearing. The court hearing regarding Parcel III is scheduled for late September.

The proposed Plat of Consolidation would combine all three parcels into one lot that will provide greater area to accommodate the building, parking and outdoor activities. As such, staff supports the requested plat, but would note that any recommendation for approval of the plat should be conditional upon the applicant resolving all court action regarding Parcel III and providing proof of ownership of Parcel III.

Summary:

In staff's evaluation of this case, staff notes that the subject property has been nonconforming with regard to the Zoning Code for 20 years. The property has also had many property maintenance violations over the years. The proposals, if approved, would bring the property into zoning conformance to the extent possible. Based upon the information discussed, staff looks favorably upon the proposed rezoning of the property from R-1 One-Family Residence District to I Industrial District. Based upon the information discussed and based on the submitted site, landscape and parking plans, staff believes that the proposed Special Uses are acceptable, provided that the applicant completes the improvements as proposed in a timely manner and keeps the property maintained. It should be noted that staff would expect separate votes and recommendations for Special Use Permits for each of the six tenant spaces and for the outdoor activities as a whole. It should also be noted that any future new uses on this property must either be listed as permitted uses in the I-Industrial District, or must come back for separate public hearings if the uses require a special use permit. Staff is in favor of the Plat of Consolidation, conditional upon resolving all title issues.

RECOMMENDATION:

Staff recommends that the Plan Commission take separate votes and make separate recommendations for the following:

1. Rezoning from R-1 One-Family Residence District to I Industrial District;
2. Special Use Permit for "*Auto service stations*" per § 16-10-2(B)(2) for Bieszke Auto Repair at 211 E. St Charles Road;
3. Special Use Permit for "*Auto service stations*" per § 16-10-2(B)(2) for Tim's Auto Body at 215-219 E. St Charles Road;
4. Special Use Permit for "*Building material sales and storage*" per §16-10-2(B)(3) for E.D. Windows and Doors at 223 E. St Charles Road;
5. Special Use Permit for "*Garages and parking lots for motor vehicles not incidental to a permitted use*" per §16-10-2(B)(7) and "*Equipment and machinery rental operations*" per §16-10-2(B)(24) for Miller Crane Repair at 227 E. St Charles Road;

6. Special Use Permit for "*Garages and parking lots for motor vehicles not incidental to a permitted use*" per §16-10-2(B)(7) for Dave Bieszke at 229 E. St Charles Road;
7. Special Use Permit for "*Contractor's office and shops*" per §16-10-2(B)(6) for Duncan Construction at 231 E. St Charles Road;
8. Special Use Permit for "*Outdoor activities and operations*" per §16-10-2(B)(14) specifically for 12 automobile parking spaces for Bieszke Auto Repair, equipment storage for Duncan Construction (including salt storage, sand storage, and two oversize vehicle parking spaces) and one oversize vehicle parking space for E.D. Windows and Doors; and,
9. Final Plat of Consolidation to combine three parcels in accordance with §7-2-6 of the Subdivision Code

If the Plan Commission determines to individually recommend approval of any of the nine requests listed above, staff recommends that it only do so subject to the following conditions:

1. That the entire parking lot shall be repaved and re-striped in accordance with the looped striping requirements of the Village, that the fencing and screening slats be installed, and that the landscaping be installed, all not later than November 30, 2006;
2. That both of the fenced storage areas shall include screening slats on all sides;
3. That all of the vehicles associated with Bieszke Auto Repair shall be parked and stored within the northwesterly fenced storage area, that all of the vehicles and equipment associated with E.D. Windows and Doors and Duncan Construction shall be parked and stored within the northeasterly fenced storage area, and that the gates to both storage areas shall be closed at all times except when vehicles or equipment are actively being brought in or out of the storage area;
4. That vehicles shall not be sold, offered for sale or advertised for sale in conjunction with the use of the tenant space at 229 E. St Charles Road, or anywhere on the entire 1.54-acre property;
5. That the applicant obtain title to the area identified as Parcel III on the proposed Plat of Consolidation (Exhibit E, dated 2/3/06); and,
6. That the property, businesses and all improvements shall be operated and installed in accordance with all applicable codes and requirements of the state, county and Village.

Commissioner Weiss asked if the one-way drive aisle at the front of the property meets code requirements and was told that it does. The petitioner commented that if a two-way drive aisle were included it would eliminate most of the green space at the front of the property.

Commissioner Michaelsen asked when the metal building will be painted and it was stated that it had been painted six years ago. He commented that the fencing will spruce up the area somewhat.

The petitioner said that they are anticipating that another company with a similar use will want to occupy the property at 223 and that they would hold it out for that special use, and if they did not avail themselves of that special use it would expire on its own term. He respectfully requests that they be given the special use for 223 under the terms of the Zoning Code.

Chairman Sutenbach questioned if the petitioner agrees with the conditions noted in the staff report and was told that they are in agreement.

Commissioner Weiss moved and Commissioner Michaelsen made the second to recommend approval for the request for rezoning from R-1 to I-Industrial. The results of the roll call vote were:

| | | |
|---------|---|--|
| Ayes: | 5 | Commissioners Smoot, Vora, Weiss, Michaelsen and Sutenbach |
| Nays: | 0 | |
| Absent: | 2 | Commissioners Spink and Hundhausen |

Commissioner Weiss moved and Commissioner Michaelsen made the second to recommend approval of a special use for auto service stations for Bieszke at 211 E. St. Charles Road in accordance with staff recommendations. The results of the roll call vote were:

| | | |
|---------|---|--|
| Ayes: | 5 | Commissioners Smoot, Vora, Weiss, Michaelsen and Sutenbach |
| Nays: | 0 | |
| Absent: | 2 | Commissioners Spink and Hundhausen |

Commissioner Weiss moved and Commissioner Smoot made the second to recommend approval of a special use for auto service stations for Tim's Auto Body, 215-219 E. St. Charles Road in accordance with staff recommendations. The results of the roll call vote were:

| | | |
|---------|---|--|
| Ayes: | 5 | Commissioners Smoot, Vora, Weiss, Michaelsen and Sutenbach |
| Nays: | 0 | |
| Absent: | 2 | Commissioners Spink and Hundhausen |

Commissioner Weiss moved and Commissioner Smoot made the second to recommend approval of a special use for "Garages and parking lots for motor vehicles not incidental to a permitted use", and a special use as "Equipment and machinery rental operations" for Miller Crane Repair at 227 E. St. Charles Road in accordance with staff recommendations. The results of the roll call vote were:

| | | |
|---------|---|--|
| Ayes: | 5 | Commissioners Smoot, Vora, Weiss, Michaelsen and Sutenbach |
| Nays: | 0 | |
| Absent: | 2 | Commissioners Spink and Hundhausen |

Commissioner Weiss moved and Commissioner Michaelsen made the second to recommend approval of a special use for garages and parking lots for motor vehicles not incidental to a permitted use in accordance with staff recommendations for Dave Bieszke at 229 E. St. Charles Road. The results of the roll call vote were:

Ayes: 5 Commissioners Smoot, Vora, Weiss, Michaelsen and Sutenbach
 Nays: 0
 Absent: 2 Commissioners Spink and Hundhausen

Commissioner Weiss moved and Commissioner Vora made the second to recommend approval a special use for contractor's office and shops, in accordance with staff recommendations for Duncan Construction at 231 E. St. Charles Road. The results of the roll call vote were:

Ayes: 5 Commissioners Smoot, Vora, Weiss, Michaelsen and Sutenbach
 Nays: 0
 Absent: 2 Commissioners Spink and Hundhausen

Commissioner Weiss moved and Commissioner Michaelsen made the second to recommend approval of a special use for outdoor activities and operations, specifically 12 automobile parking spaces for Bieszke Auto repair, equipment storage for Duncan Constructions (including salt storage, sand storage, and two oversize vehicle parking spaces) in accordance with staff recommendations. The results of the roll call vote were:

Ayes: 5 Commissioners Smoot, Vora, Weiss, Michaelsen and Sutenbach
 Nays: 0
 Absent: 2 Commissioners Spink and Hundhausen

The Petitioner was reminded that these matters will be heard by the Village Board at their meeting on Tuesday, September 5, 2006 and was advised to attend that meeting.

Commissioner Weiss moved and Commissioner Vora made the second to recommend approval of a final plat of consolidation to combine the three parcels at 211-231 E. St. Charles Road in accordance with staff recommendations. The results of the roll call vote were:

Ayes: 5 Commissioners Smoot, Vora, Weiss, Michaelsen and Sutenbach
 Nays: 0
 Absent: 2 Commissioners Spink and Hundhausen

Commissioner Weiss moved and Commissioner Smoot made the second to recommend denial of a special use permit for building material sales and storage at 223 E. St. Charles Road. The results of the roll call vote were:

Ayes: 5 Commissioners Smoot, Vora, Weiss, Michaelsen and Sutenbach
 Nays: 0

Absent: 2 Commissioners Spink and Hundhausen

Commissioner Michaelsen moved and Commissioner Smoot made the second to close the public hearing. The results of the roll call vote were:

Ayes: 5 Commissioners Smoot, Vora, Weiss, Michaelsen and
Sutenbach
Nays: 0
Absent: 2 Commissioners Spink and Hundhausen

NEW BUSINESS:

It was the consensus of the Commissioners to appoint Commissioner Weiss as Chairman Pro-Tem.

It was determined that the next meeting of the Combined Board will be held on Monday, September 11th.

ADJOURNMENT:

AT 10:05 p.m. Commissioner Michaelsen moved and Commissioner Vora made the second to adjourn. The motion passed by unanimous voice vote.

FOR THE COMBINED BOARD

Village of Carol Stream
Interdepartmental Memo

TO: Joseph E. Breinig, Village Manager

FROM: Robert J. Glees, Community Development Director *RJG*

DATE: August 31, 2006

RE: **Agenda Item for the Village Board meeting of September 5, 2006: PC/ZBA Case #06100, Wheaton Bible Church, Northwest Corner of North Avenue and Morton Road – Rezoning (Upon Annexation), Special Use for Regional Religious Institution, Variations from the Zoning Code and Subdivision Code, North Avenue Corridor Review**

On September 12, 2000, the Wheaton Bible Church (WBC) was granted zoning approvals by DuPage County to commence its project to develop the southern portion of the former Morton estate with new church facilities. In 2002, the WBC and Christianity Today International (CTI) returned to DuPage County with requests for approval of an extension of the WBC approvals and approval of a combined development with CTI. The CTI request was denied, and the WBC extension was granted. Since that time, the WBC has moved forward with its project, and has entered into discussions with the Village of Carol Stream to connect to the Village's water and sanitary sewer systems in lieu of using a well and onsite treatment system.

The property falls within the Village's planning jurisdiction, and per the Village's policy for properties along North Avenue in the Southwest Planning Area, connection to Village utility systems requires that the property owner enter into an agreement to annex to the Village of Carol Stream if the property should become contiguous. The property owner must seek zoning approvals just as if the property were located within the Carol Stream corporate limits, and these zoning approvals are then included in the annexation agreement if approved by the Village Board. As such, the Wheaton Bible Church has appeared before the Plan Commission at a public hearing with requests for approval of Rezoning, Special Use for Regional Religious Institution, Variations from the Zoning Code and Subdivision Code and North Avenue Corridor Review, all upon annexation.

The staff report with supporting documentation was transmitted to the Village Board with the Plan Commission/Zoning Board of Appeals packet on June 9, 2006. At their June 12, 2006, meeting, the PC/ZBA voted 2-4 on the motion to recommend approval of the petitioner's requests for rezoning, special use and variations, and so the motion failed. Also, the PC/ZBA's vote was 3-3 with respect to North Avenue Corridor Review approval, and so that motion failed as well.

At their regular meeting on June 19, 2006, the Village Board directed staff to commence negotiation of a preannexation agreement with the applicant. The proposed agreement has been completed and is included in the Village Board's packet. I would highlight the following items:

- One of the issues at the June 12th public hearing was the Wheaton Bible Church's insistence that future development of the property not be subject to Village review as long as the property remains unincorporated. The Village's past practice has been that properties that connect to Carol Stream sewer and water systems must seek Village approvals for future development, just as if they were within the corporate limits. **Status:** The Wheaton Bible Church has agreed that any future development of the property beyond what has already been approved by DuPage County would require Village review and approval of an amendment to the Annexation Agreement. This requirement has been included in Section 6 of the Agreement. Also included in Section 6 are specific figures as to building size, as well as references to the plans and elevations that are being approved at this time.
- Another issue raised at the PC/ZBA public hearing had to do with additional structures that did not appear on the plans approved by DuPage County, such as two parking decks rather than the one approved by the County, and an amphitheater at the northwest corner of the property. **Status:** The Wheaton Bible Church has eliminated the second parking deck and the amphitheater, and placed a maximum height of 32 feet on the remaining parking deck. (See Exhibit D4 of the Agreement and Section 4 of the zoning approvals Ordinance.)
- During the course of negotiating the Agreement, the applicant raised the issue of signage on the property, and their desire to place 10-foot high ground signs along North Avenue and Morton Road. Staff noted that, while a 10-foot high sign is allowed in most zoning districts along North Avenue, it is not allowed in the B-4 Zoning District. Therefore, the 10-foot sign would require approval of a variation from the Sign Code or a text amendment to the Code. **Status:** We believe the omission of the 10-foot height allowance in the B-4 Zoning District is an oversight, and we plan to correct the Sign Code in the future so that the regulations are consistent across districts. The proposed Agreement includes an allowance for a 10-foot sign on North Avenue only, and requires that all other aspects of the property signage must comply with the Carol Stream Sign Code. (See Section 22 of the Agreement.)
- Three of the Agreement's exhibits are not included in the Village Board's packet. These are being finalized at this time, and staff has not yet received the necessary copies. **Status:** The Agreement may be approved with the condition that the exhibits be provided, and the exhibits must be received before the Agreement is executed.

The Village Board should note that, because the motion to recommend approval failed, a supermajority ($\frac{2}{3}$) of the six Trustees would need to vote in favor of the petitioner's requests in order for them to be approved. Four votes would be required, and the Mayor's vote does not count towards the supermajority. Even if fewer than six Trustees are present, four votes would still be required.

If the Village Board concurs with the PC/ZBA, they should deny the petitioner's requests. However, if the Village Board favors the petitioner's request, they should:

1. Approve the requests for approval of Rezoning, Special Use for Regional Religious Institution, Variations from the Zoning Code and Subdivision Code and North Avenue Corridor Review, all upon annexation, and adopt the necessary Ordinance
2. Approve the Annexation Agreement, and adopt the necessary Ordinance.

RJG:bg

c: Bill Kling, Ancel Glink (via e-mail)
Tracy Kasson, Rathje Woodward, (via e-mail)

t:\planning\plan commission\staff report\2006 staff reports\06100b wheaton bible church rezone sup.vbmemo.doc

Ela 9-5-06

Village of Carol Stream
Interdepartmental Memo

TO: Joseph E. Breinig, Village Manager

FROM: John Svalenka, Village Planner *JS*

THROUGH: Robert J. Glees, Community Development Director *RJG*

DATE: August 30, 2006

RE: **Agenda Item for the Village Board meeting of 9/5/06**
PC/ZBA Case 03038, St. Charles Building Partners, 211-231 E. St. Charles
Rezoning – R-1 One-Family Residence District to I Industrial District
Special Use Permits (7) – Various uses per §16-10-2(B)

In February 2003, St. Charles Business Partners submitted applications seeking to rezone the 211-231 E. St. Charles Road property from R-1 One Family Residence District to I Industrial District, seeking seven Special Use Permits, and seeking approval of a Final Plat of Consolidation. The 211-231 E. St. Charles Road property is the approximate 1.54-acre tract containing an approximate 14,000 square foot metal industrial building located on the north side of St. Charles Road just east of Gary Avenue. St. Charles Business Partners' intent is to bring the current facility and uses into compliance with the Zoning Code to the extent possible. Please note that, because the applicant still needs to obtain title to Parcel III of the Final Plat of Consolidation, staff is not bringing the plat forward at this time.

The staff report with supporting documentation was transmitted to the Village Board with the Plan Commission/Zoning Board of Appeals packet on August 25, 2006. At their August 28, 2006, meeting, the PC/ZBA voted separately for the proposed rezoning and each of the seven proposed Special Use Permits.

- The PC/ZBA voted 5-0 to recommend approval of the rezoning from R-1 One Family Residence District to I Industrial District.
- The PC/ZBA voted 5-0 to recommend approval of the Special Use Permit for "Auto service station" per § 16-10-2(B)(2) for Bieszke Auto Repair at 211 E. St Charles Road, subject to the conditions contained within the staff report.
- The PC/ZBA voted 5-0 to recommend approval of the Special Use Permit for "Auto service station" per § 16-10-2(B)(2) for Tim's Auto Body at 215-219 E. St Charles Road, subject to the conditions contained within the staff report.
- Because the applicant indicated at the public hearing that the 223 E. St. Charles Road tenant space is not currently occupied, the PC/ZBA voted 5-0 to recommend denial of the Special Use Permit for "Building material sales and storage" per §16-10-2(B)(3) for E.D. Windows and Doors at 223 E. St Charles Road.
- The PC/ZBA voted 5-0 to recommend approval of the Special Use Permit for "Garages and parking lots for motor vehicles not incidental to a permitted use" per §16-10-2(B)(7) and

- “Equipment and machinery rental operations”* per §16-10-2(B)(24) for Miller Crane Repair at 227 E. St Charles Road, subject to the conditions contained within the staff report.
- The PC/ZBA voted 5-0 to recommend approval of the Special Use Permit for *“Garages and parking lots for motor vehicles not incidental to a permitted use”* per §16-10-2(B)(7) for Dave Bieszke at 229 E. St Charles Road, subject to the conditions contained within the staff report.
 - The PC/ZBA voted 5-0 to recommend approval of the Special Use Permit for *“Contractor’s office and shops”* per §16-10-2(B)(6) for Duncan Construction at 231 E. St Charles Road, subject to the conditions contained within the staff report.
 - The PC/ZBA voted 5-0 to recommend approval of the Special Use Permit for *“Outdoor activities and operations”* per §16-10-2(B)(14) specifically for 12 automobile parking spaces for Bieszke Auto Repair and equipment storage for Duncan Construction (including salt storage, sand storage, and two oversize vehicle parking spaces), subject to the conditions contained within the staff report.

If the Village Board concurs with the PC/ZBA recommendations, they should approve the rezoning and the Special Uses for 211, 215-219, 227, 229 and 231 St. Charles Road subject to the conditions contained within the Ordinances, and approve the Special Use for Outdoor Activities and Operations subject to the conditions contained within the Ordinance, and adopt the necessary Ordinances. Also, if the Village Board concurs with the PC/ZBA recommendations, they should deny the Special Use for 223 E. St. Charles Road.

JDS:js

c: Aaron Reinke, via fax, (630) 665-8670

E16 9-5-06

Village of Carol Stream
Interdepartmental Memo

TO: Joseph E. Breinig, Village Manager

FROM: Robert J. Glees, Community Development Director *RJG*

DATE: August 31, 2006

RE: **Agenda Item for the Village Board meeting of September 5, 2006: PC/ZBA Case # 06173, Wheaton Christian Center, 610 E. North Avenue – Zoning Code Text Amendment and Amendment to a Special Use**

The Wheaton Christian Center (WCC), in partnership with Outreach Community Ministries, has filed an application seeking a text amendment to the Carol Stream Zoning Code and an Amendment to the Special Use Permit approved for its facilities in 1999. The purpose of the application is to allow for the operation on a private elementary school and a furniture resale fundraising operation at 610 E. North Avenue.

In 1999, the Wheaton Christian Center successfully petitioned the Village for a rezoning of the former K-Mart property at 610 E. North Avenue to B-4, and for approval of a Special Use Permit for a Regional Religious Institution. The special use that was granted has specific limitations contained within it, and neither full-time schools nor significant commercial operations were included. The co-petitioners in the current case, Wheaton Christian Center and Outreach Community Ministries, are now requesting a text amendment in order to make possible the approval of an amendment to the Wheaton Christian Center's original Special Use Permit for expansion of the special use. Under the conditions of approval of Ordinance No. 99-02-10, which approved the special use in 1999, the expansion of the use requires an amendment to the Special Use Permit. The school would operate Monday through Friday from 8:15 am to 3:30 pm, would offer extended care hours from 7:30 am to 5:30 pm, and would have approximately 50 to 70 students during the first year.

In addition to Wheaton Christian Center's request, Outreach Community Ministries is proposing to conduct its used furniture resale operation out of the Wheaton Christian Center facilities on a permanent basis. Outreach was granted a temporary approval of the furniture resale use by the Village Board on November 21, 2005, and the approval was extended by the Village Board on March 20, 2006. Although Outreach initially indicated that the activity would be a "one-time event," the operation has been very successful, and has generated a good deal of income that is used to fund the ministry's charitable services. Outreach's operations generate sales tax, which accrues to Carol Stream. Outreach proposes to continue to conduct the furniture resale events within the Wheaton Christian Center building within space that is not being used by the church. Staff has inspected the building and confirmed that there are no building or fire code issues associated with this use. Although the original request was for events to take place on Saturdays

between 9:00 a.m. and 6:00 p.m., Outreach would now like to expand the times to include Fridays between 2:00 p.m. and 8:00 p.m.

It is important to note that the special use granted in 1999 contained conditions of approval pertaining to building façade and parking lot landscaping improvements, and this work has not yet been done. In a meeting with the Village staff in March 2001, representatives from the Wheaton Christian Center agreed to complete the work at such time as certain interior improvements were made. However, the interior build-out of the building as planned in 1999 did not contemplate a furniture re-sale operation, and so a comparison of the current degree of completion with that as originally approved is inexact. In order to address this issue, the Plan Commission added a condition of approval whereby the exterior improvements required by the 1999 ordinance must be completed within one year's time from approval of the current request.

The staff report and report addendum presenting the text amendment and the request for amendment to the approved special use, with supporting documentation, were transmitted to the Village Board with the Plan Commission/Zoning Board of Appeals packets on August 11 and August 25, 2006. At their August 28, 2006, meeting, the PC/ZBA recommended approval of the text amendment by a vote of 5-0, and approval of the requested amendment to the approved special use, with conditions, by a vote of 4-1.

The proposed language for the text amendment is contained within the Ordinance in the Village Board's packets. If the Village Board concurs with the Plan Commission recommendation regarding the text amendment, they should approve the text amendment and adopt the necessary Ordinance. If the Village Board concurs with the PC/ZBA recommendation regarding the special use, they should approve the Amendment to the Special Use, subject to the conditions contained within the Ordinance, and adopt the necessary Ordinance.

C: James Ward, via fax (630-653-1142)

G-1 9-5-06

Village of Carol Stream
Interdepartmental Memo

TO: Joseph Breinig, Village Manager
FROM: William N. Cleveland, Assistant Village Engineer *WNC*
DATE: August 30, 2006
RE: 2005/06 Asphalt Surface Treatment Project
- Final Payment & Acceptance

In September of 2005 the Village Board awarded the referenced project to Midwest Tar Sealer Co. in the amount of \$150,000.00. The contract was completed in August of this year.

The final contract was \$148,140.40. The project was under the budget amount of \$194,000 by \$45,859.60 (24%).

Staff has found this product to cure more quickly, use less sand, and provide a better overall appearance than previous rejuvenator products. We are currently evaluating its performance.

Staff therefore recommends approval of the final acceptance of the 2005/06 Asphalt Surface Treatment Project and final payment in the amount of \$42,218.40 to Midwest Tar Sealer Co.

Cc: Jim Knudsen, Village Engineer
Stan Helgerson, Finance Director
Jim Ludman, Engineering Inspector

Village of Carol Stream
Interdepartmental Memo

DATE: August 31, 2006
TO: Joseph Breinig, Village Manager
FROM: Christopher Oakley, Asst. to the Village *emo*
RE: Land Donation Offer- Lot 2 Elk Trail Resubdivision

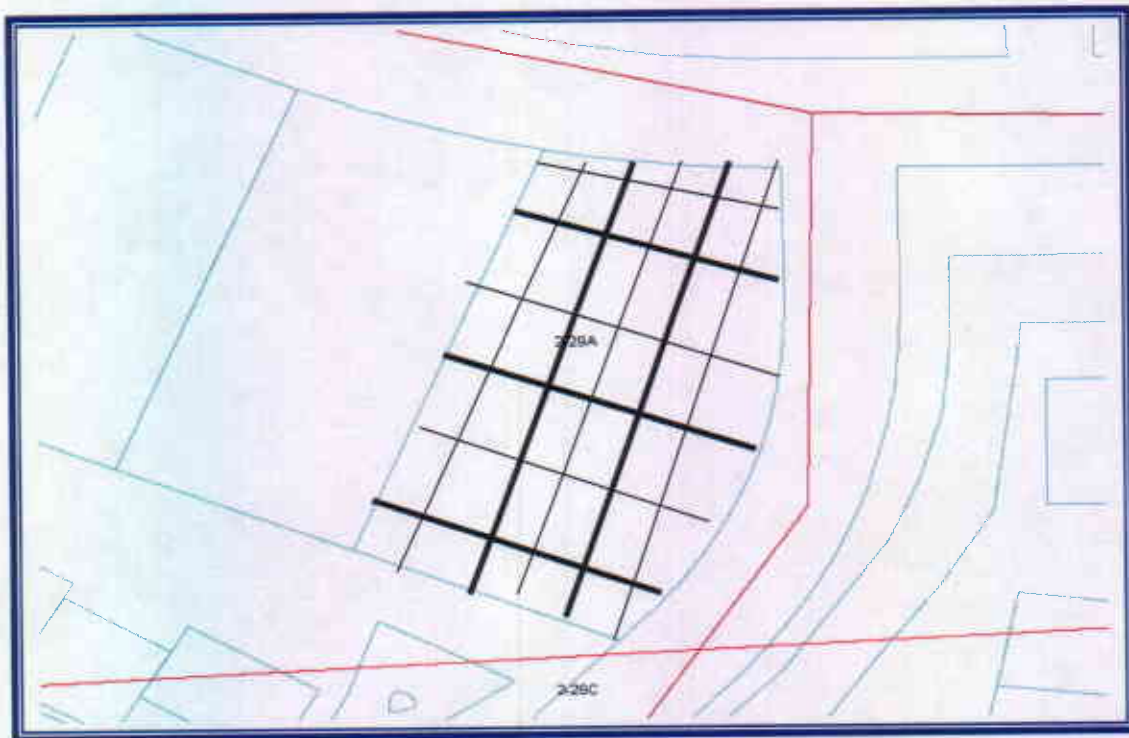
The Village was approached about a year ago by First Bank of the Americas to inquire whether we had an interest in the 1.03 acres parcel located at the southwest corner of Elk Trail and Bluff Street. Approximately 42% of the acreage is a wetland that makes the property unsuitable for future development. On June 20, 2006, you formally recommended to the Village Board that we accept the property as a donation that included a draft plan authored by Jim Knudsen for its development as open space (**attachment 1**). The Bluff Street & Elk Trail Wetland Prairie Buffer Enhancement project which included reseeding of the wetland buffer as well as the installation of purple martin, bat and butterfly houses to create a natural passive recreation area was subsequently approved. (**attachment 2**)

I have been working with the bank's Corporate real Estate Attorney since then to get the property formally transferred to the Village. As is customary, in order for a parcel to be accepted by the Village, a title search needs to be conducted and a plat of survey and deed document draw up for review by the Village's legal counsel. A review of the title search documents lists two weed liens placed on the property by the Village, one for \$261.86 that has been paid but never released since they failed to submit proof of payment to the DuPage County Assessor (**attachment 3**). The 2nd weed lien dated Aug. 29, 2001 for \$1,345.78 was never paid and in order to facilitate a smooth transfer, it is recommended that this outstanding lien be waived.



An on-line search of the parcels shows that all 2005 property taxes have been fully paid (**attachment 4**). It is Village practice before accepting a land donation to request prepayment of property taxes for the current 2006 tax year which we will escrow and pay when due on June 1, 2007 and Sept. 1, 2007. Ms. Dite, legal counsel for First Bank of the Americas has requested a formal letter from Attorney Diamond requesting prepayment and the subsequent escrow of the 2007 DuPage County property taxes. To this end, Mr. Diamond has prepared and sent a letter dated August 30, 2006 to Ms. Dite (**attachment 5**).

Would you please include this matter on the September 5th Village Board agenda seeking permission for you to formally accept the land donation on behalf of the Village. The Village will wait until the escrow check for 2006 property taxes is received before formally recording the deed and applying for property tax exemption on the parcel in question. Should you have any questions or concerns regarding this land donation offer by the First Bank of the Americas, please don't hesitate to contact me at your earliest convenience.





August 9, 2006

Village of Carol Stream
Attn: Christopher Oakley
500 N. Gary Avenue
Carol Stream, IL 60188-1899

Re: Land Donation – PIN 02-29-118-004

Dear Mr. Oakley:

In accordance with our phone conversation, enclosed please find the following documents for the transfer of Lot 2 in Elk Trail Resubdivision to the Village of Carol Stream:

1. Letter Report issued by Stewart Title Company;
2. Survey prepared by Ruettiger, Tonelli & Associates, Inc.;
3. Quit Claim Deed to be recorded in DuPage County; and
4. Donation Letter, in duplicate.

First Bank will pay the second installment of the 2005 taxes on or before the due date. It is my understanding that First Bank is not required to pay the liens for abatement of weeds.


Please have the Donation Letter executed and return one original to me in the enclosed envelope. Should you have any questions or need any further information, please contact me at 314/889-1014 or by email at barbara.dite@fbol.com.

Sincerely yours,

A handwritten signature in cursive script that reads "Barbara M. Dite".

Barbara M. Dite
Associate General Counsel
Corporate Real Estate

Village of Carol Stream
Interdepartmental Memo

TO: Joseph E. Breinig, Village Manager
FROM: James T. Knudsen, Director of Engineering Services 
DATE: June 3, 2005
RE: 4 Elk Trail - Land Donation & Enhancement Plan

First Bank of Americas has offered to donate 1.03 acres of land at the southwest corner of Elk Trail and Bluff Street. See attached letter.

This piece of land has 0.43 acres of wetland located basically in the middle of the lot as shown on the provided 1995 wetland delineation performed by Webster, McGrath & Ahlberg, Ltd. Wetland delineations are good for a period of two years. Based on field observations we believe this wetland to be larger in size than the 1995 delineation. Coupled with the 50-foot wetland buffers area, the entire site is almost unusable for anything other than a natural passive recreation area.

Per your request I have investigated different possibilities to enhance this site and have developed a recommended plan. That plan would accomplish the following:

1. Rehabilitate the wetland buffer by killing off the existing vegetation and reseeding the buffer with native prairie plants. The seed mixture was specifically designed to grow in heavy clay soils, be drought tolerant and contain a very high mixture of forbs (flowers). We believe this design will provide the most aesthetically pleasing design while being fairly low maintenance after the vegetation has become established.
2. Install a purple martin and bat house. Purple martins and bats have voracious appetites for mosquitoes and seeing as this is a shallow wetland with little water movement, it could be a breeding ground for mosquitoes.
3. Install three butterfly houses. A lot of the plants help support butterflies and installing butterfly homes will provide them a habitat.

I've attached a proposed plan for the Bluff Street & Elk Trail Wetland Prairie Buffer Enhancement Project. This plan has an aerial photo of the site, a map identifying the 1995 wetland and 50 foot prairie buffer boundary, the project plan, pictures of the purple martin birdhouse, bat house and butterfly house, cost estimate and a plant identification photo gallery of all the plants to be incorporated into the seed mixture.

BLUFF STREET & ELK TRAIL WETLAND PRAIRIE BUFFER ENHANCEMENT PROJECT

Proposed Plan



**Prepared By:
Department
Of
Engineering Services**

VILLAGE
OF
CAROL STREAM

500 N. Gary Avenue
Carol Stream, Illinois 60188-1899
630/665-7050
Fax 630/665-1064

RELEASE OF LIEN

STATE OF ILLINOIS)
COUNTY OF DU PAGE) SS.

IN THE OFFICE OF THE RECORDER OF DEEDS (IN THE OFFICE OF THE REGISTRAR OF TORRENS TITLES)
DU PAGE COUNTY, ILLINOIS

VILLAGE OF CAROL STREAM,)
an Illinois Municipal Corporation,)
Lien Creditor,)
vs.)

Anthony Menolascino
Lienee-User (Owner)

02-29-118-004

RELEASE OF WAIVER OF LIEN

WHEREAS, on August 31, 2000, Document R2000-135663, the Lien Creditor, VILLAGE OF CAROL STREAM, Illinois municipal corporation, pursuant to the provisions of the Illinois Municipal Code (65ILCS 5/11-20, Illinois Revised Statutes), filed a Notice of Lien in its favor in the amount of Eight hundred thirty six and 81/100 (\$836.81) to the following property

Parcel 02-29-118-004, Elk Trail subdivision of part of the northwest quarter of Section 29, Township 40 North, Range 10 East of the Third principal Meridian, recorded as Document R2000-135663 in Du Page County, Illinois

commonly known as [REDACTED] southwest corner of Elk Trail and Blue [REDACTED]

WHEREAS, the aforesaid charges, together with additional fees and related expenses incurred by said Village have been paid in full;
NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That the VILLAGE OF CAROL STREAM, an Illinois municipal corporation, for and in consideration of the premises and the payment in full of all costs, charges and expenses relating to WEED CUTTING LIEN R2000-135663, to the above described property, the receipt of such payment being hereby acknowledged, does hereby release and discharge the above described property from the lien created.

