City of Crystal Lake

Memorandum

To: Planning and Zoning Commission

From: Elizabeth Maxwell

Date: April 21, 2010

Re: 2010-20 Ashton Pointe Final PUD Amendment

This item was continued from the April 7th meeting to address concerns the neighbors and the Commission had regarding the minimum size of the homes and the masonry requirement. Kenar has provided a revised Acknowledgement Statement which address the comments from the previous meeting.

12. Architectural Requirements Must Include the Following Elements:

Square Footage:
The minimum square footage requirements will be as follows:
The ranch plan shall have a minimum square footage of 2,000 square feet.
The two story plan shall have a minimum square footage of 2,100 square feet. This square footage area does not include garages, basements or decks.
No more than 14 homes can be built at the minimum square footage of 2000 -2,360. After 14 building permits have been issued in this range the square footage minimum requirements will revert back to the previously approved of 2,100 on a ranch plan and 2,360 on a two story plan.

Elevation:
Front or street view elevation must have the entry door and garage door face the street. At least 53 out of the 71 single family homes must have a masonry element (brick or stone) covering approximately 50% of the front or street view (face of garage and face of home, does not include garage returns). Any home that is issued a permit in the 2,000 – 2,360 range must conform to the (brick or stone) criteria as mentioned above.
In addition, these elevations shall wrap the masonry around the side elevations by at least one foot creating a pier element. Front brick area must include the following details such as: limestone sills under windows and entry door and must also include one of the following: soldier course above garage door/doors, windows and entry door or quoins at all outside corners.
Stone must have all of same area and percentages of coverage but does not have the same requirements as brick such as the limestone sills, soldering, and quoins.

Width:
In order to preserve the streetscape of the subdivision all houses shall have a minimum house width of 50’ on a ranch and 52’ on a two story.

Kenar made the change to set a minimum square footage for any new homes constructed. They also increased the total number of homes that must incorporate masonry in the elevation. A minimum square footage of 2,000 SF for a Ranch home and 2,100 SF for a two-story home is permitted for the first 14 building permits. After these permits all other homes must meet the previously approved PUD minimum square footage requirements. In addition, any home within the 2,000 SF to 2,360 SF range must incorporate brick in the elevation.

Recommended Conditions:

A motion to recommend approval of the petitioner's request with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
   A. Application (Ashton Pointe LLC, received 3/23/10).
   B. Acknowledgement Statement (Ashton Pointe LLC, dated 2-23-10, received 3/23/10)

2. Conditions of Ordinance No. 5845 shall remain in effect, as applicable.

~~3. The Acknowledgement Statement shall be adopted with the following changes:~~
   ~~A. Amend #8. To read, "There exists a Subdivision Bond for public improvements for the subdivision. The City of Crystal Lake has inspected and conditionally approved all street lights, storm sewer, sanitary sewer and water infrastructure streets and curbs within or adjacent to said lots. All storm water detention ponds (north and south), public sidewalks, parkway landscape, curb repairs and street surfacing remain subject to final acceptance by the City of Crystal Lake. Ashton Pointe, LLC shall be responsible for installation and final acceptance of curb repairs, final surface on streets, and north and south detention ponds within three years of approval of this Ordinance. Upon request for final occupancy the buyer shall have the lot and adjacent parkway final graded, improved with sod, parkway trees, lot landscaping and public sidewalk. If final occupancy has not been requested within two years from the purchase date the buyer shall be required to improve the parkway contiguous to the lot. Parkway improvements shall include final grading, public sidewalk, parkway trees and sod. Proof of sale must be provided by Ashton Pointe LLC.~~ **(Removed by Staff. This condition has been addressed with the revised Acknowledgement Statement)**
   B. Amend the signature Date to read Acknowledged this ____ Day of 20___.

4. The Acknowledgement Statement shall only be for the single-family lots, Ashton Pointe LLC shall retain control and development rights of the multi-family lots.

5. The petitioner shall comply with all of the requirements of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.

ASHTON POINTE PUD

ACKNOWLEDGEMENT STATEMENT

4-15-10 CHANGE TO THIS DOCUMENT

1. Ashton Pointe is a Planned Unit Development (PUD) subject to an approved set of Architectural Plans and regulated by approved ordinances.

2. There exists Final Engineering Plans, including the Tree Preservation/Protection Plans prepared by Pearson, Brown & Associates dated May 17, 2004, latest revision dated September 22, 2006 filed with the City of Crystal Lake. Each owner will be required to strictly conform to all top of foundation elevations and final grading elevations that will be submitted to the City for approval. Each buyer will be issued this set of Final Engineering Plans.

3. A Letter of Awareness exists required to be signed by purchasers of a lot acknowledging they are aware of the fact that easements run with their lot and affect and concern their lot, all which are located on the Plat of Subdivision for Ashton Pointe, last dated January 17, 2005 as recorded at the Office of the Recorder of Deeds of McHenry County, Illinois on February 4, 2005 as Document Number 2005R0009632. Each buyer will be issued this recorded Plat of Subdivision.

4. There exists a Homeowners Association (Ashton Pointe Homeowners Association) that governs the single family lots and all the lots within the subdivision are associated with this Association.

5. There exists a Declaration of Covenants, Conditions and Restrictions for Ashton Pointe, as recorded at the Office of the Recorder of Deeds of McHenry County, Illinois on February 4, 2005 as Document Number 2005R0009633. Each buyer will be issued a copy of the Declaration of Covenants, Conditions and Restrictions for Ashton Pointe Subdivision.

6. The subject properties are zoned R-2PUD (Lots 1 through 71) and are being developed as a Planned Unit Development. Setback lines shown thereon reflect said agreement, all setback lines per Document 2004R0085425 falling within the limits legally described thereon and as drawn and described on recorded Plat of Subdivision Document 2005R0009632. Ashton Pointe Final Plat prepared by TFW Surveying & Mapping Inc.
    A. Single Family Side Interior = 7 Ft. Minimum (Total building-to-building = 18 Ft. except in 3 Car Garage, then Total building-to-building = 14 Ft.)

7. There exists an approved Landscape Plan that depicts the minimum of the lot and parkway landscape requirements. Landscape plans prepared by JenLand Design Inc. dated September 1, 2004. Each buyer will be issued this set of approved Landscape Plans.

8. There exists a Subdivision Bond for public improvements for the subdivision. The City of Crystal Lake has inspected and conditionally approved all street lights, storm sewer, sanitary sewer and water infrastructure streets and curbs within or adjacent to said lots. All storm water detention ponds (north and south), public sidewalks, parkway landscape, curb repairs and street surfacing remain subject to final acceptance by the City of Crystal Lake. Ashton Pointe, LLC shall be responsible for installation and final acceptance of curb repairs, final surface on streets, and north and south detention ponds within three years of approval of this ordinance. Upon request for final occupancy the buyer shall have the lot and adjacent parkway final graded, improved with sod, public trees, lot landscaping and public sidewalk. If final occupancy has not been requested within two years from the purchase date the buyer shall be required to improve the parkway contiguous to the lot. Parkway improvements shall include final grading, public sidewalk, parkway trees and sod. Proof of sale must be provided by Ashton Pointe LLC.

9. Exterior color packages have been predetermined by the Architectural Committee that offers a variety of exterior colors to choose from. (See Exhibit A-1)

10. Monotony code exists where there must be three (3) homes between any same color package.
    Exception: The same model type can be next to each other as long as it's a different color and elevation.

11. Architectural Control Committee:
    There exists an Architectural Control Committee as outlined in the Declaration of Covenants, Conditions and Restrictions for Ashton Pointe Association.
    All new construction shall be submitted to the City of Crystal Lake Building Department for review and approval.
    After a permit is issued any further exterior changes or additions will need to be reviewed by the above mentioned architectural control committee.

12. Architectural Requirements Must Include the Following Elements:

    Square Footage:
    The minimum square footage requirements will be as follows:
    The ranch plan shall have a minimum square footage of 2,000 square feet.
    The two story plan shall have a minimum square footage of 2,100 square feet.
    This square footage area does not include garages, basements or decks.
    No more than 14 homes can be built at the minimum square footage of 2000 - 2,360. After 14 building permits have been issued in this range the square footage minimum requirements will revert back to the previously approved of 2,100 on a ranch plan and 2,360 on a two story plan.

    Elevation:
    Front or street view elevation must have the entry door and garage door face the street. At least 53 out of the 71 single family homes must have a masonry

element (brick or stone) covering approximately 50% of the front or street view (face of garage and face of home, does not include garage returns). Any home that is issued a permit in the 2,000 – 2,360 range must conform to the (brick or stone) criteria as mentioned above.
In addition, these elevations shall wrap the masonry around the side elevations by at least one foot creating a pier element. Front brick area must include the following details such as: limestone sills under windows and entry door and must also include one of the following: soldier course above garage door/doors, windows and entry door or quoins at all outside corners.
Stone must have all of same area and percentages of coverage but does not have the same requirements as brick such as the limestone sills, soldering, and quoins.

Width:
In order to preserve the streetscape of the subdivision all houses shall have a minimum house width of 50' on a ranch and 52' on a two story.

Garage:
All homes must have a minimum of a 2-car garage.

Shutters:
All windows on all exterior elevations that will accept shutters are required.

Roof:
Minimum 6/12 roof pitch on main roof, 6/12 roof pitch on gable and hip roofs.
The roof lines of each adjacent home must vary with the addition of gables, dormers or hip roof lines to make each home appear different.

Shingles:
15 lb. felt, Owens Corning class "A" Oakridge, 30 year architectural shingle.

Windows and Patio Doors:
(Type: Milgard 6217, White, Low E, Single Hung) or Equal

Fypons:
Fypons are required at gables on both front and side elevations of houses.

Cedar Trim:
Front elevations require cedar trim on roof gable sub-rakes, below fascias, all corners, above windows and at all intersecting masonry to siding elements.
Rear elevations require a cedar trim element above all windows.
Front, sides and rear elevations require cedar trim band boards at all first to second floor intersections.

Exterior Decks:
Exterior decks are required to have cedar railings and cedar skirt board trim finish at all joist ends and stair stringers.

ACKNOWLEDGED THIS _____ DAY OF _____, 2010.

PURCHASERS:_____

_____

SELLER: ASHTON POINTE, LLC

BY: _____

#2010-20
Ashton Pointe Final PUD Amendment
Project Review for Planning and Zoning Commission

Meeting Date:	April 7, 2010
Request:	Final PUD Amendment to allow design criteria for home construction rather than approved model plans.
Location:	West side of Pingree Road, north of the Union Pacific Railroad
Acreage:	Approximately 36 acres
Zoning:	R-2 PUD Single Family
Surrounding Properties:	North: R-1 (McHenry County) South: R-3B PUD Attached Residence (Ashton Pointe Townhomes) East: R-1 PUD Single Family West: E Estate
Staff Contact:	Elizabeth Maxwell (815.356.3615)

Background:
On April 20, 2004, the City Council approved the Preliminary & Final Plats of Subdivision and the Subdivision Ordinance Variations for the Church Subdivision. In addition, the Council approved the Preliminary Plat of Subdivision and PUD for Ashton Pointe and the relevant Zoning variations, as well as the Rezoning of 71 single family lots and 5 outlots to R-2PUD and the Rezoning of 49 townhouses and 3 outlots to "R-3bPUD." Through the PUD approval the house model styles and were reviewed and approved. The petitioners are requesting an amendment to their PUD to allow the lots to be sold individually or in groups to different builders. Ashton Pointe has created an Acknowledgement Statement that lists the design criteria for future home construction.

Due to the poor economy and the delay in sales and build-out, Ashton Pointe is looking for alternatives to have the subdivision completed sooner. All the lots would still need to meet all of the approved engineering plans, subdivision lot sizes and all other PUD requirements. Ashton Pointe LLC will also retain a Letter of Credit with the City to be sure all the final lot improvements have been completed.

Land Use Analysis:
Planned Unit Development approvals are typically accompanied with detailed elevation drawings illustrating the future look of the building or buildings. Ashton Pointe is requesting that criteria be approved and no specific drawings or model plans be required to be constructed. Recently another development, Waterford, came forward and provided examples of housing product, but requested only the specific criteria be approved.

Ashton Pointe was approved for 71 single-family lots. Currently 28 lots have been sold or had a permit requested by Ashton Pointe, leaving 43 lots subject to this amendment. The criteria will require all lots to meet:

- The Ashton Pointe approved tree preservation, engineering and landscape plans, adopted CC&R's, and required setbacks.
- Predetermined Exterior Color Packages.
- Anti-monotony criteria.
- Review by Ashton Pointe architectural committee.
- A minimum 1800 square foot living area.
- Brick or masonry on the front elevation for at least 36 of the total 71 homes. 28 permits have been applied for, 26 of those will contain masonry. 10 additional homes would need masonry front elevations.
- Shutters at all possible windows, fypons at front and side gables and cedar trim.
- Minimum 2 car garage, 6/12 roof pitch, Oakridge 30 year architectural shingles and cedar decks.

Comprehensive Land Use Plan 2020 Vision Summary Review:

The Comprehensive Plan designates the subject property as Urban Residential, which is defined as: "representing existing and future residential areas including a combination of single-family and multi-family housing types." Within the Residential Land Use section of the Comprehensive Plan, the following goal and objective is related to the petitioner's requests:

Goal: Encourage a diversity of high quality housing in appropriate locations throughout the city that supports a variety of lifestyles and invigorates community character.

Objective #1: Encourage a diversity of housing types throughout the city, which satisfy wide-range needs for all persons regardless of age, race, religion, gender, national origin, physical ability and economic level.