DATED: February 27, 2001

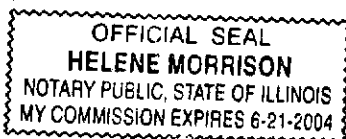
VILLAGE OF CAROL STREAM
an Illinois Municipal Corporation

By: [Signature]
Wynne W. Progar, Deputy Village Clerk

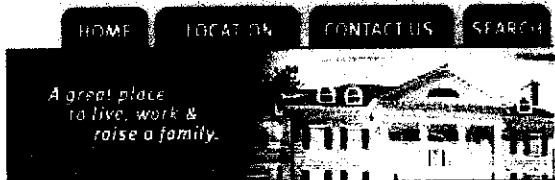
STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, Helene Morrison, a Notary Public in and for the county and state aforesaid, do hereby certify that Wynne W. Progar personally known to me to be the same person whose name is subscribed to the foregoing Release and Waiver of Lien, appeared before me this day in person and acknowledged that in his/her capacity as Deputy Village Clerk of the VILLAGE OF CAROL STREAM, an Illinois municipal corporation, he/she signed and delivered the said release as his/her duty authorize free and voluntary official act of said Village for uses and purposes therein set forth.

Given under my hand and notarial seal this 27th day of February AD 2001



Prepared by: [Signature]
VILLAGE OF CAROL STREAM
500 N. Gary Avenue
Carol Stream, IL 60188



AUGUST 31, 2006

- SERVICES
- CITIZENS
- BUSINESSES
- GOVERNMENT
- INFO CENTER
- FORMS

Treasurer

Tax Payment Status

ATTENTION: IF YOU ARE AN AGENT PAYING ON BEHALF OF THE PROPERTY OWNER

Tax Payment Status

PLEASE NOTE: If you do not pay online and choose not to participate in the Electronic Payment Processing, you must submit an original tax bill with your payment or include an additional \$5.00 duplicate bill fee for each parcel to be paid. A duplicate tax bill will be printed, and your payment will be processed. Only balanced transactions will be processed. Include a self addressed envelope with sufficient postage or a return airbill with your account number for the return of your receipts and duplicate bills. We do not pay postage or carrier fees to return printed materials. If you do not include the additional \$5.00 duplicate bill fee, your payment will be returned unprocessed and penalty will apply. **THERE WILL BE NO EXCEPTIONS.** Photo copies, facsimiles and our website print screens will not be accepted as tax bills.

Paying Your Real Estate Taxes

Pay at a Local Bank

TPA System

Duplicate tax bills are available to the property owner at no charge.

Additional Information

The address displayed is the billing address and may not represent the property address.

Duplicate Payments

[Click here to search for your next parcel.](#)

Senior Citizen Information

| Parcel Number | Billing Address |
|---------------|--|
| 02-29-118-004 | 600 JAMES S MCDONELL HAZELWOOD MO 63042 |

Tax Sale Information

Township Assessors

FAQ's

2005 Taxes

Distribution

Contact Us

| Installment | Base Tax Amount | Penalty | Total | Paid Date |
|------------------------------------|-----------------|---|------------|------------|
| First Due: 06-01-2006 | \$1,681.85 | \$0.00 | \$1,681.85 | 05-16-2006 |
| Second Due: 09-01-2006 | \$1,681.85 | \$0.00 | \$1,681.85 | 08-21-2006 |
| Total Base Tax (without penalties) | \$3,363.70 | <p>PENALTY OF 1.5% PER MONTH APPLIES IF PAID AFTER THE DUE DATES. ONLINE PAYMENTS WILL BE ACCEPTED THROUGH OCT 31, 2006.</p> <p>PAYMENTS AFTER OCT 31, 2006, MUST BE MADE BY CASHIER'S CHECK, CASH OR MONEY ORDER.</p> <p>ON NOV 1, 2006, \$10.00 MUST BE ADDED TO COVER COSTS OF CERTIFIED MAILING AND PUBLICATION.</p> | | |

LAW OFFICES

ANCEL, GLINK, DIAMOND, BUSH, DICIANI & KRAFTHFER, P.C.

DUPAGE COUNTY OFFICE
511 WEST WESLEY STREET
WHEATON, ILLINOIS 60187
(630) 682-4047
(312) 782-0943 FAX

KANE COUNTY OFFICE
29 NORTH RIVER STREET
BATAVIA, ILLINOIS 60510
(630) 761-1676
(630) 406-6363 FAX

140 SOUTH DEARBORN STREET
THE MARQUETTE BUILDING
SIXTH FLOOR
CHICAGO, ILLINOIS 60603
(312) 782-7606
(312) 782-0943 FAX
WWW.ANCELGLINK.COM

LAKE COUNTY OFFICE
415 W. WASHINGTON STREET, SUITE 202
WAUKEGAN, ILLINOIS 60085
(847) 244-8682
(847) 244-8671 FAX

MCHENRY COUNTY OFFICE
4 EAST TERRA COTTA AVENUE
CRYSTAL LAKE, ILLINOIS 60014
(815) 477-8980
(847) 244-8671 FAX

August 30, 2006

STEWART H. DIAMOND
CHICAGO OFFICE / EXT. 109
SDIAMOND@ANCELGLINK.COM

Via E-Mail: barbara.dite@fbol.com

Ms. Barbara M. Dite
Vice President-Associate General Counsel
Corporate Real Estate
First Banks, Inc.
135 North Meramec, Suite 405
Clayton, Missouri 63105

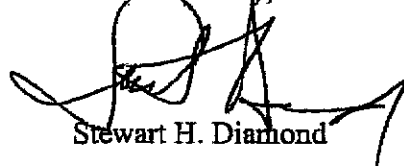
Re: Land Donation

Dear Ms. Dite:

It is my understanding that First Bank, Inc., or an entity with which it works, intends to donate land to the Village of Carol Stream. The Village is willing to accept that land, but it wishes to have all of the taxes paid to the date of the recording of the Deed. In DuPage County, Illinois, property tax exemptions for governmental bodies can only be put in place as of the date of the acquisition of the land. The Village has estimated the amount of the 2006 taxes which, under our system, are not payable until 2007. A proportion of those taxes equal to the portion of the year for which the land was in private property has been determined, and we have asked you to send a check to the Village in that amount. That money will be earmarked for the payment of those taxes and will not be used for any other purpose. In the event that the 2006 tax bill is greater than the amount estimated, the Village will cover that difference.

Hopefully, upon the receipt of this letter, you will be able to transmit to the Village the funds required.

Yours sincerely,



Stewart H. Diamond

SHD:dar

cc Mr. Chris Oakley

Mr. Joseph E. Breinig

D:\ROLLINS\L\MY DOCUMENTS\CAROLSTR\DITE-1-LTR.WPD /

G-3 9-5-06

Village of Carol Stream
INTER-DEPARTMENTAL MEMO

TO: Mayor & Trustees
FROM: Robert Mellor, Assistant Village Manager *Rm*
DATE: August 31, 2006
RE: Telecommunications Service Provider – PRIME Circuits

Part of our contract with Wilson Consulting, who we are using to assist us with the new telephone system installation, is to provide a list of vendors to provide telecommunications services for the new phone system. The Village's current telecommunications service provider is AT&T/SBC for which we pay total monthly charges of \$2,366/month. The attached spreadsheet shows the net total charges for AT&T/SBC, two resellers of AT&T/SBC lines (Call One AT&T and Call One Focal) and one vendor that is building its own telecommunications network (Cimco). Although Cimco has the lowest service cost they are not recommended at this time since their network is small and relatively new and untested. The resellers of AT&T/SBC lines contract with AT&T/SBC for any maintenance and repair of the network phone lines.

Based proposals we received for phone service from telecommunications providers operating over well-established networks, Call One Focal/Broadwing has the lowest net charges at \$1,170/month. Call One Focal/Broadwing is the telecommunication service provider for 60 municipalities in the Northwest Municipal Conference purchasing cooperative as well as several hospitals and libraries on the north shore. The Call One Focal/Broadwing service should save the Village over \$43,000 over the 36-month term of the agreement. It is recommended that the Village Board award the contract for telecommunications services to Call One Focal/Broadwing for net total charges of \$1,170/month. I am available to answer any questions.

Attachment

Cc: Joseph E. Breinig, Village Manager

Village of Carol Stream
Telco Services Proposal Comparison

| Company | <u>Current</u> | AT&T (SBC) ICB | AT&T (SBC) Standard CompleteLink | Midco, Inc. CIMCO | Call One <u>AT&T</u> | Call One <u>Focal/Broadwing</u> |
|-------------------------|----------------|---|---|------------------------|--|--|
| Corporate Headquarters | | San Antonio, TX | San Antonio, TX | Oakbrook Terrace, IL | Chicago, IL | Chicago, IL |
| Type of Company | | National Carrier | National Carrier | Switched CLEC/Reseller | Local Reseller | Local Reseller |
| Years in business | | 100 | 100 | 15 | 14 | 14 |
| Number of Employees | | thousands | thousands | 100 | 100 | 100 |
| Financials | | Public | Public | Privately held | Privately held | Privately held |
| Size | | Very large | Very large | Small | Small | Small |
| Market share | | 80% | 80% | Local | na | na |
| References | | City of Highland Park City of Elmhurst Village of Streamwood Lisle Park District | City of Highland Park City of Elmhurst Village of Streamwood Lisle Park District | | Northwest Municipal Conference Oswegoland Park District Tinley Park School District 146 Home State Bank First Midwest Bank | Northwest Municipal Conference Oswegoland Park District Tinley Park School District 146 Home State Bank First Midwest Bank |
| <u>Contract</u> | | 36 months | 36 months | 36 months | 36 months | 36 months |
| Length | none | | | none | none | none |
| Usage commitment | none | MARC \$16,600; MATUC \$600; MALUC \$1,900 | MARC \$25,000 | | | |
| Penalties | | Difference in rates from lesser term discounts | Difference in revenue from commitment | | | |
| <u>Billing</u> | | Yes | Yes | Yes | Yes | Yes |
| Single point of contact | Yes | No | No | Yes | No | No |
| Electronic billing | No | Yes | Yes | Yes | Yes | Yes |
| Escalation | Yes | | | | | |
| <u>Ordering</u> | | Yes | Yes | Yes | Yes | Yes |
| Single point of contact | Yes | Yes | Yes | Yes | Yes | Yes |
| Escalation | Yes | | | | | |
| <u>Repair</u> | | Yes | Yes | Yes | Yes | Yes |
| Single point of contact | Yes | Yes | Yes | Yes | Yes | Yes |
| Escalation | Yes | | | | | |

Village of Carol Stream

Telco Services Proposal Comparison

| Company | Current | AT&T (SBC) | AT&T (SBC) | Midco, Inc. | Call One | Call One |
|--|------------|-------------------|-----------------------|-------------------|-------------------|-------------------|
| | | ICB | Standard CompleteLink | CIMCO | AT&T | Focal/Broadwing |
| | | 36 Month Contract | 36 Month Contract | 36 Month Contract | 36 Month Contract | 36 Month Contract |
| POTS | | | | | | |
| Monthly Charge/POTS line | \$12.95 | \$14.95 | \$14.95 | \$14.95 | \$13.36 | \$13.36 |
| Federal Access Charge | \$4.50 | \$4.50 | \$4.50 | \$4.50 | \$5.50 | \$5.50 |
| Number of POTS Lines | 20 | 20 | 20 | 20 | 20 | 20 |
| One-time Installation | | | | | | |
| POTS Monthly Charge | \$349 | \$389 | \$389 | \$389 | \$377 | \$377 |
| ISDN PRI | | | | | | |
| Monthly Service Charge (including 200 DID numbers) | \$1,697.00 | \$470.00 | \$470.00 | \$315.00 | \$470.00 | \$335.00 |
| One-time Installation | NA | NA | NA | NA | NA | NA |
| Quantity | 1 | 2 | 2 | 2 | 2 | 2 |
| Total Monthly Service for PRIs | \$1,697 | \$940 | \$940 | \$630 | \$920 | \$670 |
| Usage | | | | | | |
| Area A Calls | 2,857 | 2,857 | 2,857 | 2,857 | 2,857 | 2,857 |
| Total A minutes | 7,247 | 7,247 | 7,247 | 7,247 | 7,247 | 7,247 |
| Area A cost/minute | \$0.013 | \$0.010 | \$0.013 | \$0.009 | \$0.010 | \$0.01 |
| Cost of Area A Calls | \$93 | \$72 | \$94 | \$65 | \$72 | \$72 |
| Area B Calls | 3,049 | 3,049 | 3,049 | 3,049 | 3,049 | 3,049 |
| Total B minutes | 8,733 | 8,733 | 8,733 | 8,733 | 8,733 | 8,733 |
| Area B cost/minute | \$0.027 | \$0.025 | \$0.034 | \$0.015 | \$0.020 | \$0.02 |
| Cost of Area B Calls | \$236 | \$218 | \$297 | \$131 | \$175 | \$175 |
| Total Local Usage | | | | | | |
| Minutes | 15,980 | 15,980 | 15,980 | 15,980 | 15,980 | 15,980 |
| Cost | \$329 | \$291 | \$391 | \$196 | \$247 | \$247 |
| Area C Calls | 1,472 | 1,472 | 1,472 | 1,472 | 1,472 | 1,472 |
| Area C minutes | 3,991 | 3,991 | 3,991 | 3,991 | 3,991 | 3,991 |
| Area C cost/minute | \$0.040 | \$0.025 | \$0.047 | \$0.025 | \$0.030 | \$0.03 |
| Cost of Area C Calls | \$160 | \$100 | \$188 | \$100 | \$120 | \$120 |
| Information | | | | | | |
| Number of Calls | 119 | 119 | 119 | 119 | 119 | 119 |
| Unit cost of Information Calls | \$1.25 | \$1.25 | \$1.25 | \$0.95 | \$1.25 | \$0.95 |
| Cost of Information Services | \$149 | \$149 | \$149 | \$113 | \$149 | \$113 |

Village of Carol Stream
Telco Services Proposal Comparison

| Company | Current | AT&T (SBC) ICB | AT&T (SBC) Standard CompleteLink | Midco, Inc. CIMCO | Call One AT&T | Call One Focal/Broadwing |
|-----------------------------------|------------|-------------------|-------------------------------------|----------------------|------------------|-----------------------------|
| <u>Long Distance</u> | | | | | | |
| Long Distance Minutes | | | | | | |
| IntraLata | 142 | 142 | 142 | 142 | 142 | 142 |
| In-state | 151 | 151 | 151 | 151 | 151 | 151 |
| Inter-state | 361 | 361 | 361 | 361 | 361 | 361 |
| Long Distance Rates | | | | | | |
| In-state | \$0.049 | \$0.050 | \$0.050 | \$0.028 | \$0.030 | \$0.030 |
| Inter-state | \$0.050 | \$0.050 | \$0.050 | \$0.028 | \$0.030 | \$0.030 |
| Long Distance Costs | \$32.41 | \$32.70 | \$32.70 | \$18.31 | \$19.62 | \$19.62 |
| PRI Monthly Charge | \$1,697.00 | \$940.00 | \$940.00 | \$630.00 | \$920.00 | \$670.00 |
| Usage Charges | \$669.35 | \$572.02 | \$760.16 | \$427.36 | \$535.23 | \$499.53 |
| Total Charges | \$2,366.35 | \$1,512.02 | \$1,700.16 | \$1,057.36 | \$1,455.23 | \$1,169.53 |
| Discount | \$0.00 | -\$71.25 | -\$71.25 | \$0.00 | \$0.00 | \$0.00 |
| Net Total Charges | \$2,366 | \$1,441 | \$1,629 | \$1,057 | \$1,455 | \$1,170 |
| Compared to Standard CompleteLink | | 88% | 100% | 65% | 89% | 72% |
| Compared to ICB | | 100% | 113% | 73% | 101% | 81% |

ORDINANCE NO. _____

**AN ORDINANCE REZONING PROPERTY FROM
R-1 ONE FAMILY RESIDENCE DISTRICT TO I INDUSTRIAL DISTRICT
(211-231 E. ST. CHARLES ROAD)**

WHEREAS, St. Charles Building Partners, LLC, has requested approval of a zoning change from R-1 One-Family Residence District to I Industrial District in accordance with Section 16-15-7 of the Carol Stream Zoning Code; and

WHEREAS, pursuant to proper legal notice, on August 28, 2006, the Combined Plan Commission/Zoning Board of Appeals considered the rezoning and have determined that it is in conformance with the Future Land Use Plan, is compatible with other adjacent industrially zoned property, and will not pose a negative effect on property values in the area nor be unreasonably detrimental to the public health, safety or general welfare; and

WHEREAS, the Combined Board has filed its minutes regarding approval of this request for rezoning with the Corporate Authorities and have recommended that this rezoning be approved; and

WHEREAS, the corporate authorities find that the granting of the rezoning would not be inconsistent with surrounding uses nor be contrary to the intent of the Zoning Code of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the property legally described in Section 1 of this Ordinance, commonly known as 211-231 E. St. Charles Road, be granted rezoning from R-1 One Family Residence District to I Industrial District.

LEGAL DESCRIPTION

Parcel I:

The westerly 415.0 feet (as measured along the northerly line and parallel with the west line) of Lot 1 in More Value Builders Inc. Assessment Plat of part of the east half of the northeast quarter of Section 5, Township 39 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded October 17, 1972 as Document R72-63298 in the recorders office of DuPage County, Illinois.

Parcel II:

The part of old right of way of St. Charles Road described as follows: commencing at the northwest corner of lot 1 of More Value Builders Inc. Assessment Plat thence south along west line of said lot 1 of more value builders inc. assessment plat 62.80 feet to the old north right of way line of St. Charles Road for a point of beginning; thence southeasterly along said old north line of St. Charles Road 95.40 feet for a point of tangency; thence southeasterly along a curve concave to northeast having a radius of 5689.65 feet, an arc distance of 326.19 feet, a chord distance of 326.15 feet to a point on said old north line of St. Charles Road; thence south at an angle $101^{\circ} 26'36''$ measured counterclockwise from last described course a distance of 24.55 feet to a point in north right of way line of St. Charles Road; thence westerly along said north right of way line of St. Charles Road being a curve concave to the southeast having a radius of 1306.22 feet, an arc distance of 208.05 feet to a point where north line of St. Charles Road intersects the old south right of way line of St. Charles Road; thence continuing westerly along said old southerly line of St. Charles Road along a curve concave to northeast having a radius of 5769.55 feet, an arc distance of 133.81 feet to a point of tangency; thence along said tangent 48.95 feet to a point on said old south line of St. Charles Road; thence at an angle $90^{\circ}00'00''$, measured counterclockwise from last described course a distance of 40.00 feet to a point on old centerline of St. Charles Road, thence westerly along said centerline 37.33 feet to the point of intersection of the west line of said More Value Builders Inc. Assessment Plat prolonged south to the old centerline of St. Charles Road; thence north along said prolongation 41.05 feet to the point of beginning, in the east half of the northeast quarter of Section 5, Township 39 North, Range 10, east of the Third Principal Meridian, in DuPage County, Illinois, containing 25846.07 sq. ft. or 0.593 acres more or less.

Parcel III:

That part of the east half of the northeast quarter of Section 5, Township 39 North, Range 10, east of the Third Principal Meridian, described as follows:

Beginning at the south east corner of lot 4 in the Resubdivision of Lot 1

Gary St. Charles Business Park; thence northwesterly along the east line of said lot 4 78.53 feet, to a point on the south line of vacated St. Charles Road; thence southeasterly along south line of said

vacated St. Charles Road a distance of 48.95 to a point of curvature; thence continuing easterly along said curve being concave to the north east having a radius of 5769.55 feet, an arc distance of 133.81 feet, to a point on north line of St. Charles Road; thence westerly along said north right of way line of St. Charles Road being a curve concave to the southeast having a radius of 1306.22 feet, an arc distance of 160.25 feet to the point of beginning.

SECTION 2: This Ordinance shall be in full force and effect from and after the passage, approval and publication in pamphlet form as provided by law, provided, however, that this Ordinance is executed by the owners of the subject property or such other party in interest, consenting to and agreeing to be bound by the terms and conditions contained within this Ordinance. Such execution and delivery to the Village shall take place within sixty (60) days after the passage and approval of this Ordinance, or within such extension of time as may be granted by the corporate authorities by motion.

SECTION 3: That failure of the owner or other party in interest, or a subsequent owner or other party in interest, to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 16-17-7, A and B of the Village of Carol Stream Zoning Code after notice and public hearing in accordance with the procedures required by statute and the Carol Stream Zoning Code.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER 2006.

AYES:

NAYS:

ABSENT:

Ross Ferraro, Mayor

ATTEST:

Janice Koester, Village Clerk

I, _____, being the owner or other party of interest of the
(please print)
property legally described within this Ordinance, having read a copy of the Ordinance,
do hereby accept, concur and agree to develop and use the subject property in
accordance with the terms of this Ordinance.

(Date)

(Signature)

ORDINANCE NO. _____

H-2 9-5-06

**AN ORDINANCE GRANTING A SPECIAL USE FOR
AN AUTO SERVICE STATION
(211 E. ST. CHARLES ROAD)**

WHEREAS, St. Charles Building Partners, LLC, has requested approval of a Special Use Permit in accordance with Section 16-10-2(B)(2) of the Carol Stream Zoning Code to allow an auto service station in the I-Industrial District specifically for Bieszke Auto Repair at 211 E. St. Charles Road; and

WHEREAS, pursuant to proper legal notice, on August 28, 2006, the Combined Plan Commission/Zoning Board of Appeals considered the request for this special use and has determined that it would not pose a negative effect on property values in the area nor will it be unreasonably detrimental to the public health, safety or general welfare; and

WHEREAS, the corporate authorities find that the granting of this special use for an auto service station would not be inconsistent with surrounding uses nor be contrary to the intent of the Zoning Code of the Village, provided certain conditions are met.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the property legally described in Section 1 of this Ordinance, commonly known as 211 E. St. Charles Road, be granted a special use for an auto service station, subject to the following conditions:

1. That the entire parking lot shall be repaved and re-striped in accordance with the looped striping requirements of the Village, that the fencing and screening slats be installed, and that the landscaping be installed, and not later than November 30, 2006.

2. That both of the fenced storage areas shall include screening slats on all sides.
3. That all of the vehicles associated with Bieszke Auto Repair shall be parked and stored within the northwesterly fenced storage area, that all of the vehicles and equipment associated with E.D. Windows and Doors and Duncan Construction shall be parked and stored within the northeasterly fenced storage area, and that the gates to both storage areas shall be closed at all times except when vehicles or equipment are actively being brought in or out of the storage area.
4. That vehicles shall not be sold, offered for sale or advertised for sale in conjunction with the use of the tenant space at 229 E. St. Charles Road, or anywhere on the entire 1.54 acre property.
5. That the applicant obtain title to the area identified as Parcel III on the proposed Plat of Consolidation (Exhibit E, dated 2/3/06).
6. That the property, businesses and all improvements shall be operated and installed in accordance with all applicable codes and requirements of the state, county and Village.

LEGAL DESCRIPTION:

Parcel I:

The westerly 415.0 feet (as measured along the northerly line and parallel with the west line) of Lot 1 in More Value Builders Inc. Assessment Plat of part of the east half of the northeast quarter of Section 5, Township 39 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded October 17, 1972 as Document R72-63298 in the recorders office of DuPage County, Illinois.

Parcel II:

The part of old right of way of St. Charles Road described as follows: commencing at the northwest corner of lot 1 of More Value Builders Inc. Assessment Plat thence south along west line of said lot 1 of more value builders inc. assessment plat 62.80 feet to the old north right of way line of St. Charles Road for a point of beginning; thence southeasterly along said old north line of St. Charles Road 95.40 feet for a point of tangency; thence southeasterly along a curve concave to northeast having a radius of 5689.65 feet, an arc distance of 326.19 feet, a chord distance of 326.15 feet to a point on said old north line of St. Charles Road; thence south at an angle $101^{\circ} 26'36''$ measured counterclockwise from last described course a distance of 24.55 feet to a point in north right of way line of St. Charles Road; thence westerly along said north right of way line of St. Charles Road being a curve concave to the southeast having a radius of 1306.22 feet, an arc distance of 208.05 feet to a point where north line of St. Charles Road intersects the old south right of way line of St. Charles Road; thence continuing westerly along said old southerly line of St. Charles Road along a curve concave to northeast having a radius of 5769.55 feet, an arc distance of 133.81 feet

to a point of tangency; thence along said tangent 48.95 feet to a point on said old south line of St. Charles Road; thence at an angle 90°00'00", measured counterclockwise from last described course a distance of 40.00 feet to a point on old centerline of St. Charles Road, thence westerly along said centerline 37.33 feet to the point of intersection of the west line of said More Value Builders Inc. Assessment Plat prolonged south to the old centerline of St. Charles Road; thence north along said prolongation 41.05 feet to the point of beginning, in the east half of the northeast quarter of Section 5, Township 39 North, Range 10, east of the Third Principal Meridian, in DuPage County, Illinois, containing 25846.07 sq. ft. or 0.593 acres more or less.

Parcel III:

That part of the east half of the northeast quarter of Section 5, Township 39 North, Range 10, east of the Third Principal Meridian, described as follows:

Beginning at the south east corner of lot 4 in the Resubdivision of Lot 1 Gary St. Charles Business Park; thence northwesterly along the east line of said lot 4 78.53 feet, to a point on the south line of vacated St. Charles Road; thence southeasterly along south line of said vacated St. Charles Road a distance of 48.95 to a point of curvature; thence continuing easterly along said curve being concave to the north east having a radius of 5769.55 feet, an arc distance of 133.81 feet, to a point on north line of St. Charles Road; thence westerly along said north right of way line of St. Charles Road being a curve concave to the southeast having a radius of 1306.22 feet, an arc distance of 160.25 feet to the point of beginning.

SECTION 2: This Ordinance shall be in full force and effect from and after the passage, approval and publication in pamphlet form as provided by law, provided, however, that this Ordinance is executed by the owners of the subject property or such other party in interest, consenting to and agreeing to be bound by the terms and conditions contained within this Ordinance. Such execution and delivery to the Village shall take place within sixty (60) days after the passage and approval of this Ordinance, or within such extension of time as may be granted by the corporate authorities by motion.

SECTION 3: That failure of the owner or other party in interest, or a subsequent owner or other party in interest, to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 16-17-7, A and B of the Village of Carol Stream Zoning

Code, and/or termination of the special use after notice and public hearing in accordance with the procedures required by statute and the Carol Stream Zoning Code.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER 2006.

AYES:

NAYS:

ABSENT:

Ross Ferraro, Mayor

ATTEST:

Janice Koester, Village Clerk

I, _____, being the owner or other party of interest of the
(please print)
property legally described within this Ordinance, having read a copy of the Ordinance,
do hereby accept, concur and agree to develop and use the subject property in
accordance with the terms of this Ordinance.

(Date)

(signature)

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A SPECIAL USE FOR
AN AUTO SERVICE STATION
(215-219 E. ST. CHARLES ROAD)**

WHEREAS, St. Charles Building Partners, LLC, has requested approval of a Special Use Permit in accordance with Section 16-10-2(B)(2) of the Carol Stream Zoning Code to allow an auto service station in the I-Industrial District specifically for Tim's Auto Body at 215-219 E. St. Charles Road; and

WHEREAS, pursuant to proper legal notice, on August 28, 2006, the Combined Plan Commission/Zoning Board of Appeals considered the request for this special use and has determined that it would not pose a negative effect on property values in the area nor will it be unreasonably detrimental to the public health, safety or general welfare; and

WHEREAS, the corporate authorities find that the granting of this special use for an auto service station would not be inconsistent with surrounding uses nor be contrary to the intent of the Zoning Code of the Village, provided certain conditions are met.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the property legally described in Section 1 of this Ordinance, commonly known as 215-219 E. St. Charles Road, be granted a special use for an auto service station, subject to the following conditions:

1. That the entire parking lot shall be repaved and re-striped in accordance with the looped striping requirements of the Village, that the fencing and screening slats be installed, and that the landscaping be installed, and not later than November 30, 2006.

2. That both of the fenced storage areas shall include screening slats on all sides.
3. That all of the vehicles associated with Bieszke Auto Repair shall be parked and stored within the northwesterly fenced storage area, that all of the vehicles and equipment associated with Duncan Construction shall be parked and stored within the northeasterly fenced storage area, and that the gates to both storage areas shall be closed at all times except when vehicles or equipment are actively being brought in or out of the storage area.
4. That vehicles shall not be sold, offered for sale or advertised for sale in conjunction with the use of the tenant space at 229 E. St. Charles Road, or anywhere on the entire 1.54-acre property.
5. That the applicant obtain title to the area identified as Parcel III on the proposed Plat of consolidation (Exhibit E, dated 2/3/06).
6. That the property, businesses and all improvements shall be operated and installed in accordance with all applicable codes and requirements of the state, county and Village.

LEGAL DESCRIPTION:

Parcel I:

The westerly 415.0 feet (as measured along the northerly line and parallel with the west line) of Lot 1 in More Value Builders Inc. Assessment Plat of part of the east half of the northeast quarter of Section 5, Township 39 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded October 17, 1972 as Document R72-63298 in the recorders office of DuPage County, Illinois.

Parcel II:

The part of old right of way of St. Charles Road described as follows: commencing at the northwest corner of lot 1 of More Value Builders Inc. Assessment Plat thence south along west line of said lot 1 of more value builders inc. assessment plat 62.80 feet to the old north right of way line of St. Charles Road for a point of beginning: thence southeasterly along said old north line of St. Charles Road 95.40 feet for a point of tangency; thence southeasterly along a curve concave to northeast having a radius of 5689.65 feet, an arc distance of 326.19 feet, a chord distance of 326.15 feet to a point on said old north line of St. Charles Road; thence south at an angle $101^{\circ} 26'36''$ measured counterclockwise from last described course a distance of 24.55 feet to a point in north right of way line of St. Charles Road; thence westerly along said north right of way line of St. Charles Road being a curve concave to the southeast having a radius of 1306.22 feet, an arc distance of 208.05 feet to a point where north line of St. Charles Road intersects the old south right of way line of St. Charles Road; thence continuing westerly along said old southerly line of St. Charles Road along a curve concave to northeast having a radius of 5769.55 feet, an arc distance of 133.81 feet

to a point of tangency; thence along said tangent 48.95 feet to a point on said old south line of St. Charles Road; thence at an angle 90°00'00", measured counterclockwise from last described course a distance of 40.00 feet to a point on old centerline of St. Charles Road, thence westerly along said centerline 37.33 feet to the point of intersection of the west line of said More Value Builders Inc. Assessment Plat prolonged south to the old centerline of St. Charles Road; thence north along said prolongation 41.05 feet to the point of beginning, in the east half of the northeast quarter of Section 5, Township 39 North, Range 10, east of the Third Principal Meridian, in DuPage County, Illinois, containing 25846.07 sq. ft. or 0.593 acres more or less.

Parcel III:

That part of the east half of the northeast quarter of Section 5, Township 39 North, Range 10, east of the Third Principal Meridian, described as follows:

Beginning at the south east corner of lot 4 in the Resubdivision of Lot 1 Gary St. Charles Business Park; thence northwesterly along the east line of said lot 4 78.53 feet, to a point on the south line of vacated St. Charles Road; thence southeasterly along south line of said vacated St. Charles Road a distance of 48.95 to a point of curvature; thence continuing easterly along said curve being concave to the north east having a radius of 5769.55 feet, an arc distance of 133.81 feet, to a point on north line of St. Charles Road; thence westerly along said north right of way line of St. Charles Road being a curve concave to the southeast having a radius of 1306.22 feet, an arc distance of 160.25 feet to the point of beginning.

SECTION 2: This Ordinance shall be in full force and effect from and after the passage, approval and publication in pamphlet form as provided by law, provided, however, that this Ordinance is executed by the owners of the subject property or such other party in interest, consenting to and agreeing to be bound by the terms and conditions contained within this Ordinance. Such execution and delivery to the Village shall take place within sixty (60) days after the passage and approval of this Ordinance, or within such extension of time as may be granted by the corporate authorities by motion.

SECTION 3: That failure of the owner or other party in interest, or a subsequent owner or other party in interest, to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 16-17-7, A and B of the Village of Carol Stream Zoning

Code, and/or termination of the special use after notice and public hearing in accordance with the procedures required by statute and the Carol Stream Zoning Code.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER 2006.

AYES:

NAYS:

ABSENT:

Ross Ferraro, Mayor

ATTEST:

Janice Koester, Village Clerk

I, _____, being the owner or other party of interest of the
(please print)
property legally described within this Ordinance, having read a copy of the Ordinance,
do hereby accept, concur and agree to develop and use the subject property in
accordance with the terms of this Ordinance.