Findings of Fact:

Final Planned Unit Development Amendment

The petitioner is requesting approval of an amendment to a Final Planned Unit Development to allow the adoption of an Acknowledgement Statement to dictate home design. A Planned Unit Development is a Special Use and Special Uses require separate review because of their potential to impact surrounding properties and the orderly development of the City.

Section 2-400 B General Standards for all special uses in the Unified Ordinance establishes standards for all special uses in Crystal Lake. Briefly, the criteria are as follows:

1. The use is necessary or desirable, at the proposed location, to provide a service or facility which will further the public convenience and general welfare.
   ☐ *Meets* ☐ *Does not meet*

2. The use will not be detrimental to area property values.
   ☐ *Meets* ☐ *Does not meet*

3. The use will comply with the zoning districts regulations.
   ☐ *Meets* ☐ *Does not meet*

4. The use will not negatively impact traffic circulation.
   ☐ *Meets* ☐ *Does not meet*

5. The use will not negatively impact public utilities or municipal service delivery systems. If required, the use will contribute financially to the upgrading of public utilities and municipal service delivery systems.
   ☐ *Meets* ☐ *Does not meet*

6. The use will not negatively impact the environment or be unsightly.
   ☐ *Meets* ☐ *Does not meet*

7. The use, where possible will preserve existing mature vegetation, and provide landscaping and architecture, which is aesthetically pleasing, compatible or complementary to surrounding properties and acceptable by community standards.
   ☐ *Meets* ☐ *Does not meet*

8. The use will meet requirements of all regulating governmental agencies.
   ☐ *Meets* ☐ *Does not meet*

9. The use will conform to any conditions approved as part of the issued Special Use Permit.
   ☐ *Meets* ☐ *Does not meet*

10. The use will conform to the regulations established for specific special uses, where applicable.
    ☐ *Meets* ☐ *Does not meet*

In addition PUDs must also meet the standards in Section 4-500 C. Development Standards and 4-500 D. 1 Additional standards for Planned Unit Developments Residential PUDs.

1. Implements the vision and land use policies of the Comprehensive Plan.
   ☐ *Meets* ☐ *Does not meet*

2. Shall not result in substantial adverse effect on adjacent property, natural resources, infrastructure, public sites or other matter of public health, safety and welfare.
   ☐ *Meets* ☐ *Does not meet*

3. PUD's must provide transitional uses to blend with adjacent development.
   ☐ *Meets* ☐ *Does not meet*

4. PUD phases must be logically sequenced.
   ☐ *Meets* ☐ *Does not meet*

5. The density and intensity of a PUD shall be in accordance with the Comprehensive Plan.
   ☐ *Meets* ☐ *Does not meet*

6. All dimensional standards shall be listed within the PUD plan if they do not meet the Ordinance minimum standards.
   ☐ *Meets* ☐ *Does not meet*

7. The responsible parties for all on-site and other required public improvements shall be established and a utility plan indicating all proposed easements shall be provided.
   ☐ *Meets* ☐ *Does not meet*

8. Any private infrastructure shall comply with the city standards.
   ☐ *Meets* ☐ *Does not meet*

9. The PUD plan shall establish the responsibility of the applicant/developer.
   ☐ *Meets* ☐ *Does not meet*

10. A bond or letter of credit shall be posted to cover required fees or public improvements.
    ☐ *Meets* ☐ *Does not meet*

Recommended Conditions:

If a motion is made to recommend approval of the petitioner's request, it shall be with the following conditions:

1. Approved plans, to reflect staff and advisory board comments, as approved by the City Council:
   A. Application (Ashton Pointe LLC, received 3/23/10).
   B. Acknowledgement Statement (Ashton Pointe LLC, dated 2-23-10, received 3/23/10)

2. Conditions of Ordinance No. 5845 shall remain in effect, as applicable.

3. The Acknowledgement Statement shall be adopted with the following changes:
   A. Amend #8. To read, "There exists a Subdivision Bond for public improvements for the subdivision. The City of Crystal Lake has inspected and conditionally approved all street lights, storm sewer, sanitary sewer and water infrastructure streets and curbs within or adjacent to said lots. All storm water detention ponds (north and south), public sidewalks, parkway landscape, curb repairs and street surfacing remain subject to final acceptance by the City of Crystal Lake. Ashton Pointe, LLC shall be responsible for installation and final acceptance of curb repairs, final surface on streets, and north and south detention ponds within three years of approval of this Ordinance. Upon request for final occupancy the buyer shall have the lot and adjacent parkway final graded, improved with sod, parkway trees, lot landscaping and public sidewalk. If final occupancy has not been requested within two years from the purchase date the buyer shall be required to improve the parkway contiguous to the lot. Parkway improvements shall include final grading, public sidewalk, parkway trees and sod. Proof of sale must be provided by Ashton Pointe LLC.
   B. Amend the signature Date to read Acknowledged this _____ Day of 20____.

4. The Acknowledgement Statement shall only be for the single-family lots, Ashton Pointe LLC shall retain control and development rights of the multi-family lots.

5. The petitioner shall comply with all of the requirements of the Planning and Economic Development, Engineering and Building, Public Works, Fire Rescue and Police Departments.

City of Crystal Lake
Development Application

Office Use Only
File # 2010 - 21

RECEIVED
MAR 23 2010
BY

Project Title: ASHTON POINTE

Action Requested

- ___ Annexation
- ___ Comprehensive Plan Amendment
- ___ Conceptual PUD Review
- ___ Final PUD
- X Final PUD Amendment
- ___ Final Plat of Subdivision
- ___ Preliminary PUD
- ___ Preliminary Plat of Subdivision
- ___ Rezoning
- ___ Special Use Permit
- ___ Variation
- ___ Other

Petitioner Information

Name: LARRY VITOUS
Address: 191 REGAL DR. CRYSTAL LAKE, 60014
Phone: 815-477-4939
Fax: 815-477-5949
E-mail: larryvitous@kenarllc.net

Owner Information (if different)

Name: KEN STRUCK
Address: 1904 WRIGHT BLVD. SCHAUMBURG, IL 60193
Phone: 847-352-0100
Fax: 847-352-0210
E-mail: KenstruckB@KenarIIC.Net

Property Information

Project Description: 71 SINGLE FAMILY LOTS LOCATED NORTH OF PINGREE ROAD METRA STATION AND WEST OF PINGREE ROAD.

Project Address/Location: 191 REGAL DRIVE CRYSTAL LAKE, IL 60014

PIN Number(s): LOTS 1 THROUGH 71 SEE ATTACHED PIN NUMBERS

Development Team

Please include address, phone, fax and e-mail

Developer: KENAR LLC 1904 WRIGHT BLVD. SCHAUMBURG,
PHONE: 847-352-0100 FAX: 847-352-0210

Architect: N/A

Attorney: N/A

Engineer: PERSON BROWN 1850 N. WINCHESTER RD. LIBERTYVILLE
PHONE: 847-367-6707 FAX: 847-367-2567

Landscape Architect: JENLAND DESIGN 5517 N. CUMBERLAND CHICAGO,
PHONE: 773-763-3320 FAX: 773-763-3325

Planner: N/A

Surveyor: TFW SURVEYING 888 E. BELVIDERE RD. GRAYSLAKE
PHONE: 847-548-6600 FAX: 847-548-6699

Other: N/A

Signatures

LARRY VITOUS 3-1-10

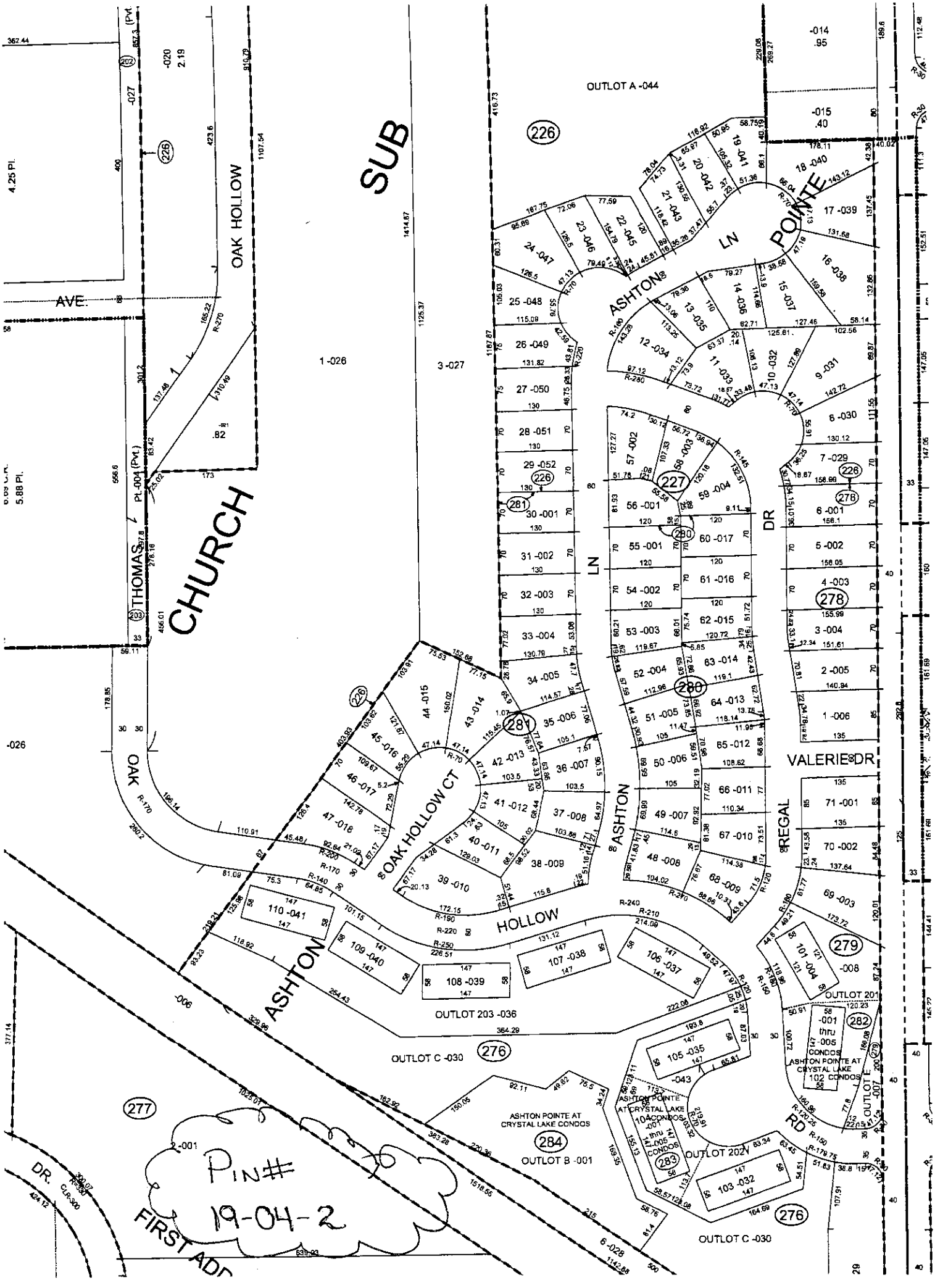
PETITIONER: Print and Sign name (*if different from owner*) **Date**

As owner of the property in question, I hereby authorize the seeking of the above requested action.

KEN STRUCK 3-1-10

OWNER: Print and Sign name **Date**

NOTE: If the property is held in trust, the trust officer must sign this petition as owner. In addition, the trust officer must provide a letter that names all beneficiaries of the trust.


OUTLOT A -044
SUB
OAK HOLLOW
CHURCH
AVE.
THOMAS
ASHTON POINTE LN
ASHTON POINTE DR
OAK HOLLOW CT
ASHTON HOLLOW
VALERIE DR
REGAL RD
OUTLOT 203 -036
OUTLOT C -030
OUTLOT B -001
OUTLOT 201
OUTLOT 202
ASHTON POINTE AT CRYSTAL LAKE CONDOS
ASHTON POINTE AT CRYSTAL LAKE 104 CONDOS
ASHTON POINTE AT CRYSTAL LAKE 102 CONDOS
PIN# 19-04-2

10-20

PUBLIC NOTICE

BEFORE THE PLANNING AND ZONING COMMISSION OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS

IN THE MATTER OF THE PETITION OF Ashton Pointe, LLC

LEGAL NOTICE

Notice is hereby given in compliance with the Unified Development Ordinance of the City of Crystal Lake, Illinois that a public hearing will be held before the Planning and Zoning Commission of the City of Crystal Lake upon the application by Larry Vitous, on behalf of Ashton Pointe LLC, for a Special Use Permit Amendment for a Planned Unit Development Amendment relating to the following described real estate commonly known as the Ashton Pointe Subdivision in Crystal Lake, Illinois 60014.

This application is filed for the purposes of seeking an amendment to a Special Use Permit, which granted a Planned Unit Development approval, to allow the establishment of development criteria for the vacant lots if they are sold to other builders, pursuant to Article 4-500 Planned Unit Development Standards B. General Standards and C. Development Standards of the Unified Development Ordinance. Plans for this project can be viewed at the City of Crystal Lake Community Development Department at City Hall.

A public hearing before the Planning and Zoning Commission for this request will be held at 7:30 p.m. on Wednesday April 7, 2010, at the Crystal Lake City Hall, 100 West Woodstock Street, at which time and place any person determining to be heard may be present.

Tom Hayden, Chairperson
Planning and Zoning Commission
City of Crystal Lake
(Published in the Northwest Herald March 23, 2010)

CRYSTAL LAKE PLANNING AND ZONING COMMISSION
WEDNESDAY, APRIL 7, 2010
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS

The meeting was called to order by Chair Hayden at 7:30 p.m. On roll call, members Batastini, Goss, Jouron, McDonough, Skluzacek, and Hayden were present. Members Esposito and Greenman were absent.

Mr. Hayden asked the people in attendance to rise to say the Pledge of Allegiance. He led those in attendance in the Pledge

Michelle Rentzsch, Director of Planning and Economic Development, Latika Bhide and Elizabeth Maxwell, both Planners, were present from Staff.

Mr. Hayden stated that this meeting is being televised now as well as being recorded for future playback on the City's cable station.

2010-20 ASHTON POINTE – N. Railroad Tracks; W. Pingree Road - PUBLIC HEARING
Final PUD Amendment to allow design criteria rather than approved model plans.

Mr. Hayden stated that the fees have been paid, and the sign has been posted. He said the surrounding property owners have been notified and the Certificate of Publication is in the file. Mr. Hayden waived the reading of the legal notice without objection.

Larry Vitous and Wally Krawczyk, both with Kenar, were present to represent the petition. Mr. Krawczyk said they have been working diligently with the neighbors and the City. They are entertaining the idea of selling some of the lots to other builders and they would like to have architectural criteria in place instead of specific floor plans and elevations. Mr. Krawczyk said they used the approved plans and covenants to create the key points for the criteria.

Mr. Vitous said they agree with the recommended conditions except for the roof matrix. They can't agree with something since they don't know what the building beneath the roof will look like. Mr. Krawczyk said they want to keep the aesthetics of the subdivision so they need to be creative.

Mr. Hayden stated there are several people signed up to speak and object to this request. Mr. Krawczyk said he didn't believe they are objecting to this.

Cathy Oehlerking, 156 Ashton Ln., said she did attend the meeting that was held on Monday with Kenar about the proposed changes. Mrs. Oehlerking feels that a1800 square foot model is too small for their development. That is more the size of a starter home. She did not pay that price for her home to live in a starter home neighborhood.

Mr. Batastini asked what the sizes of the existing models are. Mr. Vitous said they range from 2360 to 3100 square feet. Mr. Jouron asked what the average size of the existing homes is in the subdivision. Mr. Krawczyk said he wasn't sure but it was a good mixture.

Mrs. Oehlerking said there was an amendment to the PUD a few years ago to allow ranch style homes but none of those have been sold. She said she doesn't want a small home next to her.

Jeff Rugan, 144 Ashton Ln., said he purchased a mid-size unit. He is concerned with a smaller home being put between 2 larger homes. Mr. Rugan said they have also lost value in their homes because of the economy and doesn't want the value to be further eroded.

Rich Cooper, 132 Ashton Ln., said he was not able to attend Monday's meeting with Kenar. He is not sure why Kenar isn't advertising their subdivision. Mr. Cooper also stated he wasn't sure why Kenar didn't come up with additional floor plans instead of allowing other developers.

John Reinert, 3018 Oak Ridge Road, said he has built several homes in town and feels that this will diversify what's available in the subdivision. He doesn't believe that property values will be hurt.

Nichole Nowak, 140 Ashton Ln., asked the Commission not to give the concession to Kenar. She said the square footage of the home is too low and would prefer something greater than 2300 square feet. Ms. Nowak said the property owners within the subdivision have not been given control of the Homeowners' Association. They want to take it over so they can show they have a neighborhood. She said the subdivision currently doesn't look welcoming because of the weeds in the vacant lots and the sign in disrepair. She reviewed several selling techniques such as web presence, wording use in the MLS listings, photos of homes showing mostly the garage, etc. Ms. Novak said there is limited sales presence as well. Even the BBB gives Kenar an F. They need to sell Ashton Pointe as a neighborhood, with parks, good schools, Metra within walking distance, etc. Ms. Nowak added that experts agree that Chicagoland has stabilized. She asked that the Commission not approve the concessions.

Bruce Oehlerking, 156 Ashton Ln., said he had built a few homes. He said the size of the homes is a consideration.

Marily Nowak stated she has been a real estate agent for over 30 years. She agrees with the homeowners that their property values will be hurt by allowing smaller homes in this subdivision. Ms. Nowak said there are currently 6 homes on the market and they would sell easier if they had 4 bedrooms in this price range.

There was no one else in the public who wished to speak on this petition. The public hearing was closed at this time.

Mr. Batastini said everyone can identify with the current marketplace. Part of the issue is the vacant lots. Also the HOA has not been turned over to the property owners. Mr. Vitous said they are in the process

of turning over the HOA. Mr. Batastini feels it is not a good idea to have every home design reviewed by the HOA. Mr. Vitous said it is part of the Declaration of Covenants to have an Architectural Review Committee comprised of 2 resident members and 1 from the builder. The covenants say the guidelines are to be followed but the City has final say.

Mr. Batastini said there are to be certain lots with masonry products in their elevations but there are only 10 lots that remain that are required to have brick. He is concerned with opening this development up to another builder. Mr. Batastini also feels that 1800 square feet is too small and would prefer to see what the models will look like because of a possibility of lesser value and standards. He said he can't do this to the residents of this subdivision.

Mr. Skluzacek said 1800 square feet is too small. Mr. Jouron said this is a drastic cut and having different builders is a concern. Mr. Batastini said he is not opposed to other builders. Mr. Jouron said he is concerned about the materials to be used.

Mr. Goss said he doesn't care for the 1800 square foot units. This isn't a large subdivision and people had faith in what they were told when they were purchasing their homes.

Mr. Hayden said he purchased his home in Four Colonies and the next phase of the development allowed smaller homes. His home is worth between $25,000 to $50,000 less than the same style home in another unit of Four Colonies. Mr. Hayden reviewed the Findings of Fact and these changes will have an impact on the existing home values. He is not opposed to smaller homes but they don't go along with the existing large homes in this subdivision.

Mr. Krawczyk said there are 4 homes that range between 2360 and 3100 square feet. He understands that 1800 square feet is not acceptable but now larger homes are not acceptable. They are prepared to go to 2000 square feet. They are trying to help the residents and make this development successful. Mr. Krawczyk said they need to build homes that are smaller and more affordable. They are trying to establish criteria and are willing to work with the neighbors but they need to have the smaller homes.

Mr. Hayden said the petitioner is looking for help and he knows that everyone is in the same position. The City had nothing to do with the downturn but neighbors are looking for help. The $8000 tax credit will be gone at the end of this month and that would have been the people who would have been looking for the smaller homes.

Mr. McDonough asked how the criteria will be written so as to protect the architecture. Mr. Vitous said the criteria calls out where things can be placed. The guidelines are exactly the same as the plans that were originally approved and key points that were discussed. He said this is to lower the square footage and to get away from the 4 to 5 plans that were originally approved. Mr. McDonough said he is concerned with the property values.

Mr. Batastini said Kenar originally wanted the "R-2" zoning while the City wanted larger lots. The goal

here is to protect the neighbors. Mr. Krawczyk said they want to sell the remaining lots and keep the quality. Mr. Batastini said he is not confident that the criteria will protect the neighbors. Mr. Krawczyk said they don't want cookie cutter homes. They want proactive builders.

Mr. Hayden recognizes the economic times but they have an obligation to the homeowners. They don't want to sit here and redesign the project. He said there are two options – the developer can either work with staff to make this more palatable or the Commission can vote on this tonight.

Mr. Batastini said the criteria needs to be tightened up. We need to do everything we can to protect the neighbors.

Ms. Maxwell said staff will work with the petitioners on the criteria. Mr. Hayden said staff can facilitate the discussions but is not a mediator.

Mr. Goss moved to continue 2010-20 Ashton Pointe to the April 21, 2010 PZC meeting. Mr. McDonough seconded the motion. On roll call, all members voted aye. Motion passed.

RECEIVED
MAR 23 2010
BY

ASHTON POINTE PUD

ACKNOWLEDGEMENT STATEMENT

2-23-10

1. Ashton Pointe is a Planned Unit Development (PUD) subject to an approved set of Architectural Plans and regulated by approved ordinances.

2. There exists Final Engineering Plans, including the Tree Preservation/Protection Plans prepared by Pearson, Brown & Associates dated May 17, 2004, latest revision dated September 22, 2006 filed with the City of Crystal Lake. Each owner will be required to strictly conform to all top of foundation elevations and final grading elevations that will be submitted to the City for approval. Each buyer will be issued this set of Final Engineering Plans.

3. A Letter of Awareness exists required to be signed by purchasers of a lot acknowledging they are aware of the fact that easements run with their lot and affect and concern their lot, all which are located on the Plat of Subdivision for Ashton Pointe, last dated January 17, 2005 as recorded at the Office of the Recorder of Deeds of McHenry County, Illinois on February 4, 2005 as Document Number 2005R0009632. Each buyer will be issued this recorded Plat of Subdivision.

4. There exists a Homeowners Association (Ashton Pointe Homeowners Association) that governs the single family lots and all the lots within the subdivision are associated with this Association.

5. There exists a Declaration of Covenants, Conditions and Restrictions for Ashton Pointe, as recorded at the Office of the Recorder of Deeds of McHenry County, Illinois on February 4, 2005 as Document Number 2005R0009633. Each buyer will be issued a copy of the Declaration of Covenants, Conditions and Restrictions for Ashton Pointe Subdivision.

6. The subject properties are zoned R-2PUD (Lots 1 through 71) and are being developed as a Planned Unit Development. Setback lines shown thereon reflect said agreement, all setback lines per Document 2004R0085425 falling within the limits legally described thereon and as drawn and described on recorded Plat of Subdivision Document 2005R0009632. Ashton Pointe Final Plat prepared by TFW Surveying & Mapping Inc.
   A. Single Family Side Interior = 7 Ft. Minimum (Total building-to-building = 18 Ft. except in 3 Car Garage, then Total building-to-building = 14 Ft.)

7. There exists an approved Landscape Plan that depicts the minimum of the lot and parkway landscape requirements. Landscape plans prepared by JenLand Design Inc. dated September 1, 2004. Each buyer will be issued this set of approved Landscape Plans.

8. There exists a Subdivision Bond for public improvements for the subdivision. The City of Crystal Lake has inspected and conditionally approved all street lights, storm sewer, sanitary sewer and water infrastructure streets and curbs within or adjacent to said lots. All storm water detention ponds (north and south), public sidewalks, parkway landscape, curb repairs and street surfacing remain subject to final acceptance by the City of Crystal Lake. Ashton Pointe, LLC shall be responsible for installation and final acceptance of curb repairs, final surface on streets, and north and south detention ponds. The buyer shall be required to improve the parkway contiguous to the lot within two years of purchase date. Parkway improvements shall include public sidewalk, parkway trees and sod.

9. Exterior color packages have been predetermined by the Architectural Committee that offers a variety of exterior colors to choose from. (See Exhibit A-1)

10. Monotony code exists where there must be three (3) homes between any same color package.
    Exception: The same model type can be next to each other as long as it's a different color and elevation.

11. Architectural Control Committee:
    There exists an Architectural Control Committee as outlined in the Declaration of Covenants, Conditions and Restrictions for Ashton Pointe which will ensure compliance with any architectural plan submittal and with the criteria as outlined in this document.
    If the Architectural Committee and buyer cannot agree, buyer can submit to City of Crystal Lake staff for review.

12. Architectural Requirements Must Include the Following Elements:

    Square Footage:
    No home shall have a square footage of less than 1,800 square feet of living area. This square footage area does not include garages, basements or decks.

    Elevation:
    Front or street view elevation must have the entry door and garage door face the street. At least 36 out of the 71 single family homes must have a masonry element (brick or stone) covering approximately 50% of the front or street view (face of garage and face of home, does not include garage returns).
    In addition, these elevations shall wrap the masonry around the side elevations by at least one foot creating a pier element. Front brick area must include the following details such as: limestone sills under windows and entry door and must also include one of the following: soldier course above garage door/doors, windows and entry door or quoins at all outside corners.
    Stone must have all of same area and percentages of coverage but does not have the same requirements as brick such as the limestone sills, soldering, and quoins.

Garage:
All homes must have a minimum of a 2-car garage.

Shutters:
All windows on all exterior elevations that will accept shutters are required.

Roof:
Minimum 6/12 roof pitch on main roof, 6/12 roof pitch on gable and hip roofs. The roof lines of each adjacent home must vary with the addition of gables, dormers or hip roof lines to make each home appear different.

Shingles:
15 lb. felt, Owens Corning class "A" Oakridge, 30 year architectural shingle.

Windows and Patio Doors:
(Type: Milgard 6217, White, Low E, Single Hung) or Equal

Fypons:
Fypons are required at gables on both front and side elevations of houses.

Cedar Trim:
Front elevations require cedar trim on roof gable sub-rakes, below fascias, all corners, above windows and at all intersecting masonry to siding elements.
Rear elevations require a cedar trim element above all windows.
Front, sides and rear elevations require cedar trim band boards at all first to second floor intersections.

Exterior Decks:
Exterior decks are required to have cedar railings and cedar skirt board trim finish at all joist ends and stair stringers.

ACKNOWLEDGED THIS _____ DAY OF _____, 2009.

PURCHASERS:_____

_____

SELLER: ASHTON POINTE, LLC

BY: _____

2010--20

976 A+B

RECEIVED
MAR 2 3 2010
BY

FINAL PLAT OF
ASHTON POINTE

BEING A RESUBDIVISION OF LOTS 4 AND 5 IN CHURCH SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 2004 AS DOCUMENT 2004R0085425, IN MCHENRY COUNTY, ILLINOIS.