(Date)

(signature)

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A SPECIAL USE FOR
GARAGES AND PARKING LOTS FOR MOTOR VEHICLES NOT INCIDENTAL TO A
PERMITTED USE AND FOR EQUIPMENT AND MACHINERY RENTAL OPERATIONS
(227 E. ST. CHARLES ROAD)**

WHEREAS, St. Charles Building Partners, LLC, has requested approval of a Special Use Permit in accordance with Section 16-10-2(B)(7) of the Carol Stream Zoning Code to allow garages and parking lots for motor vehicles not incidental to a permitted use, specifically to allow storage of one crane and a Special Use Permit in accordance with Section 16-10-2(B)(24) of the Carol Stream code to allow equipment and machinery rental operations, specifically to allow rental of the crane, in the I-Industrial District specifically for Miller Crane Repair at 227 E. St. Charles Road; and

WHEREAS, pursuant to proper legal notice, on August 28, 2006, the Combined Plan Commission/Zoning Board of Appeals considered the request for the Special Uses and has determined that they would not pose a negative effect on property values in the area nor will they be unreasonably detrimental to the public health, safety or general welfare; and

WHEREAS, the corporate authorities find that the granting of the Special Uses for garages and parking lots for motor vehicles not incidental to a permitted use, specifically to allow storage and equipment and machinery rental of a crane would not be inconsistent with surrounding uses nor be contrary to the intent of the Zoning Code of the Village, provided certain conditions are met.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the property legally described in Section 1 of this Ordinance, commonly known as 227 E. St. Charles Road, be granted a Special Use for garages

and parking lots for motor vehicles not incidental to a permitted use, specifically to allow storage and equipment and machinery rental of a crane, subject to the following conditions:

1. That the entire parking lot shall be repaved and re-stripped in accordance with the looped striping requirements of the Village, that the fencing and screening slats be installed, and that the landscaping be installed, all not later than November 30, 2006.
2. That both of the fenced storage areas shall include screening slats on all sides.
3. That all of the vehicles associated with Bieszke Auto Repair shall be parked and stored within the northwesterly fenced storage area, that all of the vehicles and equipment associated with Duncan Construction shall be parked and stored within the northeasterly fenced storage area, and that the gates to both storage areas shall be closed at all times except when vehicles or equipment are actively being brought in or out of the storage area.
4. That vehicles shall not be sold, offered for sale or advertised for sale in conjunction with the use of the tenant space at 229 E. St. Charles Road, or anywhere on the entire 1.54 acre property.
5. That the applicant obtain title to the area identified as Parcel III on the proposed Plat of Consolidation (Exhibit E, dated 2/3/06).
6. That the property, businesses and all improvements shall be operated and installed in accordance with all applicable codes and requirements of the state, county and Village.

LEGAL DESCRIPTION:

Parcel I:

The westerly 415.0 feet (as measured along the northerly line and parallel with the west line) of Lot 1 in More Value Builders Inc. Assessment Plat of part of the east half of the northeast quarter of Section 5, Township 39 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded October 17, 1972 as Document R72-63298 in the recorders office of DuPage County, Illinois.

Parcel II:

The part of old right of way of St. Charles Road described as follows: commencing at the northwest corner of lot 1 of More Value Builders Inc. Assessment Plat thence south along west line of said lot 1 of more value builders inc. assessment plat 62.80 feet to the old north right of way line of St. Charles Road for a point of beginning; thence southeasterly along said old north line of St. Charles Road 95.40 feet for a point of tangency; thence southeasterly along a curve concave to northeast

having a radius of 5689.65 feet, an arc distance of 326.19 feet, a chord distance of 326.15 feet to a point on said old north line of St. Charles Road; thence south at an angle $101^{\circ} 26'36''$ measured counterclockwise from last described course a distance of 24.55 feet to a point in north right of way line of St. Charles Road; thence westerly along said north right of way line of St. Charles Road being a curve concave to the southeast having a radius of 1306.22 feet, an arc distance of 208.05 feet to a point where north line of St. Charles Road intersects the old south right of way line of St. Charles Road; thence continuing westerly along said old southerly line of St. Charles Road along a curve concave to northeast having a radius of 5769.55 feet, an arc distance of 133.81 feet to a point of tangency; thence along said tangent 48.95 feet to a point on said old south line of St. Charles Road; thence at an angle $90^{\circ}00'00''$, measured counterclockwise from last described course a distance of 40.00 feet to a point on old centerline of St. Charles Road, thence westerly along said centerline 37.33 feet to the point of intersection of the west line of said More Value Builders Inc. Assessment Plat prolonged south to the old centerline of St. Charles Road; thence north along said prolongation 41.05 feet to the point of beginning, in the east half of the northeast quarter of Section 5, Township 39 North, Range 10, east of the Third Principal Meridian, in DuPage County, Illinois, containing 25846.07 sq. ft. or 0.593 acres more or less.

Parcel III:

That part of the east half of the northeast quarter of Section 5, Township 39 North, Range 10, east of the Third Principal Meridian, described as follows:

Beginning at the south east corner of lot 4 in the Resubdivision of Lot 1 Gary St. Charles Business Park; thence northwesterly along the east line of said lot 4 78.53 feet, to a point on the south line of vacated St. Charles Road; thence southeasterly along south line of said vacated St. Charles Road a distance of 48.95 to a point of curvature; thence continuing easterly along said curve being concave to the north east having a radius of 5769.55 feet, an arc distance of 133.81 feet, to a point on north line of St. Charles Road; thence westerly along said north right of way line of St. Charles Road being a curve concave to the southeast having a radius of 1306.22 feet, an arc distance of 160.25 feet to the point of beginning.

SECTION 2: This Ordinance shall be in full force and effect from and after the passage, approval and publication in pamphlet form as provided by law, provided, however, that this Ordinance is executed by the owners of the subject property or such other party in interest, consenting to and agreeing to be bound by the terms and conditions contained within this Ordinance. Such execution and delivery to the Village shall take place within sixty (60) days after the passage and approval of this

Ordinance, or within such extension of time as may be granted by the corporate authorities by motion.

SECTION 3: That failure of the owner or other party in interest, or a subsequent owner or other party in interest, to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 16-17-7, A and B of the Village of Carol Stream Zoning Code, and/or termination of the special use after notice and public hearing in accordance with the procedures required by statute and the Carol Stream Zoning Code.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER 2006.

AYES:

NAYS:

ABSENT:

Ross Ferraro, Mayor

ATTEST:

Janice Koester, Village Clerk

I, _____, being the owner or other party of interest of the property

(please print)

legally described within this Ordinance, having read a copy of the Ordinance, do hereby accept, concur and agree to develop and use the subject property in accordance with the terms of this Ordinance.

(Date)

(signature)

ORDINANCE NO. _____

H-5 9-5-06

**AN ORDINANCE GRANTING A SPECIAL USE FOR
GARAGES AND PARKING LOTS FOR MOTOR VEHICLES NOT INCIDENTAL TO A
PERMITTED USE
(229 E. ST. CHARLES ROAD)**

WHEREAS, St. Charles Building Partners, LLC, has requested approval of a Special Use Permit in accordance with Section 16-10-2(B)(7) of the Carol Stream Zoning Code to allow garages and parking lots for motor vehicles not incidental to a permitted use in the I-Industrial District specifically for Dave Bieszke at 229 E. St. Charles Road; and

WHEREAS, pursuant to proper legal notice, on August 28, 2006, the Combined Plan Commission/Zoning Board of Appeals considered the request for this Special Use and has determined that it would not pose a negative effect on property values in the area nor will it be unreasonably detrimental to the public health, safety or general welfare; and

WHEREAS, the corporate authorities find that the granting of this Special Use for garages and parking lots for motor vehicles not incidental to a permitted use would not be inconsistent with surrounding uses nor be contrary to the intent of the Zoning Code of the Village, provided certain conditions are met.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the property legally described in Section 1 of this Ordinance, commonly known as 229 E. St. Charles Road, be granted a special use for garages and parking lots for motor vehicles not incidental to a permitted use subject to the following conditions:

1. That the entire parking lot shall be repaved and re-striped in accordance with the looped striping requirements of the Village, that the fencing and screening slats be installed, and that the landscaping be installed, all not later than November 30, 2006.
2. That both of the fenced storage areas shall include screening slats on all sides.
3. That all of the vehicles associated with Bieszke Auto Repair shall be parked and stored within the northwesterly fenced storage area, that all of the vehicles and equipment associated with E.D. Windows and Doors and Duncan Construction shall be parked and stored within the northeasterly fenced storage area, and that the gates to both storage areas shall be closed at all times except when vehicles or equipment are actively being brought in or out of the storage area.
4. That vehicles shall not be sold, offered for sale or advertised for sale in conjunction with the use of the tenant space at 229 E. St. Charles Road, or anywhere on the entire 1.54-acre property.
5. That the applicant obtain title to the area identified as Parcel III on the proposed Plat of Consolidation (Exhibit E, dated 2/3/06).
6. That the property, businesses and all improvements shall be operated and installed in accordance with all applicable codes and requirements of the state, county and Village.

LEGAL DESCRIPTION:

Parcel I:

The westerly 415.0 feet (as measured along the northerly line and parallel with the west line) of Lot 1 in More Value Builders Inc. Assessment Plat of part of the east half of the northeast quarter of Section 5, Township 39 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded October 17, 1972 as Document R72-63298 in the recorders office of DuPage County, Illinois.

Parcel II:

The part of old right of way of St. Charles Road described as follows: commencing at the northwest corner of lot 1 of More Value Builders Inc. Assessment Plat thence south along west line of said lot 1 of more value builders inc. assessment plat 62.80 feet to the old north right of way line of St. Charles Road for a point of beginning; thence southeasterly along said old north line of St. Charles Road 95.40 feet for a point of tangency; thence southeasterly along a curve concave to northeast having a radius of 5689.65 feet, an arc distance of 326.19 feet, a chord distance of 326.15 feet to a point on said old north line of St. Charles Road; thence south at an angle $101^{\circ} 26'36''$ measured counterclockwise from last described course a distance of 24.55 feet to a point in north right of way line of St. Charles Road; thence westerly along said north right of way line of St. Charles Road being a curve concave to the southeast having a radius of 1306.22 feet, an arc distance of 208.05 feet

to a point where north line of St. Charles Road intersects the old south right of way line of St. Charles Road; thence continuing westerly along said old southerly line of St. Charles Road along a curve concave to northeast having a radius of 5769.55 feet, an arc distance of 133.81 feet to a point of tangency; thence along said tangent 48.95 feet to a point on said old south line of St. Charles Road; thence at an angle 90°00'00", measured counterclockwise from last described course a distance of 40.00 feet to a point on old centerline of St. Charles Road, thence westerly along said centerline 37.33 feet to the point of intersection of the west line of said More Value Builders Inc. Assessment Plat prolonged south to the old centerline of St. Charles Road; thence north along said prolongation 41.05 feet to the point of beginning, in the east half of the northeast quarter of Section 5, Township 39 North, Range 10, east of the Third Principal Meridian, in DuPage County, Illinois, containing 25846.07 sq. ft. or 0.593 acres more or less.

Parcel III:

That part of the east half of the northeast quarter of Section 5, Township 39 North, Range 10, east of the Third Principal Meridian, described as follows:

Beginning at the south east corner of lot 4 in the Resubdivision of Lot 1 Gary St. Charles Business Park; thence northwesterly along the east line of said lot 4 78.53 feet, to a point on the south line of vacated St. Charles Road; thence southeasterly along south line of said vacated St. Charles Road a distance of 48.95 to a point of curvature; thence continuing easterly along said curve being concave to the north east having a radius of 5769.55 feet, an arc distance of 133.81 feet, to a point on north line of St. Charles Road; thence westerly along said north right of way line of St. Charles Road being a curve concave to the southeast having a radius of 1306.22 feet, an arc distance of 160.25 feet to the point of beginning.

SECTION 2: This Ordinance shall be in full force and effect from and after the passage, approval and publication in pamphlet form as provided by law, provided, however, that this Ordinance is executed by the owners of the subject property or such other party in interest, consenting to and agreeing to be bound by the terms and conditions contained within this Ordinance. Such execution and delivery to the Village shall take place within sixty (60) days after the passage and approval of this Ordinance, or within such extension of time as may be granted by the corporate authorities by motion.

SECTION 3: That failure of the owner or other party in interest, or a subsequent owner or other party in interest, to comply with the terms of this Ordinance, after

execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 16-17-7, A and B of the Village of Carol Stream Zoning Code, and/or termination of the special use after notice and public hearing in accordance with the procedures required by statute and the Carol Stream Zoning Code.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER 2006.

AYES:

NAYS:

ABSENT:

Ross Ferraro, Mayor

ATTEST:

Janice Koester, Village Clerk

I, _____, being the owner or other party of interest of the
(please print)
property legally described within this Ordinance, having read a copy of the Ordinance,
do hereby accept, concur and agree to develop and use the subject property in
accordance with the terms of this Ordinance.

(Date)

(signature)

H-6 9-5-06

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A SPECIAL USE FOR A
CONTRACTOR'S OFFICE AND SHOPS
(231 E. ST. CHARLES ROAD)**

WHEREAS, St. Charles Building Partners, LLC, has requested a Special Use Permit in accordance with Section 16-10-2(B)(6) to allow a contractor's office and shop, in the I Industrial District specifically for Duncan Construction at 231 E. St. Charles Road; and

WHEREAS, the Combined Plan Commission and Zoning Board of Appeals, pursuant to proper notice, held a public hearing on August 28, 2006, concerning this request and has recommended the Special Use be granted; and

WHEREAS, the Corporate Authorities find that granting of the Special Use would not be inconsistent with surrounding uses, nor would it be contrary to the intent of the Zoning Code of the Village of Carol Stream.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the property legally described in Section 1 of this Ordinance, commonly known as 231 E. St. Charles Road, be granted a Special Use for a contractor's office and shop subject to the following conditions:

1. That the entire parking lot shall be repaved and re-striped in accordance with the looped striping requirements of the Village, that the fencing and screening slats be installed, and that the landscaping be installed, all not later than November 30, 2006.
2. That both of the fenced storage areas shall include screening slats on all sides.
3. That all of the vehicles associated with Bieszke Auto Repair shall be parked and stored within the northwesterly fenced storage area, that all of the vehicles and equipment associated with Duncan Construction shall be parked and stored within the northeasterly fenced storage area,

and that the gates to both storage areas shall be closed at all times except when vehicles or equipment are actively being brought in or out of the storage area.

4. That vehicles shall not be sold, offered for sale or advertised for sale in conjunction with the use of the tenant space at 229 E. St. Charles Road, or anywhere on the entire 1.54-acre property.
5. That the applicant obtain title to the area identified as Parcel III on the proposed Plat of Consolidation (Exhibit E, dated 2/3/06).
6. That the property, businesses and all improvements shall be operated and installed in accordance with all applicable codes and requirements of the state, county and Village.

LEGAL DESCRIPTION:

Parcel I:

The westerly 415.0 feet (as measured along the northerly line and parallel with the west line) of Lot 1 in More Value Builders Inc. Assessment Plat of part of the east half of the northeast quarter of Section 5, Township 39 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded October 17, 1972 as Document R72-63298 in the recorders office of DuPage County, Illinois.

Parcel II:

The part of old right of way of St. Charles Road described as follows: commencing at the northwest corner of lot 1 of More Value Builders Inc. Assessment Plat thence south along west line of said lot 1 of more value builders inc. assessment plat 62.80 feet to the old north right of way line of St. Charles Road for a point of beginning; thence southeasterly along said old north line of St. Charles Road 95.40 feet for a point of tangency; thence southeasterly along a curve concave to northeast having a radius of 5689.65 feet, an arc distance of 326.19 feet, a chord distance of 326.15 feet to a point on said old north line of St. Charles Road; thence south at an angle $101^{\circ} 26'36''$ measured counterclockwise from last described course a distance of 24.55 feet to a point in north right of way line of St. Charles Road; thence westerly along said north right of way line of St. Charles Road being a curve concave to the southeast having a radius of 1306.22 feet, an arc distance of 208.05 feet to a point where north line of St. Charles Road intersects the old south right of way line of St. Charles Road; thence continuing westerly along said old southerly line of St. Charles Road along a curve concave to northeast having a radius of 5769.55 feet, an arc distance of 133.81 feet to a point of tangency; thence along said tangent 48.95 feet to a point on said old south line of St. Charles Road; thence at an angle $90^{\circ}00'00''$, measured counterclockwise from last described course a distance of 40.00 feet to a point on old centerline of St. Charles Road, thence westerly along said centerline 37.33 feet to the point of intersection of the west line of said More Value Builders Inc. Assessment Plat prolonged south to the old centerline of St. Charles Road; thence north along said prolongation 41.05 feet to the point of beginning, in the east

half of the northeast quarter of Section 5, Township 39 North, Range 10, east of the Third Principal Meridian, in DuPage County, Illinois, containing 25846.07 sq. ft. or 0.593 acres more or less.

Parcel III:

That part of the east half of the northeast quarter of Section 5, Township 39 North, Range 10, east of the Third Principal Meridian, described as follows:

Beginning at the south east corner of lot 4 in the Resubdivision of Lot 1 Gary St. Charles Business Park; thence northwesterly along the east line of said lot 4 78.53 feet, to a point on the south line of vacated St. Charles Road; thence southeasterly along south line of said vacated St. Charles Road a distance of 48.95 to a point of curvature; thence continuing easterly along said curve being concave to the north east having a radius of 5769.55 feet, an arc distance of 133.81 feet, to a point on north line of St. Charles Road; thence westerly along said north right of way line of St. Charles Road being a curve concave to the southeast having a radius of 1306.22 feet, an arc distance of 160.25 feet to the point of beginning.

SECTION 2: This Ordinance shall be in full force and effect from and after the passage, approval and publication in pamphlet form as provided by law, provided, however, that this Ordinance is executed by the owners of the subject property or such other party in interest, consenting to and agreeing to be bound by the terms and conditions contained within this Ordinance. Such execution and delivery to the Village shall take place within sixty (60) days after the passage and approval of this Ordinance, or within such extension of time as may be granted by the corporate authorities by motion.

SECTION 3: That failure of the owner or other party in interest, or a subsequent owner or other party in interest, to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 16-17-7, A and B of the Village of Carol Stream Zoning Code, and/or termination of the special use after notice and public hearing in accordance with the procedures required by statute and the Carol Stream Zoning Code.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER 2006.

AYES:

NAYS:

ABSENT:

Ross Ferraro, Mayor

ATTEST:

Janice Koester, Village Clerk

I, _____, being the owner or other party of interest of the
(please print)
property legally described within this Ordinance, having read a copy of the Ordinance,
do hereby accept, concur and agree to develop and use the subject property in
accordance with the terms of this Ordinance.

(Date)

(signature)

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A SPECIAL USE FOR
OUTDOOR ACTIVITIES AND OPERATIONS
(211- 231 E. ST. CHARLES ROAD)**

WHEREAS, St. Charles Building Partners, LLC, has requested a Special Use in Accordance with Section 16-10-2(B)(14) of the Carol Stream Zoning Code to allow outdoor activities and operations, specifically 12 automobile parking spaces for Bieszke Auto Repair, 211 E. St. Charles Road and equipment storage for Duncan Construction, 231 E. St. Charles Road(including self storage, sand storage, and two oversize vehicle parking spaces) in the I Industrial District; and

WHEREAS, the Combined Plan Commission and Zoning Board of Appeals, pursuant to proper legal notice, held a public hearing on August 28, 2006 concerning this request and has recommended that the Special Use be granted; and

WHEREAS, the Corporate Authorities find that granting of this Special Use would not be inconsistent with surrounding uses, nor would it be contrary to the intent of the Zoning Code of the Village of Carol Stream provided certain conditions are met.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the property legally described in Section 1 of this Ordinance, commonly known as 211-231 E. St. Charles Road be granted a Special Use to allow outdoor activities and operations, specifically 12 automobile parking spaces for Bieszke Auto Repair, 211 E. St. Charles, Road and equipment storage for Duncan Construction, 231 E. St. Charles Road (including salt storage, sand storage, and two

oversize vehicle parking spaces), as shown on the Parking Plan (Exhibit "A"), provided the following conditions are met:

1. That the entire parking lot shall be repaved and re-stripped in accordance with the looped striping requirements of the Village, that the fencing and screening slats be installed, and that the landscaping be installed, all not later than November 30, 2006.
2. That both of the fenced storage areas shall include screening slats on all sides.
3. That all of the vehicles associated with Bieszke Auto Repair shall be parked and stored within the northwesterly fenced storage area, that all of the vehicles and equipment associated with Duncan Construction shall be parked and stored within the northeasterly fenced storage area, and that the gates to both storage areas shall be closed at all times except when vehicles or equipment are actively being brought in or out of the storage area.
4. That vehicles shall not be sold, offered for sale or advertised for sale in conjunction with the use of the tenant space at 229 E. St. Charles Road, or anywhere on the entire 1.54-acre property.
5. That the applicant obtain title to the area identified as Parcel III on the proposed Plat of Consolidation (Exhibit E, dated 2/3/06).
6. That the property, businesses and all improvements shall be operated and installed in accordance with all applicable codes and requirements of the state, county and Village.

LEGAL DESCRIPTION:

Parcel I:

The westerly 415.0 feet (as measured along the northerly line and parallel with the west line) of Lot 1 in More Value Builders Inc. Assessment Plat of part of the east half of the northeast quarter of Section 5, Township 39 North, Range 10 East of the Third Principal Meridian, according to the plat thereof recorded October 17, 1972 as Document R72-63298 in the recorders office of DuPage County, Illinois.

Parcel II:

The part of old right of way of St. Charles Road described as follows: commencing at the northwest corner of lot 1 of More Value Builders Inc. Assessment Plat thence south along west line of said lot 1 of more value builders inc. assessment plat 62.80 feet to the old north right of way line of St. Charles Road for a point of beginning; thence southeasterly along said old north line of St. Charles Road 95.40 feet for a point of tangency; thence southeasterly along a curve concave to northeast having a radius of 5689.65 feet, an arc distance of 326.19 feet, a chord distance of 326.15 feet to a point on said old north line of St. Charles Road; thence south at an angle 101° 26'36" measured counterclockwise

from last described course a distance of 24.55 feet to a point in north right of way line of St. Charles Road; thence westerly along said north right of way line of St. Charles Road being a curve concave to the southeast having a radius of 1306.22 feet, an arc distance of 208.05 feet to a point where north line of St. Charles Road intersects the old south right of way line of St. Charles Road; thence continuing westerly along said old southerly line of St. Charles Road along a curve concave to northeast having a radius of 5769.55 feet, an arc distance of 133.81 feet to a point of tangency; thence along said tangent 48.95 feet to a point on said old south line of St. Charles Road; thence at an angle 90°00'00", measured counterclockwise from last described course a distance of 40.00 feet to a point on old centerline of St. Charles Road, thence westerly along said centerline 37.33 feet to the point of intersection of the west line of said More Value Builders Inc. Assessment Plat prolonged south to the old centerline of St. Charles Road; thence north along said prolongation 41.05 feet to the point of beginning, in the east half of the northeast quarter of Section 5, Township 39 North, Range 10, east of the Third Principal Meridian, in DuPage County, Illinois, containing 25846.07 sq. ft. or 0.593 acres more or less.

Parcel III:

That part of the east half of the northeast quarter of Section 5, Township 39 North, Range 10, east of the Third Principal Meridian, described as follows:

Beginning at the south east corner of lot 4 in the Resubdivision of Lot 1 Gary St. Charles Business Park; thence northwesterly along the east line of said lot 4 78.53 feet, to a point on the south line of vacated St. Charles Road; thence southeasterly along south line of said vacated St. Charles Road a distance of 48.95 to a point of curvature; thence continuing easterly along said curve being concave to the north east having a radius of 5769.55 feet, an arc distance of 133.81 feet, to a point on north line of St. Charles Road; thence westerly along said north right of way line of St. Charles Road being a curve concave to the southeast having a radius of 1306.22 feet, an arc distance of 160.25 feet to the point of beginning.

SECTION 2: This Ordinance shall be in full force and effect from and after the passage, approval and publication in pamphlet form as provided by law, provided, however, that this Ordinance is executed by the owners of the subject property or such other party in interest, consenting to and agreeing to be bound by the terms and conditions contained within this Ordinance. Such execution and delivery to the Village shall take place within sixty (60) days after the passage and approval of this Ordinance, or within such extension of time as may be granted by the corporate authorities by motion.

SECTION 3: That failure of the owner or other party in interest, or a subsequent owner or other party in interest, to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 16-17-7, A and B of the Village of Carol Stream Zoning Code, and/or termination of the special use after notice and public hearing in accordance with the procedures required by statute and the Carol Stream Zoning Code.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER 2006.

AYES:

NAYS:

ABSENT:

Ross Ferraro, Mayor

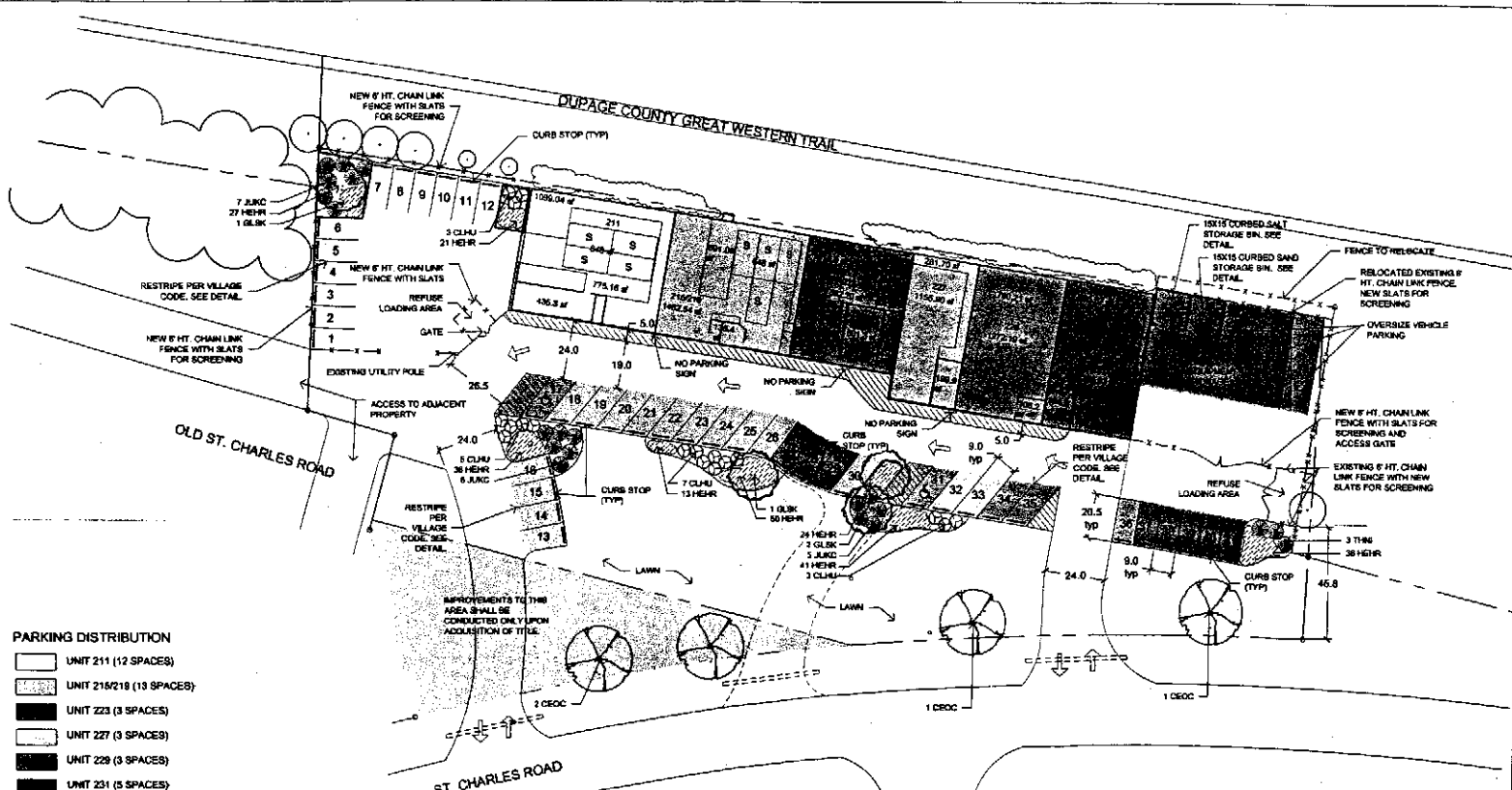
ATTEST:

Janice Koester, Village Clerk

I, _____, being the owner or other party of interest of the
(please print)
property legally described within this Ordinance, having read a copy of the Ordinance,
do hereby accept, concur and agree to develop and use the subject property in
accordance with the terms of this Ordinance.

(Date)

(signature)

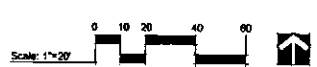


- PARKING DISTRIBUTION**
- UNIT 211 (12 SPACES)
 - UNIT 215/218 (13 SPACES)
 - UNIT 223 (3 SPACES)
 - UNIT 227 (3 SPACES)
 - UNIT 228 (3 SPACES)
 - UNIT 231 (5 SPACES)
 - GENERAL (2 SPACES)

PARKING CALCULATIONS

| | |
|------------------------------|-----------|
| PARKING REQUIRED | 41 Spaces |
| TOTAL PARKING PROVIDED | 41 Spaces |
| HANDICAPPED PARKING PROVIDED | 2 Spaces |

Note: Contributions for maximum net business parking only.



ST. CHARLES PARTNERS
Parking Plan

Carol Stream, Illinois

| COLOR PARKING EXHIBIT | |
|--------------------------|-----------|
| SUBMITTAL | REVISIONS |
| 100% SUBMITTAL | |
| DATE: 11/14/04 | |
| DESIGNED BY: [Signature] | |
| CHECKED BY: [Signature] | |
| DATE: 11/14/04 | |
| PROJECT NO. P203005-00 | |

Drawing
S3.1

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 16 OF THE MUNICIPAL CODE OF THE
VILLAGE OF CAROL STREAM
(ZONING CODE)

BE IT HEREBY ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE
VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS
HOME RULE POWERS, as follows:

SECTION 1: That Chapter 16, Article 9, Section 5 of the Carol Stream Zoning
Code pertaining to Office Research and Institutional Building District is hereby
amended as follows:

**§ 16-9-5 B-4 OFFICE RESEARCH AND INSTITUTIONAL BUILDING
DISTRICT**

(C) Special uses. An accessory use customarily related to a principal use authorized by this section, such as a pharmacy, stores limited to corrective garments or bandages, or an optical company may be permitted; provided, it is within the building to which it is accessory and does not have a direct outside entrance for customers.

- (1) Planned unit developments in accordance with provisions of this Chapter.
- (2) Research laboratories.
- (3) Total senior life care facilities.
- (4) Regional religious institution.
- (5) ***Full-time school as an ancillary use to the principal use of Regional Religious Institution, provided that parking is provided in accordance with the requirements of §16-13-3 of this Code.***
- (6) ***Retail sale of used or donated household items for fundraising purposes as an ancillary use to the principal use of Regional Religious Institution, provided that parking is provided in accordance with the requirements of §16-13-3 of this Code.***

SECTION 2: This Ordinance shall be in full force and effect immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER 2006.

AYES:

NAYS:

ABSENT:

Ross Ferraro, Mayor

ATTEST:

Janice Koester, Village Clerk

H-9 9-5-06

ORDINANCE NO. _____

**AN ORDINANCE GRANTING AN AMENDMENT TO A SPECIAL USE
(WHEATON CHRISTIAN CENTER, 610 E. NORTH AVENUE)**

WHEREAS, James E. Ward, Jr., on behalf of Wheaton Christian Center and Outreach Community Ministries, is requesting approval of an amendment to a Special Use Permit (Ordinance 99-02-10) in accordance with Section 16-9-5 of the Carol Stream Zoning Code to allow a Full-Time School and the Retail Sale of Used or Donated Household Items for Fundraising Purposes at the property located at 610 E. North Avenue in the B-4 Office, Research and Institutional Building District; and

WHEREAS, pursuant to proper legal notice, on August 14, 2006 continued to August 28, 2006, the Combined Plan Commission/Zoning Board of Appeals considered this special use and has determined that the special use will not pose a detrimental effect to the general public nor have a negative effect on property values in the area; and

WHEREAS, the Combined Board has determined that there is adequate parking to serve the proposed full-time school and used furniture resale operation; and

WHEREAS, the corporate authorities find that the granting of the amendment to a special use for the addition of a full-time school and used furniture resale operation would not be inconsistent with surrounding uses or be contrary to the intent of the Zoning Code of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the property legally described in Section 1 of this Ordinance, commonly known as 610 E. North Avenue, be granted a special use to allow a full-time

school and the retail sale of used or donated household items for fundraising purposes, subject to the following conditions:

1. That enrollment at the Carol Stream Christian Academy shall be limited to no more than 100 students and any desired increase beyond such enrollment shall require approval of an expansion of the special use.
2. That the conditions of approval as specified in Ordinance No. 99-02-10 shall remain in force.
3. That the necessary permits shall be obtained for the Carol Stream Christian Academy signage.
4. That the Outreach Community Ministries furniture sales take place on Fridays between the hours of 2:00 p.m. and 8:00 p.m. and Saturdays between the hours of 9:00 a.m. and 6:00 p.m.
5. That the furniture must be kept inside the building, and that the sale events must be completely inside the building.
6. That the necessary permits be obtained for the signage that will be used to advertise furniture sales events.
7. That exterior improvements to the building façade and installation of parking lot landscaping must be completed by no later than one year from the date of approval of this Ordinance, to staff's satisfaction and in accordance with the approved plans.
8. That the site and buildings will comply with all state, county and Village Codes and requirements.