NOTE:
ALL DATA AS SHOWN HEREON, BUT LYING BEYOND THE BOUNDARY LIMITS AS LEGALLY DESCRIBED ABOVE, INCLUDING (BUT NOT LIMITED TO) LOT LINES, EASEMENTS AND SETBACK LINES IS UNOFFICIAL AND INCOMPLETE AND IS SHOWN FOR INFORMATIONAL PURPOSES ONLY. THIS SURVEY DOES NOT INTEND TO VERIFY OR SUBSTANTIATE EASEMENTS OR BUILDING LINES ON ADJOINING PROPERTIES (UNLESS OTHERWISE SPECIFICALLY REFERENCED IN A TITLE COMMITMENT AS BEING BENEFICIAL TO OR AN ENCUMBRANCE ON THE PROPERTY AS LEGALLY DESCRIBED ABOVE). REFER TO A PLAT OF SURVEY BY OTHERS AND / OR SEE PUBLIC RECORD DOCUMENTS FOR COMPLETE DETAILS PERTINENT TO ALL ADJOINING PROPERTIES.

LEGAL DESCRIPTION – OUTLOT C
(HEREBY DEDICATED TO THE CRYSTAL LAKE PARK DISTRICT)

THAT PART OF LOT 5 IN CHURCH SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT OF SAID CHURCH SUBDIVISION RECORDED SEPTEMBER 22, 2004 AS DOCUMENT 2004R0085426, IN MCHENRY COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST WESTERLY CORNER OF LOT 6 IN SAID CHURCH SUBDIVISION; THENCE NORTH 54 DEGREES 33 MINUTES 04 SECONDS WEST ALONG THE SOUTH LINE OF LOT 5 AFORESAID, 329.96 FEET; THENCE NORTH 35 DEGREES 26 MINUTES 56 SECONDS EAST ALONG THE WEST LINE THEREOF, 93.23 FEET; THENCE SOUTH 64 DEGREES 15 MINUTES 08 SECONDS EAST, 118.92 FEET; THENCE SOUTH 58 DEGREES 07 MINUTES 13 SECONDS EAST, 254.43 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 44 SECONDS EAST, 364.29 FEET; THENCE NORTH 69 DEGREES 39 MINUTES 50 SECONDS EAST, 222.08 FEET TO THE NORTH LINE OF SAID LOT 5; THENCE SOUTHEASTERLY ALONG SAID NORTH LINE, BEING A NON TANGENT CURVED LINE CONCAVE SOUTHWEST, HAVING A RADIUS OF 120.00 FEET, AN ARC DISTANCE OF 25.05 FEET (THE CHORD TO SAID ARC BEARS SOUTH 19 DEGREES 03 MINUTES 49 SECONDS EAST, 25.01 FEET); THENCE SOUTH 69 DEGREES 39 MINUTES 50 SECONDS WEST, 193.80 FEET; THENCE SOUTH 16 DEGREES 55 MINUTES 02 SECONDS WEST, 123.11 FEET; THENCE SOUTH 20 DEGREES 20 MINUTES 10 SECONDS EAST, 155.13 FEET; THENCE SOUTH 61 DEGREES 20 MINUTES 36 SECONDS EAST, 123.08 FEET; THENCE NORTH 69 DEGREES 39 MINUTES 49 SECONDS EAST, 164.69 FEET; THENCE NORTH 05 DEGREES 26 MINUTES 48 SECONDS EAST, 54.51 FEET TO THE NORTH LINE OF SAID LOT 5; THENCE EASTERLY ALONG SAID NORTH LINE, BEING A NON TANGENT CURVED LINE CONCAVE NORTH, HAVING A RADIUS OF 179.75 FEET, AN ARC DISTANCE OF 51.83 FEET (THE CHORD TO SAID ARC BEARS SOUTH 70 DEGREES 02 MINUTES 21 SECONDS EAST, 51.65 FEET); THENCE SOUTH 05 DEGREES 26 MINUTES 48 SECONDS WEST, 107.91 FEET; THENCE SOUTH 00 DEGREES 40 MINUTES 08 SECONDS EAST, 185.00 FEET; THENCE SOUTH 04 DEGREES 02 MINUTES 48 SECONDS WEST, 98.47 FEET TO AN ANGLE POINT IN THE NORTH LINE OF LOT 6 AFORESAID; (THE FOLLOWING 3 COURSES ARE ALONG SAID NORTH LINE) THENCE NORTH 54 DEGREES 33 MINUTES 04 SECONDS WEST, 113.37 FEET; THENCE NORTH 35 DEGREES 26 MINUTES 56 SECONDS EAST, 20.00 FEET; THENCE NORTH 54 DEGREES 33 MINUTES 04 SECONDS WEST, 285.00 FEET; THENCE NORTH 35 DEGREES 26 MINUTES 56 SECONDS EAST, 81.40 FEET; THENCE NORTH 61 DEGREES 20 MINUTES 36 SECONDS WEST, 58.76 FEET; THENCE NORTH 20 DEGREES 20 MINUTES 10 SECONDS WEST, 169.35 FEET; THENCE NORTH 16 DEGREES 55 MINUTES 02 SECONDS EAST, 34.24 FEET; THENCE NORTH 63 DEGREES 09 MINUTES 53 SECONDS WEST, 75.50 FEET; THENCE SOUTH 50 DEGREES 03 MINUTES 43 SECONDS WEST, 49.62 FEET; THENCE NORTH 73 DEGREES 36 MINUTES 18 SECONDS WEST, 92.11 FEET; THENCE SOUTH 54 DEGREES 54 MINUTES 06 SECONDS WEST, 150.05 FEET TO THE NORTH LINE OF LOT 6 AFORESAID; THENCE NORTH 62 DEGREES 02 MINUTES 49 SECONDS WEST ALONG SAID NORTH LINE, 162.92 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.

LEGAL DESCRIPTION – OUTLOT D
(HEREBY DEDICATED TO THE CITY OF CRYSTAL LAKE)

THAT PART OF LOT 5 IN CHURCH SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT OF SAID CHURCH SUBDIVISION RECORDED SEPTEMBER 22, 2004 AS DOCUMENT 2004R0085426, IN MCHENRY COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 88 DEGREES 04 MINUTES 34 SECONDS WEST ALONG THE SOUTH LINE THEREOF, 103.12 FEET TO A POINT, SAID POINT BEING AN ANGLE POINT IN THE NORTH LINE OF LOT 6 IN SAID CHURCH SUBDIVISION; THENCE NORTH 04 DEGREES 02 MINUTES 48 SECONDS EAST, 98.47 FEET; THENCE NORTH 00 DEGREES 40 MINUTES 08 SECONDS WEST, 185.00 FEET; THENCE NORTH 05 DEGREES 26 MINUTES 48 SECONDS EAST, 107.91 FEET TO THE NORTH LINE OF SAID LOT 5; (THE FOLLOWING 4 COURSES ARE ALONG THE NORTH AND EAST LINES OF SAID LOT 5) THENCE EASTERLY ALONG A NON TANGENT CURVED LINE CONCAVE NORTH, HAVING A RADIUS OF 179.75 FEET, AN ARC DISTANCE OF 38.80 FEET (THE CHORD TO SAID ARC BEARS SOUTH 84 DEGREES 29 MINUTES 03 SECONDS EAST, 38.73 FEET); THENCE NORTH 89 DEGREES 19 MINUTES 52 SECONDS EAST, 15.00 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A CURVED LINE CONCAVE SOUTHWEST, HAVING A RADIUS OF 30.00 FEET, TANGENT TO THE LAST DESCRIBED LINE AT THE LAST DESCRIBED POINT, AN ARC DISTANCE OF 47.12 FEET (THE CHORD TO SAID ARC BEARS SOUTH 45 DEGREES 40 MINUTES 08 SECONDS EAST, 42.43 FEET); THENCE SOUTH 00 DEGREES 40 MINUTES 08 SECONDS EAST, 354.00 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.

LEGAL DESCRIPTION – OUTLOT E
(HEREBY DEDICATED TO THE CITY OF CRYSTAL LAKE)

THAT PART OF LOT 4 IN CHURCH SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT OF SAID CHURCH SUBDIVISION RECORDED SEPTEMBER 22, 2004 AS DOCUMENT 2004R0085426, IN MCHENRY COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF OAK HOLLOW ROAD AND THE WEST LINE OF PINGREE ROAD, BOTH HERETOFORE DEDICATED TO THE CITY OF CRYSTAL LAKE, ACCORDING TO SAID CHURCH SUBDIVISION; (THE FOLLOWING 3 COURSES ARE ALONG THE SOUTH LINE OF LOT 4 AFORESAID, BEING ALSO THE NORTH LINE OF SAID OAK HOLLOW ROAD) THENCE SOUTHWESTERLY ALONG A CURVED LINE CONCAVE NORTHWEST AND HAVING A RADIUS OF 30.00 FEET, 47.12 FEET, (THE CHORD TO SAID CURVED LINE BEARS SOUTH 44 DEGREES 19 MINUTES 52 SECONDS WEST, 42.43 FEET) ; THENCE SOUTH 89 DEGREES 19 MINUTES 52 SECONDS WEST, 15.00 FEET TO A POINT OF CURVATURE; THENCE WESTERLY ALONG A CURVED LINE CONCAVE NORTH, HAVING A RADIUS OF 120.25 FEET, TANGENT TO THE LAST DESCRIBED LINE AT THE LAST DESCRIBED POINT, AN ARC DISTANCE OF 22.12 FEET (THE CHORD TO SAID ARC BEARS NORTH 85 DEGREES 23 MINUTES 58 SECONDS WEST, 22.09 FEET); THENCE NORTH 19 DEGREES 37 MINUTES 59 SECONDS EAST, 77.80 FEET; THENCE NORTH 13 DEGREES 48 MINUTES 05 SECONDS EAST, 160.08 FEET TO THE EAST LINE OF SAID LOT 4, BEING ALSO THE WEST LINE OF PINGREE ROAD AFORESAID; THENCE SOUTH 00 DEGREES 40 MINUTES 08 SECONDS EAST ALONG SAID EAST LINE, 200.00 FEET TO THE POINT OF BEGINNING, IN MCHENRY COUNTY, ILLINOIS.

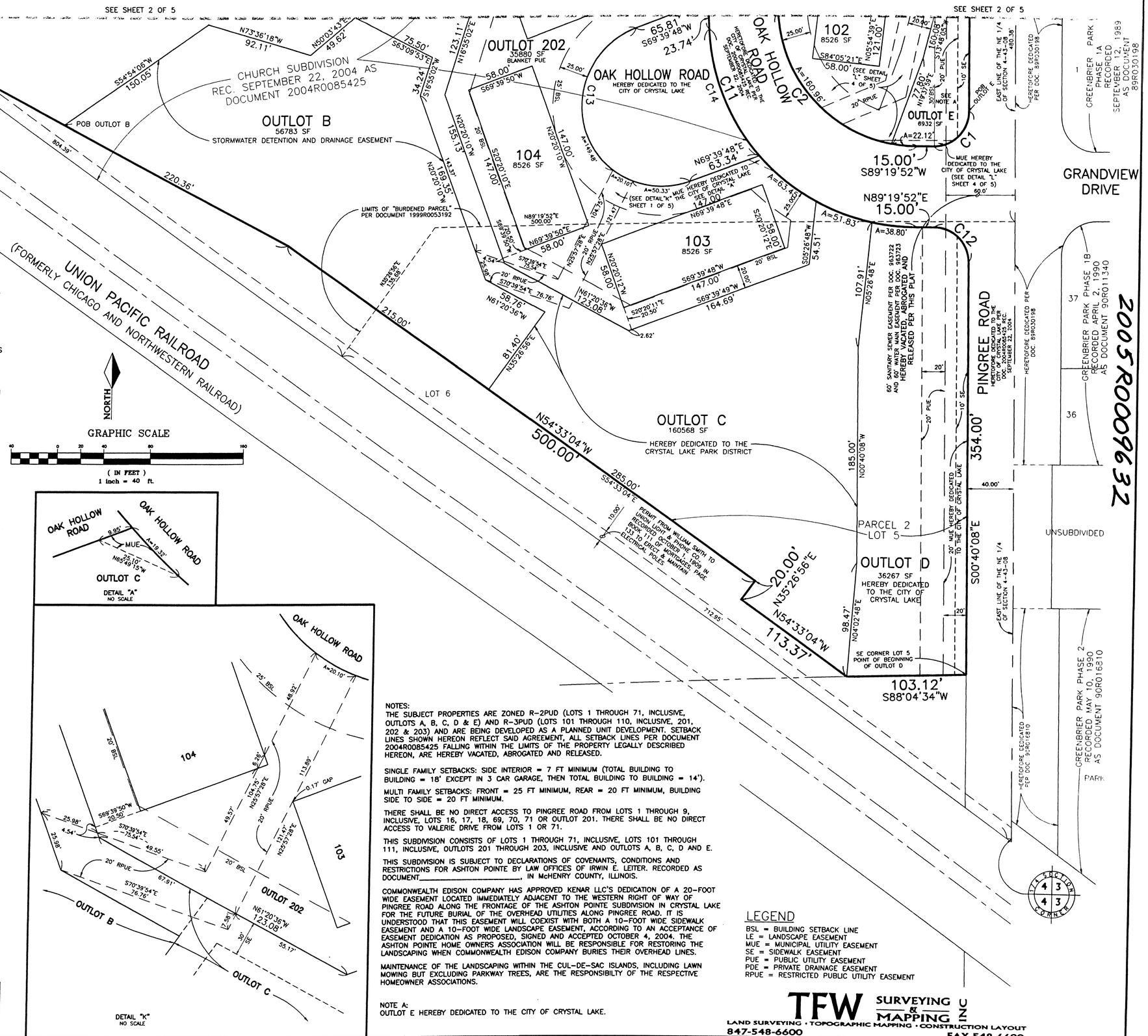
AREA SUMMARY

LOTS 1–71	716,840	SQ. FT.	16.456 ACRES
LOTS 101–110	83,752	SQ. FT.	1.923 ACRES
OUTLOTS 201–203	165,111	SQ. FT.	3.790 ACRES
OUTLOTS A–E	414,611	SQ. FT.	9.518 ACRES
HEREBY DEDICATED	220,571	SQ. FT.	5.064 ACRES
(OAK HOLLOW ROAD, OAK HOLLOW COURT, ASHTON LANE, VALERIE DRIVE & REGAL DRIVE)			
TOTAL	1,600,885	SQ. FT.	36.751 ACRES

REVISED: JANUARY 17, 2005 (CITY COMMENTS)
REVISED: DECEMBER 28, 2004 (CLIENT / CITY COMMENTS & REVIEW)(044333-1)
REVISED: DECEMBER 3, 2004 (CITY COMMENTS FROM MEETING)
REVISED: OCTOBER 21, 2004 (CLIENT / CITY COMMENTS)(043625-1)
REVISED: AUGUST 31, 2004 (CLIENT / CITY COMMENTS)(042217-1)
REVISED: JULY 19, 2004 (CLIENT / CITY COMMENTS)
DATE: JUNE 4, 2004 (041449-1)
ORDER NO: 050118-1
PROJ. NO: 933
FOR: KENAR, L.L.C.
SHEET 1 OF 5
PROJ. NAME: ASHTON POINTE - CRYSTAL LAKE

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Professional Design Firm Registration #184–002793.

BEARINGS AND COORDINATES SHOWN HEREON PER ILLINOIS EAST ZONE STATE PLANE COORDINATE PROJECTION (NAD 83)



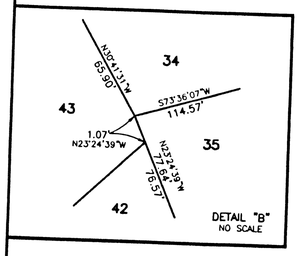
TFW SURVEYING & MAPPING, LLC
LAND SURVEYING • TOPOGRAPHIC MAPPING • CONSTRUCTION LAYOUT
847-548-6600 FAX 548-6699

976 A+B

FINAL PLAT OF

ASHTON POINTE

BEING A RESUBDIVISION OF LOTS 4 AND 5 IN CHURCH SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 2004 AS DOCUMENT 2004R0085425, IN MCHENRY COUNTY, ILLINOIS.



LEGEND

BSL = BUILDING SETBACK LINE
LE = LANDSCAPE EASEMENT
MUE = MUNICIPAL UTILITY EASEMENT
SE = SIDEWALK EASEMENT
PUE = PUBLIC UTILITY EASEMENT
PDE = PRIVATE DRAINAGE EASEMENT
RPUE = RESTRICTED PUBLIC UTILITY EASEMENT

SEE SHEET 3 OF 5

CONCRETE MONUMENT
N.) 2,029,071.047
E.) 993,446.308

CHURCH SUBDIVISION
REC. SEPTEMBER 22, 2004 AS
DOCUMENT 2004R0085425

LIMITS OF "BENEFITTING PARCEL" PER DOCUMENT 1999R0053192

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft

NORTH

LOT 1

LOT 2

LIMITS OF "BURDENED PARCEL" PER DOCUMENT 1999R0053192

PERMIT FROM WILLIAM SMITH TO UNION LIGHT, HEAT & POWER CO. RECORDED OCTOBER 15, 1909 IN BOOK 111 OF MORTGAGES, PAGE 1909 TO ERECT POLES & MAINTAIN ELECTRICAL POLES

CENTER LINE OF NORTH TRACKS

CENTER LINE OF SOUTH TRACKS

PARCEL 2
LOT 5

PARCEL 1
LOT 4

OUTLOT C
160568 SF
HEREBY DEDICATED TO THE CRYSTAL LAKE PARK DISTRICT

OUTLOT 203
92148 SF
BLANKET PUE

OUTLOT 202
35880 SF
BLANKET PUE

OUTLOT 201
37083 SF
BLANKET PUE

OAK HOLLOW COURT
HEREBY DEDICATED TO THE CITY OF CRYSTAL LAKE

ASHTON LANE
HEREBY DEDICATED TO THE CITY OF CRYSTAL LAKE

OAK HOLLOW ROAD
HEREBY DEDICATED TO THE CITY OF CRYSTAL LAKE

REGAL DRIVE
HEREBY DEDICATED TO THE CITY OF CRYSTAL LAKE

VALERIE DRIVE
HEREBY DEDICATED TO THE CITY OF CRYSTAL LAKE

PINGREE ROAD
HERETOFORE DEDICATED TO THE CITY OF CRYSTAL LAKE PER DOC. 95R026381 RECORDED SEPTEMBER 22, 1995

OAK HOLLOW ROAD
HERETOFORE DEDICATED TO THE CITY OF CRYSTAL LAKE PER DOC. 2004R0085425 RECORDED SEPTEMBER 22, 2004

7' MUE HEREBY DEDICATED TO THE CITY OF CRYSTAL LAKE

60' SANITARY SEWER EASEMENT PER DOC. 963722 AND 80' WATER MAIN EASEMENT PER DOC. 963723 HEREBY VACATED, ABROGATED AND RELEASED PER THIS PLAT

CRYSTAL LAKE ESTATES UNIT NO. 2
RECORDED OCTOBER 15, 1964
AS DOCUMENT 434805

GREENBRIER PARK
PHASE 1A
RECORDED
SEPTEMBER 12, 1989
AS DOCUMENT
89R030198

OAK VALLEY SUBDIVISION
RECORDED JULY 18, 1995
AS DOCUMENT 95R026381

2005R0009632

REVISED: JANUARY 17, 2005 (CITY COMMENTS)
REVISED: DECEMBER 28, 2004 (CLIENT / CITY COMMENTS w/ REVIEW)(044333-1)
REVISED: DECEMBER 3, 2004 (CITY COMMENTS FROM MEETING)
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Professional Design Firm Registration #184-002793.

SHEET 2 OF 5

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SEE SHEET 1 OF 5

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FINAL PLAT OF

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NORTH

1" = 40'

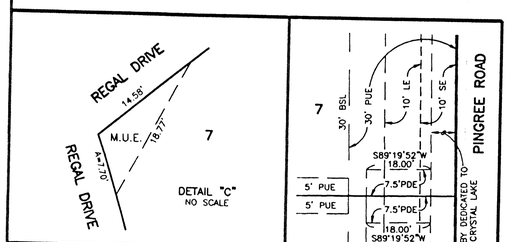
GRAPHIC SCALE

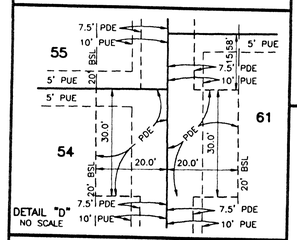
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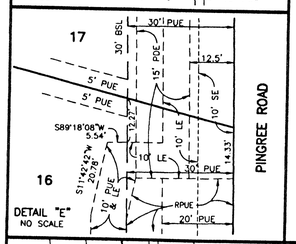
(IN FEET)
1 inch = 40 ft.

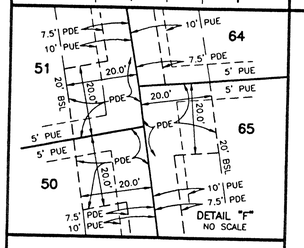
SEE SHEET 4 OF 5

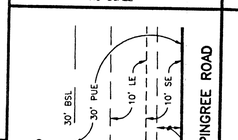
ARC	RADIUS	CHORD BEARING	CHORD LENGTH	ARC LENGTH
C1	30.00'	S44°19'52"W	42.43'	47.12'
C2	120.25'	N47°03'18"W	165.90'	183.08'
C3	180.00'	N25°41'36"W	136.33'	139.82'
C4	270.00'	N77°09'04"W	263.49'	275.25'
C5	190.00'	N80°23'59"W	166.32'	172.15'
C6	200.00'	N67°42'48"W	91.82'	92.64'
C7	140.00'	S67°42'48"E	64.27'	64.85'
C8	250.00'	S80°23'59"E	218.84'	226.51'
C9	210.00'	S77°09'04"E	204.93'	214.09'
C10	120.00'	S25°41'36"E	90.88'	93.21'
C11	179.75'	S47°03'18"E	247.98'	273.65'
C12	30.00'	S45°40'08"E	42.43'	47.12'
C13	70.00'	S20°20'12"E	140.00'	219.91'
C14	179.75'	N22°29'52"W	117.37'	119.57'
C15	70.00'	N57°51'34"W	129.81'	273.67'
C16	70.00'	N27°40'58"W	129.81'	273.67'
C17	220.00'	S58°43'28"W	27.57'	27.59'
C18	70.00'	S34°30'28"W	139.91'	224.97'
C19	220.00'	S08°40'54"W	71.82'	72.14'
C20	230.00'	S08°33'19"E	62.77'	62.97'
C21	280.00'	S00°31'38"E	153.14'	155.12'
C22	180.00'	S07°12'02"W	50.99'	51.16'
C23	270.00'	N84°45'32"E	60.25'	60.38'
C24	120.00'	N08°16'45"E	29.52'	29.59'
C25	340.00'	N00°31'38"W	185.96'	188.36'
C26	170.00'	N08°33'19"W	46.40'	46.54'
C27	160.00'	N34°19'28"E	150.20'	156.34'
C28	205.00'	N63°13'48"W	31.74'	31.77'
C29	280.00'	N77°36'23"W	96.63'	97.12'
C30	220.00'	S77°19'53"E	73.84'	74.20'
C31	145.00'	S34°11'28"E	159.97'	169.45'
C32	280.00'	S05°01'22"E	42.09'	42.13'
C33	170.00'	S05°00'03"E	25.68'	25.71'
C34	120.00'	S20°41'33"W	87.42'	89.48'
C35	180.00'	S44°37'34"E	20.85'	20.86'
C36	180.00'	N20°41'33"E	131.13'	134.22'
C37	230.00'	N05°00'03"W	34.75'	34.78'
C38	220.00'	N05°01'22"W	33.07'	33.10'
C39	205.00'	N09°47'07"W	64.65'	64.92'
C40	70.00'	N38°49'28"W	140.00'	219.91'

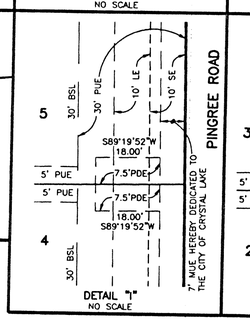


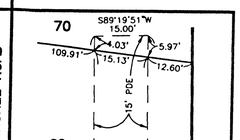






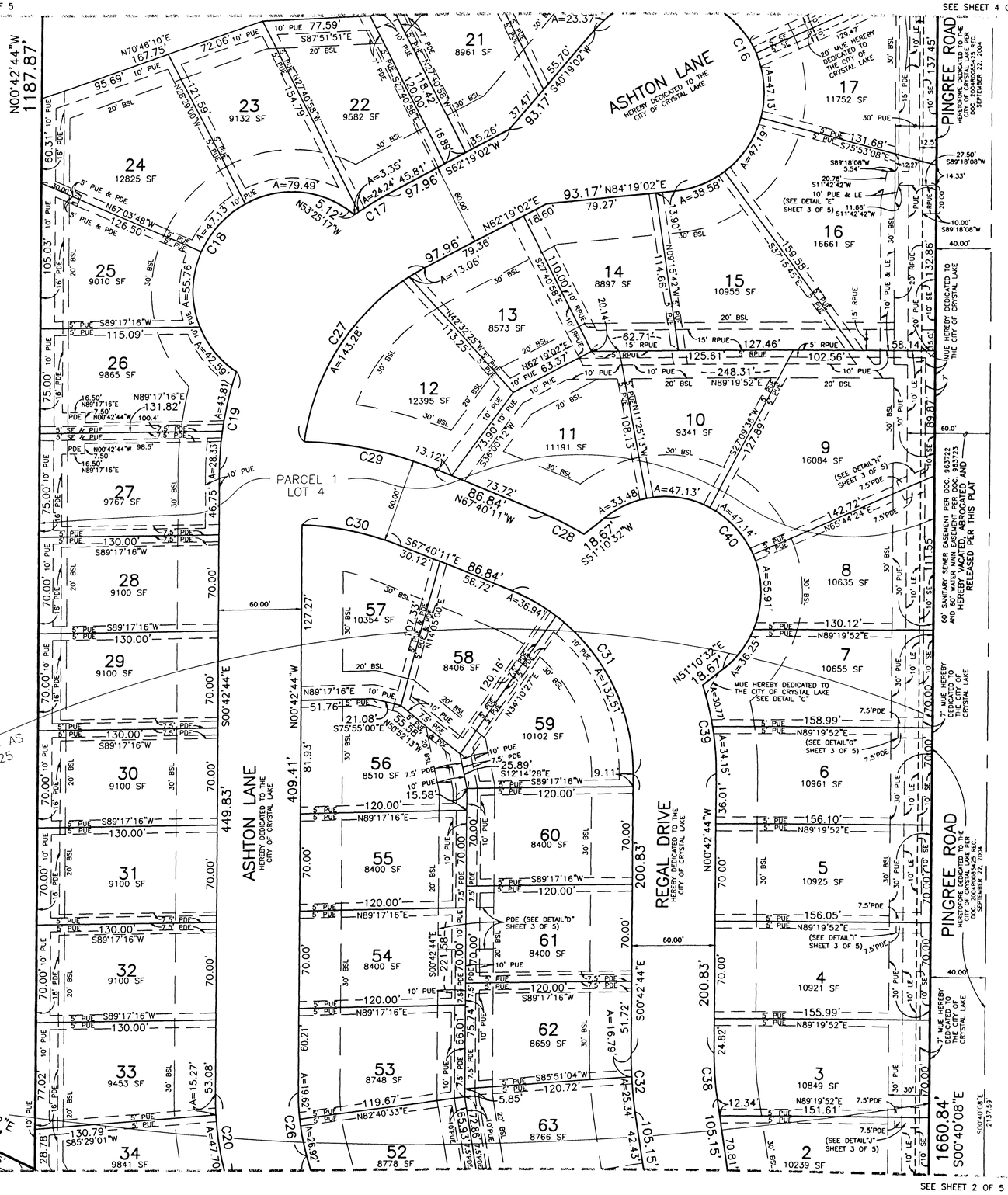






LOT 1

LOT 3



SEE SHEET 4 OF 5

SEE SHEET 2 OF 5

SEE SHEET 2 OF 5

LEGEND

BSL = BUILDING SETBACK LINE
LE = LANDSCAPE EASEMENT
MUE = MUNICIPAL UTILITY EASEMENT
SE = SIDEWALK EASEMENT
PUE = PUBLIC UTILITY EASEMENT
PDE = PRIVATE DRAINAGE EASEMENT
RPUE = RESTRICTED PUBLIC UTILITY EASEMENT