LEGAL DESCRIPTION

That part of the Northeast $\frac{1}{4}$ of section 4, township 39 north, range 10, east of the Third Principal Meridian, more particularly described as follows: commencing at a point on the north line of said quarter section which is 321 feet south 89 degrees 34 minutes 44 seconds east of the Northwest Corner of said $\frac{1}{4}$ section and which point of beginning is in the right of way North Avenue (State Route 64) and is also at the Northeast Corner of a tract of land known as the Hamlet Restaurant Tract; and from said point of beginning continuing thence south 89 degrees 34 minutes 44 seconds east along the north line of said quarter section, a distance of 720 feet; thence south 3 degrees 01 minute west, parallel with the west line of said quarter section, a distance of 822.88 feet; thence north 89 degrees 58 minutes 13

seconds west, a distance of 1041.37 feet to a point on the west line said quarter section (being the east line of Schmale Road) which is 830.54 feet south (measured along said west line of the Northwest Corner of said quarter section); thence north 3 degrees 01 minute east along the west line of said quarter section, a distance of 170 feet to the Southwest Corner of a tract known as the Hamlet Restaurant Tract; thence south 89 degrees 34 minutes 44 seconds east along the south line of said Hamlet Restaurant tract, a distance of 321 feet to the Southwest Corner of said Hamlet Restaurant Tract

(which point is 167.93 feet north of the south line of the tract hereby being described); thence north 3 degrees 01 minute east parallel to the west line of said quarter section (and being along the east line of said Hamlet Restaurant Tract, a distance of 660.25 feet to the point of beginning , in DuPage County Illinois.

SECTION 2: This Ordinance shall be in full force and effect from and after the passage, approval and publication in pamphlet form as provided by law, provided, however, that this Ordinance is executed by the owners of the subject property or such other party in interest, consenting to and agreeing to be bound by the terms and conditions contained within this Ordinance. Such execution and delivery to the Village shall take place within sixty (60) days after the passage and approval of this Ordinance, or within such extension of time as may be granted by the corporate authorities by motion.

SECTION 3: That failure of the owner or other party in interest, or a subsequent owner or other party in interest, to comply with the terms of this Ordinance, after execution of said Ordinance, shall subject the owner or party in interest to the penalties set forth in Section 16-17-7, A and B of the Village of Carol Stream Zoning Code, and/or termination of the special use after notice and public hearing in accordance with the procedures required by statute and the Carol Stream Zoning Code.

PASSED AND APPROVED THIS 5th DAY OF SEPTEMBER 2006.

AYES:

NAYS:

ABSENT:

Ross Ferraro, Mayor

ATTEST:

Janice Koester, Village Clerk

I, _____, being the owner or other party of interest of the
property

(please print)

legally described within this Ordinance, having read a copy of the Ordinance, do
hereby accept, concur and agree to develop and use the subject property in
accordance with the terms of this Ordinance.

(Date)

(signature)

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A REZONING FROM R-1 TO B-4, A SPECIAL USE PERMIT FOR A REGIONAL RELIGIOUS INSTITUTION, VARIATIONS FROM THE ZONING CODE AND SUBDIVISION CODE, AND NORTH AVENUE CORRIDOR REVIEW APPROVAL, ALL UPON ANNEXATION, TO THE WHEATON BIBLE CHURCH
(Northwest Corner of North Avenue and Morton Road)**

WHEREAS, Wheaton Bible Church has requested, as part of an Annexation Agreement (attached hereto and incorporated by reference herein as Exhibit "A"), approval of a Rezoning of a property more legally described in Exhibit "B" attached hereto and incorporated by reference herein, from R-1, One-Family Residence District to B-4, Office, Research and Institutional Building District, for the purpose of operating the Wheaton Bible Church; and,

WHEREAS, Wheaton Bible Church has also requested, as part of the Annexation Agreement (Exhibit "A"), approval of a Special Use Permit in accordance with Section 16-9-5.C.4 of the Carol Stream Zoning Code to operate a Regional Religious Institution in the B-4 District; and,

WHEREAS, Wheaton Bible Church has also requested, as part of the Annexation Agreement (Exhibit "A"), approval of Variations from the Village of Carol Stream Zoning Code and Subdivision Code, including: 1) a variation from Sec. 16-13-5 of the Zoning Code to provide one loading space as opposed to three loading spaces; 2) a variation from Sec. 16-12-1.C.3 of the Zoning Code to provide for a detached parking structure; 3) a variation from Section 16-12-1.C.1 of the Zoning Code to permit the parking structure to exceed the maximum height limitation of buildings to 32 feet; 4) a variation from Section 16-15-8.H of the Zoning Code to allow the special use permit to remain effective beyond the 18 month maximum period; 5) a variation from Section 16-5-6.N of the Zoning Code to waive the North Avenue Corridor review

regulations; 6) a variation from Section 16-13-2.C of the Zoning Code to allow for parking spaces of 9 feet wide and 18.5 feet deep, instead of 9.5 feet wide and 18 feet deep; 7) a variation from the Subdivision Code to allow the improvements on the site plan to be constructed to the engineering standards of DuPage County instead of the Village of Carol Stream, said Site Plan being attached hereto and incorporated by reference herein as Exhibit "C"; and,

WHEREAS, Wheaton Bible Church has previously obtained approval from DuPage County, pursuant to County Ordinance ZP #4672-00, which approval included, without limitation, a Conditional Use Permit to construct a church, and which Ordinance set forth, without limitation, the specifications for the building footprint, parking, stormwater management, and traffic flow. A copy of the DuPage County Ordinance is attached hereto and incorporated by reference herein as Exhibit "D"; and,

WHEREAS, pursuant to proper legal notice, on June 12, 2006, the Plan Commission/Zoning Board of Appeals considered the requests for rezoning, special use permit, and variations, and on a vote of 2-4, the motions to approve said rezoning, special use and variations, failed; and,

WHEREAS, proper notice having been given and public comment having been received, the Village Board has entered into a Annexation Agreement with Wheaton Bible Church, a copy of which is attached hereto and incorporated by reference herein as Exhibit "A", which Annexation Agreement includes the rezoning, special use permit, and variations set forth above; and,

WHEREAS, notwithstanding the Plan Commission/Zoning Board of Appeals recommendation, 2/3 of the corporate authorities find that granting the rezoning from R-1 to B-4, granting the special use for a regional religious institution, and granting the variations from the

Village's Zoning and Subdivision Codes, would not be inconsistent with or contrary to the intent of the Village's zoning, subdivision, and other ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

Section 1: The statements, findings and conclusions made in the preambles to this Ordinance are hereby incorporated within the terms of this Ordinance.

Section 2: The property legally described in Exhibit "B", and commonly known as the Northwest Corner of North Avenue and Morton Road, under the ownership of Wheaton Bible Church, upon a 2/3 concurrence by the Carol Stream Village Board of Trustees, and in accordance with the Annexation Agreement attached hereto as Exhibit "A", is hereby granted a rezoning of the subject property from R-1 One-Family Residence District, to B-4 Office, Research and Institutional Building District for the purpose of operating Wheaton Bible Church.

Section 3: The property legally described in Exhibit "B", and commonly known as the Northwest Corner of North Avenue and Morton Road, under the ownership of Wheaton Bible Church, upon a 2/3 concurrence by the Carol Stream Village Board of Trustees, and in accordance with the Annexation Agreement attached hereto as Exhibit "A", is hereby granted a Special Use Permit pursuant to Section 16-9-5.C.4 of the Carol Stream Zoning Code to operate a Regional Religious Institution in the B-4 District.

Section 4: The property legally described in Exhibit "B", and commonly known as the Northwest Corner of North Avenue and Morton Road, under the ownership of Wheaton Bible Church, upon a 2/3 concurrence by the Carol Stream Village Board of Trustees, and in

accordance with the Annexation Agreement attached hereto as Exhibit "A", is hereby granted the following variations from the Village of Carol Stream Zoning Code:

- a. A variation from Section 16-13-5 of the Zoning Code to provide one loading space as opposed to three loading spaces at buildout;
- b. A variation from Section 16-12-1.C.3 of the Zoning Code to provide for a detached parking structure, as specifically delineated on the Site Plan attached hereto and incorporated by reference herein as Exhibit "C", and a storage shed as an accessory structure;
- c. A variation from Section 16-12-1.C.1 of the Zoning Code to permit the parking structure to exceed the maximum height limitation of buildings to a maximum height not to exceed 32 feet;
- d. A variation from Section 16-15-8.H of the Zoning Code to allow the special use permit to remain effective beyond the 18 month maximum period;
- e. A variation from Section 16-13-2.C of the Zoning Code to allow for parking spaces of 9 feet wide and 18.5 feet deep, instead of 9.5 feet wide and 18 feet deep;

Section 5: The property legally described in Exhibit "B", and commonly known as the Northwest Corner of North Avenue and Morton Road, under the ownership of Wheaton Bible Church, upon a 2/3 concurrence by the Carol Stream Village Board of Trustees, and in accordance with the Annexation Agreement attached hereto as Exhibit "A", is hereby granted a variation from the Village of Carol Stream Subdivision Code to allow the improvements on the Site Plan to be constructed to the engineering standards of DuPage County instead of the Village of Carol Stream, said Site Plan being attached hereto and incorporated by reference herein as Exhibit "C", and in accordance with the several exhibits of the Annexation Agreement attached hereto as Exhibit "A" (including, without limitation, the Landscape Plan (Exhibit D2), the

Building Elevations (Exhibit D3), the Conceptual Parking Deck (Exhibit D4), the Sewer and Water Plans (Exhibit D5), the Morton Road Roadway Improvements (Exhibit D6), and the Notations on the Site Plan; and also including signage consistent with the Site Plan and appurtenant documents thereto, which signage, upon annexation, will not be considered nonconforming for annexation purposes. After annexation, any existing signage shall remain on the Property and Owners shall conform to the applicable Village sign regulations, provided, however, if the signs on North Avenue do not exceed 10 feet in height with a total signage area of 72 square feet, and on Morton Road do not exceed 6 feet in height and a total area of 72 square feet, they shall not be considered non-conforming and Owner shall be able to continue to maintain these signs after annexation.

Section 6: The property legally described in Exhibit "B", and commonly known as the Northwest Corner of North Avenue and Morton Road, under the ownership of Wheaton Bible Church, and in accordance with the Annexation Agreement attached hereto as Exhibit "A", and pursuant to 16-5-6(N)(5) of the Village's Zoning Code, is hereby granted a waiver from the requirements contained within the North Avenue corridor regulations in that, upon annexation, the development will meet the intent of the Village's zoning standards as it relates to visual and environmental quality standards in the North Avenue Corridor regulations. Such approval shall be non-precedental.

Section 7: The Rezoning, Special Use Permit, Variations and North Avenue Corridor Approval provided above in Sections 2 through 6, inclusive, are granted to the extent they are consistent with, and do not exceed, the previously-approved DuPage County Ordinance ZP#4672-00, granting Wheaton Bible Church a Conditional Use Permit to construct a church, which Ordinance delineated the specifications for the building footprint, parking, stormwater

management, and traffic flow, all incorporated into the Site Plan attached hereto as Exhibit "C", including the Notations thereupon by which the Owner shall be entitled to expand the Building up to a maximum footprint of 159,600 square feet and a floor area not to exceed 350,000 square feet, together with a future parking deck footprint not to exceed 88,200 square feet.

Section 8: If, after annexation, WBC determines to amend the Special Use, and/or expand the building beyond what is permitted under the terms herein, WBC shall be required to submit an application therefore to the Village consistent with the Village's rules, regulations, codes and ordinances.

Section 9: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this _____ day of _____, 2006.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2006.

EXHIBIT "A"

ANNEXATION AGREEMENT

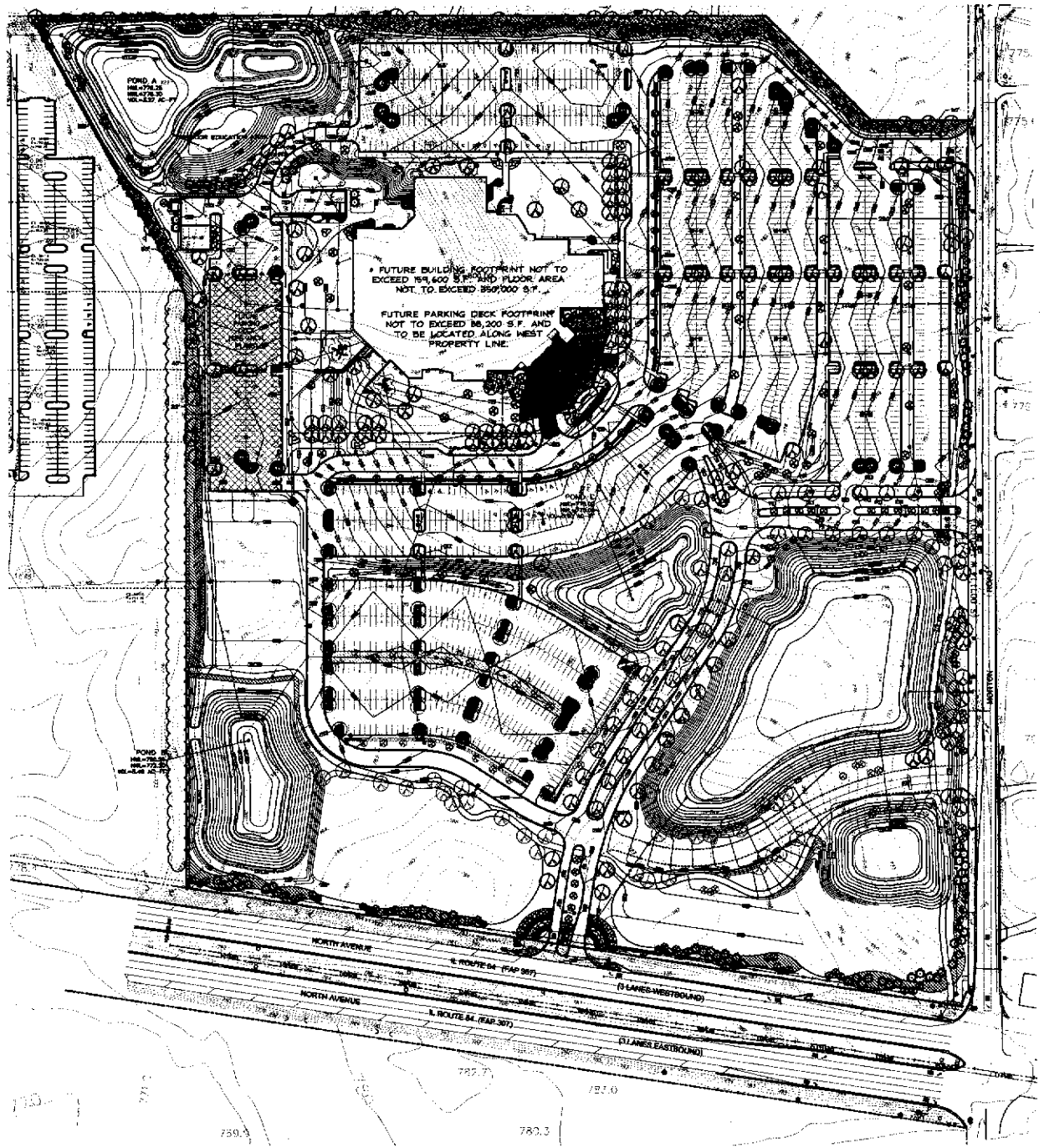
EXHIBIT "B"

LEGAL DESCRIPTION

That part of the Northwest $\frac{1}{4}$ of section 36, township 40 north, range 9, east of the third principal meridian, being more particularly described as follows: beginning at the intersection of the west line of the east $\frac{1}{2}$ of the northwest $\frac{1}{4}$ of said section 36 and the north line of North Avenue (State Route 64) heretofore dedicated per documents 252200, 252201 and 334933: thence north 00 degrees 09 minutes 37 seconds east (bearing assumed for description purposes only), 990.00 feet along said west line; thence north 28 degrees 41 minutes 31 seconds west; 530.58 feet; thence south 89 degrees 48 minutes 46 seconds east, 1220.00 feet; thence south 44 degrees 58 minutes 08 seconds east, 245.28 feet; thence south 89 degrees 48 minutes 46 seconds east, 160.00 feet to a line that is 30 feet westerly and parallel with the east line of the northwest $\frac{1}{4}$ of section 36; thence south 00 degrees 11 minutes 14 seconds west, 1480.00 feet parallel with said east line to the north line of aforementioned North Avenue (State Route 64); thence north 81 degrees 07 minutes 06 seconds west, 1312.29 feet along said north line to the point of beginning, (except that part thereof conveyed to the State of Illinois Department of Transportation by warrant deed recorded October 21, 1997 as document R97-160090), in DuPage County, Illinois.

EXHIBIT "C"

SITE PLAN



0 30 60 120 180 240
 SCALE 1"=60'
 MAY 24, 2006
 JUNE 23, 2006
 JULY 21, 2006



WALTER C. CARLSON ASSOCIATES
 ARCHITECT

Joseph H. Abel & Associates
 200 Forest Avenue
 One Elm Street, 50137
 (830) 292-2022
 Fax (830) 790-1118



GARY R. WEBER
 ASSOCIATES, INC.
 LAND PLANNING
 LANDSCAPE ARCHITECTURE
 24 KILBY MAIN STREET
 WHEATON, ILLINOIS
 TEL: (630) 939-1118
 FAX: (630) 939-1118

UNCORRECTED DRAWING

SITE PLAN WHEATON BIBLE CHURCH

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE EXECUTION
OF AN ANNEXATION AGREEMENT
(WHEATON BIBLE CHURCH)**

WHEREAS, Wheaton Bible Church, owner of the property the northwest corner of the intersection of North Avenue and Morton Road, such property being legally described in the Annexation Agreement, wishes to enter into a binding agreement with respect to the future annexation of this property to the Village of Carol Stream; and

WHEREAS, the Village Board of Trustees, pursuant to proper legal notices, has held a public hearing regarding the annexation of this property; and

WHEREAS, an annexation agreement has been drafted and found acceptable by the parties thereto.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the Mayor and Village Clerk are hereby authorized to execute an annexation agreement regarding the annexation of this property at the northwest corner at the intersection of North Avenue and Morton Road, referred to as Wheaton Bible Church, legally described in the Annexation Agreement, appended to and made a part of this Ordinance as Appendix A.

SECTION 2: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER 2006.

AYES:

NAYS:

ABSENT:

Ross Ferraro, Mayor

ATTEST:

Janice Koester, Village Clerk

**ANNEXATION AGREEMENT
SOUTHWEST CORRIDOR**

This Agreement made and entered into this ___ day of _____, 2006, by and between the Village of Carol Stream, a municipal corporation (hereinafter referred to as "**Village**") and Wheaton Bible Church (hereinafter referred to as "**Owner**").

WITNESSETH:

WHEREAS, the Owner is the Owner of record of certain real estate, described in Exhibit "A," (hereinafter referred to as the "**Property**"); and

WHEREAS, the parties hereto desire that the Property be annexed to the Village on the terms and under the conditions hereafter set forth; and

WHEREAS, the Property is not located within the corporate boundaries of any municipality, but is within the planning area of the Village, and is not but may be within a period of twenty (20) years, be contiguous to the Village; and

WHEREAS, the parties with to enter into a binding agreement with respect to the future annexation of the Property and to provide for various other matters related directly or indirectly to said future annexation, in accordance with the provisions of 65 ILCS 5/11-15.1-1 et seq.; and

WHEREAS, Owner in 2001 received a conditional use from the County of DuPage ("**County**") to construct in phases a church facility with off-street parking spaces; and

WHEREAS, Owner is proceeding before the appropriate authorities of the County to obtain grading and building permits for the Property consistent with the County special use permit in order to facilitate the development and use of the Property under the County's jurisdiction until the Property becomes contiguous with the corporate boundary of the Village; and

WHEREAS, prior to occupancy of the church, Owner desires to connect to the Village's sewer and water system consistent with the utility plans attached as Exhibit D5; and

WHEREAS, Owner has petitioned the Village for the approval of i) a rezoning from R-1 to B-4, Office Research and Institutional Building District; ii) special use for a regional religious institution; iii) variations for the Property upon annexation to the Village; and iv) North Avenue Corridor Review; and

WHEREAS, after due notice, a public hearing was held by the Carol Stream Plan Commission to consider the requested approval of the Property upon annexation on June 12, 2006, at which hearing Owner presented evidence and testimony in support of its request for approval of the zoning classification, special use and variances upon annexation, and exhibits were introduced into evidence; and

WHEREAS, the Carol Stream Plan Commission submitted a Recommendation dated June 19, 2006, to the President and Board of Trustees of the Village, which recommended denial of the rezoning, special use and variations upon annexation, as hereinafter defined; and

WHEREAS, the corporate authorities of the Village have duly fixed a time for and held a public hearing upon this Agreement on September 5, 2006, and have given notice of said hearing, all as provided by applicable law; and

WHEREAS, the Village desires to annex and the Owner desires to have the Property annexed to the Village as provided in paragraphs two and five following the establishment of contiguity between the corporate boundaries of the Village and Property, and each of the parties desires to obtain assurances from the other as to certain provisions of the zoning and other ordinances of the Village for the Property when the same has been annexed and to other matters covered by this Agreement for a period of 20 years from and after the execution of this Agreement; and

WHEREAS, Owner proposes that all of the Property be zoned B-4 as provided in Exhibit C (the Zoning, Special Use and Variation Ordinance) for the construction of a regional religious institution in accordance with the terms and conditions of this Agreement and the Zoning, Special Use and Variation Ordinance when annexed into the Village; and

WHEREAS, until the Property becomes contiguous with the corporate boundary of the Village and annexed into the Village, the Property shall be developed and constructed under the County Development Ordinances (as defined in paragraph 6) and no provisions of this Agreement or the Village's Codes, Ordinances or Regulations shall be applicable to the development and construction of the Property, (except for the sewer and water utility provisions of Chapter 7 of the Village Municipal Code) and requirement to amend the special use if the church is expanded beyond the Expansion Limits as provided in Paragraph 6 of this Agreement; and

WHEREAS, the Village has given all appropriate notices due to be given, if any, all as required under the provisions of Chapter 65, Article 5/7-1-1, et seq., of the Illinois Compiled Statutes; and

WHEREAS, the Village Board has determined that the future annexation of the Property would further the orderly growth of the Village and promote the general welfare of the Village.

NOW, THEREFORE, in consideration of the foregoing preambles, mutual covenants, agreements, terms and conditions herein setforth, the Owner and Village agree as follows:

1. INCORPORATION OF RECITALS. The provisions of the Recitals hereinabove set forth are hereby restated and incorporated herein by reference.
2. PETITION FOR ANNEXATION: The Owners, within thirty (30) days after a written notice from the Village indicating that the Property is now contiguous to the Village, ("**Contiguity Notice**") shall submit to the Village an executed Petition for Annexation ("**Petition**") and plat of annexation in the form provided by law, provided, however, if the Property is under construction pursuant to a grading or building permit issued by the County, the Owner shall submit the Petition and plat of annexation 30 days after receipt of a temporary occupancy permit from the County. The Owner shall not apply for a building permit in the County after the Contiguity Notice. Upon annexation, the Owner shall pay the Village an annexation fee of \$600 per acre. This shall be the only annexation fee charged to the Owner upon annexation.

3. **SUCCESSORS AND ASSIGNS:** This Agreement shall be binding upon the Owner, as well as the Owners' successors, assigns and heirs. This Agreement shall constitute a covenant running with the land and shall be binding upon all persons taking any interest or right in the Property after the date of the execution of this Agreement. Any person acquiring any rights or interest in the Property after the date of this Agreement shall be bound by the terms thereof and shall be deemed to have accepted and approved this Agreement in full. The Property may not be annexed to any City or Village other than the Village of Carol Stream during the term of this Agreement. Upon the conveyance of any of Owner's interest in any portion of the Property or its rights and obligations under this Agreement to another party, ("Transferee"), the rights and obligations hereunder shall be deemed assigned to and assumed by such Transferee, and Owner shall thereupon be released and discharged by the Village from any further obligation pertaining to this Agreement and the Village shall honor and the Village shall release any security instruments deposited by the Owner upon replacement security instruments being provided by the Transferee.

If ownership of the Property or any portion thereof changes subsequent to the execution of this Agreement and prior to annexation, the new Owner or Owners shall submit to the Village a properly executed acknowledgement and acceptance of this Agreement within thirty (30) days of acquiring such interest which shall also notify the Village of the identity of the new Owner and the new Owner's address and telephone number. It shall be the responsibility of the new Owner or Owners to see to the submission of these items. Provided, however, the failure, refusal or neglect to submit these items shall in no way affect the continued validity of this Agreement.

4. **RECORDATION:** The Village may record any Petition for Annexation submitted and this Agreement in the Office of the Recorder of Deeds of DuPage County.
- A 5. **ANNEXATIONS:** The Owners and the Village respectively agree to do all things necessary or appropriate to cause the Property to be duly and validly annexed to the Village as promptly as practicable after the Property becomes contiguous to the Village (except as provided in Paragraph 3 if the Property is under construction pursuant to a County grading or building permit) and the petition and plat of annexation is provided by the Owner to the Village. Upon contiguity, the Village either on its own or with any other properties may, at any time prior to expiration of this Agreement, annex the Property, subject to the terms and provisions of this Agreement. Attached as Exhibit "B" is the form Ordinance annexing the Property once the Property is contiguous. The Owners, or their successors in interest, shall assist the Village and take all actions or steps necessary, including, but not limited to, preparing and executing new petitions for annexation, waivers and plats to accomplish said annexation. Upon annexation, the Property shall become subject to all applicable ordinances of the Village except as may be otherwise provided in this Agreement and the Special Use and Variance ordinance attached as Exhibit C. Should any person having proper standing to do so bring a cause of action before any court of competent jurisdiction challenging the Village's lawful authority to annex the Property or challenge the method or procedures by or through which the Parties purported to cause the Property to be annexed to the Village, the Parties agree that they shall fully cooperate to defend such cause of action.

Should a court of competent jurisdiction finally determine that annexation of the Property was defective because of the failure of the Parties to follow a procedural requirement constituting a valid precondition to proper annexation of the Property, the Parties, including the successors and assigns of the Owner, agree to promptly cause the Property to be reannexed to the Village in a manner that satisfies all procedural requirements.

Moreover, in the event that the annexation of a part of the Property is ruled invalid and such invalidity cannot be cured within ninety (90) days through the mutual cooperation of the Parties as provided herein, then, at the Village's option, (a) such portion of the Property shall be deemed excised from the Petition and the invalidity thereof shall not affect that portion of the Property validly annexed, or (b) this Agreement shall remain in effect and the Parties shall, as soon as is practicable, do all things necessary or appropriate to cause the annexation of said part of the Property.

Should a court of competent jurisdiction finally determine that annexation of the Property by the Village was without lawful authority (i.e., lack of contiguity), the Parties agree that this Agreement shall be deemed a Pre-Annexation Agreement authorized pursuant to 65 ILCS 5/11-15.1-1, as amended, and shall remain in full force and effect to the extent permitted by law. Thereafter, should the Property become contiguous to the Village, the Parties, including the successors and assigns of the Owner, agree to promptly take all necessary steps as may then be provided by law to perfect the annexation of the Property to the Village.

6. ZONING, SPECIAL USE AND VARIATIONS. Upon annexation of the Property to the Village, the Village shall, without further hearing, immediately zone the Property to the B-4 Office, Research and Institutional Building District, grant a special use for a regional religious institution, grant variations from certain sections of the Village Municipal Code and give North Avenue Corridor Review Approval. Attached hereto and incorporated herein as Exhibit "C" is the form Ordinances for the rezoning, special use, variations and North Avenue Corridor Review Approval for the Property which shall be adopted by the Village immediately after Annexation of the property.

Should any person having proper standing to do so bring a cause of action before any court of competent jurisdiction challenging the rezoning, special use or variations granted for the Property as provided in this Agreement, the Parties agree that they shall fully cooperate to defend such cause of action. Further, the Parties specifically agree that to the extent such litigation proves successful, the Village shall take such legislative action as then may be lawfully required to cause the Property to be zoned for the purposes herein contemplated.

While the Property remains in unincorporated DuPage County and until the Property is annexed to the Village, the Property shall be developed and constructed pursuant to all codes, ordinances, and regulations of DuPage County, including but not limited to zoning, subdivision, landscaping, storm water and building and fire codes (collectively "**County Development Ordinances**") except as provided in Paragraph 8 regarding sewer and water utilities and as provided in the next paragraph. No provisions of this Annexation Agreement and no codes, ordinances and regulations of the Village, except as specifically provided in

Paragraph 8, will be applicable to the Property. Upon the request of the Owner, the Village will perform courtesy reviews at no cost to Owner and forward these reviews to the Owner.

Exhibit D1 shows Phase I of the building to be constructed by the Owner. Owner shall be entitled to expand the Building up to a maximum footprint of 159,600 square feet and a floor area not to exceed 350,000 square feet, together with a future parking deck footprint not to exceed 88,200 square feet, all as provided on Exhibit D ("**Expansion Limits**"), without any future hearings, review or approvals by the Plan Commission or Village Board. The Owner has informed the Village that the Owner's long range plan may be to expand the church beyond the Expansion Limits contained in the Special Use ordinance. The Owner has made this disclosure to be transparent regarding its possible future request to amend the special use after annexation. If the Owner seeks to expand the church beyond the Expansion Limits either before or after annexation the Owner shall seek an amendment to the special use from the Village.

From and after the date of annexation of the Property to the Village, all construction shall be in conformance with and pursuant to the Special Use ordinance attached as Exhibit "C" granted herein, and the Village Ordinances except as modified by this Agreement, the Special Use Ordinance and as provided in the Variation Ordinance.

The Village hereby approves the following plans: i) Site Plan prepared by Gary Weber and Associates dated April 6, 2006, with last revision date of July 21, 2006 ("**Site Plan**") (Exhibit "D1"); ii) Landscape Plan prepared by Gary Weber and Associates dated April 6, 2006, with last revision date of July 17, 2006 ("**Landscape Plan**") (Exhibit "D2"); iii) Phase I building elevations prepared by Walter C. Carlson Associates and dated March 30, 2006 ("**Building Elevations**") (Exhibit "D3"); iv) Conceptual Parking deck prepared by Walter C. Carlson Associates dated February 8, 2006 (Exhibit "D4"); v) sewer and water utility plans prepared by Jacob and Hefner dated June 9, 2006 ("**Sewer and Water Plans**") (Exhibit "D5"); Morton Road Roadway Improvements prepared by Jacob & Hefner dated March 22, 2005 with last revision date of _____ ("**Morton Road Roadway Improvement Plans**"); (Exhibit "D6"), (all of these plans are collectively referred to as "**Development Plans**"). No other hearings or approvals of any other plans by the Plan Commission or Village Board shall be required in order for Owner to apply for or receive grading, foundation or building permits to construct the building, any additions to the building, (provided the additions use substantially similar materials and design as the Phase I elevations), parking areas or parking deck, "**Permit Applications**", provided the building, parking area or parking deck or accessory structures are in substantial compliance with this Agreement, the Special Use Ordinance, Variance Ordinance, Expansion Limits and applicable village codes in effect at the time of this Agreement, except as amended by this Agreement, the Special Use Ordinance and as provided in the Variance Ordinance.

7. CODES AND ORDINANCES. To the extent of any conflict, ambiguity or inconsistency between the terms, provisions or standards contained in this Agreement and the Special Use Ordinance and the terms, provisions or standards, either presently existing or hereafter adopted, of the Carol Stream Municipal Code, including but not limited to the zoning, subdivision, landscaping, stormwater, or any other Village Code, ordinance or regulation (collectively

“**Village Development Ordinances**”), the terms, provision and standards of this Agreement and the Special Use Ordinance shall govern and control.

There shall be no time limit to construct any structures pursuant to the Development Plans and approved Special Use.

8. CONNECTION TO VILLAGE’S SEWER AND WATER SYSTEM: Notwithstanding anything in the Village Codes to the contrary, the Owner may connect at any time to the Village water and sewer systems upon payment of the Special Southwest Utility construction fee in the amount of \$86,250.00, which has been paid to the Village by the Owner. Immediately upon connection, the Village shall provide the Owner sewer and water service.