REVISED: JANUARY 17, 2005 (CITY COMMENTS)
REVISED: DECEMBER 28, 2004 (CLIENT / CITY COMMENTS & REVIEW)(044333-1)
REVISED: DECEMBER 3, 2004 (CITY COMMENTS FROM MEETING)
REVISED: OCTOBER 21, 2004 (CLIENT / CITY COMMENTS)(043625-1)
REVISED: AUGUST 31, 2004 (CLIENT / CITY COMMENTS)(042217-1)
REVISED: JULY 19, 2004 (CLIENT / CITY COMMENTS)
DATE: JUNE 4, 2004 (041449-1)
ORDER NO: 050118-1
PROJ. NO. 933
FOR: KENAR, L.L.C.
PROJ. NAME: ASHTON POINTE - CRYSTAL LAKE

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SHEET 3 OF 5

TFW SURVEYING & MAPPING LLC
LAND SURVEYING · TOPOGRAPHIC MAPPING · CONSTRUCTION LAYOUT
847-548-6600 FAX 548-6699

976 A+B

FINAL PLAT OF

ASHTON POINTE

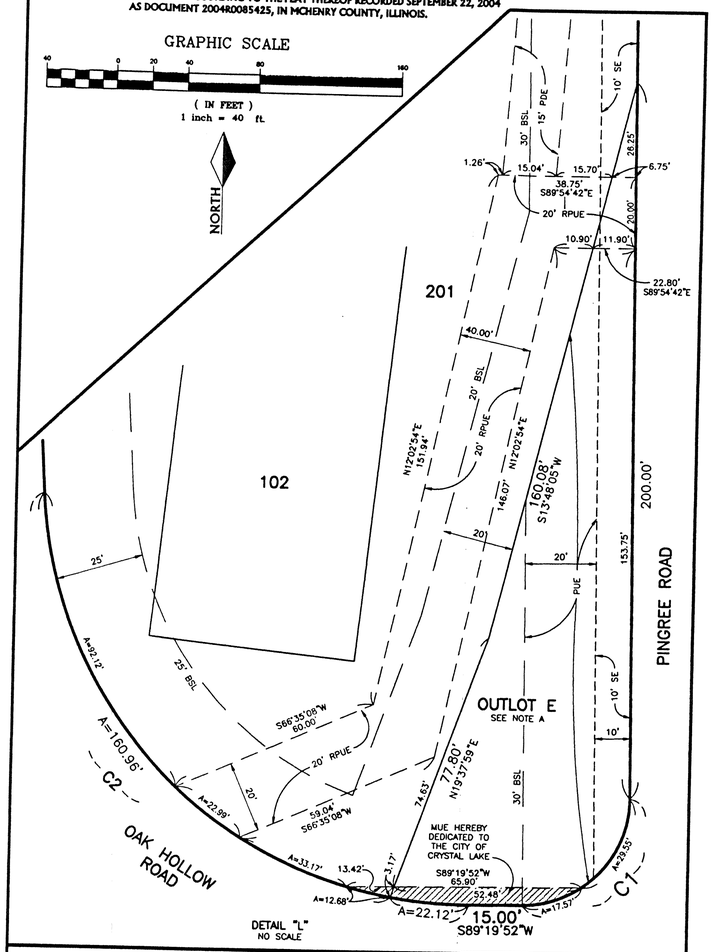
BEING A RESUBDIVISION OF LOTS 4 AND 5 IN CHURCH SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 2004 AS DOCUMENT 2004R0085425, IN MCHENRY COUNTY, ILLINOIS.

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

NORTH



DETAIL "L"
NO SCALE

TITLE COMMITMENT NOTES

NO CURRENT TITLE COMMITMENT PROVIDED TO THIS SURVEYOR TO AID IN THE PREPARATION OF THIS SURVEY.

TITLE COMMITMENT NOTES: (PART OF PARCEL 1)
THIS SURVEY REFLECTS CERTAIN MATTERS OF TITLE AS INDICATED WITHIN PATRIOT REAL ESTATE TITLE SERVICES, INC. COMMITMENT FOR TITLE INSURANCE FILE NO. PT 3871-1, EFFECTIVE DATE: JANUARY 22, 2004.
(PIN AS LISTED WITHIN TITLE COMMITMENT: 19-04-276-002-0000)

TITLE COMMITMENT NOTES: (PART OF PARCEL 1)
THIS SURVEY REFLECTS CERTAIN MATTERS OF TITLE AS INDICATED WITHIN PATRIOT REAL ESTATE TITLE SERVICES, INC. COMMITMENT FOR TITLE INSURANCE FILE NO. PT 3871-2, EFFECTIVE DATE: JANUARY 22, 2004.
(PIN AS LISTED WITHIN TITLE COMMITMENT: 19-04-276-023-0000)

TITLE COMMITMENT NOTES: (PART OF PARCEL 1 AND PARCEL 2)
THIS SURVEY REFLECTS CERTAIN MATTERS OF TITLE AS INDICATED WITHIN PATRIOT REAL ESTATE TITLE SERVICES, INC. COMMITMENT FOR TITLE INSURANCE FILE NO. PT 3871-3, EFFECTIVE DATE: JANUARY 22, 2004.
(PIN's AS LISTED WITHIN TITLE COMMITMENT: 19-04-276-008-0000 & 19-04-276-017-0000)

NOTES CORRESPONDING TO NUMBERED EXCEPTIONS IN SCHEDULE B SECTION C. SPECIAL EXCEPTIONS OF SAID TITLE COMMITMENT

15. TERMS AND PROVISIONS OF MEMORANDUM OF SPECIAL COVENANT RECORDED JULY 26, 1999 AS DOCUMENT 1999R53192 PROVIDING IN PART THAT SELLER INSTALL CERTAIN PUBLIC IMPROVEMENTS ON THE LAND.
(SURVEYOR'S NOTE: "BURDENED PARCEL" AS LEGALLY DESCRIBED WITHIN SAID MEMORANDUM PLOTTED HEREON)

TITLE COMMITMENT NOTES: (PART OF PARCEL 1)
THIS SURVEY REFLECTS CERTAIN MATTERS OF TITLE AS INDICATED WITHIN PATRIOT REAL ESTATE TITLE SERVICES, INC. COMMITMENT FOR TITLE INSURANCE FILE NO. PT 3871-4, EFFECTIVE DATE: JANUARY 22, 2004.
(PIN AS LISTED WITHIN TITLE COMMITMENT: 19-04-276-019-0000)

NOTES CORRESPONDING TO NUMBERED EXCEPTIONS IN SCHEDULE B SECTION 2c. SPECIAL EXCEPTIONS TO SAID TITLE COMMITMENT

10. TERMS AND PROVISIONS OF MEMORANDUM OF SPECIAL COVENANT RECORDED JULY 26, 1999 AS DOCUMENT 1999R53192 PROVIDING IN PART THAT SELLER INSTALL CERTAIN PUBLIC IMPROVEMENTS ON THE LAND.
(SURVEYOR'S NOTE: "BURDENED PARCEL" AS LEGALLY DESCRIBED WITHIN SAID MEMORANDUM PLOTTED HEREON)

REVISED: JANUARY 17, 2005 (CITY COMMENTS)
REVISED: DECEMBER 28, 2004 (CLIENT / CITY COMMENTS & REVIEW)(044333-1)
REVISED: DECEMBER 3, 2004 (CITY COMMENTS FROM MEETING)
REVISED: OCTOBER 21, 2004 (CLIENT / CITY COMMENTS)(043625-1)
REVISED: AUGUST 31, 2004 (CLIENT / CITY COMMENTS)(042217-1)
REVISED: JULY 19, 2004 (CLIENT / CITY COMMENTS)
DATE: JUNE 4, 2004 (041449-1)
ORDER NO: 050118-1
PROJ. NO: 933
FOR: KEMAR, L.L.C.
PROJ. NAME: ASHTON POINTE - CRYSTAL LAKE

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SHEET 4 OF 5

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847-548-6600 FAX 548-6699

CRYSTAL LAKE ROAD

UNSUBDIVIDED

WECK'S CRYSTAL HEIGHTS SUBDIVISION RECORDED AUGUST 22, 1955 AS DOCUMENT 296774

1 2 3 4 5

4 3

PINGREE ROAD

KENNETH DRIVE

2005R0096132

469.11'
S88°40'05"E

NORTHEAST CORNER LOT 3 IN CHURCH SUBDIVISION POB OUTLOT A

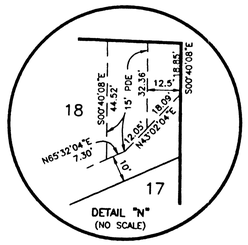
PARCEL 1
LOT 4

CHURCH SUBDIVISION
REC. SEPTEMBER 22, 2004 AS
DOCUMENT 2004R0085425

UNSUBDIVIDED

229.08'

269.27'
S00°40'08"E



EAST LINE OF THE NE 1/4 OF SECTION 4-43-8

AMY DRIVE

OUTLOT A
154061SF
STORMWATER DETENTION AND DRAINAGE EASEMENT

LOT 1 LOT 3

416.73'

N00°42'44"W
1187.87'

N89°19'52"E
58.75'
10' PUE
50.95'
10' PUE
116.92'
N62°53'03"E
65.97'
10' PUE
3.31'
20' BSL
74.75'
10' PUE
18.04'
N41°49'00"E
N30°33'30"W
105.32'
130.55'
N27°40'58"W
116.42'
120.00'
S27°40'58"E
S87°51'51"E
77.59'
10' PUE
72.06'
10' PUE
N70°46'10"E
167.75'
95.69'
10' PUE
20' BSL
N28°29'00"W
121.59'
154.79'
7' PUE
10' PUE
30' BSL
37.47'
55.70'
S40°19'02"W
93.17'
A=51.36'
A=23.37'
A=66.04'
C16
A=47.13'
ASHTON LANE
HEREBY DEDICATED TO THE CITY OF CRYSTAL LAKE

19 8542 SF
20 8404 SF
21 8961 SF
22 9582 SF
23 9132 SF

S88°41'57"E
178.11'

CONCRETE MONUMENT
N.) 2,029,908.939
E.) 994,219.549

10' PUE
15' PDE (SEE DETAIL "N" ABOVE)
20' BSL
30' PUE
18 13434 SF
17 11752 SF
N01°18'03"E
66.10'
143.12'
N65°32'04"E
125.49'
N43°08'04"E
30.12'
23.33'
18.83'
40.02'
13.19'
5.41'
129.47'
20' MUE HEREBY DEDICATED TO THE CITY OF CRYSTAL LAKE
137.45'
S00°40'08"E
PINGREE ROAD
HISTORIC DEDICATED TO THE CITY OF CRYSTAL LAKE PER DOCUMENT 232.25, M.C. DATED MARCH 22, 1904

SEE SHEET 3 OF 5

SEE SHEET 3 OF 5

CITY OF CRYSTAL LAKE ENGINEERING DEPARTMENT NOTE:
LOTS 19 THROUGH 24, INCLUSIVE, WILL NOT BE ISSUED BUILDING PERMITS UNTIL ACTUAL INFILTRATION RATES CAN BE CONFIRMED BY ACTUAL USE, AS EXPANSION OF THE RETENTION POND ONTO THOSE LOTS MAY BE REQUIRED.

LEGEND

BSL = BUILDING SETBACK LINE
LE = LANDSCAPE EASEMENT
MUE = MUNICIPAL UTILITY EASEMENT
SE = SIDEWALK EASEMENT
PUE = PUBLIC UTILITY EASEMENT
PDE = PRIVATE DRAINAGE EASEMENT
RPUE = RESTRICTED PUBLIC UTILITY EASEMENT

976-A+B

FINAL PLAT OF

ASHTON POINTE

BEING A RESUBDIVISION OF LOTS 4 AND 5 IN CHURCH SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 2004 AS DOCUMENT 2004R0085425, IN MCHENRY COUNTY, ILLINOIS.

OWNER'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

ASHTON POINTE, LLC DOES HEREBY CERTIFY THAT IT IS THE OWNER OF THE PROPERTY DESCRIBED AND THAT IT HAS CAUSED THE SAID PROPERTY TO BE SURVEYED AND SUBDIVIDED AS SHOWN HEREON, FOR THE USES AND PURPOSES THEREIN SET FORTH AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE HEREON SHOWN. I FURTHER CERTIFY THAT I WILL REQUEST THE PLACEMENT OF SUBDIVISION MONUMENTS WITHIN 11 MONTHS OF SUBDIVISION RECORDING. ADDITIONALLY I WILL AUTHORIZE AND FORWARD PAYMENT TO TFW SURVEYING & MAPPING, INC. FOR PLACEMENT OF MONUMENTS. ALL STREETS AND PARK SITES SHOWN HEREON AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC.

DATED AT SCHAUMBURG, ILLINOIS, THIS 20th DAY OF JANUARY, A.D. 2005.

BY: _____ TITLE: DIRECTOR
ROBERT SCHMUDE

BY: _____ TITLE: _____

NAME: ASHTON POINTE, L.L.C.
ADDRESS: 1904 WRIGHT BLVD
CITY: SCHAUMBURG, IL 60193

NOTARY CERTIFICATE

STATE OF ILLINOIS) SS
COUNTY OF COOK)

I, JANICE BIERER, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT ROBERT SCHMUDE AND _____ OF ASHTON POINTE, LLC PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS ROBERT SCHMUDE AND _____, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH. GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 20th DAY OF JANUARY, A.D. 2005.

MY COMMISSION EXPIRES: 2/10/07

OFFICIAL SEAL
JANICE BIERER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 2/10/07

NOTARY PUBLIC

MORTGAGEE'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

HINSDALE BANK & TRUST CO., N.A. HEREBY CERTIFIES THAT AS MORTGAGEE OF THE PROPERTY DESCRIBED HEREON UNDER MORTGAGE DATED MAY 26, 2004 AND RECORDED IN THE RECORDER'S OFFICE OF MCHENRY COUNTY, ILLINOIS ON JUNE 17 2004 AS DOCUMENT NO. 2004R0065591 IT CONSENTS TO THE DEDICATION AND SUBDIVISION AS HEREON DRAWN.

DATED AT HINSDALE, ILLINOIS, THIS 21ST DAY OF JANUARY, A.D. 2005.

BY: _____ TITLE: VICE PRESIDENT

ATTEST: _____ TITLE: VICE PRESIDENT

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, AMANDA M. COMSA, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT ROBERT L. LUCAS AND PAUL J. CARUSO OF HINSDALE BANK & TRUST CO., N.A. PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS VICE PRESIDENT AND VICE PRESIDENT, BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES THEREIN SET FORTH. GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 21 DAY OF JANUARY, A.D. 2005.

MY COMMISSION EXPIRES: 12/18/06

"OFFICIAL SEAL"
Amanda M. Comsa
Notary Public, State of Illinois
My Commission Exp. 12/18/2006

NOTARY PUBLIC

RETURN PLAT TO:
NAME: ASHTON POINTE, L.L.C.
ADDRESS: 1904 WRIGHT BLVD
CITY: SCHAUMBURG
STATE: ILLINOIS ZIP: 60193

SEND TAX BILL TO:
NAME: ASHTON POINTE, L.L.C.
ADDRESS: 1904 WRIGHT BLVD
CITY: SCHAUMBURG
STATE: ILLINOIS ZIP: 60193

PIN's AFFECTED
19-04-226-023-0000
19-04-276-002-0000
19-04-276-008-0000
19-04-276-017-0000
19-04-276-019-0000

REVISED: JANUARY 17, 2005 (CITY COMMENTS)
REVISED: DECEMBER 28, 2004 (CLIENT / CITY COMMENTS & REVIEW)(043333-2)
REVISED: DECEMBER 8, 2004 (ADD MORT CERT & REVISE FEMA-SHEET 5 ONLY)
REVISED: DECEMBER 3, 2004 (CITY COMMENTS FROM MEETING)
REVISED: OCTOBER 21, 2004 (CLIENT / CITY COMMENTS)(043625-2)
REVISED: AUGUST 31, 2004 (CLIENT / CITY COMMENTS)(042217-2)
REVISED: JULY 19, 2004 (CLIENT / CITY COMMENTS)
DATE: JUNE 4, 2004 (041449-2)
ORDER NO: 050118-2
PROJ. NO: 933
FOR: KENAR, L.L.C.
PROJ. NAME: ASHTON POINTE - CRYSTAL LAKE

SHEET 5 OF 5

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Professional Design Firm Registration #184-002793

MUNICIPAL UTILITY EASEMENT PROVISIONS

AN EXCLUSIVE EASEMENT, EXCEPT AS SET FORTH BELOW, FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH SEWER AND WATER, IS HEREBY RESERVED FOR AND GRANTED TO THE CITY OF CRYSTAL LAKE, ILLINOIS (HEREINAFTER THE "GRANTEE"), ITS RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEVERALLY, TO INSTALL, OPERATE, MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH UNDERGROUND TRANSMISSION AND DISTRIBUTION OF STORM SEWERS, SANITARY SEWERS AND WATER MAINS IN, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DASHED LINES ON THE PLAT AND MARKED WITH THE WORDS "MUNICIPAL UTILITY EASEMENT" OR "MUE", TOGETHER WITH THE RIGHT TO INSTALL REQUIRED SERVICE CONNECTIONS UNDER THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS THEREON, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENTAL TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. NO BUILDINGS, STRUCTURES, IMPROVEMENTS (EXCEPT A PUBLIC SIDEWALK AS SET FORTH BELOW) OR VEGETATION (OTHER THAN GRASS), INCLUDING BUT NOT LIMITED TO FENCES, WALLS, PATIOS, SHEDS, POSTS, TREES, PLANTS OR SHRUBBERY, SHALL BE INSTALLED, CONSTRUCTED, ERECTED, PLACED OR PLANTED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DASHED LINES MARKED AS ABOVE INDICATED. IN AREAS WHERE THE SIDEWALK EASEMENT (SE) OVERLAPS THE MUNICIPAL UTILITY EASEMENT (MUE), THE ASHTON POINTE HOME OWNERS ASSOCIATION (APHOA) WILL BE RESPONSIBLE FOR PROMPT REPLACEMENT OF SIDEWALKS MEETING THE ORIGINAL PLAN REQUIREMENTS AFTER THE CITY OF CRYTAL LAKE COMPLETES REPAIRS, MAINTENANCE, REMOVAL OR REPLACEMENT OF A MUNICIPAL UTILITY. THE CITY AGREES TO EXERCISE REASONABLE CARE IN REPAIRS MADE SO AS NOT TO CAUSE (APHOA) PROPERTY TO INCUR UNNECESSARY DAMAGES.
THE MUNICIPAL UTILITY EASEMENT SHALL BE NON-EXCLUSIVE ONLY IN THE AREAS DESIGNATED ON THE PLAT AS MUE AND SE AND THE MUNICIPAL UTILITY EASEMENT AND SIDEWALK EASEMENT MAY COEXIST AS SHOWN ON THIS PLAT. THE SIDEWALK EASEMENT PROVISIONS SHALL APPLY.

APPROVED AS TO FORM:

_____
CITY ENGINEER

STORMWATER DETENTION & DRAINAGE EASEMENT PROVISIONS

A PERMANENT NON-EXCLUSIVE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE ASHTON POINTE HOME OWNER'S ASSOCIATION (HEREINAFTER THE "GRANTEE"), THEIR RESPECTIVE SUCCESSORS AND ASSIGNS IN, UPON, ACROSS, OVER, UNDER AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "STORMWATER DETENTION AND DRAINAGE EASEMENT" ON THIS PLAT OF SUBDIVISION FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, INSPECTING, OPERATING, REPLACING, RENEWING, ALTERING, ENLARGING, REMOVING, REPAIRING, CLEANING AND MAINTAINING STORM SEWERS, DRAINAGE WAYS, STORMWATER DETENTION AND RETENTION FACILITIES, SUBSURFACE DRAINAGE SYSTEMS AND APPURTENANCES AND ANY AND ALL MANHOLES, PIPES, CONNECTIONS, CATCH BASINS, AND WITHOUT LIMITATIONS, SUCH OTHER INSTALLATIONS AS THE GRANTEE MAY DEEM NECESSARY, TOGETHER WITH THE RIGHT OF ACCESS ACROSS THE REAL ESTATE PLATTED HEREON FOR THE NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OR ALL OF THE ABOVE WORK.

IN FURTHERANCE OF THE FOREGOING AFFIRMATIVE RIGHTS, THE FOLLOWING COVENANTS SHALL RUN WITH SAID LAND IN PERPETUITY:

NO BUILDINGS, STRUCTURES OR IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO FENCES, WALLS, PATIOS, SHEDS OR POSTS SHALL BE INSTALLED, CONSTRUCTED, ERECTED OR PLACED IN SAID DRAINAGE EASEMENT;

NO VEGETATION (OTHER THAN GRASS) OR TREES SHALL BE PLANTED ON SAID DRAINAGE EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEE;

THERE SHALL BE NO DREDGED OR FILL MATERIAL PLACED UPON SAID DRAINAGE EASEMENT, AND;
THE RIGHT IS ALSO HEREBY GRANTED TO THE GRANTEE TO REMOVE ANY BUILDINGS, STRUCTURES OR IMPROVEMENTS, TO CUT DOWN, TRIM OR REMOVE ANY TREES, FENCES, SHRUBS, OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO SUCH DRAINAGE FACILITIES IN, ON, UPON, ACROSS, UNDER OR THROUGH SAID DRAINAGE EASEMENT.

THE GRANTEE SHALL NOT BE RESPONSIBLE FOR REPLACEMENT OF ANY SUCH BUILDINGS, STRUCTURES, IMPROVEMENTS, TREES, FENCES, SHRUBS OR OTHER PLANTS REMOVED DURING EXERCISE OF THE HEREIN GIVEN RIGHTS. REPLACEMENT OF ITEMS SO REMOVED SHALL BE THE RESPONSIBILITY OF THE THEN LOT OWNER.

THE TOPOGRAPHY OR ELEVATIONS OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED, MODIFIED OR CHANGED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

WHERE DRAINAGE EASEMENT AREAS ARE ALSO USED FOR ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS DISTRIBUTION SYSTEMS OR COMPONENTS, SUCH OTHER UTILITY INSTALLATIONS SHALL BE SUBJECT TO THE PRIOR APPROVAL OF THE CITY OF CRYSTAL LAKE SO AS NOT TO INTERFERE WITH THE MAINTENANCE OF GRAVITY OR SUBSURFACE FLOW AND STABILIZATION OF VEGETATIVE GROUND COVER ON THE ABOVE MENTIONED DRAINAGE FACILITIES.

SIDEWALK EASEMENT PROVISIONS

OWNER HEREBY GRANTS TO THE ASHTON POINTE HOME OWNER'S ASSOCIATION (HEREINAFTER THE "GRANTEE"), THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, ON THE AREAS IDENTIFIED ON THIS PLAT AS THE "SIDEWALK EASEMENT" OR "SE", NON-EXCLUSIVE, PERPETUAL EASEMENTS FOR THE CONSTRUCTION, MAINTENANCE, REPAIR, REMOVAL AND REPLACEMENT OF A PUBLIC SIDEWALK FOR PEDESTRIAN ACCESS, INGRESS AND EGRESS ("SIDEWALK EASEMENT"). THE GRANTEE SHALL, AT GRANTEE'S SOLE COST AND EXPENSE, CAUSE ANY SIDEWALKS CONSTRUCTED IN THE SIDEWALK EASEMENTS TO BE MAINTAINED IN A GOOD, SAFE AND CLEAN CONDITION AND REPAIR, FREE FROM UNREASONABLE ACCUMULATION OF DIRT AND DEBRIS AND IN, COMPLIANCE WITH ALL APPLICABLE LAWS, STATUTES, ORDINANCES, RULES AND REGULATIONS. THE GRANTEE WILL INDEMNIFY, SAVE, DEFEND AND HOLD HARMLESS OWNER AND ITS OFFICERS, DIRECTORS, SHAREHOLDERS, MEMBERS, MANAGERS, PARTNERS, MORTGAGEES, EMPLOYEES, AGENTS, SUCCESSORS AND ASSIGNS, AND THE CITY OF CRYSTAL LAKE FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, COSTS, DAMAGES, EXPENSES OR LIABILITIES (INCLUDING WITHOUT LIMITATION REASONABLE ATTORNEYS' FEES AND COURT COSTS) SUFFERED OR INCURRED BY ANY OF THEM IN CONNECTION WITH THE SIDEWALK EASEMENT.

LANDSCAPE EASEMENT PROVISIONS

A NON-EXCLUSIVE LANDSCAPE EASEMENT IS HEREBY RESERVED FOR THE BENEFIT OF AND GRANTED TO THE ASHTON POINTE HOME OWNER'S ASSOCIATION, THEIR RESPECTIVE SUCCESSORS AND ASSIGNS OVER ALL THE AREAS MARKED "LANDSCAPE EASEMENT" OR "LE" ON THE PLAT TO PLANT TREES, SHRUBS, BUSHES AND OTHER FORMS OF VEGETATION.

SCHOOL DISTRICT NOTATION

THE ABOVE DESCRIBED PROPERTY FALLS ENTIRELY WITHIN THE FOLLOWING SCHOOL DISTRICTS:
CRYSTAL LAKE COMMUNITY CONSOLIDATED SCHOOL DISTRICT 47
COMMUNITY HIGH SCHOOL DISTRICT 155
DATED AT SCHAUMBURG, ILLINOIS, THIS 20th OF JANUARY, A.D. 2005.