The Owners shall abide by the same rules and regulations with respect to water and sewer service as consumers and customers within the corporate limits of the Village as provided in Chapter 13 of the Village Code and other applicable provisions of the Village Code regulating sewer and water. This provision includes, but is not limited to, any sprinkling bans or limitations which may be imposed by the Village. The Owners shall pay the regular Village connection charges and tap-on fees, which are attached as Exhibit “E”. Until the Property is annexed to the Village, the Owners shall pay 150% of the resident rate for sewer and water usage within the Village. Upon annexation, the Owners shall pay the regular residential rate paid by all Village residents. Owner has paid the Village a Plant Expansion Fee of \$69,200.00.

The Owners shall be required to obtain a utility construction permit from the Village for construction of all sanitary sewer, water main and service connections. The Village shall issue the utility construction permit upon payment of the fees identified in this Agreement and upon obtaining all Village and IEPA approvals. Any on-site sanitary sewer service and extension of the sanitary sewer system along Morton Road must be built in substantial conformance with the approved Plans attached as Exhibit “D5” (“**Sewer and Water Plans**”). Likewise, any extension of the Village’s water system along North Avenue must be built in substantial conformance with the Sewer and Water Extension Plans. The Owner shall loop the internal system as provided in the Sewer and Water Extension Plans. Other than the fees and charges identified in this paragraph, no other fees and charges shall be charged to Owner in order to connect to the Village’s sewer and water system. The Village shall not re-evaluate any sewer and water charges as provided in Section 13-2-15 of the Municipal Code.

The Village represents and warrants to Owner that it owns, operates and maintains sanitary sewers and water mains within the right of way along a portion of the perimeter of the Property, which system and mains have sufficient capacity and pressure to accommodate the anticipated sanitary sewer and potable water and fire protection requirements of the Property upon full buildout of the Property as depicted on the Site Plan. The Village shall cooperate with Owner in obtaining all necessary off-site easements, and all costs regarding the organization of such easements on non-village property shall be paid by Owner, and shall grant Owner access to all Village-owned rights-of-way to enable Owner to extend sanitary sewer and water service to the Property. Owner shall restore property affected by off-site extension of sanitary sewer lines to its condition existing prior to said construction. The Village shall reserve for the Owner 480 population equivalent (P.E.) for the sewer system and water system.

9. PUBLIC IMPROVEMENTS. As used herein, the term "Public Improvements" shall mean and include any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, street lights, planting strip or other facility for which the Village of Carol Stream may ultimately assume the responsibility for maintenance and operation, as shown on the Sewer and Water Plans (Exhibit "D5"), the Morton Road Roadway Improvements (Exhibit "D6)), or any subsequent engineering plans or development plans approved by DuPage County ("**Subsequent Plans**").
10. SECURITY INSTRUMENTS. While the Property remains unincorporated, no financial security to guarantee construction of the Public Improvements will be required, except for the sewer and water construction, which shall require a letter of credit of 115 % of the Owner's Engineer's cost estimate attached as Exhibit "F".
11. PREVIOUSLY ISSUED DU PAGE COUNTY BUILDING PERMITS. Upon annexation of the Property, there may be structures already under construction pursuant to lawfully issued foundation or building permits by the County of DuPage ("**Structures Under Construction**"). If there are Structures Under Construction, the Village shall not annex the Property until the County has issued a temporary occupancy permit for the Structures Under Construction. Immediately after annexation, the Village shall issue occupancy permits for any structures that were issued occupancy permits by the County.
12. BUILDING AND FIRE CODES. Upon annexation of the Property to the Village, all new construction thereon shall be in conformance with the Village Building and Fire Codes.
13. PROCURE FOR ACCEPTANCE OF ANY PUBLIC IMPROVEMENTS. Prior to annexation of the Property to the Village, the County and Township Public Improvements shall be inspected by DuPage County and the Township and accepted pursuant to DuPage County and Township codes and procedures. The Village shall have the right prior to and after annexation to review, inspect, approve or accept the sewer and water system improvements. If there are Public Improvements under construction, the Village shall not annex the Property until the County has accepted the Public Improvement under construction. Upon annexation of the Property to the Village, the Public Improvements not commenced shall be accepted as provided below.

Public Improvements shall be inspected by Owner and spot inspected by the Village Engineer or his staff from time to time as required and as the work progresses. All Public Improvements shall be inspected and accepted by the Village pursuant to applicable Village Codes. The acceptance of Public Improvements by the Village shall not be a condition precedent to the issuance of any building or occupancy permits requested by the Owner of the Village for the Property.

14. FEES AND CHARGES. After Annexation, the Village shall impose upon and collect from the Owner and their respective contractors and suppliers only those applicable permit, license, connection and user fees and charges and in such amounts or at such rate as is generally applied throughout the Village. The Village, as part of this Agreement and to connect to the

Village's water and sewer system shall charge the Owner only the fees and charges listed in Exhibit "E". No other fees and charges will be assessed to Owner except as provided in Exhibit "E".

15. CONTRIBUTIONS. Owner shall not be required to donate or dedicate any land or money to the Village, or any other governmental body, including, but not limited to any dedications for roadway improvements, except as otherwise expressly provided in this Agreement.
16. LIMITATIONS. In no event, including, without limitation, the exercise of the authority granted in Chapter 65, Section 5/11-12-8 of the Illinois Compiled Statutes (1994 ed.) shall the Village require that any part of the Property be designated for public purposes, except as otherwise provided in this Agreement.
17. CONFLICT IN REGULATIONS. The provisions of this Agreement shall supersede the provision of any ordinance, code or regulation of the Village which may be in conflict with the provisions of this Agreement.
18. STORMWATER. Unless required by a governmental body with superior jurisdiction, no additional stormwater management shall be required by the Village after annexation for the Owner to construct i) the building or any additions to the building; ii) the parking area or any additions to the parking area or the parking deck, provided all these improvements are located within the Future Building and Parking Deck Construction envelope as delineated on the Site Plan, or iii) construct any of the accessory structures depicted on the Site Plan, unless required by County ordinance. Owner shall not be required to construct curbs or bumpers in the parking lot and shall be able to use open swales in the parking lot, all as shown on the Landscape Plan.
19. MORTON ROAD IMPROVEMENTS: Within one year after annexation of the Property or five years after Wayne Township has accepted the Owner's improvements to Morton Road, whichever is later, the Owner shall either i) construct roadway, and streetlight improvements to Morton Road pursuant to the roadway plans attached as Exhibit "D6", ("**Morton Road Roadway Improvements**"), with the Village reimbursing Owner 50 percent of the cost of the Morton Road Roadway Improvements ("**Village Reimbursement**") (the Village shall pay Owner 75 percent of the Village Reimbursement at time the Village issues the permit for the Morton Road Roadway Improvements and 25 percent after acceptance of the Roadway Improvements) or ii) deposit with the Village 50 percent of the Owner's engineer's cost estimate to construct the Morton Road Roadway Improvements and the Village shall construct the Morton Road Roadway Improvements. If, after annexation by the Village, the Village and a licensed title company determine that the Morton Road right-of-way was not dedicated by a Statutory Plat, Owner, after 30 days notice from the Village, shall prepare a plat of dedication for the Morton Road right-of-way depicted in Exhibit H.
20. PEDESTRIAN PATH: In lieu of requiring sidewalks along North Avenue and Morton Road at the time of annexation, Owner shall construct the pedestrian path on its Property as provided on the Development Plans and provide the easements for the path in the form provided in Exhibit G.

21. IRRIGATION WATER: The Owner shall be allowed to use well water for irrigation use provided that there are no cross-connections between the Owners' irrigation system and the Village's potable water supply. Owner shall discontinue the use of well water for irrigation if required by DuPage County, Illinois Department of Health, IEPA or if the Village reasonably determines because of contamination in the vicinity of the Property that continued use of the well water for irrigation will contaminate the Village water system.
22. SIGNAGE: After annexation, any Existing Signage shall remain on the Property and Owners shall conform to the applicable Village sign regulations; provided, however, if the signs on North Avenue do not exceed 10 feet in height with a total signage area of 72 square feet, and on Morton Road do not exceed 6 feet in height and a total area of 72 square feet, they shall not be considered non-conforming and Owner shall be able to continue to maintain these signs after annexation.
23. ROADWAYS, STREETS AND SIGNAGE: Upon annexation, and provided the Morton Road Roadway Improvements provided in Section 19 have been completed, the Village shall issue an access permit for the Owner to construct the southerly curb cut on Morton Road depicted on the Site Plan. The Village acknowledges that all off-site improvements to all public roads have been constructed and are in existence. The Village shall not require Owner or its successor or assigns to construct or contribute any money for any additions or improvements to the off-site roadways or any other public improvements, or require the Owner to conduct or pay for any traffic studies as part of any permit applications.
24. SPECIAL ASSESSMENTS, TAXATION AND RECAPTURE: Without the written consent of Owner, the Village shall not, within five (5) years from the execution of this Agreement:
 - A. Levy against any real or personal property within the Property, any special assessment or special tax for the cost of any improvements in or for the benefit of the Property except as specified herein; or
 - B. Undertake any local improvements in, on or for the benefit of the Property pursuant to the imposition of a special assessment or special tax against the Property, or any portion thereof; or
 - C. Levy or impose additional taxes on the Property, in the manner provided by law for the provisions of special service to the Property or to an area in which the Property is located or for the payment of debt incurred in order to provide such special services.

The Owner, after annexation, shall pay all fees adopted by the Village that are payable by any other similar use. The Village represents and warrants to Owner that there are no present or proposed recapture fees that are or shall become due and payable by the Owner except as specifically provided for in this Agreement.

25. GENERAL PROVISIONS.
 - a. Enforcement. This Agreement shall be enforceable in any court of competent jurisdiction by any of the parties of their successors or assigns by any appropriate action at law or in equity to secure the performance of the covenants and agreements

contained herein, including the specific performance of this Agreement. This Agreement shall be governed by the laws of the State of Illinois. Any lawsuit enforcement filed against the Village or Owner or their officers, employees or independent contractors, may only seek injunction, mandamus or specific performance for the enforcement of this Agreement and may not seek damages, except if the Village has overcharged the Owner for any sewer and water usage or the Owner has failed to make any payments due under this Agreement. The prevailing party shall be entitled to recover all costs and expenses, including reasonable attorneys' and expert witnesses' fees. Once the Property is annexed to the Village, the Village may fully enforce its ordinances though seeking fines or other relief if the Owners have failed to fulfill any condition of the Agreement.

In addition to any other power residing in the Village to enforce the terms and conditions of this Agreement, such as a suit for specific performance, the Village may, after annexation and upon a material breach of this Agreement by the Owners, withhold the issuance of building or occupancy permits until the breach is cured. The Village may also request that the Court order the cut off utility services provided by the Village to the Property for failure of the Owner or Owners to comply with the provisions of Paragraphs 2 and 5 of this Agreement.

- b. Annexation to Park and Fire District: Where land annexed to the Village is not annexed to any fire protection district or park district, the Owners shall promptly, upon annexation to the Village petition for annexation to the Carol Stream Park District and the Carol Stream Fire Protection District. If the land annexed to the Village is then part of a park district or fire protection district other than the Carol Stream Park District, or the Carol Stream Fire Protection District, the Owner shall, at the written request of the Village, actively endeavor to disconnect from the district and annex to the Carol Stream Park District and the Carol Stream Fire Protection District. Because the Village does not operate its own municipal park system or fire protection department, it will not be responsible for any payments to the governments losing territory upon disconnection. The Village represents and warrants that it is not aware of any disconnection fees that shall be payable by the Owner for annexing into the Carol Stream Park District or Carol Stream Fire Protection District. Upon recordation of this Agreement, the Owner shall pay the Carol Stream Fire Protection District \$28,000.00.
- c. Notices: Notices or other materials which any party is required to, or may wish to, serve upon any other party in connection with this Agreement shall be in writing and shall be delivered personally or sent by certified or registered mail, return receipt requested, postage prepaid, addressed as follows:

(1) If to Owner:

Wheaton Bible Church
Main Street at Franklin
Wheaton, IL 60187
Attention: Associate Pastor

With copy to:

Tracy D. Kasson, Esq.
Rathje & Woodward, LLC
300 E. Roosevelt Road, Suite 300
Wheaton, Illinois 60187

(2) If to Village:

Village Clerk
Village of Carol Stream
500 North Gary Avenue
Carol Stream, IL 60188-1899

With copy to:

Ancel, Glink, Diamond, Bush,
DiCianni &Krafthefer, P.C.
180 North LaSalle Street
Suite 2600
Chicago, IL 60604
Attention: Stewart H. Diamond
(or the Village's then attorney)

- d. Amendment. This Agreement may only be amended by written instruments signed by both parties, and after the procedures required by law or ordinance to cause the amendment of an annexation agreement.
- e. Terms. The term of this Agreement shall be twenty (20) years from the date of execution hereof. And, if permitted by law, within one (1) year before or after the expiration of the initial twenty (20) year term, the Village may, at its option, extend the term of this Agreement for an additional 20 years if the property has not been annexed by the Village.
- f. Counterparts. This Agreement may be executed in multiple counterparts of duplicate originals or with multiple signature pages each of which shall constitute and be deemed one and the same document.
- g. Owner's Representation. The undersigned Owner warrants that it is the sole owner of the Property and that it has full authority and power to sign the Agreement and any petitions submitted hereunder and that it will not take any action to change ownership in the Property until after this Agreement is recorded, provided, however, this provision shall have no force and effect if this Agreement is not recorded within 30 days after it is executed by Owners.
- h. Severability. This Agreement is entered into pursuant to the provisions of Sec. 4/11-15.1-1 et seq. of Chapter 65 of the Illinois Compiled Statutes (2004 ed.). In the event any part or portion of this Agreement, or any provision, clause, word, or designation of this Agreement is held to be invalid by any court of competent jurisdiction, said part, portion, clause, word or designation of this Agreement shall be deemed to be excised from this Agreement and the invalidity thereof shall not effect

such portion or portions of this Agreement as remain. In addition, the Village, and Owner shall take all action necessary or required to fulfill the intent of this Agreement as to the use and development of the Property. In the event that any modification in State law or court ruling should determine that some provision, clause, work or designation in this Agreement is invalid and the result of the invalidation is to remove the obligation of a party to perform an obligation hereunder, the parties will enter into good-faith negotiations to cause an amendment of the Agreement, which may take place without a public hearing, to substitute language which will re-establish the position which the parties bargained for in the original Agreement. In the event that one party or another is prevented by law from fulfilling an obligation under this Agreement, the other party may seek to invalidate that portion of this Agreement, if any, which would provide an unjust benefit without a congruent cost or obligation.

- i. Conveyances. Nothing contained in this Agreement shall be construed to restrict or limit the right of the Owner to sell or convey all or any portion of the Property, whether improved or unimproved.
- j. Necessary Ordinances and Resolutions. The Village shall pass all ordinances and resolutions necessary to permit the Owner, and their successors or assigns, to develop the Property in accordance with the provisions of this Agreement, provided said ordinances or resolutions are not contrary to law.
- k. Captions and Paragraph Headings. The captions and paragraph headings used herein are for convenience only and shall not be used in construing any term or provision of this Agreement.
- l. Recitals and Exhibits. The recitals set forth in the beginning of this Agreement, and the exhibits attached hereto, are incorporated herein by this reference and shall constitute substantive provisions of this Agreement.

IN WITNESS WHEREOF, this Agreement has been duly executed by whose names are subscribed below or on the signature pages attached hereto from time to time, and which pages are specifically incorporated herein.

OWNER:

By: _____

Its: _____

Date: _____

VILLAGE OF CAROL STREAM,
An Illinois Municipal corporation,

By: _____
Village President

Date: _____

Attest: _____
Village Clerk

Subscribed and Sworn to before me
this ____ day of _____, 2006.

Subscribed and Sworn to before me
this ____ day of _____, 2006.

Notary Public

Notary Public

EXHIBIT "A"

LEGAL DESCRIPTION

That part of the Northwest $\frac{1}{4}$ of section 36, township 40 north, range 9, east of the third principal meridian, being more particularly described as follows: beginning at the intersection of the west line of the east $\frac{1}{2}$ of the northwest $\frac{1}{4}$ of said section 36 and the north line of North Avenue (State Route 64) heretofore dedicated per documents 252200, 252201 and 334933: thence north 00 degrees 09 minutes 37 seconds east (bearing assumed for description purposes only), 990.00 feet along said west line; thence north 28 degrees 41 minutes 31 seconds west; 530.58 feet; thence south 89 degrees 48 minutes 46 seconds east, 1220.00 feet; thence south 44 degrees 58 minutes 08 seconds east, 245.28 feet; thence south 89 degrees 48 minutes 46 seconds east, 160.00 feet to a line that is 30 feet westerly and parallel with the east line of the northwest $\frac{1}{4}$ of section 36; thence south 00 degrees 11 minutes 14 seconds west, 1480.00 feet parallel with said east line to the north line of aforementioned North Avenue (State Route 64); thence north 81 degrees 07 minutes 06 seconds west, 1312.29 feet along said north line to the point of beginning, (except that part thereof conveyed to the State of Illinois Department of Transportation by warrant deed recorded October 21, 1997 as document R97-160090), in DuPage County, Illinois.

EXHIBIT "B"

ANNEXATION ORDINANCE

ORDINANCE NO. _____

**AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE
VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS
(WHEATON BIBLE CHURCH)**

WHEREAS, the Wheaton Bible Church is the record owner of property located on the west side of Morton Road and the north side of North Avenue, commonly known as _____ North Avenue, in unincorporated DuPage County, Illinois, such property being legally described on the Plat of Annexation attached hereto as Exhibit A and made a part hereof (the "Property"); and

WHEREAS, Owners have duly executed and filed with the Village Clerk a petition for annexation requesting that the Property be annexed to the Village of Carol Stream; and

WHEREAS, the Property is not within the corporate limits of any municipality, but is contiguous to the corporate limits of the Village of Carol Stream; and

WHEREAS, legal notices regarding the intention to annex the Property have been sent to all public bodies required to receive such notice by the statutes of the State of Illinois; and

WHEREAS, all petitions, documents and other necessary legal requirements have been done in full compliance with the statutes of the State of Illinois; and

WHEREAS, the Mayor and Board of Trustees of the Village of Carol Stream have determined that it is in the best interests of the Village to annex the Property to the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the foregoing recitals be incorporated in this Ordinance as if restated in their entirety.

SECTION 2: That the Property, and all unincorporated roads contiguous thereto, be and the same are hereby annexed to and made a part of the Village of Carol Stream, DuPage County, Illinois.

SECTION 3: That this property has been annexed to the Village pursuant to the terms of an annexation agreement, which was approved in Ordinance _____, dated _____. That annexation agreement will govern the zoning category of the property for _____ years and contains certain restrictions regarding the use of the property.

SECTION 4: That the Village Clerk is hereby directed to record with the Recorder of Deeds and to file with the County Clerk a certified copy of this Ordinance, together with the Plat of Annexation attached hereto.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS ___th DAY OF _____, 20__.

AYES:

NAYS:

ABSENT:

, Mayor

ATTEST:

, Village Clerk

EXHIBIT "C"

**ORDINANCE FOR REZONING, SPECIAL USE, VARIATIONS
AND NORTH AVENUE CORRIDOR REVIEW APPROVAL**

ORDINANCE NO. _____

**AN ORDINANCE GRANTING A REZONING FROM R-1 TO B-4, A SPECIAL USE PERMIT FOR A REGIONAL RELIGIOUS INSTITUTION, VARIATIONS FROM THE ZONING CODE AND SUBDIVISION CODE, AND NORTH AVENUE CORRIDOR REVIEW APPROVAL, ALL UPON ANNEXATION, TO THE WHEATON BIBLE CHURCH
(Northwest Corner of North Avenue and Morton Road)**

WHEREAS, Wheaton Bible Church has requested, as part of an Annexation Agreement (attached hereto and incorporated by reference herein as Exhibit "A"), approval of a Rezoning of a property more legally described in Exhibit "B" attached hereto and incorporated by reference herein, from R-1, One-Family Residence District to B-4, Office, Research and Institutional Building District, for the purpose of operating the Wheaton Bible Church; and,

WHEREAS, Wheaton Bible Church has also requested, as part of the Annexation Agreement (Exhibit "A"), approval of a Special Use Permit in accordance with Section 16-9-5.C.4 of the Carol Stream Zoning Code to operate a Regional Religious Institution in the B-4 District; and,

WHEREAS, Wheaton Bible Church has also requested, as part of the Annexation Agreement (Exhibit "A"), approval of Variations from the Village of Carol Stream Zoning Code and Subdivision Code, including: 1) a variation from Sec. 16-13-5 of the Zoning Code to provide one loading space as opposed to three loading spaces; 2) a variation from Sec. 16-12-1.C.3 of the Zoning Code to provide for a detached parking structure; 3) a variation from Section 16-12-1.C.1 of the Zoning Code to permit the parking structure to exceed the maximum height limitation of buildings to 32 feet; 4) a variation from Section 16-15-8.H of the Zoning Code to allow the special use permit to remain effective beyond the 18 month maximum period; 5) a variation from Section 16-5-6.N of the Zoning Code to waive the North Avenue Corridor review

regulations; 6) a variation from Section 16-13-2.C of the Zoning Code to allow for parking spaces of 9 feet wide and 18.5 feet deep, instead of 9.5 feet wide and 18 feet deep; 7) a variation from the Subdivision Code to allow the improvements on the site plan to be constructed to the engineering standards of DuPage County instead of the Village of Carol Stream, said Site Plan being attached hereto and incorporated by reference herein as Exhibit "C"; and,

WHEREAS, Wheaton Bible Church has previously obtained approval from DuPage County, pursuant to County Ordinance ZP #4672-00, which approval included, without limitation, a Conditional Use Permit to construct a church, and which Ordinance set forth, without limitation, the specifications for the building footprint, parking, stormwater management, and traffic flow. A copy of the DuPage County Ordinance is attached hereto and incorporated by reference herein as Exhibit "D"; and,

WHEREAS, pursuant to proper legal notice, on June 12, 2006, the Plan Commission/Zoning Board of Appeals considered the requests for rezoning, special use permit, and variations, and on a vote of 2-4, the motions to approve said rezoning, special use and variations, failed; and,

WHEREAS, proper notice having been given and public comment having been received, the Village Board has entered into a Annexation Agreement with Wheaton Bible Church, a copy of which is attached hereto and incorporated by reference herein as Exhibit "A", which Annexation Agreement includes the rezoning, special use permit, and variations set forth above; and,

WHEREAS, notwithstanding the Plan Commission/Zoning Board of Appeals recommendation, 2/3 of the corporate authorities find that granting the rezoning from R-1 to B-4, granting the special use for a regional religious institution, and granting the variations from the

Village's Zoning and Subdivision Codes, would not be inconsistent with or contrary to the intent of the Village's zoning, subdivision, and other ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

Section 1: The statements, findings and conclusions made in the preambles to this Ordinance are hereby incorporated within the terms of this Ordinance.

Section 2: The property legally described in Exhibit "B", and commonly known as the Northwest Corner of North Avenue and Morton Road, under the ownership of Wheaton Bible Church, upon a 2/3 concurrence by the Carol Stream Village Board of Trustees, and in accordance with the Annexation Agreement attached hereto as Exhibit "A", is hereby granted a rezoning of the subject property from R-1 One-Family Residence District, to B-4 Office, Research and Institutional Building District for the purpose of operating Wheaton Bible Church.

Section 3: The property legally described in Exhibit "B", and commonly known as the Northwest Corner of North Avenue and Morton Road, under the ownership of Wheaton Bible Church, upon a 2/3 concurrence by the Carol Stream Village Board of Trustees, and in accordance with the Annexation Agreement attached hereto as Exhibit "A", is hereby granted a Special Use Permit pursuant to Section 16-9-5.C.4 of the Carol Stream Zoning Code to operate a Regional Religious Institution in the B-4 District.

Section 4: The property legally described in Exhibit "B", and commonly known as the Northwest Corner of North Avenue and Morton Road, under the ownership of Wheaton Bible Church, upon a 2/3 concurrence by the Carol Stream Village Board of Trustees, and in

accordance with the Annexation Agreement attached hereto as Exhibit "A", is hereby granted the following variations from the Village of Carol Stream Zoning Code:

- a. A variation from Section 16-13-5 of the Zoning Code to provide one loading space as opposed to three loading spaces at buildout;
- b. A variation from Section 16-12-1.C.3 of the Zoning Code to provide for a detached parking structure, as specifically delineated on the Site Plan attached hereto and incorporated by reference herein as Exhibit "C", and a storage shed as an accessory structure;
- c. A variation from Section 16-12-1.C.1 of the Zoning Code to permit the parking structure to exceed the maximum height limitation of buildings to a maximum height not to exceed 32 feet;
- d. A variation from Section 16-15-8.H of the Zoning Code to allow the special use permit to remain effective beyond the 18 month maximum period;
- e. A variation from Section 16-13-2.C of the Zoning Code to allow for parking spaces of 9 feet wide and 18.5 feet deep, instead of 9.5 feet wide and 18 feet deep;

Section 5: The property legally described in Exhibit "B", and commonly known as the Northwest Corner of North Avenue and Morton Road, under the ownership of Wheaton Bible Church, upon a 2/3 concurrence by the Carol Stream Village Board of Trustees, and in accordance with the Annexation Agreement attached hereto as Exhibit "A", is hereby granted a variation from the Village of Carol Stream Subdivision Code to allow the improvements on the Site Plan to be constructed to the engineering standards of DuPage County instead of the Village of Carol Stream, said Site Plan being attached hereto and incorporated by reference herein as Exhibit "C", and in accordance with the several exhibits of the Annexation Agreement attached hereto as Exhibit "A" (including, without limitation, the Landscape Plan (Exhibit D2), the

Building Elevations (Exhibit D3), the Conceptual Parking Deck (Exhibit D4), the Sewer and Water Plans (Exhibit D5), the Morton Road Roadway Improvements (Exhibit D6), and the Notations on the Site Plan; and also including signage consistent with the Site Plan and appurtenant documents thereto, which signage, upon annexation, will not be considered nonconforming for annexation purposes. After annexation, any existing signage shall remain on the Property and Owners shall conform to the applicable Village sign regulations, provided, however, if the signs on North Avenue do not exceed 10 feet in height with a total signage area of 72 square feet, and on Morton Road do not exceed 6 feet in height and a total area of 72 square feet, they shall not be considered non-conforming and Owner shall be able to continue to maintain these signs after annexation.

Section 6: The property legally described in Exhibit “B”, and commonly known as the Northwest Corner of North Avenue and Morton Road, under the ownership of Wheaton Bible Church, and in accordance with the Annexation Agreement attached hereto as Exhibit “A”, and pursuant to 16-5-6(N)(5) of the Village’s Zoning Code, is hereby granted a waiver from the requirements contained within the North Avenue corridor regulations in that, upon annexation, the development will meet the intent of the Village’s zoning standards as it relates to visual and environmental quality standards in the North Avenue Corridor regulations. Such approval shall be non-precedental.

Section 7: The Rezoning, Special Use Permit, Variations and North Avenue Corridor Approval provided above in Sections 2 through 6, inclusive, are granted to the extent they are consistent with, and do not exceed, the previously-approved DuPage County Ordinance ZP#4672-00, granting Wheaton Bible Church a Conditional Use Permit to construct a church, which Ordinance delineated the specifications for the building footprint, parking, stormwater

management, and traffic flow, all incorporated into the Site Plan attached hereto as Exhibit "C", including the Notations thereupon by which the Owner shall be entitled to expand the Building up to a maximum footprint of 159,600 square feet and a floor area not to exceed 350,000 square feet, together with a future parking deck footprint not to exceed 88,200 square feet.

Section 8: If, after annexation, WBC determines to amend the Special Use, and/or expand the building beyond what is permitted under the terms herein, WBC shall be required to submit an application therefore to the Village consistent with the Village's rules, regulations, codes and ordinances.

Section 9: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED this _____ day of _____, 2006.

AYES:

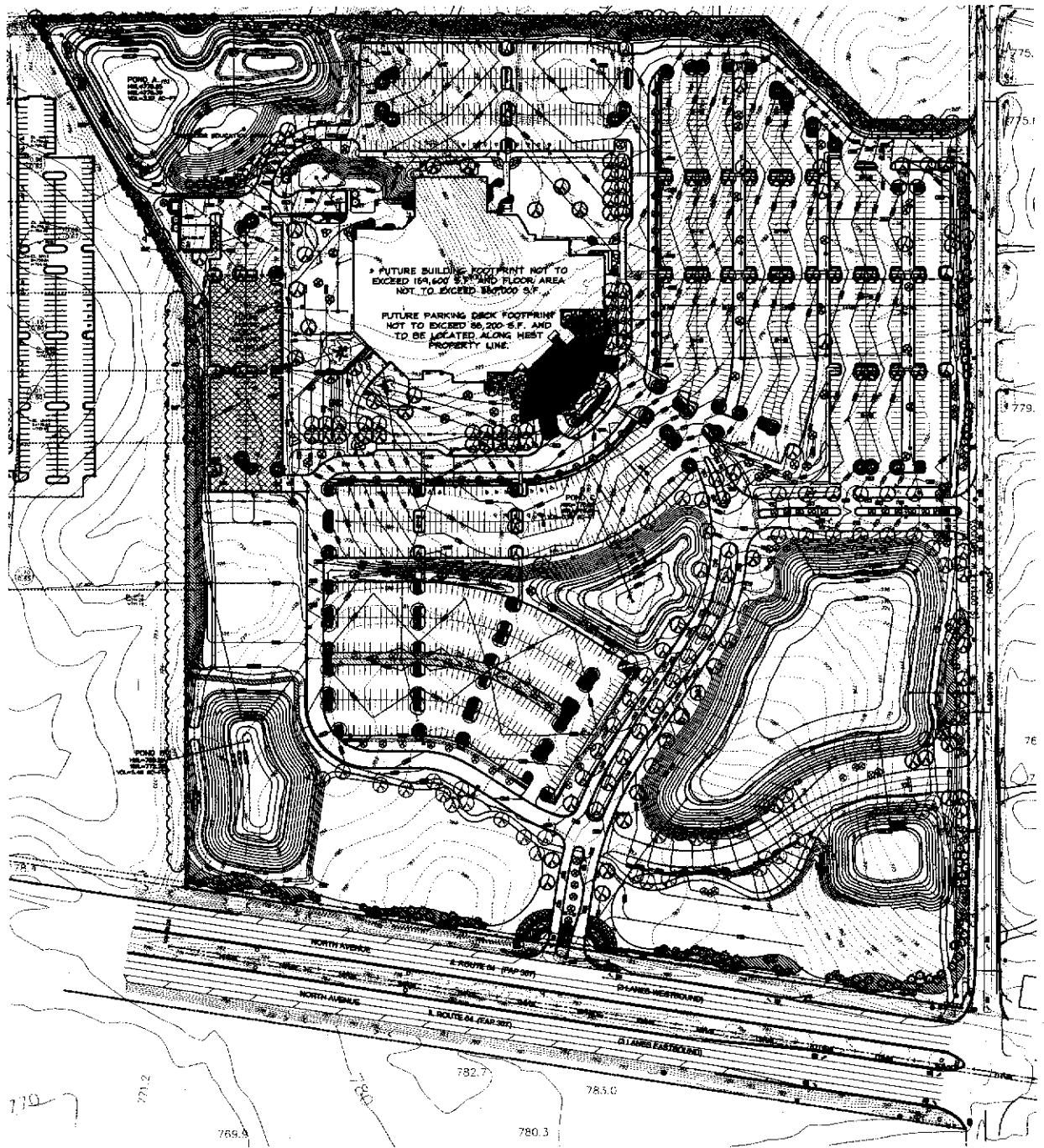
NAYS:

ABSENT:

APPROVED this _____ day of _____, 2006.

EXHIBIT "D1"

SITE PLAN



0 30 60 120 180 240
SCALE 1"=60'
MAY 24, 2006
JUNE 23, 2006
JULY 21, 2006



WALTER C. CARLSON ASSOCIATES
ARCHITECT

Joseph H. Abid & Associates
Land Use Planning • Site • Economic Development • Street Vistas
308 Federal Avenue
Oak Brook, Illinois 60110
(708) 575-5000
Fax (708) 790-1118

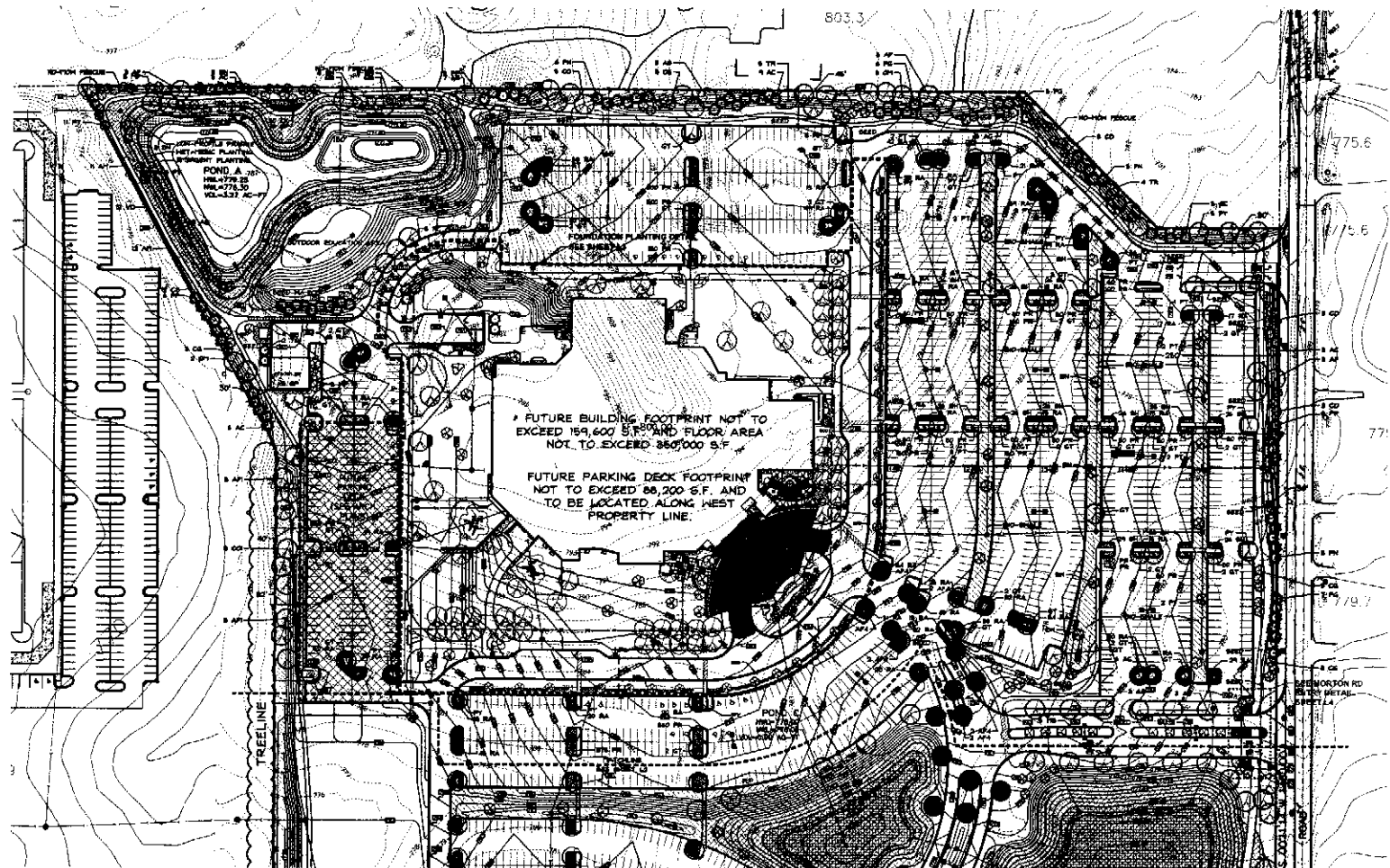


24 SOUTH MAIN STREET
WHEATON, ILLINOIS
60187-4000
TEL: (708) 841-1111
FAX: (708) 841-1112

**SITE PLAN
WHEATON BIBLE CHURCH**

UNIVERSITY MICROFILMS

EXHIBIT "D2"
LANDSCAPE PLAN



FUTURE BUILDING FOOTPRINT NOT TO EXCEED 159,600 S.F. AND FLOOR AREA NOT TO EXCEED 36,000 S.F.

FUTURE PARKING DECK FOOTPRINT NOT TO EXCEED 98,000 S.F. AND TO BE LOCATED ALONG WEST PROPERTY LINE.

LANDSCAPE PLAN

SCALE: 1" = 20'

NORTH

FUTURE PLANT LIST

| Qty | Qty | Botanical/Common Name | Size | Remarks |
|-----|-----|-----------------------|---------|---------|
| 14 | 1 | SPRING PLANT | 1" dia. | |
| 15 | 1 | SPRING PLANT | 1" dia. | |
| 16 | 1 | SPRING PLANT | 1" dia. | |
| 17 | 1 | SPRING PLANT | 1" dia. | |
| 18 | 1 | SPRING PLANT | 1" dia. | |
| 19 | 1 | SPRING PLANT | 1" dia. | |
| 20 | 1 | SPRING PLANT | 1" dia. | |
| 21 | 1 | SPRING PLANT | 1" dia. | |
| 22 | 1 | SPRING PLANT | 1" dia. | |
| 23 | 1 | SPRING PLANT | 1" dia. | |
| 24 | 1 | SPRING PLANT | 1" dia. | |
| 25 | 1 | SPRING PLANT | 1" dia. | |
| 26 | 1 | SPRING PLANT | 1" dia. | |
| 27 | 1 | SPRING PLANT | 1" dia. | |
| 28 | 1 | SPRING PLANT | 1" dia. | |
| 29 | 1 | SPRING PLANT | 1" dia. | |
| 30 | 1 | SPRING PLANT | 1" dia. | |
| 31 | 1 | SPRING PLANT | 1" dia. | |
| 32 | 1 | SPRING PLANT | 1" dia. | |
| 33 | 1 | SPRING PLANT | 1" dia. | |
| 34 | 1 | SPRING PLANT | 1" dia. | |
| 35 | 1 | SPRING PLANT | 1" dia. | |
| 36 | 1 | SPRING PLANT | 1" dia. | |
| 37 | 1 | SPRING PLANT | 1" dia. | |
| 38 | 1 | SPRING PLANT | 1" dia. | |
| 39 | 1 | SPRING PLANT | 1" dia. | |
| 40 | 1 | SPRING PLANT | 1" dia. | |
| 41 | 1 | SPRING PLANT | 1" dia. | |
| 42 | 1 | SPRING PLANT | 1" dia. | |
| 43 | 1 | SPRING PLANT | 1" dia. | |
| 44 | 1 | SPRING PLANT | 1" dia. | |
| 45 | 1 | SPRING PLANT | 1" dia. | |
| 46 | 1 | SPRING PLANT | 1" dia. | |
| 47 | 1 | SPRING PLANT | 1" dia. | |
| 48 | 1 | SPRING PLANT | 1" dia. | |
| 49 | 1 | SPRING PLANT | 1" dia. | |
| 50 | 1 | SPRING PLANT | 1" dia. | |

SITE DATA TABLE

| ITEM | AREA | S.A.R. |
|---------------------|-----------------|--------|
| SITE AREA | 4.7 AC. | 1.0 |
| CONCRETE | 100,000 sq ft | 0.24 |
| PAVING | 1,000,000 sq ft | 0.8 |
| IMPERVIOUS SURFACES | | |

CLARY B. WEBER ASSOCIATES, INC.
LANDSCAPE ARCHITECTS

WALTER C. CARLSON ASSOC.
4200 Woodloch Circle
Plymouth, Minn. 55442
612-488-2222

JACOB J. HOFFMAN ASSOC., P.A.
720 Pennwood Road
St. Louis, Mo. 63117
314-864-8888

JOSEPH H. REEL & ASSOC., L.L.C.
300 First Avenue
St. Louis, Mo. 63102
314-435-1111

WHEATON BIBLE CHURCH
DUPAGE COUNTY, ILLINOIS
LANDSCAPE PLAN

EXHIBIT "D3"

BUILDING ELEVATIONS



WHEATON BIBLE CHURCH
 800 WEST 10TH STREET
 WHEATON, ILLINOIS 60187
 (312) 338-1000

WALTER C. CARLSON ASSOCIATES, INC.
 4111 BUCKLEBURY DRIVE
 BOSTONVILLE, ILLINOIS 60017
 (312) 461-0000

RICK PATE ARCHITECTURE
 1740 WEST PERRY ROAD
 BOSTONVILLE, ILLINOIS 60017
 (312) 331-2344

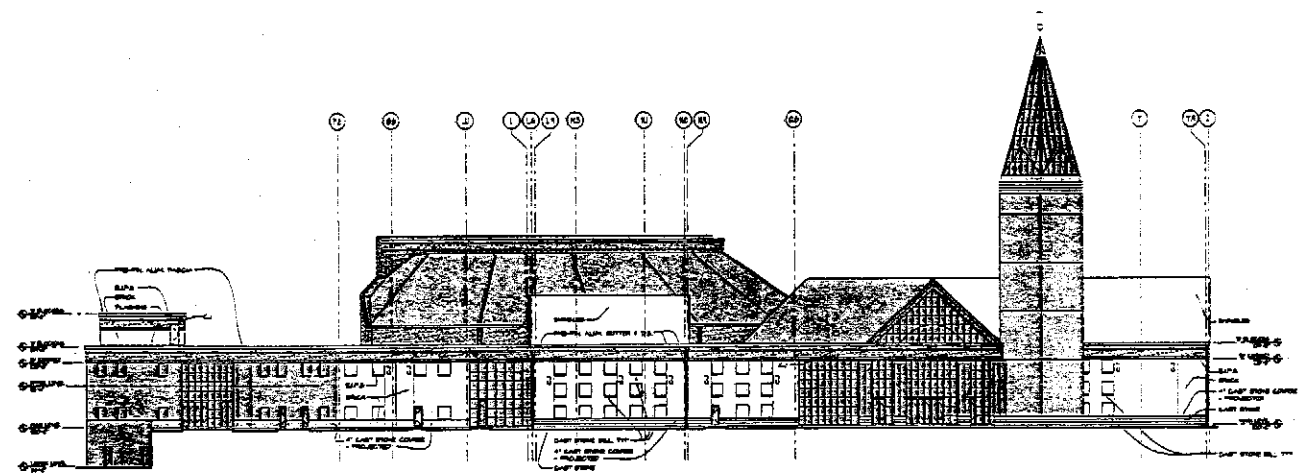
BARRY A. GOLDBERG & COMPANY
 5100 WEST LINDA DRIVE
 GLENDALE, ILLINOIS 60131
 (312) 951-0100

FREDERICK QUINN CORPORATION
 141 SOUTH GRAND STREET
 GLENDALE, ILLINOIS 60131
 (312) 951-0100

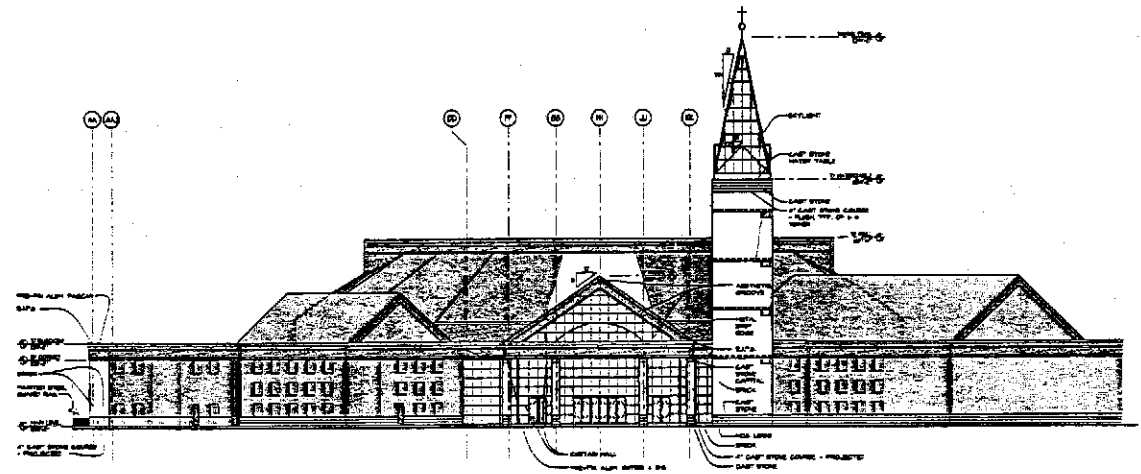
SOUTH & SOUTHEAST EXTERIOR ELEVATIONS

PROGRESS PRINT
 OF SET OF DRAWINGS
 DATE: 10/15/01
 DRAWN BY: [blank]
 CHECKED BY: [blank]

A201



C4 SOUTH ELEVATION
 10/15/01



F4 SOUTHEAST ELEVATION
 10/15/01

EXPLANATIONS
 1. PLACE NOTES INDICATING MATERIALS, FINISHES, AND CONSTRUCTION DETAILS IN THE SECTIONS OF THE SOUTH AND SOUTHEAST EXTERIOR ELEVATIONS.
 2. MATERIALS, FINISHES, AND CONSTRUCTION DETAILS TO BE USED IN THE SECTIONS OF THE SOUTH AND SOUTHEAST EXTERIOR ELEVATIONS.
 3. MATERIALS, FINISHES, AND CONSTRUCTION DETAILS TO BE USED IN THE SECTIONS OF THE SOUTH AND SOUTHEAST EXTERIOR ELEVATIONS.

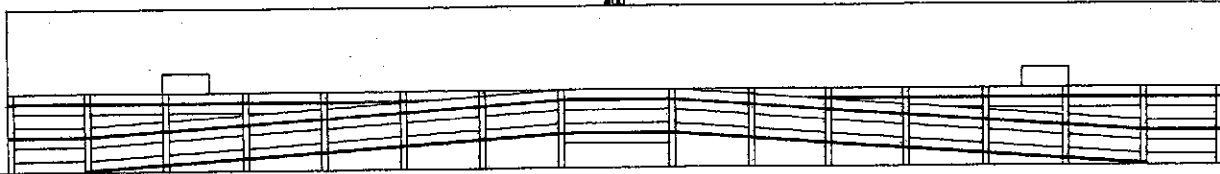


KEY PLAN
 10/15/01

EXHIBIT "D4"

CONCEPTUAL PARKING DECK

400'

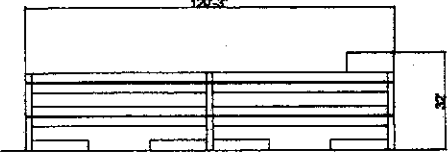


WEST ELEVATION- FUTURE PHASE



EAST ELEVATION- FUTURE PHASE

120'-3"



NORTH ELEVATION- FUTURE PHASE
SOUTH ELEVATION SIMILAR

FUTURE PARKING DECK

**WHEATON BIBLE CHURCH
WEST NORTH AVENUE AT MORTON ROAD
CAROL STREAM, DUPAGE COUNTY, ILLINOIS**

FEBRUARY 8, 2006

EXHIBIT "D5"

SEWER AND WATER PLANS

EXHIBIT "D6"

MORTON ROAD ROADWAY IMPROVEMENT PLANS

EXHIBIT "E"

VILLAGE CONNECTION CHARGES/TAP-ON FEES

FEE EXHIBIT

| | |
|--|-------------------------|
| Permit Fees (Water and Sewer Connections) Based on the number of interior fixtures. This will not be included in the Village's Permit. | \$ 0.00 |
| Inspection Fees (Water and Sewer Connection) Based on two system connections at \$15 each. | \$ 30.00 (pd.) |
| Water Meter Fee Based on a 3" potable water meter. | \$ 1,955.00 (pd.) |
| Water Connection Tap-On Fee Based on a 3" connection. | \$ 600.00 (pd.) |
| Fire Prevention System Tap-on Fee Based on a 6" connection. | \$ 150.00 (pd.) |
| Sewer Connection Tap-on Fee Based on the number of interior connections (fixtures, drains, etc.) to the system. The fee is \$150 for the first 10 interior connections, and \$25 for each additional connection. | TBD |
| Engineering Plan Review and Inspection Fees Based on a 3% of the approved Engineer's Cost Estimate for the sewer and water systems. (Includes a \$2,500 up-front deposit.) | \$ 8,869.44 (pd.) |
| Special Southwest Utility Construction Fee Payable at time Agreement is executed. | \$ 86,250.00 (pd.) |
| Annexation Fee Payable at <u>time of annexation.</u> | \$ 600.00 (Per acre) |
| Carol Stream Fire Protection District Payable at the time this Agreement is recorded | \$ 28,000.00 (pd.) |
| Plant Expansion Fee Payable at issuance of a sewer and water utilities permit. | \$ 69,200.00 (pd.) |

WHEATON BIBLE CHURCH WHEATON, ILLINOIS
 Pay Date: 3/14/2006 Ck#: 70705 ID#: 27033 VILLAGE OF CAROL STREAM
 Invoice * Date *Description
 32932 *3/7/2006 *Sewer & Water Review/Insp Fee
 * TOTAL

70705
 Net
 \$8,869.44
 \$8,869.44

WHEATON BIBLE CHURCH WHEATON, ILLINOIS
 Pay Date: 3/29/2006 Ck#: 70995 ID#: 27033 VILLAGE OF CAROL STREAM

Invoice * Date *Description
 33183 *3/29/2006 *Annexation Fee
 33183 *3/29/2006 *Special Use Fee
 33183 *3/29/2006 *Gary & North Ave Corridor Fee
 33183 *3/29/2006 *Zoning Variation Fee
 33183 *3/29/2006 *Rezoning Fee
 * TOTAL

70995
 Net
 \$400.00
 \$500.00
 \$500.00
 \$400.00
 \$400.00
 \$2,200.00

WHEATON BIBLE CHURCH WHEATON, ILLINOIS
 Pay Date: 6/15/2006 Ck#: 71967 ID#: 27033 VILLAGE OF CAROL STREAM

Invoice * Date *Description
 34658 *6/14/2006 *Water Meter Fee
 34658 *6/14/2006 *Southwest Recapture Fee
 34658 *6/14/2006 *Plant Expansion Fee
 34658 *6/14/2006 *Fire Protection District Fee
 34658 *6/14/2006 *Water Tap-On Fee
 34658 *6/14/2006 *Fire Protection Tap-On Fee
 34658 *6/14/2006 *Sewer&Water Tap-On Inspection
 * TOTAL

71967
 Net
 \$1,995.00
 \$86,250.00
 \$69,200.00
 \$28,000.00
 \$600.00
 \$150.00
 \$30.00
 \$186,225.00

EXHIBIT "F"

ENGINEER'S COST ESTIMATE

Jacob & Hefner Associates, Inc.
 1901 S. Meyers Road, Suite 350
 Oakbrook Terrace, Illinois 60181

Client Wheaton Bible Church Page No. 1 of 1
 Project Wheaton Bible Church - Village Improvements Cost Estimate Date 22-Feb-06
Unincorporated Dupage County, IL B682c By WLB

| | | Quantity | Unit | Unit Price | Price |
|--|--------------------------------|----------|------|------------|------------------|
| PUBLIC WATERMAIN | | | | | |
| 1 | 12" WM DIP | 1,239 | LF | \$33.60 | \$ 41,630.4 |
| 2 | 12" VALVE & VALVE VAULT | 1 | EA | \$1,500.00 | \$ 1,500.0 |
| 3 | CHLORINATION, TESTING, ETC. | 1,239 | LF | \$1.50 | \$ 1,858.5 |
| 4 | CONNECT TO EXISTING | 1 | EA | \$750.00 | \$ 750.0 |
| PUBLIC WATERMAIN SUBTOTAL | | | | | \$ 45,739 |
| PRIVATE WATERMAIN | | | | | |
| 1 | 3" COPPER SERVICE | 86 | LF | \$10.00 | \$ 860.0 |
| 2 | 6" WM DIP | 205 | LF | \$24.00 | \$ 4,920.0 |
| 3 | 8" WM DIP | 1,929 | LF | \$27.50 | \$ 53,047.5 |
| 4 | 12" WM DIP | 1,499 | LF | \$33.60 | \$ 50,366.4 |
| 5 | 3" VALVE & VALVE BOX | 1 | EA | \$500.00 | \$ 500.0 |
| 6 | 6" VAVLE & VALVE VAULT | 1 | EA | \$800.00 | \$ 800.0 |
| 7 | 8" VAVLE & VALVE VAULT | 3 | EA | \$1,100.00 | \$ 3,300.0 |
| 8 | 12" VAVLE & VALVE VAULT | 2 | EA | \$1,500.00 | \$ 3,000.0 |
| 9 | FIRE HYDRANT ASSEMBLY | 9 | EA | \$2,800.00 | \$ 25,200.0 |
| 10 | CHLORINATION, TESTING, ETC. | 3,719 | LS | \$1.50 | \$ 5,578.5 |
| 11 | TRENCH BACKFILL | 370 | LF | \$12.00 | \$ 4,440.0 |
| PRIVATE WATERMAIN SUBTOTAL | | | | | \$152,012 |
| WATERMAIN TOTAL | | | | | \$197,751 |
| PUBLIC SANITARY SEWER | | | | | |
| 1 | 10" PVC SDR 26 | 1,495 | LF | \$34.50 | \$ 51,577.5 |
| 2 | SANITARY MANHOLE | 4 | EA | \$2,200.00 | \$ 8,800.0 |
| 3 | SANITARY MANHOLE, DROP CONNECT | 1 | EA | \$2,500.00 | \$ 2,500.0 |
| 4 | TRENCH BACKFILL | 170 | LF | \$15.00 | \$ 2,550.0 |
| 5 | CONNECT TO EXISTING | 1 | LF | \$2,100.00 | \$ 2,100.0 |
| 6 | TESTING | 1,495 | LF | \$1.50 | \$ 2,242.5 |
| PUBLIC SANITARY SEWER SUBTOTAL | | | | | \$ 69,770 |
| PRIVATE SANITARY SEWER | | | | | |
| 1 | 8" PVC SDR 26 | 578 | LF | \$15.90 | \$ 9,190.2 |
| 2 | SANITARY MANHOLE | 1 | EA | \$2,200.00 | \$ 2,200.0 |
| 3 | 750gal GREASE TRAP | 1 | EA | \$7,200.00 | \$ 7,200.0 |
| 4 | TRENCH BACKFILL | 578 | LF | \$15.00 | \$ 8,670.0 |
| 5 | TESTING | 578 | LF | \$1.50 | \$ 867.0 |
| PRIVATE SANITARY SEWER SUBTOTAL | | | | | \$ 28,127 |
| SANITARY SEWER TOTAL | | | | | \$ 97,897 |

This statement was prepared using standard cost estimating practices. It is understood and agreed that this is an estimate only, and that the Engineer shall not be liable to the Owner or to a third party for any failure to accurately estimate the cost of the project, or any part thereof.

This estimate is based on plans dated February 21, 2006 prepared by Jacob and Hefner Associates, P.C.

EXHIBIT "G"

PATHWAY EASEMENTS

PATHWAY AGREEMENT
BETWEEN THE VILLAGE OF CAROL STREAM
AND WHEATON BIBLE CHURCH

THIS AGREEMENT is made this ____ day of _____, 2006, by and between Wheaton Bible Church (“WBC”), a not-for-profit corporation, incorporated and existing under the laws of the State of Illinois, and the Village of Carol Stream, Illinois, (“Village”), an Illinois Home Rule municipality.

WITNESSETH:

WHEREAS, WBC is the owner of certain real property (“Property”) legally described in Exhibit “A”, and more commonly known as a parcel located at the Northwest corner of North Avenue and Morton Road in unincorporated DuPage County; and,

WHEREAS, WBC has obtained a Conditional Use Permit from DuPage County to construct a church and otherwise improve the Property; and,

WHEREAS, WBC has entered into an Annexation Agreement with the Village which Annexation Agreement enumerates the terms and conditions of WBC’s use of the Property upon annexation to the Village; and,

WHEREAS, the Annexation Agreement incorporates by reference a Site Plan, which is attached hereto and incorporated by reference herein as Exhibit “B”; and,

WHEREAS, as part of the Site Plan, WBC has included a ten (10) foot Perimeter Pathway generally traversing the eastern boundary of the Property, along the Morton Road right of way; which Perimeter Pathway is more fully delineated on the Site Plan attached hereto as Exhibit “B”, and,

WHEREAS, WBC desires to grant a permanent easement to the Village for the Perimeter Pathway as part of the Morton Road right-of-way; and,

WHEREAS, the Village desires to accept the permanent easement for the Perimeter Pathway, and, upon transfer, will repair and maintain, the easement; and,

WHEREAS, the Site Plan also includes a ten (10) foot Interior Pathway traversing the Property in a Northwesterly/Southeasterly direction, which Interior Pathway is more fully delineated on the Site Plan attached hereto as Exhibit "B"; and,

WHEREAS, as part of the Annexation Agreement with the Village, WBC has agreed to install the Interior Pathway as a public pathway, with certain restrictions; and,

WHEREAS, the Village is desirous of accepting an easement for the Interior Pathway which easement may expire upon the redevelopment of the Property, all for the public benefit and for public use in accordance with the Village's Home Rule power.

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY ARE HEREBY ACKNOWLEDGED, AND IN ACCORDANCE WITH THE MUTUAL PROMISES MADE BY THE PARTIES HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:

Section 1: The statements, findings and conclusions made in the preambles to this Agreement are hereby incorporated within the terms of this Agreement.

Section 2: WBC agrees to construct and install, to the Village's standards, the ten (10) foot Perimeter Pathway more fully delineated on the Site Plan attached hereto as Exhibit "B".

Section 3: Upon annexation, WBC agrees to grant an easement in perpetuity for the Perimeter Pathway, and the Village agrees to accept the Perimeter Pathway

easement. Upon annexation, granting of the easement, and recordation, the Village agrees to maintain and repair the Perimeter Pathway at the Village's expense. WBC agrees to maintain the areas between the Morton Road right of way and the Perimeter Pathway easement.

Section 4: WBC agrees to construct and install, to the Village's standards, the ten (10) foot Interior Pathway more fully delineated on the Site Plan attached hereto as Exhibit "B".

Section 5: Upon annexation, WBC agrees to grant an easement in favor of the Village for the Interior Pathway consistent and in accordance with the terms and conditions of this Agreement, and the documents appurtenant thereto. The parties acknowledge and agree that, if the use of the Property changes from its intended use as a regional religious institution, and if the site is redeveloped under the Village's rules, regulations, codes and ordinances in such a way that the Interior Pathway does not provide a practicable means of pedestrian ingress and egress, the Village, at its sole discretion, may terminate the Interior Pathway easement.

Section 6: WBC agrees to maintain and repair the Interior Pathway prior to and after annexation, at its sole expense, and, upon annexation, in accordance with and pursuant to the Village's rules, regulations, codes and ordinances.

Section 7: To the extent practicable, and without any obligation by the Village to enforce the provisions of this section, it is intended by the Parties hereto that the Interior Pathway shall be used solely for pedestrian traffic, and, in WBC's discretion, bicycle traffic. To the extent permitted by law, and without accepting any liability therefore, the Village understands and acknowledges that WBC may use any means

available to it by law to limit the utilization on the Interior Pathway for pedestrian, and in WBC's discretion, bicycle traffic.

Section 8: WBC agrees that it shall indemnify and hold harmless the Village from and for any and all claims, including the costs of defense thereof and reasonable attorneys fees, for damages to real and personal property and injuries to or death suffered by persons by reason of the installation, maintenance, repair, or operation of the Perimeter Pathway. Upon annexation of the Property of the Perimeter Pathway, the terms of this section shall expire.

Section 9: WBC agrees that it shall indemnify and hold harmless the Village from and for any and all claims, including the costs of defense thereof and reasonable attorneys fees, for damages to real and personal property and injuries to or death suffered by persons by reason of the installation, maintenance, repair, or operation of the Interior Pathway prior to and upon annexation, and notwithstanding the granting of the Interior Pathway as an easement.

Section 10: During construction and installation of the Perimeter Pathway and Interior Pathway, prior to or upon annexation, the Village shall be permitted to inspect the construction and installation to determine whether the construction and installation meets the Village's standards as delineated by its rules, regulations, codes and ordinances.

Section 11. Upon approval of this Agreement by the Parties hereto, this Agreement shall be immediately recorded in the Office of the DuPage County Recorder by WBC, with the costs of recording borne by WBC.

Section 12: The Parties shall do all things necessary and appropriate to carry out the terms and provisions of this Agreement including, without limitation, the giving of such notices, the execution of such permits, applications and agreements and the taking of such other actions as may be necessary to enable the Parties' compliance with the terms and provisions of this Agreement, and as may be necessary to give effect to the objectives of this Agreement and the intentions of the Parties as reflected by the terms of this Agreement. The Parties agree that they shall meet and confer as necessary to cooperatively work to address and resolve new issues which may arise subsequent to the approval of this Agreement as it relates to the construction, installation, repair and maintenance of the Perimeter and Interior Pathways

Section 13: All notices hereunder shall be in writing and must be served either personally or by registered or certified mail, return receipt requested. Such notices shall be addressed to:

The VILLAGE at:

Village Manager
Village of Carol Stream
500 North Gary Avenue
Carol Stream, Illinois 60188

WBC at:

Wheaton Bible Church
Director of Finance and Operations
410 N. Cross Street
Wheaton, Illinois 60187

Section 14: The Village represents that the individual officers who have executed this Agreement on behalf of its governing board have been duly authorized to do so by a majority vote of its corporate authorities, such votes having been taken at a duly convened public meeting.

Section 15: If any term or provision of this Agreement shall be held invalid or unenforceable, the remaining terms and provisions of this Agreement shall not be affected thereby, but each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals to this Agreement on the day and year set forth above.

VILLAGE OF CAROL STREAM

WHEATON BIBLE CHURCH

Village President

ATTEST:

ATTEST:

Village Clerk

Ayes:

Nays:

Absent:

EXHIBIT "H"

MORTON ROAD RIGHT-OF-WAY DEDICATION

AGENDA ITEM

RESOLUTION NO. _____

I-1 9-5-06

A RESOLUTION DECLARING SURPLUS PROPERTY OWNED BY THE VILLAGE OF CAROL STREAM

WHEREAS, in the opinion of the corporate authorities of the Village of Carol Stream, Illinois, it is no longer necessary or useful, or for the bet interests of the Village of Carol Stream to retain ownership of the personal property hereinafter described; and

WHEREAS, the described surplus property has been determined by the corporate authorities of the Village of Carol Stream to have negligible value to the Village; and

WHEREAS, it has been determined by the Mayor and Board of Trustees of the Village of Carol Stream to dispose of the surplus property described in Exhibits "A" and "B" attached to this Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: That the Mayor and Board of Trustees of the Village of Carol Stream find that the personal property described in the attached "Exhibit "A", now owned by the Village of Carol Stream, is no longer useful and authorize its sale.

SECTION 2: This resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER 2006.

AYES:

NAYS:

ABSENT:

Ross Ferraro, Mayor

ATTEST:

Janice Koester, Village Clerk

[Home](#) | [About Us](#) | [Contact Us](#) | [Press Room](#) | [Employment](#)

Products
Service & Repair
Training
Radiation Safety
TLD Badge Service
Sales



3411 Surface Moisture-Density Gauge

The Troxler Model 3411 gauge is often considered the "Old Reliable" gauge in the industry. As many gauge owners and operators know, this model is no longer manufactured by Troxler. The Models [3430](#) and [3440](#) are the current gauges which have similar capabilities.

The Model 3411 gauges continue to be serviced and calibrated by Troxler. However, many of the components are becoming outdated or harder to find. The operator's manual for this gauge is still available and can be purchased from Troxler through our [E-commerce site](#) or by contacting our customer service department at 1.877.TROXLER. Because the manual is not available in an electronic format, a paper copy must be purchased.

We encourage owners of these gauges to consider upgrading to a new Model [3430](#) or [3440](#) gauge or by replacing the scaler (control panel) with the new [3411 Advanced Control Unit](#).



Related Links

- [Order Parts](#)
- [Basic Operation](#)
- [3411 ACU user manual](#)
- [Advanced Operation](#)
- [Shipping a Gauge](#)
- [Training Reqs](#)
- [Licensing Reqs](#)
- [MSDS Sheet](#)
- [FAQs](#)


Related Accessories

- [Gauge Case Wheels](#)
- [Transportation Box](#)
- [Tool Carrier](#)

[» Return to Top](#)



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- "NEW" Therm Rack
- "NEW" Tool Caddy
- 3216 Gauge
- 3241 Parts
- 3411-B Parts
- 3430 Parts
- 3440 Parts
- 3450 Parts
- 3451 Parts
- 4140 Parts
- 4141 Parts
- 4155-NTO Parts
- 4640 Parts
- 5001 Series
- Aggregate Sieves
- Aggregate Testing
- Asphalt Testing
- Binder Testers
- Boring Bits
- Boring Equipment
- Calif. Testing
- Compression Mch
- Concrete Testing
- CPN MC-1
- CPN MC-3
- Curing Products
- Cutting Blades
- Cutting Equipment
- Direct Shears
- Eraser Products
- FOR SALE
- Gauge Case
- Hand Tools
- Hot Plates
- Instrument Cal.
- Laboratory Ovens
- Literature-Books
- Marshall
- Mixers

Nuclear Gauge Security Containment System

 Printer Friendly  Request Info

truck bed tipping

 14 more images...

Nuclear Gauge Security Containment System.

NO ONE CAN BEAT OUR PRICES ON NUX PRODUCTS

The only way to secure your Nuclear Gauge.