ASHTON POINTE LLC - OWNER

BY: _____ TITLE: DIRECTOR
ROBERT SCHMUDE

NOTARY CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF COOK) SS

I, JANICE BIERER, A NOTARY PUBLIC IN AND FOR THE SAID COUNTY IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT ROBERT SCHMUDE AND _____ OF ASHTON POINTE, LLC PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT AS ROBERT SCHMUDE AND _____, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THE EXECUTION OF THIS STATEMENT AS HIS FREE AND VOLUNTARY ACT.
GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS 20th DAY OF JANUARY, A.D. 2005.

MY COMMISSION EXPIRES: 2/10/07

NOTARY PUBLIC

OFFICIAL SEAL
JANICE BIERER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 2/10/07

THIS PLAT SUBMITTED BY: LARRY VITOUS
NAME: ROBERT SCHMUDE
ADDRESS: 1904 WRIGHT BLVD
CITY: SCHAUMBURG
STATE: ILLINOIS
815-477-5536

PREPARED BY:

TFW SURVEYING & MAPPING LLC
LAND SURVEYING · TOPOGRAPHIC MAPPING · CONSTRUCTION LAYOUT
847-548-6600 FAX 548-6699

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF MCHENRY) SS

REVIEWED BY THE PLAN COMMISSION OF THE CITY OF CRYSTAL LAKE, MCHENRY COUNTY, ILLINOIS.
THIS 22nd DAY OF September A.D. 2004

CHAIRMAN

ATTEST: _____
SECRETARY

COUNTY RECORDER CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF MCHENRY) SS

THIS INSTRUMENT NO. 2005R0009632 WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF MCHENRY COUNTY, ILLINOIS, ON FEBRUARY THE 4th DAY OF FEBRUARY, 2005, AT 2:24 O'CLOCK P.M., AND WAS RECORDED AS DOCUMENT # 2005R0009632.

_____
COUNTY RECORDER

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF MCHENRY) SS

I, Katharine C Schultz, COUNTY CLERK OF MCHENRY COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THE ANNEXED PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THE ANNEXED PLAT.
GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK, MCHENRY COUNTY, ILLINOIS.
DATED THIS 4th DAY OF February, A.D. 2005

_____
COUNTY CLERK

PUBLIC UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATIONS SERVICE IS HEREBY RESERVED FOR AND GRANTED TO

COMMONWEALTH EDISON COMPANY
COMCAST
NI-COR
AND
SBC, (HEREINAFTER THE "GRANTEES"),

THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEVERALLY, TO INSTALL, OPERATE, MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND SOUNDS AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DOTTED LINES ON THE PLAT AND MARKED "PUBLIC UTILITY EASEMENT" OR "PUE", THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", AND THE PROPERTY DESIGNATED ON THE PLAT AS A "COMMON AREA OR AREAS", AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHT TO INSTALL REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, AND COMMON AREA OR AREAS, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. NO BUILDINGS, STRUCTURES OR IMPROVEMENTS, INCLUDING BUT NOT LIMITED TO WALLS, PATIOS, SHEDS OR POSTS SHALL BE INSTALLED, CONSTRUCTED, ERECTED, PLACED OR PLANTED IN SAID PUBLIC UTILITY EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEES. THE RIGHT IS ALSO HEREBY GRANTED TO THE GRANTEE TO REMOVE ANY BUILDINGS, STRUCTURES, IMPROVEMENTS OR FENCES. TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS, OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO SUCH PUBLIC UTILITIES IN, ON, UPON, ACROSS, UNDER OR THROUGH SAID PUBLIC UTILITY EASEMENT. THE GRANTEE SHALL NOT BE RESPONSIBLE FOR REPLACEMENT OF ANY SUCH BUILDINGS, STRUCTURES, IMPROVEMENTS, TREES, SHRUBS OR OTHER PLANTS REMOVED DURING EXERCISE OF THE HEREIN GIVEN RIGHTS. REPLACEMENT OF ITEMS SO REMOVED SHALL BE THE RESPONSIBILITY OF THE THEN LOT OWNER. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE TOPOGRAPHY OR ELEVATIONS OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED, MODIFIED OR CHANGED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF. THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH IN SUCH TERM IN THE "CONDOMINIUM PROPERTY ACT", CHAPTER 765 ILCS 605/2(E), AS AMENDED FROM TIME TO TIME. THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCEL OR AREAS WITHIN THE SUBDIVISION, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "OUTLOTS", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING AND COMMON AREA". THE TERMS "COMMON AREA OR AREAS" AND "COMMON ELEMENTS" INCLUDES REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL OR RETENTION POND, OR MECHANICAL EQUIPMENT. RELOCATION OF FACILITIES WILL BE DONE BY GRANTEES AT COST OF GRANTOR/LOT OWNER, WITH THE EXCEPTION OF OUTLOT D AND OUTLOT E, UPON WRITTEN REQUEST.

PRIVATE DRAINAGE EASEMENT PROVISIONS

A PERMANENT NON-EXCLUSIVE EASEMENT IS HEREBY RESERVED FOR AND GRANTED TO THE ASHTON POINTE HOME OWNER'S ASSOCIATION (HEREINAFTER THE "GRANTEE"), THEIR RESPECTIVE SUCCESSORS AND ASSIGNS IN, UPON, ACROSS, OVER, UNDER AND THROUGH THE AREAS SHOWN BY DASHED LINES AND LABELED "PRIVATE DRAINAGE EASEMENT" OR "PDE" ON THIS PLAT OF SUBDIVISION FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, INSPECTING, OPERATING, REPLACING, RENEWING, ALTERING, ENLARGING, REMOVING, REPAIRING, CLEANING AND MAINTAINING DRAINAGE WAYS, SUBSURFACE DRAINAGE SYSTEMS AND APPURTENANCES AND ANY AND ALL PIPES, CONNECTIONS, CATCH BASINS, INCLUDING, BUT NOT LIMITED TO, SUCH OTHER INSTALLATIONS AS THE GRANTEE MAY DEEM NECESSARY, TOGETHER WITH THE RIGHT OF ACCESS ACROSS THE REAL ESTATE PLATTED HEREON FOR THE NECESSARY PERSONNEL AND EQUIPMENT TO DO ANY OR ALL OF THE ABOVE WORK.

IN FURTHERANCE OF THE FOREGOING AFFIRMATIVE RIGHTS, THE FOLLOWING COVENANTS SHALL RUN WITH SAID LAND IN PERPETUITY:

NO BUILDINGS, STRUCTURES, IMPROVEMENTS OR VEGETATION (OTHER THAN GRASS), INCLUDING BUT NOT LIMITED TO WALLS, PATIOS, SHEDS, POSTS, TREES, PLANTS OR SHRUBBERY SHALL BE INSTALLED, CONSTRUCTED, ERECTED, PLACED OR PLANTED IN SAID PRIVATE DRAINAGE EASEMENT;

THE RIGHT IS ALSO HEREBY GRANTED TO THE GRANTEE TO REMOVE ANY BUILDINGS, STRUCTURES OR IMPROVEMENTS, TO CUT DOWN, TRIM OR REMOVE ANY TREES, SHRUBS, OR OTHER PLANTS THAT INTERFERE WITH THE OPERATION OF OR ACCESS TO SUCH DRAINAGE FACILITIES IN, ON, UPON, ACROSS, UNDER OR THROUGH SAID PRIVATE DRAINAGE EASEMENT;

THE GRANTEE SHALL NOT BE RESPONSIBLE FOR REPLACEMENT OF ANY SUCH BUILDINGS, STRUCTURES, IMPROVEMENTS, TREES, SHRUBS OR OTHER PLANTS REMOVED DURING EXERCISE OF THE HEREIN GIVEN RIGHTS. REPLACEMENT OF ITEMS SO REMOVED SHALL BE THE RESPONSIBILITY OF THE THEN LOT OWNER;

FENCES ARE ALLOWED WITHIN THE SAID PRIVATE DRAINAGE EASEMENT SUBJECT TO THE ORDINANCES OF THE CITY OF CRYSTAL LAKE AND APPROVAL OF GRANTEE;

THERE SHALL BE NO DREDGED OR FILL MATERIAL PLACED UPON SAID PRIVATE DRAINAGE EASEMENT;

THE TOPOGRAPHY OR ELEVATIONS OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED, MODIFIED OR CHANGED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF, AND THE ESTABLISHED DRAINAGE PATTERN FROM OR OVER THE PRIVATE DRAINAGE EASEMENT SHALL NOT BE OBSTRUCTED, ALTERED OR MODIFIED, AND;

IN THE EVENT OF MULTIPLE OVERLAPPING EASEMENTS, THE MOST RESTRICTIVE EASEMENT PROVISIONS SHALL APPLY.

DECLARATION OF COVENANTS RECORDED: _____

AS DOCUMENT NUMBER: _____

CITY COUNCIL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF MCHENRY) SS

THIS SUBDIVISION AND THE VACATION, ABROGATION & RELEASE OF THE SANITARY SEWER AND WATER MAIN EASEMENTS SHOWN, AND THE VACATION, ABROGATION AND RELEASE OF THE BUILDING SETBACK LINES AS NOTED ON SHEET 1, ARE APPROVED BY THE CITY COUNCIL OF THE CITY OF CRYSTAL LAKE, ILLINOIS, AT A MEETING HELD THIS 5TH DAY OF October, 2004.

_____ MAYOR

_____ CITY CLERK

RESTRICTED PUBLIC UTILITY EASEMENT PROVISIONS

A PERMANENT EXCLUSIVE EASEMENT, EXCEPT AS SET FORTH BELOW, FOR SERVING THE SUBDIVISION WITH SEWER AND WATER, IS HEREBY RESERVED FOR AND GRANTED TO THE ASHTON POINTE HOME OWNER'S ASSOCIATION (HEREINAFTER THE "GRANTEE"), THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE, MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH UNDERGROUND TRANSMISSION AND DISTRIBUTION OF STORM SEWERS, SANITARY SEWERS AND WATER MAINS IN, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DASHED LINES ON THE PLAT AND MARKED WITH THE WORDS "RESTRICTED PUBLIC UTILITY EASEMENT" OR "RPUE" TOGETHER WITH THE RIGHT TO INSTALL REQUIRED SERVICE CONNECTIONS UNDER THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS THEREON, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENTAL TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. NO BUILDINGS, STRUCTURES, IMPROVEMENTS (EXCEPT A PUBLIC SIDEWALK AS SET FORTH BELOW) OR VEGETATION (OTHER THAN GRASS), INCLUDING BUT NOT LIMITED TO FENCES, WALLS, PATIOS, SHEDS, POSTS, TREES, PLANTS OR SHRUBBERY, SHALL BE INSTALLED, CONSTRUCTED, ERECTED, PLACED OR PLANTED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DASHED LINES MARKED AS ABOVE INDICATED WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEE. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE TOPOGRAPHY OR ELEVATIONS OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED, MODIFIED OR CHANGED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.
THE RESTRICTED PUBLIC UTILITY EASEMENT SHALL BE NON-EXCLUSIVE ONLY IN THE AREAS DESIGNATED ON THE PLAT AS RPUE AND SE AND THE RESTRICTED PUBLIC UTILITY EASEMENT AND SIDEWALK EASEMENT MAY COEXIST AS SHOWN ON THIS PLAT. THE SIDEWALK EASEMENT PROVISIONS SHALL APPLY.

DRAINAGE STATEMENT

TO THE BEST OF OUR KNOWLEDGE AND BELIEF THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF THIS DEVELOPMENT OR ANY PART THEREOF, OR, THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS, OR DRAINS WHICH THE DEVELOPER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THIS DEVELOPMENT.

IN WITNESS THEREOF, THIS 17TH DAY OF JANUARY, 2005.
WE HAVE EXECUTED THIS STATEMENT.

OWNER: ASHTON POINTE, LLC
ROBERT SCHMUDE
NAME

_____
SIGNATURE

JANICE BIERER
WITNESS SIGNATURE

ENGINEER: JOHN F. CERBUS
PEARSON, BROWN & ASSOCIATES, INC.
NAME

_____
SIGNATURE
PEARSON, BROWN & ASSOCIATES, INC.

_____
WITNESS SIGNATURE

SURVEYOR'S DESIGNATION OF RECORDING

STATE OF ILLINOIS)
COUNTY OF LAKE) SS

I, THOMAS F. WASILEWSKI, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, HEREBY DESIGNATE Mr. Robert Schmude OF ASHTON POINTE, L.L.C. - 1904 WRIGHT BLVD IN SCHAUMBURG, IL 60193 TO RECORD THIS SUBDIVISION PLAT WITH THE MCHENRY COUNTY RECORDER OF DEEDS. THIS DESIGNATION IS GRANTED UNDER THE RIGHT TO DESIGNATE SUCH RECORDING UNDER CHAPTER 109, SECTION 2 OF THE ILLINOIS REVISED STATUTES. AS A CONDITION OF THIS GRANT, SAID DESIGNEE IS HEREBY REQUIRED TO PROVIDE TO THIS SURVEYOR, A CERTIFIED COPY OF SAID PLAT, IMMEDIATELY UPON RECORDING OF SAME. RECEIPT OF SAID CERTIFIED COPY WILL SERVE AS NOTICE TO THE SURVEYOR THAT THE PLAT HEREON DRAWN HAS BEEN RECORDED. DATED THIS 8th DAY OF JUNE, 2004.

_____
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-2515
LICENSE EXPIRES NOVEMBER 30, 2006

THOMAS F. WASILEWSKI 35-2515 PROFESSIONAL LAND SURVEYOR STATE OF ILLINOIS GRAYSLAKE, IL

SURVEYOR CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF LAKE) SS)

I, THOMAS F. WASILEWSKI, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTIES TO-WIT:

PARCEL 1:
LOT 4 IN CHURCH SUBDIVISION, BEING A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 43 NORTH, RANGE 8, EAST OF TH