Exceeds all the new NRC & USDOT regulations.

Constructed of Heavy Duty Diamond Plate Aluminum the system is built rugged to with-stand the construction industries harsh enviroment.

The diamond plate aluminum construction of the boxes allow them to blend in with other toolboxes.

Ergonomic tilt design makes it easy to access the unit without risk of back or other injuries. No more hoping up into the back of the truck to get your gauge out.

The CPN gauge cases are bolted inside the NUX containment system case by drilling holes through the plastic case.

The Troxler gauge case is bolted inside the NUX containment system case, using existing threading already molded into the cases.

The Humboldt gauge cases are bolted into the NUX containment system case in the same fashion the CPN gauges are.

Solid high strength steel rods are designed into the tilting hinge to halt those would-be thieves.



I-2 9-5-06

RESOLUTION NO. _____

**A RESOLUTION ACCEPTING A GRANT OF PUBLIC UTILITY
(WHEATON BIBLE CHURCH)**

BE IT RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: Approval is hereby given to a Plat of Public Utility Easement, which would allow the Village to maintain, own and operate a looped water main and sanitary sewer constructed by Wheaton Bible Church. The Village has normal rights to access, maintain, repair or reconstruct these public utility infrastructure improvements. The Plat of Public Utility Easement is attached to this Resolution as Exhibit "A".

SECTION 2: This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER 2006.

AYES:

NAYS:

ABSENT:


Ross Ferraro, Mayor

ATTEST:

Janice Koester, Village Clerk

Village of Carol Stream
Interdepartmental Memo

TO: Joseph E. Breinig, Village Manager

FROM: James T. Knudsen, Director of Engineering Services 

FROM: September 1, 2006

RE: Wheaton Bible Church – Grant of Public Utility Easement

Engineering has received a plat granting the Village a public utility easement. This easement is needed for the Village to maintain, own and operate a looped water main and a sanitary sewer that will be constructed by Wheaton Bible Church and given to the Village as part of our pre-annexation agreement we have with them. It will give the Village our normal rights to access, maintain, repair or reconstruct these public infrastructure improvements.

Staff has reviewed and approved the easement as submitted. Therefore, we recommend the Village Board accept the grant of public utility easement.

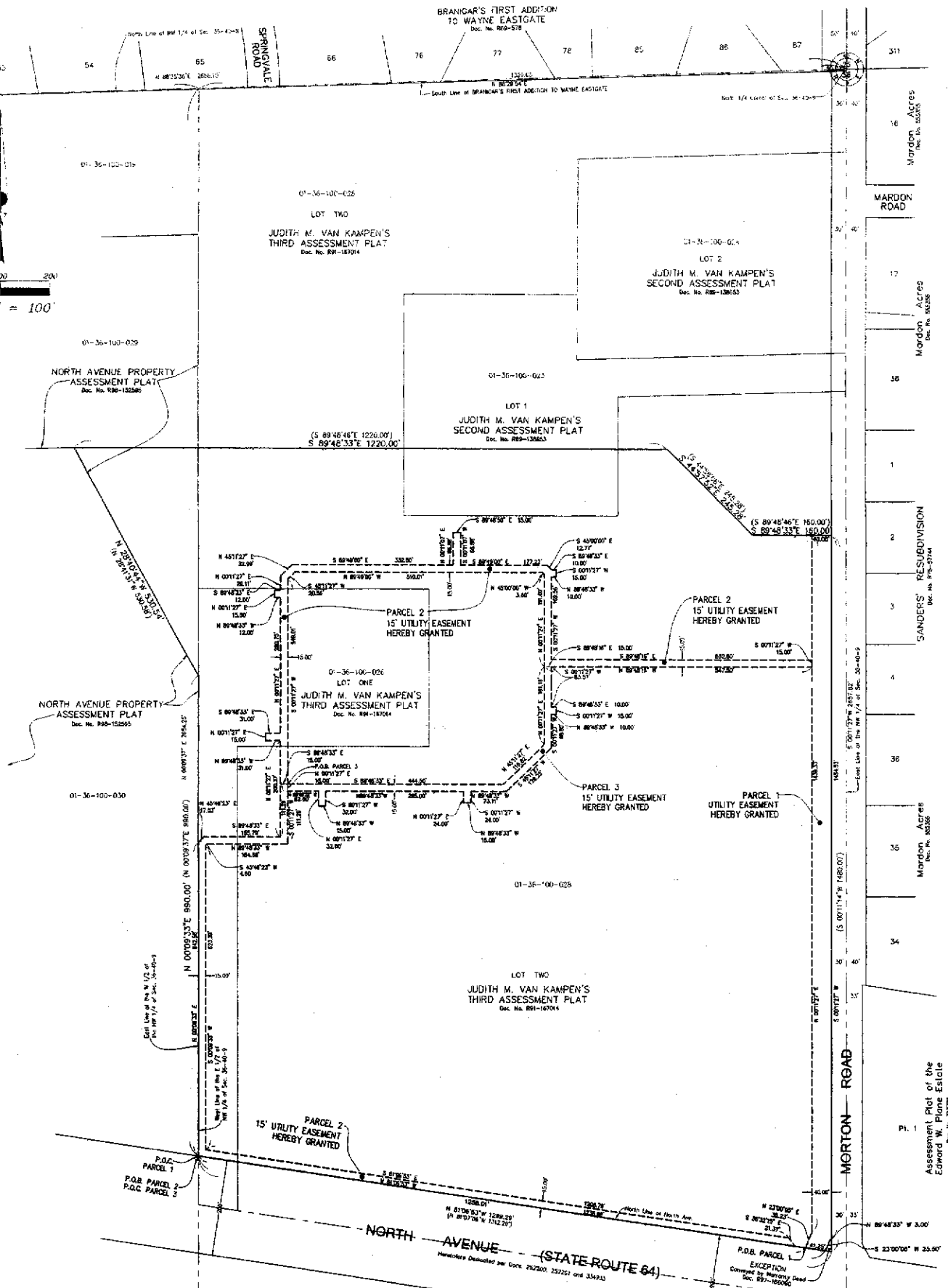
Cc: Robert Glees, Community Development Director
Al Turner, Director of Public Works
William N. Cleveland, Assistant Village Engineer
Matt Streicher, Civil Engineer

PLAT OF EASEMENT GRANT (FOR SANITARY SEWER AND WATERMAIN PURPOSES)

OF PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 9 EAST
OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

SEE SHEET 2 OF 2 FOR EASEMENT DESCRIPTION

BASE OF BEARINGS
NAU 1927 ALMOS STATE PLANE COORDINATES,
EAST ZONE (DUPAGE COUNTY DATUM) BROUGHT
UP TO PROJECT GROUND COORDINATES



Hereinafter Defined by Docs. 257200, 237251 and 334943

RESOLUTION NO. _____

**A RESOLUTION APPROVING A FINAL PLAT OF SUBDIVISION
(EASTON PARK)**

WHEREAS, Lakewood Homes, has requested approval of a Final Plat of Subdivision for the Easton Park Subdivision in accordance with Section 7-2-6 of the Carol Stream Subdivision Code; and

WHEREAS, the Plan Commission/Zoning Board of Appeals of the Village of Carol Stream at their July 10, 2006 meeting, considered the Final Plat of Subdivision and has found it to be in conformity with the Zoning Code, the Subdivision Code and other Codes of the municipality relating to the particular property herein proposed to be developed; and

WHEREAS, the Combined Board made its recommendation to the Corporate Authorities regarding the approval of this plat.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, as follows:

SECTION 1: Approval is hereby given to the Final Plat of Subdivision, such document being attached to and made a part of this Resolution as Exhibit "A", drawn by Cemcon. Ltd., 2280 White Oak Circle, Suite 100, Aurora, IL 60502-9675 and dated August 1, 2006.

SECTION 2: This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED THIS 5TH DAY OF SEPTEMBER 2006.

AYES:

NAYS:

ABSENT:


Ross Ferraro, Mayor


ATTEST:

Janice Koester, Village Clerk

Village of Carol Stream
Interdepartmental Memo

TO: Joseph E. Breinig, Village Manager

FROM: John Svalenka, Village Planner 

THROUGH: Robert J. Glees, Community Development Director 

DATE: August 31, 2006

RE: **Agenda Item for the Village Board meeting of 9/5/06: PC/ZBA Case #06111 Lakewood Homes, Easton Park, Fisher farm Property on the North Side of North Avenue, West of Gary Avenue Final Plat of Subdivision**

In April 2006, Lakewood Homes submitted an application seeking approval of a Final Plat of Subdivision, Final Planned Unit Development Plan, North Avenue Corridor Review, and Variations from the Sign Code, for their Easton Park residential development to be located on the 59-acre Fisher Farm site on the north side of North Avenue west of Gary Avenue. The development includes 270 townhome units, extensive open space and a stormwater management area.

The staff report with supporting documentation was transmitted to the Village Board with the Plan Commission/Zoning Board of Appeals packet on July 7, 2006. At their July 10, 2006, meeting, the PC/ZBA voted 6-0-1 to recommend approval of the Final Plat of Subdivision, the Final PUD Plan, the Sign Code variations and the North Avenue Corridor Review.

At their July 17, 2006, meeting, the Village Board approved the Final PUD Plan and the Sign Code variations for Easton Park on the consent agenda by a vote of 4-0. Because the final engineering had not yet been approved by July 17, staff did not bring the plat forward at that time. The final engineering and the Final Plat of Subdivision now meet the satisfaction of the Village Engineer.

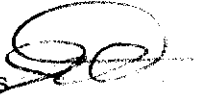
If the Village Board concurs with the PC/ZBA recommendation, they should approve the Final Plat of Subdivision and adopt the necessary Resolution.

JDS:js

c: James Truesdell, Lakewood Homes, via fax, (847) 884-8986

T:\Planning\Plan Commission\Staff Report\2006 Staff Reports\06111b lakewood.vbmemo2.doc

Village of Carol Stream
Interdepartmental Memo

TO: Joseph Breinig, Village Manager
FROM: James T. Knudsen, Director of Engineering Services 
DATE: August 30, 2006
RE: Easton Park - Final Plat of Subdivision

The engineering plans for the above referenced subdivision are substantially complete except for a few very minor revisions. We hope to receive the final plans this week along with the securities and plan review and inspection fees. The only really outstanding item is approval of the IDOT traffic signal on North Avenue, which could be a month or more away.

Engineering would recommend allowing Lakewood Homes to start construction by approval of their final plat contingent upon them agreeing to make modifications to the plans if impacted by IDOT's requirements. See attached letter agreeing to this. By doing this it allows Lakewood two extra weeks to get their roads in before winter. If we do not receive the fees and securities prior to the Board Meeting we will not sign the plans or allow them to begin construction.

Cc: Robert Glees, Community Development Director
William N. Cleveland, Assistant Village Engineer
Jim Ludman, Engineering Inspector

Lakewood Homes

The American Dream Builder®

August 30, 2006

Mr. James T. Knudsen, P.E.
Director of Engineering Services
Village of Carol Stream
500 N. Gary Avenue
Carol Stream, IL 60188

RE: EASTON PARK – UNDERGROUND CONSTRUCTION

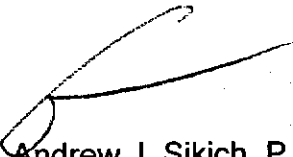
Dear Mr. Knudsen:

It is our understanding that, subject to Village Board approval of our Final Plat of Subdivision at the September 5th board meeting, and the Village's receipt of our surety bond (enclosed), we will be allowed to begin construction of the remaining site improvements for the Easton Park Subdivision on September 6th. We understand that we are proceeding with said improvements without the final approval of the Illinois Department of Transportation (IDOT) for our final entrance configuration and traffic signals. Should any of the on-site improvements need to be modified in the future, based on IDOT's final approval, we will make the necessary modifications.

We truly appreciate the cooperation that we've received from your department thus far, and we look forward to continuing our excellent working relationship with you throughout the duration of this project. If you have any questions, please don't hesitate to contact me.

Sincerely,

LAKWOOD HOMES



Andrew J. Sikich, P.E.
Director of Engineering

Encl.

CC: Jack Shum
Bob Graham
Darren Monico

FINAL PLAT OF SUBDIVISION FOR EASTON PARK

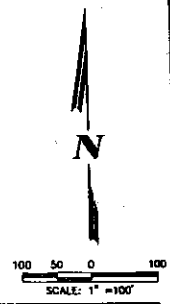
BEING A PART OF THE SOUTHEAST QUARTER OF SECTION 31,
AND PART OF THE SOUTHWEST QUARTER OF SECTION 32,
BOTH TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD
PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

THIS PLAT WAS SUBMITTED TO THE COUNTY
RECORDER FOR THE PURPOSES OF RECORDING BY:

(PRINT NAME)

ADDRESS

CITY/TOWNSHIP STATE ZIP CODE



TOTAL AREA OF SUBDIVISION
59.210 ACRES
(MORE OR LESS)

NOTE: THIS 1" = 100' SCALE DRAWING IS PROVIDED TO DISPLAY THE OVERALL BOUNDARY OF THE SUBDIVISION. REFER TO SHEETS 2, 3, & 4 FOR PARTICULARS ON INDIVIDUAL LOTS, LOCATION OF LOTS, BUILDING SETBACK LINES, EASEMENT LINES, DIMENSIONS, & ADDITIONAL NOTES, ETC.

| AREA TABLE | |
|----------------|-----------------|
| LOT NO. (S.F.) | LOT AREA (S.F.) |
| 1 | 6,130 |
| 2 | 6,890 |
| 3 | 6,890 |
| 4 | 6,890 |
| 5 | 6,890 |
| 6 | 6,130 |
| 7 | 6,130 |
| 8 | 6,890 |
| 9 | 6,890 |
| 10 | 6,890 |
| 11 | 6,890 |
| 12 | 6,130 |
| 13 | 6,130 |
| 14 | 6,130 |
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| 94 | 6,130 |
| 95 | 6,130 |
| 96 | 6,130 |
| 97 | 6,130 |
| 98 | 6,130 |
| 99 | 6,130 |
| 100 | 6,130 |

NOTES

3/4" IRON RIBBON 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.

BLANKET PUBLIC UTILITY EASEMENT AND EASEMENT MANAGEMENT CONVEYANCE EASEMENT HEREBY GRANTED OVER ALL OF OUTLOTS A, B, C & D OF THIS SUBDIVISION FOR DETAILS.

P.U. - INDICATES PUBLIC UTILITY EASEMENT HEREBY GRANTED. SEE PROVISIONS FOR DETAILS.

B.L. - BUILDING SETBACK LINE

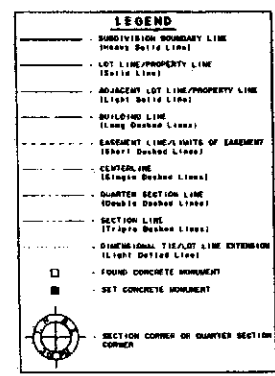
NO UTILITY EASEMENT WILL ENCLOSED LOTS 1-64 (BOTH INCLUSIVE) UNLESS OTHERWISE NOTED.

THE DEAR LINES SHOWN HEREON ARE BASED UPON THE NORTH LINE OF SW 1/4 OF SEC. 30-40-10 BEING N 87°51'07" E (AS SHOWN).

OPPOSITE SIDES OF LOT LINES ARE PARALLEL AND ADJACENT LINES ARE AT RIGHT ANGLES, FOR LOTS 1-54 (BOTH INCLUSIVE).

LOT 1-54 (BOTH INCLUSIVE) DO NOT REPRESENT ACTUAL BUILDING LOCATIONS NOR REPRESENT LOTS ESTABLISHED ARISING FROM PROPOSED BUILDING, WHICH SAID LOT DESIGNATION WILL AID IN PER CONFORMANCE OF FUTURE CONVEYANCING CONSTRUCTED WITHIN EACH REFERENCED LOT.

F.P.I.P. - FOUND IRON PIPE 10 AS SHOWN

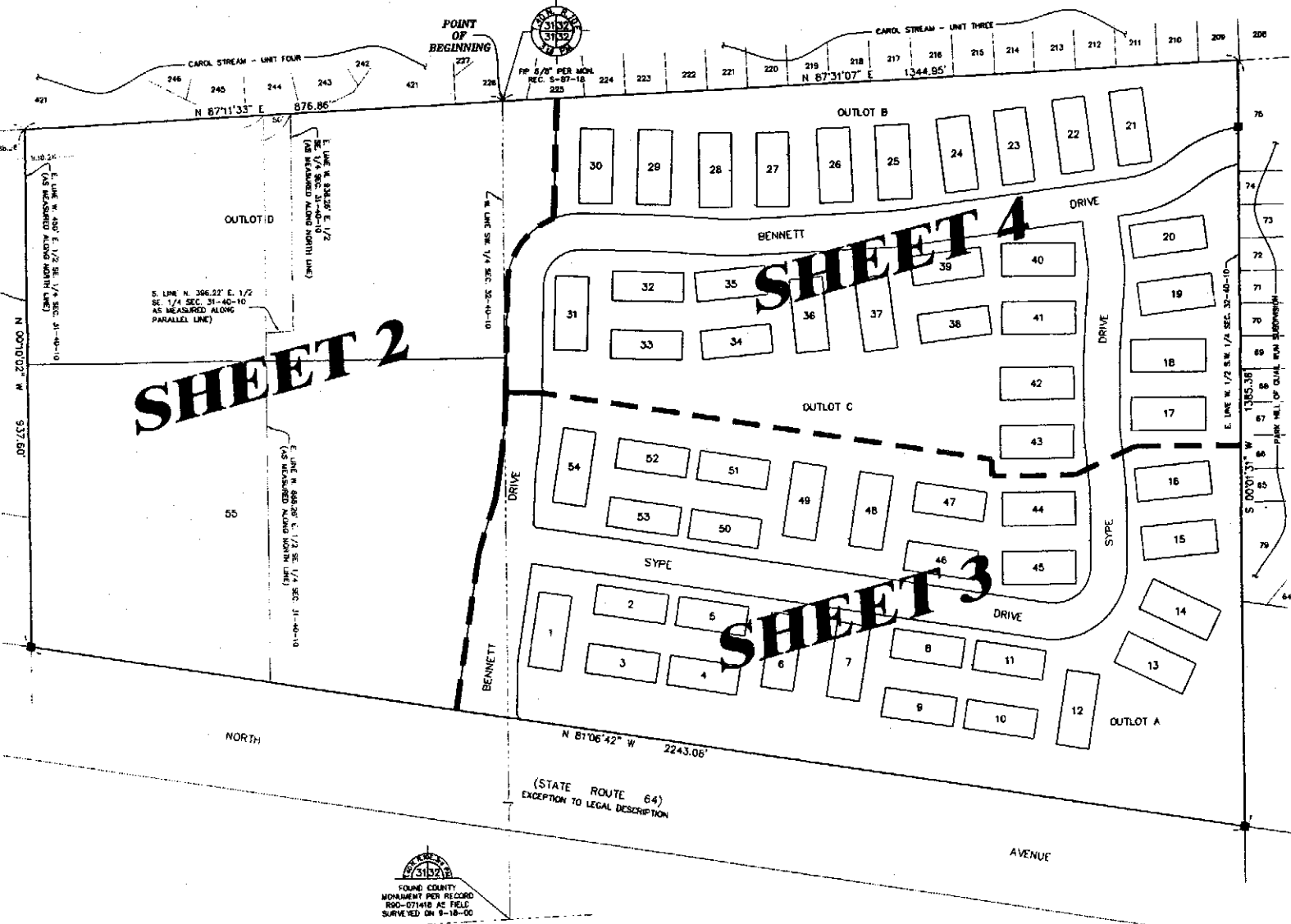


PREPARED FOR:
LAKEWOOD HOMES, INC.
2700 WEST HIGGINS ROAD, SUITE 100
HOFFMAN ESTATES, ILLINOIS 60195
(847) 884-8800

PREPARED BY:
CEMCON, Ltd.
Consulting Engineers, Land Surveyors & Planners
2280 WHITE OAK CIRCLE, SUITE 100
AURORA, ILLINOIS 60504-5075
PH: (630) 862-2100 FAX: (630) 862-2199
e-mail: cadd@cemcon.com

DISC NO.: 601028 FILE NAME: PLAT
DRAWN BY: N.K.S. FLD. BK. / PG. NO.: 870/1-30
COMPLETION DATE: 01-24-06 JOB NO.: 601.028
REVISED: 04-25-06/NOA PER VILLAGE REVIEW LETTER DATED 4-5-06 & ENTRANCE CORNER CUT
REVISED: 05-06-06/REV PER REVIEW LETTER DATED 5-19-06
REVISED: 06-26-06/NKS OWNER/MORTGAGEE DATA
REVISED: 08-01-06/NKS LOT SIZES & BENNETT R.O.W.

RECEIVED
AUG 25 2006
COUNTY DEVELOPMENT DEPT.



SHEET 2

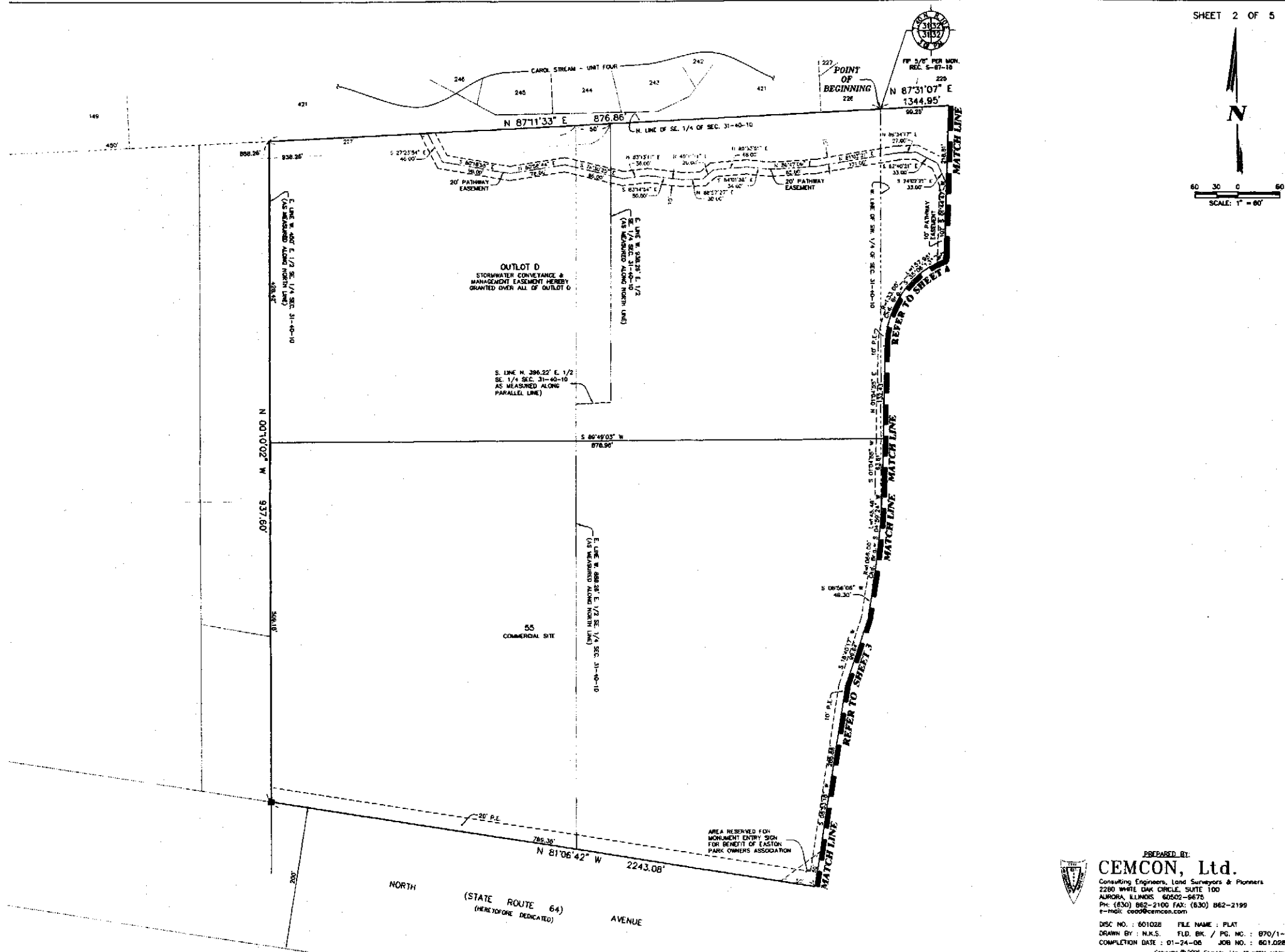
SHEET 4

SHEET 3

FOUND COUNTY MONUMENT PER RECORD 800-07418 AS FIELD SURVEYED ON 9-18-00

(STATE ROUTE 64)
EXCEPTION TO LEGAL DESCRIPTION

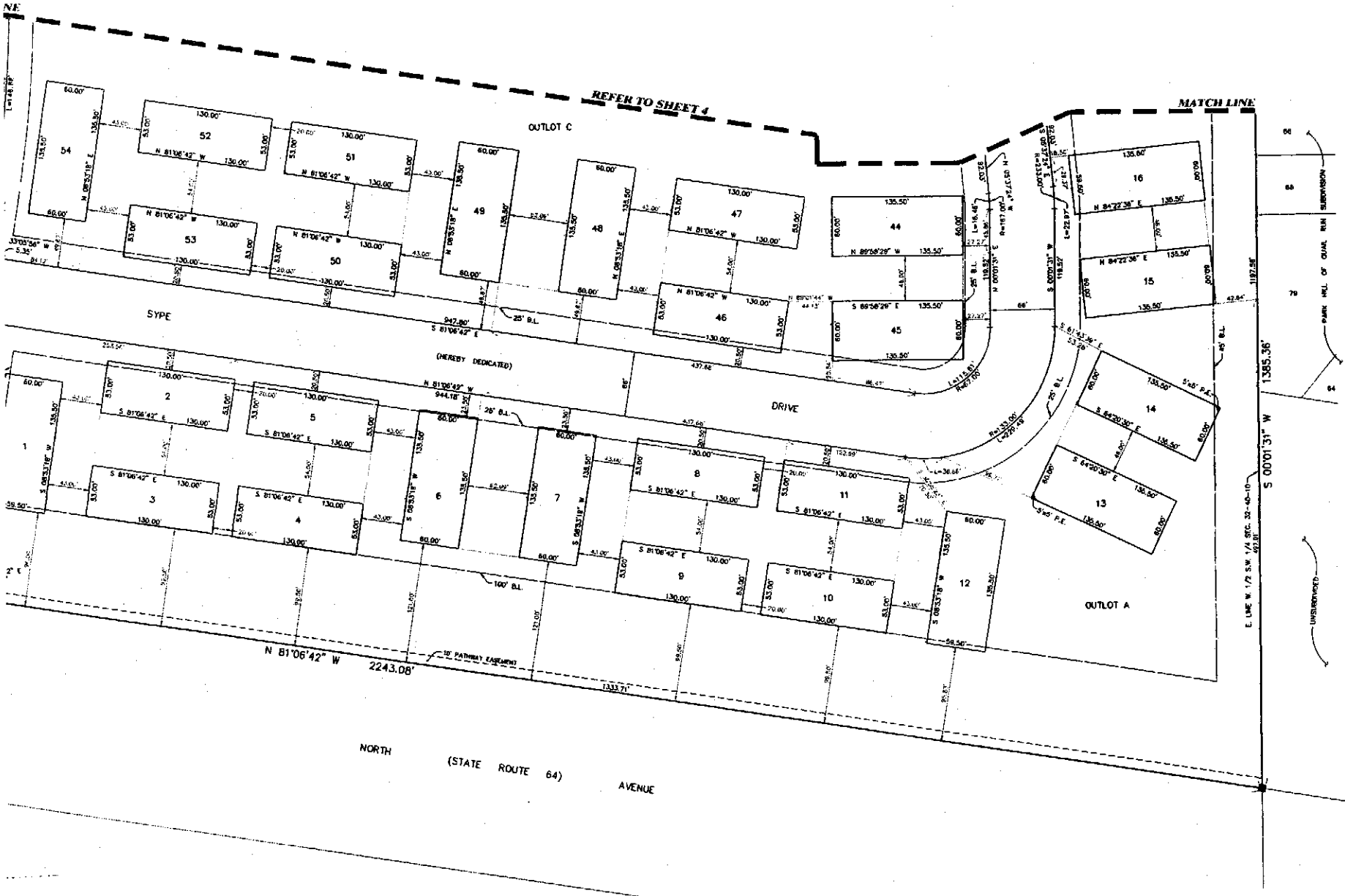
AVENUE



PREPARED BY:
CEMCON, Ltd.

Consulting Engineers, Land Surveyors & Planners
2280 WHITE OAK CIRCLE, SUITE 100
AURORA, ILLINOIS 60502-9678
PH: (630) 862-2100 FAX: (630) 862-2199
e-mail: ceod@cemcon.com

DSC NO. : 601028 FILE NAME : PLAT
DRAWN BY : N.K.S. FLD. BK. / PG. NO. : 070/1-30
COMPLETION DATE : 01-24-06 JOB NO. : 601.028
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PREPARED BY:
CEMCON, Ltd.
Consulting Engineers, Land Surveyors & Planners
2280 WHITE OAK CIRCLE, SUITE 100
AURORA, ILLINOIS 60502-9675
PH: (630) 862-2100 FAX: (630) 862-2196
e-mail: cemo@cemcon.com

DISC NO. : 601028 FILE NAME : PLAT
DRAWN BY : H.K.S. FLD. BK. / PG. NO. : 570/11-30
COMPLETION DATE : 01-24-06 JOB NO. : 601.028
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SCALE: 1" = 50'



PREPARED BY:
CEMCON, Ltd.
 Consulting Engineers, Land Surveyors & Planners
 2280 WHITE OAK CIRCLE, SUITE 100
 ALBANY, ILLINOIS 60002-9875
 PH: (630) 862-2100 FAX: (630) 862-2199
 e-mail: cemo@cemcon.com

DISC NO.: 601026 FILE NAME: PLAT
 DRAWN BY: N.K.S. FLD. BK. / PG. NO.: 870/1-30
 CEMCON DATE: 01/24/00

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF)

THE BEST OF SURFACE... THIS IS TO CERTIFY THAT THE UNDERSIGNED IS/ARE THE OWNER/S OWNERS OF THE LAND DESCRIBED IN THE ANNEXED PLAT, AND HAS/HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED, AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES/DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

DATED THIS ___ DAY OF ___ 20__

BY: _____ TITLE: _____

ADDRESS: EASTON PARK LLC, A DELAWARE LIMITED LIABILITY COMPANY

SCHOOL DISTRICT CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF)

THIS IS TO CERTIFY THAT THE PROPERTY BEING SUBDIVIDED AFORESAID AND, TO THE BEST OF OWNER'S KNOWLEDGE AND BELIEF, SAID SUBDIVISION LIES ENTIRELY WITHIN THE LIMITS OF SCHOOL DISTRICT(S) _____

DATED THIS ___ DAY OF ___ A.D., 20__

BY: SIGNATURE ATTEST: SIGNATURE

NOTARY CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF)

I, _____, AS NOTARY PUBLIC IN AND FOR THE COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT PERSONALLY KNOWN TO ME TO BE THE SAME PERSON/PERSONS WHOSE NAME/NAMES IS/ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNER/S OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT SHE/HE/THEY SIGNED THE ANNEXED PLAT AS HER/HIS/THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

NOTARY PUBLIC

MORTGAGEE'S CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF)

THIS IS TO CERTIFY THAT FIRST NATIONS BANK, AS MORTGAGEE UNDER THE MORTGAGE RECORDED AS DOCUMENT NUMBER R2006-07180, DATED 4/13/06, HEREBY CONSENTS TO RECORDING OF THE PLAT AS HEREON SHOWN.

DATED AT _____ ILLINOIS, THIS ___ DAY OF ___ A.D., 20__

BY: _____ ATTEST: _____

NOTARY CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF)

I, _____, AS NOTARY PUBLIC IN AND FOR THE COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT PERSONALLY KNOWN TO ME TO BE THE SAME PERSON/PERSONS WHOSE NAME/NAMES IS/ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNER/S OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT SHE/HE/THEY SIGNED THE ANNEXED PLAT AS HER/HIS/THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

NOTARY PUBLIC

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF)

THIS IS TO CERTIFY THAT CHICAGO TITLE LAND TRUST CO., NOT PERSONALLY, BUT AS TRUSTEE U/T/A DATED 2/14/06 A.K.A. TRUST NUMBER 8002345907 IS/ARE THE OWNER/S OWNERS OF THE LAND DESCRIBED IN THE ANNEXED PLAT, AND HAS/HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED, AS INDICATED THEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH, AND DOES/DO HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE THEREON INDICATED.

DATED THIS ___ DAY OF ___ 20__

BY: _____ TITLE: _____

ADDRESS: CHICAGO TITLE LAND TRUST CO., NOT PERSONALLY, BUT AS TRUSTEE U/T/A DATED 2/14/06 A.K.A. TRUST NO. 8002345907 1783 S. MAPERVILLE ROAD WHEATON, IL 60187

SCHOOL DISTRICT CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF)

THIS IS TO CERTIFY THAT THE PROPERTY BEING SUBDIVIDED AFORESAID AND, TO THE BEST OF OWNER'S KNOWLEDGE AND BELIEF, SAID SUBDIVISION LIES ENTIRELY WITHIN THE LIMITS OF SCHOOL DISTRICT(S) _____

DATED THIS ___ DAY OF ___ A.D., 20__

BY: SIGNATURE ATTEST: SIGNATURE

NOTARY CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF)

I, _____, AS NOTARY PUBLIC IN AND FOR THE COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT PERSONALLY KNOWN TO ME TO BE THE SAME PERSON/PERSONS WHOSE NAME/NAMES IS/ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNER/S OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT SHE/HE/THEY SIGNED THE ANNEXED PLAT AS HER/HIS/THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

NOTARY PUBLIC

MORTGAGEE'S CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF)

THIS IS TO CERTIFY THAT FIRST NATIONS BANK, AS MORTGAGEE UNDER THE MORTGAGE RECORDED AS DOCUMENT NUMBER R2006-07180, DATED 4/21/06, HEREBY CONSENTS TO RECORDING OF THE PLAT AS HEREON SHOWN.

DATED AT _____ ILLINOIS, THIS ___ DAY OF ___ A.D., 20__

BY: _____ ATTEST: _____

NOTARY CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF)

I, _____, AS NOTARY PUBLIC IN AND FOR THE COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT PERSONALLY KNOWN TO ME TO BE THE SAME PERSON/PERSONS WHOSE NAME/NAMES IS/ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS SUCH OWNER/S OWNERS, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT SHE/HE/THEY SIGNED THE ANNEXED PLAT AS HER/HIS/THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH.

NOTARY PUBLIC

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF DUPAGE)

APPROVED THIS ___ DAY OF ___ 20__ VILLAGE OF CAROL STREAM PLAN COMMISSION.

CHAIRPERSON

VILLAGE ENGINEER CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF DUPAGE)

I, _____, VILLAGE ENGINEER OF THE VILLAGE OF CAROL STREAM, ILLINOIS, HEREBY CERTIFY THAT THE LAND IMPROVEMENTS DESCRIBED IN THE ANNEXED PLAT AND THE PLANS AND SPECIFICATIONS THEREOF MEET THE MINIMUM REQUIREMENTS OF THE VILLAGE AND HAVE BEEN APPROVED BY ALL PUBLIC AUTHORITIES HAVING JURISDICTION THEREOF.

I DO FURTHER CERTIFY THAT THERE HAS BEEN FILED WITH ME AND I HAVE REVIEWED TOPOGRAPHICAL AND PROFILE STUDIES FILED WITH THIS SUBDIVISION PLAT

DATED AT CAROL STREAM, DUPAGE COUNTY, ILLINOIS THIS ___ DAY OF ___ 20__

VILLAGE ENGINEER

VILLAGE TREASURER

STATE OF ILLINOIS)
SS.
COUNTY OF DUPAGE)

I, _____, VILLAGE TREASURER OF CAROL STREAM, 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 INDICATED IN THE PLAT.

DATED AT CAROL STREAM, DUPAGE COUNTY, ILLINOIS THIS ___ DAY OF ___ 20__

VILLAGE TREASURER

VILLAGE CLERK

STATE OF ILLINOIS)
SS.
COUNTY OF DUPAGE)

I, _____, VILLAGE CLERK OF THE VILLAGE OF CAROL STREAM, ILLINOIS, HEREBY CERTIFY THAT THE ANNEXED PLAT WAS PRESENTED TO AND BY RESOLUTION DULY APPROVED BY THE BOARD OF TRUSTEES OF THE VILLAGE AT ITS MEETING HELD ON ___ DAY OF ___ 20__ AND THAT THE REQUIRED BOND OR OTHER GUARANTEE HAS EITHER BEEN POSTED OR ADOQUATE PROVISION HAS BEEN MADE FOR SUCH BOND TO BE POSTED, FOR THE COMPLETION OF THE IMPROVEMENTS REQUIRED BY THE REGULATIONS OF THE VILLAGE.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF THE VILLAGE OF CAROL STREAM, ILLINOIS THIS ___ DAY OF ___ 20__

VILLAGE CLERK

DUPAGE COUNTY CLERK'S CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF DUPAGE)

I, THE UNDERSIGNED, AS COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID OR FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND DESCRIBED HEREON. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE PLAT DEFICIT HEREON.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK AT WHEATON, ILLINOIS, THIS ___ DAY OF ___ A.D., 20__

COUNTY CLERK

PLEASE TYPE/PRINT NAME

DUPAGE COUNTY RECORDER'S CERTIFICATE

STATE OF ILLINOIS)
SS.
COUNTY OF DU PAGE)

I, THE UNDERSIGNED, AS RECORDER OF DEEDS FOR DUPAGE COUNTY DO HEREBY CERTIFY THAT INSTRUMENT NO. _____ FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE ___ DAY OF ___ A.D., 20__ AT ___ O'CLOCK ___ M

RECORDER OF DEEDS

PLEASE PRINT/TYPE NAME

PUBLIC UTILITY EASEMENT PROVISIONS

A PERMANENT NON-EXCLUSIVE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF CAROL STREAM, DUPAGE COUNTY, ILLINOIS, AND TO THOSE UTILITY AND OTHER ENTITIES OPERATING NOW OR IN THE FUTURE UNDER A FRANCHISE FROM THE VILLAGE OF CAROL STREAM, INCLUDING, BUT NOT LIMITED TO AMERITECH, NIGOR, COMMONWEALTH EDISON COMPANY, AND TO THEIR SUCCESSORS AND ASSIGNS, IN, ON, UPON, ACROSS, OVER, UNDER AND THROUGH THE VILLAGE OF CAROL STREAM, INCLUDING, BUT NOT LIMITED TO THIS PLAT OF SUBDIVISION, SUCH EASEMENTS GRANTING AND RESERVING FOR THE VILLAGE UTILITIES AND OTHER ENTITIES THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO INSTALL, CONSTRUCT, RECONSTRUCT, IMPROVE, OPERATE, REPLACE, MAINTAIN, REPAIR, REMOVE, REPAIR, CLEAN AND MAINTAIN VARIOUS UTILITY AND SIMILAR TRANSMISSION, RECEIVING AND DISTRIBUTION SYSTEMS, INCLUDING, BUT NOT LIMITED TO CABLE LINES, TRANSFORMERS, COMPUTER DEVICES, SANITARY SEWERS, STORM SEWERS, WATER MAINS, AND ANY AND ALL NECESSARY MANHOLES, HYDRANTS, PIPES, CONNECTIONS, CATCH BASINS, BUFFALO BOXES, AND OTHER INSTALLATION, SUCH OTHER INSTALLATION AS MAY BE REQUIRED TO FURNISH UTILITY AND SIMILAR SERVICE TO THE ATTACHED AREA, AND SUCH APPURTENANCES AND ADDITIONS THERETO AS THE VILLAGE, UTILITIES AND SIMILAR ENTITIES MAY DEEM NECESSARY, USEFUL OR CONVENIENT, TOGETHER WITH A PERMANENT RIGHT OF ACCESS ACROSS THE LOTS AND REAL ESTATE SHOWN ON THIS PLAT OF SUBDIVISION FOR THE NECESSARY PERSONS AND EQUIPMENT TO DO ANY OR ALL OF THE ABOVE WORK. THE RIGHT IS ALSO HEREBY GRANTED TO THE VILLAGE UTILITIES AND SIMILAR ENTITIES TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS, OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO SUCH INSTALLATIONS, IN, ON, UPON, ACROSS, OVER, UNDER OR THROUGH SUCH EASEMENTS. NO PERMANENT BUILDINGS SHALL BE CONSTRUCTED ON SUCH EASEMENTS, BUT SAME MAY BE USED FOR BARRIERS, SHRUBS, LANDSCAPING MONUMENT ENTRY LIONS, PORCHES, DECKS, STOODS, PATIOS AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES AND RIGHTS. WHEN AN EASEMENT IS USED FOR MUNICIPAL OWNED UTILITIES, OTHER INSTALLATION OF UTILITIES AND OTHER ENTITIES SHALL BE SUBJECT TO THE PRIOR APPROVAL, AS TO LOCATION AND DESIGN, OF THE VILLAGE SO AS NOT TO INTERFERE WITH THE MUNICIPAL UTILITIES.

STORMWATER MANAGEMENT AND CONVEYANCE EASEMENT

AN EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF CAROL STREAM OVER ALL OF OUTLOTS "A", "B", "C", "D" AND "E" FOR THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, GRADE, REGRADE, CLEAN, REPAIR, INSPECT, OPERATE AND OTHERWISE MAINTAIN IN AN UNOBTSTRUCTED CONDITION A SYSTEM OF STORM DRAINAGE, MANHOLES, INLETS, OVERLAND DRAINAGE SWALES, AND A STORMWATER MANAGEMENT BASIN FOR THE CONVEYANCE AND TEMPORARY STORAGE OF STORMWATER RUNOFF TRIBUTARY THERETO TOGETHER WITH THE RIGHT OF ACCESS OVER, UPON AND THROUGH SAID EASEMENT FOR THE NECESSARY INDIVIDUALS AND EQUIPMENT TO PERFORM SAID FUNCTIONS. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM, OR REMOVE TREES, BUSHES, VEGETATION AND DEBRIS WITHIN SAID EASEMENT AREA THAT CAN REASONABLY BE EXPECTED TO OBSTRUCT OR OTHERWISE IMPAIR THE OPERATION OF SAID EASEMENT AREA FOR THE USES AND PURPOSES HEREIN SET FORTH. NO BUILDINGS, SHEDS, SWIMMING POOLS OR OBJECTS AND EQUIPMENT SUBJECT TO DAMAGING INKORROSION SHALL BE PLACED ON SAID EASEMENT AND NO EARTH FILL OR EXTRANEOUS MATERIALS SHALL BE DEPOSITED OR EXTENSIVE REGRADING WORK UNDERTAKING THAT WOULD HINDER OR OBSTRUCT THE CONVEYANCE OF STORM DRAINAGE OR DISPLACE ANY STORMWATER STORAGE VOLUME POTENTIALLY AVAILABLE DURING TIMES OF PEAK RUNOFF. SAID EASEMENT AREAS MAY BE USED, HOWEVER, FOR PAVED AREAS, GARDENS, TREES, PLANTS, LAWN, AND OTHER LANDSCAPING IMPROVEMENTS AND FOR OTHER USES AND PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID EASEMENT USES AND RIGHTS.

OWNERSHIP AND MAINTENANCE RESPONSIBILITIES REMAIN WITH THE PROPERTY OWNER. THE VILLAGE OF CAROL STREAM WILL EXECUTE THE RIGHTS OF THIS EASEMENT ONLY ON THE EVENT THAT THE PROPERTY OWNER FAILS TO DO SO WITHIN A REASONABLE TIME PERIOD, AS DETERMINED BY THE VILLAGE. IN SUCH EVENT, THE PROPERTY OWNER MUST PAY ALL COSTS INCURRED BY THE VILLAGE.

PATHWAY EASEMENT PROVISIONS

A NON-EXCLUSIVE PATHWAY EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF CAROL STREAM, ITS SUCCESSORS AND ASSIGNS OVER THE AREA(S) MARKED "PATHWAY EASEMENT" ON THE PLAT FOR THE RIGHT, PRIVILEGE AND AUTHORITY TO CONSTRUCT, RECONSTRUCT, AND REPAIR THE PATHWAY WITHIN THE SUBJECT EASEMENT AREA TOGETHER WITH ANY AND ALL NECESSARY STRUCTURES AND APPURTENANCES AS MAY BE DEEMED NECESSARY BY SAID VILLAGE OVER, UPON, ACROSS AND THROUGH SAID INDICATED EASEMENT TOGETHER WITH RIGHT OF INGRESS AND EGRESS ACROSS THE PROPERTY FOR PEDESTRIAN TRAFFIC AND FOR THE NECESSARY PERSONNEL AND EQUIPMENT TO ANY OF THE ABOVE WORK. THE RIGHT IS ALSO GRANTED TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS OR OTHER PLANTS ON THE EASEMENT THAT INTERFERE WITH THE OPERATION OF THE SIDEWALKS. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENT, BUT SAME MAY BE USED FOR LAWNS AND LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS.

ILLINOIS DEPARTMENT OF TRANSPORTATION CERTIFICATE

THIS PLAT HAS BEEN APPROVED BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION WITH RESPECT TO ROADWAY ACCESS PURSUANT TO SECTION 2 OF "AN ACT TO REVISE THE LAW IN RELATION TO PLATS" AS AMENDED. HOWEVER, A HIGHWAY PERMIT FOR ACCESS IS REQUIRED BY THE OWNER OF THE PROPERTY. A PLAN THAT MEETS REQUIREMENTS CONTAINED IN THE DEPARTMENT'S "POLICY ON PERMITS FOR ACCESS DRIVENWAYS TO STATE HIGHWAYS" WILL BE REQUIRED BY THE DEPARTMENT.

DISTRICT ENGINEER

PREPARED BY:



CEMCON, Ltd. Consulting Engineers, Ltd. Surveyors & Planners 2280 WHITE OAK CIRCLE, SUITE 100 AURORA, ILLINOIS 60502-9675 PH: (630) 862-2100 FAX: (630) 862-2199 e-mail: cee@cemcon.com

DISC NO.: 801026 FILE NAME: PLAT DRAWN BY: N.A.S. P.L.D. SK. / PC. NO.: 870/1-30 COMPLETION DATE: 01-24-06 JOB NO.: 501.028

| VENDOR NAME | AMOUNT | ACCOUNT NAME | FUND & ACCOUNT | CLAIM | INVOICE | PO# | F/P ID LINE |
|-----------------------------|-----------|----------------------|----------------|-------|--------------|----------|-------------|
| DESCRIPTION | | | | | | | |
| A T & T | | | | | | | |
| SERV FOR JULY 17-AUG 16 | 55.02 | TELEPHONE | 04.420.230 | | 630Z86102908 | | 148 00006 |
| SERV FOR JUL 17-AUG 16 | 110.02 | MAINTENANCE & REPAIR | 01.468.244 | | 630Z99656408 | | 148 00024 |
| SERV FOR JUL 17-AUG 16 | 207.98 | TELEPHONE | 01.456.230 | | 630540111208 | | 148 00023 |
| SERV FOR JULY 17-AUG 16 | 128.67 | TELEPHONE | 04.410.230 | | 708Z06300608 | | 148 00004 |
| SERV FOR JULY 17-AUG 16 | 0.02 | TELEPHONE | 04.410.230 | | 708Z86001308 | | 148 00005 |
| SRV FOR JULY 17-AUG 16 | 55.02 | TELEPHONE | 04.410.230 | | 708Z86121208 | | 148 00002 |
| SERV FOR JULY 17-AUG 16 | 1,365.96 | TELEPHONE | 04.420.230 | | 708Z86529808 | | 148 00003 |
| | 1,922.69 | *VENDOR TOTAL | | | | | |
| AMERICAN ADMINISTRATIVE | | | | | | | |
| FLEX SPEND-AUGUST | 200.10 | EMPLOYEE SERVICES | 01.459.273 | | 9137 | | 148 00039 |
| ANCEL, GLINK, DIAMOND, BUSH | | | | | | | |
| LEGAL SRVS-JULY 2006 | 24,220.90 | LEGAL FEES | 01.457.238 | | AUG 14, 2006 | 001565 P | 148 00034 |
| B & F TECHNICAL CODE SER | | | | | | | |
| PLUMB INSP'S AUG 2-14 | 620.00 | CONSULTANT | 01.464.253 | | 24402 | 000204 P | 148 00033 |
| BAXTER & WOODMAN INC | | | | | | | |
| TUBEWAY LIFT STN RPLMNT | 10,043.78 | CONSTRUCTION | 04.410.480 | | 113809 | 002360 P | 148 00049 |
| BENNETT DOOR SERVICES IN | | | | | | | |
| EMERG SRV-SO GARAGE DR | 740.00 | PROPERTY MAINTENANCE | 01.467.272 | | 14855 | | 148 00035 |
| BEST QUALITY CLEANING IN | | | | | | | |
| CLN SRV AUGUST/VLG HL | 2,621.25 | JANITORIAL SERVICES | 01.468.276 | | 22849 | 001546 P | 148 00016 |
| CLN SRV AUGUST/PWKS | 873.75 | JANITORIAL SUPPLIES | 01.467.276 | | 22849 | 001546 P | 148 00017 |
| | 3,495.00 | *VENDOR TOTAL | | | | | |
| COMMONWEALTH EDISON CO | | | | | | | |
| SRV JUL 20- AUG 18 | 71.90 | ELECTRICITY | 06.432.248 | | 0030086009 | | 148 00013 |
| SRV JUL 19-AUG 17 | 589.38 | ELECTRICITY | 04.410.248 | | 0793651000 | | 148 00008 |
| SRV JUL 19-AUG 17 | 5,076.00 | ELECTRICITY | 04.420.248 | | 0793651000 | | 148 00009 |

| VENDOR NAME | DESCRIPTION | AMOUNT | ACCOUNT NAME | FUND & ACCOUNT | CLAIM | INVOICE | PO# | F/P ID LINE |
|--------------------------|--------------------------|----------|--------------------------|----------------|-------|------------|----------|-------------|
| COMMONWEALTH EDISON CO | | | | | | | | |
| | SRV 7/21- 8/18 | 139.49 | ELECTRICITY | 01.467.248 | | 0803155026 | | 155 00003 |
| | SRV FOR 7/20-8/18 | 104.12 | ELECTRICITY | 06.432.248 | | 1353117013 | | 155 00002 |
| | SRV 7/21- 8/18 | 147.32 | ELECTRICITY | 01.467.248 | | 1865134015 | | 155 00004 |
| | SRV JUL 20- AUG 18 | 87.56 | ELECTRICITY | 06.432.248 | | 3153036011 | | 148 00012 |
| | SERV FOR JUL 21-AUG 17 | 148.89 | ELECTRICITY | 01.467.248 | | 4483019016 | | 148 00037 |
| | SRV JUL 20- AUG 18 | 3,596.78 | ELECTRICITY | 06.432.248 | | 4863004008 | | 148 00014 |
| | SRV FOR 7/24 - 8/23 | 13.40 | ELECTRICITY | 01.467.248 | | 5838596003 | | 148 00057 |
| | SRV FOR JUL 19-AUG 17 | 123.08 | ELECTRICITY | 01.467.248 | | 6337409002 | | 148 00036 |
| | SRV FOR 7/20 -8/18 | 90.62 | ELECTRICITY | 06.432.248 | | 6597112015 | | 155 00001 |
| | SERV 7/20 - 8/18 | 98.00 | ELECTRICITY | 01.468.248 | | 6675448009 | | 148 00010 |
| | SRV FOR 7/26 - 8/24 | 145.75 | ELECTRICITY | 06.432.248 | | 7139030002 | | 148 00056 |
| | 10,432.29 | | *VENDOR TOTAL | | | | | |
| COUNTY COURT REPORTERS I | | | | | | | | |
| | PUBL HRG MIN-AUG 14 | 125.00 | COURT RECORDER FEES | 01.453.241 | | 089800 | | 148 00015 |
| DAILY HERALD | | | | | | | | |
| | PUBLIC NOT-WHEATON BIBLE | 88.27 | PUBLIC NOTICES/INFORMATI | 01.453.240 | | T3800271 | | 148 00027 |
| | PUBLIC NOTICE-COM DV | 46.41 | PUBLIC NOTICES/INFORMATI | 01.453.240 | | T3800275 | | 148 00028 |
| | PUBLIC NOTICE-COM DV | 109.20 | PUBLIC NOTICES/INFORMATI | 01.453.240 | | T3800282 | | 148 00029 |
| | PUBLIC NOTICE-FINANCE | 20.00 | PUBLIC NOTICES/INFORMATI | 01.458.240 | | T3801794 | | 148 00030 |
| | 263.88 | | *VENDOR TOTAL | | | | | |
| DAILY HERALD | | | | | | | | |
| | AD FOR SUMMERFEST/06 | 2,562.00 | SUMMER IN THE CENTER | 01.475.287 | | 32264401 | 001594 P | 148 00070 |
| | AD FOR SUMMERFEST/06 | 1,438.00 | SUMMER IN THE CENTER | 01.475.287 | | 32266201 | 001594 P | 148 00071 |
| | 4,000.00 | | *VENDOR TOTAL | | | | | |
| DESKS INC | | | | | | | | |
| | WRK RITE/MOUSE-ADM | 291.00 | SMALL EQUIPMENT EXPENSE | 01.465.350 | | 999-018158 | 001579 P | 148 00065 |
| DPA LASER SERVICES INC | | | | | | | | |
| | TONER CARTRIDGE-VLG CLRK | 88.00 | OFFICE SUPPLIES | 01.458.314 | | 4759 | | 148 00026 |

| VENDOR NAME | DESCRIPTION | AMOUNT | ACCOUNT NAME | FUND & ACCOUNT | CLAIM | INVOICE | PO# | F/P ID LINE |
|--------------------------|---------------------------|----------|------------------------|----------------|-------|----------------|--------|-------------|
| DUPAGE COUNTY | | | | | | | | |
| | DATA PROCESS-JUL POLICE | 250.00 | DATA PROCESSING | 01.466.247 | | 2416 | 002442 | P 148 00054 |
| | GIS FEE/ENGR -JULY | 225.00 | GIS SYSTEM | 01.462.257 | | 2455 | | 148 00068 |
| | GIS FEE/COM DV-JULY | 225.00 | GIS SYSTEM | 01.463.257 | | 2455 | | 148 00069 |
| | | 700.00 | *VENDOR TOTAL | | | | | |
| DUPAGE COUNTY ANIMAL CON | | | | | | | | |
| | ANIMAL CONTROL-JULY | 280.00 | ANIMAL CONTROL | 01.466.249 | | 132-12679 | | 148 00062 |
| DUPAGE COUNTY TREASURER | | | | | | | | |
| | TAXI CAB DISCOUNDT COUPON | 3,000.00 | DIAL-A-RIDE | 01.452.250 | | 575 | 000417 | P 148 00001 |
| EXAMINER PUBLICATIONS IN | | | | | | | | |
| | AUG 26, OUTDR MOVIE | 80.00 | MISC EVENTS/ACTIVITIES | 01.475.291 | | 10122219 | | 148 00007 |
| FEDEX | | | | | | | | |
| | INV SUMM AUG 16 | 96.29 | POSTAGE | 01.465.229 | | 1-176-78152 | 001545 | P 148 00041 |
| | INV SUMM AUG 23 | 78.66 | POSTAGE | 01.465.229 | | 1-190-05639 | 001545 | P 148 00011 |
| | | 174.95 | *VENDOR TOTAL | | | | | |
| GAWLIK/ MR | | | | | | | | |
| | SIDEWALK REIMBURSEMENT | 80.00 | OPERATING SUPPLIES | 01.467.317 | | 4 SQ'S REPLMNT | 002397 | P 148 00051 |
| HOFFRAGE/ROBERT | | | | | | | | |
| | IPWSOA CONFR-MEALS | 129.00 | TRAINING | 04.420.223 | | 9/20-9/22 | | 148 00063 |
| HOWARD JR/THOMAS F | | | | | | | | |
| | LEGL SRV FOR JULY | 6,971.25 | LEGAL FEES-PROSECUTION | 01.457.235 | | 122 | 002529 | P 148 00020 |
| HR SIMPLIFIED | | | | | | | | |
| | COBRA NOTIF-JULY 2006 | 25.00 | EMPLOYEE SERVICES | 01.459.273 | | 16638 | | 148 00058 |
| I P E L R A | | | | | | | | |
| | REG FEE-IPELRA STAT CONF | 350.00 | TRAINING | 01.459.223 | | OCT 22-25 | 000154 | P 148 00050 |

Schedule of Bills

| VENDOR NAME DESCRIPTION | AMOUNT | ACCOUNT NAME | FUND & ACCOUNT | CLAIM | INVOICE | PO# | F/P ID LINE |
|---|-----------|--------------------------|----------------|-------|----------------|--------|-------------|
| IL POT WATER SUPPLY OPER 75TH ANL CONFR-HOFFRAGE | 115.00 | TRAINING | 04.420.223 | | SEPT 20-22 | 002395 | P 148 00022 |
| ILL LIQUOR CONTROL COMMI BASSET APPL RNWL-GARZA | 250.00 | DUES & SUBSCRIPTIONS | 01.466.234 | | 06-5A0048785 | | 148 00043 |
| KANSAS STATE BANK VOICE LGR MAINT-OCT | 253.00 | OFFICE EQUIPMENT MAINTEN | 01.466.226 | | 3338459 | 002528 | P 148 00052 |
| LALLY/KELLY F MEALS-TRNG 9/11-22 | 364.00 | TRAINING | 01.466.223 | | EVANSTON, IL | | 148 00048 |
| MCNAMARA/KATHLEEN HUMAN SRV FAIR REIMB | 624.03 | HUMAN SERVICE FAIR | 01.2231 | | HUMAN SRV FAIR | | 148 00064 |
| MIDWEST TAR SEALER CO 2005 REJUVENATION PROJ | 42,218.40 | STREET MAINTENANCE | 01.467.286 | | M13429 | 000241 | P 148 00067 |
| MILLER/TOM MEALS-CHAMGAIN, IL 9/10 | 98.00 | TRAINING | 01.466.223 | | TRNG-9/10-15 | | 148 00044 |
| MORONI & HANDLEY PTNSHP LEGAL SRVS FOR JULY | 2,025.00 | LEGAL FEES-PROSECUTION | 01.457.235 | | AUG 18, 2006 | 001553 | P 148 00018 |
| NEXT GENERATION SCR PACT CAMP SHIRTS | 506.00 | COMMUNITY RELATIONS | 01.466.325 | | 3247 | | 148 00061 |
| OAK BROOK BANK W&S DEPOSIT SLIPS | 28.90 | PRINTED MATERIALS | 01.461.315 | | 8/10/06 | | 148 00040 |
| ONESTI ENTERTAINMENT COR MULTI CULTURAL FEST 9/9 | 11,440.00 | CONCERT SERIES | 01.475.288 | | 5153 | 001587 | P 148 00025 |
| PECE/BRYAN VOLUNTEER PICNIC | 106.12 | COMMUNITY RELATIONS | 01.466.325 | | REIMB-VOLUNTR | | 148 00060 |

Schedule of Bills

| VENDOR NAME | DESCRIPTION | AMOUNT | ACCOUNT NAME | FUND & ACCOUNT | CLAIM | INVOICE | PO# | F/P ID LINE |
|--------------------------|--------------------------|----------|--------------------------|----------------|-------|----------------|----------|-------------|
| SAILER/EDWARD | MEALS-CHAMGAIGN, IL 9/10 | 98.00 | TRAINING | 01.466.223 | | TRNG-9/10-15 | | 148 00045 |
| SPIZZIRRI / PETER | TUITION REIMB-BOSTON UNV | 243.15 | TRAINING | 01.466.223 | | MAY-AUG/06 | | 148 00021 |
| STEPHEN A LASER ASSOCIAT | POLICE OFFCR ASSESSMNTS | 575.00 | PERSONNEL HIRING | 01.451.228 | | 82860602 | 000149 P | 148 00076 |
| | POLICE OFFCR ASSESSMNTS | 575.00 | PERSONNEL HIRING | 01.451.228 | | 82960604 | 000149 P | 148 00077 |
| | | 1,150.00 | *VENDOR TOTAL | | | | | |
| STEVENS TITLE SERVICE IN | PROCESS FEE-3 CARS/POLIC | 15.00 | AUTO MAINTENANCE & REPAI | 01.466.212 | | 3 CARS-FEES | | 148 00059 |
| TAUTGES / JOHN | HAULING DEBRI OUT | 795.00 | HAULING | 01.467.265 | | 187 | | 148 00038 |
| | STONE DEBRI | 240.99 | CA-6 | 06.432.347 | | 191 | | 148 00072 |
| | DEBRI HAULED OUT | 510.00 | HAULING | 01.467.265 | | 191 | | 148 00073 |
| | | 1,545.99 | *VENDOR TOTAL | | | | | |
| THOMAS/MINDI | MEALS-TRNG 9/14 | 288.00 | TRAINING | 01.466.223 | | TRNG-MILWAUKEE | | 148 00046 |
| UNIVERSAL CABLE CONSTRUC | STR LIGHT RPR-BAYBROOK | 1,100.00 | STREET LIGHT MAINTENANCE | 01.467.271 | | 11 6040 | 002379 P | 148 00074 |
| | CONST GARY/HIAWATHA | 999.00 | MAINTENANCE & REPAIR | 01.468.244 | | 11 6041 | 001602 P | 148 00066 |
| | | 2,099.00 | *VENDOR TOTAL | | | | | |
| WATER SYSTEMS, INC | LARGE METER RPR | 4,578.75 | METER MAINTENANCE | 04.420.282 | | 8/25/2006 | 002371 P | 148 00075 |
| WILL COUNTY CLERK | NOTARY COMM-M KONIOR | 10.00 | DUES & SUBSCRIPTIONS | 01.466.234 | | M KONIOR | | 148 00042 |

Schedule of Bills

| VENDOR NAME | DESCRIPTION | AMOUNT | ACCOUNT NAME | FUND & ACCOUNT | CLAIM INVOICE | PO# F/P ID LINE |
|-------------------|--------------------------|----------|----------------------|----------------|---------------|--------------------|
| WILSON CONSULTING | | | | | | |
| | CONSULT SRV-AUGUST | 660.00 | MAINTENANCE & REPAIR | 01.468.244 | 13059 | 001495 P 148 00032 |
| | MTG WITH DEPT'S-PHON SYS | 1,540.00 | MAINTENANCE & REPAIR | 01.468.244 | 13063 | 001495 P 148 00053 |
| | | 2,200.00 | *VENDOR TOTAL | | | |
| YORK/MATTHEW | | | | | | |
| | STRMWTR CONFR-9/19-22 | 440.00 | TRAINING | 04.410.223 | KENTUCKY | 002403 P 148 00055 |
| ZOCHERT/MICHAEL | | | | | | |
| | MEALS-TRNG 9/11-22 | 364.00 | TRAINING | 01.466.223 | EVANSTON, IL | 148 00047 |

BRC/ISD FINANCIAL SYSTEM
09/01/2006 09:24:41

Schedule of Bills

VILLAGE OF CAROL STREAM
GL540R-V06.70 PAGE 7

| VENDOR NAME | | | | | | | |
|----------------|------------|--------------|----------------|-------|---------|-----|-------------|
| DESCRIPTION | AMOUNT | ACCOUNT NAME | FUND & ACCOUNT | CLAIM | INVOICE | PO# | F/P ID LINE |
| REPORT TOTALS: | 139,293.18 | | | | | | |

RECORDS PRINTED - 000079

BRC/ISD FINANCIAL SYSTEM
09/01/2006 09:24:42

Schedule of Bills

VILLAGE OF CAROL STREAM
GL060S-V06.70 RECAPPAGE
GL540R

FUND RECAP:

| FUND | DESCRIPTION | DISBURSEMENTS |
|-----------------|------------------------|---------------|
| 01 | GENERAL CORPORATE FUND | 112,378.86 |
| 04 | WATER & SEWER O/M FUND | 22,576.60 |
| 06 | MOTOR FUEL TAX FUND | 4,337.72 |
| TOTAL ALL FUNDS | | 139,293.18 |

BANK RECAP:

| BANK | NAME | DISBURSEMENTS |
|-----------------|----------------|---------------|
| OBB | OAK BROOK BANK | 139,293.18 |
| TOTAL ALL BANKS | | 139,293.18 |

THE PRECEDING LIST OF BILLS PAYABLE WAS REVIEWED AND APPROVED FOR PAYMENT.

DATE APPROVED BY

.....

.....

The preceding list of bills payable was received and approved for payment.

Approved:

Date:



Joseph E. Breinig, Village Manager

9/1/06

Authorized By:

Ross Ferraro, Mayor

Janice Koester, Village Clerk

Anthony D. Manzzullo, Treasurer

Date: _____

ADDENDUM WARRANTS
August 22, 2006 thru September 5, 2006

| Fund | Check # | Vendor | Description | Amount |
|---------------|---------|----------------|--------------------------------------|----------------------|
| General | A C H | Oak Brook Bank | Payroll July 31, 2006 - Aug 13, 2006 | 407,146.84 |
| Water & Sewer | A C H | Oak Brook Bank | Payroll July 31, 2006 - Aug 13, 2006 | 33,274.71 |
| Water & Sewer | A C H | Oak Brook Bank | Dupage Water Commission -July 2006 | <u>200,217.67</u> |
| | | | | <u>\$ 640,639.22</u> |

Approved this _____ day of _____, 2006

By: _____
 Ross Ferraro - Mayor

 Janice Koester, Village Clerk

 Anthony Manzzullo - Village Treasurer